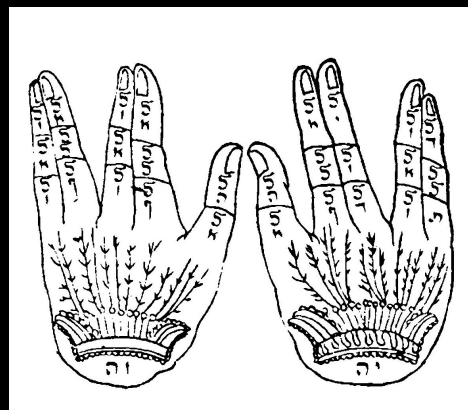
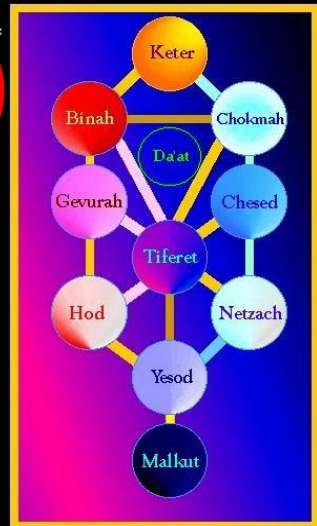


TALMUD



CHAPTER I

MISHNAH. ALL [PERSONS] ARE FIT TO EVALUATE OR TO BE MADE THE SUBJECTS OF VALUATION,¹ ARE FIT TO VOW² [ANOTHER'S WORTH] OR HAVE THEIR WORTH VOWED: — PRIESTS, LEVITES AND [ORDINARY] ISRAELITES, WOMEN AND SLAVES. PERSONS OF UNKNOWN³ SEX AND HERMAPHRODITES ARE FIT TO VOW [ANOTHER'S WORTH], OR TO HAVE THEIR WORTH VOWED, AND ARE FIT TO EVALUATE, BUT THEY ARE NOT FIT TO BE MADE THE SUBJECTS OF VALUATION, FOR THE SUBJECT OF VALUATION MAY BE ONLY A PERSON DEFINITELY EITHER MALE OR FEMALE.⁴ A DEAF-MUTE, AN IMBECILE, OR A MINOR⁵ ARE FIT TO HAVE THEIR WORTH VOWED OR BE MADE THE SUBJECT OF VALUATION, BUT THEY ARE NOT FIT TO MAKE EITHER A VOW [OF ANOTHER'S WORTH] OR TO EVALUATE, BECAUSE THEY HAVE NO MIND.

GEMARA. What does ALL [PERSONS] ARE FIT TO EVALUATE mean to include? — It is meant to include one close to manhood who must be examined.⁶ What does [ALL⁷ ARE] FIT TO BE MADE THE SUBJECTS OF VALUATION mean to include? — It is meant to include a person disfigured, or one afflicted with boils.⁸ For one might have assumed that since Scripture says: A vow according to thy valuation,⁹ that only such persons as are fit to be made the subjects of a vow [as regards their worth], are fit to be made subjects of a valuation, and that persons who are unfit to be made subjects of a vow [as regards their worth], are also unfit to be made subjects of a valuation, hence Scripture informs us: of persons.⁹ i.e., no matter who they be. What does [ALL PERSONS] ARE FIT TO VOW mean to include? — [The phrase ALL] is needed only for [the clause] 'are fit to have their worth vowed' — What is to be included [in the phrase ALL] ARE FIT TO HAVE THEIR WORTH VOWED? Is it to include persons of unknown sex or hermaphrodites — but they are expressly stated [in our Mishnah]! Again is it to include a deaf-mute, an imbecile and a minor — they too are expressly stated! And if it is to include a person below the age of one month — that too is expressly mentioned!¹⁰ And again if it is to include an idolater — he too is expressly mentioned!¹¹ — In reality it is meant to include a person below the age of one month; and the Mishnah states it [by implication] and later on expressly mentions it.¹²

What does 'All persons are obliged to lay on hands' mean to include?¹³ — It is meant to include the heir, and this against the view of R. Judah.¹⁴ What does 'All persons can effect a substitute'¹⁵ mean to include? — That, too, means to include the heir, in contrast to the view of R. Judah. For it was taught: An heir must lay on hands, an heir can effect a substitute. R. Judah says: An heir does not lay on hands, and an heir cannot effect a substitute. What is the reason of R. Judah's view? — [Scripture says:] His offering,¹⁶ i.e., but not his father's offering. And he infers the rule concerning the commencement of the dedication of the animal from the rule governing its end. Just as at the end of the dedication the heir does not lay on hands, thus also at the beginning¹⁷ he cannot effect a substitute. And the Rabbis? — [Scripture says redundantly:] And if he shall at all change — that included the heir. And we infer the rule concerning the end of the dedication from the rule governing the commencement of the dedication. Just as at the beginning of the dedication the heir has power to effect a substitute, so at the end is he obliged to lay his hands on the animal's head.¹⁸ But what do the Rabbis do with 'his offering'? [They interpret:] 'his offering', but not the offering of an idolater; 'his offering', but not the offering of his neighbour; 'his offering' i.e., to include all who have a share¹⁹ in the ownership of a sacrifice in the duty to lay on hands. And R. Judah?²⁰ — He does not hold that all who have a share in the ownership share the obligation of laying hands thereon; or, indeed, if he should hold so

(1) Lev. XXVII, 1f fixes the value of the person dedicated to the sanctuary, this value depending only on the age of the

person dedicated. Hence, if someone uses the formula: Erek peloni 'alay. i.e., the valuation of So-and-so be upon me (to pay to the sanctuary). he must make payment in accord with the valuation fixed in Lev. XXVII, independent of the person's physical or mental condition. Thus e.g., the valuation fixed there for a man of the age of between twenty and sixty, is fifty shekels.

(2) But if he said: Deme peloni 'alay, i.e., the equivalent of the market value of So-and-so be upon me (to pay to the sanctuary), he has made a vow and he must pay the amount which that person would fetch, if sold on the slave market. In this case the deciding factor would be not age, but physical and mental condition.

(3) Tumtum; lit., 'one hidden, stopped up'. i.e., a person whose genitalia are covered by a skin, hence one of unknown sex.

(4) Scripture refers (ibid.) to 'male' and 'female', but persons whose sex cannot be determined are excluded from the valuation.

(5) A boy under the age of thirteen, a girl under the age of twelve years.

(6) Mufla' from the root meaning, to make clear, to examine, hence 'one to be examined' as to the purpose for which he made the valuation. Above the age of thirteen such knowledge is taken for granted. Below the age of twelve it is assumed to be absent. During the period from twelve to thirteen the boy is to be subject to questioning. If the examination establishes his knowledge of the purpose of the dedication, his dedication is considered valid, and renders payment obligatory. Otherwise no significance is to be attached during that period to his utterance of the formula: Erek peloni 'alay.

(7) The first word of the Mishnah ALL is assumed to apply to the four cases enumerated. This word does not seem necessary, the Mishnah might have stated e.g., Priests, Levites and Israelites are fit etc. The additional ALL hence is assumed by the questioner to have implied the inclusion of persons whom, without this inclusion, one might have excluded. Hence the series of questions establishing the identity of the persons included in each case. This discussion leads to the consideration of other passages throughout the Mishnah, in which the word 'all' occurs, and to an explanation of who is included in each statement.

(8) Lev. XXVII, 2.

(9) A person disfigured, or afflicted with boils would fetch no price at all on the market place. In the expression A vow according to thy valuation, one might have inferred from this juxtaposition, that a certain fundamental agreement prevailed between cases of vow (of one's worth) and of valuation, and that therefore a person unfit to have his worth vowed (because a vow was redeemable by payment of the market value, which did not exist in the case of a disfigured person) would be unfit to be made the subject of a valuation. But this inference is cancelled by another Biblical phrase, which indicates that what is required is but 'persons', independent of their physical condition: When a man shall clearly utter a vow of persons (ibid.).

(10) V. infra 5a.

(11) Ibid. 5b.

(12) By the redundant ALL, which obviously includes some person or persons, which but for this all-inclusive term, would have been excluded. The particular reason why this case rather than any other of the four here dealt with is included here Rashi finds in the fact that it is the only one concerning which a controversy exists (infra 5a), whence the statement here by implication is of importance in teaching that even the Rabbis who hold that one who is less than a month cannot be subject to evaluation, nevertheless agree that he can have his worth vowed.

(13) The Gemara proceeds now to discuss all other cases in which a redundant 'all' is to convey some inclusion in the principle of other persons. The laying on of the hands on the head of the animal to be sacrificed conveyed the sense of ownership. It was a duty, hence a question arises in the case of several partners, or in the case of proxy.

(14) R. Judah denied this obligation to an heir. Lev. I, 3 reads: If his be a burnt-offering . . . he shall lay his hand upon the head. This, R. Judah argues, expressly limits the duty of laying the hand to the man who offered it, not to his heir, who is freed from his obligation.

(15) Lev. XXVII, 10: He shall not alter it, nor change it, a good for a bad, or a bad for a good; and If he shall at all change beast for beast, then both it and that for which it is changed shall be holy. The dispute concerns only the case of an heir in respect of an offering dedicated by his father but all agree that an exchange made by anyone besides the original owner of the sacrifice would have no effect at all, the first animal remaining sacred, the second not being affected by the unauthorized attempt at exchange.

(16) Lev. III ,2, 7 and 13 in connection with the laying on of hands in the case of peace-offerings. V. Rashi and Tosaf. a.l.

(17) First an animal is separated for the purpose of being offered on the altar. That is the commencement of its sanctification. At the end, just before the slaying of the animal, the owner lays his hand on its head. R. Judah infers from the regulations at the end, viz., the prohibition for anyone but the owner to lay hands on the head, the inefficacy of the change at the beginning, i.e., his intended exchange has no effect on the animal he wanted to substitute.

(18) The Sages infer from the redundant 'shall at all change' that even another may effect the substitute and argue from the beginning of the sanctification to the end, hence permit an heir to lay hands on the animal.

(19) The phrase 'his offering' occurs three times in Lev. III, viz., vv. 2, 7 and 13, and while two of these expressions have a limiting sense, one has an inclusive meaning, just as 'his' implies ownership, so must anyone who has a claim to ownership lay his hands on the animal's head. Therefore, every member of a group who offer the animal together must perform the laying on of hands.

(20) Since R. Judah would interpret 'his offering' in each case in an exclusive sense, how could he derive the obligation of the laying on of hands on the part of anyone who shares in it-for which an inclusive interpretation is necessary?

Talmud - Mas. Arachin 2b

he would infer [the exclusion of] idolater and neighbour from one passage,¹ so that two more would remain redundant, from one of which he would infer that 'his offering' means 'but not that of his father', and from the other that all who have a share in the ownership of a sacrifice are obliged to perform the laying on of hands. But what does R. Judah do with 'If he shall at all change'? — He needs that to include woman,² for it was taught: Since all this chapter is couched in masculine gender, what brings us eventually to include woman? The text stated: 'If he shall at all change'.³ But [whence do] the Sages [infer this]? — From the [redundant] 'And if'. And R. Judah? — He does not interpret 'And if'.⁴

What does 'All persons are obliged⁵ to observe [the laws concerning] the booth' mean to include? — That is meant to include a minor that no more needs his mother,⁶ for we have learnt: A minor that no more needs his mother is obliged to observe the laws concerning the booth.⁷ What does 'All are obliged to observe the law of the lulab'⁸ mean to include? — That includes a minor who knows how to shake the lulab, for we learnt: A minor who knows how to shake⁹ the lulab is obliged to observe [the laws of] the lulab.¹⁰ What does 'All are obliged to observe the [law of] the fringes' include? — That includes the minor who knows how to wrap himself, for it was taught: A minor who knows how to wrap himself [into the tallith]¹¹ is obliged to observe the law of the fringes. What does 'All are obliged to observe the rules concerning the tefillin' include? — That includes a minor who knows how to take care of the tefillin, for it was taught: If a minor knows how to take care of the tefillin,¹² his father buys tefillin for him. What does 'All are obliged to appear' include?¹³ — It is meant to include one who is half¹⁴ slave and half freedman. According, however, to Rabina, who holds that one who is half slave and half freed is free from the obligation to appear, [the word 'All'] is meant to include one who was lame¹⁵ on the first day of the festival and became normal again on the second day. That would be right according to the view that all the days of the festival may make up for each other. But according to the view that they all are but making up for the first day, what will 'All' come to include?¹⁶ — It will include one blind in one of his eyes. This [answer] is not in accord with the following Tanna, for it was taught:¹⁷ Johanan b. Dahabai said in the name of R. Judah: One blind in one eye is free from the obligation to appear, for it is said:¹⁸ Yir'eh-yera'eh [he shall see — he shall appear] i.e., just as He is present to see [the comer], so shall He be seen, just as His sight is complete,¹⁹ so shall the sight of him who appears be intact.¹⁹ Or, if you like, say this: In truth it is meant to include one who is half slave and half freed man, and if the view of Rabina should appear as the difficulty, this is no difficulty either; the first view is in accord with the former Mishnah, the second with the later Mishnah. For we learnt:²⁰ One who is half slave and half freed man shall serve himself one day and his master the other — thus Beth Hillel. Said Beth Shammai to them: You took care of the interests of his master, but you have done nothing [thereby] on his behalf. For he is unable to marry either a female slave or free woman. Shall he do without marriage? But the world was created only for propagation of the species, as it is said: He created it not a waste. He formed it

to be inhabited.²¹ Rather, for the sake of the social welfare we force his master to set him free, and the slave writes out a document of indebtedness covering the other half of his value. Beth Hillel retracted and taught as Beth Shammai.²² What does 'All are obliged to sound the shofar'²³ mean to include? — That includes a minor who has reached the age of training, for we learnt: One does not prevent a minor from blowing the shofar on the festival.²⁴ 'All are obliged to read the scroll'.²⁵ 'All are fit to read the scroll'. What are these meant to include? —

(1) The word 'his' could exclude both the fellow-Jew and the idolater, since the Scriptural 'his sacrifice' logically excludes both.

(2) That a woman can effect a substitute in her offering.

(3) Lit., 'if change he shall change' the emphasis is inclusive.

(4) He does not ascribe to that word the implications attributed to it by the Sages. About the limits of such interpretation and the basic suggestions implied in disputes thereon v. D. Hoffman, Leviticus I, 9f.

(5) The Gemara proceeds now to a systematic examination of all cases in which the word 'all' is used. Unless it can be proved that in each case that word includes something normally excluded, the argument, or rather the first question posed on 2a will be invalidated.

(6) A child which (Suk. 28b) on awakening no more calls out 'Mother!' but attends to his needs, dresses himself, etc.

(7) Suk. 28a.

(8) The palm-branch forming with citron, myrtle and willow, the cluster taken during the Feast of Tabernacles (v. Lev. XXIII, 40) is every day waved in every direction to symbolize the omnipresence of God.

(9) The lulab is waved in the four main directions: south, north, west and east, and there are some details as to the position of the components of the cluster, which are known to the worshipper, so that he may follow the cantor's lead.

(10) Suk. 42a.

(11) The prayer shawl at the four corners of which the fringes are attached, and into which one wraps oneself, 'in order to remember the commandments of the Lord'. The wrapping must be performed in a special manner, v. M.K. 24a.

(12) Commonly called phylacteries. The attachment, leather box and leather strap, each on left arm and forehead, containing the Shema' and other extracts from the Torah, originally worn all day, now only at the morning prayer.

(13) Ex. XXIII, 17: Three times in the year all thy males shall appear before the Lord God. The Scriptural text is all-inclusive, hence the Mishnaic 'All' must deal with a case which, but for its redundant 'all', one would have excluded from the obligation to appear.

(14) A full slave is free because 'before the Lord God' is interpreted to mean: only those who have but one Lord or Master, i.e., excluding the slave, who has a terrestrial master in addition to the Eternal Lord to serve. If owned by two masters, one of whom frees him, the slave becomes half freed, and stays half slave.

(15) The word regel in Hebrew may mean either 'foot' or 'festival' (on the three festivals the men 'footed' it to Jerusalem). Hence the inference that only those who could foot it normally are obliged to appear on these three festivals, which excludes a lame man.

(16) There are two views as to the statement of the Mishnah (Hag. 9a: One who has made no offering on the first day of the feast must make up, or has the opportunity to make up for it, throughout the other days of the festival), the first holding that each day has its own obligation; hence even if the worshipper was unfit on the first day of the festival, provided he is fit on the next, he is not exempt on the other days per se imposing the obligation, whilst the other considers only the first day imposing the obligation of an offering. Consequently, if he was disqualified on the first day, or free of that obligation, he would be exempt a complementary offering. The practical difference, in our case, would be this: One who on the first day of the festival had been lame, hence not obliged to offer the festal sacrifices, would be free according to the second view, but according to the first, would be obliged to make the offering on one of the subsequent days of the festival.

(17) Hag. 2a.

(18) The massoretic text y-r-'-h may be accentuated to read either yir'eh (he will see) or yera'eh (he will be seen). The first reading applied to the Lord, the second to the Israelite appearing before Him, would be thus interpreted: Just as the Lord sees him 'with two eyes' i.e., with undisturbed vision, so shall the worshipper be one appearing with 'both eyes intact, i.e., with undiminished sight. For an alternative rendering v. Hag., Sonc. ed., p. 3. n. 3.

(19) Lit., 'with two eyes'.

(20) Hag., Sonc. ed., p. 3. n. 6.

(21) Isa. XLV, 18.

(22) V. Hag. 2b.

(23) The trumpet blown on the New Year, v. Lev. XXIII, 24.

(24) R.H. 32b. The source quoted does not seem to fit the 'inference made, for the answer postulates evidence that a minor is obliged to sound the shofar, whereas the reference quoted refers to the fact that one does not prevent a minor from sounding the horn, which allows for the possibility of his being neither obliged nor forbidden to sound it. There is a lacuna in the text which Tosaf. s.v. **אין מעכבין** supplies, from R.H. 33a, where such obligation is definitely stated.

(25) I.e., the Scroll of Esther read on the feast of Purim.

Talmud - Mas. Arachin 3a

They are meant to include women, in accord with the view of R. Joshua b. Levi; for R. Joshua b. Levi said: Women are obliged to read the scroll because they, too, had a part in that miracle.¹ What does 'All are obliged to arrange zimmun'² mean to include? — It means to include women and slaves, for it was taught: Women are under the obligation of zimmun amongst themselves, and slaves are under the obligation of zimmun amongst themselves.³ What does 'All may be joined to a zimmun' mean to include? — That includes a minor who knows to Whom one pronounces a blessing, for R. Nahman said: One may arrange a zimmun with a minor who knows to Whom one pronounces a blessing.⁴ What does 'All defile by reason of their flux' include? — That includes a child one day old, for it was taught: [It could have said,] When a man [hath an issue out of his flesh].⁵ Why does the text state 'any man'? That is to include a child one day old, [teaching] that he defiles by reason of his flux; this is the view of R. Judah. R. Ishmael the son of R. Johanan b. Beroka says: [This inference] is not necessary, for behold, Scripture reads: And of them that have an Issue, whether it be a male or a female,⁶ i.e., once he is 'a male', however minor or major, once she is 'a female', whether minor or major.⁷ If so, why does the Torah use [the redundant phrase] 'any man'? The Torah speaks in the language of man.⁸ What does 'All are susceptible to be defiled by someone defiled through contact with a corpse'⁹ include? — That includes a minor. For one might have assumed that since Scripture reads: But the man that shall be unclean, and shall not purify himself,¹⁰ that means only [to] a man [does this law apply] but not to a minor, therefore it is said: And upon the souls [persons] that were there.¹¹ What then did 'man' come to exclude?¹² — It is meant to exclude a minor from the penalty of excision.¹³ What does 'All contract uncleanness by leprosy' include? — That includes a minor. For one would have taught: [Scripture reads:] A leprous man,¹⁴ that means only a man but not a minor, therefore we are taught [that a minor, too, is defiled when leprous]. But say perhaps: Thus, indeed?¹⁵ — [The text reads:] When adam [a man] shall have in the skin of his flesh,¹⁶ i.e., as long as it is [an adam].¹⁷ Then why the word 'man'? — This is in accord with what was taught: '[A leprous] man', thence I derive only the law as referring to a man, whence am I to infer it for woman? When it says: And the leper,¹⁸ that includes two. Why then does the text state, [A leprous] man'? That refers to [the matter referred to] later,¹⁹ [viz.,] only a [leprous] man lets the hair of his head go loose and rends his clothes, but a [leprous] woman does not let the hair of her head go loose, nor does she rend her clothes. What does 'All may inspect the signs of leprosy', 'All are fit to inspect the signs of leprosy' include?²⁰ — That includes one who is not familiar with them and their names. But did not a Master say that one unfamiliar with them and their names may not inspect leprous signs?²¹ Rabina said: This is no difficulty: One case speaks of one who understands them when they are explained, the other of one who, even when they are explained, does not understand them. What does 'All are fit to mix the ashes'²² include? According to R. Judah it includes a minor; In accord with the Sages it includes a woman, for we are taught: All are fit to mix the ashes except a deaf-mute, an imbecile or a minor. R. Judah considers a minor fit, but a woman and a hermaphrodite unfit. What does 'All are fit to sprinkle'²³ include? — That includes an uncircumcised²⁴ person In accord with the view of R. Eleazar; for R. Eleazar said: If an uncircumcised person sprinkled, his sprinkling is valid.

What does 'All are fit to slaughter ritually' include? — The first includes a Samaritan, the second

a non-conforming Israelite.²⁵ What does 'All may compel to go up to the land of Israel' include?²⁶

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- (1) v. Meg. 4a, Rashi and Tosaf. s.v. **אִשׁוֹ** : Either they too were included, in Haman's decree of extinction, or their merit, too, brought about the miracle of the deliverance.
- (2) Ber. 45a: Three who ate together are under the obligation of zimmun, i.e. of saying grace together. Literally zimmun means appointing and may thus refer to the appointment to eat together, with the implied obligation to say grace together.
- (3) Ber. 45b.
- (4) Ber. 48a.
- (5) Lev. XV, 2.
- (6) Lev. XV, 33.
- (7) Nid. 32b.
- (8) The repetition of the word 'man' is redundant. 'Ish ish' means every man, any man.
- (9) The corpse itself is called: Abi Aboth ha-Tunah i.e., very first cause of defilement.
- (10) Num. XIX, 20.
- (11) Ibid. 18.
- (12) Since all persons can defile, why the exclusive 'man'?
- (13) This passage refers to an unclean person entering the Sanctuary, the penalty for which offence is excision (by the hand of God). The word 'man' in the passage indicates that whereas any 'soul' (even a minor) can defile, only a man, i.e., an adult, incurs the penalty of death when in his unclean state he enters the Sanctuary.
- (14) Lev. XIII, 44.
- (15) That the laws of leprosy do not apply to a minor, in accord with the exclusive meaning of 'man'?
- (16) Lev. XIII, 2.
- (17) 'Adam', a human being in the general sense of the term, includes minors. 'Ish' — 'man' should have been used if minors were to be excluded from the application of that law.
- (18) Lev. XIII, 45. The word 'and the leper' is superfluous. The preceding verse having referred to the leper, why then the repetition 'and the leper, etc'? Evidently another leper, too, is concerned, i.e., a female leper.
- (19) In v. 45: And the leper in whom the plague is, his clothes shall be rent, and the hair of his head shall go loose, v. M.K. 15a.
- (20) These are two distinct teachings, giving the same ruling in different phraseology, the latter being a Mishnah in Neg. III, 1.
- (21) Shebu. 6a.
- (22) To mix (lit., 'to sanctify') the ashes of the red heifer with fresh water, v. Yoma 43a.
- (23) A person levitically unclean with the water of purification. Num. XIX, 1f.
- (24) If two sons of one family have died because of the circumcision, the third is not to be circumcised, because of the hazakah (presumption) that a like fate might befall him. Such an uncircumcised person, being legally justified in failure to have the rite performed upon himself, does not fall into the category of the unfit.
- (25) There are two statements to this effect: Hui. 2a and 15b, hence the questions calls for two inclusions.
- (26) Keth. 110b.

Talmud - Mas. Arachin 3b

That includes slaves.¹ But according to the one who teaches 'slaves' explicitly, what does it include? — That includes the case [when the husband moves] from a beautiful habitation [in the Diaspora] into a bad one [in the land of Israel]. What does 'All may compel to go up to Jerusalem' include?² It includes the case [of moving] from a beautiful habitation into a bad one.

'All are obliged to observe the laws concerning the booth even priests, Levites and Israelites'. But that³ is self-evident, for if they are not obliged, who is obliged? — The statement is necessary for the priests, for I would have thought, since Scripture says: Ye shall dwell in booths,⁴ and a Master said: 'Ye shall dwell' [means] 'in the same manner as you occupy your habitation', just as in the dwelling

husband and wife are living together, so shall husband and wife live together in the booth, and since the priests are prevented by the [Temple] service,⁵ one would have assumed they are free from the obligation to dwell in the booth; we are therefore taught that though they are free at the time of the service, outside the time of the service they are definitely obliged [to observe the laws of the booth]; just as is the case with travellers; for a Master has said: those who travel by day are free from the obligation of the booth by day and are bound to it at night. 'All are obliged to observe the law concerning the fringes, even priests, Levites and Israelites'. But that is self-evident? — It is necessary because of the priests, for I would have thought, since it is written: Thou shalt not wear a mingled stuff . . . thou shalt make thee twisted cords,⁶ that only such persons as are bound by the prohibition of mingled stuff in their garments are obliged to make the twisted cords, as since to them [the wearing of mingled] stuff has been permitted,⁷ one might have thought that they would not be obliged to make themselves fringes, therefore we are informed that although that prohibition does not apply at the time of their service, it does apply outside that time of service.⁸

'All are obliged to observe the commandment of the tefillin, even priests, Levites and Israelites'. But that is self-evident? — It is necessary because of the priests. For I might have assumed that since it says: And thou shalt bind them for a sign upon thy hands, and they shall be for frontlets between thine eyes,⁹ that only those to whom [the obligation to bind] upon the hand applies are bound to [bind upon] the head; but as to the priests [the obligation of the sign] upon the hand does not apply to them, as it is written: [And his linen garment, his linen breeches] shall he put upon his flesh,¹⁰ [which means] that nothing may intervene between them and his flesh,¹¹ one might say [the obligation of the sign upon] the head similarly does not apply to them, therefore we are informed that they are not indispensable one to another, as we learnt: The tefillin of the arm is not indispensable to the tefillin of the head, neither is the tefillin of the head indispensable to the tefillin of the arm.¹² But why shall it be different with the tefillin of the hand?¹³ [Evidently] because Scripture says: [And his linen garments] ... shall he put upon his flesh? But in connection with [the sign upon] the head it is similarly written: And thou shalt set the mitre upon his head?¹⁴ — It was taught: 'Between the plate and the mitre his hair was visible', at the place where he put his tefillin.¹⁵

'All are obliged to perform the commandment touching the horn, even priests, Levites and Israelites'. But that is self-evident? — For the sake of the priests is it necessary, for I might have assumed since it is written: It is a day of blowing the horn unto you,¹⁶ that only those who are obliged to sound the horn one day [a year] are obliged to do so on that day; the priests, however, since they are obliged to sound the horn throughout the year, as it is written: Ye shall blow with the trumpets over your burnt-offerings,¹⁷ one might have assumed to be free from that obligation. But these things are not similar. Here it is a case of the horn, there one of trumpets? — Still, the information is necessary, for I might have assumed, since we learnt¹⁸ that the Jubilee year is like the New Year with regard to the sounding of the horn and the benedictions, that therefore only he to whom the laws of the Jubilee year apply is obliged to perform the laws touching the New Year, but he to whom the laws of the Jubilee year do not apply, need not perform the laws touching the New Year, and since priests are not affected by the laws governing the Jubilee year, as we learnt:¹⁹ priests and Levites may sell at any time

(1) A circumcised Canaanite slave, whom his master must not sell outside the Holy Land, if the slave desires to be imported to Palestine. The master must either take him to the Holy Land or emancipate him outside thereof. Tosaf. s.v. **לאתו**.

(2) I.e., the husband can compel the wife to go up to the land of Israel even under such conditions.

(3) Here starts a new type of question, really a sub-question of the first. In the first the problem was to discover the case to be included because of the inclusive 'all'; in the following cases the redundant 'priests, Levites and Israelites' is to be accounted for. The law was given to Israel. Israel is divided into the three groups, Priests, Levites and (common, not levitical) Israelites. Why then the repetition? The answer in each case will have to show that for some particular reason one of the three classes might have been excluded, but for the repeated clause, which expressly includes them.

(4) Lev. XXIII, 42.

(5) Priests must be levitically pure when performing the service, whilst the act of conjugality would render them levitically impure.

(6) Deut. XXII, 11 and 12 are read together, and according to the principle that the proximity of passages in Deut. justified legalistic inference (Ber. 10a), they are assumed here to be interdependent.

(7) The girdle of the priests was of mingled stuff, linen and wool, v. Yeb. 4b in explanation of Ex. XXXIX, 29.

(8) With the corollary that when not engaged in the service divine, they are subject to the rule of the twisted cords.

(9) Deut. VI, 8.

(10) Lev. VI, 3.

(11) Hence not the tefillin either since such binding would intervene between the priestly garment and the flesh.

(12) Men. 38a. The Mishnah means that the performance of the obligation of the sign upon head and arm respectively is not interdependent, i.e., failure to bind the sign upon the head does not render the binding upon the hand invalid, or superfluous. Although part of the same sign-symbolism, they represent two independent, individual acts.

(13) That priests are exempt from binding it on.

(14) Ex. XXIX, 6, so that the tefillin on the head would act as interposition between the head and the mitre.

(15) Hence the argument of the last note could not be made here, whilst the tefillin of the arm does interfere with the regulation that nothing shall intervene between the linen garment and the priest's flesh, the tefillin being placed upon the biceps of the left arm, tradition provides for a free space between plate (Ex. XXVIII, 36) and mitre, where the tefillin of the head had its legitimate place.

(16) Num. XXIX, 1.

(17) Ibid. X, 10.

(18) R.H. 26b. On the Day of Atonement of the Jubilee year the set of prayers obligatory on the average New Year are also mandatory, viz., Malkhiyoth, Zikhronoth and Shofroth.

(19) Infra 33b.

Talmud - Mas. Arachin 4a

and redeem at any time, one might say that they are not affected by the laws governing the New Year either, therefore we are informed that although they are unaffected by the law of release of landed property, the law concerning the release of debts and the emancipation of slaves binds them at any rate.¹

‘All are obliged to read the scroll, even priests, Levites and Israelites’. is that not self-evident? — No, it is necessary [to state that] concerning the interruption of their [Temple] service, in accord with Rab Judah in the name of Rab; for Rab Judah in the name of Rab said: Both the priests in their [Temple] service, the Levites on their platform, the Israelites at their posts² interrupt their work and come to listen to the reading of the scroll.

‘All are obliged to arrange a zimmun even priests, Levites and Israelites’. Is not that self-evident? — No, it is necessary for the case in which the priests were eating consecrated foods. I might have thought since the Divine Law said: And they shall eat those things wherewith atonement hath been made,³ that this is an atonement, therefore we are informed: The Divine Law has said: Thou shalt eat and be satisfied,⁴ and this applies to them as well.

‘All may be joined for a zimmun, even priests, Levites and Israelites’. Is that not self-evident? — No, it is necessary for the case where the priests eat of terumah⁵ or of consecrated foods, whilst the non-priest eats of profane foods. I might have assumed that since the commoner, even though he desired to eat with the priest [of the latter's food], he could not do so, therefore he could not be joined to him [for the zimmun] either, so we are informed that granted that the non-priest may not eat together with the priest, the priest could surely eat together with the non-priest.⁶ ALL MAY EVALUATE, EVEN PRIESTS, LEVITES AND ISRAELITES. But that is self-evident? — Rabbah said: This is necessary in view of the opinion of Ben Bukri, for we learnt:⁷ R. Judah said: Ben Bukri

testified at Jabneh that any priest who paid the shekel⁸ does not thereby commit a sin. R. Johanan b. Zakkai said to him: Not so! But a priest who does not pay the shekel commits a sin. The priests, however, Used to explain the following verse to their advantage: And every meal-offering of the priest shall be wholly made to smoke; it shall not be eaten.⁹ Now, [they argued] since the ‘Omer and the two loaves and the shewbread are ours, how could they be eaten? — But according to Ben Bukri, since they are not de jure obliged to bring it [pay the shekel], if one brings it he should be considered a sinner, for he brings profane things to the Temple Court?¹⁰ — [The assumption is that] they bring the shekel and hand it over to the community.¹⁰ Now I might have assumed that since Scripture reads: And all thy valuations shall be according to the shekel of the Sanctuary,¹¹ that only he to whom the obligation of the shekel applies is subject to the laws of valuation, but as to priests, since the obligation of the shekel does not apply to them, are not subject to the laws of valuation; therefore we are informed [that they are]. Said Abaye to him: But the words, ‘And all thy valuations’ serve to teach that ‘all thy valuations’ must each amount to no less than one sela’? Rather, said Abaye, [the inclusion of priests] is necessary [for this reason]: I might have assumed that since Scripture reads: And their redemption money — from a month old shalt thou redeem them — shall be according to thy valuation,¹² that only he to whom the law of redeeming [the first-born] applies, is subject to the laws of valuation, but as to priests, since they are not included in the law concerning redemption, therefore they are not subject to the law of valuations; therefore we are informed [that they are]. Said Raba to him: If so, since with regard to the ram of guilt-offering Scripture reads: And he shall bring his forfeit unto the Lord, a ram without blemish out of the flock, according to thy valuation,¹³ let us also argue that only he to whom the law of valuation applies is liable to bring a ram of guilt-offerings but one of doubtful sex, or a hermaphrodite, who is not subject to the law of valuation, is free from the obligation to offer up a ram of guilt-offering? Rather, said Raba, or as some say, R. Ashi: [The inclusion of priests] is necessary, for I might have said, since Scripture reads: Then he shall be set before the priest, etc.,¹⁴ that [only an Israelite is set] before the priest, but not a priest before a fellow priest; therefore we are informed [that priests, too, are included in the law of valuation].

What does ALL ARE FIT TO BE MADE THE SUBJECT OF VALUATION include? — That includes one disfigured or afflicted with boils. Whence do we derive that? — For our Rabbis have taught: ‘According to thy valuation’, that includes a general valuation.¹⁵ Another interpretation: ‘According to thy valuation’, i.e., one pays only for the valuation of a whole person, but not for the valuation of his limbs. One might have assumed that they exclude [the valuation of] any thing on which life [the soul] depends, therefore the text states: ‘Persons’.¹⁶ ‘Persons’ [souls], but not a dead person. Thence I would exclude the dead, but not the dying, therefore the text states: Then he shall be set [before the priest], and the priest shall value him,¹⁷ [which means] only one who can be set [before the priest] can be evaluated but one who cannot be set before the priest cannot be evaluated either. Another interpretation: ‘Persons’ — thence I could infer only the case of one evaluating person; whence do I know the case of one evaluating a hundred persons? The text therefore states: ‘Persons’. Another interpretation: ‘Persons’

(1) The Jubilee year affects more than the sale of land, viz., also the manumission of slaves; the priests do not enjoy any privileged position, hence they are also included in Jubilee legislation, whence their obligation to blow the horn on New Year's day.

(2) V. Meg. 3b.

(3) Ex. XXIX, 33.

(4) Deut. VIII, 10. According to Sh. Mek.: ‘I would have thought that since it is written: Thou shalt eat and be satisfied, and bless, i.e., only when you eat for the purpose of appeasing your hunger is it obligatory for you to pronounce the blessing, but since priests (also) eat to obtain forgiveness, they would be free from that obligation, therefore we are informed etc.’.

(5) V. Glos.

(6) It need not be mutually possible to join in the meal, hence as long as priest and non-priest are able to partake of one meal together, the zimmun is obligatory, for even the priest is permitted to eat non-consecrated food.

(7) Shek I, 4.

(8) The sin, as explained *infra*, would lie in his bringing profane money into the sanctuary. The command of Ex. XXX, 13: This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary, yields several inferences. 'Among then that are numbered' excludes the tribe of Levi who were not numbered among the rest of the tribes. Hence the priest offering his shekel might be assumed to offend by introducing non-consecrated, i.e., profane, hence forbidden, money into the sanctuary. Nevertheless, Ben Bukri maintains he does not offend, because he may surrender it to the non-priestly community, which is obliged to offer the shekel, thus converting his own shekel into consecrated money. R. Johanan b. Zakkai, however, points out that there are indications in the text justifying a different interpretation. — Every one that passeth' may refer to the whole people, including the Levites, who passed through the Red Sea.

(9) Lev. VI, 16. They argued: Since this verse prohibits the enjoyment of anything offered up by priests, our shekel, the proceeds of which should be completely used for 'smoking' would render the 'omer and the shewbread, the costs of which were defrayed from the shekel payments, prohibited for any human use; whereas they are eaten by the priests in the sanctuary. Consequently, for any priest to pay the shekel would be sinful. But this argument is faulty for it is only the priest's own flour-offering which must be wholly burnt, in all other cases the majority of the givers, i.e., the non-priestly community, determine the character of the offering, which need therefore not be consumed wholly on the altar.

(10) V. n. 1.

(11) Lev. XXVII, 25.

(12) Num. XVIII, 16.

(13) Lev. V, 25. This inference would be absurd; none would suggest that the hermaphrodite be freed from this law.

(14) Lev. XXVII, 8.

(15) The normal form of the valuation is: The valuation of So-and-so or the valuation of myself be upon me, i.e., I undertake to pay. A general valuation is: I undertake to pay a valuation, without referring to any person thus to be valued.

(16) Lev. XXVII, 2: persons, souls. Without a leg, for example, one would still be a person, but not without the head. Hence the valuation, say, of a man's head or heart, is taken to be equal to the valuation of his whole person, whereas the valuation of a non-vital part of his body has no significance.

(17) Ibid. 8.

Talmud - Mas. Arachin 4b

, thence I could infer only the case of a man evaluating either man or woman. But whence do we know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: 'Persons'. Another interpretation: 'Persons' — that means to include one disfigured or afflicted with boils. For I might have assumed: 'A vow . . . according to thy valuation' [meaning] whatsoever can have its worth vowed is subject to valuation, but whatsoever cannot have its worth vowed is not subject to valuation,¹ therefore Scripture states: 'Persons'. 'Then thy valuation shall be' — that includes the person of 'doubtful sex and the hermaphrodite among those who can have their worth vowed. For I might have assumed: Since [Scripture reads]: 'A vow according to thy valuation' that only such things as are subject to valuation can have their worth vowed; but whatsoever is not subject to valuation cannot have its worth vowed, therefore the text states: Then shall thy valuation be for the male,² [viz.,] only for the male but not for one of doubtful sex, or an hermaphrodite. One might have assumed that they may not be subject to the valuation of a man, but that they are subject to the valuation of a woman, therefore [the text reads]: Then thy valuation shall be for the male . . . and if it be a female — that means only one definitely male or female [is subject to valuation], but not one of doubtful sex or a hermaphrodite.

The Master taught: 'According to thy valuation': that includes a general valuation. What is a general valuation? — For it was taught: If someone says, I assume the obligation of a general valuation,³ then he gives according to the minimum amount possible in valuations. What is the minimum due in valuations? Three shekels. But say, perhaps, fifty shekels?⁴ — If you take hold of the larger [amount], you may lose your hold, but if you take hold of the lower, you will keep it!⁵

Then say, perhaps, one shekel? As it is written: And all thy valuations shall be according to the shekel of the sanctuary?⁶ — That passage refers to the regard to one's means.⁷ What then is the purpose of the Scriptural passage?⁸ — R. Nahman, in the name of Rabbah b. Abbuha said: To tell us that in this case he is not adjudged according to his means.⁹ What is the reason? — Because it is as if he had made an express statement [of the minimum]. Others say: R. Nahman in the name of Rabbah b. Abbuha said, He is adjudged according to his means. But that is self-evident? — I might have assumed that [a general valuation] is considered like an express statement, therefore we are informed [that it is regarded like a poor man's vow]. 'Another interpretation: "According to thy valuation", i.e., he pays only in case of the dedication of a whole person, but not for the valuation of his limbs'. But you have used this text to infer the rule concerning a general valuation? — Read: [Since instead of] 'valuation', it says, 'according to thy valuation'.¹⁰

'One might have assumed that this excludes anything on which life [the soul] depends, therefore the text states: "Persons" [souls] viz., souls but not the dead person'. But you have used that word for another purpose. Read: [Since instead of] 'person' [it says] persons'.¹¹

'Thence I would exclude the dead but not the dying, therefore the text states: "He shall be set [before the priest] and [the priest] shall value him"'. But, if so, you might exclude the dead also through inference from: 'He shall be set . . . and the priest shall value him'? — In truth so. Wherefore then [the exposition] of 'person', 'persons'? As we shall explain later on.¹²

'Another interpretation: "Persons", thence I could infer the case of one evaluating one person; whence do I know the case of one evaluating a hundred? The text therefore states: "Persons". Another interpretation: "Persons" , thence I could infer only the case of a man evaluating either man or woman. But whence do I know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: "Persons". Another interpretation: "Persons", that means one disfigured or afflicted with boils'. But you have used the word for these [other teachings]?¹³ — No Scriptural text is necessary for these, because the balance [between them] is even, hence all may be inferred therefrom.¹⁴ The passage is necessary only for [the inclusion of] one disfigured or afflicted with boils. "'Then thy valuation shall be", that includes one of doubtful sex and an hermaphrodite among those who can have their worth vowed'. But why is a Scriptural passage necessary for [including these in the rule of those whose] worth [can be vowed]? Let them be no worse than the worth of a palm tree! If he said: The worth of a palm tree [do I oblige myself to pay], would he not have to pay it? — Said Rabbah:¹⁵ It means to say that he [his worth] be assessed according to the importance [of his limb].¹⁶ I would have thought that since it is written: 'A vow according to thy valuation', that whatsoever is affected by the law of evaluation is assessed according to the importance [of the limb] ' but that whosoever is not affected by the laws of evaluation is not assessed according to the importance [of the limb, hence the Scriptural indication]. Said Abaye to him: Is indeed one to whom the laws of valuation do not apply assessed according to the importance [of the limb]? Was it not taught: [If someone said], The head of this slave shall be consecrated to the sanctuary, then he and the sanctuary share it in partnership.¹⁷ If he said: The head of this slave be sold to you, they assess its value between them.¹⁸ [If he said], The head of this ass is consecrated, he and the sanctuary share it in partnership; [if he said], The head of this ass is sold to you, they assess it between them. [If he said], The head of this cow is sold to you, he has sold no more than her head. And not only that but even if he said: The head of this cow Is consecrated to the sanctuary, the sanctuary has no more than her head. And R. Papa said: [The reason why there is no partnership in the case of a cow is] because the head of an ox is sold¹⁹ in the butcher's shop. Now ass and cow are not affected by the law of valuations, and yet are not assessed according to the importance [of the limb]? But according to your own position, what of the case of a slave to whom the law of valuation does apply, and yet he is not assessed according to the importance [of the limb]?²⁰ Rather: There is no difficulty. This latter [Baraita] refers to things dedicated to the altar, the former to things dedicated to the Repair of the House.²¹ How did you explain [the latter

Baraita]? As referring to things dedicated to the altar? But look at the second part: And not only that, but even if he said: The head of this cow is consecrated to the sanctuary, the sanctuary owns no more than her head. Why that? Let the sacred character spread so as to include the whole animal?²² Has it not been taught:

(1) V. supra p. 16 n. 4.

(2) Ibid. 3.

(3) The suggestion is that the lowest possible amount is involved, namely three shekels, for a female from one month to five years of age.

(4) But why give him the benefit of the doubt? Why not impose, with even justification, the maximum?

(5) A proverb, v. Hag. 17a.

(6) If, however, we consider it safer to impose the minimum amount, because that is definitely included in any general valuation, whereas the maximum may be fought as against the intention of the man who dedicated, then why not impose the minimum possible in connection with valuations, one shekel, v. 25.

(7) That verse refers to a poor person, having made a vow of valuation, in which case the payment of his vow is regulated in accord with the valuator's means, never less than a shekel. But that does not affect the case of one who made a vague general evaluation, who, therefore, must pay the minimum of a valuation, viz., three shekels.

(8) What is the significance then of 'According to thy valuation'? Since it is simple inference that a general valuation implies the minimum of three shekels, below which no valuation can go, the text seems meaningless.

(9) In the case of a general valuation the payment is fixed at three shekels, even if it is beyond the means of him who made the vow.

(10) The word without any suffix would have sufficed. The redundancy of the suffix implies additional information. Hence a double inference such as made here is quite legitimate.

(11) Cf. n. 1. *mutatis mutandis*.

(12) I.e., to include one disfigured or afflicted with boils.

(13) That one may evaluate a hundred persons, and that a woman too may evaluate.

(14) The word 'nefesh' (person, soul) allows with even logic a number of inferences: any person, male or female, may dedicate or he dedicated; person as well as persons may be dedicated; anything that is vital (to person, or soul) may be dedicated, even if it be but part of a person. Anyone of these inferences are therefore 'balanced', evenly justified and neither could one be inferred exclusively as more logical than the other. But the inclusion of one disfigured or afflicted with boils, which would have seemed incongruous because such persons cannot have their worth vowed, needed some textual justification or at least intimation, and that is provided by the plural 'persons', which includes even persons disfigured etc.

(15) So Sh. Mek. Cur. edd. Raba.

(16) So R. Gershom; e.g., if a person's head or heart or any other vital organ were vowed, such vow, because of the vital need to that person of the respective organ, would be considered as equal to a vow of the whole person's worth, thereupon due to the Temple Treasury.

(17) Sc. its worth, which then is divided between them.

(18) V. *infra*.

(19) In the case of slave and donkey the head could not be (cut off and) sold, whence the vow implies part ownership. This shows that objects to which the law of valuation does not apply, are nevertheless not considered as having been vowed in their totality when a vital organ has been vowed, which contradicts the thesis, above, of Rabbah.

(20) The same question applies to Abaye's position inasmuch as from the same Baraita it appears that even a slave, who is affected by the law of valuation, is not assumed to have been vowed in his totality, even though one of his vital organs has been vowed.

(21) Only with regard to dedications, the money of which flows to the repair fund, do we go by vow of vital organs, therefore also a hermaphrodite whose worth had been vowed to the repair fund, would be considered totally vowed, as long as a vital organ had been vowed; but such a regulation does not apply to objects dedicated to the altar.

(22) Since the whole animal could be offered up as a sacrifice.

Talmud - Mas. Arachin 5a

If one said: 'The leg of this [animal] shall be a burnt-offering', one might have assumed that the whole animal thereby becomes a burnt-offering, therefore the text states: All that any man giveth thereof unto the Lord shall be holy,¹ i.e., only [that] 'thereof' [which he giveth] shall be holy, but not the whole thereof shall be holy. One might have assumed that the whole becomes profane,² therefore the text states: '[It] shall be', i.e., It retains its present character. How then? It is sold for the purchase of burnt-offerings and the money realized, with the exception³ of the [value of the] limb dedicated, shall be profane; this is the view of R. Meir. R. Judah, R. Jose and R. Simeon say: Whence do we know that if a man said: The leg of this animal shall be a burnt-offering, that the whole animal is a burnt-offering, therefore the text states: 'All that any man giveth thereof unto the Lord shall be holy': that means to include the whole. Now even according to the view that thereby the whole animal does not become consecrated, that applies only to [the vow of] an organ upon which life does not depend, but whenever a limb is vowed upon which the life [of the animal] depends, the whole [animal] becomes consecrated?⁴ — This is no difficulty. One speaks of the vow of the animal itself,⁵ the other of the vow of its equivalent in money. But it 'was the Master himself⁶ who said that if someone consecrates a male [animal] in its money equivalent, that [animal] becomes consecrated in itself !⁷ — That is no difficulty: one case⁸ speaks of his having dedicated the whole, the other of his dedicating one member of the body.⁹ But even concerning [the dedication of] one member it is a matter of doubt, for Rabbah asked: If a man had dedicated one member in its money value, how then? — The question was asked about a perfect animal, whereas here we are dealing with a blemished one, similar to the donkey¹⁰ [discussed above]. But the case of [the dedication of] a blemished one is also doubtful, for Rabbah asked: If someone says the money value of my head¹¹ is [dedicated] to the altar, what then? — The question was asked before he heard this teaching,¹² but now that he has heard this teaching, it is no more doubtful to him.

[To turn to] the main text: Rabbah asked, [If a man said,] The money value of my head be for the altar, shall he be valued according to the importance [of this], or shall he not be so valued? [Do we say that] it never happens that a vow regarding [a person's] worth be not assessed according to the importance [of the limb] or, [on the other hand, do we say] it never happens with regard to a consecration for the altar that [the consecration] is determined by the importance [of the limb]?¹³ — The question remains [unanswered].

Raba asked: [If someone said:] The valuation of myself I undertake to pay for the altar, is he adjudged according to his means, or not? [Do we say,] It is never found in connection with valuation that one is not adjudged according to one's means; or, [on the other hand] it never happens with regard to any vow to the altar that¹⁴ one be adjudged according to his means? — The question remains [unanswered].

R. Ashi asked: If a man dedicated a field of possession¹⁵ for the altar, what then? Do we say it never occurs that a field of possession can be redeemed except on the basis of fifty shekels for each [part of the field sufficient for] the sowing of a homer of barley, or [perhaps, we say] it does not happen with regard to any [gift for] the altar that it be redeemed otherwise than in accord with its actual value?¹⁶ — The question remains [unanswered]. MISHNAH. A PERSON LESS THAN ONE MONTH OLD MAY HAVE HIS WORTH VOWED¹⁷ BUT NOT HIS VALUATION.

GEMARA. Our Rabbis taught: If one evaluates a person less than one month old, R. Meir says, He gives his worth [its market value], but the Sages say, 'He has said nothing'. Wherein are they of divided opinion? — R. Meir says: No man utters his words in vain,¹⁸ and knowing that a person less than one month old cannot be made the subject of a valuation [and having spoken] he makes up his mind to vow his worth. The Sages, however, hold that a man may utter his words in vain. According to whose view [of the disputants] will be what R. Giddal said in the name of Rab, who said. if one said: the valuation of this vessel¹⁹ is upon me, he shall pay its worth! — That is in accord with R. Meir. But this is self-evident? — You might have said: It could be in accord with the view of the

Rabbis [Sages]. For in the other case one could have erred in thinking that just as a child of one month has valuation thus also one less than one month old; but in this case where there is nothing to err about, for a man surely knows that a vessel has no valuation, and therefore he had intended his statement to mean to vow the vessel's worth, therefore we are informed [that even here the Sages do not so hold].

(1) Lev. XXVII, 9.

(2) The whole animal, apart from the dedicated limb, is profane without further ado.

(3) Both groups base their interpretation on the same Scriptural verse, emphasis deciding the issue. R. Meir stresses the words 'that any man giveth thereof' in a private sense, to exclude such portions as were not included in his gift. The other Rabbis interpret: 'All that any man giveth thereof' to mean that all animals whereof any part is given become fully consecrated.

(4) Tem. 11b places the dispute between R. Meir and the Sages only in the case of a non-vital organ and thus the question arises: why in the case of the head does the sanctuary not own more than the head?

(5) The consecration of one organ is suggested as spreading over the whole animal, when that organ itself has been consecrated, but where only the money value of such an organ has been vowed there, that organ itself remains a detached entity, not connected in its consecration with the rest of the body, hence not affecting it as to consecration.

(6) Rabbah, who gave the last answer.

(7) Tem. 11b.

(8) Rabbah's ruling in Tem.

(9) In the case where he consecrated the head only for its value obviously the consecration is limited to the monetary value of the member consecrated.

(10) Both a blemished animal of a class admitted to the altar, or an animal, though unblemished, but of a class unfit for sacrifices, are in one category.

(11) Shall the vowing of his head be considered, because of the vital importance of the head, as equal to the vowing of his whole worth or not? Now a man is in the same category as an unblemished animal as far as the altar is concerned.

(12) Cited supra. If one consecrates the head of an ass.

(13) I.e., that by consecrating the value of one vital organ the worth of the animal is consecrated to the altar.

(14) Text corrected in accordance with Sh. Mek. cur. ed.: That it can be redeemed except for its value.

(15) V. Lev. XXVII, 16ff.

(16) If someone consecrated that field for the fund from which burnt-offerings were provided, how could he redeem his pledge? Do we abide by the general rule in such cases of a vow for Temple repairs, or do we consider the special circumstance governing vows for the altar?

(17) Because, no matter how young, it would fetch its price in a market; but as to valuation a definite minimum age is stated.

(18) R. Meir holds that no man utters any statement uselessly; he might, however, talk loosely, use terms applicable to a case somewhat different from the one involved. Thus the terminology of dedication might well be used by someone who has in his mind a vow. 'Or, as Tosaf. s.v. **אדם** has it: A man, indifferent to the exact terminology, or ignorant of it, would intend to have his utterance serve whatever purpose the Rabbis attributed to the words he used.

(19) 'Valuation' was fixed only for human beings, hence vessels cannot be evaluated, thus an illustration of the former problem is offered here.

Talmud - Mas. Arachin 5b

But why was it necessary [for Rab] to state [this ruling] on the view of R. Meir? — One might have thought the reason for R. Meir in that case was that he decreed [the obligation to pay] in the case of a child less than one month old out of consideration¹ for one which was one month old, but that in the case here,² where no such decree is warranted, one might [assume that R. Meir would] not [rule thus], therefore we are informed that R. Meir's reason is that no man utters his words at random, so that the same rule applies in both cases.

According to whose view will be the teaching of Rabbah b. Jose³ in the name of Rab [according to

others R. Yeba b. Jose in the name of Rab]: If one consecrates [to the sanctuary] his neighbour's animal, he shall pay its worth.⁴ According to whom? According to R. Meir. But Rab has already said that once before, for R. Giddal in the name of Rab said: If one said, 'The valuation of a vessel be upon me, he shall pay its worth'. — You might have said: In the one case he knew that a vessel has no valuation whereupon he made up his statement with the intention for its worth, but in the case of an animal, which is normally fit to be consecrated, one might say that this is what he meant: If I report it to its owner he will sell it [to me], therefore let it be consecrated as from now already, and I shall offer it up [after having purchased it], but that he did not mean its worth,⁵ therefore he informs us [that this is not so].⁶ R. Ashi⁷ said: This applies only where he said: I undertake the responsibility [for an animal], but not if he said: I assume the obligation [to consecrate] this [animal].⁸ MISHNAH. AN IDOL-WORSHIPPER ACCORDING TO R. MEIR CAN BE MADE THE SUBJECT OF A VALUATION BUT CANNOT EVALUATE, WHEREAS ACCORDING TO R. JUDAH HE MAY EVALUATE BUT CANNOT BE MADE THE SUBJECT OF A VALUATION. BOTH AGREE, HOWEVER, THAT HE CAN BOTH VOW ANOTHER'S WORTH AND HAVE HIS WORTH VOWED BY OTHERS.

GEMARA. Our Rabbis taught: The children of Israel⁹ may evaluate, but idol-worshippers may not evaluate. One might have assumed that they cannot be made the subject of a valuation either, therefore the text states: Man,¹⁰ these are the words of R. Meir. Said R. Meir: Now that one Scriptural verse includes and the other excludes, whence am I [justified in] saying: He may be made the subject of a valuation, but may not evaluate himself?¹¹ It is because Scripture has included more among those subject to valuation than among those fit to evaluate; for a deaf-mute, an imbecile and a minor each may be made the subject of a valuation, but is not fit to evaluate. R. Judah said: The children of Israel may be made the subject of a valuation, but idol-worshippers are not fit to be made the subject of a valuation. One might have assumed that they [the latter] are not fit to evaluate either, therefore the text states: 'Man'. Said R. Judah: Since one verse includes and the other excludes, whence do I come to make the statement that idol-worshippers are fit to evaluate and are not subject to valuation? Because Scripture has included more among those fit to evaluate than among those subject to valuation. For one of doubtful sex and a hermaphrodite are fit to evaluate, but are not subject to valuation. Said Raba: The decision of R. Meir appeals to logic, but not the reason; the reason of R. Judah is logical, but not his decision. The decision of R. Meir appeals to logic as it is written: Ye have nothing to do with us to build a house unto our God.¹² His reason does not appeal, for he argues from the case of a deaf-mute, an imbecile or a minor; but it is different with them since they have no intelligence. The reason of R. Judah is logical, for he deduces it from the case of one of doubtful sex and a hermaphrodite, which, although endowed with intelligence, are yet excluded by the Divine Law [from evaluation]. His decision, however, does not appeal, as it is written: 'Ye have nothing to do with us to build a house unto our God'. How, indeed, does R. Judah deal with 'Ye have nothing to do with us'? — R. Hisda said in the name of Abimi: His valuation [money] must be hidden.¹³ But then one should not be guilty of sacrilege in connection with them, for it was taught: Concerning the five kinds of sin-offerings which must be left to die, and all moneys that must be cast into the Dead Sea, one must not derive any benefit from them, nor is one guilty of sacrilege [if one has used them].¹⁴ Why then was it taught with regard to the consecration of idol-worshippers: These things apply only to things consecrated for the altar, but things consecrated for Temple repairs are subject to the law of sacrilege?¹⁵ — Rather, said Raba: It¹⁶ was due to the 'weakening of the hands', as it is written: Then the people of the land weakened the hands of the people of Judah and harried them while they were building.¹⁷

(1) I.e. , to safeguard the payment fixed in the Bible.

(2) Referring to a vessel.

(3) So Sh. Mek. cur. edd. Joseph.

(4) Since none can consecrate an object not belonging to himself, the suggestion is that he meant to offer the money value of the object in question, such offering, of course, being independent of his owning the animal.

(5) If his hope was to obtain the animal and to consecrate it (and not its money value), then his utterance was quite in vain and no obligation results: The money value he had not vowed, the animal itself did not belong to him, wherefore he incurred no obligation whatsoever.

(6) That, according to R. Meir he must have known that the animal itself cannot be consecrated, and therefore must have had in mind the payment of its market value, which is now obligatory.

(7) Sh. Mek.: Mar b. R. Ashi.

(8) If a man said: My neighbour's animal do I consecrate, only then does an obligation arise to pay its money value, but if he said 'This animal' shall I provide for the altar,' he obviously has said nothing. For he could undertake to make himself responsible for the money value of an animal, but he could surely not oblige himself to dedicate the animal that does not belong to him. In the latter case his words are for practical purposes meaningless. He has said nothing.

(9) Thus does the chapter on dedications commence: Speak unto the children of Israel, and say unto them (Lev. XXVII, 2), the inference being obvious.

(10) Ibid.

(11) What is the justification for declaring the idol-worshipper fit for one rather than for the other? The text has both inclusive and exclusive indications. 'The children of Israel' excludes, while 'man' includes.

(12) Ezra IV, 3.

(13) R. Judah's view that idol-worshippers are fit to evaluate does not imply that such money is to be used — that is excluded by Ezra IV, 3, — but it does mean that it acquires sacredness, so as to be forbidden for profane use; and since it is also not fit for sacred use, it must be hidden or destroyed.

(14) V. Me'ilah 3a.

(15) Since they are to be destroyed they ought not, according to the cited Baraitha from Me'ilah be subject to the law of sacrilege.

(16) The refusal to accept the idol-worshippers' gifts in the days of Ezra.

(17) Ezra IV, 4.

Talmud - Mas. Arachin 6a

One [Baraitha] taught: If an idol-worshipper offers a freewill- gift towards Temple repairs 'one accepts it from him, whilst another [Baraitha] taught: One does not accept it from him. Said R. Ela in the name of R. Johanan: This is no difficulty: The first applies to the beginning,¹ the latter to the end.² For R. Assi said in the name of R. Johanan: In the beginning one should not accept from them even salt or water, whereas at the end one may not accept a thing that can be easily identified,³ but something that cannot easily be identified one may accept. What is a 'thing that can be easily identified'? — R. Joseph said: Like the cubit [of metal] keeping off the raven.⁴

R. Joseph raised an objection: And a letter unto Asaph the keeper of the king's park [that he may give me timber to make beams, etc.]?⁵ — Abaye said: It is different with the government because it will not retract. For Samuel has said: If the government said, I will uproot a mountain, it will uproot the mountain and not retract!

Rab Judah said in the name of Rab: If an idol-worshipper separated the terumah⁶ from his pile [of produce], then we examine him. If he said:⁷ I have separated it with the same intention as an Israelite, it is to be handed to the priests but if not, it must be hidden, because we consider the possibility of his having in his heart intended it for the Lord.⁸ An objection was raised [against that]: If an idol-worshipper had dedicated a beam to the Sanctuary upon which the Name [of God] is inscribed, he is to be examined. If he said: I have separated it with the same intention as an Israelite, then one should cut off [the part containing the Name of God] and use the rest. But if [he does] not [offer this explanation], it must be hidden away, because we fear his heart [intention] may have been [to dedicate it] to the Lord. The reason then [for this decision] is because the Name [of God] is inscribed thereon, and only therefore does it require to be hidden away, but if the Name [of God] were not inscribed thereupon, then indeed, it would not have to be hidden away!⁹ — [No!] Even if the Name [of God] were not inscribed thereupon it would likewise have to be hidden away, and it is

exactly this that we are told, that although the Name [of God] is thereon inscribed, he need but cut off that portion and use the rest For the Name of God not in its proper place is not considered sacred.¹⁰ For it was taught: If it [the Name of God] was written upon the handles of a vessel, or upon the props of a bed, behold, it shall be cut off and hidden.¹¹

R. Nahman said in the name of R. Abbuha: If one says, This sela' is dedicated to charity, he is permitted to exchange it. Now it was assumed that this is permitted only for himself, but not for anybody else;¹² but it was stated that R. Ammi said in the name of R. Johanan that it is permitted both for oneself and for someone else. R. Ze'ira said: We have learnt that only where he said: [I take] upon myself [generally], but if he said: [I take] upon myself to [give] this, then he is obliged to give this [sela']. Whereupon Raba demurred: On the contrary! The opposite is logical. If he said: Behold this [sela' I take upon myself to pay], then he may use it for himself, so that he may be responsible for it, but when he said: [I take] upon myself [a sela'], he should not [be permitted to exchange it]? But the fact is it makes no difference.¹³ It was taught in accord with Raba: Vows are [like] charity, but consecrations [to the sanctuary] are not like charity. What does that mean? Neither vows nor dedications are charity. Is it not rather this that is meant: Charity [is like vows] in respect of the prohibition 'Thou shalt not delay it',¹⁴ but is not like a consecration [to the sanctuary] because anything so consecrated one must not use, whereas [money dedicated to] charity one may [meantime] use for oneself! R. Kahana said: I reported this teaching before R. Zebid of Nehardea whereupon he said: This is how you stated it;¹⁵ we, however, state it thus: R. Nahman in the name of R. Abbuha based on Rab said: If one said, This sela' is [dedicated to] charity, he may exchange it both for himself, or for someone else independent of whether he had said: [I take it] upon myself [in general], or [I take it upon myself to pay] this [sela'].

Our Rabbis taught: [If one said:] This sela' shall be for charity, then before it has reached the hand of the [charity] treasurer, it is permitted to exchange it, but after it has come into the treasurer's hand, it is forbidden to exchange it.

(1) At the beginning of the building the intention of the idol-worshippers may not be a good one, their gift being made to give them entry into the building programmed which they plan to interfere with or delay. But according to the law they may be accepted for Temple repairs, hence the ruling of R. Judah.

(2) When the building is completed.

(3) Which might cause the heathen to point Boastfully to their contribution, or to its importance for the Temple.

(4) An arrangement of iron points on the roof of the Temple designed to keep ravens away. V. M.K. 9a.

(5) Neh. II, 8. From this passage it is evident that gifts were accepted from (Cyrus) an idolator, and that happened at the beginning of the building.

(6) V. Glos.

(7) One may not accept a gift for the sanctuary from a heathen. Hence, if he says: I want the terumah to go where the Jew's terumah goes, one may accept it from him and give it to the priest, who is permitted to receive it. Rashi: The reference is to the present day when there is no sanctuary, and when consequently things dedicated to the sanctuary must be hidden away, v. Bek. 53a.

(8) But a gift 'Unto the Lord', i.e., for the sanctuary must not be accepted from, him, and must be hidden.

(9) This contradicts the earlier teaching!

(10) There attaches no holiness whatsoever to the name inscribed on the wrong kind of place or material, the right kind would be parchment, or paper, everything else is not normally fit to have the name inscribed thereon.

(11) Shab. 61b.

(12) I.e., to use this coin for his own purpose, to refund it to the Sanctuary afterwards. But it would be wrong for him to lend it to his neighbour, for it may be argued reasonably that he meant to use it meantime for himself, whilst conscious of his obligation to pay it later into the Temple treasury. But he surely did not, in his intention to use it, include ally benefit to his neighbour such as a loan to him of this sum.

(13) One might argue with even force: If he said, I take upon myself to pay this sela' into the Temple treasury, then it thereby has become its property, and by using it one has incurred the obligation, not only moral but legal, of restoring

that property; whereas in the case of a general vow (I accept it upon myself to give a sela') a different argument is to be made. At any rate, since both claims have support, we recognize no practical difference between the one form and the other.

(14) Deut. XXIII, 22.

(15) I.e., you reported R. Nahman's statement in general terms, relying on R. Ammi and Raba to explain its implications.

Talmud - Mas. Arachin 6b

But it is not so, for R. Jannai borrowed and paid it [afterwards]?¹ — It is different with R. Jannai, for what he did was acceptable to the poor, for the more he delayed the more did he succeed in collecting and bringing in to them.

Our Rabbis taught: If an Israelite dedicated a candlestick or a lamp to the synagogue, he is not permitted to exchange it. R. Hiyya had thought that was to say [it may not be changed] either for a secular or a religious purpose. Whereupon R. Ammi said to him: This is what R. Johanan said: We have learnt [of the prohibition] only in connection with a secular purpose, but for a religious purpose it is permitted to exchange [the object dedicated] — For R. Assi said in the name of R. Johanan: If an idol-worshipper had dedicated a candlestick or a lamp to the synagogue, then, before the name of its owner has become forgotten, it is forbidden to exchange it; after the name of the owner has been forgotten, it is permitted to change it. Now to what purpose is it to be changed? Shall I say for secular use? — Then why speak of an idol-worshipper's gift, the same applies to that of an Israelite? Hence you must say for a religious use, and nevertheless the reason [why it may not be changed is]² because an idol-worshipper would create a row about it, but in the case of an Israelite who would not create a row about it, it would be proper [to change it].³

Sha'azrek, an Arab, made a gift of a lamp to the synagogue of Rab Judah. Rehaba changed it['s use] and Raba took it amiss. (Some say: Raba changed it and Rehaba took it amiss. Others say: The sextons of pumbeditha changed it and both Rehaba and Raba rebuked them for it.) He who changed it held: It would⁴ be a rare occurrence, whereas he who rebuked held: It may happen that he comes.⁵

MISHNAH. ONE AT THE POINT OF DEATH OR ABOUT TO BE PUT TO DEATH CANNOT HAVE HIS WORTH VOWED, NOR BE SUBJECT TO VALUATION. R. HANINA B. AKABIA SAID: HE IS FIT TO BE MADE THE SUBJECT OF A VALUATION BECAUSE HIS PRICE IS FIXED. R. JOSE SAID: HE MAY VOW ANOTHER'S WORTH, EVALUATE, AND CONSECRATE [TO THE SANCTUARY], AND IF HE CAUSED DAMAGE, HE IS OBLIGED TO MAKE RESTITUTION.

GEMARA. It is quite right that one at the point of death cannot have his worth vowed, because he has no money [value]; nor can he be made the subject of a valuation because he is not fit to be set and valued.⁶ But as regards one about to be put to death, whilst it is true that he cannot have his worth vowed since he has no money [value], why should he be unfit to be made the subject of a valuation?⁷ — Because it was taught: Whence do we know that if one about to be put to death says: The valuation of myself is upon me,⁸ he has said nothing? The text states: No devoted thing . . . shall be redeemed.⁹ One might have assumed that this holds good even before the proceedings [of his case] are finished, therefore the text states: Of man,¹⁰ i.e., but not [as long as he is] a whole man. But what will R. Hanina b. Akabya who holds him fit to be made the subject of a valuation 'because his price is fixed', do with 'No devoted thing, etc.'? — He needs this in accord with what was taught: R. Ishmael the son of R. Johanan b. Beroka said: Since we find that those to be put to death by the hand of heaven can offer a monetary expiation and thereby obtain atonement, as it is said: If there be laid on him a ransom,¹¹ I might have thought the same applied to those who are to be put to death by the hand of man, therefore we are taught: 'No devoted thing shall be redeemed'. From here I may derive teaching only for severer penalties of death, for which even when committed in error no atonement

is possible.¹² But whence do I know that it applies also to lesser penalties of death, for which at least when committed in error atonement is possible? The text therefore states: 'Any devoted thing, etc.'

R. JOSE SAYS: HE MAY VOW ANOTHER'S WORTH, EVALUATE. But did the first Tanna say that he may? Rather, there is no dispute whatsoever that he may vow another's worth, evaluate and consecrate, the dispute touches only the case of his having caused damage,¹³ the first Tanna holding that if he had caused damage he is not obliged to make compensation, whereas R. Jose holds he is obliged to make compensation when he has caused damage. What principle are they disputing? — R. Joseph said: They are disputing whether an oral¹⁴ debt can be collected from the heirs, the first Tanna holding an oral debt cannot be collected from the heirs, whereas R. Jose considers it can be collected. Raba¹⁵ said: All agree that an oral debt cannot be collected from the heirs, what they are here disputing is the [nature of a] debt arising from the law of the Torah, the first Tanna holding that a debt arising from the law of the Torah is not to be considered equal to one acknowledged in a document [of indebtedness], whilst R. Jose considers it like one acknowledged in a document [of indebtedness]. There are some who refer it¹⁶ to the following matter: If one¹⁷ about to be executed wounded others, he is obliged to make reparation, but if others have wounded him, they are free [from reparation].¹⁸ R. Simeon b. Eleazar said: Even if he has wounded someone he is free, because he may not be placed before the Court of Law again.¹⁹

(1) He was a commissioner of charity, yet he used to borrow funds to use them for his own purposes!

(2) Before the name of its owner is forgotten.

(3) This proves that R. Johanan holds that it may be changed even for a secular purpose.

(4) That the donor would notice such a change, and protest.

(5) It is not impossible that the donor, who travelled much, might come to the city and see the change and protest therefore their rebuke.

(6) C. supra p. 16 n. 4.

(7) Surely the amount of valuation is fixed.

(8) Var. lec.: and somebody says, The valuation of him is upon me, v. Keth. 37b.

(9) Lev. XXVII, 28. I.e., all condemned persons are not redeemable.

(10) Once a man is sentenced to death he is no more a whole man, hence the partitive 'of man'; v. Keth. 37b. But before such a sentence has actually been pronounced, he is still a whole man to whom the text, 'of man' (i.e., part of man, in the ad hoc meaning) does not apply.

(11) Ex. XXI, 30. As is evident from Sanh. 15b, in the case of the goring ox, the owner incurs death through the decree of heaven for his negligence, and in such a case the evil decree may be averted by a monetary compensation or expiation. The word 'devoted' is interpreted as devoted by human beings, hence 'devoted to death' by human beings. Such interpretation removed the possibility of any devoted thing being saved from execution by compensation-payment, for, No devoted thing shall be redeemed (from death by payment).

(12) The crime of blasphemy even if committed in error cannot be remedied as is done with other unintentionally committed crimes, by sin-offering or (in the case of involuntary manslaughter) by exile.

(13) Since he has a mind, he obviously is fit to do things which one possessed of mentality is fit to do. This obligation would, of course, descend upon his heirs, hence the principle involved.

(14) An obligation arising from the law of the Torah has the character of an orally admitted debt. Hence, even if no definite decision had been made by the court on the question of his damage, a delay in his execution would be considered unnecessary, hence prohibited. Nevertheless the debt arising from the law of the Torah is considered an oral debt.

(15) Var. lec.: Rabbah.

(16) The statements of R. Joseph and Raba.

(17) Tos. B.K. 9.

(18) He is obliged to make reparation because until his moment of death he is presumed to have a mind, hence is responsible. But since he is about to be executed, his body as such is no more in its integrity, hence one who wounds him should be free from any obligation to make compensation payment. All these refer to someone about to be executed by the laws of Israel, i.e., after careful investigation and examination. One, however, sentenced to death by the heathen

tyrants or other malefactors, might perhaps be ransomed, freed by persuasion or payment, hence his physical integrity may yet be said to be unimpaired.

(19) The examination of the claim against him would consume some time. This would involve a delay in his execution, which is forbidden, v. Sanh. 89a.

Talmud - Mas. Arachin 7a

From this it would appear that the first Tanna holds that he may be placed before the Court of Law again! Said R. Joseph: They are disputing whether an oral debt can be collected from the heirs, the first Tanna holding an oral debt may be collected from the heirs, whilst R. Simeon b. Eleazar holds it cannot be collected. Rabbah said: All agree that an oral debt cannot be collected from the heirs, they are disputing here whether an obligation arising from the law of the Torah may be considered as one written in a document of indebtedness, the first Tanna holding it is to be regarded like one acknowledged in a document of indebtedness, whilst R. Simeon b. Eleazar holds it is not to be regarded like one acknowledged in a document of indebtedness.

An objection was raised:¹ If one dug a pit in a public thoroughfare, and an ox fell upon him and killed him, [the owner of the latter] is free, and even more, if the ox should die, then the heirs of the owner of the pit must repay its money value to the owner of the ox! Said R. Ela in the name of Rab: [This speaks of the case] where he stood before the Court of Law.² But the text reads: 'And killed him'! — Said R. Adda b. Ahabah: It means he hurt him fatally. But did not R. Nahman say that R. Hagga read: Killed and buried him!³ But the law is [that the heirs are liable] where the judges were sitting at the opening of the pit. Our Rabbis taught: If one is about to be executed one sprinkles⁴ for him the blood of the sin-offering or the blood of the guilt-offering. But if he sinned at that time,⁵ one is no more obliged to attend to him.⁶ What is the reason? — R. Joseph said: We must not put off his execution. Said Abaye: If so, then concerning the first part, too?⁷ — That refers to the case that his sacrifice by that hour was killed already. But if it had not been slaughtered before that hour, what then [would be the law]? presumably it would not be so! Then instead of having the text read, 'If he sinned at that time they do not attend to him', let the distinction be made with reference to [the sacrifice itself]: These things apply only when his sacrifice by that hour had been slaughtered already, but if his sacrifice had not been slaughtered by that hour, one does not [sprinkle of his blood upon him]? — This indeed is what he said: These things apply only if by that hour his sacrifice had been slaughtered already, but if his sacrifice had not been slaughtered yet, then his case is like that of one who sinned at that hour, and to whom therefore one need not attend in this matter.

MISHNAH. IF A WOMAN IS ABOUT TO BE EXECUTED, ONE DOES NOT WAIT FOR HER UNTIL SHE GIVES BIRTH.⁸ BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL,⁹ ONE WAITS FOR HER UNTIL SHE GIVES BIRTH. IF A WOMAN HAS BEEN PUT TO DEATH ONE MAY USE HER HAIR; IF AN ANIMAL HAS BEEN PUT TO DEATH IT IS FORBIDDEN TO MAKE ANY USE OF IT.¹⁰

GEMARA. But that is self-evident, for it is her body!¹¹ — It is necessary to teach it, for one might have assumed since Scripture says: According as the woman's husband shall lay upon him,¹² that it [the unborn child] is the husband's property, of which he should not be deprived, therefore we are informed [that it is not so]. But perhaps [the former point of view] may indeed [be the law]? — Said R. Abbuha in the name of R. Johanan: Scripture says: They shall die, also both of them,¹³ that includes the child. But this [verse] is required for the inference that they must both be of equal condition,¹⁴ as R. Joseph teaches? — We infer it from 'also'.¹⁵

BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL: What is the reason? — As soon as it moves [from its place in the womb] it is another body. Rab Judah said in the name of Samuel: If a woman is about to be executed one strikes her against her womb so that the child may die first, to

avoid her being disgraced.¹⁶ That means to say that [otherwise] she dies first? But we have an established [assumption] principle that the child dies first, for we learnt: A child one day old inherits and bequeaths;¹⁷ and R. Shesheth said [in explanation]: He inherits the mother's property to bequeath it to his brothers from his father. Now this [as is clearly indicated] applies only to a child 'one day old', but not to an embryo, because it would die first and no son already in the grave can inherit from his mother to bequeath to his paternal brothers?¹⁸ — This applies only to [her natural] death, because the child's life is very frail, the 'drop' [of poison] from the angel of death enters and destroys its vital organs,¹⁹ but in the case of death by execution she dies first. But there was a case in which [the child] moved three times? — Mar son of R. Ashi said: That is analogous to the tail of a lizard which moves [after being cut off].²⁰

R. Nahman said in the name of Samuel: If a woman who has been sitting on a birthstool died on a Sabbath, one may bring a knife and cut her womb open to take out the child. But that is self-evident? What is he doing?

(1) From here it is evident that an obligation arising out of the law of the Torah is considered like one acknowledged in a document of indebtedness, and since the principle is there definitely established as legitimate, it is wrong to assume that what is a recognized Tannaitic principle, since it is reported in an anonymous, i.e., accepted form, is opposed by the majority view in our Mishnah on Raba's explanation.

(2) Before he died the court had decided that he must pay the fine, such decision being equal to a debt acknowledged by himself in writing.

(3) The ox killed and buried the man, by his fall upon him, in the pit. According to this reading the owner of the pit could not have been adjudged before the court. I.e., the court was held at the pit, with the fatally wounded man adjudged guilty before his actual death, the obligation arising having the character of a debt acknowledged in writing.

(4) I.e., for his sake, to obtain for him forgiveness for another sin committed in error, for which this sacrifice had been offered up.

(5) E.g., he ate some forbidden fat in error whilst on his way to be executed.

(6) He is about to be executed and any ceremony on his behalf would have to take place before he actually dies, and thus may cause the prohibited delay in his execution.

(7) One would have to wait here with the killing of the animal and the sprinkling, and thus delay his execution.

(8) If she were found to be pregnant.

(9) I.e., if her pains of parturition had begun already. Rashi holds this to apply to a woman whose pains had started before sentence was pronounced; according to Tosaf, even if the pains had begun only after the sentence. For the child is considered as of one body with the mother only as long as it still is in its normal place. But as soon as it has started to move, it is another body and thus unaffected by the mother's state.

(10) In the case of an animal sentenced by the court to be destroyed (as e.g., an ox which gored a man to death) the prohibition to use its corpse in any manner comes into force as soon as sentence is pronounced, in the case of a human being only with the execution proper.

(11) The embryo is part of her body, having no identity of its own and dependent for its life upon the body of the woman.

(12) Ex. XXI, 22 refers to the indemnity to be paid to the husband for a premature child.

(13) So literally. E.V. 'They shall both of them die'. Deut. XXII, 22. The redundant 'both of them' is used for another situation.

(14) That they must both be of age so that both are punishable; if one is a minor, no death penalty for this adultery is inflicted.

(15) Which is redundant, and from which the law here concerning the embryo is derived.

(16) If the child, having escaped death, came forth after her execution, it would cause bleeding and thus expose the executed mother to be disgraced.

(17) If on that one day of its life it should inherit some property, by dying on the same day the child would cause its paternal brothers to inherit it. V. B.B. 142a; Nid. 44a.

(18) Hence, when the mother dies after the child, her property does not pass to the child, which is legally assumed to be in the grave; he is therefore unable to inherit his mother's property and much less to bequeath it to his paternal brothers.

This proves that the child is assumed to die before the mother as otherwise the case above could also deal with an unborn child, whilst the Mishnah limits it to the child born and one day old.

(19) The phrase here is borrowed from the death of an animal, which is achieved in accordance with the laws of Shechitah by the cutting of the windpipe and the gullet, the two organs to be cut in accordance with the ritual law.

(20) Although no more alive; similarly such moving on the part of the child is no sign of its life.

Talmud - Mas. Arachin 7b

Only cutting flesh?¹ — Rabbah said: It is necessary [to permit the] fetching of the knife by way of a public thoroughfare.² But what is he informing us? That in case of doubt one may desecrate the Sabbath! Surely we have learnt already: If debris falls down upon one and there is doubt whether he is there or not, or whether he is alive or dead, whether he is a Canaanite or an Israelite, one may remove the debris from above him!³ You might have said: There [permission was given] because [the person in question] had at least presumption of having been alive, but here where it [the embryo] did not have such original presumption of life, one might say no [desecration of the Sabbath shall be permitted], therefore we are informed [that it is].

IF A WOMAN HAS BEEN PUT TO DEATH etc. But why? These things are forbidden for any use? — Rab said: [This refers to the case] where she had said: Give my hair to my daughter. But if she had [similarly] said: Give my hand to my daughter, would we have given it to her? — Rab said: It refers to a wig.⁴ Now the reason [for the permission] is that she had said: 'Give [it]', but if she had not said: 'Give [it]', it would have been as part of her body and forbidden [for any use]. But this matter was questioned by R. Jose b. Hanina, for R. Jose b. Hanina asked: What about the hair of righteous women, and Raba had remarked: His question refers to [their] wig?⁵ — The question of R. Jose b. Hanina referred to the case of [such wig] its hanging on a peg; but here the wig is attached to her [head], therefore the reason [it is permitted] is because she said: 'Give [it]', but if she had not said 'Give [it]', it would be as her body and forbidden.

This appeared difficult to R. Nahman b. Isaac for it is placed in juxtaposition to the [law concerning an] animal, hence just as there [the hair] is part of the body, here too it should be part of the body?⁶ — Rather, said R. Nahman: In the one case [the woman's] it is the actual death which renders the body prohibited for any use,⁷ whereas in the other case [the animal's], the close of the legal proceedings [the pronouncement of the death sentence] renders it prohibited for any use. Levi taught in accord with Rab and he also taught in accord with R. Nahman b. Isaac.⁸ He taught in accord with Rab: If a woman went forth to be executed and she said: 'Give my hair to my daughter', one would give it to her; but if she died [before making such a demand] one would not give it, because the dead must not be used for any purpose. But that is self-evident? — [Say] rather the ornaments of the dead are prohibited for any use.⁹ It was taught in accord with R. Nahman b. Isaac: If a woman died, her hair is permitted for use. If an animal was put to death, it is forbidden for any use. And what is the difference between the one and the other? In the one case it is only the actual death which renders the body prohibited for any use, and in the other case the pronouncement of the death sentence in itself renders it prohibited for any use.

CHAPTER II

MISHNAH. THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE THAN FIFTY. HOW IS THAT? IF ONE PAID A SELA',¹⁰ AND BECAME RICH, HE NEED NOT GIVE ANY [MORE]. BUT IF HE GAVE LESS THAN A SELA' AND BECAME RICH, HE MUST PAY FIFTY SELA'S.¹¹ IF HE HAD FIVE SELA'S IN HIS POSSESSION,¹² R. MEIR SAYS, THEN HE NEED NOT GIVE MORE THAN ONE, WHEREAS THE SAGES SAY HE MUST GIVE THEM ALL. FOR THERE IS NO VALUATION OF LESS THAN ONE SELA NOR MORE THAN FIFTY SELA'S.

GEMARA. THERE IS NO VALUATION LESS THAN ONE SELA. Whence do we know that? — For Scripture said: And all thy valuations shall be according to the shekel of the sanctuary,¹³ i.e., all valuations which you evaluate shall be of no less than a shekel. Nor more than fifty sela's, as it is written: Fifty.¹⁴

IF HE HAD FIVE SELA'S IN HIS POSSESSION, etc. What is the reason of R. Meir? — Scripture says: 'Fifty', and it is also written: 'Shekel', i.e., either fifty or one shekel. And the Rabbis? That means that all valuations which you evaluate shall be of no less than one shekel.¹⁵ But where he has [more], there applies the Scriptural verse: According to the means of him that vowed,¹⁶ and here he has means. And R. Meir?¹⁷ — That indicates that the possessions of him who evaluates rather than of him who is evaluated are to be considered. And the Rabbis? — Does this not incidentally prove that where he has possessions, take from him as much as he can pay?

R. Adda b. Ahabah said: If a man had five sela's in his possession and said: My own valuation be upon me [to pay], and he repeats: My own valuation be upon me, and then he paid four sela's on account for the second valuation and one sela' for the first, then he has fulfilled his duty to both. What is the reason? — Because:¹⁸ A creditor, later in order of time, who has collected before [an earlier one] retains what he has collected. [Likewise] here when he paid for the second [valuation] he was in debt for the first,¹⁹ and when he paid for the first he had no more.

(1) Only the cutting of a living person constitutes desecration of the Sabbath, the cutting of meat is unavoidable in eating.

(2) The bringing of any portable property from private territory into a public thoroughfare or vice versa constitutes transgression of the law of the Sabbath as Biblically stated.

(3) V. Yoma 83a.

(4) That wig, tied to her hair, might have been considered part of her body and therefore forbidden for any use, hence also inadmissible as a gift to her daughter. But since she left instruction of such gift, she evidently did not consider the wig part of her body, and guided by her view we do not consider it such either, hence the gift is valid.

(5) According to Deut. XIII, 13ff the inhabitants of a city condemned for idolatrous practices to which they had been led astray were to be destroyed with all their property. Righteous persons, however, lost only their property but not their life. The theoretical question touched the wig of righteous women of such a city: Was it to be considered part of their body and thus will it escape destruction, or is it to be regarded as detachable from the head and as general property does it fall under the ban? At any rate what is a matter of doubt there could not possibly be taken here as settled law!

(6) How then could he interpret our Mishnah as referring to the woman's wig, which is not part of the body?

(7) The reference is indeed to her natural hair, but since hair never lived it is not affected by death, which renders forbidden all such parts of the body which had their vitality cut off by death (Rashi).

(8) Levi had an ancient Baraita the view of which accorded with Rab and another with R. Nahman b. Isaac.

(9) The reference must hence be to a wig.

(10) A Biblical shekel. According to Lev. XXVII, 8 a special reduction was made in the case of the poor, but any such reduced estimate may not fall below a sela'.

(11) One twenty years of age and of male sex whose normal valuation is fifty sela's, happens to be poor when paying the poor man's exceptional one sela' for any valuation. That sela', being the legal minimum for a poor man, therefore has paid his debt, and freed him from any obligation, even if afterwards he became rich. But if, whilst poor, he had paid less than a sela', he has not paid the minimum, his obligation to pay his valuation still rests upon him, and on becoming rich he must therefore pay the complete sum due, under the circumstances of payment which for a man not poor, amounts to fifty sela's.

(12) And his prescribed valuation was, say, fifty.

(13) Ibid. XXVII, 25.

(14) Ibid. 3.

(15) Indicating only a minimum beyond which the sum may be increased to the maximum of fifty. There are no rigorous restrictions between these two sums, adjustments being made in accordance with the possessions of the respective

dedicator.

(16) Lev. XXVII, 8.

(17) How will he explain this latter verse?

(18) B.K. 34a.

(19) To the extent of the whole five sela's on the view of the Sages in our Mishnah, so that as far as the second valuation is concerned he had no five sela's to pay and hence discharged his obligation by paying the four sela's.

Talmud - Mas. Arachin 8a

But if he paid four for the first [valuation] and one for the second, then he has fulfilled his obligation regarding the second one, but he has failed to discharge his obligation touching the first, as all [his sela's] were subject to the payment for the first.¹

R. Adda b. Ahabah asked: If he had five sela's and said in one utterance, Two of my valuations be upon me [to pay], how then? [Shall I say]. Since he said it in one utterance the obligations arise simultaneously so that he would have to pay two and a half for the one valuation and two and a half for the other, or is the whole sum due for each of them? — The question remains [unanswered].

THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE etc. Why is this re-statement necessary? — This is what we are told: There is none less than one sela', but there are some above one sela'; there is none above fifty sela's, but there are some below fifty sela's, and it [the teaching] is stated anonymously² in accord with the Rabbis.

MISHNAH. IF A WOMAN GOES ASTRAY³ IN HER RECKONING THERE IS NO RE-OPENING FOR HER [OF THE NIDDAH COUNT] EARLIER THAN SEVEN, NOR LATER THAN AFTER SEVENTEEN DAYS.

GEMARA. Our Rabbis taught: If a woman astray in her reckoning said: 'I saw uncleanness for one day' then her re-count begins after seventeen days;⁴ [if she says.] 'I saw uncleanness for two days', her re-count commences after seventeen days;⁵ [if she says,] 'I saw uncleanness for three days', her re-count commences after seventeen days.⁶ [If she says,] 'I saw uncleanness for four days', her re-count commences after sixteen days;⁷ [if she says,] 'I saw uncleanness for five days', her re-count commences after fifteen days.⁸ [If she says,] 'I saw uncleanness for six days', her re-count commences after fourteen days; [if she says,] 'I saw uncleanness for seven days', her re-count commences after thirteen days; [if she says,] 'I saw uncleanness for eight days', her re-count commences after twelve days; [if she says,] 'I saw uncleanness for nine days', her re-count commences after eleven days; [if she says,] 'I saw uncleanness for ten days', her re-count commences after ten days;⁹ [if she says,] 'I saw uncleanness for eleven days', her re-count commences after nine days; [if she says,] 'I saw uncleanness for twelve days',¹⁰ her re-count commences after eight days;

(1) The decision being in accord with the Sages, all his sela's were affected by the first valuation. The practical difference lies in the fact that since now he is considered as still obliged to make payment for the first valuation, he would have to pay full fifty sela's if at any later time he became rich.

(2) Whenever one Mishnah reports conflicting opinions in the name of the disputants, and another a decision in this case anonymously, the latter is regarded as authoritative.

(3) Lev. XV deals with the regulations touching the woman's issue (of blood), and distinguishes between an issue 'in time of her impurity' and one 'not in' or 'beyond' the time of her impurity. The flow 'in the time of her impurity' is called dam niddah — the blood of her menstruation; the flow beyond or outside the time of her impurity is called dam zibah — the blood of one having an issue. According to the law of the Torah a woman who menstruates for the first time becomes unclean as niddah for seven days, the day on which she menstruated included. She remains in this state of uncleanness for seven days, independent of whether she has had that issue of blood for the first day only or on any other

of the seven days. Even if she should suffer such issue for seven days continuously, as long as it has stopped before sunset on the seventh day, she takes the ritual bath that night and becomes clean thereby. These seven days are her niddah days. The eleven days following are called 'the days of her having an issue', yeme zibah, any issue of blood during which is considered 'not in' or 'beyond the time of her impurity'; this period starts at the end of the seven days of her normal impurity, quite independent of her having taken the bath prescribed or not. Any issue of blood on one of these eleven days renders the woman a zabah ketannah, one having a minor issue, and by taking the ritual bath on the day following the issue, she becomes clean if no new issue appeared on the day of the bath. The same law applies if on any other of the eleven days issue should have appeared. But if such issue appeared on three consecutive days, the woman's considered zabah gedolah, one having a major issue, and she does not regain her ritual cleanness until seven days. free from any issue following the last of the three days, have passed. On the seventh day she takes the ritual bath of purification, and on the eighth day she offers two turtle-doves as her sacrifice of purification. If during these eleven days there had been no issue of blood, or only a 'minor issue' then any day from the twelfth on, on which she should have an issue, is the commencement of her niddah days, yeme niddah. If, however, she had become during the eleven days zabah gedolah, one having a major issue, then she does not become a niddah again until there have been seven days after the last day of the flow during which there was no issue whatsoever. Any issue of blood appearing before such seven days have passed is considered part of the days of zibah. Even after the days of her niddah have started she of course becomes a niddah only when and if she has an issue, yeme niddah signifying no more than that she becomes a niddah in case of any issue, as against her being a zibah during the other period. After she has become a niddah again she remains in this state for seven days. to be followed again by the days of zibah. A woman thus can become a zabah only in the eleven days following her yeme niddah; or, if during these eleven days she had three days' consecutive flow, she remains a zabah until she had had seven days of freedom from any flow. After that period she becomes a niddah again, with the first flow. And similarly a woman can become niddah again only after the passing of the eleven days of zibah, or, if during these days she had become a zabah gedolah, one having a large issue, she can become a niddah only after seven days have gone after the last day of the flow during which no further flow was experienced. Upon the day on which the woman becomes niddah again, depends the count of the rest of these days of her niddah state as well as the count of the days of her zibah. Therefore the day on which she becomes niddah is considered the 'entrance', the 'gate', the 're-opening'. The Mishnah refers to a woman 'astray in her reckoning', i.e., one who after purification has experienced a flow of blood, and does not remember whether she was passing through the days of niddah or those of her zibah. She is unable to emerge from this state of uncertainty to a new safe reckoning until after the end of the present flow she experiences a new one, as to which she is definitely sure that it was her period of niddah. This certainty cannot be obtained earlier than after seven days, nor later than after seventeen days, during which she experiences no flow of blood at all.

(4) If the flow of blood had lasted for only one day, followed by seventeen days free from any flow, then any new flow signifies the commencement of her days of niddah. For the day on which she had the flow concerning which she was astray fell either into her period of zibah or into that of niddah. If that day was one, or even the first one, of her days of zibah then the days of her niddah would have commenced no later than on the tenth day after the flow; and her flow on the eighteenth day renders her a niddah. If, however, the day on which she had that flow, concerning which she was astray, should have been one of her yeme niddah, then having become niddah on that day (after her bath of purification which terminated her uncleanness) she remains in the state of niddah for six more days, becomes a zabah for the eleven days following, to enter her period of niddah thereupon, eleven days later, which is on the eighteenth day or any day following it.

(5) Similarly, if she had seen blood for two days, then the flow of blood again after seventeen days of cleanness is there-commencement of her days of niddah. If these two days were days of zibah then the days of niddah would commence no later than nine days after the flow, Or, if the two days of the flow were in the period of niddah then that period of niddah was over in five days, the following period of zibah terminated after eleven days, or the new period of niddah would re-commence after only sixteen days. But it is also possible that the first of the two days was the last day of the zibah period and the second the first of the niddah period, in which case six more days would be necessary to terminate her niddah period, to be followed by eleven days for her zibah period, so that seventeen days must pass before she can definitely be said to have become a niddah again.

(6) If all the three days were part of the zibah period, then the niddah period would commence no later than eight days after that, the assumption throughout being that there was no flow whatsoever during these seventeen days. If all of the three days fell into the niddah period, then the new period of niddah would commence after fifteen days, i.e., after the

last four days of the niddah period, and the following eleven of the zibah period. But since it is also possible that the first two of the three days of the flow were the last days of the zibah period, and that consequently the niddah period would commence only with the third, six more days of the niddah period followed by eleven days of the zibah period must pass before the woman can re-commence her new niddah period, hence again the necessity of seventeen clean days before she can definitely re-commence her reckoning.

(7) If all the four days were either yeme niddah or yeme zibah, the new re-commencement could have started before seventeen days. If they were yeme zibah, the new period of niddah would start after seven days. If the days of the flow fell in the niddah period, the new reckoning could start after fourteen days, viz., the remaining three days of the niddah period and the eleven of the zibah period. In this case one cannot posit the possibility of the first three days of the four days' flow having been the last days of the zibah period, followed by the fourth day as the first of the new niddah period, for, as explained above, the niddah period does not follow upon a three-day flow in the zibah period, before seven completely free days have passed. But it is possible that the first two of the four-day flow were the last days of the zibah period, whereupon only the third day signified the commencement of the zibah period, so that five more days of the niddah and eleven days of the zibah period are required before her re-commencement of her new niddah period may be definitely assumed.

(8) V. next note.

(9) The same consideration, that the first two days may be the last days of her zibah period, necessitates, in the case of the five-day flow, the counting of at least fifteen days, the remaining four of the niddah plus the complete eleven of the zibah periods, in the case of the six-days flow, the counting of the remaining four days of the niddah plus the eleven of the zibah period; of three remaining niddah plus eleven zibah days in the case of a seven-day flow; of two niddah and eleven zibah days in the case of an eight-day flow, and of one remaining day of niddah and eleven days of zibah in the case of a nine-day flow. So that the number of the days necessary moves from seventeen to twelve, on the above considerations. In the case of a ten-day flow, then, even on the assumption that the first two days had belonged to the zibah period, the zibah period recommenced after the seven days of niddah, i.e., on the tenth day, whence only the remaining ten days of zibah need pass before the woman becomes niddah again.

(10) In the case of eleven days, on the same basis, two days of the new zibah period have passed after the intervening days of niddah, so that only the remaining nine days of zibah must be counted before the woman re-enters her niddah period; in the case of a twelve-day flow there are only eight; in the case of a thirteen-day flow only seven days of the zibah period before the new niddah period re-commences. Never earlier than before the passing of seven days, because that is the period necessary for a zibah to become a niddah again, never later than after seventeen days, so that the Mishnaic law becomes evident as indicating the minimum and the maximum necessary for a woman astray in her reckoning before she can definitely reach the 'gate' of her safe reckoning, i.e., the re-commencement of her niddah period.

Talmud - Mas. Arachin 8b

[if she says,] 'I saw uncleanness for thirteen days', then her re-count commences after seven days; for the re-opening [of the Niddah count] does not come before seven nor later than after seventeen days. R. Adda b. Ahabah said to Rabbah: Why all this [reckoning]? Let her count seven days and be permitted [to have intercourse]! — He answered: [We are meaning] to set her right concerning her menstruation and its re-commencement.¹

Our Rabbis taught: All women who are astray in their reckoning are zaboth² and must offer a sacrifice which must not be eaten,³ with the exception of those whose [niddah] re-count started after the seventh or after the eighth day.⁴ who must offer a sacrifice which is to be eaten. But are women astray in their reckoning zaboth? Furthermore, must a woman who has had an issue one day, or two days, at all offer up a sacrifice? — Rather read, Zaboth who are astray in their reckoning⁵ must offer a sacrifice which is not to be eaten, with the exception of the woman whose [niddah] re-count starts after seven or after eight days, who must offer up a sacrifice that is to be eaten.

MISHNAH. NO SIGNS OF LEPROSY ARE SHUT⁶ UP LESS THAN ONE WEEK AND NONE MORE THAN TWO WEEKS.

GEMARA. NO LESS THAN ONE WEEK refers to human leprosy. NONE MORE THAN THREE WEEKS refers to leprosy of houses. R. Papa said: Thy righteousness is like the mighty mountains,⁷ refers to human leprosy. Thy judgments are like the great deep,⁷ refers to the leprosy of houses. What is the simple meaning of the Scriptural verse? — Were it not for Thy righteousness [as great] as the mighty mountains, who could stand before Thy judgments [as profound] as the great deep! Rabbah said: ‘Thy righteousness is like the mighty mountains’, because ‘Thy judgments are like the great deep’. Wherein are they conflicting? — In the dispute of R. Eleazar and R. Jose b. Hanina, for it was reported that R. Eleazar says: He suppresses;⁸ R. Jose b. Hanina says: He forgives;⁹ Rabbah agrees with the view of R. Eleazar, whilst Rab Judah concurs with that of R. Jose b. Hanina.

MISHNAH. THERE ARE NEVER LESS THAN FOUR FULL MONTHS IN THE YEAR, NOR DID IT SEEM RIGHT TO HAVE MORE THAN EIGHT.¹⁰ THE TWO LOAVES¹¹ WERE CONSUMED NEVER EARLIER THAN THE SECOND, NOR LATER THAN THE THIRD DAY. THE SHEWBREAD¹² WAS CONSUMED NEVER EARLIER THAN THE NINTH NOR LATER THAN THE ELEVENTH DAY. AN INFANT MAY NEVER BE CIRCUMCISED EARLIER THAN THE EIGHTH NOR LATER THAN THE TWELFTH DAY.¹³

GEMARA. What does DID NOT SEEM RIGHT TO HAVE MORE THAN EIGHT mean? — R. Huna said: It did not appear right to the Sages to make more than eight months full. Wherefore is the difference with regard to nine, that they would not [make full]? Because if they did not [stop at eight]

(1) R. Adda meant that this counting of the days has as its sole purpose the permission of renewed sexual congress, whereas our purpose was to enable her to re-establish a definite rule of her counting. For, if e.g., she does not know whether she is in the period of niddah or zibah, she would be confused as to how soon she becomes clean again. as niddah only four more days would be required for her to become clean after a three-day flow, whereas if she were a zibah seven days would be necessary before she becomes a niddah again; or, after one-day's flow, as niddah she would have to wait six more days for the bath of purification, whereas in the case of a minor zibah, such a bath may be taken on the next day.

(2) Plur. of zabah, v. Glos.

(3) This is explained as referring to women astray as to their reckoning who may be suspected of being zaboth. As such they must offer the sacrifices, prescribed for a zabah gedolah, a pair of turtle-doves of which one is a sin-offering, the other a burnt-offering. The burnt-offering is consumed on the altar, but the sin-offering as a rule is partly eaten by the priests. The form of killing, melikah (pinching of the bird's neck with the fingernail) is legitimate only with the required bird sin-offering. Since the woman in the above cases is only suspected of being a ‘zabah’, her sin-offering is not definitely required. In this doubtful case the sin-offering had to be brought to satisfy the possibility of the woman having been a zabah; but it must not be eaten, because there is reasonable doubt, hence the sacrifice may be legally profane and having been killed in a manner prohibited for profane food, is unfit to be eaten by anybody.

(4) In which the woman must have been a zabah. Having had a twelve-day flow of blood, she must have been zabah. For even on the assumption that the first two days were the last days of a zibah, the woman became zibah again on the second count, for the ten days left, seven had belonged to the niddah and the other three to the new zibah, and of course, if the first days came at the beginning of niddah, or three of them were the end of zibah, the woman would definitely be a zibah. In all other cases, however, the woman is only doubtfully a zabah, for just as one could say that three of the days were in the zibah period, making her a zibah proper (zabah gedolah), so could one say that the last two days of the flow came from the zibah period, without making her a zabah gedolah, so that within the days concerned she could not become a zibah again.

(5) I.e., only those who, having had a three-day flow and being thus under the definite suspicion of zibah, whilst astray in their reckoning.

(6) Rashi reads: There is no cleanliness obtainable in the case of leprosy. etc. Lev. XIII distinguishes between leprosy which the priest at his first inspection may be able to declare as either clean or unclean, and doubtful cases. In case of

doubt (ibid., 4) the priests must shut up the suspected leper for at least one week, in the case of leprosy of a house, which has remained unchanged after the first week, and has either remained unchanged or has spread at the end of the second week, the priest must shut up the house for another, the third week. V. Neg. XIII, 1.

(7) Ps. XXXVI, 7. The word zedakah (righteousness) has also the meaning of 'mercy'. It is a mark of divine mercy in prescribing one week's shutting in for man.

(8) Or, presses down the balance of merits; v. next note.

(9) Or, raises the scale of impurity. According to R. Eleazar: The Lord in His mercy ignores man's sins, so that his good deeds may save him when before the throne of God in judgment. According to R. Jose b. Hanina: The Lord forgiving, wipes the sins off completely, or, in the case of the man's repentance, changes his very sins into virtues. (V. R.H. 17a.) Rabbah, explaining in terms of R. Eleazar, sees God's zedakah in the fact He keeps His judgment of man's sins in the deep abyss, invisible on the day of judgment, whereas Rab Judah suggests, in accord with the other Tanna, that but for God's supreme zedakah which forgives iniquity, or, for the repentant changes it into moral asset, man could not stand the divine judgment.

(10) A full month (lit., 'a prolonged one') is one of thirty days, a defective one is one of twenty-nine days. The average year has six months of thirty days each, and six of twenty-nine days each. For there are about twenty-nine and one half days between one new moon and the other, whence a month of thirty days, to restore the balance, must be followed by one of twenty-nine days. However, there are more than twenty-nine and one half days between one new moon and the other, approximately twenty-nine days, twelve hours and forty minutes; furthermore, there are other causes influencing the fixing of the calendar, as the result of which the arrangement of six full and defective months undergoes certain variations, so that one year might have a larger number of full, the other more than the half of defective months. In the time of the Mishnah the Sanhedrin decreed the beginning of the new months on the basis of the testimony of witnesses who had actually seen the new moon. But even then conditions would arise (such as non-visibility of the new moon, due to cloudy weather) when the Sanhedrin would be guided by its own astronomical calculations. For such a decree the principle was adopted that no year may have more than eight, nor less than four full months.

(11) Of the Feast of Weeks, v. Lev. XXIII, 27. Since they could not be eaten before the lambs of the sacrifice had been offered up, they were not as profane food, for which alone permission to bake or cook was given on the Holy Day on which all manner of work is prohibited. And as not immediately ready for human food, and hence not under the category of permitted labour, these breads had to be baked on the day before the Feast of Weeks, or, if the latter fell on a Sabbath, on the Friday preceding it. i.e., on the third day. Ex. XII, 16: Save that which every man must eat, that alone may be done by you, excludes that which is not immediately available for human use.

(12) Placed every Sabbath on the Table in the Sanctuary and consumed by the priests on the following Sabbath, they had to be baked on the preceding Friday (not earlier, since they were to be fresh). If a Holy Day fell on Friday, they were baked on Thursday. If the two days of the New Year fell on Thursday and Friday (the only Holy Day which could, even in the time of the Sanhedrin, last for two days. v. Men. 100b), the shewbread would be baked on Wednesday to be eaten on the following Sabbath, on the eleventh day, its baking overriding neither the Sabbath, nor a Holy Day.

(13) The circumcision performed on the eighth day overrides both Sabbath and Holy Day. Here, however, we deal with a boy born Friday eve at twilight. Hence his birthday is doubtful: it may be either Friday or Saturday. the twilight may be considered as belonging either to the day past or to the following one. The Sabbath following may therefore be the eighth or the ninth day after the birth and the circumcision must be postponed (for a doubtfully eighth day circumcision does not override the Sabbath) to the following, the tenth day. If the following day be a Holy Day, the circumcision could not take place before the eleventh day. If the two days of New Year fall on Sunday, the circumcision is postponed to the twelfth day. V. Shab. 137b.

Talmud - Mas. Arachin 9a

the new moon¹ would come three days too early! But now, too. It would come two days too early?² — This is in accord with what R. Mesharsheya said: 'It refers to a case where the preceding year was prolonged',³ Here, too, the reference is to a year following a prolonged year, and the prolongation of a year is one month.⁴ But put one full month against one incomplete month, and there will be still one day left?⁵ — People do not pay too much attention to that.⁶

'Ulla said: [the meaning is,] It did not seem right to the Sages to make more than eight defective

months. He [the Tanna] states here a reason:⁷ What is the reason that it did not seem right to the Sages to have less than four full months? Because it did not seem right to them to have more than eight defective months. Why not nine? Because in that case the new moon would be coming three days too late?⁸ But now, too, it would be coming two days too late? — That is to be explained in accord with R. Mesharsheya: 'It refers to a case where the preceding year was prolonged'; here, too, the reference is to a year following a prolonged year.⁹ Deduct one defective month against one full month, and still there will be one day left?¹⁰ They [the people] will say: It [the moon] has actually been seen, whilst we had paid no attention.¹¹ [

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- (1) The new moon, coming say on Wednesday, with New Year starting only on the Sabbath. This discrepancy would cause popular murmuring against the 'arbitrariness of the Sages'.
- (2) But the arrangement of eight months, too, would leave a difference of two days, hence what is the value of limiting it to eight full months? Normally six full months plus six defective ones would take care of the situation.
- (3) I.e., a year of thirteen months.
- (4) Which may be either full or defective, and having made the intercalation of the preceding year defective, we have regained one day. which is counter-balanced by one day of the eight full months this year.
- (5) Yet, even with one month full, and one month of last year incomplete. we gain only one day, so that one day still intervenes between the new moon of Tishri and the fixation of the New Year; so that popular clamour against the Sanhedrin's margin would be aroused still.
- (6) A one day's margin would not be considered abuse of the Sanhedrin's function.
- (7) And 'for what reason', he says.
- (8) 'Ulla's interpretation of the Mishnah: No less than four full months, but not more either, because 'it did not seem right to the Sages to have more than eight defective months', so that the New Moon should not appear three days after the New Year.
- (9) And the prolonged month was made full, the consideration being the reverse of the former.
- (10) Cf. n. 3 *mutatis mutandis*.
- (11) The people assume in this case that the Sanhedrin had good reason, the basis of which, the actual seeing of the new moon, had escaped themselves.

Talmud - Mas. Arachin 9b

In what principle do they differ?¹ — In regard to the prolonged year. For it was taught: By how much is a year prolonged? By thirty days. R. Simeon b. Gamaliel said: By a month.²

An objection was raised: The Feast of Weeks can fall only on the day of the waving,³ and the New Year can fall only on either the day of the waving or the day following the night of the last day of the full month [of Nisan].⁴ Now that will be right according to 'Ulla if eight defective months could be arranged, but not full ones; hence this may happen thus: if both are defective, it falls on the day of the waving; if one is full and the other defective, it falls on the day following the night of the last day of the full month.⁵ But according to R. Huna who says one does make [eight] full months, it may happen that it falls on the day following the day after the night of the last day of the full month?⁶ — R. Huna will answer you: But is it indeed right. according to 'Ulla? Only eight [full] months are not made, but we do make seven. Now can it not happen that we arrange them not in winter but in the summer, with the result that it would possibly fall upon the day following the day after the last day of the full month?⁷ — Rather, this is in agreement with the 'Others', for it was taught: 'Others' taught. Between one Feast of Weeks and the other, and between one New Year and the other, there is an interval of no more than four days [of the week], or in the case of a prolonged year, five days.⁸ But, at all events, on the view of the 'Others', it could not fall on the day of the waving? — R. Mesharsheya said: The reference is to a prolonged year, and the prolongation of a year is by thirty days. Deduct one [full] month against the other [full one] and it will fall upon the day of the waving.⁹

Said R. Adda b. Ahabah to Raba: Do 'Others' intend teaching us [how to count] the number?¹⁰ —

This is what they convey to us: That it is not obligatory to proclaim a new moon on the basis of having seen it.¹¹ Rabina demurred: But there are days made of hours,¹² and days of thirty years?¹³ — Since they do not occur every year, he does not count them. Samuel, too, agreed with the view of R. Huna, for Samuel said: The lunar year consists of no less than three hundred and fifty-two, nor of more than three hundred and fifty-six days. How is that? — If the two are full,¹⁴ there are [fifty] six; if the two are incomplete. [fifty] two; if one is complete and one incomplete, [fifty] four.

An objection was raised: [If one said,] I shall be a Nazirite according to the number of the days of the solar year, then he must count for his Naziriteship three hundred and sixty-five days according to the years of the sun; [if he said,] According to the days of the lunar year, he must count for his Naziriteship three hundred and fifty-four days according to the days of the lunar year. Now, if that [account above] were right, at times you find [a year of three hundred and fifty] six days?¹⁵ — With regard to vows go after human parlance as well as after the majority of years. Rabbi, too, held the view of R. Huna, for it was taught: Rabbi happened to have arranged for nine defective months, and the moon [of Tishri] was seen in its due season! Whereupon Rabbi was amazed and said: We have arranged nine incomplete ones and yet the moon [of Tishri] appeared in due season! R. Simeon b. Rabbi said to him: perhaps this happened to be a prolonged year

(1) R. Huna and 'Ulla. R. Huna accepts R. Simeon b. Gamaliel's view and 'Ulla that of the first Tanna.

(2) A month of twenty-nine days. The margin is the point of difference.

(3) The second day of Passover (v. Lev. XXIII, 10-12) i.e., on the same day of the week as the second day of Passover. The fifty days are counted from the sixteenth of Nisan to the first of Shabuoth. Hence the fiftieth day must fall upon the same week-day as the first, the day of the waving.

(4) Or iburo, the night of its being made a full month, because upon the night depends its completeness, for if the new moon is proclaimed for the thirty-first day, that fact renders the month just passed full (one of thirty days).

(5) [Normally the twelve months of the year beginning with Tishri are full and defective in rotation. Where there is a departure from this order, the only months affected are Kislew in the winter and Siwan in the summer, which months are made defective instead of being normally full. Now if both these months are made defective, giving eight defective months for the year, there is an interval between the 30th of Nisan and the first of Tishri of eight days of the week, i.e., the first of Tishri falls on the same day of the week as the 31st of Nisan; and since the 30th of Nisan falls on the same day as the day of waving, which is exactly fifteen days before, the New Year will also fall on the day of waving. Should, on the other hand, only one of these two months be made defective — namely Kislew, whilst Siwan is full, there would be nine days of the week difference between the 30th of Nisan and the first of Tishri, so that New Year will fall on the 31st day. i.e., the day following the night of the last day of the full month of Nisan.]

(6) [On the view of R. Huna that we make eight full months, the two months Heshwan (in winter) and Iyyar (in summer) normally defective are made full, with the result that one extra day of the week is added as interval between the 30th day of Nisan and the first Tishri making New Year to fall two week-days after the 30th of Nisan.]

(7) [By making the extra full month in the summer, there would be added an extra day of the week as in p. 51, n. 6 with the same result.]

(8) The statement that the New Year must fall either on the day of the week on which the waving day falls or upon the day following the night after the last day of the full month is in accord with the teaching of 'Others', who hold that all months are full and defective in strict rotation, making a total of 354 which is four days over fifty weeks, leaving four days of the week as interval between one New Year and the other in a normal year and five in a prolonged year.

(9) [Having added in winter an extra full month, Nisan is made defective, with the result that we have four defective months during the summer, making New Year fall on the day of the waving. v. p. 51, n. 5.]

(10) From the fact that all months follow each other in regular order, it follows that there are four days' difference between the New Years.

(11) Even without having actually seen the new moon the new month may be proclaimed by the proper authorities.

(12) Granted that 'Others' go by the order of the new moons, yet it happens that in a simple (not prolonged) year, five days may intervene between one Passover and the other. For the forty minutes above twenty-nine days and twelve hours, between one moon and the other, make in one year an additional eight hours, in three years an additional day.

(13) And even when that is accounted for, there remain minutes, which added to one another amount in every thirty

years to one complete day. The exact duration is: twenty-nine days, twelve 793/1080 hours, which time fragments combined add one day in every three, and one additional one every thirty years.

(14) Of the defective ones (i.e., Marheshwan and Iyyar) they add two days, i.e., three hundred and fifty-six days altogether; if two of the full ones (i.e., Kislew and Siwan) are made defective, there are two days less than usual, and the year has but three hundred and fifty-two days.

(15) Then why should the Nazirite be given a reduced term, two days shorter?

Talmud - Mas. Arachin 10a

and the prolongation of a year is by thirty days. and last year we made the two full, put the three full against the three defective, and it will come to Its proper place.¹ He answered to him: Light of Israel! So it was! MISHNAH. THEY BLEW NEVER LESS THAN TWENTY-ONE BLASTS IN THE SANCTUARY AND NEVER MORE THAN FORTY-EIGHT.² THEY PLAYED NEVER ON LESS THAN TWO HARPS,³ OR MORE THAN SIX, NOR EVER ON LESS THAN TWO FLUTES OR MORE THAN TWELVE. ON TWELVE DAYS IN THE YEAR WAS THE FLUTE [HALIL] PLAYED BEFORE THE ALTAR.⁴ AT THE KILLING OF THE FIRST PASSOVER-SACRIFICE,⁵ AT THE KILLING OF THE SECOND PASSOVER-SACRIFICE,⁶ ON THE FIRST FESTIVAL DAY OF PASSOVER, ON THE FESTIVAL DAY OF THE FEAST OF WEEKS, AND ON THE EIGHT DAYS OF THE FEAST [OF TABERNACLES].⁷ AND THEY DID NOT PLAY ON A PIPE [ABUB]⁸ OF BRONZE BUT ON A REED PIPE, BECAUSE ITS TUNE IS SWEETER. NOR WAS ANY BUT A PIPE SOLO USED FOR CLOSING⁹ A TUNE. BECAUSE IT MAKES A PLEASANT FINALE. THEY¹⁰ WERE SLAVES OF THE PRIESTS. ACCORDING TO R. MEIR. R. JOSE SAID: THEY WERE OF THE FAMILIES BETH HAPEGARIM, BETH-ZIPPORUA AND FROM EMMAUS,¹¹ FROM WHICH PRIESTS WOULD MARRY [WOMEN].¹² R. HANINA B. ANTIGONOS SAID: THEY WERE LEVITES.¹³

GEMARA. Our Mishnah¹⁴ will not be in accord with R. Judah. for it was taught: R. Judah said: One who sounds a smaller number of blasts may not sound less than seven, and one who sounds a larger number must not exceed sixteen. What principle are they disputing? — R. Judah says: Teki'ah, teru'ah, teki'ah¹⁵ constitute one sound,¹⁶ whereas the Sages hold: Teki'ah is a separate sound, so is teru'ah, and so the [second] teki'ah.¹⁷ What is the reason for R. Judah's view? — It is written: And when ye blow an alarm [teki'ah],¹⁸ and again it is written: They shall blow an alarm [teru'ah],¹⁹ from this it is evident that teki'ah, teru'ah and teki'ah are one sound.²⁰ And the Sages? — That merely indicates that the teru'ah sound is to be both preceded and followed by a teki'ah sound.²¹ What is the reason of the Sages' view? — Scripture says: But when the assembly is to be gathered together, ye shall blow, but ye shall not sound an alarm.²² Now, if one should assume that teki'ah, teru'ah, and teki'ah are together only one sound would the Divine Law have said: perform but one half of the command! And R. Judah? — This is no more than a signal.²³ According to whom will be the following teaching of R. Kahana: There may be no interruption whatever between teki'ah and teru'ah? — According to whom? According to R. Judah. But this is obvious. You might have said: It may be in accord even with the Rabbis, and it is taught thus only to exclude the view of R. Johanan who said that if one heard nine sounds even in the course of nine hours during the day, he had fulfilled his duty,²⁴ therefore we are informed [that this is not so]. But say, perhaps it is indeed so? — If that were the case, what means: 'No interruption whatever'?

ON TWELVE DAYS IN THE YEAR WAS THE FLUTE PLAYED etc. Why just on these days? Because an individual²⁵ completes the Hallel psalms on them.²⁶ For R. Johanan said in the name of R. Simeon b. Jehozadak: There are eighteen days on which an individual completes the Hallel: the eight days of the Feast [of Tabernacles], the eight days of Hanukkah, the first Festival day of Passover and the Festival day of the Feast of Weeks. In the exile²⁷ [one praying individually completes the Hallel] on twenty-one days: the nine days of the Feast [of Tabernacles], the eight days of Hanukkah, the two Festival days of Passover, and the two Festival days of the Feast of Weeks.

Why this difference that on the Feast [of Tabernacles] we complete Hallel on all the days, and on the Passover Festival we do

(1) Rabbi also held that eight full months are the limit, hence his astonishment when the new moon of Tishri came at the proper time in spite of the additional incomplete months. Last year the two normally defective months (Heshwan and Iyyar) were made full and the intercalated month was full. If the three defective ones of this year are placed against the three full ones of last year a normal situation is achieved, hence the new moon of Tishri appeared at the moment when it was fixed.

(2) V. Suk. 53b.

(3) Lit., 'a kind of hose', nabla in Greek, which according to Josephus had twelve strings and was played with the hand.

(4) On these days all the thanksgiving Psalms (Hallel. Ps. CXIII-CXVIII) were sung. The meaning here is doubtful: either, 'on these days the flute was played before the altar, whereas on other days it was played together with all other instruments on the Dukhan by the Levites', or on these days alone the flute was played, on other days other instruments only. The technical term 'beat' (**מכה**) applies to the flute, because tunes are evoked thereon by beating with the fingers on the holes.

(5) During the singing of the Hallel, Pes. 64a.

(6) On Iyyar the fourteenth, when the Passover-sacrifice of those who on Nisan the fourteenth were on a journey afar off, or in an unclean state, was offered up. V. Num. IX, 9ff.

(7) The playing of the flute on these days was part of the official music in the Sanctuary, prescribed during the process of offering up the sacrifices, and overriding both Sabbath and Holy Days. But the playing of the flute at the Water Festival (Suk. 50a) overrode neither, and was permissible on a week-day only.

(8) The change in the Hebrew designation for 'pipe' is explained in the Gemara.

(9) Either, 'to smoothe', then in the causative, to close a tune softly; or, 'to separate', to close one before the other starts; or, the overture, before the song commences.

(10) It was the youths or servants who played the flutes as well as the other instruments.

(11) Near Tiberias.

(12) Not slaves but youths of noble families, with whom the proud priestly families were willing to intermarry. The practical difference arising from this dispute has something to do with a man's claim to descent and desire to marry into a priestly family. If none but the youths of such excellent families were admitted to such service, participation in the latter would be sufficient evidence of noble descent and would eo ipso be sufficient ground for admission into such family. According to R. Meir even servants were admitted to such service, hence former participation therein is no evidence of noble descent, and no self-sufficient ground for admission into a priestly family.

(13) Legally also non-Levites were admissible. Actually, however, only Levites were admitted, whence the fact of ones participation was sufficient proof of levitical descent,

(14) In that it teaches: 'They blew never less than twenty-one, nor more than forty-eight blasts'.

(15) Teki'ah: one long sound; teru'ah; a rapid succession of three notes each, a broken tune. The value (length) of a teki'ah is equal to a teru'ah. V. R.H. 34a as to the significance and form of the sounds.

(16) And consequently are to be sounded without a break between them.

(17) And consequently are to be separated from each other by a small pause.

(18) Num. X, 5.

(19) Ibid. 6.

(20) The Hebrew verb used to denote 'blow' in both instances is derived from the same root as teki'ah.

(21) The proof is derived from the fact that teru'ah in these passages is preceded and followed by the root word of 'teki'ah', interpreted here as indicative of the form the blast took.

(22) Num. X, 7.

(23) It is not a proper sound of teki'ah, but a mere signal of assembly.

(24) That of hearing the sound of the shofar, v. R.H. 34b.

(25) One praying individually, not in or as part of a congregation, a minyan.

(26) V. Ta'an., Sonc. ed., p. 150, n. 7.

(27) Where two days of Festival holiness would be celebrated instead of one.

Talmud - Mas. Arachin 10b

not do so on all of its days? — The days of the Feast [of Tabernacles] are differentiated from one another in respect of the sacrifices due thereon, whereas the days of Passover are differentiated from one another in respect of their sacrifices.¹ Let it then be read on the Sabbath which is distinguished by its sacrifices? — It [Sabbath] is not called a festival. But what of New Moon which is called a festival, let the complete Hallel be said on it? — [New Moon] is not sanctified as to [prohibition of] labour, as it is written: Ye shall have a song as in the night when a feast is hallowed,² i.e., only the night sanctified towards a festival requires a song, but the night which is not sanctified towards a festival does not require a song. Then let the Hallel be said on the New Year and on the Day of Atonement, both of which are called Festival and are sanctified by [the prohibition of] labour?³ — That [is not possible] because of R. Abbahu, for R. Abbahu said: The ministering angels said before the Holy One, blessed be He: Why do not the Israelites sing a song before you on the New Year and on the Day of Atonement? He answered them: Would that be possible; the King sits on the throne of Judgment, with the books of those destined to live and destined to die before Him, and Israel singing a song before Me? But there is Hanukkah, on which neither one nor the other [condition applies] and the Hallel is said? — That is due to the miracle. Then let it be said on Purim, on which, too, a miracle occurred? — Said R. Isaac: [It is not said] because no song [Hallel] is said for a miracle that occurred outside the [Holy] Land. To this R. Nahman b. Isaac demurred: But there is the exodus from Egypt, which constitutes a miracle that happened outside the Land, and yet we say Hallel? — There it is due to the fact taught, for it was taught: Before Israel entered the [Holy] Land, all the lands were considered fit for song to be said [if a miracle had occurred in their boundaries]; once Israel had entered the Land, no other countries were considered fit for song to be said. R. Nahman, however, answered: The reading [of the Megillah]⁴ that is its [Purim's] Hallel. Raba said: It fits quite well there: Praise ye servants of the Lord,⁵ but not servants of Pharaoh; but here 'servants of the Lord', not servants of Ahasuerus. Surely they are still servants of Ahasuerus! But according to R. Nahman who says the reading [of the Megillah] is its Hallel, was it not taught that after Israel had entered the Land, no other land was considered fit to sing Hallel about? — After Israel was exiled they [the other countries] were restored to their original fitness.

THEY DID NOT PLAY ON A PIPE OF BRONZE: He [the Tanna] begins with Halil and closes with Abub? — Said R. Papa. Halil is the same of Abub [this latter being its right name], and why was it called Halil? — Because its tune is sweet [hali].

Our Rabbis taught: There was a pipe in the Sanctuary which was smooth and thin, made of reed, and from the days of Moses, [and its sound was pleasant].⁶ The king commanded to overlay it with gold, whereupon its sound was no more pleasant. Then its overlay was taken off, and its sound was pleasant again as before. There was a cymbal in the Sanctuary from the days of Moses, made of bronze, and its sound was pleasant; then it became damaged. The Sages sent for craftsmen from Alexandria of Egypt, and they mended it, but its sound was not pleasant any more. Thereupon they removed the improvement and its sound became as pleasant as it was before. A bronze mortar was in the Sanctuary, from the days of Moses, and it would mix the drugs. When it became damaged the Sages sent for craftsmen from Alexandria of Egypt who mended it, but it would no more mix the drugs as well as it used to.⁷ Whereupon they removed the improvement, and it would mix them well again as before. These two vessels were left over from the first Sanctuary, and after they had been damaged there was no remedy for them. It is with reference to them that David said: They were of burnished brass,⁸ and bright brass.⁹ In connection with them it is said also: And two vessels of fine bright brass, precious as gold.¹⁰ Rab and Samuel were disputing: One said each of them had the full weight of two of gold; the other held both of them had the weight of one of gold. R. Joseph learnt: Both of them had the weight of one of gold. It was taught: Nathan said: They were two each,¹¹ for shenayim is the written text, which one should read: not shenayim [two], but shniyyim [double ones].

R. Simeon b. Gamaliel taught: The Siloah was gushing forth through a mouth of the size of an issar.¹² The king commanded and it was widened so that its waters be increased, but the waters diminished. Thereupon it was narrowed again, whereupon it had its [original] flow, to make true that which was said: Let not the wise man glory in his wisdom, neither let the mighty man glory in his might.¹³ Thus also would R. Simeon b. Gamaliel say: There was no hirdolim in the Sanctuary. [What is hirdolim?] — Abaye said: A musical instrument [table]¹⁴ worked by pressure [of water] because its sound was heavy and disturbed the music. Rabbah b. Shila, in the name of R. Mattenah, on the authority of Samuel, said: There was a magrefa¹⁵ in the Sanctuary; it had ten holes, each of which produced

(1) The number of bullocks to be sacrificed on the Feast of Tabernacles diminished from day to day. which was thus distinguished from Passover, where the number was stationary.

(2) Isa. XXX, 29.

(3) In spite of the fact that the New Moon is also called a festival, it lacks the condition of 'sanctification by Prohibition of labour'.

(4) The Scroll of Esther.

(5) Ps. CXIII, 1. This clause fits Passover, but not Purim.

(6) Added with Sh. Mek.

(7) v. Ker. 6b.

(8) I Kings VII, 45. Tosaf. a.l. remark that this could not possibly have been said by David, because it refers to vessels made by Solomon, and hence reads: 'concerning which Scripture says'. That fits also the next quotation.

(9) II Chron. IV, 16.

(10) Ezra VIII, 27.

(11) I.e., two cymbals and two mortars.

(12) V. Glos.

(13) Jer. IX, 22. The lesson to be derived from these accounts seems to be, no 'foreign' improvements could remove what appeared imperfect in the Sanctuary. Things became right after the disastrous 'improvements' were removed.

(14) No absolutely satisfactory interpretation of this work is available: The very letters are uncertain, nor is the text clear. V. Tosaf. a.l. The rendering here adopts the reading ab (heavy) instead of 'areb (pleasant) of cur. edd. V. Marginal Gloss. Jast. connects it with hydraula (water-organ) and renders: There was no organ used in the Sanctuary because it would interfere (eliminating 'areb, pleasant. perhaps as dittography of um'arbeb) with the sweetness of the song.

(15) A name of another musical instrument.

Talmud - Mas. Arachin 11a

ten different kinds of sounds, with the result that the whole amounted to one hundred kinds of sounds. A Tanna taught: It was one cubit long, one cubit high, from it projected a handle, which had ten holes. Each of them produced one hundred kinds of sounds, amounting for the whole to one thousand kinds of sounds. Said R. Nahman b. Isaac: To remember whose teaching it is: The Baraita exaggerates'.¹ THEY WERE SLAVES OF THE PRIESTS. Shall we say they are of conflicting opinions concerning the following principle: He who said they [the players of the instruments] were slaves holds that the essential in the music of the Sanctuary was the singing with the mouth, the instrumental music being just for sweetening the sound; whereas he who said that they were Levites holds the instrumental music to have been the essential. But if you reason this way, what will appear as R. Jose's view? If he holds that the essential of the [Sanctuary] music was the singing with the mouth, it [the instrumental music] should have been satisfactory [if performed] by slaves; if [on the other hand] he holds that instrumental music was the essential, it would have to be done by Levites?² — In reality he holds that vocal music was the essential; here, however, they are disputing as to whether one may promote one from the dukhan³ to noble⁴ families and to the enjoyment of tithes.⁵ He who said that they [the players of the instruments] were slaves would hold one may not promote any one from the dukhan to either noble families or to the enjoyment of tithes; whereas he who said they were Levites would hold one may promote any one from the dukhan both to [marriage into]

noble families and to the enjoyment of tithes; whereas he who said that they [the players of instruments] were Israelites, would hold that one may promote any one from the dukhan to [marriage into] noble families, but not to the enjoyment of tithes.⁶

Our Rabbis taught: The omission of the song invalidates the sacrifice, this is the view of R. Meir. The Sages, however, hold that the omission of the song does not invalidate the sacrifice. What is the reason of R. Meir? — R. Eleazar⁷ said: Because Scripture said, And I have given the Levites — they are given to Aaron and to his sons from among the children of Israel . . . and to make atonement for the children of Israel,⁸ i.e., just as atonement⁹ is indispensable, so is the song indispensable. And the Rabbis? — This [analogy is] with reference to another teaching of R. Eleazar, for R. Eleazar said: Just as the atonement is performed during the day, so does the song take place during the day.¹⁰

Rab Judah said in the name of Samuel: Whence do we know that fundamentally the song is obligatory on the basis of the Torah? As it is said: Then shall he minister in the name of the Lord his God.¹¹ Now which ministry is it in the course of which the Lord's name is mentioned? You must say: It is the song. But perhaps it is the [priest's] raising of the hands [to bless]? — Since Scripture said: To minister unto Him and to bless in His name,¹² it follows that the priest's blessing [in itself] is no ministry. R. Mattenah said: [It is derived] from here: Because thou didst not serve the Lord thy God in joyfulness and with gladness of heart.¹³ Now which service is it that is 'in joyfulness and with gladness of heart'? — You must say: It is song. But perhaps it means the words of the Torah, as it is written: The precepts of the Lord are right, rejoicing the heart?¹⁴ — They are described as 'rejoicing the heart', but not as 'gladdening [the heart]'. But say [it refers to] first-fruits, as it is written: And thou shalt rejoice in all the good?¹⁵ — They are called 'good', but not 'gladdening the heart'. R. Mattenah said: Whence do we know that the [offering up of] first-fruits requires a song? — We infer that from the analogy of the words 'good', 'good'¹⁶ which occur here too. But that is not so, for R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that the song is not sung [in the Sanctuary] except over wine? — Because it is said: And the vine said unto them: Should I leave my wine, which cheereth God aid man?¹⁷ Granted that it cheers men, whereby can it cheer God? From this it is evident that the song is not sung except over wine! — That is possible in accord with what R. Jose taught: [You shall take of the fruit of the ground¹⁸ implies] You may offer the fruit, but not liquids. Whence do we know that if he brought grapes and pressed them [he has performed his duty de facto]? The text therefore states: Which thou shalt bring.¹⁹

Hezekiah said [we infer this] from the following passage:²⁰ And Chenaniah, chief of the Levites, was over the song; he was master [yasor] in the song, because he was skilful.²¹ Do not read 'yasor', but 'yashir' [he sang]. Belvati, in the name of R. Johanan inferred it from here: To do the work of service.²² Which work needs [depends on] service? Say: That is the song. R. Isaac inferred it from here: Take up the melody, and sound the timbrel, the sweet harp with the psaltery.²³ R. Nahman b. Isaac derived it from here: Those yonder lift up their voice, they sing for joy; for the majesty of the Lord they shout from the sea.²⁴ One Tanna derived it from here: But unto the sons of Kohath he gave none, because the service of the holy things belonged unto them: they bore them upon their shoulders.²⁵ Would I not have known from the meaning of 'upon their shoulders', that they bore them? Wherefore then they bore them'? But 'they bore them' here means 'in song', for thus also it is said: Take up [se'u] the melody and sound the timbrel,²³ and it is said also: They lift up [yisse'u] their voices, they sing for joy, etc.²⁴ Hananiah, the son of the brother of R. Joshua derived it from here: Moses spoke and God answered him by a voice²⁶

(1) Whereas the Mishnah is exact in its style, the Baraitha allows itself occasional hyperbolic language. R. Gershom a.l. uses severe language against the Baraitha. Rashi refers to Hul. 90b where, however, some of the exaggerations go back to the Mishnah Middoth, or are no exaggerations. In this case, at any rate, the Mishnah reports a reasonably effective instrument, whereas the Baraitha tells a tall instrument story.

(2) Neither of the two views would account for his divergence from the other Tannaim.

- (3) The platform upon which the Levites stood during the singing of psalms.
- (4) I.e., free from any taint of illegitimacy.
- (5) If they are Levites they are not only privileged to marry into Israel's noble families, but also, a more practical benefit, to obtain the tithe which a member of that tribe is entitled to receive from the average Jew.
- (6) V. Suk. 51a
- (7) Changed in accord with Marginal Gloss.
- (8) Num. VIII, 19. The Levites were the singers.
- (9) The atoning rites, e.g., the sprinkling of the blood.
- (10) This 'other teaching of Eleazar' justifies the marginal change above. V, n. 1.
- (11) Deut. XVIII, 7.
- (12) Ibid. X, 8.
- (13) Ibid. XXVIII, 47.
- (14) Ps. XIX, 9.
- (15) Deut. XXVI, 11.
- (16) The same word occurs in the command concerning the first-fruits as well as in connection with the song in the Sanctuary, hence the inferences.
- (17) Judg. IX, 13.
- (18) Deut. XXVI, 2: Thou shalt take of the fruit of the ground.
- (19) Ibid. From this redundant word this additional teaching is to be derived: In any way, as long as thou bringest them.
- (20) Do we derive the Biblical basis for song in the Sanctuary.
- (21) I Chron. XV, 22.
- (22) Num. IV, 47. The song required the service of the sacrifice, at the libations of which the trumpets sounded,
- (23) Ps. LXXXI, 3.
- (24) Isa. XXIV, 14.
- (25) Num. VII, 9.
- (26) Ex. XIX, 19.

Talmud - Mas. Arachin 11b

[i.e.,] concerning the voice.¹ R. Ashi² derived it from here: It came even to pass when the trumpeters and singers were as one to make one sound to be heard.³ R. Jonathan derived it from here: That they die not, neither they, nor ye.⁴ [i.e.,] just as you at the service of the altar, so they, too, at the service of the altar. It was taught also thus: 'That they die not, neither they, nor ye. viz., ye by engaging in their work, or they by engaging in yours, would incur penalty of death; they, however, by engaging in [another's] work of their⁵ own [group] would be incurring penalty for transgression, but not death. Abaye said: We have it on tradition that a singing Levite who did his colleague's work at the gate incurs the penalty of death,⁶ as it is said: And those that were to pitch before the tabernacle eastward before the tent of meeting toward the sunrising, were Moses and Aaron, etc. and the stranger that drew nigh was to be put to death.⁷ What 'stranger' is meant here? Would you say a real stranger [non-priest]? But that has been mentioned [by Scripture] already! Rather, must it mean a 'stranger' to this particular service.

An objection was raised: Concerning a Levite chorister that attended to the Temple gates, or a gate-keeping Levite who sang, as to whether they are guilty of a transgression or incurring penalty of death, that is a matter of dispute among Tannaim, for it was taught: It happened that R. Joshua b. Hananyia went to assist R. Johanan b. Gudgeda in the fastening of the Temple doors,⁸ whereupon he [the latter] said to him: My son, turn back, for you are of the choristers, not of the door-keepers. Would you not say that they were of divided opinion herein, that one held⁹ he incurs the penalty of death, and for this reason the Rabbis forbade [their assisting], whereas the other held that only a transgression was involved, whence [the Rabbis] did not decree this preventive measure? — No, both agree that only a transgression is involved; [and their point of issue is the following:] one holds that the Rabbis forbade assisting as a preventive measure, the other holding that they did not forbid

assisting as a preventive measure.¹⁰

R. Abin asked: Does a freewill burnt-offering of a community require song or not? The Divine Law says: Your burnt-offerings¹¹, which means no matter whether they are obligatory or freewill-offerings; or in saying 'your burnt-offerings' does perhaps the Divine Law mean those of all Israel?¹² — Come and hear: And Hezekiah commanded to offer the burnt-offering upon the altar. And when the burnt-offering began, the song of the Lord began also, and the trumpets, together with the instruments of David, King of Israel.¹³ What need was there here for song? Would you say it was on account of [the daily] obligatory burnt-offering? That surely needed no consultation? Rather, it was one in connection with a freewill burnt-offering! Said R. Joseph: No, it was the burnt-offering [offered] on the new moon, and it was questionable as to whether the new month has been fixed in its right time so that it should be offered up, or not. Said Abaye to him: How can you say so,¹⁴ is it not written: And on the sixteenth day of the first month they made an end . . . then Hezekiah commanded to offer the burnt-offering upon the altar, etc.¹⁵ — Rather, said Rami the son of R. Yeba: The question was with reference to the lamb offered up with the 'Omer,¹⁶ [namely]: Was the new month decreed in its right time or not so that the lamb may be offered? — R. Avya demurred to this: They should have seen when the paschal lamb had been sacrificed, when the leavened bread had been eaten!¹⁷ Rather, said R. Ashi: It is the same as with the messenger of the congregation, who consults [formally asks for permission to start the prayer].¹⁸ Now that you have come to this answer, say: Even if it was the case of the [daily] obligatory burnt-offering, [yet there is no difficulty]: It is the same as with any messenger of a community, who consults [his congregation].

Come and hear: R. Jose said, Good¹⁹ things are brought about on a good [auspicious] day, and evil ones on a bad one. It is said, The day on which the first Temple was destroyed was the ninth of Ab, and it was at the going out of the Sabbath,²⁰ and at the end of the seventh [Sabbatical] year. The [priestly] guard was that of Jehoharib, the priests and Levites were standing on their platform singing the song. What song was it? And He hath brought upon them their iniquity, and will cut them off in their evil.²¹ They had no time to complete [the psalm with] 'The Lord our God will cut them off', before the enemies came and overwhelmed them. The same happened the second time [the second Sanctuary's destruction].²² Now what need was there for song? Would you say that it was on account of the [daily] burnt-offering? But that could not be, for on the seventeenth of Tammuz the continual sacrifice had been abolished.²³ Hence it was on account of a freewill burnt-offering! But how could you think so? Why should an obligatory-offering have been impossible and a freewill-offering available? — That is no difficulty: A young ox may accidentally have come to them!²⁴ Said Raba, or, as some say, R. Ashi: But how could you think so?²⁵ The song of the day was: The earth is the Lord's and the fulness thereof,²⁶ whereas the verse, 'And He hath brought upon them their iniquity' belongs to the song due on the fourth day of the week! Rather [what you must say is.] It was just a lamentation text that had come to their mouth. But it says: 'They were standing upon the platform'²⁷ [Rather, say] That is in accord with Resh Lakish who said: The song may be sung even without any [attending] sacrifice.²⁸ But that principle might be applied to a voluntary burnt-offering, too?²⁹ — That might lead to an offence.³⁰ How is it therewith?³¹ — Come and hear: R. Mari the son of R. Kahana taught: Over your burnt-offerings and over the sacrifices of your peace-offerings;³² just as the burnt-offering is Most Holy, so are the peace-offerings [referred to] Most Holy;³³ and just as the peace-offerings have a definite time fixed for them, so have the burnt-offerings a definite time fixed for them.³⁴

(1) He commanded him concerning the voice of song, Moses being a Levite.

(2) Marginal Gloss suggests R. Oshaia, the usual disputant of R. Jonathan who follows.

(3) II Chron. V, 13.

(4) Num. XVIII, 3. The only altar service of fit Levites was the singing. Anyone performing at the altar any service for which he is unfitted, as e.g., exchanging the Levite's task for that of the priest's incurs that penalty.

(5) If a Levite engaged in the work of another Levite, his offence is not as serious as that of one who had undertaken

Priest's work; still, it is an offence.

(6) Abaye does not appear satisfied with the distinction made just now, because he found a teaching much more severe, (7) Num. III, 38. The Torah would not state anything twice. In III, 10: The stranger that draweth nigh shall be put to death (i.e., by the hand of heaven). Hence the statement involving a similar penalty to the stranger in verse 38 must refer to another 'stranger', a Levite who was a 'stranger' because unfit for that service allotted to another.

(8) Both Rabbis were Levites.

(9) When a chorister or doorkeeper do each other's work.

(10) R. Johanan held that if a chorister did gate-service alone he incurred penalty of death, hence if he assisted in such work as was not allotted to him, he, at any rate, fell under the interdiction of the Sages, whence he advised him to return; the interdiction of the Sages having for its purpose the prevention of any Levite's doing his neighbour's work unassisted, which offence would involve death as the penalty. But R. Joshua held that even if a Levite did his neighbour's work alone, no more than a transgression of a prohibition, without attendant severe penalty, was involved; hence if one only assisted one's neighbour, not even Rabbinic interdiction was transgressed.

(11) Num. X, 10.

(12) Restricting it, however, to obligatory dues.

(13) II Chron. XXIX, 27. Obviously he had been consulted, otherwise he would not have commanded a self-evident thing. Hence the matter must have been non-obvious.

(14) That this was on the new moon,

(15) Ibid. 17.

(16) V. Lev. XXIII, 12. The lamb was an obligatory burnt-offering.

(17) Aliter: How could they have offered up if the date was not clear to them?

(18) Similarly with the case of Hezekiah, formal permission was first obtained from him before sacrificing the lamb offered in connection with the omer, though it was an obligatory one.

(19) E.g., the redemption from Egypt, as well as the final redemption, fall into the month of Nisan. In Num. XIV, 1 the whole congregation is reported to 'have lifted up their voice and cried', complaining against Moses and Aaron, and against God. That evil day fell on the ninth of Ab. The ninth of Ab therefore was a day predestined to disaster. (R. Gershom.)

(20) I.e., Sunday.

(21) Ps. XCIV, 23.

(22) V. Ta'an, 27a.

(23) Because no lambs were left for the sacrifice and none would be imported on account of the siege.

(24) The siege had prevented the securing of proper animals (lambs) for the continual offering. but any cattle was fit for the freewill burnt-offering.

(25) That the song referred to is the song sung in connection with offerings.

(26) Ps. XXIV, 1. This is the song for Sunday; every day had its song definitely arranged.

(27) [How then could it be assumed that the references to a freewill-offering; surely not all the Levites would take their stand on the platform for the offering of a freewill sacrifice (v. R. Gershom).]

(28) [So that the song could have been sung though there was no continual sacrifice. Consequently the song in the cited Baraitha may refer to the one sung in connection with the obligatory daily burnt-offerings, affording no solution to R. Abin's query.]

(29) If a song was in order even without any sacrifice being offered, the answer would have been found for the question above of R. Abin (Tosaf.).

(30) One would have inferred that no freewill-offering may be offered up without a song, so that if no Levites were present or available, as happened in the time of Ezra, no freewill burnt-offerings would be made at all! (R. Gershom.) According to Rashi: If voluntary singing were permitted, its very voluntariness would occasion legal laxities, and such laxities would be transferred to obligatory songs. too.

(31) What is the answer to R. Abin's question?

(32) Num. X, 10. Here Scripture compares the freewill peace offering to the burnt-offering, in connection with prescribed music.

(33) I.e., congregational peace-offerings, v. Lev. XXIII, 19.

(34) Only burnt-offerings due at a definite time, i.e., only prescribed, obligatory ones, require a song, but not voluntary ones.

Talmud - Mas. Arachin 12a

The following question was asked: Do libations offered¹ up by themselves require a song or not? Since R. Samuel b. Nahmani had said: Whence do we know that one does not sing the [Sanctuary] song except over wine, etc.?² Do we say it [over wine alone], or do we say it only when [the sacrifice] includes food and drink, but not over drink alone? — Come and hear: R. Jose said, Good things are brought about on an auspicious day, etc. Now what need was there for song? Would you say it was on account of an obligatory burnt-offering? But that could not be for on the seventeenth of Tammuz the continual offering was abolished! And if it was on account of a voluntary burnt-offering! Did not R. Mari the son of R. Kahana teach that such did not require a song?³ — Hence it must have been the song on account of libations?⁴ Said Raba, or as some say. R. Ashi: But how could you think so? The song of the day was ‘The earth is the Lord's and the fulness thereof’, whereas the verse, ‘And He brought upon them their iniquity’ belongs to the song due on the fourth day of the week? Rather [say]: It was a verse of lamentation that came to their mouth! But it says: ‘And they were standing on their platform’? — [Rather say,] That is in accord with Resh Lakish; for Resh Lakish said: The song may be sung even without any [attending] sacrifice. Then let the same be said for libations, too? — That might lead to an offence.

[To turn to] the [above] text: R. Jose said, Good things are brought about on an auspicious day, etc. ‘At the first time it was at the end of the seventh year’. How could that have been? Is it not written: In the five and twentieth year of our captivity, in the beginning of the year, in the tenth day of the month, in the fourteenth year after that the city was smitten.⁵ Now which is the year the beginning of which falls on the tenth of Tishri? Say: This is the jubilee year.⁶ And if you should think that [the Sanctuary] was destroyed in the first year [of the seven years’ cycle], [consider] there are from the first year of one seven years’ cycle to the first year of another seven years’ cycle eight years, and to the first of the next seven years cycle fifteen years? — Said Rabina: It was in the fourteenth year after the year in which the city was smitten. But how, then, in ‘the twenty-fifth year’? It was, really in the twenty-sixth year, for a Master said: They were exiled in the seventh year, they were exiled in the eighth year, they were exiled in the eighteenth year, they were exiled in the nineteenth year. Now from the seventh to the eighteenth are eleven years, add fifteen and that makes it twenty-six years!⁷ — Rabina will answer you: But even according to your own reckoning is it right? Since they were exiled also in the nineteenth year, [you have] from the seventh to the nineteenth twelve years, add fourteen years and you have twenty-six years? What you must therefore say⁸ is that [the counting] excludes the year in which they were exiled. So is it with me: [the counting] excludes the year in which they were exiled. But, at any rate, the number nineteen remains a difficulty according to Rabina?⁹ Do you think three exiles are involved? [No, rather:] they were exiled in the seventh year after the subjection of Jehoiakim,¹⁰ which happened to be the eighth year of Nebuchadnezzar; they were exiled in the eighteenth year¹¹ after the conquest of Jehoiakim, which was the nineteenth year of Nebuchadnezzar, for a Master has taught: In the first year he [Nebuchadnezzar] conquered Nineveh

(1) V. Men. 44, according to which libations could be offered up on the morrow after the sacrifice.

(2) V. supra 11a.

(3) V. supra p. 66 n. 10.

(4) Which solves the query first propounded.

(5) According to Ezek. XL, 1 this was the year when the Sanctuary was destroyed. ‘Our Exile’ meaning the exile of Jehoiakim in 597.

(6) In the jubilee year the beginning falls on the Day of Atonement, on which the Sanhedrin sounds the shofar, the slaves are set free, and the fields are restored to their original owners. V. R.H. 8b.

(7) This is soon explained.

(8) In order to explain the statement of Ezekiel satisfactorily.

(9) For, if he counts from seven to nineteen, he finds twelve years, which with fourteen added, again are twenty-six.

(10) In 597.

(11) In 586 under Zedekiah.

Talmud - Mas. Arachin 12b

, in the second he came up and conquered Jehoiakim.¹ 'The same happened with the second [destruction of the Temple]'. But how is it possible that the second time it happened at the end of a septennate? For how long did the second [Temple] stand? Four hundred and twenty years. Now, four hundred years correspond to eight [cycles of] jubilees, fourteen years would make two septennates, leaving six years over. Hence it [the second destruction] should have happened in the sixth year [of the septennate]! — This is in accord with R. Judah, who says that the fiftieth year is counted both ways.² Take the eight years of the eight jubilee [cycles], add [to them] those six [years] which will amount to fourteen years, thus it is found that it [the destruction of the second Sanctuary] happened at the end of a septennate. But on the view of R. Judah it could not have happened the first time at the end of a septennate; for it was taught: Seventeen jubilee [cycles] did Israel count from the time they entered the Land [of Israel] until they left it. And you cannot assume that they counted from the moment they entered, for if you were to say so, it would be found that the [first] Temple was destroyed at the beginning of a jubilee, and you could not find [right the statement]: 'in the fourteenth year, after that the city was smitten'.³ Rather, deduct from them the seven years of the conquest and the seven during which the land was distributed, thus you find [substantiated]: 'In the fourteenth year after that the city was smitten'. But according to R. Judah you must count the seventeen years of the seventeen jubilee [cycles], and add them to these, so that it happened in the third year of a seven years cycle! — The years from the exile by Sennecherib until their return through Jeremiah are not counted.⁴ Or, if you like, I can say it is indeed in accord with the Rabbis, and as to the statement 'the same happened the second time', this refers to the remaining [details].⁵ This also stands to reason, for if you were not to take it thus, was there indeed the guard of Jehoiarib at the second Sanctuary? Was it not taught: Four guards went up from the Exile: Jedaiah,⁶ Harim, Pashhur and Immer. The prophets who were among them divided them into twenty-four guards. They mixed them [the lots] and placed them into an urn. Thereupon came Jedaiah and took six for his own portion and for that of his fellows;

(1) It was not exile, but subjection which Jehoiakim suffered. According to II Kings XXIV, 1: Jehoiakim became his servant three years; then he turned and rebelled against him.

(2) The fiftieth year is counted as the end of the last and as the beginning of the new jubilee cycle.

(3) Which, as explained supra 12a, was a jubilee year.

(4) So Rashi and Tosaf. According to tradition Jeremiah restored the ten tribes in the eighteenth year of King Josiah (v. infra 33a and Meg. 14b). With their return began the counting of a new jubilee cycle to mark the renewed observance of the laws of the Year of Release and Jubilee which had fallen into disuse while the Northern Kingdom was in exile. The Temple was destroyed 36 years later so that the 'fourteenth year after that the city was smitten' fell in the jubilee year. Cur. edd. read: 'the three years from the exile' which is inexplicable.

(5) Outgoing of Sabbath, ninth of Ab.

(6) In the first Sanctuary the guard of Jedaiah came before that of Pashhur, which again preceded that of Immer. Now, however, the order was not clear, hence the prophets chose to abide by the decision of the lots.

Talmud - Mas. Arachin 13a

then came Harim and took six for his own portion and for that of his fellows. Thus also Pashhur and Immer. Then the prophets who were among them regulated that even if Jehoiarib the head of the guards were to come up he could not push Jedaiah from his place, but Jedaiah would remain the chief, and Jehoiarib only an adjunct to him.¹ Hence [the statement refers only] to the remaining [details].

R. Ashi said: He does not count the six years until Ezra had come up and dedicated [the Sanctuary].² For it is written: Then ceased the work of the house of God which is at Jerusalem.³ And it is also written: And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the king.⁴ And a Tanna taught: About the same time in the following year Ezra with his exiled community went up [to the Land], as it is said: And he came to Jerusalem in the fifth month, which was in the seventh year of the king.⁵ [To revert to] the main text: ‘Seventeen jubilee cycles did Israel count from the time they entered the Land until they left it’. But you cannot say that they counted from the moment they entered. For if you were to say so, then it would be found that the Temple was destroyed at the beginning of a seven years cycle and you could not account for: ‘In the fourteenth year after that the city was smitten, etc.’ Whence do we know that it took seven years to conquer [the Land]? — Caleb said: Forty years old was I when Moses the servant of the Lord sent me from Kadesh-Barnea to spy out the land⁶ . . . and now, lo, I am this day four-score and five years old.⁷ And a Master said: ‘The first year Moses built the tabernacle, in the second the tabernacle was put up, then he sent out the spies. When Caleb passed over the Jordan how old therefore was he? He was two years less than eighty years old.⁸ When he distributed the inheritances, he said: ‘Now, lo, I am this day four-score and five years old’. Whence it follows that it took seven years for them to conquer the land. And whence do we know that it took them seven years to distribute it? — If you like, say: Since the conquest took seven years, so did the distribution. Or, if you like, say: Because otherwise one could not account for ‘In the fourteenth year after that the city was smitten’.

MISHNAH. THERE WERE NEVER LESS THAN SIX⁹ INSPECTED LAMBS IN THE CELL OF LAMBS,¹⁰ SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR,¹¹ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. THERE WERE NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY.¹² THERE WERE NEVER LESS THAN NINE LYRES, AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. BUT THERE WAS ONLY ONE CYMBAL.

GEMARA. But the continual and the additional sacrifices were larger in number?¹³ — The Tanna refers to average days, and only to continual daily offerings. As for SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR, that is to serve only as a mnemotechnical note, and this is what he says: There were never less than six inspected

(1) V. Ta'an, 27a.

(2) And thereby reintroduced into force the laws of the Years of Release and Jubilee.

(3) Ezra IV, 24.

(4) Ibid. VI, 15.

(5) Ibid. VII, 8. R. Ashi holds that the statement ‘the same happened with the second Temple’ refers also to the termination of the jubilee and explains it by deducting six years from the total of 420.

(6) Jos. XIV, 7.

(7) Ibid. 10.

(8) Allowing forty years for the sojourn of Israel in the wilderness.

(9) Two lambs each were required for the continual daily morning and evening sacrifice. The Gemara infers below that just as with the paschal lamb, which was ordered on the tenth of Nissan to be slaughtered on the fourteenth, the lambs for the continual daily sacrifices too had to be examined four days before the actual slaughtering for any blemish which would render them invalid. Whenever the two lambs were taken out for the daily need, at least six other examined ones had to be left at the same time, so that the lambs, newly introduced, were actually used only on the fourth day thereafter.

(10) V. Tam. III, 3.

(11) When the three fell on consecutive days, the Gemara described these words as a mnemotechnical expression. Rashi: The number of six is required for Sabbath and the two days of the New Year if they ate consecutive, each needing two.

Maimonides: Six was the necessary number, because the newly introduced lambs had to be inspected for four days before they could be used, four being the number of the days which remain in a week after one has taken off the maximum of festival days that can occur in one week, i.e., the Sabbath and the two days of the New Year. Bartinoro follows Maimonides with this modification: The lambs required inspection four days, just as it would be necessary when the New Year's two days followed the Sabbath, because in that case the lambs to be used the following Tuesday would have to have been provided on the Friday before, in order that they be available early on Tuesday.

(12) There seems to be a contradiction between the Mishnah and the statement in the Gemara that the maximum number of trumpets is one hundred and twenty. As a matter of fact, some editions of the Talmud omit the words 'and their number could be increased, etc.'.

(13) On these three days, the Sabbath and the two days of the New Year Festival.

Talmud - Mas. Arachin 13b

lambs in the cell of lambs, [having thus been inspected] four days before they were actually slaughtered. Whose view is this? That of Ben Bag Bag, for it was taught: Ben Bag Bag said, Whence do we know that it [the lamb destined for the continual daily offering] requires to be inspected four days before the slaughtering? The text states: Shall ye observe [tishmru] to offer unto Me in its due season,¹ and there it is said: And ye shall keep it [le-mishmereth] until the fourteenth day of the same month;² just as there³ it was required that it [the animal] be inspected four days before the slaughtering, so here, too, is it required that it be examined four days before the slaughtering. That⁴ may also be inferred from [the wording]: SUFFICIENT FOR A SABBATH, not 'for a Sabbath'. That inference is conclusive.

NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. How far? — R. Huna b. Zabdi (or, according to others, R. Zabdi said in the name of R. Huna): Up to one hundred and twenty. And it is said: And with them a hundred and twenty priests sounding with trumpets.⁵

NEVER LESS THAN NINE LYRES . . . BUT ONLY ONE CYMBAL. Whence do we know that? — R. Ashi said: Scripture said: And Asaph with cymbals, sounding aloud.⁶ But 'cymbals' implies two? — Since they both perform one function and are played by one man, he [the Tanna] called them one.

MISHNAH. THERE WERE NEVER LESS THAN TWELVE LEVITES⁷ STANDING ON THE PLATFORM⁸ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. NO MINOR COULD ENTER THE COURT OF THE SANCTUARY TO TAKE PART IN THE SERVICE EXCEPT WHEN THE LEVITES STOOD UP TO SING.⁹ NOR DID THEY¹⁰ JOIN IN THE SINGING WITH HARP AND LYRE, BUT WITH THE MOUTH ALONE, TO ADD FLAVOUR TO THE MUSIC, R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER, NOR DID THEY STAND ON THE PLATFORM. BUT THEY WOULD STAND ON THE GROUND, SO THAT THEIR HEADS WERE BETWEEN THE FEET OF THE LEVITES. AND THEY WOULD BE CALLED THE TORMENTORS OF THE LEVITES. GEMARA. To whom did these correspond? — To the nine lyres, two harps, and the one cymbal, as it is said: He and his brethren and sons were twelve.¹¹

NO MINOR COULD ENTER THE COURT OF THE SANCTUARY etc. Whence do we know that? — R. Johanan said: Because Scripture said, Then stood Jeshua with his sons and his brethren, and Kadmiel and his sons, the sons of Judah together, to have the oversight of the workmen in the house of God.¹²

NOR DID THEY JOIN IN THE SINGING WITH THE HARP AND LYRE, BUT WITH THE MOUTH ALONE etc. One would say therefore that harp and lyre are different instruments. Is this to

say that our Mishnah is not in accord with R. Judah, for it was taught: R. Judah said, The harp of the Sanctuary had seven cords, as it is written: In Thy presence is fitness [soba'] of joy;¹³ read not, fulness [soba'], but seven [sheba']! The harp of the messianic days has eight cords, as it is said: For the leader on the Sheminith,¹⁴ [i.e., the eighth string]. The harp of the world to come has ten cords, as it is said: With an instrument of ten strings, and with the psalter; with a solemn sound upon the harp.¹⁵ Furthermore, it is said: Give thanks unto the Lord with harp, sing praises unto Him with the psalter of ten strings. Sing unto Him a new song; play skilfully midst shouts of joy.¹⁶ You could say also that [our Mishnah will be] in accord with R. Judah: Since, in the world to come, it will have more cords and its sound will be stronger, like that of a harp, he calls it 'harp'.

R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER etc. A Tanna taught: They were called assistants to the Levites. Our Tanna, however, called them tormentors of the Levites because their voice was high, the voice of the others low: they could sing high. whereas the others could not do so.

CHAPTER III

MISHNAH. THE LAW OF VALUATION IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. THE LAW OF THE FIELD OF POSSESSION¹⁷ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW CONCERNING A MU'AD¹⁸ OX THAT HAS KILLED A SLAVE IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF THE VIOLATOR¹⁹ AND SEDUCER²⁰ AND OF HIM THAT HATH BROUGHT UP AN EVIL NAME²¹ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED THE FAIREST IN ISRAEL, OR THE UGLIEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²² BUT IF HE SAID: I VOW HIS WORTH,²³ HE NEED PAY BUT AS MUCH AS HE IS WORTH [THERE].

GEMARA. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT etc. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED etc. Only IN ISRAEL but not in the case of an idolater. Shall We say that our Mishnah will not be in accord with R. Meir? For it was taught: Concerning an idolater, R. Meir said he may be made the subject of valuation, but he may not evaluate!²⁴ You may say also that it is in accord With R. Meir, and that the same law would apply to idolaters, but

(1) Num. XXVIII, 2 in connection with the daily continual offering.

(2) Ex. XII, 6 in connection with the first paschal offering.

(3) On the tenth of Nisan it was to be prepared. on the fourteenth to be sacrificed.

(4) I.e., that the Mishnah meant this to serve as a mere mnemotechnical note.

(5) II Chron. V, 12.

(6) I Chron. XVI, 5.

(7) To play the twelve instruments, accompanying with them their song, the song being, according to all, the essential (Tosaf.). Maimonides holds the twelve Levites to have been the singers, as distinct from the players of the instruments.

(8) The raised platform, on which the Levites stood whilst playing or singing.

(9) According to Rashi minors were not admitted at all to any service in the Sanctuary except to join the Levites in the singing. Maimonides, however, refers this passage to the introduction of young priests and Levites to the service, who, even after having reached maturity. could enter the Sanctuary for first time participation in the service, only when the Levites, standing on the platform, were singing.

(10) Rashi: the minors, Maim.: the twelve Levites.

(11) I Chron. XXV, 9.

(12) Ezra III, 9.

- (13) Ps. XVI, II.
 (14) Lit., 'on the eighth'. Ibid. XII, 1.
 (15) Ps. XCII, 4.
 (16) Ibid. XXXIII, 2, 3.
 (17) Which one has inherited, Lev. XXVII, 16ff.
 (18) Lit., '(whose master has been) forewarned', the ox having done damage three times. V. Glos.
 (19) V. Deut. XXII, 28.
 (20) V. Ex. XXII, 15.
 (21) V. Deut. XXII, 19.
 (22) If the man valued was between twenty and sixty years of age.
 (23) Lit., 'his money'.
 (24) V. supra 5b.

Talmud - Mas. Arachin 14a

[our Mishnah] informs us incidentally¹ of a teaching in accord with Rab Judah, Who said in the name of Rab: One should not say, How beautiful is this Canaanite!² Then let it teach: 'Whether a man has dedicated the fairest in Israel or the ugliest among Canaanites'? It deals with one nation, not With two nations. But does it not? Surely it teaches: 'Of the noblest among the priests, and the humblest in Israel'³ — There it is one nation, except that the priests are holier. And if you like, say: Since it is about to teach, in the second part of the Mishnah, concerning a field of possession which applies only to Israel, not to idolaters, because they do not possess fields [by inheritance in the Land],⁴ therefore it teaches also [in the first part of the Mishnah] with reference to Israel alone.

MISHNAH. 'THE LAW OF THE FIELD OF POSSESSION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ⁵ OR IN THE GARDENS OF SEBASTE, [IF HE WOULD REDEEM IT] HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY,⁶ BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT',⁷ HE MUST PAY WHAT IT IS WORTH. R. ELIEZER SAYS: IT IS ALL THE SAME WHETHER IT BE A FIELD OF POSSESSION OR ONE THAT HE HATH BOUGHT. THE ONLY DIFFERENCE BETWEEN THE FIELD OF POSSESSION AND THAT WHICH HE HATH BOUGHT LIES THEREIN: FOR A FIELD OF POSSESSION HE MUST PAY THE [ADDED] FIFTH, WHEREAS FOR A FIELD THAT HE HATH BOUGHT HE NEED NOT PAY THE ADDED FIFTH.'⁸

GEMARA. R. Huna said: If a man had dedicated a field full of trees, he must, when he comes to redeem them, redeem the trees for what they are worth, and then redeem the ground at [the rate of] fifty shekels of silver for [every part of the field sufficient for] 'the sowing of a homer of barley'. We see thus that R. Huna tells one Who dedicated, dedicates with a generous eye.⁹ R. Nahman raised the following objection to R. Huna: IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ OR IN THE GARDENS¹⁰ OF SEBASTE, HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY? — He answered: He [the Tanna] means: Such as are fit to be gardens.¹¹

He raised a further objection: 'Field for the sowing':¹² from this I know only [the rule] in the case of a field for sowing. whence do we know it concerning a field of vines, or a field of reeds, or a field of trees? Therefore Scripture says: Field,¹³ i.e., as long as it is a field! — R. Huna replied: Here, too, he redeems, and then redeems again!

He raised a further objection: If one dedicates three trees of a plantation in which ten were planted

in a field sufficient for the sowing of one se'ah,¹⁴ then he also dedicates the soil as well as the trees between them.¹⁵ When he redeems them, he redeems them at the rate of fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley.¹⁶ If they are planted more thickly or less thickly than this, or if he dedicates them one after the other, then he does not dedicate thereby either the soil or the trees between them;¹⁷ therefore, when he redeems them he redeems the trees at their value; and even more, if he first dedicates his trees¹⁸ and afterwards dedicates the ground, when he comes to redeem them, he must redeem the trees at their value, and then he must redeem the ground again, at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley!¹⁹ And, if you were to say: Here²⁰ too, he redeems and then must redeem again; but surely since the second clause expressly mentions 'he must redeem and redeem again', it follows that in the first clause this is not so! Rather, say: According to whom is this [teaching]?¹⁹ It is in accord with R. Simeon, who holds that one who dedicates does so 'with an ungenerous eye', for it was taught: If one dedicates a field, he dedicates the whole of it.²¹ R. Simeon says: He does not dedicate anything [together with the field] save the full grown carob tree and the cropped sycamore tree. If this be in accord with R. Simeon, consider the second part: 'And not only that, but if he dedicates the trees and afterwards the ground, when he comes to redeem, he must redeem the trees at their value, and then must redeem the ground again at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley'! Now if it were in accord with R. Simeon, one should be guided only by the circumstances²² at the time of redemption, and hence they should be redeemed [automatically] with the ground, for we have heard from R. Simeon to be guided by circumstances at the time of redemption. For it was taught: Whence do we know that if one buys a field from his father and dedicates it, and the father died afterwards, that that field is considered a 'field of possession'? Because the text states: And if he sanctify unto the Lord a field which he hath bought, which is not of the field of his possession,²³ i.e., a field which could not become a field of possession,²⁴ that excludes [such a field as] this, which would have become his field of possession. This is the view of R. Judah and R. Simeon. R. Meir said: Whence do we know that if one buys a field from his father, and his father died, and he thereupon dedicated it, that it is considered a field of possession?

(1) By not teaching 'the fairest among Canaanites', because one should not attribute any beauty to those indulging in the cruelty and immorality of idolaters.

(2) This was Rab Judah's teaching (v. A.Z. 20a). for which the Mishnah offers authoritative endorsement by implication.

(3) V. infra 15a.

(4) An idolater could not, by Biblical law, redeem his field of possession for the payment of fifty shekels; he would have to repay its value.

(5) Mahuz may be the term tech. for 'place', 'circle', or the name of an unidentified locality. 'The desert, sandy wilderness of Mahuz' would be a good contrast to the rich, developed gardens of Sebaste, the city built by Herod on the ruins of Samaria. According to Rashi the reference in Mahuz is to a field in the environs of a town the ground of which is continually trodden on and thus has become sterile.

(6) Lev. XXVII, 16. A field sufficient for the sowing of a 'homer of barley', according to 'Er. 23b would hold 75,000 square cubits.

(7) V. Lev. XXVII, 22.

(8) For the field of possession as well as for the field bought, the price of redemption is fifty silver pieces for every part of the field sufficient for the sowing of a homer of barley. But with the field of possession, the owner must pay the additional fifth, whereas with a field bought he need but pay what it is worth.

(9) He dedicated the tract and in addition thereto, the trees, hence when he comes to redeem, he must redeem the tract after having redeemed the trees.

(10) The gardens of Sebaste were planted vineyards, nevertheless the Mishnah states they can be redeemed with fifty silver pieces etc., which shows that the trees were redeemed with them, thus disproving the view of R. Huna. The latter says the sum mentioned refers only to the field; as for the trees, they must be redeemed at their value, the redemption of one following the other.

(11) Without being actually planted with trees.

- (12) The reference is probably to Lev. XXVII, 16, although the word 'field' (lit., 'house') does not occur in the Biblical text.
- (13) Ibid.
- (14) One se'ah is the thirtieth part of a homer; the field corresponding would contain 2,500 square cubits.
- (15) Small trees.
- (16) This would be contra R. Huna.
- (17) The usual way of planting trees is to plant ten in a field sufficient for the sowing of one se'ah. The whole tract is needed for these trees, hence if they are dedicated, the tract and the small trees between them are dedicated too. If the trees are planted either more or less thickly, only the trees are considered dedicated, and only they need be redeemed.
- (18) Planted more or less thickly.
- (19) V. B.B. 72a.
- (20) In the first clause from which an objection is raised against R. Huna.
- (21) All that it contains. (9) Which are old and large. and derive their sustenance from the ground more than any other tree, v. B.B., Sonc. ed., p. 282 notes.
- (22) At the moment of the redemption the trees are on the ground, and the question as to whether they were dedicated together with or after the tract is then irrelevant.
- (23) Lev. XXVII, 22.
- (24) Since he bought it from a stranger, from whom he would not inherit it.

Talmud - Mas. Arachin 14b

— Because the text states: 'And if he sanctify unto the Lord a field which he hath bought, which is not the field of his possession', i.e., a field which is not a field of possession, excluding one that is his field of possession. Now according to R. Judah and R. Simeon, even if he dedicated it and his father died subsequently, it is still considered a field of possession. What is the reason therefore? It is on account of the Scriptural text?¹ But that is in favour of R. Meir's view!² Rather must you say because one is guided by the circumstances at the redeeming!³ Said R. Nahman b. Isaac: R. Judah and R. Simeon found a Scriptural verse and expounded it. If it were so [as R. Meir holds], the Divine Law should have written: 'If he sanctify . . . a field which he hath bought, which is not his possession'. But since it says: Which is not of the field of his possession, [it means:] A field which is not fit⁴ to be the field of his possession.

R. Papa said: If one dedicates stony ground. he must redeem it at its value. Why? — The Divine Law speaks of a 'field for the sowing', and this ground cannot be sown. If he has not redeemed it. then in the jubilee year, it goes forth to the priests.⁵ Why? — Because the Divine Law speaks of a 'field'. no matter of what kind. If he sold stony ground, it can be redeemed even within two years.⁶ Why? 'According to the number of the years of the crops'. says the Divine Law, and it [stony ground] is incapable of having crops. If he has not redeemed it, it returns in the jubilee year to the owners. Why? And he shall return into his possession,⁷ the Divine Law says, and this, too, is possession. If he dedicates trees he redeems them at their worth. What is the reason? — The Divine Law says: 'a field for sowing', but not trees. If he did not redeem them they do not go forth in the jubilee year to the priest. What is the reason? — The Divine Law says, 'and the field shall be', but not trees. If he sold trees they are not redeemed before two years. What is the reason? — 'According to the number of the years of the crops', says the Divine Law, and these are productive of crops. If he has not redeemed them they do not return to the owner at Jubilee. What is the reason? — 'And he shall return unto his possession says the Divine Law, but not trees.

The Master said: If he dedicates trees he redeems them at their worth [etc.]. But why? — Let them become sacred [property] through the ground and be redeemed together with it and return to their owners [at Jubilee] together with the ground? And if you were to argue: He dedicated trees, but not ground, but did not the Nehardeans say: If one sells to his neighbour a [date] palm, the latter acquires it from the base⁸ to the furthest depth? — But it was taught in connection therewith: Only if he came

with such a claim.⁹

BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT HE MUST PAY WHAT IT IS ACTUALLY WORTH: Our Rabbis taught: The worth,¹⁰ what does that teach us? Since it is said: 'Fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley', I might have thought the same applied also to a field which he bought, therefore the text states 'the worth'.¹¹ R. Eliezer says: Here it is said: [The priest] shall reckon,¹⁰ and above it is said: [The priest] shall reckon.¹² Just as there a definite [sum], so here, also, a definite [sum]. The following question was asked: Do the Rabbis accept this gezerah shawah,¹³ and hence they infer also the additional fifth,¹⁴ or do they not accept this gezerah shawah and neither the fifth? — Said Raba: It seems logical that they do not accept this gezerah shawah. For the Divine Law revealed [taught] concerning the fifth, both in connection with a field of possession, and also with one who dedicated his house;¹⁵ we have thus two Scriptural verses teaching the same thing and 'whenever two Scriptural verses teach the same thing, they do not serve as illustrations for other cases'.¹⁶ But what according to him who says 'they do serve as illustrations for other cases'? — Since the Divine Law revealed about a fifth in connection with the tithe of pure and impure cattle, it is a teaching occurring frequently, and hence they do not serve as illustrations in other cases. It was taught in accord with Raba, but not for the reason he advanced:¹⁷ It was taught: 'The worth of thy valuation', herewith Scripture compares it to valuation: just as no fifth is added in connection with valuation, so no fifth is added in connection with a field that he has bought.

MISHNAH. THE LAW CONCERNING A MU'AD OX THAT HAS KILLED A SLAVE,¹⁸ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER IT KILLED THE FINEST SLAVE OR THE UGLIEST SLAVE, HE MUST PAY THIRTY SELA'S. IF IT KILLED A FREE MAN HE MUST PAY WHAT HE IS WORTH. IF IT WOUNDED HIM. WHETHER THE ONE OR THE OTHER, HE MUST PAY THE DAMAGE IN FULL.¹⁹

GEMARA. This²⁰ then applies only to a mu'ad,²¹ but not to a tam?²² Shall we say that our Mishnah will not be in accord with R. Akiba? For it was taught: R. Akiba said, Even with a tam which injured a man, the larger²³ damage must be paid in full! — You can even say that it is in accord with R. Akiba, for it applies to a tam too; but since he wishes to teach in the latter part the case where IT KILLED A SLAVE OR A FREE MAN, which applies only to a mu'ad, but not to a tam, therefore it speaks of mu'ad.

MISHNAH. 'THE LAW OF THE VIOLATOR AND SEDUCER IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY.' HOW IS THAT? IT IS ALL ONE WHETHER A MAN VIOLATED OR SEDUCED A WOMAN FROM AMONG THE NOBLEST OF THE PRIESTLY STOCK OR THE HUMBLEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²⁴ BUT COMPENSATION FOR SHAMING AND FOR BLEMISH IS IN ACCORD WITH THE [CIRCUMSTANCES] OF HIM WHO SHAMES AND OF HER WHO SUFFERS THAT SHAME.²⁵

GEMARA. But why? Perhaps the Divine Law means: Fifty sela's for all the things together? — R. Ze'ira replied: People would say, How should one who has lain with a king's daughter pay fifty, and one who has lain with the daughter of a commoner pay fifty! — Abaye replied to him: If that be right, one could argue in the case of a slave too: why for a slave who perforates pearls thirty, and for one who does needlework also thirty?²⁶ Rather said R. Ze'ira:

(1) 'Which is not the field of his possession'.

(2) The text quoted may not mean to exclude a field which he has dedicated before the father died; rather does it support the interpretation of R. Meir: to exclude the case where his father died and he afterwards dedicated it.

- (3) And since at the redemption the father was dead, it is a field of possession.
- (4) The argument is based on the mem privative. v. B.B. Sonc. ed., p. 285ff notes.
- (5) Lev. XXVII, 20-21.
- (6) Normally a field cannot be redeemed before two years (v. infra 29b). The stony ground is a field and therefore falls into some part of the law, but since it is an abnormal field, it is not affected by such regulations as apply to the usual type. Lev. XXV. 15 covers the ordinary field, bearing crop.
- (7) Lev. XXV, 27.
- (8) And can therefore plant a new one when this one withered, B.B. 37b, which teaching indicates that he who owns the tree owns the land on which it stands, whence the dedication of a tree implied the dedication of such ground.
- (9) That he had bought the ground with the tree. That renders it an exceptional case, not a general rule, v. ibid.
- (10) Lev. XXVII, 23.
- (11) I.e., only the actual worth not the amount imposed by the Torah on the field of possession.
- (12) With reference to a field of possession: Lev. XXVII, 18: arguing hence from analogy of expression, the fixed sum is fifty shekels.
- (13) I.e., the inference based on the similarity of expression. v. Glos.
- (14) The consequence of the inference from analogy would be that with regard to other items too, hence with regard to the fifth additional in case of redemption, a field which is bought shall be governed by the rules applicable to a field of possession.
- (15) V. Lev. XXVII, 14.
- (16) Lit., 'they do not teach'. The Torah does not repeat itself. A general law would be stated once. The very fact that it appears twice indicates that it applies only to those detailed situations and that no general rule may be inferred from them for others.
- (17) His argument came from the fact that the rule was stated too often to be considered one generally applicable, whereas this teaching is based on an analogy with valuation, as explained.
- (18) Ex. XXI, 29. The owner must pay the damage caused by his ox, for which he is responsible.
- (19) The value which he would have had as bond-servant.
- (20) The ruling in the last clause that full damage must be paid by the owner in case the ox has wounded either a free man or slave.
- (21) As is indicated by the introductory words of our Mishnah.
- (22) Lit., 'simple', 'innocuous', i.e., an ox whose owner had not been forewarned (v. Glos.).
- (23) Lit., 'the difference (between the two damages)'. If ox and man injured each other, then if the owner of the ox had not been forewarned, he need pay but one half of the greater damage. R. Akiba held he must pay in full, even though the ox was a tam, v. B.K. 33a.
- (24) V. Deut. XXII, 29.
- (25) In addition to the fifty sela's the violator as well as the seducer must pay damages for the shame and the blemish caused. V. Keth. 40a.
- (26) Just as the shame suffered by a king's daughter is greater than that suffered by one of common descent, so is the damage suffered in the loss of a skilled slave much greater than that suffered in the loss of an unskilled one.

Talmud - Mas. Arachin 15a

[Argue thus,] If two men had intercourse with her, the one in a natural way, the other in an unnatural manner,¹ people will say: He who has lain with a blemished [woman pays] fifty, and he who has lain with a sound [woman]² fifty! Said Abaye to him: But with regard to a slave they would equally say: For [the death of] a healthy slave thirty, and for one afflicted with boils also thirty? Rather, said Abaye: [This is his answer,] Scripture said: Because he hath humbled her,' from this it is evident that there is also indemnification for shame and blemish. Raba said: Since Scripture said, Then the man that lay with her shall give,³ it indicates that for the enjoyment of lying with her [he must pay] fifty shekels, from which we infer that there are other things [to pay for], viz., shame and blemish.

MISHNAH. THE LAW OF HIM THAT HATH BROUGHT UP AN EVIL NAME⁴ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF

STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HATH BROUGHT UP AN EVIL NAME AGAINST A WOMAN FROM THE NOBLEST OF PRIESTLY STOCK OR OF THE HUMBLEST IN ISRAEL. HE MUST PAY A HUNDRED SELA'S. THUS IT IS FOUND THAT HE WHO SPEAKS WITH HIS MOUTH SUFFERS MORE THAN HE THAT COMMITS AN ACT.⁵ THUS WE DO ALSO FIND THAT THE JUDGMENT AGAINST OUR FATHERS IN THE WILDERNESS WAS SEALED ONLY BECAUSE OF THEIR EVIL TONGUE, AS IT IS WRITTEN: YET HAVE PUT ME TO PROOF THESE TEN TIMES etc.⁶

GEMARA. Whence do we know that?⁷ Perhaps it is due to the fact that he wanted to bring about her death, as it is written: But if this thing be true . . . then they shall bring out the damsel . . . and stone her with stones that she die!⁸ — Raba answered: Scripture said, Because he hath brought up an evil name,⁹ i.e., [only] because of the evil name that he has brought up.

THUS DO WE ALSO FIND THAT THE JUDGMENT etc. Whence do we know that? Perhaps it was due to the fact that their measure [of guilt] was not full yet. for R. Hamnuna said: The Holy One, blessed be He, does not punish man until his measure is full, as it is said: In the fulness of his sufficiency he shall be in straits!¹⁰ — Resh Lakish replied: Scripture said, 'Yet have put Me to proof these ten times', i.e., because of 'these' was the judgment against them sealed,

It was taught: R. Eleazar b. Perata said, Come and see how great the power of an evil tongue is! Whence do we know [its power]? From the spies: for if it happens thus to those who bring up an evil report against wood and stones, how much more will it happen to him who brings up an evil report against his neighbour! But whence [follows] that? Perhaps it is as explained by R. Hanina b. Papa; for R. Hanina b. Papa said: A stark thing did the spies say in that hour, as it is written: For they are stronger than we'.¹¹ Do not read: 'than we' but 'than He': as it were, even the Master of the house cannot remove his utensils from here!¹² Rather, said Rabbah in the name of Resh Lakish: Scripture said, Even those men that did bring up an evil report against the land, died by the plague against the Lord,¹³ i.e., [they died just] because of the evil report which they had brought up.

It was taught: R. Judah said, With ten trials did our forefathers try the Holy One, blessed be He: two at the sea, two because of water, two because of manna, two because of the quails, one in connection with the golden calf, and one in the wilderness of Paran, 'Two at the sea': one at the going down, the other at the coming up. 'At the going down', as it is written: Because there were no graves in Egypt [hast thou taken us away to die in the wilderness]?¹⁴ 'At the coming up': That is in accord with what R. Huna taught, for he said: The Israelites of that generation were among those of little faith; as Rabbah b. Mari expressed it; for Rabbah b. Mari said: It is written: But they were rebellions at the sea, even at the Red Sea; nevertheless He saved them for His name's sake.¹⁵ This teaches that Israel were rebellious at that very hour, saying: Just as we go up from this side, so will the Egyptians go up from the other side. The Holy One, blessed be He, said to the Prince of the Sea: Cast them out on the dry land! He answered: Sovereign of the Universe, is there a slave to whom his Master gives a gift and then takes it away from him again? He said to him: I shall give you [afterwards] one and a half times as many of them.¹⁶ He said before Him: Sovereign of the Universe, is there any slave who can claim anything against his master? He said: The brook of Kishon shall be surety. At once he cast them on the dry land, as it is written: And Israel saw the Egyptians dead on the sea-shore.¹⁷ 'Twice because of water': at Marah, and at Refidim. 'At Marah', as it is written: And when they came to Marah, they could not drink,¹⁸ and it is written: And the people murmured against Moses.¹⁹ 'At Refidim', as it is written: They encamped in Refidim and there was no water to drink,²⁰ and it is also written: Wherefore the people strove with Moses.²¹ 'Twice because of the manna as it is written:

(1) So that she remained a virgin still and could obtain the fifty shekels, compensation in case of another attack or seduction. Thereupon she suffered the second violation.

- (2) I.e., he who had intercourse with her without blemishing her shall pay fifty sela's, and he who had intercourse with her when she was blemished shall pay the same. Hence the additional indemnifications.
- (3) Deut. XXII, 29.
- (4) Ibid. 13-19.
- (5) Because he must pay a hundred sela's for bringing up an evil name against her, whereas if he himself had committed that act (before she was married), he would have to pay but fifty sela's. (If she was betrothed and he violated or seduced her, he suffers the penalty of death, she only in case of seduction, not of course if she was violated).
- (6) Num. XIV, 22.
- (7) That one who speaks with his mouth suffers more than one who commits the act.
- (8) Deut. XXII, 20.
- (9) Ibid. 19.
- (10) Job XX, 22.
- (11) Num. XIII, 31. The Hebrew gadol here means less a 'big' than a 'stark' word.
- (12) V. Sot., Sonc. ed., p. 172. n, 1.
- (13) Ibid. XIV, 37.
- (14) Ex, XIV, 11.
- (15) Ps. CVI, 7.
- (16) There were nine hundred war chariots at the brook Kishon (Judg. IV, 3), one and a half times as many as at the Red Sea, where there were only six hundred, thus making true the promise.
- (17) Ex. XIV, 30.
- (18) Ibid. XV. 23.
- (19) Ibid. XVII, 3.
- (20) Ibid. XVII, 1.
- (21) Ibid. 2.

Talmud - Mas. Arachin 15b

'Do not go out',¹ whereas they did go out. Do not leave over,² but they did leave over. Twice because of the quails': of the first and second quails. With the first: When we sat by the fleshpots;³ with the second quails: And the mixed multitude that was among them.⁴ 'With the golden calf': as it happened.⁵ 'In the wilderness of Paran': As it happened.⁶ R. Johanan said in the name of R. Joseph b. Zimra: What is the meaning of: What shall be given unto thee, and what shall be done more unto thee, thou deceitful tongue.⁷ The Holy One, blessed be He, said to the tongue: All members of the human body⁸ are standing, you are lying; all members of the human body are outside, you are guarded inside; not only that, but I surrounded you with two walls, one of bone and one of flesh; 'What shall be given unto thee, what shall be done more unto thee, thou deceitful tongue'! And R. Johanan said in the name of R. Joseph b. Zimra: One who bears evil tales almost denies the foundation⁹ [of faith].¹⁰ as it is said: Who have said: Our tongue will we make mighty; our lips are with us; who is lord over us?¹¹ — Further did R. Johanan say in the name of R. Joseph b. Zimra: Any one who bears evil tales will be visited by the plague of leprosy, as it is said: Whoso slandereth his neighbour in secret, him azmith [will I destroy].¹² And there it is said: La-zemithuth [in perpetuity],¹³ which we translate as: 'absolutely' [permanently],¹⁴ and we learnt: The leper that is shut up differs from the leper that is certified unclean only in respect of unkempt hair and rent garments.¹⁵ Resh Lakish said: What is the meaning of: This shall be the law of the leper?¹⁶ [It means,] 'This shall be the law for him who brings up an evil name'. Further, said Resh Lakish: What is the meaning of the Scriptural verse: If the serpent bite before it is charmed, then the charmer hath no advantage?¹⁷ — At some future time all the animals will assemble and come to the serpent and say: The lion attacks and devours; the wolf tears and consumes; but what profit hast thou? But he will answer: What benefit has he who uses his tongue? Further said Resh Lakish: One who slanders makes his sin reach unto heaven, as it is said: They have set their mouth against the heavens, and their tongue walketh through the earth.¹⁸

R. Hisda said in the name of Mar 'Ukba: One who slanders deserves to be stoned with stones. It is written here: 'Him azmith [will I destroy]', and it is written there: zamethu [they have cut off] my life in the dungeon, and have cast stones upon me.¹⁹ Further did R. Hisda say in the name of Mar 'Ukba: Of him who slanders, the Holy One, blessed be He, says: He and I cannot live together in the world, as it is said: Whoso slandereth his neighbor in secret, hint will I destroy; whoso is haughty of eye and proud of heart, him will I not suffer.²⁰ Do not read: 'Otho [him] will I not suffer', but 'Itto [with him] can I not suffer [to be together]'. Some refer this to the arrogant.

Further said R. Hisda in the name of Mar 'Ukba: About one who slanders, the Holy One, blessed be He, says to the prince of Gehinnom: I shall be against him from above, you be against him from below, and we shall condemn him, as it is said: Sharp arrows of the mighty, with coals of broom.²¹ 'Arrow' means nothing else but the evil tongue, as it is said: Their tongue is a sharpened arrow, it speaketh deceit;²² and 'mighty' means only the Holy One, blessed be He, as it is said: The Lord will go forth as a mighty man;²³ and 'coals of broom' is Gehinnom.

R. Hama b. Hanina said: What is the remedy for slanderers? If he be a scholar, let him engage in the Torah, as it is said: The healing for a tongue is the tree of life,²⁴ and 'tongue' here means the evil tongue, as it is said: 'Their tongue is a sharpened arrow', and 'tree [of life]' means only the Torah, as it is said: She is a tree of life, to them that lay hold upon her.²⁵ — But if he be an ignorant person, let him become humble, as it is said: But perverseness therein is a wound to the spirit.²⁶ R. Aha b. R. Hanina said: If he has slandered already, there is no remedy for him, for King David, in his holy spirit, has cut him off already, as it is said: May the Lord cut off all flattering lips, the tongue that speaketh great [proud] things!²⁷ Nevertheless, what shall be his remedy so that he may not come to [utter] evil speech? If he be a scholar, let him engage in the Torah, and if he be an ignorant person, let him humble himself, as it is said: 'But perverseness therein is a wound to the spirit'.

The School of R. Ishmael taught: Whoever speaks slander increases his sins even up to [the degree of] the three [cardinal] sins: idolatry, incest,²⁸ and the shedding of blood. It is said here: 'The tongue that speaketh great things', and it is written in connection with idolatry: Oh, this people have sinned a great sin.²⁹ Touching incest Scripture said: How then can I do this great wickedness?³⁰ And in connection with the shedding of blood it is written: My punishment is greater than I can bear.³¹ Perhaps 'great things' refers to two [sins of the three]? Which of them would you exclude? In the West [Palestine] they say: The talk about third [persons]³² kills three persons: him who tells [the slander], him who accepts it, and him about whom it is told. R. Hama b. Hanina said: What is the meaning of: Death and life are in the hand [power] of the tongue?³³ Has the tongue 'a hand'? It tells you that just as the hand can kill, so can the tongue. One might say that just as the hand can kill only one near it, thus also the tongue can kill only one near it, therefore the text states: 'Their tongue is a sharpened arrow'. Then one might assume that just as an arrow kills only within forty or fifty cubits, thus also the tongue kills only up to forty or fifty cubits, therefore the text states: 'They have set their mouth against the heavens, and their tongue walketh through the earth'. But since it is written already: 'They set their mouth against the heavens', why was it necessary to state also: 'Their tongue is a sharpened arrow'? — This is what we are informed: That [the tongue] kills as an arrow. But once it is written: 'Their tongue is a sharpened arrow', why was it necessary to state: Death and life are in the hand of the tongue'? — It is in accord with Raba; for Raba said: He who wants to live [can find life] through the tongue;³⁴ he who wants to die [can find death] through the tongue.

What constitutes evil speech? — Rabbah said: For example [to say] there is fire in the house of So-and-so.³⁵ Said Abaye: What did he do? He just gave information? — Rather, when he utters that in slanderous fashion: 'Where else should there be fire if not in the house of So-and-so? There is always meat and fish'.³⁶ Rabbah said: Whatsoever is said in the presence of the person concerned is not considered evil speech. Said Abaye to him: But then it is the more impudence and evil speech! — He answered: I hold with R. Jose, for R. Jose said: I have never said a word and looked behind

my back.³⁷

(1) There is no text for this statement. Ex. XVI, 29 is not relevant here. The Gemara quotes the second verse, too, loosely, indirectly. Some MSS. omit 'as it is written', thus rendering the statement correct (Goldschmidt).

(2) Cf. Ex. XVI, 19.

(3) Ibid. 3.

(4) Num. XI, 4.

(5) Ex. XXXII, 1ff.

(6) The story of the spies. Num. Xlii-XIV.

(7) Ps. CXX, 3. More guarded and protected than all other members, the tongue's ambition is ever unsatisfied. The walls of flesh and bone are, of course, cheeks and teeth.

(8) Lit., 'man',

(9) Lit., 'root'.

(10) God.

(11) Ps. XII, 5.

(12) Ps. CI, 5.

(13) Lev. XXV, 30.

(14) The Hebrew for the words 'I will destroy' and 'in perpetuity' are both derived from one and the same root. Hence the suggestion that, since the word is used in connection with leprosy 'absolutely' (the Aramaic version of 'in perpetuity') and the word 'destroy' refers to the same thing, the punishment of destruction will take the form of leprosy. V. Lev. XIII for details.

(15) V. Meg. 8b.

(16) Lev. XIV, 2. It is a play on the word: mezora' (a leper) was mozi-shem-ra', a slanderer before. The 'law' for a slanderer is that he become a leper.

(17) Eccl. X, 11. According to Yoma 75a the serpent eats only earth. It bites therefore not for food, but by Divine order and in retribution for slander, which, similarly, produces no advantage to the offender. The verse may be interpreted (paraphrased): Will the serpent bite without whisper (order from on high) etc.?

(18) Ps. LXXIII, 9.

(19) Lam. III, 53.

(20) Ps. CI, 5.

(21) Ibid. CXX, 4.

(22) Jer. IX, 7.

(23) Isa. XLII, 13.

(24) Prov. XV, 4. The usual rendering: A soothing tongue is a tree of life, but it bears the ad hoc interpretation well.

(25) Prov. III, 18.

(26) Prov. XV, 4. The ad hoc interpretation of this verse is: To depart from it (only by) a broken spirit!

(27) Ps. XII, 4.

(28) Including adultery.

(29) Ex. XXXII, 31.

(30) Gen. XXXIX, 9.

(31) Ibid. IV, 13.

(32) So Jast. Rashi: The third tongue. i.e., the go-between.

(33) Prov. XVIII, 21. The tongue is called threefold.

(34) Rashi: By the study of the Torah.

(35) The fire of the oven. The suggestion: they are wealthy and eating all the time.

(36) Behind that apparently innocent phrase lurks the slanderer's purpose.

(37) To see whether the man concerned was near. I would say it to his face, which proves that in such a case it is not accounted slander (Rashi).

Talmud - Mas. Arachin 16a

Rabbah son of R. Huna said: Whatsoever is said before three is not considered slander. Why? Your

friend has a friend, and your friend's friend has a friend.¹ When R. Dimi came [from Palestine]. he said: What is the meaning of the verse: He that blesseth his friend with a loud voice, rising early in the morning, it shall be counted a curse to him?² It refers, for example, to the case of one who happened to stay in a house where they laboured much on his behalf, and next morning he goes out into the street and says: May the Merciful One bless So-and-so, who laboured so much on my behalf. Whereupon people will hear it and come and plunder him.³

R. Dimi, brother of R. Safra, learnt: Let no man ever talk in praise of his neighbour, for through [talking in] his praise he will come⁴ to disparage him. Some there are who say: R. Dimi, brother of R. Safra, was ill. R. Safra entered to inquire about his state of health. He said, May it come [home] to me⁵ that I have kept whatever the Rabbis have enjoined. He said to him: Hast thou also kept [their command]: Let no man ever talk in praise of his neighbour. for through talking in his praise he will come to disparage him? He answered: I have not heard it, for had I heard it, I would have kept it.

R. Samuel b. Nahmani said in the name of R. Johanan: Because of seven things the plague of leprosy is incurred: [These are:] slander, the shedding of blood, vain oath,⁶ incest, arrogance, robbery and envy. Because of slander, as it is written: Whoso slandereth his neighbour in secret, him will I destroy.⁷ For 'blood-shed', as it is written: And let there not fail front the house of Joab one ... hath an issue or that is a leper.⁸ For a vain oath', as it is written: And Naaman said: be content, take two talents,⁹ and it is written: The leprosy therefore of Naaman shall cleave unto thee.⁹ For 'incest', as it is written: And the Lord plagued Pharaoh . . . with great plagues.¹⁰ Because of 'arrogance'. as it is written: But when he was strong, his heart was lifted up so he did corruptly, and he trespassed against the Lord, his God . . . and the leprosy broke forth in his forehead.¹¹ Because of 'robbery', as it is written: And the priest shall command that they empty the house,¹² in connection with which a Tanna taught: Because he had gathered money that was not his own, the priest comes and scatters it. And because of 'envy', as it is said: Then he that owneth the house shall come,¹³ referring to which the school of R. Ishmael taught: He who would reserve his house for himself.¹⁴ But that is not so, for R. 'Anani b. Sason said: Why is the portion about the priestly garments¹⁵ placed next to the portion about the sacrifices? It is to tell you that just as sacrifices procure atonement, so do the priestly garments. The tunic procures atonement for bloodshed, as it is written: And they dipped the coat in the blood.¹⁶ The breeches procure atonement for incest, as it is written: And thou shalt make them linen breeches to cover the flesh of their nakedness.¹⁷ The mitre procures atonement for those of arrogant mind, in accord with what R. Hanina taught; for he said: Let that which is [placed] high procure atonement for acts of haughtiness. The girdle procures atonement for sinful thoughts of the heart, [for it atones] where it is [worn].¹⁸ The breastplate procures atonement for [error in] legal decisions, as it is written: And thou shalt make a breastplate of judgment.¹⁹ The ephod procures atonement for idolatry, as it is written: And without ephod or teraphim.²⁰ The robe procures atonement for slander, for the Holy One, blessed be He, said: Let that which emits a sound,²¹ procure atonement for an act of sound [the voice]. The [golden] plate procures atonement for impudent deeds, for there it is written: And it shall be upon Aaron's forehead,²² and it is written there: Yet thou hadst a harlot's forehead!²³ — This is no contradiction: The one results when his actions were effective, the other when they were not effective. If his acts were effective, the plague of leprosy visits him, if his actions were not effective, the robe procures atonement.²⁴ But R. Simeon said in the name of R. Joshua b. Levi: For two things we do not find any atonement through sacrifices, but we do find atonement for them through something else, [viz.,] bloodshed and slander. Bloodshed through the heifer whose neck is to be broken, and slander through incense. For R. Hanina taught: We have learnt that the incense procures atonement, as it is written: And he put oil the incense and made atonement for the people.²⁵ And the School of R. Ishmael taught: For what does incense procure atonement? For slander. The Holy One, blessed be He, said: Let that which is [offered]²⁶ in secret [come and] procure atonement for what was done in secret. Now we have a contradiction from [one teaching concerning] bloodshed as against another [teaching touching] bloodshed; and a contradiction from [one teaching about] slander against [another about] slander? — There is no

contradiction between the two teachings about bloodshed; one speaks of the case where it is known who has killed him, and the other where it is unknown. But where it is known who has killed him, he ought to be executed? — It speaks of a case where he did it deliberately, but without having been forewarned.²⁷ Neither is there a contradiction between the two teachings about slander; the one was committed in secret,

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- (1) By making his statement before three he expects their spreading it in his name, as something that will become known. Cf. R. Jose's attitude just above.
- (2) Prov. XXVII, 14. The expression seems too strong, his tactlessness might call for reproof, but why is it a curse?
- (3) If that praise indicates that the host has much, violent men may go to rob him; normally. such praise will subject the host to the importunities of indecent people eager to be fed by him.
- (4) He will say: 'With the exception of this or that bad habit', thus dispraising his neighbour. Aliter: 'it will come' etc. His praise will arouse the hostile remarks of the envious.
- (5) I.e., I believe to have merited reward, in that . . .
- (6) The taking of the Lord's name in vain being a great offence. Or, perjury: the example chosen shows that the latter is meant.
- (7) Ps. CI, 5. 'Destroy' here has been explained as signifying afflict with leprosy. v. supra 15b.
- (8) II Sam. III, 29.
- (9) II Kings V, 23 and 27.
- (10) Gen. XII, 17.
- (11) II Chron. XXVI, 16 and 19.
- (12) Lev. XIV, 36.
- (13) Ibid. v. 35.
- (14) Will suffer from house leprosy. v. Yoma 11b.
- (15) In Ex. XXVIII and XXIX.
- (16) Gen. XXXVII, 31. A hint that the coat covers (as it was covered by) blood.
- (17) Ex. XXVIII, 42.
- (18) The girdle was supposed to have been wide enough to cover his heart.
- (19) Ex. XXVIII, 15. 'Of' equivalent for 'error in' judgment.
- (20) Hosea III, 4, interpreting thus: 'Because there was no ephod. there were teraphim (idols).
- (21) Ex. XXVIII, 33. The robe had small bells on its hem so that one might hear the approach of the high priest. Slander. too, is audible.
- (22) Ex. XXVIII, 38.
- (23) Jer. III, 3. The argument is from analogy of phrase.
- (24) According to the reaching above, slander is visited by plagues. whereas now we are taught that the priestly robe procures atonement for it.
- (25) Num XVII, 12.
- (26) The incense is offered in the Holy of Holies, which therefore is 'in secret', v. Yoma 44a. That 'slander' is described here as something said in secret endorses the view of Rabbah v. R. Huna supra 16a.
- (27) For a murderer to be executed he must have been forewarned, and his deed must have been seen by two witnesses.

Talmud - Mas. Arachin 16b

the other in public.¹

R. Samuel b. Elnadab asked of R. Hanina, or as others say. R. Samuel b. Nadab, the son-in-law of R. Hanina, asked of R. Hanina; or, according to still others, asked of R. Joshua b. Levi: Wherein is the leper different that the Torah said: He shall dwell alone; without the camp shall his dwelling be?² He separated a husband from his wife, a man from his neighbour, therefore said the Torah: 'He shall dwell alone'. R. Joshua b. Levi said: Wherein is the leper different that the Torah said: Two living clean birds³ [he should bring] so that he may become pure again? The Holy One, blessed be He, said: He did the work of a babbler, therefore let him offer a babbler as a sacrifice.⁴

Our Rabbis taught: Thou shalt not hate thy brother in thy heart.⁵ One might have believed one may only not smite him, slap him, curse him, therefore the text states: 'In thy heart'; Scripture speaks of 'hatred in the heart'. Whence do we know that if a man sees something unseemly in his neighbour, he is obliged to reprove him? Because it is said: Thou shalt surely rebuke.⁶ If he rebuked him and he did not accept it, whence do we know that he must rebuke him again? The text states: 'surely rebuke' all ways. One might assume [this to be obligatory] even though his face blanched, therefore the text states: 'Thou shalt not bear sin because of him'.⁶

It was taught [in a Baraita]: R. Tarfon said, I wonder whether there is any one in this generation who accepts reproof, for if one says to him: Remove the mote from between your eyes, he would answer: Remove the beam from between your eyes! R. Eleazar b. Azariah said: I wonder if there is one in this generation who knows how to reprove! R. Johanan b. Nuri said: I call heaven and earth to witness for myself that often was Akiba punished⁷ through me because I used to complain against him before our Rabban, Gamaliel Beribbi,⁸ and all the more he showered love upon me, to make true what has been said: Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.⁹

R. Judah son of R. Simeon b. Pazzi asked of R. Simeon b. Pazzi: What is preferable: reproof with honest purpose or false modesty?¹⁰ — He answered: Won't you agree that true modesty is better,¹¹ for a Master said: Modesty is the greatest of them all? Thus also is false modesty preferable. For Rab Judah said in the name of Rab: By all means let a man engage in the study of the Torah and in good deeds, even if not for their own sake, because through the work for an ulterior purpose he will arrive at the stage of doing [good] for its own sake.¹² What is honest reproof and what is false modesty? — For instance the case of R. Huna and Hiyya b. Rab who were sitting before Samuel, when Hiyya b. Rab said: Sir, look how he is vexing me greatly. He [R. Huna] undertook not to vex him any more. After he [the former] left, he [R. Huna] said: He did this and that [unseemly] thing. Whereupon Samuel said: Why did you not tell him that to his face? He replied: Forbid that the seed of Rab should be put to shame through me!¹³

How far shall reproof be administered? Rab said: Until he [the reprover] be beaten. Samuel said: Until he be cursed. R. Johanan said: Until he be rebuked. This is a point at issue between Tannaim. R. Eliezer said: Until he be beaten. R. Joshua said: Until he be cursed. Ben 'Azzai said: Until he be rebuked. Said R. Nahman b. Isaac: All the three expounded one Scriptural verse; [It is written:] Then Saul's anger was kindled against Jonathan and he said unto him: Thou son of perverse rebellion, do not I know that thou hast chosen the son of Jesse to thine own shame, and unto the shame of thy mother's nakedness?¹⁴ And it is written: And Saul cast his spear at him to smite him.¹⁵ The one who said [above] 'Until he be beaten' [said so] because it is written: 'to smite him'; the other who said: 'Until he be cursed' [said so] because it is written: 'to thine own shame and to the shame of thy mother's nakedness'; the other, who said: 'Until he be rebuked' [said so] because it is written: 'Then Saul's anger was kindled'. But according to him who says: 'Until he be shouted at', does not Scripture mention 'beating' and 'cursing'? — That was different, because for his great love of David, Jonathan risked his life even further. How far shall a man suffer before changing his lodging? — Rab said: Until he is beaten, Samuel said: Until they throw his bundles over his shoulder. Where he himself is beaten there is no dispute [that it is proper for him to leave]; similarly if they threw his bundles over his shoulder, there is likewise no dispute. They are of conflicting opinion only in case his wife is beaten, one holding: 'As long as he himself is not vexed what difference does it make'?¹⁶ The other's view being: 'It will end in a quarrel [ultimately]'. Why all that [deliberation]?¹⁷ — Because a Master said: A boarder [constantly changing his lodging] discredits others and himself.¹⁸ R. Judah in the name of Rab said: Whence is derived from the Torah the view that a man should not change his lodging? Because it is said: [And he went] unto the place where his tent had been at the beginning.¹⁹ R. Jose b. Hanina said: [It is derived] from here: And he went on his [former]

journeys.²⁰ What is the practical difference between them? — There is this difference: the case of a casual lodging.

R. Johanan said: Whence do we know that a man should not change his occupation and that of his forebears? As it is said: And King Solomon sent and fetched Hiram out of Tyre. He was the son of a widow of the tribe of Naphtali,²¹ and his father was a man of Tyre, a worker in brass;²² and a Master said: His mother was of the house of Dan;²³ and it is written: And I behold I have appointed him with Ohaliab, the son of Ahisamach, of the tribe of Dan.²⁴

At what stage do [Divine] visitations commence?²⁵ — R. Eleazar said: If a man had, for example, a garment woven for him to wear and it does not fit him. Raba the younger (or, as others say. R. Ze'ira; or again. as others say. R. Samuel b. Nahmani) demurred to this: But more than that was said. 'Even if it had been intended to serve him [the wine] hot, and it was served cold to him; or it was intended to be served cold, and it was served hot to him [is accounted as a divine visitation]', and you say [only] at that stage? Mar, the son of Rabina, said: Even if his shirt gets turned inside out. Raba (or, as others say, R. Hisda, or again, as some say. R. Isaac, or as it was said, it was taught in a Baraitha): Even if he puts the hand into his pocket to take out three [coins] and he takes out but two. Now this is only in the case [where he intended to take out] three, and [took out] two, but not if [he meant to take] two and three came into his hand, because it is no trouble to throw it back. But why all this [information]? — Because the School of R. Ishmael taught: Anyone upon whom forty days have passed without [divine] visitation, had received his world. In the West [Palestine] they say:

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- (1) If he slandered in private the incense procures atonement, as it, too, functions in private. If he slandered in public the robe, emitting sound, procures atonement for the act of sound which is his sin.
- (2) Lev. XIII, 46.
- (3) Lev. XIV, 4.
- (4) The slanderer babbled, hence his sacrifice is chosen from babblers. The babblers may yet teach him the folly of babbling.
- (5) Lev. XIX, 17.
- (6) Lev. XIX, 17. Lit., 'rebuking thou shalt rebuke'. The repetition of the word indicates the obligation to repeat the reproof, even though it was not accepted when administered first.
- (7) [Sifre Deut. I, 'was rebuked'. v. Finkelstein. Akiba p. 113.].
- (8) Var. lec. v. Marginal Gloss. The reference is to R. Gamaliel of Jamnia; cur. edd. R. Simeon b. Rabbi.
- (9) Prov. IX, 8.
- (10) For a man to pretend to be unworthy of administering reproof, whereas in fact it is the fear of arousing hatred that deters him from doing his duty in this respect.
- (11) In A.Z. 20b modesty is hailed as the chief of the virtues enumerated there.
- (12) V. Hor. Sonc. ed., p. 75, n. 10.
- (13) The false modesty of R. Huna expressed itself in this: He would vex Hiyya, to suggest his displeasure at his unseemly behaviour (whatever it was), but he would not disgrace him by direct reproach, while reporting his misbehaviour in his absence.
- (14) I Sam. XX, 30.
- (15) Ibid. 33.
- (16) V. Maharsha.
- (17) Why undergo so much suffering before changing one's lodging? Is there any significance in this seemingly trivial act?
- (18) Frequent change of lodging brings disgrace upon him who changes, because he will acquire the reputation of a man hard-to-please, as well as upon the lodging place, which will be regarded as unsatisfactory.
- (19) Gen. XIII, 3.
- (20) He who based his view on 'where his tent had been' would not object to a change from a casual dwelling, because 'his tent' suggests a certain permanency. whereas he who emphasized the Biblical 'he went on his journeys' would want to see the place of any of his journeys revisited.

(21) I.e., on his father's side.

(22) I Kings VII, 13-14.

(23) [Var. lec. and it is written, the son of a woman of the daughters of Dan (II Chron. II, 13)].

(24) Ex. XXXI, 6. This indicates that the family all through the centuries intervening had practised the same profession.

(25) Below which they are not 'chastisements' for sins committed in this world, so that one may look forward to a future existence, in which one will derive but the fruits of one's good deeds on earth, having received the punishments for misdeeds whilst yet on earth. Everything below the stage of chastisement is but unimportant annoyance of no compensating quality.

Talmud - Mas. Arachin 17a

Retribution is prepared for him.

It was taught: R. Eliezer the great said: If the Holy One, blessed be He, wished to enter in judgment with Abraham, Isaac or Jacob, not [even] they could stand before His reproof! As it is said: Now therefore stand still, that I may plead with you before the Lord concerning all the righteous acts of the Lord, which He did to you and to your fathers.¹ [It is written:] Such is the generation of them that seek after Him, that seek Thy face, even Jacob. Selah.² R. Judah Nesi'ah³ and the Rabbis differ [as to the meaning]: One says, as the leader, so the generation; the other: as the generation, so the leader. For what practical purpose [is this discussion]? Would you say: It refers to virtue so that one holds: if the generation is virtuous, so is the leader; the other's view being: if the leader is virtuous, so is the generation; but surely there is Zedekiah who was virtuous, whereas his generation was not so; and there is Jehoiakim who was not virtuous, whilst his generation was so. For R. Johanan said in the name of R. Simeon b. Yohai: What is the meaning of: In the beginning of the reign of Jehoiakim, the son of Josiah, king of Judah?⁴ The Holy One, blessed be He, wanted to reduce the world to formlessness and emptiness because of Jehoiakim, but when He considered His generation. His anger subsided.⁵ The Holy One, blessed be He, wanted to reduce the world to formlessness and emptiness because of the generation of Zedekiah, but when he considered Zedekiah, his anger subsided? — Rather, it refers to anger and gentleness respectively.⁶

CHAPTER IV

MISHNAH. AS TO THE SUFFICIENCY OF MEANS,⁷ THIS SHALL BE DONE ACCORDING TO THE ABILITY OF HIM WHO VOWS. AND [WHEN ACCORDING TO] THE YEARS OF HIS AGE, THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VOW. AS FOR VALUATIONS,⁸ THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VALUATION. AND THE VALUATIONS [SHALL BE PAID ACCORDING TO THE RATE PRESCRIBED] AT THE TIME OF THE VALUATION. AS TO THE SUFFICIENCY OF MEANS, THIS SHALL BE ACCORDING TO THE MAN WHO VOWS'. HOW IS THAT? IF A POOR MAN EVALUATED A RICH MAN, HE SHALL PAY ONLY THE VALUATION OF A POOR MAN.⁹ BUT IF A RICH MAN EVALUATED A POOR MAN, HE MUST PAY THE VALUATION OF A RICH MAN. BUT IT IS NOT SO WITH OFFERINGS. IF A MAN SAID: I TAKE UPON MYSELF THE OFFERING OF THIS LEPER, AND THE LEPER WAS POOR, HE BRINGS THE OFFERING OF A POOR MAN.¹⁰ BUT IF THE LEPER WAS RICH, HE MUST BRING THE OFFERING OF A RICH MAN.¹¹ RABBI SAYS: I SAY THE SAME APPLIES WITH REGARD TO A VALUATION.¹² WHY IS A POOR MAN WHO EVALUATED A RICH MAN OBLIGED TO PAY ONLY THE VALUATION OF A POOR MAN? BECAUSE THE RICH MAN HAD NOT INCURRED ANY LIABILITY WHATSOEVER. BUT IF THE RICH MAN SAID: I EVALUATE MYSELF' AND THE POOR MAN, HEARING THAT, SAID: WHAT THIS MAN HAS SAID, I TAKE UPON MYSELF, THEN HE MUST PAY THE VALUATION OF A RICH MAN.

GEMARA. Surely 'sufficiency of means' is written only in connection with valuation?¹³ As it is written: According to the means of him that vowed shall the priest value him.¹⁴ But is [payment according to] the years of his age with regard to one [whose worth has been] vowed, is it not only [stated] with regard to one who has been subject to valuation? — Since he [the Tanna] had spoken of 'sufficiency of means' in connection with 'one who vows', he speaks, touching the years, also of one who had been the subject of a vow.

AS TO SUFFICIENCY OF MEANS, THIS SHALL BE ACCORDING TO THE MAN WHO VOWS'. HOW IS THAT? IF A POOR MAN EVALUATED A RICH MAN HE SHALL PAY

ONLY THE VALUATION OF A POOR MAN. But why? Scripture said: 'According to the means of him that vowed', i.e., the Divine Law made it dependent upon him who 'vowed'.

BUT IT IS NOT SO WITH OFFERINGS. IF A MAN SAID: I TAKE UPON MYSELF THE OFFERING OF THIS LEPER. AND THE LEPER WAS POOR, HE BRINGS THE OFFERING OF A POOR MAN. This means although he who vowed is rich! But did not the Divine Law say: And if he be poor,¹⁵ and he [who vowed] is not poor? Said R. Isaac: This refers to the case where he who vowed [too] was poor. But perhaps the All Merciful spared only [the leper] himself, but not him who vowed, as it is written: [If] he [be too poor]?¹⁶ — Said R. Adda b. Ahabah: 'And his means suffice not',¹⁷ includes him who vows. But if he who vows were a rich man, would he indeed have to bring the offering of a rich man? If so, what means BUT IT IS NOT SO WITH OFFERINGS?¹⁸ —

(1) I Sam. XII, 7.

(2) Ps. XXIV, 6.

(3) The Prince, R. Judah II.

(4) Jer. XXVI, 1.

(5) The emphasis is on the phrase in the beginning used instead of simply 'in the first year', v. Sanh. Sonc. ed., p. 699 notes.

(6) The temperament of the leader, gentle or otherwise, depends upon the spirit of his time.

(7) V. Lev. XXVII, 8.

(8) Explained in Mishnah infra 18a.

(9) I.e., according to his means.

(10) Lev. XIV, 21-32.

(11) Ibid. 10.

(12) There are two views as to what Rabbi means: (i) Rabbi disagrees with the Tanna, for according to the former, a poor man would under all circumstances incur no liability beyond that of a poor man's valuation, i.e., according to his means; even though he heard the rich man vow his own valuation and thereupon he (the poor man) said: I take upon myself what this man has said. According to Rabbi, however, in such a case the poor man would be liable to pay the rich man's (i.e., the normal) valuation, since in saying: 'I take upon myself what this man has said' he deliberately assumes the full liability, and he would owe the sum until able to pay it. (ii) Maimonides interprets Rabbi's attitude to be in accord with the first Tanna's, opposing only the suggestion that it is not so with offerings'. because if the same conditions which prevail at the leper's vow prevailed in the case of a valuation, the same rules would apply, according to the view of the Tanna which Rabbi holds.

(13) Our Mishnah uses the term 'vows' instead of 'evaluates', whereas the rule of paying according to one's means applies not to the vower (of a man's market value), but to the valuations.

(14) The Torah uses in this particular case 'vowing' in its general meaning, which includes also the vowing of one's valuation, that is why the Mishnah, too, uses the same term, not in the stricter but in the general sense. (Lev. XXVII, 8).

(15) Lev. XIV, 21.

(16) The suggestion is that the Torah, out of pity for a poor leper, would allow him to bring the lesser sacrifice, but might not be willing to extend the same consideration to a healthy poor man, who without any compulsion assumed his liability.

(17) Ibid.

(18) When the same regulation applies to them too.

Talmud - Mas. Arachin 17b

One refers to a poor leper. when the person who vowed [his sacrifice] was poor; the other to a rich leper when he who vows is poor.¹ One might have believed that since he was included, he was completely included,² therefore we are informed [that it is not so]. even as it was taught: Since we find in case of valuation that a poor man who evaluated a rich man need pay but the valuation of a poor man, one might have assumed that the same applied also to this [case], therefore the text states: And if he be poor'. But according to Rabbi who said: I SAY THE SAME APPLIES ALSO WITH

REGARD TO A VALUATION which shows that we are guided by the liability of the person,³ so that no Scriptural verse is necessary to exclude,⁴ what then does: '[If] he [be too poor]' exclude? — It excludes the case of a poor leper whilst he who vowed was rich. I might have assumed that since Rabbi said: We are guided by the liability of the person, we shall here too be guided by the liability of the person, therefore we are informed [that we are not so guided here].

MISHNAH. IF HE WAS POOR AND THEN BECAME RICH⁵ OR RICH AND THEN BECAME POOR, HE MUST PAY THE VALUATION OF A RICH MAN. R. JUDAH SAYS: EVEN IF HE WAS POOR AND BECAME RICH AND THEN AGAIN BECAME POOR HE MUST PAY THE VALUATION OF A RICH MAN. BUT IT IS NOT SO WITH OFFERINGS. EVEN IF HIS FATHER WAS DYING [WHILST A MAN VOWED] AND LEFT HIM TEN THOUSAND, OR IF HE HAD A SHIP ON THE SEA AND IT BROUGHT TO HIM TEN THOUSAND, THE SANCTUARY HAS NO CLAIM AT ALL ON THEM.⁶

GEMARA. IF HE WAS POOR AND THEN BECAME RICH etc., [as it is written,] According to the means of him that vowed.⁷ OR RICH AND THEN BECAME POOR [etc.]. [as it is written,] According to the means of him that vowed.⁷

R. JUDAH SAID: EVEN IF HE WAS POOR AND BECAME RICH AND THEN AGAIN BECAME POOR etc. What is the reason of R. Judah's view? — Scripture said: But if he be too poor for thy valuation,⁷ i.e., only if he remains in his poor state from the beginning to the end. But if that be so [consider that]: 'If he be too poor'.⁸ [Would you say] here, too, 'only if he remains poor from the beginning to the end'? And if you were to say, 'Indeed so'! Have we not learnt: If a leper offered up [part of] his offering as a poor man and became rich, or as a rich man and became poor, all should be guided by what the sin-offering was. These are the words of R. Simeon. R. Judah says: Everything should be guided by [what he was when he brought] the guilt-offering.⁹ And it was taught: R. Eleazar b. Jacob says. All should be guided by what [he was when he brought] the birds?¹⁰ — But surely it was said with regard thereto; R. Judah said in the name of Rab: All the three inferred it from one Scriptural verse: Whose means suffice not for that which pertaineth to his cleansing.¹¹ R. Simeon holds: [The reference is to] the thing that procures atonement, that is, the sin-offering. R. Judah holds: It is to the thing which renders him fit, that is, the guilt-offering.¹² R. Eleazar b. Jacob says: The thing which causes his cleansing, that is, the birds. But then why is it said: '[If] he [be too poor]'? According to Rabbi, as he explains it, and according to the Sages, as they explain it.¹³

But then,¹⁴ [when it is written:] He being a witness,¹⁵ would you here, too, say that he must be a fit [witness] from beginning to end? And if you will say: Indeed so! Surely it was taught: If a man knew testimony [to give] for another before he became his son-in-law, and then became his son-in-law; or if he then could hear and now became deaf; could see and now became blind; was of sound mind then and now became stupid, then he is disqualified [as witness]. But if he knew testimony [to give] for him before he became his son-in-law, then became his son-in-law,

(1) In one respect it does apply, in the other it does not. It does not apply to the case of a poor man vowing a rich leper's sacrifice, therefore the remark, 'But it is not so with offerings', is justified. But it does apply to the case of a poor man vowing a poor leper's sacrifice.

(2) One might have assumed that since on the basis of the Scriptural 'And his means suffice not', we include the poor man vowing a poor leper's sacrifice in the consideration due to a poor man's dedicating a rich man, that therefore we might extend the same consideration even to a poor man vowing a rich leper's sacrifice, therefore we need the exclusive meaning of, 'If he be too poor', i.e., only a poor leper's sacrifice is reduced, but a rich leper's sacrifice, even if vowed by a poor man, is not reduced.

(3) Whose valuation has been vowed, not by the ability of the person who vows it.

(4) I.e., the case of a poor man who vows the offering due from a rich leper; since on Rabbi's view the law can be derived from valuations, we are guided by the liability of the leper and not by the means of him that vowed.

- (5) If he became rich either before he had paid the valuation (Rashi); or (Tosaf. Yomtob) before he had been assessed by the priest as to his means.
- (6) Again the meaning of the Mishnah is disputed. Rashi holds, 'But it is not so with offerings' refers to the difference between the rules governing them, and those governing valuations; the second part of the Mishnah, however, applies evenly to both. Maimonides, on the other hand, sees the two parts forming one whole. The difference between offering and valuation lies in this: with regard to the former, everything depends on the sufficiency of means of him from whom the offering is due at the moment when the offering is due, which, according to R. Simeon and the other Tannaim (v. infra) means the time when the sin- and guilt-offerings respectively are offered up. and according to R. Eliezer b. Jacob, the time when he brings the birds into the Sanctuary. If at that moment he is poor, then he need bring but the sacrifice of a poor leper, even though his father be dying. or his boat be on the way back and thus promising him an increase in his sufficiency of means. Tosaf. has valid objections to this interpretation. s.v. **אבא**.
- (7) Lev. XXVII, 8.
- (8) With reference to a leper.
- (9) [The leper had to bring a guilt-offering, a sin-offering and a whole-offering (Lev. XIV, 19, 22). the latter two varying according whether he be poor or rich. If his condition changed after having brought his sin-offering, the whole-offering which he subsequently brings must be a bird if the sin-offering he had brought as a poor man was a bird, or a he-lamb if the sin-offering he had brought as a rich man had been an ewe lamb].
- (10) Lev. XIV, 4. He had to bring these birds alive into the Sanctuary.
- (11) Lev. Xlv, 32.
- (12) It is the guilt-offering which renders him fit to enter the Sanctuary and to eat of the holy meat, after the priest had applied the blood thereof on the tip of his right ear and great toe of his right foot and thumb of the right hand. Lev. XIV, 14.
- (13) Supra p. 99, n. 6.
- (14) In view of the interpretation of the verse 'If he be too poor'. taking the 'he' to denote that there has been no change of condition all the time.
- (15) Lev. V, 1.

Talmud - Mas. Arachin 18a

and after that his daughter [the father-in-law's. i.e., his wife] died; or if he could hear, became deaf, and now regained his hearing; or if he could see, lost his sight, and now recovered it; or was of sound mind, lost his mind, and now recovered it, then he is eligible [as witness]. This is the general rule: Whosoever was capable at the beginning and, again, at the end, is eligible?¹ — It is different there because Scripture says: If he do not utter it, then he shall bear his iniquity.² the Divine Law has made the matter dependent on seeing and hearing, and that is found here.³ But then what is the need of: 'He being a witness'? — Because of what has been taught: If he saw a company of men standing, among whom are his witnesses, and he says: I adjure you that if you know a testimony on my behalf you come and testify for me, one might have assumed that they then are obliged [to do so], therefore the text states: 'He being a witness', whilst he has not singled out his witnesses. One might assume that [the same applies] even if he said: Whosoever [of you knows a fact to testify to. etc.], therefore the text states: 'He being a witness', and he has singled them out.⁴

BUT IT IS NOT SO WITH OFFERINGS: IF HIS FATHER DIED AND LEFT HIM TEN THOUSAND etc. But then he is a rich man? R. Abbuha said: Say, He was leaving him ten thousand.⁵ But that is self-evident? — It means that his father lies in a dying condition. You might have said: Most of the people in a dying condition really die, therefore we are informed [that the Sanctuary has nevertheless no claim].

IF HIS BOAT IS ON THE SEA RETURNING TO HIM WITH TEN THOUSAND. But then he is a rich man? R. Hisda said: It refers to a case when he had rented out or hired it out to others. But there is the rent? — Rent is not payable before the end [of the contracted period]. But derive [his richness] from his boat alone? This is in accord with the view of R. Eliezer, for it was taught: If he

was a farmer, they must leave him his yoke of oxen, and if he was an ass-driver, they must leave him his ass.⁶

MISHNAH. 'AS FOR THE YEARS THIS SHALL BE [VALUED] ACCORDING TO [THE AGE OF] HIM WHO IS VOWED'? IF A CHILD EVALUATES AN OLD MAN. HE MUST PAY THE VALUATION OF AN OLD MAN. AND IF AN OLD MAN EVALUATES A CHILD. HE MUST PAY THE VALUATION OF A CHILD. AS FOR VALUATION: THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VALUATION. HOW IS THAT? IF A MAN EVALUATED A WOMAN, HE MUST PAY THE VALUATION OF A WOMAN. AND IF A WOMAN EVALUATED A MAN, SHE MUST PAY THE VALUATION OF A MAN. 'AND THE VALUATION DEPENDS UPON THE TIME OF THE VALUATION'. HOW IS THAT? IF HE EVALUATED ONE WHO WAS LESS THAN FIVE YEARS OF AGE, AND HE BECAME [MEANTIME] OLDER THAN FIVE YEARS OF AGE; OR [HE EVALUATED ONE] WHO WAS LESS THAN TWENTY YEARS OF AGE AND HE BECAME TWENTY YEARS OLD. HE MUST PAY [ONLY] IN ACCORD WITH THE AGE AT THE TIME OF THE VALUATION.

GEMARA. Our Rabbis taught: You have compared vows [of market value] to valuations, both with regard to [the valuation of] pearls for the poor,⁷ and to the rule that the value of a limb be judged in accord with its importance.⁸ One might have assumed that we shall compare valuations with vows of market value also with regard to the rule that there, too, he shall have to pay its value according to the time of the payment,⁹ therefore it is said: According to thy valuation it shall stand,¹⁰ i.e., [in the case of valuation] he shall pay only as much as it was worth at the time of the valuation.

MISHNAH. THE THIRTIETH DAY IS ACCOUNTED UNDER THIS AGE. THE FIFTH YEAR OR TWENTIETH YEAR IS ACCOUNTED UNDER THIS AGE. FOR IT IS WRITTEN: AND IF IT BE FROM SIXTY YEARS OLD AND UPWARD.¹¹ WE LEARN THUS WITH REGARD TO ALL OTHERS FROM WHAT IS SAID ABOUT SIXTY YEARS: JUST AS THE SIXTIETH YEAR IS ACCOUNTED UNDER THIS AGE. SO ALSO THE FIFTH AND TWENTIETH YEARS ARE ACCOUNTED UNDER THIS AGE. WHAT! BECAUSE [THE TORAH] HAS RECKONED THE SIXTIETH YEAR TO BE UNDER THIS AGE, THEREBY BEING MORE STRINGENT, SHALL THE FIFTH OR THE TWENTIETH YEAR BE CONSIDERED UNDER THIS AGE. WHEREBY IT WOULD BE MORE LENIENT?¹² TO TEACH US THAT, IT IS SAID: 'YEARS', 'YEARS' TO SET FORTH THIS ANALOGY: JUST AS WITH THE SIXTIETH YEAR THE WORD 'YEARS' MEANS THAT IT BE RECKONED UNDER AGE, SO THE WORD 'YEARS' WITH THE FIFTH AND WITH THE TWENTIETH YEAR MEANS THAT IT IS TO BE RECKONED UNDER AGE, NO MATTER WHETHER IT BEARS LENIENTLY OR STRINGENTLY. R. ELEAZAR SAYS: [THIS RULE HOLDS GOOD] UNTIL THEY ARE A MONTH AND A DAY BEYOND THE YEARS CONCERNED.

GEMARA. Now this is superfluous,¹³ for were that not the case, it could be refuted as we did. For [the fact is that] the words 'years', 'years' are written superfluously.

Shall we say that our Mishnah is not in accord with Rabbi; for if it were in accord with Rabbi, surely he said: 'Until' is meant to be inclusive. For it was taught: [It is written:] From the first day until the seventh day.¹⁴ One might have assumed [this to mean]: 'From the first day on' but the first not included, and 'until the seventh day' but the seventh day not included,

(1) Whereas above the condition was made that he must be of one quality or condition from the beginning to the end.

(2) Lev. V, 1.

(3) The Torah here insists that it is sufficient if he be fit at the time of seeing and telling, rendering his condition at any other time irrelevant.

(4) He must single out those whom he adjures to give testimony on his behalf, because the Biblical 'He being a witness'

indicates that a definite person must be involved. When the adjurer says: If someone among you knows etc., he speaks in general terms, hence does not affect those few who know among the majority who do not. But if he said: Whosoever of you knows, then he is addressing himself individually to each who does, hence he does oblige those who can give testimony on his behalf, to do so.

(5) He has not left him the money yet. He is still living, although in a dying condition. Yet, as long as he is alive, the Sanctuary has no claim whatsoever on the son, because the general experience that people in a dying condition die, does not, for the purpose of the law, assume that the person is dead, that the inheritance is available, but we say that the son now has no money yet.

(6) Just as the farmer's yoke of oxen are his 'tools' wherewith he earns his living; just as the ass-driver's ass for that reason may not be taken in pledge, so is this man's boat, a tool wherewith he earns his living and must not be taken either.

(7) If a poor man owned a pearl which in his place of residence, for lack of demand, is worth but thirty sela's, whereas in a large town where there are many buyers, it would be worth fifty-one must assume that it is worth only what the poor man can get for it now, in his place of residence. The poor man who vowed his own valuation would hence not have to pay fifty sela's (if he were between twenty and fifty years of age), although the pearl might fetch that price elsewhere. Now the same rule applies to the case of one who said: 'I take it upon myself to pay to the Sanctuary the value of this pearl'. Here, too since we compared valuation to vow of market-value, the vower would have to pay the lower price. The comparison, based on analogy of expression, is found supra 2a.

(8) V. supra 4b,

(9) When the worth of the person who is the subject of the vow is valued.

(10) Lev. XXVII, 17.

(11) Lev. XXVII, 7.

(12) The valuation from twenty to sixty is fifty shekels. From sixty up it is fifteen. From five to twenty, twenty shekels. Now the Torah in considering one of sixty years to be under age, imposes upon the vower the highest payment — a stringency. Would one stretch the analogy so far as to do just the opposite: to lower the payment by considering one of twenty to be nineteen, which would mean reducing the sum due from fifty shekels to twenty?

(13) 'Mufneh'; lit., 'free, empty, disengaged'. It means that the identical expression, the *gezerah shawah* (v. Glos.) occurring in two different texts, has not been engaged for any deduction or interpretation, thus is 'free' and legitimately a source of comparison for the case in question. The repetition of the word 'years'. which has no meaning in the context, and which suggests no other teaching. thereby justifies the inferences made here from the analogous expression.

(14) Ex. XII, 15.

Talmud - Mas. Arachin 18b

, in the same manner as it is said: From his head even unto his feet,¹ where it means, '[from] his head [on]', but his head is not included; and '[unto his] feet', but his feet are not included;² therefore it is said: Until the one and twentieth day of the month at even.³ — Rabbi said: This was not necessary: 'first' [itself] means the first inclusive, and 'seventh' the seventh inclusive! You might even say that our Mishnah is in accord with Rabbi. Here, however, the Scriptural verses are balanced. For it is written: From a month old even unto five years old,⁴ why then [state] From five years old even unto twenty years old?⁵ Therefore they are balanced.⁶

The Master has said: 'his head'. but his head is not included; 'his feet', but the feet are not included. Whence do we know that? — If you like, say: Because the signs [of leprosy] on the body are different from those on the head;⁷ or, if you like, say: As far as appeareth to the priest.⁸

R. ELIEZER SAYS: [THIS RULE HOLDS GOOD] UNTIL THEY ARE A MONTH AND A DAY BEYOND THE YEARS CONCERNED. It was taught: R. Eliezer said, Here it is said, 'and upward', and there it is said, 'and upward';⁹ just as there the meaning is 'from a month and one day', so here a month and one day. But say perhaps: Just as there 'one day' so here, too. 'one day'?¹⁰ — Of what value would the analogy then be?

Our Rabbis taught: The year mentioned in connection with consecrated animals, the year stated in connection with dwelling houses in a walled city,¹¹ the two years in connection with the field of possession,¹² the six years of the Hebrew slave,¹³ as well as those of a son or daughter,¹⁴ are to be understood as from hour to hour.¹⁵ Whence do we know that with regard to consecrated animals? — R. Aha b. Jacob said: Scripture said, A lamb ben shenato [of the first year],¹⁶ i.e., of 'its own first year', not that of the calendar.¹⁷ As to the year mentioned in connection with dwelling houses in a walled city. Scripture said: Within a whole year mimkaro [after it is sold],¹⁸ i.e., of its [own year after the] sale, not of the calendar. With regard to the two years of the field of possession, it is written: According unto the number of years of the crops he shall sell unto thee,¹⁹ implying that a man eats [the fruit of] three crops in two years. With regard to the six years of a Hebrew slave, Scripture said: Six years he shall serve, and in the seventh,²⁰ implying that at times in the seventh year, too, he may be working.²¹ 'As well as those of a son or daughter', for what practical purpose is the rule? — R. Giddal in the name of Rab said: With regard to valuations.²² R. Joseph said: With regard to [the subject of] the chapter on the foetus extracted by means of a caesarean section.²³

Said Abaye to R. Joseph: Are you [two] of conflicting opinion? — He replied: No, I say one thing, and he said another. Thus also does it seem logical. For if you should think they are disputing, and he who said [the practical purpose] concerns valuations, should not hold it to be also with regard to the chapter about the foetus extracted by means of a caesarean section, has not Rab said that the decision was with regard to all [cases in that] chapter: that [the years] were to be understood as from hour to hour? Then why does he who said [the practical purpose] concerned valuations not say it concerns the chapter on a caesarean extraction? — Because it²⁴ is to be analogous to those [mentioned previously]:²⁵ Just as these are written [in the Torah], so does this refer to what is written [in the Torah].²⁶ And the other? — If you think [that the reference is to] what is written, then the expression 'With a son or daughter' — ought it not to state 'with male or female'?²⁷

(1) Lev. XIII, 12 in connection with the signs of leprosy.

(2) V. infra.

(3) Ex. XII, 18, the words 'at even', at the end of the day, include the seventh, and 'at even' is also written in connection with the first day in the same verse.

(4) Lev. XXVII, 6.

(5) Ibid. v. 5.

(6) The fifth year as well as the twentieth (vv. 3 and 5) could be counted as belonging to either of the periods. Therefore the verses are suspended in meaning, indeterminate, and it is only the inference from analogy of expression which establishes the correct meaning.

(7) The signs on the head are yellow thin hair, whereas the signs on the body are white hair, and spreading in the skin.

(8) Ibid. XIII, 12. The priest could not see the sign on the head because of the hair, nor between the toes, in one view, as required.

(9) Num. III, 43. with reference to the counting of the Levites. Any Levite of over one month old, even if it be but one day, was included in the counting.

(10) Since here the addition is but one day, perhaps it ought to be exactly alike with the years in the case of valuations.

(11) V. Lev. XXV, 30.

(12) V. infra 29b.

(13) Ex. XXI, 2.

(14) V. infra p. 112, n. 1.

(15) As lasting one year from the hour of its birth, or sale, or service, to the very same hour a year later on the very same day, independent of the calendar year. In a calendar year Tishri would commence the New Year.

(16) Lev. XII, 6. The text might have read: ben shanah, which would have suggested an ordinary year. 'Ben shenato', (lit., 'an animal its year old') suggests that it shall be its own year, from hour to hour.

(17) Lit., 'world'.

(18) Lev. XXV, 29. Again the word 'mimkaro' suggests its own year. i.e., from hour to hour.

(19) Ibid. v. 15. the double plural 'years of crops' suggesting that the regular counting would not be satisfactory. There

may be more than two crops in two years.

(20) Ex. XXI, 2.

(21) The second part of the verse is taken here in conjunction with the first.

(22) I.e., with regard to the age which determines the rate of payment.

(23) In that chapter the age is discussed at which son and daughter are fit to vow. Nid. 45b.

(24) The reference to a son and daughter.

(25) I.e., the consecrated animals, etc.

(26) Viz., valuations.

(27) Just as the Torah in this connection (Lev. XXVII) speaks of 'male' and 'female'.

Talmud - Mas. Arachin 19a

Why is a female, when she is old, valued only at one third, whereas a man at not even a third?¹ — Said Hezekiah: people say, An old man in the house is a burden in the house, an old woman in the house is a treasure in the house!²

CHAPTER V

MISHNAH. IF A MAN SAID: I VOW MY WEIGHT, THEN HE MUST PAY HIS WEIGHT, IN SILVER [IF HE HAD SAID IN] SILVER, OR IN GOLD [IF HE HAD SAID IN] GOLD. IT HAPPENED WITH THE MOTHER OF YIRMATIA,³ WHO HAD SAID, 'I VOW MY DAUGHTER'S WEIGHT': SHE WENT UP TO JERUSALEM AND WEIGHED HER AND THEN PAID HER WEIGHT IN GOLD. [IF A MAN SAID: I VOW] THE WEIGHT OF MY HAND, R. JUDAH SAYS: LET HIM FILL A BARREL WITH WATER AND PUT IT [HIS HAND] IN UP TO THE ELBOW. THEN LET HIM WEIGH THE FLESH, BONES AND SINEWS OF AN ASS AND PUT IT INTO THE BARREL UNTIL IT IS FILLED UP AGAIN. SAID R. JOSE: BUT HOW IS IT POSSIBLE TO ACCOUNT EXACTLY ONE KIND OF FLESH AGAINST ANOTHER KIND OF FLESH, AND ONE KIND OF BONES AGAINST ANOTHER KIND OF BONES? RATHER: ONE ESTIMATES WHAT THE HAND IS LIKELY TO WEIGH.

GEMARA. What does it mean IF SILVER, SILVER, IF GOLD, GOLD? — Rab Judah said: If he had said [my weight] in silver, then [he must pay it] in silver, if gold. gold. But that is self-evident? — This is what he is teaching us: The reason⁴ is because he has mentioned expressly [the precious metal], but if he has not mentioned expressly, he can free himself of the obligation with anything;⁵ in accord with Rehabah, for Rehabah said: In a place where [they sell] pitch by the weight, he can free himself even with pitch. But that is self-evident? — No, it is necessary to mention that for the case that some weigh and others measure it. You might say since not all [sell it] by weight [he may] not [free himself by paying his weight in pitch], therefore we are informed [that he may].

R. Papa said: In a place where [they sell] onions by the weight, he can acquit himself [of his vow] even with onions. But that is self-evident? — It is necessary to mention that because after weighing it [the seller] would add two or three. Therefore you might have said: thereby it should be excluded from the rule of things [sold] by weight. Therefore we are informed [that it is not so excluded].

IT HAPPENED WITH THE MOTHER OF YIRMATIA. An accident [is reported] to contradict [the law just stated]? — Something is missing here and thus it ought to read: 'But if it be a prominent person, then although he has not expressly stated, we estimate it in accordance with his dignity; and IT HAPPENED WITH THE MOTHER OF YIRMATIA WHO HAD SAID, 'I VOW MY DAUGHTER'S WEIGHT': SHE WENT UP TO JERUSALEM AND THEY WEIGHED HER, AND THEN SHE PAID HER WEIGHT IN GOLD'.⁶

Rab Judah said: If one says, I vow my stature, he must give a staff which cannot be bent. [If he said:] I vow my full stature, he may give a staff which can be bent.⁷ They raised the following objection: [If one said:] 'I vow my stature', or [if he said, 'I vow] my full stature', he must give a staff which cannot be bent? He holds with R. Akiba, who pays close attention to redundant speech. For we learnt: Nor [has he thereby sold]⁸ the cistern or the walled cellar, even though he wrote [in the document of sale], 'the depth and the height', but he [the seller] must acquire for himself a way thereto. These are the words of R. Akiba. The Rabbis taught: He does not need to do so. R. Akiba, however, agrees that if he had said, 'With the exception of these', he need not buy himself a way thereto.⁹ Thus we see that since he did not have to say anything and nevertheless did make a statement, he meant to add something thereby; therefore here, too, since he did not have to say anything and he spoke nevertheless, he wanted to add something.¹⁰

The following question was raised [in the Academy]: If he said, 'My stand', what is [the law]?

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- (1) A woman under sixty is to be valued at thirty, above sixty at ten, which is one third; a man under sixty at fifty, over sixty at fifteen, which is less than a third.
- (2) A woman is never too old to be useful in the house, whereas in popular opinion, an old man in the house may be termed 'an obstacle', 'a burden', 'a weak vessel'.
- (3) Var. lec.: Domitia.
- (4) That he was to pay his weight in silver or gold.
- (5) However base a metal or material.
- (6) According to which one is bound only by express statement as to that metal is meant, whereas the mother of Yirmatia, on the basis of a general vow, is reported to have made a payment of the weight in gold.
- (7) In the first case the stature of the metal, whichever he mentioned, should be paid. In the second, he has stressed only the height, therefore a staff, however thin and easy to be bent, will redeem the pledge. In the first it must be solid, as his figure, in the second it must be high, but need not be of any minimum thickness.
- (8) I.e., if one who has sold a house.
- (9) V. B.B. 64a.
- (10) The seller should not have mentioned a self-evident clause: that cistern and cellar are not sold with the house. Having mentioned that, he must have added something to the contract not implicit therein, viz., the right to the cellar. In similar manner here, 'full' is a superfluous phrase, stature implies the full height. Hence the additional suggestion: It is only as to the full height that I assume obligation, but as to thickness, that may be as slender as possible.

Talmud - Mas. Arachin 19b

'My breadth, what is [the law]? 'My sitting', or 'My thickness', what is [the law]? 'My circumference', what is [the law]?¹ — The questions remain unanswered.

I VOW THE WEIGHT OF MY HAND. Our Rabbis taught: [If one said:] 'I vow the weight of my hand and the weight of my foot', R. Judah says: Let him bring a barrel, fill it with water, place his hand therein up to the elbow, and his foot up to the knee; then let him weigh the flesh, bones and sinews of an ass and put it in [to the barrel] until it is filled up. And although there is no proof for it [in the Bible],² there is a mnemonical allusion: Whose flesh is as the flesh of asses.³ R. Jose said to him: How is it possible to account exactly one kind of flesh as against another kind of flesh, one kind of bones as against another kind of bones, and one kind of sinews as against another kind of sinews? R. Judah answered him: They estimate [the weight of the flesh, bones and sinews].⁴ Said R. Jose to him: If you must estimate, estimate the hand [itself]? And R. Judah? As far as possible we do it by weight.

'The hand up to the elbow'? An objection was raised: The hands and feet in the Sanctuary were washed up to the joint [of the palm]? In [the language of] the Torah [hand means] up to the joint, but

with regard to vows, go after human parlance!

But according to the Torah [language, does it mean] up to the joint? What then of tefillin with regard to which thy hand⁵ is written; and the School of Mennaseh taught: 'thy hand', that means on the biceps muscle? [Rather say thus,] In the Torah [it means] the whole biceps-muscle, but with regard to vows, go after human parlance, and as to washing the hands and feet in the Sanctuary. that⁶ is a traditional teaching.

'The foot up to the knee'? But there is a contradiction against this. [It is written,] Feet,⁷ that excludes people with wooden legs?⁸ — With regard to vows, go after human parlance. But in the Torah does [the term] foot exclude people with wooden legs? What of halizah where it is written: his foot,⁹ and yet it was taught if she drew off his shoe [that was strapped] from the knee below, her halizah [ceremony] is valid?¹⁰ — It is different there, because Scripture says: From off his foot.⁹ If that be so, then even if [the shoe was strapped] above the knee, it should also be [valid]? — It reads: from above', not 'from over above'.

R. Papa said: It is evident therefrom¹¹ that what is called istawira¹² goes down to the ground.¹³ For if you should think it is divided [into two], then the istawira would be 'above the foot' and the thigh¹⁴ 'over above' [the foot].¹⁵ — R. Ashi said: You may even say that it is divided [into two], yet whatsoever is horizontally with the foot¹⁶ is [like] the foot.

MISHNAH. [IF SOMEONE SAID] I VOW THE WORTH OF MY HAND, THEY ESTIMATE HIS WORTH WITH HIS HAND AND [WHAT IT WOULD BE] WITHOUT HIS HAND. IN THIS RESPECT VOWS OF WORTH ARE MORE STRINGENT THAN VALUATIONS.¹⁷

GEMARA. How do we estimate him? — Raba said: We estimate him as one estimates in the case of injury.¹⁸ Said Abaye: Are the two cases alike? There the man is reduced in value, here he is in physical integrity! — Rather, said Abaye: They estimate how much a man would give for a slave who does his work with but one hand as against what he would give for a slave who does his work with both hands. [You say,] 'With one hand'? What does that imply? That the other is cut off? But that is the very case [of damage just mentioned]. Rather [say, How much a man would give . . . as against the case] where one of his hands is assigned to the first master.¹⁹

Raba asked: If they have estimated him in a case of injury and he said: 'I vow my worth', what is [the law]? Do we say, 'surely they have estimated him once already', or is an estimate by ten different from an estimate by three?²⁰ And if you find a reason for saying that the estimate by ten is different from one by three, what is [the law] if he said: I vow my worth and he was estimated, whereupon he said again. I vow my worth? Is it here definite since ten have estimated him, or perhaps he may have increased in value meantime!²¹ [And if you were to say that he has increased in value meantime,] what is [the law] if he said: I vow my worth, and they did not estimate him, and then he again said: I vow my worth? [Do we say] in this case he is surely

(1) 'My stand' may mean my height; 'my breadth' may mean a staff as long as I am broad, or a staff as broad as I am; 'my thickness', too, is ambiguous; 'my circumference' may imply a staff, crooked and of the same circumference as myself, or one as thick as my circumference.

(2) That the weight of flesh, bones and sinews of an ass correspond to those of men.

(3) Ezek. XXIII, 20.

(4) Probably the meaning is that the weighing demanded by R. Judah is but to serve as an aid to estimating the weight of the hand itself].

(5) Ex. XIII, 9.

(6) The limit of the joint of the palms.

(7) Ex. XXIII, 14.

- (8) Men with artificial feet are not obliged to go 'on foot', i.e., on pilgrimage to the Temple on the three festivals, v. Hag. 3a. This shows that the foot does not stretch to the knee.
- (9) Deut. XXV, 9.
- (10) V. Yeb. 101a.
- (11) Since a halizah performed with a shoe strapped below the knee is valid.
- (12) I.e., the ankle (in an anatomical sense).
- (13) I.e., the entire length of the foot from the ankle.
- (14) I.e., that part of the leg up to the knee joint from the ankle upward.
- (15) And consequently the halizah should be invalid.
- (16) I.e., the whole istawira is regarded as part of the foot.
- (17) Because one cannot vow the valuation of the hand or any other non-vital organ.
- (18) V. B.K. 83b. He is looked upon as if he were a slave to be sold in the market, and they assess how much he was worth (before the injury) and how much he is worth now.
- (19) He must not do work with it for the second master at all. He is therefore physically of full integrity and the analogy is warranted.
- (20) One who vows his market-value must be estimated by a body of ten with the case of our Mishnah, whereas one's assessment in the case of injuries can be determined by a court of three (v. Sanh. 2a).
- (21) And consequently he must be assessed anew.

Talmud - Mas. Arachin 20a

to be estimated once [only],¹ or perhaps since he vowed one time after the other, he is [formally] to be estimated twice? And if you find a reason for saying that because he vowed one time after the other he is to be estimated twice, what is [the law] if he said, 'Twice my worth do I vow'? [Do we say] he has definitely vowed only once and hence he should be estimated only once, or perhaps since he said, 'Twice' it is to be as if he had vowed one time after the other? And if you find a reason for saying that since he said, 'Twice' it is to be as if he had vowed one time after the other, what is [the law] if they had estimated him incidentally?² Do we say. Behold he stands estimated, or do we require intention for an estimation [to be valid]? — Solve at least one [of these questions], for we learnt: [If one said,] 'I vow my worth' and died, the heirs need not give anything', because a dead man has no worth.³ Now if you were to say that if they had estimated him incidentally the estimate would be considered valid, then he, too, stands estimated already; for is there a person who is not worth four zuz [at least]? — [No,] one estimated incidentally has been estimated at any rate, but one who merely said: 'I vow my worth', has not reached [the stage of] estimation at all.

MISHNAH. VALUATIONS ARE IN THE DIRECTION OF MORE STRINGENCY THAN VOWS OF WORTH. HOW IS THAT? IF ONE SAID: I VOW MY VALUATION AND THEN HE DIES. HIS HEIRS MUST PAY IT. [BUT IF HE SAID:] I VOW MY WORTH AND THEN HE DIES, THEN HIS HEIRS NEED NOT PAY ANYTHING BECAUSE DEAD PERSONS HAVE NO WORTH [MARKET-VALUE]. [IF HE SAID,] 'THE VALUATION OF MY HAND OR FOOT I VOW', HE HAS SAID NOTHING, [BUT IF HE SAID,] 'I VOW THE VALUATION OF MY HEAD OR OF MY LIVER', HE MUST PAY HIS WHOLE valuation. THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF ANY] THING ON WHICH HIS LIFE DEPENDS. HE MUST PAY HIS VALUATION IN FULL. [IF HE SAID:] 'I VOW. HALF MY VALUATION', HE MUST PAY HALF HIS VALUATION, [BUT IF HE SAID,] 'THE VALUATION OF ONE HALF OF ME HE MUST PAY HIS WHOLE VALUATION. [IF HE SAID] 'HALF OF MY WORTH I VOW', HE MUST PAY HALF HIS WORTH. [IF HE SAID,] 'I VOW THE WORTH OF ONE HALF OF ME, HE MUST PAY HIS WHOLE WORTH. THIS IS THE GENERAL RULE: [IF HE VOWED] THE WORTH OF ANYTHING ON WHICH HIS LIFE DEPENDS, HE MUST PAY HIS WHOLE WORTH. IF HE SAID: I VOW THE VALUATION OF SO-AND-SO', AND BOTH THE VOWER AND THE SUBJECT OF THE VOW DIED, THEN THE HEIRS MUST PAY IT. [IF HE SAID,] 'THE WORTH OF SO-AND-SO I VOW', AND THE

VOWER DIED, THE HEIRS MUST PAY IT. BUT IF THE SUBJECT OF THE VOW DIED, THE HEIRS NEED NOT PAY ANYTHING BECAUSE DEAD PERSONS HAVE NO WORTH.

GEMARA. Our Rabbis taught: Vows of worth are in the direction of greater stringency than vows of valuations, for vows of worth apply to cattle, game and birds, and are not estimated according to sufficiency of means, whereas it is not so with valuations. Valuations are in the direction of greater stringency than vows of worth. How is that? If one said: 'I vow my valuation' and then died, his heirs must pay it; [but if he said,] 'I vow my worth' and then died, his heirs need not give anything, for dead persons have no worth [market-value].

'If he said: "I vow my valuation" and then died, his heirs must pay.' We infer therefrom that an oral debt may be collected from the heirs?⁴ — It is different here because it is a debt arising from the law of the Torah. Then we may infer from here that a debt arising from the law of the Torah has the force of one acknowledged in a document of indebtedness? — Here we speak of the case where he stood before the court.⁵ Then, in the same situation where he had said: 'I vow my worth', if he stood before the court, why should the heirs not have to pay? — Because in the case of where he says, 'I vow my worth', he still lacked estimate, whilst in the case where he had said, 'I vow my valuation', he lacked nothing.⁶

I VOW THE VALUATION OF MY HAND OR OF MY FOOT etc. R. Giddal in the name of Rab said: And he must pay its worth [market-value]. But it was said, He has said nothing? — He has said nothing according to the Rabbis, but he must pay according to R. Meir.⁷ But he [R. Giddal] has said that once already, for R. Giddal had said in the name of Rab: [If someone said:] 'I vow the valuation of this vessel', he must pay its market-value?⁸ You might have said: There [he must pay the market-value] because a man knows that a vessel is not subject to valuation, therefore he had made up his mind to [use the phrase meaning, however, its] worth. But here he was really mistaken, in that he believed that just as there is valuation to 'my hand or liver', there is one to 'my foot or hand', but he never meant the market-value; therefore he informs us [that he must pay the market-value nevertheless].

THE VALUATION OF MY HEAD OR MY LIVER', HE MUST PAY HIS WHOLE VALUATION. Why? — The Divine Law said: souls.⁹

THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF] ANYTHING ON WHICH HIS LIFE DEPENDS, HE MUST PAY HIS VALUATION IN FULL. That includes [his saying: I vow the valuation of anything] from the knee upwards.¹⁰

HALF OF MY VALUATION etc.' Our Rabbis taught: [If a man said:] 'I vow half my valuation', he must pay half his valuation. R. Jose son of R. Judah says: He receives punishment and must pay his full valuation.¹¹ Why [should he be punished]? — Said R. Papa: He receives the punishment of having to pay the full valuation. What is the reason? — [It means,] We are stringent about the vow, 'Half of my valuation' because [of its possible confusion with] 'The valuation of one half of him', and the valuation of the half of oneself is tantamount to [the valuation of] something on which one's life depends.

HALF OF MY WORTH DO I VOW etc. [BUT IF HE SAID:] 'I VOW THE WORTH OF ONE HALF OF ME, HE MUST PAY THE WHOLE OF HIS WORTH. What is the reason? — Scripture said: A vow of persons [souls] according to thy valuation.¹² THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF] ANYTHING ON WHICH LIFE DEPENDS, HE MUST PAY HIS WHOLE VALUATION. That includes his vowing the worth of anything from the knee upwards.¹³

Our Rabbis taught: If one vows half the valuation of a vessel, then R. Meir says he must pay its market-value, whereas the Sages say he need not pay anything. Rabbah was ill. Abaye and the Rabbis entered his home. They were sitting and saying: That is right according to R. Meir for he holds that 'no man utters his words in vain [without purpose]', there being no difference whether one half or the whole is concerned. But [the difficulty is with] the Rabbis. What is their view? If they hold a man does utter his words in vain, then he should be free from any obligation to pay even if he said, [I vow the valuation] of a whole vessel; and [if they hold] that a man does not utter his words in vain, then he ought to pay even though he vowed half of its valuation? — Rabbah answered them: The Rabbis here hold with R. Meir and with R. Simeon: They hold with R. Meir that no man utters his words in vain, and they agree with R. Simeon who said [that he¹⁴ is exempt] because he did not make a freewill-offering in the manner proper to those that make freewill-offerings. Now it would make a full gift for one to vow a whole [vessel], but it is not usual to vow only half [a vessel].¹⁵

IF SOMEONE SAID: 'I VOW THE VALUATION OF SO-AND-SO AND THEN THE VOWER DIED etc. How is this [case] to be explained? presumably that he stood before the court?¹⁶ But that is the same as the other?¹⁷ — It is necessary [to state that] because of the second clause: [If he said,] 'I vow the worth of So-and-so'. and he who vowed died, then the heirs must pay it

(1) Making, of course, a twofold payment.

(2) I.e., not with any particular purpose in view.

(3) V. next Mishnah.

(4) And elsewhere it was left an undecided question.

(5) To have his payment enforced.

(6) The payment being determined according to age and sex by the law in Lev. XXVII.

(7) V. supra 5a.

(8) R. Giddal holds with R. Meir (supra 5a) that no man utters his words in vain, hence, whilst careless as to technical terms, he has something definite in mind. A vessel not being subject to valuation, he must have had in mind its market-value.

(9) Persons, souls (life), all members or parts of the body upon which life depends can be dedicated, their value being equal to the valuation of the whole person.

(10) The suggestion is that the removal of any part of the body above the knee would constitute a danger to life, hence would mean the valuation of the person. just as if somebody said: I 'vow my liver, or my heart'.

(11) 'Lakah', the term, tech. for the thirty-nine stripes, means literally to suffer', 'to be at a disadvantage'; hence R. Papa's interpretation. Cf. B.M. 43a.

(12) Lev. XXVII, 2. The same interpretation as to vitality of the organ concerned applies to both vows of worth and valuations.

(13) V. supra p. 118, n. 4.

(14) Who vowed to bring a meal-offering of barley. v. Men. 103a.

(15) Therefore, if he had evaluated a whole object on the principle that no man utters words in vain, he would have been considered liable. But an unusual gift made in the additionally abnormal form of half of an object must have been meant 'in vain', not seriously. hence the Rabbis decide that he need not pay anything at all.

(16) To be assessed.

(17) Above, exactly the same case was reported, and interpreted also as one in which he stood before the court. Why then this repetition?

Talmud - Mas. Arachin 20b

. Now you might have said: Since there has been no estimate,¹ his possessions are not subject [to payment], therefore we are informed that since he stood before the court, his possessions have [automatically] become liable [for the vow], the estimating being a mere statement of fact [as to the monetary value].

MISHNAH. [IF SOMEONE SAID:] THIS OX SHALL BE A BURNT-OFFERING. OR THIS HOUSE SHALL BE AN OFFERING,² AND THE OX DIED OR THE HOUSE FELL DOWN, HE IS FREE FROM PAYING [THEIR WORTH]. [BUT IF HE SAID:] 'I VOW THIS OX AS A BURNT-OFFERING' OR 'THIS HOUSE AS AN OFFERING AND THE OX DIED, OR THE HOUSE FELL DOWN. THEN HE IS OBLIGED TO PAY [THEIR WORTH].³

GEMARA. R. Hiyya b. Rab said: This has been taught only for the case where he said: 'I vow⁴ the worth of this ox for a burnt-offering', but if he said: 'I vow this ox as a burnt-offering', since he had said 'this' and [this one] died, he is not obliged [to make restitution for it], for he [merely] meant: '[I vow] to bring him'.⁵

An objection was raised: [If he said,] 'This ox shall be a burnt-offering', then the ox is sacred property and the law of sacrilege applies to it.⁶ If it die or be stolen, he is not obliged to make restitution. [But if he said:] 'I vow this ox as a burnt-offering', the ox becomes sacred property and the law of sacrilege applies to it. If it died or is stolen, he is obliged to make restitution! — Is this [teaching] any stronger than our Mishnah? There we assumed it refers to the case where he said: 'I vow its worth', thus here too, the reference is to the case where he said: 'I vow its worth'. But since the second part speaks of the case where he said 'the worth', the first must needs speak of the case where he did not say 'the worth'! For the second part reads: [If he said:] The money of the ox shall be a burnt-offering, then the ox remains profane, and the law of sacrilege does not apply to it. If it die or be stolen, he is not obliged to make restitution. But he is obliged to make restitution for his money?⁷ — Both the first and the second part speak of the case where he said: 'Its money value'; but in the first case he said: 'The ox be sanctified in respect of its money', in the second he said: 'The money thereof be sanctified when realized'. But how can a man sanctify a thing that is non-existent?⁸ Said Rab Judah in the name of Rab, This is in accord with R. Meir who said: A man may sanctify a thing that is non-existent.

Some say. R. Papa said to Abaye (or, according to others, Rama b. Hama said to R. Hisda): According to whom will [this teaching be]? According to R. Meir, who holds a man may consecrate a thing that is non-existent? He replied: According to whom else [will it be]?

Some refer it to the following: If a man rents a house to his neighbour and it became leprous, then although the priest has declared it definitely leprous, he could say to him: Behold. before you lies your own!⁹ If the priest has broken it down, he is obliged to place another one at his disposal;¹⁰

(1) Sc. of the worth of the one who has been vowed.

(2) For the repair of the Sanctuary. v. Num. XXXI, 50. where such gifts, too, are called korban, 'offering'.

(3) Tosaf, interprets this Mishnah thus (s.v. אומר): If someone used the expression. 'this ox' or 'this house' shall be an offering. and the ox died or the house fell down, then he is not obliged to pay because he made the vow contingent upon these objects or upon their value when extant. But if he said: 'I vow (lit., "(I take) upon me") this ox or house', then he makes the payment depending on none but himself, and he must redeem his pledge independent of the condition or existence of the objects (referred to). Maimonides makes this distinction: The preceding Mishnah taught: Dead persons have no market-value. This applies only to human beings. Oxen, however, have value even when dead.

(4) V. supra p. 120, n. 5.

(5) I.e., if possible, to make every effort to do so. But his obligation extended only to this ox; he assumed no responsibility for any accident (like death) that would render his effort futile.

(6) V. Lev. V, 15ff.

(7) If it is sold and the money obtained as proceeds is lost.

(8) Lit., 'that has not come into the world'. How then can the consecration operate at all in the second clause?

(9) The owner can say to him who rented it: The house I rented to you is here. That it became leprous is your misfortune.

(10) If the priest broke down the house, then the rented house being no more available, the owner must provide a new house for the use of him who had rented it.

Talmud - Mas. Arachin 21a

if he consecrated it, then he who dwells therein must pay rent to the Sanctuary. [It says,] 'If he consecrated it, then he who dwells therein must pay the rent to the Sanctuary'. But how could he have consecrated it; does not the Divine Law say. And when a man shall sanctify his house,¹ i.e., just as his house is in his possession, so [can he sanctify only] such things as are in his possession? — This is what it means: If he who leases it consecrates it, then he who dwells therein must pay rent to the Sanctuary. You say, 'If he who leases it consecrated it', but how could he dwell therein? Surely he is committing sacrilege? Furthermore [it says]: 'He must pay rent to the Sanctuary'? Once sacrilege has been committed its rent becomes profane? — It speaks of the case where he said: 'As soon as the rent comes in, it shall be sanctified'. But no man can sanctify anything that is non-existent? — That is in accord with R. Meir who said: A man may sanctify a thing that is non-existent.

Some say R. Papa said to Abaye (others, that it was Rama b. Hama said to R. Hisda). According to whom [will this teaching be]? According to R. Meir. who said. A man may sanctify a thing that is non-existent? — He replied: According to whom else [will it be]?

MISHNAH. A PLEDGE IS TO BE TAKEN FROM THOSE WHO OWE [MONEY DUE FROM] VALUATIONS, BUT NOT FROM THOSE WHO OWE SIN-OFFERINGS OR GUILT-OFFERINGS.² A PLEDGE MUST BE TAKEN FROM THOSE WHO OWE BURNT-OFFERINGS OR PEACE-OFFERINGS AND ALTHOUGH NO ATONEMENT IS OBTAINED FOR HIM UNTIL HE AGREES, AS IT IS SAID: LIRZONO, HE IS TO BE COERCED UNTIL HE SAYS: I AGREE.³ THUS ALSO IS IT THE CASE WITH A DOCUMENT OF DIVORCE: THEY COERCE HIM UNTIL HE SAYS: I AGREE.

GEMARA. R. Papa said: It may happen that a pledge is taken from those who owe sin-offerings, and that none is taken from those who owe burnt-offerings. A pledge is taken of those who owe a sin-offering, that is in the case of a Nazirite. For since a Master said: If he shaved his hair after having offered one of the three sacrifices due,⁴ he has fulfilled his duty, and if the blood of one of them has been sprinkled, he is permitted to drink wine and to defile himself with a dead person; therefore he might be negligent about it⁵ and not bring it, [therefore one compels him to do so]. No pledge is taken from those who owe burnt-offerings: this refers to the burnt-offerings due from a woman who has given birth. Why is that? [presumably] because Scripture cites it first?⁶ But did not Raba say: It is only in the reading [in the text] that Scripture has placed it first but not in respect of the offering itself? — Rather, it refers to the burnt-offering due from a leper, for it was taught: R. Johanan b. Beroka said: Just as his sin-offering and his guilt-offering are indispensable for [his becoming clean again], so is his burnt-offering indispensable.

AND ALTHOUGH NO ATONEMENT IS OBTAINED FOR HIM UNTIL HE AGREES. Our Rabbis taught: He shall offer it,⁷ that teaches that one forces him to do so. One might have thought, against his will? Therefore the text states: Lirzono.⁸ How is that? He is coerced until he says. 'I will'. Samuel said: A burnt-offering requires his agreement, for it is said: 'Lirzono'. What is he teaching Us, we have learnt already: ALTHOUGH HE CANNOT OBTAIN ATONEMENT UNTIL HE AGREES, AS IT IS SAID: LIRZONO? — It is necessary [for Samuel to mention it] for the case where his fellow put one aside for him. You might have said: We need his agreement only in the case of an offering from his own [possession] but not from his fellow's, therefore we are informed that [it may happen] at times it may not please him to obtain atonement through something not of his own.

An objection was raised: [If he said,] 'I vow the sin-offering or guilt-offering due from So-and-so'

(1) Lev. XXVII, 14.

(2) In the latter case the person will make every effort to obtain atonement through offering the sacrifice. In the former, where but the redemption of a pledge is involved, he might be negligently delaying it. The exceptions to each rule the Gemara mentions and explains.

(3) Lirzono, 'with his agreement' (E.V. that he may be accepted).

(4) Num. VI, 14. The Nazirite must offer up a burnt-offering, a sin-offering and a peace-offering. Thereupon he may (ibid. 18) shave his hair, at the end of his Naziriteship.

(5) I.e., the sin-offering. if he happened to have brought the others first.

(6) Lev. XII, 6. The woman shall bring a lamb . . . for a burnt-offering, . . . and a young pigeon for a sin-offering, implying that the burnt-offering is indispensable to her cleansing. Actually, however, the sin-offering is offered up first.

(7) Lev. I, 3.

(8) Lirzono, 'with his agreement' (E.V. that he may be accepted).

Talmud - Mas. Arachin 21b

then if it is with the latter's [knowledge and] agreement, he has fulfilled his duty, but without his [knowledge and] agreement he has not fulfilled it. [If he said,] 'I vow the burnt-offering or peace-offering of So-and-so', then he has fulfilled his obligation, whether it was done with his knowledge or not?¹ — Samuel will answer you: This was taught with regard to the time of the [obtainment of] atonement,² he having agreed at the time the sacrifice was [designated] separated [for his purpose]; whereas I refer to [his agreement necessary] at the time of its being separated. Now this is in conflict with the view of 'Ulla; for 'Ulla said: They have made no distinction between burnt-offering and sin-offering except in this: the sin-offering requires the agreement [of the one who has to bring it] at the time of its designation, whereas the burnt-offering needs no such agreement. But as for the time of the atonement, in the case of either: If with his agreement he has fulfilled his duty, if not with his agreement, he has not fulfilled his duty.

An objection was raised: [If he says:] 'I vow the sin-offering, guilt-offering, burnt-offering, or peace-offering due from So-and-so' then [if they are offered] with the latter's agreement, he has fulfilled his obligation. without the latter's agreement. he has not done so? — Samuel refers this teaching to the time of the designation. 'Ulla to that of the atonement.

R. Papa said: The two Baraithas³ do not contradict one another; one refers to the time of the atonement, the other to that of the designation. Nor do they contradict the Amoraim, Samuel interpreting the first as referring to the time of the atonement, and the second as dealing with the time of the designation; whereas 'Ulla interprets them inversely. The Amoraim, however, surely differ. But that is self-evident? You might have said: When Samuel says that he refers it to 'the time of the designation',⁴ he means, 'Also to the time of the designation', although thereby the first Baraitha would be contradicting him,⁵ therefore we are informed [otherwise].⁶

THUS ALSO IS IT THE CASE WITH A DOCUMENT OF DIVORCE: ONE COERCES HIM etc. R. Shesheth said: If one utters a protest with regard to a document of divorce,⁷ then his protest is valid. Is not that self-evident? — No. It is necessary to state that for the case where he was first coerced and then agreed thereto. You might have said he has [by his agreement] cancelled his protest, therefore we are informed his protest stands. For [if it were not so] let [the Mishnah] state: [One coerces him] 'Until he gives it'. What is the meaning of UNTIL HE SAYS? [Hence it means,] Until he cancels his protest [expressly].

CHAPTER VI

MISHNAH. [THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED⁸ [MUST BE

PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING.

GEMARA. Why in the morning and in the evening? — Rab Judah said in the name of Rab: At the time when the labourers leave [work] and at the time when they enter [upon their work]. ‘At the time when the labourers leave’, for there may be someone desirous of buying, who would say to them: ‘Go and examine it for me’. ‘At the time when they enter [upon their work]’, so that he may remind himself of what he had told them and ask them. Thus was it also taught: [The property] of orphans which has been valued [must be proclaimed] for thirty days, that of the Sanctuary for sixty days, the proclamation to be made in the morning and in the evening, at the time when the labourers leave, and at the time when they enter. [The proclaimer] says, The field of So-and-so, of these characteristics and boundaries, is of such and such quality,⁹ and is valued at so much. Let whosoever wants to buy it come and buy it for the purpose of paying a woman her kethubah¹⁰ or a creditor his debt. Why is it necessary to state ‘for the purpose of paying a woman her kethubah or a creditor his debt’? Because there are some who would prefer dealing with a creditor who is lenient with regard to the coins,¹¹ while others prefer dealing with a woman, who will take it also in instalments.

(1) Contra Samuel.

(2) I.e., the time of the actual sacrifice, through which atonement is being obtained.

(3) The one teaching that if one vowed the burnt-offering and peace-offering of someone else, the latter fulfilled his duty whether that offering had come with or without his knowledge; and the other teaching that in every case knowledge of him on whose behalf they were offered was indispensable.

(4) I.e., that at all times agreement of the person on whose behalf the burnt-offering is sacrificed is necessary.

(5) Which said that the person on whose behalf the burnt-offering was offered up fulfilled his duty whether he knew (and agreed) or not.

(6) I.e., that Samuel requires no agreement at the time of the atonement.

(7) To the effect that he does not give it out of his free will, but calls upon the people present to be his witnesses to the fact that he is forced to give it. Such a protest would invalidate the document.

(8) By the court, for the purpose of providing payment for the creditors, either the marriage settlement of the widow, or the debt contracted by the father.

(9) It produces so much crop.

(10) V. Glos.

(11) The merchant (creditor) will take even imperfect coins, which in the absence of base metal, would after some time become thin. Such would be looked upon with misgiving by the widow, but not by the merchant, who would know whether the depreciation is too serious for him to accept them. On the other hand, he will insist on full payment, whilst the widow, who uses the money for her own needs, rather than for investment in business enterprise, will be willing to accept payment by instalments, thus allowing the purchaser to use the capital for himself in the interval.

Talmud - Mas. Arachin 22a

Our Rabbis taught: [The property] of orphans which has been valued [must be proclaimed for thirty days], and [that] of the Sanctuary which has been valued, for sixty days. This is the view of R. Meir. R. Judah says: [The property] of orphans that has been valued must be proclaimed for sixty days and [that] of the Sanctuary which has been valued for ninety days. But the Sages say: Both of them for sixty days. R. Hisda said in the name of Abimi: The halachah is: [The property] of orphans that has been valued must be proclaimed for sixty days. R. Hiyya b. Abin sat and reported this law. Said R. Nahman b. Isaac to him: Did you say ‘sixty’ or ‘thirty’? He replied: ‘Sixty’. ‘Of the orphans or of the Sanctuary?’ He answered: ‘Of the orphans’. ‘In accord with R. Meir or with R. Judah’? He replied: ‘With R. Meir’. ‘But R. Meir said "thirty days"?’ He answered: Thus did R. Hisda say: Many a beating did I receive from Abimi because of this [teaching]: If he is to proclaim on consecutive days, then [the period of proclamation] is thirty days; if on Mondays and Thursdays

alone, then it is sixty days.¹ And although if you, Sir, were to count the days [of actual proclamation] it will be only eighteen,² still, since the matter is drawn out [over sixty days], people hear about it.

Rab Judah said in the name of R. Assi: One must not distraint upon the property of orphans except if interest was consuming it. R. Johanan says: Either because of a document of indebtedness bearing interest, or because of the kethubah of a woman [so as to save from further payment] on account of her.³ Why does not R. Assi say. 'Because of a woman's kethubah'? — Because the Rabbis have arranged for them⁴ to receive the work of her hands.⁵ And the other? — At times that may not be sufficient. We learnt: [THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED [MUST BE PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING. What case are we dealing with? Would you say one with a heathen creditor? Would he agree [to wait]?⁶ Hence it is self-evident that we are dealing with a case of an Israelite creditor. [But then] if he were to consume interest,⁷ would we permit him to do so? — Rather must you say that he is not consuming interest, and yet it is taught: We distraint upon [the orphans' property]. Now this will be right in accord with R. Johanan who will interpret it as referring to the case of a woman's kethubah; but according to R. Assi it is a difficulty? — R. Assi will answer you: But even according to R. Johanan, is it in order? How do we continue to allow her the alimony,⁸ which definitely causes them loss, and take up the proclamation, concerning which we do not know if it will show profit or not?⁹ — This is no difficulty: the case speaks of one who demands her kethubah in court,¹⁰ in accord with Rab Judah in the name of Samuel. For Rab Judah said in the name of Samuel: One who claims her kethubah before the court receives no more alimony. If so, we should not attend to her at all? — Since we attended to her at the beginning, we attend to her at the end as well.¹¹ But at any rate, on the view of R. Assi [our Mishnah] presents a difficulty? [No!] Indeed I can maintain that the case is one of a heathen creditor, but the reference is to one who accepted to have his case dealt with in accord with Israelite law.¹² If that is so, let him not take interest. He accepted [Jewish Law] in the one respect, but not in the other.¹³

Come and hear: One may not collect from the property of orphans except the worst land. What case are we dealing with here? Would you say that the creditor is a heathen, he surely would not agree to this!¹⁴ Hence you must say it deals with an Israelite creditor. [But then] if he consumes interest, how could we permit him to do so? Hence you must say that he did not consume interest; and nevertheless we are taught that we distraint upon [the orphans' property]? It will be right for R. Johanan, for he will interpret it as referring to a woman's kethubah. But according to R. Assi, it will present a difficulty? — R. Assi will tell you: But even according to R. Johanan is it right? If it refers to a kethubah, why does he speak of [the property of] orphans, even if it were his own, it could be collected only from the worst land? — That is no difficulty. It will be in accord with R. Meir who holds that a woman's kethubah is collectable from a land of average quality, but if from orphans' property, only from worst land.¹⁵ At any rate, according to R. Assi, the difficulty stands! [No,] indeed I can maintain that we deal with the case of a heathen creditor, but it refers to one who has accepted upon himself that the case be dealt with according to Jewish law. Then let him not take interest either? — The case is that he accepted [the law] in respect of the one thing, but not in respect of the other.

Come and hear: 'For the purpose of paying a woman her kethubah or a creditor his debt'. Now this will be right in the case of a creditor, whether according to one Master or to the other Master,¹⁶ as we have answered it.¹⁷ But as for the case of the kethubah, that will be right according to R. Johanan. but on the view of R. Assi it will present a difficulty! — [We speak here of the case] where the debtor¹⁸ admitted [the debt]. Now that you have come to this [explanation], all the other [teachings]¹⁹ may also be explained as referring to the case that the debtor admitted it.

Meramar collected the kethubah of a divorced woman from the orphans' property, whereupon

Rabina said to him: But Rab Judah has said in the name of R. Assi: One must not distraint upon the property of orphans, except if interest was consuming it. R. Johanan says: Either because of a document of indebtedness bearing interest, or because of the kethubah of a woman [so as to save from further payment] on account of her alimony. And even R. Johanan was including only [the case of] a widow, because her alimony causes them loss, but not in the case of a divorce?²⁰ — He replied: [The reason for] that ruling of R. Johanan²¹ we explain to be ‘for favour's sake’.²² R. Nahman said: At first I would not distraint upon the property of orphans. But when I heard the statement of our colleague, R. Huna in the name of Rab: As for orphans who enjoy what does not belong to them, let them follow him who left them! from that time on I distraint upon it. Why not at first? — R. Papa said: The paying of a debt is a commandment and [minor] orphans are not obliged to fulfil the commandment. R. Huna the son of R. Joshua said: We say he might have left bundles as security.²³ What is the [practical] difference between them?²⁴ — When he who owes admitted the debt, or if he was excommunicated and dies in the state of excommunication.²⁵ They sent from there [Palestine]: [The reference is]²⁶ to one excommunicated who died in the state of excommunication. And the law is in accord with R. Huna the son of R. Joshua.

We learnt:

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- (1) Until I learnt to understand its apparent contradictions. Abimi taught him that the property of orphans must be proclaimed on the view of R. Meir for sixty days. The disciple, however, knew the above cited Baraitha, that R. Meir limited it to thirty days and thus raised an objection against his Master's teaching. He had forgotten, however, the instruction offered by the same Master, according to which ‘thirty days’ referred to consecutive ones, whereas ‘sixty days’ were required if the proclamation took place only on Mondays and Thursdays. He could thus appreciate his colleague's bewilderment from his own experience of the difficulty.
 - (2) In sixty days there are eight weeks, containing together sixteen Mondays and Thursdays. If the first week started with a Monday, the four remaining days would include one Monday and Thursday again, which would together amount to the eighteen days, during which the news of such proclamation is made.
 - (3) Which likewise consumes the orphans’ property. As long as the widow does not collect her kethubah she receives her maintenance from the property of the orphans.
 - (4) [So R. Gershom. Cur. edd.: for him, i.e., the husband].
 - (5) So that the alimony does not constitute a loss, the earning of the widow making up for it.
 - (6) For the end of the period of the proclamation and forego in the meantime his charge of interest.
 - (7) I.e., he charged interest on the property.
 - (8) During the period.
 - (9) Whether it will fetch a higher price than that valued. Why not then sell the property immediately without waiting for the period of proclamation to expire?
 - (10) She loses her alimony on making such a claim, therefore the orphans suffer no loss during the period of waiting for the payment of her kethubah, due to the effort to sell their property through proclamation.
 - (11) It is but fair that since we took care to see that as a consequence of her having presented her claim for the kethubah, she loses her alimony, thus benefitting the orphans, we should also help her in obtaining her kethubah, because of the claim of which she lost the alimony.
 - (12) And consequently be willing to wait for the end of the proclamation period.
 - (13) I.e., in regard to the taking of interest.
 - (14) To collect his debt only from the worst property.
 - (15) V. supra 21b.
 - (16) I.e., R. Assi or R. Johanan.
 - (17) I.e., the reference is to a heathen creditor who charges interest. Therefore both agree that to protect the orphans we sell their property.
 - (18) The father of the orphans admitted the debt on his deathbed and charged the children to pay it.
 - (19) Cited above in objection to R. Assi.
 - (20) Who does not receive any alimony. so that the orphans suffer no loss.
 - (21) That the property of orphans is distrainted upon for the sake of the kethubah.

(22) I.e., to render men attractive to women, so that the latter will agree to marry them.

(23) The father gave the creditor bundles of valuables as security, whereof his orphans would not, or need not, know.

(24) I.e., whether we accept the reason of R. Papa or R. Huna's.

(25) The court excommunicated the orphans' father for failure to pay his debts, he died whilst still excommunicated. There is no reason for suspecting his having secured the creditor's debt with a bundle of valuables, for if he had been willing to pay he would rather have done it through the court in order to win cancellation of his excommunication. The orphans in this case would have to pay, though on the first reason they would still be exempt.

(26) In all the teachings cited above, the rule that the property of orphans is distrained upon.

Talmud - Mas. Arachin 22b

[THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED [MUST BE PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING. Now what case are we dealing with? Would you say with that of a heathen creditor; would he agree [to wait]? Hence it is obvious that it is with that of an Israelite creditor. This then will be in accord with the view of R. Huna the son of R. Joshua, for he will interpret it as referring to the case where he who admitted [the debt]. But according to R. Papa this will present a difficulty? — R. Papa will tell you: If you like, I can tell you the reference is to a kethubah, the reason being 'for favour's sake'! Or if you like, I can tell you the reference is to a heathen creditor who accepted upon himself to have his case dealt with in accord with Israelite law. But if he accepted that upon himself, let him agree to wait until they are of age? — He accepted the law in the one respect, but he did not accept it in the other respect.¹

Come and hear: For the purpose of paying a woman her kethubah or a creditor his debt. Now what case are we dealing with? Would you say that of a heathen creditor, but would he agree? Hence it is evident that we deal with that of an Israelite creditor. That then will be right on the view of R. Huna the son of R. Joshua. for he will interpret it as referring to the case where the debtor admitted [his debt]. But according to R. Papa: Granted that in the case of a kethubah, where the reason may be 'for favour's sake', but the case of the creditor would present a difficulty? — [No,] [Indeed] I can maintain it deals with a heathen creditor, but in the case where he accepted upon himself to be judged in accord with the laws of Israel. But if he accepted that, let him accept to wait until they are of age? — He accepted upon himself the one thing, but not the other.

Raba said: [We do not distrain upon the orphans' property] because of [a possible] quittance.² R. Huna the son of R. Joshua said to Raba: But do we consider [the possibility of] a quittance? Did we not learn: If a woman³ collects [her kethubah] in his absence, she can do so only by means of an oath. And R. Aha, Commander of the Fortress, said: A case came before R. Isaac the Smith in Antiochia, and he decided, We have learnt⁴ that only in the case of a kethubah 'for favour's sake', but not in the case of a creditor. Raba, however, in the name of R. Nahman, said: Also in the case of a creditor.⁵ Now, if we should consider the [possibility] of a quittance, let us consider it there too? — There the reason is as we have stated it: Lest anyone take his neighbour's possession and depart for maritime provinces.⁶

Raba said: The law is. We do not distrain upon the property of orphans, but if he [the father] said: 'Give', then we distrain upon it. If he said, '[Give] this field', or 'this mina', we distrain upon it without appointing a guardian.⁷ But if he said, '[Give] a field', or 'a mina', we distrain upon it and appoint a guardian. The Nehardeans say: In each case we distrain upon it and appoint a guardian, except if it be found that the field does not belong to him,⁸ for we do not assume that the witnesses⁹ testified falsely. R. Ashi said: Therefore we do not distrain [upon the property of orphans];¹⁰ for Raba said: The law is that we do not distrain upon [the property of orphans]. But where we distrain upon it, we appoint a guardian for the Nehardeans said. In every case¹¹ we distrain upon [the

property of orphans] and appoint a guardian. except in the case where it be found that the field does not belong to him, because we do not assume that the witnesses have testified falsely.

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- (1) I.e., he agreed to wait till after the proclamation. but not till they would come of age.
 - (2) The father may have obtained a quittance, of which the orphans do not know, stating that he had paid the debt.
 - (3) To whom the husband had sent a divorce from 'a maritime province'.
 - (4) We extend such consideration only to a woman because of the social implications of such benefit, but not in the purely commercial case of a creditor. Therefore the latter must await the debtor's return,
 - (5) V. Keth. 88a.
 - (6) Hence the rule of Raba.
 - (7) To see that the interest of the orphans is taken care of, that the collection of debt is made from the worst land they hold at the proper price. etc.
 - (8) In which case the field is forthwith taken away from the orphans without appointing first a guardian.
 - (9) The witnesses who testify that a field believed to be his property in reality had been stolen or acquired by force.
 - (10) Wherever there is the possibility of the father having given 'bundles' to the creditor (Tosaf.).
 - (11) I.e., if he said, 'Give this field', or 'this mina' (Tosaf.).

Talmud - Mas. Arachin 23a

MISHNAH. IF A MAN DEDICATES HIS POSSESSIONS TO THE SANCTUARY WHILST STILL LIABLE FOR HIS WIFE'S KETHUBAH, R. ELIEZER SAYS WHEN HE DIVORCES HER HE MUST VOW¹ THAT HE WILL NOT DERIVE ANY FURTHER BENEFIT FROM HER. R. JOSHUA SAYS, HE NEED NOT DO SO. LIKEWISE SAID RABBAN SIMEON B. GAMALIEL: ALSO IF ONE GUARANTEES A WOMAN'S KETHUBAH AND HER HUSBAND DIVORCES HER, THE HUSBAND MUST VOW TO DERIVE NO BENEFIT FROM HER. LEST HE MAKE A CONSPIRACY² AGAINST THE PROPERTY OF THAT MAN [THE GUARANTOR] AND TAKE HIS WIFE BACK AGAIN.³ GEMARA. Wherein do they differ? R. Eliezer holds: A man will engage in a conspiracy against the Sanctuary. But R. Joshua holds that a man will not engage in a conspiracy against the Sanctuary. But what of the ruling of R. Huna: If a person dangerously ill dedicated all his possessions to the Sanctuary and said, I owe So-and-so a maneh, he is believed, because of the presumption that nobody will engage in a conspiracy against the Sanctuary. Shall we say that he gave a ruling concerning which Tannaim are conflicting? — No! They dispute only the case of a healthy person, but with regard to one dangerously ill all agree that he would not engage in a conspiracy against the Sanctuary. Why? Because no man will sin where he does not stand to benefit [thereby].

Some there are who say: With regard to a healthy person there is a general agreement that one [he] would engage in a conspiracy against the Sanctuary; but here they differ with regard to a vow made in the presence of many, one Master [R. Joshua] holding such a vow can be annulled,⁴ while the other Master [R. Eliezer] holds it cannot be annulled. Or, if you like, say: All agree that a vow made in the presence of many can be remitted, and they differ here as to a vow made on the authority of many.⁵ But then what of Amemar's statement that 'A vow made in the presence of many can be annulled. whereas one made on the authority of many cannot be annulled', are we to say that he made a statement concerning which Tannaim are of divided opinion? Furthermore how explain: R. JOSHUA SAYS: HE NEED NOT DO SO. He should have said: 'It would be useless'?⁶ — Rather, they are disputing here on the principle as to whether absolution from consecration of an object may be obtained;⁷ and thus it was taught: If a man dedicates his possessions to the Sanctuary whilst still liable for his wife's kethubah, R. Eliezer says. When he divorces her he must vow that he will not derive any further benefit from her, whilst R. Joshua says: He need not do so. And R. Eleazar b. Simeon said: These are [respectively] the very views of Beth Shammai and Beth Hillel, for Beth Shammai holds: A consecration [to the Sanctuary] made in error is [valid] consecration, whilst Beth Hillel holds it is not valid consecration.

LIKEWISE DID RABBAN SIMEON B. GAMALIEL SAY etc. Moses b. Azri was the guarantor for [the kethubah of] his daughter-in-law. Now R. Huna, his son, was a young scholar but in strait circumstances. Said Abaye: Is there no one to advise R. Huna to divorce his wife so that she might claim her kethubah from her father-in-law, and he [R. Huna] might then take her back? Said Raba to him: But we learnt: HE MUST VOW THAT HE WILL NOT DERIVE ANY FURTHER BENEFIT FROM HER? And Abaye?⁸ — Does every one who divorces his wife do so before a court?⁹ In the end it became known that he [R. Huna] was a priest.¹⁰ Whereupon Abaye exclaimed: poverty pursues the poor!¹¹ But how could Abaye say thus?¹² Did not Abaye say: ‘Who is a cunningly wicked man? He who offers advice to sell property in accord with Rabban Simeon b. Gamaliel’?¹³ — It is different in the case of one's son, and it is different also in the case of a young scholar.¹⁴ But derive it from the fact that the guarantor for a kethubah is not held responsible?

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- (1) Lest the divorce was a collusion of husband and wife for the purpose of depriving the Sanctuary of certain property on which the kethubah had the first lien.
- (2) R. Joshua does not assume that a man would go to such lengths to defraud the Sanctuary.
- (3) After the kethubah had been paid out to her. Kinunia, the Greek Koinonia, ‘partnership’, then joint fraud, collusion.
- (4) Consequently the vow would be of no effect.
- (5) Lit., ‘by the knowledge’. ‘the will of’, i.e., they say to him: We administer his vow to you on our responsibility.
- (6) Because such a vow could always be revoked, thus rendering the precautionary measure unavailing.
- (7) R. Eliezer holds that no vow to the Treasury can be nullified by a plea of error, hence he might resort to a conspiracy by divorcing his wife. But R. Joshua holds that a plea of error would be admitted, whence there is no need for him to engage in a conspiracy wherefore he need not deny himself by vow the benefit of her company.
- (8) How did he meet this objection?
- (9) Only in court would such a vow be enforced. But the divorce could be given outside of court.
- (10) Who is forbidden to marry a divorcee, even his own divorced wife.
- (11) V. B.K. 92a.
- (12) I.e., offer such advice.
- (13) V. Keth. 95b. If some one said whilst dying. ‘My property (I give) to you, and after you, to So-and-so’, and the first went and sold or consumed it, then according to Rabban Simeon b. Gamaliel, the second may have only what the first left over. That kind of trick Abaye denounced, how then could he offer kindred advice?
- (14) A son would anyway inherit his father's possessions. And a young scholar's support is a mizwah (good deed, command, to enable to study), hence Abaye had two legitimate reasons for what otherwise would have been improper advice.

Talmud - Mas. Arachin 23b

— He¹ was a kabbelan.² That will be right according to him who holds that a kabbelan is held responsible, although the debtor had no property [at the time of contracting the debt]. But what can be said on the view that he is held responsible only if the debtor had property, but if he has no property the kabbelan is not responsible?³ If you like say: R. Huna had property,⁴ but it was struck with blast; and if you like say: A father, where his son is concerned, will always hold himself responsible. For it was stated: As to a guarantor for a kethubah, all agree he is not held responsible; the kabbelan for a creditor, all agree is held responsible. [In the case however of] a guarantor for a creditor and a kabbelan for a kethubah, there is a dispute. There is one authority who holds that if the debtor had property he [the kabbelan] is held responsible, but if he had none he is not held responsible: whereas there is another authority who holds that even if the debtor had no property he is also held responsible. The law with regard to all cases is that though the debtor has no property the guarantor is responsible, with the exception of the guarantor for a kethubah who, even though [the husband] had property, is not held responsible. For what reason? He performed a mizwah,⁵ and he caused her no loss.⁶ There was a man who sold his possessions and divorced his wife. R. Joseph son of Raba sent her to R. Papa [with the following question]: We learnt [in our Mishnah] about A

GUARANTOR. about CONSECRATED PROPERTY, what about a purchaser?⁷ — He replied: Shall the Tanna go on enumerating like a pedlar?⁸ The Nehardeans said: What we learnt we learnt, and what we did not learn we did not learn!⁹ Said R. Mesharshaya: What is the reason of the Nehardeans? — With regard to consecrated property the teaching is in order to safeguard the profit of the Sanctuary; also with regard to a guarantor, [the reason is] because he performed a mizwah and did not cause her any loss;¹⁰ but as for a purchaser, since he must have known that upon everyone's possessions there is a kethubah as lien, why did he go and buy? It is he [the buyer] who caused damage to himself!

MISHNAH. IF A MAN DEDICATES HIS POSSESSIONS TO THE SANCTUARY WHILST STILL LIABLE FOR HIS [DIVORCED] WIFE'S KETHUBAH OR IN DEBT TO A CREDITOR,¹¹ THEN THE WIFE CANNOT COLLECT HER KETHUBAH FROM THE CONSECRATED PROPERTY,¹² NOR THE CREDITOR HIS DEBT, BUT HE WHO REDEEMS THEM MUST REDEEM FOR THE PURPOSE OF PAYING THE WIFE HER KETHUBAH OR THE CREDITOR HIS DEBT. IF HE HAD DEDICATED NINETY MINAS WORTH OF PROPERTY, WHILST OWING A HUNDRED MINAS. THEN HE¹³ [THE CREDITOR] MUST ADD ONE DENAR MORE AND HE REDEEMS THE PROPERTY FOR THE PURPOSE OF PAYING THE KETHUBAH TO THE WIFE OR THE DEBT TO THE CREDITOR.

GEMARA. Why is it necessary to state: He who redeems must redeem?¹⁴ — That is because of the teaching of R. Abbuha, for R. Abbuha said: Lest people say consecrated property goes out [of the Sanctuary] without any redemption.

Our Mishnah will not be in accord with R. Simeon b. Gamaliel, for it was taught: R. Simeon b. Gamaliel said, If his debt correspond, with [the value of] the consecrated property. then he redeems it, but if not, then he cannot redeem it.¹⁵ And as for the Rabbis, to what extent [must the debt correspond to the consecrated property]? — R. Huna b. Judah in the name of R. Shesheth said: Up to one half.¹⁶

MISHNAH. ALTHOUGH IT WAS SAID: PLEDGES MUST BE TAKEN FROM THOSE WHO OWE VALUATIONS, ONE ALLOWS¹⁷ HIM FOOD FOR THIRTY DAYS, GARMENTS FOR TWELVE MONTHS, BED AND BEDDING, SHOES AND TEFILLIN¹⁸ FOR HIMSELF, BUT NOT FOR HIS WIFE AND CHILDREN. IF HE WAS A CRAFTSMAN, ONE LEAVES HIM TWO TOOLS OF EVERY KIND; IF HE WAS A CARPENTER, ONE LEAVES HIM TWO AXES AND TWO SAWS. R. ELIEZER SAYS, IF HE WAS A FARMER, ONE LEAVES HIM HIS YOKE [OF OXEN]. IF AN ASS-DRIVER, ONE LEAVES HIM HIS ASS. IF HE HAD MANY [TOOLS] OF ONE KIND, AND FEW OF ANOTHER KIND, ONE DOES NOT THEN TELL HIM TO SELL OF THE MANY AND BUY SOME OF THE FEW, BUT ONE LEAVES HIM TWO OF THE KIND OF WHICH HE HAS MANY AND ALL THAT HE HAS FROM THEM OF WHICH HE HAS FEW. IF ONE CONSECRATES [ALL] HIS POSSESSIONS TO THE SANCTUARY, THEN ONE VALUES¹⁹ HIS TEFILLIN.

GEMARA. What is the reason?²⁰ — Scripture said:

(1) R. Huna's father.

(2) 'An acceptor'. i.e., one who assumes another man's obligation unconditionally, even though the debtor has property.

(3) Since R. Huna was poor he could not have had any property, and his father consequently, though a kabbelan, could not have become liable for the payment of the kethubah.

(4) At the time his father undertook to be a kabbelan.

(5) v. Glos. To cause the two to get married and establish a house.

(6) The woman did not advance the husband any money on the strength of the guarantee. For fuller notes v. B.B.. Sonc. ed., pp. 769ff.

- (7) Do we suspect that the purchaser may be victimized by similar conspiracy between husband and wife? Should we therefore similarly insist that if the wife wishes to collect her kethubah from the field bought by an outsider that here, too, the husband takes a vow that he will not in future derive any benefit from his wife, so as to prevent his receiving the kethubah from her, and thereupon remarrying her.
- (8) Who, praising each piece of merchandise separately, enumerates every item. The Tanna, however, need not do that. He states a principle in one or several instances, allowing for application of the precedent to new situations. Thus the case of the purchaser is covered by the first two.
- (9) The Nehardeans would not derive the latter from the former.
- (10) As explained supra.
- (11) This is a case where the divorce or the debt were effected before the consecration, so that the question of conspiracy does not arise.
- (12) Without a formal redemption of the property with a small sum, v. infra.
- (13) He, i.e., the creditor, lends the debtor another denar, since he had consecrated his whole possessions to the Sanctuary.
- (14) Why should not the woman and creditor collect their dues from the Sanctuary without any redemption, seeing that they had a prior lien on the property?
- (15) If the debt and the property consecrated are of the same value, then the owner can redeem it for a little sum, for the creditor had extended the loan with that property as security in his mind. But if the sum was larger than the value of the property, then obviously the creditor has not relied on that property but upon the character of the debtor. Therefore that property cannot be considered encumbered by the debt, and hence cannot be re-obtained from the Sanctuary.
- (16) Rashi: If the value of the consecrated property be less than one half of the debt, the creditor receives nothing, because, as stated in n. 1, the security was the debtor's character, and he should await the latter's ability to repay the debt, but must not collect from the Sanctuary its rightful (because hitherto unencumbered) property. For another interpretation v. Tosaf.
- (17) Lit., 'one gives him', i.e., of his own possessions; one permits him to retain these necessities or the means whereby to purchase them.
- (18) V. Glos. This is the difference between vows of valuation and the case where one consecrates his possessions. In the former case his tefillin as his spiritual tools are left to him, in the latter not; v. infra.
- (19) The meaning of 'ma'alim' is debated. It is either; put up to auction so that the Sanctuary obtains a maximum benefit (Rashi); or, 'remove' i.e., take away, as included in his dedication (R. Gershom). He must redeem them as one of his possessions which, in their totality, he had consecrated to the Sanctuary.
- (20) For the allowance made in the Mishnah.

Talmud - Mas. Arachin 24a

But if [me'erkeka] he be too poor from thy valuation,¹ implying, sustain him from thy valuation.²

BUT NOT FOR HIS WIFE AND CHILDREN etc. What is the reason? — 'He [must be sustained] from thy valuation', but his wife and children [are not sustained] 'from thy valuation'.

R. ELIEZER SAYS: IF HE WAS A FARMER, ONE LEAVES HIM HIS YOKE [OF OXEN] etc. And the Rabbis? — These are not his tools, but his possessions.

IF HE HAD MANY OF ONE KIND etc. But that is self-evident. Whatever has been enough until now, must be enough now as well? — You might have said: Until now, when he was in a position to lend [tools to others], others would have lent [tools] to him, too, but now since there is none to lend him, [these shall] not be [considered sufficient], therefore we are informed [that he is not told to sell the many and buy some more of the few].

IF ONE DEDICATES [ALL] HIS POSSESSIONS, THEN ONE VALUES EVEN HIS TEFILLIN. There was a man who sold all his possessions. He came before R. Yemar. He said to them: Take his tefillin away. What is he teaching us? It is [taught in] our Mishnah: IF ONE

DEDICATES HIS POSSESSIONS, THEN ONE VALUES HIS TEFILLIN? — You might have said: There he thought that he was fulfilling a religious act,³ but in the case of a sale [you might say] no one sells that wherewith he performs a personal commandment, therefore he teaches us [otherwise].

MISHNAH. IT IS ALL ONE WHETHER A MAN CONSECRATES HIS GOODS OR EVALUATES HIMSELF. HE⁴ HAS NO CLAIM TO HIS WIFE'S GARMENT OR HIS CHILDREN'S GARMENT, NOR TO THE DYED CLOTHES⁵ WHICH HE HAD DYED FOR THEIR USE. NOR TO THE NEW SANDALS WHICH HE HAS BOUGHT FOR THEIR USE. ALTHOUGH IT WAS SAID: 'SLAVES SHOULD BE SOLD WITH THEIR GARMENTS TO INCREASE THEIR VALUE', BECAUSE WHEN A GARMENT FOR THIRTY DENARS IS BOUGHT FOR HIM HIS VALUE IS INCREASED BY A MINA. [LIKEWISE WITH A COW, IF IT BE KEPT WAITING TO THE MARKET-DAY⁶ IT INCREASES IN VALUE, AS ALSO A PEARL, IF BROUGHT TO A BIG CITY INCREASES IN VALUE]. BUT THE SANCTUARY CAN CLAIM THE VALUE OF ANYTHING ONLY IN ITS OWN PLACE AND AT ITS OWN TIME.⁷ GEMARA. Our Rabbis taught: And he shall give thy valuation in that day,⁸ that means, one should not delay [the sale] of a pearl for poor people. As a holy thing⁹ unto the Lord:⁸ i.e., general [unspecified] consecration belongs to the [fund for] repairs of the Sanctuary.

CHAPTER VII

MISHNAH. ONE MAY NOT CONSECRATE [THE FIELD OF HIS POSSESSION]¹⁰ LESS THAN TWO YEARS BEFORE THE YEAR OF JUBILEE,¹¹ NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE.¹² ONE MAY NOT RECKON ANY MONTHS TO [THE DISADVANTAGE OF] THE SANCTUARY,¹³ BUT THE SANCTUARY MAY RECKON MONTHS¹⁴ [TO ITS OWN ADVANTAGE].¹²

GEMARA. The following contradiction was raised: One may consecrate both before or after the year of Jubilee, but in the year of Jubilee itself one should not consecrate. And if one consecrated, it is not consecrated! — Rab and Samuel both say: [This is what our Mishnah means]. One cannot consecrate and then redeem at a deduction less than two years [before the year of Jubilee], and since one cannot consecrate to redeem at any reduction within less than two years, let a man be careful with his possessions and let him not consecrate anything within less than two years [of the Jubilee year].

It was stated: If one consecrates his field in the year of Jubilee itself, said Rab, It is consecrated and he must pay fifty [shekels].¹⁵ But Samuel said: It has not acquired any sanctity whatsoever. To this R. Joseph demurred: It is right that Samuel conflicts with Rab in matters of a sale, for there is an argument a fortiori: If [a field] that had been sold returns now to its former owner,¹⁶ how much more so that one that had not been sold yet should not be saleable now. But, here,¹⁷ what argument a fortiori can be made? Surely we learnt, If the Jubilee year has arrived and it was not yet redeemed, the priests enter into possession of it and they pay its value. So R. Judah?¹⁸ — Samuel holds with R. Simeon who said: They enter into possession but they do not pay [anything].

(1) So literally. Lev. XXVII, 8.

(2) The mem of me'erkeka here is interpreted as having its own meaning: If he be too poor, leave him something to live on 'from' your valuation of his possessions.

(3) In consecrating all his possessions to the Sanctuary, therefore he includes all of them in his vow.

(4) The consecrator, in paying his vow or redeeming what he had dedicated. Aliter: It, viz., the treasurer of the Sanctuary (R. Gershom).

(5) The garments of wife or children cannot be touched by any consecration. He would not, according to the previous Mishnah, be allowed funds for buying them new ones, but those which they have are regarded as their own.

- (6) A cow will fetch a higher price on market-day, when the demand is greater, just as the pearl will find more buyers in a metropolis than in a village.
- (7) I.e., the value at the time it comes into the Sanctuary's possession and in the place of dedication.
- (8) Lev. XXVII, 23.
- (9) If a poor man had vowed his own valuation and he possesses a pearl, then the Sanctuary's treasurer may not tell him: Take it to a big city and then pay according to the price fetched there, but it should be valued now and accordingly the Sanctuary should be paid, and no matter how high the ultimate price obtained, the Sanctuary receives no more than the price obtainable here, i.e., at the place where the pearl is at the time of the dedication, and at the price it fetches now, at the moment of dedication.
- (10) Lev. XXVII, 16ff.
- (11) If someone would redeem a field which he had consecrated to the Sanctuary immediately after the year of Jubilee, then he must redeem it by paying fifty shekels for every piece of a field sufficient for the sowing of a homer of barley, for every year of the next forty-nine years. If he fails to redeem it by then, the priests will possess it. Every year this sum is diminished by one forty-ninth of the fifty shekels, exactly one shekel and one pondion (the latter being the forty-eighth part of a shekel), the remaining pondions being considered the exchange fee as the pondions are changed into shekels. The sum of redemption, then, consists of as many shekels and pondions as the number of years up to the next year of Jubilee. But there must be at least two years before the next year of Jubilee, because Scripture said: According to the years which remain unto the year of Jubilee, the minimum of 'years' being two. Hence, if there be not at least two years before that of jubilee, the sum whereby the field is redeemed cannot be deducted from at all, and the owner must then pay the complete fifty shekels for every piece of field sufficient for the sowing of a homer of barley. which sum is very much more than the field's crop, until the year of Jubilee, will be worth.
- (12) This will be explained in the Gemara.
- (13) E.g., two years and three months may not be reckoned as two years to the disadvantage of the Temple treasury.
- (14) E.g., one year and eleven months before the Jubilee is not reckoned as two full years and the redemption price must be the full fifty shekels, v. n. 2.
- (15) A shekel for every piece of field sufficient for the sowing of a homer of barley.
- (16) In the year of Jubilee.
- (17) Here one cannot analogously argue: If a field, already consecrated before the Jubilee year, goes back in the year of Jubilee, how much less could not one consecrate in that year, for in truth a field consecrated before the Jubilee year, if not redeemed by the owners, must be redeemed by the priests.
- (18) V. supra 25b.

Talmud - Mas. Arachin 24b

Rab, however, holds,¹ at any rate, it does eventually not return to the owners, it is to the priests that it goes, and the priests obtain it from the table of the Most High.

What is the reason of Rab's view? — Scripture said: If from the year of Jubilee [he shall sanctify his field],² the year of Jubilee being included. And Samuel? — Is it written: If in the year of Jubilee? It is written: If from the year of Jubilee, i.e., from the year after the year of Jubilee. It is all well according to Rab, hence it is written: 'If from the year of Jubilee', [and also], 'and if after the Jubilee';³ but according to Samuel what means: 'and if after the Jubilee'?⁴ — It means, After after.⁵

An objection was raised: One may consecrate [a field] both before and after the year of Jubilee. But in the year of Jubilee itself one should not consecrate, and if one has consecrated, no sanctity attaches [to the field].⁶ Rab will tell you: [It means] it acquires no sanctity so as to be redeemable at a deduction, but it is consecrated and one must pay the full fifty shekels [for the redemption]. This implies that [if one consecrates] before the Jubilee year it would be sanctified and redeemable at a deduction; but have not Rab and Samuel both declared: One cannot consecrate to redeem at a deduction less than two years before the Jubilee? — Rab will tell you: This is the view of the Rabbis, but I hold with Rabbi, who said: The first⁷ [day] includes the first day; the seventh [day]⁷ includes the seventh day.⁸ So here, too, 'from the year' [of Jubilee] includes the year of Jubilee.⁹ But if [this

is the view of] Rabbi, where does the pondion come in?¹⁰ And if you were to say, he ignored the pondion: surely we learnt: If a man consecrated two or three years before the Jubilee. said Rabbi: I hold that he must pay a sela' [shekel] and a pondion? — Rabbi is of the view of R. Judah who said: The fiftieth year is counted both ways.¹¹

Shall we say then that Samuel¹² holds Rabbi to be in accord with the Rabbis?¹³ For if his [Rabbi's] view were in accord with that of R. Judah, it should read: 'one sela' and two pondions'!¹⁴ Hence we must say that on the view of Samuel, Rabbi¹⁵ agrees with the Rabbis.

Come and hear: NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE. This will be right for Samuel's view,¹⁶ for one cannot indeed redeem it less than one year after the year of Jubilee;¹⁷ but according to Rab, what means 'Not less than a year after the Jubilee'? — Do you think that 'after the year of Jubilee' is to be taken literally? [No]. 'After the year of Jubilee' means in the midst of the Jubilee

(1) Even on the view of R. Simeon.

(2) Lev. XXVII, 17.

(3) Ibid. 18. [The former verse indicating that if the consecration took place on Jubilee year the redemption price must be the full fifty shekels, and the second verse teaches the redemption at a reduction where the consecration took place after the Jubilee.]

(4) [Since the former verse also refers to a consecration after the Jubilee year.]

(5) [I.e., two or three years after the Jubilee, when there the redemption is at a reduction, whereas if the consecration took place earlier the redemption price must be the full fifty shekels.]

(6) Contra Rab!

(7) Ex. XII, 15.

(8) V. supra 18a q.v. notes.

(9) [Whilst the cited Baraita must certainly be explained that no consecration is effective in the Jubilee year, Rab does not stand refuted in view of Rabbi's support of his interpretation of the verse.]

(10) If Scripture refers to the second year after the Jubilee, so that fifty shekels are payable for forty-eight years. the redeemer must add one pondion to each shekel (v. supra p. 142 n. 2); but according to Rabbi, Scripture speaks of the year of Jubilee itself, so that fifty shekels are payable for fifty years, i.e., just a sela' per year; how then does the pondion come in?

(11) The year of Jubilee is the last of the last cycle and the first of the new one, so that there are forty-nine years for each of which a shekel and a pondion are due from the redeemer.

(12) [Who holds that the redemption at a reduction can only begin with the year after the Jubilee.]

(13) That the Jubilee year is not included in the cycle of forty-nine years, so that there are full forty-nine years between one Jubilee and another apart from the Jubilee year itself.

(14) For on the view of R. Judah there are only forty-eight years between one Jubilee and another, which would make the payment per year amount to one shekel and two pondions.

(15) Who speaks of 'one pondion'.

(16) Who said that if one consecrated property in the year of Jubilee, it is not consecrated.

(17) Since any consecration in the year of Jubilee is not valid.

Talmud - Mas. Arachin 25a

for as long as a year is not complete it cannot be deducted.¹ What is he teaching us? That one does not reckon months to the disadvantage of the Sanctuary? But that was [expressly] taught [in the Mishnah]: ONE MAY NOT RECKON ANY MONTHS TO THE [DISADVANTAGE OF] THE SANCTUARY? — He gives the reason: Why is it ruled: NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE? Because one does not reckon the months to [the disadvantage] of the Sanctuary.

Our Rabbis taught: Whence do we know that one does not reckon months to the [disadvantage of] the Sanctuary? The text states: Then the Priest shall reckon unto him the money according to the years that remain,² i.e., you may reckon years but not months. Whence do we know that if you desire to add the months [so as] to consider them one year, you can do so; as e.g., if he consecrated [the field] in the middle of the forty-eighth year?³ Therefore the text states: Then the priest shall reckon unto him, in any case.⁴

MISHNAH. IF A MAN CONSECRATED HIS FIELD AT THE TIME WHEN THE LAW OF THE JUBILEE IS IN FORCE,⁵ HE MUST PAY FIFTY SHEKELS FOR [EVERY PIECE OF FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY. IF THE FIELD CONTAINED RAVINES TEN HANDBREADTHS DEEP OR ROCKS TEN HANDBREADTHS HIGH, THEY ARE NOT INCLUDED IN THE MEASURE. BUT IF LESS THAN THIS, THEY ARE INCLUDED. IF HE CONSECRATED IT TWO OR THREE YEARS BEFORE THE JUBILEE, THEN HE MUST PAY ONE SELA' [SHEKEL] AND ONE PONDION FOR EACH YEAR. IF HE SAYS: 'I SHALL PAY FOR EACH YEAR AS IT COMES ONE DOES NOT LISTEN TO HIM, BUT HE MUST PAY FOR ALL THE YEARS TOGETHER. IT IS ALL THE SAME WHETHER THE OWNER OR ANYONE ELSE [REDEEMS THE FIELD]. WHEREIN THEN DOES THE OWNER DIFFER FROM ANY OTHER MAN? IN THAT THE OWNER MUST ADD ONE FIFTH, WHEREAS ANY OTHER MAN NEED NOT ADD ONE FIFTH.

GEMARA. A Tanna taught: [A field requiring] one kor⁶ seed, but not one [yielding] a kor crop. Strewn with the hand, not with oxen!⁷ Levi taught: Neither too thick, nor too thin, but in average manner!

IF THE FIELD CONTAINS RAVINES etc. But let them be treated as if they had been consecrated separately? And if you were to say that since they are not sufficient for [the sowing of] a kor, they cannot become consecrated; surely it was taught: Field.⁸ What does that mean to teach? Because it is said: the sowing of a homer of barley shall be valued at fifty shekels of silver;⁸ from this I know only [the law] if he consecrated it in this manner. Whence [do I know] to include also a lethek, half a lethek, a se'ah, or half a se'ah, a tarkab, or half a tarkab?⁹ Therefore Scripture says 'Field', of any size! Mar Ukba b. Hama replied: Here the reference is to ravines full of water which cannot be sown. Infer that also [from the fact] that [the clefts] were mentioned in an analogous position to that of rocks.¹⁰ This proves it. But then also smaller [areas than ten handbreadths] too [ought not to be included]? — Those are called small 'clefts of the earth' or 'spines of the earth'.¹¹

IF HE CONSECRATED IT TWO OR THREE YEARS etc. Our Rabbis taught: And an abatement shall be made from thy valuation,¹² also from the Sanctuary; so that if the Sanctuary enjoyed the property for two or three years, or even if it did not enjoy it, but had it in its possession, one may deduct one sela' and one pondion for each year.

IF HE SAYS: I SHALL PAY EACH YEAR etc. Our Rabbis taught: Whence do we know, that if the owner said, 'I shall pay for each year as it comes' that we do not listen to him? Therefore the text says: 'Then the priest shall reckon unto him the money', i.e., until the whole sum is together. It is all the same whether it be the owner or someone else, except that the owner must add one fifth, whereas any other man need not add the fifth.

MISHNAH. IF A MAN CONSECRATED [HIS FIELD] AND THEN REDEEMED IT, IT DOES NOT GO OUT OF HIS POSSESSION IN THE JUBILEE.¹³ IF HIS SON REDEEMED IT, IT REVERTS TO HIS FATHER IN THE JUBILEE. IF ANOTHER, OR A RELATIVE REDEEMED IT, AND HE¹⁴ REDEEMED IT FROM HIS HAND, IT GOES OUT TO THE PRIESTS.¹⁵ IF ONE OF THE PRIESTS REDEEMED IT,¹⁶ AND IT WAS STILL IN HIS POSSESSION,¹⁷ THEN HE CANNOT SAY: 'SINCE IT GOES OUT TO THE PRIESTS IN THE YEAR OF JUBILEE, AND

SINCE IT IS NOW IN MY POSSESSION, THEREFORE IT BELONGS TO ME', BUT IT GOES OUT OF HIS POSSESSION TO BE DISTRIBUTED AMONG ALL HIS BRETHREN THE PRIESTS.¹⁸

(1) From the total of remaining years to the next Jubilee, and he who redeems must pay for the incomplete year a full shekel with its pondion, The Mishnah thus means that after the Jubilee all redemptions must be made on the basis of complete years.

(2) Lev. XXVII, 18.

(3) And by adding the months that have already elapsed to the preceding years, there are left less than two years to the Jubilee, in which case the redemption price is the full fifty shekels.

(4) I.e., the priest must always so reckon as it should be to the advantage of the Sanctuary.

(5) V. infra 32b, when the law of Jubilee is not in force the redemption price is fixed according to the value of the field,

(6) A homer.

(7) We assess the value of the field by the quantity of the seed required (not by the yield of the crop) when strewn with the hand, but not when strewn from a perforated bag or wagon drawn by oxen.

(8) Lev. XXVII, 16.

(9) Two letheks are one kor; one kor is thirty se'ahs; one se'ah is six kabs. Tirkab. lit., 'two kabs', has come later on to be used as the term. tech. for three kabs.

(10) In which sowing is impossible.

(11) And treated as part of the field.

(12) Lev. XXVII, 18. Just as when he consecrated a field in, for example, the tenth year after the Jubilee and came to redeem it in the twentieth, he would deduct the ten years during which he had it, so if the Sanctuary had had the benefit of the field for a number of years he would deduct from the sum wherewith he redeems the field all the years the Sanctuary owned, or derived benefit from it.

(13) As would be the case if another man had redeemed it, when it would go out on Jubilee to the priests; v. Lev. XXVII, 19.

(14) The original owner.

(15) The printed edd. of the separate Mishnah read: ' . . . it does not go out of his possession in the year of Jubilee'; v. Maim. Mishnah Commentary.

(16) From the treasurer of the Sanctuary.

(17) At the commencement of the year of Jubilee. His argument would be: If another (i.e., not the owner) Israelite had redeemed it, I and my colleagues would have received it anyhow in the year of Jubilee; now that I have it in my possession, I have the best claim to it.

(18) I.e., to the group officiating as the year of Jubilee commences.

Talmud - Mas. Arachin 25b

GEMARA. Our Rabbis taught: And if he will not redeem the field,¹ i.e., the owner. Or if he have sold the field,¹ i.e., the treasurer [of the Sanctuary]. To another man,¹ I.e., to another man but not to his son.² You say, 'to another man' [means] not to his son! But perhaps, 'to another man' [means] not to his brother? Since Scripture says, 'man', the brother is included, hence how explain [the word] 'other', [it means to] exclude the son. Why do you choose to include the son and exclude the brother? — I include the son because he arises in his father's place, for the purpose of 'designation',³ and in regard to a Hebrew slave.⁴ On the contrary! I would include the brother because he arises in his brother's place in regard to the levirate duty?⁵ [This is no argument.] For is there any levirate duty in any condition but where there be no son? Surely if there is a son, no levirate duty is involved.⁶ But infer it from the fact that here [in the son's case] there are two points [in his favour], whereas there [in the brother's case] there is only one! — [The preference for a son in the case of] a Hebrew slave is similarly inferred from the same refutation: Is there any levirate duty in any other condition but where there be no son?⁷

Rabbah b. Abbuha asked: Could a daughter preserve a field for her father? [Shall I say,] Since

with regard to the levirate obligation, both son and daughter alike effect exemption,⁸ she therefore can preserve [the field], or perhaps, since in respect of inheritance the daughter, where there is a son, is considered an outsider,⁹ she cannot preserve [the field]? — Come and hear, for the School of R. Ishmael taught: ‘Whosoever is considered an outsider where there is a son cannot preserve [the field]’, and she, too, is considered an outsider where there is a son.

R. Zeirah asked: Who can preserve the field for a woman? [Shall I say,] The husband can preserve it for her, since he inherits here, or perhaps the son can preserve it for her, because he takes of what is coming due [to the estate] as he does of what is held in actual possession?¹⁰ — The question remains unanswered.

Rama b. Hama asked of R. Hisda: If one dedicates [his field] less than two years before the year of Jubilee, does it go out to the priests?¹¹ He replied: What do you think? Because: ‘An abatement shall be made from thy valuation . . . but the field when it goeth out in the Jubilee’¹² [from which you would infer] that [the law¹³ applies] only to [a field] subject to the law of deduction, but not to one which is not subject to the law of deduction? On the contrary! [Scripture says:] And if he will not redeem the field . . . the field, when it goeth out in the Jubilee, etc.,¹⁴ and this field too is subject to redemption.

IF ONE OF THE PRIESTS REDEEMED IT. Our Rabbis taught: The possession thereof shall be the priest's,¹⁵ what does that come to teach? [The following:] Whence do we know that if a field is to go out on Jubilee to the priests and one of the priests redeems it, that he cannot say: Since it would go out to a priest [anyway] and it is in my possession now, let it belong to me, on an argument *ad majus*: ‘If I can acquire title to something belonging to others, how much more to something belonging to myself’, therefore the text reads: ‘[his] possession’;¹⁶ a possession which is his, but this one is not his. How then [do we deal with such a field]? It goes out of his hand and is distributed among his brethren the priests.

MISHNAH. IF THE YEAR OF JUBILEE ARRIVED AND IT WAS NOT YET REDEEMED THEN THE PRIESTS ENTER INTO POSSESSION THEREOF AND PAY ITS VALUE.¹⁷ THESE ARE THE WORDS OF R. JUDAH. R. SIMEON SAYS: THEY ENTER [INTO POSSESSION] BUT THEY DO NOT PAY [ITS VALUE]. R. ELIEZER SAYS: THEY NEITHER ENTER [INTO POSSESSION] NOR PAY [ITS VALUE]. BUT IT IS CALLED AN ABANDONED FIELD UNTIL THE SECOND JUBILEE. IF THE SECOND JUBILEE HAS ARRIVED AND IT WAS NOT YET REDEEMED, IT IS CALLED A ‘TWICE ABANDONED FIELD’¹⁸ UNTIL THE THIRD JUBILEE. THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAD REDEEMED IT.¹⁹

GEMARA. What is the reason of R. Judah's view? — He derives it from [the analogous]: ‘holy’, ‘holy’ [written] with the consecration of a house.²⁰ Just as there [a redemption is impossible without] payment of money, so here also payment of money [is mandatory]. And R. Simeon? — He derives it from [the analogous]: ‘holy’, ‘holy’ [written] with the lambs of the Feast of Weeks.²¹ Just as there [the priest obtains them] without money, so here, too, without money. But let R. Judah, too, infer it from the lambs of the Feast of Weeks? — One may make inference for objects consecrated to repairs of the Sanctuary

(1) Lev. XXVII, 20.

(2) If the son redeems it, the field reverts to his father at Jubilee.

(3) Ex. XXI, 9. The designation i.e., betrothal of a Hebrew handmaid to her master. There the son automatically enters into his father's rights.

(4) In the case of a Hebrew slave, whose master dies, the son is entitled to the remaining ones of the six years' service due to his father.

- (5) Deut. XXV, 5 If brethren dwell together and one of them die and have no child, the wife of the dead shall not be married abroad unto one not of his kin. Her husband's brother shall go in unto her, and take her to him to wife.
- (6) Any child, son or daughter, of the dead brother renders the levirate duty impossible, and indeed prohibits it as incestuous. Hence the brother plays a role only when there is no son.
- (7) The preference for a son in the case of a Hebrew slave is not based on the Biblical text, but is inferred from this very argument, v. Kid. 17b; therefore in reality there is but one point in the son's favour, so that the balance between brother and son is restored, each of them having but one point in his favour.
- (8) Just as in the case of her father's death, the daughter like the son, cancels the possibility of the levirate obligation, so should she be able to preserve the field for her father by redeeming it so that in the year of Jubilee it would revert to her father.
- (9) Lit., 'another' since she cannot inherit.
- (10) The son inherits from his mother property which will be due after her death, as well as such already in her possession, whereas the husband does not obtain those still due, as he does those in her possession already. V. B.B. 113a.
- (11) If another man redeems as is required, not at a deduction but with the payment of the full fifty shekels.
- (12) Lev. XXVII, 18 and 21.
- (13) That the field on Jubilee goes out to the priests.
- (14) Ibid. 20, 21.
- (15) Ibid. 21. Unless he redeems it, the field will go out to the priests.
- (16) 'His' is here interpreted as suggesting only that the priest's own field of possession, i.e., that inherited from his father, may belong exclusively to him, but not someone else's field of possession.
- (17) Fifty shekels for each piece of the field sufficient for the sowing of a homer of barley, payable to the treasurer of the Sanctuary; thereupon the field becomes their field of possession.
- (18) This designation serves at the same time as a notice to the would-be buyers, who for practical or sentimental reasons might redeem the field for its original owner.
- (19) When the next Jubilee arrives, the priests enter into possession of the field without the obligation of paying its value to the Sanctuary, for the latter has already received such value from the person who redeemed the field.
- (20) Lev. XXVII, 14 uses the term in referring' to the consecration of a house, and v. 23 to that of a field of possession.
- (21) V. Lev, XXIII, 20.

Talmud - Mas. Arachin 26a

from other objects dedicated to repairs of the Sanctuary, but one may make no inference for objects dedicated to Temple repairs from such as are dedicated to the altar. But let R. Simeon, too, derive it from 'one who consecrated his house'? — One may make inference for things given as a gift to the priests from others which are a gift unto priests, but one may not make inference for things which are a gift to the priests from others which are not a gift to the priests.¹

R. ELIEZER SAYS: THEY NEITHER ENTER [INTO POSSESSION] NOR PAY [ITS VALUE]. Rabbah said: What is the reason for R. Eliezer's view? Scripture said: And if he will not redeem the field . . . it shall not be redeemed any more . . . or if he have sold the field to another man [then] . . . the field, when it goeth out in the Jubilee.² Said Abaye: A sharp knife to cut Scriptural verses [to pieces]! Rather, said Abaye, this is the reason for R. Eliezer's view, as it was taught: 'It shall not be, redeemed any more'. One might have assumed that [means]: It shall not be redeemed [by the owners], i.e., even to be considered [to him] a field acquired by purchase,³ therefore Scripture says, 'any more', which means: it cannot be redeemed so as to be considered [again] what it was before [a field of possession]⁴ but it can be redeemed to become to him like a field acquired by purchase.⁵ Now to when does this refer? Will you say, To the first Jubilee? Why can it not be redeemed? It is still a field of possession. Hence is it obviously to the second Jubilee [that we refer]. But according to whom [is this teaching]? Would you say according to either R. Judah or R. Simeon; surely it goes out to the priests [at the first Jubilee]!⁶ You must hence say it is in accord with R. Eliezer, which proves that R. Eliezer infers his reason from here.⁷ But is that how you think? How then do R. Judah

and R. Simeon interpret that ‘any more’. Rather we speak here of a field [of possession] that went out to the priests [at Jubilee],⁸ and which the priests thereupon consecrated,⁹ and now the [original] owner comes to redeem it. You might have assumed that it cannot be redeemed [by the owner]¹⁰ not even to be regarded as a field acquired by purchase, therefore the text states ‘any more’; [meaning] it cannot be redeemed so as to be considered as before [a field of possession], but it can be redeemed to be considered a field acquired by purchase. And then indeed was it taught: In the year of Jubilee the field shall return unto him of whom it was bought.¹¹ One might have assumed that it shall go back to the treasurer from whom he bought it, therefore the text states: Even to him to whom the possession of the land belongeth.¹¹ Now Scripture should [only] have said: ‘Even to him to whom the possession of the land belongeth’ For what purpose does it say: ‘Unto him of whom it was bought’? [It refers to the case of] a field that had gone out to the priests, whereupon the priest sold it and the purchaser consecrated it, and another person came and redeemed it. One might have assumed that it shall revert to the original owners, therefore it is said: ‘Unto him of whom it was bought’.¹² And it was necessary to state]: ‘Unto him of whom it was bought’ and it was necessary to state: ‘It shall not be redeemed any more’. For if the Divine Law had written [only]: ‘It shall not be redeemed any more’ [one would have said that this applied only to the former case] where it does not come back at all [to the one who consecrated it],¹³ but here where it reverts [to the one who consecrated it],¹⁴ [I might have said,] it shall revert to the owner; therefore the Divine Law wrote: ‘Unto him of whom it was bought’. And if the Divine Law had written [only]: ‘Unto him of whom it was bought’ [one would have said that this applies to the latter case] where the owner does not pay its value,¹⁵ but here [in the former case] where he pays its value, [I might say] it shall be placed in his possession, therefore the Divine Law wrote: ‘It shall not be redeemed’. And if the Divine Law had written: ‘It shall not be redeemed’, but had not written, ‘any more’, I would have thought: It cannot be redeemed at all, therefore the Divine Law said, ‘any more’, i.e., it cannot revert to its original status again, but it can be so redeemed as to be regarded a field acquired by purchase. Now what of it?¹⁶ — Raba said: Scripture said, ‘But the field when it goeth out in the Jubilee [etc.]’, [implying] when it goeth out [on Jubilee] of the hand [possession] of another.¹⁷

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- (1) The field of possession as well as the lambs of the Feast of Weeks both are a gift to the priest (v. Lev. XXIII, 20 and XXVII, 21); that is not the case with the consecration of a house, the value of which goes to the fund for Temple repairs.
 - (2) V. Lev. XXVII, 20-21. The two verses are combined to mean thus: If he does not redeem it, it shall not be redeemed any more, but if he (the treasurer of the Sanctuary) sells it, then the field goes out on Jubilee to the priests. This implies that if the treasurer does not sell it the priests do not enter into possession of the field.
 - (3) I.e., the owner can no longer redeem it to have the use of the field at least to the next Jubilee.
 - (4) I.e., to be his permanently after the redemption.
 - (5) This laborious combination of verses for a forced ad hoc elicits Abaye's merited reproach.
 - (6) As stated in our Mishnah.
 - (7) R. Eliezer holds that after the first Jubilee year the field if unredeemed belongs to the Sanctuary and not the priests, and consequently the field can still be redeemed, hence the exposition of the cited verse.
 - (8) Because it had been redeemed by another man.
 - (9) Who received it on Jubilee.
 - (10) Since he did not redeem it on the first Jubilee year.
 - (11) Lev. XXVII, 24 with reference to a field of purchase.
 - (12) One might have assumed that it reverts to the man who originally consecrated it, therefore the Scriptural verse comes to teach us that since it was not bought from him but was acquired from the Sanctuary it reverts to the priest, from whom the purchaser had acquired it before consecrating the field. And similarly in the case of a field of possession, once another redeems it and it gets into the possession of the priest at Jubilee, the owner can no longer redeem it as his field of possession.
 - (13) I.e., when the priest consecrated it after having received it on Jubilee, the owner having failed to redeem it. In this case the field on the next Jubilee goes out to all the priests and not to the priest who consecrated it, and similarly the original owner cannot claim it as a field of possession.
 - (14) I.e., where the priest sold and the purchaser consecrated it, in which case it is a field acquired by purchase, which if

someone redeems it from the Sanctuary does not go out to the priests on Jubilee, but reverts to the consecrator.

(15) Since another redeemed it.

(16) We do not yet know the reason for R. Eliezer's view that the priests cannot enter into possession until someone has redeemed it.

(17) I.e., when it goes out of the possession of another who had redeemed it from the treasurer before the year of Jubilee, then shall it go out to the priests as their field of possession.

Talmud - Mas. Arachin 26b

The question was asked: Is the owner in the second Jubilee cycle considered like someone else or not?¹ — Come and hear: 'It shall not be redeemed any more'. One might have assumed it shall not be redeemed [by the owners] even to be considered before him like a field acquired by purchase, therefore it is said: 'Any more, i.e., it cannot be redeemed so as to be considered again what it was before, but it can be redeemed so as to become to him like a field acquired by purchase. Now to what does this refer? Will you say to the first Jubilee? Why should it not be redeemed? It is still regarded a field of possession! Hence the reference is obviously to the second Jubilee. But according to whose view [is this teaching]? If according to R. Judah or R. Simeon, surely it goes out to the priests [at the first Jubilee]? one must rather say therefore, it is in accord with R. Eliezer, which proves that [according to him]² the owner in the second Jubilee is considered as if he were another person. But do you think so? How then would R. Judah and R. Simeon interpret 'any more'? — Rather do we deal here with the case of a field [of possession] that went out [at Jubilee] to the priests, and which the priest consecrated, and now the original owner comes to redeem it. You might have thought: It cannot be redeemed [by the owner] so as to become like a field acquired by purchase, therefore it is said: 'any more', I.e., it cannot be redeemed so as to be considered what it was before, but it can be redeemed so as to become to him a field acquired by purchase. Thus also was it taught: 'The field shall return unto him of whom it was bought'. One might have assumed it shall return to the treasurer from whom he had bought it, therefore the text states: 'Even to him unto whom the possession of the land belongeth'. Now Scripture should have said: 'Unto whom the possession of the land belongeth'. For what purpose does it say: 'Unto him of whom the field was bought'? It refers to a field that had gone out to the priests and a priest sold it, whereupon the purchaser consecrated it and another person came and redeemed it. One might have assumed that it shall revert to the original owner, therefore it is said: 'Unto him of whom it was bought'. And it was necessary to write: 'It shall not be redeemed any more', as it was necessary to write: 'Unto him of whom it was bought'. For had the Divine Law written [only], 'It shall not be redeemed any more', [one would have said that applies only in the former case] where it does not come back at all, [to the one who consecrated it], but here where it does revert [to him], I might have said it shall revert to the owner, therefore the Divine Law wrote: 'Unto him of whom it was bought'. And if the Divine Law had written [only]: 'Unto him of whom it was bought' [one would have said this applies to the latter case] where the owner does not pay its money-value, but here [in the former case] where he pays its money-value, it shall be placed in his possession, therefore the Divine Law wrote: 'It shall not be redeemed'. And if the Divine Law had written [only]: 'It shall not be redeemed', but had not written any more', I might have said that it cannot be redeemed at all, therefore the Divine Law wrote 'any more'; i.e., it cannot revert any more to its original status [as a field of possession], but it can be redeemed so as to be considered a field acquired by purchase. Now what of it?³ — Come and hear: R. Eliezer said, If the owner redeemed it in the second Jubilee [cycle] it goes out to the priest in the [next] Jubilee.⁴ Said Rabina to R. Ashi: But did we not learn thus: R. ELIEZER SAID, THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAS REDEEMED IT? — He replied: The owner is considered as someone else in the second Jubilee [cycle]. Others say, R. Eliezer said: If he [the owner] redeems it during the second Jubilee [cycle], it does not go out to the priests at the Jubilee. Whereupon Rabina said to R. Ashi: We also learnt likewise: R. ELIEZER SAID, THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAS REDEEMED IT. — He replied: If we [knew it only] from our

Mishnah, I might have assumed that the owner during the second Jubilee [cycle] is considered like someone else, therefore we are informed [otherwise].⁵

MISHNAH. IF ONE BOUGHT A FIELD FROM HIS FATHER,⁶ AND HIS FATHER DIED AND AFTERWARDS HE CONSECRATED IT, IT IS CONSIDERED A FIELD OF POSSESSION.⁷ IF HE CONSECRATED IT AND AFTERWARDS HIS FATHER DIED, THEN IT IS CONSIDERED A FIELD ACQUIRED BY PURCHASE.⁸ THESE ARE THE WORDS OF R. MEIR. R. JUDAH AND R. SIMEON SAY: [EVEN IN THE LATTER CASE] IT IS CONSIDERED A FIELD OF POSSESSION, AS IT IS SAID: ‘AND IF A FIELD WHICH HE HATH BOUGHT, WHICH IS NOT A FIELD OF HIS POSSESSION, I.E., A FIELD WHICH IS NOT CAPABLE OF BECOMING A FIELD OF HIS POSSESSION, THUS EXCLUDING A FIELD WHICH IS CAPABLE OF BECOMING A FIELD OF POSSESSION.’⁹ A FIELD ACQUIRED BY PURCHASE DOES NOT GO OUT TO THE PRIESTS IN THE YEAR OF JUBILEE, FOR NO MAN CAN CONSECRATE AN OBJECT NOT BELONGING TO HIM.¹⁰ PRIESTS AND LEVITES MAY CONSECRATE [THEIR FIELDS] AT ANY TIME AND REDEEM AT ANY TIME, BOTH BEFORE AND AFTER THE JUBILEE.

GEMARA. Our Rabbis taught: Whence do we know that if one bought a field from his father and consecrated it, and thereupon his father died, that it is to be considered his field of possession? Therefore it is said: ‘A field which he hath bought, which is not a field of his possession’, i.e., field which is not capable of becoming a field of his possessions excluding this, which is capable of becoming a field of his possession. These are the words of R. Judah and R. Simeon. R. Meir says: Whence do we know that if one bought a field from his father and his father died, and he thereupon consecrated it, that it be considered to him a field of his possession? Therefore it is said: ‘A field which he hath bought which is not a field of his possession’, i.e., a field which is not a field of his possession, excluding this, which is a field of his possession. Shall we say that they are conflicting about this [principle], R. Meir holding that the acquisition of usufruct is like the acquisition of the capital itself, whereas R. Judah and R. Simeon hold that the acquisition of usufruct is not like the acquisition of the soil itself?¹¹ — Said R. Nahman b. Isaac: As a rule R. Simeon and R. Judah hold that the acquisition of usufruct is like the acquisition of the soil itself

(1) According to R. Eliezer who says that in the second Jubilee cycle, too, the field can be redeemed, the question is asked: Is the owner in the second cycle considered like someone else, so that when he redeems it the field will in the third Jubilee go out to the priests; or is he still considered the owner so that in the third Jubilee the field will revert to him, as it would have reverted to him had he redeemed it before the end of the first Jubilee.

(2) .

(3) The question propounded above.

(4) Which proves that the owner, during the second Jubilee cycle, is considered like someone else, the field in the Jubilee reverting to the priests.

(5) That the owner is not considered another, during the second Jubilee cycle, and if he redeems it the field remains with him at Jubilee.

(6) If he consecrated it after it had become, through his father's death, his field of possession. it remains in the status of a field of his possession. But if he consecrated it whilst his father was alive, it had not yet become his field of possession and remains therefore his field acquired by purchase. The difference is that a field acquired by purchase must be redeemed at its full value (instead of the fifty shekels for each piece of field sufficient for the sowing of a homer of barley. due in the case of a field of his possession); and, if he who consecrated it has not redeemed it, then when the year of Jubilee arrives, it does not go out to the priests but reverts then to its original owner. In our case It would revert to the father, and since he died, to his heirs.

(7) V. Lev. XXVII, 16.

(8) Lev. XXVII, 22.

(9) Even if it was not yet a field of his possession at the time he consecrated it, but was (one of) ‘from’ the fields of his (potential) possession, it is considered his field of possession. But when he comes to redeem it, it must be his field of

possession already, or else it will be regarded as a field acquired by purchase. 'A field acquired by purchase' is the term. techn. for any property acquired in any manner, as long as it was not inherited by its present owner.

(10) If someone buys a field, he has bought only the usufruct up to the year of Jubilee, in that year it reverts automatically. without any fee payable, to its original owner. Hence its purchase could not legally consecrate it, consecration being unlimited in time, whereas his limited rights are also limited by the year of Jubilee. Hence that field will not go out to the priests, but will revert to the original owner, whose field of possession it was, by inheritance.

(11) As long as his father lived the son had but the usufruct of the field he had purchased from the former. He did not really own the soil, because in the year of Jubilee the soil would have reverted to his father, the original owner. R. Meir, however, would hold that the acquisition of the usufruct is like the acquisition of the soil itself. Therefore when he consecrated it in his father's lifetime, it was to be regarded as a field acquired by purchase, the soil belonging to him with the usufruct, whence it could no more acquire the status of a field of possession, with the rules relevant thereto. R. Judah and R. Simeon, on the other hand, hold that the acquisition of usufruct is not like the acquisition of the soil, hence it could become a field of possession only if the father died before the son consecrated it. This being a very obvious rule, no Scriptural law was necessary to teach what applies here. What required the Scriptural guidance was the case of his having consecrated the field before his father died to teach that although at the time of its consecration the field was one acquired by purchase, nevertheless since the father died before its being redeemed, it is considered a field of his possession. For the original purchase did not include the field, only the usufruct.

Talmud - Mas. Arachin 27a

, but here they found a Scriptural verse which they interpreted [as follows]:¹ The Divine Law should have said: 'If from the field acquired by purchase which is not his field of possession', or 'which is not a field of possession', what does 'from the field of his possession'² mean? [It means] a field incapable of becoming a field of possession, [thus] excluding this which is capable of becoming a field of possession.

PRIESTS AND LEVITES MAY CONSECRATE AT ANY TIME. Granted that it is necessary [to teach that the priests may] REDEEM to exclude Israelites who may redeem only up to the year of Jubilee. That is why we are informed [that priests and Levites] MAY REDEEM AT ANY TIME. But as regards [their ability to] CONSECRATE, why teach about priests and Levites since Israelites may do the same?³ And if you were to say it refers to the year of Jubilee itself, that would be right only on the view of Samuel who says: In the year of Jubilee itself it [the consecrated object] acquires no sacred character,⁴ therefore the information [in our Mishnah] that priests and Levites, however, may consecrate at any time. But on the view of Rab, why speak about priests and Levites? Israelites, too, may [consecrate at any time, even in the year of Jubilee]? — But according to your own opinion, for what purpose does he teach: BOTH BEFORE AND AFTER THE JUBILEE?⁵ — Rather [must we explain]: Because he taught in the first part 'Before the Jubilee' . . . and 'after the Jubilee',⁶ therefore he taught in the second part too, BOTH BEFORE AND AFTER THE YEAR OF JUBILEE. And since he taught in the first part, 'They may neither consecrate . . . nor redeem', he teaches also in the second part: [PRIESTS] MAY CONSECRATED . . . AND REDEEM.

CHAPTER VIII

MISHNAH. IF ONE CONSECRATED HIS FIELD AT A TIME WHEN THE [LAW OF THE] JUBILEE WAS NO LONGER VALID,⁷ THEY SAY TO HIM: MAKE THOU THE FIRST BEGINNING!' BECAUSE THE OWNER MUST PAY AN ADDED FIFTH WHEREAS NO OTHER PERSON NEED PAY AN ADDITIONAL FIFTH.⁸ IT HAPPENED THAT ONE CONSECRATED HIS FIELD BECAUSE IT WAS BAD. THEY SAID TO HIM: MAKE THOU THE FIRST BEGINNING!' HE SAID: 'I WILL ACQUIRE IT FOR AN ISSAR'.⁹ R. JOSE SAID: HE DID NOT SPEAK THUS, BUT 'FOR AN EGG', BECAUSE CONSECRATED OBJECTS MAY BE REDEEMED BY EITHER MONEY OR MONEY'S WORTH.¹⁰ HE SAID TO HIM: IT HAS BECOME THINE.¹¹ THUS HE WAS FOUND TO HAVE LOST AN ISSAR AND THE

FIELD WAS HIS AGAIN.

GEMARA. IF ONE CONSECRATED HIS FIELD AT A TIME WHEN etc. THEY SAY: but was it not taught. 'They compel him'? — What THEY SAY means is 'they compel him'. Or, if you like say, At first, they speak to him. If he obeys, he obeys. If not, they compel him.

FOR THE OWNER MUST PAY AN ADDED FIFTH. Why argue from the fact that the owner is obliged to pay an added fifth, infer it from the fact that since it is dear to him he will pay more to redeem it? And furthermore, the obligation to redeem it rests upon the owner?¹² — He gives one reason and then another. One reason, that since it is dear to him he will pay more to redeem it; and another, that the obligation to redeem it rests upon the owner, and furthermore, the owner is obliged to pay an added fifth.

IT HAPPENED THAT ONE CONSECRATED HIS FIELD etc. Shall we say they are disputing this principle: R. Jose holds that money's worth is like money, whilst the Rabbis are of the opinion that money's worth is not like money? But then we have an established principle that money's worth is like money!¹³ — [No.] All agree that money's worth is like money, but here they are disputing whether one may redeem by an object the fifth of which is not worth one perutah; the first Tanna holding only with an issar, the fifth of which is worth one perutah, may one redeem [but not by less],¹⁴ whilst R. Jose holds with an egg too one may redeem.

HE SAID TO HIM: IT HAS BECOME THINE! THUS HE WAS FOUND TO HAVE LOST AN ISSAR AND THE FIELD WAS HIS AGAIN. This anonymous statement is in accord with the view of the Rabbis.¹⁵

MISHNAH. IF ONE SAID: 'I WILL ACQUIRE IT FOR TEN SELA'S, AND ANOTHER '[FOR] TWENTY', AND ANOTHER 'FOR THIRTY', AND ANOTHER 'FOR FORTY', AND ANOTHER 'FOR FIFTY', AND HE [THAT BID] FIFTY RECANTED, THEY TAKE PLEDGES FROM HIS PROPERTY UP TO TEN SELA'S.¹⁶ IF HE [THAT BID] FORTY¹⁷ RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S. IF HE [THAT BID] THIRTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. IF HE THAT BID TWENTY RECANTED THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S. IF HE THAT BID TEN RECANTED THEY SELL [THE FIELD] FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN.¹⁸ IF THE OWNER BID TWENTY AND ANY OTHER MAN BID TWENTY,¹⁹ THEN THE OWNER COMES FIRST, BECAUSE HE MUST ADD ONE FIFTH. IF ONE SAID 'I WILL ACQUIRE IT FOR TWENTY-ONE SELA'S'

(1) As excluding the field under question, quite independent of the discussion as to whether acquisition of usufruct is like acquisition of the soil itself.

(2) מִשְׁרָה 'men privativum'. For further notes v. B.B. Sonc. ed., pp. 285ff.

(3) V. supra 24a.

(4) V. ibid.

(5) In which Israelites may not consecrate.

(6) V. supra 24a.

(7) The law of the year of Jubilee was valid only as long as all Israel lived in the Holy Land, with the tribes inhabiting the portions of the land allocated to them by Joshua, v. infra 32b.

(8) For as long as it was valid, the price to be paid was fixed (fifty shekels for every piece of the field sufficient for the sowing of a homer of barley) and did not depend upon any offer of the owner. But after the validity of the Jubilee was lost, the field of possession, too, had to be redeemed at its value, hence the question here.

(9) The expense was greater than its produce.

(10) Eight perutahs.

(11) The treasurer said to the owner: It is yours.

(12) V. Lev. XXVII, 23.

(13) V. B.K. 7a.

(14) The disagreement is in detail, not on principle, both holding that redemption may be achieved by either money or money's worth. An issar is the smallest coin containing five perutahs.

(15) Which speaks of his losing an issar.

(16) Through his recanting the Sanctuary lost ten sela's, the difference between his bid and that of the next lower bidder. As a rule, some definite act is necessary before any purchase is legally binding, but with regard to any transaction touching the Sanctuary an oral undertaking has the force of a legal act.

(17) This is explained in the Gemara.

(18) The difference between what he bid (ten sela's) and what after his retraction was actually paid by the lowest bidder.

(19) After the owner offered twenty.

Talmud - Mas. Arachin 27b

THEN THE OWNER MUST PAY TWENTY-SIX. [IF ONE BID] TWENTY-TWO, THE OWNER MUST PAY TWENTY-SEVEN. IF TWENTY-THREE, THE OWNER MUST PAY TWENTY-EIGHT. IF TWENTY-FOUR, THE OWNER MUST PAY TWENTY-NINE. IF TWENTY-FIVE, THE OWNER MUST PAY THIRTY, FOR THEY NEED NOT ADD ONE FIFTH TO WHAT THE OTHER BIDS MORE. IF ONE SAID: 'I WILL ACQUIRE IT FOR TWENTY-SIX',¹ AND IF THE OWNER WAS WILLING TO PAY THIRTY-ONE AND ONE DENAR IN ADDITION,² THE OWNER COMES FIRST. AND IF NOT, WE SAY TO THE OTHER: 'IT HAS BECOME THINE.

GEMARA. R. Hisda said: This³ was taught only if he who bid forty stands by his bid, but if he who bid forty does not stand by his bid, then we divide it among them.⁴ We learnt: IF HE THAT BID FORTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid fifty pay with [alike] him [the ten sela's which he outbid]? — It refers to the case where there was no one who bid fifty. IF HE WHO BID THIRTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid forty pay together with him [the ten sela's which he outbid]? — It refers to the case where there was no one who bid forty. IF HE WHO BID TWENTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid thirty pay with him? — It refers to the case where there was no one who bid thirty. But if that be so, read the last part: IF HE THAT BID TEN RECANTED THEY SELL IT FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN. But let him who bid twenty pay with him [the ten sela's]? And if you would say. Here, too, it refers to the case where there was no one who bid ten, then instead of teaching AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN, it should state: 'And collect from him'?⁵ — Rather, said R. Hisda, this is no difficulty. One case refers to their recanting simultaneously, the other, if they do so one after the other.⁶ Thus was it also taught: If all of them recanted simultaneously, one distributed it among them. But we were taught: THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S? Hence it is evident therefrom that the explanation is like R. Hisda. That is evident. Some put it in the form of a contradiction. We learnt: IF HE WHO BID TEN RECANTED, THEY SELL IT FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN. But it was taught: 'We divide it among them'? — R. Hisda said: This is no contradiction, one case speaks of their recanting simultaneously, the other, if they do so one after the other.

IF THE OWNER BID TWENTY AND ANY OTHER MAN BID TWENTY etc. Shall we say that the added fifth has preference? But I will point out a contradiction. 'If a householder⁷ bid a sela' and another bid a sela' and an issar, he who bid a sela' and an issar has preference, since he adds to the principal value'? — Here where the fifth is the profit of the Sanctuary, the fifth has preference, but

there, where the fifth is the profit⁸ of the householder, a goodly capital sum is preferable [for redemption], but the fifth does not concern us.

IF ONE SAID: I WILL ACQUIRE IT FOR etc. IF TWENTY-FIVE, THE OWNER MUST PAY THIRTY. But let the owner say: A man has come in our stead'?⁹ — Said Ze'ira:¹⁰ It speaks of the case where the owner had bid one denar [over twenty].¹¹ Then let [the Mishnah] mention that denar? — He [the Tanna] was not particular to mention [a mere denar]. But [yet] it teaches: If the owner was willing to pay thirty-one sela's and one denar, the owner has preference? — Rather, said Raba, it was a case where the owner bid an additional perutah and [the Tanna] was not particular [to mention it].

FOR THEY NEED NOT ADD ONE FIFTH TO WHAT THE OTHER BIDS MORE. R. Hisda said: This was taught only [for the case] where the consecrated object was not yet valued by three,¹² but if the consecrated object was valued by three, he must add [the fifth]. It was also taught thus: Beth Shammai say: They¹³ must add, whilst Beth Hillel Say: They need not add. Now how shall we imagine this case? If it [the consecrated object] has not yet been valued, what is the reason for the view of Beth Shammai? Rather must we take it that it has been valued. Shall we, then, assume that R. Hisda is of the view of Beth Shammai?¹⁴ In reality [assume] that it has not been valued, but Beth Shammai are nevertheless stringent. Or if you like, say: Indeed, it was valued and [the Baraita] is to be reversed: Beth Shammai say. They need not add [etc.]. But then let it be taught among the cases in which Beth Shammai are less stringent and Beth Hillel are more stringent?¹⁵ — Rather, Indeed it was not valued, but Beth Shammai are nevertheless stringent.

IF ONE SAID: I WILL ACQUIRE IT FOR TWENTY-SIX etc. If he [the owner] is willing, good, if not, [we do] not compel him, for he can say: 'A man has come in my stead'. What is the function of the [one] denar?¹⁶ — R. Shesheth said: This is what it means. If the owner originally wanted to give a sum amounting [with the extra addition of the last bid] to thirty-one [sela's] and one denar

(1) Thereby outbidding the owner's original bid plus the added fifth.

(2) One sela' contains four denars, so that the full fifth of twenty-six is thirty-one sela's and one denar.

(3) That if the bidder of fifty recanted they take pledges from his property up to (no more than) ten sela's.

(4) The loss divided among the bidders of fifty and forty, the former becoming responsible for fifteen (sharing the loss in the difference between forty and thirty), the latter for five sela's.

(5) Since the text reads: 'From him who bid ten', the inference is justified that there is one who bid twenty too, yet we are not taught that the sum lost is to be collected from both. This is a refutation of R. Hisda's view.

(6) When all recanted simultaneously the charge is distributed among them, but if one after the other recants, one imposes upon each the difference between his bid and the next highest bid.

(7) With reference to the second tithe which can be converted into money to be taken to Jerusalem there to be expended on food. V. Lev. XXVII, 31.

(8) In the case of the second tithe, both the original sum and the added fifth remain the possession of the householder, the only restriction upon him being the obligation to consume the whole sum in Jerusalem, after having redeemed the second tithe in the country. In that case we allow the preference to a bidder who goes, by even one issar, above the bid of the householder, even though the householder adds one fifth, since that fifth as well as the whole sum, remains his private property the Sanctuary's interest not being involved at all. But when the consecrated field is to be redeemed, the fifth added by the owner is the profit of the Sanctuary, both the original amount and the addition being received by its treasurer, therefore the preference is with him who offered the additional fifth.

(9) Who is willing to make a payment that includes the sum plus the added fifth from the owner. Hence no loss will be sustained by the Sanctuary. Why compel him then to give thirty?

(10) Inserted with Sh. Mek.

(11) Which, with the added fifth, would make his offer amount to more than twenty-five.

(12) On the basis of the last bid. Although, as a rule, valuations for the Sanctuary require the presence of ten (Sanh. 2a). here an exception is de facto recognized.

(13) The owners.

(14) The ultimate decision in a matter of conflict between Beth Shammai and Beth Hillel is, as a general rule, in accord with the latter. How then could R. Hisda, an Amora, adhere to the view of Beth Shammai?

(15) These are recorded in 'Ed. and assumed to be all the rare cases in which the Schools reverse their usual role, the Hillelites being more stringent, and the Shammaites more liberal. The fact that the Mishnah in 'Ed. does not include this case indicates that the report here of such an additional unusual decision must be erroneous.

(16) Since the Mishnah stated: They need not add one fifth to what the other bid.

Talmud - Mas. Arachin 28a

. And how is this to be imagined? If he offered twenty-one;¹ then the owner has the preference. If not [the treasurer] says to him [the bidder]: 'It is yours'.

MISHNAH. A MAN MAY DEVOTE² [PART] OF HIS FLOCK OR OF HIS HERD, OF HIS CANAANITE MANSERVANTS OR MAID SERVANTS OR OF HIS FIELD OF POSSESSION. BUT IF HE DEVOTED THE WHOLE OF THEM, THEY ARE NOT CONSIDERED [VALIDLY] DEVOTED. THIS IS THE VIEW OF R. ELIEZER. R. ELEAZAR B. AZARYAH SAID: IF, EVEN TO THE HIGHEST, NO ONE IS PERMITTED TO DEVOTE ALL HIS POSSESSIONS, HOW MUCH MORE SHOULD ONE BE [CAREFUL ABOUT] SPARING IN REGARD TO ONE'S POSSESSIONS.

GEMARA. Whence do we know these things? — Because our Rabbis taught: Of all that he hath,³ i.e., but not 'all that he has'; of man,³ but not 'all man'; or [of] beast,³ but not 'all beast'; of the field of his possession,³ but not 'all the field of his possession'. One might have assumed that he may not at the outset devote [the whole], but if he had done so, it should be [considered validly] devoted, therefore it is said: Notwithstanding.³ These are the words of R. Eliezer. R. Eleazar b. Azaryah said: If, even to the highest, no one is permitted to devote all his possessions, how much more should one be sparing in regard to his possessions! And all [the details] are necessary. For if the Divine Law had but written: 'Of all that he hath', I might have said: He may not devote all that he has but of one kind he may devote all [objects]. Therefore the Divine Law said: 'Of man', i.e., but not 'all man'. And if the Divine Law had but written: 'of man', [I would have said]: Because without labour none can manage,⁴ but [in the case of] a field he can still make a living by working as a serf, [therefore it stated: 'of the field of his possession']. And if [the Divine Law] had taught us about these two, [I would have said: The reason in both these cases] is that each is vitally necessary, but as for movable property, let him be allowed to devote it all,' therefore it was necessary [to teach about that as well]. Why was 'or beast' necessary? — In accordance with what was taught: One might have assumed that a man may devote his son or daughter, his Hebrew manservant or his field or purchase, therefore it is said: 'or beast', i.e., just as the beast is something he may sell, so [may he devote] only such things as he is permitted to sell. But as he is permitted to sell his minor daughter, I might therefore think that he can devote her as well, therefore it is said: 'or beast', i.e., just as a beast is something which he may sell for ever, [so can he devote only such objects] as he is permitted to sell for ever.⁵

R. ELEAZAR B. AZARYAH SAID: IF EVEN TO THE HIGHEST NO ONE IS PERMITTED etc. But that is exactly what the first Tanna has said? — The difference between them is implied in what R. Ela said; for R. Ela said: In Usha they ordained that one who would distribute [his possessions] must not go beyond one fifth [of them].⁶ It happened that one wanted to distribute more than one fifth, and his colleagues would not permit him to do so. Who was that? R. Yeshebab. Some say, it was R. Yeshebab who [wanted to distribute it] and his colleagues would not let him do so. Who was [chief among them]? — R. Akiba.

MISHNAH. IF ONE DEVOTES HIS SON OR HIS DAUGHTER⁷, OR HIS HEBREW MANSERVANT OR MAIDSERVANT, OR THE FIELD WHICH HE ACQUIRED BY

PURCHASE, THEY ARE NOT CONSIDERED [VALIDLY] DEVOTED, FOR NONE CAN DEVOTE A THING WHICH DOES NOT BELONG TO HIM. PRIESTS AND LEVITES CANNOT DEVOTE [THEIR BELONGINGS]. THESE ARE THE WORDS OF R. JUDAH. R. SIMEON SAYS: THE PRIESTS CANNOT DEVOTE, BECAUSE THINGS DEVOTED BELONG TO THEM. BUT LEVITES CAN DEVOTE, BECAUSE THINGS DEVOTED DO NOT FALL TO THEM. RABBI SAYS: THE WORDS OF R. JUDAH ARE ACCEPTABLE IN CASES OF IMMOVABLE PROPERTY AS IT IS SAID: FOR THAT IS THEIR PERPETUAL POSSESSION,⁸ AND THE WORDS OF R. SIMEON IN CASES OF MOVABLE PROPERTY, SINCE THINGS DEVOTED DO NOT FALL TO THEM.

GEMARA. According to R. Judah, it is quite right that priests cannot devote, because all objects devoted fall to them. But, touching Levites, granted they cannot devote immovable property, because it is written: 'For that is their perpetual possession but let them devote movable property? — Scripture said: 'Of all that he hath . . . or of the field of his possession', thus comparing movable property on the same level with immovable property. Now according to R. Simeon it is quite right [what he rules] about the priests, as we have [just] said. But touching the Levites, granted they can devote movable property, because he does not draw the [above] analogy; but why should they be able to devote immovable property; Surely it is written: 'For that is their perpetual possession'? What he means when he says LEVITES CAN DEVOTE is [that they can devote] movables. But surely the last part [of this Mishnah] reads: RABBI SAYS: THE WORDS OF R. JUDAH ARE ACCEPTABLE IN CASES OF IMMOVABLE PROPERTY, AND THE WORDS OF R. SIMEON IN CASES OF MOVABLE PROPERTY; it follows that R. Simeon refers to immovable property too? — This is what he means: Rabbi said, The words of R. Judah are acceptable to R. Simeon in cases of immovable property, for R. Simeon disputes his view only in cases of movable property, but in cases of immovable property he consents.

R. Hiyya b. Abin said: If one had devoted movable property he may give it to any priest he pleases, as it is said: Everything devoted in Israel

(1) Which with the extra fifth amounts to twenty-six sela's and one denar (approximately).

(2) V. Lev. XXVII, 28. Whatever was devoted was considered most holy, whilst still in the owner's house, but became profane as soon as it reached the priests. Anything devoted could be neither redeemed nor sold. Ibid. 29.

(3) V. p. 165, n. 5.

(4) Without servants, who do one's work, one cannot live. But one may rent out fields for labour, with part of the crop belonging to the tiller thereof.

(5) Excluding his daughter, whom he may sell only whilst she is a minor.

(6) V. Keth. 50a.

(7) The minor children could be sold by their father only whilst they are minors. The Hebrew slave, manservant or maidservant, are the property of their owner only during a limited number of years. The field acquired by purchase, too, can be held only for a limited time, reverting, as it does to its original owner, in the year of Jubilee. Hence all these things or persons cannot be devoted, devotion implying in perpetuity.

(8) Lev. XXV, 34.

Talmud - Mas. Arachin 28b

shall be thine.¹ If he devoted his field he must give it to a priest of the then officiating guard,² as it is said: As a field devoted,' the possession thereof shall be the priest's,³ making the inference from the analogy of [the term] 'the priest's, sin case of robbery of a stranger. And whence do we know it for that case? For it was taught: The Lord's, even the priest's,⁴ i.e., the Lord acquired it and gave it to the priest in that guard. You say, To the priest in that [particular] guard; but perhaps it means to any priest it pleases him [to give it to]? When it says, Besides the ram of the atonement, whereby atonement shall be made for him,⁴ hence Scripture speaks of the priests in that guard.⁵ The field

which goes out to the priests in the year of Jubilee is [also] given to the priests of that [particular] guard.

The following question was raised: How if it⁶ fell on a Sabbath? — R. Hiyya b. Ammi in the name of Hulfana said: It is to be given to the departing guard.⁷ R. Nahman b. Isaac said: Thus was it also taught: It is to be found,⁸ then, that both the year of Jubilee and the seventh year effect [respectively] the release [of debts and land] at the same time, except that the year of Jubilee [effects it] in its beginning and the seventh year at its end.⁹ On the contrary! It was just because of this! — Say: Because the year of Jubilee, etc. Granted that the seventh year [effects release] at the end, as it is written: At the end of every seven years, thou shalt make a release,¹⁰ but how does the year of Jubilee [effect release] at the beginning? That takes place on the Day of Atonement, as it is written: In the day of atonement shall ye make proclamation with the horn throughout all your land.¹¹ This is the view of R. Ishmael, the son of R. Johanan b. Beroka, who said that the year of Jubilee commenced from the New Year already.

Hezekiah son of Biloti heard it,¹² and he went and reported it to R. Abbahu. [The latter asked:] But let him compare movable property to immovable property? — But is it not a matter of dispute among Tannaim, there being some who compare the one to the other,¹³ whilst some there are who do not?¹⁴ And he [R. Hiyya b. Abin] holds with the view that we do not make that comparison.

MISHNAH. THINGS DEVOTED FOR [THE USE OF] THE PRIESTS CANNOT BE REDEEMED BUT ARE TO BE GIVEN TO THE PRIESTS. EVEN AS TERUMAH.¹⁵ R. JUDAH B. BATHYRA SAYS: THINGS DEVOTED GENERALLY¹⁶ FALL TO [THE FUND FOR] TEMPLE REPAIRS, AS IT WAS SAID: EVERY DEVOTED THING IS MOST HOLY UNTO THE LORD.¹⁷ BUT THE SAGES SAY: THINGS DEVOTED GENERALLY FALL TO THE PRIESTS, AS IT IS SAID: AS A FIELD DEVOTED: THE POSSESSION THEREOF SHALL BE THE PRIEST'S.¹⁸ IF SO, WHY IS IT SAID: 'EVERY DEVOTED THING IS MOST HOLY UNTO THE LORD'? [THAT IS TO TEACH] THAT IS APPLIES TO THE MOST HOLY AND THE LESS HOLY THINGS.

A MAN MAY DEVOTE WHAT HE HAS ALREADY CONSECRATED, WHETHER THEY BE MOST HOLY THINGS OR LESS HOLY THINGS. IF [THEY HAD BEEN] CONSECRATED AS A VOW, HE MUST GIVE THEIR VALUE,¹⁹ IF AS A FREEWILL-OFFERING, HE MUST GIVE WHAT IT IS WORTH TO HIM.²⁰ [IF, E.G., HE SAID:] LET THIS OX BE A BURNT-OFFERING, ONE ESTIMATES HOW MUCH A MAN WOULD PAY FOR THE OX TO OFFER IT AS A BURNT-OFFERING, WHICH HE WAS NOT OBLIGED [TO OFFER]. A FIRSTLING, WHETHER UNBLEMISHED OR BLEMISHED, MAY BE DEVOTED. AND HOW CAN IT BE REDEEMED? THEY [WHO REDEEM IT] ESTIMATE WHAT A MAN WOULD GIVE FOR THIS FIRSTLING IN ORDER TO GIVE IT TO THE SON OF HIS DAUGHTER OR TO THE SON OF HIS SISTER.²¹

(1) Num. XVIII, 14.

(2) Mishmar, v. Glos.

(3) Lev. XXVII, 21. (5) Num. V, 8. There being no heir to this stranger, his property falls to the priests. As in Lev. XXVII, 21 the words 'The possession thereof shall be the priest's' occur here. Hence the inference from analogy of expression.

(4) V. p. 168, n. 5.

(5) The sense of the verse being that the priest who offers the atoning sacrifice for him shall receive the capital and extra fifth.

(6) If the year of Jubilee fell on the Sabbath day on which the guards are changed, to which, the incoming or the outgoing guard, shall the field etc. be given?

(7) The Jubilee started on the eve before the Day of Atonement. Therefore the outgoing guard is entitled to the privilege.

- (8) Since the end of the seventh year (the 49th year in the cycle) coincides with the beginning of the Jubilee.
- (9) The wording is incorrect. It is because the end of the seventh year coincides with the beginning of the Jubilee that both effect the release at the same time. What meaning is there then to the 'except that'.
- (10) Deut. XV, 1.
- (11) Lev. XXV, 9. And the Day of Atonement is the tenth day after the beginning of the New Year.
- (12) The teaching of R. Hiyya b. Abin.
- (13) R. Judah supra.
- (14) R. Simeon.
- (15) V. Glos.
- (16) I.e., without any specification.
- (17) Lev. XXVII, 28.
- (18) Ibid. 21.
- (19) If he vowed to bring an offering and after designating an animal for the purpose he devoted it, since if that animal died or was stolen he would be liable to replace it, the animal is still regarded as being in his possession and the animal is devoted. As, however, an animal once designated as an offering may never be used for any other purpose, the devoter must pay its full value to the priest, whilst the animal itself is to be sacrificed for the purpose to which it originally had been designated by its owner. The same would apply if the sacrifice in question had not been vowed but obligatory.
- (20) If without vow or earlier liability he designated an animal as a freewill-offering, then he must pay the amount at which he valued his satisfaction with the fact that he was able to bring this offering.
- (21) A firstling, by reason of being a firstling, is a sacrifice due, which the owner is obliged to hand to the priest. And if the owner, before bringing this animal to the priest had devoted it, he can redeem it by estimating how much a man would give to him to have that firstling given to his relatives, who are priests. A priest must not pay to an Israelite with the view of being favoured as to the latter's priestly gifts. V. Bek. 27a.

Talmud - Mas. Arachin 29a

GEMARA. Our Rabbis taught: Things devoted to the priests cannot be redeemed, but must be given to the priests. Things devoted, as long as they are in the house of their owners, are in every respect as objects consecrated, as it is said: 'Every devoted thing [in Israel] is most holy unto the Lord'. Once given to the priests, they are in every respect profane, as it is said: 'Every devoted thing in Israel shall be thine'.¹

R. JUDAH B. BATHYRA SAID: THINGS DEVOTED GENERALLY FALL TO [THE FUND FOR] TEMPLE REPAIRS. It is all right as to the Rabbis, for they have explained their own reason as well as [the verse] adduced by R. Judah b. Bathyra. But what does R. Judah b. Bathyra do with 'as a field devoted'? — He needs it for what has been taught: 'As a field devoted, the possession thereof shall be the priest's'. What does that teach us? Whence do we know that if a priest consecrates his field which he derived from 'devotion',² he may not say: Since it falls to the priests [at Jubilee] and is now in my possession, it shall remain mine; and it is arguable a minori: If I acquire title to what belongs to others, how much more [can I do so] with what belongs to me! Therefore it is written: 'As a field devoted, the possession thereof shall be the priest's'. What, now, is it that we learn from 'a field devoted'? This comes to throw light and it itself illumined: His field which he derived from 'devotion' is compared with an Israelite's field of possession: just as an Israelite's field of possession goes out of his hand and is distributed among the priests [at Jubilee], thus also his field which he derived from 'devotion' goes out of his hands and is distributed among his brethren the priests. And the other?³ [They derive this from the fact that instead of] 'devoting thing' [is written] the devoted thing.⁴ And the other? — [The argument from] 'devoted', 'the devoted' does not convey [any inference] to him. Whence does R. Judah b. Bathyra know that it applies to the most holy and to less holy things?⁵ — He holds as does R. Ishmael.⁶

Rab said: The halachah is like R. Judah b. Bathyra. But will Rab leave aside the Rabbis and act in accord with R. Judah b. Bathyra? — A Baraita teaches the reverse.⁷ But will he leave aside a

Mishnah and act in accord with a Baraitha? — Rab teaches also our Mishnah in the reverse manner. Why do you find it right to teach to reverse our Mishnah in view of the Baraitha? Why not reverse the Baraitha in view of our Mishnah? — Rab had a tradition [on this matter]. If that be the case,⁸ why does he say: [the halachah is like] R. Judah b. Bathyra? He should rather say, 'Like the Rabbis'? — This is what he means: Given your teaching in the reverse manner, the halachah is like R. Judah b. Bathyra.

There was a man who devoted his possessions in Pumbeditha. He came before Rab Judah, who said to him: Take four zuz, redeem them thereby, throw them into the river, and then they will be allowed to you. This shows that he holds that things devoted generally go to [the fund for] Temple repairs. In accord with whom will that be? In accord with Samuel, who said: If one re deemed an object worth a mina with an object worth a perutah, it is redeemed. But R. Samuel said that only for the case where he had already done so, but did he at all say one may do so at the outset? — That [reservation] applied only to the time when the Sanctuary was still standing, because of the loss of consecrated property, but now one may do so even at the outset. If so, a perutah ought to do as well?⁹ — It is necessary in order to make the matter public.¹⁰ 'Ulla said: 'If I had been there,¹¹ I would have given all to the priests'. This shows that 'Ulla holds that things devoted generally fall to the priests.

An objection was raised: The law of the Hebrew slave applies only as long as the Jubilee applies, as it is said: He shall serve with thee unto the year of Jubilee.¹² Neither does the law concerning a devoted field apply except at the time when the law of the Jubilee applies, as it is said: And in the Jubilee it shall go out, and he shall return unto his possessions.¹³ The law touching houses in walled cities applies only as long as the law of the Jubilee applies, as it is said: It shall not go out in the Jubilee.¹⁴ R. Simeon b. Yohai said: The law concerning a devoted field applies only at the time in which the law of the Jubilee applies, as it is said: But the field, when it goeth out in the Jubilee, shall be holy unto the Lord, as a field devoted.¹⁵ R. Simeon b. Eleazar said: The law concerning the resident alien¹⁶ applies only at the time when the law of the Jubilee applies. Said Bibi, what is the reason? Because it is inferred from the analogous 'well', 'well'. Here it is written: Because he fareth well with thee,¹⁷ and there it is written: Where it liketh him well, thou shalt not wrong him.¹⁸ — This is no difficulty: the one refers to immovable property,¹⁹ the other to movable property. But the case of Pumbeditha referred also to immovable property? — Immovable property outside the Land is like movable property in the land of Israel.²⁰ MISHNAH. R. ISHMAEL SAID: ONE VERSE SAYS, [ALL THE FIRSTLING MALES] THOU SHALT SANCTIFY,²¹ AND ANOTHER VERSE SAYS: [THE FIRSTLINGS AMONGST BEASTS] NO MAN SHALL SANCTIFY.²² IT IS NOT POSSIBLE TO SAY: THOU SHALT SANCTIFY', SINCE IT WAS SAID ALREADY: NO MAN SHALL SANCTIFY'. AND IT IS NOT POSSIBLE TO SAY: ONE SHALL NOT SANCTIFY', SINCE IT IS ALSO WRITTEN: THOU SHALT SANCTIFY'? HOW THEN? YOU MAY SANCTIFY IT BY CONSECRATING ITS VALUE [TO THE OWNER], BUT YOU MAY NOT SANCTIFY IT BY CONSECRATING ITSELF TO THE ALTAR.²³

GEMARA: And the Rabbis?²⁴ 'No man shall sanctify' is required to [render such consecration for the altar transgression of a] prohibition; 'thou shalt sanctify' is necessary in accord with what was taught: Whence do we know that if one had a firstling born to him among his flock, that he is commanded [formally] to sanctify it? Because it is said: 'The firstling thou shalt sanctify'. And R. Ishmael? — If he did not sanctify it, would it not be sacred? It is sacred from his dam's womb! Since, therefore, it is holy even if it be not [specially] sanctified, there is no need to sanctify it. [

(1) Num. XVIII, 14.

(2) I.e., a field which an Israelite devoted.

(3) The Rabbis.

(4) 'Devoted' would have conveyed the required meaning; 'the' devoted is redundant, and the Sages make the said

inference therefrom.

(5) Since he applies the verse 'Every' devoted thins' to another purpose.

(6) V. next Mishnah.

(7) I.e., reverses the views of R. Judah b. Bathyra and the Sages recorded in our Mishnah.

(8) That he taught it in reverse manner.

(9) Why did he have to take four zuz?

(10) That it had been redeemed.

(11) When this cited case happened.

(12) Lev. XXV, 40.

(13) Ibid. 28.

(14) Ibid. 30.

(15) Ibid. XXVII, 21.

(16) I.e., a stranger who renounced idolatry, thereby acquiring a kind of limited citizenship in Palestine.

(17) Deut. XV, 16.

(18) Ibid. XXIII, 17.

(19) Lev. XXV, 28 refers to immovable property.

(20) Here, then, is evidence that the law concerning devoted property applies only as long as the law of the Jubilee is in force.

(21) Deut. XV, 19.

(22) Lev. XXVII, 26.

(23) The Sanctuary may receive the value which the satisfaction of having offered up such a sacrifice has for the owner (v. previous Mishnah), but the firstling may never be deprived of its primary character as a firstling, so as to be offered up in any other capacity, as any other animal consecrated to the altar.

(24) Who do not use these verses for the inferences which R. Ishmael derives from them, to what purpose are they using them?

Talmud - Mas. Arachin 29b

CHAPTER IX

MISHNAH. IF ONE SOLD HIS FIELD [OF POSSESSION] AT THE TIME WHEN THE LAW OF THE JUBILEE WAS IN FORCE, HE MAY NOT REDEEM IT UNTIL AFTER [A TIME OF LESS THAN] TWO YEARS, AS IT IS WRITTEN: ACCORDING TO THE NUMBER OF THE YEARS OF THE CROPS HE SHALL SELL UNTO THEE.¹ IF [AMONG THE TWO] THERE WAS A YEAR OF BLIGHT OR MILDEW, OR A SEVENTH YEAR, IT IS NOT INCLUDED IN THE RECKONING. IF HE ONLY BROKE THE GROUND [WITHOUT PLANTING] OR LEFT IT FALLOW [FOR A YEAR], THAT YEAR IS INCLUDED IN THE RECKONING. R. ELEAZAR SAYS: IF HE SOLD IT TO HIM BEFORE THE NEW YEAR, WHILST IT WAS STILL FULL OF FRUIT, HE ENJOYS THREE CROPS IN TWO YEARS.

GEMARA. IF ONE SOLD HIS FIELD AT THE TIME WHEN THE LAW OF THE JUBILEE WAS IN FORCE, etc. It does not state: He cannot redeem,² but 'he may not redeem'; this shows that it is even prohibited. so that it is forbidden even to clapper zuz to him [to rouse his love of money]. And it is not necessary [to state] that the seller [in redeeming it] acts against a positive command, as it is written: 'According to the number of the years of the crops he shall sell unto thee',¹ but even the purchaser transgresses a positive commandment, as we require: [According to the number of] the years thou shalt buy,¹ which was not done here.³

It was stated: If one sells his field in the year of Jubilee itself, Rab said, It is sold but goes out [immediately]. whilst Samuel said, It is not sold at all. What is the reason of Samuel's view? It is an argument a minori. If [a field] that was already sold goes out [in the Jubilee] it is not logical that one which is not sold yet cannot be sold [now]! — But according to Rab, do we not argue a minori in

such a case? Was it not taught: One might have assumed that a man can sell his daughter when she is a na'arah⁴ lass, therefore one argues a minori: If she who was sold already goes out [free],⁵ is it not logical that if not sold yet, she cannot be sold now? — There she cannot be sold again, but here it [the field] can be sold again.⁶

An objection was raised: Years after the Jubilee thou shalt buy,⁷ that teaches that one may sell immediately after the year of the Jubilee. Whence [do we know] that one may sell [at a period] removed from the year of Jubilee? Therefore it is said: According to the multitude of the years . . . and according to the fewness of the years.⁸ In the year of Jubilee itself one may not sell, and if he has sold [a field], it is not [validly] sold!⁹ Rab will answer you: [It means,] It is not sold 'according unto the number of the years of the crops', but it is sold and goes out [immediately]. But if it is legally sold, let it remain in his possession until after the year of the Jubilee, and after the Jubilee let him enjoy the [two] years of the crops, and thereupon return it; for was it not taught: If he enjoyed it one year before the Jubilee, one lets him complete [the two years by] one year after the Jubilee? — There he has started¹⁰ enjoying it, but here he has not started to enjoy it.¹¹

R. 'Anan said: I heard from Mar Samuel two things; one in relation to this point, and the other in relation to the statement: If one sells his slave to an idolater or outside the Land [of Israel], he goes out free. In one case [he said] the purchase money is returned,¹² and in the other it is not returned, and I do not know which is which. Said R. Joseph: Let us see. It was taught in a Baraitha: If one sells his slave outside the Land [of Israel], he goes out free, and he requires a document of manumission from his second master. Now since he refers to the second as his master, it is evident that the purchase money is not returned, and it is therefore here that Samuel said it is not sold and the purchase money is returned.

(1) Lev. XXV, 15.

(2) I.e., against the wish of the buyer.

(3) He did not fulfil the obligation to buy them for a minimum period of two years. thus disregarding the positive commandment to that effect.

(4) V. Glos.

(5) V. Kid. 4a.

(6) After the daughter has once been sold for servitude, she cannot be sold for servitude again, but the field could be sold after the year of Jubilee.

(7) Lev. XXV, 15.

(8) Lev. XXV, 16.

(9) Contra Rab.

(10) Lit., 'he descended (into the field)'.

(11) Having started before the Jubilee, lawfully.

(12) To the purchaser.

Talmud - Mas. Arachin 30a

And R. 'Anan?¹ — As to the Baraitha, he had not heard it and as far as Samuel's [teaching] is concerned, whence [the evidence that it means] that it is not sold and the money is returned? Perhaps [it means]: 'It is not sold and the money is [to be considered] a gift'; just as is the case of one who betroths his sister; for it was stated: If one betroths his sister, Rab said the [betrothal] money is to be returned, and Samuel holds that the money is regarded as a gift!²

Abaye said to R. Joseph: Why do you find it proper that we penalize the purchaser. let us penalize the seller!³ — He answered: 'Not the mouse has stolen, the hole has stolen. But if there were no mouse, whence would the hole [have its theft]? — It is reasonable that we penalize him with whom the forbidden stuff is [found].⁴

IF THERE WAS A YEAR OF BLIGHT, etc. If it is included in the reckoning even when he left it fallow [for a year], is it necessary to state that [it is included] if he broke the ground?⁵ — It is necessary. For you might have thought: We say to him,⁶ pay him the money [which the breaking of the ground cost] and he will go;⁷ therefore we are informed [that we do not say so].

R. ELEAZAR SAID: IF HE SOLD IT TO HIM, etc. It was taught: R. Eleazar said, Whence do we know that if he sold him [the field] before the New Year whilst it was full of fruit, that he cannot say to him: 'Leave it before me as I have left it before you',⁸ therefore it is said: 'According to the number of years of the crops he shall sell unto thee', i.e., it may happen that a man enjoys three crops in two years.⁹

MISHNAH. IF HE SOLD IT TO THE FIRST FOR ONE HUNDRED [DENARS]. AND THE FIRST SOLD IT TO THE SECOND FOR TWO HUNDRED, THEN HE NEED RECKON ONLY WITH THE FIRST,¹⁰ FOR IT IS WRITTEN: [THEN LET HIM COUNT THE SALE THEREOF] . . . UNTO THE MAN TO WHOM HE SOLD IT.¹¹ IF HE SOLD IT TO THE FIRST FOR TWO HUNDRED, AND THE FIRST SOLD IT TO THE SECOND FOR A HUNDRED, THEN HE NEED RECKON ONLY WITH THE SECOND, FOR IT IS SAID: THEN LET HIM COUNT THE YEARS OF THE SALE THEREOF AND RESTORE THE OVERPLUS UNTO THE MAN TO WHOM HE SOLD IT.¹¹ I.E., UNTO THE MAN WHO IS IN POSSESSION THEREOF.¹² ONE MAY NOT SELL A DISTANT FIELD IN ORDER TO REDEEM A NEARER ONE, NOR REDEEM A POOR FIELD IN ORDER TO REDEEM ONE THAT IS GOOD. NOR BORROW [MONEY] IN ORDER TO REDEEM IT, NOR REDEEM IT BY HALVES, BUT IN THE CASE OF OBJECTS CONSECRATED ALL THESE THINGS ARE PERMITTED. IN THIS RESPECT MORE STRINGENCY ATTACHES TO COMMON PROPERTY THAN TO CONSECRATED OBJECTS.

GEMARA. Our Rabbis taught: If he sold it to the first one for one hundred, and the first sold it to the second for two hundred, whence do we know that he need reckon but With the first? There fore it is said: 'Unto the man to whom he sold it'. If he sold it to the first for two hundred, and the first sold it to the second for a hundred, whence do we know that he need reckon but with the second? Therefore it is said: 'Unto the man' in whose possession it is. These are the words of Rabbi. R. Dosethai b. Judah said: If he sold it to him for one hundred and he improved it so that it[s value] amounted now to two hundred, whence, do we know that he need reckon it only as worth one hundred? Therefore it is said: 'Let him restore the overplus', i.e., the overplus which is left in his hand. If he sold it to him for two hundred and it depreciated and is worth now only one hundred, whence do we know that he need reckon it only as worth one hundred? Therefore it is said, 'Let him restore the overplus', i.e., the overplus that is in the soil.¹³ What is the practical difference between these two [authorities]?¹⁴ — If it was more valuable, then became less valuable, then more valuable again.¹⁵ But whence do we know that [the counting] is in the direction of leniency.¹⁶ Perhaps it is to be on the side of stringency? — Do not think so! For we infer it from 'redemption' [written here]¹⁷ and 'redemption' [written] in connection with the Hebrew slave.¹⁸ But whence do we know it there? For it was taught: If he was sold for a hundred and appreciated in value and stood at two hundred, whence do we know that he is assessed only at one hundred?¹⁹ Therefore it is said: [He shall give back the price of his redemption] out of the money that he was bought for.²⁰ If he was sold for two hundred and depreciated and stood at a hundred, whence do we know that he is assessed only at a hundred? Therefore it is said: According unto his years shall he give back the price of his redemption.²¹ Now I know only for the case of a slave sold to an idolater that since he may be redeemed [by his own kinsmen] his [the slave's] hand is uppermost. Whence do I know it for the case of one who is sold to an Israelite? Therefore it is said: 'A hired servant', 'a hired servant',²² for the purpose of a gezerah shawah.

Abaye said:

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- (1) What was his doubt?
- (2) Everyone knows that he cannot betroth his sister, hence his form of betrothal was a humorous manner of giving her a gift. V. Kid. 46b.
- (3) The question refers to the case of a man who sold his slave outside Palestine. Why punish the purchaser? Why not punish the seller by decreeing that he should return the money to the would-be purchaser and imposing upon the seller the duty of manumitting him?
- (4) The penalty is inflicted where the corpus delicti, here the unlawfully sold slave, is to be found.
- (5) Where he made some use of the land.
- (6) To the seller.
- (7) Return you the field.
- (8) When I sold it to you.
- (9) 'Years of crops' suggests years with all their crops, no matter how many. If two crops' only were intended, Scripture would have chosen another expression, such as 'number of years' or 'number of crops'.
- (10) The field is at present in the possession of the second, from whom its original owner desires to redeem it. The latter need reckon only according to the purchase money he himself received from the first buyer. From that sum he would deduct the amounts due for the years during which the field was in the buyer's possession.
- (11) Lev. XXV, 27.
- (12) 'Ish' here is interpreted as ba'al, 'owner', 'master', i.e., whosoever is now in possession. 'To whom he sold it' means then to whom the first purchaser sold it. These interpretations in both instances favour the owner.
- (13) We interpret the law in a manner favourable to the owner who wishes to redeem it.
- (14) Since both Rabbi and R. Judah favour the redeeming owner.
- (15) Where it was first sold, say, for two hundred and then resold for one hundred and it appreciated again to two hundred in the possession of the second buyer. According to Rabbi the reckoning is on the basis of one hundred, the price paid by the second buyer, who is the man who is in possession. But on the view of R. Dosethai, the reckoning is on the basis of two hundred.
- (16) I.e., more favourable to the owner who wishes to redeem it.
- (17) Lev. XXV, 26.
- (18) Ibid. 51.
- (19) For the purpose of redemption.
- (20) Ibid. 51.
- (21) Lev. XXV, 52.
- (22) Ibid. 40 (with reference to a slave sold to a Jew), and ibid. 50 with reference to one sold to a heathen.

Talmud - Mas. Arachin 30b

Behold I am like Ben 'Azzai in the streets of Tiberias!¹ One of the Rabbis said to Abaye: Since these verses may be interpreted both leniently and stringently. Why do you interpret them leniently, perhaps say they should be interpreted stringently?² — Let not that enter your mind, since the All Merciful was lenient to him. For it was taught: Because he fareth well with thee,³ i.e., he must be with [like] thee in food, with thee in drink, that thou shouldst not eat fine bread and he coarse bread, thou drink old wine and he drink new wine, thou sleep on a soft bed and he on straw. Hence it was said: Whosoever buys a Hebrew slave almost buys a master of himself. But on the contrary, let us deal more stringently with him, in accordance with what R. Jose b. Hanina said. For R. Jose b. Hanina said: Come and see how hard is the very dust⁴ of [violating the laws of] the seventh year. For a man who sells and buys the produce of the seventh year ultimately must sell his movable property, as it is said: In this year of Jubilee ye shall return every man unto his possession;⁵ and it is said: And if thou sell aught unto thy neighbour. or buy of thy neighbour's hand,⁶ i.e., something which is acquired from hand to hand.⁷ If he does not perceive this,⁸ he eventually must sell his fields, as it is said: If thy brother be waxen poor, and sell some of his possessions.⁹ He has no opportunity [of amending his ways]¹⁰ until he sells his house, as is added: And if a man sell a dwelling-house in a

walled city.¹¹ Why state there: 'If he does not perceive'. and here 'He has no opportunity'? — This is in accord with R. Huna, for R. Huna said: Once a man has committed a transgression and repeated it, it is permitted to him. 'Permitted to him', how could you think so? Say, rather, it becomes as permitted to him.¹² It is not brought home to him¹⁰ until he sells his daughter, as it is said: And if a man sell his daughter to be a maidservant,¹³ and although the [sale of] the daughter is not mentioned in this section, he teaches us that a man should rather sell his daughter than borrow on usury; for in the former case she goes on making deductions [and goes out free], whereas here [the debt] becomes ever larger.¹⁴

It is not brought home to him until he sells himself, as it is said: And if thy brother be waxen poor with thee and sell himself to thee.¹⁵ And not even 'unto thee', but unto a proselyte, as it is said: Unto the proselyte,¹⁶ and not even to a proselyte of righteousness, but to a resident alien, as it is said: Or unto the resident alien.¹⁷ 'A prose lyte's family', i.e., an idolater. When it is said, 'to the stock', it means one who sells himself to become a servant to an idol itself! — He replied: But Scripture restores him [to his brethren's regard]. For the School of R. Ishmael taught: Since this one went and sold himself to the service of idol worship, [I might have said] let us cast a stone after the fallen?¹⁸ Therefore it is said: After that he is sold, he shall be redeemed, one of his brethren shall redeem him.¹⁹ But perhaps 'he shall be redeemed' means, he shall not be absorbed by the idolaters, but as far as redemption is concerned, we should indeed deal stringently with him? — Said R. Nahman b. Isaac: It is written, If there be yet increases in the years,²⁰ and if there remain but little in the years:²¹ are there then prolonged years and shortened years?²² But [the meaning is this]. If his value increased, [then his redemption shall be paid] Out of the money that he was bought for;²³ and if his value decreased [the basis of the redemption shall be] According unto his [remaining] years! But perhaps [the meaning is this]: If he served two years, with four remaining, let him repay him for four years 'out of the money that he was bought for'; while if he served four years, with two remaining, let him repay two years 'according unto his years'?²⁴ — If that were the meaning, let Scripture write: 'If there be yet [shanim] many years'. Why 'in years [he-shanim]'? [It means:] If his value increased [in these] years [then his redemption shall be paid] 'out of the money that he was bought for'; and if his value decreased, in [these] years [the basis of the redemption shall be] 'according unto his [remaining] years'. R. Joseph said: R. Nahman interpreted these verses [with authority] as of Sinai.

HE MAY NOT SELL A DISTANT FIELD etc. Whence do we know these things? For our Rabbis taught: And his hand shall reach,²⁵ i.e., his own hand, [implying] that he must not borrow to redeem; 'and find' excludes that which he possessed already. He must not sell a remote [field] to redeem a nearer one; nor a bad one to redeem a good one; 'sufficient means to redeem it', i.e., he may redeem it [wholly], but not by halves. Shall we say that [the phrase] 'and he find' means that which is here already? Against this I will raise a contradiction: 'and findeth',²⁶ that excludes the case where he [the victim] brought himself [within the range of the missile]. Hence R. Eliezer said: If after the stone had left his hand the other put out his head and received it [the blow], he [the former] is free.²⁷ This shows that 'he find' refers to something that had been [here already before]? — Raba replied: [Here] in our case [we consider] the context of Scripture, and there, too, [we consider] the context of Scripture. Here it corresponds to 'and his hand reaches'; just as 'his hand reaches' means only now, thus also 'and find' means just now. And there, too, 'and findeth' corresponds to 'the forest': just as the forest was here before, so does 'and findeth' means that he [the neighbour] was here already before.

IN THE CASE OF OBJECTS CONSECRATED, etc. Whence do we know these things? — Because our Rabbis taught: And if he [that sanctified the field] will indeed redeem it:²⁸ that teaches that he can borrow and redeem and redeem by halves. Said R. Simeon: What is the reason? Because we find in the case of one who sells a field of possession that [since] his privilege is strengthened in that if the Jubilee arrives and it has not been redeemed it reverts to the owner, his rights are weakened in [so far] that he cannot borrow and redeem, or redeem by halves, whereas he who

consecrates a field of possession, since his rights are weakened in that if the Jubilee comes and it is not redeemed, it goes out to the priests, therefore his privilege is strengthened, in [so far] that he may borrow and redeem as well as redeem by halves.

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- (1) In an expansive mood he challenged all comers. Ben 'Azzai was famous for his scholarship. and for his eagerness to be challenged on any point of Jewish law. Abaye does not suggest that he is as complacent in his judgment on all other Sages as Ben 'Azzai, but that like the latter he is eager to hear questions and to answer them. Cf. Bek. 58a.
- (2) The verses referring to the redemption of the Hebrew slave. Instead of applying v. 52 to depreciation and v. 51 to appreciation in value, so that the slave is always assessed on his higher value.
- (3) Deut. XV, 16.
- (4) The very dust, as it were the scent. A real transgression of the law of the seventh year would consist of his storing up fruit for speculation; 'dust' suggests 'shade', something akin to, here, an occupation indirectly related to those forbidden in the seventh year. Selling its produce is such indirect transgression. nevertheless the consequences are as serious as described (R. Gershom).
- (5) Lev. XXV. 13.
- (6) Lev. XXV, 14. The juxtaposition of these two verses imply that the one is a punishment for transgressing the other.
- (7) I.e., movables.
- (8) That this is punishment inflicted for his transgression.
- (9) Lev. XXV, 25. 'Possessions (used esp. for the field inherited) indicates 'immovable property'.
- (10) Lit., 'it does not come to his hand'.
- (11) Ibid. 29.
- (12) The effect of repeated transgression upon the transgressor lies in his becoming insensitive to wrong so that wrong habit hardens and develops into wrong character.
- (13) Ex. XXI, 7.
- (14) The sum paid for the daughter diminishes as the daughter performs the labour implied in her servitude, so that if she be redeemed after some years, it may be small indeed, but a debt contracted upon usurious terms increases from year to year. Whereas there is no reference to the daughter in that section, usury is mentioned therein, and the suggestion is made that he had sold his daughter already. in accord with the advice given.
- (15) Lev. XXV, 39.
- (16) Ibid. 47. E.V. 'stranger'.
- (17) The difference between the proselyte of righteousness and the resident alien (Ger Toshab) lies in the fact that the former, for the sake of the faith, accepts upon himself all the laws of the Torah, whereas the resident alien, in order to acquire a limited citizenship. renounces idolatry but does not accept the rest of the law.
- (18) Performing menial service for the pay, without in any manner being identified with idolatry. Now since this is the foretold and effected punishment of one who even indirectly transgressed the laws of the seventh year, why deal leniently with him?
- (19) Lev. XXV, 48.
- (20) Ibid. 51.
- (21) Ibid. 52. The translation here would seem to indicate the meaning of the verses as understood by R. Nahman.
- (22) All years are of the same duration.
- (23) The meaning is, if his value increased in the years of his service, etc.
- (24) The verses thus may not refer to a rise or fall in values, but be meant literally as the E.V.
- (25) Lev. XXV, 26. E.V. 'And he be waxen rich'.
- (26) Deut. XIX, 5. E.V. 'lighteth'.
- (27) V. Mak. 8a.
- (28) Lev. XXVII, 19. Indeed endeavours to express the intensive in Heb: And if redeeming, he will redeem. The redundancy is here interpreted also to suggest that he may redeem any way, i.e., by borrowing, or by halves as long as he redeems.

Talmud - Mas. Arachin 31a

One [Baraita] taught: 'He may not borrow and redeem. and may not redeem by halves'? — This is

no difficulty: one is in accord with the Rabbis. the other with R. Simeon.¹

MISHNAH. IF ONE SOLD A HOUSE AMONG THE HOUSES IN A WALLED CITY. HE MAY REDEEM IT AT ONCE AND AT ANY TIME DURING TWELVE MONTHS.² IT IS A KIND OF [RECEIVING] INTEREST, AND YET NOT INTEREST.³ IF THE SELLER DIED, HIS SON MAY REDEEM IT. IF THE PURCHASER DIED, IT MAY BE REDEEMED FROM HIS SON. ONE CAN RECKON THE YEAR ONLY FROM THE TIME THAT HE SOLD IT, AS IT IS SAID: WITHIN THE SPACE OF A . . . YEAR.⁴ SINCE IT SAYS: A 'FULL' [YEAR] THE INTERCALARY MONTH IS INCLUDED THEREIN.⁵ RABBI SAYS: HE IS ALLOWED A YEAR AND ITS INTERCALARY [DAYS].⁶ IF THE [LAST] DAY OF THE TWELVE MONTHS HAS ARRIVED AND IT WAS NOT REDEEMED. IT BECOMES HIS ABIDING [POSSESSION], NO MATTER WHETHER HE BOUGHT IT OR RECEIVED IT AS A GIFT, AS IT IS SAID: IN PERPETUITY.⁷

GEMARA. Our Mishnah will not be in accord with Rabbi, for it was taught: Rabbi said, Yamim⁸ [days] that means no less than two days! How do the Rabbis explain 'yamim'? — They need it for [the indication]: From the day to the day.⁹ And whence does Rabbi know the rule 'from the day to the day'? — He derives it from: 'Within a whole year after it is sold'. And the Rabbis? — This [verse] is needed to teach that one considers only the year after his sale and not the universal [calendar] year, and the word yamim indicates that twenty-four astronomical hours are meant.¹⁰ For if [we had only] 'within a whole year after it is sold' [to go by], one might have assumed that it must be [a full year] from day to day, but need not be from [exact] hour to [exact] hour, therefore the Divine Law wrote: 'Yamim'. Whence does Rabbi know that it must be from 'hour to hour'? — He derives that from 'full' [year]. And the Rabbis? — That is necessary for [the inclusion of] its intercalary [days]. But Rabbi, too, requires that for its intercalary [days]? — That indeed is so, but that [the year must be full] from day to day and from hour to hour he derives from: 'Within a whole year after it is sold'.

IT IS A KIND OF INTEREST, etc. But was it not taught: This is real interest, except that the Torah has permitted it [in this case]? — R. Johanan said: This is no difficulty: One [teaching] is in accord with R. Judah, the other with the Sages. For it was taught: If one had a creditor's claim of one maneh against his neighbour and the latter pledged unto him the sale of his field,¹¹ then, if the seller has the usufruct, it is permitted, but if the purchaser has the usufruct, it is forbidden.¹² R. Judah says: Even if the purchaser has the usufruct, it is permitted.¹³ Said R. Judah; It happened with Boethus b. Zunin that with the approval of R. Eleazar b. Azariah he pledged his field's sale, and the purchaser had the usufruct. They said to him, [Would you adduce] evidence from there? The seller had the usufruct, not the purchaser. Wherein do they differ? — They differ with respect to one-sided usury.¹⁴ The first Tanna holds one-sided usury to be forbidden, whilst R. Judah is of the opinion that one-sided usury is permitted

(1) R. Simeon holds that any impairment of rights of any person in one direction must have as its compensating aspect a strengthening of his rights in another direction. He finds this principle verified not only in the case of him who sells his field of possession, or his field acquired by purchase, but also in the case of one who sells a house in the walled city (v. Tosaf.). The Rabbis, however, dispute his view. V. Kid. Sonc. ed., p. 97 n. 3.

(2) By paying to the purchaser the full sum of the sale, Lev. XXV, 29.

(3) Since the purchaser may inhabit the house free of rent. For, on redelivering it, the owner must refund the exact sum of the purchase without any deduction for rent. Yet it is not interest, for if the owner does not exercise his right of redemption, the buyer has inhabited what is his house in perpetuity.

(4) Lev. XXV, 30.

(5) I.e., he need not redeem before thirteen months.

(6) The first Tanna holds 'a full year' to mean a complete calendar year up to the very same day of the year to come, hence the intercalary month is included. Rabbi, however, holds 'a full year' to be the solar year, consisting of 365 days,

which is composed of the 354 days of the lunar year of the Jewish calendar, plus the eleven days difference between the lunar and the solar year.

(7) Lev. XXV, 30. The present owner acquires it in perpetuity, independent of the way he acquired it.

(8) Ibid. 29. 'Yamim', lit., 'days'. (E.V. 'a full year'). On Rabbi's view the purchaser would have had it for at least two days before the seller could redeem it. Our Mishnah, however, taught that redemption is permitted without any delay.

(9) From e.g., the tenth of Adar to the tenth of Adar next year, and not as one might have thought, from the tenth of Adar to the end of the calendar year. It is the whole year after the purchase that the Torah stipulates.

(10) Not only the day, but the hour. It would allow the seller, who had sold it at 5 p.m. on Adar 10th to re-purchase it up to that very hour, the hour included.

(11) Saying, 'If I do not repay a certain date the field is sold unto you'.

(12) Because if he repays the debt, the usufruct would rank as interest for the money advanced.

(13) Because it is not certain that the field will be redeemed, in which case there is no usury. Hence it is regarded as none-sided interest which is permitted.

(14) V. previous note.

Talmud - Mas. Arachin 31b

. Raba said: All agree that one-sided usury is forbidden, here they are disputing [the principle of] usury [received] on condition that it shall be returned,¹ one holding it to be forbidden, the other to be permitted.

IF THE SELLER DIED, HIS SON MAY REDEEM IT. But that is self-evident? — You might have said: The Divine Law said, And if a man sell a dwelling house,² and this one [the son] did not sell it, therefore we are informed, then he may redeem it,² which means any way.

IF THE PURCHASER DIED, IT MAY BE REDEEMED FROM [THE HAND OF] HIS SON. But that is self-evident? — You might have said: The Divine Law said, To him that bought it,³ but this one did not buy it, therefore we are informed, 'then he may redeem it', which means anyway.

ONE CAN RECKON THE YEAR ONLY FROM THE TIME THAT HE SOLD IT, etc. Our Rabbis taught: [It Is written:] 'year';⁴ I would not know whether this year is to be counted to the first or the second [purchaser], but as it says, 'with the space of a full year',⁵ it must mean to the first. Whose abiding [possession] does it become? — R. Eleazar said: It becomes the abiding possession of the first one. R. Johanan said: It becomes the abiding possession of the second. This is quite right according to R. Eleazar, since we reckon also according to him, but what is the reason for R. Johanan's view? — R. Abba b. Memel said: What did the first sell to the second? All the rights that may accrue to him therefrom.

R. Abba b. Memel said: If one sold two houses in a walled city, one on the fifteenth day of the first Adar, and the other on the first day of the second Adar, then as soon as the first day of Adar in the next year has arrived, the year is complete for the sale of the first day of the second Adar, but for the sale of the fifteenth of Adar the year does not become complete before the fifteenth Adar in the next year. Rabina demurred: But could he not say unto him: I lighted a fire before you!⁶ — [That would not be effective] because he could reply: You have chosen the intercalated month!⁷

Furthermore said R. Abba b. Memel: If two lambs were born to one,⁸ one on the fifteenth of the first Adar, and the other on the first of the second Adar, then the one born on the first of the second Adar has its year completed as soon as the first day of Adar of the next year has arrived, whereas to the one born on the fifteenth day of the first Adar the year is not complete before the fifteenth day of Adar in the next year. Rabina demurred: But [the first] could say to the [second] other: I have eaten grass before you! [That would not be effective] because it could reply: You have come down [to life] in the intercalated month, I have not arrived in the intercalated month! For what purpose was that

second [case] taught? Is it not identical with the first? — You might have said: There [the reason for the change] is that it is written: ‘a full [year]’, but here, in connection with which ‘full’ is not written, it does not apply; therefore we are informed that there is an inference from the analogous ‘year’, ‘year’.⁹

SINCE IT SAYS A ‘FULL’ [YEAR], etc. RABBI SAYS, HE IS ALLOWED A YEAR AND ITS INTERCALARY [DAYS]. Our Rabbis taught: [It is written], ‘a full year’: Rabbi Says. He counts three hundred and sixty-five days according to the number of days in the solar year; but the Sages say: He counts twelve months from day to day, and if the year is intercalated it is intercalated to his advantage!

IF THE [LAST] DAY OF THE TWELVE MONTHS HAS ARRIVED AND IT WAS NOT REDEEMED, etc. Our Rabbis taught: ‘La-zemithuth’,¹⁰ i.e., permanently. Another explanation: La-zemithuth’. that includes the gift. What is the reason? — [Since instead of] zamith [it says] zemithuth.¹¹ — The scholars said before R. Papa: According to whom is this? [Evidently] not in accord with R. Meir; for if according to R. Meir, surely he said: ‘A gift is not treated like a sale’!¹² — R. Papa answered: You may even say that it is in accord with R. Meir, but here it is different. because the Divine Law, in saying ‘la-zemithuth’ has included [the field by gift]. The scholars said to R. Papa, or as some say. R. Huna the son of R. Joshua said to R. Papa: But in connection with the Jubilee touching which it is said: Ye shall return¹³ includes the gift. yet R. Meir does not include [a gift]?¹⁴ — Hence indeed it is not in accord with R. Meir.

Our Rabbis taught: If one consecrated a house among the houses In a walled city, he may redeem it at once, and redeem it any time in the future. If someone else redeemed it from the Sanctuary. and the [last] day of the twelve months¹⁵ has arrived and the [original owner] did not redeem it [from him who redeemed it] then it is his in perpetuity. Whence do we know this? — Said Samuel: Because Scripture said: To him that bought it, i.e., even out of the possession of the Sanctuary. But let it become the permanent possession of the Sanctuary? — Scripture said: Throughout his generations;¹⁶ that excludes the Sanctuary which has no generations.¹⁷ Why [is it written]: It shall not go out in the Jubilee?¹⁸ — Said R. Safra: That was necessary only for the case of one who sold a house among the houses in a walled city, and the Jubilee arrived within the [first] year. One might have assumed: It shall go out on the Jubilee, therefore we were taught: ‘It shall not go out in the Jubilee’.

MISHNAH. BEFORETIME HE [THE BUYER] USED TO HIDE HIMSELF ON THE LAST DAY OF THE TWELVE MONTHS, SO THAT [THE HOUSE] MIGHT BECOME HIS PERMANENT [POSSESSION]. BUT HILLEL ORDAINED THAT HE [THAT SOLD IT] COULD DEPOSIT HIS MONEY IN A CHAMBER¹⁹ AND BREAK DOWN THE DOOR AND ENTER, AND THAT THE OTHER, WHENEVER HE WANTED, MIGHT COME AND TAKE HIS MONEY.

GEMARA. Raba said: [One may deduce] from the ordinance of Hillel that [if a husband said to his wife]: Here is thy bill of divorce on condition that you give me two hundred zuz, and she gave it to him, then she is divorced if she did so with his consent; but if against his will, she is not divorced.

(1) The case is one in which the purchaser undertakes that if the seller redeems the field within three years, he would return to him the value of the usufruct. The Rabbis hold even this is forbidden, for when he enjoys the usufruct it is actually interest on money lent, whilst R. Judah said: Since by this arrangement the infringement of usury is precluded. V. B.M. Sonc. ed., p. 376. n. 9.

(2) Lev. XXV, 29.

(3) Ibid. 30.

(4) Ibid. 29.

- (5) Lit., 'until a full year has been completed for him'.
- (6) I.e., I have kindled fire and used the house before you! Why should it become your abiding possession before the one I used became mine?
- (7) Having chosen that month, you indicated that you are satisfied to abide by the regulations of the intercalated year. hence your year is completed later.
- (8) These lambs, being firstlings, must be offered up before they are one year old.
- (9) Lev. XXV. 30. (with reference to a dwelling house) and Deut. XV, 20 (with reference to firstlings).
- (10) E.V. 'In perpetuity'. Lev. XXV, 30.
- (11) The shorter form would have been sufficient. The redundancy of the longer form includes something, hence possession by gift, to which the same rule applies as does to possession by purchase.
- (12) V. Bek. 52b.
- (13) Lev. XXV, 10.
- (14) In the law of the Jubilee.
- (15) After redeeming it from the Sanctuary.
- (16) Lev. XXV, 30.
- (17) I.e., offspring.
- (18) Ibid. This is apparently superfluous in view of the preceding 'in perpetuity'.
- (19) What chamber? Not, as most commentators have it, in the Sanctuary. No house in Jerusalem could fall to the purchaser, and for an inhabitant of the province the procedure of bringing that money to Jerusalem on the particular day might be very burdensome. R. Gershom suggests it was a chamber constructed ad hoc, in any court of justice, in the city wherein the case arose.

Talmud - Mas. Arachin 32a

For, since it was necessary for Hillel to ordain that [in this case] giving against [the recipient's will] is considered valid giving, the inference is that elsewhere such giving is not considered valid giving. To this R. Papa, or as others say, R. Shimi b. Ashi, demurred: But perhaps Hillel had to ordain this only in his absence, but in his presence it would be considered a valid gift both with his consent or without it? Others reported: Raba said, From the ordinance of Hillel [one can infer that if a husband said]: Here is your bill of divorce on condition that you give me two hundred zuz, and she thereupon gave them to him, whether that was given with his consent or against his will, it is a valid gift. For Hillel's ordinance was necessary in the case of the recipient's absence; but where he was present, whether [given] with his consent or against his will, the gift is valid. To this R. Papa, or as some say, R. Shimi b. Ashi, demurred: But perhaps whether it was in his presence or absence, it is [valid] only [if it was given] with his consent, but not if without his consent, and as to Hillel, he ordained what was required [by the circumstances of the case].¹

MISHNAH. WHATSOEVER IS WITHIN THE [CITY] WALL IS REGARDED AS THE DWELLING HOUSES IN A WALLED CITY, WITH THE EXCEPTION OF FIELDS. R. MEIR SAYS: ALSO FIELDS. IF A HOUSE IS BUILT INTO THE WALL, R. JUDAH SAYS: IT IS NOT CONSIDERED A HOUSE WITHIN A WALLED CITY. R. SIMEON SAYS: ITS OUTER WALL IS REGARDED AS ITS [CITY] WALL.

GEMARA. Our Rabbis taught: [It is written] 'house',² hence I know only about a house, whence [do I learn] to include the building for the oil-press, bath-houses, towers, dove-cotes, pits, trenches and caves? Therefore the text states: that is in the city.³ One might have assumed that fields are also included, therefore it is said: 'house'. So R. Judah. R. Meir says, 'house', hence I know only about a house. Whence [do I learn] to include the buildings for the oil-press, bath-houses, towers, dove-cotes, pits, trenches and caves, and also fields? Therefore the text states: 'that is in the city'. But surely it is written: 'house'? — R. Hisda in the name of R. Kattina said: The practical difference between them applies in the case of a sand-mound and a glen.⁴ Thus also was it taught: Concerning a sand-mound and a glen. R. Meir said: They are as houses, R. Judah: They are as fields.

IF A HOUSE IS BUILT INTO THE WALL, R. JUDAH SAYS: IT IS NOT CONSIDERED A HOUSE WITHIN THE WALLED CITY, etc. R. Johanan said: And both expound the same Scriptural verse: Then she let them down by a court through the window; for her house was upon the side of the wall, and she dwelt upon the wall.⁵ R. Simeon [explains it] according to the simple meaning of the text,⁶ whilst R. Judah holds: She dwelt upon the wall, not in a walled city.

MISHNAH. [A HOUSE WITHIN] A CITY WHOSE HOUSEROOFS⁷ FORM ITS WALL, OR THAT WAS NOT ENCOMPASSED BY A WALL IN⁸ THE DAYS OF JOSHUA B. NUN, IS NOT CONSIDERED A DWELLING HOUSE IN A WALLED CITY. [A HOUSE IN ANY OF] THE FOLLOWING IS ACCOUNTED A HOUSE IN A WALLED CITY: [THOSE IN A CITY] OF NO LESS THAN THREE COURTYARDS, HAVING TWO HOUSES EACH, WHICH HAVE BEEN ENCOMPASSED BY A WALL IN THE DAYS OF JOSHUA B. NUN, SUCH AS THE OLD CASTLE OF SEPPHORIS,⁹ THE FORT OF GUSH-HALAB.¹⁰ OLD YODPAT,¹¹ GAMALA,¹² GADUD,¹³ HADID,¹⁴ ONO,¹⁵ JERUSALEM AND THE LIKE.

GEMARA. Our Rabbis taught: [It is written,] 'a wall',¹⁶ but not a line formed by joining roofs; round about,¹⁷ that excludes Tiberias whose wall is the lake. R. Eliezer b. Jose says: asher lo homah,¹⁸ even though it has none now, as long as it had one before.

[A HOUSE IN ANY OF] THE FOLLOWING IS ACCOUNTED IN WALLED CITIES etc. It was taught: Gamala was in Galilee, Gadud in Transjordan, Hadid, Ono and Jerusalem in Judaea. What

does he mean to say?¹⁹

(1) His ordinance providing also for the case where the owner was present. V. Git. 74b.

(2) Lev. XXV, 29.

(3) Ibid. 30.

(4) A sand-mound for glassmaking, and a glen (shaft for metal-digging). Aliter: a fish-pond. [It is to these that R. Meir refers under the term of 'fields', since they appertain to buildings but not to actual fields, in which he agrees with R. Judah, though R. Judah treats the former also as fields.]

(5) Joshua II, 15.

(6) Which states that the house was in the wall and she dwelt in (a city surrounded by) a wall.

(7) The ed. Lowe of the Mishnah reads: gannothheha (house-gardens) instead of gaggotheha (house-roofs).

(8) Lit., 'since', v. Gemara.

(9) In Lower Galilee.

(10) The Fort of Gush-Halab, identified by Neubauer with Josephus' Giskala.

(11) Yotapata mentioned by Josephus.

(12) On the eastern shore of Lake Galilee.

(13) Var. lec: Gadar, perhaps Gadara, a fortress described by Josephus as the capital of Beraea.

(14) Mentioned in Ezra II. 33; east of Lydda.

(15) Modern Kefir Anneh, N. of Lydda.

(16) Lev. XXV, 30.

(17) Ibid. 31.

(18) Asher lo homah (E.V. 'that is in the walled city'); the kethib is spelt כִּשׁ (not), meaning lit., 'which has no wall' and the kere, כִּי (to it), i.e., 'which has a wall to it', hence the combination of the meanings: Even if it has no wall now, as long as it had one in the long ago it is, for the purposes of these laws, considered a walled city.

(19) Surely not that there were no walled cities in Galilee save Gamala, or in Transjordan save Gadud!

Talmud - Mas. Arachin 32b

Abaye said: This is what he means, [All the cities] up to Gamala in Galilee. up to Gadud in Transjordan, and Hadid, Ono and Jerusalem in Judaea.¹ Raba said: Gamala in Galilee [is mentioned so as] to exclude [any city called] Gamala in other countries; Gadud in Transjordan to exclude Gadud in any other countries; but with regard to the others, since there are none of the same name [like them], no [statement as to their location] was necessary.

But is [any house in] Jerusalem liable to become irredeemable? Was it not taught: Ten special regulations were applied to Jerusalem: first, that a house sold there should not be liable to become irredeemable [etc.]. R. Johanan said: [The Mishnah means] like Jerusalem, that was encompassed by a wall in the days of Joshua b. Nun, [yet] not like Jerusalem,² for in Jerusalem no house sold there was liable to become irredeemable, but here³ a house sold is liable to become irredeemable. R. Ashi said: Did not R. Joseph say. There were two [different cities called] Kadesh? Thus also were there two [cities called] Jerusalem.⁴

It was taught: R. Ishmael b. Jose said: Why did the Sages enumerate those [in the Mishnah]? Because when the exiles [from Babylon] went up [to Palestine] they found these [cities] and sanctified them, but former [cities] lost [their holiness] as the sanctity of the land was lost. He holds, therefore, that as to the first consecration, he⁵ consecrated it only for the time being, but not for the future. I will raise a question of contradiction against this: R. Ishmael b. Jose said: Were there only these [mentioned in the Mishnah], surely it has been said: Three score cities, all the region of Argob . . . all these were fortified cities?⁶ Why then did the Sages enumerate but these? Because when the exiles came up they found these and consecrated them anew. ('And consecrated them'! Surely we said above that it was not necessary to consecrate them anew? — Rather [read]: 'They found those and enumerated them'.) And not only these [are walled cities], but any one concerning which you

have a tradition from your fathers that it was encompassed by a wall since the days of Joshua b. Nun, then all these laws apply to it, because as to the first consecration, he consecrated it not only for the time being, but for the future?⁷ — If you like, say: There were two Tannaim in conflict about the view of R. Ishmael. Or, if you like, say: One of them was R. Eleazar b. Jose, for it was taught: R. Eleazar b. Jose said, ‘Asher lo homah’, even though it is not encompassed by one to-day, as long as it was walled before.⁸ What is the reason of the one who holds: ‘As to the first consecration, he consecrated it only for the time being, but not for the future’? — Because it is written: And all the congregation of them that were come back out of the captivity made booths, and dwelt in the booths; for since the days of Joshua the son of Nun had not the children of Israel done so. And there was very great gladness.⁹ Is it possible that when David came, they made no booths, [when Solomon came, they did not make booths] until Ezra came?¹⁰ Rather, he compares their arrival in the days of Ezra to their arrival in the days of Joshua: just as at their arrival in the days of Joshua they counted the years of release and the Jubilees, and consecrated cities encompassed by walls, thus also at their arrival in the days of Ezra they counted the years of release and the Jubilees. and consecrated walled cities.¹¹ And it says also: And the Lord thy God will bring thee into the land which thy fathers possessed, and thou shalt possess it;¹² thus comparing your possession thereof with that of your fathers: just as your forefathers’ possession thereof brought about a renewal of all these things, so shall your possession thereof bring about a renewal of all these things.

And the other?¹³ — He [Ezra] had prayed for mercy because of the passion for idolatry and he removed it, and his merit then shielded them even as the booth. That is why Scripture reproved Joshua, for in all other passages it is spelt: Jehoshua, but here, Joshua.¹⁴ It was quite right that Moses did not pray for mercy, because the virtue [power] of the Holy Land was absent [to support his plea], but why did Joshua, who had the power of the Holy Land [to assist him], fail to pray for mercy?¹⁵ But it is written: ‘which thy fathers possessed and thou shalt possess it’?¹⁶ — This is what is meant: Since they fathers possessed it, you also possess it.¹⁷

But did they count the years of release and Jubilees [after the return from Babylon]? If even after the tribe of Reuben, the tribe of Gad and the half-tribe of Manasseh went into exile, the Jubilees were abolished, should Ezra in connection with whom it is said: The whole congregation together was forty and two thousand three hundred and three score,¹⁸ have counted them? For it was taught: When the tribe of Reuben, the tribe of Gad and the half-tribe of Manasseh went into exile, the Jubilees were abolished as it is said: And ye shall proclaim liberty throughout the land unto all the inhabitants thereof,¹⁹ i.e., [only] at the time when all the inhabitants thereof dwell upon it, but not at the time when some of them are exiled. One might have assumed that if they were there, but intermingled, the tribe of Benjamin with that of Judah and the tribe of Judah with that of Benjamin, that even the [laws of the] Jubilee should apply, therefore it is said: ‘unto all the inhabitants thereof’, which means, only at the time when its inhabitants are there as [where] they ought to be, but not when they are intermingled! — Said R. Nahman b. Isaac: They counted the Jubilees to keep the years of release holy.²⁰ [

(1) All the cities up to Gamala etc. were encompassed with walls in the days of Joshua, and have no less than three courtyards of two houses each.

(2) He compares them to Jerusalem which was a walled city in the days of Joshua, but they are not as Jerusalem, for in that city no house sold could become irredeemable, Jerusalem belonging to all Israel.

(3) I.e., in the other places mentioned.

(4) Perhaps the distinction is made between the Greater Jerusalem and Jerusalem proper, as between New York City and Greater New York, the latter including very many and widely scattered communities. In Jerusalem proper no house could fall to the purchaser in perpetuity because of the seller's failure to redeem it within the year. But this restriction would have no validity in the expanded Greater Jerusalem, evidence as to which has of late been presented.

(5) Joshua; the consecration of the Holy Land by him lost its validity with the destruction of the Holy City and the exile of its population.

- (6) Deut. III, 4, 5.
- (7) V. Shebu., Sonc. ed., p. 80 notes.
- (8) V. p. 192, n. 9.
- (9) Neh. VIII, 17.
- (10) Inserted with Sh.Mek. The mentioning of David alone is insufficient, surely with Solomon, the Temple-builder, Sukkoth was celebrated, too.
- (11) The words For since the days of Joshua . . . had not . . . done so, do not refer to the booths but to the renewed formal rites of sanctification.
- (12) Deut. XXX, 5.
- (13) How does he who holds that he consecrated for all the future explain the passage from Nehemiah? 'Booths' here as symbolic meaning: they enjoyed the protection 'as of booths', because Ezra through his prayer had achieved the destruction of idolatrous tendencies among the people, and this achievement protected them. In this sense they 'had booths', when they returned.
- (14) For his failure to implore the Lord to remove the passion for idolatry from the heart of the people. Just as with Abram the enlargement of his name into 'Abraham' was an expression of divine approval, so did this diminution of Jehoshua into Joshua express divine disapproval. The reason for Joshua's failure to implore the Lord to remove the passion for idolatry was his assumption that he possessed the land in its pristine holiness, so that it would in itself help Israel to overcome its idolatrous tendencies.
- (15) Hence the implied censure of Joshua.
- (16) Which would show that renewed sanctification was required.
- (17) Without the need of a renewed sanctification.
- (18) Ezra II, 64.
- (19) Lev. XXV, 10.
- (20) Though the Jubilees had been abolished, years of release were still observed, consequently they had to count the Jubilees in order to be able to observe the years of release in their proper time. For the year of Jubilee was not included in the seven years cycle. They therefore had to know when the year of Jubilee arrives to be able to fix the next year of release, which was to be the eighth year following the year of Jubilee.

Talmud - Mas. Arachin 33a

That will be right in the view of the Rabbis who hold that the fiftieth year is not included,¹ but according to R. Judah who holds that the fiftieth year counts both ways,² why was that necessary [to count the Jubilees]? It would have been enough if the years of release alone had been counted! Hence [we must say], this is not in accord with the view of R. Judah.

But did they not count years of release and the Jubilees?³ Is it not written: At the end of seven years ye shall let go every man his brother that is a Hebrew, that hath been sold unto thee,⁴ and when we asked: Why 'at the end of seven years'? is it not written: He shall serve thee six years?⁵ and to this R. Nahman b. Isaac replied: Six for one who had been sold and seven for one who had his ear pierced?⁶ — This is written in connection with the threat of punishment, for the prophet said: 'Did you set them free [when you should have done so]?⁷ But it is said: They hearkened and let them go'⁸ — Rather, said R. Johanan: Jeremiah brought them back, and Josiah son of Amon ruled over them. Whence do we know that they returned? — Because it is written: For the seller shall not return to that which is sold.⁹ Now is it possible that the Jubilee was abolished already and the prophet would prophesy concerning it that it will be abolished? This therefore teaches that Jeremiah had brought them back. Whence do we know that Josiah ruled over them? — Because it is written: Then he said: What monument is that which I see? And the men of the city told him: It is the sepulchre of the man of God, who came from Judah, and proclaimed these things that thou hast done against the altar of Beth-El.¹⁰ Now what had Josiah to do at Beth-El?¹¹ Hence [we must say]. When Jeremiah had brought them back, Josiah ruled over them. R. Nahman b. Isaac derived it from here: Also, O Judah, there is a harvest [katsir] appointed for thee!¹²

MISHNAH. HOUSES IN COURTYARDS¹³ HAVE THE PRIVILEGES BOTH OF HOUSES IN A WALLED CITY. AND THE PRIVILEGES GIVEN TO FIELDS: THEY CAN BE REDEEMED AT ONCE, AND AT ANY TIME WITHIN THE TWELVE MONTHS LIKE HOUSES [IN A WALLED CITY], AND THEY GO OUT [TO THE OWNERS] IN THE YEAR OF JUBILEE OR [AT AN EARLIER TIME] BY [PAYMENT OF A] LESSENER PRICE¹⁴ LIKE FIELDS.

GEMARA. Our Rabbis taught: [It is written:] [But the houses in courtyards which have no wall about them] shall be reckoned with the fields of the country:¹⁵ Scripture compares them with a field of possession: just as a field of possession goes out in the Jubilee and by payment of a lessened price, so do houses in courtyards go out in the year of Jubilee and by payment of a lessened price. [One might have assumed that similarly:] Just as a field of possession may not be redeemed before two years, thus may houses in courtyards not be redeemed before two years, therefore it is said: they may be redeemed,¹⁵ i.e., at once. Since you have given them the privileges of fields, as well as those of houses in walled cities, one might assume that they do not go out in the year of Jubilee, therefore it is said: And they shall go out in the Jubilee.¹⁵ What does he mean to say?¹⁶ — Said R. Huna: This was necessary [to be stated] only for the case of one who consecrates a house among the houses in a courtyard, and someone else redeemed it from the Sanctuary, and the year of Jubilee came in its second year.¹⁷ With what, now, will you compare it? If you compare it to a house in a walled city, it becomes the perpetual [possession] of the purchaser;¹⁸ if you compare it to a field of possession, it goes out to the priests. For this case it was necessary to say: ‘And they shall go out in the Jubilee’.¹⁹ To this R. Ze’ira demurred: Why speak about someone else redeeming it? Even if no-one redeemed it the same [law would apply]?²⁰ — Said Abaye: [This is not so] lest people say: Consecrated property goes out without redemption. Whence do we know that? — [It is derived] from a Levite: If a Levite whose privilege is strengthened where he sold property²¹ has his rights weakened where he consecrated an object,²² how much more shall an Israelite whose rights are weakened where he sold property, have his rights weakened with regard to an object which he consecrated himself! And whence do we know it there?²³ — Because it was taught: And if a man purchase of the Levites, then shall go out [in the Jubilee] that which was sold.²⁴ From this I might infer that [the law applies] even to his slaves, his movable property, and his documents, therefore it is said: Of a house [in the] city of his possession. What then does ‘that which was sold’ mean? What he sold goes out without payment, but no consecrated object goes out without payment but [requires] redemption. Now this²⁵ conflicts with R. Oshaia, for R. Oshaia said: All was included in the general statement: Then shall he add [the fifth part of] the money . . . and it shall be assured to him,²⁶ and when Scripture specified with regard to the field of possession: But the field when it goeth out in the Jubilee shall be holy unto the Lord,²⁷ [as a field devoted], [it teaches] only a field if redeemed goes out [from the one who redeemed it] to the priests, but all other [objects redeemed from the Sanctuary] remain where they are.²⁸

For what purpose [then]²⁹ is it said: ‘And they shall go out in the Jubilee’? — R. Papa said: This is necessary but for the case of one who sells a house among the houses in courtyards, and the Jubilee came in the second year. With what now will you compare it? If you compare it to a house in a walled city, it becomes the perpetual [possession] of the purchaser; if you compare it to a field of possession, it needs the completion [of two years in the purchaser's possession],³⁰ for this case it was necessary to state: ‘And they shall go out in the Jubilee’.

It was taught in accord with R. Huna and in refutation of R. Oshaia: If one consecrates a house among the houses in courtyards, then he may redeem it at once, and redeem it for ever. If someone else redeemed it from the Sanctuary, and the Jubilee arrived and it had not been redeemed [by the original owner] it reverts in the year of Jubilee to the owner.

(1) In the cycle of seven years.

(2) Both as the year of release and the beginning of the next seven year cycle.

(3) After the exile of the tribes of Reuben, Gad, etc.

- (4) Jer. XXXIV, 14.
- (5) Deut. XV, 12.
- (6) According to Ex. XXI, 6 the ear of the slave who refuses to go free and who must then serve him up to the year of the Jubilee, is pierced. If such a pierced servant has completed seven years and the eighth was a Jubilee year, he went out free. This passage of Jeremiah refers to the time of Zedekiah, long after Sennacherib had exiled a large part of the people, and yet the law of the year of Jubilee was valid!
- (7) The verse is thus to be rendered: By the end of the seven years you should have had set free etc.
- (8) Jer. XXXIV, 10.
- (9) Ezek. VII, 13.
- (10) II Kings XXIII, 17.
- (11) Josiah was King of Judah, Beth-el was in Israel.
- (12) Hosea VI, 11. Reading for kazir (harvest) kazin (prince, ruler). The letters r and n interchange frequently in the Hebrew Bible. The meaning of the passage thus is given as: 'From Judah (whose king Josiah was first) was a king appointed for thee (O Israel)'.
- (13) V. Lev. XXV, 31. E.V., 'houses of the villages'.
- (14) V. supra 24a.
- (15) Lev. XXV, 31.
- (16) Obviously they will go out in the Jubilee because they were compared to fields of possession. Why then the superfluous, And they shall go out in the Jubilee?
- (17) After it had been redeemed from the Sanctuary.
- (18) V. supra 31b.
- (19) And it returns to the owner.
- (20) The superfluous 'And they shall go out in the Jubilee' coming to teach that the law applies to the case of consecration no less than to that of sale, making the house in a courtyard returnable on the Jubilee to the original owner.
- (21) A Levite can redeem at any time a house in a walled city sold by him.
- (22) V. infra.
- (23) That the rights of the Levite are weakened in the case of consecration.
- (24) Lev. XXV, 33. So literally.
- (25) R. Huna's statement above that if a stranger redeems a house in a courtyard from the Sanctuary, it returns to the original owner at Jubilee.
- (26) Lev. XXVII, 19 teaching that he who redeems aught from the Sanctuary retains the ownership of the redeemed object in permanence.
- (27) Ibid. 21.
- (28) In the permanent possession of him who redeemed them.
- (29) On the view of R. Oshaia.
- (30) V. supra 29b.

Talmud - Mas. Arachin 33b

MISHNAH. THE FOLLOWING ARE CONSIDERED HOUSES IN [OPEN] COURTYARDS: [A CITY IN WHICH ARE] TWO COURTYARDS, EACH HAVING TWO HOUSES, EVEN THOUGH THEY HAVE BEEN ENCOMPASSED BY A WALL SINCE THE DAYS OF JOSHUA B. NUN, ARE THEY ACCOUNTED HOUSES IN [OPEN] COURTYARDS.

GEMARA. Our Rabbis taught: By mere implication of the text: 'Houses of the courtyards',¹ would I not know that they are not encompassed by walls, why then is it stated: 'Which have no wall around them'? [To teach us] that even if they were encompassed by a wall, they would still be considered as not being so encompassed.²

And how many [houses and courtyards must there be]? — 'Houses' [denotes] two; 'courtyards', also two: i.e., two courtyards having two houses each. But perhaps one house in one courtyard? Then the Divine Law should have written, [only] 'courtyards'. And if you were to say: If the Divine Law

had written only courtyards', it would have been understood as a courtyard without a house, but such a one is called an enclosure [and not a courtyard].

MISHNAH. IF AN ISRAELITE INHERITED [A HOUSE IN A WALLED CITY OF THE LEVITES] FROM HIS MOTHER'S FATHER WHO WAS A LEVITE, HE CANNOT REDEEM IT ACCORDING TO THE ORDER HERE PRESCRIBED.³ ALSO IF A LEVITE INHERITED [A HOUSE IN A WALLED CITY OF ISRAELITES] FROM HIS MOTHER'S FATHER WHO WAS AN ISRAELITE, HE CANNOT REDEEM IT ACCORDING TO THE ORDER HERE PRESCRIBED, AS IT IS WRITTEN: FOR THE HOUSES OF THE CITIES OF THE LEVITES.⁴ [THIS ORDER THUS DOES NOT APPLY] UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES. THESE ARE THE WORDS OF RABBI. THE SAGES SAY: THESE THINGS APPLY ONLY TO THE CITIES OF THE LEVITES.⁵

GEMARA. Then like whom [does he redeem]?⁶ Like a Levite? But then it teaches UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES? — Say: HE CANNOT REDEEM IT except ACCORDING TO THE [FOREGOING] ORDER HERE PRESCRIBED, UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES. THESE ARE THE WORDS OF RABBI. It is quite right as to [UNLESS HE IS IN] THE CITIES OF THE LEVITES, as it is written: For the houses of the Levites. But whence do we know that [these foregoing rules do not apply UNLESS HE IS] A LEVITE? — Because it was written: And if a man redeem of the Levites.⁷ It was [likewise] taught: 'And if a man redeem [re-purchases] of the Levites'. One might assume that a Levite could re-purchase from an Israelite, because the privileges of the former are strengthened, whereas the rights of the latter are weakened,⁸ but a Levite could not re-purchase from a Levite because the privileges of both are strengthened, therefore it is said: '[And if a man] redeem of the Levites'. 'Of the Levites, i.e., but not all the Levites, excluding a Levite who is a bastard or a nathin.⁹ The Sages, however, say: 'These things apply only to the cities of the Levites'. But we do not say that he must be a Levite.¹⁰

MISHNAH. ONE MAY NOT TURN A FIELD INTO A CITY'S OUTSKIRTS,¹¹ NOR A CITY'S OUTSKIRTS INTO A FIELD.¹² NOR A CITY'S OUTSKIRTS INTO A CITY,¹³ NOR A CITY INTO A CITY'S OUTSKIRTS.¹⁴ R. ELEAZAR SAID: THIS APPLIES ONLY TO THE CITIES OF THE LEVITES, BUT IN THE CITIES OF THE ISRAELITES ONE MAY TURN A FIELD INTO A CITY'S OUTSKIRTS, BUT NOT¹⁵ A CITY'S OUTSKIRTS INTO A FIELD. [ONE MAY TURN] A CITY'S OUTSKIRTS INTO A CITY, BUT NOT A CITY INTO A CITY'S OUTSKIRTS, THAT THEY DESTROY NOT THE CITIES OF ISRAEL. THE PRIESTS AND LEVITES MAY SELL [A HOUSE] AT ANY TIME AND REDEEM IT AT ANY TIME, AS IT IS SAID: THE LEVITES SHALL HAVE A PERPETUAL RIGHT OF REDEMPTION.¹⁶

GEMARA. R. ELEAZAR SAID: THIS APPLIES ONLY TO THE CITIES OF THE LEVITES. BUT IN THE CITIES OF THE ISRAELITES ONE MAY TURN etc. But, at any rate, all are of the opinion that in [the cities of] the Levites one may not effect any change. Whence do we know that? — R. Eleazar said: Because Scripture said, But the fields of the open land about their cities may not be sold.¹⁷ What does 'may not be sold' mean? Shall I say that it may not be sold at all? But since it is written, 'The Levites shall have a perpetual right of redemption' it is evident that they must be selling; rather must 'may not be sold' mean that they may not be changed [as above].

THE PRIESTS AND LEVITES MAY SELL AT ANY TIME AND REDEEM AT ANY TIME. Our Rabbis taught: 'The Levites shall have a perpetual right of redemption'; what does that teach us? Because it is said: According unto the number of years of the crops he shall sell unto thee,¹⁸ one might have assumed that shall apply also here, therefore it is said: 'The Levites shall have a perpetual right of redemption'. And because it is said: But the field, when it goeth out in the Jubilee, shall be holy unto the Lord,¹⁹ one might have assumed the same applies here: therefore it is said:

‘The Levites shall have a perpetual right of redemption’. And because it is said: ‘Then the house that is in the walled city shall be made sure in perpetuity to him’,²⁰ one might have assumed that shall apply also here: therefore it is said: ‘The Levites shall have a perpetual right of redemption’. Granted that one could assume that with regard to the first, but how do Levites come to have houses in walled cities? Was it not taught: These cities [of the Levites] may not be either little villages nor large walled cities, but cities of average size?²¹ — R. Kahana said: This is no contradiction: one refers to a city first inhabited and then encompassed.²² But would it in that case be considered a walled city? Was it not taught: ‘And if a man sell a dwelling house in a walled city’,²³ i.e., one that was first walled, and then inhabited. One might have assumed [that law applies] even if the Israelites had walled it [after the conquest of the Land]: therefore it says here: ‘wall’ and elsewhere it says, too, ‘wall’;²⁴ just as there it refers to one built by idolaters, so here also. One might have assumed [it would be considered a walled city] if the idolaters had walled it at a later date: therefore it says here, ‘wall’, and there too it says ‘wall’: just as there the idolaters had done so before [the conquest]. so here too [the wall must have been there before the conquest]! — R. Joseph, son of R. Sala the Pious interpreted it before R. Papa: We suppose that they [the cities] had fallen to them [the Levites] together with their outskirts.²⁵

(1) Lev. XXV, 31. E.V., ‘houses of the villages’.

(2) Since they are sparsely inhabited.

(3) The meaning seems to be: The order described in Lev. XXV, 32-3 which contains the regulations governing houses belonging to the Levites. V. however Gemara.

(4) Lev. XXV, 33.

(5) Interpreting the passage to mean: If one of the Levites redeems (instead of the usual rendering. If one redeems of the Levites) that he who redeems must himself be a Levite, excluding thus an Israelite who inherited from a Levite, which is the view of Rabbi in our Mishnah.

(6) Referring to the first two clauses in our Mishnah.

(7) Lev. XXV, 33. E.V., ‘purchase of the Levites’. V. p. 200, n. 5.

(8) Since an Israelite cannot redeem after one year.

(9) Lit., ‘given’, ‘donated’. A descendant of the Gibeonites (Josh. IX, 27). V. Yeb. 78b: David decreed concerning Nethinim that with regard to intermarriage they be excluded from the congregation of Israel.

(10) Lit., ‘unless he is a Levite’.

(11) An open space outside of a city which was neither sown nor built upon. V. Num. XXXV, 3: And their open land shall be for their cattle, and for their substance and for off their beasts. (Ibid. 4:) From the wall of the city and outward a thousand cubits round about.

(12) In the former case the change would reduce the cultivated area, in the latter the city would become ugly, because its beautiful appearance requires an open space round about it.

(13) In order to extend the street, build houses or the like.

(14) One would decrease the number of the city's inhabitants, or destroy its aspects, by changing the city into its outskirts.

(15) Var. lec. omit NOT reading AND A CITY'S etc. V. B.B. 26b.

(16) Lev. XXV, 32.

(17) Ibid. 34.

(18) Ibid. XXV, 15 teaching that the redemption cannot take place before two years, v. supra 29b.

(19) Ibid. XXVII, 21.

(20) Ibid. XXV, 30.

(21) V. Mak. 10a.

(22) The former could not apply to a city of the Levites, but once they settled in them, they could surround the cities by a wall.

(23) Lev. XXV, 29.

(24) Deut. III, 5 in connection with the aborigines of Palestine.

(25) In the days of Joshua, the walled cities together with their outskirts.

Talmud - Mas. Arachin 34a

But they as well as their outskirts are to be torn down?¹ — R. Ashi said: It is necessary to teach [the law] for one might have assumed that before they are torn down, if any [of the houses] therein have been sold, they should become perpetual possessions, therefore we are informed [that is not so].

Our Rabbis taught: As a field devoted the possession thereof shall be the priest's:² what does that teach? Whence do we know that if a priest consecrated a field obtained by him as [a field of] devotion that he cannot say: Since it anyway goes out to the priests [in the Jubilee year] and now is in my possession, it shall be my own, a fortiori: If I acquire title to what belongs to others, how much more [can I acquire title] to what belongs to me, therefore it is said: 'As a field devoted the possession thereof shall be to the priest'.³ Now what are we learning from [the words]: 'As a field devoted'? Behold the text came to teach and now it itself is illuminated thereby: we compare the field acquired [by the priest] as [a field of] devotion to an Israelite's field of possession. Just as an Israelite's field of possession goes out of his hand and is distributed among the priests, so also does the field which he acquired as [a field of] devotion go out of his hand to be distributed among his brethren the priests.

The Master said: 'If I acquire title to what belonged to others'. But how can that be compared? There he simply acquires title to it, but here he takes himself? — Rami b. Hama said: It is necessary [to state that]: You might have assumed since it is written: And every man's hallowed things shall be his,⁴ that this also is like his 'hallowed things'. But how can you compare these? His hallowed things are not in his possession,⁵ whereas this is in his possession!⁶ Rather said R. Nahman: It is necessary to teach this, for you might have assumed since it is written: For that is their perpetual possession.⁷ that this too,⁸ is his possession;⁹ therefore the text 'his possession' informs us that [the law applies] only to his possession but not to anything obtained by him as devotion.

(1) Since the cities of the Levites may not be big walled cities.

(2) Lev. XXVII, 21.

(3) V. supra 29a.

(4) Num. V, 10 referring to the sacrifices which a priest offers on his own behalf.

(5) I.e., he received them from God as a gift for his service.

(6) He obtains them only after the sacrifice has been offered, as his God-appointed portion of the sacrifice, whereas here he keeps it back for himself without any authority.

(7) Lev. XXV, 34.

(8) The field once acquired by him as a field of devotion.

(9) In perpetuity.

Mishna - Mas. Avoth Chapter 1

MISHNAH 1. MOSES RECEIVED THE TORAH¹ AT² SINAI AND TRANSMITTED IT TO JOSHUA,³ JOSHUA TO THE ELDERS,⁴ AND THE ELDERS TO THE PROPHETS, AND THE PROPHETS TO THE MEN OF THE GREAT SYNAGOGUE.⁵

THE LATTER USED TO SAY THREE THINGS:⁶ BE PATIENT IN [THE ADMINISTRATION OF] JUSTICE, REAR MANY DISCIPLES AND MAKE A FENCE ROUND THE TORAH.⁷

MISHNAH 2. SIMEON THE RIGHTEOUS⁸ WAS ONE OF THE LAST OF THE MEN OF THE GREAT SYNAGOGUE. HE USED TO SAY: THE WORLD IS BASED UPON THREE THINGS: THE TORAH, DIVINE SERVICE, AND THE PRACTICE OF KINDLINESS.⁹

MISHNAH 3. ANTIGONUS¹⁰ (A MAN) OF SOCHO¹¹ RECEIVED [THE ORAL TRADITION] FROM SIMEON THE RIGHTEOUS. HE USED TO SAY: BE NOT LIKE UNTO SERVANTS WHO SERVE THE MASTER IN THE EXPECTATION OF RECEIVING A GRATUITY,¹² BUT BE LIKE UNTO SERVANTS WHO SERVE THE MASTER WITHOUT THE EXPECTATION OF RECEIVING A GRATUITY, AND LET THE FEAR OF HEAVEN¹³ BE UPON YOU.¹⁴

MISHNAH 4. JOSE¹⁵ B. JO'EZER (A MAN) OF ZEREDAH,¹⁶ AND JOSE B. JOHANAN [A MAN] OF JERUSALEM RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. SIMEON THE RIGHTEOUS AND ANTIGONUS].

JOSE. B. JO'EZER¹⁷ USED TO SAY: LET THY HOUSE BE A HOUSE OF MEETING FOR THE SAGES AND SUFFER THYSELF TO BE COVERED BY THE DUST OF THEIR FEET,¹⁸ AND DRINK IN THEIR WORDS WITH THIRST.

MISHNAH 5. JOSE B. JOHANAN (A MAN) OF JERUSALEM USED TO SAY: LET THY HOUSE BE WIDE OPEN, AND LET THE POOR BE MEMBERS OF THY HOUSEHOLD,¹⁹ ENGAGE NOT IN TOO MUCH CONVERSATION WITH WOMEN. THEY²⁰ SAID THIS WITH REGARD TO ONE'S OWN WIFE, HOW MUCH MORE [DOES THE RULE APPLY] WITH REGARD TO ANOTHER MAN'S WIFE. HENCE HAVE THE SAGES SAID:²¹ AS LONG AS A MAN²² ENGAGES IN TOO MUCH CONVERSATION WITH WOMEN, HE CAUSES EVIL TO HIMSELF, [FOR] HE GOES IDLE FROM [THE STUDY OF] THE WORDS OF THE TORAH, SO THAT HIS END WILL BE THAT HE WILL INHERIT GEHINNOM.²³

MISHNAH 6. JOSHUA B. PERAHIAH²⁴ AND NITTAI²⁵ THE ARBELITE²⁶ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

JOSHUA B. PERAHIAH USED TO SAY: APPOINT FOR THYSELF A TEACHER²⁷ AND ACQUIRE FOR THYSELF A COMPANION²⁸ AND JUDGE ALL MEN IN THE SCALE OF MERIT.²⁹

MISHNAH 7. NITTAI THE ARBELITE USED TO SAY: KEEP AT A DISTANCE³⁰ FROM AN EVIL NEIGHBOUR, DO NOT MAKE THYSELF AN ASSOCIATE OF A WICKED MAN,³¹ NEITHER DO THOU ABANDON FAITH IN [DIVINE] RETRIBUTION.³²

MISHNAH 8. JUDAH B. TABBAI AND SIMEON B. SHETAH³³ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

JUDAH B. TABBAI SAID: DO THOU NOT [AS-A JUDGE] PLAY THE PART OF AN ADVOCATE;³⁴ WHILST THEY [I. E. THE PARTIES IN A LAWSUIT] ARE STANDING

BEFORE THEE, LET THEM BE REGARDED BY THEE AS IF THEY WERE [BOTH OF THEM] GUILTY, AND WHEN THEY LEAVE THY PRESENCE, [AFTER] HAVING SUBMITTED TO THE JUDGMENT³⁵ LET THEM BE REGARDED BY THEE AS IF THEY WERE [BOTH OF THEM] GUILTLESS.

MISHNAH 9. SIMEON B. SHETAÏ³⁶ USED TO SAY: BE THOROUGH IN THE INTERROGATION OF WITNESSES, AND BE CAREFUL IN THY WORDS, LEST FROM THEM [I. E. FROM YOUR WORDS] THEY LEARN TO UTTER FALSEHOOD.³⁷

MISHNAH 10. SHEMAIAH AND ABTALION³⁸ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING]. SHEMAIAH USED TO SAY: LOVE WORK, HATE ACTING THE SUPERIOR, AND DO NOT BRING THYSELF TO THE KNOWLEDGE OF THE RULING AUTHORITY.

MISHNAH 11. ABTALION USED TO SAY: YE SAGES BE CAREFUL WITH YOUR WORDS,³⁹ LEST YE BE CONDEMNED TO EXILE,⁴⁰ AND YE BE EXILED TO A PLACE OF EVIL WATERS,⁴¹ AND THE DISCIPLES WHO FOLLOW YOU⁴² DRINK AND DIE,⁴³ WITH THE RESULT THAT THE NAME OF HEAVEN BECOMES PROFANED.⁴⁴

MISHNAH 12. HILLEL AND SHAMMAÏ⁴⁵ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

HILLEL USED TO SAY: BE THOU OF THE DISCIPLES OF AARON, LOVING PEACE AND PURSUING PEACE,⁴⁶ [BE THOU⁴⁷] ONE WHO LOVETH [ONE'S FELLOW.] CREATURES AND BRINGETH THEM NIGH TO THE TORAH.

MISHNAH 13. HE [ALSO] USED TO SAY: A NAME THAT IS WIDESPREAD LOSES ITS FAME; ONE WHO DOES NOT ADD [TO HIS KNOWLEDGE] CAUSES [IT] TO CEASE;⁴⁸ WHOEVER DOES NOT STUDY⁴⁹ [THE TORAH] DESERVES DEATH; WHOEVER MAKES [UNWORTHY] USE OF THE CROWN⁵⁰ [OF LEARNING] PASSETH AWAY.

MISHNAH 14. HE [ALSO] USED TO SAY: IF I AM NOT FOR MYSELF, WHO IS FOR ME, BUT IF I AM FOR MY OWN SELF [ONLY],⁵¹ WHAT AM I, AND IF NOT NOW, WHEN?⁵²

MISHNAH 15. SHAMMAÏ USED TO SAY: MAKE THY [STUDY OF THE] TORAH [A MATTER OF] ESTABLISHED [REGULARITY];⁵³ SPEAK LITTLE, BUT DO MUCH; AND RECEIVE ALL MEN WITH A PLEASANT COUNTENANCE.⁵⁴

MISHNAH 16. RABBAN GAMALIEL⁵⁵ USED TO SAY: APPOINT A TEACHER FOR THYSELF AND AVOID DOUBT,⁵⁶ AND MAKE NOT A HABIT OF TITHING BY GUESSWORK.⁵⁷

MISHNAH 17. SIMEON, HIS SON,⁵⁸ USED TO SAY: ALL MY DAYS I GREW UP AMONG THE SAGES, AND I HAVE FOUND NOTHING BETTER FOR A PERSON⁵⁹ THAN SILENCE. STUDY IS NOT THE MOST IMPORTANT THING, BUT DEED; WHOEVER INDULGES IN TOO MANY WORDS BRINGS ABOUT SIN.⁶⁰

MISHNAH 18. RABBAN SIMEON, SON OF GAMALIEL⁶¹ USED TO SAY: ON THREE THINGS DOES THE WORLD STAND:⁶² ON JUSTICE, ON TRUTH AND ON PEACE, AS IT IS SAID: JUDGE YE TRUTHFULLY AND A JUDGMENT OF PEACE IN YOUR GATES.⁶³

(1) Scripture and its complementary Oral Instruction, with special reference to the latter.

(2) Lit., 'from'.

(3) IARN, Ch. I, 'Joshua received from Moses'. The transmission and reception were done orally. All evidence goes to show that there was a continuous succession of 'schools' headed by the Elders, prophets and scribes of their respective generations, which maintained and developed the theoretical study and practical application of the Torah. For a full examination of the terms **מסר** (transmitted) and **קבל** (received) v. Bacher, *Tradition und Tradenten*, p. 1.

(4) The Elders that outlived Joshua, Judges II, 7. 'Elders' in this Mishnah includes the Judges.

(5) Keneseth hagedolah: A body of 120 men founded by the leaders of the Jews who returned from the Babylonian captivity.

(6) Whereby reverence for, the knowledge of, and the inviolability of the Torah might be secured (cf. Rashi).

(7) The Torah is conceived as a garden and its precepts as precious plants. Such a garden is fenced round for the purpose of obviating wilful or even unintended damage. Likewise, the precepts of the Torah were to be 'fenced' round with additional inhibitions that should have the effect of preserving the original commandments from trespass.

(8) Son of Onias. According to the older authorities, also Frankel, Graetz and Halevy, it was Simeon b. Onias I (ca. 300 B.C.E.) referred to in Sirach, Ch. L, and Josephus Ant. XII, 2, 5; 4, 1. Others (e.g. Krochmal, Brull) say it was Simeon b. Onias II (219-199 B.C.E.). Halevy says it could not have been the latter, as he could not have been designated ha-Zaddik (the Righteous), and that, in fact, the elder Simeon b. Onias (I) was not so designated until later times, when it became necessary to distinguish the worthy grandfather from the unworthy grandson.

(9) Some commentators cite Ps. LXXXIX, 3 **עולם חסד יבנה** (the usual translation of which is forever is Mercy built) taking **עולם** as meaning world, and rendering the world is built on kindness. **גמילות חסדים** is enumerated in another old Mishnah (Pe'ah I, 1) among 'the things the fruits of which a man enjoys in this world, while the stock remains intact for him for the world to come'.

(10) The first noted Jew known to have had a Greek name. First half of the third century B.C.E.

(11) Josh. XV, 35. I Sam. XVII, 1.

(12) 'Gratuity' rather than 'reward' (for which **שכר** would have been used and not **פרם**) since a servant may rightly and without reproach expect and accept his wage (v. M.).

(13) The term was used before the Persian and Greek periods (Marmorstein, A., *The Old Rabbinic Doctrine of God*, p. 14 and pp. 105-6), as against the view that 'Heaven' for God, in Jewish literature is an expression derived from the Greek, as Bousset, *Die Religion des Judentums*, p. 359, n. 3).

(14) 'Antigonus' trilogy was directed against Epicurean teachings; the first and second sayings against the eudaemonist doctrine that all action, even specifically moral action, should be undertaken for the purpose of creating happiness for oneself; the third, against the Epicurean doctrine that whereas there are gods, these gods do not concern themselves with the doings of men,' (Frankel, op. cit. pp. 8-9).

(15) Short form of Joseph.

(16) I Kings XI, 26.

(17) Called Hasid shebikehunnah, 'the most saintly man in the Priesthood'. Hag. II, 7.

(18) Either: let the dust of the feet of the Sages, as they walk, cover you (i.e., follow them closely), or, sit in the dust (on the ground) at their feet whilst they teach. The two Jose's were the first of the Zugoth, GR.** 'pairs' of scholars (one a Nasi, Prince, President, Patriarch; the other Ab-Beth-din, Father of the Court) referred to in Pe'ah II, 6 (as Zugoth) and Hag. II, 2 (by their names as here). How did the Zugoth arise? Weiss, op. cit. p. 103: it is a reversion to an earlier practice, the first sign of which (v. ob. p. 35) is the dual appointment in II Chron. XIX, 5-11. Bacher, op. cit. p. 48 ff. points out that there were Zugoth from Moses onwards. Frankel, op. cit., p. 32: When Hellenistic High Priests rose to power and became a menace to Judaism, it was felt that two leaders would be able to cope with the situation better than one. Halevy, op. cit., p. 199: Simeon the Righteous was succeeded by his brother Eleazar, as High Priest, but not as Head of Sanhedrin. This dignity devolved on Antigonus who was followed by Jose b. Johanan. Eleazar was followed (in the High Priesthood) by Onias II (another son of Simeon the Righteous) who handed over the civil power to the Tobiads. The latter disregarded the Sanhedrin and, exercising a powerful influence over the court of the King of Egypt, carried on in a high-handed way. The Sanhedrin then found it necessary to appoint, in addition to the Ab-Beth-din, a Nasi who should represent the Sanhedrin vis-a-vis the people, and as first Nasi they appointed Jose ben Jo'ezer, a younger disciple of Antigonus, who was both a scholar and of eminent priestly descent.

(19) Either: treat the poor as members of your own family or, employ poor men (rather than slaves) as servants (so Rashi and Maim.). The commentary Ez Joseph renders: 'let the members of thy family be poor', i.e. content themselves with poorer fare, so that you may be able to keep an open door and hospitable table for strangers.

- (20) What follows is the addition of the Redactor of the Mishnah. Herford, p. 24 reads **אָמַר** 'He (Jose) said it.'
- (21) The term **מִכְּאֵן אָמְרוּ חֲכָמִים** points to an ancient Mishnah. (Frankel, op. cit., p. 305.) For a full examination of the term see Bacher, op. cit. p. 160 and p. 171 ff.
- (22) The P. B. version has 'whoever'.
- (23) V. infra V, 20, notes.
- (24) According to Sotah 470 (ed. Amsterdam), also MS. Brit. Mus. Or. 1389 (a collection of Haggadic writings) fol. 158a, line 28 ff, he fled to Alexandria owing to Sadducee hostility but was recalled later by Simeon b. Shetah (v. Mish. 8) when 'peace' was restored. But J. Hag. 77d reports this of Judah b. Tabbari.
- (25) **נְתַאי** or **נְתִי**, J. Hag. 76d has **מַטַּי** Mattai.
- (26) Arbel. Hosea XI, 14. In Galilee, v. I Mace. IX, 2.
- (27) Cf. Mish. 16. II ARN, Ch. XVIII. **רַב לְחֻמָּה**, explained as a master to supply one with knowledge already existing.
- (28) II ARN, ibid. **חֵבֶר לְמִשְׁנָה**, explained as a companion for studying together, so that one may be able to note what the other misses, or to supply information not known to the other.
- (29) Frankel, op. cit. p. 35, says Joshua b. Perahiah said this when John Hyrcanus was still with the Pharisees, with whom he later broke after Eleazar b. Po'irah made mischief over the demand made by the Pharisees, that John Hyrcanus should content himself with the crown, and relinquish the High Priesthood, for which, they said, he was unfit on account of his mother having been (as they alleged) once taken captive at Modin. The allegation was disproved and the king turned against the Pharisees. (Sotah 47a. Frankel and Weiss take **נִינְאִי** there to be John Hyrcanus rather than Alexander Jannaeus.) II ARN attributes the sayings given here as Joshua b. Perahiah's to Nittai.
- (30) II ARN, 'Run away'.
- (31) As one might be tempted to do should one see the wicked prosper.
- (32) Wickedness will not succeed in the end. Frankel ibid.: Nittai said this after John Hyrcanus joined the Sadducees. In ARN this is attributed to Joshua b. Perahiah.
- (33) J. Hag 77d states that in later times there was disagreement as to whether Judah b. Tabbari was Nasi, and Simeon b. Shetah Ab-Beth-din, or vice-versa. Frankel, op. cit. p. 37, says: 'at first Judah was Nasi, but after his mistaken decision in the case of a false witness ('Ed Zomen v. Mak. 5b) he resigned in favour of Simeon and thus they changed posts.' These scholars lived in the reigns of John Hyrcanus, Alexander Jannaeus and Queen Salome. II ARN attributes Judah's sayings to Simeon and vice-versa.
- (34) I.e., do not suggest to either party a line of argument. For a case involving the question of the applicability of this principle see J. B.B. IX, 6; J. Keth. IV, 10. A woman came before R. Johanan with a claim on her husband (or her late husband's heirs) for the cost of medical attention during her illness, and R. Johanan said to her: 'If the sum has been previously agreed upon with the physician you cannot recover it from your husband (or from his estate), but it must come out of your marriage-settlement.' Otherwise it is included in the husband's alimentary obligation to the wife, v. Epstein, M., Marriage Contract, 163. Objection was taken to R. Johanan for having said this, as being at variance with the dictum here in Aboth, which had been interpreted by R. Haggai in the name of R. Joshua b. Levi as: 'It is prohibited (for a judge) to reveal to any one litigant the law as it applies to his case.' This objection is answered thus: R. Johanan knew that this applicant was a woman of high principles who would not take unfair advantage of that knowledge, but tell the truth as to whether the sum of the physician's fee had been a pre-arranged one or not. I and II ARN take this in a quite different sense, viz. advice against allowing oneself to be prejudiced by any considerations, and against treating one party differently to the other. ARN seems to understand **עוֹרְכֵי הַדִּינִים** to mean judges who estimate' and make up their minds by conjecture before they have heard the whole case.
- (35) This is the best translation of **בְּשֶׁקֶבֶל**, and gives the best sense; it is only when a litigant has submitted to the decision that he can be considered guiltless, but not if he is recalcitrant. (V. Buchler, op. cit. p. 53, n. 4.)
- (36) Brother of Queen Salome. He reinstated the Pharisees in the Sanhedrin which had, for some time, been dominated by the Sadducees.
- (37) It is suggested that the tragic episode that led to the execution of his own son, which had been due to reliance on evidence which (when it was too late) proved to have been false (v. J. Sanh. 23b), prompted this dictum.
- (38) Said to have been descendants of proselytes, themselves descendants of Sennacherib.
- (39) II ARN, ch. XXIII, amplifies 'lest you teach anything not in accordance with the teachings of the Torah'. M.: Inexact language would give heretics an opportunity for misrepresenting your teaching. Halevy: Abtalion supplemented Shemaiah's advice: be careful even in your words, so as not to embroil yourselves with the rival sides.

- (40) By the Sadducees and Hellenists (who had regained power at the Court), as had already happened in the cases of Joshua b. Perahiah and Judah b. Tabbai.
- (41) A place of heretical teachings (e.g. Alexandria).
- (42) Into exile.
- (43) Spiritual death.
- (44) By reason of the spiritual disaster that will have overtaken students of the Torah, faith in, and reverence for, God would wane.
- (45) Identified by Halevy, op. cit. p. 40 ff. (and others) with Sameas and Pollion of Jos. Ant. XIV, 9, 4; XV, 1, 1; XV, 10, 4. V. Bacher, Tradition, pp. 51-2, who identifies similarly but, owing to chronological difficulties created by the Josephus passages, he suggests that on account of the similarity, especially in Greek pronunciation, of Shemaiah and Shammai, Josephus did not keep the two pairs (Shemaiah-Abtalion and Hillel-Shammai) sufficiently distinct.
- (46) For the qualities of the ideal priest, v. Mal. II, 6.
- (47) So MV, p. 473. i.e. this is not a continuation of the description of Aaron, or of Aaron's disciples, but a further admonition by Hillel.
- (48) Or, (himself) ceases (to be).
- (49) Another reading 'teach', i.e., one who refuses to impart the knowledge he has.
- (50) 1. The Shem ha-meforash, the Name of God in its full form (I ARN, Ch. XII). 2. 'The Crown of God', i.e., a man who claims divine honours and prerogatives (II ARN, Ch. XXVII).
- (51) One must be self-reliant and not accustom oneself to depend on others; but, being exclusively for oneself is an unworthy attitude for a human being. M.: If I do not rouse my soul to higher things who will rouse it? Rashi: If I do not acquire merit for myself who should do it for me, and when I have already achieved that, have I even then done the whole of my duty? L.: If my ego is not mine (i.e. under my control) over whom can I exercise influence, and when I have myself to myself (and I examine myself) I am led to ask myself, what am I?
- (52) If I do not act in accordance with these reflections now that I realize them (or now whilst I am young, or alive), then, when? Later it may be too late.
- (53) L.: Ideal conditions for study are fixity of purpose, regularity of habits and stability of temperament on the part of the student, as well as an habitual locale and students' accessories of suitable and standard types. B. cites another rendering, viz., 'Make thy (decisions in) Law consistent'.
- (54) This advice on the part of Shammai is the more noteworthy in view of his own impatient nature (as compared with Hillel's at any rate).
- (55) Son of Simeon (who was Nasi after his father Hillel, according to Graetz for 20 years, but according to Halevy only a very short time), known as Rabban Gamaliel Ha-zaken (the Elder). Although here he follows Hillel and Shammai, he is not said to have received' (the oral teaching) from them (that is said of Rabban Johanan b. Zakkai, supra II, 5) and this leads some to say that he was not a Nasi. Hoffmann (Erste Mishnah, p. 26) says the dictum here is by R. Gamaliel II (of Jabneh). Geiger adheres to Gamaliel I. It is probably the same Gamaliel ('a doctor of the Law') as in Acts V, 34; XXII, 3.
- (56) According to M. and others this is advice to one who is himself a Rabbi, that he should choose another scholar whom he is to respect as a greater authority, and whom he should consult in cases of difficulty and doubt before giving a decision.
- (57) L.: To be too strict is one's decision (a course a Rabbi would be likely to take when he is in doubt) is a fault, even as it is wrong to give more than is due in tithes by tithing by conjecture instead of by measure.
- (58) I.e., the son of R. Gamaliel I. He was slain at the time of the fall of Jerusalem. He is not called Rabban here, because he said this before he was Nasi.
- (59) Heb. גוף body, person, cf. IV, 6.
- (60) Cf. Prov. X, 19.
- (61) Son of Gamaliel II of Jabneh and grandson of the Simeon in the foregoing Mishnah. Others say it is that same Simeon but one dictum was uttered before, and the other (here) after, he became Nasi (hence the title Rabban here).
- (62) Is its stability founded; cf. Mishnah 2.
- (63) Zech. VIII, 16. Rashi says that in the Mishnah of Tiberias (MV, 'in careful texts') the Scriptural quotation is not given.

Mishna - Mas. Avoth Chapter 2

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MISHNAH 1. RABBI¹ SAID: WHICH IS THE RIGHT WAY THAT A MAN SHOULD CHOOSE UNTO HIMSELF? ONE WHICH IS [ITSELF] AN HONOUR TO THE PERSON ADOPTING IT,² AND [ON ACCOUNT OF WHICH] HONOUR [ACCRUES] TO HIM FROM MEN.³ AND BE THOU CAREFUL WITH A LIGHT PRECEPT⁴ AS WITH A GRAVE ONE, FOR THOU KNOWEST NOT THE GRANT OF REWARD [FOR THE FULFILMENT] OF PRECEPTS.⁵ ALSO, RECKON THE LOSS [THAT MAY BE SUSTAINED THROUGH THE FULFILMENT] OF A PRECEPT AGAINST THE REWARD [ACCRUING] THEREFROM, AND THE GAIN [THAT MAY BE OBTAINED THROUGH THE COMMITTING] OF A TRANSGRESSION AGAINST THE LOSS [ENTAILED] THEREBY.⁶ APPLY THY MIND⁷ TO THREE THINGS AND THOU WILT NOT COME INTO THE POWER OF SIN:⁸ KNOW WHAT⁹ THERE IS ABOVE THEE:¹⁰ AN EYE THAT SEES,¹¹ AN EAR THAT HEARS,¹² AND ALL THY DEEDS WRITTEN IN A BOOK.¹³

MISHNAH 2. RABBAN GAMALIEL THE SON OF R. JUDAH THE PATRIARCH¹⁴ SAID: EXCELLENT IS THE STUDY OF THE TORAH TOGETHER WITH A WORLDLY OCCUPATION,¹⁵ FOR THE ENERGY [TAKEN UP] BY BOTH OF THEM KEEPS SIN OUT OF ONE'S MIND; AND [AS FOR] ALL [STUDY OF THE] TORAH WHERE THERE IS NO WORLDLY OCCUPATION, THE END THEREOF [IS THAT] IT COMES TO NOUGHT¹⁶ AND BRINGS SIN IN ITS TRAIN;¹⁷ AND ALL WHO LABOUR WITH THE COMMUNITY, LET THEM LABOUR WITH THEM FOR THE [SAKE OF THE] NAME OF HEAVEN,¹⁸ FOR THE MERIT OF THEIR¹⁹ FATHERS SUSTAINS THEM²⁰, AND THEIR RIGHTEOUSNESS ENDURES FOR EVER;²¹ AND AS FOR YOU, [GOD²² IN SUCH CASE SAYS] I ACCOUNT YOU WORTHY OF MUCH REWARD, AS IF YOU [YOURSELVES] HAD [ACTUALLY] ACCOMPLISHED [IT ALL].²³

MISHNAH 3. BE YE CIRCUMSPECT [IN YOUR DEALINGS] WITH THE RULING AUTHORITIES²⁴ FOR THEY SUFFER NOT A MAN TO BE NEAR THEM EXCEPT IT BE FOR THEIR OWN REQUIREMENT; THEY SHOW THEMSELVES AS FRIENDS WHEN IT IS TO THEIR OWN INTEREST, BUT THEY DO NOT STAND BY A MAN IN THE HOUR OF HIS DISTRESS.²⁵

MISHNAH 4. HE USED TO SAY: DO HIS WILL AS [THOU WOULDST DO]²⁶ THINE OWN WILL,²⁷ SO THAT HE MAY DO THY WILL AS [HE DOES] HIS [OWN] WILL.²⁸ SET ASIDE THY WILL IN THE FACE OF HIS WILL,²⁹ SO THAT HE MAY SET ASIDE THE WILL OF OTHERS³⁰ BEFORE THY WILL.

HILLEL SAID: SEPARATE NOT THYSELF FROM THE COMMUNITY,³¹ NEITHER TRUST THOU IN THYSELF UNTIL THE DAY OF THY DEATH,³² MOREOVER JUDGE NOT THY FELLOW-MAN UNTIL THOU HAST REACHED HIS PLACE.³³ SAY NOT A THING THAT CANNOT BE UNDERSTOOD³⁴ [AT ONCE], [TRUSTING] THAT IN THE END IT WILL BE UNDERSTOOD. SAY NOT: WHEN I SHALL HAVE LEISURE I SHALL STUDY;' PERHAPS THOU WILT NOT HAVE LEISURE.³⁵

MISHNAH 5. HE USED TO SAY: AN UNCULTURED³⁶ PERSON IS NOT SIN-FEARING,³⁷ NEITHER IS AN IGNORANT³⁸ PERSON PIOUS; [IT IS] NOT A SHAMEFACED PERSON [WHO IS APT TO] LEARN, NOR [IS IT] AN IMPATIENT PERSON [WHO IS FITTED TO] TEACH, NOR [IS IT] EVERYONE³⁹ WHO ENGAGES MUCH⁴⁰ IN BUSINESS [THAT] BECOMES WISE.⁴¹ IN A PLACE WHERE THERE ARE NO MEN, STRIVE THOU TO BE A MAN.⁴²

MISHNAH 6. HE ALSO SAW A SKULL FLOATING ON THE FACE OF THE WATER. HE

SAID TO IT: BECAUSE THOU DIDST DROWN [OTHERS] THEY⁴³ DROWNED THEE, AND THE END OF THOSE THAT DROWNED THEE [WILL BE THAT] THEY WILL BE DROWNED.⁴⁴

MISHNAH 7. HE USED TO SAY: THE MORE FLESH,⁴⁵ THE MORE WORMS;⁴⁶ THE MORE PROPERTY, THE MORE ANXIETY;⁴⁷ THE MORE WIVES, THE MORE WITCHCRAFT;⁴⁸ THE MORE BONDWOMEN THE MORE LEWDNESS;⁴⁹ THE MORE SLAVES, THE MORE ROBBERY;⁵⁰ [BUT] THE MORE [STUDY OF THE] TORAH, THE MORE LIFE;⁵¹ THE MORE SITTING DOWN⁵² [TO STUDY AND CONTEMPLATE], THE MORE WISDOM;⁵³ THE MORE COUNSEL, THE MORE UNDERSTANDING;⁵⁴ THE MORE RIGHTEOUSNESS,⁵⁵ THE MORE PEACE. ONE WHO HAS ACQUIRED UNTO HIMSELF A GOOD NAME,⁵⁶ HAS ACQUIRED [IT] FOR HIMSELF;⁵⁷ ONE WHO HAS ACQUIRED UNTO HIMSELF WORDS OF TORAH, HAS ACQUIRED FOR HIMSELF THE LIFE OF THE WORLD TO COME.⁵⁸

MISHNAH 8. RABBAH JOHANAN B. ZAKKAI RECEIVED [THE ORAL TRADITION] FROM HILLEL AND SHAMMAI.⁵⁹ HE USED TO SAY: IF THOU HAST LEARNT⁶⁰ MUCH TORAH, DO NOT CLAIM CREDIT UNTO THYSELF, BECAUSE FOR SUCH [PURPOSE] WAST THOU CREATED.⁶¹

RABBAN JOHANAN B. ZAKKAI HAD FIVE [PRE-EMINENT] DISCIPLES AND THEY WERE THESE: R. ELIEZER B. HYRCANUS, R. JOSHUA B. HANANIAH, R. JOSE, THE PRIEST, R. SIMEON B. NETHANEEL AND R. ELEAZAR B. 'ARACH. HE [I. E. R. JOHANAN] USED TO RECOUNT THEIR [FOREMOST] QUALITIES:⁶² R. ELIEZER B. HYRCANUS IS A PLASTERED CISTERN WHICH LOSES NOT A DROP;⁶³ R. JOSHUA B. HANANIAH — HAPPY IS SHE THAT BARE HIM;⁶⁴ R. JOSE, THE PRIEST, IS A PIOUS MAN;⁶⁵ R. SIMEON B. NETHANEEL IS ONE THAT FEARS SIN,⁶⁶ AND R. ELEAZAR B. 'ARACH IS LIKE UNTO A SPRING THAT [EVER] GATHERS FORCE.⁶⁷

HE [I.E. R. JOHANAN] USED TO SAY: IF ALL THE SAGES OF ISRAEL WERE IN ONE SCALE OF THE BALANCE AND ELIEZER B. HYRCANUS IN THE OTHER SCALE, HE WOULD OUTWEIGH THEM ALL. ABBA⁶⁸ SAUL SAID IN HIS⁶⁹ NAME: IF ALL THE SAGES OF ISRAEL WERE IN ONE SCALE OF THE BALANCE, AND R. ELIEZER B. HYRCANUS ALSO WITH THEM, AND R. ELEAZAR B. ARACH IN THE OTHER SCALE, HE WOULD OUTWEIGH THEM ALL.⁷⁰

MISHNAH 9. HE [R. JOHANAN] SAID UNTO THEM: GO FORTH⁷¹ AND OBSERVE WHICH IS THE GOOD WAY UNTO WHICH A MAN SHOULD CLEAVE? R. ELIEZER SAID, A GOOD EYE;⁷² R. JOSHUA SAID, A GOOD ASSOCIATE;⁷³ R. JOSE SAID, A GOOD NEIGHBOUR;⁷⁴ R. SIMEON SAID, ONE WHO LOOKS [AHEAD TO SEE] WHAT [CONSEQUENCES] SHALL BE BROUGHT FORTH [BY HIS OWN ACTIons].⁷⁵ R. ELEAZAR SAID, A GOOD HEART.⁷⁶ SAID HE [R. JOHANAN] UNTO THEM: I PREFER THE WORDS OF ELEAZAR B. 'ARACH TO YOUR WORDS, FOR WITHIN THE COMPREHENSIVE CHARACTER OF HIS WORDS, ARE YOUR WORDS [INCLUDED].

HE [FURTHER] SAID UNTO THEM: GO FORTH AND OBSERVE WHICH IS THE EVIL WAY FROM WHICH A MAN SHOULD REMOVE HIMSELF FAR?⁷⁷ R. ELIEZER SAID, AN EVIL EYE;⁷⁸ R. JOSHUA SAID, AN EVIL ASSOCIATE; R. JOSE SAID, AN EVIL NEIGHBOUR; R. SIMEON SAID, ONE WHO BORROWS AND REPAYS NOT⁷⁹ — [IT IS ALL] ONE [WHETHER] ONE BORROWS FROM MAN OR ONE BORROWS FROM THE ALL-PRESENT⁸⁰ — AS IT IS SAID: THE WICKED BORROWS AND PAYETH NOT; BUT THE RIGHTEOUS DEALETH GRACIOUSLY AND GIVETH⁸¹. R. ELEAZAR SAID, AN EVIL HEART. SAID HE [R. JOHANAN] UNTO THEM: I PREFER THE WORDS OF ELEAZAR B.

ARACH TO YOUR WORDS, FOR WITHIN THE COMPREHENSIVE CHARACTER OF HIS WORDS ARE YOUR WORDS [INCLUDED].

MISHNAH 10. THEY [EACH] SAID THREE THINGS. R. ELIEZER SAID: LET THE HONOUR OF THY FRIEND BE AS DEAR TO THEE AS THINE OWN;⁸² AND BE NOT EASILY PROVOKED TO ANGER;⁸³ AND REPENT ONE DAY BEFORE THY DEATH,⁸⁴ AND [HE ALSO SAID:] WARM THYSELF BEFORE THE FIRE OF THE WISE,⁸⁵ AND BEWARE OF THEIR GLOWING COALS,⁸⁶ THAT THOU MAYEST NOT BE SINGED,⁸⁷ FOR THEIR BITE IS THE BITE OF A FOX,⁸⁸ AND THEIR STING IS THE STING OF A SCORPION,⁸⁹ AND THEIR HISS IS THE HISS OF A SERPENT,⁹⁰ AND ALL THEIR WORDS ARE LIKE COALS OF FIRE.⁹¹

MISHNAH 11. R. JOSHUA SAID: AN EVIL EYE, THE EVIL INCLINATION,⁹² AND HATRED FOR [ONE'S FELLOW.] CREATURES PUT A MAN OUT OF THE WORLD.⁹³

MISHNAH 12. R. JOSE SAID: LET THE PROPERTY OF THY FELLOW BE AS PRECIOUS UNTO THEE AS THINE OWN;⁹⁴ FIT THYSELF TO STUDY TORAH⁹⁵ FOR IT IS NOT [A THING THAT COMES] UNTO THEE [AS] AN INHERITANCE;⁹⁶ AND LET ALL THINE ACTIONS⁹⁷ BE FOR [THE SAKE OF] THE NAME OF HEAVEN⁹⁸.

MISHNAH 13. R. SIMEON SAID: BE CAREFUL WITH THE READING OF SHEMA⁹⁹ AND WITH PRAYER,¹⁰⁰ AND WHEN THOU PRAYEST, MAKE NOT THY PRAYER A SET TASK,¹⁰¹ BUT [AN APPEAL FOR] MERCY¹⁰² AND AN ENTREATY BEFORE THE ALL-PRESENT,¹⁰³ FOR IT IS SAID: FOR HE IS GRACIOUS AND COMPASSIONATE, LONG-SUFFERING AND ABUNDANT IN MERCY, AND REPENTETH HIM OF THE EVIL;¹⁰⁴ AND BE NOT WICKED IN THINE OWN ESTEEM.¹⁰⁵

MISHNAH 14. R. ELEAZAR SAID:¹⁰⁶ BE EAGER¹⁰⁷ TO STUDY THE TORAH;¹⁰⁸ AND KNOW¹⁰⁹ WHAT ANSWER THOU SHOULDST GIVE TO THE EPICUREAN,¹¹⁰ AND KNOW BEFORE WHOM THOU TOLLEST,¹¹¹ AND WHO¹¹² IS THINE EMPLOYER¹¹³ WHO WILL PAY THEE THE REWARD OF THY LABOUR.

MISHNAH 15. R. TARFON¹¹⁴ SAID: THE DAY¹¹⁵ IS SHORT, AND THE WORK¹¹⁶ [TO BE PERFORMED] IS MUCH;¹¹⁷ AND THE WORKMEN¹¹⁸ ARE INDOLENT,¹¹⁹ BUT THE REWARD IS MUCH;¹²⁰ AND THE MASTER OF THE HOUSE¹²¹ IS INSISTENT.¹²²

MISHNAH 16. HE [I.E., R. TARFON] USED TO SAY: IT IS NOT [INCUMBENT] UPON THEE TO FINISH THE WORK, BUT NEITHER ART THOU A FREE MAN SO AS TO [BE ENTITLED TO] REFRAIN THEREFROM;¹²³ IF THOU HAST STUDIED MUCH TORAH, THEY¹²⁴ GIVE THEE MUCH REWARD, AND FAITHFUL IS THINE EMPLOYER TO PAY THEE THE REWARD OF THY LABOUR;¹²⁵ AND KNOW THAT THE GRANT OF REWARD UNTO THE RIGHTEOUS IS IN THE TIME TO COME.¹²⁶

(1) Rabbi Judah ha-Nasi (the Prince, the Patriarch) also called רבינו הקדוש 'Our holy Master'. All the best qualities characteristic of the righteous were combined in him (J. Sanh. 30a). Son of Rabban Simeon b. Gamaliel (supra I, 28) ca. 200 C.E. He is famous as the one who, either orally (so Rashi), or in writing (so M.). compiled, or reduced to order, previously collected material (so Tosaf.), consisting of the authoritative opinions of the Tannaim on legal, ritual, ethical and related matters, and forming our Mishnah (v. L.). Among the modern historians, Weiss (II, p. 183) says that R. Judah collected, arranged and reduced to writing. Halevy (II, pp. 829, 858, 866) says the original Mishnah was the work of the Great Synagogue. That 'Ur,' Mishnah was sifted and clarified progressively by Hillel and Shammai and their successors. The Mishnah was all but complete before the end of the days of R. Simeon b. Gamaliel. As the latter held office for a very short time only, it fell to his son R. Judah to add the final touches. Actual additions made in R. Judah's

own time were very few.

(2) **לעשה** or **לעשיה**. R. Jonah, Elijah Wilna, and others understand 'to Him who made it (the way)', i.e. God. They seem to have taken **דרך ישרה** to have been suggested by **ישרים דרכי ה'** the ways of the Lord are right (Hos. XIV, 10), cf. Prov. XVI, 9. A man's heart deviseth his way; but the Lord directeth his steps. Taylor, Sayings of the Jewish Fathers, a.l. cites an interpretation of R. Isaac bar Shelomo which, rejecting the possibility of applying the verb **עשה** to **דרך** (Taylor says 'but see Judg. XVII, 8.' However, there the expression is used in quite a different sense), assumes a reading **לעשהו** 'to his (man's) Maker'. The passage would in that case express the idea in for them that honour Me [will honour (I Sam. II, 30), cf. infra IV, 1.

(3) Elijah Wilna quotes Prov. III, 4, So shalt thou find grace and good favour in the sight of God and Man.

(4) A precept, compliance with which does not entail any, or much, exertion or cost, or the reward (where known), or punishment for which is slight (L.).

(5) I.e., positive precepts; the penalties for non-compliance with negative precepts are known. II ARN, Ch. XXXII, adds, 'and flee from a light transgression as from a grave one for thou knowest not what are the penalties for transgressions' (sc. of positive precepts).

(6) Does this metaphor, taken evidently from commercial life, not indicate the principle of the 'double-entry' system of book-keeping, which is usually stated to have been devised in the 16th century?

(7) **הסתכל** denom. vb. from **שכל** sense, mind.

(8) Lit., 'into the hands,' into the grip of sin, out of which there may be no escape.

(9) Lowe's MS. (used by Taylor) omits **מה**.

(10) MV understands 'in Heaven'. L.: 'beyond thy comprehension'.

(11) Cf. Job XXXIV, 21, 22. For His eyes are upon the ways of a man, and He seeth all his doings.

(12) For God's ear, cf. II Kings XIX, 16, Incline Thine ear, O Lord, and hear; Ps. CXVI, 2, He hath inclined his ear unto me.

(13) V. Job XXXVII, 7, He sealeth up the hand of every man, that all men whom He hath made may know it. This is rendered 'By the hand of every man is a seal (or signature) affixed so that He may know the deeds of all men (or, so that every man may know his own deeds). For the idea of a Heavenly Book of Records, cf. Mal. III, 16, also Ex. XXXII, 32. Dan. VII, 10. For the amplification of this idea and its implications, v. R.H., 16b ff.

(14) 'Rabbi' of the foregoing Mishnah.

(15) Cf. Ps. CXXVIII, 2, then thou eatest the labour of thy hands, happy shalt thou be, and it shall be well with thee. L. takes **דרך ארץ** in its sense of correct and unassuming conduct. However, the words immediately following. 'the energy (lit. labour) of both of them,' precludes such a rendering.

(16) L.: Since, on account of not having an occupation by which to earn a steady livelihood, he has to seek the latter at random, he thus uses up time which he could otherwise have devoted to the study of the Torah.

(17) Unable to procure a livelihood by honest means, he would be tempted, or driven to, dishonest means of obtaining it.

(18) I.e., disinterestedly and devotedly, not for the sake of self-aggrandisement or of exercising authority over others. Or, even if your actions are unpopular with the community.

(19) The community's.

(20) The community. L.: the communal workers.

(21) Even if the community do not readily support, or even if they oppose the labours of those who are doing the communal work for the sake of Heaven, the merit of the community's fathers, i.e., the traditional righteousness and charitableness of the Israelite character, being everenduring, will sustain the workers (or the community as a whole) and help them to acquit themselves of their duty, in the end, creditably. even if for the time being the community may be doing it unwillingly (after an alternative in B.). Another interpretation: One should take up the communal burden disinterestedly and not take credit for what one does; rather put it down to the merit of the community as a whole, as it is their inherited qualities which are mainly responsible for the consummation of the good work.

(22) Baer suggests it may mean the Tanna himself (Rabban Gamaliel) addressing these words to the communal leaders of his own generation.

(23) Rashi: Even if you have not completed the task (cf. Mishnah 16). Some explain: If in the course of public duty you have unavoidably neglected a precept. I account it to you as if you had fulfilled it.

(24) R. Gamaliel had much experience of intercourse with the (Roman) powers-that-be as his father, R. Judah ha-Nasi, was on intimate and friendly terms with one of the Antonines. B. and others: This caution was particularly intended for the communal leaders addressed in the preceding Mishnah.

(25) This is generally taken as a reflection upon corrupt and grasping officialdom. It also reflects the conception prevailing among the ruling classes of antiquity as to their own *raison d'être*; they took it for granted that they might make whatever use they could of their subjects, but they did not consider it an integral part of their duty to be of service to their subjects.

(26) As willingly and as joyfully.

(27) So B., L. and R. Jonah who further develop the idea, 'make thy will identical with God's will'. Rashi: 'even when thou doest thine own business do it for the sake of Heaven' but this would presuppose reading **עשה רצונך כרצונו**

(28) Cf. Ps. CXLV, 19, He will fulfill the desire of them that fear Him.

(29) When they conflict.

(30) Who will things against your interests. MV and B. also give an alternative explanation, viz., that 'the will of others' is an euphemism for His (God's) will, i.e., that he may annul any punishment decreed by Him against you. (V. Jast. s.v. **בטל**.)

(31) Identify yourself with the community in everything except wrong-doing. (i) Participate in its sorrows as well as its joys, cf. Isa. LXVI, 10. (ii) Do not lead a selfish life or that of a recluse. (iii) Do not act independently of, or contrary to, what is the norm accepted by the community as a whole. L.: The Mishnah having given R. Gamaliel's dictum on duty towards the community quotes also Hillel on the subject.

(32) Do not rely upon the material or spiritual position you have attained. Unless one is constantly on one's guard these may only too easily be lost. Or construe the Mishnah thus: 'Separate not thyself from the Community, neither trust thou in thyself, until the day of thy death,' i.e., do not, ever in your life, rely on your own powers to the extent of deliberately remaining detached from the community. Cf. I, 24.

(33) Rashi, B. 'When you see a man succumbing to temptation do not condemn him, until, faced by a similar temptation, you have overcome it.' R. Jonah says this follows on 'do not trust in thyself', do not, through thinking yourself infallible, presume to judge and condemn another, in particular a man who has reached a high position and appears to you not to be acting correctly; if and when you reach his position and you experience the psychological effects of high office upon its holder, it will be time enough for you to come to conclusions on the conduct of others in such a position.

(34) Lit., 'heard'. 'that cannot . . .'; according to the reading of M., whose explanation is adopted in this translation. Others (adopting the same reading) 'do not reveal secrets (or secret, esoteric, doctrines) that should not be revealed to all and sundry, because in the end, they will become public.' Another reading: 'that can be heard' is explained by MV, Rashi, B.: 'When you have the opportunity of hearing Torah do not say there is yet time to hear it later.' Cf. the next sentence.

(35) Cf. prov. XXVII, 1, Boast not thyself of tomorrow; for thou knowest not what a day may bring forth.

(36) **בור** Originally: a piece of ground altogether uncultivated. Of a person: one devoid of knowledge as well as of ethical principles (M. and others).

(37) He may avoid sin by unreasonably following the accepted standards of conduct, or out of a fear of the consequences, but not out of a conscious and deliberate abhorrence of sin itself (after L.).

(38) **עם הארץ** A man devoid of mental attainments but possessing some moral qualities (M.). He may act with propriety but, lacking a knowledge of the Torah and the advantage of association with scholarly and saintly men, he is not equipped for rising to the plane of Hasiduth, which is conduct of a standard higher than that strictly required, and a striving for progressive self-perfection. (MV, L.)

(39) **כל**. So Tosaf. Yom Tob.

(40) And leaves little or no time for study (R. Jonah).

(41) Even though business is, admittedly, a valuable factor in the development of the mind, it is not, except perhaps in rare cases, in itself sufficient. Cf. infra VI, 5, where among the qualifications for the acquisition of the Torah, some texts have **מיעוט סחורה** moderation in business. **מחכים** L., relying on the causative (Hif'il) conjugation of the word: 'makes himself and others wise'.

(42) In Ber. 63a there is an Aramaic version **גבר תמן הוי גבר באתר דלית** Hillel used both Hebrew and Aramaic, cf. supra I, 12, 13, 14.

(43) The impersonal use of 'they'. Though this usage is not uncommon in English, a passive construction might be preferable.

(44) The underlying idea is that divine retribution operates by way of 'measure for measure', cf. Ob. 15, As thou hast done, it shall be done unto thee. Ps. VII, 16, 17, He hath digged a pit and hollowed it, and is fallen into the ditch which

he made. His mischief shall return upon his own head, and his violence shall come down upon his own pate. Ez Joseph lays stress on סוף 'even if these people die a natural death, a time will come when their skulls will float about on water.' However, the version in the Talmud (Suk. 53a) has not got סוף.

(45) One puts on by over-indulgence in food.

(46) In the grave.

(47) Cf. Eccl. II, 22, 23. For what hath a man of all his labour . . . for all his days are pains . . . yea, even in the night his heart taketh no rest.

(48) Wives in their jealous rivalry for their husband's attentions will resort to seeking charms from witches whose occupation will prosper and spread (V.).

(49) A well-known feature of female slavery.

(50) They will combine to rob their master, or to rob others without their master's knowledge, but implicating him nevertheless. B. notes the sequence, (i) Flesh: the more one feels well-fed and 'pleased' with himself, the more one strives to amass (ii) wealth. The wealthier he is the more (iii) wives he will take, each of whom requires a large number of (iv) serving maids. The household grows to such proportions that he requires a large retinue of (v) slaves.

(51) prov. III, 1, 2. My son, forget not my teaching (Torah) but let thy heart keep my commandments; for length of days, and years of life, will they add to thee. Cf. ibid. IX, II, and Deut. XXX, 20.

(52) ישיבה some render 'academy', 'school(ing)' i.e., the more opportunities given to disciples for corporate study, the greater the ingenuity developed.

(53) Some versions מרבה חכמה מרבה ישיבה 'the greater the wisdom of the teacher, the better attended will be his school' (v. R. Jonah and B.).

(54) Cf. Prov. XII, 15, rendered, he that hearkeneth to counsel is wise.

(55) Cf. Isa. XXXII, 17, and the work of righteousness shall be peace. Some render צדקה 'charity' which makes for sympathy and understanding, and counteracts the bitterness often felt by the poor towards the rich, and which, by thus ensuring goodwill all round, preserves peace.

(56) Cf. Prov. XXII, I, A 'good name is rather to be chosen than great riches; Eccl. VII, 1, A good name is better than precious oil.

(57) It is peculiarly his own in the sense that, unlike any other possession, one man's good name can never become another's.

(58) Cf. Prov. VIII, 35. Wisdom (Torah) says: Whoso findeth me, findeth life, and obtaineth favour from the Lord; cf. Deut. XXX, 20.

(59) The chain of 'tradents' and 'recipients' interrupted at the end of I, 15, is continued here. It is suggested that when it came to Hillel, a 'progenitor' of a 'dynasty', the Mishnah continued with the descendants of Hillel till R. Judah ha-Nasi and his son R. Gamaliel (then adduced Hillel, by the way, on a topic dealt with by R. Gamaliel son of R. Judah, see Mishnah 4, n. 7), and then resumed here the chain of discipleship (see L.).

(60) למדת Lowe's MS., I ARN, Ch. XIV, R. Jonah. MV read עשית 'thou hast accomplished'. V. Taylor, a.l.

(61) The idea that man, and especially an Israelite, is created for the purpose of giving himself to the study of the Word of God and obedience thereto, is deeply rooted in Biblical and Rabbinic literature, cf. Micah VI, 8: It hath been told thee, O man, what is good, and what the Lord doth require of thee: only to do justly and to love mercy and to walk humbly with thy God. Cf. Deut. X, 12. L.: If you have acquired more than the average knowledge of the Torah, do not attribute it to your own superior abilities, for it is God who has endowed you with special talents in that direction.

(62) Lit. 'their praise'.

(63) ARN I, Ch. XXIX, adds, 'a vessel lined with pitch that retains the wine,' i.e., he had a very retentive memory. In Suk. 28a, he is reported to have claimed that he had never said anything that he had not heard from his own teachers. Frankel, op. cit. p. 78, argues that this statement cannot be upheld.

(64) I.e., to his mother was due most of the credit for his scholarship and she therefore had real cause to be proud of him. She is said to have taken him, in his cot, to the Beth-ha-Midrash so that from his infancy his ears might become attuned to the sound of the study of the Torah. ARN XIV has, instead, 'a threefold cord (that) is not quickly broken.' (Eccl. IV, 12.)

(65) I ARN (Ch. XIV) and II (Ch. XXIX): 'the most pious man in his generation.' V. Mishnah 5, n. 5, for the meaning of Hasid.

(66) V. Mishnah 5, n. 4. I ARN ibid. gives ערוגה שבמדבר שמחזקת מימיה 'a garden-bed in the wilderness which retains its water,' (II ARN, XVI, to the same effect) as R. Johanan's description of R. Simeon b.

Nethaneel.

(67) I.e., noted for an independent, keen and vigorous critical faculty, and thus differentiated from R. Eliezer b. Hyrcanus whose greatness consisted in assiduously gathering in and faithfully preserving all that he heard. I ARN adds 'whose waters swell and flow abroad as it is said (Prov. V, 16), let thy springs be dispersed abroad, and courses of water in the streets.'

(68) Title for a scholar less than that of 'Rabbi' (v. Jast.).

(69) R. Johanan's. II ARM ibid. 'on the authority of R. Akiba who used to say it in his (R. Johanan's) name.' Rashi, 'in the name of R. Gamaliel in the name of R. Johanan b. Zakkai.'

(70) There was a difference of opinion as to whether the scholastic quality known as **סיני** ('Sinai', an erudite scholar) which was that of R. Eliezer, or the one termed **עוקר הרים** ('an uprooter of mountains', a dialectician), which distinguished R. Eleazar, is to be preferred. V. Ber. 64a, where the conclusion is that the former is the better, as even the scholar who is ingenious in arguing the merits of various opinions, is himself dependent on the material made available by the scholar who accumulates the teaching of his predecessors and contemporaries. The 'First Tanna' (**תנא קמא**) of this Mishnah understood Rabban Johanan to have preferred the 'Sinai', whilst Abba Saul ascribed to Rabban Johanan a predilection for the 'uprooter of mountains'. Some versions omit 'Rabbi' given here with the names of Eliezer, etc. as at that time they were still disciples and not yet independent scholars.

(71) Leave your immediate environment, and go among men of all classes (v. L.).

(72) Generosity. Cf. Prov. XXII, 9, He that hath a bountiful (lit. 'good') eye shall be blessed, for he giveth of his bread to the poor. Maim. Contentment with what one has.

(73) One should seek and cultivate a good friend. R. Jonah: One should oneself be a good friend.

(74) One should seek and cultivate a good neighbour. As a good friend is not necessarily with you very often, it is even more important to have someone who is constantly near at hand. R. Jonah: One should oneself be a good neighbour.

(75) Or, by time, v. Prov. XXVII, 1, What the day may bring forth.

(76) The heart being the generator of all physical, mental and emotional processes (after Maim.). R. Jonah: A good heart means patience and goodwill. Perhaps, however, **לב טוב** is to be taken in the only sense in which it is used in the Bible, viz. 'a joyous heart', which puts one in a good humour with, and ensures the right kind of disposition towards everybody and all things. ARN ibid. appears to have understood it so. 'A good heart towards Heaven, (a good heart towards the commandments,) a good heart: towards all creatures' (cf. Elijah Wilna and L.).

(77) He had to ask this question instead of inferring the answer to it from the answers to the previous question, because the negative of a good quality is not always an evil quality which should be shunned.

(78) A grudging nature; cf. Prov. XXIII, 6, Eat thou not the bread of him that hath an evil eye.

(79) Apart from the dishonesty of such conduct, he does not think that he is not likely to be trusted again with a loan; in this he is the antithesis of the man who looks ahead to see the consequences of his conduct.

(80) For **מקום** (lit., 'Place') as an appellation for God see Marmorstein, Old Rabbinic Doctrine of God, pp. 14, 92, 142. It was used in the earliest Rabbinic sources.

(81) Ps. XXXVII, 21. M. and others understand 'the righteous', in this connection, in the Midrashic sense, viz. 'the Righteous One', i.e., God (v. Marmorstein, op. cit., p. 95). If a borrower fails to repay, God will repay the kindly lender. Thus the borrower (even if he is released, say by bankruptcy, from the obligation of repaying to man [so R. Jonah]) remains a debtor to God, and continued neglect to repay renders him a **רשע**. For the idea that help given to the needy is a loan to God, v. Prov. XIX, 17. He that is gracious unto the poor, lendeth unto the Lord; his good deed will He repay unto him. If R. Simeon himself really understood **צדיק** in this case as referring to God, we have an earlier authority for the idea than the one referred to by Marmorstein ibid. (viz., Bar-Kappara).

(82) On the principle of Love thy neighbour as thyself (Lev. XIX, 18).

(83) Cf. Eccl. VII, 9, Be not hasty in thy spirit to be angry.

(84) I ARN, Ch. XV; II Ch. XXIX, Koh. Rab. Ch. IX, Shab. 153a report that when R. Eliezer's disciples asked him: Does any man know what day he is to die? he replied: All the more reason for him to repent every day of his life in case he should die on the morrow. ARN, Maim., R. Jonah take the foregoing to constitute the 'three things' referred to in the heading of this Mishnah, and what follows ('Warm thyself,' etc.) as an addition. This scheme is adopted in this translation. However, Rashi, MV, B., L. take 'let the honour . . .' and 'be not easily provoked . . .' as one dictum, 'repent etc. as the second, and 'warm thyself . . .' as the third.

(85) The Torah which is called **אור** (i.e. light or flame) v. Prov. VI, 23, The teaching (Torah) is light. Elijah Wilna cites Isa. II, 5, O house of Jacob, come ye and let us walk in the light (**אור** which also flame) of the Lord.

- (86) The commentators regard this as a warning against behaving towards the Sages in a manner incompatible with the dignity which should be theirs as exponents of the Torah.
- (87) Their fire, the fire of the Torah, being a divine fire (cf. Deut. XXXIII, 2, At his right hand was a fiery law), is an ever potent one, even when the Sages are, as it were, not aflame but only resembling glowing coals.
- (88) The bite, even a slight one, of a fox was thought particularly hurtful because its teeth were said to be crooked.
- (89) The sting alone of a scorpion is poisonous.
- (90) The very hiss of a serpent was believed to be deadly. Some render 'the murmuring (of incantations) over them (i.e. the scholars or their 'bites' and 'stings') is (as ineffective) as the murmuring (of incantations) over a fiery serpent.' cf. Ps. LVIII, 6 (of an asp) which hearkeneth not to the voice of charmers (**מלחשים**).
- (91) Their mere words, even if they seem unimportant, should be heeded as they, too, are aglow with the Divine fire of the Torah. Or, the mere words of the Sages even when not intended to be 'burning' are like coals of fire, which, if approached or dealt with, without due care, will burn one. For the action of the fire of God upon those who take up the wrong attitude towards Him, i.e. upon the wicked, v. Mal. III, 19, 20. For, behold, the day cometh, it burneth as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that cometh shall set them ablaze, saith the Lord of hosts, that it shall leave them neither root nor branch. But unto you that fear my name shall the sun of righteousness arise with healing in its wings. Herford sees in these words of R. Eliezer a piece of self-revelation expressive of the deep suffering he endured as a result of the severe ban of excommunication which the Rabbis pronounced against him, v. B.M. 59b.
- (92) For a full treatment of the subject, v. Schechter, Some aspects of Rabbinic Theology, p. 24.
- (93) II ARN. Ch. XXX, 'out of this world and out of the world to come'. A man who hates everybody will draw upon himself the hatred of all others and this is likely to bring him to a premature and unnatural end (v. B.). Maim.: Greed for wealth (= the evil eye), a surfeit of lustfulness (= the evil inclination) and a bad disposition (= hatred of one's fellows), which is melancholia, have the effect of making one loathe the world and of inducing him to take up the life of a recluse not out of ascetic piety, but because he is insatiably envious of, and grudging towards, his fellow-men. This would no doubt also have deleterious physical effects, and cause his premature death.
- (94) Cf. Mishnah 10, n. 6. R. Jonah understands, 'when the other person's property is in your charge, deal with it in accordance with the owner's wish.'
- (95) Put yourself in a proper frame of mind so that you approach the Torah with due reverence and Zest (v. MV and Ez Joseph). ARN, B., in view of the following clause, lay stress on 'thyself'.
- (96) ARN cites the case of the sons of Moses who did not follow in their father's footsteps. MV says this clause is not an authentic part of R. Jose's dictum and should be omitted.
- (97) Even the most elementary bodily functions. II ARN, Ch. XXX, relates the anecdote of Hillel who looked upon the taking of a bath as a Mizwah (religious duty), inasmuch as by that one cleansed the body which God made in his own image.
- (98) On 'Heaven', cf. supra I, 3, n. 6.
- (99) The liturgical unit comprising the passages Deut. VI, 4 — 9, XI, 13 — 21, Num. XV, 37 — 41, considered by the Rabbis to contain the principles of the Decalogue, and ordained for recital twice daily, 'when thou liest down, and when thou risest up' (Deut. VI, 7). The admonition here is that it should be 'read' or 'recited' (the verb **קרא** may mean either) at the proper hours (Rashi, V., B.).
- (100) Prayer **תפלה** par excellence is the 'Amidah, (P.B. p. 44 etc.) to be recited thrice daily at defined times.
- (101) L.: Since these prayers are regularly repeated, there is the danger of their recital deteriorating into one by rote, hence 'be careful'.
- (102) **רחמים** omitted in Lowe's MS., R. Jonah, and MV.
- (103) V. Mishnah 9, n. 6.
- (104) Joel II, 13. Possibly the Scriptural quotation was introduced later. R. Jonah quotes Jonah IV, 2, which is very similar to Joel II, 13.
- (105) So R. Tam (quoted in MV.), R. Jonah and M. The latter adds 'and thus set yourself a low standard of conduct.' MV: Do not do anything which you understand to be wrong, even if others do not realize it. Or (preferred by MV), do not be wicked by imagining and behaving as if you were the only person in the world, and therefore refusing to associate in friendship with your fellow-men.
- (106) Much depends on the division of this Mishnah into the three dicta. MV and R. Jonah: 1) Be eager . . . that thou mayest know what . . . 2) Know before whom . . . 3) Who is thine Employer . . . Rashi's division is not quite clear.

Though we would expect him to agree with V., it nevertheless seems that he divided 1) Be eager . . . 2) Know what answer . . . 3) Know before whom . . . and who is thine Employer . . . B.'s arrangement was: 1) Be eager . . . 2) Know what answer . . . and before whom thou toilest, 3) Who is thine Employer. M.'s division (though not interpretation) seems to have been the same as B.'s, but may, on the other hand, have agreed with the one given here as the probable one of Rashi.

(107) שָׂקוֹד the passive instead of the active mood of the verb used in the Bible suggests 'be actuated by an eagerness' (v. L.).

(108) It may be that R. Eleazar's advocacy of eagerness and enthusiasm in the study of Torah, was due to the lesson he had learnt from his own experience, when after the death of his master (R. Johanan b. Zakkai) he refused to join his fellow-disciples and went to reside in Emmaus (?) because it was a pleasant resort, and in the course of a short time he forgot his learning. V. infra IV, 14, where R. Nehorai is thought to be another name for R. Eleazar b. 'Arak.

(109) MV., R. Jonah: in order that thou mayest know. Maim.: Get to know, study, other religious systems.

(110) A term applied to heretics in general, v. Sanh. (Sonc. ed.) p. 244, n. 10.

(111) M.: 'but know . . .' Whilst you are studying the creeds of others, know, keep in mind, that He whom you are serving knows your innermost thoughts and so take care to prevent false doctrines from influencing you.

(112) וְיָמִי הוּא so MV, Rashi, R. Jonah, Lowe's MS. The other reading וְנֶאֱמָן ('and faithful'), which is specifically ruled out by MV, is evidently due to that phrase in the next Mishnah.

(113) I.e., God, v. Marmorstein, op. cit., p. 79. Lowe's MS. stops here. The clause which follows in our Version may also be due to the next Mishnah. v. Bacher, Agada der Tannaiten, I, p. 77.

(114) A younger (?) contemporary of the above-mentioned disciples of Rabban Johanan b. Zakkai.

(115) I.e., man's earthly life, cf. Job VIII, 9, For we are but of yesterday . . . because our days upon earth are a shadow.

(116) MV, R. Jonah, B.: 'Study of the Torah'. L.: 'man's duties towards God and man.'

(117) Therefore do not waste any time away from your task. cf. Job XI, 8, 9 (of the study of the ways and purposes of God). It is as high as heaven . . . deeper than the nether-world . . ., the measure thereof is longer than the earth, and broader than the sea.

(118) Human beings (v. M. and R. Jonah and others). The faculties which man has at his service (L.).

(119) Naturally so; some more and some less, but all are so inclined; therefore you should deliberately overcome that sluggishness.

(120) Prov. VIII, 10, 11, Receive my instruction and not silver, and knowledge rather than choice gold; for wisdom is better than rubies, and all things desirable are not to be compared with her ('Instruction', 'Knowledge', 'Wisdom' are taken to mean the Torah). 'Reward' here would, accordingly, mean that the very knowledge of the Torah is the reward acquired by the diligent work put into the study thereof.

(121) The Master of the World, i.e., God; v. Marmorstein, op. cit., p. 77.

(122) In that Scripture repeatedly urges the study of the Word of God and the fulfilment of His precepts, and, even if you should renounce the desire for the reward, you must carry out your task because your Master insists that you should.

(123) MV has an interesting alternative interpretation, viz., 'You were not made a free man (i.e. delivered from Egyptian bondage) so that you might remain exempt from Torah and Precepts.' The divine purpose of the Redemption was that Israel might accept God's Law. Ex. XIX, 4, 5, Ye have seen what I did unto the Egyptians . . . Now therefore, if ye will hearken unto My voice indeed, and keep my covenant. Deut. IV, 37 — 40, . . . and brought thee . . . out of Egypt . . . and thou shalt keep His statutes and his commandments. ibid. VI, 23, 24, And He brought us forth from thence . . . and he commanded us to do all these statutes.

(124) V. Mishnah 6, n. 1.

(125) L. says the פְּעֻלָּה means labour accomplished, work perfected. The passage would thus mean: You can trust God to reward you if you have carried out His commandments to the highest perfection of which you are capable.

(126) Lit., 'for the future (that is) to come,' or 'for (the time) that is due to come,' i.e., the Hereafter or the Messianic future.

Mishna - Mas. Avoth Chapter 3

MISHNAH 1. AKABIAH B. MAHALALEEL¹ SAID: APPLY THY MIND² TO THREE³ THINGS AND THOU WILT NOT COME INTO THE POWER OF SIN: KNOW WHENCE THOU CAMEST, AND WHITHER THOU ART GOING, AND BEFORE WHOM THOU ART

DESTINED TO GIVE AN ACCOUNT AND RECKONING. WHENCE CAMEST THOU? — FROM A FETID DROP. WHITHER ART THOU GOING? — TO A PLACE OF DUST,⁴ OF WORM AND OF MAGGOT.⁵ BEFORE WHOM ART THOU DESTINED TO GIVE AN ACCOUNT AND RECKONING?⁶ — BEFORE THE KING OF THE KINGS OF KINGS,⁷ THE HOLY ONE,⁸ BLESSED BE HE.⁹

MISHNAH 2. R. HANINA, THE VICE-HIGH PRIEST,¹⁰ SAID: PRAY FOR THE WELFARE OF THE GOVERNMENT, FOR WERE IT NOT FOR THE FEAR THEREOF, ONE MAN WOULD SWALLOW UP ALIVE HIS FELLOW-MAN.¹¹ R. HANANIAH B. TERADION¹² SAID: [WHEN] TWO SIT TOGETHER AND THERE ARE NO WORDS OF TORAH [SPOKEN] BETWEEN THEM, LO, THIS [CONSTITUTES] A SESSION OF SCORNERS, AS IT IS SAID: NOR SAT HE IN THE SEAT OF THE SCORNFUL;¹³ BUT [WHEN] TWO SIT TOGETHER AND THERE ARE WORDS OF TORAH [SPOKEN] BETWEEN THEM, THE SHECHINAH¹⁴ ABIDES AMONG THEM, AS IT IS SAID: THEN THEY THAT FEARED THE LORD SPOKE ONE WITH ANOTHER;¹⁵ AND THE LORD HEARKENED AND HEARD, AND A BOOK OF REMEMBRANCE WAS WRITTEN BEFORE HIM, FOR THEM THAT FEARED THE LORD AND THAT THOUGHT UPON HIS NAME¹⁶. — I HAVE NO [SCRIPTURAL PROOF FOR THE PRESENCE OF THE SHECHINAH] EXCEPT [AMONG] TWO, WHENCE [IS THERE PROOF THAT] EVEN [WHEN THERE IS ONLY] ONE [PERSON]. THE HOLY ONE, BLESSED BE HE, APPOINTS UNTO HIM A REWARD? — SINCE IT IS SAID: THOUGH HE SIT ALONE AND [MEDITATE] IN STILLNESS, YET HE TAKETH [A REWARD] UNTO HIMSELF.¹⁷

MISHNAH 3. R. SIMEON¹⁸ SAID: IF THREE HAVE EATEN AT ONE TABLE¹⁹ AND HAVE NOT SPOKEN THEREAT WORDS OF TORAH, [IT IS] AS IF THEY HAD EATEN SACRIFICES [OFFERED] TO THE DEAD,²⁰ FOR [OF SUCH PERSONS] IT IS SAID, FOR ALL TABLES ARE FULL OF FILTHY VOMIT, [THEY ARE] WITHOUT THE ALL-PRESENT.²¹ BUT, IF THREE HAVE EATEN AT ONE TABLE, AND HAVE SPOKEN THEREAT WORDS OF TORAH, [IT IS] AS IF THEY HAD EATEN AT THE TABLE OF THE ALL-PRESENT, BLESSED BE HE, AS IT IS SAID, THIS IS THE TABLE BEFORE THE LORD.²²

MISHNAH 4. R. HANINA B. HAKINAI²³ SAID: HE WHO KEEPS AWAKE AT NIGHT, AND HE WHO WALKS ON THE WAY ALONE²⁴ AND MAKES ROOM²⁵ IN HIS HEART FOR THAT WHICH IS FUTILE,²⁶ LO, THIS [MAN] INCURS GUILT [EXPIABLE] BY HIS LIFE.²⁷

MISHNAH 5. R. NEHUNIA²⁸ B. HAKKANAH²⁹ SAID: WHOEVER TAKES UPON HIMSELF THE YOKE OF THE TORAH,³⁰ THEY REMOVE FROM HIM THE YOKE OF GOVERNMENT³¹ AND THE YOKE OF WORLDLY CONCERNS,³² AND WHOEVER BREAKS OFF FROM HIMSELF³³ THE YOKE OF THE TORAH, THEY PLACE UPON HIM THE YOKE OF GOVERNMENT AND THE YOKE OF WORLDLY CONCERNS.

MISHNAH 6. R. HALAFTA³⁴ [A MAN] OF KEFAR HANANIA³⁵ SAID: [WHEN THERE ARE] TEN SITTING TOGETHER AND OCCUPYING THEMSELVES WITH TORAH, THE SHECHINAH ABIDES AMONG THEM, AS IT IS SAID: GOD STANDETH IN THE CONGREGATION OF GOD.³⁶ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHEN THERE ARE] FIVE? [FROM] THAT WHICH IS SAID: AND HE HATH FOUNDED HIS BAND UPON THE EARTH.³⁷ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHEN THERE ARE THREE?] [FROM] THAT WHICH IS SAID: IN THE MIDST OF THE JUDGES HE JUDGETH.³⁸ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHERE THERE ARE] TWO? [FROM] THAT WHICH IS SAID: THEN THEY THAT FEAR THE LORD SPOKE ONE WITH ANOTHER, AND THE LORD HEARKENED, AND HEARD ETC.³⁹ AND WHENCE [DO WE INFER THAT THE SAME SAME APPLIES] EVEN [WHEN THERE IS] ONE? [FROM] THAT WHICH IS SAID: IN EVERY

PLACE WHERE I CAUSE MY NAME TO BE MENTIONED I WILL COME UNTO THEE AND BLESS THEE.⁴⁰

MISHNAH 7. R. ELEAZAR⁴¹ (A MAN) OF BERTOTHA⁴² SAID: GIVE UNTO HIM OF THAT WHICH IS HIS, FOR THOU AND WHAT THOU HAST ARE HIS; EVEN SO [WE FIND IT EXPRESSED] IN [THE CASE OF] DAVID, [WHEN] HE SAID: FOR ALL THINGS COME OF THEE, AND OF THINE OWN HAVE WE GIVEN THEE.⁴³

R. SIMEON⁴⁴ SAID: WHEN ONE, WALKING ON THE ROAD, REHEARSES⁴⁵ [WHAT HE HAS LEARNT], AND BREAKS OFF⁴⁶ FROM HIS REHEARSING, AND SAYS, 'HOW FINE IS THIS TREE!' [OR] 'HOW FINE IS THIS NEWLY PLOUGHED FIELD!' SCRIPTURE⁴⁷ ACCOUNTS IT TO HIM AS IF⁴⁸ HE HAD INCURRED GUILT [EXPIABLE] BY HIS LIFE.⁴⁹

MISHNAH 8. R. DOSTAI⁵⁰ B. R. JANNAI⁵¹ SAID IN THE NAME OF⁵² R. MEIR: WHOEVER FORGETS ONE [SINGLE] WORD⁵³ OF HIS STUDY, SCRIPTURE ACCOUNTS IT UNTO HIM AS IF HE HAD INCURRED GUILT [EXPIABLE] BY HIS LIFE, AS IT IS SAID, ONLY TAKE HEED TO THY SELF AND KEEP THY SOUL DILIGENTLY, LEST THOU FORGET THE THINGS WHICH THINE EYES SAW⁵⁴. ONE COULD [HAVE INFERRED THAT THIS IS THE CASE] EVEN WHEN HIS STUDY PROVED [TOO] HARD FOR HIM; [THERE IS, THEREFORE] SOMETHING [FURTHER] TAUGHT [IN SCRIPTURE], SAYING: AND LEST THEY DEPART FROM THY HEART ALL THE DAYS OF THY LIFE.⁵⁵ THUS, HE DOES NOT INCUR GUILT EXPIABLE BY HIS LIFE UNLESS HE DELIBERATELY⁵⁶ SUFFERS THEM TO DEPART⁵⁷ FROM HIS HEART.

MISHNAH 9. R. HANINA B. DOSA⁵⁸ SAID: ANYONE WHOSE FEAR OF SIN⁵⁹ PRECEDES⁶⁰ HIS WISDOM, HIS WISDOM IS ENDURING,⁶¹ BUT ANYONE WHOSE WISDOM PRECEDES HIS FEAR OF SIN, HIS WISDOM IS NOT ENDURING.⁶² HE [ALSO] USED TO SAY: ANYONE WHOSE DEEDS EXCEED HIS WISDOM, HIS WISDOM IS ENDURING, BUT ANYONE WHOSE WISDOM EXCEEDS HIS DEEDS, HIS WISDOM IS NOT ENDURING.⁶³

MISHNAH 10. HE [ALSO] USED TO SAY: ANYONE FROM WHOM THE SPIRIT OF [HIS FELLOW-] CREATURES DERIVES SATISFACTION, FROM HIM THE SPIRIT OF THE ALL-PRESENT [TOO] DERIVES SATISFACTION.⁶⁴ BUT ANYONE FROM WHOM THE SPIRIT OF [HIS FELLOW-] CREATURES DERIVES NO SATISFACTION, FROM HIM THE SPIRIT OF THE ALL-PRESENT [TOO] DERIVES NO SATISFACTION.

R. DOSA B. HARKINAS⁶⁵ SAID: MORNING SLEEP,⁶⁶ MIDDAY WINE,⁶⁷ CHILDREN'S TALK⁶⁸ AND SITTING IN THE ASSEMBLIES OF THE IGNORANT⁶⁹ PUT A MAN OUT OF THE WORLD.⁷⁰

MISHNAH 11. R. ELEAZAR OF MODI⁷¹ SAID: ONE WHO PROFANES THINGS SACRED,⁷² AND ONE WHO SLIGHTS THE FESTIVALS, AND ONE WHO CAUSES HIS FELLOW-MAN'S FACE TO BLANCH⁷³ IN PUBLIC, AND ONE WHO NULLIFIES THE COVENANT OF OUR FATHER ABRAHAM,⁷⁴ PEACE BE UPON HIM,⁷⁵ AND HE WHO EXHIBITS IMPUDENCE TOWARDS THE TORAH,⁷⁶ EVEN THOUGH HE HAS TO HIS CREDIT⁷⁷ [KNOWLEDGE OF THE] TORAH⁷⁸ AND GOOD DEEDS, HE HAS NOT A SHARE IN THE LIFE OF THE WORLD TO COME.⁷⁹

MISHNAH 12. R. ISHMAEL SAID: BE QUICK⁸⁰ [TO RENDER SERVICE] TO A SUPERIOR⁸¹ AND EASY [OF APPROACH] TO A SUPPLIANT [FOR THY SERVICES],⁸² AND RECEIVE ALL MEN WITH CHEERFULNESS.⁸³

MISHNAH 13. R. AKIBA SAID: JESTING AND LIGHT-HEADEDNESS⁸⁴ LEAD A MAN ON⁸⁵ TO LEWDNESS;⁸⁶ TRADITION⁸⁷ IS A FENCE TO THE TORAH;⁸⁸ TITHES [FORM] A FENCE TO WEALTH,⁸⁹ VOWS A FENCE TO SELF-RESTRAINT;⁹⁰ A FENCE TO WISDOM IS SILENCE.⁹¹

MISHNAH 14. HE [ALSO] USED TO SAY: BELOVED IS MAN⁹² IN THAT HE WAS CREATED IN THE IMAGE [OF GOD]. [IT IS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO HIM THAT HE HAD BEEN CREATED IN THE IMAGE [OF GOD], AS IT IS SAID: FOR IN THE IMAGE OF GOD MADE HE MAN.⁹³

BELOVED ARE ISRAEL IN THAT THEY WERE CALLED CHILDREN OF THE ALL-PRESENT. [IT WAS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO THEM THAT THEY WERE CALLED CHILDREN OF THE ALL-PRESENT, AS IT IS SAID: YE ARE CHILDREN OF THE LORD YOUR GOD.⁹⁴ BELOVED ARE ISRAEL IN THAT A DESIRABLE INSTRUMENT⁹⁵ WAS GIVEN TO THEM. [IT WAS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO THEM THAT THE DESIRABLE INSTRUMENT, WHEREWITH THE WORLD HAD BEEN CREATED,⁹⁶ WAS GIVEN TO THEM, AS IT IS SAID: FOR I GIVE YOU GOOD DOCTRINE FORSAKE NOT MY TEACHING.⁹⁷

MISHNAH 15.⁹⁸ EVERYTHING IS FORESEEN⁹⁹ BUT THE RIGHT [OF CHOICE]¹⁰⁰ IS GRANTED, AND THE WORLD IS JUDGED WITH GOODNESS,¹⁰¹ AND EVERYTHING IS IN ACCORDANCE WITH THE PREPONDERANCE OF [MAN'S] DEED[S].¹⁰²

MISHNAH 16. HE¹⁰³ [ALSO] USED TO SAY: EVERYTHING¹⁰⁴ IS GIVEN AGAINST A PLEDGE,¹⁰⁵ AND A NET IS SPREAD OUT OVER ALL THE LIVING;¹⁰⁶ THE STORE¹⁰⁷ IS OPEN AND THE STOREKEEPER¹⁰⁸ ALLOWS CREDIT, BUT THE LEDGER¹⁰⁹ IS OPEN AND THE HAND WRITES,¹¹⁰ AND WHOEVER WISHES TO BORROW MAY COME AND BORROW; BUT THE COLLECTORS¹¹¹ GO ROUND REGULARLY EVERY DAY AND EXACT DUES FROM MAN, EITHER WITH HIS CONSENT OR WITHOUT HIS CONSENT,¹¹¹ AND THEY HAVE THAT ON WHICH THEY [CAN] RELY [IN THEIR CLAIMS], SEEING THAT THE JUDGMENT IS A RIGHTEOUS JUDGMENT,¹¹² AND EVERYTHING IS PREPARED FOR THE BANQUET.¹¹³

MISHNAH 17. R. ELEAZAR B. AZARIAH¹¹⁴ SAID: WHERE THERE IS NO TORAH¹¹⁵ THERE IS NO GOOD BREEDING;¹¹⁶ WHERE THERE IS NO GOOD BREEDING THERE IS NO TORAH.¹¹⁷ WHERE THERE IS NO WISDOM THERE IS NO FEAR [OF GOD]; WHERE THERE IS NO FEAR [OF GOD] THERE IS NO WISDOM.¹¹⁸ WHERE THERE IS NO UNDERSTANDING¹¹⁹ THERE IS NO KNOWLEDGE;¹²⁰ WHERE THERE IS NO KNOWLEDGE THERE IS NO UNDERSTANDING. WHERE THERE IS NO MEAL¹²¹ THERE IS NO TORAH;¹²² WHERE THERE IS NO TORAH THERE IS NO MEAL.¹²³ HE USED TO SAY: ONE WHOSE WISDOM EXCEEDS HIS DEEDS¹²⁴ UNTO WHAT IS HE [TO BE] COMPARED? UNTO A TREE THE BRANCHES WHEREOF ARE MANY AND THE ROOTS FEW, SO THAT WHEN THE WIND COMES, IT UPROOTS IT AND OVERTURNS IT UPON ITS FACE, AS IT IS SAID, FOR HE SHALL BE LIKE A TAMARISK IN THE DESERT, AND SHALL NOT SEE WHEN GOOD COMETH; BUT SHALL INHABIT THE PARCHED PLACES IN THE WILDERNESS, A SALT LAND AND NOT INHABITED.¹²⁵ BUT ONE WHOSE DEEDS EXCEED HIS WISDOM, UNTO WHAT IS HE [TO BE] COMPARED? UNTO A TREE THE BRANCHES WHEREOF ARE FEW AND THE ROOTS MANY, SO THAT EVEN IF ALL THE WINDS IN THE WORLD COME AND BLOW UPON IT, THEY MOVE IT NOT OUT OF ITS PLACE, AS IT IS SAID, FOR HE SHALL BE AS A TREE PLANTED BY THE WATERS AND

THAT SPREADETH OUT ITS ROOTS BY THE RIVER, AND SHALL NOT SEE WHEN HEAT COMETH, BUT ITS FOLIAGE SHALL BE LUXURIANT, AND SHALL NOT BE ANXIOUS IN THE YEAR OF DROUGHT, NEITHER SHALL CEASE FROM YIELDING FRUIT.¹²⁵

MISHNAH 18. R. ELIEZER HISMA¹²⁶ SAID: KINNIM [I. E. 'NESTS']¹²⁷ AND PITHEHE NIDDAH [I.E. 'THE STARTING TIMES OF A MENSTRUOUS WOMAN']¹²⁸ ARE ESSENTIAL ORDINANCES;¹²⁹ [THE STUDY OF THE] 'REVOLUTIONS' [OF THE HEAVENLY BODIES]¹³⁰ AND ARITHMETIC¹³¹ ARE AFTER COURSES¹³² OF WISDOM.

(1) Frankel, op. cit. pp. 57-8: he lived in Temple times and was a contemporary of Hillel. On Shammai's death he was invited to become Ab-Beth-din on condition that he should first withdraw opinions adhered to by him against his colleagues, but he refused. ('Eduy. V, 6.)

(2) V. supra II. 1.

(3) I and II ARN p. 69: four things, viz. (i) and (ii) as here, (iii) what is to become of thee? (iv) who is thy judge? This form of the admonition is ascribed in D.E.R. Ch. III to Simeon b. 'Azzai. V. Schechter's notes to ARN.

(4) Cf. Gen. III, 19, for dust thou art, and to dust shalt thou return.

(5) Cf. Job XXV, 6, . . . man that is a worm and the son of man, that is a maggot!

(6) V. Eccl. XI, 9, But know thou, that for all these things, God will bring thee unto judgment.

(7) An early appellation of God which has parallels in the Apocrypha and Pseudepigrapha. V. Marmorstein, op. cit. p. 90.

(8) A synonym for God introduced in the third century. Marmorstein, op. cit., p. 97 and pp. 216-17: at that period saint-worship spread in Christianity, and Judaism reacted by calling God **הַקָּדוֹשׁ** (and variations), implying that He is the only Holy Being. Here, therefore, in an early Tannaitic dictum, **הַקָּדוֹשׁ** must be by a later hand. It is not in Lowe's MS. From Tanhuma Gen. (ed. Buber, p. 120) Marmorstein concludes that the original reading was **הַמָּקוֹם בְּרוּךְ הוּא**, v. op. cit., p. 109, n. 13.

(9) Marmorstein, op. cit., p. 90, points out that **בְּרוּךְ הוּא** is an early adjunct to various names of God, and refers to Jub. XXII, 27, and the Book of Enoch. Consideration of the first point will induce humility; of the second, will prevent too strong a craving for worldly pleasures; of the third, will result in a fuller appreciation of the majesty and power of God. (After M., R. Jonah and B.)

(10) **סֹגֵן הַכֹּהֲנִים** cf. II Kings XXIII, 4, **כֹּהֲנֵי הַמִּשְׁנָה** the priests of the second rank, which Targum renders **סֹגְנֵי כֹהֲנֵי**. The 'Segan' was appointed to take the place of the High Priest on the Day of Atonement in the event of some occurrence preventing the latter from performing the offices of the Day, since those offices were strictly obligatory and might be performed by none except a properly constituted High Priest, v. Sanh. (Sonc. ed.) p. 97 n. 1.

(11) V. Jer. XXIX, 7, And seek ye the welfare of the city whither I have carried you away captive, and pray unto the Lord for it; for in the peace thereof shall ye have peace. For the expression 'swallow alive', cf. Prov. I, 12 (the wicked say.) Let us swallow them (i.e. the innocent) up alive.

(12) Father of Beruriah, the wife of R. Meir.

(13) Ps. I, 1, **לִצִּים** the plural, according to a Rabbinic exegetical rule, denotes a minimum of two. The following verse, but his delight is in the Law of the Lord shows, by contrast, that a session of the scornful means one at which there is no conversation on Torah.

(14) **שְׂכִינָה** the Divine Immanence, from the root **שָׁכַן** 'to dwell'. It has been thought that GR.** (sc. GR.***) in N.T. is a transliteration of **שְׂכִינָה**. This identification is however by no means established; v. Abelson, The Immanence of God in Rabbinic Literature, p. 80. He rejects the identification except in one case (John I, 14), where he admits only a 'seeming probability'. Marmorstein, op. cit., pp. 103-4, says, 'It is by no means impossible that **שְׂכִינָה** stands in the Aramaic versions for **מָקוֹם**, both of which point to the dwelling-place of God.' He also refers to the statement of Landau, Synonyma fur Gott, to the effect that **שְׂכִינָה** is the latest of God's names to be used before the period of the redaction of the Mishnah.

(15) Obviously two persons conversing.

(16) Mal. III, 16.

(17) Lam. III, 28. The rendering given here is one that was probably in the mind of the Sage who used the quotation here. Lowe's MS. has a different version of this section of the Mishnah, viz., 'as for one who sits and studies, Scripture accounts it unto him as if he fulfilled the whole Torah, as it is said, then one sitteth alone (and meditateth) in stillness, it

- is as he hath taken (the yoke of the Torah) upon himself.' R. Jonah cites a similar version. 'I have no etc.' is omitted according to MV, p. 506, in the text of Ephraim of Regensburg and other 'careful texts', but M. and R. Jonah had it.
- (18) R. Simeon b. Yohai, a disciple of R. Akiba. In II ARN, Ch. XXXIV, the first part of the Mishnah is attributed to R. Eleazar son of Zadok.
- (19) Three males over the age of thirteen constitute a quorum for a corporate form of the Opening of Grace after Meals. This rule possibly has its origin in the custom reflected here, as the recital of Grace after meals was in certain circumstances considered as covering also the desirable custom of speaking words of Torah at the table.
- (20) I.e., idols, v. Ps. CVI, 28, They joined themselves also to Ba'al-Pe'or, and ate the sacrifices of the dead. Cf. Isa. VIII, 19.
- (21) Isa. XXVIII, 8. The second half is translated here in accordance with the Aggadic rendering of **בלי מקום** (in the Versions, and no place [is clean]), viz., to the effect that God is not present at such a table; and inasmuch as God comes wherever His name is mentioned or Torah studied (v. Mishnah 6), God's absence can only be due to the absence of words of Torah. Elijah Wilna draws attention to the verse following, Whom shall one teach knowledge etc. as indicating that what was lacking at those tables was Torah.
- (22) Ezek. XLI, 22, where it refers to the Altar. By designating the Altar as 'table', the text is taken to convey that there are times when the table of man can become as hallowed even as the altar — when it is consecrated by words of Torah spoken thereat.
- (23) A disciple of R. Akiba.
- (24) MV., B., L.: 'alone' is also to be understood with 'he who keeps awake at night'.
- (25) For this meaning of the Pi'el of **פנה** cf. Gen. XXIV, 31.
- (26) Most commentators take this to qualify the two preceding clauses, as there is nothing wrong with keeping awake at night (according to some, even alone) as long as one is occupied with worthy thoughts, e.g., with prayer (cf. Ps. CXIX, 62, at midnight I will rise to give thanks unto Thee . . .), or with Torah (cf. Josh. I, 8, This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night. Ps. LXIII, 7, When I remember Thee on my couch, and meditate on Thee in the night-watches). Nor is there moral danger in walking alone when similarly occupied, cf. Deut. VI, 7, and thou shalt talk of them (i.e., the words commanded by God) . . . when thou walkest by the way. Some versions 'and he who makes room in his heart . . .' thus making three categories of men who endanger their own lives.
- (27) Or 'incurs guilty responsibility for his life'.
- (28) Probably a form of **הוניה** (Onias), or of **יוחנן** (Johanan). He was a contemporary of R. Johanan b. Zakkai and a teacher of R. Ishmael.
- (29) Some read ha-Kanah. The meaning and derivation of the name is obscure. **קנה** Kanah occurs in Josh. XVI, 8, XVII, 8, as the name of a brook or wadi, and ibid. XIX, 28, as the name of a place. Geiger, relying on a reading **הקנה**, conjectures 'the zealot', v. Bacher Agada d. Tannaiten I, p. 58. n. 1.
- (30) V. Schechter, Some Aspects, Chapters V-VII and XIV. Buchler, Sin and Atonement, pp. 88ff., says the 'yoke of the Torah' is not exactly synonymous with the 'yoke of the Kingdom of Heaven,' and refers particularly to the duty of the study of Torah.
- (31) Jast. s.v. **מלכות** 'the yoke of secular government, i.e. the burden of office.' Buchler, op. cit., 89-91; the yoke of the Imperial Government.
- (32) The strain imposed by the struggle for existence and striving for wealth and by various forms of temptation; cf. Buchler, op. cit., pp. 89 and 91, n. 3, 'worldly occupation'. In the 13th century this and similar passages were assumed to mean that poor scholars were supported by the communities.
- (33) V. Schechter, op. cit., pp. 220-221.
- (34) A contemporary of R. Akiba. P.B. versions add 'b. Dosa'.
- (35) The present Kefr Anan, a village in Galilee.
- (36) Ps. LXXXII, I. A 'congregation' consists of a minimum of ten, as the term 'Edah is used in Num. XIV, 27, for ten men, v. Sanh. 2a. A 'congregation of God' is obviously one that is constituted in honour of God.
- (37) Amos IX, 6. For **אגדתו** A.J.V. (following BDB) gives vault. R. Halafta however understood it as band (A.V. troop). M. says **אגדה** means a number of things held together by the five fingers of the hand, as well as the hand itself, consisting as it does of five separate fingers knit together.
- (38) Ps. LXXXII, 1. The smallest Jewish Court consisted of three judges. In some versions (e.g. MV, R., B., Lowe's MS.) this Scriptural text is quoted for five (counting the two litigants in addition to the three judges), and Amos IX, 6, is cited

for three as **אגוד** means a bundle of three, cf. M.; B. M. I, 8, [Of] how many [does] an 'Aguddah' of Shetaroth (= documents) [consist]? — [Of] three tied one to another. The term is also used for the binding of the ceremonial palm branch, myrtle, and willow twigs (Lev. XXIII, 40) (M. Sukkah III, 8). An 'Aguddah' of hyssop (Ex. XII, 22) consists of three stalks (M. Parah XI, 9). Tosaf. to Sukkah, 13a, referring to our Mishnah, upholds the allocation of Biblical texts adopted in the versions used for this translation, since (a) in Ber. 6a, where the subject is the Divine Presence among ten (at prayer), three (sitting as judges), and two (studying Torah), the verse quoted for three is as here, viz., Ps. LXXXII, 1, In the midst of judges etc. (there is no reference there to five); and (b) a comparison with Isa. XLVIII, 13, suggests that **אגוד** in Amos IX, 6, may be understood to mean a hand and would thus be appropriate as an allusion to five.

(39) Mal. III, 16. 'One with another' indicates the presence of two.

(40) Ex. XX, 21. 'Thee' indicates one person only who is responsible for mentioning God's Name.

(41) Some versions: b. Judah; a contemporary of R. Akiba.

(42) In Upper Galilee. Baer thinks it is identical with Berotha (Ezek. XLVII, 16), and Berothai (II Sam. VIII, 8), the precise location of which is uncertain (v. BDB).

(43) I Chron. XXIX, 14.

(44) Some versions: R. Jacob (b. Korshai); one of the teachers of Rabbi.

(45) This rendering is preferred because (a) the root bears that meaning, and (b) it is only recapitulation of that which has already been learnt that is recommended for wayfarers (v. Ta'an. 10b).

(46) **ומפסיק** seems to imply a deliberate act.

(47) Rashi omits this, as no scriptural text is quoted here. Lowe's MS. has the impersonal form **מעלין עליו** 'They account it to him'. It may be that the verse intended here is omitted because it is quoted in the next paragraph.

(48) MV and R. emphasize 'as if' because actually he does not thereby forfeit his life, as, after all, exclaiming 'how fine, etc.' is a form of adoration of God. It is only because learning is so much more important that the breaking off therefrom deserves severe condemnation.

(49) V. supra 4, n. 5.

(50) A Greek name, GR. **

(51) Probably a graecized form of Johanan.

(52) To say a thing in the name of him who said it, was a point of honour among the Rabbis (v. infra VI, 6), even as it was of the essence of a tradition of learning.

(53) Point, detail or subject.

(54) Viz., the 'righteous statutes and judgments, etc.' of the previous verse. Deut. IV, 9.

(55) Ibid.

(56) Lit. 'he sits down and . . .'

(57) Or 'turns them away' or 'removes them'.

(58) A disciple of R. Johanan b. Zakkai.

(59) I.e., his moral convictions and conduct.

(60) Takes precedence in his estimation (B.); or, precedes in order of acquisition. If one already possesses firmly acquired moral habits, wisdom will strengthen his attachment to them and this practical result, gained through wisdom, will encourage him to seek more wisdom (M.).

(61) I ARN, Ch. XXII, cites Ps. CXI, 10, The fear of the Lord is the beginning of wisdom. Cf. Prov. I, 7, The fear of the Lord is the beginning of knowledge, and ibid. III, 7, Be not wise in thine own eyes; Fear the Lord, and depart from evil.

(62) Wisdom will have taught him the principles of higher conduct but, not being habituated to the latter, he will find it irksome and will give up wisdom, so that it might not trouble his conscience, or restrain his unprincipled conduct. Thus 'his wisdom will not endure' (M.). I ARN, Ch. XXII, reports R. Johanan b. Zakkai: 'A wise man who is not sin-fearing is like a skilled artisan who has no tools.'

(63) I ARN, ibid. cites Ex. XXIV, 7, All that the Lord hath spoken we shall observe and hearken (rendered in accordance with the Rabbinic interpretation which regards this as a declaration promising observance of the commandments, made by Israel before they had even heard the commandments). The general sense seems to be that one's observance of commandments should not depend on one's having achieved, by one's own wisdom, a full understanding of them. The more precepts one practises, the more will one seek to extend one's knowledge as to their meaning, purpose, and manner of observance. If, however, one acquires wisdom which he does not apply to his daily conduct, he will see no use in his wisdom and drop it.

(64) V. Prov. III, 4, So shalt thou find grace and good favour in the sight of God and man.

- (65) The names are said to be Greek, GR.** and GR.** Maim. Introduction to 'Zera'im', Ch. 4, says he was a contemporary of Simeon the Righteous and lived on till the days of R. Akiba. Hyman, A., Toledoth, suggests that Maim. relies on J. Yeb. I and Yeb. 16a. If these passages be taken literally, R. Dosa actually knew also Ezra and Haggai, but, the reference to the seat once occupied by Haggai may easily have been to a seat so designated by a tradition known to R. Dosa (so already Hyman). He was a contemporary of R. Johanan b. Zakkai and a rich man. His dictum here reflects conduct prevailing in his social stratum. V. Bacher, Tradition, p. 29. AT I, p. 157.
- (66) Late sleeping is decried in Prov. XXVI, 14, The door is turning upon its hinges, and the sluggard is still upon his bed. Early rising is, by implication, recommended, e.g. Ps. CXIX, 62, At midnight I will rise to give thanks unto thee; ibid. 147-8, I rose early at dawn and cried, I hoped in Thy word. Mine eyes forestalled the night-watches, that I might meditate in Thy word. Some take it to mean morning sleep that makes one late for the proper time for reciting the Shema', v. supra p. 22, n. 8.
- (67) Because it makes one unfit for meditation or study.
- (68) R. Jonah points out that just because of its pleasantness, which is due to love for children, one is likely to be tempted to listen to it for too long, and thus lose time that should be given to the study of Torah.
- (69) Not necessary or casual intercourse with them is condemned here, but habitual and prolonged stay in the society of the characteristically ignorant and boorish, involving participation in their inane pursuits.
- (70) For the phrase cf. supra II, 11.
- (71) A contemporary of R. Johanan b. Zakkai whose disciple he may have been. His aggadic interpretations were much sought after (v. Shab. 55b). He met his death through the treacherous cunning of a Samaritan informer who denounced him to Bar-Cochba during the siege of Bethar, ca. 135.
- (72) קדשים. Objects belonging or due to the sanctuary, either absolutely, in accordance with scriptural enactments, or by virtue of having been voluntarily dedicated thereto.
- (73) I.e., puts him to shame. MV. reads המאדים 'he who causes etc . . . to redden.' המלבין is explained in B.M. 58b: 'the blush subsides and whiteness takes its place.' .
- (74) 'Of our father Abraham' not found in the parallels where the original reference is apparently to setting at naught God's covenant (with Israel) in general, e.g., Sifre to Num. XV, 22, ed. Friedman, א III, p. 31b, where the covenant is identified with the Torah. In J. Sanh. XI, p. 27c, however, the phrase is explained: 'one stretching the foreskin' (to disguise circumcision). It seems that originally מפר ברית meant nullifying the covenant in general and that R. Eleazar of Modin applied it specifically to the covenant of circumcision. V. Buchler, op. cit., pp. 97ff.
- (75) Not found in most editions.
- (76) Omitting (as do parallels cited supra n. 5) שלא כהלכה not according to the Halachah'. R. Hillel (a commentator on Aboth) quoted by Friedmann, Sifre, ibid. explains מועיו פניו מחציף פניו R. Jonah מועיו פניו, which explanations presuppose the absence of שלא כהלכה, in their versions. Geiger, retaining כהלכה, understands by the phrase the allegorical interpretation of the Torah not in accordance with Halachah, (i.e., the authoritative rulings of the Law), with special reference to the Christians who taught that it is only the ideas symbolized by the precepts that mattered, but not their actual observance. Bacher (ערכי המדרש (תנאים) p. 101, says שלא כהלכה was added by one who took פנים in the sense of 'interpretations' or 'meanings' (v. MV. p. 512), thus making the phrase mean 'publishing interpretations of the Torah'; as this could not, in itself, be considered a sin at all, much less such a grave one as contemplated here, he felt bound to add כהלכה i.e., interpretations opposed to Halachah. But פנים in the sense of 'meanings' is not found in Tannaitic sources, its earliest use being by the Amora R. Jannai. V. Buchler, op. cit., p. 103. Guttman בחינת קיום המצוות (in Bericht jud.-Theol. Seminar, Breslau 1930), pp. 62-4, understands the allegorizers of the Alexandrian school who rejected the literal sense of the commandments and accepted only the symbolic.
- (77) Lit., 'in his hand'.
- (78) MV. says 'we do not read תורה', which word is also omitted in Lowe's MS. (rightly so according to Guttman, op. cit., p. 64, n. 4.)
- (79) Sifre to Num. XV, 31: 'he deserves to be pushed out of the world.' R. Eleazar's stricture certainly refers to the antinomian teachings of Jewish Gnostics. V. Buchler, op. cit., p. 100. Guttman, op. cit., p. 64, points out that the first results of the allegorizing methods of Hellenistic Jews were the rejection of 1) circumcision (and obliteration of its effects), (v. I Macc. XVII); 2) sacrifices קדשים (v. particularly the Sibylline Oracles); 3) the holy days מועדות (cf. Philo, who denounces those who honour the Sabbath idea on account of the allegorical significance of the number seven, yet do not observe the Sabbath).

(80) So B. קל often occurs in the Bible in the sense of 'swift', cf. infra V, 20.

(81) קל ראש often so in Bible. The reading, in Lowe's MS., קל ראש which, if correct, would have the meaning (unparalleled elsewhere) of 'pliant' (as opposite to 'strong-headed') is to some extent borne out by MV. a.l.: הקל את ראשך

(82) תשחורת a difficult word. Its meaning here can only be surmised. There are various renderings of the word and these affect the meaning of the dictum. Some deriving it from שחור, translate 'a black-haired, i.e. young, man' (as in Ekah Rab. to I, 2) which would make the whole mean 'be deferential to your seniors and condescending to your juniors.' Others connect it with שחורר 'officer' (v. Sifre Deut. 6, p. 66b); the sense would thus be 'be submissive to a ruler and pleasant even to a lesser official.' Another translation is 'press-gang' (as in Seder Elijah R. Ch. 1), making the saying a piece of advice to accommodate oneself to supreme authority and its executive representatives however oppressive. The rendering adopted here derives תשחורת from שחר 'to seek', 'and appears to give, in conjunction with the context, the best sense.

(83) Cf. supra I, 15.

(84) Levity, irresponsibility. Some (e.g. R. Jonah) 'jesting when combined with light-headedness.'

(85) Lit. 'cause (someone's) feet to move', cf. Hos. XI, 3.

(86) According to Buchler. Some Types of Jewish Palestinian Piety, pp. 62-7, 'Jesting' שחוק denotes trifling with sexual modesty. The verb (in the form צחק) has already in Biblical Hebrew (Gen. XXXIX, 14, 17) the meaning of immoral advances. שחוק is often clearly so used in Rabbinic Hebrew. In ARN I and II this part of the dictum is brought into line with the parts following, viz. 'a fence (safeguard) for honour is not to jest (or, act immodestly).'

(87) מסורת (so vocalized by Bacher). The traditionally fixed text of the Bible, particularly the Pentateuch, on the correctness of every detail of which depends not only the interpretation of the Scriptures in general, but the determination of laws meant for practical observance (Halachah). The term מסורת as used by R. Akiba (who is said to have based interpretations even on the apparently ornamental 'titles' תנין = crowns) attached to certain letters; v. Men. 29b) already contained the idea of the specialized branch of learning which set itself the task of noting and recording every detail — down to the minutest — of the text of the Scriptures, and bears the name Masorah מסורה par excellence, v. Bacher op. cit. s.v. מסורת P. 74 and Buchler, op. cit., p. 62.

(88) Cf. supra I, 1.

(89) Omitted in Lowe's MS. and in ARN. The commentators explain the saying by quoting, from Shab. 119a, the play on the words עשר בשביל שתתעשר (Deut. XIV, 22), viz. עשר בשביל שתתעשר, 'Give tithes in order that thou mayest be made rich' (by R. Johanan, 3rd cent.). Our dictum would thus mean that the giving of tithes is a fence which protects, and even makes for an increase in, wealth. L., however, interprets 'tithes are A fence against (v. end of next note) the dangers attending the possession of wealth; wealth is liable to make its possessor too proud, and lead him to attribute his success to himself alone and to discount or disregard the factor of God's help, but the giving of tithes is a safeguard against such a notion, as it is bound to bring to his mind the truth that the earth is the Lord's, and the fulness thereof (Ps. XXIV, 1). Cf. Deut. VIII, 13-18, lest when thy silver and gold is multiplied . . . then thy heart be lifted up, and thou forget the Lord thy God . . . and thou say in thy heart: 'My power and the might of my hand hath gotten me this wealth.' But thou shalt remember the Lord thy God, for it is He that giveth thee power to get wealth.

(90) פרישות Perishuth. The manner of life of the פרושים (Pharisees); v. M. a. l. and more fully Nahmanides to Lev. XIX, 2, who says, 'separating oneself, withdrawing and keeping away, restraining oneself, from going to the full length of permitted conduct, when taking such advantage is likely to conduce to something unseemly, e.g. gluttony, insobriety, unbecoming language, sexual over-indulgence. Such self-restraint is the standard of the conduct of the פרושים (Pharisees).' Vows can be helpful to Perishuth, inasmuch as when one has made vows with regard to particular things, he has thereby acquired the capacity for a general self-discipline and a more complete aloofness from everything improper. I ARN, Ch. XXVI and II ARN, Ch. XXXIII, invert the saying סייג לנדרים פרישות 'A fence to vows is self-restraint'. As we know that R. Akiba discouraged vows (I ARN, Ch. XXVI, v. Buchler, op. cit., p. 64, n. 1), this reading may be the correct one and the dictum would mean, Perishuth is a fence (guard, defence) against vows, i.e., a life of Perishuth makes it unnecessary to indulge in vows, which in themselves are not wholly commendable. v. Schechter, Some Aspects, pp. 199-218, Buchler, op. cit., pp. 62-5.

(91) Cf. supra I, 17. Buchler, op. cit., p. 72, contends that as safeguards for Torah and Hokma are given, the admonitions in this Mishnah were intended, in the first place, for scholars. The reference to Perishuth bears out this contention.

(92) L. utilizes this passage to controvert the notion prevailing in some quarters, that the Rabbinic conception of God's fatherly love was narrow and chauvinistic. It is inconceivable, he says, that one should deny the merits of eminent

Gentiles who have rendered great humanitarian services, such as Jenner, the pioneer in vaccination, Guttenberg, the inventor of printing, Drake, who introduced into Europe the potato which has often averted the worst consequences of famine, Reuchlin, the great humanist who at the beginning of the 16th century defended the Talmud against the machinations of the apostate Pfefferkorn, who instigated Emperor Maximilian I to order the confiscation and destruction of the Talmud.

(93) Gen. IX, 6 is quoted and not I, 26, 27, because whilst in the latter passage the fact is just recorded, in the one quoted we are told that God informed man (to wit Noah) of the fact.

(94) Deut. XIV, 1 is quoted and not Israel is my first-born son, Ex. IV, 22, because the latter was addressed to Pharaoh; the first occasion the Israelites were told that they were God's children was in the passage quoted, v. Buchler, Sin and Atonement, p. 80; Kohler, Theologie des Judentums, p. 195.

(95) I.e., the Torah, cf. Ps. XIX, 11, More desired are they (the Ordinances of the Lord) than gold, yea than much fine gold.

(96) The idea that the Torah (or Wisdom) pre-existed creation, and 'assisted' thereat, or formed the 'architect's plan' thereof, is said to go back to such passages as Prov. III, 19, The Lord by wisdom founded the earth; *ibid.* VIII, 22-32. (Wisdom says), The Lord made me as the beginning of his way, the first of His works of old . . . When there were no depths . . . no fountains . . . before the mountains, before the hills was I brought forth . . . While as yet He had not made the earth . . . when He established the heavens, I was there . . . then was I by him a nursling . . . The Hebrew for nursling **אִמּוֹן** was understood as **אִמּוֹן** a craftsman' or 'architect'.

(97) Prov. IV, 2.

(98) Cf. I ARN, Ch. XXXIX; II Ch. XLIV. In the latter this Mishnah and the following are in the name of R. Eliezer son of R. Jose the Galilean.

(99) MV., 'seen'. i.e., God sees all. The verb **צָפָה** often means looking ahead in time or distance. When this is said of God, 'foreseen' is, strictly speaking, not applicable or admissible, as God is independent of time and space, i.e., there is with Him neither past nor future nor distance, and he 'sees' everything at once. Marmorstein, The Old Rabbinic Doctrine of God, p. 159, points out that the idea of God's prescience in Rabbinic literature goes back to Simeon b. Shetah (or Judah b. Tabbari) who called God **בעל מחשבות** (Master of Thoughts); Sanh. 37b, Schechter, Some Aspects, p. 285, refers to ARN (Addenda), pp. 75a and 81b, from which it would seem that **צָפוּי** was taken by some to refer to man. In one case (p. 75a) 'everything is seen by man: by means of the keys of wisdom' granted to him, man can learn what the heavenly likeness is, and choose the right way.' The other reference (p. 81b) takes **צָפוּי** to mean 'covered', 'hidden' (from the root **צָפָה** which in the Pi'el form means 'cover', 'hide') and explains: since man sinned, the light of wisdom was hidden from him and he knows not what will happen in the future.' MV., p. 514, and Aruch s.v. **סַעַד** quote a reading **צָפוּן** 'hidden'.

(100) Or 'Authority (over self)' i.e., free-will. v. Oesterley, The Sayings of the Jewish Fathers a.l. Commentators quote Deut. XXX, 19, I have set before thee life and death, the blessing and the curse; therefore choose life . . . as the basis for the doctrine of free-will in Judaism. Kohler, *op cit.* p. 175, cites Gen. IV, 7, and the Midrash thereto. Schechter, *op. cit.*, p. 284 ff. says the parallels in ARN make it doubtful whether R. Akiba here really meant the antithesis of predestination and free-will. Kohler, *op. cit.*, Ch. XXXVII, points out that Judaism teaches free-will in matters of ethical conduct.

(101) Cf. Ps. CXLV, 9, The Lord is good to all; and his tender mercies are over all his works. This, according to the Rabbis, includes even the wicked.

(102) Readings differ here. Some omit **רוב** e.g., Lowe's MS., v. Taylor a.l. The version in Aruch *ibid.* and M. instead of **והכל** read **אבל לא** 'but not according to. . .' M. explains: Divine goodness is exercised towards man not by reason of the greatness of a deed, but according to the number of deeds, i.e., repeated and ever new good deeds. But see L. The Version in Aruch explains: Men are judged by God's goodness and not in accordance with their doings. Bacher AT. I, p. 275, n. 2, refers to R. Akiba's saying in Koh. R. to X, 1, 'Man is adjudged in accordance with the preponderance of his deeds; he should always consider himself half guilty and half innocent; one more good deed and it is well with him, one more evil deed, woe to him.' Some seem to understand by **העולם** mankind as a whole; and by **הכל** all men in their individual capacities. Others: 'In this world (**העולם**) all are judged with kindness (else sinners would be condemned outright); but in the hereafter, everybody (**והכל**) is judged according to (the Preponderance of) his (good or bad) deeds.'

(103) V. *supra*, p. 38, n. 4.

(104) Life and all its benefits.

(105) A guarantee of good conduct. MV.: the soul.

- (106) All are liable to be caught if they attempt to evade the pledge. For the expression, cf. Ezek. XXXII, 3.
- (107) The divine store of gifts intended for man.
- (108) God.
- (109) פנקס == GR.** writing-tablet, list, register, account-book.
- (110) Cf. supra II, 1.
- (111) The agents for the execution of divine justice, e.g. suffering, calamity, sickness. (12) Or (lit.) 'knowledge', i.e., whether or not he realizes, or acknowledges, that the visitations coming upon him are in punishment for his sins. Our translation means: whether he willingly undergoes penance for his sins, or he unrepentantly resents the punishment.
- (112) There is no vindictiveness in it.
- (113) The reward of those who discharge their obligations is assured in the hereafter. B.: 'everybody is fitted for the banquet,' i.e., all men are ab initio intended to have a share in the spiritual feast of the world to come. R. Meshullam b. Kalonymos quoted in Aruch s.v. סעד and in MV., says 'banquet', here is an expression for death, and explains thus (after Shab. 152a): Just as all enter for a banquet by one entrance, but are allotted seats at the banquet according to their status, so at death, it is true, all go through the same door, but once they have entered the hereafter they are treated severally in accordance with their merits. R. Jonah: 'The purpose of all this is to make ready for the banquet of the future life.' Incidentally this Mishnah reflects the traders' methods of those days.
- (114) A younger contemporary of R. Gamaliel II, R. Joshua b. Hananiah etc. He was chosen Nasi at a very young age when R. Gamaliel, who had become unpopular, was forced to vacate the Patriarchate. When the latter was restored, R. Eleazar b. Azariah retired to the second office of Ab-Beth-din. He used his great wealth to facilitate the approaches made by the Rabbis to the Roman authorities on behalf of the Jews.
- (115) Used here for religion in general, any religion that postulates divine authority for moral conduct (L.).
- (116) Or 'cultured behaviour', Derech Eretz. Unless rooted in religion (in the above sense), moral and cultured conduct lacks the source which feeds and sustains it perennially.
- (117) Conversely, religious belief is sterile when it does not express itself in ethical conduct and becoming behaviour.
- (118) V. supra 9 and notes.
- (119) בינה Binah, The ability to make logical deductions (v. B.).
- (120) דעת Da'ath, The ability to arrive at the reasons for things (v. B.). Perhaps better rendered '(capacity for) thinking.'
- (121) קמח flour v. infra V. 15 p. 69 n. 10.
- (122) Lack of food impairs one's mental powers. Or, if Torah is understood here as earlier in the paragraph, starvation is liable to have an adverse effect on one's moral faculties.
- (123) Cf. Deut. VIII, 3, Man doth not live by bread only, but by everything that proceedeth out of the mouth of the Lord doth man live.
- (124) Cf. supra Mishnah 9.
- (125) Jer. XVII, 6 and 8. Both quotations are omitted in Lowe's MS. In the context, the first refers to 'the man that trusteth in man,' the second to 'the man that trusteth in the Lord.' Placing wisdom before deeds means relying on unaided human abilities. The practice of deeds commanded by God, whether or not one's mind comprehends them fully, means placing implicit trust in Him.
- (126) A disciple of R. Akiba: In ARN I and II only the second half of this Mishnah is attributed to him; the first half is in the name of R. Johanan b. Nuri.
- (127) The name for a section of laws dealing with bird. sacrifices (v. Lev. XII, 8; XIV, 4, 22, 49; XV, 14, 29).
- (128) A term for the regulations whereby the times of commencement, and the duration, of 'uncleanness of women, by reason of menstruation, are calculated and determined.
- (129) גופי הלכות . Lowe's MS. גופי תורה .
- (130) Astronomy.
- (131) So MV, also Jastrow, who derives it from GR.** From this the term גמטריא could have acquired its better known meaning, viz. the use, for exegetical purposes, of the letters of alphabet in their numerical value, or as initials of words. Another derivation is from GR.**; the word then meaning 'mensuration' in its various forms. V. Sanh. (Sonc. ed.) p. 121, n. 4.
- (132) Desirable but not essential. Some: 'appetizers' that create a desire for further knowledge. Others derive from GR.** 'the outer circle' (of wisdom) as opposed to גופי הלכות, the core and essence of learning. The reason for this differentiation is that the former consist of positive commandments, i.e. 'deeds', 'works', whilst the latter are typical

of 'wisdom'. The particular instances of the former appear to have been chosen for the following reasons: In one case, (kinnim), the precepts concerned are operative only when the Temple in Jerusalem exists and functions, and in the other, (Pithehe Niddah, they deal with unpleasant details; and yet, the inference is, even these precepts, apparently of lesser moment and of lesser attractiveness, form part of the essence of knowledge for the Israelite. The instances in the latter category are singled out, because in one case (astronomy), it is the most comprehensive branch of wisdom and is, in addition, calculated to increase our adoration of God by giving man a fuller conception of His wonderful Universe, and in the other case (arithmetic or mensuration) it is a science of great mind-exercising, as well as of highly utilitarian, value. Even so, the inference is, these sciences are of secondary importance to the study of the practical precepts of the Torah.

Mishna - Mas. Avoth Chapter 4

MISHNAH 1. BEN ZOMA¹ SAID: WHO IS HE THAT IS WISE? HE WHO LEARNS FROM EVERY MAN, AS IT IS SAID: FROM ALL WHO TAUGHT ME HAVE I GAINED UNDERSTANDING, WHEN THY TESTIMONIES WERE MY MEDITATION.² WHO IS HE THAT IS MIGHTY?³ HE WHO SUBDUES HIS [EVIL] INCLINATION,⁴ AS IT IS SAID: HE THAT IS SLOW TO ANGER IS BETTER THAN THE MIGHTY; AND HE THAT RULETH HIS SPIRIT THAN HE THAT TAKETH A CITY.⁵ WHO IS HE THAT IS RICH?⁶ HE WHO REJOICES IN HIS LOT, AS IT IS SAID: WHEN THOU EATEST OF THE LABOUR OF THY HANDS, HAPPY SHALT THOU BE, AND IT SHALL BE WELL WITH THEE.⁷ HAPPY SHALT THOU BE — IN THIS WORLD, AND IT SHALL BE WELL WITH THEE — IN THE WORLD TO COME. WHO IS HE THAT IS HONOURED? HE WHO HONOURS HIS FELLOW-MEN, AS IT IS SAID: FOR THEM THAT HONOUR ME I WILL HONOUR, AND THEY THAT DESPISE ME SHALL BE LIGHTLY ESTEEMED.⁸

MISHNAH 2. BEN 'AZZAI⁹ SAID: RUN¹⁰ TO [PERFORM] AN EASY PRECEPT,¹¹ AS [YOU WOULD] IN [THE CASE OF] A DIFFICULT ONE,¹² AND FLEE¹³ FROM TRANSGRESSION; FOR [ONE] PRECEPT DRAWS [IN ITS TRAIN¹⁴ ANOTHER] PRECEPT, AND [ONE] TRANSGRESSION DRAWS [IN ITS TRAIN ANOTHER] TRANSGRESSION;¹⁵ FOR THE RECOMPENSE FOR [PERFORMING] A PRECEPT IS A PRECEPT, AND THE RECOMPENSE FOR [COMMITTING] A TRANSGRESSION IS A TRANSGRESSION.

MISHNAH 3. HE USED TO SAY:¹⁶ DESPISE NOT ANY MAN, AND DISCRIMINATE NOT¹⁷ AGAINST ANY THING,¹⁸ FOR THERE IS NO MAN THAT HAS NOT HIS HOUR, AND THERE IS NO THING THAT HAS NOT ITS PLACE.¹⁹

MISHNAH 4. R. LEVITAS (A MAN) OF JABNEH²⁰ SAID: BE EXCEEDING²¹ LOWLY OF SPIRIT,²² FOR THE EXPECTATION OF MORTAL MAN IS [THAT HE WILL TURN TO] WORMS.²³

R. JOHANAN B. BEROKAH²⁴ SAID: WHOEVER PROFANES THE NAME OF HEAVEN²⁵ IN SECRET,²⁶ THEY²⁷ EXACT THE PENALTY FROM HIM IN THE OPEN.²⁸ [IN THIS RESPECT, IT IS ALL] ONE [WHETHER ONE HAS ACTED] IN ERROR, AND [IT IS ALL] ONE²⁹ [WHETHER ONE HAS ACTED] WITH PRESUMPTION, IN [A CASE WHERE THE RESULT IS] THE PROFANATION OF THE NAME.³⁰

MISHNAH 5. R. ISHMAEL³¹ SAID: HE WHO LEARNS IN ORDER TO TEACH,³² THEY AFFORD HIM³³ ADEQUATE MEANS TO LEARN AND TO TEACH; AND HE WHO LEARNS IN ORDER TO PRACTISE,³⁴ THEY AFFORD HIM ADEQUATE MEANS TO LEARN AND TO TEACH³⁵ AND TO PRACTISE.

R. ZADOK³⁶ SAID: MAKE THEM³⁷ NOT A CROWN WHEREWITH TO MAGNIFY

THYSELF, NOR A SPADE³⁸, WHEREWITH TO DIG;³⁹ EVEN SO WAS HILLEL WONT TO SAY, 'AND HE WHO MAKES [UNWORTHY] USE OF THE CROWN [OF LEARNING] PASSETH AWAY.'⁴⁰ LO, [HENCE] THOU HAST LEARNT: ANYONE WHO DERIVES WORLDLY BENEFIT⁴¹ FROM THE WORDS OF THE TORAH, REMOVES HIS LIFE FROM THE WORLD.⁴²

MISHNAH 6. R. JOSE⁴³ SAID: WHOEVER HONOURS THE TORAH⁴⁴ IS HIMSELF⁴⁵ HONoured BY MEN, AND WHOEVER DISHONOURS THE TORAH IS HIMSELF DISHONoured BY MEN.

MISHNAH 7. R. ISHMAEL⁴⁶ SAID: HE WHO REFRAINS HIMSELF FROM JUDGMENT,⁴⁷ RIDS HIMSELF OF ENMITY⁴⁸ AND ROBBERY⁴⁹ AND VAIN SWEARING;⁵⁰ BUT HE WHOSE HEART IS OVER-CONFIDENT IN GIVING A JUDICIAL DECISION,⁵¹ IS FOOLISH,⁵² WICKED⁵³ AND OF UNCOUTH SPIRIT.⁵⁴

MISHNAH 8. HE USED TO SAY: JUDGE NOT ALONE,⁵⁵ FOR NONE MAY JUDGE ALONE SAVE ONE;⁵⁶ AND SAY NOT ACCEPT MY VIEW', FOR THEY ARE FREE BUT NOT THOU.⁵⁷

MISHNAH 9. R. JONATHAN⁵⁸ SAID: WHOEVER FULFILS THE TORAH OUT OF [A STATE OF] POVERTY,⁵⁹ HIS END [WILL BE] TO FULFIL IT OUT OF [A STATE OF] WEALTH;⁶⁰ AND WHOEVER DISCARDS THE TORAH OUT OF [A STATE OF] WEALTH,⁶¹ HIS END [WILL BE] TO DISCARD IT OUT OF [A STATE OF] POVERTY.⁶²

MISHNAH 10. R. MEIR⁶³ SAID: DO [RATHER] LESS BUSINESS, AND BUSY THYSELF [MAINLY] WITH THE TORAH,⁶⁴ AND BE LOWLY OF SPIRIT BEFORE ALL MEN.⁶⁵ IF THOU HAST [ONCE] BEEN IDLE IN [REGARD] TO] THE TORAH, THOU WILT HAVE MANY [MORE] OCCASIONS FOR IDLENESS BEFORE THEE,⁶⁶ BUT IF THOU HAST LABOURED AT THE TORAH, THERE IS⁶⁷ MUCH REWARD TO GIVE UNTO THEE.⁶⁸

MISHNAH 11. R. ELIEZER B. JACOB⁶⁹ SAID: HE WHO PERFORMS ONE PRECEPT ACQUIRES FOR HIMSELF ONE ADVOCATE,⁷⁰ AND HE WHO COMMITS ONE TRANSGRESSION ACQUIRES FOR HIMSELF ONE ACCUSER.⁷¹ REPENTANCE⁷² AND GOOD DEEDS ARE AS A SHIELD⁷³ AGAINST PUNISHMENT.⁷⁴

R. JOHANAN⁷⁵ HA-SANDELAR SAID: EVERY ASSEMBLY WHICH IS FOR THE NAME OF HEAVEN,⁷⁶ [WILL IN] THE END THEREOF BECOME [OF] PERMANENT [VALUE]; AND EVERY ASSEMBLY WHICH IS NOT FOR THE NAME OF HEAVEN, [WILL IN] THE END THEREOF NOT BECOME [OF] PERMANENT [VALUE].⁷⁷

MISHNAH 12. R. ELEAZAR⁷⁸ B. SHAMMUA'⁷⁹ SAID: LET THE HONOUR OF THY DISCIPLE BE AS DEAR TO THEE AS THINE OWN,⁸⁰ AND THE HONOUR OF THY COLLEAGUE AS THE REVERENCE⁸¹ FOR THY TEACHER,⁸² AND THE REVERENCE FOR THY TEACHER AS THE FEAR OF HEAVEN.⁸³

MISHNAH 13. R. JUDAH⁸⁴ SAID: BE CAREFUL IN STUDY,⁸⁵ FOR AN ERROR IN STUDY AMOUNTS TO PRESUMPTION.⁸⁶ R. SIMEON⁸⁷ SAID: THERE ARE THREE CROWN⁸⁴.⁸⁸ THE CROWN OF TORAH,⁸⁹ THE CROWN OF PRIESTHOOD,⁹⁰ AND THE CROWN OF ROYALTY; BUT THE CROWN OF A GOOD NAME EXCELS⁹¹ THEM ALL.⁹²

MISHNAH 14. R. NEHORAI⁹³ SAID: GO AS A [VOLUNTARY] EXILE TO A PLACE OF TORAH⁹⁴ — AND SAY NOT THAT IT WILL COME AFTER THEE⁹⁵ — FOR [IT IS] THY

FELLOW[-STUDENT]S WHO WILL MAKE IT PERMANENT IN THY KEEPING⁹⁶ AND LEAN NOT UP ON THINE OWN UNDERSTANDING.⁹⁷

MISHNAH 15. R. JANNA⁹⁸ SAID: IT IS NOT IN OUR POWER [TO EXPLAIN THE REASON] EITHER OF THE SECURITY OF THE WICKED,⁹⁹ OR EVEN OF THE AFFLICTIONS OF THE RIGHTEOUS.¹⁰⁰

R. MATHIA B. HERESH¹⁰¹ SAID: BE FIRST IN [ENQUIRING AFTER] THE PEACE¹⁰² OF ALL MEN; AND BE THOU A TAIL UNTO LIONS, AND NOT A HEAD UNTO FOXES.¹⁰³

MISHNAH 16. R. JACOB¹⁰⁴ SAID: THIS WORLD IS LIKE UNTO A VESTIBULE¹⁰⁵ BEFORE THE WORLD TO COME; PREPARE THYSELF¹⁰⁶ IN THE VESTIBULE, SO THAT THOU MAYEST ENTER THE BANQUETING-HALL.¹⁰⁷

MISHNAH 17. HE USED TO SAY: MORE BEAUTIFUL IS ONE HOUR [SPENT] IN REPENTANCE AND GOOD DEEDS¹⁰⁸ IN THIS WORLD, THAN ALL THE LIFE OF THE WORLD TO COME;¹⁰⁹ AND MORE BEAUTIFUL IS ONE HOUR OF THE EVEN-TEMPERED SPIRIT OF THE WORLD TO COME¹¹⁰, THAN ALL THE LIFE OF THIS WORLD.¹¹¹

MISHNAH 18. R. SIMEON B. ELEAZAR¹¹² SAID: PACIFY¹¹³ NOT THY FELLOW IN THE HOUR OF HIS ANGER;¹¹⁴ NOR COMFORT HIM IN THE HOUR WHEN HIS DEAD LIES BEFORE HIM,¹¹⁵ NOR QUESTION HIM AT THE TIME OF HIS VOW;¹¹⁶ NOR STRIVE TO SEE HIM IN THE HOUR OF HIS DISGRACE.¹¹⁷

MISHNAH 19. SAMUEL HA-KATAN¹¹⁸ SAID [QUOTING FROM SCRIPTURE]: REJOICE NOT WHEN THINE ENEMY FALLETH AND LET NOT THY HEART BE GLAD WHEN HE STUMBLETH.¹¹⁹ LEST THE LORD SEE IT, AND IT DISPLEASETH HIM, AND HE TURN AWAY HIS WRATH FROM HIM.¹²⁰

MISHNAH 20. ELISHA B. ABUYAH¹²¹ SAID: HE WHO LEARNS [WHEN] A CHILD, UNTO WHAT IS HE [TO BE] COMPARED?¹²² — UNTO INK WRITTEN UPON A NEW WRITING SHEET;¹²³ AND HE WHO LEARNS [WHEN] AN OLD MAN,¹²⁴ UNTO WHAT IS HE LIKE? — UNTO INK WRITTEN ON A RUBBED WRITING SHEET.¹²⁵

R. JOSE B. JUDAH (A MAN) OF KEFAR HA-BABLI¹²⁶ SAID: HE WHO LEARNS FROM THE YOUNG, UNTO WHAT IS HE [TO BE] COMPARED? UNTO ONE WHO EATS UNRIPE GRAPES, AND DRINKS WINE FROM HIS VAT;¹²⁷ AND HE WHO LEARNS FROM THE OLD, UNTO WHAT IS HE [TO BE] COMPARED? UNTO ONE WHO EATS RIPE GRAPES, AND DRINKS OLD WINE.¹²⁸

RABBI¹²⁹ SAID: REGARD NOT THE CONTAINER¹³⁰ BUT THAT WHICH IS THEREIN: THERE IS A NEW CONTAINER FULL OF OLD [WINE], AND AN OLD [CONTAINER] IN WHICH THERE IS NOT EVEN NEW [WINE].¹³¹

MISHNAH 21. R. ELEAZAR HA-KAPPAR¹³² SAID: JEALOUSY,¹³³ CUPIDITY¹³⁴ AND [THE DESIRE FOR] HONOUR PUT A MAN OUT OF THE WORLD.¹³⁵

MISHNAH 22. HE USED TO SAY: THE BORN [ARE DESTINED] TO DIE, THE DEAD TO BE BROUGHT TO LIFE,¹³⁶ AND THE LIVING¹³⁷ TO BE JUDGED; [IT IS, THEREFORE, FOR THEM¹³⁸] TO KNOW AND TO MAKE KNOWN, SO THAT IT BECOME KNOWN,¹³⁹ THAT HE IS GOD, HE THE FASHIONER,¹⁴⁰ HE THE CREATOR, HE THE DISCERNER,¹⁴¹ HE THE JUDGE, HE THE WITNESS,¹⁴² HE THE COMPLAINANT,¹⁴³ AND THAT HE IS OF A

CERTAINTY¹⁴⁴ TO JUDGE, BLESSED BE HE,¹⁴⁵ BEFORE WHOM THERE IS NO UNRIGHTEOUSNESS, NOR FORGETTING, NOR RESPECT OF PERSONS, NOR TAKING OF BRIBES,¹⁴⁶ FOR ALL IS HIS.¹⁴⁷ AND KNOW THAT ALL IS ACCORDING TO THE RECKONING.¹⁴⁸ AND LET NOT THY [EVIL] INCLINATION¹⁴⁹ ASSURE THEE THAT THE GRAVE IS A PLACE OF REFUGE FOR THEE;¹⁵⁰ FOR WITHOUT THY WILL¹⁵¹ WAST THOU FASHIONED, WITHOUT THY WILL WAST THOU BORN, WITHOUT THY WILL LIVEST THOU, WITHOUT THY WILL WILT THOU DIE,¹⁵² AND WITHOUT THY WILL ART THOU OF A CERTAINTY¹⁵³ TO GIVE AN ACCOUNT AND RECKONING¹⁵⁴ BEFORE THE KING OF THE KINGS OF KINGS, BLESSED BE HE.

(1) Simeon b. Zoma, a disciple of R. Joshua b. Hananiah. His own name is omitted as also that of his colleague, Simeon b. Azzai (v. infra, Mishnah 2). because they both died at an early age, before ordination (R.); their scholarship was nevertheless highly esteemed. After his death he was praised as the last of the (great) homileticians (Sotah IX. 15). though not many examples of his Aggadic exegesis are preserved. He was a devotee of mystical studies which, according to some, affected his mind. (V. Bacher AT I, p. 422ff.)

(2) Ps. CXIX, 99. This translation is in accordance with the interpretation presupposed here. The second part of the quotation is not given in all editions.

(3) I ARN 'the mightiest among the mighty'.

(4) **יֵצֵר** Yezer. V. A.Z. (Sonc. ed.) p. 22, n. 7.

(5) Prov. XVI, 32.

(6) I ARN 'the richest among the rich'. In addition to the questions as to the mightiest and richest, I ARN has, 'Who is the most unpretentious (**עֲלֹוּב**) among persons of unpretentious disposition? He who is as unpretentious as Moses', but no question as to who is honoured.

(7) Ps. CXXVIII, 2.

(8) 1 Sam. II, 30. Real honour comes from God, and the measure in which we honour man, created in the image of God, is the measure of the honour we give to God: if we honour God by honouring man, God will honour us. R.: God says: Them that honour Me, by honouring men (who are entitled to honour, e.g. parents. the aged. the learned), I shall honour. R. Jonah: If God honours those who honour Him, notwithstanding that all His creatures, by their mere existence and without deliberate or conscious effort, bring Him honour (cf. Isa. XLIII, 7), it follows, with greater force, that human beings (who are not entitled to honour automatically or to the same degree as God is), should reciprocate by honouring those who honour them.

(9) Cf. supra, p. 43. n. 1. Ben 'Azzai was first a disciple of R. Joshua b. Hananiah, and later stood towards R. Akiba in the alternating relationships of disciple and younger colleague. His death is attributed to his having 'peered into the Garden' of theosophic speculation (which some identify with Gnosticism), though in some sources he is named among the first victims of the Hadrianic persecutions. (V. Bacher, AT., I, pp. 408-9.)

(10) Show eagerness, seize the opportunity. cf. infra V, 20.

(11) Cf. P5. CXIX, 60. One is more liable to be slack and procrastinating with regard to an easy task, and thus forget it entirely; to obviate this one should hasten to perform it as soon as it presents itself.

(12) This clause is not in all versions.

(13) Not merely avoid, but as quickly as you can, put as long a distance as possible between transgression and yourself (L.). In both cases (i.e. of fulfilment of a precept and of avoidance of transgression) Ben 'Azzai advocates quickness of resolve and action (Buchler, Sin and Atonement, p. 309).

(14) Automatically (Buchler, *ibid*).

(15) This saying has been explained variously: (i) Virtue is its own reward, and sin its own penalty. (ii) The spiritual joy one derives from the performance of a divine precept, (Mizwah) is in itself a Mizwah, i.e., a valuable religious experience. (iii) The practical gain from the carrying out of a precept, is the new precept which it automatically brings in its train. See Buchler, *ibid*., for a fine analysis of the dictum.

(16) I ARN, Ch. XXIII, appears to attribute this dictum to R. Nehorai.

(17) **מַפְלִיג** a difficult word variously interpreted: 'place at a distance,' 'consider far off and unimportant, or impossible,' 'treat slightly,' 'despise,' 'cavil, or carp at'. The translation given here combines the literal meaning of the verb with the general sense of the dictum, as indicated by the context and adopted by commentators.

(18) Or 'word' or 'matter'. ARN adds: 'For it is said: Whoso despiseth the word shall suffer thereby, but he that feareth

the commandment shall be rewarded (Prov. XIII, 13).’ evidently taking **דבר** in the Mishnah to mean ‘word (of God)’. This citation suggests that ARN took the whole dictum as a parallel to Mishnah 1 and 2 thus: Who is wise? He who learns from every man — there is no man that has not his hour. Run to perform an easy (seemingly unimportant) commandment-Discriminate not against any word (of divine command). . . for there is no word (precept), however abstruse or unimportant it may seem, that has not its place.

(19) The sense in which this Mishnah is generally understood is: No person or object or matter is so unimportant that you can be sure that you will not have to reckon with it, either for good or for evil, at some time or in some place or in some circumstances.

(20) A contemporary of R. Akiba, of whom we know only this saying in our Mishnah, and some passages attributed to him in Pirke di R. Eliezer.

(21) **מאד מאד** M. (followed by B. and R. Jonah) explains: Why this accentuated deviation from the advocacy of a middle course? Because, man being naturally over-inclined to pride, it is necessary to over-emphasize the quality of self-depreciation.

(22) Some editions add, ‘before all men’. The whole dictum is missing from Lowe’s MS. where the following saying is in the name of R. Levitas instead of that of R. Johanan b. Broka.

(23) V. supra III, 1.

(24) A disciple of R. Joshua.

(25) V. supra p. 3, n. 2, also p. 7, n. 10.

(26) How can any secret misdeed be a profanation of the Name, which necessarily implies a knowledge of the sin by at least one other than the guilty person? Tosaf. Yom Tob says: When the sin can be committed only together with another person, e.g. prohibited sexual intercourse. L.: There are two kinds of ‘profaners of the Name’: (a) one who commits a sin, making it clear to others that he contemptuously disregards the divine commandments; (b) one who transgresses secretly. not because he is concerned for the Glory of the Name of God, but for his own reputation among his fellow men, by whom he wishes to be regarded as a pious man. The latter is profaning the Name in secret, and it is this duplicity that is to be exposed by punishment in public. V.: A sin committed in secret which, should it become known, would cause a profanation of the Name.

(27) Used impersonally.

(28) **חלול השם** (Profanation of the Name) was considered so grave that R. Akiba taught that a person guilty thereof is not entitled to divine forgiveness.

(29) Lit., one . . . one’, cf. supra II, 9.

(30) M. insists that only in respect of being punished openly is there no difference between one who commits profanation of the Name in error and one who does so wilfully. In respect of the actual nature of the punishment (as is the case with reference to all sins), the Torah clearly distinguishes between the unwitting and presumptuous sinner (Lev. IV and V).

(31) Some texts add ‘his son’, i.e. of R. Johanan b. Berokah.

(32) Cf. supra p. 22, n. 5.

(33) II ARN, Ch. XXXII, ‘they do not afford him’, so also R. who explains: If his only object in learning is that he might become a teacher, i.e., be addressed as ‘Rabbi’, his efforts at learning do not enjoy the favour of Heaven. I ARN, Ch. XXVII, has our version.

(34) Cf. supra I, 17, ‘Study is not the most important thing, but deed.’

(35) Some texts insert here ‘to observe’.

(36) Probably the one who was contemporary of R. Johanan b. Zakkai. First century.

(37) I.e., the words of the Torah. Some texts ‘it’.

(38) In I Sam. XIII, 20, and Ps. LXXIV, 5, **קרדם** == axe. It may have been two tools in one, one side being a broad blade for a hatchet, and the other a pointed one for breaking up ‘ground. V. fast. s.v. and Oesterley, ‘Sayings’, ad loc.

(39) Lowe’s MS. and R. **לאכל מהן** lit., ‘to eat of them’ which Taylor translates, ‘an axe, to live by them’, evidently taking **אכל** in the sense of ‘enjoy’, ‘have the use of’, ‘have benefit from’, as e.g. in Pe’ah I, 1. R. Jonah has **לחתוך** ‘to cut’.

(40) V. supra I, 13.

(41) Cf. the reading preserved in R.

(42) Our translation is In accordance with the maxim of Hillel which gave rise to this thought. R. however understood ‘takes his reward in this world’. Seemingly he translated ‘takes his life (i.e. all the benefits to which he may be entitled)

out of this world.' Tosaf. Yom Tob 'removes himself from the life of the world to come. M. bases on R. Zadok's dictum a vigorous defence of his view that it is strictly forbidden to make a living out of the Torah and that none of the early Rabbis ever made such use of it. A scholar who happens to be poor, or afflicted and physically helpless, should of course be helped. It is, indeed, a duty of congregations to pay the levies and taxes on behalf of scholars (v. supra III, 5, and note). but that is because they are, in this respect, looked upon as Kohanim' (Aaronides) who were by Biblical law exempt from tithes, etc.

(43) b. Halafta. 2nd century.

(44) Honouring the Torah consists in zeal and alacrity in carrying out its precepts, in the proper and reverent care for books of, or appertaining to, the Torah, and in respectful bearing towards scholars (M.).

(45) גופו lit., 'his body'. 'his person'. V. supra I, 17.

(46) Some texts add 'his son'. II ARN, Ch. XXXIV, has R. Eliezer son of R. Eleazar ha'Kappar. R. had a reading. R. Eliezer, son of R. Jose.

(47) Either, (a) a judge who refrains from imposing a judgment, and strives to induce parties to come to an agreement; or (b) any person who avoids entering into litigation, and seeks a friendly settlement of differences.

(48) Which disappointed litigants might feel towards the judge, or towards the other side.

(49) The virtual robbery which a judge might commit if, however honestly, he gave a decision in favour of the wrong party; or which might result when a party in the heat of dispute puts in an exaggerated claim or denial and succeeds therein.

(50) The oath which a judge imposes, in accordance with the Torah, but which he may quite conceivably impose in error, though in good faith, on the wrong party (see L.); or, untrue statements which a litigant may, in the stress of the judicial proceedings, make under oath. The expression here used שבועת שוא (an oath taken in vain) differs, in its technical use, from שבועת שקר (a false oath), v. Shebu. 25b. Some (e.g., B.) think שוא ש is used here not in the technical sense, but as synonymous with שקר ש L. insists that שקר ש is inapplicable here, and that שוא ש is to be taken in its precise meaning.

(51) I.e., he looks upon the judicial position as one that confers on him the opportunity for exercising authority, rather than one that demands self-effacing objectivity, involving infinite pains in the sifting of evidence (v. supra I, 9), deliberate impartiality towards parties (v. I, 5), a deep and lifelong study of the Law, and patience in coming to a decision (v. I, 1), cf. infra VI, 6.

(52) He is too sure of his own wisdom and Seest thou a man wise in his own eyes? There is more hope of a fool than of him. (Prov. XXVI, 12.)

(53) Because he is indifferent to the possible injustice that may result from his actions.

(54) גם גם רוח = bulky, oversized, uncouth, gross. The same word with לב (heart) is translated 'over confident' earlier in the sentence.

(55) The Jewish judiciary system provided for the Great Sanhedrin of seventy-one members, a Lesser Sanhedrin of twenty-three, and the smallest court of three laymen or of one accredited expert (מומחה Mumhe) in the Law. But even this expert, although permitted to 'sit' alone, is advised here not to take unnecessary advantage of the permission but, if at all possible, to obtain the assistance of (two) others (so M.).

(56) I.e., God.

(57) Either, 'they are free to concur, but not thou to force them to concur,' or, 'they are entitled to say to thee, accept our opinion' (as they are in the majority), but not thou (as you are only one against two).' Some point out that an 'expert' who has called in lay assistance might be tempted to force his opinion by over-emphasizing his own superior learning, or even by pointedly reminding his cojudges that he could, had he chosen, have 'sat' and decided alone, and that he had called them in only as a matter of grace. The proper procedure is that whilst the expert's voice prevails on a point of law, that of a majority of the court is decisive in matters dependent on 'the weighing of opinions' (שקול הדעת).

(58) b. Jose(ph) as in II ARN, Ch. XXXV (where the wording of the dictum differs). I ARN, Ch. XXX has, R. Nathan b. Joseph. A disciple of R. Akiba and R. Ishmael. Frankel, Parke ha-Mishnah, p. 155, says his name, like that of his colleague R. Joshiah, does not occur in Mishnah or Tosef. or Torath Kohanim. The inclusion of the name here is due to the fact that in Aboth are mentioned many Tannaim of the sixth generation whose names occur otherwise only in Baraitas, v. Oesterley, a.l.

(59) I.e., whilst he is in etc. For a similar use of מ v. Deut. XXVIII, 47, מרב כל מעני. Others: 'by means of poverty', i.e., by sacrificing time he could use for improving his material lot, in order to study and practise the Torah. Others: 'despite poverty'.

(60) With which he will be rewarded.

(61) Though it enables him to devote more time to the study of the Torah, and Increases his opportunities for observing its precepts. Or, because the thought and anxiety he expends on his possessions and concerns, occupy his mind to the exclusion of Torah.

(62) Which will be his punishment, and which might indeed make it impossible for him to devote himself to the Torah even if by that time he is desirous of making good his former omissions. For the latter half of the dictum cf. Deut. XXVIII, 47-8: Because thou didst not serve the Lord thy God with joyfulness and with gladness of heart, by reason of the abundance of all things; therefore shalt thou serve thine enemy whom the Lord shall send against thee, in hunger and in thirst, and in nakedness, and in want of all things.

(63) The greatest of R. Akiba's disciples; deserved the name **מאיר** because 'he threw light' on the meaning of Scripture.

(64) Cf. supra II, 5, and infra VI, 5.

(65) Cf. Mishnah 4.

(66) Conditions conducive to idleness which will militate against your becoming learned in the Torah. Cf. the quotation from Megillath Hasidim in J. Ber., end, 'If thou forsakest it (the Torah) one day, it will forsake thee two days. 'a saying otherwise known from Sirach. V; also Sifre, Ekeb. ed. Friedmann, p. 84a. I ARN, Ch. XXIX: 'idlers (**במלנין**) (such as robbers, thieves, lions, bears, etc.) against thee.' Others: 'idlers like thee'.

(67) Some texts 'He (God) has.'

(68) Cf. supra II, 14 and 16.

(69) Disciple and colleague of R. Akiba. There was an earlier scholar of the same name who lived towards the end of Temple times. V. Frankel, op. 'it., p. 76ff. Hyman Toledoth s.v.

(70) **פרקליט** Gr. **.

(71) **קטיגור**, Gr. **.

(72) Lit., 'Return'.

(73) **תרים** some identify with the Greek ** = Gr. ** 'door', or its derivative Gr. ** 'an oblong shield'; others with Gr. ** breastplate. In both cases it would denote something that serves as a protection. V. fast. for an attempted Hebrew derivation.

(74) If transgressions have outnumbered fulfilments of precepts, then divine punishment can be averted by Repentance (in the case of a person about to die), and by (that together with) good deeds (in the case of one who lives on).

(75) One of the youngest of R. Akiba's disciples. His cognomen is said to be due either to his occupation as a sandal-maker, or to his having been a native of Alexandria. Another opinion is that he was a piercer of gems, called in Aramaic **סנדלכון** (which may be identical with the Greek **).

(76) Or, for the 'sake of Heaven'. Lowe's MS. also some edd. of ARN (v. Schechter's ed. I ARN, Ch. XL, p. 129 note 23), 'In the name of duty (**מצוה**).'

(77) Frankel, op. cit., p. 187, suggests that R. Johanan had in mind the distinction between the Palestinian schools and the Alexandrian schools (known to him who had come from Alexandria). In the latter they followed the allegorical method of exegesis, which led to negative and even antinomian results. Hyman, Toledoth s.v. suggests that R. Johanan said this with reference to the assembly of Rabbis, in which he himself took part, in the Valley of Beth-Rimmon after the fall of Bethar, for the purpose of encouraging his colleagues who had met for a worthy purpose under conditions that were precarious and with prospects that were extremely unpromising.

(78) Some: Eliezer.

(79) In II ARN, Ch. XXXIV, p. 76, this dictum is in the name of R. Nathan. R. El. b. Shammua' was a disciple of R. Akiba.

(80) I ARN (Ch. XXVII, p. 84) and II ARN (Ch. XXXIV, p. 76) cite Ex. XVII, 9: Moses 'bracketed' himself with his disciple Joshua by saying, 'choose unto us men'. Lowe's MS. and an alternative in R. MV. Aruch (v. Baer, Siddur Abodath Israel, a. I.) have 'as the honour of thy colleague' which produces an apparently smoother sequence. R. Jonah has a composite reading **כשלך ככבוד חברך** which he tries to explain (v. Schechter, I ARN p. 85, n. 17).

(81) **מורא** the same word is translated 'fear', in 'fear of Heaven'.

(82) I ARN cites Num. XII, 11. Aaron said to Moses: 'I pray thee, my master.' Although Aaron was the elder brother, he acknowledged Moses as his master. II ARN cites Ex. VII, 2.

(83) I ARN cites Num. XI, 28, where Joshua addresses Moses, 'My Lord Moses.' II ARN cites Ex. IV, 16, 'And thou (Moses, the Master) shalt be unto him (Aaron) in God's stead.'

- (84) b. Il'a'i, a contemporary of R. Eleazar b. Shammua'. L.: This dictum is a complement to the foregoing and the advice is meant for the teacher.
- (85) In view of the foregoing note perhaps best render תלמוד as 'teaching'. Some texts have למוד but that too could have the meaning of 'teaching'.
- (86) If the error is due to carelessness; because one error leads to further errors, and is liable to result in breaches of the law not only on one's own part but on that of one's hearers or disciples.
- (87) b. Yohai, v. supra III, 4, and infra VI, 8, p. 87, n. 8.
- (88) Which one should try to attain; or, to which one should show deference.
- (89) Cf. Prov. I, 9: For they (instruction and teaching, תורה) shall be a chap let unto thy head.
- (90) Cf. Ex. XXIX, 6: And thou shalt set the mitre upon his (Aaron's) head, and put the holy crown upon the mitre.
- (91) For the verb עלה in this sense, cf. Prov. XXXI, 29.
- (92) Because without it the other crowns do not command deference. Cf. Eccl. VII, I; Prov. XXII, I.
- (93) Identified in this case with R. Eleazar b. 'Arach. V. supra II, 14 note.
- (94) B.: If there are no scholars in your own place. L.: Even if there are scholars in your own locality; the very experience of 'exile' — the strange surroundings, the privations it entails (cf. infra VI, 4) and the self-reliance it calls forth — is conducive to the better study of the Torah. The understanding of this passage in this sense has been the motive power of the deep-rooted custom among Jews, rife even in recent, and by no mean extinct in modern, times, of sending one's sons away from home to 'learn Torah'.
- (95) R. Eleazar b. 'Arach (v. p. 51, n. 14) had probably learnt this from personal experience, v. supra II, 14, n. 8.
- (96) The advantages of corporate study are frequently stressed. A companion in one's studies is not less important than a teacher (cf. supra I, 6).
- (97) Prov. III, 5. Some think that the stress intended is on the necessity for a teacher to give authoritative guidance to the student, and render 'and say not that it will come after thee or that thy equals (in learning) will help you to acquire a complete and sound knowledge; nor do thou lean on thine own understanding'.
- (98) Probably Jannai the father of R. Dosthai mentioned in III, 8; a contemporary of R. Meir.
- (99) Perhaps rather 'the secure feeling of . . .' cf. Jer. XII, 1, Wherefore doth the way of the wicked prosper? Wherefore are they all secure that deal very treacherously?
- (100) 'Even (אף) . . .' The afflictions of the righteous might appear easier to account for, e.g., by alleging the man's righteousness may be a sham, and that he is being punished for hidden sins; even so we cannot know the real reason.
- (101) After the vocalization in I Chron. IX, 15. Others vocalize Harash v. Bacher AT. I, p. 380. R. Mathia (or Mattithiah) lived in Rome in the middle of the second century.
- (102) After II ARN, Ch. XXXIV לשאול בשלום cf. I ARN. Ch. XXIX end, or, 'Be first with the (greeting of) Shalom ('Peace') to all men.' It is reported of R. Johanan b. Zakkai that never did anyone anticipate him in the salutation of Peace, not even a heathen in the market-place (Ber. 17a).
- (103) Frankel, op. cit., p. 238, suggests that this dictum was intended against the proverb, attributed to Julius Caesar, to the effect that it is better to be the first in a small village, than second in a large city. There is much in this suggestion, as the latter proverb is all very well for a mentality that idealizes temporal power, but not for those who recognise the supremacy of the spirit (cf. Zech. IV, 6). V. Bacher op. cit., p. 384. For a Rabbinic reversal of R. Mathia's advice: 'Be a head to foxes rather than a tail to lions,' v. J. San. IV, 10, p. 22b.
- (104) Probably R. J. b. Kurshai (or Kudshai), a tradent of R. Meir and of R. Simeon b. Yohai.
- (105) פרוזדור Gr. ** 'the space before the door', 'porch'.
- (106) With repentance and good deeds.
- (107) מרקלין Gr. ** A room with three couches for reclining at meals; among Romans, the triclinium was the dining room.
- (108) By means of which one wins one's way to the world to come.
- (109) When one's goal is attained. The energy and enthusiasm of the striving are more spiritually exhilarating than the final achievement.
- (110) The state of perfect and enduring balance, evenness and temperateness of spirit characteristic of the existence after death (cf. Eccl. IX, 10).
- (111) In which satisfaction is never complete, and joy never unalloyed. This world, whilst in the end not comparable to the world to come, has its compensations — the very striving in this world for the perfection that is possible only in the world to come, is something greater than the perfection itself, since the repentance and good deeds of this world can only

be achieved by dint of conscious avoidance of evil, and of positive well-doing, the former superfluous and the latter not requiring deliberate effort, in the world to come.

(112) b. Shammua' (v. Mish. 12). R. Simeon was a disciple of R. Meir.

(113) **תרצה** The Pi'el of **רצה** is once used in the Bible, Job XX, 10, as 'seek the favour of . . . 'appease'.

(114) Your efforts are likely to be worse than useless.

(115) The Jewish custom is, therefore, not to offer condolence to mourners until after the interment of their dead.

(116) If one is closely questioned at the time he makes a vow, as to its precise scope etc., he is liable-either through overzeal or foolhardiness-to extend its scope and over-particularize its applicability, and thus undertake more than he intended, or impose upon himself uncalled for commitments or inhibitions; he is also likely to be led into expressing the vow in such terms as would make it extremely difficult, if not impossible, for him ever to obtain release therefrom (as one can, in many cases, be released from a vow by a competent 'court'). V. I ARN, Ch. XXVI, R. Akiba said, . . . be not free with vows.'

(117) Whether due to his own fault, or caused by others. He is liable to think that you are gloating over him (v. supra III, 11). The advice here is not that one should deliberately avoid seeing him, but that one should not seek opportunities for seeing him. Noticeable avoidance would be almost as undesirable.

(118) First century, called ha-Katan, the Small, on account of his humility, or (according to others) because he was less only than Samuel the Prophet. On his chronology, v. Herford, a.I.

(119) It may be that this dictum was placed here because it happens to illustrate and emphasize the advice immediately preceding. Even over an enemy one should not gloat, how much less over others. Bacher AT, I, p. 370, n. 8, cites a conjecture that **דשמואל הקטן אמר** is a mistaken amplification of the letters **ש'ה'א** which actually were the initial letters (**ראשי תיבות**) of the words **שהרי הכתוב אומר** 'even as Scripture says' introducing a Biblical authority for the last section of the foregoing sentence.

(120) Prov. XXIV, 17-18. Samuel ha-Katan did not adopt or advocate too pacific an attitude towards Israel's enemies; on the contrary, he played a leading part in the insertion into the daily 'Amidah Prayer of a special Blessing directed against Israel's external and (chiefly) internal enemies, the Minim. However, he quite conceivably felt that Israel by rejoicing at the fallings and stumblings of their enemies, and thus exhibiting an unworthy feeling. would incline God, who is ever on the side of the wronged, to favour their adversaries, not for the latter's merits but because of Israel's failings, and that thus would Israel, by their own fault, hold up their final and complete salvation from their enemies, for which he prayed. In the light of this consideration, the inclusion of verse 18, which is omitted in some Aboth texts, is necessary as supplying the main point to Samuel's favourite quotation.

(121) Second century. A disciple of R. Meir. He became a great scholar, but having entered too deeply into esoteric speculation, he eventually apostasized from Judaism, probably to Gnosticism. Thereafter he was referred to as **אחר** 'another'. Abuyah **אבויה** is the usual reading. Lowe's MS. has **אביה** Abiyah, a name occurring in I Kings XIV, 1.

(122) **הלומד תורה לילד** So all old texts except R. Jonah who has **לילד** **הלומד תורה** a reading adopted later by some. The reading followed here is borne out by I ARN, Ch. XXIV p. 77 and II ARN, Ch. XXXV, p. 88.

(123) Which is smooth and clean. **נייר** is derived by Jast. from **נור** 'to (be) clear,' i.e., a blank surface. Krauss derives from **ניר** 'warp', i.e., (originally) the fibre from which the writing material was prepared. In modern Hebrew, **נייר** is used for paper.

(124) I and II ARN. **בזקנותו**

(125) The rough surface causes spluttering and 'running' of the ink, rendering legibility difficult, if not impossible.

(126) A contemporary of Rabbi Judah ha-Nasi, as evident from the end of this Mishnah.

(127) New and unmaturing. One learning from the young can expect to obtain only immature knowledge.

(128) One who learns from the old gets the benefit of ripe knowledge and mature judgment.

(129) V. supra II, 1. The P.B. text has **מאיר** **ר** which is incorrect (v. Baer, Siddur, 'Abodath Israel a.I.).

(130) **קנקן**, fast. 'a cylindrical vessel let into the ground of the cellar, in general a wine- or oil-vessel'. 'Aruch Kohut suggests an Arabic derivation.

(131) Rabbi disputes R. Jose b. Judah's opinion. In Rabbi's experience, a man's age was by no means a reliable index to his learning.

(132) A contemporary of Rabbi and the teacher of the celebrated Aggadist R. Joshua b. Levi.

(133) **קנאה** Taylor rightly points out that the word is also used in a good sense, viz. 'emulation'.

(134) **תאווה** '(keen) desire', 'lust'.

(135) Any one of the undesirable characteristics mentioned have this effect, since they necessarily negate the religious

teachings of the Torah, and render one unreceptive of the mental and moral excellences. (M.) For the phrase cf. supra II, 11.

(136) לַהֲחַיִּיתָ vocalize לַהֲחַיִּיתָ as a Nif'al. A polemic against those who denied resurrection (e.g. the Gnostics).

(137) M. and others, 'those living again (after their death)'.

(138) I.e., the living.

(139) I.e., to the end that, eventually, men might naturally and spontaneously, become aware that God is the creator etc. Cf. Jer. XXXI, 34, prophesying of the 'days that come', and they shall teach no more every man his neighbour, and every man his brother, saying: 'Know the Lord'; for they shall all know Me, from the least of them unto the greatest of them, saith the Lord. (cf. R; Jonah).

(140) V. next note.

(141) הַמְבִּין and הַיּוֹצֵר . Cf. Ps. XXXIII, 15: He that fashioneth (הַיּוֹצֵר) the hearts of them all, that considereth or discerneth (הַמְבִּין) all their doings.

(142) Cf. Mal. III, 5: And I will come near to you in judgment, and I will be a swift witness

(143) בַּעַל דֵּין the opposite party in a lawsuit. Cf. Job XXXI, 35.

(144) עֵתִיד Oesterley. 'in the hereafter'. The sentence is, of course, so understood; but, grammatically. עֵתִיד with the Infinitive (used in Mishnaic Hebrew to express the future tense) generally, as here, expresses the certainty and inevitability of that which, it is said, is to happen. When used with regard to human beings one can render 'destined' as in supra III, 1.

(145) Omitted in some versions. For the expression. v. supra III, 1, note. perhaps it is inserted here in view of the reference to God as Judge. Cf. בְּרוּךְ דֵּין הָאֵמֶת Blessed be the righteous Judge' prescribed in Ber. IX, 1, to be said on hearing evil tidings, but capable, of course, of general application. Note 'in whom there is no unrighteousness' which immediately follows here.'

(146) Taken from II Chron. XIX, 7: For there is no iniquity (or, unrighteousness) with the Lord our God, nor respect of persons, nor taking of bribes. Cf. Deut. XXXII, 4: Ps. XCII, 16; 'nor forgetting' appears to have been added so as to declare every conceivable departure from justice as impossible with God; not only is He certain not to do an injustice deliberately, but even an unwitting miscarriage of justice through forgetting (either a man's good or evil deeds) cannot occur with Him. 'Nor taking of bribes'; M. says this must not be taken in the usual sense of the expression, because such a thing is positively unthinkable of God. What it means is that even if a man has a thousand good deeds to his credit to one evil one, the thousand do not 'influence' God to overlook the one. The latter must be expiated, while for the former there is reward.

(147) Apparently added by someone who took 'taking of bribes' in the ordinary sense. In view of M.'s interpretation (v. previous note) these words ('for all is His') are meaningless and superfluous.

(148) The account which a man must give of his life.

(149) V. supra II, 11.

(150) A polemic against the heretics who denied reward and punishment in the hereafter. V. p. 56, n. 4. Perhaps it is also intended as against the idea of suicide, which the Roman Stoics (e.g. Seneca) extolled as 'a way out'.

(151) The phrase is used mostly in the sense of 'against one's will'.

(152) This supports the suggestion in note 5 as to a possible polemic against suicide.

(153) V. p. 56, n. 12.

(154) V. supra III, 2.

Mishna - Mas. Avoth Chapter 5

MISHNAH 1. WITH TEN [DIVINE] UTTERANCES¹ WAS THE WORLD CREATED.² AND WHAT IS THIS [SCRIPTURAL] INFORMATION [MEANT] TO TELL, FOR SURELY IT COULD HAVE BEEN CREATED WITH³ ONE UTTERANCE? BUT IT IS THAT PENALTY MIGHT BE EXACTED FROM THE WICKED WHO DESTROY THE WORLD THAT WAS CREATED WITH TEN UTTERANCES,⁴ AND TO GIVE A GOODLY REWARD TO THE RIGHTEOUS WHO MAINTAIN THE WORLD THAT WAS CREATED WITH TEN UTTERANCES.⁵

MISHNAH 2. [THERE WERE] TEN GENERATIONS FROM ADAM TO NOAH,⁶ IN ORDER

TO MAKE KNOWN HOW LONG-EXTENDED IS LONG-SUFFERING WITH HIM; FOR ALL THOSE GENERATIONS WERE REPEATEDLY ACTING PROVOKINGLY,⁷ UNTIL HE BROUGHT UPON THEM THE WATERS OF THE FLOOD.

[THERE WERE] TEN GENERATIONS FROM NOAH TO ABRAHAM,⁸ IN ORDER TO MAKE KNOWN HOW LONG-EXTENDED IS LONG-SUFFERING WITH HIM; FOR ALL THOSE GENERATIONS WERE REPEATEDLY ACTING PROVOKINGLY, UNTIL ABRAHAM, OUR FATHER, CAME AND RECEIVED THE REWARD OF ALL OF THEM.⁹

MISHNAH 3. WITH TEN TRIALS WAS ABRAHAM, OUR FATHER, PROVED,¹⁰ AND HE STOOD [FIRM]¹¹ IN THEM ALL; TO MAKE KNOWN HOW GREAT WAS THE LOVE OF ABRAHAM,¹² OUR FATHER (PEACE BE UPON HIM).

MISHNAH 4. TEN WONDERS WERE WROUGHT FOR OUR FATHERS IN EGYPT,¹³ AND TEN AT THE [RED] SEA.¹⁴ TEN PLAGUES DID THE HOLY ONE, BLESSED BE HE, BRING UPON THE EGYPTIANS IN EGYPT AND TEN AT THE [RED] SEA.¹⁵

[WITH] TEN TEMPTATIONS DID OUR FATHERS PUT TO PROOF THE HOLY ONE, BLESSED BE HE,¹⁶ AS IT IS SAID, YET HAVE THEY PUT ME TO PROOF THESE TEN TIMES, AND HAVE NOT HEARKENED TO MY VOICE.¹⁷

MISHNAH 5. TEN WONDERS WERE WROUGHT FOR OUR FATHERS IN THE SANCTUARY: [i] NO WOMAN MISCARRIED FROM THE ODOUR OF THE HOLY [I.E.. SACRIFICIAL] FLESH;¹⁸ [ii] THE HOLY FLESH NEVER BECAME PUTRID;¹⁹ [iii] NO FLY WAS SEEN IN THE SLAUGHTERHOUSE;²⁰ [iv] NO PERSONAL UNCLEANNESS OCCURRED TO THE HIGH PRIEST ON THE DAY OF ATONEMENT;²¹ [v] THE RAINS DID NOT EXTINGUISH THE FIRE OF THE WOOD OF THE PILE;²² [vi] THE WIND DID NOT PREVAIL AGAINST THE COLUMN OF SMOKE;²³ [vii] NO DISQUALIFICATION WAS FOUND IN THE OMER,²⁴ OR IN THE TWO LOAVES,²⁵ OR IN THE SHEWBREAD;²⁶ [viii] THEY STOOD SERRIED,²⁷ YET PROSTRATED THEMSELVES [WITH] WIDE SPACES [BETWEEN THEM]; [ix] NEVER DID A SERPENT OR A SCORPION DO INJURY IN JERUSALEM; [x] AND NO MAN SAID TO HIS FELLOW: THE PLACE IS TOO STRAIT FOR ME TO LODGE OVERNIGHT²⁸ IN JERUSALEM.

MISHNAH 6. TEN THINGS WERE CREATED ON THE EVE OF THE SABBATH²⁹ AT TWILIGHT, AND THESE ARE THEY: [i] THE MOUTH OF THE EARTH,³⁰ [ii] THE MOUTH OF THE WELL,³¹ [iii] THE MOUTH OF THE SHE-ASS,³² [iv] THE RAINBOW,³³ [v] THE MANNA, [vi] THE ROD [OF MOSES],³⁴ [vii] THE SHAMIR,³⁵ [viii] THE TEXT,³⁶ [ix] THE WRITING,³⁷ AND [x] THE TABLES.³⁸ AND SOME SAY: ALSO THE SEPULCHRE OF MOSES, OUR TEACHER,³⁹ AND THE RAM OF ABRAHAM, OUR FATHER,⁴⁰ AND SOME SAY: ALSO THE DESTROYING [SPIRITS],⁴¹ AND TONGS TOO, MADE WITH TONGS.⁴²

MISHNAH 7. [THERE ARE] SEVEN THINGS [CHARACTERISTIC] IN A MAN OF IMPERFECTLY DEVELOPED MIND,⁴³ AND SEVEN IN A WISE MAN: A WISE MAN SPEAKS NOT BEFORE ONE WHO IS GREATER THAN HE IN WISDOM,⁴⁴ AND ENTERS NOT INTO⁴⁵ THE MIDST OF THE WORDS OF HIS FELLOW; AND IS NOT HASTY TO ANSWER;⁴⁶ HE ASKS IN ACCORDANCE WITH THE SUBJECT-MATTER,⁴⁷ AND HE ANSWERS⁴⁸ IN ACCORDANCE WITH THE ACCEPTED DECISION;⁴⁹ AND HE SPEAKS OF THE FIRST [POINT] FIRST, AND OF THE LAST [POINT] LAST; AND CONCERNING THAT WHICH HE HAS NOT HEARD, HE SAYS:⁴⁵ HAVE NOT HEARD;⁵⁰ AND HE ACKNOWLEDGES THE TRUTH.⁵¹ AND THE REVERSE OF THESE [ARE CHARACTERISTIC] IN A MAN OF IMPERFECTLY DEVELOPED MIND.

MISHNAH 8. SEVEN KINDS OF PUNISHMENT COME TO THE WORLD⁵² FOR SEVEN CATEGORIES OF TRANSGRESSION:⁵³ WHEN SOME OF THEM [I. E., THE PEOPLE] GIVE TITHES, AND OTHERS DO NOT GIVE TITHES, A FAMINE FROM DROUGHT⁵⁴ COMES, AND SOME GO HUNGRY, AND OTHERS HAVE PLENTY; WHEN THEY HAVE ALL DECIDED NOT TO GIVE TITHES, A FAMINE FROM TUMULT⁵⁵ COMES; [WHEN THEY HAVE, IN ADDITION, DECIDED] NOT TO SET APART THE DOUGH[-CAKE],⁵⁶ A FAMINE OF EXTERMINATION COMES. PESTILENCE COMES TO THE WORLD⁵⁷ FOR [SINS] THE DEATH-PENALTIES [FOR] WHICH ARE PRONOUNCED IN THE TORAH, BUT WHICH HAVE NOT BEEN REFERRED TO A [HUMAN] TRIBUNAL;⁵⁸ AND ON ACCOUNT OF [THE TRANSGRESSION OF THE LAWS REGARDING] THE PRODUCE OF THE SEVENTH YEAR.⁵⁹

THE SWORD COMES TO THE WORLD⁶⁰ FOR THE RETARDATION OF JUDGMENT,⁶¹ AND FOR THE PERVERSION OF JUDGMENT, AND ON ACCOUNT OF THOSE WHO INTERPRET THE TORAH NOT IN ACCORDANCE WITH THE ACCEPTED LAW.⁶²

MISHNAH 9. WILD BEASTS COME TO THE WORLD⁶³ FOR VAIN SWEARING,⁶⁴ AND FOR THE PROFANATION OF THE NAME.⁶⁵ EXILE COMES TO THE WORLD⁶⁶ FOR IDOLATRY, FOR INCEST AND FOR BLOODSHED,⁶⁷ AND FOR [TRANSGRESSING THE COMMANDMENT OF] THE [YEAR OF THE] RELEASE OF THE LAND.⁶⁸ AT FOUR PERIODS PESTILENCE INCREASES: IN THE FOURTH [YEAR], IN THE SEVENTH [YEAR] AND AT THE CONCLUSION OF⁶⁹ THE SEVENTH [YEAR], AND AT THE CONCLUSION OF THE FEAST [OF TABERNACLES]⁷⁰ IN EVERY YEAR. IN THE FOURTH [YEAR], ON ACCOUNT OF [DEFAULTING WITH] THE TITHE OF THE POOR WHICH IS [DUE] IN THE THIRD [YEAR];⁷¹ IN THE SEVENTH [YEAR], ON ACCOUNT OF [DEFAULTING] WITH THE TITHE OF THE POOR WHICH IS [DUE] IN THE SIXTH [YEAR]; AT THE CONCLUSION OF THE SEVENTH [YEAR], ON ACCOUNT OF [TRANSGRESSING THE LAWS REGARDING] THE PRODUCE OF THE SEVENTH [YEAR];⁷² AND AT THE CONCLUSION OF THE FEAST [OF TABERNACLES] IN EVERY YEAR, FOR ROBBING THE GIFTS [ASSIGNED BY THE TORAH] TO THE POOR.⁷³

MISHNAH 10. [THERE ARE] FOUR TYPES OF CHARACTER⁷⁴ IN MEN: HE THAT SAYS: 'MINE IS MINE, AND THINE IS THINE': THIS IS A NEUTRAL TYPE SOME SAY THIS IS A SODOM-TYPE⁷⁵ OF CHARACTER: [HE THAT SAYS:] 'MINE IS THINE AND THINE IS MINE' IS AN UNLEARNED PERSON;⁷⁶ [HE THAT SAYS:] MINE IS THINE AND THINE IS THINE,' IS A PIOUS MAN;⁷⁷ [HE THAT SAYS:] 'MINE IS MINE, AND THINE IS MINE,' IS A WICKED MAN.⁷⁸

MISHNAH 11. [THERE ARE] FOUR TYPES OF CHARACTER IN [RESPECT OF] TEMPERAMENTS: EASY TO BECOME ANGRY, AND EASY TO BE PACIFIED: HIS GAIN DISAPPEARS IN HIS LOSS;⁷⁹ HARD TO BECOME ANGRY, AND HARD TO BE PACIFIED: HIS LOSS DISAPPEARS IN HIS GAIN; HARD TO BECOME ANGRY AND EASY TO BE PACIFIED: [HE IS] A PIOUS MAN;⁸⁰ EASY TO BECOME ANGRY AND HARD TO BE PACIFIED: [HE IS] A WICKED MAN.

MISHNAH 12. [THERE ARE] FOUR TYPES OF CHARACTER AMONG DISCIPLES: QUICK TO COMPREHEND,⁸¹ AND QUICK TO FORGET:⁸² HIS GAIN DISAPPEARS IN HIS LOSS; SLOW TO COMPREHEND, AND SLOW TO FORGET: HIS LOSS DISAPPEARS IN HIS GAIN: QUICK TO COMPREHEND, AND SLOW TO FORGET: [HE IS] A WISE MAN;⁸³ SLOW TO COMPREHEND, AND QUICK TO FORGET, THIS IS AN EVIL PORTION.⁸⁴

MISHNAH 13. [THERE ARE] FOUR TYPES OF CHARACTER IN [RESPECT OF] ALMSGIVING.⁸⁵ HE WHO DESIRES THAT HE [HIMSELF] SHOULD GIVE, BUT THAT OTHERS SHOULD NOT GIVE: HIS EYE IS EVIL⁸⁶ TOWARDS THAT WHICH APPERTAINS TO OTHERS;⁸⁷ [HE WHO DESIRES] THAT OTHERS SHOULD GIVE, BUT THAT HE [HIMSELF] SHOULD NOT GIVE: HIS EYE IS EVIL TOWARDS THAT WHICH IS HIS [OWN]; [HE WHO DESIRES] THAT HE [HIMSELF] SHOULD GIVE, AND THAT OTHERS SHOULD GIVE: [HE IS] A PIOUS MAN; [HE WHO DESIRES] THAT HE HIMSELF SHOULD NOT GIVE AND THAT OTHERS [TOO] SHOULD NOT GIVE: [HE IS] A WICKED MAN.⁸⁸

MISHNAH 14. [THERE ARE] FOUR TYPES OF CHARACTER IN [REGARD TO REGULAR] ATTENDANCE⁸⁹ AT THE HOUSE-OF-STUDY: HE WHO ATTENDS BUT PRACTISES⁹⁰ NOT, THE REWARD FOR ATTENDING IS IN HIS HAND;⁹¹ HE WHO PRACTISES BUT ATTENDS NOT,⁹² THE REWARD FOR PRACTISING IS IN HIS HAND; HE WHO ATTENDS AND PRACTISES, HE IS A PIOUS MAN;⁹³ HE WHO ATTENDS NOT AND PRACTISES NOT: HE IS A WICKED MAN.⁹⁴

MISHNAH 15. [THERE ARE] FOUR TYPES OF CHARACTER AMONG THOSE WHO SIT BEFORE THE SAGES:⁹⁵ [THEY ARE, SEVERALLY, TYPIFIED BY] A SPONGE, A FUNNEL, A STRAINER AND A SIEVE:⁹⁶ A SPONGE, WHICH ABSORBS ALL; A FUNNEL, WHICH LETS IN AT ONE END AND LETS OUT AT THE OTHER; A STRAINER, WHICH LETS OUT THE WINE AND RETAINS THE LEES; A SIEVE, WHICH LETS OUT THE COARSE MEAL AND RETAINS THE CHOICE FLOUR.⁹⁷

MISHNAH 16. ALL LOVE THAT DEPENDS ON A [TRANSIENT] THING,⁹⁸ [WHEN THE] THING CEASES, [THE] LOVE CEASES; AND [ALL LOVE] THAT DEPENDS NOT ON A [TRANSIENT] THING, CEASES NOT FOR EVER. WHICH IS THE [KIND OF] LOVE THAT DEPENDS ON A [TRANSIENT] THING? SUCH AS WAS THE LOVE OF AMNON FOR TAMAR;⁹⁹ AND [WHICH IS THE KIND OF LOVE] THAT DEPENDS NOT ON A [TRANSIENT] THING? SUCH AS WAS THE LOVE OF DAVID AND JONATHAN.¹⁰⁰

MISHNAH 17. EVERY CONTROVERSY THAT IS IN THE NAME OF HEAVEN,¹⁰¹ THE END THEREOF IS [DESTINED] TO RESULT IN SOMETHING PERMANENT;¹⁰² BUT ONE THAT IS NOT IN THE NAME OF HEAVEN, THE END THEREOF IS NOT [DESTINED] TO RESULT IN SOMETHING PERMANENT.

WHICH IS THE [KIND OF] CONTROVERSY THAT IS IN THE NAME OF HEAVEN? SUCH AS WAS THE CONTROVERSY BETWEEN HILLEL AND SHAMMAI;¹⁰³ AND WHICH IS THE [KIND OF] CONTROVERSY THAT IS NOT IN THE NAME OF HEAVEN? SUCH AS WAS THE CONTROVERSY OF KORAH AND ALL HIS CONGREGATION.¹⁰⁴

MISHNAH 18. WHOEVER CAUSES THE MANY¹⁰⁵ TO BE RIGHTEOUS,¹⁰⁶ SIN OCCURS NOT THROUGH HIM;¹⁰⁷ AND WHOEVER CAUSES THE MANY TO SIN, THEY DO NOT AFFORD HIM THE FACULTY¹⁰⁸ TO REPENT.¹⁰⁹ MOSES WAS RIGHTEOUS AND CAUSED THE MANY TO BE RIGHTEOUS, [THEREFORE] THE RIGHTEOUSNESS OF THE MANY WAS [CONSIDERED] DEPENDENT ON HIM,¹¹⁰ AS IT IS SAID, HE EXECUTED THE RIGHTEOUSNESS OF THE LORD AND HIS ORDINANCES WITH ISRAEL.¹¹¹ JEROBOAM, THE SON OF NEBAT, SINNED AND CAUSED OTHERS TO SIN, [THEREFORE] THE SIN OF THE MANY WAS [CONSIDERED] DEPENDENT ON HIM, AS IT IS SAID, FOR THE SINS OF JEROBOAM WHICH HE SINNED, AND WHEREWITH HE MADE ISRAEL TO SIN.¹¹²

MISHNAH 19. WHOEVER POSSESSES THESE THREE THINGS, HE IS OF THE DISCIPLES OF ABRAHAM, OUR FATHER; AND [WHOEVER POSSESSES] THREE OTHER THINGS, HE

IS OF THE DISCIPLES OF BALAAM, THE WICKED.¹¹³ THE DISCIPLES OF ABRAHAM, OUR FATHER, [POSSESS] A GOOD EYE,¹¹⁴ AN HUMBLE SPIRIT¹¹⁵ AND A LOWLY SOUL.¹¹⁶ THE DISCIPLES OF BALAAM, THE WICKED, [POSSESS] AN EVIL EYE,¹¹⁷ A HAUGHTY SPIRIT¹¹⁸ AND AN OVER-AMBITIOUS SOUL.¹¹⁹ WHAT IS [THE DIFFERENCE] BETWEEN THE DISCIPLES OF ABRAHAM, OUR FATHER, AND THE DISCIPLES OF BALAAM, THE WICKED. THE DISCIPLES OF ABRAHAM, OUR FATHER, ENJOY¹²⁰ [THEIR SHARE] IN THIS WORLD, AND INHERIT THE WORLD TO COME, AS IT IS SAID: THAT I MAY CAUSE THOSE THAT LOVE ME¹²¹ TO INHERIT SUBSTANCE AND THAT I MAY FILL THEIR TREASURIES,¹²² BUT THE DISCIPLES OF BALAAM, THE WICKED, INHERIT GEHINNOM,¹²³ AND DESCEND INTO THE NETHERMOST PIT, AS IT IS SAID: BUT THOU, O GOD, WILT BRING THEM DOWN TO THE NETHERMOST PIT; MEN OF BLOOD AND DECEIT¹²⁴ SHALL NOT LIVE OUT HALF THEIR DAYS; BUT AS FOR ME, I WILL TRUST IN THEE.

MISHNAH 20. JUDAH B. TEMA¹²⁵ SAID: BE BOLD AS A LEOPARD,¹²⁶ AND SWIFT AS AN EAGLE,¹²⁷ AND FLEET AS A HART,¹²⁸ AND STRONG AS A LION,¹²⁹ TO DO THE WILL OF THY FATHER WHO IS IN HEAVEN.¹³⁰

HE USED TO SAY: THE BOLD-FACED¹³¹ IS [DESTINED] FOR GEHINNOM¹³² AND THE SHAME-FACED¹³³ FOR THE GARDEN OF EDEN.¹³⁴

MAY IT BE THE WILL [EMANATING] FROM THY PRESENCE, O LORD OUR GOD,¹³⁵ THAT THY CITY¹³⁶ BE [RE]BUILT SPEEDILY IN OUR DAYS AND GRANT THOU [THAT] OUR PORTION [BE]¹³⁷ IN THY LAW.¹³⁸

MISHNAH 21. HE USED TO SAY:¹³⁹ FIVE YEARS [IS THE AGE] FOR [THE STUDY OF] SCRIPTURE,¹⁴⁰ TEN-FOR [THE STUDY OF] MISHNAH,¹⁴¹ THIRTEEN-FOR [BECOMING SUBJECT TO] COMMANDMENTS,¹⁴² FIFTEEN-FOR [THE STUDY OF] TALMUD,¹⁴³ EIGHTEEN- FOR THE [BRIDAL] CANOPY,¹⁴⁴ TWENTY — FOR PURSUING,¹⁴⁵ THIRTY-FOR [FULL] STRENGTH,¹⁴⁶ FORTY — FOR UNDERSTANDING, FIFTY- FOR [ABILITY TO GIVE] COUNSEL,¹⁴⁷ SIXTY-FOR MATURE AGE, SEVENTY-FOR A HOARY HEAD,¹⁴⁸ EIGHTY [IS A SIGN OF SUPERADDED] STRENGTH,¹⁴⁹ NINETY [IS THE AGE] FOR [A] BENDING [FIGURE],¹⁵⁰ AT A HUNDRED, ONE IS AS ONE THAT IS DEAD, HAVING PASSED AND CEASED FROM THE WORLD.¹⁵¹

MISHNAH 22,¹⁵² BEN BAG BAG¹⁵³ SAID: TURN IT¹⁵⁴ OVER, AND [AGAIN] TURN IT OVER, FOR ALL IS THEREIN.¹⁵⁵ AND LOOK¹⁵⁶ INTO IT; AND BECOME GREY AND OLD THEREIN;¹⁵⁷ NEITHER MOVE THOU AWAY THEREFROM,¹⁵⁸ FOR THAN IT THOU HAST NO BETTER STANDARD OF CONDUCT.¹⁵⁹

MISHNAH 23. BEN HEHE¹⁶⁰ SAID: ACCORDING TO THE LABOUR IS THE REWARD.¹⁶¹

(1) **מאמרות** with reference to the phrase **וַיֹּאמֶר אֱלֹהִים** and God said, which, in Gen. I, introduces the several phases of creation, and to the original utterance which brought the universe as a comprehensive whole into being, as implied in Ps. XXXIII, 9, for he spoke, and it was.

(2) In Gen. 1,3-29. 'and God said' occurs nine times (**וַיֹּאמֶר**) in v. 28b is looked upon as introducing a command or a blessing and not some new act of creation. V. Elijah Wilna's commentary to Aboth). As to which is the tenth 'utterance', opinions differ. Some think in view of Ps. XXXIII, 6, By the word of the Lord were the heavens waded, that an 'utterance' is implied in Gen. I, 1. P.R.E ch. III designates 'and he said' in Gen. II,18 (introducing the creation of woman) as the tenth. (The Epstein MS. of P.R.E. speaks of the ten utterances but does not enumerate them. V. G. Friedlander's Edition, a.i.) V. also II ARN ch. XXXVI, where one authority is reported as substituting Gen. I, 22, (the creation of the sea-monsters) where there is no 'and he said' but 'and he created' which term is held to imply a separate

act of creation and therefore to have involved a separate 'utterance'. Gen. R. ch. XXVII enumerates eight times **ויאמר** up to Gen. I, 26, and in addition Gen. I, 1. (**בראשית**) and I, 2 'and the breath of God hovered over the face of the waters,' cf. the use of **רוח** breath in Ps. XXXIII, 6, as a parallel to word.

(3) **מה תלמוד לומר** v. supra III, 8, note.

(4) If the world had been created by one single fiat, men, judging by the little they can themselves achieve by one act only, would think lightly of the world, and have little compunction about 'spoiling' a 'cheap' thing that can be so easily made. The fact that God took, as it were, extraordinary and, in view of his omnipotence, apparently unnecessary pains in its creation, should serve to warn would-be wicked men — potential destroyers of the world — that God will by no means allow anyone to go scot free who by his conduct tends to destroy the world in the creation of which He has taken so much trouble, as it were.

(5) 'The implied relationship between ethical and cosmic processes' (Oesterley) is an important factor in Jewish theology.

(6) Viz., (i) Adam; (ii) Seth; (iii) Enosh; (iv) Kenan; (v) Mahalaleel; (vi) Jered; (vii) Enoch; (viii) Methuselah; (ix) Lamech; (x) Noah; (Gen. V. 3-29).

(7) **מכעיסין ובאין** so also I ARN ch. XXXII, but in the parallel to the latter half of this Mishnah (ibid Ch. XXXIII) **מכעיסין לפניו** 'acting provokingly before Him' which Lowe's MS., MV., R. Jonah and others have in both instances.

(8) Viz., (i) Shem; (ii) Arpachshad; (iii) Shelah; (iv) Eber; (v) Peleg; (vi) Reu; (vii) Serug; (viii) Nahor; (ix) Terah; (x) Abraham; (Gen. XI, 10-26).

(9) I.e., the reward which had been in store for the people of those ten generations and would have been given them had they not by their wickedness angered God and forfeited their share.

(10) I ARN Ch. XXXIII amplifies: Two trials at the time he was bidden to leave Haran, two with his two sons, two with his two wives, one in the wars of the Kings, one at the covenant 'between the pieces' (Gen. XV). one in Ur of the Chaldees (where, according to a tradition, he had been thrown into a furnace whence he came out unharmed). II ARN Ch. XXXVI speaks of ten trials, but names only nine: (i) at Ur; (ii) Get thee out of thy land. ' (Gen. XII, 2); (iii) The famine when he left Haran (Ibid. v. 10); (iv) Sarah at Pharaoh's palace; (v) Sarah at Abimelech's; (vi) Circumcision; (vii) The covenant 'between the pieces'; (viii) With Isaac; (ix) With Ishmael. p.R.E. contains numbers II,III (the latter as two separate trials), IV, VI-IX of the above list and adds his hiding underground from Nimrod for thirteen years, and the wars of the Kings (including the plight of Lot).

(11) I ARN, 'he was found perfect'.

(12) Cf. Isa. XLI, 8, Abraham that loved Me; II Chron. XX, 7, Abraham that loved Thee.

(13) That the ten plagues did not harm the Israelites is looked upon as constituting ten miracles.

(14) These ten are enumerated in I ARN ch. XXXIII (ed. Schechter, p. 96). Mekilta, Bshallah (ed. Weiss, p. 36). Tanhuma ib. (but not in ed. Buber), M. to Aboth summarizes: (i) the Sea cleft (Ex. XIV, 21); (ii) An arched tunnel ('tube') was formed through the water (Hab. III, 15); (iii) The sea-bed became hard (Ex. XIV, 29); (iv) it turned back to its muddy and clogging condition when the Egyptians attempted to use it (Hab. III, 14); (v) Separate paths were formed for each of the twelve tribes (Ps. CXXXVI, 13); (vi) The water congealed and hardened (Ps. LXXIV, 13); (vii) However not as one whole mass, but in separate blocks (ibid. Thou didst break the sea in pieces); (viii) The water-partitions between the parallel paths of the tribes were translucent (Ps. XVIII 12, 13); (ix) From the congealed (and salty) sea water, 'sweet' water flowed for the Israelites to drink, but (x) that which they did not drink, congealed again in its flow before it reached the ground (Ex. XV, 8).

(15) This paragraph not in all versions. The ten at the Red Sea are implied in the following expressions in Ex. XV: (i) v. I, . . . hath he thrown; (ii) v. 4, . . . hath he cast; (iii) ib. are sunk; (iv) v. 5, The deeps cover them; (v) ib. They went down into the depths; (vi) v. 6, . . . dasheth in pieces the enemy; (vii) v. 7. Thou overthrowest those that rise up against Thee; (viii) ib. . . it consumeth them as stubble; (ix) v. 10, The sea covereth them; (x) ib. They sank as lead. M., basing himself on Mekilta, has one variation.

(16) In some edd. of ARN (ch. XXXIV) 'with ten trials did the Holy One, blessed be He, put Israel to proof and in all of them they were found not perfect'. A list of the ten is given in 'Ar. 15a, b. (i) Because there are no graves in Egypt hast thou taken us away to die in the wilderness? (Ex. XIV, 11); (ii) Not till they had seen the Egyptians washed up dead, did the Israelites believe (ib. 30-31); (iii) At Marah (Ex. XV, 24); (iv) At Rephidim (ib. XVII, 2 ff); (v) Gathering manna on the Sabbath (ib. XVI, 27); (vi) Leaving it till the morning (ib. 20); (vii) The first lust for flesh which was satisfied by the quails that came with the Manna (ib. 3, 12-13); (viii) The second lust for flesh followed by a surfeit of quails at Kibroth

ha-Ta'avah (Num. XI, 4. 18-20,34); (ix) The Golden calf (which was not only a transgression of the prohibition against idols, but a sign of lack of faith); (x) The evil report of the ten spies 'accepted' by the people. M. varies some items of the above list: for (v) he gives the murmuring which preceded the Manna (Ex. XVI, 2, 3), and for (vii) the murmuring at Taberah (Num. XI, 1.3). For the latter as well as for (iv) and (viii) cf. Deut. IX, 22, And at Taberah, and at Massah and at Kibroth ha-Ta'avah ye wade the Lord's wrath.

(17) Num. XIV, 22. This also exemplifies God's long-suffering: hitherto the punishments for each act due to lack of faith had been ad hoc; it was only after the tenth 'trial', that God finally doomed that generation to perish in the wilderness.

(18) Through a longing that could not have been satisfied to partake of it, (but v. L.).

(19) Though it could be, and often was, kept at the altar-head for two or three days. R. Jonah and MV had התליע, a denominative of תולעה 'worm'.

(20) It was fitted with marble tables.

(21) Which would not only disqualify him from carrying through the service of the Day, but would make him feel exceedingly self-conscious, as everybody would be bound to get to know of it. I ARM Ch. XXXV adds, 'except R. Ishmael b. Kimhith' who was accidentally rendered unclean through the uncleanness of another person (v. Yoma 47a). In the case of another High priest who is reported to have become unclean on the Day of Atonement (ib. 12b), it is held by some authorities that that, too, was caused by an external impurity. Others say this miracle operated only in the First Temple, whereas the cases mentioned occurred in the Second.

(22) Laid on the altar, which was under the open sky. The Hebrew word translated 'pile' (מערכה) is from the root ערך 'to set (or lay) in order' which is used for laying a fire on an altar (e.g.. Gen. XXII, 9; Lev. I, 7,12).

(23) Some: A column of smoke from the altar-fire broken up or deflected by wind denoted an unacceptable sacrifice. L. explains quite prosaically: so that the smoke was not blown downward, thus causing discomfort to the priests in the performance of the service. L. is probably right as the first interpretation does not tally with the fact known from the Prophets. etc. that there had been sacrifices offered up in the Temple that were unacceptable to God.

(24) Lev. XXIII, 9ff. A sheaf of new barley freshly cut during the night following the First Day of passover, brought to the Temple courtyard, threshed, parched, spread on the courtyard floor to be dried by the wind, milled, sifted through thirteen sieves, a tenth part of an epha taken off and given to the priests who offered it up in the manner prescribed for meal-offerings (Men. X, 3-5). This 'released' the new grain for reaping (ib. 7). Should some disqualifying defect have rendered the omer unfit for the altar, it would have been impossible to prepare another sheaf in time for the offering (v. B.).

(25) Baked of the 'First Fruits' of the wheat-harvest and offered up on the Feast of Weeks (Pentecost) (Lev. ibid. 15ff.). The baking had to be done before the commencement of the festival, and was not among those Temple ritual occupations which overrode the prohibition of work on Sabbath and Festival. If, therefore, by reason of any defect, the Two Loaves would have had to be disqualified, others could not have been 'brought'.

(26) Ex. XXV, 30; Lev. XXIV, 5-7. It was changed weekly, on the Sabbath, but had to be baked before the Sabbath. If there had been some disqualifying cause, they could not have changed the shewbread for another week. The last three miracles are treated in our Mishnah as one, but they are enumerated as separate in Yoma 21a, where the rain and wind miracles are not given among the ten.

(27) Or 'pressed together'.

(28) אדון Another reading is אדון 'dwell' and, according to some, it means that everybody who lived in Jerusalem was able to obtain a livelihood. Our reading refers to the large number of pilgrims who came to Jerusalem for the Three Festivals (Passover, Pentecost, Tabernacles). all of whom found accommodation in Jerusalem.

(29) בין השמשות; Nahmanides to Ex. XII, 6, on בין הערבים (which Onkelos translates בין שמשא and Targum Jonathan' ביני שמשות) renders it 'between the suns', between the sun in the East and the sun in the West: till midday the sun is in the East, after that in the West. At midday it shines in both directions (which explains the dual form of צהרים noon). After noon the sun's light gradually diminishes as from both directions (hence the dual ערבים) until it sinks. The Rabbinic phrase בין השמשות would thus mean the period between the sun leaving the East and the sun leaving also the West. According to Ibn Ezra (v. Ex. ib. and Gen. I, 18) בין השמשות (or בין הערבים) would mean the period between the disappearance of the sun's disc beneath the horizon and the disappearance of its light which is still reflected in the clouds. Jastrow s.v. 'between the services' sc. of day and night, relying on Nahmanides' interpretation of לממשלת היום not as 'to rule by day' but as 'to rule over the day etc.' According to this interpretation, the day and the night are the servants of the sun and the moon, and the durations of day and night may be termed their respective periods of service. Ibn Ezra says of בין הערבים that it is מלה קשה 'a

difficult term', which applies similarly, of course, to **בין השמשות**).

(30) Num. XVI, 30, And if the Lord shall (be found to) have created a (special) creation and the ground open her mouth, and swallow them (i.e. Korah and his confederates) up, with all that appertain unto them . . .

(31) **פי הבאר** Either the mouth of the well in the rock which Moses opened by striking the rock (Num. XX, 7-11), or the mouth of the Well of Miriam which followed the Israelites in the wilderness and which halted when they encamped, and which is taken by some to be the well referred to in Num. XXI, 16-18.

(32) V. Num. XXII, 28, And the Lord opened the mouth of the ass, and she said unto Balaam . . .

(33) V. Gen. IX, 13ff.

(34) V. Ex. IV, 17.

(35) **שמיר** In Bibl. Heb. thorn, also flint used for engraving. In Rabbinic literature it also denotes a legendary worm or insect which by passing over stones could make an incision for an engraving or split them through completely. Such an assumption was deemed necessary in view of the command that no iron tool be lifted at the building of an altar to God (Ex. XX, 22) and, of the report in I Kings VI, 7, that in fact no such tool was heard during the building of Solomon's Temple.

(36) So M. and R. Jonah. And the Lord said unto Moses: Come up to Me into the mount, and be there; and I will give thee the tables of stone, and the law and the commandment which I have written. . — (Ex. XXIV, 12.) i.e., God had already once written the Law before he called Moses into the mount. B. and others, 'the shape of the written characters' on the Tables which were held to have been of an unique nature in that the letters having been cut right through the stone, were not only equally readable on both sides, but a letter such as the ancient 'Ayin which was O-shaped-could, in such circumstances, have been possible only by miracle (v. Shab. 104a). This belief was based on Ex. XXXII, 15: tables that were written on both their sides; on the one side and on the other were they written.

(37) **מכתב** Ex. XXXII, 16, and the writing (**מכתב**) was the writing of God. Others (e.g. Rashi) vocalize, here in the Mishnah, **מכתב** or **מכתב** the writing or engraving instrument.

(38) Ibid. And the tables were the work of God.

(39) Deut. XXXIV, 6.

(40) I.e., It was ordained on the eve of the First Sabbath at twilight that a certain ram in Abraham's time should be 'ownerless' (hefker), so that when Abraham should require one as a surprise-substitute for Isaac, he might find one ready at hand which he could rightfully (i.e. without robbing anyone) appropriate for a sacrifice (L.).

(41) **מוזיקין** from root **נזק** suffer injury, Est. VII, 4 (also Dan, VI, 3; Ezra IV, 13, 15, 22, Aramaic) i.e., those who cause injury, do harm, destroy. Demons. Souls unfinished before the First Sabbath set in.

(42) The idea is: There must have been tongs to hold the iron from which the first man-made tongs were forged. V. Pes. 54a, where it is suggested that the first tongs could have been cast in a mould. The parallels mention some other Sabbath-eve creations such as the rod of Aaron (Num. XVII, 16 ff), the garment of Adam (Gen. III, 21), the cave in which Moses and Elijah stood when God revealed himself to them. (Ex. XXXIII, 22; I Kings XIX, 9 ff.) With reference to the things enumerated in the Mishnah, Singer (P.B. p. 200) remarks: 'All phenomena that seemed to partake at once of the natural and the supernatural were conceived as having had their origin in the interval between the close of the work of creation and the commencement of the Sabbath.' It is generally held that what is meant is that these things were created on the Sabbath eve at twilight, in posse, to become available in esse when the right time for their use would arrive.

(43) **גלם** in Ps. CXXXIX, 16, means the yet undeveloped embryo. Its use here as an antithesis to **חכם** proves that it has reference to a man's mental powers.

(44) Some versions add **ובמנין** 'and in number' which means either in number of years, i.e., age, or in the number of scholars who agree with the opinion of the other man, if they be in the majority.

(45) I.e., does not break in or interrupt.

(46) Cf. the advice in I,1. patience is required of a Rabbi, teacher or judge in giving a considered reply.

(47) Cf. Shab. 3b: R. Hiyya said to Rab: 'When Rabbi is definitely occupied with one tractate, do not ask him a question relating to another . . . were it not that Rabbi is a great man (scholar) you would have confounded him and he would have given you an inappropriate reply.'

(48) B . . . and (consequently) the teacher answers, etc.

(49) Others: 'to the point'.

(50) I.e., learnt it. He admits not knowing. Cf. Ber. 4a. DEZ ch. III, 'teach thy tongue to say I know not . . . Others: When he gives an answer, either an interpretation or a decision, which has not been handed down to him by his own

- teachers, he deliberately makes a clear statement to that effect, so that his hearers might not be misled into taking for granted that this teaching of his too is from tradition. Some render 'understood' instead of 'heard'.
- (51) R. Jonah: When in discussion he recognizes as true the solution propounded by another man, he acknowledges it as correct, though he may think of clever counter-arguments, and he does not consider it inconsistent with his dignity to admit defeat.
- (52) I.e., upon mankind, more particularly upon Israel.
- (53) Cf. MV. Others (e.g. Singer, P.B.), 'important transgressions'.
- (54) Cf. Lev. XXVI, 19; Deut. XXVIII, 23.
- (55) Tumult, turmoil as opposite to peace. V. II Chron. XV, 5. Cf. Deut. *ibid.* 20.
- (56) V. Num. XV, 19ff.
- (57) Cf. Lev. *ibid.* 25; Deut. *ibid.* 21.
- (58) Either, because the Torah expressly, or impliedly, excludes those matters from the competency of a human court, or, because the sins, though committed, have not come to the knowledge of the judicial authorities, or, at a time when a Jewish tribunal is not able to promulgate or enforce capital punishment.
- (59) The Sabbatical year (Shemittah); v. Lev. XXV, 6-7.
- (60) Cf. Lev. XXVI, 25.
- (61) Lit., 'oppression (better, suppression) of judgment', a term used of deliberate methods of unduly prolonging proceedings and of general interference with the course of justice calculated to delay the ultimate decision. It is also used of unnecessarily postponing an execution (Sanh. XI, 4).
- (62) V. *supra* III, 11.
- (63) Cf. Lev. *ibid.* 22.
- (64) Including 'false' swearing. V. *supra* IV, 7, notes.
- (65) V. *ibid.*
- (66) Cf. Lev. *ibid.*, 33; Deut. *ibid.*, 36, 64.
- (67) These three are among the 'Seven Precepts of the Sons of Noah'.
- (68) V. Ex. XXIII, 10, 11; Lev. XXV, 3-5.
- (69) Lit., 'the goings out of'.
- (70) Succoth, The 'Feast' par excellence. Three times does Scripture enjoin to rejoice thereon, viz. Lev. XXIII, 40, Deut. XVI, 14 and 15.
- (71) V. Deut. XIV, 28 f.
- (72) Lev. XXV, 6-7; Ex. XXIII, 11.
- (73) Viz., Leket (gleaning), Pe'ah (the corner sc. of the field), v. Lev. XIX, 9. and Shikehah ('forgotten' sc. sheaves) v. Deut. XXIV, 19, which were to be left to the poor. With the end of Succoth, the Festival of Ingathering, i.e., the completion of the agricultural year, the failure to carry out those observances in the past year, brings in its wake Divine punishment. V. Buchler, Sin and Atonement, p. 383.
- (74) **מדה מדות** := a measure (quantitative or qualitative), a standard by which one judges or is judged, characteristic, quality, type.
- (75) The attitude of a 'self-contained', smug, selfishness is unethical and immoral, wicked from the highest point of view (the Hasid's), though one cannot call it an illegitimate one (v. Buchler, Some Types, p. 38). Anyone might say, 'if I am not for myself, who will be for me?' but a Hillel (who is often called a Hasid) adds, 'but if I am for myself only, what am I?' Commentators quote Ezek. XVI, 49 Behold thy sister Sodom: . . . she strengthened not the hand of the poor and needy.
- (76) 'Am ha-arez:, v. note to II, 6. L. understands 'mine is thine', as 'on condition that thine is mine.'
- (77) Hasid, v. *supra* II, 6.
- (78) According to Hoffmann, Erste Mischna, p. 28, this was the last paragraph in the Tractate Aboth underlying ARM. (V. Buchler op. cit., p. 41.)
- (79) Cf. *supra* II, 1.
- (80) **הסיד** He is not free from the tendency, common to all men, to become angry, but by his self-control he reduces that inclination to the least proportions. (Cf. *supra* IV, 1), v. M. The designation of such a man as a Hasid would account for the epithet of **הסיד** given to Hillel after his death, Sotah 48b, cf. Buchler op. cit., p. 39.
- (81) Lit., 'to hear'.
- (82) Lit. 'lose'.

- (83) MV and others (including p.B. versions), 'a goodly portion', clearly in contrast to the next category.
- (84) Commentators remark that the terms **חַסִּיד** and **רָשָׁע** (i.e., 'pious' and 'wicked') are not used here, because these refer to moral qualities, whereas this dictum deals with intellectual ability.
- (85) Lit., 'the givers of alms'. **צְדָקָה** = righteousness, applied in Rabbinic phraseology to helping those in need, which is viewed as an act of social justice.
- (86) I.e., grudging; v. supra II, 9.
- (87) He thinks the poor have enough with what he has given, and grudges them the additional help they might get from others. B and others: He grudges other would-be donors the credit that would accrue to them for their charitableness.
- (88) Seeking to cut off all possible sources of help from the poor man is tantamount to a deliberate attempt to starve him.
- (89) Lit., 'those who go to.'
- (90) Lit., 'does.' Buchler, op. cit. p. 40f. has shown that it must refer to practising (the moral and ethical teachings of the school).
- (91) Even though his attendance has not yet had the desired result. 'Great is Midrash (learning) in that it brings one to Ma'aseh (deed).'
- (92) He practises the precepts and leads a good-life by following the example of others, but does not take the trouble to acquire for himself a first hand knowledge of the Torah.
- (93) As Hasid refers to a man's conduct towards his fellowman, its use here can only be explained by supposing that the Beth ha-Midrash for the ordinary man was not a place for academic instruction but for the imparting of ethical and religious guidance for every-day life. (V. Buchler, ibid.)
- (94) Not only does he fail to perform the precepts, for which there may be the excuse of lack of knowledge, but by keeping away from the school he wilfully precludes his ever acquiring the knowledge, or coming under the influence, which could in time enable him to lead a worthier life.
- (95) Mishnah 12 dealt with qualities of memory among 'disciples', our Mishnah with the capacity of advanced students ('those who sit before the wise') for examining knowledge acquired from one's teachers and arriving at one's own conclusions, (cf. B. and L.).
- (96) Taylor, 'bolt-sieve' v. note below.
- (97) If **קִמָּחַ** means coarse flour and no fine flour, as they are usually translated, then what should one understand by **נֶפֶחַ**? What we know as a sieve would, contrary to the description of the Mishnah, let through the **סֵלֶת** (fine flour) and retain the **קִמָּחַ** (coarse flour). According to M., R., and B, **נֶפֶחַ** is an ordinary sieve but **קִמָּחַ** is the very fine part of the ground corn which forms a kind of superfine dust or powder of almost useless quality. It is the part which is thicker than this, and remains in the sieve, that is **סֵלֶת**. Taylor renders 'bolt-sieve' which he describes: 'It sifts the ground corn at once into three sorts. The corn in the bolter descends an incline, passing first over a fine cloth, and then over a coarse cloth: the former lets through the fine flour, which is caught in a receptacle attached to the machine: the process is repeated at the second cloth: the third quality, coarse bran, passes out at the end of the bolter.' This description tallies with the function of **נֶפֶחַ** as described in II ARM Ch. XLV, q.v. What types of students are intended by these similes? M. says: The Sponge: He absorbs, and mostly retains, all he is taught without any discrimination whatsoever. The Funnel: He takes all the knowledge poured into him, but he lets it escape him almost as quickly as he gets it. The Strainer: He retains the least useful and lets out the best. The Sieve: Retains the best and discards the inferior. L. explains differently: The Sponge: Absorbs all, the good and the inferior, indiscriminately, and is unable to give out his mixed knowledge unless he is pressed by many insistent questions. The Funnel: Also allows everything in indiscriminately. but can and does easily pass on what he has learnt to others, though, again, indiscriminately. The Strainer: Takes all but separates the pure from the dregs, passes the former on to others, and retains, but eventually discards, the latter. (This is the best type of scholar.) The Sieve: Solely being (according to L.) the very finest flour-dust or powder which the sieve retains (because it adheres to the sieve), this (would-be) scholar 'feeds' others with the inferior and leaves the best altogether. (This is the scholar of a perverted mind, the worst type.)
- (98) So 13. followed by Oesterley; M. (followed by Singer. P.B.): 'material cause'.
- (99) Reading according to a suggestion by Baer **בְּתָמָר**. The usual reading **וְתָמָר** 'and Tamar' cannot be right because Tamar did not love Amnon, v. II Samuel XIII. (Even verse 13 suggests no more than a mere possibility that she was not actually averse to him.)
- (100) V. I Sam. XVIII, 1; Ibid. XX, 17; II Sam. I, 26.
- (101) V. supra I, 11, notes.
- (102) Cf. supra IV, 11.

- (103) According to 'Er. 13b, a Bath Kol (Heavenly Voice) declared, 'Both these (the words of Hillel) and these (the words of Shammai) are the words of the Living God.'
- (104) V. Num. XVI. For the phrase Korah and all his congregation v. ibid 6 and passim.
- (105) The public, the people in general.
- (106) Or 'to have merit.'
- (107) So that he be not punished whilst his disciples or followers are rewarded (ARM).
- (108) For the phrase cf. supra IV, 5.
- (109) Lit., 'to do repentance.' Perhaps לעשות should be translated to attain, achieve'. Cf. the use of the verb in Deut. VIII, 17. The door of repentance is closed to him 'since the sins of others are beyond the remedial action of his repentance' (Singer, P.B.). Also, if his repentance were accepted, he would escape punishment, whilst those whom he had misled would be undergoing it (ARM).
- (110) I.e., attributed to him; he is given credit therefor.
- (111) Deut. XXXIII, 21.
- (112) 1 Kings XV, 30.
- (113) So designated in Jewish literature, as' his wickedness is proved by his own willingness, even eagerness, to go with Balak's messengers, and his 'apologies' for not being able to curse Israel; it is he, too, who is said to have counselled the seduction of the Israelites by the Moabite women.
- (114) V. supra II, 9. Abraham demonstrated his generous and ungrudging nature in his dealings with the King of Sodom (Gen. XIV, 22f.) and with Ephron the Hittite (Gen. XXIII).
- (115) Abraham's humility is evident from his words: . . . I . . . ' who am but dust and ashes (Gen. XVIII, 27).
- (116) נפש (soul) is used here of 'desire', 'appetite', a meaning which it has already in Biblical Hebrew. שפלה would thus mean 'kept low', 'subdued'. Cf. Abraham's dealing with Lot, Gen. XIII. The three above qualities are among those sought for when appointing judges. v. J. Sanh. I, 4.
- (117) Balaam's avarice is clear from his own words; v. Num. XXII, 18; XXIV, 13.
- (118) A reference to Balaam's claim that he was one that . knoweth the knowledge of the Most High (Num. XXIV, 16).
- (119) Balaam's 'handling' of Balak, and his attempts at 'outwitting' God, reveal an insatiable desire for power.
- (120) Lit., 'eat', cf. Pe'ah 1,2.
- (121) This is taken as a reference to Abraham of whom God said, Abraham who loved me (Isa. XLI, 8).
- (122) Prov. VIII, 21. It seems that 'to inherit substance' is intended as a reference to that which the disciples of Abraham receive in this world and 'that I may fill their treasuries' to their reward in the world to come. Cf. the treatment of Ps. CXXVIII, 2, supra IV. 1. Some take the whole quotation to refer to the reward in the hereafter, the word for 'substance' ש' ' being aggadically explained (in 'Uk. III, 12) as a Gematria (v. supra 111,18) equalling three hundred and ten, sc. worlds, which God allots to the righteous.
- (123) Cf. supra 1,5; v. note on next Mishnah.
- (124) Ps. LV, 24. This twofold designation fits Balaam who by his evil counsel (v. p. 72, n. 1) brought about the death of 24,000 Israelites, v. Num. XXV, 9.
- (125) Mentioned in the Mishnah only here (though it is held by some that this paragraph, too, is a later addition, v. note to Mishnah 10), but a few times in Tosef. In Hag. 14a he is referred as one of the בעלי משנה 'Masters of the Mishnah'. As we do not find him mentioned together with any particular Tanna we cannot determine in which generation he lived (Frankel Darke ha-Mishnah, p. 213).
- (126) I.e., (negatively) fearless, and (positively) challenging. For this quality in the service of God v. Isa. L, 6-7; Ps. XL, 10-11; CXIX, 46.
- (127) Cf. II Sam. I, 23.
- (128) Cf. Ps. CXIX, 60. I made haste, and delayed not, to observe Thy commandments. Cf. supra IV, 2.
- (129) Cf. II Sam. ibid. They were stronger than lions.
- (130) 'Father' is a characteristic appellation of God in the Hebrew Bible, e.g., Deut. XXXII, 6,15 not He thy father . . .? Jer. III, 4, Didst thou not just now cry unto Me: 'My father' . . . ' Mal. II, 10, Have we not all one Father? Hath not one God created us. V. also Jer. ibid, 29; Mal. I, 6. The God in, or of, Heaven, too, is frequent, e.g., Gen. XXIV, 3, 7, etc. The Biblical passage which is most probably the source of (if not itself to be traced to) the combined expression 'Our Father in Heaven' is Isa. LXIII, 15,16, Look down from heaven . . . even from Thy holy habitation . . . for Thou art our Father . . . Thou, O Lord, art our Father. V. Marmorstein, The old 'tabb. Doctrine of God, p. 56ff. MV notes here 'Tractate Aboth is Ended' and then gives the dictum about man's successive ages.

(131) **עו פנים** Deut. XXVIII, 50, 'fierce of countenance' synonymous with insolence ('that shall not regard the person of the old') and callousness ('nor show favour to the young') cf. Dan. VIII, 23. In Eccl. VIII, 1, **עו פניו** 'the boldness of his face' means (according to 13DB.) 'impudence'. In Rabbinic Hebrew the expression stands for supineness and impudence in general; as a characteristic it is looked upon among the most undesirable. Rabbi Judah ha-Nasi was wont to offer up a private prayer that he be spared from meeting 'Azzuth Panim in other people, and from being himself tainted there with (Ber. 16b). This private prayer has since been incorporated among the statutory daily prayers (P.B. p. 7).

(132) **גיהנום** interchangeably with **גִּי בֶן הַנֶּם** in Josh. XV, 8, and elsewhere is the Valley of (the son of) Hinnom S.S.W. of Jerusalem. According to II Kings XXIII, 20; Jer. VII, 31f; XIX, 6, 9, etc., etc., it was the place where children were sacrificed, by burning, to Moloch. It was also known as **תפת** (Topheth) or the Valley of Slaughter. The revolting associations of the place evidently led to the transference of its name to the most horrifying place in human imagination, the place of punishment of the wicked in the hereafter. Some Rabbinic traditions place Gehinnom of the hereafter below the valley of that name, but there are also other supposed locations. The Moloch worship in the actual valley of Hinnom together with Isa. LXVI, 24, (. . . the carcasses of the men that have rebelled against me; for their worm shall not die, neither shall their fire be quenched . . .) which suggests that the punishment of the wicked is to be by fire, has invested the Gehinnom of the hereafter with the characteristics of 'hell'. The methods and duration of punishment in Gehinnom are also matters on which opinions differ. V. f.E.

(133) Cf. Yeb. 79a: A sense of shame (i.e., the opp. to insolence and self-assertiveness) compassion, and the practice of disinterested kindness are the characteristics of Israel.

(134) **גן עדן** The :celestial Garden of Eden, 'paradise' — the abode of the righteous — of which the terrestrial one, spoken of in Gen. II and III, is the model (v. also Ezek. XXXI which speaks of the trees in Eden in the garden of God) or (according to some) vice-versa. In the popular conception the two are not kept separate. Views as to its location, dimension, appearance, etc. differ in the Midrashic and Talmudic references, It is often used as synonymous with 'Olam habba, 'the world-to-come.' Some distinguish between Eden and the Garden of Eden. The Garden, they say, is but a part of Eden; Adam and Eve were only in the Garden, but no mortal eye has yet perceived the real, unspeakably more wonderful, Eden. V. J.E. Articles 'Eden, Garden of' and 'Paradise'. Taylor: This part of the Mishnah is probably a later addition borrowed from Tractate Kallah.

(135) Many edd. add 'and God of our Fathers.'

(136) P.B. versions 'the Sanctuary.'

(137) Taylor (followed by Oesterley) 'grant us our portion.'

(138) Elijah Wilna says this paragraph should be at the end of the chapter. In MV it is at the end of Chapter VI.

(139) MV, also other texts, attribute this dictum to Samuel the Little. In some versions it is preceded by the dictum which is also found in the latter's name in IV, 19. By some, our Mishnah is credited to Ben He-He, whose name occurs in the next Mishnah.

(140) **מקרא** (v. Meh. VIII, 8), lit., that which was (to be) read sc. from a written text (synonymous with 'The Law in Writing'), as distinguished from **משנה** 'that which was (to be) recited sc. from hearing and memory' (synonymous with 'The Law which was (transmitted) by (word of) mouth'). The five years here are said to be based on the analogy of the newly planted tree, the fruit of which becomes available for general consumption in the fifth year (Lev. XIX, 25).

(141) **משנה** v. previous note. The age of ten in this connection is explained thus: In Num. IV, 3' etc. the period of a Levite's service is commanded to begin 'from thirty years old', but ibid. VIII, 24, 'from twenty-five years old.' The discrepancy is explained by allotting five years for the Levite's training before he becomes proficient for his sacred duties (v. Hui. 24a). Five years is, thus, an accepted period for the first phase of education. Commencing Scripture at five, one is ready for Mishnah at ten.

(142) In connection with many precepts, references to the committing of sins and penalties, the term **איש** — 'man' — is used; hence the age at which one becomes subject to Mizwoth and penalties is thirteen, when the boy is said to have matured into a 'man' (v. Elijah Wilna to this Mishnah). This, of course, underlies the Bar-Mizwah institution, which, however, in the present usage of the term, appears to be of much later origin. V. Schechter, Studies in Judaism (First Series), p. 378ff.

(143) **תלמוד** Used here, apparently, in the special sense of study based on the Mishnah or Oral Learning (though not, of course, in the specific sense that we use it), rather than study in general. At the age of fifteen, he will have completed the second five years' stage of his studies.

(144) Eighteen was the age recommended at which a man should marry so that he may fulfil the precept, When a man

taketh a new wife, he shall not go out in the host . . . ' one year, and shall cheer his wife whom he hath taken (Deut. XXIV, 5) and yet be ready to undertake military service at the age of twenty (Num. I, 3 passim).

(145) Some: For military service which began 'from twenty years old' (Num. *ibid.*). Most commentators: for pursuing, seeking, a livelihood. This will have given him a further five-year period (from fifteen to twenty) for devoting himself to Talmud before setting out in earnest on a worldly career. Others explain 'for pursuing' to mean for quickness, zest, impetuosity, in the pursuit of one's desires or ideals (so Abrabanel, v. Taylor).

(146) Thirty was the age at which a Levite entered upon his full duties which comprised the work of service and the work of bearing burdens (Num. IV, 47); these duties being so comprehensive and arduous required the possession of full physical faculties *ע* *כח* Scripture thus considers thirty the age for strength. V. also *ibid.* VII, 9.

(147) According to Num. VIII, 25f.: from the age of fifty years they (the Levites) shall return from the service of the work, and shall serve no more; but shall minister with their brethren in the tent of meeting, to keep the charge, but they shall do no manner of service. As their ministrations were not in the nature of actual work, they must then have served in the capacity of responsible counsellors. Hence fifty must be the age when a man becomes fitted for giving counsel.

(148) V. II Sam. V, 4: David was thirty years old when he began to reign, and he reigned forty years. i.e., he lived seventy years; and I Chron. XXIX, 28, And he (David) died in a good old age (*שיבה* = hoary head). Thus *שיבה* is reached at the age of seventy.

(149) Cf. Ps. XC, 10.

(150) *לשונה* The Bibl. root *שׁוה* means 'sink down' and its cognates *שחה* and *שחה* 'bend', 'bow down'. Others take *שׁוה* here as a noun which in the Bible occurs in a feminine form *שוחה* 'pit', 'grave'.

(151) Elijah Wilna cites Isa. LXV, 20, There shall be no more thence an infant of days, nor an old man that hath not filled his days; for the youth shall die one hundred years old, and points out that the context there shows that this is intended as a blessing. Thus the extreme limit up to which life is a blessing is a hundred years; and one who exceeds that limit is as one who no more belongs to the world. Exceptions to this are very rare; and in the case of Moses, Scripture found it necessary to say: his eye was not dim nor his natural force abated (Deut. XXXIV, 7).

(152) MV has this passage at the end of Chapter VI, together with the prayer in Mishnah 20.

(153) His full name, Johanan b. Bag Bag, occurs in J. Keth. V: 4. Tos. V, as a contemporary of R. Judah b. Bathyra. Tosaf. Yom Tob a.l. says the name is omitted here, as also in Ben He-He's case, because they did not live long (cf. Ben Zoma and Ben 'Azzai supra IV beginning), and quotes Rashbam to the effect that Ben Bag Bag and Ben He-He were proselytes, and *בין הא הא* means a son of Abraham and Sarah, to whose respective names God had, as a sign of favour, added the letter *ה* and whose spiritual 'parenthood' is assumed for all proselytes; *בג* (in Ben Bag Bag) is the numerical equivalent of *ה* (five). He was so called to distinguish him from b. He He (v. Tosaf. to Hag. 9b). Bacher AT, I, p. 10f. suggests the following explanation of the two names: In Shab. 31a, etc. we have the story of the would-be proselyte who desired to learn Torah, but only the written and not the oral (traditional). Hillel cured him of his contempt for the oral tradition by letting him see that the knowledge of the very names of the letters of the Alphabet depended on oral tradition, e.g., he pointed out to him that we know *ב* is Beth and *ג* is Gimmel and not vice-versa only by means of oral instruction. Such a disciple might well have earned for himself the name *בן ב'ג ב'ג* or *הי הי* (the one who learnt that *ה* is He). They, or (if they are identical) he, may have derived the sayings given here in the two names from Hillel himself as in I ARM XII, both sayings are in the name of Hillel (in II ARM XXVII the first in Hillel's name, the second in that of *בן הא הא* as in our text). There is also a suggestion that *בג* is formed from the initial letters of *בן ברים* 'son of proselytes,' (v. MV).

(154) The Torah.

(155) Lowe's MS. adds *בה וכולך* 'and thy all is therein,' for which Taylor adduces Eccl. XII, 13, and this (i.e., fearing God and observing his commandments) is the whole of wan.

(156) Look deeply, contemplate. MV: *ובה תהוי* 'and therein (thou shouldst) have thy being.'

(157) Cf. Ps. XCII, 15.

(158) Cf. the frequent admonitions not to turn aside from the Law to the right or to the left.

(159) *מדה* v. p. 67, n. 3.

(160) V. p. 76, n. 7.

(161) A proverb of general application, but here it has special reference to the labour and energy devoted to the study of the Torah.

Mishna - Mas. Avoth Chapter 6

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THE SAGES TAUGHT IN THE STYLE¹ OF THE MISHNAH;² BLESSED BE HE WHO HAS APPROVED³ THEM AND THEIR TEACHING.⁴

BARAITHA 1. R. MEIR SAID: WHOEVER OCCUPIES HIMSELF WITH THE TORAH FOR ITS OWN SAKE, ACQUIRES BY MERIT MANY THINGS, NAY MORE, THE WHOLE OF THE WORLD IS WORTH WHILE FOR HIS SAKE. HE IS CALLED A FRIEND,⁵ A BELOVED,⁶ ONE THAT LOVES THE ALL-PRESENT, ONE THAT LOVES [HIS FELLOW-] CREATURES.⁷ ONE THAT GLADDENS GOD,⁸ ONE THAT GLADDENS MAN;⁸ AND IT [I. E. THE TORAH] CLOTHES HIM⁹ WITH MEEKNESS AND FEAR,¹⁰ AND FITS¹¹ HIM TO BE RIGHTEOUS, PIOUS, UPRIGHT AND FAITHFUL; IT ALSO KEEPS HIM FAR FROM SIN, AND BRINGS HIM NEAR TO MERIT [ORIOUS CONDUCT]; AND MEN BENEFIT FROM HIM BY [WAY OF] COUNSEL, SOUND KNOWLEDGE, UNDERSTANDING AND STRENGTH, AS IT IS SAID, COUNSEL IS MINE AND SOUND WISDOM; I AM UNDERSTANDING, POWER IS MINE;¹² AND IT GIVES HIM SOVEREIGNTY¹³ AND DOMINION,¹⁴ AND [THE FACULTY TO BE] SEARCHING IN JUDGMENT;¹⁵ AND THEY REVEAL TO HIM¹⁶ THE SECRET MEANINGS¹⁷ OF THE TORAH, AND HE IS MADE AS A WELL THAT EVER GATHERS FORCE,¹⁸ AND LIKE A STREAM THAT NEVER CEASES;¹⁹ AND HE BECOMES MODEST, LONG-SUFFERING AND FORGIVING OF INSULT TOWARDS HIMSELF; AND IT MAKES HIM GREAT, AND EXALTS HIM ABOVE ALL THE WORKS [OF GOD].

BARAITHA 2. R. JOSHUA B. LEVI²⁰ SAID: EVERY DAY A BATH KOL²¹ GOES FORTH FROM MOUNT HOREB, AND MAKES PROCLAMATION AND SAYS: WOE UNTO MEN ON ACCOUNT OF [THEIR] CONTEMPT TOWARDS THE TORAH,²² FOR WHOEVER OCCUPIES HIMSELF NOT WITH THE [STUDY OF] TORAH IS CALLED: '[THE] REBUKED [ONE]'²³ AS IT IS SAID, AS A RING OF GOLD IN A SWINE'S SNOUT, SO IS A FAIR WOMAN THAT TURNETH AWAY FROM DISCRETION,²⁴ AND IT SAYS, AND THE TABLES WERE THE WORK OF GOD, AND THE WRITING WAS THE WRITING OF GOD, GRAVEN UPON THE TABLES.²⁵ READ NOT HARUTH [WHICH MEANS 'GRAVEN'] BUT HERUTH [WHICH MEANS 'FREEDOM'].²⁶ FOR THERE IS NO FREE MAN FOR THEE BUT HE THAT OCCUPIES HIMSELF WITH THE STUDY OF THE TORAH; AND WHOEVER REGULARLY OCCUPIES HIMSELF WITH THE STUDY OF THE TORAH, LO, HE IS EXALTED, AS IT IS SAID, AND FROM MATTANAH TO NAHALIEL; AND NAHALIEL TO BAMOTH.²⁷

BARAITHA 3. HE WHO LEARNS FROM HIS FELLOW ONE SINGLE SECTION,²⁸ OR ONE SINGLE RULE,²⁹ OR ONE SINGLE VERSE,³⁰ OR ONE SINGLE EXPRESSION,³¹ OR EVEN ONE SINGLE LETTER,³² IS UNDER OBLIGATION TO TREAT HIM WITH HONOUR; FOR SO WE FIND WITH DAVID, KING OF ISRAEL, WHO LEARNT FROM AHITOPHEL TWO THINGS ONLY,³³ [YET] CALLED HIM HIS MASTER, HIS COMPANION AND HIS FAMILIAR FRIEND, AS IT IS SAID, BUT IT WAS THOU, A MAN MINE EQUAL, MY COMPANION³⁴ AND MY FAMILIAR FRIEND.³⁵ IS THIS NOT [AN INSTANCE OF THE ARGUMENT] 'FROM THE LESS TO THE GREATER'?³⁶ WHAT [WAS IT IN THE CASE OF] DAVID, KING OF ISRAEL? [IT WAS] THAT HE HAD LEARNT FROM AHITOPHEL TWO THINGS ONLY, [YET] HE CALLED HIM HIS MASTER, HIS COMPANION AND HIS FAMILIAR FRIEND; [THEN IN THE CASE OF] ONE WHO LEARNS FROM HIS FELLOW A SECTION, A RULE, A VERSE OR AN EXPRESSION OR EVEN ONE LETTER, THERE ARE FOR [EVERY] ONE [REASON IN THE FORMER CASE] EVER SO MANY [REASONS IN THE LATTER CASE, FOR CONCLUDING] THAT HE IS UNDER OBLIGATION TO TREAT HIM [I.E. HIS FELLOW] WITH HONOUR. AND 'HONOUR' MEANS NOTHING BUT TORAH, AS IT IS SAID, THE WISE SHALL INHERIT HONOUR,³⁷ AND THE PERFECT SHALL INHERIT GOOD,³⁸ AND IT IS [ALSO] SAID, FOR I GIVE YOU GOOD DOCTRINE; FORSAKE YE NOT MY TEACHING [TORAH].³⁹

BARAITHA 4. SUCH IS THE WAY [OF LIFE CONDUCTIVE TO THE STUDY] OF THE TORAH: A MORSEL OF BREAD WITH SALT⁴⁰ THOU SHALT EAT, AND WATER BY MEASURE THOU SHALT DRINK,⁴¹ AND UPON THE GROUND THOU SHALT SLEEP, AND A LIFE OF PRIVATION THOU SHALT LIVE, AND IN THE TORAH SHALT THOU LABOUR.⁴² IF THOU DOEST THUS, HAPPY SHALT THOU BE, AND IT SHALL BE WELL WITH THEE.⁴³ HAPPY SHALT THOU BE IN THIS WORLD, AND IT SHALL BE WELL WITH THEE IN THE WORLD TO COME.

SEEK NOT GREATNESS FOR THYSELF, AND COVET NOT HONOUR MORE THAN THY LEARNING;⁴⁴ NEITHER CRAVE THOU FOR THE TABLE OF KINGS,⁴⁵ FOR THY TABLE IS GREATER THAN THEIR TABLE, AND THY CROWN IS GREATER THAN THEIR CROWN,⁴⁶ AND FAITHFUL IS THINE EMPLOYER TO PAY THEE THE REWARD OF THY LABOUR.⁴⁷

BARAITHA 5. GREATER IS THE TORAH THAN THE PRIESTHOOD AND THAN THE KINGSHIP, SEEING THAT THE KINGSHIP IS ACQUIRED IN [THE FORM OF]⁴⁸ THIRTY⁴⁹ DISTINCTIONS,⁵⁰ AND THE PRIESTHOOD IN [THE FORM OF] TWENTY-FOUR,⁵¹ BUT THE TORAH IN [THE FORM OF] FORTY-EIGHT THINGS,⁵² AND THESE THEY ARE IN: [THE FORM OF] STUDY, ATTENTIVE LISTENING,⁵³ ORDERED PRESENTATION [OF ONE'S STUDY-MATTER] WITH [ONE'S] LIPS,⁵⁴ REASONING OF THE HEART,⁵⁵ INTELLIGENCE OF THE HEART,⁵⁶ AWE,⁵⁷ FEAR,⁵⁸ HUMILITY,⁵⁹ JOYOUSNESS,⁶⁰ MINISTERING UNTO THE SAGES,⁶¹ PAINSTAKING EXAMINATION [OF A SUBJECT,] TOGETHER WITH [ONE'S] COLLEAGUES,⁶² FINE ARGUMENTATION OF DISCIPLES,⁶³ SE DATENESS,⁶⁴ [KNOWLEDGE OF] SCRIPTURE, [KNOWLEDGE OF] THE ORAL LEARNING, MODERATION IN SLEEP,⁶⁵ MODERATION IN GOSSIP,⁶⁶ MODERATION IN [WORLDLY] PLEASURE,⁶⁷ MODERATION IN HILARITY,⁶⁸ MODERATION IN WORLDLY INTERCOURSE,⁶⁹ LONG-SUFFERING, A GOOD HEART,⁷⁰ THE CONSCIENTIOUSNESS OF THE SAGES,⁷¹ [UNCOMPLAINING] ACCEPTANCE OF [DIVINE] CHASTISEMENTS.⁷²

BARAITHA 6. [THE POSSESSOR OF TORAH IS ONE] WHO RECOGNIZES HIS PLACE,⁷³ WHO REJOICES IN HIS PORTION,⁷⁴ WHO MAKES A FENCE⁷⁵ TO HIS WORDS,⁷⁶ WHO CLAIMS NO CREDIT FOR HIMSELF,⁷⁷ IS LOVED, LOVES THE ALL-PRESENT, LOVES [HIS FELLOW] CREATURES,⁷⁸ LOVES RIGHTEOUS WAYS,⁷⁹ WELCOMES⁸⁰ REPROOFS [OF HIMSELF],⁸¹ LOVES UPRIGHTNESS,⁸² KEEPS HIMSELF FAR FROM HONOUR[S],⁸³ LETS NOT HIS HEART BECOME SWELLED ON ACCOUNT OF HIS LEARNING, DELIGHTS NOT IN GIVING LEGAL DECISIONS,⁸⁴ SHARES IN THE BEARING OF A BURDEN⁸⁵ WITH HIS COLLEAGUE,⁸⁶ USES HIS WEIGHT WITH HIM ON THE SCALE OF MERIT,⁸⁷ PLACES HIM UPON [A GROUNDWORK OF] TRUTH,⁸⁸ PLACES HIM UPON [A GROUNDWORK OF] PEACE,⁸⁹ COMPOSES HIMSELF⁹⁰ AT HIS STUDY,⁹¹ ASKS AND ANSWERS,⁹² LISTENS [TO OTHERS], AND [HIMSELF] ADDS [TO HIS KNOWLEDGE],⁹³ LEARNS IN ORDER TO TEACH,⁹⁴ LEARNS IN ORDER TO PRACTISE,⁹⁴ MAKES HIS TEACHER WISER,⁹⁵ NOTES WITH PRECISION THAT WHICH HE HAS HEARD,⁹⁶ AND SAYS A THING IN THE NAME OF HIM WHO SAID IT. LO, THOU HAST LEARNT: EVERYONE THAT SAYS A THING IN THE NAME OF HIM WHO SAID IT, BRINGS DELIVERANCE INTO THE WORLD, AS IT IS SAID: AND ESTHER TOLD THE KING THEREOF IN MORDECAI'S NAME.⁹⁷

BARAITHA 7. GREAT IS TORAH FOR IT GIVES LIFE, UNTO THOSE 'THAT PRACTISE IT, IN THIS WORLD, AND IN THE WORLD TO COME, AS IT IS SAID: FOR THEY⁹⁸ ARE LIFE UNTO THOSE THAT FIND THEM, AND HEALTH TO ALL THEIR FLESH,⁹⁹ AND IT SAYS [ALSO]: IT⁹⁸ SHALL BE HEALTH TO THY NAVEL, AND MARROW TO THY BONES,¹⁰⁰ AND IT SAYS [ALSO] SHE¹⁰¹ IS A TREE OF LIFE TO THEM THAT LAY HOLD UPON HER, AND HAPPY IS EVERYONE THAT HOLDETH HER FAST,¹⁰² AND IT SAYS [ALSO]:

FOR THEY¹⁰¹ SHALL BE A CHAPLET OF GRACE UNTO THY HEAD, AND CHAINS ABOUT THY NECK,¹⁰³ AND IT SAYS [ALSO]: SHE¹⁰¹ WILL GIVE TO THY HEAD A CHAPLET OF GRACE; A CROWN OF GLORY WILL SHE BESTOW ON THEE,¹⁰⁴ AND IT SAYS [ALSO]: LENGTH OF DAYS IS IN HER¹⁰¹ RIGHT HAND; IN HER LEFT HAND ARE RICHES AND HONOUR,¹⁰⁵ AND IT SAYS [ALSO]: FOR LENGTH OF DAYS, AND YEARS OF LIFE, AND PEACE, WILL THEY¹⁰¹ ADD TO THEE.¹⁰⁶

BARAITHA 8. R. SIMEON B. JUDAH¹⁰⁷ SAID IN THE NAME OF R. SIMEON B. YOHAI:¹⁰⁸ COMELINESS, STRENGTH, RICHES, HONOUR, WISDOM, OLD AGE, HOARY AGE, AND CHILDREN¹⁰⁹ ARE BECOMING TO THE RIGHTEOUS, AND BECOMING TO THE WORLD, AS IT IS SAID: THE HOARY HEAD IS A CROWN OF GLORY, IT IS FOUND IN THE WAY OF RIGHTEOUSNESS,¹¹⁰ AND IT SAYS [ALSO]: THE CROWN OF THE WISE IS THEIR RICHES,¹¹¹ AND IT SAYS [ALSO]: CHILDREN'S CHILDREN ARE THE CROWN OF OLD MEN; AND THE GLORY OF CHILDREN ARE THEIR FATHERS,¹¹² AND IT SAYS [ALSO]: THE GLORY OF YOUNG MEN IS THEIR STRENGTH; AND THE BEAUTY OF OLD MEN IS THE HOARY HEAD,¹¹³ AND IT SAYS [ALSO]: THE MOON SHALL BE CONFOUNDED, AND THE SUN ASHAMED; FOR THE LORD OF HOSTS WILL REIGN IN MOUNT ZION, AND IN JERUSALEM, AND BEFORE HIS ELDERS SHALL BE GLORY.¹¹⁴

BARAITHA 9. R. SIMEON B. MENASYA¹¹⁵ SAID: THESE SEVEN QUALITIES,¹¹⁶ WHICH THE SAGES HAVE ENUMERATED [AS BECOMING] TO THE RIGHTEOUS, WERE ALL OF THEM REALIZED IN RABBI AND HIS SONS.¹¹⁷

R. JOSE B. KISMA¹¹⁸ SAID: ONCE I WAS WALKING BY THE WAY WHEN A MAN MET ME, AND GAVE ME [THE SALUTATION OF] 'PEACE',¹¹⁹ AND I RETURNED HIM [THE SALUTATION OF] PEACE'. SAID HE TO ME, RABBI, FROM WHAT PLACE ART THOU?' SAID I TO HIM, 'FROM A GREAT CITY OF SAGES AND SCRIBES AM I.' SAID HE TO ME, 'RABBI, [SHOULD IT BE] THY PLEASURE THAT THOU DWELL WITH US IN OUR PLACE, I WILL GIVE THEE A THOUSAND THOUSAND DENARII OF GOLD,¹²⁰ AND PRECIOUS STONES AND PEARLS.' SAID I TO HIM: 'IF THOU SHOULDST GIVE ME ALL THE SILVER AND GOLD, PRECIOUS STONES AND PEARLS THAT ARE IN THE WORLD, I WOULD NOT DWELL [ANYWHERE] EXCEPTING IN A PLACE OF TORAH; FOR IN THE HOUR OF THE DEPARTURE OF A MAN [FROM THE WORLD], THERE ACCOMPANY HIM NEITHER GOLD NOR SILVER, NOR PRECIOUS STONES NOR PEARLS, BUT TORAH AND GOOD DEEDS ALONE, AS IT IS SAID, WHEN THOU WALLEST, IT SHALL LEAD THEE, WHEN THOU LIEST DOWN, IT SHALL WATCH OVER THEE; AND WHEN THOU WAKEST, IT SHALL TALK WITH THEE.¹²¹ WHEN THOU WALLEST, IT SHALL LEAD THEE — IN THIS WORLD, WHEN THOU LIEST DOWN, IT SHALL WATCH OVER THEE — IN THE GRAVE,¹²² AND WHEN THOU WAKEST, IT SHALL TALK WITH THEE¹²³ — IN THE WORLD TO COME; AND THUS IT IS WRITTEN IN THE BOOK OF PSALMS BY DAVID, KING OF ISRAEL, THE LAW OF THY MOUTH IS BETTER UNTO ME THAN THOUSANDS OF GOLD AND SILVER,¹²⁴ AND IT SAYS [ALSO]: MINE IS THE SILVER, AND MINE THE GOLD, SAITH THE LORD OF HOSTS.¹²⁵

BARAITHA 10. FIVE¹²⁶ POSSESSIONS HAS THE HOLY ONE, BLESSED BE HE, [SPECIFICALLY] DECLARED HIS OWN IN HIS WORLD, AND THESE THEY ARE: THE TORAH, ONE POSSESSION, THE SANCTUARY, ONE [OTHER] POSSESSION,¹²⁷ HEAVEN AND EARTH, ONE [MORE] POSSESSION, ABRAHAM, ONE [OTHER] POSSESSION,¹²⁸ ISRAEL, ONE [MORE] POSSESSION.

THE TORAH IS ONE¹²⁹ POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN, THE LORD POSSESSED ME¹³⁰ AT THE BEGINNING OF HIS WAY, BEFORE HIS

WORKS OF OLD.¹³¹ HEAVEN AND EARTH ARE ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS SAID:¹³² THUS SAITH THE LORD: THE HEAVEN IS MY THRONE, AND THE EARTH IS MY FOOTSTOOL; WHERE IS THE HOUSE THAT YE MAY BUILD UNTO ME? AND WHERE IS THE PLACE THAT MAY BE MY RESTING PLACE ?¹³³ AND IT SAYS [ALSO]: HOW MANIFOLD ARE THY WORKS, O LORD! IN WISDOM HAST THOU MADE THEM ALL, FULL IS THE EARTH, THY POSSESSION.¹³⁴ ABRAHAM IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN: AND HE BLESSED HIM AND SAID: BLESSED BE ABRAM OF GOD THE MOST HIGH, MAKER OF HEAVEN AND EARTH'.¹³⁵ ISRAEL IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN: TILL THY PEOPLE PASS OVER, O LORD, TILL THE PEOPLE PASS OVER THAT THOU HAST MADE THINE OWN,¹³⁶ AND IT SAYS [ALSO]: AS FOR THE HOLY THAT ARE IN THE EARTH, THEY ARE THE EXCELLENT IN WHOM IS ALL MY DELIGHT.¹³⁷ THE SANCTUARY IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS SAID: THE SANCTUARY, O LORD, WHICH THY HANDS HAVE ESTABLISHED,¹³⁸ AND IT IS SAID [ALSO]: AND HE BROUGHT THEM TO HIS HOLY BORDER, TO THE MOUNTAIN, WHICH HIS RIGHT HAND HAD POSSESSED.¹³⁹

BARAITHA 11. WHATEVER THE HOLY ONE, BLESSED BE HE, CREATED IN HIS WORLD, CREATED HE NOT BUT FOR HIS GLORY, AS IT IS SAID: AND [AS FOR] EVERYTHING THAT IS CALLED BY MY NAME, INDEED [IT IS] FOR MY GLORY [THAT] I HAVE CREATED IT, I HAVE FORMED IT, YEA I HAVE MADE IT,¹³⁹ AND IT SAYS [ALSO]: THE LORD SHALL REIGN FOR EVER AND EVER.¹⁴⁰

(1) Lit., 'tongue', 'language', v. n. 2.

(2) The whole of this paragraph is introductory. The chapter that follows is not actually a part of the Mishnah, but consists almost exclusively of Baraithas i.e., dicta of Tannaitic authorship not included in the Mishnah of R. Judah ha-Nasi (v. supra p. II, n. 1), the exception being a saying by R. Joshua b. Levi an early Palestinian Amora. The chapter is otherwise known as **פרק קנין תורה** 'The Chapter on the Possession of Torah,' its subject being the praise of the Torah, or as **פרק ר' מאיר** 'The Chapter of A. Meir,' from its opening words, and forms the eighth chapter of Tractate Kallah. It was attached to Aboth (which consists of five chapters) as a sixth chapter, apparently after it had become customary to read the chapters of Aboth in their order on the successive Sabbaths between Passover and Pentecost, of which there are six (v. Introduction). The choice of this chapter to fill the gap is to be explained by its being in style and subject matter close to Aboth, and by its being appropriate, by reason of its praise of the Torah, for the Sabbath preceding the festival celebrating, inter alia, the Giving of the Torah on Sinai.

(3) Lit., 'chosen'.

(4) Some translate 'their Mishnah'.

(5) **רע** companion, friend, sc. of God, so explained by MV and others who quote Ps. CXXXIX, 17 which they understand as, How precious are (**רעיד**) Thy friends (A.V. thoughts) to me, O God (Rashi a.l.). For the righteous as God's friends (**אוהב**) cf. Isa. XLI, 8; Prov. VIII, 17; Ps. XCVII, 10; Ex. XX, 6; Deut. V, 10.

(6) One that loves God is himself beloved of God. v. Prov. VIII, 17, I love them that love me, cf. I Sam. II, 30.

(7) Cf. supra I, 12.

(8) The expression was probably suggested by Judges IX, 13.

(9) Cf. Job XXIX, 14; Isa. LXI, 10.

(10) Sc. of God.

(11) **מכשרתו** Hif'il of **כשר** to be proper, fit, suitable, cf. Est. VIII, 5. In Rabbinic Hebrew it is mostly used in the technical sense of being legally valid or ritually fit.

(12) Prov. VIII, 14.

(13) L. 'kingly appearance'.

(14) L. 'personality that commands obedience'.

(15) Cf. Prov. ibid. 15, (Wisdom-Torah speaking). By me princes rule and nobles, even all the judges of the earth.

(16) MV adds 'from Heaven'.

(17) Cf. Ps. XXV, 14, The secret of the Lord is with them that fear Him; Amos III, 7. He hath revealed his secret to his

servants the prophets.

(18) V. supra II, 8. R. Johanan b. Zakkai's characterisation of R. Eleazar b. 'Arach.

(19) The quality attributed in some texts to the well.

(20) One of the first generation of Palestinian Amoraim (middle third century). A prolific and popular Aggadist.

(21) **בת קול** lit., 'the daughter of a voice, or of a sound,' a secondary sound caused by the reverberation of an original sound, used of (i) an echo, (ii) a sound caused by a sound that was originally divinely uttered, and intended for human hearing. Man cannot endure hearing the direct voice of God, v. Deut, V, 22, if we hear the voice of God any more, then we shall die.

(22) Through neglecting its study and practice.

(23) Tanhuma ibid, 'rebuked of the Holy One, blessed be He.' The verb **נזף** means to rebuke, censure, reprimand, and is also used of a form of excommunication. MV. adduces Deut. XXVII, 26, Cursed be he that confirmeth not the words of this Law . . . and quotes Shebu. 36a to the effect that 'cursed' there has, inter alia, the meaning of excommunication.

(24) Prov. XI, 22. The Hebrew rendered 'a ring of gold in the snout', viz. *Nenem Zahab be'af* is taken as pointing to the opprobrious appellation 'Nazuf' i.e., the rebuked one. This form of play on words is called **נוטריקון** notaricon (from Latin, notarius, a shorthand writer) a mode of cypher-writing; **טעם** 'discretion' as used in the Wisdom literature is taken as one of the synonyms for Torah. The meaning intended here is in the nature of the following: One who has capacity for Torah ('a fair woman') and turns his back on it ('turning away from discretion') is like a swine that has a gold ring in its snout (*Nes'em Zahab be'af*) and burrows with it in the mud and dirt, and therefore incurs divine censure.

(25) Ex. XXXII, 16.

(26) 'Read not . . . but (read) . . . 'is an exegetical device used when the expounder felt that a minor alteration of a word would provide a 'short cut' to the interpretation he wished to convey. It was a deliberate and manifest play on words, and was not intended to indicate a variant in the Scriptural text, (v. Taylor a.l. and Bacher **ערכי המדרש** I, s.v. **קרא**).

(27) Treating the Hebrew place-names as if they were common nouns, the passage may be taken to mean 'Through (God's) gift (to Israel) (i.e. the Torah) (one attains) a heritage of God; from the heritage of God (one is raised) to high places.' MV adds: 'But if he cultivates overweening pride, God brings him low, as it is said, And from Bamoth (i.e. high places) to the valley (Num. XXI, 20, the continuation of the quotation in our text). V. 'Er. 54a.

(28) **פרק** an old term for a Psalm, also used for a section of the oral law (Mishnah), v. Bacher, op. cit. s.v.

(29) **הלכה** an accepted or decided law. V. Bacher op. cit. s.v.

(30) **פסוק** a rather shorter division of Scripture, synonymous with **הכתוב** v. Bacher op. cit. s.v. The division of the Bible into chapters and verses (called **פסוקים** in neo-Hebrew) is a much later device.

(31) **דבור** (a) divine speech, (b) Biblical expression. (c) saying. V. Bacher op. cit. s.v.

(32) **אות** . lit., 'sign'. letter (of the Alphabet), word, a name of God, etc. v. Bacher op. cit. s.v. The 'Gemara' to Kallah VIII says 'one single letter' refers to the correct spelling of words in which one is in doubt about one letter only, e.g. whether-to use **א** or **ע** .

(33) The 'Gemara' to Kallah VIII in the name of Raba defines the two things as: (i) The principle that study in the company of a fellow-student is preferable to solitary study; and it is to this that David referred when he said (Ps. LV, 15) together we sweetened counsel (which- [study of the] Torah) with the emphasis on 'together'. (ii) The lesson that it is proper to proceed to the House of Prayer not alone and leisurely. but in company and eagerly; and it is this that David meant when he said (ibid). In the house of God we walked with the throng (**ברגש**), which may also mean with eagerness, enthusiasm). Yalkut, Samuel, 142, reproduces two different lessons which Ahitophel is supposed to have imparted to David. (i) When the fatality of 'Uzza's death occurred in connection with the conveying of the Ark on a cart (II Sam. VI). Ahitophel drew David's attention to Num. VII, 9. according to which the Ark was to be borne on the shoulder. (Sifre, Num. 46, p. 14a; J. Sanh. X. 2.) (ii) When David was digging the foundations for the Temple, he dislodged a stone that had stopped up the depths, the floods of which then threatened to overwhelm the earth. David enquired whether it be permissible to write the Divine name on a potsherd and throw it into the water, knowing that the water would obliterate the writing. Ahitophel drew a comparison with the instance of the Sotah (the wife suspected of unfaithfulness). There it is ordained, the priest shall write these curses in a scroll and he shall blot them with the waters of bitterness (Num. V, 23) and the passage containing those curses contains also the Divine name which, too, the priest has in such a case to blot out. If, argued Ahitophel, in the hope of re-establishing peace in one household, the Divine name may be obliterated, surely the same may be done for the sake of the well-being of the whole world (Mak. 11a, cf. I. Sanh. ibid). Hertz in JQR. N.S. Vol. X (1919). pp. 109ff. argues strongly in favour of an anonymous suggestion that instead of **שני דברים בלבד** (two things only) we should read **שנדברים בלבד**, which = they merely

spoke to one another, conversed.

(34) So the Versions, but the author of the Baraitha evidently thought of the word **לִמְדָּן** as derived from the root **לָמַד** meaning 'to learn' and understood it as 'teacher', or, in accordance with the use of the word in Gen. XXXVI as 'chief', 'superior'.

(35) **מִידְעִי** Ps. LV, 14. It appears not impossible that the word was understood as 'my man of knowledge'.

(36) Hal wa-Homer (v. Glos.). The Hal wa-Homer here is certainly not a very evident one. If our text is correct (v. however p. 81, n. 6) we must assume that the argument intended is: If David who was a King referred in such respectful terms to Ahitophel who was only an ordinary person (and not an exemplary one at that), because he had learnt from him only two things, how much more should a person who has learnt something from his equal or from his superior, accord the latter respect.

(37) Prov. III, 35.

(38) Ibid. XXVIII, 20.

(39) Ibid. IV, 2. The process of reasoning here resembles an equation. Prov. III,35 {the wise == the perfect shall inherit shall inherit Honour == Good } Prov. XXVIII, 10. and, since Good=Torah (Prov. IV, 2) Honour=(Good=) Torah.

(40) The proverbial meal of a poor man. V. Ber. 2b.

(41) Cf. Ezek. IV, 11.

(42) This saying is to be found in Tanh. **נָחַ** beginning (but not in ed. Buber) where it is clear that it means that one who wishes to study Torah in earnest should deliberately adopt these measures of self-discipline. Rashi, however, says it does not mean that a wealthy person should reduce himself to a life of penury, but that even if a man be so poor as to be able to afford no more than bread with salt, etc., study of the law is nevertheless expected of him; if one is rich, his duty to engage in the study of the Torah is all the greater (MV).

(43) Ps. CXXVIII, 2. Cf. ibid. CXIX, 71. Cf. supra IV, 1.

(44) Consider learning the greatest of all honours (v. infra Bar. 5) or 'covet not more honour than that to which your learning entitles you.' Some texts: 'Covet not honour. More than thy learning (shouldst thou) practise' which is reminiscent of supra I, 16, and III, 9. The reading adopted is more in keeping with the Baraitha as a whole.

(45) With its luxuries and dainties.

(46) V. supra IV, 13.

(47) V. supra II, 14 and 16.

(48) For this use of **ב** v. BDB. s.v. **ב** I, 7 d. The better-known usage of **בְּ** קִנְיָה (Beth pretii) e.g. Gen. XXXIII, 19, has evidently misled translators and commentators of this Baraitha, where that construction is impossible, since the fact is not that either the kingship or the priesthood are acquired at the price of, or in return for, or by means of, the respective ma'aloth, but rather that the ma'aloth are acquired in virtue of the kingly or priestly office.

(49) One enumeration can be traced in I Sam. VIII, 11-17 (v. Elijah Wilna to our Barai tha), and another is detailed in Sanh. II, Rashi says that on investigation both lists prove identical.

(50) **מַעֲלֹת**, raised positions (steps), excellences, preferments, prerogatives, distinctions.

(51) V. Num. XVIII, 8, to the end (v. Elijah Wilna ibid.) and the list in Tanhuma Bamidbar, 29.

(52) I.e., (more or less) specific qualities which when present in a man show him to be a possessor of the Torah in a comprehensive and complete sense.

(53) Lit., 'the hearing of the ear'.

(54) 'Thinking out aloud' one's learning, likewise articulate rehearsing of the expositions of others, are now, as ever, characteristic of, even if not exclusively peculiar to, the Jewish Torah-student, Rabbinic pedagogics insist upon audible study, probably because for a learning that was exclusively oral, audible study was almost a sine-qua-non. Cf. 'Er. 53b-54a.

(55) 'Heart' means the seat of the reasoning faculties, now termed 'mind'.

(56) **שְׂכָלֹת (שְׂכֹל) הֶלֶב**, Rashi says, 'I cannot see any difference between this and the former quality.' L. however says, the former means understanding in the sense of deriving conclusions by means of logical processes, the latter-deep (intuitive) insight into the hidden meanings of the Torah.

(57) In his bearing towards his master (L.).

(58) Sc. of God.

(59) V. Baraitha 1.

(60) Cf. the phrase **שְׂמֵחָה שֶׁל מִצְוָה**, The joy expended on, and experienced in, the performing of a divine precept.

- (61) Personal attendance on scholars, constituting 'apprenticeship' to them, is considered superior even to study itself (v. Ber. 7b), cf. Prov. XIII, 20. Every serious student of Rabbinics, especially if he aspires to the Rabbinical Degree, submits to a course of **שמוש**
- (62) **דקדוק הברים** Meticulous and objective examination of the subject of one's study in collaboration with fellow-students, i.e. one's equals. MV reads **דקדוק הברים** 'attachment to colleagues.'
- (63) **התלמידים פלפול** from **פלפל**, 'a pepper-grain' with reference to its extreme fineness, and to the sharpness of its taste and aroma. In the case of disciples, credit is given for sheer ingenuity in theoretical reasoning without strict regard to its immediate objectivity. As an exercise developing the mental faculties, 'Pilpul' is intended to serve in good stead when with a fuller store of knowledge and a maturer appreciation of the realities, the erstwhile Talmid, now a Haber or Hakam, is called upon to apply his knowledge in practical fashion.
- (64) Calculated and purposeful approach to problems confronting one.
- (65) Cf. supra III, 10.
- (66) Cf. supra I, 5.
- (67) Cf. supra Baraitha 4 and III, 10.
- (68) 'Laughter', cf. ibid. 13, though it cannot be understood here in so extreme a sense as it is suggested to have there.
- (69) Cf. supra II, 2 et al.
- (70) Cf. supra ibid. 9.
- (71) Their moral steadfastness and intellectual honesty. Most commentators render 'Trust or faith in the wise.'
- (72) So that suffering does not deflect him from the study and practice of the Torah. The man of Torah is able to 'take things philosophically' and to derive salutary moral gain from evil and painful experiences.
- (73) Realises the comparative lowliness of man's estate, cf. supra III, 1, IV, 4, or, knows his own place vis-a vis other, and greater, scholars. Cf. supra IV, 12; V, 7. MV: He knows his place in the house-of-study, even though he always arrives there so early in the morning, that it is too dark to distinguish with one's eyes one seat from another.
- (74) Torah makes him so contented that worry does not interfere with his further study (v. MV).
- (75) Cf. supra I, 1.
- (76) Cf. ibid. 11.
- (77) Cf. supra II, 8.
- (78) Cf. Baraitha 1.
- (79) For the phrase cf. Ps. XI, 7.
- (80) Lit., 'loves'.
- (81) Cf. Prov. IX, 8, Reprove a wise man and he will love thee.
- (82) For a similar phrase cf. I Chron. XXIX, 17.
- (83) MV adds, 'and he runs not after honour.' Cf. 'Whoever goes around seeking greatness, greatness flees from him, and, Whoever runs away from greatness, greatness follows him.' ('Er. 13b).
- (84) Cf. supra IV, 7.
- (85) He considers judicial office as a burden and a weighty responsibility, and not as an opportunity of exhibiting authority.
- (86) Disliking the 'ipse dixit' he shares the burden of giving a decision with his co-judge who may be a layman, or with some greater scholar whom he consults. Cf. supra IV, 7, 8.
- (87) Or, 'causes him to incline towards . . .' Induces his colleague to take a lenient view.
- (88) He guides and directs his legal assessors so that they reach a true understanding of the case, and a correct knowledge of the relevant law.
- (89) Peace must be allied to Truth, in judgment, v. supra I, 18. Most commentators and translators take 'Shares in the bearing . . . peace' as denoting qualities that should characterize the relationship of the possessor of Torah towards all men. This may well be so, but here, it appears, his attitude towards his (lay) court assessors is, in the first place, meant.
- (90) Some versions, 'his heart'.
- (91) Or 'his teaching', which is perhaps better as 'sedateness' (**ישוב**) (presumably, mainly, in learning) has already been given in this list.
- (92) Some read as in supra V, 7, q.v.
- (93) Cf. supra I, 13.
- (94) Cf. supra IV, 5.
- (95) Cf. ibid. I. Or render 'Acknowledges his teacher to be superior to himself in wisdom' (L.).

- (96) Sc. from his teachers.
- (97) Est. II, 22. This dictum is attributed in Meg. 15a to R. Hanina.
- (98) The subject in all cases is (Words of) Wisdom, which is identified with Torah,
- (99) Prov. IV, 22.
- (100) Ibid. III, 8.
- (101) V. p.86, n. 12.
- (102) Prov. III, 18,
- (103) Ibid. I, 9.
- (104) Ibid. IV, 9. Some versions insert here ibid. IX, 11.
- (105) Ibid, III, 16.
- (106) Ibid. III, 2.
- (107) So in Tosef. Sanh. XI, 4, but J. Sanh. XI, 3, R. Simeon b. Menasya, who was a contemporary of R. Simeon b. Judah. The latter, however, is not only one of the 'tradents' par excellence, but the main tradent of R. Simeon b. Yohai (v. Bacher, Tradition, pp. 80 and 82).
- (108) One of the foremost disciples of R. Akiba. Whilst his father appears to have been persona grata with the Roman authorities, R. Simeon himself was their bitter enemy, on account of the selfish mercenary and immoral motives that prompted even their apparently good actions. Eventually he had to flee them and, together with his son R. Eleazar, hide in a cave for thirteen years. (Shab. 33b.) During that time his knowledge of both legal and mystical lore increased phenomenally. In the Mishnah the name R. Simeon (without further description) denotes R. Simeon b. Yohai.
- (109) This list contains, apparently, eight items, whereas the next Baraitha refers to 'the above seven qualities.' Heidenheim (quoted in Baer's Siddur Abodath Israel and in MV, p. 561), pointing out there is no Biblical citation in support of comeliness, which shows that it is not intended to rank as a separate and distinct accomplishment, renders 'Comeliness, consisting in strength etc.' — only seven qualities. Heidenheim was, however, apparently unaware of Elijah Wilna's comment in which the latter points out that there is no Scriptural quotation for 'wisdom' which he, accordingly, deletes. This, too, leaves only seven. As for 'comeliness', he points out that Prov. I, 9 and IV, 9, cited in the previous Baraitha, offer apposite Scriptural authority. In J. Sanh. loc. cit. 'old age' is omitted and only 'hoary age' is given. L. says there is obviously no need for proof that strength, riches, honour and wisdom are 'good things, and is of opinion that all the Scriptural texts here, are given, as they are required, in support of the claims made on behalf of old age and hoary age (treating them as one) and children, as these are liable to be disputed on the grounds that hoary age, entailing physical weakening, and the possession of children, owing to the uncertainty as to how they will grow up, appear to be not unmixed blessings.
- (110) Prov. XVI, 31.
- (111) Ibid. XIV, 24.
- (112) Ibid. XVII, 6.
- (113) Ibid, XX, 29.
- (114) Isa, XXIV, 23.
- (115) A disciple of R. Meir and a contemporary of R. Judah ha-Nasi whom he survived, and, thus, one of the last generation of Tannaim.
- (116) מְדוּתָה v. supra V, 10. cf, p. 67 n. 3.
- (117) R. Simeon b. Menasya must have lived to a considerable age (v. n. 7) to have had the opportunity of testifying so unequivocally to the qualities of Rabbi's sons,
- (118) A contemporary of R. Hanania b. Teradion; taught in Caesarea, He held that the Roman domination was heaven-ordained and was respected by leading Romans, many of whom attended his funeral (A.Z. 18a). His name does not occur in the Mishnah.
- (119) Cf. supra IV, 15.
- (120) A denarius of gold = 24 denarii of silver,
- (121) Prov. VI, 22.
- (122) Midrash Tehillim to Ps. I, 3, adds, 'from the worms,' and Gen. Rab. XXXV read, 'in the hour of death',
- (123) MV: 'it shall speak for thee,' i.e., intercede on thy behalf.
- (124) Ps. CXIX, 72.
- (125) Hag. II, 8.
- (126) Elijah Wilna emends to 'Four'. Sifre Deut. 309 (p. 134a) enumerates only three (Torah, Israel, Sanctuary), Mekilta

Beshallah (Shirah) Pes. 87b, adding Heaven and earth, gives four. In all these parallels the reference to Abraham is omitted. MV, though retaining it in its text, comments on its clumsiness.

(127) V. preceding note.

(128) Elijah Wilna deletes this item. V, ibid,

(129) Perhaps transl. 'an unique'.

(130) Wisdom (= Torah) speaking.

(131) Prov. VIII, 22.

(132) Elijah Wilna deletes from here onwards and continues from 'And he blessed him etc.', thus eliminating the incongruous introduction of the reference to Abraham, and providing a suitable scriptural authority for 'heaven and earth' as a 'possession', viz. Gen. XIV, 19 (which is also the relevant citation in Pesah. 87b).

(133) Isa. LXVI, 2.

(134) Ps. CIV, 24. This is the only rendering applicable here. קנינך (spelt חסר 'defective' as in some texts) is taken as a singular.

(135) Gen. XIV, 29. If this should, after all, be intended as a proof for Abraham as a possession', the verse would have to be understood thus: 'Blessed be Abraham of the Most High God who possesses him even as he possesses heaven and earth' (MV), or 'Blessed . . . God because He is possessor of heaven and earth which owe their existence to the merit of Abraham,' (Rashi).

(136) Ex. XV, 16.

(137) Ps. XVI, 3. 'The holy . . .' was taken by the author of the Baraitha to refer to Israel; 'my delight', חפצי, he understood as 'that which [desire to possess]'; cf, the use of חפץ in Mal. III, 2; Prov. III, 15.

(138) Ex. XV, 17.

(139) Ps, LXXVIII, 54. As the first quotation Ex. XV, 17 did not employ the term 'possess', the latter is provided by adducing, as a complement the verse from Psalms. Rashi criticizes the reference to the Sanctuary as a 'possession' on the ground that the proof is indirect.

(140) Ex. XV, 18.

CHAPTER I

MISHNAH . [IF] AN EGG IS LAID ON A FESTIVAL-DAY, BETH SHAMMAI¹ SAY: IT MAY BE EATEN [ON THE SAME DAY], BUT BETH HILLEL¹ MAINTAIN: IT MAY NOT BE EATEN [UNTIL THE DAY IS OVER]. BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN² IS OF THE SIZE OF AN OLIVE³ AND LEAVENED BREAD IS OF THE SIZE OF A DATE,⁴ BUT BETH HILLEL MAINTAIN: BOTH⁵ ARE OF THE SIZE OF AN OLIVE. HE WHO SLAUGHTERS GAME ON POULTRY ON A FESTIVAL-DAY, BETH SHAMMAI SAY: HE MAY DIG UP [EARTH] WITH A SHOVEL⁶ AND COVER [THE BLOOD],⁷ BUT BETH HILLEL MAINTAIN: ONE MAY NOT SLAUGHTER⁸ UNLESS HE HAS [LOOSE] EARTH PREPARED FROM THE DAY BEFORE [THE FESTIVAL];⁹ BUT THEY AGREE THAT IF HE HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD], BECAUSE¹⁰ THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED].¹¹

GEMARA. What¹² are we discussing? If one should say about a hen kept¹³ for food, what is the reason of Beth Hillel,¹⁴ [seeing that] it is food which has been separated;¹⁵ and [if] about a hen kept for laying eggs, what is the reason of Beth Shammai,¹⁶ [seeing that] it is mukzeh?¹⁷ — But what objection is this? Perhaps Beth Shammai do not accept [the prohibition of] Mukzeh? (We are of the opinion that even he who permits mukzeh forbids nolad;¹⁸ what then is the reason of Beth Shammai?) — R. Nahman replied: In table [we are debating] about a hen kept for laying eggs; but he who accepts [the prohibition of] mukzeh accepts [the prohibition of] nolad, and he who rejects [the prohibition of] mukzeh rejects [the prohibition of] nolad.¹⁹ Beth Shammai is [of the same opinion] as R. Simeon²⁰ and Beth Hillel is [of the same opinion] as R. Judah.²¹ But did R. Nahman say thus? Surely we have learnt: Beth Shammai say: One may remove²² [on the Sabbath] from the table [with the hand] bones and nutshells;²³ but Beth Hillel maintain: One lifts off the whole table-top and shakes it.²⁴ And R. Nahman²⁵ said: As for us, we only hold that Beth Shammai [follow the view] of R. Simeon! — R. Nahman can reply to you: With reference to the Sabbath where the Tanna teaches anonymously²⁶ according to [the opinion of] R. Simeon as we have learnt: You may cut up gourds²⁷ for cattle and a carcass²⁸ for dogs²⁹ Beth Hillel is made to represent the opinion of R. Simeon; but

(1) For the Schools of Shammai and Hillel v. J.E. III, 115ff.

(2) On the Feast of Passover, involving penalty; cf. Ex. XII, 19.

(3) But not less.

(4) A date is considered larger than an olive; but v. Jast. s.v.

(5) Leaven and leavened bread.

(6) If loose earth is not available.

(7) Cf. Lev. XVII, 13.

(8) On a Festival-day.

(9) In the three cases here mentioned Beth Shammai is more lenient than Beth Hillel. Hence they are taught together though not all are relevant to the subject.

(10) The sentence introduced by because has no casual relation with what precedes, and infra 8a, the letter ׀ == because, is emended to ׀ == and.

(11) 'Mukan', 'set in readiness'; v. Glos. The wood having been kindled on the previous day, the ashes accumulated during the Festival are considered as if they were prepared before the Festival, as the house-holder had in his mind that there would be ashes which he could use for covering the blood.

(12) Kind of hen that laid the egg.

(13) Lit., 'standing'.

(14) Who say the egg may not be eaten.

(15) From the hen. Since the hen was kept to be killed for food, the egg laid is regarded as a separated edible part of the

hen. Cf., however, **נרשום** Hul. 14b who takes the word **אפרת** in the sense of **פרו ורבו**.

(16) Who say the egg may be eaten.

(17) A thing not mentally intended or set in readiness before the Festival to be used on the Festival is called mukzeh; v. Glos. Since the hen was not 'set in readiness' before the Festival the egg should therefore be forbidden to be eaten or handled on the Festival.

(18) Lit., 'born'; i.e., an object which has only come into existence in its present form on a Festival. Such is forbidden to be used on a Festival.

(19) There is no fundamental difference between mukzeh and nolad, only temporal.

(20) Who rejects the prohibition of mukzeh, cf. Shab. 44b.

(21) The opponent of R. Simeon, ibid.

(22) Because they do not accept the prohibition of mukzeh.

(23) Bones and nutshells are regarded as refuse and by the law of mukzeh may not be handled.

(24) Beth Hillel accept the prohibition of mukzeh and therefore rule that one may not remove the bones and nutshells with his hand but gets rid of them by lifting the table-top. Shab. 143a.

(25) R. Nahman, wishing to follow the standard rule that in disputes between Shammai and Hillel the law prevails as Hillel, and also to follow the rule that the law prevails according to the opinion expressed in an anonymous Mishnah, here reverses the teaching of the two Schools.

(26) A Mishnah taught anonymously without mention of its author indicates that the teaching is the prevailing law.

(27) The cutting up of gourds is not regarded as unnecessary labour on Sabbath, for the animals are then better able to feed.

(28) Of an animal that dies on a Sabbath and consequently was not intended before the Sabbath to be given to the dogs to feed on.

(29) Shab. 156b; infra 6b, 27b.

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with reference to Festivals, where the Tanna teaches anonymously according to [the Opinion of] R. Judah as we have learnt: You may not [on a Festival] chop up firewood from rafters¹ nor from a beam which was broken on a Festival² — Beth Hillel is made to represent the opinion of R. Judah.

Now who taught our Mishnah anonymously, [was it not] Rabbi?³ Why then is it that with reference to the Sabbath he teaches the Mishnah anonymously according to [the opinion of] R. Simeon, whereas with reference to Festivals he teaches the Mishnah anonymously according to R. Judah? — I will answer. With respect to the Sabbath which is stringent so that people will not come to treat it lightly, he taught the Mishnah anonymously according to R. Simeon who is lenient; [with respect to] a Festival which is less stringent⁴ so that people might come to treat it lightly, he taught the Mishnah anonymously according to R. Judah who is strict.

How have you explained it [the Mishnah]? With respect to a hen kept for laying eggs [the prohibition is] on account of mukzeh! If so, then instead of disputing about an egg,⁵ let [the Mishnah state that] they dispute about the hen [itself]!⁶ — It is in order to inform you of the extent of the opinion⁷ of Beth Shammai that [even] nolad is permitted. Then let them, dispute about the hen [itself] to show you the extent [of the opinion] of Beth Hillel that they forbid [even] mukzeh! And if you reply that information with respect to the extent of the opinion of permitting is to be preferred,⁸ then let them dispute about it both,⁹ thus: 'A hen and its egg [laid on a Festival] may be eaten; but Beth Hillel maintain: They may not be eaten'!¹⁰ — Therefore, said Rabbah: In reality, it [the Mishnah] refers to a hen kept for food; but we are discussing a Festival which fell on a Sunday,¹¹ and [the prohibition¹² is] on account of preparation [on a Sabbath].¹³ For Rabbah is of the opinion that every egg laid now was completely formed the day before. And Rabbah is consistent with his view;¹⁴ for Rabbah said: What is [the teaching of] that which is written,¹⁵ and it shall come to pass on the sixth day that they shall prepare that which they bring in?¹⁶ [It is that] a weekday may prepare¹⁷ for Sabbath, and a weekday may prepare for a Festival; but a Festival may not prepare for

Sabbath and Sabbath may not prepare for a Festival.¹⁸ Said Abaye to him [Rabbah]: But if it is so,¹⁹ let [the egg laid on] a Festival in general²⁰ be permitted!²¹ — It is a preventive measure out of consideration for a Festival falling on a Sunday.²² Let [the egg laid on] a Sabbath in general²³ be permitted!²¹ — It is a preventive measure out of consideration for a Sabbath [immediately] following a Festival.²⁴ But do we enact a preventive measure [in such a case]? Surely it was taught: If one slaughters a hen²⁵ and finds therein eggs completely formed, they may be eaten on the Festival.²⁶ Now if this be so,²⁷ let them²⁸ be prohibited on account of those [eggs] laid on the same day!²⁹ — He answered him: [The case of] there being in a hen eggs completely formed is a rare occurrence, and the Rabbis do not decree a prohibition with regard to a rare occurrence.

R. Joseph said: It³⁰ is a preventive measure on account of [the eating of] fruit fallen [from a tree].³¹ Said Abaye to him: What is the reason [that] fruit fallen from a tree [on a Festival] is forbidden?

(1) Stacked for building purposes.

(2) Before the Festival the beam was not intended to be used for firewood, hence it may not be so used on account of mukzeh, infra 31a, Shab. 157b.

(3) Rabbi Judah ha-Nasi.

(4) Cf. Ex. XII, 16.

(5) Which is forbidden on account of its hen.

(6) Whether it may be eaten or slaughtered on the Festival, since it was specifically kept for laying eggs.

(7) Lit., 'power'; i.e., how far Beth Shammai maintain their view.

(8) Because It is an evidence of courage of conviction, while the more rigid opinion may be the outcome of doubt.

(9) The hen and its egg. Granted that information respecting the power of permission is preferable, but where, by a slight addition, more information could be given, this addition should be made.

(10) And since the Mishnah does not state this, R. Nahman's explanation of the Mishnah cannot be accepted.

(11) Lit., '(immediately) after the Sabbath'.

(12) According to Beth Hillel.

(13) Though the egg was here prepared by nature, it is none the less forbidden.

(14) Expressed elsewhere. 'Er. 38b. V. Tosaf. s.v. **אמר**.

(15) This clause is omitted in 'Er.; for such an expression is only used in haggadic passages, cf. D.S.

(16) Ex. XVI, 5.

(17) The preparation needs only be by word of mouth, or even by thought alone.

(18) [As a day of rest, a festival is included in the term Sabbath and requires also 'preparation'; but such 'preparation' may not take place on the Sabbath and consequently the egg is prohibited].

(19) Lit., 'from now', where now refers to what Rabbah has just stated as the reason for Hillel's view.

(20) Except that falling on a Sunday.

(21) To be eaten the same day.

(22) If it should be permitted in the one case it will be thought that it is also permitted in the other.

(23) Except when a Festival falls on a Friday.

(24) V. p. 4, n. 15.

(25) On a Festival.

(26) No matter whether the Festival falls on a Sunday or on any other day, infra 7b.

(27) That a measure is enacted in such a case.

(28) The eggs found in the hen killed on a Festival falling on a Sunday.

(29) Which are forbidden.

(30) The prohibition of the egg according to Beth Hillel.

(31) On a Festival, which is forbidden. Not eating the egg laid on a Festival is fencing the law of not eating fruit fallen on a Festival.

It is a preventive measure lest one climbs [a tree] and plucks [its fruit];¹ but this² is itself [only] a preventive measure: should we then come and enact one preventive measure to safeguard [another] preventive measure! — Both³ are one preventive measure.⁴

R. Isaac said: It is a preventive measure on account of [the consuming of] juices exuding [from fruit].⁵ Said Abaye to him: What is the reason that juice exuding [from fruit on a Festival] is forbidden? It is a preventive measure lest one [purposely] squeezes out [the juice];⁶ [thus] this is itself [only] a preventive measure; should we then come and enact one preventive measure against [the breach of] another preventive measure! — Both⁷ are one preventive measure.⁸

All [the other Rabbis] do not explain⁹ as R. Nahman does, in accordance with our objection.¹⁰ Likewise they do not explain as Rabbah, because they do not accept [his rule of] Hakanah.¹¹ But why does not R. Joseph explain as does R. Isaac? — He will answer you: An egg is food and fruit is food, excluding juice which is not food [but a beverage]. And why does not R. Isaac explain as does R. Joseph? — He will answer you: An egg is enclosed [in the hen] and juice is enclosed in the fruit, excluding fruit which is exposed all the time.

R. Johanan also is of the opinion that it is a preventive measure on account of [the consuming of] juices exuding [from fruit]. For R. Johanan pointed out a contradiction between one statement of R. Judah and another statement and [also] reconciled it: We have learnt: You may not squeeze fruit¹² to bring out juice, and [even] if the juice exuded of itself it is [still] forbidden. R. Judah says: If [the fruit was intended] as an eatable, what exudes is permitted; but if [it was kept] for its juice, then what exudes is forbidden.¹³ So we see that according to R. Judah [what exudes from] anything [kept] as eatables is [regarded] as food separated.¹⁴ But contrast this with the following: R. Judah further said:¹⁵ One may stipulate on the first day of the [New Year] Festival with respect to a basket of fruit¹⁶ and eat it on the second [day];¹⁷ similarly an egg laid on the first [day] may be eaten on the second.¹⁸ Only 'on the second', but not on the first!¹⁹ And R. Johanan answered: The statement must be reversed.²⁰ Now since he [R. Johanan] contrasts them with each other, infer from this that there is one and the same reason.²¹

(1) An act Biblically forbidden on a Sabbath or Festival, being in the nature of reaping.

(2) Prohibition of eating fallen fruit on a Festival.

(3) The prohibition of eating the egg laid on a Festival and the fruit fallen from a tree on a Festival.

(4) Against the same prohibition of climbing and gathering fruit. In the enactment of the measure against fallen fruit the egg was included, being regarded as a fallen fruit.

(5) On a Festival. Not eating the egg laid on a Festival is fencing the law of not consuming juice exuding from fruit on a Festival.

(6) An act Biblically forbidden on a Sabbath or Festival, being in the nature of threshing.

(7) The prohibition of eating the egg and the juice.

(8) Against the same prohibition of squeezing juice from fruit on a Festival. In the enactment of the measure against exuding juice the egg was included.

(9) Our Mishnah.

(10) Supra 2b.

(11) V. Glos.

(12) On a Sabbath or Festival.

(13) Shab. 143b.

(14) I.e., a part of the whole.

(15) With respect to the New Year Festival which even in Palestine was observed for two days.

(16) Not yet tithed.

(17) It is forbidden to separate the Levitical tithe on a Festival (v. infra 36b). But since, according to R. Judah, only one of the two days is holy, the owner can make a conditional statement on the first day as follows: if to-day is not the Festival, then let this specified portion be the tithe for the rest; if, on the other hand, to-day is the Festival, then let what I

have just said be void. On the second day he says likewise: If to-day is not the Festival, then let the specified portion be the tithe; if to-day is the Festival, then the specified portion is already tithe. By means of these two conditional statements the owner can, on the second day, proceed to eat the fruit, for it has been tithed either on the first or second day. V. 'Er. 39b.

(18) For if the first day when the egg was laid was the holy day of the two days, then it can be eaten on the following day; and if the first day was not the holy day then the egg may also be eaten on the second day because it was not laid on a Festival. 'Er. 39b.

(19) Because the egg is not regarded as food separated from the hen, and this is contradictory to his statement above with respect to the juice being permitted to be consumed on the Festival itself. At present it is assumed that the reference here is to a hen kept for food.

(20) To remove the contradiction, R. Johanan suggests, that in the quoted Mishnah, it is not R. Judah who permits the juice to be consumed but his opponent, the anonymous Tanna.

(21) For prohibiting both the egg and the self-exuded juice, viz., it is a preventive measure against the breach of the prohibition of squeezing juice from fruit on a Festival.

Talmud - Mas. Beitzah 3b

Rabina says: In reality you need not reverse [the authorities] for R. Judah was speaking from the point of view of the Rabbis,¹ thus: According to my view [the egg] is permitted even on the first day, because it is food separated [from the hen]; but according to your opinion, you should at least agree with me that it is permitted on the second day, for they² are two distinct days of holiness.³ And the Rabbis answered him: No, [the two days] are one [continuous day of] holiness. Rabina, the son of R. 'Ulla, says: [We are dealing] here with a hen kept for laying eggs, and R. Judah⁴ is consistent with his view, for he holds [the interdict of] mukzeh.⁵

An objection was raised: Both an egg laid on a Sabbath and an egg laid on a Festival may not be moved to cover therewith a vessel,⁶ nor to support therewith the leg of a bed;⁷ but a vessel may be placed over it so that it should not be broken; and if in doubt,⁸ it is forbidden; and if it got mixed up with [even] a thousand [eggs], they are all forbidden.⁹ This is well, according to Rabbah, who says [that it is] 'on account of preparation',¹⁰ [then it is a] doubt with respect to a Biblical prohibition, and every doubt with respect to a Biblical prohibition [must be decided] with stringency. But according to R. Joseph and R. Isaac, who say [that it is] 'a preventive measure', then it is a doubt with respect to a Rabbinical enactment, and every doubt with respect to a Rabbinical enactment [is resolved] with leniency!¹¹ — The last clause [of the text] deals with a doubt of trefa.¹² If so, consider the latter clause; 'and if it got mixed up with a thousand [eggs] they are all forbidden'. Now if you say that the doubt is whether [the egg was laid on] a Festival or on a weekday,¹³ it is well, because [the egg] is an object which can become [otherwise] permitted,¹⁴ and any object which can become [otherwise] permitted is not neutralized even in a thousand [times its quantity].¹⁵ But if you say that it is a doubt of trefa, then [the egg] is an object which cannot become [otherwise] permitted and should therefore be neutralized by a greater number [than itself].¹⁶ And if you answer 'an egg is valuable and is not neutralized by a greater number,' this¹⁷ would be correct according to him who says that we learnt 'whatsoever one is wont to count'.¹⁸ But according to him who says that we learnt 'that which one is wont to count', what is to be said?¹⁹ For we have learnt:²⁰ If one had trusses of fenugreek of kil'ayim of a vineyard²¹ they are to be burnt;²² if they got mixed up with others²³ and these [again with others],²⁴ they are all to be burnt. This is the opinion of R. Meir. But the Sages say: [The forbidden trusses] are neutralized in [a majority of the proportion of] one in two hundred. For R. Meir used to say: That which one is wont to count [when selling] disqualifies.²⁵ But the sages say: Only six things²⁶ render [the whole] prohibited — R. Akiba says: seven — and they are as follows: The nuts of Perek,²⁷ and the pomegranates of Baden,²⁷ casks spigoted, beetroot-tops,²⁸ cabbage stalks²⁹ and Greek gourds. R. Akiba adds also the loaves of a householder.³⁰ Those mixtures which are subject to the law of 'Orlah, [impart the prohibition of] 'Orlah,³¹ and those which are subject to the law of Kil'ayim of a vineyard [impart the prohibition of] Kil'ayim of a vineyard.³² And it was stated thereon

that R. Johanan said: We learnt,³³ ‘that which one is wont to count [when selling]’; and Resh Lakish said: We learnt: ‘whatsoever one is wont to count [when selling].’ [Now the text]³⁴ would be well according to the opinion of Resh Lakish; but according to the opinion of R. Johanan, what can be said? R. Papa replied: This Tanna³⁵ is the author [of the teaching] concerning the ‘litra of dried figs’, who says that anything which [is sold] by number, even though [its prohibition is] a Rabbinical enactment, is not annulled, how much more so when it is Biblical.³⁶ For we have learnt:³⁷ If a litra of dried figs³⁸ was pressed upon the top of a jar³⁹ and he does not know on which jar it was pressed, or on the top of a barrel and he does not know on which barrel it was pressed, or on top of a basket⁴⁰ and he does not know on which basket it was pressed, R. Meir maintains [that] R. Eliezer

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- (1) His opponents. The anonymous opinion is that of the majority of the Rabbis.
 - (2) The two days.
 - (3) Only one of which is really holy, cf. infra.
 - (4) Who prohibits the egg to be eaten on the first day.
 - (5) Cf. Shab. 156b.
 - (6) A wine glass or a decanter.
 - (7) According to an old tradition, an egg standing quite vertically can support a very heavy weight. But cf. MGWJ 71, 1927 p. 44; 72, 1928. pp. 391-5, where this Baraita is discussed, and where it is shown that this was done for magical purposes.
 - (8) On the present assumption as to whether the egg was laid on a Festival or not.
 - (9) Infra 42; Shab. 43b.
 - (10) Supra 2b.
 - (11) And therefore the egg concerning which a doubt arose whether it was laid on a Festival or not should be permitted.
 - (12) I.e., whether the hen that laid it is trefa the prohibition of which is Biblical. V. Glos.
 - (13) Lit., ‘common’, ‘ordinary’, i.e., not a Festival-day.
 - (14) After the Festival the egg is in any case permitted, even though no neutralization were to take place.
 - (15) This is a Talmudic principle with respect to the neutralization of an object when intermixed with permitted commodities. Though normally a certain portion of the latter is sufficient to neutralize the former, that does not operate if the former is destined to become permitted without recourse to neutralization. Hence, in our case, where the egg was laid on a Festival-day and is forbidden for that day only, but not after, if that egg got mixed up with no matter how many others on the day it was laid, it is not neutralized, but all are forbidden on that day. Cf. B.M., Sonc. ed. p. 314, note 2.
 - (16) According to the rule based on Ex. XXIII, 3.
 - (17) Forbidding to be eaten even though the egg got mixed up with a thousand.
 - (18) When selling is regarded as important and is not neutralized by a greater quantity than itself. For eggs, though occasionally sold in bulk are also sold in units and therefore do not merge in the majority.
 - (19) To explain this statement; for the eggs which are sometimes sold in bulk do not belong to such a category. Whatsoever is more comprehensive than that. According to the former teaching, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold in units rather than in bulk. According to the latter teaching, neutralization is permitted in all cases except those where the objects are of such a high value that they are not sold save by counting single units. V. Yeb., sonc. ed., p. 551 n. 11.
 - (20) ‘Orlah. III, 6; Yeb. 81a. Zeb. 72a.
 - (21) Cf. Lev. XIX, 19, and Deut. XXII, 9. Lit., ‘mixed growths of plantings’. V. Glos.
 - (22) For no benefit or usufruct may be had from such mixed growths.
 - (23) Trusses of fenugreek not of mixed growths of a vineyard.
 - (24) This clause is omitted both in ‘Orlah and Yeb. But V. Tosaf. Zeb. 72a. s.v. **נתערבו**.
 - (25) Or renders forbidden the others with its prohibition. For this rendering of the word **מקדש** v. Jast. p. 1320a. V. also Yeb., Sonc. ed. p. 552, n. 4 and 9.
 - (26) If forbidden and mixed up with others.
 - (27) Perek and Baden are both localities in Samaria N.E. of Shechem (cf. Rashi). Tosaf. Yeb. 81b. s.v. **פרך** takes the former to mean cracknuts. Cf. A.Z., Sonc. ed. p. 354, note 4.
 - (28) For making beverage.
 - (29) For making crude whisky.

- (30) With reference to the law of leaven during passover, as distinct from the loaves of a baker.
- (31) I.e., come under the law of 'Orlah. Lit., 'circumcision'. V. Lev. XIX, 23-4. where the use of the fruit of young trees forbidden. The use is wholly forbidden during the first three years.
- (32) The first three belong to 'Orlah, the others to Kil'ayim.
- (33) In the words of R. Meir.
- (34) That if the egg got mixed up even in a thousand they are all prohibited.
- (35) Who made the statement that even if the egg got mixed up with a thousand they are all forbidden.
- (36) As the egg from the trefa hen.
- (37) Cf. Ter. IV, 10. For var. lec. v. Comm. a.l.
- (38) Of terumah (V. Glos.) which may not be eaten by non-priests. Cf. Lev. XXII, 10. It is the portion (from one sixtieth to one fortieth) that must be given to the priests from the produce of the harvest and can only become neutralized in a quantity 100 times itself. V. Num. XVIII, 8; Deut. XVIII, 4, where corn, wine, and oil are mentioned but not fruit. The requirement to give terumah of fruit is only a Rabbinical enactment.
- (39) Which was only among many jars of figs each holding 100 litras.
- (40) In the shape of a beehive.

Talmud - Mas. Beitzah 4a

said: We regard the upper [layers] as if they are dispersed [among each barrel] and the lower¹ neutralize the upper [litra of figs]; [while] R. Joshua says: If there were there a hundred tops [of barrels] they neutralize, but if not, then [all] the top layers are forbidden and [all] the remainders are permitted. [But] R. Judah maintains² [that] R. Eliezer said: If there are a hundred upper layers they neutralize, but if not then [all] the top layers are forbidden and [all] the remainders are permitted; [while] R. Joshua Says: Even if there are three hundred tops of barrels they do not neutralize.³ If it⁴ was pressed in a jar and he does not know in which jar he pressed it, all agree that they neutralize. [You say], All agree? [Why] this is the point they are disputing! Said R. Papa: This is what he says: If it was pressed in a jar and he does not know it, which part of the jar it was pressed, whether northward or southward, all agree that it is neutralized.⁵

R. Ashi said: In reality the doubt is whether [the egg was laid] on a Festival-day or on a weekday,⁶ [but] it [the egg] is a forbidden] object which will become permitted,⁷ and anything [forbidden] which will become permitted, even though [forbidden] by a Rabbinical enactment⁸ is not neutralized.⁹

It was taught: Others say in the name of R. Eliezer: The egg [laid on a Festival] and the hen may be eaten. About what are we discussing? If about a hen kept for food, it is self-evident that the egg and the hen are permitted;¹⁰ and if about a hen kept for laying eggs, then the egg and the hen are forbidden!¹¹ — Answered R. Zera: [It means,] it [the egg] may be eaten in virtue of the hen.¹² What are the circumstances?¹³ — Said Abaye: For example when he bought it [the hen] without specifying [for what purpose]; if it is killed then it is [retrospectively] clear that it was intended to be kept for food;¹⁴ if it is not killed, then it is evident that it was intended to be kept for laying eggs.¹⁵ R. Mari says: He states an exaggeration.¹⁶ For it was taught: Others say in the name of R. Eliezer: The egg may be eaten, it and its hen, and its chicken and its shell. What is meant by 'its shell'? Shall I say [it means] literally 'shell', is then the shell [fit for] food?¹⁷ Again, if it should [mean] a chicken in its shell, surely the Rabbis dispute with R. Eliezer b. Jacob¹⁸ only when the chicken is actually hatched, but when it has not yet been hatched they do not dispute!¹⁹ Therefore 'the chicken and its shell' is an exaggeration,²⁰ so also here 'it and its hen may be eaten' is an exaggeration.

It was stated: A Sabbath and a Festival [following one another]. Rab says: [An egg] laid on the one is forbidden on the other, but R. Johanan maintains: [The egg] laid on the one is permitted on the other. Shall we say that Rab holds that they [a Sabbath and a Festival immediately following] are regarded as one [continuous day of] holiness? But Rab said: The halachah is according to the four

elders who decided according to the opinion of R. Eliezer who says [the Sabbath and the Festival] are two [distinct days of] holiness! — Rather they differ here in Rabbah's [law of] Hakanah;²¹ Rab accepts Rabbah's law of Hakanah and R. Johanan rejects Rabbah's law of Hakanah.

The same is disputed by Tannaim: If it [an egg] is laid on a Sabbath, it may be eaten on a Festival;²² [if it is laid] on a Festival it may be eaten on a Sabbath.²³ R. Judah says in the name of R. Eliezer: The dispute still continues; for Beth Shammai say: It may be eaten; whereas Beth Hillel maintain: It may not be eaten.²⁴ The host of R. Adda b. Ahabah had some eggs from a festival [which he wished to prepare] for the Sabbath.²⁵ He came before him, and asked: Is it permitted to roast them to-day²⁶ that we may eat their to-morrow? He answered him: What is in your mind: [in a dispute between] Rab and R. Johanan the halachah Is as R. Johanan? But even R. Johanan only allows [the egg] to be quaffed on the morrow, but not on the same day [it was laid];²⁷ even as it was taught: Whether an egg was laid on a Sabbath or on a Festival, one may not move it to cover therewith a vessel nor to support therewith the leg of a bed.²⁸

The host of R. Papa — some say it was another man who came before R. Papa — had some eggs from a Sabbath [which he wished to prepare] on the [immediately following] Festival. He came, asking him: Is it permitted to eat them to-morrow?²⁹ He answered him: Go away now and come to-morrow: for Rab would not appoint an interpreter for himself from [the first day of] the Festival until [the termination of] its companion³⁰ on account of inebriety.³¹ When he came on the morrow, he said to him:

(1) Layers of each barrel.

(2) R. Meir and R. Judah differ with respect to the dispute between R. Eliezer and R. Joshua.

(3) The litra of figs, for the top layers of figs are in the category of things that are also sold by number and therefore the quantity of vessels is immaterial. Cf. J. Ter. IV, 7.

(4) The litra of terumah figs.

(5) Because not being a complete layer now, it is no longer in the category of being numbered. R. Joshua is then the Tanna who held that anything which is often sold by number is not annulled, and he will be the author of the teaching regarding the mixed egg.

(6) And as for the suggestion that in any doubt with respect to a prohibition based on a Rabbinical enactment leniency is required, v. supra 3b.

(7) After a certain time. The egg will in any case be permitted after the Festival.

(8) Concerning which leniency is usually preferred.

(9) And we are to proceed with stringency even in the case of doubt.

(10) That is, in the view of Beth Shammai; and if R. Eliezer intends to rule like Beth Shammai, why mention the hen-mother at all? Rashi.

(11) On account of mukzeh. V. infra 34a.

(12) If the hen is eaten on the Festival so may also the egg be eaten.

(13) When it is the actual eating of the hen that renders also the egg permissible.

(14) And therefore the egg, being part of the hen, may also be eaten.

(15) And therefore the egg is not permitted.

(16) He uses the figure of speech called hyperbole for the sake of emphasis; i.e., he states the law very emphatically, mentioning more than is necessary.

(17) All that was necessary to be said was 'the chicken', for the shell is not classed as food.

(18) And say that a chicken just hatched may be eaten even though its eyes were not open. V. infra 6b.

(19) I.e., they all agree that it may not be eaten. Hence it cannot mean in its shell.

(20) Saying more than is required.

(21) Supra 2b. V. Glos.

(22) Immediately following the Sabbath.

(23) Immediately following the Festival.

(24) So that the anonymous Tanna supports R. Johanan and R. Judah supports Rab.

(25) Immediately following the Festival, and he was doubtful.

(26) On Friday, the day they were laid.

(27) When it is forbidden even to move it.

(28) Supra 3b. q.v.

(29) I.e., on the Sunday.

(30) I.e., the second day of the Festival.

(31) Rab was in the habit of appointing an interpreter who would enlarge and expand the teachings he would communicate to him. Rab was so scrupulous that he refrained from communicating teachings and decisions to his interpreter on a feast day lest he should risk giving less than his best through the influence of drinking wine on the Festival. R. Papa would not give on a Sabbath a decision for the same reason.

Talmud - Mas. Beitzah 4b

If [I had given my decision] forthwith, I would have erred, and told you that [in a dispute between] Rab and R. Johanan the halachah is as R. Johanan; whereas Raba has said: In these three [cases]¹ the law is as Rab, both when he is lenient and when he is stringent.

R. Johanan said: If branches fell off a palm tree on a Sabbath, it is forbidden to burn them [for firewood] on the Festival [immediately following it], and do not seek to refute me [by referring to the case] of the egg.² What is the reason? Because the egg is fit to be taken raw on the [Sabbath] day [it was laid],³ and since you do not permit it [to be eaten] until the following day, one will surely know that on the same day [that it was laid] it is prohibited.⁴ [But in the case of the] branches which are not fit for the [Sabbath] day [on which they fell],⁵ if you permit them to be used on the morrow,⁶ one might say that even on the [same] day [they fell off]⁷, they are also permitted, while [their prohibition] the day before was on account of the Sabbath, when they were not fit for burning.

R. Mattenah said: If branches fell off a palm tree on a Festival into an oven, one may add thereto a larger amount of wood kept in readiness⁸ and burn them [together]. But is he not handling a prohibited object?⁹ Since the greater part consists of that which is permitted, when he is handling, he is handling that which is permitted. But he neutralizes a prohibited object at the outset, and we have learnt: One may not [directly] neutralize a prohibited object at the outset!¹⁰ — This applies only [where the object is prohibited] according to the Biblical law, but [where it is only] Rabbinical] [prohibited] one may [directly] neutralize.¹¹ But how is it to be explained according to R. Ashi, who says that an object [forbidden] which will become permitted is not neutralized even though [forbidden] by a Rabbinical enactment?¹² — this applies only where the prohibited object remains intact, but here the thing forbidden is indeed burnt up.¹³ It was stated: [With reference to] the two Festival-days of the Diaspora,¹⁴ Rab says: [The egg] laid on the one¹⁵ is permitted on the other,¹⁶ and R. Assi maintains: [The egg] laid on the one is forbidden on the other. Shall it be said that R. Assi holds the opinion that [both days] have one continuous holiness? But R. Assi recited the habdalah¹⁷ [blessing] between the first and second Festival-days?¹⁸ — R. Assi himself was in doubt, hence he acted in both cases with stringency.¹⁹

R. Zera said: Logic supports R. Assi; for we are now well acquainted with the fixing of the new moon and, nevertheless, we do observe two days.²⁰ Abaye said: Logic supports Rab; for we have learnt: In early times they used to light bonfires,²¹ but on account of the mischief of the Samaritans²² the Rabbis ordained that messengers should go forth.²³ Now if the [mischief of the] Samaritans ceased²⁴ we would [all] observe only one day; and [even during the Samaritan mischief] wherever the messengers arrived²⁵ they observed [only] one day.²⁶ But now that we are well acquainted with the fixing of the new moon,²⁷ why do we observe two days? — Because they sent [word] from there [Palestine]:²⁸ Give heed to the customs of your ancestors which have come down to you; for it might happen that the government might issue a decree²⁹ and it will cause confusion [in ritual].

It was stated: [With respect to] the two Festival-days of the New Year, Rab and Samuel³⁰ both say: [An egg] laid on the first day is forbidden on the second day. For we have learnt:³¹ In early times they [the Sanhedrin] admitted the testimony about new moon throughout the [whole]³² day.³³ Once, however, the witnesses were late in arriving

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- (1) For the three cases v. infra 5b. Our case is one of the three.
- (2) Concerning which I have said that an egg laid on a Sabbath may be eaten on the immediately following Festival-day.
- (3) All egg may not be cooked on a Sabbath, but may be eaten raw because there is no work in sucking eggs.
- (4) On account of mukzeh.
- (5) For it is prohibited to kindle fire on a Sabbath. Cf. Ex. XXXV, 3.
- (6) The following Festival-day.
- (7) If it were a Festival and not a Sabbath.
- (8) V. Glos. s.v. mukan.
- (9) When stoking the fire the alien branches are prohibited on account of mukzeh.
- (10) This statement is not found anywhere else so worded, but is inferred from Ter. V, 9, where it is stated that if one se'ah of Heave-offering fell into less than 100 se'ahs of common produce, and other common produce afterwards fell therein, if it was in error the whole is permitted, but if wantonly, it is forbidden. Cf. ר'ש"א l.
- (11) And the prohibition of mukzeh is only Rabbinical.
- (12) V. supra 3a. And the wood will in any case be permitted after the Festival.
- (13) Cf. Tosaf. Pes. 26b. s.v. חדש .
- (14) Outside Palestine every Festival which Biblically is to be observed for day is kept for two days because of doubt. Since the Festival is fixed for a certain day of the month (for example passover on the 15th Nisan) it is Important to know the exact day the New Moon appears. For the consecration of the New Moon was determined not only by mathematical calculation but by the confirmation of witnesses who had seen it. This applied only to the 30th, but on the 31st, the day would be consecrated even without witnesses, because it would be known that after the 30th the moon should become new even if it were not seen, for the moon renewed itself about every 292 days. therefore those in Palestine could easily be informed whether the new moon was consecrated by the Sanhedrin in Jerusalem on the 30th day or on the 31st, thus making the month just passed either full or defective. But those in the Diaspora, not being able to be informed in time whether the new moon was consecrated on the 30th or on the 31st, kept the appointed Festival-day for two days in order to be sure of observing it (for example, in the case of Passover, they kept both the 15th and 16th of Nisan as the 1st day of Passover). Hence the two Festival-days of the Diaspora.
- (15) I.e., the first day.
- (16) Because only one of the two days is holy.
- (17) V. Glos.
- (18) He would not have recited the habdalah had he regarded the two Festival-days as one continuous day of holiness. V. Rashi.
- (19) The observance in the Diaspora of two days instead of one as in Palestine can be regarded from two points of view: (a) It was an enactment of the Rabbis that for all time in the Diaspora two days should be kept for each Festival-day (v. supra n. 1). From that point of view the two days are regarded as one long day of holiness and the egg might not be eaten on the second day. (b) The people in the Diaspora have taken upon themselves the observance of two days instead of one because of their uncertainty; for those however, who were well acquainted with the fixing of the new moon, the first day only is regarded as really holy and the second day as of a minor holiness, requiring the recitation of the habdalah between the two, and the egg would be permitted to be eaten on the second day.
- (20) Presumably because the Rabbis have so enacted for us to keep the two days as one continuous day of holiness and it is their ordinances that we observe.
- (21) They indicated the new moon outside Jerusalem by means of firesignals whether the day just elapsed was the 30th of the past month or the 1st of the coming month.
- (22) In lighting beacons at other times to confuse the Jews. For the term Cuthim v. J.E. vol. IV, p. 398.
- (23) V. R.H. 22b (Sonc. ed. p. 96, n. 7).
- (24) And we reverted to the lighting of fire-signals.
- (25) The distance covered by the traveling messengers was relative, dependent on what day in the month a festival fell, so that sometimes they would cover more territory than at others.

- (26) Evidently the observance of two days was not an enactment for all time.
- (27) The calendar was fixed about the beginning of the fourth century. [This has been ascribed to Hillel II, v. Graetz IV, pp. 316-318.]
- (28) To the Jews in the Diaspora. Cf. Sanh. 17b. [probably this refers to the message sent by R. Jose (J. 'Er. III) a contemporary of Hillel II, urging the people of the Diaspora not to depart from the ancestral customs despite the calendar which have been introduced by the Patriarch, v. Graetz IV, p. 456.]
- (29) To destroy all the sacred writings and prevent the study of the Law and thus all knowledge of fixing the calendar would be lost.
- (30) Who are often opposed in debate.
- (31) R.H. 30b.
- (32) The word 'whole' is absent in R.H.
- (33) The 30th of Ellul, which had already been determined as New Year. The 30th of Ellul, commencing at sunset, was observed as New Year's day in case witnesses should arrive during that day reporting that they had seen the new moon.

Talmud - Mas. Beitzah 5a

and the Levites erred in the chant.¹ [In consequence] they enacted that they should only receive witnesses until Minhah,² but if witnesses came from Minhah onwards³ they observed [the remainder of] that day⁴ and the following day as holy.⁵

Rabbah said: Since the enactment of R. Johanan b. Zakkai, the egg is permitted;⁶ for we have learnt:⁷ After the destruction of the Temple⁸ R. Johanan enacted that testimony [concerning the appearance of new moon] should be admitted the [whole] day.⁹ Said Abaye to him: But have not Rab and Samuel both said that the egg is forbidden [on the second day]? — He replied to him: I quote to you R. Johanan b. Zakkai, and you tell me about Rab and Samuel!¹⁰ But for Rab and Samuel our Mishnah is a difficulty! — There is no difficulty. This [ruling] applies to us [Babylonians], but that [ruling] applies to them [the Palestinians].¹¹ But R. Joseph¹² says: Even from [the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited [on the second day]. What is the reason? It¹³ is a matter which was decided by a majority vote¹⁴ and whatever was [forbidden] by a majority vote, requires another majority vote to permit it.¹⁵ Said R. Joseph: Whence do I infer this?¹⁶ From what is written: 'Go say to them, return ye to your tents'.¹⁷ And [Scripture] further says: 'When the trumpet soundeth long, they shall come up to the mount'.¹⁸ And we have further learnt:¹⁹ The fourth [year] vineyard [fruit] was to be brought to Jerusalem [from all places] within a radius of one day's journey [from Jerusalem], and the following are its boundaries: Elath²⁰ on the South,²¹ Akrah²² on the North, Lydda²³ on the West, and the Jordan on the East.²⁴ And 'Ulla said — others say Rabba b. Bar Hana in the name of R. Johanan — What is the reason? [It is] in order to decorate the streets of Jerusalem with fruits. And it was [further] taught: R. Eliezer had trees of the fourth year in a vineyard to the east of Lydda near Kefar Tabi²⁵

(1) They sang the psalm for ordinary days at the eventide sacrifice and it turned out after the arrival of witnesses that it was actually New Year's day. V. Tamid VII, 3-4.

(2) The time of the offering of the eventide sacrifice. V. Glos. Cf. Schurer II, I pp. 286ff.

(3) When there was still some part of the day to run, though their testimony would not be accepted for consecrating the 30th as New Year's day, yet.

(4) The end of the 30th from the arrival of the witnesses to the close of the day was also considered holy.

(5) Hence it was seen that the Sanhedrin itself under such conditions observed the New Year's Festival for two days even where there was no uncertainty; and the people outside Jerusalem would need to observe both the 30th and the 31st of Ellul as New Year in case of such a contingency, so that the observance of two days for the New Year's Feast was an enactment of the Rabbis from the very beginning making two days one continuous day of holiness, and, therefore, an egg laid on the first day is prohibited even on the second.

(6) To be eaten on the second day.

(7) R.H. 30b.

- (8) Since the Temple no longer existed the reason for the previous enactment falls away.
- (9) So that the observance of the two days at the present time could only be on account of doubt, since only one of the two days is holy. For, even if witnesses came towards the end of the 30th, the whole of the 30th would be regarded as New Year and the 31st would be regarded as a weekday. But if no witnesses came on the 30th, the 31st would be New Year's day and the 30th, though observed as a holy day, was in reality an ordinary day; and therefore the egg laid on the 30th in such a case would be permitted on the 31st.
- (10) R. Johanan b. Zakkai was the greater authority.
- (11) The enactment of R. Johanan b. Zakkai could only affect Palestine, where only one day, viz., the 30th, would now be regarded as New Year, however late the messengers came on that day. But in Babylon and all places outside Palestine, the observance of the two days was not affected by the enactment of R. Johanan, for there the two days were kept holy by the early Rabbinical enactment, and were regarded as one continuous day of holiness.
- (12) In opposition to Rabbah.
- (13) The prohibition of the egg on the second day.
- (14) If witnesses had not come before eventide the Assembly of Sages decided to make the two days one continuous day of holiness.
- (15) Even though the reason for its prohibition no longer exists, the prohibition still holds until a further vote in Assembly had been taken and declaring it now permissible; and as no such vote had been taken the status quo remains, i.e., the prohibition of the egg is still binding. V. Sanh. 59b. It is pointed out *infra* 5b that the vote of Assembly was not directly dealing with the egg but with the making of the two days one continuous day of holiness.
- (16) That a prohibition once made by an Assembly is still binding until it has been rescinded by another Assembly.
- (17) Deut. V, 27. God had previously told them to abstain from women for three days, and this prohibition did not ipso facto cease at the expiration of the three days, but required from God direct permission to resume cohabitation. V. Tosaf. 5a, s.v. **שם** V. also Sanh., Sonc. ed. p. 403, n. 1.
- (18) Ex. XIX, 13. Here too the prohibition of ascending Mt. Sinai was on account of the Theophany, and at the ceasing of the Theophany it could be inferred that the people might ascend the Mount. Yet it was not left for anyone to infer that they might ascend, but they had to await the express authority of God.
- (19) M.Sh. V, 2; R.H. 31b. (9) Fruit of the first three years of a tree may not be eaten, and the fruit of the fourth year must be eaten before the Lord in Jerusalem, Lev. XIX, 23. If, however, the journey was too great, the fruit might be redeemed and the money expended in Jerusalem. V. Deut. XIV, 24-25. The Rabbis, however, ordained that for a radius of one day's journey from Jerusalem the fruit could not be redeemed but must be brought to Jerusalem.
- (20) V. Neubauer, *La Geographic du Talmud*, p. 19. No place of such a name within one day's journey from Jerusalem has yet been plausibly identified.
- (21) This is the correct reading as in M.Sh. and not North. Cf. D.S. a.l.
- (22) Neubauer, p.159. Perhaps the modern Akrah, 25 miles North of Jerusalem.
- (23) Cf. Neh. VII, 37. V. also Neubauer, p. 76.
- (24) V. R.H., Sonc. ed. p. 151, notes.
- (25) Since Lydda was within one day's journey West of Jerusalem, Kefar Tabi which was East of Lydda would likewise be within one day's journey from Jerusalem.

Talmud - Mas. Beitzah 5b

and he wished to renounce [the vineyard] for the poor.¹ But his disciples said to him: Master, thy colleagues have already taken a vote with respect to your case and permitted it.² Who are meant by 'thy colleagues'? R. Johanan b. Zakkai [and his school]. Now the reason [why the fruit may be redeemed] is only because they had taken a vote; but if they had not taken a vote, it would not [have been permitted].³

What is meant by 'And [Scripture] further says'?⁴ — He means thus: Consider: It is written: Be ready against the third day, come not near a woman.⁵ Then what is the purpose of 'Go say to them, Return ye to your tents'? Infer therefrom that every prohibition decided by a majority vote requires another majority vote to rescind it. And should you reply, it comes as a command concerning conjugal duties,⁶ [then] come and hear: 'When the trumpet soundeth long they shall Come up to the

mount.’ Now consider: It is written: ‘Neither let the flocks nor herds feed before that Mount.’⁷ Then what is the purpose of?’ When the trumpet soundeth long they shall come up to the Mount’. Conclude therefrom that what has been prohibited by a majority vote requires another majority vote to rescind it.⁸ And should you argue, this only applies to the case of a Biblical [prohibition] but not to the case of a Rabbinical [prohibition],⁹ [then] come and hear: ‘The fourth [year vineyard] fruit, etc.’ Now the law concerning the fourth [year vineyard] fruit is a Rabbinical enactment, and yet they said to him: ‘Thy colleagues have already taken a vote respecting your case and permitted it!’ And if you say¹⁰ that R. Johanan b. Zakkai allowed also a vote to be taken concerning an egg and permitted it, [I will reply]: They only took a vote concerning testimony, but concerning the egg they did not take a vote. Said Abaye to him: Has there been then at all a vote taken [at any time] concerning the egg [itself]?¹¹ The egg is dependent on [the acceptance of] testimony: If the testimony of the witnesses is disallowed, then the egg is forbidden¹² but if the testimony of the witnesses is permitted then the egg is [a automatically] permitted,¹³

R. Adda and R. Salmon, both of Be Kelohith¹⁴ say: Even [from the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited. Why? The Temple may very soon be rebuilt,¹⁵ and people would say: ‘Did we not eat last year on the second day [of the New Year] the egg [laid on the first day]? Now too, we shall continue to eat it;’ and they will not know that in the previous year¹⁶ they [the two days] were of two distinct forms of holiness¹⁷ whereas now¹⁸ they are one [continuous day of] holiness.¹⁹ If so, we should not even accept [the] testimony [of witnesses the whole day]! What is the reason? For the Temple may very soon be rebuilt, and people might say: ‘Did we not accept last year testimony concerning the New Moon during the whole day [long]? Now too, we shall [continue to] accept [their testimony]!’? — Where [is the comparison] in this? [The acceptance of] testimony is entrusted to the Beth din²⁰ [only], but [the case of] the egg is entrusted to all.²¹

Raba Says: Even since the enactment of R. Johanan b. Zakkai and onwards, the egg is forbidden; [for] does not R. Johanan b. Zakkai agree that if witnesses arrive after Minhah, the remainder of that day and the following day is observed as holy?²² Raba further said: The law [is as] Rab in the foregoing three cases²³ whether he is lenient or stringent. [

(1) In order not to have to bring the fruit himself to Jerusalem, but that the poor might gather the fruit for themselves and bring it to Jerusalem. Although R. Eliezer lived after the fall of Jerusalem when the reason for decorating its streets no longer existed, yet he adhered to the ruling that the fruit being within the radius of one day's journey, could not be redeemed but had to be brought to Jerusalem.

(2) I.e., the authority you are holding to has been rescinded by another authority and you can therefore redeem the fruits and bring only the money to Jerusalem.

(3) [Which proves that whatever has been decided by a majority vote requires another majority vote to abrogate the decision, even where the reason for the original decision no longer operates].

(4) The question here is: How do you infer from the first passage of Scripture the principle that a prohibition once made is absolutely binding until it has been rescinded; and if the inference is satisfactory, why is it necessary to have a second Scripture text? Rashi.

(5) Ex. XIX, 15.

(6) But not a cancelling of the previous prohibition of Ex. XIX, 15.

(7) Ibid. XXXIV, 3. The expression ‘before that Mount’ is interpreted as meaning ‘that Mount covered with the cloud of the Divine presence’, from which it might be inferred that only as long as the cloud of the Divine presence remained over the mountain no man or beast could draw near, but when the cloud was removed the people might, by their own inference, have thought that they might now ascend the mountain.

(8) The reason for the ‘trumpet sounding long’ was to indicate that the Divine presence was removed from the mountain.

(9) As our case of the egg.

(10) R. Joseph resumes here the thread of his remarks which were interrupted by quoting the source of his principle.

(11) And if no vote was directly taken, the question of requiring another vote rescinding it does not arise.

- (12) For the two days are regarded as one continuous day of holiness.
- (13) For then, in reality, only one of the two days is holy.
- (14) Or Kaluhith Chalchitis in Mesopotamia. V. Funk Monumenta I, p. 290.
- (15) When the old order of consecrating the new moon through the testimony of witnesses would be restored and the witnesses be received until eventide only.
- (16) Before the Temple had been restored.
- (17) For only one day was really holy and the other was observed on account of doubt.
- (18) The Temple having been rebuilt.
- (19) As existed before the enactment of R. Johanan R. Zakkai.
- (20) The Ecclesiastical Authorities, and they know the rule to be observed after the building of the Temple. V. Yeb. 22a.
- (21) The question of the egg is a matter about which anyone may feel he can decide, and decide to eat the egg on the second day after the Temple had been rebuilt as he did before the Temple was rebuilt.
- (22) In which case the two days of New Year would be regarded as one continuous day of holiness. According to this view, the object of R. Johanan's enactment of accepting witnesses throughout the 30th day was for the purpose of fixing the days of the Festivals following New Year; i.e., if witnesses came any time on the 30th, that day would be the first of Tishri, from which the days of the month would be computed.
- (23) (a) When a Festival-day falls on Friday or on a Sunday; (b) The two Festival-days of the Diaspora; (c) The two days of New Year.

Talmud - Mas. Beitzah 6a

Raba said: On the first day of a Festival, [only] Gentiles may busy themselves with a corpse,¹ [but] on the second day, Israelites may busy themselves with a corpse, and² even on the two Festival-days of the New Year, which however is not the case with respect to an egg.³ The Nehardeans⁴ say: The same holds good even with respect to an egg; for what is in your mind: Perhaps [the month of] Ellul will be intercalated?⁵ Surely R. Hinena b. Kahana said in the name of Rab: From the days of Ezra⁶ and onward we do not find Ellul ever intercalated.⁷

Mar Zutra said: This⁸ was said only when [the corpse] had already been lying for some time,⁹ but if it had not lain for a long time, we let it remain.¹⁰ R. Ashi says: Even if it had not lain for a [good] long time we do not let it remain [unburied]. What is the reason? With regard to a dead body the Rabbis have made the second day of a Festival as a weekday even with respect to cutting for it a shroud and cutting for it a [branch of] myrtle.¹¹ Rabina said: But nowadays when there are Guebers¹² we apprehend.¹³

Rabina was once sitting in the presence of R. Ashi on [one of] the two Festival-days of the New Year,¹⁴ [and] noticing that he was troubled, he said to him: Why is the Master troubled? He [R. Ashi] replied: I have not set an 'erub tabshilin.¹⁵ Said he to him: Let the Master prepare an 'erub tabshilin now. For did not Raba say: A man may set an 'erub tabshilin on the first day of a Festival for the second and stipulate?¹⁶ — He replied: Granted that Raba [indeed] said so with respect to the two Feast-days of the Diaspora.¹⁷ But did he then say this also with respect to the two days of the New Year's Festival?¹⁸ But the Nehardeans maintain that even an egg is permitted!¹⁹ — R. Mordecai observed to him [to Rabina]: The Master²⁰ distinctly told me that he does not accept this [teaching] of the Nehardeans.

It was stated: If a chicken was hatched out on a Festival, Rab says: It is forbidden,²¹ but Samuel — some say, R. Johanan — maintains: It is permitted. Rab says it is forbidden [because] it is mukzeh;²² but Samuel — some say, R. Johanan — maintains it is permitted, since it makes itself permitted through shechitah.²³ R. Kahana and R. Assi said to Rab: What difference is there between this and a calf born on a Festival?²⁴ — He replied to them: [The case of the calf is different] since it was [regarded as] mukan²⁵ by virtue of its mother.²⁶ And what difference is there between this and a calf born [on a Festival] from a Trefa?²⁷ Rab remained silent. Said Rabbah — some say [it was] R.

Joseph — Why was Rab silent? He should have replied to them: [This calf is permitted] since it is mukan for dogs through its [trefa] mother.²⁸ — Abaye replied to him:

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- (1) E.g., the making of a shroud and the digging of a grave.
- (2) The same holds good.
- (3) I.e., an egg laid on the first day of the New Year is not permitted on the second day.
- (4) The scholars of Nehardea, i.e., the School of Samuel. V. Sanh., Sonc. ed. p. 42.
- (5) I.e., Beth din will insert an extra day in the month of Ellul, in which case the New Year Festival would begin on the second day.
- (6) Cf. Neh. VIII, 13, where 'second day' refers to New Year.
- (7) The only exception was when the witnesses arrived late.
- (8) Law that Israelites may busy themselves with a dead body on a Festival.
- (9) And is decomposing and becoming offensive.
- (10) Until after the Festival.
- (11) The funeral trappings and the myrtle placed on the coffin were to honour the dead.
- (12) The fanatical sect of Persian fireworshippers, v. Git., Sonc. ed. p. 63, n. 2. This probably refers towards the close of the Sassanid rule marked by the persecution of the Jews. V. J.E. p. 648, c. 1. The Jews had to render to the Guebers compulsory service from which they were exempt on a Festival.
- (13) Lest through allowing Jews to bury on the second day of a Festival the Guebers might regard that day as an ordinary working day and compel them to work.
- (14) The New Year Festival fell on Thursday and Friday.
- (15) V. Glos. It is a symbolical act by which meals may be prepared on a Festival occurring on a Friday for the following Sabbath. The method is to prepare a dish on the Thursday for the Sabbath which enables all the cooking done on the Friday to be regarded as a continuation of the cooking begun on the Thursday.
- (16) If the first of the two days is the real feast-day, then the preparation of the food on the second day should be permitted; and if the second day is the proper feast-day, then preparation of the 'erub is permissible on the first day, which is not a Festival but a weekday.
- (17) I.e., observed only in the Diaspora where two days are observed on account of doubt.
- (18) Which are observed also in Palestine where the two days of the New Year are regarded as one continuous holy day. Surely not!
- (19) On the second day, if laid on the first day of the New Year's Festival thus indicating that only one of the two days is holy.
- (20) R. Ashi who was R. Mordecai's teacher, v. Sot. 46b.
- (21) To be eaten on the day of the Festival.
- (22) V. supra, p. 2, n. 5.
- (23) V. Glos. Before the chicken is hatched, the act of slaughtering does not permit it to be eaten. It is only when born that the chicken can be eaten through ritual slaughter. And since the hatching out of the chicken (on the Festival) enables it to be eaten through slaughtering, it also frees it from mukzeh; i.e., since it gains permission for itself to be eaten through ritual slaughter, it also gains permission for itself to be free from mukzeh.
- (24) Which may be eaten on the same day, v. infra.
- (25) V. Glos.
- (26) The calf found in a ritually slaughtered cow may be eaten through the slaughtering of its mother. The calf therefore is valid for provision even before its birth.
- (27) V. Glos. This calf when found within the mother is not permitted for use by the slaughtering of its trefa mother. It must itself be ritually slaughtered before it can be permitted; and yet we do not find anyone prohibiting the eating of a calf born of a trefa on a Festival.
- (28) Immediately before the Festival the mother-cow as trefa was intended as food for dogs, and this included the calf within it. The cow and the calf would thus become mukan for dogs and therefore the law of mukzeh should not apply to the calf. The same, however, cannot be said of the chicken in the egg.

Seeing that that which is mukan for human consumption is not mukan for dogs — for we have learnt: One may cut up¹ gourds for cattle and a carcass for dogs;² R. Judah says: If [the animal] was not yet nebelah³ on the eve of the Sabbath it is forbidden,⁴ for it was not mukan⁵ — can that which is mukan for dogs be considered mukan for human beings? — He said to him: It is even so; that which is mukan for human consumption is not mukan for dogs, for that which is useable for man one does not throw to dogs. [But] that which is mukan for dogs is [also] mukan for human consumption, for the mind of man is directed to everything which may be fitting for him. [A Baraitha] was taught in accordance with Rab [and a Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan. [A Baraitha] was taught in accordance with Rab: A calf which is born on a Festival is permitted;⁶ [but] a chicken which is hatched on a Festival is forbidden. And what difference is there between the one and the other? [The calf] is mukan by virtue of its mother through shechitah,⁷ but [the chicken] is not mukan by virtue of its another.⁸ [A Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan: A calf which is born on a Festival is permitted; a chicken which is hatched on a Festival is permitted. Why? [The calf] is mukan by virtue of its mother and [the chicken] makes itself permitted through slaughter.

Our Rabbis taught: A chicken which is hatched on a Festival is forbidden. R. Eliezer b. Jacob says: It is forbidden even on a weekday since its eyes are not yet open. With whose opinion does the following passage agree: Even all creeping things that creep upon the earth,⁹ this includes chickens whose eyes are not yet opened?¹⁰ With whose opinion? The opinion of R. Eliezer b. Jacob.

R. Huna said in the name of Rab: An egg is completed on its issue [from the fowl]. What is meant by 'completed on its issue'? If we say, [it means] it is completed on its issue, so that [the egg] may be eaten with milk;¹¹ [which implies] when it is still within the hen [the egg] may not be eaten with milk? But surely we have learnt: If one kills a hen and finds therein completely formed eggs, these may be consumed with milk! And if [it means] it is completed on its issue so that [the egg] may be eaten on a Festival;¹² [which implies] when [the egg] is still within the hen,¹³ it may not be eaten on the Festival?¹⁴ But surely we have learnt: If one kills a hen and finds therein eggs completely formed they are permitted to be eaten on the Festival.¹⁵ And if you say that he informed us in the Baraitha what we do not learn in the Mishnah?¹⁶ This too¹⁷ we have learnt [in a Mishnah]: If an egg is laid on a Festival, Beth Shammai say: It may be eaten [on the same day], but Beth Hillel maintain: It may not be eaten [until the day is over].¹⁸ Now Beth Shammai and Beth Hillel dispute thus only about [the egg] that is laid; but if [the egg] is in the hen, all agree that it is permitted! And if you maintain that Beth Hillel prohibit [the egg] even when it is within the hen, and the reason he [the author of the Mishnah] quotes [their dispute with respect to an egg] 'laid' is in order to manifest to you the extent of the opinion of Beth Shammai that even if it is laid it is permitted; then as to that which we have learnt: If one slaughtered a hen and found therein eggs completely formed they are permitted to be eaten on the Festival — who will its author be? Neither Beth Shammai nor Beth Hillel!¹⁹ Therefore 'it is completed on its issue' [means] that [the egg] can hatch chickens, [but the egg found] in the body of the hen cannot hatch chickens. What is its practical bearing? — with respect to buying and selling.²⁰ As once happened when someone called out [to the salesmen]: Who has eggs

(1) On the Sabbath.

(2) V. supra p. 3 and notes.

(3) V. Glos.

(4) To be given to the dogs.

(5) For dog's consumption before the Sabbath.

(6) [The prohibition of nolad (V. Glos.) does not apply to living beings. V. Tosaf. s.v. עגל.]

(7) The owner of the mother-cow could have intended to kill the cow on the Festival and the cow and the calf that was within it would be mukan. The same however cannot be said of a chicken, because the owner could never conceive of an egg within the fowl ready to be hatched, so that in the case of the chicken there is no case of mukan.

(8) Because no egg is ever upon the point of being hatched when the hen is killed.

(9) Lev. XI, 42.

(10) Hul. 64a.

(11) And is not regarded as part of the flesh of the fowl. The Biblical rule not to eat meat together with milk (based on Ex. XXIII, 19) is extended by the Rabbis to include fowls. Eggs, however, may be eaten with milk.

(12) If the egg was laid before the Festival.

(13) Which was slaughtered on the Festival.

(14) On account of the law of Hakanah, v. supra 2b.

(15) Supra 2b.

(16) I.e., the Baraitha finds no support in the Mishnah, and therefore the Baraitha is not authoritative, so that R. Huna could rule that when the egg is still in the hen it may not be eaten on the Festival.

(17) The ruling of the Baraitha.

(18) Supra 2a.

(19) For Beth Shammai permit even the laid egg and Beth Hillel, according to this theory, prohibit the egg even though it is in the body of the hen.

(20) If one sells eggs for hatching then they must be eggs that are really laid and fertile.

Talmud - Mas. Beitzah 7a

of a cackling hen? When they gave him eggs [found] in a slaughtered hen, he came to R. Ammi [complaining], who said to them: It is an erroneous sale and he can withdraw [from it]. [But] this is self-evident!¹ — You might say that this [buyer] really wanted [the eggs] for eating, and the reason he asked [for eggs] of a cackling hen is that [such eggs] are hard-shelled; and that the practical outcome [of] his claim² is that he must refund him the difference,³ so he informs us [that this is not so].⁴

There was once one who said to [the salesmen], ‘Who has mated eggs⁵ [for sale]? Who has mated eggs?’ [When] they gave him unmated eggs,⁶ he came to R. Ammi who said to them: It is an erroneous sale and he can withdraw [from the transaction]. [But] this is self evident! — You might say that he needed [the eggs] only for eating,⁷ and the reason he asked for mated eggs is that they are richer; and that the practical bearing of this is that they must refund him the difference,⁸ so he informs us that the whole transaction is fraudulent].

Alternatively: What is meant, ‘it is completed on its issue’? [It means] it is completed with the coming forth of its greater part, and it is accordance with R. Johanan. For R. Johanan said: If the greater part of an egg issued on the day before the Festival and went back, it may be eaten on the Festival-day.⁹ There are some [scholars] who say: What is meant, ‘it is completed on its issue’? [It means] it is completed with the [coming forth] of the whole of it. Only with the coming forth of the whole of it, but not with its greater part,¹⁰ and this is to reject the opinion of R. Johanan.

[To revert to] the main text: If one slaughtered a hen and found therein completely formed eggs, these may be taken with milk.¹¹ R. Jacob says: If [the eggs] were attached [to the hen] by sinews they are forbidden.¹² Who is the author of that which our Rabbis taught: He who eats of a carcass¹³ of a clean bird, of its cluster of eggs, or of its bones, or of its veins, or of its flesh torn off while alive¹⁴ is clean;¹⁵ [but he who eats] of its ovary or of its crop or of its entrails, or if he melted its fat and swallowed it,¹⁶ he is unclean.¹⁷ — Who is the author [of the teaching], ‘[He who eats] of its cluster of eggs is clean’? — Said R. Joseph: It is not in accordance with R. Jacob. For if it were in accordance with R. Jacob, lo, he says: If [the eggs] were attached by sinews they are forbidden [to be taken with milk]!¹⁸ Said Abaye to him: Whence [do you say this]? Perhaps R. Jacob regards [these eggs as flesh] only with respect to a prohibition¹⁹ but not with respect to defilement? And if you say that we should enact a preventative measure also in respect to defilement?²⁰ [I would reply], This would be an extension of [the scope of] defilement, and we do not extend [the scope of] defilement by Rabbinical enactment.²¹

There are some [scholars] who say [thus]: Who is the author [of the teaching that if one eats] ‘of its ovary he is unclean’?²² Said R. Joseph: It is R. Jacob: For he says, ‘If [the eggs] were attached [to the hen] by sinews they are forbidden [to be taken with milk]’. Said Abaye to him: Whence [do you understand] that by the term ovary is meant [the eggs] that are attached to the ovary? Perhaps it means the ovary itself!²³ And if you object: What need is there to say this with respect to the ovary? [I would reply]: It is analogous to the crop and the inwards; for although these are [really] flesh,²⁴ [yet] since there are people who do not eat them, it is therefore necessary to state these; so also here [with respect to the ovary] since there are people who do not eat it, it is necessary to teach it. Our Rabbis taught: All creatures which copulate during the day are born during the day; all creatures which copulate during the night are born during the night; all creatures which copulate both by day and by night, give birth both by day and by night. ‘Those which copulate by day are born by day’, this refers to a fowl; ‘those which copulate during the night are born during the night’, this refers to the bat; ‘those which copulate by day and by night give birth by day and by night’, this refers to man and whatever is like him.

The Master said [above]: ‘Those who copulate by day are born by day refers to a fowl’. What is the practical difference? — With respect to the teaching of R. Mari son of R. Kahana. For R. Mari son of R. Kahana said: If one examined a hen-coop on the eve of the Festival and could not find in it an egg, and on the morrow he rose early²⁵ and found in it an egg, it is permitted.²⁶ But did he not examine [the nest]? — I say²⁷ that he did not examine it very carefully, and even if he did examine it very carefully, I would say that [perhaps] the greater part [of the egg] came out [before the Festival] and went back; and [this ruling is] in accordance with [the opinion of] R. Johanan.²⁸

But that is not so; for R. Jose b. Saul said in the name of Rab: If one examined a hen-coop on the eve of the Festival and did not find in it an egg and on the morrow he rose early and found an egg in it, it is prohibited?²⁹ — This [latter passage] refers to eggs laid through friction with the earth,³⁰ If so,³¹ with respect to the teaching of R. Mari, might I not also say [the egg] was laid through friction with the earth? — When there is a cock near her.³² Even when there is a cock [near her] might I not [still] say that the egg was laid through friction with the earth? — Said Rabina: There is a tradition³³ that wherever there is a cock near her she will not fructify [eggs] through friction. And how near [should the cock be]?³⁴ — R. Gamda replied in the name of Rab: Sufficiently near

(1) That it is a fraudulent sale, since he asked for one thing and was given another.

(2) Seeing that he requires them in any case for eating.

(3) Between the value of cackling eggs and the eggs received, but the sale is nevertheless valid and cannot be rescinded.

(4) But we rather assume that when he asked for eggs of a cackling hen he wanted them for hatching, hence the sale is null.

(5) Lit., ‘eggs of (a hen paired with) a cock’.

(6) Lit., ‘eggs produced through friction of the body in the earth’, but not through contact with a male.

(7) And not for hatching.

(8) Between the value of mated eggs and the eggs received, but the transaction would still be valid.

(9) If subsequently laid on the Festival-day, and the law of mukzeh does not apply in this case.

(10) Lit., ‘with the coming . . . yes, but with . . . no’.

(11) V. supra p. 25, n. 4.

(12) Because they are then regarded as flesh.

(13) The carcass of a bird not ritually slaughtered does not defile a person through being carried or touched; it is only the eating of its flesh which defiles. Cf. supra to Lev. XXII, 8 and Nid. 42b.

(14) If any part of the bird is cut off while the bird is still living, although it may not be eaten, it does not defile.

(15) Because the cluster of eggs, the bones and the veins are not considered as flesh.

(16) Drinking is included in this law of defilement.

(17) These are considered as part of the flesh.

(18) Hence they are considered flesh.

(19) Not because he regards the eggs as flesh but as a preventative measure to safeguard the breach of eating flesh and milk together.

(20) I.e., to pronounce the person unclean when eating only the eggs.

(21) The Rabbis did not extend the law of defilement by declaring the man who eats of these eggs unclean, because of the monetary loss that would follow (by his clothes and whatever he touches becoming unclean; v. Lev. XVII, 15). But with respect to the prohibition of eating the eggs with milk, there the eggs themselves are not prohibited; it is only to safeguard the law of eating flesh and milk that the Rabbis instituted a preventive measure, and though the eggs themselves may be eaten, they may not be eaten with milk. In this respect they consider the eggs flesh.

(22) And thus considers the eggs flesh. Cf. Tosaf. Men. 70a. s.v. **ביצי**.

(23) And that is indeed flesh.

(24) And you would understand that they defile.

(25) Before daybreak.

(26) Because it is assumed that the egg was laid the previous day as, by the nature of the case, it could not have been laid during the night.

(27) **אימר** Either Imperf. 1. sing., or Imper. 2. sing.

(28) Who regards the egg as having been laid. It may have been deposited during the night of the Festival, but it is not regarded as having been laid during the night.

(29) Because we assume the egg was laid during the night of the Festival.

(30) Which eggs might be laid even at night.

(31) That unmated eggs can be laid at night.

(32) Therefore the egg must have been laid during the day.

(33) Lit., 'they (teachings) are handed down'.

(34) That the hen should not lay eggs through friction.

Talmud - Mas. Beitzah 7b

that [the hen] can hear his crowing in the daytime.¹ R. Mari gave a decision [in a case where the cock was] at a distance of sixty houses.² But if there is a river [between them] she [the hen] does not cross over, but if there is a bridge,³ she crosses over; if there is a plank she does not cross over. It happened once that [a hen] crossed over even a plank.

How have you explained it;⁴ with respect to unmated eggs? Then why particularly teach when he examined [the hen-coop]; even if he had not examined, it should also [be prohibited]! — If he did not examine it, I might say [the egg] was from yesterday. If so, even if he had examined it, I might still say that the greater part [of the egg] came out [yesterday] and went back and [should therefore be permitted] in accordance with R. Johanan! — The contingency stated by R. Johanan is rare.

R. Jose b. Saul further said in the name of Rab: This pulverized garlic is a danger to be left exposed.⁵

BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN IS OF THE SIZE OF AN OLIVE, AND LEAVENED BREAD IS OF THE SIZE OF A DATE. What is Beth Shammai's reason? — If so,⁶ the Divine Law should only have written about leavened bread and not about leaven and I should have said: If leavened bread, the acidity of which is not very great, [is forbidden] at the size of an olive, how much more should leaven, the acidity of which is very great [be forbidden] at the size of an olive: then why does the Divine Law need to state leaven? In order to teach that the standard of the one is not like the standard of the other.⁷ And Beth Hillel? — It is necessary [for the Divine Law to state both]. For if the Divine Law had written only about leaven I might have said that the reason [leaven is forbidden to be seen] is that its acidity is very great, but leavened bread, the acidity of which is not great, I might have said is not [forbidden to be seen at all]. It is therefore necessary [to state leavened bread]. And if the Divine Law had stated leavened bread, [I might have

said that] the reason [leavened bread is forbidden to be seen] is that it is fit for food, but leaven which is not fit for food, I might have said is not [forbidden to be seen at all]. Therefore both are necessary.

Shall we say that Beth Shammai does not agree with what R. Zera had said? For R. Zera said: The Scripture [verse]⁸ begins with the term 'leaven' and concluded with the term 'leavened bread' in order to teach that 'leaven' and 'leavened bread' are alike? — With respect to eating, no one differs [about the size].⁹ They only differ with respect to the removal [of the leaven from the house]; Beth Shammai is of the opinion that we do not learn [the law of] 'removal' from [that of] 'eating', while Beth Hillel maintains that we do learn 'removal' from 'eating'.¹⁰

Likewise it was stated: R. Jose b. Hanina said: The dispute is only with respect to the 'removal', but with respect to 'eating' all agree that both [leavened bread and leaven] are [forbidden] of the size of an olive. Likewise it was also taught: 'And there shall no leavened bread be seen with thee neither shall there be leaven seen with thee';¹¹ herein lies the dispute between Beth Shammai and Beth Hillel, where Beth Shammai say that leaven is the size of an olive and leavened bread is of the size of a date, but Beth Hillel maintain that both are of the size of an olive.

HE WHO SLAUGHTERS GAME OR POULTRY ON A FESTIVAL, etc. HE WHO SLAUGHTERS [implies] only if he has done so,¹² but not [that it may be done] at the very outset. Then consider the subsequent clause: BUT BETH HILLEL MAINTAIN: HE MUST NOT SLAUGHTER [etc.], whence it follows that the first Tanna holds that he may slaughter [at the outset]! — This is no difficulty. He means, 'HE MUST NOT SLAUGHTER AND COVER [etc.]'.¹³ But consider the final clause: BUT THEY AGREE THAT IF HE SLAUGHTERED HE MAY DIG WITH A SHOVEL AND COVER; whence it follows the first clause does not mean '[only] if he has done it'! — Answered Rabbah: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice'¹⁴ how should one answer him? Beth Shammai say: One answers him: Slaughter, dig and cover; but Beth Hillel maintain: he must not slaughter unless he had [loose] earth set in readiness before the Festival'. R. Joseph says: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice, how should one answer him? Beth Shammai say: One answers him: Go [and] dig, slaughter and cover; but Beth Hillel maintain: He may not dig unless he had [loose] earth set in readiness from before the Festival'.

Said Abaye to R. Joseph: Shall it be said that you, Sir, and Rabbah disagree with respect to the teaching of R. Zera in Rab's name? R. Zera said in the name Rab: The slaughterer [of game or poultry] must put earth beneath [to receive the blood] and earth above, for it is said: 'He shall pour out the blood thereof, and cover it with dust'.¹⁵ It does not say earth but 'in earth',¹⁶ teaching that the slaughterer must put earth beneath and earth above. You, Sir, [therefore] accept the teaching of R. Zera and Rabbah rejects the teaching of R. Zera. He answered him: Both I and Rabbah accept the teaching of R. Zera and our dispute here is as follows: Rabbah is of the opinion that he may [only slaughter] if there is [already] earth beneath [to receive the blood]; but if not, he may not slaughter,¹⁷ for we apprehend that he might change his mind and not slaughter.¹⁸ But according to my view, it is better,¹⁹ for if you will not permit him [to dig] he will come to be deprived of the joy of the Festival.²⁰

BUT THEY AGREE THAT IF SOME HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD]. R. Zerika said in the name of Rab. Judah: This only holds good when the shovel had [already] been sticking [in the earth] since the previous day.²¹ But does he not cause crumbling of the earth?²² — Answered R. Hiyya b. Ashi in the name of Rab:

(1) The crowing does not reach so far during the daytime as at night.

- (2) The cock was removed sixty houses from the hen yet R. Mari maintained that there was copulation and permitted the egg.
- (3) Or 'ferry'.
- (4) The saying of R. Jose b. Saul.
- (5) Any exposed liquid is forbidden for use lest a snake has drunk therefrom. The same applies to pulverized garlic.
- (6) That the prohibition of both leaven and leavened bread were of the size of an olive.
- (7) I.e., leavened bread is of the size of a date, for food of such a size is estimated by the Rabbis sufficient to make one 'come to', (cf. Yoma 79a), and leaven is of the size of an olive which is the minimum.
- (8) Ex. XII, 19.
- (9) I.e., even Beth Shammai agree that both leaven and leavened bread of the size of an olive are forbidden to be eaten.
- (10) Ex. XII, 19 deals with the prohibition and penalty of eating anything leavened. Ex. XIII, 7 deals with the removal of anything leavened from the house. From the fact that Ex. XIII, 7 mentions both 'leaven' and 'leavened bread' Beth Shammai infer that the size of the 'leavened bread' with respect to removal is not that of an olive but that of a date.
- (11) Ex. Xlii, 7.
- (12) For otherwise, the Mishnah should state that a man may slaughter it. HE WHO SLAUGHTERS, however, implies that the law which follows holds good only if he has already slaughtered.
- (13) Beth Hillel's point is made with reference to the covering of the blood, not with reference to the killing at all; and therefore a deduction as to the view of the first Tanna can likewise be made only with reference to the covering.
- (14) Whether he may slaughter, having no earth.
- (15) Lev. XVII, 13
- (16) The preposition **ב** here means in rather than with, indicating that dust is to be put on all sides. V. Nachmanides a.l. for reason of covering the blood.
- (17) For he may not dig to obtain the earth to place beneath.
- (18) He would then have dug earth unnecessarily.
- (19) That he should be allowed to dig.
- (20) For he will not be able to slaughter, v. Deut. XVI, 14.
- (21) So that there is no violation of the law of digging on the Festival; for digging requires both the sticking in of the shovel as well as the lifting of it with the earth in it.
- (22) Granted there is not digging, but this crumbling of the earth is also forbidden, being in the nature of grinding.

Talmud - Mas. Beitzah 8a

[We are dealing with a case] where the soil is loose.¹ But does he not make a hole?² — This is according to R. Abba; for R. Abba said: if one digs a hole on the Sabbath and only requires its soil, he is guiltless in regard to it.³

BECAUSE THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED]. Who is speaking here of the ashes of the hearth?⁴ Answered Rabbah: Read thus: 'AND⁵ THE ASHES OF THE HEARTH ARE MUKAN'. Rab Judah said in Rab's name: They only taught this⁶ when it [the fire] had been kindled on the day of the Festival; but if it had been kindled on the Festival [itself] it is forbidden;⁷ but if [the ashes] are suitable⁸ to roast an egg therein, it is permitted.⁹ Likewise It was also taught: When they said [that] the ashes of the hearth are mukan, they only said so when it [the fire] had been kindled before the Festival; but if it had been kindled on the Festival it is forbidden; but if they are suitable to roast an egg therein it is permitted. If one had brought earth into his garden or into his waste land [before the Festival] one may cover the blood therewith.¹⁰

Rab Judah further said in the name of Rab: A man may bring a basket-full of earth [into his house] and may use it for whatever is necessary.¹¹ Mar Zutra pointed out in the name of Mar Zutra the Great: This only holds good if he had appointed a special corner for it.¹²

An objection was raised: One may not slaughter a koy¹³ on a Festival, and if he did slaughter it, he

may not cover its blood.¹⁴ Now if this were so¹⁵, let him cover it [the blood] in accordance with the opinion of Rab Judah?¹⁶ — But even according to your point of view, let him cover the blood with ashes of the hearth, or with earth in which a shovel was stuck?¹⁷ Therefore you must needs say that we are dealing here with a case where he has not [any of these];¹⁸ so also explain that we are dealing with a case where he has not [a basket-full of earth in the house]. If so¹⁹ then why particularly with respect to [an animal about which there is] a doubt [whether its blood requires covering]; even with respect to an animal about which there is no doubt one also may not [cover the blood by digging]?²⁰ — He uses the expression ‘not only but also’: not only may he not slaughter [in the case of an animal about which there is no doubt],²¹ but even in the case of an animal about which there is a doubt, where I might have said that because of the joy of the Festival he should be allowed to slaughter without covering the blood, he informs us [that he may not slaughter].

(1) As for example gravel or sand.

(2) When he takes it out, which is forbidden, being in the nature of ‘building’.

(3) Since it was not his intention to make the hole, the presence of the hole is only a disfigurement and for such an act of impairing or disfiguring one is not considered guilty of a breach of the Sabbath law; and although such an act is forbidden ab initio, yet for the sake of the joy of the Festival it has been permitted.

(4) Lit., ‘who has mentioned its name previously (that you are referring to it now)?’

(5) Changing the letter ׀ for ׀. V. supra p. 1, n. 10.

(6) That the ashes of the hearth are considered mukan.

(7) On account of mukzeh.

(8) Hot enough.

(9) To use such ashes for covering the blood even though the fire was kindled on the Festival itself, because since the ashes may be used for baking they cannot be regarded as mukzeh and may therefore be used, when in such a state, for any other purpose.

(10) Since it was prepared for any purpose.

(11) And it is not regarded as a part of the earth of the house and thus be prohibited from being handled.

(12) I.e., he did scatter over the ground, thereby indicating that it was for his use.

(13) A bearded deer or antelope (GR. **) Jast. V. however Hul. 79b where it is defined as a cross between a goat and a gazelle. V. also B.K., Sonc. ed. p. 443 n. 6. A doubt prevails regarding this animal whether it is in the category of cattle the blood of which need not be covered, or in the category of game the blood of which is to be covered. Cf. Lev. XVII, 13.

(14) Perchance it is cattle and he would be handling earth unnecessarily. V. Hul. 83b, 79b.

(15) That earth thus brought could be used in any way.

(16) By listing the basket-full of earth. Even if it were definitely cattle, the earth could still be used without infringing the law not to do any work on a Festival.

(17) From before the Festival, which is stated in our Mishnah to be mukan.

(18) Viz., ashes or a shovel of earth.

(19) That we are dealing with a case where he has no earth except through digging.

(20) Since we accept the decision of Beth Hillel according to which it is forbidden to dig earth on a Festival for covering blood.

(21) Since he has no earth in readiness.

Talmud - Mas. Beitzah 8b

But surely since he teaches at the end [of the clause] ‘and if he did slaughter it, he may not cover its blood’, understand from this that [we are] speaking of a case where he has [earth in readiness]!¹ — Therefore answered Rabbah: The ashes of the hearth² are regarded as mukan for [the covering of blood of] animals about which there is no doubt, but they are not regarded as mukan with respect to animals about which there is some doubt [whether their blood requires covering]. Why are they not [considered mukan in respect of the blood of the animal] about which there is a doubt? because he would be making a hole [in the ashes on the Festival]! Then in the case of an animal [game] about

which there is no doubt, he would also be making a hole? But [why would it not be regarded as making a hole in the ashes]? because it is in accordance with R. Abba!³ Than here also it is in accordance with R. Abba!⁴ And if [you say that] the reason [why he may not use them to cover the blood of an animal about which there is] a doubt is that he may cause a crumbling [of the earth],⁵ we should enact a preventive measure on account of crumbling of the earth even in the case of definite [game]? — In the case of [animals] about which there is no doubt, even if he crumbles the earth [it is permitted]; for the positive command [to cover the blood] comes and overrides the negative command.⁶ But when do we say that a positive command overrides⁷ a negative command, [only in cases] like ‘circumcision in leprosy’⁸ or ‘a linen garment with [woolen] fringes’,⁹ where the infringement of the negative command is at the same time as the fulfillment of the of the positive command!¹⁰ — This presents no difficulty, for simultaneously with the crumbling of the earth he covers the blood. But after all, [in] a Festival there exists both a positive and a negative command,¹¹ and a positive command cannot override both a positive and negative command! — Therefore answered Raba: ashes of the hearth [or anything like it] are intended for a definite case of game but not for a doubt.¹² And Raba follows [here] his opinion [expressed elsewhere]. For Raba said: If one brought in earth [before the Festival] to cover therewith excrement [of a child], he may cover therewith the blood of a bird;¹³ [to cover therewith] the blood of a bird he may not cover therewith the excrement [of a child].¹⁴ The Neharbeleans¹⁵ say: Even if one brought in earth to cover therewith the blood of a bird, he may [also] cover therewith the excrement [of a child].¹⁶

In the West¹⁷ they say: R. Jose Hama and R. Zera — some say, Raba the son of R. Jose b. Hama and R. Zera — differ therein; one says: koy is analogous to excrement,¹⁸ and the other says: koy is not analogous to excrement.¹⁹ It may be proved that it was Raba who said that koy is analogous to excrement; for Raba said: If one brought in earth to cover therewith excrement [of a child], he may cover therewith the blood of a bird, [but if he brought it earth to cover therewith] the blood of a bird, he may not cover therewith the excellent [of a child].²⁰ Conclude from this [that it was Raba].

Rami the son of R. Yabba said: The reason why we are not allowed to cover [the blood of] a koy is that it is a preventive measure against permitting the use of its suet.²¹ If it is so, [it should be prohibited] even on a weekday! — On a weekday people will say because he wants to clean his court.²² What is there to be said if he slaughtered [the koy] on a dust-heap?²³ [And further] what will you say if one comes to ask advice?²⁴ — On a weekday even if there is any doubt the Rabbis would tell him: Go, take trouble and cover [the blood]; but on a Festival, if there is a doubt, would the Rabbis tell him: Go, take trouble and cover [the blood]!²⁵ R. Zera learnt: it is not only with respect to a koy that the Rabbis said [thus]; but even if one slaughtered cattle, game and poultry and their blood became mingled, it is [also] prohibited to cover [such mingled blood] on a Festival.²⁶

Said R. Jose b. Jasariah: This was only said when one cannot cover it [the mingled blood] with one thrust of the shovel;²⁷ but if one can cover it with one thrust of the shovel, it is permitted. But is not this self-evident?²⁸ — You might assume that we should prohibit [even] one shovelful lest perchance [he might go on to use] two shovelfuls, so he informs us [that one is allowed]. Rabbah said: If one slaughtered a bird on the eve of the Festival [and omitted to cover the blood], one may not cover it on the Festival;²⁹

(1) For otherwise there would be no point in stating the law, seeing that where no earth in readiness is available he may not cover the blood of an animal which certainly requires covering. The original question therefore remains, viz., why should he not cover the blood of the koy either according to the teaching of Rab Judah or with the ashes of the earth?

(2) The same applies to the basket-full of earth.

(3) Who does not regard this as digging a pit; v. supra 6a.

(4) Therefore the reason cannot be on account of making a hole.

(5) [It is possible that the ashes contain cinders, or the basket-full of earth clods. V. supra p. 33 n. 6].

(6) Not to do any work on a Festival.

(7) Lit., 'positive command comes and overrides etc.'

(8) It is forbidden to remove a Leprous spot by an operation. Deut. XXIV, 8. The command to circumcise however (Gen. XVII, 10ff) has to take place even though a leprous spot is on the foreskin.

(9) Woollen fringes (Deut. XXII, 12) may be inserted in a garment of linen in spite of the prohibition not to wear a garment of heterogeneous materials.

(10) For the act of crumbling the earth precedes the action of covering the blood.

(11) In addition to the negative command 'not to do any work', cf. Lev. XXIII, 7, 8, 21, 35 there is also a positive command of 'resting', cf. ibid. XXIII, 39.

(12) [They are not considered mukdam in respect of animals about which there is a doubt, not because of the infringement of any prohibition involved, but because it is assumed that he had intended to use them only for such animals as definitely require the covering of their blood].

(13) In the case of a child's excrements the need is only a probable one, but with respect to the blood, he decided beforehand to kill on that day. Therefore if he prepared the earth to use for a contingency, how much more should he be permitted to use it for that which he definitely decided.

(14) For the earth was set in readiness only for a certain definitely determined object and therefore cannot be used in case of contingency.

(15) I.e., Rami b. Berabi or Beroki V. Sanh. 17b, Sonc. ed. p. 89. Neharbel identified with Nehar Bil, east of Bagdad, Obermeyer, p. 269.

(16) Because the contingency of the excrement is almost a certainty.

(17) I.e., Palestine. The Babylonians, when alluding to Palestine, called it the West, as Palestine was to the west of Babylon. Cf. Ber. 2b. But V. Sanh. 17b.

(18) I.e., if one brought earth to cover dung, he could cover therewith the blood of the koy, for the contingency of the dung is similar to the uncertainty with respect to the koy.

(19) Because the contingency of the dung is almost a certainty, and is therefore regarded as definite in comparison with koy which is absolutely uncertain.

(20) Hence Raba regards the contingency of requiring the earth for dung as remote and not as almost a certainty

(21) Heleb (V. Glos.). Suet is disallowed in the case of oxen and sheep but not in the case of game. If therefore you allow to cover its blood, people might regard it as game.

(22) And not because the koy is regarded as game. On a Festival work is forbidden with the exception of the preparation of food. The cleansing of a court is no exception.

(23) Where you cannot say that the covering of the blood is in order to keep the dust-heap clean.

(24) Whether, if he slaughters a koy on a weekday he should cover its blood? Is there not the possibility of the one asking the question, on being told that he is to cover its blood, himself coming to the conclusion that he may regard the koy as game and thus eat its suet.

(25) Surely not! Therefore people might come to a wrong inference.

(26) Because in so doing, he would be doing unnecessary work in covering the blood of the cattle.

(27) Which would be sufficient to cover the blood of the game and poultry; so that anything more than one shovelful would be unnecessary work.

(28) The one shovelful is required for the game and poultry, so that no extra work is done on account of the blood of the cattle.

(29) Because that which could be done before the Festival may not be done on the Festival. The bird, however, could be eaten in spite of the breach of the positive command to cover the blood.

Talmud - Mas. Beitzah 9a

if one prepared dough on the eve of the Festival, he may separate from its hallah¹ on the Festival.² The father of Samuel Says: Even if one Prepared dough on the eve of the Festival, he may not separate from it hallah on the Festival.³ Shall it be said that Samuel disputes with his father? For Samuel said: With respect to hallah outside Palestine, one may go on eating [of the dough] and separate the priestly portion at the end!⁴ — Answered Raba: Does then not Samuel agree that if one designated it by name⁵ that it is forbidden to be eaten by laymen?⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY A LADDER [ON A FESTIVAL] FROM ONE DOVECOTE TO ANOTHER,⁷ BUT HE MAY INCLINE IT FROM ONE PIGEON-HOLE TO ANOTHER. BUT BETH HILLEL PERMIT [THIS].

GEMARA. R. Hanan b. Ammi said: The dispute refers only to public ground, when Beth Shammai is of the opinion that whoever sees [him carrying the ladder] might say that he needed it for [plastering his roof];⁸ Beth Hillel hold, his dovecote proves his intention; but in private ground, all agree that it is permitted. But it is not so. For Rab Judah said in the name of Rab:⁹ 'Wherever the sages have forbidden anything because of appearances, it is forbidden even in the most innermost chambers!¹⁰ — It is [a contro versy of] Tannaim. For it was taught: One may spread them out in the sun, but not in the presence of people.¹¹ R. Eleazar and R. Simeon forbid this.¹²

Others say [thus]: R. Hanan b. Ammi said: The dispute refers to private ground; for Beth Shammai accept the teaching of Rab Judah in the name of Rab, and Beth Hillel reject the teaching of Rab Judah in the name of Rab; but on public ground all agree that it is forbidden. Shall it be said that Rab ruled as Beth Shammai?!¹³ — It is [a controversy of] Tannaim.¹⁴ For it was taught: 'He may spread them out in the sun, but not in the presence of people. R Eleazar and R. Simeon forbid this'

(1) The priestly portion of dough. V. Glos.

(2) For the decree of the Rabbis 'not to separate tithes on a Festival' (infra 36b) did not include dough, since it is permitted to make dough, which cannot be eaten until the priestly portion of the dough has been taken.

(3) When the Rabbis permitted the separation of hallah on a Festival, it only referred to a dough that was made on the Festival.

(4) Thus showing that the separation of hallah is not essential, since the eating of the dough does not depend upon the separation of hallah; and since one may eat of the dough before the separation one should be allowed to separate the hallah on the Festival, since the separation cannot be regarded as making the dough legally fit for use; cf. infra 36b.

(5) If one designated the separated part by the name hallah, it automatically assumes the name of terumah (V. Glos.).

(6) Hence such hallah is called terumah and can therefore be included in the Rabbinical enactment forbidding tithing on a Festival.

(7) To bring down the pigeons that are to be slaughtered.

(8) A man must avoid even the appearance of transgression.

(9) The authority of Rab as head of the Babylonian Community was not to be disputed by all Amora like R. Hanan, for he was regarded as enjoying the authority of a Tanna. CF. Sanh. 83b; 'Er. 50b; etc.; cf. also Tosaf. B.M. 46b.

(10) If therefore on public ground it is forbidden because of appearances, It should also be forbidden even on private ground.

(11) This refers to clothes which were accidentally wetted on the Sabbath. For they might say that work had been done in washing. Hence there is an opinion that in private ground where the question of because of appearances does not apply it is permitted.

(12) Shab. 64b; 146b.

(13) This explanation would make Rab appear to side with Beth Shammai against Beth Hillel. But Rab would not go against the standard rule that the halachah prevails according to the opinion of Beth Hillel.

(14) The dispute between Beth Shammai and Beth Hillel according to R. Hanan is similar to the dispute between the anonymous Tanna and Rabbis Eleazar and Simeon. Rab, however, must explain the dispute of the Mishnah as in the first stage of the argument, and Beth Hillel, according to him, permit even on public ground because the dovecote proves the intention.

Talmud - Mas. Beitzah 9b

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Our Mishnah is not in agreement with the following Tanna. For it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that one may carry the ladder from one dovecote

to [another] dovecote;¹ they dispute only about bringing it back, Beth Shammai saying: One may not bring it back, and Beth Hillel maintaining: One may even bring it back. R. Judah said: These words apply only to a dovecote ladder;² but with respect to a loft-ladder all agree that it is forbidden.³ R. Dosa says: One may incline it [the ladder] from one pigeon-hole to another. Others say in the name of R. Dosa: One may even move it with [short] hop-like steps.⁴

The sons of R. Hiyya⁵ went out to the Villages [to inspect the fields]. When they came back their father asked them: Has any legal question come before you? They replied to him: A case of [carrying] a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion: Since R. Judah said that they [Beth Shammai and Beth Hillel] do not dispute with respect to a loft-ladder, it follows that the first Tanna holds that they do differ [even there].⁶ But this is not so; R. Judah is only explaining the view of the first Tanna.⁷ Whence [is this known]? — Since [the list Tanna] states: ‘One may carry a ladder from one dovecote to another [dovecote].’ If therefore you maintain that they differ with respect to a loft-ladder [instead of] this [phrase], ‘One may carry a ladder from one dovecote to another dovecote,’⁸ he should say, ‘One may carry a ladder to a dovecote.’⁹ [Evidently] this is what he means: only [the ladder] of a dovecote but not that of a loft. And the other?¹⁰ — Does it then state a ladder of a dovecote? It [only] states ‘from one dovecote to another dovecote’, [indicating] even to any number of dovecotes.¹¹

Others say: A case of inclining a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion that what the first Tanna¹² forbids, R. Dosa permits.¹³ But it is not so. [Rather is it] what the first Tanna permits,¹⁴ R. Dosa forbids.

BUT HE MAY INCLINE IT FROM ONE PIGEON HOLE TO ANOTHER etc. Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival¹⁵ and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival, Beth Shammai say: He may dig up [earth] with a shovel and cover [the blood], but Beth Hillel maintain: One may not slaughter unless he has [loose] earth prepared from the day before [the Festival]!¹⁶ — R. Johanan replied: The authorities should be reversed.¹⁷ ‘Whence [does this follow]?¹⁸ Perhaps Beth Shammai say thus there¹⁹ only when there is [already] a shovel sticking in the earth,²⁰ but not where there is no shovel sticking in the earth.²¹ Or perhaps Beth Hillel permit here²² only because the dovecote makes it evident,²³ but there²⁴ it is not permitted!²⁵ Rather, if there is a difficulty,²⁶ the following is the difficulty. Beth Shammai say,²⁷ One may not take [pigeons]²⁸ unless he stirred [them] up²⁹ the day before. But Beth Hillel say: He stands and declares, ‘This one or that one shall I take’.³⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient; but the following contradicts this: If one slaughters game or poultry on a Festival [etc.]! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]?³¹ Perhaps Beth Shammai [permit] only when there is [already] a shovel sticking in the earth

(1) In order not to be deprived of the joy of the Festival.

(2) As his intention is then unmistakable.

(3) For the sake of appearance, as it may certainly be thought that he wishes to repair the roof.

(4) If the top of the ladder does not reach a particular pigeon-hole otherwise.

(5) Judah and Hezekiah.

(6) And, of course, Beth Hillel's view is law.

(7) Thus none permit the use of the ladder of the loft, since R. Judah does not state a separate view.

(8) Which signifies a ladder only used for dovecotes.

(9) The word משובך should have been omitted.

(10) I.e., R. Hiyya, what was the meaning of the text to him?

(11) The expression from ‘one dovecote to another dovecote’ is not asserting that it was a dovecote ladder, but rather that the ladder may be moved to several dovecotes.

- (12) The first Tanna of R Dosa is R. Judah who forbids the carrying of a loft-ladder.
- (13) The loft-ladder at any rate to be inclined from one pigeon hole to another.
- (14) R. Judah permits the carrying of a dovecote ladder while R. Dosa forbids carrying and only permits inclining the ladder which had been brought to the dovecote before the Festival. But a loft-ladder would be forbidden even to incline.
- (15) Beth Shammai do not give a more lenient decision out of regard for the joy of the Festival.
- (16) Supra 2a. In this case Beth Shammai is more lenient than Beth Hillel.
- (17) Rashi: The authorities in the second Mishnah are to be reversed; Tosaf.: The authorities of the first Mishnah are to be reversed.
- (18) There is no need to change the authorities for the attitude of each school in the second Mishnah can be in harmony with their attitude in the first Mishnah.
- (19) That it is permissible to dig up earth with a shovel.
- (20) Before the Festival when there is no likelihood of breaking any law on the Festival.
- (21) Even if the earth is loose, for in sticking in the shovel it would appear as if he were digging on a Festival. Similarly in the second Mishnah an onlooker might think that he was intending to repair his roof.
- (22) Not out of consideration for the joy of the Festival.
- (23) That no forbidden work is intended to be performed.
- (24) In the first Mishnah.
- (25) To dig even though the shovel was already sticking in the earth because he may cause a crumbling of the earth which is in the nature of grinding and the possibility of an infringement of the law by digging takes precedence over the consideration of the joy of the Festival.
- (26) Which led R. Johanan, to reverse the authorities.
- (27) Infra 10a.
- (28) For slaughtering on a Festival.
- (29) V. infra 10a.
- (30) Preparing then, for the following day.
- (31) So D.S. as supra. Cur. edd. 'perhaps it is not so'.

Talmud - Mas. Beitzah 10a

but not when there is no shovel sticking in the earth;¹ or perhaps Beth Hillel rule thus only here because since it is mukzeh,² it is sufficient if he stands and declares, 'This one or that one shall I take';³ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take a pestle⁴ to cut up meat thereon; but Beth Hillel permit [it].⁵ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry [on a Festival] Beth Shammai etc.! — R. Johanan replied: The authorities should be reversed. 'Whence [does this follow]? Perhaps it is not so? [Perhaps] Beth Shammai rule [thus] only there where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here, because it [the pestle] bears the designation of utensil;⁶ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not lay out a hide⁷ for treading on⁸ and one may not lift it up unless it has [sticking to it] flesh [as much as] an olive;⁹ but Beth Hillel permit.¹⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts that if one slaughters game or poultry on a Festival etc! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]? Perhaps it is not so; [perhaps Beth Shammai rule thus only there, where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here because it [the hide] is fit for sitting thereon,¹¹ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take down shutters¹² on a Festival, but Beth Hillel permit them even to be put back.¹³ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival etc.! It is well [that the rulings of] Beth Shammai are not

contradictory: there [it is permitted only] when there is [already] a shovel sticking in the earth but here there is no shovel sticking in the earth.¹⁴ But [the views of] Beth Hillel are contradictory! — Said R. Johanan: The authorities should be reversed. [Why reverse the authorities]?¹⁵ Perhaps Beth Hillel rule thus only here because building and pulling down do not apply to utensils,¹⁶ but there [they do] not [rule thus].

MISHNAH. BETH SHAMMAI SAY:¹⁷ ONE MUST NOT TAKE [PIGEONS] UNLESS HE HAS STIRRED¹⁸ [THEM] UP THE DAY BEFORE [THE FESTIVAL]: BUT BETH HILLEL SAY: HE STANDS AND DECLARES: THIS ONE OR THAT ONE WILL I TAKE. GEMARA. R. Hanan b. Ammi said: The dispute is only with respect to the first brood¹⁹ when Beth Shammai is of the opinion that²⁰ we preventively prohibit,²¹ lest he may come to change his mind,²² whereas Beth Hillel is of the opinion: We do not prohibit as a precautionary measure; but with respect to the second brood all agree that it is sufficient when he stands and declares, ‘This one or that one will I take’.²³

Now according to Beth Hillel, why must he declare, ‘This one or that one will I take’, let him [rather] say, ‘Of these will I take [one] tomorrow’?²⁴ And if you reply that Beth Hillel do not accept [the law of] Bererah,²⁵ surely we have learnt:²⁶ If a corpse [lay] in a room²⁷ which has many doors²⁸ they are all unclean;²⁹ if one of these [doors] was opened,³⁰ it alone is unclean³¹ and all the others are clean.³² If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square,³³ this gives protection to all the other doors.³⁴ Beth Shammai say: Providing that he had formed his intention to take it out³⁵ before the person died;³⁶ but Beth Hillel say: [It holds good] even [if his intention was formed] after the person died!³⁷ — But has it not already been stated thereon: Rabbah said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards.³⁸ R. Oshaia also said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards; only ‘from now onwards’ but not ‘retrospectively’.³⁹ Raba says: In reality [the statement of Beth Hillel is even in respect of cleansing] retrospectively,⁴⁰ and here⁴¹ the reason⁴² is lest he might take up [a pigeon] and put it down again, take up [a pigeon] and put it down again and thus come to take one which is not fit for him.⁴³ But you say it is sufficient if he stands and says this or that will I take!⁴⁴ — This only applies on the eve of the Festival,⁴⁵

(1) Similarly they do not permit to take a pigeon on a Festival unless he had specified before the Festival the particular pigeon he intended to slaughter, for after handling one he might change his mind and decide upon another and thus the handling of the first pigeon would be regarded as unnecessary work on a Festival.

(2) Viz., the prohibition of taking pigeons without previous preparation.

(3) This constitutes sufficient preparation.

(4) Used for the pounding of groats and therefore reserved for work forbidden on a Festival and so must not be handled.

(5) *Infra* 11a.

(6) Lit., ‘the law of a utensil is upon it’, and one may always handle a utensil on a Festival.

(7) Flayed on the Festival.

(8) Whereby it becomes tanned.

(9) The minimum to be used as a meal and what is needful for food may be carried about on a Festival.

(10) Cf. *infra* p. 51.

(11) They used to sit cross-legged upon rugs.

(12) For it is of the nature of building and pulling clown. V. *infra* 54, n. 2.

(13) Although such work is not directly for the sake of the Festival, *infra* 11b.

(14) I.e., in this case there is nothing corresponding to the shovel sticking in the earth in order to permit.

(15) Cf. MS.M. Cur. ed. ‘or’. [The text is in disorder: D.S. a.l. on the basis of different MSS. reconstructs it as follows: ‘On a Festival etc.’ — Said R. Johanan: The authorities are reversed. But whence (does this follow)? Perhaps Beth Shammai rules thus only there . . . but here there is no shovel . . . earth. Or perhaps Beth Hillel rule thus only here because building etc.’ — following the same line of argument as in the preceding cases].

- (16) The forms of the utensils are not changed but are only used for a different purpose.
- (17) Supra 9b. q.v.
- (18) To stir up, means to examine properly what sort of bird it was.
- (19) It is usual to leave the first brood as company for the parent birds.
- (20) If he did not 'stir' them before the Festival.
- (21) Taking any on the Festival.
- (22) About slaughtering that particular pigeon and put it back. He would thus have handled and moved the pigeon unnecessarily. If, however, he 'stirred' them before the Festival and chose one for slaughter, then he has definitely made up his mind to have that bird.
- (23) For there is no question of putting the bird back, since it is only the first brood that is left with the parent birds.
- (24) Since a verbal preparation is sufficient to remove the prohibition of mukzeh, it should be assumed that the bird chosen on the Festival is retrospectively the same one about which he spoke the day before.
- (25) Retrospective selection. A legal term to denote that a present selection shall have retrospective validity. The selection of a particular dove on the Festival from a number that have been generally designated before the Festival (when it was intended to take one only) shall rank as though that dove itself has been selected before the Festival.
- (26) Infra 37b; 'Er. 68b; Oh. VII, 3.
- (27) A corpse in a room defiles not only the vessels inside the room but even those standing just outside the door beneath the lintel of the entrance through which the corpse is to be carried out. If there is more than one entrance to the room the same rule applies to them all unless it has been specifically determined to carry it through one particular entrance. Such determination protects the other entrances.
- (28) All of which are closed or open.
- (29) The doors themselves and even the vessels outside under the same lintels; because the corpse may be carried out through any one of them.
- (30) After the person's death.
- (31) For it is assumed that the corpse will be taken out through the open door.
- (32) I.e., all vessels placed subsequently in the remaining entrances. With respect to those vessels placed there prior to the opening of the one door v. the immediately following hypothetical dispute between Beth Shammai and Beth Hillel.
- (33) The minimum opening through which a whole corpse could be carried out.
- (34) His intention or determination is regarded as if he had actually opened the entrance.
- (35) Through a particular door.
- (36) But if only after death, then those vessels which had been placed in the same entrance prior to his determination would be unclean.
- (37) It ranks as though that door had been designated for that purpose immediately at death; hence we see that Beth Hillel accept the rule of Bererah.
- (38) I. e., from the time subsequent to his determination. According to Beth Shammai, when there has been no determination before the death, all the entrances are unclean and the subsequent determination does not remove the uncleanness except by the actual act of opening. Not so Beth Hillel. But Beth Hillel will not accept the rule of Bererah.
- (39) I.e., those vessels placed in the entrances from the time of death until the forming of his intention all agree are unclean.
- (40) Because Beth Hillel accept the rule of Bererah.
- (41) In our Mishnah.
- (42) That Beth Hillel say that he must specify this or that.
- (43) On account of mukzeh; for his intention was to take only what was necessary' for him. If, however, he said 'this or that I will take,' he will definitely take those designated.
- (44) Why not apprehend here too lest he will pick and choose since he did not 'stir' them before the Festival?
- (45) I.e., If he makes this declaration on the eve of the Festival to remind him that he may not pick and choose on the Festival on account of mukzeh.

Talmud - Mas. Beitzah 10b

but¹ on the Festival [itself]² it is forbidden;³ for sometimes the [seemingly] fat ones are found [to be] lean, and the [seemingly] lean ones are found [to be] fat, and [thus] he handles [birds] which are not

fit for him; or else, sometimes they may all be found lean, and he will leave them and thus come to refrain from the joy of the Festival.⁴

MISHNAH. IF HE DESIGNATED⁵ BLACK [DOVES]⁶ BUT FOUND WHITE, WHITE BUT FOUND BLACK, TWO BUT FOUND THREE, THEY ARE [ALL] FORBIDDEN;⁷ THREE BUT FOUND TWO, THEY ARE PERMITTED. [IF HE DESIGNATED DOVES] INSIDE THE NEST AND FOUND THEM IN FRONT OF THE NEST, THEY ARE FORBIDDEN; BUT IF NONE EXCEPT THESE WERE THERE, THEY ARE PERMITTED.

GEMARA. Is not this self-evident? — Said Rabbah: We are dealing here with a case where he had designated black and white,⁸ and on the following morning he found black ones in the place of the white and white ones in the place of the black; you might say they are the very same [doves] and they had only exchanged [their nests], so he informs us⁹ that those¹⁰ are gone away and these are different ones. Shall it be said that [this Mishnah] supports the view of R. Hanina? for R. Hanina said:¹¹ [If] majority and proximity [are in opposition]¹² you follow the majority?¹³ — As Abaye has explained,¹⁴ when there is a board,¹⁵ likewise also here [explain] when there is a board.

[IF HE DESIGNATED] TWO [DOVES] BUT FOUND THREE THEY ARE [ALL] FORBIDDEN. Whichever way you take it [they are forbidden]; if these¹⁶ are other [doves], then they are indeed others;¹⁷ if they are the same, then there is [another] one mixed up with them.¹⁸

[IF HE DESIGNATED] THREE [DOVES] BUT FOUND TWO THEY ARE PERMITTED. What is the reason? — They are indeed the same¹⁹ and one of them has flown away. Shall it be said that the Mishnah is according to Rabbi and not according to the Sages? For we have learnt: If one deposited one hundred [zuz]²⁰ and found two hundred,²¹ [it is assumed that] there is hullin [money]²² and second tithe [money] mixed together. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²³ If he deposited two hundred [zuz] and found one hundred, [it is assumed that] one hundred has been left²⁴ and one hundred has been taken away. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²⁵ — You can even say [that it is] in accordance with the Sages, for It was stated thereon: R. Johanan and R. Eleazar both say:²⁶ Doves are different since they are used to hop about.²⁷ But why is it necessary²⁸ to explain here, ‘doves are different since they are used to hop about’? Surely it has already been stated with respect to this [very Baraitha] that [there is a dispute between] R. Johanan and R. Eleazar; one says: The controversy [between Rabbi and the Sages] is when there were two purses,²⁹ but when there is [only] one purse all agree that the entire sum is hullin.³⁰ And the other says: The dispute is when there is one purse,³¹ but when there are two purses all agree that [we are to assume] one hundred has been left and one hundred taken away! It is well according to the view that the dispute relates to two purses; hence it is necessary to explain here ‘it is different with doves since they are used to hop about.’ But according to the view that ‘the dispute is [only] with respect to one purse but when there are two purses all agree that one hundred had been left and one hundred taken’ why is it necessary to answer it [as above]; surely you have said indeed that they do not dispute with respect to two purses?³² — Said R. Ashi: We are dealing here with doves tied together and with purses fastened together;³³ doves pull themselves apart from one another, but purses do not pull themselves apart from one another.³⁴ And Rabbi?³⁵ — He will answer you: In the case of purses too, it occurs

(1) If he has to make up his mind.

(2) I.e., if he only said ‘of these will I take to-morrow.

(3) To take any bird.

(4) But had he specifically designated which to take, he would not change his mind.

(5) For eating on the Festival.

(6) That were in the nest.

(7) In the first case they are definitely strange doves and in the second case since he cannot recognize the doves he

designated they are all forbidden.

(8) In two separated nests.

(9) That we are to suppose.

(10) Doves that have been designated for slaughter on the eve of the Festival.

(11) B.B. 23b.

(12) I.e., If a case can be decided one way on the ground of majority and another way on the ground of nearness. For majority and nearness, cf. Ex. XXIII, 2 and Deut. XXI, 3 respectively. V. also B.B., Sonc. ed. p. 117, n. 2.

(13) Here too it is probable that the doves are the same and that the nests have been exchanged owing to their close proximity. On the other hand it is possible to imagine these doves as part of the great majority of birds which do not belong to him and which had not been predetermined on.

(14) With reference to another case, *infra* 11a.

(15) In front of the dovecote upon which strange birds settle. Accordingly it is also probable that as soon as the old doves left their dovecote (quitted their nest), these strange doves took their place. The question of proximity therefore applies equally to the strange doves as well as to the doves that were originally in the nest in which case no one disputes that majority decides.

(16) All three.

(17) They are therefore forbidden, for these have not been designated before the Festival.

(18) And since it is not known which is the new one they are all forbidden.

(19) I.e., two of the three previously designated.

(20) I.e., one case of a hundred zuz of the second tithe which had to be taken to Jerusalem, but which owing to the distance was converted into money. This money had to be spent in Jerusalem. V. Deut. XIV, 22-26.

(21) I.e., two one-hundred zuz pieces.

(22) I.e., ordinary, unconsecrated, not of the second tithe.

(23) He must therefore select the finest coin for the second tithe and say: If this was originally the second tithe coin then it is well; if, on the other hand, the other coin was originally the second tithe, then let this one be exchanged for the other.

(24) For he would not have put away hullin money together with second tithe money; and since two coins were found instead of one, it is to be assumed that the one-hundred zuz piece of the second tithe had been taken out and put in another place, while this two-hundred is ordinary money subsequently put in the same place.

(25) Because the owner would not have separated one second tithe coin from the other except to take it to Jerusalem; hence the Sages assume that he had taken out the two hundred zuz which he put somewhere away, replacing them by the hundred zuz of ordinary money, but that he had forgotten the whole matter. Similarly according to the Sages it would follow that the three doves had flown away and two others came in their place. V. Pes. 100.

(26) In explanation of this seeming contradiction.

(27) Therefore one of them may have hopped away and the two left are of the original ones. But the same cannot be said with respect to money.

(28) For both R. Johanan and R. Eleazar.

(29) Each containing one hundred zuzim. It is then that Rabbi says that one hundred was left and one hundred taken away.

(30) For if he took aught of such money he would have taken the lot.

(31) It is then that the Sages assume that the entire two hundred second tithe money had been taken out and placed elsewhere.

(32) The contradiction shown between the Mishnah and the view of the Sages was removed by both R. Johanan and R. Eleazar by explaining that there was a difference between doves and coins. But since one of the same two Rabbis maintains that in the case of two purses each containing one hundred zuzim the Sages agree that the hundred left is part of the original, which is in agreement with the statement in the Mishnah, then why was he a party to that explanation of the contradiction?

(33) The expression 'One purse containing two hundred zuzim' means two purses, each containing one hundred zuzim, tied together and regarded as one purse; likewise 'two purses' would mean when they are not tied together. In the former case the Sages hold that the purse left is not one of the original two that were tied together. This view is contradictory to the Mishnah which says that the two doves found are of the original three that were tied together from which one had torn itself away. This contradiction is overcome by drawing a distinction between live birds and inanimate purses.

(34) And therefore the purse left may not be of the original two tied together.

(35) Surely this is a logical distinction!

Talmud - Mas. Beitzah 11a

that their knot becomes worn out.

WITHIN THE NEST AND FOUND THEM IN FRONT OF THE NEST THEY ARE FORBIDDEN. Shall it be said that this¹ supports the view of R. Hanina? For R. Hanina said:² [If] majority and proximity [are in opposition] you follow the majority? — Said Abaye: When there is a board.³ Raba says: 'We are treating here of two nests one above the other;⁴ and it goes without saying that if he designated [doves] in the lower [nest] and did not designate [those] in the upper, and [on the morrow] finds [doves] in the lower [nest] and none in the upper they are forbidden, for we assume that those of the lower [nest] had flown away and these⁵ had indeed hopped down; but even if he designated [doves] in the upper [nest] and did not designate [those] in the lower and he came and found [some] in the upper and did not find [any] in the lower, these too are forbidden, for we assume that those⁶ had flown away and these had indeed fluttered up.⁷ BUT IF NONE EXCEPT THESE WERE THERE THEY ARE PERMITTED. What are the circumstances? If you say that [this refers] to those which can fly, then it is possible to assume that those had flown away and these are different ones? And if [this refers] to those which can [only] hop,⁸ then if there is [another] nest within fifty cubits, they might indeed have hopped away;⁹ and if there is no [other] nest within fifty cubits, it is obvious that they are permitted, for Mar 'Ukba b. Hama said: 'Whatever hops does not hop more than fifty cubits! — In truth [it means] where there is [another] nest within fifty cubits, but e.g., it is situated round a corner; you might say that they have indeed hopped away,' so it¹⁰ informs us that they only hop along as long as by turning they see their nest,¹¹ but if not,¹² they do not hop away.

MISHNAH. BETH SHAMMAI SAY:¹³ YOU MAY NOT TAKE A PESTLE¹⁴ TO CUT UP MEAT THEREON,¹⁵ BUT BETH HILLEL PERMIT [IT]. BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE¹⁶ FOR TREADING ON¹⁷ NOR MAY HE LIFT IT UP UNLESS THERE IS AS MUCH AS AN OLIVE OF FLESH WITH IT,¹⁸ BUT BETH HILLEL PERMIT IT.

GEMARA. A Tanna taught: And they [both] agree that if he had already cut up meat thereon, it [the pestle] may not be moved.¹⁹

Abaye said: The dispute is [only] with respect to a pestle, but in the case of a butcher's block²⁰ all agree that it is permitted. This is obvious: we learnt, A PESTLE!²¹ — You might say that the same applies even to a butcher's block²² and the reason it states PESTLE is in order to inform you of the extent of the view of Beth Hillel that even an object specially made for work which is forbidden²³ is also permitted; hence he informs us [that it is not so]. Others state; Abaye [himself] replied:²⁴ It is only necessary [to teach] that even a new butcher's block [is permitted]. You might say: He may change his mind and not cut up [meat] on it,²⁵ so he informs us [that this is not so]. Do then Beth Shammai not fear [the possibility of] one changing his mind?²⁶ Surely it was taught: Beth Shammai say: One may not lead the slaughterer²⁷ and the knife to the animal [to be slaughtered]²⁸ nor the animal to the slaughterer and the knife; but Beth Hillel say: One may bring the one to the other. Beth Shammai say: One may not carry spices or a pestle to the mortar, nor the mortar to the spices or the pestle; but Beth Hillel say: One may bring the one to the other! — What comparison is this? [With respect to] an animal it is well: he may come to change his mind saying, let us leave this lean animal and I will bring another animal which is fatter than this; [with respect to] a dish too he may come to change his mind, saying, let us leave this dish which requires spices and I will bring another [dish] which does not require spices. [But] here what are we to suppose? He will change his mind and not cut up [the meat]? Since he has already slaughtered [the animal], it has to be cut up.

BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE. A Tanna taught: And they [both] agree that one may salt upon it meat for roasting.²⁹ Abaye said: It was taught only [when it is] for roasting but not for boiling.³⁰ This is obvious: We learnt³¹ ‘for roasting’? — This he [Abaye] informs us that even for roasting [to salt it almost as much] as for boiling is [also] forbidden.

Our Rabbis taught: One may neither salt³² pieces of suet³³ for turn them about.³⁴ They reported in the name of R. Joshua: One may spread them out in the air on pegs [of wood]. R. Mattenah said: The halachah is as R. Joshua. Others state: R. Mattenah said: The halachah is not as R. Joshua. This is well according to the version, ‘the halachah is as R. Joshua’, [then it is necessary]: For I might say, [when] an individual and a majority [are in dispute] the halachah is as the majority: [hence] he informs us that [here] the halachah is as the individual. But according to the version ‘the halachah is not as R. Joshua’, it is obvious: [for when] an individual and a majority [are in dispute], the halachah is as the majority! — You might think that the opinion of R. Joshua is logical, for if you will not permit him³⁵ he will altogether forbear to slaughter,³⁶ so he informs us.³⁷ And why is this different from the case of placing a hide before the treading place?³⁸

(1) Statement of the Mishnah in assuming that the doves now found in front of the nest are not those that were originally within the nest.

(2) Supra 10b; B.B. 23b.

(3) Before the dove-cote upon which strange doves settle. V. supra p. 48, n. 2.

(4) And the reason they are forbidden is on account of mukzeh and not that we regard them as part of the great majority of bids.

(5) At present in the lower nest.

(6) First mentioned.

(7) From the nest below.

(8) I.e., young ones that cannot yet fly.

(9) From their own cote and settled here.

(10) The Mishnah.

(11) I.e., so long as their nest is within sight.

(12) If by turning they cannot see their own nest.

(13) Supra 10a.

(14) Normally used for pounding grain, a work forbidden on a Festival.

(15) Work permitted on a Festival.

(16) Flayed on a Festival.

(17) Or, ‘before the treading place’, i.e., to be walked on as a door-mat whereby it becomes tanned; v. p. 43.

(18) I.e., clinging to it.

(19) For the purpose for which it was needed had already been done.

(20) Lit., ‘bone-breaker’.

(21) But not a butcher's block.

(22) I.e., Beth Shammai prohibits this too, lest after taking it he changes his mind and does not use it at all.

(23) On a Festival; v. p. 51, n. 7.

(24) To the question ‘is it not obvious?’

(25) In order to spare it so as not to spoil it; hence it should be forbidden; cf. n. 1.

(26) For we have just said according to Abaye that Beth Shammai agree that a new butcher's block may be moved for cutting up meat thereon, and they do not take into consideration the possibility of changing the mind.

(27) V. Marg. note; cf. also D.S.

(28) If they are distant from one another lest the slaughtering might not take place, and unnecessary toil is forbidden on a Festival.

(29) Although salt assists the tanning, because very little salt is used when the meat is to be roasted.

(30) Where much salt is required.

(31) The word **תנא** is used here loosely as it refers to a Baraita.

(32) On a Festival.

(33) In order to preserve them for use after the Festival. Suet may not be eaten but may be used for making candles, etc.

(34) To prevent them decaying.

(35) To spread the pieces of suet on pegs.

(36) And thus be deprived of the joy of the Festival.

(37) That we do not follow the opinion of R. Joshua.

(38) Which Beth Hillel permit for the reason that if you will not allow him to do this he will omit slaughtering altogether.

Talmud - Mas. Beitzah 11b

— There it is not manifest,¹ since it [the hide] is fit to be used as a mat to sit on. Here [however] he will be led to argue: ‘What is the reason [that] the Rabbis permitted me [to spread it on pegs]: so that it should not become offensive: what difference is there whether I spread them or salt them? Rab Judah in the name of Samuel said: A man may salt [on a Festival] several pieces of meat together even though he needs only one piece.² R. Adda b. Ahabah made use of an artifice and salted piece after piece.³ MISHNAH. BETH SHAMMAI SAY:⁴ ONE MAY NOT TAKE DOWN SHUTTERS ON A FESTIVAL,⁵ BUT BETH HILLEL PERMIT EVEN TO PUT THEM BACK AGAIN.

GEMARA. What [kind of] shutters? — Said ‘Ulla: The shutters of a [shopkeeper's] stall.⁶ ‘Ulla further said: There are three cases where [the Rabbis] allowed the completing [of the action]⁷ on account of its beginning,⁸ and they are as follows: [The placing of] the hide for people to tread on;⁹ [the taking down of] shutters from stalls¹⁰ and the replacing of a plaster¹¹ in the Temple. And Rehaba said in the name of Rabbi Judah:¹² Also he who opens his cask [of wine] or commences [cutting] into his dough for the requirements of the Festival¹³ and according to R. Judah who Says: He may finish [selling them after the Festival].¹⁴

‘[The placing of] the hide for people to tread on’; we have [already] learnt it!¹⁵ — You might say that the reason of Beth Hillel¹⁶ is because it is fit to be used as a mat and therefore even though [the hide was flayed] before the Festival it is also [permitted]; so he informs us [that] they permitted its completion for the sake of the beginning: [therefore if flayed] on the Festival it is [permitted], before the Festival it is not [permitted].

‘[THE TAKING DOWN OF] SHUTTERS FROM STALLS’ we have also learnt, [viz., but Beth Hillel permit even to put them back again]: — You might say that the reason of Beth Hillel is that building or demolishing does not apply to utensils and [therefore] even [the lids of chests in] houses are also permitted,¹⁷ so he informs us that they only permitted its completion on account of the beginning; therefore of stalls only [is it permitted] but not of [chests in] houses.¹⁸

‘The replacing of a plaster in the Temple’ we have also learnt [viz.]:¹⁹ One may replace²⁰ a plaster [on a wound] in the Temple but not in the country:²¹ — You might Say, what is the reason? Because there is no shebuth²² in the Temple and [therefore] even a priest not performing a Temple service [may also replace a plaster], so he informs us that they [only] permitted its completion on account of the beginning, [therefore it is permitted] only in the case of [a priest] performing a Temple service, but not when not performing a Temple service. ‘[The case of] opening a cask’, we have also learnt²³ [viz.]: He who opens his cask [of wine] or commences cutting into his dough for the requirements of the Festival, R. Judah says: He may finish [selling them after the Festival]; but the Sages say: He may not finish! — You might say that the Rabbis regarded the uncleanness of an ‘am ha-arez during the [period of the] Festival as cleanness and [therefore] even though he had not commenced²⁴ it is also [permitted];²⁵ so he informs us that they only permitted its completion on account of the beginning, [therefore] only if he had commenced [to sell them during the Festival] but not if he had not commenced.²⁶ And ‘Ulla: What is the reason that he does not state this?²⁷ — He does not deal

with [cases] where there is a dispute. But there is a dispute concerning those too!²⁸ — The [opinion of] Beth Shammai against that of Beth Hillel is regarded as having no authority.²⁹

Our Mishnah³⁰ is not according to the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that one may take down the shutters on a Festival; they dispute only about replacing, Beth Shammai maintaining: One may not replace [them]; while Beth Hillel rules: One may even replace [them]. When is this said? Where they [the shutters] have hinges,³¹ but if they have no hinges all agree that it is permitted [even to replace them]. But it was taught: This applies only if they have no hinges, but if they have hinges all agree that it is forbidden! — Said Abaye: When they have hinges on the side all³² agree that it is forbidden;³³ they only dispute where there is a hinge in the middle:

(1) That the spreading of the hide is for tanning.

(2) For this is not doing extra work, for there is one act of salting whether it be for one or for several pieces.

(3) After salting one piece for eating on the same day, he took another under the pretence that it was preferable, and so on until the whole was salted. The object was to preserve the meat in better condition for the days following the Festival.

(4) Supra 10a.

(5) For it is of the nature of building and pulling down, work forbidden on a Festival.

(6) Although general trading is prohibited on a Festival, yet things necessary for the full enjoyment of the Festival may be sold on trust, no payment being made on the day of the Festival. One or two shutters were taken down to show that such goods might be obtained.

(7) Which was not necessary for the Festival and in an ordinary way would have been prohibited.

(8) The beginning of the action was necessary for the enjoyment of the Festival and so the ending is permitted for the sake of the beginning. If it were forbidden, it might cause the neglect of beginning certain work which was necessary for the full enjoyment of the Festival.

(9) If he would not be allowed to use the skin in this way he would not kill.

(10) If he will not be allowed to close he will not open to give food.

(11) To apply a plaster on the Sabbath is forbidden. If, however, a priest having a plaster on a wound on his hand by reason of which he may not perform the Temple service (because nothing may adhere to his hand during the Temple service) has removed same, then he may replace it after the Temple service is over.

(12) [The reference is to Rab Judah, whom Rehaba designated as 'Rabbi' ('my teacher') because he was his teacher (Rashi). V. D.S. a.l.]

(13) To retail these to the pilgrims during the Festival among whom may be some of the עמי הארץ who do not observe the law of purification and who may have come into contact with the wine or bread thus rendering them unclean. According to R. Judah, the remainder also may after the Festival be bought by or sold to anyone however scrupulous he may be. V. p. 56, n. 1. Here, too, if we do not allow him to sell after the Festival, he will not commence opening for the Festival.

(14) This is explained infra.

(15) Supra 11a. Then why mention it again?

(16) In permitting the hide to be trodden on.

(17) To be taken off and to be put back again.

(18) I.e., even Beth Hillel hold that building or demolishing with respect to utensils is Rabbinically prohibited, but here they permit only on account of the enjoyment of the Festival.

(19) 'Er. 102b.

(20) On a Sabbath.

(21) מדינה (country) used here as opposed to מקדש (Sanctuary, Temple precincts).

(22) A Rabbinical Statute concerning the true keeping of the Sabbath; an act forbidden by the Rabbis on a Sabbath as being out of harmony with the celebration of the day. The replacing of a plaster on a Sabbath, like other medicinal remedies, is forbidden by the Rabbis as a preventive measure against pounding spices. The prohibition of acts as shebuth, however, did not apply to Temple duties. V. Glos.

(23) Hag. 26b. Wine or dough which has been touched by an 'am ha-arez may not be bought by or sold to persons who are scrupulous about purification, for the 'am ha-arez is suspected of being unclean. If an 'am ha-arez comes into contact

with the wine or the dough during the Festival, they are not contaminated and may be bought by or sold to anybody during the Festival, even the most scrupulous. Should any wine or dough remain after the Festival, R. Judah and the Sages dispute whether these may continue to be bought by or sold to scrupulous people. If, however, wine or dough not for sale during the Festival came in contact with an 'am ha-arez, such may not be bought by or sold to the scrupulous after the Festival even according to R. Judah.

(24) To sell during the Festival.

(25) To the most scrupulous according to R. Judah, even though an 'am ha-arez had come into contact with these.

(26) The uncleanness of an 'am ha-arez was regarded as clean only with respect to things that were started to be sold, but if an 'am ha-arez touched a thing that had not been started to be sold, he contaminated them.

(27) Additional case of Rehaba.

(28) For Beth Shammai dispute the three cases he mentions.

(29) Lit., 'Beth Shammai('s view), in the place of Beth Hillel is not a Mishnah', since the halachah is determined according to Beth Hillel. Cf. Ber. 36b, Yeb. 9a.

(30) Which states the dispute between Beth Shammai and Beth Hillel with respect to taking down shutters.

(31) In which case replacing appears more in the nature of building.

(32) Both Beth Shammai and Beth Hillel.

(33) Because it is more difficult to put them back.

Talmud - Mas. Beitzah 12a

One master¹ holds that we preventively prohibit a hinge in the centre on account of a hinge at the side;² and the other master³ is of the opinion we do not preventively prohibit.⁴

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY OUT AN INFANT⁵ OR A LULAB⁶ OR A SCROLL OF THE LAW⁷ INTO PUBLIC GROUND,⁸ BUT BETH HILLEL PERMIT [IT].

GEMARA. A Tanna taught before R. Isaac b. Abdimi: He who slaughters a freewill burnt-offering on a Festival is flagellated.⁹ Said he to him: He who taught you this held the opinion of Beth Shammai who maintain: We do not say, 'Since carrying out is permitted for what is [actually] necessary [for the preparation of food], it is also permitted for that which is not necessary'.¹⁰ For if [he held the opinion of] Beth Hillel, surely they maintain: 'Since carrying out is permitted where it is necessary, it is also permitted where it is not necessary', so also here, since slaughtering is permitted where it is necessary¹¹ it is also permitted where it is not necessary.¹² To this Rabbah demurred: Whence do you know that Beth Shammai and Beth Hillel differ on this [point]; perhaps they differ as to whether [the laws of] 'erub and carrying out apply to Sabbath, but [the laws of] 'erub and carrying out do not apply to a Festival?¹³ One Master is of the opinion, 'Erub and [the laws of] carrying out apply to both the Sabbath and the Festival,¹⁴ and the other Master maintains, 'Erub and [the laws of] carrying out apply to Sabbath but 'erub and [the laws of] carrying out do not apply to the Festival, as it is written, Neither carry forth a burden out of your houses on the Sabbath day,¹⁵ only on the Sabbath day but not on the Festival!¹⁶ To this R. Joseph demurred [in turn]: If so,¹⁷ let them¹⁸ dispute with respect to stones!¹⁹ Since, however, they do not dispute about stones, infer from it that they differ with respect to carrying out [things] that are not necessary [in the preparation of food].²⁰

R. Johanan is also of the opinion that they differ in whether [we say], 'Since carrying out is permitted for what is necessary [in the preparation of food] it is also permitted for what is not necessary [in the preparation of food]'; for a tanna recited before R. Johanan:²¹ He who boils the thigh sinew on a Festival²² in milk and eats it is flagellated on five counts, for [unnecessarily] cooking the sinew on a Festival,²³ for eating the sinew, for boiling meat in milk,²⁴ for eating meat with milk,²⁴ and

- (1) I.e., Beth Shammai.
- (2) If the former is permitted, one will think that the latter, too, is permitted.
- (3) I.e., Beth Hillel.
- (4) And therefore permit even to put them back again. The two Baraita therefore are not contradictory, for each refers to a different case.
- (5) On a Festival, even to circumcise it. The circumcision ceremony was usually performed in a synagogue, hence the need to carry the infant out.
- (6) Lit., 'palm-branch', which bound together with myrtles and willows was carried, together with a citron, during the Feast of Tabernacles. V. Lev. XXIII, 40. Beth Shammai prohibit the carrying out of the lulab even for the purpose of fulfilling this command.
- (7) For the purpose of reading it.
- (8) For only such work as is necessary in the preparation of food may be done on a Festival.
- (9) The only offering which an individual may bring on a Festival is one part of which he may eat. But a burnt-offering is entirely consumed by fire on the altar; hence he does unnecessary work on the Festival. Obligatory (i.e., public) burnt-offerings are however permitted, as are all public sacrifices, both on the Sabbath and on Festivals, but voluntary offerings can be offered after the Festival.
- (10) As follows from our Mishnah.
- (11) For his own food during the Festival.
- (12) As the freewill burnt-offering.
- (13) The carrying of articles from one domain to another is forbidden, yet by means of an 'erub it is permitted. 'Erub is a symbolical act by which is established the legal fiction of joining one private estate with another private estate, thus extending the area in which things could be carried.
- (14) Just as it is not permitted on a Sabbath to carry from one domain to another without an 'erub, so on a Festival.
- (15) Jer. XVII, 22.
- (16) Thus Beth Hillel too may hold that we do not say, 'Since a certain labour is permitted in the preparation of food, it is also permitted in other cases too', their reason in the Mishnah being that they do not regard carrying out as a labour at all vis a vis Festivals.
- (17) That Beth Hillel hold that the prohibition of carrying without an 'erub does not apply to Festivals.
- (18) Beth Shammai and Beth Hillel.
- (19) Which it is altogether unnecessary to carry out; whether these may be carried out on Festivals into a public domain, v. Tosaf. s.v. א ב and R. Hananel.
- (20) But for the carrying out of which there is nevertheless some reason as the examples quoted in the Mishnah, v. loc. cit.
- (21) Mak. 21b; Yes. 47b. In Mak. the reading is slightly different.
- (22) Forbidden in Gen. XXXII, 33.
- (23) Since the sinew may not be eaten, the work of cooking it is unnecessary and consequently punishable by flogging. The same applies to the work of kindling a fire.
- (24) The prohibition of boiling meat with milk or eating of the same as well as making any use thereof is derived from the three passages of Scripture (Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21) forbidding to seeth a kid in its mother's milk.

Talmud - Mas. Beitzah 12b

for kindling fire.¹ Said he [R. Johanan] to him: Go, teach [this] outside [the Academy]; [what you have said with respect to] kindling and cooking has no authority, and if you say that it has an authority, [that authority] must be Beth Shammai who maintain that we do not say, 'Since carrying out [on a Festival] is permitted for what is necessary² it is also permitted for what is not necessary', likewise [they maintain] here that we do not say, 'Since the kindling of fire is permitted [on a Festival] for what is necessary, it is also permitted for what is not necessary'. For according to Beth Hillel, since they maintain [that we do say] 'Since carrying out is permitted for what is necessary, it is also permitted for what is not necessary', so also they would maintain here [that we say], 'Since the kindling of fire is permitted for what is necessary. it is also permitted for what is not necessary'.³

MISHNAH. BETH SHAMMAI SAY: YOU MAY NOT TAKE TO THE PRIEST HALLAH⁴ OR PRIESTLY DUES⁵ ON A FESTIVAL WHETHER THEY WERE SEPARATED ON THE DAY BEFORE OR ON THE SAME DAY. BUT BETH HILLEL PERMIT IT. SAID BETH SHAMMAI TO THEM: AN ANALOGY [SUPPORTS OUR VIEW]: HALLAH AND PRIESTLY DUES ARE A GIFT TO THE PRIEST AND TERUMAH⁶ IS [LIKEWISE] A GIFT TO THE PRIEST; JUST AS ONE MAY NOT TAKE [TO THE PRIEST] TERUMAH⁷ SO ONE MAY NOT TAKE [TO HIM] PRIESTLY DUES. BETH HILLEL, REPLIED TO THEM: NO! IF YOU SAY⁸ IN THE CASE OF TERUMAH WHICH HE HAS NOT THE RIGHT TO SEPARATE,⁹ WILL YOU SAY [THE SAME] WITH RESPECT TO PRIESTLY DUES WHICH HE IS PERMITTED TO SEPARATE?¹⁰

GEMARA. Now it was assumed that [the Mishnah means where] they were [both] separated on that day and slaughtered on that day, and [where] they were [both] separated the day before and slaughtered the day before. Who is [the authority for] our Mishnah: It is neither R. Jose nor R. Judah but the 'Others'!¹¹ For it was taught: R. Judah said: Beth Shammai and Beth Hillel did not differ concerning the dues which were separated on the eve of the Festival, [both agreeing] that you may take them together with the dues which were separated and killed on the same day [viz., the Festival]!¹² They differ only whether one may take them¹³ by themselves, when Beth Shammai say: You may not take [them], and Beth Hillel maintain: You may take [them]. And this is how Beth Shammai argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may not take terumah, so may you not take Priestly Dues. Beth Hillel replied to them: No! If you say [thus] of terumah which he has not the right to set apart [on a Festival], would you say [the same] of Priestly Dues which he has the right to set apart! R. Jose said: Beth Shammai and Beth Hillel do not differ about the Priestly Dues, [both agreeing] that you may take [them];¹⁴ they dispute only with respect to terumah when Beth Shammai say: You may not take [it],¹⁵ and Beth Hillel maintain: You may take [it]. And this is how Beth Hillel argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may take the Priestly Dues [to the priest] so may you take terumah [to him]. Beth Shammai replied to them: No! If you say [thus] of Priestly Dues which he has the right to separate [on a Festival], would you say [the same] of terumah which he has not the right to separate! Others say: Beth Shammai and Beth Hillel do not differ about terumah, [both agreeing] that you may not take [it]; they dispute only with respect to the Priestly Dues, when Beth Shammai say: You may not take [them] and Beth Hillel maintain: You may take [them]. Now shall it be said that it [the Mishnah] is [the ruling of] 'Others' and not [the ruling of] R. Judah?¹⁶ — Said Raba: Does it then say, 'Which were separated that day and killed that day'? It [only] says, 'WHICH WERE SEPARATED [etc.]' but in reality they were slaughtered the day before. [Accordingly] shall it be said that it [the Mishnah] is according to R. Judah and not according to the 'Others'?¹⁷ — You can even say, [It agrees with] the 'Others', for [they speak of Priestly Dues separated on a Festival] from those [animals] slaughtered the day before. If so they are identical with R. Judah! — They differ in respect of being brought together with other Priestly Dues.¹⁸

Rab Judah said in the name of Samuel: The halachah is as R. Jose.¹⁹ R. Tobi the son of R. Nehemiah had a jug of wine of terumah. He came to R. Joseph asking him: May I carry it now [on the Festival] to the priest? He answered him: Thus did Rab Judah say in the name of Samuel: The halachah is as R. Jose.

The host²⁰ of Rab, son of R. Hanan had bundles of mustard-stalks [and] he asked him: Is it permissible to crush it on the Festival and eat of it?²¹ He could not answer.²² He went to Raba who replied: You may rub ears of corn together²³ and crumble pods²⁴ on a Festival.²⁵ Abaye raised an objection: He who rubs ears of corn on the eve of the Sabbath may winnow them on the following day [Sabbath] from hand to hand and eat, but [he may] not [winnow them] with a reed-basket nor with a dish. He who rubs ears of corn on the eve of a Festival may winnow them on the following day [the Festival] little by little²⁶ and eat, even with a reed-basket and even with a dish, but not with a tray nor with a winnowing fan nor in a sieve.²⁷ [Now] only 'on the eve of the Festival' [is rubbing

of corn stated to be permitted] but not on the Festival [itself]!²⁸ — You may even say [that it may be done] on the Festival [itself], but because he states in the first part [of the passage] ‘on the eve of the Sabbath’, he also states in the concluding part ‘on the eve of a Festival’. If so,²⁹ we find that one has the right to separate [on a Festival]³⁰ and we have learnt: NO! IF YOU SAY THAT WITH RESPECT TO TERUMAH WHICH HE HAS NO RIGHT TO SEPARATE etc.! — This is no difficulty:

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- (1) V. Ex. XII, 16 and cf. n. 4.
 - (2) As in the preparation of food.
 - (3) This proves that R. Johanan is also of the opinion that the dispute between Beth Shammai and Beth Hillel is whether we say, ‘Since carrying out is permitted etc.
 - (4) Dough-offering. V. Num. XV, 17-21. Although hallah may be taken from the dough in order to enable the dough to be eaten, it may not be carried to the priest.
 - (5) For the different parts of a slaughtered animal which fall to the share of the priest, v. Deut. XVIII, 3.
 - (6) Heave-offering. V. Num. XVIII, 11ff and Glos.
 - (7) To the priest on a Festival, since it could have been taken to the priest before the Festival when it was separated.
 - (8) That one may not bring to the priest on a Festival.
 - (9) On a Festival; cf. infra 36b.
 - (10) Since slaughtering is permitted on a Festival. Surely not!
 - (11) ‘Others’ usually refers to R. Meir; Hor. 13b.
 - (12) He regards the latter as axiomatic, and permits the former because no extra work is involved.
 - (13) The Priestly Dues separated before the Festival.
 - (14) The same holds good with respect to hallah.
 - (15) To the priest on a Festival.
 - (16) The Mishnah can certainly not agree with R. Jose; but can it agree with R. Judah?
 - (17) For according to the present explanation, even Beth Shammai permit taking to the priest the Priestly Dues of animals slaughtered on the Festival. Put the ‘Others’ represent Beth Shammai as prohibiting the bringing of Priestly Dues from both an animal slaughtered before or on the day of the Festival.
 - (18) Which were separated on the Festival itself. In R. Judah's opinion Beth Shammai permit them to be taken in conjunction with similar gifts separated on the day of the Festival.
 - (19) Who hold that Beth Hillel permits even terumah to be taken to the priest on a Festival.
 - (20) I.e., Innkeeper.
 - (21) Is crushing prohibited since it is possible to do this before the Festival?
 - (22) Lit., ‘it was not in his hand’.
 - (23) To separate the grain from the chaff; v. infra 13b.
 - (24) To get the seeds out.
 - (25) Since rubbing ears of corn is different from the usual manner of threshing and does not involve culpability on a Sabbath it is altogether permitted in the case of a Festival.
 - (26) Lit., ‘upon the hand’, v. fast. s.v. **ת'**.
 - (27) Such vessels are used for large quantities and it would appear as if he was preparing for the following day.
 - (28) Which contradicts Rab b. R. Hanan.
 - (29) That one may rub ears of corn on a Festival.
 - (30) Corn is liable for tithing only after it has been threshed, winnowed and piled up in a heap, after which nothing may be eaten until terumah is taken. But before it is subject to tithe a light meal is permitted. By allowing a man on a Festival to rub ears of corn and eat the grain it follows that he must also be permitted to take terumah which he would not have done before, as terumah is generally not separated in the ears of corn until they have been turned into grain.

Talmud - Mas. Beitzah 13a

One¹ is [according to] Rabbi and the other² is [according to] R. Jose son of R. Judah.³ For it was taught: If he brought in ears of corn⁴ to make dough therefrom, he may eat a slender repast⁵ thereof and it is exempt [from terumah]; [if however he brought in the ears of corn] in order to rub the in

together,⁶ Rabbi declares them liable [to terumah]⁷ and R. Jose son of R. Judah exempts them.⁸ But [even] according to R. Jose son of R. Judah, it⁹ may also occur when, for example, one has brought in ears of corn to make dough therefrom¹⁰ and on the Festival changed his mind [deciding] to rub them,¹¹ so that they become tebel¹² on the day [of the Festival]!¹³ — Rather what does terumah [mentioned in the Mishnah] mean? Terumah [as separated] in most cases.¹⁴

Abaye said: The dispute¹⁵ is only with respect to ears of corn,¹⁶ but in the case of grain of pulse all agree that when in bundles they are tebel.¹⁷ Shall it be said that the following supports him? [For we have learnt]: He who had bundles of fenugreek of tebel, must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed, but he does not separate [terumah] on the stalks.¹⁸ Is not the author of this R. Jose son of R. Judah who says there¹⁹ that it is not tebel, yet here²⁰ it is tebel?²¹ — No, it is in accordance with the opinion of Rabbi.²² If it is in accordance with Rabbi, [then] why state fenugreek; even ears of corn too [are liable to be tithed]? — What then: [it is according to] R. Jose son of R. Judah? Let [the text] inform us of other kinds of pulse²³ and [I would infer] how much more [is it true of] fenugreek? But he [the Tanna] needs [to teach it about] fenugreek; for I might have thought that since the stalks have the same taste as the fruit, he should also give tithe on the stalks,²⁴ so he informs us [that it is not so].

Others state: Abaye said: The dispute is only with respect to ears of corn,²⁵ but as for grain of pulse all agree that when in bundles they are not tebel.²⁶ An objection is raised: He who had bundles of fenugreek of tebel, he must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed but not on the stalks. Does not tebel connote that it is tebel in respect of terumah?²⁷ — No, [it means] tebel in respect of the terumah of the tithe,²⁸ and it is in accordance with R. Abbahu's dictum in the name of R. Simeon b. Lakish. For R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe [levitical] which one anticipated while the corn was yet in the ears,²⁹ its designation renders it tebel in respect of the terumah of the tithe.³⁰ Why must he [the Levite] beat out [the seeds]? Let him say [to the priest]: Just as they have given them to me so will I give them to you!³¹ — Said Raba: This is a penalty.³² Likewise has it been taught: A Levite to whom his tithes were given while the corn was still in the ear, must³³ make it [fit for] a barn;³⁴ [if it is] grapes, he must make them into wine; if olives, he must turn them into oil; [only] then does he separate the terumah of [the] tithe and give same to the priest. For just as the great terumah is taken

(1) The Baraitha allowing the corn to be rubbed and eaten on the Festival.

(2) Our Mishnah.

(3) Both agree that rubbing ears of corn on a Festival is allowed. They only dispute whether terumah must then be separated. Rabbi maintains that it is required; consequently terumah may in such a case be separated on a Festival. R. Jose, however, holds that it is unnecessary; hence terumah may never be separated on a Festival. (Rashi). Tosaf: This, i.e., the Mishnah, is according to Rabbi, for since Rabbi holds that the bringing in of the ears for eating raw constitutes the final stage for tithing, terumah could and should have been separated before the Festival; and it is a general rule that whatever could be done before the Festival may not be done on the Festival. But the Baraitha is according to R. Jose b. R. Judah: for since he holds that the bringing in of the ears for eating raw does not constitute the final stage for tithing, there was no obligation to tithe them before the Festival; hence if he decides on the Festival to make a full meal of them, he must first separate terumah; since there was no obligation before, it is regarded as something which could not be done earlier, and therefore it is permitted on a Festival.

(4) Not yet ready for tithing.

(5) V. p. 62, n. 13.

(6) And to eat the grain raw little by little.

(7) According to Rabbi, the bringing in of corn into the house for the purpose of eating raw grain corresponds to the finishing touch of the corn brought into the barn and makes it liable for tithing even for a light meal.

(8) He draws a distinction between the two purposes. For the Biblical expression **גָּזַל** (Num. XVIII, 27) signifies corn which has been threshed and levelled out in a heap, and as this corn was brought in the ears, it has not had the finishing touch making it ready for tithing.

- (9) The taking of terumah on a Festival.
- (10) After the usual threshing and winnowing.
- (11) And eat them raw. On the interpretation of Tosaf. (v. supra p. 63 n. 3) the question should read, 'But even according to Rabbi . . . therefrom' (when no obligation rested upon him to tithe before the Festival), 'and on the Festivals . . . to rub them', when he may not eat of these except after tithing, so that we find terumah being authorized to be set apart on a Festival.
- (12) Grain from which the priestly and Levitical dues have not been taken. V. Glos.
- (13) The fact that he brought in the ears of corn to make dough therefrom after the normal threshing and winnowing made them liable for terumah, and by changing his mind to rub the ears together to eat them raw not only cannot remove the liability for tithing, but, on the contrary, takes the place of the finishing touch in the barn so that not even a light meal may be had without first taking terumah.
- (14) Viz., when the corn is levelled out in heaps in a barn, as above. But the case which is now discussed is exceptional and therefore generally disregarded. The Mishnah can therefore agree both with Rabbi and R. Jose.
- (15) Between Rabbi and R. Jose b. Judah.
- (16) It is then that R. Jose exempts from tithing.
- (17) V. Glos. Because pulse is frequently tied up in bundles to be threshed in small quantities as required, and consequently the bringing in of a bundle of pulse in the house corresponds to the finishing touch of grain in a barn. (Rashi).
- (18) Ter. X, 6.
- (19) In the case of ears of corn.
- (20) In the case of pulse.
- (21) The statement 'bundles of fenugreek of tebel' presupposes a liability for tithing, because the tying up into bundles is the finishing preparation for tithing.
- (22) Who maintains that even ears of corn are also liable for tithing when brought into the house for use.
- (23) Which are not tied up into bundles, like peas or beans.
- (24) For the stalks together with its fruit are used for seasoning. The Baraitha can therefore on this argument be in accordance with Rabbi, so that it affords no support to Abaye.
- (25) It is then that Rabbi says that they are liable to be tithed, because many take bundles of corn into the house to eat them raw or roasted without having been stored and prepared for tithing in a barn.
- (26) Because pulse becomes liable for tithing only after it has been made into a stack.
- (27) Consequently we see that although yet in bundles they are already liable for tithing.
- (28) The proper order of tithing, after the corn has first been levelled out in the barn, is this: First terumah is separated for the priest (called the great terumah) and one-tenth of the remainder (called tithe) for the Levite, who in turn, separates one-tenth of his tithe for the priest which is designated terumah of the tithe. The great terumah, or simply terumah as it is generally referred to, varies from one-fortieth to one-sixtieth. It is also called the 'great terumah' because this portion is greater than that received from the Levite.
- (29) I.e., the Israelite separated it before separating the great terumah.
- (30) Although had he not separated tithe it would not be regarded as tebel, and a light meal would be permissible. Similarly in the Baraitha, although pulse does not become liable to terumah before it has been made into a stack, once the Levite anticipated and received his share when in bundles, it becomes liable also to terumah of the tithe.
- (31) If it referred to the terumah of an Israelite he would have to beat out the grain because the expression תביל (Num. XVIII, 27) signifies that the priest is to be given tithe only when the corn is threshed; V. Rashi.
- (32) For taking the tithe before the great terumah was rendered, against the prescribed order.
- (33) Before giving his terumah to the priest.
- (34) When it would have received the last preparation for tithing.

Talmud - Mas. Beitzah 13b

only from the threshing-floor and from the wine-press,¹ so also is the terumah of the tithe to be taken only from the threshing-floor and from the wine-press.

[It is stated above]: 'He estimates!' Surely it requires [exact] measuring!² — The author of this is

Abba Eleazar b. Gimal. For it was taught: Abba Eleazar b. Gimal says: 'And your heave-offering shall be reckoned unto you'.³ Scripture speaks of two heave-offerings,⁴ one [being] the great *terumah* and the other the *terumah* from the [Levite's] tithe; just as the great *terumah* may be separated by estimation⁵ and by mental determination⁶ so may the *terumah* from the [Levite's] tithe be separated by estimation and by mental determination.

The text [above stated]: R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe which one anticipated while the corn was yet in the ears, its designation renders it *tebel* in respect of the *terumah* from the [Levite's] tithe. What is the reason? Said Raba: Because it already bears the name tithe.

R. Simeon b. Lakish said: The First Tithe which was anticipated while the corn was yet in the ears is exempt from the great *terumah*, for Scripture Says: Then ye shall offer up an heave-offering of it for the Lord, a tithe of the tithe;⁷ a tithe of the tithe have I commanded you, but not 'the great *terumah* and a tithe of the tithe'. Said R. Papa to Abaye: If so, even if he anticipated it⁸ at the barn too? — He replied to him: It is for your sake that Scripture states: Out of all your gifts ye shall offer every heave-offering of the Lord.⁹ What [reason] do you see?¹⁰ — In the one case,¹¹ it is already corn;¹² in the other, it is not already corn.

We have learnt elsewhere:¹³ He who hulls barley,¹⁴ may hull it grain by grain and eat it,¹⁵ but if he hulls [it] and lays [the grains] in his hand, he is liable [to give tithe].¹⁶ Said R. Eleazar: And it is likewise with respect to the Sabbath.¹⁷ But this is not so! For Rab's wife hulled for him cupfuls, and likewise R. Hiyya's wife hulled cupfuls for him! Rather if this [statement of R. Eleazar] has been said, It was said with respect to the second clause: He who rubs ears of wheat may winnow them from one hand to the other and eat them [without tithing]; but if he winnows them and lays them on his lap he is liable. Said R. Eleazar: And it is likewise with respect to the Sabbath. R. Abba b. Mamel demurred to this: And [in] the first clause, [is he liable] in respect to tithe but not in respect to Sabbath? Is there then any action which with respect to the Sabbath does not rank as the final act,¹⁸ whereas with respect to tithe it is regarded as the final act?¹⁹ To this R. Shesheth the son of R. Idi demurred: Is there not? Surely there is [the case of what constitutes] their threshing-floor in respect of tithing;²⁰ for we have learnt,²¹ When is their harvesting time for tithing?²² In the case of cucumbers and gourds after their coils of blossom have dropped,²³ and if they have not dropped, then as soon as they have been made a heap. And we learnt likewise of onions:²⁴ [They are liable for tithing] as soon as he [their owner] sets up a heap. Yet with respect to the Sabbath the setting up of a heap does not involve culpability? Therefore you must needs say that [with respect to the Sabbath] the Torah forbade work of craftsmanship;²⁵ so also here²⁶ [say] the Torah forbade work of craftsmanship.

How should one rub them?²⁷ — Abaye in the name of R. Joseph says: One [finger] against one [finger].²⁸ But R. 'Awia in the name of R. Joseph says: One [finger] against two [fingers].²⁹ Raba [however] says: So long as he does it in an unusual way it is permitted even between the thumb and all the fingers.

How should one winnow [them on a Sabbath]? — Said R. Adda b. Ahabah in the name of Rab: He should winnow

(1) V. Num. XVIII, 27.

(2) If the text referred to the great *terumah*, the expression 'estimate' would be correct, since according to Scripture no definite percentage is required, for even a single grain can exempt the whole of the crop, while the giving of one-fortieth — one-sixtieth is only a Rabbinical enactment. But now that we explain that it means the *terumah* from the Levite's tithe, it definitely says (Num. XVIII, 27) that this must be one-tenth.

(3) Num. XVIII, 27.

- (4) The Massoretic text has **תרומתכם** in the singular, but many MSS. including the Samaritan Version read **תרומותיכם** in the plural.
- (5) It was not necessary to measure out the fiftieth part usually given for the terumah.
- (6) One can mentally determine to take terumah from one side of the heap of corn and may then eat from the other side before the terumah had been actually set apart.
- (7) Num. XVIII, 26.
- (8) I.e., if he tithed it before separating the great terumah.
- (9) Num. XVIII, 29, indicating that even the great terumah has to be given by the Levite to the priest if it was not already given by the Israelite.
- (10) To make this distinction between the corn in the ear and the corn in the barn.
- (11) When the corn is already in the barn.
- (12) And the great terumah is due to the priest. Therefore he is entitled to recover the great terumah from the Levite.
- (13) Ma'as. IV, 5.
- (14) In order to eat it raw.
- (15) For this is regarded as a scanty meal and he is exempt from tithing.
- (16) For this is regarded as a full meal.
- (17) If he hulls it into the hand it is regarded in the in the nature of threshing and he is guilty of desecrating the Sabbath.
- (18) To make one guilty of a breach of the Sabbath. The finishing touch to a work on a Sabbath involves culpability.
- (19) To make him liable for tithing.
- (20) The word **גרן** 'threshing-floor' is used as a technical term meaning harvesting time or the final act making cereals or vegetables liable to tithe.
- (21) Ma'as I, 5.
- (22) So that it may be regarded as tebel and a light meal would not be permissible.
- (23) I.e., after they have been trimmed up and made neat.
- (24) Ma'as I, 6.
- (25) **מלאכת מחשבת** Ex. XXXI, 4-5 speaks of the work of craftsmanship of the Tabernacle and is immediately followed by the laws respecting the Sabbath, indicating that the work forbidden on the Sabbath is similar to the craftsmanship there referred to. But the placing of the vegetables in a heap is not considered a work of craftsmanship. But v. R. Hananel a.l.
- (26) In the case of the laying of the grains in his hand.
- (27) On a Festival to distinguish from the rubbing on any other day, which was to rub with the finger of one hand on the palm of the other.
- (28) I.e., between the thumb and the first finger.
- (29) I.e., between the thumb and the two fingers.

Talmud - Mas. Beitzah 14a

from the joints of the fingers upwards.¹ They laughed at it in the West:² so long as he does it in an unusual manner [it is permitted to be done] even with the whole palm! But said R. Eleazar: He should winnow vigorously with one hand.³ MISHNAH. BETH SHAMMAI SAY: SPICES MAY BE POUNDED WITH A WOODEN PESTLE⁴ AND SALT IN A SMALL CRUSE OR WITH A WOODEN LADLE;⁵ BUT BETH HILLEL MAINTAIN: SPICES MAY BE POUNDED AFTER THEIR USUAL FASHION WITH A STONE PESTLE AND SALT WITH A WOODEN PESTLE.⁶

GEMARA. All agree at any rate that [the pounding of] salt must be done in an unusual manner; what is the reason? — R. Huna and R. Hisda [differ]. One says: [Because] all dishes require salt,⁷ but not all dishes require spices; and the other says: [Because] all spices lose their flavour,⁸ but salt does not lose its flavour. Wherein do they differ? — The difference between them is when he knew [on the eve of the Festival] what dish he will cook [on the morrow],⁹ or in the case of saffron.¹⁰

Rab Judah said in the name of Samuel: Everything which is pounded may be pounded in the usual way, even salt.¹¹ But Surely you have said that salt must be [pounded] in an unusual way! He rules

as the following Tanna, for it was taught: R. Meir says: Beth Shammai and Beth Hillel do not differ over [commodities] which are pounded, [agreeing] that they may be pounded in the usual way, and salt with them;¹² they differ only with respect to pounding it [salt] alone, when Beth Shammai say: Salt [may be pounded] in a small cruse and with a wooden ladle only for roasting¹³ but not for boiling, and Beth Hillel maintain: [It may be pounded] with everything. ‘With everything’! — Can you think so?¹⁴ — Say rather, for everything.¹⁵

R. Aha Bardela said to his son: ‘When you pound [salt], incline [the mortar] sideways and pound. R. Shesheth heard¹⁶ the sound of a mortar and pestle; [then] said he: This is not [coming] from my house. Perhaps it was done sideways?¹⁷ — He heard a shrill noise.¹⁸ Perhaps it was spices?¹⁹ — Spices produce a dull sound.

Our Rabbis taught: One may not prepare pearl-barley²⁰ nor pound anything in a mortar. [You state] two [contradictory rulings]?²¹ — This is what it means to say: ‘What is the reason that you may not prepare pearl-barley? Because you may not pound [anything] in a mortar. Then it should have [only] stated: ‘One may not pound [anything] in a mortar’! — If it stated [only], ‘One may not pound anything in a mortar’, I would say, that is only in a big mortar; but in the case of a small mortar [I would say], It is well; so it informs us [that this is not so]. But it was taught: One may not pound in a big mortar but one may pound in a small mortar! — Said Abaye: ‘When the teaching²² was taught, it too was taught of a large mortar.’²³

(1) But not in his palm.

(2) I.e., the scholars of Palestine. V. Sanh. 17b, Sonc. ed. p. 89.

(3) Not just throw it up a little.

(4) Although the pounding of spices is permitted on a Festival it should be done in a somewhat different way from ordinary days.

(5) The pounding of salt must be done in all entirely unusual way, both with regard to the vessel in which, and also with regard to the vessel with which, it is pounded.

(6) According to Beth Hillel it is sufficient if the vessel with which it is pounded is different.

(7) He should therefore have prepared the salt before the Festival.

(8) Therefore it must be prepared on the day it is required.

(9) According to the first reason, even the pounding of spices must be done in an unusual manner since it could have been prepared on the day it is required.

(10) According to not lose its flavour, so that according to the second reason it is the same as salt.

(11) Or, Even salt! But etc.

(12) I.e., pounding them both on the same occasion, by preparing the salt in immediately after the spices Rashi as explained by Rashal).

(13) When a small quantity only is required.

(14) Even with a utensil which may not be handled at all on the Sabbath?

(15) I.e., for every purpose, whether for roasting or boiling — and that in the usual way Rab Judah thus has a Tanna in support for his ruling.

(16) On a Festival.

(17) In which case it is permissible.

(18) Whereas if the mortar were inclined there would be a heavy, dull noise.

(19) Which may be pounded in the usual way.

(20) On a Festival, because it requires toilsome pounding.

(21) The first ruling forbids toilsome pounding only, whereas the second forbids all pounding.

(22) Introduced by, Our Rabbis taught’.

(23) The two statements are not contradictory. The first statement forbidding the pounding of pearl-barley refers even to a small mortar, and the second statement refers to a big mortar. Only pearl-barley is forbidden to be pounded in a small mortar but other things may be.

Talmud - Mas. Beitzah 14b

Raba says: There is no difficulty: this [Baraita¹ refers] to us,² and the other [Baraita³ refers] to them.⁴

R. Papa visited Mar Samuel.⁵ They set before him pearl-barley broth and he did not eat of it. Perhaps they prepared it in a small mortar?⁶ — He noticed that it was very fine.⁷ Perhaps they prepared it the day before [the Festival]? — He saw that it [the pearl-barley] was still bearing the polish from the husking.⁸ Or you can say: It is different in the case of the house of Mar Samuel, on account of the laxity of the servants.⁹

MISHNAH. IF ONE SELECTS PULSE ON A FESTIVAL, BETH SHAMMAI SAY: HE MUST SELECT THE EDIBLE PARTS AND EAT [THEM FORTHWITH]; BUT BETH HILLEL SAY: HE MAY PICK OUT AS USUAL¹⁰ [FROM A SMALL QUANTITY] IN HIS LAP OR IN A BASKET OR IN A DISH; BUT NOT ON TO A BOARD OR IN A SIFTER OR IN A SIEVE.¹¹ RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM [IN WATER] AND SKIM OFF [THE REFUSE].

GEMARA. It was taught: Rabban Gamaliel said: This was [only] stated when the edible part is more than the refuse;¹² but if the refuse is more than the edible part, all agree that he must pick out the edible part and leave the refuse. If the refuse is more than the edible part, is there anyone who permits it [to be picked]?¹³ — This refers to a case where the work [of picking out the refuse] is great though the quantity [of the refuse] is small.¹⁴

RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM AND SKIM OFF [THE REFUSE]: It was taught: R. Eleazar son of R. Zadok said: This was the practice in the house of Rabban Gamaliel; they brought a bucket-full of lentils and poured water over them with the result that that which was edible remained below and the refuse [floated] on top. But has not the opposite been taught?¹⁵ — There is no contradiction: The one applies to sand, the other applies to chaff.¹⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY SEND [GIFTS TO A NEIGHBOUR] ON A FESTIVAL ONLY PORTIONS [READY FOR EATING],¹⁷ BUT BETH HILLEL SAY: ONE MAY SEND CATTLE, GAME AND POULTRY WHETHER ALIVE OR SLAUGHTERED. ONE MAY [ALSO] SEND WINE, OIL, FLOUR OR PULSE BUT NOT GRAIN.¹⁸ BUT R. SIMEON PERMITS [ALSO] GRAIN.¹⁹

GEMARA. R. Jehiel taught: Provided that he does not send it [the present] by a company [of men].²⁰ A Tanna taught: A company consists of not less than three persons. R. Ashi put the question: What [is the law] with respect to three persons with three varieties [of gifts]?²¹ This question is undecided.

R. SIMEON PERMITS [ALSO] GRAIN. It was taught: R. Simeon allows grain: e.g., wheat, to prepare thereof food for gladiators;²² barley, to give to his cattle; [and] lentils to prepare thereof groats.²³

MISHNAH. ONE MAY SEND CLOTHES, WHETHER SEWN UP OR NOT YET SEWN UP EVEN THOUGH THERE IS KIL'AYIM²⁴ IN THEM, PROVIDED THEY ARE NECESSARY²⁵ FOR THE FESTIVAL; BUT [ONE MAY] NOT [SEND] HOB-NAILED SANDALS²⁶ NOR UNSTITCHED SHOES. R. JUDAH SAYS: NOT EVEN WHITE SHOES BECAUSE THEY [STILL] REQUIRE AN ARTISAN [TO BLACKEN THEM]. THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL MAY [ALSO] BE SENT [ON A FESTIVAL].

GEMARA. As for sewn [articles] it is well: they are fit for garments; [likewise] unsewn [articles] too, [as] they are fit for a covering. But for what are kil'ayim fit? And if you say they can be used to fold under him,²⁷ surely it was taught: Neither shall there come upon thee [a garment of two kinds of stuff mingled together],²⁸ but you may spread it beneath you. But the Sages said: It is forbidden to do so lest a thread might cling to his body! And if you say [that it is permissible] if there is anything interposing between them,²⁹ surely R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, who said in the name of R. Jose b. Saul, who said in the name of Rabbi in the name of the Holy Community at Jerusalem:³⁰ Even if ten mattresses lie one on top of the other and [some material of] kil'ayim is beneath them, it is forbidden to sleep thereon! And if [you say] it refers to a curtain, surely 'Ulla said: Why did [the Sages] say a curtain is unclean³¹ because the attendant warms himself beside it!³²

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- (1) Permitting the pounding in a small mortar.
 - (2) Babylonians, who have no domestics.
 - (3) Forbidding pounding even in a small mortar.
 - (4) Palestinians, who have domestics who are inclined to laxity; these might pound in a large mortar and say they have used a small one; hence small ones too were forbidden.
 - (5) On a Festival.
 - (6) Which is permitted in Babylon.
 - (7) This cannot be attained in a small mortar.
 - (8) Its sheen was too fresh for it to have been prepared the day before.
 - (9) Mar Samuel, although in Babylon, had servants who might disregard the observance of the rules.
 - (10) I.e., pick out the refuse and the bad ones that are not edible.
 - (11) Because it might seem he was preparing for the next day.
 - (12) It is then that Beth Hillel permit to pick out the refuse.
 - (13) Since the lesser part is lost in the greater it is forbidden even to be handled on the Festival.
 - (14) By the expression 'if the refuse is more' is to be understood not that the refuse is greater in quantity but rather that the trouble of picking out the refuse was greater.
 - (15) That the edible parts float on top and the refuse sinks to the bottom.
 - (16) Sand sinks to the bottom and chaff floats on top.
 - (17) Which will be eaten at once and not kept.
 - (18) Which must be ground, and consequently may not be used.
 - (19) For they can be cooked as they are or may be ground in a small mortar.
 - (20) Lest it should appear as if the food were being sent to a public sale.
 - (21) Are they regarded as individuals or does the variety of gifts make no difference.
 - (22) The wheat was not ground but prepared whole for their special diet.
 - (23) Which may be done on a festival.
 - (24) V. Glos. So that one may not wear them. V. Lev. XIX, 19, Deut. XXII, 11; cf. Shab. 60b.
 - (25) [Var. lec. 'Although they are not necessary'].
 - (26) V. infra.
 - (27) To be used cushion or mat.
 - (28) Lev. XIX, 19.
 - (29) Between the garment of kil'ayim and the body.
 - (30) V. R. H., Sonc. ed. p. 80, n. 9.
 - (31) I.e. it can become unclean.
 - (32) All ordinary partition does not receive defilement, being regarded as part of the house, but a curtain can become defiled, because it is also used as a wrap for warming; and since a curtain may be used as a wrap it may not be made of kil'ayim.

Talmud - Mas. Beitzah 15a

— Rather, [this refers] to hard material;¹ just as R. Huna the son of R. Joshua said: The coarse

felt-mattresses [coming] from Naresh² are permitted [to sit on].³ R. Papa said: Slippers⁴ are not [forbidden] on account of kil'ayim. Raba said: These money-bags do not come under [the law of] kil'ayim,⁵ but seed-bags do come under [the law of] kil'ayim.⁶ R. Ashi said: Neither money-purses nor seed-bags are subject to [the law of] kil'ayim, because it is not the usual practice to warm oneself with these.

BUT NOT HOB-NAILED SANDALS: What is the reason that hob-nailed sandals may not [be sent]? Because of the incident that occurred.⁷ Abaye said: Hob-nailed sandals may not be worn [during a Festival] but they may be handled. 'They may not be worn on account of the incident that happened; 'but they may be handled', since it teaches **ONE MAY NOT SEND**; for if you maintain that it is forbidden to handle, now if it is forbidden to handle, need sending [be taught]?⁸

NOR UNSTITCHED SHOES. This is obvious! — It is necessary even when it is fastened with wooden pins.⁹

R. JUDAH SAYS: NOT EVEN WHITE SHOES. It was taught: R. Judah permits black [sandals] and forbids white because they [still] require a clod containing silicate of iron.¹⁰ R. Jose forbids black [sandals] because they [still] require to be smoothed. And they do not differ, the one Master [ruling] according to his district and the other Master according to his district. In the district of the one Master [the sandal was finished] with the flesh [side of the leather] inside, [and] in the district of the other Master [they finished the sandals] with the flesh [side] outwards.¹¹

THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL R. Shesheth permitted scholars to send tefillin¹² on a Festival. Abaye said to him: But we have learnt: **WHATEVER MAY BE USED ON A FESTIVAL MAY HE SENT**.¹³ — This is what he means to say: 'Whatever one uses on a weekday¹⁴ may be sent on a Festival.

Abaye said: Since we are now dealing with tefillin, we would say something thereon. If one was on his way [home],¹⁵ wearing tefillin on his head,¹⁶ and the sun was setting upon him, he should place his hand upon them¹⁷ until he reaches his house. If he was sitting in the Academy¹⁸ with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them, until he reaches his house.¹⁹ R. Huna the son of R. Ika raised an objection: If one was on his way [home] with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them until he reaches a house situated near the wall [of the city].²⁰ If he was sitting in the Academy [with tefillin on his head] and the holiness of the day came in, he must place his hand upon them until he reaches the house nearest to the Academy.²¹ There is no contradiction. The one treats of a case when it [the house] is guarded,²² the other when it is not guarded. If it is not guarded, [then] why particularly 'on his head'; even if they [the tefillin] were [found] lying on the ground he should also [be allowed to carry them to this house]: For we have learnt: He who finds tefillin [on a Sabbath] may bring them in in pairs!²³ — This is no difficulty: The one²⁴ treats of a case when it is guarded against thieves and against dogs, the other²⁵ when it is guarded against dogs but it is not guarded against thieves.²⁶ You might think that the majority of robbers [in that district] are Israelites²⁷ who would not handle them disrespectfully; hence he informs us [that it is not so]. [

(1) Which does not warm and upon which it is permitted to sit.

(2) Identical with Nahras or Nalr-sar, on the canal of the same name, on the east bank of the Euphrates, Obermeyer p. 307. Cf. B.M., Sonc. ed. pp. 468 n. 3; 539 n. 7.

(3) Although they are manufactured from kil'ayim.

(4) Home-shoes or a kind of socks.

(5) Because the purses become hard through the coins they contain and therefore do not warm.

(6) And therefore may not be placed on one's lap.

(7) The event is recorded in Shab. 60a. This particular sandal could be worn with the heel in front, giving the appearance that the one who had entered had gone out. When men hiding in a cave from the Romans saw what appeared as Signs of someone having left they became panic-stricken lest the Romans should by this means find them in their hiding-place, and in their attempt to escape more were killed through the panic than might have been killed by the Romans.

(8) Surely not!

(9) Or even in the case when only a few stitches were put in, Rashi.

(10) Used for blacking leather.

(11) It had therefore to be smoothed and polished.

(12) Phylacteries. v. Glos.

(13) But tefillin are not used on a Festival. V. 'Er. 96a.

(14) I.e. a thing that is properly finished, which includes tefillin.

(15) On the eve of the Sabbath.

(16) In Talmudic times tefillin were worn all day and in the street not merely at the morning service as now.

(17) The Sages allowed him to carry the tefillin into the city after the manner of a garment and not to leave them unguarded, out of respect for the tefillin.

(18) Which was in the field, and therefore an unguarded place.

(19) The tefillin could not be left in the Academy for fear of being lost.

(20) And leave the tefillin there, but he may not carry them into the city.

(21) But he may not carry them to his own house.

(22) And therefore the tefillin must be left in the house nearest the city wall or the Academy.

(23) In the manner they are worn on weekdays, one on the arm and one on the forehead. V. Shab. 62a; 'Er. 95a.

(24) The Baraitha that states they must be left in the house nearest the city wall.

(25) Abaye.

(26) [MS.M. adds, 'and one when it is guarded neither against dogs nor thieves', the reference being to the Mishnah in 'Er. 95a that he may bring them in in pairs].

(27) Cf. A.Z. 70b; Tosaf. B.B. 55b, s.v. **רבי אליעזר**. This refers to large Jewish settlements. The Rabbis were broad-minded enough to realize that in a town containing an overwhelming Jewish population the majority of thieves would be Jewish.

Talmud - Mas. Beitzah 15b

CHAPTER II

MISHNAH. [IF] A FESTIVAL FELL ON THE EVE OF SABBATH, ONE MAY NOT AT THE OUTSET COOK ON THE FESTIVAL FOR THE SABBATH, BUT HE MAY COOK FOR THE FESTIVAL, AND IF ANY IS LEFT OVER IT REMAINS FOR THE SABBATH; AND HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL¹ AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH.² BETH SHAMMAI SAY: TWO DISHES [ARE REQUIRED FOR THIS PURPOSE], WHILE BETH HILLEL SAY: ONE DISH. YET THEY [BOTH] AGREE THAT A FISH AND AN EGG UPON IT ARE [CONSIDERED AS] TWO DISHES. [IF] HE ATE IT³ OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH.

GEMARA. Whence do we know this?⁴ — Said Samuel: Because the Scripture Says: Remember the Sabbath day to keep it holy,⁵ remember it in view of another⁶ Festival which comes to make it forgotten.⁷ What is the reason [for the institution of the 'erub]?⁸ — Said Raba: In order that he may choose a fine portion for the Sabbath and a fine portion for the Festival.⁹ R. Ashi said: In order that people might say, 'You may not bake on a Festival for the Sabbath, how much the more [is it forbidden] on a Festival for a weekday'.¹⁰

We have learnt: HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL AND RELY

UPON IT [TO PREPARE FOOD] FOR THE SABBATH. It is well according to R. Ashi who says, 'In order that people might say you may not bake on a Festival for the Sabbath [etc.]': hence it is only ON THE EVE OF THE FESTIVAL but not on the Festival. But according to Raba, why particularly on the eve of the Festival; even on the Festival [itself] too [let it be permitted]?¹¹ — It is even so, but it is a preventive decree lest he be negligent.¹² Now a Tanna deduces it from the following: Bake that which ye will bake, and seethe that which ye will seethe;¹³ from this R. Eliezer concluded [that] you may bake only [in dependence] upon what is [already] baked and you may cook only [in dependence] upon what is [already] cooked.¹⁴ Herein the Sages found a Biblical support for 'erub tabshilin.¹⁵

Our Rabbis taught: It happened that R. Eliezer was once sitting and lecturing the whole day [of the Festival] on Festival laws. [When] the first group left [the lecture hall] he said: These are people of butts;¹⁶ [when] the second group [left] he said: These are people of casks; [when] the third group [left] he said: These are people of pitchers;¹⁷ [when] the fourth group [left] he said: These are people of flasks; [when] the fifth group [left] he said: These are people of beakers.¹⁸ [When] the sixth group began to go out he said: These are the people of the curse.¹⁹ He cast his eyes at his disciples²⁰ and their faces began to change,²¹ [whereupon] he said to them: My sons, not of you said I this, but of those who have gone out, who put aside life eternal and occupy themselves with the life temporal [or ephemeral]. When they were taking their leave²² he said to them: Go your way, eat the fat, and drink the sweet, and send portions unto him for whom nothing is prepared: for this day is holy unto our Lord: neither be ye grieved; for the joy of the Lord is your [strength] stronghold.²³ The Master said: 'Who put aside life eternal and occupy themselves with the life temporal'. But the enjoyment of the Festival is a religious duty! — R. Eliezer is consistent with his [own] view, for he said: Rejoicing on the Festival is optional. For it was taught: R. Eliezer says: On a Festival a man has nought [to do] save either eat and drink or sit and learn. R. Joshua says: Divide it, half of it for the Lord, [and] half of it for yourselves. R. Johanan said: Both drew their inference from the same Scripture verse[s]. One verse states: A solemn assembly to the Lord thy God,²⁴ and another verse reads: Ye shall have a solemn assembly.²⁵ How is this [to be reconciled]? R. Eliezer is of the opinion: Either the whole of it is for the Lord or the whole of it is for yourselves; while R. Joshua is of the opinion: Divide it; half of it is for the Lord and half of it is for yourselves. What means 'for whom nothing is prepared'? — R. Hisda said: For him who did not set [i.e., prepare] an 'erub tabshilin. Others say: He who had not the opportunity to set an 'erub tabshilin; but he who had the opportunity to set an 'erub tabshilin and did not set is a transgressor. What means 'for the joy of the Lord is your strength'? — R. Johanan said in the name of R. Eleazar son of R. Simeon: The Holy One, blessed be He, said unto Israel: My children, borrow on My account and celebrate the holiness of the day, and trust in Me and I will pay. R. Johanan [further] said in the name of R. Eleazar son of R. Simeon: He who desires his property to be preserved for him, should plant therein an adar,²⁶ for it says: The Lord on high is mighty;²⁷ alternatively, adara,²⁸ [implies] what its name [indicates]; for people say: Why [is it called] adara? Because it lasts from generation to generation.²⁹ It was similarly taught: A field in which there is an adar can neither be robbed nor forcibly purchased and its fruits are protected.³⁰

R. Tahlifa, the brother of Rabinai of [Be] Hozae³¹ learnt:

(1) V. supra p. 23, n. 1.

(2) The dish prepared on the eve of the Festival is regarded as the basis upon which the right to cook on the Festival for the Sabbath depends.

(3) The dish intended for the 'erub.

(4) That he may cook for the Sabbath in virtue of a special dish ('erub).

(5) Ex. XX, 8.

(6) Lit., 'from another'.

(7) The interest in the Festival preceding the Sabbath might cause one to forget about the Sabbath. The 'erub counteracts this possibility. [Aliter: 'Remember it since one might forget it' (v. Rashi) — a rendering supported by MS.M. which

reads **מֵאֲחֶרֶץ** for **לְאֶחָדָם** cf. cur. edd.]

- (8) Actually it is not based upon any Biblical verse, but is only a Rabbinical enactment, the verse being a mere support.
- (9) He will not consume all the good things on the Festival, but will leave some for the Sabbath.
- (10) The 'erub is instituted not in honour of Sabbath but in honour of the Festival.
- (11) For on the Festival itself he can still choose a fine portion for the Sabbath.
- (12) And omit to prepare it altogether.
- (13) Ex. XVI, 23.
- (14) On the Friday which is a Festival, you may bake and cook only in virtue of the baking and cooking of the previous day.
- (15) This phrase indicates that the present deduction too is merely in support, not the actual source of the law, which is Rabbinical only.
- (16) I.e., very rich, counting their wine by butts. They have left thus early because of the large quantities of food and drink waiting for them. These are gluttons.
- (17) I.e., less rich than the second but wealthier than the next group.
- (18) Less keen on their pleasures.
- (19) The emptiness of the Lecture Hall roused his ire.
- (20) Who had remained behind.
- (21) I.e., to turn pale, because they thought he was angry with them for not leaving earlier — apparently they thought that he considered himself bound to go on as long as he had hearers.
- (22) At the close of the lecture.
- (23) Neh. VIII, 10.
- (24) Deut. XVI, 8.
- (25) Num. XXIX, 35. The first verse implies that it may be devoted to God's service, whereas the second intimates that it is meant for man.
- (26) A kind of cedar, high and majestic. Such a tree is known, and in case of his having to go abroad, he will be remembered as possessor, for his name will be coupled with the **אֲדָר** tree.
- (27) Ps. XCIII, 4. The word **אֲדָר** is linked with the **אֲדָר** tree. The planting of the **אֲדָר** tree will strengthen his claim to the property.
- (28) The Aramaic form of **אֲדָר**.
- (29) Dora dora; a play on words
- (30) The pollen of this tree is a vermicide, Rashi.
- (31) The modern Khuzistan province S.W. Persia, Obermeyer, op. cit. pp. 204ff. cf. B.M., Sonc. ed. p. 508, n. 2.

Talmud - Mas. Beitzah 16a

The entire sustenance of man [for the year] is fixed for him from New Year's [Festival] to the Day of Atonement,¹ except the expenditure for Sabbaths and the expenditure for Festivals and the expenditure for the instruction of his children in the Law; if he [spent] less [for any of these] he is given less and if he [spent] more he is given more. Said R. Abbahu:² What verse of Scripture [supports this]? 'Blow the horn at the new moon at the full moon for our feast-day'.³ Which is the Festival on which the moon is concealed? Say, it is New Year;⁴ and it is written [with respect to this Festival]: 'For it is a statute [hok] for Israel, an ordinance of the God of Jacob'.⁵ How is it implied that [the word] **hok** connotes sustenance? For it is written: 'And did eat their portion [hukkam] which Pharaoh gave them'.⁶ Mar Zutra says, [It is inferred] from here: 'Feed me with mine allotted [hukki]⁷ bread'. It was taught: They related concerning Shammai, the Elder [that] all his life he ate in honour of the Sabbath. [Thus] if he found a well-favoured animal he said, Let this be for the Sabbath. [If afterwards] he found one better favoured he put aside the second [for the Sabbath] and ate the first.⁸ But Hillel the Elder had a different trait, for all his works were for the sake of heaven,⁹ for it is said: Blessed be the Lord, day by day.¹⁰ It was likewise taught: Beth Shammai say: From the first day of the week [prepare] for the Sabbath;¹¹ but Beth Hillel say: Blessed be the Lord, day by day.¹⁰

R. Hama b. Hanina said: He who makes a gift to his neighbour need not inform him, for it says, 'And Moses knew not that the skin of his face sent forth beams'.¹² An objection was raised: 'That ye may know I am the Lord who sanctify you',¹³ The Holy One, blessed be He, said unto Moses: Moses, I have a precious gift in my treasury and its name is Sabbath and I wish to give it to Israel; go and tell them. Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother! — There is no difficulty. The one treats of a gift which will naturally become known, and the other treats of a gift which does not naturally become known. But the Sabbath too is a gift which would have naturally become known! — Its reward¹⁴ would not naturally be known.¹⁵ The Master said: 'Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother'. What should he do to it [the child]?¹⁶ — He smears it with oil or puts rouge on it. But now that we are afraid of witchcraft, what [is to be done]?¹⁷ — R. Papa said: He must smear it [the child] with some of that very substance [he put on the bread].¹⁸ R. Johanan said in the name of R. Simeon b. Yohai: Every commandment which the Holy One, blessed be He, gave unto Israel, He gave to them publicly, except the Sabbath which He bestowed upon them in secret, for it is said: 'It is a sign between Me and the children, of Israel for ever'.¹⁹ If so, idolators should not be punished on its account!²⁰ — The Sabbath He indeed made known to them [the idolator] but its reward He did not make known to them. Or you can say: Its reward too He made known to them [but] the enlarged soul,²¹ He did not make known to them; for R. Simeon b. Lakish said: On the eve of the Sabbath the Holy One, blessed be He, gives to man an enlarged soul and at the close of the Sabbath He withdraws it from him, for it says: He ceased from work and rested:²² once it [the Sabbath] has ceased²³ woe that the [additional] soul is lost!²⁴

A MAN MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL. Abaye said: They taught this only of a dish²⁵ but not of bread.²⁶ Why is bread different that it is not [fit for an 'erub]? If I were to say something used as a relish is required then what of pearl-barley which is also not a relish — for R. Zera said: These Babylonians are fools for they eat bread with bread²⁷ — and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may set an 'erub of pearl-barley broth! — Rather, we require [for an 'erub dish] something which is not common, and bread is common, whereas pearl-barley broth is not common.²⁸ Others teach: Abaye said: They taught this only of a dish but not of bread. What is the reason? If I were to say something which is not common is required whereas bread is common, then what of pearl-barley broth, which is also not common and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may not set an 'erub with pearl-barley broth! — Rather, something used as a relish is required and bread is not used as a relish and pearl-barley broth too is not used as a relish for R. Zera said: These Babylonians are fools for they eat bread with bread.

R. Hiyya taught: The lentils at the bottom of the pot²⁹ can be relied upon as an 'erub tabshilin, providing that they amount to as much as an olive. R. Isaac son of Rab Judah said: One may scrape off the fat which is upon the knife and rely upon it as an 'erub tabshilin, providing that it amounts to as much as an olive.

R. Assi said in the name of Rab: Small salted fish are not subject to [the interdict against] the cooking of a heathen.³⁰ R. Joseph said: And if a heathen grilled them one may rely upon them as [or for] an 'erub tabshilin,³¹ but if a heathen made them into a pie of fish-hash it is prohibited.³² This is obvious! You might think

(1) Between the first and the tenth of Tishri. These days are known as the ten days of Penitence.

(2) In Sanh. 11b, R. Abba.

(3) Ps. LXXXI, 4; he connects כסה (E. V. full moon) with the same root meaning to cater, and translates: 'at the concealed (moon)'.

(4) The remaining Festivals fall during the middle of the month near full moon.

(5) Ps. LXXXI, 5. The word קח (E. V. statute) is taken to mean sustenance which is allotted to Israel on New Year.

- (6) Gen. XLVII, 22.
 (7) Prov. XXX, 8.
 (8) So that he was always eating in honour of the Sabbath.
 (9) He trusted in God that he would obtain something worthy for the Sabbath.
 (10) Ps. LXVIII, 20.
 (11) In Aramaic the saying rhymes and is a cue to prompt people to think of the coming Sabbath.
 (12) Ex. XXXIV, 29.
 (13) Ex. XXXI, 13.
 (14) Lit., 'the gift of its reward'.
 (15) God informed Israel, through Moses, the reward for keeping the Sabbath.
 (16) In order to let the mother know.
 (17) Sorcerers or witches used these in the practice of their occult arts.
 (18) Whether butter, jam or fat (dripping). These do not suggest witchcraft.
 (19) Ex. XXXI, 17. The word **לעלם** is written defectively as if derived from **עלם** to hide, conceal.
 (20) V. A.Z. 2b, where it is implied that the idolator will be punished for rejecting the Torah when it was offered to him. But in respect of the Sabbath, at least, there should be no punishment, seeing that it was offered even to Israel in secret only.
 (21) Lit., 'additional soul', by this term the Talmud indicates the spiritual ennoblement conferred by the Sabbath.
 (22) Ex. XXXI, 17.
 (23) The verb **שבת** 'he ceased from work' is translated: He ceased keeping the Sabbath (because of its expiration). Malter, Ta'anit, 27a.
 (24) This is a play on the word **וינפש** which is taken to stand for **וי אבדה נפש** (Goldschmidt suggests the reading **וי אבדה נפש** 'the soul is no longer (here)', which is nearer the Hebrew word **וינפש** .)
 (25) A cooked meal.
 (26) Bread cannot be an 'erub.
 (27) Concerning the Babylonians who eat pearl-barley broth with bread, v. Ned. 49b.
 (28) Bread is eaten at every meal, whereas pearl-barley is not.
 (29) Left over unintentionally on the eve of the festival.
 (30) The Rabbis forbade food cooked by heathens, to prevent over-familiarity leading to intermarriage. But things which can be eaten raw do not come under this prohibition even if they are cooked, because the cooking of such things could hardly be considered a favour. These salted small fish can be eaten raw.
 (31) Since they can be eaten raw.
 (32) Because the dough could not be eaten unbaked (i.e. uncooked).

Talmud - Mas. Beitzah 16b

[that] the fish-hash is the principal element;¹ hence he informs us that the flour is the principal element.

R. Abba said: An 'erub tabshilin² must be the size of all olive.³ The Scholars asked: [Does that mean] one olive for all [the participants together] or an olive for each one separately? — Come and hear: For R. Abba said in the name of Rab: An 'erub tabshilin requires to be the size of an olive whether for one or for one hundred.

We have learnt: [IF] HE ATE IT OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH. What does 'ANY' [SMALL] PORTION mean? Does it not mean although it is not as much as an olive?⁴ — No, when it is as much as an olive.

Come and hear: This dish⁵ [can be] grilled or pickled or stewed⁶ or boiled; and the Spanish colias⁷ [can be used] when he had poured hot water over it⁸ on the eve of the Festival; [for] its

commencement and its end⁹ there is no standard [in quantity]. Does it not [surely] mean there is no standard [fixed] at all? No, there is no upper [i.e., maximum] standard,¹⁰ but there is a downwards [i.e., minimum] standard.¹¹

R. Huna said in the name of Rab: The 'erub tabshilin requires cognizance.¹² It is certain that the cognizance of him who deposits [the dish] is required but do we require the cognizance of him for whom it is deposited, or do we not require [it]? — Come and hear: For the father of Samuel used to set the 'erub for the whole of Nehardea; R. Ammi and R. Assi used to set the 'erub for the whole of Tiberias.¹³ R. Jacob b. Idi proclaimed: He who has not set an 'erub tabshilin, let him come and rely upon mine. And how far?¹⁴ — R. Nahumi b. Zecharaiah said in the name of Abaye: As far as the Sabbath limit.¹⁵

There was a certain blind man who used to recite Baraithas in the presence of Mar Samuel. When he noticed that he was gloomy he asked him: Why are you gloomy? Because I have not set an 'erub tabshilin,¹⁶ replied he. Then rely upon mine, he rejoined. The following year he [again] noticed that he was gloomy. Said he to him: Why are you gloomy? He answered him: Because I have not set all 'erub tabshilin. [Then] said he to him: You are a transgressor: to everybody else it is permitted,¹⁷ but to you it is forbidden.¹⁸

Our Rabbis taught: If a Festival falls on the eve of Sabbath one may neither set [on the Festival] a boundary 'erub¹⁹ nor an 'erub of courts.²⁰ Rabbi Says: One may set a court 'erub but not a boundary 'erub, for you can forbid him²¹ what is forbidden to him [on a Festival]²² but you cannot forbid him what is allowed to him [on a Festival].²³ It was stated: Rab says: The halachah is as the first Tanna, and Samuel says: The halachah is as Rabbi.

The Scholars asked: Is the halachah as Rabbi [meant] leniently or stringently? — Of course he [Samuel] meant it leniently!²⁴ — [The question was raised] because R. Eleazar sent word to the Diaspora [to wit]; Not as you teach in Babylon that Rabbi permits and the Sages forbid, but [rather] Rabbi forbids and the Sages permit. How is it now?²⁵ — Come and hear: For R. Tahlifa b. Abdimi decided a case according to Samuel, and Rab remarked [thereon:] The first decision of this young scholar is harmful.²⁶ [Now] if you say that he [Samuel] meant [his teaching] to be lenient it is well, hence this is harmful. But if you say [he meant] stringently, what harmful [teaching] is there! — Since many come to error²⁷

(1) And therefore the dough is disregarded altogether.

(2) The Hebrew employs the plural.

(3) But not less.

(4) Which contradicts Rab.

(5) Of the 'erub.

(6) Shaluk, translated 'stewed', means very much boiled.

(7) A very small fish of the tunny type. V. Krauss TA II, pp. 91 and 506.

(8) The pouring of hot water on the tunny fish is its preparation for eating.

(9) I.e., both when it is first made for an 'erub and when part has been eaten or lost.

(10) I.e., as regards its greatness.

(11) Below which it cannot constitute an 'erub.

(12) That it has been set for the purpose of 'erub.

(13) It is evident from this that the cognizance of all the Jewish residents of Nehardea and Tiberias was not required.

(14) I.e. within what area.

(15) Tehum, v. Glos.

(16) The Festival referred to here was New Year when in 'erub cannot be set conditionally.

(17) To rely upon my 'erub.

(18) I only had intended those who had unwittingly forgotten to rely on my 'erub, but not where the forgetfulness is

through sheer negligence.

(19) Enabling him to go on the Sabbath from one township to another.

(20) Enabling him to carry on the Sabbath from one court to another, because he would thereby join the courts in a legal sense, making them ali as one. This ranks as the repairing of an object and constitutes work.

(21) To effect on a Festival that a certain action should be permitted on the Sabbath.

(22) The prohibition of going from one township to another applies both to Sabbaths and Festivals.

(23) Carrying out from one private court to another is permitted on a Festival, without an 'erub.

(24) For Rabbi allows a court 'erub to be set on a Festival.

(25) Did Samuel mean that the halachah is as Rabbi taught in Babylon or as taught in Palestine.

(26) I.e. leading to a breach of the law.

(27) By forgetfully carrying on the Sabbath following the Festival from one court to another though no 'erub could be set on the Festival.

Talmud - Mas. Beitzah 17a

this is harm.¹ Raba said in R. Hisda's name who said in the name of R. Huna: The halachah is as Rabbi, viz., that it is forbidden.²

Our Rabbis taught: If a Festival fell on a Sabbath, Beth Shammai Say: He must pray eight [benedictions]³ and recite [the benediction] of the Sabbath separately and of the Festival separately; but Beth Hillel say: He must pray seven [benedictions]⁴ beginning with the Sabbath [formula] and ending with the Sabbath [formula],⁵ and he makes mention of the holiness of the day in the middle.⁶ Rabbi says: He should also conclude it [the benediction] 'Who sanctifieth the Sabbath, Israel and the Seasons.' A tanna recited in the presence of Rabina: 'Who sanctifieth Israel and the Sabbath⁷ and the Seasons.' He said to him: Does then Israel sanctify the Sabbath?⁸ The Sabbath has already been sanctified [from the creation] and so continues! Say rather: 'Who sanctifieth the Sabbath, Israel and the Seasons.' R. Joseph said: The halachah is as Rabbi and as Rabina explained it.

Our Rabbis taught: If a Sabbath falls on a New Moon or on the intermediate days of a Festival,⁹ at the evening, morning and afternoon services he prays seven [benedictions]¹⁰ and makes mention of the nature of the day¹¹ in the 'Abodah,¹² and if he did not recite [it], he is made to turn back;¹³ R. Eliezer says: [He alludes to the day] in the Thanksgiving [benediction],¹⁴ while in the Additional Services¹⁵ he begins with the Sabbath [formula] and closes with the Sabbath [formula], and makes mention of the holiness of the day in the middle.¹⁶ R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka say: Whenever one is obliged to say seven benedictions¹⁷ he begins with the Sabbath [formula] and closes with the Sabbath [formula] and mentions the holiness of the day in the middle. Said R. Huna: The halachah is not as that pair [of scholars].¹⁸

R. Hiyya b. Ashi in Rab's name said: A man may prepare a boundary 'erub on the first day of a Festival¹⁹ for the second and stipulate.²⁰ Raba said: A man may prepare an 'erub tabshilin on the first day of a Festival for the second and stipulate.²¹ He who states a boundary 'erub, all the more an 'erub tabshilin' while he who states an 'erub tabshilin, but not a boundary 'erub. What is the reason? Because one may not acquire a [Sabbath] residence on a 'Sabbath'.²²

Our Rabbis taught: One may not bake on the first day of a Festival for the second. In truth they said:²³ A woman may fill the whole pot with meat although she only needs one portion; a baker may fill a barrel with water although he only needs one handful,²⁴ but as for baking he may bake only what he needs. R. Simeon b. Eleazar says: A housewife may fill the entire oven with loaves, because bread is baked better in a full oven. Said Raba: The halachah is as R. Simeon b. Eleazar.

The scholars asked: He who did not set an 'erub tabshilin is he forbidden [to bake for the Sabbath] and [likewise] his flour is forbidden,²⁵ or perhaps only he is forbidden, but his flour is not forbidden? What is the practical difference? — Whether he must give up his flour to others.²⁶ If you say that [both] he is forbidden and [likewise] his flour is forbidden, then he must give his flour to others,²⁷ but if you say, he is forbidden but his flour is not forbidden, [then] he need not give up his flour to others. What [is the law]? — Come and hear: He who has not set an 'erub tabshilin may neither bake nor cook nor store [food] away²⁸ neither for himself nor for others; nor may others bake or cook for him. What should he do? He gives up his flour to others [and these] bake and cook for him — Conclude therefrom that he is forbidden and [likewise] his flour is forbidden. It is thus concluded.

The scholars asked: What if he transgressed and baked?²⁹ Come and hear: He who has not set an 'erub tabshilin what is he to do? He gives up his flour to others and [these] others bake and cook for him.

(1) Had he permitted the 'erub to be set on the Festival they could have carried without transgressing the law.

- (2) To set on a Festival either a boundary 'erub or a court 'erub.
- (3) The first three and the last three are the same as that of the ordinary 'Amidah (v. Glos).
- (4) One middle benediction sufficing for both the Sabbath and the Festival, but must commence and end with the Sabbath formula.
- (5) And no more, not as we end with the additional words 'Israel and the Seasons' cf. P.B. p. 229.
- (6) The middle benediction is from **מקדש ישראל** to **אתה בחרתנו** and the allusion to the specific prayer is found in **ותתן לנו** v. P.B. p. 228.
- (7) Mentioning Israel before Sabbath.
- (8) Festivals are consecrated by Israel in accordance with the fixing of the New Moon, but the sanctity of the Sabbath is independent and absolute.
- (9) Lit., 'the nonsacred portion of the Festival'. In the case of Passover and Tabernacles the first and last days only are holy, the intermediate days enjoying a semi-sanctity.
- (10) As on an ordinary Sabbath.
- (11) Whether it be New Moon "ran intermediary day of a Festival.
- (12) 'Abodah (lit., 'service') is the designation of the benediction commencing with **רצה**, so called because it is a prayer for the restoration of the sacrificial service. A passage commencing with **יעלה ויבא** in which specific mention of New Moon or of the Intermediate Days is made, is inserted in the middle of this benediction. Cf. P.B. p. 50.
- (13) I.e., start again at **רצה**.
- (14) Viz., in the benediction commencing with **מודים** ('we give thanks'). P.B. p. 51.
- (15) On Sabbaths, Festivals, and New Moons an additional services read after the morning service, corresponding to the additional sacrifices when were offered in the Temple on those days. V. J.E. IX, p. 116.
- (16) In the passage **ותתן לנו** cf. P.B. p. 233.
- (17) Even in the first-named prayers.
- (18) But as the first Tanna in so far as the nature of day at the evening, morning and afternoon services is to be mentioned in the 'Abodah. His ruling, however, that the close at the Additional Service is only with the Sabbath formula, is not adopted as halachah, for in that respect the halachah is as Rabbi that the conclusion is, 'Who sanctifieth the Sabbath, Israel and the seasons (or the New Moon)' — Rashi.]
- (19) If he forgot to set the 'erub on the eve of the Festival which fell on Thursday and Friday.
- (20) For the Sabbath immediately following the second day. For the condition v. supra p. 23, n. 2.
- (21) V. supra 6a.
- (22) The term **שבתא** here means Festival. An 'erub tabshilin, however, was allowed in honour of the Sabbath.
- (23) For this expression v. B.M. 60a.
- (24) With the same labour he can fill the entire vessel as well as partly fill it, but with respect to bread every loaf requires extra labour.
- (25) To be baked on the Sabbath, even by others.
- (26) Before they may bake it.
- (27) By giving it to them as a present.
- (28) In such a manner that it retains its heat.
- (29) May he eat it on the Sabbath or not?

Talmud - Mas. Beitzah 17b

Now if there is [this possibility],¹ let him state: If he transgressed and baked it is permissible! — Said R. Adda b. Matena: [The Tanna] teaches a legal remedy; an illegal remedy he does not teach.

Come and hear: He who has set an 'erub tabshilin may bake and cook and store, and if he wishes to eat his 'erub he is at liberty to do so. If he ate it [the 'erub] before he had baked [or] before he had stored, then he may not bake nor cook nor store away neither for himself nor for others, nor may others bake or cook for him; but he may cook for the Festival and if he leaves [any thing] he has left it for the Sabbath, provided that he does not [intentionally] resort to an artifice;² and if he has resorted to all artifice it is forbidden!³ — Said R. Ashi: You speak of all artifice? An artifice is different, for the Rabbis have treated it more rigorously than an intentional transgression.⁴

R. Nahman b. Isaac says: This⁵ represents the opinion of Hananiah and according to Beth Shammai. For it was taught:⁶ Hananiah says that Beth Shammai maintain: One may bake only if he set an 'erub of bread, and one may cook only if he set an 'erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival; but Beth Hillel affirm: One may set an 'erub with one dish and prepare all his requirement [in reliance] thereon.⁷

Come and hear: He who tithed his fruits on the Sabbath,⁸ if [he acted] in error he may eat [of them], if deliberately, he may not eat [of them].⁹ This treats of a case where he has other fruits.¹⁰

Come and hear: If one purified his [unclean] vessels on the Sabbath,¹¹ if in error he may use them, if deliberately he may not use them!¹² — This treats of a case where he has other vessels, or [the reason may be because] it is possible to borrow [vessels from others].

Come and hear: He who has cooked on the Sabbath, if in error he may eat [of it], if deliberately, he may not eat [of it]!¹³ — The prohibition with respect to Sabbath is different.¹⁴

BETH SHAMMAI SAY TWO DISHES. Our Mishnah is not in accordance with the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that two dishes are necessary;¹⁵ they differ only about a fish and the egg thereon,¹⁶ when Beth Shammai say: Two [separate] dishes [are necessary] and Beth Hillel maintain: [This] one dish [is sufficient]. But they agree that if one crumbles a [hardboiled] egg and puts it inside the fish or if he shreds a head of leek¹⁷ and puts it inside the fish, they [count as] two dishes. Rab said: The halachah is according to our Tanna¹⁸ [in his representation] of the view of Beth Hillel.¹⁹

IF HE ATE IT OR IF IT WERE LOST, HE MAY NOT . . . Abaye said: We have a tradition; if his 'erub was eaten up after he had begun to prepare the dough he may finish it.²⁰

MISHNAH. IF IT [THE FESTIVAL] FELL ON THE DAY AFTER THE SABBATH, BETH SHAMMAI SAY: ONE MUST IMMERSE EVERYTHING [UNCLEAN] BEFORE THE SABBATH;²¹ BUT BETH HILLEL MAINTAIN; VESSELS [MUST BE IMMERSED] BEFORE THE SABBATH BUT MEN ON THE SABBATH. THEY AGREE [HOW EVER] THAT ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL,²² BUT ONE MAY NOT IMMERSE [IT];²³ AND ONE MAY IMMERSE²⁴ [TO CHANGE] FROM ONE INTENTION TO ANOTHER²⁵ OR FROM ONE COMPANY TO ANOTHER.²⁶

GEMARA. All incidentally agree that a vessel may not [be immersed] on a Sabbath: What is the reason? — Said Rabba: It is a preventative measure

(1) Of being able to eat, viz., by transgressing.

(2) Evasion of the law by purposely cooking much more than he requires.

(3) And presumably the same is true if he transgressed and cooked!

(4) Deliberate transgression is recognized as such and will not entice others whereas all evasion may be regarded as wholly permitted and set an evil example for others too.

(5) The teaching if he has resorted to an artifice it is forbidden. R. Nahman does not admit the possibility that an artifice may be treated more stringently than deliberate transgression, for the latter is certainly a graver fault intrinsically.

(6) Supra 22b.

(7) Consequently we see that Hananiah is very stringent with reference to an 'erub tabshilin, and therefore the same applies to an artifice, but our problem is based on Beth Hillel's more lenient ruling.

(8) This is forbidden by the Rabbis. V. infra 36b.

(9) Ter. II, 3. Hence we may infer that if he deliberately baked without an 'erub, he may not eat of it.

(10) To eat on the Sabbath, so that there is no hindering of the enjoyment of the Sabbath. The problem here is when he

has no other provision.

(11) In order to cleanse them, which is forbidden by the Rabbis since it is equivalent to repairing a utensil. V. infra 18a.

(12) Ibid.

(13) V. infra 18a.

(14) Cooking on the Sabbath is Biblically forbidden, the penalty for which may be stoning. Therefore the Rabbis have been rigorous in the treatment of such intentional breach. But with respect to cooking on a Festival without an 'erub, where the prohibition is mere Rabbinical, it is possible that the Rabbis are more lenient and would allow him to eat on the Sabbath.

(15) As an 'erub.

(16) I.e., the egg in which the fish is smeared before cooking.

(17) קפלוטות GR. ** == a head of leek. V. Krauss T.A. II, pp. 560-561.

(18) I.e.,

(19) In Mishnah. (7) Viz., that an 'erub may consist of one dish only.

(20) Even to baking it.

(21) But not on the Sabbath, because it is equivalent to repairing or reconditioning the vessel, and the same applies to man.

(22) Which cannot be defiled. The stone vessel containing the unclean water is placed in a mikweh (ritual bath) and immersed until the two waters make contact. Other liquids and foods once unclean cannot be made ritually clean. V. Mik. VI, 8.

(23) Viz., the unclean water in a defiled vessel in order to cleanse the vessel at the same time.

(24) On a Festival.

(25) I.e., if the vessels were immersed before the Festival to be put to a particular use and on the Festival he decided to use them for another purpose which requires higher sanctity, he may immerse them on the Festival, for the second immersion is not regarded as reconditioning the vessels. V. Hag. II, 6, 7.

(26) If he performed an immersion before Passover with the intention of eating the Paschal Lamb with one company, and then determined to join another company which required a higher degree of sanctity, he may immerse again on the Festival itself.

Talmud - Mas. Beitzah 18a

lest he take it in his hand and carry it four cubits in a public ground.¹ Abaye said to him: How is it to be explained when there is a pit² in his courtyard?³ He answered him: A pit in his courtyard is preventively forbidden on account of a pit in public ground. This is well with respect to Sabbath, but with respect to Festivals⁴ how is it to be explained? — They forbade [it on] Festivals on account of [the] Sabbath. Do we then preventively forbid?⁵ Surely we have learnt: THEY AGREE THAT [ON A FESTIVAL] ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL BUT ONE MAY NOT IMMERSE [IT]; and if this is so, let us forbid surface contact on account of immersion! — Now is that logical? If he has [other] clean water, then why effect surface contact for this [water]? Therefore [this treats of a case] where he has no [other clean water], and since he has no [other clean water] he will be very careful with it.⁶

He raised an objection to him: One may draw [water] with a [ritually] unclean bucket and it [the bucket] becomes clean;⁷ Now if it is so, let us preventively forbid lest he come to immerse it by itself! It is different there; since he is permitted [to immerse it] by means of drawing water only he will remember.⁸ He raised an objection to him: A vessel which became defiled on the eve of a Festival, one may not immerse it on the Festival; [if it became defiled] on the Festival one may immerse it on the Festival: Now if it is so, let us forbid [that which became defiled] on the Festival on account of [that which became defiled] on the eve of the Festival? — Defilement on a Festival is a rare occurrence and [with regard to] a thing of rare occurrence the Rabbis did not enact a preventative measure.⁹

He raised an objection to him: A vessel which became defiled¹⁰ through a father of uncleanness,¹¹

one may not immerse it on a Festival;¹² [but if it became defiled] through a derivative uncleanness,¹³ one may immerse it on a Festival.¹⁴ Now if it is so, let us forbid one because of the other! — How is a derivative uncleanness possible?¹⁵ [Only] in the case of priests,¹⁶ [and] priests are careful.¹⁷

Come and hear: For R. Hiyya b. Ashi said in Rab's name: A niddah,¹⁸ who has no [ritually clean] clothes,¹⁹ may use guile and immerse herself in her clothes.²⁰ Now if it is so, let us forbid this lest she come to immerse [her clothes] by themselves! — It is different there; since it is permitted to her only in her clothes, she will remember .²¹

R. Joseph says: It²² is a preventive measure on account of wringing [the clothes].²³ Said Abaye to him: This is well [with respect to] apparel, which can be wrung; [but with respect to] vessels, which cannot be wrung, what is there to be said? — He replied to him: These have been forbidden on account of those. He raised all the above mentioned objections and he answered him [the said] as we have answered.

R. Bibi says: It²² is a preventive measure, lest he delay.²⁴ It was taught as R. Bibi: A vessel which became defiled on the eve of the Festival, one may not immerse it on the Festival lest he delay.

Raba Says: [The immersion of vessels is forbidden] because it looks like repairing the vessel.²⁵ If it is so, a man too [should likewise] be forbidden?²⁶ — [In the case of] a man it looks as if he were cooling himself.²⁷ This is well in the case of clear water;²⁸ but what will you say with respect to turbid water? — Said R. Nahman b. Isaac: It happens that one comes [home]

(1) The minimum distance involving culpability.

(2) I.e., a mikveh.

(3) When there is no need to carry the vessel out of private ground at all.

(4) When carrying is permitted.

(5) I.e., enact one preventative measure lest another preventative measure be violated.

(6) Not to allow it to become defiled. Accordingly the water becoming defiled is a rare occurrence and such is disregarded; cf. *infra*.

(7) Because the real purpose of the immersion is not patent, for people would think that his purpose was to draw water.

(8) That immersion itself is forbidden on a Festival.

(9) V. 'Er. 63a.

(10) On the eve of the Festival.

(11) I.e., a primary uncleanness, a person or object that touched a dead body. For the various degrees of defilement v. Pes. 14a.

(12) For a father of uncleanness defiles the vessel by Biblical law, hence the immersion of the vessel would be regarded as reconditioning it on a Festival.

(13) I.e., anything which itself became unclean through contact with a 'father of uncleanness'; which Biblically is incapable of transmitting uncleanness to the vessel.

(14) Since by Biblical law the vessel is still clean, the immersion is not regarded as reconditioning it.

(15) That it should defile a vessel

(16) Who eat consecrated food which would be contaminated by this vessel.

(17) To distinguish between a vessel that became defiled through a primary cause or through a secondary cause. Or, they are careful not to permit their vessels to become unclean, which makes such defilement rare: v. *supra*.

(18) V. Glos.

(19) To put off after performing *tebillah*, while, on account of the Festival, she is unable to immerse the clothes she wears.

(20) Which cleanses both herself and her clothes. This is permitted for the same reason that you may draw water in an unclean bucket, as people will think that she is performing it for herself.

(21) As above.

(22) The prohibition of immersing vessels and clothes on Sabbath and Festivals.

(23) Wringing is prohibited both on Sabbath and Festivals.

(24) Their immersion until the Festival when he has more time and in the meantime uses the defiled vessels for consecrated food.

(25) Since this makes it useable.

(26) Since tebillah makes him fit to eat sacred food, such as flesh of sacrifices.

(27) And that he was not taking a ritual bath.

(28) Where one may wash oneself.

Talmud - Mas. Beitzah 18b

in hot weather and bathes even in water used for soaking [dirty linen]. This is well in summer;¹ what will you say of winter? R. Nahman b. Isaac replied: A man sometimes returns [home] from the field besmeared with mud and filth and bathes even in winter. This is well on a Sabbath;² but on the Day of Atonement³ what is there to be said? — Said Raba: Is there then any[thing] which on a Sabbath is permitted⁴ and on the Day of Atonement is forbidden?⁵ But since it [bathing] is permitted on the Sabbath, it is also permitted on the Day of Atonement. Does then Raba accept the argument of 'Since'?⁶ Surely we have learnt: He who has toothache must not rinse them with vinegar⁷ [On the Sabbath],⁸ but he may dip [his food] in vinegar in his usual manner, and if it becomes better, it becomes better.⁹ And we pointed out a contradiction: He must not rinse and expectorate¹⁰ but he may rinse and swallow? And Abaye answered: When we learnt our Mishnah,¹¹ we learnt it also [as referring to] rinsing and expectorating. Raba however answered: You may even say [the Mishnah refers to] rinsing and swallowing, and [still] there is no contradiction: in the one case [it means] before the dipping [of the food into the vinegar]¹² and in the other case [it means] after the dipping [of the food in the vinegar]. Now if it is so¹³ let us say, Since it is permitted before the meal, it is also permitted after the meal! — Raba retracted from that [statement].¹⁴ How do you know that he retracted from that [statement]; perhaps he changed his mind with respect to the present one?¹⁵ — You cannot suppose this, for it was taught: Everyone who is required to take a ritual bath¹⁶ may bathe in the usual way, both on the [fast of the] Ninth of Ab and on the Day of Atonement.⁷ BUT THEY BOTH AGREE THAT [ON A FESTIVAL] YOU MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL etc. What does BUT ONE MAY NOT IMMERSE [IT] mean? — Said Samuel: One may not on a Festival immerse the [unclean] vessel on account of its water in order to cleanse it!¹⁷

Who is the author of our Mishnah? It is neither Rabbi nor the Sages! For it was taught: One may not immerse the [unclean] vessel on account of its water in order to cleanse it, nor may one effect surface contact or [unclean] water in a stone vessel in order to cleanse it; this is the opinion of Rabbi. But the Sages say: One may immerse the vessel on account of its water in order to cleanse it, and one may effect surface contact for [unclean] water in a stone vessel in order to cleanse it.¹⁸ Who now is [the author of our Mishnah]? If Rabbi, [the ruling on] surface contact is a difficulty;¹⁹ if the Sages, [the ruling on] immersion²⁰ is a difficulty? — If you like I can say [the author of the Mishnah is] Rabbi; alternatively, it is the Sages. If you like I can say it is Rabbi; the first clause of the Baraita²¹ concerns Festivals and the concluding clause²² concerns the Sabbath, whereas the whole of our Mishnah²³ deals with Festivals.

(1) When one may bathe to cool oneself.

(2) When it is permissible to wash.

(3) When it is forbidden to wash oneself

(4) On the score of work.

(5) Surely not!

(6) As stated, even where there may be a reason for prohibiting it on the Day of Atonement which does not apply to the Sabbath, as in the present instance.

(7) Lit., 'suck vinegar into them'.

- (8) Healing, except in the case of danger, is forbidden, lest he crush the ingredients on the Sabbath. V. Shab. 111a; A.Z. 28a.
- (9) I.e., there is no harm done; he has not broken the law.
- (10) Because it is then evident that he is taking it as medicine.
- (11) On toothache.
- (12) Then he may rinse and swallow for it is regarded as a part of the meal, being his first meal, the aperitif, the hors d'oeuvre.
- (13) That Rab accepts the argument of 'Since'.
- (14) Concerning toothache, and his statement about bathing on the Day of Atonement was made subsequently.
- (15) Viz., re bathing on the Day of Atonement.
- (16) E.g., a woman after menstruation or confinement. (16) When washing oneself is forbidden. V. Ta'an. 13a; Shab. 111a.
- (17) One may not put unclean water [for surface contact in an unclean wooden vessel which itself requires immersion, so that through the surface contact the vessel is automatically immersed.
- (18) For var. lec. v. D.S.
- (19) Whereas Rabbi forbids it our Mishnah permits it.
- (20) Which the Sages allow, while our Mishnah forbids.
- (21) In which Rabbi forbids immersion, implying that surface contact is permitted.
- (22) In which Rabbi forbids even surface contact.
- (23) Which forbids immersion and permits surface contact. For var. lec. v. Rashi and D.S.

Talmud - Mas. Beitzah 19a

Alternatively, I can say it is the Sages and the whole of our Mishnah deals with the Sabbath.

Our Rabbis taught: A vessel which became defiled on the eve of a Festival one may not immerse at twilight.¹ R. Simeon Shezuri says: Even on a weekday one may not immerse it [then], because it requires [waiting until] sunset.² And does not the first Tanna require [waiting until] sunset?³ Said Raba: I found the disciples of the Academy who sat and said: They differ whether his intention is to be recognized from his acts. How so? If, for example, he is holding a vessel in his hand and running along [about] twilight [time]⁴ to immerse it; one Master is of the opinion that the reason he is running along is that he indeed knows that he requires [to wait until] sunset;⁵ and the other Master is of the opinion that he is running on account of his work.⁶ Then said I to them: None dispute that his intention is recognized from his acts;⁷ they differ [only] when [another] vessel⁸ became defiled through [part of a reptile] less than the size of a lentil,⁹ and he¹⁰ came before the Rabbis to ask whether [having come into contact with part of a reptile] less than the size of a lentil it has become defiled or not.¹¹ One Master is of the opinion: Since he does not know this he also does not know that;¹² and the other Master is of the opinion: This [only] he does not know,¹³ but [with the requirement of] sunset he is well acquainted.¹⁴ AND ONE MAY IMMERSE [TO CHANGE] FROM ONE INTENTION TO ANOTHER. Our Rabbis taught: How is, FROM ONE INTENTION TO ANOTHER, meant? He who wishes to make his wine press out of his olive press¹⁵ or his olive press out of his wine press may do so.¹⁶ What means 'FROM ONE COMPANY TO ANOTHER'? If he intended to eat with one company,¹⁷ and [now] wishes to eat with another company,¹⁸ he may do so.¹⁹

MISHNAH. BETH SHAMMAI SAY: ONE MAY BRING PEACE-OFFERING²⁰ [ON FESTIVALS] BUT MAY NOT LAY [HANDS] THEREON;²¹ BUT ONE MAY NOT BRING BURNT-OFFERINGS²² [ON A FESTIVAL]; BUT BETH HILLEL MAINTAIN: ONE MAY BRING PEACE-OFFERINGS AND BURNT-OFFERINGS AND ALSO LAY HANDS THEREON.

GEMARA. 'Ulla said: 'The dispute is only with respect to the laying on [of hands] on Festival peace-offerings²³ and the sacrificing of the pilgrimage burnt-offerings,²⁴ when Beth Shammai hold:

‘And ye shall keep [wehagothem] it a Feast [hag] unto to the Lord’,²⁵ implies only Festival peace-offerings [hagigah]²⁶ but not the pilgrimage burnt-offerings; and Beth Hillel maintain: ‘unto the Lord’ [implies] all [sacrifices offered] unto the Lord;²⁷ but all agree that vows and freewill-offerings²⁸ may not be offered on a Festival.²⁹ And thus did R. Adda b. Ahabah say: Vows and freewill-offerings may not be offered on a Festival.

An objection was raised: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering which is not for the Festival,³⁰ [both agreeing] that it may not be offered on a Festival,³¹ and concerning peace-offerings of the Festival³² that they may be offered on the Festival;³³ they only differ concerning a burnt-offering which is for the Festival and concerning peace-offerings which are not for the Festival, when Beth Shammai say: He may not bring [them]³⁴ and Beth Hillel maintain: He may bring [them]! — Reconcile it by saying thus: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering or peace-offering which are not connected with the Festival that they may not be offered on the Festival and concerning peace-offerings connected with the Festival that they may be offered on the Festival; they differ only concerning a burnt-offering connected with the Festival, when Beth Shammai say: He may not bring [it], and Beth Hillel maintain: He may bring [it]. R. Joseph said:³⁵ You quote Tannaim at random.³⁶ There is a dispute of Tannaim. For it was taught: [As to] peace-offerings which are offered³⁷ on account of the Festival, Beth Shammai say: He lays [hands] on them on the eve of the Festival and slaughters them on the Festival; but Beth Hillel maintain: He lays [hands] on them on the Festival and slaughters their on the Festival,

(1) Because it may already be the Festival. Twilight is a period after sunset which it cannot exactly be determined whether it is day or night.

(2) I.e., if a person is seen to attempt to immerse a vessel at twilight he is stopped: the person immersing the vessel at twilight evidently intends to use it immediately after immersion. But the vessel immersed at twilight would still be unclean until sunset of the following day; cf. Lev. XI, 32.

(3) Before it is ritually clean. Surely a person who has ritually cleansed all unclean vessel by immersion must wait until the sun sets before he may use it.

(4) [I.e., before sunset. The bracketed words must be added if the word ‘twilight’ which MS.M. omits is retained with cur. edd.]

(5) Before he can use it. Therefore on a weekday he is allowed to proceed because when, on reaching the ritual bath, he finds that the sun has already set, he will immerse it and wait until the following sunset before using it. But on the eve of a Festival he may not immerse it in case it is already the Festival. But v. Goldschmidt, n. a.l.

(6) I.e., he is in a hurry to get on with his work. Such action does not show intention and it is therefore to be apprehended lest he will come to use it after immersing it.

(7) We may certainly deduce his intention from his acts.

(8) In addition to the one already defiled, Rashi. V. n. 9.

(9) The minimum size to cause defilement.

(10) This man who was seen running before sunset to immerse the vessel.

(11) R. Hananel reads: ‘Became defiled through (a part of a reptile) of the size of a lentil, and he came before the Rabbis to ask whether a reptile of the size of a lentil defiles’ (he not knowing the law that it does). On this reading the vessel which he was rushing to immerse was the very vessel about which he enquired of the Rabbis and which he was told that it required immersion; v. n. 6.]

(12) Viz., that sunset is required.

(13) For it is not specifically written in Scripture that it must be of the size of a lentil. [On the reading of R. Hananel (note 9): For it is not specifically stated in Scripture that a reptile (or part of it) bigger than a lentil defiles.]

(14) Scripture distinctly states that sunset is required cf. Lev. XI, 32.

(15) If one immersed his defiled vessel in order to use it for his olive press and then changed his mind and wished to use it for his wine press. כַּד is the smaller vessel for oil. [MS.M. reads כַּד ‘Olive press’.]

(16) Without requiring further immersion. If therefore the owner takes it upon himself to immerse again the vessel, such immersion may be performed on a Festival, for he is not thereby reconditioning the vessel.

- (17) And performed immersion with this intention.
- (18) He can only change his mind before the animal is sacrificed.
- (19) Without requiring further immersion. The extra immersion is therefore permissible on a Festival.
- (20) Because part thereof is eaten by their owners.
- (21) Beth Shammai forbid this as a shebuth (v. Glos.), as it was performed with all one's strength and is regarded as being in the nature of riding an animal which is expressly forbidden by the Rabbis (Rashi). [V. however, infra 20a where Beth Shammai are said to hold that the law of laying on of hands does not apply at all to obligatory offerings. Rashi's explanation follows, however, that of R. Johanan, Hag. 16b; v. Tosaf. infra 20a s.v. **סוף**]
- (22) I.e., private voluntary burnt-offerings.
- (23) Which are obligatory. V. Lev. XXIII, 41, and the eating of meat was considered an essential part of the festival enjoyment.
- (24) V. Ex. XXIII, 15. Lit., 'the appearance (in the Temple before the Lord)'.
- (25) Lev. XXIII, 41.
- (26) We-hagothem being grammatically connected with hag and hagigah.
- (27) Which includes the pilgrimage burnt-offering.
- (28) I.e., private sacrifices.
- (29) Since they do not belong to the Festival and can be offered on any other day.
- (30) E.g., a burnt-offering as a vow or a freewill-offering.
- (31) Because (a) none of the sacrifice is eaten by the owners; and (b) it can be brought after the Festival.
- (32) I.e., the Festival peace-offerings.
- (33) Because (a) They are eaten by the owners, thus increasing the joy of the Festival; (b) They belong to the Festival and cannot be brought after the Festival.
- (34) Thus Beth Shammai maintain that peace-offerings not connected with the Festival may not be brought on the Festival, which contradicts 'Ulla.
- (35) There is no need to amend the Baraitha
- (36) You quote the view of one Tanna (viz., R. Simeon b. Eleazar) while disregarding the possibility that another Tanna may have a different opinion.
- (37) Lit., 'come'.

Talmud - Mas. Beitzah 19b

but all agree that vows and freewill-offerings may not be offered on a Festival.¹

And the following Tannaim [are engaged in the same controversy]² as these [aforementioned] Tannaim. For it was taught: One may not bring a thank-offering³ on the Feast of Unleavened Bread on account of the leaven which it contains;⁴ nor on Pentecost, because it is a Festival;⁵ but one may bring his thank-offering on the Feast of Tabernacles.⁶ R. Simeon says: Lo, Scripture says, on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles,⁷ [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and whatever may not be brought on the Feast of Unleavened Bread may not be brought on the Feast of Weeks and on the Feast of Tabernacles [either]. R. Eleazar son of R. Simeon says: A man may bring his thank-offering⁸ on the Feast of Tabernacles and may therewith fulfil his obligation in respect of the joy [of the Festival],⁹ but does not fulfil his obligation therewith in respect of the Festival sacrifices.¹⁰ The Master said:¹¹ 'One may not bring a thank-offering on the Feast of Unleavened Bread on account of the leaven which it contains. This is obvious! — Said R. Adda son of R. Isaac, some say R. Samuel b. Abba: We are treating here of the fourteenth [of Nisan] and he holds: You must not bring consecrated meat to the place of disqualification.¹² 'Nor on Pentecost, because it is a Festival'; he is of the opinion [that] vows and freewill-offerings may not be offered on a Festival.¹³

'But a man may bring his thank-offering on the Feast of Tabernacles'. When? If it should mean on the Festival itself, but you say, 'Nor on Pentecost because it is a Festival'. — Therefore [it must

mean] on the intermediary days of the Festival.

R. Simeon says: Lo, Scripture says: ‘on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles’, [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and what may not be brought on the Feast of Unleavened Bread may [also] not be brought on the Feast of Weeks and on the Feast of Tabernacles.¹⁴ To this R. Zera demurred: Seeing that we may [even] gather firewood can there be a question about vows and freewill-offerings!¹⁵ — Said Abaye: None dispute that the offering [of the thank-offering] is permitted:¹⁶ they differ only as to whether he is subject to ‘Thou shalt not delay’¹⁷ on its account. The first Tanna holds: The Divine Law said ‘Three Festivals’,¹⁸ even not in their order of sequence;¹⁹ while R. Simeon is of the opinion; only in their order of sequence [he transgresses] but not when they are not in order of sequence.

‘R. Eleazar son of R. Simeon says: One may bring the thank-offering on the Feast of Tabernacles’ — When? If [it means] on the Intermediary days of the Festival, then it is the same as the first Tanna. Therefore [it means] on the Festival [itself], and he is of the opinion that vows or freewill-offerings may be offered on Festivals.²⁰ And why does he teach this particularly of the Feast of Tabernacles? — R. Eleazar son of R. Simeon follows his view [expressed elsewhere]. For it was taught: R. Simeon Says: Scripture²¹ need not have mentioned ‘the Feast of Tabernacles’ for the passage is dealing with it.²² Why [then] is it mentioned? To teach that this is the last.²³ R. Eleazar son of R. Simeon Says: To teach that this [Festival of Tabernacles alone] brings it about.²⁴

‘And may therewith fulfil his obligation concerning the joy [of the Festival], but does not fulfil his obligation therewith concerning the Festival sacrifices.’ This is obvious; for this is indeed an obligatory sacrifice²⁵ and any obligatory sacrifice can only be brought of unconsecrated [animals or money]!²⁶ — It is necessary to teach this even if he explicitly stipulated.²⁷ As R. Simeon b. Lakish asked R. Johanan: What if one said, ‘I vow a thank-offering that I may therewith fulfil my obligation of hagigah;’ [or] ‘I take upon myself to become a Nazirite

(1) This Tanna corroborates the statement of ‘Ulla.

(2) With respect to vows and freewill-offerings

(3) V. Lev. VII, 12-15.

(4) The thank-offering requires leaven (V. Lev. VII, 13) and naturally cannot be offered on Passover.

(5) And a thank-offering like vows and freewill-offerings may not be offered on a Festival.

(6) I. e., during the Intermediary days of the Festival.

(7) Deut. XVI, 16.

(8) I.e., one which he had previously vowed.

(9) It is obligatory to rejoice on the Festivals (v. Deut. XVI, 14), and this rejoicing requires meat (v. supra p. 97, n. 9). The thank-offering can be brought for this purpose.

(10) These are obligatory and such must be brought from unconsecrated animals (i.e., animals which are not due on account of a previous vow); hence the thank-offering is ineligible for this purpose.

(11) The Talmid proceeds to a discussion of the Baraita in the course of which there emerges the Tannaitic controversy referred to.

(12) For the ten loaves of leaven which accompany the thank-offering could hardly be eaten by about 10 a.m. when leaven becomes forbidden, and the rest would have to be burnt as nothar (v. Glos.).

(13) This is the statement referred to above of the Tanna who differs and maintains that vows and freewill-offerings may not be offered on Festivals.

(14) It was wrongly assumed that the statement forbids the bringing of the thank-offering even on the Intermediary days of the Festival, hence the following objection.

(15) This certainly may be brought.

(16) On the Intermediary Days of the Festival of Tabernacles.

(17) Deut. XXIII, 22.

(18) Ex. XXIII, 14. In R.H. 4b it is deduced that one violates this if three festivals pass without his fulfilling his vow.

(19) If the vow to bring the thank-offering is made before Tabernacles, the first Tanna counsels the vower to bring it at the immediately following Feast of Tabernacles. Because, according to him, the three Festivals just mentioned need not be in order of sequence commencing with Passover. Therefore unless he brings it on the immediately following Tabernacles he will have to make a special journey to Jerusalem to offer it, since he cannot bring it either on Passover or the Pentecost, whilst he must not delay beyond them. R. Simeon, however, maintains that he transgresses only if three Festivals, taken in order of sequence starting from Passover, pass without his fulfilling the vow. Hence this is what he means: Whatever comes 'on the Feast of Unleavened Bread', i.e., whatever was vowed before the Feast of Passover, so that there was already an obligation by Passover, must be brought either at Pentecost or Tabernacles immediately following; but 'Whatever does not come on the Feast of Unleavened Bread, 'i.e., if there was no obligation then, as he vowed after Passover, need not be brought on the immediately following Festivals of Pentecost or Tabernacles, since he will still have till the Tabernacles of the following year without transgressing the prohibition of 'delaying'.

(20) V. supra p. 100, n. 3.

(21) Deut. XVI, 16.

(22) Viz., Tabernacles. V. verse 13.

(23) I.e., that the three Festivals must, for the transgression of 'delaying' follow in that order — Passover, Pentecost and Tabernacles.

(24) The transgression of the Command. If he vowed before Tabernacles and did not fulfil the vow until Tabernacles elapsed he has transgressed. Cf. R.H. 4a.

(25) V. p. 99, n. 11.

(26) But not of second tithe money which is already consecrated, nor of animals already dedicated as vows and freewill-offerings. V. Pes. 71a.

(27) When he vowed the thank-offering he stipulated that it should take the place of the Festival sacrifice.

Talmud - Mas. Beitzah 20a

[on condition] that I shave with the second tithe money?¹ He replied to him: He is under a vow, but he cannot discharge [his hagiḡah obligation therewith]: he is a Nazirite, but he cannot shave [as he stipulated].²

A certain man declared,³ Give four hundred zuz to So-and-so and let him marry my daughter. R. Papa said: The four hundred zuz he receives, and as for the daughter, if he wishes he may marry [her] [and] if he wishes he need not marry [her].⁴ The reason is because he said: 'Give him and he shall marry;⁵ but if he had said, 'Let him marry and give him', [then] if he marries her, he receives [the money]; but if he does not marry [her], he does not receive [it].

Meremar was sitting and stated this ruling⁶ in his own name. Said Rabina to Meremar: You are teaching this thus,⁷ [but] we teach it as a question directed by Resh Lakish to R. Johanan.

A tanna recited before R. Isaac b. Abba: 'And he presented the burnt-offering; and offered it according to the ordinance',⁸ [i.e.,] according to the ordinance of a freewill burnt-offering;⁹ this teaches that the obligatory burnt-offering requires laying on of hands.¹⁰ Said he to him: He who told you this did so in accordance with Beth Shammai¹¹ who do not learn obligatory peace-offerings from freewill peace-offerings;¹² for it is according to Beth Hillel, since they learn obligatory peace-offerings from freewill peace-offerings, the obligatory burnt-offering too does not require a Scripture text, for they infer it from the freewill burnt-offering.¹³ But whence do you know that Beth Hillel¹⁴ learn obligatory peace-offerings from freewill peace-offerings; perhaps they learn it from the obligatory burnt-offering,¹⁵ while the obligatory burnt-offering itself requires a Scripture text?¹⁶ — Why [would you say that] they do not infer it from freewill peace-offerings: because they are frequent?¹⁷ Then they could not infer it from an obligatory burnt-offering either, since it is wholly consumed!¹⁸ — It is inferred from both of them.¹⁹ But does Beth Shammai maintain that obligatory peace-offerings do not require the laying on of hands. Surely it was taught: R. Joseph said: Beth

Shammai and Beth Hillel do not differ about the laying on of hands itself, [both agreeing] that it is necessary;²⁰ they dispute only whether the [act of] slaughtering must immediately follow the laying on of hands, when Beth Shammai hold: It is not necessary,²¹ and Beth Hillel maintain: It is necessary! — He²² teaches according to the following Tanna. For it was taught: R. Jose son of R. Judah said: Beth Shammai and Beth Hillel do not differ that the slaughtering must immediately follow the laying on of hands, they dispute only about the laying on of hands itself,²³ Beth Shammai ruling: It is not necessary, while Beth Hillel maintain: It is necessary.

Our Rabbis taught: It once happened that Hillel the Elder brought his burnt-offering into the Temple Court on a Festival for the purpose of laying hands thereon. The disciples of Shammai the Elder gathered around him and asked: What is the nature of this animal? He replied to them: It is a female²⁴ and I brought it as a peace-offering. [Thereupon] he swung its tail for them²⁵ and they went away. On that day Beth Shammai got the upper hand over Beth Hillel²⁶ and wished to fix the halachah according to their ruling.²⁷ But an old man of the disciples of Shammai the Elder was there named Baba b. Buta, who knew that the halachah is as Beth Hillel²⁸ and he sent

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- (1) I.e., that I purchase the sacrifice due on the day that I cut my hair (v. Num. VI, 13ff) with second tithe money.
 - (2) Although the condition on which he made his vow is invalid, he is still bound to fulfil his vow.
 - (3) As his last will and testament.
 - (4) This decision of R. Papa has some analogy with that ruling of the Baraitha that precedes, hence its inclusion here.
 - (5) In this order.
 - (6) Supra 19b bottom and the ruling on same.
 - (7) In your own name.
 - (8) Lev. IX, 16. This verse refers, according to Rashi, to the obligatory burnt-offering brought by Aaron on the eighth day of his consecration (v. Lev. IX, 2), and according to Tosaf. to the communal burnt-offering (v. Lev. IX, 15).
 - (9) For the Bible does not state a rule about the obligatory burnt-offering. Hence this verse must mean that the same rules that apply to a freewill burnt-offering apply to an obligatory burnt-offering. V. Lev. I, 3ff.
 - (10) The law of laying on of hands is prescribed only for freewill-offerings v. Lev. I, 3ff (burnt-offerings), III, 2 (peace-offerings).
 - (11) In our Mishnah 19a.
 - (12) In regard to the necessity of laying on of hands (v. supra note 1). Similarly with respect to burnt-offerings Beth Shammai will not infer obligatory burnt-offerings from freewill burnt-offerings; hence a special Scripture text is required that obligatory burnt-offerings require laying on of hands. V. Lev. III, 2.
 - (13) The inference is as follows: Just as we find that a freewill burnt-offering, because it is a burnt-offering, requires laying on of hands, so also an obligatory burnt-offering, since it is likewise a burnt-offering. This principle of exegesis is called Binyan Ab, v. Glos. Beth Shammai, however, does not admit this difference as there is no analogy between freewill burnt-offerings that can be brought at any time and obligatory burnt-offerings which are only brought at stated times.
 - (14) Who permit the laying of hands on obligatory offerings on a Festival.
 - (15) Perhaps Beth Hillel too reject this inference (v. n. 4) of obligatory from freewill offerings.
 - (16) [I.e., Lev. IX, 16 from which is derived the law that the obligatory burnt-offering requires laying on of hands, so that the cited Baraitha can be in accord with Beth Hillel as well as Beth Shammai.]
 - (17) I.e., they can be brought at any time.
 - (18) V. Lev. I, 9.
 - (19) So that if an objection is raised with regard to one that the rule of laying on hands applies there because of a certain characteristic which is not found in the case of obligatory peace-offerings, reference can be made to the other where the same characteristic is lacking and yet the rule of laying on hands is not dependent on the presence of that characteristic.
 - (20) Save that Beth Shammai maintain that the laying on of hands in the case of obligatory peace-offerings must be performed before the Festival and not on the Festival itself.
 - (21) Hence it can be done before the Festival, and therefore it may not be done on the Festival.
 - (22) The author of our Mishnah.
 - (23) In the case of obligatory peace-offerings.

- (24) And such is not offered as a burnt-offering. V. Lev. I, 3. He wanted to avoid a quarrel and told them what was not true for the sake of peace.
- (25) In order to make them believe it was a female.
- (26) I.e., they forced the majority.
- (27) Viz., that obligatory burnt-offerings do not require laying on of hands.
- (28) I.e., that Beth Shammai's ruling is only a stringency, but not based on Biblical law.

Talmud - Mas. Beitzah 20b

and fetched all the sheep of Kedar¹ that were in Jerusalem and put them into the Temple Court and said: Whoever wishes to lay on hands let him come and lay on hands; and on that day Beth Hillel got the upper hand and established the halachah according to their opinion and there was no one there who disputed it.²

It happened again with a certain disciple of the disciples of Beth Hillel who brought his burnt-offering into the Temple Court for the purpose of laying hands thereon. A certain disciple of the disciples of Beth Shammai found him and said to him: Why the laying on of hands?³ He replied: Why [not keep] silence? He silenced him with a rebuke and he went away. Said Abaye: Therefore a young scholar to whom his colleague says anything should not answer back more than the former had spoken to him; for the one said to the other, Why the laying on of hands? and the other replied, [correspondingly] Why [not keep] silence?

It was taught; Beth Hillel said to Beth Shammai: If, when it is forbidden [to slaughter to provide food] for a layman,⁴ it is permitted [to slaughter] for the Most High,⁵ then where it is permitted on behalf of a layman,⁶ it is surely logical that it is permitted for the Most High.⁷ Beth Shammai replied to them: Let vows and freewill-offerings prove [the contrary], for they are permitted for a layman and yet forbidden for the Most High.⁸ Beth Hillel said to them: As for vows and freewill-offerings, that is because there is no fixed time for them; will you say [the same] with respect to a pilgrimage burnt-offering seeing that it has a fixed time?⁹ Beth Shammai replied to them: Even [for] this [sacrifice] there is no [strictly] fixed time. For we have learnt:¹⁰ He who did not bring his Festival offering on the first day of the Festival, may bring it during the whole of the remaining days of the Festival, even on the last day. Beth Hillel replied to them: Even [for] this there is indeed a time fixed, for we have learnt:¹⁰ If the Festival passes and he has not brought his Festival offering, he bears no [further] liability [on its account].¹¹ Beth Shammai said to them: Surely it is said '[That only may be done] for you,'¹² [implying] but not for the most High God? Beth Hillel replied to them: Surely it is said: '[And ye shall keep it as a feast] unto the Lord',¹³ [implying] whatever is for the Lord! If so, why then does the text say: 'For you'? for you but not for heathens,¹⁴ for you, but not for dogs.

Abba Saul taught the same in another form: If when thy hearth is closed,¹⁵ the hearth¹⁶ of the Master is open,¹⁷ how much the more must the hearth of thy Master be open when thy hearth is open.¹⁸ And that is logical that thy table should not be full and the table of thy Master empty. In what do they differ?¹⁹ — One Master²⁰ holds: Vows and freewill-offerings may be offered on a Festival and the other Master holds they may not be offered on a Festival.

R. Huna said: On the view that vows and freewill-offerings may not be offered on a Festival, say not, Biblically they are indeed permitted²¹ and only the Rabbis preventively forbade them lest one delay,²² but even Biblically they are not permitted; for the two loaves of bread²³ which are obligatory for that day²⁴ so that we need not apprehend delay, yet [their preparation] does not override either the Sabbath or a Festival.²⁵

The scholars asked: On the view that vows and freewill-offerings may not be offered on a Festival

what is the law if one transgressed and did slaughter?²⁶ Raba says: He sprinkles the blood in order to permit the flesh to be eaten for food.²⁷ Rabbah son of R. Huna says: He sprinkles the blood in order to burn their inwards at eventide.²⁸ What [difference] is there between them? — They differ when the flesh was defiled or lost; according to Raba he must not sprinkle [the blood],²⁹ according to Rabbah son of R. Huna he does sprinkle.

An objection was raised: If one slaughters the lambs of the Feast of Weeks³⁰ for another purpose³¹ or if one slaughters them before or after their [fixed] time, the blood is to be sprinkled and the flesh is to be eaten; but if it was the Sabbath, he may not sprinkle³² and if he did sprinkle³³

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- (1) I.e., the best, cf. Isa. LX, 7.
 - (2) Cf. Buchler, Types, p. 74.
 - (3) Seeing that we forbid it.
 - (4) Viz., on the Sabbath.
 - (5) Public sacrifices being offered on that day.
 - (6) Viz., on a Festival.
 - (7) Whatever is required for the altar, even the pilgrimage burnt-offering.
 - (8) I.e., vows and freewill-offerings may not be offered on a Festival, yet animals may be killed for ordinary food, then.
 - (9) Surely not!
 - (10) Hag. 9a, 17a; R.H. 4b; Meg. 5a.
 - (11) Therefore he should be allowed to bring it on the first day of the Festival lest, by postponing, he be prevented from bringing it at all.
 - (12) Ex. XII, 16.
 - (13) Lev. XXIII, 41.
 - (14) Lit., 'kuthim', but this is probably a censor's substitute for heathen. For these no food may be cooked on Festivals.
 - (15) I.e., when you may not prepare food, viz., Sabbath.
 - (16) The altar.
 - (17) For sacrifice.
 - (18) Viz., on a Festival.
 - (19) Abba Saul and the first Tanna.
 - (20) Abba Saul who does not quote in his version the reply of Beth Shammai that vows and freewill-offerings prove the contrary.
 - (21) For Beth Hillel's interpretation 'unto the Lord' whatever is for the Lord is the correct one.
 - (22) To offer them until the Festival when he may be prevented from offering them at all.
 - (23) V. Lev. XXIII, 17.
 - (24) I.e., The Feast of Weeks.
 - (25) They may not be baked on the Festival, since that can be done prior thereto.
 - (26) May the blood be sprinkled?
 - (27) On the day of the Festival.
 - (28) Sprinkling may only be performed during the day but the burning of the inwards takes place at night.
 - (29) Though sprinkling is no labour, it is forbidden as shebuth (v. Glos.).
 - (30) V. Lev. XXIII, 19.
 - (31) I.e., as burnt-offerings instead of peace-offerings.
 - (32) For the flesh cannot be eaten on the Sabbath since cooking is prohibited.
 - (33) Without consulting.

Talmud - Mas. Beitzah 21a

It is acceptable¹ on condition that the inwards are burnt at eventide.² [Now] 'If he did sprinkle' indicates only if it was [already] done, but [it may] not [be done] at the outset. According to Raba it is well, but on Rabbah b. R. Huna's view there is a difficulty? — That is indeed a difficulty. Alternatively you can answer: The shebuth³ of Sabbath is different from the shebuth of a Festival.⁴

R. Awia the Elder asked R. Huna: Is it permissible to slaughter on a Festival an animal half of which belongs to a heathen and half to an Israelite? — He said to him: It is permitted. The other said: What difference is there between this [case] and the case of vows and freewill-offerings?⁵ — A raven flies,⁶ he retorted. When he left, his son Rabbah said to him: Was this not R. Awia the Elder whom you, sir, have praised as a great man?⁷ — What then was I to do with him? answered he; I am to-day [in the condition of the lover who said] ‘Stay ye me with dainties, refresh me with apples’,⁸ and he asked me things which require reasoning.⁹ And what is [really] the reason?¹⁰ — An animal half of which belongs to a heathen and half to an Israelite may be slaughtered on a Festival, because it is impossible [to eat] as much as an olive of flesh without slaughtering;¹¹ but vows and freewill-offerings may not be slaughtered on a Festival because when the priests receive their portion,¹² they receive it from the table of the Most High.¹³

R. Hisda said: An animal half of which belongs to a heathen and half to an Israelite is permitted to be slaughtered on a Festival, because as much as an olive of flesh is unattainable without slaughtering; [but] dough belonging half to a heathen and half to an Israelite may not be baked on a Festival for it is possible to divide it at the kneading. R. Hana b. Hanilai raised an objection: Dogs’ dough,¹⁴ if the shepherds eat of it, is subject to hallah,¹⁵ and one may prepare an ‘erub¹⁶ therewith, effect a partnership¹⁷ therewith, pronounce a blessing over it,¹⁸ and say grace after it,¹⁹ and it may be baked on a Festival,²⁰ and a man can fulfil his obligation therewith on Passover.²¹ But why [may it be baked on a Festival]? Surely it is possible for him to divide it during the kneading! — Dogs’ dough is different since it is possible to appease them [the dogs] with carrion.²²

Does then R. Hisda accept the argument of ‘Since’?²³ Surely it was stated: He who bakes on a Festival for the weekday, R. Hisda says: He is flagellated; whereas Rabbah maintains: He is not flagellated. R. Hisda says: He is flagellated, [for] we do not say, Since if visitors came to him, it is fit for him [on the festival], it is even now²⁴ [considered] fit for him; Rabbah maintains: He is not flagellated, [for] we do maintain [the argument of] ‘Since’?²⁵ — Rather, do not say, ‘Since it is possible [etc.]’, but when, for example, he [the shepherd] has a carcass, so that it is definitely possible to satisfy them [the dogs] therewith.²⁶ They asked of R. Huna: May the [Jewish] inhabitants of the valley²⁷ who are obliged to supply bread²⁸ for the troops, bake [it] on a Festival? — He replied to them: We see’ If they can give some bread [thereof] to a child and they [the soldiers] do not object, then every [loaf] is fit for a child; hence it is permitted; but if not,²⁹ it is forbidden. But surely it was taught: It once happened that Simeon the Temanite did not come to the Academy on the eve [of the Festival]. In the morning Judah b. Baba found him and asked: Why did you not attend yesterday [evening] at the Academy? He replied to him: A troop of soldiers came into our town and wished to plunder the entire city; so we killed a calf for them and fed them and let them depart in peace. Said [Judah] to him: I should be surprised if your gain is not counterbalanced by your loss,³⁰ for surely the Torah said ‘for you’³¹ but not for heathens. But why so: the [calf] was fit to be eaten [by them]?³² — Said R. Joseph: It was a trefa calf.³³ But it was fit for dogs? — Tannaim differ on this; for it was taught: ‘Save that which every soul³⁴ must eat, that only may be done by you’.³¹ From the implication of the expression ‘every soul’ I might assume also that the soul of cattle is included³⁵ as it is said, ‘And he that smiteth a soul of a beast mortally shall make it good’;³⁶ the text therefore says, ‘for you’

(1) I.e., a valid act.

(2) V. Nazir 28b; Men. 48a.

(3) V. Glos., cf. n. 2.

(4) On a Sabbath it is more stringent.

(5) Which the owners likewise share, as it were with God.

(6) A well-known phrase eluding a question or making an evasive reply.

(7) Why then did you dismiss him insultingly?

(8) Cant. II, 5. He had just finished lecturing and was anticipating the joy of the festive meal.

- (9) And I did not feel equal to the task.
- (10) This the Talmud proceeds to ask.
- (11) Therefore the animal may be slaughtered for the sake of the portion belonging to an Israelite.
- (12) The breast and thigh. V. Lev. VII, 34.
- (13) As invited guests, without having in the sacrifice any proprietary rights. Therefore the slaughtering of the sacrifice is entirely for God, and hence forbidden.
- (14) Which is to be baked for dogs.
- (15) For it is called bread. V. Num. XV, 19ff.
- (16) I.e., a court 'erub.
- (17) For an alley 'erub.
- (18) Before eating it.
- (19) Cf. P.B. pp. 279-280.
- (20) On account of the portion which the shepherds are to eat.
- (21) With unleavened bread prepared from such dough. V. Hal. I, 8.
- (22) So that it may all be for the shepherds, though in fact it will not be.
- (23) Since a thing is permitted under certain conditions it is permitted even where these conditions are absent, for in actual fact he has no carrion available and the dough will be eaten in part by the dogs.
- (24) Though he has no visitors.
- (25) If guests were coming etc.
- (26) With the result that the whole dough will be for the shepherds. So according to cur. edd. R. Hananel omits 'possible', reading: 'For he will certainly satisfy them therewith'. On his reading render, 'Do not say etc. but (say that we speak of) a case when (the shepherd) has etc. cf. MS.M.]
- (27) Or (Jewish) villages.
- (28) Lit., 'flour'.
- (29) If the soldiers do object.
- (30) I.e., the punishment for transgressing the Festival.
- (31) Ex. XII, 16.
- (32) The owners could have eaten a part of it.
- (33) Which is forbidden to Israelites.
- (34) So literally. E.V. 'man'.
- (35) For the word 'soul' is found in connection with cattle.
- (36) Lev. XXIV, 18.

Talmud - Mas. Beitzah 21b

[intimating] but not for dogs. This is the opinion of R. Jose the Galilean. R. Akiba says: Even the soul of cattle is included; if so, then why does the text say 'for you'? For you, but not for heathens — And what reason do you see to include dogs and to exclude heathens? I include dogs, since you are responsible for their food, and I exclude heathens because you are not responsible for their food.¹

Abaye said to R. Joseph: Now according to R. Jose the Galilean who says 'for you' but not for dogs, how can we throw date stones [as fodder] to cattle on a Festival?² — Said he to him: Because they are fit for fuel. This is well when they are dry, but how is it to be explained when they are moist? — They are fit for a big fire.³ This is well on a Festival, but what will you say with respect to the Sabbath.⁴ — We may handle them in virtue of bread,⁵ in accordance with Samuel; for Samuel said: A man may do all he needs in virtue of bread.⁶

But he⁷ disagrees with R. Joshua b. Levi; for R. Joshua b. Levi said: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure, lest he may [cook] more on his [the heathen's] account. R. Aha b. Jacob says: Not even on a Sabbath, on account of what is left at the bottom of the cups.⁸ If so, even [the remains of] our own [wine] too?⁹ — Ours is fit for fowls.¹⁰ Theirs too is fit for fowls? — Theirs is forbidden for any use.¹¹ Let him

remove them in virtue of the cups! Did not Raba say: You may remove the brazier on account of the ashes,¹² although it contains fragments of wood!¹³ — There¹⁴ they are not prohibited for use, but here¹⁵ they are prohibited for use. R. Aha b. Difti said to Rabina: Let it be like a vessel for excrement!¹⁶ — He answered him: May we make excrement at the outset?¹⁷ Raba accompanied¹⁸ Mar Samuel who lectured: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure lest he will [cook] more on his account. When a heathen visited Meremar and Mar Zutra on a Festival they would say to him: If you are content with that which we have prepared for ourselves it is well; but if not we cannot take extra trouble for your sake.

MISHNAH. BETH SHAMMAI SAY: A MAN MAY NOT HEAT WATER FOR HIS FEET¹⁹ UNLESS IT IS ALSO FIT FOR DRINKING;²⁰ BUT BETH HILLEL PERMIT IT. A MAN MAY MAKE A FIRE AND WARM HIMSELF AT IT.

GEMARA. The scholars asked: Who taught this [ruling] about fire? Is it the opinion of all, Beth Shammai drawing a distinction between the benefit of the whole body²¹ and the benefit of a single limb,²² or does Beth Hillel teach this, while Beth Shammai do not differentiate?²³ — Come and hear: Beth Shammai say: A man may not make a fire to warm himself at it; but Beth Hillel permit it.

MISHNAH. IN THREE THINGS RABBAN GAMALIEL WAS STRINGENT, IN ACCORDANCE WITH THE RULING OF BETH SHAMMAI: ONE MAY NOT STORE AT THE OUTSET WARM WATER ON A FESTIVAL [FOR THE SABBATH],²⁴ AND ONE MAY NOT SET UP²⁵ A CANDLESTICK ON A FESTIVAL, AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES²⁶ BUT ONLY IN THIN WAFERS. RABBAN GAMALIEL SAID: NEVER DID MY FATHER'S HOUSEHOLD BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS. SAID THEY TO HIM: WHAT CAN WE DO WITH YOUR FATHER'S HOUSEHOLD, WHO WERE STRINGENT TOWARDS THEMSELVES AND LENIENT TO ALL ISRAEL, [PERMITTING THEM] TO BAKE BREAD BOTH IN LARGE LOAVES AND THICK CAKES.

GEMARA. What are the circumstances? If he has set an 'erub tabshilin, what is the reason of Beth Shammai?²⁷ And if he had not set an 'erub tabshilin, what is the reason of Beth Hillel?²⁸ — Said R. Huna: In truth I can say that he did not set an 'erub tabshilin but the Rabbis²⁹ permitted him [to prepare]³⁰ what is necessary for his sustenance; and R. Huna follows his view: for R. Huna said: He who did not set an 'erub tabshilin, others³¹ may bake one loaf for him and cook one dish for him

(1) Thus R. Akiba permits the preparation of animal's food, while R. Jose forbids it.

(2) Since they are not fit for human consumption, they should not be allowed to be handled.

(3) A big fire can burn even damp fuel.

(4) When it is forbidden to kindle a fire.

(5) I.e., together with bread.

(6) I.e., handle an article forbidden in itself along with bread, and it does not show disrespect to food.

(7) R. Huna, who permits baking for heathens if a part thereof can be given to a child.

(8) The wine left by the Jew in his cup may be used, and therefore it may be removed, whereas the wine in the cup of the heathen must not be used, and consequently may not be handled either.

(9) May not be removed, because it is unseemly.

(10) By putting pieces of bread into it.

(11) Lest they performed some idolatrous libation therewith.

(12) Which he intended before the Festival to use on the Festival for covering up anything unseemly.

(13) Which are not usable and may not be handled.

(14) With respect to the pieces of wood.

(15) The dregs in the wine cups.

(16) Which may be removed on account of its repulsiveness.

- (17) I.e., may we make an object repulsive so as to be permitted to remove it? Surely not!
- (18) אֲדַבְרִיהָ , v. Ta'an, Sonc. ed. p. 60, n. 5.
- (19) [Rashi: 'To wash them': R. Hananel: 'To warm them'.]
- (20) Kindling on a Festival is permitted for food but not for the purpose of washing.
- (21) Regarding this as equivalent to food.
- (22) I.e., heating water for his feet.
- (23) Between the whole body and a single limb.
- (24) Storing counts as cooking.
- (25) This appears to mean that if a metal candelabrum fell down, it must not be put up again, this being regarded as building.
- (26) Such loaves involve burdensome labour.
- (27) Who prohibit.
- (28) Who permit.
- (29) Adopting Beth Hillel's ruling.
- (30) V. n. 7.
- (31) [Lit., 'they'. Others take 'they' as referring to the household, including the master himself v. Asheri.]

Talmud - Mas. Beitzah 22a

and light [one] candle for him. It was said in the name of R. Isaac: They may also grill a small fish for him. It was taught likewise: He who did not set an erub tabshilin, one may bake one loaf for him and store one dish for him and light [one] candle for him and heat one jug of water for him, while some maintain: They may also grill a small fish for him.¹ Raba says: In truth it treats of a case where he did set [an 'erub tabshilin], but storing [hot water] is different for it is evident that he is doing it for the sake of the Sabbath.² Abaye raised an objection:³ Hananiah says [that] Beth Shammai maintain: One may bake only if he set an 'erub of bread and one may cook only if he set an 'erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival. But if he had stored water, it is [as implied] at any rate allowed, even though it is evident that he is doing it for the sake of the Sabbath! Therefore said Abaye: [It⁴ treats of a case] when for example he set an 'erub for the one⁵ and did not set an 'erub for the other,⁶ and the author is Hananiah according to Beth Shammai.

AND ONE MAY NOT SET UP A CANDLESTICK: What does he do?⁷ — Said R. Hinena b. Bisna: We are dealing with [a jointed] candlestick composed of parts, [the reason being] because it looks like building;⁸ for Beth Shammai hold:⁹ Building applies [also] to utensils and Beth Hillel maintain: Neither building nor pulling down apply to utensils. 'Ulla visited Rab Judah and his attendant arose and set up the lamp¹⁰ [on the Festival]. Rab Judah raised an objection to 'Ulla: He who puts oil in a [burning] lamp [on a Sabbath] is culpable on account of kindling, and he who draws supplies from it is culpable on account of extinguishing.¹¹ — He replied: I was not paying attention to it.

Rab said: Snuffing [the wick] is permitted [on a Festival]. Abba b. Martha asked Abaye: May one extinguish the lamp for something else?¹² — He replied: It is possible [to take place] in another room. What if he has no other room? — It is possible to make a partition. What if he has nothing wherewith to make a partition? — It is possible to cover it [the light] with a vessel. What if he has no vessel? — He replied: It is forbidden.¹³ He raised an objection: One may not extinguish a log in order to save it,¹⁴ but it is permitted [to extinguish it] so that a room or a pot does not become smoky!¹⁵ — He replied: This is the opinion of R. Judah,¹⁶ but I am speaking according to the view of the Rabbis.¹⁷ Abaye asked Rabbah: May one extinguish a conflagration on a Festival? When danger of life is involved I do not ask, for [this] is permitted even on a Sabbath; I only ask when a loss of money [alone] is involved: What is the law? — He replied: It is forbidden. He raised an objection: One may not extinguish a log in order to save it, but it is permitted [to extinguish it] so

that the room or a pot does not become smoky!¹⁸ — This is the opinion of R. Judah, but I am speaking according to the view of the Rabbis.

R. Ashi asked Amemar: May one [medically] paint the eyes on a Festival? When there is a danger, for example of discharge, pricking [pain], congestion, watering, inflammation or the first stages of sickness, I do not ask, for [then] it is permissible even on the Sabbath;¹⁹ I only ask when the sickness is almost cured and it [the painting] is only to give brightness to the eyes.²⁰ What is the law? — He replied: It is forbidden. He raised the objection: ‘You may not extinguish a log [etc.]’ and he answered the same as we have answered.²¹

Amemar permitted the eye to be painted [medically] by a heathen on a Sabbath. Some say: Amemar himself allowed his eye to be painted by a heathen on a Sabbath. R. Ashi said to Amemar: What is your opinion, because ‘Ulla the son of R. Illai said: All that a sick man needs may be performed by a heathen on a Sabbath? And R. Hamnuna [further] said: In all cases where there is no danger one may tell a heathen to do it? But this is only when he does not himself help him, but you, Sir, assist him by closing and opening the eye! — He replied: R. Zebid made the same objection and I answered him: Helping is of no consequence.

Amemar permitted to paint the eyes on the second day of the New Year's Feast. R. Ashi said to Amemar: But Raba said: On the first day of a Festival Gentiles [only] may busy themselves with a corpse, [but] on the second day Israelites may do it, and even on the two Festival days of the New Year

(1) [According to the rendering adopted here (cf. n. 6) only others are permitted by Beth Hillel to prepare food for him, v. R. Nissim a.l.]

(2) Whereas cooking, even when intended for the Sabbath, may nevertheless appear to be for the Festival.

(3) V. supra 17b.

(4) Our Mishnah which prohibits storing.

(5) I.e., he baked and cooked before the Festival for the purpose of ‘erub.

(6) I.e., he did not store any hot water before the Festival.

(7) Surely this is not a prohibited labour!

(8) If it is put together.

(9) V. supra 10a, 11b.

(10) [Alfasi and Rashi: He inclined it backwards so as to draw off the oil from the wick and caused the light to go out.]

(11) Because the light goes out sooner, and extinguishing is likewise forbidden on a Festival.

(12) A euphemism for marital intercourse.

(13) To put out the light.

(14) I.e., for the sake of thrift.

(15) Consequently we see that in order to derive benefit on a Festival, it is permissible to extinguish.

(16) V. infra 28b where R. Judah maintains that . . . ‘for you’ (Ex. XII, 16) means for all your (permitted) needs.

(17) Who differ from R. Judah. V. ibid.

(18) A conflagration likewise gives forth smoke and causes great inconvenience.

(19) V. A.Z. 28b, Sonc. ed. p. 142.

(20) I.e., to make the eyes sparkle.

(21) Viz. the Baraita is according to R. Judah.

Talmud - Mas. Beitzah 22b

which how ever is not the case with respect to an egg?¹ — He replied: I hold as the Nehardeans who say: [The same holds good] even with respect to an egg; for what is in your mind: perhaps [the month of] Elul will be intercalated?² Surely R. Hinena b. Kahana said:³ From the days of Ezra and onward we do not find Elul ever intercalated.

AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS: Our Rabbis taught: Beth Shammai say: One may not bake thick bread on Passover,⁴ but Beth Hillel permit it; and how much is regarded as thick bread? — Said Rab Huna: A handbreadth, for so we find with respect to the Shewbread [that the loaves were] a handbreadth [in thickness].⁵ To this Rab Joseph demurred: If they allowed⁶ this for experts,⁷ did they also permit it to non-experts?⁸ If they allowed it in the case of well-kneaded bread,⁹ are they also to allow it with respect to bread which is not well-kneaded?¹⁰ If they allowed it in the case of dry wood,¹¹ would they allow it in the case of moist wood?¹² If they allowed it in the case of a hot oven,¹³ would they allow it in the case of a cold oven?¹⁴ If they allowed it in the case of a metal oven,¹⁵ would they allow it in the case of a clay oven?¹⁶ Said R. Jeremiah b. Abba: I asked my teacher (viz., Rab) privately, what is meant by ‘thick bread’ [and he replied:] a large quantity of bread.¹⁷ Others say: R. Jeremiah b. Abba said in Rab's name: I asked my teacher (viz., Rabbi the Holy),¹⁸ privately, what is meant by ‘thick bread’, [and he replied:] a large quantity of bread. And why do they call it ‘thick bread’? — Because there is more kneading to be done.¹⁹ Alternatively: In the district of this Tanna they called a large quantity of bread thick bread — Consider: [the reason is] that he labours unnecessarily.²⁰ [Then] why teach [particularly] about Passover, this should hold good of other Festivals as well? — It is even so, only the Tanna was dealing with Passover. It was taught likewise: Beth Shammai say: One may not bake a large quantity of bread on a Festival, but Beth Hillel permit it.

MISHNAH. HE²¹ FURTHERMORE GAVE THREE LENIENT RULINGS:²² ONE MAY SWEEP A DINING-ROOM²³ AND PUT THE SPICES²⁴ [ON THE FIRE] ON A FESTIVAL, AND ONE MAY PREPARE A ‘HELMETED’ KID ON PASSOVER NIGHT.²⁵ BUT THE SAGES FORBID THESE.²⁶

GEMARA. R. Assi said: The dispute is [only with respect] to perfuming [clothes],²⁷ but when it is for smelling all agree that it is permitted. An objection was raised: One may not sweep a dining-room on a Festival, but in the house of Rabban Gamaliel they did Sweep. R. Eleazar b. Zadok said: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not sweep the dining-room on a Festival but they swept it on the eve of the Festival and covered it with sheets. On the morrow when guests came they removed the sheets with the result that the room was automatically swept. They said to him: If so, it is permitted to do the same even on the Sabbath. And one may not put the spices [on the fire] on a Festival, but in the house of Rabban Gamaliel they did put. Said R. Eleazar b. Zadok: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not put the spices [on the fire] on a Festival, but they used to bring in iron censers and fill them with the perfume of the incense on the eve of the Festival and stop up the vent-holes on the eve of the Festival. On the morrow when guests came they opened the vent-holes with the result that the room was automatically perfumed. They said to him: If so, it is permitted to do the same even on a Sabbath.²⁸ But if stated it was thus stated: R. Assi said: The dispute is when it is for smelling, but when it is for perfuming [clothes] it is forbidden. The scholars asked: May one fumigate²⁹ [fruits] on a Festival? R. Jeremiah b. Abba in Rab's name says: It is forbidden;³⁰ but Samuel says: It is permissible. R. Huna says: It is forbidden because he extinguishes [the charcoal].³¹ Said R. Nahman to him: Let the Master say because he kindles³² [the spices]? — He answered him: At first he extinguishes and afterwards he kindles.³³ Rab Judah says: On charcoal fire it is forbidden,³⁴

(1) The egg laid on the first day may not be eaten on the second. V. supra 6a.

(2) In which case the New Year's Festival will begin on the second day.

(3) V. supra 6a where the words ‘in the name of Rab’ are added.

(4) It was presumed that the reason is lest the dough become leavened during its preparation.

(5) V. Men. 57a.

(6) Lit., ‘said’.

- (7) I.e., priests who were acquainted with the preparation of the Shewbread. Cf. Yoma 38a.
- (8) Inexperienced bakers might allow the thick dough to become leavened.
- (9) Such as was essential for the Shewbread (Men. 76a). Well-kneaded dough does not easily become sour.
- (10) There is no guarantee that the dough in private houses would be well-kneaded.
- (11) Such as was used in the Temple (v. Ta'an 31a) and which gives a clear fire and bakes quickly.
- (12) Which smoulders and does not give forth much heat.
- (13) The oven in the Temple was heated daily and never got quite cold.
- (14) I.e., an oven that was allowed to get cold and afterwards heated.
- (15) Such as was used in the Temple (v. Zeb. 95b) and which gives forth good heat and keeps the heat long.
- (16) Surely not! — In the Temple all these favourable conditions were present but they might be absent elsewhere.
- (17) More than is necessary for the Festival, thus doing more work than he should.
- (18) For this title of Rabbi Judah, the Prince, cf. Shab. p. 118b.
- (19) Lit., 'there is increase in kneading it'.
- (20) And not because the dough might become leaven as previously presumed.
- (21) Rabban Gamaliel.
- (22) Lit., 'said three things for leniency'.
- (23) Lit., 'couches' used as dining tables.
- (24) For the purpose of perfuming the room. V. Ber. (Cohen) p. 279 n. 6.
- (25) I.e., a kid roasted whole with its knees and inwards hanging outside. The Passover-offering was roasted in that manner in the days of the Temple; consequently the Sages forbade this after the destruction of the Temple, since sacrifices might not be brought then. Rabban Gamaliel, however, permits it.
- (26) They forbid sweeping because of the filling up of cavities, and they forbid spices because this only applies to epicureans or to people possessing repugnant odours, cf. Keth. 7a (Rashi).
- (27) It is then that the Sages prohibit because the perfuming of the clothes is not directly one's personal pleasure.
- (28) The Rabbis would never have disagreed in such a case. Since they do disagree, however, R. Gamaliel must have permitted the putting of spices on the fire on the Festival. They must then have assumed either that R. Eleazar b. Zadok's memory was at fault or that R. Gamaliel, while in truth holding that it was permitted, did not act on his view out of deference to the Sages who were in a majority. Incidentally we see that the Sages prohibit it even for smelling.
- (29) For eating purposes, by placing them over spices on burning coals.
- (30) Because it is only an epicurean luxury.
- (31) When sprinkling the spices over it.
- (32) And kindling is forbidden unless it is for the general preparation of food.
- (33) The first effect of his action is to extinguish (i.e. dim) the coals; that is followed by the spices catching fire; R. Nahman quoted the first only.
- (34) For there is both extinguishing and kindling.

Talmud - Mas. Beitzah 23a

on [hot] sherds¹ it is permitted;² but Rabbah maintains: On [hot] sherds it is also forbidden because he generates a fragrance [in the sherd].³ Rabba and R. Joseph both say: It is forbidden to invert a box [of aromatics] on silken garments on a Festival, because he is producing a fragrance [in the garments]. And why is [this case] different from [the Baraitha]: One may rub it [aromatic wood] and smell it and one may nip off a bit of it and smell it?⁴ — There the fragrance is indeed present and one only increases the smell, [whilst] here he produces a fragrance [in the garments].

Raba [however] says: On charcoal too it is permitted, [for it is] just as roasting meat on a charcoal [fire].⁵ R. Gebiha from Be Kathil⁶ expounded at the door of the Exilarch: Kittura⁷ is allowed. Amemar said to him: What [is meant by] Kittura? If it means the plaiting of sleeves, [creasing of garments] then it is a craftsman's work;⁸ and if [it means] to fumigate, it is [surely] forbidden for he indeed extinguishes! — Said R. Ashi to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire. Some teach: Amemar said to him: What is [meant by] Kittura? If it means the plaiting of sleeves, then it is a craftsman's work; and if [it means] to fumigate, it is [surely]

forbidden, for he produces a perfume! — Said R. Ashi: I told it to him, and in the name of a great man did I tell it to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire.

AND ONE MAY PREPARE A 'HELMETED' KID: It was taught: R. Jose said Theodosius of Rome introduced among the community of Rome the practice of eating a helmeted kid on Passover night. They [the Rabbis] sent [word] to him: If you were not Theodosius, we would have condemned you to excommunication, for you are causing the children of Israel to eat consecrated [animals] outside of Jerusalem. Do you really mean consecrated [animals]?⁹ — Say rather: [That which is] similar to consecrated [animals].¹⁰

MISHNAH. THREE THINGS R. ELEAZAR B. AZARIAH PERMITTED AND THE SAGES FORBADE: HIS COW WAS LED OUT [ON A SABBATH] WITH A LEATHER STRAP BETWEEN HER HORNS,¹¹ AND [HE ALSO RULED THAT] ONE MAY CURRY CATTLE ON A FESTIVAL,¹² AND ONE MAY GRIND PEPPER IN A PEPPER MILL.¹³ R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL BECAUSE IT MAKES A WOUND THEREBY, BUT ONE MAY COMB;¹⁴ BUT THE SAGES SAY: ONE MAY NEITHER CURRY NOR COMB.

GEMARA. Shall it be said that R. Eleazar b. Azariah had [only] one cow, surely Rab — some say, Rab Judah in Rab's name — said: R. Eleazar b. Azariah had given as tithe thirteen thousand calves yearly from his herd? — It was taught: It was not his cow but of a neighbouring lady, and because he did not restrain her, it [is referred to as his].¹⁵

AND ONE MAY CURRY CATTLE ON A FESTIVAL. Our Rabbis taught: What is currying and what is combing? Currying is done with a small toothed [comb] and causes wounds; combing is done with a large toothed [comb] and does not cause wounds; and there are three views with respect to this: R. Judah maintains: An unintentional act¹⁶ is forbidden, but currying is done with fine teeth and causes wounds, [while] combing is done with large teeth and does not cause wounds, and we do not preventively prohibit combing on account of currying. The Sages are likewise of R. Judah's opinion that an unintentional act is forbidden, but they preventively prohibit combing on account of currying;¹⁷ and R. Eleazar b. Azariah holds as R. Simeon who says: An unintentional act is permitted, [hence] both currying and combing is allowed.

Raba in the name of R. Nahman in the name of Samuel said: — some say, R. Nahman himself said — the halachah is as R. Simeon, since R. Eleazar b. Azariah agrees with him. Said Raba to R. Nahman: Let the Master say the halachah is as R. Judah since the Sages agree with him? — He replied to him: I hold as R. Simeon, and furthermore R. Eleazar b. Azariah agrees with him.

(1) Lit., 'on a fragment of pottery'.

(2) For extinguishing does not apply here and the kindling is performed in an unusual way, which is not prohibited Biblically (Rashi).

(3) I.e., he creates something new in the sherd which was absent before, and this the Rabbis forbade.

(4) Infra 33b.

(5) Which is permitted, although here too there is extinguishing and kindling while the odour of the meat enters the coals.

(6) On the Tigris, N. of Bagdad. Obermeyer, p. 143.

(7) The word has two meanings (a) plaiting (b) perfuming and he did not specify what he meant.

(8) Which is certainly forbidden.

(9) But they were not consecrated.

(10) V. p. 116, n. 9.

(11) Because he regarded such halter as an ornament. The Sages, however, regarded it as a burden.

- (12) With a fine comb.
- (13) Lit., 'in their mill'.
- (14) Rashi: with a blunt-toothed wooden comb or scraper.
- (15) Lit., 'is called by his name'.
- (16) As the causing of a wound through the combing.
- (17) If the former is permitted, people will do the latter too.

Talmud - Mas. Beitzah 23b

MISHNAH. A PEPPER-MILL IS SUSCEPTIBLE TO DEFILEMENT ON ACCOUNT OF [IT CONSISTING OF] THREE [SEPARATE] UTENSILS;¹ ON ACCOUNT OF A RECEPTACLE,² ON ACCOUNT OF A METAL UTENSIL³ AND ON ACCOUNT OF A SIFTING UTENSIL.⁴

GEMARA. It was taught: The lower part [becomes defiled] as a receptacle; the middle part as a sifting utensil; the upper part as a metal vessel.

MISHNAH. A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS,⁵ AND IT MAY BE HANDLED ON SABBATH,⁶ AND IT MAY BE PULLED ALONG ONLY ON MATTING.⁷ R. JUDAH SAYS: NO ARTICLES MAY BE DRAGGED [ALONG THE FLOOR] EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES⁸ [THE EARTH] DOWN.

GEMARA. A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS, because he [the child] supports himself thereon;⁹ AND IT MAY BE HANDLED ON SABBATH, because it is considered a utensil;

AND IT MAY BE PULLED ALONG ONLY ON MATTING; only on matting but not on the earth. What is the reason? Because he makes a rut [furrow]:¹⁰ the author of this is [therefore] R. Judah who says: An unintentional act is forbidden; for if it were R. Simeon, surely he maintains: An unintentional act is permitted; for it was taught: R. Simeon says: A man may drag along a bed, stool or bench [on the floor], provided he has no intention of making a furrow. [But] read the last clause: R. JUDAH SAYS: NOTHING MAY BE DRAGGED [ALONG THE FLOOR] ON THE SABBATH EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES [THE EARTH] DOWN; Only because it presses it down but it does not make a furrow? — There are two Tannaim¹¹ who differ as to the opinion of R. Judah.

C H A P T E R I I I

MISHNAH. ONE MAY NOT CATCH FISH FROM A FISHPOND ON A FESTIVAL¹² NOR GIVE THEM FOOD,¹³ BUT ONE MAY CATCH VENISON OR GAME FROM ANIMAL ENCLOSURES AND ONE MAY PUT FOOD BEFORE THEM. RABBAN SIMEON R. GAMALIEL SAYS: NOT ALL ENCLOSURES ARE ALIKE. THIS IS THE GENERAL RULE:

(1) So that even if one part were missing the rest counts as complete utensils and can become unclean (Rashi). Tosaf: if one part became defiled the other parts are not affected.

(2) In contrast to flat wooden vessels which have no hollow for receiving and cannot become unclean. V. Kelim. XI, 1.

(3) V. Kelim. XI, 2. Even a flat metal utensil can become unclean.

(4) V. Kelim. XVI, 3, XVII, 4.

(5) V. Glos.

(6) Since it really is a utensil. That which does not rank as a utensil may not be handled.

(7) In order not to make a rut. Their floors were earthen.

(8) But does not turn it up into a furrow.

(9) It is therefore considered a stool.

(10) I.e., he breaks the surface of the ground, being in the nature of ploughing.

(11) One holds that a go-cart is regarded as any other piece of furniture and may not be dragged along because it may skid and turn up the earth as a plough, and the other holds the wheels only press down the earth but do not make a rut.

(12) Because this could have been done before the Festival.

(13) Because they can look after themselves.

Talmud - Mas. Beitzah 24a

WHENEVER CHASING IS STILL NECESSARY¹ IT IS FORBIDDEN² BUT WHERE CHASING IS NOT STILL NECESSARY IT IS PERMITTED.

GEMARA. Now the scholars pointed out a contradiction: One may not catch [animals] from enclosures of venison and game on a Festival nor may one put food before them. Thus the rulings on venison are contradictory and those on game are contradictory. As for the rulings on venison, it is well and there is no difficulty, one agreeing with R. Judah, the other with the Sages. For we have learnt: R. Judah says: If [on a Sabbath] one hunts a bird into a tower-trap or a gazelle into a house he is culpable³ — (only [if he drives it] into a house is he culpable but not into an enclosure).⁴ But the Sages say: [If he drives] a bird into a tower-trap or a gazelle [even] into a garden, a court or an enclosure [he is culpable].⁵ But the rulings on game are contradictory! And if you say, this also presents no difficulty, for the one treats of a roofed enclosure and the other of an unroofed enclosure, — surely a house is like a roofed enclosure and [yet] according to both R. Judah and the Sages [he is liable] only [if he drove] a bird into a tower-trap but not into a house! — Said Rabbah b. Huna: We treat here⁶ of a wild bird which does not submit to taming.⁷ For the School of R. Ishmael taught: Why is it called free-bird, because it dwells in the house as in the fields.⁸ Now that you have come to this [explanation],⁹ there is no contradiction in the rulings on venison, [for] the one refers to a small enclosure; the other, to a large enclosure.¹⁰ What is 'a small enclosure' [and] what is 'a large enclosure'? — Said R. Ashi: Whenever one runs after it [the animal] and catches it with one lunge,¹¹ It is a small enclosure, otherwise it is a large enclosure. Alternatively: If there are many corners [whither it can escape] it is a large enclosure, otherwise it is a small enclosure. Alternatively: whenever the shadow of one wall falls upon the other,¹² it is a small enclosure, otherwise it is a large enclosure.

RABBAN SIMEON B. GAMALIEL SAYS: NOT ALL ENCLOSURES ARE ALIKE etc. R. Joseph said in the name of Rab Judah in the name of Samuel: The halachah is as Rabban Simeon b. Gamaliel. Abaye said to him: 'The halachah is [etc.],' from which it would follow that they [the Sages] dispute it!¹³ — He said to him: What practical difference does it make to you?¹⁴ — He replied to him: Is a lesson to be recited as a sing-song?¹⁵

THIS IS THE GENERAL RULE: WHENEVER CHASING IS STILL NECESSARY, etc.: What is meant by CHASING IS STILL NECESSARY? Said R. Joseph in the name of Samuel: Whensoever one has to say, 'Bring a trap so that we may catch it'.¹⁶ Said Abaye to him: But what of geese and hens where one [also] says, 'Bring a net so that we may catch it', and yet it was taught: He who catches geese, hens or Herodian doves¹⁷ he is free! Said Rabbah son of R. Huna in the name of Samuel: These come at night into their coops [for roosting],¹⁸ but those do not come at night into their coops. But what of doves of a dovecote and doves of a loft which [likewise] come at night into their coops, and yet it was taught: He who catches doves of a dovecote or doves of a loft or birds nesting in nests¹⁹ or in a residence²⁰ is liable? — Rather, said Rabbah son of R. Huna in the name of Samuel: These come at night into their coops and their feeding is your obligation,²¹ but those come at night into their coops but you are not obliged to feed them. R. Mari says: These are in the habit of fleeing, but those make no attempt to flee. But surely all of them make an attempt to flee! — I mean they are wont to flee to their nests.²²

MISHNAH. IF TRAPS FOR WILD ANIMALS, BIRDS OR FISH WERE SET ON THE EVE OF THE FESTIVAL, ONE MAY NOT TAKE FROM THEM ON THE FESTIVAL UNLESS HE KNOWS THAT THEY WERE [ALREADY] CAUGHT ON THE EVE OF THE FESTIVAL; AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL WHO SAID: THEY ARE PERMITTED, BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.²³

GEMARA. You quote an incident to contradict [the teaching of the Mishnah]! — There is a lacuna in the text and learn thus: When a doubt prevails whether it is in mukan,²⁴ it is forbidden, but Rabban Gamaliel Permits it: AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL, WHO SAID: THEY ARE PERMITTED BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.

Rab Judah said in the name of Samuel: The halachah is not as Rabban Gamaliel. Some recited it [the statement of Samuel] with reference to the [following] teaching: When a doubt prevails whether it was mukan, Rabban Gamaliel permits and R. Joshua prohibits. Said Rab Judah in the name of Samuel: The halachah is as R. Joshua.

Some [again] recite it with reference to the following teaching:

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- (1) Lit., 'whenever the hunting is wanting', i.e., if the enclosure is large and great effort in pursuing the game is requisite.
 - (2) Because it is regarded as hunting.
 - (3) For having transgressed the Sabbath because these are now quite caught. Hunting is forbidden on the Sabbath, but liability is not incurred unless the act of hunting is complete and the animal actually caught.
 - (4) For there is still effort required to catch the animal.
 - (5) V. Shab. 106a. Thus all agree that the chasing of a bird into a house does not involve liability, the bird not being regarded as caught.
 - (6) With respect to chasing a bird on Sabbath.
 - (7) Even when chased into a house it cannot easily be captured.
 - (8) Even when in the house it is not domesticated.
 - (9) That the apparent contradiction in the rulings on game may be reconciled without assuming a controversy of Tannaim.
 - (10) And both rulings state the view of the Sages.
 - (11) The space being too small to allow escape.
 - (12) The walls were of ordinary height.
 - (13) Which is not the case, for the Sages too draw a distinction between a large enclosure and a small one.
 - (14) Since the halachah remains true.
 - (15) Whether correct or not.
 - (16) I.e., means are still required for catching it.
 - (17) [Domesticated indoor doves, supposed to have been bred by Herod. V. Krauss, T.A. II, p. 138].
 - (18) Where it is easy to catch them, and therefore they are regarded as permanently caught.
 - (19) Lit., 'pitcher-shaped (vessels)' put up in walls or cornices as birds' nests. V. fast., s.v. **טפיה**.
 - (20) [Var. lec. (a) 'or residences'; (b) 'or pits', v. infra p. 127, n. 16.]
 - (21) Therefore they are regarded as any domestic animal which is always ready for food.
 - (22) So that great effort is needed before they are caught.
 - (23) Because he did not like the man.
 - (24) I.e., prepared before the Festival. V. Glos.

Talmud - Mas. Beitzah 24b

One may slaughter [animals] out of enclosures¹ on a Festival but not out of hunting-nets or gins;² R.

Simeon b. Eleazar says: If he came on the eve of the Festival and finds them [the nets or gins]³ damaged, [then] it is certain that they were caught on the eve of the Festival and [consequently] they are permitted; but if he came on the Festival and finds them damaged, it is certain that they were caught on the Festival and are [therefore] prohibited. Now this is self-contradictory. [First] you say: If he came on the eve of the Festival and finds them damaged it is certain that they were caught on the eve of the Festival. Hence it is only because he came and found them damaged; but if a doubt exists, they are forbidden. Consider then the latter clause: If he came on the Festival and finds them damaged, it is certain that they were caught on the Festival: Thus it is only because he came and found them damaged [on the Festival]; but if a doubt exists [then I say] they were caught on the eve of the Festival and are [therefore] permitted? — This is what he means: If he came on the eve of the Festival and found them damaged, it is certain that they were caught on the eve of the Festival and are permitted; but if a doubt exists it is regarded as if they had been caught on the Festival and they are forbidden. Said Rab Judah in the name of Samuel: The halachah is as R. Simeon b. Eleazar.

WHO SAID: THEY ARE PERMITTED. For what purpose are they permitted? — Rab says: They are permitted to be received,⁴ and Levi says: They are permitted to be eaten. Said Rab: A man should never absent himself from the Academy even for a single hour, for I and Levi were both present when Rabbi taught this lesson. In the evening he said: They are permitted to be eaten; but on the [following] morning he said: They are permitted to be received. I who was present in the Academy retracted, [but] Levi who was not present in the Academy did not retract.

An objection is raised: If a Gentile brings a present to an Israelite, even slimy fish or fruit [gathered] on the same day, they are permitted.⁵ This is well on the view that they are permitted to be received.⁶ But on the view that they are permitted to be eaten, is then fruit [picked] on the same day permitted to be eaten?⁷ — Now even according to your reasoning, is then fruit [gathered] on the same day permitted to be handled? But we treat here of fish that are red at the gills⁸ and of fruit preserved in leaves.⁹ And why does he call them ‘of the same day’? Because they are [as fresh] as [if they had been gathered] on the same day. R. Papa said: The law is: If a Gentile brought a present¹⁰ to an Israelite on a Festival, [then] if there is of that kind still attached to the ground it is prohibited,¹¹ and in the evening it is also prohibited for as long a time as it takes to gather;¹² but if there is nothing of the same kind attached to the earth, [then] within the tehumi¹³ it is permitted,

(1) Since they are already there on the eve of the Festival, when they are regarded as fully caught. Lit., ‘dykes’, so called because they contain pools of water for the animals to drink.

(2) Because they may have been caught on the day of the Festival.

(3) [I.e., the long ropes or cords to which the nets proper are attached and which tend to become loosened when an animal is caught at the far distant end].

(4) I.e., to be handled, but not to be eaten.

(5) This teaching is evidently in accordance with Rabban Gamaliel.

(6) For although it is almost definite that they have been gathered on the Festival, yet he permits them only to be received.

(7) Surely not!

(8) They are fresh but have been caught for some time.

(9) To keep them fresh, but which had really been gathered before the Festival.

(10) Of freshly gathered fruit.

(11) Since they were possibly gathered on the Festival.

(12) In order not to benefit from work performed on the Festival.

(13) V. Glos. I.e., if the fruit were brought from within the Sabbath limit.

Talmud - Mas. Beitzah 25a

but outside the tehumi it is prohibited. And what is brought [from outside the tehumi] for one

Israelite¹ is permitted for another Israelite.² Rabbah son of R. Huna said in Rab's name: If one stops up a pond [from a stream] on the eve of a Festival³ and on the following morning he finds fish therein, they are permitted.⁴ Said R. Hisda: From the words of our Master⁵ we learn [that] if a wild beast takes up its abode in an orchard, predetermination [of the young for the Festival] is not necessary.⁶ Said R. Nahman: Our colleague has fallen among the great.⁷ (Some say: Rabbah son of R. Huna said: From the words of our Master we learn [that] if an animal takes up its abode in an orchard predetermination is not necessary. Said R. Nahman: The son of our colleague has fallen among the great — There he has not performed an action⁸ [whereas] here he did perform an action.)⁹ Does it¹⁰ then not require [special] predetermination?¹¹ Surely it was taught: If an animal takes up its abode in all orchard it requires predetermination, and a free bird¹² must be tied by her wings¹³ so that it should not be mistaken for its mother, and this they averred in the name of Shemaiah and Abtalion! — This is [indeed] a refutation.¹⁴ Does it then require predetermination? Surely it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that if he determined on doves within the nest and finds them in front of the nest they are forbidden;¹⁵ this only applies to doves of a dovecote or doves of a loft and birds nesting in nests and pits;¹⁶ but geese, hens and Herodian doves¹⁷ and animals having their abodes in orchards are permitted and do not require predetermination; and a free-bird must be tied by its wings so that it should not be mistaken for its mother; and those that were tied up and those that have been handled,¹⁸ [if found] in pits, houses, dykes or trenches are permitted,¹⁹ but [if] on trees they are forbidden lest he climb up and pluck [fruit at the same time]; and those that are tied and those that have been handled, wherever they are found²⁰ are forbidden on account of robbery!²¹ — Said R. Nahman: There is no difficulty: the one applies to the young bird,²² the other to its mother.²³ Is then determination [alone] sufficient for the mother-bird; it still requires to be caught?²⁴ Rather said R. Nahman b. Isaac: Both treat of the young, but the one refers to a garden near the city²⁵ and the other refers to a garden which is not situated near [the city].

MISHNAH. ONE MAY SLAUGHTER [ON A FESTIVAL] AN ANIMAL AT THE POINT OF DEATH ONLY IF THERE IS TIME ENOUGH ON THAT DAY TO EAT THEREOF AS MUCH AS AN OLIVE OF ROASTED FLESH.²⁶ R. AKIBA SAYS: EVEN [IF THERE IS ONLY TIME TO EAT] AS MUCH AS AN OLIVE OF RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER.²⁷ IF HE SLAUGHTERED IT²⁸ IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE OR A BARROW,²⁹ BUT HE BRINGS IT IN PIECE BY PIECE IN HIS HAND.

GEMARA. Rami b. Abba said: Flaying and cutting up [is required] in the case of a burnt-offering,³⁰ and the same holds good with respect to butchers:³¹ the Torah teaches in this good breeding³² that one should not eat flesh before flaying and cutting up. What does he inform us?³³ If I were to say that it is to reject the opinion of R. Huna, who said: An animal, when alive, stands in the presumption of a forbidden object until you ascertain how it was slaughtered;³⁴ once it is slaughtered, it stands in the presumption of being permitted until it becomes known to you how it became trefa³⁵ — but surely we have learnt in our Mishnah as R. Huna, for we have learnt: R. Akiba Says: EVEN [IF THERE IS ONLY TIME TO EAT] AS MUCH AS AN OLIVE OR RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER; does it not mean literally 'from the place where it is slaughtered'?³⁶ — No, it [means] 'from the place where it digests the food'.³⁷ But R. Hiyya taught: [It means] literally 'from the place where it is slaughtered'? Rather, Rami b. Abba

(1) Who may not use it

(2) Since the law of *tehum* is only Rabbinical, the Rabbis were lenient (Rashi).

(3) So that no fish can come in.

(4) Although he did not know before the Festival that they had been trapped, for the fish in the pond are regarded as having been predetermined for use before the Festival.

(5) I.e., Rab.

(6) [They themselves are however forbidden since they need chasing, Asheri.]

- (7) He has made a statement about which there is great controversy.
- (8) The animal took up its abode of its own accord without the owner of the park enclosing it.
- (9) The act of stopping up. An action is a tacit predetermination.
- (10) An animal that took up its abode in an orchard.
- (11) As inferred by R. Hisda.
- (12) Living in a house as well as in a field.
- (13) [This kind of bird is very small so that the mother and its young are alike, hence a sign is necessary].
- (14) Of R. Hisda.
- (15) V. supra 11a.
- (16) So Rashi: Cur. edd.: 'And in a residence'.
- (17) V. supra p. 124, n. 1.
- (18) Before the Festival, and their owner recognizes them.
- (19) On the Festival.
- (20) On public property, even not on a Festival.
- (21) For the first person that handled them acquired ownership to them.
- (22) Which cannot escape.
- (23) Its mother, which is larger, requires predetermination.
- (24) And should be forbidden on the Festival.
- (25) The owner naturally would draw from that, and therefore he is regarded as having tacitly predetermined thereon.
- (26) Otherwise it would be preparing food on a Festival for the following day, which is forbidden.
- (27) I.e., from the neck without first having to flay the animal and cut it up.
- (28) Any animal.
- (29) This is not a way of paying due regard to the sanctity of the Festival.
- (30) Before the animal is placed on the altar; v. Lev. I, 6.
- (31) Before they sell the meat the animal must be flayed and cut up.
- (32) 'The way of the land'.
- (33) Does he merely teach good manners or state a prohibition? In the latter case, the reason would be that the animal might be found trefa (v. Glos.) when cut up, whence it follows that he regards an animal as a doubtful trefa even if nothing has been seen to cause this doubt.
- (34) The flesh is forbidden so long as it is not known that the animal was slaughtered according to prescribed ritual.
- (35) V. Glos. If a cause of trefa is discovered after shechitah, e.g., the lung is pierced, and it is not known whether this happened before shechitah or after, the animal is permitted. Cf. Hul. 9a. Thus he holds that we entertain no doubt at all once the animal is ritually slaughtered.
- (36) I.e., from the neck where flaying of the animal is not required. Hence we see that it is permissible to eat of the animal before it is flayed and cut up to discover any internal injury.
- (37) The word **טבה** has the wider significance 'to destroy and grind up', and under the term **בית טביחתה** the digestive organs are to be included, and in order to arrive at them, the animal must be cut up

Talmud - Mas. Beitzah 25b

merely teaches us good manners, as it was taught:¹ A man should not begin to eat leek or onion from the top side, but from the leaves; and if he did eat, he is a glutton.² Likewise, a man should not drink his cup of wine in one draught; and if he did so drink, he is a swiller. Our Rabbis taught: He who drinks his beaker in one draught is greedy, in two [draughts] is well-mannered, in three [draughts] is haughty. Rami b. Abba further said: The ivy³ cuts off the feet⁴ of criminals;⁵ the [law concerning] young trees⁶ cuts off the feet of butchers⁷ and of those cohabiting with menstruous women;⁸ the lupine⁹ will cut off the feet of the enemies¹⁰ of Israel, for it is said: 'And the children of Israel again did that which has evil in the sight of the Lord, and served the Baalim, and the Ashtaroth, and the gods of Aram, and the gods of Zidon, and the gods of Moab, and the gods of the children of Ammon, and the gods of the Philistines, and they forsook the Lord, and served him not.'¹¹ From the implication of 'and they forsook the Lord', do I not know that 'they served Him not'? Then why does the text say, 'and they served him not'? Said R. Eleazar: The Holy One, blessed be He, said:

My children have not even treated Me like the lupine¹² which is boiled seven times and eaten as a dessert.

A Tanna taught in the name of R. Meir: Why was the Torah given to Israel? Because they are impetuous.¹³ The School of R. Ishmael taught: 'At His right hand was a fiery law unto them';¹⁴ the Holy One, blessed be He, said: These are worthy to be given the fiery law. Some say: The laws of these are like fire, for had not the Law been given to Israel no nation or tongue could withstand them. And this is what R. Simeon b. Lakish said: There are three distinguished in strength [fierce]: Israel among the nations,¹⁵ the dog among animals, [and] the cock among birds. Some say: Also the goat among small cattle. And some say: Also the caper-bush¹⁶ among shrubs.

IF HE SLAUGHTERED IT IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE. Our Rabbis taught: A blind man may not go out [on a Festival] with his staff,¹⁷ nor a shepherd with his wallet, neither may a man or a woman go out in a palanquin. But it is not so! For R. Jacob b. Idi sent [word]: In our neighbourhood was an old man who was carried in his sedan-chair, and when they came and asked R. Joshua b. Levi [about this], he said: When a number of people need him it is permitted. And our Teachers relied on the words of Ahi Shakia who related: I brought¹⁸ R. Huna from Hini to Shili¹⁹ and from Shili to Hini; and R. Nahman b. Isaac narrated: I carried Mar Samuel from the sun into the shade and from the shade into the sun? — There it is as the reason stated: When a number of people need him it is permitted.

R. Nahman said to Hanna b. Adda, Zion's messenger:²⁰ When you go hither make a circuit and go over the Promontory of Tyre²¹ and visit R. Jacob b. Idi and ask him: What do you say with respect to a palanquin? Before he came there, R. Jacob b. Idi departed this life. When he arrived, he found R. Zerika. He asked him: How do you rule with respect to a palanquin? — He replied: Thus did R. Ammi say: [It is permissible] provided that he is not carried on the shoulders. What means 'provided that he is not carried on the shoulders'? — Said R. Joseph the son of Raba: By means of alanki.²² But it is not so, for R. Nahman permitted [his wife] Jaltha to be carried in a sedan-chair by means of alanki? — It is different with Jaltha for she was nervous.²³ Amemar and Mar Zutra were carried on the shoulders²⁴ on the Sabbath [preceding] the Festival²⁵ on account of nervousness, and some say, on account of troubling the public.²⁶

MISHNAH. IF A FIRSTLING²⁷ FELL INTO A PIT,²⁸ R. JUDAH SAYS: LET AN EXPERT GO DOWN AND INSPECT [IT];

(1) For we find even Tannaim giving instructions with respect to good manners.

(2) Likewise he who eats from the animal before it is flayed is a glutton.

(3) Used for boundary marks. The ivy is used for landmarks because its roots go straight down and do not obtrude into neighbouring land.

(4) I.e., convicts.

(5) Who perpetrate the removal of such landmarks.

(6) V. Lev. XIX, 23.

(7) Who eat of the flesh before the animal has been flayed and cut up and examined.

(8) I.e., before the woman has taken the ritual bath. As patience is required until the fourth year before the fruit is eaten, so We are to have patience and wait until the proper time before enjoying meat or conjugal privilege.

(9) The lupine is so bitter that it is not edible until it has been cooked seven times. So Israel has worshipped the seven idols mentioned in the following verse and was seven times chastened without amending.

(10) A euphemism for Israel itself.

(11) Judg. X, 6.

(12) The lupine after seven boilings is sweet, but although Israel has repented seven times and been forgiven, they still rebel and make me bitter towards them again.

(13) The Law was to discipline them.

- (14) Deut. XXXIII, 2.
- (15) But the Law tempers their strength.
- (16) Because of its rapid growing, for as soon as it is plucked it grows again. V. Shab. 30b.
- (17) Because of the disrespect to the Festival, since this is his everyday practice.
- (18) In a palanquin.
- (19) Hini and Shili are places in Babylon near Sura situated very close to each other.
- (20) He was so called because he frequently travelled to Palestine (Rash). Or, perhaps he was something like our modern **משוֹלָח** Palestine at this time was in a decaying state and needed support from abroad.
- (21) I.e., along the sea coast.
- (22) Poles used to carry burdens on the shoulders of two or more persons, Jast.
- (23) Of falling.
- (24) In the Beth ha-Midrash, to their seat. [MS.M. adds: by means of alanki].
- (25) When it was customary for them to lecture on the Festival laws.
- (26) Who would have to stand up and wait until these teachers made their way slowly through the crowd to the platform. But by being carried shoulder high (or by means of alanki) they were quickly carried through the gathering; cf., however, Sanh., Sonc. ed. p. 30, n. 4.
- (27) Which may be slaughtered in post-Temple days for consumption by priests only when it has a blemish which would disqualify it for the altar. V. Deut. XV, 19-22.
- (28) On a Festival, before the condition of its blemish was exactly known, and it is feared lest it die there.

Talmud - Mas. Beitzah 26a

IF IT HAD A BLEMISH¹ HE MAY BRING IT UP AND SLAUGHTER IT,² BUT IF NOT, HE MAY NOT SLAUGHTER IT. R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL, IT IS NOT MUKAN.³

GEMARA. Wherein do they differ?⁴ If we are to say that they differ as to whether one may examine blemishes [on a Festival], R. Judah holding: One may examine blemishes on a Festival, while R. Simeon maintains: One may not examine blemishes on a Festival, then let them dispute whether one may examine blemishes in general [on a Festival]!⁵ — It is especially necessary [to teach this] with respect to a firstling that fell into a pit; [for] you might have thought that on account of suffering of animals one might have recourse to an artifice and bring it up [from the pit] in accordance with R. Joshua,⁶ so he informs us [that it is not so]. If so, instead of HE MAY NOT SLAUGHTER IT, it should be stated, 'He may not bring it up⁷ and slaughter it!' — This [teaching] is necessary [only] where he transgressed and brought it [the animal] up; you might think that he may slaughter it, so he informs us [that it is not so]. [But how could he possibly] slaughter it? Surely it is without blemish! — This is necessary [concerning the case] where it received a blemish.⁸ But it is mukzeh!⁹ — Rather, [it treats of a case] where it received a temporary [transient] blemish on the eve of the Festival and now [on the Festival] it turned into a permanent blemish; you might have thought that he [the owner] had set his mind upon it¹⁰ and he may therefore slaughter it; so he informs us¹¹ [that it is not so]. Our Rabbis taught: A firstling without blemish that fell into a pit. R. Judah the Prince¹² says: Let an expert go down [the pit] and examine it; if it has sustained a blemish, he may bring [it] up and slaughter [it],¹³ but if not, he may not slaughter [it]. R. Simeon b. Menasia said to him: They [the Rabbis]¹⁴ indeed said: One may not examine blemishes on a Festival. How [is this]¹⁵ to be explained? If it received a blemish on the eve of the Festival,¹⁶ one may not examine it on the Festival;¹⁷ if it received a blemish

(1) Rashi: If the firstling sustained a defect before the Festival, but it was not known until now whether the defect was such as to disqualify it for the altar.

(2) For its owner probably intended before the Festival to slaughter it on the Festival.

(3) I.e., no expert may go down to examine it, because the pronouncing of the blemish by the expert is regarded by R. Simeon as preparing a vessel, since before the examination of the expert it could not be used on the Festival, or as sitting

in judgment, which is not permitted on a Festival (Rashi), v. infra 36a.

(4) It cannot be that they are disputing here with respect to mukzeh, because we have previously learnt that R. Judah prohibits mukzeh and R. Simeon permits it.

(5) Why particularly about a firstling that has fallen into a pit.

(6) V. Shab. 117b.

(7) Since on the present hypothesis this is the main purpose of the teaching.

(8) Through its fall.

(9) Since the firstling had no blemish before the Festival it may not be slaughtered on the Festival on account of mukzeh. V. Glos.

(10) On account of its temporary blemish.

(11) Since the blemish was of a temporary nature, it is regarded as if the firstling had no blemish at all and cannot be intended to be slaughtered.

(12) [Not to be confused with R. Judah in our Mishnah who is R. Judah b. Ila'i].

(13) R. Judah the Prince does not regard the firstling as mukzeh (Rashi).

(14) Of former generations.

(15) [The views of the Rabbis of former generations in which R. Simeon b. Yohai the teacher of R. Simeon b. Menasia is included].

(16) And it is not known whether the blemish was of a temporary nature or permanent.

(17) At the outset. But if it was examined, it may be slaughtered, since on the eve of the Festival it only lacked the expert's examination.

Talmud - Mas. Beitzah 26b

on the Festival, R. Simeon [b. Yohai] says: This is not mukan.¹ But they agree that if it is born [on a Festival] with a blemish it is regarded as mukan.²

Rabbah son of R. Huna expounded: If it is born with a blemish one may examine it at the outset on a Festival. R. Nahman said to him: My father taught: If he transgressed and examined it, it is an examination,³ and you say one may examine it at the outset'!

Abaye said: The opinion of Rabbah son of R. Huna⁴ is more acceptable, for it [the previous Baraitha] teaches three cases: [viz.,] 'If it received a blemish on the eve of the Festival you may not examine it on the Festival'; it is only at the outset that you may not [examine], but if it has been done it is well and good; 'If it received a blemish on the Festival, R. Simeon says: This is not mukan'? i.e., even if it has been examined it still may not [be slaughtered]; and then it states, 'But they agree that if it is born [on a Festival] with a blemish it is regarded as mukan', [i.e.,] even at the very outset.⁵ But surely when R. Oshaia came he brought with him the following teaching: Whether it received the blemish on the eve of the Festival, or whether it received the blemish on the Festival, the Sages⁶ say: This is not regarded as mukan!⁷ But then there is a contradiction from the other [Baraitha]!⁸ — The author of that Baraitha is Adda b. Ucmi who blunders in his teaching.⁹ R. Nahman b. Isaac said: Our Mishnah also proves this;¹⁰ for it states: R. Simeon says: WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL IT IS NOT MUKAN. What means ITS BLEMISH WAS NOT OBSERVED? If I were to say that no blemish was visible at all,¹¹ [then] it is obvious; need this be taught?¹² Therefore [it means] that it was not examined by an expert on the eve of the Festival whether it was a passing blemish or a permanent blemish. Nevertheless it teaches IT IS NOT MUKAN;¹³ understand therefrom [that it is so]. [R.] Hillel¹⁴ asked Raba: Does the law of mukzeh apply to a part¹⁵ of the Sabbath or not? How can such a contingency arise? If they [the fruit] were fit at twilight¹⁶ they were fit;¹⁷ and if [at twilight] they were not fit, then they are not fit!¹⁸ — It applies to a case where [at twilight] they were fit¹⁹ but afterwards became unfit²⁰ and then again became fit.²¹ What is the law?²² He replied to him: The law of mukzeh applies. He raised an objection: 'But they agree that if it is born with a blemish it is regarded as mukan';²³ but why? Let us say: This firstling was originally²⁴ fit through its mother;²⁵ when it was born, it became debarred

[from use];²⁶ on it being shown to an expert it became permitted!²⁷ — Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth].²⁸ Some teach: He replied to him: The law of mukzeh does not apply to a part of the Sabbath. Shall we say [the following] supports him? 'But they agree that if it is born with a blemish it is regarded as mukan'; now this firstling was originally fit through its mother; when it was born, it became debarred [from use]; on its being shown to an expert it became permitted! — Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth].

Come and hear: If one was eating grapes [on a Sabbath] and left some over, which he carried up on the roof to make from them raisins; [or was eating] figs and left some over which he carried up on the roof to make from them dry figs, he may eat of them [on the Festival] only if he had designated them before the Festival;²⁹ the same is true of peaches, quinces and other kinds of fruit.³⁰ Now what are the circumstances? If they were fit,³¹ why must he designate [them]? If [on the other hand] they were not fit, [then] what even if he does designate them?³² And if you say that he did not know³³ whether they were fit or not,³⁴ surely R. Kahana said: [Fruits] set aside [for drying] which had dried [before the eve of the Festival] even if the owners did not know it, are permitted!³⁵ Hence it must surely treat [of a case] where they were fit but [afterwards] became debarred from use and then again became fit, now if you maintain the law of mukzeh does not apply [to such a case] why is it necessary to designate them? — What then: the law of mukzeh does apply? Then what if he does designate them?³⁶ — Rather it treats of a case where they were only half fit,³⁷ some people eating them³⁸ and some not; if he designated them, he made known his mind,³⁹ [but] if he did not designate them he did not make known his mind. R. Zera said: Come and hear [an argument] from beans and lentils; for beans and lentils are in their raw state⁴⁰ fit for chewing; by putting them in a pot [for cooking] they become inedible;⁴¹

(1) And even if an expert did examine it, it still may not be slaughtered. For the reason v. supra p. 132, n. 9.

(2) Since the firstling was never in a condition of prohibition but from its birth was ready for use.

(3) I.e., his decision is valid.

(4) That it may be examined at the outset.

(5) If it were otherwise this clause should have been coupled with the first clause.

(6) I.e., R. Simeon.

(7) So that it is still possible to maintain that the teaching with respect to the firstling being born with a blemish refers only to a case de facto. How could then Abaye support the opinion of Rabbah son of R. Huna in face of this Baraita?

(8) Brought in support of Rabbah son of R. Huna. Which of these is the more authoritative?

(9) I.e., he is an unreliable authority.

(10) As supporting R. Oshaia.

(11) I.e., that it incurred no blemish at all.

(12) Even R. Judah, R. Simeon's disputant, would agree that it may not be slaughtered; for though he may hold that a blemish may be examined on a Festival, yet he maintains the law of mukzeh.

(13) Even in the case of de facto. Hence the last clause in the Baraita 'but they agree that if it is born with a blemish it is regarded as mukan' also refers only to a case de facto.

(14) A fourth century Amora.

(15) מְצִי = moiety or a part.

(16) Just before the Sabbath commences.

(17) And there was no part of the Sabbath during which they became mukzeh.

(18) And are certainly forbidden. — The question whether something was fit or not is always decided by its state at twilight.

(19) When for example fruits such as figs or grapes have been set apart for drying, i.e., to become dry figs or raisins, (during which process they are not edible) but at the commencement of the Sabbath the drying process had finished.

(20) Being swollen and puffed up by rain.

(21) The sun having dried them before the end of the Sabbath.

(22) Does the unfitness of part of the day render them mukzeh for the rest of the day?

- (23) V. supra.
- (24) I.e., at twilight.
- (25) Through the slaughtering of the mother-animal the embryo, though a firstling, is permitted even if it is unblemished. V. Deut. XV, 19.
- (26) Until an expert will establish the permanency of its blemish.
- (27) Hence this animal too was forbidden for a part of the day, yet it is not accounted mukzeh for the rest of day.
- (28) And immediately affirmed that it was a permanent blemish; hence at no time of the day was it mukzeh.
- (29) That if he would set aside fruits on the Sabbath or Festival to be dried, he should be allowed to eat them after they were dried.
- (30) V. Shab. 45a.
- (31) I.e., at twilight.
- (32) It is of no avail, for designation cannot change that which is mukzeh to mukan.
- (33) At twilight.
- (34) And as it was too much trouble for him to find out, he designated them by declaring, 'I will eat them to-morrow if they are fit'.
- (35) To be eaten without requiring any designation.
- (36) Why should they be permitted, since the unfitness intervened later.
- (37) Lit., 'fit and not fit'.
- (38) In this half fit condition.
- (39) That for him they were fit.
- (40) Lit., 'originally'.
- (41) So long as they are boiling. Lit., rejected (from use)'.

Talmud - Mas. Beitzah 27a

and when their cooking is finished they are [again] fit!¹ — Said Abaye to him: Then according to your reasoning,² cooked dishes in general present a difficulty; for usually dishes at twilight are seething³ and [yet] in the evening we eat them!⁴ But [the truth is] if they [can] become fit through human means, there is no question at all;⁵ our question⁶ is only when they become fit through heaven.⁷ R. Judah the Prince⁸ had a firstling and sent it [on the Festival] to R. Ammi.⁹ He however did not want to examine it. Said R. Zerika — some say, R. Jeremiah — to him: [In a dispute between] R. Judah and R. Simeon the halachah is as R. Judah!¹⁰ Afterwards he sent it to R. Isaac the Smith. He [too] did not want to examine it. Said R. Jeremiah — some say, R. Zerika — to him: [In a dispute between] R. Judah and R. Simeon the halachah is as R. Judah! Said R. Abba to him: Why did you not allow the Rabbis to act according to R. Simeon? He replied: What support have you?¹¹ — He said to him: Thus did R. Zera say: The halachah is as R. Simeon. A certain person exclaimed: May it fall to my lot to go thither [Palestine] and learn this teaching from the mouth of the Master. When he came thither he met R. Zera and asked him: Did you, Sir, say the halachah is as R. Simeon? — He replied to him: No, I [only] said, his view is to be preferred; for since our Mishnah states: R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED BEFORE THE FESTIVAL IT IS NOT MUKAN; and the Baraitha teaches the same in the name of the Sages,¹² it follows that his opinion is to be preferred. How then does the law stand? — Said R. Joseph: Come and hear; for it hangs on strong ropes;¹³ for R. Simeon b. Pazzi said in the name of R. Joshua b. Levi in the name of R. Jose b. Saul in the name of Rabbi in the name of the Holy Congregation of Jerusaiem:¹⁴ R. Simeon [b. Menasiah] and his contemporaries have said: The halachah is as R. Meir. They¹⁵ have said! But these¹⁶ are much older¹⁷ than he!¹⁸ — Therefore [say], They taught it according to the opinion of R. Meir.¹⁹ For we have learnt: If one slaughtered a firstling and [only] afterwards showed its blemish [to an expert], R. Judah permits²⁰ [it], but R. Meir says: Since it was slaughtered without the permission of an expert it is forbidden.²¹ Consequently R. Meir holds [that] the examination of a firstling is not like the examination of a trefa; [for] the examination of a firstling [must take place] during life, [but] the examination of a trefa [is done] after slaughtering. Hence [it follows that] the examination of a trefa [takes place] even on a Festival, [but] the examination of a

firstling [must take place only] on the eve of the Festival.²² Abaye said to him: Do they²³ then dispute there on the examining of blemishes [on a Festival]; [surely] they dispute whether he is to be penalized!²⁴ For Rabbah b. Bar Hana said in the name of R. Johanan: In the case of a cataract,²⁵ all agree that it [the animal] is forbidden, because it changes²⁶ [after slaughter]. They differ only with respect to a blemish in the body,²⁷ when R. Meir holds: We preventively prohibit a blemish in the body out of regard to a blemish in the eye;²⁸ while R. Judah is of the opinion: We do not preventively prohibit! Said R. Nahman b. Isaac: The Mishnah also proves [this]. For it states: R. Meir says, Since it was slaughtered without the permission of an expert it is forbidden; conclude therefrom that [R. Meir merely] penalizes [him]. It is thus concluded.

Ammi of Wardenat²⁹ used to examine the firstlings in the household of the Prince;³⁰ one [a blemish] occurred on a Festival, and he did not examine it. They came and told [this] to R. Ammi, who told then, He did right in not examining it. But it is not so! For R. Ammi himself did examine? — R. Ammi indeed examined it on the day before³¹

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- (1) Thus they are exactly parallel to the case under discussion, yet they are certainly permitted when cooked.
- (2) That food on the boil is treated as mukzeh.
- (3) And therefore unfit to be eaten.
- (4) [Despite the well-established principle that whatever is mukzeh at twilight remains mukzeh for the whole Sabbath].
- (5) About their becoming mukzeh through their momentary unfitness, Since it is in his power to make them fit — which explains why the beans and lentils as well as the cooked dishes referred to are not considered mukzeh.
- (6) Whether mukzeh applies to a part of the Sabbath.
- (7) I.e., through the heat of the sun over which he has no control.
- (8) I.e., R. Judah II.
- (9) To examine whether it had a permanent blemish so that it might be eaten by the priests who ate at the Prince's table.
- (10) And R. Judah, in one instance, allows to examine blemishes on a Festival. V. 'Er. 46b.
- (11) To decide the halachah according to R. Simeon.
- (12) R. Simeon's opinion is recorded in the Baraitha (supra 26b, 'when R. Oshaia came etc.') anonymously in the form of 'the Sages say' — this expression indicates that it is the majority ruling.
- (13) An idiom meaning, 'it is based on high authority'. The strong ropes are the great authorities. (Cf. the expression, 'It is well moored.') V. A.Z., Sonc. ed. p 34 n. 5. Aliter: High trees (v. Aruch).
- (14) V. R.H., Sonc. ed., p. 80, n. 9.
- (15) I.e., R. Simeon b. Menasiah and his contemporaries.
- (16) The Rabbis who formed the Holy Congregation of Jerusalem.
- (17) I.e., belong to an earlier generation.
- (18) I.e. R. Simeon b. Menasiah. And it is very unusual for such to report a halachah in the name of a very young man.
- (19) It is usual for older scholars to commend younger contemporaries by saying that their opinion coincides with the opinion of some great authority.
- (20) To be eaten if the examination proves the blemish to be permanent.
- (21) Even though the examination proved the blemish to be permanent. V. Bek. 28a.
- (22) Because the examination of the firstling is the allimportant thing and may not be performed on a Festival. Hence R. Judah is in a minority against the opinions of R. Meir and R. Simeon b. Yohai.
- (23) R. Meir and R. Judah.
- (24) So that even R. Meir may hold that a blemish may be examined on a Festival.
- (25) I.e., a skin on the pupil of the eye which gradually causes blindness.
- (26) Had the animal been examined before it was slaughtered, the blemish would have appeared transitory, whilst after slaughter it appears permanent.
- (27) Which does not vary with the slaughtering of the animal.
- (28) And this preventive prohibition is really a penalty for having slaughtered it without permission of an expert.
- (29) [On the Eastern Bank of the Tigris near Bagdad, Obermeyer p. 270.]
- (30) [In Palestine where Ammi had settled.]
- (31) The Festival to see whether the blemish was permanent.

Talmud - Mas. Beitzah 27b

and on the day of the Festival he only asked how it [the blemish] had come about; just as a certain man¹ brought a firstling before Raba on the eve of a Festival towards evening. Raba was sitting and combing his head; he lifted up his eyes and looked at the blemish and said to him: Go now, and come to-morrow. When he came on the following day, he asked him: How did it happen? He replied: Barley was strewn on the one side of the hedge and it [the firstling] was on the other side. As it wanted to eat thereof, it stuck its head [through the hedge] and the hedge tore its lip.² Said he to him: Perhaps you caused this intentionally? — He replied to him: No. And whence do you know that the intentional causing [of a blemish] renders it forbidden? — For it was taught: There shall not be any blemish therein,³ I only know that no blemish may be therein.⁴ Whence do I know that one may not indirectly cause [a blemish] to it through something, [for example] that he may not bring dough or pressed figs and put them on the ear in order that a dog may come and take it?⁵ The text says: 'Not any blemish'. It says 'blemish' and it says 'any blemish'.⁶

MISHNAH. IF A BEAST DIED [ON A FESTIVAL] IT MAY NOT BE MOVED FROM ITS PLACE. IT HAPPENED THEY ONCE ASKED R. TARFON CONCERNING THIS AND CONCERNING HALLAH⁷ THAT BECAME DEFILED;⁸ HE WENT INTO THE ACADEMY AND INQUIRED, AND THEY ANSWERED HIM: THEY MAY NOT BE MOVED FROM THEIR PLACE.

GEMARA. Shall it be said that we have learnt anonymously not as R. Simeon; for we have learnt: R. Simeon says: One may cut up gourds for cattle and a carcass⁹ for dogs. R. Judah says: If the animal was not yet dead on the eve of the Sabbath it is forbidden.¹⁰ — You can say it [the Mishnah] can even be as R. Simeon, [for] R. Simeon admits that living animals¹¹ that died [on the Sabbath] are forbidden.¹² This is all very well according to Mar b. Amemar in the name of Raba, who said: R. Simeon admits that living animals that died [on the Sabbath] are forbidden.¹³ But according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted, what is there to be said? — Ze'iri explained it with respect to a consecrated animal.¹⁴ [Our Mishnah] also proves this; for it teaches CONCERNING THIS AND CONCERNING HALLAH THAT BECAME DEFILED; just as hallah is consecrated, so is the animal [one that is] consecrated. Then the reason is that it was consecrated; but if [the animal was] not consecrated it is permitted;¹⁵ this is all very well according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted. But according to Mar b. Amemar in the name of Raba who says: R. Simeon agrees that living animals which died [on the Sabbath] are forbidden, what is there to be said?¹⁶ — It treats here of an [animal] that had been in a dangerous condition [on the eve of the Festival], and it is according to the opinion of all.¹⁷

MISHNAH. ONE MAY NOT ON THE FESTIVAL BE COUNTED IN AS HAVING A SHARE IN THE ANIMAL¹⁸ AT THE OUTSET, BUT [PEOPLE] MAY BE COUNTED IN ON THE EVE OF THE FESTIVAL AS HAVING A SHARE IN THE ANIMAL, AND THEY SLAUGHTER IT¹⁹ AND DIVIDE IT BETWEEN THEM.²⁰ GEMARA. What means ONE MAY NOT BE COUNTED IN AS HAVING A SHARE? — Said Rab Judah in the name of Samuel: One may not on a Festival, at the outset, arrange about the price of an animal.²¹ How should he do it?²² Said Rab: Let him²³ bring two animals²⁴ and place them side by side and say: 'This one is like the other one'.²⁵ It was Likewise taught:²⁶ One may not say to his neighbour: 'I want to go shares with you [in your animal] to the value of a sela', I want to go shares with you to the value of two sela's'; but he may say. 'I want to go shares with you for a half or for a third or for a fourth'.

(1) A priest.

- (2) Which counts as a permanent blemish.
- (3) Lev. XXII, 21.
- (4) I.e., one may not make a blemish.
- (5) And injure its ear.
- (6) I.e., 'blemish' alone would have sufficed; 'any' (Heb. kol) is an extension and therefore includes even indirect action.
- (7) V. Glos.
- (8) Which may not even be used as fuel on a Festival.
- (9) I.e., an animal that died on the Sabbath.
- (10) V. supra 6b.
- (11) I.e., animals that were healthy and strong at the beginning of the Sabbath.
- (12) To be moved on the Sabbath. R. Simeon allows an animal to be cut up for dogs only if the same were in a dangerous condition on the eve of the Sabbath or Festival.
- (13) V. Shab. 45b.
- (14) Which is forbidden to be given to dogs, hence it may not be moved at all, since no use can be made of it.
- (15) To cut it up for dogs on Sabbath.
- (16) Whose opinion will our Mishnah represent.
- (17) Since the owner reckoned on it dying, he intended to give it to the dogs; therefore it was mukan. [Var. lec. omit: 'And it is according to . . . all'. I.e., the Mishnah which implies that the carcass of a non-consecrated animal that has been in a dangerous condition may be cut up on the Festival is in accordance with R. Simeon, v. Rashi. On the reading of cur. edd., the Mishnah can be also in accordance with R. Judah; for he would agree that, where it had been in a dangerous condition before the Festival, it may be cut up on the Festival, his dispute with R. Simeon concerning only an animal that had been ill but not dangerously so, v. R. Nissim.]
- (18) In doing so, it would be like transacting business on a Festival, because they would know its weight and market value.
- (19) On the Festival, leaving over the question of price etc. until after the Festival.
- (20) [Rashi: 'He (the butcher) slaughters it'].
- (21) As it savours of transacting business. V. infra 37a.
- (22) Referring to the second clause of the Mishnah. How do they divide it on a Festival so that they should know afterwards how much each received?
- (23) [On Rashi's reading (p. 141, n. 7): 'How should the butcher do to be able to fix the price after the festival'].
- (24) Of equal value, only one of which is to be slaughtered and shared.
- (25) And after the Festival they arrange the price of the one that was not slaughtered and pay their shares pro rata for the one that was slaughtered.
- (26) That no price may be fixed on a Festival.

Talmud - Mas. Beitzah 28a

MISHNAH. R. JUDAH SAYS: A MAN MAY WEIGH MEAT [ON A FESTIVAL] AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER;¹ BUT THE SAGES SAY: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL.

GEMARA. What means [NOT] AT ALL? — Said Rab Judah in the name of Samuel: even to protect it [the flesh] from mice² Said R. Idi b. Abin: This only applies if it [the scales] hang on a hook.³ Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] even by hand.⁴ Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] in water.⁵ Rab Hiyya b. Ashi said: One may not cut a handle in the meat.⁶ Said Rabina: But with the hand⁷ it is permitted [to make a handle]. R. Huna said: It is permitted to make a mark on the meat,⁸ just as Raba son of R. Huna was wont to cut it [the meat] in a triangular shape.⁹ R. Hiyya and R. Simeon b. Rabbi weighed one portion against [another] portion¹⁰ on the Festival.¹¹ According to whom? It is neither according to R. Judah nor according to the Rabbis! For if according to R. Judah, Surely he says: A MAN MAY WEIGH MEAT [ON A FESTIVAL]

AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER; only against a utensil but not against any other thing!¹² And if according to the Rabbis, surely they say: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL! — They acted as R. Joshua. For it was taught: R. Joshua says: One may weigh one portion [against] another portion on a Festival. Said R. Joseph: The halachah is as R. Joshua, since we learnt in [Tractate] Bekoroth in accordance with his view. For we have learnt: As to consecrated animals that became disqualified, the benefit of them belongs to the Temple,¹³ and one may weigh [the meat] portion against portion in the case of the firstling.¹⁴ Said Abaye to him: Perhaps it is not so?¹⁵ [Perhaps] R. Joshua says this¹⁶ only here¹⁷ where there is no disrespect to consecrated animals, but not there¹⁸ where there is a disrespect to consecrated animals. Alternatively, [perhaps] the Rabbis said this¹⁶ only there¹⁸ because it does not appear as everyday practice,¹⁹ but not here²⁰ which appears like an ordinary transaction.²¹ Shall it be said that they²² were very particular [with each other]; but there were seven fishes brought to the house of Rabbi and [although] five of them were found in the house of R. Hiyya, yet R. Simeon b. Rabbi did not mind? — Answered R. Papa: Link a [different] person with each of them;²³ either it was R. Hiyya and R. Ishmael son of R. Jose or it was R. Simeon b. Rabbi and Bar Kappara.

MISHNAH. ONE MAY NOT WHET A KNIFE ON A FESTIVAL,²⁴ BUT ONE MAY DRAW IT OVER ANOTHER KNIFE²⁵ [TO SHARPEN IT].

GEMARA. R. Huna said: They only taught this of a whet-stone, but it is permitted on a knife-board. Said Rab Judah in the name of Samuel: That which you say that on a [whet-]stone it is forbidden, applies only to sharpening it, but to remove its grease is permitted; whence it follows that on a knife-board even sharpening is permitted. Some taught this²⁶ on the concluding part: 'it is permitted on a [knife-]board'. — Said Rab Judah in the name of Samuel: That which you said that on a [knife-]board it is permitted, applies only to the removal of its grease, but to sharpen it is forbidden; whence it follows that on a whet-stone even to remove its grease is forbidden. Some taught this on our Mishnah: ONE MAY NOT WHET A KNIFE ON A FESTIVAL. Said Rab Judah in the name of Samuel: They only taught this with respect to sharpening it, but to remove its grease is permitted; whence it follows that to draw it over another knife is permitted even for the purpose of sharpening it. And others taught this on the concluding part [of our Mishnah]: BUT ONE MAY DRAW IT OVER ANOTHER KNIFE. Said Rab Judah in the name of Samuel: They only taught this with respect to removing its grease, but to sharpen it, is prohibited; whence it follows that on a whet-stone even to remove its grease is prohibited.

Who is the authority [of our Mishnah] that on a whet-stone it is forbidden? Said R. Hisda: It is not as R. Judah; for it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits [on a Festival] even the preliminaries for the preparing of food.²⁷ Raba said to R. Hisda: May we lecture in your name that the halachah is as R. Judah? — He replied to him: May it be [God's] will that you lecture all good things of this sort in my name. R. Nehemiah the son of R. Joseph said: I was standing [on a Festival] before Raba who

(1) Putting the meat in one pan of the scale and the utensil in the other. But actual weights may not be used, as it would look like doing business.

(2) Meat may not be put in scales even for that.

(3) It is then prohibited because it appears as if the meat is being weighed.

(4) Because he does the same during the week.

(5) The water being placed in a graduated vessel used for weighing meat by observing the displacement of the water.

(6) A hole by which it is handled.

(7) By digging the fingers into the meat.

(8) So that its ownership might not be mistaken.

(9) When he sent it by a messenger, in order that his household might recognize it, because meat temporarily lost from sight is prohibited. V. B.M. 23a, Sonc. ed. p. 146, n. 5.

- (10) When they used to divide meat between them.
- (11) In the two pans of a scale. This is not an everyday practice, therefore they held it is permitted.
- (12) Such as one portion against another portion which he regards as an everyday practice.
- (13) And therefore they may be sold even by weight.
- (14) Though it may not be weighed with ordinary weights, because the benefit belongs not to the Temple but to the owner, yet weighing portion against portion is permitted. This proves that weighing portion against portion is not an everyday practice.
- (15) Perhaps the two cases are not analogous, as has been assumed.
- (16) That one may weigh portion against portion.
- (17) In the case of a Festival.
- (18) In the case of a firstling.
- (19) Because one does not usually sell meat by employing another piece of meat as the weight, and the law of disqualified sacred animals refers to the sale of their meat.
- (20) With respect to the division of the meat between the two Rabbis.
- (21) For it is not unusual for divisions to be made in this manner and therefore they would forbid this on a Festival.
- (22) R. Hiyya and R. Simeon b. Rabbi who divided the meat exactly between them.
- (23) Do not say it was these two who were particular about having an equal share, but bring in somebody else.
- (24) On a whet-stone.
- (25) Because such a method is different from the everyday practice.
- (26) Statement of Rab Judah.
- (27) And sharpening a knife is such a preliminary.

Talmud - Mas. Beitzah 28b

was stropping a knife on the edge of a basket and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, only he was of the opinion: Thus is the halachah but one does not teach it [publicly].¹

Abaye also related: I was standing before the Master² who was stropping a knife on the edge of a mill and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? — And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, but he was of the opinion, Thus is the halachah but one does not teach it [publicly]. The scholars asked: May one show a knife on a Festival to a sage?³ — R. Mari the son of R. Bizna permits, and the Rabbis forbid [it]; but R. Joseph says: A scholar may examine [a knife] for himself⁴ and lend it to another. R. Joseph further said: If a knife became blunt⁵ it may be sharpened on a Festival; and this applies only in the case when it can cut with difficulty.⁶ R. Hisda — some say, R. Joseph — lectured: With respect to a knife dented⁷ and a spit with the point broken off⁷ and the sweeping out of a stove and a pot range⁸ on a Festival we come to the dispute between R. Judah and the Rabbis. For it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits even the preliminaries for the preparing of food. What is the reason of the first Tanna?⁹ Scripture says, ‘that alone may be done for you,’¹⁰ [only] ‘that’ but not the preliminaries [for the preparation]. And R. Judah? — The text says, ‘for you’ for you [means] for all your needs. And the first Tanna; surely it says ‘for you’?¹¹ — He will reply to you: That [text] ‘for you’ [signifies] but not for a heathen. And the other;¹² surely it also says ‘that [alone]’? — He will reply to you: ‘That’ is written and ‘for you’ is written, yet there is no contradiction; the one applies to preliminaries which can be performed before the Festival,¹³ and the other to preliminaries which cannot be performed before the Festival.¹⁴ Rab Judah in the name of Samuel said: One may not repair a bent spit on a Festival. This is obvious! — It [the teaching] is necessary even when one can straighten it with the hand.¹⁵

Rab Judah in Samuel's name further said: A spit which was used for roasting meat may not be

handled on the Festival.¹⁶ R. Adda b. Ahabah said in the name of Malkio: He pulls it out [of the joint] and puts it in a corner.¹⁷ Said R. Hiyya b. Ashi in R. Huna's name: Providing there is as much as an olive of meat on it. Rabina says: It [the spit] may be handled even though there is no meat on it at all, for it is analogous to the case of a thorn in a public ground.¹⁸ R. Hanina¹⁹ son of R. Ikka said: [The teachings on] a spit,²⁰ bondmaids,²¹ and hair-pits²² are by R. Malkio; whereas those on belorith-tresses,²³ wood-ashes²⁴ and cheese²⁵ are by R. Malkia.²⁶ R. Papa says: If referring to a Mishnah or a Baraitha²⁷ it is [by] R. Malkia, [but] independent teachings²⁸ are by R. Malkio; and as a mnemonic make use of: The Mishnah is queen.²⁹ Wherein do they differ? They differ in regard to bondmaids.³⁰ MISHNAH. A MAN MAY NOT SAY TO A BUTCHER, 'WEIGH ME A DINAR'S WORTH OF MEAT',³¹ BUT HE SLAUGHTERS [THE ANIMAL] AND SHARES IT AMONG THEM.³²

GEMARA. What is he to do?³³ — As

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- (1) So that people might not treat Festivals lightly.
 - (2) Rabbah.
 - (3) Before slaughtering the animal, the knife must be examined by a sage or an expert to assure that it is free from the slightest notch.
 - (4) At home.
 - (5) But there was no sign before the Festival that the knife needed sharpening.
 - (6) I.e., it was not badly blunt so that it would not require much sharpening; otherwise it is forbidden.
 - (7) On the Festival.
 - (8) I.e., sweeping out plaster which had fallen from its walls before the Festival, but which was only just noticed.
 - (9) I.e., the Rabbis.
 - (10) Ex. XII, 16. E.V. 'by you'.
 - (11) Signifying 'for all your needs'.
 - (12) R. Judah.
 - (13) Such 'are forbidden as implied in 'that'.
 - (14) Such are permitted as implied in 'for you'.
 - (15) Without beating it on an anvil. I might think that that does not constitute work.
 - (16) I.e., it may not be taken out of the joint but the meat is carved from it on the spit; for the spit becomes mukzeh on account of its unseemliness.
 - (17) Thrust out of harm's way, but not taken there (Rashi).
 - (18) Which one may remove on a Sabbath, to prevent danger to the public, by carrying it repeatedly short distances, each of which is to be less than four cubits. Similarly the spit may be taken to a place where it can do no harm,. Cf. Shab. 42a.
 - (19) In the parallel passage in Mak. 21a. It is R. Nahman.
 - (20) Quoted above, allowing the greasy spit to be put into a corner.
 - (21) R. Eliezer says (in a Mishnah), even if a wife brought with her one hundred maids of her own, the husband can still insist on her doing work with wool on the ground that idleness is demoralizing. On this R. Malkio comments, the halachah is as R. Eliezer. V. Keth. 59b and 61b.
 - (22) In Nid. 52a R. Huna says that the two hairs proving puberty must be set in pitlets. On this R. Malkio comments that the pitlets alone even without the hairs are sufficient indication of puberty.
 - (23) In A.Z. 29a a Baraitha teaches that when an Israelite cuts the hair of a heathen, he should refrain from touching the top-tresses (or crown-lock) because these were usually consecrated to some deity. On this R. Malkia comments that the Israelite should begin to withdraw his hand at a distance of three fingers breadth on every side. On belorith V. Krauss. T.A. I., 645. Cf also Sanh., Sonc. ed. p. 114, n. 5.
 - (24) In Mak. 21a. R. Malkia says that it is prohibited to powder one's wound with burnt wood ash, because it gives the appearance of an incised imprint which is forbidden according to Lev. XIX, 28.
 - (25) In A.Z. 35b, R. Malkia, in a discussion why the cheese of a heathen is forbidden (in the Mishnah) says that it is forbidden because its surface is smeared with lard.
 - (26) The two names Malkio and Malkia can easily be interchanged, hence these two groups were given to assist the memory.

(27) Heb. Mathnitah.

(28) I.e., opinions and dicta heard from eminent teachers and reported by their disciples or visiting scholars as distinguished from what is taught in Mishnah and Baraitha.

(29) The name of the one associated with a Mishnah (and Baraitha) is R. Malkia which name closely resembles the Aramaic word for 'queen'-malketha.

(30) According to R. Hanina it is attributed to R. Malkio, while according to R. Papa, since it has a reference to a Mishnah, it is attributed to R. Malkia.

(31) The mentioning of money is disallowed.

(32) Without mentioning money.

(33) In order to get the quantity he desires.

Talmud - Mas. Beitzah 29a

in Sura they say,¹ '[Give me] a tirta² or half a tirta'; in Naresh³ they say, '[Give me] a helka² or half a helka; in Pumbeditha they say, '[Give me] an uzya² or half an uzya'; in Nehar Pekod⁴ and in Matha Mehasia⁵ they say, '[Give me] a rib'a² or half a rib'a.

MISHNAH. A MAN MAY SAY [ON A FESTIVAL] TO HIS NEIGHBOUR, 'FILL ME THIS VESSEL', BUT NOT IN A MEASURE. R. JUDAH SAYS: IF IT WAS A MEASURING-VESSEL HE MAY NOT FILL IT. IT IS RELATED OF ABBA SAUL B. BATNITH THAT HE USED TO FILL UP HIS MEASURES ON THE EVE OF A FESTIVAL AND GIVE THEM TO HIS CUSTOMERS ON THE FESTIVAL. ABBA SAUL SAYS: HE USED TO DO SO DURING THE INTERMEDIARY DAYS OF A FESTIVAL⁶ TOO, ON ACCOUNT OF THE CLEARNESS OF MEASURE;⁷ BUT THE SAGES SAY: HE USED ALSO TO DO SO⁸ ON AN ORDINARY DAY FOR THE SAKE OF THE DRAINING OF THE MEASURES.⁹ GEMARA. What means BUT NOT IN A MEASURE? — Said Rab Judah in Samuel's name, But not in a vessel set aside as a measure; but one may fill a vessel held in reserve¹⁰ for measuring.¹¹ Whereupon R. Judah said: One may not fill even a vessel held in reserve as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient; but we know of them to the contrary! For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: One may not look on the pair of scales at all;¹² which proves [that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis! — R. Judah is not self-contradictory, [for] there¹³ [it treats of a vessel] not held in reserve as a measure,¹⁴ whereas here [it treats of a vessel] which is held in reserve as a measure. The Rabbis too are not self-contradictory, [for] there¹³ he acts as one acts on an ordinary day,¹⁵ [but] here he does not act as one acts on an ordinary day.¹⁶ Raba says: What means BUT NOT IN A MEASURE? [It is] that he may not mention to him the name of the measure;¹⁷ but one may fill a vessel appointed as a measure. Whereupon R. Judah said: One may not fill a vessel appointed as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient, but we know of them to the contrary! For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: You may not look on the pair of scales at all, which [proves that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis! — R. Judah is not self-contradictory, [for] there it is not appointed as a measure, [but] here it is appointed as a measure. The Rabbis too are not self-contradictory, [for] there he acts as one acts on an ordinary day, [but] here he does not act as one acts on an ordinary day; for People are accustomed to pass wine in a measuring-vessel and drink [therefrom].¹⁸

IT IS RELATED OF ABBA SAUL B. BATNITH. A Tanna taught: He also used to act thus during [the Intermediary Days of] a Festival on account of disturbing [study] in the Academy.¹⁹ Our Rabbis taught: He collected three hundred jugs of wine from the foam of the measures,²⁰ and his

associates collected three hundred jugs of oil from the drops of the measures,²¹ and they brought them to the treasurers [of the Temple] in Jerusalem,²² who said to them: There is no need for you to [do] this.²³ They replied to them: We too will have none of it. They said to them: Since you act so stringently with yourselves then apply it to public purposes; for it was taught: If one robbed and he does not know whom he robbed,²⁴ he must apply it to public purposes. What are such? — Said R. Hisda: Wells, ditches and grottos.²⁵ R. Hisda took Rabana Ukba about and lectured:²⁶ A man may not measure barley on a Festival and give it to his animal, but he may scoop up [with his hand] a kab-full or two kabs-full and give it to his animal without fear.²⁷ And the baker may measure spices and put them in his pot so as not to spoil the dish.²⁸ R. Jeremiah b. Abba said in Rab's name: A woman may measure flour on a Festival and make it up into dough in order that she may separate hallah²⁹ generously, but Samuel says: It is forbidden. But the School of Samuel taught:³⁰ It is permitted! — Said Abaye: Now that Samuel says: It is forbidden, and the School of Samuel taught: It is permitted,

(1) When asking for meat on a Festival.

(2) According to Rashi these terms are technical names of the pieces of meat which were carved for retailing. They had different names in different places.

(3) Identical with Nahras or Nahr-sar, on the canal of the same name, on the east bank of the Euphrates. Obermeyer, p. 307.

(4) West of Mehuza, identical with Nehar Malka, situated on the canal of the same name on the west bank of the Tigris. Obermeyer, pp. 273, 275.

(5) A suburb of Sura. V. Obermeyer, p. 297.

(6) The second (or third) to the sixth days of Passover and the second (or third) to the seventh days of Tabernacles.

(7) So that the froth might settle, thus assuring correct measure, or that the sediment might remain in the measuring vessel. [Var. lec. omit: ON ACCOUNT...MEASURE, v. Rashi.]

(8) I.e., fill the measures a day before.

(9) Lit., 'squeezing', 'wringing out'. He placed his measuring-vessels a-tilt over the vessels of the customers so that no drop should be left behind in the measuring-vessel.

(10) **העומד למדה**, Lit., 'which stands for measuring'. [MS.M. **העומד על**, i.e., a vessel which has the capacity of a certain measure but not intended to be used for measuring, v. D.S.]

(11) In case the real measure is broken or lost; but as yet this reserve has never been used for the purpose.

(12) Supra 28a.

(13) In the case of weighing meat.

(14) The utensil and the hatchet are not vessels serving as weights.

(15) When the weights are not at hand the butcher often uses his implements as weights.

(16) For the new vessel was not yet regarded as a measure (Rashi). [This is difficult: On the reading of MS.M. (supra n. 1): For the vessel is not intended for measuring.]

(17) E.g., pints, quarts or gallons, but only 'fill this vessel'.

(18) Therefore the filling of such a vessel has not at all the appearance of a sale.

(19) He filled up the measures during the night in order that he may be free to lecture on the day of the Festival. [This might be taken as supplementing the reason stated in the Mishnah: He filled them during the night so that he should not have to wait for the froth to settle and be free to lecture, v. Rashi and supra p. 148, n. 10.]

(20) By not removing the froth he saved so much on each measure. In that way he found that he had saved three hundred jugs full.

(21) By not leaving the measuring vessel to run out into the funnel.

(22) They thought it belonged to their customers. For the whole story cf. Buchler, Types, p. 144.

(23) I.e., to deliver this, since the purchasers have waived all claim thereto.

(24) To whom he wishes to make restitution.

(25) And thus provide water to the general public among whom the robbed person is to be found. Cf. B.K. 94b.

(26) **אדבריה**. V. Supra p. 111, n. 3.

(27) That he is desecrating the Festival thereby.

(28) Which might occur if he merely guessed at the measure.

(29) V. Glos.

(30) [Rashi: Like R. Hiyya and R. Oshaia, Samuel too had compiled a collection of Tannaitic teachings.]

Talmud - Mas. Beitzah 29b

then Samuel's purpose is to inform us the halachah for actual practice.¹ Our Rabbis taught: One may not [sift] flour a second time² on a Festival. In the name of R. Papeus and R. Judah b. Bathyra they said: One may [sift it] a second time;³ but they agree that if a pebble or a splinter fell in, one may sift it again.

A tanna recited in the presence of Rabina: One may not [sift] flour a second time on a Festival, but if a pebble or a splinter fell in, he may pick it out with his hand. He said to him: All the more this is forbidden, because it is in the nature of selecting.⁴ Raba⁵ the son of R. Huna Zuti expounded at the gate of Nehardea: One may [sift] flour a second time on a Festival. R. Nahman said to them [his disciples]: Go and say to Abba,⁶ 'Take your favours and throw them on thorns';⁷ come and see how many sieves are being used in Nehardea. The wife of R. Joseph sifted flour on an inverted sieve.⁸ He said to her: Take notice that I want good bread.⁹ The wife of R. Ashi sifted flour on the top side of the table. Said R. Ashi: This my [wife] is the daughter of Rami b. Hama, and Rami b. Hama was a man of [pious] deeds, and unless she had seen this in the home of her parents, she would not have done it.

MISHNAH. A MAN MAY GO TO A SHOPKEEPER WHOM HE GENERALLY PATRONIZES¹⁰ AND SAY TO HIM: 'GIVE ME [SO MANY] EGGS AND NUTS, AND STATING THE NUMBER; FOR THIS IS THE WAY OF A HOUSEHOLDER TO RECKON IN HIS OWN HOME.'¹¹

GEMARA. Our Rabbis taught: A man may go to a cattledealer whom he generally patronizes and say to him: Give me one kid or one lamb; to a butcher whom he generally patronizes and say to him: Give me one shoulder or one leg; to a poultry breeder whom he generally patronizes and say to him: Give me one dove or one pigeon; to a baker whom he generally patronizes and say to him: Give me one loaf or one roll; and to a shopkeeper whom he generally patronizes and say to him: Give me twenty eggs, or fifty nuts, or ten peaches, or five pomegranates, or one Ethrog; provided that he does not mention any measure.¹² R. Simeon b. Eleazar says: Provided that he does not mention any sum of money.

CHAPTER IV

MISHNAH. WHEN ONE TAKES JARS OF WINE FROM PLACE TO PLACE, HE MAY NOT CARRY THEM IN A BASKET OR IN A HAMPER,¹³ BUT HE MAY CARRY [THEM] ON HIS SHOULDER OR IN FRONT OF HIM. LIKEWISE, ONE WHO CARRIES STRAW MAY NOT LET THE BUNDLE [OF STRAW] HANG DOWN OVER HIS BACK, BUT MUST CARRY IT IN HIS HAND; AND ONE MAY START [USING] A HEAP OF STRAW,¹⁴

(1) Although theoretically it is permitted, still one should not decide accordingly. Cf. supra 28b.

(2) For this could have been done before the Festival.

(3) The sifting a second time is not considered work.

(4) Which is forbidden on Sabbaths and Festivals. Cf. Shab. 73a.

(5) Var. lec.: Rabbah.

(6) I.e., to my colleague (Rashi). [Abba is a familiar appellation of Raba (Rabbah), whereby he could be addressed only by a colleague. As R. Nahman could hardly have been his colleague, preference is to be given to MS. M. which reads R. Hama, the head of the Nehardea School at the time; v. Hyman, Toledoth p. 1074].

(7) All know without this that it is allowed. Cf. B.K. 83a; B.M. 63b. V. Keth., Sonc. ed. p. 313, n. 7.

- (8) In an unusual way.
- (9) You can therefore sift it in the usual way.
- (10) Who would trust him to settle the reckoning after the Festival. Lit., 'with whom he is often'.
- (11) Hence mentioning the number does not particularly give it the appearance of purchase.
- (12) E.g., pints, quarts or gallons.
- (13) For this is the usual way of carrying it.
- (14) On a Festival even though he did not designate it before the Festival.

Talmud - Mas. Beitzah 30a

BUT [ONE MAY] NOT [START USING WOOD] FROM A PENT-HOUSE.¹

GEMARA. A Tanna taught: If it is impossible [to carry it] in an unusual way,² it is permitted [to carry in a basket or hamper]. Raba enacted in Mehuza: Whatever [load] one [usually] carries with a great effort,³ must be carried [on a Festival] on a carrying pole;⁴ whatever is [usually] carried on a carrying-pole is to be carried [on a Festival] by a yoke;⁴ whatever is [usually] carried by a yoke, is to be carried [on a Festival] by a hand-barrow;⁴ whatever is [usually] carried by a hand-barrow [on a Festival] a cloth is to be spread over it;⁵ but if it is impossible [to vary the usual procedure] it is permitted, for a Master said: If it is impossible [to carry it] in an unusual way it is permitted. R. Hanan b. Raba⁶ said to R. Ashi: Did the Rabbis say that on a Festival [every work] as far as possible should be done in an unusual way? But these [our] women fill their pitchers with water on a Festival without any alteration and we do not say anything to them! He replied to him: Because it is impossible [in any other way]. [For] how should it be done? If [a woman], who usually draws water in a large pitcher, should have to draw in a small pitcher, then she would have to do more walking!⁷ If [a woman], who [usually] draws in a small pitcher, should have to draw in a large pitcher, then you would increase her burden! Should she cover the vessel with a [wooden] lid, it might fall off and she will have to carry it!⁸ Should she bind it fast, it might become unfastened and she would be caused to tie it up again!⁹ Should she spread a cloth over it,¹⁰ it might become soaked in water and she be led to wring it out!¹¹ Therefore, it is impossible [otherwise]. Raba son of R. Hanin said to Abaye: We have learnt: You may not clap the hands or slap the thighs or dance;¹² and yet we indeed see that [people] do this and we do not take them to task! — He replied to him: And according to your opinion, that which Rabbah said: A man may not sit down at the entrance of the lehi¹³ lest an object should roll away and he come to carry it [four cubits in a public thoroughfare];¹⁴ yet there are these women who take their waterugs and go and sit at the entrance of an alley and we do not say anything to them! But let Israel [go their way]: it is better that they should err in ignorance than presumptuously;¹⁵ here also [I say], Let Israel go their way: it is better that they should err in ignorance than presumptuously. This, however, applies only to a Rabbinical [prohibition] but not to a Biblical [prohibition]. But it is not so; whether it [the prohibition] is Biblical or Rabbinical we do not tell them anything; for the additional time to the Day of Atonement is a Biblical injunction,¹⁶ yet people eat and drink until dusk and we do not say anything to them.

AND ONE MAY START [USING] A HEAP OF STRAW. Said R. Kahana: This proves that one may start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Simeon who does not hold [the law of] mukzeh. Then consider the last clause: **BUT [ONE MAY] NOT [START USING STORED] WOOD FROM A PENT-HOUSE;** this is in accordance with R. Judah who holds [the prohibition of] mukzeh. — We treat here of cedar and cypress wood which are mukzeh on account of monetary loss,¹⁷ where even R. Simeon agrees. Some recite this in reference to the last clause [thus]: **BUT NOT FROM WOOD FROM A PENT-HOUSE.** Said R. Kahana: This proves that one may not start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Judah who holds the prohibition of mukzeh. Then consider the first clause: **ONE MAY START [USING] A HEAP OF STRAW;** this is in accordance with R. Simeon who does not hold mukzeh! — There it speaks of rotted straw.¹⁸ Rotted

straw is indeed capable of being used for clay!¹⁹ — When there are thorns in it.²⁰

(1) Lit., 'which is in the mukzeh (stored away)'. The wood stored there is usually for building purposes and not for fuel, hence it is mukzeh.

(2) If e.g., he needs a great quantity.

(3) On a handspike.

(4) Commentators disagree about these terms. Cf. D.S. ad loc.

(5) Some kind of deviation, so that what is being carried is not seen.

(6) [R. Hanan b. Raba was no contemporary of R. Ashi and hence read with MS.M.: Raba b. Hanin said to Abaye.]

(7) She would have to go several times to draw the water to the amount she requires.

(8) [Var. lec.: It might break and she will carry the fragments, v. Ronsburg, Glosses].

(9) And it is forbidden to make a knot on a Festival, when the knot is in the nature of a repair.

(10) V. supra p. 153, n. 7.

(11) Which is forbidden.

(12) These are forbidden on a Festival as a preventive measure lest he fit up instruments of music. V. infra 36b.

(13) The post of an alley.

(14) Carrying in the alley is permitted, the post converting it by a legal fiction into a private residence. But carrying in the public thoroughfare is of course forbidden.

(15) And therefore we do not tell them this, since in any case they would go on doing the same thing.

(16) The injunction against eating, etc. commences a little before evening, and in Yom. 81b (q.v.) it is deduced that this addition is required by Scriptural law.

(17) They are too good to be used as fire-wood and are only intended for building purposes.

(18) Which being unfit for fodder is automatically intended as fuel, and therefore is not mukzeh.

(19) For building; hence it cannot be regarded as automatically intended for fuel.

(20) Which render it unfit for kneading into clay.

Talmud - Mas. Beitzah 30b

MISHNAH. ONE MAY NOT TAKE WOOD FROM A HUT BUT ONLY FROM [WHAT IS] ADJACENT TO IT.¹

GEMARA. Why may he not [take wood] from the hut?² because he thereby demolishes a tent!³ Then [if he takes it] from what is adjacent thereto he likewise demolishes a tent!⁴ — Said Rab Judah in Samuel's name: By the term adjacent understand adjacent to the walls.⁵ R. Menasiah says: You can even say that they are not adjacent to the walls,⁶ but this was taught with respect to [tied] bundles.⁷

R. Hiyya son of Joseph recited in the presence of R. Johanan: One may not take wood [on a Festival] from a hut but only from what is adjacent to it, and R. Simeon permits it. They agree, however, with respect to a Tabernacle on the Feast of Tabernacles that it is forbidden;⁸ but if he stipulated concerning it,⁹ everything depends upon his reservation.

'And R. Simeon permits it;' but surely he is pulling down a tent! — Answered R. Nahman b. Isaac: We treat here of a collapsed hut and R. Simeon follows his opinion, for he does not hold the prohibition of mukzeh.¹⁰ For it was taught: The oil left over in a lamp or in a dish¹¹ is forbidden [to be used on Sabbath], but R. Simeon permits it.¹² But what comparison is it? There the man sits and waits for the going out of the lamp,¹³ but here does then a man sit and wait for his hut to collapse? — Said R. Nahman b. Isaac: We treat here of a tottering hut, so that he had his mind set upon it since the day before.¹⁴

'They agree, however, with respect to a Tabernacle on the Feast of Tabernacles that it is forbidden; but if he stipulated concerning it everything depends upon his reservation.' Is then a

stipulation concerning it of any avail? Surely R. Shesheth said on the authority of R. Akiba: Whence do we know that the wood of the Tabernacle is forbidden [for use] the entire seven days [of the Festival]? From the verse: [On the fifteenth day of the seventh month is] the feast of Tabernacles for seven days unto the Lord.¹⁵ And it was taught R. Judah b. Bathyra says: Whence do we know that just as the Festival offering bears the name of Heaven so also the Sukkah [Tabernacle] bears the name of Heaven: Because the text says ‘the feast [hag]¹⁶ of tabernacles for seven days unto the Lord’,¹⁵ just as the Festival offering is for the Lord¹⁷ so is the Sukkah for the Lord!¹⁸ Said R. Menasiah the son of Raba:¹⁹ The concluding clause²⁰ refers to an ordinary hut,²¹ but the stipulation with respect to a Festival booth²² is of no avail. Yet is it not [valid] in the case of a Festival booth? Surely it was taught: If one covered it [the Festival booth] according to law and decorated it with hand-made carpets and tapestries, and hung therein nuts, almonds, peaches, pomegranates and bunches of grapes, vines, oils,²³ and fine meal, and wreaths of ears of corn, it is forbidden to make use of them until the termination of the last day of the Festival; and if he stipulated thereon, everything depends upon his stipulation!²⁴ — Abaye and Raba both say: This refers to one who says [before the Festival] ‘I will not stand aloof from them²⁵ right through the period of twilight,’ so that the sanctity [of the Festival] did not fall upon them;²⁶ but as to the wood of the Festival booth, since sanctity did fall upon it²⁷ it becomes mukzeh for the entire seven days. But in what respect is this different from what was stated: If one set aside seven Ethrogim²⁸ for the seven days of the Festival,²⁹ Rab says, [After] fulfilling his obligation with each one [of them], they may be eaten immediately;³⁰ and R. Assi says: [After] fulfilling his obligation with each one [of them] they may be eaten on the morrow?³¹ — There where the nights are separated from the days,³² each day is a separate obligation; but here where the nights are not separated from the days,³³ all the [seven] days are regarded as one long day.

(1) The meaning of this is discussed in the Gemara.

(2) I.e., from its roof.

(3) Technically, removing part of a building is regarded as demolishing it.

(4) I.e., to the roof lying on top of it, The removal of that too or of part thereof also constitutes demolishing.

(5) But not built into and part of them; but the wood that lies on the roof, even though not built into the roof, is regarded as part of the covering of the roof.

(6) But adjacent to the roof, i.e., lying on the roof.

(7) Since they were not untied, we see that they were put there for storage, and not to form part of the roof.

(8) Even during the Intermediary days of the Festival.

(9) Before the Festival.

(10) The hut collapsed on the Festival. Now since it was standing just before the Festival commenced, it was then regarded as mukzeh, as it was forbidden then to remove part of it on account of the prohibition of demolishing. Hence the first Tanna holds that even when it collapses it remains forbidden as mukzeh. R. Simeon, however, does not accept the prohibition of mukzeh at all, hence it is permitted.

(11) I.e., a dish of oil placed near a lamp to act as a feed thereto.

(12) For while it was burning one might not remove any of the oil, as technically that constituted extinguishing. Hence the oil is regarded as mukzeh on account of a prohibition and remains forbidden even after the light goes out. R. Simeon permits it, because he rejects the prohibition of mukzeh. Shab. 44a.

(13) Lit., ‘when will his lamp go out’. He knows it will finally go out and therefore he intended to use the residue from the very beginning; hence R. Simeon does not regard it as mukzeh.

(14) I.e., He intended before the Festival that, should the hut collapse on the Festival, he would use its wood; hence it is quite analogous to the residue of the oil in the lamp or dish.

(15) Lev. XXIII, 34. I.e., the entire seven days, it is consecrated ‘unto the Lord’.

(16) The word חַג is taken as חַגִּיגָה.

(17) The animal becomes holy as soon as it was dedicated for a Festival offering.

(18) And may not be used. Hence this is a Biblical prohibition: surely a stipulation cannot nullify such!

(19) [Var. lec. Said R. Menasiah in the name of Samuel.]

(20) ‘If he stipulated, everything depends upon his reservation.’

- (21) Which has collapsed on a Festival.
- (22) Lit., 'a booth of a precept' — i.e., one erected in fulfilment of the scriptural law; v. Lev. XXIII, 42.
- (23) I.e., decanters containing wine and oil.
- (24) Here we see that the stipulation holds good.
- (25) I.e., I accept no interdict in respect of them.
- (26) Technically a Festival prohibition falls on an object at the immediately preceding twilight. Hence here he expressly stipulated that this should not happen; therefore it does not become mukzeh.
- (27) The preceding stipulation would be of no avail here, since he could not take it at twilight on account of the prohibition of demolishing.
- (28) V. Glos. s.v. Ethrog.
- (29) One to be used for each day.
- (30) Without having to wait till the end of the day. Cf. Suk. 46b. He holds that it was made mukzeh only in respect of that particular duty, and since that has been fulfilled, it is no longer mukzeh.
- (31) Thus both agree that their prohibition does not extend to the entire Festival.
- (32) The command to take an ethrog (v. Lev. XXIII, 40) has reference only to the day.
- (33) Since the precept of dwelling in booths applies to the nights just as well as to the days.

Talmud - Mas. Beitzah 31a

MISHNAH. ONE MAY BRING IN FROM THE FIELD [FIRE-] WOOD THAT IS GATHERED TOGETHER,¹ AND FROM A KARPIF [AN ENCLOSURE] EVEN THOUGH IT IS SCATTERED ABOUT.² WHAT IS A KARPIF? ANY [ENCLOSURE] ADJOINING THE TOWN; THIS IS THE OPINION OF R. JUDAH. R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY,³ EVEN IF IT IS [ONLY JUST] WITHIN A SABBATH TEHUM. GEMARA. Rab Judah said in Samuel's name: You may take wood only from a collected pile in an enclosure. But we have learnt: FROM AN ENCLOSURE EVEN THOUGH IT IS SCATTERED ABOUT! — Our Mishnah represents the opinion of an individual; for it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ [both agreeing] that one may not take in [wood] that was scattered in the field, and that one may take in [wood] that was piled up in an enclosure; they differ only with respect to scattered [wood] in an enclosure and collected [wood] in a field, when Beth Shammai say: He may not take thereof, and Beth Hillel say: He may take thereof.⁴

Said Raba: Leaves of shrubs and leaves of the vine-shoots even though they lie in a heap are forbidden, for since if a wind rises it scatters them, they are regarded as if they are scattered. But if he laid a garment over them the previous day,⁵ it is well.⁶

WHAT IS A KARPIF etc.? The scholars asked: What does it mean? [Does it mean], 'Any [enclosure] adjoining the town providing, however, it has a way of entering by a key; whereas R. Jose comes to teach: Since it has a way of entering by a key, even if [only just] within a Sabbath tehumi, it is still [a karpif]; or this is perhaps what it means: 'Any [enclosure] adjoining the town whether it has a way of entering by a key or not; and R. Jose comes to teach: Even if [only just] within a Sabbath tehumi [it is a karpif] but only if it has a way of entering by a key; if, however, it has no way of entering by a key it is not [a karpif] even though [the enclosure] adjoins the town? — Come and hear: Since it [the Mishnah] teaches: 'R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY, EVEN IF [ONLY JUST] WITHIN A SABBATH TEHUM', understand therefrom that R. Jose teaches a twofold leniency.⁷ R. Salla said in the name of Jeremiah: The halachah is as R. Jose in the direction of leniency. MISHNAH. ONE MAY NOT CHOP UP FIREWOOD FROM BEAMS NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL;⁸ AND ONE MAY NOT CHOP EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.

GEMARA.

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- (1) The wood was piled up before the Festival for that purpose, so that strangers might not take it away.
- (2) For even then we may assume that he intended to use it, but did not trouble to collect it because it was enclosed and so guarded.
- (3) Lit., 'a padlocked entrance'.
- (4) But the majority of the Rabbis differ and hold that Beth Hillel forbids the taking of scattered wood even from an enclosure.
- (5) To keep the wind from scattering them.
- (6) For it shows that he intended before the Festival to use them for firewood.
- (7) If the enclosure is adjacent to the city there is no need to have an entrance by a key, and if it can be entered by means of a key it is regarded as a karpif even though it is distant from the city to the extent of a tehun.
- (8) V. supra 2b.

Talmud - Mas. Beitzah 31b

But you say [in] the first clause, ONE MAY NOT CHOP UP [WOOD] at all! — Answered Rab Judah in the name of Samuel: There is a lacuna and must be taught thus: ONE MAY NOT CHOP UP FIREWOOD FROM a layer of BEAMS¹ NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL; but one may chop up [firewood] from a beam which was broken before the Festival; and when one chops up, ONE MAY NOT CHOP EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.

We have likewise learnt: One may not chop up firewood from a layer of beams nor from a beam which was broken on a Festival, because it was not mukan..

BUT NOT WITH AN AXE. R. Hinena b. Salmia said in Rab's name: They taught this only of its broad end; but with its narrow end² it is permitted. This is obvious: we have learnt: [BUT ONLY] WITH A [BUTCHER'S] CHOPPER!³ — You might say: This applies to a chopper only, but as for a combined axe and chopper,⁴ I might say, Since this side is forbidden the other side too is forbidden, so he informs us [that it is not so].

Some teach this with respect to the latter clause: BUT ONLY WITH A [BUTCHER'S] CHOPPER. R. Hinena b. Salmia said in Rab's name: They taught this only of its narrow end, but with its broad end it is prohibited. This is obvious; we have learnt: ONE MAY NOT [CHOP] WITH AN AXE! — You might say: This applies only to an axe alone; but as for a combined chopper and axe, I might say: Since this end is permitted, the other end too is permitted,' so he informs us [that it is not so].

MISHNAH. IF A [CLOSED] ROOM FULL OF PRODUCE WAS BURST OPEN⁵ [ON A FESTIVAL] HE MAY TAKE [THE PRODUCE] OUT THROUGH THE BREACH.⁶ R. MEIR SAYS: HE MAY MAKE A HOLE AT THE OUTSET AND BRING OUT [THE PRODUCE].

GEMARA. Why so? He is indeed pulling down a tent! — Said R. Nahumi b. Adda in the name of Samuel: It treats here of a layer of bricks.⁷ But it is not so, for R. Nahman said: Bricks left over from a building may be moved on Sabbath, because they are fit for sitting on;⁸ but if he put them in layers one upon the other, he has certainly determined them for something else! Said R. Zera: They said this⁹ with respect to a Festival but not with respect to Sabbath. We have likewise learnt: R. Meir says: He may make a hole at the outset and take out; they said this with respect to a Festival but not with respect to Sabbath. Samuel said: One may loosen the knots¹⁰ in the ground¹¹ but one may not unravel nor cut¹² [the rope]; [the knots in the doors] of utensils, one may loosen and unravel and cut,¹³ whether on a Sabbath or a Festival. They raised an objection: One may loosen the knots in the ground on the Sabbath but one may not unravel nor cut; but on a Festival one may loosen and

unravel and cut! — This represents the view of R. Meir, who says: He may make a hole at the outset and bring out [the produce] but the Rabbis dispute with him, and I say this according to the Rabbis. Do then the Rabbis dispute with him with respect to knots in the ground? Surely it was taught: The Sages agree with R. Meir with respect to knots in the ground that on Sabbath one may loosen but one may not unravel nor cut, while on a Festival one may loosen and unravel and cut!

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- (1) Because the beams were stored for building purposes and not for firewood.
- (2) Lit., 'its feminine side' . . . 'its masculine side'.
- (3) This usually has no broad, sharp side.
- (4) I.e., where one side is broad, like an axe, and the other narrow, like a butcher's chopper — presumably the choppers were made thus, not like ours nowadays.
- (5) I.e., some of the bricks fell out through the pressure.
- (6) The produce is not regarded as mukzeh though he would not have been able to get at them had the room not burst open.
- (7) Lying loose one upon the other and not built in with mortar.
- (8) Hence rank as utensils. — An object not ranking as a utensil may not be handled on the Sabbath.
- (9) Viz., the law in our Mishnah.
- (10) Lit., 'seals'.
- (11) I. e., the knot in the cord which fastens the door to the rafter to keep it tight and which also points out the trap-door in the floor.
- (12) For this would be in the nature of pulling down.
- (13) For the law of pulling down does not apply to utensils.

Talmud - Mas. Beitzah 32a

— He¹ ruled as the following Tanna. For It was taught: One may loosen the knots in the ground, but one may not unravel nor cut, whether on a Sabbath or on a Festival; but as to those of utensils — on a Sabbath one may loosen but one may not unravel nor cut; on a Festival one may loosen and unravel and cut. You have justified the first clause; but there is a contradiction from the concluding clause!² — This represents the opinion of R. Nehemiah who says: All utensils may not be handled except for their normal use.³ If it is R. Nehemiah, why particularly the Sabbath; the same holds good even on a Festival! And if you say that R. Nehemiah makes a distinction between a shebuth⁴ of the Sabbath and a shebuth of a Festival,⁵ [I would object], Does he then make a distinction? For one [Baraitha] teaches: One may kindle a fire [on a Festival] with utensils,⁶ but one may not kindle a fire with fragments of utensils;⁷ and another [Baraitha] teaches: One may kindle a fire with both utensils and fragments of utensils; and [still] another [Baraitha] teaches: One may not kindle either with utensils or with broken pieces of utensils; and we explained, there is no contradiction: One is according to R. Judah, the other is according to R. Simeon, and the third is according to R. Nehemiah!⁸ — Two Tannaim dispute about the opinion of R. Nehemiah.⁹ MISHNAH. ONE MAY NOT HOLLOW OUT A LAMP¹⁰ [ON A FESTIVAL], BECAUSE HE WOULD BE MAKING A UTENSIL; AND ONE MAY NOT MAKE CHARCOAL¹¹ ON A FESTIVAL, NOR CUT A WICK IN TWO. R. JUDAH SAYS: ONE MAY SEVER IT WITH A FLAME.

GEMARA. Who teaches that the hollowing out of a lamp constitutes [making] a utensil?¹² — Said R. Joseph: It is R. Meir; for it was taught: When is a clay vessel susceptible to defilement? As soon as its form is finished;¹³ this is the opinion of R. Meir. R. Joshua says: As soon as it is baked in the furnace. Said Abaye to him: Whence does this follow? Perhaps R. Meir is of this opinion only there, because they [the vessels] are fit for receiving things,¹⁴ but here¹⁵ for what is it fit? — For receiving copper coins.

Some say: Said R. Joseph: It is R. Eliezer son of R. Zadok: For we have learnt: Ironian¹⁶ stewpots do not contract defilement when under the same roof as a corpse, but they become defiled if they are carried by one who has an issue.¹⁷ R. Eliezer son of R. Zadok says: They are undefiled even if they are carried by one who has an issue, because they are not yet finished in the making.¹⁸ Said Abaye to him: Perhaps R. Eliezer son of R. Zadok is of this opinion only there, because they [the stewpots] are fit for receiving things;¹⁹ but here for what is it fit? — For receiving copper coins.

Our Rabbis taught: One may not hollow out a lamp and one may not make Ironian stewpots on a Festival. R. Simeon b. Gamaliel permits Ironian stewpots. What means Ironian? — Said Rab Judah: Provincial. What means 'provincial'? — Said Abaye: Peasants' trenchers.²⁰

AND ONE MAY NOT MAKE CHARCOAL. This is obvious; for what is it fit?²¹ — R. Hiyya taught: This is necessary to be taught only with respect to handing them over to the bath attendants on the same day.²² Is it then permissible [for such use] on that day?²³ — As Raba explained [elsewhere]: Where it is for perspiring,²⁴ and before the prohibition,²⁵ so also here [it treats of a case] of perspiring and before the prohibition.

NOR CUT A WICK IN TWO [etc.]: Why not with a knife —

(1) R. Samuel who forbids unravelling even on a Festival.

(2) According to the concluding clause one may in the case of vessels only loosen on a Sabbath, whereas Samuel permits even unravelling and cutting too.

(3) Hence, though the cutting is permitted in itself, a knife may not be handled for that purpose. But Samuel disagrees with R. Nehemiah in this.

(4) V. Glos.

- (5) Treating the latter less rigorously than the former and consequently the said restriction does not apply to a Festival.
- (6) Since being utensils they may be handled, they may also be used for burning.
- (7) Being fragments, they may not be handled normally; and though fit for fuel (which under other circumstances would permit them to be handled), this is discounted, since they were not intended for this before the Festival.
- (8) R. Judah who holds the prohibition of mukzeh, forbids fragments as fuel; R. Simeon who rejects this prohibition, permits them, while R. Nehemiah, holding that utensils may be handled for their normal use only, forbids even whole utensils. This proves that R. Nehemiah's ruling applies to Festivals too.
- (9) One holding that he draws a distinction in respect of his ruling between the Sabbath and Festivals; the other, that he does not.
- (10) By pressing in the finger into a lump of clay.
- (11) This too is technically regarded as a utensil for goldsmiths.
- (12) Although the clay is not yet baked in the furnace.
- (13) I.e., hollowed out, even before it is hardened in the furnace.
- (14) I.e., dry objects, even though they were unfit for liquids.
- (15) Being unbaked, it cannot take oil for lighting, as it will soak into it; while it is too small for ordinary dry objects.
- (16) For V.L. cf. D.S. The correct reading as well as the exact meaning of this term is uncertain. The Talmud (*infra*) explains it in the sense of provincial, coarse and unfinished. V. 'Ed., Sonc. ed. p. 12, n. 9. According to the Commentaries, this stewpot was fashioned like a hollow ball and thus baked in the kiln and afterwards cut into two. Undivided it cannot become unclean through a dead body because the inner space is enclosed and a clay vessel must have a hollow before it can receive defilement. (Cf. Num. XIX, 15).
- (17) Cf. Lev. XV, 4 and 12, where a hollow in the vessel is not required.
- (18) Viz., their hollowing out, and are therefore not considered utensils. 'Ed. II, 5. Hence we see that the hollowing out constitutes the making of a utensil, and the same holds good in the Mishnah.
- (19) When they are hollowed out.
- (20) Which are coarse and unfinished.
- (21) They can only be used on the same day for manufacturing works which are forbidden on a Festival.
- (22) For the preparation of the bath water.
- (23) The Rabbis distinctly forbade taking baths both on Sabbath and Festivals. Cf. Shab. 38a.
- (24) Not actually bathing.
- (25) Of such perspiring on Sabbath and Festivals. Cf. Shab. 40a.

Talmud - Mas. Beitzah 32b

because he thereby makes an article;¹ then by [severing it] with fire he is also making an article? — R. Hiyya taught: He may sever it with fire [when the wick is] in two lamps.²

Said R. Nathan b. Abba in the name of Rab: One may trim the wick on a Festival. What is meant by trimming? Said R. Hanina b. Salmia [in Rab's name]: To remove the snuff.

Bar Kappara taught: Six things have been taught with respect to a wick, three restrictions and three leniencies. The restrictions are: One may not plait it at the outset on a Festival, and one may not singe it with fire,³ and one may not cut it in two. Leniencies: One may rub it by hand,⁴ and one may soak it in oil, and one may sever it with fire when it is in two lamps.

R. Nathan b. Abba further said in the name of Rab: The rich men of Babylon will go down to Gehenna; for once Shabthai b. Marinus came to Babylon and entreated them to provide him with facilities for trading and they refused this to him; neither did they give him any food. He said: These are the descendants of the 'mixed multitude',⁵ for it is written, And [He will] show thee mercy and have compassion upon thee,⁶ [teaching that] whoever is merciful to his fellow-men is certainly of the children of our father Abraham, and whosoever is not merciful to his fellow-men is certainly not of the children of our father Abraham.⁷

R. Nathan b. Abba further said in the name of Rab: He who is dependent on another's table, the world is dark to him, for it is said: He wandereth abroad for bread. 'Where is it?' He knoweth that the day of darkness is ready at his hand.⁸ R. Hisda says: Also his life is no life.

Our Rabbis taught: There are three whose life is no life and they are: He who is dependent on the table of his neighbour; he whom his wife rules; and he whose body is subject to suffering. And some say: Also he who possesses only one shirt.⁹ And the first Tanna? — It is possible to examine his garment.¹⁰

MISHNAH. ONE MAY NOT BREAK UP A POTSHERD OR CUT PAPER IN ORDER TO ROAST THEREON SALT-FISH;¹¹ NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE,¹² BUT ONE MAY PRESS [THE ASHES] DOWN;¹³ NOR MAY ONE PLACE TWO JARS SIDE BY SIDE IN ORDER TO SET A SAUCEPAN ON THEM.¹⁴ NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND THE SAME APPLIES TO A DOOR; NOR MAY ONE DRIVE CATTLE WITH A STAFF ON A FESTIVAL, BUT R. ELEAZAR SON OF R. SIMEON PERMITS IT.

GEMARA. What is the reason [that one may not break Up a potsherd]? — Because he is making a [new] article.¹⁵

NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE. R. Hiyya b. Joseph recited in the presence of R. Nahman: If it is impossible to bake unless it is raked out it is permitted. A brick fell down in R. Hiyya's wife's oven on a Festival. [So] R. Hiyya said to her: Take notice that I want good bread.¹⁶ Raba said to his attendant: Roast a duck for me and mind it does not get burnt.¹⁶ Rabina said to R. Ashi: R. Aha from Huzal¹⁷ told that they pasted up the oven¹⁸ for you, Sir, on a Festival!¹⁹ He replied to him: We use²⁰ [the clay from] the bank of the Euphrates,²¹ and even then only when one had marked out [the clay] on the previous day. Said Rabina: Ashes are permitted.²²

NOR MAY ONE PLACE TWO JARS SIDE BY SIDE: Said R. Nahman: It is permissible to arrange the stones of a privy side by side on a Festival.²³ Rabbah raised an objection to R. Nahman: ONE MAY NOT PLACE TWO JARS SIDE BY SIDE AND ON THESE SET A SAUCEPAN! — He replied to him: It is different there, for he is making a tent.²⁴ Rabbah Zuta said to R. Ashi: Accordingly it should also be permitted to build a seat²⁵ on a Festival, since he is not making a tent! — He replied to him: There the Torah forbade a permanent building but not a temporary building, but the Rabbis forbade a temporary building on account of a permanent building; but here²⁶ the Rabbis did not enact this prohibition, for the sake of his dignity.

Rab Judah said: It is permitted [to build] a fireheap from above downwards but not from beneath upwards.²⁷

(1) Out of one wick he makes two.

(2) If the two ends of the wick are two lamps he may light it in the middle, since his purpose does not appear to be to divide it but rather to get a light.

(3) To remove any threads or fibres.

(4) To soften it.

(5) Cf. Ex. XII, 38.

(6) Deut. XIII, 18.

(7) The verse ends: as He hath sworn unto thy fathers. Now he translates the part quoted thus: and He will give thee (the spirit of) mercy — i.e., to be merciful to others. Hence, of the person who possesses that, it can be said . . . 'unto thy fathers', viz., the Patriarchs; but if one lacks it, 'Unto thy fathers' cannot be said of him, and so he must be a descendant of the mixed multitude.

(8) Job XV, 23.

- (9) Because he is distressed by vermin.
- (10) To cleanse it from vermin.
- (11) Which must not lie on the metal of the tripod, as it would be burnt.
- (12) If some of its plaster peeled and fell into it. It must not be raked out, as that would constitute the repairing of a utensil.
- (13) So that the dough which was pressed to the side of the oven (this was the ancient method of baking) should not come into contact with the old ashes or earth.
- (14) Because it looks like setting up a tripod and is in the nature of building.
- (15) The broken potsherd is now to serve as a utensil for preventing burning.
- (16) I.e., have the oven raked out.
- (17) A place between Nehardea and Sura; Obermeyer op. cit. p. 299. V. Keth., Sonc. ed. p. 716, n. 7.
- (18) I.e., they filled up the cracks in the oven making it airtight.
- (19) But surely mixing the cement for that purpose is forbidden, as a derivative of kneading. V. Shab. 73a.
- (20) Lit., 'we rely'.
- (21) The alluvial soil of the bank of the Euphrates is like clay and no further preparation is required. [R. Ashi's home was Matha Mehasia on the right bank of the Euphrates.]
- (22) To be mixed with water and used for making the oven airtight, because 'kneading' does not apply to ashes.
- (23) Two large stones were put side by side, thus forming a kind of seat.
- (24) In a technical sense.
- (25) **סבא** is a solid seat standing on the ground. Since there is no empty space beneath its top, it does not constitute a tent.
- (26) In the case of a privy.
- (27) I.e., one may not lay two logs of wood near one another and lay a third above it, since this resembles the building of a tent. He must therefore hold up one log and lay two underneath.

Talmud - Mas. Beitzah 33a

The same is true also of an egg, a pot, a bed and a jug.¹

NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND LIKEWISE WITH A DOOR. Can you possibly mean WITH A DOOR?² — Say rather: And the same applies to a door.³

Our Rabbis taught: One may not prop up a pot with a wooden wedge and the same applies to a door, for wood is meant [as a rule] only for heating;⁴ but R. Simeon permits it. Nor may one drive cattle with a staff on a Festival, but R. Eleazar son of R. Simeon permits it. Shall it be said that R. Eleazar son of R. Simeon agrees with his father in rejecting [the prohibition of] mukzeh? — No; in this case even R. Simeon agrees,⁵ for it looks as though he were going to market.⁶

Bamboo-cane, R. Nahman forbids⁷ and R. Shesheth permits. When it is moist none dispute that it is forbidden;⁸ they [only] dispute when it is dry; he who forbids it says: Wood is made to serve only for kindling;⁹ he who permits it says, It is one and the same thing whether roasting with it [used as a spit] or whether roasting with its coal.¹⁰ Some say: When it is dry none dispute that it is permitted; they [only] dispute when it is moist; he who forbids [it,] it is because it is not fit for fuel,¹¹ and he who permits [it] says, It is fit for a big fire. And the law is: When it is dry it is permitted, when it is moist it is forbidden.

Raba lectured: A woman may not go into a wood-shed to fetch therefrom a brand;¹² and a log of wood that was broken [on a Festival] may not be burnt on the Festival, for one may heat with utensils but one may not heat with broken utensils. Shall it be said that Raba is of the same opinion as R. Judah who holds the rule of mukzeh? But surely Raba said to his attendant: Roast me a duck and throw its inwards to the cat!¹³ — There [it is different]; since they [the inwards] turn putrid, he had intended them [for the cat] from the day before.¹⁴ MISHNAH. R. ELIEZER SAYS: A MAN

MAY TAKE A CHIP FROM THAT WHICH IS LYING BEFORE HIM¹⁵ TO PICK HIS TEETH WITH IT, AND HE MAY COLLECT [CHIPS] FROM THE COURT YARD AND MAKE A FIRE, FOR EVERYTHING IN A COURT IS MUKZEH. BUT THE SAGES SAY: HE MAY COLLECT ONLY FROM THAT WHICH IS BEFORE HIM AND MAKE A FIRE. ONE MAY NOT PRODUCE FIRE EITHER FROM WOOD,¹⁶ OR FROM STONES,¹⁷ OR FROM EARTH,¹⁸ OR FROM TILES,¹⁹ OR FROM WATER;²⁰ NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM.

GEMARA. Rab Judah said:

(1) When an egg is to be placed on a tripod for baking, the tripod must not be placed on the fire and the egg on it, but it must be held in the hand, the egg placed on it, and then the whole on the fire. — A pot was placed on two barrels with a fire burning underneath. These barrels, however, must not be placed in position first, but the pot must be held in the air and then the barrels put underneath. — Folding beds are likewise: instead of the supports being placed first and then the canvas or skin overlay, as usual, the canvas must be stretched out first and the supports fitted in to it. Finally, when barrels are being stored away, One on top of two, the top one must be held and the other two pushed under it. In each case the usual mode of setting would constitute making a tent.

(2) It was presumed that it means 'the door may not be used as a prop'.

(3) Viz., a door may not be propped up with a chip. The Mishnah therefore must be translated: And it is likewise so in the case of a door.

(4) Hence it is mukzeh in respect of any other purpose.

(5) That it is prohibited.

(6) Lit., 'to a dance', so called because of the crowds assembled at the market.

(7) To be used as a spit on a Festival, on account of mukzeh, for it was not intended before the Festival to use it as a spit.

(8) For it cannot then be used even for eating.

(9) Hence it is mukzeh in respect of any other purpose.

(10) For it is permissible to burn it and use its charcoal for roasting.

(11) Hence it cannot be handled for its natural purpose, and therefore it must not be handled for any other purpose either.

(12) To be used for a poker. For wood can only be employed for kindling and cannot be used as a utensil unless it was so intended before the Festival.

(13) Whereas according to R. Judah the inwards should be forbidden to be handled as mukzeh. Cf. supra 2a, 27b.

(14) Hence R. Judah would agree that the inwards are not mukzeh.

(15) I.e., in the house.

(16) By rubbing two sticks together, because this would be bringing into existence something which was not already made.

(17) By striking flint with steel,

(18) Sulphur or phosphorus.

(19) This clause is omitted in the Mishnayoth.

(20) By using the water in a glass as a mirror to focus the rays of the sun.

Talmud - Mas. Beitzah 33b

[The prohibition] of making a utensil does not apply to cattle fodder.¹ R. Kahana raised an objection to Rab Judah: One may carry about spice-wood for smelling or in order to fan a sick person with it; and he may rub it and smell it but he may not cut off [a piece] in order to smell it;² and if he did cut off [a piece] he is not culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he did cut off he is liable to a sin-offering!³ — He replied to him: If [the Baraitha had taught that] 'he is not culpable, yet it is forbidden', even that would contradict me; how much more so when it states 'he is liable for a sin-offering'; but that [Baraitha] was taught with respect to hard [spice-wood].⁴ But is hard [spicewood] capable of being rubbed! — There is a lacuna and must be taught as follows: 'He may rub it and smell it and he may cut off [a piece] and smell it'. This only applies to soft spice-wood, but he may not cut hard [spice-wood], and if he does cut it, he is not

culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he does cut off he is liable to a sin-offering. One [Baraita] teaches: He may cut off [a piece] and smell it; and another [Baraita] teaches: He may not cut off in order to smell thereof? — Said R. Zera in the name of R. Hisda: There is no contradiction; one refers to soft [spice-wood]; the other, to hard. To this R. Aha b. Jacob demurred: Why [may he] not [cut off] from hard [spice-wood]?⁵ In what respect is this different from what we learnt: A man may break open a cask in order to eat of its dry figs, provided that he does not intend to make a utensil [of it].⁶ And furthermore, Raba son of R. Adda and Rabin son of R. Adda have both related: When we were staying with Rab Judah he broke a branch off⁷ and gave us each a piece of aloe-wood, although they were [so hard that they were] capable of being used as a handle for a bill or an axe!⁸ — There is no contradiction; the one is according to R. Eliezer, and the other is according to the Rabbis; for it was taught: R. Eliezer says: A man may take a chip from [wood] lying before him to pick his teeth with it, but the Sages say: He may take [it] only out of a cattle-crib;⁹ but they both agree that he may not cut off [a piece], and if he did cut off to pick his teeth or to open a door with it,¹⁰ if he did it unwittingly on a Sabbath, he is liable to a sin-offering, and if he did it deliberately on a Festival he is liable to receive forty lashes: this is the opinion of R. Eliezer. But the Sages say: Both the one and the other are forbidden only as a shebuth.¹¹ [Now] R. Eliezer¹² who says there,¹³ 'he is liable to a sin-offering', [will hold] here [that] he is not culpable, although it is forbidden; the Rabbis who say there, 'he is not culpable although it is forbidden' [maintain] here [that] it is permitted at the outset. But does not R. Eliezer accept the teaching, A man may break open a cask in order to eat of its dry figs provided that he does not intend to make a utensil? — Said R. Ashi: That was taught with respect to a barrel whose parts are stuck together with pitch.¹⁴

AND HE MAY COLLECT FROM THE COURT: Our Rabbis taught: He may collect from the court and make a fire, for every thing in the court is mukan, provided that he does not make many heaps; but R. Simeon permits [even this]. In what do they differ? — One is of the opinion: It looks as though he were gathering for the morrow and the day after;¹⁵ and the other is of the opinion: His pot bears testimony for him.¹⁶

ONE MAY NOT PRODUCE FIRE. What is the reason? Because he is creating [something new] on a Festival.

NOR MAY ONE MAKE TILES RED-HOT. What does he do?¹⁷ — Said Rabbah b. Bar Hana in the name of R. Johanan: We are dealing here with new bricks [and the prohibition is] because

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- (1) I.e., straw or stubble and the like may be used as a tooth-pick.
 - (2) By cutting off a piece, he produces a new surface which yields greater fragrance.
 - (3) Although some spice-wood can be used as fodder. This contradicts Rab Judah.
 - (4) Which is unfit for fodder. Hence it does not contradict me at all.
 - (5) In order to smell. Did then the Rabbis preventively forbid it lest he might cut it off as a utensil?
 - (6) I.e., he must not break open the bung in such a way as to make a permanent mouth. This we see that no such preventative decree exists.
 - (7) On a Sabbath in order to smell thereof. The branch was, of course, detached.
 - (8) Cf. Shab. 146a.
 - (9) Since it is definitely food, it can therefore be used for any purpose.
 - (10) I. e. , to use it as a latch.
 - (11) V. Glos.
 - (12) The explanation of there being no contradiction is now continued.
 - (13) With respect to cutting spice-wood.
 - (14) Therefore it cannot afterwards again be used as a vessel. Cf. Jast. s.v. מוסתקי
 - (15) Which is certainly forbidden.
 - (16) I.e., it is quite obvious that he wants the fuel for the Festival.

(17) What forbidden action is there in this?

Talmud - Mas. Beitzah 34a

he has yet to examine them.¹ Others explain it: Because he has yet to harden them.² We have learnt elsewhere:³ If one trod upon it [poultry] or knocked it against a wall, or if cattle trampled over it and it still moves convulsively and continues alive for a full day of twenty-four hours, and he then slaughters it, it is ritually fit. Said R. Eleazar b. Jannai in the name of R. Eleazar b. Antigonus: It still has to be examined.⁴ R. Jeremiah asked of R. Zera: May one slaughter it on a Festival? Should we assume an unsoundness On a Festival⁵ or not? He replied to him: We have learnt it: **NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM**; and we raised the point: What does he do? And Rabbah b. Bar Hana in the name of R. Johanan said: We are dealing here with new bricks [and they must not be heated] because he has yet to examine them.⁶ He said to him: We teach: Because he has yet to harden them.⁷ It was taught: If one brings the fire [on a Sabbath] and another brings the wood and another puts the pot on the fire and another brings the water and another puts in the seasoning and another stirs, they are all liable.⁸ But surely it was taught: The last one is liable and the rest are exempt! — There is no contradiction. The one speaks of a case where the fire was brought first; and the other, where the fire was brought last.⁹ As for all the others, it is well, for they perform an action;¹⁰ but he who puts the pot on the fire, what does he do?¹¹ — Said R. Simeon b. Lakish: We treat here of a new pot and they applied here the prohibition of making tiles red-hot. Our Rabbis taught: A new oven and a new pot range are like all other utensils which may be carried about in a court; but one may not smear them with oil or polish them with a rug or cool them with cold water in order to harden them; but if [it is done] for the purpose of baking,¹² it is permitted.

Our Rabbis taught: One may scald the head and the feet [of a fowl or animal] or singe them with fire; but one may not cover then, with potter's clay or with earth or with lime,¹³ nor may one cut off [their hair] with scissors; and one may not cut round vegetables with their [garden] shears,¹⁴ but one may trim the artichoke and the cardoon;¹⁵ one may heat and bake in a large oven¹⁶ and one may warm up water in an antiki¹⁷ vessel; but one may not bake in a new large oven lest it crack¹⁸.

Our Rabbis taught: One may not blow up [the fire] with bellows [on a Festival] but one may blow it up with a tube [reed]; one may not condition a spit nor may one sharpen it.

Our Rabbis taught: One may not split a reed in order to roast a salt fish thereon, but one may crack a nut in a rag and we do not apprehend lest it be torn.¹⁹

MISHNAH. R. ELIEZER FURTHER²⁰ SAID: A MAN MAY STAND NEAR HIS DRYING FIGS²¹

(1) Whether they can stand burning, for if they crack they cannot be used and all his labour has been in vain.

(2) By burning; hence when he makes them red-hot he completes their manufacture, and this may not be done on Festival.

(3) Hul. 57a and 57b.

(4) Whether the injury did not make it trefa.

(5) I.e., on account of its stringency and therefore not kill it.

(6) To see if they crack. Hence we see that we do assume an unsoundness on account of the stringency of the Festival.

(7) So that this has no bearing on our problem.

(8) For various breaches of the Sabbath.

(9) In the former case all are liable, for all have committed a breach of the Sabbath; in the latter only the last person performed a culpable act.

(10) As one carries the fire he creates a draught which fans it into a stronger blaze; hence his action technically constitutes kindling. Similarly, he who adds fuel. Pouring in the water and the condiments and stirring all constitute

cooking.

(11) He puts it on empty; hence he does not cook at all.

(12) That the bread should not burn.

(13) In order to remove the hair.

(14) The shears with which they are cut from the soil. The prohibition is because one might suspect that the person had only on that day cut them from the ground.

(15) These plants require a good deal of care in their preparation.

(16) Though it involves much labour.

(17) [**אָנמײַכײַ**] A water-heating vessel with a fuel compartment (v. Shab. 41a). Though it retains its heat for a long time, extending even beyond the needs of the Festival day on which it is heated, it is nevertheless permitted, v. R. Nissim. The derivation of the word is obscure. Krauss TA, I, p. 73 connects it with Grk, GR. ** v. op. cit. p. 411.]

(18) And the whole labour will be in vain. Unnecessary labour is forbidden on a Festival.

(19) For even if it does get torn it is of no consequence, for one is liable only if the tearing is for the purpose of sewing it up again.

(20) Cf. supra p. 33a.

(21) Heb. mukzeh. Which require designation for the Sabbath.

Talmud - Mas. Beitzah 34b

ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR¹ AND SAY: FROM THIS PART WILL I EAT TO-MORROW.² BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS, 'FROM HERE UNTO THERE.'

GEMARA. We have learnt elsewhere.³ If children put away figs⁴ [in the field] on the eve of Sabbath [for the Sabbath] and they forgot and did not tithe them, [before the Sabbath], they may not be eaten after the Sabbath until they have been tithed.⁵ And we have also learnt:⁶ If one was carrying figs through his court for drying,⁷ his children and the members of his household may make a light meal of them and are exempt [from tithes].⁸ Raba asked R. Nahman: Does the Sabbath establish a liability to tithes in the case of drying figs,⁹ seeing that they were not completely ready [for eating]?¹⁰ Do we say, Since it is written, And [thou shalt] call the Sabbath a delight,¹¹ it [the Sabbath] establishes a liability even where the commodity is not completely ready [for tithing], or perhaps it [the Sabbath] establishes liability only where the commodity is completely ready [for tithing], but not where the commodity is not yet completely ready? — He replied to him: The Sabbath establishes liability whether the commodity is completely ready [for tithing] or not. He said to him: Say [perhaps] that the Sabbath is like a court? Just as a court establishes liability only where the commodity is completely ready [for tithing],¹² so also the Sabbath does not establish liability save where the commodity is completely ready? — He replied to him: We have a distinct teaching that the Sabbath establishes liability both where the commodity is completely ready and where the commodity is not completely ready [for tithing]. Mar Zutra son of R. Nahman said: We have likewise learnt: R. Eliezer further said: A MAN MAY STAND NEAR HIS DRYING FIGS ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR etc.: Thus it is only in the Sabbatical year, when it is free from tithe; but in the other years of the septennate it would be forbidden;¹³ [and] for what reason? Is it not because the Sabbath establishes liability! — No, there it is different; since he Says, FROM THIS PART WILL I EAT TO-MORROW, he established liability for himself.¹⁴ If so, why particularly the Sabbath; this holds good even on a weekday? — This is what he informs us, [namely] that tebel¹⁵ is regarded as mukan

(1) V. Lev. XXV, 1-7. In the Sabbatical year fruit is tithe-free.

(2) Such designation is sufficient for he holds the rule of retrospective selection, i.e., a selection made subsequently is of legal effect retrospectively, as though it were made earlier—here, as though he expressly designated the particular figs to-morrow.

(3) Ma'as. IV, 2.

- (4) Which were ready for eating and therefore liable for tithing.
- (5) Although a light meal of untithed fruit is permitted before it has been brought into the house or the court (v. B.M. 88a), appointing these figs for the Sabbath marks the end of their ingathering and they become liable to tithe.
- (6) Ma'as. III, 1.
- (7) The preparation of which is not yet complete.
- (8) Although they have been brought into the court.
- (9) Heb. mukzeh.
- (10) Lit., 'its work (of storing) is not finished'. This clause is explanatory of the word mukzeh, Rashi.
- (11) Isa. LVIII, 13.
- (12) Cf. Mishnah, Ma'as. III, I cited supra.
- (13) To eat the fruit without tithing.
- (14) For he has shown that as far as he is concerned its preparation is completed and it is now quite ready for eating.
- (15) V. Glos.

Talmud - Mas. Beitzah 35a

with respect to Sabbath, so that if one transgressed and tithed it, it is fit for use.¹ But is not the remainder put back; and we know R. Eliezer to hold that whenever the remainder can be put back, it does not establish liability?² For we have learnt: If one took olives out of the vat he may dip them in salt one at a time and eat them [untithed]; but if he dipped ten³ [in salt] and placed them before him he is liable.⁴ R. Eliezer says: [If he takes them] from a clean vat he is liable; from an unclean vat, he is exempt, because he can put back what remains over.⁵ And we argued on this: What is the difference between the first clause and the last clause?⁶ And R. Abbahu answered: The first clause treats of a clean vat and an unclean person, so that he cannot put the remainder back;⁷ the last clause treats of an unclean vat and an unclean person, so that he can put it back! — Our Mishnah too treats of clean drying figs and an unclean person who cannot put it back. But surely they are de facto put back?⁸ — Rather said R. Simi b. Ashi:⁹ You speak of R. Eliezer? R. Eliezer follows his opinion [expressed elsewhere]; for he says that [separating] terumah¹⁰ establishes liability, how much more so the Sabbath.¹¹ For we have learnt: If terumah had been separated from fruits before they were completely ready [for tithing],¹² R. Eliezer forbids a light meal to be made of it, but the Sages permit.¹³

Come and hear [a support] from the second clause: BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS: FROM HERE UNTO THERE. Thus it is only on the eve of a Sabbath in the Sabbatical year, when it is free from tithe; but in other years of the septennate, it would be forbidden. What is the reason? Surely because the Sabbath establishes liability? — No, there it is different; since he says, FROM HERE UNTO THERE WILL I EAT TOMORROW, he made it liable for tithing. If so, why particularly of Sabbath: this holds good even on a weekday? This is what he informs us, [namely] that tebel is mukan with respect to Sabbath, so that if one transgressed and separated the tithe, it is fit for use. But the following contradicts this: If one was eating a cluster of grapes¹⁴ and entered from the garden into the court,¹⁵ R. Eliezer says: He may finish [eating it without tithing], [but] R. Joshua maintains: He may not finish. If it was getting dark towards the Sabbath,¹⁶ R. Eliezer says: He may finish [eating the cluster of grapes], [but] R. Joshua maintains: He may not finish.¹⁷ — There [it is different] as the passage is explained:¹⁸ R. Nathan says: When R. Eliezer said, 'He may finish', he did not mean that he may finish [eating it] in the court, but he must leave the court and finish [it in his garden]; and when R. Eliezer said, 'He may finish', he did not [mean] that he may finish [it] on the Sabbath, but he waits until the termination of the Sabbath and finishes [it]. When Rabin came [from Palestine], he said in the name of R. Johanan: Neither the Sabbath nor [the separating of] terumah nor [bringing the fruit into the] court, nor [the act of] purchasing establish liability save where it was [otherwise] completely ready [for tithing]. 'The Sabbath', to reject the opinion of Hillel; for it was taught: if one carries fruit from one place to another¹⁹ and the holiness of the [Sabbath] day came upon him, said R. Judah: Hillel alone forbids

- (1) On the Sabbath, for the designation of the day before is valid; and the tithing too is valid, since the prohibition of the tithing on a Sabbath is only Rabbinical.
- (2) How much more so is it not liable for tithing when he merely said, 'From here will I eat to-morrow'.
- (3) 'Ten' is absent in the Mishnayoth: it thus means, if he dipped a fair number, etc.
- (4) By thus placing them all in front of him and not eating each as he dips it into the salt, he shows that he wishes to make a proper meal of them, not a mere snack, and a proper meal is forbidden before tithing.
- (5) Ma'as. IV, 3. When he can put the remainder back, even if he takes many he does not mean to make a proper meal, as he may eat a few only; hence he is not liable. But when he cannot put the remainder back, and he takes a number, he evidently intends to eat them all now, and this intention establishes liability to tithes because it will constitute a full and proper meal.
- (6) Even in a clean vat one can put back the fruit left over.
- (7) Because he renders what he touches unclean, and so this in turn will defile the olives in the vat if he puts it back.
- (8) Since they have never been taken out; he merely designated them by word of mouth.
- (9) In truth it is not his speech but the Sabbath that establishes liability; nevertheless our Mishnah does not support R. Nahman, because it only quotes the view of R. Eliezer, but the Sages differ.
- (10) V. Glos.
- (11) But the Sages who differ with respect to terumah differ also with respect to Sabbath.
- (12) I.e., before their preparation was complete and therefore not yet liable to tithe.
- (13) Ma'as. II, 4. — R. Eliezer holds that the separating of terumah though it was as yet unnecessary, has established a liability to tithes too, though it is not yet completely ready. But the Sages dispute this.
- (14) The grapes are tithe-free until they are brought within the owner's court. When yet in the vineyard, the owner may eat of them a slender meal, for their preparation for tithing is regarded complete only when made into wine.
- (15) Which makes the grapes liable to tithe, without which even a light meal is now forbidden.
- (16) When it is forbidden to tithe. — This is a separate case and does not refer to when he entered the court.
- (17) Ter. VIII, 3. Hence it is to be inferred that R. Eliezer does not hold that the Sabbath establishes liability for tithing.
- (18) In Tosef. Ter. VII.
- (19) This follows the text of the Tosefta, which is preferable to that of our edd. [The Fruit was evidently taken for drying; v. Wilna Gaon Ma'as. III and cf. R. Hananel a.l. Assuming that לקצור 'to harvest' in cur. edd. is a scribal error for לקצות 'to dry', the reading of cur. edd. yields equally good sense.]
- (20) But all the other scholars allow.

Talmud - Mas. Beitzah 35b

'Court', to reject the opinion of R. Jacob, for we have learnt: If one was carrying figs into his court for drying, his children and the members of his household may eat of them a light meal and are exempt [from tithes]; and with respect to this, it was taught: R. Jacob makes him liable for tithing and R. Jose son of R. Judah exempts [him].

'Terumah', to reject the opinion of R. Eliezer; for we have learnt: If one separated terumah from fruits before they were completely ready [for tithing] R. Eliezer forbids a light meal to be made of it, but the Sages permit.¹

'Purchasing', as it was taught: If one bought figs from an 'am ha-arez² in a district where the majority of the people press [them], he may eat thereof a light meal and he tithes them as demai.³ Infer from this three things; infer from this [that] 'purchasing' establishes liability only where it was completely ready [for tithing]; infer from this also [that] the majority of the 'amme ha-arez do tithe [their produce]; and [further] infer from this [that] one should tithe the demai of an 'am ha-arez even of a commodity whose preparation has not yet been completed. And it⁴ is to reject that which we have learnt: If one exchanges fruit with his neighbour, the one intending to eat them [as they are] and the other intending to eat them, or the one intending to dry them and the other intending to dry them,

or the one intending to eat them and the other intending to dry them, they are both liable.⁵ R. Judah says: He who intends eating it is liable,⁶ but he who intends drying it is exempt.⁷

CHAPTER V

MISHNAH. ONE MAY LET DOWN FRUIT⁸ THROUGH A TRAP-DOOR ON A FESTIVAL BUT NOT ON A SABBATH, AND COVER UP FRUIT WITH VESSELS ON ACCOUNT OF THE RAIN; AND LIKEWISE JARS OF WINE AND JARS OF OIL; AND [EVEN] ON A SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN.

GEMARA. It was stated: Rab Judah and R. Nathan [dispute]; one recites MASHILLIN⁹ and the other teaches MASHHILLIN. Said Mar Zutra: The one that recites MASHILLIN does not teach wrongly and the other who recites MASHHILLIN does not teach wrongly. The one that recites MASHILLIN does not teach wrongly for it is written, For thine olives shall drop off, [yishshal];¹⁰ and the other who recites MASHHILLIN does not teach wrongly for we have learnt: [If the firstling is a] shahol or a kasol [it may be slaughtered]; 'shahol' [means an animal] whose hip has become dislocated¹¹ and 'kasol' [means an animal] one of whose hips is higher than the other.¹² R. Nahman b. Isaac said: The One that recites MASHIRIN does not teach wrongly and the one that recites MASHHIRIN does not teach wrongly, and the one that recites MANSHIRIN does not teach wrongly. The one that recites MASHIRIN does not teach wrongly, for we have learnt: R. Ishmael says: A Nazirite may not shampoo his head with clay because it makes the hair fall out [mashir];¹³ and the one that recites MASHHIRIN does not teach wrongly, for we have learnt: The hair-clip [shahor] and the barber's scissors are susceptible to defilement even though they [the two parts] are separated;¹⁴ and the one that recites MANSHIRIN does not teach wrongly, for we have learnt: If one's clothes fell [nashru] in the water [on a Sabbath], he may walk in them without fear.¹⁵ Alternatively, from the following teaching: What is leket?¹⁶ That which was let fall [nashar] at the time of harvesting.¹⁷ We have learnt: YOU MAY LET DOWN FRUIT THROUGH A TRAPDOOR ON A FESTIVAL? How much?¹⁸ — Said R. Zera in the name of R. Assi — some say, R. Assi said in the name of R. Johanan: Like that which we have learnt: One may clear away [on Sabbath as much as] four or five bundles of straw or grain¹⁹ on account of guests or to avoid disturbance of study.²⁰ But perhaps it is different there where study would [otherwise] be disturbed, but here where there is no disturbance of study it is not so!²¹ Or perhaps there [as many as] four or five bundles are allowed [to be cleared away] because the Sabbath is stringent and [people] will not come to treat it lightly, but on a Festival, which is less stringent and people might come to treat it lightly, he may not [move any at all]! Or [argue] in the reverse: There [only four or five are allowed] because no monetary loss is involved, but here where monetary loss is involved²² even more is allowed!

(1) V. supra 35a.

(2) The name given to an illiterate peasant who is under suspicion of not giving tithes from his produce. V. Glos.

(3) 'Suspect produce', i.e. produce regarding which it is not known whether the prescribed tithes have been duly set apart by the vendor before selling.

(4) The statement of Rabin in the name of R. Johanan above.

(5) For exchange is a purchase, and this Tanna holds that purchase establishes liability even when the commodity is not completely ready.

(6) For it is ready as far as he is concerned.

(7) For it is not ready for him, and R. Judah holds that purchase itself does not establish liability.

(8) Spread out on the roof for drying.

(9) This and all the following verbs have the significance of letting down.

(10) Deut. XXVIII, 40. Mashillin is from the same root (nashal).

(11) I.e., dropped, and mashhillin therefore has the same sense.

(12) Bek. 40a.

(13) Naz. 42a. V. also Num. VI, 5.

- (14) Because each part can be used separately as an instrument for cutting. Kel. XIII, 1. Thus 'shahor' has the sense 'to cause to fall'.
- (15) That he may be suspected of having washed them on the Sabbath. Shab. 147a.
- (16) Which belongs to the poor.
- (17) Pe'ah. IV, 10.
- (18) May he clear away that it should not be regarded as extra work?
- (19) But no more.
- (20) I.e., if one needs the space for guests or disciples. Shab. 126b. Lit., 'the disturbance of the House of learning'.
- (21) I.e., he may not take as many as four or five.
- (22) The rain would spoil the fruit.

Talmud - Mas. Beitzah 36a

[Moreover] we have learnt there:¹ But [one may] not [clear away] the store-house; and Samuel said: What means 'but [one may] not [clear away] the storehouse'? [It means,] But one may not clear away the entire store² lest he come to level out hollows.³ Now what is the law here?⁴ [Do I say that] it is forbidden there, on the Sabbath, because it is stringent, but on a Festival which is less stringent it is permitted; or perhaps [I can argue], if there where there is disturbance of study, you say that it is forbidden, here where there is no disturbance of study how much the more? [Furthermore] we have learnt here: ONE MAY LET DOWN FRUIT THROUGH A TRAP-DOOR ON A FESTIVAL; and R. Nahman said: They taught this only with respect to the same roof, but not from one roof to another. And it was likewise taught: One may not move [things] from one roof to another even when the roofs are level with each other.⁵ Now how is it there [on the Sabbath]?⁶ [Do I say that] here only it is forbidden, because a Festival is less stringent and [people] might come to treat it lightly, but on a Sabbath which is stringent and [people] will not come to treat it lightly, it is allowed; or perhaps [I can argue], if here, where loss of fruit is involved, you say that it is not [permitted] there, where no damage of fruit is involved, how much the more? [Again] it was taught here:⁷ He may not let them [the bundles] down through windows with ropes, nor may he bring them, down by means of ladders. How is it there?⁸ [Do I say that] only here, on a Festival it is forbidden, because no disturbance of study is involved, but [there] on the Sabbath, where there is a disturbance of study, it is allowed; or perhaps [I can argue], if here where damage of fruit is involved, you say that it is forbidden, there where no damage of fruit is involved, how much the more? The questions remain undecided.

AND ONE MAY COVER UP FRUIT. 'Ulla said: Even a stack of loose bricks.⁹ R. Isaac said: [Only] fruits which are useable [may be covered]. And R. Isaac follows his opinion [expressed elsewhere]; for R. Isaac said: A utensil may be handled [on Sabbath] only for the benefit of a thing which itself may be handled on the Sabbath.¹⁰

We have learnt: ONE MAY COVER UP FRUIT WITH VESSELS; only fruit but not a stack of loose bricks! — The same is true even of a stack of loose bricks; but because he teaches in the first part [of the Mishnah], ONE MAY LET DOWN FRUIT,¹¹ he teaches also in the concluding part, ONE MAY COVER UP FRUIT.

We have learnt: AND LIKEWISE JARS OF WINE AND JARS OF OIL!¹² — We are dealing here with tebel.¹³ This too is logical: for if you maintain [that we are dealing with] jars of wine and oil which are permitted, surely this he already teaches in the first clause, viz., FRUITS!¹⁴ — It is especially necessary to teach this with respect to jars of wine and oil; for I might have thought that the Rabbis took into consideration only a great loss,¹⁵ but a small loss they did not take into consideration, so he informs us [that it is not so].

We have learnt: ON A SABBATH YOU MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN!¹⁶ — [It deals here] with respect to rain fit for use.¹⁷ Come and hear: One may spread a mat

over bricks on a Sabbath!¹⁸ — [It treats of bricks] that were left over from a building and which are fit to sit on.

Come and hear: You may spread a mat over stones on a Sabbath!¹⁹ — [It treats] of smoothly pointed stones which are fit for a privy.

Come and hear: One may spread a mat over a beehive on a Sabbath,²⁰ in sunny weather on account of the sun and in rainy weather on account of the rain, provided that he does not intend to capture [the bees]! — There likewise [it treats of a case] where it contains honey.²¹ R. Ukba of Meshan²² said to R. Ashi: This is well in summer when there is honey [in the hive], but in winter how is it to be explained? — It is especially necessary to teach this with respect to the two honeycombs.²³ But these two honeycombs are mukzeh!²⁴ — We deal here with a case where he reserved them [for his use]. But what if he did not reserve them for his use? [It is] forbidden! Then instead of teaching, ‘provided that he does not intend to capture [the bees]’, he should teach a distinction with respect to [the first case] itself,²⁵ [viz.], This applies only when he has reserved them for his use, but if he did not reserve them for his use it is forbidden? — This is what he means to say; even though he has reserved them, [for his use he may cover them with a mat] provided always that he does not intend to capture [the bees]. How have you explained it:²⁶ according to R. Judah who holds the law of mukzeh?²⁷ But say the concluding part: provided that he does not intend to capture [the bees]: this is in accordance with R. Simeon, who says, An unintentional act is permitted!²⁸ — Do you then think [the concluding clause] is according to R. Simeon? Surely Abaye and Raba both said: R. Simeon agrees [that it is forbidden] in the case of ‘Cut off his head but let him not die’.²⁹ — In point of fact, the whole [Mishnah there] is according to R. Judah, and we are dealing here with a case where it [the beehive] has a little window;³⁰ and do not say, according to R. Judah provided that he does not intend to capture [the bees]

(1) Shab. 126b.

(2) I.e. if the store contained only four or five bundles he may not remove them all and thus clear the Boor.

(3) Found in the floor of the barn.

(4) May one clear away the entire barn on a Festival?

(5) When no extra labour in lifting is incurred.

(6) For the sake of guests or the study of the Law?

(7) With respect to clearing bundles on a Festival.

(8) On the Sabbath, may one remove for the sake of guests or the study of the Law?

(9) May be covered up, even though the bricks themselves may not be moved.

(10) Since the bricks may not be handled, nothing else (e.g., a tarpaulin) may be handled to cover them.

(11) I.e. only that which is fit for use on the Sabbath or Festival and hence may be handled.

(12) Implying, but not bricks.

(13) Which, like the bricks, are not useable on a Festival and therefore may not be moved, yet they may be covered. Hence bricks are the same.

(14) For obviously they are alike.

(15) The rain can cause greater damage to fruit than to the jars of wine or oil.

(16) The rain-drops are likewise not useable, and therefore may not be handled, and yet a vessel may be handled for receiving them.

(17) I.e., ordinary rainwater which can be used for watering cattle.

(18) To protect them from rain, although the bricks are for building purposes and may not be moved; cf. Shab. 43a.

(19) Shab. 43a, — it is assumed that these too are not fit for use and therefore may not be handled.

(20) To protect it from the rain, although the beehive itself may not be moved.

(21) And the mat is to protect the honey, which may be handled.

(22) Mesene, a district south-east of Babylon, on the path of the trade route to the Persian Gulf. V. Obermeyer, p. 89ff; B.K., Sonc. ed. p. 566, n. 5.

(23) Which are left behind as food for the bees, v. B.B. 80a.

- (24) For they are reserved for the bees, and may not be moved.
- (25) When he covered it solely to protect it from the rain.
- (26) This law about covering a beehive?
- (27) For otherwise you could have answered that it agrees with R. Simeon, who rejects the law of mukzeh.
- (28) Provided that the act he is doing is permitted, he is not made to refrain because he may unintentionally also do something forbidden. V. Shab. 50b. Whereas R. Judah is of the opinion that all unintentional act is prohibited.
- (29) This is an idiom describing the inevitable result of an unintentional act; i.e., where an unintentional act must inevitably result in a forbidden act, R. Simeon agrees that it is forbidden. Here too, he inevitably captures the bees, so that even R. Simeon should forbid it. V. Keth., Sonc. ed. p. 20, n. 8.
- (30) Through which the bees can escape.

Talmud - Mas. Beitzah 36b

but say rather, provided that he does not make it [the beehive] a trap.¹ [But] this is obvious! — You might say [that] catching is forbidden only in respect of a kind of creature which one usually catches, but with respect to the sort which one does not usually catch,² it is permitted; so he informs us [that it is not so]. R. Ashi says:³ Does he then teach ‘in summer and in winter’? He teaches ‘in sunny weather on account of the sun and in rainy weather on account of the rain’, [i.e.,] in the days of Nisan and in the days of Tishri⁴ when there is both sun and rain as well as honey present.

ON SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN. It was taught: If the vessel became full, he may keep on pouring it out as it fills and put it back again without restraint. In the mill-room of Abaye rain trickled through.⁵ He came before Rabbah who said to him: Go, bring in your bed there, so that it [the mill] may be regarded by you like a commode⁶ and [so] take it out. Abaye sat and put himself the question: May then one make of anything a commode at the outset?⁷ In the meantime Abaye's mill fell to pieces. He said: I well deserve it, for I have transgressed the words of my Master.⁸ Samuel said. The commode and the chamber-pot may be taken out to the dung-heap [for emptying], and when he brings them back, he is to pour water therein and [then] take them back.⁹ From this they [the disciples] concluded that one may carry out [the contents of] the commode by means of the vessel but not the ordure itself;¹⁰ [but] come and hear [to the contrary]: Once a mouse was found in a scent-box belonging to R. Ashi. R. Ashi said to them: Take it by the tail and bring it out.¹¹

MISHNAH. EVERY [ACT] THAT IS CULPABLE¹² ON A SABBATH AS A SHEBUTH,¹³ [OR] AN OPTIONAL ACT [RESHUTH], [OR] A RELIGIOUS ACT,¹⁴ IS ALSO CULPABLE ON A FESTIVAL. THE FOLLOWING ACTS ARE CULPABLE AS A SHEBUTH: ONE MAY NOT CLIMB A TREE, NOR RIDE A BEAST, NOR SWIM IN WATER, NOR CLAP THE HANDS, NOR SLAP [THE THIGHS], NOR DANCE. THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE,¹⁵ NOR BETROTH A WIFE, NOR PERFORM HALIZAH,¹⁶ NOR PERFORM YIBBUM [CONSUMATE A LEVIRATE MARRIAGE].¹⁷ THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE [ANYTHING TO THE TEMPLE], NOR VOW A PERSONAL VALUATION,¹⁸ NOR MAKE A VOW OF HEREM,¹⁹ NOR SET ASIDE TERUMAH OR TITHES. ALL THESE THINGS THEY [THE RABBIS] PRESCRIBED [AS CULPABLE] ON A FESTIVAL, HOW MUCH MORE [ARE THEY CULPABLE] ON SABBATH. THE FESTIVAL, DIFFERS FROM THE SABBATH ONLY IN RESPECT OF THE PREPARATION OF FOOD ALONE.

GEMARA. ONE MAY NOT CLIMB A TREE; it is a preventive measure lest he pluck [fruit]. NOR RIDE A BEAST; it is a Preventive measure lest he might go without the tehūm.²⁰ Then this proves that the law of tehūm is Biblical?²¹ — Rather say, it is a preventive measure lest he cut off a switch.²²

NOR SWIM IN WATER; it is a preventive measure lest he might make a swimming bladder.

NOR CLAP THE HANDS, NOR SLAP THE THIGHS, NOR DANCE; it is a preventive measure lest he might repair musical instruments.

THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE: But is he not discharging a religious act?²³ — This holds good only where a more capable person is available.²⁴

NOR BETROTH A WIFE. Is he not discharging a religious obligation?²⁵ — It treats of one

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- (1) By closing also the small aperture.
 - (2) Bees, as a rule, are not caught with a net.
 - (3) The text treats of a case, as previously explained, when there is honey in the hive; and as for the question, In winter there is no honey!
 - (4) Nisan is the first and Tishri the seventh month of the Jewish Calendar, corresponding to the months of March and September respectively.
 - (5) The placing of vessels to catch the dripping rain would itself be insufficient to save the mill from damage, unless it were itself removed.
 - (6) The mill was of clay and the rain would make it dirty and foul.
 - (7) V. supra 21b.
 - (8) By questioning his advice.
 - (9) Since the vessel itself is considered mukzeh on account of its filthiness and may not be carried about.
 - (10) I.e., to take out the ordure by itself or anything filthy and obnoxious is forbidden.
 - (11) Showing that it is the unclean thing itself that can be removed.
 - (12) According to Rabbinical enactment.
 - (13) V. Glos. The term is generally applied to an action which while not belonging to the category of forbidden labours (V. Shab. 73a) or their derivatives, was nevertheless forbidden either because it might lead to one of these or because it did not harmonize with the general spirit of the Sabbath.
 - (14) I.e., actions which are normally secular and optional or even in the nature of religious observances, but which are nevertheless forbidden on the Sabbath.
 - (15) In a lawsuit.
 - (16) V. Deut. XXV, 9, and Glos. s.v.
 - (17) The marriage with the wife of a deceased brother. V. Deut. XXV, 5-7.
 - (18) V. Lev. XXVII, 1-8.
 - (19) I.e., devote anything to the Lord; V. Lev. XXVII, 28.
 - (20) V. Glos.
 - (21) For it is a general rule that a preventive measure is enacted to safeguard a Biblical law only, but not a Rabbinical one. But actually there is a controversy whether the law of tehumi is Biblical or only Rabbinical, v. 'Er. 35.
 - (22) To use as a whip. Cutting off anything that is growing is certainly prohibited by Biblical law.
 - (23) To judge is a meritorious deed — hence it should be included in the third category.
 - (24) So that as far as this person is concerned it is an optional act, though judging in general ranks as a religious obligation.
 - (25) V. Gen. I, 28.

Talmud - Mas. Beitzah 37a

who [already] has a wife and children.¹

NOR PERFORM HALIZAH, NOR PERFORM YIBBUM. Is he not performing a religious act? — It treats of a case where there is an elder [brother] and it is a [prior] obligation for the elder [brother] to consummate a levirate marriage. And on account of what are all these [forbidden]? — It

is a preventive measure lest he write.²

THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE, NOR VOW A PERSONAL VALUATION, NOR MAKE A VOW OF HEREM; [they are forbidden] as preventive measures lest one transact business.³

NOR SET ASIDE TERUMAH OR TITHES. This is obvious!⁴ R. Joseph taught: It is necessary [to teach this] even in the case of giving them to the priest on the same day [of the Festival].⁵ This, however, applies only to produce which was tebel⁶ since the day before; but with respect to produce which is only just now become tebel, as for example to set aside hallah from dough, he may set them [tithes] aside and give them to the priest. Are then these acts⁷ culpable only as reshuth and not as shebuth?⁸ And are those acts⁹ culpable only as religious acts and not as shebuth? Said R. Isaac: He proceeds to a climax;¹⁰ not only is an act which is purely a shebuth¹¹ forbidden, but even a shebuth which partakes of an optional [meritorious] act¹² is also forbidden; and not only is a shebuth partaking of an optional [meritorious] act forbidden, but even a shebuth partaking of a religious obligation¹³ is also forbidden.

ALL THESE THINGS THEY FORBADE ON A FESTIVAL [etc.]. But the following contradicts this. One may let down fruit through a trap-door on a Festival but not on a Sabbath!¹⁴ — Said R. Joseph: There is no contradiction: the one¹⁵ is according to R. Eliezer, the other is according to R. Joshua. For it was taught: If it [an animal] and its young fell into a pit,¹⁶ R. Eliezer says: He may bring up one of them in order to slaughter it and must slaughter it; and as for the other, he feeds it in the very place [it fell], so that it should not die. R. Joshua says: He brings up one in order to slaughter it but does not slaughter it, and he uses subtlety¹⁷ and again brings up the second [animal]; and he may slaughter whichever he desires.¹⁸ Abaye said to him: Whence [do you know that it is so]? Perhaps R. Eliezer said so only there where one can feed the animal,¹⁹ but not here where no feeding is possible.²⁰ Or [perhaps] R. Joshua ruled thus only there, where one can make use of subtlety, but not here where it is not possible to make use of subtlety?²¹ — Rather said R. Papa: There is no contradiction: the one²² is according to Beth Shammai, the other is according to Beth Hillel. For we have learnt: Beth Shammai say: One may not carry out an infant or a lulab or a Scroll of the Law into public ground; but Beth Hillel permit it.²³ But perhaps it is not so! [Perhaps] Beth Shammai ruled thus only there, with respect to carrying out, but not with respect to handling?²⁴ — Is not handling needed for carrying out?²⁵

MISHNAH. CATTLE AND UTENSILS ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE OWNERS.²⁶ IF ONE GIVES HIS COW OVER TO HIS SON OR TO A HERDSMAN [TO TEND], THEY²⁷ ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OR THE OWNER. [ANY] UTENSILS WHICH HAVE BEEN SET APART FOR [THE USE OR] ONE OF THE BRETHREN IN A HOUSE, ARE [RESTRICTED TO THE SAME LIMITS] AS HIS FEET; BUT [THOSE UTENSILS] WHICH HAVE NOT BEEN SO SET APART, CAN BE TAKEN [ONLY] WHERE [ALL THE BRETHREN] MAY GO.²⁸ IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF A FESTIVAL, [IT IS RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE BORROWER; [BUT IF HE BORROWED IT] ON THE FESTIVAL, IT IS AS THE FEET OF THE LENDER. LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR CONDIMENTS, WATER OR SALT FOR HER DOUGH, THESE ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THEM BOTH.²⁹ R. JUDAH EXEMPTS IN THE CASE OF WATER,³⁰ BECAUSE IT IS NOT SUBSTANTIAL.³¹

GEMARA. Our Mishnah

(1) V. Mishnah. Yeb. 61b.

- (2) The betrothal or marriage contracts.
- (3) Since these partake somewhat of that nature.
- (4) [It is not quite obvious, and Rashi seems to omit the question as well as 'It is necessary' in the reply, reading, 'R. Joseph taught: Even in the case etc.'. V. D.S. a.l.]
- (5) Although it is not then evident that the setting aside of the tithes was for his own benefit; rather has it the appearance that he is doing it in the interest of the priest.
- (6) V. Glos.
- (7) Not judging, etc.
- (8) Surely they too are forbidden on account of shebuth for the reason stated supra.
- (9) Not dedicating, etc.
- (10) Lit., "He says it is unnecessary" etc.'.
- (11) Which have no semblance of religious merit in them, such as climbing a tree, etc.
- (12) Such as are enumerated in the middle list.
- (13) Such as are enumerated in the last list.
- (14) Whereas from the end of our Mishnah it is to be inferred that no difference exists between Sabbaths and Festivals except in the preparation of food alone.
- (15) Our Mishnah which teaches that every action forbidden on a Sabbath on account of shebuth is also forbidden on a Festival, implying even though it entails a monetary loss.
- (16) On a Festival, when one may bring up the animals for slaughtering only. On the other hand, it is forbidden to slaughter an animal together with its young on the same day. Lev. XXII, 28.
- (17) By preferring the other animal for slaughter.
- (18) V. Shab. 117b, 124a.
- (19) So that no monetary loss is incurred.
- (20) Perhaps in such a case even R. Eliezer would permit it on a Festival, and yet not on the Sabbath.
- (21) I.e., where it is impossible to give the pretence that the proposed action is entirely permissible in itself, even R. Joshua may forbid it.
- (22) Our Mishnah.
- (23) V. supra 12a. [It is assumed that just as Beth Shammai forbid carrying into the public ground anything not connected with preparation of food, so they would forbid the handling of such things even when money loss is involved].
- (24) I.e., moving it from one part of the house to another.
- (25) Before an article can be carried out it must be moved and handled, and it was only on that account that handling is forbidden (Rashi). Hence where carrying out is forbidden, handling and moving are likewise.
- (26) They may be taken on a Festival only where the owner may go. [On Sabbath and Festivals it is permitted to walk within two thousand cubits in all directions from the boundaries of the town where one lives. Should one wish to walk beyond that limit, he can do so by depositing an 'erub at the end of the two thousand cubits in the direction he wishes to go, from which point he may again walk another two thousand cubits. Having however gained the two thousand cubit limit in one direction, he forfeits his right of movement in the opposite direction outside the town boundary].
- (27) Such animals — the plural is used generically.
- (28) I.e., if each brother has a different Sabbath limit, their common utensils are restricted to the area common to them all.
- (29) The dough may only be brought to that place where both may go.
- (30) I.e., the ownership of the water does not affect the dough.
- (31) I.e., it is not noticeable as a separate ingredient and therefore does not affect the status of the dough.

Talmud - Mas. Beitzah 37b

is not as R. Dosa, for it was taught: R. Dosa says — some say, Abba Saul says: If one buys a beast from his neighbour on the eve of the Festival, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the purchaser; and if one handed over a beast to a herdsman, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the herdsman! — You can even say, it is as R. Dosa, and there is no

contradiction: Here it treats of one herdsman and there of two herdsmen.¹ This call also be proved; for it teaches TO HIS SON ON TO A HERDSMAN;² infer from this [that it is so]. Rabbah b. Bar Hana said in the name of R. Johanan: The halachah is as R. Dosa. Did then R. Johanan say thus? But surely R. Johanan has said: The halachah is as an anonymous Mishnah, and we have learnt: CATTLE AND UTENSILS ARE AS THE FEET OF THE OWNERS [etc.].! — Have we not already explained, here it treats of one herdsman and there of two herdsmen! Our Rabbis taught: If two people borrowed one garment jointly,³ one to wear it⁴ in the morning at the Academy and the other to wear it in the evening⁵ at a banquet, the one setting an 'erub on the north [side of the town] and the other on the south [side], [then] the one who set the 'erub on the north [side] may walk in it to the north [side] only as far as the other who set his 'erub on the south [side] is allowed to go; and the one who set the 'erub on the south may wear it to the south only as far as the other who set the 'erub on the north may go; and if they measured the Sabbath limit exactly,⁶ then it [the garment] may not be moved from its place.⁷ It was stated: If two [men] bought a barrel and an animal⁸ in partnership, Rab says: The barrel is permitted⁹ but the animal is forbidden;¹⁰ Samuel, however, says: The barrel too is forbidden. What is Rab's opinion? If he holds that selection is retrospective,¹¹ then the animal too should be permitted; and if he holds that selection is not retrospective, then the barrel too should be forbidden! In reality he holds that selection is retrospective, but the case of an animal is different, because the territories draw their vitality from one another.¹² R. Kahana and R. Assi said to Rab: They [the partners] do not take into account the prohibition of mukzeh, but they do take into account the prohibition of boundary limits!¹³ Rab was silent. How does the law stand? R. Oshaia says, Selection is retrospective, and R. Johanan maintains: Selection is not retrospective. Does then R. Oshaia hold the law of bererah? But surely we have learnt:¹⁴ If a corpse [lay] in a room which has many doors they are all unclean; if one of these [doors] was opened, it alone is unclean and all the others are clean. If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square, this gives protection to all the other doors. Beth Shammai Say: Providing that he had formed his intention to take it out before the person died; but Beth Hillel Say: [It holds good] even [if his intention was formed] after the person died. And it was stated thereon: R. Oshaia said: [The statement of Beth Hillel is] with respect to the cleansing of the doors from now and onwards. Only 'from now and onwards' but not retrospectively! — Reverse [the authorities]; R. Oshaia Says, selection is not retrospective and R. Johanan maintains: Selection is retrospective. Does then R. Johanan hold that selection is retrospective? Surely R. Assi said in the name of R. Johanan: Brothers who have divided [an inheritance] are considered as purchasers¹⁵ and must restore [their shares] to one another in the year of Jubilee!¹⁶ And if you answer that R. Johanan does not hold that Selection is retrospective in the case of a Biblical [law]¹⁷ but with respect to a Rabbinical [law]¹⁸ he does hold, [I would object] does he then hold in the case of a Rabbinical [law], but Ayyo taught:¹⁹ R. Judah says: A man cannot conditionally reserve for himself two contingencies simultaneously; but if a scholar comes to the East, his 'erub to the East is valid: if to the West, his 'erub to the West is valid.²⁰ However, he cannot [stipulate] when there are two scholars coming on different sides.

(1) If there are in the town several herdsmen, the owner cannot know which will take over the beast and therefore it is restricted to the feet of the owner. But if there is only one, it is tacitly assumed that it will be entrusted to him, and therefore it automatically takes his status.

(2) Since the Mishnah states an alternative, we see that the circumstances are such that he is not restricted to one person only, and that is the same as where there are several herdsmen in the town.

(3) Before the Festival.

(4) Lit., 'to go out in it'.

(5) Of the Festival.

(6) I.e., if each set his 'erub at the extreme limit of his boundary.

(7) It may not be taken without the town at all (cf. supra p. 188, n. 10).

(8) On the eve of the Festival to be divided on the Festival.

(9) To be carried by each according to his territory limit.

- (10) To be carried save in the area where they may both go.
- (11) I.e., what each was to receive on the Festival is assumed as having been determined before the Festival.
- (12) I.e., the animal is one indivisible whole before it is killed, and the portion which subsequently falls to one could not at the beginning of the Festival be accounted as cut off from the other.
- (13) Rashi: We can see that each partner did not put the portion of his other partner so much out of his mind that his own should be forbidden because it drew vitality from his partner's, (for if he had put it out of mind, his partner's portion would be forbidden to him as mukzeh, and his own too, on the present hypothesis, since it draws vitality from the other). Why then should we assume that he does take his partner's portion into account in respect of boundaries? Tosaf. explains this differently.
- (14) V. supra 10a, for notes.
- (15) I.e., the portion chosen by each brother for himself cannot be considered as having thus retrospectively become the very inheritance designated for him, v. B.K., Sonc. ed. p. 399 and notes.
- (16) Because there is no fictitious understanding that the father had given that part to one brother and the other part to the other. Purchased property returns in the year of Jubilee to the former owners. V. Lev. XXV, 8ff. V. B.K. 69b, Git. 25a and 48a.
- (17) As for example the law of Jubilee.
- (18) As for example the law of tehum.
- (19) In 'Err. 36b a Mishnah teaches that if two scholars were coming near to him, one to the East and one to the West, he may place two 'erubs and on the Sabbath choose to which of these two he should go. R. Judah, according to Ayyo, disputes this.
- (20) I.e., if only one scholar was coming and it was not definite whether he would be coming to the East or to the West.

Talmud - Mas. Beitzah 38a

And we raised the question: Why is it that he cannot [stipulate] when there are two scholars coming on different sides? Because we do not hold that selection is retrospective; then even [if a scholar came] to the East or to the West we should likewise not maintain that selection is retrospective! And R. Johanan answered: It treats of a case where the scholar had already come.¹ Consequently [we see that] R. Johanan does not hold that selection is retrospective! But in reality do not reverse [the authorities]; but R. Oshaia does not hold that selection is retrospective [only] in respect of a Biblical [law], but in respect to a Rabbinical [law] he does hold it. Mar Zutra lectured: The halachah is as R. Oshaia. Samuel said: The ox of a cattle breeder is as the feet of all;² the ox of a herdsman is as the feet [of the people] of that town.³

IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF THE FESTIVAL [etc.]. This is obvious! — This is necessary respecting the case when it was not delivered to him until the Festival; you might think that he [the owner] did not place it in his [the borrower's] possession, so he informs us [that it is not so]. This supports R. Johanan; for R. Johanan said: If one borrows a vessel from his neighbour on the eve of a Festival, even though he did not hand it over to him until the Festival, it is as the feet of the borrower.

BUT ON THE FESTIVAL IT IS AS THE FEET OF THE LENDER. This is obvious! — This is necessary respecting the case when he is wont to borrow frequently from him; you might think that he [tacitly] puts it into his [the borrower's] possession, so he informs us [that it is not so]; for he [the owner] might say,⁴ he will probably find another person and go and borrow from him.

LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR: When R. Abba went up [to Palestine], he said: May it be the will [of God] that I may say something which is acceptable. When he came up [to Palestine] he met R. Johanan and R. Hanina b. Pappi and R. Zera — some say, R. Abbahu and R. Simeon b. Pazzi and R. Isaac the Smith; and they were sitting and saying: Why so? Let the water and the salt be nullified in relation to the dough!⁵ — R. Abba said to them:

- (1) So that the selection had already been made for him before Sabbath, though he was not aware where.
- (2) Since it may be bought by any man, it may go wherever the purchaser goes.
- (3) A cattle breeder sells to people of all districts, whereas a herdsman, though he does not generally sell, does so occasionally to people in the immediate vicinity.
- (4) Since he had not asked him.
- (5) Hence the dough would be permitted to be carried without reference to the ownership of the water and the salt!

Talmud - Mas. Beitzah 38b

If one kab of wheat of one person got mixed up with ten kabs of wheat of another, should the latter eat and be happy?¹ They laughed at him. Said he to them: Have I taken away your coats [that you laugh at me]?² They again laughed at him. Said R. Oshaia: They were right in laughing at him. Why did he not say to them [as an example] of a case of wheat that got mixed up with barley? Because they are of different kinds, and in a mixture of different kinds the rule of neutralization takes effect; then the same is true of wheat that got mixed up with wheat: granted that according to R. Judah it does not become neutralized, but according to the Rabbis it indeed becomes neutralized.³ R. Saфра said to him:⁴ By Moses!⁵ Is it well what you say?⁶ Did they not hear what R. Hiyya of Ktesifon⁷ said in the name of Rab: If one picks out pebbles from his neighbour's threshing floor he must pay him the value of wheat.⁸ Consequently [it is because] he lessened the measure [of his wheat];⁹ likewise in this case he has lessened the quantity.¹⁰ Said Abaye to him: Does not the Master make a distinction between money which is being claimed and money which is not being claimed?¹¹ — He replied to him: And according to your opinion, that which R. Hisda said: Nebelah¹² is neutralized in ritually slaughtered meat,¹³ because the slaughtered cannot assume the character of nebelah,¹⁴ but ritually slaughtered meat is not neutralized in nebelah, because nebelah can assume the character of ritually slaughtered meat.¹⁵ Would you likewise [assume that], if it¹⁶ has an owner, it does not become neutralized? And if you say it is even so, surely it was taught: R. Johanan b. Nuri said: Ownerless articles acquire their [Sabbath] rest;¹⁷ although they had no owner, it is the same as if they had an owner!¹⁸ — He replied to him: [Still]¹⁹ can you compare the case of a ritual prohibition with a monetary case! In the case of a ritual prohibition, it [the less] is neutralized [in the majority]; but with respect to a monetary case, it is not neutralized [in the majority]. What is now the reason?²⁰ Abaye says: It is a preventive measure lest the dough be made in partnership.²¹ Raba says: Condiments are used for seasoning and whatever is used for seasoning does not become neutralized.²²

(1) Obviously not! Similarly, the salt and water do not lose their identity in spite of the greater value of the flour.

(2) Surely I have said or done nothing absurd.

(3) Cf. Men. 22a. Hence the very basis of his answer was incorrect.

(4) To R. Oshaia (Rashi), cf. however infra p. 194, n. 1.

(5) So Rashi. Or, Moses, well hast thou spoken, 'Moses' being a title of honour, as one might say, 'O great scholar'.

(6) [Aliter 'It is well what you say'; R. Saфра addressing R. Abba.]

(7) On the eastern bank of the Tigris.

(8) Corresponding to the measure of the stones picked out, since these stones are measured up with the wheat for sale.

(9) By taking out the pebbles.

(10) Through the water the quantity of the dough is enlarged and without the water the measure of the dough would be less. Hence if the pebbles, which have no intrinsic value, can nevertheless not be disregarded, surely we cannot disregard the water and the salt.

(11) The pebbles cannot be disregarded and retain their separate identity because their owner claims their value, since a loss has been inflicted upon him. In the Mishnah no such claim is made on the Festival, therefore owing to their lesser value the salt and the water may well be disregarded.

(12) V. Glos.

(13) If of three pieces of flesh, two are from a ritually slaughtered animal and one from a nebelah, then that which is touched by one of these three is not unclean, for we assume that contact has taken place with one of the pieces of the

ritually slaughtered animal.

(14) Hence there are two different kinds and the rule of majority prevails.

(15) If the nebelah flesh putrefies, it loses the characteristic of nebelah flesh and does not defile.

(16) The nebelah.

(17) He who finds them may carry them two thousand cubits in every direction but not to the place for which he has set an 'erub, for that would be beyond two thousand cubits.

(18) This proves that the absence of an owner to claim a thing does not destroy the status of an object in regard to its movements on Sabbaths and Festivals.

(19) Even granted that no distinction is made between objects that have an owner and such as have none, the difficulty presented by our Mishnah still remains.

(20) For the teaching of our Mishnah that condiments, water, and salt do not become neutralized, seeing that here too we are concerned merely with a matter of ritual prohibition — moving beyond the tehumi.

(21) And each carry it to his own limit, which is certainly forbidden.

(22) By its very nature.

Talmud - Mas. Beitzah 39a

And R. Ashi says: Because it is an object which can become [otherwise] permitted;¹ and any object which can become [otherwise] permitted is not neutralized even in two thousand [times its quantity].²

R. JUDAH EXEMPTS IN THE CASE OF WATER. Only water and not the salt? But surely it was taught: R. Judah says: Water and salt become neutralized both in dough as well as in cooked food!³ — There is no difficulty; the one treats of salt of Sodom⁴ and the other of salt of Istria.⁵ But it was taught: R. Judah says: Water and salt become neutralized in dough but do not become neutralized in cooked food, because of its fluidity!⁶ — There is no difficulty; the one treats of a thick mass, the other of clear soup.

MISHNAH. A LIVE COAL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER, BUT A FLAME⁷ CAN BE TAKEN ANYWHERE.⁸ ONE INCURS A TRESPASS-OFFERING IN RESPECT OF A LIVE COAL OF HEKDESH;⁹ BUT AS FOR A FLAME [OF HEKDESH], ONE MAY NEITHER BENEFIT FROM IT, NOR INCUR A TRESPASS-OFFERING.¹⁰ IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT.

GEMARA. Our Rabbis taught: Five things were said in respect to a live coal: A live coal is [restricted to the same limits] as its owner, but a flame can be taken anywhere; one incurs a trespass-offering in respect to a live coal of hekdesch, but with respect to a flame, one may not benefit from it, nor incur a trespass-offering. A live coal used in idolatrous service is forbidden but a flame is permitted; if one carries out a live coal into public ground [on a Sabbath] he is culpable, but [if he does the same] with a flame he is exempt; he who is under a vow not to benefit from his neighbour, may not make use of his coal but may make use of his flame. Now why is the flame used in idolatrous service permitted and that of hekdesch forbidden? — Idolatrous service is repugnant and people hold themselves very aloof from it, therefore the Rabbis have taken no measures against it; but as hekdesch is not repugnant and people do not hold themselves aloof from it, the Rabbis enacted a preventive measure on its account.¹¹

IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT. But it was taught:¹² He who takes out a flame of whatever size is culpable! — Answered R. Shesheth: This treats of a case when he brings it [the flame] out on a chip. Then he should be liable on account of the chip! — When it is less than the standard required; for we have learnt: He who carries out wood

[is culpable only] if it is sufficient to cook therewith a small egg.¹³ Abaye says: When he smears a vessel with oil and kindles it. Then he should be liable on account of the vessel! — [We are treating] of a potsherd. Then he should be liable on account of the potsherd! — When it is less than the standard required; for we have learnt: [He is culpable that takes out] a potsherd big enough to place between one board and another;¹⁴ this is the opinion of R. Judah.¹⁵ But that which we have learnt: 'If one carries out a flame [on a Sabbath] he is exempt', how can it occur?¹⁶ — If, for example, he brandishes the object [that is burning so that the flame projected] into public ground.¹⁷

MISHNAH. [THE WATER FROM] A PRIVATE WELL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER;¹⁸ AND [THE WATER FROM A WELL] BELONGING TO THE INHABITANTS OF THAT TOWN IS [RESTRICTED TO THE SAME LIMITS] AS THE PEOPLE OF THAT TOWN; AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON¹⁹ IS [RESTRICTED TO THE SAME LIMITS] AS THE ONE THAT DRAWS.

GEMARA. Raba pointed out a contradiction to R. Nahman: We have learnt: [The water from] a private well is [restricted to the same limits] as its owner; but the following contradicts this: Flowing streams and bubbling springs [have the same restrictions] as anyone!²⁰ — Answered Rabbah: Our Mishnah treats of collected [water].²¹ It was likewise stated: R. Hiyya b. Abin said in the name of Samuel: [It treats] of collected [water].

AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON IS AS THE ONE THAT DRAWS. It was stated: If one draws [water] and gives it to his neighbour, R. Nahman says: [It is restricted to the same limits] as the one for whom it was drawn; [but] R. Shesheth maintains: As the one who drew. In what are they disputing? — One is of the opinion that the well is ownerless,²² while the other is of the opinion that the well is held jointly.²³

Raba raised the [following] objection to R. Nahman: If one says to his neighbour, Behold, I am herem to you,²⁴ he against whom the vow is made is forbidden;²⁵

(1) After the Festival it can be taken anywhere.

(2) This is a general rule; cf. supra 3b.

(3) [Var. lec., 'R. Judah exempts in the case of water and salt'.]

(4) The salt of Sodom was thick and hard. V. Krauss op. cit. I, 499ff. Hence it is not neutralized as its presence is always discernable.

(5) A town in Pontus.

(6) Whereas R. Judah's exemption in our Mishnah in the case of water applies also to cooked food with which the condiments mentioned are used.

(7) I.e., if one for example lights a taper at another's flame.

(8) Within the restricted areas belonging to those who carry it.

(9) I.e., belonging to the Sanctuary. V. Lev. V, 14ff.

(10) If one does benefit from it.

(11) If people are permitted to use that, they will also put other articles of hekdesch to secular use, which is forbidden.

(12) V. Ber. 53a.

(13) I.e., the egg of a hen. Shab. 89b.

(14) To keep boards rigid and to avoid warping (Rashi).

(15) Shab. 82a.

(16) For a flame must be carried in something else.

(17) Lit., he throws', while retaining the thing to which the flame clings.

(18) Like the individual.

(19) The wells that were dug for the use of the exiles who returned from Babylon and hence were regarded as the property of the whole nation.

(20) I.e., one may take them wherever he himself may go.

(21) I.e., a cistern.

(22) The water accordingly belongs to the one that draws, on the principle that a man cannot act as agent to acquire ownerless property on behalf of another person; v. *infra* p. 199, n. 9.

(23) I.e., it belongs to the whole nation, which includes him for whom the water was drawn, and the drawer of the water merely acts as his agent.

(24) I.e., I am to you as a thing that is banned.

(25) To benefit from the vower.

Talmud - Mas. Beitzah 39b

[if he said,] Behold, thou art herem, to thee, the vower is forbidden;¹ [if he said,] Behold, I am [herem] to thee, and thou to me, both are forbidden to benefit from one another; but [to both] is permitted the use of things that belong to them that came up from Babylon, but the use of things that belong to the citizens of that town is forbidden to both.² And the following are the things which belong to them that came up from Babylon: The Temple Mount, the [Temple] Chambers, the [Temple] Courts, and a well in the middle of the road.³ The following belong to [the citizens of] that town: The market-square, the Synagogue, and the bath-house.⁴ Now if you say that a well is held jointly, then why is it permitted? Surely we have learnt: Partners who vowed not to derive benefit from one another may not enter their [common] court-yard to bathe in the well!⁵ — To bathe in it is indeed [not allowed], but we are treating here of drawing [water]; the one draws of his own and the other draws of his own.⁶ Does then R. Nahman hold the rule of *bererah*, but we have learnt: Brothers who are [also] partners,⁷ when they are liable to surcharge⁸ they are exempt from cattle-tithe, and when they are liable to cattle-tithe⁹ they are exempt from the surcharge.¹⁰ And in this connection R. 'Anan said: This¹¹ was taught only in the case when they divided goats for lambs and lambs for goats;¹² but if they divided goats for goats and lambs for lambs,¹³ we say, each receives his share which was designated for him at the very beginning.¹⁴ While R. Nahman said: Even if they divided goats for goats and lambs for lambs, we do not say each receives his share which was designated for him at the very beginning!¹⁵ — Rather, all agree that the well is ownerless, but they dispute here with respect to the case of one who picks up a lost article on behalf of his neighbour; one is of the opinion that he [the neighbour] acquires title [to it], and the other is of the opinion that he does not acquire [it].¹⁶ MISHNAH. IF ONE HAS HIS PRODUCE IN ANOTHER TOWN, THE INHABITANTS OF WHICH HAVE MADE AN 'ERUB IN ORDER TO BRING TO HIM SOME OF HIS PRODUCE, THEY MAY NOT BRING IT TO HIM;¹⁷ BUT IF HE HIMSELF MADE AN 'ERUB, HIS PRODUCE IS LIKE HIMSELF.¹⁸

(1) To benefit from the other.

(2) Because they are both shareholders therein.

(3) Made for the exiles who returned from Babylon to Jerusalem.

(4) Ned. 47b.

(5) [V. Ned. 45b. The words 'to bathe in the well' do not occur there, and are omitted here in MS.M.]

(6) I.e., what each draws is regarded as though it had retrospectively been assigned to him, so that the other never had any claim therein. This answer therefore assumes the law of *bererah*, v. *Glos*.

(7) partners are exempt from cattle-tithe (cf. Bek. 56b); brothers, on the other hand, who have come into the inheritance of their father, are liable to tithe those cattle that were born when their goods were still undivided.

(8) Every Israelite had to give half a shekel annually to the Temple for the communal sacrifices; this was augmented by an *agio*, i.e., a kind of premium or surcharge to cover a possible deficiency in the value of the half shekel, since the value of coins depended on their weight. If two partners combine to pay a whole shekel, they still each have to pay the extra *agio*. On the other hand, a father can give a whole shekel for his two sons without any extra *agio*. If two brothers have come into the inheritance of their father, they are regarded as brothers, i.e., as successors of a property belonging to one individual, so that they would be liable for cattle-tithe and exempt from the *agio*, as their father would have been. If they divide the inheritance and afterwards become partners, they are regarded as partners both in respect of the cattle-tithe

and of the agio.

(9) I.e., if they have not yet divided the inheritance.

(10) Shek. 1,7; Hul. 25b; Bek. 56b.

(11) I.e., the teaching 'when they are liable to surcharge they are exempt from cattle-tithe', indicating that by dividing the estate the brothers are no longer regarded as heirs.

(12) When they deal with each other in a purely business manner, it is then that they are not regarded as heirs but as partners.

(13) I.e., if they are not so strict about the exact monetary value.

(14) I.e., the portion chosen by each brother for himself is considered as having thus retrospectively become the very inheritance designated for him, so that they are still regarded as heirs with respect to the estate though it had been divided.

(15) And therefore by dividing the estate the brothers cease to be regarded any longer as heirs. Thus R. Nahman rejects the law of bererah.

(16) V. B.M. 10a. According to one opinion the water belongs to the one on whose behalf it was drawn, and according to the other opinion it belongs to the drawer. For since the well has the legal status of being ownerless, water drawn from it is like something found.

(17) Because the produce, being his private property, lay under the same restrictions as the owner. Bah emends: whose inhabitants set an 'erub in order to visit him, they must not bring him of his fruit.

(18) I.e., he may bring his produce home, where his 'erub permitted him to go to that town.

Talmud - Mas. Beitzah 40a

IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM [ANY] PORTIONS UNLESS HE [THE HOST] HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.

GEMARA. It was stated: If one deposits produce with his neighbour, Rab says: [The produce has the same restrictive limits] as the one with whom they were deposited; but Samuel says: [They have the same restrictive limits] as the one who deposited them. Shall it be said that Rab and Samuel follow their opinions [expressed elsewhere]? For we have learnt: If he brought in¹ with permission, the owner of the court-yard is liable. Rabbi says: He is liable only when the owner has undertaken to guard it.² And R. Huna said in Rab's name: The halachah is according to the opinion of the Sages; whereas Samuel said: The halachah is as Rabbi. Shall it be said that Rab is of the opinion of the Rabbis and Samuel is of the opinion of Rabbi?³ — Rab will say to you: My opinion is even in accordance with Rabbi; for Rabbi holds his opinion there⁴ because without an explicit declaration he does not undertake supervision,⁵ but here⁶ he definitely undertook to look after it. [Also] Samuel will reply [to you]: My opinion is even in accordance with the Rabbis; for the Rabbis hold their opinion there⁷ because a man wishes it, that his ox should be in the possession of the owner of the court, so that if it does damage he should not be liable; but here,⁸ does a man then wish that his produce should be in the possession of his neighbour!⁹ We have learnt: **BUT IF HE HIMSELF MADE AN 'ERUB, HIS PRODUCE IS LIKE HIMSELF.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he himself set an 'erub, of what avail is it to him?¹⁰ — R. Huna replied: In the Academy they declared [that it treats of a case] where he assigned a corner [of his house] to him.¹¹

Come and hear: **IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM PORTIONS UNLESS HE HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he assigned [the portions] for them through another person of what avail is it? — Here also, since he assigned [the portions] for them through another person, it is as if he assigned a corner [of his house] to them. Alternatively say: Assignment is different.¹² R. Hana b. Hanilai hung up meat¹³ On the door-bolt.¹⁴ He came before R. Huna who said

to him: If you yourself hung it up, go and take it away; but if they¹⁵ hung it up for you, you may not take it away.¹⁶ And even if he himself hung it up, may he then take it away? Surely R. Huna was a disciple of Rab and Rab said: [The produce has the same restrictive limits] as the one with whom it was deposited! — It is different [when he himself hung it up on] the door-bolt, for it is as if he¹⁷ assigned for him a corner [of the house]. R. Hillel said to R. Ashi: And if they hung it up for him, may he not take it away? Surely Samuel said: The ox of a cattle-breeder is as the feet of anyone!¹⁸ Rabina said to R. Ashi: And if they hung it up for him may he not take it away? Surely Rabbah the son of R. Hana said in the name of R. Johanan: The halachah is as R. Dosa!¹⁹ R. Ashi said to R. Kahana: And if they hung it up for him, may he not take it away? Surely we have learnt: Cattle and utensils have the same restrictive limits as the feet of the owners!²⁰ — Rather it is different in the case of R. Hana b. Hanilai, for he was an important man²¹ and was deeply occupied in his study, and he [R. Huna] said this to him: If you yourself hung it up, then you have an identification mark on it, and you did not let it out of your mind; therefore go and take it away; but if they hung it up for you, then you let it pass out of your mind and you may not take it away.²²

MISHNAH. ONE MAY NOT GIVE DRINK AND SLAUGHTER PASTURE ANIMALS,²³ BUT ONE MAY GIVE DRINK AND SLAUGHTER HOUSEHOLD ANIMALS. THE FOLLOWING ARE HOUSEHOLD ANIMALS: THEY THAT PASS THE NIGHT IN TOWN. PASTURE ANIMALS ARE SUCH AS PASS THE NIGHT IN [MORE DISTANT] PASTURE GROUND.²⁴

GEMARA. Why does he teach ‘GIVE DRINK AND SLAUGHTER’?²⁵ — He incidentally informs us that a man should water his animal before slaughter on account of the adhesiveness of the skin.²⁶

Our Rabbis taught: The following are pasture animals and the following are household animals. Pasture animals are such as are led out about [the time of] Passover²⁷ and graze in [more distant] meadows, and who are led in at the time of the first rainfall.²⁸ The following are household animals: Such as are led out and graze outside the city-border²⁹ but return and spend the night inside the city-border. Rabbi says: Both of these are household animals; but pasture animals are such as are led out and graze in [more distant] meadows and who do not return to the habitation of men either in summer or in winter. Does then Rabbi accept the prohibition of mukzeh?³⁰ Surely R. Simeon b. Rabbi asked of Rabbi: What is the law, according to R. Simeon, with respect to dates which are set aside for ripening?³¹ [And] he replied to him: According to R. Simeon

(1) His ox or other objects through which damage was caused in a stranger's court-yard.

(2) B.K. 47b.

(3) I.e., in the present instance, Rab rules that the produce suffers the same restrictions as their trustee, because he holds as the Rabbis that it belongs to the trustee in respect of guardianship, and therefore it also belongs to him in respect of ritual restrictions.

(4) In B.K.

(5) He merely permitted him to bring in his ox, but did not undertake to guard it.

(6) In the case of the produce.

(7) In B.K.

(8) In the case of the produce.

(9) [MS.M. adds ‘so that the use of them should be prohibited to him (on the Festival)’.]

(10) Since the produce is still in the possession of his trustees in the other town.

(11) I.e., the trustee lent him the corner of his house where the produce was kept; therefore it remained legally in his (the depositor's) possession.

(12) Since its very purpose thereby is that the object so assigned should pass into the assignee's ownership. [MS.M. omits this last passage.]

(13) Given to him by the butchers before the Festival. He was visiting the town on the Festival to deliver a discourse, and was returning to his own place after the lecture.

- (14) Of the house of his host.
- (15) The host's household.
- (16) The reason is soon explained.
- (17) His host with whom the meat was left.
- (18) Likewise here too, since the butchers naturally have in mind that it is to belong to any purchaser as from the eve of the Festival.
- (19) Cf. supra 37b. Similarly here the movements of the meat should be determined by his limits.
- (20) V. supra 37a.
- (21) I.e., a great scholar.
- (22) Because meat (temporarily) hidden from sight is forbidden unless it is recognized by an identification mark. Such an identification mark would however have been noticed only by him himself, and not by the host's household who were not immediately concerned with the meat].
- (23) On account of mukzeh.
- (24) And so cannot come within the definition of 'what is set in readiness'.
- (25) Surely the whole question is only about slaughtering, since even pasture animals may be given drink on Festivals.
- (26) In order that the skin may more easily be flayed.
- (27) The month of Nisan, i.e., March-April.
- (28) October-November.
- (29) In the environs and suburbs of the town.
- (30) For the prohibition of slaughtering pasture animals on a Festival is due to mukzeh, and therefore it is assumed that since Rabbi defines pasture animals, he accepts this prohibition.
- (31) Lit., 'burst dates'. May they be eaten on Festivals?

Talmud - Mas. Beitzah 40b

only dry figs and raisins¹ come under the category of mukzeh! — If you like, say: These² also are like dry figs and raisins. And if you like, say: He [Rabbi] answered him³ according to the opinion of R. Simeon, but he himself is not of this opinion.⁴ Alternatively, say: He [Rabbi] said this according to the opinion of the Rabbis. According to my view, there is [absolutely] no mukzeh; but even on your view, you should agree with me at all events that such [animals] as are led out and graze about the time of Passover and who are led in at the time of the first rainfall are household animals. And the Rabbis replied to him: No, such are pasture animals.

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- (1) Because they were formerly edible and have been set aside for drying.
 - (2) Animals which shun the habitation of men.
 - (3) His son.
 - (4) He himself extended the law of mukzeh even to these.

Mishna - Mas. Bikkurim Chapter 1

MISHNAH 1. SOME THERE ARE WHO BRING BIKKURIM¹ AND RECITE [THE DECLARATION];² OTHERS WHO MAY ONLY BRING THEM, BUT DO NOT MAKE RECITAL; AND SOME THERE ARE WHO MAY NOT EVEN BRING THEM AT ALL. THESE MAY NOT BRING THEM: HE WHO PLANTS [A TREE] ON HIS OWN SOIL, BUT SINKS³ [A SHOOT] SO THAT [IT] GROWS IN THE TERRITORY BELONGING TO AN INDIVIDUAL⁴ OR TO THE PUBLIC; AND LIKEWISE IF ONE SINKS [A SHOOT] IN ANOTHER'S PRIVATE PROPERTY OR IN PUBLIC PROPERTY, SO THAT IT GROWS ON HIS OWN PROPERTY:⁴ OR, IF ONE PLANTS [A TREE] ON HIS OWN [PROPERTY] AND SINKS IT SO THAT IT STILL GROWS ON HIS OWN PROPERTY, BUT THERE IS A PRIVATE OR PUBLIC ROAD BETWEEN, SUCH A ONE MAY NOT BRING BIKKURIM.⁵ R. JUDAH SAYS, SUCH A ONE HAS TO BRING BIKKURIM.⁶

MISHNAH 2. FOR WHAT REASON MAY HE NOT BRING THEM? BECAUSE IT IS SAID, 'THE FIRST-FRUITS OF THY LAND', MEANING THAT THOU MAYEST NOT BRING THEM UNLESS ALL THE PRODUCE [COMES] FROM THY LAND. TENANTS,⁷ LESSEES,⁸ OR OCCUPIERS OF CONFISCATED PROPERTY,⁹ OR A ROBBER MAY NOT BRING THEM FOR THE SAME REASON, BECAUSE IT SAYS, 'THE FIRST-FRUITS OF THY LAND'.

MISHNAH 3. BIKKURIM ARE BROUGHT ONLY FROM SEVEN KINDS,¹⁰ BUT NONE [MAY BE BROUGHT] FROM DATES GROWN ON HILLS, OR FROM VALLEY-FRUITS,¹¹ OR FROM OLIVES THAT ARE NOT OF THE CHOICE KIND. BIKKURIM ARE NOT TO BE BROUGHT BEFORE PENTECOST.¹² THE MEN OF MT. ZEBOIM¹³ BROUGHT THEIR BIKKURIM BEFORE PENTECOST,¹⁴ BUT THEY WERE NOT ACCEPTED BECAUSE OF WHAT IS WRITTEN IN THE TORAH: 'AND THE FEAST OF HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD'.¹⁵

MISHNAH 4. THESE BRING [BIKKURIM] BUT DO NOT MAKE THE RECITAL: THE PROSELYTE, SINCE HE CANNOT SAY: WHICH THE LORD HATH SWORN TO OUR FATHERS, TO GIVE UNTO US'.¹⁶ IF HIS MOTHER WAS AN ISRAELITE, THEN HE BOTH BRINGS BIKKURIM AND RECITES THE DECLARATION.¹⁷ WHEN HE PRAYS PRIVATELY, HE SHALL SAY: 'O GOD OF THE FATHERS OF ISRAEL'; BUT WHEN HE IS IN THE SYNAGOGUE, HE SHOULD SAY: 'THE GOD OF YOUR FATHERS'. BUT IF HIS MOTHER WAS AN ISRAELITE WOMAN, HE SAYS: 'THE GOD OF OUR FATHERS'.¹⁷

MISHNAH 5. R. ELIEZER B. JACOB SAYS: A WOMAN WHO IS A DAUGHTER OF A PROSELYTE MAY NOT MARRY A PRIEST UNLESS HER MOTHER WAS HERSELF AN ISRAELITE WOMAN. [THIS LAW APPLIES EQUALLY TO THE OFFSPRING] WHETHER OF PROSELYTES OR FREED SLAVES, EVEN TO TEN GENERATIONS, UNLESS THEIR MOTHER IS AN ISRAELITE. A GUARDIAN,¹⁸ AN AGENT, A SLAVE, A WOMAN,¹⁹ ONE OF DOUBTFUL SEX, OR A HERMAPHRODITE²⁰ BRING THE BIKKURIM, BUT DO NOT RECITE, SINCE THEY CANNOT SAY: 'WHICH THOU, O GOD, HAST GIVEN UNTO ME'.²¹

MISHNAH 6. HE WHO BUYS TWO TREES [THAT HAD GROWN] IN PROPERTY BELONGING TO HIS FELLOW BRINGS BIKKURIM BUT IS NOT TO MAKE THE RECITAL.²² R. MEIR SAYS: HE ALSO MAKES THE RECITAL.²³ IF THE WELL DRIED UP,²⁴ OR THE TREE WAS CUT DOWN,²⁵ HE BRINGS BUT DOES NOT RECITE. R. JUDAH SAYS: HE BRINGS AND RECITES.²⁶ FROM PENTECOST TILL SUKKOTH²⁷ ONE MAY BRING [BIKKURIM] AND MAKE THE RECITAL; FROM SUKKOTH TILL HANUKAH,²⁸ ONE MAY BRING, BUT DOES NOT MAKE THE RECITAL. R. JUDAH B. BATHYRA SAYS: ONE MAY BRING AND ALSO MAKE THE RECITAL.

MISHNAH 7. IF A MAN SET ASIDE HIS BIKKURIM AND SOLD [AFTERWARDS] HIS FIELD, HE BRINGS THEM BUT DOES NOT MAKE THE RECITAL;²⁹ WHEREAS THE OTHER [WHO BOUGHT THE FIELD] MAY NOT BRING [BIKKURIM] OF THE SAME SPECIES,³⁰ BUT HE BRINGS THEM OF ANOTHER KIND AND MAKES THE RECITAL. R. JUDAH SAYS: HE MAY ALSO BRING FIRST-FRUITS OF THE SAME KIND AND MAKE THE RECITAL.

MISHNAH 8. IF ONE SET ASIDE [HIS BIKKURIM] AND THEY WERE PLUNDERED, OR ROTTED WERE STOLEN OR LOST, OR CONTRACTED UNCLEANNESS, HE MUST BRING OTHERS IN THEIR STEAD,³¹ BUT DOES NOT MAKE THE RECITAL. THESE OTHERS ARE NOT SUBJECT TO THE LAW OF THE [ADDED] FIFTH.³² IF THEY CONTRACTED UNCLEANNESS WHILE IN THE TEMPLE COURT, HE MUST SCATTER THEM³³ AND DOES NOT MAKE THE RECITAL.

MISHNAH 9. WHENCE DO WE INFER THAT A MAN IS RESPONSIBLE FOR THEM UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT? BECAUSE IT SAYS: 'THE FIRST OF THE FIRST-FRUITS OF THY LAND SHALT THOU BRING INTO THE HOUSE OF THE LORD THY GOD',³⁴ THIS TEACHES THAT HE IS RESPONSIBLE UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT. IF HE BROUGHT [BIKKURIM] OF ONE KIND AND MADE THE RECITAL AND THEN BROUGHT OF ANOTHER KIND, HE MAKES NO [SECOND] RECITAL.³⁵

MISHNAH 10. THESE BRING AND MAKE THE RECITAL: [ONE WHO BRINGS BIKKURIM] FROM PENTECOST TO SUKKOTH, FRUITS OF THE SEVEN SPECIES, AND THOSE GROWN ON THE MOUNTAINS,³⁶ OR DATES GROWN IN THE VALLEYS,³⁷ OIL-OLIVES³⁸ [AND PRODUCE] FROM TRANSJORDANIA.³⁹ R. JOSE THE GALILEAN SAYS: ONE MAY NOT BRING [BIKKURIM] FROM TRANSJORDANIA, SINCE THAT IS NOT 'A LAND FLOWING WITH MILK AND HONEY'.

MISHNAH 11. IF ONE BOUGHT THREE TREES IN THE FIELD OF HIS FELLOW, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL.⁴⁰ R. MEIR SAYS: EVEN [IF HE BOUGHT] ONLY TWO.⁴¹ IF HE BOUGHT ONE TREE WITH ITS SOIL, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL. R. JUDAH SAYS, ALSO TENANTS AND LESSEES⁴² BRING AND RECITE.⁴³

(1) Deut. XXVI, 1-11.

(2) Ibid. 5-11.

(3) By bending the shoot-into the ground so that it springs forth as an independent plant.

(4) The sine qua non of bikkurim is that the fruit had to be grown in soil indisputably that of the owner, v. next Mishnah.

(5) The reason being that some of the fruit of both his fields derive their nature from soil belonging to another.

(6) Agreeing with the view of B.B. 60a, which permits a cavity to be dug under public property provided that the surface still remains firm enough to bear a waggon loaded with stones traversing across it. Accordingly, the fruit grown in such wise is still sufficiently his own to warrant bikkurim. R. Judah, however, only claims his view in the case of a public foot-path, and even then no recital is to be made. In the case of a private foot-path, he concurs that the products cannot be deemed his own.

(7) Heb. **אֲרִיסִין**, labourers who receive a certain share of the produce in lieu of their work for the owner.

(8) Heb. **חֲכֹרֹת**, labourers who, irrespective of the yield of the crops, pay the landlord a certain rent in kind.

(9) Heb. **מְקַרְקִין**, probably of Greek origin. Lat. *sicarius*. The allusion is no doubt to the Hadrianic persecutions following the Bar Cochba wars (132-135 C.E.) when the Romans confiscated the property of the Jews killed or taken captive in the wars. The produce of such confiscated property, afterwards re-acquired by other Jews, was exempt from the law of Bikkurim, v. Git. (Sonc. ed.) p. 252, n. 2.

- (10) For which Palestine was renowned, namely wheat, barley, grapes, figs, pomegranates, olive-oil and date-honey; cf. Deut. VIII, 8.
- (11) Fruit grown in valleys (except dates) were not of the choice kind.
- (12) Azereth, the closing festival, Pentecost. Shabuoth being the closing festival to Passover, on this festival two wheaten loaves of new corn were offered in the Temple, and these sanctioned the use of new produce in the Temple. Lev. XXIII, 17.
- (13) Neh. XI, 34.
- (14) V. Hal. IV, 10.
- (15) Ex. XXIII, 16.
- (16) Deut. XXVI, 3. Proselytes did not receive any portion in the division of the land under Joshua. Maim. contends contrary to this Mishnah, that since Eretz Israel was given to Abraham, who was also the father of proselytes (Gen. XVII, 4), even the latter can conscientiously declare 'to our fathers' in the recital, and in his prayers 'God of our fathers'.
- (17) In Jewish Law the child always assumes the religious status of the mother.
- (18) An administrator of the property of orphans appointed either by the Beth din or the family of the orphan during his minority.
- (19) But if she has a husband, he may bring and recite for her.
- (20) A person of double sex.
- (21) Because the Land was not divided among women. Num. XXVI, 54 implies that only 'men', i.e., such whose sex was not the subject of doubt, were the inheritors.
- (22) Since it is doubtful whether in such a case the purchaser also acquires the soil beneath the trees, whereas the avowal is conditional on the fact that the soil that had borne the fruits was his own. Two trees are stressed, because had the number been more, the declaration could be made; for with such a purchase, the purchaser acquires the soil under the trees too.
- (23) Contending that even in the case of two trees, the soil beneath them becomes also the property of the purchaser.
- (24) From which the tree receives its vitality.
- (25) Prior to the offering of the first-fruits.
- (26) Since the soil is still there.
- (27) Lit., 'the festival', par excellence.
- (28) This is the Maccabean festival commemorating the victory of Judas Maccabeus over the Greco-Syrians on Kislev 25th, 165 B.C.E. (I Macc. IV, 45 ff).
- (29) Since the land is no longer his.
- (30) Since the first-fruits of this field had already been set aside.
- (31) For only the choicest fruits could be brought; cf. Mal. I, 8.
- (32) V. Lev. XXII, 14.
- (33) The fruit is thrown out and the basket given to the officiating priest, v. infra III, 8. The fruit need not be substituted, as responsibility for their safety ceases with their entry into Temple precincts.
- (34) Ex. XXIII, 19.
- (35) Even R. Judah (v. supra 7) concurs that two recitals cannot be made by the same man even over two kinds of produce.
- (36) These are choicer than those grown in the valley.
- (37) Such dates are of superior brand and contain more honey than those grown on the mountains.
- (38) Being the choicest of this kind.
- (39) So Bert. Cf. the view of R. Jose the Galilean.
- (40) Because in this case the soil beneath them and round about them also passes into the hands of the purchaser. V. B.B. 82a and b.
- (41) V. previous note.
- (42) Cf. supra I, 2.
- (43) The reference is such as descend from a family that have for long had this particular field farmed out to them; cf. I, 2.

Mishna - Mas. Bikkurim Chapter 2

MISHNAH 1 . FOR TERUMAH AND BIKKURIM ONE IS LIABLE TO DEATH¹ AND THE [ADDITIONAL] FIFTH;² AND THEY ARE FORBIDDEN TO NON-PRIESTS³ AND ACCOUNTED AS THE PROPERTY OF THE PRIEST;⁴ THEY ARE NEUTRALIZED IN A HUNDRED AND ONE PARTS,⁵ REQUIRE THE WASHING OF HANDS,⁶ AND [AWAITING] TILL SUNSET.⁷ THESE [LAWS] APPLY ONLY TO TERUMAH AND BIKKURIM, WHICH IS NOT SO IN THE CASE OF TITHE.⁸

MISHNAH 2. THERE ARE [LAWS] WHICH APPLY TO SECOND TITHE AND BIKKURIM BUT NOT TO TERUMAH: FOR [SECOND] TITHE AND BIKKURIM REQUIRE TO BE BROUGHT TO [THE APPOINTED] PLACE;⁹ THEY REQUIRE CONFESSION;¹⁰ AND ARE FORBIDDEN TO AN ONAN¹¹ (BUT R. SIMEON PERMITS [BIKKURIM TO AN ONAN]);¹² AND THEY ARE SUBJECT TO [THE LAW OF] REMOVAL¹³ (BUT R. SIMEON EXEMPTS [BIKKURIM FROM REMOVAL]).¹⁴ AND THE SLIGHTEST ADMIXTURE OF THEM [WITH COMMON PRODUCE OF A LIKE KIND] RENDERS IT FORBIDDEN TO BE CONSUMED [AS COMMON FOOD] IN JERUSALEM;¹⁵ AND SO IS WHAT GROWS FROM THEM FORBIDDEN TO BE CONSUMED IN JERUSALEM EVEN BY NON-PRIESTS OR BY CATTLE,¹⁶ BUT R. SIMEON PERMITS THEM.¹⁷ THESE ARE [THE LAWS] WHICH APPLY TO [SECOND] TITHE AND BIKKURIM, WHICH IS NOT THE CASE WITH TERUMAH.

MISHNAH 3. THERE ARE [LAWS] WHICH APPLY TO TERUMAH AND TITHE BUT NOT TO BIKKURIM; TERUMAH AND THE [SECOND] TITHE RENDER FORBIDDEN [THE CONTENTS OF] THE THRESHING-FLOOR,¹⁸ AND HAVE THEIR QUANTITY [PRESCRIBED].¹⁹ AND APPLY TO ALL PRODUCE BOTH DURING AND AFTER TEMPLE TIMES,²⁰ AND [TO PRODUCE GROWN] BY TENANTS, LESSEES, HOLDERS OF CONFISCATED PROPERTY AND ROBBERS.²¹ THESE ARE [THE LAWS] WHICH APPLY TO TERUMAH AND TITHE, WHICH IS NOT THE CASE WITH BIKKURIM.²²

MISHNAH 4. AND THERE ARE [LAWS] APPLYING TO BIKKURIM WHICH DO NOT [APPLY] TO TERUMAH AND TITHE; FOR BIKKURIM CAN BECOME ACQUIRED WHILE STILL ATTACHED [TO THE SOIL].²³ AND A MAN MAY MAKE HIS ENTIRE FIELD AS BIKKURIM; HE IS RESPONSIBLE FOR THEM,²⁴ AND THEY REQUIRE AN OFFERING,²⁵ SINGING,²⁶ WAVING AND THE PASSING OF THE NIGHT IN JERUSALEM.²⁷

MISHNAH 5. THE TERUMAH OF THE TITHE IS LIKE TO BIKKURIM IN TWO INSTANCES, AND LIKE TO TERUMAH IN TWO OTHERS. IT MAY BE TAKEN FROM CLEAN PRODUCE FOR THAT WHICH IS UNCLEAN,²⁸ AND FROM SUCH PRODUCE THAT IS NOT IN CLOSE PROXIMITY LIKE BIKKURIM.²⁹ AND IT RENDERS THE CONTENTS OF THE THRESHING-FLOOR FORBIDDEN,³⁰ AND HAS A PRESCRIBED AMOUNT LIKE TERUMAH.³¹

MISHNAH 6. THE ETHROG³² IS IN THREE THINGS LIKE TO AN [ORDINARY] TREE, AND IN ONE THING LIKE TO A VEGETABLE.³³ IT IS LIKE TO A TREE IN RESPECT OF 'ORLAH,³⁴ FOURTH YEAR PLANTINGS,³⁵ AND [THE LAW OF] THE SEVENTH YEAR;³⁶ AND LIKE TO A VEGETABLE IN ONE THING IN THAT ITS TITHING SEASON COMMENCES WITH THE SEASON OF ITS GATHERING.³⁷ SO R. GAMALIEL; BUT R. ELIEZER SAYS, [THE CITRON] IS LIKE A TREE IN ALL THINGS.

MISHNAH 7. THE BLOOD OF A HUMAN BEING³⁸ IS LIKE TO THE BLOOD OF ANIMALS IN THAT IT RENDERS SEEDS SUSCEPTIBLE [TO LEVITICAL IMPURITY]³⁹ AND [LIKE TO] THE BLOOD OF A REPTILE, NO CULPABILITY IS INCURRED ON ACCOUNT THEREOF.⁴⁰

MISHNAH 8. A KOY⁴¹ IS IN SOME WAYS LIKE TO A BEAST OF CHASE; IN SOME WAYS IT IS MORE LIKE TO CATTLE; AND AGAIN IN SOME WAYS IT IS LIKE TO BOTH A BEAST OF CHASE AND CATTLE, AND IN SOME THINGS IS NEITHER LIKE TO A BEAST OF CHASE NOR CATTLE.

MISHNAH 9. WHEREIN IS IT LIKE TO A BEAST OF CHASE? ITS BLOOD MUST BE COVERED LIKE THE BLOOD OF A BEAST OF CHASE.⁴² IT MAY NOT BE SLAUGHTERED ON A FESTIVAL; IF IT IS SLAUGHTERED, ITS BLOOD IS NOT TO BE COVERED.⁴³ ITS FAT CONVEYS CARRION UNCLEANNESS⁴⁴ LIKE A BEAST OF CHASE, BUT ITS UNCLEANNESS IS ALSO A MATTER OF DOUBT. NOR CAN ONE REDEEM WITH IT THE FIRST-BORN OF AN ASS.⁴⁵

MISHNAH 10. AND WHEREIN DOES IT RESEMBLE CATTLE? ITS FAT IS PROHIBITED LIKE THE FAT OF CATTLE,⁴⁶ BUT ONE DOES NOT INCUR ON ACCOUNT THEREOF THE PENALTY OF KARETH;⁴⁷ IT MAY NOT BE BOUGHT WITH THE REDEMPTION MONEY OF THE SECOND TITHE⁴⁸ TO BE EATEN IN JERUSALEM; IT IS SUBJECT TO [THE PRIEST'S DUE OF] THE SHOULDER, THE TWO CHEEKS AND THE MAW.⁴⁹ R. ELIEZER EXEMPTS IT [FROM THESE DUES] BECAUSE UPON HIM WHO WISHES TO EXACT AUGHT OF HIS NEIGHBOUR IT DEVOLVES TO BRING PROOF [OF HIS CLAIM].⁵⁰

MISHNAH 11. AND WHEREIN IS IT NEITHER LIKE TO CATTLE NOR TO BEAST OF CHASE? IT IS FORBIDDEN ON ACCOUNT OF [THE LAW OF] KIL'AYIM⁵¹ [TO YOKE IT] WITH EITHER A BEAST OF CHASE OR CATTLE, AND IF ONE ASSIGNED TO HIS SON HIS BEAST OF CHASE AND⁵² HIS CATTLE HE HAS NOT [THEREBY] ASSIGNED THE KOY. IF ONE SAYS, I WILL BECOME A NAZIRITE IF THIS IS A BEAST OF CHASE OR ['IF THIS IS] A CATTLE', HE BECOMES A NAZIRITE.⁵³ IN ALL OTHER WAYS IT IS LIKE BOTH ANIMALS OF CHASE AND CATTLE: IT REQUIRES SLAUGHTERING LIKE THEM BOTH,⁵⁴ IT CAN CONVEY CARRION UNCLEANNESS,⁵⁵ AND TO IT APPLIES THE LAW RELATING TO A LIMB OF A LIVING BEING — LIKE TO THEM BOTH.⁵⁶

(1) If eaten by 'a stranger'; Lev. XXII, 9. First-fruits are also designated as heave-offering.

(2) V. Lev. XXII, 14.

(3) This is implied to the previous ruling, but is mentioned here to contrast it with tithes.

(4) In that he can employ them as kiddushin (v. Glos.) for betrothing a woman.

(5) If one se'ah of terumah or bikkurim fell into one hundred se'ahs of ordinary produce, numbering one hundred and one in all, any one se'ah may be taken out and given to the priest; the rest is free for common use. V. Ter. I, 7.

(6) He who wishes to eat them must first wash his hands, as according to the laws of levitical purity, unwashed hands which are of second degree uncleanness, cause in terumah uncleanness in the third grade.

(7) According to Lev. XXII, 6ff, a priest who had become unclean had to immerse himself and await sunset before he could eat terumah.

(8) The reference is to Second Tithe. It may be eaten by non-priests; it cannot be used for kiddushin (v. Kid. 52b); It is neutralized in a majority; it may be eaten with unwashed hands; it can be eaten after immersion even before sunset.

(9) Jerusalem; v. Deut. XIV, 22ff and XXVI, 2ff.

(10) V. Deut. XXVI, 10 (bikkurim); ibid. 13 (tithe).

(11) V. Glos. Cf. Deut. XXVI, 14.

(12) Since bikkurim are designated terumah, which is permitted to an onan.

(13) V. Deut. XXVI, 12ff and M. Sh. V, 6.

(14) He compares bikkurim to terumah which is not removed but given to the priests; v. M. Sh. ibid.

(15) I.e., if the admixture occurred after they had been brought into Jerusalem, since the whole mixture can be eaten without any extra trouble in Jerusalem respectively as second tithe or bikkurim; if, however, the admixture took place before they had been brought to Jerusalem, it is neutralized in one hundred and one parts, since otherwise it would mean taking up the whole of the mixture to Jerusalem.

- (16) I.e., the character of the bikkurim and second tithe is extended alike to the whole mixture referred to as well as to what grows from them, not only in that these must not be consumed outside Jerusalem but also in that they are forbidden even in Jerusalem to non-priests and cattle.
- (17) With reference to what grows from them.
- (18) Whereas fruit may be eaten even before the bikkurim were delivered in the Temple Mount, the produce of the threshing-floor could not be eaten prior to the actual taking of terumah and tithes; cf. Ma'as. I, 5.
- (19) Whereas no quantity was fixed for first-fruits, that for terumah has been fixed for the ordinary man as one-fiftieth of his produce. The generous man could bring one-fortieth, and the niggardly even one-sixtieth.
- (20) First-fruits were brought only during Temple times, being conditional on the existence of an altar; v. Deut. XXVI, 4. Hence no altar, no offering.
- (21) V. supra I, 2 notes.
- (22) V. p. 395, n. 10.
- (23) They can be designated as such while still unplucked. V. infra III, 2.
- (24) Until they are brought to the Mount. If lost on the way, bikkurim had to be replaced; cf. supra I, 9.
- (25) The peace-offering had to be brought on all joyous occasions; v. infra III, 3.
- (26) V. infra III, 4.
- (27) Derived from Deut. XVI, 7.
- (28) Not permissible in the case of terumah.
- (29) Since terumah required proximity it was not permissible to have clean and unclean together, lest the latter defile the former. V. Ter. II, 1.
- (30) Prior to the separation of the terumah of the tithe.
- (31) One-tenth of what the Levite receives from the Israelite.
- (32) The citron used with the festive wreath in Tabernacles; Lev. XXIII, 40.
- (33) Because both grow by means of artificial irrigation as well as rain.
- (34) V. Glos.
- (35) V. 'Orlah I, 7.
- (36) Lev. XXV, 2-7. 20. In respect of these three things the citron is assimilated to trees in that the years are determined by the time of the formation of the fruit, unlike vegetables, where they are determined by the time of their gathering.
- (37) Unlike lotus where it is determined by the time of the formation of the fruits or leaves.
- (38) Lit., 'two-legged creature'.
- (39) V. lev. XI, 34-38; Maksh. VI, 4. Blood is likened to water in Deut. XII, 16.
- (40) The blood of animals is forbidden in Lev. VII, 26, but no prohibitions as blood attaches to the blood of a reptile.
- (41) A kind of bearded deer or antelope. The Talmud is undecided whether it belongs to the genus of cattle or beasts of chase.
- (42) Lev. XVII, 13.
- (43) Since a doubt exists regarding koy whether it is in the category of a beast if chase the blood of which is to be covered, or in the category of cattle the blood of which is exempt, it may not be slaughtered perchance it is a cattle and the covering of the blood would involve handling earth unnecessarily on the festival, and if it is slaughtered the blood is not covered up, v. Bez. 8a.
- (44) Lev. VII, 24. Only the fat of a clean animal that died of itself was deemed clean; that of a beast of chase was regarded as carrion.
- (45) Ex. XXXIV, 20. Only a lamb could be used for the purpose.
- (46) The heleb (v. Glos.) of the ox, lamb or goat was prohibited, v. Lev. VII, 23.
- (47) V. Glos. Since it may be in the category of a beast of chase.
- (48) As a peace-offering on account of its dubious origin. A wild beast was barred from the category of sacrifices.
- (49) The portions due to the priest from the slaughtered ox or sheep; Deut. XVIII, 3.
- (50) Since the owner of the koy could retort to the priest: 'Cite evidence that it is of the cattle genus and the dues are yours'.
- (51) Lev. XIX, 19; Deut. XXII, 10.
- (52) Aliter: 'or'.
- (53) The rigidity of this law is evidenced by the fact that the vow becomes valid even in the case of doubt regarding its efficacy.

(54) To render it permissible for food.

(55) V. Lev. XI, 8.

(56) Cf. Hul. 101b.

Mishna - Mas. Bikkurim Chapter 3

MISHNAH 1. HOW WERE THE BIKKURIM SET ASIDE? A MAN GOES DOWN INTO HIS FIELD, HE SEES A FIG THAT RIPENED,¹ OR A CLUSTER OF GRAPES THAT RIPENED, OR A POMEGRANATE THAT RIPENED, HE TIES A REED-ROPE AROUND IT AND SAYS: LET THESE BE BIKKURIM'.² R. SIMEON SAYS: NOTWITHSTANDING THIS HE MUST AGAIN DESIGNATE THEM AS BIKKURIM AFTER THEY HAVE BEEN PLUCKED FROM THE SOIL.

MISHNAH 2. HOW WERE THE BIKKURIM TAKEN UP [TO JERUSALEM]? ALL [THE INHABITANTS OF] THE CITIES THAT CONSTITUTED THE MA'AMAD³ ASSEMBLED IN THE CITY OF THE MA'AMAD,⁴ AND SPENT THE NIGHT IN THE OPEN PLACE THEREOF WITHOUT ENTERING ANY OF THE HOUSES.⁵ EARLY IN THE MORNING THE OFFICER⁶ SAID: 'LET US ARISE AND GO UP TO ZION, INTO THE HOUSE OF THE LORD OUR GOD'.⁷

MISHNAH 3. THOSE WHO LIVED NEAR⁸ BROUGHT FRESH FIGS AND GRAPES, BUT THOSE FROM A DISTANCE BROUGHT DRIED FIGS AND RAISINS.⁹ AN OX WITH HORNS BEDECKED WITH GOLD AND WITH AN OLIVE-CROWN ON ITS HEAD¹⁰ LED THE WAY.¹¹ THE FLUTE WAS PLAYED BEFORE THEM¹² UNTIL THEY WERE NIGH TO JERUSALEM; AND WHEN THEY ARRIVED CLOSE TO JERUSALEM THEY SENT MESSENGERS IN ADVANCE,¹³ AND ORNAMENTALLY ARRAYED THEIR BIKKURIM.¹⁴ THE GOVERNORS AND CHIEFS AND TREASURERS [OF THE TEMPLE]¹⁵ WENT OUT TO MEET THEM. ACCORDING TO THE RANK OF THE ENTRANTS¹⁶ USED THEY TO GO FORTH. ALL THE SKILLED ARTISANS OF JERUSALEM WOULD STAND UP BEFORE THEM AND GREET THEM:¹⁷ 'BRETHREN, MEN OF SUCH AND SUCH A PLACE, WE ARE DELIGHTED TO WELCOME YOU'.¹⁸

MISHNAH 4. THE FLUTE WAS PLAYING BEFORE THEM TILL THEY REACHED THE TEMPLE MOUNT; AND WHEN THEY REACHED THE TEMPLE MOUNT EVEN KING AGRIPPA WOULD TAKE THE BASKET AND PLACE IT ON HIS SHOULDER¹⁹ AND WALK AS FAR AS THE TEMPLE COURT. AT THE APPROACH TO THE COURT, THE LEVITES WOULD SING THE SONG: 'I WILL EXTOL THEE, O LORD, FOR THOU HAST RAISED ME UP, AND HAST NOT SUFFERED MINE ENEMIES TO REJOICE OVER ME'.²⁰

MISHNAH 5. THE TURTLE-DOVES [TIED TO] THE BASKET²¹ WERE [OFFERED UP AS] BURNT-OFFERINGS, BUT THAT WHICH THEY HELD IN THEIR HANDS²² THEY PRESENTED TO THE PRIESTS.

MISHNAH 6. WHILE THE BASKET WAS YET ON HIS SHOULDER HE WOULD RECITE FROM: 'I PROFESS THIS DAY UNTO THE LORD THY GOD',²³ UNTIL THE COMPLETION OF THE PASSAGE.²⁴ R. JUDAH SAID: TILL [HE HAD REACHED] 'A WANDERING ARAMEAN WAS MY FATHER'.²⁵ HAVING REACHED THESE WORDS, HE TOOK THE BASKET OFF HIS SHOULDER AND HELD IT BY ITS EDGE;²⁶ AND THE PRIEST PLACED HIS HAND BENEATH IT AND WAVED IT, HE²⁷ THEN RECITED FROM 'A WANDERING ARAMEAN WAS MY FATHER' UNTIL HE COMPLETED THE ENTIRE PASSAGE. HE WOULD THEN DEPOSIT THE BASKET BY THE SIDE OF THE ALTAR,²⁸ PROSTRATE HIMSELF, AND DEPART.

MISHNAH 7. ORIGINALLY ALL WHO KNEW HOW TO RECITE WOULD RECITE

WHILST THOSE UNABLE TO DO SO WOULD REPEAT IT;²⁹ BUT WHEN THEY REFRAINED FROM BRINGING,³⁰ IT WAS DECIDED THAT BOTH THOSE WHO COULD AND THOSE WHO COULD NOT [RECITE] SHOULD REPEAT THE WORDS.

MISHNAH 8. THE RICH BROUGHT THEIR BIKKURIM IN BASKETS OVERLAID WITH SILVER OR GOLD, WHILST THE POOR USED WICKER-BASKETS OF PEELED WILLOW-BRANCHES, AND THEY³¹ USED TO GIVE BOTH THE BASKETS AND THE BIKKURIM TO THE PRIEST.

MISHNAH 9. R. SIMEON B. NANOS SAID: THE BIKKURIM MAY BE BEDECKED [WITH PRODUCE] OTHER THAN THE SEVEN SPECIES,³² BUT R. AKIBA SAYS: THEY COULD ONLY BE BEDECKED WITH PRODUCE OF THE SEVEN KINDS.³³

MISHNAH 10. R. SIMEON SAYS: THERE ARE THREE ELEMENTS IN BIKKURIM: THE BIKKURIM,³⁴ THE ADDITIONS³⁵ TO THE BIKKURIM, AND THE ORNAMENTATIONS OF THE BIKKURIM.³⁶ THE ADDITIONS TO THE BIKKURIM HAD TO BE OF A LIKE KIND, BUT THE ORNAMENTAL FRUIT OF THE BIKKURIM COULD ALSO BE OF ANOTHER KIND.³⁷ THE ADDITIONS TO THE BIKKURIM COULD ONLY BE EATEN IN LEVITICAL PURITY, AND WERE EXEMPT FROM [THE LAW OF] DEMAI,³⁸ BUT THE FRUITS USED FOR ORNAMENTATIONS OF THE BIKKURIM WERE SUBJECT TO [THE LAW OF] DEMAI.

MISHNAH 11. WHEN DID [THE SAGES] DEEM THE ADDITIONS TO THE BIKKURIM IN THE SAME RANK AS THE BIKKURIM [THEMSELVES]? WHEN THEY COME FROM THE LAND [OF ISRAEL]; BUT IF THEY DO NOT COME FROM THE LAND,³⁹ THEY WERE NOT TO BE REGARDED AS THE BIKKURIM [THEMSELVES].

MISHNAH 12. IN WHAT RESPECT DID THEY RULE THAT THE BIKKURIM WERE THE [EXCLUSIVE] PROPERTY OF THE PRIEST? IN THAT HE CAN PURCHASE THEREWITH SLAVES AND IMMOVABLE PROPERTY AND UNCLEAN CATTLE, AND A CREDITOR [OF HIS] MAY TAKE THEM FOR HIS DEBT, AND HIS WIFE FOR HER KETHUBAH⁴⁰ — AS MAY BE DONE ALSO WITH A SCROLL OF THE LAW.⁴¹ R. JUDAH SAYS: THE BIKKURIM MAY BE GIVEN ONLY TO [A PRIEST THAT IS] AN ASSOCIATE]⁴² AND AS A FAVOUR;⁴³ AND THE SAGES SAY: THEY ARE GIVEN TO THE MEN OF THE Mishmar,⁴⁴ AND THEY DIVIDE THEM AMONG THEMSELVES AS [THEY DO] WITH ALL OTHER CONSECRATED OBJECTS.⁴⁵

(1) Though the vine is enumerated first in Deut. VIII, 8, yet the fig is the first to ripen; cf. Cant. II, 13. The fruits had to be fully ripe when they were brought (Deut. XXVI, 10) but not necessarily at the time of their designation.

(2) This exempts him from further specification at the time of cutting.

(3) Lit., 'place of standing'. The name of a group of Israelite representatives from outlying districts, corresponding to the twenty-four courses of priests (Mishmaroth), each ma'amad serving a week in turn. Some would go to the Temple to witness the sacrificial offerings, whilst others would assemble in their home town to conduct prayers during the day corresponding to the fixed time when the sacrifices were brought in the Temple. V. Ta'an. 26a.

(4) Where the leader resided; the idea being to form one united and impressive procession. The principle governing Jewish ceremonial being that majesty resides with a throng of worshippers.

(5) Lest impurity be contracted through contact with the dead.

(6) The head of the Ma'amad.

(7) Jer. XXXI, 6. They also recited various Psalms as they wended their way to the Temple Mount (Bert.). According to the T. Y. the fifteen Songs of Degrees (Pss. CXX — CXXXIV) were recited.

(8) Jerusalem.

(9) For fresh fruit would rot on the way.

(10) The olive-tree supplies the richest leaves, and served as a token of the kinds of fruit brought as Bikkurim

- (11) This ox afterwards served as the peace-offering.
- (12) Lit. , 'was struck', referring to the tapping of the tips of the fingers on the little openings of the flute.
- (13) To herald their coming.
- (14) Fresh figs would be placed as the top layer of a basket containing dried ones, and raisins would be covered by fresh grapes; whilst the choicest of the fruit would be placed on top of a basket containing only fresh fruits.
- (15) Cf. Shek. V, I. The 'governors' were the heads of the priests, and the 'chiefs' were the leaders of the Levites.
- (16) The size of the welcoming delegation would vary with the size of the procession.
- (17) A craftsman at his work was exempt from the command of rising before a scholar, but in order to manifest his love for the precept, he was to rise before the Bikkurim procession.
- (18) Lit, 'you have come in peace'.
- (19) For the priest had to receive it from his hand; Deut. XXVI, 4.
- (20) Ps. XXX, 2.
- (21) They were suspended from the sides of the basket so as not to soil the fruit.
- (22) I.e., the bikkurim. Maim. refers them to pigeons.
- (23) Deut. XXVI, 3.
- (24) Ibid.
- (25) Ibid. 5.
- (26) Whilst the priest officiated (Bert.).
- (27) The Israelite.
- (28) In the S.W. corner.
- (29) After the priest. The declaration had to be made in Hebrew. v. Sot. VII, 3.
- (30) Abashed at this public avowal of their ignorance in reading Hebrew.
- (31) I.e., the poor; the rich retained their valuable baskets (Bert). This gave rise to the saying, 'poverty drags after the poor' (v. B.K. 92a). Though the poor would thereby be abashed, yet it was considered prudent to encourage the rich to bring valuable baskets out of respect for God's house.
- (32) Deut. VIII,8. R. Simeon maintained that they could be ornamented with citrons and quinces, or fruits imported from abroad.
- (33) That grew in Palestine.
- (34) The actual first-fruits.
- (35) The fruit added at the time of plucking to the first ripened figs or cluster of grapes.
- (36) The choice fruit placed on top and around the basket.
- (37) Even such fruit not enumerated in Deut. VIII, 8 could be used.
- (38) V. Glos. If the priest accepts them from the hands of an 'am ha-arez.
- (39) From Transjordan. Cf. supra I, 10 where we learn that produce from Transjordan could be offered up as Bikkurim.
- (40) Marriage settlement, v. Glos.
- (41) Others explain: One may also buy with the Bikkurim a Scroll of the Law.
- (42) One who undertook to be conscientious in observing the laws appertaining especially to cleanness and impurity. V. Glos. s.v. haber.
- (43) The priest must not sell it. T. Y. refers it to owners who are at liberty to give it to any haber.
- (44) The men on duty in the Temple be they associates or not. V. Glos.
- (45) Including things dedicated to the Temple for various uses; since they are brought to the Temple, the priests will take care not to eat them in impurity.

Mishna - Mas. Bikkurim Chapter 4

MISHNAH 1. THE HERMAPHRODITE¹ IS IN SOME THINGS LIKE TO MEN, AND IN OTHER THINGS LIKE TO WOMEN. IN OTHER THINGS AGAIN HE IS LIKE TO MEN AND TO WOMEN, AND IN OTHERS HE IS LIKE NEITHER MEN NOR WOMEN.

MISHNAH 2. WHEREIN IS HE LIKE TO MEN? HE CONTAMINATES WITH THE SEMINAL FLUX² LIKE MEN, AND HE DRESSES LIKE MEN;³ HE CAN TAKE A WIFE BUT

NOT BE TAKEN AS A WIFE LIKE MEN.⁴ AT HIS BIRTH HIS MOTHER MUST COUNT THE BLOOD OF PURIFICATION LIKE MEN,⁵ AND HE MUST NOT BE ALONE IN THE COMPANY OF WOMEN LIKE MEN.⁶ HE IS NOT MAINTAINED WITH THE DAUGHTERS LIKE MEN,⁷ AND MAY NOT TRANSGRESS THE LAW OF: 'YE SHALL NOT ROUND',⁸ AND 'THOU SHALT NOT DEFILE FOR THE DEAD'⁹ LIKE MEN; AND HE MUST PERFORM ALL THE COMMANDS OF THE TORAH¹⁰ LIKE MEN.

MISHNAH 3. AND WHEREIN IS HE LIKE WOMEN? IN THAT HE CONTAMINATES WITH HIS MENSTRUAL FLOW LIKE WOMEN;¹¹ AND HE MUST NOT BE ALONE IN THE COMPANY OF MEN LIKE WOMEN; AND DOES NOT SHARE [THE INHERITANCE] WITH THE SONS LIKE WOMEN¹² AND CANNOT EAT OF MOST HOLY SACRIFICES LIKE WOMEN.¹³ AT HIS BIRTH HIS MOTHER REMAINS UNCLEAN ON ACCOUNT OF THE BLOOD OF HER IMPURITY;¹⁴ AND LIKE WOMEN, TOO, HE IS DISQUALIFIED FROM ACTING AS A WITNESS. IF HE HAD BECOME THE VICTIM OF ILLICIT INTERCOURSE, HE IS DISQUALIFIED FROM THE PARTAKING OF TERUMAH LIKE WOMEN.¹⁵

MISHNAH 4. WHEREIN IS HE COMPARED TO BOTH MEN AND WOMEN? GUILT IS INCURRED FOR SMILING OR CURSING HIM¹⁶ AS IN THE CASE OF MEN AND WOMEN, AND HE WHO UNWITTINGLY SLAYS HIM MUST GO INTO EXILE;¹⁷ AND IF OF SET PURPOSE, THEN [THE SLAYER] RECEIVES THE DEATH PENALTY.¹⁸ HIS MOTHER MUST [AT HIS BIRTH] BRING AN OFFERING AS FOR MEN AND WOMEN, AND LIKE MEN AND WOMEN HE MAY PARTAKE OF THE SACRED GIFTS¹⁹ OF THE BORDER,²⁰ AND MAY INHERIT ANY INHERITANCE²¹ LIKE MEN AND WOMEN.

MISHNAH 5. AND WHEREIN IS HE LIKENED NEITHER TO MEN NOR WOMEN? BECAUSE OF HIS UNCLEAN ISSUE²² TERUMAH IS NOT TO BE BURNT, NEITHER IS ANY PENALTY INCURRED BY HIM ON ENTERING THE TEMPLE IN AN UNCLEAN STATE.²³ HE MUST NOT BE SOLD AS A HEBREW SLAVE, UNLIKE MEN OR WOMEN,²⁴ AND HE CANNOT BE EVALUATED, UNLIKE MEN OR WOMEN.²⁵ IF ONE SAYS: 'I WILL BECOME A NAZIRITE, IF HE IS NEITHER A MAN NOR A WOMAN', THEN HE BECOMES A NAZIRITE. R. JOSE SAYS: THE HERMAPHRODITE IS A CREATURE BY ITSELF, AND THE SAGES COULD NOT DECIDE ABOUT HIM. BUT THIS IS NOT SO WITH ONE OF DOUBTFUL SEX, FOR SUCH A ONE IS, AT TIMES, A MAN AND AT OTHERS, A WOMAN.

(1) This chapter is entirely irrelevant to this tractate, yet included in all printed editions. Derived from the Tosef. of Bikkurim and develops the subject of the hermaphrodite; supra I, 5. The text is in disorder and receives various expansions in different editions. The text adopted here is of the Stettin edition 1862.

(2) Lit., 'the white'; Lev. XV. 2: Zab. II. 1.

(3) He must not don woman's dress, lest he be a man.

(4) This would be regarded as sodomy.

(5) Lev. XII, 1 ff.

(6) Cf. Kid. IV, 12.

(7) In the event of little property having been left, the hermaphrodite is thrust by the daughters among the males, who must seek maintenance elsewhere; B.B. IX, 1-2.

(8) Lev. XIX, 27.

(9) V. Lev. XXI, 1.

(10) Even those occasioned by time from which women are exempt.

(11) Lit., 'the red'; Lev. XV, 19ff.

(12) When much property was left the sons inherited and the daughters received maintenance B.B. IX, 1

(13) I.e., of sin- and meal-offerings; for of these the Bible says (Lev. VI, 22) that only those who are definitely males may eat.

(14) For two weeks, Lev. XII, 5.

- (15) A male, in such circumstances, would not have been disqualified, but the hermaphrodite is here treated as a woman; Bek. VII, 7.
- (16) Ex. XXI, 15, 17.
- (17) Ibid. 13.
- (18) Ibid 14.
- (19) I.e., holy food that could be eaten, e.g., terumah.
- (20) Even outside 'the border', Jerusalem. Keth. 24b; Shek. VII, 3.
- (21) If there be no other heir. We do not allow the argument lest he be a creature apart from all others to interfere with his rights of inheritance.
- (22) Cf. Zab. II, 1; Nid. 28b.
- (23) Because the penalty was only imposed upon those whose sex was not a matter of doubt.
- (24) V. Ex. XXI. 2, 7.
- (25) V. Lev. XXVII, 2ff.

Mishna - Mas. Demai Chapter 1

MISHNAH 1. THE [FOLLOWING] ARE TREATED LENIENTLY¹ IN RESPECT OF [THE RULES OF] DEMAI: WILD FIGS,² JUJUBE FRUIT,³ CRAB APPLES, WILD WHITE FIGS,⁴ YOUNG SYCAMORE FIGS, UNRIPE DATES,⁵ LATE GRAPES AND THORNY CAPERS; IN JUDEA⁶ ALSO SUMACH, JUDEAN⁷ VINEGAR, AND CORIANDER. R. JUDAH SAYS: ALL WILD FIGS ARE EXEMPT, EXCEPT THOSE WHICH HAVE A CROP TWICE [A YEAR]; ALL JUJUBE FRUITS ARE EXEMPT, EXCEPT THE JUJUBE FRUITS OF SHIKMONAH;⁸ ALL YOUNG SYCAMORE FIGS ARE EXEMPT, EXCEPT THOSE THAT BURST OPEN ON THE TREE.

MISHNAH 2. THE [SECOND TITHE⁹ OF] DEMAI IS NOT SUBJECT TO [THE RULES OF] THE FIFTH¹⁰ AND OF REMOVAL;¹¹ IT MAY BE EATEN BY AN ONAN;¹² IT MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN;¹³ IF SMALL IN QUANTITY¹⁴ IT MAY BE ALLOWED TO BE LOST ON THE ROAD;¹⁵ ONE MAY GIVE IT TO AN 'AM HA-AREZ¹⁶ AND CONSUME ITS EQUIVALENT IN JERUSALEM. [SECOND TITHE MONEY¹⁷ OF DEMAI] MAY BE CHANGED¹⁸ AGAIN, SILVER [COINS] FOR [OTHER] SILVER [COINS], COPPER [COINS] FOR [OTHER] COPPER [COINS], SILVER FOR COPPER, AND COPPER [BACK] INTO FRUIT, PROVIDED¹⁹ THAT THE FRUIT WILL AGAIN BE REDEEMED FOR MONEY; THUS R. MEIR. BUT THE SAGES SAY: THE FRUIT ITSELF MUST BE BROUGHT UP AND CONSUMED IN JERUSALEM.

MISHNAH 3. IF A MAN BOUGHT [CORN]²⁰ FOR SEED OR FOR CATTLE, FLOUR FOR HIDES,²¹ OIL FOR THE LAMP, OR OIL FOR GREASING UTENSILS, IT IS EXEMPT FROM [THE RULES OF] DEMAI. [PRODUCE GROWN] BEYOND CHEZIB²² IS EXEMPT FROM [THE RULES OF] DEMAI. THE HALLAH²³ OF AN 'AM HA-AREZ, PRODUCE MIXED WITH TERUMAH,²⁴ PRODUCE BOUGHT WITH SECOND TITHE MONEY,²⁵ AND THE REMAINDER OF MEAL-OFFERINGS²⁶ ARE EXEMPT²⁷ FROM [THE RULES OF] DEMAI. SPICED²⁸ OIL, BETH SHAMMAI DECLARE LIABLE [TO THE RULES OF DEMAI]; BUT BETH HILLEL EXEMPT²⁹ IT.

MISHNAH 4. DEMAI MAY BE USED FOR MAKING AN 'ERUB³⁰ AND FOR FORMING A PARTNERSHIP.³¹ A BENEDICTION IS SAID OVER IT,³² AND GRACE IN COMPANY IS RECITED AFTER IT.³³ ONE MAY SEPARATE [TITHES] FROM IT EVEN WHEN ONE IS NAKED,³⁴ OR WHEN IT IS TWILIGHT³⁵ ON THE EVE OF SAB BATH. LO, IF ONE HAS TAKEN FROM IT THE SECOND TITHE BEFORE THE FIRST TITHE IT MATTERS NOUGHT.³⁶ THE OIL WITH WHICH THE WEAVER GREASES HIS FINGERS IS LIABLE³⁷ TO [THE RULES OF] DEMAI, BUT [THE OIL] WHICH THE WOOL-COMBER PUTS ON THE WOOL IS EXEMPT³⁸ FROM [THE RULES OF] DEMAI.

(1) The rules of demai are not enforced in the case of these fruits when bought from an 'am ha-arez. The list consists of fruits which are esteemed of little value, and the owners of which often leave them for general use without claiming in them their property rights. Therefore it may be assumed that they had not been grown by the 'am ha-arez who sold them, but had been picked up by him as ownerless property, in which case they would be exempt from tithes; cf. Ma'as. I, 1. Or again, even if they had been grown by the 'am ha-arez himself, it may be assumed that he had already tithed them, since the cost of tithing them would have been small. And on account of this double doubt they are treated leniently in respect of demai.

(2) Cf. Ber. 40b.

(3) Or 'lote'.

(4) These grow wild once in three years.

(5) Which only ripen after they had been picked. According to another explanation: dates blown from the tree by the wind.

- (6) Where the value of these articles is small.
- (7) Made from wine which had been extracted from grape-skins, and therefore of little value. Ordinary wine was much used in Judea for drink-offerings in the Temple, and could not be spared for making vinegar; cf. Pes. 42b; Buchler, *Der galilaeische 'Am-ha-'Arez*, p. 18, n. 1.
- (8) A place in the vicinity of Haifa.
- (9) Cf. Introduction p. 50.
- (10) If a man set apart Second Tithe from demai produce and he wished to redeem it for money (Deut. XIV, 25) he need not add a fifth of its value, as in the case of Second Tithe from produce which had been certainly untithed; cf. Lev. XXVII, 31; Ma'as. Sh. IV, 3; B.M. IV, 8. The reason is because the duty of tithing demai is only a Rabbinic enactment; cf. B.M. 54a.
- (11) Tithes taken from demai need not be removed from the house and distributed on the eve of the Passover of the fourth and seventh year of the Sabbatical cycle, as in the case of tithes from ordinary produce; cf. Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 6; also 'Ed. IV, 5 (Sonc. ed. p. 23, n. 12; p. 24, n. 1).
- (12) Lit., 'one who grieves', 'a mourner': on the day of the death of a kinsman whether before or after the burial, and also Rabbinically on the day of the burial. This is forbidden in the case of Second Tithe from ordinary produce, Deut. XXVI, 14; Ma'as. Sh. V, 12.
- (13) In the case of Second Tithe from ordinary produce this is forbidden, Ma'as. Sh. III, 5.
- (14) And therefore of little value.
- (15) If its preservation would involve risk from robbers and the like.
- (16) He need not be suspected of eating it outside Jerusalem, though he may be suspected of eating it in uncleanness.
- (17) V. n. 9, p. 53.
- (18) Lit., 'rendered common'; cf. 'Ed. I, 9 (Sonc. ed. p. 4, n. 15).
- (19) Other texts read: 'And the fruit may again be redeemed for money'.
- (20) Of demai.
- (21) For use in tanning.
- (22) The Biblical Achzib (Josh. XIX, 29; Judg. I, 31) north of Acre. It formed the limit of Jewish territory after the return from the Babylonian exile, and what was beyond it was therefore treated as Syria; cf. infra VI, 11, n. 5.
- (23) Lit., 'cake'; the portion of dough which had to be given to the priest; cf. Num. XV, 20; 'Ed. I, 2 (Sonc. ed. p. 2, n. 2).
- (24) Cf. Introduction p. 50. If one part of terumah produce was mixed up with less than a hundred parts of common produce, the whole mixture could not be eaten by a non-priest, and had to be sold to a priest at the price of less than the terumah in the mixture. If terumah was mixed with common produce a hundred times in quantity, the terumah is neutralized in the mixture, and it may be eaten by a non-priest; cf. Ter. IV, 7.
- (25) To be eaten in Jerusalem.
- (26) After a handful of the meal had been offered on the altar. This remainder was to be eaten by the priests only, Lev. II, 3.
- (27) Because owing to their great sanctity. the 'am ha-arez may be presumed to have duly tithed them.
- (28) Cf. Buchler, op. cit. p. 15, n. 2. Others explain it as Balsam oil.
- (29) Because it may have been already tithed owing to its scarcity and its great value.
- (30) Lit., 'mixture', or 'amalgamation' of boundaries; food placed before the Sabbath at a convenient spot, making that spot a temporary abode, and enabling the owner to move freely on the Sabbath day within a distance of 2000 cubits on all sides of the spot. The 'erub thus serves to amalgamate and extend the limits of a Sabbath day journey; cf. 'Er. III, 2.
- (31) I.e., שְׁתוּף, shittuf, partnership of a courtyard or a private alley, containing several private domiciles. The owners of the domiciles combine to place jointly before the Sabbath some food in a convenient spot in the courtyard or the alley, which thus converts the several domiciles into a joint property, and enables the various owners to move freely on the Sabbath day from one domicile into the other; cf. 'Er. VII, 6 — 8.
- (32) V. Rashi Shab. 23a; Aliter: One recites grace after it (alone).
- (33) I.e., זְמון, invitation. Three or more persons eating together in the same room may be invited by one of them by a prescribed formula to join together in saying grace; cf. Ber. VII, 1,3. But produce which is certainly untithed cannot be used for these purposes, since its consumption involves a sin.
- (34) Since no benediction need be said on tithing demai produce, as on tithing produce which is certainly untithed; cf. Ter. I, 6.

- (35) This is forbidden in the case of produce certainly untithed; cf. Shab. II,7.
 (36) This is forbidden in the case of ordinary produce; cf. Ter. III, 6; Ma'as. Sh. V, 11.
 (37) This is like anointing the body, and anointing is equivalent to drinking, Shab. IX, 4.
 (38) It is like the greasing of utensils, v. supra 3, p. 54.

Mishna - Mas. Demai Chapter 2

MISHNAH 1. THE FOLLOWING THINGS MUST BE TITHED AS DEMAI IN ALL PLACES:¹ PRESSED FIGS, DATES, CAROBS, RICE, AND CUMIN. AS TO RICE FROM OUTSIDE THE LAND [OF ISRAEL], WHOEVER USES IT² IS EXEMPT FROM TITHING IT.

MISHNAH 2. IF A MAN HAS TAKEN UPON HIMSELF TO BE TRUSTWORTHY,³ HE MUST TITHE WHATEVER HE EATS AND WHATEVER HE SELLS⁴ AND WHATEVER HE BUYS;⁵ AND HE MAY NOT BE THE GUEST⁶ OF AN 'AM HA-AREZ.⁷ R. JUDAH SAYS: A MAN WHO IS THE GUEST OF AN 'AM HA-AREZ MAY STILL BE CONSIDERED TRUSTWORTHY.⁸ BUT THEY SAID TO HIM: IF HE IS NOT TRUSTWORTHY IN RESPECT OF HIMSELF,⁹ HOW CAN HE BE CONSIDERED TRUSTWORTHY IN RESPECT OF OTHERS?¹⁰

MISHNAH 3. IF A MAN HAS TAKEN UPON HIMSELF TO BECOME AN ASSOCIATE,¹¹ HE MAY NOT SELL TO AN 'AM HA-AREZ EITHER MOIST OR DRY¹² [PRODUCE]; NOR MAY HE BUY FROM HIM MOIST¹³ [PRODUCE]. HE MAY NOT BE THE GUEST OF AN 'AM HA-AREZ,¹⁴ NOR MAY HE RECEIVE AS GUEST AN AM HA-AREZ WHO IS WEARING HIS OWN GARMENT.¹⁵ R. JUDAH SAYS: HE MAY NOT ALSO BREED SMALL CATTLE,¹⁶ NOR MAY HE BE ADDICTED TO MAKING VOWS¹⁷, OR TO LAUGHTER;¹⁸ NOR MAY HE DEFILE HIMSELF BY THE DEAD,¹⁹ BUT HE MUST BE AN ATTENDANT AT THE HOUSE OF STUDY. BUT THEY SAID TO HIM: THESE [REQUIREMENTS] DO NOT COME WITHIN THE GENERAL RULE [OF ASSOCIATESHIP].²⁰

MISHNAH 4. BAKERS²¹ [WHO ARE ASSOCIATES] ARE BOUND BY THE SAGES TO SET APART [FROM DEMAI PRODUCE] NO MORE THAN SUFFICES FOR THE TERUMAH OF TITHE²² AND FOR HALLAH.²³ SHOPKEEPERS²⁴ MAY NOT SELL DEMAI [PRODUCE]. ALL [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES²⁵ MAY SELL DEMAI. [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES ARE SUCH AS WHOLESALE PROVISION DEALERS AND VENDORS OF CORN.

MISHNAH 5. R. MEIR SAYS: IF [PRODUCE] WHICH IS USUALLY MEASURED OUT [FOR SALE] IN A LARGE [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A SMALL [QUANTITY]. THE SMALL QUANTITY IS TREATED AS IF IT WAS A LARGE²⁶ [QUANTITY]; IF [PRODUCE] WHICH IS USUALLY MEASURED OUT FOR SALE IN A SMALL [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A LARGE [QUANTITY]. THE LARGE [QUANTITY] IS TREATED AS IF IT WAS A SMALL²⁷ [QUANTITY]. WHAT IS CONSIDERED A LARGE QUANTITY? THREE KABS FOR DRY [PRODUCE], AND [OF THE VALUE OF] ONE DENAR FOR LIQUID [PRODUCE]. R. JOSE SAYS: IF BASKETS OF FIGS AND BASKETS OF GRAPES AND HAMPERS OF VEGETABLES ARE SOLD IN THE LUMP, THEY ARE EXEMPT [FROM THE RULES OF DEMAI].

(1) Even when bought beyond Chezib (I, 3, n. 11). because they may be produce grown in the Land of Israel.

(2) Even in the Land of Israel, because foreign rice is easily distinguished by its reddish colour from the white rice grown in the Land of Israel.

(3) **אִשְׁתָּא**, in respect of tithes, so that the produce he sells may be considered duly tithed; cf. Introduction, p. 51.

- (4) From his fields.
- (5) For selling to others.
- (6) That he may not be tempted to eat untithed produce.
- (7) **עַם הָאָרֶץ** . Lit., ‘the people of the land’, an uninstructed person who is indifferent to the tithing of produce and to the observance of clean and unclean; cf. Introduction p. 51; ‘Ed. I, 14 (Sonc. ed. p. 8, n. 1).
- (8) If he declares that he did not eat with his host anything untithed.
- (9) As is proved by his eating with an ‘am ha-arez.
- (10) In respect of the produce he sells to others.
- (11) **הַבֵּר** , haber, a member of an association of scrupulous observers of the Law, especially in matters of tithes and purity.
- (12) Lest it contract a defilement while in the possession of the ‘am ha-arez.
- (13) Moisture renders produce susceptible to defilement; cf. Lev. XI, 38; ‘Ed. I, 8 (Sonc. ed. p. 4, n. 12); Maksh.
- (14) Lest he contract a defilement while at his house.
- (15) The garment of an ‘am ha-arez is considered a ‘principal’ cause of defilement, because it may have been used by a menstruous woman or by a person with an issue; cf. Lev. XV, 4, 20; Hag. II, 7.
- (16) Breeding small cattle is prohibited in the Land of Israel because of the damage they cause to trees and bushes; cf. B.K. VII, 7.
- (17) That he may not be tempted to break a vow; cf. Eccl. V, 4.
- (18) Which leads to immorality; cf. Ab. III, 13 (Sonc. ed. p. 36, n. 3).
- (19) Unnecessarily.
- (20) Associateship is concerned only with the observance of tithing and purity.
- (21) Who supply bread to shopkeepers at a low profit.
- (22) The heave-offering which the Levite gives to the priest from the First Tithe; cf. Introduction p. 50.
- (23) cf. I, 3, n. 12.
- (24) Who sell to the private consumer at a big profit.
- (25) Whose profit is small, as they generally give a liberally heaped measure.
- (26) And is exempt from tithing as demai.
- (27) It must be tithed as demai by the vendor.

Mishna - Mas. Demai Chapter 3

MISHNAH 1. ONE MAY GIVE DEMAI PRODUCE FOR FOOD TO THE POOR¹ AND TO PASSING TROOPS.² RABBAN GAMALIEL USED TO GIVE DEMAI FOR FOOD TO HIS WORKMEN.³ AS FOR COLLECTORS OF CHARITY, BETH SHAMMAI SAY: THEY SHOULD GIVE TITHED [PRODUCE] TO PERSONS WHO DO NOT TITHE, AND UNTITHED [PRODUCE] TO PERSONS WHO DO TITHE;⁴ IT WILL THUS RESULT THAT EVERY ONE WILL BE EATING [PRODUCE] THAT HAS BEEN SET RIGHT.⁵ BUT THE SAGES SAY: THEY MAY COLLECT INDETERMINATELY⁶ AND DISTRIBUTE INDETERMINATELY. AND WHOEVER [OF THE RECIPIENTS] WISHES TO SET RIGHT⁷ [HIS PORTION] MAY DO SO.

MISHNAH 2. IF A MAN WISHED TO CUT OFF LEAVES OF VEGETABLES IN ORDER TO LIGHTEN HIS BURDEN, HE MAY NOT THROW THEM DOWN UNLESS HE HAS [FIRST] TITHED THEM.⁸ IF A MAN PICKED UP VEGETABLES⁹ IN THE MARKET [WITH THE INTENTION OF BUYING THEM], AND THEN DECIDED TO PUT THEM BACK, HE MAY NOT PUT THEM BACK EXCEPT HE HAD [FIRST] TITHED THEM,¹⁰ FOR NOTHING WAS NEEDED [TO MAKE THEM HIS OWN] BUT NUMBERING¹¹ , [THEM]. BUT IF HE [ONLY] STOOD [THERE] BARGAINING¹² AND THEN SAW ANOTHER LOAD OF BETTER QUALITY, HE MAY PUT THEM BACK [UNTITHED]. SINCE HE HAD NOT YET DRAWN THEM INTO HIS POSSESSION.¹³

MISHNAH 3. IF A MAN FOUND FRUIT ON THE ROAD AND PICKED IT UP IN ORDER

TO EAT IT, AND THEN DECIDED TO HIDE IT, HE MAY NOT HIDE IT UNLESS HE HAS [FIRST] TITHED IT. BUT IF FROM THE FIRST HE HAD PICKED IT UP ONLY IN ORDER TO GUARD IT AGAINST DESTRUCTION,¹⁴ HE IS EXEMPT [FROM TITHING IT]. ANY PRODUCE WHICH A MAN MAY NOT SELL¹⁵ [IN THE CONDITION OF] DEMAI, HE MAY NEITHER SEND IT [AS A GIFT] TO HIS FRIEND¹⁶ [IN THE CONDITION OF] DEMAI. R. JOSE PERMITS [TO BE SENT AS A GIFT PRODUCE] THAT IS CERTAINLY UNTITHED,¹⁷ ON CONDITION THAT HE MAKES THE MATTER KNOWN TO THE RECIPIENT.

MISHNAH 4. IF A MAN CARRIED HIS WHEAT¹⁸ TO A MILLER WHO WAS A CUTHEAN¹⁹ OR TO A MILLER WHO WAS AN 'AM HA-AREZ, [THE WHEAT WHEN GROUND CONTINUES] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR²⁰ PRODUCE. [BUT IF HE CARRIED IT] TO A MILLER WHO WAS A GENTILE, [THE WHEAT WHEN GROUND BECOMES] DEMAI.²¹ IF A MAN LEFT HIS FRUIT IN THE KEEPING OF A CUTHEAN OR OF AN 'AM HA-AREZ, [IT CONTINUES WHEN RETURNED] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR PRODUCE. [BUT IF HE LEFT IT] WITH A GENTILE,²² [IT BECOMES] LIKE THE FRUIT OF THE GENTILE.²³ R. SIMEON SAYS: [IT BECOMES] DEMAI.²⁴

MISHNAH 5. IF A MAN GAVE [PRODUCE] TO THE HOSTESS OF AN INN [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER²⁵ AND WHAT HE TAKES BACK FROM HER,²⁶ BECAUSE SHE MAY BE SUSPECTED OF CHANGING IT. R. JOSE SAID: WE ARE NOT RESPONSIBLE FOR IMPOSTORS.²⁷ NAY, HE NEED TITHE ONLY WHAT HE TAKES BACK FROM HER.

MISHNAH 6. IF A MAN GAVE [PRODUCE] TO HIS MOTHER-IN-LAW [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER²⁵ AND WHAT HE TAKES BACK FROM HER, BECAUSE SHE IS SUSPECTED OF CHANGING ANY [FOOD] WHICH IS LIABLE TO BE SPOILT. R. JUDAH SAID: [SHE MIGHT HAVE TO DO IT BECAUSE] SHE DESIRES THE WELFARE OF HER DAUGHTER AND IS BASHFUL OF HER SON-IN-LAW.²⁸ R. JUDAH AGREES THAT IF A MAN GAVE TO HIS MOTHER-IN-LAW SEVENTH YEAR PRODUCE,²⁹ SHE IS NOT SUSPECTED OF CHANGING IT³⁰ AND GIVING HER DAUGHTER TO EAT OF SEVENTH YEAR PRODUCE.

(1) Even if they are associates; but they must be told that the food is demai.

(2) Who are Israelites. The Hebrew word **אֲכֻמָּיָא** (from the Greek **) may also mean 'passing guests'.

(3) Who were poor, though he was bound to provide their food during their working hours; cf. infra VII, 3, n. 2.

(4) Telling them that the produce is demai.

(5) Hebrew **מֵתוּקָן**; i.e., that has been duly tithed; cf. Introduction p. 49.

(6) I.e., without inquiring from the donors whether the produce they give has been tithed.

(7) I.e., tithe it.

(8) To prevent their being eaten untithed by an 'am ha-arez who may happen to pick them up.

(9) Which are sold at a fixed price per bundle.

(10) And paying the dealer the cost of the tithe.

(11) Since they are sold at a fixed price per bundle, the mere act of picking them up is sufficient to make him the owner of the vegetables, and to render him responsible for tithing them.

(12) Without having decided to buy them.

(13) I.e., he had not performed the required Meshikah, v. Glos.

(14) Without intending to take possession of them.

(15) Such as bread by shopkeepers, or produce in a small quantity; cf. supra II, 5.

(16) Even if his friend is an associate.

(17) Even in a small quantity.

(18) Which had been duly tithed.

- (19) A man from Cutha, a Samaritan; cf. II Kings XVII, 24.
- (20) The Cuthean and the 'am ha-arez are not suspected of having changed the tithed wheat for untithed wheat, or for wheat of Seventh Year produce in which the laws regulating the produce of the Sabbatical Year had not been observed; cf. Lev. XXV, 4 — 7 and Tractate Shebi'ith.
- (21) The Gentile may have exchanged the wheat for wheat brought to him by another Israelite, an 'am ha-arez which is demai.
- (22) Which is exempt from tithing.
- (23) Unlike the case of the miller, it is not usual for people to deposit fruit with another person.
- (24) The Gentile may still have exchanged it for the fruit of an Israelite 'am ha-arez, who happened to deposit some with him.
- (25) So that if she cheats him and eats it herself, she may not eat it untithed.
- (26) This may not be the same produce he had given her.
- (27) To guard them against eating untithed produce.
- (28) She has a high respect for him. For these reasons she may be suspected of having exchanged the produce he had given her for produce of a better quality.
- (29) In which the laws of Seventh Year produce had been observed, and was therefore permitted to be eaten.
- (30) For Seventh Year produce in which the special laws had not been observed. She would not wish to cause her daughter to commit the sin of eating prohibited Seventh Year produce.

Mishna - Mas. Demai Chapter 4

MISHNAH 1. IF A MAN BOUGHT FRUIT FROM ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES, AND HE FORGOT TO TITHE IT,¹ HE MAY EAT OF IT AT THE VENDOR'S WORD IF HE ASKED HIM ON THE SABBATH.² BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT³ UNLESS HE HAD FIRST TITHED IT. IF HE COULD NOT FIND THE VENDOR, BUT ANOTHER PERSON WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES DECLARED TO HIM THAT IT HAD BEEN TITHED, HE MAY EAT OF IT AT HIS WORD.⁴ BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT UNLESS HE HAD FIRST TITHED IT. IF TERUMAH OF THE TITHE OF DEMAI⁵ HAD BECOME MIXED UP AGAIN [WITH THE FRUIT] FROM WHICH IT HAD BEEN TAKEN, R. SIMEON OF SHEZUR SAYS: EVEN ON A WEEK-DAY HE MAY ASK THE VENDOR AND EAT AT HIS WORD.⁶

MISHNAH 2. IF A MAN IMPOSED A VOW⁷ UPON HIS FRIEND TO EAT WITH HIM, AND THE FRIEND DOES NOT TRUST HIM IN RESPECT OF TITHES, HE MAY EAT WITH HIM⁸ ON THE FIRST SABBATH⁹ THOUGH HE DOES NOT TRUST HIM IN RESPECT OF TITHES, PROVIDED THAT THE MAN HAD DECLARED TO HIM THAT THE FOOD HAD BEEN TITHED. BUT ON THE SECOND SABBATH, THOUGH THE MAN HAD BOUND HIMSELF BY A VOW NOT TO ENJOY ANY BENEFIT FROM HIM,¹⁰ HE MAY NOT EAT WITH THE MAN EXCEPT HE HAD FIRST TITHED [THE FOOD].¹¹

MISHNAH 3. R. ELIEZER SAYS: A MAN NEED NOT DESIGNATE¹² THE POORMAN'S¹³ TITHE OF DEMAI. BUT THE SAGES SAY: HE MUST DESIGNATE IT, BUT HE NEED NOT SET IT APART.¹⁴

MISHNAH 4. IF A MAN HAD DESIGNATED¹⁵ THE TERUMAH OF THE TITHE OF DEMAI,¹⁶ OR THE POORMAN'S TITHE OF PRODUCE THAT HAD CERTAINLY NOT BEEN TITHED,¹⁷ HE MAY NOT TAKE THEM ON THE SABBATH.¹⁸ BUT IF THE PRIEST AND THE POOR MAN WERE WONT TO EAT WITH HIM, THEY MAY COME AND EAT OF THEM PROVIDED THAT HE MAKES THE MATTER KNOWN TO THEM.¹⁹

MISHNAH 5. IF A MAN SAID TO ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF

TITHES: 'BUY [PRODUCE] FOR ME FROM ONE WHO IS TRUSTWORTHY OR FROM ONE WHO GIVES TITHES', [THE MESSENGER] MAY NOT BE TRUSTED.²⁰ BUT IF THE MAN SAID: BUY IT FOR ME FROM SO-AND-SO', HE IS TO BE TRUSTED.²¹ IF HE WENT TO BUY IT FROM HIM [AND THEN CAME BACK] AND SAID: 'I DID NOT FIND HIM, SO I BOUGHT FOR YOU FROM ANOTHER MAN WHO IS TRUSTWORTHY', HE MAY NOT BE TRUSTED.

MISHNAH 6. IF A MAN ENTERED A CITY WHERE HE KNEW NO ONE, AND SAID: 'WHO IS HERE TRUSTWORTHY? WHO GIVES TITHES HERE?', AND SOME ONE REPLIED: 'I', HE MAY NOT BE TRUSTED. BUT IF HE REPLIED: 'SO-AND-SO IS TRUSTWORTHY', HE MAY BE BELIEVED.²² IF THE MAN WENT TO BUY FROM SO-AND-SO, AND HE ASKED HIM: 'WHO SELLS HERE OLD PRODUCE?'²³ AND SO-AND-SO REPLIED: 'HE WHO HAD SENT YOU TO ME', THOUGH THEY APPEAR AS REPAYING EACH OTHER'S FAVOUR, THEY MAY YET BE TRUSTED.²⁴

MISHNAH 7. IF ASS-DRIVERS²⁵ ENTERED A CITY AND ONE OF THEM DECLARED: 'MY PRODUCE IS NEW BUT MY FRIEND'S PRODUCE IS OLD', OR: 'MY PRODUCE HAS NOT BEEN SET RIGHT BUT MY FRIEND'S PRODUCE HAS BEEN SET RIGHT',²⁶ THEY MAY NOT BE TRUSTED.²⁷ R. JUDAH SAYS: THEY MAY BE TRUSTED.²⁸

(1) Before the Sabbath. Tithing is not permitted on the Sabbath; cf. supra I, 4, n. 12.

(2) It may be presumed that the vendor, though an 'am ha-arez, will not lie on the Sabbath day.

(3) Although he had already eaten of it on the Sabbath, because he is now able to tithe it.

(4) Even another person may be believed on the Sabbath day.

(5) Lit., 'which had returned to its place'; supra II, 4, n. 10. The quantity of this terumah is one tenth of the tithe, or a hundredth part of the whole, and this had become mixed up with the remaining ninety-nine parts, which are not sufficient to neutralize the sanctity of the terumah; cf. I, 3, n. 2.

(6) If the vendor declares that the produce had been tithed from the first, and that the tithing by the buyer was unnecessary, he is believed, as otherwise the whole mixture would be rendered forbidden as terumah, and the buyer would suffer a great loss; v. Rashi. Men. 30b.

(7) He said: 'May you be forbidden to derive any benefit from me if you do not eat with me'; cf. Ned. III, 1; IV. The man was celebrating his marriage to a virgin.

(8) In order to prevent ill-feeling.

(9) The Hebrew word 'Sabbath' may also mean 'week'.

(10) A vow by which he binds his own person is more conducive to ill-feeling than a vow by which he binds his friend.

(11) The rule that an 'am ha-arez may be believed on the Sabbath (supra I, n. 2) applies only to the statement of a vendor.

(12) I.e., declare that the tithe shall be in a certain part of the produce, as infra V, 1, 2; VII; cf. Ter. III, 5, and Introduction p. 51. R. Eliezer holds that the 'am ha-arez does set apart the Poorman's Tithe, but keeps it for his own use.

(13) V. Introduction p. 50.

(14) He need not give it to the poor, because the burden of proof that the demai produce had not been tithed by the 'am ha-arez who was its original owner, lies on the poor; cf. Introduction p. 51.

(15) Before the Sabbath.

(16) In the case of produce that was certainly untithed, the owner himself cannot separate the Terumah of the Tithe. This must be done by the Levite who receives the tithe.

(17) In the case of demai produce there is no need to give away the Poorman's Tithe, as stated above n. 7.

(18) In order to deliver them respectively to the priest and to the poor. This delivery is forbidden on the Sabbath or on the Festival; cf. Bez. 12b.

(19) That they may know that they are eating their own produce. It is forbidden to discharge one's personal obligations to guests by treating them with tithes.

(20) When he says that he had bought it from a trustworthy person because the vendor considered trustworthy by the messenger may not really be so.

- (21) When he says that he bought it from the person named by the sender.
- (22) The rule that a person who is not trustworthy himself may not testify about the trustworthiness of another person is relaxed in this case, in view of the difficulty the enquirer may have in obtaining food in a strange place from a trustworthy person.
- (23) Of last year's harvest. The new produce of the current year may not be eaten before the 'Omer, or Sheaf-offering, has been offered on the altar on the first day of the Passover; cf. Lev. XXIII, 10 — 14; Men. X, 5.
- (24) Most 'amme ha-arez used to observe the rules respecting the consumption of new produce.
- (25) 'Who hawk their produce for sale in different localities.
- (26) Duly tithed; III, 1, n. 5.
- (27) This testimony may be part of a mutual arrangement to assist one another in the sale of their produce in different localities.
- (28) Since most 'amme ha-arez do tithe, the strict rule of demai may be relaxed in this case, in order to attract produce dealers to the city and thereby promote its economic prosperity.

Mishna - Mas. Demai Chapter 5

MISHNAH 1. IF A MAN¹ BOUGHT BREAD FROM A BAKER² HOW SHOULD HE TITHE? HE SHOULD TAKE³ SUFFICIENT FOR THE TERUMAH OF THE TITHE⁴ AND FOR HALLAH⁵ AND SAY: A HUNDREDTH PART OF WHAT IS HERE⁶ SHALL BE TITHE ON THIS SIDE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;⁷ THAT WHICH I MADE TITHE⁸ SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE;⁹ THE REMAINDER¹⁰ SHALL BE HALLAH, AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT¹¹ SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED¹² FOR MONEY.¹³

MISHNAH 2. IF A MAN WISHED TO SET APART¹⁴ TERUMAH¹⁵ AND THE TERUMAH OF THE TITHE BOTH TOGETHER, HE SHOULD TAKE THREE HUNDREDTHS¹⁶ AND SAY: ONE HUNDREDTH PART OF WHAT IS HERE SHALL BE COMMON PRODUCE¹⁷ ON THIS SIDE, AND THE REST¹⁸ SHALL BE TERUMAH FOR THE WHOLE; THE HUNDREDTH PART¹⁹ COMMON PRODUCE WHICH IS HERE SHALL BE TITHE ON THIS SIDE,²⁰ AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;²¹ THAT WHICH I MADE TITHE²² SHALL BECOME THE TERUMAH OF TITHE FOR THE WHOLE;²³ THE REMAINDER SHALL BE HALLAH,²⁴ AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 3. IF A MAN BOUGHT FROM A BAKER, HE MAY GIVE TITHE FROM HOT²⁵ BREAD FOR COLD²⁶ OR FROM COLD BREAD FOR HOT BREAD, EVEN WHEN THEY ARE OF VARIOUS MOULDS; THUS R. MEIR. R. JUDAH PROHIBITS IT, BECAUSE IT MAY BE ASSUMED THAT YESTERDAY'S WHEAT WAS BOUGHT FROM ONE MAN²⁷ AND TO-DAY'S WHEAT FROM ANOTHER MAN.²⁸ R. SIMEON PROHIBITS IT IN THE CASE OF TERUMAH OF THE TITHE, BUT PERMITS IT IN THE CASE OF HALLAH.²⁹

MISHNAH 4. IF A MAN BOUGHT FROM A BREAD DEALER HE MUST TITHE EVERY MOULD [SEPARATELY;]³⁰ THUS R. MEIR. R. JUDAH SAYS: HE MAY GIVE TITHES FROM ONE MOULD FOR ALL THE OTHERS.³¹ BUT R. JUDAH AGREES THAT IF A MAN BOUGHT FROM A MONOPOLIST³² HE MUST TITHE EVERY MOULD [SEPARATELY].

MISHNAH 5. IF A MAN BOUGHT FROM A POOR MAN³³ (LIKEWISE IF A POOR MAN WAS GIVEN SLICES OF BREAD OR PIECES OF FIG-CAKE) HE MUST TITHE EVERY PIECE;³⁴ BUT IN THE CASE OF DATES AND DRIED FIGS HE MAY MIX THEM TOGETHER AND TAKE [THE TITHES FROM THE MIXTURE]. R. JUDAH SAID: HE MAY DO SO ONLY WHEN THE POOR MAN WAS GIVEN A LARGE QUANTITY; BUT WHEN THE GIFT WAS SMALL [IN QUANTITY] HE MUST TITHE EACH KIND SEPARATELY.

MISHNAH 6. IF A MAN BOUGHT FROM A WHOLESALE MERCHANT³⁵ ONCE AND THEN AGAIN, HE MAY NOT GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER, EVEN WHEN BOTH CAME FROM THE SAME HAMPER AND BOTH ARE OF THE SAME KIND. BUT THE WHOLESALE MERCHANT MAY BE TRUSTED IF HE SAYS THAT BOTH CAME FROM ONE MAN.

MISHNAH 7. IF A MAN BOUGHT FROM A LANDOWNER³⁶ ONCE AND THEN AGAIN, HE MAY GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER,³⁷ EVEN WHEN THEY CAME FROM TWO BASKETS AND EVEN FROM TWO TOWNS. IF A LANDOWNER SOLD VEGETABLES IN THE MARKET, [HE THAT BOUGHT FROM HIM] MAY GIVE TITHES FROM ONE [LOT OF VEGETABLES] FOR ALL [THE OTHER LOTS] IF THEY WERE [ALL] BROUGHT TO THE LANDOWNER FROM HIS OWN GARDENS; BUT [IF THEY WERE BROUGHT] FROM OTHER GARDENS, THE PURCHASER MUST TITHE EACH LOT SEPARATELY.

MISHNAH 8. IF A MAN BOUGHT UNTITHED PRODUCE³⁸ FROM TWO PLACES HE MAY GIVE TITHES FROM ONE LOT FOR THE OTHER. ALTHOUGH THEY HAVE PERMITTED [THIS, NEVERTHELESS] ONE MAY NOT SELL UNTITHED PRODUCE³⁹ EXCEPT IN THE CASE OF A NECESSITY.⁴⁰

MISHNAH 9. TITHES MAY BE GIVEN FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM A GENTILE,⁴¹ FROM PRODUCE [BOUGHT] FROM A GENTILE FOR PRODUCE [BOUGHT] FROM AN ISRAELITE, FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM CUTHEANS,⁴² AND FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS. R. ELIEZER PROHIBITS [THE TITHING] FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS.⁴³

MISHNAH 10. A PERFORATED POT⁴⁴ IS CONSIDERED AS THE SOIL⁴⁵ [ITSELF]. IF A MAN GAVE TERUMAH FROM [PRODUCE GROWN IN] THE SOIL FOR [PRODUCE GROWN IN] A PERFORATED POT, OR FROM [PRODUCE GROWN IN] A PERFORATED POT FOR [PRODUCE GROWN IN] THE SOIL, THE TERUMAH IS VALID. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A POT THAT WAS NOT PERFORATED FOR [PRODUCE GROWN IN] A POT THAT WAS PERFORATED, [IT BECOMES] TERUMAH,⁴⁶ BUT HE MUST GIVE TERUMAH OVER AGAIN. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A PERFORATED POT FOR [PRODUCE GROWN IN] A POT WHICH WAS NOT PERFORATED, [IT BECOMES] TERUMAH, BUT MAY NOT BE EATEN⁴⁷ EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

MISHNAH 11. IF A MAN GAVE TERUMAH FROM [PRODUCE OF] DEMAI FOR [OTHER PRODUCE OF] DEMAI, OR FROM [PRODUCE OF] DEMAI FOR [PRODUCE] WHICH WAS CERTAINLY UNTITHED, [THIS BECOMES] TERUMAH, BUT HE MUST GIVE TERUMAH OVER AGAIN.⁴⁸ [IF HE GAVE TERUMAH] FROM [PRODUCE] WHICH WAS CERTAINLY UNTITHED FOR [PRODUCE OF] DEMAI, [THIS BECOMES] TERUMAH, BUT IT MAY NOT BE EATEN⁴⁷ EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

(1) Who is an associate.

(2) Who is an 'am ha-arez and who does not observe the rule laid down in II, 4 or one who sells in large quantities and is exempt from tithing demai produce; II, 4.

(3) By word of mouth, i.e., by designating them and without actually cutting off from the bread the various portions of the tithes.

- (4) One hundredth part of the whole; IV, 1, n. 5.
- (5) Cf. I, 3, n. 12. The legal quantity of Hallah for a private person is one twenty-fourth part of the whole, and one forty-eighth part for a baker; cf. Hal. II, 7.
- (6) Of the bread.
- (7) I.e., 9/100 of the whole, making together with the first hundredth, one tenth of the whole for First (Levitical) Tithe.
- (8) I.e., the first hundredth.
- (9) Of the 10/100, or the First Tithe.
- (10) I.e., 1/24 of the 9/10 of the loaf.
- (11) Of the Terumah of the Tithes.
- (12) Lit., 'rendered common'; cf. I, 2, n. 7.
- (13) To enable it to be eaten outside Jerusalem. He need not add the Fifth; I, 2, n. 10. This rather complicated method is enjoined because the more sacred portion must be set apart before the less sacred, (cf. Ter. III, 6 — 7). Hence when a person who is not a Levite wishes to set apart not only First Tithe but also the Terumah of the Tithe (cf. IV, 4, n. 9) he must set apart the Terumah of the Tithe (viz., one hundredth part) before the tithe, as more sacred than the tithe. But this hundredth part cannot become Terumah of the Tithe before it had first become tithe, therefore the man must set apart the tithe in two portions; first one tenth of the tithe (one hundredth of the whole), which later becomes Terumah of the Tithe, and then the remaining nine tenths of the tithe (nine hundredths of the whole). Hallah is indeed more sacred than the tithe (since Hallah belongs to the priest), but nevertheless it may be set apart after the tithe, from the remaining nine tenths of the whole, because Hallah need not be given from the tithe. Finally, Second Tithe must be set apart only after the First Tithe; cf. I, 4, n. 1.
- (14) From produce which had certainly not been tithed.
- (15) The Priest's heave-offering; cf. I, 3, n. 1.
- (16) Lit., 'one part in thirty-three and a third'.
- (17) Provisionally, to be made later into First Tithe, and finally into Terumah of the Tithe.
- (18) Of the three hundredths, i.e., two hundredths, or one fiftieth of the whole, which is the usual quantity of the terumah; cf. Introd. p. 50. Terumah, as the most sacred of all portions, must be set apart first, to be followed by Terumah of the Tithe, as explained in n. 12, p. 67.
- (19) I.e., the first hundredth of the three hundredths.
- (20) Later to become Terumah of the Tithe, as in the last Mishnah.
- (21) I.e., nine tenths of the tithe, or about nine hundredths of the whole, making together with the one hundredth, which will become Terumah of the Tithe, one tenth of the whole.
- (22) I.e., the first hundredth.
- (23) Of the ten hundredths.
- (24) I.e., one twenty-fourth of the remainder of the produce after Terumah and the Tithe with its terumah have been taken off. In this way the more sacred portions, terumah and Terumah of the Tithe are separated first.
- (25) I.e., freshly baked.
- (26) Stale.
- (27) Who gave tithes.
- (28) Who did not give tithes. The buyer may thus be tithing from tithed produce for untithed produce, or from produce which is exempt for produce which is liable, but this is forbidden; cf. Ter. I, 5; B.M. 56a.
- (29) Because produce does not become liable to Hallah, except when turned into dough (cf. Hal. II, 5); so that even if the wheat was bought from two different persons, it became liable to Hallah only after it had come into the possession of the baker.
- (30) The dealer may have bought the bread in the different moulds from different people. Therefore if he tithed from one mould for another, he may be tithing from produce which is exempt for produce which is liable.
- (31) The dealer usually buys his bread from one baker.
- (32) A dealer who has the sole right of selling bread to the public. He usually buys from various bakers.
- (33) Who begs from door to door.
- (34) To prevent tithing from what is exempt for what is liable.
- (35) Who buys from different people.
- (36) Lit., 'a householder', who sells the produce of his own fields.
- (37) Both purchases are either tithed or untithed.

- (38) Lit., 'tebel,' but not quite in its stricter sense of produce from which neither terumah nor tithes have been separated; cf. Introd. p. 50.
- (39) Even to an associate.
- (40) As when some tithed produce was mixed up with tebel which can only be set right by finding for it Terumah and Tithes from another similar lot; cf. Men. 31a. But if the owner has not got other similar produce, he must sell the mixture to one who has.
- (41) According to this halachah, produce grown by a Gentile in the soil of the Land of Israel is liable to the duty of tithes; cf. B.M. 101a.
- (42) Cf. III, 4, n. 8. Samaritans usually tithe the produce they keep for their own use, but not the produce they keep for sale.
- (43) One Cuthean may have sold tithed produce which he had originally intended for his own use, whilst the other Cuthean sold untithed produce. In tithing from one for the other, one may be tithing the exempt for the liable.
- (44) A pot with holes in the bottom, filled with soil, and used for growing plants.
- (45) Produce grown in it is liable to the laws of Terumah and Tithes.
- (46) In name, and therefore can be eaten only by a priest; but it is not valid to discharge the produce of the other pot from the duty of terumah.
- (47) Even by priests, because it is still tebel.
- (48) The terumah he gave from demai is not valid to discharge the other produce from the duty of terumah, because the demai from which the terumah was taken may have been set right originally by its former owner, and the present owner may thus be giving terumah from what is exempt for what is liable.

Mishna - Mas. Demai Chapter 6

MISHNAH 1. IF A MAN RENTED A FIELD FROM AN ISRAELITE, OR FROM A GENTILE, OR FROM A CUTHEAN [FOR A SHARE IN THE PRODUCE].¹ HE MAY SET THE [LANDLORD'S] SHARE BEFORE HIM [UNTITHED].² IF A MAN HIRED A FIELD FROM AN ISRAELITE [FOR A FIXED RENTAL OUT OF THE PRODUCE],³ HE MUST FIRST GIVE TERUMAH [FROM THE RENTAL]⁴ AND THEN GIVE IT TO THE LANDLORD.⁵ R. JUDAH SAID: THIS APPLIES ONLY WHEN HE PAYS HIM [THE RENTAL WITH PRODUCE] OF THE SAME FIELD AND OF THE SAME KIND; BUT WHEN HE PAYS HIM WITH THE PRODUCE OF ANOTHER FIELD OR OF ANOTHER KIND, HE MUST [ALSO] TITHE [THE RENTAL FIRST] AND THEN GIVE IT TO HIM.⁶

MISHNAH 2. IF A MAN HIRED A FIELD FROM A GENTILE [FOR A FIXED RENTAL OUT OF THE PRODUCE], HE MUST [FIRST] TITHE [THE RENTAL] AND THEN GIVE IT TO HIM.⁷ R. JUDAH SAYS: ALSO IF A MAN RENTED FROM A GENTILE A FIELD WHICH HAD FORMERLY BELONGED TO HIS FATHERS⁸ [FOR A SHARE IN THE PRODUCE], HE MUST FIRST TITHE THE RENTAL⁹ AND THEN GIVE IT TO HIM.

MISHNAH 3. IF A PRIEST OR A LEVITE RENTED A FIELD FROM AN ISRAELITE [FOR A SHARE IN THE PRODUCE], THE TENANTS SHARE WITH THE LANDLORD THE TERUMAH¹⁰ JUST AS THEY SHARE THE COMMON PRODUCE. R. ELIEZER SAYS: ALSO THE TITHES¹¹ BELONG TO THE TENANTS, FOR THEY ENTERED THE FIELD WITH THIS EXPECTATION.

MISHNAH 4. IF AN ISRAELITE RENTED A FIELD FROM A PRIEST OR FROM A LEVITE [FOR A SHARE IN THE PRODUCE.] THE TITHES BELONG TO THE LANDLORD.¹² R. ISHMAEL SAYS: IF AN INHABITANT OF THE PROVINCES RENTED A FIELD FROM AN INHABITANT OF JERUSALEM, THE SECOND TITHE BELONGS TO THE INHABITANT OF JERUSALEM.¹³ BUT THE SAGES SAY: THE INHABITANT OF THE PROVINCES IS ABLE TO GO UP HIMSELF AND EAT THE SECOND TITHE IN JERUSALEM.

MISHNAH 5. IF [AN ISRAELITE] RENTED OLIVE TREES [FROM A PRIEST OR A LEVITE] FOR THE OIL. HE AND THE LANDLORD SHARE THE TERUMAH¹⁴ JUST AS THEY SHARE THE COMMON PRODUCE. R. JUDAH SAYS: IF AN ISRAELITE RENTED OLIVE TREES FROM A PRIEST OR A LEVITE FOR THE OIL FOR A SHARE OF HALF THE PROFIT, THE TITHES BELONG TO THE LANDLORD.¹⁵

MISHNAH 6. BETH SHAMMAI SAY: A MAN MAY ONLY SELL HIS OLIVES TO AN ASSOCIATE.¹⁶ BUT BETH HILLEL SAY: ONE MAY SELL THEM ALSO TO A MAN WHO ONLY GIVES TITHES.¹⁷ HOWBEIT, THE PIOUS AMONG BETH HILLEL USED TO ACT IN ACCORDANCE WITH THE OPINION OF BETH SHAMMAI.

MISHNAH 7. IF TWO MEN GATHERED [THE FRUIT OF] THEIR VINEYARDS INTO ONE VAT,¹⁸ [OF WHOM] ONE GIVES TITHES AND THE OTHER DOES NOT GIVE TITHES, HE WHO GIVES TITHES MAY TITHE HIS OWN SHARE¹⁹ AND [TAKE] HIS SHARE WHEREVER IT MAY BE.

MISHNAH 8. IF TWO MEN RENTED A FIELD [FOR A SHARE IN THE PRODUCE], OR IF THEY INHERITED [THE FIELD] OR BECAME PARTNERS IN IT, THE ONE [WHO GIVES TITHES] MAY SAY TO THE OTHER [WHO DOES NOT GIVE TITHES]: ‘YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE’, OR: ‘YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE’,²⁰ BUT HE MAY NOT SAY TO HIM: ‘YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY’, OR: ‘YOU TAKE THE WINE AND I WILL TAKE THE OIL.’²¹

MISHNAH 9. IF AN ASSOCIATE AND AN ‘AM HA-AREZ INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS AN ‘AM HA-AREZ, THE ASSOCIATE MAY SAY TO HIS BROTHER: ‘YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE’, OR: ‘YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE’; BUT HE MAY NOT²² SAY TO HIM: ‘YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY,’ OR: ‘YOU TAKE THE MOIST PRODUCE AND I WILL TAKE THE DRY²³ PRODUCE’.

MISHNAH 10. IF A PROSELYTE AND A GENTILE INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS A GENTILE, THE PROSELYTE MAY SAY TO HIS BROTHER:²⁴ ‘YOU TAKE THE IDOLS²⁵ AND I WILL TAKE THE MONEY’, OR: ‘YOU TAKE THE WINE²⁵ AND I WILL TAKE THE FRUIT’: BUT IF ANY [PART OF THE INHERITANCE] HAD ALREADY COME INTO THE POSSESSION OF THE PROSELYTE, HE IS FORBIDDEN²⁶ [TO SAY SO].

MISHNAH 11. IF A MAN SOLD FRUIT IN SYRIA²⁷ AND DECLARED THAT IT WAS GROWN IN THE LAND OF ISRAEL, THE PURCHASER IS BOUND TO TITHE IT.²⁸ [BUT IF HE ADDED THAT] IT HAD ALREADY BEEN TITHED, HE MAY BE TRUSTED, ‘BECAUSE THE EVIDENCE²⁹ WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL’. [IF HE SAID: ‘THE FRUIT IS] FROM MY OWN FIELD’,³⁰ THE PURCHASER IS BOUND TO TITHE IT. [BUT IF HE ADDED:] ‘IT HAS ALREADY BEEN TITHED’, HE MAY BE TRUSTED, ‘BECAUSE THE EVIDENCE WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL’. IF IT WAS KNOWN THAT HE HAD ANOTHER FIELD IN SYRIA, THE PURCHASER IS BOUND³¹ TO TITHE IT.

MISHNAH 12. IF AN ‘AM HA-AREZ SAID TO AN ASSOCIATE:³² ‘BUY FOR ME A BUNDLE OF VEGETABLES’, OR: ‘BUY FOR ME A LOAF OF BREAD’, THE ASSOCIATE

MAY BUY IT WITHOUT INQUIRING [WHETHER IT HAD BEEN TITHED], AND HE IS ABSOLVED³³ [FROM TITHING IT]. BUT IF THE ASSOCIATE SAID: 'THIS ONE I BUY FOR MYSELF AND THIS ONE FOR MY FRIEND', AND THE TWO PURCHASES WERE MIXED UP, HE IS BOUND TO TITHE³⁴ [BOTH PURCHASES], EVEN IF THE PURCHASE [FOR THE 'AM HA-AREZ] IS A HUNDRED [TIMES MORE THAN HIS OWN].

(1) **מקבֵּל** viz., **באריסות**; cf. Mishnah 8.

(2) But he must tell the landlord that his share is untithed.

(3) **חיכר**.

(4) Because the produce becomes liable to terumah while still in the threshing-floor; but not tithes, which the landlord must give himself.

(5) After deducting the amount of the terumah from the rental.

(6) In this case he is like one paying a debt with his own produce, and therefore he is bound to tithe the produce before it leaves his possession.

(7) This rule is intended to make it unprofitable for a Jew to rent the field from the Gentile, originally confiscated from another Jew; and this may induce the Gentile to sell his field to the Jew rather than leave it uncultivated.

(8) And which the Gentile had seized by violence.

(9) In order to lead to the sale of the field by the Gentile; cf. n. 7.

(10) Including also the tithe. The landlord may give them to any other priest or Levite he likes.

(11) Including the terumah.

(12) It must be presumed that when the landlord leased his field he reserved the tithe for himself.

(13) The landlord must have reserved the Second Tithe for himself, since it can only be consumed in Jerusalem.

(14) In the case of trees the terumah, and also the tithe, belong to both landlord and tenant according to their respective shares.

(15) And also the terumah. R. Judah holds that trees must be treated in the same way as the field in Mishnah 4.

(16) An 'am ha-arez may cause them to be defiled when they are pressed.

(17) And who does not observe the laws of purity.

(18) To press it together; and they pressed out the wine together.

(19) Which is now mixed up with the other's share. According to the Palestinian Gemara he must also give tithe out of his own share for his fellow's share, as for demai produce.

(20) So that the one who gives tithes need only tithe his own share.

(21) For this would be like exchanging or selling one kind of produce for another, in which case the one who gives tithes would have to tithe also the produce he assigns to his partner who does not give tithes.

(22) For the reason given in the last note.

(23) Which is not susceptible to uncleanness; cf. II, 3, n. 1.

(24) The right of a proselyte to inherit his father's property is based only on Rabbinic law. Therefore the strict law laid down in the case of an associate and an 'am ha-arez inheriting from their father is relaxed in the case of the proselyte, in order not to cause him a loss of property which might lead him to relapse back into heathenism; cf. Kid. 17b; 'A. Z. 64a.

(25) It is prohibited to derive any benefit from idols, and also from heathen wine which may have been used for libation to the idols; cf. 'A. Z. III, 1; II, 3.

(26) It has become his property, therefore such an exchange would involve deriving a benefit from the idols and their wine.

(27) Syria, which was conquered by David (II Sam. VIII, 10) and not by the whole nation under Joshua, was not considered a heathen country, but it did not possess the sanctity of the Land of Israel; cf. 'A. Z. 21a. To the produce sold in Syria the laws of demai did not apply, as most of the produce sold there came from outside Palestine.

(28) As demai.

(29) Lit., 'the mouth'. If you believe his statement that the produce came from the Land of Israel, which renders the produce liable to tithes as demai, you must also believe his statement that the produce had already been tithed; cf. 'Ed. II, 6. (Sonc. ed. p. 19, n. 4).

(30) Situated in Syria.

(31) The produce would be liable to tithes even without the vendor's admission, so the above argument does not apply.

(32) Who was going to the market to buy for himself.

(33) Because from the first the particular purchase became the property of the 'am ha-arez.

(34) Because what he gives to the 'am ha-arez may have been his own purchase, which he is now exchanging for the purchase of the 'am ha-arez; cf. supra 8, n. 4.

Mishna - Mas. Demai Chapter 7

MISHNAH 1. IF A MAN INVITED¹ HIS FRIEND TO EAT WITH HIM ON THE SABBATH, AND [HIS FRIEND] DOES NOT TRUST HIM IN RESPECT OF TITHES, [THE FRIEND] MAY SAY ON THE EVE² OF THE SABBATH: WHAT³ I SHALL SET APART TO-MORROW⁴ SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;⁵ THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE,⁶ AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 2. WHEN THE CUP OF WINE⁷ HAS BEEN FILLED FOR HIM [ON THE SABBATH].⁸ HE MAY SAY: WHAT I SHALL LEAVE AT THE BOTTOM OF THE CUP SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR THE WHOLE, AND WHAT IS AT THE MOUTH⁹ OF THE CUP SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.¹⁰

MISHNAH 3. IF A WORKMAN¹¹ DOES NOT TRUST HIS EMPLOYER [IN RESPECT OF TITHES], HE MAY TAKE ONE DRIED FIG¹² AND SAY: THIS ONE¹³ AND THE NINE WHICH COME AFTER IT SHALL BECOME TITHE FOR THE NINETY WHICH I SHALL EAT; THIS ONE SHALL BECOME THE TERUMAH OF TITHE FOR THEM, AND THE LAST ONES SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY; BUT HE MUST STINT HIMSELF OF ONE DRIED FIG.¹⁴ RABBAN SIMEON THE SON OF GAMALIEL SAYS: HE MAY NOT STINT HIMSELF, SINCE THEREBY HE MAY REDUCE HIS WORK FOR HIS EMPLOYER.¹⁵ R. JOSE SAYS: HE NEED NOT STINT HIMSELF, BECAUSE THIS IS A CONDITION [IMPOSED UPON THE EMPLOYER] BY THE COURT.¹⁶

MISHNAH 4. IF A MAN BOUGHT WINE AMONG CUTHEANS,¹⁷ HE MAY SAY [ON THE SABBATH]:¹⁸ TWO LOGS¹⁹ WHICH I SHALL SET APART²⁰ SHALL BE TERUMAH, TEN LOGS TITHE, AND NINE LOGS²¹ SECOND TITHE; HE MAY THEN EXCHANGE [THE SECOND TITHE FOR MONEY]²² AND DRINK IT [THE WINE].

MISHNAH 5. IF A MAN HAD FIGS OF TEBEL²³ IN HIS HOUSE WHEN HE WAS IN THE HOUSE OF STUDY OR IN THE FIELD,²⁴ HE MAY SAY: THE TWO FIGS²⁵ WHICH I SHALL SET APART SHALL BE TERUMAH, TEN FIGS SHALL BE FIRST TITHE, AND NINE FIGS SECOND TITHE. IF THE FIGS WERE DEMAI, HE MAY SAY: WHATEVER I SHALL SET APART TO-MORROW SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR IT, AND WHAT IS TO THE NORTH OF IT OR TO THE SOUTH OF IT SHALL BE SECOND TITHE, WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 6. IF HE HAD BEFORE HIM TWO BASKETS FULL OF PRODUCE OF TEBEL, AND HE SAID: LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET]. THE FIRST [BASKET] IS THEREBY TITHED;²⁶ [IF HE SAID:] LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET], AND THE TITHES OF THAT [BASKET] IN THIS [BASKET], THE FIRST [BASKET ALONE]²⁷ IS THEREBY TITHED; [IF HE SAID:] LET THE TITHES OF BOTH BE SO THAT THE TITHES OF EACH BASKET BE IN THE OTHER, HE HAS THEREBY DESIGNATED²⁸ [THE TITHES OF BOTH BASKETS].

MISHNAH 7. IF A HUNDRED [PARTS OF] TEBEL²⁹ [WERE MIXED WITH] A HUNDRED [PARTS OF] COMMON³⁰ PRODUCE, ONE MUST TAKE OUT A HUNDRED AND ONE³¹ [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] A HUNDRED [PARTS OF FIRST] TITHE,³² ONE MUST TAKE OUT A HUNDRED AND ONE³³ [PARTS]. IF A HUNDRED [PARTS OF] COMMON PRODUCE WHICH HAD BEEN SET RIGHT³⁴ [WERE MIXED WITH] A HUNDRED [PARTS OF] TITHE,³⁵ ONE MUST TAKE OUT A HUNDRED AND TEN³⁶ [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] NINETY [PARTS OF] TITHE,³⁷ OR NINETY [PARTS OF] TEBEL [WERE MIXED WITH] EIGHTY³⁸ [PARTS OF] TITHE, ONE LOSES NOTHING. THIS IS THE GENERAL RULE: WHENEVER THE TEBEL IS THE GREATER [PORTION OF THE MIXTURE] ONE LOSES NOTHING.³⁹

MISHNAH 8. IF A MAN HAD TEN ROWS EACH CONTAINING TEN JARS OF WINE,⁴⁰ AND HE HAD SAID: ONE EXTERIOR ROW⁴¹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH ROW⁴² [HE MEANT], HE MUST TAKE TWO JARS [EACH FROM THE ENDS OF] A DIAGONAL LINE.⁴³ [IF HE HAD SAID:] ONE HALF OF THE EXTERIOR ROW⁴⁴ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE FOUR JARS FROM THE FOUR CORNERS.⁴⁵ [IF HE HAD SAID:] ONE ROW⁴⁶ SHALL BE TITHE,⁴⁷ AND IT IS NOT KNOWN WHICH ROW [HE MEANT], HE MUST TAKE ONE [WHOLE] ROW IN A DIAGONAL LINE.⁴⁸ [IF HE HAD SAID:] HALF OF ONE ROW⁴⁹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE TWO ROWS IN A DIAGONAL LINE.⁵⁰ [IF HE HAD SAID:] ONE JAR⁵¹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH JAR [HE MEANT], HE MUST TAKE FROM EVERY JAR.⁵²

(1) Without the conditions mentioned supra IV, 2, n. 7; viz., the imposition of a vow and the celebration of a marriage feast.

(2) But not on the Sabbath itself; cf. IV, 1, n. 1.

(3) Viz., a hundredth part of the whole, which is subsequently to become Terumah of the Tithe. This is set apart first for the reason given supra, V, 1, n. 13.

(4) From my food and drink at the table of the 'am ha-arez.

(5) Viz., nine hundredths, completing the one tenth which is to be set apart for the First Tithe.

(6) Of the First Tithe.

(7) Over which the benediction for the sanctification of the Sabbath day (Kiddush; cf. Ber. VIII, 1) is pronounced at the opening of the Sabbath meal.

(8) At the house of the 'am ha-arez. The declaration made on the eve of the Sabbath must be repeated on the Sabbath before he drinks wine, and again before he eats food, when the wine and the food are actually before him, in order to complete thereby the process of tithing by designation (IV, 3, n. 5) begun by the declaration on the eve of the Sabbath.

(9) This formula must be used in the case of wine in a cup, instead of the formula 'what is to the north or the south of it', because one cannot distinguish the sides of a round cup.

(10) What he actually has to leave is one hundredth part of what he consumes for the Terumah of the Tithe.

(11) Whose food during his working hours must be provided by his employer; cf. III, 1, n. 3; B.M. VII, 2.

(12) If, for example, his meal consists of dried figs.

(13) To be made subsequently into Terumah of the Tithe; cf. VII, 1, n. 3.

(14) He must put it aside as Terumah of the Tithe which can be eaten by a priest only.

(15) Because he may be left hungry. Therefore he must buy a fig at his own expense, and complete his meal.

(16) That the employer should provide a full meal for his workmen; therefore the employer has to provide an extra fig.

(17) Samaritans, before the use of their wine was prohibited to Jews; cf. Hul, 6a. Produce sold by Samaritans is real tebel (cf. V, 9, n. 7), and the buyer must give from it terumah as well as First Tithe and Second Tithe, but not Terumah of the Tithe which devolves upon the Levite who receives the First Tithe,

(18) He bought on a week-day, but was prevented from tithing it before the Sabbath,

(19) Of a hundred logs, the usual quantity of terumah; cf. V, 2, n. 5. For the size of a log cf. 'Ed, (Sonc. ed.) p. 2, n. 3,

(20) After the Sabbath.

(21) I.e., one tenth of the produce left after taking off First Tithe; cf. Introduction p. 50.

(22) מִיֶּדֶל So 'Aruch. Maim. and other authorities render 'begin'. R. Hai Gaon and others read מִזֶּל , 'mix it with water'; cf. Kohut, Aruch Completum, III, p. 385.

(23) Cf. V, 8, n. 3.

(24) Late on Friday, when he had not sufficient time to return home and set apart the terumah and the tithes before the coming in of the Sabbath.

(25) Of every hundred.

(26) And he may give Tithes from the second basket both for its own contents and for the contents of the first basket.

(27) But not the second basket. For as soon as he said: 'Let the tithes of the first be in the second', the first becomes thereby tithed, but not yet the second; therefore when he added: 'Let the tithes of the second be in the first', he is tithing produce which is exempt for produce which is liable; cf. V, 3, n. 1.

(28) And he must give tithes for each one out of the other.

(29) Here equivalent to untithed produce. as supra V, 8, n. 3.

(30) Produce from which terumah and Terumah of the Tithe had been taken. The whole mixture becomes prohibited to non-priests like tabel, because of the Terumah of the Tithe contained in the tabel parts of it.

(31) Hundred parts being tabel from which the usual tithes must be taken, and one extra part being Terumah of the Tithe to free the hundred parts common produce in the mixture. The owner thus loses one part.

(32) From which Terumah of the Tithe had not been taken.

(33) Hundred parts being tabel from which the usual tithes must be taken, and one part being Terumah of the Tithe for the tabel. The remaining ninety-nine parts of the mixture are First Tithe, from which he must take 99/10 parts as Terumah of the Tithe. The owner thus loses 9/10 of a part.

(34) From which all the terumah and tithes had been taken; III, 1, n. 5.

(35) From which the Terumah of the Tithe had not been taken. The common produce becomes prohibited because of the ten parts Terumah of the Tithe in the other constituent of the mixture.

(36) Hundred parts being tithe from which terumah of the Tithe must be given, and ten parts being Terumah of the Tithe to free the hundred parts common produce. The owner thus loses ten parts.

(37) Terumah of the Tithe for hundred parts tabel is one part, and for ninety parts tithe nine parts; therefore he may take ten parts as Terumah of the Tithe and discharge the whole mixture.

(38) Terumah of the Tithe for ninety parts tabel is 9/10 of a part, and of eighty parts tithe eight parts; therefore he must take 89/10 parts as Terumah of the Tithe and discharge the whole mixture.

(39) In the case of a mixture of tithed and untithed produce, one cannot take tithe from the mixture for its untithed portion, because one may happen to pick up as tithe some of the tithed portion of the mixture, and this would be tithing produce which is exempt for produce which is liable (cf. supra 6, n. 7). But if the owner happens to have elsewhere other untithed produce of the same kind as the untithed produce in the mixture, he may use it for tithing the untithed produce in the mixture; cf. Hal. III, 9 and supra V, 8, n. 5. Hence when the tabel in the mixture exceeds the other portion of the mixture, this excess may be used for tithing the tabel as if the excess was elsewhere, and thus the owner loses nothing in the process of freeing the mixture from the Terumah of the Tithe in it. Similarly, if the owner had had tabel produce apart from the mixture and of the same kind as the tabel in the mixture, he may have used it for tithing the tabel mixture also in the cases mentioned above where the two constituents of the mixture were equal in quantity, thus obviating a loss of produce in extra Terumah of the Tithe.

(40) Forming a square of ten by ten.

(41) I.e., ten jars of which one jar will be Terumah of the Tithe.

(42) The problem is to secure that the one jar which has to be given to a priest as Terumah of the Tithe shall come from the exterior row which he had originally designated as tithe, and which may be any one of the, four exterior rows.

(43) So that the two jars belong together to all the four exterior rows. These two jars must be sold to a priest for the price of one jar, thus both jars will be consumed by a priest, and one of them will be a gift to him in respect of Terumah of the Tithe.

(44) Only fifty of the hundred jars had to be tithed. Here the half jar which must go as Terumah of the Tithe is to be found in one of the eight exterior half-rows.

(45) So that the four jars belong together to all the eight exterior half-rows. The four jars must be sold to a priest for the price of three and a half jars, so that all the four jars will be consumed by a priest and one half will be a gift to him in respect of Terumah of the Tithe.

(46) Not necessarily an exterior row.

(47) For all the hundred jars.

(48) I.e., ten jars, which together belong to all the ten rows of the square. These ten jars must be sold to a priest for the price of nine jars, so that all the ten jars will be consumed by a priest and one of them will be a gift to him in respect of Terumah of the Tithe,

(49) Only fifty of the hundred jars had to be tithed. Here the half jar of Terumah of the Tithe will be in one of the twenty half-rows of the square.

(50) The two diagonal lines of the square. The twenty jars of these two lines, which together belong to all the twenty half-rows of the square, must be sold to a priest for the price of nineteen and a half, and one half as a gift in respect of Terumah of the Tithe.

(51) Only one row had to be tithed.

(52) One hundredth part of it to make up one whole jar which must be sold to a priest for nine tenths of its price, one tenth bring a gift to him in respect of Terumah of the Tithe. The explanation of the Mishnah given here follows the commentary of R. Simson of Sens and Tifereth Yisrael. It accords well with the wording of the text, and seems to be supported by the Palestinian Gemara. R. Hai Gaon, Maimonides and Bertinoro explain the Mishnah in a more complicated manner, holding that the subject under discussion is of the designation of one jar only out of the hundred in the square as tithe for wine which was elsewhere.

Mishna - Mas. Eduyyot Chapter 1

MISHNAH1. SHAMMAI¹ SAYS: FOR ALL WOMEN [WHO BECOME MENSTRUOUS] IT SUFFICES [TO RECKON THEIR UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING IT].² AND HILLEL SAYS: [THEIR UNCLEANNESS IS RECKONED BACKWARDS] FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION, EVEN IF THIS COVERS MANY DAYS.³ BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [THEY ARE CONSIDERED UNCLEAR FOR] THE PAST TWENTY FOUR HOURS⁴ WHEN THIS LESSENS THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION,⁵ AND FOR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION WHEN THIS LESSENS THE PAST TWENTY-FOUR HOURS.⁶ ANY WOMAN WHO HAS A SETTLED PERIOD, IT SUFFICES [TO RECKON HER UNCLEANNESS FROM] HER SET TIME.⁷ SHE WHO USES TESTING-CLOTHS WHEN SHE HAS MARITAL CONNEXION,⁸ LO, THIS IS LIKE AN EXAMINATION: IT LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY FOUR HOURS OR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION.

MISHNAH2. SHAMMAI SAYS: [DOUGH] OF A KAB⁹ OR MORE IS SUBJECT TO THE LAW OF HALLAH.¹⁰ AND HILLEL SAYS: OF TWO KABs OR MORE. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [DOUGH OF] A KAB AND A HALF¹¹ IS SUBJECT TO THE LAW OF HALLAH. AND AFTER THEY INCREASED THE MEASURES¹² THEY SAID: [DOUGH 'OF] FIVE QUARTERS IS SUBJECT. R. JOSE SAID: FIVE ARE EXEMPT, FIVE AND MORE¹³ ARE LIABLE.

MISHNAH3. HILLEL SAYS: A HIN¹⁴ -FULL OF DRAWN WATER RENDERS THE MIKWEH¹⁵ UNFIT.¹⁶ (HOWBEIT¹⁷ A MAN MUST SPEAK IN THE LANGUAGE OF HIS TEACHER.)¹⁸ AND SHAMMAI SAYS: NINE KABs. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER: BUT WHEN TWO WEAVERS FROM THE DUNG-GATE WHICH IS IN JERUSALEM¹⁹ CAME AND TESTIFIED IN THE NAME OF SHEMAIAH AND ABTALION;²⁰ 'THREE LOGS OF DRAWN WATER RENDER THE MIKWEH UNFIT,' THE SAGES²¹ CONFIRMED THEIR STATEMENT.

MISHNAH4. AND WHY DO THEY RECORD THE OPINIONS OF SHAMMAI AND HILLEL TO SET THEM ASIDE? — TO TEACH THE FOLLOWING GENERATIONS THAT A MAN SHOULD NOT [ALWAYS] PERSIST IN HIS OPINION, FOR BEHOLD, THE FATHERS OF THE WORLD²² DID NOT PERSIST IN THEIR OPINION.

MISHNAH5. AND WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY, WHEN THE HALACHAH²³ MUST BE ACCORDING TO THE OPINION OF THE MANY? SO THAT IF A COURT PREFERS THE OPINION OF THE SINGLE PERSON IT MAY DEPEND ON HIM. FOR NO COURT MAY SET ASIDE THE DECISION OF ANOTHER COURT²⁴ UNLESS IT IS GREATER THAN IT IN WISDOM²⁵ AND IN NUMBER.²⁶ IF IT WAS GREATER THAN IT IN WISDOM BUT NOT IN NUMBER, IN NUMBER BUT NOT IN WISDOM, IT MAY NOT SET ASIDE ITS DECISION, UNLESS IT IS GREATER THAN IT IN WISDOM AND IN NUMBER.²⁷

MISHNAH6. R. JUDAH SAID: IF SO, WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY TO SET IT ASIDE?²⁸ SO THAT IF A MAN SHALL SAY, 'THUS HAVE I LEARNT THE TRADITION,' IT MAY BE SAID TO HIM, 'ACCORDING

TO THE [REFUTED] OPINION OF THAT INDIVIDUAL DID YOU HEAR IT.

MISHNAH7. BETH SHAMMAI SAY: A QUARTER-KAB OF ANY BONES, EVEN FROM TWO CORPSES OR FROM THREE.²⁹ AND BETH HILLEL SAY: A QUARTER-KAB OF BONES FROM A CORPSE,³⁰ EITHER FROM [THE BONES WHICH FORM] THE GREATER PORTION OF THE [BODY'S] BUILD,³¹ OR FROM THE GREATER PORTION OF THE NUMBER³² [OF THE BODY'S BONES]. SHAMMAI SAYS: EVEN FROM A SINGLE BONE.³³

MISHNAH8. VETCHES³⁴ OF TERUMAH,³⁵ BETH SHAMMAI SAY, MUST BE SOAKED AND RUBBED³⁶ IN PURITY,³⁷ BUT CAN BE GIVEN FOR FOOD³⁸ IN IMPURITY.³⁹ AND BETH HILLEL SAY: THEY MUST BE SOAKED IN PURITY,⁴⁰ BUT CAN BE RUBBED AND GIVEN FOR FOOD IN IMPURITY. SHAMMAI SAYS: THEY MUST BE EATEN DRY.⁴⁰ R. AKIBA SAYS: ALL DEEDS IN CONNECTION WITH THEM [CAN BE CARRIED OUT] IN IMPURITY.⁴¹

MISHNAH9. WHOSC⁴² CHANGES FOR A SELA'⁴³ COPPER COIN FROM SECOND TITHE,⁴⁴ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL.⁴⁵ R. MEIR SAYS: SILVER AND FRUITS MAY NOT BE SUBSTITUTED FOR SILVER.⁴⁶ BUT THE SAGES ALLOW IT.

MISHNAH10. WHOSO CHANGES A SELA' FROM SECOND TITHE IN JERUSALEM,⁴⁷ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL. THE DISPUTANTS BEFORE THE SAGES⁴⁸ SAY: SILVER FOR THREE DENARS AND COPPER COIN FOR ONE DENAR. R. AKIBA SAYS: SILVER FOR THREE DENARII AND FOR THE FOURTH SILVER AND FOR THE FOURTH [THEREOF] COPPER COIN.⁴⁹ R. TARFON SAYS: FOUR AS PERS⁵⁰ IN SILVER. SHAMMAI SAYS: HE MUST LEAVE⁴⁵ T⁵¹ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH11. A⁵² BRIDE'S STOOL FROM WHICH THE COVERING-BOARDS HAVE BEEN TAKEN,⁵³ BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁴ SHAMMAI SAYS: EVEN THE FRAMEWORK OF A STOOL [BY ITSELF IS [LIABLE TO BECOME] UNCLEAN. A STOOL WHICH HAS BEEN SET IN A BAKER'S TROUGH, BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁵ SHAMMAI SAYS: EVEN ONE MADE THEREIN [IS LIABLE TO BECOME UNCLEAN].

MISHNAH12. THESE ARE SUBJECTS CONCERNING WHICH BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI: A⁵⁶ WOMAN WHO CAME FROM THE REGION OF THE SEA AND SAID: MY HUSBAND DIED — MAY BE MARRIED AGAIN; MY HUSBAND DIED [WITHOUT ISSUE] — SHE MUST BE MARRIED BY HER HUSBAND'S BROTHER.⁵⁷ THIS IS THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: WE HAVE HEARD SO⁵⁸ ONLY IN THE CASE OF ONE WHO CAME FROM THE HARVESTING. BETH SHAMMAI SAID TO THEM: IT IS THE SAME THING IN THE CASE OF ONE WHO CAME FROM THE HARVESTING OR WHO CAME FROM THE OLIVE-PICKING OR WHO CAME FROM THE REGION OF THE SEA: THEY MENTIONED HARVESTING ONLY AS AN ACTUAL OCCURRENCE.⁵⁹ THEN BETH' HILLEL TURNED AND TAUGHT ACCORDING TO BETH SHAMMAI. BETH SHAMMAI SAY: SHE MAY BE MARRIED AGAIN AND TAKE HER MARRIAGE PORTION. BUT BETH HILLEL SAY: SHE MAY BE MARRIED AGAIN BUT MAY NOT TAKE HER MARRIAGE-PORTION. BETH

SHAMMAI SAID TO THEM: YOU HAVE PRONOUNCED LAWFUL THE GRAVER MATTER OF A FORBIDDEN MARRIAGE,⁶⁰ SHOULD YOU NOT PRONOUNCE LAWFUL THE LIGHTER MATTER OF PROPERTY? BETH HILLEL SAID TO THEM: WE HAVE FOUND THAT BROTHERS DO NOT INHERIT ON HER STATEMENT.⁶¹ BETH SHAMMAI SAID TO THEM: DO WE NOT INFER IT FROM HER MARRIAGE DOCUMENT IN WHICH HE WRITES FOR HER 'THAT IF YOU BE MARRIED TO ANOTHER YOU SHALL TAKE WHAT IS WRITTEN FOR YOU'? THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH13. WHOEVER⁶² IS HALF A SLAVE AND HALF A FREE MAN⁶³ SHOULD TOIL ONE DAY FOR HIS MASTER AND ONE DAY FOR HIMSELF. THIS IS THE OPINION OF BETH HILLEL. BETH SHAMMAI SAID TO THEM: YOU HAVE SET MATTERS IN ORDER AS REGARDS HIS MASTER, BUT YOU HAVE NOT SET MATTERS IN ORDER AS REGARDS HIMSELF. HE IS NOT ABLE TO MARRY A BONDMAID,⁶⁴ NOR IS HE ABLE [TO MARRY] A WOMAN WHO IS FREE.⁶⁵ IS HE TO REFRAIN [FROM MARRYING]? AND IS IT NOT THE CASE THAT THE WORLD WAS CREATED FOR THE PROPAGATION OF THE RACE? FOR IT IS SAID, HE CREATED IT NOT TO BE A WASTE; HE FORMED IT TO BE INHABITED.⁶⁶ BUT FOR THE RIGHTFUL ORDERING OF THE WORLD HIS MASTER IS COMPELLED TO MAKE HIM FREE, AND HE⁶⁷ WRITES OUT A BOND FOR HALF HIS VALUE. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH14. A VESSEL OF EARTHENWARE⁶⁸ CAN, ACCORDING TO THE OPINION OF BETH HILLEL, PROTECT EVERYTHING⁶⁹ [IN IT FROM IMPURITY]. BUT BETH SHAMMAI SAY: IT PROTECTS ONLY EATABLES AND LIQUIDS AND [OTHER] VESSELS OF EARTHENWARE. BETH HILLEL SAID TO THEM: WHY? BETH SHAMMAI SAID TO THEM: BECAUSE IT IS [ITSELF] IMPURE WITH RESPECT TO AN 'AM HA-AREZ,⁷⁰ AND NO IMPURE VESSEL CAN SCREEN [AGAINST IMPURITY]. BETH HILLEL SAID TO THEM: AND DID YOU NOT PRONOUNCE PURE THE EATABLES AND LIQUIDS INSIDE IT? BETH SHAMMAI SAID TO THEM: WHEN WE PRONOUNCED PURE THE EATABLES AND LIQUIDS INSIDE IT, WE PRONOUNCED THEM PURE FOR HIM⁷¹ ONLY, BUT WHEN YOU PRONOUNCED THE VESSEL⁷² PURE YOU PRONOUNCED IT PURE FOR YOURSELF⁷³ AND FOR HIM. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

(1) Cf. Nid. I, 1.

(2) Therefore only things which they touch from that time become unclean, but not what they have touched before.

(3) All foodstuffs which they touched since the previous examination are unclean, because menstruation may have occurred immediately after the previous examination without their having been aware of it.

(4) Lit., 'from time to time,' i.e., from any given hour to the corresponding one on the preceding or following day.

(5) I.e., when the period between the last two examinations is more than twenty-four hours.

(6) When the period between the last two examinations is less than twenty-four hours.

(7) There is no need to suspect that menstruation may have occurred before the set time.

(8) Before and after connexion to make sure she is free from menstruation.

(9) Cf. II Kings VI, 25. It equals four logs, or 24 eggs, or roughly two litres.

(10) The portion of the dough, the minimum quantity being the size of one egg, which has to be given to the priest: Num. XV, 20.

(11) Equal to the 'Omer. [The 'omer = 1/10 ephah (v. Ex. XVI, 16), = 1.8 kab = 7.2 logs = 43.2 eggs. The Wilderness measure was, however, subsequently increased in Jerusalem by 1/6th, so that 43.2 wilderness eggs became equal to 36 Jerusalem eggs, i.e. a kab and a half.]

(12) At Sepphoris, when six Jerusalem logs became equal to five logs of the new measure.

(13) Which would leave just five quarters after taking off the Hallah.

- (14) Cf. Ex. XXX, 24, etc. It contains twelve logs, or three kabs.
- (15) The ritual bath of purification; cf. Lev. XI, 36. It has to contain at least forty se'ahs (= 12.148 litres) of originally flowing water.
- (16) If it fell into the Mikveh before the Mikveh had forty se'ahs of originally flowing water.
- (17) Some texts omit 'Howbeit'.
- (18) A parenthetic observation of the redactor of the Mishnah to explain why Hillel used the Biblical term Hin, and not the Mishnaic expression twelve logs, or three kabs, as below; viz. because Hillel's teachers had used the term Hin. [The reference is to Hillel's Babylonian teachers, not to Shemaiah and Abtalion, v. Halevy, Doroth. I, 96.]
- (19) [At the south-east corner of the city. V. G. A. Smith, Jerusalem, I, p. 177]. Cf. Nehem. II, 13. The trade and abode of the two men are specified in order to indicate that in spite of their lowly station in life their testimony prevailed against the opinions of Hillel and Shammai.
- (20) The teachers of Hillel and Shammai; cf. Ab. I, 12.
- (21) Including Shammai and Hillel themselves.
- (22) Viz., Hillel and Shammai.
- (23) The accepted ruling.
- (24) A former court if it decided according to the opinion of a majority. But if that court decided according to the opinion of an individual, its decision may be set aside even when the condition named here is not fulfilled.
- (25) The wisdom of its president as compared with the wisdom of the president of the former court.
- (26) Of the members of the court. V. Ab. (Sonc. ed.) p. 64, n. 7.
- (27) [According to another explanation: Where there is the opinion of an individual to appeal for support, a subsequent court can set aside the decision of a former court even if it is not greater than it in wisdom and number, and this justifies the recording of the opinion of a single person among the many, v. Tosaf. Yom Tob a.l. and Halevy, Doroth. I, 200 f.]
- (28) In cases where the individual opinion is untenable, and no court would ever agree to it.
- (29) Confers defilement upon everything which happens to be under the same roof-space ('tent'; cf. Num. XIX, 14). But if less than a quarter-kab, it can cause defilement only by actual contact.
- (30) Only from one corpse.
- (31) The two legs and one thigh; cf. Bek. 45a.
- (32) 125 out of the 248 bones of the human body; cf. Ohol. I, 8.
- (33) Causes 'tent' defilement if it fills a quarter-kab.
- (34) Cf. M. Sh. II, 4. Vetches are usually food for cattle, but in time of scarcity they are also eaten by human beings.
- (35) Heave offering which belongs to the priest.
- (36) On the body as a detergent.
- (37) With the hands washed.
- (38) To cattle only.
- (39) With the hands unwashed.
- (40) Since moisture renders them liable to defilement in accordance with Lev. XI, 38.
- (41) Because animal food is not subject to the laws of Terumah.
- (42) With this and the following halachah cf. M. Sh. II, 8-9.
- (43) Equals two silver shekels, or four silver denarii.
- (44) Second Tithe produce is changed for money in accordance with Deut. XIV, 25. To lighten further the burden of the pilgrim to Jerusalem, copper coin is changed into silver money.
- (45) If pilgrims will bring to Jerusalem only silver money, copper coin will become scarce in the Holy City, and its value will rise, thus causing a loss to the Second Tithe.
- (46) Half a silver denar and its value in fruit may not together be changed for a silver denar.
- (47) For smaller coins, in order to buy Second Tithe provisions.
- (48) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (49) I.e., a fourth of a denar, or one sixteenth of a sela', in copper coin. So the commentaries. The text is uncertain.
- (50) According to Bertinoro it equals one fifth of a denar, or one twentieth of a sela'.
- (51) The whole sela' without changing it at all, lest when there is any surplus he unwittingly uses it as profane money.
- (52) Cf. Kel. XXli, 4.
- (53) The ordinary stool was made of four legs held together by four boards (= מַלְבָּן, framework), on which were placed boards (covering-boards) for sitting. A bride's stool had, in addition, three upright boards (also called

‘covering-boards’), against which the occupant leant.

(54) The controversy turns on the question whether on the removal of an essential part the stool still retains its usefulness for its original purpose as a seat, and so still comes within the category of כלי, utensil, and is therefore still liable to defilement from the pressure on it of the body of an unclean person (= מדרס), in accordance with Lev. XV, 4.

(55) Here the controversy turns on whether the stool retains the character of a stool when fixed within the trough.

(56) Cf. Yeb. XV, 1-3.

(57) Cf. Deut. XXV, 5.

(58) That the statement of the woman is to be accepted.

(59) It so happened that a woman came from the harvest field and stated that her husband had died from the bite of a snake, and on investigation this was found to be true.

(60) If by chance the first husband should prove to be alive.

(61) The sons of the first husband cannot claim his property on the strength of the woman's evidence alone, as the transfer of property requires two witnesses for its validity.

(62) Cf. Git. IV, 5.

(63) He had belonged to two partners, one of whom had set him free. Or, if he belonged to one master, only half of his redemption money had been paid to the master.

(64) Since he is half free.

(65) Since he is half a slave.

(66) Isa. XLV, 18.

(67) The half slave.

(68) Under the roof-space (‘tent’) where there is a dead body.

(69) Even other vessels that are not of earthenware. But only if this earthenware vessel is covered by a tightly-fitting lid (צמיד פתיל); cf. Num. XIX, 15; Kel. IX, 2.

(70) Literally ‘the people of the land’, an untutored person who is indifferent to the observances of clean and unclean, distinguished from the scrupulous, Haber, ‘associate’. V. Glos.

(71) The ‘Am ha-arez, who in any case does not abstain from the unclean. As for the Haber, he does not use the food and drink of the ‘Am ha-arez, nor his earthenware vessels, because these cannot be rendered clean by immersion.

(72) And all its contents, including vessels not of earthenware.

(73) I.e., for the Haber also. ‘There is, therefore, the risk that the Haber may borrow these vessels that are not of earthenware, purify them by simple immersion and use them, whereas they require for their purification to be also sprinkled with the ‘Water of Purification’, in accordance with the rules applying to the removal of an uncleanness caused by a corpse, Num. XIX, 18-19.

Mishna - Mas. Eduyyot Chapter 2

MISHNAH1. R.¹ HANINA, CHIEF² OF THE PRIESTS, TESTIFIED CONCERNING FOUR MATTERS: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM BURNING FLESH WHICH HAD BEEN DEFILED BY AN ‘OFFSPRING’³ OF DEFILEMENT WITH FLESH WHICH HAD BEEN DEFILED BY A ‘FATHER’⁴ OF DEFILEMENT, ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT BY A [HIGHER] DEFILEMENT.⁵ R. AKIBA ADDED: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM LIGHTING OIL⁶ WHICH HAD BEEN RENDERED UNFIT BY A TEBUL YOM⁷ IN A LAMP⁸ DEFILED BY ONE WHO WAS DEFILED BY A CORPSE,⁹ ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT¹⁰ BY A [HIGHER] DEFILEMENT.

MISHNAH2. R.¹¹ HANINA, CHIEF OF THE PRIESTS, SAID: ALL MY DAYS I NEVER SAW A HIDE¹² TAKEN OUT TO THE PLACE OF BURNING.¹³ R. AKIBA SAID: FROM HIS WORDS WE INFER THAT WHOSO FLAYS THE HIDE OF THE FIRSTBORN BEAST¹⁴ AND IT IS FOUND¹⁵ TO BE TREFA,¹⁶ THE PRIESTS MAY ENJOY THE USE OF THE HIDE. BUT THE SAGES SAY: WE SAW NOT¹⁷ IS NO PROOF,¹⁷ BUT [SUCH A HIDE] MUST BE TAKEN OUT TO THE PLACE OF BURNING.¹⁸

MISHNAH3. ALSO HE TESTIFIED CONCERNING A SMALL VILLAGE IN THE VICINITY OF JERUSALEM IN WHICH THERE WAS AN OLD MAN WHO USED TO LEND TO ALL THE PEOPLE OF THE VILLAGE AND WRITE OUT [THE BOND] IN HIS OWN HANDWRITING AND OTHERS SIGNED IT,¹⁹ THAT WHEN THE FACT WAS BROUGHT BEFORE THE SAGES THEY PRONOUNCED IT LEGAL.²⁰ HENCE, INCIDENTALLY, YOU MAY INFER THAT THE WIFE MAY WRITE HER OWN BILL OF DIVORCEMENT, AND THE HUSBAND MAY WRITE HIS OWN QUITTANCE;²¹ FOR THE LEGALITY OF A DOCUMENT DEPENDS ONLY ON THOSE WHO SIGN IT. AND [HE TESTIFIED] CONCERNING A NEEDLE²² WHICH WAS FOUND IN FLESH,²³ THAT THE KNIFE AND THE HANDS [WHICH HAD BEEN EMPLOYED ON THE FLESH] ARE CLEAN,²⁴ BUT THE FLESH ITSELF IS DEFILED;²⁵ AND IF IT WAS FOUND IN THE EXCREMENT, ALL ARE CLEAN.²⁶

MISHNAH4. R. ISHMAEL DECLARED THREE THINGS BEFORE THE SAGES IN THE VINEYARD²⁷ AT YABNEH. CONCERNING AN EGG²⁸ WHICH WAS BEATEN TOGETHER, AND PLACED ON VEGETABLES OF TERUMAH — THAT IT ACTS AS A CONNECTION;²⁹ BUT IF IT WAS IN THE FORM OF A HELMET³⁰ IT DOES NOT ACT AS A CONNECTION. AND CONCERNING AN EAR OF CORN³¹ IN THE HARVESTING³² THE TOP OF WHICH REACHED THE STANDING CORN — THAT IF IT CAN BE REAPED TOGETHER WITH THE STANDING CORN, LO, IT BELONGS TO THE OWNER; AND IF NOT, IT BELONGS TO THE POOR.³³ AND CONCERNING A SMALL GARDEN³⁴ WHICH WAS SURROUNDED BY ESPALIER VINES — THAT IF IT HAS SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON ONE SIDE,³⁵ AND SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON THE OTHER SIDE,³⁵ IT MAY BE SOWN WITH SEED; BUT IF NOT, IT MAY NOT BE SOWN WITH SEED.³⁶

MISHNAH 5. THEY STATED THREE THINGS BEFORE R. ISHMAEL, AND HE PRONOUNCED NONE OF THEM EITHER UNLAWFUL OR LAWFUL; BUT R. JOSHUA THE SON OF MATTHIA ELUCIDATED THEM.³⁷ WHOSO CUTS AN ABSCESS ON THE SABBATH, HE IS GUILTY IF IT WAS TO MAKE AN OPENING³⁸ TO IT, BUT INNOCENT IF IT WAS TO BRING OUT THE PUS;³⁹ AND CONCERNING ONE WHO HUNTS A SNAKE ON THE SABBATH — THAT IF HE WAS THUS OCCUPIED IN ORDER THAT IT SHOULD NOT BITE HIM, HE IS INNOCENT;⁴⁰ BUT IF THAT HE MIGHT USE IT AS A REMEDY,⁴¹ HE IS GUILTY. AND CONCERNING IRONIAN⁴² STEWPOTS — THAT THEY DO NOT CONTRACT DEFILEMENT WHEN UNDER THE SAME ROOF-SPACE AS A CORPSE, BUT BECOME DEFILED IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE.⁴³ R. ELIEZER B. ZADOK SAYS: ALSO IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE THEY REMAIN UNDEFILED, BECAUSE THEY ARE UNFINISHED IN THE MAKING.⁴⁴

MISHNAH 6. R. ISHMAEL DECLARED THREE THINGS, AND R. AKIBA DISAGREED WITH HIM. IF GARLIC OR UNRIPE GRAPES OR GREEN EARS OF CORN WERE BEING CRUSHED [ON⁴⁵ THE EVE OF THE SABBATH] WHILE IT IS YET DAY, R. ISHMAEL SAYS: HE MAY ALLOW [THE CRUSHING] TO BE COMPLETED AFTER IT GROWS DARK.⁴⁶ BUT R. AKIBA SAYS: HE MAY NOT ALLOW IT TO BE COMPLETED.⁴⁷

MISHNAH 7. THEY DECLARED THREE THINGS BEFORE R. AKIBA, TWO IN THE NAME OF R. ELIEZER AND ONE IN THE NAME OF R. JOSHUA. TWO IN THE NAME OF R. ELIEZER: — A WOMAN MAY GO FORTH [ON THE SABBATH ADORNED] WITH A ‘GOLDEN-CITY’;⁴⁸ AND: THEY THAT FLY PIGEONS ARE UNFIT TO BEAR EVIDENCE.⁴⁹ AND ONE IN THE NAME OF R. JOSHUA: — IF⁵⁰ THERE WAS A CREEPING THING⁵¹ IN THE MOUTH OF A WEASEL WHEN IT WALKED OVER LOAVES OF TERUMAH, AND IT IS DOUBTFUL WHETHER IT⁵² TOUCHED THEM OR WHETHER IT DID NOT TOUCH THEM, THAT ABOUT WHICH THERE IS DOUBT REMAINS CLEAN.⁵³

MISHNAH8. R. AKIBA DECLARED THREE THINGS; ABOUT TWO THEY AGREED WITH HIM, AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A LIME-BURNER'S SANDAL,⁵⁴ THAT IT IS LIABLE TO CONTRACT DEFILEMENT⁵⁵ FROM PRESSURE UNCLEANNESS;⁵⁶ AND ABOUT THE REMAINS OF A [BROKEN] OVEN,⁵⁷ THAT THEY MUST BE FOUR HANDBREADTHS HIGH IN ORDER TO RETAIN THE DEFILEMENT].⁵⁸ WHEREAS THEY USED TO SAY: THREE.⁵⁹ AND THEY AGREED WITH HIM. AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A STOOL,⁶⁰ FROM WHICH TWO OF ITS COVERING-BOARDS⁶¹ HAD BEEN REMOVED, THE ONE BESIDE THE OTHER, WHICH R. AKIBA PRONOUNCES LIABLE TO UNCLEANNESS,⁶² BUT THE SAGES DECLARE NOT LIABLE TO UNCLEANNESS.

MISHNAH9. HE USED TO SAY: THE FATHER TRANSMITS TO THE SON COMELINESS AND STRENGTH AND WEALTH AND WISDOM AND YEARS⁶³ AND THE NUMBER OF GENERATIONS BEFORE HIM,⁶⁴ THAT HE SHALL BECOME THEIR APPOINTED END.⁶⁵ FOR IT IS SAID, CALLING THE GENERATIONS FROM THE BEGINNING.⁶⁶ ALTHOUGH IT IS SAID, AND SHALL SERVE THEM, AND THEY SHALL AFFLICT THEM FOUR HUNDRED YEARS,⁶⁷ IT IS SAID ALSO, AND IN THE FOURTH GENERATION THEY SHALL COME HITHER AGAIN.⁶⁷

MISHNAH10. ALSO HE USED TO SAY: THERE ARE FIVE THINGS OF [THE DURATION OF] TWELVE MONTHS: THE JUDGMENT OF THE GENERATION OF THE FLOOD [CONTINUED] TWELVE MONTHS;⁶⁸ THE JUDGMENT OF JOB [CONTINUED] TWELVE MONTHS;⁶⁹ THE JUDGMENT OF THE EGYPTIANS [CON TINUED] TWELVE MONTHS;⁷⁰ THE JUDGMENT OF GOG AND MAGOG⁷¹ IN THE TIME TO COME [WILL CONTINUE] TWELVE MONTHS;⁷² THE JUDGMENT OF THE UNGODLY IN GEHENNA [CONTINUES] TWELVE MONTHS, FOR IT IS SAID, AND IT WILL BE FROM ONE MONTH UNTIL ITS [SAME] MONTH.⁷³ R. JOHANAN B. NURI SAYS: [AS LONG AS] FROM PASSOVER TO PENTECOST,⁷⁴ FOR IT IS SAID, AND FROM ONE SABBATH⁷⁵ UNTIL ITS [NEXT] SABBATH.

(1) Cf. Pes. I, 6.

(2) Segan; next in rank to the High Priest, occasionally acting as deputy; v. Sanh. (Sonc. ed.) p. 97, n. 1.

(3) **ולד הטומאה**, a generated, or secondary, defilement.

(4) **אב הטומאה**, a generating, or principal, defilement. This principal defilement has the power of conferring secondary defilement (**ולד הטומאה**) of the first degree (**ראשון לטומאה**). The **ראשון**, again, confers on food and drink secondary defilement (**ולד הטומאה**) of a second degree (**לטומאה**). If the **שני** belongs to the category of unhallowed things (**חולין**), it merely becomes itself 'unfit' (**פסול**), but the process of generating further defilement ceases with it. But if this **שני** belongs to hallowed things, like heave-offering or altar-offering, it can confer secondary defilement of a third degree (**שלישי לטומאה**). If this **שלישי** belongs to heave-offering, it becomes itself unfit, but it cannot confer further defilement. If, however, the **שלישי** belongs to altar-offerings, it can confer secondary defilement of a fourth degree (**רביעי לטומאה**). The **רביעי**, becomes unfit, but without the power of transmitting any further defilement.

(5) The first flesh contracted secondary defilement of a third degree. By being burnt together with flesh that had contracted defilement of a first degree from a 'father' of defilement, this first flesh contracted defilement of a second degree. But the priests did not mind raising the defilement of this first flesh, since in any case it was going to be destroyed by burning.

(6) Of terumah, heave-offering.

(7) Lit., 'immersed by day', a person, or utensil, that has undergone purification by immersion in the ritual bath (**מקוה**; cf. I, 3, n. 7), but has still to wait till sunset to complete the purification, in accordance with Lev. XXII, 7. The tebul yom confers on terumah secondary defilement of the third degree, rendering the terumah 'unfit'; cf. n. 4.

(8) Of metal.

(9) A corpse possesses the highest degree of defilement, being the 'father of the fathers' of defilement, **אבי אבות הטומאה**. It confers a generating, or principal, defilement, **אב הטומאה**. But metal articles, like this lamp, contract defilement equal in degree to the defilement of the source, viz. they become **אבי אבות הטומאה** when defiled by a corpse, and **אב הטומאה** when defiled by a principal defilement. (This principle is deduced from the expression **בהלל הרב**, 'slain by the sword', Num. XIX, 16, which is interpreted: **הרב הרי הוא כהלל** 'the sword is equal in its defilement to the slain' (Naz. 53b). And what applies to a sword applies also to any other metal article.) Hence a metal lamp defiled by one who was defiled by a corpse becomes itself **אב הטומאה**, and confers on the oil put in it a secondary defilement of the first degree, **ראשון לטומאה**.

(10) By raising the defilement of the oil from the third degree (cf. n. 2) to the first degree (cf. n. 1). This is more remarkable than R. Hanina's testimony, which only involved the raising of a third degree defilement to a second degree.

(11) Cf. Zeb. Xli, 4.

(12) Of a sacrifice which was found after flaying to be unfit for the altar.

(13) Where all unfit sacrifices were destroyed.

(14) Even if it was slaughtered outside the Temple, because of a blemish (cf. Lev. XXII, 20 ff.), it is treated as though it were prepared for the altar.

(15) After flaying.

(16) Unfit for food owing to disease, cf. Hul. III, 1. Lit., 'torn by a wild beast'; cf. Ex. XXII, 30.

(17) Such a case may not have occurred in R. Hanina's time; or it may have occurred and he failed to notice it.

(18) Since it was unfit for consumption from the very first.

(19) As witnesses.

(20) Though the deed was drafted by the creditor who was an interested party.

(21) For the payment of the marriage settlement; cf. I, 12.

(22) Which had been defiled by a corpse.

(23) Flesh of a sacrifice, in the Temple court which is considered public ground (**רשות הרבים**).

(24) Because it is doubtful whether they touched the needle, and a doubtful defilement arising in public ground is considered clean; cf. Toh. IV, 7, 11.

(25) Because the flesh certainly touched the needle.

(26) Because it is to be presumed that the flesh, too, did not touch the needle.

(27) The meeting place of the Sages after the destruction of Jerusalem by Titus. V. B.B. (Sonc. ed.) p. 549, n. 4.

(28) Cf. T.Y. III, 2.

(29) So that if a tebul yom (II, 1, n. 7) touches the egg, the vegetables become unfit, though an egg cannot be set aside as terumah.

(30) Blown up and hollow within, so that air intervenes between it and the vegetables.

(31) Cf. Pe'ah V, 2.

(32) Which has been left behind through forgetfulness.

(33) In accordance with the command of Deut. XXIV, 19; cf. Pe'ah VI, 4.

(34) Having a fence round it.

(35) Equalling a space of two cubits, or a minimum total space for the whole garden of four cubits square.

(36) It comes under the prohibition of Deut. XXII, 9.

(37) In what case they are forbidden, and in what case they are lawful.

(38) A permanent opening. This comes under the prohibition of making on the Sabbath an opening for a door in a building.

(39) The making of the opening is then a work which is not done for its own sake (**מלאכה שאינה צריכה לגופה**), but for another object, and therefore permissible; cf. Shab. 105b.

(40) As in the last case, the catching of the snake is not the real object of the work.

(41) The snake was believed to heal a certain skin disease (**חפפית**); cf. Shab. 77b.

(42) **אירוניות**. The correct reading, as well as the exact meaning of the term, is uncertain. The commentators take it as **עירוניות**, and explain it in the sense of provincial, coarse and unfinished.

(43) Cf. Lev. XV, 12.

(44) And therefore they are not considered utensils; cf. I, 11, n. 10.

(45) By placing on them heavy stones.

- (46) He need not remove the stones from them, and may use the juice which flows from them on the Sabbath, since the crushing began before the coming in of the Sabbath.
- (47) Cf. Shab. XVII, 1.
- (48) A gold ornament bearing a representation of the city of Jerusalem. R. Akiba is reported to have given one to his wife; cf. Shab. VI, 1, and the Gemara ibid. 59a, b; Ned. 50a.
- (49) Cf. Sanh. III, 3. They do it for betting purposes, and thus make unlawful gain. Another explanation is that the pigeons serve to decoy strange pigeons for their master.
- (50) Cf. Toh. IV, 2.
- (51) A dead one, cf. Lev. XI, 29 ff.
- (52) The creeping thing.
- (53) Any doubt arising about a moving defilement is deemed clean.
- (54) A coarse foot-covering made of wood or straw, and only used for protecting the feet from the lime, but not for walking.
- (55) If worn by one who has an issue.
- (56) **מדרם**, lit., 'treading'; cf. I, 11, n. 10. The reason is that the lime-burner may sometimes wear it when walking home from his work, thereby making it an article of apparel.
- (57) Of earthenware, standing upright on the ground like a cooking-pot, which contracted a defilement when still whole.
- (58) But if they are less, they become clean, like the fragments of a broken utensil; cf. Kel. II, 2.
- (59) Cf. Kel. VI, 1.
- (60) Cf. Kel. XXII, 7.
- (61) Viz., the boards forming the seat; cf. I. 11, n. 9.
- (62) By body pressure, **מדרם**, because it can still be used in case of necessity for sitting; cf. I, 11, n. 1.
- (63) I.e., long life.
- (64) The reading is uncertain. According to most commentators the passage means that the son becomes the recipient of the good promised after the lapse of a number of generations, such as the redemption from Egypt which was promised after four generations, Gen. XV, 16.
- (65) **והוא הקיץ**. This may also be rendered: 'which is the appointed end'.
- (66) Isa. XLI, 4.
- (67) Gen. XV, 13, 16.
- (68) Cf. Gen. VII, 11, with VIII, 14.
- (69) 'Months of vanity', Job VII, 3, is interpreted to imply a full twelve months; cf. Seder Olam Rabbah, ch. XXX.
- (70) Ex. IV, 12, is said to have occurred in the month of Iyyar, while the Exodus took place twelve months later in Nisan.
- (71) Cf. Esek. XXXVIII, 2 ff.
- (72) Ezek. XXXIX, 4, 17, is combined with Isa. XVIII, 6, implying that the birds and beasts of prey will feast on the bodies of Gog and Magog a whole summer and a whole winter, or together twelve months.
- (73) Isa. LXVI, 23, combined with the following verse, 24. The 'same' month, viz. of the following year.
- (74) Forty nine days, the briefest interval between two festivals.
- (75) The Festival is also called Sabbath, as Lev. XXIII, 11, 15, where 'Sabbath' is traditionally interpreted: the first day of Passover.

Mishna - Mas. Eduyyot Chapter 3

MISHNAH 1. [IN THE CASE OF] ALL¹ THINGS² WHICH CAUSE DEFILEMENT IN A 'TENT',³ IF THEY WERE DIVIDED⁴ AND BROUGHT INTO THE HOUSE,⁵ R. DOSA B. HARKINAS PRONOUNCES [EVERYTHING UNDER THE SAME ROOF-SPACE] CLEAN, BUT THE SAGES PRONOUNCE IT UNCLEAR. HOW IS THIS? HE WHO TOUCHES AS MUCH AS TWO HALVES OF AN OLIVE [IN QUANTITY] OF A CARCASS⁶ OR CARRIES THEM; OR IN THE CASE OF A CORPSE, HE WHO TOUCHES AS MUCH AS HALF AN OLIVE AND STANDS⁷ OVER AS MUCH AS HALF AN OLIVE; OR TOUCHES AS MUCH AS HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM; OR IF HE STANDS OVER AS MUCH AS TWO HALVES OF AN OLIVE; OR IF HE STANDS OVER AS MUCH AS

HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM — R. DOSA B. HARKINAS PRONOUNCES HIM CLEAN, AND THE SAGES PRONOUNCE HIM UNCLEAR.⁸ BUT IF HE TOUCHES AS MUCH AS HALF AN OLIVE [IN QUANTITY] AND ANOTHER THING⁹ WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE; OR IF HE STOOD OVER AS MUCH AS HALF AN OLIVE AND ANOTHER THING WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE, HE IS CLEAN.¹⁰ R. MEIR SAID: ALSO IN THIS CASE R. DOSA PRONOUNCES HIM CLEAN AND THE SAGES PRONOUNCE HIM UNCLEAR. IN¹¹ ALL SUCH CASES A MAN IS UNCLEAR UNLESS THERE IS AN ACT OF TOUCHING AND ALSO AN ACT OF CARRYING,¹² OR AN ACT OF CARRYING AND ALSO [THE FACT OF] BEING UNDER THE SAME ROOF-SPACE.¹² THIS IS THE GENERAL RULE: IN WHATEVER CASE THE MEANS OF CAUSING DEFILEMENT ARE OF ONE CATEGORY,¹³ HE IS UNCLEAR;¹⁴ IF THEY ARE OF TWO CATEGORIES,¹⁵ HE IS CLEAN.¹⁶

MISHNAH 2. FOOD IN SEPARATED PIECES¹⁷ IS NOT COMBINED TOGETHER.¹⁸ THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: IT IS COMBINED TOGETHER. ONE¹⁹ MAY EXCHANGE [PRODUCE OF] SECOND TITHE FOR UNCOINED METAL.²⁰ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: ONE MAY NOT SO EXCHANGE IT. THE HANDS²¹ [ALONE] NEED BE IMMERSSED²² FOR THE WATERS OF PURIFICATION.²³ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: IF HIS HANDS HAVE BECOME UNCLEAR HIS WHOLE BODY BECOMES UNCLEAR.²⁴

MISHNAH 3. THE INSIDES OF A MELON AND THE OFFAL LEAVES OF A VEGETABLE, WHEN THEY ARE TERUMAH, R. DOSA PERMITS [THEIR] USE TO NON-PRIESTS, AND THE SAGES FORBID IT.²⁵ FIVE²⁶ EWES, THEIR FLEECES WEIGHING EACH A MINA²⁷ AND A HALF, ARE SUBJECT TO [THE LAW OF] THE FIRST OF THE FLEECE.²⁸ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: FIVE EWES [ARE SUBJECT] WHATEVER [THEIR FLEECES WEIGH].²⁹

MISHNAH 4. ALL MAT³⁰ ARE [LIABLE TO BECOME] DEFILED BY ‘CORPSE’ DEFILEMENT. THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: [ALSO BY] ‘PRESSURE’ DEFILEMENT.³¹ NO NETWORK³² [ARTICLES] ARE LIABLE TO UNCLEANNESS³³ EXCEPT A [NETWORK] GIRDLE.³⁴ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: THEY ARE ALL LIABLE TO UNCLEANNESS, EXCEPT THOSE USED BY WOOLDEALERS.³⁵

MISHNAH 5. A SLING WHOSE POCKET IS WOVEN IS LIABLE TO UNCLEANNESS;³⁶ IF IT IS OF SKIN, R. DOSA B. HARKINAS PRONOUNCES IT NOT LIABLE TO UNCLEANNESS,³⁷ AND THE SAGES PRONOUNCE IT LIABLE TO UNCLEANNESS.³⁸ IF ITS FINGER-HOLD IS BROKEN OFF, IT IS NOT LIABLE;³⁹ BUT IF THE STRING-HANDLE [ONLY] IS BROKEN OFF IT IS LIABLE TO UNCLEANNESS.⁴⁰

MISHNAH 6. A FEMALE CAPTIVE⁴¹ MAY EAT OF TERUMAH.⁴² THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: THERE IS A FEMALE CAPTIVE WHO MAY EAT, AND THERE IS A FEMALE CAPTIVE WHO MAY NOT EAT. HOW IS THIS? THE WOMAN⁴³ WHO SAID: I WAS MADE A CAPTIVE BUT [NONE THE LESS] I AM PURE, SHE MAY EAT; BECAUSE THE EVIDENCE⁴⁴ WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE⁴⁴ WHICH MADE IT LAWFUL. BUT IF THERE ARE WITNESSES [WHO DECLARE] THAT SHE WAS MADE A CAPTIVE, AND SHE SAYS: [NONE THE LESS] I AM PURE, SHE MAY NOT EAT.⁴⁵

MISHNAH 7. FOUR⁴⁶ CASES OF DOUBT R. JOSHUA PRONOUNCES UNCLEAR, AND THE SAGES PRONOUNCE THEM CLEAN. HOW IS THIS? IF THE UNCLEAR PERSON⁴⁷

STANDS⁴⁸ AND THE CLEAN PERSON PASSES BY HIM, OR IF THE CLEAN PERSON STANDS⁴⁸ AND THE UNCLEAN PERSON⁴⁷ PASSES BY HIM; OR IF IMPURITY IS IN PRIVATE PREMISES⁴⁹ AND SOMETHING CLEAN IS IN PUBLIC PREMISES,⁵⁰ OR IF SOMETHING CLEAN IS IN PRIVATE PREMISES⁴⁹ AND IMPURITY IS IN PUBLIC PREMISES;⁵⁰ IF IT IS DOUBTFUL WHETHER ONE TOUCHED OR DID NOT TOUCH THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE STOOD OVER⁵¹ OR DID NOT STAND OVER THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE MOVED OR DID NOT MOVE THE OTHER, R. JOSHUA PRONOUNCES SUCH A CASE UNCLEAN,⁵² AND THE SAGES PRONOUNCE IT CLEAN.⁵³

MISHNAH 8. THREE⁵⁴ THINGS R. ZADOK PRONOUNCES UNCLEAN AND THE SAGES PRONOUNCE THEM CLEAN. THE NAIL OF THE MONEY-CHANGER,⁵⁵ AND THE CHEST OF GRIST MAKERS, AND THE NAIL OF A STONE DIAL,⁵⁶ R. ZADOK PRONOUNCES UNCLEAN, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷

MISHNAH 9. FOUR⁵⁸ THINGS RABBAN GAMALIEL PRONOUNCES UNCLEAN, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷ THE COVERING OF A METAL BASKET, IF IT BELONGS TO HOUSEHOLDERS,⁵⁹ AND THE HANGER OF CURRY-COMBS, AND THE VESSELS OF METAL STILL UNSHAPED,⁶⁰ AND A PLATE⁶¹ THAT IS DIVIDED INTO TWO [EQUAL] PARTS. AND THE SAGES AGREE WITH RABBAN GAMALIEL IN THE CASE OF A PLATE THAT WAS DIVIDED INTO TWO PARTS, ONE LARGE AND ONE SMALL, THAT THE LARGE ONE IS LIABLE TO UNCLEANNESS AND THE SMALL ONE IS NOT LIABLE TO UNCLEANNESS.⁵⁷

MISHNAH 10. IN⁶² THREE CASES RABBAN GAMALIEL PRONOUNCES A RIGOROUS RULING ACCORDING TO THE OPINION OF BETH SHAMMAI. ONE MAY NOT WRAP UP⁶³ HOT FOOD ON A FESTIVAL FOR THE SABBATH; AND ONE MAY NOT JOIN TOGETHER A LAMP⁶⁴ ON A FESTIVAL, AND ONE MAY NOT BAKE [ON FESTIVALS] THICK LOAVES BUT ONLY WAFER-CAKES.⁶⁵ RABBAN GAMALIEL SAID: IN ALL THEIR DAYS MY FATHER'S HOUSE NEVER BAKED LARGE LOAVES BUT ONLY WAFERCAKES. THEY SAID TO HIM: WHAT CAN WE DO AS REGARDS YOUR FATHER'S HOUSE, FOR THEY WERE RIGOROUS IN RE SPECT TO THEMSELVES BUT WERE LENIENT TOWARDS ISRAEL TO LET THEM BAKE BOTH LARGE LOAVES AND WHITE BREAD.

MISHNAH 11. ALSO⁶⁶ HE DECLARED THREE DECISIONS OF A LENIENT CHARACTER: ONE MAY SWEEP UP [ON A FESTIVAL] BETWEEN THE COUCHES,⁶⁷ AND PUT SPICES⁶⁸ [ON THE COALS] ON A FESTIVAL, AND ROAST A KID WHOLE ON THE NIGHT OF PASSOVER.⁶⁹ BUT THE SAGES FORBID THEM.⁷⁰

MISHNAH 12. R.⁷¹ ELEAZAR B. AZARIAH ALLOWS THREE THINGS AND THE SAGES FORBID THEM: HIS⁷² COW USED TO GO OUT WITH THE STRAP WHICH SHE HAD BETWEEN HER HORNS;⁷³ ONE MAY CURRY⁷⁴ CATTLE ON A FESTIVAL; AND ONE MAY GRIND PEPPER IN ITS OWN MILL. R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL, BECAUSE IT MAY CAUSE A WOUND, BUT ONE MAY COMB⁷⁵ THEM. BUT THE SAGES SAY: ONE MAY NOT CURRY THEM, NEITHER MAY ONE COMB⁷⁶ THEM.

(1) Cf. Oh. III, 1.

(2) These are enumerated, Oh. II, 1 f.

(3) Cf. I, 7, note 1.

(4) The minimum quantity required for conferring defilement (viz. the size of an olive, Oh. II, 1.) was divided into two halves.

(5) I.e., under the same roofspace.

- (6) Cf. Lev. XI, 35, 40. Touching or carrying a dead animal does not really belong to 'tent' defilement dealt with here. We must assume that this controversy of R. Dosa and the Sages covers also carcass defilement. Some authorities would delete the words 'He who touches corpse'.
- (7) Lit., 'forms a tent over'.
- (8) They hold that the parts combine to form the minimum quantity.
- (9) A board, or beam, or the like.
- (10) Even according to the Sages who agree that in this case the half quantities cannot be combined. The reason for this ruling is discussed, Hul. 125b.
- (11) This continues R. Meir's exposition of the opinion of the Sages.
- (12) Touching one part and carrying the other part of the divided quantity. These acts belong to two different categories, but touching and 'tent' defilement are considered as belonging to the same category.
- (13) Viz., two acts of touching, or carrying, or standing over, each applied to one of the two parts of the divided quantity; or touching the one and standing over the other; cf. the last note.
- (14) The identical act combines the two parts into the required minimum quantity.
- (15) E.g., touching one half and carrying the other half.
- (16) The two parts do not combine.
- (17) Food consisting of small particles, like peas, or small nuts; or food broken up in fragments.
- (18) To form the minimum quantity required to become subject to all the laws governing the defilement of food; cf. Me'i. IV, 5.
- (19) Cf. M.Sh. I, 2.
- (20) Gr. **.
- (21) If they have touched defiled food or drink; cf. Yad. lii, 1.
- (22) In a ritual bath; cf. I, 3, note 7.
- (23) To enable one to sprinkle it upon the defiled; cf. Num. XIX, 17-19.
- (24) And the whole body requires Immersion.
- (25) Cf. Lev. XXII, 10.
- (26) Cf. Hul. XI, 2.
- (27) Cf. Ezek. XLV, 12.
- (28) Deut. XVIII, 4.
- (29) For the minimum quantity, v. Hul. 137b.
- (30) Made of rushes with a raised seam round them, so that they can be used as a receptacle.
- (31) They can also serve as a spread to lie on; cf. Lev. XV, 4, and supra, I, 11, n. 10.
- (32) As distinguished from woven material.
- (33) As they do not form a garment; cf. Lev. XI, 32. etc.
- (34) Through being stretched round the body, it becomes like a woven article.
- (35) Which have very large meshes.
- (36) [Though the pocket is not considered a 'utensil with receptacle', as the stones are placed therein only to be slung forth, it is susceptible to defilement in that it is woven work (Raabad).]
- (37) The pocket not being considered a 'utensil with receptacle' it cannot become unclean because it lacks the minimum quantity of five handbreadths square which a skin needs for contracting defilement; cf. Kel. XXVII, 2.
- (38) It is considered a 'utensil with receptacle', and therefore does not require that minimum.
- (39) The sling has become unfit for use, and ceases to be a 'utensil'.
- (40) The sling can be used also without the string.
- (41) The wife of a priest.
- (42) We do not suspect that she was violated by her captors, and thus became a 'harlot' who is unfit to be a priest's wife.
- (43) Cf. Ket. II, 5.
- (44) Lit., 'the mouth'. If you believe her statement that she was made a captive, you must also believe her when she asserts her purity.
- (45) Unless she can bring witnesses to prove that she remained pure.
- (46) Cf. Toh. VI, 2.
- (47) A leper.
- (48) Under a tent, or a tree.

- (49) E.g., in an open house or shop.
- (50) E.g., in a street near by.
- (51) Cf. *supra* 1, n. 7.
- (52) Because the defilement concerns also private ground where a doubtful defilement is unclean.
- (53) Because it concerns also a public ground where a doubtful defilement is clean; cf. II, 3, n. 6.
- (54) Cf. *Kel.* Xli, 5.
- (55) On which he suspends his scales; or, according to others, which he uses for keeping up the board which serves him as a table.
- (56) Fixed to the ground, and serving as a sun clock.
- (57) The controversy turns on the question whether these three articles are to be deemed 'utensils', or not.
- (58) Cf. *Kel.* XII, 6.
- (59) As opposed to the covering of a metal basket belonging to physicians; cf. *Kel.* XII, 3.
- (60) The making of which is not quite finished; cf. II, 5, n. 11.
- (61) Of earthenware, provided with a rim.
- (62) Cf. *Bez.* II, 6.
- (63) To keep it hot; cf. *Shab.* IV, 1.
- (64) The parts of which have become severed.
- (65) In order to avoid extra labour.
- (66) Cf. *Bez.* II, 7.
- (67) On which people recline at meals.
- (68) For perfume, offered to guests after dinner; cf. *Ber.* VI, 6.
- (69) After the manner of the Passover lamb; cf. *Pes.* VII, 1.
- (70) Because sweeping may cause holes in the ground; the burning of spices for perfume is only practiced by the rich, and cannot therefore be regarded as a regular part of the meal to be permitted on the Festival; finally, roasting the kid whole may give the impression of a Passover sacrifice which was forbidden after the destruction of the Temple.
- (71) Cf. *Bez.* II, 8.
- (72) According to *Bez.* 23a, the cow really belonged to a female neighbour of R. Eleazar.
- (73) As an adornment, but the Sages consider it a 'burden'.
- (74) Even with fine metal combs.
- (75) With large wooden combs.
- (76) The latter is forbidden to prevent any one doing also the former.

Mishna - Mas. Eduyyot Chapter 4

MISHNAH 1. THE FOLLOWING CASES ARE [EXAMPLES] OF THE LENIENT RULINGS OF BETH SHAMMAI AND OF THE RIGOROUS RULINGS OF BETH HILLEL.¹ AN EGG² WHICH IS LAID ON A FESTIVAL — BETH SHAMMAI SAY: IT MAY BE EATEN,³ AND BETH HILLEL SAY: IT MAY NOT BE EATEN.³ BETH SHAMMAI SAY: LEAVEN AS MUCH AS AN OLIVE [IN QUANTITY], AND LEAVENED FOOD AS MUCH AS A DATE.⁴ AND BETH HILLEL SAY: AS MUCH AS AN OLIVE [IN QUANTITY] IN BOTH CASES.

MISHNAH 2. A BEAST⁵ WHICH WAS BORN ON A FESTIVAL — ALL AGREE THAT IT IS PERMITTED; AND A CHICKEN WHICH WAS HATCHED FROM THE EGG — ALL AGREE THAT IT IS FORBIDDEN.⁶ HE WHO SLAUGHTERS A WILD ANIMAL⁷ OR A BIRD ON A FESTIVAL — BETH SHAMMAI SAY: HE MAY DIG WITH A PRONGED TOOL⁸ AND COVER UP [THE BLOOD].⁹ BUT BETH HILLEL SAY: HE MAY NOT SLAUGHTER UNLESS HE HAS HAD EARTH MADE READY.¹⁰ BUT THEY AGREE THAT IF HE DID SLAUGHTER HE SHOULD DIG WITH A PRONGED TOOL¹¹ AND COVER UP [THE BLOOD, AND] THAT THE ASHES OF A STOVE¹² COUNT AS 'MADE READY'.¹³

MISHNAH 3. BETH SHAMMAI SAY: [PRODUCE MADE] OWNERLESS¹⁴ WITH RESPECT TO THE POOR [ONLY] IS COUNTED AS OWNERLESS. BUT BETH HILLEL SAY: IT IS NOT

COUNTED AS OWNERLESS UNLESS IT IS MADE OWNERLESS ALSO WITH RESPECT TO THE RICH, AS IN THE YEAR OF RELEASE.¹⁵ IF ALL THE SHEAVES OF THE FIELD WERE OF ONE KAB¹⁶ EACH AND ONE WAS OF FOUR KABS, AND IT WAS FORGOTTEN,¹⁷ BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,¹⁸ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.¹⁹

MISHNAH 4. A SHEAF²⁰ WHICH WAS CLOSE TO A WALL OR TO A STACK OR TO THE HERD OR TO [FIELD] UTENSILS, AND WAS FORGOTTEN, BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,²¹ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.

MISHNAH 5. A VINEYARD²² OF THE FOURTH YEAR²³ — BETH SHAMMAI SAY: IT IS NOT SUBJECT TO THE LAW OF THE FIFTH NOR TO THE LAW OF REMOVAL, AND BETH HILLEL SAY: IT IS SUBJECT TO THE LAW OF THE FIFTH²⁴ AND TO THE LAW OF REMOVAL.²⁵ BETH SHAMMAI SAY: IT IS SUBJECT TO THE LAW OF FALLEN GRAPES AND TO THE LAW OF GLEANINGS,²⁶ AND THE POOR REDEEM THEM FOR THEMSELVES.²⁷ BUT BETH HILLEL SAY: ALL OF IT GOES TO THE WINEPRESS.²⁸

MISHNAH 6. BETH SHAMMAI SAY: ONE NEED NOT PERFORATE A BARREL OF PICKLED OLIVES,²⁹ AND BETH HILLEL SAY: ONE MUST PERFORATE IT.³⁰ BUT THEY AGREE THAT IF IT WAS PERFORATED AND THE DREGS STOPPED IT UP, IT IS NOT LIABLE TO UNCLEANNESS.³¹ WHOSO HAD ANOINTED HIMSELF WITH CLEAN OIL AND [THEN] BECAME UNCLEAR, AND HE WENT DOWN AND IMMERSSED³² HIMSELF, BETH SHAMMAI SAY: ALTHOUGH HE STILL DRIPS IT³³ IS CLEAN. AND BETH HILLEL SAY: [ONLY WHILE THERE REMAINS] ENOUGH FOR ANOINTING A SMALL LIMB.³⁴ AND IF FROM THE BEGINNING³⁵ IT WAS UNCLEAR OIL, BETH SHAMMAI SAY: [IT IS UNCLEAR AS LONG AS THERE REMAINS ONLY] ENOUGH FOR ANOINTING A SMALL LIMB, AND BETH HILLEL SAY: [EVEN IF THERE REMAINS AS MUCH AS A MOIST LIQUID. R. JUDAH SAYS IN THE NAME OF BETH HILLEL: [PROVIDED IT REMAINS] MOIST [ITSELF] AND [CAN ALSO] MOISTEN [OTHER THINGS].

MISHNAH 7. A WOMAN³⁶ IS BETROTHED BY A DENAR³⁷ OR THE VALUE OF A DENAR, ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: BY A PERUTAH³⁸ OR THE VALUE OF A PERUTAH. AND HOW MUCH IS A PERUTAH? ONE-EIGHTH OF AN ITALIAN ISSAR. BETH SHAMMAI SAY: ONE³⁹ MAY DISMISS HIS WIFE WITH AN OLD BILL OF DIVORCEMENT, AND BETH HILLEL FORBID IT. WHAT IS AN OLD BILL OF DIVORCEMENT? WHENSOEVER HE HAS HAD PRIVACY WITH HER AFTER HE HAS WRITTEN IT FOR HER.⁴⁰ WHOSO⁴¹ DIVORCES HIS WIFE AND SHE [AFTERWARDS] SPENDS A NIGHT WITH HIM AT THE [SAME] INN⁴² — BETH SHAMMAI SAY: SHE DOES NOT REQUIRE A SECOND BILL OF DIVORCEMENT FROM HIM. BUT BETH HILLEL SAY: SHE REQUIRES A SECOND BILL OF DIVORCEMENT FROM HIM.⁴³ WHEN [DOES SHE REQUIRE A SECOND BILL OF DIVORCEMENT]? WHEN SHE WAS DIVORCED AFTER MARRIAGE. BUT IF SHE WAS DIVORCED AFTER BETROTHAL SHE DOES NOT REQUIRE FROM HIM A SECOND BILL OF DIVORCEMENT, SINCE HE IS NOT [YET] FAMILIAR WITH HER.⁴⁴

MISHNAH 8. BETH SHAMMAI PERMIT⁴⁵ THE RIVAL WIVES [OF A DECEASED BROTHER TO BE MARRIED]⁴⁶ TO THE [SURVIVING] BROTHERS; BUT BETH HILLEL FORBID THEM. IF THEY⁴⁷ HAVE PERFORMED HALIZAH,⁴⁸ BETH SHAMMAI PRONOUNCE THEM UNFIT TO [MARRY INTO] THE PRIESTHOOD,⁴⁹ BUT BETH HILLEL PRONOUNCED THEM FIT.⁵⁰ IF THEY⁴⁷ HAVE MARRIED THEIR BROTHER-IN-LAW,⁵¹ BETH SHAMMAI PRONOUNCE THEM FIT,⁵² AND BETH HILLEL PRONOUNCED THEM

UNFIT⁵³ [TO MARRY INTO THE PRIESTHOOD]. AND ALTHOUGH THESE PRONOUNCED UNFIT THOSE WHOM THE OTHERS PRONOUNCED FIT, BETH SHAMMAI DID NOT SHRINK FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF HILLEL. NOR THE SCHOOL OF HILLEL FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF SHAMMAI.⁵⁴ AND IN THE CASE OF ALL MATTERS OF PURITY AND IMPURITY IN RESPECT TO WHICH THESE USED TO PRONOUNCE CLEAN WHAT THE OTHERS PRONOUNCED UNCLEAR, THEY DID NOT SHRINK FROM PREPARING FOODS REQUIRING A CONDITION OF PURITY EACH BY MEANS OF [THE VESSELS OF] THE OTHER.⁵⁴

MISHNAH9. [IN THE CASE OF] THREE⁵⁵ BROTHERS, OF WHOM TWO WERE MARRIED TO TWO SISTERS AND ONE WAS UNMARRIED, IF ONE OF THE HUSBANDS OF THE SISTERS DIED⁵⁶ AND THE UNMARRIED ONE BETROTHED HER,⁵⁷ AND AFTERWARDS HIS OTHER BROTHER⁵⁸ DIED,⁵⁹ BETH SHAMMAI SAY: HIS WIFE⁶⁰ REMAINS WITH HIM, AND THE OTHER [WIDOW] IS RELEASED⁶¹ ON THE GROUNDS OF [THE LAW OF] THE WIFE'S SISTER. BUT BETH HILLEL SAY: HE SHOULD PUT AWAY HIS WIFE⁶² WITH A BILL OF DIVORCEMENT AND HALIZAH, AND THE WIFE OF HIS BROTHER [HE SHOULD PUT AWAY] WITH HALIZAH. THIS IT IS OF WHICH THEY HAVE SAID: WOE TO HIM BECAUSE OF HIS WIFE, AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE.⁶³

MISHNAH10. WHOSC⁶⁴ FORBIDS HIS WIFE BY VOW TO HAVE INTERCOURSE — BETH SHAMMAI SAY: [SHE MUST SUFFER IT FOR] TWO WEEKS,⁶⁵ AND BETH HILLEL SAY: FOR ONE WEEK.⁶⁶ WHOSO⁶⁷ HAS A MISCARRIAGE ON THE NIGHT OF THE EIGHTY FIRST⁶⁸ [DAY] — BETH SHAMMAI RELEASE HER FROM THE OFFERING, BUT BETH HILLEL DO NOT RELEASE HER. A LINEN WRAPPER⁶⁹ — BETH SHAMMAI RELEASE IT FROM THE LAW OF THE FRINGE,⁷⁰ BUT BETH HILLEL DO NOT RELEASE IT. A BASKET⁷¹ OF [FRUIT SET APART FOR] THE SABBATH-BETH SHAMMAI RELEASE IT [FROM TITHES].⁷² BUT BETH HILLEL DO NOT RELEASE IT.⁷³

MISHNAH 11. WHOSC⁷⁴ VOWED [TO KEEP] A LONGER NAZIRITESHIP⁷⁵ [THAN ORDINARY].⁷⁶ AND HE COMPLETED HIS NAZIRITESHIP AND AFTERWARDS CAME TO THE [HOLY] LAND⁷⁷ — BETH SHAMMAI SAY: [HE MUST BE] A NAZIRITE [ONLY] THIRTY DAYS,⁷⁸ BUT BETH HILLEL SAY: [HE MUST BE] A NAZIRITE [THE FULL TIME VOWED AS] IN THE BEGINNING. WHOSO⁷⁹ HAS TWO GROUPS OF WITNESSES WHO TESTIFY ABOUT HIM, THESE TESTIFYING THAT HE VOWED TWO NAZIRITESHIPS AND THESE TESTIFYING THAT HE VOWED FIVE⁸⁰ — BETH SHAMMAI SAY: THEIR TESTIMONY IS DIVIDED,⁸¹ AND THERE IS HERE NO [OBLIGATION TO PERFORM] NAZIRITESHIP. BUT BETH HILLEL SAY: WITHIN THE FIVE THE TWO ARE INCLUDED, SO THAT HE MUST BE A NAZIRITE TWICE OVER.

MISHNAH 12. A MAN⁸² WHO WAS SET BENEATH THE GAP⁸³ — BETH SHAMMAI SAY: HE DOES NOT CAUSE THE IMPURITY TO PASS OVER.⁸⁴ BUT BETH HILLEL SAY: A MAN IS HOLLOW, AND THE UPPER SIDE CAUSES THE IMPURITY TO PASS OVER.

(1) Whereas in most of their controversies it is the School of Shammai who adopt a severer view and the School of Hillel a lenient one.

(2) Cf. Bez. I, 2.

(3) On the same day. The grounds of the controversy are discussed in the Gemara, Bez. 2b ff.

(4) Must be destroyed on the eve of the Passover. But as regards eating, Beth Shammai agree that even an olive's quantity is prohibited.

(5) Some texts omit 'A beast . . . forbidden'.

(6) As טַבַּח, 'newly-born', i.e. a food, the use of which became available only on the Festival day. But a beast born on

- the Festival is considered available from before the Festival, since if its dam was slaughtered it could have been used as food before its birth together with its dam.
- (7) E.g., a deer, etc.; cf. Deut. XIV, 5.
- (8) Which had been stuck in the ground for the purpose before the advent of the Festival. [V. Bez. 8a; Tosaf. s. v. **מוצינו**.]
- (9) Cf. Lev. XVII, 13.
- (10) **מוכן**, viz., from before the Festival for use on the Festival; opposed to **מוקצה**, 'set apart', as not intended for use on the Festival.
- (11) V. supra, p. 22, n. 8.
- (12) And may therefore be used for covering up the blood; cf. Hul. 88b.
- (13) V. p. 22, n. 10.
- (14) Cf. Pe'ah VI, 4. Ownerless produce is exempt from Tithes.
- (15) When produce is free for the use of all alike; cf. Ex. XXIII, 11; Lev. XXV, 6.
- (16) Cf. I, 2, n. 1.
- (17) Cf. Deut. XXIV, 19, and supra II, 4, n. 25.
- (18) It is counted as four single sheaves, which, according to the opinion of Beth Shammai, do not come under the law of the Forgotten Sheaf; cf. Pe'ah, VI, 5.
- (19) It counts as a single sheaf only.'
- (20) Cf. Pe'ah VI, 2.
- (21) Having been left by the side of marked objects.
- (22) Cf. Pe'ah VII, 6; M.Sh. V, 3.
- (23) The same applies also to a single fruit tree; cf. Lev. XIX, 23-24.
- (24) If it is not taken up to Jerusalem but is 'redeemed' for money (cf. I, 9, n. 16), a fifth of the value of the fruit must be added, as in the case of Second Tithe; cf. Lev. XXVII, 31; B.M. IV, 8.
- (25) Like Tithes, it has to be removed from the house on the eve of the Passover of the fourth and seventh year of the septennial cycle; cf. Deut. XXVI, 13; M.Sh. V, 6.
- (26) Like common produce. Cf. Lev. XIX, 10; Pe'ah VII, 3-4.
- (27) If they will not take them up to Jerusalem.
- (28) I.e., it all — the fallen grapes and gleanings alike — belongs to the owner, who must take it up to Jerusalem or redeem it. [The stringency of Beth Hillel affects the interests of the poor (Raabad).]
- (29) Where the olives are preserved for eating, and not for the extraction of their oil.
- (30) In order to show by allowing the juice to escape through the holes that one does not desire the oil as a liquid. Therefore when the olives are moistened by the exuding oil they will not thereby become susceptible to uncleanness in accordance with Lev. XI, 38; cf. I, 8, n. 12; Maksh. I, 1.
- (31) The perforation has shown that the owner does not desire the liquid.
- (32) In the ritual bath, thereby regaining his cleanness; cf. I, 3, n. 7.
- (33) The oil, as it belongs to his body which is now clean.
- (34) A little finger. But if more, it is counted as distinct from the man's body, and since oil cannot become clean by immersion, it still retains the uncleanness it contracted from the body, and now conveys it back to the body.
- (35) Before the man used it for anointing.
- (36) Cf. Kid. I, 1.
- (37) Equal to the weight of ninety-six barleycorns of silver.
- (38) The weight of half a barleycorn of silver.
- (39) Cf. Git. VIII, 4.
- (40) And before delivering it to her. Beth Hillel prohibit it, because she may have a child by him, and as the conception of the child will have occurred at a date later than that of the bill of divorcement, the child may be wrongfully stigmatized as having been conceived out of wedlock.
- (41) Cf. Git. VIII, 9.
- (42) There are witnesses who testify to this effect.
- (43) He may have betrothed her again by marital intercourse; cf. Kid. I, 1.
- (44) So we need not suspect intercourse.
- (45) Cf. Yeb. I, 4.

(46) Under the law of Levirate Marriage. Deut. XXV, 5. The controversy arises in a case where the deceased, who died without issue, had married more than one wife. One of the wives was a blood relation (such as a daughter) to the surviving brother, marriage with whom would be an act of incest (ערות). As the surviving brother may not perform the levirate marriage with his blood relation, so, according to Beth Hillel, he may not perform the levirate marriage with the rival wives of the blood relation. But Beth Shammai permit levirate marriage with the rival wives.

(47) The rival wives.

(48) Lit., 'drawing off', viz. the shoe, being the ceremony prescribed. Deut. XXV, 9.

(49) A woman who performed halizah is by Rabbinical injunction considered like a woman divorced, and is therefore forbidden to marry a priest; cf. Lev. XXI, 7. Since according to Beth Shammai levirate marriage with the rival wives is lawful, their halizah also is lawful, and it therefore renders them unfit for marrying a priest.

(50) The whole ceremony of halizah was unnecessary and void.

(51) And they became, widows again.

(52) The levirate marriage was lawful, and they are now counted as ordinary widows who may marry an ordinary priest.

(53) The levirate marriage was unlawful, and it has therefore made them 'harlots' who are forbidden to a priest; cf. Lev. XXI, 7.

(54) Because they were careful to communicate to each other any case which either of them considered unlawful, so as to prevent an infringement of their ruling.

(55) Cf. Yeb. III, 5.

(56) Without leaving any issue.

(57) Lit., 'performed to her a saying' (מאמר). Instead of consummating the levirate marriage by an act (מעשה, as prescribed Deut. XXV, 5), he merely betrothed her by a gift (cf. supra, p. 25) and the utterance of the betrothal formula.

(58) The husband of the second sister.

(59) V. p. 26, n. 10.

(60) Viz., the one he had betrothed. Beth Shammai consider the betrothal (מאמר) fully binding.

(61) From both levirate marriage and halizah, since the brother-in-law is now married to her sister; cf. Lev. XVIII, 18.

(62) The one he has betrothed. Beth Hillel consider the betrothal (מאמר) only partly binding. But he cannot consummate the levirate marriage with the betrothed one, since her sister also is now tied to him in a marriage relationship. Therefore he must give her a bill of divorcement to undo the betrothal. On the other hand, since the betrothal is not fully binding, both sisters must perform halizah.

(63) He is unlucky in losing both the one and the other; cf. Yeb. XIII, 7.

(64) Cf. Keth. V, 6.

(65) Abstinence for such a period is also prescribed in the case of Lev. XII, 5.

(66) As Lev. XII, 2; XV, 19.

(67) Cf. Ker. I, 6.

(68) After having given birth to a female child. She has now fulfilled the fourteen days of her uncleanness and the sixty-six days of her cleanness, and should bring her prescribed offering in accordance with Lev. XII, 5-6; but it being night, she is prevented from bringing the offering till the following day. Beth Shammai hold that since she could not have brought her offering for the first birth, the new birth may be included in the first birth, and one offering suffice for the two. But Beth Hillel hold that since the new birth took place after the completion of the period for the first birth, she must bring separate offerings for each of them.

(69) Used chiefly by night, but also worn by day.

(70) ציצית, made of a woollen cord of blue, Num. XV, 38. The use of wool and linen (flax) in the same garment, though ordinarily forbidden (שעטנז, Deut. XXII, 11) is permitted in the case of ציצית. But as the law of the Fringe applies only to day garments, therefore Beth Shammai exempt the linen wrapper from the law of the Fringe even by day, for fear of the transgression of the prohibition of שעטנז when the wrapper is used by night. But Beth Hillel do not apprehend such a transgression.

(71) Cf. Ma'as. IV, 2.

(72) I.e., one may take of it an incidental mouthful on the eve of the Sabbath before tithing it, but not on the Sabbath itself, as the sanctity of the day imparts importance to any incidental mouthful, making it liable to tithing.

(73) It must be tithed immediately.

(74) Cf. Naz. III, 6.

(75) Cf. Num. VI, 2 ff.

(76) Longer than thirty days; cf. Naz. I, 3.

(77) The observance of the Naziriteship outside the Holy Land is not counted, as one cannot observe there the purity demanded by the law; cf. Num. VI, 6 ff.

(78) He must resume the observance, but only for the ordinary period of thirty days.

(79) Cf. Naz. III, 7.

(80) While he himself denies having made any vow at all.

(81) The evidence is contradictory, and therefore void.

(82) Cf. Oh. XI, 3; Oh. XI, 2, lays down that if a ceiling has a gap right across, and there is a corpse defilement on the floor below on the one side of the gap, the defilement cannot be conveyed by the roof-space across the gap to articles that may be found on the floor on the other side of the gap, unless there is on the floor right below the gap a hollow article of a cubic handbreadth in extent, which serves to bridge the gap.

(83) On the floor right vertically beneath the gap.

(84) He cannot be considered as bridging the gap, and connecting the sides of the ceiling into one undivided roof-space; cf. I, 7, n. 1.

Mishna - Mas. Eduyyot Chapter 5

MISHNAH 1. R. JUDAH CITES SIX INSTANCES¹ OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD OF A CARCASS² BETH SHAMMAI PRONOUNCE CLEAN,³ AND BETH HILLEL PRONOUNCE IT UNCLEAN. AN EGG FOUND IN A [BIRD'S] CARCASS, IF THE LIKE OF IT WERE SOLD IN THE MARKET,⁴ IS PERMITTED, AND IF NOT, IT IS FORBIDDEN, ACCORDING TO THE OPINION OF BETH SHAMMAI. AND BETH HILLEL FORBID IT. BUT THEY AGREE IN THE CASE OF AN EGG FOUND IN A TREFA⁵ [BIRD] THAT IT IS FORBIDDEN. SINCE IT HAD ITS GROWTH IN A FORBIDDEN CONDITION.⁶ THE⁷ BLOOD⁸ OF A GENTILE⁹ WOMAN AND THE BLOOD OF PURITY¹⁰ OF A LEPROUS¹¹ WOMAN, BETH SHAMMAI PRONOUNCE CLEAN; AND BETH HILLEL SAY: [IT IS] LIKE HER¹² SPITTLE AND HER¹² URINE.¹³ ONE¹⁴ MAY EAT FRUITS OF THE SEVENTH YEAR¹⁵ WITH AN EXPRESSION OF THANKS¹⁶ AND WITHOUT AN EXPRESSION OF THANKS; THUS ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: ONE MAY NOT EAT [EXCEPT] WITH AN EXPRESSION OF THANKS.¹⁷ BETH SHAMMAI SAY: A WATERSKIN¹⁸ [IS LIABLE TO BECOME UNCLEAN¹⁹ IF IT IS] TIED UP AND REMAINS UNIMPAIRED.²⁰ AND THE SCHOOL OF HILLEL SAY: EVEN IF IT IS NOT TIED UP.²¹

MISHNAH 2. R. JOSE CITES SIX INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. ACCORDING TO THE OPINION OF BETH SHAMMAI, A FOWL²² MAY BE BROUGHT UP ON THE TABLE [TOGETHER] WITH CHEESE BUT MAY NOT BE EATEN [WITH IT].²³ BUT BETH HILLEL SAY: IT MAY NEITHER BE BROUGHT UP [TOGETHER WITH IT] NOR EATEN [WITH IT].²⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI,²⁵ OLIVES MAY BE GIVEN AS TERUMAH FOR OIL AND GRAPES FOR WINE. BUT BETH HILLEL SAY: THEY MAY NOT BE GIVEN.²⁶ BETH SHAMMAI SAY: WHOSO²⁷ SOWS [WITHIN] FOUR CUBITS OF A VINEYARD HAS CAUSED ONE ROW [OF VINES] TO BE PROHIBITED.²⁸ BUT BETH HILLEL SAY: HE HAS CAUSED TWO ROWS²⁹ TO BE PROHIBITED. FLOUR³⁰ PASTE³¹ BETH SHAMMAI EXEMPT³² [FROM THE LAW OF HALLAH];³³ BUT BETH HILLEL PRONOUNCE IT LIABLE. ONE³⁴ MAY IMMERSE ONESELF³⁵ IN A RAIN-TORRENT,³⁶ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: ONE MAY NOT IMMERSE ONESELF [THEREIN].³⁷ IF³⁸ ONE BECAME A PROSELYTE ON THE EVE OF PASSOVER, BETH SHAMMAI SAY: HE MAY IMMERSE HIMSELF³⁹ AND EAT HIS PASSOVER SACRIFICE IN THE EVENING.⁴⁰ BUT BETH HILLEL SAY: WHOSO SEPARATES HIMSELF FROM UNCIRCUMCISION IS AS ONE WHO SEPARATES HIMSELF FROM THE GRAVE.⁴¹

MISHNAH 3. R. ISHMAEL⁴² CITES THREE INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BOOK⁴³ OF ECCLESIASTES DOES NOT DEFILE THE HANDS⁴⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: IT DEFILES THE HANDS. WATER OF PURIFICATION WHICH HAS DONE ITS DUTY,⁴⁵ BETH SHAMMAI PRONOUNCE CLEAN,⁴⁶ BUT BETH HILLEL PRONOUNCE IT UNCLEAR,⁴⁷ BLACK CUMMIN⁴⁸ BETH SHAMMAI PRONOUNCE NOT LIABLE TO BECOME UNCLEAR,⁴⁹ BUT BETH HILLEL PRONOUNCE IT LIABLE TO BECOME UNCLEAR. SO, TOO, WITH REGARD TO TITHES.⁵⁰

MISHNAH 4. R. ELIEZER CITES TWO INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD⁵¹ OF A WOMAN AFTER CHILDBIRTH WHO HAS NOT IMMERSSED HERSELF,⁵² BETH SHAMMAI SAY: [IT IS] LIKE HER SPITTLE AND HER URINE.⁵³ BUT BETH HILLEL SAY: IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁴ HOWEVER, THEY AGREE IN THE CASE OF THE BLOOD OF A WOMAN WHO BROUGHT FORTH WHEN SHE HAD AN ISSUE, THAT IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁵

MISHNAH 5. [IN THE CASE OF] FOUR⁵⁶ BROTHERS OF WHOM TWO WERE MARRIED TO TWO SISTERS, IF THOSE MARRIED TO THE SISTERS DIED, LO, THESE SHOULD PERFORM HALIZAH AND NOT MARRY THE BROTHERS-IN-LAW.⁵⁷ IF THE LATTER BESTIRRED THEMSELVES AND MARRIED THEM,⁵⁸ THEY MUST PUT THEM AWAY. R. ELIEZER SAYS IN THE NAME OF BETH SHAMMAI: THEY MAY KEEP THEM. BUT BETH HILLEL SAY: THEY MUST PUT THEM AWAY.⁵⁹

MISHNAH 6. AKABIA B. MAHALALEEL TESTIFIED CONCERNING FOUR THINGS. THEY SAID TO HIM: AKABIA, WITHDRAW THESE FOUR THINGS WHICH YOU SAY, AND WE WILL MAKE YOU FATHER OF THE COURT⁶⁰ IN ISRAEL. HE SAID TO THEM: IT IS BETTER FOR ME TO BE CALLED A FOOL⁶¹ ALL MY DAYS THAN THAT I SHOULD BECOME [EVEN] FOR ONE HOUR A WICKED MAN⁶² IN THE SIGHT OF GOD; AND⁶³ LET NOT MEN SAY: HE WITHDREW HIS OPINIONS FOR THE SAKE OF GETTING POWER. HE USED⁶⁴ TO PRONOUNCE UNCLEAR THE HAIR WHICH HAS BEEN LEFT OVER [IN LEPROSY],⁶⁵ AND YELLOW BLOOD;⁶⁶ BUT THE SAGES DECLARED THEM CLEAN. HE USED⁶⁷ TO PERMIT THE HAIR OF A FIRSTLING WHICH WAS BLEMISHED⁶⁸ AND WHICH HAD FALLEN OUT⁶⁹ AND HAD BEEN PUT IN A WINDOW,⁷⁰ THE FIRSTLING BEING SLAUGHTERED AFTERWARDS; BUT THE SAGES FORBID IT.⁷¹ HE USED TO SAY: A WOMAN PROSELYTE AND A MANUMITTED BONDWOMAN ARE NOT MADE TO DRINK OF THE WATER OF BITTERNESS.⁷² BUT THE SAGES SAY: THEY ARE MADE TO DRINK. THEY SAID TO HIM: IT HAPPENED IN THE CASE OF KARKEMITH, A MANUMITTED BONDWOMAN WHO WAS IN JERUSALEM, THAT SHEMAIAH AND ABTALION MADE HER TO DRINK. HE SAID TO THEM: IN SIMULATION⁷³ [ONLY] THEY MADE HER TO DRINK. WHEREUPON THEY EXCOMMUNICATED HIM;⁷⁴ AND HE DIED WHILE HE WAS UNDER EXCOMMUNICATION, AND THE COURT STONED⁷⁵ HIS COFFIN. R. JUDAH SAID: GOD FORBID [TO SAY] THAT AKABIA WAS EXCOMMUNICATED, FOR THE TEMPLE COURT WAS NEVER CLOSED⁷⁶ IN THE FACE OF ANY MAN IN ISRAEL WHO WAS EQUAL TO AKABIA B. MAHALALEEL IN WISDOM AND THE FEAR OF SIN. BUT WHOM DID THEY EXCOMMUNICATE? ELIEZER THE SON OF ENOCH WHO DEMURRED AGAINST THE LAWS CONCERNING THE PURIFYING OF THE HANDS.⁷⁷ AND WHEN HE DIED THE COURT SENT AND LAID A STONE ON HIS COFFIN. THIS TEACHES THAT WHOEVER IS EXCOMMUNICATED AND DIES WHILE UNDER EXCOMMUNICATION, HIS COFFIN IS STONED.

MISHNAH 7. IN THE HOUR OF HIS⁷⁸ DEATH HE SAID TO HIS SON⁷⁹ : WITHDRAW THE

FOUR OPINIONS WHICH I USED TO DECLARE. AND HE SAID TO HIM: WHY DID NOT YOU WITHDRAW THEM? HE SAID TO HIM: I HEARD THEM FROM THE MOUTH OF THE MANY, AND THEY HEARD [THE CONTRARY] FROM THE MOUTH OF THE MANY.⁸⁰ I STOOD FAST BY THE TRADITION WHICH I HEARD, AND THEY STOOD FAST BY THE TRADITION WHICH THEY HEARD. BUT YOU HAVE HEARD [MY TRADITION] FROM THE MOUTH OF A SINGLE INDIVIDUAL⁸¹ AND [THEIR TRADITION] FROM THE MOUTH OF THE MANY. IT IS BETTER TO LEAVE THE OPINION OF THE SINGLE INDIVIDUAL AND TO HOLD BY THE OPINION OF THE MANY, HE SAID TO HIM: FATHER COMMEND ME TO YOUR COLLEAGUES. HE SAID TO HIM: I WILL NOT COMMEND YOU. HE SAID TO HIM: HAVE YOU FOUND IN ME ANY WRONG? HE SAID: NO; YOUR OWN DEEDS WILL CAUSE YOU TO BE NEAR,⁸² AND YOUR OWN DEEDS WILL CAUSE YOU TO BE FAR.⁸²

(1) Cf. IV, 1, n. 1.

(2) Of an animal which died of itself or which was slaughtered in a manner that rendered it unfit for food; cf. Lev. XI, 24ff.

(3) The blood is not considered part of the carcass; cf. infra VIII, 1.

(4) If the egg has a fully formed hard shell. It is then considered distinct from the bird.

(5) Cf. supra II, 2, n. 8.

(6) The bird was already forbidden when the egg was still an inseparable part of its body.

(7) Cf. Nid. IV, 3.

(8) Of menstruation, or of a flux; cf. Lev. XV, 19, 25.

(9) From the expression, the children of Israel, Lev. XV, 2, it is deduced that all the laws concerning impurity contained in that chapter apply only to Israelites.

(10) Cf. Lev. XII, 4, 5.

(11) Cf. Lev. XIII, 2ff. Her blood is not affected by her leprosy.

(12) Viz., of the Gentile woman, or of the leprous woman after childbirth in the period of her purification.

(13) Their spittle and urine are deemed unclean by a Rabbinical ruling (as distinguished from the Biblical law), even according to Beth Shammai. But unlike blood of menstruation or of a flux, which confer defilement also when dried up, spittle and urine confer defilement only when wet. And Beth Hillel hold that the menstruous blood of a Gentile woman and the 'blood of purity' of a leprous woman are also unclean only when wet, but not when dried up; cf. infra 4, n. 5.

(14) Cf. Sheb. IV, 2.

(15) The Year of Release; cf. supra IV, 3, n. 5.

(16) To the owner, though the owner is forbidden to look upon his fruit as his own.

(17) That one may not get into the habit of entering also at other times another man's field and eating its fruit without the owner's knowledge. Some texts omit 'except'. The reason of the prohibition will then be the one given in the last note.

(18) Which was damaged by a hole and then repaired by tying it up; cf. Kel. XXVI, 4.

(19) By body-pressure uncleanness (**מדרם**) if used as pillow or seat; cf. Kel. XX, 1; and above I, 11, n. 10.

(20) I.e., it does not deflate even when the knot is removed.

(21) If the hole is stopped up by some other means, so as to retain the liquid; cf. Kel. XVII, 2.

(22) Cf. Hul. VIII, 1.

(23) The prohibition against eating fowl's flesh boiled in milk is not Biblical but only Rabbinic; cf. Hul. VIII, 4. Hence Beth Shammai hold that while the Rabbis have forbidden the eating of cattle's flesh with cheese as a precaution lest it may lead to the eating of cattle's flesh boiled in milk, they have not forbidden also the eating of fowl's flesh with cheese, since it can only lead to eating fowl's flesh boiled in milk, which itself is merely a Rabbinic injunction.

(24) They hold that eating fowl's flesh with cheese may lead to eating cattle's flesh boiled in milk.

(25) Cf. Ter. I, 4.

(26) From Num. XVIII, 27, it is inferred that terumah and the produce for which it is given must both be in the same stage of preparation as a food.

(27) Cf. Kil. IV, 5.

(28) **קידש**, 'he has sanctified', an expression derived from Deut. XXII, 9.

(29) The controversy turns on whether the minimum quantity of fruit of the vineyard (Deut. *ibid.*) consists of one row of

vines, or of two rows.

(30) Cf. Hal. I, 6.

(31) Made of flour mixed with boiling water.

(32) It is not counted as 'bread' (לֶחֶם . Num. XV, 19).

(33) Cf. I, 2, n. 2.

(34) Cf. Mik. V, 6.

(35) For the purpose of purification; cf. I, 3, n. 7.

(36) A running pool formed by rain water coming down from a hill.

(37) They hold that rain water must be stationary in a cavity to be fit for ritual immersion.

(38) Cf. Pes. VIII, 8.

(39) After the circumcision, in order to complete his proselytism; cf. Yeb. 46a.

(40) Cf. Ex. XII, 48.

(41) He is like one who has corpse defilement, and requires to be sprinkled with the waters of purification, in accordance with Num. XIX, 19.

(42) Some texts read 'Simeon'.

(43) Cf. Yad. III, 5.

(44) It is not considered inspired Scripture; cf. Yad. IV, 6.

(45) After it has been sprinkled upon the unclean; cf. Num. XIX, 9, 18 f.

(46) Cf. Par. XII, 4.

(47) In accordance with Num. XIX, 21; cf. Yoma 14a.

(48) Cf. 'Uk. III, 6.

(49) It is not eaten by itself, and therefore it is not counted a 'food' (אֹכֶל , Lev. XI, 34).

(50) Beth Shammai exempt it from tithes, as not being a 'food'; and Beth Hillel do not exempt it.

(51) Cf. Nid. IV, 3.

(52) After an interval of seven days from the birth of a male child, and of fourteen days from the birth of a female child; Lev. XII, 2, 5.

(53) It defiles only when wet; cf. supra 1, n. 13.

(54) Without immersion it is counted as blood of menstruation.

(55) Since in accordance with Lev. XV, 28, she has to count seven clean days in addition to the period of impurity due to the childbirth.

(56) Cf. Yeb. III, 2.

(57) Because both sisters are tied in a marriage relationship to each of the surviving brothers, therefore the levirate marriage of either sister to either surviving brother comes within the prohibition of marrying a wife's sister; cf. supra IV, 9, n. 5.

(58) Each surviving brother married one of the sisters.

(59) Cf. Yeb. 28a.

(60) Ah Beth din, Second President of the Great Sanhedrin; v. Ab. IV (Sonc. ed.) p. 3, n. 8.

(61) For refusing the offer.

(62) By denying the truth of my tradition.

(63) An additional reason for refusing the offer (v. Tosaf Yom Tob).

(64) Cf. Neg. V, 3.

(65) A hair was turned white in a leprous white spot, rendering it unclean, in accordance with Lev. XIII, 3. Then the leprosy was healed, and the man became clean. But the white hair remained until finally another white spot appeared in the same place of the body. The Sages declare it clean, since the whiteness of the hair existed before this new white spot appeared, while Akabia declares it unclean.

(66) Cf. Nid. II, 6. The Sages hold that to be unclean blood must be red in colour.

(67) Cf. Bek. III, 4.

(68) And had therefore been declared permitted to be slaughtered outside the Temple; cf. II, 2, n. 6.

(69) Cutting its hair, or wool, deliberately is forbidden, although it is blemished.

(70) Or in a niche in the wall, in order to preserve it until the animal should be slaughtered.

(71) Lest it should lead to delaying the slaughtering of the firstling for the sake of profiting from its hair or wool.

(72) Cf. Num. V, 18ff. He inferred from the expression, in the midst of thy people (Num. ibid. 21) that the law applied

only to Israelitish women.

(73) **דִּינְמָה**, Gr. **. They really gave her other water, but similar in colour to the water of bitter ness. Others explain: 'Men who were like unto her made her to drink,' i.e. Shemaiah and Abtalion were themselves also of Gentile extraction, therefore they treated Karkemith as if she was an Israelite.

(74) Because he defamed the honour of Shemaiah and Abtalion.

(75) By placing a big stone upon it; cf. *infra*.

(76) On the eve of the Passover, when the Passover lamb was sacrificed in relays, in order to prevent overcrowding; cf. *Pes. V, 5*.

(77) Cf. *Yad. III, 2*.

(78) Akabia's.

(79) [Derenbourg, *Essai*, p. 483, identifies him with Jose b. Akabia (*Pes. 113b; Yoma 52b*).]

(80) Cf. *supra I, 5*. The controversy between Akabia and the Sages was as to what had been the opinion of the majority of the Sages before them. [Halevy, *op. cit. I, 362 and II, 292*, accounts this controversy to the breaking up of all Central Authority during the civil war that characterised the days of the last Hasmonean rulers. Lauterbach, (*J.Q.R., N.S. VI, 66, n. 59*) ignoring Halevy, involves himself in unnecessary difficulties.]

(81) Akabia himself, as opposed to the Sages.

(82) Near to my colleagues; far from my colleagues; i.e., your own conduct will win you friends or alienate them.

Mishna - Mas. Eduyyot Chapter 6

MISHNAH 1. R. JUDAH B. BABA TESTIFIED CONCERNING FIVE THINGS: THAT WOMEN WHO ARE MINORS ARE MADE¹ TO DECLARE AN ANNULMENT OF THEIR MARRIAGE;² THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS;³ THAT A COCK WAS STONED⁴ IN JERUSALEM BECAUSE IT HAD KILLED A HUMAN BEING;⁵ AND ABOUT WINE FORTY DAYS OLD,⁶ THAT IT WAS USED AS A LIBATION ON THE ALTAR; AND ABOUT THE CONTINUAL OFFERING OF THE MORNING, THAT IT IS OFFERED AT THE FOURTH HOUR.⁷

MISHNAH 2. R. JOSHUA AND R. NEHUNIA B. ELINATHAN, A MAN OF KEFAR HABABLI,⁸ TESTIFIED CONCERNING A LIMB⁹ FROM A CORPSE THAT IT IS UNCLEAR;¹⁰ WHEREAS R. ELIEZER SAYS: THEY DECLARED [THIS] ONLY OF A LIMB FROM A LIVING [MAN]. THEY SAID TO HIM: IS NOT THERE AN INFERENCE FROM THE MINOR TO THE MAJOR:¹¹ IF IN THE CASE OF A LIVING MAN [WHO IS HIMSELF CLEAN] A LIMB SEVERED FROM HIM IS UNCLEAR, HOW MUCH MORE IN THE CASE OF A CORPSE [WHICH IS ITSELF UNCLEAR] SHOULD A LIMB SEVERED FROM IT BE UNCLEAR! HE SAID TO THEM: THEY HAVE [NEVERTHELESS] DECLARED IT ONLY OF A LIMB FROM A LIVING MAN. ANOTHER ANSWER¹² IS: THE DEFILEMENT OF LIVING MEN IS GREATER THAN THE DEFILEMENT OF CORPSES, BECAUSE A LIVING MAN¹³ CAUSES WHAT IS UNDER HIM¹⁴ TO BECOME A 'COUCH' AND A 'SEAT'¹⁵ FOR THE PURPOSE OF DEFILING [ANOTHER] MAN AND HIS GARMENTS, AND [HE CAUSES ALSO] WHAT IS OVER HIM¹⁶ [TO BECOME] A NON- CONTIGUOUS MEDIUM¹⁷ FOR THE PURPOSE OF DEFILING FOODS AND LIQUIDS- WHICH IS DEFILEMENT THAT A CORPSE DOES NOT CAUSE.¹⁸

MISHNAH 3. AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, R. ELIEZER PRONOUNCES UNCLEAR¹⁹ AND R. JOSHUA AND R. NEHUNIA PRONOUNCE CLEAN. A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, R. NEHUNIA PRONOUNCES UNCLEAR²⁰ AND R. ELIEZER AND R. JOSHUA PRONOUNCE CLEAN. THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAR AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A

CORPSE, AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT IS UNCLEAN, SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT MUST BE UNCLEAN. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²³ A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT? THEY SAID TO R. NEHUNIA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A CORPSE, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT IS UNCLEAN,²⁰ SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT MUST BE UNCLEAN. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²⁴ AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT? THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF FLESH THAN THE DEFILEMENT OF BONES, FOR THE DEFILEMENT OF FLESH APPLIES BOTH TO CARCASSES AND TO CREEPING THINGS,²⁶ BUT IT IS NOT SO IN THE CASE OF BONES. ANOTHER ANSWER IS: A LIMB²⁷ WHICH HAS ON IT THE PROPER QUANTITY²⁸ OF FLESH CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF THE FLESH IS DIMINISHED IT IS STILL UNCLEAN,²⁹ WHILE IF THE BONE IS DIMINISHED IT IS CLEAN.³⁰ THEY SAID TO R. NEHUNIA: WHAT REASON HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF BONES THAN THE DEFILEMENT OF FLESH, FOR FLESH SEVERED FROM A LIVING MAN IS CLEAN, WHEREAS A LIMB SEVERED FROM HIM, WHILE IN ITS NATURAL CONDITION,³¹ IS UNCLEAN. ANOTHER ANSWER IS: AN OLIVE'S QUANTITY OF FLESH³² CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; AND A MAJORITY³³ OF A DEAD MAN'S BONES CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF FLESH IS DIMINISHED IT IS CLEAN, BUT IF A MAJORITY OF THE BONES IS DIMINISHED, ALTHOUGH IT DOES NOT CAUSE DEFILEMENT BY BEING UNDER THE SAME ROOF-SPACE, IT YET CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING.³⁴ ANOTHER ANSWER IS: ANY FLESH OF A CORPSE LESS THAN AN OLIVE'S QUANTITY³⁵ IS CLEAN, BUT BONES FORMING THE GREATER PORTION OF THE BODY'S BUILD³⁶ OR THE GREATER PORTION OF THE NUMBER OF THE CORPSE'S BONES, EVEN THOUGH THEY DO NOT FILL A QUARTER-KAB ARE YET UNCLEAN.³⁷ THEY SAID TO R. JOSHUA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING THEM BOTH CLEAN? HE SAID TO THEM: NO! WHEN YOU PRONOUNCE UNCLEAN IN THE CASE OF A CORPSE, IT IS BECAUSE THE RULES OF 'MAJORITY',³⁸ 'QUARTER-KAB', AND 'DECAYED MATTER'³⁹ APPLY TO IT. BUT HOW CAN YOU SAY THE SAME OF A LIVING MAN, SEEING THAT THE RULES OF MAJORITY', 'QUARTER-KAB', AND 'DECAYED MATTER' DO NOT APPLY TO HIM?⁴⁰

- (1) In circumstances such as those described in n. 2.
- (2) Girl minors when fatherless may be given in marriage by their mother or brothers. But unlike the marriage of a minor arranged by her father (cf. Deut. XXII, 16), the marriage of a minor arranged by her mother or brothers has validity only in Rabbinic law, but not in Biblical law. Therefore the minor has the right of declaring **מִיָּאֵן** or a 'Refusal' to live with the husband given her, and thereby annulling her marriage without the formalities of a regular divorce; cf. Yeb. XIII, 1ff. Now, if two brothers were married to two sisters, one of age and the other a minor given in marriage by her mother or brothers, and the husband of the older sister died without issue, then the husband of the minor is bound by Biblical law to marry the minor's sister. Therefore the continuation of the minor as his wife under merely Rabbinical law now comes within the Biblical prohibition of marrying two sisters (cf. IV, 9, n. 5; V, 5, n. 9). In such a case the child-wife is persuaded to declare **מִיָּאֵן** thus enabling her husband to perform by her sister the duty of levirate marriage. This testimony accords with the opinion of R. Eliezer, Yeb. XIII, 7. Another such case may arise in the circumstances described in Yeb. XIII, 11.
- (3) Who testifies to the death of her husband; cf. VIII, 5; Yeb. XVI, 7.
- (4) Under the law of Ex. XXI, 28, although that law specifies only an ox causing death by goring.
- (5) It put out the brain of a child by pecking it with its beak.
- (6) But under forty days it is not permitted; cf. B.B. 97a.
- (7) As late as the fourth hour of the day. This happened during a siege of Jerusalem by the Syrian Greeks, when one day no lamb could be obtained for the morning sacrifice till the fourth hour.
- (8) Bablia, 8 miles S. of Zidon.
- (9) A whole limb, even when less than the size of an olive; cf. III, 1, n. 4.
- (10) It confers 'tent' uncleanness, i.e., by being under the same roof-space; cf. I, 7, n. 1.
- (11) **קל וחומר**.
- (12) Of R. Eliezer. He refutes the proposition that the dead is more unclean than the living.
- (13) When he has an issue.
- (14) However many articles there may be under him, one below the other, they all receive an equal degree of defilement through the pressure of the man's body (**מדרם**); cf. I, 11, n. 10.
- (15) Cf. Lev. XV, 4' 6.
- (16) Whatever the number of articles, one above the other.
- (17) **מדרף** . Unlike defilement by body-pressure (**מדרם**), defilement through a non-contiguous medium can be transmitted only to food and drink, but not to man and utensils.
- (18) For corpse defilement diminishes in strength as it passes from one article to another; cf. II, 1, nn. 3, 4.
- (19) Just like a whole limb severed from a living man (cf. supra 2; Oh. I, 7), it defiles one who touches or carries it, or is under the same roof-space; cf. infra.
- (20) Only by touching or carrying; cf. Oh. II, 3.
- (21) Cf. Oh. II, 1.
- (22) The argument is fallacious, since according to your opinion the defilement of a corpse is greater than that of a living man.
- (23) Supra, together with R. Joshua against R. Nehunia.
- (24) Supra, together with R. Joshua against R. Eliezer.
- (25) Both an olive's quantity of flesh severed from a living man, and a barley-grain's quantity of bone severed from a living man.
- (26) An olive's quantity of flesh from a carcass and a lentil's quantity of flesh from creeping things cause defilement, but their bones do not cause defilement in any quantity.
- (27) From a living man; or, according to R. Joshua and R. Nehunia, also from a corpse.
- (28) Cf. Kel. II, 5.
- (29) It defiles by touching and carrying, though not by being under the same roof. space; cf. Kel. loc. cit.
- (30) It is no longer counted a limb.
- (31) With flesh, sinew, and bone.
- (32) From a corpse.
- (33) Cf. I, 7, n. 4.
- (34) For defilement by touching and carrying, a quantity of a barley-grain is sufficient.
- (35) E.g., in the case of an abortion; cf. Hul. 89b.

(36) Cf. I, 7, n. 3.

(37) They defile by being under the same roof-space; cf. I, 7, n. 5.

(38) A majority of the body's bones.

(39) A large spoonful (or two handfuls) of decayed matter of a corpse, which was buried naked in a closed marble coffin, causes defilement by carrying and by being under the same roof-space, but not by touching; cf. Oh. II, 1.

(40) Therefore a living man has less power of defilement than a corpse.

Mishna - Mas. Eduyyot Chapter 7

MISHNAH 1. R.¹ JOSHUA AND R. SADOK TESTIFIED CONCERNING THE REDEMPTION-LAMB OF THE FIRSTLING OF AN ASS,² THAT IF IT DIED³ THE PRIEST HAS NO CLAIM THEREIN,⁴ WHEREAS R. ELIEZER SAYS: THE OWNER MUST BEAR THE RESPONSIBILITY AS WITH THE FIVE SELA'S⁵ [IN THE CASE] OF A [FIRSTBORN] SON. BUT THE SAGES SAY: HE BEARS NO RESPONSIBILITY ANY MORE THAN IN THE CASE OF THE REDEMPTION OF SECOND TITHES.⁶

MISHNAH 2. R.⁷ ZADOK TESTIFIED CONCERNING BRINE OF UNCLEAN⁸ LOCUSTS THAT IT IS CLEAN,⁹ WHEREAS THE FIRST MISHNAH [SAID]:¹⁰ UNCLEAN LOCUSTS THAT HAVE BEEN PRESERVED TOGETHER WITH CLEAN LOCUSTS DO NOT MAKE THEIR¹¹ BRINE UNFIT.

MISHNAH 3. R.¹² ZADOK TESTIFIED CONCERNING FLOWING¹³ WATER WHICH EXCEEDED IN QUANTITY DRIPPING¹⁴ WATER; THAT IT WAS VALID. THERE WAS SUCH A CASE AT BIRATH HAPPALIYYA,¹⁵ AND WHEN THE CASE CAME BEFORE THE SAGES THEY DECLARED IT VALID.

MISHNAH 4. R. ZADOK TESTIFIED CONCERNING FLOWING WATER WHICH WAS MADE TO RUN IN A STREAM THROUGH NUT-LEAVES,¹⁶ THAT IT WAS VALID.¹⁷ THERE WAS SUCH A CASE AT AHALIYYA,¹⁸ AND WHEN THE CASE CAME BEFORE [THE SAGES IN] THE CHAMBER OF HEWN STONE¹⁹ THEY DECLARED IT VALID.

MISHNAH 5. R.²⁰ JOSHUA AND R. YAKIM, A MAN OF HADAR,²¹ TESTIFIED CONCERNING A JAR,²² WITH ASHES OF PURIFICATION²³ WHICH WAS PUT OVER A CREEPING THING, THAT THEY²⁴ WERE UNCLEAN, WHEREAS R. ELIEZER HAD PRONOUNCED THEM CLEAN. R.²⁵ PAPIAS TESTIFIED CONCERNING ONE WHO HAD VOWED TWO NAZIRITESHIPS,²⁶ THAT IF HE CUT HIS HAIR²⁷ AFTER THE FIRST ONE ON THE THIRTIETH DAY, HE COULD CUT HIS HAIR AFTER THE SECOND ONE ON THE SIXTIETH²⁸ DAY, THOUGH IF HE CUT HIS HAIR ON THE FIFTY-NINTH DAY HE HAS ALSO DISCHARGED HIS DUTY, FOR THE THIRTIETH DAY IS CREDITED TO HIM TOWARDS THE REQUIRED NUMBER.²⁹

MISHNAH 6. R.³⁰ JOSHUA AND R. PAPIAS TESTIFIED CONCERNING THE YOUNG OF A PEACE-OFFERING, THAT IT COULD BE BROUGHT AS A PEACE-OFFERING,³¹ WHEREAS R. ELIEZER SAYS THAT THE YOUNG OF A PEACE-OFFERING COULD NOT BE BROUGHT AS A PEACE-OFFERING.³² BUT THE SAGES SAY: IT MAY BE BROUGHT. R. PAPIAS SAID: I TESTIFY THAT WE HAD A COW, A PEACE-OFFERING, AND WE ATE IT AS PASSOVER, AND ITS YOUNG WE ATE AS A PEACE-OFFERING AT THE [NEXT] FESTIVAL.³³

MISHNAH 7. THE SAME³⁴ TESTIFIED CONCERNING THE BOARDS³⁵ OF BAKERS, THAT THEY ARE [LIABLE TO BECOME] UNCLEAN, WHEREAS R. ELIEZER DECLARES THEM NOT³⁶ [LIABLE TO BECOME] UNCLEAN. THE SAME³⁷ TESTIFIED CONCERNING

AN OVEN³⁸ WHICH WAS CUT INTO RINGS AND SAND WAS PUT BETWEEN ONE RING AND THE OTHER RING,³⁹ THAT IT IS [LIABLE TO BECOME] UNCLEAN,⁴⁰ WHEREAS R. ELIEZER DECLARES IT NOT [LIABLE TO BECOME] UNCLEAN.⁴¹ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴² THROUGHOUT THE WHOLE OF ADAR,⁴³ WHEREAS THEY USED TO SAY: ONLY TILL PURIM.⁴⁴ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴⁵ CONDITIONALLY. THERE WAS SUCH A CASE WITH RABBAN GAMALIEL WHO WENT TO TAKE AUTHORISATION FROM THE GOVERNOR IN SYRIA AND HE DELAYED IN COMING BACK; AND THEY INTERCALATED THE YEAR ON CONDITION THAT RABBAN GAMALIEL SHOULD APPROVE; AND WHEN HE CAME BACK HE SAID: I APPROVE, AND THE YEAR WAS THEREBY DULY INTERCALATED.

MISHNAH 8. MENAHEM B. SIGNA⁴⁶ TESTIFIED CONCERNING THE LEDGE⁴⁷ ATTACHED TO AN OLIVE-BOILER'S CAULDRON, THAT IT IS [LIABLE TO BECOME] UNCLEAN; AND CONCERNING THAT OF DYERS,⁴⁸ THAT IT IS NOT [LIABLE TO BECOME] UNCLEAN, WHEREAS THEY USED TO SAY: THE RULE IS THE REVERSE.⁴⁹

MISHNAH 9. R. NEHUNIA⁵⁰ THE SON OF GUDGADA TESTIFIED CONCERNING A DEAF-MUTE WHOSE FATHER HAD GIVEN HER IN MARRIAGE,⁵¹ THAT SHE COULD BE PUT AWAY WITH A BILL OF DIVORCEMENT;⁵² AND CONCERNING A MINOR, DAUGHTER OF AN ISRAELITE⁵³ AND MARRIED⁵⁴ TO A PRIEST, THAT SHE MIGHT EAT TERUMAH,⁵⁵ AND IF SHE DIED HER HUSBAND INHERITED FROM HER; AND CONCERNING A STOLEN BEAM THAT HAD BEEN BUILT INTO A PALACE,⁵⁶ THAT IT MIGHT BE RESTORED BY THE PAYMENT OF ITS VALUE;⁵⁷ AND CONCERNING A SIN-OFFERING THAT HAD BEEN STOLEN, AND THIS WAS NOT KNOWN TO MANY,⁵⁸ THAT IT MADE DUE ATONEMENT⁵⁹ BECAUSE OF THE WELFARE OF THE ALTAR.⁶⁰

(1) Cf. Bek. I, 6.

(2) Cf. Ex. Xlii, 13.

(3) After it was designated for the redemption, and before it was presented to the priest.

(4) The owner may hand over to the priest the dead lamb, but is not bound to give him another lamb.

(5) The redemption money of the first born son; cf. Ex. loc. cit.; and Num. III, 47. If the father set aside this redemption money and it was lost, he has to find other money; cf. Bek. VIII, 8.

(6) If the tithes were exchanged for money and the money lost, the owner is not bound to make it good.

(7) Cf. Ter. X, 9.

(8) I.e., prohibited as food; cf. Lev. XI, 20.

(9) And may be eaten.

(10) V. Sanh. (Sonc. ed.) p. 263, n. 7.

(11) Of the clean locusts. R. zadok adds that one may even eat the brine of the prohibited locusts themselves.

(12) Cf. Mik. V., 4.

(13) I.e., from a running river or stream.

(14) Rainwater, or, according to Maimonides, water dropping intermittently from a high spring. Mik. loc. cit. lays down that flowing water is counted like 'living water' of a spring, and can be used in the preparation of the Waters of Purification (Num. XIX, 17), the cleansing of a man who had an issue (Lev. XV, 13), and for a ritual bath in any quantity; while dripping water may not be used as Water of Purification, or for the cleansing of a man who had an issue, and if used as a ritual bath it must have no less than forty se'ahs in quantity (cf. I, 3, n. 7). If, then, in a mixture of these two kinds of water, the flowing water is more in quantity than the dripping water, the whole mixture is deemed 'living water'.

(15) [Birfilia, about six miles E. of Ramala (Horowitz, Palestine, p. 118).]

(16) Its flow was directed to a particular spot by means of a channel made of the wide leaves of a walnut tree.

(17) It retains the character of flowing water for the purposes mentioned p. 42, n. 14, and is not deemed to have passed through a receptacle (**מים שאובין** ; cf. I, 3) by running through the channel of leaves.

(18) [Horowitz, op. cit., p. 22, identifies it with Bait Ilu, near Jerusalem.]

- (19) V. Sanh. (Sonc. ed.) p. 205, n. 5.
- (20) Cf. Par. X, 3.
- (21) [Cannot be identified.]
- (22) Of earthenware.
- (23) Cf. Num. XIX, 9, 17.
- (24) The ashes, since they can no longer be said to have been kept in a 'clean Place', Num. loc. cit. The jar itself remains clean, because an earthenware vessel does not contract uncleanness by outward contact; cf. Kel. II, 1.
- (25) Cf. Naz. III, 2.
- (26) Each of which is normally of a duration of thirty days; cf. IV, 12, n. 7,
- (27) In accordance with Num. VI, 18. He should really have waited till the full completion of the thirty days, viz. till the thirty-first day.
- (28) Which forms an interval of full thirty days since the last cutting of his hair.
- (29) Of both periods of thirty days.
- (30) Cf. Tem. III, 1.
- (31) It is itself also holy like its dam, and cannot be put to common use.
- (32) But it should be allowed to starve to death. R. Eliezer holds that permission to offer the young may lead people to delay the sacrificing of an animal as peace offering until it gives birth to its young, and this would involve a transgression of the command of Deut. XXIII, 22.
- (33) **בִּהַג** viz., on the Feast of Weeks. Raba (R.H. 6a) renders **בִּהַג** according to its usual meaning of the Feast of Tabernacles, and assumes that owing to illness the young animal could not be offered on the intervening Feast of Weeks.
- (34) Cf. Kel. XV, 2.
- (35) On which the unbaked loaves are placed to allow them to rise; or, according to others, on which the dough is rolled.
- (36) They are not considered 'utensils', because they are flat. But all the Sages agree that baking boards for ordinary household use are not liable to uncleanness. [Because unlike those of the bakers they are put to all kinds of use (Raabad).]
- (37) Cf. Kel. V, 10.
- (38) Of earthenware, and without a bottom; cf. II, 8, n. 1.
- (39) To prevent the rings adhering to one another. The whole was plastered over on the outside to keep the cut parts together.
- (40) The plasterings makes it whole again.
- (41) It is deemed a broken 'utensil'
- (42) By the addition of a second month, viz. a second Adar; v. Sanh. 12b'
- (43) Until the twenty-ninth of Adar.
- (44) The fourteenth of Adar, when it is customary to begin the public exposition of the laws of the Passover.
- (45) By the Sanhedrin, subject to the approval of the President, with whom the final decision rests; v. Sanh. 11a (Sonc. ed.) p. 47.
- (46) [Or. 'of Signai'. a village in Judea (Buchler, De, gal. 'Am-h. 79. n. 1.)].
- (47) Of earthenware, to prevent the boiling liquid in the metal cauldron from running over. The ledge is therefore a necessary part of the cauldron; cf. Kel. V, 5.
- (48) Dyers are careful not to allow the boiling dye to rise to the earthenware ledge, for fear the dye may become soiled. Therefore the ledge is not really needed for their cauldron.
- (49) It was thought that dyers had greater need of the ledge to prevent the boiling dye from running over, since the dye was more valuable than the liquid of olive-boilers.
- (50) Cf. Git. V, 5; Yeb. XIV, 2.
- (51) While still a minor; cf. VI, 1, n. 2.
- (52) Although she is legally an imbecile, she can be divorced according to Biblical law without her consent.
- (53) A non-priest who is dead.
- (54) By her mother or brothers, although the marriage is valid according to Rabbinical law only; cf. VI, 1, n. 2.
- (55) But only such as is terumah in Rabbinic law alone, but she may not eat what is terumah in Biblical law, which does not recognize her as the priest's wife.
- (56) Or any building.
- (57) The owner of the beam cannot insist on the restoration of the beam itself. This rule was ordained 'for the benefit of

the penitent' (Git. loc. cit.). to make the sinner's path of repentance easy.

(58) Three persons.

(59) The thief need not bring another sin-offering, and the priests who ate of its flesh did not commit a sin unwittingly.

(60) The priests might refuse to sacrifice the offering of a man who was unknown to them, from fear that the animal was stolen, and the altar would thus suffer loss.

Mishna - Mas. Eduyyot Chapter 8

MISHNAH 1. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING THE BLOOD OF CARCASSES THAT IT WAS CLEAN.¹ R. SIMEON B. BATHYRA TESTIFIED CONCERNING THE ASHES OF PURIFICATION,² THAT IF A DEFILED PERSON HAD TOUCHED PART THEREOF HE HAD DEFILED THE WHOLE OF THEM.³ R. AKIBA ADDED IN REGARD TO THE FINE FLOUR,⁴ THE INCENSE, THE FRANKINCENSE, AND THE COALS,⁵ THAT IF A TEBUL. YOM⁶ HAD TOUCHED PART THEREOF HE HAD MADE THE WHOLE OF THEM UNFIT.⁷

MISHNAH 2. R. JUDAH B. BABA AND R. JUDAH THE PRIEST TESTIFIED CONCERNING A MINOR,⁸ THE DAUGHTER OF AN ISRAELITE AND MARRIED TO A PRIEST, THAT SHE COULD EAT TERUMAH AS SOON AS SHE ENTERED THE BRIDAL CHAMBER EVEN THOUGH SHE HAD NO MARITAL INTERCOURSE. R. JOSE THE PRIEST AND R. ZECHARIAH B. HA-KAZZAB TESTIFIED CONCERNING A YOUNG GIRL WHO HAD BEEN GIVEN AS A SECURITY⁹ IN ASHKELON, AND WHOM THE MEMBERS OF HER FAMILY¹⁰ HAD PUT AWAY,¹¹ THOUGH HER WITNESSES¹² TESTIFIED FOR HER THAT SHE HAD NOT SECLUDED HERSELF¹³ [WITH ANY MAN] AND THAT SHE HAD NOT BEEN DEFILED; THAT THE SAGES SAID TO THEM: IF YOU BELIEVE THAT SHE WAS GIVEN AS A SECURITY, BELIEVE ALSO THAT SHE DID NOT SECLUDE HERSELF [WITH ANY MAN] AND THAT SHE WAS NOT DEFILED; AND IF YOU DO NOT BELIEVE THAT SHE DID NOT SECLUDE HERSELF AND THAT SHE WAS NOT DEFILED, NEITHER BELIEVE THAT SHE WAS GIVEN AS A SECURITY.

MISHNAH 3. R. JOSHUA AND R. JUDAH THE SON OF BATHYRA TESTIFIED CONCERNING THE WIDOW OF [A MAN

BELONGING TO] A FAMILY OF DOUBTFUL PURITY,¹⁴ THAT SHE WAS FIT TO MARRY INTO THE PRIESTHOOD, SINCE A FAMILY OF DOUBTFUL PURITY WAS FIT TO DECLARE WHO¹⁵ WAS UNCLEAR¹⁶ AND WHO¹⁵ CLEAN,¹⁶ WHO WAS TO BE PUT AWAY¹⁷ AND WHO¹⁵ WAS TO BE BROUGHT NEAR.¹⁷ RABBAN GAMALIEL SAID: WE ACCEPT YOUR TESTIMONY, BUT WHAT CAN WE DO SINCE RABBAN JOHANAN B. ZAKKAI ORDAINED THAT COURTS SHOULD NOT BE COMMISSIONED FOR THIS PURPOSE?¹⁸ THE PRIESTS WOULD LISTEN TO YOU CONCERNING THOSE WHO MIGHT BE PUT AWAY, BUT NOT CONCERNING THOSE WHO MIGHT BE BROUGHT NEAR!¹⁹

MISHNAH 4. R.²⁰ JOSE B. JO'EZER, A MAN OF ZEREDA,²¹ TESTIFIED CONCERNING THE AYIL²² -LOCUST, THAT IT IS CLEAN; AND CONCERNING LIQUID²³ IN THE SLAUGHTER-HOUSE,²⁴ THAT IT IS CLEAN, AND THAT ONE WHO TOUCHES A CORPSE IS UNCLEAR.²⁵ AND THEY CALLED HIM 'JOSE THE PERMITTER'.

MISHNAH 5. R. AKIBA TESTIFIED IN THE NAME OF NEHEMIAH, A MAN OF BETH DELI,²⁶ THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS.²⁷ R. JOSHUA TESTIFIED CONCERNING BONES²⁸ FOUND IN THE WOOD-SHED²⁹ [THAT THEY WERE UNCLEAR].³⁰ THAT THE SAGES SAID: ONE MAY GATHER THEM UP, BONE BY BONE,³¹ AND ALL IS CLEAN.³²

MISHNAH 6. R. ELIEZER SAID:³³ I HAVE HEARD THAT WHEN THEY BUILT THE TEMPLE³⁴ THEY MADE HANGINGS FOR THE TEMPLE AND HANGINGS FOR THE TEMPLE-COURTS; BUT IN THE CASE OF THE TEMPLE THEY BUILT³⁵ FROM THE OUTSIDE,³⁶ AND IN THE CASE OF THE TEMPLE-COURT THEY BUILT FROM THE INSIDE. R. JOSHUA SAID: I HAVE HEARD THAT SACRIFICES MAY BE OFFERED EVEN THOUGH THERE IS NO TEMPLE, AND THAT THE MOST HOLY SACRIFICES³⁷ MAY BE EATEN EVEN THOUGH THERE ARE NO HANGINGS, AND THE LESSER HOLY SACRIFICES³⁸ AND SECOND TITHES EVEN THOUGH THERE IS NO WALL;³⁹ BECAUSE THE FIRST SANCTIFICATION⁴⁰ WAS VALID BOTH FOR ITS OWN TIME AND FOR THE TIME HEREAFTER.

MISHNAH 7. R. JOSHUA SAID: I HAVE RECEIVED A TRADITION FROM RABBAN JOHANAN B. ZAKKAI, WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER [HEARD IT] FROM HIS TEACHER, AS A HALACHAH [GIVEN] TO MOSES FROM SINAI,⁴¹ THAT ELIJAH⁴² WILL NOT COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR,⁴³ BUT TO PUT AWAY THOSE BROUGHT NEAR BY FORCE AND TO BRING NEAR THOSE PUT AWAY BY FORCE. THE FAMILY OF BETH ZEREPPAH⁴⁴ WAS ON THE OTHER SIDE OF THE JORDAN. AND BEN ZION⁴⁵ PUT IT AWAY BY FORCE; AND YET ANOTHER FAMILY⁴⁶ WAS THERE, AND BEN ZION BROUGHT IT NEAR BY FORCE. SUCH LIKE ELIJAH WILL COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR. R. JUDAH SAYS: TO BRING NEAR, BUT NOT TO PUT AWAY.⁴⁷ R. SIMEON SAYS: TO CONCILIATE DISPUTATIONS.⁴⁸ AND THE SAGES SAY NEITHER TO PUT AWAY NOR TO BRING NEAR, BUT TO MAKE PEACE IN THE WORLD,⁴⁹ FOR IT IS SAID,⁵⁰ BEHOLD I SEND TO YOU ELIJAH THE PROPHET, ETC., AND HE SHALL TURN THE HEART OF THE FATHERS TO THE CHILDREN AND THE HEART OF THE CHILDREN TO THEIR FATHERS.

(1) Agreeing with the opinion of Beth Shammai according to the version of H. Judah; cf. V, 1, n. 3.

(2) Cf. VII, 5, n. 9.

(3) The jar which contains the ashes makes all their particles one unit.

(4) Intended for an offering; cf. Lev. II, 2ff.

(5) Which the High Priest carried into the Holy of Holies on the Day of Atonement; cf. Lev. XVI, 12.

(6) Cf. II, 1, n. 7.

(7) פסל ; cf. II, 1, n. 4. [Their various particles constitute a unit though the vessels which contain them are not fashioned like receptacles, but Hat (Maim.).]

(8) An orphan given in marriage by her mother or brothers; cf. VII, 9, nn. 3-4.

(9) For a debt to Gentiles.

(10) Who were priests.

(11) They disqualified her from marrying a priest, for fear she might have been violated; cf. III, 6, n. 2.

(12) Who testified that she had been left at Ashkelon, also testified that she had remained pure.

(13) נסתרה cf. Num. V, 13.

(14) עיסה. 'mixed dough'. a priestly family, a member of which was suspected of being the offspring of an illegitimate union, חלל cf. Lev. XXI, 7; Kid. IV, 6. In the case of this widow, it is doubtful whether her dead husband was that suspected offspring, and if so, whether he really was illegitimate, חלל . [For a full discussion of the subject, v. Buchler, Schwarz-Festschrift, 133ff.]

(15) Who of its members.

(16) I.e., illegitimate; legitimate.

(17) Who was to be declared unfit to marry a priest, and who fit. Therefore the evidence of this family is to be accepted with regard to the widow's dead husband. The text and interpretation of this passage are not quite certain.

(18) Of declaring the legitimacy of such a doubtful case.

(19) [And would refuse to accept the decision of a Court to the contrary. v. Buchler, Priester und Cultus, p. 20, n. 3.]

- (20) Most texts omit 'Rabbi'. Jose's statement is given in Aramaic.
- (21) I Kings XI. 26.
- (22) אֵיל, of unknown meaning.
- (23) Blood and water.
- (24) In the Temple court.
- (25) For the meaning and discussion of this statement as well as of the whole passage, cf. A.Z. (Sonc. ed.) 182f.
- (26) [Identified by Horowitz, op. cit., p. 231, with Dili, a village in Galilee.]
- (27) Cf. VI, I, n. 3.
- (28) Of a corpse.
- (29) At the north-eastern corner of the Women's Court in the Temple; cf. Mid. II, 5.
- (30) A variant reading. not quite in agreement with what follows.
- (31) There is no reason to suspect the presence of graves.
- (32) Because It was doubtful whether the bones had caused any defilement; therefore it was declared clean, as being in the Temple court which is considered public ground; cf. II, 3, nn. 5, 6.
- (33) V. Shebu. (Sonc. ed.) 16a, notes.
- (34) The Second Temple.
- (35) The walls of the Temple.
- (36) To keep the builders outside the Temple.
- (37) Which have to be eaten 'within the hangings'. i.e. in the Temple court; cf. Zeb. V, 5.
- (38) Which have to be eaten within the City of Jerusalem; cf. Zeb. V, 6; Deut. XIV, 23.
- (39) Round Jerusalem.
- (40) By King Solomon.
- (41) I.e., an ancient ordinance.
- (42) Who will come to usher in the Messianic Age; cf. Mal. III, 1.
- (43) Cf. 3, nn. 4-5. He will not abrogate justly established laws, but only set aside arbitrary and lawless decisions.
- (44) [A priestly family (Buchler. op. cit., p. 137); or, a lay family (Epstein. J.N., MGWJ LXV. 89). The context favours the former view. As to Beth Zerephah. Klein, S. מאמרים שונים p. 6, n. 9, identifies it with Zarafaud, N.W. of Lydda.]
- (45) [Klein. S. מדעי היהדות I, p. 77. adopts on the basis of var. lec. the reading. Bene Zion 'the Sons of Zion', the reference being to the descendants of the Hasmonean high priests. the Watch of Jehoharib. For other suggestions v. ibid. n. 22.]
- (46) The family is left unnamed, so as not to cause shame to its members.
- (47) Even those brought near by force.
- (48) Among the Sages in matters of law.
- (49) Among all men.
- (50) Mal. III, 23-24.

Mishna - Mas. Hallah Chapter 1

MISHNAH 1. FIVE SPECIES [OF CEREALS] ARE SUBJECT TO [THE LAW OF] HALLAH.¹ WHEAT, BARLEY, SPELT, OATS AND RYE.² THESE ARE SUBJECT TO HALLAH, AND [SMALL QUANTITIES OF DOUGH MADE OF THE DIFFERENT SPECIES] ARE RECKONED TOGETHER ONE WITH ANOTHER [AS ONE QUANTITY]³ AND ARE ALSO SUBJECT TO THE PROHIBITION OF [THE CONSUMPTION OF] 'NEW' [PRODUCE]⁴ PRIOR TO THE OMER,⁵ AND TO [THE PROHIBITION OF] REAPING PRIOR TO PASSOVER.⁶ IF THEY TOOK ROOT PRIOR TO THE OMER, THE OMER RELEASES THEM;⁷ IF NOT, THEY ARE PROHIBITED UNTIL THE NEXT OMER HAS COME.

MISHNAH 2. IF ONE HAS EATEN ON THE PASSOVER AN OLIVE-SIZE⁸ OF UNLEAVENED BREAD [MADE] OF THESE [CEREALS], HE HAS FULFILLED HIS OBLIGATION;⁹ [IF ONE HAS EATEN ON THE PASSOVER] AN OLIVE-SIZE OF LEAVEN [MADE OF THESE CEREALS], HE HAS INCURRED THE PENALTY OF KARETH.¹⁰ IF ONE OF THESE [CEREALS, HAVING BECOME LEAVENED,] HAS BECOME MIXED WITH ANY OTHER SPECIES, ONE TRANSGRESSES THE [LAWS OF] PASSOVER.¹¹ IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] BREAD AND TEBU'AH [(CEREAL) PRODUCE].¹² HE IS PROHIBITED FROM CONSUMING THESE [FIVE SPECIES]; THIS IS THE OPINION OF R. MEIR. THE SAGES SAY: IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] DAGAN [CORN], HE IS PROHIBITED FROM [CONSUMING] THESE [SPECIES] ONLY.¹³ THEY ARE SUBJECT TO HALLAH AND TITHES.¹⁴

MISHNAH 3. THE FOLLOWING ARE SUBJECT TO HALLAH, BUT EXEMPT FROM TITHES: LEKET,¹⁵ SHIKEHAH,¹⁶ PE'AH,¹⁷ AND PRODUCE, OWNERSHIP OF WHICH HAS BEEN WAIVED,¹⁸ AND THE FIRST TITHE¹⁹ OF WHICH TERUMAH [THE PRIEST'S PORTION] HAD BEEN TAKEN OFF,²⁰ AND THE SECOND TITHE,²¹ AND CONSECRATED [PRODUCE]²² WHICH HAVE BEEN REDEEMED, AND THAT WHICH REMAINS OVER FROM THE OMER,²³ AND GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE].²⁴ R. ELIEZER SAID: GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE] IS EXEMPT [ALSO] FROM HALLAH.²⁵

MISHNAH 4. THE FOLLOWING ARE SUBJECT TO TITHES, BUT EXEMPT FROM HALLAH: RICE, MILLET, POPPY-SEED, SESAMUM, PULSE,²⁶ AND LESS THAN FIVE-FOURTHS [OF A KAB] OF [THE FIVE KINDS OF] GRAIN,²⁷ SPONGE-BISCUITS, HONEYCAKES,²⁸ DUMPLINGS,²⁹ CAKE [COOKED] IN A PAN³⁰ AND MEDUMMA,³¹ ARE EXEMPT FROM HALLAH.

MISHNAH 5. DOUGH WHICH WAS ORIGINALLY [INTENDED FOR] FANCY-BAKING,³² AND FINALLY [COOKED AS] FANCY-BAKING, IS EXEMPT FROM HALLAH.³³ [IF IT WAS] ORIGINALLY [ORDINARY] DOUGH, BUT FINALLY [COOKED AS] FANCY-BAKING, [OR IF IT WAS] ORIGINALLY [INTENDED FOR] FANCY-BAKING, BUT FINALLY [COOKED AS ORDINARY] DOUGH, IT IS SUBJECT TO HALLAH; SIMILARLY ARE RUSKS³⁴ SUBJECT [TO HALLAH].³⁵

MISHNAH 6. THE [FLOUR-PASTE CALLED] ME'ISAH³⁶ BETH SHAMMAI DECLARE EXEMPT [FROM], BUT BETH HILLEL DECLARE SUBJECT [TO HALLAH].³⁷ THE [FLOUR-PASTE CALLED] HALITA³⁸ BETH SHAMMAI DECLARE SUBJECT [TO], AND BETH HILLEL DECLARE EXEMPT [FROM HALLAH].³⁹ AS FOR THE LOAVES OF THE THANKSGIVING SACRIFICE⁴⁰ AND THE WAFERS OF A NAZIRITE,⁴¹ — IF ONE MADE THEM FOR ONESELF, THEY ARE EXEMPT [FROM HALLAH].⁴² [IF ONE MADE THEM] TO SELL IN THE MARKET,⁴³ THEY ARE SUBJECT [TO HALLAH].

MISHNAH 7. IF A BAKER MADE DOUGH FOR DISTRIBUTING,⁴⁴ IT IS SUBJECT TO HALLAH.⁴⁵ IF WOMEN GAVE [FLOUR]⁴⁶ TO A BAKER TO MAKE FOR THEM DOUGH,⁴⁷ — AND IF THERE IS NOT IN THAT WHICH BELONGS TO [ANY] ONE OF THEM THE [MINIMUM] MEASURE,⁴⁸ IT⁴⁹ IS EXEMPT FROM HALLAH.⁵⁰

MISHNAH 8. DOUGH FOR DOGS⁵¹ AS LONG AS [IT IS SUCH AS] SHEPHERDS PARTAKE THEREOF,⁵² IS SUBJECT TO HALLAH;⁵³ AND ONE MAY MAKE AN 'ERUB⁵⁴ THEREWITH,⁵⁵ AND EFFECT A SHITTUF⁵⁶ THEREWITH;⁵⁵ AND ONE SHOULD SAY THE BLESSINGS FOR [BEFORE⁵⁷ AND AFTER⁵⁸ EATING] IT, AND ONE SHOULD SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁵⁹ AND IT MAY BE COOKED ON A FESTIVAL,⁶⁰ AND A PERSON DISCHARGES THEREWITH ONE'S OBLIGATION ON THE PASSOVER;⁶¹ BUT IF [THE DOUGH BE SUCH AS] SHEPHERDS DO NOT PARTAKE THEREOF⁶² IT IS NOT SUBJECT TO HALLAH;⁶³ NOR MAY ONE MAKE AN 'ERUB THEREWITH, NOR EFFECT A SHITTUF THEREWITH; NOR SHOULD ONE SAY THE BLESSINGS FOR [BEFORE⁶⁴ AND AFTER]⁶⁵ IT, NOR SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁶⁶ NOR MAY IT BE COOKED ON A FESTIVAL; NOR DOES A PERSON DISCHARGE THEREWITH ONE'S OBLIGATION ON THE PASSOVER. IN EITHER CASE IT IS SUSCEPTIBLE TO RITUAL DEFILEMENT AFFECTING FOODSTUFFS.⁶⁷

MISHNAH 9. IN THE CASE OF HALLAH AND TERUMAH; ONE IS LIABLE, ON ACCOUNT OF [HAVING EATEN] THEM, TO DEATH,⁶⁸ OR⁶⁹ TO [REPAY] 'ONE-FIFTH',⁷⁰ AND THEY ARE FORBIDDEN [AS FOOD] TO 'STRANGERS',⁷¹ THEY ARE THE PROPERTY OF THE PRIEST;⁷² THEY ARE VOID [IF ONE PART OF EITHER IS MIXED] WITHIN ONE-HUNDRED-AND-ONE [PARTS, THE REST BEING NON-SACRED DOUGH OR PRODUCE];⁷³ THEY REQUIRE WASHING OF ONE'S HANDS,⁷⁴ AND [WAITING UNTIL] THE SETTING OF THE SUN [PRIOR TO EATING THEM];⁷⁵ THEY MAY NOT BE TAKEN OFF A CLEAN [LOT]⁷⁶ FOR [DISCHARGING THE OBLIGATION⁷⁷ IN RESPECT ALSO OF] AN UNCLEAN [LOT],⁷⁸ AND [ARE NOT TAKEN OFF ONE LOT IN RESPECT ALSO OF ANY OTHER LOT]⁷⁹ EXCEPT OF SUCH [LOTS] AS ARE CLOSE TOGETHER,⁸⁰ AND FROM SUCH AS ARE [IN A] FINISHED [STATE].⁸¹ IF ONE SAID: ALL MY THRESHING-FLOOR IS TERUMAH, OR ALL MY DOUGH IS HALLAH, HE HAS NOT SAID ANYTHING, UNLESS HE HAS LEFT SOME OVER.⁸²

(1) The law relating to the portion of dough assigned to the priests in accordance with Num. XV, 17-21, . . . When ye eat the bread of the land . . . of the first of your dough ye shall set apart a cake (hallah) for a gift . . . Of the first of your dough ye shall give unto the Lord a portion for a gift throughout your generations.

(2) V. Kil. I, notes. These species are held to be subject to Hallah because the word **חלה** (bread) is used here and also in connection with Passover, 'bread of affliction', Deut. XVI, 3. The argument, by gezerah shawah (v. Glos.) is: Since, in the case of Passover, **חלה** obviously implies a cereal capable of becoming leavened, so too does the capacity for leavening determine the liability of produce to hallah.

(3) Amounting to the minimum subject to hallah. It is only when all of these are mixed together in the flour, or if after having been kneaded separately, they are kneaded together, that this rule applies unconditionally. If, however, the doughs (each less than the minimum) were kneaded out of various species and later they stuck together (v. infra II. 4) their being deemed as forming one quantity liable to hallah depends on which particular species have been used (v. note *ibid*).

(4) V. Lev. XXIII, 14.

(5) 'This selfsame day' (*ibid.*) refers to the day on which the Omer was brought to the Temple. viz., the second day of Passover.

(6) V. *ibid.* v. 10ff. The expression 'The sheaf (Omer) of the first of your harvest', is taken to imply that the reaping of the Omer must be the first reaping, and that, therefore, there must be no reaping prior thereto, i.e., before Passover. The

analogy between liability to hallah and liability to Hadash (the law relating to 'new' sc. produce) is based — by gezerah shawah — on the use of the term ראשית 'first' in the case of hallah (the first of your dough) as well as in the case of new produce (the first of your harvest).

(7) For harvesting.

(8) The statutory minimum in matters of this kind.

(9) Only species which are liable to leaven can, when deliberately prevented from doing so, serve for unleavened bread for Passover.

(10) 'Cutting off', 'excision'; a punishment by the hand of God as distinct from one by that of man; v. Ex. XII, 19: For whosoever eateth that which is leavened, that soul shall be cut off from the Congregation of Israel.

(11) If he keeps the mixture in his possession during the festival; v. Ibid. XII, 19; XIII. 7.

(12) A term which, in the opinion of all, denotes only the five species enumerated in Mishnah I.

(13) because they considered Tebu'ah and Dagan synonymous whereas H. Meir — who was at one with the Sages with regard to the word Tebu'ah — considered Dagan a more comprehensive term including also all seed- and pulse-foods and held that a man using that term in his vow debarred himself not only from the five species but also from seed- and pulse-foods.

(14) There are also other species subject to tithes, but the species so far enumerated are subject to both tithes and hallah. The Mishnah proceeds to specify categories which are subject to hallah but not to tithes, and vice-versa.

(15) Gleanings, v. Lev. XIX, 9.

(16) The Forgotten, sc. Sheaf. Deut. XXIV, 19.

(17) The Corner, sc. of the field. Lev. XIX, 9.

(18) Such waiving of ownership is termed hefker. It is only when the owner declared the produce hefker before smoothing the pile of grain that it is exempt from tithing. The Levites were entitled to tithes from commodities belonging to Israelites, in which the former, on account of being Levites, had no share (deduced from Deut. XIV, 29, v. T.J.); but since the Levites were included among those entitled to help themselves to the produce coming under the categories named (v. Deut. ibid.), the latter were not subject to being tithed for the benefit of the Levites.

(19) Assigned to the Levites.

(20) The terumah which the Levite had to give, a tithe out of the tithe received by him from the Israelite, to the Priests. In Ter. I, 5, a marginal reading is 'of which terumah had not been taken', meaning the terumah gedolah due from the Israelite to the Priest, The case contemplated in our reading is, according to T.J., one in which a Levite took his tithe from an Israelite whilst the grain was still in ears, and before the ordinary terumah had been taken off. In that event a Levite is bound to give thereof only his terumah (a tithe from the tithe he received) to the priest, but he is not expected to give to the priest anything on account of the terumah which would have accrued to the latter from the Israelite if the Levite had not claimed his tithe so soon. It might have been thought that as the Levite's portion in such a case contained something that might be regarded as due to the priest, it would, for that reason, be exempt from hallah; the Mishnah therefore makes it clear that it is subject thereto.

(21) Which at the end of the agricultural year was to be taken to Jerusalem and consumed there. In the event of inconvenience through distance, it was to be redeemed and the money spent in Jerusalem on food, drink and anointing oneself, in which case (v. Lev. XXVII, 31) the proceeds of the redemption were to be increased by an amount equal to one-fifth of the eventual sum total, i.e., by one-fourth of the money-value of the tithe. The Mishnah here intimates that in the event of the second tithe having been separated whilst the corn was in a state when it was not liable to terumah or tithes (viz., when still in ear, v. T. J. and L.) it is exempt from the (first) tithe even after redemption, cf. Terumah I, 5. Such redeemed second tithe is, however, subject to hallah, because the latter is to be taken from the dough, and at the time of kneading the produce is already hullin (non-sacred).

(22) Being Temple property, technically termed hekdesch. V. Lev. XXVII, 11-27; cf. infra III, 3.

(23) In the Omer they offered up one-tenth of an ephah taken from flour made from three se'ah of barley; the remainder of the flour (spoken of here) was redeemed and could thereafter be eaten by anybody, and was therefore subject to hallah. It is, on the other hand, exempt from tithes, because at the material time, i.e., 'when the pile was made even' it was Temple property and thus exempt from tithes.

(24) T.J. deduces this exemption from Deut. XIV, 22, Thou shalt surely tithe the produce of thy sowing, the argument being: If the sowing has been productive it is to be tithed, if it has not been productive (and if it has resulted in a crop less than one-third ripe it cannot be said to have been productive) it does not require to be tithed. To hallah, however, it is subject because even when only one-third ripe it is capable of leavening (v. supra I, n. 2).

(25) This view is based on Num. XV, 20, where with reference to hallah it is said: As that which is set apart (terumah) of the threshing-floor so shall ye set it (i.e., hallah) apart, from which R. Eliezer deduces that whatever applies to terumah applies equally to hallah and, therefore, that just as a grain which has not grown one-third ripe is exempt from terumah and tithes it is likewise exempt from hallah.

(26) These are liable to tithes as produce, but not being capable of leavening, are not subject to hallah (v. supra I, n. 2). There are other species of produce which do not leaven, but these are particularized because they were often milled into flour and made into dough.

(27) The statutory minimum amount subject to hallah, as laid down infra II, 6; somewhat over 3 1/2 lbs. V. 'Ed. I, 2 and notes (Sonc. ed.) p. 2.

(28) T.J. renders 'honey-milk (cake)'. v. Simponte a.l. Cake made of ordinary dough cooked in honey. According to some, also is made of dough kneaded with honey, it is exempt from hallah, but v. infra p. 328. n. 1.

(29) **אסקריטין** Jast. 'dumpling'. B. here and Rashi (to Pes. 37a) 'something made of a very soft (light) dough'. T.J. (p. 57) renders Halita, 'sold in the open market'. Halita, according to Pes. 37b (explaining the terms of Hallah I, 5), is dough made by pouring boiling water on flour, but according to R. Ishmael b. Jose (T.J.) it is flour poured into hot water. Aruch identifies the term with the Latin crustulum, 'small cake'. For other possible etymologies v. Kohut in Aruch Completum s.v.

(30) A cake or loaf prepared in a **משרת** pan (rather in a manner of frying) and not in an oven, and it is only something baked inside an oven and also styled bread (**לחם**) which is liable to hallah. T.J. renders halita, of water v. preceding note. Maim. emphasizes that the point about these four preparations is that from the very beginning they are kneaded with oil, or honey, or spices and are cooked in unusual ways, and are, in fact, designated not as bread but are named after the various admixtures which give them their distinctive character.

(31) I.e., produce or (as here) dough to which originally no holiness attached, but which by accidentally receiving an admixture of terumah of a quantity more than one-hundredth part of the original amount, becomes thereby prohibited to non-priests and permitted only to priests and is, therefore, not liable to hallah. Tosaf Yom-Tob and other commentators say that here the Mishnah has in mind post-Temple days, for the following reason: In Temple times hallah is a biblical precept, but medumma' is a Rabbinic institution (in purely Biblical law the admixture of terumah of a lesser quantity than the original amount of non-sacred produce is considered as neutralized, 'lost' and ritually of none effect, so that the whole mixed quantity would, in such a case, be non-sacred, hullin, and subject to hallah), and a remission resulting from the application of a Rabbinic ordinance cannot cancel a duty imposed by Scriptural command. In non-Temple times, however, when hallah, too, is only on Rabbinic authority, it can be, and is over-ridden by the Rabbinic regulation of medumma'.

(32) **סופגנין**, the word translated 'sponge-biscuits' in Mishnah 4, but used here for all fancy-baking, various kinds of which are enumerated there.

(33) This is explanatory of Mishnah 4.

(34) **הקנובקאות**, explained by Maim, and others as brittle cakes of parched flour kneaded with oil, which after having been baked, are crushed and prepared as gruel for very young children, v. Jast. For possible etymologies v. Aruch Completum.

(35) R. Joshua b. Levi (T.J. Hallah 58a) explains: Since these are to be crushed back into flour, it might have been thought that they are exempt from hallah, the Mishnah had, therefore, to make it clear that this is not the case.

(36) Made by pouring hot water on flour.

(37) Cf. 'Ed. V, 2 where this is mentioned as one of six exceptional instances in which Beth Hillel hold the stringent, and Beth Shammai the lenient view.

(38) Made by pouring flour into hot water (v. Mish. 4, n. 6).

(39) For the purposes of practical law the difference between me'isah and halita does not matter. The relevant difference between the two statements is that whilst the first-reported Tanna held that in this instance Beth Hillel were stringent and Beth Shammai the lenient, the latter Tanna held that the reverse was the case. The final state of the law with regard to any variety of plain dough is that if cooked inside an oven (i.e., baked), it is subject to hallah, but if cooked in a pan over a flame that passes underneath it, it is exempt.

(40) V Lev. VII, 22ff.

(41) Forming part of the sacrifice brought by a Nazirite when the period for which he vowed self-consecration is completed. Num. VI, 15. In fact, both loaves and wafers were required in either case.

(42) Being intended for the offering the dough was thus consecrated ab initio.

- (43) But, naturally, with the intention of making ordinary use of them should there be no buyers requiring them for sacrificial purposes; thus at the material time (viz., of kneading) these loaves or wafers were not consecrated.
- (44) In portions every one of which is less than the minimum liable to hallah.
- (45) Because it is obviously his intention, in the event of there being no customers, to bake it all himself,
- (46) But not money. v. Yoreh De'ah, 326, 3.
- (47) And he, without their knowledge, kneaded all the flour together.
- (48) Liable to hallah, viz., 1 1/4 kab, v. supra Mish. 4.
- (49) I.e., the whole dough.
- (50) Though the dough as a whole is now large enough to be subject to hallah; for the reason that it is taken for granted that those who gave their flour to the baker were 'particular' that their several quantities of flour be kneaded separately. — The Mishnah here speaks of women, because it is, as a rule, they who attend to a matter of this kind.
- (51) I.e., for baking bread or biscuits for dogs. It consisted of flour and coarse bran (T.J.).
- (52) When it contains rather less bran.
- (53) The law of hallah is introduced (Num. XV, 19), And it shall come to pass when ye eat of the bread . . . Since this dough (when baked) is fit for human food, it is liable to hallah.
- (54) Lit., 'a merging' of rights, interests or privileges; the legal device whereby permission is contrived for (a) carrying on the Sabbath from a private to a public domain, and vice-versa (v. Shabb. 6a), known as 'The 'Erub of Courtyards', for (b) walking on the Sabbath more than the Sabbath limit (2000 cubits) outside a town, known as 'The 'Erub of Boundaries', and for (c) cooking food on a festival for the following day, if a Sabbath, known as 'The 'Erub of Cooked Foods' (Bezah II, 1). In (a), the food, contributed to by all the participants and kept in a place accessible to all of them, creates and represents a community of possession, constituting the area concerned a private domain ad hoc; in (b), the placing of food at the Sabbath boundary is presumed to constitute, for those having and deemed as having, a share in that food, a 'dwelling-place' which serves as a starting-point for a further Sabbath-limit of 2000 cubits; in (c), the setting aside of food cooked on the day prior to the festival, and leaving it till the end of the Sabbath is presumed to have the effect of rendering the cooking on the festival day (originally permitted in the Bible, Ex. XII, 16 for that day only) merely a continuation of the cooking in preparation for the Sabbath which had been commenced on the week-day prior to the festival.
- (55) For the above purposes human food is obviously essential,
- (56) Lit., 'a partnership'; the full form is 'a partnership in an alley or street', presumed to create 'a private domain', and conferring the right to carry on the Sabbath between a number of courtyards and an alley into which these open. 'Shittuf' is similar in significance to 'Erub.
- (57) Viz., 'Who bringest forth bread from the earth', the benediction for bread.
- (58) **ברכת המזון**. The full form of Grace after Meals said only if bread was part of the meal, v. Ber. 44a.
- (59) When three or more adults have partaken of a common major meal (i.e., one of which bread formed part) a special formula (termed 'summoning') is pronounced by one of them, calling on his companions to join in Grace. V. Ber. 45a.
- (60) The law prohibiting work on festivals is qualified thus: No manner of work shall be done in them, save that which every man may eat (Ex. XII, 16). The word rendered 'by you', viz., **לכם**, is capable of being translated 'for yourselves', from which the Rabbis infer that only food fit for human beings is permitted to be cooked on a festival.
- (61) Sc. to eat unleavened bread on the first night of Passover. Only that which is capable of leavening is (if fit for human food) subject to hallah, and is also (if deliberately prevented from leavening) usable for unleavened bread (v. supra I, 1, n. 2, 2, n. 3). In the course of mixing this dough it was intended that it should be eatable by human beings; it is therefore subject to the same laws as all dough meant for human consumption.
- (62) On account of there being too much bran in the mixture.
- (63) Because hallah is due only from 'your dough' (Num. XV, 20) i.e., dough fit for human consumption (Sifre Zutta). — According to Tosef. Hal. I and T.J. 58a this rule obtains only if the 'dog's dough' was baked in the shape of boards, i.e., quite unlike bread for human consumption, but not if baked in the shape of **ככרין** 'round cakes' (so Tosef. ed. Wilna. Jast reads there **כעבין** which he renders 'prongs', also in T.J. where some texts have **כעבין**) V. Yoreh De'ah 310, 9. In Pithehe Teshubah, ad loc., it is pointed out that the latter ruling can be applicable only to the Land of Israel where alone hallah is a Biblical precept (cf. infra IV, 8), and that, even so, the insistence on separating hallah from exclusively 'dog's dough' for no other reason than their having been baked in the shape of ordinary loaves, can be attributed only to the principle of 'appearance to the eyes', i.e., the desire to avoid even the merest semblance of wrong-doing, in conjunction with the maxim 'that which the Rabbis have decreed on account of appearances is

prohibited even in the strictest privacy’.

(64) I.e., not ‘Who bringest forth bread from the earth’; the correct blessing in this case is ‘by Whose word all things came into being’, (so L. q.v.).

(65) I.e., not the full grace after meals. The correct one in this case is the shorter grace after food.

(66) I.e., if two of the three forming the (minimum) company at the meal have eaten bread made of ‘dog's dough’. If, however, two ate real bread, and only the third had the other kind (or any which is not considered bread), then the latter man may be reckoned in the company for purposes of zimmun.

(67) According to Lev. XI, 34. All food which may be eaten, that on which water cometh, shall be unclean, when it has come into contact with the carcass of an unclean swarming thing. The Rabbis understood ‘all food that may be eaten’ by anyone, whether man or beast; as long, therefore, as any food is fit for dogs, it is susceptible to ritual uncleanness. Dough, of course, satisfies the condition: ‘That on which water cometh’.

(68) Sc. ‘by the hand of heaven’, Sanh. 83a. This refers to a non-priest who has eaten either hallah or terumah wittingly, though without having been first warned. If he has eaten these after statutory warning, his punishment is ‘stripes’ (v. Ter. VII, 1). This is deduced from Lev. XXII, 9 in conjunction with v. 10 and v. 6, it being understood from the latter that by the ‘holy things’ spoken of throughout the passage, precisely terumah is intended (since only for eating terumah need the priest who had been unclean wait, on the day of his ablution, till sunset). V. Sanh. loc. cit. Hallah is considered as terumah since in Num. XV, 20 the latter term is applied also to the former.

(69) In ease of an unwitting transgressor.

(70) V. Lev. XXII, 14, And if a man eat of the holy thing unwittingly, then he shall put the fifth part thereof unto it and shall give unto the priest the holy thing, i.e its cost. The added sum was to be equal to a fifth of the eventual total paid, i.e., a quarter of the assessed money-value of the consecrated produce or dough eaten. Cf supra 3, n. 4. The principal was to be paid to the priest whose property the terumah or hallah was, and the added sum to any priest.

(71) I.e., non-priests, non-Aaronides. Though this prohibition is already understood from the provisions preceding it in this Mishnah, its re-statement in positive form is not superfluous — as some authorities thought it to be — but is required to establish the fact that the prohibition is against non-priests consuming even less than the minimum quantity for which they are punishable.

(72) He may sell it, or acquire with it anything he wishes; if it should become unclean, he may use it as fuel over which to do cooking for himself.

(73) If the non-sacred is more than a hundred times the sacred (terumah or hallah), the non-sacred character of the mixture is in no wise affected; if the proportion of non-sacred to sacred is less than 100 to 1, the mixture is medumma’ and prohibited to non-priests (v. supra 4 n. 8).

(74) On the part of the priest, before touching or eating them. If he does not wash his hands specially he renders terumah (even of fruit) or hallah pasul i.e., unfit.

(75) A priest who has become unclean has to undergo ablutions and wait till after sunset before eating terumah (or hallah), Lev. XXII, 6-7.

(76) Of produce or dough.

(77) Of terumah, hallah or tithes.

(78) Terumah, hallah or tithes may be separated from one lot of produce or dough in a quantity sufficient to cover the terumah-, hallah- or tithe-obligation, also for other lots, but only if all such lots are close together; should one of the lots be unclean, the owner would be afraid to let it be close enough to the others lest the unclean touches the clean and makes the latter, too, unclean. Hence this regulation. Cf, infra IV, 6.

(79) So Maim. and other commentators.

(80) V. n. 5.

(81) Ma’as. I, 2ff, enumerate the stages at which various kinds of produce are considered in a ‘finished’ state, at which they severally become liable to have terumah or tithes separated from them. In the case of dough the time of separating hallah is when it has been rolled (v. infra III, 1).

(82) Terumah and hallah are both to be the ‘first’ of the produce or the dough respectively (Deut. XVIII, 4, Num. XV, 20), which implies that there must be some left over after they have been taken off.

Mishna - Mas. Hallah Chapter 2

MISHNAH 1. PRODUCE [GROWN] OUTSIDE THE LAND,¹ THAT CAME INTO THE LAND

IS SUBJECT TO HALLAH;² [IF IT] WENT OUT FROM HERE³ TO THERE,⁴ R. ELIEZER DECLARES [IT] TO BE SUBJECT [THERETO],⁵ BUT R. AKIBA DECLARES [IT] TO BE EXEMPT [THEREFROM].⁶

MISHNAH 2. IF EARTH FROM OUTSIDE THE LAND HAS COME TO THE LAND IN A BOAT,⁷ [THE PRODUCE GROWN THEREIN] IS SUBJECT TO TITHES AND TO THE [LAW RELATING TO] THE SEVENTH YEAR.⁸ SAID R. JUDAH: WHEN [DOES THIS APPLY]? WHEN THE BOAT TOUCHES [THE GROUND].⁹ DOUGH WHICH HAS BEEN KNEADED WITH FRUIT-JUICE¹⁰ IS SUBJECT TO HALLAH,¹¹ AND MAY BE EATEN WITH UNCLEAN HANDS.¹²

MISHNAH 3. A WOMAN MAY SIT AND SEPARATE HER HALLAH¹³ [WHILST SHE IS] NAKED,¹⁴ SINCE SHE CAN COVER HERSELF¹⁵ BUT A MAN [MAY] NOT. IF ONE IS NOT ABLE TO MAKE ONE'S DOUGH IN CLEANNESSE HE SHOULD MAKE IT [IN SEPARATE] KABS,¹⁶ RATHER THAN MAKE IT IN UNCLEANNESSE;¹⁷ BUT R. AKIBA SAYS: LET HIM MAKE IT IN UNCLEANNESSE RATHER THAN MAKE IT [IN SEPARATE] KABS, SINCE THE SAME DESIGNATION AS HE GIVES TO THE CLEAN, HE LIKewise GIVES TO THE UNCLEAN; THE ONE HE DECLARES HALLAH TO THE NAME,¹⁸ AND THE OTHER HE DECLARES HALLAH TO THE NAME¹⁸ BUT [SEPARATE] KABS HAVE NO PORTION [DEVOTED] TO THE NAME.¹⁹

MISHNAH 4. IF ONE MAKES HIS DOUGH [IN SEPARATE] KABS,²⁰ AND THEY TOUCH ONE ANOTHER,²¹ THEY ARE EXEMPT FROM HALLAH,²² UNLESS THEY STICK TOGETHER.²³ R. ELIEZER SAYS: ALSO IF ONE SHOVELS²⁴ [LOAVES FROM AN OVEN] AND PUTS [THEM] INTO A BASKET,²⁵ THE BASKET JOINS THEM TOGETHER FOR [THE PURPOSES OF] HALLAH.²⁶

MISHNAH 5. IF ONE SEPARATES HIS HALLAH [IN THE STATE OF] FLOUR, IT IS NOT HALLAH,²⁷ AND IN THE HAND OF A PRIEST IT IS [AS] A THING ROBBED;²⁸ THE DOUGH ITSELF²⁹ IS STILL SUBJECT TO HALLAH,³⁰ AND THE FLOUR,³¹ IF THERE BE OF IT THE STATUTORY MINIMUM QUANTITY,³² IT³³ [ALSO IS] SUBJECT TO HALLAH,³⁴ AND IT IS PROHIBITED TO NONPRIESTS:³⁵ [THE LATTER IS] THE OPINION OF R. JOSHUA. THEY TOLD HIM OF AN OCCURRENCE WHEN A SCHOLAR — NONPRIEST — SEIZED IT.³⁶ SAID HE TO THEM: INDEED, HE DID SOMETHING DAMAGING TO HIMSELF,³⁷ BUT BENEFITING TO OTHERS.³⁸

MISHNAH 6. FIVE-FOURTHS [OF A KAB]³⁹ OF FLOUR⁴⁰ ARE SUBJECT TO HALLAH. [IF] THESE⁴¹ INCLUDING THEIR LEAVEN⁴² AND THEIR LIGHT BRAN AND THEIR COARSE BRAN [MAKE UP THE] FIVE-FOURTHS, THEY ARE SUBJECT;⁴³ IF THEIR COARSE BRAN HAD BEEN REMOVED FROM THEM⁴⁴ AND RETURNED TO THEM, THEY ARE EXEMPT.⁴⁵

MISHNAH 7. THE [STATUTORY MINIMUM] MEASURE OF HALLAH IS ONE TWENTY-FOURTH [PART OF THE DOUGH].⁴⁶ IF ONE MAKES DOUGH FOR ONESELF, OR ONE MAKES IT FOR HIS SON'S BANQUET,⁴⁷ IT IS ONE TWENTY-FOURTH. IF A BAKER MAKES TO SELL IN THE MARKET, AND SO [ALSO] IF A WOMAN⁴⁸ MAKES TO SELL IN THE MARKET, IT IS ONE FORTY-EIGHTH.⁴⁹ IF DOUGH IS RENDERED UNCLEAN EITHER UNWITTINGLY OR BY FORCE,⁵⁰ IT IS ONE FORTY-EIGHTH,⁵¹ IF IT WAS RENDERED UNCLEAN DELIBERATELY, IT IS ONE TWENTY-FOURTH, IN ORDER THAT ONE WHO SINS SHALL NOT PROFIT [FROM HIS SIN].⁵²

MISHNAH 8. R. ELIEZER SAID: HALLAH MAY BE TAKEN FROM [DOUGH] THAT IS

CLEAN, [IN A QUANTITY SUFFICIENT TO DISCHARGE THE OBLIGATION] IN RESPECT ALSO OF [DOUGH] THAT IS UNCLEAN!⁵³ HOW [MAY THIS BE DONE]? [IF ONE HAS] A CLEAN DOUGH AND AN UNCLEAN DOUGH, HE TAKES SUFFICIENT HALLAH⁵⁴ OUT OF A DOUGH, HALLAH WHEREOF HAD NOT YET BEEN TAKEN,⁵⁵ AND PUTS [DOUGH] LESS THAN THE SIZE OF AN EGG⁵⁶ IN THE MIDDLE,⁵⁷ IN ORDER THAT HE MAY TAKE OFF [THE HALLAH] FROM WHAT IS CLOSE TOGETHER,⁵⁸ BUT THE SAGES PROHIBIT.⁵⁹

(1) Sc. of Israel.

(2) Based on Num. XV, 18 ff. When ye come to the land whither I bring you . . . ye shall set apart hallah.....which implies that in Palestine dough from grain whether of native or foreign growth is subject to hallah (v. T.J.).

(3) Palestine.

(4) Abroad.

(5) Relying on When ye eat of the bread (i.e., cereal produce) of the land (ibid 19), whether made into dough in the Land or elsewhere (T.J.).

(6) Being of the opinion that the word 'There' (in Num. XV, 18, which literally translated is When ye come to the land which I bring you there) has the force of making the law of hallah applicable exclusively to dough kneaded in the Land (T.J.).

(7) Which has an aperture in its bottom, and (as explained by R. Judah) is aground on Palestinian soil, and thus anything grown in the soil in the boat sucks up sustenance from the soil of Palestine.

(8) And to all laws applicable to Palestinian produce (v. Maim.). On the 'SEVENTH YEAR' v. Ex. XXIII, 10 and Lev. XXV, 3-7; it is the subject of Tractate Shebi'ith in this Seder.

(9) V. supra n. 1. R. Judah explains what the first reported unnamed Tanna (R. Meir) meant. The term 'WHEN' used by R. Judah in the Mishnah introduces, as here, an explanation; in Baraitha it introduces, as a rule, a differing view (v. 'Ikkar Tosaf. Yom. Tob).

(10) Apparently even without water (v. infra p. 328, n. 1).

(11) There are two considerations that might have led people to assume a contrary ruling. (a) The principle indicated in I, 4 and 5 that any but plain dough, and especially such as had an admixture giving it a special character, is exempt from hallah. (b) If a standard for liquids affecting ritual considerations regarding food were sought, it could be found in the seven liquids (viz., wine, date-honey, blood, water, oil, milk and dew) which when they moisten food render it susceptible to uncleanness (v. p. 325. n. 1). It might have been thought that whichever liquids rendered the flour-paste susceptible to uncleanness, also rendered it subject to hallah, in which case it would have appeared as if only those fruit-juices which had the former effect and are numbered among the seven liquids (viz., wine, date-honey and oil) rendered dough kneaded with them subject to hallah, but that dough kneaded with other fruit-juices is exempt from hallah. Hence the need for the Mishnah to make it clear that dough kneaded with any fruit-juice is liable to hallah. On the other hand, however, according to I, 4 (v. p. 320, n. 5) cake dough prepared with date-honey appears to be exempt from hallah. Thus there seems to be no unexceptionable guidance on the subject of how fruit-juices affect liability to hallah in view of these uncertainties, the dilemma could, in practice, be solved either by separating hallah in such a case, but without reciting the blessing ('who . . . hast commanded us to separate hallah from the dough'), or by putting that doubtful dough close to dough that is certainly subjected to hallah, and take hallah from the latter for both (cf. supra I, 9). V. Yoreh De'ah, 329, 9 and the commentators ad loc.

(12) This can be the case only if fruit-juices are not considered as moisture rendering food liable to uncleanness, as it is only then that unclean hands will not make the dough (or whatever is baked therefrom) unclean. Incidentally the difficulty arises again in that three of the liquids rendering food susceptible to uncleanness are fruit-juices; but even if we should decide that 'fruit-juices' in this Mishnah means 'fruit-juices except those among the seven liquids' there should still arise the following dilemma: In non-Temple days hallah is separated (and a blessing recited), but it is not given to a priest to eat because hallah must be eaten only in the levitical purity of the person, which state of purity is virtually nonexistent in non-Temple times (owing to the absence of means of purification). Eo ipso the hand of the person separating the hallah, who too cannot be ritually clean, renders the hallah unclean, and it is for these reasons burnt. Now if it be the case that dough kneaded with fruit-juice is altogether insusceptible to defilement and yet liable to hallah, then since one is debarred from giving the hallah to a priest, the only alternative would be to burn perfectly 'clean' hallah, and that is a thing that should not be done. To avoid this dilemma it is strongly recommended by the authorities that those

who bake should be sure always to mix into the dough some water or other liquid which renders it susceptible to uncleanness; hallah is then separated (accompanied with the recital of the appropriate blessing) and being through unavoidable conditions unclean is burnt (v. Yoreh De'ah *ibid*, 10).

(13) Pronouncing the appropriate benediction.

(14) Notwithstanding the rule that in the presence of nakedness one is not permitted to utter sacred words (v. Per. 22b).

(15) By sitting with her feet together, so that the labia cannot be seen (Maim). The buttocks do not constitute 'nakedness' for the purpose of preventing the uttering of a benediction (v. Ber. 24a).

(16) Less than 1 1/4 kab being exempt from hallah (v. *infra* Mishnah 6).

(17) Which would result in wittingly defiling sacred matter, viz., hallah.

(18) Reading not **בשם** but **לשם** the variant mentioned in the commentators. For **שם** as The Name of God, v. Yoma III, 8 etc. and Marmorstein *The Old Rabbinic Doctrine of God*, p. 105.

(19) R. Akiba held that as hallah is given to the priest, whether — when it is clean — to be eaten or — when it is unclean — to be burnt by him as fuel for cooking for himself, it is — in either case — an expression of the Israelite's indebtedness to God, and of use to the priest, and should therefore not be avoided by deliberately kneading one's dough in quantities less than the minimum liable to hallah. R. Akiba's view is not accepted since as 'they said before R. Akiba: One does not say to a person: "Arise and commit a transgression so that thou mayest create for thyself an opportunity for a meritorious act"', or "Arise and spoil in order that thou mayest mend"' (Tosef. Hal. 1, 8).

(20) Every separate piece of dough being thus exempt from hallah.

(21) In the course of baking (Maim.).

(22) But not from *terumah*, with regard to which, only proximity is required.

(23) Lit., 'bite [one into another]', stick together in the oven so that when pulling apart a portion of one loaf is detached by the other. Even so the effectiveness of such coalescence in rendering such loaves liable to hallah, depends on the precise species thus stuck together. V. *infra* IV, 2.

(24) Singly and separately, and they had not stuck together.

(25) Or any container.

(26) In Pes. 48b, it is discussed whether a flat board having no rim is to be considered as 'joining together' small quantities of dough for purposes of hallah, but the matter is left undecided. Later authorities recommend the covering over of all pieces of dough, or loaves, with a cloth, which has the same effect as a basket. (Yoreh De'ah, 325, 1).

(27) Because the commandment is definitely 'the first of your dough'.

(28) He must give it back to the Israelite, else by retaining it he would cause the latter to believe that he has duly performed the obligation of hallah, and that the dough he makes from the remaining flour is thereby exempt and permitted to be eaten, which is not the case (v. Kid. 46b).

(29) Made from the remaining flour.

(30) V. *supra* n. 7.

(31) Erroneously separated as hallah.

(32) 1 1/4 kab, or an Omer. v. *infra* Mish. 6.

(33) When made into dough.

(34) According to Maim. this liability is not a definite one.

(35) Lit., 'strangers'. This prohibition has, according to Rash and Asheri, no positive basis and is enacted only in view of the possibility of people seeing a non-priest eating something that had already been given to a priest, and thinking that the non-priest is committing the sin of partaking of consecrated food.

(36) **קפשה** the verb is, according to Maim. a cognate of **כבש**. Maim. appears to say that the word occurs often, and Emden (Glosses in Wilna Talmud) says. I know no place where it occurs except Lam. III, 16 (where the root is **כפש**). Maim. evidently thought of the frequent occurrence of **כבש**. The assumption, in T.J., is that this lay scholar not only seized the flour but also ate it, and thus demonstrated a view opposed to that of R. Joshua. L. assumed that the scholar, before eating the flour, had separated hallah from the flour, or that the latter was less in quantity than the statutory minimum and, of course, exempt from hallah.

(37) Since he is punished (T.J.).

(38) In that 'They eat and rely on him' (T.J.) which B. and L. and the codes apparently assume to mean that non-priests will be glad to partake of such flour and escape punishment by referring to a authoritative personal example. This interpretation was evidently felt to be, and indeed it is, strained and unsatisfactory; witness that some read the reverse (v. T.J.) viz., 'he did something that is benefiting to himself, but damaging to others' which is explained (*ibid.*), 'he

benefited himself since — anyway — he ate it, but did a disservice to others who will think that what he has eaten is exempt from hallah, whereas it is subject.

(39) 1 1/4 of this measure, as standardized in Sepphoris, was equivalent to an Omer which in the wilderness was the standard measure of food per person per day (Ex. XVI, 16); v. supra I, 4.

(40) When made into dough.

(41) Quantities of flour.

(42) The leaven (yeast) put into the dough-mixture.

(43) Because such flour, though coarse, is largely used for human food, particularly by the poor.

(44) And less than 1 1/4 kab is, thus, left.

(45) Because whilst it is usual, for the purposes of kneading dough, to sift flour and remove the coarse bran, it is not usual to put it back once it has been removed (T.J.); also, because coarse bran itself is not subject to hallah (Maim.).

(46) The proportions here laid down are not indicated in the Torah, but are 'a tradition of the Scribes'. T.J. explains that since Scripture says of hallah 'ye shall give', the amount handed over as hallah should be sufficiently appreciable to be handed over. From the minimum quantity of dough liable to hallah, viz., 1 1/4 kab (which == about 3 1/2 lbs), one twenty-fourth amounts to 2 to 2 1/2 ounces.

(47) No distinction is made between doughs whether big or small intended for private consumption

(48) This applies equally to a man in similar circumstances, viz., who bakes in a small way at home but for sale. The Mishnah speaks here of a woman because it was as a rule women who engaged in this kind of small baking-business. Again no distinction is made between doughs whether large or small, intended for trading purposes.

(49) T.J. (as corrected according to Tosef Hal. I, 6) explains the reason for varying the proportions: The individual person baking for one's private use is more liberal than the professional baker who bakes to sell and make profit. — In non-Temple times when, owing to the all-prevailing ritual uncleanness (from defilement, direct and indirect, by dead bodies) all hallah is unclean, and cannot be given to priests (even in Palestine, and certainly outside Palestine even in Temple times since there hallah is separated always in deference not to a Scriptural precept, but only to a Rabbinic requirement), just a kazayith 'the size of an olive' of dough is taken off and burnt.

(50) Of unavoidable or overpowering circumstances.

(51) The smaller proportion is laid down in this case because the hallah being unclean it may not be eaten and can serve the priest only as fuel (Rash and Bert.); also, because one should not deliberately increase the amount of such holy things as are ab initio and inevitably rendered unclean.

(52) I.e., so that no premium be placed on transgression by way of deliberate defilement of dough for the purpose of evading half of one's obligation in respect of hallah.

(53) Even if each dough is large enough to be itself subject to hallah. The advantage of this procedure is that the full quota of hallah in respect of all the doughs concerned could be eaten by the priest.

(54) I.e., the aggregate amount due from both doughs.

(55) Because it is not permitted to reckon in dough (already) exempt from hallah.

(56) 'Less than the size of an egg' is a quantity which even though it may itself become unclean, does not render other objects unclean by contact ('Orlah II, 4, end). For the principle that the standard proportion in matters of food rendered unclean by contact with or being in the same vessel as, a dead reptile, is 'the size of an egg', v. Yoma 79b-80a.

(57) The commentators amplify: the portion of clean dough already taken off as hallah is placed on the small piece put in the middle — between the two doughs — and lifted off as hallah for all the doughs together. By this method (a) all the dough has had the hallah levy discharged for it; (b) all the hallah is available as food (for the priest); (c) the (bulk of the) clean dough remains clean.

(58) V supra p. 326, n. 5.

(59) The Sages' ruling is due to the possibility of the two main pieces of dough coming into contact (Bert.) or the middle piece (advocated by R. Eliezer) being the size of an egg (Rashi, Sotah 30b). For a full examination of the possible reasons underlying the difference of opinion between R. Eliezer and the Sages on this point v. Sotah 30a — b.

Mishna - Mas. Hallah Chapter 3

MISHNAH 1. ONE MAY EAT IN A CASUAL MANNER FROM DOUGH BEFORE IT IS ROLLED,¹ IN [THE CASE OF] WHEATEN [FLOUR], OR BEFORE IT IS MIXED INTO A COHESIVE BATTER, IN [THE CASE OF] BARLEY [FLOUR].² [ONCE] ONE HAS ROLLED IT

[IN THE CASE OF] WHEATEN [FLOUR], OR ONE HAS MIXED IT INTO A COHESIVE PASTE, IN [THE CASE OF] BARLEY [FLOUR], ONE WHO EATS THEREOF,³ IS LIABLE TO DEATH.⁴ AS SOON AS SHE⁵ PUTS IN THE WATER SHE SHOULD LIFT OFF HER HALLAH,⁶ PROVIDED ONLY THAT THERE ARE NOT FIVE-FOURTHS [OF A KAB] OF FLOUR⁷ THERE.⁸

MISHNAH 2. [IF] THE DOUGH BECAME MEDUMMA⁹ BEFORE SHE HAD ROLLED IT, IT IS EXEMPT [FROM HALLAH].¹⁰ [IF] AFTER SHE HAD ROLLED IT, IT IS SUBJECT [THERETO].¹¹ [IF] THERE OCCURRED TO HER SOME UNCERTAIN UNCLEANNESS¹² BEFORE SHE HAD ROLLED IT, IT MAY BE COMPLETED¹³ IN UNCLEANNESS,¹⁴ [IF] AFTER SHE HAD ROLLED IT, IT SHOULD BE COMPLETED IN CLEANNESS.¹⁵

MISHNAH 3 . [IF] SHE¹⁶ CONSECRATED¹⁷ HER DOUGH BEFORE ROLLING IT, AND REDEEMED IT,¹⁸ SHE IS BOUND [TO SEPARATE HALLAH];¹⁹ [IF SHE CONSECRATED IT] AFTER ROLLING IT, AND REDEEMED IT, SHE IS [LIKEWISE] BOUND;²⁰ [BUT IF] SHE CONSECRATED IT BEFORE ROLLING IT, AND THE GIZBAR²¹ ROLLED IT, AND AFTER THAT SHE REDEEMED IT, SHE IS EXEMPT, SINCE AT THE TIME OF HER OBLIGATION²² IT WAS EXEMPT.²³

MISHNAH 4.²⁴ SIMILAR THERETO²⁵ [IS THE FOLLOWING]: [IF] ONE CONSECRATED HIS PRODUCE BEFORE IT REACHED THE STAGE [WHEN IT BECOMES LIABLE] FOR TITHES,²⁶ AND REDEEMED IT,²⁷ IT IS SUBJECT [TO TITHES];²⁸ [IF ONE CONSECRATED IT] AFTER IT HAD REACHED THE STAGE FOR TITHES, AND REDEEMED IT, IT IS [LIKEWISE] SUBJECT;²⁹ [BUT IF] ONE CONSECRATED IT BEFORE IT WAS 'COMPLETED',³⁰ AND THE GIZBAR 'COMPLETED' IT,³¹ AND AFTERWARDS [THE OWNER] REDEEMED IT, IT IS EXEMPT, SINCE AT THE TIME OF ITS OBLIGATION IT WAS EXEMPT.³²

MISHNAH 5. [IF] A NON-ISRAELITE GAVE [FLOUR] TO AN ISRAELITE TO MAKE FOR HIM DOUGH, IT IS EXEMPT FROM HALLAH;³³ IF HE [THE NON-ISRAELITE] GAVE IT TO HIM AS A GIFT, BEFORE ROLLING IT, HE IS LIABLE.³⁴ [IF] AFTER ROLLING IT, HE IS EXEMPT.³⁵ [IF] ONE MAKES DOUGH TOGETHER WITH A NON-ISRAELITE, [THEN] IF THERE IS NOT IN [THE PORTION] OF THE ISRAELITE THE [MINIMUM] MEASURE SUBJECT TO HALLAH,³⁶ IT IS EXEMPT FROM HALLAH.³⁷

MISHNAH 6. [IF] ONE BECAME A PROSELYTE AND HAD DOUGH, [THEN IF] IT WAS MADE³⁸ BEFORE HE BECAME A PROSELYTE, HE IS EXEMPT [FROM HALLAH]. [BUT IF] AFTER HE BECAME A PROSELYTE, HE IS LIABLE. ALSO IF THERE IS A DOUBT,³⁹ HE IS LIABLE;⁴⁰ BUT [A NON-PRIEST WHO HAS UNWITTINGLY EATEN OF SUCH HALLAH] IS NOT LIABLE IN RESPECT THEREOF TO [REFUND AN ADDITIONAL] 'ONE-FIFTH'.⁴¹ R. AKIBA SAID: IT ALL DEPENDS ON THE [TIME OF THE] FORMATION OF THE LIGHT CRUST IN THE OVEN.⁴²

MISHNAH 7. [IF] ONE MAKES DOUGH FROM WHEATEN [FLOUR] AND FROM RICE [FLOUR],⁴³ AND IT HAS A TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁴⁴ AND ONE FULFILLS THEREWITH ONE'S OBLIGATION ON PASSOVER;⁴⁵ BUT IF IT HAS NO TASTE OF CORN, IT IS NOT SUBJECT TO HALLAH, NOR DOES ONE FULFIL THEREWITH ONE'S OBLIGATION ON PASSOVER.

MISHNAH 8. [IF] ONE HAS TAKEN LEAVEN⁴⁶ OUT OF DOUGH FROM WHICH HALLAH HAD NOT BEEN TAKEN,⁴⁷ AND PUT IT INTO DOUGH FROM WHICH HALLAH HAD BEEN TAKEN,⁴⁸ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE,⁴⁹ HE [RECKONS IN

WITH IT THE LEAVEN],⁵⁰ [AND] TAKES OUT⁵¹ [HALLAH] IN ACCORDANCE WITH THE PRECISE AMOUNT;⁵² BUT IF [HE HAS] NOT,⁵³ HE TAKES OUT ONE [PORTION OF] HALLAH FOR THE WHOLE [DOUGH].⁵⁴

MISHNAH 9. SIMILAR THERETO⁵⁵ [IS THE FOLLOWING]: IF OLIVES OF [REGULAR] PICKING⁵⁶ BECAME MIXED WITH OLIVES [LEFT OVER] FOR STRIKING-OFF⁵⁷ [BY THE NEEDY],⁵⁸ OR GRAPES OF [REGULAR] VINTAGE WITH GRAPES [LEFT OVER] FOR GLEANING [BY THE NEEDY],⁵⁹ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE⁶⁰ HE [RECKONS IN WITH IT THE REGULAR FRUIT CONTAINED IN THE MIXTURE, AND] TAKES OUT⁶¹ [TERUMAH AND TITHES] IN ACCORDANCE WITH THE PRECISE AMOUNT,⁶² IF [HE HAS] NOT,⁶³ HE TAKES OUT TERUMAH AND TERUMAH-OF-THE-TITHE⁶⁴ FOR ALL [THE FRUIT]⁶⁵ , AND [AS FOR] THE REST [OF THE DUES], [HE SEPARATES] THE TITHE AND THE SECOND TITHE⁶⁶ IN ACCORDANCE WITH THE PRECISE AMOUNT.⁶⁷

MISHNAH10 . IF ONE TAKES LEAVEN FROM A DOUGH OF WHEATEN [FLOUR]⁶⁸ AND PUTS [IT] INTO DOUGH OF RICE [FLOUR],⁶⁹ [THEN] IF IT HAS THE TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁷⁰ [BUT] IF [IT HAS] NOT, IT IS EXEMPT.⁷⁰ IF [THAT IS] SO, WITH REGARD TO WHAT⁷¹ THEN DID THEY SAY:⁷² '[AN ADMIXTURE OF] TEBEL,⁷³ HOWEVER LITTLE OF IT⁷⁴ THERE BE, RENDERS FOOD PROHIBITED'? [WITH REGARD TO A MIXTURE OF] A SPECIES WITH ITS OWN SPECIES,⁷⁵ BUT [WITH REGARD TO A MIXTURE OF A SPECIES] NOT WITH ITS OWN SPECIES,⁷⁶ [THE PROHIBITION APPLIES ONLY] WHEN IT [THE TEBEL ADMIXTURE] IMPARTS TASTE.

(1) I.e., properly kneaded, when it constitutes dough in the sense of the Biblical precept relating to hallah.

(2) Barley flour does not form so firm a dough as wheaten flour, and there is no point in waiting for a perfect dough which cannot be achieved.

(3) Without hallah having been taken from it. in that state it is termed Tebel.

(4) Sc. 'by the hand of Heaven', v. Lev. XXII. 9; cf., supra I, 9.

(5) This provision applies also to a man; but the Mishnah speaks here of a woman since (a) it is women who are usually occupied in baking, cf. supra II, 7, n. 2 and (b) the reason for the regulation which follows is the contingency of a condition more liable to occur with a woman than with a man.

(6) This a Rabbinic precautionary regulation, viz., to take off hallah at the earliest possible moment (even though the stage of liability according to Scriptural requirement has not fully been reached, v. supra n. 1) lest the dough become unclean before there is a chance of separating hallah from the rolled dough. In non-Temple times the point of anticipating possible defilement does not arise, and hallah should be taken off when the dough has been rolled, prior to dividing it up into loaves.

(7) Sc. left entirely unmixed with the water, and as dry flour not yet liable to hallah, being also of an amount large enough to become (when eventually mixed with water) liable thereto. T.J. rules that in these circumstances one may take hallah for the whole of the contents of the mixing vessel by deliberately and explicitly reckoning in the as yet unmixed flour which is in it. — Another reading is 'provided only that there are five-fourths of flour' etc. already mixed with the water.

(8) In the mixing vessel.

(9) V. supra I, 4, n. 8.

(10) For the reason explained *ibid.*

(11) It had already, through having been rolled, become liable to hallah, and this being a Biblical precept, it cannot be overridden by the Rabbinic regulation of Medumma'.

(12) V. Nid. 5a ff.

(13) Lit., 'done'.

(14) Because in any case the hallah when taken will be unfit for eating owing to the possibility of its being unclean. Further, it is permitted to cause uncleanness to hullin (Sot. 30b) v. Hid. 6b (bottom).

(15) Because hullin which is subject to hallah is like hallah, and the latter, like all terumah (a term also applied to hallah)

the cleanness of which is in doubt, must not be made unclean deliberately. Such 'hallah in suspense' is not to be eaten, as it may be unclean, nor may it be burnt, as it may be clean; one should wait until it becomes certainly unclean and then burn it (v. Nid. 7a).

(16) V. supra Mishnah I n. 5.

(17) V. Lev. XXVII, 14 and passim.

(18) Also before rolling. On 'redeeming' consecrated things. v. Lev. ibid. 15 and passim.

(19) Since at the material time, viz., that of rolling, it was her property (again), cf. supra I, 3.

(20) Since at the material time it was obviously her property.

(21) The Temple store-keeper who received and was in charge of consecrated objects.

(22) I.e., the time of rolling.

(23) Because at that time the dough was not her property, but that of the Sanctuary.

(24) This Mishnah occurs verbatim also in Pe'ah IV, 8. The reason for this repetition is discussed in T.J. Hal. ad loc. and T.J. Pe'ah ad loc.

(25) Lit., 'as something that goes in [the same way as] it (viz., the preceding case)', a case that takes the same course, follows the same lines.

(26) The several stages at which different kinds of produce become subject to tithes are particularized in Ma'as. I, 2 — 4.

(27) Also before the tithestage.

(28) Since at the material time it was his property (again).

(29) Since at the material time it was certainly his property.

(30) I.e., brought to the state at which it becomes subject to terumah and tithes. Such 'completed state' varies according to the produce, v. ibid. I, 5 ff.

(31) By the appropriate act which brings it to the terumah and tithe stage.

(32) Having been at the time Temple property.

(33) Since it is not the property of an Israelite, and it is only the 'first of your dough' which I commanded, Num. XV, 20.

(34) Because at the material time (viz., of rolling) it was the Israelite's property.

(35) Because at the material time, it was not the property of an Israelite.

(36) 1 1/4 kab., v. supra II, 6.

(37) The converse is implied, viz., if the portion belonging to the Israelite is itself sufficiently large to be subject to hallah, the hallah must be given accordingly.

(38) V. supra Mishnah I, n. 1.

(39) As to whether he was a proselyte at the material time.

(40) Since, however, it is doubtful whether the priest is entitled to it, it may be sold — instead of given — to him.

(41) Lev. XXII, 14 And if a man eat of the holy thing through error, then he shall put the fifth part thereof unto it, and shall give unto the priest the holy thing. On 'one-fifth', v. supra I, 9, n. 4. p. 325, In our case, in view of the doubt, he is to separate as a compensatory quantity of dough as great as, but not greater than, he had eaten; because of the doubt too, he is permitted to sell it to the priest. V. preceding note. Cf. Demai I, 2.

(42) R. Akiba differs from the accepted view. From T.J. ad loc. it would appear as if R. Akiba is here confining himself to the case under discussion. Maim., however, basing himself on Sifre to Num. XV, 21 understands R. Akiba as regarding the formation of a light crust in the oven as the statutory stage at which dough, in all cases, becomes liable to hallah.

(43) Which is a species not subject to hallah, v. supra I, 4.

(44) Even if it contains less than the minimum (1 1/4 kab) liable to hallah. L. points out that this ruling applies exclusively in the case of wheat and rice, because of the latter's resemblance to the former; if, however, a species which is subject to hallah has been kneaded with some species which is exempt, then the resultant dough is subject to hallah only if both the following conditions are present: (a) the taste of corn is noticeable, and (b) it contains at least the minimum quantity (1 1/4 kab) of corn, even though the latter be exceeded by the non-labile species present in the mixture.

(45) Cf. supra I, 2.

(46) To be used for leavening another dough; likewise, for the purpose of this Mishnah, dough.

(47) Such dough, or produce, from which the priestly dues had not been separated is known as tebel and may not be eaten.

(48) This latter dough thereby becomes prohibited for eating (v. infra 10, n. 4) until an appropriate portion, such as the

Mishnah proceeds to define, is separated as hallah.

(49) I.e., some dough from which or in respect of which no hallah had yet been taken.

(50) So Tosef.; so as to make up with the leaven the minimum subject to hallah.

(51) From the new supply.

(52) In respect of which no hallah had yet been taken, viz., the tebel leaven put into the dough, and the dough 'from another place'.

(53) Sc. any other such dough, or flour, to reckon in with the leaven.

(54) Including the leaven and the dough into which it had got mixed. In this case he takes off as hallah the appropriate proportion (1/24th or 1/48th, v. supra II, 7) of the whole dough.

(55) V. supra Mishnah 4, n. 17.

(56) Which are subject to terumah and tithes.

(57) A term suggested by the expression 'the striking-off of olives', Isa. XVII, 6, XXIV, 13.

(58) As commanded in Deut. XXIV, 20. When thou beatest thine olive-tree, thou shalt not go over the boughs again; it shall be for the stranger, for the fatherless, and the widow. These olives are exempt from priestly and levitical dues; v. Pe'ah I, 6.

(59) As commanded Deut. ibid. v. 21: When thou gatherest the grapes of thy vineyard, thou shalt not glean after thee; it shall be for the stranger, for the fatherless, and for the widow. These gleanings are exempt from priestly and levitical dues; v. Pe'ah ibid.

(60) I.e., other lots of regular olives and grapes in respect of which terumah or tithes have yet to be taken.

(61) From the new supply.

(62) Viz., of the regular fruit mixed with the gleanings, plus the new supply, in respect of both of which terumah and tithes are still outstanding.

(63) I.e., no new supply.

(64) Otherwise called the 'tithe of the tithe', Num. XVIII, 26. I.e., the tithe which a Levite is enjoined to give to the priest out of the tithe which he, the Levite himself, receives from the Israelite (ibid. vv. 21ff). Here it means the amount that would become due for this 'tithe of the tithe', if the first tithe were to be taken off the total produce (which, in fact, is not the case; v. note 4) i.e., one-hundredth part of the latter.

(65) I.e., the gleanings together with the admixture of regular fruit which made the whole lot tebel.

(66) The designation given by tradition to the tithe (commanded in Deut. XIV, 22ff) which was itself, or its equivalent in money, to be taken to Jerusalem and there consumed in rejoicing.

(67) I.e. supposing the total that had got mixed up was 100 quarters, 50 of regular fruit (still to be tithed etc.), and 50 of gleanings (which do not require to be tithed etc.). In that case the owner is to give 2 quarters (i.e. one-fiftieth of the total) as terumah, and 1 quarter (one-hundredth of the total, v. note 1) as 'tithe of the tithe'. For the first tithe, however, he is to separate only 5 quarters (one-tenth of the 50 quarters which alone are liable to tithing) and deduct half a quarter in respect of the 'tithe of the tithe' (which he had already set aside), thus handing over to the Levite 4 1/2 quarters. The 'second tithe' he is to take from that which remains (over from the 50 quarters which were liable to tithing (after Simponte). L. explains the procedure thus: He separates terumah, tithe and second tithe from all the produce; from the first tithe he gives a tithe to the priest as the 'tithe of the tithe'; but to the Levite he gives only such part of the tithe as is due from the amount that had been originally liable to tithing. The second tithe he also gives as from the bulk amount. — The requirement, here, that terumah and terumah of the tithe be levied upon a larger amount of produce than are the other dues, is attributed to the circumstance that the penalty for infringement of the law of terumah of the tithe is death ('by the hand of heaven'; cf. I, 9 note 2), and so as to be certain of having fully complied with these precepts, the proportions to be set aside are computed on the maximum amount of produce so 'taxable'.

(68) Which is subject to hallah and from which hallah is still due.

(69) Which, as such, is not subject to hallah (v. supra I, 4).

(70) In accordance with the principle established in Mishnah 7.

(71) Vocalizing למה .

(72) The Sages, v. 'Abodah Zara 73b. Halevy, Doroth II, p. 830 says, אמרו ('they said') introduces a quotation from the Mishnah in its original form; such passages as ours are additions made at the time of the closing of the Mishnah for the purpose of finally elucidating the point under discussion by correlating all the relevant dicta having a bearing thereon.

(73) Eatables at the stage when they severally become subject to the separation of priestly and levitical dues, but before

that separation has been effected, at which stage they may not be eaten.

(74) I.e., of the tebel.

(75) E.g., wheat which is tebel, with other wheat (or like species; v. infra IV, 2) which is not.

(76) E.g., wheat-dough which is tebel, with dough from a grain dissimilar thereto (v. IV, 2) which is exempt (either ab initio or so rendered) from hallah, or with rice dough which is in no circumstances subject to hallah.

Mishna - Mas. Hallah Chapter 4

MISHNAH 1. IF TWO WOMEN¹ MADE [SEPARATE DOUGHS] FROM TWO [SEPARATE] KAB², AND THESE [THE DOUGHS] TOUCHED ONE ANOTHER, [THEN] EVEN IF THEY ARE OF ONE SPECIES, THEY ARE EXEMPT [FROM HALLAH].³ BUT IF THEY BELONG TO ONE WOMAN, [THEN] IF IT BE [A CASE OF] ONE SPECIES WITH ITS [LIKE] SPECIES, THEY ARE SUBJECT [TO HALLAH].⁴ BUT WITH AN UNLIKE SPECIES, THEY ARE EXEMPT.⁵

MISHNAH 2. WHAT IS IT [THAT CONSTITUTES THE CATEGORY OF] A SPECIES WITH ITS [LIKE] SPECIES?⁶ WHEAT IS NOT RECKONED TOGETHER WITH ANY [SPECIES]⁷ OTHER THAN WITH SPELT; BARLEY IS RECKONED TOGETHER WITH ALL [SPECIES] EXCEPT WHEAT. R. JOHANAN B. NURI SAID, THE REST OF THE SPECIES⁸ ARE RECKONED TOGETHER ONE WITH ANOTHER.⁹

MISHNAH 3. [IF THERE ARE TWO DOUGHS FROM] TWO [SEPARATE] KAB¹⁰, AND [DOUGH FROM] A KAB OF RICE,¹¹ OR [FROM] A KAB OF TERUMAH¹² [LYING] BETWEEN,¹³ THEY ARE NOT RECKONED TOGETHER;¹⁴ [IF THERE WAS] A THING [VIZ., DOUGH] FROM WHICH HALLAH HAD BEEN TAKEN¹⁵ [LYING] BETWEEN, THEY ARE RECKONED TOGETHER, SINCE IT¹⁶ HAD ALREADY [ONCE] BEEN SUBJECT TO HALLAH.¹⁷

MISHNAH 4. [IF DOUGH FROM] A KAB OF 'NEW' [CORN].¹⁸ AND [DOUGH FROM] A KAB OF 'OLD' [CORN]¹⁸ STUCK ONE WITH THE OTHER,¹⁹ R. ISHMAEL SAID: LET HIM TAKE [HALLAH] FROM THE MIDDLE,²⁰ BUT THE SAGES PROHIBIT.²¹ IF ONE HAS TAKEN HALLAH FROM [DOUGH MADE OUT OF] ONE KAB, R. AKIBA SAYS: IT IS HALLAH,²² BUT THE SAGES SAY: IT IS NOT HALLAH.²³

MISHNAH 5. [IF ONE HAS] TWO [SEPARATE] KAB²⁴ [OF DOUGH]²⁴ FROM ONE OF WHICH HALLAH HAD BEEN TAKEN SEPARATELY, AND FROM THE OTHER [TOO,] SEPARATELY, AND HE WENT BACK [TO THEM] AND MADE [OF] THEM ONE DOUGH, R. AKIBA DECLARES IT EXEMPT,²⁵ BUT THE SAGES DECLARE IT LIABLE.²⁶ [THUS] IT IS FOUND THAT [THE VERY PROPOSITION²⁷ GIVING RISE TO] THE STRINGENCY OF THE ONE [RULING]²⁸ IS [THE PROPOSITION THAT GIVES RISE TO] THE LENIENCY OF THE OTHER [RULING].²⁹

MISHNAH 6. A MAN MAY TAKE THE REQUISITE AMOUNT FOR HALLAH OUT OF A [CLEAN] DOUGH FROM WHICH HALLAH HAS NOT [PREVIOUSLY] BEEN TAKEN — [HIS PURPOSE BEING] TO EFFECT IT IN CLEANNESS — BY WAY OF GOING ON SEPARATING [HALLAH] THEREFROM IN RESPECT OF [UNCLEAN] DEMAI,³⁰ UNTIL IT PUTRIFIES, SINCE HALLAH IN RESPECT OF DEMAI MAY BE TAKEN FROM CLEAN [DOUGH] IN RESPECT OF UNCLEAR [DOUGH], AND FROM [ONE DOUGH IN RESPECT OF ANOTHER DOUGH] WHICH IS NOT CLOSE TOGETHER.

MISHNAH 7. IF ISRAELITES WERE TENANTS OF GENTILES IN SYRIA,³¹ R. ELIEZER DECLARES THEIR PRODUCE SUBJECT TO TITHES AND TO [THE LAW OF] THE

SEVENTH [YEAR],³² BUT RABBAN GAMALIEL DECLARES [IT] EXEMPT.³³ RABBAN GAMALIEL SAYS: [ONE IS TO GIVE] TWO HALLAH-PORTIONS IN SYRIA,³⁴ BUT R. ELIEZER SAYS: [ONLY] ONE HALLAH-PORTION.³⁵ THEY³⁶ ADOPTED THE LENIENT RULING OF RABBAN GAMALIEL,³⁷ AND THE LENIENT RULING OF R. ELIEZER.³⁸ EVENTUALLY THEY WENT BACK [ON THIS PRACTICE]³⁹ AND INSTITUTED THE PRACTICE IN ACCORDANCE WITH RABBAN GAMALIEL IN BOTH RESPECTS.⁴⁰

MISHNAH 8. RABBAN GAMALIEL SAYS: THERE ARE THREE TERRITORIAL DIVISIONS⁴¹ WITH REGARD TO [LIABILITY TO] HALLAH: FROM THE LAND OF ISRAEL TO KEZIB⁴² — ONE HALLAH-PORTION; FROM KEZIB⁴³ TO AMANAH⁴⁴ — TWO HALLAH-PORTIONS: ONE FOR THE FIRE⁴⁵ AND ONE FOR THE PRIEST,⁴⁶ TO THE ONE FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁴⁷ TO THE ONE FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY;⁴⁸ FROM THE RIVER⁴² TO AMANAH AND [THE ZONE] INWARD, TWO HALLAH-PORTIONS: ONE FOR THE FIRE AND ONE FOR THE PRIEST, TO THE ONE [INTENDED] FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY,⁴⁹ TO THE ONE [INTENDED] FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁵⁰ AND [A PRIEST] WHO HAS IMMERSSED HIMSELF DURING THE DAY [AND HAS TO WAIT TILL SUNSET FOR HIS PURIFICATION TO BE COMPLETE]⁵¹ MAY EAT IT.⁵² R. JOSE SAYS: ONE DOES NOT REQUIRE IMMERSION.⁵³ IT IS FORBIDDEN [AS FOOD] TO MEN WHO HAVE AN ISSUE,⁵⁴ TO WOMEN WHO HAVE AN ISSUE, TO WOMEN DURING MENSTRUATION,⁵⁵ TO WOMEN AFTER CHILDBIRTH,⁵⁶ BUT MAY BE EATEN WITH A 'STRANGER' AT THE [SAME] TABLE,⁵⁷ AND MAY BE GIVEN TO ANY PRIEST.⁵⁸

MISHNAH 9. THESE, TOO, MAY BE GIVEN TO ANY PRIEST:⁵⁹ DEVOTED THINGS,⁶⁰ FIRSTLINGS,⁶¹ THE [LAMB SUBSTITUTED AS] RANSOM FOR THE FIRSTLING OF AN ASS,⁶² THE SHOULDER, THE TWO CHEEKS AND THE MAW,⁶³ THE FIRST OF THE FLEECE,⁶⁴ OIL [FIT ONLY] FOR BURNING,⁶⁵ CONSECRATED FOOD [ORDAINED TO BE CONSUMED WITHIN THE PRECINCTS] OF THE SANCTUARY,⁶⁶ AND THE FIRST-RIPE FRUITS.⁶⁷ R. JUDAH PROHIBITS IN [THE CASE OF] FIRST-RIPE FRUITS.⁶⁸ [AS FOR] HORSEBEANS [SET ASIDE] FOR TERUMAH, R. AKIBA PERMITS,⁶⁹ BUT THE SAGES PROHIBIT.⁷⁰

MISHNAH 10. NITTAI [A MAN OF] TEKOA⁷¹ BROUGHT HALLAH-PORTIONS FROM BE-JATTIR,⁷² BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷³ THE MEN OF ALEXANDRIA BROUGHT THEIR HALLAH-PORTIONS FROM ALEXANDRIA, BUT THEY DID NOT ACCEPT [THESE] FROM THEM.⁷³ THE MEN OF MOUNT ZEBOIM⁷⁴ BROUGHT THEIR FIRST-RIPE FRUITS PRIOR TO THE FESTIVAL,⁷⁵ BUT THEY DID NOT ACCEPT [THESE] FROM THEM, ON ACCOUNT OF THAT WHICH IS WRITTEN IN THE LAW: AND THE FEAST OF THE HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD.⁷⁶

MISHNAH 11. BEN ANTIGONUS⁷⁷ BROUGHT UP⁷⁸ FIRSTLINGS FROM BABYLON, BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷⁹ JOSEPH THE PRIEST⁸⁰ BROUGHT FIRST-RIPE FRUITS [IN THE FORM] OF WINE AND OIL,⁸¹ BUT THEY DID NOT ACCEPT [THESE] FROM HIM;⁸² HE ALSO BROUGHT UP HIS SONS AND MEMBERS OF HIS HOUSEHOLD TO CELEBRATE THE LESSER PASSOVER⁸³ IN JERUSALEM, BUT THEY TURNED HIM BACK,⁸⁴ SO THAT THE THING SHOULD NOT BECOME FIRMLY FIXED AS AN OBLIGATION. ARISTON⁸⁵ BROUGHT HIS FIRST-RIPE FRUITS FROM APAMEA⁸⁶ AND THEY ACCEPTED [THESE] FROM HIM,⁸⁷ BECAUSE THEY SAID,⁸⁸ ONE WHO OWNS [LAND] IN SYRIA IS AS ONE WHO OWNS [LAND] IN THE OUTSKIRTS OF JERUSALEM.⁸⁹

- (1) Not necessarily, but most likely to occur with women in the course of their household activities.
- (2) One kab is not subject to hallah, in accordance with the view of the School of Hillel ('Ed. I, 2).
- (3) Because as a rule each of the women not only does not contemplate her dough coming into contact with someone else's, but actually objects to it; the two kabs are, therefore, considered as separate (just as their owners deem them to be) despite the fact that by chance they touched or even stuck together.
- (4) In circumstances explained supra II, 4.
- (5) This exemption applies also in the event of the two doughs being of the same species but otherwise different, e.g., one of coarse and the other of fine flour (T.J.) or one seasoned with saffron and the other not (v. L.).
- (6) So that they might combine by contact to make up the requisite minimum (viz., 1 1/4 kab) to be subject to hallah. It should be noted that the considerations envisaged in this Mishnah have reference only to hallah but not to other priestly or levitical dues.
- (7) Of the five kinds of grain. v. supra I, 1.
- (8) Enumerated supra I, 1.
- (9) The question as to which species combine with which to form a minimum subject to hallah, arises only when the doughs touch or stick to one another; if any two or more species (liable to hallah) have mingled, either in the flour or in two kneading, they are without question 'reckoned together' (T.J.).
- (10) Both of one species which is liable to hallah.
- (11) A species not liable to hallah
- (12) Which, as a priestly perquisite, is not liable to hallah.
- (13) And sticking to the two on either side.
- (14) Because the connecting intervening piece of dough, whether it is of rice or terumah, is one not liable to hallah. T.J. explains the necessity for instancing both rice and terumah: (a) if rice only had been mentioned, it might have been thought that just rice is not to be 'reckoned in' for the reason that it is a species ab initio not subject to hallah, but that terumah, which is of course of grain, that is in itself liable to hallah, should be reckoned in; (b) if terumah alone had been mentioned it might have been inferred, that just terumah is not 'reckoned in' for the reason that an admixture of it to other dough, by making the whole Medumma' (v. I, 4, n. 8). renders it exempt from hallah, but that rice, an admixture of which to grain does not invariably impair the liability of the dough to hallah (v. III. and 10), might be 'reckoned in'.
- (15) And therefore no longer liable to hallah.
- (16) The piece of dough in the middle.
- (17) Constituting in this respect a category different from the preceding cases where the dough lying in the middle had never been liable to hallah.
- (18) According to Ter. I, 5, it is unavailing to separate terumah from one year's corn an amount large enough to cover the requirements for terumah in respect also of either the preceding or the following year's corn. The same rule applies mutatis mutandis to taking hallah.
- (19) Lit., 'hit one with the other', cf. supra II, 4, n. 2.
- (20) Where the two doughs run into one another, thus taking some from each.
- (21) The prohibition of the Sages is directed against taking, in these circumstances, just one hallah-portion even if it be out of the place where both doughs coalesce. The fact that the two doughs have stuck together certainly renders them jointly subject to hallah, but since one is of 'old' and the other of 'new' corn, the statutory proportion (1/24th or 1/48th v. supra II, 7) must be taken separately from each dough.
- (22) I.e., if subsequently the kab was increased to 1 1/4 kab, whereby the portion that had erroneously been taken off is deemed as having been only prematurely separated and retroactively made into hallah with all due sanctity attaching thereto.
- (23) Since at the time a portion was taken off the dough was, owing to the small amount thereof, not subject to hallah, the separation of the dough portion was gratuitous and entirely without effect on its non-sacred (hullin) status.
- (24) I.e., neither is large enough to be subject to hallah.
- (25) Since in accordance with the view enunciated in his name in Mishnah 4, the dough-portions taken separately from each of the doughs and, erroneously, but in good faith-intended as hallah, have been validated as such by the subsequent addition of the other dough.
- (26) In accordance with their view, contrary to R. Akiba's, in Mishnah 4.
- (27) Viz., that of R. Akiba set out supra n. I.
- (28) I.e., the stringency which results from the application of R. Akiba's view to the case in Mish. 4, where the owner is

thereby deprived of the dough-portions which are, in that view, held to have been consecrated by him as hallah.

(29) I.e., the leniency which is the effect of the application of that same view to the case in our Mishnah, inasmuch as here the owner is thereby exempted from giving away a further portion of dough as hallah.

(30) Ordinarily demai denotes produce with regard to which there is suspicion, inasmuch as it has been obtained from an 'am ha-arez, that it may not have been properly tithed. Here, according to Maim. it means dough with regard to which there is doubt, for the same reason as above, whether hallah had been separated. Rash and Bert, say it means dough from grain that was demai (in the original sense, viz., in respect of tithes). Such corn presumed to have come from an 'am ha-arez was unclean and so, too, the dough made from it. L. reviews and criticizes the above interpretations and finally rejects them as untenable. His own interpretation is, that this Mishnah is concerned with dough bought from a Cuthean (Samaritan) and it is uncertain whether the latter has intended the dough for his own consumption (when, in view of known Samaritan religious scruples, he can be trusted to have separated hallah), or for sale (when one cannot assume that the Samaritan had separated hallah, inasmuch as the Samaritan code did not require hallah to be taken from dough intended for sale). Such dough is thus demai (in respect of hallah), and it is this kind of demai that is meant here. Furthermore, a Samaritan's dough is, failing certain knowledge to the contrary, unclean. The dough spoken of first in our Mishnah is also demai, but it is clean, either because the Samaritan had, in the presence of an Israelite, undergone ritual ablution from uncleanness immediately prior to preparing the dough, or because the flour had been mixed not with water but with fruit-juice (which does not render dough capable of contracting uncleanness; cf. supra II, 2, p. 328, n. 1). The position then is this: One dough is clean, the other unclean. In ordinary circumstances it is not permitted to take hallah from clean dough in sufficient quantity to exempt also unclean dough (v. supra I, 9), but because in our case both doughs are demai in respect of hallah, it is permitted to do so, as well as to take hallah from such a dough in sufficient quantity to exempt also other similar doughs without putting them close together.

(31) A geographical term denoting territories outside the boundaries of the Land of Israel (as delimited in Num. XXXIV) which were captured by King David before he completed the conquest of the Land of Israel proper (Jebus i.e. Zion remained in gentile possession till nearly the end of David's reign; v. II Sam. XXIV). It was agreed that these adjacent territories were of lesser sanctity than the Land proper, but there were differences of opinion as to which of the precepts enjoined for the Land of Israel were applicable also to Syria.

(32) Since in his view Syria was like the Land of Israel in these matters. In T.J. it is suggested that the intention of R. Eliezer in imposing this obligation was to 'fine' these Israelite tenants in Syria. Rash suggests that the purpose of the proposed fine was to discourage Jews from settling permanently in Syria. The law of the 'Seventh Year' is promulgated in Ex. XXIII, 10-11, Lev. XXV, 1 ff and forms the subject of tractate Shebi'ith in our Seder.

(33) Because he held that Syria was like the Land of Israel in regard to tithes etc., only if the land (in Syria) on which the produce was grown was the property of Israelites (v. end of chapter) but not when, as here, the latter were merely tenants.

(34) One portion to burn, because it is unclean (as everywhere outside the Land), and the other to give to a priest so as to prevent the law of hallah from being entirely forgotten (v. infra 9).

(35) Just as in the Land of Israel (v. n. i).

(36) The Jews in Syria.

(37) Exempting the produce of Israelite tenants in Syria from tithes and Shebi'ith.

(38) Demanding from them only one hallah-portion (instead of two as R. Gamaliel).

(39) Because they found that it was considered unworthy, and even wicked, to take advantage of the lenient rulings of two authorities when those rulings arose from opposing principles. The norm was that if you adopt the principle of one authority giving rise to a lenient ruling, you must consistently follow that principle wherever it applies, whether the effect of such application is a leniency or a stringency.

(40) Lit., 'ways'; i.e., both in the matter of tithes and Shebi'ith (where he is lenient) and in that of hallah (where he is stringent).

(41) Lit., 'lands'.

(42) For these geographical items v. Shebi'ith VI, 1. notes.

(43) That zone was authentic Land of Israel by reason of being within the boundaries mentioned in Num. XXXIV, having been occupied in the first conquest, and also reoccupied by the returned Babylonian exiles under Zerubbabel and Ezra, and therefore indubitably subject to the precepts bound up with the sanctity of the Land.

(44) A zone within the Pentateuchal boundaries of the Land of Israel and therefore originally holy; but since it had not been reoccupied by those who returned from Babylon, it did not re-assume complete holiness.

- (45) I.e., to be burnt by the owner, being unclean hallah. Since this zone was not restored to its original holiness, its hallah is unclean just as the hallah in any land outside the Land of Israel.
- (46) This is not mandatory, but instituted by the authorities to draw attention to the peculiar character of that zone with regard to sanctity. This procedure is to obviate on the one hand the likely erroneous notion that the territory is to be regarded as definitely outside the Land in respect of sanctity, and on the other hand the other mistaken notion that it is to be regarded as completely holy territory. The very contradictoriness of the procedure will stimulate enquiry which will enable people to learn of the special status of the zone.
- (47) Because this portion is in virtue of that zone having been originally holy and liable to hallah on Biblical authority — the direction to burn it being due solely to its being unclean, in which circumstances it would have to be burnt even in the Land of Israel proper.
- (48) Because this portion is only an institution of the Scribes.
- (49) Less than the minimum may be separated because (a) it is on solely Scribal authority and (b) because it is to be burnt.
- (50) This hallah-portion too is only on Scribal authority, but since it is to be eaten the full amount should be given.
- (51) V. supra I, 9, p. 326, n. 2. The regulations with regard to a person in that state are detailed in the tractate of that name *Tebul Yom* in *seder Tohoroth*.
- (52) Since this hallah-portion is on the authority only of the Scribes, the eating thereof is prohibited only to such as are in a state of actual uncleanness by reason of an issue or of menstruation (v. *infra* notes 4-6) but not to anyone unclean through any other cause, or whose cleanness is, as in the case of *tebul yom*, in a state of suspense until the end of the day.
- (53) So that, according to R. Jose, outside the Land, one who has had an issue may eat hallah.
- (54) V. Lev. XV, 2-15.
- (55) V. *ibid.* 19-30.
- (56) V. *ibid.* XII.
- (57) With consecrated food it is insisted that it should not be eaten by the priest at the same table where a non-priest is eating, lest the latter partake of the consecrated food either by accident or in error. Since the hallah-portion with which we are here concerned is not scripturally ordained this precaution is not required.
- (58) Maim. reproduces the T.J. interpretation of 'any priest', viz., 'be it a priest who is a *kaber* (i.e., a scholar) or one who is an 'am ha-rez (i.e., an unlearned person)'. Evidently what is meant is: whether the priest be one who takes care to eat consecrated food in cleanness, or one who does not. V. Bert. and Tusef. *Yom Tob*. Bert. writes as if Maim.'s explanation is at variance with that of the Talmud, whilst Maim. does nothing but reproduce T.J. verbatim.
- (59) V. preceding Mishnah, end n. 8.
- (60) V. Lev. XXVII, 28. No devoted thing, a man may devote to the Lord of all that he hath . . . shall be sold or redeemed: every devoted thing is most holy unto the Lord; Num. XVIII, 14: Every devoted thing in Israel shall be thine i.e., the priest's. Since it is to be redeemed with money, the latter may obviously be given to any priest without references to the likelihood of his being clean or unclean.
- (61) V. Ex XIII, 12: Thou shalt set apart unto the Lord all that openeth the womb; every firstling that is a male, which thou hast coming of a beast, shall be the Lord's, Deut. XV, 19 ff: All the firstling males of thy herd all of thy flock thou shalt sanctify unto the Lord thy God . . . thou shalt eat it before the Lord thy God . . . in the place which the Lord shall choose (i.e. the Holy City of Jerusalem) . . . And if there be any blemish therein, lameness, or blindness, any ill blemish whatsoever, thou shalt not sacrifice it unto the Lord thy God. Thou shalt eat it within thy gates: the unclean and the clean may eat it. Reference to Num. XVIII, 17-18 shows that 'Thou shalt eat it' is addressed to the priest. It is clear that our Mishnah speaks of the flesh of a blemished firstling, and since this may be eaten by 'the unclean and the clean' it may, obviously, be given to any priest irrespective of his cleanness.
- (62) V. Ex. XIII, 13: And the firstling of an ass thou shalt redeem with a lamb. This lamb is not considered consecrated (Bert.).
- (63) V. Deut. XVIII, 3: And this shall be the priests' due from the people, from them that offer a sacrifice, whether it be ox or sheep, that they shall give to the priest the shoulder, the two cheeks and the maw. V. n. 5 *infra*.
- (64) V. *ibid.* 4 . . . the first of thy fleece shalt thou give him.
- (65) I.e., oil set aside as *terumah*, which has become unclean.
- (66) Since these are parts of sacrifices brought into the Sanctuary where no unclean priest may enter there is, obviously, no fear that it may be eaten by a priest during his uncleanness. (It is different with hallah and *terumah*; these may be

eaten outside sacred precincts where there are priests of all kinds, and care should therefore be taken that these priestly dues do not get into the hands of priests who are either unclean or possibly neglectful of their ritual cleanness.)

(67) V. Num. XVIII, 13: The first-ripe fruits of all that is in their land, which they bring unto the Lord, shall be thine; every one that is clean in thy house may eat thereof. These were to be brought by the Israelite direct to the Sanctuary, v. n. 5.

(68) R. Judah's reason is: Seeing that first-ripe fruits are not offered on the altar, ignorant priests are likely to underrate the sacredness of first-ripe fruits and to eat them prior to self-purification.

(69) Sc. to give to any priest, since these are rarely eaten by human beings, and the likelihood of these being eaten by an unclean priest is therefore remote.

(70) Seeing that they are sometimes eaten by human beings, no exception is to be made of them.

(71) In South Judah v. Amos I, 1, II Sam. XIV, 2.

(72) Reading with Kohut, Aruch Completum, s.v. **יתיר יבי יתיר תביתור** (or spelt defectivum **יתר**) is mentioned Josh. XV, 48, XXI, 14, I Sam. XXX, 27, I Chron. VI, 42 in S. Judah. In T.J. Sheb. p. 36, it is mentioned among places on the borders of the Land of Israel in relation to the applicability of the laws of the sanctity of the Land. According to the above data it would be in the neighbourhood of Tekoa. It is this place that is probably meant by Schurer (*Geschichte des Volkes Israel* I, p. 693) when he identifies our place-name as Be-jittar. Hirschensohn, Sheba' Hokmoth s.v. **בתיר** thinks of Botrys on the North African coast.

(73) For the reasons: (a) These hallah-portions could not be eaten, since, coming from not fully sacred territory, they were unclean. (b) They could not accept them and burn them, because (since their place of origin was in a zone of partial but not complete sanctity) the fact that such hallah is unclean is not generally known, and people might be led to think that clean hallah was being — and permitted to be — burnt in Palestine. (c) Accepting these hallah-portions and sending them out of Palestine to burn them, would lead people to think, entirely erroneously, that any hallah or terumah may be sent out of the Land of Israel. The only possible thing to do is to let these dough-portions remain till the Eve of Passover when they should be burnt with other leaven (T.J.).

(74) Probably close to the valley of that name (I Sam. XIII, 18) and the town of that name (Neh. XI, 34) in Judea.

(75) Azereth, a Rabbinic designation for the Feast of Weeks or Pentecost, on which the first-ripe fruits were due to be brought to the Temple. Lit., 'the closing', Pentecost being considered the closing festival to Passover.

(76) Ex. XXIII, 16 (cf. Lev. XXIII, 15-21, Num. XXVIII, 26). According to this verse it was the first-fruits coming from 'that which thou sowest in the field' i.e., the 'Two Loaves' (which, too, were termed 'First-fruits') that were the first to be brought to the Temple, before the other first-ripe produce, indeed before any of the other priestly and levitical dues. Seemingly the refusal recorded here is contrary to Mishnah Men. X, 6 which lays it down that although the first-fruits are in the first instance not to be brought before the Two Loaves, nevertheless if one had already unintentionally done so, such first-fruits are valid. (They are not accepted at the time but laid aside till after the bringing of the Two Loaves on the day of the Festival, and then they are handed to the priest and the declaration prescribed in Deut. XXVI is recited.) T.J., however, explain that the refusal of the prematurely brought first-fruits, in our case, was on the ground that acceptance would, in the circumstances, have given the impression that it was the proper thing to bring first-fruits prior to the Feast of Weeks.

(77) Var. lec.: Antinos.

(78) To the Temple.

(79) From Deut. XIV, 23. And thou shalt eat before the Lord thy God, in the place which He shall choose . . . the tithes of thy corn, thy wine and thine oil, and the firstlings of thy cattle and thy flocks, a deduction is made that even as terumah and tithes are not to be brought to the altar from outside of sacred territory so too are firstlings not to be brought from such places. Such firstlings are to be allowed to pasture till they become unfit for sacrifice and then they are eaten by priests (v. T.J.).

(80) He was evidently well-known as one who was particularly concerned to avoid circumstances defiling the sanctity attaching to a priest (v. Zeb. 10a, Sifra to Lev. XXI, 2, 'Er. 47b; 'A.Z. 13a).

(81) The law is that first-ripe fruits may be brought in liquid form only if there was such intention at the time of the picking of the olives or grapes.

(82) Because there had been no prior intention to bring them in liquid form; T.J.

(83) As a rule designated 'the Second Passover'. According to Num. IX, 1-12, a person who was unclean on the Eve of the Passover and therefore unable to offer up the Paschal Lamb, was to do so exactly a month later (i.e. on the eve of the 15th Iyyar). The occasion reported here was probably in the year when his wife died on the Eve of Passover. Unwilling

to miss the Paschal Sacrifice, he was, then, most reluctant to allow himself to become defiled through her dead body (v. Num. XIX, II, 14) although the death of a wife is a case in which a man is permitted to defile himself (Lev. XXI, 2, where the phrase 'for his kin that is near unto him' refers, according to Rabbinic interpretation, to his wife). His colleagues, however, forcibly overcame his reluctance and he did allow himself to become unclean (Sifra loc. cit., Zeb. loc. cit. and parallels). V. Hyman, *Toledoth Tannaim* s.v. where he usually corrects an erroneous inference by Weiss (Dor I. P. 46, n. 2, p. 47) as to the date of the halachah permitting a priest to defile himself on the death of his wife.

(84) According to Ex. XXIII, 17, Passover was one of the three festivals when all males were to 'appear before the Lord', but that is ordained only for the real Passover and not for the 'Second (called here Lesser) Passover'. Pilgrimage to the Temple was of course permitted throughout the year and priests — like Joseph ha-Kohen — naturally had access to the Temple. Notwithstanding this and the fact that he was attending for the purposes of carrying out the precept of the 'Second Passover', he was turned back because he brought his young sons etc. with him, lest his act lead the public — as it was most likely to do — to an erroneous conclusion that the Second Passover required just like Passover itself not only the sacrifice of the Paschal Lamb by those who had been unable to do so on the real Passover, but also the pilgrimage of all males.

(85) Perhaps not the proper name of a man, but just a man of noble birth or standing.

(86) A few places of this name are known. Probably Paneas in Syria is meant here.

(87) First-ripe fruits were accepted from abroad, unlike terumah. The decision not to subject produce abroad to terumah is due to a desire to discourage priests from leaving the Holy Land as they would be tempted to do in order to collect terumah abroad. Owners had no need to 'bring' terumah to the Temple but just to distribute it among priests. Such a cause did not exist in the case of first-ripe fruits which had to be brought to the Sanctuary.

(88) The phrase indicates a reference to a Mishnah in the Mishnah-collection in its earliest form. Cf. *supra* III end.

(89) And the product of such Jewish owned land in Syria is accordingly subject to tithes etc. This is not the case if the land in Syria is held by Jews only on tenancy v. *supra* Mish. 7. V. Git. 8a for a list of particulars in which Syria is treated in law like the Land of Israel. MS. M. adds the following passage (which is quoted in B. K 110b and Hul. 133b as a Baraitha): Twenty-four dues were given to the priests: ten in the Temple and four in Jerusalem and ten within the borders (of the Land of Israel). These are the ten given them in the Temple: Sin-offerings, sin-offerings of birds, the unconditional and suspensive guilt-offerings, the peace-offering of the congregation, the log of oil of the leper, the remainder of the Omer, the Two Loaves, the Shewbread, the residue of the meal-offerings. And these are the four given in Jerusalem: The firstlings, the first-fruits, the heave-offering from the thank-offering, and the ram of the Nazirite, and the skins of hallowed sacrifices. And these are the ten given them within the borders: Terumah, terumah of the tithe, hallah, the first of the shearing, the priestly gifts (from every beast slaughtered for food), the redemption price of the firstborn son, the redemption price of the firstling of an ass, the field of possession, the devoted field, and what was wrongly obtained of a proselyte (who died without any legal issue). No priest who is not well versed in these things may receive them as gifts.

Mishna - Mas. Kelim Chapter 1

MISHNAH 1. THE FATHERS OF UNCLEANNESS¹ ARE A [DEAD] CREEPING THING,² SEMEN VIRILE, [AN ISRAELITE] WHO HAS CONTRACTED CORPSE UNCLEANNESS, A LEPER DURING THE DAYS OF HIS COUNTING³ AND THE WATERS OF PURIFICATION⁴ WHOSE QUANTITY IS LESS THAN THE MINIMUM PRESCRIBED FOR SPRINKLING.⁵ BEHOLD, THESE CONVEY UNCLEANNESS TO MEN AND VESSELS BY CONTACT AND TO EARTHENWARE BY PRESENCE WITHIN THEIR AIRSPACE,⁶ BUT⁷ THEY CANNOT CONVEY UNCLEANNESS BY CARRIAGE.

MISHNAH 2. ON A HIGHER PLANE⁸ THAN THESE⁹ ARE CARRION AND WATERS OF PURIFICATION WHOSE QUANTITY IS SUFFICIENT TO BE SPRINKLED, FOR THESE CONVEY UNCLEANNESS TO MAN BY CARRIAGE,¹⁰ SO THAT HE IN TURN¹¹ CONVEYS UNCLEANNESS TO CLOTHING BY CONTACT.¹² CLOTHING, HOWEVER,¹³ IS FREE FROM UNCLEANNESS WHERE THERE WAS¹⁴ CONTACT ALONE.¹⁵

MISHNAH 3. ON A HIGHER PLANE¹⁶ IS THE MAN WHO HAD INTERCOURSE WITH A MENSTRUANT, FOR HE CONVEYS TO THAT ON WHICH HE LIES¹⁷ THE SAME UNCLEANNESS AS [A ZAB¹⁸ CONVEYS] TO THAT¹⁹ WHICH LIES ABOVE HIM.²⁰ ON A HIGHER PLANE¹⁶ THAN THESE ARE THE ISSUE OF A ZAB, HIS SPITTLE, HIS SEMEN AND HIS URINE, AND THE BLOOD OF A MENSTRUANT, FOR THEY CONVEY UNCLEANNESS²¹ BOTH BY CONTACT AND BY CARRIAGE.²² ON A HIGHER PLANE¹⁶ THAN THESE IS AN OBJECT ON WHICH ONE CAN RIDE,²³ FOR IT CONVEYS UNCLEANNESS EVEN WHEN IT LIES UNDER A HEAVY STONE.²⁴ ON A HIGHER PLANE¹⁶ THAN THE OBJECT ON WHICH ONE CAN RIDE IS THAT ON WHICH ONE CAN LIE, FOR IN THE LATTER CASE UNCLEANNESS²⁵ IS CONVEYED BY CONTACT AS BY CARRIAGE.²⁶ ON A HIGHER PLANE¹⁶ THAN THE OBJECT ON WHICH ONE CAN LIE IS THE ZAB, FOR A ZAB CONVEYS UNCLEANNESS TO THE OBJECT ON WHICH HE LIES²⁷ WHILE THE OBJECT ON WHICH HE LIES²⁸ CANNOT CONVEY THE SAME UNCLEANNESS²³ TO THAT UPON WHICH IT LIES.²⁹

MISHNAH 4. ON A HIGHER PLANE¹⁶ THAN THE ZAB IS THE ZABAH,³⁰ FOR SHE CONVEYS UNCLEANNESS³¹ TO THE MAN WHO HAS INTERCOURSE WITH HER.³² ON A HIGHER PLANE THAN THE ZABAH IS THE LEPER, FOR HE CONVEYS UNCLEANNESS³³ BY ENTERING INTO A HOUSE.³⁴ ON A HIGHER PLANE THAN THE LEPER IS A BONE³⁵ OF THE SIZE OF A BARLEY GRAIN, FOR IT³⁶ CONVEYS AN UNCLEANNESS OF SEVEN DAYS. MORE RESTRICTIVE THAN ALL THESE IS A CORPSE, FOR IT CONVEYS UNCLEANNESS BY OHEL³⁷ WHEREBY ALL THE OTHERS CONVEY NO UNCLEANNESS.³⁸

MISHNAH 5. TEN GRADES OF UNCLEANNESS³⁹ EMANATE FROM MEN: A MAN⁴⁰ BEFORE THE OFFERING OF HIS OBLIGATORY SACRIFICES⁴¹ IS FORBIDDEN TO EAT HOLY THINGS BUT PERMITTED TO EAT TERUMAH AND [SECOND] TITHE. IF HE IS⁴² A TEBUL YOM⁴³ HE IS FORBIDDEN TO EAT HOLY THINGS AND TERUMAH BUT PERMITTED THE EATING OF [SECOND] TITHE. IF HE⁴² EMITTED SEMEN⁴⁴ HE IS FORBIDDEN TO EAT ANY OF THE THREE. IF HE⁴² HAD INTERCOURSE WITH A MENSTRUANT HE CONVEYS THE SAME UNCLEANNESS TO THAT ON WHICH HE LIES AS [A ZAB CONVEYS] TO THAT WHICH LIES ABOVE HIM.⁴⁵ IF HE IS⁴² A ZAB WHO HAS OBSERVED TWO DISCHARGES HE CONVEYS UNCLEANNESS TO THAT ON WHICH HE LIES OR SITS AND IS REQUIRED TO UNDERGO IMMERSION IN RUNNING WATER,⁴⁶ BUT IS EXEMPT FROM THE SACRIFICE.⁴⁷ IF HE OBSERVED THREE DISCHARGES HE MUST BRING THE SACRIFICE.⁴⁸ IF HE⁴⁹ IS A LEPER THAT WAS ONLY SHUT UP⁵⁰ HE

CONVEYS UNCLEANNESS⁵¹ BY ENTRY⁵² BUT IS EXEMPT FROM LOOSENING HIS HAIR,⁵³ FROM RENDING HIS CLOTHES,⁵³ FROM SHAVING⁵⁴ AND FROM THE BIRDS OFFERING;⁵⁵ BUT IF HE WAS A CONFIRMED LEPER⁵⁶, HE IS LIABLE TO ALL THESE. IF A LIMB ON WHICH THERE WAS NOT THE PROPER QUANTITY OF FLESH⁵⁷ WAS SEVERED FROM A PERSON, IT CONVEYS UNCLEANNESS BY CONTACT AND BY CARRIAGE BUT NOT BY OHEL; BUT IF IT BEARS THE PROPER QUANTITY OF FLESH IT CONVEYS UNCLEANNESS BY CONTACT, BY CARRIAGE AND BY OHEL. A 'PROPER QUANTITY OF FLESH' IS SUCH AS IS CAPABLE OF HEALING. R. JUDAH EXPLAINED: IF IN ONE PLACE IT⁵⁸ HAS FLESH SUFFICIENT TO SURROUND IT⁵⁸ WITH [THE THICKNESS OF] A THREAD OF THE WOOF⁵⁹ IT IS CAPABLE OF HEALING.

MISHNAH 6. THERE ARE TEN GRADES OF HOLINESS: THE LAND OF ISRAEL IS HOLIER THAN ALL OTHER LANDS. AND WHAT IS THE NATURE OF ITS HOLINESS? THAT FROM IT ARE BROUGHT THE 'OMER,⁶⁰ THE FIRSTFRUITS⁶¹ AND THE TWO LOAVES,⁶² WHICH MAY NOT BE BROUGHT FROM ANY OF THE OTHER LANDS.

MISHNAH 7. CITIES⁶³ THAT ARE WALLED⁶⁴ ARE HOLIER,⁶⁵ FOR LEPERS MUST BE SENT OUT OF THEM AND A CORPSE, THOUGH IT MAY BE CARRIED ABOUT WITHIN THEM AS LONG AS IT IS DESIRED,⁶⁶ MAY NOT BE BROUGHT BACK ONCE IT HAS BEEN TAKEN OUT.

MISHNAH 8. THE AREA WITHIN THE WALL⁶⁷ IS HOLIER, FOR IT IS THERE⁶⁸ THAT HOLY THINGS OF A MINOR DEGREE AND SECOND TITHE MAY BE EATEN. THE TEMPLE MOUNT⁶⁹ IS HOLIER, FOR NEITHER ZABS NOR ZABAHS NOR MENSTRUANTS NOR WOMEN AFTER CHILDBIRTH MAY ENTER IT. THE RAMPART⁷⁰ IS HOLIER, FOR NEITHER IDOLATERS NOR ONE WHO CONTRACTED CORPSE UNCLEANNESS MAY ENTER IT. THE COURT OF WOMEN⁷¹ IS HOLIER, FOR NO TEBUL YOM⁷² MAY ENTER IT, THOUGH NO SIN-OFFERING IS THEREBY INCURRED. THE COURT OF THE ISRAELITES⁷³ IS HOLIER, FOR A MAN WHO HAS NOT YET OFFERED HIS OBLIGATORY SACRIFICES⁷⁴ MAY NOT ENTER IT, AND IF HE ENTERS HE INCURS THEREBY A SIN-OFFERING. THE COURT OF THE PRIESTS⁷⁵ IS HOLIER, FOR NO ISRAELITES MAY ENTER IT EXCEPT WHEN THEY ARE REQUIRED TO DO SO⁷⁶ IN CONNECTION WITH THE LAYING ON OF HANDS,⁷⁷ SLAYING OR WAVING.⁷⁸

MISHNAH 9. THE AREA BETWEEN THE ULAM⁷⁹ AND THE ALTAR IS HOLIER,⁸⁰ FOR MEN AFFLICTED WITH BLEMISHES OR WITH A WILD GROWTH OF HAIR MAY NOT ENTER IT. THE HEKAL IS HOLIER, FOR NO ONE WHOSE HANDS OR FEET ARE UNWASHED MAY ENTER IT. THE HOLY OF HOLIES IS HOLIER, FOR ONLY THE HIGH PRIEST, ON THE DAY OF ATONEMENT, AT THE SERVICE,⁸¹ MAY ENTER IT.⁸² R. JOSE STATED: IN FIVE RESPECTS IS THE AREA BETWEEN THE ULAM AND THE ALTAR ON A PAR WITH THE HEKAL, FOR THOSE AFFLICTED WITH BLEMISHES OR WITH A WILD GROWTH OF HAIR, OR WHO HAVE DRUNK WINE OR WHOSE HANDS OR FEET ARE UNWASHED MAY NOT ENTER THERE,⁸³ AND THE PEOPLE MUST KEEP AWAY FROM THE AREA BETWEEN THE ULAM AND THE ALTAR⁸⁴ WHEN THE INCENSE IS BEING BURNED.⁸⁵

(1) Sc. those that convey uncleanness to both men and vessels. An 'offspring of uncleanness' conveys uncleanness to foodstuffs and liquids but not to men and vessels.

(2) Any of the eight classes enumerated in Lev. XI, 29f.

(3) V. Lev. XIV, 8f.

(4) V. Num. XIX.

(5) V. Parah XII, 5.

- (6) Even if there was no contact with the vessel. Through the external side of such a vessel, however, no uncleanness can be conveyed even by direct contact.
- (7) In the absence of direct contact with them.
- (8) In the intensity of uncleanness.
- (9) The 'fathers of uncleanness' enumerated in the previous Mishnah.
- (10) Even in the absence of direct contact between them and the man.
- (11) While he is still carrying one of the uncleannesses mentioned.
- (12) With any part of his body.
- (13) Though it came in contact with the unclean man.
- (14) Between the man and the 'father of uncleanness'.
- (15) Only where the man was carrying the 'father of uncleanness' at the time he came in contact with the clothing is uncleanness conveyed to the latter.
- (16) In the intensity of uncleanness.
- (17) Lit., 'the lower couch'.
- (18) A male who has a flux.
- (19) Whether he came in direct contact with it or not.
- (20) Sc. the former like the latter is subject only to the first grade of uncleanness. That on which a zab lies becomes a 'father of uncleanness'.
- (21) To clothes or vessels (other than earthenware).
- (22) Sc. not only by the latter but also by the former.
- (23) So Maim. Lit., 'a riding seat'.
- (24) On which the zab sat; though, owing to the heavy weight of the stone, the zab's weight could make no appreciable impression on the object. The unclean riding object under the stone has uncleanness conveyed to it by the zab sitting on the stone and conveys uncleanness to any clean person who sits upon the stone, v. Tosaf. Y T.
- (25) To the person and the clothes he wears.
- (26) In the former case uncleanness is conveyed through carriage only.
- (27) Causing it to be a 'father of uncleanness'.
- (28) Even after it contracted the uncleanness of the zab (cf. prev. n.).
- (29) The latter contracting a first grade of uncleanness only.
- (30) A woman who has a flux.
- (31) Of zibah (a 'father of uncleanness').
- (32) A zab, however, by intercourse, conveys to a woman a minor form of uncleanness which lasts until sunset only.
- (33) To men and vessels.
- (34) If they (cf. prev. n.) were under the same roof.
- (35) Of a corpse.
- (36) Unlike the former where uncleanness terminates at sunset.
- (37) 'Overshadowing' (v. Glos.). Irrespective of (a) whether, for instance, the whole body of the clean person was within the ohel (tent) or only a part of it, and (b) whether there was a partition in the ohel between the corpse and the clean person or not, and (c) whether or not the corpse or the clean person was stationary or moving.
- (38) Even a leper conveys uncleanness by ohel only where (a) his entire body was within it, (b) there was no partition between the leper and the clean person and (c) the leper was not on the move.
- (39) One more restrictive than the other.
- (40) Such as a confirmed leper or a zab, or a zabah, whose restoration to cleanness depends on the offering of the prescribed sacrifice.
- (41) Lit., 'lacking atonement'.
- (42) Lit., 'he returned to be'.
- (43) One who immersed himself on the selfsame day (v. Glos.).
- (44) Lit., 'master (or subject) of a mishap'.
- (45) Cf. supra p. 8, n. 4.
- (46) Unlike the others whose immersion may be performed in a ritual bath of standing water.
- (47) Prescribed only for a zab who experienced three discharges (v. infra).
- (48) Cf. prev. n.

- (49) V. p. 9, n. 11.
- (50) V. Lev. XIII, 4f.
- (51) To men and objects in a house.
- (52) Into that house.
- (53) V. Lev. Xlii, 45.
- (54) V. Lev. XIV, 8.
- (55) V. Lev. XIV, 4.
- (56) One whom the priest declared to be unclean.
- (57) As prescribed infra.
- (58) The limb.
- (59) Which is twice as thick as that of the warp.
- (60) V. Lev. XXIII, 10f.
- (61) V. Deut. XXVI, 2ff.
- (62) V. Lev. XXIII, 17.
- (63) In the Land of Israel.
- (64) Since the time of Joshua the son of Nun.
- (65) Than the other parts of the Land.
- (66) In connection with its funeral or burial arrangements.
- (67) Of Jerusalem.
- (68) And not without the wall.
- (69) An area of five hundred by five hundred cubits in which the Temple buildings were situated.
- (70) The Hel. A causeway ten cubits wide surrounding the inner precincts of the Temple (cf. Mid. II, 3).
- (71) Situated within the Rampart.
- (72) V. Glos.
- (73) This was situated within the Court of the Women from which it was approached by an ascent of fifteen steps (cf. Mid. II, 5).
- (74) Cf. supra p. 9, n. 9.
- (75) Cf. Mid. II, 6.
- (76) Lit., 'their requirements'.
- (77) On a sacrifice (v. Lev. III, 2).
- (78) Cf. Lev. VII, 30.
- (79) The Porch, the Hall leading into the Hekal, the Sanctuary.
- (80) In accordance with Pentateuchal (Maim.) or only Rabbinical (v. Bert. and L.) law.
- (81) In the Temple.
- (82) Four times: To burn incense, to sprinkle the blood of the bullock, to sprinkle the blood of the he-goat and to take out the spoon and the pan; v. Lev. XVI, 2ff.
- (83) Except when necessary in connection with the Temple services (L.).
- (84) And, much more so, from the Hekal.
- (85) In the Holy of Holies or on the golden altar.

Mishna - Mas. Kelim Chapter 2

MISHNAH 1. VESSELS OF WOOD, VESSELS OF LEATHER, VESSELS OF BONE OR VESSELS OF GLASS THAT ARE FLAT ARE CLEAN¹ AND THOSE THAT FORM A RECEPTACLE ARE UNCLEAN.² IF THEY WERE BROKEN THEY BECOME CLEAN¹ AGAIN. IF ONE REMADE THEM INTO VESSELS THEY ARE SUSCEPTIBLE TO UNCLEANNESS HENCEFORTH.³ EARTHEN VESSELS AND VESSELS OF ALUM-CRYSTALS ARE ON A PAR IN RESPECT OF UNCLEANNESS: THEY CONTRACT AND CONVEY⁴ UNCLEANNESS THROUGH THEIR AIR-SPACE,⁵ THEY CONTRACT UNCLEANNESS⁶ THROUGH THEIR [CONCAVE] BOTTOMS BUT NOT⁷ THROUGH THEIR BACKS;⁸ AND WHEN BROKEN⁹ THEY BECOME CLEAN.¹

MISHNAH 2. AS REGARDS THE SMALLEST EARTHEN VESSELS, AND THE BOTTOMS AND SIDES [OF THE LARGER BUT BROKEN VESSELS] THAT CAN STAND¹⁰ UNSUPPORTED,¹¹ THE PRESCRIBED SIZE¹² IS A CAPACITY TO HOLD OIL SUFFICIENT FOR THE ANOINTING OF A LITTLE FINGER OF A CHILD IF¹³ THEIR FORMER CAPACITY¹⁴ WAS THAT OF¹⁵ A LOG. IF¹³ THEIR FORMER CAPACITY¹⁴ WAS FROM ONE LOG TO SE'AH THEIR PRESENT CAPACITY¹² MUST BE A QUARTER OF A LOG; IF IT WAS¹⁴ FROM A SE'AH TO TWO SE'AH IT MUST BE¹⁶ HALF A LOG; IF¹⁷ FROM TWO SE'AH TO THREE SE'AH OR AS MUCH AS FIVE SE'AH IT MUST BE¹⁸ A LOG; SO R. ISHMAEL. R. AKIBA STATED: I DO NOT PRESCRIBE ANY SIZE FOR THE UNBROKEN VESSELS,¹⁹ BUT²⁰ THIS IS THE RULE: AS REGARDS THE SMALLEST EARTHEN VESSELS, AND THE BOTTOMS AND SIDES [OF LARGER BUT BROKEN ONES] THAT CAN STAND²¹ UNSUPPORTED,²² THE PRESCRIBED SIZE²³ IS A CAPACITY TO HOLD ENOUGH OIL TO ANOINT THE LITTLE FINGER OF A CHILD. [THIS SIZE IS PRESCRIBED FOR POTS] THAT ARE NOT BIGGER THAN²⁴ THE SMALL COOKING-POTS. FOR SMALL COOKING-POTS AND FOR THOSE BETWEEN THESE AND THE LYDDA JARS THE PRESCRIBED CAPACITY²³ IS A QUARTER OF A LOG. FOR THOSE WHICH HAVE A SIZE BETWEEN THAT OF LYDDA JARS AND THE BETHLEHEM JARS THE CAPACITY²³ MUST BE THAT OF HALF A LOG. FOR THOSE BETWEEN THE BETHLEHEM JARS AND LARGE STONE JARS THE CAPACITY²³ MUST BE THAT OF A LOG. R. JOHANAN B. ZAKKAI RULED: THE PRESCRIBED CAPACITY²³ FOR THE FRAGMENTS OF LARGE STONE JARS IS TWO LOGS, AND THAT FOR THE BOTTOMS OF BROKEN GALILEAN CRUSES AND SMALL JARS IS ANY WHATSOEVER, BUT THE FRAGMENTS OF THEIR SIDES ARE IN NO CASE SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 3. THE FOLLOWING²⁵ ARE NOT SUSCEPTIBLE TO UNCLEANNESS AMONG EARTHEN VESSELS: A TRAY WITHOUT A RIM, A FIRE-PAN WITH BROKEN SIDES, A TUBE FOR ROASTING CORN, GUTTERS EVEN IF THEY ARE BENT²⁶ AND EVEN IF THEY HAVE²⁷ SOME FORM OF RECEPTACLE,²⁸ A BASKET-COVER²⁹ THAT WAS TURNED INTO A BREAD-BASKET,²⁶ A PITCHER³⁰ THAT HAS BEEN ADAPTED³¹ AS A COVER FOR GRAPES,³² A JAR³⁰ FOR SWIMMERS,³³ A SMALL JAR³⁰ FIXED TO THE SIDES OF A LADLE,³⁴ A BED, A STOOL, A BENCH, A TABLE, A SHIP,³⁵ AND AN EARTHEN LAMP, BEHOLD THESE ARE INSUSCEPTIBLE TO UNCLEANNESS. THE FOLLOWING IS A GENERAL RULE:³⁶ ANY AMONG EARTHEN VESSELS THAT HAS NO INNER PART IS NOT SUSCEPTIBLE TO UNCLEANNESS ON ITS OUTER SIDES.³⁷

MISHNAH 4. A LANTERN THAT HAS A RECEPTACLE FOR OIL IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS INSUSCEPTIBLE. A POTTER'S MOULD ON WHICH ONE BEGINS TO SHAPE THE CLAY IS INSUSCEPTIBLE TO UNCLEANNESS,³⁸ BUT THAT ON WHICH ONE FINISHES IT IS SUSCEPTIBLE.³⁹ A FUNNEL FOR HOME USE⁴⁰ IS INSUSCEPTIBLE TO UNCLEANNESS,³⁸ BUT THAT OF PEDLARS IS SUSCEPTIBLE BECAUSE⁴¹ IT ALSO SERVES AS A MEASURE;⁴² SO R. JUDAH B. BATHYRA. R. AKIBA SAID: BECAUSE ONE PUTS IT ON ITS SIDE⁴³ SO AS TO LET THE BUYER SMELL IT.⁴⁴

MISHNAH 5. THE COVERS OF WINE JARS AND OIL JARS AND THE COVERS OF PAPYRUS⁴⁵ JARS⁴⁶ ARE INSUSCEPTIBLE TO UNCLEANNESS, BUT IF THEY WERE ADAPTED FOR USE AS RECEPTACLES THEY ARE SUSCEPTIBLE. THE COVER OF A STEW-POT IS NOT SUSCEPTIBLE TO UNCLEANNESS WHEN IT HAS A HOLE⁴⁷ OR A POINTED TOP,⁴⁸ BUT IF IT HAS NEITHER HOLE NOR POINTED TOP IT IS SUSCEPTIBLE BECAUSE SHE⁴⁹ DRAINS THE VEGETABLES INTO IT. R. ELIEZER B. ZADOK SAID: BECAUSE SHE TURNS OUT THE CONTENTS [OF THE POT] ON TO IT.

MISHNAH 6. IF A DAMAGED JAR⁵⁰ WAS FOUND IN A FURNACE,⁵¹ BEFORE ITS MANUFACTURE WAS COMPLETE⁵² IT IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁵³ BUT IF AFTER ITS MANUFACTURE WAS COMPLETE⁵⁴ IT IS SUSCEPTIBLE.⁵⁵ AS TO A SPRINKLER,⁵⁶ R. ELIEZER B. ZADOK HOLDS IT TO BE INSUSCEPTIBLE TO UNCLEANNESS; BUT R. JOSE HOLDS IT TO BE SUSCEPTIBLE BECAUSE IT LETS THE LIQUID OUT IN DROPS ONLY.⁵⁷

MISHNAH 7. THE FOLLOWING AMONG EARTHEN VESSELS ARE SUSCEPTIBLE TO UNCLEANNESS: A TRAY WITH A RIM, AN UNBROKEN FIRE-PAN, AND A TRAY MADE UP OF⁵⁸ DISHES. IF ONE OF THEM⁵⁹ CONTRACTED UNCLEANNESS FROM A [DEAD] CREEPING THING⁶⁰ THEY DO NOT ALL BECOME UNCLEAR, BUT IF THE TRAY HAD A RIM THAT PROJECTED ABOVE THE RIMS OF THE DISHES AND ONE OF THEM⁶¹ CONTRACTED UNCLEANNESS ALL ARE RENDERED UNCLEAR.⁶² SIMILARLY WITH AN EARTHEN SPICE-POT⁶³ AND A DOUBLE INK-POT.⁶⁴ BUT IF ONE CONTAINER OF A WOODEN SPICE-BOX⁶³ CONTRACTED UNCLEANNESS FROM A LIQUID,⁶⁵ THE OTHER IS NOT RENDERED UNCLEAR.⁶⁶ R. JOHANAN B. NURI RULED: ITS THICKNESS⁶⁷ IS DEEMED TO BE DIVIDED⁶⁸ AND THAT SIDE WHICH SERVES THE UNCLEAR ONE IS UNCLEAR WHILE THAT WHICH SERVES THE CLEAR ONE REMAINS CLEAR. IF ITS RIM PROJECTS ABOVE THE OTHERS AND ONE OF THEM⁶⁹ CONTRACTED UNCLEANNESS THE OTHER ALSO IS RENDERED UNCLEAR.

MISHNAH 8. A TORCİ⁷⁰ IS SUSCEPTIBLE TO UNCLEANNESS,⁷¹ AND THE RESERVOIR⁷² OF A LAMP CONTRACTS UNCLEANNESS⁷³ THROUGH ITS AIR- SPACE.⁷⁴ THE COMB⁷⁵ OF A COOLER,⁷⁶ R. ELIEZER RULED, IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁷⁷ BUT THE SAGES RULED THAT IT WAS SUSCEPTIBLE.⁷⁸

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- (1) Sc. they are not susceptible to uncleanness.
 - (2) Cf. prev. n. mut. mut.
 - (3) They do not, however, resume their former uncleanness as metal vessels do.
 - (4) To foodstuffs and liquids.
 - (5) Even in the absence of contact with the vessel.
 - (6) By contact; but not through their air-space.
 - (7) Even if there was contact between the vessel and the uncleanness.
 - (8) Their outer flat or convex sides.
 - (9) But not by immersion as is the case with vessels made of other materials.
 - (10) When filled with liquid.
 - (11) Without shedding their contents.
 - (12) That renders them susceptible to uncleanness.
 - (13) In the case of broken vessels.
 - (14) While they were whole.
 - (15) Lit., 'and until'.
 - (16) If it is to be susceptible to uncleanness.
 - (17) V. p. 13, n. 14.
 - (18) V. p. 13, n. 16.
 - (19) Lit., 'in them'.
 - (20) The susceptibility to uncleanness being determined by the shape and place of origin of the vessel.
 - (21) V. p. 13, n. 10.
 - (22) V. p. 13, n. 11.
 - (23) V. p. 13, n. 12.
 - (24) V. p. 13, n. 15.
 - (25) Having no proper concave receptacle.
 - (26) Because the receptacle is an imperfect one.

- (27) As a result of excavation by constantly dripping water.
- (28) Since the cavity was not made for the purpose of serving as such.
- (29) Shaped somewhat in the form of a receptacle but not originally intended to hold anything within it.
- (30) Though it has a proper receptacle.
- (31) By some alteration in its shape.
- (32) In consequence of which it is no longer used as a receptacle.
- (33) Being permanently stopped up on both sides it can no longer be regarded as having a proper receptacle (cf. prev. n.).
- (34) To serve as its handle so as to facilitate its use (cf. supra n. 3).
- (35) A ship's insusceptibility to uncleanness, despite its shape and use as a receptacle, is a Pentateuchal ordinance.
- (36) That has some, though only an indirect, bearing on the preceding laws.
- (37) Only when it has an inner part may uncleanness be imparted to its outer sides. The inner part of an earthen vessel contracts uncleanness through its inner air-space only. It can never contract uncleanness through its outer sides.
- (38) Because it has no receptacle.
- (39) Since it has a receptacle.
- (40) Lit., 'of householders'.
- (41) By closing up the narrower hole of the funnel with a finger when filling it and removing the finger when holding the funnel over the buyer's utensil.
- (42) And may, therefore, be regarded as a proper receptacle.
- (43) To take up some of the liquid.
- (44) A funnel is consequently susceptible to uncleanness even if it contains less than any known measure. According to the first Tanna, however, only when a funnel is capable of containing a known measure is it susceptible to uncleanness.
- (45) Neyaroth. Some regard this word as a place name.
- (46) Var. lec., 'and the papyrus (covers of jars)' .
- (47) In consequence of which it cannot be used as a receptacle.
- (48) Which prevents it from being inverted and placed with its cavity upwards (cf. prev. n.).
- (49) Sc. the housewife.
- (50) Gastra, **; v. infra IV, 2-3.
- (51) In which earthen vessels are baked.
- (52) So that the defect occurred before the jar assumed the status of a 'vessel'.
- (53) Since only 'vessels' are susceptible.
- (54) Cf. n. mut. mut.
- (55) Because it is used as a receptacle for drops falling from a jar.
- (56) Consisting of a perforated sieve-like receptacle in which the liquid is held by the closing up with the finger of a hole above.
- (57) Such small holes do not allow a liquid to be taken in, and it is only the bigger kind of holes that destroy the status of a vessel.
- (58) Lit., 'full'.
- (59) The dishes in the last mentioned tray.
- (60) And much more so from liquids.
- (61) V. p. 16, n. 15.
- (62) Since the creeping thing, when it is in the air-space of any of the dishes, is also within the air-space of the rim of the tray which encompasses all its constituents.
- (63) That was made up of several containers.
- (64) In their cases too the uncleanness of one container or pot does not affect the others unless a rim running round the whole contrivance projects above the rims of the constituents.
- (65) Only a liquid. In the case of a dead creeping thing the entire contrivance becomes unclean.
- (66) Since the uncleanness of the one container could be conveyed to the other only, by way of the adjoining sides, and the uncleanness of liquids cannot be conveyed, even Rabbinically, through the outside of a vessel.
- (67) Of the side which separates the clean from the unclean container.
- (68) Where one of them only came in contact with unclean liquids.
- (69) The constituent containers.

- (70) Consisting of an earthen bowl fixed to a pole and filled with wicks and oil.
- (71) Though on account of its pointed bottom (which fits into the pole) it cannot stand unsupported.
- (72) Lit., 'the house of its sinking'.
- (73) As any other earthen vessel that is shaped as a receptacle.
- (74) Though it does not serve as a proper receptacle for the lamp which is only partly inserted into it.
- (75) Projections around the rim in the shape of the teeth of a comb.
- (76) Made of earthenware.
- (77) Sc. an uncleanness on the comb is not regarded as one within the air-space of the cooler.
- (78) Cf. prev. n. mut. mut.

Mishna - Mas. Kelim Chapter 3

MISHNAH 1. THE SIZE OF A HOLE THAT RENDERS AN EARTHEN VESSEL CLEAN¹ IS THE FOLLOWING: IF THE VESSEL WAS USED FOR FOODSTUFFS THE HOLE MUST BE BIG ENOUGH FOR OLIVES [TO FALL THROUGH],² IF IT WAS USED FOR LIQUIDS IT SUFFICES FOR THE HOLE TO BE BIG ENOUGH FOR LIQUIDS [TO BE ADMITTED THROUGH IT],³ AND IF IT WAS USED FOR BOTH IT IS SUBJECTED TO THE GREATER RESTRICTION, VIZ., THAT THE HOLE MUST BE BIG ENOUGH FOR OLIVES [TO FALL THROUGH].⁴

MISHNAH 2. AS REGARDS A JAR THE SIZE OF THE HOLE⁵ MUST BE SUCH THAT A DRIED FIG [WILL FALL THROUGH];⁴ SO R. SIMEON. R. JUDAH SAID: WALNUTS.⁶ R. MEIR SAID: OLIVES.⁶ THE SIZE OF A HOLE⁵ IN A STEW-POT OR A COOKING POT MUST BE SUCH THAT OLIVES [WILL FALL THROUGH]; IN A CRUSE AND A PITCHER, SUCH THAT OIL [WILL PENETRATE THROUGH IT];⁷ AND IN A COOLER, SUCH THAT WATER [WILL PENETRATE THROUGH IT].⁷ R. SIMEON RULED: THE SIZE OF THE HOLE IN THE CASE OF ALL THREE GROUPS⁸ MUST BE SUCH THAT SEED [WILL FALL THROUGH IT]. IN A LAMP THE SIZE OF THE HOLE⁵ MUST BE SUCH THAT OIL [WILL PENETRATE THROUGH IT].⁷ R. ELIEZER SAID: SUCH THAT A SMALL PERUTAH [WILL DROP OUT THROUGH IT].⁹ A LAMP¹⁰ WHOSE NOZZLE HAS BEEN REMOVED IS CLEAN;¹¹ AND ONE MADE OF EARTH¹² WHOSE NOZZLE HAS BEEN BURNT BY THE WICK IS ALSO CLEAN.¹¹

MISHNAH 3. IF A JAR¹³ THAT HAD A HOLE¹⁴ WAS MENDED WITH PITCH¹⁵ AND THEN WAS BROKEN AGAIN,¹⁶ IF THE FRAGMENT THAT WAS MENDED WITH THE PITCH CAN CONTAIN A QUARTER OF A LOG¹⁷ IT IS UNCLEAN, SINCE THE DESIGNATION OF VESSEL HAS NEVER CEASED TO BE APPLIED TO IT. IF A POTSHERD HAD A HOLE THAT WAS MENDED WITH PITCH, IT IS CLEAN THOUGH IT CAN CONTAIN A QUARTER OF A LOG, BECAUSE THE DESIGNATION OF VESSEL HAS CEASED TO BE APPLIED TO IT.

MISHNAH 4. IF A JAR WAS CRACKED¹⁸ BUT¹⁹, WAS LINED WITH CATTLE DUNG, ALTHOUGH THE POTSHERDS WOULD FALL APART WERE THE DUNG TO BE REMOVED,²⁰ IT IS UNCLEAN,²¹ BECAUSE²² IT NEVER CEASED TO BEAR THE NAME OF VESSEL. IF IT WAS BROKEN²³ AND SOME OF ITS SHERDS WERE STUCK TOGETHER AGAIN,²⁴ OR IF SOME POTTER'S CLAY WAS BROUGHT FOR THE PURPOSE²⁵ FROM ELSEWHERE, AND²⁶ IT WAS ALSO LINED WITH CATTLE DUNG, EVEN THOUGH THE POTSHERDS HOLD TOGETHER WHEN THE DUNG IS REMOVED, IT IS CLEAN,²⁷ BECAUSE IT²⁸ CEASED TO BEAR THE NAME OF VESSEL. IF IT²⁹ CONTAINED ONE SHERD THAT COULD HOLD³⁰ A QUARTER OF A LOG,³¹ ALL ITS²⁹ PARTS³² CONTRACT UNCLEANNESS BY CONTACT,³³ BUT THAT SHERD³⁴ CONTRACTS UNCLEANNESS THROUGH ITS AIR-SPACE.

MISHNAH 5. IF A SOUND VESSEL WAS LINED, R. MEIR AND R. SIMEON RULED: THE LINING³⁵ CONTRACTS UNCLEANNESS;³⁶ BUT THE SAGES RULED: A LINING OVER A SOUND VESSEL IS INSUSCEPTIBLE TO UNCLEANNESS,³⁷ , AND ONLY ONE OVER A CRACKED VESSEL IS SUSCEPTIBLE.³⁸ AND THE SAME DISPUTE³⁹ APPLIES TO THE HOOP⁴⁰ OF A PUMPKIN SHELL.⁴¹

MISHNAH 6. AS TO SCUTCHGRASS WHEREWITH THE LARGEST JARS⁴² ARE LINED, ANY ONE THAT TOUCHES IT⁴³ BECOMES UNCLEAR.⁴⁴ THE PLUG OF A JAR⁴⁵ IS NOT REGARDED AS CONNECTED.⁴⁶ THAT⁴⁷ , WHICH TOUCHES THE LINING OF AN OVEN⁴⁸ IS UNCLEAR.⁴⁹

MISHNAH 7. IF A CAULDRON⁵⁰ WAS LINED WITH MORTAR AND WITH POTTER'S CLAY, THAT WHICH TOUCHES THE MORTAR IS UNCLEAR⁵¹ BUT THAT WHICH TOUCHES THE POTTER'S CLAY⁵² IS CLEAN.⁵³ IF A KETTLE⁵⁴ WAS PUNCTURED AND THE HOLE WAS STOPPED WITH PITCH, R. JOSE RULES THAT IT IS CLEAN SINCE IT CANNOT HOLD HOT WATER⁵⁵ AS COLD.⁵⁶ THE SAME RULING HE ALSO GAVE⁵⁷ CONCERNING VESSELS MADE OF PITCH. IF COPPER VESSELS WERE LINED WITH PITCH THE LINING⁵⁸ IS CLEAN,⁵⁹ BUT IF THEY ARE USED FOR WINE⁶⁰ , IT IS UNCLEAR.⁶¹

MISHNAH 8. IF A JAR WAS PERFORATED AND THE HOLE WAS STOPPED UP WITH MORE PITCH⁶² THAN WAS NECESSARY, THAT⁶³ WHICH TOUCHES THE NEEDED PORTION IS UNCLEAR, BUT THAT WHICH TOUCHES THE UNNEEDED PORTION⁶⁴ IS CLEAN. IF PITCH DRIPPED UPON A JAR,⁶⁵ WHAT TOUCHES THE FORMER⁶⁶ REMAINS CLEAN. IF A WOODEN OR EARTHEN FUNNEL WAS STOPPED UP WITH PITCH, R. ELEAZAR B. AZARIAH RULES THAT IT IS UNCLEAR.⁶⁷ R. AKIBA RULES THAT IT IS UNCLEAR WHERE IT IS OF WOOD⁶⁸ AND CLEAN WHERE IT IS OF EARTHENWARE.⁶⁹ R. JOSE RULES THAT BOTH ARE CLEAN.⁷⁰

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- (1) If (a) it was previously unclear; and if it was clean (b) insusceptible to all future uncleanness.
 - (2) If it was smaller, the vessel (cf. prev. n.) remains (a) unclear or (b) susceptible to future uncleanness, since it can still be used for foodstuffs. Only a vessel that can no longer serve its former purpose is exempt from all uncleanness.
 - (3) When the vessel is placed in a liquid. Such a hole is bigger than one which only allows a liquid within the vessel to flow out.
 - (4) Cf. n. 2 mut. mut.
 - (5) That renders the vessel (a) clean or (b) insusceptible to uncleanness.
 - (6) A smaller size than the previous one.
 - (7) Cf. supra n. 3 mut. mut.
 - (8) Stew-pot and cooking pot; cruse and pitcher; and cooler.
 - (9) A bigger size than the previous one.
 - (10) Of baked earthenware.
 - (11) V. p. 18, n. 1.
 - (12) That was unbaked.
 - (13) Whose capacity was from one log to a se'ah.
 - (14) Of the prescribed size (cf. prev. Mishnah) and in consequence of which the jar becomes clean.
 - (15) The jar thus resuming the status of a vessel and the susceptibility to uncleanness.
 - (16) Into fragments.
 - (17) And can also stand unsupported.
 - (18) To such an extent that, were it to be moved about while half a kab of dried figs were in it, it would collapse.
 - (19) In order to keep its parts together.
 - (20) So that the mainstay of the jar is the cattle dung which is insusceptible to uncleanness.

- (21) If it was unclean before; and if it was clean it is susceptible to uncleanness.
- (22) Though cracked.
- (23) Its potsherds falling apart.
- (24) With any adhesive substance.
- (25) Of sticking the potsherds together.
- (26) To provide further strength.
- (27) Cf. p. 19 n. 3 mut. mut.
- (28) When it was broken in pieces.
- (29) The reconstructed vessel.
- (30) Independently of the others.
- (31) Of liquids.
- (32) Which may be regarded as a handle to the biggest part.
- (33) But not through their air-space, since a handle contracts uncleanness through contact only.
- (34) That can hold a quarter of a log. Lit., 'and opposite it'.
- (35) Which is now a part of the vessel.
- (36) If the vessel contracted any through its air-space. Foodstuffs and liquids that come in contact with such a lining consequently contract uncleanness.
- (37) Since the parts of the vessel are held together without the aid of the lining the latter cannot be regarded as an integral part of the former.
- (38) Cf. prev. n. mut. mut.
- (39) Between R. Meir and R. Simeon on the one hand and the Sages on the other.
- (40) Made of wood or iron.
- (41) Which, when dry and hollow, was used for the drawing of water. The hoop in relation to the pumpkin is in the same position as the lining in relation to the vessel.
- (42) Pitesin, sing. pitos cf. **.
- (43) When the jar is unclean.
- (44) Even according to the Rabbis (cf. prev. Mishnah). As the lining serves the purpose of preventing leakage of the wine it must be regarded as an integral part of the jar that is subject to the same uncleanness as the jar itself.
- (45) Since it is movable.
- (46) With the jar. If one contracted an uncleanness it does not convey it to the other.
- (47) Foodstuffs.
- (48) That was unclean.
- (49) As the lining helps to preserve the heat of the oven it is regarded as an integral part of it.
- (50) V. p. 20, n. 22.
- (51) Since the mortar adheres thoroughly to the cauldron it is regarded as part of it and consequently contracts its uncleanness.
- (52) Which crumbles and falls away.
- (53) Cf. n. 2 mut mut.
- (54) Which, unlike the cauldron mentioned before, is not used for the boiling of water.
- (55) Which would melt the pitch.
- (56) Much more so does this apply to a cauldron which is placed over a fire.
- (57) For a similar reason.
- (58) Since it is likely to be removed.
- (59) Even where the vessels have contracted an uncleanness.
- (60) Which is not kept hot.
- (61) Because the lining is regarded as a part of the vessel.
- (62) In thickness or extent.
- (63) Foodstuffs or drinks.
- (64) Lit., 'more than its need'.
- (65) That was unclean.
- (66) Though it was only a drop and might have been presumed to lose itself in the identity of the jar.
- (67) Since it can now hold liquids.

(68) To which pitch thoroughly adheres.

(69) From which the pitch falls away.

(70) A funnel in his opinion cannot be regarded as a proper receptacle even if it was stopped up.

Mishna - Mas. Kelim Chapter 4

MISHNAH 1. A POTSD¹ THAT CANNOT STAND UNSUPPORTED ON ACCOUNT OF ITS HANDLE,² OR A POTSD WHOSE BOTTOM IS POINTED AND THAT POINT CAUSES IT TO OVERBALANCE, IS CLEAN.³ IF THE HANDLE WAS REMOVED OR THE POINT WAS BROKEN OFF IT IS STILL CLEAN.⁴ R. JUDAH RULES THAT IT IS UNCLEAR.⁵ IF A JAR WAS BROKEN⁶ BUT IS STILL CAPABLE OF HOLDING SOMETHING IN ITS SIDES, OR IF IT WAS SPLIT INTO A KIND OF TWO TROUGHS, R. JUDAH DECLARES IT CLEAN³ BUT THE SAGES DECLARE IT TO BE UNCLEAR.⁵

MISHNAH 2. IF A JAR WAS CRACKED AND CANNOT BE MOVED ABOUT WITH HALF A KAB OF DRIED FIGS IN IT, IT IS CLEAN.⁷ IF A DAMAGED VESSEL⁸ WAS CRACKED AND IT CANNOT HOLD ANY LIQUID, EVEN THOUGH IT CAN HOLD FOODSTUFFS, IT IS CLEAN,³ SINCE ONE REMNANT⁹ IS NOT USED FOR THE SAKE OF ANOTHER REMNANT.¹⁰

MISHNAH 3. WHAT IS MEANT BY A 'DAMAGED VESSEL'?'¹¹ ONE WHOSE HANDLES WERE REMOVED.¹² IF SHARP ENDS PROJECTED FROM IT,¹³ ANY PART OF IT WHICH CAN CONTAIN OLIVES¹⁴ CONTRACTS UNCLEANNESS BY CONTACT, WHILE ANY UNCLEANNESS OPPOSITE AN END¹⁵ CONVEYS UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE, BUT ANY PART OF IT WHICH CANNOT CONTAIN OLIVES¹⁶ CONTRACTS UNCLEANNESS BY CONTACT. WHILE AN UNCLEANNESS OPPOSITE AN END¹⁵ DOES NOT CONVEY UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE. IF IT¹⁷ WAS LEANING ON ITS SIDE¹⁸ LIKE A KIND OF CATHEDRA,¹⁹ ANY PART OF IT WHICH CAN CONTAIN OLIVES¹⁴ CONTRACTS UNCLEANNESS BY CONTACT, WHILE ANY UNCLEANNESS OPPOSITE AN END CONVEYS UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE, BUT ANY PART OF IT WHICH CANNOT CONTAIN OLIVES¹⁶ CONTRACTS UNCLEANNESS BY CONTACT, WHILE AN UNCLEANNESS OPPOSITE AN END DOES NOT CONVEY UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE.²⁰ BOWLS WITH KORFIAN²¹ [BOTTOMS]²², AND CUPS WITH ZIDONIAN²¹ BOTTOMS,²³ ALTHOUGH THEY CANNOT STAND UNSUPPORTED, ARE SUSCEPTIBLE TO UNCLEANNESS, BECAUSE THEY WERE ORIGINALLY FASHIONED IN THIS MANNER.

MISHNAH 4. AS REGARDS AN EARTHEN VESSEL THAT HAS THREE RIMS, IF THE INNERMOST ONE PROJECTS ABOVE THE OTHERS ALL OUTSIDE IT IS NOT SUSCEPTIBLE TO UNCLEANNESS;²⁴ IF THE OUTERMOST ONE PROJECTS ABOVE THE OTHERS ALL WITHIN IT IS SUSCEPTIBLE TO UNCLEANNESS;²⁵ AND IF THE MIDDLE ONE PROJECTS ABOVE THE OTHERS, THAT WHICH IS WITHIN IT IS SUSCEPTIBLE TO UNCLEANNESS,²⁵ WHILE THAT WHICH IS WITHOUT IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.²⁴ IF THEY²⁶ WERE EQUAL IN HEIGHT, R. JUDAH RULED: THE MIDDLE ONE IS DEEMED TO BE DIVIDED.²⁷ BUT THE SAGES RULED: ALL²⁸ IS INSUSCEPTIBLE TO UNCLEANNESS.²⁴ WHEN²⁹ DO EARTHEN VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS? AS SOON AS THEY ARE BAKED IN THE FURNACE, THAT BEING THE COMPLETION OF THEIR MANUFACTURE.³⁰

(1) Broken from a vessel.

(2) Lit., 'ear'; sc. the handle of the vessel (that happened to be attached to the sherd in question) which overbalances it.

(3) If it was previously unclear. If it was clear it is insusceptible to future uncleanness.

- (4) Because once a damaged earthen vessel becomes clean it remains so for all time.
- (5) Cf. n. 3 mut. mut.
- (6) In its bottom.
- (7) Since it is regarded as a broken vessel.
- (8) Gastra, v. supra II, 6, n. 6.
- (9) A damaged vessel is a 'remnant' of a sound one.
- (10) Sc. though one might well use a damaged vessel ('a remnant') for the purpose of collecting a liquid dripping from a tiny crack in an otherwise sound vessel (which is no remnant and one does not like to discard on account of so slight a crack) no one would so use a damaged vessel ('a remnant') when a crack occurs in a vessel that is already broken or seriously damaged (which is also 'a remnant').
- (11) Which is rendered clean by the smallest hole that allows a liquid within it to flow out though the hole is not big enough to allow an olive to pass through it; cf. prev. Mishnah.
- (12) Though it is otherwise sound.
- (13) At the top where it was broken.
- (14) Sc. where the sharp ends are to that extent close together.
- (15) Cf. L.
- (16) Cf. n. 3 mut. mut.
- (17) A vessel half of which was broken away.
- (18) Being incapable of standing on its bottom.
- (19) **, a seat with a back; and that back had sharp broken ends.
- (20) The point in this law is that, though the broken vessel cannot stand on its bottom (cf. n. 7), it is nevertheless on a par with the damaged one spoken of previously.
- (21) Place name. Aliter: 'pointed'.
- (22) Which are pointed. Lit., 'the bottoms of the Karfians'.
- (23) Cf. prev. n. Lit., 'the bottoms of the Zidonian cups'.
- (24) Because it is regarded as the outside of the vessel which is not susceptible to uncleanness.
- (25) As the inside of the vessel.
- (26) The three rims.
- (27) In its thickness, so that the outer part of it as well as all that is without it is regarded as the outside of the vessel and is insusceptible to uncleanness while its inner part and all within it is regarded as the inside of the vessel and is susceptible to uncleanness.
- (28) That is without the innermost rim (Elijah Wilna).
- (29) In the course of their manufacture.
- (30) Though they have not yet passed the process of polishing.

Mishna - Mas. Kelim Chapter 5

MISHNAH 1. THE ORIGINAL HEIGHT OF A BAKING-OVEN¹ MUST BE NO LESS THAN FOUR HANDBREADTHS² AND WHAT IS LEFT OF IT³ FOUR HANDBREADTHS;⁴ SO R. MEIR. BUT THE SAGES RULED: THIS APPLIES ONLY TO A LARGE OVEN BUT IN THE CASE OF A SMALL ONE¹ ANY HEIGHT SUFFICES FOR ITS ORIGINAL BUILD⁵ AND³ THE GREATER PART OF THIS FOR WHAT IS LEFT OF IT.⁴ [SUSCEPTIBILITY TO UNCLEANNESS⁶ BEGINS] AS SOON AS THE OVEN'S MANUFACTURE IS COMPLETED.⁷ WHAT IS REGARDED AS THE COMPLETION OF ITS MANUFACTURE? WHEN IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE BAKING OF SPONGY CAKES.⁸ R. JUDAH⁹ RULED: WHEN A NEW OVEN¹⁰ HAS BEEN HEATED TO A DEGREE THAT SUFFICED FOR THE BAKING OF SPONGY CAKES IN AN OLD ONE.¹¹

MISHNAH 2. AS REGARDS A DOUBLE STOVE¹² ITS ORIGINAL HEIGHT¹³ MUST BE NO LESS THAN THREE FINGERBREADTHS AND WHAT IS LEFT OF IT¹⁴ THREE FINGERBREADTHS.¹⁵ [ITS SUSCEPTIBILITY TO UNCLEANNESS BEGINS] AS SOON AS ITS MANUFACTURE IS COMPLETED.¹⁶ WHAT IS REGARDED AS THE COMPLETION OF

ITS MANUFACTURE? WHEN IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE COOKING ON IT OF THE LIGHTEST OF EGGS WHEN BROKEN AND PUT IN A SAUCEPAN. AS REGARDS A SINGLE STOVE,¹⁷ IF IT WAS MADE FOR BAKING ITS PRESCRIBED SIZE¹⁸ IS THE SAME AS THAT FOR A BAKING-OVEN,¹⁹ AND IF IT WAS MADE FOR COOKING ITS PRESCRIBED SIZE¹⁸ IS THE SAME AS THAT FOR A DOUBLE STOVE.²⁰ A STONE THAT PROJECTS ONE HANDBREADTH FROM A BAKING-OVEN²¹ OR THREE FINGERBREADTHS FROM A DOUBLE STOVE²⁰ IS CONSIDERED A CONNECTION.²² FOR ONE THAT PROJECTS FROM A SINGLE STOVE, IF THE LATTER WAS MADE FOR BAKING, THE PRESCRIBED SIZE²³ IS THE SAME AS THAT FOR A BAKING-OVEN, AND IF IT IS MADE FOR COOKING THE PRESCRIBED SIZE IS THE SAME AS THAT FOR A DOUBLE STOVE. SAID R. JUDAH: THEY²⁴ SPOKE OF A 'HANDBREADTH'²⁵ ONLY WHERE THE PROJECTION WAS BETWEEN THE OVEN²⁶ AND A WALL.²⁷ IF TWO OVENS WERE ADJACENT TO ONE ANOTHER²⁸ ONE HANDBREADTH²³ IS ALLOWED TO THE ONE AND ANOTHER²⁹ TO THE OTHER WHILE THE REMAINDER³⁰ REMAINS CLEAN.³¹

MISHNAH 3. THE CROWN³² OF A DOUBLE STOVE IS CLEAN.³³ AS TO THE FENDER AROUND AN OVEN, WHEN IT IS FOUR HANDBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND THROUGH ITS AIR-SPACE,³⁴ BUT IF IT WAS LOWER IT IS CLEAN.³⁵ IF IT³⁶ WAS JOINED TO IT,³⁷ EVEN IF ONLY BY THREE STONES,³⁸ IT IS UNCLEAN.³⁹ THE SOCKETS [ON THE STOVE]⁴⁰ FOR THE OIL CRUSE, THE SPICE-POT, AND THE LAMP CONTRACT UNCLEANNESS BY CONTACT⁴¹ BUT NOT THROUGH THEIR AIR-SPACE;⁴² SO R. MEIR. R. ISHMAEL⁴³ RULES THAT THEY ARE CLEAN.⁴⁴

MISHNAH 4. AN OVEN THAT WAS HEATED FROM WITHOUT,⁴⁵ OR ONE THAT WAS HEATED⁴⁶ WITHOUT THE OWNER'S KNOWLEDGE, OR ONE THAT WAS HEATED WHILE STILL IN THE CRAFTSMAN'S HOUSE⁴⁷ IS SUSCEPTIBLE TO UNCLEANNESS. IT ONCE HAPPENED THAT A FIRE BROKE OUT AMONG THE OVENS OF KEFAR SIGNAH,⁴⁸ AND WHEN THE CASE WAS BROUGHT UP AT JABNEH RABBAN GAMALIEL RULED THAT THEY WERE UNCLEAN.⁴⁹

MISHNAH 5. THE CHIMNEY-PIECE⁵⁰ ON A HOUSEHOLDER'S OVEN IS CLEAN,⁵¹ BUT THAT OF BAKERS IS UNCLEAN BECAUSE ONE RESTS ON IT THE ROASTING SPIT.⁵² R. JOHANAN HASANDELAR⁵³ SAID: BECAUSE ONE BAKES ON IT WHEN PRESSED [FOR SPACE].⁵² SIMILARLY THE RIM⁵⁰ OF A BOILER USED BY OLIVE SEETHERS IS SUSCEPTIBLE TO UNCLEANNESS,⁵⁴ BUT THAT OF ONE USED BY DYERS⁵⁵ IS NOT SUSCEPTIBLE.

MISHNAH 6. IF AN OVEN WAS HALF FILLED WITH EARTH,⁵⁶ THE PART FROM THE EARTH DOWNWARDS CONTRACTS UNCLEANNESS BY CONTACT ONLY⁵⁷ WHILE THE PART FROM THE EARTH UPWARDS CONTRACTS UNCLEANNESS FROM ITS AIR-SPACE ALSO.⁵⁸ IF AN OVEN WAS PLACED OVER THE MOUTH OF A CISTERN OR OVER THAT OF A CELLAR AND A STONE WAS INSERTED AT ITS SIDE,⁵⁹ R. JUDAH RULED: IF WHEN HEATED BELOW⁶⁰ IT BECOMES ALSO HEATED ABOVE⁶¹ IT⁶² IS SUSCEPTIBLE TO UNCLEANNESS.⁶³ BUT THE SAGES RULED: SINCE IT WAS HEATED, NO MATTER HOW,⁶⁴ IT IS SUSCEPTIBLE TO UNCLEANNESS.⁶⁵

MISHNAH 7. IF AN OVEN CONTRACTED UNCLEANNESS HOW IS IT TO BE CLEANSED? IT MUST BE DIVIDED INTO THREE PARTS⁶⁶ AND THE PLASTERING⁶⁷ MUST BE SCRAPED OFF SO THAT [THE OVEN] TOUCHES THE GROUND.⁶⁸ R. MEIR RULED: IT IS NOT NECESSARY TO SCRAPE OFF THE PLASTERING NOR IS IT NECESSARY FOR [THE OVEN] TO TOUCH THE GROUND, BUT IT⁶⁹ NEED ONLY BE

REDUCED WITHIN⁷⁰ TO A HEIGHT OF LESS THAN FOUR HANDBREADTHS. R. SIMEON RULED: IT⁷¹ MUST ALSO BE MOVED [FROM ITS POSITION]. IF IT WAS DIVIDED INTO TWO PARTS, ONE LARGE AND THE OTHER SMALL, THE LARGER REMAINS UNCLEAN AND THE SMALLER BECOMES CLEAN. IF IT WAS DIVIDED INTO THREE PARTS ONE OF WHICH WAS AS BIG AS THE OTHER TWO TOGETHER, THE BIG ONE REMAINS UNCLEAN AND THE TWO SMALL ONES BECOME CLEAN.

MISHNAH 8. IF AN OVEN WAS CUT UP BREADTHWISE INTO RINGS THAT ARE EACH LESS THAN FOUR HANDBREADTHS IN HEIGHT, IT IS CLEAN. IF IT WAS SUBSEQUENTLY⁷² PLASTERED OVER WITH CLAY, IT BECOMES SUSCEPTIBLE TO UNCLEANNESS WHEN⁷³ IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE BAKING OF SPONGY CAKES. IF THE PLASTERING WAS REMOVED,⁷⁴ AND SAND OR GRAVEL WAS PUT BETWEEN IT AND THE OVEN SIDES — OF SUCH AN OVEN IT HAS BEEN SAID, ‘A MENSTRUANT AS WELL AS A CLEAN WOMAN MAY BAKE IN IT AND IT REMAINS CLEAN’.⁷⁵

MISHNAH 9. IF AN OVEN CAME IN SECTIONS⁷⁶ FROM THE CRAFTSMAN'S HOUSE AND HOOPS WERE PREPARED FOR IT AND PUT UPON IT⁷⁷ WHILE IT WAS CLEAN, AND WHEN⁷⁸ IT CONTRACTED AN UNCLEANNESS ITS HOOPS WERE REMOVED, IT IS AGAIN CLEAN.⁷⁹ EVEN IF THEY ARE PUT ON AGAIN THE OVEN REMAINS CLEAN.⁸⁰ IF, HOWEVER, IT WAS⁸¹ PLASTERED WITH CLAY, IT BECOMES SUSCEPTIBLE TO UNCLEANNESS AND THERE IS NO NEED TO HEAT IT SINCE IT⁸² WAS ONCE HEATED.

MISHNAH 10. IF AN OVEN WAS CUT UP⁸³ INTO RINGS, AND SAND WAS INSERTED BETWEEN EACH PAIR OF RINGS,⁸⁴ R. ELIEZER RULES: IT IS CLEAN;⁸⁵ BUT THE SAGES RULE: IT IS UNCLEAN.⁸⁶ SUCH AN OVEN IS KNOWN AS THE OVEN OF AKNAI.⁸⁷ AS REGARDS THE ARABIAN POTS, WHICH ARE HOLES DUG IN THE GROUND AND PLASTERED WITH CLAY, IF THE PLASTERING CAN STAND OF ITSELF IT IS SUSCEPTIBLE TO UNCLEANNESS;⁸⁸ OTHERWISE IT IS NOT SUSCEPTIBLE. AND THIS KIND OF OVEN IS KNOWN AS THE OVEN OF BEN DINAI.⁸⁹

MISHNAH 11. AN OVEN OF STONE OR OF METAL IS CLEAN,⁹⁰ BUT THE LATTER IS UNCLEAN AS A METAL VESSEL.⁹¹ IF A HOLE WAS MADE IN IT, OR IF IT WAS DAMAGED OR CRACKED, AND IT WAS PROVIDED WITH A LINING OF PLASTER OR WITH A RIM OF CLAY, IT IS UNCLEAN.⁹² WHAT MUST BE THE SIZE OF THE HOLE?⁹³ IT MUST BE BIG ENOUGH FOR THE FLAME TO COME THROUGH. THE SAME APPLIES ALSO TO A STOVE. A STOVE OF STONE OR OF METAL IS CLEAN,⁹⁴ BUT THE LATTER IS UNCLEAN AS A METAL VESSEL.⁹⁵ IF A HOLE WAS MADE IN IT OR IF IT WAS DAMAGED OR CRACKED BUT WAS PROVIDED WITH PROPS⁹⁶ IT IS UNCLEAN. IF IT WAS LINED WITH CLAY, WHETHER INSIDE OR OUTSIDE, IT REMAINS CLEAN. R. JUDAH RULED: IF [THE LINING WAS] INSIDE IT IS UNCLEAN BUT IF OUTSIDE IT REMAINS CLEAN.

(1) If it is to be susceptible to uncleanness.

(2) Baking-ovens were made of clay in the shape of a truncated cone, the wider side being attached with clay to the ground which constituted its bottom. Though such an oven has no bottom of its own it is regarded as a vessel and is susceptible to uncleanness if it conforms to the conditions laid down in our Mishnah.

(3) After it had contracted an uncleanness and was broken.

(4) If a lesser height remained it is clean.

(5) Since it is only used as a child's toy.

(6) In the case of either oven.

(7) But not earlier.

- (8) These require less heat than cakes made of stiffer dough.
- (9) Restricting the Law.
- (10) Which needs more heating than an old one.
- (11) Though it would not be sufficient for baking them in the new oven.
- (12) A kind of box-shaped earthen vessel, hollow within and having two holes on top. The fire is kept within, while the cooking utensils are set over the holes or, sometimes, inside direct on the coals.
- (13) If the stove is to be susceptible to uncleanness.
- (14) After it had contracted an uncleanness and was broken.
- (15) If a lesser height remained it is clean.
- (16) But not earlier.
- (17) Sc. a stove (cf. p. 25 n. 12) with one hole.
- (18) And degree of heating.
- (19) Supra Mishnah 1, q.v.
- (20) Supra.
- (21) In which case the stone may be regarded as a handle of the oven. If it was longer it cannot be so regarded because it would most likely be cut away.
- (22) Sc. if the oven or stove contracted an uncleanness it is passed on to the stone; and if an object of uncleanness came in contact with the stone the oven or stove also contracts it.
- (23) Of the stone.
- (24) The Rabbis whose ruling has just been cited.
- (25) In the case of an oven; and of 'three fingerbreadths' in that of a double stove. Sc. that the projection is considered a connection only where it is not longer than a handbreadth and three fingerbreadths respectively.
- (26) Or double stove (cf. prev. n.).
- (27) In such a case a longer projection would most likely be cut off in order that the oven should not be too far removed from the wall. Where, however, the stone projected in another direction it is not likely to be cut off and may well be regarded as a handle, and, therefore, as a proper connection.
- (28) And a stone joined them together.
- (29) On the other side of the stone nearest to the other oven.
- (30) The length of stone between the two handbreadths which (cf. foll. n.) cannot be regarded as a handle to either oven.
- (31) In agreement with the first Tanna and contrary to the view of R. Judah.
- (32) A kind of detachable rim around the top of a stove which helps to preserve its heat.
- (33) Even where the stove had contracted an uncleanness; because it is not considered a proper connection.
- (34) If a dead creeping thing was suspended within its air-space the oven also becomes unclean.
- (35) Since it is not considered a proper connection.
- (36) The fender.
- (37) The oven.
- (38) Sc. by an imperfect connection (cf. Bert.). Aliter: Joined on three sides but not on the fourth (L.).
- (39) Because it is regarded as a proper connection.
- (40) On the top.
- (41) Whether the uncleanness came into contact with any of them or with the stove all become unclean.
- (42) Sc. an uncleanness suspended within the air-space of one of these or of the oven imparts no uncleanness to any of the others, though the uncleanness is imparted to that in whose air-space it was suspended.
- (43) Var. lec. 'Simeon' or 'and R. Simeon'.
- (44) Always, even where there was contact with one of them. Only that one is unclean that came in contact with the uncleanness.
- (45) Lit., 'from its back'.
- (46) Within.
- (47) Sc. before its manufacture was completed.
- (48) In Galilee.
- (49) The fire was regarded by him as that of a furnace; the baking in which is the completion of their manufacture.
- (50) Lit., 'addition', 'attachment'.
- (51) Even where the oven is unclean, because it is not considered a connection.

- (52) So that it forms an integral part of the oven.
- (53) The Sandal-maker.
- (54) Because they make use of the rim also.
- (55) Who do not use the rim.
- (56) So that its lower half had no longer any cavity as an air-space.
- (57) If a dead creeping thing was embedded within the earth but did not touch the sides of the oven no uncleanness is imparted.
- (58) And the uncleanness extends over the entire oven (L.) or only to that part which is above the earth (Bert.).
- (59) Lit., 'there', between the oven and the wall to lessen the space and thus to keep the oven in position.
- (60) From the cistern or cellar.
- (61) The heat passing up through the bottom of the oven.
- (62) The oven, on being heated for the first time (which constitutes the completion of its manufacture).
- (63) For then it is deemed as joined to the ground and susceptible to uncleanness according to Lev. XI, 35 in the normal way (cf. supra Mishnah I). If the oven, however, can be heated from above only the heating from below does not render it susceptible to uncleanness.
- (64) Even if it is entirely detached from the ground.
- (65) The divergence of view between R. Judah and the Sages whether or not the oven to become susceptible to uncleanness must be attached to the ground depends on the interpretation of the Pentateuchal expression in Lev. XI, 35.
- (66) Being cut perpendicularly.
- (67) Which attaches the oven to the ground.
- (68) So Maim.
- (69) The plastering.
- (70) Within the oven.
- (71) The oven, sc. each of the three parts into which it is divided.
- (72) The rings having been set up again and the oven resumed its original shape.
- (73) Like a new oven (supra Mishnah I).
- (74) From the sides of the oven.
- (75) Since it is insusceptible to uncleanness on account of the sand or gravel which prevents the plaster from adhering to the re-set oven.
- (76) Lit., 'cut'.
- (77) To hold the sections together.
- (78) Subsequently.
- (79) Since the sections are no longer held together the oven must be regarded as a broken one that is not susceptible to uncleanness.
- (80) Because it is no longer considered a whole vessel. Only when the new sections come for the first time from the craftsman's house do the hoops unite them into one whole.
- (81) After the sections were re-set.
- (82) When it came in sections from the craftsman.
- (83) Breadthwise.
- (84) And plastered over.
- (85) Because the sand is deemed to break up the oven into isolated fragments.
- (86) Since the plaster over the sand joins the rings into one whole.
- (87) Probably the name of a manufacturer of this kind of oven; v. B.M. 59a.
- (88) After it had been duly heated to the prescribed degree.
- (89) The name of a person (a robber) who designed or made this kind of oven; v. Sot. 47a. and Josephus. Ant. XX, 6, 1
- (90) The former is not even susceptible to uncleanness while the latter is cleansed by ritual immersion. Neither contracts uncleanness through its air-space.
- (91) So that if it is not attached to the ground it contracts uncleanness from its outside and it may also become a 'father of the father of uncleanness'.
- (92) Sc. it is susceptible to uncleanness like an oven made of clay.
- (93) For an oven to be regarded as broken and clean.
- (94) V. p. 30, n. 15.

(95) V. p. 30, n. 16.

(96) Three clay props on the top of the stove on which the cooking pot is set (Elijah Wilna).

Mishna - Mas. Kelim Chapter 6

MISHNAH 1. IF THREE PROPS¹ WERE PUT UPON THE GROUND² AND JOINED TOGETHER WITH CLAY³ SO THAT A POT COULD BE SET ON THEM, [THE STRUCTURE] IS SUSCEPTIBLE TO UNCLEANNESS.⁴ IF THREE NAILS WERE FIXED IN THE GROUND² SO THAT A POT COULD BE SET ON THEM, EVEN THOUGH A PLACE WAS MADE ON THE TOP⁵ WHEREON A POT COULD REST, [THE STRUCTURE] IS INSUSCEPTIBLE TO UNCLEANNESS.⁶ IF ONE MADE A STOVE OF TWO STONES, JOINING THEM TOGETHER WITH CLAY, IT IS SUSCEPTIBLE TO UNCLEANNESS.⁴ R. JUDAH RULES THAT IT IS INSUSCEPTIBLE TO UNCLEANNESS,⁷ UNLESS A THIRD STONE IS ADDED OR [THE STRUCTURE] IS PLACED NEAR A WALL.⁸ IF ONE STONE WAS JOINED TO THE OTHER WITH CLAY AND THE THIRD WAS NOT JOINED TO IT WITH CLAY, [THE STRUCTURE] IS INSUSCEPTIBLE TO UNCLEANNESS.⁹

MISHNAH 2. A STONE¹⁰ ON WHICH A POT IS SET, [RESTING IT ON IT] AND ON AN OVEN, OR ON A DOUBLE STOVE, OR ON A STOVE,¹¹ IS SUSCEPTIBLE TO UNCLEANNESS. IF THE POT RESTED ON THE STONE¹⁰ AND ON ANOTHER STONE,¹² ON A ROCK¹³ OR ON A WALL,¹⁴ [SUCH STOVE] IS INSUSCEPTIBLE TO UNCLEANNESS;¹⁵ AND SUCH¹⁶ WAS THE STOVE OF THE NAZIRITES IN JERUSALEM¹⁷ WHICH WAS SET UP AGAINST A ROCK. AS REGARDS THE STOVE OF THE BUTCHERS,¹⁸ WHENEVER THE STONES ARE PLACED SIDE BY SIDE,¹⁹ IF ONE OF THE STOVES CONTRACTED UNCLEANNESS ALL THE OTHERS DO NOT BECOME UNCLEAR.²⁰

MISHNAH 3. IF ONE MADE OF THREE STONES TWO STOVES²¹ AND ONE OF THE OUTER ONES CONTRACTED AN UNCLEANNESS THE HALF OF THE MIDDLE ONE THAT SERVES THE UNCLEAR ONE²² IS UNCLEAR BUT THE HALF OF IT THAT SERVES THE CLEAN ONE REMAINS CLEAN. IF THE CLEAN ONE WAS REMOVED, THE MIDDLE ONE IS REGARDED AS COMPLETELY TRANSFERRED TO THE UNCLEAR ONE.²³ IF THE UNCLEAR ONE WAS REMOVED, THE MIDDLE ONE IS REGARDED AS COMPLETELY TRANSFERRED TO THE CLEAN ONE. SHOULD THE TWO OUTER ONES CONTRACT UNCLEANNESS, IF THE MIDDLE STONE WAS LARGE EACH OUTER STONE IS ALLOWED SUCH A PART OF IT AS SUFFICES FOR THE SUPPORT OF A POT²² AND THE REMAINDER IS CLEAN. BUT IF IT WAS SMALL ALL OF IT IS UNCLEAR. SHOULD THE MIDDLE STONE BE REMOVED, IF A BIG KETTLE CAN BE SET ON THE TWO OUTER STONES²⁴ THEY ARE UNCLEAR. IF THE MIDDLE STONE IS RESTORED ALL BECOMES CLEAN AGAIN.²⁵ IF IT WAS PLASTERED WITH CLAY²⁶ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS WHEN²⁷ IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE COOKING OF AN EGG.²⁸

MISHNAH 4. IF TWO STONES WERE MADE INTO A STOVE AND THEY CONTRACTED AN UNCLEANNESS, AND A STONE WAS SET UP NEAR THE OUTER SIDE²⁹ OF THE ONE AND ANOTHER STONE NEAR THE OUTER SIDE OF THE OTHER,³⁰ [THE INNER HALF] OF EACH [INNER STONES]³¹ REMAINS UNCLEAR³² WHILE [THE OUTER] HALF OF EACH [OF THESE STONES]³³ IS CLEAN. IF THE CLEAN STONES³⁴ ARE REMOVED THE OTHERS³⁵ REVERT TO THEIR UNCLEANNESS.

(1) Of clay.

(2) In a tripod arrangement.

(3) To form a stand.

- (4) Sc. like an earthen vessel it contracts uncleanness through its air-space.
- (5) Sc. each nail was provided at its top with a coating of clay (Tosaf. Y.T.)
- (6) Like a metal vessel that is fixed to the ground.
- (7) Because on two stones a pot cannot properly be set.
- (8) On which one side of the pot could be supported.
- (9) According to R. Judah (cf. n. 7).
- (10) That was fixed to the ground with clay.
- (11) The pot being supported both on the stone and on one of these earthen vessels.
- (12) That was not fixed to the ground.
- (13) In its primordial condition.
- (14) All of which are insusceptible to uncleanness.
- (15) Because to such a stove the prescription shall be broken in pieces (Lev. XI, 35) does not apply.
- (16) A stone fixed to the ground.
- (17) On which they cooked their peace-offerings (cf. Mid. II, 5).
- (18) Who sold cooked meat and used a stove for the purpose.
- (19) Each one being fixed to the ground with clay but separated from the others, and each pair serving as one stove on which a cooking pot could rest.
- (20) Since each stove may be regarded as an isolated entity.
- (21) The cooking pots resting on either Of the outer stones and the adjacent part of the middle one.
- (22) Cf. prev. n.
- (23) And it becomes unclean.
- (24) I.e., if their distance from one another was not so great as to prevent the opposite sides of the kettle from resting on the two stones respectively.
- (25) The stone restored being deemed to have broken the larger stove in two.
- (26) And thus fixed to the ground.
- (27) Like a new oven.
- (28) As explained supra V, 2.
- (29) Lit., 'from here'.
- (30) The four stones now forming three stoves.
- (31) Which serves as part of the middle stove.
- (32) As it was originally.
- (33) Which is now forming a new stove with the outer stone adjacent to it.
- (34) The outer ones that have been added to the original stove.
- (35) The two stones that constituted the original stove.

Mishna - Mas. Kelim Chapter 7

MISHNAH 1. IF A DOMESTIC¹ FIRE-BASKET² WAS HOLLOWED OUT³ TO A DEPTH OF LESS THAN THREE HANDBREADTHS,⁴ IT REMAINS SUSCEPTIBLE TO UNCLEANNESS, BECAUSE WHEN IT IS HEATED FROM BELOW³ A POT ABOVE WOULD STILL BOIL. IF, HOWEVER, IT WAS HOLLOWED OUT³ TO A LOWER DEPTH IT IS INSUSCEPTIBLE TO UNCLEANNESS.⁵ IF SUBSEQUENTLY A STONE OR GRAVEL WAS PUT INTO IT,⁶ IT IS STILL INSUSCEPTIBLE TO UNCLEANNESS.⁷ IF IT WAS PLASTERED OVER⁸ WITH CLAY, IT MAY CONTRACT UNCLEANNESS HENCEFORWARD.⁹ THIS WAS R. JUDAH'S REPLY¹⁰ IN CONNECTION WITH THE OVEN THAT WAS PLACED OVER THE MOUTH OF A CISTERN OR OVER THAT OF A CELLAR.¹¹

MISHNAH 2. A HOB¹² THAT HAS A RECEPTACLE FOR POTS¹³ IS CLEAN AS A STOVE¹⁴ BUT UNCLEAR AS A RECEPTACLE.¹⁵ AS TO ITS¹⁶ SIDES,¹⁷ WHATEVER TOUCHES THEM DOES NOT BECOME UNCLEAR AS IF THE HOB HAD BEEN A STOVE,¹⁸ BUT AS REGARDS ITS WIDE SIDE,¹⁹ R. MEIR HOLDS IT TO BE CLEAN²⁰ WHILE R. JUDAH HOLDS IT TO BE UNCLEAR.²¹ THE SAME LAW²² APPLIES ALSO WHERE A BASKET WAS

INVERTED AND A STOVE WAS PUT UPON IT.²³

MISHNAH 3. IF A DOUBLE STOVE WAS SPLIT INTO TWO PARTS LONGITUDINALLY IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS.²⁴ BUT IF CROSSWISE²⁵ IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. IF A SINGLE STOVE WAS SPLIT INTO TWO PARTS, WHETHER LONGITUDINALLY OR CROSSWISE, IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS.²⁶ AS TO THE FENDER AROUND A STOVE,²⁷ WHENEVER IT²⁸ IS THREE FINGERBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND ALSO THROUGH ITS AIR-SPACE, BUT IF IT IS LESS IT CONTRACTS UNCLEANNESS THROUGH CONTACT AND NOT THROUGH ITS AIR-SPACE.²⁹ HOW³⁰ IS THE AIR-SPACE³¹ DETERMINED?³² R. ISHMAEL SAYS: A SPIT³³ IS INCLINED FROM ABOVE³⁴ DOWNWARDS³⁵ AND ALL BELOW IT³⁶ IS THE AIR-SPACE³⁷ THROUGH WHICH UNCLEANNESS IS IMPARTED. R. ELIEZER B. JACOB RULED: IF THE STOVE CONTRACTED UNCLEANNESS THE FENDER³⁸ ALSO BECOMES UNCLEAR, BUT IF THE FENDER CONTRACTS UNCLEANNESS THE STOVE DOES NOT BECOME UNCLEAR.

MISHNAH 4. IF THE FENDER WAS DETACHED FROM THE STOVE, WHENEVER IT WAS THREE FINGERBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND THROUGH ITS AIR-SPACE, BUT IF IT WAS LOWER OR IF THE FENDER WAS FLAT³⁹ IT IS CLEAN.⁴⁰ IF THREE PROPS⁴¹ ON A STOVE WERE THREE FINGERBREADTHS HIGH, THEY CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE. IF THEY WERE LOWER THEY CONTRACT UNCLEANNESS ALL THE MORE,⁴² EVEN WHERE THEY WERE FOUR IN NUMBER.⁴³

MISHNAH 5. IF ONE OF THEM⁴⁴ WAS REMOVED, THE REMAINING ONES CONTRACT UNCLEANNESS BY CONTACT BUT NOT THROUGH THEIR AIR-SPACE;⁴⁵ SO R. MEIR. R. SIMEON RULES THAT THEY REMAIN CLEAN. IF ORIGINALLY ONLY TWO PROPS WERE MADE, ONE OPPOSITE THE OTHER,⁴⁶ THEY CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY ARE CLEAN. IF THEY WERE MORE THAN THREE FINGERBREADTHS HIGH, THE PARTS THAT ARE THREE FINGERBREADTHS HIGH AND DOWNWARDS⁴⁷ CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE BUT THE PARTS THAT ARE MORE THAN THREE FINGERBREADTHS HIGH CONTRACT UNCLEANNESS BY CONTACT AND NOT THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY⁴⁸ ARE CLEAN. IF THEY WERE WITHDRAWN FROM THE RIM,⁴⁹ THE PARTS WHICH ARE WITHIN THREE FINGERBREADTHS⁴⁹ CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE, AND THOSE PARTS THAT ARE REMOVED MORE THAN THREE FINGERBREADTHS⁴⁹ CONTRACT UNCLEANNESS BY CONTACT BUT NOT THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY ARE CLEAN.

MISHNAH 6. HOW IS THEIR AIR-SPACE⁵⁰ MEASURED?⁵¹ R. SIMEON B. GAMALIEL SAYS: THE MEASURING-ROD⁵² IS PLACED BETWEEN THEM,⁵³ AND ANY PART THAT IS OUTSIDE THE MEASURING-ROD IS CLEAN WHILE ANY PART INSIDE THE MEASURING-ROD, INCLUDING THE PLACE OF THE MEASURING-ROD ITSELF, IS UNCLEAR.

(1) Lit., 'of householders'.

(2) **. A movable earthen stove, open above (where the pot is set) and closed below with a thick bottom (on which the coals rest).

(3) In its bottom.

(4) Lowering by so much the level of the fire.

- (5) Because, on account of the distance of the fire from its top, it can no longer be used as a stove.
- (6) To fill up the hollowed part.
- (7) Since a movable object cannot be regarded as a valid part of the stove.
- (8) Above the stone or gravel.
- (9) Cf. n. 7 mut. mut.
- (10) To the Sages who differed from him (supra V, 6).
- (11) As here it is essential that the heat below shall suffice for the boiling of a pot above so, R. Judah maintained, it is also essential there.
- (12) Dakon or (with MS.M.) Dikon, a projection from a stove (triangular in shape, the base of which and the stove have a common side) on which pots are placed to keep them warm. Aliter: An oblong chest filled with hot ashes on the top of which are holes for pots.
- (13) Cf. prev. n.
- (14) Sc. it is (a) insusceptible to uncleanness if it was fixed to the ground and (b) though the stove contracted an uncleanness the hob remains clean.
- (15) Sc. if it was detached from the ground it becomes susceptible to uncleanness like any other earthen vessel.
- (16) The hob's.
- (17) That are not common to it and the stove.
- (18) Even though the stove was unclean at the time.
- (19) That which is common to it and the stove.
- (20) Because, in his opinion, even the wide side is not wholly regarded as a part of the stove, their common side being considered as a mere stone intervening between two stoves which is deemed to be divided into two halves, that facing the hob remaining clean.
- (21) Sc. if an uncleanness touched the hob it is as unclean as if the stove itself had been touched.
- (22) That is applicable to the hob.
- (23) The part of the basket that projects round about the oven and on which pots are placed to keep them warm, are subject to the same laws as the hob.
- (24) Since neither part is capable of holding a pot.
- (25) So that each stove is still capable of holding a pot on the unbroken hole on its top.
- (26) Cf. n. 10. mut. mut.
- (27) Lit., 'court', a flat foundation of clay with a rim around it.
- (28) Cf. prev. n.
- (29) Since it is only regarded as a 'handle' of the stove.
- (30) In the case where the rim of the fender is three fingerbreadths high.
- (31) Of the fender.
- (32) In view of the fact that the stove is much higher than the rim of the fender.
- (33) Or a similar rod.
- (34) From the edge of the stove.
- (35) To the rim of the fender.
- (36) Lit., 'and opposite it'.
- (37) V. p. 36. n. 17.
- (38) Which is merely an adjunct to it.
- (39) Lit., 'smooth', sc. there was no rim at all.
- (40) Though the stove was unclean; since it was completely detached from it.
- (41) Of clay on which pots are set.
- (42) Since they are definitely a part of the stove.
- (43) When one of them is superfluous, since a pot could well be set on three props.
- (44) Of the three props spoken of in the previous Mishnah.
- (45) Since they are regarded as a mere 'handle' of the stove.
- (46) So that the two, being capable of supporting a pot, are in the same condition as two stones of which a stove was made (v. supra VI, 1).
- (47) Towards the stove.
- (48) The parts that are more than three fingerbreadths high. Aliter: The entire height of the props.

- (49) Of the stove or (with another commentary) the mouth of the stove, the props having been bent outwards.
(50) Lit., 'them', the props (v. prev. Mishnah).
(51) Sc. how is it determined which air-space is within the parts of the props that are 'within three fingerbreadths'.
(52) With which the three fingerbreadths have been measured.
(53) Each pair of props in turn, at a distance of three fingerbreadths (cf. n. 2).

Mishna - Mas. Kelim Chapter 8

MISHNAH 1. IF WITHIN AN OVEN¹ A PARTITION OF BOARDS OR HANGINGS² WAS PUT UP AND A [DEAD] CREEPING THING WAS FOUND IN ONE COMPARTMENT ALL THE OVEN BECOMES UNCLEAN.³ IF A HIVE THAT WAS BROKEN THROUGH⁴ AND ITS GAP WAS STOPPED UP WITH STRAW⁵ WAS SUSPENDED WITHIN THE AIR-SPACE OF AN OVEN⁶ WHILE A [DEAD] CREEPING THING WAS WITHIN IT, THE OVEN BECOMES UNCLEAN.⁷ IF A [DEAD] CREEPING THING WAS WITHIN THE OVEN, ANY FOODSTUFFS WITHIN THE HIVE BECOME UNCLEAN;⁸ BUT R. ELIEZER RULES THAT THEY ARE CLEAN. R. ELIEZER ARGUED: IF SUCH A HIVE AFFORDS PROTECTION IN THE CASE OF A CORPSE⁹ WHICH IS SUBJECT TO THE GREATER RESTRICTIONS,¹⁰ SHOULD IT NOT AFFORD PROTECTION IN THE CASE OF AN EARTHENWARE WHICH IS SUBJECT TO LIGHTER RESTRICTIONS?¹⁰ THEY ANSWERED HIM: IF IT AFFORDS PROTECTION IN THE CASE OF CORPSE UNCLEANNESS (THOUGH IT IS SUBJECT TO GREATER RESTRICTIONS) ON ACCOUNT OF THE FACT THAT TENTS MAY BE DULY DIVIDED,¹¹ SHOULD IT ALSO AFFORD PROTECTION IN THE CASE OF AN EARTHENWARE (THOUGH IT IS SUBJECT TO LIGHTER RESTRICTIONS) WHERE TENTS CANNOT BE USEFULLY DIVIDED?¹²

MISHNAH 2. IF A HIVE WAS IN A SOUND CONDITION, AND SO TOO IN THE CASE OF A HAMPER OR A SKIN-BOTTLE, AND A [DEAD] CREEPING THING WAS WITHIN IT¹³ THE OVEN REMAINS CLEAN.¹⁴ IF THE [DEAD] CREEPING THING WAS IN THE OVEN, ANY FOODSTUFFS IN THE HIVE REMAIN CLEAN.¹⁴ IF IT¹⁵ WAS PERFORATED, A VESSEL THAT IS USED FOR FOODSTUFFS MUST¹⁶ HAVE A HOLE THAT IS LARGE ENOUGH FOR OLIVES TO FALL THROUGH, IF IT IS USED FOR LIQUIDS THE HOLE MUST BE LARGE ENOUGH FOR LIQUIDS TO PASS INTO IT,¹⁷ AND IF IT IS USED FOR EITHER IT IS SUBJECTED TO THE GREATER RESTRICTION, VIZ., THE HOLE NEED ONLY BE LARGE ENOUGH FOR LIQUIDS TO PASS INTO IT.¹⁸

MISHNAH 3. IF A COLANDER¹⁹ PLACED OVER THE MOUTH OF AN OVEN WAS SLIGHTLY SINKING INTO IT,²⁰ AND IT HAD NO RIMS,²¹ AND A [DEAD] CREEPING THING WAS IN IT THE OVEN BECOMES UNCLEAN, AND IF THE CREEPING THING WAS IN THE OVEN, FOODSTUFFS IN THE COLANDER BECOME UNCLEAN, SINCE ONLY VESSELS²² AFFORD PROTECTION AGAINST AN UNCLEANNESS IN AN EARTHEN VESSEL.²³ IF A JAR THAT WAS FULL OF CLEAN LIQUIDS²⁴ WAS PLACED BENEATH THE BOTTOM OF AN OVEN, AND A [DEAD] CREEPING THING WAS IN THE OVEN, THE JAR AND THE LIQUIDS REMAIN CLEAN.²⁵ IF IT²⁶ WAS INVERTED, WITH ITS MOUTH PROJECTING INTO THE AIR-SPACE OF THE OVEN, AND A DEAD CREEPING THING WAS IN THE OVEN, THE LIQUID THAT CLINGS TO²⁷ THE BOTTOM OF THE JAR REMAINS CLEAN.²⁸

MISHNAH 4. IF A POT WAS PLACED IN AN OVEN AND A [DEAD] CREEPING THING WAS IN THE OVEN, THE POT REMAINS CLEAN SINCE NO EARTHEN VESSEL²⁹ IMPARTS UNCLEANNESS TO VESSELS. IF IT³⁰ CONTAINED DRIPPING LIQUID, THE LATTER CONTRACTS UNCLEANNESS AND THE POT ALSO BECOMES UNCLEAN.³¹ THIS³² MIGHT WELL SAY,³³ 'THAT³⁴ WHICH MADE YOU UNCLEAN DID NOT MAKE ME

UNCLEAN, BUT YOU HAVE MADE ME UNCLEAN’.

MISHNAH 5. IF A COCK THAT SWALLOWED A CREEPING THING FELL³⁵ WITHIN THE AIR-SPACE OF AN OVEN, THE OVEN REMAINS CLEAN;³⁶ BUT IF THE COCK DIED,³⁷ THE OVEN BECOMES UNCLEAN.³⁸ IF A [DEAD] CREEPING THING WAS FOUND IN AN OVEN, ANY BREAD IN IT CONTRACTS A SECOND GRADE OF UNCLEANNESS SINCE THE OVEN³⁹ IS OF THE FIRST GRADE.⁴⁰

MISHNAH 6. IF A LEAVEN POT⁴¹ THAT HAD A TIGHTLY FITTING LID⁴² WAS PUT WITHIN AN OVEN, AND THERE WAS SOME LEAVEN AND A [DEAD] CREEPING THING WITHIN THE POT, BUT THERE WAS A PARTITION⁴³ BETWEEN THEM,⁴⁴ THE OVEN IS UNCLEAN⁴⁵ BUT THE LEAVEN⁴⁶ IS CLEAN. BUT IF IT⁴⁷ WAS AN OLIVES BULK OF CORPSE,⁴⁸ BOTH THE OVEN AND THE HOUSE⁴⁹ BECOME UNCLEAN,⁵⁰ BUT THE LEAVEN⁴⁶ REMAINS CLEAN. IF, HOWEVER, THERE WAS IN THE PARTITION⁴³ AN APERTURE ONE HANDBREADTH SQUARE,⁵¹ ALL⁵² BECOME UNCLEAN.

MISHNAH 7. IF A [DEAD] CREEPING THING WAS FOUND IN THE OUTLET⁵³ OF AN OVEN OR OF A DOUBLE STOVE OR OF A SINGLE STOVE OUTSIDE THE INNER EDGE,⁵⁴ IT⁵⁵ REMAINS CLEAN.⁵⁶ IF IT⁵⁵ WAS IN THE OPEN AIR,⁵⁷ EVEN THOUGH AN OLIVE'S BULK OF CORPSE WAS FOUND IN THE OUTLET, IT⁵⁵ REMAINS CLEAN.⁵⁸ IF, HOWEVER, THERE WAS IN THE OUTLET AN OPENING OF ONE HANDBREADTH,⁵⁹ ALL⁶⁰ BECOME UNCLEAN.⁵¹

MISHNAH 8. IF A [DEAD] CREEPING THING WAS FOUND IN THE APERTURE⁶¹ THROUGH WHICH WOOD IS PUT IN, R. JUDAH RULED: IF IT⁶² WAS WITHIN THE OUTER EDGE OF THE APERTURE THE STOVE BECOMES UNCLEAN.⁶³ BUT THE SAGES RULED: IF IT⁶² WAS WITHOUT THE INNER EDGE THE OVEN REMAINS CLEAN.⁶⁴ R. JOSE RULED: IF IT⁶² WAS FOUND BENEATH THE SPOT WHERE THE POT IS SET, INWARDS, THE STOVE BECOMES UNCLEAN, BUT IF BENEATH THE SPOT WHERE THE POT IS SET, OUTWARDS, IT REMAINS CLEAN. IF IT⁶² WAS FOUND ON THE PLACE⁶⁵ WHERE THE BATH-KEEPER⁶⁶ SITS, OR WHERE THE DYER SITS, OR WHERE THE OLIVE SEETHERS SIT, THE STOVE REMAINS CLEAN. THE STOVE BECOMES UNCLEAN⁶⁷ ONLY WHEN THE CREEPING THING IS FOUND WITHIN AND BEYOND THAT OPENING WHICH IS BLOCKED UP BY THE POT.⁶⁸

MISHNAH 9. A PIT⁶⁹ WHICH HAS A PLACE ON WHICH A POT MAY BE SET IS UNCLEAN;⁷⁰ AND SO ALSO AN OVEN OF GLASS-BLOWERS. IF IT HAS A PLACE ON WHICH A POT MAY BE SET, IS UNCLEAN.⁷⁰ THE FURNACE OF LIME-BURNERS, OR OF GLAZIERS, OR OF POTTERS IS CLEAN. A LARGE SIZED BAKING-OVEN⁷¹, IF IT HAS A RIM,⁷² IS UNCLEAN.⁷³ R. JUDAH RULED:⁷⁴ IF IT HAS A PERFORATED ROOF.⁷⁵ R. GAMALIEL RULED:⁷⁴ IF IT HAS A BORDER.⁷⁶

MISHNAH 10. IF A MAN WHO CAME IN CONTACT WITH ONE WHO HAS CONTRACTED CORPSE UNCLEANNESS⁷⁷ HAD FOODSTUFFS OR LIQUIDS IN HIS MOUTH AND HE PUT HIS HEAD INTO THE AIR-SPACE OF AN OVEN THAT WAS CLEAN, THEY⁷⁸ CAUSE THE OVEN TO BE UNCLEAN.⁷⁹ IF A MAN WHO WAS CLEAN HAD FOODSTUFFS OR LIQUIDS IN HIS MOUTH AND HE PUT HIS HEAD INTO THE AIR-SPACE OF AN OVEN THAT WAS UNCLEAN, THEY⁸⁰ BECOME UNCLEAN.⁸¹ IF A MAN WAS EATING A PRESSED FIG⁸² WITH SOILED HANDS⁸³ AND HE PUT HIS HAND INTO HIS MOUTH TO REMOVE A SMALL STONE,⁸⁴ R. MEIR DECLARES THE FIG TO BE UNCLEAN⁸⁵ AND R. JUDAH REGARDS IT AS CLEAN.⁸⁶ R. JOSE RULED: IF HE⁸⁷ TURNED IT OVER⁸⁸ THE FIG IS UNCLEAN⁸⁵ BUT IF HE DID NOT TURN IT OVER⁸⁸ THE FIG

REMAINS CLEAN.⁸⁹ IF THE MAN HAD A PONDION⁹⁰ IN HIS MOUTH, R. JOSE RULED: IF HE KEPT IT THERE TO RELIEVE HIS THIRST IT BECOMES UNCLEAR.⁹¹

MISHNAH 11. IF MILK THAT DRIPPED FROM A WOMAN'S BREASTS⁹² FELL INTO THE AIR-SPACE OF AN OVEN, THE OVEN BECOMES UNCLEAR,⁹³ SINCE A LIQUID⁹⁴ CONVEYS UNCLEANNESS IRRESPECTIVE OF WHETHER [ITS PRESENCE] IS ACCEPTABLE OR NOT ACCEPTABLE. IF SHE⁹⁵ WAS SWEEPING IT⁹⁶ OUT WHEN A THORN PRICKED HER AND SHE BLED, OR IF SHE BURNT HERSELF AND PUT HER FINGER INTO HER MOUTH, THE OVEN BECOMES UNCLEAR.⁹⁷

(1) Of earthenware.

(2) Dividing it up from top to bottom.

(3) The partition being completely disregarded.

(4) In consequence of which it ceased to be a valid vessel.

(5) And much more so if it was not stopped up (cf. prev. n.).

(6) Though its mouth was above that of the oven.

(7) Only where a dead creeping thing was within a sound vessel in the oven does the vessel protect the oven from the uncleanness within it.

(8) Having lost the status of a vessel (cf. supra n. 4) it cannot prevent uncleanness from penetrating either from itself into the oven or vice versa.

(9) No corpse uncleanness in a house can penetrate such a hive to any foodstuffs that it contains.

(10) Corpse uncleanness extends, for instance, over seven days and affects both men and vessels while that of an earthenware can be imparted to foodstuffs and liquids only.

(11) A partition in a tent or a house prevents any corpse uncleanness in that tent or house from penetrating through it into the other part.

(12) No partition (as stated supra n. 3 in the case of the oven) affords protection in an earthenware.

(13) While it was suspended within an oven with its mouth above, or on a level with, but not lower than, that of the oven.

(14) Because the uncleanness cannot penetrate through a sound vessel either into another vessel or from another vessel into it (cf. prev. n.).

(15) The hive, the hamper or the skin bottle that with foodstuffs in it was suspended in the oven that contained a dead creeping thing.

(16) If it is to lose the status of vessel and allow the uncleanness in the oven to penetrate through it.

(17) It is not enough if it only allows liquids to pass out.

(18) Even such a small hole destroys the status of the vessel and the uncleanness penetrates through it.

(19) A tablet with perforations made of earthenware. Aliter: An earthenware slab with no cavity that is used for kneading.

(20) Though its upper surface was above the mouth of the oven.

(21) In consequence of which it cannot be regarded as a valid 'vessel'.

(22) Cf. prev. n.

(23) In which they are put.

(24) Much more so if it was full of foodstuffs, which, unlike liquids, can never impart uncleanness to a vessel.

(25) Even though the open bottom of the oven projected into the jar.

(26) The jar.

(27) Lit., 'moistens'.

(28) Since it is without the cavity of the oven; nor does the jar contract uncleanness since no vessel contracts uncleanness through the air-space of an earthen vessel.

(29) Such as the oven in question.

(30) The pot.

(31) Through its contact with the liquids.

(32) The pot.

(33) To the liquid.

- (34) The oven.
- (35) Alive.
- (36) As if the creeping thing within the body of the cock had been within a tightly closed vessel.
- (37) And its carcass fell within the air-space of the oven before the creeping thing could be digested, viz., within twenty-four hours from the time it had been swallowed.
- (38) A carcass cannot be regarded as a tightly closed vessel and the dead creeping thing is thus virtually within the air-space of the oven.
- (39) Which contracted its uncleanness from the dead creeping thing that is a 'father of uncleanness'.
- (40) And a first grade imparts only a second grade of uncleanness.
- (41) Of earthenware.
- (42) Which affords protection against uncleanness to any thing within it; v. infra X, 2.
- (43) Dividing up the pot from top to bottom into two compartments.
- (44) The creeping thing and the leaven.
- (45) On account of the dead creeping thing. A tightly fitting lid only prevents the ingress, but not the egress of an uncleanness.
- (46) Which in its compartment is protected by the tightly fitting lid.
- (47) The unclean object in one of the compartments of the leaven pot.
- (48) Instead of a creeping thing.
- (49) By ohel (v. Glos.).
- (50) From the corpse.
- (51) The minimum size of an opening that affords passage to corpse uncleanness.
- (52) Even the leaven.
- (53) Lit., 'eye', a hole for the admission of air or the escape of smoke.
- (54) Of the outlet.
- (55) The oven etc.
- (56) Since the outlet, which is usually closed when the oven etc. is used (to preserve the heat), is not regarded as an integral part of the vessel.
- (57) Where the law of ohel does not apply.
- (58) Since the uncleanness cannot penetrate through the outlet which is smaller than the prescribed minimum.
- (59) In length, breadth and height.
- (60) The outlet and the oven etc.
- (61) Of a stove.
- (62) The creeping thing.
- (63) Because the thickness of the oven sides is regarded as the inside of the oven.
- (64) The thickness of the sides being regarded by them as the outside of the oven (cf. prev. n.).
- (65) On a stove.
- (66) Or 'attendant'.
- (67) Through its air-space.
- (68) By contact, however, uncleanness is conveyed whatever the spot on which the creeping thing fell.
- (69) Bor, a hole in the ground lined with clay in a manner that the lining can stand of itself, such as the oven of Ben Dinai (supra V, 10). Var. lec., Kur. 'a crucible'.
- (70) Sc. it is susceptible to uncleanness.
- (71) Made of clay and having a door in its side.
- (72) So that it is not attached to the ground and can be moved about.
- (73) If, however, it has no rim, so that it is fixed to the ground, it is clean.
- (74) It is unclean.
- (75) **. Alter: An outlet for the smoke. Aliter: Mouldings. In either of these cases the oven would not be attached to the ground and, being movable, is susceptible to uncleanness. Only an oven whose opening is at its top is susceptible to uncleanness even when attached to the ground.
- (76) Cf. prev. n. mut. mut.
- (77) So that he contracted an uncleanness of the first grade. A corpse is the 'father of the father of uncleanness', the man who contracted corpse uncleanness becomes a 'father of uncleanness', and the man who came in contact with him

contracts an uncleanness of the first grade.

(78) The liquids that become unclean by contact with the man.

(79) This is a Rabbinical ordinance applicable to liquids only. In the absence of liquids an oven or any other vessel can contract uncleanness from a 'father of uncleanness' only.

(80) The liquids, despite their concealed condition in the closed mouth of the man.

(81) A closed mouth is not regarded as a vessel with a tightly fitting cover (cf. *infra* X, 1).

(82) Of *terumah*.

(83) Sc. 'unwashed'. These are subject to the second grade of uncleanness and consequently convey the third grade of uncleanness to the *terumah* with which they come in contact.

(84) And so touched the fig with his moistened hand.

(85) Because the spittle (a liquid) by moistening the fig rendered it susceptible to uncleanness. The hands that are unclean in the second grade convey to the spittle an uncleanness of the first grade (since whatever conveys uncleanness to *terumah* causes liquids to be unclean in the first grade) and the spittle conveys to the *terumah* an uncleanness of the second grade.

(86) Spittle while in one's mouth, he maintains, is deemed to be a part of the body and cannot, therefore, be regarded as a liquid that renders food susceptible to uncleanness.

(87) With the spittle in his mouth.

(88) In his mouth.

(89) Cf. 'Er. 99a where the names of R. Judah and R. Jose are transposed.

(90) A coin = 16 *perutahs*.

(91) Since the spittle that is generated on account of the coin is regarded as a liquid which renders the fig susceptible to uncleanness.

(92) While she was unclean.

(93) Though the milk dropped against the woman's wish.

(94) That is unclean, as is the milk which contracted uncleanness.

(95) Being clean.

(96) The oven.

(97) From the spittle or the blood which is a liquid and which, contracting uncleanness from the woman's unwashed hands, becomes unclean in the first grade (as stated *supra*) and renders the oven unclean in the second grade.

Mishna - Mas. Kelim Chapter 9

MISHNAH 1. IF A NEEDLE¹ OR A RING¹ WAS FOUND [EMBEDDED] IN THE BOTTOM OF AN OVEN,² AND IT³ WAS VISIBLE BUT DID NOT PROJECT,⁴ THE OVEN IS UNCLEAN IF, WHEN IN BAKING, THE DOUGH WOULD TOUCH IT.⁵ OF WHAT KIND OF 'DOUGH' DID THEY⁶ SPEAK? OF ONE OF MEDIUM CONSISTENCY.⁷ IF IT⁵ WAS³ FOUND IN THE PLASTERING OF THE OVEN⁸ AND THE LATTER HAD A TIGHTLY FITTING COVER, IT³ IS UNCLEAN WHERE THE OVEN IS UNCLEAN⁹ AND CLEAN WHERE THE OVEN IS CLEAN.¹⁰ IF IT³ WAS FOUND IN THE [CLAY] STOPPER OF A JAR, IT IS UNCLEAN¹¹ IF IT WAS AT ITS SIDES,¹² AND CLEAN IF IT WAS OPPOSITE THE JAR'S MOUTH.¹³ THOUGH IT¹⁴ WAS VISIBLE FROM WITHIN. BUT DID NOT PROJECT INTO THE AIR-SPACE OF THE JAR¹⁵ IT IS CLEAN. IF IT¹⁴ WAS SUNK INTO [THE AIR-SPACE OF THE JAR] BUT THERE WAS UNDER IT¹⁶ SOME CLAY, THOUGH THIN AS GARLIC PEEL, IT IS CLEAN.¹⁷

MISHNAH 2. IF A JAR¹⁸ THAT WAS FULL OF CLEAN LIQUIDS, WITH A SIPHON¹⁹ WITHIN IT, HAD A TIGHTLY FITTING COVER AND WAS PUT IN A TENT²⁰ IN WHICH THERE WAS A CORPSE, BETH SHAMMAI RULED: BOTH THE JAR AND THE LIQUIDS ARE CLEAN²¹ BUT THE SIPHON¹⁹ IS UNCLEAN,²² AND BETH HILLEL RULED: THE SIPHON ALSO IS CLEAN. SUBSEQUENTLY²³ BETH HILLEL, CHANGING THEIR VIEW, RULED IN AGREEMENT WITH THAT OF BETH SHAMMAI.

MISHNAH 3. IF A DEAD CREEPING THING WAS FOUND BENEATH THE BOTTOM OF

AN OVEN,²⁴ THE OVEN REMAINS CLEAN, FOR I PRESUME²⁵ THAT IT FELL²⁶ WHILE IT WAS STILL ALIVE²⁷ AND THAT IT DIED ONLY NOW.²⁸ IF A NEEDLE OR A RING²⁹ WAS FOUND BENEATH THE BOTTOM OF AN OVEN,³⁰ THE OVEN REMAINS CLEAN, FOR IT MAY BE PRESUMED THAT THEY WERE THERE BEFORE THE OVEN ARRIVED. IF IT³¹ WAS FOUND IN THE WOOD ASHES,³² THE OVEN IS UNCLEAR SINCE ONE HAS NO GROUND ON WHICH TO BASE AN ASSUMPTION OF CLEANNESS.³³

MISHNAH 4. IF A SPONGE HAD ABSORBED UNCLEAR LIQUIDS AND ITS OUTER SURFACE BECAME DRY AND IT FELL INTO THE AIR-SPACE OF AN OVEN, THE OVEN BECOMES UNCLEAR, FOR THE LIQUID³⁴ WOULD ULTIMATELY EMERGE. AND THE SAME APPLIES TO A PIECE OF TURNIP³⁵ OR REED GRASS.³⁵ R. SIMEON RULES: THE OVEN IS CLEAR IN BOTH THESE CASES.

MISHNAH 5. IF POTSDERDS THAT HAD BEEN USED FOR UNCLEAR LIQUIDS FELL INTO THE AIR-SPACE OF AN OVEN, AND THE OVEN WAS HEATED, IT BECOMES UNCLEAR, FOR THE LIQUID³⁶ WOULD³⁷ ULTIMATELY EMERGE.³⁸ AND THE SAME APPLIES TO FRESH OLIVE PEAT; BUT IF IT WAS OLD,³⁹ THE OVEN REMAINS CLEAR. IF, HOWEVER, IT WAS KNOWN THAT LIQUID EMERGES, EVEN AFTER THE LAPSE OF THREE YEARS,⁴⁰ THE OVEN BECOMES UNCLEAR.

MISHNAH 6. IF OLIVE PEAT OR GRAPE SKINS HAD BEEN PREPARED IN CONDITIONS OF CLEANNESS, AND UNCLEAR PERSONS TROD UPON THEM AND, AS A RESULT,⁴¹ LIQUID EMERGED FROM THEM, THEY REMAIN CLEAR,⁴² SINCE THEY HAD ORIGINALLY BEEN PREPARED IN CONDITIONS OF CLEANNESS.⁴³ IF A SPINDLE HOOK WAS SUNK⁴⁴ INTO THE SPINDLE, OR THE IRON POINT INTO THE OX GOAD, OR A RING INTO A BRICK, AND ALL THESE⁴⁵ WERE CLEAR, AND THEN THEY WERE BROUGHT INTO A TENT⁴⁶ IN WHICH WAS A CORPSE, THEY⁴⁷ BECOME UNCLEAR.⁴⁸ IF A ZAB CAUSED THEM TO SHAKE⁴⁹ THEY BECOME UNCLEAR.⁵⁰ IF THEY THEN FELL INTO THE AIR-SPACE OF A CLEAR OVEN, THEY CAUSE IT TO BE UNCLEAR.⁵⁰ IF A LOAF OF TERUMAH CAME IN CONTACT WITH THEM, IT REMAINS CLEAR.⁵¹

MISHNAH 7. IF A COLANDER⁵² WAS FIXED OVER THE MOUTH OF AN OVEN, FORMING A TIGHTLY FITTING COVER, AND A SPLIT APPEARED BETWEEN THE OVEN AND THE COLANDER, THE MINIMUM SIZE⁵³ IS THAT OF THE CIRCUMFERENCE⁵⁴ OF THE TIP OF AN OX GOAD THAT CANNOT ACTUALLY ENTER IT.⁵⁵ R. JUDAH RULED: IT MUST BE ONE INTO WHICH THE TIP CAN ENTER.⁵⁶ IF A SPLIT APPEARED IN THE COLANDER, THE MINIMUM SIZE⁵⁷ IS THE CIRCUMFERENCE OF THE TIP OF AN OX GOAD THAT CAN ENTER IT.⁵⁶ R. JUDAH RULED: EVEN IF IT CANNOT ENTER.⁵⁸ IF THE SPLIT WAS CURVED⁵⁹ IT MUST NOT BE REGARDED AS STRAIGHT,⁶⁰ BUT INVARIABLY THE MINIMUM SIZE MUST BE THE CIRCUMFERENCE OF THE TIP OF AN OX GOAD THAT CAN ACTUALLY ENTER.⁵⁶

MISHNAH 8. IF A HOLE APPEARED IN THE SEALED OUTLET⁶¹ OF AN OVEN. THE MINIMUM SIZE⁶² MUST BE THAT OF THE CIRCUMFERENCE OF A BURNING SPINDLE STAFF THAT CAN ENTER IT AND COME OUT.⁶³ R. JUDAH RULED: ONE THAT IS NOT BURNING.⁶⁴ IF THE HOLE APPEARED AT ITS⁶⁵ SIDE, THE MINIMUM SIZE⁶² MUST BE THAT OF THE CIRCUMFERENCE OF A SPINDLE STAFF THAT CAN ENTER AND COME OUT WHILE IT IS NOT BURNING.⁶⁴ R. JUDAH RULED: WHILE BURNING.⁶⁶ R. SIMEON RULED: IF THE HOLE IS IN THE MIDDLE⁶⁵ ITS SIZE MUST BE SUCH THAT A SPINDLE STAFF CAN ENTER IT, BUT IF IT WAS AT THE SIDE IT NEED ONLY BE SUCH AS THE SPINDLE STAFF CANNOT ACTUALLY ENTER. AND SO HE USED TO RULE CONCERNING THE STOPPER OF A JAR IN WHICH A HOLE APPEARED: THE

PRESCRIBED SIZE⁶² IS THE CIRCUMFERENCE⁶⁷ OF THE SECOND KNOT IN AN OAT STALK, BUT IF THE HOLE WAS IN THE MIDDLE THE STALK SHOULD BE ABLE TO ENTER, AND IF AT THE SIDE IT NEED NOT BE ABLE TO ENTER. SO HE USED ALSO TO RULE CONCERNING LARGE STONE JARS IN THE STOPPERS OF WHICH APPEARED A HOLE. THE PRESCRIBED SIZE⁵⁷ IS THE CIRCUMFERENCE OF THE SECOND KNOT IN A REED, BUT IF THE HOLE WAS IN THE MIDDLE⁶⁸ THE REED MUST BE ABLE TO ENTER IT, AND IF IT WAS AT THE SIDE THE REED NEED NOT BE ABLE TO ENTER IT. THIS, HOWEVER, APPLIES ONLY WHERE THE JARS WERE MADE TO STORE WINE,⁶⁹ BUT IF THEY WERE MADE TO STORE OTHER LIQUIDS, EVEN THOUGH THE HOLE WAS EVER SO SMALL,⁷⁰ THEY CONTRACT UNCLEANNESS.⁷¹ THIS, FURTHERMORE, APPLIES ONLY WHERE THE HOLES WERE NOT MADE INTENTIONALLY,⁷² BUT IF THEY WERE MADE INTENTIONALLY, EVEN THOUGH THEY WERE EVER SO SMALL,⁷³ [THE JARS] CONTRACT UNCLEANNESS.⁷⁴ IF A HOLE APPEARED IN THE VESSEL ITSELF, ITS PRESCRIBED SIZE⁷⁵ IS AS FOLLOWS: IF THE VESSEL WAS USED FOR FOODSTUFFS, [THE HOLE MUST BE ONE] THROUGH WHICH OLIVES CAN FALL OUT; IF FOR LIQUIDS, ONE THAT ADMITS LIQUIDS; IF FOR EITHER, THE GREATER RESTRICTION IS IMPOSED, VIZ., THERE MUST BE A TIGHTLY FITTING COVER AND [THE SIZE OF THE HOLE⁷⁵ NEED ONLY BE] ONE THAT ADMITS A LIQUID.

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- (1) Which has come in contact with a corpse, becoming thereby a 'father of uncleanness' and thus imparting in turn to earthenware an uncleanness of the first grade (Bert.).
 - (2) Sc. in the ground on which the oven is fixed.
 - (3) The Heb. here as throughout the Mishnah is in the plural.
 - (4) Into the air-space of the oven.
 - (5) The needle or the ring. Since this very slight projection is actually within the air-space of the oven, uncleanness is duly imparted. This, however, applies only where the oven was put in its position after the object had been embedded in the ground. If the oven was there first, the object, by falling through the oven's air-space to its bottom, imparts uncleanness to the oven even before it reached its bottom.
 - (6) The Rabbis of this Mishnah.
 - (7) One that is neither too soft (which would run into the smallest crevices) nor too hard (which would not cling to the oven's sides).
 - (8) Which joins the oven to the ground; and both the oven and the metal object were clean, but were with a corpse under the same roof.
 - (9) Sc. where the cover was not properly tight and fitting.
 - (10) Sc. where the cover was tightly fitting. The needle or the ring, being embedded in the plastering, loses its independent existence and, being deemed to constitute an integral part of the oven, shares its fate; otherwise as metal vessels they would not be protected by a tightly-fitting cover.
 - (11) By overshadowing (cf. supra n. 8).
 - (12) I.e., the part of the stopper that was not opposite the mouth of the jar. (The plug was cone-shaped and thrust its narrow end down into the jar's mouth.) Since the clay in that part of the stopper serves no purpose it is deemed to be non-existent and the needle or ring receives no protection from the tightly fitting cover and is thus exposed to the uncleanness of the corpse under the same roof.
 - (13) And the cover was tightly fitting (cf. p. 46, n. 12 mut. mut.).
 - (14) V. p. 46, n. 3.
 - (15) Being completely sunk into the stopper.
 - (16) Between it and the air-space of the jar.
 - (17) Since it loses its identity in the stopper.
 - (18) Of earthenware, belonging to an 'am ha-arez (v. Glos.).
 - (19) Of metal.
 - (20) I.e., under the same roof.
 - (21) Sc. the 'am ha-arez may continue to use them, no restriction of uncleanness as a precaution against their use by a haber (v. Glos.) having been imposed upon them, since no haber would ever borrow from an 'am ha-arez an earthenware

or a liquid which cannot attain cleanness through immersion in a ritual bath.

(22) As it can attain cleanness by immersion in a ritual bath, a haber might sometimes borrow it and, being unaware that it was under the same roof as a corpse (which renders it unclean for seven days, on the third and seventh of which sprinkling is required), would treat it as an ordinary metal utensil of an 'am ha-arez which becomes clean on the same day after ritual immersion and sunset. A tightly fitting cover affords protection to earthenware, foodstuffs and liquids only, but not to metal vessels.

(23) Having learned of Beth Shammai's reason as just explained; v. 'Ed. I, 14.

(24) Sc. embedded in the ground on which the oven is fixed and which serves as its bottom.

(25) Even where the creeping thing is in a condition indicating recent death and cannot be presumed to have been buried in the ground before the oven was brought there.

(26) Through the air-space of the oven.

(27) So that no uncleanness could be conveyed to the oven through its air-space at that time.

(28) When it was no longer within the oven.

(29) Which comes under the category of metal vessels which, when found by chance, are Rabbinically unclean.

(30) Sc. embedded in the ground on which the oven is fixed and which serves as its bottom.

(31) The needle or the ring.

(32) Which are within the air-space of the oven.

(33) Lit., 'for he has not (a peg) to hang on'.

(34) That is now absorbed.

(35) That absorbed unclean liquids and was dry on its surface etc.

(36) That is now absorbed.

(37) As a result of the heating.

(38) Hence the uncleanness even in a case where one does not mind its emergence. Where one does mind it, uncleanness is conveyed even before the oven had been heated.

(39) Sc. older than twelve months.

(40) Sc. the peat was more than three years old.

(41) Cf. L. Lit., 'and after that'.

(42) They themselves, as dry refuse, cannot contract any uncleanness from the unclean persons, while the liquid, since it was neither intentionally pressed out nor was it acceptable, cannot render them susceptible.

(43) Had they not been prepared in such conditions the liquid that then emerged and was acceptable would have become unclean and on emerging after they had been re-absorbed they would obviously be unclean liquids.

(44) Completely.

(45) Metal objects.

(46) Sc. under the same roof.

(47) Though completely absorbed.

(48) Since such an absorption, unlike that within an earthen vessel with a tightly fitting cover, affords no protection against uncleanness.

(49) Though he did not touch them.

(50) Cf. n. 8 mut. mut.

(51) As the metal object cannot be extracted without breaking the wood or clay in which it is embedded the latter cannot be regarded as a valid receptacle and, therefore, constitute an interposition between the unclean metal and the loaf.

(52) V. supra VIII, 3.

(53) Of the split that would cause the colander to be no longer regarded as a tightly fitting cover.

(54) Lit., 'fulness of'.

(55) Sc. it must be no less but need not be more than the actual circumference of the tip, which is one third of a handbreadth in diameter.

(56) I.e., the split must be slightly bigger than the circumference of the tip.

(57) V. p. 49, n. 13.

(58) V. p. 49, n. 15.

(59) In its passage from the upper to the inner surface so that the tip of an ox goad cannot pass through it (cf. T.Y.T.).

(60) Lit., 'long'.

(61) Lit., 'from its eye'.

- (62) Of the hole (cf p. 49, n. 13).
- (63) Sc. considerably bigger than the spindle staff.
- (64) It need be only slightly bigger (cf. prev. n.).
- (65) The outlet's.
- (66) Sc. considerably bigger than the spindle staffs.
- (67) Lit., 'fulness of'.
- (68) Of the stopper.
- (69) In which case they would be continued in use after a small hole had appeared.
- (70) Provided only that it admits a liquid in which it is placed.
- (71) Sc. the hole deprives the contents from the protection against uncleanness which a tightly fitting cover affords.
- (72) Lit., 'by the hands of man'.
- (73) Provided only that they admit a liquid in which the jar is placed.
- (74) Sc. the hole deprives the contents from the protection against uncleanness which a tightly fitting cover affords.
- (75) That deprives the contents of the vessel from the protection afforded by a tightly fitting cover.

Mishna - Mas. Kelim Chapter 10

MISHNAH 1. THE FOLLOWING VESSELS¹ PROTECT THEIR CONTENTS² WHEN THEY HAVE A TIGHTLY FITTING COVER:³ THOSE MADE OF CATTLE DUNG, OF STONE, OF CLAY,⁴ OF EARTHENWARE,⁵ OF ALUM-CRYSTAL, OF THE BONES OF A FISH OR OF ITS SKIN, OR OF THE BONES OF ANY ANIMAL OF THE SEA OR OF ITS SKIN, AND SUCH WOODEN VESSELS AS⁶ ARE ALWAYS CLEAN. THESE AFFORD PROTECTION WHETHER THE COVERS CLOSE THEIR MOUTHS OR THEIR SIDES,⁷ WHETHER THEY STAND ON THEIR BOTTOMS OR LEAN ON THEIR SIDES. IF THEY WERE INVERTED WITH THEIR MOUTHS DOWNWARDS THEY⁸ AFFORD PROTECTION TO ALL THAT IS BENEATH THEM TO THE NETHERMOST DEEP. R. ELIEZER RULES THAT THIS⁹ IS UNCLEAN. THESE¹⁰ PROTECT EVERYTHING, EXCEPT THAT AN EARTHEN VESSEL AFFORDS PROTECTION ONLY TO FOODSTUFFS, LIQUIDS AND EARTHEN VESSELS.¹¹

MISHNAH 2. WHEREWITH MAY A VESSEL BE TIGHTLY COVERED?¹² WITH LIME OR GYPSUM, PITCH OR WAX, MUD OR EXCREMENT, CRUDE CLAY OR POTTER'S CLAY, OR ANY SUBSTANCE THAT IS USED FOR PLASTERING. ONE MAY NOT MAKE A TIGHTLY FITTING COVER¹² WITH TIN OR WITH LEAD BECAUSE THOUGH IT IS A COVERING, IT IS NOT TIGHTLY FITTING. ONE MAY NOT MAKE A TIGHTLY FITTING COVER¹³ WITH SWOLLEN FIG-CAKES¹⁴ OR WITH DOUGH THAT WAS KNEADED WITH FRUIT JUICE,¹⁴ SINCE¹⁵ IT MIGHT¹⁶ CAUSE IT TO BECOME UNFIT.¹⁷ IF, HOWEVER, A TIGHTLY FITTING COVER HAD BEEN MADE OF IT¹⁸ PROTECTION FROM UNCLEANNESS IS AFFORDED.¹⁹

MISHNAH 3. A STOPPER OF A JAR THAT IS LOOSE BUT DOES NOT FALL OUT, R. JUDAH RULED, AFFORDS PROTECTION;²⁰ BUT THE SAGES RULED: IT DOES NOT AFFORD PROTECTION. IF ITS FINGER-HOLD²¹ WAS SUNK WITHIN THE JAR AND A DEAD CREEPING THING WAS IN IT,²² THE JAR BECOMES UNCLEAN,²³ AND IF THE CREEPING THING WAS IN THE JAR, ANY FOODSTUFFS IN IT,²² BECOME UNCLEAN.²⁴

MISHNAH 4. IF A BALL OR COIL OF REED GRASS WAS PLACED OVER THE MOUTH OF A JAR, AND ONLY ITS SIDES²⁵ WERE PLASTERED, NO PROTECTION IS AFFORDED UNLESS IT WAS ALSO PLASTERED ABOVE²⁶ OR²⁷ BELOW.²⁶ THE SAME LAW APPLIES TO A PATCH OF CLOTH.²⁸ IF THE STOPPER WAS ONE OF PAPER²⁹ OR LEATHER³⁰ AND BOUND³¹ WITH A CORD, PROTECTION IS AFFORDED IF IT WAS PLASTERED AT THE SIDES ONLY.³²

MISHNAH 5. IF [THE EARTHENWARE OF] A JAR³³ HAD SCALED OFF WHILE ITS PITCH [LINING]³⁴ REMAINED INTACT,³⁵ AND SO ALSO IF POTS OF FISH BRINE WERE STOPPED UP WITH GYPSUM AT A LEVEL WITH THE BRIM,³⁶ R. JUDAH RULED: THEY AFFORD NO PROTECTION; BUT THE SAGES RULED: THEY AFFORD PROTECTION.³⁷

MISHNAH 6. IF A JAR HAD A HOLE IN IT AND WINE LEES BLOCKED IT UP, THEY AFFORD PROTECTION.³⁸ IF IT WAS STOPPED UP WITH A VINE SHOOT [IT AFFORDS NO PROTECTION] UNLESS IT WAS PLASTERED AT THE SIDES.³⁹ IF THERE WERE⁴⁰ TWO VINE SHOOTS, [NO PROTECTION IS AFFORDED] UNLESS THEY WERE PLASTERED AT THE SIDES³⁹ AND ALSO BETWEEN THE ONE SHOOT AND THE OTHER. IF A BOARD⁴¹ IS PLACED OVER THE MOUTH OF AN OVEN,⁴² PROTECTION IS AFFORDED IF IT WAS PLASTERED AT THE SIDES.³⁹ IF THERE WERE TWO BOARDS NO PROTECTION IS AFFORDED UNLESS THESE ARE PLASTERED AT THE SIDES³⁹ AND ALSO BETWEEN THE ONE BOARD AND THE OTHER. IF, HOWEVER, THEY⁴³ WERE FASTENED TOGETHER WITH PEGS OR JOINTS THERE IS NO NEED FOR THEM TO BE PLASTERED IN THE MIDDLE.

MISHNAH 7. IF⁴⁴ AN OLD OVEN⁴⁵ WAS WITHIN A NEW ONE⁴⁶ AND A COLANDER⁴⁷ RESTED OVER THE MOUTH OF THE OLD OVEN⁴⁸ IN A MANNER THAT IF THE OLD ONE WERE TO BE REMOVED THE COLANDER WOULD DROP,⁴⁹ ALL BECOME UNCLEAR;⁵⁰ BUT IF IT WOULD NOT DROP,⁵¹ ALL REMAIN CLEAN.⁵² IF A NEW OVEN WAS WITHIN AN OLD ONE AND A COLANDER RESTED ON THE MOUTH OF THE OLD OVEN, AND THERE WAS NOT A HANDBREADTH OF SPACE BETWEEN THE NEW OVEN AND THE COLANDER,⁵³ ALL THE CONTENTS OF THE NEW ONE REMAIN CLEAN.⁵²

MISHNAH 8. IF [EARTHEN] SAUCEPANS WERE PLACED ONE WITHIN THE OTHER BUT THEIR RIMS WERE ON THE SAME LEVEL, AND THERE WAS A [DEAD] CREEPING THING IN THE UPPERMOST ONE OR IN THE LOWEST ONE, THAT PAN ALONE⁵⁴ BECOMES UNCLEAR BUT ALL THE OTHERS REMAIN CLEAN.⁵⁵ IF [THEY WERE PERFORATED] TO THE EXTENT OF ADMITTING⁵⁶ A LIQUID,⁵⁷ AND THE CREEPING THING WAS IN THE UPPERMOST ONE, ALL BECOME UNCLEAR;⁵⁸ BUT IF IT WAS IN THE LOWEST ONE, THAT ALONE IS UNCLEAR WHILE ALL THE OTHERS REMAIN CLEAN.⁵⁹ IF⁶⁰ THE CREEPING THING WAS IN THE UPPERMOST ONE AND THE LOWEST PROJECTED ABOVE IT,⁶¹ BOTH⁶² BECOME UNCLEAR.⁶³ IF THE CREEPING THING WAS IN THE UPPERMOST ONE AND THE LOWEST PROJECTED ABOVE IT,⁶¹ ANY OF THE INTERVENING ONES THAT CONTAINED DRIPPING LIQUID BECOMES⁶⁴ UNCLEAR.⁶⁵

(1) Since they are not susceptible to uncleanness even Rabbinically.

(2) Against corpse uncleanness under the same roof.

(3) V. Num. XIX, 15.

(4) That was unburnt in the furnace.

(5) Duly burnt.

(6) On account of their huge size, holding no less than forty se'ah (cf. infra XV, 1).

(7) If an aperture was there.

(8) If they were duly attached with clay to the ground.

(9) Anything under an inverted vessel.

(10) All the vessels enumerated, if they were provided with a tightly fitting cover.

(11) Within it. Objects that can attain cleanness by ritual immersion are not protected (cf. supra IX, 2, notes).

(12) That its contents be thereby protected in accordance with Num. XIX, 15.

(13) V. p. 52, n. 12.

(14) Though if it had never been moistened it is insusceptible to uncleanness.

(15) Should any liquid fall upon it it would be susceptible to uncleanness, and consequently unclear once it is

overshadowed by a corpse.

(16) On contracting an uncleanness.

(17) To afford protection as a tightly fitting cover. Such a cover must be one that would remain clean in all circumstances.

(18) Any of the foodstuffs mentioned.

(19) So long as the cover has not become susceptible to uncleanness.

(20) Like a tightly fitting cover.

(21) A depression in a stopper wherein the fingers are inserted to facilitate the drawing out of the stopper.

(22) The finger-hold.

(23) The stopper being regarded as one with the jar.

(24) Since the stopper cannot be considered a valid vessel that affords protection to its contents.

(25) Where they came in contact with the jar.

(26) To stop up the air-spaces in the ball or coil.

(27) Cf. L.

(28) That was less than three by three finger-breadths in size (and, therefore, insusceptible to uncleanness) and rolled up in a ball to serve as a stopper.

(29) Papyrus, which is not susceptible to uncleanness.

(30) Of a size that is less than the prescribed minimum for susceptibility to uncleanness.

(31) Round the jar.

(32) Since, unlike a ball of reed-grass or cloth, neither paper nor leather contains holes large enough for an uncleanness to penetrate through them.

(33) That had a tightly fitting cover.

(34) On which the cover rests.

(35) Lit., 'stands'.

(36) Cf. L.

(37) The point at issue is the interpretation of 'alaw ('upon it') in Num. XIX, 15. According to R. Judah the word is to be taken literally and the stopper must, therefore, rest 'upon' the edge of the vessel, while according to the Sages it is not to be taken literally and the stopper may, therefore, rest slightly above (on the pitch) or on a level with the brim of the vessel.

(38) Though the lees are only on a level with the hole, in agreement with the Sages supra.

(39) Where the stopper meets the jar.

(40) In the hole, serving as a stopper.

(41) Which is a 'flat vessel' that is not susceptible to uncleanness (Bert.) or 'no vessel at all' (L.).

(42) Of earthenware.

(43) The two boards.

(44) Under the same roof as a corpse.

(45) That had been duly heated and was consequently susceptible to uncleanness.

(46) Which, not having been yet properly heated, is insusceptible to uncleanness and may, therefore, serve as a protection for the old one.

(47) That was not 'tightly fitting', not having been joined with plaster to the oven.

(48) Closing at the same time the mouth of the new one also, the brims of both having been on the same level.

(49) Sc. if the colander was entirely supported by the old oven and was just filling up the mouth of the new one.

(50) From the corpse's uncleanness; because the old oven had no tightly fitting cover (cf. supra n. 4) and the new one (since the colander rests entirely on the old one) is not sufficiently closed to afford the protection of a vessel with a tightly fitting cover.

(51) The colander having rested partly on the new oven.

(52) Because the new oven, which has not yet been properly heated, is not regarded as a valid vessel that cannot afford protection without a tightly fitting cover. Any cover, even one that is not tightly fitting, serves it as a proper covering to constitute it a valid partition between the uncleanness and the old oven.

(53) Cf. supra n. 4 mut. mut.

(54) In which the unclean object was found.

(55) Not only are the saucepans clean, (because a vessel does not contract uncleanness through the air.space of another

earthen vessel) but even foodstuffs or liquids in them remain clean (since it is only to and from the inside of an exposed vessel that uncleanness is conveyed but not to or from the inside of one that is within another vessel).

(56) From their outsides.

(57) In which they are placed.

(58) Two restrictions are here imposed: In regard to itself the saucepan is still considered a valid vessel because the hole in it is not big enough for olives to fall through, and it is consequently susceptible to uncleanness; while in relation to the saucepans in which it stands it is considered (on account of the small hole in it) to have lost the status of vessel and thus to be virtually non-existent and incapable of preventing the uncleanness from spreading to the insides of the other saucepans.

(59) Since a vessel cannot contract uncleanness from the air-space of an earthen vessel.

(60) In the case of undamaged saucepans.

(61) The brim of the latter being higher than that of the former.

(62) Lit., 'it and the lowest'.

(63) The uppermost is unclean because it contained the creeping thing and the lowest is unclean because on account of its projection above the other, the uncleanness is deemed virtually to be contained directly within itself. The intervening saucepans remain clean as explained *supra* n. 3.

(64) Since they are all sound vessels.

(65) From the liquid which contracted its uncleanness from the lowest saucepan (cf. n. 7).

Mishna - Mas. Kelim Chapter 11

MISHNAH 1. METAL VESSELS, WHETHER THEY ARE FLAT OR FORM A RECEPTACLE, ARE SUSCEPTIBLE TO UNCLEANNESS. ON BEING BROKEN THEY BECOME CLEAN.¹ IF THEY WERE RE-MADE INTO VESSELS THEY REVERT² TO THEIR FORMER UNCLEANNESS. RABBAN SIMEON B. GAMALIEL RULED: THIS³ DOES NOT APPLY TO EVERY FORM OF UNCLEANNESS BUT ONLY TO THAT CONTRACTED FROM A CORPSE.

MISHNAH 2. EVERY METAL VESSEL⁴ THAT HAS A NAME OF ITS OWN⁵ IS SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING A DOOR, A BOLT, A LOCK, A SOCKET UNDER A HINGE, A HINGE, A CLAPPER, AND THE [THRESHOLD] GROOVE UNDER A DOOR POST, SINCE THESE ARE INTENDED TO BE ATTACHED TO THE GROUND.⁶

MISHNAH 3. IF VESSELS ARE MADE FROM IRON ORE, FROM SMELTED IRON, FROM THE HOOP⁷ OF A WHEEL, FROM SHEETS,⁷ FROM PLATING,⁷ FROM THE BASES, RIMS OR HANDLES OF VESSELS, FROM CHIPPINGS OR FILINGS, THEY ARE CLEAN.¹ R. JOHANAN B. NURI RULED: THIS⁸ APPLIES ALSO TO THOSE MADE OF SHATTERED VESSELS. [VESSELS THAT ARE MADE] OF FRAGMENTS OF VESSELS, FROM SMALL WARE, OR FROM NAILS THAT WERE KNOWN TO HAVE BEEN MADE FROM VESSELS, ARE UNCLEAR.⁹ [IF THEY WERE MADE] FROM ORDINARY NAILS,¹⁰ BETH SHAMMAI RULE THAT THEY ARE UNCLEAR,¹¹ AND BETH HILLEL¹² RULE THAT THEY ARE CLEAN.

MISHNAH 4. IF UNCLEAR IRON¹³ WAS SMELTED TOGETHER WITH CLEAN IRON AND THE GREATER PART WAS FROM THE UNCLEAR ONE, [THE VESSEL MADE OF THE COMPOSITION] IS UNCLEAR;¹⁴ BUT IF THE GREATER PART WAS FROM THE CLEAN IRON THE VESSEL IS CLEAN. IF EACH REPRESENTED A HALF IT IS UNCLEAR.¹⁴ THE SAME LAW ALSO APPLIES TO A MIXTURE OF CEMENT¹⁵ AND CATTLE DUNG.¹⁶ A DOOR BOLT¹⁷ IS SUSCEPTIBLE TO UNCLEANNESS, BUT [ONE OF WOOD] THAT IS ONLY PLATED WITH METAL IS NOT SUSCEPTIBLE TO UNCLEANNESS.¹⁸ THE CLUTCH AND THE CROSSPIECE [OF A LOCK] ARE SUSCEPTIBLE TO UNCLEANNESS. AS REGARDS A DOOR-BOLT, R. JOSHUA RULED: IT MAY BE DRAWN OFF ONE DOOR AND¹⁹ HUNG ON ANOTHER ON THE SABBATH. R. TARFON RULED: IT IS LIKE ALL OTHER VESSELS AND MAY BE CARRIED ABOUT IN A COURTYARD.

MISHNAH 5. THE SCORPION [-SHAPED] BIT OF A BRIDLE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE CHEEK-PIECES ARE CLEAN.²⁰ R. ELIEZER RULES THAT THE CHEEK-PIECES ARE SUSCEPTIBLE TO UNCLEANNESS, AND THE SAGES HOLD THAT THE SCORPION BIT ALONE IS SUSCEPTIBLE TO UNCLEANNESS, BUT WHILE THEY²¹ ARE JOINED TOGETHER THE WHOLE IS SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 6. A METAL SPINDLE-KNOB, R. AKIBA DECLARES TO BE SUSCEPTIBLE TO UNCLEANNESS BUT THE SAGES DECLARE IT INSUSCEPTIBLE.²² IF IT²³ WAS ONLY PLATED [WITH METAL] IT IS CLEAN.²⁴ A SPINDLE, A DISTAFF, A ROD, A DOUBLE FLUTE AND A PIPE ARE SUSCEPTIBLE TO UNCLEANNESS IF THEY ARE OF METAL, BUT IF THEY ARE ONLY PLATED [WITH METAL] THEY ARE CLEAN. IF A DOUBLE FLUTE HAS A RECEPTACLE FOR THE WINGS²⁵ IT IS SUSCEPTIBLE TO UNCLEANNESS IN EITHER CASE.²⁶

MISHNAH 7. A CURVED HORN²⁷ IS SUSCEPTIBLE TO UNCLEANNESS²⁸ AND A STRAIGHT ONE²⁹ IS CLEAN. IF ITS MOUTHPIECE WAS OF METAL IT³⁰ IS UNCLEAR. ITS WIDE SIDE³¹ R. TARFON DECLARES TO BE SUSCEPTIBLE TO UNCLEANNESS AND THE

SAGES DECLARE IT CLEAN. WHILE THEY ARE JOINED TOGETHER THE WHOLE INSTRUMENT IS SUSCEPTIBLE TO UNCLEANNESS. SIMILARLY THE BRANCHES OF A CANDLESTICK ARE CLEAN AND THE CUPS AND THE BASE ARE SUSCEPTIBLE TO UNCLEANNESS, BUT WHILE THEY ARE JOINED TOGETHER THE WHOLE CANDLESTICK IS SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 8. A HELMET IS SUSCEPTIBLE TO UNCLEANNESS AND THE CHEEK-PIECES ARE CLEAN, BUT IF THE LATTER HAVE A RECEPTACLE FOR WATER³² THEY ARE SUSCEPTIBLE TO UNCLEANNESS. ALL WEAPONS OF WAR ARE SUSCEPTIBLE TO UNCLEANNESS: A JAVELIN. A SPEAR-HEAD, GREAVES, AND BREASTPLATE ARE SUSCEPTIBLE TO UNCLEANNESS. ALL WOMEN'S ORNAMENTS ARE SUSCEPTIBLE TO UNCLEANNESS: A GOLDEN CITY,³³ A NECKLACE, EAR-RINGS, FINGER-RINGS (WHETHER THE RING IS WITH A SEAL OR WITHOUT ONE) AND NOSE-RINGS. IF A NECKLACE HAS METAL BEADS ON A THREAD OF FLAX OR WOOL AND THE THREAD BROKE, THE BEADS ARE STILL SUSCEPTIBLE TO UNCLEANNESS, SINCE EACH ONE IS A VESSEL IN ITSELF. IF THE THREAD WAS OF METAL AND THE BEADS WERE OF PRECIOUS STONES OR PEARLS OR GLASS, AND THE BEADS WERE BROKEN WHILE THE THREAD ALONE REMAINED, IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. THE REMNANT OF A NECKLACE LONG ENOUGH FOR THE NECK OF A LITTLE GIRL, IS SUSCEPTIBLE TO UNCLEANNESS. R. ELIEZER RULED: EVEN IF ONLY ONE RING REMAINED IT IS UNCLEAN, SINCE IT ALSO IS HUNG AROUND THE NECK.

MISHNAH 9. IF AN EAR-RING WAS SHAPED LIKE A POT³⁴ AT ITS BOTTOM AND LIKE A LENTIL AT THE TOP AND THE SECTIONS FELL APART, THE POT-SHAPED SECTION³⁵ IS SUSCEPTIBLE TO UNCLEANNESS AS A RECEPTACLE, WHILE THE LENTIL SHAPED SECTION IS SUSCEPTIBLE TO UNCLEANNESS IN ITSELF.³⁶ THE HOOKLET³⁷ IS CLEAN. IF THE SECTIONS OF AN EAR-RING THAT WAS IN THE SHAPE OF A CLUSTER OF GRAPES FELL APART, THEY³⁵ ARE CLEAN.

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- (1) Even if they have been formerly unclean.
 - (2) Rabbinically, though not Pentateuchally.
 - (3) The reversion to uncleanness.
 - (4) Though it does not form a receptacle.
 - (5) Sc. is not merely a part of another vessel.
 - (6) Hence they are insusceptible to uncleanness even before they have been attached.
 - (7) Of metal.
 - (8) The insusceptibility to uncleanness.
 - (9) Since the material may have formed a part of an unclean vessel. whose uncleanness is revived when the material is made into a new one.
 - (10) About which it is unknown whether they were made from old vessels or from unshaped iron.
 - (11) As a preventive measure. They may possibly have been made from a vessel.
 - (12) Holding that no preventive measure is necessary in this case.
 - (13) Sc. one that was known to have formed a part of an old vessel.
 - (14) The former uncleanness passes on to the new vessel.
 - (15) A vessel of which is susceptible to uncleanness as earthenware.
 - (16) Vessels from which are insusceptible to uncleanness.
 - (17) Of metal, which is sometimes used as a pestle.
 - (18) Since the metal plating is a mere attachment, the main part of the bolt being wood which is insusceptible to uncleanness.
 - (19) Dragging it on, without removing it from the ground. Not being a valid vessel, it is forbidden to be carried from place to place on the Sabbath.
 - (20) Serving as mere ornaments they are not susceptible to uncleanness.

- (21) The bit, the bridle and the cheek-pieces.
- (22) Since the knob has no independent name or existence it is like a piece of metal that serves a flat piece of wood which is insusceptible to uncleanness.
- (23) The knob.
- (24) Even according to R. Akiba.
- (25) A bagpipe.
- (26) Whether it is made of metal, or only plated with it.
- (27) A musical pipe made up of links of horn
- (28) Since it may be regarded as having a receptacle.
- (29) Which forms no receptacle.
- (30) Even a straight horn.
- (31) If made of metal.
- (32) From which one drinks in the course of a battle.
- (33) A golden tiara shaped like, or engraven with the city of Jerusalem.
- (34) Wide and hollow.
- (35) Which can no longer be worn as an ornament.
- (36) As an ornament, since it is still worn as such.
- (37) Of an ear-ring.

Mishna - Mas. Kelim Chapter 12

MISHNAH 1. A FINGER-RING FOR A MAN IS¹ SUSCEPTIBLE TO UNCLEANNESS. A RING FOR CATTLE OR FOR VESSELS AND ALL OTHER RINGS ARE CLEAN.² A BEAM³ FOR ARROWS IS SUSCEPTIBLE TO UNCLEANNESS,⁴ BUT ONE FOR PRISONERS⁵ IS CLEAN.⁶ A NECK-IRON⁷ IS SUSCEPTIBLE TO UNCLEANNESS. A CHAIN THAT HAS A LOCK-PIECE IS SUSCEPTIBLE TO UNCLEANNESS,⁸ BUT ONE USED FOR TYING ON CATTLE IS CLEAN. THE CHAIN OF WHOLESALE PROVISION DEALERS⁹ IS SUSCEPTIBLE TO UNCLEANNESS.⁸ BUT THAT OF HOUSEHOLDERS¹⁰ IS CLEAN.¹¹ R. JOSE EXPLAINED: THIS APPLIES ONLY WHERE¹² IT¹³ CONSISTS OF ONE LINK, BUT IF IT CONSISTED OF TWO LINKS OR IF IT HAD A SLUG [-SHAPED] PIECE AT ITS END¹⁴ IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁵

MISHNAH 2. THE BEAM OF THE WOOL-COMBERS' BALANCE IS SUSCEPTIBLE TO UNCLEANNESS¹⁶ ON ACCOUNT OF THE HOOKS;¹⁷ AND THAT OF THE HOUSEHOLDER, IF IT HAS HOOKS IS ALSO SUSCEPTIBLE TO UNCLEANNESS. THE LADING HOOKS OF PORTERS ARE CLEAN BUT THOSE OF PEDLARS¹⁸ ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁹ R. JUDAH RULED: IN THE CASE OF THAT OF THE PEDLARS THE HOOK THAT IS IN FRONT IS SUSCEPTIBLE TO UNCLEANNESS¹⁹ BUT THAT WHICH IS BEHIND IS CLEAN.²⁰ THE HOOK OF A BED- FRAME IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF BED POLES²¹ IS CLEAN. [THE HOOK OF] A CHEST IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF A FISH TRAP IS CLEAN. THAT OF A TABLE IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF A WOODEN CANDLESTICK IS CLEAN. THIS IS THE RULE: ANY HOOK THAT IS ATTACHED TO A SUSCEPTIBLE VESSEL²² IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT IS ATTACHED TO A VESSEL THAT IS INSUSCEPTIBLE TO UNCLEANNESS IS CLEAN. ALL THESE, HOWEVER, ARE BY THEMSELVES²³ CLEAN.²⁴

MISHNAH 3. THE METAL COVER OF A BASKET OF HOUSEHOLDERS, RABBAN GAMALIEL DECLARES, IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ AND THE SAGES HOLD THAT IT IS CLEAN;²⁵ BUT THAT OF PHYSICIANS²⁶ IS SUSCEPTIBLE TO UNCLEANNESS. THE DOOR²⁷ OF A CUPBOARD OF HOUSEHOLDERS IS CLEAN BUT THAT OF PHYSICIANS²⁸ IS SUSCEPTIBLE TO UNCLEANNESS. TONGS²⁹ ARE SUSCEPTIBLE TO

UNCLEANNES BUT FIREBARS ARE CLEAN. THE SCORPION [-SHAPED] HOOK IN AN OLIVE-PRESS IS SUSCEPTIBLE TO UNCLEANNES BUT THE HOOKS FOR THE WALLS³⁰ ARE CLEAN.³¹

MISHNAH 4. A BLOOD-LETTERS' LANCET IS SUSCEPTIBLE TO UNCLEANNES BUT [THE STYLE] OF A SUNDIAL IS CLEAN. R. ZADOK RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNES. A WEAVER'S PIN IS SUSCEPTIBLE TO UNCLEANNES; THE CHEST OF A GRIST-DEALER, R. ZADOK RULES, IS SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT IT IS CLEAN. IF ITS WAGON WAS MADE OF METAL IT IS SUSCEPTIBLE TO UNCLEANNES.

MISHNAH 5. IF A NAIL³² WAS ADAPTED TO OPEN OR TO SHUT A LOCK IT IS SUSCEPTIBLE TO UNCLEANNES, BUT ONE THAT IS ONLY USED AS A SAFEGUARD³³ IS CLEAN. IF A NAIL WAS ADAPTED TO OPEN A JAR, R. AKIBA RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNES, AND THE SAGES RULE THAT IT IS CLEAN UNLESS IT WAS FORGED ANEW. A MONEY-CHANGER'S NAIL³⁴ IS CLEAN,³⁵ BUT R. ZADOK RULED THAT IT IS SUSCEPTIBLE TO UNCLEANNES.³⁶ THERE ARE THREE THINGS WHICH R. ZADOK HOLDS TO BE SUSCEPTIBLE TO UNCLEANNES AND THE SAGES HOLD CLEAN: THE NAIL OF A MONEY-CHANGER, THE CHEST OF A GRIST-DEALER AND THE STYLE OF A SUNDIAL. R. ZADOK RULES THAT THESE ARE SUSCEPTIBLE TO UNCLEANNES AND THE SAGES RULE THAT THEY ARE CLEAN.

MISHNAH 6. THERE ARE FOUR THINGS WHICH RABBAN GAMALIEL DECLARES TO BE SUSCEPTIBLE TO UNCLEANNES, AND THE SAGES DECLARE CLEAN: THE METAL COVER OF A BASKET OF HOUSEHOLDERS, THE HANGER OF A STRIGIL, UNFINISHED METAL VESSELS, AND AN EARTHEN SLAB³⁷ THAT WAS BROKEN INTO TWO EQUAL PARTS. THE SAGES, HOWEVER, AGREE WITH RABBAN GAMALIEL THAT WHERE A SLAB WAS BROKEN INTO TWO PARTS, ONE LARGE AND THE OTHER SMALL, THE LARGER IS SUSCEPTIBLE TO UNCLEANNES AND THE SMALLER IS CLEAN.

MISHNAH 7. IF A DENAR THAT HAD BEEN INVALIDATED³⁸ WAS FASHIONED FOR HANGING AROUND A YOUNG GIRL'S NECK IT IS SUSCEPTIBLE TO UNCLEANNES. SO, TOO, IF A SELA THAT HAD BEEN INVALIDATED WAS ADAPTED FOR USE AS A WEIGHT, IT IS SUSCEPTIBLE TO UNCLEANNES. HOW MUCH MAY IT³⁹ DEPRECIATE WHILE ONE IS STILL PERMITTED TO KEEP IT? AS MUCH AS TWO DENARS⁴⁰ IF ITS VALUE IS LESS IT MUST BE CUT UP.⁴¹

MISHNAH 8. A PENKNIFE, A WRITING PEN, A PLUMMET, A WEIGHT, PRESSING PLATES, A MEASURING-ROD, AND A MEASURING-TABLE ARE SUSCEPTIBLE TO UNCLEANNES. ALL UNFINISHED WOODEN VESSELS ALSO ARE SUSCEPTIBLE TO UNCLEANNES, EXCEPTING THOSE MADE OF BOXWOOD.⁴² R. JUDAH RULED: ONE MADE OF AN OLIVE-TREE BRANCH IS ALSO CLEAN UNLESS IT WAS FIRST HEATED.⁴³

(1) Like any other ornaments worn by men.

(2) Only ornaments for men are susceptible to uncleanness.

(3) Plated with iron and used as a target.

(4) Cf. *supra* XI, 8.

(5) Used as a foot- stock.

(6) Since it is immovable.

(7) Which is carried about when the prisoner moves from place to place, and is, therefore, considered a 'vessel'.

(8) Being regarded as a vessel.

(9) Attached by one end to the wall, and by the other to a measure or weight.

- (10) A mere ornament.
- (11) Only ornaments for men are susceptible to uncleanness.
- (12) Lit., 'when, at the time'.
- (13) The chain of householders.
- (14) Lit., 'top'; by which the chain is attached to the wall or door.
- (15) Being then regarded as a vessel.
- (16) Though it was made of wood.
- (17) Which are metal and susceptible to uncleanness.
- (18) Or spice dealers.
- (19) Because it forms a receptacle.
- (20) Since its receptacle is not used.
- (21) Fixed at the head and at the foot of the bed.
- (22) One that is susceptible to uncleanness.
- (23) Sc. when detached from the vessel.
- (24) Since they are not independent vessels but mere parts of others.
- (25) Because a cover cannot be considered a vessel.
- (26) Which is used as a receptacle for medicinal drugs.
- (27) Of metal.
- (28) On which medical instruments are hung.
- (29) Wherewith smelters hold the crucible over the fire.
- (30) Since they are attached to a permanent building structure.
- (31) Even before they have been attached.
- (32) Which is insusceptible to uncleanness.
- (33) To detect whether anybody had entered the house.
- (34) Whereby his shop's shutters (or his balances) are supported.
- (35) Not intended to be moved about it cannot be considered a vessels.
- (36) Since sometimes, when repairs are needed, it is moved from its position.
- (37) Having a rim.
- (38) Or 'became defective'.
- (39) A sela'.
- (40) Sc. half a sela' or fifty per cent.
- (41) To prevent unscrupulous people from passing it on as a good coin.
- (42) Whose bark is very thick. Only after the bark has been removed by polishing can the vessel be considered finished.
- (43) To extract its moisture. Cf. prev. n. mut. mut.

Mishna - Mas. Kelim Chapter 13

MISHNAH 1. THE SWORD, KNIFE, DAGGER, SPEAR, HAND-SICKLE, HARVEST-SICKLE, CLIPPER,¹ AND BARBERS' SCISSORS, EVEN THOUGH THEIR COMPONENT PARTS WERE SEPARATED, ARE SUSCEPTIBLE TO UNCLEANNESS. R. JOSE RULED: THE PART THAT IS NEAR THE HAND² IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH IS NEAR THE TOP³ IS CLEAN. IF THE TWO PARTS OF SHEARS WERE SEPARATED R. JUDAH RULES THAT THEY ARE STILL SUSCEPTIBLE TO UNCLEANNESS⁴ BUT THE SAGES RULE THAT THEY ARE CLEAN.

MISHNAH 2. A SHOVEL-FORK⁵ WHOSE SHOVEL⁶ HAS BEEN REMOVED IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS FORK;⁷ IF ITS FORK HAS BEEN REMOVED IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS SHOVEL. A KOHLSTICK⁸ WHOSE [EAR-] SPOON IS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS POINT; IF ITS POINT WAS MISSING IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS [EAR-] SPOON. A STYLUS WHOSE WRITING POINT IS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS ERASER;⁹ IF ITS ERASER

IS MISSING IT IS SUSCEPTIBLE ON ACCOUNT OF ITS WRITING POINT. A SOUP-LADLE¹⁰ WHOSE SPOON IS LOST IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS FORK; IF ITS FORK IS LOST IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS SPOON. SO ALSO IS THE LAW IN REGARD TO THE PRONG OF A MATTOCK.¹¹ THE MINIMUM SIZE¹² FOR ALL THESE INSTRUMENTS IS ONE THAT WOULD SUFFICE FOR THE DUE PERFORMANCE OF THEIR USUAL WORK.

MISHNAH 3. A COULTER THAT IS DAMAGED¹³ REMAINS SUSCEPTIBLE TO UNCLEANNESS UNTIL ITS GREATER PART IS LOST, BUT IF ITS SHAFT-SOCKET IS BROKEN IT IS CLEAN. A HATCHET-HEAD WHOSE CUTTING EDGE IS LOST REMAINS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS SPLITTING EDGE; IF ITS SPLITTING EDGE IS LOST IT REMAINS SUSCEPTIBLE ON ACCOUNT OF ITS CUTTING EDGE. IF ITS SHAFT-SOCKET IS BROKEN IT IS CLEAN.

MISHNAH 4. A SHOVEL WHOSE BLADE WAS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS, SINCE IT IS STILL LIKE A HAMMER; SO R. MEIR. BUT THE SAGES RULE THAT IT IS CLEAN. A SAW WHOSE TEETH ARE MISSING ONE IN EVERY TWO¹⁴ IS CLEAN, BUT IF AN HASIT¹⁵ LENGTH OF CONSECUTIVE TEETH¹⁶ REMAINED IT IS SUSCEPTIBLE TO UNCLEANNESS. AN ADZE, SCALPEL, PLANE, OR DRILL THAT WAS DAMAGED REMAINS SUSCEPTIBLE TO UNCLEANNESS, BUT IF ITS SHARP EDGE WAS MISSING IT IS CLEAN. IN ALL THESE CASES, HOWEVER, IF AN INSTRUMENT WAS SPLIT INTO TWO PARTS BOTH REMAIN SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING THE DRILL. THE BLOCK OF A PLANE BY ITSELF¹⁷ IS CLEAN.

MISHNAH 5. A NEEDLE WHOSE EYE OR POINT WAS MISSING IS CLEAN. IF IT WAS SUBSEQUENTLY ADAPTED AS A STRETCHING-PIN IT IS SUSCEPTIBLE TO UNCLEANNESS. A PACK-NEEDLE WHOSE EYE WAS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS SINCE ONE WRITES WITH IT.¹⁸ IF ITS POINT WAS MISSING IT IS CLEAN. A STRETCHING-PIN IS IN EITHER CASE¹⁹ SUSCEPTIBLE TO UNCLEANNESS. A NEEDLE THAT HAS BECOME RUSTY IS CLEAN IF THIS HINDERS IT FROM SEWING, BUT OTHERWISE IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. A HOOK THAT WAS STRAIGHTENED OUT IS CLEAN. IF IT IS BENT BACK IT RESUMES ITS SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 6. WOOD THAT SERVES [AS A SUBSIDIARY PART OF] A METAL VESSEL IS SUSCEPTIBLE TO UNCLEANNESS BUT METAL THAT SERVES AS A SUBSIDIARY PART OF A WOODEN VESSEL IS CLEAN. FOR INSTANCE,²⁰ IF A LOCK IS OF WOOD AND ITS CLUTCHES ARE OF METAL, EVEN IF ONLY ONE OF THEM IS SO, IT IS SUSCEPTIBLE TO UNCLEANNESS; BUT IF THE LOCK IS OF METAL AND ITS CLUTCHES ARE OF WOOD, IT IS CLEAN. IF A RING WAS OF METAL AND ITS SEAL OF CORAL, IT IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF THE RING WAS OF CORAL AND ITS SEAL OF METAL, IT IS CLEAN. THE TOOTH IN THE PLATE OF A LOCK OR IN A KEY IS SUSCEPTIBLE TO UNCLEANNESS BY ITSELF.²¹

MISHNAH 7. IF ASHKELON GRAPPLING-IRONS WERE BROKEN BUT THEIR HOOKS REMAINED, THEY REMAIN SUSCEPTIBLE TO UNCLEANNESS. IF A PITCH-FORK, WINNOWING-FAN, OR RAKE (AND THE SAME APPLIES TO A HAIR²² -COMB) LOST ONE OF ITS TEETH²³ AND IT WAS REPLACED BY ONE OF METAL, IT IS SUSCEPTIBLE TO UNCLEANNESS. AND CONCERNING ALL THESE R. JOSHUA REMARKED: THE SCRIBES HAVE HERE INTRODUCED A NEW PRINCIPLE OF LAW,²⁴ AND I HAVE NO EXPLANATION TO OFFER.²⁵

MISHNAH 8. IF THE TEETH OF A FLAX-COMB WERE MISSING BUT TWO REMAINED, IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. IF ONLY ONE, HOWEVER, REMAINED IT IS CLEAN. AS REGARDS ALL THE TEETH²⁶ EACH ONE INDIVIDUALLY²⁷ IS SUSCEPTIBLE TO UNCLEANNESS. IF OF A WOOL-COMB ONE TOOTH OUT OF EVERY TWO IS MISSING²⁸ IT IS CLEAN. IF THREE CONSECUTIVE TEETH²⁹ REMAINED, IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. IF THE OUTERMOST TOOTH³⁰ WAS ONE OF THEM, THE COMB IS CLEAN. IF TWO TEETH WERE REMOVED FROM THE COMB AND MADE INTO A PAIR OF FORCEPS, THEY ARE SUSCEPTIBLE TO UNCLEANNESS. EVEN IF ONLY ONE WAS REMOVED BUT IT WAS ADAPTED TO BE USED FOR A LAMP OR AS A STRETCHING-PIN, IT IS SUSCEPTIBLE TO UNCLEANNESS.

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- (1) Or 'razor'.
 - (2) Since it is used in holding the instrument.
 - (3) Which, owing to its proximity to the blade and the danger of cutting one's hand, is never used when the instrument is handled.
 - (4) Since each part can still be used.
 - (5) An instrument having at one end a fork, wherewith meat or bread is taken out from an oven, and at its other end a flat disk to shovel coals or ashes.
 - (6) Lit., 'spoon'.
 - (7) Lit., 'tooth'.
 - (8) Having at one end a point wherewith stibium is applied to the eyelids (to blacken them) while its other end is wider and is used to clean out the ears.
 - (9) Its flat end wherewith the wax written upon is smoothed over.
 - (10) Having at one end a spoon and at the other a fork.
 - (11) One end of which is used for digging and the other for crushing rubble. If one end is lost the instrument is still susceptible to uncleanness on account of the use of its other end.
 - (12) Of what must remain if it is still to be unclean or susceptible to uncleanness.
 - (13) On the side of its cutting edge.
 - (14) No three consecutive teeth remaining. Lit., 'one from between (two)'.
 - (15) The distance between the tips of the thumb and the forefinger when outstretched; according to Maim. the distance between the outstretched fore and middle fingers.
 - (16) Lit., 'in one place'.
 - (17) Having lest the blade.
 - (18) On a wax tablet.
 - (19) Whether its eye or point is missing.
 - (20) Lit., 'how'.
 - (21) Since it can be used independently.
 - (22) Lit., 'head'.
 - (23) Which are of wood.
 - (24) Since, as flat wooden vessels, the instruments mentioned should be exempt from uncleanness
 - (25) Lit., 'I do not know what to answer (when asked for an explanation)'.
 - (26) Lit., 'and they all'.
 - (27) Since it can be used then for writing on a wax tablet, as supra 5.
 - (28) No three consecutive teeth remaining. Lit., 'one from between (two)'.
 - (29) Lit., 'in one place'.
 - (30) At the end of the row of teeth, which is wider than the others and, therefore, unsuitable for combing.

Mishna - Mas. Kelim Chapter 14

MISHNAH 1. WHAT IS THE MINIMUM SIZE¹ OF METAL VESSELS?² A BUCKET MUST BE OF SUCH A SIZE AS ONE CAN DRAW WATER WITH; A KETTLE MUST BE SUCH AS WATER CAN BE HEATED IN IT; A BOILER, SUCH AS CAN HOLD SELA'S; A CAULDRON,

SUCH AS CAN HOLD JUGS; JUGS, SUCH AS CAN HOLD PERUTAHs; WINE-MEASURES, SUCH AS CAN MEASURE WINE; AND OIL-MEASURES, SUCH AS CAN MEASURE OIL. R. ELIEZER RULED: THE SIZE PRESCRIBED FOR ALL THESE IS A CAPABILITY TO HOLD PERUTAHs. R. AKIBA RULED: A VESSEL THAT LACKS TRIMMING³ IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT LACKS POLISHING IS⁴ CLEAN.⁵

MISHNAH 2. A STAFF⁶ TO THE END OF WHICH IS ATTACHED A METAL KNOB IN THE SHAPE OF A CHESTNUT BUR IS SUSCEPTIBLE TO UNCLEANNESS.⁷ IF THE STAFF WAS STUDDED WITH NAILS IT IS ALSO UNCLEAR. R. SIMEON RULED: THIS APPLIES ONLY WHERE THREE ROWS⁸ WERE PUT IN. IN ALL CASES, HOWEVER, WHERE THEY ARE PUT IN FOR ORNAMENTATION THE STAFF IS CLEAN.⁹ IF A TUBE¹⁰ WAS ATTACHED TO ITS END, AND SO ALSO IN THE CASE OF A DOOR,¹¹ IT IS CLEAN.¹² IF IT¹³ WAS ONCE AN INDEPENDENT VESSEL AND THEN IT WAS FIXED TO THE STAFF, IT REMAINS SUSCEPTIBLE TO UNCLEANNESS.¹⁴ WHEN DOES IT ATTAIN CLEANNESS? BETH SHAMMAI RULED: WHEN IT IS DAMAGED; AND BETH HILLEL RULED: WHEN IT IS JOINED ON.¹⁵

MISHNAH 3. THE AUGER OF A BUILDER AND THE PICK OF A CARPENTER ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁶ TENT-PEGS AND SURVEYORS' PEGS ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁷ A SURVEYOR'S CHAIN IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE USED FOR FAGGOTS¹⁸ IS CLEAN.¹⁹ THE CHAIN OF A BIG BUCKET [IS SUSCEPTIBLE TO UNCLEANNESS TO A LENGTH OF] FOUR HANDBREADTHS,²⁰ AND THAT OF A SMALL ONE [TO A LENGTH OF] TEN HANDBREADTHS.²⁰ A BLACKSMITH S JACK IS SUSCEPTIBLE TO UNCLEANNESS. A SAW²¹ THE TEETH OF WHICH WERE INSERTED²² IN A HOLE²³ IS UNCLEAR,²⁴ BUT IF THEY WERE TURNED FROM BELOW UPWARDS²⁵ IT IS CLEAN.²⁶ ALL COVERS ARE CLEAN²⁷ EXCEPT THAT OF A BOILER.²⁸

MISHNAH 4. THE PARTS OF A WAGON THAT ARE SUSCEPTIBLE TO UNCLEANNESS ARE THE FOLLOWING: THE METAL YOKE,²⁹ THE CROSS-BAR, THE SIDE-PIECES THAT HOLD THE STRAPS, THE IRON BAR UNDER THE NECKS OF THE CATTLE, THE POLE-PIN, THE METAL GIRTH, THE TRAYS, THE CLAPPER, THE HOOK, AND ANY NAIL THAT HOLDS ANY OF ITS PARTS TOGETHER.

MISHNAH 5. THE CLEAN PARTS OF A WAGON ARE THE FOLLOWING: THE YOKE³⁰ THAT IS ONLY PLATED [WITH METAL]. SIDE-PIECES MADE FOR MERE ORNAMENTATION, TUBES THAT GIVE OUT A NOISE,³¹ THE LEAD AT THE SIDE OF THE NECKS OF THE CATTLE, THE RIM OF THE WHEEL, THE PLATES³² AND MOUNTINGS,³² AND ALL OTHER NAILS.³³ ALL THESE ARE CLEAN. METAL SHOES OF CATTLE ARE SUSCEPTIBLE TO UNCLEANNESS AND THOSE MADE OF CORK ARE CLEAN. WHEN DOES A SWORD BECOME SUSCEPTIBLE TO UNCLEANNESS? WHEN IT HAS BEEN POLISHED. AND A KNIFE? WHEN IT HAS BEEN SHARPENED.

MISHNAH 6. A METAL BASKET-COVER³⁴ WHICH WAS TURNED INTO A MIRROR IS, R. JUDAH RULES, CLEAN;³⁵ AND THE SAGES RULE THAT IT IS SUSCEPTIBLE TO UNCLEANNESS.³⁶ A BROKEN MIRROR, IF IT DOES NOT REFLECT THE GREATER PART OF THE FACE, IS CLEAN.

MISHNAH 7. METAL VESSELS MAY REMAIN UNCLEAR³⁷ AND BECOME CLEAN³⁸ EVEN WHEN BROKEN;³⁹ SO R. ELIEZER. R. JOSHUA RULED: THEY CAN BE MADE CLEAN ONLY WHEN THEY ARE WHOLE.⁴⁰ IF THEY WERE SPRINKLED UPON⁴¹ AND ON THE SAME DAY THEY WERE BROKEN AND THEN THEY WERE RECAST⁴² AND

SPRINKLED UPON ON THE SAME DAY, THEY ARE CLEAN;⁴³ SO R. ELIEZER. R. JOSHUA RULED: THERE CAN BE NO EFFECTIVE SPRINKLING EARLIER THAN ON THE THIRD⁴⁴ AND THE SEVENTH DAY⁴⁵ RESPECTIVELY.

MISHNAH 8. A KNEE-SHAPED KEY THAT WAS BROKEN OFF AT THE KNEE⁴⁶ IS CLEAN.⁴⁷ R. JUDAH RULES THAT IT IS UNCLEAN BECAUSE ONE CAN OPEN WITH IT FROM WITHIN.⁴⁸ A GAMMA-SHAPED KEY,⁴⁹ HOWEVER, THAT WAS BROKEN OFF AT ITS SHORTER⁵⁰ ARM⁵¹ IS CLEAN.⁵² IF IT⁵³ RETAINED THE TEETH AND THE GAPS IT REMAINS UNCLEAN. IF THE TEETH WERE MISSING IT IS STILL UNCLEAN ON ACCOUNT OF THE GAPS; IF THE GAPS WERE BLOCKED UP IT IS UNCLEAN ON ACCOUNT OF THE TEETH. IF THE TEETH WERE MISSING AND THE GAPS WERE BLOCKED UP, OR IF THEY WERE MERGED INTO ONE ANOTHER,⁵⁴ THE KEY BECOMES CLEAN. IF IN A MUSTARD-STRAINER⁵⁵ THREE HOLES IN ITS BOTTOM WERE MERGED INTO ONE ANOTHER THE STRAINER BECOMES CLEAN;⁴⁷ BUT A METAL MILL-FUNNEL⁵⁶ IS⁵⁷ UNCLEAN.⁵⁸

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- (1) That is still susceptible to, or retains its former uncleanness.
 - (2) When they were broken.
 - (3) Var lec., 'its cover'.
 - (4) Like all 'unshaped' vessels.
 - (5) Whereas the latter work requires special skill, the former can be done by the householder.
 - (6) Of wood.
 - (7) The wooden part being subsidiary to the metal knob the entire staff is subject to the restrictions of a metal vessel.
 - (8) Of nails.
 - (9) Since the metal ornamentation is only subsidiary to the wooden staff.
 - (10) Of metal.
 - (11) Where such a tube serves as a pivot.
 - (12) Since the metal ornamentation is only subsidiary to the wooden object.
 - (13) The metal tube.
 - (14) Its new use does not deprive it of its former status of a vessel.
 - (15) To the staff, with nails.
 - (16) Since their wooden handles are merely subsidiary to the metal parts.
 - (17) Though they are inserted in the ground they are not regarded as fixed to it, since they are there only temporarily.
 - (18) To bind them together.
 - (19) Since, like other metal objects that are subsidiary to wooden ones, it is insusceptible to uncleanness.
 - (20) From the bucket; since such a length is used when the bucket is handled.
 - (21) That was unclean.
 - (22) To serve as a door jamb.
 - (23) Of a door, the teeth turning outwards.
 - (24) Lying in a position that might injure passers-by it is not likely to remain there long and cannot consequently be regarded as a fixture in the ground.
 - (25) And sunk in the lintel.
 - (26) Since it is regarded as a permanent fixture in the ground (cf. prev. n. mut. mut.). Alternative rendering: A saw in which the teeth are set in sockets is susceptible, but if they were put in upside down it is not susceptible (Danby according to Maimonides).
 - (27) Because they are not used by themselves.
 - (28) Which, independently of the boiler, is also used by itself.
 - (29) Above the necks of the drawing horses or oxen.
 - (30) V. p. 70, n. 16.
 - (31) To drive on the cattle.
 - (32) Of metal.
 - (33) Which serve as were ornamentation.

- (34) For domestic use which (cf. supra XII, 6) is (in does not agreement with the Sages) clean.
- (35) Because its conversion into a mirror does not alter its former status of uncleanness.
- (36) A mirror they hold, has the status of a valid vessel.
- (37) If they were unclean before they were broken and were re-made into proper vessels after they were broken. If they came in contact with a man or a vessel while in their broken condition, uncleanness is conveyed retrospectively after they have been re-made (cf. L.).
- (38) If the prescribed sprinkling had been performed while they were broken.
- (39) Though they were afterwards re-made into proper vessels (Elijah Wilna).
- (40) Cur. edd. insert 'how', which is deleted by Elijah Wilna.
- (41) For the first time, on the third day, in accordance with Num. XIX, 17ff.
- (42) And made into proper vessels.
- (43) As if they had been duly sprinkled upon on the seventh day. Their broken condition that intervened between their first and their second sprinkling is deemed to be equivalent to the interval of the three days that must elapse between the usual first sprinkling on the third day and the second one on the seventh.
- (44) For the first sprinkling.
- (45) For the second.
- (46) Sc. the part that is inserted in the lock was partly broken off.
- (47) Since it can no longer serve its original purpose.
- (48) Where a shorter length of key (cf. n. 5) would also reach the lock.
- (49) In which the arm that is inserted in the lock is much shorter than in the knee- shaped key.
- (50) Lit., 'its gamma'.
- (51) Sc. the part that is inserted in the lock was partly broken off.
- (52) Even according to R. Judah, since owing to its shortness (cf. n. 8.) it can no longer be used at all.
- (53) The part that remained.
- (54) The teeth having been bent into the gaps.
- (55) That was unclean.
- (56) Although it has no bottom at all.
- (57) In a similar condition.
- (58) As a valid vessel, since it bears an independent name.

Mishna - Mas. Kelim Chapter 15

MISHNAH 1. OF¹ VESSELS OF WOOD, LEATHER, BONE OR GLASS THOSE THAT ARE FLAT ARE CLEAN² AND THOSE THAT FORM A RECEPTACLE ARE SUSCEPTIBLE TO UNCLEANNESS. IF THEY ARE BROKEN THEY BECOME CLEAN AGAIN. IF ONE REMADE THEM INTO VESSELS THEY ARE SUSCEPTIBLE TO UNCLEANNESS HENCEFORTH.¹ A CHEST, A BOX, A CUPBOARD, A STRAW BASKET,³ A REED BASKET,³ OR THE TANK OF AN ALEXANDRIAN SHIP,⁴ THAT HAVE FLAT BOTTOMS AND CONTAIN A MINIMUM OF FORTY SE'AH IN LIQUID MEASURE WHICH REPRESENT TWO KOR IN DRY MEASURE, ARE CLEAN.⁵ ALL OTHER VESSELS, HOWEVER, WHETHER THEY CONTAIN THE MINIMUM⁶ OR DO NOT CONTAIN IT, ARE SUSCEPTIBLE TO UNCLEANNESS;⁷ SO R. MEIR. R. JUDAH RULED: THE TUB OF A WAGON, THE FOOD CHESTS OF KINGS, THE TANNERS TROUGH, THE TANK OF A SMALL SHIP, AND AN ARK,⁸ EVEN THOUGH THEY CONTAIN THE MINIMUM,⁶ ARE SUSCEPTIBLE TO UNCLEANNESS, SINCE THEY ARE INVARIABLY INTENDED TO BE MOVED ABOUT WITH THEIR CONTENTS. AS TO ALL OTHER VESSELS, THOSE THAT CONTAIN THE MINIMUM⁶ ARE CLEAN AND THOSE THAT CANNOT CONTAIN IT ARE SUSCEPTIBLE TO UNCLEANNESS. THE ONLY PRACTICAL DIFFERENCE BETWEEN THE RULING OF R. MEIR⁹ AND THAT OF R. JUDAH¹⁰ IS THE RULING CONCERNING A DOMESTIC BAKING TROUGH.¹¹

MISHNAH 2. BAKERS' BAKING-BOARDS ARE SUSCEPTIBLE TO UNCLEANNESS.¹²

THOSE IN DOMESTIC USE¹³ ARE CLEAN, BUT IF THEY WERE COLOURED RED OR SAFFRON THEY ARE SUSCEPTIBLE TO UNCLEANNESS. IF A BAKERS' SHELF¹⁴ WAS FIXED TO A WALL, R. ELIEZER RULES THAT IT IS CLEAN¹⁵ AND THE SAGES RULE THAT IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁶ THE BAKERS' FRAME¹⁷ IS SUSCEPTIBLE TO UNCLEANNESS BUT ONE IN DOMESTIC USE IS CLEAN. IF A RIM WAS MADE ON ITS FOUR SIDES IT IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF ONE SIDE WAS OPEN IT IS CLEAN. R. SIMEON RULED: IF IT WAS SO SHAPED THAT ONE CAN CUT THE DOUGH UPON IT, IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁸ A ROLLING-PIN IS SIMILARLY SUSCEPTIBLE TO UNCLEANNESS.¹⁹

MISHNAH 3. THE CONTAINER OF THE FLOUR-DEALERS' SIFTER IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE DOMESTIC ONE²⁰, IS CLEAN. R. JUDAH RULED: ALSO ONE THAT IS USED BY A HAIRDRESSER IS SUSCEPTIBLE TO UNCLEANNESS AS A SEAT,²¹ SINCE GIRLS SIT IN IT WHEN THEIR HAIR IS DRESSED.

MISHNAH 4. ALL HANGERS²² ARE SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING THOSE OF A SIFTER AND A RIDDLE THAT ARE FOR DOMESTIC USE;²³ SO R. MEIR. BUT THE SAGES RULED: ALL HANGERS ARE CLEAN, EXCEPTING THOSE OF A SIFTER OF FLOUR-DEALERS, OF A RIDDLE USED IN THRESHING-FLOORS, OF A HAND-SICKLE AND OF AN EXCISEMAN'S STAFF, SINCE THEY AFFORD AID WHEN THE INSTRUMENT IS IN USE.²⁴ THIS IS THE GENERAL RULE: [A HANGER] THAT IS INTENDED TO AFFORD AID WHEN THE INSTRUMENT IS IN USE IS SUSCEPTIBLE TO UNCLEANNESS AND ONE INTENDED TO SERVE ONLY AS A HANGER IS CLEAN.

MISHNAH 5. THE GRIST-DEALERS' SHOVEL IS SUSCEPTIBLE TO UNCLEANNESS²⁵ BUT THE ONE USED IN GRAIN STORES²⁶ IS CLEAN. THE ONE USED IN WINE- PRESSES IS SUSCEPTIBLE TO UNCLEANNESS²⁵ BUT THAT USED IN THRESHING- FLOORS²⁶ IS CLEAN. THIS IS THE GENERAL RULE: [A SHOVEL] THAT IS INTENDED TO HOLD ANYTHING IS SUSCEPTIBLE TO UNCLEANNESS BUT ONE INTENDED ONLY TO HEAP STUFF TOGETHER IS CLEAN.

MISHNAH 6. ORDINARY HARPS²⁷ ARE SUSCEPTIBLE TO UNCLEANNESS,²⁸ BUT THE HARPS OF THE SONS OF LEVI²⁹ ARE CLEAN.³⁰ ALL LIQUIDS³¹ ARE SUSCEPTIBLE TO UNCLEANNESS, BUT THE LIQUIDS³² IN THE SHAMBLES³³ ARE CLEAN. ALL BOOKS³⁴ CONVEY UNCLEANNESS TO THE HANDS,³⁵ EXCEPTING THE SCROLL OF THE TEMPLE COURT.³⁶ A WOODEN TOY HORSE³⁷ IS CLEAN.³⁸ THE LUTE, THE NIKTIMON³⁹ AND THE DRUM ARE SUSCEPTIBLE TO UNCLEANNESS. R. JUDAH RULED: THE DRUM IS UNCLEAR AS A SEAT⁴⁰ SINCE THE WAILING WOMAN SITS ON IT. A WEASEL-TRAP IS SUSCEPTIBLE TO UNCLEANNESS,⁴¹ BUT A MOUSE- TRAP⁴² IS CLEAN.

(1) For notes v. supra II, 1.

(2) Pentateuchally. Some of these are Rabbinically unclean.

(3) Which is subject to the law applicable to wooden vessels.

(4) Name given to large ships that serve for long distances.

(5) Being heavy they are not moved about when full as when empty and, having flat bottoms, they come under the category of stationary wooden vessels which are insusceptible to uncleanness.

(6) Of forty se'ah.

(7) Since they are moved about when full as when empty.

(8) Or large chest. Aliter: coffin.

(9) Who enumerated the vessels that are clean and gave a general ruling that all others are susceptible to uncleanness.

(10) Who mentioned those that are susceptible to uncleanness, ruling that all the others are clean.

(11) Which neither mentioned. According to the former it is susceptible to uncleanness while according to the latter it is

clean.

(12) Rabbinically; since, despite their flat shape, they have the form of a vessel.

(13) Since they have not the shape of a vessel (cf. prev. n.).

(14) Of metal.

(15) As any 'vessel' that is fixed to the ground.

(16) Once it had the status of a vessel the fixing of it to a wall cannot deprive it of that status unless it was damaged (cf. supra XIV, 2).

(17) Or 'small trough'.

(18) Even though it had no rim.

(19) Rabbinically; because flat vessels that serve men and their needs are susceptible to uncleanness. In this case the vessels are of service to the man and to his dough.

(20) Which has no proper receptacle.

(21) If a zab sat on it.

(22) Being adjuncts to vessels.

(23) Since these hangers are not always attached to the vessels mentioned.

(24) When fatigued from work one's hand is put on the hanger to facilitate the handling of the instrument.

(25) Because it forms a receptacle.

(26) Which has no proper receptacle.

(27) Lit., 'harps of song'.

(28) On account of the receptacle beneath their strings wherein one places any coins collected from the audience.

(29) Used in the temple.

(30) Since the receptacles in these harps are not intended to contain any objects.

(31) Sc. blood, water, dew, wine, oil, milk and honey.

(32) Water and blood.

(33) Of the Temple, v. 'Ed. VIII, 4.

(34) Or 'scrolls', of Scripture.

(35) That touched them. This is a Rabbinical measure to prevent holy books from being placed near foodstuffs where mice that attack the food would also destroy them. By the enactment that hands that touch the books contract a second grade of uncleanness any terumah that would come in contact with such hands would become unclean, and care would, therefore, be taken to keep terumah (and similarly unconsecrated food) away from the books; v. Yad. IV, 5.

(36) In which the High Priest read on the Day of Atonement. Being very highly esteemed there is no likelihood of its ever being put together with foodstuffs. Var. lec., 'the scroll of Ezra'.

(37) Aliter: The wooden arm of a harp.

(38) Sc. it is not subject to midras uncleanness since it is not intended for riding upon. One merely pretends to sit on the horse while in reality it is dragged along, the so-called rider merely walking or running.

(39) A musical instrument. Aliter: 'a mask', v. Shab. 66b.

(40) If a zab sat on it.

(41) Because it has a receptacle for the animal whose skin is of use.

(42) Which has no receptacle (cf. prev. n.), its only purpose being to crush the mouse. Even if it has a receptacle it is disregarded since a mouse serves no useful purpose.

Mishna - Mas. Kelim Chapter 16

MISHNAH 1. ANY WOODEN VESSEL THAT WAS BROKEN INTO TWO PARTS¹ BECOMES CLEAN,² EXCEPTING A FOLDING TABLE,³ A DISH WITH COMPARTMENTS FOR [DIFFERENT KINDS OF] FOOD,⁴ AND A DOMESTIC FOOTSTOOL.⁵ R. JUDAH RULED: A DOUBLE DISH³ AND A BABYLONIAN TRAY ARE SUBJECT TO THE SAME LAW.⁶ AT WHAT STAGE⁷ DO WOODEN VESSELS BEGIN TO BE SUSCEPTIBLE TO UNCLEANNESS? A BED AND A COT, AFTER THEY ARE RUBBED OVER WITH FISHSKIN.⁸ IF THE OWNER DETERMINED NOT TO RUB THEM OVER THEY ARE SUSCEPTIBLE TO UNCLEANNESS [FORTHWITH].⁹ R. MEIR RULED: A BED BECOMES SUSCEPTIBLE TO UNCLEANNESS AS SOON AS THREE ROWS OF MESHES HAVE BEEN KNITTED IN IT.

MISHNAH 2. WOODEN BASKETS [BECOME SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS THEIR RIMS ARE BOUND ROUND AND THEIR ROUGH ENDS ARE SMOOTHED OFF; BUT THOSE THAT ARE MADE OF PALM-BRANCHES [BECOME SUSCEPTIBLE TO UNCLEANNESS] EVEN THOUGH THEIR ENDS WERE NOT SMOOTHED OFF ON THE INSIDE, SINCE THEY ARE ALLOWED TO REMAIN IN THIS CONDITION. A BASKET [OF REED-GRASS¹⁰ BECOMES SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS ITS RIM IS BOUND AROUND IT, ITS ROUGH ENDS ARE SMOOTHED OFF, AND ITS HANGER IS FINISHED. A CASE OF WICKERWORK FOR FLAGONS OR FOR CUPS [IS SUSCEPTIBLE TO UNCLEANNESS] EVEN IF THE ROUGH ENDS WERE NOT SMOOTHED OFF ON THE INSIDE, SINCE THESE ARE ALLOWED TO REMAIN IN THIS CONDITION.

MISHNAH 3. SMALL REED BASKETS AND WOMEN'S WORK BASKETS [ARE SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS THEIR RIMS ARE BOUND ROUND AND THEIR ROUGH ENDS SMOOTHED OFF; LARGE REED BASKETS AND LARGE HAMPERS, AS SOON AS TWO CIRCLING BANDS HAVE BEEN MADE ROUND THEIR WIDE SIDES; THE CONTAINER OF A SIFTER OR A SIEVE AND A CUP OF THE BALANCES, AS SOON AS ONE CIRCLING BAND HAS BEEN MADE ROUND THEIR WIDE SIDES; A WILLOW¹¹ BASKET, AS SOON AS TWO TWISTS HAVE BEEN MADE AROUND ITS WIDE SIDES; AND A RUSH¹² BASKET,¹³ AS SOON AS ONE TWIST HAS BEEN MADE ROUND IT.

MISHNAH 4. AT WHAT STAGE¹⁴ DO LEATHER VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS? A SHEPHERD'S BAG, AS SOON AS ITS HEM HAS BEEN STITCHED, ITS ROUGH ENDS TRIMMED AND ITS THONGS SEWN ON. R. JUDAH RULED: SO SOON AS ITS EARS¹⁵ HAVE BEEN SEWN ON. A LEATHER APRON¹⁶ [BECOMES SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS ITS HEM HAS BEEN STITCHED, ITS ROUGH ENDS TRIMMED AND ITS STRINGS SEWN ON. R. JUDAH RULED: AS SOON AS ITS LOOPS HAVE BEEN SEWN ON. A LEATHER BED COVER¹⁷ [BECOMES SUSCEPTIBLE] AS SOON AS ITS HEM HAS BEEN STITCHED AND ITS ROUGH ENDS TRIMMED. R. JUDAH RULED: AS SOON AS ITS THONGS HAVE BEEN SEWN ON. A LEATHER CUSHION OR MATTRESS¹⁸ [BECOMES SUSCEPTIBLE] AS SOON AS ITS HEM HAS BEEN STITCHED AND ITS ROUGH ENDS TRIMMED. R. JUDAH RULED: SO, SOON AS IT HAS BEEN SEWN UP AND LESS THAN FIVE HANDBREADTHS REMAINED OPEN.¹⁹

MISHNAH 5. A WILLOW BASKET²⁰ IS SUSCEPTIBLE TO UNCLEANNESS BUT A THORN BASKET²¹ IS CLEAN.²² MATS²³ MADE OF LEAVES ARE CLEAN, BUT THOSE MADE OF TWIGS ARE SUSCEPTIBLE TO UNCLEANNESS. THE WICKER WRAPPING [IN WHICH DATES ARE LEFT]²⁴ AND INTO WHICH THEY CAN BE EASILY PUT²⁵ AND FROM WHICH THEY CAN EASILY BE TAKEN OUT²⁵ IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF THIS CANNOT BE DONE WITHOUT TEARING IT OR UNDOING IT, IT IS CLEAN.

MISHNAH 6. THE LEATHER GLOVE²⁶ OF WINNERS, TRAVELLERS, OR FLAX WORKERS IS SUSCEPTIBLE TO UNCLEANNESS;²⁷ BUT THE ONE FOR DYERS OR BLACKSMITHS²⁸ IS CLEAN. R. JOSE RULED: THE SAME LAW APPLIES ALSO TO THE GLOVE²⁶ OF GRIST DEALERS. THIS IS THE GENERAL RULE: THAT WHICH IS MADE FOR HOLDING ANYTHING IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH ONLY AFFORDS PROTECTION AGAINST PERSPIRATION IS CLEAN.

MISHNAH 7. THE DUNG BAG OF A BULLOCK²⁹ AND ITS MUZZLE, A BEE-SMOKER, AND A FAN ARE CLEAN.³⁰ THE COVER OF A CASKET IS SUSCEPTIBLE TO UNCLEANNESS; THE COVER OF A CLOTHES-CHEST IS CLEAN. THE COVER OF A BOX, THE COVER OF A BASKET, A CARPENTER'S VICE, A CUSHION³¹ UNDER A BOX³² OR ITS

ARCHED COVER,³³ A READING-DESK FOR A BOOK, A BOLT-SOCKET, A LOCK-SOCKET, A MEZUZAH CASE, A LYRE CASE, A VIOLIN CASE, THE BLOCK OF THE TURBAN-MAKERS, A WOODEN MUSICAL TOY HORSE, THE CLAPPERS OF A WAILING WOMAN, A POOR MAN'S PARASOL,³⁴ BED STRUTS, A TEFILLIN MOULD, AND THE CLOAK-MAKER'S BLOCK — ALL THESE ARE CLEAN. THIS, SAID R. JOSE, IS THE GENERAL RULE: ALL OBJECTS³⁵ THAT SERVE AS A PROTECTION TO OBJECTS THAT A MAN USES, BOTH WHEN THE LATTER ARE IN USE AND WHEN THEY ARE NOT IN USE,³⁶ ARE SUSCEPTIBLE TO UNCLEANNESS; BUT THOSE THAT SERVE THEM AS A PROTECTION ONLY WHEN THE LATTER ARE IN USE ARE CLEAN.³⁷

MISHNAH 8. THE SHEATH OF A SWORD, A KNIFE OR A DAGGER, THE CASE FOR SCISSORS, OR SHEARS OR A RAZOR, THE CASE OF KOHL-STICKS AND THE KOHL-BOX, THE STYLUS CASE, THE INKPOT CASE,³⁸ THE TABLET CASE, THE LEATHER APRON,³⁹ A QUIVER AND A JAVELIN CASE⁴⁰ — ALL THESE ARE SUSCEPTIBLE TO UNCLEANNESS. THE CASE FOR A DOUBLE FLUTE IS SUSCEPTIBLE TO UNCLEANNESS IF THE INSTRUMENT IS PUT IN FROM ABOVE,⁴¹ BUT IF IT IS PUT IN FROM THE SIDE, IT⁴² IS CLEAN. A CASE FOR PIPES, R. JUDAH RULES, IS CLEAN BECAUSE THESE ARE PUT IN FROM THE SIDE.⁴³ THE COVERING OF A CLUB, A BOW OR A SPEAR IS CLEAN. THIS IS THE GENERAL RULE: THAT WHICH SERVES AS A CASE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH IS MERELY A COVERING IS CLEAN.

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- (1) While it was unclean.
 - (2) And also insusceptible to future uncleanness.
 - (3) Consisting of two sound and independent parts.
 - (4) Cf. prev. n.
 - (5) Made up of sections.
 - (6) Viz., though they were broken into two parts they remain unclean.
 - (7) In their manufacture.
 - (8) Which gives them their smooth surface.
 - (9) Even though their surface is rough.
 - (10) Aliter: Of fruit.
 - (11) Cf. Danby.
 - (12) Or 'cork'.
 - (13) Which is not so deep as the basket previously mentioned.
 - (14) In their manufacture.
 - (15) The flaps by which it is carried.
 - (16) Scortea, or 'leather coat', 'leather table cover', 'leather bed sheet'.
 - (17) Or 'leather table cover'.
 - (18) Or 'bolster'.
 - (19) To admit the packing.
 - (20) In which figs or dates are kept. Aliter: A fig or date basket.
 - (21) For rubbish. Aliter: Provision basket.
 - (22) Because it is much too large to be carried about and consequently is not considered a vessel.
 - (23) Aliter: Little fruit baskets.
 - (24) Until they are ripened.
 - (25) Without tearing the wrapper.
 - (26) Or 'head gear', or 'apron', or 'overall'.
 - (27) Since it forms a 'receptacle' for the dust or chaff.
 - (28) Which forms no receptacle, its purpose being merely to absorb the man's perspiration.
 - (29) For receiving its excrements while at work.
 - (30) Since they have not the shape of a 'vessel'.
 - (31) Var. lec., a chair.

- (32) To protect it from dampness.
- (33) To protect the chest against rain.
- (34) Or 'the poor man's collecting-bag'.
- (35) Though they are flat and form no receptacle.
- (36) As, for instance, a cover or a book's case.
- (37) If they are flat. Those that are concave and thus form a receptacle are in either case susceptible to uncleanness.
- (38) Or 'a box with many compartments'.
- (39) Or 'leather coat', or 'leather table-cover'.
- (40) Or 'catapult'.
- (41) Sc. when the case is long and forms a proper receptacle.
- (42) Since it can only be regarded as a mere cover.
- (43) Cf. prev. n.

Mishna - Mas. Kelim Chapter 17

MISHNAH 1. ALL [WOODEN] VESSELS¹ THAT BELONG TO HOUSEHOLDERS² [BECOME CLEAN IF THERE APPEARED IN THEM HOLES OF] THE SIZE OF POMEGRANATES.³ R. ELIEZER RULED: [THE SIZE OF THE HOLE DEPENDS] ON THE USE TO WHICH A VESSEL IS PUT.⁴ GARDENERS' VEGETABLE BASKETS [BECOME CLEAN IF THE HOLES IN THEM ARE OF] THE SIZE OF BUNDLES OF VEGETABLES;⁵ BASKETS OF HOUSEHOLDERS [BECOME CLEAN IF] THE SIZE [OF THE HOLES WILL ADMIT] BUNDLES OF STRAW [TO DROP THROUGH]; THOSE OF BATH-KEEPERS, IF BUNDLES OF SHAVINGS [WILL DROP THROUGH]. R. JOSHUA RULED: [THE SIZE]⁶ IN THE CASE OF ALL THESE IS THAT OF POMEGRANATES.³

MISHNAH 2. A SKIN BOTTLE [BECOMES CLEAN IF THE HOLES IN IT ARE OF] A SIZE THROUGH WHICH WARP-CLEWS⁷ [WILL DROP OUT]. IF [WOOF-CLEWS ARE USUALLY KEPT IN IT AND NOW]⁸ IT CAN NOT HOLD WARP-CLEWS BUT CAN STILL HOLD⁹ WOOF ONES¹⁰ IT REMAINS UNCLEAR.¹¹ A DISH HOLDER¹² THAT CANNOT HOLD DISHES BUT¹³ CAN STILL HOLD TRAYS REMAINS UNCLEAR.¹¹ A CHAMBER- POT¹⁴ THAT CANNOT HOLD LIQUIDS BUT CAN STILL HOLD EXCREMENTS REMAINS UNCLEAR.¹⁵ R. GAMALIEL RULES THAT THE LAST MENTIONED POT IS CLEAN SINCE PEOPLE DO NOT USUALLY KEEP ONE THAT IS IN SUCH A CONDITION.

MISHNAH 3. BREAD-BASKETS [ATTAIN CLEANNESS IF] THE SIZE [OF THEIR HOLES IS SUCH] THAT LOAVES OF BREAD [WOULD FALL THROUGH]. FRAMES FOR HANGINGS, THOUGH REEDS WERE FASTENED TO THEM FROM THE BOTTOM UPWARDS TO STRENGTHEN THEM, ARE CLEAN.¹⁶ IF TO SUCH A FRAME HANDLES OF ANY KIND WERE FIXED IT IS UNCLEAR. R. SIMEON RULED: IF IT CANNOT BE LIFTED UP BY THESE HANDLES¹⁷ IT IS CLEAN.

MISHNAH 4. THE POMEGRANATES OF WHICH THE RABBIS HAVE SPOKEN¹⁸ ARE THREE ATTACHED TO ONE ANOTHER.¹⁹ R. SIMEON B. GAMALIEL RULED: IN A SIFTER OR A SIEVE [THE SIZE OF THE HOLE MUST BE SUCH THAT A POMEGRANATE WILL DROP OUT] WHEN ONE TAKES IT²⁰ UP AND WALKS ABOUT WITH IT;²¹ IN A HAMPER IT MUST BE SUCH [AS WOULD ALLOW A POMEGRANATE] TO FALL THROUGH WHILE A MAN HANGS THE HAMPER BEHIND HIM;²² AND AS REGARDS ALL OTHER VESSELS WHICH²³ CANNOT HOLD POMEGRANATES AS, FOR INSTANCE, THE QUARTER KAB MEASURE AND THE HALF QUARTER KAB MEASURE, AND SMALL BASKETS, THE SIZE [OF THEIR HOLES MUST BE] SUCH AS WOULD EXTEND OVER THE GREATER PART OF THEM; SO R. MEIR. R. SIMEON RULED: [THE HOLE IS MEASURED] WITH OLIVES.²⁴ IF THEIR SIDES WERE BROKEN²⁵ [THE SIZE OF THEIR HOLE MUST BE] SUCH AS OLIVES

WOULD DROP THROUGH. IF THEY ARE WORN AWAY THE SIZE [OF THEIR HOLES] MUST BE SUCH AS WOULD ALLOW THE OBJECTS WHICH ARE USUALLY KEPT IN THEM [TO DROP THROUGH].²⁶

MISHNAH 5. THE POMEGRANATE OF WHICH THEY HAVE SPOKEN²⁷ REFERS TO ONE THAT IS NEITHER SMALL NOR BIG BUT OF MODERATE SIZE. AND FOR WHAT PURPOSE²⁸ WERE THE POMEGRANATES OF BADDAN²⁹ MENTIONED?³⁰ THAT WHATEVER THEIR QUANTITY THEY³¹ CAUSE [OTHER POMEGRANATES]³² TO BE FORBIDDEN: SO R. MEIR. R. JOHANAN B. NURI SAID: THAT THEY ARE TO BE USED AS A MEASURE FOR HOLES IN VESSELS.³³ R. AKIBA SAID: THEY WERE MENTIONED FOR BOTH REASONS: THAT THEY ARE TO BE USED AS A MEASURE FOR HOLES IN VESSELS²⁶ AND THAT WHATEVER THEIR QUANTITY THEY CAUSE [OTHER POMEGRANATES]³² TO BE FORBIDDEN. R. JOSE³⁴ SAID: THE POMEGRANATES OF BADDAN AND THE LEEKS OF GEB³⁵ WERE MENTIONED ONLY TO INDICATE THAT THEY MUST BE TITHED EVERYWHERE AS BEING CERTAINLY UNTITHED.³⁶

MISHNAH 6. THE SIZE OF AN EGG WHICH THEY PRESCRIBED³⁷ IS THAT OF ONE THAT IS NEITHER BIG NOR SMALL BUT OF MODERATE SIZE. R. JUDAH RULED: THE LARGEST AND THE SMALLEST³⁸ MUST BE BROUGHT AND PUT IN WATER AND THE DISPLACED WATER IS THEN DIVIDED.³⁹ SAID R. JOSE: BUT WHO CAN TELL ME WHICH IS THE LARGEST AND WHICH IS THE SMALLEST?⁴⁰ ALL RATHER DEPENDS ON THE OBSERVER'S ESTIMATE.

MISHNAH 7. THE SIZE OF A DRIED FIG WHICH THEY PRESCRIBED⁴¹ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE. R. JUDAH STATED: THE BIGGEST⁴² IN THE LAND OF ISRAEL IS LIKE ONE OF MODERATE SIZE IN OTHER LANDS.

MISHNAH 8. THE SIZE OF AN OLIVE WHICH THEY PRESCRIBED⁴³ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF A MODERATE SIZE, VIZ., ONE THAT IS FIT FOR STORAGE.⁴⁴ THE SIZE OF A BARLEYCORN WHICH THEY PRESCRIBED⁴⁵ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE, VIZ., THE KIND THAT GROWS IN THE WILDERNESS. THE SEIZE OF THE LENTIL WHICH THEY PRESCRIBED⁴⁶ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE, VIZ., THE EGYPTIAN KIND. 'ANY⁴⁷ MOVABLE OBJECT CONVEYS UNCLEANNES⁴⁸ IF IT IS OF THE THICKNESS OF AN OX GOAD', REFERS TO ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE. WHAT IS MEANT BY 'ONE OF MODERATE SIZE'? ONE WHOSE CIRCUMFERENCE IS JUST A HANDBREADTH.

MISHNAH 9. THE STANDARD OF THE CUBIT WHICH THEY PRESCRIBED⁴⁹ IS ONE OF THE MODERATE SIZE.⁵⁰ THERE WERE TWO STANDARD CUBITS IN THE PALACE OF SHUSHAN,⁵¹ ONE IN THE NORTH-EASTERN CORNER AND THE OTHER IN THE SOUTH-EASTERN CORNER. THE ONE IN THE NORTH-EASTERN CORNER EXCEEDED⁵² THAT OF MOSES⁵³ BY HALF A FINGERBREADTH, WHILE THE ONE IN THE SOUTH-EASTERN CORNER EXCEEDED⁵² THE OTHER BY HALF A FINGERBREADTH, SO THAT THE LATTER EXCEEDED THAT OF MOSES BY A FINGERBREADTH. BUT WHY DID THEY PRESCRIBE A LARGER AND A SMALLER CUBIT? ONLY FOR THIS REASON: THAT THE CRAFTSMEN⁵⁴ MIGHT TAKE THEIR ORDERS ACCORDING TO THE SMALLER CUBIT AND RETURN THEIR FINISHED WORK ACCORDING TO THE LARGER CUBIT,⁵⁵ SO THAT THEY MIGHT NOT BE GUILTY OF ANY POSSIBLE MAL-APPROPRIATION.⁵⁶

MISHNAH 10. R. MEIR STATED: ALL CUBITS⁵⁷ WERE OF THE MODERATE LENGTH⁵⁰

EXCEPT THAT FOR THE GOLDEN ALTAR, THE HORNS,⁵⁸ THE CIRCUIT⁵⁸ AND THE BASE.⁵⁸ R. JUDAH STATED: THE CUBIT USED FOR THE BUILDING⁵⁹ WAS ONE OF SIX HANDBREADTHS AND THAT FOR THE VESSELS ONE OF FIVE HANDBREADTHS.

MISHNAH 11. SOMETIMES, HOWEVER, THEY PRESCRIBED A SMALLER MEASURE: THE LIQUID AND DRY MEASURES⁵⁹ WERE PRESCRIBED TO BE OF THE ITALIAN STANDARD WHICH IS THE ONE THAT WAS USED IN THE WILDERNESS.⁶⁰ SOMETIMES, AGAIN,⁶¹ THEY PRESCRIBED A MEASURE THAT VARIED ACCORDING TO THE INDIVIDUAL CONCERNED, AS IS THE CASE OF ONE WHO TAKES THE HANDFUL OF A MEAL-OFFERING,⁶² ONE WHO TAKES BOTH HANDS FULL OF INCENSE,⁶³ ONE WHO DRINKS A MOUTHFUL ON THE DAY OF ATONEMENT,⁶⁴ AND THE PREPARATION OF FOOD FOR TWO MEALS IN CONNECTION WITH AN 'ERUB,⁶⁵ THE QUANTITY BEING THE FOOD ONE EATS ON WEEKDAYS AND NOT ON THE SABBATH,⁶⁶ SO R. MEIR. R. JUDAH RULED: AS ON THE SABBATH AND NOT AS ON WEEKDAYS.⁶⁷ AND BOTH INTENDED TO GIVE THE MORE LENIENT RULING.⁶⁸ R. SIMEON RULED:⁶⁹ TWO THIRDS OF A LOAF, THREE OF WHICH ARE MADE OF A KAB.⁷⁰ R. JOHANAN B. BEROKA RULED:⁶⁹ NOT LESS THAN A LOAF THAT IS PURCHASED FOR A DUPONDIIUM WHEN THE PRICE OF WHEAT IS FOUR SE'AH FOR A SELA'.⁷¹

MISHNAH 12. AND SOMETIMES⁷² THEY PRESCRIBED A LARGE MEASURE: 'A LADLEFUL OF CORPSE MOULD'⁷³ REFERS TO THE BIG LADLE OF PHYSICIANS; THE 'SPLIT BEAN' IN THE CASE OF LEPROSY⁷⁴ REFERS TO THE CILICIAN KIND; 'ONE WHO EATS ON THE DAY OF ATONEMENT A QUANTITY OF THE BULK OF A LARGE DATE',⁷⁵ REFERS TO THE SIZE OF ITSELF AND ITS STONE; IN THE CASE OF SKINS OF WINE AND OIL [THE HOLES]⁷⁶ MUST BE AS BIG AS THEIR LARGE STOPPER; IN THE CASE OF A LIGHT HOLE THAT WAS NOT MADE BY MAN'S HANDS⁷⁷ THE PRESCRIBED SIZE OF WHICH⁷⁸ IS THAT OF A LARGE FIST, THE REFERENCE IS TO THE FIST OF BEN BATIAH⁷⁹ (R. JOSE STATED: AND IT IS AS BIG AS A LARGE HUMAN HEAD), AND IN THE CASE OF ONE⁸⁰ MADE BY MAN'S HANDS THE PRESCRIBED SIZE⁷⁸ IS THAT OF THE LARGE DRILL IN THE TEMPLE CHAMBER WHICH IS THE SIZE OF THE ITALIAN DUPONDIIUM OR THE NERONIAN SELA'⁸¹ OR LIKE THE HOLE IN A YOKE.

MISHNAH 13. ALL THAT LIVE IN THE SEA ARE⁸² CLEAN,⁸³ EXCEPT THE SEA-DOG BECAUSE IT SEEKS REFUGE⁸⁴ ON DRY LAND; SO R. AKIBA. IF ONE MADE VESSELS FROM WHAT GROWS IN THE SEA AND JOINED TO THEM ANYTHING THAT GROWS ON LAND, EVEN IF ONLY A THREAD OR A CORD, PROVIDED IT IS SUSCEPTIBLE TO UNCLEANNESS, THEY ARE UNCLEAN.

MISHNAH 14. THE LAWS OF UNCLEANNESS CAN APPLY TO WHAT WAS CREATED ON THE FIRST DAY.⁸⁵ THERE CAN BE NO UNCLEANNESS IN WHAT WAS CREATED ON THE SECOND DAY.⁸⁶ TO WHAT WAS CREATED ON THE THIRD DAY⁸⁷ THE LAWS OF UNCLEANNESS CAN APPLY.⁸⁸ NO UNCLEANNESS APPLIES TO WHAT WAS CREATED ON THE FOURTH DAY⁸⁹ AND ON THE FIFTH DAY,⁹⁰ EXCEPT⁹¹ TO THE WING OF THE VULTURE OR AN OSTRICH-EGG THAT IS PLATED.⁹² R. JOHANAN B. NURI OBJECTED: WHY SHOULD THE WING OF A VULTURE BE DIFFERENT FROM ALL OTHER WINGS? TO ALL THAT WAS CREATED ON THE SIXTH DAY⁹³ THE LAWS OF UNCLEANNESS CAN APPLY.⁹⁴

MISHNAH 15. IF ONE MADE A RECEPTACLE, WHATEVER ITS SIZE⁹⁵ IT IS SUSCEPTIBLE TO UNCLEANNESS. IF ONE MADE A COUCH OR A BED, WHATEVER ITS SIZE,⁹⁶ IT IS SUSCEPTIBLE TO UNCLEANNESS. IF ONE MADE A PURSE FROM UNTANNED HIDE OR FROM PAPYRUS, IT IS SUSCEPTIBLE TO UNCLEANNESS. A

POMEGRANATE, AN ACORN AND A NUT WHICH CHILDREN HOLLOWED OUT TO MEASURE DUST THEREWITH OR FASHIONED THEM INTO A PAIR OF SCALES, ARE SUSCEPTIBLE TO UNCLEANNESS, SINCE IN THE CASE OF CHILDREN AN ACT⁹⁷ IS VALID THOUGH AN INTENTION IS NOT.⁹⁸

MISHNAH 16. THE BEAM OF A BALANCE AND A STRIKE THAT CONTAIN A RECEPTACLE FOR METAL,⁹⁹ A CARRYING-YOKE THAT HAS A RECEPTACLE FOR MONEY,¹⁰⁰ A BEGGAR'S CANE THAT HAS A RECEPTACLE FOR WATER,¹⁰¹ AND A STICK THAT HAS A RECEPTACLE FOR A MEZUZAH AND FOR PEARLS¹⁰² ARE SUSCEPTIBLE TO UNCLEANNESS. ABOUT ALL THESE R. JOHANAN B. ZAKKAI REMARKED: 'WOE TO ME IF I SHOULD SPEAK OF THEM; WOE TO ME IF I SHOULD NOT SPEAK'.¹⁰³

MISHNAH 17. THE BASE OF THE GOLDSMITHS' ANVIL¹⁰⁴ IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT OF THE BLACKSMITHS¹⁰⁵ IS CLEAN. A WHET-BOARD WHICH HAS A RECEPTACLE FOR OIL IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS CLEAN. A WRITING-TABLET THAT HAS A RECEPTACLE FOR WAX IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS CLEAN. A STRAW MAT OR A TUBE OF STRAW, R. AKIBA RULES, IS SUSCEPTIBLE TO UNCLEANNESS,¹⁰⁶ BUT R. JOHANAN B. NURI RULES THAT IS IT CLEAN. R. SIMEON RULED: THE HOLLOW STALK OF COLOCYNTH¹⁰⁷ IS SUBJECT TO THE SAME LAW.¹⁰⁸ A MAT OF REEDS OR RUSHES IS CLEAN. A REED-TUBE THAT WAS CUT FOR HOLDING ANYTHING REMAINS CLEAN UNTIL ALL THE PITH HAS BEEN REMOVED.

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- (1) Which have contracted an uncleanness.
 - (2) Those belonging to craftsmen become clean even if only smaller holes have appeared (v. infra).
 - (3) Sc. holes big enough for pomegranates to fall through.
 - (4) Lit., 'in what they are'. If big objects are kept in it the hole must be big enough to allow such objects to drop through; and if the objects are small, holes corresponding to their size suffice to render the vessel clean.
 - (5) Sc. that such bundles will drop through them.
 - (6) That renders a vessel clean.
 - (7) Which are smaller than woof-clews.
 - (8) Cf. L.
 - (9) Lit., 'although'.
 - (10) Which are bigger than warp-clews (cf. supra n. 7).
 - (11) Because it can still serve its original purpose.
 - (12) Used for trays.
 - (13) Lit., 'although'.
 - (14) For excrements.
 - (15) V. p. 81, n. 11.
 - (16) Since they are flat objects that have not the shape of a vessel.
 - (17) On account of their frail texture or weak connection with the frame.
 - (18) Supra Mishnah 1.
 - (19) A hole through which one of such three pomegranates would drop must be bigger than one through which a single pomegranate would drop (Tosaf. Y.T.).
 - (20) The sifter or the sieve.
 - (21) A smaller hole than one through which the fruit could drop out without the shaking of the vessel.
 - (22) Across his shoulders (cf. prev. n. mut. mut.).
 - (23) Owing to their small capacity.
 - (24) If it is one through which olives can pass, the vessel, though it can still hold bigger sized fruit, becomes clean.
 - (25) The holes previously spoken of were those in the bottom of a vessel.
 - (26) 'The size (is determined) by what they are', i.e., by the character of the vessels. Aliter: They are regarded as vessels as long as they hold any object.

- (27) Supra Mishnah 1.
- (28) In connection with prescribed sizes.
- (29) In Samaria.
- (30) Cf. 'Or. III, 7.
- (31) If they are 'orlah or otherwise forbidden.
- (32) With which they are mixed.
- (33) Sc. wherever a pomegranate is given in connection with the prescribed size of a hole that renders a vessel clean a pomegranate of Baddan is meant.
- (34) Var. lec., Judah.
- (35) In Samaria.
- (36) Since they are the products of Samaritan localities and the Samaritans are known to disregard the laws of tithe.
- (37) In connection with the uncleanness of foodstuffs.
- (38) Of eggs.
- (39) To obtain the size of the average egg.
- (40) Sc. there might somewhere be eggs that are much bigger or much smaller than any egg that can be obtained in one's locality.
- (41) In connection with carrying on the Sabbath (cf. Shab. VII, 4, 'Er. VII, 8).
- (42) Var. lec. (Wilna, 1907, Berlin 1862), 'smallest'.
- (43) Frequently (cf. Ber. 39a, Hal. I, 2).
- (44) Aliter: Of a specially good quality. Aliter: An olive that retains its oil. Aliter: Whose oil is collected like wine in the grape.
- (45) Cf. supra I, 4; 'Ed. VI, 3.
- (46) Cf. Oh. I, 7; Mik. VI, 7.
- (47) A citation from Oh. XVI, 1, which is presently explained.
- (48) To the man that carries it (Bert.); from place to place which it overshadows (L.).
- (49) For various ritual measurements (cf. 'Er. I, 1; Suk. I, 1; Oh. XVI, 3).
- (50) Six handbreadths. The larger cubit measured six and a sixth handbreadths, while the smaller one measured only five handbreadths.
- (51) A mural sculpture above the eastern gate of the Temple (cf. Mid. I, 3) representing that palace (cf. Est. I, 2).
- (52) In length.
- (53) The cubit of six handbreadths which he used in the wilderness in the construction of the Tabernacle and its furniture.
- (54) Engaged in Temple work.
- (55) Thus making sure that they neither appropriated any material that belonged to the Temple nor received payment for labour they had not performed.
- (56) Cf. prev. n.
- (57) Used in the Temple.
- (58) Of the brazen altar. These were measured by the smaller cubit of five handbreadths.
- (59) Of the Temple.
- (60) By Moses.
- (61) When the thing measured was not a vessel but a part of the human body.
- (62) Cf. Lev. II, 2.
- (63) Cf. Lev. XVI, 12.
- (64) When drinking is forbidden (cf. Yoma VIII, 2).
- (65) Cf. 'Er. VIII, 2.
- (66) When more is eaten than on the working days of the week.
- (67) Holding that on weekdays more is eaten in each meal than on Sabbath when three meals are prescribed.
- (68) Sc. to reduce the prescribed size of the 'erub (cf. 'Er., Sonc. ed., p. 576, n. 3).
- (69) In determining the quantity of bread required for two meals.
- (70) Of wheat. Thus two ninths of a kab suffice for two meals. When three loaves are made from a kab $\frac{2}{3}$ of each loaf = $\frac{1}{3} \times 2 \times \frac{2}{3} = \frac{2}{9}$ kab.
- (71) As four se'ah are equal to 4×6 kab = $24 \times 2 = 48$ half-kab, and as a sela' contains 4 denars = 4×6 ma'ah = 4×6

X 2 = 48 dupondia, each loaf must weigh half a kab; but as the shopkeeper who buys at the price mentioned (1/2 a kab for a dupondium) sells at a higher price, allowing himself a profit of fifty per cent of the purchase price, he sells for each dupondium 1/2 of a half a kab — 1/4 of a kab. Each loaf, therefore, weighs 1/4 of a kab. Cf. 'Er., Sonc. ed., pp. 576-578 and notes.

(72) Cf. prev. Mishnah ab init.

(73) A citation from Oh. II, 1.

(74) Cf. Neg. VI, 1.

(75) Is culpable (Yoma VIII, 2).

(76) That render them insusceptible to uncleanness.

(77) Oh. XIII, 1.

(78) That would enable uncleanness to spread through it from one room into another.

(79) A Palestinian giant in the time of the destruction of the Temple; v. Lam. Rab. I, 5.

(80) A light- hole.

(81) A sela' named after the Emperor Nero.

(82) Unlike animals on land.

(83) Even when dead. Hence vessels made of their skins are insusceptible to uncleanness.

(84) Lit., 'Bees'.

(85) The earth (Gen. I, 1). Earthen vessels are subject to the laws of uncleanness.

(86) The heathens (Gen. I, 6f).

(87) The trees and plants (Gen. I, 11f).

(88) Wooden vessels are subject to uncleanness.

(89) The luminaries (Gen. I, 14ff).

(90) Birds and fishes (Gen. I, 20ff).

(91) According to Rabbinic Law, though not Pentateuchally.

(92) With metal. It is not clear whether this refers to both wing and egg or to the latter only.

(93) Land animals and man (Gen. I, 24ff).

(94) To animals and men when dead, and to the latter under certain circumstances even when alive.

(95) Lit., 'in every place (case)'. Sc. however little its capacity may be.

(96) Even if one can only lean on it.

(97) As in the cases mentioned.

(98) If they only intended to turn the fruits mentioned into receptacles their intention is disregarded.

(99) By secretly inserting the metal into the beam the scales can be made to turn either in favour of the seller or in that of the buyer. Similarly with the strike, when the metal is inserted the strike levels the measure much lower and benefits the seller. By removing the metal the strike exerts less pressure and the benefit is the buyer's.

(100) In which the carrier stealthily throws the money he received for his labour and claims a second payment.

(101) From which he drinks or into which he secretly pours any wine or oil he is able to steal.

(102) A device to evade customs duties.

(103) Cf. B.B. 89b: 'Should I speak of them, knaves might learn them; and should I not speak, the knaves might say, "the scholars are unacquainted with our practice", and will deceive us still more'.

(104) In which chippings of gold are collected.

(105) Whose function is not the collection of the chippings of metal but the protection of the blacksmith from the falling sparks.

(106) Though the capacity of either is very little.

(107) Or 'wild cucumbers' or 'small bitter water melons'.

(108) As the tube of straw (cf. n. 4).

Mishna - Mas. Kelim Chapter 18

MISHNAH 1. A WOODEN CHEST,¹ BETH SHAMMAI RULED, IS MEASURED² ON THE INSIDE³ AND BETH HILLEL RULED: ON THE OUTSIDE.⁴ BOTH, HOWEVER, AGREE THAT THE THICKNESS OF THE LEGS AND THE THICKNESS OF THE RIM ARE NOT INCLUDED IN THE MEASUREMENT. R. JOSE STATED: BOTH AGREE THAT THE

THICKNESS OF THE LEGS AND THE THICKNESS OF THE RIM ARE INCLUDED IN THE MEASUREMENT, BUT THE SPACE BETWEEN THEM⁵ IS NOT INCLUDED. R. SIMEON SHEZURI RULED: IF THE LEGS ARE ONE HANDBREADTH HIGH THE SPACE BETWEEN THEM⁵ IS NOT INCLUDED IN THE MEASUREMENT, OTHERWISE⁶ IT IS INCLUDED.

MISHNAH 2. ITS⁷ CARRIAGE,⁸ IF IT CAN BE SLIPPED OFF, IS NOT REGARDED AS A CONNECTIVE,⁹ NOR IS IT INCLUDED IN ITS MEASUREMENT,¹⁰ NOR DOES IT AFFORD PROTECTION TOGETHER WITH IT IN THE TENT OF A CORPSE,¹¹ NOR MAY IT BE DRAWN ALONG ON THE SABBATH IF IT CONTAINED MONEY.¹² IF, HOWEVER, IT CANNOT BE SLIPPED OFF, IT IS REGARDED AS A CONNECTIVE, IT IS INCLUDED IN ITS MEASUREMENT, IT AFFORDS PROTECTION TOGETHER WITH IT IN THE TENT OF A CORPSE, AND IT MAY BE DRAWN ALONG ON THE SABBATH EVEN IF IT CONTAINS MONEY. ITS¹³ ARCHED TOP, IF IT IS FIXED, IS A CONNECTIVE AND IS MEASURED WITH IT, BUT IF IT IS NOT FIXED IT IS NO CONNECTIVE AND IS NOT MEASURED WITH IT. HOW IS IT¹⁴ MEASURED? AS AN OX-HEAD.¹⁵ R. JUDAH RULED: IF IT¹³ CANNOT STAND BY ITSELF¹⁶ IT IS CLEAN.¹⁷

MISHNAH 3. IF ONE OF THE LEGS WAS MISSING FROM A CHEST, A BOX OR A CUPBOARD, EVEN THOUGH IT IS STILL CAPABLE OF HOLDING [OBJECTS],¹⁸ IT IS CLEAN, SINCE IT CANNOT¹⁹ HOLD THEM IN THE USUAL MANNER;²⁰ BUT R. JOSE RULED: IT IS SUSCEPTIBLE TO UNCLEANNESS. THE POLES OF A BED, ITS BASE, AND [ITS] WRAPPER²¹ ARE CLEAN.²² ONLY THE BED ITSELF AND ITS FRAME ARE SUSCEPTIBLE TO UNCLEANNESS. THE BED FRAMES OF THE SONS OF LEVI,²³ HOWEVER, ARE CLEAN.²⁴

MISHNAH 4. A BED FRAME THAT WAS PUT ON PROPS,²⁵ R. MEIR AND R. JUDAH RULE, IS SUSCEPTIBLE TO UNCLEANNESS BUT R. JOSE AND R. SIMEON RULE THAT IT IS CLEAN. R. JOSE ARGUED: WHEREIN DOES THIS²⁶ DIFFER FROM THE BED FRAMES OF THE SONS OF LEVI WHICH ARE CLEAN?²⁷

MISHNAH 5. IF A BED THAT HAD CONTRACTED MIDRAS UNCLEANNESS LOST A SHORT SIDE AND TWO LEGS IT STILL REMAINS UNCLEAN,²⁸ BUT IF A LONG SIDE AND TWO LEGS WERE LOST IT BECOMES CLEAN. R. NEHEMIA RULED: IT IS UNCLEAN. IF TWO PROPS AT OPPOSITE CORNERS WERE CUT OFF, OR IF TWO LEGS AT OPPOSITE CORNERS WERE CUT OFF,²⁹ OR IF THE BED³⁰ WAS REDUCED TO A LEVEL OF LESS THAN A HANDBREADTH,³¹ IT BECOMES CLEAN.

MISHNAH 6. IF A BED HAD CONTRACTED MIDRAS UNCLEANNESS AND A LONG SIDE OF IT WAS BROKEN AND THEN IT WAS REPAIRED, IT STILL RETAINS ITS MIDRAS UNCLEANNESS BUT IF THE SECOND SIDE WAS ALSO BROKEN,³² THOUGH IT WAS ALSO REPAIRED, IT BECOMES FREE FROM MIDRAS UNCLEANNESS BUT IS UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNESS.³³ IF BEFORE ONE COULD MANAGE TO REPAIR THE FIRST SIDE THE SECOND ONE WAS BROKEN THE BED BECOMES CLEAN.

MISHNAH 7. IF A [BED] LEG THAT HAD CONTRACTED MIDRAS UNCLEANNESS WAS JOINED TO A BED, ALL THE BED CONTRACTS MIDRAS UNCLEANNESS. IF IT WAS SUBSEQUENTLY TAKEN OFF, IT RETAINS ITS MIDRAS UNCLEANNESS WHILE THE BED IS UNCLEAN FROM CONTACT WITH MIDRAS. IF A BED LEG THAT WAS SUBJECT TO A SEVEN-DAY UNCLEANNESS³⁴ WAS JOINED TO A BED, ALL THE BED CONTRACTS SEVEN-DAY UNCLEANNESS. IF IT WAS SUBSEQUENTLY TAKEN OFF IT REMAINS SUBJECT TO SEVEN-DAY UNCLEANNESS WHILE THE BED IS ONLY SUBJECT TO

EVENING-UNCLEANNES.³⁵ IF A LEG THAT WAS SUBJECT TO EVENING UNCLEANNES WAS JOINED TO A BED, ALL THE BED CONTRACTS EVENING UNCLEANNES. IF IT WAS SUBSEQUENTLY TAKEN OFF IT IS STILL SUBJECT TO EVENING UNCLEANNES WHILE THE BED BECOMES CLEAN.³⁶ THE SAME LAW APPLIES ALSO TO THE PRONG OF A MATTOCK.³⁷

MISHNAH 8. A PHYLACTERY³⁸ IS REGARDED AS CONSISTING OF FOUR VESSELS. IF THE FIRST COMPARTMENT WAS UNLOOSED,³⁹ AND THEN IT WAS MENDED IT RETAINS ITS CORPSE UNCLEANNES. SO IS IT ALSO THE CASE WITH THE SECOND AND THE THIRD.⁴⁰ IF THE FOURTH WAS UNLOOSED⁴¹ IT BE COMES FREE FROM CORPSE UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH CORPSE UNCLEANNES.⁴² IF SUBSEQUENTLY THE FIRST COMPARTMENT WAS AGAIN UNLOOSED AND MENDED IT REMAINS UNCLEAN FROM CONTACT.⁴³ SO ALSO IN THE CASE OF THE SECOND COMPARTMENT.⁴⁴ IF THE THIRD COMPARTMENT WAS SUBSEQUENTLY UNLOOSED AND MENDED IT BECOMES CLEAN, SINCE THE FOURTH IS UNCLEAN FROM CONTACT,⁴⁵ AND WHAT IS UNCLEAN FROM CONTACT CANNOT CONVEY UNCLEANNES BY CONTACT.

MISHNAH 9. A BED THE HALF OF WHICH IS STOLEN OR LOST, OR ONE WHICH BROTHERS OR JOINT OWNERS DIVIDED BETWEEN THEMSELVES, BECOMES CLEAN.⁴⁶ IF IT WAS RESTORED⁴⁷ IT IS SUSCEPTIBLE TO UNCLEANNES HENCEFORTH.⁴⁸ A BED MAY CONTRACT UNCLEANNES AND BE RENDERED CLEAN⁴⁹ ONLY WHEN ALL ITS PARTS ARE BOUND TOGETHER; SO R. ELIEZER. BUT THE SAGES RULED: IT CAN CONTRACT UNCLEANNES AND BE RENDERED CLEAN⁴⁹ EVEN IN SINGLE PARTS.⁵⁰

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- (1) Which (cf. supra XV, 1) is insusceptible to uncleanness if it has a capacity of no less than forty se'ah.
- (2) To ascertain its capacity.
- (3) Since the walls cannot be included in the capacity of the chest.
- (4) The main reason for the uncleanness being the heavy weight of the chest, the walls also, which add to its weight may be included.
- (5) Between the legs and between the bottom of the chest and the ground.
- (6) Lit., 'and if not', if the height of the legs was less than a handbreadth.
- (7) The chest's (cf. prev. Mishnah ab init.).
- (8) Lit., 'machine', a contrivance under a chest to facilitate movement from place to place.
- (9) And the chest and the carriage are independently susceptible or insusceptible to uncleanness.
- (10) To supplement the prescribed minimum of forty se'ah.
- (11) Only vessels within the chest (provided its capacity is forty se'ah and its cover is tightly fitting) are protected from the uncleanness, but not those within the carriage since the latter is itself susceptible to uncleanness.
- (12) Being an independent object it becomes a base to the money and, therefore, forbidden like it to be moved about on the Sabbath (cf. Shab. XXI, 2).
- (13) The chest's (cf. prev. Mishnah ab init.).
- (14) The arched top that was fixed.
- (15) Sc. straight lines are drawn from the highest point in the arched cover to the vertical sides of the chest and all the space contained between the arch of the cover and the lines is included in the measurement.
- (16) But requires support.
- (17) Even if its capacity is less than forty se'ah.
- (18) Sc. no hole was made in the vessel.
- (19) Var. lec., 'and that which cannot . . . manner R. Jose . . . unclean'.
- (20) It being necessary to prop it up.
- (21) Or 'its covering', denoting any bed decorations (Maim.).
- (22) Even if they are made of metal.
- (23) Who take them on their journey when going to Jerusalem to serve their turn in the Temple.

- (24) Because they are easily detachable and quite independent of the bed.
- (25) Lit., 'tongues', sc. it did not rest on the bed legs themselves.
- (26) Which is easily detachable.
- (27) V. p. 91, n. 12.
- (28) Since it is still useable as a couch.
- (29) Var lec., 'to the extent of a handbreadth square.'
- (30) By cutting away parts of each of its four legs.
- (31) From the ground.
- (32) Even if this happened after the first one was already repaired.
- (33) Since it came in contact with the bed that was suffering midras uncleanness.
- (34) Having been in contact with a vessel that contracted corpse uncleanness (cf. Oh. I, 2).
- (35) Sc. it is unclean until sunset only.
- (36) Since the leg (which was subject only to a derived uncleanness) cannot impart any uncleanness to the bed which, as a 'vessel', can contract uncleanness from a 'father of uncleanness' only.
- (37) Which stand respectively in the same relationship as the leg and the bed.
- (38) Sc. Tefillah, sing. of tefillin (v. Glos.). Of the head, which consists of four compartments.
- (39) After the phylactery had contracted corpse uncleanness.
- (40) If either was unloosed and then mended it retains its corpse uncleanness.
- (41) So that none of the original compartments remained intact.
- (42) Since it came in contact with the other compartments which are subject to corpse uncleanness which is a 'father of uncleanness'.
- (43) With the second which is still a 'father of uncleanness'.
- (44) Since it came in contact with the third which, like the second, was still a 'father of uncleanness' (cf. prev. n.).
- (45) With the third which was a 'father of uncleanness' before it was unloosed and mended the second time.
- (46) Since the two parts are not likely ever to be joined again.
- (47) The two parts again forming one whole.
- (48) But free from all former uncleanness.
- (49) By immersion in a ritual bath and/or by ritual sprinkling.
- (50) Provided it was intended to bind them together again.

Mishna - Mas. Kelim Chapter 19

MISHNAH 1. IF A MAN DISMANTLED A BED IN ORDER THAT HE MIGHT IMMERSE IT,¹ ANY ONE WHO TOUCHES THE ROPES² REMAINS CLEAN.³ WHEN⁴ DOES THE ROPE⁵ BEGIN TO CONSTITUTE A CONNECTIVE WITH THE BED? AS SOON AS THREE ROWS OF MESHES OF IT HAVE BEEN KNOTTED.⁶ AND [IF AN OTHER ROPE WAS TIED TO THIS ONE] ANY PERSON WHO TOUCHES IT FROM THE KNOT INWARDS BECOMES UNCLEAN; BUT IF FROM THE KNOT OUTWARDS HE REMAINS CLEAN. AS TO THE LOOSE ENDS OF THE KNOT, ANY ONE THAT TOUCHES THAT PART WHICH IS NEEDED FOR IT⁷ BECOMES UNCLEAN. AND HOW MUCH IS NEEDED FOR IT?⁷ R. JUDAH STATED: THREE FINGERBREADTHS.

MISHNAH 2. A ROPE THAT HANGS OVER FROM [THE NETTING OF] A BED⁸ IS CLEAN⁹ IF IT IS SHORTER THAN FIVE HANDBREADTHS, BUT UNCLEAN IF IT IS FROM FIVE TO TEN HANDBREADTHS LONG, WHILE THAT PART WHICH IS OVER THE TEN HAND BREADTHS IS CLEAN; FOR IT IS ONLY WITH THE FORMER¹⁰ THAT PASCHAL LAMBS WERE TIED¹¹ AND BEDS SUSPENDED.¹²

MISHNAH 3. IF A PART OF A BED-GIRTH HANGS OVER, IT IS UNCLEAN¹³ WHATEVER ITS LENGTH;¹⁴ SO R. MEIR. R. JOSE RULED: ONLY THAT WHICH IS SHORTER THAN TEN HANDBREADTHS.¹⁵ THE REMNANT OF A BED-GIRTH¹⁶ REMAINS UNCLEAN IF THE LENGTH IS NO LESS THAN SEVEN HANDBREADTHS FROM WHICH AN ASS'S

GIRTH CAN BE MADE.¹⁷

MISHNAH 4. IF A ZAB WAS CARRIED ON A BED AND ON ITS GIRTH,¹⁸ THE LATTER¹⁹ CAUSES AN UNCLEANNESS OF TWO GRADES²⁰ AND AN UNFITNESS²¹ OF ONE GRADE;²² SO R. MEIR. R. JOSE RULED: IF A ZAB WAS CARRIED ON A BED AND ON ITS GIRTH¹⁸ THE PART THAT IS SHORTER THAN TEN HANDBREADTHS CAUSES AN UNCLEANNESS OF TWO GRADES¹⁸ AND AN UNFITNESS²¹ OF ONE GRADE,²² BUT THAT WHICH IS OVER THE TEN HANDBREADTHS²³ CAUSES ONLY AN UNCLEANNESS OF ONE GRADE²⁴ AND AN UNFITNESS²¹ OF ONE GRADE.²² IF HE WAS CARRIED ON THE BED-GIRTH, [ON THE OVERHANGING PART] THAT WAS SHORTER THAN TEN HANDBREADTHS, IT BECOMES UNCLEAN,²⁵ BUT IF ON THE PART THAT WAS LONGER THAN TEN HANDBREADTHS IT REMAINS CLEAN.²⁶

MISHNAH 5. IF AROUND A BED THAT HAD CONTRACTED MIDRAS UNCLEANNESS ONE WRAPPED A BED-GIRTH, THE WHOLE BECOMES SUBJECT TO MIDRAS UNCLEANNESS; IF IT WAS SUBSEQUENTLY REMOVED, THE BED REMAINS SUBJECT TO MIDRAS UNCLEANNESS BUT THE BED-GIRTH IS UNCLEAN ONLY FROM CONTACT WITH MIDRAS. IF THE BED WAS SUBJECT TO A SEVEN-DAY UNCLEANNESS AND A BED-GIRTH WAS SUBSEQUENTLY WRAPPED AROUND IT, THE WHOLE BECOMES SUBJECT TO A SEVEN-DAY UNCLEANNESS; IF IT WAS REMOVED, THE BED REMAINS SUBJECT TO A SEVEN-DAY UNCLEANNESS BUT THE BED-GIRTH IS SUBJECT ONLY TO EVENING UNCLEANNESS. IF THE BED WAS SUBJECT TO EVENING UNCLEANNESS AND AROUND IT WAS SUBSEQUENTLY WRAPPED A BED-GIRTH, THE WHOLE BECOMES SUBJECT TO EVENING UNCLEANNESS; IF IT WAS REMOVED, THE BED REMAINS SUBJECT TO EVENING UNCLEANNESS BUT THE BED-GIRTH BECOMES CLEAN.

MISHNAH 6. IF A BED-GIRTH WAS WRAPPED AROUND A BED AND A CORPSE TOUCHED THEM, THEY ARE SUBJECT TO A SEVEN-DAY UNCLEANNESS;²⁷ IF THEY ARE TAKEN APART THEY²⁸ ARE STILL SUBJECT TO A SEVEN-DAY UNCLEANNESS. IF A [DEAD] CREEPING THING TOUCHED THEM THEY ARE SUBJECT TO AN EVENING UNCLEANNESS; IF THEY ARE TAKEN APART THEY²⁸ ARE STILL SUBJECT TO EVENING UNCLEANNESS. IF FROM A BED²⁹ THE TWO LONGER SIDES WERE REMOVED³⁰ AND TWO NEW ONES WERE PREPARED FOR IT BUT THE ORIGINAL SOCKETS WERE NOT CHANGED, IF THE NEW SIDES WERE BROKEN THE BED²⁹ RETAINS ITS UNCLEANNESS,³¹ BUT IF THE OLD ONES WERE BROKEN IT BECOMES CLEAN, SINCE³² ALL DEPENDS ON THE OLD ONES.³³

MISHNAH 7. A BOX WHOSE OPENING IS AT THE TOP IS SUSCEPTIBLE TO CORPSE UNCLEANNESS.³⁴ IF IT WAS DAMAGED ABOVE IT IS STILL SUSCEPTIBLE TO CORPSE UNCLEANNESS. IF IT WAS DAMAGED BELOW, IT³⁵ BECOMES CLEAN. THE COMPARTMENTS³⁶ WITHIN IT REMAIN UNCLEAN AND ARE NOT REGARDED AS A CONNECTIVE WITH IT.³⁷

MISHNAH 8. IF A SHEPHERD'S BAG³⁸ WAS DAMAGED, THE POCKET WITHIN IT RETAINS ITS UNCLEANNESS AND IS NOT REGARDED AS A CONNECTIVE WITH IT. IF THE TESTICLE BAGS IN A SKIN³⁹ SERVE ALSO⁴⁰ AS RECEPTACLES⁴¹ AND THEY WERE DAMAGED, THEY BECOME CLEAN,⁴² SINCE THEY⁴³ WILL NO LONGER SERVE THEIR ORIGINAL PURPOSE.⁴⁴

MISHNAH 9. A BOX WHOSE OPENING IS AT THE SIDE IS SUSCEPTIBLE TO BOTH MIDRAS UNCLEANNESS⁴⁵ AND CORPSE UNCLEANNESS. R. JOSE STATED: WHEN DOES

THIS APPLY? WHEN IT IS LESS THAN TEN HANDBREADTHS IN HEIGHT⁴⁶ OR WHEN IT HAS NOT A RIM ONE HANDBREADTH DEEP.⁴⁵ IF IT WAS DAMAGED ABOVE IT IS STILL SUSCEPTIBLE TO CORPSE UNCLEANNESS.⁴⁷ IF IT WAS DAMAGED BELOW, R. MEIR RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS,⁴⁸ BUT THE SAGES RULE THAT IT IS CLEAN BECAUSE WHERE THE PRIMARY FUNCTION⁴⁹ CEASES⁵⁰ THE SECONDARY ONE⁵¹ ALSO CEASES.

MISHNAH 10. A DUNG-BASKET THAT WAS SO DAMAGED⁵² THAT IT WILL NOT HOLD POMEGRANATES, R. MEIR RULES, IS STILL SUSCEPTIBLE TO UNCLEANNESS,⁵³ BUT THE SAGES RULE THAT IT IS CLEAN BECAUSE WHERE THE PRIMARY FUNCTION⁵⁴ CEASES THE SECONDARY ONE⁵⁵ ALSO CEASES.

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- (1) In agreement with the Sages in the previous Mishnah.
 - (2) That make up the netting in the bed frame.
 - (3) Even though the bed was a 'father of uncleanness' from which a man contracts an uncleanness of the first grade. The ropes do not constitute a part of the bed after the latter had been dismantled.
 - (4) In the case of a new bed.
 - (5) Cf. n. 2.
 - (6) Though the rope is much longer all of it is unclean since one part contracts uncleanness from the other.
 - (7) The knot, sc. the part without which the knot would be undone.
 - (8) After the required netting in the frame had been duly completed.
 - (9) Even when the bed is unclean.
 - (10) Lit., 'for with it', with the part of the rope that was from five to ten handbreadths long.
 - (11) To the bed's legs. A ceremonial that preceded the offering of the lamb.
 - (12) When, for instance, they were to be immersed in a ritual bath.
 - (13) If the bed was unclean.
 - (14) It being invariably regarded as a connective with the bed.
 - (15) That which is longer cannot be regarded as a connective and, therefore, remains clean.
 - (16) That was worn away.
 - (17) A lesser length, which is entirely useless, becomes clean.
 - (18) Sc. while the girth was around the bed, though the girth did not come in direct contact with the zab.
 - (19) Which, like the bed, becomes a 'father of uncleanness'.
 - (20) Sc. the object that touches it contracts an uncleanness of the first grade, and any foodstuffs that touch this object contract one of the second grade.
 - (21) In the case of terumah. The term 'unfit' in connection with uncleanness denotes that the uncleanness contracted cannot be carried to a further remove.
 - (22) The third. Any terumah that comes in contact with a second grade of uncleanness becomes 'unfit' as having contracted a third grade of uncleanness.
 - (23) Which cannot be treated as a connective with the bed and which, as being in contact with a 'father of uncleanness', is subject only to a first grade of uncleanness.
 - (24) Sc. a second grade.
 - (25) Because it is regarded as part of the bed.
 - (26) Cf. prev. n. According to another reading the uncleanness and cleanness apply to the bed.
 - (27) Even according to R. Jose. Only in regard to midras uncleanness does he dispute the connection of the girth with the bed.
 - (28) Since neither can in consequence be regarded as broken.
 - (29) That was unclean.
 - (30) But they were still useable and capable of restoration to the bed.
 - (31) Since the old sides can still be restored (cf. prev. n.).
 - (32) The new sides having changed the bed's entire character from old to new.
 - (33) Cf. prev. two notes.
 - (34) Though, owing to its unsuitability as a seat, it is free from midras uncleanness.

- (35) As a broken vessel.
- (36) Or 'drawers', that were undamaged.
- (37) Cf. supra II, 7.
- (38) V. p. 97, n. 3.
- (39) E.g. of a sheep.
- (40) Lit., 'with it', with the skin.
- (41) Sc. they also are filled when the liquid is poured into the skin.
- (42) Though independently of the skin they can still hold some liquid.
- (43) Not being capable of receiving the liquid from the skin.
- (44) Lit., 'they do not receive in their usual way'.
- (45) Since one can sit on it without interfering with its normal uses.
- (46) Because then one can conveniently sit on it.
- (47) But not to that of midras, since it can no longer be used as a seat.
- (48) Midras uncleanness; since it is still possible to sit on it.
- (49) To serve as a receptacle.
- (50) On account of the damage below.
- (51) That of being used as a seat.
- (52) After it had contracted uncleanness.
- (53) Midras uncleanness; since it is still possible to sit on it.
- (54) V. p. 98, n. 16.
- (55) V. p. 98, n. 18.

Mishna - Mas. Kelim Chapter 20

MISHNAH 1. BOLSTERS, PILLOWS, SACKS AND PACKING CASES THAT WERE DAMAGED¹ ARE STILL SUSCEPTIBLE TO MIDRAS UNCLEANNESS.² A FODDER-BAG THAT CAN HOLD FOUR KAB, A SHEPHERD'S BAG THAT CAN HOLD FIVE KAB, A TRAVELLING BAG THAT CAN HOLD A SE'AH, A SKIN THAT CAN HOLD SEVEN KAB (R. JUDAH RULED: ALSO A SPICE-BAG AND A FOOD WALLET THAT CAN HOLD THE SMALLEST QUANTITY) ARE STILL SUSCEPTIBLE TO MIDRAS UNCLEANNESS.³ IF ANY OF THEM, HOWEVER, WAS DAMAGED IT BECOMES CLEAN, SINCE WHERE THE PRIMARY FUNCTION⁴ CEASES⁵ THE SECONDARY FUNCTION⁶ ALSO CEASES.

MISHNAH 2. A BAGPIPE IS NOT SUSCEPTIBLE TO MIDRAS UNCLEANNESS⁷ A TROUGH FOR MIXING MORTAR, BETH SHAMMAI RULES, IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS⁸ , AND BETH HILLEL RULES THAT IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS ONLY.⁹ IF A TROUGH OF A CAPACITY FROM TWO LOG TO NINE KAB IS SPLIT, IT BECOMES SUSCEPTIBLE TO MIDRAS UNCLEANNESS.¹⁰ IF IT WAS LEFT IN THE RAIN AND IT SWELLED¹¹ IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS ALONE.¹² [IF IT WAS LEFT OUT] DURING THE EAST WIND AND IT SPLIT, IT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS.¹³ IN THIS RESPECT THE LAW IS MORE RESTRICTED IN THE CASE OF REMNANTS OF WOODEN VESSELS THAN IN [THAT OF SUCH VESSELS] IN THEIR ORIGINAL CONDITION.¹⁴ IT IS ALSO MORE RESTRICTED IN REGARD TO THE REMNANTS OF WICKER VESSELS THAN [TO SUCH VESSELS] AS ARE IN THEIR ORIGINAL CONDITION, FOR WHEN THEY ARE IN THEIR ORIGINAL CONDITION THEY ARE INSUSCEPTIBLE TO UNCLEANNESS UNTIL THEIR RIM IS FINISHED, BUT AFTER THEIR RIM HAS BEEN FINISHED, EVEN THOUGH THEIR EDGES FELL AWAY LEAVING ONLY THE SLIGHTEST TRACE OF THEM, THEY ARE UNCLEAR.

MISHNAH 3. IF A STICK WAS USED¹⁵ AS A HAFT FOR A HATCHET, IT¹⁶ IS REGARDED AS A CONNECTIVE¹⁷ FOR UNCLEANNESS AT THE TIME OF USE. A YARN WINDER IS REGARDED AS A CONNECTIVE¹⁸ FOR UNCLEANNESS AT THE TIME OF ITS USE. IF IT

WAS FIXED TO A POLE IT IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ BUT THE LATTER CANNOT BE REGARDED AS A CONNECTIVE WITH IT. IF THE POLE ITSELF WAS²⁰ CONVERTED INTO A YARN WINDER, ONLY THAT PART²¹ WHICH IS NEEDED FOR USE IS SUSCEPTIBLE TO UNCLEANNESS. A SEAT THAT WAS FIXED TO THE POLE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE LATTER IS NOT REGARDED AS A CONNECTIVE WITH IT. IF THE POLE WAS TURNED INTO A SEAT, ONLY THE PLACE OF THE SEAT IS SUSCEPTIBLE TO UNCLEANNESS. A SEAT THAT WAS FIXED TO THE BEAM OF AN OLIVE-PRESS IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE LATTER IS NOT CONNECTIVE WITH IT. IF THE END OF A BEAM WAS TURNED INTO A SEAT IT REMAINS CLEAN, BECAUSE PEOPLE WOULD TELL HIM,²² 'GET UP AND LET US DO OUR WORK'.²³

MISHNAH 4. IF A LARGE TROUGH WAS SO DAMAGED THAT IT COULD NO LONGER HOLD POMEGRANATES AND IT WAS ADAPTED AS A SEAT, R. AKIBA RULES THAT IT BECOMES SUSCEPTIBLE TO UNCLEANNESS, BUT THE SAGES RULE THAT IT REMAINS CLEAN UNLESS ITS ROUGH PARTS HAVE BEEN SMOOTHED.²⁴ IF IT WAS TURNED INTO A CRIB FOR CATTLE, EVEN IF IT WAS FIXED TO A WALL, IT IS SUSCEPTIBLE TO UNCLEANNESS.²⁵

MISHNAH 5. A BLOCK²⁶ THAT WAS FIXED TO A COURSE OF A WALL, WHETHER IT WAS ONLY FIXED AND NOT BUILT UPON OR BUILT UPON AND NOT FIXED, IS SUSCEPTIBLE TO UNCLEANNESS.²⁷ IF IT WAS FIXED AND ALSO BUILT UPON, IT²⁸ IS CLEAN.²⁹ MATTING THAT WAS SPREAD OVER THE ROOF-BEAMS,³⁰ WHETHER IT WAS FIXED AND NO PLASTERWORK WAS LAID OVER IT OR WHETHER PLASTERWORK WAS LAID OVER IT AND IT WAS NOT FIXED, IT IS SUSCEPTIBLE TO UNCLEANNESS.³¹ IF IT WAS FIXED AND PLASTERWORK WAS LAID OVER IT, IT IS CLEAN.²⁹ A DISH THAT WAS FIXED TO A CHEST, BOX OR CUPBOARD IN SUCH A MANNER AS TO HOLD ITS CONTENTS IN THE USUAL WAY³² IS SUSCEPTIBLE TO UNCLEANNESS,³¹ BUT IF IT WAS IN A MANNER THAT IT CANNOT HOLD IT IN THE USUAL WAY³³ IT IS CLEAN.²⁹

MISHNAH 6. IF A SHEET THAT WAS SUSCEPTIBLE TO THE UNCLEANNESS OF MIDRAS WAS MADE INTO A CURTAIN,³⁴ IT BECOMES INSUSCEPTIBLE TO MIDRAS UNCLEANNESS BUT³⁵ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS. WHEN DOES IT BECOME INSUSCEPTIBLE TO UNCLEANNESS?³⁶ BETH SHAMMAI RULED: WHEN IT HAS BEEN CUT UP.³⁷ BETH HILLEL RULED: WHEN THE LOOPS HAVE BEEN TIED TO IT. R. AKIBA RULED: WHEN IT HAS BEEN FIXED.³⁸

MISHNAH 7. A MAT³⁹ PROVIDED WITH REEDS THAT STRETCHED LENGTHWISE IS INSUSCEPTIBLE TO UNCLEANNESS;⁴⁰ BUT THE SAGES RULE: ONLY IF THEY LAY IN THE SHAPE OF [THE GREEK LETTER] CHI.⁴¹ IF THEY WERE LAID ALONG ITS WIDTH AND THERE WAS A DISTANCE OF LESS THAN FOUR HANDBREADTHS⁴² BETWEEN ANY TWO REEDS, IT IS INSUSCEPTIBLE TO UNCLEANNESS.⁴⁰ IF IT WAS DIVIDED ALONG ITS WIDTH, R. JUDAH RULES THAT IS CLEAN.⁴³ SO ALSO, WHERE THE END KNOTS⁴⁴ ARE UNTIED, IT IS CLEAN.⁴³ IF IT WAS DIVIDED ALONG ITS LENGTH⁴⁵ BUT THREE END-KNOTS REMAINED INTACT ACROSS A STRETCH OF SIX HANDBREADTHS,⁴⁶ IT IS SUSCEPTIBLE TO UNCLEANNESS. WHEN DOES A MAT BECOME SUSCEPTIBLE TO UNCLEANNESS? WHEN ITS ROUGH ENDS ARE TRIMMED, THIS BEING THE COMPLETION OF ITS MANUFACTURE.

(1) So that they can no longer be used as receptacles.

(2) Because they can still be used as seats which was one of their original functions.

(3) Since they can be used as seats without interfering in any way with their functions as receptacles.

- (4) To serve as receptacles.
- (5) On account of the damage.
- (6) Their use as seats.
- (7) Even if one sat or lay on it; since it is not intended for such use.
- (8) Since labourers sometimes sit on it.
- (9) It is free from midras since most people would not sit on such a muddy trough.
- (10) If, however, its capacity was smaller it is exempt.
- (11) So that the split was closed up and the trough was again suitable for its original use.
- (12) It is exempt from midras since, owing to its suitability for its original use, one would not be allowed to sit on it.
- (13) Because it is no longer used for its original purpose and might well be used as a seat.
- (14) The former are free from midras while the latter are susceptible to it.
- (15) Occasionally.
- (16) Though it is a flat wooden vessel which elsewhere is insusceptible to uncleanness.
- (17) With the hatchet.
- (18) With the metal cross-pieces which are temporarily attached to it.
- (19) Even when not in use, since in that case the metal cross-pieces remain permanently fixed.
- (20) By fixing the metal ends directly on it.
- (21) Of the pole.
- (22) Who would sit on it.
- (23) For which a beam is intended.
- (24) Sc. the adaptation was accomplished by a specific act and not by mere intention.
- (25) Of a corpse or dead creeping thing, like a movable vessel. Only a vessel that was originally intended to be fixed to the ground (even before it was fixed) and one that is used only when fixed to the ground is insusceptible to uncleanness.
- (26) Of wood or any other material that is suitable for the making of a seat.
- (27) Of midras, if a zab sat even only on the structure above the block; because it can easily revert to its former use.
- (28) As a part of the wall.
- (29) As any 'vessel' that is permanently fixed to a building and is regarded as a part of the ground.
- (30) Of a top floor.
- (31) Cf. supra n. 6 mut. mut.
- (32) Sc. with its bottom downwards.
- (33) With its bottom upwards.
- (34) Which is not used as a seat.
- (35) Since it might still be used as a wrapper and must in consequence be regarded as a 'vessel'.
- (36) Of midras.
- (37) To the size required for the curtain; var. lec., 'sewn up', 'joined'.
- (38) In its position as a curtain.
- (39) Which is sometimes strengthened by the insertion of reeds across its width, at distances of four handbreadths from each other.
- (40) Of midras; because reeds in the position mentioned render the mat unsuitable for lying upon.
- (41) Sc. crosswise. If they only stretch lengthwise one can still use the mat by lying between the reeds, and it is, therefore, susceptible to uncleanness.
- (42) Cf. n. 7.
- (43) Since it would no longer be used as a mat. It would rather be discarded.
- (44) Which keep the plaiting together.
- (45) So that the reeds running along its width were broken.
- (46) The minimum size of a mat.

Mishna - Mas. Kelim Chapter 21

MISHNAH 1. A MAN WHO TOUCHES THE UPPER BEAM,¹ THE LOWER BEAM,¹ THE HEDDLES, THE SLEY, THE THREAD THAT IS DRAWN² OVER PURPLE MATERIAL,³ OR A SPOOL WHICH IS NOT TO BE SHOT BACK,⁴ REMAINS CLEAN.⁵ IF HE TOUCHES THE WOOF, THE STANDING WARP,⁶ THE DOUBLE THREAD THAT IS DRAWN OVER PURPLE MATERIAL⁷ OR A SPOOL WHICH IS TO BE SHOT BACK,⁴ HE BECOMES UNCLEAN.⁸ IF A MAN TOUCHES THE WOOL THAT IS ON THE DISTAFF, OR ON THE SPOOL, HE REMAINS CLEAN. IF HE TOUCHES THE SPINNER BEFORE IT WAS LAID BARE⁹ HE BECOMES UNCLEAN, BUT IF HE TOUCHES IT AFTER IT WAS LAID BARE¹⁰ HE REMAINS CLEAN.

MISHNAH 2. IF A MAN TOUCHED THE YOKE,¹¹ THE CROSSBAR, THE COLLAR-PIECE, OR THE THICK ROPES,¹² EVEN AT THE TIME THEY ARE USED, HE REMAINS CLEAN.¹³ IF HE TOUCHED THE TAIL PIECE, KNEE OR HANDLE,¹² HE BECOMES UNCLEAN. IF HE TOUCHED THE METAL RINGS,¹² THE GUIDES,¹² OR THE FLANKS,¹² HE BECOMES UNCLEAN. R. JUDAH RULES THAT HE REMAINS CLEAN IF HE TOUCHED THE GUIDES, SINCE THEY ONLY SERVE TO INCREASE THE SOIL.¹⁴

MISHNAH 3. IF A MAN TOUCHED THE HANDLE OF A SAW¹⁵ AT EITHER END¹⁶ HE BECOMES UNCLEAN;¹⁷ BUT IF HE TOUCHED ITS STRING,¹⁸ CORD,¹⁸ CROSS-PIECE OR SIDE-PIECES, A CARPENTER'S PRESS,¹⁹ OR THE BOW-HANDLE OF A BOW-DRILL,²⁰ HE REMAINS CLEAN.²¹ R. JUDAH RULED: ALSO HE WHO TOUCHES THE FRAME OF A LARGE SAW¹⁵ REMAINS CLEAN. IF A MAN TOUCHED THE BOW-STRING²² OR THE BOW, EVEN THOUGH IT WAS STRETCHED, HE REMAINS CLEAN.²³ A MOLE-TRAP IS CLEAN.²⁴ R. JUDAH RULED: WHILE IT IS SET THE SEPARATE PARTS ARE [REGARDED AS] CONNECTED.

(1) Of a loom in which a piece of material that was partially woven had contracted corpse uncleanness.

(2) Temporarily.

(3) For its protection from dirt.

(4) In the web on the loom.

(5) Because none of the objects mentioned can be regarded as a connective with the material and, therefore, cannot contract its uncleanness.

(6) Before it was woven.

(7) And which is to be woven into the material.

(8) Since all the objects enumerated are connectives with the material and, therefore, contract uncleanness from it.

(9) When it is regarded as a part of the spindle and subject to its uncleanness.

(10) Cf. prev. n. mut. mut.

(11) Of the wagon.

(12) Of a plough.

(13) Even if the ploughshare is unclean; because the objects enumerated are not regarded as connections with it.

(14) And are not concerned with the main process of ploughing. Var. lec., 'to break up the soil'.

(15) Whose blade was unclean.

(16) Of the saw.

(17) Since the handle at either end is regarded as a part of the instrument and subject to its uncleanness.

(18) Which joins the two handles and strengthens the saw.

(19) Whose metal part is unclean.

(20) The bow-shaped handle of a borer.

(21) Because the parts enumerated are not regarded as connectives.

(22) Of a bow.

(23) Because these are not regarded as connectives of the arrow and are not affected by its uncleanness.

(24) The wooden part remains clean even if the metal part was unclean.

Mishna - Mas. Kelim Chapter 22

MISHNAH 1. IF A TABLE¹ OR A SIDE-BOARD² WAS DAMAGED OR COVERED WITH MARBLE³ BUT ROOM⁴ WAS LEFT ON IT WHERE CUPS COULD BE SET, IT REMAINS UNCLEAR. R. JUDAH RULED: THERE MUST BE ROOM ENOUGH⁵ FOR PIECES OF FOOD.⁶

MISHNAH 2. A TABLE⁷ ONE OF WHOSE LEGS WAS LOST BECOMES CLEAN.⁸ IF A SECOND LEG WAS LOST IT IS STILL CLEAN. BUT IF A THIRD WAS LOST⁹ IT BECOMES UNCLEAR WHERE THE OWNER HAS THE INTENTION OF USING IT.¹⁰ R. JOSE RULED: NO INTENTION IS NECESSARY.¹¹ THE SAME LAW APPLIES ALSO TO THE SIDE-BOARD.¹²

MISHNAH 3. A BENCH¹³ ONE OF WHOSE LEGS WAS LOST BECOMES CLEAN.¹⁴ IF ITS SECOND LEG ALSO WAS LOST IT¹⁵ IS STILL CLEAN. IF, HOWEVER, IT¹⁵ WAS ONE HANDBREADTH HIGH¹⁶ IT REMAINS UNCLEAR. A FOOTSTOOL¹⁷ ONE OF WHOSE LEGS WAS LOST REMAINS UNCLEAR;¹⁸ AND THE SAME LAW APPLIES TO THE STOOL IN FRONT OF A CATHEDRA.¹⁹

MISHNAH 4. IF A BRIDE'S STOOL LOST ITS SEATBOARDS,²⁰ BETH SHAMMAI RULE THAT IT IS STILL SUSCEPTIBLE TO UNCLEANNESS,²¹ AND BETH HILLEL RULE THAT IT IS CLEAN.²² SHAMMAI RULED: EVEN THE FRAME OF THE STOOL²³ IS SUSCEPTIBLE TO UNCLEANNESS. IF A STOOL WAS FIXED TO A BAKING-TROUGH,²⁴ BETH SHAMMAI RULE THAT IT²⁵ IS SUSCEPTIBLE TO UNCLEANNESS.²⁶ AND BETH HILLEL RULE THAT IT IS CLEAN.²⁷ SHAMMAI RULED: EVEN ONE²⁸ MADE OUT OF IT²⁹ IS SUSCEPTIBLE TO UNCLEANNESS.²⁶

MISHNAH 5. IF THE SEAT BOARDS³⁰ OF A STOOL DID NOT PROJECT³¹ AND THEY WERE REMOVED, IT³² IS STILL SUSCEPTIBLE TO UNCLEANNESS, FOR IT IS USUAL³³ TO TURN IT ON ITS SIDE AND TO SIT ON IT.

MISHNAH 6. IF THE MIDDLE SEAT BOARD OF A STOOL WAS LOST BUT THE OUTER ONES³⁴ REMAINED IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. IF THE OUTER ONES³⁴ WERE LOST AND THE MIDDLE SEAT BOARD REMAINED IT IS ALSO SUSCEPTIBLE TO UNCLEANNESS. R. SIMEON RULED: ONLY IF IT³⁵ WAS A HANDBREADTH WIDE.³⁶

MISHNAH 7. IF THE TWO ADJACENT SEAT BOARDS OF A STOOL WERE LOST, R. AKIBA RULED, IT IS SUSCEPTIBLE TO UNCLEANNESS; AND THE SAGES RULE THAT IT IS CLEAN. SAID R. JUDAH: ALSO IF THE SEAT BOARDS OF A BRIDE'S STOOL WERE LOST,³⁷ THOUGH THE RECEPTACLE UNDER REMAINED,³⁸ IT IS CLEAN, SINCE WHERE THE PRIMARY FUNCTION HAS CEASED³⁷ THE SECONDARY ONE³⁹ ALSO CEASES.

MISHNAH 8. A CHEST⁴⁰ WHOSE TOP PART⁴¹ WAS LOST IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS BOTTOM; IF ITS BOTTOM WAS LOST IT IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS TOP PART.⁴² IF BOTH THE TOP PART AND THE BOTTOM WERE LOST, R. JUDAH RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS SIDES,⁴³ AND THE SAGES RULE THAT IT IS CLEAN. A STONECUTTER'S SEAT⁴⁴ IS SUBJECT TO MIDRAS UNCLEANNESS.⁴⁵

MISHNAH 9. IF A [WOODEN] BLOCK WAS PAINTED RED OR SAFFRON, OR WAS POLISHED, R. AKIBA RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS,⁴⁶ BUT THE

SAGES⁴⁷ RULE THAT IT REMAINS CLEAN UNLESS IT WAS HOLLOWED OUT.⁴⁸ A SMALL BASKET OR A BIG ONE THAT WAS FILLED WITH STRAW OR FLOCKING REMAINS CLEAN⁴⁹ IF IT WAS PREPARED AS A SEAT,⁵⁰ BUT IF IT WAS PLAITED OVER WITH REED-GRASS OR WITH A CORD⁵¹ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS.⁵²

MISHNAH 10. A NIGHT STOOL⁵³ IS SUBJECT TO BOTH MIDRAS AND CORPSE UNCLEANNESS. IF THE LEATHER SEAT WAS SUNDERED,⁵⁴ THE LEATHER⁵⁵ IS SUBJECT TO MIDRAS UNCLEANNESS AND THE IRON⁵⁶ IS SUBJECT ONLY TO CORPSE UNCLEANNESS. A TRIPOD STOOL WHOSE COVER IS OF LEATHER IS SUBJECT TO BOTH MIDRAS AND CORPSE UNCLEANNESS. IF IT WAS TAKEN APART, THE LEATHER⁵⁵ IS SUBJECT TO MIDRAS UNCLEANNESS WHILE THE TRIPOD⁵⁷ IS ALTOGETHER CLEAN. A BATH-HOUSE BENCH⁵⁸ THAT HAS TWO WOODEN LEGS IS⁵⁹ SUSCEPTIBLE TO UNCLEANNESS.⁶⁰ IF ONE LEG WAS OF WOOD AND THE OTHER OF STONE IT⁶¹ IS CLEAN. IF BOARDS IN A BATH-HOUSE WERE JOINED TOGETHER,⁶² R. AKIBA RULES THAT THEY ARE SUSCEPTIBLE TO [MIDRAS] UNCLEANNESS,⁶³ BUT THE SAGES RULE THAT THEY ARE CLEAN, SINCE THEY ARE MADE ONLY FOR THE WATER TO FLOW UNDER THEM.⁶⁴ A FUMIGATION-CAGE THAT CONTAINS A RECEPTACLE FOR GARMENTS IS SUSCEPTIBLE TO UNCLEANNESS,⁶⁵ BUT ONE THAT IS MADE LIKE A BEE-HIVE⁶⁶ IS CLEAN.

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- (1) That was unclean.
 - (2) Delphim, a three-legged side table on which food is placed.
 - (3) Which, as a stone vessel, should not be susceptible to uncleanness.
 - (4) Undamaged and uncovered with marble respectively.
 - (5) If the table or side-board is to remain unclean.
 - (6) Which are of direct service to man. It is not enough that there is room for cups alone which only serve objects that serve man.
 - (7) That was three-legged and unclean.
 - (8) Since it can no longer serve its original purpose.
 - (9) So that, having no legs at all, it can be used as a low table.
 - (10) In its present condition.
 - (11) The fact that it can be used (cf. supra n. 9) is sufficient to subject it to uncleanness.
 - (12) If all its legs were missing.
 - (13) That has two wide legs, one at each end of a board that is used as a seat and is unclean.
 - (14) Since the bench, being lop-sided, can no longer be used as a seat.
 - (15) The board (cf. n. 13).
 - (16) Either on account of its thickness, though it rests on the ground, or in account of the remnants of its legs which are one handbreadth high.
 - (17) Cf. supra n. 13 mut. mut.
 - (18) Since it can still be used for its original purpose.
 - (19) A chair with back.
 - (20) Lit., 'its coverings'.
 - (21) V. foll. n.
 - (22) Because, though it may still be used as a seat, it is not useable as a bride's stool.
 - (23) That never had a proper seat.
 - (24) Which is not susceptible to midras uncleanness since its main use is not for sitting.
 - (25) The stool.
 - (26) Because its identity is not merged in the trough.
 - (27) Cf. prev. n. mut. mut.
 - (28) A stool.
 - (29) The troughs, sc. a stool that never had a separate existence.

- (30) These were three in number, v. next Mishnah.
- (31) Beyond its sides.
- (32) Sc. the stool.
- (33) Owing to the absence of the projections.
- (34) Sc. its sides.
- (35) The centre seat board.
- (36) If it was not so wide it is insusceptible to uncleanness.
- (37) So that it was no longer useable as a seat.
- (38) The receptacle under the seat boards of a bride's stool for the reception of things.
- (39) Its use as a receptacle.
- (40) Containing less than forty se'ah, which is consequently susceptible to uncleanness.
- (41) Its cover.
- (42) Which also forms a kind of receptacle.
- (43) On which one can sit.
- (44) A small block of wood on which he sits when engaged in his work.
- (45) As a proper seat.
- (46) Since it may be used as a seat.
- (47) Regarding it as a mere block of wood.
- (48) To provide it with a seat.
- (49) Sc. it is not susceptible to midras uncleanness.
- (50) Since most people do not use it as a seat his eccentric act must be disregarded.
- (51) To prevent the straw or the flocking from falling out.
- (52) Sc. to midras uncleanness, since it might well be used as a seat.
- (53) Having a square iron frame and a leather seat.
- (54) From the iron frame.
- (55) Which can still be used as a seat.
- (56) Which can be used for various purposes other than that of sitting.
- (57) Since it has no receptacle to be regarded as a vessel and since, on account of its smallness, it is useless as a seat.
- (58) Of stone.
- (59) On account of its wooden legs.
- (60) Of midras.
- (61) The bench.
- (62) Aliter: planed.
- (63) Because they are used for sitting on.
- (64) But not for sitting purposes.
- (65) Though its bottom is perforated with holes larger than the size of a pomegranate.
- (66) Without a bottom.

Mishna - Mas. Kelim Chapter 23

MISHNAH 1. IF A BALL, A SHOE-LAST, AN AMULET OR TEFILLIN¹ WERE TORN,² HE THAT TOUCHES THEM BECOMES UNCLEAR,³ BUT HE THAT TOUCHES THEIR CONTENTS⁴ REMAINS CLEAN. IF A SADDLE WAS TORN,² HE THAT TOUCHES ITS CONTENTS⁵ BECOMES UNCLEAR, BECAUSE THE STITCHING JOINS THEM.⁶

MISHNAH 2. THE FOLLOWING ARE SUSCEPTIBLE TO UNCLEANNESS⁷ AS OBJECTS THAT ARE FIT FOR RIDING UPON:⁸ AN ASHKELON GIRTH, A MEDIAN MORTAR,⁹ A CAMEL'S PACK-SADDLE, AND A HORSE-CLOTH.¹⁰ R. JOSE RULED: A HORSE-CLOTH¹⁰ IS ALSO SUSCEPTIBLE TO UNCLEANNESS⁷ AS A SEAT,¹¹ SINCE PEOPLE STAND ON IT¹² IN THE ARENA;¹³ BUT A SADDLE OF A FEMALE CAMEL IS SUSCEPTIBLE TO UNCLEANNESS.¹⁴

MISHNAH 3. WHAT IS THE PRACTICAL DIFFERENCE BETWEEN [THE UNCLEANNESS AS AN OBJECT USED FOR] RIDING UPON AND [AS ONE USED FOR] SITTING UPON? IN THE CASE OF THE FORMER THE EFFECT OF CONTACT WITH IT¹⁵ IS DIFFERENT FROM THE EFFECT OF CARRYING IT,¹⁶ BUT IN THE CASE OF THE LATTER THERE IS NO DIFFERENCE BETWEEN THE EFFECT OF COMING IN CONTACT WITH IT OR CARRYING IT.¹⁷ THE PACK-FRAME OF AN ASS ON WHICH A ZAB HAS SAT REMAINS CLEAN;¹⁸ BUT IF THE SIZE OF THE SPACES¹⁹ HAS BEEN CHANGED²⁰ OR IF THEY HAVE BEEN BROKEN ONE INTO ANOTHER²⁰ IT IS SUSCEPTIBLE TO UNCLEANNESS.²¹

MISHNAH 4. THE BIER, THE MATTRESS AND THE PILLOW OF A CORPSE ARE SUSCEPTIBLE TO THE UNCLEANNESS OF MIDRAS.²² A BRIDE'S STOOL, A MIDWIFE'S TRAVAILING STOOL, AND A FULLER'S STOOL ON WHICH HE PILES²³ THE CLOTHES, R. JOSE RULED, CANNOT BE REGARDED AS A SEAT.²⁴

MISHNAH 5. A FISHING NET IS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS BAG.²⁵ NETS, SNARES, BIRD-TRAPS, SLINGS AND FISHERMEN'S²⁶ SKEINS ARE SUSCEPTIBLE TO UNCLEANNESS.²⁷ A FISH-TRAP, A BIRD-BASKET AND A BIRD- CAGE ARE NOT SUSCEPTIBLE TO UNCLEANNESS.

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- (1) All these are leather objects, filled either with some stuffing or (as in the case of the last two) with parchment rolls.
- (2) At the seams, after contracting corpse uncleanness.
- (3) Since only their seams were torn they are still useable as receptacles.
- (4) Which, not being joined to them, cannot be regarded as connectives.
- (5) Not only he who touches its leather case (cf. n. 3 mut. mut.).
- (6) The contents and the casing, to form one object.
- (7) Of midras.
- (8) Lit., 'riding object'.
- (9) Or 'saddle'.
- (10) Or 'saddle-cushion'.
- (11) But not as an object fit for riding upon.
- (12) Which in the case of zab is equivalent to sitting.
- (13) Campus.
- (14) As an object that is used for riding upon, the ruling being that of R. Jose. Aliter: As a seat, according to the first Tanna.
- (15) On the part of a clean person.
- (16) One who carries it causes, while still carrying it, the uncleanness of clothes and vessels while one who only comes in contact with it conveys uncleanness to foodstuffs alone.
- (17) Both convey uncleanness to clothes and vessels.
- (18) Since it is not usual for people to sit on it.
- (19) Lit., 'holes'.
- (20) To facilitate the sitting on it.
- (21) As a 'seat' because it may be regarded as a proper seat.
- (22) Since the mourning women sit on them while lamenting the dead.
- (23) Aliter: Folds and presses.
- (24) That is subject to midras uncleanness. These objects, being reserved for special uses, cannot properly serve as a zab's seat even if he did sit on them.
- (25) In its lower parts, which is closely woven and has the status of a garment.
- (26) Lit., 'makers of water locks (for fishing purposes)'.
- (27) Of a corpse or a dead creeping thing: not to that of midras.

MISHNAH 1. THREE¹ DIFFERENT LAWS² ARE APPLICABLE TO SHIELDS: THE BENT SHIELD³ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;⁴ THE SHIELD WITH WHICH COMBATANTS PLAY IN THE ARENA IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;⁵ AND THE TOY-SHIELD OF THE ARABS⁶ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 2. THREE DIFFERENT LAWS ARE APPLICABLE TO WAGONS: ONE MADE LIKE A CATHEDRA⁷ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;⁴ ONE MADE LIKE A BED IS SUSCEPTIBLE TO CORPSE UNCLEANNESS,⁵ AND ONE FOR [THE TRANSPORT OF] STONES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 3. THREE DIFFERENT LAWS ARE APPLICABLE TO BAKING-TROUGHS: IF A BAKING-TROUGH OF A CAPACITY FROM TWO LOG TO NINE KAB WAS SPLIT⁸ IT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; IF IT WAS WHOLE IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND IF IT HOLDS THE PRESCRIBED MEASURE⁹ IT IS FREE FROM ALL UNCLEANNESS.

MISHNAH 4. THREE DIFFERENT LAWS APPLY TO BOXES: A BOX WHOSE OPENING IS AT THE SIDES¹⁰ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; IF IT IS ON THE TOP IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;¹¹ AND IF IT HOLDS THE PRESCRIBED MEASURE⁹ IT IS FREE FROM ALL UNCLEANNESS.

MISHNAH 5. THREE DIFFERENT LAWS ARE APPLICABLE TO LEATHER COVERS.¹² THAT OF BARBERS IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;¹³ THAT ON WHICH PEOPLE EAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT FOR [SPREADING¹⁴ OUT] OLIVES IS FREE FROM ALL UNCLEANNESS.¹⁵

MISHNAH 6. THREE DIFFERENT LAWS ARE APPLICABLE TO BASES: ONE WHICH LIES BEFORE A BED OR BEFORE A SCRIVENER¹⁶ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE FOR A SIDE-BOARD IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE FOR A CUPBOARD IS FREE FROM ALL UNCLEANNESS.

MISHNAH 7. THREE DIFFERENT LAWS APPLY TO WRITING TABLETS: THAT OF PAPYRUS¹⁷ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THAT WHICH HAD A RECEPTACLE FOR WAX IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT WHICH IS POLISHED IS FREE FROM ALL UNCLEANNESS.

MISHNAH 8. THREE DIFFERENT LAWS APPLY TO BEDS: ONE THAT IS USED FOR LYING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED BY GLASS MAKERS¹⁸ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED BY HARNESS MAKERS IS FREE FROM ALL UNCLEANNESS.

MISHNAH 9. THREE DIFFERENT LAWS APPLY TO REFUSE BASKETS: ONE FOR DUNG¹⁹ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE FOR STRAW IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND A CAMEL'S ROPE BAG²⁰ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 10. THREE DIFFERENT LAWS APPLY TO MATS: ONE USED FOR SITTING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED BY DYERS²¹ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED IN WINE-PRESSES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 11 THREE DIFFERENT LAWS APPLY TO WATER SKINS AND THREE

DIFFERENT LAWS APPLY TO SHEPHERDS WALLETS: THOSE THAT CAN HOLD THE PRESCRIBED QUANTITY²² ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THOSE THAT CANNOT HOLD THE PRESCRIBED QUANTITY ARE SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THOSE MADE OF FISH SKIN ARE FREE FROM ALL UNCLEANNESS.²³

MISHNAH 12. THREE DIFFERENT LAWS APPLY TO HIDES: THAT WHICH IS USED AS A RUG²⁴ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THAT WHICH IS USED AS A WRAPPER FOR VESSELS²⁵ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT WHICH IS INTENDED FOR STRAPS AND SANDALS IS FREE FROM ALL UNCLEANNESS.²⁶

MISHNAH 13. THREE DIFFERENT LAWS APPLY TO SHEETS: ONE USED FOR LYING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED AS A CURTAIN IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED AS A MURAL DECORATION²⁷ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 14. THREE DIFFERENT LAWS APPLY TO NAPKINS: THAT FOR THE HANDS IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;²⁸ THAT FOR BOOKS²⁹ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;³⁰ AND THAT WHICH IS USED AS A SHROUD AS WELL AS THAT USED FOR THE HARPS OF THE LEVITES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 15. THREE DIFFERENT LAWS APPLY TO LEATHERN GLOVES: THOSE USED BY THE HUNTERS OF ANIMALS AND BIRDS ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THOSE USED BY LOCUST-CUTTERS ARE SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THOSE USED BY FRUIT-PICKERS³¹ ARE FREE FROM ALL UNCLEANNESS.

MISHNAH 16. THREE DIFFERENT LAWS APPLY TO HEADNETS: A GIRL'S IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; AN OLD WOMAN'S IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND A HARLOT'S³² IS FREE FROM ALL UNCLEANNESS.

MISHNAH 17. THREE DIFFERENT LAWS APPLY TO STORE-BASKETS: IF A WORN-OUT BASKET IS PATCHED ON TO A SOUND ONE,³³ ALL IS DETERMINED BY THE SOUND ONE;³⁴ IF A SMALL BASKET IS PATCHED ON TO A LARGE ONE³⁵ ALL IS DETERMINED BY THE LARGE ONE;³⁶ IF THEY ARE EQUAL ALL IS DETERMINED BY THE INNER ONE.³⁶ R. SIMEON RULED: IF THE CUP OF A BALANCE³⁷ WAS PATCHED ON TO THE BOTTOM OF A BOILER ON THE INSIDE, THE LATTER BECOMES UNCLEAR; BUT IF ON THE OUTSIDE IT REMAINS CLEAR. IF IT WAS PATCHED ON TO THE SIDE, WHETHER ON THE INSIDE OR THE OUTSIDE. THE LATTER REMAINS CLEAR.

(1) Lit., 'there are three shields'. The general principles underlying the laws throughout this chapter are the following: An object that is normally used for lying, sitting or leaning upon is susceptible to midras uncleanness. An earthenware is excluded since it cannot attain cleanness through immersion. A mat, though it cannot attain cleanness through immersion, is (by an inference from a Pentateuchal amplification) susceptible to midras uncleanness provided it had not been reduced to less than six by six handbreadths. An object that is not intended for lying upon is susceptible to corpse uncleanness unless it cannot be regarded as a proper vessel when it is free from all uncleanness.

(2) Cf. Bert.

(3) Which protects the warrior on three sides, and which in a war is used by him for lying upon.

(4) And much more so to corpse uncleanness.

(5) And much more so to that of a dead creeping thing and nebelah, but not to that of midras.

(6) Used for the entertainment of children.

- (7) A chair with back.
- (8) So that it can no longer be used as a baking trough.
- (9) Forty se'ah of liquid.
- (10) Thus being capable of use as a seat as well as for its normal use
- (11) V. p. 112, n. 5.
- (12) Or 'cases'.
- (13) Since they sit on it.
- (14) Or 'pressing'.
- (15) Because it is not a vessel used for objects that serve men.
- (16) Which is used as a seat.
- (17) Which is big and suitable for sitting upon.
- (18) For the placing of their wares.
- (19) V. 113, n. 9.
- (20) Which has big holes and is unsuitable either for sitting upon or for any other human use.
- (21) For wrapping up the articles that are to be dyed.
- (22) Supra XX, 1; and much more so if they can hold more.
- (23) Cf. supra XVII, 13.
- (24) To sit on.
- (25) Knives, for instance.
- (26) Since its manufacture is not yet completed. Finished straps and sandals, however, are susceptible to uncleanness.
- (27) Lit., 'of figures' or 'forms', one on which ornamental figures are painted which, being used to decorate a wall, is deemed to be a part of it.
- (28) Since it is also used sometimes as a rest for the head when lying down.
- (29) Used as a cover.
- (30) Because it is folded in the shape of a receptacle.
- (31) Aliter: Those that dry figs. Var. lec., those that gather thorns.
- (32) Lit. 'that goes out'.
- (33) To strengthen it.
- (34) If the latter is clean the combination is clean; and if it is unclean, the combination also becomes unclean.
- (35) Irrespective of whether both were worn out or sound.
- (36) V. p. 115, n. 8.
- (37) That was unclean.

Mishna - Mas. Kelim Chapter 25

MISHNAH 1. ALL VESSELS ARE SUBJECT¹ TO DIFFERENT LAWS² IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY,³ AS, FOR INSTANCE, CUSHIONS, BOLSTERS, SACKS AND PACKING-BAGS;⁴ SO R. JUDAH. R. MEIR RULED: ANY ARTICLE THAT HAS HANGERS⁵ IS SUBJECT TO DIFFERENT LAWS IN ITS OUTER AND INNER SIDES RESPECTIVELY,⁶ BUT ONE THAT HAS NO HANGERS⁷ IS NOT SUBJECT TO DIFFERENT LAWS IN REGARD TO OUTER AND INNER SIDES.⁸ A TABLE AND A SIDE-BOARD⁹ ARE SUBJECT TO DIFFERENT LAWS IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY; SO R. JUDAH. R. MEIR RULED: THEY ARE NOT SUBJECT TO THE LENIENT LAW IN REGARD TO THEIR OUTER SIDES.⁵ THE SAME LAW ALSO APPLIES TO A RIMLESS TRAY.

MISHNAH 2. AN OX-GOAD¹⁰ IS SUBJECT¹ TO DIFFERENT LAWS² IN ITS OUTER AND INNER PARTS RESPECTIVELY,³ [THE FORMER BEING THAT SECTION OF THE SHAFT THAT LIES BETWEEN] SEVEN HANDBREADTHS FROM THE BROAD BLADE¹¹ AND FOUR HANDBREADTHS FROM THE POINT;¹¹ SO R. JUDAH. R. MEIR RULED: IT IS NOT [SUBJECT TO SUCH DISTINCTION],¹² THE FOUR AND THE SEVEN HANDBREADTHS HAVING BEEN MENTIONED ONLY IN REGARD TO ITS REMNANTS.¹³

MISHNAH 3. MEASURES OF WINE OR OIL, A SOUP-LADLE, A MUSTARD-STRAINER AND A WINE-FILTER ARE SUBJECT¹⁴ TO DIFFERENT LAWS IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY;¹⁵ SO R. MEIR. R. JUDAH RULED: THEY ARE NOT [SUBJECT TO THESE DISTINCTIONS].¹⁶ R. SIMEON RULED: THEY ARE [SUBJECT TO DIFFERENT LAWS]. FOR IF THEIR OUTER PARTS CONTRACTED UNCLEANNESS THEIR INNER PARTS REMAIN CLEAN;¹⁷ THOUGH¹⁸ IMMERSION¹⁹ IS REQUIRED.

MISHNAH 4. IF [IN A MEASURE CONSISTING OF] A QUARTER [OF A LOG] AND HALF A QUARTER [OF A LOG]²⁰ THE QUARTER MEASURE CONTRACTED UNCLEANNESS THE HALF-QUARTER MEASURE DOES NOT BECOME UNCLEAR, AND IF THE HALF QUARTER CONTRACTED UNCLEANNESS THE QUARTER DOES NOT BECOME UNCLEAR. THE STUDENTS ARGUED BEFORE R. AKIBA:²¹ SINCE THE HALF QUARTER MEASURE IS THE OUTER PART OF THE QUARTER MEASURE, SHOULD NOT THE OUTER SIDE OF THE VESSEL WHOSE INNER SIDE CONTRACTED UNCLEANNESS BECOME UNCLEAR? HE ANSWERED THEM: DOES IT²² THEN BELONG TO THE CLASS THAT TAKES PRECEDENCE?²³ IT IS EQUALLY POSSIBLE THAT THE QUARTER IS TO BE REGARDED AS THE OUTER SIDE OF THE HALF QUARTER AND, SURELY, THE INNER SIDE OF A VESSEL DOES NOT BECOME UNCLEAR IF THE OUTER SIDE CONTRACTED UNCLEANNESS.

MISHNAH 5. IF THE QUARTER²⁴ CONTRACTED UNCLEANNESS, THE QUARTER AND ITS OUTER SIDE ARE UNCLEAR;²⁵ BUT THE HALF QUARTER AND ITS OUTER SIDE REMAIN CLEAN.²⁶ IF THE HALF QUARTER CONTRACTED UNCLEANNESS, THE HALF QUARTER AND ITS OUTER SIDE ARE UNCLEAR,²⁶ BUT THE QUARTER AND ITS OUTER SIDE REMAIN CLEAN. IF THE OUTER SIDE OF THE QUARTER CONTRACTED UNCLEANNESS, THE OUTER SIDE OF THE HALF QUARTER REMAINS CLEAN. SO R. MEIR. BUT THE SAGES RULED: THE OUTER SIDE CANNOT BE DIVIDED.²⁷ WHEN HOWEVER IMMERSION IS PERFORMED²⁸ THE WHOLE OF THE VESSEL MUST BE IMMERSSED.

MISHNAH 6. IF ON THE BASES, RIMS, HANGERS OR HANDLES OF VESSELS THAT HAVE A RECEPTACLE UNCLEAR LIQUID FELL ONE MERELY DRIES THEM AND THEY REMAIN CLEAN. BUT [IF UNCLEAR LIQUID FELL] ON A PART OF ANY OTHER VESSEL (WHICH CANNOT HOLD POMEGRANATES)²⁹ IN WHICH NO DISTINCTION IS MADE³⁰ BETWEEN ITS OUTER AND INNER SIDES,³¹ THE WHOLE BECOMES UNCLEAR. IF THE OUTER SIDE OF A VESSEL CONTRACTED UNCLEANNESS FROM A LIQUID, ONLY ITS OUTER SIDE IS UNCLEAR BUT ITS INNER SIDE, RIM, HANGER AND HANDLES REMAIN CLEAN. IF ITS INNER SIDE CONTRACTED UNCLEANNESS THE WHOLE IS UNCLEAR.

MISHNAH 7. ALL VESSELS ARE³² SUBJECT TO DIFFERENT LAWS³³ IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY³⁴ AND ALSO IN REGARD TO THE PART BY WHICH THEY ARE HELD.³⁵ R. TARFON RULED: THIS³⁶ APPLIES ONLY TO A LARGE WOODEN BAKING TROUGH. R. AKIBA RULED: IT APPLIES ALSO TO CUPS. R. MEIR RULED: IT APPLIES ONLY TO UNCLEAR AND CLEAN³⁷ HANDS. R. JOSE STATED: THEY SPOKE ONLY OF CLEAN HANDS.³⁷

MISHNAH 8. IN WHAT MANNER?³⁸ IF ONE'S HANDS WERE CLEAN AND THE OUTER SIDE OF A CUP WAS UNCLEAR, A MAN MAY HOLD IT BY ITS HOLDING-PLACE AND NEED HAVE NO SCRUPLES LEST HIS HANDS HAVE CONTRACTED UNCLEANNESS FROM THE OUTER SIDE OF THE CUP. IF³⁹ HE WAS DRINKING FROM A CUP WHOSE OUTER SIDE WAS UNCLEAR HE NEED HAVE NO SCRUPLES LEST THE LIQUID IN HIS

MOUTH CONTRACTED UNCLEANNESS FROM THE OUTER SIDE OF THE CUP AND THAT IT THEN⁴⁰ CONVEYED UNCLEANNESS TO THE CUP. IF A KETTLE⁴¹ WAS BOILING ONE NEED HAVE NO SCRUPLES LEST LIQUID SHOULD ISSUE FROM IT AND TOUCH ITS OUTER SIDE AND RETURN AGAIN WITHIN IT.

MISHNAH 9. HOLY VESSELS ARE NOT SUBJECT TO DIFFERENT LAWS⁴² IN REGARD TO THEIR OUTER AND INNER SIDES OR IN REGARD TO THE PART BY WHICH THEY ARE HELD,⁴³ NOR MAY VESSELS THAT ARE WITHIN ONE ANOTHER BE IMMERSSED⁴⁴ IF THEY ARE TO BE USED FOR HALLOWED THINGS.⁴⁵ ALL VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS BY MERE INTENTION,⁴⁶ BUT THEY CANNOT BE RENDERED INSUSCEPTIBLE EXCEPT BY A CHANGE-EFFECTING ACT;⁴⁷ FOR AN ACT⁴⁸ DISANNULS AN EARLIER ACT AS WELL AS AN EARLIER INTENTION, WHILE AN INTENTION ANNULS NEITHER AN EARLIER ACT NOR AN EARLIER INTENTION.

(1) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.

(2) In order to distinguish the Rabbinical uncleanness from that which is Pentateuchal.

(3) If the inner side of a vessel contracted uncleanness from a liquid the outside also becomes unclean, but if the outer side contracted uncleanness the inner side remains clean.

(4) Though each of these objects can be turned inside out when its outer side becomes its inner one and vice versa.

(5) Which distinguished its outer, from its inner side.

(6) Since (cf. prev. n.) the outer side can never become an inner one.

(7) So that the outer may become an inner side.

(8) The outer side or part being subject to the same restriction as the inner one.

(9) Cf. n. 4 mut. mut.

(10) Consisting of a wooden shaft of the thickness of a third of a handbreadth at the one end of which is a broad blade for cutting away roots, and at its opposite end is a pointed piece of metal wherewith the animal is goaded on when ploughing.

(11) Cf. p. 117, n. 10.

(12) But the outer side or part is subject to the same restriction as the inner one.

(13) Sc. if an ox-goad was broken and so much as seven handbreadths from the shaft remained with the broad blade, or four handbreadths of it remained with the pointed end, it is still susceptible to uncleanness.

(14) V. p. 117, n. 1.

(15) V. p. 117, n. 3.

(16) But, having a kind of receptacle at the back, their outer and inner sides are independent of each other and the uncleanness of the one does not affect the other.

(17) In agreement with R. Meir.

(18) Contrary to R. Meir's view.

(19) Of the vessel whose outer part contracted an uncleanness.

(20) The receptacle proper of the utensil measuring a quarter log, and its concave bottom a half quarter; or the double measure consisting of two receptacles side by side like a double inkpot.

(21) Against the first ruling.

(22) The quarter log.

(23) To be regarded in consequence as the inner side of the utensil. Aliter: 'This question has been asked already by an earlier group of students who received the reply that follows'.

(24) Cf. prev. Mishnah and nn.

(25) Except the outer side of its bottom, which is the inner side of the half quarter, that remains clean.

(26) Cf. prev. n. mut. mut.

(27) Sc. if the part of the side that belongs to the quarter contracted uncleanness the part of the side belonging to the half quarter is also unclean and vice versa.

(28) In the case dealt with in the first clause.

(29) Cf. supra XVII, 8.

(30) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.

- (31) Cf. Mishnah I and nn. supra.
- (32) V. p. 119, n. 9.
- (33) In order to distinguish the Rabbinical uncleanness from that which is Pentateuchal.
- (34) V. supra, p. 217, n. 3.
- (35) Sc. if the outer side contracted uncleanness this part remains clean and vice versa, v. Hag. 22b.
- (36) Cf. prev. n.
- (37) This is explained in the following Mishnah.
- (38) Cf. prev. n.
- (39) The following is an independent ruling, having no bearing on the question with which our Mishnah began.
- (40) From its inner side.
- (41) Whose outer side was unclean.
- (42) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.
- (43) Sc. whichever part contracted uncleanness the entire vessel is unclean.
- (44) After an uncleanness.
- (45) Because the weight of the inner vessels upon the outer one may prevent the access of the water to all its parts.
- (46) A ring, for instance, which is used for an animal (and is not susceptible to uncleanness) becomes susceptible if it was intended to be used for a man.
- (47) Cf. prev. n. mut. mut.
- (48) That is change-effecting.

Mishna - Mas. Kelim Chapter 26

MISHNAH 1. THE SANDAL OF IMKI¹ AND A LACED-UP BAG² (R. JUDAH RULED: ALSO AN EGYPTIAN BASKET;³ R. SIMEON B. GAMALIEL RULED: THE SAME LAW APPLIES ALSO TO A LAODICEAN SANDAL)² CAN BE MADE SUSCEPTIBLE TO UNCLEANNESS⁴ AND AGAIN BE MADE INSUSCEPTIBLE⁵ WITHOUT THE AID OF A CRAFTSMAN. SAID R. JOSE: 'BUT CANNOT ALL VESSELS BE MADE SUSCEPTIBLE TO UNCLEANNESS AND BE RENDERED INSUSCEPTIBLE WITHOUT THE AID OF A CRAFTSMAN?'⁶ BUT THESE, EVEN WHEN THEY ARE UNLACED, ARE SUSCEPTIBLE TO UNCLEANNESS SINCE A LAYMAN IS ABLE TO RESTORE THEM'.⁷ THEY⁸ SPOKE ONLY OF AN EGYPTIAN BASKET³ WHICH EVEN A CRAFTSMAN CANNOT [EASILY]⁹ RESTORE.

MISHNAH 2. A LACED-UP BAG WHOSE LACES WERE REMOVED¹⁰ IS STILL SUSCEPTIBLE TO UNCLEANNESS; BUT IF IT WAS MADE FLAT¹¹ IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS. IF A STRIP OF LINING HAS BEEN PUT ON IT BELOW,¹² IT REMAINS SUSCEPTIBLE. IF A BAG WAS WITHIN ANOTHER BAG AND ONE OF THEM CONTRACTED UNCLEANNESS FROM A LIQUID, THE OTHER DOES NOT BECOME UNCLEAN.¹³ A PEARL POUCH IS SUSCEPTIBLE TO UNCLEANNESS. AS TO A MONEY POUCH, R. ELIEZER RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS, AND THE SAGES RULE THAT IT IS INSUSCEPTIBLE.¹⁴

MISHNAH 3. THE HAND-COVER OF THORN-PICKER¹⁵ IS INSUSCEPTIBLE TO UNCLEANNESS.¹⁶ A BELT¹⁷ AND LEG GUARDS¹⁷ ARE SUSCEPTIBLE TO UNCLEANNESS. SLEEVES¹⁷ ARE SUSCEPTIBLE TO UNCLEANNESS BUT LEGGINGS¹⁷ ARE NOT SUSCEPTIBLE. ANY FINGER-STALL IS INSUSCEPTIBLE TO UNCLEANNESS EXCEPT THAT OF FRUIT¹⁸ -PICKERS, SINCE THE LATTER HOLDS THE SUMACH BERRIES.¹⁹ IF IT²⁰ WAS TORN, IT IS INSUSCEPTIBLE TO UNCLEANNESS, PROVIDED IT CANNOT HOLD THE GREATER PART OF A SUMACH BERRY.

MISHNAH 4. A SANDAL²¹ ONE OF WHOSE STRAPS WAS TORN OFF BUT WAS MENDED AGAIN, RETAINS ITS MIDRAS UNCLEANNESS.²² IF A SECOND STRAP WAS TORN OFF, THOUGH IT WAS MENDED AGAIN, IT²³ BECOMES FREE FROM MIDRAS

UNCLEANNES BUT IS UNCLEAN FROM CONTACT WITH MIDRAS.²² IF THE SECOND STRAP WAS TORN OFF BEFORE THE FIRST COULD BE MENDED, IT²³ BECOMES CLEAN.²² IF ITS HEEL WAS TORN OFF, OR IF ITS TOE-PIECE WAS REMOVED, OR IF IT²³ WAS TORN IN TWO, IT²³ BECOMES CLEAN.²⁴ A HEEL-LESS SLIPPER¹⁷ THAT WAS TORN ANYWHERE BECOMES CLEAN. A SHOE THAT WAS DAMAGED BECOMES CLEAN IF IT CANNOT CONTAIN THE GREATER PART OF THE FOOT. A SHOE THAT IS STILL ON THE LAST, R. ELIEZER RULES, IS INSUSCEPTIBLE TO UNCLEANNES,²⁵ BUT THE SAGES RULE THAT IT IS SUSCEPTIBLE. ALL WATER SKINS WHOSE HOLES²⁶ HAVE BEEN TIED UP ARE INSUSCEPTIBLE TO UNCLEANNES,²⁷ EXCEPT THOSE OF THE ARABS.²⁸ R. MEIR RULES: IF THEY ARE TIED UP FOR A WHILE, THEY ARE CLEAN; BUT IF THEY ARE TIED WITH A PERMANENT KNOT²⁹ THEY ARE UNCLEAN. R. JOSE RULED: ALL TIED UP WATER SKINS³⁰ ARE CLEAN.

MISHNAH 5. THE FOLLOWING HIDES ARE SUSCEPTIBLE TO MIDRAS UNCLEANNES: A HIDE WHICH IS INTENDED FOR USE AS A RUG,³¹ A HIDE USED AS A TANNER'S APRON, A HIDE USED AS THE LOWER COVERING OF A BED, A HIDE USED AS AN APRON BY AN ASS-DRIVER,³² BY A FLAX-WORKER, BY A PORTER OR BY A PHYSICIAN,³³ A HIDE USED FOR A COT, A HIDE PUT OVER A CHILD'S HEART,³⁴ A HIDE OF A CUSHION OR A BOLSTER. ALL THESE ARE SUSCEPTIBLE TO MIDRAS UNCLEANNES. A HIDE FOR WRAPPING UP COMBED WOOL AND A HIDE WORN BY A WOOL-COMBER, R. ELIEZER RULES, IS SUSCEPTIBLE TO MIDRAS, BUT THE SAGES RULE THAT IT IS SUSCEPTIBLE TO CORPSE UNCLEANNES ONLY.³⁵

MISHNAH 6. A BAG³⁶ OR WRAPPER³⁶ FOR GARMENTS IS SUSCEPTIBLE TO MIDRAS. A BAG OR WRAPPER FOR PURPLE WOOL, BETH SHAMMAI RULE, IS SUSCEPTIBLE TO MIDRAS, BUT BETH HILLEL RULE THAT³⁷ IT IS ONLY SUSCEPTIBLE TO CORPSE UNCLEANNES.³⁸ IF A HIDE IS USED AS A COVERING FOR VESSELS IT IS NOT SUSCEPTIBLE TO UNCLEANNES, BUT IF IT IS USED AS A COVERING FOR WEIGHTS³⁹ IT IS SUSCEPTIBLE. R. JOSE IN THE NAME OF HIS FATHER RULES THAT IT IS INSUSCEPTIBLE.

MISHNAH 7. WHENEVER NO ACT IS LACKING⁴⁰ INTENTION⁴¹ ALONE⁴² CAUSES AN ARTICLE TO BE SUSCEPTIBLE TO UNCLEANNES, BUT WHEREVER AN ACT IS LACKING⁴⁰ INTENTION⁴¹ ALONE DOES NOT RENDER IT SUSCEPTIBLE TO UNCLEANNES, EXCEPT FUR SKINS.⁴³

MISHNAH 8. THE HIDES OF A HOUSEHOLDER BECOME SUSCEPTIBLE TO UNCLEANNES BY INTENTION,⁴⁴ BUT THOSE THAT BELONG TO A TANNER⁴⁵ DO NOT BECOME SUSCEPTIBLE BY MERE INTENTION. THOSE TAKEN BY A THIEF⁴⁶ BECOME SUSCEPTIBLE BY INTENTION,⁴⁷ BUT THOSE TAKEN BY A ROBBER⁴⁸ DO NOT BECOME SUSCEPTIBLE BY MERE INTENTION.⁴⁹ R. SIMEON STATED: THE RULE IS TO BE REVERSED; THOSE TAKEN BY A ROBBER⁵⁰ BECOME SUSCEPTIBLE BY MERE INTENTION, BUT THOSE TAKEN BY A THIEF⁵¹ DO NOT BECOME SUSCEPTIBLE BY INTENTION, SINCE IN THE LATTER CASE THE OWNER DOES NOT ABANDON THE HOPE FOR RECOVERY.⁵²

MISHNAH 9. IF A HIDE HAD CONTRACTED MIDRAS UNCLEANNES AND ITS OWNER THEN INTENDED IT TO BE USED FOR STRAPS OR SANDALS⁵³ IT BECOMES CLEAN AS SOON AS HE PUT THE KNIFE INTO IT; SO R. JUDAH. BUT THE SAGES RULED: IT DOES NOT BECOME CLEAN UNTIL HE HAS REDUCED ITS SIZE TO LESS THAN FIVE HANDBREADTHS. R. ELIEZER SON OF R. ZADOK RULED: EVEN IF ONE MADE A NAPKIN FROM THE HIDE⁵⁴ IT⁵⁵ REMAINS UNCLEAN,⁵⁶ BUT IF FROM A BOLSTER IT

BECOMES CLEAN.⁵⁷

- (1) From Kefar Imki or Amiku, north-east of Acre. Aliter: 'Worn in valleys'.
- (2) These objects are flat (and, therefore, insusceptible to uncleanness), but they can be laced or sewn up to form a kind of receptacle which is susceptible to uncleanness.
- (3) Aliter: A basket of palm- twigs.
- (4) By being laced or sewn up.
- (5) By unlacing or unsewing them.
- (6) Of course they can. What then is the difference between these and the others?
- (7) To their laced condition.
- (8) The Sages in laying down that when unlaced it is clean.
- (9) V. Shab. 58b and 83b.
- (10) From the loops, but are still suspended from the bag. Aliter: (according to R. Judah) Whose laces are missing.
- (11) Thus forming no receptacle.
- (12) So that a receptacle remains even when the bag is made flat.
- (13) The uncleanness that vessels contract from liquids being only Rabbinical, the law has been relaxed. In the case of a Pentateuchal uncleanness the one bag causes the uncleanness of the other.
- (14) Since it is continually opened to take money out, it is not regarded as a valid receptacle.
- (15) A flat piece of leather which covers the palm of the hand and protects it against the thorns.
- (16) Since it forms no receptacle.
- (17) Made of leather.
- (18) Or 'thorn'.
- (19) Thus forming a receptacle.
- (20) The latter.
- (21) That contracted midras uncleanness.
- (22) Cf. nn. supra XVIII, 6.
- (23) The sandal.
- (24) From its former uncleanness. It is, however, susceptible to future uncleanness.
- (25) Since its manufacture has not yet been completed.
- (26) That appeared in them after they had contracted an uncleanness and that have rendered them clean.
- (27) Since the knots may be easily undone.
- (28) Whose knots cannot be easily undone.
- (29) Cf. prev. n. mut.mut.
- (30) Even if the knot was permanent.
- (31) To sit upon. V. nn. supra XXIV, 12.
- (32) Var. lec., 'a hide of (to protect) an ass.'
- (33) As a protection against the spurting of blood.
- (34) To protect it against the bite of a cat.
- (35) But not to that of midras.
- (36) Of leather.
- (37) Since, on account of the high value of the purple, it would not be used as a seat.
- (38) But not to midras.
- (39) Which cause a depression and give it the shape of a receptacle.
- (40) To complete its manufacture.
- (41) To use it for a particular purpose.
- (42) Even before it was actually used.
- (43) Which become susceptible to uncleanness by mere intention to use them, even before they have been trimmed, since they can be used without any trimming.
- (44) To use them; even before actual use.
- (45) Who, before manufacture is completed, might change his mind.
- (46) Since the owner, not knowing the thief, abandons all hope of recovery.
- (47) Of the thief who steals secretly. As the owner abandoned hope the thief is regarded as the legal owner.

- (48) Who steals openly and is known to the owner who, in consequence, does not abandon the hope for recovery.
 (49) Of the robber who (cf. prev. n.) cannot be regarded as legal owner.
 (50) Who is much stronger than a thief and recovery from whom is impossible.
 (51) A weaker man from whom recovery of the article is quite possible.
 (52) Cf. prev. n.
 (53) Cf. supra XXIV, 12.
 (54) That had contracted midras uncleanness.
 (55) Since it may be regarded as a small rug on which one can sit.
 (56) Since the change is but slight.
 (57) Though it is susceptible to future uncleanness.

Mishna - Mas. Kelim Chapter 27

MISHNAH 1. CLOTH IS SUSCEPTIBLE TO¹ FIVE FORMS² OF UNCLEANNESS; SACKING³ IS SUSCEPTIBLE TO¹ FOUR; LEATHER TO¹ THREE; WOOD TO TWO; AND AN EARTHEN VESSEL TO ONE. AN EARTHEN VESSEL⁴ IS SUSCEPTIBLE TO UNCLEANNESS [ONLY] AS A RECEPTACLE.⁵ ANY EARTHEN VESSEL THAT HAS NO INNER PART IS NOT SUSCEPTIBLE TO UNCLEANNESS FROM⁶ ITS OUTER PART.⁷ WOOD IS SUBJECT TO AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS ALSO SUSCEPTIBLE TO UNCLEANNESS⁸ AS A SEAT.⁹ SIMILARLY A TABLET WHICH HAS NO RIM IS SUSCEPTIBLE TO UNCLEANNESS IF IT IS A WOODEN OBJECT AND INSUSCEPTIBLE IF IT IS AN EARTHEN ONE. LEATHER IS SUSCEPTIBLE TO AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS ALSO SUSCEPTIBLE TO THE UNCLEANNESS OF OHEL.¹⁰ SACKING HAS AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS SUSCEPTIBLE TO UNCLEANNESS AS WOVEN WORK.¹¹ CLOTH HAS AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS SUSCEPTIBLE TO UNCLEANNESS WHEN IT IS ONLY THREE BY THREE FINGERBREADTHS.¹²

MISHNAH 2. CLOTH IS SUSCEPTIBLE TO UNCLEANNESS OF MIDRAS WHEN IT IS¹³ THREE HANDBREADTHS SQUARE, AND TO CORPSE UNCLEANNESS¹⁴ WHEN IT IS THREE FINGERBREADTHS SQUARE.¹⁵ SACKING WHEN IT IS FOUR HANDBREADTHS SQUARE, LEATHER FIVE HANDBREADTHS SQUARE AND MATTING SIX HANDBREADTHS SQUARE ARE EQUALLY SUSCEPTIBLE TO BOTH MIDRAS AND CORPSE UNCLEANNESS. R. MEIR RULED: WHAT REMAINS OF SACKING IS SUSCEPTIBLE TO UNCLEANNESS IF IT IS FOUR HANDBREADTHS, BUT WHEN IN ITS FIRST CONDITION IT BECOMES SUSCEPTIBLE ONLY AFTER ITS MANUFACTURE IS COMPLETED.

MISHNAH 3. IF ONE MADE UP A PIECE OF MATERIAL FROM TWO HANDBREADTHS OF CLOTH AND ONE OF SACKING, OR OF THREE OF SACKING AND ONE OF LEATHER OR FOUR OF LEATHER AND ONE OF MATTING, IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.¹⁶ IF, HOWEVER, THE PIECE OF MATERIAL WAS MADE UP OF FIVE HANDBREADTHS OF MATTING AND ONE OF LEATHERS OR FOUR OF LEATHER AND ONE OF SACKING, OR THREE OF SACKING AND ONE OF CLOTH IT IS SUSCEPTIBLE TO UNCLEANNESS. THIS IS THE GENERAL RULE: IF THE MATERIAL ADDED IS SUBJECT TO GREATER RESTRICTIONS¹⁷ IT¹⁸ IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ BUT IF THE MATERIAL ADDED WAS SUBJECT TO LESSER RESTRICTIONS²⁰ IT¹⁸ IS NOT SUSCEPTIBLE.²¹

MISHNAH 4. IF FROM ANY OF THESE²² A PIECE ONE HANDBREADTH SQUARE WAS CUT OFF²³ IT IS SUSCEPTIBLE TO UNCLEANNESS.²⁴ [IF A PIECE] ONE HANDBREADTH SQUARE²³ [WAS CUT OFF] FROM THE BOTTOM OF A BASKET IT IS SUSCEPTIBLE TO

UNCLEANNES.²⁴ [IF IT WAS CUT] FROM THE SIDES OF THE BASKET, R. SIMEON RULES THAT IT IS NOT SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT WHEREVER A SQUARE HANDBREADTH IS CUT OFF²⁵ IT IS SUSCEPTIBLE TO UNCLEANNES.

MISHNAH 5. WORN-OUT PIECES OF A SIFTER OR A SIEVE THAT WERE ADAPTED FOR USE AS A SEAT, R. AKIBA RULES ARE SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT THEY ARE NOT SUSCEPTIBLE UNLESS THEIR ROUGH ENDS WERE CUT OFF.²⁶ A CHILD'S STOOL THAT HAS LEGS, EVEN THOUGH IT IS LESS THAN A HANDBREADTH HIGH, IS SUSCEPTIBLE TO UNCLEANNES.²⁷ A CHILD'S SHIRT, R. ELIEZER RULES, IS SUSCEPTIBLE TO UNCLEANNES HOWEVER SMALL IT MAY BE; BUT THE SAGES RULED: IT IS SUSCEPTIBLE ONLY IF IT IS OF THE PRESCRIBED SIZE²⁸ AND MEASURED WHEN DOUBLED.²⁹

MISHNAH 6. THE FOLLOWING ARE MEASURED³⁰ WHEN DOUBLED:²⁹ SOCKS, LONG STOCKINGS, DRAWERS, A CAP AND A MONEY-BELT. AS REGARDS A PATCH SEWN ON THE HEM,³¹ IF IT WAS UNDOUBLED³² IT IS MEASURED UNDOUBLED,³³ BUT IF IT WAS DOUBLED IT IS MEASURED WHEN DOUBLED.³⁴

MISHNAH 7. IF A PIECE OF CLOTH WAS WOVEN TO THE EXTENT OF THREE [HANDBREADTHS] SQUARE, WHEN IT CONTRACTED MIDRAS UNCLEANNES, AND AFTER THE ENTIRE PIECE WAS COMPLETED ONE REMOVED³⁵ A SINGLE THREAD FROM THE ORIGINAL PART,³⁶ IT³⁷ IS RELEASED FROM MIDRAS UNCLEANNES BUT³⁸ IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. IF A THREAD WAS REMOVED FROM THE ORIGINAL PART AND THEN ALL THE CLOTH WAS FINISHED, IT³⁹ IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES.

MISHNAH 8. SIMILARLY⁴⁰ IF A PIECE OF CLOTH WAS WOVEN TO THE EXTENT OF THREE [FINGER BREADTHS] SQUARE, WHEN IT CONTRACTED CORPSE UNCLEANNES, AND AFTER THE ENTIRE PIECE WAS FINISHED ONE REMOVED⁴¹ A SINGLE THREAD FROM ITS ORIGINAL PART,⁴² IT³⁷ IS RELEASED FROM CORPSE UNCLEANNES⁴³ BUT⁴⁴ IS STILL UNCLEAN FROM CONTACT WITH CORPSE UNCLEANNES. IF A THREAD WAS REMOVED FROM THE ORIGINAL PART⁴² AND THEN ALL THE CLOTH WAS FINISHED IT REMAINS CLEAN, FOR THE SAGES HAVE RULED: IF A PIECE OF THREE [FINGERBREADTHS] SQUARE IS LESSENERED IT BECOMES CLEAN,⁴⁵ BUT IF ONE OF THREE HAND BREADTHS SQUARE IS LESSENERED, EVEN THOUGH IT IS RELEASED FROM MIDRAS, IT IS STILL SUSCEPTIBLE TO ALL OTHER FORMS OF UNCLEANNES.

MISHNAH 9. IF A SHEET THAT HAD CONTRACTED MIDRAS UNCLEANNES WAS MADE⁴⁶ INTO A CURTAIN, IT IS RELEASED FROM MIDRAS UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. SAID R. JOSE: BUT WHAT MIDRAS UNCLEANNES HAS THIS⁴⁷ TOUCHED!⁴⁸ ONLY IF A ZAB HAD TOUCHED IT⁴⁹ IS IT UNCLEAN FROM CONTACT WITH A ZAB.

MISHNAH 10. IF A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE⁵⁰ WAS DIVIDED,⁵¹ IT IS RELEASED FROM THE MIDRAS UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. SAID R. JOSE: BUT WHAT MIDRAS UNCLEANNES HAS THIS TOUCHED!⁵² ONLY IF A ZAB HAD TOUCHED IT IS IT UNCLEAN FROM CONTACT WITH A ZAB.

MISHNAH 11. IF A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE [WAS

FOUND] ON A RUBBISH HEAP IT MUST⁵³ BE BOTH SOUND AND CAPABLE OF WRAPPING UP SALT;⁵⁴ BUT [IF IT WAS FOUND] IN THE HOUSE IT NEED ONLY BE⁵⁵ EITHER SOUND OR CAPABLE OF WRAPPING UP SALT. HOW MUCH SALT MUST IT BE CAPABLE OF WRAPPING UP? A QUARTER OF A KAB. R. JUDAH STATED: THIS REFERS TO FINE SALT, BUT THE SAGES STATED: IT REFERS TO COARSE SALT. BOTH INTENDED TO RELAX THE LAW.⁵⁶ R. SIMEON RULED: THE LAW CONCERNING A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE ON A RUBBISH HEAP IS THE SAME AS THAT FOR A PIECE OF CLOTH THAT WAS THREE [FINGERBREADTHS] SQUARE IN A HOUSE.⁵⁷

MISHNAH 12. [A PIECE OF CLOTH] THREE [HANDBREADTHS] SQUARE THAT WAS TORN⁵⁸ BECOMES INSUSCEPTIBLE TO UNCLEANNESS IF ON BEING PUT ON A STOOL ONE'S FLESH⁵⁹ WOULD⁶⁰ TOUCH THE STOOL; OTHERWISE IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE ONE THREAD OF WHICH WAS WORN AWAY, OR ON WHICH A KNOT WAS FOUND, OR IN WHICH TWO THREADS RAN ALONGSIDE EACH OTHER, IS NOT SUSCEPTIBLE TO UNCLEANNESS. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE THAT WAS CAST ON THE RUBBISH HEAP BECOMES INSUSCEPTIBLE TO UNCLEANNESS. IF IT WAS TAKEN BACK AGAIN IT BECOMES SUSCEPTIBLE TO UNCLEANNESS. THROWING IT AWAY INVARIABLY RENDERS IT INSUSCEPTIBLE TO UNCLEANNESS AND TAKING IT BACK AGAIN RENDERS IT SUSCEPTIBLE TO UNCLEANNESS,⁶¹ EXCEPT WHEN IT IS OF PURPLE OR FINE CRIMSON.⁶² R. ELIEZER RULED: A PATCH OF NEW CLOTH IS ALSO SUBJECT TO THE SAME LAW. R. SIMEON RULED: ALL THESE MATERIALS⁶³ BECOME INSUSCEPTIBLE;⁶⁴ AND THE LATTER⁶⁵ HAVE BEEN MENTIONED [AS DISTINGUISHABLE FROM OTHERS] ONLY IN CONNECTION WITH THE RETURN OF LOST PROPERTY.⁶⁶

(1) Lit., 'on account of'.

(2) Lit., 'names'.

(3) Made of goats' hair and the like.

(4) Here begins the illustration of the general statements just made.

(5) However small it might be. Otherwise it is not susceptible to any form of uncleanness.

(6) Lit., 'it has not'.

(7) Even though its bottom is concave.

(8) Even though it forms no receptacle.

(9) On which a zab might sit. It must, however, have no less an area than three handbreadths square.

(10) Whereby, if it forms the ohel, it becomes a 'father of uncleanness', however small its size (Elijah Wilna and L. contra Bert.).

(11) However small its size might be; provided there was no intention to extend the texture. If it was intended to extend it the size must be no less than four handbreadths square.

(12) Even if it was not woven.

(13) Lit., 'on account of'.

(14) And also to any uncleanness other than midras.

(15) This, however, applies only to the remnant of a cloth made of wool or flax. For one made of other materials a remnant having a minimum of three handbreadths square is required even in the case of corpse uncleanness. New cloth is susceptible to all forms of uncleanness other than midras whatever its size.

(16) Of midras. If, however, the piece of material came in contact with corpse uncleanness it remains clean if the contact was with the sacking only (since it is smaller than the prescribed minimum), but if the contact was with the cloth, only the sacking remains clean while the cloth contracts the uncleanness.

(17) Than the material to which it was added.

(18) The piece of combined materials.

(19) Since the latter may well make up the minimum prescribed for the former.

- (20) Than the material to which it was added.
- (21) Because the latter whose prescribed minimum is greater cannot be effective when the total area of the material is less than that minimum.
- (22) Four materials mentioned in the previous Mishnah.
- (23) For use as a seat. (If it was cut off for the purpose of lying upon, the minimum area for susceptibility to uncleanness is three handbreadths).
- (24) As a seat (cf. prev. n.).
- (25) Even if from the sides of a basket.
- (26) To render them fit for a seat.
- (27) An adult's stool must be no less than one handbreadth high if it is to be susceptible to uncleanness.
- (28) As laid down supra Mishnah 2.
- (29) So as to allow the prescribed length of material both for the front and the back.
- (30) To ascertain whether they are of the prescribed size of three fingerbreadths square in respect of corpse uncleanness or three handbreadths square in respect of midras.
- (31) Around the neck.
- (32) Having been patched on one side of the hem only.
- (33) The prescribed size being the one in Mishnah 2 supra.
- (34) The length required being twice the size prescribed (cf. p. 129 n. 8.).
- (35) Var. lec. inserts here 'the cloth, all the cloth is susceptible to midras; if one removed'.
- (36) The three handbreadths square which have contracted the midras uncleanness.
- (37) The entire cloth.
- (38) Since it was in contact with midras uncleanness.
- (39) As a connective.
- (40) Cf. prev. Mishnah.
- (41) Var. lec. inserts here 'the cloth, all the cloth is susceptible to corpse uncleanness; if one removed'.
- (42) The three fingerbreadths square which have contracted corpse uncleanness.
- (43) Since less than the prescribed minimum remained.
- (44) Having come in close contact with corpse uncleanness.
- (45) Since it can no longer serve any useful purpose.
- (46) By some adaptation which effected a change in it (cf. supra XX, 6.).
- (47) The curtain.
- (48) Obviously none, since the previous uncleanness of the sheet has disappeared with its change into a curtain. Hence it should be free from all uncleanness.
- (49) The curtain (Bert.), the sheet (L.).
- (50) That has contracted midras uncleanness.
- (51) And each part was smaller than the prescribed minimum.
- (52) Cf. supra n. 3 mut. mut.
- (53) It is to be susceptible to midras uncleanness.
- (54) Sc. the texture must be closely woven.
- (55) If it is to be susceptible to midras uncleanness.
- (56) R. Judah insists on a closely woven texture which can hold fine salt, while the Sages insist on a sound material which can wrap up coarse salt.
- (57) Both being susceptible to corpse, but not to midras uncleanness.
- (58) But the parts were not completely severed.
- (59) That of the man who sits on it.
- (60) Owing to the width of the tear.
- (61) Irrespective of the number of times this may have been repeated.
- (62) Being valuable materials they remain susceptible to uncleanness even when thrown on the rubbish heap.
- (63) Even the last mentioned.
- (64) If thrown on the rubbish heap.
- (65) Purple and fine crimson.
- (66) Being of greater value than other materials the finding of them even on a rubbish heap must be duly announced in

order to afford the loser an opportunity of claiming them; v. B.M. II, 1.

Mishna - Mas. Kelim Chapter 28

MISHNAH 1. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE THAT¹ WAS STUFFED INTO A BALL OR WAS ITSELF MADE INTO A BALL BECOMES CLEAN.² BUT [A PIECE OF CLOTH] THREE [HANDBREADTHS] SQUARE THAT³ WAS STUFFED INTO A BALL REMAINS UNCLEAN.⁴ IF THE LATTER³ WAS ITSELF MADE INTO A BALL IT BECOMES CLEAN⁵ BECAUSE THE SEWING REDUCES ITS SIZE.

MISHNAH 2. [A PIECE OF CLOTH] LESS THAN THREE [HANDBREADTHS] SQUARE THAT WAS ADAPTED FOR THE PURPOSE OF STOPPING UP A HOLE IN A BATH HOUSE,⁶ OF EMPTYING A COOKING-POT⁷ OR OF WIPING WITH IT THE MILL STONES, WHETHER IT WAS OR WAS NOT KEPT IN READINESS FOR ANY SUCH USE,⁸ IS SUSCEPTIBLE TO UNCLEANNESS; SO R. ELIEZER. R. JOSHUA RULED: WHETHER IT WAS OR WAS NOT KEPT IN READINESS IT IS NOT SUSCEPTIBLE TO UNCLEANNESS. R. AKIBA RULED: IF IT WAS KEPT IN READINESS IT IS SUSCEPTIBLE, AND IF IT WAS NOT KEPT IN READINESS IT IS NOT SUSCEPTIBLE.

MISHNAH 3. IF A PLASTER IS MADE OF CLOTH OR LEATHER IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁹ A¹⁰ POULTICE IS INSUSCEPTIBLE TO UNCLEANNESS IF IT IS ON CLOTH,¹¹ BUT IF ON LEATHER IT IS SUSCEPTIBLE.¹² RABBAN SIMEON B. GAMALIEL RULED: EVEN IF IT WAS ON CLOTH THE LATTER REMAIN SUSCEPTIBLE TO UNCLEANNESS BECAUSE THE FORMER¹³ CAN BE SHAKEN OFF.¹⁴

MISHNAH 4. SCROLL WRAPPERS, WHETHER THEY ARE ORNAMENTED WITH [EMBROIDERED] FIGURES OR NOT, ARE SUSCEPTIBLE TO UNCLEANNESS ACCORDING TO THE VIEW OF BETH SHAMMAI. BETH HILLEL RULED: THOSE THAT ARE ORNAMENTED WITH FIGURES ARE INSUSCEPTIBLE TO UNCLEANNESS,¹⁵ BUT THOSE THAT ARE NOT ORNAMENTED ARE SUSCEPTIBLE. RABBAN GAMALIEL RULED: BOTH THE FORMER AND THE LATTER ARE INSUSCEPTIBLE.

MISHNAH 5. IF A HEAD-WRAP THAT¹⁶ HAD CONTRACTED MIDRAS UNCLEANNESS WAS WRAPPED AROUND A SCROLL, IT IS RELEASED FROM MIDRAS UNCLEANNESS¹⁷ BUT REMAINS SUSCEPTIBLE TO CORPSE UNCLEANNESS. A SKIN¹⁸ THAT WAS MADE INTO A RUG¹⁹ OR A LEATHER RUG THAT WAS MADE INTO A SKIN¹⁸ BECOMES CLEAN.²⁰ A SKIN¹⁸ THAT WAS MADE INTO A [SHEPHERD'S] WALLET OR A [SHEPHERD'S] WALLET THAT WAS MADE INTO A SKIN; OR A CUSHION COVER THAT WAS MADE INTO A SHEET OR A SHEET THAT WAS MADE INTO A CUSHION COVER; OR A BOLSTER COVER THAT WAS MADE INTO A PLAIN SHEET OR A PLAIN SHEET THAT WAS MADE INTO A BOLSTER COVER, REMAINS UNCLEAN. THIS IS THE GENERAL RULE: ANY OBJECT THAT HAS BEEN CHANGED INTO ONE OF THE SAME CLASS²¹ REMAINS UNCLEAN, BUT IF INTO ONE OF ANOTHER CLASS IT BECOMES CLEAN.

MISHNAH 6. IF A PATCH²² WAS SEWN ON TO A BASKET,²³ THE LATTER²⁴ CONVEYS²⁵ ONE GRADE OF UNCLEANNESS²⁶ AND²⁷ ONE OF UNFITNESS.²⁸ IF IT WAS SEVERED FROM THE BASKET, THE LATTER CONVEYS ONE GRADE OF UNCLEANNESS AND ONE OF UNFITNESS, BUT THE PATCH²⁹ BECOMES CLEAN.³⁰ IF IT WAS SEWN ON TO CLOTH³¹ THE LATTER³² CONVEYS TWO GRADES OF UNCLEANNESS³³ AND ONE OF UNFITNESS.²⁷ IF IT WAS SEVERED FROM THE CLOTH, THE LATTER³⁴ CONVEYS²⁵ ONE GRADE OF UNCLEANNESS²⁶ AND²⁷ ONE OF UNFITNESS, WHILE THE PATCH CONVEYS

TWO GRADES OF UNCLEANNESS AND ONE OF UNFITNESS.³⁵ THE SAME LAW³⁶ APPLIES ALSO WHERE A PATCH WAS SEWN ON TO SACKING OR LEATHER; SO R. MEIR. R. SIMEON RULES THAT THEY³⁷ ARE CLEAN.³⁸ R. JOSE RULED: IF IT WAS SEWN ON LEATHER IT BECOMES CLEAN; BUT IF ON SACKING IT REMAINS UNCLEAN, SINCE THE LATTER IS A WOVEN MATERIAL.³⁹

MISHNAH 7. THE PRESCRIBED MINIMUM OF THREE [FINGERBREADTHS] SQUARE OF WHICH THEY HAVE SPOKEN⁴⁰ IS EXCLUSIVE OF THE HEM; SO R. SIMEON. BUT THE SAGES RULED: EXACTLY THREE [FINGERBREADTHS] SQUARE.⁴¹ IF A PATCH⁴² WAS SEWN ON TO A CLOTH BY ONE SIDE ONLY,⁴³ IT CANNOT BE REGARDED AS A CONNECTIVE.⁴⁴ IF IT WAS SEWN ON BY TWO OPPOSITE SIDES, IT IS A CONNECTIVE.⁴⁵ IF IT WAS SEWN ON THE SHAPE OF A GAMMA,⁴⁶ R. AKIBA RULES THAT THE CLOTH IS UNCLEAN, BUT THE SAGES RULE THAT IT IS CLEAN. R. JUDAH STATED: THIS⁴⁷ APPLIES ONLY TO A CLOAK,⁴⁸ BUT IN THE CASE OF A SHIRT⁴⁹ THE PATCH IS REGARDED AS A CONNECTIVE IF IT WAS SEWN ON ONLY BY ITS UPPER SIDE,⁵⁰ BUT IF BY ITS LOWER SIDE IT IS NO CONNECTIVE.⁴⁶

MISHNAH 8. POOR MEN'S CLOTHES, THOUGH MADE UP OF PIECES NONE OF WHICH MEASURES THREE [FINGERBREADTHS] SQUARE ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS,⁵¹ IF A CLOAK BEGAN TO BE TORN, AS SOON AS ITS GREATER PART IS AFFECTED [THE FRAGMENTS] ARE NOT REGARDED AS JOINED.⁵² EXCEPTIONALLY THICK OR THIN MATERIALS⁵³ ARE NOT GOVERNED BY THE PRESCRIBED MINIMUM OF THREE [FINGERBREADTHS] SQUARE.⁵⁴

MISHNAH 9. A PORTER'S PAD⁵⁵ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS. A WINE FILTER⁵⁶ IS NOT SUSCEPTIBLE TO UNCLEANNESS AS A SEAT.⁵⁷ AN OLD WOMAN'S HAIR-NET⁵⁸ IS SUSCEPTIBLE TO UNCLEANNESS AS A SEAT.⁵⁹ A HARLOT'S SHIRT WHICH IS WOVEN LIKE NET WORK IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁶⁰ A GARMENT MADE OF A FISHING NET IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁶⁰ BUT ONE MADE OF ITS NET WORK BAG IS SUSCEPTIBLE. R. ELIEZER B. JACOB RULED: EVEN IF A GARMENT IS MADE OUT OF A FISHING NET BUT IS MADE DOUBLE IT IS SUSCEPTIBLE TO UNCLEANNESS.⁶¹

MISHNAH 10. A HAIR-NET THAT ONE BEGAN TO MAKE FROM ITS HEM REMAINS INSUSCEPTIBLE TO UNCLEANNESS UNTIL ITS BOTTOM SECTION IS FINISHED; AND IF ONE BEGAN FROM ITS BOTTOM SECTION, IT REMAINS INSUSCEPTIBLE TO UNCLEANNESS UNTIL ITS HEM IS FINISHED. ITS HEAD BAND IS SUSCEPTIBLE TO UNCLEANNESS IN ITSELF.⁶² ITS STRINGS ARE SUSCEPTIBLE TO UNCLEANNESS AS CONNECTIVES.⁶³ A HAIR-NET THAT IS TORN BECOMES INSUSCEPTIBLE TO UNCLEANNESS IF IT CANNOT CONTAIN THE GREATER PART OF THE HAIR.

(1) Having contracted corpse uncleanness.

(2) Since it lost the status of cloth by becoming a ball or part of a ball.

(3) After contracting midras uncleanness.

(4) Owing to its comparatively large size its identity cannot be merged into that of the ball.

(5) From midras uncleanness, but not from any other. Aliter: From all uncleanness (Rabad).

(6) To prevent the escape of heat.

(7) By holding it with the rag.

(8) It was hung up on a nail to be ready for use, v. Shab. 29b.

(9) Since the greasy substances with which it is smeared render it unfit for sitting on or for any other use.

(10) Some edd. in parenthesis read, 'R. Jose ruled: On leather it is insusceptible to uncleanness'.

(11) Since the greasy substances with which it is smeared render it unfit for sitting on or for any other use.

- (12) Because leather can be used even after a poultice has been on it.
- (13) The ingredients of the poultice when they dry up.
- (14) From the cloth which in consequence can again be used.
- (15) Since the embroidered figures are sufficient evidence that the wrapper was intended for the ornamentation only and not for any man's personal use, v. supra XVI, ad finem.
- (16) Being suitable to sit upon; cf. supra XXIV, 16.
- (17) If it was set aside for exclusive use with the scroll.
- (18) Intended for the holding of liquids.
- (19) By being cut open and spread out for the purpose of sitting on it.
- (20) Sc. it is released from any midras uncleanness it may have contracted, because the adaptation is regarded as the breaking up of the former vessel. It remains, however, susceptible to future midras uncleanness.
- (21) Lit., 'to his name'; a skin and a wallet, for instance, are used for similar purposes and so also is a cushion cover and a sheet.
- (22) That contracted midras uncleanness.
- (23) Which, not being suitable for midras, cannot contract such an uncleanness.
- (24) As a first grade of uncleanness owing to its contact with the patch that was (before it was sewn on to it) suffering from midras uncleanness.
- (25) To foodstuffs.
- (26) Rendering them unclean in the second grade.
- (27) If the second grade came in contact with terumah.
- (28) I.e., the uncleanness is not carried over to a further remove.
- (29) As any other part that is severed from the basket.
- (30) If it was not intended for sitting on. If it was so intended it is again susceptible in the future to midras uncleanness.
- (31) Which is itself susceptible to midras.
- (32) The cloth as well as the patch on it, since the use of the patch has not been changed to one of a different class, having first been a piece of cloth and being now again part of a piece of cloth.
- (33) Being a 'father of uncleanness' it causes a first grade of uncleanness which, in turn, causes a second grade.
- (34) V. supra n. 3.
- (35) As laid down supra XVIII, 7.
- (36) That is applicable to a patch on cloth.
- (37) Sacking and leather.
- (38) Since they are not of the same kind of material as the patch they are to be treated under the law that applies to a basket on which a patch was sewn.
- (39) And is thus of the same kind as the patch.
- (40) In regard to cloth that came in contact with a dead creeping thing or carrion, or that was leprous.
- (41) Inclusive of the hem.
- (42) That was three handbreadths square and had contracted midras uncleanness.
- (43) The other three sides remaining unsewn and detached from the cloth.
- (44) And the larger cloth remains clean.
- (45) Cf. prev. n. mut. mut.
- (46) Sc. by two adjacent sides.
- (47) That if the patch was sewn on by one side only it is no connective.
- (48) Which may also be put on upside down so that the patch falls back and exposes the tear.
- (49) Which cannot be worn upside down.
- (50) Since in this case the patch always remains in position and covers up the tear.
- (51) Because the garment as a whole measures no less than three handbreadths square.
- (52) If one of them, e.g., contracts an uncleanness the other remains clean.
- (53) Felt or silk, for instance.
- (54) Their prescribed minimum in regard to corpse uncleanness being three handbreadths square, as pieces of lesser size cannot in their case be put to any use.
- (55) Used as a protection for his shoulders or back.
- (56) Made of a textile.

(57) Being soiled with lees no one is likely to sit on it.

(58) That is also in regular use for sitting upon.

(59) If, however, it is not intended for sitting upon it is not susceptible.

(60) Of midras; though one can sit on it. As, owing to its holes, it is not suitable for its primary function (a proper article of dress) it loses also its secondary function (seat).

(61) Because the doubling prevents the exposure of the body, and the garment can be properly worn.

(62) Since it can be removed from one hair-net to another.

(63) If the net contracts uncleanness the strings are equally affected, and vice versa.

Mishna - Mas. Kelim Chapter 29

MISHNAH 1. THE FRINGES¹ OF A SHEET, A SCARF, A HEAD-WRAP AND A FELT CAP ARE REGARDED AS CONNECTIVES² UP TO A LENGTH OF SIX FINGERBREADTHS;³ THOSE OF AN UNDERGARMENT UP TO TEN [FINGERBREADTHS]. THE FRINGES OF A THICK CLOAK, A VEIL, A SHIRT, OR A LIGHT CLOAK ARE REGARDED AS CONNECTIVES UP TO A LENGTH OF THREE FINGERBREADTHS. THE FRINGES¹ OF AN OLD WOMAN'S HEAD-WRAP, OF THE FACE WRAPS OF THE ARABS, OF THE CILICIAN GOAT'S-HAIR CLOTH, OF A MONEY-BELT, OF A TURBAN OR OF A CURTAIN ARE REGARDED AS CONNECTIVES WHATSOEVER THEIR LENGTH MAY BE.

MISHNAH 2. THREE WOOLLEN BOLSTER-COVERS⁴, SIX LINEN ONES,⁴ THREE SHEETS,⁴ TWELVE HANDKERCHIEFS,⁴ TWO ARM-CLOTHS,⁴ ONE SHIRT,⁵ ONE CLOAK,⁵ OR ONE WINTER-CLOAK,⁵ ARE REGARDED AS CONNECTIVES IN RESPECT OF BOTH UNCLEANNESS⁶ AND SPRINKLING.⁷ IF THEY EXCEED THIS NUMBER THEY ARE REGARDED AS CONNECTIVES IN RESPECT OF UNCLEANNESS⁶ BUT NOT IN RESPECT OF SPRINKLING.⁸ R. JOSE RULED, NOT EVEN IN RESPECT OF UNCLEANNESS.⁹

MISHNAH 3. THE CORD OF [THE COMMON] PLUMMET¹⁰ IS REGARDED AS A CONNECTIVE¹¹ UP TO A LENGTH OF TWELVE [CUBITS];¹² THAT OF THE CARPENTERS' PLUMMET, UP TO EIGHTEEN [CUBITS];¹² AND THAT OF THE BUILDERS' PLUMMET¹³ UP TO FIFTY CUBITS. THE PARTS THAT EXCEED THESE LENGTHS, EVEN IF IT WAS DESIRED TO RETAIN THEM,¹⁴ REMAIN INSUSCEPTIBLE TO UNCLEANNESS.¹⁵ THE CORD OF THE PLUMMET OF PLASTERERS OR MOULDERS IS REGARDED AS A CONNECTIVE WHATSOEVER ITS LENGTH.

MISHNAH 4. THE CORD OF THE BALANCES OF GOLDSMITHS¹⁶ OR THE WEIGHERS OF FINE PURPLE IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF THREE FINGERBREADTHS,¹⁷ THE SHAFT OF AN AXE BEHIND THE GRIP, UP TO A LENGTH OF THREE FINGERBREADTHS.¹⁵ R. JOSE RULED: IF THE LENGTH BEHIND THE GRIP IS NO LESS THAN ONE HANDBREADTH THE ENTIRE SHAFT IS UNSUSCEPTIBLE TO UNCLEANNESS.¹⁸

MISHNAH 5. THE CORD OF THE BALANCES OF SHOPKEEPERS¹⁶ OR HOUSEHOLDERS IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF ONE HANDBREADTH;¹⁷ THE SHAFT OF AN AXE IN FRONT OF THE GRIP, UP TO ONE HANDBREADTH; THE PROJECTION¹⁹ OF THE SHAFT OF A PAIR OF COMPASSES, UP TO ONE HANDBREADTH; THAT OF THE SHAFT OF THE STONE-MASONS' CHISEL, ONE HANDBREADTH.

MISHNAH 6. THE CORD OF THE BALANCES OF WOOL DEALER²⁰ OR OF GLASS-WEIGHERS IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF TWO HANDBREADTHS; THE SHAFT OF A MILLSTONE CHISEL, UP TO A LENGTH OF TWO HANDBREADTHS; THE SHAFT OF THE BATTLE-AXE OF THE LEGIONS, UP TO A

LENGTH OF TWO HANDBREADTHS; THE SHAFT OF THE GOLDSMITHS' HAMMER, UP TO A LENGTH OF TWO HANDBREADTHS; AND THAT OF THE BLACKSMITHS' HAMMER, UP TO THREE HANDBREADTHS.

MISHNAH 7. THE REMNANT OF THE SHAFT OF AN OX-GOAD²¹ AT ITS UPPER END²² IS REGARDED AS A CONNECTIVE TO A LENGTH OF FOUR [HANDBREADTHS];²³ THE SHAFT OF A SPADE, TO A LENGTH OF FOUR [HANDBREADTHS]; THE SHAFT OF A WEEDING-SPADE, TO FIVE HANDBREADTHS; THE SHAFT OF A SMALL HAMMER, TO FIVE HANDBREADTHS; THAT OF A COMMON HAMMER, TO SIX HANDBREADTHS; THE SHAFT OF AN AXE USED FOR SPLITTING WOOD OR OF ONE USED FOR DIGGING, TO SIX [HANDBREADTHS]; AND THE SHAFT OF THE STONE-TRIMMERS' AXE, UP TO SIX HANDBREADTHS.

MISHNAH 8. THE REMNANT OF THE SHAFT OF AN OX-GOAD²¹ AT ITS LOWER END²⁴ IS REGARDED AS A CONNECTIVE TO A LENGTH OF SEVEN HANDBREADTHS; THE SHAFT OF THE TROWEL OF HOUSEHOLDERS — BETH SHAMMAI RULED: TO A LENGTH OF SEVEN [HANDBREADTHS], AND BETH HILLEL RULED: TO ONE OF EIGHT [HANDBREADTHS]; THAT OF THE PLASTERERS — BETH SHAMMAI RULED: NINE [HANDBREADTHS] AND BETH HILLEL RULED: TEN [HANDBREADTHS]. ANY PARTS EXCEEDING THESE LENGTHS, IF IT WAS DESIRED TO RETAIN IT, IS ALSO SUSCEPTIBLE TO UNCLEANNESS.²⁵ THE SHAFTS OF FIRE INSTRUMENTS²⁶ ARE SUSCEPTIBLE TO UNCLEANNESS WHATSOEVER THEIR LENGTH.

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- (1) Sc. the loose threads of the warp hanging from the ends or the garments enumerated.
- (2) So that where the fringe contracted uncleanness the main garment also contracts it, and vice versa.
- (3) Beyond this length the fringes are insusceptible to uncleanness and, therefore, they neither convey to, nor contract from the garment any uncleanness.
- (4) That were stitched together by the fuller or kept together in the weaving by the threads of the warp.
- (5) However large it may be.
- (6) If one of them contracted it, all become unclean.
- (7) At the conclusion of a period of uncleanness. If only one of them was sprinkled upon (cf. Num. XIX, 18) all become clean.
- (8) Cf. prev. n. mut. mut. Only the one that was sprinkled upon becomes clean.
- (9) Sc. they are always treated as separate and independent units.
- (10) Used in the construction of small buildings.
- (11) With the plummet. If the plummet contracted uncleanness only the length of use given also becomes unclean; but if uncleanness touches any part beyond this length, the main portion of the plummet remains clean.
- (12) Aliter: Handbreadths.
- (13) Used in the construction of big buildings.
- (14) For practical use.
- (15) Since only that part which is essential for ordinary use may be regarded as a connective.
- (16) Whereby the beam is suspended or held.
- (17) If the balance contracted uncleanness that length of cord also becomes unclean.
- (18) Since such a shaft renders the axe useless for work and would eventually be entirely discarded.
- (19) Lit., 'remnants'.
- (20) Whereby the beam is suspended or held.
- (21) That was broken.
- (22) The part adjacent to the pointed end of the goad (cf. supra XXV, 2).
- (23) Beyond that and beyond seven handbreadths from the broad blade the shaft is insusceptible to all uncleanness.
- (24) That part that is adjacent to the broad blade (cf. n. 3).
- (25) As a connective.
- (26) A spit, for instance.

Mishna - Mas. Kelim Chapter 30

MISHNAH 1. AMONG GLASS-WARE THOSE THAT ARE FLAT ARE NOT SUSCEPTIBLE TO UNCLEANNESS AND THOSE THAT FORM RECEPTACLES ARE SUSCEPTIBLE.¹ AFTER THEY ARE BROKEN THEY BECOME CLEAN;² AND IF ONE AGAIN MADE UTENSILS OF THEM THEY BECOME HENCEFORTH SUSCEPTIBLE TO UNCLEANNESS. A GLASS TRAY OR A FLAT DISH IS NOT SUSCEPTIBLE TO UNCLEANNESS. IF THEY HAVE A RIM THEY ARE SUSCEPTIBLE. THE CONCAVE BOTTOM OF A GLASS³ BOWL OR PLATE³ WHICH WAS ADAPTED FOR USE REMAINS INSUSCEPTIBLE TO UNCLEANNESS.⁴ IF THEY WERE POLISHED OR SCRAPED WITH A FILE THEY BECOME SUSCEPTIBLE TO UNCLEANNESS.⁵

MISHNAH 2. A MIRROR IS INSUSCEPTIBLE TO UNCLEANNESS. A TRAY⁶ THAT WAS MADE INTO A MIRROR REMAINS SUSCEPTIBLE, BUT IF IT WAS ORIGINALLY MADE TO SERVE AS A MIRROR⁷ IT IS INSUSCEPTIBLE.⁸ A SPOON⁶ THAT IS LAID ON A TABLE IS SUSCEPTIBLE TO UNCLEANNESS IF IT CAN HOLD ANYTHING WHATSOEVER; BUT IF IT CANNOT DO SO,⁹ R. AKIBA RULES THAT IT IS SUSCEPTIBLE,¹⁰ AND R. JOHANAN B. NURI RULES THAT IT IS INSUSCEPTIBLE.¹¹

MISHNAH 3. A CU⁶ THE GREATER PART OF WHICH IS BROKEN OFF IS INSUSCEPTIBLE TO UNCLEANNESS. IF IT WAS BROKEN IN THREE PLACES¹² EXTENDING OVER ITS GREATER PART IT IS ALSO INSUSCEPTIBLE TO UNCLEANNESS. R. SIMEON RULED: IF IT LETS THE GREATER PART OF THE WATER LEAK OUT IT IS INSUSCEPTIBLE TO UNCLEANNESS. IF A HOLE APPEARED IN IT AND IT WAS MENDED WITH TIN OR PITCH IT IS STILL INSUSCEPTIBLE TO UNCLEANNESS.¹³ R. JOSE RULED: IF WITH TIN IT IS SUSCEPTIBLE TO UNCLEANNESS,¹⁴ BUT IF WITH PITCH IT IS INSUSCEPTIBLE.

MISHNAH 4. A SMALL FLASK WHOSE NECK¹⁵ WAS REMOVED REMAINS SUSCEPTIBLE TO UNCLEANNESS,¹⁶ BUT A LARGE ONE WHOSE NECK WAS REMOVED BECOMES INSUSCEPTIBLE.¹⁷ ONE OF SPIKENARD OIL WHOSE NECK¹⁵ WAS REMOVED BECOMES INSUSCEPTIBLE TO UNCLEANNESS, SINCE IT¹⁸ SCRATCHES THE HAND. LARGE FLAGONS¹⁹ WHOSE NECKS WERE REMOVED REMAIN SUSCEPTIBLE TO UNCLEANNESS, SINCE THEY ARE ADAPTED FOR THE USE OF HOLDING PICKLED FOODSTUFFS. A GLASS MILL-FUNNEL IS CLEAN.²⁰ R. JOSE OBSERVED: 'BLESSED ART THOU, O KELIM; FOR, THOUGH THOU DIDST ENTER WITH UNCLEANNESS,²¹ THOU ART GONE FORTH IN CLEANNESS'.²²

(1) Cf. supra II, 1; XV, 1.

(2) Even where they were formerly unclean.

(3) That was broken.

(4) Since the rough edges of the broken sides constitute a source of danger.

(5) Cf. prev. n. mut. mut.

(6) Of glass.

(7) Even though it had a receptacle.

(8) Since the receptacle was not intended to hold anything.

(9) When its bottom, for instance, is concave.

(10) Because this is the manner of its use.

(11) As it cannot hold anything it cannot be regarded as a valid receptacle.

(12) Var. lec., 'a third'.

(13) Because neither sticks for long to glass.

(14) Being a metal.

(15) Lit., 'mouth'.

(16) Since it can be easily carried on one hand without risk of injury it continues to be used as a receptacle for liquids.

(17) Having to be carried with both hands there is the danger of receiving a cut from the broken edges in consequence of which the flask is unusable.

(18) By being carried, owing to the smallness of its size, within the hollow of one hand.

(19) V. p. 141, n. 6.

(20) Sc. insusceptible to uncleanness. Being open at the bottom it forms no valid receptacle.

(21) 'FATHERS OF UNCLEANNESS' (supra I, 1).

(22) 'MILL-FUNNEL IS CLEAN', the last ruling in the tractate. A moral lesson to man to endeavour to achieve purity of life before his time comes to depart from this world.

Mishna - Mas. Kilayim Chapter 1

MISHNAH 1. WHEAT AND DARNEL¹ DO NOT CONSTITUTE KIL'AYIM² ONE WITH THE OTHER.³ [LIKEWISE] BARLEY AND OATS, OR SPELT AND RYE, OR BEANS AND CHICK-PEAS, OR BITTER PEAS⁴ AND TOFAH,⁵ OR WHITE BEANS AND KIDNEY BEANS, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.³

MISHNAH 2. CUCUMBERS AND CUCUMBER-MELON⁶ DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. JUDAH SAID THEY DO CONSTITUTE KIL'AYIM. GARDEN-LETTUCE AND WILD⁷ LETTUCE, OR ENDIVES AND WILD⁸ ENDIVES, OR LEEK AND WILD⁸ LEEK, OR CORIANDER AND WILD⁸ CORIANDER, OR MUSTARD AND EGYPTIAN MUSTARD, OR THE EGYPTIAN AND THE BITTER-APPLE,⁹ OR EGYPTIAN BEANS¹⁰ AND BEANS IN CAROB-SHAPED PODS DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 3. TURNIPS AND RADISHES,¹¹ OR CABBAGE AND CAULIFLOWER, OR BEET AND GARDEN-ORACHE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. AKIBA ADDED: ALSO GARLIC AND SMALL WILD GARLIC, OR ONION AND SMALL WILD ONION, OR LUPINE AND WILD LUPINE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 4. AS FOR TREES, THE PEAR AND THE CRUSTUMENIAN PEAR,¹² OR THE QUINCE AND SORB-APPLE, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. THE APPLE AND THE CRAB-APPLE, OR THE PEACH AND ALMOND, OR THE JUJUBE¹³ AND LOTE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, YET CONSTITUTE KIL'AYIM¹⁴ ONE WITH THE OTHER.

MISHNAH 5. HORSE-RADISH AND RADISH,¹⁵ OR MUSTARD AND CHARLOCK,¹⁶ OR THE GREEK GOURD WITH THE EGYPTIAN GOURD OR [THE GREEK GOURD] WITH THE BITTER-APPLE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, ARE NEVERTHELESS,¹⁷ KIL'AYIM ONE WITH THE OTHER.

MISHNAH 6. A WOLF AND A DOG, OR A WILD¹⁸ DOG AND A JACKAL, OR A GOAT AND A DEER, OR A GAZELLE AND A EWE-LAMB, OR A HORSE AND A MULE, OR A MULE AND AN ASS, OR AN ASS AND A WILD-ASS, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, CONSTITUTE NEVERTHELESS, KIL'AYIM¹⁹ ONE WITH THE OTHER.

MISHNAH 7. IT IS NOT PERMITTED TO GRAFT FROM ONE TREE TO ANOTHER,²⁰ OR FROM ONE HERB TO ANOTHER,²¹ OR FROM A TREE TO A HERB, OR FROM A HERB TO A TREE. R. JUDAH PERMITS IT FROM A HERB TO A TREE.²²

MISHNAH 8. IT IS NOT PERMITTED TO PLANT HERBS IN A TRUNK OF A SYCAMORE. IT IS NOT PERMITTED TO GRAFT RUE ON WHITE CASSIA, SINCE THAT IS [GRAFTING] A HERB ON A TREE. IT IS FORBIDDEN TO PLANT A YOUNG FIG-SHOOT IN A CISTUS SHRUB²³ FOR THE PURPOSE OF PROVIDING SHADE²⁴ FOR THE LATTER, OR TO INSERT A VINE-SHOOT INTO A MELON IN ORDER THAT THE LATTER MIGHT CONTRIBUTE²⁵ ITS MOISTURE TO THE FORMER, SINCE THAT IS [GRAFTING] A TREE ON A HERB. IT IS PROHIBITED TO PLACE GOURD SEED INTO THE JUICE OF A MALLOW FOR THE PURPOSE OF PRESERVING THE FORMER,²⁶ SINCE THAT CONSTITUTES [GRAFTING] A HERB ON A [HETEROGENEOUS] HERB.

MISHNAH 9. ONE WHO BURIES²⁷ TURNIPS OR HORSERADISH²⁸ BENEATH A VINE,

WITH SOME OF THEIR LEAVES UNCOVERED,²⁹ NEED HAVE NO APPREHENSION AS TO TRANSGRESSING THE LAW OF KIL'AYIM,³⁰ OR THE LAW OF THE SEVENTH YEAR,³¹ OR THAT OF TITHES;³² THEY MAY ALSO BE PULLED UP ON THE SABBATH.³³ IF ONE SOWS A WHEAT-GRAIN AND A BARLEY-GRAIN WITH ONE THROW OF THE HAND IT DOES NOT CONSTITUTE KIL'AYIM.³⁴ R. JUDAH SAID IT IS NOT KIL'AYIM UNLESS THERE BE TWO WHEAT-GRAINS AND ONE BARLEY-GRAIN, OR ONE WHEAT-GRAIN AND TWO BARLEY-GRAINS, OR A WHEAT-GRAIN, A BARLEY-GRAIN AND A SPELT-GRAIN.³⁵

- (1) This Mishnah deals with grain and pulse which can be ground into flour.
- (2) 'Mingled seeds' within the meaning of the Biblical precept, (Lev. XIX, 19) prohibiting the sowing of such.
- (3) Despite such dissimilarities there is between the two of each pair.
- (4) **פרקדן** T.J. 27a, **גולבינא** which according to Jast. quoting Fleischer (in Levy Talm. Dict.) is *Vicia sativa*, *Lathyrus cicerea*.
- (5) Jast. An aquatic plant like the colocasia.
- (6) **מלפפון**.
- (7) Lit., mound: or 'hill'.
- (8) Lit., 'field'.
- (9) **דלעת** (**רמוצה**), a kind of gourd made edible by rolling in hot ashes.
- (10) Colocasia. (Jast.).
- (11) A species having foliage like carrots and taste like radishes.
- (12) *Crusihimum* (pyrum).
- (13) *Zizyphus*.
- (14) In respect of grafting only.
- (15) V. supra 3, n. 11.
- (16) A plant resembling the mustard plant.
- (17) On account of dissimilarity of flavour.
- (18) Lit., 'village'.
- (19) In respect of crossbreeding., v. Lev. XIX, 19, Deut. XXII, 10.
- (20) Sc. dissimilar to it in accordance with Mishnah 4. This prohibition applies to grafting as between one fruit tree and another dissimilar to it, between a fruit tree and a non-fruit tree, but not as between one non-fruit tree and another.
- (21) Sc. dissimilar to it in accordance with the classifications already given. 'Herb' (**ירק**) is the term for vegetables, garden produce planted in rows.
- (22) Or vice-versa, since they never coalesce to form a hybrid species, even though one may draw nourishment from the other. The original Tanna of the Mishnah held that the latter consideration is decisive, and his opinion prevails.
- (23) Used for hedging.
- (24) Or, cooling.
- (25) Lit., 'inject', 'infuse'.
- (26) Until it germinates in the soil (L.).
- (27) For keeping fresh; not 'plants'.
- (28) In bundles, so that it is clear that the purpose is not planting.
- (29) This proviso is immaterial except in respect of their being pulled out on the Sabbath.
- (30) Since only the sowing of 'mixed seeds' in a vineyard is prohibited (Deut. XXII, 9), not the burying.
- (31) Since only sowing (i.e., for purposes of reproduction), not burying (for purposes of keeping fresh) is prohibited in the Sabbatical Year. (Lev. XXV, 4).
- (32) Produce is subject to tithes only as harvested off the tree or ground (v. Lev. XXVII, 30). These vegetables had, it is presumed, been duly tithed already; they do not require tithing again by reason of having been buried underground to be kept fresh.
- (33) The prohibition of 'plucking' (**תולש**) on the Sabbath applies only to produce attached by roots to the ground; these vegetables had been 'plucked' already. Also the (indirect) 'handling' of the soil involved in the moving of the soil adhering to the vegetables, does not come within the prohibition of 'handling' on the Sabbath (v. Shab. 123a), since it is done for the purpose of what is permissible for use on the Sabbath.

(34) Since the word kil'ayim is a dual, it would follow that the sowing of the minimum of two heterogeneous seeds comes under the prohibition.

(35) Since Scripture says: Thou shalt not sow thy field with two kinds of seed (Lev. XIX, 19) it follows, according to R. Judah, that the sowing of two diverse seeds becomes prohibited only when it is on 'Thy field' i.e., on ground in which at least one other seed has been, or is being sown; the prohibition thus applies only to the sowing of a minimum of three seeds, either all three heterogeneous, or comprising two like seeds and one heterogeneous to them.

Mishna - Mas. Kilayim Chapter 2

MISHNAH 1. IF A SE'AH¹ CONTAINS A QUARTER [OF A KAB]² OF A HETEROGENEOUS SPECIES, ONE SHOULD REDUCE [THE PROPORTION OF THE LATTER]³ (R. JOSE SAID ONE SHOULD PICK [IT ALL OUT]).⁴ WHETHER IT [THE ADMIXTURE] CONSISTS OF ONE SPECIES OR OF TWO⁵ SPECIES.⁶ R. SIMEON SAID: THEY SAID THIS⁷ ONLY IF IT CONSISTS OF ONE SPECIES.⁸ THE SAGES SAID: [ONLY] THAT WHICH IS KIL'AYIM VIS-A-VIS THE [MAIN CONTENTS OF THE] SE'AH COUNTS IN MAKING UP THE QUARTER.⁹

MISHNAH 2. IN RESPECT OF WHAT [MIXTURES OF PRODUCE] ARE THE [ABOVE] RULES¹⁰ STATED? IN RESPECT OF [AN ADMIXTURE OF] GRAIN [OCCURRING] IN [HETEROGENEOUS] GRAIN, OF PULSE IN [HETEROGENEOUS] PULSE, OF GRAIN IN PULSE, AND OF PULSE IN GRAIN.

IT IS AN IMMEMORIAL RULE:¹¹ GARDEN-SEED OF A KIND WHICH IS NOT USED AS FOOD,¹² COUNTS QUANTITATIVELY. [IN THE MATTER OF KIL'AYIM] IF [WITHIN A SE'AH OF PRODUCE] IT FORMS [AS LITTLE AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.¹³ R. SIMEON SAID: EVEN AS THEY RULED¹⁴ THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A STRINGENCY,¹⁵ EVEN SO THEY RULED THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A LENIENCY.¹⁶ [ACCORDINGLY,¹⁷ IN THE CASE OF AN ADMIXTURE OF] LIN SEED¹⁸ IN GRAIN THE QUANTITY [OF THE FORMER] COUNTS WHEN IT FORMS [AS MUCH AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.¹⁹

MISHNAH 3. IF ONE'S FIELD IS SOWN WITH WHEAT AND ON SECOND THOUGHTS HE DECIDES TO SOW IT WITH BARLEY, HE MUST WAIT UNTIL IT [THE WHEAT] ROTTS,²⁰ THEN HE TURNS [THE SOIL].²¹ AND, THEREAFTER, HE MAY SOW [THE BARLEY]. IF IT HAS ALREADY GROWN,²² HE MUST NOT SAY: 'I SHALL [FIRST] SOW [THE BARLEY] AND, THEREAFTER TURN [THE SOIL]'²³ BUT HE MUST TURN [THE SOIL] [FIRST], AND, THEREAFTER, HE MAY SOW [THE BARLEY]. TO WHAT EXTENT SHOULD ONE [IN THE ABOVE CIRCUMSTANCES] PLOUGH? FURROWS SUCH AS ARE PLOUGHED AFTER²⁴ THE [FIRST] RAINY SEASON.²⁵ ABBA SAUL SAID: [ONE SHOULD PLOUGH] SO THAT ONE DOES NOT LEAVE [UNPLOUGHED] AS MUCH [GROUND]²⁶ AS HOLDS A QUARTER [KAB] TO A BETH-SE'AH.

MISHNAH 4. IF ONE'S FIELD HAS BEEN SOWN [WITH GRAIN, OR PULSE, OR GARDEN-SEED], AND ON SECOND THOUGHTS HE DECIDED TO PLANT IT [WITH VINES], HE MAY NOT SAY: I SHALL [FIRST] PLANT [THE VINES] AND THEREAFTER TURN [THE SOIL], BUT HE MUST [FIRST] TURN [THE SOIL] AND THEREAFTER HE MAY PLANT [THE VINES].

[IF IT WAS] 'PLANTED' [WITH VINES]²⁷ AND ON SECOND THOUGHTS HE DECIDED

TO SOW IT [WITH GRAIN ETC.], HE MAY NOT SAY: 'I SHALL SOW [THE GRAIN ETC.] AND AFTERWARDS I SHALL UPROOT [THE VINES],' BUT HE MUST [FIRST] UPROOT [THE VINES] AND THEREAFTER HE MAY SOW [THE GRAIN ETC.]. IF HE DESIRES IT, HE MAY CUT DOWN [THE VINES] TO LESS THAN A HANDBREADTH [ABOVE GROUND], WHEREAFTER HE MAY SOW [THE GRAIN ETC.] AND LATER, UPROOT [THE VINES].

MISHNAH 5. IF ONE'S FIELD IS SOWN WITH COMMON CUMIN²⁸ OR WITH LOF,²⁹ HE MUST NOT SOW³⁰ ON TOP OF THEM, SINCE THEY PRODUCE CROPS ONLY AFTER THREE YEARS.³¹ [A FIELD OF] GRAIN AMONG WHICH SPRANG UP SOME AFTERGROWTH OF ISATIS [TINCTORIA].³² LIKEWISE THE AREA OF A THRESHING-FLOOR IN WHICH MANY SPECIES³³ SPRANG UP, LIKEWISE [A FIELD OF] FENUGREEK AMONG WHICH GREW UP A NUMBER OF SPECIES OF HERBS,³⁴ HE IS NOT OBLIGED TO WEED THEM OUT.³⁵ BUT ONCE HE HAS DONE SOME WEEDING OUT OR [EVEN ONLY] CUTTING DOWN,³⁶ HE IS TOLD: 'UPROOT ALL EXCEPT ONE SPECIES.'³⁷

MISHNAH 6. IF ONE WISHES TO LAY OUT HIS FIELD IN LONG BEDS EACH SOWN WITH A DIFFERENT SPECIES, BETH SHAMMAI SAY: [HE SHOULD SEPARATE THEM BY THE WIDTH OF] THREE FURROWS OF NEWLY BROKEN LAND,³⁸ WHILE BETH HILLEL SAY: BY THE WIDTH OF A SHARON YOKE.³⁹ THE DICTUM OF THE ONE IS IN EFFECT APPROXIMATE TO THE DICTUM OF THE OTHER.⁴⁰

MISHNAH 7. IF THE POINT OF A TRIANGLE⁴¹ OF [A] WHEAT [FIELD] OVERLAPS INTO⁴² [A] BARLEY [FIELD].⁴³ IT IS PERMITTED SINCE IT IS APPARENT THAT IT IS THE END OF HIS FIELD.⁴⁴ IF ONE MAN'S FIELD IS OF WHEAT, AND THAT OF HIS NEIGHBOUR OF ANOTHER SPECIES, THE FORMER IS PERMITTED TO SOW [IN HIS OWN FIELD] CLOSE TO HIS NEIGHBOUR'S FIELD, SOME OF THE SPECIES OF THE LATTER.⁴⁵ IF ONE MAN'S FIELD IS OF WHEAT AND THAT OF HIS NEIGHBOUR LIKEWISE OF WHEAT, HE MAY SOW CLOSE THERETO A ROW OF FLAX,⁴⁶ BUT NOT A ROW OF ANY OTHER [HETEROGENEOUS] SPECIES.⁴⁷ R. SIMEON SAID: IT IS ALL THE SAME WHETHER HE SOWS FLAX OR ANY OTHER SPECIES.⁴⁸ R. JOSE SAID: EVEN IN THE MIDDLE OF ONE'S FIELD IT IS PERMITTED TO SOW, FOR EXPERIMENTAL PURPOSES, A ROW OF FLAX.⁴⁹

MISHNAH 8. IT IS FORBIDDEN TO SOW⁵⁰ MUSTARD OR SAFFRON CLOSE TO A CORN-FIELD,⁵¹ BUT IT IS PERMITTED TO SOW MUSTARD OR BASTARD SAFFRON CLOSE TO A VEGETABLE FIELD.⁵² ONE MAY SOW [HETEROGENEOUS SPECIES] CLOSE TO FALLOW LAND⁵³ OR TO PLOUGHED⁵⁴ LAND,⁵³ OR TO A LOOSESTONE FENCE, OR TO A PATH, OR TO A FENCE TEN HANDBREADTHS HIGH, OR TO A TRENCH TEN [HANDBREADTHS] DEEP AND FOUR WIDE, OR TO A TREE FORMING A TENT OVER THE GROUND, TO A ROCK TEN [HANDBREADTHS] HIGH AND FOUR WIDE [ON EITHER SIDE OF THE INTERVENING OBJECT OR SPACE].⁵⁵

MISHNAH 9. IF ONE WISHES TO DIVIDE HIS FIELD KARAHATH⁵⁶ BY KARAHATH EACH TO BE SOWN WITH A DIFFERENT SPECIES, HE SHOULD DIVIDE IT INTO TWENTY-FOUR KARAHATH, A KARAHATH TO A BETH-ROBA',⁵⁷ AND HE MAY THEN SOW IN EACH WHATEVER SPECIES HE DESIRES.⁵⁸ IF THERE IS ONE KARAHATH OR TWO,⁵⁹ HE MAY SOW THEM WITH MUSTARD, BUT IF THERE ARE THREE⁵⁹ HE MAY NOT SOW THEM WITH MUSTARD, SINCE IT WOULD LOOK LIKE A FIELD OF MUSTARD.⁶⁰ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAID:⁶¹ NINE KARAHATH ARE PERMITTED,⁶² TEN ARE FORBIDDEN. R. ELLEZER B. JACOB, SAID: EVEN THOUGH THE WHOLE OF ONE'S FIELD IS A BETH-KOR, HE MAY NOT MAKE WITHIN IT BEYOND ONE KARAHATH.⁶³

MISHNAH 10. WHATEVER⁶⁴ THERE IS WITHIN A BETH-ROBA' [WHICH SEPARATES HETEROGENEOUS SPECIES] IS INCLUDED IN⁶⁵ THE AREA OF THE BETH-ROBA'. THE SPACE OCCUPIED BY VINE ROOTS,⁶⁶ LIKEWISE A GRAVE,⁶⁷ OR A ROCK,⁶⁸ IS INCLUDED. [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF HETEROGENEOUS] GRAIN [MUST BE SEPARATED BY] A BETH-ROBA';⁶⁹ [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF HETEROGENEOUS] VEGETABLES [BY] SIX HANDBREADTHS [SQUARE];⁷⁰ [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN, OR [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF] VEGETABLES [BY] A BETH-ROBA'.⁷¹ R. ELIEZER SAID: [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN [NEED BE SEPARATED BY] SIX HANDBREADTHS [SQUARE].⁷²

MISHNAH 11. [EARS OF] CORN BENDING OVER ON TO [EARS OF HETEROGENEOUS] CORN,⁷³ OR VEGETABLE [LEAVES] ON TO [LEAVES OF A HETEROGENEOUS] VEGETABLE,⁷⁴ OR [EARS OF] CORN ON TO VEGETABLE [LEAVES],⁷⁴ OR VEGETABLE [LEAVES] ON TO [EARS OF] CORN,⁷⁴ ALL THIS IS PERMITTED,⁷⁵ EXCEPT IN THE CASE OF THE GREEK GOURD.⁷⁶ R. MEIR SAID: '[EXCEPT] ALSO IN THE CASE OF THE CUCUMBER OR EGYPTIAN BEANS;⁷⁷ BUT I RECOGNIZE THEIR⁷⁸ DICTUM AS MORE ACCEPTABLE THAN MINE'.⁷⁹

(1) Of produce about to be sown.

(2) Also known as a log. 4 log == 1 kab; 6 kab == 1 se'ah.

(3) Either by adding to the main species or by taking away from the lesser admixture, so that the latter is less than one twenty-fourth of the bulk.

(4) Once he has to remove the admixture he should remove the whole of it. (T.J.). Otherwise it would appear as if he is positively maintaining, or even, as if he is deliberately bringing about kil'ayim. (T.B., B.B. 94b and Rashi *ibid*).

(5) Or more.

(6) Even if one of them is not kil'ayim vis-a-vis the main species. One must in either case reduce the proportion of the total of the admixture(s) to less than one twenty-fourth of the bulk. R. Jose's view is not accepted.

(7) I.e., the authorities ruled thus.

(8) Sc. but not of two or more species, as long as these do not together amount to the greater part of the bulk; if they do, R. Simeon agrees that the proportion of the combined admixtures must be reduced.

(9) E.g., a se'ah of grain consisting substantially of barley and partially to the amount of the minimum of a quarter kab — of oats and spelt. Now whilst spelt is kil'ayim vis-a-vis the barley, oats are not. In such a case, the Sages said the spelt and oats do not 'combine' to form a quarter kab condemning the whole se'ah as kil'ayim (and there is, therefore, no need to reduce the proportion of the oats-cum-spelt); according to the anonymous original Tanna of the Mishnah they do 'combine' (and one should 'reduce'); according to R. Simeon even if both (or all) of the constituents of the quarter-kab of admixture are kil'ayim towards the main contents of the se'ah, they do not 'combine'.

(10) Lit., 'words'. Sc. regarding the proportion of admixture to bulk, viz., 1 to 24, rendering kil'ayim.

(11) באמת אמרו 'As a matter of (trustworthily tradited and undisputedly accepted) truth they said', a phrase which, according to R. Eleazar in T.J. to this Mishnah, introduces a rule held to have been orally communicated by God to Moses at Sinai. V. Frankel, *Darke* (ed. Warsaw 1923) p. 304, and Bacher, *Tradition*, p. 41.

(12) E.g., turnip-seed or parsley-seed or any seed which, by reason of fineness or any other reason, requires extensive area for sowing.

(13) A standard measure of area — to wit 2,500 square cubits — designed for sowing a se'ah of wheat. In relation to our problem it works out thus: Since 'garden-seed' is so much finer than wheat and its produce takes up more space, only 1 1/2 kab of it can be sown in a beth-se'ah. A twenty-fourth of that quantity viz., one sixteenth, of a kab of 'garden-seed' forming part of a se'ah of wheat, is, accordingly, sufficient to render it kil'ayim.

(14) Viz., that the proportion of produce which renders kil'ayim is one twenty-fourth of the quantity of that same produce which can be sown in a beth-se'ah. According to Maim. this refers to the rule in Mishnah 1 regarding an admixture consisting of one or two species. See latter part of n. 2, p. 93.

- (15) Viz., necessitating the reduction of the proportion of an admixture of fine seed even when there is no more of it than one sixteenth kab within a se'ah of grain or pulse.
- (16) I.e., when the admixture is of a seed coarser, or which is sown more closely, and therefore requires less area than wheat.
- (17) Maim., however, says that what follows is not a continuation of R. Simeon's statement, but a resumption of the words of the anonymous original Tanna of the Mishnah., v. n. 2, p. 93, latter part.
- (18) Which is sown more compactly than wheat, so that three se'ahs of it can be sown in a beth-se'ah.
- (19) One need not reduce the proportion of linseed in wheat unless there is as much as $\frac{3}{4}$ kab of the former within a se'ah of the latter. Maim. construes the Mishnah text thus: R. Simeon said: Even as they ruled (that two heterogeneous species do not 'combine') to effect a stringency (as implied in his statement in the preceding Mishnah., v. ibid. n. 8), even so they ruled (that two heterogeneous species do not 'combine') to effect a leniency. An instance of the latter is cited, by way of example in T.J. ad loc: A mixture measuring a se'ah (i.e., twenty-four quarter kabs) consists of twenty-two and a half 'quarters' of wheat, half 'quarter' of barley, and less than one 'quarter' of lentils. Now if 'combining' two or more species were permitted, then one might consider that, since the half 'quarter' of barley is too small a quantity to render the mixture (of twenty-two and a half quarter wheat plus half quarter barley) kil'ayim, the wheat and barley may be taken as forming a combined quantity of twenty-three quarters and since the maximum amount of lentils, viz. .9 'quarter'. is less than one twenty-fourth of 23.9 (the whole of the mixture) the lentils do not render the mixture kil'ayim, and there would consequently be no need to 'reduce' the lentils which, of course, is a 'leniency'; but, says, R. Simeon, 'combining' is not allowed whatever the consequence, be it a stringency or a leniency. The position according to R. Simeon is that .9 'quarters' lentils got mixed with twenty-two and a half 'quarters' wheat, and .9 being more than one twenty-fourth of (22.5 plus .9), the lentils alone are sufficient to render the mixture kil'ayim, and the proportion of these must be reduced.
- (20) Or, 'until it shoots forth thin worm-like roots in the soil'. In well-watered ground this takes three days; in dry soil it takes longer.
- (21) With a plough; so as to destroy the first-sown crop.
- (22) And the wheat is already visible above ground.
- (23) Thinking to himself: 'I shall be able, after sowing the new grain, to see the sprouting first-sown grain to destroy it'.
- (24) So Rash. and Bert., but Maim. (Yad, Hilch. Kil'ayim II, 13) 'before'.
- (25) I.e., wide furrows, there being no need to plough close furrows.
- (26) Either in one plot, or in an aggregate of more than one lesser patch.
- (27) So the commentators, since with regard to other trees only grafting of a tree with a heterogeneous tree, or of trees with 'herbs', is prohibited.
- (28) Edd. קנבום (== hemp) which is impossible here, but read (with R. Isaac Sipponi) קרבם.
- (29) לוף, a plant of the bulb type.
- (30) Sc. a heterogeneous species.
- (31) These species stay intact in the soil for a long time without rotting. Ploughing up the soil will, therefore, not avail to destroy their productivity, so that even with 'turning the soil' a heterogeneous seed sown on top of these would constitute kil'ayim.
- (32) אסמים. It is injurious to grain.
- (33) Which spoil the threshing-floor.
- (34) Which are noxious to fenugreek when the latter is intended for human consumption.
- (35) Because (a) the strange species have not been deliberately sown there; (b) their presence there is not welcome, and, consequently (c) no person noticing the mixed species will even suspect the owner of intentionally sowing kil'ayim. Weeding out means, of course, pulling out by the roots.
- (36) Either of one or of some of the species springing up from the threshing-floor. This would show, or, at least, suggest, that the intention is not to clear the threshing-floor, but merely to get rid of only some of the growths and to retain the others.
- (37) As otherwise it would appear as if he is purposely maintaining kil'ayim.
- (38) Representing a distance of two cubits.
- (39) A yoke, or team, as used in the plain of the Sharon, was wider than the yoke driven in the hilly districts.
- (40) I.e., The Hillelite standard represents also about (but rather less than) two cubits. According to T.J. it is sufficient as long as at some place between the two long beds there is this distance, even if further on the intervening space narrows

down, since it is already clear that the intention, so far from sowing kil'ayim, was, in fact, to keep the heterogeneous species apart.

(41) ראש תיר . Most commentators take תור as meaning originally, a triangular feminine ornament. (v. S.S. I, 10); Others as 'ox', an 'ox-head' suggesting a triangle.

(42) Or (as seems from the illustration within the text of Maim.'s commentary), abuts on.

(43) The possibilities visualized by commentators are: —

(44) The prohibition, according to Scripture, is only against sowing heterogeneous seeds with one and the same throw of the hand; otherwise the prohibition extends only to circumstances in which it would appear to strangers that kil'ayim had deliberately been sown. In this case it is clear to all that there was no such intention and that it is just a case of: here one field ends, and the other begins.

(45) So the majority of commentators. Rash attempts an alternative rendering. The reason for permissibility here is that (a) in strict law it is permitted, and (b) there is not even a likelihood of suspicion on the part of a stranger, since anyone not acquainted with the actual facts would assume that the heterogeneous crop belonged to the other man's field, where its presence is perfectly proper.

(46) No one will think that he sowed the one row of flax for its actual yield, but will assume that he did it as an experiment to test the suitability of the soil for flax.

(47) Since, even if his intention is experimentation, a stranger seeing it would not, as a matter of course, assume it.

(48) Either is prohibited; so Maim. and Rash. But according to T.J. ad lec. R. Simeon held that either is permitted., v. L. to our Mishnah.

(49) Because its legitimate purpose cannot be mistaken.

(50) Where A's field adjoins B's.

(51) This is forbidden, because a stranger will assume, correctly, that mustard etc. being harmful as a neighbour to corn, A would have objected to B sowing the former, and therefore, that A must have sown it himself, and, incorrectly, that it had been done with 'one and the same handthrow'.

(52) Which is not harmed by the proximity of mustard etc.

(53) Being in area at least a beth-roba' i.e. , capable of being sown with a roba' (quarter kab) of wheat, viz., 104.15 square cubits; as long as there is this space somewhere between the two species, it does not matter if elsewhere the latter converge to within a narrower distance between them.

(54) But unsown.

(55) If the branches hang over until they reach to within three handbreadths from the ground, they are considered in law, as forming an effective partition.

(56) Lit., 'a bald or bare patch'. A term for a piece of ground as yet unsown, forming a part of a field, and quadrilateral, approximately square in shape, and, therefore, substantial enough to sight to be readily distinguishable in its surroundings.

(57) Since a beth-se'ah == 2,500 square cubits, a beth-roba' (one twenty-fourth of a beth-se'ah == 104.15 square cubits), i.e., an area of 10.205 cubits square.

(58) Since the various species each occupy an easily distinguishable plot, nobody will mistakenly think that heterogeneous species have been sown 'with one handthrow'; there is therefore no need for any object or space to separate one species from another.

(59) Sc. together.

(60) Considering that it is not usual to sow large areas of mustard, three beth-roba' thereof constitute a field, and a field within a field of heterogeneous species is prohibited.

(61) With regard to the subject of the first part of R. Meir's statement.

(62) The idea is that there must be a beth-roba' separating heterogeneous species. A field of a beth-se'ah should, thus, be divided into twenty-five squares. Since between each karahath to be sown there must be a beth-roba', i.e., a square approximately 10.205 X 10.205 cubits, the former will measure 9.86 X 9.86 cubits (approx), (After Maim.), thus. V. Diag. (a). Rash. visualized it similarly, except that he seems content to divide the beth-se'ah into 25 equal squares, and to accept an intervening unsown space of 10 X 10 cubits, instead of the strict beth-roba' which is 10.205 X 10.205 cubits. According to T.J., however, the scheme should be either of the following. V. Diag. (b). The objection to (b) would be that the centre square though not adjoined by another sown patch is, nevertheless, 'bound' at its four corners. It is true that this junction at corners is not forbidden as it comes under the rule at the beginning of Mishnah 7, but it might be thought that it is too much to extend such permissibility to a case where a sown patch is 'tied', at all of its four corners to

heterogeneous species. Diagram (c) whilst fulfilling the conditions of T.J. (viz., that three patches be sown in the first line, two in the second, one in the third, two in the fourth, and one in the fifth) avoids even that possible objection.

(63) What R. Eliezer b. Jacob meant was, apparently, that however large the field (one kor == thirty se'ah), it is permissible to have with it only one karahath sown with a heterogeneous species.

(64) Even if the space occupied thereby be unfit for sowing, e.g., a ditch or gutter filled with water.

(65) I.e., the space occupied thereby is not deducted.

(66) Calculated to be six handbreadths from the vine in all directions, within which space it is forbidden to sow anything else.

(67) Which is forbidden for other use, including sowing.

(68) On which it is impossible to sow. In view of the rule at the end of Mishnah 8, the reference here must be to a rock less than ten handbreadths in height and four in width.

(69) Which is the minimum for a grain plantation to be termed a grain field.

(70) The minimum for a vegetable plantation to be termed a vegetable field.

(71) I.e., when both are 'fields'; but when there is only one row of vegetables adjoining a grain field, an intervening space of six by six handbreadths is sufficient.

(72) In his opinion we should not, in a case of a karahath and a field, be more stringent than in a case of a row and a field.

(73) Sc. although originally sown at the required distance from one another, and/or because, though separated by the required space at one place, the furrows or beds converge further on (cf. supra 8, n. 4).

(74) V. p. 99, n. 10.

(75) Since the heterogeneous species touch, one might have thought that on account of the appearance of kil'ayim, this is prohibited. The Mishnah therefore makes it clear that it is permitted.

(76) Whose leaves are particularly long and liable to entangle themselves with others, and thus create a very strong suggestion of kil'ayim.

(77) Their leaves and stalks are long enough and sufficiently liable to entangling to class them for the present purpose with the Greek gourd.

(78) I.e., the majority Rabbis'.

(79) R. Meir felt it his duty to record the view which had been tradited to him by his teachers, but also to acknowledge that there was more justification for the view put forward by his colleagues, and which he accepted as binding.

Mishna - Mas. Kilayim Chapter 3

MISHNAH 1. IN A VEGETABLE-BED MEASURING SIX HANDBREADTHS BY SIX HANDBREADTHS¹ IT IS PERMITTED TO SOW FIVE [HETEROGENEOUS] VEGETABLE-SEEDS,² VIZ., FOUR [SPECIES]. [ONE] ON [EACH OF] THE FOUR SIDES OF THE BED, AND ONE³ IN THE MIDDLE.⁴ IF A VEGETABLE-BED HAS A BORDER ONE HANDBREADTH HIGH,⁵ ONE MAY SOW THEREIN THIRTEEN [HETEROGENEOUS SPECIES]. VIZ., THREE ON EVERY BORDER, AND ONE IN THE MIDDLE. IT IS PROHIBITED TO PLANT A TURNIP-HEAD IN THE BORDER SINCE THAT WOULD FILL IT [COMPLETELY].⁶

R. JUDAH SAID: [IT IS PERMITTED TO SOW] SIX [SPECIES] IN THE MIDDLE.⁷

MISHNAH 2. IT IS FORBIDDEN TO SOW HETEROGENEOUS SPECIES OF SEEDS⁸ IN ONE BED; IT IS PERMITTED TO SOW HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]⁹ IN ONE BED.¹⁰ MUSTARD AND SMALL POLISHED PEAS ARE A SPECIES OF SEED;¹¹ LARGE PEAS ARE A VEGETABLE SPECIES. IF A BORDER ORIGINALLY A HANDBREADTH HIGH¹² FELL IN HEIGHT, IT REMAINS VALID,¹³ SINCE IT WAS VALID AT THE BEGINNING.¹⁴

IN A FURROW OR WATER-COURSE¹⁵ A HANDBREADTH DEEP,¹⁶ IT IS PERMITTED TO SOW THREE HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]. ONE ON ONE SIDE,

ONE ON THE OTHER SIDE, AND ONE IN THE MIDDLE.¹⁷

MISHNAH 3. THE HEAD OF A TRIANGLE¹⁸ OF A VEGETABLE-FIELD OVERLAPPING INTO¹⁸ A FIELD OF ANOTHER VEGETABLE, IS PERMITTED, SINCE IT IS APPARENT THAT IT IS THE END OF THE FORMER FIELD! IF ONE'S FIELD IS SOWN WITH A CERTAIN VEGETABLE AND HE WISHES TO PLANT THEREIN A ROW OF ANOTHER VEGETABLE,¹⁹ R. ISHMAEL SAID: [HE MAY DO SO] AS LONG AS THE FURROW²⁰ RUNS RIGHT THROUGH FROM ONE END OF THE FIELD TO THE OTHER; R. AKIBA SAID: [AS LONG AS] THE LENGTH [THEREOF] IS SIX HANDBREADTHS AND THE WIDTH [THEREOF] ITS FULL ONE;²¹ R. JUDAH SAID: [AS LONG AS] THE WIDTH [THEREOF] IS THE FULL WIDTH OF A FOOTSTEP.²²

MISHNAH 4. PLANTING TWO ROWS²³ OF CUCUMBERS, TWO ROWS OF GOURDS, AND TWO ROWS OF EGYPTIAN BEANS IS PERMITTED,²⁴ [BUT PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS AND ONE ROW OF EGYPTIAN BEANS IS PROHIBITED.²⁵ [AS FOR PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS, ONE ROW OF EGYPTIAN BEANS AND [AGAIN] ONE ROW OF CUCUMBERS, R. ELIEZER PERMITS,²⁶ BUT THE SAGES FORBID.²⁷

MISHNAH 5. ONE MAY PLANT A CUCUMBER AND A GOURD²⁸ IN ONE DECLIVITY²⁹ PROVIDED ONLY THAT ONE [SPECIES] INCLINE IN ONE DIRECTION, AND THE OTHER IN THE OPPOSITE DIRECTION,³⁰ OR THAT THE TIPS OF THE LEAVES OF ONE [SPECIES] INCLINE ONE WAY, AND THE OTHER THE OPPOSITE WAY,³⁰ SINCE ALL THE SAGES' PROHIBITIONS [IN THE MATTER OF KIL'AYIM] WERE DECREED BY THEM ON ACCOUNT OF APPEARANCES.³¹

MISHNAH 6. IF ONE'S FIELD IS SOWN WITH ONIONS,³² AND HE WISHES TO PLANT THEREIN ROWS OF GOURDS, R. ISHMAEL SAID: HE MUST PULL UP TWO ROWS³³ [OF ONIONS]. AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS].³⁴ LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS] AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS; AND SO ON].³⁵ R. AKIBA SAID: HE MUST PULL UP TWO ROWS [OF ONIONS], PLANT [IN THE CLEARED SPACE] TWO ROWS [OF GOURDS].³⁶ LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS], AND PLANT TWO ROWS [OF GOURDS; AND SO ON].³⁷ THE SAGES SAID: IF BETWEEN ONE ROW [OF GOURDS] AND THE NEXT THERE ARE NOT TWELVE CUBITS, ONE MAY NOT ALLOW THAT WHICH IS SOWN IN THE INTERVENING SPACE TO REMAIN.³⁸

MISHNAH 7. A GOURD³⁹ AMONG A [HETEROGENEOUS] VEGETABLE [IS TO BE SEPARATED FROM THE LATTER BY AS MUCH] AS ANY OTHER [HETEROGENEOUS] VEGETABLE.⁴⁰ [A GOURD] AMONG CORN IS TO BE GIVEN [A SEPARATING SPACE OF] A BETH-ROBA'.⁴¹ IF ONE'S FIELD IS SOWN WITH CORN, AND HE WISHES TO PLANT WITHIN IT A ROW OF GOURDS, THE LATTER IS TO BE PROVIDED WITH A SERVICE-BORDER⁴² OF SIX HANDBREADTHS,⁴³ AND IF IT OVERGROWS [INTO THE BORDER] HE MUST PULL UP THAT WHICH IS WITHIN IT.⁴⁴ R. JOSE SAID: IT IS TO BE PROVIDED WITH A SERVICE-BORDER OF FOUR CUBITS. SAID THEY TO HIM: DO YOU RULE MORE STRINGENTLY WITH REGARD TO THIS THAN WITH REGARD TO A VINE'?⁴⁵ — SAID HE TO THEM: 'INDEED WE FIND THAT THIS IS TREATED MORE STRINGENTLY THAN A VINE, INASMUCH AS FOR A SINGLE VINE A SERVICE-BORDER IS PRESCRIBED OF SIX HANDBREADTHS,⁴⁶ BUT FOR A SINGLE GOURD ONE OF A BETH-ROBA'.⁴⁷ R. MEIR SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-SE'AH, ONE MAY NOT BRING [HETEROGENEOUS] SEED

INTO THE BETH-SE'AH.⁴⁸ R. JOSE B. HA-HOTEF THE EPHRATHITE⁴⁹ SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-KOR, ONE MAY NOT BRING [HETEROGENEOUS] SEED INTO THE BETH-KOR.⁵⁰

(1) I.e., a square cubit, the smallest area for such a bed.

(2) It is possible to effect this by sowing five heterogeneous seeds set as specified infra.

(3) Sc. single seed (Bert.).

(4) For diagrams v. Shab. Sonc. ed. p. 403. The shaded part is shown. (For another possible arrangement v. printed edition of the separate Mishnayoth). The main underlying principle is that there must be a distance of at least three handbreadths between seed and seed, allowing for each species a space of one and a half handbreadths for drawing sustenance without coming into contact with any of the roots of another species. The contact of the diverse seeds at the corners does not matter, as the very position shows that they belong to different beds, v. Shab, Sonc. ed., p. 403. n. 5. and Feldman W.M., Rabbinical Mathematics pp. 45ff.

(5) And of the same width, designed for a person attending to the patch to stand on, a human foot being a 'handbreadth' in width. The whole of the area of the patch is now 8 X 8 handbreadths.

(6) And to appearances all the species would be mixed up.

(7) Sc. of the last bed (8 X 8 handbreadths) mentioned, (v. diagram in printed editions of the separate Mishnayoth). It is equally clear that in the first mentioned bed (6 x 6 handbreadths) also, R. Judah permitted the sowing of six species. According to Maim. R. Judah actually contested the anonymous Tanna's planning of the five species, presumably on the ground that the species on the large centre patch would predominate to such an extent as to make the whole bed look as if intended to be solely of that species and the heterogeneous species on the borders would make it appear like kil'ayim.

(8) Such as grain and others which are usually sown in large quantities in fields.

(9) Such as are themselves not used for human consumption, and are as a rule sown in smaller quantities in beds.

(10) In the manner prescribed in the preceding Mishnah.

(11) And, though used for human consumption, are not considered 'vegetable-seed', and are, consequently, not to be sown with heterogeneous varieties in the same bed.

(12) The reference is to the case mentioned in the preceding Mishnah.

(13) There is no need to pull up the vegetables sown on the border.

(14) But before the next sowing it must be raised to the proper level.

(15) When dry and fit for sowing.

(16) And six handbreadths (= a cubit) wide.

(17) So that there are three handbreadths between any two heterogeneous species. Rashi, followed by Bert., requires three handbreadths as the minimum in such circumstances, whereas Maim., also Rash., 'require only one and a half handbreadths, the radius of ground from which such a plant 'sucks'. In accordance with this it should be permitted to sow five heterogeneous vegetable seeds across a furrow etc., six handbreadths wide.

(18) V. II, 7, notes.

(19) According to Maim. it must be assumed that the new row is being kept at the requisite distance from the main field.

(20) Either: (i) in which the new row is planted (Maim., Bert.) or (ii) which separates the new row from the crop already there (Rash.).

(21) I.e., the width of a normal furrow, viz., six handbreadths. In accordance with Rash's interpretation of 'furrow' (supra note 1) this means that at some place between the row and the rest of the field there must be an intervening space of 6 x 6 handbreadths. Maim., however, understands the words **מלואו רוחב** as 'the width as its full depth' i.e., whatever the depth of the furrow (in which he plants the new row) its width must be the same. On the matter of width R. Ishmael agreed with R. Akiba, but as to length the latter held that the row itself (Maim.) or the intervening space (Rash.) need be only six handbreadths.

(22) I.e., a handbreadth (v. supra Mishnah 1, n. 5). According to R. Judah the new row (Maim.) needs only. or the space separating the new row from the rest (Rash.) should at least, measure 6 X 1 handbreadths.

(23) A normal 'row' is four cubits wide, v. infra 6.

(24) Since two rows of each of these species present the appearance of a whole field, and as long as between the several sets of two rows there is the requisite intervening space, there is no objection to their being alongside.

(25) Even if they are separated, the leaves of these species are long and intertwine one with another, and thus, present an appearance of having been sown indiscriminately with one 'handthrow'.

- (26) On the ground that two rows of cucumbers, though not next to one another, are yet sufficient to constitute the plot into a cucumber field, within which it is permitted, in accordance with the preceding Mishnah, to plant a row of heterogeneous vegetables. Sipponte gives as R. Eliezer's reason that these four rows are to be regarded as two separate sets of two species each, one of a row each of cucumbers and Egyptian beans and the other one of a row each of cucumbers and gourds, which, in accordance with the next Mishnah, may be planted. In T.J., R. Jannai holds that R. Eliezer's permission refers also to the case, immediately preceding, of the three rows (one of cucumbers, one of gourds, and one of Egyptian beans) in pursuance of his principle that two species combine so as to effect a permission or a leniency. According to this, in the case of the three rows, the cucumbers and gourds are (under conditions stipulated in Mishnah 5) permitted, and these two 'combine' to make the three rows together permitted; likewise in the case of the four rows.
- (27) Because the two rows of cucumbers, not being close to one another, do not give the appearance of a cucumber field, and the whole of the four rows look as if haphazardly sown. According to Sipponte, the Sages' prohibition is in keeping with their principle that though two species combine to effect a prohibition, they do not combine to effect a permission.
- (28) I.e., even cucumbers and gourds, although their leaves are long and liable to intertwine.
- (29) Without an intervening space between the two species.
- (30) This makes it abundantly clear that they were certainly not planted with 'one handthrow' (which is all that the Torah prohibits).
- (31) I.e., so as to obviate all reasonable possibility of strangers getting the impression that the Biblical prohibition had been transgressed
- (32) Onions are instanced merely as an example. presumably because the procedure described in this Mishnah was a common practice in onion fields (Maim.).
- (33) I.e., over a space of eight cubits.
- (34) I.e., in the middle of the cleared space of eight cubits, thus leaving two cubits unsown on either side.
- (35) Each row of gourds would thus be separated two cubits from the adjoining onions, and twelve cubits from the nearest row of gourds.
- (36) One species being, of course, separated from the other by a furrow.
- (37) One plot of gourds being eight cubits from the next, thus:
- (38) The Sages agree with R. Ishmael except in so far as he requires unsown spaces of two cubits each separating gourds from onions, whilst they do not, but permit onions to remain over all the space of twelve cubits (provided of course that a furrow's width separates species from species).
- (39) It should be noted that wherever the gourd has been instanced it was, and is here, in consequence of its long leaves which become tangled with nearby vegetation; hence the Greek gourd is meant and no other variety.
- (40) Six handbreadths, v. *supra* II, 10.
- (41) V. *ibid*.
- (42) עבודה, 'service', used here as an agricultural technical term for a border along which one has access to a plantation for watering and other purposes.
- (43) A single gourd requires a large separating space. viz., a beth-roba' (approx. 10.15 cubits square), because the single gourd in the midst of a heterogeneous species would otherwise look as if haphazardly sown and constituting kil'ayim; a whole row of gourds, however, needs a separating space only like that for any other heterogeneous vegetable viz., of six handbreadths (one cubit) square, since the row by itself already presents something distinctive, and makes it clear to all and sundry that it was sown separately.
- (44) If the gourd leaves have spread into the service-border separating the gourds from the corn, these leaves must be pulled up and the border kept clear.
- (45) The prohibition of kil'ayim in connection with vines, extending as it does to consumption and other uses, is stricter than kil'ayim of corn, pulse, and vegetables, applying as it does only to sowing and to deliberately suffering them to remain in one's field; here R. Jose reverses the order of stringency.
- (46) Cf. *infra* IV, 5.
- (47) As *supra* in this Mishnah.
- (48) I.e., heterogeneous species are not allowed within a third of a beth-se'ah of a gourd. So Maim. and Bert., but v. L. for another interpretation.
- (49) Mentioned here only. V. Bacher, *Tradition*, p. 91.
- (50) I.e., heterogeneous species are not allowed within a third of a beth-kor of a gourd., v. note I.

Mishna - Mas. Kilayim Chapter 4

MISHNAH 1. A KARAHATH¹ [I.E.. A BARE PATCH] WITHIN A VINEYARD. SHOULD MEASURE, BETH SHAMMAI SAY, TWENTY-FOUR CUBITS;² BUT BETH HILLEL SAY, SIXTEEN CUBITS.³ A MEHOL [I.E.. AN UNSOWN BELT OF GROUND ROUND THE OUTER EDGES] OF A VINEYARD BETH SHAMMAI SAY, SHOULD MEASURE SIXTEEN CUBITS, BUT BETH HILLEL SAY, TWELVE CUBITS. NOW WHAT CONSTITUTES A KARAHATH OF A VINEYARD? A PLOT WITHIN A VINEYARD WHICH HAS BEEN DENUDED⁴ [OF VINES]. IF IT IS LESS THAN SIXTEEN CUBITS, THEN⁵ ONE MUST NOT INTRODUCE SEED INTO IT;⁶ IF IT IS SIXTEEN CUBITS. IT⁷ IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 2. WHAT IS A MEHOL OF A VINEYARD? [THE SPACE] BETWEEN VINEYARD [PRO PER] AND FENCE. IF IT DOES NOT MEASURE TWELVE CUBITS,⁸ IT IS FORBIDDEN TO INTRODUCE SEED INTO IT;⁹ IF IT DOES MEASURE TWELVE CUBITS, IT¹⁰ IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 3. R. JUDAH SAID: THE ABOVE IS BUT A VINEYARD FENCE [GADER].¹¹ WHAT THEN IS A MEHOL OF A VINEYARD? [AN INTERVENING SPACE] BETWEEN TWO VINEYARDS.¹² WHAT NOW IS A [STATUTORY] VINEYARD FENCE? — ONE TEN HANDBREADTHS HIGH.¹³ AND [WHAT IS] A [STATUTORY] TRENCH? — ONE TEN HANDBREADTHS DEEP AND FOUR WIDE.¹³

MISHNAH 4. [IF A VINEYARD HAS] A PARTITION OF REEDS, THEN IF BETWEEN ONE REED AND ANOTHER THERE BE LESS THAN THREE HANDBREADTHS, [THE SPACE] THROUGH WHICH A KID CAN ENTER, IT COUNTS AS A [LEGALLY EFFECTIVE] PARTITION.¹⁴ IF A [STONE] FENCE HAS BEEN BROKEN THROUGH UP TO [THE LENGTH OF] TEN CUBITS, IT [THE BREACH] IS [REGARDED] AS A DOORWAY;¹⁵ [IF THE BREACH IS] MORE THAN THAT, [SOWING CLOSE TO THE LINE OF THE FENCE] IMMEDIATELY OPPOSITE THE BREACH IS PROHIBITED. IN THE EVENT OF MANY BREACHES HAVING BEEN MADE THEREIN, THEN IF THAT WHICH REMAINS STANDING¹⁶ EXCEEDS THAT WHICH IS BROKEN THROUGH,¹⁶ IT IS PERMITTED [TO SOW CLOSE TO THE LINE OF THE FENCE OPPOSITE THE BREACHES]; BUT IF THAT WHICH IS BROKEN THROUGH EXCEEDS THAT WHICH REMAINS STANDING, IT IS FORBIDDEN [TO SOW CLOSE TO THE LINE OF THE FENCE] OPPOSITE THE BREACH [OR BREACHES].¹⁷

MISHNAH 5. WHEN A MAN HAS SOWN A LINE OF [AT LEAST] FIVE VINES, BETH SHAMMAI SAID: THESE CONSTITUTE A VINEYARD;¹⁸ BUT BETH HILLEL SAID: THEY [VINES]¹⁹ DO NOT CONSTITUTE A VINEYARD²⁰ UNLESS THEY BE IN TWO ROWS.²¹ CONSEQUENTLY, IF ONE HAS SOWN IN THE FOUR CUBITS [OF THE SERVICE-PATH] WITHIN THE VINEYARD, BETH SHAMMAI SAID: HE HAS [THEREBY] CAUSED THE PROHIBITION [AS KIL'AYIM]²² OF ONE ROW,²³ WHEREAS BETH HILLEL SAID: HE HAS CAUSED THE PROHIBITION OF TWO ROWS.²⁴

MISHNAH 6. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] FORMING A 'TAIL',²⁵ THIS CONSTITUTES A VINEYARD. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] IN BETWEEN,²⁶ OR TWO OPPOSITE TWO, AND ONE IN THE MIDDLE,¹⁷ , NEITHER OF THESE [COLLECTIONS OF VINES] CONSTITUTE A VINEYARD UNLESS THERE BE TWO OPPOSITE TWO WITH ONE [OTHER] PROJECTING LIKE A TAIL.²⁷

MISHNAH 7. IF ONE HAS PLANTED ONE ROW²⁸ [OF VINES] ON HIS OWN [LAND] AND ANOTHER ROW²⁸ ON HIS NEIGHBOUR'S [LAND], THEN EVEN THOUGH THERE BE IN THE MIDDLE A PRIVATE ROAD,²⁹ OR A PUBLIC ROAD,³⁰ OR A FENCE LOWER THAN TEN HANDBREADTHS, THESE [TWO ROWS] COMBINE.³¹ IF THERE BE A FENCE HIGHER THAN TEN HANDBREADTHS³² THEY DO NOT COMBINE. R. JUDAH SAID: IF HE INTERTWINES THEM [THE ROWS OF VINES] ABOVE [THE FENCE, THOUGH IT BE HIGHER THAN TEN HANDBREADTHS] THEY DO COMBINE.

MISHNAH 8. IF ONE HAS PLANTED TWO ROWS [OF VINES]³³ AND THERE ARE NOT EIGHT CUBITS BETWEEN THEM, HE MAY NOT INTRODUCE SEED THERE [I.E., IN THE SPACE INTERVENING BETWEEN THE TWO ROWS].³⁴ IF THERE BE THREE [ROWS].³⁵ THEN IF BETWEEN ONE ROW AND ITS COMPANION [ROW]³⁶ THERE ARE NOT SIXTEEN CUBITS,³⁷ HE MAY NOT INTRODUCE SEED THERE. R. ELIEZER B. JACOB SAID IN THE NAME OF HANINA B. HAKINAI: IF EVEN THE MIDDLE ROW WAS LAID WASTE AND BETWEEN ONE ROW AND ITS COMPANION [ROW] THERE ARE NOT SIXTEEN CUBITS,³⁸ HE MAY NOT INTRODUCE SEED THERE;³⁹ ALTHOUGH, HAD HE AB INITIO PLANTED THESE [TWO ROWS], IT WOULD HAVE BEEN PERMITTED [TO SOW BETWEEN THEM] IF THEY WERE EIGHT CUBITS [APART].⁴⁰

MISHNAH 9. IF ONE HAS PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS FOR EVERY INTER-SPACE,⁴¹ IT IS PERMITTED TO INTRODUCE SEED THERE.⁴² R. JUDAH SAID: IT HAPPENED AT ZALMON⁴³ THAT A MAN PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS TO EVERY INTER-SPACE; [ONE YEAR] HE TURNED THE TIPS OF THE VINE BRANCHES OF TWO [ADJACENT ROWS] TOWARDS ONE PLACE,⁴⁴ AND SOWED⁴⁵ THE PLOUGHED LAND, AND THE FOLLOWING YEAR HE TURNED THE TIPS OF THE VINE BRANCHES IN THE OPPOSITE DIRECTION, AND SOWED THE LAND WHICH HAD BEEN LEFT UNTILLED [THE PRECEDING YEAR]. THE MATTER CAME BEFORE THE SAGES, AND THEY DECLARED IT PERMITTED. R. MEIR AND R. SIMEON SAID: EVEN IF ONE HAS PLANTED ONE'S VINEYARD ON [A PLAN OF] EIGHT CUBITS [BETWEEN EVERY TWO ROWS], THIS IS PERMITTED.⁴⁶

(1) Cf. *supra* II, 9.

(2) Allowing for vineyard service-borders of four cubits each (v. *infra* VI, 1) on either side, and sixteen cubits in the middle for sowing. It should be borne in mind that Beth Shammai hold that 8 X 8 cubits is the smallest area that can be regarded as a 'field'. If therefore in our case, less than eight cubits remain, that ground is reckoned as forming a part of the vineyard, and it is forbidden to plant seeds there. As our *karahath* is flanked by vines on (at least) two sides there must be the minimum of eight cubits towards either side of the vineyard, i.e., a block of at least sixteen cubits in all, before it can be sown.

(3) Allowing for service-borders as above, and four cubits, the minimum 'field' after Beth Hillel, towards either side, i.e., altogether eight cubits, for sowing.

(4) **. lit., 'laid waste'.

(5) Sc. in accordance with the Hillelite ruling.

(6) Even its very centre may not be sown.

(7) The vineyard.

(8) The Hillelite minimum; i.e., after allowing for four cubits of service-border and after deducting the four cubits close to the fence which are not sown, there are left less than four cubits.

(9) Since not being large enough to constitute a 'field' on its own, it is regarded as part of the vineyard.

(10) V. *supra* I, n. 7.

(11) I.e., the technical term for the space 'between vineyard and fence', is not *mehal ha-kerem*, as stated by the original anonymous Tanna, but *geder ha-kerem* ('the vineyard fence'), and it is to this *geder ha-kerem* (as long as it measures not less than six (Maim. four and a half) cubits) that the rule 'it is given its service-border, and one may sow the rest' applies.

- (12) And this must measure at least twelve cubits if it is in part to be sown.
- (13) Cf. supra II, 8. These are effective partitions and one may sow vines hard upon one side and seeds hard upon the other side of such partitions.
- (14) That a gap of less than three handbreadths does not impair the character of a partition where the law depends on the presence or absence of a partition is a law (orally imparted) to Moses at Sinai', (v. 'Er. 15a).
- (15) Which is regarded de jure as wall or fence, and it is therefore permitted to sow immediately in front of it a vine on the side of the boundary. and seed on the other just as if the fence were actually standing between them.
- (16) In the aggregate.
- (17) But it is permitted to do so where the fence still stands; if, however, the standing part is less than four handbreadths and more than three (and the broken part exceeds it) it is forbidden to sow vines on one side, and seed on the other even where the fence still stands.
- (18) And sowing of seed within four cubits thereof is prohibited.
- (19) Any number of them.
- (20) And one may sow seed at a distance of six handbreadths.
- (21) Either of three vines each, vine opposite vine (v. T.J.) or of five vines altogether set out as described infra 6.
- (22) **, as used in Deut. XXII, 9.
- (23) Since, according to them this constitutes a vineyard.
- (24) Which according to them form the vineyard which according to Scripture (Deut. ibid.) becomes prohibited as a result of too close a proximity of other seed. How many and which of the vines are thus affected is discussed in detail in T.J. Our Mishnah is an instance of the rare occasions on which Beth Shammai took the more lenient, and Beth Hillel the more stringent rule. Cf. 'Ed. V, 2. (Sonc. ed.) p. 31f.
- (25) Thus: Rash and Bert.: Maim.:
- (26) Maim. and Rash: 'between either pair', thus: Bert.: in the continuation of the space between the pairs, thus: (11) Rash. and Bert.: Maim., Sipponte:
- (27) I.e., if in addition to either of the arrangements just described there is another vine 'projecting like a tail', they constitute a vineyard.
- (28) One row of two vines and one row of three vines (v. preceding Mishnah).
- (29) Four cubits wide.
- (30) The standard 'public road', דרך הרבים (referred to in Pe'ah II, 1) is sixteen cubits wide; this is taken by Maim. as meant here. Others, however, say that here a path less than eight cubits wide is to be understood, rather the kind designated in Pe'ah ibid., as שביל הרבים, 'a public path' (passable in the rainy as well as in the dry season).
- (31) Sc. to constitute a vineyard so as to forbid sowing seed either between the two rows or within four cubits from either of them. Even though according to R. Jose and R. Simeon one man's vine forming a tent over another person's produce does not cause kil'ayim (infra VII, 4). here not another person's but the man's own 'seed' is concerned; moreover the second row belongs to the first man's next-door neighbour, and this might easily give rise to a notion that the two rows belong to the same man, whose sowing seed between them causes kil'ayim.
- (32) The same applies if it is only ten handbreadths high; it is on account of what follows in this Mishnah that here it is said: 'higher than ten etc.'.
- (33) Of two vines in each, without another one 'projecting like a tail'.
- (34) Because they form sufficient of a vineyard to disallow sowing in the middle of it, even though for the purposes of sowing on the outer sides they are deemed as not forming a vineyard but as just individual vines. If, however, there are eight cubits (exclusive of the ground occupied by the vines) between them, the two rows (of two vines each) are deemed as separate, unrelated rows, and one may sow even between them at a distance of six handbreadths from the vines on either side.
- (35) Of two vines each. Such three rows constitute a vineyard.
- (36) Some say (a) between the two outer rows. Others say (b) between one and the next.
- (37) The size of a karahath of a vineyard (v. supra 1).
- (38) In accordance with note 2 (a), this means only as long as all three rows are there, is a distance of sixteen cubits required between the two outer rows (before sowing can be done in the intervening space); but if the middle row has been razed, the character of 'vineyard' ceases and one may sow between them (six handbreadths from the vines) even if they are not sixteen cubits apart. In accordance with note 2 (b) it means: Three rows constitute a 'vineyard' and sowing in either inter-row space is permitted only when each of the latter measures sixteen cubits (v. 1). If the middle row is

razed, the character of the vineyard ceases, etc.

(39) Having once been a vineyard, it remains a vineyard even if any of the three vines, even the middle one, is razed, and a full-size karahath, i.e. of sixteen cubits, is essential, if the inter-space is to be sown.

(40) According to the beginning of this Mishnah.

(41) Originally so, and not when there were sixteen cubits only after the elimination of one row or more.

(42) At a distance from the vines of only six handbreadths. Even Beth Shammai concur that if, originally, rows of vines are planted sixteen cubits apart, it is permitted to sow there; they require twenty-four cubits (supra I) only when the empty space has been formed by the elimination of some vines.

(43) A place-name. Mount Zalmon is mentioned in Judg. IX, 47-48, as near Shechem.

(44) I.e., towards one another.

(45) Leaving six handbreadths clear.

(46) Because then they are deemed as individual vines, and one may sow seed at a distance of six handbreadths.

Mishna - Mas. Kilayim Chapter 5

MISHNAH 1. IF A VINEYARD HAS BEEN [PARTLY] RAZED,¹ THEN SHOULD IT STILL BE POSSIBLE TO PICK TEN VINES WITHIN A BETH-SE'AH,² AND THESE ARE PLANTED ACCORDING TO THE ESTABLISHED LAW,³ IT CONSTITUTES A 'POOR' VINEYARD. IF A [POOR]⁴ VINEYARD IS PLANTED IN IRREGULAR LAY-OUT, THEN SHOULD THERE BE THEREIN AN ALIGNMENT OF [ONE LINE OF] TWO [VINES] PARALLEL AND OPPOSITE TO [A LINE OF] THREE, IT CONSTITUTES A VINEYARD;⁵ BUT IF THERE IS NOT [SUCH AN ALIGNMENT] IT DOES NOT CONSTITUTE A VINEYARD. R. MEIR SAID: SINCE IT IS IN APPEARANCE LIKE VINEYARDS [IN GENERAL], IT CONSTITUTES A VINEYARD.

MISHNAH 2. IF A VINEYARD⁶ HAS BEEN PLANTED ON [A PLAN OF] LESS THAN FOUR CUBITS [TO AN INTER-SPACE].⁷ R. SIMEON SAID: IT DOES NOT CONSTITUTE A VINEYARD.⁸ THE SAGES, ON THE OTHER HAND, SAID: IT DOES CONSTITUTE A VINEYARD, AND WE REGARD THE MIDDLE [ROWS] AS IF THEY WERE NOT [VINES].⁹

MISHNAH 3. IF A TRENCH PASSES THROUGH A VINEYARD, AND IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE,¹⁰ R. ELIEZER B. JACOB SAYS: IF IT RUNS RIGHT THROUGH FROM THE BEGINNING OF THE VINEYARD TO THE END THEREOF,¹¹ IT PRESENTS THE APPEARANCE OF TWO [SEPARATELY OWNED] VINEYARDS, AND IT IS PERMITTED TO SOW THEREIN; BUT IF IT IS NOT,¹² IT IS [DEEMED] AS [IF IT WERE] A WINE-PRESS. AND AS FOR A WINE-PRESS IN A VINEYARD THAT IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE, R. ELIEZER SAYS: IT IS PERMITTED TO SOW THEREIN,¹³ WHILST THE SAGES,¹⁴ FORBID.¹⁵ IF A WATCH-MOUND IN A VINEYARD IS TEN HANDBREADTHS HIGH AND FOUR WIDE IT IS PERMITTED TO SOW THEREIN;¹⁶ BUT IF THE ENDS OF THE VINE-BRANCHES BECAME INTERTWINED THEREON,¹⁷ IT IS FORBIDDEN.

MISHNAH 4. IF A VINE IS PLANTED IN A WINE-PRESS OR IN A DEPRESSION,¹⁸ IT IS ALLOWED ITS SERVICE-BORDER,¹⁹ AND ONE MAY SOW IN THE REST.²⁰ R. JOSE SAYS: IF THERE ARE NOT FOUR CUBITS THERE,²¹ ONE MAY NOT INTRODUCE SEED THITHER.²² AS FOR A HOUSE THAT IS WITHIN A VINEYARD, IT IS PERMITTED TO SOW THEREIN.²³

MISHNAH 5. IF ONE PLANTS A VEGETABLE OR SUFFERS IT TO REMAIN IN A VINEYARD, HE RENDERS PROHIBITED [AS KIL'AYIM] FORTY-FIVE VINES. WHEN? IN THE EVENT OF THEIR HAVING BEEN PLANTED ON A PLAN OF EITHER FOUR OR FIVE [CUBITS TO AN INTER-SPACE].²⁴ IN THE EVENT, HOWEVER, OF THEIR HAVING BEEN PLANTED ON [A PLAN OF] EITHER SIX OR SEVEN [CUBITS TO AN INTER-SPACE] HE

RENDERS PROHIBITED AS KIL'AYIM [THE VINES WITHIN AN AREA OF] SIXTEEN CUBITS IN EVERY DIRECTION, IN THE FORM OF A CIRCLE, NOT OF A SQUARE.²⁵

MISHNAH 6. IF ONE²⁶ SEES A VEGETABLE IN A VINEYARD, AND SAYS: WHEN I REACH IT I SHALL PLUCK IT', [ALL THAT HAS GROWN THERE] IS PERMITTED;²⁷ [BUT IF HE SAYS:] 'WHEN I COME BACK I SHALL PLUCK IT', THEN IF IT [THE VEGETABLE] HAS [IN THE MEANTIME] INCREASED BY A TWO-HUNDREDTH,²⁸ IT [ALL THAT HAS GROWN THERE] IS FORBIDDEN.²⁹

MISHNAH 7. IF, WHEN ONE HAS PASSED THROUGH A VINEYARD, SEEDS HAVE FALLEN FROM HIM, OR [SEEDS] HAVE GONE [INTO THE FIELD] WITH MANURE OR WITH [IRRIGATION] WATER, OR IF AS HE WAS [IN A CORNFIELD] SCATTERING SEED, THE WIND BLEW SOME BEHIND HIM [INTO A VINEYARD]. NO PROHIBITION APPLIES;³⁰ IF THE WIND BLEW THE SEED BEFORE HIM [INTO A VINEYARD]³¹ R. AKIBA SAID: IF³² IT HAS PRODUCED BLADES, HE MUST TURN THE SOIL;³³ IF IT HAS REACHED THE STAGE OF GREEN EARS,³⁴ HE MUST BEAT THEM OUT;³⁵ IF IT HAS GROWN INTO CORN,³⁶ IT MUST BE BURNT.³⁷

MISHNAH 8. IF ONE SUFFERS THORNS TO REMAIN GROWING IN A VINEYARD, R. ELIEZER SAID: [THEREBY] HE EFFECTS A STATE OF PROHIBITION,³⁸ BUT THE SAGES SAID: NOTHING CAUSES SUCH A STATE OF PROHIBITION EXCEPT THAT WHICH IT IS A COMMON PRACTICE [IN THE PLACE CONCERNED] TO PERMIT TO GROW.³⁹ IRIS,⁴⁰ IVY,⁴¹ AND THE KING'S LILY,⁴² LIKEWISE ALL MANNER OF SEEDS⁴³ [OTHER THAN THOSE ALREADY SPECIFICALLY DEALT WITH]⁴⁴ ARE NOT KIL'AYIM IN A VINEYARD.⁴⁵ [AS FOR] HEMP, R. TARFON SAID: IT IS NOT KIL'AYIM, BUT THE SAGES SAY IT IS KIL'AYIM.⁴⁶ ARTICHOKE⁴⁷ ARE KIL'AYIM IN A VINEYARD.

(1) Not a substantial patch (karahath) denuded of vines within a vineyard, but a vine, or a few vines missing here and there.

(2) An area of 2,500 square cubits (v. supra II, 9).

(3) 'Two vines opposite two, with one projecting like a tail', (v. supra IV, 6). and not more than sixteen cubits apart (supra IV, 9).

(4) So some versions.

(5) R. Zera in T.J.

(6) Of three or more rows of three vines in a row.

(7) I.e., less than the minimum distance required for attendance on a vineyard (with a yoke of oxen) v. infra VI, 1.

(8) Sc. but the vines are regarded as single vines, at a distance of six handbreadths (one cubit) from which it is permitted to sow other seed.

(9) But intended for fuel only. Close planting of vines would seem according to this to have been practised with a view to utilizing only the best rows for their fruit, but not the inferior ones. According to the Sages the latter, if they are inner rows, are virtually eliminated (they may even be trained to hang over corn, without bringing about kil'ayim) and the remaining ones are sufficiently apart to constitute a vineyard. R. Simeon's view is (v. T.J.) that all the vines, including those regarded by the Sages as so negligible as if nonexistent, are an essential part of the plantation (one does not plant vines with a view to pulling them out), which is therefore not a vineyard in respect of the law requiring inter-spaces of four cubits.

(10) V. supra IV, 3.

(11) Cf. supra III, 3.

(12) Either ten handbreadths deep, or four wide, or it does not traverse the plantation from end to end.

(13) Since, owing to its dimensions, it is deemed a separate domain.

(14) As well as R. Eliezer b. Jacob.

(15) Since it is within a hollow space formed by a vineyard.

(16) Cf. supra II, 8. The Sages and R. Eliezer are agreed on this.

- (17) So rendered by Rash. (who insists on adding 'of their own accord and not trained by hand') and others. Maim. renders 'reach and touch'. Some render the verb used here, viz., כּוּתַשׁ, in the sense in which it is used in the Bible, viz., 'pound', 'pulverize', and say that the point here is that if the vine branches reach the top of the mound, they will rub the soil and powder it so that the wind blows it off and the mound becomes lower than ten handbreadths and/or narrower than four. (v. Rosh. and Rash. and cf. Pe'ah II. 3 and commentators a.l.).
- (18) Measuring two to three cubits in length and three handbreadths in width (T.J., v. Rash. and Sipponite).
- (19) Of six handbreadths, like an individual vine.
- (20) Sc. of the wine-press or depression.
- (21) Either in length or in width.
- (22) But if there are four cubits, R. Jose agrees with the anonymous Tanna.
- (23) Even if the vines hang over the house; since the house has a roof over it.
- (24) In an area planted at intervals of four cubits (especially if it be four cubits clear, exclusive of the thickness of the vines), a circle with a radius of sixteen cubits (v. infra in this Mishnah) will contain forty-five vines. In an area planted, at intervals of five cubits, such a circle will actually contain only thirty-seven vines, but as the circumference passes only just four cubits (the width of a statutory service-border for a vineyard) from the outermost rows, we must visualize a virtual circle having a twenty cubit radius, which too, would contain forty-five vines. So Maim., Asheri, and Bert.
- (25) In the six-cubit plan, twenty-four, in the seven-cubit plan, twenty-one. vines become kil'ayim. The numbers mentioned in this and the preceding notes can be easily verified by drawing appropriate diagrams.
- (26) In this case, either the owner or an employee.
- (27) Because his evident readiness to remove the vegetable (or corn) shows that the latter is there without his knowledge or intention, whereas the Torah says: (Lev. XIX, 19) Thy field thou shalt not sow etc., and (Deut. XXII, 9) Thou shalt 'not sow thy vineyard etc., a prohibition, explain the Rabbis, only against such making or maintaining kil'ayim as is as deliberate as the act of sowing.
- (28) Since the processes of growth and withering are one the inverse of the other, it was assumed that the time taken by any species of produce to grow is the same as taken by that same species to become dried up after it had been cut or plucked, which period was of course, easily determinable by experiment.
- (29) Since he had knowingly allowed the 'offending' vegetable or corn to remain among the vines for a substantial period.
- (30) Since in each case the introduction of the seed was unintentional. If and when he notices it, he must of course remove it, as indicated in the preceding Mishnah.
- (31) Sc. and he has noticed it, then the prohibition applies, and he must retrieve the seed.
- (32) In the event of his having failed to retrieve the seed soon enough.
- (33) So as to ensure that they do not grow again.
- (34) I.e., before it has reached a third of its normal full growth.
- (35) And make no use of either grain or stalk. So R. Johanan; but in R. Hoshia's view only the grain is prohibited, but the stalks are permitted. (T.J.).
- (36) Having attained a third of its possible normal growth.
- (37) The rule of burning kil'ayim is derived from Deut. XXII, 9, which says: Thou shalt not sow thy vineyard with kil'ayim; lest the fulness of the seed which thou hast sown be forfeited with the increase of the vineyard. The Hebrew word for 'be forfeited' viz. תִּקְדַּשׁ, is explained as signifying 'it shall be burnt'.
- (38) Sc. of kil'ayim; since thorns are deliberately allowed to grow in some countries, e.g., Arabia, for camel's food, this reason, primarily local, for ruling that they produce a state of kil'ayim in a vineyard, is deemed, by extension, as making the ruling applicable universally.
- (39) Thus only in places where thorns are suffered gladly do they render a vineyard kil'ayim, but not elsewhere.
- (40) אֲרִיִּים.
- (41) קִיסוֹם.
- (42) שׁוֹשַׁנַּת הַמֶּלֶךְ rendered by T.J. קִירִינְטוֹן which according to Kohut, is the lily flower, white in colour. Maim. renders (in Arabic) נַעֲמָן i.e., anemone. Danby renders 'fritillary'; there is a type called Fritillaria imperialis.
- (43) Viz., grain and vegetables.
- (44) Such as legumes, which also come under the term 'seeds' (zera'im).
- (45) The reason being, according to Maim., that they are 'seeds', but not vegetables (or grain) which alone constitute kil'ayim in a vineyard; or, according to Rabad, that even though (in his view) both 'seeds' and vegetables are prohibited

in a vineyard, the specimens mentioned here are permitted because it is not the usual thing to let them grow in a vineyard. In Rabad's view, it appears, the Mishnah found it necessary to state specifically that these species do not constitute kil'ayim, because otherwise one might have thought that they do, on the analogy of the Sages' principle in the matter of thorns, inasmuch as both iris and ivy are, on botanical authority, eaten by cattle. The same uses probably apply to the 'king's lily'. The permissibility, however, is only as far as the purely Pentateuchal requirements are concerned. The Rabbis, however, have, some say, on the authority of a prophetic tradition, extended the prohibition to include other types of 'seeds' (Men. 15b). Some are of the opinion that they are prohibited also by Pentateuchal law though no penalty of stripes is prescribed for sowing these 'seeds' in a vineyard.

(46) Because hemp resembles grapes.

(47) קינרם , cynara.

Mishna - Mas. Kilayim Chapter 6

MISHNAH 1. WHAT IS AN 'ARIS¹ [WHICH IS REGARDED AS A VINEYARD]?² IF ONE HAS PLANTED A [SINGLE] ROW CONSISTING OF FIVE VINES BESIDE A FENCE TEN HANDBREADTHS HIGH,³ OR BESIDE A TRENCH TEN HANDBREADTHS DEEP AND FOUR WIDE,³ IT IS ALLOWED ITS SERVICE-BORDER OF FOUR CUBITS.⁴ BETH SHAMMAI SAY: THE FOUR CUBITS ARE TO BE MEASURED FROM THE BODY OF THE VINE TO THE FIELD;⁵ BUT BETH HILLEL SAY: FROM THE FENCE TO THE FIELD.⁵ R. JOHANAN B. NURI SAID: ALL WHO SAY SO⁶ ARE MISTAKEN;⁷ IN FACT [WHAT WAS SAID⁸ WAS]: IF THERE BE FOUR CUBITS FROM THE BODY OF THE VINES TO THE FENCE, THE APPROPRIATE SERVICE-BORDER IS ALLOWED, AND THE REST MAY BE SOWN.⁹ AND HOW MUCH IS THE SERVICE-BORDER OF A VINE? SIX HANDBREADTHS IN EVERY DIRECTION;¹⁰ R. AKIBA SAID: THREE.¹¹

MISHNAH 2. AS FOR AN 'ARIS WHICH PROJECTS FROM A TERRACE, R. ELIEZER B. JACOB SAID: IF A PERSON STANDING ON THE [LEVEL] GROUND IS ABLE TO PICK ALL OF IT, [SUCH AN 'ARIS] PROHIBITS [THE SOWING OF SEED IN] FOUR CUBITS OF THE FIELD;¹² IF [HE IS] NOT [ABLE TO DO SO], IT PROHIBITS [THE SOWING OF SEED] ONLY [IN] THE [SOIL] WHICH IS DIRECTLY OPPOSITE¹³ IT.¹⁴ R. ELIEZER SAID: LIKEWISE,¹⁵ IF ONE HAS PLANTED ONE ON THE GROUND, AND ONE ON A TERRACE, THEN IF IT IS TEN HANDBREADTHS ABOVE THE [LEVEL] GROUND, ONE DOES NOT COMBINE WITH THE OTHER;⁶ , IF IT IS NOT [SO HIGH] ONE DOES COMBINE WITH THE OTHER.

MISHNAH 3. IF ONE HAS SUSPENDED VINE-BRANCHES OVER SOME OF THE LATHS [OF A TRELLIS], HE MAY NOT INTRODUCE SEED [INTO THE SOIL] BENEATH THE REMAINDER [OF THE TRELLIS]; YET IF HE DID INTRODUCE HE HAS NOT THEREBY BROUGHT ABOUT A PROHIBITED STATE.¹⁶ IF, HOWEVER, NEW [TENDRILS] HAVE SPREAD [OVER THE 'REMAINDER']. THAT [WHICH HAD BEEN SOWN UNDER THE 'REMAINDER'] IS PROHIBITED.¹⁷ EVEN SO IS IT WHEN ONE SUSPENDS VINE-BRANCHES OVER SOME PART OF A NON-FRUIT-BEARING¹⁸ TREE.

MISHNAH 4. IF ONE SUSPENDS [BRANCHES OF] A VINE ON PART OF [THE BRANCHES OF] A FRUIT TREE,¹⁹ IT IS PERMITTED TO INTRODUCE SEED BENEATH THE 'REMAINDER';²⁰ IF A NEW [GROWTH] SPREAD [OVER THE REMAINDER']. HE MUST TURN IT BACK.²¹ THERE WAS THE CASE OF R. JOSHUA WHO WENT TO R. ISHMAEL IN KEFAR 'AZIZ,²² AND THE LATTER SHOWED HIM A VINE [WITH ITS BRANCHES] SUSPENDED ON PART OF [THE BRANCHES OF] A FIG-TREE. HE [R. JOSHUA] ASKED HIM [R. ISHMAEL]: 'WHAT [IS THE LAW? MAY] I INTRODUCE SEED BENEATH THE REMAINDER?' HE ANSWERED HIM: IT IS PERMITTED'.²³ HE TOOK HIM TO BETH-HAMMAGGANYAH²⁴ WHERE HE SHOWED HIM A VINE [WHOSE BRANCHES WERE] SUSPENDED ON PART OF A BEAM²⁵ BELONGING TO THE TRUNK OF A

SYCAMORE,²⁶ WHICH HAD MANY BEAMS.²⁵ HE SAID TO HIM: BENEATH THIS BEAM IT IS PROHIBITED [TO SOW].²⁷ BUT BENEATH THE REMAINDER IT IS PERMITTED'.²⁸

MISHNAH 5. WHAT IS A SERAK²⁹ TREE? ANY TREE WHICH DOES NOT YIELD FRUIT. R. MEIR SAID: ALL TREES ARE SERAK, EXCEPT OLIVE AND THE FIG TREE.³⁰ R. JOSE SAID: ALL SUCH TREES AS ARE NOT PLANTED IN WHOLE FIELDS, ARE SERAK TREES.

MISHNAH 6. 'ARIS-GAPS³¹ MUST BE EIGHT CUBITS AND SOMEWHAT MORE.³² [IN THE CASE OF] ALL MEASUREMENTS [BY THE CUBIT] SPOKEN OF BY THE SAGES IN CONNECTION WITH A VINEYARD,³³ THERE IS NO 'AND SOMEWHAT MORE', EXCEPT IN THAT OF 'ARIS-GAPS. THE FOLLOWING CONSTITUTES AN 'ARIS-GAP: IF AN 'ARIS WAS RAZED MIDWAY, AND FIVE VINES WERE LEFT ON ONE SIDE AND FIVE VINES ON THE OTHER SIDE,³⁴ THEN IF THE GAP³⁵ BE [ONLY] EIGHT CUBITS, ONE MUST NOT INTRODUCE SEED THITHER,³⁶ IF IT BE EIGHT CUBITS AND SOMEWHAT MORE, ONE SHOULD ALLOT THE REQUISITE SERVICE-BORDER,³⁷ AND HE MAY SOW THE REST.³⁸

MISHNAH 7. IF AN 'ARIS TURNS AWAY FROM A WALL WHERE IT FORMS AN ANGLE, AND COMES TO AN END,³⁹ IT⁴⁰ IS GIVEN ITS SERVICE-BORDER,⁴¹ AND IT IS PERMITTED TO SOW THE REST.⁴² R. JOSE SAID: IF THERE BE NOT FOUR CUBITS THERE,⁴³ ONE MAY NOT INTRODUCE SEED THITHER.⁴⁴

MISHNAH 8. IF CANES [FORMING THE TRELLIS] PROTRUDE FROM THE 'ARIS AND ONE HAS FORBORN FROM CUTTING THEM SHORT,⁴⁵ IT IS PERMITTED TO SOW DIRECTLY BENEATH⁴⁶ THEM; IF, HOWEVER, HE MADE THEM [LONG] SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG THEM, IT IS FORBIDDEN.

MISHNAH 9. IF A BLOSSOM PROTRUDED BEYOND THE ARIS, IT IS REGARDED AS IF A PLUMMET WERE SUSPENDED THEREFROM: DIRECTLY BENEATH IT, IT IS PROHIBITED [TO SOW].⁴⁷ IT IS LIKEWISE IN THE CASE OF A [PROTRUDING] BLOSSOM FROM A HANGING BRANCH OF A SINGLE VINE. IF ONE HAS STRETCHED A VINE-SHOOT FROM TREE TO TREE, IT IS FORBIDDEN TO SOW BENEATH IT.⁴⁸ IF HE MADE AN EXTENSION THERETO BY MEANS OF ROPE OR REED-GRASS, IT IS PERMITTED UNDER THE EXTENSION; IF HE MADE THE EXTENSION SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG IT, IT IS FORBIDDEN.⁴⁹

(1) ערים a plaited cradle (cf. Biblical Heb. ערש) or trellis, on which vines are trained.

(2) And which forms, infra, a subject of dispute between the Shammaites and Hillelites.

(3) V. supra IV, 3.

(4) Thus the 'aris is regarded as a vineyard even by Beth Hillel who (supra IV, 5) require a minimum of two rows to form a vineyard within the meaning of the Scriptural precept.

(5) Either (a) to a field on the same side of the fence thus: (i) According to Shammaites: (ii) According to Hillelites: or (b) to a field on the other side of the fence, thus: (i) According to the Shammaites: (ii) According to the Hillelites: Although interpretation (b) (Maim. and Bert.) is apparently borne out by T.J. there is this difficulty, that this would constitute a stringency of Beth Hillel against a leniency of Beth Shammai, which is not mentioned in the list of such instances given in 'Ed. IV, and V, (v. Rash.). L. gets over the difficulty by explaining: A field on either side of the fence.

(6) Viz., that Beth Hillel ever, in any circumstances, recognized one row as a vineyard.

(7) They did not get the correct version of the orally transmitted tradition.

(8) By Beth Hillel.

(9) But not if there are not four cubits between the vines and the fence, in which case it is forbidden to plant seed there altogether (cf. supra V, 4).

(10) This is not part of R. Johanan b. Nuri's statement, but a consensus of opinion.

(11) שלשה == three, masc. qualifying the masc. noun טפחים 'handbreadths'. Rash. mentions a variant reading

- שלש == three, fem. qualifying, apparently, the fem. noun אמות , 'cubits' and referring to the distance between the vines and the fence. It is, however, clear from T.J. that the correct reading is the one accepted here.
- (12) I.e., four cubits in every direction outward from the edge of the plot of ground immediately beneath the 'aris.
- (13) I.e., beneath.
- (14) R. Eliezer b. Jacob's view is accepted. L. thinks that the same rule applies when a vine planted on flat ground has its uppermost branches resting on an aris.
- (15) In so far as the dictum following refers to a terrace. The consideration of an 'aris does not, according to Maim. and Bert. enter into the latter case; according to Sipponte it does. V. next note. (11) Maim. and Bert. interpret: If one has planted one row of vines on the ground and another on a terrace, one row of two vines and the other of three vines, one of which projects like a tail (v. IV, 6), then if the terrace is ten handbreadths above the level, the row on the terrace does not combine with the row on the level to form a vineyard in respect of the laws of kil'ayim. Sipponte interprets: If one has planted one vine on the level and one on a terrace, and so on, in all five vines, three of which are on the level and two on the terrace, then if those on the terrace are ten handbreadths high, the five trees do not combine to form an 'aris which requires that seed should not be sown within four cubits thereof. Rash. mentions both interpretations.
- (16) Sc. of kil'ayim.
- (17) According to Bert, this is so only if the crop of the vine increased by a two-hundredth part since the sowing under the 'remainder'. L. says, even if the increase was less.
- (18) סרק , v. infra 5. Such a tree is considered 'inconsiderable', in relation to a vine, and when the branches of the latter rest on it, the non-fruit-bearing tree is deemed the same as a trellisframe of dead wood.
- (19) Lit., '(human) food tree'.
- (20) Because such a tree retains its full individuality vis-a-vis the vine, and such ground beneath its branches over which vine-tendrils are not actually suspended, 'belongs' to the tree itself, and one may, therefore, sow seed there.
- (21) And keep it within the original bounds.
- (22) South of Hebron, v. Klein, S. Beitrage p. 52.
- (23) Because a fig-tree as a tree producing fruit for human consumption does not become subsidiary to the vine.
- (24) Near Hebron., v. Horowitz, I.S. Palestine, p. 143.
- (25) Apparently in view of the Tosef. (v. n. 6 infra) a rough beam or beams, severed from, but still resting, on the trunk.
- (26) Which is a kind of wild fig tree.
- (27) Even under that part of that beam which is not itself overhung by vine-branches.
- (28) Maim.: since the sycamore is a fruit tree. Tosef. IV, 4, however, gives the reason: Since every single beam is like a tree by itself. This would seem to suggest that the sycamore was not universally considered an אילן מאכל , 'a tree bearing fruit for human consumption'.
- (29) The term has already been used at the end of Mishnah 3, where in anticipation of the accepted definition given here, it was rendered a non-fruit-bearing tree'.
- (30) These alone, in R. Meir's minority view, do not become negligible vis-a-vis a vine in the circumstances discussed in the two preceding Mishnahs.
- (31) Explained infra.
- (32) Fixed in T.J. as one handbreadth, Tosef. as one sixth of a cubit (which is one handbreadth). Maim. both in Mishnah-Commentary and Yad (Hil. Kil. VIII, 6) also Shulhan Aruk, Yoreh De'ah Sec. 296. sub-sec. 60, say one-sixtieth of a cubit. This is due evidently to another reading in the Tosef.
- (33) L. says that from T.J. it seems to him that 'in a vineyard' should be omitted.
- (34) Less than which number do not form an 'aris.
- (35) Between the two short 'arisin newly formed out of the one long one.
- (36) In accordance with supra IV, 8.
- (37) According to R. Johanan b. Nuri (Mishnah 1), six handbreadths; according to the first-quoted Tanna (ibid), four cubits.
- (38) R. Johanan b. Nuri and the original Tanna differ on the extent of this 'rest'. V. preceding note.
- (39) Or is completed (to the number of five vines) thus: The above is the accepted interpretation of the Mishnah. Maim. interprets: If an 'aris goes forth (i.e., commences) from the angles formed by two walls with another, and comes to a point. thus:
- (40) I.e., each vine.
- (41) Of six handbreadths.

(42) Even if there be less than four cubits.

(43) This refers to the space between the two walls (Maim.) or to the length of the wail (Sipponte).

(44) In pursuance of his (R. Jose's) view expressed supra V, 4.

(45) So that the protrusion of the canes is due not to deliberation but to passivity.

(46) Lit., 'opposite'.

(47) I.e., even when the blossom extended beyond the six handbreadths (of the service-border) from the stem of the vine, within which space sowing is prohibited even when there is no blossom overhanging.

(48) But not either side of it (as long, of course, as it is not within six handbreadths of the vine itself).

(49) Since the circumstances resemble those of Mishnah 3.

Mishna - Mas. Kilayim Chapter 7

MISHNAH 1. IF ONE HAS BENT [INTO, AND CONDUCTED THROUGH, THE SOIL] A VINE [SHOOT]¹, THEN IF THERE IS NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, HE MAY NOT INTRODUCE SEED ABOVE IT,² EVEN IF HE BENT [AND CONDUCTED IT UNDERGROUND] THROUGH A GOURD³ OR THROUGH A PIPE.⁴ IF HE BENT [AND CONDUCTED] IT THROUGH ROCKY SOIL,⁵ THEN EVEN IF THERE BE NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, IT IS PERMITTED TO INTRODUCE SEED ABOVE IT. AS FOR A KNEE-JOINT-LIKE VINE-STEM [FORMED BY BURYING AND CONDUCTING IT UNDERGROUND],⁶ ITS SERVICE-BORDER IS MEASURED FROM THE SECOND ROOT.⁷

MISHNAH 2. IF ONE HAS BENT [AND CONDUCTED UNDERGROUND] THREE VINES SO THAT THEIR [ORIGINAL] STEMS ARE VISIBLE [AS WELL AS THE CONTINUATION OF THESE EMERGING ABOVE GROUND]⁸. R. ELIEZER B. ZADOK SAID: IF THERE IS BETWEEN THEM FROM FOUR TO EIGHT CUBITS,⁹ THEY COMBINE,¹⁰ IF NOT, THEY DO NOT COMBINE. IF A VINE IS WITHERED, IT IS PROHIBITED [TO SOW NEAR IT].¹¹ BUT¹² IT DOES NOT CONDEMN [THE SEED AS KIL'AYIM]. R. MEIR SAID: THE SAME APPLIES TO A COTTON-PLANT.¹³ IT IS FORBIDDEN [TO SOW NEAR IT.] BUT IT DOES NOT CONDEMN. R. ELIEZER B. ZADOK SAID IN HIS¹⁴ NAME: ABOVE THE VINE¹⁵ TOO, IT IS PROHIBITED [TO SOW], YET IT DOES NOT CONDEMN.

MISHNAH 3. IN THE FOLLOWING [SOWING] IS PROHIBITED, BUT THEY DO NOT CONDEMN [SEED ALREADY SOWN THERE]:¹⁶ THE REMAINDER OF A [STATUTORILY INADEQUATE] KARAHATH OF A VINEYARD,¹⁷ THE REMAINDER OF A [STATUTORILY INADEQUATE] MEHOL OF A VINEYARD,¹⁸ THE REMAINDER OF A [STATUTORILY INADEQUATE] 'ARIS-GAP,¹⁹ THE [GROUND UNDER THE] REMAINDER OF TRELLIS-LATHS.²⁰ BUT [THE GROUND] BENEATH A VINE,²¹ AND THE SERVICE-BORDER OF A VINE,²² AND THE [GROUND WITHIN] FOUR CUBITS OF A VINEYARD,²³ DO CONDEMN [SEED SOWN THERE].²⁴

MISHNAH 4. IF ONE CAUSES HIS VINE TO OVERHANG THE [STANDING] CORN OF HIS NEIGHBOUR, HE RENDERS [THAT CORN] CONDEMNED [AS KIL'AYIM].²⁵ AND HE IS RESPONSIBLE FOR IT.²⁶ R. JOSE AND R. SIMEON SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.²⁷

MISHNAH 5. R. JOSE SAID: IT HAPPENED THAT A MAN SOWED [SEED IN] HIS VINEYARD IN THE SABBATICAL YEAR,²⁸ AND THE MATTER CAME BEFORE R. AKIBA, WHO SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.²⁹

MISHNAH 6. IF A HIGH-HANDED OCCUPIER³⁰ HAS SOWN SEED IN A VINEYARD,³¹

AND IT LEFT HIS OCCUPATION [AND REVERTED TO THE RIGHTFUL OWNER],³² THE LATTER SHOULD CUT IT DOWN,³³ EVEN IF IT BE DURING [THE MIDDLE DAYS OF] A FESTIVAL.³⁴ UP TO WHAT AMOUNT SHOULD HE PAY THE LABOURERS?³⁵ UP TO A THIRD.³⁶ IF [THEY DEMAND] MORE THAN THIS, HE SHOULD CUT IT IN HIS USUAL WAY EVEN IF HE HAS TO RESUME AFTER THE FESTIVAL.³⁷ FROM WHAT STAGE [ONWARDS] IS ONE TERMED A 'HIGH-HANDED OCCUPIER' ['ANNAS']?³⁸ FROM SUCH TIME AS [THE NAME OF THE ORIGINAL OWNER] HAS SUNK [INTO OBLIVION].³⁹

MISHNAH 7. IF THE WIND HAS BLOWN⁴⁰ VINE-SHOOTS [SO THAT THEY] OVERHANG [STANDING] CORN, ONE SHOULD IMMEDIATELY LOP THEM OFF;⁴¹ IF A MISHAP OCCURRED TO HIM,⁴² IT [I.E., THE PRODUCE] IS PERMITTED.⁴³ IF CORN IS BENT [AND THE EARS REACH] BENEATH A VINE [LIKEWISE IN THE CASE OF GREENS], ONE SHOULD TURN THEM BACK, BUT [IF THIS HAS NOT BEEN DONE], IT DOES NOT CREATE A STATE OF CONDEMNATION [AS KIL'AYIM].⁴⁴ FROM WHAT STAGE IS CORN CAPABLE OF BEING CONDEMNED AS KIL'AYIM? FROM THE TIME IT HAS STRUCK ROOT.⁴⁵ AND GRAPES? FROM THE TIME THEY BECOME AS LARGE AS WHITE BEANS.⁴⁶ CORN WHICH HAS BECOME THOROUGHLY DRY,⁴⁷ AND GRAPES WHICH HAVE BECOME FULLY RIPE,⁴⁸ ARE NOT LIABLE TO BE CONDEMNED [As KIL'AYIM].

MISHNAH 8. [SEED SOWN IN A] PERFORATED FLOWERPOT,⁴⁹ CREATES A STATE OF CONDEMNATION [AS KIL'AYIM] IN A VINEYARD;⁵⁰ [IN] ONE NOT PERFORATED, IT DOES NOT CREATE A STATE OF CONDEMNATION.⁵¹ R. SIMEON, HOWEVER, SAID: [THE SOWING OF SEED IN] EITHER ONE OR THE OTHER IS PROHIBITED, BUT IT DOES NOT [IN THE EVENT] CREATE A STATE OF CONDEMNATION. IF ONE CARRIES A PERFORATED FLOWER-POT THROUGH A VINEYARD, THEN IF [THAT WHICH IS SOWN THEREIN] HAS GROWN A TWO-HUNDREDTH PART,⁵² IT IS FORBIDDEN.⁵³

(1) And it emerges more than six handbreadths away; otherwise the question does not arise.

(2) Since the roots struck by the 'seed' are then liable to penetrate into the soft vine-shoot and this would be like grafting, that is forbidden.

(3) Which has been hollowed out and dried; otherwise the very putting into or passing through it of a vine-shoot would constitute kil'ayim.

(4) Made of earthenware, which is soft enough for the roots of the 'seed' to penetrate.

(5) Or through a conduit of metal or other substance impervious to penetration by the roots.

(6) Emerging above the ground some distance from the root of the vine.

(7) I.e., where it emerges from the ground; this applies only if the original root and stem are completely concealed underground.

(8) Thus presenting six vines in two rows of three each, which constitute a statutory vineyard. In fact only two of the trees need be assumed to have been bent into the soil and conducted underground to emerge some distance away, as then the result would be five vines in two rows of two vines opposite two, and one other 'projecting like a tail'.

(9) I.e., not less than four, and not more than eight cubits.

(10) To form a statutory vineyard, and inter alia necessitate a service-border of four cubits.

(11) On account of appearances, sine people might think that the vine had cast its leaves only temporarily, which happens to all vines, as a rule in the autumn but in some instances also in the summer; this rule, therefore, applies throughout the year.

(12) Once the seed has in innocence been sown.

(13) צמר גפן, lit., 'vine-wool'; the cotton-plant bears resemblance to the vine.

(14) R. Meir's.

(15) When it is sunk underground, and there is not a depth of three handbreadths of soil over it (Maim. and Bert.).

(16) As kil'ayim.

(17) According to supra IV, 1, end, in a karahath of the statutory measure of sixteen cubits, four cubits are allotted on each side as service-borders, and the remaining eight cubits may be sown. Here we speak of a karahath less than sixteen

cubits, in which case the space left for sowing is less than eight cubits.

(18) V. supra IV, 1 and 2; a mehol should be twelve cubits if any of it is to be sown, i.e., to allow for a service-border of four cubits on each side leaving four cubits for sowing.

(19) V. supra VI, 6. An 'aris-gap should be eight cubits and one handbreadth.

(20) As already stated in VI, 3, it is prohibited to sow beneath those laths of a trellis which are not themselves overhung with vine-shoots, but once seed has been innocently sown there, it is not condemned as kil'ayim.

(21) I.e., beneath a vine-shoot which extends beyond the six handbreadths constituting the vine's service-border.

(22) I.e., of an individual vine not being part of a vineyard, viz., six handbreadths.

(23) I.e., its service-border. Cf. IV, 5.

(24) As kil'ayim.

(25) Just as if it were his own; especially since it was a deliberate action.

(26) He must compensate his neighbour for the amount of corn which had thus become a total loss to the latter

(27) Since Scripture says: Thou shalt not sow thy vineyard with two kinds of seed (Deut. XXII, 9); the effect of this dictum in the present case is that he has made his own vine kil'ayim¹, but not his neighbour's corn.

(28) When all produce is hefker, i.e., ownerless, and at the disposal of any person wishing to help himself to it.

(29) Applied to the case in question this would mean that, in the circumstances given, neither the seed-produce nor the grapes of the vineyard are kil'ayim. The vines — themselves, however, are condemned as kil'ayim, even according to R. Akiba, since there are not hefker in the Sabbatical Year, (v. T.J., and L.).

(30) **אנס**, one who has seized property illegally and by violence.

(31) Since the public are under the impression that it is his own vineyard, the rule that 'a person does not condemn as kil'ayim that which is not his own' does not apply here.

(32) Now the position is that the person who had sown the seed in the vineyard had been operating with something not his own, and that, therefore, no state of kil'ayim had in fact been brought about.

(33) On account of 'appearances'. i.e., in order that people might not be under the impression that this man, the rightful owner, is allowing kil'ayim to stay in his vineyard.

(34) When, as a rule only such work may be done as is necessary to obviate deterioration or loss; here this consideration does not apply, but in order to remove suspicion through 'appearances', the work is permitted.

(35) For cutting the corn.

(36) Either a third more than the customary wage-rate, or a third of the value of the entire produce affected.

(37) Even though by this time the produce might have increased by a two-hundredth part. (Cf. supra V, 6).

(38) In the sense that the field is regarded as his, so that the sowing by him of seed in a vineyard results in kil'ayim.

(39) Maim. renders: From such time as he, i.e., the original owner has sunk, i.e., disappeared, withdrawn himself, hidden, to avoid terrorization by the 'annas.

(40) Maim. 'broken'; L. adds 'but not severed'.

(41) Reading **יגדור** Maim. 'Our text **יגדור** might mean: 'prop up (the shoots) with a fence'.

(42) Preventing him from taking the measure prescribed.

(43) Since it is there not with the owner's acquiescence.

(44) The difference between this case and the one dealt with in Mishnah 4 is that in the latter the roots of the corn are under the foliage of the vine, and here only the top ends.

(45) Reading **משתשליש**. Another version mentioned already in T.J. **משתשליש**, 'from the time it has grown a third (of its possible full size)'. Till then there is no 'fulness of the seed', required by the precept of kil'ayim (Deut. XXII, 9).

(46) Till then the 'produce (E.V. 'increase') of the vineyard' (ibid.) is not applicable.

(47) After this the term '(fulness of the) seed' no longer applies; (it is called just wheat or barley etc. Maim.).

(48) After this the expression 'produce of the vineyard' is no longer applied; (the term is just: 'grapes', Maim.).

(49) The hole being sufficient to permit a thin root to go through.

(50) Or within its four cubits service-border, just as if it had been sown in the soil of the vineyard itself; if the flower-pot stayed there long enough for the seed in it to grow a two-hundredth part of its normally possible full size.

(51) Since the earth in the flower-pot is not exposed towards the soil of the vineyard or of its service-border.

(52) Of its possible full size. For the method of calculating this, v. supra V, 6, notes.

(53) The seed; but since the flowerpot had not been set down on the ground, the vines are not affected. Maim. understands this passage thus: Carrying a perforated flower-pot across a vineyard, if in the course of transit it could grow

a two-hundredth part, is prohibited (Yad. Hil. Kil'ayim V, 23). It seems that according to Maim. it is prohibited ab initio to do this, but that in the event the seed does not thereby become forbidden.

Mishna - Mas. Kilayim Chapter 8

MISHNAH 1. KIL'AYIM OF THE VINEYARD IT IS FORBIDDEN EITHER TO SOW OR TO SUFFER TO GROW; IT IS, MOREOVER, FORBIDDEN TO DERIVE USE THEREFROM.¹ KIL'AYIM OF SEEDS² IT IS PROHIBITED EITHER TO SOW³ OR TO SUFFER TO GROW;³ BUT IT IS PERMITTED TO CONSUME IT, AND, SO MUCH THE MORE, TO DERIVE USE THEREFROM. KIL'AYIM OF CLOTHING MATERIALS IS PERMITTED IN ALL RESPECTS, EXCEPT THAT THE WEARING THEREOF [ALONE] IS FORBIDDEN.⁴ KIL'AYIM OF CATTLE IT IS PERMITTED TO REAR AND TO KEEP,⁵ THE DELIBERATE CROSS-BREEDING [PRODUCING SUCH] BEING ALONE PROHIBITED. [THE DELIBERATE MATING, OR YOKING TOGETHER OF] ONE KIND OF KIL'AYIM OF CATTLE WITH ANOTHER⁶ IS PROHIBITED.⁷

MISHNAH 2. IT IS PROHIBITED TO USE A BEHEMAH⁸ WITH A BEHEMAH [OF ANOTHER SPECIES], OR A HAYYAH⁹ WITH A HAYYAH [OF ANOTHER SPECIES], OR A BEHEMAH WITH A HAYYAH, OR A HAYYAH WITH A BEHEMAH, OR AN UNCLEAR BEAST WITH AN UNCLEAR BEAST [OF ANOTHER SPECIES], OR A CLEAR BEAST WITH A CLEAR BEAST [OF ANOTHER SPECIES], OR AN UNCLEAR BEAST WITH A CLEAR BEAST, OR A CLEAR BEAST WITH AN UNCLEAR BEAST,¹⁰ FOR PLOUGHING OR FOR TRACTION, OR TO LEAD THEM [TIED TOGETHER].¹¹

MISHNAH 3. THE PERSON DRIVING¹² RECEIVES THE FORTY [LASHES].¹³ AND THE PERSON SITTING IN THE WAGON RECEIVES THE FORTY [LASHES].¹⁴ BUT R. MEIR EXEMPTS [THE LATTER].¹⁵ [THE TYING OF] A THIRD [ANIMAL HETEROGENEOUS TO TWO ALREADY HARNESSSED TO A WAGON] TO THE STRAPS [OF THOSE ANIMALS]¹⁶ IS PROHIBITED.

MISHNAH 4. IT IS PROHIBITED TO TIE A HORSE EITHER TO THE SIDES OF A WAGON [DRAWN BY OXEN] OR BEHIND THE WAGON,¹⁷ OR [TO TIE] A LIBYAN ASS TO [THE SIDES OF, OR BEHIND, A WAGON DRAWN BY] CAMELS.¹⁸ R. JUDAH SAID: ALL [MULES] BORN FROM MARES, NOTWITHSTANDING THAT THEIR SIRES WERE ASSES, ARE PERMITTED ONE WITH ANOTHER;¹⁹ LIKEWISE [MULES] BORN FROM SHE-ASSES, NOTWITHSTANDING THAT THEIR SIRES WERE HORSES, ARE PERMITTED ONE WITH ANOTHER;¹⁹ BUT [MULES] BORN FROM MARES WITH [MULES] BORN FROM SHE-ASSES ARE PROHIBITED ONE WITH ANOTHER.²⁰

MISHNAH 5. MULES OF UNCERTAIN PARENTAGE²¹ ARE FORBIDDEN ONE WITH ANOTHER, BUT A RAMMAK [A MULE WHOSE DAM IS KNOWN TO HAVE BEEN A MARE] IS PERMITTED [WITH ANOTHER RAMMAK].²² WILD MAN-LIKE CREATURES²³ ARE DEEMED AS BELONGING TO THE CATEGORY OF HAYYAH.²⁴ R. JOSE SAID: [WHEN DEAD] THEY [OR PART OF THEIR CORPSES] COMMUNICATE UNCLEANNESS [TO MEN AND TO OBJECTS SUSCEPTIBLE THERETO WHICH ARE] UNDER THE SAME ROOF,²⁵ AS DOES [THE CORPSE OF] A HUMAN BEING.²⁶ THE HEDGEHOG AND THE MOLE²⁷ OF THE BUSHES BELONG TO THE CATEGORY OF HAYYAH.²⁸ AS FOR A MOLE, R. JOSE SAID IN THE NAME OF BETH SHAMMAI: AN OLIVE'S SIZE [OF ITS CARCASE] RENDERS A PERSON CARRYING IT UNCLEAR, AND A LENTILS SIZE THEREOF RENDERS A PERSON TOUCHING IT UNCLEAR.²⁹

MISHNAH 6. THE WILD OX BELONGS TO THE CATEGORY OF BEHEMAH,³⁰ BUT R.

JOSE SAID: TO THE CATEGORY OF HAYYAH.³¹ THE DOG BELONGS TO THE CATEGORY OF HAYYAH,³² BUT R. MEIR SAID: TO THE CATEGORY OF BEHEMAH.³² THE SWINE BELONGS TO THE CATEGORY OF BEHEMAH; THE WILD ASS TO THAT OF HAYYAH,³³ THE ELEPHANT AND THE APE TO THAT OF HAYYAH.³² A HUMAN BEING IS PERMITTED TO DRAW, PLOUGH, OR LEAD WITH ANY OF THEM.³⁴

(1) According to supra V, 7, it should be burnt.

(2) Including grain and vegetables.

(3) Only in the Holy Land.

(4) V. Lev. XIX, 19 and Deut. XXII, 12.

(5) For one's use. It was necessary for the Mishnah to mention both 'rear' and 'keep'. If the former only had been mentioned one might have thought that whilst rearing was permitted, it was forbidden to use the animal. If the latter only had been mentioned one might have thought that one may use such an animal only when it had been reared by a non-Israelite.

(6) E.g., the sire of one having been a horse, and of the other, an ass.

(7) The prohibition applies to any two kil'ayim offspring of cattle which are unlike in respect of ears, tail and the sound emitted by them.

(8) The word rendered in E.V. 'cattle'; it is, however, used also for an individual piece of cattle and denotes a domestic, mostly horned, animal.

(9) (One of the) animals of chase. Cf. supra I, 6. Scripture forbids ploughing with an ox and an ass together (Deut. XXII, 10), but on analogy with the prohibition of suffering one's animals to work on the Sabbath, this prohibition is understood as applying to any two animals of diverse species and likewise to birds.

(10) The repetition of 'A with B, or B with A' in all these instances is for the purpose of making it clear that the prohibition applies whether animal A is the principal factor in the case and B secondary, or vice-versa.

(11) Ploughing is expressly forbidden in Scripture, y. Deut. loc. cit.; the Rabbis extend the prohibition to all forms of traction and load-carrying, as well as to tying them together even if it be for the purpose only of leading them, without their drawing or carrying a load. T.J. discusses whether leading them together by means of the driver's call is also prohibited. According to T.B., B.M. 9a it would appear that 'drawing' (מושך) and 'leading' (מנהיג) are synonymous terms, the first being used in connection with camels and the latter with asses.

(12) Lit., 'leading'. sc. two heterogeneous animals.

(13) Prescribed as the penalty for the transgression of a negative precept (v. Deut, XXV, 3).

(14) Since it is on his account that the wagon is being drawn.

(15) On the ground that he takes no active part in the driving.

(16) I.e., even though not to the wagon itself. Maim. (in his commentary) renders: 'Sitting in a third wagon tied to the straps of a second which is attached to the first wagon'.

(17) Since the horse assists in some measure in the propelling of the vehicle.

(18) One would think that an ass can make no appreciable difference to the propelling of the wagon already drawn by camels, since the latter are so much the stronger. The Libyan ass, however, was of a heftier species approximately to the camel, and would, when tied even to a camel-drawn vehicle, help in pulling it.

(19) Since their sires and dams respectively were, in each case, of the same species.

(20) Sc., for purposes of cross-breeding or use, but one is not liable to lashes. On the other hand if their respective sires were of the same species and not their dams, transgression of the prohibition is punishable by lashes.

(21) In the case of these mules it is impossible, when they are young, to recognize whether its sire belonged to the horses and its dam to the asses, or vice-versa.

(22) L., 'with other horses'.

(23) אדני השדה n . Perhaps a chimpanzee or gorilla. Another reading אדמי (? constr. pl. of אדם , 'man'). Some versions, אבני השדה. Cf. Rashi to Job. V, 23. T.J. renders בר נש דטורא , 'man of the mountain' in connection with which Kohut suggests that the reading must be supposed to have been ארני (a fem. sing. adjective from the noun GR.** 'mountain').

(24) And are subject to the same laws re yoking etc., together as a hayyah. Cf. supra 2, n. 9.

(25) v. Num. XIX, 14. Cf. Oh. II, 1.

(26) Which means that the creatures referred to are deemed as belonging to the human species, and not to the category of

hayyah, and therefore, not subject to the laws applying to a hayyah in respect of yoking etc., together with other animals.

(27) Or, weasel.

(28) In respect of the laws of uncleanness.

(29) V. B. K. 80a. If the mole (or weasel) is identical with inn of Lev. XI, 23. it is a שרץ , 'a creeping thing', a lentil's-size thereof renders unclean by contact, not by carrying; if it is a hayyah, an olive's-size thereof renders a person carrying it unclean. As there is doubt as to which category the mole belongs, both disabilities attach thereto.

(30) On the assumption that its origin is domestic. As a behemah, its heleb (fat v. Glos.) is prohibited and when it is slaughtered its blood does not require covering with earth.

(31) His assumption being that its origin is wild. As a hayyah, its heleb is permitted, and its blood requires covering.

(32) The matter is of practical importance in the event of a person entering into a contract to sell all his hayyah, or all his behemah.

(33) And is therefore forbidden with a domestic ass.

(34) I.e., a human being may pull a vehicle-drawing (or load-carrying) animal by the bridle, help to propel and guide a plough drawn by an animal, and walk beside an animal attached to him by a rope.

Mishna - Mas. Kilayim Chapter 9

MISHNAH 1. NO [CLOTHING MATERIAL] IS FORBIDDEN ON ACCOUNT OF KIL'AYIM EXCEPT [A MIXTURE OF] WOOL AND LINEN.¹ NO [CLOTHING MATERIAL] IS SUBJECT TO UNCLEANNESS BY LEPROSY EXCEPT [SUCH AS IS MADE OF] WOOL OR LINEN.² PRIESTS DON FOR SERVICE IN THE SANCTUARY, NONE BUT [GARMENTS OF] WOOL AND LINEN.³ IF ONE HAS HACKLED TOGETHER CAMEL'S WOOL WITH SHEEP'S WOOL, IF THE GREATER PART BE CAMEL'S WOOL, IT IS PERMITTED [TO MIX LINEN THEREWITH];⁴ IF THE GREATER PART BE SHEEP'S WOOL, IT IS FORBIDDEN; IF IT IS HALF AND HALF, IT IS FORBIDDEN. THE SAME APPLIES TO HEMP AND LINEN HACKLED TOGETHER.

MISHNAH 2. [GARMENTS MADE OF A MIXTURE OF] SILK AND FLOSS-SILK⁵ DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM, BUT ARE PROHIBITED ON ACCOUNT OF APPEARANCES.⁶ TO MATTRESSES AND PILLOWS THE PROHIBITION OF KIL'AYIM DOES NOT APPLY,⁷ PROVIDED ONE'S FLESH DOES NOT COME INTO [IMMEDIATE] CONTACT WITH THE MIXED MATERIAL. THERE IS NO [PERMISSIBILITY FOR THE] CASUAL [WEARING] OF KIL'AYIM,⁸ NEITHER MAY ONE WEAR KIL'AYIM EVEN ON TOP OF TEN [GARMENTS]. EVEN FOR THE PURPOSE OF ELUDING [UNAUTHORIZED] IMPOSTS.⁹

MISHNAH 3. HAND-TOWELS, SCROLL-WRAPPINGS,¹⁰ AND BATH-TOWELS DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM.¹¹ R. ELIEZER DECLARED THEM SUBJECT TO THAT PROHIBITION.¹² BARBERS'-SHEETS ARE SUBJECT TO THE PROHIBITION OF KIL'AYIM.¹³

MISHNAH 4. SHROUDS FOR THE DEAD, AND THE PACKSADDLE OF AN ASS ARE NOT SUBJECT TO THE LAW OF KILAYIM;¹⁴ ONE MUST NOT [HOWEVER] PLACE A PACK-SADDLE [MADE OF KIL'AYIM] ON ONE'S SHOULDER EVEN FOR THE PURPOSE OF CARRYING DUNG OUT THEREON.

MISHNAH 5. VENDORS OF CLOTHES MAY SELL [CLOTHES MADE OF KIL'AYIM] IN ACCORDANCE WITH THEIR [TRADE] CUSTOM,¹⁵ AS LONG AS THEY HAVE NOT THE INTENTION. IN THE SUN, [TO PROTECT THEMSELVES] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS¹⁶ SUSPEND [SUCH MATERIALS OR GARMENTS] ON A STICK OVER THEIR BACKS.¹⁷

MISHNAH 6. TAILORS MAY SEW [MATERIALS WHICH ARE KIL'AYIM] IN THEIR ACCUSTOMED WAY,¹⁸ AS LONG AS THEY HAVE NO INTENTION, IN THE SUN, [TO PROTECT THEMSELVES THEREBY] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS SEW [SUCH MATERIALS AS THEY ARE LAID] ON THE GROUND.¹⁹

MISHNAH 7. THE BIRRUS BLANKET OR BRINDISIAN²⁰ BLANKET, OR [NETHER GARMENTS OF] DALMATIAN CLOTH, OR FELT²¹ SHOES, MAY NOT BE WORN UNTIL ONE HAS EXAMINED THEM].²² R. JOSE SAID THAT SUCH [OF THE ABOVE] AS COME FROM THE SEA-COAST OR FROM LANDS BEYOND THE SEA, DO NOT REQUIRE EXAMINATION, SINCE THE PRESUMPTION WITH REGARD TO THEM IS [THAT THEY ARE SEWN] WITH HEMPEN THREAD.²³ TO CLOTH-LINED FOOTWEAR THE PROHIBITION OF KIL'AYIM DOES NOT APPLY.²⁴

MISHNAH 8. ONLY THAT WHICH IS SPUN OR WOVEN IS FORBIDDEN²⁵ UNDER THE LAW OF KIL'AYIM, FOR IT IS SAID: THOU SHALT NOT WEAR SHA'ATNEZ,²⁶ WHICH WORD IS A COMPOUND STANDING FOR SHUA',²⁷ TAWUI,²⁸ AND NUZ.²⁹ R. SIMEON SAID: [THE WORD SHA'ATNEZ SUGGESTS THAT] HE [THE TRANSGRESSOR OF THE PRECEPT] IS PERVERTED³⁰ AND CAUSES HIS FATHER IN HEAVEN TO AVERT HIMSELF [FROM HIM].³¹

MISHNAH 9. TO FELTED MATERIALS THE PROHIBITION OF KIL'AYIM APPLIES, SINCE [THE STRANDS CONSTITUTING THEM] HAVE BEEN CARDED. IT IS PROHIBITED TO ATTACH³² AN EDGING OF WOOL TO LINEN MATERIAL,³³ SINCE THIS RESEMBLES WEAVING.³⁴ R. JOSE SAID: IT IS FORBIDDEN TO USE CORDS OF RED PURPLE [WOOL] [TO TIE ROUND A LOOSE LINEN GARMENT], SINCE PRIOR TO TYING IT, ONE STITCHES IT ON. IT IS FORBIDDEN TO TIE A STRIP OF WOOLLEN MATERIAL WITH ONE OF LINEN MATERIAL FOR THE PURPOSE OF GIRDLING ONE'S LOINS THEREWITH, EVEN IF THERE IS A LEATHER STRAP BETWEEN THE TWO.³⁵

MISHNAH 10. TO [STITCHED-ON] WEAVERS' MARKS OR LAUNDRYMEN'S MARKS THE PROHIBITION OF KIL'AYIM APPLIES. IF ONE HAS DRAWN A THREAD [THROUGH MATERIAL]³⁶ ONCE, THIS DOES NOT [IN LAW] CONSTITUTE A CONNECTION,³⁷ NOR DOES [THE PROHIBITION OF] KIL'AYIM APPLY THERETO,³⁸ AND IF ONE HAS DRAWN IT OUT ON THE SABBATH, HE IS NOT PUNISHABLE.³⁹ IF ONE MADE ITS TWO ENDS COME OUT ON THE SAME SIDE [OF THE MATERIAL], THIS CONSTITUTES A CONNECTION, AND COMES UNDER THE PROHIBITION OF KIL'AYIM,⁴⁰ AND ONE WHO HAS DRAWN THIS THREAD OUT ON THE SABBATH IS LIABLE.⁴¹ R. JUDAH SAID: [THE PROHIBITION DOES NOT APPLY] UNTIL ONE HAS MADE THREE STITCHES. A SACK AND A BASKET [ONE HAVING A STRIP OF WOOLLEN MATERIAL ATTACHED TO IT, AND THE OTHER A STRIP OF LINEN] COMBINE TO FORM KIL'AYIM.⁴²

(1) Termed sha'atnez cf. infra 8. V. Lev. XIX, 19 and, more explicitly. Deut. XXII, 11. Wool for the purpose of this prohibition, is only sheep's wool, since from II Kings III, 4 it is apparent that צמר (zemer) 'wool' without any qualifying description, means, sheep's wool.

(2) V. Lev. XIII, 47ff. This is taken to apply only to undyed wool or linen. With regard to kil'ayim, however, there is no difference whether these be dyed or undyed.

(3) The priestly garments were made of byssus (fine linen) and wool dyed blue-purple, red-purple and crimson. V. Ex. XXVIII, 4-8, XXXIX, 1.

(4) The permission applies only when the two kinds of wool have been well mixed together e.g., by hackling or combing or crushing; but if a piece of cloth of camel's wool has one distinct thread of sheep's wool drawn through it, it is not

permitted to draw a linen thread through the material.

(5) **כלף**. A vegetable yarn variously identified which in some respects resembles sheep's wool.

(6) Since the silk resembles linen, and the floss-silk wool. Likewise silk would be forbidden with wool (and floss-silk with linen) 'on account of appearances', but since silk has become a generally known commodity, the reason 'on account of appearances' has entirely fallen away, and silk is permitted with either wool or linen. V. Yoreh De'ah 298, 1. and cf. L. to our Mishnah and his **בתי כלאים** 113. and Pithehe Teshubah to Yoreh De'ah, loc. cit.

(7) Since Scripture says of material which is kil'ayim: 'it shall not come upon thee' (Lev. XIX, 19) and: 'thou shalt not wear' (Deut. XXII, 11), having it beneath a person, is not forbidden. This permission is, in practice, operative only if the bolsters or mattresses made with kil'ayim are hard; but if they are soft, and there is consequently the possibility of even a thread winding itself round one's body and giving some warmth, it is not permitted to lie on them even if they are under ten permitted blankets.

(8) When the person's intention is that it shall serve him as a garment or covering.

(9) The commentators explain: By wearing garments which, had they been carried otherwise, would have been dutiable, a device not unknown nowadays. According to the Gemara in B.K. 113a (Sonc. ed. p. 662 f.) the Mishnah must have had in mind here imposts unauthorized by the proper authority, since were it otherwise, the duty of complying with the law of the land is, in Jewish teaching, beyond question; in fact the eluding of customs is denounced (Semahoth II, 9) as being as reprehensible as bloodshed, idol-worship, incest and Sabbath-desecration. In connection with an incident reported (Gen. R. LXXXII, 8) of two scholars who in time of persecution varied their garb but were, nevertheless, held up by Roman soldiers, who expressed surprise that the scholars should have attempted to save their lives by transgressing the Torah, the present writer has suggested, that since it was evidently a transgression of a biblical precept relating to clothing that was involved, it seems that the disguise consisted in wearing kil'ayim so as not to be recognized as Jews. The tax referred to in our Mishnah might thus have been the Fiscus Judaicus which was considered an affront to Jewish religious feelings. The editor has, as a comment on this surmise, brought to my notice an anonymous opinion cited in **שאלות ותשובות מהרי ק** No. 84, to the effect that the impost referred to in our Mishnah might have been one enforced on Jews only. In B.K., loc. cit. the view is expressed that the legal principle involved is the question of **דבר שאינו מתכוון** i.e., the permissibility of an action which is in itself permissible, but which unavoidably, though unintentionally, results in something forbidden.

(10) Cloth bands and 'mantles' used to tie up and cover Scrolls of the Law, or cloths spread on the desk on which the Scrolls are unrolled and read.

(11) Since these are not intended for protecting or warming the human body. A table-cloth is in the same category.

(12) Since when drying oneself with either towel one does warm oneself; with a bath-towel one also covers oneself as with a cloak; when one clasps the covered Torah-scroll one derives warmth therefrom.

(13) Only if it has an aperture for the head; otherwise it is not an article of wear nor is it intended to protect the body, but one's clothes.

(14) In the case of the shrouds the reason is that on the strength of a Rabbinic interpretation of Ps. LXXXVIII, 6, the dead are declared exempt from all precepts. The saddle-cloth is exempt because it is stiff (cf. p. 135. n. 1). The exemption in the latter case operate only when the heterogeneous element is recognizable in the material but not otherwise, since one might in error use some of it for patching one's garments. (V. Nid. 61b).

(15) Either by way of carrying them over their shoulder, or by way of putting them for the purpose of displaying them before prospective customers.

(16) **צנועים**, lit., the 'modest', denoting a positive quality, probably nothing else but discretion or modesty 'Buchler' Types (contra Kohler who identifies the Zenu'im with the Essenes) pp. 59 ff.

(17) So that the forbidden materials or garments do not touch the person carrying them.

(18) I.e., letting them lie across one's lap.

(19) Placing the material on a board or table would answer the same purpose viz., avoid letting the material rest on one's body.

(20) **הברסין והברדין**. Our rendering is after last. But v. Kohut, 'Aruk s.v. **בדם** for variant readings and varying renderings; he concludes that one represents a (? woven) woollen and the other a felt material. Maim., frankly admits that he is unable definitely to identify the materials mentioned here except in so far as it is apparent from T.J. that they were woollens for covering the feet and thighs, and were often sown with linen thread.

(21) **פינון**, pile.

(22) To see whether they are made with linen.

- (23) Since in the days of the Mishnah linen was very rare in those countries. T.J., however, says: Now that linen is common, all must be examined. Rash. (ca. 1150 — 1230 C.E.) says that in his own locality (Sens, district of Yonne, France) there was no need to examine because hempen thread was much cheaper there than linen and also made a stronger thread and was therefore commonly used; but, he adds, in England and Normandy (of which he was a native) where hemp is scarce, examination is essential.
- (24) Maim., Yad. Hil. Kil. X, 15 gives as the reason that the skin of the feet is very hard and that consequently in comparison with that of other parts of the body, the foot does not derive so much warmth from the cloth lining. Kesef Mishneh to this says that the footwear spoken of in our Mishnah was lined with linen for the summer, but additionally lined with wool for the winter. Ikkar Tosaf. Yomtov rightly says that the reason for this exemption is not apparent.
- (25) By the Pentateuchal law.
- (26) **שעטנז**, Deut. XXII, 11. What follows is an interpretation by the Midrashic device of Notarikon.
- (27) **שוע**, each thread (one of wool and the other of linen) smoothed out by the process of carding.
- (28) **טווי** (each strand) spun.
- (29) **נז**. Maim., and Rashi to Nid., 61b, 'woven', but Rashi to Lev. XIX, 19, also R. Tam (v. Tosaf. to Nid. l.c.) 'twisted'. The latter is the accepted meaning, and the Mishnah is taken to mean that according to Pentateuchal law, the prohibition of sha'atnez applies only when a strand of wool and one of linen, each carded (shua'), and spun (tawui), and twisted (nuz) have been joined together (**יחדו** in the text) by weaving or sewing or tying. According to R. Tam (also Maim.), we should understand: When each strand has been carded, or spun, or twisted etc. This is accepted as a Rabbinic extension of the Pentateuchal law. Bert., prefers a rendering which he quotes (among others) from an anonymous teacher. Viz., 'When the strands have been shua' (carded), and tawui (spun), and nuz, which he renders 'woven'. This authority apparently takes the word **יחדו** 'together' in the text as adding sewing and tying to the prohibition of weaving, which according to him, is covered by nuz.
- (30) **נלז**, Naloz, another play on the last syllable of the word sha'atnez.
- (31) So Maim., and others. An alternative rendering: 'And he perverts or subverts (the order willed by) his Father in Heaven (in that he joins together species which He ordained should be kept distinct)'.
- (32) Either by drawing through or interlacing, or by means of an adhesive substance (v. L.).
- (33) Or vice-versa.
- (34) Or, 'since this (i.e., the edging) is wound round (or encloses) the woven material'.
- (35) Since the woollen and linen strips will be tied together when the girdle is used. Otherwise such a combination of wool-leather-linen is not forbidden.
- (36) A thread of linen through woollen material, or vice versa; or any thread through two pieces of material one woollen and the other linen.
- (37) In the case of more than one piece of material, the drawing through of a thread once would not make them into one piece in respect of the laws of uncleanness, thus: If one piece becomes unclean, the other is not thereby rendered unclean; likewise if both are unclean, the ritual cleansing of the one will not restore cleanness to the other.
- (38) Some stipulate: As long as the ends of the thread are not tied together, (v. L.).
- (39) Even if he has done so in order later to sew up again, since it is 'tearing so as to sew two stitches' which is prohibited on the Sabbath (Shab. VII, 2).
- (40) Some say: Even if the ends of the thread are not tied together, (v. L.).
- (41) But only if the ends had been tied together.
- (42) Sc. when the two strips are sewn together (with at least two stitches); and we do not say that each piece of cloth, being merely an appendage to the principal article, is negligible. Maim.: A garment made of wool and linen joined together by a sack or basket. Sippons, apparently on the basis of a variant reading in Sifre, Deut. 232 (ed. Friedmann, p. 117a): If a sack, or a basket, contain wool and linen, the sack, or basket have the effect of combining the two species, so as to form kil'ayim (and it is therefore forbidden to carry such a sack or basket on one's shoulder). v. Rosh. In view of the fact that T.J. here comments: 'But tents, (covered enclosures containing wool and linen together) do not effect kil'ayim,' the latter interpretation seems to be the correct one.

Mishna - Mas. Kinim Chapter 1

MISHNAH 1. THE [SPRINKLING OF THE BLOOD OF A] SIN-OFFERING OF THE BIRD¹ IS PERFORMED BELOW,² BUT THAT OF A BEAST, ABOVE.³ THE BURNT-OFFERING OF THE BIRD IS PERFORMED ABOVE,⁴ BUT THE BURNT-OFFERING OF A BEAST, BELOW.⁵ SHOULD ONE VARY THIS PROCEDURE WITH EITHER, THEN THE OFFERING IS DISQUALIFIED.⁶ THE PRESCRIBED RITUAL IN THE CASE OF KINNIM⁷ WAS AS FOLLOWS: IN THE CASE OF OBLIGATORY OFFERINGS,⁸ ONE [BIRD] IS A SIN-OFFERING⁹ AND ONE A BURNT-OFFERING.¹⁰ IN RESPECT OF VOWS AND FREEWILL OBLIGATIONS, HOWEVER, ALL ARE BURNT-OFFERINGS.¹¹ WHAT CONSTITUTES A VOW-OFFERING? WHEN ONE SAYS: 'IT IS INCUMBENT UPON ME TO BRING A BURNT-OFFERING'.¹² AND WHAT CONSTITUTES A FREEWILL-OFFERING? WHEN ONE SAYS: BEHOLD, THIS SHALL SERVE AS A BURNT-OFFERING'.¹³ WHAT IS THE [PRACTICAL] DIFFERENCE BETWEEN VOWED AND FREEWILL OBLIGATIONS? IN THE CASE OF VOWS, ONE IS RESPONSIBLE FOR THEIR REPLACEMENT IN THE EVENT OF THEIR DEATH, OR THEIR HAVING BEEN STOLEN; BUT IN THE CASE OF FREEWILL OBLIGATIONS, ONE IS NOT HELD RESPONSIBLE FOR THEIR REPLACEMENT.

MISHNAH 2. IF A SIN-OFFERING BECOMES MIXED UP WITH BURNT-OFFERINGS,¹⁴ OR BURNT-OFFERINGS WITH SIN-OFFERINGS, WERE IT EVEN ONE IN TEN THOUSAND, ALL MUST BE LEFT TO DIE.¹⁵ IF [BIRDS ASSIGNED AS] SIN-OFFERINGS¹⁶ BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,¹⁷ THEN THOSE VALID CORRESPOND TO THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS;¹⁸ SIMILARLY, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,¹⁹ THE NUMBER VALID IS IN PROPORTION TO THE NUMBER OF BURNT-OFFERINGS AMONG OBLIGATORY OFFERINGS.²⁰ [THIS RULE HOLDS GOOD] WHETHER THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE IN THE MAJORITY AND THE FREEWILL-OFFERINGS IN THE MINORITY, OR THE FREEWILL-OFFERINGS ARE IN THE MAJORITY AND AND THOSE THAT ARE OBLIGATORY IN THE MINORITY,²¹ OR WHETHER THEY ARE BOTH EQUAL IN NUMBER.²²

MISHNAH 3. WHEN IS THIS SO?²³ WHEN OBLIGATORY OFFERINGS [GET MIXED UP] WITH VOLUNTARY OFFERINGS.²⁴ WHEN, HOWEVER, OBLIGATORY OFFERINGS GET MIXED UP ONE WITH ANOTHER,²⁵ WITH ONE [PAIR] BELONGING TO ONE [WOMAN] AND THE OTHER PAIR TO ANOTHER [WOMAN],²⁶ OR TWO [PAIRS] BELONGING TO ONE AND TWO [PAIRS] TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE [PAIRS] TO ANOTHER,²⁷ THEN HALF OF THESE ARE VALID AND THE OTHER HALF DISQUALIFIED.²⁸ IF, HOWEVER, ONE [PAIR] BELONGS TO ONE [WOMAN] AND TWO PAIRS TO ANOTHER, OR THREE PAIRS TO ANOTHER, OR TEN PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER, ONLY THE LESSER NUMBER REMAINS VALID.²⁹ [THIS IS IRRESPECTIVE OF] WHETHER [THE PAIRS] ARE OF THE SAME DENOMINATION³⁰ OR OF TWO DENOMINATIONS,³¹ OR WHETHER THEY BELONG TO ONE WOMAN OR TO TWO.

MISHNAH 4. WHAT IS MEANT BY ONE 'DENOMINATION'?³² [WHEN BOTH PAIRS ARE] FOR TWO BIRTHS,³³ OR FOR TWO ISSUES;³⁴ [SUCH A CASE] CONSTITUTES ONE DENOMINATION.³⁵ AND 'TWO DENOMINATIONS'? [WHEN ONE PAIR IS BROUGHT] FOR A BIRTH, [AND THE OTHER] FOR AN ISSUE. WHAT IS MEANT BY 'TWO WOMEN'? [WHEN] ONE [WOMAN] BRINGS [HER OFFERING] FOR A BIRTH AND THE OTHER FOR A BIRTH, OR [WHEN ONE BRINGS] AFTER AN ISSUE AND THE OTHER AFTER AN ISSUE, THIS ALSO CONSTITUTES 'OF ONE DENOMINATION'. AND A CASE 'OF TWO

DENOMINATIONS'? WHEN ONE BRINGS HER PAIR AS A RESULT OF A BIRTH AND THE OTHER AS A RESULT OF AN ISSUE. R. JOSE SAYS: WHEN TWO WOMEN PURCHASE THEIR KINNIM IN PARTNERSHIP,³⁶ OR GIVE THE PRICE OF THEIR KINNIM TO THE PRIEST [FOR HIM TO PURCHASE THEM], THEN THE PRIEST CAN OFFER WHICH ONE HE PLEASURES AS A SIN-OFFERING OR AS A BURNT-OFFERING, IRRESPECTIVE OF THE FACT WHETHER THEY BELONG TO ONE DENOMINATION OR TO TWO.³⁷

(1) All the instances for which the Bible prescribes the offering of a couple of birds are cited in the Introduction heading this Tractate. One of these birds was regarded as a sin-offering (חטאת) and the other as a burnt-offering (עולה). V. Lev. V, 9-10. The Mishnah (Zeb. 53a) records that the חטאת was eaten by the males of the priesthood within the hangings of the Court on the same day and evening until midnight; whereas the עולה, which belongs to the holiest class of sacrifices (קדשי קדשים) has to be flayed, dismembered and totally consumed by fire.

(2) V. Mid. III, 1 for a graphic description of the altar. A red line, right across the centre of the altar, served to distinguish its upper part from the lower part thereof, a distinction necessary for the proper fulfilment of the blood-sprinkling attached to the various sacrifices. Our Mishnah refers to Lev. V, 9: 'And he shall sprinkle the blood of the sin-offering upon the side of the altar; and the rest of the blood shall be drained at the base of the altar: it is a sin-offering'. In the case of the חטאת 'the side of the altar' was that part below the red line, v. Zeb. 64b.

(3) V. Lev. IV, 30.

(4) Lev. I, 15: 'And the priest shall bring it upon the altar and pinch off its head and make it smoke on the altar, the blood thereof shall be drained on the side of the altar'. Since the draining (ונמצה) occurs side by side with the smoke of the sacrifices (והקטיר), which must refer to the top of the altar, the deducted inference is that the sprinkling of the עולה is also performed above.

(5) In the case of all burnt-offerings of beasts the sprinkling is done below the line, the Bible always using the words 'at the base of the altar', v. Zeb. 57a.

(6) I.e., in the sprinkling, or in the case of the 'burnt-offering of a bird' which had no sprinkling, in the draining of the blood.

(7) The Mishnah proper begins here, hitherto being merely introductory of the cases of confusion dealt with in this Tractate. The חטאת is mentioned first here, according to the order found in the Bible. קנים is pl. of קן (cf. Deut. XXII, 6; XXXII, 11), and always refers to the pair of sacrificial birds, whereas פרידה is used of a single bird (v. infra III, 6).

(8) V. Introduction. Though 'Kinnim' was the poor man's offering, yet in the case of a man or woman suffering a flux (זב וזבה), it sufficed even for the opulent.

(9) The blood-sprinkling taking place below the red line. In the case of the 'Kinnim' brought by the proselyte, both birds were regarded as burnt-offerings; not being so common an instance, the Mishnah does not deal with it. In Temple times, the new proselyte had to bring the silver equivalent of the 'Kinnim' (Tosef. Shek. IV, 22 and Baraita R.H. 31b).

(10) With the blood-sprinkling above.

(11) Freewill-offerings consisted only of burnt- or peace-offerings; but as birds were ruled out from being offered as peace-offerings, they could, therefore, only serve as burnt-offerings. Peace-offerings could only be brought from the herd and from sheep and goats.

(12) Since he pledged himself the vow is not fulfilled until the replacement of the sacrifice (cf. R.H. 6a, Meg. 8a, Hul. 139a).

(13) No replacement is required, since he pledged the animal and that animal is now non-existent; cf. 'Arak. 20b.

(14) All the nouns in this Mishnah, though in the singular, are used in a collective sense.

(15) Since we have already been told in the preceding Mishnah that the slightest variation in the blood-sprinkling disqualifies the offering, what greater variations can there be than in the confusion here instanced? In the case of living creatures, the rule of 'majority' does not apply, on the ground that anything of outstanding importance cannot be declared 'non est'. To avoid the risk of their being unwittingly offered up by another, they had to be secluded in a special place, where they would ultimately perish.

(16) I.e., doves or pigeons already designated for this purpose (מפורשות).

(17) Not yet defined as to which should be a חטאת and which an עולה.

(18) An example will make this clearer. If one bird, specified as a sin-offering, gets confused with two pairs of birds brought as obligatory offerings but not yet specified (סתומות), then none of the five birds can be offered as a

burnt-offering, since one is definitely a **חטאת**. To offer up three as sin-offerings is also not permissible, lest all the three may belong to the two 'kinnim' brought as obligatory offerings, of which not more than two are sin-offerings. Only two out of the five can be offered as sin-offerings, corresponding to the number of sin-offerings in the obligatory offerings. This only holds good if the two unspecified 'kinnim' belong to the same woman and were brought for similar causes, as for a past and present confinement, in which case they consist of two burnt-offerings and two sin-offerings.

(19) As above, a bird specified as a burnt-offering gets confused with two 'kinnim' still unspecified.

(20) V. supra n. 2; the example there given applies equally to this case. He cannot offer even one bird as a sin-offering, but only two as burnt-offerings.

(21) Freewill-offerings could only consist of burnt-offerings, whereas obligatory offerings consisted of an **עולה** and a **חטאת**. The Mishnah refers to obligatory offerings that have not been specified; in all these instances, the rule is that only that number is valid which corresponds to the number of burnt-offerings among the obligatory offerings.

(22) If two burnt-offerings or two specified sin-offerings get mixed up with an unassigned pair of birds, the rule applied is always the same.

(23) Lit., 'when are these words said?' Namely, that those valid correspond to the number of sin-offerings or burnt-offerings among the obligatory offerings. This Mishnah explains the preceding.

(24) That is when offerings comprising both burnt- and sin-offerings get mixed up with burnt-offerings.

(25) If unassigned kinnim brought by a woman after child-birth or a flux get confused with the kinnim of another brought for a similar cause.

(26) The word **זו** is in the fem., as all the instances in this treatise refer to women, who brought these offerings more often (child-birth being only applicable to them and also because they have the flux more often).

(27) Each bringing an equal number, without yet specifying what offering each bird should be.

(28) Ct. III, 2 infra. Of the two kinnim that got confused, only one bird can be offered as a **חטאת** and the other as an **עולה**; more than this number cannot be offered as either offering, lest the two birds offered, for instance, as burnt-offerings belong to the pair of one woman, of which only one is an **עולה**. This ruling equally applies to any number of kinnim that get confused. When the priest sacrifices the half that are valid, he must stipulate that they are on behalf of the woman who has specified them for this purpose. In addition, the two women must bring another offering in partnership and state that each allows the other to offer up the part belonging to herself. This was done in order to make the offering perfectly valid.

(29) Hitherto the examples quoted were of the women each with an equal number of kinnim. The Mishnah now discusses the case when one woman only brings one pair and the other two, three, ten or a hundred pairs. In this case, only two birds can be sacrificed, one as a **חטאת** and the other as an **עולה**. Similarly, if ten kinnim get confused with a hundred belonging to another woman, only ten kinnim can be sacrificed, half of them as burnt-offerings and half as sin-offerings. Maim. in his Pesule ha-Mukdashim VIII, 6 gives a somewhat different interpretation; v. the Kesef Mishneh a.l.

(30) Each woman being after child-birth or after having seen a flux; v. infra I, 4.

(31) That is, either when each woman brings two kinnim, each for a different cause, or when one brings her sacrificial pair after child-birth and the other after suffering a flux. The same rule applies — only the lesser number brought by one woman is valid. In the case, however, of one woman bringing two different kinnim for the same cause, say for a present child-birth and for one gone by, for which no offering had yet been brought, then all the birds are valid, provided that they were unspecified. Two birds are offered as sin-offerings and two as burnt-offerings.

(32) This Mishnah explains the one above.

(33) Lit., 'for a birth and a birth'. Lev. XII, 8.

(34) Lev. XV. 29.

(35) And the law stated in the preceding Mishnah applies (**המועט כשר**).

(36) Without specifying which pair belonged to one, or which to another.

(37) Because the actual specification of the birds can take place either at the time of purchase or at the time of their offering by the priest, any intervening specification being of no effect (Yoma 41a). R. Jose's statement gave rise to much Talmudic discussion: v. 'Er. 37a and especially Rashi's commentary a.l. The question arose: If the women had specified the nature of their offerings at the time of purchase or when they gave the money to the priest, but forgot them later, or had not specified at all — then how could the latter perform the sacrifice? Might he not offer up a burnt-offering for Rachel when she intended it for a sin-offering, since it is an established principle that 'the Torah considers not of legal effect a retrospective assignment of things previously undefined as to their purpose'? (Cf. Bz. 38a; Hul. 14b). To solve

these difficulties, the explanation arrived at by Rashi is as follows: When the women bought the birds or gave the purchase money to the priest, they left to the priest the option to offer them up as he thought fit, thus removing the difficulty of retrospective selection (ברירה). V. Tosaf. ibid. s.v. כשהתנו .

Mishna - Mas. Kinim Chapter 2

MISHNAH 1. IF A SINGLE PIGEON FROM AN UNASSIGNED PAIR OF BIRDS¹ ESCAPED INTO THE OPEN AIR, OR FLEW AMONG BIRDS THAT HAD BEEN LEFT TO DIE,² OR IF IT ITSELF DIED, THEN MUST A MATE BE SUPPLIED FOR THE SECOND ONE.³ IF IT FLEW AMONG BIRDS THAT ARE TO BE OFFERED UP,⁴ IT BECOMES INVALID⁵ AND INVALIDATES ALSO ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR];⁶ FOR THE PIGEON THAT FLEW AWAY BECOMES INVALID AND INVALIDATES ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR].⁷

MISHNAH 2. FOR EXAMPLE?⁸ TWO WOMEN⁹ — EACH WITH HER TWO PAIRS,¹⁰ AND ONE BIRD FLIES FROM THE [PAIR OF] ONE TO ANOTHER [WOMAN'S PAIR]. THEN IT DISQUALIFIES BY ITS ESCAPE ONE [OF THE BIRDS FROM WHICH IT FLEW].¹¹ IF IT RETURNED, IT DISQUALIFIES YET ANOTHER¹² BY ITS RETURN.¹³ IF IT FLEW AWAY AGAIN AND THEN RETURNED, AND YET AGAIN FLEW AWAY AND RETURNED, NO FURTHER LOSS IS INCURRED,¹⁴ SINCE EVEN IF THEY HAD ALL BECOME MIXED TOGETHER, NOT LESS THAN TWO [PAIRS WOULD STILL BE VALID].¹⁵

MISHNAH 3. IF ONE [WOMAN] HAD ONE PAIR, ANOTHER TWO, ANOTHER THREE, ANOTHER FOUR, ANOTHER FIVE, ANOTHER SIX AND ANOTHER SEVEN PAIRS,¹⁶ AND ONE BIRD FLEW FROM THE FIRST TO THE SECOND PAIR,¹⁷ [AND THEN A BIRD FLEW FROM THERE] TO THE THIRD, [AND THEN A BIRD FLEW FROM THERE] TO THE FOURTH, [AND FROM THERE A BIRD FLEW] TO THE FIFTH. [AND FROM THERE FLEW ONE] TO THE SIXTH, [AND ONE FROM THERE FLEW] TO THE SEVENTH, AND THEN A BIRD RETURNS [IN THE SAME ORDER].¹⁸ IT DISQUALIFIES A BIRD AT EACH FLIGHT AND RETURN.¹⁹ UNTO THE FIRST AND SECOND [WOMEN] THERE ARE NONE LEFT,²⁰ UNTO THE THIRD THERE IS ONE PAIR,²¹ UNTO THE FOURTH TWO, UNTO THE FIFTH THREE, UNTO THE SIXTH FOUR, AND UNTO THE SEVENTH SIX PAIRS.²² IF AGAIN [ONE FROM EACH GROUP] FLEW AWAY AND RETURNED [IN LIKE ORDER].²³ IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; [IN WHICH CASE] THE THIRD AND FOURTH WOMAN WILL HAVE NONE LEFT,²⁴ THE FIFTH WILL HAVE ONE PAIR,²⁵ THE SIXTH TWO PAIRS,²⁶ AND THE SEVENTH WOMAN FIVE PAIRS.²⁷ IF AGAIN ONE [FROM EACH GROUP] FLEW AWAY AND RETURNED,²⁸ IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; IN WHICH CASE, THE FIFTH AND SIXTH WOMEN HAVE NONE LEFT,²⁹ AND THE SEVENTH HAS FOUR PAIRS.³⁰ BUT SOME SAY THAT THE SEVENTH WOMAN HAS THEREBY LOST NOTHING.³¹ IF [A BIRD] FROM THOSE THAT ARE LEFT TO DIE³² ESCAPED TO ANY OF ALL THE GROUPS, THEN ALL MUST BE LEFT TO DIE.³³

MISHNAH 4. IF [THERE ARE TWO PAIRS], ONE UNASSIGNED³⁴ AND THE OTHER ASSIGNED,³⁵ AND ONE BIRD FROM THE UNASSIGNED [PAIR] FLEW OVER TO THE ASSIGNED [PAIR], THEN A MATE MUST BE TAKEN FOR THE SECOND [BIRD].³⁶ IF ONE BIRD FLEW BACK,³⁷ OR IF, IN THE FIRST PLACE, A BIRD FROM THE ASSIGNED PAIR FLEW [AMONG THE OTHER PAIR].³⁸ THEN ALL MUST BE LEFT TO DIE.³⁹

MISHNAH 5. IF THERE ARE SIN-OFFERING⁴⁰ ON ONE SIDE, BURNT-OFFERING ON THE OTHER AND UNASSIGNED [PAIR] IN THE CENTRE, AND FROM THE CENTRE THERE FLEW A BIRD TO EACH SIDE, ONE HERE AND THE OTHER THERE, THEN NO LOSS ACCRUES, BUT HE [THE PRIEST] SAYS THAT THE BIRD THAT FLEW [FROM THE

CENTRE] TOWARDS THE SIN-OFFERING IS A SIN-OFFERING AND THE BIRD THAT FLEW TOWARDS THE BURNT-OFFERING IS A BURNT-OFFERING.⁴¹ IF ONE [FROM EACH SIDE] RETURNS TO THE CENTRE, THEN [ALL] THOSE IN THE CENTRE MUST BE LEFT TO DIE, BUT THOSE [LEFT ON EITHER SIDE] CAN BE OFFERED UP AS SIN-OFFERINGS OR AS BURNT-OFFERINGS RESPECTIVELY.⁴² IF AGAIN A BIRD [FROM THE CENTRE] RETURNED OR FLEW AWAY TO THE SIDES,⁴³ THEN ALL MUST BE LEFT TO DIE.⁴⁴

ONE CANNOT PAIR TURTLE-DOVES WITH PIGEONS OR PIGEONS WITH TURTLE-DOVES.⁴⁵ FOR EXAMPLE? IF A WOMAN HAS BROUGHT A TURTLE-DOVE AS HER SIN-OFFERING AND A PIGEON AS HER BURNT-OFFERING, SHE MUST THEN BRING ANOTHER TURTLE-DOVE AS HER BURNT-OFFERING; IF HER BURNT-OFFERING HAD BEEN A TURTLE-DOVE AND HER SIN-OFFERING A PIGEON, THEN SHE MUST BRING ANOTHER PIGEON AS HER BURNT-OFFERING.⁴⁶ BEN 'AZZAI SAYS: ONE IS GUIDED BY WHAT WAS THE FIRST [OFFERING].⁴⁷ IF A WOMAN BROUGHT HER SIN-OFFERING AND THEN DIED, HER HEIRS MUST BRING HER BURNT-OFFERING;⁴⁸ [BUT IF SHE FIRST BROUGHT] HER BURNT-OFFERING AND THEN DIED, HER HEIRS NEED NOT BRING HER SIN-OFFERING.⁴⁹

(1) The word **סתומה** points to the undesignated state of each bird; its opposite (**מפורשת**) is used of a pair of birds that have been specified as to which was to be offered as a sin-offering and which as a burnt-offering (B.B. 71a; Nazir 12a).

(2) Supra I, 2. Should this unassigned pair get confused with birds specified as sin-offerings, all may then be offered as sin-offerings and the bird still remaining of the unassigned pair is brought as a burnt-offering. (V. Rashi on Nazir 12a).

(3) We do not condemn it to exposure to die, but it is still fit to be offered up either as a **חטאת** or an **עולה**, once it has been supplied with a partner. If the bird escapes from a specified pair, this rule all the more applies.

(4) That have also not yet been specified. Our Mishnah speaks of **סתומה**; for if a bird from a **קן מפורשת** gets confused with unassigned birds, the law is that of I, 2 supra. Moreover, if the nature of the escaped bird from the specified pair be unknown, then it would disqualify not only itself and one of the birds of the group into which it had flown, but also the bird remaining of the specified pair; v. infra II, 3.

(5) I.e., of the confused birds one remains invalid and not fit to be offered as representing the bird that had flown into them.

(6) Being unassigned, it can only disqualify its counterpart in the pair from which it flew (infra II, 4). The other birds can be offered up according to the number of sin- and burnt-offerings that were there before the confusion occurred.

(7) We expected a reason and get instead a repetition of the statement. Besides, these words refer only to the last case but not to the first instances quoted in the Mishnah. The stress, however, here is that the escaped bird can only disqualify both the one left behind and one of those into whose midst it flies. We do not apply here the principle of **כל דפריש מרובא פריש**, 'that whatever proceeds from a mixed multitude has the legal status of the majority'. since it may easily be that the bird offered up is the one that remained stationary (kabua), and the principle is that the majority rule is not applicable. (For a discussion v. Zeb. 73b.)

(8) A fuller illustration of the principle clearly stated in the preceding Mishnah.

(9) Again women, for it is they who have more frequent occasion to bring bird-offerings.

(10) Still unassigned. Two pairs are cited, for if each had brought only one pair, the bird remaining would have become invalid even prior to the return of its escaped companion. In the case of one bringing one pair and the other woman several, the rule of 'only the lesser number remains valid' (supra I, 3) would apply here too.

(11) When a bird escapes from the four birds of one to the four of another, then three are left in one group and five in the other. Of the three one can be offered as a **חטאת** and the other as an **עולה** for were he to offer up two as burnt-offerings, both the third bird and the one that escaped would thereby be classed as sin-offerings. The result would then be that of the five birds he would be able to offer only two sin-offerings in accordance with the principle of supra I, 2. After having sacrificed two of the three birds, the third must be left to die; for were it brought as a sin-offering, the fear is lest its mate that swelled the other group to five also be offered as a **חטאת**. The result would then be that one pair would yield two sin-offerings. 'quod impossibile est'. Similarly, not more than four of the five birds are valid, two as

sin-offerings and two as burnt-offerings. For were three birds offered as either kind of sacrifice, it is possible that they were of the two pairs brought by the same woman, of which only two are sin-offerings and only two are burnt-offerings. It thus stands to reason that the bird that escapes disqualifies itself and a bird from each of the groups from which it has flown and to which it escapes. (As in all other cases, the women, in order to fulfil their obligation meticulously, had to subscribe jointly for another pair and give each other full rights in the pair brought.)

(12) Of the birds from which it now flew.

(13) If one of the five birds flew towards the three. Once again there are two equal groups of four birds each, but of each group only one can be offered as a **חטאת** and one as an **עולה** since it might easily be that the bird that now escapes towards the three is not the bird that originally belonged to that group, so that we would now have three birds belonging to one woman and one to another, and as explained in n. 4 supra, only two birds of each group can be offered as a **חטאת** and an **עולה** respectively.

(14) Even with endless flying and returning at least two pairs remain valid.

(15) Of these two pairs only two can be offered as sin-offerings and two as burnt-offerings. The sole fear stressed in this Mishnah is lest if three be offered as either sacrifice, the three birds may belong to the two pairs of one woman.

(16) The pairs being yet unassigned.

(17) The bird left to her, who only brought one pair, becomes disqualified; v. supra land II n. 4.

(18) A bird from the seven kinnim flies towards the six kinnim, and from there another bird flies towards the five kinnim, and so on in reverse order. The result of this backward flight is that the women finish up each with the number with which they at first began.

(19) On account of the uncertainty of identity. V. Bertinoro s.v.

(20) The pair of the first is invalid, for one bird is disqualified at the first flight and the other remaining bird by the return of another bird. Similarly, of the four birds belonging to the second woman, two get disqualified by the first flight and two by the return flight.

(21) More she cannot offer, for four have become disqualified by the flight and return. Hence, the fourth, fifth and sixth women can offer their kinnim minus four as these may be of those belonging to the first and second, whose offerings are now invalid.

(22) Since only one bird escaped from her group when the birds began to fly back in reverse order; for at the first flight, her birds were not affected at all. In all cases the fear is lest more sin-offerings and burnt-offerings than originally existed in each of the groups be sacrificed.

(23) This return can only refer to the groups commencing with the third woman onwards; for should a bird escape from the kinnim of the first two women that have been invalidated, and, therefore, condemned to die, then the concluding rule of our Mishnah IF A (BIRD) FLEW FROM THOSE THAT ARE LEFT TO DIE would be applicable. Some commentators (notably Asheri) do not agree that the disqualified kinnim of the first two women are to be left to die, and aver that if these disqualified birds again get mixed up with those about to be sacrificed, they would be rendered valid on the principle of (**ספק ספיקא**) double doubt. The return of the bird must be understood as taking place in the same order as the flight. Only reversed; e.g., from the seventh to the sixth, from the sixth to the fifth, and so on.

(24) Three comings and goings have now taken place from each group, and of the six birds belonging to the third woman, three have gone. The fear is lest these three departed birds be offered up either as sin-offerings or as **עולות**, and if in addition, we allow her to offer up even one pair, we would find four sacrifices of each kind offered from a possible three. A similar reasoning is applicable to the fourth woman of whose eight birds six have become invalid by the three movements from and into the kinnim (v. Tif. Israel).

(25) Of her original ten birds, four are deemed to have escaped. These might be offered up later as four sin-offerings or as four burnt-offerings; so by allowing the fifth woman more than one valid pair, the same situation as the one described above would arise—more sacrifices would be brought from her kinnim than possibly existed when she first brought them. Some commentators (Tif. Israel) question this ruling: since the third and fourth cannot offer up their kinnim at all, and since they are set aside, then why should not the fifth be allowed to offer up three pairs? But the fear is lest the fourth woman, whose remaining two birds have been disqualified on account of a preventive measure, might offer up those birds again after they had become mixed up with the others, in which case they would be rendered valid, as aforementioned, on account of **ספק ספיקא** (a double doubt).

(26) For the reasons above given; four birds have escaped and more than two pairs would increase the possible number of her offering.

(27) Hers is the least loss, since her kinnim have been affected Only at each return and not, as in the other cases, at each

flight also. Were she allowed more than five pairs, the same impossible situation referred to in the above notes would arise.

(28) Since the kinnim of the first four women have become invalid, we must interpret this flight to be from the kinnim of the fifth downwards and the return, in reverse order, from the seventh to the sixth, and the sixth to the fifth.

(29) For the same reason as that given in the case of the third and fourth woman in p. 10, n. 2 supra.

(30) Since only three birds have been affected, she loses only three pairs, each fleeing and returning bird disqualifying a corresponding bird. To the question, why she be not allowed to offer more, since the kinnim of all the others have been disqualified, the same answer as that given in p. 10, n. 3 supra can be cited.

(31) This does not mean that she can offer up all her seven pairs, but simply that the third flight does not affect her and she may still offer up five pairs, as after the second flight. Wilna Gaon contends that **HAS THEREBY LOST NOTHING** means that all the seven pairs can be offered up since there is no fear of more than the possible sin- and burnt-offerings being brought, as all the other kinnim have been declared invalid. The Bertinoro disagrees on the contention that the third flight would thus qualify even those birds that had become invalid after the second flight, when the seventh was allowed to bring only five pairs.

(32) These may either be those birds our Mishnah disqualifies, or birds of owners who had died or had been forgiven before the sacrifice could take place.

(33) On the ground that living things are too important for the majority rule to be applied to them. Neither can the principle of **נכבשנהו דנייד** 'let us force them to scatter' (v. Zeb. 73b) or of **כל דפריש מרובא פריש** 'whatever comes out of a mixed multitude presumably comes from the majority' be applied, since the birds to be offered up may quite easily be of those that remained stationary, and the principle is that 'if there be anything stationary the whole is treated as equally divided'. Cf. supra II, 1 (n. 7).

(34) The owners or the priest had not yet specified the kind of offering each bird should be.

(35) The owners at the time of purchase designated each bird, but can no longer identify which is for the sin-offering and which for the burnt-offering.

(36) This cannot be taken from the three birds now all mixed up with the assigned pair, since none of these can now be offered up. V. supra II. 1.

(37) From the three, back to the bird that had been left alone.

(38) Without knowing whether it was a **חטאת** or an **עולה**.

(39) Since the specific nature of each had been fixed, the present uncertainty disqualifies them from the altar.

(40) The sing. is used in a collective sense. The offerings in the two sides have already been specified.

(41) I.e., the priest, at the time of the sacrifice, declares the kind of offering the unassigned bird should be.

(42) Those in the centre are invalid, because they have become confused with the assigned offerings from each side, whereas those on either side are still valid, since we know the nature of the offerings.

(43) If birds from an assigned pair in the centre flew, a bird to each side, without knowing precisely which.

(44) On account of the confusion of sacrifices not only in the centre but also at the sides. Asheri reads **חזר ופרח** for **חזר או שפרח**. Maim. translates this statement of **חזר או שפרח** thus: 'a bird flies from the centre to one of the sides, and from that side the same, or another bird, flies to the other side'. The translation in our Mishnah is that given by R. Zerahia ha-Levy; Bertinoro simplifies the text by omitting **OR FLEW AWAY**.

(45) An introduction to the next chapter which deals with this subject.

(46) The sin-offering is mentioned first, on account of its pre-eminence in the Bible; cf. Lev. V, 8. The point stressed is that the pair of birds she brings must both be the same, either two pigeons or two turtle-doves, and when she brings one of each kind, she must bring another bird of the kind she had designated as a sin-offering, since that is the most important.

(47) Regardless whether this be a sin-offering or a burnt-offering.

(48) For the Temple authorities could claim from the heirs promises unredeemed by the death of the owner; v. Kid. 13b, Zeb. 5a and Men. 4b.

(49) Though as stated in n. 2 supra, the **חטאת** had to precede the **עולה** yet a reversal of this order by no means invalidated the offering. The point here stressed is that whereas a burnt-offering had to be brought by the heirs, a sin-offering had not to be brought, since death atones for any sin; cf. Ter. IV, 1.

Mishna - Mas. Kinim Chapter 3

MISHNAH 1. WHEN ARE THESE WORDS SAID?¹ WHEN THE PRIEST ASKS ADVICE;² BUT IN THE CASE OF A PRIEST WHO DOES NOT SEEK ADVICE, AND ONE [PAIR] BELONGS TO ONE [WOMAN] AND ONE TO ANOTHER, OR TWO [PAIRS] TO ONE AND TWO TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE TO ANOTHER,³ AND HE OFFERED⁴ ALL OF THEM ABOVE [THE RED LINE]. THEN HALF ARE VALID AND HALF INVALID.⁵ [SIMILARLY], IF [HE OFFERED] ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID. IF [HE OFFERED] HALF OF THEM ABOVE AND HALF OF THEM BELOW,⁶ THEN OF THOSE [OFFERED] ABOVE, HALF ARE VALID AND HALF ARE INVALID, AND ALSO OF THOSE [OFFERED] BELOW, HALF ARE VALID AND HALF ARE INVALID.⁷

MISHNAH 2. IF ONE [PAIR] BELONGED TO ONE WOMAN AND TWO [PAIRS] TO ANOTHER, OR [EVEN] THREE [PAIRS] TO ANOTHER, OR [TEN] PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER,⁸ AND HE OFFERED ALL OF THEM ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID. [SIMILARLY], IF HE OFFERED ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID.⁹ [IF HE OFFERED] HALF OF THEM ABOVE AND HALF BELOW, THEN THE [NUMBER OF BIRDS AS THERE IS IN THE] LARGER PART ARE VALID.¹⁰ THIS IS THE GENERAL PRINCIPLE: WHENEVER YOU CAN SO DIVIDE THE PAIRS [OF THE BIRDS] SO THAT THOSE BELONGING TO ONE WOMAN NEED NOT HAVE PART OF THEM [OFFERED] ABOVE AND PART [OFFERED] BELOW,¹¹ THEN HALF OF THEM ARE VALID AND HALF ARE INVALID;¹² BUT WHENEVER YOU CANNOT SO DIVIDE THE PAIRS [OF BIRDS] WITHOUT SOME OF THOSE BELONGING TO ONE WOMAN BEING [OFFERED] ABOVE AND SOME BELOW,¹³ THEN [THE NUMBER AS THERE IS IN] THE LARGER PART ARE VALID.¹⁴

MISHNAH 3. IF THE SIN-OFFERINGS BELONGED TO ONE AND THE BURNT-OFFERINGS TO ANOTHER,¹⁵ AND THE PRIEST OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF DISQUALIFIED.¹⁶ IF HE OFFERED THEM ALL BELOW, HALF ARE VALID AND HALF DISQUALIFIED. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, THEN BOTH OF THEM ARE DISQUALIFIED, BECAUSE I CAN ARGUE THAT THE SIN-OFFERINGS WERE OFFERED ABOVE AND THE BURNT-OFFERINGS BELOW.¹⁷

MISHNAH 4. IF A SIN-OFFERING, A BURNT-OFFERING, AN UNASSIGNED PAIR OF BIRDS AND AN ASSIGNED¹⁸ PAIR [BECAME MIXED UP], AND HE OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID;¹⁹ [ALSO] IF ALL OF THEM BELOW, HALF ARE VALID AND HALF INVALID. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, NONE IS VALID EXCEPT THE UNASSIGNED PAIR,²⁰ AND THAT MUST BE DIVIDED BETWEEN THEM.²¹

MISHNAH 5. IF [BIRDS ASSIGNED AS] SIN-OFFERINGS WERE CONFUSED WITH [UNASSIGNED BIRDS THAT WERE] OBLIGATORY OFFERINGS, THEN ONLY THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID.²² IF THE [UNASSIGNED] OBLIGATORY OFFERINGS BE TWICE AS MANY AS THE SIN-OFFERINGS,²³ THEN HALF ARE VALID AND HALF INVALID;²⁴ BUT IF THE SIN-OFFERINGS BE TWICE AS MANY AS THE [UNASSIGNED] OBLIGATORY OFFERINGS,²⁵ THEN THE NUMBER [OF SIN-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.²⁶ SO, TOO, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS WERE MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS, ONLY THE NUMBER OF BURNT-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID,²⁷ IF THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE TWICE AS MANY AS THE BURNT-OFFERINGS,²⁸ THEN HALF ARE VALID AND HALF DISQUALIFIED,²⁹ BUT IF THE BURNT-OFFERINGS ARE TWICE THE NUMBER OF [UNASSIGNED] OBLIGATORY

OFFERINGS, THEN THE NUMBER [OF BURNT-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.³⁰

MISHNAH 6. IF A WOMAN SAYS: 'I VOW A PAIR OF BIRDS IF I GIVE BIRTH TO A MALE CHILD';³¹ AND SHE DOES GIVE BIRTH TO A MALE CHILD, THEN SHE MUST OFFER UP TWO PAIRS — ONE FOR HER VOW AND ONE FOR HER OBLIGATION.³² IF [BEFORE SHE ASSIGNED THEM] SHE GAVE THEM TO THE PRIEST,³³ AND THE PRIEST WHO OUGHT TO OFFER THREE BIRDS ABOVE AND ONE BELOW³⁴ DOES NOT DO SO, BUT OFFERS TWO ABOVE AND TWO BELOW, AND DOES NOT SEEK GUIDANCE,³⁵ THEN MUST SHE BRING ANOTHER BIRD [OF THE SAME KIND]³⁶ AND OFFER THAT ABOVE.³⁷ [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND. IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING TWO OTHERS.³⁸ IF SHE HAD EXPRESSLY DEFINED HER VOW.³⁹ THEN MUST SHE BRING THREE OTHER BIRDS.⁴⁰ [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND, FOR WERE THEY OF TWO KINDS, SHE MUST BRING FOUR OTHERS.⁴¹ IF SHE MADE A DEFINITE FIXTURE AT THE TIME OF HER VOW,⁴² THEN MUST SHE BRING ANOTHER FIVE BIRDS — [THAT IS, IF THOSE SHE ORIGINALLY BROUGHT] WERE OF ONE KIND.⁴³ IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING SIX OTHERS.⁴⁴ IF SHE GAVE THEM TO THE PRIEST AND IT BE NOT KNOWN WHAT SHE GAVE,⁴⁵ AND THE PRIEST PERFORMED THE SACRIFICE, BUT KNOWS NOT NOW HOW HE PERFORMED IT,⁴⁶ THEN MUST SHE BRING FOUR OTHER BIRDS FOR HER VOW,⁴⁷ AND TWO FOR HER OBLIGATION⁴⁸ AND ONE FOR HER SIN-OFFERING.⁴⁹ BEN 'AZZAI SAYS: [SHE MUST BRING] TWO SIN-OFFERINGS.⁵⁰ R. JOSHUA SAID: TO THIS APPLIES WHAT [THE SAGES] HAVE SAID: 'WHEN [THE BEAST] IS ALIVE IT POSSESSES ONE SOUND, BUT WHEN IT IS DEAD ITS SOUND IS SEVENFOLD'.⁵¹ IN WHAT WAY IS ITS SOUND SEVENFOLD? ITS TWO HORNS [ARE MADE INTO] TWO TRUMPETS,⁵² ITS TWO LEG-BONES INTO TWO FLUTES, ITS HIDE INTO A DRUM, ITS ENTRAILS FOR LYRES AND ITS LARGE INTESTINES FOR HARP STRINGS; AND THERE ARE SOME WHO ADD THAT ITS WOOL IS USED FOR THE BLUE [POMEGRANATES].⁵³ R. SIMEON B. AKASHIAH SAYS: UNINSTRUCTED PERSONS, THE OLDER THEY BECOME, THE MORE THEIR INTELLECT GETS DISTRACTED, AS IT IS SAID: HE REMOVETH THE SPEECH OF MEN OF TRUST AND TAKETH AWAY THE SENSE OF THE ELDERS';⁵⁴ WHEREAS OF AGED SCHOLARS, IT IS NOT SO. ON THE CONTRARY, THE OLDER THEY GET, THE MORE THEIR MIND BECOMES COMPOSED, AS IT IS SAID: 'WITH AGED MEN THERE IS WISDOM, AND UNDERSTANDING IN LENGTH OF DAYS'.⁵⁵

(1) A reference back to the principles enumerated in I, 2 — 3 supra, that in the case of a sin-offering getting mixed up with a burnt-offering, or vice versa, both must be left to die; or that if one pair belonging to one woman gets confused with ten pairs or one hundred pairs belonging to another, only the lesser number of the two groups confused is valid.

(2) The passages above quoted speak of a case where the priest comes to consult the Sanhedrin as to the procedure ('de jure') in such cases of confusion; this chapter deals with cases of 'de facto' where the priest acts on his own initiative. Acc. to Maim. נמלך refers to the priest asking the woman which bird she had specified as the sin or burnt-offering; but from Zeb. 73b it would appear that this view is incorrect. V. Kesef. Mishneh, Maim. Pesule ha-Mukdashim.

(3) As indicated supra I, 3 these birds are unspecified, and accordingly of the half that are valid, half can be brought as sin-offerings and half as burnt-offerings.

(4) I.e., sprinkled the blood.

(5) Since only half of the half that are valid can be offered above as burnt-offerings, and half below as sin-offerings,

(6) The case is of detached birds that had become confused and which the priest now takes to offer up half as sin-offerings and half as burnt-offerings; for had the birds of each pair been bound together and then got mixed up with other pairs, and then offered up one bird as a חטאת and the other as an עולה, all would still have been valid. V. next note.

(7) The main fear is lest the priest offer up all the pairs of one woman above and all those of another below; and though this fear may be too extreme, yet the principle is 'any doubt concerning a Biblical command is to be interpreted

rigorously', Bez. 3b, Hul. 9b. Since only half of the birds are valid and these are mixed up, so that one knows not whether they belong to one woman or another, the two women are advised to bring another pair of birds in joint-ownership, and make the condition that these be the birds for the woman whose sacrifice has not been offered up. If the priest had separated the birds, offering up half as sin-offerings and half as burnt-offerings (instead of a whole pair together above the red line) all the birds would have been valid on the plea that the priest, when he begins to sacrifice the unassigned birds, has the right to define the kind of sacrifice intended.

(8) Though we were told supra I, 3 that only the lesser number in such a case is valid, our present chapter deals with 'de facto' cases, in which the priest sacrifices without consulting as to the procedure.

(9) For in both cases half of the birds had been sacrificed in their proper places.

(10) In all such cases, where half are disqualified, the women, to fulfil their obligation, must bring other kinnim in partnership, and condition these as the sacrifices of her whose kinnim have been disqualified. An illustration will clarify the statement (THE NUMBER OF BIRDS AS THERE IS IN THE) LARGER PART ARE VALID. If the one pair belonging to A gets confused with the two pairs belonging to B, altogether six birds, and the priest offered three above and three below, then four birds are valid. For if we are to assume that all the three birds that were offered above belonged to B, then two of them are valid; and if on the other hand, we are to assume that two of the three offered above belonged to A, then these two birds are also valid, and the same applies to the three birds offered below, so that we have four birds, corresponding to the number belonging to B, valid. And the same applies to the case where the confusion arose among the pairs belonging to a larger number of women. If the one pair belonging to A gets confused with the two pairs belonging to B, and then with three other pairs, or ten pairs or a hundred other pairs belonging to others — a hundred and sixteen pairs altogether — and the priest offered up half of these birds above and half below the red line, then a hundred pairs are valid and sixteen pairs invalid. Why? If the one hundred and sixteen birds offered above belong to her who brought a hundred pairs, then a hundred birds are valid above, and sixteen invalid; but even if thirty-two of these hundred and sixteen belong to the other women, who brought these between them (one plus two plus three plus ten pairs), eighty-four birds are still valid since they belong to her who brought a hundred pairs, and of the thirty-two birds belonging to the others, sixteen would be valid above and sixteen below, thus still leaving a hundred birds valid, whether offered up above or below. This Mishnah differs from that previous in the fact that whereas the former cited the case of two women bringing an equal number of birds, the reference here is to women bringing each more than the other, the last one even bringing more than all the others put together.

(11) Since the priest offers up half of all the birds confused above and half below, it may be possible that all those birds offered up above belonged to one woman, or some to one and some to another. Here is an illustration: If A brings one pair, and B two pairs and C three pairs (together six pairs), and the priest offers half above, it is possible that either the six birds belong to A, B, or all to C. In this case, the priest may not have offered up half of the kinnim belonging to each woman above and half below.

(12) Whenever the number of the kinnim brought can be divided equally, as in the instance cited in a former note of A bringing one pair, B two pairs and C three pairs. In which case one plus two is three; or in the case of one, two, four or five pairs being brought, when one plus four is five, and the priest offers half of all the confused birds above and half below, then half are valid and half are not.

(13) If one pair gets confused with two pairs, and then with four pairs (together seven pairs), the kinnim cannot so be divided as to make any of them equal the largest number brought; as a result, it is possible that the priest offers some of the birds of one woman above and some below. Even in the case of three plus four plus five kinnim that get mixed up. though the total of twelve kinnim can be divided equally into two parts, yet of the numbers of the birds themselves no division can be made without one of the birds of a pair being above and the other below. Similarly, though the total number is a hundred and sixteen kinnim (v. n. 3, p. 15) one plus two plus three plus ten plus a hundred, yet the numbers cannot so be arranged as to make any equal the greatest number, with the result that the priest may be offering up part of the birds of one woman above and part below.

(14) Thus if one pair gets confused with two or four pairs, then four pairs are valid, to be offered up half above and half below. The numbers one plus two plus four cannot be so divided as to make any of the smaller numbers equal the larger number. So also of the numbers mentioned in n. 3, p. 15 (one plus two plus three plus ten plus a hundred), of which the smaller only combine to make sixteen. Thus the principle here stressed is that the greatest number brought (if more than all the other kinnim put together), is the number still valid after the mixing has taken place.

(15) This Mishnah further elucidates the principle stated supra I, 2. When do we say that 'if a sin-offering gets confused with a burnt-offering, then all must be left to die'? Only 'de jure', that is when the priest seeks guidance on the

procedure. This chapter, however, deals with 'Post facto' cases (בלא נמלך), in which case half of those he sacrificed above and below the red line are valid.

(16) Evidently the number of sin-offerings equals that of burnt-offerings and, moreover, the birds have all been designated as to the nature of their offering (מפורשות); hence half must be valid.

(17) Since the birds had been designated, it may easily be that he just offered up the wrong ones above or below.

(18) An amplification of the previous Mishnah. Rashi (Zeb. 67b), followed by Asheri and Bertinoro explains that the case here is of two women, one of whom brings two sin-offerings and one burnt-offering and the other two burnt-offerings and one sin-offering. These three kinnim they bring in partnership. One pair they specify at the time of purchase that one bird should act as the עולה for the one and as the חטאת for the other. Concerning the other pair they stipulated nothing whilst the third pair they again condition which should be a sin-offering and which a burnt-offering, but without specifying on whose behalf the respective sacrifice be made. The priest then offers up the three kinnim, unaware of the nature of each in the manner above narrated. The burnt-offering and the sin-offering have to be brought in the name of the owner, but the priest could 'de facto' do so without this knowledge. The same ruling would have applied to the case of an assigned pair with an unassigned pair only, without further mention of a חטאת ועולה : (v. Tosaf. Zeb. 67b s.v. חטאת). Concerning these last three Mishnahs of our Chapter, all commentators (v. the Tif. Israel) agree that they are the most difficult in the whole Talmud, since they not only deal with a most complicated subject, but they also demand a knowledge of permutation. i.e., the variation of the order of a set of things lineally arranged.

(19) Let A be the specified sin-offering of Rachel and B the burnt-offering of Leah, and let CC stand for the unspecified pair (each bird being called C), and let D and E symbolize the sin-offering and burnt-offering respectively in the third pair, which differs from the first pair in that though the sacrifice be specified, yet it be not known on whose behalf it is offered. Each pair is then tied together separately, thus AB, CC, DE. The priest, under the impression that all are unspecified, offers up from each pair one bird above and one bird below the red line.

(20) A and B are invalid, since it is not known which was offered above and which below, and for the same reason, D and E are invalid; only CC are valid, since it is within the power of the officiating priest to specify the nature of the offering.

(21) D and E being disqualified, it is for the women to arrange between them which bird in the unspecified pair (that is valid) should act as a substitute for each of their offerings that had been rendered invalid as a result of their offerings getting mixed up. Rachel must further bring another sin-offering in lieu of A that was disqualified and Leah another burnt-offering in lieu of B that was disqualified.

(22) An explanation of supra I, 2. Whether the birds unassigned equal or double the number of those assigned, only the number of unspecified sin-offerings among the obligatory offerings are valid. This rule is in the case of a priest who comes to consult the Beth din; for a 'de facto' case v. supra I, 4.

(23) For instance, if four unspecified birds, of which half are sin-offerings and half are burnt-offerings get confused with two others which are designated sin-offerings, and the priest offers up half above and half below.

(24) That is two sin-offerings and one burnt-offering. Of the three birds offered below, two are valid for both in the two assigned and in the two unassigned kinnim there must be two sin-offerings; and of the three offered above, one is still valid as a burnt-offering. since if two were sin-offerings. the third is a burnt-offering. (Some commentators will not have these two sin-offerings and one burnt-offering sacrificed, though not actually disqualified, lest the priest eventually offer them for a purpose other than that originally intended.) Tosaf. Yom Tob somewhat differs from the explanation of the Bertinoro given above. His illustration of our passage is of eight sin-offerings getting confused with eight others, of which four are burnt-offerings and four are sin-offerings. — a total of twelve sin-offerings and four burnt-offerings. Of these sixteen birds, the priest unwittingly offers up half above and half below the red line; as a result, those above are unfit, lest all be sin-offerings, but of the eight offered up below, four are valid, since the majority are sin-offerings and also that number being the number of sin-offerings among obligatory offerings. To illustrate the case of sin-offerings being twice as many as the unassigned obligatory offerings, the Bertinoro cites the example of sixteen sin-offerings getting confused with eight obligatory offerings, of which half are burnt-offerings and half sin-offerings. The priest offers up twelve birds above and twelve below the red line, with the result that all those offered above are invalid, whereas of the twelve offered below, only four are invalid, lest they be burnt-offerings.

(25) Four sin-offerings get confused with two unspecified obligatory offerings.

(26) Only two are valid as sin-offerings. Why? The three offered above are invalid lest they be of the four specified sin-offerings; but two of the three offered below are valid, either because they may all be or because even if two of the

three birds be the unspecified obligatory offerings, two are still valid as sin-offerings, since one bird is a sin-offering in any case. The number thus valid corresponds to the number of sin-offerings among the unspecified obligatory offerings. The same principle holds good in all cases where the number of unspecified obligatory offerings is double the number of sin-offerings. Should, however, the number of specified sin-offerings double that of the unspecified offerings, then instead of half being valid and half not, only a third of all the birds confused are still valid, that is, the amount corresponding to the number among the unspecified pairs. The Bertinoro cites this example: The woman can only offer one sin-offering of her two kinnim. She cannot offer two as burnt-offerings, lest they be the two sin-offerings that became confused; neither can she offer two as sin-offerings, lest one be the specified עולה. Accordingly, less than half are valid, that is, according to the least number among the obligatory offerings.

(27) Elaborating supra I, 2: IF BURNT-OFFERINGS BECAME MIXED UP WITH OBLIGATORY OFFERINGS; but whereas the first chapter deals with cases where the priest comes to ask advice, this chapter deals with 'de facto' cases.

(28) I.e., if four unspecified obligatory offerings get confused with two burnt-offerings, and the priest offers three birds above and three below the red line.

(29) Of the three offered above (as burnt-offerings) at least two are valid, even if all the three were unspecified; and of the three offered below (as sin-offerings) one is valid, since there are only two specified burnt-offerings. Thus only half of the birds are disqualified.

(30) The following example can serve as an illustration: Four burnt-offerings get confused with two unspecified birds and the priest offers up half above and half below, then all those offered up below are invalid, lest they be of the four burnt-offerings; whereas of those offered above, at least two are valid, whether all the three birds be of the burnt-offerings or only one be of the specified burnt-offerings and the other two of the unspecified, of which one must be a burnt-offering. Thus of all the six birds, only two are valid — according to the number of burnt-offerings among the obligatory offerings.

(31) The two birds brought as a result of her vow must both be burnt-offerings since a voluntary offering cannot consist of a sin-offering. Our instance is of a poor woman, for a rich woman was required to bring a lamb as her burnt-offering and a bird as her sin-offering. (The reason why a woman is more eager to have a male child is, according to some commentators, the belief that the pangs of birth are less than those for a daughter. v. Nid. 31a. More satisfactory is the reason cited by the רשב"י, and that is, because a son is referred to in the Talmud (Keth. 64a) as 'a staff for her old age', a support. But this ascendancy of the male was not regarded with unanimity, for in B.B. 141a the preference is given to the birth of a girl, especially if she be the first child, since she will be a help to her mother in looking after the other children.)

(32) 'And when the days of her purification are fulfilled, for a son or a daughter, she shall bring a lamb of the first year for a burnt-offering and a young pigeon or a turtle-dove for a sin offering, unto the door of the tent of meeting, unto the priest' (Lev. XII, 6). The point to be noted is that whereas her obligatory offering had to be brought at the end of forty days for a male, and eighty days for a female child, her vow-offering had to be brought immediately at birth.

(33) Of these two pairs, three birds are burnt-offerings and one a sin-offering; the priest offers the four birds up as if they were two pairs of obligatory offerings.

(34) As already stated, no voluntary offering can consist of a sin-offering, whereas the obligatory offering consists of a sin-offering and a burnt-offering.

(35) Under the impression that these two kinnim represent two obligatory offerings.

(36) A turtle-dove if the others had been turtle-doves, or a pigeon if the others had been pigeons.

(37) Since of the four birds, three were burnt-offerings and the priest only offers up two above, another bird of the same kind to which the four belonged must be brought as a burnt-offering. (V. Rashi to Zeb. 67b-68a for a detailed commentary on our Mishnah.)

(38) I.e., one turtle-dove and one pigeon; since one kind cannot be substituted for another (supra II, 5) and the two pairs consisted of a pair of pigeons and a pair of turtle-doves, a bird of each kind must be brought and offered, as an עולה, to replace the one burnt-offering that was disqualified. In such cases the birds brought to replace those disqualified are regarded as her vow-offering, though, as already stated, the 'vow' had to be brought at child-birth and her obligatory offering at the expiration of her period of purification.

(39) פירשה. At the time of the vow or even later, she had made clear the kind she would bring as her vow-offering, and after child-birth she brought two pairs of birds of the same kind, and the priest, without any investigation, offers two birds above and two birds below, and the woman does not recollect now of which kind she had specified for her vow-offering.

(40) Two of the birds already offered are treated as her obligation offering, consisting of one sin-offering and one burnt-offering. Of the second pair, brought in fulfilment of her vow, one is invalid since it was treated as a sin-offering. Besides substituting for this disqualified bird, two others must be brought as burnt-offerings, lest the two offered be not of the kind she had defined in her vow. The Mishnah deals with the more common case.

(41) She brought each pair of a different kind, but has forgotten the kind she vowed to bring for each offering. Accordingly, two birds became disqualified, lest they be not of the kind specified in her vow, and two birds must now be brought of each kind as burnt-offerings. with the stipulation that the two birds which are of a different kind to her original vow must be considered as voluntary offerings. Tif. Israel.

(42) **קבעה**. At the time of her vow, she had planned to bring both her offerings of the same kind and at the same time. This she did, but did not tell the priest the circumstances. and as a result he offers two birds above and two below. The woman had now forgotten the kind she had defined as her vow-offering, only remembering of what kind she had brought the two pairs (Tif. Israel). According to the Bertinoro, **פירשה** means that the woman does not define the kind of bird at the time of her vow, but at the time of the actual bringing of her offering declares: 'These birds shall serve as my vow-offering'; and **קבעה** means that this definition is made at the actual moment of her vow. Rashi, however, draws no such distinction between the two terms, both being the same, with the only difference that **קבעה** means that she declares to bring both her offerings at the same time. (V. also Men. 103a.) According to Wilna Gaon **קבעה** means that she defines at the time of the actual bringing of the pairs the kind she had stipulated at the time of her vow (**פירשה**), but which she had now forgotten.

(43) Though the birds she brought are all of one kind, the fear is lest those she had vowed were of a different kind; consequently, the two birds in fulfilment of her vow are invalid. Again, since she had vowed to bring both her offerings at the same time, and one of the offerings became invalid, her vow remains unfulfilled. Accordingly, she must now bring another two pairs of both kinds, and yet another bird of the same kind as that already offered as a sin-offering in fulfilment of her obligatory offering. These five birds must be sacrificed together. The principle behind all this is the rule laid down in Nazir V, 1 that any votive offering surrounded by doubt cannot be considered as a valid sacrifice.

(44) Four birds to fulfil her vow — since she has forgotten which kind had been offered — and two others to fulfil her obligation.

(45) She had forgotten the kind she had defined at the time of her vow and also the kind she had brought to the priest, and the latter also was unaware of the kind she had offered; accordingly, she must now bring seven other birds — four for her vow (two of each kind), two for her obligation offering and one as an additional sin-offering in case the other had been offered above. This would satisfy all doubts, since the slightest doubt concerning a sacrifice does not avail to render it valid.

(46) Did he offer all above or all below, or two above and two below? Accordingly, the woman cannot be said to have fulfilled any of her obligations.

(47) For she may have vowed all birds to be of one kind, whereas she has brought of two kinds, or the reverse. To allay doubt, let her bring a sacrificial pair of each kind.

(48) One of each kind, both of which must be offered as burnt-offerings, lest all the four birds had been offered below. The **עולה** of her obligatory offering must be of the same kind as her **הטאת**, the kind itself being immaterial.

(49) This can be of any kind she wishes, for she can pair the sin-offering to any burnt-offering she wishes to bring with it and she brings the burnt-offerings of both kinds.

(50) True to his principle that one is guided by what was first, supra II, 5. Since all the four birds may have been offered above, she has fulfilled the **עולה** of her obligation and she must now only bring the **הטאת** of the same kind as the burnt-offering; but the kind being unknown, two birds of different kind must be offered up as sin-offerings. The birds offered as sin-offerings, whether according to the first Tanna or Ben 'Azzai, cannot be eaten, lest she had already offered her sin-offering and a sin-offering cannot be brought as a voluntary offering. Ben 'Azzai, it would seem, prescribes that two sin-offerings be brought in all cases where the first Tanna of the Mishnah prescribes one to be brought.

(51) Symbolic of the number of additional birds prescribed by the Tanna of our Mishnah in consequence of the many doubts that have arisen. Thus one sacrifice is magnified sevenfold, and according to Ben 'Azzai, even eightfold. This Mishnaic parable is especially apt according to Rash (loc. cit.), who interprets the dispute between Ben 'Azzai and the first Tanna only as to seven or eight birds; other commentators would have it that Ben 'Assai requires two sin-offerings wherever the first Tanna prescribes only one.

(52) Another name for Shofar is, **הצוצרה**, Suk. 34a. Those used by the priests were of silver, whereas those used by the Levites were of horn.

(53) Attached to the robes of the High priest, Ex. XXVIII, 33.

(54) Job XII, 20 refers to the ignorant in the Torah, as can be seen from v. 24 of the same chapter. (Cf. also Shab. 152a.) The verses of the Bible are cited lest it be thought that the Rabbis are just praising themselves at the expense of the ignorant. The Torah becomes 'wisdom' with the very aged and 'understanding' with those still blessed with years to come.

(55) Job. XII, 12. This forms a fitting conclusion to the whole Order of Kodashim ('Hallowed Things'), of which Kinnim is the last Tractate, since the Talmud (Shab. 31a) refers to Kodashim as 'Wisdom'. Though this verse occurs earlier in the Biblical text than the one cited first, the compiler of the Mishnah thought it better to conclude with a statement on the scholar, the policy of Bible and Talmud being to conclude any prophecy or discussion on a joyful and optimistic note.

Mishna - Mas. Ma'aser Shenit Chapter 1

MISHNAH 1. SECOND TITHE MAY NOT BE SOLD,¹ NOR MAY IT BE PLEDGED, NOR MAY IT BE EXCHANGED,² NOR MAY IT BE USED AS A WEIGHT.³ ONE MAY NOT SAY TO HIS FELLOW [EVEN] IN JERUSALEM: HERE IS WINE,⁴ GIVE ME [FOR IT] OIL;⁴ THIS APPLIES ALSO TO ALL OTHER PRODUCE. BUT PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. TITHE OF CATTLE⁵ WHEN UNBLEMISHED MAY NOT BE SOLD⁶ ALIVE,⁷ AND WHEN BLEMISHED NEITHER ALIVE NOR SLAUGHTERED; NOR MAY A WIFE BE BETROTHED THEREWITH.⁸ A FIRSTLING⁹ WHEN UNBLEMISHED MAY BE SOLD ALIVE, AND WHEN BLEMISHED BOTH ALIVE AND SLAUGHTERED; AND A WIFE MAY BE BETROTHED THEREWITH.¹⁰ SECOND¹¹ TITHE MAY NOT BE EXCHANGED¹² FOR UNSTAMPED COIN,¹³ NOR FOR COIN WHICH IS NOT CURRENT,¹⁴ NOR FOR MONEY WHICH IS NOT IN ONE'S POSSESSION.¹⁵

MISHNAH 3. IF CATTLE WAS BOUGHT¹⁶ FOR A PEACE-OFFERING OR A WILD ANIMAL¹⁷ FOR SECULAR MEAT,¹⁸ THE HIDE BECOMES COMMON,¹⁹ EVEN THOUGH THE VALUE OF THE HIDE EXCEEDS THE VALUE OF THE FLESH. IF SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY WERE USUALLY SOLD SEALED,²⁰ THE JARS BECOME COMMON.¹⁹ IF WALNUTS AND ALMONDS [WERE BOUGHT], THEIR SHELLS BECOME COMMON. GRAPE-SKIN WINE²¹ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY BEFORE IT HAS FERMENTED,²² BUT AFTER IT HAS FERMENTED IT MAY BE BOUGHT WITH SECOND TITHE MONEY.

MISHNAH 4. IF A WILD ANIMAL²³ WAS BOUGHT FOR A PEACE-OFFERING OR CATTLE FOR SECULAR MEAT, THE HIDE DOES NOT BECOME COMMON.²⁴ IF OPEN OR SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY ARE USUALLY SOLD OPEN, THE JARS DO NOT BECOME COMMON.²⁵ IF BASKETS OF OLIVES OR BASKETS OF GRAPES WERE BOUGHT TOGETHER WITH THE VESSEL, THE VALUE OF THE VESSEL DOES NOT BECOME COMMON.²⁶ MISHNAH 5. IF WATER OR SALT²⁷ WERE BOUGHT, OR PRODUCE STILL JOINED TO THE SOIL, OR PRODUCE WHICH CANNOT REACH JERUSALEM, THE PURCHASE DOES NOT BECOME SECOND TITHE. IF PRODUCE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF WITH FULL KNOWLEDGE, THE PRODUCE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE;³⁰ AND WHEN THERE IS NO SANCTUARY,³¹ IT MUST BE LEFT TO ROT.

MISHNAH 6. IF CATTLE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF [IT WAS BOUGHT] WITH FULL KNOWLEDGE, THE CATTLE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE; AND WHEN THERE IS NO SANCTUARY, IT MUST BE BURIED TOGETHER WITH ITS HIDE.³²

MISHNAH 7. MAN-SERVANTS OR MAID-SERVANTS, LAND OR UNCLEAN CATTLE²⁷ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY; AND IF ANY OF THESE WERE BOUGHT, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].³³ BIRD-OFFERINGS OF MEN OR WOMEN WHO HAD A FLUX,³⁴ OR BIRD-OFFERINGS OF WOMEN AFTER CHILD-BIRTH,³⁵ OR SIN-OFFERINGS, OR GUILT-OFFERINGS, MAY NOT BE OFFERED OUT OF SECOND TITHE MONEY; BUT IF ANY OF THESE WERE OFFERED, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM]. THIS IS THE GENERAL RULE: WHATEVER [IS BOUGHT] OUT OF SECOND TITHE MONEY WHICH

CANNOT BE USED FOR EATING OR DRINKING OR ANOINTING, ITS VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].

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- (1) In Jerusalem or elsewhere, even on condition that it would be taken up to Jerusalem to be consumed there as Second Tithe. But it may be sold in order that its purchase money should be taken up to Jerusalem and be spent there as Second Tithe money, just as Second Tithe can be redeemed by the owner for money; cf. *infra* IV, 6, n. 1.
- (2) Bartered for other produce.
- (3) To weigh by it other produce in the scales of a balance. Second Tithe is 'holy unto the Lord', (Lev. XXVII, 30), and must not be treated like secular produce.
- (4) Of Second Tithe.
- (5) Cf. *Ibid.* XXVII, 32 — 33.
- (6) This is deduced from the expression 'it shall not be redeemed'. (*Ibid.*, 33), which includes any business transaction.
- (7) Nor when slaughtered. The only difference between unblemished and blemished is that the unblemished has to be offered as a sacrifice and its flesh consumed by the owner in Jerusalem (cf. Zeb. V, 8), whereas the blemished may be slaughtered and eaten by the owner anywhere. The wording of the text is merely intended to bring out the difference between cattle tithes and firstlings, spoken of lower down in our Mishnah.
- (8) Cf. *Kid.* II, 8. This is also considered a business transaction.
- (9) Cf. Deut. XV, 19 — 23 etc.
- (10) Only when it cannot be offered as a sacrifice, viz., after the destruction of the Temple. It is then the property of the Priest.
- (11) Cf. 'Ed. III, 2.
- (12) Lit., render it 'non-holy' or common.
- (13) This cannot be called 'money'; Deut. XIV, 25.
- (14) Which has become obsolete, or is of foreign origin.
- (15) E.g., where one has lost his money in the sea, though a diver could recover it for him. (Bert.). With such coin nothing can be bought. (Deut. *ibid.*, 26).
- (16) With Second Tithe money in Jerusalem.
- (17) An animal of chase.
- (18) Lit., 'flesh of lusting'; cf. Deut. XII, 15.
- (19) Lit., 'non-holy'. No sanctity of Second Tithe attaches to it.
- (20) I.e., these jars are not sold as a rule without wine, so that the relation of the jar to the wine is that of the hide to the flesh of the animal.
- (21) תַּמְזַר an inferior wine made by steeping in water husks and stones of pressed grapes.
- (22) It is not yet wine, but mere water; cf. *infra* 5. Mik. VII, 2, nn. 8 — 9.
- (23) A wild animal may not be offered as a sacrifice.
- (24) In order to encourage people to use Second Tithe money for buying peace-offerings.
- (25) And their value must be consumed as Second Tithe in Jerusalem.
- (26) Since it is unusual to sell olives and grapes without the vessel.
- (27) These do not belong to the list in Deut. XIV, 26.
- (28) Not knowing that the money was Second Tithe money.
- (29) The bargain is void.
- (30) In Jerusalem. Things bought with Second Tithe money cannot be redeemed.
- (31) After the destruction of the Temple.
- (32) The hide also belongs to Second Tithe; cf. III, 2.
- (33) I.e., the owner must set aside an amount of money corresponding to the amount of money he had expended for them and consume it as Second Tithe. The reference is where he did it with full knowledge, otherwise the law here applies as *supra* 5 and 6.
- (34) Cf. Lev XV, 14, 29.
- (35) Lev. XII, 8.

Mishna - Mas. Ma'aser Sheni Chapter 2

MISHNAH 1. SECOND TITHE MUST BE SET APART FOR EATING, FOR DRINKING¹ AND FOR ANOINTING;² FOR EATING WHAT IS USUALLY EATEN,³ FOR DRINKING WHAT IS USUALLY DRUNK, AND FOR ANOINTING WHAT IS CUSTOMARILY USED FOR ANOINTING. [THUS] ONE MAY NOT ANOINT ONESELF WITH WINE OR WITH VINEGAR, BUT ONE MAY ANOINT ONESELF WITH OIL. OIL OF SECOND TITHE MAY NOT BE SPICED,⁴ NOR MAY SPICED OIL BE BOUGHT WITH SECOND TITHE MONEY;⁵ BUT WINE MAY BE SPICED. IF HONEY OR SPICES FELL INTO WINE⁶ AND IMPROVED ITS VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION.⁷ IF FISH WAS COOKED WITH LEEK OF SECOND TITHE AND IT IMPROVED IN VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION. IF DOUGH OF SECOND TITHE WAS BAKED AND IT IMPROVED IN VALUE, THE WHOLE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].⁸ THIS IS THE GENERAL RULE: WHENEVER THE IMPROVEMENT IS RECOGNIZABLE⁹ [EXTERNALLY] THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION, BUT WHENEVER THE IMPROVED VALUE IS NOT RECOGNIZABLE THE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].

MISHNAH 2. R. SIMEON SAYS: ONE MAY NOT ANOINT ONESELF WITH OIL¹⁰ OF SECOND TITHE IN JERUSALEM. BUT THE SAGES ALLOW IT. THEY SAID TO R. SIMEON: IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING¹¹ WHICH IS A GRAVE MATTER,¹² SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE WHICH IS A LIGHT MATTER? HE SAID TO THEM: WHY, NO; A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING THOUGH IT IS A GRAVE MATTER, BECAUSE IN HEAVE-OFFERING WE HAVE ADOPTED A LENIENT RULING ALSO AS REGARDS VETCHES¹³ AND FENUGREEK;¹⁴ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE THOUGH IT IS A LIGHT MATTER, WHEN WE HAVE NOT ADOPTED A LENIENT RULING IN SECOND TITHE AS REGARDS VETCHES AND FENUGREEK?¹⁵

MISHNAH 3. FENUGREEK OF SECOND TITHE MAY BE EATEN [ONLY] WHEN IT IS STILL TENDER;¹⁶ BUT AS FOR FENUGREEK OF HEAVE-OFFERING, BETH SHAMMAI SAY: WHATEVER IS DONE WITH IT MUST BE DONE IN A STATE OF PURITY,¹⁷ EXCEPT WHEN IT IS USED FOR CLEANSING THE HEAD. BUT BETH HILLEL SAY: WHATEVER IS DONE WITH IT MAY BE DONE IN A STATE OF IMPURITY,¹⁸ EXCEPT SOAKING IT IN WATER.¹⁹

MISHNAH 4. VETCHES²⁰ OF SECOND TITHE MAY BE EATEN ONLY WHEN STILL TENDER, AND MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN.²¹ IF THEY BECAME UNCLEAN, R. TARFON SAYS: THEY MUST BE DIVIDED²² AMONG PIECES OF DOUGH. BUT THE SAGES SAY: THEY MAY BE REDEEMED.²³ [VETCHES] OF HEAVE OFFERING, BETH SHAMMAI SAY: THEY MUST BE SOAKED AND RUBBED IN A STATE OF PURITY,²⁴ BUT MAY BE GIVEN AS FOOD²⁵ IN A STATE OF IMPURITY.²⁶ BETH HILLEL SAY: THEY MUST BE SOAKED [ONLY] IN A STATE OF PURITY,²⁷ BUT MAY BE RUBBED AND GIVEN AS FOOD IN A STATE OF IMPURITY. BETH SHAMMAI SAY: THEY MUST BE EATEN DRY²⁸ [ONLY]. R. AKIBA SAYS: WHATEVER IS DONE WITH THEM²⁹ MAY BE DONE IN A STATE OF IMPURITY.

MISHNAH 5. IF COMMON MONEY AND SECOND TITHE MONEY WERE SCATTERED TOGETHER,³⁰ WHATEVER IS PICKED UP [SINGLY] BELONGS TO SECOND TITHE UNTIL ITS SUM IS COMPLETED, AND THE REMAINDER BELONGS TO THE COMMON MONEY.³¹ IF THEY WERE SO MIXED UP AS TO BE TAKEN UP BY THE HANDFUL, [THEY ARE DIVIDED] ACCORDING TO THE PROPORTION.³² THIS IS THE GENERAL RULE: WHAT IS PICKED UP [SINGLY] MUST BE FIRST GIVEN TO SECOND TITHE, BUT WHAT

IS PICKED UP IN A MIXED [QUANTITY MUST BE DIVIDED] ACCORDING TO THE PROPORTION.

MISHNAH 6. IF A SELA³³ OF SECOND TITHE WAS MIXED UP WITH A SELA' OF COMMON MONEY,³⁴ ONE MAY BRING COPPER COINS FOR A SELA' AND SAY: LET THE SELA' OF SECOND TITHE WHEREVER IT MAY BE, BE EXCHANGED FOR THESE COPPER COINS;³⁵ AND THEN HE MUST SELECT THE BETTER OF THE TWO SELA'S, AND CHANGE [AGAIN] THE COPPER COINS FOR IT.³⁶ FOR THEY HAVE DECLARED: ONE MAY CHANGE SILVER FOR COPPER [ONLY] IN CASE OF NECESSITY, AND NOT TO LEAVE IT SO BUT TO CHANGE IT AGAIN FOR SILVER.

MISHNAH 7. BETH SHAMMAI SAY: ONE MAY NOT TURN HIS SELA'S³⁷ INTO GOLD DENARS.³⁸ BUT BETH HILLEL ALLOW IT. R. AKIBA SAID: ONCE I TURNED SILVER COINS FOR GOLD DENARS FOR RABBAN GAMALIEL AND R. JOSHUA.

MISHNAH 8. IF³⁹ ONE CHANGES FOR A SELA' COPPER COINS OF SECOND TITHE,⁴⁰ BETH SHAMMAI SAY: HE MAY CHANGE COPPER COINS FOR A WHOLE SELA. BUT BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL.⁴¹ R. MEIR SAYS: SILVER AND PRODUCE MAY NOT BE EXCHANGED TOGETHER FOR SILVER.⁴² BUT THE SAGES ALLOW IT.

MISHNAH 9. IF⁴³ ONE CHANGES A SELA OF SECOND TITHE IN JERUSALEM,⁴⁴ BETH SHAMMAI SAY: HE MAY CHANGE THE WHOLE SELA' FOR COPPER COINS. BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL. THE DISPUTANTS⁴⁵ BEFORE THE SAGES SAY: SILVER FOR THREE DENARS AND COPPER COINS FOR ONE DENAR. R. AKIBA SAYS: SILVER FOR THREE DENARS AND COPPER COINS FOR A FOURTH [OF THE FOURTH DENAR].⁴⁶ R. TARFON SAYS: FOUR ASPERS⁴⁷ IN SILVER. BETH SHAMMAI SAY: HE MUST LEAVE IT⁴⁸ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH 10. IF ONE HAD SOME OF HIS SONS CLEAN AND SOME UNCLEAR,⁴⁹ HE MAY LAY DOWN A SELA'⁵⁰ AND SAY: MAY THIS SELA BE AN EXCHANGE FOR WHAT THE CLEAN SHALL DRINK. THUS THE CLEAN AND THE UNCLEAR MAY DRINK FROM ONE JAR.⁵¹

(1) Drinking is implied in the expression 'and for wine, or for strong drink'. (Deut. XIV, 26).

(2) Ointment is considered a drink for the bones of the human body; cf. Ps. CIX, 18.

(3) But not spoilt or raw food.

(4) The spices absorb oil which is thus wasted.

(5) Because spiced oil is an unusual luxury.

(6) Second Tithe wine.

(7) If for example the wine alone was worth two sela's and the honey or spices which fell into it was worth one sela', and the mixture was now worth six sela's, the wine must be assessed for redemption at four sela's, and two sela's must be assigned to the spices.

(8) It must be redeemed at the price of bread without deduction for the cost of baking etc.

(9) By an increase in the weight or measure.

(10) He holds that oil must be used for food only.

(11) Oil of heave-offering may be used as an ointment; cf. Sheb. VIII, 3.

(12) Heave offering is of greater sanctity than Second Tithe.

(13) It may be given to animals; cf. Ter. XI, 9,

(14) It may be eaten when green or dry.

(15) Both these if of Second Tithe may only be eaten when green; cf. 3 and 4.

- (16) When it overgrows it becomes tasteless and unfit for ordinary food. But fenugreek of heave-offering may be eaten also when dry since it may be used for other purposes than eating and in an unclean state.
- (17) With clean hands, as mere indication that it is heave-offering, not to be eaten by non-priests
- (18) With hands unclean.
- (19) Cf. n. 8. Because the water renders it susceptible to contract uncleanness from the touch of the unclean hands. Cf. Lev. XI, 37 — 38. Maksh., Introd.
- (20) Like fenugreek, n. 7. They are eaten by human beings only in case of great poverty.
- (21) Which is not permitted in the case of other produce; cf. III, 5.
- (22) In quantities less than the size of an egg, so that they may be neutralized by the dough.
- (23) Like other Second Tithe produce which has become unclean.
- (24) As in n. 8, p 289.
- (25) To animals.
- (26) As in n. 9, P. 289.
- (27) As in n. 10, p 289.
- (28) When it is not susceptible to uncleanness, cf. n. 10, p. 289.
- (29) Even soaking in water.
- (30) And were mixed up.
- (31) Stipulating to the effect that whatever coin in the remainder may belong to the Second Tithe would be exchanged for a corresponding coin the lot first picked up.
- (32) If the Second Tithe money was ten and the common money twenty, a third of the money recovered belongs to the Second Tithe and two thirds to the common money.
- (33) סֵלָע . It equals two silver shekels or four silver denars.
- (34) And the owner wants to spend the common sela' outside Jerusalem.
- (35) So that now both sela's are common.
- (36) Thus turning the better sela' back into Second Tithe.
- (37) Of Second Tithe money.
- (38) The difficulty of changing again the gold into silver may cause the owner to delay his pilgrimage to Jerusalem.
- (39) Cf. 'Ed. I, 9. (Sonc. Ed.).
- (40) He changes copper coin into silver sela's, in order to lighten for the journey to Jerusalem the weight of the money.
- (41) If pilgrims will bring to Jerusalem only silver coin, copper coin will go up in price and thus cause a loss to Second Tithe.
- (42) Half a silver denar and its value in produce may not together be changed for a silver denar.
- (43) Cf. 'Ed. I, 10. (Sonc. Ed.).
- (44) Silver for copper in order to buy provisions.
- (45) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (46) I.e., for one sixteenth of a sela'. So the commentaries, The text is uncertain.
- (47) According to Bert. it equals one fifth of a denar, or one twentieth of a sela'.
- (48) The whole sela' without changing it at all, lest when there is any surplus he may unwittingly use it as common money.
- (49) Unclean persons may not consume Second Tithe produce, but the father wants all the sons to drink wine out of one jug, and the drink of the clean ones should be on the account of Second Tithe.
- (50) Second Tithe money.
- (51) The wine drunk by the clean sons becomes Second Tithe, while the wine drunk by the unclean sons (without, of course, coming into contact with the jar itself) remains common.

Mishna - Mas. Ma'aser Sheni Chapter 3

MISHNAH 1. A MAN MAY NOT SAY TO HIS FELLOW: CARRY UP THIS [SECOND TITHE] PRODUCE TO JERUSALEM THAT YOU MAY HAVE A SHARE THEREIN¹ BUT HE MAY SAY TO HIM: 'CARRY IT UP THAT WE MAY BOTH EAT AND DRINK OF IT IN JERUSALEM'. 'BUT² PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. HEAVE-OFFERING MAY NOT BE BOUGHT WITH SECOND TITHE MONEY, BECAUSE THEREBY THE NUMBER OF THOSE WHO CAN EAT IT BECOMES REDUCED.³ BUT R. SIMEON ALLOWS IT. R. SIMEON SAID TO THEM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS,⁴ THOUGH THEY MAY BECOME UNFIT OR A REMNANT OR UNCLEAN,⁵ SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING?⁶ BUT THEY SAID TO HIM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS, IT IS BECAUSE THEY ARE PERMITTED TO NON-PRIESTS,⁷ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING, SEEING THAT IT IS FORBIDDEN TO NON-PRIESTS?

MISHNAH 3. IF A MAN HAD [SECOND TITHE] MONEY IN JERUSALEM AND HE NEEDED [TO SPEND] IT,⁸ AND HIS FELLOW HAD [COMMON] PRODUCE, HE MAY SAY TO HIS FELLOW: 'LET THIS MONEY BE EXCHANGED FOR YOUR PRODUCE'. THUS, THE ONE EATS HIS PRODUCE IN A CONDITION OF PURITY⁹ AND THE OTHER MAY DO WHAT HE NEEDS WITH HIS MONEY. BUT HE MAY NOT SAY THUS TO AN AM HA-AREZ¹⁰ EXCEPT WHEN [THE MONEY WAS] FROM [SECOND TITHE OF] DEMAI.¹¹

MISHNAH 4. IF [ONE HAD COMMON] PRODUCE IN JERUSALEM AND [SECOND TITHE MONEY] IN THE PROVINCES,¹² HE MAY SAY: 'LO, LET THAT MONEY BE EXCHANGED FOR THIS PRODUCE'.¹³ IF [HE HAD SECOND TITHE] MONEY IN JERUSALEM AND [COMMON] PRODUCE IN THE PROVINCES, HE MAY SAY: LO, LET THIS MONEY BE EXCHANGED FOR THAT PRODUCE, BUT ONLY ON CONDITION THAT THE PRODUCE SHALL BE CARRIED UP AND BE EATEN IN JERUSALEM.

MISHNAH 5. [SECOND TITHE] MONEY MAY BE BROUGHT INTO JERUSALEM AND BE TAKEN OUT AGAIN, BUT [SECOND TITHE] PRODUCE MAY ONLY BE BROUGHT IN, BUT MAY NOT BE TAKEN OUT AGAIN.¹⁴ RABBAN SIMEON B. GAMALIEL SAYS: PRODUCE¹⁵ ALSO MAY BE BROUGHT IN AND BE TAKEN OUT AGAIN.

MISHNAH 6. IF PRODUCE HAD ALL ITS WORK FINISHED¹⁶ AND IT PASSED THROUGH JERUSALEM.¹⁷ THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND EATEN IN JERUSALEM.¹⁸ IF ALL ITS WORK HAD NOT BEEN FINISHED, [SUCH AS] BASKETS OF GRAPES [THAT WERE GOING] TO THE WINE-PRESS OR BASKETS OF FIGS [THAT WERE GOING] TO THE DRYING-PLACE, BETH SHAMMAI SAY: THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM.¹⁹ BUT BETH HILLEL SAY: IT MAY BE REDEEMED AND EATEN ANYWHERE. R. SIMEON B. JUDAH SAYS IN THE NAME OF R. JOSE: THERE WAS NO CONTROVERSY BETWEEN BETH SHAMMAI AND BETH HILLEL CONCERNING PRODUCE WHICH DID NOT HAVE ALL ITS WORK FINISHED THAT THE SECOND TITHE THEREOF MAY BE REDEEMED AND BE EATEN ANYWHERE. BUT ABOUT WHAT WAS THEIR CONTROVERSY? ABOUT PRODUCE WHICH HAD ALL ITS WORK FINISHED, OF WHICH BETH SHAMMAI SAID THAT THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM, AND BETH HILLEL SAID THAT IT MIGHT BE REDEEMED AND BE EATEN ANYWHERE.²⁰ IN THE CASE OF DEMAI²¹, [THE SECOND TITHE THEREOF] MAY BE BROUGHT IN AND TAKEN OUT AGAIN AND BE REDEEMED.²²

MISHNAH 7. IF A TREE STOOD WITHIN²³ AND WAS BENDING OUTWARDS, OR IF IT STOOD OUTSIDE AND WAS BENDING INWARDS, WHAT FACES THE WALL INWARDS IS DEEMED AS BEING WITHIN,²⁴ AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE. OLIVE-PRESSES WHICH HAVE THEIR ENTRANCE WITHIN AND THEIR INNER SPACE OUTSIDE, OR WHICH HAVE THEIR ENTRANCE

OUTSIDE AND THEIR INNER SPACE WITHIN, BETH SHAMMAI SAY: THE WHOLE IS DEEMED AS BEING WITHIN.²⁵ BUT BETH HILLEL SAY: WHAT FACES THE WALL INWARDS IS DEEMED AS BEING WITHIN, AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE.

MISHNAH 8. IN CHAMBERS WHICH WERE BUILT ON HOLY GROUND²⁶ BUT WERE OPEN TOWARDS COMMON GROUND,²⁷ THE INTERIOR WAS DEEMED COMMON²⁸ AND THEIR ROOFS WERE DEEMED HOLY.²⁹ IN THOSE WHICH WERE BUILT ON COMMON GROUND BUT WERE OPEN TOWARDS HOLY GROUND, THE INTERIOR WAS DEEMED HOLY AND THEIR ROOFS WERE DEEMED COMMON. IN THOSE WHICH WERE BUILT BOTH ON HOLY AND ON COMMON GROUND AND WERE OPEN BOTH TOWARDS HOLY AND COMMON GROUND, [THE INTERIOR AND THE ROOFS] FACING HOLY GROUND INWARDS³⁰ WERE DEEMED HOLY, BUT THOSE FACING COMMON GROUND OUTWARDS³¹ WERE DEEMED COMMON.

MISHNAH 9. IF SECOND TITHE WAS BROUGHT INTO JERUSALEM AND IT BECAME UNCLEAR, WHETHER IT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT³² OR BY A SECONDARY DEFILEMENT,³³ WHETHER IT BECAME UNCLEAR WITHIN [JERUSALEM] OR OUTSIDE, BETH SHAMMAI SAY: IT MUST ALL BE REDEEMED AND BE EATEN WITHIN EXCEPT WHAT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT OUTSIDE.³⁴ BUT BETH HILLEL SAY: IT MUST ALL BE REDEEMED AND BE EATEN OUTSIDE EXCEPT WHAT BECAME UNCLEAR BY A SECONDARY DEFILEMENT WITHIN.

MISHNAH 10. IF WHAT WAS BOUGHT WITH SECOND TITHE MONEY BECAME UNCLEAR, IT SHOULD BE REDEEMED. R. JUDAH SAYS: IT MUST BE BURIED.³⁵ THEY SAID TO R. JUDAH: WHY, IF SECOND TITHE ITSELF WHEN IT BECAME UNCLEAR MAY BE REDEEMED, SHOULD NOT ALSO WHAT IS BOUGHT WITH SECOND TITHE MONEY BE REDEEMED WHEN IT BECAME UNCLEAR? HE SAID TO THEM: NO; IF YOU SAY THUS OF SECOND TITHE ITSELF, IT IS BECAUSE IT MAY BE REDEEMED ALSO WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE;³⁶ BUT HOW CAN YOU SAY THUS OF WHAT IS BOUGHT WITH SECOND TITHE MONEY, SEEING THAT IT CANNOT BE REDEEMED WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE.

MISHNAH 11. IF A GAZELLE WHICH HAD BEEN BOUGHT WITH SECOND TITHE MONEY DIED, IT MUST BE BURIED TOGETHER WITH ITS HIDE. R. SIMEON SAYS: IT MAY BE REDEEMED.³⁷ IF IT WAS BOUGHT ALIVE AND SLAUGHTERED AND IT THEN BECAME UNCLEAR, IT MAY BE REDEEMED. R. JOSE SAYS: IT MUST BE BURIED. IF IT WAS BOUGHT SLAUGHTERED AND IT BECAME UNCLEAR, THIS IS LIKE PRODUCE.³⁸

MISHNAH 12. IF JARS WERE LENT³⁹ FOR SECOND TITHE [WINE], EVEN IF THEY WERE CORKED,⁴⁰ THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE.⁴¹ IF UNDEFINED WINE⁴² WAS POURED INTO THEM THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE BEFORE THEY ARE CORKED,⁴³ BUT AFTER THEY ARE CORKED⁴⁴ THEY ACQUIRE [THE SANCTITY OF] SECOND TITHE. BEFORE THEY ARE CORKED THEY ARE NEUTRALIZED IN A HUNDRED AND ONE,⁴⁵ BUT AFTER THEY ARE CORKED THEY SANCTIFY ANY QUANTITY.⁴⁶ BEFORE THEY ARE CORKED HEAVE-OFFERING MAY BE TAKEN FROM ONE JAR FOR ALL THE OTHERS, BUT AFTER THEY ARE CORKED HEAVE-OFFERING MUST BE TAKEN FROM EACH JAR SEPARATELY.

MISHNAH 13. BETH SHAMMAI SAY: THE JARS MUST BE OPENED AND EMPTIED INTO THE WINE-PRESS.⁴⁷ BETH HILLEL SAY: THEY MUST BE OPENED BUT NEED NOT

BE EMPTIED. WHERE IS THIS THE CASE?⁴⁸ IN A PLACE WHERE THEY ARE USUALLY SOLD CLOSED;⁴⁹ BUT IN A PLACE WHERE THEY ARE USUALLY SOLD OPEN, THE JAR DOES NOT REMAIN COMMON.⁵⁰ IF, HOWEVER, THE DEALER WISHED TO IMPOSE A STRINGENCY UPON HIMSELF AND TO SELL [ONLY] BY MEASURE, THE JAR REMAINS COMMON.⁵¹ R. SIMEON SAYS: ALSO WHEN ONE SAYS TO HIS FELLOW: 'THIS JAR [OF WINE] I SELL THEE⁵² WITHOUT THE EMPTY JAR', THE JAR⁵³ REMAINS COMMON.

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- (1) It is the duty of the owner to carry up his Second Tithe to Jerusalem. If he employs another person to do it for him, he must not pay him out of the Second Tithe. But he may make him a gift of Second Tithe.
- (2) A quotation from I, 1.
- (3) Heave-offering may only be eaten by priests, and by them also only when they are in a state of purity.
- (4) Allowing it to be bought with Second Tithe money.
- (5) Which restricts the consumption of peace-offerings. Cf. Lev. VII, 17,19; Zeb. I, 2 ff.
- (6) And allow it to be bought with Second Tithe money.
- (7) Thus everybody can eat of it.
- (8) On things which cannot be bought with Second Tithe money; cf. II, 1.
- (9) The produce has now become Second Tithe which may be eaten only by those who are clean.
- (10) Who does not observe the laws of purity; cf. Demai, Introd.
- (11) And thus it is doubtful whether it is really Second Tithe.
- (12) And he needed the money for things which may not be bought with Second Tithe money.
- (13) The produce becomes Second Tithe and the money becomes common. For the purpose of such an exchange the produce and the money need not be both in one and the same place.
- (14) Once produce enters Jerusalem, it must be consumed there as Second Tithe and cannot be redeemed for money.
- (15) Such as wheat may be taken out of Jerusalem to be ground and baked and then be brought back to Jerusalem for consumption.
- (16) In connection with its harvesting, when it becomes liable for tithing; cf. Ma'as. I, 1 ff.
- (17) Before, it had been tithed.
- (18) It may not be redeemed for money. For since the produce was already liable to tithing when it reached Jerusalem, a tenth part of it is considered as virtual Second Tithe which had entered Jerusalem; cf. n. 7, p. 294.
- (19) Like regular Second Tithe which had once been brought into Jerusalem.
- (20) Since the Second Tithe had not actually been separated from the produce.
- (21) Even if all its work had been finished.
- (22) Even according to Beth Shammai.
- (23) Within the wall of Jerusalem.
- (24) And the Second Tithe of its fruit may not be redeemed, like Second Tithe which has once entered into Jerusalem, n. 7, p. 294.
- (25) It all belongs to the precincts of the Holy City in respect of the consumption of sacrificial flesh (cf. Zeb. V, 6 — 8), of Second Tithe, etc.
- (26) On the Temple court.
- (27) Outside the Temple precincts.
- (28) As outside the Temple.
- (29) As within the Temple.
- (30) Lit., 'towards the holy'.
- (31) Lit., 'towards the common'.
- (32) By the touch of a carcase or a dead creeping thing; cf. Kelim I, 1 ff.
- (33) A defilement produced by the touch of a principal defilement; cf. 'Ed.. (Sonc. Ed.), p. 9, n. 14.
- (34) The rule that Second Tithe which had entered Jerusalem may not be redeemed does not apply to such unclean Second Tithe.
- (35) It may not be redeemed again.
- (36) From Jerusalem.
- (37) And given to dogs for food.
- (38) Viz., like the case of produce bought with Second Tithe money, which had become unclean, discussed in the last

Mishnah.

(39) Outside Jerusalem.

(40) After being filled with Second Tithe wine.

(41) And the owner need redeem the wine only.

(42) Which had not been tithed.

(43) If after pouring in the wine and before corking the jars he designated the wine as Second Tithe.

(44) If he designated the wine as Second Tithe.

(45) If such an open jar containing heave-offering wine was mixed up with 101 jars of common wine, it is neutralized and becomes common, as in the case of heave-offering becoming mixed up with ordinary common produce; cf. Ter. IV, 7.

(46) If a corked jar of heave-offering wine was mixed with any number of jars containing common wine, all the jars become forbidden to the non-priest, and the owner must sell all the jars, but one, to a priest at the price of heave-offering wine (which is lower than the price of common wine, because its consumption is restricted to the small public of priests), and one jar he must give away to a priest as heave-offering.

(47) If he wants to give heave-offering from one corked jar for other corked jars.

(48) That if he designated the wine as Second Tithe after he had corked the jars they acquire the sanctity of Second Tithe.

(49) Cf. supra I, 3.

(50) And the jar has to be redeemed together with its contents.

(51) If he sold for Second Tithe money a jar full of wine by measure, whether the jar was open or closed.

(52) For Second Tithe money.

(53) Var. lec. 'its jar'.

Mishna - Mas. Ma'aser Sheni Chapter 4

MISHNAH 1. IF A MAN CARRIED PRODUCE OF SECOND TITHE FROM A PLACE WHERE IT WAS DEAR TO A PLACE WHERE IT WAS CHEAP, OR FROM A PLACE WHERE IT WAS CHEAP TO A PLACE WHERE IT WAS DEAR, HE MAY REDEEM IT ACCORDING TO THE MARKET PRICE OF THE PLACE [OF REDEMPTION]. IF A MAN BROUGHT PRODUCE FROM THE THRESHING-FLOOR INTO THE CITY, OR JARS OF WINE FROM THE WINE-PRESS INTO THE CITY, THE INCREASE IN THE PRICE¹ BELONGS TO THE SECOND TITHE AND THE EXPENSES² [MUST BE COVERED] FROM HIS HOUSEHOLD.

MISHNAH 2. SECOND TITHE MAY BE REDEEMED AT THE LOWER MARKET PRICE, AT THE PRICE AT WHICH THE SHOPKEEPER BUYS AND NOT AT WHICH HE SELLS, AT THE PRICE AT WHICH THE MONEY-CHANGER TAKES³ SMALL CHANGE AND NOT AT THE PRICE AT WHICH HE GIVES⁴ SMALL CHANGE. SECOND TITHE MAY NOT BE REDEEMED IN A LUMP.⁵ IF ITS VALUE IS KNOWN,⁶ IT MAY BE REDEEMED ACCORDING TO THE VALUATION OF ONE WITNESS;⁷ BUT IF ITS VALUE IS NOT KNOWN, IT MUST BE REDEEMED ACCORDING TO THE VALUATION OF THREE, AS FOR INSTANCE IN THE CASE OF WINE WHICH HAS FORMED A FILM,⁸ OR PRODUCE WHICH HAS BEGUN TO ROT, OR COINS WHICH HAVE BECOME RUSTY.

MISHNAH 3. IF THE OWNER OFFERED A SELA⁹ AND A STRANGER OFFERED A SELA, THE OWNER HAS THE FIRST RIGHT, BECAUSE HE MUST ADD A FIFTH.¹⁰ IF THE OWNER OFFERED A SELA AND A STRANGER OFFERED A SELA' AND AN ISSAR,¹¹ THE ONE WHO OFFERED A SELA' AND AN ISSAR HAS THE FIRST RIGHT, BECAUSE HE ADDED TO THE PRINCIPAL.¹² IF A MAN REDEEMS HIS SECOND TITHE HE MUST ADD A FIFTH,¹³ WHETHER IT IS HIS OWN OR IT WAS GIVEN HIM AS A GIFT.¹⁴

MISHNAH 4. ONE MAY USE AN ARTIFICE IN RESPECT OF SECOND TITHE.¹⁵ IN WHAT MANNER? A MAN MAY SAY TO HIS GROWN-UP SON OR DAUGHTER, OR TO HIS

HEBREW MAN-SERVANT OR MAID-SERVANT: TAKE THIS MONEY¹⁶ AND REDEEM¹⁷ THIS SECOND TITHE FOR THYSELF'. BUT HE MAY NOT SAY SO TO HIS SON OR DAUGHTER WHO ARE MINORS OR TO HIS CANAANITE MAN-SERVANT OR MAID-SERVANT, BECAUSE THEIR HAND IS AS HIS OWN HAND.¹⁸

MISHNAH 5. IF A MAN WAS STANDING IN HIS THRESHING-FLOOR AND HE HAD NO MONEY,¹⁹ HE MAY SAY TO HIS FELLOW: 'LO, THIS PRODUCE IS GIVEN TO THEE AS A GIFT', AND THEN HE MAY SAY AGAIN: 'LO, LET THIS PRODUCE BE EXCHANGED FOR MONEY WHICH I HAVE IN THE HOUSE'.²⁰

MISHNAH 6. IF A MAN²¹ TOOK POSSESSION²² FROM THE OWNER OF SECOND TITHE FOR A SELA', BUT BEFORE HE HAD TIME TO REDEEM IT,²³ IT STOOD AT THE PRICE OF TWO SELA'S, HE MAY GIVE HIM ONE SELA' AND MAKE A PROFIT OF ONE SELA' AND THE SECOND TITHE REMAINS HIS.²⁴ IF HE TOOK POSSESSION FROM THE OWNER OF SECOND TITHE FOR TWO SELA'S, BUT BEFORE HE HAD TIME TO REDEEM²³ IT, IT STOOD AT THE PRICE OF ONE SELA',²⁵ HE MAY GIVE HIM ONE SELA' OUT OF COMMON [MONEY] AND ONE SELA' OUT OF HIS SECOND TITHE [MONEY].²⁶ IF THE OWNER WAS AN'AM HA-AREZ, HE MAY GIVE HIM OUT OF [SECOND TITHE OF] DEM'AI.²⁷

MISHNAH 7. IF A MAN REDEEMED SECOND TITHE BUT DID NOT CALL IT BY ITS NAME,²⁸ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NAME IT EXPLICITLY. IF A MAN WAS SPEAKING TO A WOMAN CONCERNING HER DIVORCE OR HER BETROTHAL, AND GAVE HER HER BILL OF DIVORCE OR HER GIFT OF BETROTHAL BUT DID NOT NOTIFY IT EXPLICITLY,²⁹ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NOTIFY IT EXPLICITLY.

MISHNAH 8. IF A MAN PUT DOWN AN ISSAR³⁰ [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [THE VALUE OF] HALF [AN ISSAR] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR A PONDION,³¹ HE MAY EAT OF IT [ONLY TO THE VALUE OF] ANOTHER ISSAR.³² IF HE PUT DOWN A PONDION [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [TO THE VALUE OF] HALF [A PONDION] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR AN ISSAR, HE MAY EAT OF IT [ONLY TO THE VALUE OF ANOTHER] HALF [AN ISSAR].³³ IF HE PUT DOWN AN ISSAR³⁴ OF SECOND TITHE [MONEY] HE MAY EAT ON THE ACCOUNT THEREOF [UNTIL THERE IS LEFT] AN ELEVENTH PART³⁵ OF [THE VALUE OF] AN ISSAR,³⁶ OR [UNTIL THERE IS LEFT] A HUNDREDTH PART OF [THE VALUE OF] AN ISSAR.³⁷ BETH SHAMMAI SAY: IN BOTH CASES³⁸ [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] ONE TENTH PART³⁹ [OF AN ISSAR]. BUT BETH HILLEL SAY: IN THE CASE OF CERTAIN⁴⁰ [SECOND TITHE HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] AN ELEVENTH PART⁴¹ [OF AN ISSAR] BUT IN THE CASE OF [SECOND TITHE] OF DEMAI,⁴² [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] A TENTH PART⁴¹ [OF AN ISSAR].

MISHNAH 9. ANY MONEY FOUND⁴³ IS CONSIDERED COMMON,⁴⁴ EVEN A GOLD DENAR WITH SILVER AND WITH COPPER COINS.⁴⁵ IF A POTSHERD WAS FOUND WITH THE MONEY ON WHICH WAS WRITTEN 'TITHE' THIS IS CONSIDERED SECOND TITHE [MONEY].

MISHNAH 10. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN 'KORBAN'⁴⁵ R. JUDAH SAYS: IF IT WAS OF EARTHENWARE, IT IS ITSELF COMMON AND WHAT IS IN IT IS KORBAN;⁴⁶ BUT IF IT WAS OF METAL IT IS ITSELF KORBAN AND WHAT IS IN IT IS

COMMON. BUT THEY SAID UNTO HIM: IT IS NOT THE CUSTOM OF PEOPLE TO PUT WHAT IS COMMON INTO WHAT IS KORBAN.⁴⁷

MISHNAH 11. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN A KOF,⁴⁸ IT IS KORBAN; IF A MEM, IT IS MA'ASER;⁴⁹ IF A DALETH, IT IS DEMAI; IF A TETH, IT IS TEBEL;⁵⁰ IF A TAW, IT IS TERUMAH,⁵¹ FOR IN THE TIME OF DANGER⁵² PEOPLE WROTE TAW FOR TERUMAH. R. JOSE SAYS: THEY MAY ALL STAND FOR THE NAMES OF MEN.⁵³ R. JOSE SAID: EVEN IF A JAR WAS FOUND WHICH WAS FULL OF PRODUCE AND ON IT WAS WRITTEN 'TERUMAH'⁵⁴ IT MAY YET BE CONSIDERED COMMON PRODUCE, BECAUSE I MAY ASSUME THAT LAST YEAR IT WAS FULL OF PRODUCE OF HEAVE-OFFERING AND WAS AFTERWARDS EMPTIED.⁵⁵

MISHNAH 12. IF A MAN SAID TO HIS SON: 'THERE IS SECOND TITHE [MONEY] IN THIS CORNER, BUT THE SON FOUND [MONEY] IN ANOTHER CORNER, THIS MAY BE CONSIDERED COMMON⁵⁶ [MONEY]. [IF THE FATHER SAID] THERE WAS THERE A HUNDRED AND THE SON FOUND TWO HUNDRED, THE REMAINDER IS COMMON. [IF THE FATHER SAID THERE WERE THERE] TWO HUNDRED AND THE SON FOUND ONE HUNDRED, IT IS ALL SECOND TITHE MONEY.

(1) In the city, as compared with the lower price at the threshing-floor or wine-press.

(2) Of the transport to the city.

(3) For a sela' in exchange for the customer's copper coin. He receives copper coin at a lower rate than its real value.

(4) For the sela' of his customer. He charges the copper coin at a higher rate than its true value.

(5) But only according to its exact measure or weight.

(6) It has a more or less fixed price.

(7) Who acts as valuer.

(8) שקרם . Var. lec. שקם 'which has become pungent'.

(9) For Second Tithe produce which is to be redeemed.

(10) As infra, n. 5.

(11) The Roman As. Its value was 1/24 of a denar, or 1/96 of a sela'; cf. B.M. IV, 5.

(12) Thus increasing the real price of the Second Tithe, although the increase is less than the fifth which the owner would have to add.

(13) In accordance with the law in Lev. XXVII, 31; cf. Introd.; B.M. IV, 8.

(14) I.e., the produce was given him as a gift before the Second Tithe was taken from it. Cf. supra I, 1.

(15) To escape the duty of adding a fifth.

(16) As a gift.

(17) I.e., buy, and since they are not the owners, they need not add the fifth.

(18) Whatever they do possess is deemed his possession.

(19) He wants to evade paying the fifth in redeeming his Second Tithe, but has no money in hand which he might give to his fellow that his fellow should redeem the Second Tithe for him.

(20) It is as if he had bought back his gift from his fellow.

(21) Who had bought Second Tithe produce in order that its purchase money might be turned by the owner.

(22) Lit., 'drew into his possession.' I.e., he acquired it by means of Meshikah, v. Glos.

(23) To pay its purchase money.

(24) The produce became the property of the purchaser as soon as he took possession of it; cf. B.M. IV, 2. But it still retained its sanctity as Second Tithe until its price was paid. Therefore the sela' increase in its value becomes Second Tithe money, and the purchaser must redeem the produce at its new price of two sela's, one of which is Second Tithe which must be spent in Jerusalem.

(25) But he must still pay the seller two sela's.

(26) Thus redeeming the produce at its present price of one sela'.

(27) מדמאי, the sanctity of which is not as great as of certain Second Tithe. Var. lec., מדמיו, 'of his own money'. I.e., he may pay the sela' with common money.

- (28) He had not designated the money as Second Tithe money; cf. *infra*, V. .
- (29) That what he gave her was a bill of divorce or a gift of betrothal.
- (30) Cf. *supra*, 3, n. 3.
- (31) Which is equal to two issars.
- (32) And not one issar and a half.
- (33) And not to the value of half a pondion.
- (34) To serve as the purchase price of produce.
- (35) Lit., 'eleven'. The interpretation of this passage is difficult and doubtful. The explanation given here follows Maim. and Bert.
- (36) In case the issar was the redemption money of Second Tithe of demai, and then the remaining eleventh becomes common produce.
- (37) In case the issar was the redemption money of certain Second Tithe, and then the remaining hundredth becomes common produce.
- (38) Whether the issar was the redemption money of demai Second Tithe or of certain Second Tithe.
- (39) Lit., 'ten'.
- (40) The issar was the redemption money of certain Second Tithe.
- (41) Lit., 'eleven', 'ten'.
- (42) The issar was the redemption money of demai Second Tithe.
- (43) Except in Jerusalem during a festival or pilgrimage; cf. *Shek.* VII, 2.
- (44) It need not be suspected of being Second Tithe money. (15) Which is not usual to mix together, except in the case of Second Tithe money; cf. *supra*, II, 7 ff.
- (45) 'Offering', or gift to the Temple.
- (46) Holy property, because people did not make gifts to the Temple of earthenware articles and therefore the inscription was intended for the contents, and not for the vessel itself.
- (47) Therefore in the case of a metal vessel, both the vessel and its contents are holy.
- (48) This and the following are names of letters of the Hebrew alphabet.
- (49) 'Tithe'.
- (50) Produce from which heave-offering and tithes have not yet been taken.
- (51) Heave-offering.
- (52) When Jews were persecuted by the Romans for the observance of the Torah.
- (53) The initials of the names of the owners of the vessels.
- (54) The word in full.
- (55) And then filled again with common produce.
- (56) The Second Tithe money had been removed before the son came to look for it, and this is other money, which is usually common money.

Mishna - Mas. Ma'aser Sheni Chapter 5

MISHNAH 1. A VINEYARD¹ IN ITS FOURTH YEAR² MUST BE MARKED³ WITH CLODS OF EARTH, [TREES OF] 'ORLAH⁴ WITH POTTER'S CLAY, AND GRAVES⁵ WITH LIME WHICH IS DISSOLVED AND POURED ON.⁶ RABBAN SIMEON R. GAMALIEL SAID: WHEN IS THIS DONE?⁷ IN THE SEVENTH YEAR.⁸ THE CONSCIENTIOUS⁹ USED TO PUT DOWN MONEY AND SAY: ANY FRUIT GATHERED FROM THIS VINEYARD MAY BE EXCHANGED FOR THIS MONEY.

MISHNAH 2. [THE FRUIT OF] A VINEYARD IN ITS FOURTH YEAR WAS BROUGHT UP TO JERUSALEM¹⁰ WITHIN A DISTANCE OF ONE DAY'S JOURNEY ON EACH SIDE. AND WHAT WAS THE LIMIT THEREOF? ELATH ON THE SOUTH, AKRABAH ON THE NORTH, LYDDA ON THE WEST, AND THE JORDAN ON THE EAST.¹¹ WHEN FRUIT INCREASED,¹² IT WAS ORDAINED THAT IT SHOULD BE REDEEMED EVEN IF THE VINEYARD WAS CLOSE TO THE WALL;¹³ BUT THIS WAS DONE ON THE CONDITION THAT WHENEVER IT WAS SO DESIRED, THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN

BEFORE.¹⁴ R. JOSE SAYS: THIS WAS THE UNDERSTANDING AFTER THE TEMPLE WAS DESTROYED, AND THE UNDERSTANDING WAS THAT WHEN THE TEMPLE SHOULD BE REBUILT THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN BEFORE.¹⁴

MISHNAH 3. A¹⁵ VINEYARD¹⁶ IN ITS FOURTH YEAR, BETH SHAMMAI SAY, IS NOT SUBJECT TO THE LAW OF THE FIFTH¹⁷ NOR TO THE LAW OF REMOVAL.¹⁸ BUT BETH HILLEL SAY: IT IS SUBJECT. BETH SHAMMAI SAY: IT IS SUBJECT¹⁹ TO THE LAW OF THE GRAPE GLEANING AND TO THE LAW OF DEFECTIVE CLUSTER, AND THE POOR MUST REDEEM THEM FOR THEMSELVES.²⁰ BUT BETH HILLEL SAY: ALL OF IT²¹ GOES TO THE WINE-PRESS.²²

MISHNAH 4. HOW DOES ONE REDEEM THE FRUIT OF A PLANT IN ITS FOURTH YEAR? THE OWNER PUTS DOWN A BASKET IN THE PRESENCE OF THREE [PERSONS]²³ AND SAYS: HOW MANY SUCH BASKETS WOULD A MAN WISH TO REDEEM²⁴ FOR HIMSELF FOR A SELA' ON CONDITION THAT THE OUTLAY²⁵ SHALL BE BORNE BY THIS HOUSE?'²⁶ HE THEN PUTS DOWN THE MONEY²⁷ AND SAYS: WHATEVER SHALL BE PICKED FROM THIS PLANT MAY IT BE EXCHANGED FOR THIS MONEY AT THE PRICE OF SO MANY BASKETS FOR A SELA'.

MISHNAH 5. BUT IN THE SEVENTH²⁸ YEAR HE MUST REDEEM IT FOR ITS FULL VALUE.²⁹ IF IT HAD ALL BEEN MADE OWNERLESS PROPERTY,³⁰ THE PERSON WHO SEIZED IT CAN ONLY CLAIM THE COST OF PICKING IT.³¹ IF A MAN REDEEMED HIS FRUIT OF A PLANT IN ITS FOURTH YEAR, HE MUST ADD A FIFTH OF ITS VALUE,³² WHETHER THE FRUIT WAS HIS OWN OR WAS GIVEN HIM AS A GIFT.

MISHNAH 6. ON THE EVE OF THE FIRST FESTIVAL-DAY OF THE PASSOVER IN THE FOURTH AND IN THE SEVENTH³³ [YEARS OF THE SABBATICAL CYCLE] THE REMOVAL³⁴ WAS PERFORMED. HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE³⁵ WERE GIVEN TO THEIR OWNERS,³⁶ THE FIRST TITHE WAS GIVEN TO ITS OWNER,³⁷ THE TITHE OF THE POOR TO ITS OWNER,³⁸ AND SECOND TITHE AND FIRST-FRUIT³⁹ WERE REMOVED EVERYWHERE. R. SIMEON SAYS: FIRST-FRUIT WERE GIVEN TO THE PRIESTS⁴⁰ LIKE HEAVE-OFFERING. AS FOR BROTH,⁴¹ BETH SHAMMAI SAY: IT MUST BE REMOVED. BUT BETH HILLEL SAY: LO, IT MAY BE CONSIDERED AS ALREADY REMOVED.⁴²

MISHNAH 7. IF A MAN HAD PRODUCE AT THIS TIME⁴³ AND THE TIME OF REMOVAL ARRIVED, BETH SHAMMAI SAY: HE MUST EXCHANGE IT FOR MONEY.⁴⁴ BUT BETH HILLEL SAY: IT IS ALL THE SAME WHETHER IT BECOMES MONEY OR IT REMAINS FRUIT.⁴⁵

MISHNAH 8. R. JUDAH SAID: FORMERLY THEY USED TO SEND TO HOUSEHOLDERS IN THE PROVINCES [SAYING:] 'HASTEN TO SET RIGHT YOUR PRODUCE⁴⁶ BEFORE THE TIME OF REMOVAL ARRIVES', UNTIL R. AKIBA CAME AND TAUGHT THAT ALL PRODUCE WHICH HAS NOT REACHED THE SEASON⁴⁷ OF TITHING IS EXEMPT FROM THE REMOVAL.

MISHNAH 9. IF A MAN HAD HIS PRODUCE AT A DISTANCE FROM HIM,⁴⁸ HE MUST CALL BY NAME [THE RECIPIENTS OF THE TITHE] THEREOF.⁴⁹ ONCE IT HAPPENED THAT RABBAN GAMALIEL AND THE ELDERS WERE TRAVELLING HOME BY SHIP,⁵⁰ AND RABBAN GAMALIEL SAID: 'ONE TENTH WHICH I SHALL MEASURE IS GIVEN TO JOSHUA,⁵¹ AND THE PLACE THEREOF IS LEASED TO HIM;⁵² THE OTHER TENTH WHICH I SHALL MEASURE IS GIVEN TO AKIBA B. JOSEPH⁵³ THAT HE MAY HOLD IT FOR THE

POOR, AND THE PLACE THEREOF IS LEASED TO HIM'. R. JOSHUA SAID: THE TENTH WHICH I SHALL MEASURE⁵⁴ IS GIVEN TO ELEAZAR B. AZARIAH,⁵⁵ AND THE PLACE THEREOF IS LEASED TO HIM', AND THEY EACH RECEIVED RENT⁵⁶ ONE FROM ANOTHER.

MISHNAH 10. IN THE AFTERNOON OF THE LAST FESTIVAL-DAY THE CONFESSION⁵⁷ WAS MADE. HOW WAS THE CONFESSION MADE? [HE SAID:] 'I HAVE REMOVED THE HALLOWED THINGS OUT OF MINE HOUSE' — THIS MEANS⁵⁸ SECOND TITHE AND THE FRUIT OF PLANTS IN THEIR FOURTH YEAR; 'I HAVE GIVEN THEM TO THE LEVITE' — THIS MEANS THE TITHE OF THE LEVITES; 'AND ALSO⁵⁹ I HAVE GIVEN THEM' — THIS MEANS HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE; 'UNTO THE STRANGER, TO THE FATHERLESS, AND TO THE WIDOW' — THIS MEANS THE TITHE OF THE POOR, GLEANINGS, FORGOTTEN SHEAF, AND THE CORNER OF THE FIELD, ALTHOUGH THESE DO NOT DEBAR⁶⁰ [ONE FROM MAKING] THE CONFESSION; 'OUT OF MINE HOUSE' — THIS MEANS THE DOUGH-OFFERING.⁶¹

MISHNAH 11. 'ACCORDING TO ALL THY COMMANDMENTS WHICH THOU HAST COMMANDED ME' — LO, IF HE TOOK OFF THE SECOND TITHE BEFORE THE FIRST TITHE HE CANNOT MAKE THE CONFESSION; 'I HAVE NOT TRANSGRESSED ANY OF THY COMMANDMENTS' — I HAVE NOT SET APART [DUES] FROM ONE KIND FOR SOME OTHER KIND, NOR FROM PLUCKED [PRODUCE] FOR [PRODUCE STILL] JOINED [TO THE SOIL], NOR FROM NEW [PRODUCE] FOR OLD [PRODUCE], NOR FROM OLD [PRODUCE] FOR NEW;⁶² 'NEITHER HAVE I FORGOTTEN' — I HAVE NOT FORGOTTEN TO BLESS THEE, NOR TO MAKE MENTION OF THY NAME OVER IT.⁶³

MISHNAH 12. 'I HAVE NOT EATEN THEREOF IN MY MOURNING' — LO, IF HE HAD EATEN THEREOF IN HIS MOURNING,⁶⁴ HE CANNOT MAKE THE CONFESSION; 'NEITHER HAVE I REMOVED OUGHT THEREOF WHEN UNCLEAN' — LO, IF HE HAD SET IT APART IN UNCLEANNESS HE CANNOT MAKE THE CONFESSION; 'NOR GIVEN OUGHT THEREOF FOR THE DEAD' — I HAVE NOT TAKEN THEREOF FOR A COFFIN OR SHROUDS FOR THE DEAD, NOR HAVE I GIVEN THEREOF TO OTHER MOURNERS: 'I HAVE HEARKENED TO THE VOICE OF THE LORD MY GOD' — I HAVE BROUGHT IT TO THE CHOSEN HOUSE.⁶⁵ 'I HAVE DONE ACCORDING TO ALL THAT THOU HAST COMMANDED ME' — I HAVE REJOICED AND MADE OTHERS⁶⁶ TO REJOICE.

MISHNAH 13. 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN' — WE HAVE DONE WHAT THOU HAST DECREED CONCERNING US, DO THOU ALSO WHAT THOU HAST PROMISED US; 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN, AND BLESS THY PEOPLE ISRAEL' — WITH SONS AND DAUGHTERS; 'AND THE LAND WHICH THOU HAST GIVEN US' — WITH DEW AND RAIN AND WITH OFFSPRING OF CATTLE; 'AS THOU DIDST SWEAR UNTO OUR FATHERS, A LAND THAT FLOWETH WITH MILK AND HONEY' — THAT THOU MAYEST GRANT A GOOD TASTE IN THE FRUIT.

MISHNAH 14. HENCE⁶⁷ IT WAS DEDUCED THAT ISRAELITES AND BASTARDS MAY MAKE THE CONFESSION, BUT NOT PROSELYTES, NOR FREED BONDMEN, SINCE THEY HAVE NO SHARE IN THE LAND. R. MEIR SAYS: NEITHER MAY PRIESTS AND LEVITES SINCE THEY DID NOT RECEIVE A SHARE IN THE LAND. R. JOSE SAYS: THEY HAVE THE CITIES WITH SUBURBS.⁶⁸

MISHNAH 15. JOHANAN⁶⁹ THE HIGH PRIEST⁷⁰ SET ASIDE THE CONFESSION OF THE TITHES.⁷¹ HE ALSO ABOLISHED THE 'WAKERS'⁷² AND THE 'STRIKERS'.⁷³ UNTIL HIS

DAYS THE HAMMER USED TO BEAT IN JERUSALEM.⁷⁴ AND IN HIS DAYS ONE HAD NO NEED TO ENQUIRE CONCERNING DEMAI.⁷⁵

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- (1) The same applies also to a single vine or other fruit tree.
 - (2) Cf. Lev. XIX, 24. The Fruit of the fourth year since the tree was planted was considered like Second Tithe. It had to be consumed in Jerusalem, or redeemed and its value spent in Jerusalem.
 - (3) As a sign that its fruit must not be picked and eaten.
 - (4) 'Uncircumcision', Lev. XIX, 23.
 - (5) To mark them as a place of impurity, cf. Shek I, 1; M.K. I, 2.
 - (6) On the grave.
 - (7) The marking of forbidden fruit.
 - (8) The sabbatical year when all produce was ownerless and free to everybody; cf. Lev. XXV, 6. But in other years no marking was needed because strangers who were scrupulous about the observance of religious laws would not in any case eat of fruit which was private property.
 - (9) Who were eager to prevent the commission of a religious transgression through their fruit. Lit., 'the modest'. v. Kil'ayim, IX, 5.
 - (10) The fruit itself, and not its redemption money, in order to enrich the Holy City with an abundance of fruit.
 - (11) V. Bez. 5a, R.H. 31b.
 - (12) And there was a superfluity of fruit in Jerusalem.
 - (13) Of Jerusalem.
 - (14) That no redemption of such fruit should be allowed within a day's journey from Jerusalem. When Jerusalem was in the hand of the enemy there was no eagerness to increase the supply of fruit in Jerusalem, and it was therefore permitted to redeem all such fruit from outside Jerusalem, even within a day's journey from the city.
 - (15) Cf. Pe'ah. VII, 6; 'Ed. IV, 5.
 - (16) The same applies also to a single fruit tree; cf. note I, p. 305.
 - (17) Like Second Tithe; cf. IV, 3, n. 5.
 - (18) Like Second Tithe; cf. infra Mishnah 6.
 - (19) Like common fruit; cf. Lev. XIX, 10; Pe'ah VII, 3-4.
 - (20) If they will not take up their gleanings to Jerusalem.
 - (21) The whole crop, including defective cluster and gleanings.
 - (22) As the property of the owner, who must take up to Jerusalem either itself or its redemption money.
 - (23) Who are expert valuers of fruit.
 - (24) I.e., to buy it on the tree.
 - (25) The cost of guarding, hoeing, picking etc.
 - (26) Thus reducing the value of the fruit by the amount of this outlay.
 - (27) As fixed by the valuers in reply to his inquiry.
 - (28) When there is no work on the soil, nor guarding of produce in the field; Lev. XXV, 4.
 - (29) And without having to value by experts the cost involved by the fruit on the tree until it is gathered.
 - (30) In years other than the seventh year.
 - (31) He must redeem it at its full value minus the cost of picking it.
 - (32) In accordance with the opinion of Beth Hillel in Mishnah 3.
 - (33) Cf. Deut. XIV, 28: 'At the end of every three years'. i.e., at the end of each period of three years, viz., the fourth and the seventh years; cf. also Deut. XXVI, 12.
 - (34) **בעור**, derived from the verb **בערתי**, Deut. XXVI, 13; cf. infra 10. All the dues on the produce which had not been paid in the previous three years had to be removed from the house and given to those who had a right to receive them.
 - (35) Of the First, or Levitical, Tithe; cf. Num. XVIII, 26ff.
 - (36) Viz., the priests.
 - (37) The Levites; cf. Mishnah 10.
 - (38) The poor.
 - (39) Of the previous three years were removed and destroyed.
 - (40) They originally belonged to the priests.

- (41) Containing produce subject to removal.
- (42) Such produce is absorbed and neutralized by the broth.
- (43) After the destruction of the Temple.
- (44) And destroy the money.
- (45) Since neither itself nor its value in money can nowadays be consumed in Jerusalem; therefore it should just be destroyed.
- (46) By distributing its dues in the manner prescribed by the law.
- (47) As laid down in Ma'as. I, 2ff.
- (48) When the season for removal arrived.
- (49) And this is considered as if the tithes were already given away.
- (50) At the season of removal.
- (51) Who was a Levite.
- (52) That this place may secure for him the ownership of the tithe.
- (53) Who was a guardian of the poor.
- (54) The heave-offering of the Levitical tithe.
- (55) Who was a priest.
- (56) For the lease of the respective places.
- (57) The declaration as given in Deut. XXVI, 13ff.
- (58) Here follows a running commentary on the verses of the confession after the Midrashic method of exposition of the Torah. Cf. also Sifre, Deut., ad loc.
- (59) The particle **וְגַם**, 'and also', implies something more than the explicit words of the text.
- (60) One may make the confession even if these had not been given to the poor.
- (61) Which was given from the home; cf. Num. XV, 20.
- (62) All of which acts would have rendered the tithing invalid; cf. Ter. I, 5; II, 4.
- (63) To pronounce the prescribed benediction prior to setting apart these dues.
- (64) **אֵינִינֹת**, the interval between the death and the end of the day on which the deceased was buried.
- (65) The Temple. Cf. Deut. XII, 5.
- (66) The poor and the unprotected; cf. Deut. XXVI, 11; XII, 12.
- (67) From the expression 'the land which thou hast given us'.
- (68) Cf. Num. XXXV, 2 ff.
- (69) Cf. Sot. IX, 10.
- (70) John Hyrcanus, 135 — 104 B.C.E. The rendering and explanation of this ancient Mishnah are uncertain. The interpretation given here follows the explanations found in Tosef Sot. XIII, 9 — 10; T.J. Ma'as Sh. ad loc., and Sot. l.c.; V. Sot. 47b, 48a and notes a.l. in Sonc. ed.
- (71) Because Ezra had enacted that the First Tithe should be given to the priests, not to the Levites, as a punishment for the refusal of the Levites to return from Babylon; cf. Ezra VIII, 15. Therefore one could not truthfully declare in confession, 'I have given it to the Levite'.
- (72) The singing by the Levites in the temple of the verse 'Awake, why sleepest thou, O Lord?' (Ps. XLIV, 24), because it sounded like blasphemy.
- (73) Those who used to strike the animal between its horns before slaughtering it for a sacrifice, in order to stun it. This appeared like causing a blemish in the sacrifice.
- (74) Workmen's hammers on the middle days of Passover and the Feast of Tabernacles. Johanan abolished work on these semi-sacred days.
- (75) Whether the original owner had tithed it. Johanan ordered that all demai produce of an 'am ha-arez must be tithed by the new owners; cf. Demai, introd.

Mishna - Mas. Ma'aseroth Chapter 1

MISHNAH 1. THEY HAVE LAID DOWN A GENERAL RULE CONCERNING TITHES:¹ WHATEVER IS [CONSIDERED] FOOD² AND IS GUARDED³ AND GROWS OUT OF THE SOIL,⁴ IS LIABLE TO TITHES.⁵ AND THEY HAVE FURTHER LAID DOWN ANOTHER RULE [AS REGARDS TITHE]: WHATSOEVER IS CONSIDERED FOOD BOTH AT THE BEGINNING AND AT THE CONCLUSION [OF ITS GROWTH].⁶ EVEN THOUGH HE WITHHOLDS IT FROM USE SO AS TO ENABLE THE QUANTITY OF FOOD TO INCREASE, IS LIABLE [TO TITHE]. WHETHER [IT BE GATHERED] IN ITS EARLIER OR LATER STAGES [OF RIPENING].⁷ WHEREAS WHATSOEVER IS NOT CONSIDERED FOOD IN THE EARLIER STAGES [OF ITS GROWTH] BUT ONLY IN ITS LATER STAGES,⁸ IS NOT LIABLE [TO TITHE] UNTIL IT CAN BE CONSIDERED FOOD.⁹

MISHNAH 2. WHEN DO THE FRUITS BECOME LIABLE TO TITHE?¹⁰ FIGS FROM THE TIME THEY ARE CALLED BOHAL,¹¹ GRAPES AND WILD GRAPES IN THE EARLY STAGES OF RIPENING,¹² RED BERRIES AND MULBERRIES AFTER THEY BECOME RED; [SIMILARLY] ALL RED FRUITS, AFTER THEY BECOME RED. POMEGRANATES ARE LIABLE TO TITHE AFTER THEIR CORE BECOMES PULPY,¹³ DATES AFTER THEY BEGIN TO SWELL,¹⁴ PEACHES AFTER THEY ACQUIRE [RED] VEINS,¹⁵ WALNUTS FROM THE TIME THEY FORM DRUPES.¹⁶ R. JUDAH SAYS: WALNUTS AND ALMONDS, AFTER THEIR KERNEL SKINS HAVE BEEN FORMED.¹⁷

MISHNAH 3. CAROBS [ARE SUBJECT TO] TITHES AFTER THEY FORM DARK SPOTS.¹⁸ SIMILARLY ALL BLACK-FINISHED FRUITS¹⁹ AFTER THEY FORM DARK SPOTS; PEARS AND CRUSTUMENIAN PEARS,²⁰ QUINCES,²¹ AND MEDLARS²² [ARE LIABLE TO TITHES] AFTER THEIR SURFACE BEGINS TO GROW SMOOTH.²³ SIMILARLY ALL WHITE FRUITS,²⁴ AFTER THEIR SURFACE BEGINS TO GROW SMOOTH; FENUGREEK [IS LIABLE TO TITHE, WHEN IT IS SO FAR ADVANCED] THAT THE SEEDS [CAN BE PLANTED AND] WILL GROW,²⁵ GRAIN AND OLIVES AFTER THEY ARE ONE-THIRD RIPE.²⁶

MISHNAH 4. WITH REGARD TO VEGETABLES,²⁷ CUCUMBERS, GOURDS, WATER-MELONS, CUCUMBER-MELONS,²⁸ APPLES AND CITRONS ARE LIABLE [TO TITHE], WHETHER GATHERED IN THE EARLIER OR LATER STAGES OF RIPENING.²⁹ R. SIMEON EXEMPTS THE CITRON IN THE EARLIER STAGES.³⁰ THE CONDITION IN WHICH BITTER ALMONDS ARE LIABLE [TO TITHE] IS EXEMPT IN THE CASE OF SWEET ALMONDS, AND THE CONDITION IN WHICH SWEET ALMONDS ARE LIABLE [TO TITHE] IS EXEMPT IN THE CASE OF BITTER ALMONDS.³¹

MISHNAH 5. WHEN ARE THE FRUITS FIXED TO BE TITHED?³² CUCUMBERS AND GOURDS [ARE LIABLE TO TITHE] AFTER THEIR FRINGE³³ FALLS OFF, OR IF THIS DOES NOT FALL OFF, AFTER [THE FRUIT] HAS BEEN PILED UP; MELONS SO SOON AS THEY BECOME SMOOTH,³⁴ AND IF THEY HAVE NOT BECOME SMOOTH, AFTER THEY ARE STORED AWAY;³⁵ VEGETABLES WHICH ARE TIED IN BUNDLES,³⁶ FROM THE TIME THEY ARE TIED UP IN BUNDLES; IF THEY ARE NOT TIED UP IN BUNDLES, AFTER THE VESSEL HAS BEEN FILLED WITH THEM;³⁷ IF THE VESSEL IS NOT TO BE FILLED WITH THEM, AFTER THERE HAS BEEN GATHERED ALL THAT HE WISHES TO GATHER. [PRODUCE WHICH IS PACKED IN] A BASKET [IS LIABLE TO TITHE] AFTER IT HAS BEEN COVERED;³⁸ IF IT IS NOT TO BE COVERED, AFTER A VESSEL IS FILLED; IF A VESSEL IS NOT TO BE FILLED, AFTER HE HAS GATHERED ALL HE REQUIRES. WHEN DOES THIS REGULATION APPLY?³⁹ WHEN A MAN BRINGS [THE PRODUCE] TO THE MARKET, BUT WHEN HE BRINGS IT TO HIS OWN HOUSE, HE MAY MAKE A CHANCE

MEAL OF IT, UNTIL HE REACHES HIS HOUSE.

MISHNAH 6. DRIED SPLIT-POMEGRANATES, RAISINS AND CAROBS, ARE LIABLE [TO TITHE] AFTER THEY ARE STACKED; ONIONS, AFTER THEY ARE STRIPPED;⁴⁰ IF THEY ARE NOT STRIPPED, AFTER THEY ARE STACKED; GRAIN, AS SOON AS THE PILE HAS BEEN EVENED;⁴¹ IF IT IS NOT EVENED, AFTER IT HAS BEEN STACKED; PULSE, AFTER IT HAS BEEN SIFTED;⁴² IF IT IS NOT SIFTED, AFTER THE PILE HAS BEEN EVENED. EVEN AFTER THE PILE HAS BEEN EVENED, HE MAY [WITHOUT TITHING] TAKE OF THE TINY EARS,⁴³ FROM THE SIDES OF THE PILES, AND FROM THAT WHICH IS STILL IN THE HUSK, AND EAT.⁴⁴

MISHNAH 7. WINE [IS LIABLE TO TITHE] AFTER IT HAS BEEN SKIMMED,⁴⁵ BUT ALTHOUGH IT HAS BEEN SKIMMED, HE MAY TAKE FROM THE UPPER WINE-PRESS,⁴⁶ OR FROM THE DUCT,⁴⁷ AND DRINK THEREOF [WITHOUT GIVING TITHE]. OIL, AFTER IT HAS DRIPPED INTO THE TROUGH,⁴⁸ BUT EVEN AFTER IT HAS DRIPPED HE MAY STILL TAKE OF THE OIL FROM THE BALE,⁴⁹ OR FROM THE PULP [UNDER THE PRESS],⁵⁰ OR FROM BETWEEN THE BOARDS OF THE PRESS,⁵¹ [WITHOUT TITHING,] AND PUT THE OIL ON A CAKE,⁵² OR PLATE,⁵³ BUT NOT IN A DISH OR STEWPOT, WHILE THE CONTENTS THEREOF ARE BOILING.⁵⁴ R. JUDAH SAYS: HE MAY PUT IT INTO ANYTHING⁵⁵ SAVE IN TO THAT WHICH CONTAINS VINEGAR OR BRINE.⁵⁶

MISHNAH 8. A CAKE OF PRESSED FIGS [IS LIABLE TO TITHE] FROM THE MOMENT ITS SURFACE HAS BEEN SMOOTHED.⁵⁷ IT MAY BE SMOOTHED WITH [THE JUICE OF] UNTITHED FIGS OR GRAPES,⁵⁸ BUT R. JUDAH FORBIDS THIS. IF IT IS SMOOTHED WITH GRAPES, IT IS NOT SUSCEPTIBLE TO [RECEIVE] LEVITICAL UNCLEANNESS;⁵⁹ R. JUDAH, HOWEVER, SAYS, IT IS SUSCEPTIBLE.⁶⁰ DRIED FIGS [ARE LIABLE TO TITHE] AFTER THEY HAVE BEEN TRODDEN,⁶¹ AND [FIGS] STORED IN A BIN [ARE LIABLE TO TITHE] AFTER THEY HAVE BEEN PRESSED. IF ONE WAS TREADING [THE FIGS] INTO A JAR, OR PRESSING THEM IN A STORE BIN, AND THE CASK WAS BROKEN OR THE STORE BIN OPENED, IT IS NOT ALLOWED TO MAKE A CHANCE MEAL OF THEM; R. JOSE, HOWEVER, PERMITS THIS.

(1) V. Introduction. The ruling here also applies to terumah.

(2) This excludes e.g., madder, although in times of dire necessity both are used as food.

(3) In contradistinction to ownerless property, looked after by no private owner.

(4) This excludes such things as mushrooms and truffles, which are not deemed to be things growing from the soil, since they are not sown. In all these cases the ruling is deduced from Deut. XIV, 22, Thou shalt surely tithe all the produce of thy seed, identifying 'produce' with food; 'thy seed', with privately owned produce, and 'seed' with earth-sown produce.

(5) The whole of this paragraph refers to what are technically known as 'regular' meals in contradistinction to 'chance' meals, to which this ruling does not apply.

(6) As for example, all herbs which become fit for consumption as soon as they begin to ripen. The owner nevertheless withholds them from being gathered until they are fully ripe, so as to enable him to accumulate the maximum quantity of produce.

(7) Since they are considered as food, fit to be eaten, from the very beginning of their ripening. Lit., 'whether small or large'.

(8) As for example, certain kinds of fruit which grow on trees.

(9) Derived from Lev. XXVII, 30. From the seed of the earth, from the fruit of the tree, which is interpreted to mean that it is not to be considered food until it grows up and becomes fruit proper.

(10) Fruit, that is to say, which in the early stages of its growth is not considered a food, and which is also eaten at regular times.

(11) The commencement of the ripening is known as **בוהל**. Rashi: From the time their tips become white.

(12) They have reached that stage of ripeness when the berries appear from inside the husks. In the case of a cluster, if

one berry has reached this measure of ripeness, the whole of the cluster is liable to tithe.

(13) When the eatable portion, the core, can be mashed under one's fingers.

(14) Lit., 'they cast a dough'. When they rise like dough.

(15) When there appears in the skin a sort of red vein.

(16) Lit., 'they form a store'. When the food is actually separated from the outer shell, and gives the appearance of something laid in a store-house.

(17) R. Judah refers to a thin skin nearest to the food, which does not form upon the fruit until after the completion of the ripening.

(18) They begin to darken at the completion of their ripening.

(19) This refers to all fruits which are black on the completion of their ripening, eg., the berries of the myrtle and thorn.

(20) Small pears resembling nuts. These have hair on them which needs smoothening.

(21) V. Kil. I, 4.

(22) A sort of crab-apple.

(23) After the hair upon them, which covers them in the earlier stages of ripening, falls out. These fruits in their early stages are covered with small hairs, like feathers, and as they ripen they gradually become bald, so that eventually when they are completely ripe, all their hair has fallen out.

(24) The law does not specifically apply only to those which are actually white, but it also includes those which are neither black nor red.

(25) Namely when it has become so complete in its ripeness that if it were seed, it would sprout forth. The method of testing to discover when it had reached this stage is by putting the plant in water.

(26) A third part of that which will eventually grow, or alternately, if he were to store them or in the case of grain to grind them) he would be able to produce from them, at that stage, one third of the amount which will be produced when they are fully ripe.

(27) The four species of vegetables enumerated here.

(28) An apple-shaped melon.

(29) Since both in their earlier and later stages they are considered to be food. Lit., 'whether large or small'.

(30) Since he holds that they are not eaten at this stage.

(31) Bitter almonds are gathered and eaten at their earlier stages, not at their later. With sweet almonds the reverse is the case.

(32) To forbid even a chance meal. Lit., 'when is their threshing-floor (condition) for tithes'. In the case of corn, the tithing-season begins after the produce has been stacked on the threshing-floor.

(33) In the early stages of ripening there is a woolly substance on their surface; when fully ripe this falls off.

(34) By the loss of their woolly substance on the surface.

(35) Lit 'made into a store'. When they have been spread out to be dried. Melons are not piled up but spread out.

(36) That which it is customary to sell in bundles.

(37) If a man customarily fills many vessels from his field, he may eat a chance meal until the last vessel has been filled.

(38) It was customary to cover the fruits with the leaf of a tree when taken to the market so that they should not wither.

(39) When do the above conditions concerning the season for tithing hold good?

(40) After the bad peel has been taken off.

(41) After the produce has been cleansed from its chaff, it is heaped up and levelled.

(42) Since it is usual to uproot the pulse with dust, it is therefore necessary to sift it in a sieve in order to cleanse it.

(43) Plucked ears of corn not well threshed.

(44) Since all these latter things are as yet not ready for tithe.

(45) From the time that he removes the kernels and the husks which rise to the surface of the wine on its fermenting.

(46) From the wine which has not yet gone into the press tank.

(47) Formed in the mouth of the wine-press from which the wine flows into the press tank. The wine which is still in the upper wine-press or in the duct is as yet not completely ready for use.

(48) The cavity into which the oil drips.

(49) The meaning of this Hebrew word is obscure; Jast. translates: 'A bale of loose texture containing the olive pulp to be pressed'. Bert.: 'A vessel made of ropes in which the olives are heaped up during the time they lay the press-beam upon them'. Tif. Yis: A perforated basket into which the pressed-out olives are placed when they are gathered together. The oil creeps and oozes out from the holes in the basket.

- (50) The upper millstone with which they grind the olives (Bert.). The stone placed in the basket to press upon the olives and to squeeze them (Tif. Yis.).
- (51) The oil which comes out from between the boards.
- (52) A small, thin and hot cake which, when taken out of the oven, used to be smoothed with oil over its face. This last statement is made to teach us that the cake is not considered in the category of 'cooked' dishes, since generally it is forbidden to eat a chance meal from all produce, fruits and vegetables, cooked by the fire.
- (53) A large dish upon which there is hot cooking.
- (54) Even though he has removed them from the fire.
- (55) He may put it into all boiling pots and dishes, after he has removed it from the fire, and it is still not liable to tithe.
- (56) Brine-water which issues from salted fish or meat. The sharpness of these two ingredients, vinegar and brine, aids considerably in the cooking process.
- (57) It is customary to smoothen its surface with juice in order to beautify it. Then, and then only, does the tithing stage begin.
- (58) Since juices used for smoothing purposes are considered of no consequence. R. Judah, however, holds the contrary view, and therefore, since their fruit is untithed, they are forbidden.
- (59) V. Lev. XI, 34, 38. This refers only to grapes and not to figs, since fig-juice does not render food susceptible to uncleanness.
- (60) The dispute between R. Judah and the other authorities is as to whether the juice is to be considered liquid or not.
- (61) The figs are dried and then are trodden with staves in a vessel, or are pressed with the hands in the store-house.

Mishna - Mas. Ma'aseroth Chapter 2

MISHNAH 1. IF A MAN WAS PASSING THROUGH THE STREET,¹ AND SAID 'TAKE YE OF MY FIGS', ONE MAY EAT AND BE EXEMPT FROM TITHE;² THEREFORE IF³ THEY BROUGHT THEM INTO THEIR HOUSES,⁴ THEY MUST GIVE THE PRIESTLY DUES AS IF THEY WERE CERTAINLY UNTITHED. [IF HE SAID] TAKE YE AND BRING INTO YOUR HOUSES',⁵ THEY MAY NOT MAKE A CHANCE MEAL OF THEM.⁶ THEREFORE, IF THEY BROUGHT THEM INTO THEIR HOUSES, THEY NEED TITHE THEM ONLY AS DEMAI.⁷

MISHNAH 2. IF MEN WERE SITTING IN A DOORWAY OR A SHOP, AND HE⁸ SAID, 'TAKE YE OF MY FIGS',⁹ THEY MAY EAT AND BE EXEMPT FROM TITHES,¹⁰ BUT THE OWNER OF THE DOORWAY, OR THE OWNER OF THE SHOP, IS LIABLE [TO GIVE TITHE]. R. JUDAH, HOWEVER, EXEMPTS HIM¹¹ UNLESS HE TURNS HIS FACE¹² OR CHANGES THE PLACE WHERE HE WAS SITTING [AND SELLING].¹³

MISHNAH 3. IF A MAN BRINGS FRUIT FROM GALILEE TO JUDEA,¹⁴ OR IF HE GOES UP TO JERUSALEM, HE MAY EAT OF THEM,¹⁵ UNTIL HE ARRIVES AT THE PLACE TO WHICH HE INTENDS TO GO;¹⁶ AND SO, ALSO, IF HE RETURNS.¹⁷ R. MEIR, HOWEVER, SAYS: [HE MAY EAT] ONLY UNTIL HE REACHES THE PLACE WHERE HE INTENDS TO REST [ON THE SABBATH].¹⁸ BUT PEDLARS WHO GO ABOUT THE CITIES,¹⁹ MAY EAT,²⁰ UNTIL THEY REACH THE PLACE WHERE THEY INTEND STAYING OVER NIGHT.²¹ R. JUDAH SAYS: 'THE FIRST HOUSE [HE REACHES] IS HIS HOUSE'.²²

MISHNAH 4. IF ONE SET ASIDE THE TERUMAH FROM FRUITS BEFORE THEIR WORK WAS FINISHED,²³ R. ELIEZER SAYS: IT IS FORBIDDEN TO MAKE A CHANCE MEAL OF THEM,²⁴ BUT THE SAGES PERMIT IT²⁵ EXCEPT WHEN IT IS A BASKET OF FIGS. IF ONE SET ASIDE THE TERUMAH FROM A BASKET OF FIGS, R. SIMEON PERMITS IT,²⁶ BUT THE SAGES FORBID IT.²⁷

MISHNAH 5. IF A MAN SAYS TO HIS FELLOW: 'HERE IS THIS ISSAR,²⁸ GIVE ME FIVE FIGS FOR IT', HE MAY NOT EAT OF [THEM] UNTIL HE HAS TITHED THEM;²⁹ SO R. MEIR. R. JUDAH SAYS: IF HE ATE THEM ONE BY ONE, HE IS EXEMPT, BUT IF SEVERAL

TOGETHER,³⁰ HE IS LIABLE [TO TITHE.] R. JUDAH SAID: IT HAPPENED IN A ROSE-GARDEN IN JERUSALEM THAT THERE WERE FIGS BEING SOLD THREE OR FOUR FOR AN ISSAR,³¹ AND NEITHER TERUMAH NOR TITHE WAS EVER GIVEN FROM IT.³²

MISHNAH 6. IF A MAN SAID TO HIS FELLOW: 'HERE IS AN ISSAR FOR TEN FIGS WHICH I MAY SELECT FOR ME',³³ HE MAY SELECT AND EAT;³⁴ [IF HE SAID] 'FOR A CLUSTER OF GRAPES WHICH I MAY SELECT FOR ME', HE MAY PICK GRAPES FROM THE CLUSTER AND EAT;³⁵ [IF HE SAID], 'FOR A POMEGRANATE WHICH I MAY SELECT FOR ME', HE MAY SPLIT³⁶ [THE POMEGRANATE] AND EAT [A SLICE]; [IF HE SAID] 'FOR A WATER-MELON, WHICH I MAY SELECT FOR ME', HE MAY SLICE AND EAT;³⁷ IF HE, HOWEVER, SAID 'FOR THESE TWENTY FIGS', OR 'FOR THESE TWO CLUSTERS', OR 'FOR THESE TWO WATER-MELONS', HE MAY EAT THEM IN HIS USUAL WAY AND BE EXEMPT [FROM TITHE], BECAUSE HE BOUGHT THEM WHILST THEY WERE STILL ATTACHED TO THE GROUND.³⁸

MISHNAH 7. IF A MAN HIRED A LABOURER TO HELP HIM HARVEST FIGS,³⁹ AND HE [THE LABOURER] SAID UNTO HIM 'ON CONDITION THAT I MAY EAT THE FIGS', HE MAY EAT THEM AND BE EXEMPT [FROM TITHE].⁴⁰ IF HE, HOWEVER, SAID, 'ON CONDITION THAT I AND MY SON MAY EAT',⁴¹ OR 'THAT MY SON MAY EAT OF THEM IN LIEU OF MY RECEIVING A WAGE',⁴² HE MAY EAT AND BE EXEMPT [FROM TITHE], BUT IF HIS SON EATS HE IS LIABLE. IF HE SAID: 'ON CONDITION THAT I MAY EAT OF THEM DURING THE TIME OF THE FIG HARVEST, AND AFTER THE FIG HARVEST', DURING THE TIME OF THE FIG HARVEST HE MAY EAT AND BE EXEMPT [FROM TITHE], BUT IF HE EATS AFTER THE FIG HARVEST HE IS LIABLE, SINCE HE DOES NOT EAT OF THEM AFTER THE MANNER PRESCRIBED BY THE TORAH.⁴³ THIS IS THE GENERAL RULE: ONE WHO EATS AFTER THE MANNER PRESCRIBED BY THE TORAH IS EXEMPT [FROM TITHE], AND ONE WHO DOES NOT EAT AFTER THE MANNER PRESCRIBED BY THE TORAH IS LIABLE.⁴⁴

MISHNAH 8. IF A MAN IS DOING [HIRED LABOUR] AMONG POOR FIGS, HE MAY NOT EAT OF GOOD FIGS,⁴⁵ AND IF HE IS DOING [HIRED LABOUR] AMONG GOOD FIGS, HE MAY NOT EAT OF THE POOR FIGS, BUT HE MAY RESTRAIN HIMSELF UNTIL HE REACHES THE PLACE WHERE THERE ARE THE BETTER FIGS,⁴⁶ AND THEN HE MAY EAT. IF A MAN EXCHANGES WITH HIS FELLOW EITHER HIS FRESH FIGS FOR HIS FRESH FIGS,⁴⁷ HIS DRIED FIGS FOR HIS DRIED FIGS,⁴⁸ HIS FRESH FIGS FOR HIS DRIED FIGS, THEN HE IS LIABLE TO GIVE TITHE.⁴⁹ R. JUDAH, HOWEVER, SAYS: IF A MAN EXCHANGES [HIS FIGS] FOR [HIS FELLOW'S] FRESH FIGS HE IS LIABLE, BUT [IF FOR THE OTHER'S] DRIED FIGS HE IS EXEMPT.⁵⁰

(1) The statement speaks of an 'am ha-arez who is suspected of not having given his tithe, and also of fruit which is not being taken to be sold.

(2) Because we can say they have not been taken indoors, and therefore, the time has not yet arrived when they are liable to tithe; v. supra I, 5.

(3) Since he uses only this phrase 'Take' in his statement, implying a chance meal.

(4) The man who gave them had not tithed them, thinking they were going to eat them in the street, which does not require tithing. From the moment, however, that they are taken indoors, they are liable to tithe. In this case, they give the tithe of tithe which the Levite owes to the priest (תרומת מעשר) v. Num. XVIII, 26; the first tithe (מעשר ראשון) belonging to the Levite; the second tithe (מעשר שני) to be consumed by the owner in Jerusalem (v. Deut. XIV, 23) they may keep for themselves.

(5) Thus indicating that they may be eaten, even in the house, as having been tithed, after having become liable to tithe.

(6) The man is believed in so far that the produce had reached the stage when it became liable to tithe, and consequently forbidden even for a chance meal, but he is not believed that the tithe had been taken from them.

(7) v. Glos.

(8) The owner of the doorway or the ship, who was carrying fruit.

(9) Which I have in the street; because if they were in the doorway or shop they would become liable, as if they were in the house.

(10) Since a man's house renders produce liable to tithe only as far as he is concerned.

(11) R. Judah holds that since a doorway or shop is a place where he will be ashamed to eat, it is not regarded as a courtyard or house which renders produce liable to tithe.

(12) Enabling him to eat without feeling ashamed.

(13) Even though his face is turned towards his buyers, by changing his position he indicates his desire to find a place where he can eat unashamed.

(14) He gathered them in his field in Galilee with the intention of taking them up to Judea and selling them there.

(15) A chance meal without tithing.

(16) Even if he stops on the way, he is still exempt from giving tithe, because it is his intention to sell them only in Judea.

(17) If before he reached Judea he decided to take them back to Galilee, he may make a chance meal of them until he reaches Galilee again.

(18) That is to say until he has brought them into the house where he intends to rest on Sabbath, and as soon as he reaches his destination, and even though Sabbath has not yet arrived, he is liable to give tithe.

(19) To sell spices and other perfumery of women; and they carry with them at the same time fruit which has been given to them, but which has not yet been tithed.

(20) A chance meal, until they reach their destination, and then the fruit is liable to tithe.

(21) He is only liable when they have been actually brought into the house.

(22) As regards the law of tithes. Because as soon as the man reaches the city he will enter the first house he can find with the intention of staying there. Therefore, even although ultimately he does not settle with the owner of the house to stay in this particular house, he has, by bringing his fruit into this house, made it liable to tithe.

(23) The season has not yet been reached when they are liable to tithe, as defined *supra* I.

(24) Until all the tithes have been separated. because he holds the view that the setting aside of *terumah* fixes the liability of fruit tithes, even though they are not yet fully finished.

(25) They do not accept R. Eliezer's principle.

(26) Because the tithing season in this case begins only after all the fruit has been gathered or as much as is required; V. *supra* I, 5.

(27) Because once the *terumah* has been set aside from the basket, it is indicative that all that is needful has been gathered.

(28) V. Glos.

(29) Because the sale fixes liability to tithing.

(30) If the owner of the garden gives him two or more, at the same time, he is liable to tithe, because these constitute for him an immature threshing-floor.

(31) Here the seller used to gather them, since he would allow no buyers to enter the garden on account of the roses.

(32) Since they eat them one by one.

(33) Which I may select and gather from the trees.

(34) He may pluck them one by one, and eat without tithing. If, however, he plucked two together he is liable to give tithe.

(35) He may gather the single berries from the cluster which he has chosen and eat. The cluster itself must be attached to the ground, otherwise even under these conditions he is liable.

(36) While the pomegranate is still attached to the ground he may eat it slice by slice

(37) He may cut off separate thin slices from the fruit whilst it is attached in the ground

(38) Since he bought that which was attached to the ground his is the same ruling as that if the owner of the garden who may eat a chance meal until he reaches his house (v. *supra* I, 5). For the sale does not fix the liability to tithe in that which is attached to the ground.

(39) Either to cut them or to store them for drying.

(40) The condition does not invalidate anything normally observed, since even without this stipulation he is legally entitled to eat, according to Deut. XXIII, 25: 'If thou shalt come to the vineyard of thy friend and thou shalt eat grapes'

etc., which verse refers to a workman. It is therefore not like a sale and does not therefore fix liability to tithing.

(41) The eating by the son constitutes a sale and therefore fixes the liability in tithing.

(42) In lieu of wages for my work, and instead of my eating.

(43) Since his status is then not one of a workman, he eats on the basis of a condition, and hence it is like a sale.

(44) V. B.M. 87b as to what work entitles the labourer to eat.

(45) Deduced from Deut. XXIII, 25. V. supra p. 264, n. 6.

(46) The labourer who harvests both amongst poor and good figs restrains himself from eating whilst working amongst the poor figs, and then when he arrives at the good figs, he may eat even the amount due to him from the previous poor figs.

(47) Lit., 'the one to eat, and the one to eat'. If he says, you eat my fresh figs and I yours.

(48) Lit., 'the one to store' etc.. A similar stipulation with regard to figs spread out to dry.

(49) Since the exchange is considered equivalent to the sale.

(50) R. Judah holds that a sale does not fix liability to tithe in regard to anything the work of which is unfinished, as in the case of figs stored for drying.

Mishna - Mas. Ma'aseroth Chapter 3

MISHNAH 1. IF A MAN WAS TAKING HIS FIGS THROUGH HIS COURTYARD TO BE DRIED,¹ HIS CHILDREN AND THE OTHER MEMBERS OF HIS HOUSEHOLD² MAY EAT [OF THEM] AND BE EXEMPT [FROM TITHE].³ THE LABOURERS⁴ [WHO WORK] WITH HIM MAY EAT,⁵ AND BE EXEMPT⁶ SO LONG AS HE IS NOT OBLIGED TO MAINTAIN THEM;⁷ IF, HOWEVER, HE IS OBLIGED TO MAINTAIN THEM,⁸ THEY MAY NOT EAT.⁹

MISHNAH 2. IF A MAN BROUGHT HIS LABOURERS INTO THE FIELD,¹⁰ SO LONG AS HE IS NOT OBLIGED TO MAINTAIN THEM, THEY MAY EAT AND BE EXEMPT FROM TITHES.¹¹ IF, HOWEVER, HE IS OBLIGED TO MAINTAIN THEM THEY MAY EAT OF THE FIGS ONE AT A TIME,¹² BUT NOT FROM THE BASKET, NOR FROM THE LARGE VESSELS, NOR FROM THE DRYING SHED.¹³

MISHNAH 3. IF A MAN HIRED A WORKMAN TO PREPARE HIS OLIVES¹⁴ AND HE SAID TO HIM, 'ON CONDITION THAT I MAY EAT THE OLIVES',¹⁵ HE MAY EAT OF THEM ONE AT A TIME AND BE EXEMPT [FROM TITHE]. IF, HOWEVER, HE ATE SEVERAL TOGETHER HE IS LIABLE. [IF HE HAD BEEN HIRED] TO WEED OUT ONIONS,¹⁶ AND HE SAID TO HIM, 'ON CONDITION THAT I MAY EAT THE VEGETABLES', HE MAY PLUCK LEAF BY LEAF,¹⁷ AND EAT [WITHOUT TITHING]; IF, HOWEVER, HE ATE SEVERAL TOGETHER, HE IS LIABLE [TO GIVE TITHE].¹⁸

MISHNAH 4. IF A MAN FOUND CUT FIGS¹⁹ ON THE ROAD, OR EVEN BESIDE A FIELD [WHERE CUT FIGS] HAVE BEEN SPREAD [TO DRY] (AND SO, TOO, IF A FIG TREE OVERHANGS THE ROAD, AND FIGS WERE FOUND BENEATH IT). THEY ARE ALLOWED [AS NOT COMING WITHIN THE LAW] OF ROBBERY,²⁰ AND THEY ARE EXEMPT FROM TITHE;²¹ OLIVES AND CAROBS, HOWEVER, ARE LIABLE.²² IF A MAN FOUND DRIED FIGS, THEN IF THE MAJORITY OF PEOPLE HAD ALREADY TRODDEN [THEIR FIGS].²³ HE IS LIABLE [TO TITHE], BUT IF NOT HE IS EXEMPT. IF A MAN FOUND SLICES OF FIG-CAKE²⁴ HE IS LIABLE [TO TITHE]. SINCE IT IS OBVIOUS THEY COME FROM SOMETHING [THE WORK IN CONNECTION THEREWITH IS] FULLY COMPLETED. WITH CAROBS,²⁵ IF THEY HAD NOT YET BEEN ON THE TOP OF THE ROOF, HE MAY TAKE SOME DOWN FOR THE CATTLE²⁶ AND BE EXEMPT [FROM TITHE]. SINCE HE MAY RETURN THAT WHICH IS LEFT OVER.²⁷

MISHNAH 5. WHICH COURTYARD IS IT WHICH MAKES [THE PRODUCE] LIABLE TO TITHE.²⁸ R. ISHMAEL SAYS: THE TYRIAN YARD [WITH A LODGE AT THE ENTRANCE].²⁹

WHEREIN WATCH IS KEPT OVER THE VESSELS. R. AKIBA SAYS: ANY YARD WHICH ONE PERSON MAY OPEN AND ANOTHER MAY SHUT [AS THEY PLEASE],³⁰ IS EXEMPT. R. NEHEMIAH SAYS: ANY YARD IN WHICH A MAN IS NOT ASHAMED TO EAT, IS LIABLE. R. JOSE SAYS: ANY YARD INTO WHICH A PERSON³¹ MAY ENTER, AND ONE DOES NOT SAY UNTO HIM, WHAT ARE YOU SEEKING? IS EXEMPT.³² R. JUDAH SAYS: 'IF THERE ARE TWO YARDS ONE WITHIN THE OTHER, THE INNER ONE MAKES [THE PRODUCE] LIABLE [TO TITHE], THE OUTER ONE IS EXEMPT'.³³

MISHNAH 6. ROOFS DO NOT RENDER [PRODUCE] LIABLE, EVEN THOUGH THEY BELONG TO A COURTYARD WHICH RENDERS IT LIABLE.³⁴ A GATEWAY,³⁵ PORTICO,³⁶ OR BALCONY,³⁷ IS CONSIDERED [IN THE SAME CATEGORY] AS THE COURTYARD [TO WHICH IT BELONGS]; IF THIS MAKES [PRODUCE] LIABLE [TO TITHE] SO DO THEY, AND IF IT DOES NOT, THEY DO NOT.

MISHNAH 7. CONE-SHAPED HUTS,³⁸ THE STORES IN TURRETS,³⁹ AND SHEDS IN THE FIELD⁴⁰ DO NOT RENDER [PRODUCE] LIABLE; THE LODGE OF GENESARETH GARDENS,⁴¹ EVEN THOUGH IT CONTAINS HANDMILL AND POULTRY,⁴² DOES NOT RENDER [PRODUCE] LIABLE. AS FOR THE POTTER'S HUT,⁴³ THE INNER PART RENDERS [PRODUCE] LIABLE, THE OUTER PART DOES NOT. R. JOSE SAYS: ANYTHING WHICH IS NOT BOTH A SUMMER AND WINTER DWELLING DOES NOT RENDER [PRODUCE] LIABLE [TO TITHES].⁴⁴ AS REGARDS THE FESTIVE BOOTHS USED ON THE FESTIVAL, R. JUDAH SAYS: THIS ALSO RENDERS [PRODUCE] LIABLE TO TITHE,⁴⁵ BUT THE SAGES SAY: IT DOES NOT.

MISHNAH 8. IF A FIG TREE STOOD IN A COURTYARD,⁴⁶ A MAN MAY EAT THE FIGS FROM IT SINGLY AND BE EXEMPT [FROM TITHE], BUT IF HE TOOK TWO OR MORE TOGETHER HE IS LIABLE. R. SIMEON SAYS: [EVEN] IF HE HAS [AT ONE AND THE SAME TIME] ONE IN HIS RIGHT HAND, ONE IN HIS LEFT HAND AND ONE IN HIS MOUTH, HE IS STILL EXEMPT.⁴⁷ IF HE ASCENDED TO THE TOP [OF IT],⁴⁸ HE MAY FILL HIS BOSOM AND EAT.⁴⁹

MISHNAH 9. IF A VINE WAS PLANTED IN A COURTYARD, A MAN MAY TAKE A WHOLE CLUSTER.⁵⁰ SIMILARLY WITH A POMEGRANATE, OR A MELON. SO R. TARFON. R. AKIBA SAYS: HE SHOULD PICK SINGLE BERRIES FROM THE CLUSTER,⁵¹ OR SPLIT THE POMEGRANATE INTO SLICES, OR CUT SLICES OF MELON. IF CORIANDER WAS SOWN IN A COURTYARD HE MAY PLUCK LEAF BY LEAF AND EAT [WITHOUT TITHING], BUT IF HE ATE THEM TOGETHER HE IS LIABLE [TO GIVE TITHE]. SAVORY AND HYSSOP, AND THYME⁵² WHICH ARE IN THE COURTYARD,⁵³ IF KEPT WATCH OVER, ARE LIABLE TO TITHE.⁵⁴

MISHNAH 10. IF A FIG TREE STOOD IN A COURTYARD, AND OVERHUNG A GARDEN, A MAN MAY EAT AFTER HIS CUSTOMARY FASHION⁵⁵ AND BE EXEMPT [FROM TITHE]. IF, HOWEVER, IT STOOD IN THE GARDEN AND OVERHUNG THE COURTYARD, A MAN MAY EAT [THE FIGS] SINGLY⁵⁶ AND BE EXEMPT, BUT IF HE TAKES TWO OR MORE TOGETHER, HE IS LIABLE [TO TITHES]. IF IT STOOD IN THE LAND [OF ISRAEL] AND OVERHUNG [THE TERRITORY] OUTSIDE THE LAND, OR IF IT STOOD IN [THE TERRITORY] OUTSIDE THE LAND, AND OVERHUNG THE LAND, IN ALL THESE CASES [THE LAW IS] DECIDED ACCORDING TO THE POSITION OF THE ROOT.⁵⁷ AND AS REGARDS HOUSES IN WALLED CITIES, EVERYTHING IS DECIDED ACCORDING TO THE POSITION OF THE ROOT.⁵⁸ BUT AS REGARDS CITIES OF REFUGE, EVERYTHING IS DECIDED [ALSO] ACCORDING TO THE LOCATION OF THE BRANCHES.⁵⁹ AND ALSO IN WHAT CONCERNS JERUSALEM,⁶⁰ EVERYTHING IS [ALSO] DECIDED BY THE

LOCATION OF THE BRANCHES.⁶¹

- (1) He was taking them through his courtyard to the place where they were to be dried.
- (2) His wife.
- (3) Because a courtyard does not fix the liability to tithing any produce the work of which is not complete. Nevertheless he himself is still forbidden to make a chance meal of them, without tithing, except in the place where they are to be dried, where it is evident that the work in connection with the figs has not been completed.
- (4) Whom he has hired to take the fruit through the courtyard. Then it is a work which does not entitle them to eat; v. supra II, 7.
- (5) If he offered the fruit to them.
- (6) A gift, unlike a sale, does not fix liability to tithing; v. supra II, 2.
- (7) Lit., 'their food is not upon him'. So long as he has not stipulated that he will maintain them.
- (8) He stipulated he would maintain them.
- (9) For this is like a sale.
- (10) For some other work, and not to gather fruits, and therefore, not entitled Biblically to eat.
- (11) If he gave unto them, because a gift does not follow the same ruling as a sale.
- (12) Which is a casual meal and permissible even in the case of a sale, unless the work in connection with the produce had been completed.
- (13) In these cases it is treated as produce taken to the market, which is in itself sufficient to fix 'liability to tithing'; v. supra I, 5.
- (14) To hoe beneath the olives, but not to gather, and therefore not entitled to eat according to the Biblical law.
- (15) This is equivalent to a sale.
- (16) To weed out the bad herbs which grow beneath the onions. This also does not entitle him to eat Biblically.
- (17) Singly, from that which is joined to the ground.
- (18) The combination of several together constitutes a kind of threshing-floor and fixes liability to tithing; v. supra II, 5.
- (19) קציצות, figs partly dried. The development in the growth of figs is as follows: When they are plucked from the tree and are still juicy they are called in Hebrew תאנים; after this, when they are laid upon mats of reed grass to be dried, and their surface contracts a little when they begin to dry they are called קציעות or קציצות. Then when they are altogether dried they are called גרוגרות, and finally, when they are trodden into a round cake they are called דבילה. The vessel in which the figs are dried is called מוקצה.
- (20) Because when a fig falls it is spoilt and the owners have therefore disclaimed ownership from it. Similarly, where the figs are found on the road, it is assumed the owner has surrendered his ownership of them.
- (21) As all ownerless produce.
- (22) It is considered robbery because the owners do not give it up; moreover its appearance proves that it fell from this tree; but when a fig falls it is spoilt, and it is not known from which tree it fell.
- (23) If the majority of the inhabitants of that city had already trodden their dried figs in their fields, we can see, therefore, that these are also from the trodden ones, and therefore have become liable to tithe, and this liability remains even when the produce becomes ownerless.
- (24) After the round cake has been trodden, it is divided up into many slices.
- (25) This does not refer to a find, but to the case where a man had carobs on his roof. Since it was his intention to bring them up on to this roof in order to dry them, therefore their work is not complete, and their liability to tithe is not fixed by the courtyard.
- (26) Though they are already on the roof, provided they have not been thoroughly dried, and not yet heaped up there for storing (Tif. Yis.).
- (27) To the place where he spreads them out to dry; even if he has brought down much for the cattle, he is nevertheless exempt.
- (28) Which like a house determines the tithe brought there.
- (29) In the province of Tyre there sat a watchman at the entrance to the courtyard (cf. Isa. XXIII, 8). Because all the inhabitants of Tyre were princes and dwelt in royal residences, therefore out of respect for them, there was also a lodge to their court in which sat a watchman (Tif. Yis.).
- (30) I.e., in a court in which there are two houses for two men, and where one opens the entrance of the court, the second may come in and close it; similarly where one locks it, the second may object and open it, such a court is 'not

well-guarded’.

(31) A stranger.

(32) Even though he is not ashamed to eat in it.

(33) Since access is gained to the inner one through the outer one, the latter is not considered ‘well guarded’.

(34) Even though he has brought the produce up to the roof by the way of the courtyard, it is nevertheless not liable to tithe, since at the time he brought them into the courtyard it was his intention to bring them up, and to eat them on the roof.

(35) Near the entrance of the courtyard.

(36) Exedra, a covered place in front of the house surrounded by three walls.

(37) A gallery from which one descends by a ladder to the courtyard.

(38) They have no roof, but the walls at the top touch one another and then gradually broaden downwards.

(39) Sort of network arrangement in the field, to store therein the fruits. Often used as a station for travellers.

(40) A booth erected in the summer and generally in the days of the sun as a shade. A shed for stacks in the field.

(41) The district of the Sea of Galilee, where the fruits are many and good, and its inhabitants make booths in which to dwell during the entire season of the fruits, which means actually the greater part of the year.

(42) Which indicates that this is their dwelling place day and night.

(43) It has two booths, one within the other; in the outer one he makes dishes etc. and sells them, and in the inner one, where he lives, he keeps and stores them.

(44) Consequently, since the potter does not live in the inner booth in the rainy season, it does not render produce liable.

(45) He holds the opinion that since the booth is a regular abode it fixes liability to tithing. The law was not according to R. Judah.

(46) Of a kind which renders produce liable for tithing.

(47) Even three taken in this manner are not considered as taken together, and are allowed.

(48) The fig-tree.

(49) Only at the top of the tree. He is allowed to eat so long as he does not descend into the courtyard.

(50) He may eat after his customary fashion, and he need not pick single berries only nor take separate slices of pomegranate and melon.

(51) Whilst it is still joined to the soil.

(52) Or, organum.

(53) It is usual for these plants to grow in gardens etc., without being sown; v. Nid. 51b.

(54) Otherwise they are ownerless property since it is their custom to grow without being sown, and exempt from tithes.

(55) From the branch which overhangs the garden.

(56) From that branch which overhangs the courtyard.

(57) This follows the principle laid down that the branches always comply with the same conditions as the root, which is the source from which the tree grows.

(58) V. Lev. XXV, 29ff, and ‘Ar. 31aff, Whether or not the tree is included in the law depends on whether the roots are within or outside the bounds of the walled city.

(59) If there is a tree the branch of which is within the area allocated to the city of refuge, and the root outside the area, as soon as the murderer reaches the rout, though it is outside the area, the avenger of blood may not kill him; v. Mak. 12a — b.

(60) As regards second tithe which may not be taken out of Jerusalem once it has entered the city (v. M. Sh. III, 5, 7) and the holy sacrifices which must be consumed within the wall of Jerusalem.

(61) We adopt the more stringent ruling, as is done in what appertains to the cities of refuge.

Mishna - Mas. Ma'aseroth Chapter 4

MISHNAH 1. IF A MAN PICKLED,¹ STEWED,² OR SALTED³ [PRODUCE].⁴ HE IS LIABLE⁵ [TO GIVE TITHE]; IF HE HID [PRODUCE] IN THE GROUND,⁶ HE IS EXEMPT.⁷ IF HE DIPPED IT [WHILE YET] IN THE FIELD,⁸ HE IS EXEMPT. IF HE BRUISED OLIVES⁹ SO THAT THE ACRID SAP MAY COME OUT OF THEM, HE IS EXEMPT. IF A MAN SQUEEZED OLIVES AGAINST HIS SKIN,¹⁰ HE IS EXEMPT; IF HOWEVER, HE SQUEEZED THEM AND PUT THEM INTO HIS HAND,¹¹ HE IS LIABLE. HE THAT SKIMS [WINE PUT IN] A [COLD]¹²

DISH¹³ IS EXEMPT.¹⁴ BUT [IF WINE IS PUT] IN AN [EMPTY] POT, HE IS LIABLE BECAUSE IT MAY BE CONSIDERED AS A SMALL VAT.¹⁵

MISHNAH 2. IF CHILDREN¹⁶ HAVE HIDDEN FIGS [IN THE FIELD] FOR THE SABBATH AND THEY FORGOT TO TITHE THEM,¹⁷ THEY MUST NOT BE EATEN¹⁸ AFTER THE CONCLUSION OF THE SABBATH UNTIL THEY HAVE BEEN TITHED.¹⁹ IN THE CASE OF A BASKET OF FRUITS FOR THE SABBATH,²⁰ BETH SHAMMAI EXEMPT IT FROM TITHE; BUT BETH HILLEL RENDER IT LIABLE.²¹ R. JUDAH SAYS: ALSO HE WHO SELECTS A BASKETFUL OF FIGS TO SEND AS A PRESENT TO HIS FRIEND,²² MUST NOT EAT OF THEM, UNTIL THEY HAVE BEEN TITHED.

MISHNAH 3. IF A MAN TOOK OLIVES FROM THE VAT,²³ HE MAY DIP THEM SINGLY IN SALT, AND EAT THEM;²⁴ IF, HOWEVER, HE SALTED THEM, AND PUT THEM IN FRONT OF HIM,²⁵ HE IS LIABLE [TO GIVE TITHE]. R. ELIEZER SAID: [IF AN UNCLEAN PERSON TOOK THEM OUT] FROM A CLEAN VAT HE IS LIABLE;²⁶ FROM AN UNCLEAN [VAT]. HE IS EXEMPT BECAUSE HE IS ABLE TO RESTORE THAT WHICH IS LEFT OVER.

MISHNAH 4. ONE MAY DRINK [WINE] OUT OF THE WINEPRESS,²⁷ WHETHER²⁸ [IT IS MIXED] WITH HOT OR COLD WATER, AND BE EXEMPT [FROM TITHE]; SO R. MEIR. R. ELIEZER, THE SON OF R. ZADOK, HOWEVER, RENDERS THIS LIABLE;²⁹ WHILST THE SAGES SAY: IF MIXED WITH HOT WATER IT IS LIABLE [TO TITHE]. BUT WITH COLD WATER, IT IS EXEMPT.³⁰

MISHNAH 5. HE WHO HUSKS BARLEY MAY HUSK EACH [GRAIN] SINGLY AND EAT³¹ [WITHOUT TITHING], BUT IF HE HUSKED AND PUT THEM INTO HIS HAND, HE IS LIABLE [TO TITHE].³² HE WHO RUBS PARCHED EARS OF WHEAT³³ MAY BLOW OUT [THE CHAFF OF THE WHEAT] FROM HAND TO HAND AND EAT,³⁴ BUT IF HE BLOWS AND PUTS THE GRAIN IN HIS LAP HE IS LIABLE. IF CORIANDER WAS SOWN FOR THE SAKE OF THE SEED, THE PLANT³⁵ IS EXEMPT [FROM TITHE]. BUT IF SOWN FOR THE SAKE OF THE PLANT THEN BOTH THE SEED AND THE PLANT MUST BE TITHED. R. ELIEZER SAID: AS FOR DILL, TITHE MUST BE GIVEN FROM THE SEED AND THE PLANT, AND THE PODS. BUT THE SAGES, HOWEVER, SAY: BOTH THE SEEDS AND PLANT ARE TITHED ONLY IN THE CASE OF PEPPERWORT AND ERUCA.

MISHNAH 6. RABBAN GAMALIEL³⁶ SAID: SHOOTS³⁷ OF FENUGREEK, OF MUSTARD, AND OF WHITE BEANS ARE LIABLE [TO TITHE].³⁸ R. ELIEZER SAYS: AS FOR THE CAPER-TREE, TITHES MUST BE GIVEN FROM THE SHOOTS.³⁹ THE CAPERBERRIES AND THE CAPER FLOWER.⁴⁰ R. AKIBA SAYS: ONLY THE CAPERBERRIES ARE TITHED SINCE THEY [ALONE] COUNT AS FRUIT.

(1) Olives or vegetables in vinegar or in wine.

(2) השולק This is a more thorough preparation than mere boiling.

(3) Many vegetables, olives etc. together.

(4) Var. lec. add: 'while yet in the field'.

(5) Any one of these acts fixed liability to tithing.

(6) Fruits which have not completely ripened on the tree are hidden in the earth, where, by means of the warmth, they ripen.

(7) I.e., he may take of it 'a chance meal'.

(8) In salt, brine or vinegar, and eats it.

(9) He crushes and pounds them so that the acrid sap should go forth from them.

(10) To anoint his skin.

(11) Because that which he puts into his hand can be considered as if he had put it into a small cistern or pit into which

the oil flows.

(12) Boiling fixes liability to tithing, v. supra I, 7.

(13) He removes the kernels which float above the wine after it has been put in a dish; when he skims it the work is complete. v. supra I, 7.

(14) Liability to tithing is not fixed here by this skimming, since the wine has been already mixed before the skimming.

(15) Before he puts the food into it he puts the wine into it and skims it, therefore it is as one skimming wine in a small tank, and is therefore liable.

(16) Whose intention usually is of no effect.

(17) On the Sabbath eve.

(18) Not even a chance meal.

(19) Sabbath fixes the liability to tithing; now since their intention to have them for the Sabbath meal has fixed the liability of them to tithing, they therefore remain forbidden for ever until they have been tithed.

(20) A basket full of fruits which has been set apart for the Sabbath.

(21) The dispute here is in the case of one who wishes to make a 'chance meal' of them before the Sabbath.

(22) This selection fixes the liability of the fruits to tithing, and he must not make a chance meal of it until it has been tithed, even if he does not eventually send it.

(23) The place where they pile up olives in order that they should become soft, and capable of exuding their oil.

(24) Normally salting itself is sufficient to fix liability to tithe, provided, however, some time is allowed for the salt to penetrate and to soften the produce; if, however, it is immediately eaten as salted, salting does not fix liability to tithing.

(25) That is, at least the two together.

(26) Since they cannot be put back: for by so doing, the olives in the vat would be defiled; the salting fixes the liability to tithing.

(27) Outside the wine-press the liability to tithing is fixed and it is forbidden to drink of the wine

(28) Whether the wine is mixed with hot or cold water.

(29) This enactment has been made by R. Eliezer as a precaution lest the wine is taken outside the wine-press, and drunk there.

(30) If mixed with hot water, the wine which is left over cannot be put back, because the wine in the press will thus be spoiled; the taking out of the wine thus fixes the liability to tithing; but if it is mixed with cold water, what is left over can be put back, hence it is exempt.

(31) One barley-corn. This applies only when it is not near the threshing-floor.

(32) Even if only three kernels are husked together he is liable (T.J.).

(33) He parches ears of corn over the fire and crushes them in his hand to remove the worthless matter.

(34) He shakes them from one hand to the other, and blows to separate.

(35) The seed is the principal and the herb or plant secondary. The plant here means the herb or foliage.

(36) Var. lec.: R. Simeon b. Gamaliel.

(37) תַּמְרוֹת . Either the shoots or the berries.

(38) Because they can be eaten.

(39) Its sprouts or stalks.

(40) Which protects the fruit that surrounds it.

Mishna - Mas. Ma'aseroth Chapter 5

MISHNAH 1. IF ONE UPROOTS SEEDLINGS¹ OUT OF HIS OWN [PROPERTY] AND PLANTS THEM [ELSEWHERE] WITHIN HIS OWN [PROPERTY]. HE IS EXEMPT FROM TITHE.² IF HE BOUGHT SUCH AS WERE ATTACHED TO THE GROUND,³ HE IS EXEMPT;⁴ IF HE GATHERED THEM IN ORDER TO SEND THEM TO HIS FELLOW, HE IS EXEMPT.⁵ R. ELIEZER SON OF AZARIAH SAID: IF THEIR LIKE WERE BEING SOLD IN THE STREET,⁶ THEY ARE LIABLE TO TITHE.

MISHNAH 2. IF A MAN UPROOTS TURNIPS AND RADISHES FROM WITHIN HIS OWN [PROPERTY] AND PLANTS [THEM ELSEWHERE] WITHIN HIS OWN [PROPERTY] FOR THE PURPOSE OF SEED,⁷ HE IS LIABLE TO TITHE,⁸ SINCE THIS WOULD BE

[CONSIDERED] THEIR HARVEST-TIME.⁹ IF ONIONS TAKE ROOT IN AN UPPER STOREY¹⁰ THEY BECOME LEVITICALLY CLEAN FROM ANY IMPURITY;¹¹ IF SOME DEBRIS FELL UPON THEM AND THEY ARE UNCOVERED,¹² THEY ARE REGARDED AS THOUGH THEY WERE PLANTED IN THE FIELD.¹³

MISHNAH 3. NO PERSON MAY SELL HIS FRUITS¹⁴ AFTER THE SEASON FOR TITHING HAS ARRIVED¹⁵ TO ONE WHO IS NOT TO BE TRUSTED CONCERNING TITHES, NOR IN THE SABBATICAL YEAR [MAY ONE SELL SABBATICAL YEAR PRODUCE]¹⁶ TO ANYONE SUSPECTED OF [INFRINGING] THE SABBATICAL YEAR. IF ONLY [SOME] PRODUCE RIPENED,¹⁷ HE TAKES THE RIPE ONES AND MAY SELL THE REMAINDER.

MISHNAH 4. A MAN MAY NOT SELL HIS STRAW,¹⁸ NOR HIS OLIVE-PEAT,¹⁹ NOR HIS GRAPE-POMACE²⁰ TO ONE WHO IS NOT TO BE TRUSTED IN [THE OBSERVANCE OF] TITHES, FOR HIM TO EXTRACT THE JUICE FROM THEM.²¹ IF HE, HOWEVER, EXTRACTED THEM HE IS LIABLE TO TITHES, BUT IS EXEMPT FROM TERUMAH; BECAUSE WHEN A MAN SEPARATES TERUMAH HE HAS IN MIND THE FRAGMENTS,²² AND WHAT [IS] BY THE SIDES,²³ AND INSIDE THE STRAW.²⁴

MISHNAH 5. IF A MAN BOUGHT A FIELD OF VEGETABLES IN SYRIA²⁵ BEFORE THE SEASON FOR TITHING ARRIVED, THEN HE IS LIABLE TO TITHE²⁶; AFTER THE SEASON FOR TITHING HE IS EXEMPT, AND MAY GO ON GATHERING AFTER HIS USUAL MANNER.²⁷ R. JUDAH SAYS: HE MAY ALSO HIRE WORKMEN AND GATHER.²⁸ R. SIMEON B. GAMALIEL SAYS: THIS²⁹ APPLIES ONLY IF HE HAS BOUGHT THE LAND; IF, HOWEVER, HE HAS NOT BOUGHT THE LAND, THOUGH IT WAS BEFORE THE SEASON FOR TITHING ARRIVED, HE IS EXEMPT.³⁰ RABBI SAYS: HE MUST ALSO TITHE ACCORDING TO CALCULATION.³¹

MISHNAH 6. IF A MAN MAKES POMACE WINE,³² PUTTING WATER ON BY MEASURE, AND HE FINDS [AFTERWARDS] THE SAME QUANTITY, HE IS EXEMPT FROM GIVING TITHE.³³ R. JUDAH RENDERS HIM LIABLE.³⁴ IF, HOWEVER, HE FOUND MORE THAN THE SAME QUANTITY, HE MUST GIVE [TITHE] FOR IT FROM ANOTHER PLACE, IN PROPORTION.³⁵

MISHNAH 7. IF ANT-HOLES HAVE REMAINED THE WHOLE NIGHT NEAR A PILE OF CORN WHICH WAS LIABLE TO TITHE,³⁶ THEN THESE ARE ALSO LIABLE,³⁷ SINCE IT IS OBVIOUS THAT THEY [THE ANTS] HAVE BEEN DRAGGING AWAY THE WHOLE NIGHT FROM SOMETHING [OF WHICH THE WORK] HAD BEEN COMPLETED.³⁸

MISHNAH 8. BAALBEK GARLIC,³⁹ RIKPA⁴⁰ ONIONS, CICILIAN BEANS AND EGYPTIANS LENTILS (R. MEIR INCLUDES ALSO COLOCASIA, AND R. JOSE SAYS: ALSO WILD LENTILS)⁴¹ ARE EXEMPT FROM TITHES⁴² AND MAY BE BROUGHT FROM ANY MAN IN THE SEVENTH YEAR.⁴³ THE HIGHER SEED-PODS OF THE ARUM,⁴⁴ THE SEED OF LEEKS, THE SEED OF ONIONS, THE SEED OF TURNIPS AND RADISHES, AND OTHER SEEDS OF GARDEN PRODUCE WHICH ARE NOT EATEN, ARE EXEMPT FROM TITHES, AND MAY BE BOUGHT FROM ANY MAN IN THE SEVENTH YEAR;⁴⁵ AND ALTHOUGH THE STOCK FROM WHICH THEY GREW WAS TERUMAH, THEY MAY STILL BE EATEN [BY NON-PRIESTS]⁴⁶.

(1) E.g., onions or leeks which are fit to be eaten. It was customary for gardeners to uproot them and to plant them in another place, where they became thicker and broader.

(2) He may make a chance meal of them, even though they have been fixed for tithe before he plants them again, since it was his intention to sow them again at the time he uprooted them, and not to eat them.

- (3) If one buys fruits when they were still attached.
- (4) Sale fixes liability to tithe only in the case of plucked produce, but not attached.
- (5) A gift does not fix liability to tithe (v. supra IV, 2) in respect of that which is attached.
- (6) It must be considered as though their growth was complete.
- (7) So that the seed should increase and multiply in the place where it was planted in the second time.
- (8) Before he re-plants them.
- (9) Their uprooting is the final work completing their harvesting.
- (10) Where they have been stored.
- (11) The floor of the upper storey is treated like the natural ground that frees anything sown in it from Levitical impurity in accordance with Lev XI, 37.
- (12) I.e., the leaves remained uncovered.
- (13) I.e., he who plucks of them on the Sabbath is liable, and the law of the Sabbatical year and of tithes applies to them.
- (14) In an unplucked condition. This ruling is laid down on the basis of the Biblical command: 'Do not put a stumbling block before the blind', Lev. XIX, 14.
- (15) V. supra II, 2.
- (16) Under conditions defined Sheb. VIII, 3.
- (17) And thus reached the season for tithing.
- (18) Ears of corn which have been threshed out and sometimes some wheat grains remain.
- (19) The residue of the olives after they have been pressed out.
- (20) The residue of squeezed-out grapes.
- (21) From the peat and grape-pomace, and in the case of straw, to gather wheat from it.
- (22) The wheat fragments which have not yet been threshed.
- (23) The sides of the pile (store) of grain, similarly with grapes and olives; cf. supra I, 6.
- (24) Also what is in the peat, and grape-pomace.
- (25) V. Demai VI, 11; supra p. 75, n. 5.
- (26) Since at the time of liability for tithing they were under the control of an Israelite.
- (27) He is exempt from tithe even as regards that which grows whilst already in his possession. But he should not hire workmen since he might do likewise in a field which he bought before the season for tithing arrives.
- (28) V. preceding note.
- (29) That he is liable if he buys before the season for tithing arrives.
- (30) Since he possesses nothing in the actual land.
- (31) This statement reverts back to the first authority. Just as he is liable, if he bought it before the tithing season, to tithe all he had acquired, so is he liable if it was after the tithing season had arrived, to tithe according to calculation that which has grown whilst in his possession; e.g., if the produce had reached only one-third of its normal growth at the time of the purchase (v. supra I, 3) he must tithe the two-thirds which grew after it came into his possession.
- (32) He puts water upon the lees of wine which is untithed so as to obtain the taste of wine from it.
- (33) Because it is mere water, though it has slightly absorbed the appearance and taste of wine from the husks and kernels.
- (34) Because its appearance and taste determine its status as wine, v. B. B. 96b.
- (35) I.e., he can even give tithe for it from other wine according to the proportion of the wine he found more than the measure of water he had put in it.
- (36) Cf. supra I, 6.
- (37) The produce which is found inside the holes is liable both to teruma and tithe.
- (38) Since it was near the pile.
- (39) Enbekhi, later Heliopolis, an ancient city of Syria, v. 'A.Z. 11b. Aliter: weeping garlic, i.e., the garlic is so pungent that it makes the eyes water.
- (40) A tuberous rooted plant used for dyeing Aliter: a name of a place.
- (41) Kind of lentil.
- (42) Because they grow wild.
- (43) Even from one who is normally suspected of selling fruits in the Sabbatical year.
- (44) It is classified with onions and garlic.
- (45) Because all these are not considered food.

(46) I.e., although the seedlings from which they grew were terumah (cf. supra 1) and the law is that what grows out of terumah is terumah, these species may be eaten even by non-priests, since they are not considered food.

Mishna - Mas. Makshirin Chapter 1

MISHNAH 1. ANY LIQUID¹ WHICH WAS DESIRED AT THE BEGINNING² THOUGH IT WAS NOT DESIRED AT THE END, OR WHICH WAS DESIRED AT THE END THOUGH IT WAS NOT DESIRED AT THE BEGINNING, COMES UNDER THE LAW OF 'IF WATER BE PUT'.³ UNCLEAN LIQUIDS RENDER UNCLEAN⁴ WHETHER [THEIR ACTION] IS DESIRED OR IS NOT DESIRED.

MISHNAH 2. IF ONE SHOOK A TREE IN ORDER TO CAUSE FOOD OR AN UNCLEAN THING⁵ TO DROP DOWN FROM IT, [THE RAIN WATER DROPPING DOWN FROM IT] DOES NOT COME⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF [HE SHOOK THE TREE] IN ORDER TO CAUSE LIQUIDS TO DROP DOWN FROM IT, BETH SHAMMAI SAY: BOTH [THE LIQUIDS] THAT DROP DOWN AND [THE LIQUIDS] THAT REMAIN⁷ [ON THE TREE] COME UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: [THE LIQUIDS] THAT DROP DOWN COME UNDER THE LAW OF 'IF WATER BE PUT', BUT [THE LIQUIDS] THAT REMAIN [ON THE TREE] DO NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT [THE LIQUIDS] SHOULD DROP DOWN FROM ALL THE TREE.⁸

MISHNAH 3. IF ONE SHOOK A TREE⁹ AND IT FELL¹⁰ ON ANOTHER TREE, OR A BRANCH AND IT FELL ON ANOTHER BRANCH, AND UNDER THEM WERE SEEDS OR VEGETABLES [STILL] JOINED TO THE GROUND, BETH SHAMMAI SAY: THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSHUA SAID¹² IN THE NAME OF ABBA JOSE CHOLIKOFRI,¹³ A CITIZEN OF TIBEON:¹⁴ MARVEL AT THYSELF IF THERE IS ANYTHING IN THE TORAH ABOUT A LIQUID CAUSING SUSCEPTIBILITY TO UNCLEANNESS EXCEPT ONE PUT IT ON WITH INTENTION, FOR IT IS SAID: 'IF WATER BE PUT UPON THE SEED'.¹⁵

MISHNAH 4. IF ONE SHOOK¹⁶ A BUNDLE OF VEGETABLES AND [WATER] DROPPED DOWN FROM THE UPPER [SIDE] TO THE LOWER [SIDE], BETH SHAMMAI SAY: THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹⁸ UNDER THE LAW OF 'IF WATER BE PUT'. BETH HILLEL SAID TO BETH SHAMMAI: IF ONE SHAKES A STALK, DO WE APPREHEND LEST WATER DROPS FROM ONE LEAF ON THE OTHER LEAF?¹⁹ BETH SHAMMAI SAID TO THEM: A STALK IS ONLY ONE, BUT A BUNDLE HAS MANY STALKS.²⁰ BETH HILLEL SAID TO THEM: LO, IF ONE LIFTED²¹ A SACK FULL OF FRUIT AND PUT IT BESIDE THE RIVER,²² DO WE APPREHEND LEST WATER DROPS FROM THE UPPER [SIDE] TO THE LOWER [SIDE]?²³ IF, HOWEVER, HE LIFTED TWO SACKS AND PLACED THEM ONE UPON THE OTHER, THE LOWER [SACK] COMES²⁴ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: THE LOWER [SACK] ALSO REMAINS INSUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 5. IF ONE RUBBEL²⁵ A LEAK OR PRESSED HIS HAIR²⁶ WITH HIS GARMENT, R. JOSE SAYS: THE LIQUID WHICH CAME OUT COMES²⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THE LIQUID THAT REMAINED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT THE LIQUID SHOULD COME OUT OF ALL OF IT.²⁸

MISHNAH 6. IF ONE BLEW ON LENTILS IN ORDER TO TRY WHETHER THEY WERE GOOD,²⁹ R. SIMEON SAYS: THIS DOES NOT COME³⁰ UNDER THE LAW OF 'IF WATER BE PUT'. BUT³¹ THE SAGES SAY: THIS DOES COME³² UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE ATE SESAME WITH HIS FINGER³³ AND LIQUID CAME ON HIS HAND, R.

SIMEON SAYS: THIS DOES NOT COME³⁴ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: THIS DOES COME³⁵ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE HID HIS FRUIT IN WATER FROM THIEVES, IT DOES NOT COME³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. ONCE IT HAPPENED THAT THE MEN OF JERUSALEM HID THEIR FIG CAKES IN WATER FROM THE ROBBERS,³⁷ AND THE SAGES DECLARED THAT THEY WERE NOT SUSCEPTIBLE TO UNCLEANNESS. IF ONE PUT HIS FRUIT IN THE STREAM OF A RIVER TO MAKE IT COME DOWN WITH HIM, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

(1) Any one in the list given *infra* VI, 4-5.

(2) The moistening of the produce by the liquid first pleased the owner, but afterwards displeased him; or, on the contrary, it first displeased him and then pleased him. According to other commentators the meaning is that the owner was pleased with the beginning of the flow of the liquid for some other purpose, but was displeased when in the end the liquid settled on the produce, or the reverse.

(3) Lev. XI, 38; i.e., such a liquid when it has moistened the produce renders it capable of contracting an uncleanness by the touch of an unclean thing; cf. Introduction.

(4) When they moisten produce, they render it susceptible to uncleanness and at the same time make it unclean by their touch.

(5) Such as a piece from a dead creature left in the branches by a bird.

(6) If the rain water fell on produce, it does not render it capable of contracting an impurity, because he did not intend to shake down the rain water.

(7) If what remains in the tree afterwards falls on produce. His intention to bring down the rain water extends also to what remains in the tree.

(8) And since he left some behind in the tree, it follows that he did not attach any value to this remainder.

(9) To bring down its fruit.

(10) And the fruit fell from the second tree or from the second branch on to the ground into seed or vegetables which had water on them.

(11) Because he did not intend them to fall on the other tree or on the other branch. The text and the interpretation of this passage are very uncertain. The explanation given here follows Maimonides and Bertinoro.

(12) In support of Beth Hillel's opinion.

(13) So named after some unknown locality.

(14) A town in lower Galilee.

(15) And since in this case it was not put on with intention, it cannot render susceptible.

(16) To shake off some water.

(17) Because the water fell on the lower side by the owner's deliberate act.

(18) His intention was to shake off the water altogether, and not to wet the lower side.

(19) And render it susceptible to uncleanness. But if no susceptibility is caused in the case of a stalk, why should it be caused in the case of a bundle?

(20) Therefore in the case of a bundle it is like dropping liquid from one fruit to another fruit.

(21) From the river in which it had fallen accidentally.

(22) To let the water run out of the sack.

(23) No, because the fruit in the lower side of the sack does not become susceptible. Similarly, the lower stalk in a bundle of vegetables should not become susceptible by the water coming down upon it from the upper stalks of the same bundle.

(24) Because by placing one sack upon the other he must have intended that water should flow from the upper sack upon the lower sack.

(25) To remove its moisture.

(26) Which had become wet by rain.

(27) It renders produce susceptible to uncleanness, because it came out by his deliberate act.

(28) In accordance with the opinion of Beth Hillel, *supra* p. 470. n. 1.

(29) And his spittle fell upon the lentils and moistened them.

(30) The moistening was done without intention.

(31) Some texts omit this sentence.

(32) His blowing was done with intention, and the moistening is the direct act of the blowing.

(33) By wetting his finger so as to pick up easily the grains of the sesame, and thus transferring moisture to the sesames on the palm of his hand.

(34) His intention was only to wet his finger but not the palm.

(35) The moisture on the palm is a direct consequence of his wetting the finger.

(36) It was not his intention to moisten the fruit.

(37) מִיִּקְרִיין, Latin sicarii, armed terrorists who infested Jerusalem in the last days of the Second Temple. Another reading is מִיִּקְרִיין, confiscators of property; cf. Bik. I, 2; II, 3; Git. 55b.

Mishna - Mas. Makshirin Chapter 2

MISHNAH 1. THE EXUDATION OF HOUSES, OF CISTERNS, OF DITCHES AND CAVERNS¹ DOES NOT CAUSE² SUSCEPTIBILITY TO UNCLEANNESS. A MAN'S PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. IF A MAN DRANK UNCLEAR WATER AND PERSPIRED, HIS PERSPIRATION DOES NOT CAUSE³ SUSCEPTIBILITY TO UNCLEANNESS. IF HE ENTERED⁴ INTO DRAWN WATER AND PERSPIRED, HIS PERSPIRATION CAUSES⁵ SUSCEPTIBILITY TO UNCLEANNESS. IF HE DRIED HIMSELF AND THEN PERSPIRED, HIS PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 2. THE EXUDATION OF AN UNCLEAR BATH⁶ IS UNCLEAR,⁷ BUT THAT OF A CLEAR BATH⁸ COMES⁹ UNDER THE LAW OF 'IF WATER BE PUT'. IF THERE WAS A POOL IN A HOUSE WHICH CAUSED THE HOUSE TO EXUDE AND THE POOL WAS UNCLEAR, THE EXUDATION OF ALL THE HOUSE WHICH WAS CAUSED BY THE POOL¹⁰ IS UNCLEAR.

MISHNAH 3. IF THERE WERE TWO POOLS, THE ONE CLEAR AND THE OTHER UNCLEAR, WHAT EXUDES NEAR THE UNCLEAR POOL IS UNCLEAR, AND WHAT EXUDES NEAR THE CLEAR POOL IS CLEAR, AND WHAT IS AT EQUAL DISTANCE [FROM BOTH POOLS] IS UNCLEAR.¹¹ IF¹² UNCLEAR IRON¹³ WAS SMELTED WITH CLEAR IRON AND THE GREATER PART [CAME] FROM THE UNCLEAR IRON, IT IS UNCLEAR; IF THE GREATER PART [CAME] FROM THE CLEAR IRON, IT IS CLEAR; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAR. IF IN POTS WHICH ISRAELITES AND HEATHENS USED FOR PASSING WATER THE GREATER PART [OF THE CONTENTS CONSISTED] OF UNCLEAR [URINE],¹⁴ IT IS UNCLEAR; IF THE GREATER PART [OF THE CONTENTS CONSISTED] OF CLEAR [URINE],¹⁵ IT IS CLEAR; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAR. IF IN SLOP-WATER, IN WHICH RAIN HAD FALLEN, THE GREATER PART CONSISTED OF THE UNCLEAR WATER,¹⁶ IT IS UNCLEAR; IF THE GREATER PART CONSISTED OF CLEAR WATER,¹⁷ IT IS CLEAR; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAR. WHEN [IS THIS THE CASE]?¹⁸ WHEN THE SLOP-WATER CAME FIRST; BUT IF THE RAIN WATER CAME BEFORE [THE SLOP-WATER]. IT IS UNCLEAR¹⁹ WHATEVER THE QUANTITY [OF THE RAIN WATER].

MISHNAH 4. IF ONE SECURED HIS ROOF OR WASHED HIS GARMENT²⁰ AND RAIN CAME DOWN UPON IT,²¹ IF THE GREATER PART²² CONSISTED OF THE UNCLEAR WATER, IT IS UNCLEAR; IF THE GREATER PART CONSISTED OF THE CLEAR WATER, IT IS CLEAR; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAR. R. JUDAH SAYS: IF THE DRIPPING INCREASED,²³ [IT IS CLEAR].

MISHNAH 5. IF IN A CITY IN WHICH ISRAELITES AND HEATHENS DWELT TOGETHER THERE WAS A BATH WORKING²⁴ ON THE SABBATH, IF THE MAJORITY [OF

THE INHABITANTS] WERE HEATHENS, ONE MAY BATHE THEREIN IMMEDIATELY²⁵ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL THE WATER CAN BE HEATED;²⁶ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL THE WATER CAN BE HEATED. R. JUDAH SAYS: IF THE BATH-BASIN WAS SMALL AND THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BATHE THEREIN IMMEDIATELY²⁷ [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 6. IF ONE FOUND VEGETABLES SOLD THEREIN [ON THE SABBATH]. IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, ONE MAY BUY THEREOF IMMEDIATELY²⁸ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE;²⁹ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE; BUT IF THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BUY IMMEDIATELY [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 7. IF AN ABANDONED CHILD WAS FOUND THERE, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, IT MAY BE DEEMED A HEATHEN;³⁰ IF THE MAJORITY WERE ISRAELITES, IT MUST BE DEEMED AN ISRAELITE; IF THEY WERE HALF AND HALF, IT MUST [ALSO] BE DEEMED AN ISRAELITE. R. JUDAH SAYS: WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO ABANDON THEIR CHILDREN.³¹

MISHNAH 8. IF ONE FOUND THERE LOST PROPERTY, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, HE NEED NOT PROCLAIM³² IT; IF THE MAJORITY WERE ISRAELITES, HE MUST PROCLAIM IT; IF THEY WERE HALF AND HALF, HE MUST [ALSO] PROCLAIM IT. IF ONE FOUND BREAD THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BAKERS.³³ IF IT WAS BREAD OF PURE FLOUR,³⁴ WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT BREAD OF PURE FLOUR. R. JUDAH SAYS: IF IT WAS COARSE BREAD, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COARSE BREAD.³⁵

MISHNAH 9. IF ONE FOUND MEAT THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BUTCHERS. IF IT WAS COOKED MEAT, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COOKED MEAT.

MISHNAH 10. IF ONE FOUND FRUIT BY THE WAYSIDE,³⁶ IF THE MAJORITY [OF THE INHABITANTS] GATHERED FRUIT FOR THEIR HOMES,³⁷ HE IS ABSOLVED [FROM TITHES];³⁸ IF [THE MAJORITY GATHERED IT] FOR SELLING IN THE MARKET,³⁹ HE IS LIABLE [TO TITHES]; BUT IF THEY WERE HALF AND HALF, THE FRUIT IS DEMAI.⁴⁰ IF THERE WAS A GRANARY INTO WHICH BOTH ISRAELITES AND HEATHENS LAID IN THEIR PRODUCE, IF THE MAJORITY WERE HEATHENS, [THE PRODUCE MUST BE CONSIDERED] CERTAINLY UNTITHED;⁴¹ IF THE MAJORITY WERE ISRAELITES, [IT MUST BE CONSIDERED] DEMAI;⁴² IF THEY WERE HALF AND HALF, [IT MUST BE CONSIDERED] CERTAINLY UNTITHED. THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: EVEN IF THEY WERE ALL HEATHENS, AND ONLY ONE ISRAELITE LAID HIS PRODUCE INTO THE GRANARY, [IT MUST BE CONSIDERED] DEMAI.⁴³

MISHNAH 11. IF THE FRUIT OF THE SECOND YEAR⁴⁴ EXCEEDED IN QUANTITY THE FRUIT OF THE THIRD YEAR, OR THE FRUIT OF THE THIRD YEAR EXCEEDED THE FRUIT OF THE FOURTH YEAR, OR THE FRUIT OF THE FOURTH YEAR EXCEEDED THE

FRUIT OF THE FIFTH YEAR,⁴⁵ OR THE FRUIT OF THE FIFTH YEAR EXCEEDED THE FRUIT OF THE SIXTH YEAR, OR THE FRUIT OF THE SIXTH YEAR EXCEEDED THE FRUIT OF THE SEVENTH YEAR,⁴⁶ OR THE FRUIT OF THE SEVENTH YEAR EXCEEDED THE FRUIT OF THE YEAR AFTER THE CONCLUSION OF THE SEVENTH YEAR,⁴⁷ WE MUST CONSIDER WHAT FORMS THE GREATER PART; IF THEY ARE HALF AND HALF, WE MUST DECIDE ACCORDING TO THE MORE STRINGENT ALTERNATIVE.⁴⁸

(1) From their walls. Cf. Mik. I, 4.

(2) Exudation and perspiration do not come within the category of liquids enumerated infra VI, 4ff; cf. *ibid.* 7.

(3) The water he drank was digested, and the perspiration is not the same as the water.

(4) Even without intention.

(5) Because the perspiration mingled with the water which adhered to his body, and which was drawn by a deliberate human act. But if he had entered without intention into a pool of water which had been filled automatically without human agency and perspired, his perspiration would not cause susceptibility, because there was no deliberate human act in connection with that water.

(6) A bath containing unclean drawn water; cf. Mik. Introduction.

(7) When it touches food it renders it both susceptible and unclean.

(8) Consisting of a spring or a pool of rain water.

(9) It renders produce susceptible if, namely, the exudation is acceptable to the owner.

(10) But what is not caused by the pool is like the exudation of houses spoken of in Mishnah 1.

(11) There being a doubt whether it came from the clean pool or from the unclean pool, we must adopt the stringent alternative.

(12) Cf. Kelim XI, 4. From here to the end of the chapter a series of cases is given to illustrate the principle that where is a doubt we must adopt the more stringent alternative.

(13) Derived from broken vessels which were unclean.

(14) Viz., of the heathens, whose urine is unclean according to a rabbinic enactment, like the urine of persons with a running issue (צִנּוֹר); cf. Shab. 17b.

(15) Of the Israelites.

(16) The presumption is that the slops are unclean.

(17) The rain water.

(18) That the slop-water is neutralized by the larger quantity of rain water.

(19) The unclean slop-water when poured into rain water rendered it unclean.

(20) With unclean slop-water.

(21) On the dripping roof or on the dripping garment.

(22) Of the mixture of dripping water.

(23) In frequency, though not in volume. The increased frequency proves that the rain water is more than the dirty water.

(24) And heated on the Sabbath for bathing. It is forbidden to make use of the work done on the Sabbath by a non-Jew for a Jew.

(25) The bath was heated on the Sabbath for the majority who are non-Jews.

(26) After the conclusion of the Sabbath, when one may presume that the bath was not heated for the Jews on the Sabbath.

(27) It is assumed that it was heated on the Sabbath for the non-Jewish authority for whom a bath must ever be ready.

(28) They were cut and brought into the city on the Sabbath for the non-Jewish majority.

(29) Where vegetables are grown for the market.

(30) And may be given food forbidden to an Israelite.

(31) And these as a rule are non-Jews.

(32) So that the owner may report himself and recover his lost property; cf. B.M. II, 1. In the case of the lost property of a heathen one is not bound to make an effort to trace its owner, because heathens do not restore lost property to its owner.

(33) If the majority are heathens, the bread is forbidden by a rabbinic enactment; cf. Shab. 17b.

(34) Lit., 'of dough'.

(35) This was the kind of bread generally in use in the place of R. Judah (Tosaf. Yom Tob).

- (36) On the way from the field to the city.
- (37) In such a case the fruit does not become liable to tithes till it is brought into the house.
- (38) And also from setting apart the priestly terumah. But only if he wants to make of the fruit a light meal; cf. Ma'as. I, 5.
- (39) In such a case the produce becomes liable to tithes and terumah as soon as it is gathered in the field.
- (40) 'Doubtful', like the produce of an 'am ha-arez, who is suspected of failing to tithe his produce; cf. Demai, Introduction. In such a case the produce is liable to tithes only, but not to terumah.
- (41) This Tanna being of the opinion that the produce grown on the soil of a heathen is liable to tithes.
- (42) Subject only to the rules regulating the produce of an 'am ha-arez, because it is assumed that there is an 'am ha-arez among the Israelites who stores his produce in the granary.
- (43) The Sages hold that the produce grown on the soil of a heathen is exempt from tithes and consequently, unless the granary is used also by at least one Israelite, there is no liability to tithes.
- (44) Of the Sabbatical cycle (שמיטה); cf. Lev. XXV, 2ff. In the first, second, fourth and fifth years of the cycle, produce was liable to the First Tithe given to the Levite, and to the Second Tithe which had to be consumed, itself or its value, in Jerusalem (cf. Deut. XIV, 23ff). In the third and sixth years of the cycle, produce was liable to the First Tithe of the Levite and to the Third Tithe which was given to the poor; cf. Demai, Introduction 2 (3). In the case of a mixture of the produce of the different years enumerated in the text, the question arises whether the mixture is liable, beside to the First Tithe, also to the Second Tithe or to the Third Tithe or to both.
- (45) Some texts omit this clause, since the fourth and fifth years are alike in their obligation respecting tithes.
- (46) The Sabbatical year, when produce was subject to the special regulations set out in Tractate Shebi'ith. Seventh year produce was exempt from all tithes.
- (47) Viz., the first year of the new Sabbatical cycle.
- (48) Viz., according to the rules governing both years. In the case of a mixture of the produce of the second and third years and of the fifth and sixth years, beside First Tithe, Second Tithe must be separated and its value given to the poor to be consumed in Jerusalem. In the case of a mixture of produce of the sixth and seventh years, First and Third Tithes must be given, and in a mixture of the seventh and first years. First and Second Tithes must be given, and in both these cases the regulations of seventh year produce must be observed.

Mishna - Mas. Makshirin Chapter 3

MISHNAH 1. IF A SACK FULL OF FRUIT WAS PUT BY THE SIDE OF A RIVER OR BY THE SIDE OF THE MOUTH OF A CISTERN¹ OR ON THE STEPS OF A CAVERN, AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES² UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ALL [THE FRUIT] WHICH FACED³ THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT ALL [THE FRUIT] WHICH DID NOT FACE THE WATER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A JAR⁴ FULL OF FRUIT WAS PUT INTO LIQUIDS, OR IF A JAR FULL OF LIQUIDS WAS PUT INTO FRUIT AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT'. OF WHAT LIQUIDS HAVE THEY SAID IT? OF WATER, WINE AND VINEGAR;⁵ BUT ALL THE OTHER LIQUIDS⁶ DO NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. R. NEHEMIAH DECLARES PULSE INSUSCEPTIBLE,⁷ BECAUSE PULSE DOES NOT ABSORB [LIQUIDS].

MISHNAH 3. IF⁸ ONE DREW OFF⁹ HOT BREAD¹⁰ AND PUT IT UPON THE MOUTH OF A JAR OF WINE, R. MEIR DECLARES IT SUSCEPTIBLE TO UNCLEANNESS;¹¹ BUT R. JUDAH DECLARES IT INSUSCEPTIBLE.¹¹ R. JOSE DECLARES IT INSUSCEPTIBLE¹¹ IN THE CASE OF WHEATEN BREAD AND SUSCEPTIBLE IN THE CASE OF BARLEY BREAD, BECAUSE BARLEY ABSORBS [LIQUIDS].

MISHNAH 4. IF ONE SPRINKLED HIS HOUSE¹² [WITH WATER] AND PUT WHEAT

THEREIN AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [THE MOISTURE CAME] FROM THE STONY FLOOR, IT DOES NOT COME¹³ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE WASHED HIS GARMENT IN A TUB AND PUT WHEAT THEREIN¹⁴ AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER,¹⁵ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [THE MOISTURE CAME] OF ITSELF,¹⁶ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOISTENED [PRODUCE] WITH SAND, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IT HAPPENED WITH THE MEN OF MAHOZ¹⁸ THAT THEY USED TO MOISTEN [THEIR PRODUCE] WITH SAND, AND THE SAGES SAID TO THEM: IF YOU HAVE ALWAYS DONE THUS,¹⁹ YOU HAVE NEVER PREPARED YOUR FOOD IN PURITY.²⁰

MISHNAH 5. IF ONE MOISTENED [PRODUCE] WITH DRYING CLAY, R. SIMEON SAYS: IF THERE WAS STILL IN IT DRIPPING LIQUID, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THERE WAS NOT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE SPRINKLED²¹ HIS THRESHING-FLOOR WITH WATER, HE NEED NOT APPREHEND LEST WHEAT BE PUT THERE AND IT BECOME MOIST.²² IF ONE GATHERED GRASS WITH THE DEW STILL ON IT IN ORDER TO MOISTEN WHEAT THEREWITH,²³ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,²⁴ IT DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE CARRIED WHEAT TO BE MILLED AND RAIN CAME DOWN UPON IT AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAID: ONE CANNOT HELP BEING GLAD OF IT;²⁵ NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED [ON HIS WAY].²⁶

MISHNAH 6. IF HIS OLIVES WERE PUT ON THE ROOF AND RAIN CAME DOWN UPON THEM AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED UP THE RAIN-PIPE²⁷ OR IF HE SHOOK [THE OLIVES] THEREIN.

MISHNAH 7. IF ASS-DRIVERS WERE CROSSING A RIVER AND THEIR SACKS [FILLED WITH PRODUCE] FELL INTO THE WATER AND THEY WERE GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF THEY TURNED OVER [THE SACKS].²⁸ IF ONE'S FEET WERE FULL OF CLAY (LIKewise, TOO, THE FEET OF HIS BEAST) AND HE CROSSED A RIVER AND HE WAS GLAD OF IT,²⁹ THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'.³⁰ R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED AND RINSED³¹ [THE FEET]. BUT IN THE CASE OF A MAN³² OR AN UNCLEAN BEAST³³ IT ALWAYS CAUSES³⁴ SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 8. IF ONE LOWERED INTO WATER WHEELS OR GEAR OF OXEN AT THE TIME OF THE EAST WIND³⁵ IN ORDER THAT THEY MIGHT BECOME TIGHTENED, THIS COMES³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE TOOK DOWN A BEAST TO DRINK, THE WATER WHICH CAME UP ON ITS MOUTH COMES³⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THAT WHICH CAME UP ON ITS FEET DOES NOT COME³⁸ UNDER THE LAW OF 'IF WATER BE PUT'. IF, HOWEVER, HE INTENDED THAT ITS FEET SHOULD BE WASHED, ALSO THE WATER THAT CAME UP ON ITS FEET COMES UNDER THE LAW OF 'IF WATER BE PUT'. AT THE TIME OF FOOTSORENESS OR OF THRESHING³⁹ IT ALWAYS CAUSES SUSCEPTIBILITY TO UNCLEANNESS. IF A DEAF-MUTE OR AN IDIOT OR A MINOR TOOK IT DOWN, EVEN THOUGH HIS INTENTION WAS THAT ITS FEET SHOULD BE WASHED, IT DOES NOT COME UNDER

THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.⁴⁰

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- (1) Containing a pool of water.
 - (2) It becomes susceptible to uncleanness, because it is the owner's wish that the fruit should become fuller and heavier by the absorption of moisture.
 - (3) And thus absorbed moisture direct from the water.
 - (4) Of porous material like earthenware which absorbs water.
 - (5) These are capable of being absorbed.
 - (6) Of the list *infra* VI, 4.
 - (7) Even if moistened by water, wine or vinegar.
 - (8) Cf. Ter. X, 3.
 - (9) From the sides of the baking-oven.
 - (10) Which was kneaded in fruit juice. Bread kneaded in water becomes susceptible by the water before it is baked.
 - (11) Or, according to another interpretation, unclean, clean. The bread had been kneaded in water, and was thus already susceptible before it was baked. But the wine was unclean, and the controversy turns on whether the exudation of the wine absorbed by the hot bread can render the bread unclean.
 - (12) The floor to lay the dust.
 - (13) Like the exudation of houses, *supra* II, 1.
 - (14) After emptying the tub.
 - (15) Which may have adhered to the inside of the tub.
 - (16) From dampness in the air, or the like.
 - (17) The sand contained some moisture.
 - (18) Which was rich in sand dunes; cf. 'Ar. III, 2. It was probably situated near Jabneh.
 - (19) Under the impression that the produce did not become susceptible.
 - (20) It had become susceptible by the sand, and then may have contracted an impurity.
 - (21) To lay the dust on it.
 - (22) The floor is sure to get dry before the wheat is put there.
 - (23) In the grass itself.
 - (24) To use the moisture of the dew.
 - (25) And on your view, the law should apply in any case.
 - (26) To let the wheat get wet by the rain, thus showing by his action that he desired it. Mere intention without an attendant action does not impart, on the view of R. Judah, susceptibility to uncleanness (Bert.).
 - (27) That the water should not escape from the roof.
 - (28) To let them get wet on all sides.
 - (29) That the water of the river had washed off the mud of his feet.
 - (30) The water on the feet causes susceptibility to uncleanness.
 - (31) The feet of a domestic animal like an ox which is used for rough work, and its owner is indifferent about the cleanliness of its feet. Therefore, water on its feet cannot be considered as desired by the owner, unless he stopped and rinsed its feet.
 - (32) Who is fastidious about the cleanliness of his feet.
 - (33) A domestic animal, the flesh of which is forbidden for food (Lev. XI, 2ff.; Deut. XIV, 4ff.), like a horse or an ass, which is used only for riding. The owner is anxious that the feet of a riding-animal should be clean.
 - (34) One is particularly pleased when the feet of a man or of a riding-animal are washed in the river, therefore even R. Judah admits that the water falling from their feet after crossing a river can render produce susceptible to uncleanness.
 - (35) Which causes wooden articles to crack by its dry heat; cf. Kelim XX, 2.
 - (36) Water dripping from them causes produce to become susceptible, because the water came on these articles by the wish of the owner.
 - (37) Because it is usual for its mouth to get wet, and is therefore considered as if intended by the owner.
 - (38) Because it is not necessary that its feet should become wet when drinking, and is therefore not considered as if it was desired by the owner.
 - (39) Because then the wetting of the feet is desired by the owner for the sake of the health of the animal, or for the

cleanliness of the corn.

(40) Cf. *infra* VI, 1; Toh. VIII, 6; Kelim XVII, 15.

Mishna - Mas. Makshirin Chapter 4

MISHNAH 1. IF ONE STOOPED DOWN TO DRINK,¹ THE WATER WHICH CAME UP ON HIS MOUTH OR ON HIS MOUSTACHE COMES UNDER THE LAW OF 'IF WATER BE PUT';² BUT [WHAT CAME UP] ON HIS NOSE OR ON HIS HEAD OR ON HIS BEARD³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE DREW WATER WITH A JAR, THE WATER WHICH CAME UP ON THE BACK THEREOF, OR ON THE ROPE WHICH WAS WOUND ROUND ITS NECK, OR ON THE ROPE WHICH WAS NEEDED FOR ITS USE,⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. HOW MUCH ROPE IS NEEDED FOR ITS USE? R. SIMEON B. ELEAZAR SAYS: A HANDBREADTH. IF HE PUT THE JAR UNDER THE RAIN-PIPE, IT⁵ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF RAIN CAME DOWN UPON A PERSON,⁶ EVEN IF HE WAS UNCLEAN WITH A PRINCIPAL DEFILEMENT,⁷ IT DOES NOT COME⁸ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HE SHOOK IT OFF, IT⁹ DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE STOOD UNDER A RAIN-PIPE TO COOL HIMSELF OR TO WASH HIMSELF, [THE WATER FALLING ON HIM] IS UNCLEAN¹⁰ IF HE IS UNCLEAN; BUT IF HE IS CLEAN, IT [ONLY] COMES UNDER THE LAW OF IF WATER BE PUT.

MISHNAH 3. IF ONE INCLINED A DISH AGAINST A WALL THAT IT MIGHT BE RINSED,¹¹ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IN ORDER THAT THE WALL MIGHT NOT BE DAMAGED,¹² IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A JAR,¹⁴ BETH SHAMMAI SAY: IT SHOULD BE BROKEN.¹⁵ BUT BETH HILLEL SAY: IT MAY BE EMPTIED OUT.¹⁶ BUT THEY¹⁷ AGREE THAT ONE MAY PUT OUT HIS HAND AND TAKE FRUIT THEREFROM AND LEAVE IT INSUSCEPTIBLE TO UNCLEANNESS.¹⁸

MISHNAH 5. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A TUB, THE WATER WHICH SPLASHED OUT OR RAN OVER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BETH SHAMMAI SAY: IT COMES¹⁹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: IT DOES NOT COME²⁰ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE PLACED THE TUB IN ORDER THAT THE DRIPPINGS [FROM THE ROOF] SHOULD FALL INTO IT,²¹ BETH SHAMMAI SAY: THE WATER THAT SPLASHES OUT OR RUNS OVER²² COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT BETH HILLEL SAY: IT²³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BOTH AGREE THAT IT²⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE IMMERVED VESSELS OR WASHED HIS GARMENT IN A CAVERN,²⁵ THE WATER THAT CAME UP ON HIS HANDS²⁶ COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT WHAT CAME UP ON HIS FEET²⁷ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. R. ELIEZER SAYS: IF IT WAS NOT POSSIBLE FOR HIM TO GO DOWN INTO THE CAVERN WITHOUT SOILING HIS FEET, WHAT CAME UP ON HIS FEET ALSO COMES²⁸ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 6. IF A BASKET FULL OF LUPINES WAS PLACED IN A MIKWEH,²⁹ ONE MAY PUT³⁰ OUT HIS HAND AND TAKE LUPINES THEREFROM AND LEAVE THEM CLEAN.³¹ BUT IF HE LIFTED THEM³² OUT OF THE WATER, THOSE THAT TOUCH THE

BASKET ARE UNCLEAR,³³ BUT THE REST OF THE LUPINES ARE CLEAN.³⁴ IF THERE WAS A RADISH IN A CAVERN,³⁵ A MENSTRUANT WOMAN MAY RINSE IT AND LEAVE IT CLEAN.³⁶ BUT IF SHE LIFTED IT, HOWEVER LITTLE, OUT OF THE WATER, IT BECOMES UNCLEAR.³⁷

MISHNAH 7. IF FRUIT FELL INTO A CHANNEL OF WATER,³⁸ AND ONE WHOSE HANDS WERE UNCLEAR PUT OUT HIS HANDS AND TOOK IT, HIS HANDS BECOME CLEAN³⁹ AND THE FRUIT [ALSO] REMAINS CLEAN.⁴⁰ BUT IF HIS INTENTION WAS THAT HIS HANDS SHOULD BE RINSED, HIS HANDS BECOME CLEAN AND THE FRUIT COMES⁴¹ UNDER THE LAW OF 'IF WATER BE PUT.'

MISHNAH 8. IF A POT⁴² FULL OF WATER WAS PLACED IN A MIKWEH, AND A MAN WHO WAS UNCLEAR WITH A PRINCIPAL DEFILEMENT PUT HIS HAND INTO THE POT, IT BECOMES UNCLEAR.⁴³ BUT IF [HE WAS UNCLEAR] BY THE TOUCH OF A DEFILEMENT,⁴⁴ THE POT REMAINS CLEAN,⁴⁵ BUT ANY OF THE OTHER LIQUIDS⁴⁶ [CONTAINED IN THE POT] BECOMES UNCLEAR, FOR WATER CANNOT PURIFY THE OTHER LIQUIDS.⁴⁷

MISHNAH 9. IF ONE DREW WATER THROUGH A CHANNEL,⁴⁸ IT CAUSES⁴⁹ SUSCEPTIBILITY TO UNCLEANNESS FOR THREE DAYS. R. AKIBA SAYS: IF THE CHANNEL WAS DRIED, IT AT ONCE DOES NOT CAUSE⁵⁰ SUSCEPTIBILITY TO UNCLEANNESS; BUT IF IT WAS NOT DRIED, IT CAUSES SUSCEPTIBILITY EVEN FOR THIRTY DAYS.

MISHNAH 10. IF UNCLEAR LIQUIDS FELL UPON WOOD AND RAIN CAME DOWN UPON IT⁵¹ AND [THE RAIN WATER] EXCEEDED [THE LIQUIDS] IN QUANTITY. THEY BECOME CLEAN;⁵² BUT IF THE WOOD HAD BEEN TAKEN OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT, THEY ARE UNCLEAR⁵³ EVEN THOUGH [THE RAIN WATER] EXCEEDED IN QUANTITY. IF [THE WOOD] HAD ABSORBED UNCLEAR LIQUIDS,⁵⁴ THEY BECOME CLEAN EVEN THOUGH THE WOOD HAD BEEN CARRIED OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT.⁵⁵ BUT ONE MAY NOT LIGHT THE WOOD IN AN OVEN EXCEPT WITH CLEAN HANDS.⁵⁶ R. SIMEON SAYS: IF THE WOOD WAS FRESHLY-CUT WHEN IT WAS LIGHTED, AND THE LIQUIDS THAT CAME OUT OF IT⁵⁷ EXCEEDED IN QUANTITY THE LIQUIDS WHICH IT HAD ABSORBED, THEY BECOME CLEAN.⁵⁸

(1) From a river.

(2) Since the mouth and the moustache necessarily get wet when one is drinking, the water on them may be considered as desired by the drinker.

(3) These need not get wet, and therefore the water on them cannot be considered as desired by the drinker; cf. *supra* III, 8, nn. 8, 9.

(4) These necessarily get wet.

(5) Any water on the back of the jar or on its rope, since in this case they need not get wet.

(6) Accidentally.

(7) Cf. *Kelim* I, 1; 'Ed. (Sonc. ed.) p. 9, n. 4.

(8) Since the rain water fell on the unclear person without his wish, it does not become unclear (cf. *infra* VI, 8), and therefore does not come within the category of unclear liquids which render unclear and cause susceptibility even when not desired (*supra* I, 1, n. 4).

(9) The water that fell off, in accordance with the opinion of Beth Hillel, *supra* I, 2.

(10) And renders produce susceptible and unclear at the same time; cf. *supra* I, 1 n. 4.

(11) In the rain water coming down the wall.

(12) By the rain water, which is not wanted.

- (13) Against one's wishes.
- (14) Containing produce.
- (15) In order to get out the produce inside it; for if he tilts the jar over to empty it, the water running out together with the falling produce will render the produce susceptible.
- (16) By tilting over the jar, since he only wishes to empty the produce and not the water.
- (17) Beth Shammai.
- (18) Even though his hand may cause the water to come on the produce.
- (19) Since he poured the water away only when the tub was moved to another place, it may be said that he did not object to the water when the tub was in its original place.
- (20) His pouring away showed that he did not want the water even in the tub's original place.
- (21) And not in the courtyard.
- (22) And all the more so the water inside the tub.
- (23) Only what splashed out and what ran over, but not what is inside.
- (24) Even what splashed out and what ran over.
- (25) Containing a pool of water.
- (26) He is satisfied with this water.
- (27) This is against his wish.
- (28) Because he wishes his feet to be cleaned by the water.
- (29) A pool for the purification of a defilement by immersion; cf. Mikwaoth Introduction.
- (30) Even a person affected with a principal defilement; cf. supra 2, n. 7.
- (31) The water in the mikweh being joined to the ground cannot cause susceptibility to uncleanness; cf. Introduction.
- (32) The lupines together with the basket.
- (33) The basket becomes unclean with a secondary defilement of the first degree (ראשון לטומאה), and the lupines, having become susceptible by the water which adhered to them when lifted, contract a secondary defilement of the second degree (שני לטומאה); cf. 'Ed. (Sonc. ed.) p. 9, n. 4.
- (34) In spite of their contact with the unclean lupines of the second degree, for a second degree defilement cannot convey uncleanness to produce of a common character (חולין), like these lupines, but only to produce of priestly heave-offering (תרומה).
- (35) In a pool of water.
- (36) V. p. 486, n. 4.
- (37) The water on it when lifted makes it susceptible to contract uncleanness from the touch of the menstruant woman.
- (38) Joined to a valid mikweh.
- (39) Although this washing of the hands was unintentional, it suffices for handling produce of a common character.
- (40) Since it fell in accidentally, it did not become susceptible.
- (41) It becomes susceptible by the water on his hands.
- (42) Of earthenware.
- (43) An earthenware vessel becomes unclean by the entry into its air-space of a principal defilement, but cannot be made clean by the water of a mikweh; cf. Lev. XI, 33; Mik. (Sonc. ed.) VI, 6, n. 4.
- (44) He was unclean by a secondary defilement of the first degree after he had touched a principal defilement; cf. supra 6, nn. 13, 14.
- (45) An earthenware vessel cannot be rendered unclean except by a principal defilement. The water in the pot is also clean, by coming in contact with the water of the mikweh; v. Mik. (Sonc. ed.) X, 6, n. 5.
- (46) Enumerated infra VI, 4, 5.
- (47) Because they cannot mingle with the water of the mikweh; cf. Mik. (Sonc. ed.) X, 6, n. 8.
- (48) חולין, **. Maimonides and others explain it as a swape-pipe or bucket; cf. Mik. VIII, 1.
- (49) Any moisture in the channel.
- (50) The moisture cannot be from the water which had passed through the channel.
- (51) Unexpectedly.
- (52) The rain water neutralizes the unclean liquid.
- (53) Because the rain water, being expected and desired, becomes itself unclean by the liquid.
- (54) And the liquid disappeared from the surface of the wood.
- (55) Because there is no contact between the unclean liquid and the rain water.

(56) The hands may render the rain water on the wood unclean, and this may convey uncleanness to the oven.

(57) The natural sap of the wood.

(58) The unclean liquid is neutralized by the sap.

Mishna - Mas. Makshirin Chapter 5

MISHNAH 1. IF A MAN IMMERSED HIMSELF IN A RIVER¹ AND THERE WAS IN FRONT OF HIM ANOTHER RIVER AND HE CROSSED IT,² THE SECOND [WATER] PURIFIES³ THE FIRST [WATER]. IF HIS FELLOW WHO WAS INTOXICATED PUSHED HIM IN OR HIS BEAST,⁴ THE SECOND [WATER] PURIFIES THE FIRST [WATER]; BUT IF [HE DID IT] OUT OF PLAYFULNESS, IT COMES⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A MAN SWAM IN WATER, THE WATER THAT SPLASHED OUT⁶ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IT WAS HIS INTENTION TO SPLASH HIS FELLOW, THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MADE A 'Blrd'⁷ IN THE WATER, NEITHER [THE WATER] THAT SPLASHED OUT⁸ NOR WHAT REMAINED IN IT⁹ COMES UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 3. IF DRIPPINGS [FROM A ROOF] CAME DOWN INTO FRUIT AND IT WAS MIXED UP IN ORDER THAT IT MIGHT BECOME DRY¹⁰ [QUICKLY]. R. SIMEON SAYS: IT COMES¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: IT DOES NOT COME¹² UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF A CISTERN WAS MEASURED WHETHER FOR ITS DEPTH OR FOR ITS BREADTH, IT COMES¹³ UNDER THE LAW OF 'IF WATER BE PUT'. THIS IS THE OPINION OF R. TARFON. BUT R. AKIBA SAYS: IF [IT WAS MEASURED] FOR ITS DEPTH,¹⁴ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF FOR ITS BREADTH, IT DOES NOT COME¹⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 5. IF ONE PUT HIS HAND OR HIS FOOT OR A REED INTO A CISTERN IN ORDER TO ASCERTAIN WHETHER IT HAD ANY WATER, IT DOES NOT COME¹⁶ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF TO ASCERTAIN HOW MUCH WATER IT HAD, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE THREW A STONE INTO A CISTERN TO ASCERTAIN WHETHER IT HAD ANY WATER, [THE WATER] THAT WAS SPLASHED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', AND ALSO [THE WATER] THAT IS ON THE STONE¹⁸ IS CLEAN.¹⁹

MISHNAH 6. IF ONE BEAT UPON A HIDE²⁰ OUTSIDE THE WATER, IT COMES²¹ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [HE BEAT IT] INSIDE THE WATER,²² IT DOES NOT COME²³ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: IT COMES UNDER THE LAW OF 'IF WATER BE PUT' ALSO IF [HE BEAT IT] INSIDE THE WATER, BECAUSE HIS INTENTION WAS THAT THE WATER SHOULD COME OFF TOGETHER WITH THE FILTH.²⁴

MISHNAH 7. THE WATER THAT COMES UP INTO A SHIP OR INTO THE BILGE OR ON THE OARS DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'. THE WATER THAT COMES UP IN SNARES, NETS, OR GINS, DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN,²⁶ IT DOES COME²⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF A SHIP WAS LED OUT INTO THE GREAT SEA²⁸ IN ORDER TO TIGHTEN IT,²⁹ OR IF A NAIL³⁰ WAS TAKEN OUT INTO THE RAIN IN ORDER TO TEMPER IT. OR IF A BRAND WAS LEFT IN THE RAIN IN ORDER TO EXTINGUISH IT, THIS COMES³¹ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 8. [WATER ON] THE COVERING OF TABLES OR ON THE MATTING OF BRICKS DOES NOT COME³² UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN, IT DOES COME³³ UNDER THE LAW OF 'IT WATER BE PUT'.

MISHNAH 9. ANY UNINTERRUPTED FLOW OF LIQUID³⁴ IS CLEAN,³⁵ EXCEPT [THE FLOW] OF HONEY OF ZIPHIM³⁶ AND OF BATTER.³⁷ BETH SHAMMAI SAY: ALSO [THE FLOW OF] THICK POTTAGE OF GRITS, OR OF BEANS, BECAUSE IT BOUNDS BACKWARDS.

MISHNAH 10. [THE FLOW] OF HOT WATER POURED³⁸ INTO HOT WATER, OF COLD WATER [POURED] INTO COLD WATER, OF HOT WATER [POURED] INTO COLD WATER REMAINS CLEAN; BUT [THE FLOW] OF COLD WATER [POURED] INTO HOT WATER BECOMES UNCLEAR.³⁹ R. SIMEON SAYS: ALSO [THE FLOW] OF NOT WATER POURED INTO NOT WATER BECOMES UNCLEAR IF THE STRENGTH OF THE HEAT OF THE LOWER [WATER] IS GREATER THAN THAT OF THE UPPER [WATER].⁴⁰

MISHNAH 11. IF A WOMAN WHOSE HANDS WERE CLEAN STIRRED⁴¹ AN UNCLEAR POT AND HER HANDS PERSPIRED, THEY BECOME UNCLEAR.⁴² IF HER HANDS WERE UNCLEAR AND SHE STIRRED A CLEAR POT AND HER HANDS PERSPIRED THE POT BECOMES UNCLEAR.⁴³ R. JOSE SAYS: ONLY IF HER HANDS DRIPPED.⁴⁴ IF GRAPES WERE WEIGHED IN THE SCALE OF A BALANCE, THE WINE⁴⁵ IN THE SCALE IS CLEAR⁴⁶ UNTIL IT IS POURED INTO A VESSEL.⁴⁷ LO, THIS IS LIKE BASKETS OF OLIVES AND GRAPES WHEN THEY ARE DRIPPING [WITH SAP].⁴⁸

(1) The water of this river which was still on his body could render produce susceptible, because he wished it to come on his body.

(2) Against his wish.

(3) I.e., neutralizes it, so that neither the water from the first river nor from the second river can cause susceptibility.

(4) Into a river after they had become wet with intention.

(5) The second water was also acceptable.

(6) Without the intention of the swimmer.

(7) A game for blowing bubbles by means of a tube placed in water; var. lec. 'a tube'.

(8) Without intention.

(9) In the tube.

(10) The owner mixed up the wet fruit with the dry fruit, so as to accelerate the drying of the moisture by spreading it over a wider space.

(11) The dry fruit was deliberately moistened by the owner's act.

(12) His intention was not to moisten any of the fruit, but to remove the moisture from the whole fruit as quickly as possible.

(13) The water of the measuring-rod.

(14) When the water on the measuring-rod is necessary, in order to indicate by its mark on the rod the exact depth of the water.

(15) In measuring the breadth the water on the measuring-rod is immaterial for ascertaining the extent of the cistern.

(16) The water on the hand or on the foot or on the rod is not wanted.

(17) The water on the hand or on the foot or on the rod is wanted, in order to show by its mark the exact quantity of water in the cistern.

(18) Even on the part of the stone above the surface of the water in the cistern.

(19) It cannot contract an uncleanness nor can it cause susceptibility to uncleanness.

(20) To remove the moisture after washing the hide in a pool.

(21) The moisture coming out of the hide causes susceptibility, because there is here the intention of removing the moisture, as in the case of a tree which is shaken in order to drop the rain water from its branches, supra I, 2.

- (22) The hide is beaten while inside the pool in order to remove its hair and its filth.
- (23) There can be no intention here of removing moisture, since the hide still remains in the water.
- (24) In order to get on it fresh clean water and complete its cleansing.
- (25) One is indifferent to such water.
- (26) To remove the water.
- (27) The removal was done by intention, as in p. 490. n. 10.
- (28) The Mediterranean, or into any other sea.
- (29) To tighten the wooden planks which had become loose while the boat was ashore.
- (30) Hot from the fire.
- (31) In all these cases the water is desired.
- (32) The water is not wanted.
- (33) Cf. p. 490, n. 10.
- (34) Poured from a clean vessel into an unclean vessel.
- (35) In the upper vessel; cf. Toh. VIII, 9; Yad. IV, 7.
- (36) According to an explanation in Sot. 58b the honey is so named after Ziph in the south of Judah; cf. Joshua XV, 55; Ps. LIV, 2.
- (37) **צִפְּחַת**. The meaning of this word is uncertain. It is usually taken as **צִפְּחִית**. Ex. XVI 31. Maim. explains it as honey from a place called Zappahath. These are thick liquids, and when the flow stops suddenly, it is likely to bound back from the unclean vessel into the clean vessel, and thus render it unclean.
- (38) From a clean vessel into an unclean vessel.
- (39) The hot water in the unclean vessel causes steam to rise which mixes with the water in the clean vessel and renders it unclean.
- (40) Thus forming steam in the lower unclean vessel, which rises into the cooler clean vessel.
- (41) With a ladle.
- (42) The perspiration caused by the steam of the unclean pot renders her hands unclean.
- (43) By the perspiration of her unclean hands.
- (44) But not by the steam of the hot sweat.
- (45) The sap that escapes from the grapes.
- (46) Nor can it cause susceptibility to uncleanness.
- (47) Only then can it be considered a liquid.
- (48) Which likewise is not considered a liquid until it is poured into a vessel; cf. infra VI, 8.

Mishna - Mas. Makshirin Chapter 6

MISHNAH 1. IF ONE CARRIED UP HIS FRUIT TO THE ROOF BECAUSE OF MAGGOTS,¹ AND DEW CAME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,² IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF A DEAF-MUTE, OR AN IDIOT, OR A MINOR CARRIED IT UP, ALTHOUGH HE EXPECTED THAT DEW SHOULD COME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.³

MISHNAH 2. IF ONE CARRIED UP TO THE ROOF BUNDLES [OF VEGETABLES] OR CAKES OF FIGS OR GARLIC SO AS TO KEEP THEM FRESH, IT DOES NOT COME⁴ UNDER THE LAW OF 'IF WATER BE PUT'. ALL BUNDLES [OF VEGETABLES] IN THE MARKET PLACES ARE UNCLEAR.⁵ R. JUDAH DECLARES THEM CLEAN IF THEY ARE FRESH.⁶ R. MEIR SAID: WHEREFORE HAVE THEY DECLARED THEM UNCLEAR? ONLY BECAUSE OF LIQUID FROM THE MOUTH.⁷ ALL COARSE AND FINE FLOURS OF THE MARKET PLACES ARE UNCLEAR.⁸ CRUSHED WHEAT, GROATS, AND PEARL- BARLEY⁹ ARE UNCLEAR EVERYWHERE.¹⁰

MISHNAH 3. ALL EGGS MAY BE PRESUMED CLEAN EXCEPT THOSE OF DEALERS IN

LIQUIDS;¹¹ BUT IF THEY SOLD WITH THEM DRY FRUIT, THEY ARE CLEAN.¹² ALL FISH MAY BE PRESUMED UNCLEAN.¹³ R. JUDAH SAYS: PIECES OF ILTITH,¹⁴ EGYPTIAN FISH WHICH ARRIVES IN A BASKET, AND SPANISH TUNNY, THESE MAY BE PRESUMED CLEAN.¹⁵ ALL KINDS OF BRINE MAY BE PRESUMED UNCLEAN. CONCERNING ALL THESE¹⁶ AN 'AM HA-AREZ¹⁷ MAY BE TRUSTED WHEN HE DECLARES THEM TO BE CLEAN, EXCEPT IN THE CASE OF FISH,¹⁸ SINCE THEY¹⁹ ARE USUALLY STORED WITH ANY 'AM HA-AREZ.²⁰ R. ELIEZER B. JACOB SAYS: CLEAN BRINE INTO WHICH WATER FELL IN ANY QUANTITY MUST BE DEEMED UNCLEAN.²¹

MISHNAH 4. THERE ARE SEVEN LIQUIDS:²² DEW, WATER, WINE, OIL, BLOOD,²³ MILK AND BEES' HONEY. HORNETS' HONEY DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS AND MAY BE EATEN.

MISHNAH 5. A SUB-SPECIES OF WATER²⁴ ARE THE LIQUIDS THAT COME FORTH FROM THE EYE, FROM THE EAR, FROM THE NOSE AND FROM THE MOUTH, AND URINE, WHETHER OF ADULTS OR OF CHILDREN,²⁵ WHETHER [ITS FLOW IS] CONSCIOUS OR UNCONSCIOUS. A SUB-SPECIES OF BLOOD ARE BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE CLEAN, AND BLOOD FROM BLOOD LETTING FOR DRINKING.²⁶ WHEY IS DEEMED LIKE MILK, AND THE SAP OF OLIVES IS DEEMED LIKE OIL, SINCE IT IS NEVER FREE FROM OIL.²⁷ THIS IS THE OPINION OF R. SIMEON. R. MEIR SAYS: EVEN THOUGH IT CONTAINS NO OIL. THE BLOOD OF A CREEPING THING IS DEEMED LIKE ITS FLESH,²⁸ IT CAUSES UNCLEANNESS BUT DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS, AND WE HAVE NOTHING LIKE IT.²⁹

MISHNAH 6. THE FOLLOWING CAUSE UNCLEANNESS AND ALSO SUSCEPTIBILITY³⁰ [TO UNCLEANNESS]; THE ISSUE³¹ OF A PERSON WHO HAS A RUNNING ISSUE, HIS SPITTLE, HIS SEMEN AND HIS URINE, A QUARTER-LOG FROM A CORPSE, AND THE BLOOD OF A MENSTRUANT WOMAN. R. ELIEZER SAYS: SEMEN DOES NOT CAUSE SUSCEPTIBILITY. R. ELEAZAR B. 'AZARIAH SAYS: THE BLOOD OF A MENSTRUANT WOMAN DOES NOT CAUSE SUSCEPTIBILITY. R. SIMEON SAYS: THE BLOOD OF A CORPSE DOES NOT CAUSE SUSCEPTIBILITY, AND IF IT FELL ON A GOURD, IT SHOULD BE SCRAPED OFF,³² AND IT REMAINS CLEAN.

MISHNAH 7. THE FOLLOWING CAUSE NEITHER UNCLEANNESS NOR SUSCEPTIBILITY TO UNCLEANNESS: SWEAT,³³ ILL-SMELLING SECRETION, EXCREMENT, BLOOD ISSUING WITH ANY OF THESE, LIQUID³⁴ [ISSUING FROM A STILL-BORN CHILD] OF EIGHT MONTHS (R. JOSE SAYS: EXCEPT ITS BLOOD).³⁵ [THE DISCHARGE FROM THE BOWELS OF] ONE WHO DRINKS THE WATER OF TIBERIAS³⁶ EVEN THOUGH IT COMES OUT CLEAN, BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE UNCLEAN, AND BLOOD FROM BLOODLETTERING FOR HEALING.³⁷ R. ELIEZER DECLARES THESE³⁸ UNCLEAN. R. SIMEON B. ELEAZAR SAYS: THE MILK OF A MALE IS CLEAN.³⁹

MISHNAH 8. A WOMAN'S MILK RENDERS UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED,⁴⁰ BUT THE MILK OF CATTLE RENDERS UNCLEAN ONLY IF [ITS FLOW IS] DESIRED. R. AKIBA SAID: THE MATTER CAN BE PROVED BY AN INFERENCE FROM MINOR TO MAJOR: IF A WOMAN'S MILK, THE USE OF WHICH IS CONFINED TO INFANTS, CAN RENDER UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED, ALL THE MORE SHOULD THE MILK OF CATTLE, THE USE OF WHICH IS COMMON TO INFANTS AND TO ADULTS, RENDER UNCLEAN BOTH WHEN [ITS FLOW IS] DESIRED AND WHEN IT IS NOT DESIRED. BUT THEY⁴¹ SAID TO HIM: NO;

A WOMAN'S MILK RENDERS UNCLEAR WHEN [ITS FLOW IS] NOT DESIRED, BECAUSE THE BLOOD ISSUING FROM HER WOUND IS UNCLEAR;⁴² BUT HOW COULD THE MILK OF CATTLE RENDER UNCLEAR WHEN [ITS FLOW IS] NOT DESIRED, SEEING THAT THE BLOOD ISSUING FROM ITS WOUND IS CLEAR? HE SAID TO THEM: I ADOPT A MORE RIGOROUS RULING IN THE CASE OF MILK THAN IN THE CASE OF BLOOD, FOR IF ONE MILKS FOR HEALING,⁴³ [THE MILK] IS UNCLEAR,⁴⁴ WHEREAS IF ONE LETS BLOOD FOR HEALING, [THE BLOOD] IS CLEAR.⁴⁵ THEY SAID TO HIM: LET BASKETS OF OLIVES AND GRAPES PROVE⁴⁶ IT; FOR LIQUIDS FLOWING FROM THEM ARE UNCLEAR ONLY WHEN [THE FLOW IS] DESIRED, BUT WHEN [THE FLOW IS] NOT DESIRED THEY ARE CLEAR.⁴⁷ HE SAID TO THEM: NO; IF YOU SAY [THUS] OF BASKETS OF OLIVES AND GRAPES WHICH ARE AT FIRST A SOLID FOOD AND AT THE END BECOME A LIQUID, COULD YOU SAY [THE SAME] OF MILK WHICH REMAINS A LIQUID FROM BEGINNING TO END?⁴⁸ THUS FAR WAS THE ARGUMENT.⁴⁹ R. SIMEON SAID: FROM THENCEFORWARD WE⁵⁰ USED TO ARGUE BEFORE HIM: LET RAIN WATER PROVE IT, FOR IT REMAINS A LIQUID FROM BEGINNING TO END, AND RENDERS UNCLEAR ONLY WHEN [ITS FLOW IS] DESIRED. BUT HE SAID TO US: NO; IF YOU SAY [THUS] OF RAIN WATER, IT IS BECAUSE MOST OF IT IS INTENDED NOT FOR MAN⁵¹ BUT FOR THE SOIL AND FOR TREES, WHEREAS MOST MILK IS INTENDED FOR MAN.

(1) To prevent the fruit from becoming wormy.

(2) To get the fruit damp by the dew.

(3) Cf. supra III, 8.

(4) If dew fell on the vegetables.

(5) Because the dealers are wont to sprinkle them with water to keep them fresh, thus rendering them susceptible to uncleanness, and then they are handled by unclean hands.

(6) Fresh vegetables are not sprinkled by the dealers, and thus have not become susceptible to uncleanness from unclean hands.

(7) R. Meir holds that the reason why vegetables in the market have been declared unclean is not because they are handled by unclean hands, but because the dealers, who may be affected by a running issue (cf. infra 6), undo the bundles with their teeth, and thus cause unclean spittle from their mouth to come upon the vegetables. Therefore there is no difference whether the vegetables are fresh or not.

(8) Because the wheat is damped before milling, and thus the flour has become susceptible to uncleanness by the contact of those who handle it.

(9) For the exact meaning of these kinds of grain, cf. M.K. 13b.

(10) Even not in the market place, because they are damped in the process of crushing, and are then handled by unclean hands.

(11) Who handle the eggs with liquid dripping from their hands and thus render them susceptible to become unclean by those who handle them.

(12) Because they are careful to keep their hands dry.

(13) Cf. 'Uk. III, 8. They have been rendered susceptible by the water shaken off from the nets.

(14) A species of large fish.

(15) These are spoilt by water, and have therefore been kept dry.

(16) Eggs, fruit and brine.

(17) **עַם הָאָרֶץ**. Lit., 'the people of the land', the untutored peasant, or any other person who is lax about the observance of the laws of purity and the laws of tithing produce, as distinguished from the learned **חֶבֶר**, or associate of those who are scrupulous about these laws. Cf. supra II, 10. n. 4; Demai, Introduction 3; 'Ed. I, 14 (Sonc. ed.) p. 8, n. 1.

(18) According to some commentators 'the brine of fish'. The 'am ha-arez is not to be trusted when he declares that fish (or the brine of fish) has not become susceptible.

(19) Var. lec. 'it', viz., fish.

(20) Which proves that he can be trusted.

(21) Water renders it susceptible, and it then becomes unclean by handling.

(22) Which render produce susceptible to uncleanness.

- (23) Human blood, v. next Mishnah.
- (24) That causes susceptibility under the heading of water.
- (25) According to other commentators: 'Whether liquid excrement or real urine'.
- (26) Its flow is desired.
- (27) It contains a proportion of oil.
- (28) It can be added to the flesh to make up a lentil's bulk which is the minimum quantity of a creeping thing to convey uncleanness; cf. Me'il. IV, 3.
- (29) That blood should be accounted as flesh.
- (30) Simultaneously.
- (31) Cf. Kelim I, 3.
- (32) Because blood is forbidden to be eaten.
- (33) Cf. supra II, 1.
- (34) Such as blood, urine, etc.
- (35) Its blood conveys impurity.
- (36) Which acts as a purgative.
- (37) Its flow is not desired.
- (38) The last two kinds of blood.
- (39) Like mere perspiration.
- (40) If it dripped from the breast automatically; cf. Kelim VIII, 11.
- (41) The Sages holding the opinion as given in the beginning of the Mishnah.
- (42) Like the blood of a corpse, and this blood flows from the wound automatically.
- (43) An animal to relieve its pain.
- (44) It is capable of becoming unclean, since its flow is desired.
- (45) As stated in the last Mishnah.
- (46) Animal's milk may be compared to the juice flowing from such baskets, since both serve as human food.
- (47) Cf. supra V, 11, n. 11.
- (48) Milk is more of a liquid than fruit juice.
- (49) Between R. Akiba and his colleagues.
- (50) R. Akiba's disciples.
- (51) The use of rain for man is limited, therefore rain cannot render human food susceptible to uncleanness unless a man desires its flow upon his food.

CHAPTER I

MISHNAH. THE MEGILLAH¹ IS READ ON THE ELEVENTH, THE TWELFTH, THE THIRTEENTH, THE FOURTEENTH, AND THE FIFTEENTH [OF ADAR], NEVER EARLIER AND NEVER LATER.² CITIES³ WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN⁴ READ ON THE FIFTEENTH; VILLAGES AND LARGE TOWNS⁵ READ ON THE FOURTEENTH. THE VILLAGES, HOWEVER, MAY [SOMETIMES] PUSH THE READING FORWARD TO THE COURT DAY.⁶ HOW DOES THIS WORK OUT? IF [THE FOURTEENTH OF ADAR] FALLS ON MONDAY,⁷ THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON TUESDAY OR ON WEDNESDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁸ THE LARGE TOWNS READ ON THE DAY ITSELF, AND THE WALLED PLACES ON THE NEXT DAY. IF [THE FOURTEENTH FALLS] ON THURSDAY, THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON FRIDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY⁹ AND THE LARGE TOWNS AND WALLED PLACES READ ON THE DAY ITSELF.¹⁰ IF IT FALLS ON SABBATH, THE VILLAGES AND LARGE TOWNS PUSH THE READING FORWARD TO THE COURT DAY.⁹ AND THE WALLED PLACES READ ON THE NEXT DAY.¹¹ IF IT FALLS ON SUNDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁹ THE LARGE TOWNS READ ON THE SAME DAY, AND THE WALLED CITIES ON THE DAY FOLLOWING.

GEMARA. THE MEGILLAH IS READ ON THE ELEVENTH. Whence is this derived? — [How can you ask,] ‘Whence is this derived’? Surely it is as we state further on,¹² ‘The Sages made a concession to the villages, allowing them to push the reading forward to the Court day, so that [they should have leisure to] supply food and water for their brethren in the large towns’? — What we mean [by our question] is this: Let us see now. All these dates were laid down by the Men of the Great Assembly.¹³ For if you should [deny this and affirm] that the Men of the Great Assembly laid down only the fourteenth and fifteenth, [is it possible that] the [later] Rabbis should have come and annulled a regulation made by the Men of the Great Assembly, seeing that we have learnt, ‘One Beth din cannot annul the ordinances of another unless it is superior to it in number¹⁴ and in wisdom’?¹⁵ Obviously, therefore, all these days must have been laid down by the Men of the Great Assembly, [and we ask therefore], where are they hinted [in the Scripture]? — R. Shaman b. Abba replied in the name of R. Johanan: Scripture says, To confirm these days of Purim in their times.¹⁶ [which indicates that] they laid down many ‘times’ for them. But this text is required for its literal meaning?¹⁷ — If that were all, Scripture could say simply ‘at the [appointed] time’. What then is implied by ‘their times’? A large number of ‘times’! But still I may say that [the expression ‘their times’] is required to indicate that the time of one is not the same as the time of the other?¹⁸ — In that case, Scripture should say [simply], ‘their time’. Why does it say ‘their times’? So that you may infer from this all of them. But cannot I say that ‘their times’ means ‘numerous times’?¹⁹ — The expression ‘their times’ is to be interpreted in the same way as we should interpret ‘their time’: just as ‘their time’ would indicate two [days], so ‘their times’ indicates two [in addition].²⁰ But why not make these the twelfth and thirteenth? — For the reason given [elsewhere] by R. Samuel b. Isaac, that the thirteenth is a time of assembly for all,²¹ and no special indication is required for it in the text; so we may say here that the thirteenth day is a time of assembly and no special indication is required for it in the text. But why not say that the sixteenth and seventeenth are meant? — It is written, and it shall not pass.²²

R. Samuel b. Nahmani, however, explained thus. Scripture says. As the days wherein the Jews had rest from their enemies.²³ [The expression] ‘the days’ [would have sufficed] and we have ‘as the

days', to include the eleventh and the twelfth. But cannot I say rather the twelfth and thirteenth? — R. Samuel b. Isaac said: The thirteenth is a time of assembly for all, and does not require special indication. But cannot I say the sixteenth and the seventeenth? — It is written, 'and it shall not pass'.

Why did R. Samuel b. Nahmani not derive the rule from the expression 'in their times'? — He does not accept the distinction [made above between] 'time', 'their time' and 'their times'. And why did R. Shaman b. Abba not derive the rule from the expression 'as the days'? — He can say to you: This is meant to make the rule apply to future generations.

Rabbah b. Bar Hanah said in the name of R. Johanan: This [rule stated in the Mishnah] is the ruling of R. Akiba the anonymous authority,²⁴ who draws the distinction between 'time', 'their time' and 'their times', but according to the Sages the Megillah is to be read only on the proper day.²⁵ The following was adduced in refutation of this: 'R. Judah said, When does this rule hold good? When the years are properly fixed²⁶ and Israel reside upon their own soil. But in these days, since people reckon from it,²⁷ the Megillah is to be read only on the proper day'. Now which authority is R. Judah here following? Shall I say, R. Akiba? This cannot be, because [according to him] the regulation²⁸ is in force in these days also. It must be then that he follows the Rabbis, and [even according to them] we read [on the other days] at any rate when the years are properly fixed and Israel reside on their own soil! Is not this a refutation of R. Johanan? — It is.

Some report as follows. Rabbah b. Bar Hanah said in the name of R. Johanan: This rule follows the ruling of R. Akiba the anonymous authority, but the Sages held that in these days, since people reckon from it, we read it only on the proper day. It has been taught to the same effect: 'R. Judah said: When does this rule hold good? When the years are properly fixed and Israel reside upon their own soil, but in these days, since people reckon from it, it is read only on the proper day.'²⁹

R. Ashi noted a contradiction between two statements of R. Judah

(1) Lit., 'scroll'. The scroll of the Book of Esther is meant (v. Introduction).

(2) Lit., 'neither less nor more'.

(3) כרכין (Sing. כרך). This word is generally applied to large centres of population with a more or less metropolitan character. In Mishnah Megillah, (cf. 19a), however, it seems to be used exclusively of walled towns, whatever their size.

(4) The Gemara infra discusses what is meant by this.

(5) כפרים ועיירות גדולות. The expression 'villages and large towns' in the Mishnah here seems to be merely a periphrasis for 'other places', since, as appears from the Gemara, the distinction here is between places which were walled in the days of Joshua and places which were not. The epithet 'large' is added because the word עיר (or עירה) is also often used of a small place, hardly distinguishable from a village.

(6) Lit., 'the day of assembly', i.e. Monday or Thursday, when the Beth din sat in the towns, and the people came in from the villages. They were allowed to read the Megillah then because they were more likely to find someone who could read to them in the town than in their own village (Rashi). Another reason is also given in the Gemara infra.

(7) Lit., 'the second (day of the week)'. In the Talmud the days of the week are distinguished by the ordinal numbers.

(8) I.e., the previous Monday.

(9) I.e., the preceding Thursday.

(10) Reading on the Sabbath was prohibited, for fear the scroll might be carried from place to place. V. infra.

(11) On the Sunday.

(12) V. infra p. 116.

(13) Or 'synagogue'. A name given to Ezra and his Beth din and their successors, up to the time of Simon the Just. V. Aboth, Sonc. ed. p. 1, n. 5. According to the Talmud, the Book of Esther was composed by or under the direction of the Men of the Great Assembly.

(14) Of the members of the Beth din.

(15) Cf. M.K. 3b; Git. 36a.

(16) Esth. IX, 31. E.V. 'their appointed times'. The plural form 'times' is stressed.

- (17) Lit., 'for itself'; viz., the 14th and 15th mentioned in the text.
- (18) Viz., the time for the villages is not the same as that for the walled towns.
- (19) E.g., five or six.
- (20) To the fourteenth and fifteenth, viz., the eleventh and twelfth.
- (21) Rashi explains this to refer to the statement in the Scripture that on the thirteenth the Jews assembled and defended themselves. Asheri, however, points out that this has nothing to do with the reading of the Megillah, which was instituted to commemorate the resting, and he therefore prefers the explanation of R. Tam, that on the thirteenth the Jews assemble to observe the fast of Esther.
- (22) Ibid. 27. These words are interpreted to mean, 'the observance shall not pass beyond the fifteenth day'. E.V., and it shall not fail.
- (23) Ibid. 22.
- (24) So called because Rabbi in compiling the Mishnah usually followed R Akiba when he mentioned no authority.
- (25) Viz., the fourteenth and fifteenth of Adar.
- (26) I.e., when there is a Beth din which fixes new moons and leap years as occasion arises.
- (27) I.e. count thirty days from Purim to Passover, since the new moon of Nisan will not be promulgated by the Beth din
- (28) That the Megillah may be read on the eleventh, twelfth, or thirteenth.
- (29) And there is now no contradiction between R. Johanan and Rabbi Judah.

Talmud - Mas. Megilah 2b

, and therefore attributed the statement in the Baraitha to R. Jose son of R. Judah. [He said]: Can R. Judah really have said that in these days, since people reckon from it, it is read only on the proper day? To this may be opposed the following:¹ R. Judah said, When [do they push forward the reading]? In places where the villagers go to town² on Monday and Thursday; but in places where they do not go to town on Monday and Thursday, it is read only on the proper day. But at any rate in places where they do go to town on Monday and Thursday it is read [on the earlier dates] even in these times'? He accordingly ascribed the statement in the Baraitha³ to R. Jose son of R. Judah. And because he finds a contradiction between two statements of R. Judah, is he entitled to ascribe the one in the Baraitha to R. Jose son of R. Judah? — R. Ashi had heard some report the statement in the name of R. Judah and some report it in the name of R. Jose son of R. Judah, and to avoid making R. Judah contradict himself he said that the one who ascribed the statement to R. Judah was not [reporting] accurately, while the one who ascribed it to R. Jose son of Judah was [reporting] accurately.

CITIES WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN READ ON THE FIFTEENTH. Whence is this ruling derived? — Raba replied: Because Scripture says, Therefore do the Jews of the villages that dwell in the unwalled towns,⁴ etc. Since the villages [are to read] on the fourteenth, the walled towns [must read] on the fifteenth. But why not say that the villages [should read] on the fourteenth, and those in walled towns not at all?⁵ — But are they not also Israelites? And moreover is it not written, From India into Ethiopia?⁶ But why not say that the villages [should read] on the fourteenth and those in walled towns on both the fourteenth and fifteenth, as it is written, that they should keep the fourteenth day of the month of Adar and the fifteenth day of the same yearly?⁷ — If the text had said, 'the fourteenth day and [we] the fifteenth', you would have been right. Now, however, that it is written 'the fourteenth day and [we-eth] the fifteenth — the eth⁸ comes and makes a distinction, so that the one set is on the fourteenth and the other set on the fifteenth. But why not say that the villages are on the fourteenth, and those surrounded [by a wall] can [celebrate] if they like on the fourteenth or if they like on the fifteenth? — The text says, in their seasons,⁹ the season of one is not the same as the season of the other. But why not say that they¹⁰ should celebrate on the thirteenth? — [They must do] as Susa [did].

We have accounted for the celebration [of Purim]; how do we know that the recital¹¹ [of the Megillah must be on these days]? — The text says, that these days should be remembered and

kept;¹² ‘remembering’ is put on the same footing as ‘keeping’.

Our Mishnah does not take the same view as the following Tanna, as it has been taught: ‘R. Joshua b. Korha says: Cities which have been walled since the days of Ahasuerus read on the fifteenth’. What is the reason of R. Joshua b. Korha? — [They must be] like Susa: just as Susa has been walled since the days of Ahasuerus and reads on the fifteenth, so every city that has been walled since the days of Ahasuerus reads on the fifteenth. What then is the reason of our Tanna? — He draws an analogy between the two occurrences of the word *perazi* [villagers]. It is written here, Therefore the Jews of the villages [ha — *perazim*],¹³ and it is written in another place, beside the unwalled [ha — *perazi*] towns, a great many;¹⁴ just as there the reference is to towns which were [not] walled in the days of Joshua son of Nun, so here the reference is to towns which were [not] walled in the days of Joshua son of Nun.¹⁵

I can understand why R. Joshua b. Korha did not adopt the view of our Tanna; he does not accept the analogy of *perazi* and *perazi*.¹⁶ But why does not our Tanna accept the view of R. Joshua b. Korha? — [You ask] why does he not? Why, because he draws the analogy of *perazi* with *perazi*, of course! What the questioner meant was this: [On the view of our Tanna], whom did Susa follow?¹⁷ It followed neither the villages nor the walled towns!¹⁸ — Raba, or, as some say, Kadi,¹⁹ replied: Susa was an exception, because a miracle was performed in it.²⁰

We can understand according to the view of our Tanna why the text should say, city and city, town and town;²¹ ‘city and city’²² to make a distinction between those which were walled in the days of Joshua son of Nun and those which were walled in the days of Ahasuerus; ‘town and town’ likewise to distinguish between Susa and other towns.²³ But according to R. Joshua b. Korha, it is true we can account for ‘city and city’, as being intended to distinguish between Susa and other cities,²⁴ but what is the purpose of ‘town and town’? — R. Joshua b. Korha can answer: And can our Tanna explain the words satisfactorily? Since he draws the analogy between *perazi* and *perazi*,²⁵ why do we require the words ‘city and city’? The truth is that the text is inserted for a homiletical purpose, and to teach the rule laid down by R. Joshua b. Levi. For R. Joshua b. Levi said: ‘A city²⁶ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’.²⁷ Up to what distance? — R. Jeremiah, or you may also say R. Hiyya b. Abba, said: As far as from Hamthan²⁸ to Tiberias, which is a mil. Why not say [simply] a mil? — We learn from this what is the extent of a mil, namely, as far as from Hamthan to Tiberias.

R. Jeremiah — or you may also say R. Hiyya b. Abba — also said: The [alternative forms of the] letters M'N'Z'P'K²⁹ were prescribed³⁰ by the Watchmen.³¹ Do you really think so? Is it not written, These are the commandments,³² which implies that no prophet is at liberty to introduce anything new³³ henceforward? And further, R. Hisda has said: The Men and the Samek in the tablets

(1) *Infra* n. 4.

(2) Lit., ‘assemble’.

(3) The former of the statements quoted.

(4) *Esth.* IX, 19.

(5) Since no mention is made of walled towns in the context.

(6) These words occur in *Esth.* I, 1, and are used here loosely instead of the words in *Esth.* IX, 30. and he (Mordecai) sent letters to . . . the hundred and twenty — seven provinces of the kingdom of Ahasuerus.

(7) *Ibid.* 21.

(8) *Eth* is a sign of the accusative, and as its use is optional, it is usually interpreted as indicating something not specified in the text. The interpretation placed upon it here is rather unusual.

(9) *Ibid.* 31.

(10) Those in the walled towns.

(11) Lit., ‘remembrance’.

- (12) Ibid. 28.
- (13) Ibid. 19.
- (14) Deut. III, 5, referring to the territory of Sihon conquered by the Israelites in the time of Moses.
- (15) The word 'not' is not in the text of the original here, but is necessary for the sense. Rashi greatly simplifies the text by reading: 'Just as there (the villages were such) from the days of Joshua, so here, (the villages must have been such) from the days of Joshua'.
- (16) I.e., he had not learnt this particular gezerah shawah from his teacher, and therefore could not reply upon it.
- (17) Since there is no evidence that it was walled in the days of Joshua.
- (18) These last words make no satisfactory sense, and seem to be interpolated. [They do not occur in MS.M.]
- (19) Aliter: 'an unknown authority', v. B.M., Sonc. ed. p. 3, n. 1.]
- (20) Since they were allowed to continue slaying their enemies on the fourteenth and did not rest till the fifteenth, they were allowed to celebrate that day (Rashi).
- (21) Esth. IX, 28. The word medinah which the Talmud here takes as equivalent to כרך is translated in E.V. by 'province'.
- (22) As much as to say, 'Some cities one way and some another'.
- (23) Susa also having been an unwalled town till the time of Ahasuerus.
- (24) Rashi here reads, 'to distinguish between those which were walled from the days of Ahasuerus and those which were not yet walled in the days of Ahasuerus', and this seems to be required by the sense.
- (25) That the wall must have been in existence since the days of Joshua.
- (26) כרך v. supra p. 1, n. 3.
- (27) For purposes of reading the Megillah on the fifteenth.
- (28) [The Hammath mentioned in Josh. XIX, 35.]
- (29) The five letters of the Hebrew alphabet, mem, nun, zadi, pe, and kaf, which have two forms — a middle and final form, the latter being more closed than the former. In the case of mem the final is completely closed מ, with the other the final form is distinguished by the shaft being drawn straight down as distinct from the middle form where it is bent round towards the left פן(נ)ת(צ)ץת(פ)ת(כ)ך
- (30) Lit., said'.
- (31) A name applied to the prophets who flourished towards the end of the period of the first Temple. There is a play on the words zophim (watchmen) and Manzepak. [Perhaps to be read Min Zofeka 'from thy watcher' v. G.K. (1910) p. 27, n. 1.]
- (32) Lev. XXVII, 34.
- (33) I.e., to make any alteration in the written Torah, whether in the wording or the writing.

Talmud - Mas. Megilah 3a

remained in place by a miracle.¹ — That is so; they were in use, but people did not know which form came in the middle of a word and which one at the end, and the Watchmen came and ordained that the open forms should be in the middle of a word and the closed forms at the end. But when all is said and done, [we have the text] 'these are the commandments', which implies that no prophet was destined ever to introduce an innovation hereafter?² — What we must say therefore is that they were forgotten³ and the Watchmen established them again.

R. Jeremiah — or some say R. Hiyya b. Abba — also said: The Targum⁴ of the Pentateuch was composed by Onkelos the proselyte under the guidance⁵ of R. Eleazar and R. Joshua.⁶ The Targum of the Prophets was composed by Jonathan ben Uzziel under the guidance of Haggai, Zechariah and Malachi,⁷ and the land of Israel [thereupon] quaked over an area of four hundred parasangs by four hundred parasangs, and a Bath Kol⁸ came forth and exclaimed, Who is this that has revealed My secrets to mankind?⁹ Jonathan b. Uzziel thereupon arose and said, It is I who have revealed Thy secrets to mankind. It is fully known to Thee that I have not done this for my own honour or for the honour of my father's house, but for Thy honour I have done it, that dissension may not increase in Israel.¹⁰ He further sought to reveal [by] a targum [the inner meaning] of the Hagiographa, but a Bath Kol went forth and said, Enough! What was the reason? — Because the date¹¹ of the Messiah is

foretold in it.¹²

But did Onkelos the proselyte compose the targum to the Pentateuch? Has not R. Ika said in the name of R. Hananel who had it from Rab: What is meant by the text, And they read in the book, in the law of God, with an interpretation. and they gave the sense, and caused them to understand the reading?¹³ ‘And they read in the book, in the law of God’: this indicates the [Hebrew] text; ‘with an interpretation’: this indicates the targum,¹⁴ ‘and they gave the sense’: this indicates the verse stops; ‘and caused them to understand the reading’: this indicates the accentuation,¹⁵ or, according to another version, the massoretic notes?¹⁶ — These had been forgotten, and were now established again.

How was it that the land did not quake because of the [translation of the] Pentateuch, while it did quake because of that of the prophets? — The meaning of the Pentateuch is expressed clearly, but the meaning of the prophets is in some things expressed clearly and in others enigmatically. [For instance,] it is written, In that day shall there be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon,¹⁷ and R. Joseph [commenting on this] said: Were it not for the targum of this verse, we should not know what it means.¹⁸ [It runs as follows]: ‘On that day shall there be great mourning in Jerusalem like the mourning of Ahab son of Omri who was killed by Hadadrimmon son of Rimmon in Ramoth Gilead¹⁹ and like the mourning of Josiah son of Ammon who was killed by Pharaoh the Lame in the plain of Megiddo’.²⁰

And I, Daniel, alone saw the vision; for the men that were with me saw not the vision; but a great quaking fell upon them, and they fled to hide themselves.²¹ Who were these ‘men’ — R. Jeremiah — or some say, R. Hiyya b. Abba — said: These were Haggai, Zechariah, and Malachi. They were superior to him [in one way], and he was superior to them [in another]. They were superior to him, because they were prophets and he was not a prophet.²² He was superior to them, because he saw [on this occasion] and they did not see. But if they did not see, why were they frightened? — Although they themselves did not see, their star saw.²³ Rabina said: We learn from this that if a man is seized with fright though he sees nothing, [the reason is that] his star sees. What is his remedy? He should recite the shema’.²⁴ If he is in a place which is foul,²⁵ he should move away from it four cubits. If he cannot do this, he should say this formula: ‘The goat at the butcher's is fatter than I am’.²⁶

Now that you have decided that the words ‘city and city’ have a homiletical purpose, what is the purpose of the words ‘family and family’ [in the same verse]? — R. Jose b. Hanina replied: This contains a reference to the families of the Priests and Levites, [and indicates] that they should desist from their [Temple] service in order to come and hear the reading of the Megillah. For so said Rab Judah in the name of Rab: The Priests at their [Temple] service, the Levites on their platform,²⁷ the lay Israelites at their station²⁸ — all desist from their service in order to hear the reading of the Megillah. It has been taught to the same effect: Priests at their [Temple] service, Levites on their platform, lay Israelites at their station — all desist from their service in order to come and hear the reading of the Megillah. It was in reliance on this dictum that the members of the house of Rabbi²⁹ were wont to desist from the study of the Torah in order to come and hear the reading of the Megillah. They argued a fortiori from the case of the [Temple] service. If the service, which is so important, may be abandoned, how much more the study of the Torah?

But is the [Temple] service more important than the study of the Torah? Surely it is written, And it came to pass when Joshua was by Jericho, that he lifted up his eyes and looked, and behold there stood a man over against him, . . . (and he fell on his face.³⁰ Now how could he do such a thing, seeing that R. Joshua b. Levi has said that it is forbidden to a man to greet another by night, for fear that he is a demon? — It was different there, because he said to him, ‘I am captain of the host of the Lord’. But perhaps he was lying? — We take it for granted³¹ that they do not utter the name of heaven vainly).³² He said to him: This evening you neglected the regular afternoon sacrifice, and

now you have neglected the study of the Torah.³³ Joshua replied: In regard to which of them have you come? He answered, 'I have come now'.³⁴ Straightway, Joshua tarried that night in the midst of the valley [ha-emek],³⁵ and R. Johanan said:

(1) According to tradition, the letters on the tablets of Moses were cut completely through the stone, and therefore a letter which was wholly closed could keep in place only by a miracle. Hence the mem to which R. Hisda refers must have been wholly enclosed; which shows that such a mem must have been used already by Moses. This objection against R. Jeremiah is valid only if we suppose him to have been speaking of the closed forms of the letters, which is not necessarily the case. Cf. Shab. 104.

(2) And the determining which letters should go in which place (in the Sefer Torah) was an innovation.

(3) Viz., the correct place of each.

(4) Apparently what is meant is the official Aramaic version of the Pentateuch used in the synagogue.

(5) Lit., 'from the mouth of'.

(6) We know on good authority that a Greek translation of the Bible was composed under the guidance of R. Eleazar and R. Joshua by a proselyte named Aquilas. The Aramaic Targum probably took shape about the same time, but there is no authority except this passage for connecting it with anyone of the name of Onkelos. We may surmise therefore that we have here some confusion between the two translations. For the discussion and literature on the subject v. J.E. s.v. Targum, and Silverstone, E.A. Aquila and Onkelos.

(7) Jonathan b. Uzziel was a disciple of Hillel, so he can hardly have had any direct contact with the prophets mentioned. He may, however, have had traditions handed down from them (Maharsha).

(8) V. Glos.

(9) The Targum of Jonathan b. Uzziel is very paraphrastic, and applies many of the prophetic verses to the Messianic age.

(10) Through different interpretations being placed on the prophetic allusions.

(11) Lit., 'end'.

(12) The reference is probably to the Book of Daniel.

(13) Neh. VIII, 8.

(14) Which shows that the targum dates back to the time of Ezra.

(15) **פִּיְסוּק טַעְמִים**. V. Ned., Sonc. ed. p. 113, n. 5.

(16) For notes v. Ned., Sonc. ed. p. 116.

(17) Zech. XII, 11.

(18) Because there is no mourning for Hadadrimmon mentioned in the Scripture.

(19) V. I Kings XXII.

(20) v. II Kings XXIII. It is difficult to see what 'mystery' is here revealed that should have caused the land to quake.

(21) Dan. X, 7.

(22) Although he had visions, he did not admonish or exhort the people.

(23) Or 'guardian angel' or 'spirit'. The Hebrew mazzal here seems to mean something corresponding to the Roman genius.

(24) V. Glos.

(25) And where the shema' may not be recited.

(26) Go to them for a victim.

(27) On which they stood to chant the daily psalm.

(28) A number of lay Israelites were always appointed to be present at the offering of the daily sacrifices, which they accompanied with certain prayers. V. Ta'an. 26a; and Glos. s.v. ma'amad.

(29) R. Judah I, the Prince.

(30) Josh. V, 13f.

(31) Lit., 'we have learnt by tradition'.

(32) The passage in brackets (from 'and he fell') is parenthetical, and has nothing to do with the argument.

(33) It is not clear what indication there is of this in the text. V. Tosaf., s.v. **שָׁמַיִם**.

(34) I.e., on account of the study of the Torah which you are neglecting now.

(35) This seems to be an alternative reading of Joshua VIII, 13. which in our text reads, And Joshua went that night in the midst of the valley. Cf. Tosaf., s.v.

Talmud - Mas. Megilah 3b

This shows that he tarried in the depths [‘umkah] of the halachah.¹ And R. Samuel b. Unia also said: The study of the Torah is greater than the offering of the daily sacrifices, as it says. ‘I have come now’ — There is no contradiction; in the one case² [the study] of an individual is meant, in the other³ that of the whole people.⁴ But is that of an individual unimportant? Have we not learnt: Women [when mourning] on a festival make a dirge⁵ but do not beat the breast. R. Ishmael says: If they are near the bier,⁶ they can beat the breast. On New Moon, Hanukkah and Purim they may make a dirge and beat the breast, but on neither the one nor the other do they wail;⁷ and in reference to this, Rabbah b. Huna said: The festival involves no restrictions in the case of a scholar, still less Hanukkah and Purim? — You are speaking of the honour to be paid to the Torah. The honour to be paid to the learning of an individual is important, the study of an individual is [comparatively] unimportant.

Raba said: There is no question in my mind that, as between the Temple service and the reading of the Megillah, the reading of the Megillah takes priority, for the reason given by R. Jose b. Hanina.⁸ As between the study of the Torah and the reading of the Megillah, the reading of the Megillah takes priority, since the members of the house of Rabbi based themselves [on the dictum of R. Jose].⁸ As between the study of the Torah and attending to a meth mizwah,⁹ attending to a meth mizwah takes precedence, since it has been taught: The study of the Torah may be neglected in order to perform the last rites or to bring a bride to the canopy. As between the Temple service and attending to a meth mizwah, attending to a meth mizwah takes precedence, as we learn from the text or for his sister,¹⁰ as it has been taught: ‘Or for his sister. What is the point of these words? Suppose he was on his way to kill his Paschal lamb or to circumcise his son, and he heard that a near relative had died,¹¹ shall I assume that he should defile himself? You must say, he should not defile himself. Shall I assume then that, just as he does not defile himself for his sister, so he should not defile himself for a meth mizwah?’¹² It says significantly, ‘or for his sister,’ it is for his sister that he may not defile himself, but he may defile himself for a meth mizwah.¹³ Raba propounded the question: As between the reading of the Megillah and [attending to] a meth mizwah, which takes precedence? Shall I say that the reading of the Megillah takes precedence in order to proclaim the miracle, or does perhaps [the burying of] the meth mizwah take precedence because of the respect due to human beings? — After propounding the question, he himself answered it saying, [Burying] the meth mizwah takes precedence, since a Master has said: Great is the [obligation to pay due] respect to human beings, since it overrides a negative precept of the Torah.¹⁴

The text [above states]: ‘R. Joshua b. Levi said: A city¹⁵ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’. A Tanna commented: Adjoining, even if it is not visible, and visible even if it is not adjoining. Now we understand what is meant by ‘visible even though not adjoining’: this can occur for instance with a city situated on the top of a hill. But how can there be ‘adjoining but not visible’? — R. Jeremiah replied: If it is situated in a valley.

R. Joshua b. Levi further said: A city which was first settled and then walled is reckoned as a village.¹⁶ What is the reason? Because it is written, And if a man sell a dwelling house of a walled city,¹⁷ one, [that is,] which was first walled and then settled, but not first settled and then walled.

R. Joshua b. Levi also said: A city in which there are not ten men of leisure¹⁸ is reckoned as a village. What does he tell us? We have already learnt this: ‘What is a large town? One in which there are ten men of leisure. If there are less than this, it is reckoned as a village’. — He had to point out that the rule applies to a city,¹⁹ even though [leisured] people come there from outside.²⁰ R. Joshua b. Levi also said: A city which has been laid waste and afterwards settled is reckoned as a city. What is meant by ‘laid waste’? Shall I say, that its walls have been destroyed, in which case if it became

settled²¹ it is reckoned as a city but otherwise not? [How can this be], seeing that it has been taught: R. Eleazar son of R. Jose says: [The text says], which has a wall;²² [which implies that it is to be reckoned as a city] even though it has not a wall now, provided it had one previously?²³ What then is meant by 'laid waste'? Laid waste of its ten men of leisure.

R. Joshua b. Levi further said:

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- (1) This shows that the study of the Torah is superior to the Temple service.
 (2) That of the household of Rabbi.
 (3) That of Joshua.
 (4) Lit., 'many'.
 (5) Heb. **מענות**, all raising their voices in unison.
 (6) Lit., 'bed'.
 (7) Heb. **מקוננות** one chanting and the others responding.
 (8) V. supra P. 11
 (9) Heb. **מת מצוה** strictly speaking, a body which there is no-one else to bury and the burial of which is a religious duty. V. Glos. Meth Mizwah.
 (10) Num. VI, 7, in reference to the Nazirite.
 (11) Lit., 'that a dead one had died for him'.
 (12) Nazir 48b.
 (13) Although Scripture says 'If thou seest the ox of thy neighbour falling by the way, thou shalt not hide thyself' (Deut. XXII, 4), the Rabbis said that a man of eminence for whom it would be undignified to help may hide himself.
 (14) V. p. 13, n. 7.
 (15) **כרך**. V. supra p. 1, n. 3.
 (16) It is not clear whether this means for purposes of reading the Megillah on the fourteenth or the fifteenth, or for purposes of restoring a house to its original owner at the Jubilee. Rashi takes the latter view, Tosaf. the former. V. Tosaf. s.v. **כרך**.
 (17) V. Rashi. E.V. 'in a walled city'. Lev. XXV, 29.
 (18) Who always have time to attend synagogue. V. infra 5a.
 (19) [A **כרך** which is distinguished from a **עיר גדולה** in that it is a marketing centre to which are drawn people from all parts.]
 (20) Lit., 'from the world'. These are only a floating population, and we require ten men who are always available.
 (21) I.e., its walls were raised anew.
 (22) Lev. XXV, 30.
 (23) The lesson is derived from the curious spelling of the word in the Hebrew text, which may imply either that it has or has not a wall.

Talmud - Mas. Megilah 4a

Lod and Ono and Ge Haharashim¹ were walled in the days of Joshua son of Nun. But did Joshua build these? Was it not Elpaal who built them, as it is written, And the sons of Elpaal Eber and Misham and Shemed, who built Ono and Lod, with the towns there of?² — But on your showing³ Asa built them, as it is written, And he built fenced cities in Judah?⁴ — R. Eleazar replied: These places were walled in the days of Joshua son of Nun. They were laid waste in the days of the concubine of Gibeon,⁵ and Elpaal came and rebuilt them. They again fell, and Asa came and repaired them. There is an indication of this in the text also, as it is written, For he said unto Judah, Let us build these cities.⁶ From this we can infer that they had already been towns beforehand; and this may be taken as proved.⁷

R. Joshua b. Levi also said: Women are under obligation to read the Megillah, since they also profited by the miracle then wrought.⁸ R. Joshua b. Levi further said: If Purim falls on a Sabbath, discussions and discourses are held on the subject of the day. Why mention Purim? The same rule

applies to festivals also,⁹ as it has been taught: Moses laid down a rule for the Israelites that they should discuss and discourse on the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles! — It was necessary to state the rule [separately] in the case of Purim. For you might suggest that we should forbid this for fear of breaking the rule of Rabbah.¹⁰ We are therefore told that this is not so.

R. Joshua b. Levi further said: It is the duty of a man to read the Megillah in the evening and to repeat it in the day, as it is written, O my God, I cry in the daytime, but thou answerest not, and in the night season and am not silent.¹¹ The students took this to mean that the [Megillah] should be read at night, and the Mishnah relating to it should be learnt in the morning.¹² R. Jeremiah, however, said to them: It has been explained to me by R. Hiyya b. Abba [that the word ‘repeat’ here has the same meaning] as when, for instance, men say, I will go through this section and repeat it. It has also been stated: R. Helbo said in the name of ‘Ulla of Biri:¹³ It is a man's duty to recite the Megillah at night and to repeat it the next day, as it says, To the end that my glory may sing praise to thee [by day]. and not be silent [by night]. O Lord, my God, I will give thanks to thee for ever.¹⁴

THE VILLAGES, HOWEVER, MAY PUSH THE READING FORWARD TO THE COURT DAY. R. Hanina said: The Sages made a concession to the villages by allowing them to push the reading forward to the Court day, in order that they might furnish food and water to their brethren in the cities.

(1) Three towns in the territory of Benjamin.

(2) I Chron. VIII, 12.

(3) I.e., if you appeal to the Book of Chronicles.

(4) II Chron. XIV, 6. ‘Judah’ is here apparently taken by the Talmud to include Benjamin, which was ruled by the kings of Judah.

(5) When the territory of Benjamin was laid waste. Jud. XX.

(6) II Chron. XIV, 6.

(7) [The text of this paragraph is in disorder. According to a Gaonic responsum (v. B.M.) Lewin **אוצר הגאונים** a.l. the passages, ‘But on your showing. . . in Judah’ and ‘There is an indication . . . taken as proved’ are later interpolations. For other readings v. Aruch s.v. **שפי**.]

(8) Lit., ‘for also these were (included) in that miracle’. Since Haman plotted to destroy the women also. Esth. III, 13.

(9) Although they are discussed for thirty days beforehand, so that the rule should apply all the more to Purim. V. Tosaf. s.v. **מאי**.

(10) Not to read the Megillah on Sabbath, since this might lead to its being carried from place to place, v. infra p. 19.

(11) Ps XXII, 3. This Psalm is supposed by the Talmud to refer to Esther. V. Yoma 29a.

(12) They took the word **לשנותה** (‘to repeat it’) used by R. Joshua b. Levi in the sense of ‘learning the Mishnah’.

(13) [Either Bira, S.E. or Kefar Birim, N.W. of Gush Halab, v. Klein N.B. p. 39.]

(14) Ps. XXX, 13. This Psalm was also applied by the Rabbis to Mordecai and Esther.

Talmud - Mas. Megilah 4b

This would show [would it not] that the regulation is for the benefit of the cities; but we have learnt: ‘If Purim falls on Monday, the villages and large towns read on that day’. Now if it is as you say, they should push the reading forward to the [previous] Court day? — This would bring it to the tenth, and the Sages did not fix the tenth [as a possible day].

Come and hear: ‘If it falls on Thursday, the villages and large towns read on that same day’. Now if it is as you say, they should push the reading forward to the [previous] Court day which is the eleventh? — We do not shift it from one Court day to another. Come and hear [again]: ‘R. Judah says: When [is the reading pushed forward]? In places where the villagers come into town on Mondays and Thursdays, but in places where they do not come into town on Mondays and

Thursdays it is read only on the proper day'. Now if you assume that the regulation is for the benefit of the cities, because they do not come into town on Mondays and Thursdays; are the cities to be deprived of the benefit? — Do not read [in the dictum of R. Hanina] 'in order that they may furnish food and water', but read, 'because they furnish food and water to their brethren in the cities'.¹

HOW [DOES THIS WORK OUT]? IF IT FALLS ON MONDAY, VILLAGES AND LARGER TOWNS READ ON THAT SAME DAY etc. How is it that in the first clause of the Mishnah² the dates of the month are mentioned and in the second³ the days of the week?⁴ — Since (in the second clause) the dates of the month would have to go backwards,⁵ the Mishnah prefers to mention the days.⁶ IF IT FALLS ON FRIDAY etc. Which authority does our Mishnah follow? — [You may say], either Rabbi or R. Jose. How Rabbi? — As it has been taught: 'If it falls on Friday, villages and large towns push the reading forward to the Court day, and walled cities react on the day itself. Rabbi said: I maintain that towns should not have to shift their date,⁷ but both one and the other read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year:⁸ just as every year towns read before cities, so in this case towns should read before cities. But why not argue thus: 'Every year': just as every year towns have not to shift their date, so here towns should not have to shift their date? — There is a special reason [for not reasoning thus here] since this is impracticable.⁹ What is Rabbi's reason? — [It is written], 'every year': just as in most years the towns have not to shift their date, so here they should not have to shift their date. But why not reason thus: 'every year': just as in most years towns read before walled cities, so here towns should read before walled cities? — There is a special reason [for not arguing thus here], because this is impracticable.¹⁰

How R. Jose? — As it has been taught: 'If it falls on Friday, walled cities and villages push the reading forward to the Court day, and large towns read on the day itself. R. Jose said: Walled cities do not read before towns, but both read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year': just as in most years towns react on the fourteenth and their time is not the same as the time of the walled cities, so here towns should read on the fourteenth and their time should not be the same as the time of the walled cities. But why not reason thus: 'Every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns? — Here the case is different, because it cannot be avoided. What is R. Jose's reason? — [It says], 'every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns. But why not reason thus: 'Every year': just as in most years the time of one is not the same as the time of the other, so here the time of one should not be the same as the time of the other? — Here the case is different, because it cannot be avoided.

But did Rabbi really hold that towns should not shift their time to the Court day? Has it not been taught: 'If it falls on Sabbath, villages push the reading forward to the Court day, and large towns read on Friday and walled cities on Sunday. Rabbi said: My view is that, since the towns have to shift their time, they may as well shift it to the Court day'?¹¹ — Are the two cases parallel? In this last case, the proper time is Sabbath, and since they must shift they can shift [further]; but in our case the proper time is Friday.

Whose authority is followed in this dictum enunciated by R. Helbo in the name of R. Huna: 'If Purim falls on Sabbath, all shift the reading to the Court day'? 'All shift their reading', do you say? [How can this be] seeing that we have the walled cities which read on the Sunday? — What we should say is, 'All who are shifted are shifted to the Court day'. Which authority, [you ask]? — Rabbi.

But at any rate all agree that the Megillah is not to be read on Sabbath. What is the reason? — Rabbah replied: All are under obligation to read the Megillah, but not all are competent to read it, and there is therefore a danger that one may take the scroll in his hand and go to an expert to be

instructed and [in doing so] convey it four cubits in a public domain. This is also the reason for [not blowing] the shofar on Sabbath and [for not carrying] the lulab.¹² R. Joseph said: It is because the poor are anxiously awaiting the reading of the Megillah.¹³ It has been taught to the same effect: 'Although it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day'. 'Although it has been laid down'! On the contrary, it is because it has been laid down!¹⁴ — Read therefore: Since it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day, because the poor are waiting anxiously for the reading of the Megillah, but

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- (1) The concession was therefore made to them as a reward, but if they do not come into town there would be no concession in allowing them to read earlier.
- (2) THE MEGILLAH IS READ ON THE ELEVENTH, THE TWELFTH etc.
- (3) IF IT FALL, ON MONDAY etc.
- (4) Lit., 'in the first clause he (the Tanna) takes the order of the months and in the second the order of the days'.
- (5) If he specified the dates of the month instead of the days of the week, he would have to begin with the reading on the fourteenth, and then take the thirteenth and so on.
- (6) Because as these go in regular order, it is easier to remember, and there is less danger of the Tanna making a mistake.
- (7) Lit., 'towns should not be shifted from their place'.
- (8) Esth. IX, 27.
- (9) It is impracticable for towns to retain this date and also to read before the walled cities.
- (10) It is impracticable for the towns to read before the walled cities and yet not shift their date.
- (11) Lit., 'since they are shifted, let them be shifted to etc.'
- (12) V. Glos.
- (13) Because they expect to receive gifts immediately afterwards, and on Sabbath these could not be given.
- (14) As otherwise they would receive them on the actual day of Purim.

Talmud - Mas. Megillah 5a

rejoicing¹ is kept only at the proper season.

Rab said: On the actual day of Purim the Megillah can be read even by an individual, but on the alternative days² it should be read only in a company of ten. R. Assi, however, said: Whether on the actual day or on the alternative days, it should be read only in a company of ten. In a case which actually occurred, Rab gave weight to the opinion of R. Assi.³ But could Rab actually have said this?⁴ — Did not Rab Judah the son of R. Samuel b. Shilath say in the name of Rab: 'If Purim falls on Sabbath, Friday is the proper time'? — Friday the proper time! Surely Sabbath is the proper time! What Rab must have meant therefore is this: The alternative time is like the proper time.⁵ Just as at the proper time [the Megillah may be read] by an individual, so at the alternative time [it may be read] by an individual. — No. For the reading of the Megillah⁶ Rab requires ten. What then did he mean by saying 'Friday is the proper time'? His intention was to reject the opinion of Rabbi, who said that since the towns had to shift their time they might as well shift to the Court day. Here, therefore, Rab informs us that Friday is the proper day [to which they should shift].

MISHNAH. WHAT IS RECKONED A LARGE TOWN? ONE WHICH HAS IN IT TEN MEN OF LEISURE.⁷ ONE THAT HAS FEWER IS RECKONED A VILLAGE. IN RESPECT OF THESE⁸ IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS,⁹ OF KEEPING THE [FAST OF] THE NINTH OF AB,¹⁰ OF OFFERING THE FESTIVAL SACRIFICE,¹¹ AND OF ASSEMBLING THE PEOPLE¹² IS TO BE POSTPONED¹³ [TILL AFTER SABBATH] BUT NOT PUSHED FORWARD. ALTHOUGH IT WAS LAID DOWN THAT THE TIMES [OF READING THE MEGILLAH] ARE TO BE PUSHED FORWARD BUT NOT POSTPONED, IT IS PERMISSIBLE ON THESE [ALTERNATIVE] DAYS¹⁴ TO MOURN,

TO FAST, AND TO DISTRIBUTE GIFTS TO THE POOR. R. JUDAH SAID: WHEN IS THIS?¹⁵ IN PLACES WHERE PEOPLE COME TO TOWN ON MONDAYS AND THURSDAYS. IN PLACES, HOWEVER, WHERE THEY DO NOT COME TO TOWN EITHER ON MONDAYS OR THURSDAYS, THE MEGILLAH IS READ ONLY ON ITS PROPER DAY.

GEMARA. [TEN MEN OF LEISURE]: A Tanna taught: The ten unoccupied men who attend synagogue.¹⁶

IN RESPECT OF THESE IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. What is the reason? — R. Abba said in the name of Samuel: The text says, and he shall not go further.¹⁷ R. Abba further said in the name of Samuel: Whence do we know that years are not to be counted by days?¹⁸ Because it says, [It is the first to you] of the months of the year,¹⁹ [which implies] that you reckon a year by months but not by days. The Rabbis of Caesarea said in the name of R. Abba: How do we know that a month is not reckoned by its hours?²⁰ Because it says, until a month of days:²¹ you reckon a month by days, but you do not reckon a month by hours.²²

THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS, OF KEEPING [THE FAST OF] THE NINTH OF AB, OF OFFERING THE FESTIVAL SACRIFICE AND OF ASSEMBLING THE PEOPLE IS POSTPONED BUT NOT PUSHED FORWARD. [The reason for the Fast of] the ninth of Ab is that we do not hasten the approach of trouble. [The reason for] the festival sacrifice and the assembling of the people is that the time for their performance has not yet arrived.²³

A Tanna taught: ‘The festival sacrifice and all the period of the festival sacrifice is to be postponed’. We understand what is meant by the festival sacrifice, namely, that if its day happens to be Sabbath we postpone it till after the Sabbath. But what is meant by the ‘period of the festival sacrifice’? — R. Oshaia replied: What is meant is this: The festival sacrifice [is postponed if its time] occurs on Sabbath, and the ‘burnt-offering of appearance’²⁴ is postponed even till after the festival day which is the proper time for a festival sacrifice.²⁵ Which authority does this follow? Beth Shammai, as we have learnt: ‘Beth Shammai say, Peace-offerings may be brought on the festival, but without laying on of hands; not, however, burnt-offerings; while Beth Hillel say, Both burnt-offerings and peace-offerings may be brought, and hands may be laid on’.²⁶ Raba said: [The meaning is]: The festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁷ but not more, as we have learnt: ‘If one did not bring a festival sacrifice on the first day of the festival, he may go on to do so throughout the festival, including the last day. If the festival terminated without his having brought the festival sacrifice, he need not bring another in compensation’.²⁸ R. Ashi said: [It means that] the festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁹ and even on Pentecost which is only one day it may be postponed [for seven days], as we have learnt: [Beth Hillel] agree that if Pentecost falls on Sabbath, the day for killing [the sacrifice] is after the Sabbath’.³⁰

R. Eleazar said in the name of R. Hanina: Rabbi planted a shoot on Purim,

(1) I.e., feasting.

(2) Lit., ‘not in its proper time’.

(3) And put himself out to assemble ten persons.

(4) That on the alternative days it can only be read before ten.

(5) ‘Friday is the proper time’ means, ‘Friday is regarded as the proper time’.

(6) On the alternative days.

(7) Heb. batlanim (idle men), v. supra, p. 14, n. 5.

(8) The times when the Megillah is to be read.

- (9) It was usual for certain families to undertake to bring to Jerusalem on a certain day of the year a certain quantity of wood for the fire on the altar. V. Ta'an. 28a.
- (10) In commemoration of the destruction of the first and second Temples, v. Glos.
- (11) The hagigah, an optional peace-offering brought by individuals in honour of the festival, usually on the first day of the festival.
- (12) On the Feast of Tabernacles in the first year of the Septennate, to hear the Law read. V. Deut. XXXI, 10-13.
- (13) If it happens to fall on Sabbath.
- (14) On which the Megillah is actually read.
- (15) That a concession is made to villagers to read on the alternate days.
- (16) Lit. , 'Who are in the synagogue'. I.e., who are always available to attend synagogue if required. Cf. supra. [According to Rashi: These were men specially maintained for the purpose from the communal fund. Aliter: men of ample means who freely devoted their time to the service of the community. V. Aruch s.v. **בטל**]
- (17) Esth. IX, 27. V. supra 2a.
- (18) Lit., that we do not count days (to make up) years. I.e., 'a year' without further specification does not mean three hundred and sixty-five days but twelve (lunar) months.
- (19) Ex. XII, 2.
- (20) I.e. , if the month is defective, we reckon it as twenty-nine days, and 'a month' without further specification means (if it is defective) twenty-nine days and not twenty-nine and a half, which is the real interval between one new moon and the next.
- (21) Num. XI, 20. E.V. 'a full month'.
- (22) V. Nazir, Sonc. ed. p. 20 notes.
- (23) And so with the wood for the priests, since none of these things can be done on Sabbath. The same, however, cannot be said of the Megillah, the purpose of which is to serve as a reminder.
- (24) **עולת ראיה** A burnt-offering which was brought to fulfil the injunction of 'they shall not appear before the Lord empty, (Deut. XVI, 16). This was regarded as obligatory.
- (25) I.e., even if the first day is not a Sabbath, and a
- (26) V. Bez. 19a.
- (27) I.e., the whole seven days of Passover or Tabernacles.
- (28) Lit., 'he is not responsible for it'.
- (29) [So MS.M.; cur. ed. 'The festival sacrifice and all the period of the festival sacrifice'.]
- (30) Beth Hillel differed from Beth Shammai in the case where Pentecost fell on Friday, but in this case they also agreed that both the festival sacrifice (hagigah) and the 'burnt-offering of appearance' could be killed after the festival, since they could not be offered on Sabbath. V. Hag. 17a.

Talmud - Mas. Megilah 5b

and bathed in the [bathhouse of the] marketplace¹ of Sepphoris on the seventeenth of Tammuz² and sought to abolish the fast of the ninth of Ab, but his colleagues would not consent. R. Abba b. Zabda ventured to remark:³ Rabbi, this was not the case. What happened was that the fast of Ab [on that year] fell on Sabbath, and they postponed it till after Sabbath, and he said to them, Since it has been postponed, let it be postponed altogether, but the Sages would not agree. He

festival peace-sacrifice (hagigah) may be brought, this offering is not brought till the intermediate days. [R. ELeazar] thereupon applied to himself the verse, Better are two than one.⁴

But how could Rabbi have planted a shoot on Purim seeing that R. Joseph has learnt: [We read in connection with Purim] gladness and feasting and a good day;⁵ 'gladness': this teaches that it is forbidden on these days to mourn; 'feasting': this teaches that it is forbidden on them to fast; 'a good day': this teaches that it is forbidden on them to do work? — The fact is that Rabbi belonged to a place which kept Purim on the fourteenth, and when he planted, it was on the fifteenth. Is this so?⁶ Was not Rabbi in Tiberias, and Tiberias was walled in the days of Joshua son of Nun? — The fact is that Rabbi was in a place which kept on the fifteenth, and when he planted it was the fourteenth. But

was he certain that Tiberias was walled in the days of Joshua son of Nun, seeing that Hezekiah read the Megillah in Tiberias both on the fourteenth and on the fifteenth, being uncertain whether it had been walled in the days of Joshua son of Nun or not? Hezekiah was in doubt, but Rabbi was certain. But even supposing he was certain, was he permitted to do this, seeing that it is written in Megillath Ta'anith,⁷ 'The fourteenth day and the fifteenth day are the days of Purim on which there is to be no mourning', and Raba said, The only purpose of mentioning these days [in Megillath Ta'anith]⁸ was to make whatever is forbidden on the one forbidden on the other also? — This applies only to mourning and fasting, but for abstention from work one day and no more is prescribed. Is that so? Did not Rab see a man sowing flax on Purim, and curse him, so that the flax did not grow? — There he [the man] was doing it on the day which he ought to have kept. Rabbah the son of Raba said. You may even say [that Rabbi planted] on the day [which he ought to have kept]: [the Jews] bound themselves [in the days of Esther] to abstain from mourning and fasting, but not from work, since first it is written, 'gladness and feasting and a good day', but afterwards it is written, that they should make them days of feasting and gladness',⁹ and 'a good day' is not mentioned. Why then did Rab curse that man? — It was a case of 'things which are permitted but others make a practice of abstaining from them'; but in Rabbi's place this¹⁰ was not the practice. Or if you like I can say that they did in fact make a practice of this, and Rabbi planted a festive shoot, as we have learnt:¹¹ If these days¹² pass and they are still not answered, they abstain to a certain extent from business, from building and from planting, from betrothing and from marrying,¹³ and a Tanna taught: 'Building' here means festive building; 'planting' means festive planting. What is festive building? If one builds a wedding residence for his son [on the occasion of his marriage]. What is a festive planting? If one plants a royal abarnaki.¹⁴

The text [above state]: 'Hezekiah read in Tiberias on the fourteenth and on the fifteenth, being doubtful whether it had been walled in the days of Joshua son of Nun or not'. But could he have been in doubt about Tiberias, seeing that it is written, And the fortified cities were Ziddim-zer and Hamath and Rakath and Kinnereth,¹⁵ and it is generally agreed that Rakath is Tiberias? — The reason why he was doubtful was because one side is bounded by the lake.¹⁶ If so, why was he in doubt? It certainly was not walled, as it has been taught : Which has a wall,¹⁷ and not merely a fence of houses.¹⁸ Round about:¹⁹ this excludes Tiberias, the lake forming its wall!²⁰ In respect of the houses of a walled town he was not in doubt; where he was in doubt was in respect of reading the Megillah. [He asked]: What constitutes the difference between villages and walled towns which are mentioned in connection with the reading of the Megillah? Is it that the former are exposed and the latter are not exposed, [in which case] Tiberias [belongs to the former] being also exposed, or is it that the latter are protected and the former are not protected, [in which case] Tiberias [belongs to the latter], being protected? That was why he was in doubt.

R. Assi read the Megillah in Huzal²¹ on the fourteenth and on the fifteenth, being in doubt whether it had been walled in the days of Joshua son of Nun or not. According to another report, R. Assi said: Huzal of the house of Benjamin was walled in the days of Joshua son of Nun.

R. Johanan said: When I was a boy, I made a statement about which I afterwards questioned the old men,

(1) Heb. קרונה, a place where wagons were stationed on market.day (Rashi). [Alter: 'spring' from Gk. **. V. Aruch and Krauss T.A. 1. 212.]

(2) One of the four public fasts. V. R. H. 18.

(3) Lit., 'said in his (R. Eleazar's) presence'.

(4) Eccl. IV, 9. He was glad to be corrected.

(5) Esth. IX, 19.

(6) This is not so

(7) V. Glos.

- (8) We know already from the Scripture that 'mourning is forbidden on these days.
- (9) Esth. IX, 22
- (10) To abstain from work.
- (11) That there is a planting of a festive kind.
- (12) Of fasting for rain.
- (13) V. Ta'an 12b.
- (14) The correct form according to Levy and Jast. is achvarnaki, a Persian word for a spreading tree in a garden under which banquets could be held.
- (15) Josh. XIX, 35.
- (16) Of Galilee. Rakath therefore was not fortified on this side, and the question arises whether it should be accounted a 'walled city' for religious purposes.
- (17) Lev. XXV, 30. In a town with a wall houses could be sold permanently.
- (18) Lit., 'wall of roofs', though this is also a barricade.
- (19) Ibid. 31.
- (20) I.e., the lake being where the wall ought to be.
- (21) [In Babylonia between Nehardea and Sura. It was called 'of the House of Benjamin' (v. infra) probably because its early settlers hailed from Benjamin (v. Obermeyer pp. 299ff). There was also a Huzal in Palestine. V. Keth., Sonc. ed. p. 716, n. 7.]

Talmud - Mas. Megilah 6a

and it was found that I was right: [I said:] Hamath is Tiberias. And why was it called Hamath? On account of the hot springs [hamme] of Tiberias. Rakath is Sepphoris, And why was it called Rakath? Because it slopes down like the bank [raktha] of a river. Kinnereth is Gennesaret. And why was it called Kinnereth? Because its fruits are sweet like the music of a harp [kinnor].¹ Raba said: Is there anyone who can maintain that Rakath is not Tiberias, seeing that when a man dies here [in Babylonia] they mourn for him there [in Tiberias] as follows: 'Great was he in Sheshach² and he has a name in Rakath',³ and when the coffin is taken there they mourn for him thus: 'Ye lovers of the remnants,⁴ dwellers in Rakath, go forth and receive the slaughtered of the depths'.⁵ When R. Zera departed, a certain mourner opened his dirge thus: 'The land of Shinar⁶ conceived and bore him, the beauteous land⁷ brought up her delight. Woe to me, saith Rakath, for her precious instrument is lost'!⁸ No, said Raba. Hamath is the hot springs of Gerar; Rakath is Tiberias; and Kinnereth is Gennesaret. Why is it called Rakath? Because even the least worthy⁹ of its inhabitants are full of religious performances like a pomegranate. R. Jeremiah said: Rakath is its proper name. And why is it called Tiberias? Because it is situated in the very centre¹⁰ of the land of Israel. Rabbah said: Rakath is its name. And why is it called Tiberias? Because its aspect is good.¹¹

Zeira said: Kitron is Sepphoris. And why is it called Sepphoris? Because it is perched on the top of a mountain like a bird [zippor]. But is Kitron Sepphoris? Now Kitron was in the territory of Zebulun, as it is written, Zebulun drove not out the inhabitants of Kitron nor the inhabitants of Nahalol.¹² Now Zebulun complained of his portion, as it says, Zebulun was a people which shamed his soul to death.¹³ Why? Because Naphtali was on the high places of the field.¹⁴ Zebulun complained to the Holy One, blessed be he, saying: Sovereign of the Universe, to my brethren Thou hast given fields and vineyards and to me Thou hast given hills and mountains; to my brethren Thou hast given lands, and to me Thou hast given lakes and rivers. [God] replied: They will all require thee for the hilazon,¹⁵ as it says, and the hidden treasures of the sand,¹⁶ and R. Joseph learnt: 'Hidden' indicates the hilazon; 'treasures' indicates the tunny fish;¹⁷ 'sand' indicates white glass.¹⁸ Zebulun then said: Sovereign of the Universe, who will inform me?¹⁹ He replied: There they shall offer sacrifices of righteousness.²⁰ This shall be thy sign: whoever takes of thee without payment will not prosper in his business. Now if you assume that Kitron is Sepphoris, why did Zebulun complain of his portion, seeing that Sepphoris is an excellent spot? Nor can you say that it is not 'flowing with milk and honey'. For Resh Lakish has said: I have myself seen the trail of milk and

honey²¹ round Sepphoris, and it is sixteen miles by sixteen miles. Nor can you say that [even so] his is not as good as his brothers, since Rabbah b. Bar Hanah said in the name of R. Johanan: I have myself seen the trail of milk and honey of the whole land of Israel, and it extends [altogether] about as far as from Be Kubi²² to the Fort of Tulbanke, twenty-two parasangs in length and six parasangs in breadth?²³ Even so, he preferred fields and vineyards. This is also indicated by the language of the text, as it says, ‘Naphtali upon the high places of the field’. This is a proof.

R. Abbahu said: [It is written], Ekron shall be rooted up,²⁴ this is Kisri the daughter of Edom,²⁵ which is situated among the sands, and which was a thorn in the side of Israel²⁶ in the days of the Greeks. When the House of the Hasmoneans grew powerful and conquered them, they called it ‘the capture of the tower of Shir’.²⁷

R. Jose b. Hanina said: What is meant by the text, And I will take away his blood out of his mouth and his detestable things from between his teeth, and he also shall be a remnant for our God?²⁸ ‘And I will take away his blood out of his mouth’: this refers to their sacrificial shrines.²⁹ ‘And his detestable things from between his teeth’: this refers to their oracles.³⁰ ‘And he also shall be a remnant for our God’: these are the synagogues and houses of learning in Edom.³¹ And he shall be as a chief in Judah, and Ekron as a Jebusite:³² these are the theatres and circuses³³ in Edom in which one day the chieftains of Judah shall publicly teach the Torah. R. Isaac said: Leshem is Pamias.³⁴ Ekron shall be rooted out: this is Caesarea, the daughter of Edom, which was a metropolis³⁵ of kings. Some say that this means that kings were brought up there, and others that kings were appointed from there. Caesarea³⁶ and Jerusalem [are rivals]. If one says to you that both are destroyed, do not believe him; if he says that both are flourishing, do not believe him; if he says that Caesarea is waste and Jerusalem is flourishing, or that Jerusalem is waste and Caesarea is flourishing, you may believe him, as it says, I shall be filled, she is laid waste,³⁷ if this one is filled, that one is laid waste, and if that one is filled, this one is laid waste. R. Nahman b. Isaac derived the same lesson from here: and the one people shall be stronger than the other people.³⁸ R. Isaac also said: What is the meaning of the verse, Let favour be shown to the wicked, yet will he not learn righteousness?³⁹ Isaac said in the presence of the Holy One, blessed be He: Sovereign of the Universe, let mercy be shown to Esau. He replied: He is wicked. He said to Him; He has not learnt righteousness.⁴⁰ He replied: In the land of uprightness⁴¹ will he deal wrongfully.⁴² He said: If so, let him not behold the majesty of the Lord.⁴²

R. Isaac also said: What is meant by the verse, Grant not, O Lord, the desires of the wicked, draw not out his bit,⁴³ so that they exalt themselves, selah?⁴⁴ Jacob said before the Holy One, blessed be He: Sovereign of the Universe, grant not to Esau the wicked the desire of his heart, draw not out his bit:

(1) A more probable reason is that Kinnereth is shaped like a harp.

(2) A name given to Babylon in Jer. XXV, 26; LI, 41.

(3) Tiberias was for many centuries a great centre of Jewish learning, especially in the field of Biblical study.

(4) שְׂרִידִים ‘left’, ‘escaped’. A name given to Israel, after Jer. XXXI, 1.

(5) Babylon, so called because it was low-lying.

(6) Babylonia.

(7) The land of Israel, so called after Dan. XI, 16.

(8) Which shows that all are agreed that Rakath is Tiberias.

(9) Heb. rekanin, lit., ‘empty ones’.

(10) Heb. tibbur, lit., ‘navel’.

(11) Heb. Tobah Re’Iathah.

(12) Jud. I, 30.

(13) Ibid. V, 18. E.V. jeopardised their lives to the death’.

(14) Ibid.

(15) A small shell-fish from which was extracted the purple colour used for the fringes.

- (16) Deut. XXXIII, 19.
- (17) Much used for salting or pickling and an important article of commerce in ancient Palestine.
- (18) Which was made from the sand of Zebulun. [This was a source of wealth owing to the difficulty of the process for producing colourless glass among the ancients. V. Krauss T.A. II, 286.]
- (19) If they are cheating me.
- (20) Ibid.
- (21) Left by the goats after eating dates.
- (22) [Near Pumbeditha. The parallel passage (Keth. 112a) has Be Mikse (cf. also בִּי כִסִּי in MS.M. a.l.). On the geographical names v. Keth., Sonc. ed. p. 724 notes.]
- (23) As a parasang was four miles, this would be about eight times the extent of Zebulun's trail.
- (24) Zeph. II, 4.
- (25) [Caesarea by the Sea is designated 'the daughter of Edom' because it was an outpost of the Roman Empire, Edom being in Rabbinic literature the prototype of Imperial Rome.]
- (26) Lit. 'a peg driven into Israel'.
- (27) This seems to be a mistake for Zor (Tyre) which is the reading of MS.M. The Aruk reads Shed, lit., 'demons'. [The reference is probably to the conquest of Caesarea by Alexander Jannaeus, v. Josephus Ant. XIII, 15, n. Cf. also Meg. Ta'an. III. The old name of Caesarea was Strato's Tower, after the Phoenician king Strato, its founder. The reading 'shed' (demon) contains perhaps an allusion to the worship of Astarte by the original inhabitants. On the other readings v. Hildesheimer, H. Beitrage z. Geographie Palastinas, pp. 4ff]
- (28) Zech. IX, 7.
- (29) Beth Banya. Lit., 'house of high places'.
- (30) Beth Galya. Lit., 'house of revelation'. [These terms are taken by others as names of idolatrous shrines, the former being identified with Dajr al Banat and the latter with Bait Galia, both in the neighbourhood of Bethlehem. V. Horowitz S. Palestine, pp. 126 and 129.]
- (31) I.e., the Roman Empire.
- (32) Zech. IX, 7.
- (33) Where the Roman Games took place.
- (34) More correctly Panias, Caesarea Philippi, the modern Banias, a place near the source of the Jordan.
- (35) This may mean either that it was a capital of Palestine or that some of its Roman Governors became Emperors.
- (36) Probably Rome is meant.
- (37) Ezek. XXVI, 2, of Tyre and Jerusalem.
- (38) Gen. XXV, 23.
- (39) Isa. XXVI, 10.
- (40) Rashi renders: 'Can not one find a plea on his behalf'.
- (41) I.e., the land of Israel.
- (42) Ibid.
- (43) E.V., 'further not his evil device'.
- (44) Ps, CXL, 9.

Talmud - Mas. Megilah 6b

this refers to Germamia of Edom,¹ for should they but go forth they would destroy the whole world. R. Hama b. Hanina said: There are three hundred crowned heads in Germamia of Edom and three hundred and sixty-five chieftains in Rome,² and every day one set go forth to meet the other and one of them is killed, and they have all the trouble of appointing a king again.

R. Isaac also said: If a man says to you, I have laboured and not found, do not believe him. If he says, I have not laboured but still have found, do not believe him. If he says, I have laboured and found, you may believe him. This is true in respect of words of Torah,³ but in respect of business, all depends on the assistance of heaven. And even for words of Torah this is true only of penetrating to the meaning,⁴ but for remembering what one has learnt, all depends on the assistance of heaven.

R. Isaac also said: If you see a wicked man being favoured by fortune,⁵ do not contend with him, as it says, Do not contend with evildoers.⁶ Nor is this all, but he may even prosper in his undertakings, as it says, His ways prosper at all times.⁷ Nor is this all, but he may even be declared right, as it says, Thy judgments are far above out of his sight.⁸ Nor is this all, but he may even triumph over his enemies, as it says, As for all his adversaries, he puffeth at them.⁸ Is this so? Has not R. Johanan said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world, as it says, They that forsake the law praise the wicked, but such as keep the law contend with them.⁹ Also it has been taught: R. Dosethai b. Mathon says: It is permitted to contend with the wicked in this world. And if one should whisper to you saying, [As for the text] Do not contend with evildoers, neither be thou envious against them that work unrighteousness, one whose conscience smites him speaks thus, and the meaning is, Do not contend with the evildoer to be like evildoers, neither be envious of such as work unrighteousness; and so it says also, Let not thy heart envy sinners?¹⁰ — There is no contradiction; the one [piece of advice] refers to one's own affairs the other to religious matters.¹¹ Or if you like I may say that both refer to one's own affairs, and still there is no contradiction: the one is addressed to a man who is wholly righteous, and the other to one who is not wholly righteous,¹² as R. Huna said: What is the meaning of the verse, Wherefore lookest thou when they deal treacherously, and holdest thy peace when the wicked swalloweth up the man that is more righteous than he?¹³ He can swallow up one that is more righteous than himself, he cannot swallow up one that is completely righteous. Or if you like I can say that when fortune is smiling on him, the case is different.

‘Ulla said: ‘Greek Italy’¹⁴ is the great city of Rome,¹⁵ which covers an area of three hundred parasangs by three hundred. It has three hundred markets corresponding to the number of days of the solar year. The smallest of them is that of the poultry sellers, which is sixteen mil by sixteen. The king dines every day in one of them. Everyone who resides in the city, even if he was not born there, receives a regular portion of food from the king's household,¹⁶ and so does everyone who was born there, even if he does not reside there. There are three thousand baths in it, and five hundred windows the smoke from which goes outside the wall.¹⁷ One side of it is bounded by the sea, one side by hills and mountains, one side by a barrier of iron, and one side by pebbly ground and swamp.¹⁸

MISHNAH. IF THE MEGILLAH HAS BEEN READ IN THE FIRST ADAR AND THE YEAR HAS SUBSEQUENTLY BEEN PROLONGED,¹⁹ IT IS READ AGAIN IN THE SECOND ADAR. THERE IS NO DIFFERENCE BETWEEN THE FIRST ADAR AND THE SECOND ADAR SAVE ONLY IN THE READING OF THE MEGILLAH AND THE DISTRIBUTION OF GIFTS TO THE POOR.²⁰

GEMARA. This [last statement] implies that in respect of the series of special portions²¹ they are on the same footing.²² Which authority does the Mishnah follow? [It would seem], neither the First Tanna nor R. Eliezer son of R. Jose nor R. Simon b. Gamaliel [in the following Baraita], as it has been taught: ‘If the Megillah has been read in the first Adar and the year has then been prolonged, it is read in the second Adar, since all the precepts which are to be performed in the second Adar can be performed in the first,²³ except the reading of the Megillah’. R. Eliezer son of R. Jose says that it is not to be read [again] in the second Adar, because all precepts that are to be performed in the second Adar may be performed in the first. R. Simon b. Gamaliel says in the name of R. Jose that it is to be read again in the second, because precepts which are to be performed in the second Adar may not be performed in the first. They all however agree in regard to mourning and fasting, that they are forbidden on [the fourteenth and fifteenth of] both. Does not R. Simon b. Gamaliel here repeat the First Tanna? — R. Papa replied: They differ on the question of the series of special portions — the First Tanna holding that these should in the first instance be read in the second [Adar], but if they have been read in the first, this suffices. [But he also] excludes from this ruling the reading of the Megillah, [holding that], even though it has been read in the first [Adar], it must be

read again in the second. R. Eliezer son of R. Jose on the other hand held that even the Megillah may in the first instance be read in the first [Adar], and R. Simon b. Gamaliel held that even the series of special portions, if they have been read in the first [Adar], must be read again in the second. Which authority then [does our Mishnah follow]? If [you say] the First Tanna, there is the difficulty of gifts.²⁴ If [you say] R. Eliezer son of R. Jose, there is the difficulty of the reading of the Megillah also. If [you say] R. Simon b. Gamaliel, there is the difficulty of the series of special portions! — In fact it is the First Tanna, and when he mentioned the reading of the Megillah, we suppose the same to apply to the gifts of the poor, since one depends on the other. Or if you like, I can say that in fact it is R. Simon b. Gamaliel, and there is an omission²⁵ in our Mishnah and what it means is this: ‘There is no difference between the fourteenth of the first Adar and the fourteenth of the second Adar save in the matter of reading the Megillah and gifts to the poor’. from which we infer that in regard to mourning and fasting they are on the same footing, while in regard to the special portions no ruling is given.²⁶ R. Hiyya b. Abin said in the name of R. Johanan: The halachah²⁷ is as laid down by R. Simon b. Gamaliel, who gave it in the name of R. Jose. R. Johanan said: Both of them [R. Simon and R. Eliezer son of R. Jose] based their opinions on the same text, in every year.²⁸ R. Eliezer son of Jose reasoned: ‘In every year’; just as in most years [we think of] Adar as the month which adjoins Shebat, so here [we keep the precepts] in the Adar which adjoins Shebat. R. Simon b. Gamaliel again reasoned: Just as in most years [we think of] Adar as adjoining Nisan, so here [we keep the precepts] in the Adar which adjoins Nisan. Now we understand R. Eliezer son of R. Jose taking the view he did, because it is inherently probable, it being a rule that we do not postpone the performance of religious precepts.²⁹ But what is the reason of R. Simon b. Gamaliel? — R. Tabi said: The reason of R. Simon b. Gamaliel is that more weight is to be attached to bringing one period of redemption close to another.³⁰ R. Eleazar said: The reason of R. Simon b. Gamaliel is derived from this verse: to confirm this second letter of Purim.³¹ And it was necessary for the text to write

(1) There was another Germamia which was probably the land of the Cimmerians. [Rieger, P. (MGWJ. LXXX, p. 455) identifies it with Carminia, the Persian Kerman.]

(2) This word seems to be an interpolation.

(3) I.e., of the effort to gain enlightenment from the Torah.

(4) Lit., ‘sharpening’ (the understanding).

(5) Lit., ‘on whom the hour smiles’.

(6) Ps. XXXVII, 1. E.V. ‘fret not thyself because of evildoers’.

(7) Ps. X, 5.

(8) Ibid.

(9) Prov. XXVIII,4.

(10) Prov. XXIII, 17. R. Johanan and R. Dosethai say that it is not permissive to contend with the wicked, which contradicts R. Isaac.

(11) In regard to which it is permissible to contend with the wicked.

(12) For whom it is not safe to contend with the wicked.

(13) Hab. I, 13.

(14) ‘Ulla probably had in mind the saying quoted in the Midrash of Cant. that when Jeroboam made the golden calf (according to another version, when Manasseh brought the image into the Temple), the angel Gabriel stuck a pole in the sea, and a dry place was formed on which subsequently Rome was built.

(15) [home is so designated on account of the great influence of the Greek civilization on the Roman, v. Bacher, REJ, XXXIII, p. 190.]

(16) [Alluding to the regular distribution of corn and money in Rome.]

(17) The windows being higher than the wall of the city. Another reading is: ‘Each one of them has five hundred windows, the smoke, etc.’ [The allusion is to the famous thermal baths constructed by Diocletian (284-304).]

(18) [The reference is respectively to the Tiber, the wall erected by the Emperor Aurelius (271-276) and to the Ostian Marshes (stagno di ostia). For the other allusions in this hyerbolic description of Rome, v. Bacher, op. cit. pp. 190ff.]

(19) By the intercalation of a second Adar.

(20) This statement is immediately discussed in the Gemara.

(21) The special portions of Shekalim (Ex. XXX, 11-16), Zakor (Deut. XXV, 17-19), Parah (Num. XIX, 1-22) and ha-Hodesh (Ex. XII, 1-20) read in the synagogue between the Sabbath preceding the first of Adar and the first of Nisan. V. infra 29a.

(22) I.e., if they had been read in the first of Adar and the year is then proclaimed a leap year, they need not be read again in the second.

(23) I.e., if they have been performed in the first and the year is then prolonged, they need not be performed again.

(24) Since, as he does not mention gifts, we presume that he allows these to be made in the first Adar.

(25) These words are out of place here and seem not to have been read by Rashi. If we omit them we translate: 'and the meaning of the Mishnah is as follows'. The omission in fact, as will be seen, is not in the Mishnah but in the Gemara which immediately follows it.

(26) It is this last clause which was omitted from the Gemara above.

(27) [הלכה So MSS.; cur. edd. הךכח.]

(28) Esth. IX, 27.

(29) I.e., we perform them at the first opportunity, even though it is also permissible to perform them later.

(30) Viz., Purim to Passover.

(31) Ibid. 29.

Talmud - Mas. Megillah 7a

'the second' and also to write 'in every year'. For if I had to base the rule on 'every year', I could raise the difficulty stated above: therefore it is written 'second'.¹ And if I had been told only 'second', I might say that the Megillah is properly to be read both in the first and in the second. Therefore it says, in every year.² And what does R. Eliezer son of R. Jose make of this second? — He requires it for the statement enunciated by R. Samuel b. Judah. For R. Samuel b. Judah said: At first they [Mordecai and Esther] decreed the observance of Purim only in Susa, but afterwards³ throughout the world.

R. Samuel b. Judah said: Esther sent to the Wise Men saying, Commemorate me⁴ for future generations. They replied, You will incite the ill will of the nations against us.⁵ She sent back reply: I am already recorded in the chronicles of the kings of Media and Persia. Rab and R. Hanina and R. Johanan and R. Habiba record [the above statement in this form]: (in the whole of the Order Mo'ed, wherever this set of Rabbis is mentioned, R. Johanan is replaced by R. Jonathan).⁶ Esther sent to the Wise Men saying, Write an account of me for posterity. They sent back answer, Have I not written for thee three times⁷ — three times and not four?⁸ [And they refused] until they found a verse written in the Torah, Write this a memorial in a book,⁹ [which they expounded as follows]: 'Write this', namely, what is written here and in Deuteronomy;¹⁰ 'for a memorial', namely, what is written in the Prophets;¹¹ 'in a book', namely, what is written in the Megillah. The difference [between the first and second of these opinions] is also found between two Tannaim. 'Write this', what is written here.¹² 'For a memorial', namely, what is written in Deuteronomy. 'In a book', namely, what is written in the Prophets. So R. Joshua.¹³ R. Eliezer of Modi'im says: Write this', namely, what is written here and in Deuteronomy; for a memorial', namely, what is written in the Prophets; 'in a book', namely, what is written in the Megillah.

Rab Judah said in the name of Samuel; [The scroll] of Esther does not make the hands unclean.¹⁴ Are we to infer from this that Samuel was of opinion that Esther was not composed¹⁵ under the inspiration of the holy spirit? How can this be, Seeing that Samuel has said that Esther was composed under the inspiration of the holy spirit? — It was composed to be recited [by heart], but not to be written. The following objection was raised: 'R. Meir says that [the scroll of] Koheleth¹⁶ does not render the hands unclean, and that about the Song of Songs there is a difference of opinion. R. Jose says that the Song of Songs renders the hands unclean, and about Koheleth there is a difference of opinion. R. Simeon says that Koheleth is one of those matters in regard to which Beth Shammai were more lenient and Beth Hillel more stringent, but Ruth and the Song of Songs and

Esther [certainly] make the hands unclean'! — Samuel concurred with R. Joshua.¹⁷

It has been taught: R. Simeon b. Menasia said: Koheleth does not render the hands unclean because it contains only the wisdom of Solomon.¹⁸ They said to him], Was this then all that he composed? Is it not stated elsewhere, And he spoke three thousand proverbs,¹⁹ and it further says, Add thou not unto his words.²⁰ Why this further quotation? — In case you might object that he composed very much, and what it pleased him to write he wrote and what it did not please him he did not write. Therefore it says,²¹ Add thou not to his words.²²

It has been taught: R. Eleazar said: Esther was composed under the inspiration of the holy spirit, as it says, And Haman said in his heart.²³ R. Akiba says: Esther was composed under the inspiration of the holy spirit, as it says, And Esther obtained favour in the eyes of all that looked upon her.²⁴ R. Meir says: Esther was composed under the inspiration of the holy spirit, as it says, And the thing became known to Mordecai.²⁵ R. Jose b. Durmaskith said: Esther was composed under the inspiration of the holy spirit, as it says, But on the spoil they laid not their hands,²⁶ Said Samuel: Had I been there,²⁷ I would have given a proof superior to all, namely, that it says, They confirmed and took upon them,²⁸ [which means] they confirmed above²⁹ what they took upon themselves below. Raba said: All the proofs can be confuted except that of Samuel, which cannot be confuted. [Thus,] against that of R. Eleazar it may be objected that it is reasonable to suppose that Haman would think so, because there was no one who was so high in the esteem of the king as he was, and that when he spoke at length,³⁰ he was only expressing the thought concerning himself. Against the proof of R. Akiba it may be objected that perhaps the fact is as stated by R. Eleazar, who said that these words show that to every man she appeared to belong to his own nation.³¹ Against R. Meir it may be objected that perhaps the fact is as stated by R. Hiyya b. Abba who said that Bigthan and Teresh were two men from Tarsis.³² Against the proof of R. Jose b. Durmaskith it may be objected that perhaps they³³ sent messengers. Against the proof of Samuel certainly no decisive objection can be brought. Said Rabina: This bears out the popular saying, Better is one grain of sharp pepper than a basket full of pumpkins. R. Joseph said: It³⁴ can be proved from here: And these days of Purim shall not fail from among the Jews.³⁵ R. Nahman b. Isaac said, From here: Nor the memorial of them perish from their seed.³⁶

AND GIFTS TO THE POOR. R. Joseph learnt: And sending portions one to another³⁷ that means two portions³⁸ for one man. And gifts to the poor³⁹ that means two gifts to two men.⁴⁰ R. Judah Nesi'ah⁴¹ sent to R. Oshaia the leg of a third-born calf⁴² and a barrel of wine. He sent him back word saying,

(1) To show that it must be the Adar adjoining Nisan.

(2) To show that it is to be read only once even in leap years.

(3) By means of this second letter.

(4) Lit., 'fix me', by means of a book and a festival.

(5) Who will accuse the Jews of rejoicing at their downfall and celebrating it.

(6) This is evidently a gloss made by a later commentator.

(7) Prov. XXII, 20. (E. V. 'have I not written unto thee excellent things'.) The meaning is, Is not the war of Israel against Amalek mentioned three times in Scripture.

(8) The three times are (i) Ex. XVII, 8-16; (ii) Deut. XXV, 17-19; (iii) I Sam. XV.

(9) Ex. XVII, 14, referring to the war against Amalek.

(10) Which, being both in the Pentateuch, are counted as one.

(11) Viz., the Book of Samuel.

(12) In Ex. XVII.

(13) Who thus holds that the Megillah was not meant to be written.

(14) Like the scrolls of other books of the Scripture. V. Shab. 14.

(15) Lit., 'said'.

- (16) Ecclesiastes.
- (17) That the Megillah was not meant to be written.
- (18) And not inspired wisdom.
- (19) I kings, V, 12. Since these were not written and Ecclesiastes was, we may conclude that the latter was inspired.
- (20) Prov. XXX, 6.
- (21) Lit., 'come and hear'.
- (22) Which shows that whatever he wrote down was inspired.
- (23) Esth. VI, 6. How could the author know this if he was not inspired?
- (24) Ibid. II, 15. Cf. previous note.
- (25) Ibid. 22. Who revealed it to him if not the holy spirit?
- (26) Ibid. IX, 10. Cf. note 8.
- (27) among the Tannaim who discussed this matter.
- (28) Ibid. 27.
- (29) In heaven.
- (30) 'As for the man whom the king delighteth to honour' etc.
- (31) V. infra 13a.
- (32) V. infra 13b.
- (33) Those in the more distant parts.
- (34) That Esther was written under the inspiration of the holy spirit.
- (35) Esth. IX, 28.
- (36) Ibid. R. Nahman prefers the second half of the verse, because the first half might refer only to that generation.
- (37) Ibid. 22.
- (38) The minimum number of 'portions' being two.
- (39) Ibid.
- (40) The minimum number of the plural אביונים 'poor' being two. Or it may mean that a gift is twice as big as a portion (Maharsha).
- (41) R. Judah, the Prince II.
- (42) So Rashi. Aliter: 'a third grown'; 'in the third year' — which was supposed to be specially good.

Talmud - Mas. Megilah 7b

You have fulfilled in our person, O our teacher, the words, and sending portions one to another.¹ Rabbah sent to Mari b. Mar by Abaye a sackful of dates and a cupful of roasted ears of corn. Said Abaye to him: Mari will now say, 'If a countryman becomes a king, he does not take his basket off his neck'.² The other [Mari] sent him [Rabbah] back a sackful of ginger and a cup full of long-stalked pepper. Said Abaye: Now the Master [Rabbah] will say, I sent him sweet and he sends me bitter. Abaye said: When I went out of the Master's [Rabbah's] house, I was already full, but when I reached the other place³ they set before me sixty dishes of sixty different preparations, and I had sixty pieces from them. The last preparation was called pot-roast, and [I liked it so much that] I wanted to lick the dish after it. Said Abaye: This bears out the popular saying, The poor man is hungry and does not know it,⁴ or the other saying, There is always room for sweet things. Abaye b. Abin and R. Hananiah b. Abin used to exchange their meals with one another.⁵

Raba said: It is the duty of a man to mellow himself [with wine] on Purim until he cannot tell the difference between cursed be Haman' and 'blessed be Mordecai'.⁶

Rabbah and R. Zera joined together in a Purim feast. They became mellow, and Rabbah arose and cut R. Zera's throat.⁷ On the next day he prayed on his behalf and revived him. Next year he said, Will your honour come and we will have the Purim feast together. He replied: A miracle does not take place on every occasion. Raba said: If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation. What is the reason? It is written, days of feasting and gladness.⁸ R. Ashi was sitting before R. Kahana. It grew late, and still the Rabbis did not arrive. He

said to him, Why have not the Rabbis come? Perhaps they are busy with the Purim feast. He said to him: Could they not have had it last night? He replied: Is your honour not acquainted with the diction of Raba, 'If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation'? He said to him; Did Raba really say so? (He replied Yes).⁹ He then repeated it after him forty times, until he had safely stored it in his mind.¹⁰

MISHNAH. THERE IS NO DIFFERENCE BETWEEN FESTIVALS AND SABBATH SAVE ONLY IN THE MATTER OF [PREPARING] FOOD.¹¹

GEMARA . We can infer from this that in the matter of preliminaries for preparing food¹² they are on the same footing. The Mishnah then does not agree with R. Judah, as it has been taught: 'There is no difference between festivals and Sabbath save in the matter of [preparing] food'. R. Judah, however, permits [on the festivals] the preliminaries for preparing food.¹² What is the reason of the First Tanna? The Scripture says: [Save that which every man must eat], that only [shall be prepared]:¹³ that and not its preliminaries. R. Judah, on the other hand, stresses the word for you:¹⁴ for you, which means, for all your requirements. Why then does not the other also admit this, seeing that it is written, 'for you'? — [This, he says, means], 'for you' and not for non-Jews; 'for you' and not for dogs. And [why does not] the other [adopt this view], seeing that it is written, 'that only'? [He replies]: It is written, 'that only', and it is written, 'for you'; we apply the one to preliminaries which can be attended to on the day before the festival, and the other to preliminaries which cannot be attended to on the day before the festival.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SABBATH AND THE DAY OF ATONEMENT SAVE ONLY THAT THE DELIBERATE VIOLATION OF THE ONE IS PUNISHED BY A HUMAN COURT AND THE DELIBERATE VIOLATION OF THE OTHER BY KARETH.¹⁵

GEMARA. It is to be inferred from this that in respect of compensation¹⁶ they are on the same footing. Whose view does the Mishnah follow? — That of R. Nehunia b. ha-Kaneh, as it has been taught: R. Nehunia b. ha-Kaneh used to put the Day of Atonement on the same footing as Sabbath in respect of compensation: just as [one who deliberately breaks] Sabbath forfeits his life but is released from the obligation to make compensation,¹⁷ so [one who deliberately breaks] the Day of Atonement forfeits his life but is released from the obligation to make compensation.

We have learnt elsewhere: If any who have incurred the penalty of kareth are flogged — they become quit of their kareth, as it says, Then thy brother should be dishonoured in thine eyes;¹⁸ once he has been flogged, he is like thy brother.¹⁹ So R. Hananiah b. Gamaliel. Said R. Johanan: The colleagues of R. Hananiah b. Gamaliel joined issue with him on this point. Raba said, They said in the school of Rab: We have [also] learnt [this]:²⁰ There is no difference between the Day of Atonement and Sabbath save that he who breaks the one is punished by a human court, while he who breaks the other is punished with kareth. Now if [R. Hananiah's opinion] is correct, then both are punished by the human court?²¹ — R. Nahman replied: Whose view is this?²² That of R. Isaac, who said that lashes are never inflicted on those who have incurred kareth, as it has been taught: Those who have incurred kareth are included in the general statement.²³ Why then is kareth specially mentioned in the case of [one who lies with] his sister?²⁴ To show that she is punished with kareth and not with lashes.²⁵ R. Ashi said: You may even say that it²⁶ is the view of the Rabbis:²⁷ in the case of the one [the breaker of Sabbath], the essential [punishment for] his presumption is inflicted by the human court, but in the case of the other, the essential punishment for his presumption consists in 'being cut off'.²⁸

(1) [Cur. ed. add: and 'gifts to the poor'].

(2) As much as to say, Although you have become head of the Academy (in Pumbeditha), you send very ordinary gifts.

- (3) The house of Mari.
- (4) Till the food is actually set before him.
- (5) According to Rashi, this means that one provided the feast one year and the other the next. More naturally it could mean that they sent their meals to one another and thereby fulfilled the obligation of 'sending portions to one another' (Maharsha).
- (6) [The two phases have the same numerical value, 502.]
- (7) Apparently without actually killing them But cf. Maharsha.
- (8) Esth. IX, 22.
- (9) These words are bracketed in the text.
- (10) Lit., 'and he was (then) like one who had put it in his purse'.
- (11) Lit., 'food of the person'. I.e., that food for the day may be cooked on festivals but not on Sabbath.
- (12) E.g., the sharpening of a knife.
- (13) Ex. XII, 16; relating to the Passover.
- (14) Ibid.
- (15) I.e., by the hand of heaven. V. Lev. XXIII, 30 and Glos.
- (16) For damage done by the act of transgression.
- (17) The lesser penalty being merged in the larger penalty.
- (18) Deut. XXV, 3.
- (19) Which shows that he is not 'cut off'.
- (20) That there is a difference of opinion.
- (21) And the one who is flogged for breaking Yom Kippur becomes quit of kareth.
- (22) That of our Mishnah. (9) And not of the colleagues of R. Hananiah.
- (23) Of the punishment for incest. Lev. XVIII, 29.
- (24) In Lev. XX, 17.
- (25) And the same applies to all other cases punishable by kareth. V. Mak. 13b.
- (26) Our Mishnah.
- (27) And still there is no difference between them and R. Hananiah.
- (28) הכרת cf. Num. XV, 31; though lashes may also be inflicted.

Talmud - Mas. Megilah 8a

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE WHO IS INTERDICTED BY VOW TO HAVE NO BENEFIT FROM HIS NEIGHBOUR AND ONE WHO IS INTERDICTED BY VOW FROM HIS FOOD, SAVE IN THE MATTER OF SETTING FOOT [ON HIS PROPERTY] AND OF UTENSILS WHICH ARE NOT USED FOR [PREPARING] FOOD.¹

GEMARA. It is to be inferred from this that in the matter of utensils which are used for preparing food they are on the same footing.

SETTING FOOT. But people are not particular about this?² — Raba said: Whose view is this? R. Eleazar's, who said that [even] a thing which is usually excused³ is forbidden to one who vows to have no benefit.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN VOWS AND FREEWILL-OFFERINGS SAVE THAT VOWED OFFERINGS HAVE TO BE REPLACED⁴ BUT FREEWILL-OFFERINGS NEED NOT BE REPLACED.

GEMARA. It is to be inferred from this that in respect of 'not delaying'⁵ they are on the same footing.

We have learnt in another place: What is a vow? Where a man says, I take upon me the obligation to bring a burnt-offering. What is a freewill-offering? Where a man says, Behold this is [to be] a

burnt-offering. What then is the [practical] difference between vows and freewill-offerings? — If vowed animals die or are stolen or lost, the one who offered is under obligation to replace them;⁶ if freewill-offerings die or are stolen or lost, he is not under obligation to replace them.⁷ Whence is this rule derived? — As our Rabbis have taught: And it shall be accepted for him to make atonement upon him.⁸ R. Simeon says: That which is ‘upon him’⁹ he is under obligation to replace.¹⁰ How is it implied [that this substitute is upon him’]? — R. Isaac b. Abdini replied: Since he has said ‘[I take] upon me’, it is as if he had taken it upon his shoulder.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE SUFFERING FROM AN ISSUE WHO MAKES TWO OBSERVATIONS¹¹ AND ONE WHO MAKES THREE,¹² SAVE IN THE MATTER OF BRINGING A SACRIFICE.¹³

GEMARA. From this it is to be inferred that in the matter of [defiling] a bed or a seat¹⁴ and counting seven days¹⁵ they are on the same footing. Whence is this rule derived? — As our Rabbis have taught: ‘R. Simai says: The text specified two [observations]¹⁶ and designated the man as unclean, and also specified three¹⁷ and designated him as unclean’. How do we explain this? Two bring uncleanness but do not entail a sacrifice, three entail a sacrifice. But cannot I say that two bring uncleanness but do not entail a sacrifice, while three entail a sacrifice but no uncleanness?¹⁸ — To this you may answer that before he has three observations he must have two.¹⁹ Let me say then that two observations entail a sacrifice but not uncleanness,¹⁸ whereas three bring uncleanness also? — Do not imagine such a thing, since it has been taught: And the priest shall make atonement for him before the Lord from his issue;²⁰ this implies that some persons with an issue bring a sacrifice and some do not.²¹ How is this? if he has three observations, he brings a sacrifice, if only two, he does not bring. Or shall we expound differently and say that if he has two he brings the sacrifice, but if three he does not? — You can reply to this that before he has three he must have had two.²² And both the exposition of R. Simai and the text ‘from his issue’ are necessary [to prove this point]. For if I had only the dictum of R. Simai, I could raise against it the objection mentioned, and therefore I have recourse to ‘from his issue’. And if I had only ‘from his issue’, I should not know how many observations [are necessary for a sacrifice]; therefore I have the dictum of R. Simai.²³

Now, however, that you have assumed that the words ‘from his issue are to be used for a special exposition,²⁴ [I may ask], what lesson do you derive from the words and when he that hath an issue is cleansed from his issue?²⁵ That is required for the following lesson, as it has been taught: ‘And when he that hath an issue is cleansed’: that is to say, when the issue ceases.²⁶ ‘From his issue’: that is to say from his issue [only], and not from both his issue and his leprosy.²⁷ ‘Then he shall number’: this teaches us that one with an issue who has had two observations must count seven days [without issue]. But cannot this be deduced logically [as follows]?²⁸ If he defiles bed and seat, shall he not [all the more] be required to count seven days?

(1) The latter may take these liberties, the former may not.

(2) And therefore if one takes this liberty, he cannot be said to be deriving any benefit.

(3) **יִתּוּר** Aliter: ‘The (retailer's customary) addition (to exact measure)’, and the accenting of which is not counted as receiving a benefit.

(4) Lit., one is responsible for them’. V. infra.

(5) To fulfil the undertaking, in accordance with Deut. XXIII, 22.

(6) Because the vow still stands.

(7) Because the undertaking applied only to that particular animal.

(8) So lit. E.V., ‘for him’. Lev. I, 4.

(9) I.e., the vow.

(10) Apparently R. Simeon renders: ‘Any animal will be accepted so long as it is "upon him"’.

(11) On a single day or two successive days.

(12) On one day or three successive days or two on one day and one on the next.

(13) V. Lev. XV, 13-15.

(14) Ibid. 4-6.

(15) For his cleansing, after the cessation of the issue. Ibid.13.

(16) Lev. XV, 2: When a man hath an issue out of his flesh, his issue is unclean.

(17) Ibid. 3: And this shall be his uncleanness in his issue: whether his flesh run with his issue, or his flesh be stopped from his issue, it is his uncleanness,

(18) Viz., the stringent uncleanness of one with an issue (cf. nn. 3-4), but only the lighter uncleanness resulting from a discharge of semen. V. Deut. XXIII, 11-12.

(19) And is already unclean as a zab.

(20) Ibid. 15.

(21) The proposition 'from' is stressed, as implying only part of these who have an issue.

(22) And so already become liable for the sacrifice.

(23) To show that it is three.

(24) I.e., for some lesson not contained in the literal meaning of the words.

(25) Ibid. 13.

(26) V. next note.

(27) If the one with an issue was also a leper, he need not wait for his counting till he is healed of his leprosy.

(28) And why therefore is a text required?

Talmud - Mas. Megilah 8b

— This argument can be confuted by the case of the woman who is keeping day for day,¹ for such a one defiles bed and seat² but does not count seven days. And thus do not be surprised that this one also, although he defiles bed and seat, should not be obliged to count seven days. Therefore it says, 'from his issue, and he shall number', which implies that after part of his issue³ he shall number; this teaches² with regard to one with an issue who has had two observations that he is required to count seven days.

R. Papa said to Abaye: Why do we use the one text 'from his issue' to include⁴ one with an issue who has had two observations, and the other text 'from his issue' to exclude⁵ one with an issue who has had two observations? — He replied: If you should assume that the former text⁶ is for the purpose of excluding, then the text could simply omit the word. And should you say, we could then derive the rule [that he is to count seven days] by a logical deduction, such a deduction could be confuted by the case of the woman who counts day for day. And should you say that this word is required to show that the text refers to one who is cleansed of his issue [only] and not [of his issue and] his leprosy, — in that case the text should say, 'and when he that hath an issue is cleansed', and no more. Why do I require, 'from his issue'? This teaches that one with an issue who has two observations is required to count seven days.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A LEPER WHO IS UNDER OBSERVATION⁷ AND ONE DEFINITELY DECLARED SUCH⁸ SAVE IN THE MATTER OF LEAVING THE HAIR LOOSE⁹ AND RENDING THE GARMENTS.¹⁰ THERE IS NO DIFFERENCE BETWEEN A LEPER WHO HAS BEEN DECLARED CLEAN⁸ AFTER BEING UNDER OBSERVATION¹¹ AND ONE WHO HAS BEEN DECLARED CLEAN⁸ AFTER HAVING BEEN DEFINITELY DECLARED A LEPER SAVE IN THE MATTER OF SHAVING AND [OFFERING] THE BIRDS.¹²

GEMARA. From this it is to be inferred that in the matter of being sent outside [the camp]¹³ and uncleanness¹⁴ they are on the same footing. Whence is this rule¹⁵ derived? — As R. Samuel b. Isaac taught before R. Huna: Then the priest shall pronounce him clean; it is a scab; and he shall wash his clothes and be clean;¹⁶ which implies that he shall already have been [in a sense] clean¹⁷ from the first, not having been liable to rending the garments and loosening the hair. Said Raba to him. If that

is so, then in regard to one with an issue, of whom it is written, and he shall wash his garments and be clean,¹⁸ how is it possible to say that he shall have been clean from the start? What it means then is, 'clean now so far as not to defile earthenware vessels by moving them',¹⁹ so that, even if he observes an issue again, he does not defile them retrospectively. So here, [the meaning is that] the leper is clean now to the extent of not defiling retrospectively by his entrance!²⁰ The fact is, said Raba, that we learn it from here: And the leper in whom the plague is;²¹ [that means] one whose leprosy is due to the state of his body, excluding this one²² whose leprosy is due to days.²³ Said Abaye to him: If that is so, then when it says, All the days wherein the plague is in him he shall be unclean,²⁴ are we to say that one whose leprosy is due to his state of body is required to be sent out of the camp, but one whose leprosy is not due to his state of body is not to be sent out of the camp? And should you reply that that is so, [how can this be] seeing that it states, THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF LOOSENING THE HAIR AND RENDING THE GARMENTS, from which it may be inferred that in the matter of being sent out [of the camp] and defiling by entrance they are on the same footing? — [The text might have said simply] 'the days', and it says, 'all the days', to bring a leper under observation within the rule of sending out [of the camp]. If that is the case, what is the reason that he is not required to shave and offer birds [which is not the case], as it states: THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF SHAVING AND OFFERING BIRDS? — Abaye replied: Scripture says: And the priest shall go forth out of the camp, and behold the plague of leprosy is healed in the leper;²⁵ this means, one whose leprosy is such because it requires healing,²⁶ and excludes one whose leprosy is such in virtue not of [requiring] healing but of days [of isolation].

MISHNAH. THERE IS NO DIFFERENCE BETWEEN BOOKS [OF THE SCRIPTURE]²⁷ AND TEFILLIN AND MEZUZAHS²⁸ SAVE THAT THE BOOKS MAY BE WRITTEN IN ANY LANGUAGE²⁹ WHEREAS TEFILLIN AND MEZUZAHS MAY BE WRITTEN ONLY IN ASSYRIAN.³⁰ R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO WERE PERMITTED [BY THE SAGES] TO BE WRITTEN ONLY IN GREEK.

GEMARA. [From this we infer] that for requiring [the sheets] to be stitched with sinews³¹ and for defiling the hands³² both are on the same footing.

BOOKS MAY BE WRITTEN IN ANY LANGUAGE. The following seems to conflict with this: '[A Scriptural scroll containing] a Hebrew text written³³ in Aramaic or an Aramaic text written in Hebrew,³⁴ or [either] in Hebraic script,³⁵ does not defile the hands;³⁶ [it does not do so] until it is written in Assyrian script upon a scroll and in ink'! — Raba replied: There is no contradiction;

(1) If a niddah (v. Glos.) who is counting her eleven days between the menses sees blood on one or two of the days, she need not count seven clean days but becomes clean after ablution on the evening of the following day. V. Sanh., Sonc. ed. p. 577, n. 2.

(2) V. Nid. 72b.

(3) Cf. p. 43. n. 10.

(4) Under the obligation to count seven days.

(5) From the obligation to bring a sacrifice.

(6) Lev. XV, 13.

(7) מוסגר Lit., 'shut up'. V. Lev. XIII, 4.

(8) מוחלט Lit., 'confirmed'; by the priest. Ibid. v. 11.

(9) Or 'let his hair grow wild', v. M.K 15a.

(10) Which is incumbent on the latter but not on the former. Ibid. 45.

(11) I.e., one in whom the suspicious signs did not develop into actual leprosy

(12) Which was incumbent on the latter. Lev. XIV, 2-7.

- (13) V. Num. V, 2.
- (14) The stringent laws of uncleanness to which lepers are subjected.
- (15) That the leper under observation need not loosen his hair and rend his garments.
- (16) Lev. XIII, 6, of the suspect in whom the signs do not develop.
- (17) The Hebrew word being **וטהר** in the present tense (as if to say: 'and he was already clean'), where the future **יטהר** might have been used.
- (18) Lev. XV, 13. Here again he present tense **וטהר** is used.
- (19) Without touching them. Such a defilement is termed **היסט**.
- (20) The rule was that a leper by entering a room defiled persons and things within it. The question thus remains, Whence is this rule (v. p. 45, n. 9) derived?
- (21) Lev. XIII, 45.
- (22) The leper under observation.
- (23) It is the seven days of his observation that cause him to be designated a leper, for should there be no change in the leper at the end of the seven days he is pronounced clean.
- (24) Ibid. 46.
- (25) Lev. XIV, 3.
- (26) I.e., who has been declared definitely a leper. Only such a one has to shave and bring birds.
- (27) This means apparently, scrolls of the Scriptural books.
- (28) V. Glos.
- (29) Apparently what is meant is that official translations for use in the synagogue may be made in any language. We know actually of two such — the Aramaic translation known as Targum Onkelos, and the Greek translation of Aquilas made under the supervision of R. Eleazar and R. Joshua.
- (30) 'Assyrian is used as the equivalent of Hebrew written in the square characters used for religious writings. This script was called 'Assyrian', the reason being that it came into common use after the return of the Jews from the Babylonian exile; v. Sanh. 21b, Sonc. ed. pp. 119ff and notes.
- (31) And not merely with flax thread.
- (32) V. supra p. 35, n. 11.
- (33) I.e., translated into.
- (34) E.g., the Chaldaic parts of Daniel and Ezra.
- (35) **כתב עברי**. The ancient Hebrew script (as found e.g., in the Siloam and Moabite inscriptions and old Jewish coins, and in modified form in Samaritan writing) which was in common use before the Exile. V. Sanh. ibid.
- (36) Whereas the Mishnah seems to imply that they do.

Talmud - Mas. Megillah 9a

the one statement [that of the Mishnah] speaks of [books written in] our script,¹ the other of [books written in] their script.² Said Abaye to him: How have you explained the other statement [that of the Baraitha]? As referring to their script. [If so], why should it say, 'A Hebrew text written in Aramaic or an Aramaic text written in Hebrew'? The same would apply even to a Hebrew text which is written in Hebrew or an Aramaic text which is written in Aramaic, since it goes on to say. 'till it is written in Assyrian on a scroll in ink'!³ No. [What you must say is], there is no contradiction: the one statement [in the Mishnah] represents the view of the Rabbis, the other that of R. Simeon b. Gamaliel. But if it is the view of R. Simeon b. Gamaliel, what about Greek?⁴ — No. What you must say is, there is no contradiction; the one statement [in the Mishnah] refers to scrolls, the other to tefillin and mezuzahs. What is the reason [why] tefillin, and mezuzahs [must be written in Assyrian]? — Because in reference to them it is written, and they shall be,⁵ which implies, they shall be as they originally were. What cases are there of Aramaic which can be written in Hebrew? I grant you we find in the Torah yegar sahadutha;⁶ but here [in the case of tefillin, and mezuzoth] what Aramaic is there? — No. What you must say is, there is no contradiction; the one statement [in the Baraitha] refers to the Megillah, the other to the other books [of the Scripture]. What is the reason in the case of the Megillah? — Because it is written In regard to it, according to their writing and according to their language.⁷ What case of Aramaic being written in Hebrew is possible here? — R.

Papa said: And the king's pithgam⁸ shall be published;⁹ R. Nahman b. Isaac said: And all the wives shall give yekar¹⁰ to their husbands.¹¹ R. Ashi said: That statement [in the Baraitha] was made in reference to other books [of the Scripture], and it follows the view of R. Judah, as it has been taught: 'Tefillin and mezuzahs are to be written only in Assyrian, but our Rabbis allowed them to be written in Greek also'.¹² But is it not written, and they shall be? I must say therefore, 'Scrolls of the Scripture may be written in any language, and our Rabbis permitted them to be written in Greek'.¹³ They permitted! This would imply that the First Tanna forbade it! What I must say therefore is, 'Our Rabbis permitted them to be written only in Greek'. And it goes on to state, 'R. Judah said: When our teachers permitted Greek, they permitted it only for a scroll of the Torah'.¹⁴ This was on account of the incident related in connection with King Ptolemy,¹⁵ as it has been taught: 'It is related of King Ptolemy that he brought together seventy-two elders and placed them in seventy-two [separate] rooms, without telling them why he had brought them together, and he went in to each one of them and said to him, Translate¹⁶ for me the Torah of Moses your master.¹⁷ God then prompted each one of them and they all conceived the same idea and wrote for him, God created in the beginning,¹⁸ I shall make man in image and likeness,¹⁹ And he finished on the sixth day, and rested on the seventh day,²⁰ Male and female he created him²¹ [but they did not write 'created them'],²² Come let me descend and confound their tongues,²³ And Sarah laughed among her relatives;²⁴ For in their anger they slew an ox and in their wrath they digged up a stall;²⁵ And Moses took his wife and his children, and made them ride on a carrier of men;²⁶ And the abode of the children of Israel which they stayed in Egypt and in other lands was four hundred years,²⁷ And he sent the elect of the children of Israel;²⁸ And against the elect of the children of Israel he put not forth his hand;²⁹

(1) Even though in another language.

(2) The Scriptural text was transliterated into the characters of a foreign language.

(3) This shows, according to Abaye, that the Baraitha is speaking of the language independently of the script.

(4) According to Abaye the Baraitha, in saying, 'till it is written in Assyrian' forbids even Greek, which is allowed by R. Simeon.

(5) Deut. VI, 8.

(6) Gen. XXXI, 47.

(7) Esth. VIII, 9.

(8) Aramaic for the Heb. *dabar*, 'decree'.

(9) Ibid. I, 20.

(10) Aramaic for the Heb. *kabod*, 'honour'.

(11) Ibid.

(12) The quotation is here interrupted.

(13) The quotation is again interrupted.

(14) Thus R. Judah forbade other books of the Scripture to be written save in the original language.

(15) It seems to be an historical fact that a Greek translation of the Pentateuch was made in the time of King Ptolemy Philadelphus of Egypt (285-247), but many regard this as apocryphal; cf, The Letter of Aristeas.

(16) Lit., 'write'.

(17) Here follow a number of cases in which the translation of the Elders did not follow the Massoretic text. We do not find all these variants in our texts of the Septuagint.

(18) Instead of 'In the beginning God created'. The purpose of this change was apparently to prevent the idea of Two Powers being read into the text, i.e., 'In the beginning' and 'God'. V. Rashi and Tosaf. a.I.

(19) Gen. 1, 26, instead of 'Let us make', for the same reason.

(20) Ibid. II, 2, instead of 'and he finished on the seventh day', which might be taken to imply that some work was done on the seventh day.

(21) Ibid. V, 2.

(22) Which might be taken to mean that they were separate from the first.

(23) Ibid. XI, 7: 'me' instead of 'us'. V. n. 7.

(24) Ibid. XVIII, 12: instead of 'in herself', in order to make a distinction between Sarah and Abraham, who also laughed inwardly.

- (25) Ibid. XLIX, 6: 'ox' instead of 'man', to save the name of Jacob's sons.
 (26) Ex. IV, 20: carrier of men' instead of 'ass', to save the dignity of Moses.
 (27) Ibid. XII, 40. The words 'and in other lands' are inserted because, according to the Biblical record, the Israelites were at the utmost 210 years in Egypt.
 (28) Ibid. XXIV, 5: 'elect' instead of 'young men', which is regarded as not suitable to the context.
 (29) Ibid. 11 : 'elect' instead of 'nobles'.

Talmud - Mas. Megilah 9b

I have taken not one valuable of theirs;¹ Which the Lord thy God distributed to give light to all the peoples;² And he went and served other gods which I commanded should not be served.³ They also wrote for him 'the beast with small legs' and they did not write 'the hare',⁴ because the name of Ptolemy's wife was hare,⁵ lest he should say, The Jews have jibed at me and put the name of my wife in the Torah.

R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO ARE PERMITTED TO BE WRITTEN ONLY IN GREEK. R. Abbahu said in the name of R. Johanan: The halachah follows R. Simeon b. Gamaliel. R. Johanan further said: What is the reason of R. Simeon b. Gamaliel? Scripture says, God enlarge Japheth, and he shall dwell in the tents of Shem;⁶ [this means] that the words of Japheth⁷ shall be in the tents of Shem. But why not say [the words of] Gomer and Magog?⁸ — R. Hiyya b. Abba replied: The real reason is because it is written, Let God enlarge [yaft] Japheth: implying, let the chief beauty [yafyuth] of Japheth⁹ be in the tents of Shem.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A PRIEST ANOINTED WITH THE OIL OF ANOINTMENT AND ONE WHO [ONLY] WEARS THE ADDITIONAL GARMENTS¹⁰ SAVE IN THE MATTER OF THE BULLOCK WHICH IS OFFERED FOR THE [UNWITTING BREAKING OF] ANY OF THE COMMANDMENTS.¹¹ THERE IS NO DIFFERENCE BETWEEN A REGULAR¹² [HIGH] PRIEST AND ONE WHO HAS PASSED THROUGH [THE OFFICE]¹³ SAVE IN RESPECT OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH.¹⁴

GEMARA. [BETWEEN THE PRIEST ANOINTED etc.]. From this we infer that in the matter of the bullock of the Day of Atonement and the tenth of the ephah they are on the same footing. The Mishnah, it appears, does not concur with R. Meir; for with regard to the view of R. Meir, it has been taught: 'One who wears the additional garments [without having been anointed] brings the bullock which is offered [by the High Priest] for the [unwitting breaking of] any of the precepts'. So R. Meir. The Sages, however, say that he does not offer it. What is the reason of R. Meir? — As it has been taught: [If the] anointed [priest shall sin]:¹⁵ this tells me only of one anointed with the oil of anointment. How do I know that it applies also to one who [merely] wears the additional garments? — Because it says, the 'anointed'.¹⁶ How have you explained [the Mishnah]? As not concurring with R. Meir. Look now at the next clause: THERE IS NO DIFFERENCE BETWEEN A REGULAR HIGH PRIEST AND ONE WHO HAS PASSED THROUGH THE OFFICE SAVE IN THE MATTER OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH. We infer from this that in all other matters they are on the same footing; and so we come round to the view of R. Meir, as it has been taught: 'If something happened to disqualify him and another priest was appointed to take his place, when the first returns to his service the second is still liable to all the obligations of the high priesthood'.¹⁷ So R. Meir. R. Jose said: The first returns to his service whereas the second is qualified to act neither as a high priest nor as an ordinary priest. R. Jose further said: it happened with R. Jose b. Ulam¹⁸ from Sepphoris that a disqualification occurred to the high priest and they appointed him in his place, and the case eventually came before the Sages and they said: The first returns to his service. The second is qualified to act neither as a high priest nor as an ordinary priest: as a high priest, so as not to create enmity,¹⁹ as an ordinary priest, because

we can raise to a higher grade of holiness but we never put down to a lower.²⁰ Are we then to say that the first clause [of the Mishnah] follows the Sages and the second R. Meir? — Said R. Hisda: Yes; the first clause follows the Sages and the second R. Meir. R. Joseph said: The whole gives the opinion of Rabbi, who combined the views of²¹ differing Tannaim.²²

MISHNAH. THERE IS NO DIFFERENCE²³ BETWEEN A GREAT HIGH PLACE²⁴ AND A SMALL ONE²⁵ SAVE IN THE MATTER OF THE PASCHAL LAMB OFFERING.²⁶ THIS IS THE GENERAL PRINCIPLE: ANY ANIMAL WHICH IS THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY BE BROUGHT ON A [SMALL] HIGH PLACE, ANY ANIMAL WHICH IS NOT THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY NOT BE BROUGHT ON A [SMALL] HIGH PLACE.

GEMARA. THE PASCHAL LAMB and nothing else?²⁷ — We should say, things like the paschal lamb.²⁸ Whose view is this? — R. Simeon's, as it has been taught: 'The congregation also did not offer [on the large high place] anything save paschal lambs and obligatory sacrifices for which there is a fixed time; but obligatory sacrifices for which there is no fixed time²⁹ were not offered either on the one or the other'.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SHILOH³⁰ AND JERUSALEM SAVE THAT IN SHILOH SACRIFICES OF LESSER SANCTITY³¹ AND SECOND TITHE³² COULD BE EATEN ANYWHERE WITHIN SIGHT [OF THE TOWN], WHEREAS IN JERUSALEM THEY HAD TO BE CONSUMED WITHIN THE WALLS. IN BOTH PLACES THE MOST HOLY SACRIFICES³³ WERE EATEN WITHIN THE CURTAINS.³⁴ AFTER THE SANCTIFICATION OF SHILOH

(1) Num. XVI, 15: 'valuable' for 'ass'.

(2) Deut. IV, 19. The words 'to give light' are inserted, to guard against misunderstanding.

(3) Ibid. XVII, 3. The words 'should be served' are inserted, to avoid misunderstanding.

(4) In Lev. XI, 6.

(5) In fact, it was Ptolemy's father who was named 'hare' (**).

(6) Gen. IX, 27.

(7) Javan (Greece) is reckoned among the sons of Japheth in Gen. X, 2.

(8) Who are also reckoned among the sons of Japheth, loc. cit.

(9) I.e., the Greek language.

(10) I.e., the robe, the breastplate, the mitre and the plate, which were worn by the high priest but not by ordinary priests. High priests, according to tradition, ceased to be anointed from the days of Josiah.

(11) Lev. IV, 3.

(12) Lit., 'officiating'.

(13) And who retired; i.e., one who was appointed to take the place of a High Priest while the latter is temporarily disqualified. When the disqualification is removed the High Priest returns to his duties while his substitute retires. V. infra.

(14) The daily offering of the High Priest. Lev. VI, 13-15. Only one person could make these two offerings.

(15) Lev. IV, 3.

(16) The definite article is regarded as adding something.

(17) E.g., to minister only in eight garments, not to mourn etc.

(18) [Or Ailim; Joseph b. Ellimus mentioned in Josephus. V. Hor., Sonc. ed. p. 89, n. 5.]

(19) Between him and the original High priest.

(20) Hence, having served as a High Priest, he can never revert to the status of an ordinary one.

(21) Lit., 'who took it according to'.

(22) For further notes on the whole passage v. Hor., Sonc. ed. pp. 88ff.

(23) In the period when the high places (Bamoth, sing. Bamah) were permitted, i.e., when there was no sanctuary at Shiloh or Jerusalem.

- (24) Those at Nob and Gibeon, where the altar made by Moses was used for public services.
- (25) Erected by any individual for private sacrifices.
- (26) Which could be offered only on the large one.
- (27) This seems to contradict the next clause, which implies that congregational sacrifices were brought on the large high places.
- (28) As explained presently.
- (29) E.g., the bullock offered in atonement for a sin committed unwittingly by the whole congregation.
- (30) Shiloh was made the religious centre of the people in the time of Joshua (Josh. XVIII, 1), and remained such till the time of Samuel, when it seems to have been laid waste by the Philistines (cf. Jer. XXVI, 6, 9).
- (31) Viz., peace-offerings, firstlings and tithe of cattle.
- (32) Set aside on the first, second, fourth and fifth years of the seven-year cycle after the dues to the priests and levites had been paid. Their second tithe or redemption money was taken to Jerusalem and there consumed by the owners. V. Deut. XIV, 22ff.
- (33) Viz., sin- and guilt-offerings, and congregational peace-offerings.
- (34) This expression applies strictly only to the Tabernacle at Shiloh. The corresponding place in the Temple at Jerusalem was the space within the walls of the Temple court.

Talmud - Mas. Megilah 10a

THE HIGH PLACES COULD AGAIN BECOME PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION.

GEMARA. R. Isaac said: I have heard that sacrifices may be offered in the Temple of Onias¹ at the present day.² He was of opinion that the Temple of Onias is not an idolatrous shrine, and that the first holiness [of Jerusalem] was conferred on it for the time being but not for all time,³ as it is written, For ye are not as yet come to the rest and to the inheritance.⁴ 'Rest' here means Shiloh and 'inheritance' means Jerusalem, and 'inheritance' is put on the same footing as 'rest', [to show that] just as after the [destruction of the] 'rest' the high places were again permitted, so after the [destruction of the] 'inheritance' they will be permitted. They said to him: Do you really say so? He replied, No. Said Raba: By God! he did say it and I learnt it from him. Why then did he retract? On account of the difficulty raised by R. Mari. For R. Mari adduced the following in confutation: AFTER THE SANCTIFICATION OF SHILOH HIGH PLACES CAN AGAIN BE PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION. We have also learnt further: After they [the Israelites] occupied Jerusalem, the high places were forbidden, and they were never permitted again, and it was the 'inheritance'. — There is a difference of Tannaim on this point, as we have learnt. 'R. Eliezer said: I have heard that when they were building the hekal⁵ [in the second Temple] they made curtains for the hekal and for the courtyard,⁶ the difference being that in the hekal they built [the walls] outside [the curtains]⁶ and in the courtyard they built [the walls] within [the curtains]. And R. Joshua said: I have heard that sacrifices may be brought even though there is no temple; that the most holy foods may be eaten, even though there are no curtains; and that foods of lesser sanctity and second tithe may be eaten even though there is no wall, because the first holiness was conferred on Jerusalem⁷ both for the time being and for all time.'⁷ We infer from this⁸ that R. Eliezer was of opinion that it was not [at first] sanctified for all time.⁹ Said Rabina to R. Ashi: How can we draw this inference? Perhaps all agree that the first holiness was conferred upon it for the time being and for all time, and one Master reported what he had heard and the other what he had heard. Should you ask, In that case, why were curtains needed according to R. Eliezer, we can answer that they were merely for privacy. Rather it is the following Tannaim who differ on this point as it has been taught: 'R. Ishmael son of R. Jose said: Why did the Sages enumerate these?¹⁰ Because when the exiles returned they found these cities [still walled] and sanctified them;¹¹ the others,¹² however, lost their privilege when the land lost its sanctity'. This shows that he was of opinion that the first holiness was conferred for the time being and not for the future. And a contradiction was pointed out with the following: 'R. Ishmael son of R.

Jose said: Were these all? Do we not find it said, Sixty cities, all the region of Argob,¹³ and it is written, All these were fortified cities with high walls?¹⁴ Why then did the Sages enumerate these? Because when the exiles returned, they found these [still walled] and sanctified them'.¹⁵ They sanctified then,

(1) A shrine built at Leontopolis in Egypt by Onias IV, a high priest who fled from Jerusalem. c. 154 B.C.E., v. Josephus, Ant. XIII, iii, 1ff and Men. 109b.

(2) This must refer to the period of the originator of the dictum, as the Temple of Onias did not exist any longer in the time of R. Isaac.

(3) Lit., 'for the future to come'. Hence after its destruction the high places would again be permitted.

(4) Deut. XII, 9.

(5) We assume for the present that the reason for the curtains was to invest the place with holiness enabling sacrifices to be offered and eaten pending the construction of the walls.

(6) [To prevent the builders from either penetrating into the hekal or gazing into it whilst engaged in their work. V. Rashi a.I. and Shebu. 16a.]

(7) V. 'Ed. VIII, 7 and Zeb. 107b.

(8) From the fact that curtains were required to confer holiness.

(9) This shows that Tannaim differ on this point.

(10) Nine cities enumerated in Tractate Arakin 32b as having been walled in the time of Joshua.

(11) I.e. gave them the status of 'walled towns'.

(12) Lit., 'the earlier ones, i.e., all the others which had previously been walled.

(13) Deut. III, 4.

(14) Ibid. 4f.

(15) The quotation is here interrupted.

Talmud - Mas. Megilah 10b

now, [say you]! Do we not say that they did not require to be sanctified?¹ What [you should say is], they found these and enumerated them. And not only in these alone, but in every one in regard to which you shall find a tradition from your ancestors that it was walled from the days of Joshua son of Nun, all these precepts² are to be observed, because the first holiness was conferred for the time being and for all future time. There is thus a contradiction between two statements of R. Ishmael! — Two Tannaim report R. Ishmael son of R. Jose differently. Or if you like, I can say that the latter dictum emanates from R. Eleazar b. Jose, as it has been taught: 'R. Eleazar b. Jose says: That has [no] wall;³ even though it has not now, but it had in previous times.'

And it came to pass in the days of Ahasuerus⁴ R. Levi, or some say R. Jonathan said: The following remark is a tradition handed down to us from the Men of the Great Assembly:⁵ wherever in the Scripture we find the term wa-yehi [and it was, and it came to pass], it indicates [the approach of] trouble.⁶ Thus, and it came to pass in the days of Ahasuerus — there was Haman. And it came to pass in the days when the Judges judged⁷ — 'there was a famine'. And it came to pass when man began to multiply⁸ — then 'God Saw that the wickedness of man was great'. And it came to pass, as they journeyed east⁹ — then 'they said, come let us build a city'. And it came to pass in the days of Amrafel¹⁰ — then 'they made war'. And it came to pass when Joshua was in Jericho¹¹ — then 'his [the angel's] sword was drawn in his hand'.¹² And the Lord was [wa-yehi] with Joshua¹³ — then, 'the children of Israel committed a trespass', And there was a certain man of Ramathaim-Zophim¹⁴ — then, for he loved Hannah but the Lord had shut up her womb'. And it came to pass when Samuel was old¹⁵ — then, 'his sons walked not in his ways'. And David had [wa-yehi] great success in all his ways¹⁶ — then, 'And Saul eyed David'.¹⁷ And it came to pass when the king dwelt in his house¹⁸ — then, 'Nevertheless thou shalt not build the house'.¹⁹ But is it not written, — And it came to pass on the eighth day,²⁰ and it has been taught, 'On that day there was joy before the Holy One, blessed be He, as on the day when heaven and earth were created. For it is written, And it came to pass

[wa-yehi] on the eighth day, and it is written in the other place, And there was [wa-yehi] one day'?²¹ Nadab and Abihu died on that day. But is it not written, And it came to pass in the four hundred and eightieth year,²² And it came to pass when Jacob saw Rachel,²³ and it is also written, And there there was evening and there was morning one day, and there is the second day and the third, and there are many other cases? — R. Ashi replied: The fact is that 'wa-yehi' sometimes has this signification and sometimes not, but the expression 'and it came to pass in the days of' always indicated trouble. Five times we find the expression 'and it came to pass in the days of'; viz., 'And it came to pass in the days when the Judges judged', 'and it came to pass in the days of Amrafel', 'and it came to pass in the days of Ahaz',²⁴ 'and it came to pass in the days of Jehoiakim'.²⁵

R. Levi further said: The following is a tradition that we have from our ancestors, that Amoz²⁶ and Amaziah²⁷ were brothers. What does this tell us?²⁸ — It confirms what was said by R. Samuel b. Nahmani in the name of R. Jonathan: Every bride who is modest in the house of her father-in-law is rewarded by having kings and prophets among her descendants. How do we prove this? From Tamar, as it is written, And Judah saw her and thought her to be a harlot; for she had covered her face.²⁹ Now because she had covered her face did he think her to be a harlot? Rather, what it means is that because she had covered her face in the house of her father-in-law and he did not know her, she was rewarded by having among her descendants kings and prophets; kings from David, and prophets — as R. Levi said, 'It is a tradition handed down to us from our ancestors that Amoz and Amaziah were brothers', and it is written, The vision of Isaiah son of Amoz.³⁰

R. Levi further said: We have a tradition from our ancestors that the ark took up no room.³¹ It has been taught to the same effect: 'The ark which Moses made had round it an [empty] space of ten cubits on every side'. Now it is written, And in front of the Sanctuary was twenty cubits in length [and twenty cubits in breadth],³² and it is also written, And the wing of the one cherub was ten cubits and the wing of the other cherub was ten cubits.³³ Where then was the ark itself? We must therefore conclude that it stood by a miracle [without occupying any room].³⁴

R. Jonathan prefaced his discourse on this section³⁵ with the text,³⁶ And I will rise against them, saith the Lord, and cut off from Babylon name and remnant', and offshoot and offspring, saith the Lord,³⁷ [which he expounded as follows]: 'Name' means script; 'remnant is language';³⁸ 'offshoot' is kingdom, and 'offspring' is Vashti.

R. Samuel b. Nahmani introduced his discourse on this section with the following text: Instead of the thorn shall come up the cypress, and instead of the brier shall come up the myrtle:³⁹ 'Instead of the thorn': instead of the wicked Haman who put himself up as an object of worship, as it is written, and upon all thorns and upon all brambles⁴⁰ 'shall come up the cypress': this is Mordecai who was called the chief of all spices, as it is said, And do thou take to thee the chief spices, flowing myrrh,⁴¹ which [last words] we translate [in Aramaic], mar deki.⁴² 'Instead of the brier': instead of the wicked Vashti, the daughter of the wicked Nebuchadnezzar who burnt the ceiling of the house of the Lord; as it is written, its top was gold,⁴³ 'the myrtle shall come up': this is the virtuous Esther who is called Hadassah,⁴⁴ as it is said, And he brought up Hadassah.⁴⁵ 'And it shall be to the Lord for a name': this is the reading of the Megillah; 'and for an everlasting sign which shall not be cut off': these are the days of Purim.

R. Joshua b. Levi introduced his discourse on this section with the following text: And it shall come to pass that as the Lord rejoiced over you to do you good, so the Lord will rejoice over you to cause you to perish.⁴⁶ Now does the Holy One, blessed be He, rejoice in the downfall of the wicked? Is it not written, as they went out before the army, and say, Give thanks unto the Lord, for his mercy endureth for ever',⁴⁷ and R. Johanan said, Why are the words 'for he is good' omitted from this thanksgiving? Because the Holy One, blessed be He, does not rejoice in the downfall of the wicked? And R. Johanan further said, What is the meaning of the verse, And one came not near the other all

the night?⁴⁸ The ministering angels wanted to chant their hymns, but the Holy One, blessed be He, said, The work of my hands is being drowned in the sea, and shall you chant hymns? — R. Eleazar replied: He himself does not rejoice, but he makes others rejoice. This is indicated also by the text, which writes yasis and not yasus;⁴⁹ which proves [what we said].

R. Abba b. Kahana introduced his discourse on this section with the following text: For to the man that is good in his sight he giveth wisdom, and knowledge and joy.⁵⁰ This, he said, is the righteous Mordecai. But to the sinner He giveth the task, to gather and to heap up;⁵⁰ this is Haman. That he may leave it to him, that is good in the sight of God;⁵⁰ this refers to Mordecai and Esther, as it is written, And Esther set Mordecai over the house of Haman.⁵¹

Rabbah b. 'Ofra introduced his discourse on this section with the following text: And I will set my throne in Elam, and will destroy from thence king and princes.⁵² 'King' indicates Vashti, and 'princes' indicates Haman and his ten sons.

R. Dimi b. Isaac introduced his discourse on this section with the following text:

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- (1) As it says presently, that all which are traditionally known to have been walled are sanctified.
 - (2) Of sending out a leper and reading the Megillah on the fifteenth and restoring a house to a vendor at the end of a year.
 - (3) Lev. XXV, 31. The kere means which has a wall' and the kethib 'which has no wall', and R. Eleazar combines both meanings, he being of the opinion that the first holiness is retained for all times, in contradistinction to R. Ishmael. These then are the two Tannaim who differ on this point.
 - (4) Esth. I, 1.
 - (5) V. p. 2, n. 5.
 - (6) Wa-yehi being read as wai, hi (woe and sorrow). V.infra.
 - (7) Ruth I, I.
 - (8) Gen. VI, I
 - (9) Ibid. XI, 2.
 - (10) Ibid. XIV, I.
 - (11) Josh. V, 13.
 - (12) Ibid.
 - (13) Ibid. VI,27.
 - (14) I Sam.I, 1.
 - (15) Ibid. VIII, 1.
 - (16) Ibid. XVIII, 14.
 - (17) This is in fact mentioned before the other, in v. 9 of the same chapter.
 - (18) II Sam VII, 1.
 - (19) This is in fact found in I Kings VIII, 19. In II Sam. VII the expression is, 'Shalt thou build a house'.
 - (20) Lev. IX, 1 of the setting up of the Tabernacle.
 - (21) Gen. I, 5.
 - (22) I Kings VI, 1 of the building of the Temple.
 - (23) Gen. XXIX, 10.
 - (24) Isa. VII, 1.
 - (25) Jer. I, 3.
 - (26) The father of Isaiah. V. infra.
 - (27) The king of Judah.
 - (28) I.e., what homiletical lesson does it convey.
 - (29) Gen. XXXVIII, 15.
 - (30) Isa. I, 1.
 - (31) Lit., 'the place of the ark was not included in the measurements'.
 - (32) I Kings VI, 20.

- (33) This is the sense but not the exact wording of I Kings VI, 24, 25.
- (34) V. Yoma 21a and B.B. 99a.
- (35) The Book of Esther.
- (36) Lit., 'from here'.
- (37) Isa. XIV, 22.
- (38) The connection between 'name' and 'script' and between 'remnant' and 'language' is not very clear. But v. Maharsha.
- (39) Isa. LV, 13.
- (40) Ibid. VII, 19. The proof is not clear. Cf. Maharsha.
- (41) Ex. XXX, 23.
- (42) 'Pure myrrh' a popular etymology of Mordecai.
- (43) Cant. III, 10. There is here a play on the words sirpad (brier), and refidah (top).
- (44) The Aramaic for myrtle.
- (45) Esth. 11, 7,
- (46) Deut. XXVIII, 63.
- (47) II Chron. XX, 21, of the army of Jehoshaphat marching against the Moabites.
- (48) Ex. XIV, 20, of Pharaoh and the Israelites at the Red Sea.
- (49) Yasis is a hif'il form, and should properly mean 'cause to rejoice', though it is often used as equivalent to the kal, yasus rejoice'.
- (50) Eccl. II, 26.
- (51) Esth. VIII, 2.
- (52) Jer. XLIX, 38.

Talmud - Mas. Megilah 11a

For we are bondmen; yet hath God not forsaken us in our bondage, but hath extended mercy unto us in the sight of the kings of Persia.¹ When was this? In the time of Haman. R. Hanina b. Papa introduced his discourse on this section with the following text: Thou hast caused men to ride over our heads, we went through fire and through water:² through fire in the days of the wicked Nebuchadnezzar, and through water in the days of Pharaoh. But thou didst bring us out into abundance,² in the days of Haman.

R. Johanan introduced his discourse on this section with the following text: He hath remembered his mercy and his faithfulness to the house of Israel, all the ends of the earth have seen the salvation of our Lord.³ When did all the ends of the earth see the salvation of our Lord? In the days of Mordecai and Esther.⁴

Resh Lakish introduced his discourse on this section with the following text: As a roaring lion and a ravenous bear, so is a wicked ruler over a poor people.⁵ 'A roaring lion': this is the wicked Nebuchadnezzar, of whom it is written, A lion is gone up from his thicket.⁶ 'A ravenous bear': this is Ahasuerus, of whom it is written, And behold another beast, a second, like to a bear',⁷ and R. Joseph learnt: These are the Persians, who eat and drink like bears, and are coated with flesh like bears, and are hairy like bears, and can never keep still like bears.⁸ 'A wicked ruler': this is Haman. 'Over a poor people': this is Israel, who are poor in [the observance of] precepts.

R. Eleazar introduced his discourse on this with the following text: By slothfulness he that lays beams⁹ becomes poor [yimak], and through idleness of the hands the house leaketh.¹⁰ Through the slothfulness in which Israel indulged, not busying themselves with the Torah, the enemy of¹¹ the Holy One, blessed be He, became poor. The meaning of 'mak' is poor, as it says, And if he is too mak for thy valuation,¹² and mekoreh means only the Holy One, blessed be He, as it says, Who layest the beams [ha-mekareh] of thy upper chambers in the waters.¹³

R. Nahman b. Isaac introduced his discourse on this section with the following text: A Song of Ascents: If it had not been for the Lord who was for us, let Israel now say If it had not been the Lord who was for us when a man¹⁴ rose up against us¹⁵ — ‘a man’ and not a king.¹⁶

Raba introduced his discourse on this section from here: When the righteous are increased the people rejoice, but when the wicked beareth rule the people sigh.¹⁷ ‘When the righteous are increased the people rejoice’ — this is illustrated by Mordecai and Esther, as it is written, and the city of Shushan shouted and was glad.¹⁸ ‘But when the wicked beareth rule the people sigh’ — this is illustrated by Haman, as it is written, but the city of Shushan was perplexed.¹⁹ R. Mattenah made his introduction²⁰ from this verse: For what great nation is there that hath God so nigh to them.²¹ R. Ashi made it from this verse: Or hath God assayed etc.²²

And it came to pass [wa-yehi] in the days of Ahasuerus²³ etc. Rab said, [The word wa-yehi is equivalent to] ‘wai and hi’ [woe and mourning]. With reference to this it is written, and there ye shall sell yourselves unto your enemies for bondmen and for bondwomen, and no man shall buy you.²⁴

Samuel quoted: I did not reject them, neither did I abhor them to destroy them utterly.²⁵ ‘I did not reject them’ in the days of the Greeks; ‘neither did I abhor them’ — in the days of Nebuchadnezzar;²⁶ ‘to destroy them utterly’ — in the days of Haman; ‘and to break my covenant with them’ — in the days of the Persians;²⁷ ‘for I am the Lord their God’ — in the days of Gog and Magog.²⁸ In a Baraitha It was taught: ‘I have not rejected them’ — in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; ‘neither did I abhor them’ — in the days of the Greeks, when I raised up for them Simeon the Righteous and Hasmonai and his sons, and Mattathias the High Priest;²⁹ ‘to destroy them utterly’ — in the days of Haman, when I raised up for them Mordecai and Esther; ‘to break my covenant with them’ — in the days of the Persians,³⁰ when I raised up for them the members of the house of Rabbi and the Sages of the various generations. ‘For I am the Lord their God’ — in the time to come, when no nation or people³¹ will be able to subject them.

R. Levi introduced [his discourse] from this verse: But if ye will not drive out the inhabitants of the land before you.³² R. Hiyya introduced [his discourse] from this verse: And it shall come to pass that as I thought to do unto them, so will I do unto you.³³

Ahasuerus: Rab said: He was [as his name implies], the brother of the head³⁴ and the counterpart of the head — ‘The brother of the head’: the brother of Nebuchadnezzar the wicked who was called head, as it is written, Thou art the head of gold.³⁵ ‘The counterpart of the head’: the one slew, the other sought to slay; the one laid waste, the other sought to lay waste, as it is written, And in the reign of Ahasuerus, in the beginning of his reign, wrote they an accusation against the inhabitants of Judah and Jerusalem.³⁶ Samuel said that [as his name indicates], the face of Israel was blackened³⁷ in his days like the sides of a pot. R. Johanan said that [his name indicates that] everyone who thought of him said ‘alas for my head’.³⁸ R. Hanina said, [it indicates that] all became poor³⁹ in his days, as it says, And the king Ahasuerus laid a tribute.⁴⁰

That [hu] is Ahasuerus. — [this means that] he persisted in his wickedness from beginning to end — [Similarly] this is [hu] Esau:⁴¹ the same in his wickedness from beginning to end. [Similarly], These are that [hu] Dathan and Abiram:⁴² the same in their wickedness from the beginning to the end. [Similarly], this same [hu] king Ahaz:⁴³ the same in his wickedness from the beginning to the end. [Similarly], Abram, the same [hu] is Abraham:⁴⁴ the same in his righteousness from the beginning to the end. [Similarly], These are that [hu] Aaron and Moses:⁴⁵ the same in their righteousness from the beginning to the end. [Similarly], And David, he was [hu] the smallest;⁴⁶ he persisted in his humility⁴⁷ from the beginning to the end; just as in his youth he humbled himself

before anyone who was his superior in Torah, so in his kingship he humbled himself before anyone who was his superior in wisdom.

Who reigned: Rab said: this indicates that he raised himself to the throne.⁴⁸ Some interpret this to his credit, and some to his discredit. Some interpret it to his credit, holding that there was no other man equally fitted for the throne. Others interpret it to his discredit, holding that he was not fitted for the throne, but that he was very wealthy, and by means of lavish distribution of money rose to the throne.

From Hodu to Cush.⁴⁹ Rab and Samuel gave different interpretations of this. One said that Hodu is at one end of the world and Cush at the other, and the other said that Hodu and Cush adjoin one another, and that [the meaning is that] as he ruled over Hodu and Cush, so he ruled from one end of the world to the other. A similar difference occurs with reference to the words, For he had dominion over all the region on this side of the River, from Tiphseh even unto Gaza.⁵⁰ Here again Rab and Samuel interpreted differently. One said that Tiphseh is at one end of the world and Gaza at the other, and the other said that Tiphseh and Gaza are near one another [and that what is meant is that] as he [Solomon] ruled over Tiphseh and over Gaza, so he ruled over the whole world.⁵¹ Seven and twenty and a hundred provinces. R. Hisda said: At first he ruled over seven, then over twenty [more], and finally over a hundred [more]. But if you interpret thus, what of the verse, And the years of the life of Amram were seven and thirty and a hundred years?⁵² What lesson will you derive from that? — There is a difference here, because the whole text is superfluous. See now: it is written, from Hodu to Cush. Why then do I require, seven and twenty and a hundred provinces? You must conclude that it is for a special lesson .

Our Rabbis taught: Three [potentates] ruled over the whole globe,⁵³ namely, Ahab, Ahasuerus and Nebuchadnezzar.⁵⁴ Ahab, as it is written, As the Lord thy God liveth, there is no nation or kingdom whither my lord hath not sent to seek thee etc.⁵⁵ Now if he was not king over them, how could he make them take an oath? Nebuchadnezzar, as it is written: And it shall come to pass that the nation and the kingdom which will not serve the same Nebuchadnezzar king of Babylon and will not put their neck under the yoke of the King of Babylon.⁵⁶ Ahasuerus, as we have pointed out above

(1) Ezra IX, 9.

(2) Ps. LXVI, 12.

(3) Ps. XCVIII, 3.

(4) Since letters were sent to all the provinces of the Persian Empire.

(5) Prov. XXVIII, 15.

(6) Jer. IV, 7.

(7) Dan. VII, 5.

(8) V. A.Z. 2b.

(9) Heb. המקרה E.V. 'the rafters sink in'.

(10) Eccl. X, 18.

(11) Euphemism.

(12) Lev. XXVII, 8.

(13) Ps. CIV, 3.

(14) E.V. 'men'.

(15) Ps. CXXIV, 1, 2.

(16) Referring to Haman.

(17) Prov. XXIX, 2.

(18) Esth. VIII, 15

(19) Ibid. III, 15.

(20) Lit., 'said'.

(21) Deut. IV, 7.

- (22) Ibid. 34.
- (23) Esth. I, 1.
- (24) Deut. XXVIII, 68.
- (25) Lev. XXVI, 44.
- (26) [The order followed here differs from that in the parallel passage in the Yalkut a.I. which is the more chronological. V. Maharsha.]
- (27) Read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (28) I.e., the days of the Messiah. V. Ezek. XXXVIII, XXXIX.
- (29) Mattathias is usually identified with Hasmonai. [MS.M. omits 'Hasmonai and his sons'.]
- (30) Here also read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (31) Lit., 'tongue, language'
- (32) Num. XXXIII, 55.
- (33) Ibid. 56.
- (34) Heb. ahiw shel rosh.
- (35) Dan. II, 38.
- (36) Ezra IV, 6.
- (37) Heb. hushharu.
- (38) Heb.ah le-rosho.
- (39) Heb.rashin.
- (40) Esth.X, 1.
- (41) Gen.XXXVI,43.
- (42) Num. XXVI, 9.
- (43) II Chron. XXVIII, 22.
- (44) I Chron. I, 27.
- (45) Ex. VI, 26.
- (46) I Sam. XVII,14. E.V. youngest'.
- (47) The Heb. katan means both 'young' and 'humble'.
- (48) Because it does not say 'who was king'.
- (49) E.V. 'from India to Ethiopia'.
- (50) I Kings V, 4.
- (51) V. Sanh., Sonc. ed. p. 110, nn. 5-6.
- (52) Ex. VI, 20.
- (53) Heb. כִּפּוֹת. Lit., 'arch', the space beneath the vault of the heaven.
- (54) Only those mentioned in Scripture are reckoned (Tosaf.).
- (55) I Kings XVIII, 10. The text continues, and when they said, he is not here, he took an oath, etc.
- (56) Jer. XXVII, 8.

Talmud - Mas. Megilah 11b

(Mnemonic: Sh'S'D'K')¹ But are there no more? Is there not Solomon? — He did not retain his kingdom [till his death]. This is a sufficient answer for the one who holds that he was first a king and then a subject.² But for the one who holds that he was first a king, then a subject, and then a king again, what can we reply? — Solomon was in a different category, because he ruled over the denizens of the upper world³ as well as of the lower, as it says, And Solomon sat upon the throne of the Lord.⁴

But was there not Sennacherib, as it is written, Who are they among all the gods of these countries that have delivered their country out of my hand.⁵ — There was Jerusalem which he had not subdued.

But was there not Darius, as it is written, Then king Darius wrote unto all the peoples, nations and languages that dwell in all the earth, Peace be multiplied unto you?⁶ — There were the seven over which he did not rule, as it is written, It pleased Darius to set over the kingdom a hundred and twenty satraps.⁷ But there was Cyrus, of whom it is written, Thus saith Cyrus king of Persia, All the kingdom of the earth hath the Lord given me?⁸ — There he was merely indulging in a boast.

In those days, when the king sat [on his throne].⁹ [How can this be] seeing that it says just afterwards, in the third year of his reign? — Raba said: What is meant by ‘when he sat’? After he began to feel secure. He reasoned thus: ‘Belshazar calculated and made a mistake; I have calculated and made no mistake’ — What is the meaning of this? — It is written, After seventy years are accomplished for Babylon I will remember you,¹⁰ and it is written, That He would accomplish for the desolations of Jerusalem seventy years.¹¹ He reckoned forty-five years of Nebuchadnezzar and twenty-three of Evilmerodach and two of his own, making seventy in all. He then brought out the vessels of the Temple and used them. And how do we know that Nebuchadnezzar reigned forty-five years? — As a Master has said: ‘They went into exile in the seventh year and they went into exile in the eighth year; they went into exile in the eighteenth year and they went into exile in the nineteenth year’ — [That is to say], in the seventh year after the subjection of Jehoiakim¹² they underwent the exile of Jeconiah, this being the eighth year of Nebuchadnezzar.¹³ In the eighteenth year from the subjection of Jehoiakim¹⁴ they underwent the exile of Zedekiah, this being the nineteenth year of Nebuchadnezzar,¹⁵ as a Master has said, In the first year [of his reign] he [Nebuchadnezzar] overthrew Nineveh; in the second year he conquered Jehoiakim¹⁶ and it is written, And it came to pass in the seven and thirtieth year of the captivity of Jehoiachin king of Judah, in the twelfth month in the seven and twentieth day of the month, that Evilmerodach King of Babylon, in the year of his reign, lifted up the head of Jehoiachin king of Judah and brought him forth out of prison.¹⁷ Eight and thirty-seven make forty-five of Nebuchadnezzar. The twenty-three of Evilmerodach we know from tradition. These with two of his own¹⁸ make seventy. He [Belshazar] said to himself, Now of a surety they will not be redeemed. So he brought out the vessels of the Temple and used them. Hence it was that Daniel said to him, but thou hast lifted up thyself against the Lord of heaven, and they have brought the vessels of his house before thee.¹⁹ It is further written, In that night Belshazar the Chaldean king was slain,²⁰ and it is written, And Darius the Mede received the kingdom, being about threescore and two years old.²¹ He [Ahasuerus] said: He calculated and made a mistake,²² I will calculate and make no mistake. Is it written, ‘seventy years for the kingdom of Babylon?’²³ It is written, seventy years for Babylon. What is meant by Babylon? The exile of Babylon — How many years [is this reckoning] less [than the other]? Eight.²⁴ So in place of them he inserted one of Belshazar,²⁵ five of Darius and Cyrus,²⁶ and two of his own, which made seventy — When he saw that seventy had been completed and they were not redeemed, he brought out the vessels of the Temple and used them — Then the Satan came and danced among them and slew Vashti.

But he reckoned correctly? — He also made a mistake, since he ought to have reckoned from the destruction of Jerusalem.²⁷ Granted all this, how many years are short? Eleven. How long did he reign? Fourteen.²⁸ Consequently in the fourteenth year of his reign he ought to have rebuilt the Temple. Why then is it written, Then ceased the work of the house of God which is at Jerusalem?²⁹ — Raba replied: The years were not full ones.³⁰

(1) Sh=Solomon (Shelomoh); S = Sennacherib; D = Darius; K = Koresh (Cyrus).

(2) Cf. Git. 68b.

(3) The demons.

(4) 1 Chron. XXIX, 23.

(5) Isa. XXXVI, 20.

(6) Dan. VI, 26.

(7) Ibid. 2.

(8) Ezra 1, 2.

- (9) Esth. I, 2. Which would naturally mean, immediately after his accession.
- (10) Jer. XXIX, 10.
- (11) Dan. IX, 2.
- (12) By Nebuchadnezzar, as explained infra. V. Jer. LII, 28: This is the people whom Nebuchadnezzar carried away captive: in the seventh year etc.
- (13) V. II Kings XXIV, 12: And Jehoiachin (Jeconiah) the king of Judah went out to the king of Babylon . . . and he took him in the eighth year of his reign.
- (14) Jer. LII, 29.
- (15) V. II Kings XXV, 8.
- (16) Jehoiakim served Nebuchadnezzar three years (II Kings XXIV, 1), and according to the Seder Olam, he was in rebellion for three years. (This is based on Daniel I, 1. In the third year of the reign of Jehoiakim, Nebuchadnezzar came to Jerusalem, etc. which is interpreted to mean, the third year of his rebellion. V. Rashi.) In the same year he was deposed and Jeconiah went into exile, and as this was the eighth of Nebuchadnezzar (v. supra), his subjection must have commenced in the second or third year of Nebuchadnezzar.
- (17) II Kings XXV, 27.
- (18) It was in the third year of his reign that he gave his feast.
- (19) Dan. V, 23.
- (20) Ibid. 30.
- (21) Ibid. VI, 1.
- (22) In thinking that the prophecy had already been falsified.
- (23) I.e., from the accession of Nebuchadnezzar.
- (24) Because the exile of Jeconiah took place in the eighth year of Nebuchadnezzar. V. supra
- (25) I.e., the third year of Belshazar, which he himself did not reckon.
- (26) According to the Talmudic chronology, the Darius mentioned in Daniel VI was succeeded by the Cyrus who gave permission for the building of the Temple. On what authority they are supposed to have reigned five years is not clear.
- (27) Which took place eleven years after the exile of Jehoiachin.
- (28) Haman cast lots in the twelfth year (Esth. III, 7). The deliverance took place in the next year, and the second letter of Esther (v. Esth. IX, 29) is supposed to have been sent out in the next.
- (29) Until the second year of Darius who succeeded Ahasuerus. Ezra IV, 24.
- (30) I.e., the five years of Darius I and Cyrus were really only four, and a year may also have been added to the reigns of Nebuchadnezzar and Evilmerodach, so that the seventy years were really not completed till the second year of Darius II.

Talmud - Mas. Megilah 12a

It has been taught to the same effect: There was yet another year left to Babylon,¹ and Darius arose and completed it.

Raba said: Daniel also made a mistake in this calculation, as it is written, In the first year of his reign, I Daniel meditated in the books [etc.].² From his use of the words 'I meditated' we can infer that he [at first] made a mistake.

All the same, there is a contradiction between the texts [is there not]? It is written [in one], when there are accomplished for Babylon,³ and it is written [in the other], for the desolations of Jerusalem? — Raba replied: [The first term] was for visitation [pekidah] only, and this was fulfilled, as it is written, Thus saith Cyrus king of Persia, All the kingdoms of the earth hath the Lord, the God of the heavens, given to me, and he hath charged [pakad] me to build him a house in Jerusalem.⁴

R. Nahman son of R. Hisda gave the following exposition. What is the meaning of the verse, Thus saith the Lord to his anointed to Cyrus, whose right hand I have holden.⁵ Now was Cyrus the Messiah? Rather what it means is: The Holy One, blessed be He, said to the Messiah: I have a complaint on thy behalf against Cyrus.⁶ I said, He shall build my house and gather my exiles,⁷ and he [merely] said, Whosoever there is among you of all his people, let him go up.

The army of Persia and Media, the nobles. And elsewhere it is written, [The chronicles] of the kings of Media and Persia.⁸ [How is this]? — Raba replied: They [the Medes and Persians] made a stipulation with one another, saying, if we supply the kings, you will supply the Governors, and if you supply the kings we will supply the Governors.

When he showed the riches of his glorious [tif'ereth] kingdom. R. Jose b. Hanina said: This shows that he arrayed himself in priestly robes. It is written here, 'the riches of his glorious [tif'ereth] kingdom', and it is written elsewhere [in connection with the priestly garments], for splendour and for glory, [tif'ereth].⁹

And when these days were fulfilled.¹⁰ Rab and Samuel interpreted this differently. One said he was a clever king, and the other said that he was a foolish king. The one who held he was a clever king said that he did well in entertaining¹¹ his distant subjects first, because he could win over the inhabitants of his own city any time he wished. The one who held that he was foolish says that he ought to have entertained the inhabitants of his metropolis first, so that if the others rebelled against him, these would have supported him.

R. Simon b. Yohai was asked by his disciples, Why were the enemies of Israel¹² in that generation deserving of extermination? He said to them: Do you answer. They said: Because they partook of the feast of that wicked one.¹³ [He said to them]: If so, those in Susa should have been killed, not those in other parts?¹⁴ They then said, Give your answer. He said to them: It was because they bowed down to the image.¹⁵ They said to him, Did God then show them favouritism?¹⁶ He replied: They only pretended to worship,¹⁷ and He also only pretended to exterminate them; and so it is written, For he afflicted not from his heart.¹⁸ In the court of the garden of the king's palace.¹⁹ Rab and Samuel gave different interpretations of this — One said that those who had the entree²⁰ of the court were [entertained] in the court, and those who had the entree of the garden in the garden, and those who had the entree of the palace in the palace. The other said: He first put them in the court, and it did not hold them — Then he took them into the garden and it did not hold them; and finally he had to take them into the palace, and he found room for them. In a Baraitha it was taught: He took them into the court and opened two doors for them, one into the garden and one into the palace.

White [hur], fine cotton [karpas] and blue.²¹ What is hur? — Rab said, fine lace-work. Samuel said: He spread for them, carpets of white silk. Karpas: R. Jose b. Haninah said: [this means] cushions of velvet.²²

Upon silver rods and pillars of marble; the couches were of gold and silver.²¹ It has been taught: R. Judah said: Silver for some and gold for others, according to their degree. Said R. Nehemiah to him: If that were so, there would have been²³ jealousy at the banquet! No; the couches themselves were of silver and their feet of gold.

Green [bahat] and white marble.²¹ R. Assi said: [This means] stones that flash back at their owner;²⁴ and so it says, as the stones of a crown, glittering over his land.²⁵

And shell [dar] and onyx marble [sohareth].²¹ Rab said: This means rows [dari] upon rows.²⁶ Samuel says: There is a precious stone in the seaports called darah. He put it in the midst of the guests, and it lit up the place as at midday [Sahara].²⁷ In the school of R. Ishmael it was taught: It means that he gave a remission of taxes [deror] to all who dealt in merchandise [sehorah].

And they gave them drink in vessels of gold, the vessels being diverse [shonim] one from another.²⁸ It should have said, in different vessels? — Raba said: A bath kol²⁹ went forth and said to them, Your predecessors³⁰ met their end on account of vessels, and yet you use them again

[shonim]?³¹

And royal wine in abundance.²⁸ Rab said: This teaches that each one was given to drink wine older³² than himself.

And the drinking was according to law.³³ What is meant by ‘according to law’? — R. Hanan said in the name of R. Meir: According to the law of the Torah. Just as according to the law of the Torah the [quantity of] food exceeds the drink,³⁴ so in the feast of that wicked one there was more food than drink.

None did compel.³⁵ R. Eleazar said: This teaches that each one was given to drink from the wine of his own country.³⁵

That they should do according to every man's [ish, ish] pleasure.³³ Raba said: This means that they should do according to the will of Mordecai and Haman.³⁶ Mordecai [is called ‘man’] as it is written, A Jewish man;³⁷ and Haman, [as it is written], a man, an adversary and an enemy.³⁸

Also Vashti the queen made a feast for the women in the royal house.³⁹ It should have said, ‘the women's house’? — Raba said: Both of them [Ahasuerus and Vashti] had an immoral purpose. This bears out the popular saying, He with large pumpkins and his wife

(1) I.e., when Belshazar was killed, according to Seder Olam, only sixty-nine years had passed since Nebuchadnezzar had subdued Jehoiakim, and not seventy as reckoned above.

(2) Dan. IX, 2. Heb. **בִּינוּתִי**, which conveys the idea of calculating and revising.

(3) Ibid. I.e., from the rise of Nebuchadnezzar.

(4) Ezra I, 2. But the actual building was commenced some years later.

(5) Isa. XLV, 1.

(6) And we translate: ‘God said to his anointed regarding Cyrus’.

(7) Ibid. 13.

(8) Esth. X, 2. Here ‘kings’ is put next to Media, not next to Persia as in the case of the ‘nobles’ in the earlier passage.

(9) Ex. XXVIII, 2.

(10) Esth. 1,5.

(11) Lit., ‘bringing near’.

(12) Euphemism for ‘Israel’.

(13) Ahasuerus.

(14) As only those in Susa were invited.

(15) Set up by Nebuchadnezzar.

(16) By delivering them, since they really deserved to be exterminated.

(17) Lit., ‘they did only for appearance’.

(18) Lam. III, 33. **מִלֵּבָן** is rendered ‘without heart’, **ל** being taken as partitive: God does not afflict him who sins without intent (Maharsha).]

(19) Esth. I, 5.

(20) Lit., ‘he who was worthy’.

(21) Esth. I, 6.

(22) These interpretations are based on similarities in sound to the words hur and Karpas.

(23) Lit., ‘you cast’.

(24) **מִתְחַשְׁטוֹת** play on **בְּהַט** (‘green marble’). [Aliter: much sought after by their owners (v. Rashi).]

(25) **מִתְנוֹסְסוֹת** Zech. IX, 16. [On Rashi's interpretation the verse is to be rendered as ‘stones of a crown obtainable only after many trials (**נִסְיוֹנוֹת**)’.]

(26) Possibly mosaics are meant (Jastrow).

(27) V. Rashi.

(28) Esth. I, 7

- (29) V. Glos.
 (30) Belshazar and his company.
 (31) Lit., 'repeat'.
 (32) The word rab (in abundance) being taken in its other sense of 'older'.
 (33) Ibid. 8.
 (34) E.g., the meal-offering for a bullock was three tenth deals, and the wine-offering only half a hin.
 (35) Which did not easily intoxicate him.
 (36) [Both served as butlers at the banquet (Rashi).]
 (37) Ibid. II, 5.
 (38) Ibid. VII, 6.
 (39) Ibid. I, 9.

Talmud - Mas. Megilah 12b

with small pumpkins.

On the seventh day, where the king's heart was merry with wine.¹ Was then his heart not merry with wine until then? — Rab said: The seventh day was Sabbath, when Israel eat and drink. They begin with discourse on the Torah and with words of thanksgiving [to God]. But the nations of the world, the idolaters, when they eat and drink only begin with words of frivolity. And so at the feast of that wicked one. Some said, The Median women are the most beautiful, and others said, The Persian women are the most beautiful. Said Ahasuerus to them, The vessel that I use is neither Median nor Persian, but Chaldean. Would you like to see her? They said, Yes, but it must be naked — (For man receives measure for measure.² This [remark] teaches you that the wicked Vashti used to take the daughters of Israel and strip them naked and make them work on Sabbath.³ So it is written, After these things when the wrath of the king Ahasuerus abated, he remembered Vashti and what she had done and what was decided against her.⁴ As she had done so it was decreed against her.)

And the queen Vashti refused.⁵ Let us see. She was immodest, as the Master said above, that both of them had an immoral purpose. Why then would she not come? — R. Jose b. Hanina said: This teaches that leprosy broke out on her. In a Baraitha it was taught that Gabriel came and fixed a tail on her.⁶

And the king was very angry,⁵ Why was he so enraged? — Raba said: She sent him back answer: Thou son of my father's steward,⁷ my father drank wine in the presence of a thousand,⁸ and did not get drunk, and that man has become senseless with his wine. Straightway, his wrath burnt within him.⁵

And the king said to the wise men.⁹ Who are the wise men? — The Rabbis. Who knew the times:⁹ that is, who knew how to intercalate years and fix new moons. He said to them: Try her for me. They said [to themselves]: What shall we do? If we tell him to put her to death, to-morrow he will become sober¹⁰ again and he will require her from us. Shall we tell him to let her go? She will lose all her respect for royalty. So they said to him: From the day when the Temple was destroyed and we were exiled from our land, counsel has been taken from us and we do not know how to judge capital cases. Go to Ammon and Moab¹¹ who have remained in their places like wine that has settled on its lees. They spoke to him thus with good reason, since it is written, Moab hath been at ease from his youth, and he hath settled on his lees, and hath not been emptied from vessel to vessel, neither hath he gone into captivity. Therefore his taste remaineth in him, and his scent is not changed.¹² Straightway [he did so, as we read], and the next unto him was Carshena, Shethar, Admatha, Tarshish [etc.].¹³ R. Levi said: Every name in this verse contains a reference to the sacrifices. Thus, Carshena: the ministering angels said to the Holy One, blessed be He: Sovereign of the Universe, did

they ever offer before thee lambs of the first year [karim bene shanah] as Israel offered before Thee? Shethar: did they ever offer before Thee two pigeons [shte torim]? Admatha: did they ever build before Thee an altar of earth [adamah]? Tarshish: did they ever minister before Thee in the priestly garments, of which it is written [that they contained] a beryl [tarshish], an onyx and a jasper?¹⁴ Meres: did they ever stir [mersu] the blood [of the sacrifice] before Thee? Marsena: did they ever stir [mersu] the meal-offerings before Thee? Memucan: did they ever prepare [hekinu] a table before Thee?

And Memucan said.¹⁵ A Tanna taught: Memucan is the same as Haman, And why was he called Memucan? Because he was destined [mukan] for punishment. R. Kahana said: From here we see that an ordinary man always pushes¹⁶ himself in front.¹⁷

That every man should bear rule in his house.¹⁸ Raba said: Had it not been for these first letters, there would have been left no shred or remnant of the enemies of Israel.¹⁹ People said: What does he mean by sending us word that every man should bear rule in his own house? Of course he should! Even a weaver in his own house must be commander!²⁰

And let the king appoint officers.²¹ Rabbi said: What is the meaning of the verse, Even prudent man dealeth with forethought, but a fool unfoldeth folly?²² 'Every prudent man dealeth with forethought': this applies to David, of whom, it is written, Wherefore his servants said unto him, Let there be sought for my lord the king a young virgin:²³ every one who had a daughter brought her.²⁴ But a fool unfoldeth folly': this applies to Ahasuerus, of whom it is written, and let the king appoint officers: whoever had a daughter hid her.²⁵

There was a certain Jew in Shushan the castle, etc. a Benjamite.²⁶ What is the point of this verse? If it is to give the pedigree of Mordecai, it should trace it right back to Benjamin!²⁷ [Why then were only these specified?] — A Tanna taught: All of them are designations [of Mordecai]. 'The son of Jair' means, the son who enlightened [he'ir] the eyes of Israel by his prayer. 'The son of Shimei means, the son to whose prayer God hearkened [shama']. 'The son of Kish' indicates that he knocked [hikkish] at the gates of mercy and they were opened to him. He is called 'a Jew' [yehudi] which implies that he came from [the tribe of] Judah, and he is called 'a Benjamite', which implies that he came from Benjamin. [How is this]? — R. Nahman said: He was a man of distinguished character.²⁸ Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: His father was from Benjamin and his mother from Judah. The Rabbis, however, said: The tribes competed with one another [for him]. The tribe of Judah said: I am responsible for the birth of Mordecai, because David did not kill Shimei the son of Gera, and the tribe of Benjamin said: He is actually descended from me. Raba said: The community of Israel explained [the two designations] in the opposite²⁹ sense: 'See what a Judean did to me and how a Benjamite repaid me!' What a Judean did to me

(1) Ibid. 10.

(2) Lit., 'for with the measure with which a man measures they measure to him'.

(3) [Add with MS.M.: 'Therefore was it decreed that she should be killed naked on Sabbath'.]

(4) Esth. II, 1.

(5) Ibid. I, 12.

(6) [זנב does not necessarily mean a 'tail' but any projection or growth, v. Aruch s.v. זנב.]

(7) [Var. lec., 'Thou steward of my father'. Ahasuerus was said to have been the steward of Belshazar, the father of Vashti.]

(8) V. Dan. V, 1.

(9) Esth. I, 13.

(10) Lit., 'his wine will pass off'.

(11) According to Tosaf., 'Ammon' here should be omitted, as the Ammonites were carried into exile by Nebuchadnezzar.

- (12) Jer. XLVIII, 11.
 (13) Esth. I, 14.
 (14) Ex. XXVIII, 20.
 (15) Esth. I, 16.
 (16) Lit., 'jumps'.
 (17) Memucan is mentioned last of the seven princes, and yet it was he who spoke first.
 (18) Ibid. 22.
 (19) Euphemism for Israel. Had the people not seen from this letter how foolish the king was, when the next letter was sent out for the destruction of the Jews, they would not have waited till the appointed day.
 (20) Pardashca: a Persian word meaning 'policeman' or 'officer'.
 (21) Esth. II, 3.
 (22) Prov. XIII, 16.
 (23) I Kings I, 2.
 (24) Since only one was to be tried.
 (25) Because all were to be tried, though only one was to be closed.
 (26) Esth. II, 5.
 (27) And not mention three names only.
 (28) Lit., 'crowned with his nimus'. The word nimus means in the Talmud 'manner', or 'way' (**), hence bearing, character. Rashi translates 'with his names' (as just explained) as if 'nimus' here = Greek **. [Var. lec. add 'as an ornament', כִּיעָדִי. V. Aruch who explains: He was adorned with the precepts of the Law as with an ornament. Yehudi as applied to Mordecai then does not denote a tribal name but is an epithet of distinction.]
 (29) I.e., derogatory.

Talmud - Mas. Megilah 13a

viz., that David did not kill Shimei from whom was descended Mordecai who provoked Haman. 'And how a Benjamite repaid me', viz., that Saul did not slay Agag from whom was descended Haman who oppressed Israel. R. Johanan said: He did indeed come from Benjamin. Why then was he called 'a Jew'? Because he repudiated idolatry. For anyone who repudiates idolatry is called 'a Jew', as it is written, There are certain Jews¹ etc.

R. Simon b. Pazzi once introduced an exposition of the Book of Chronicles as follows: 'All thy words are one,² and we know how to find their inner meaning'. [It is written], And his wife the Jewess bore Jered the father of Gedor, and Heber the father of Socho, and Jekuthiel the father of Zanoah, and these are the sons of Bithya the daughter of Pharaoh, whom Mered took.³ Why was she [the daughter of Pharaoh] called a Jewess? Because she repudiated idolatry, as it is written, And the daughter of Pharaoh went down to bathe in the river,⁴ and R. Johanan, [commenting on this,] said that she went down to cleanse herself⁵ from the idols of her father's house. 'Bore': But she only brought him [Moses] up? — This tells us that if anyone brings up an orphan boy or girl in his house, the Scripture accounts it as if he had begotten him. 'Jered': this is Moses. Why was he called Jered? Because manna came down [yarad] for Israel in his days.⁶ 'Gedor': [he was so called] because he fenced in [gadar] the breaches of Israel. 'Heber', because he joined [hiber] Israel to their Father in heaven. 'Socho', because he was like a sheltering booth [sukkah] for Israel. 'Jekuthiel', because Israel trusted in God [kiwu le'el] in his days. 'Zanoah', because he made Israel abandon [hizniah] their iniquities. 'Father of', 'father of', 'father of': he was a father in Torah, a father in wisdom, a father in prophecy. 'These are the sons of Bithya whom Mered took'. Was Mered his name? Was not Caleb his name?⁷ — The Holy One, blessed be He, said: Let Caleb who rebelled [marad] against the plan of the spies come and take the daughter of Pharaoh who rebelled against the idols of her father's house.

Who had been carried away from Jerusalem.⁸ Raba said: [We understand this to mean] that he went into exile of his own accord.⁹

And he brought up Hadassah.¹⁰ She is called Hadassah¹¹ and she is called Esther. It has been taught: Esther was her proper name. Why then was she called Hadassah? After the designation of the righteous who are called myrtles,¹² for so it says, And he stood among the myrtle trees.¹³ R. Judah says: Hadassah was her name — Why then was she called Esther? Because she concealed [mastereth] the facts about herself, as it says, Ester did not make known her people or her kindred.¹⁴ R. Nehemiah says: Hadassah was her name. Why then was she called Esther? All peoples called her so after Istahar.¹⁵ Ben ‘Azzai said: Esther was neither too tall nor too short, but of medium size, like a myrtle. R. Joshua b. Korha said: Esther was sallow,¹⁶ but endowed with great charm.¹⁷

For she had neither father nor mother. [And it continues] and when her father and mother died.¹⁰ Why these last words?¹⁸ — R. Aha said: When her mother became pregnant with her, her father died; when she was born, her mother died.

And when her father and mother died, Mordecai took her for his own daughter.¹⁹ A Tanna taught in the name of R. Meir: Read not ‘for a daughter’ [le-bath], but ‘for a house’ [le-bayith].²⁰ Similarly it says: But the poor man had nothing save one little ewe lamb, which he had brought up and reared; and it grew up together with him, and with his children; it did eat of his own morsel, and drank of his own cup, and lay in his bosom, and was unto him as a daughter.²¹ Because it lay in his bosom, was it like a daughter to him? Rather what it means is like a wife; so here, it means a wife.

And the seven maidens who were meet to be given to her.²² Raba said: [They were seven so that] she could count the days of the week by them.

And he changed²³ her and her maidens. Rab said: [This means that] he gave her Jewish food to eat. Samuel, however, said, it means that he gave her chinses of pork²⁴ while R. Johanan said that he gave her pulse, and so it says, So the steward took away their food and gave them pulse.²⁵

Six months with the oil of myrrh.²⁶ What is the oil of myrrh? R. Hiyya b. Abba said, Satchet;²⁷ R. Huna said, Oil from olives not a third grown. It has been taught: R. Judah says that anpikinun²⁸ is oil of olives not a third grown. Why is it used for smearing? Because it removes hair and makes the skin soft.

In the evening she went and on the morrow she returned.²⁹ From the discreditable account of that wicked man we can learn something to his credit, namely, that he did not perform his marital office by day.

And Esther obtained favour.³⁰ R. Eleazar said: This informs us that every man took her for a member of his own people.

So Esther was taken unto king Ahasuerus into his house royal in the tenth month, which is the month Tebeth:³¹ the month when body warms up body.³² And the king loved Esther above all the women, and she obtained grace and favour in his sight more than all the virgins.³³ Rab said: If he wanted to find in her the taste of a virgin he found it; if the taste of a married woman, he found it.

Then the king made a great feast.³⁴ He made a feast for her, and she did not tell him [who she was]. He remitted taxes,³⁵ and she did not tell him. He sent gifts,³⁶ and she [still] did not tell him.

And when the virgins were gathered together the second time, etc.³⁷ He went and took counsel of Mordecai who said, The way to rouse a woman is to make her jealous;³⁸ and even so she did not tell.

R. Eleazar said: What is the meaning of the verse,

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- (1) Dan. III, 12. Though Hananiah, Mishael and Azariah to whom he refers were not of the tribe of Judah. V. Sanh. 93 b (Tosaf.).
- (2) I.e., numerous names in the Book of Chronicles refer to the same person.
- (3) I Chron. IV, 18.
- (4) Ex. II, 5.
- (5) By means of the tebillah or ceremonial bath taken by a proselyte.
- (6) According to Wilna Gaon the correct reading is, 'because he brought down the Torah (from Heaven) for Israel'.
- (7) As stated in I Chron. IV, 15.
- (8) Esth. II, 6.
- (9) The ground of this inference is not clear. Possibly Raba is stressing the word עִם, as meaning 'in company with', 'on a footing of equality with', instead of אִתּוֹ, which would have meant 'taken along with as subsidiary'.
- (10) Ibid. 7.
- (11) Lit., 'myrtle'.
- (12) V. Sanh. 93a.
- (13) Zech. I, 8.
- (14) Esth. II, 20.
- (15) The planet Venus (Jast.).
- (16) Lit., 'greenish', like a myrtle leaf.
- (17) Lit., 'a thread of grace was drawn about her'.
- (18) Which seem superfluous.
- (19) Esth. II, 7.
- (20) I.e., a wife.
- (21) II Sam. XII, 3.
- (22) Esth. II, 9.
- (23) E.V., 'advanced'.
- (24) קִדְלֵי דַחֲזִירֵי. Not that she necessarily ate them (Tosaf.). [Var. lec. קִדְלֵי דַחֲזִירֵי 'heads of radish' — a delicatessen, v. Aruch.]
- (25) Dan. I, 16; of Daniel and his companions.
- (26) Esth. II, 12.
- (27) Heb. סִטְכָּה=**.
- (28) **, a kind of oil that was not allowed to be used for sacrifices.
- (29) Ibid. 14.
- (30) Ibid. 15.
- (31) Ibid. 16.
- (32) The season being midwinter.
- (33) Esth. II, 17.
- (34) Ibid. 18.
- (35) As it says here, 'and he made a release to the provinces'.
- (36) As it says, 'and gave gifts, according to the bounty of the king'.
- (37) Ibid. 19.
- (38) Lit., 'a woman is only jealous of the thigh of another'.

Talmud - Mas. Megilah 13b

He withdraweth not his eyes from the righteous?¹ In reward for the modesty displayed by Rachel, she was granted to number among her descendants Saul; and in reward for the modesty displayed by Saul, he was granted to number among his descendants Esther.² What was the modesty displayed by Rachel? — As it is written: And Jacob told Rachel that he was her father's brother.³ Now was he her father's brother? Was he not the son of her father's sister? What it means is this: He said to her, Will you marry me? She replied, Yes, but my father is a trickster, and he will outwit you.⁴ He replied, I am his brother in trickery. She said to him, Is it permitted to the righteous to indulge in trickery? He

replied. Yes: with the pure thou dost show thyself pure and with the crooked thou dost show thyself subtle.⁵ He said to her, What is his trickery? She replied : I have a sister older than I am , and he will not let me marry before her. So he gave her certain tokens. When night came, she said to herself, Now my sister will be put to shame. So she handed over the tokens to her. So it is written, And it came to pass in the morning that, behold, it was Leah.⁶ Are we to infer from this that up to now she was not Leah? What it means is that on account of the tokens which Rachel gave to Leah he did not know till then. Therefore she was rewarded by having Saul among her descendants — What modesty did Saul display? — As it is written, But concerning the matter of the kingdom whereof Samuel spoke he told him not.⁷ He was therefore rewarded by having Esther among his descendants.

R. Eleazar further said: When the Holy One, blessed be He, assigns greatness to a man, he assigns it to his sons and his sons' sons for all generations, as it says, [With kings on the throne;] He setteth them for ever and they are exalted.⁸ If, however, he becomes arrogant, God humiliates him, as it says. And if they be bound in fetters etc.⁹

For Esther did the commandment of Mordecai.¹⁰ R. Jeremiah said: [This means] that she used to show the blood of her impurity to the Sages.

Like as when she was brought up with him.¹⁰ Rabbah b. Lema said in the name of Rab: [This means] that she used to rise from the lap of Ahasuerus and bathe and sit in the lap of Mordecai.¹¹

In those days, while Mordecai sat in the king's gate, Bigthan and Teresh were wroth.¹² R. Hiyya b. Abba said in the name of R. Johanan: The Holy One, blessed be He, [once] caused a master to be wroth with his servants in order to fulfil the desire of a righteous man, namely Joseph, as it says, And there was with us there a young man, a Hebrew, etc.;¹³ and servants with their master in order to perform a miracle for a righteous man, namely, Mordecai, as it is written, 'And the thing was known to Mordecai etc. ' R. Johanan said: Bigthan and Teresh were two Tarseans¹⁴ and conversed in the Tarsean language. They said: From the day this woman came we have been able to get no sleep.¹⁵ Come, let us put poison in the dish so that he will die. They did not know that Mordecai was one of those who had seats in the Chamber of Hewn Stone,¹⁶ and that he understood seventy languages.¹⁷ Said the other to him, But are not my post and your post different?¹⁸ He replied: I will keep guard at my post and at yours. So it is written, And when inquisition was made, he was found,¹⁹ that is to say, they were not [both] found at their posts.

After these things.²⁰ After what? — Raba said: After God had created a healing for the blow [which was about to fall]. For Resh Lakish has said: The Holy One, blessed be He, does not smite Israel unless He has created for them a healing beforehand, as it says . When I have healed Israel, then is the iniquity of Ephraim uncovered.²¹ Not so, however, with the other nations: He smites them first, and then creates for them a healing, as it says: The Lord will smite Egypt, smiting and healing.²²

But it seemed contemptible in his eyes to lay hands on Mordecai alone.²³ At first he aimed at 'Mordecai alone', then at 'the people of Mordecai' — and who are these? The Rabbis; and finally at 'all the Jews'.

They cast pur, that is the lot.²⁴ A Tanna taught: When the lot fell on the month of Adar, he rejoiced greatly. saying, The lot has fallen for me on the month in which Moses died. He did not know, however, that Moses died on the seventh of Adar and was born on the sixth of Adar.

There is one people.²⁵ Raba said: There never was a traducer so skillful as Haman. He said to Ahasuerus, Come, let us destroy them. He replied: I am afraid of their God, lest He do to me as He did to my predecessors. He replied: They are 'negligent'²⁶ of the precepts. He said, There are Rabbis

among them.²⁷ He replied. They are 'one people'.²⁸ Should you say that I will make a void²⁹ in your kingdom, [I reply], they are 'scattered abroad among the peoples'. Should you say. There is some profit in them, I reply, 'they are dispersed' [nifredu], like an isolated bough [peridah] that does not bear fruit. Should you say that they occupy one province, I reply, 'they are in all the provinces of thy kingdom'. 'Their laws are diverse from those of every other people': they do not eat of our food, nor do they marry our women nor give us theirs in marriage, 'Neither keep they the king's laws', since they evade taxes the whole year³⁰ by their loitering and sauntering.³¹ 'Therefore it profiteth not the king to suffer them', because they eat and drink and despise the throne. For if a fly falls into the cup of one of them, he throws it out and drinks the wine, but if my lord the king were to touch his cup, he would dash it on the ground and not drink from it. 'If it please the king, let it be written that they be destroyed, and I will pay ten thousand talents of silver': Resh Lakish said: It was well known beforehand to Him at whose word the world came into being that Haman would one day pay shekels for the destruction of Israel. Therefore He anticipated his shekels with those of Israel. And so we have learnt: 'On the first of Adar³² proclamation is made regarding the shekalim³³ and the mixed seeds'.³⁴

And the king said to Haman, The silver is given to thee and the people also, to do with them as it seemeth good to thee.³⁵ R. Abba said:

(1) Job XXXVI, 7.

(2) There seems to be no authority in the Scripture for this statement. V. Rashi

(3) Gen. XXIX, 12.

(4) Lit., 'you will not be able to deal with him'.

(5) II Sam. XXII, 27.

(6) Gen. XXIX, 25.

(7) I Sam. X, 16.

(8) Job XXXVI, 7.

(9) Ibid. 8. How the text implies this is not clear. V. Maharsha.

(10) Esth. II, 20.

(11) As wife. The word **באמנה** (brought up) means literally 'nursing'.

(12) Ibid. 21.

(13) Gen. XLI, 12.

(14) There was a Tarsus in Cilicia and in Cappadocia and it is not certain which is referred to.

(15) Having always to dance attendance on Ahasuerus.

(16) **לשכת הגזית**. The meeting place of the Sanhedrin in the Temple at Jerusalem.

(17) V. Sanh. 17a.

(18) So that neither of us can do duty for both.

(19) E.V., 'it was found'.

(20) Esth. III, 1.

(21) Hos. VII, 1. E.V., 'when I would heal'.

(22) Isa. XIX, 22.

(23) Esth. III, 6.

(24) Ibid. 7.

(25) Ibid. 8. E.V. 'a certain people'.

(26) **ישנים**, lit., 'asleep' from a play on the word **ישנו** (there is).

(27) Who keep the precepts.

(28) And all hang together.

(29) Lit., 'baldness'.

(30) Lit., 'they bring out the whole year with'.

(31) Heb. **שבת היום פסח היום**, which may also be an abbreviation for **שבת היום פסח היום** 'To-day is Sabbath, to-day is Passover'.

(32) I.e., fourteen days before the date fixed by Haman.

(33) For the repair of the Temple.

(34) Which it is now time to uproot. V. Shek. I, 1.

(35) Esth. III, 11.

Talmud - Mas. Megillah 14a

To what can we compare Ahasuerus and Haman at this point? To two men one of whom had a mound in the middle of his field and the other a ditch in the middle of his field. The owner of the ditch said, I wish I could buy that mound, and the owner of the mound said, I wish I could buy that ditch. One day they met, and the owner of the ditch said, Sell me your mound, whereupon the other replied, Take it for nothing, and I shall be only too glad.¹

And the king removed his ring.² R. Abba b. Kahana said: This removal of the ring was more efficacious than forty-eight prophets³ and seven prophetesses⁴ who prophesied to Israel; for all these were not able to turn Israel to better courses, and the removal of the ring did turn them to better courses.⁵

Our Rabbis taught: 'Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from nor added aught to what is written in the Torah save only the reading of the Megillah'. How did they derive it [from the Torah]? — R. Hiyya b. Abin said in the name of R. Joshua b. Korha: If for being delivered from slavery to freedom we chant a hymn of praise, should we not do so all the more for being delivered from death to life? If that is the reason we should say Hallel⁶ also? — [We do not do so] because Hallel is not said for a miracle which occurred outside of the land of Israel. How then do we come to say it for the Exodus from Egypt which was a miracle which occurred outside the land of Israel? — As it has been taught: 'Until they entered the land of Israel, all lands were counted as proper for chanting a hymn of praise [for miracles done in them] — After they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]. R. Nahman said: The reading of the Megillah is equivalent to Hallel. Raba said:⁷ There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], Praise ye O servants of the Lord, who are no longer servants of Pharaoh — But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus! Whether on the view of Raba⁸ or on the view of R. Nahman,⁹ there is a difficulty in what has been taught [above], that 'after they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]'? — When the people went into exile, the other countries became proper as at first.

Were there no more prophets than these [forty-eight]? — Is it not written, How there was a man from Ramathaim-Zophim,¹⁰ [which we interpret], one of two hundred prophets [zophim]¹¹ who prophesied to Israel? — There were actually very many, as it has been taught, 'Many prophets arose for Israel, double the number of [the Israelites] who came out of Egypt', only the prophecy which contained a lesson for¹² future generations was written down, and that which did not contain such a lesson was not written.

R. Samuel b. Nahmani said: This [Ramathaim-Zophim] means, a man who came from two heights which faced one another.¹³ R. Hanin said: It means, a man who came from ancestors of the most exalted position.¹⁴ And who were they? The sons of Korah, as it says, And the sons of Korah did not die.¹⁵ A Tanna taught in the name of our Teacher:¹⁶ A special place was assigned¹⁷ to them in Gehinnom and they stood on it.

'Seven prophetesses'. Who were these? — Sarah, Miriam, Deborah, Hannah, Abigail, Hulda and Esther. 'Sarah', as it is written, The father of Milkah and the father of Yiscah',¹⁸ and R. Isaac said [on this]. Yiscah is Sarah; and why was she called Yiscah? Because she discerned [sakethah] by

means of the holy spirit, as it is said, In all that Sarah saith unto thee, hearken to her voice.¹⁹ Another explanation is: because all gazed [sakin] at her beauty. 'Miriam', as it is written, And Miriam the prophetess the sister of Aaron.²⁰ Was she only the sister of Aaron and not the sister of Moses? — R. Nahman said in the name of Rab: [She was so called] because she prophesied when she was the sister of Aaron [only]²¹ and said, My mother is destined to bear a son who will save Israel. When he was born the whole house was filled with light, and her father arose and kissed her on the head, saying, My daughter, thy prophecy has been fulfilled. But when they threw him into the river her father arose and tapped her on the head, saying, Daughter, where is thy prophecy? So it is written, And his sister stood afar off to know;²² to know, [that is,] what would be with the latter part of her prophecy. 'Deborah', as it is written, Now Deborah a prophetess, the wife of Lapidoth.²³ What is meant by a woman of flames²³ ? [She was so called] because she used to make wicks for the Sanctuary. And she sat under a palm tree²⁴ Why just a palm tree? — R. Simeon b. Abishalom said: [To avoid] privacy.²⁵ Another explanation is: Just as a palm tree has only one heart, so Israel in that generation had only one heart devoted to their Father in heaven. 'Hannah', as it is written, And Hannah prayed and said, My heart exulteth in the Lord, my horn is exalted in the Lord.²⁶ [She said], my horn is exalted', and not, my cruse is exalted', thus implying that the royalty of [the hour of] David and Solomon, who were anointed from a horn,²⁷ would be prolonged,²⁸ but the royalty of [the house of] Saul and Jehu,²⁹ who were anointed with a cruse, would not be prolonged.

There is none holy as the Lord, for there is none beside thee.³⁰ R. Judah b. Menashia said: Read not bilteka, 'beside thee'], but read lebalotheka ['to survive thee']. For the nature of the Holy One, blessed be He, is not like that of flesh and blood. It is the nature of flesh and blood to be survived by its works, but God survives His works. Neither is there any rock [zur] like our God.³⁰ There is no artist [zayyar] like our God. A man draws a figure on a wall, but is unable to endow it with breath and spirit, inward parts and intestines. But the Holy One, blessed be He, fashions a form within a form and endows it with breath and spirit, inward parts and intestines.

'Abigail', as it is written, And it was so, as she rode on her ass and came down by the covert of the mountain.³¹ 'By the covert [sether] of the mountain'? It should say from the mountain'! — Rabbah b. Samuel said: It means that she came with reference to blood that came from the hidden parts [setharim]. She brought some blood and showed it to him.³² He said to her: Is blood to be shown by night? She replied: Are capital cases tried at night?³³ He said to her:

(1) Lit., 'would it were so'. So Ahasuerus was as eager to get rid of the Jews as Haman.

(2) Ibid. 10.

(3) These are enumerated in Rashi (s.v. **נְבוֹאָה**) and Seder Olam XX-XXI.

(4) V. infra.

(5) As it says, fasting³ and weeping and mourning, many put on sackcloth and ashes. Esth. IV,3.

(6) V. Glos.

(7) The Bah. reads: Raba demurred to this, saying.

(8) Who holds that Hallel would be said were we not servants of Ahasuerus.

(9) Who holds that the Megillah is equivalent to Hallel.

(10) I Sam. I, 1.

(11) Lit., 'watchers'. V. supra.

(12) Lit., 'was required for'.

(13) The literal meaning.

(14) Lit., 'height of the world'.

(15) Num. XXVI, 11.

(16) Rab (?).

(17) Lit., 'fenced in'.

(18) Gen. XI, 29.

(19) Ibid. XXI. 12.

- (20) Ex. XV, 20.
 (21) I.e., before the birth of Moses.
 (22) Ex. II, 4.
 (23) Jud. IV, 4. 'Lapidoth' means literally 'flames'.
 (24) Ibid. 5.
 (25) And the possibility of scandal, a palm tree not being leafy.
 (26) I Sam. II, 1.
 (27) V. I Sam. XVI, 13 (David); I Kings I, 39 (Solomon).
 (28) As symbolized by a horn.
 (29) V. I Sam. X, 1 (Saul); II Kings IX, 1 (Jehu).
 (30) I Sam. II, 2.
 (31) Ibid. XXV, 20.
 (32) David was supposed to have been an authority on the Torah, v. Ber. 4a.
 (33) And yet you are condemning Nabal to death.

Talmud - Mas. Megilah 14b

He [Nabal] is a rebel against the king and no trial is necessary for him.¹ She replied; Saul is still alive, and your fame is not yet spread abroad in the world. Then he said to her: Blessed be thy discretion and blessed be thou, that hast kept me this day from bloodguiltiness.² The word damim [bloodguiltiness] is plural, to indicate two kinds of blood.³ The passage teaches that she bared her thigh⁴ and he went three parasangs by the light of it.⁵ He said, Listen to me. She replied, Let not this be a stumbling-block to thee.⁶ The word 'this' implies that something else would be, and what was that? The incident of Bathsheba; and so it was eventually.⁷ The soul of thy lord shall be bound up in the bundle of life.⁸ When she left him she said to him, and when the Lord shall have done good to my lord . . . then remember thy handmaid.⁹ R. Nahman said: This bears out the popular saying, While a woman talks she spins.¹⁰ Some adduce the saying: The goose stoops as it goes along, but its eyes peer afar.

'Hulda, as it is written, So Hilkiah the priest and Ahikam and Achbor etc.¹¹ But if Jeremiah was there,¹² how could she prophesy? — It was said in the school of Rab in the name of Rab: Hulda was a near relative of Jeremiah, and he did not object to her doing so. But how could Josiah himself pass over Jeremiah and send to her? — The members of the school of R. Shila replied, Because women are tender-hearted.¹³ R. Johanan said: Jeremiah was not there, as he had gone to bring back the ten tribes. Whence do we know that they returned? — Because it is written, For the seller shall not return to that which is sold.¹⁴ Now is it possible that after the Jubilee had ceased¹⁵ the prophet should prophesy that it will cease? The fact is that it teaches that Jeremiah brought them back.¹⁶ Josiah the son of Amon ruled over them, as it says, Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God who came from Judah, and proclaimed these things that thou hast done against the altar in Beth-el.¹⁷ Now what connection is there between Josiah and the altar in Bethel?¹⁸ What it teaches therefore is that Josiah reigned over them. R. Nahman said: We learn it from here: Also, O Judah, there is a harvest appointed for thee, when I would turn the captivity of my people.¹⁹

'Esther,' as it is written, Now it came to pass on the third day that Esther clothed herself in royalty.²⁰ Surely it should say, 'royal apparel'? What it shows is that the holy spirit clothed her. It is written here, 'and she clothed', and it is written in another place. Then the spirit clothed Amasai, etc.²¹

R. Nahman said: Haughtiness does not befit women. There were two haughty women, and their names are hateful, one being called a hornet²² and the other a weasel.²³ Of the hornet it is written, And she sent and called Barak,²⁴ instead of going to him. Of the weasel it is written, Say to the

man,²⁵ instead of 'say to the king'.

R. Nahman said: Hulda was a descendant of Joshua. It is written here [in connection with Hulda]. The son of Harhas,²⁶ and it is written in another place [in connection with Joshua], In Timnath-Heres.²⁷ R. 'Ena Saba cited the following in objection to R. Nahman: 'Eight prophets who were also priests were descended from Rahab the harlot, namely, Neriah, Baruch, Serayah, Mahseyah, Jeremiah, Hilkiah, Hanamel and Shallum.' R. Judah says: Hulda the prophetess was also one of the descendants of Rahab the harlot. [We know this] because it is written here 'the son of Tikvah' and it is written elsewhere [in connection with Rahab]. 'the line [tikvath] of scarlet thread'!²⁸ — He replied: 'Ena Saba'²⁹ — or, according to another report. 'Black bowl',³⁰ — the truth can be found by combining my statement and yours'.³¹ We must suppose that she became a proselyte and Joshua married her. But had Joshua any children? Is it not written, Nun his son, Joshua his son?³² — He had no sons, but he had daughters.

(1) I.e., he can be condemned at night. V. Tosaf.

(2) I Sam. XXV, 33.

(3) Of uncleanness and capital punishment.

(4) Not necessarily in his presence. V. Maharsha.

(5) I.e., through desire for her. V. Tosaf.

(6) Ibid. 31.

(7) This shows that she was a prophetess.

(8) Ibid. 29. This sentence seems to be an interpolation and should be omitted (Maharsha).

(9) Ibid. 30, 31.

(10) Ibid. So Abigail, while speaking about Nabal, put in a word for herself, proposing that David should marry her should Nabal die (Rashi).

(11) II Kings XXII, 14.

(12) Jeremiah began to prophesy in the thirteenth year of Josiah (Jer. I, 2) and this happened in the eighteenth year of Josiah.

(13) And she would pray for them (Maharsha).

(14) Ezek. VII, 13. Ezekiel prophesied in the period between the exiles of Jeconiah and Zedekiah.

(15) The Jubilee was to be kept only when all Israel were in the land, and therefore ceased as soon as the tribes across the Jordan were deported (Rashi).

(16) So that in that year they commenced counting again for the Jubilee.

(17) II Kings XXIII, 17.

(18) Which was in the kingdom of Ephraim.

(19) Hos. VI, 11. 'Harvest' here is supposed to have the sense of 'power' or 'greatness' (Rashi).

(20) Esth. V, 1.

(21) I Chron. XII, 19.

(22) The literal meaning of Deborah.

(23) The literal meaning of Hulda.

(24) Jud. IV, 6.

(25) II Kings XXII, 15.

(26) Ibid. 14.

(27) Jud. II, 9. This is interpreted as 'Timnath belonging to Heres', who is identified with Harhas.

(28) Josh. II, 18.

(29) Lit., 'old eye'.

(30) Alluding perhaps to his ugliness (Maharsha).

(31) Lit., 'from me and thee is the matter concluded'.

(32) I Chron. VII, 27. The genealogy stops at this point; from which it is inferred that Joshua had no sons.

We admit that [some of] those [eight] mentioned above are expressly described [as prophets],¹ but how do we know that their fathers² [were prophets]? — From the dictum of ‘Ulla; for ‘Ulla said: Wherever a man's name is given along with that of his father as the author of a prophecy³ we know that he was a prophet son of a prophet. Where his own name is given but not that of his father, we know that he was a prophet but not the son of a prophet. Where his name and the name of his town are specified, we know that he came from that town — Where his name is given but not that of his town, we know that he was from Jerusalem — In a Baraitha it was stated: If nothing is known about the character of a man or of his ancestors,⁴ and the Scripture mentions any one of them in connection with a praiseworthy action, as for instance, The word of the Lord which came to Zephaniah son of Cushi son of Gedaliah,⁵ we may know that he was a righteous man son of a righteous man; and wherever the Scripture mentions any one of them in connection with a reprehensible action, as for instance, And it came to pass in the seventh month that Ishmael the son....of Elishama came,⁶ we may know that he was a wicked man son of a wicked man.

R. Nahman⁷ said: Malachi is the same as Mordecai. Why was he called Malachi? Because he was next to the king.⁸ The following was cited in objection to this: ‘Baruch the son of Neriah and Serayah the son of Mahseyah and Daniel and Mordecai, Bilshan, Haggai, Zechariah and Malachi all prophesied in the second year of Darius’! — This is a refutation.

It has been taught: R. Joshua b. Korha said: Malachi is the same as Ezra, and the Sages say that Malachi was his proper name. R. Nahman said: There is good ground for accepting the view that Malachi was the same as Ezra. For it is written in the prophecy of Malachi, Judah hath dealt treacherously and an abomination is committed in Israel and in Jerusalem, for Judah hath profaned the holiness of the Lord which he loveth and hath married the daughter of a strange God.⁹ And who was it that put away the strange women? Ezra, as it is written, And Shechaniah the son of Jehiel, one of the sons of Elam answered and said unto Ezra: We have broken faith with our God and have married foreign women.¹⁰

The Rabbis taught: There have been four women of surpassing beauty in the world — Sarah, Rahab, Abigail and Esther. According to the one who says that Esther was fallow,¹¹ Vashti should be inserted in place of Esther.

Our Rabbis taught: Rahab inspired lust by her name; Jael by her voice; Abigail by her memory; Mical daughter of Saul by her appearance. R. Isaac said: Whoever says. ‘Rahab, Rahab’, at once has an issue. Said R. Nahman to him: I say Rahab, Rahab, and nothing happens to me! He replied: I was speaking of one who knows her and is intimate with her.

Now when Mordecai knew all that was done¹² [etc.]. What [was his cry]? — Rab said: He said, ‘Haman has raised himself above Ahasuerus’; Samuel said, ‘The upper king has prevailed over the lower king’.¹³

And the queen was exceedingly pained [wa-tithhalhal].¹⁴ What is the meaning of wa-tithhalhal?¹⁵ — Rab said: It means that she became menstruous; R. Jeremiah said that her bowels were loosened.

And Esther called Hatach.¹⁶ Rab said: Hatach is the same as Daniel. Why was he called Hatach? Because he was degraded [hataku-hu] from his position.¹⁷ Samuel said, Because all affairs of state were decided [nehtakim] by his voice.

To know what this was and why this was.¹⁸ R. Isaac said: She sent to him saying. Perhaps Israel have transgressed the five books of the Torah, in which is written, On this side and on this they were written.¹⁸

And they told Mordecai Esther's words.¹⁹ But Hatach did not go to him on this occasion.²⁰ This shows us that a recalcitrant answer²¹ need not be taken back [by the messenger].²²

Go, gather together all the Jews . . . which is not according to the custom.²³ R. Abba said: It will not be [she said] according to the custom of every other day. Till now [I have associated with Ahasuerus] under compulsion, but now I will do so of my own will.

And if I perish, I perish.²³ As I am lost to my father's house so I shall be lost to thee.²⁴

And Mordecai passed [wa-ya'abor].²⁵ Rab said: This indicates that he made the first day of Passover pass²⁶ as a fast day. Samuel said: It indicates that he crossed a stream [on that day].²⁷ Now it came to pass on the third day that Esther put on royalty.²⁸ Surely it should say, 'royal apparel'? — R. Eleazar said in the name of R. Hanina: This tells us that the holy spirit clothed her. It is written here, 'and she put on', and it is written elsewhere, And a spirit clothed Amasai.²⁹

R. Eleazar b. Hanina also said: Let not the blessing of an ordinary man be lightly esteemed in thine eyes, for two men great in their generation received from ordinary men blessings which were fulfilled in them. They were, David and Daniel. David was blessed by Araunah, as it is written, And Araunah said unto the king, The Lord thy God accept thee.³⁰ Daniel was blessed by Darius, as it is written 'Thy God whom thou servest continually, He will deliver thee.'³¹ R. Eleazar further said in the name of R. Hanina: Let not the curse of an ordinary man be lightly esteemed in thine eyes, because Abimelech cursed Sarah, saying, Behold he is to thee a covering of the eyes,³² and this was fulfilled in her seed, [as it says], And it came to pass that when Isaac was old his eyes were dim.³³

R. Eleazar further said in the name of R. Hanina: Come and observe that the way of the Holy One, blessed be He, is not like the way of flesh and blood — The way of flesh and blood is that a man places a pot on the fire and then pours water into it, but God first puts in the water and then fixes the pot, to fulfil what is written, At the sound of his giving a multitude of waters in the heavens.³⁴

R. Eleazar further said in the name of R. Hanina: Whoever reports a saying in the name of its originator brings deliverance to the world, as it says, And Esther told the king in the name of Mordecai.³⁵

R. Eleazar further said in the name of R. Hanina: When a righteous man dies, he dies only for his own generation.³⁶ It is with him as with a man who loses a pearl. Wherever it is, it remains a pearl,³⁷ and is lost only to its owner.

Yet all this availeth me nothing.³⁸ R. Eleazar said in the name of R. Hanina: Because he saw Mordecai sitting in the king's gate, was this any reason why he should say, 'All this availeth me nothing'? The explanation is in the dictum of R. Hisda; for R. Hisda said: The one came [to the court] as a counsellor³⁹ and the other

(1) Viz., Jeremiah and Hanamel (Jer. XXXII) and also Baruch and Serayah, who were disciples of Jeremiah and therefore presumably prophets also (Rashi).

(2) Viz., Hilkiyah, Shallum, Neriah and Mahseyah.

(3) Lit., 'in prophecy'.

(4) Lit., 'where his actions and those of his ancestors are not defined'.

(5) Zeph. I, 1.

(6) Jer. XLI, 1. They came to murder Gedaliah.

(7) According to a better reading, Rab. V infra.

(8) V. Esth. X, 3. 'And he was looked on as an angel (mal'ak)'. (Maharsha).

(9) Mal. II, 11.

- (10) Ezra X, 2.
 (11) V. supra p.75.
 (12) Esth. IV, 1.
 (13) Euphemistically, meaning the opposite. Or it may be taken literally, as a kind of prayer (Maharsha).
 (14) Esth. IV 4.
 (15) Lit., 'became full of hollows'.
 (16) Ibid. 5.
 (17) Which he held in the reigns of Belshazar, Darius and Cyrus.
 (18) Ex. XXXII, 15.
 (19) Esth. IV, 12.
 (20) As, if so, it would say he told.
 (21) E.g., Esther's reluctance to petition the king.
 (22) And Mordecai must have learnt from some other source.
 (23) Ibid. 16.
 (24) [By submitting voluntarily to Ahasuerus she would be for ever forbidden to Mordecai who was (v. p. 78, n. 5) her legitimate husband, according to the law which forbids a wife to her husband where she had relations of her own free will with another man.]
 (25) Ibid. 17.
 (26) A play on the word he'ebir which means, 'to prolong a month by adding an extra day', [or in the sense of 'transgressed', cf. Targum a.I.: 'and he transgressed the joy of the feast of Passover'.] The order for the destruction of the Jews was given in Susa on the thirteenth day of Nisan, and the Jews fasted the next three days.
 (27) To inform the Jews on the other side. [The Jewish quarter in Susa was separated from the main city by a small tributary of the Tigris. V. Obermeyer, p. 214.]
 (28) Esth. V, 1.
 (29) I Chron. XII, 19.
 (30) II Sam. XXIV, 23.
 (31) Dan. VI, 17.
 (32) Gen. XX, 16.
 (33) Ibid. XXVII, 1. V. supra.
 (34) Jer. X, 13. The text continues, when he causeth the vapours to ascend, like steam from a boiling pot.
 (35) Esth. II, 22.
 (36) And his name, or his soul, survives.
 (37) Lit., 'its name is pearl'.
 (38) This verse from the Book of Esther (V. 13) is here commented on out of its place, in order to introduce another dictum of R. Eleazar in the name of R. Hanina.
 (39) Heb. פרוזבולי apparently = **.

Talmud - Mas. Megilah 15b

as an envoy.¹ R. Papa said: They also called him, The slave that was sold for loaves of bread.²

Yet all this availeth me nought. This tells us that all the treasures of that wretch were engraved on his heart, and when he saw Mordecai sitting in the king's gate he said, Yet all this³ availeth me nought.

R. Eleazar further said in the name of R. Hanina: God will in the time to come be a crown on the head of every righteous man, as it is said, In that day shall the Lord of Hosts be for a crown of glory⁴ etc. What is meant by a 'crown of glory' [zebi] and a 'diadem [zefirath] of beauty'? For them that do his will [zibyono] and who await [mezapin] his glory. Shall He be so to all? [Not so]. since it says, 'unto the residue of [lish'ar] his people': that is, to whoever makes of himself a mere residue [shirayim]. 'And for a spirit of judgment': this indicates one who brings his inclination to trial.⁵ 'To him that sitteth in judgment': this indicates one who gives a true verdict on true evidence.⁶ 'And for

strength': this indicates one who subdues his evil passions.⁷ 'That turn back the battle': this indicates those who thrust and parry⁸ in the war of the Torah. 'At the gate': these are the disciples of the wise who are early and late in synagogues and houses of study. Said the Attribute of Justice⁹ before the Holy One, blessed be He: Why this difference between these and the others? The Holy One, blessed be He, said to him: Israel busy themselves with the Torah, the other nations do not busy themselves with the Torah — He replied to Him, But these also reel through wine, and stagger through strong drink, they totter in judgment¹⁰ [paku pelilyah]; and 'paku' contains a reference to Gehinnom, as it says, that this shall be no stumbling-block [pukah] to thee;¹¹ and 'pelilyah' contains a reference to the judges, as it says. and he shall pay as the judges determine [bi-felilim].¹²

And stood in the inner court of the king's house.¹³ R. Levi said: When she reached the chamber of the idols, the Divine Presence left her. She said, My God, My God, why hast thou forsaken me.¹⁴ Dost thou perchance punish the inadvertent offence¹⁵ like the presumptuous one, or one done under compulsion like one done willingly? Or is it because I called him 'dog', as it says. Deliver my soul from the sword, mine only one from the power of the dog?¹⁶ She straightway retracted and called him lion, as it says. Save me from the lion's mouth.¹⁷

And it was so when the king saw Esther the queen.¹⁸ R. Johanan said: Three ministering angels were appointed to help her at that moment; one to make her head¹⁹ erect, a second to endow her with charm²⁰ and a third to stretch the golden sceptre. How much [was it stretched]? — R. Jeremiah said: It was two cubits long and he made it twelve cubits — Some say, sixteen, and some again twenty-four. In a Baraitha it was stated, sixty. So too you find with the arm of the daughter of Pharaoh,²¹ and so you find with the teeth of the wicked, as it is written, Thou hast broken [shibarta] the teeth of the wicked,²² and Resh Lakish said in regard to this, Read not shibarta but shirbabta [Thou hast prolonged]. Rabbah b. 'Ofra said in the name of R. Eleazar who had it from his teacher, who had it from his teacher, [that the sceptre was stretched] two hundred [cubits].

And the king said to her, What wilt thou, queen Esther? For whatever thy request, even to the half of the kingdom, it shall be given thee.²³ 'Half the kingdom', but not the whole kingdom. and not a thing which would divide the kingdom.²⁴ What could that be? The building of the Temple.

Let the king and Haman come unto the banquet.²⁵ Our Rabbis taught: What was Esther's reason for inviting Haman? — R. Eleazar said, She set a trap for him, as it says. Let their table before them become a snare.²⁶ R. Joshua said: She learnt to do so from her father's house, as it says. If thine enemy be hungry give him bread to eat, etc.²⁷ R. Meir said, So that he should not form a conspiracy²⁸ and rebel. R. Judah said: So that they should not discover that she was a Jewess.²⁹ R. Nehemiah said: So that Israel should not say, We have a sister in the palace, and so should neglect³⁰ [to pray for] mercy. R. Jose said: So that he should always be at hand for her.³¹ R. Simeon b. Menassiah said: [She said], Perhaps the Omnipresent will notice³² and do a miracle for us. R. Joshua b. Korha said: [She said], I will encourage him so that he may be killed, both he and I.³³ Rabban Gamaliel said: [She said]. Ahasuerus is a changeable king.³⁴ Said R. Gamaliel: We still require the Modean,³⁵ as it has been taught: R. Eliezer of Modi'im says, She made the king jealous of him and she made the princes jealous of him. Rabbah said: [She said], Pride goeth before destruction.³⁶ Abaye and Raba gave the same reason, saying: [She said], With their poison I will prepare their feast.³⁷ Rabbah b. Abbuha came across Elijah and said to him, Which of these reasons prompted Esther to act as she did? He replied: [All] the reasons given by all the Tannaim and all the Amoraim.

And Haman recounted unto them the glory of his riches and the multitude of his children.³⁸ How many are indicated by 'the multitude of his children'? — Rab said: Thirty. Ten died, ten were hung, and ten were reduced to beggary. The Rabbis, however, said: Those who were reduced to beggary numbered seventy, as it says, They that were full [sebe'im] have hired themselves out for bread.³⁹ Read not sebe'im, but shib'im [seventy]. Rami b. Abba said: In all they were two hundred and eight,

as it says, And the multitude [we-rob] of his sons. But we-rob in gematria⁴⁰ is two hundred and fourteen?⁴¹ — R. Nahman b. Isaac said: The word is written defectively.⁴²

On that night the sleep of the king was disturbed.⁴³ R. Tanhūn said: The sleep of the King of the Universe was disturbed. The Rabbis, however, say: Those above⁴⁴ were disturbed and those below⁴⁵ were disturbed. Raba said: It means literally ‘the sleep of king Ahasuerus. A thought occurred to him: What is the meaning of Esther inviting Haman? Perhaps they are conspiring⁴⁶ against me to kill me? He thought again: If that is so, is there no man who is my friend and who would tell me? Then he thought again: Perhaps there is some man who has done me a good turn and I have not rewarded him; and therefore men refrain from informing me. Straightway, he commanded to bring the book of records of the chronicles.⁴³

And they were read.⁴³ This [form of expression]⁴⁷ indicates that they were read of themselves.

And it was found [being] written.⁴⁸ It should say, a writing [kethab] was found? — This shows

(1) Heb. **פרוזבוטי** apparently = ** There was a tradition that Mordecai once went with a deputation to the king of Persia to ask permission for the Jews to rebuild the Temple, v. Jast. [Rashi: One (Mordecai) came as a rich man, the other (Haman) as a debtor. Haman according to the legend had sold himself during one of the wars as a slave to Mordecai for a loaf of bread.]

(2) V. previous note.

(3) Pointing to it (Maharsha).

(4) Isa. XXVIII, 5f.

(5) And forces himself to repent (Rashi).

(6) Lit., ‘true to its own truth’.

(7) Avoids sin.

(8) Lit., ‘take and give’, i.e., ‘argue’, ‘debate’.

(9) The qualities assigned to God in Ex. XXXIV, 6,7 are called in the Talmud the divine Attributes (middoth, lit., ‘measures’). and those of Justice and Mercy are often personified.

(10) Isa. XXVIII, 7.

(11) I Sam. XXV, 31.

(12) Ex. XXI, 22.

(13) Esth. V, 2.

(14) Ps. XXII, 2.

(15) In associating with Ahasuerus.

(16) Ibid. 21.

(17) Ibid. 22.

(18) Esth. V, 2.

(19) Lit., ‘neck’.

(20) Lit., ‘to draw a thread of grace over her’.

(21) In Ex. II, 5 the words **ותשלח את אמתה** are translated by the Rabbis ‘and she put forth her arm’ (E.V., ‘she sent her handmaid’)

(22) Ps. III, 8. Cf. Ber.

(23) Esth. V, 3.

(24) By setting up a rival power.

(25) Ibid. 4.

(26) Ps. LXIX, 23.

(27) Prov. XXV, 21. The next verse continues, ‘for thou heapest coals of fire upon his head’.

(28) Lit., ‘take counsel’.

(29) Since she was willing to eat with Haman.

(30) Lit., ‘discuss their mind’.

(31) If she wanted to accuse him.

- (32) To what straits I am brought.
- (33) Lit., 'she'.
- (34) And I may persuade him to alter his mind while Haman is with us, so that he will not have time to change again.
- (35) To explain why Haman alone was invited (Maharsha).
- (36) Prov. XVI, 18.
- (37) Jer. LI, 39.
- (38) Esth. V, 11.
- (39) I Sam. II, 5.
- (40) V. Glos.
- (41) Viz., W = 6; R = 200; W = 6; B = 2.
- (42) I.e., without the middle waw.
- (43) Esth. VI, 1.
- (44) The angels.
- (45) Israel.
- (46) Lit., 'taking counsel'.
- (47) Instead of 'and they read them'.
- (48) Ibid. 2.

Talmud - Mas. Megilah 16a

that Shamshai¹ kept on erasing and Gabriel kept on writing. R. Assi said: R. Shila, a man of Kefar Temarta,² drew a lesson from this, saying: If a writing on earth which is for the benefit of Israel cannot be erased, how much less a writing in heaven!³

There is nothing done for him.⁴ Raba said: [They answered him thus] not because they loved Mordecai but because they hated Haman.

He had prepared for him.⁵ A Tanna stated: [This means], he had prepared for himself.⁶

And do even so to Mordecai etc.⁷ Haman said to him: Who is Mordecai? He said to him: 'The Jew'. He said: There are many Mordecais among the Jews. He replied: 'The one who sits in the king's gate'. Said Haman to him: For him [the tribute] of one village or one river is sufficient! Said Ahasuerus: Give him that too; 'let nothing fail of all that thou hast spoken'.

Then took Haman the apparel and the horse.⁸ He went and found [Mordecai with] the Rabbis sitting before him while he showed them the rules of the 'handful'.⁹ When Mordecai saw him approaching and leading the horse, he became frightened and said to the Rabbis, This villain is coming to kill me. Get out of his way so that you should not get into trouble with him.¹⁰ Mordecai thereupon drew his robe round him and stood up to pray. Haman came up and sat down before them and waited till Mordecai had finished his prayer. He said to him: What have you been discussing? He replied: When the Temple stood, if a man brought a meal-offering he used to offer a handful of fine flour and make atonement therewith. Said Haman to them: Your handful of fine flour has come and displaced my ten thousand talents of silver. Said Mordecai to him: Wretch, if a slave acquires property, whose is the slave and whose is the property?¹¹ Haman then said to him: Arise and put on this apparel and ride on this horse, for so the king desires you to do. He replied: I cannot do so until I have gone into the bath and trimmed my hair, for it would not be good manners to use the king's apparel in this state. Now Esther had sent and closed all the baths and all the barbers' shops. So Haman himself took him into the bath and washed him, and then went and brought scissors from his house and trimmed his hair. While he was doing so, he sighed and groaned. Said Mordecai to him: Why do you sigh? He replied: The man who was esteemed by the king above all his nobles is now made a bath attendant and a barber. Said Mordecai to him: Wretch, and were you not once a barber in Kefar Karzum?¹² (For so a Tanna stated: Haman was a barber in Kefar Karzum twenty-two

years.) After he had trimmed his hair he put the garments on him, and said to him, Mount and ride. He replied: I am not able, as I am weak from the days of fasting. So Haman stooped down and he mounted [on his back]. When he was up he kicked him. He said to him: Is it not written in your books,¹³ Rejoice not when thine enemy faileth?¹⁴ He replied: That refers to an Israelite, but in regard to you [folk] it is written, And thou shalt tread upon their high places.¹⁵

And proclaimed before him, This shall be done to the man whom the king delighted to honour.¹⁶ As he was leading him through the street where Haman lived, his daughter who was standing on the roof saw him. She thought that the man on the horse was her father and the man walking before him was Mordecai. So she took a chamber pot and emptied it on the head of her father. He looked up at her and when she saw that it was her father, she threw herself from the roof to the ground and killed herself. Hence it is written . . .¹⁷

And Mordecai returned to the king's gate. R. Shesheth said: This indicates that he returned to his sackcloth and fasting. But Haman hastened to his house, mourning and having his head covered; mourning for his daughter, and with his head covered on account of what had happened to him.

And Haman recounted unto Zeresh his wife and all his friends, etc. They are first called 'his friends' and then they are called 'his wise men'. R. Johanan said: Whoever says a wise thing even if he is a non-Jew¹⁸ is called 'wise'.

If Mordecai be of the seed of the Jews. They said to him: If he comes from the other tribes, you can prevail over him, but if he is from the tribe of Judah or of Benjamin, Ephraim or Manasseh, you will not prevail over him. 'Judah', as it is written, Thy hand shall be on the neck of thine enemies.¹⁹ The others, because it is written of them, Before Ephraim and Benjamin and Manasseh stir up thy might.²⁰

But falling thou shalt fall.²¹ R. Judah b. Ila'i drew a lesson from this verse, Saying: Why are two fallings mentioned here? Haman's friends said to him: This people is likened to the dust and it is likened to the stars. When they go down, they go down to the dust, and when they rise they rise to the stars. Came the king's chamberlains and hastened [wa-yabhilu] to bring Haman.²² The use of this word [wa-yabhilu]²³ tells us that they brought him all in confusion [behalah].

For we are sold, I and my people etc . . . For the adversary care²⁴ not that the king is endamaged.²⁵ She said to him: This adversary cares not for the damage of the king. He was angry with Vashti and killed her,²⁶ and he is angry with me and wants to kill me.

Then said the king Ahasuerus, and he said to Esther the queen.²⁷ Why 'said' and again 'said'? R. Abbahu replied: He first spoke to her through an intermediary.²⁸ When she told him that she came from the house of Saul,²⁹ forthwith, 'he said to Esther the queen'.

And Esther said, An adversary and an enemy, even this wicked Haman.³⁰ R. Eleazar said: This informs us that she was pointing to Ahasuerus and an angel came and pushed her hand so as to point to Haman.³¹

And the king rose in his wrath...and the king returned out of the palace garden.³² His returning is put on the same footing as his arising. Just as the arising was in wrath, so the returning was in wrath. For he went and found ministering angels in the form of men who were uprooting trees from the garden. He said to them, What are you doing? They replied: Haman has ordered us. He came into the house, and there 'Haman was falling³³ upon the couch'. 'Falling'? It should say. 'had fallen'? — R. Eleazar said: This informs us that an angel came and made him fall on it. Ahasuerus then exclaimed: Trouble³⁴ inside, trouble outside!

‘Then said the king, Will he even force the queen before me in the house? Then said Harbonah, etc.’ R. Eleazar said: Harbonah also was a wicked man and implicated in that plot.³⁵ When he saw that his plan was not succeeding, he at once fled, and so it is written, And he cast upon him and did not pity, from his hand he surely fleeth.³⁶

Then the king's wrath was assuaged.³⁷ Why are there two assuagings here?³⁸ — One of the [wrath of the] King of the Universe,³⁹ and the other of Ahasuerus. Others say, one [of the wrath] on account of Esther and the other on account of Vashti.

To all of them he gave to each man changes of raiment but to Benjamin he gave five changes of raiment.⁴⁰ Is it possible that that righteous man⁴¹ should fall into the very mistake from which he himself had suffered?

(1) A scribe, mentioned in the book of Ezra (IV, 8) as an enemy of the Jews. According to tradition he was a son of Haman.

(2) [Tamara, south of Kabul, v. E.J. s.v.]

(3) Seeing that Gabriel is already there (Maharsha).

(4) Esth. VI, 3.

(5) Ibid. 4.

(6) As otherwise the words ‘for him,’ are superfluous.

(7) Ibid. 10.

(8) Ibid. 11.

(9) V. Lev. II, 2 and infra.

(10) Lit., ‘that you be not burnt with his coal’.

(11) How then can you, being the slave of Ahasuerus, talk of your ten talents of silver. [Aliter: Haman had sold himself to Mordecai as slave. V. supra p. 90. n. 4.]

(12) [MS.M. קרינום, Kefar Karnayim in Transjordan, cf. Josephus, Ant. XII, 8,4; v. however, Romanoff, P. Amer. Acad. for Jewish Research, VII, pp. 58ff].

(13) Lit., ‘for you’.

(14) Prov. XXIV, 17.

(15) Deut. XXXIII, 29.

(16) Esth. VI, 11.

(17) These words connect with the sentence after the next, ‘but Haman hastened’ etc.

(18) Lit., ‘of the nations of the world’.

(19) Gen. XLIX, 8.

(20) Ps. LXXX, 3.

(21) So lit. E.V. Shalt surely fall.

(22) Esth. VI, 14.

(23) Instead of the more usual וימהרו.

(24) E.V., ‘is not worthy’.

(25) Esth. VII, 4.

(26) V. supra 12b.

(27) Ibid. 5.

(28) Heb. turgeman; lit., ‘interpreter’.

(29) I.e., that she was of royal descent.

(30) Ibid. 6.

(31) She meant the words ‘adversary and enemy’ to apply to Ahasuerus himself.

(32) Esth. VII, 7f.

(33) Heb. נפל.

(34) Lit., ‘woe!’.

(35) To hang Mordecai. [Otherwise how would he have known the exact measurements of the gallows.]

- (36) Job XXVII, 22.
(37) Esth. VII, 10.
(38) The Hebrew is שִׁכְכָה, where שָׁכָה might have been used.
(39) Against Israel for bowing down to the image; supra 12a.
(40) Gen. XLV, 22.
(41) Joseph.

Talmud - Mas. Megilah 16b

For Raba b. Mehasia said in the name of R. Hami b. Guria, who said it in the name of Rab: Through two sela's weight of fine silk which Jacob gave to Joseph over what he gave to his brothers, a ball was set rolling and our ancestors eventually went down to Egypt! — R. Benjamin b. Japhet said: He gave him a hint that a descendant would issue from him who would go forth before a king in five royal garments, as it says, And Mordecai went forth from the presence of the king in royal apparel of blue etc.¹

And he fell upon his brother Benjamin's neck.² How many necks³ had Benjamin? — R. Eleazar said: He wept for the two Temples which were destined to be in the territory of Benjamin⁴ and to be destroyed. And Benjamin wept upon his neck:² he wept for the tabernacle of Shiloh which was destined to be in the territory of Joseph and to be destroyed.

And behold your eyes see and the eyes of my brother Benjamin.⁵ R. Eleazar said: He said to them: Just as I bear no malice against my brother Benjamin who had no part in my selling, so I have no malice against you.

That it is my mouth that speaketh unto you. As my mouth is, so is my heart.

And to his father he sent in like manner ten asses laden with the good things of Egypt.⁶ What are 'the good things of Egypt'? R. Benjamin b. Japhet said in the name of R. Eleazar: He sent him [old] wine which old men find very comforting.⁷

And his brethren also went and fell down before him.⁸ R. Benjamin b. Japhet said in the name of R. Eleazar: This bears out the popular saying, A fox in its hour — bow down to it. [You compare Joseph to] a fox! Where was his inferiority to his brothers? Rather if this was said [by R. Eleazar] it was applied as follows: And Israel bowed down upon the bed's head.⁹ R. Benjamin b. Japhet said in the name of R. Eleazar; A fox in its hour — bow down to it.¹⁰

And he comforted them and spoke kindly to them.¹¹ R. Benjamin b. Japhet said in the name of R. Eleazar: This tells us that he spoke to them words which greatly reassured them,¹² [saying], If ten lights were not able to put out one, how can one light put out ten?

The Jews had light and gladness and joy and honour.¹³ Rab Judah said: 'Light' means the Torah,¹⁴ and so it says. For the commandment is a lamp and the Torah is a light.¹⁵ 'Gladness' means a feast day; and so it says, And thou shalt be glad in thy feast.¹⁶ 'Joy' means circumcision; and so it says, I rejoice at thy word.¹⁷ 'Honour' means the phylacteries, and so it says, And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall be afraid of thee;¹⁸ and it has been taught: R. Eleazar the Great says that this refers to the phylactery of the head.

And Parshandatha . . . the ten sons of Haman.¹⁹ R. Adda from Joppa said: The ten sons of Haman and the word 'ten' [which follows] should be said²⁰ in one breath. What is the reason? Because their souls all departed together. R. Johanan said: The waw of waizatha must be lengthened like a boat-pole of the river Libruth.²¹ What is the reason? Because they were all strung on one pole. R.

Shila, a man of Kefar Temarta, drew a lesson from this saying, All the songs [in Scripture] are written in the form of a half brick over a whole brick,²² and a whole brick²² over a half brick,²³ with the exception of this one and the list of the kings of Canaan²⁴ which are written in the form of a half brick over a half brick and a whole brick over a whole brick.²⁵ What is the reason? So that they should never rise again from their downfall.

And the king said to the queen, In Shushan the castle the Jews have slain . . .²⁶ The mode of expression informs us that an angel came and slapped him on his mouth.²⁷

But when she came before the king, he said along with the letter.²⁸ ‘He said’? It should be, ‘she said’! — R. Johanan said: She said, Let there be said by word of mouth what is written in the letter.²⁹

Words of peace and truth.³⁰ R. Tanhum said: [or, according to some, R. Assi]: This shows that the Megillah requires to be written on ruled lines, like the true essence of the Torah.³¹ And the ordinance of Esther confirmed.³² Only the ordinance of Esther and not the words of the fastings? — R. Johanan said: We must read thus: The words of the fastings [and their cry] and the ordinance of Esther confirmed these matters of Purim.³³

For Mordecai the Jew was next unto king Ahasuerus, and great among the Jews and accepted of the majority of his brethren.³⁴ Of the majority of his brethren but not of all his brethren; this informs us that some members of the Sanhedrin separated from him.³⁵

R. Joseph said: The study of the Torah is superior to the saving of life. For at first Mordecai was reckoned next after four, but afterwards next after five. At first it is written, Who came with Zerubabel, [namely] Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan,³⁶ and subsequently it is written, Who came with Zerubabel, Jeshua, Nehemiah, Azariah, Raamiah, Nahamani, Mordecai, Bilshan.³⁷

Rab — or, some say. R. Samuel b. Martha — said: The study of the Torah is superior to the building of the Temple, for as long as Baruch b. Neriah was alive Ezra would not leave him to go up to the land of Israel.³⁸ Rabbah said in the name of R. Isaac b. Samuel b. Martha: The study of the Torah is superior to the honouring of father and mother. For, for the fourteen years that Jacob spent in the house of Eber, he was not punished, since a Master has said:

(1) Esth. VIII, 15.

(2) Gen. XLV, 14.

(3) The Heb. צוֹאֲרֵי can also be taken as a plural. [Rashi omits this question. He did not regard the exposition that follows as being based upon the supposed difference in the grammatical form. the neck is simply taken as allusion to the Temple.]

(4) On the Temple Mount in Jerusalem.

(5) Gen. XLV, 12.

(6) Ibid. 23.

(7) Lit., ‘in which the mind of old will take delight’.

(8) Ibid. L, 18.

(9) Ibid. XLVII, 31.

(10) By comparison with his father there would be no disrespect in referring to Joseph as a fox.

(11) Lit., ‘upon their heart’.

(12) Lit., ‘which were received upon the heart’.

(13) Esth. VIII, 16.

(14) I.e., they resumed the study of the Torah without hindrance; and so with circumcision and phylacteries.

(15) Prov. VI, 23.

- (16) Deut. XVI, 14.
- (17) Ps. CXIX, 162. The word **לֵאמֹר** (saying) here is taken to refer to circumcision because God said (**אמר**) to Abraham that he should circumcise his son, Gen. XVII, 9.
- (18) Deut. XXVIII, 10.
- (19) Esth. IX, 7-10.
- (20) By one reading the Megillah.
- (21) Not identified, v. B.M., Sonc. ed. p. 503, n. 10.
- (22) Al. 'blank space'.
- (23) The words in each line must be spaced in such a way as to present this appearance, the space of the half-brick being occupied in each case by the writing.
- (24) In Joshua XII.
- (25) **אִם־פֶּתַח וְאִתּוֹ דִּלְפֹּן וְאִתּוֹ פֶּרֶשׁ נִדְתָּא וְאִתּוֹ** etc.
- (26) Esth. IX, 12.
- (27) Because he commenced as if in anger and then proceeded and what is thy request etc.
- (28) Ibid. 25.
- (29) Rashi omits here the words, 'she said', and explains that R. Johanan is here laying down the rule that the Megillah (which is called 'letter') should be read aloud. How he derives this lesson from the text is not clear.
- (30) Ibid. 30.
- (31) I.e., the Pentateuch, v. Git. 6b.
- (32) Ibid. 32.
- (33) Ibid. 31.
- (34) Ibid. X, 3.
- (35) Because when he rose to power he neglected the study of the Torah.
- (36) Ezra II, 2.
- (37) Neh. VII, 7. The list in Ezra is given in connection with the first return from Babylon, the list in Nehemiah in connection with the dedication of the Temple which is reckoned by the Talmud to have taken place twenty-four years later (v. Rashi); and the incident of Purim is supposed to have taken place in the interval.
- (38) I.e., but for Baruch, Ezra would have come back with the first of the returning exiles.

Talmud - Mas. Megilah 17a

Why are the years of Ishmael mentioned? So as to reckon by them the years of Jacob, as it is written, And these are the years of the life of Ishmael, a hundred and thirty and seven years.¹ How much older was Ishmael than Isaac? Fourteen years, as it is written, And Abram was fourscore and six years old when Hagar bore Ishmael to Abram,² and it is also written, And Abraham was a hundred years old when his son Isaac was born to him,³ and it is written, And Isaac was threescore years old when she bore them.⁴ How old then was Ishmael when Jacob was born? Seventy-four. How many years were left of his life? Sixty-three; and it has been taught: Jacob our father at the time when he was blessed by his father was sixty-three years old. It was just at that time that Ishmael died, as it is written, Now Esau saw that Isaac had blessed Jacob...so Esau went unto Ishmael and took Mahlath the daughter of Ishmael Abraham's son the sister of Nebaioth.⁵ Now once it has been said, 'Ishmael's daughter' do I not know that she was the sister of Nebaioth? This tells us then that Ishmael affianced her and then died, and Nebaioth her brother gave her in marriage.⁶ Sixty-three and fourteen till Joseph was born⁷ make seventy-seven, and it is written, And Joseph was thirty years old when he stood before Pharaoh.⁸ This makes a hundred and seven. Add seven years of plenty and two of famine,⁹ and we have a hundred and sixteen, and it is written, And Pharaoh said unto Jacob, How many are the days of the years of thy life? And Jacob said unto Pharaoh, The days of the years of my sojournings are a hundred and thirty years.¹⁰ But [we have just seen that] they were only a hundred and sixteen? We must conclude therefore that he spent fourteen years in the house of Eber,¹¹ as it has been taught: 'After Jacob our father had left for Aram Naharaim two years.¹² Eber died'. He then went forth from where he was¹³ and came to Aram Naharaim. From this¹⁴ it follows that when he stood by the well he was seventy-seven years old. And how do we know that he was not punished [for these fourteen years]? As it has been taught: 'We find that Joseph was away from his father twenty-two years.¹⁵ just as Jacob our father was absent from his father'. But Jacob's absence was thirty-six years?¹⁶ It must be then that the fourteen years which he was in the house of Eber are not reckoned. But when all is said and done, the time he spent in the house of Laban was only twenty years?¹⁷ — The fact is that [he was also punished] because he spent two years on the way, as it has been taught: He left Aram Naharaim and came to Succoth and spent there eighteen months, as it says, And Jacob journeyed to Succoth, and built him a house, and made booths for his cattle;¹⁸ and in Bethel he spent six months and brought there sacrifices.

CHAPTER II

MISHNAH. IF ONE READS THE MEGILLAH BACKWARDS,¹⁹ HE HAS NOT PERFORMED HIS OBLIGATION. IF HE READS IT BY HEART, IF HE READS IT IN A TRANSLATION [TARGUM] IN ANY LANGUAGE,²⁰ HE HAS NOT PERFORMED HIS OBLIGATION. IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT UNDERSTAND HEBREW²¹ IN A LANGUAGE OTHER THAN HEBREW. IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARS IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. IF ONE READS IT WITH BREAKS,²² OR WHILE HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. IF HE WAS COPYING IT, CORRECTING IT OR EXPOUNDING IT, THEN IF [IN DOING SO] HE PUT HIS MIND [ALSO TO THE READING] OF IT HE HAS PERFORMED HIS OBLIGATION, BUT OTHERWISE NOT. IF [THE COPY FROM WHICH HE READS] IS WRITTEN WITH SAM, WITH SIKRA, WITH KUMUS, OR WITH KANKANTUM,²³ OR ON NEYAR OR DIFTERA,²³ HE HAS NOT PERFORMED HIS OBLIGATION; IT MUST BE WRITTEN IN HEBREW²⁴ ON PARCHMENT²⁵ AND IN INK.

GEMARA. Whence is this rule [not to read backward] derived? — Raba said: The text says, according to the writing thereof and according to the appointed time thereof:²⁶ just as the appointed time cannot be backward,²⁷ so the [reading from the] writing must not be backward. But does the text speak here of reading? It speaks of keeping, as it is written, that they would keep these two

days? — The truth is that we derive the rule from here, as it is written: And that these days should be remembered and kept.²⁸ ‘Remembering’ is here put on the same footing as ‘keeping’: just as keeping cannot be in the wrong order, so remembering also.

A Tanna stated: The same rule applies to Hallel,²⁹ to the recital of the Shema’,²⁹ and to the ‘Amidah²⁹ prayer. Whence do we derive the rule as regards Hallel? — Rabbah said: Because it is written, From the rising of the sun unto the going down thereof [the Lord's name is to be praised].³⁰ R. Joseph said, [from here]: This is the day which the Lord hath made.³¹ R. Awia said: Let the name of the Lord be blessed.³² R. Nahman b. Isaac — or you may also say, R. Aha b Jacob — said, It is from here: From this time forth and for ever.³³

‘To the recital of the Shema’’, as it has been taught: The Shema’ must be recited as it is written.³⁴ So Rabbi. The Sages, however, say: It may be recited in any language. What is Rabbi's reason? Scripture says

(1) Gen. XXV, 17.

(2) Ibid. XVI, 16.

(3) Ibid. XXI, 5.

(4) Ibid. XXV, 26.

(5) Ibid. XXVIII, 6-9.

(6) Which shows that Ishmael died just about the time that Isaac blessed Jacob.

(7) It is reckoned by the Talmud that Jacob had been with Laban fourteen years when Joseph was born. V. Gen. XXXI, 41.

(8) Ibid. XLI, 46.

(9) V. Ibid. XLV, 6.

(10) Ibid. XLVII, 8,9.

(11) [So Rashi: cur. edd., ‘the fourteen years he spent . . . are not reckoned’.]

(12) [So Rashi: cur. edd. introduce passage with: ‘Jacob lay hidden in the house of Eber for fourteen years’.]

(13) This is the reading here of the Bah. The reading of the text is unintelligible.

(14) [By calculating the years Eber lived, v. Gen. XI, 17.]

(15) He left when he was seventeen, he was thirty when he stood before Pharaoh, and seven years of plenty and two of famine passed before he saw his father.

(16) He left when he was sixty-three and returned when he was ninety-nine.

(17) V. Gen. XXXI, 41.

(18) Gen. XXXIII, 17: a ‘house’ for one summer, and two ‘booths’ for two winters.

(19) [Perhaps as a magical incantation for driving away demons. V. Blau Das altjudische Zauberwesen pp. 146ff.]

(20) [MS.M. If he read it in Targum (Aramaic); if he read it in any other language. The text of cur. edd. can also bear this interpretation, v. Rashi 18a s.v. קראה].

(21) לעזות people speaking a foreign (לעז) language.

(22) I.e., reads a part and then waits some time before resuming v. Gemara.

(23) Because these materials fade. A similar rule was laid down with regard to the Get. For the meaning of these terms, v. infra in the Gemara.

(24) Lit., ‘Assyrian’ characters; v. supra 8b.

(25) Lit., ‘on the book’. [Var lec. ‘on skin’.]

(26) Esth. IX, 27.

(27) I.e., the fifteenth cannot come before the fourteenth.

(28) Esth. IX, 28. The Hebrew word זכירה means both ‘remembering’ and ‘mentioning’.

(29) V. Glos.

(30) Ps. CXIII, 3. Just as the sun never goes backward from West to East, so the praise of the Lord should not be recited backward.

(31) Ibid. CXVIII, 24. The day also cannot go backward.

(32) Ibid. CXIII, 2.

(33) Ibid.

(34) I.e., in the original language.

Talmud - Mas. Megilah 17b

, [And these words] shall be,¹ which implies, they shall be kept as they are. And what is the reason of the Rabbis? — Because Scripture says, Hear,² which implies, in any language which you understand. How then can Rabbi [hold otherwise], seeing that it is written, 'hear'? — He requires that word for the injunction, 'Let thine ear hear what thou utterest with thy mouth'. The Rabbis, however, concurred with the authority who said that if one recites the Shema' without making it audible, he has performed his obligation. But the Rabbis too — [how can they hold as they do], seeing that it is written, 'And they shall be'? — They require this for the injunction that it should not be recited backwards. Whence does Rabbi derive the rule that it should not be recited backwards? From [the use of the expression] 'the words', where 'words' [would have been sufficient]. The Rabbis, however, do not accept this distinction between 'the words' and 'words'.

May we say that Rabbi was of opinion that the whole of the Torah has been ordained [to be recited] in any language?³ For should you assume that it has been ordained [to be recited] only in the holy tongue, why should the words 'and they shall be' be inserted [in reference to the Shema']? — These were necessary. For it might have occurred to me to understand 'hear' in the same sense as the Rabbis:⁴ therefore the All-Merciful wrote 'and they shall be'. May we then say that the Rabbis were of opinion that the whole of the Torah was ordained [to be recited] only in the holy tongue, since, should you assume that it was ordained to be recited in any language, [I might ask], why should 'hear' be inserted [in reference to the Shema']? — This word is necessary. For it might occur to me to understand 'and they shall be' in the same sense as Rabbi. Therefore the All-Merciful wrote, 'hear'.

'To the 'Amidah prayer'. Whence is this derived? — As it has been taught: 'Simeon the Pakulite⁵ formulated eighteen blessings in the presence of Rabban Gamaliel in the proper⁶ order in Jabneh.⁷ R. Johanan said (others report, it was stated in a Baraitha): A hundred and twenty elders, among whom were many prophets, drew up eighteen blessings in a fixed order'.

Our Rabbis taught: Whence do we derive that the blessing of the Patriarchs⁸ should be said? Because it says, Ascribe unto the Lord, O ye sons of might.⁹ And whence that we say the blessing of mighty deeds?¹⁰ Because it says, Ascribe unto the Lord glory and strength.¹¹ And whence that we say sanctifications?¹² Because it says, Ascribe unto the Lord the glory due unto His name, worship the Lord in the beauty of holiness.¹³ What reason had they for mentioning understanding¹⁴ after holiness? Because it says, They shall sanctify the Holy One of Jacob and shall stand in awe of the God of Israel,¹⁵ and next to this, They also that err in spirit shall come to understanding. What reason had they for mentioning repentance¹⁶ after understanding? Because it is written, Lest they, understanding with their heart, return and be healed.¹⁷ If that is the reason, healing should be mentioned next to repentance?¹⁸ — Do not imagine such a thing, since it is written, And let him return unto the Lord and He will have compassion upon him, and to our God, for he will abundantly pardon.¹⁹ But why should you rely upon this verse? Rely rather on the other! — There is written another verse, Who forgiveth all thine iniquity, who healeth all thy diseases, who redeemeth thy life from the pit,²⁰ which implies that redemption and healing come after forgiveness. But it is written, 'Lest they return and be healed'? That refers not to the healing of sickness but to the healing [power] of forgiveness. What was their reason for mentioning redemption in the seventh blessing?²¹ Raba replied: Because they [Israel] are destined to be redeemed in the seventh year [of the coming of the Messiah],²² therefore the mention of redemption was placed in the seventh blessing. But a Master has said, 'In the sixth year will be thunderings, in the seventh wars, at the end of the seventh the son of David will come'? — War is also the beginning of redemption. What was their reason for

mentioning healing in the eighth blessing? — R. Aha said: Because circumcision which requires healing is appointed for the eighth day, therefore it was placed in the eighth blessing. What was their reason for placing the [prayer for the] blessing of the years ninth? R. Alexandri said: This was directed against those who raise the market price [of foodstuffs], as it is written, Break thou the arm of the wicked; and when David said this, he said it in the ninth Psalm.²³

What was their reason for mentioning the gathering of the exiles after the blessing of the years? — Because it is written, But ye, O mountains of Israel, ye shall shoot forth your branches and yield your fruit to thy people Israel, for they are at hand to come.²⁴ And when the exiles are assembled, judgment will be visited on the wicked, as it says, And I will turn my hand upon thee and purge away thy dross as with lye,²⁵ and it is written further, And I will restore thy judges as at the first.²⁶ And when judgment is visited on the wicked, transgressors cease,²⁷ and presumptuous sinners²⁸ are included with them, as it is written, But the destruction of the transgressors and of the sinners shall be together, and they that forsake the Lord shall be consumed.²⁹ And when the transgressors have disappeared, the horn of the righteous is exalted,³⁰ as it is written, All the horns of the wicked also will I cut off, but the horns of the righteous shall be lifted up.³¹ And ‘proselytes of righteousness’³² are included with the righteous, as it says, thou shalt rise up before the hoary head and honour the face of the old man,³³ and the text goes on, And if a stranger sojourn with thee. And where is the horn of the righteous exalted? In Jerusalem,³⁴ as it says, Pray for the peace of Jerusalem, may they prosper that love thee.³⁵ And when Jerusalem is built, David³⁶ will come, as it says.

(1) Deut. VI, 6.

(2) Ibid. 4. The word שָׁמַע means both ‘hear’ and ‘understand’.

(3) According to Tosaf., this refers only to those passages of the Scripture which were to be recited on special occasions, e.g., the passage relating to the first-fruit, the declaration of halizah etc.

(4) Viz., in any language.

(5) Possibly this means ‘cotton dealer’ (Rashi).

(6) I.e. one based on Scriptural texts, as explained infra.

(7) V. Ber. 28b.

(8) The first blessing, containing the words, the God of Abraham, the God of Isaac, and the God of Jacob’. For the ‘Amidah prayer v. P.B. pp. 44ff.

(9) Ps. XXIX, 1. ‘Sons of might’ is taken as a description of the Patriarchs. The Talmud renders: ‘Mention before the Lord the sons of might’, i.e., the Patriarchs.

(10) The second blessing, mentioning the ‘mighty deed’ of the resurrection.

(11) Ps. XXIX, 1.

(12) The third blessing beginning, ‘Thou art holy’.

(13) Ibid. 2.

(14) In the fourth blessing, beginning, ‘Thou grantest to man understanding’.

(15) Isa. XXIX, 23f.

(16) In the fifth blessing, commencing, ‘Bring us back, O Father’.

(17) Ibid. VI, 10.

(18) Whereas in fact it comes in the next blessing but one, ‘redemption’ being interposed.

(19) Ibid. LV, 7.

(20) Ps. CIII, 3f.

(21) Concluding, ‘Blessed art thou, O Lord, who redeemest Israel’.

(22) V. Sanh. 97a.

(23) In our books it is the tenth (v. 15), but the Talmud apparently reckoned the first and second Psalms as one.

(24) Ezek. XXXVI, 8.

(25) Isa. I, 25.

(26) Ibid. 26. The next blessing proceeds, ‘Restore our judges’. etc.

(27) MS. M. minim (plur. of min v. Glos.).

(28) Mentioned in the next blessing. This, however, was not one of the original eighteen, v. Ber. 28b.

(29) Ibid. 28.

(30) The next blessing concludes, 'the support and trust of the righteous'.

(31) Ps. LXXV, II.

(32) Mentioned in the same blessing. 'Proselytes of Righteousness' are converts who completely accept the Jewish creed and life.

(33) Lev. XIX, 32.

(34) Mentioned in the next blessing.

(35) Ps. CXXII, 6.

(36) Mentioned in the next blessing, which commences, 'Cause to sprout quickly the shoot of David'.

Talmud - Mas. Megilah 18a

Afterwards shall the children of Israel return and seek the Lord their God, and David their king.¹ And when David comes, prayer² will come, as it says. Even then will I bring to my holy mountain, and make them joyful in my house of prayer.³ And when prayer has come, the Temple service⁴ will come, as it says, Their burnt-offerings and their sacrifices shall be acceptable upon mine altar.⁵ And when the service comes, thanksgiving⁶ will come, as it says. Whoso offereth the sacrifice of thanksgiving honoureth me.⁷ What was their reason for inserting the priestly benediction after thanksgiving? Because it is written, And Aaron lifted up his hands toward the people and he came down from offering the sin-offering and the burnt-offering and the peace-offerings.⁸ But cannot I say that he did this before the service? — Do not imagine such a thing. For it is written, 'and he came down from offering'. Is it written 'to offer'? It is written, 'from offering'.⁹ Why not then say it [the priestly benediction] after the [blessing of] the Temple service? — Do not imagine such a thing, since it is written, whoso offereth the sacrifice of thanksgiving.¹⁰ Why base yourself upon this verse? Why not upon the other? — It is reasonable to regard service and thanksgiving as one. What was their reason for having 'give peace' said after the priestly benediction? — Because it is written, So they [the priests] shall put my name upon the children of Israel, and [then] I shall bless them;¹¹ and the blessing of the Holy One, blessed be He, is peace, as it says, The Lord shall bless his people with peace.¹²

Seeing now that a hundred and twenty elders, among whom were many prophets, drew up the prayers in the proper order, why did Simeon the Pakulite formulate them? — They were forgotten, and he formulated them afresh. Beyond this it is forbidden to declare the praise of the Holy One, blessed be He.¹³ For R. Eleazar said: What is the meaning of the verse, Who can express the mighty acts of the Lord, or make all his praise to be heard?¹⁴ For whom is it fitting to express the mighty acts of the Lord? For one who can make all his praise to be heard. Rabbah b. Bar Hanah said in the name of R. Johanan: One who descants upon the praises of the Holy One, blessed be He, to excess is uprooted from the world, as it says, Shall it be told to him that I should speak? Should a man [try to] say, surely he would be swallowed up.¹⁵ R. Judah a man of Kefar Gibboraya,¹⁶ or, as some say, of Kefar Gibbor Hayil,¹⁷ gave the following homily: What is meant by the verse, For thee silence is praise?¹⁸ The best medicine of all is silence. When R. Dimi came, he said: In the West¹⁹ they say: A word is worth a sela', silence two sela's.

IF ONE READS IT BY HEART, HE HAS NOT PERFORMED HIS OBLIGATION. Whence this rule? — Raba said: We explain the expression zekirah²⁰ in one passage from its use in another. It is written here, And these days shall be nizkarim²¹ [remembered] and it is written elsewhere, Write this le-zikaron [for a memorial] in the book.²² Just as there it was to be in a book, so here it must be in a book. But how do we know that this 'nizkarim' implies 'uttering'? Perhaps it means mere reading with the eyes? — Do not imagine such a thing, since it has been taught: 'Remember' [zakor].²³ Am I to say, this means only with the mind? When the text says, thou shalt not forget, the injunction against mental forgetfulness is already given. What then am I to make of 'remember'? This must mean, by utterance.²⁴

IF ONE READS IT IN A TRANSLATION, HE HAS NOT PERFORMED HIS OBLIGATION. How are we to understand this? Are we to suppose that it is written in Hebrew and he reads it in a translation? This is the same as reading by heart! — It is required for the case where it is written in a translation and he reads it in a translation.

IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT SPEAK HEBREW IN A LANGUAGE OTHER THAN HEBREW. But you have just said, IF ONE READS IT IN ANY [OTHER] LANGUAGE HE HAS NOT PERFORMED HIS OBLIGATION? — Rab and Samuel both answered that what is referred to here is the Greek vernacular. How are we to understand this? Shall we say that it is written in Hebrew and he reads it in Greek? This is the same as saying by heart? — R. Aha said in the name of R. Eleazar: What is referred to is where it is written in the Greek vernacular.

(R. Aha also said in the name of R. Eleazar: How do we know that the Holy One, blessed be He, called Jacob El [God]²⁵ Because it says, And the God of Israel called him [Jacob] El.²⁶ For should you suppose that [what the text means is that] Jacob called the altar El, then it should be written, 'And Jacob called it'. But [as it is not written so], we must translate, 'He called Jacob El'. And who called him so? The God of Israel).

An objection was brought [against the dictum of Rab and Samuel] from the following: 'If one reads it in Coptic,²⁷ in Hebraic,²⁸ in Elamean, in Median, in Greek, he has not performed his obligation'! — This [statement]²⁹ means only in the same sense as the following: 'If one reads it in Coptic to the Copts,³⁰ in Hebrew to the Hebrews, in Elamean to the Elameans, in Greek to the Greeks, he has performed his obligation'. If that is the case, why do Rab and Samuel explain the Mishnah to refer to the Greek vernacular? Let them make it refer to any vernacular? — The fact is that the Mishnah agrees with the Baraitha,³¹ and the statement of Rab and Samuel was meant to be a general one [thus]: Rab and Samuel both say that the Greek vernacular is good for all peoples. But it is stated, '[He may read] in Greek for the Greeks' — for the Greeks, that is, he may, but for others not? — They [Rab and Samuel] concurred with Rabban Simeon b. Gamaliel, as we have learnt: 'Rabban Simeon b. Gamaliel says: Scrolls of the Scripture also were allowed to be written only in Greek'.³² Let them then say, The halachah is as stated by Rabban Simeon b. Gamaliel? — Had they said, The halachah is as stated by Rabban Simeon b. Gamaliel, I should have understood them to mean that this is the case with other books of the Scriptures but not with the Megillah, of which it is written, according to the writing thereof.³³ Therefore we are told [that this is not so].

IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARD IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. But he does not know what they are saying? — he is on the same footing as women and ignorant people. Rabina strongly demurred to this saying;³⁴ And do we know the meaning of ha-ahashteranim bene ha-ramakim?³⁵ But all the same we perform the precept of reading the Megillah and proclaiming the miracle. So they too perform the precept of reading the Megillah and proclaiming the miracle.³⁶

IF ONE READS IT WITH BREAKS [SERUGIN], HE HAS PERFORMED HIS OBLIGATION. The Rabbis did not know what was meant by serugin,³⁷ until one day they heard the maidservant of Rabbi's household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by haluglugoth, till one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your haluglugoth?

The Rabbis did not know what was meant by, *salseleah* and it shall exalt thee.³⁸ One day they heard the handmaid of the house of Rabbi say to a man who was curling his hair, How long will you be *mesalsel* with your hair?³⁹

The Rabbis did not know what was meant by, Cast upon the Lord thy *yehab* and he shall sustain thee.⁴⁰ Said Rabbah b. Bar Hanah: One day I was travelling with a certain Arab⁴¹ and was carrying a load, and he said to me, Lift up your *yehab* and put it on [one of] the camels.

The Rabbis did not know what was meant by, *we-tetethia bematate* of destruction,⁴² till one day they heard the handmaid of the household of Rabbi say to her companion, Take the *tatitha* [broom] and *tati* [sweep] the house.

Our Rabbis taught: If one reads it with breaks, he has performed his obligation;

(1) Hos. III, 5.

(2) Mentioned in the next blessing, which commences, 'Hear our voice .

(3) Isa. LVI, 7.

(4) The next blessing contains the words, 'Restore the service'.

(5) Ibid.

(6) The next blessing commences, 'We give thanks to Thee'.

(7) Ps. L, 23.

(8) Lev. IX, 22.

(9) [Omit with MS.M.: 'For it is written . . . to offer'?).

(10) Which shows that sacrifice is followed immediately by thanksgiving.

(11) Num. VI, 27.

(12) Ps. XXIX, 11.

(13) I.e., it is forbidden to add any more blessings.

(14) Ps. CVI, 2.

(15) Job XXXVII, 20. E.V., 'Or should a man wish that he were swallowed up'.

(16) Lit., 'village of warriors'.

(17) Lit., 'village of a mighty warrior'. [MS.M. has 'Kefar Naburya' and 'Kefar Napor Hayil. The former is identified with en-Nebraten in Upper Galilee, v. Keth., Sonc. ed. p. 391, n. 11].

(18) Ps. LXV, 2. E.V., 'Praise waiteth for thee'.

(19) Palestine.

(20) Which means both 'remembering' and 'mentioning'.

(21) Esth. IX, 28.

(22) Ex. XVII, 14.

(23) Deut. XXV, 17.

(24) Lit., 'with the mouth'. So here, the days of Purim must be 'remembered' by utterance.

(25) Generally rendered 'God'; literally, 'Mighty'.

(26) Gen. XXXIII, 20. E.V., and called it El-Elohe-Israel'.

(27) The language of the Egyptians.

(28) Apparently the reference is to a kind of Aramaic spoken by the Bene Eber, or 'on the other side' (*be'eber*) of the Euphrates.

(29) The last clause of our Mishnah.

(30) I.e., the Coptic-speaking Jews.

(31) That it may be read in a vernacular only for those who speak that vernacular.

(32) Supra 8b.

(33) Esth. IX, 27.

(34) [Read with MS.M.: 'For should you not say thus' omitting 'Rabina strongly demurred to this'].

(35) Ibid. VIII, 10. E.V., 'that were used in the king's service, bred of the stud'. The words are obviously Persian.

(36) Because they enquire and are told.

- (37) The whole of this passage, down to 'house' is repeated in R.H. 26b.
 (38) Prov. IV, 8. E.V., 'extol her'.
 (39) Which shows that salseleah means 'turn it about and about'.
 (40) Ps. LV, 23. E.V., 'thy burden'.
 (41) [Taya, name of Arab tribe which was applied to all Arabs as a part to a whole].
 (42) Isa. XIV, 23. E.V., 'I will sweep it with the besom of destruction'.

Talmud - Mas. Megilah 18b

if with omissions,¹ he has not performed it. R. Muna said in the name of R. Judah: Even with breaks, if he stops long enough to finish the whole of it, he must go back to the beginning. R. Joseph said: The halachah is as stated by R. Muna in the name of R. Judah. Abaye inquired of R. Joseph: [When it says] 'long enough to finish the whole of it', does it mean from where he is to the end, or from the beginning to the end? He replied: It means from the beginning to the end, as otherwise there would be no fixed standard.² R. Abba said in the name of R. Jeremiah b. Abba who said it in the name of Rab: The halachah is as stated by R. Muna. Samuel, however, said: The halachah is not as stated by R. Muna. This is the version given in Sura. In Pumbeditha the following version is given: R. Kahana said in the name of Rab: The halachah is as stated by R. Muna, but Samuel said that the halachah does not follow R. Muna. R. Bibi reverses the statement, [making] Rab say that the halachah does not follow R. Muna and Samuel that it does follow R. Muna. R. Joseph said: Adopt³ the version of R. Bibi, since it is Samuel who takes note of the view of an individual authority,⁴ as we have learnt: 'If a woman was waiting for the levir [to make his decision], and a [younger] brother of his became affianced to her sister, the rule was laid down in the name of R. Judah b. Bathyra that the Beth din say to him, Wait till your elder brother acts [one way or the other];⁵ and Samuel said, The halachah is as stated by R. Judah b. Bathyra'.⁶

Our Rabbis taught: If the scribe had omitted letters or verses and the reader read them like the translator when he is translating,⁷ he has performed his obligation. The following was cited in objection to this: 'If letters in it [the scroll] are partially effaced or torn, if they are still legible, it may be used, but otherwise it may not be used'! — There is no contradiction: the one statement⁸ refers to the whole of it, the other⁹ to part of it.

Our Rabbis taught: If the reader omitted one verse, he must not say, I will finish reading it [the Megillah] and I will then read that verse, but he must read [again] from that verse. If a man enters the synagogue and finds that the congregation has read half, he must not say, I will read half with the congregation and then I will read the other half, but he must read it from the beginning to the end.

IF HE WAS HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. What is meant by 'half-asleep'?¹⁰ — R. Ashi said: He is asleep and not asleep, awake and not awake; if he is called he responds, but he cannot give a rational answer, though if he is reminded [of what has been said] he remembers.

IF ONE WAS WRITING IT, EXPOUNDING IT, OR CORRECTING IT, IF HE PUT HIS MIND TO IT etc. How are we to understand this? If he was conning each verse and then writing it, what does it matter if he did put his mind to it? He is writing by heart! We must suppose therefore that he writes each verse and then recites it. But does he thereby perform his obligation? Has not R. Helbo said in the name of R. Hama b. Guria who said it in the name of Rab, The halachah follows the view of him who says that all of it [must be recited],¹¹ and even according to the one who says that it is sufficient [to recite] from 'A Jew was', it is necessary that the whole should be [already] written? We must suppose therefore that a Megillah lies before him and he reads from it, verse by verse, and then writes. Shall we then¹² say that this supports Rabbah b. Bar Hanah, for Rabbah b. Bar Hanah said in the name of R. Johanan. It is forbidden to write one letter [of the Megillah], save from a copy?

Perhaps [the Mishnah speaks only of a case] where he just happened [to have a copy before him].¹³

The text [above states]: ‘Rabbah b. Bar Hanah said in the name of R. Johanan, It is forbidden to write one letter save from a copy’. The following was cited in opposition to this: ‘It happened once that R. Meir went to prolong the year¹⁴ in Assia,¹⁵ and there was no Megillah there and he wrote one out by heart’! — R. Abbahu said: R. Meir is different, because to him could be applied the verse, Thine eyelids shall look straight before thee.¹⁶ Rami b. Hama asked R. Jeremiah from Difti:¹⁷ What is the meaning of ‘thine eyelids [‘af’apeka] shall look straight before thee’? — He replied: This refers to the words of the Torah, of which it is written, Wilt thou direct [ta’if] thine eyes from it? it is gone.¹⁸ And even so, R. Meir could produce them correctly. R. Hisda found R. Hananel writing scrolls without a copy. He said to him: You are quite qualified to write the whole Torah by heart,¹⁹ but thus have the Sages ruled: It is forbidden to write one letter save from a copy. Seeing that he said, ‘You are qualified to write the whole Torah by heart’, we may conclude that he could produce them correctly, and we see that R. Meir actually did write?²⁰ — In case of emergency it is different — Abaye allowed the members of the household of Bar Habu²¹ to write tefillin and mezuzoth²² without a copy. What authority did he follow? — The following Tanna, as it has been taught: R. Jeremiah says in the name of our Teacher:²³ Tefillin and mezuzoth may be written out without a copy, and do not require to be written upon ruled lines. The law, however, is that tefillin do not require lines,²⁴ but mezuzoth do require lines, and both may be written without a copy. What is the reason? — They are well known by heart.

IF IT WAS WRITTEN WITH SAM²⁵ etc. SAM: this is paint. SIKRA: this is vermilion. Rabbah b. Bar Hanah said: It is what we call sekarta [vermilion]. KUMUS: this is gum

(1) So Asheri. Rashi: ‘Backwards’.

(2) Lit., ‘you place your rule at the mercy of different measurements’, according to the amount that still remains to be read.

(3) Lit., ‘take hold of in your hand’.

(4) When he differs from the majority.

(5) I.e., decides either to marry the sister-in-law or to take halizah from her. Otherwise, since the levirate obligation also devolves on the younger brother, he must not marry the sister.

(6) Although the majority of the Rabbis did not agree with him. V. Yeb. 18b.

(7) The Pentateuch into Aramaic in the synagogue, which is done by heart (Rashi). [R. Hananel: Like the translator who paraphrases and adds matter which is not in the text].

(8) That it may not be used.

(9) That it may be read if letters are omitted.

(10) Lit., ‘nodding’.

(11) Infra 19a.

(12) Since the Mishnah cannot be explained in any other way.

(13) And would not insist on the rule laid down by Rabbah b. Bar Hanah.

(14) By intercalating a second Adar.

(15) Probably one of the cities of Asia Minor is meant, v. Sanh., Sonc. ed. p. 151, n. 1.

(16) Prov. IV, 25.

(17) Dibtha below the Tigris S.E. of Babylonia.

(18) I.e. if one turns his eyes a moment away from the Torah, he forgets it. Prov. XXIII, 5 E.V., ‘wilt thou set thine eyes upon it’.

(19) Lit., ‘the whole Torah is fitted to be written at thy mouth’.

(20) Then why could not he also?

(21) A vendor of tefillin, v. B.M. 29b.

(22) V. Glos.

(23) Rabbi(?)

(24) V. supra p. 16b.

Talmud - Mas. Megillah 19a

. KANKANTUM: this is bootmakers' blacking. DIFTERA: this is a skin which has been salted and put in flour but not treated with gall nuts. NEYAR: this is paper.¹

IT MUST BE WRITTEN IN HEBREW. As it is written, according to the writing² thereof, and according to the appointed time thereof.²

ON PARCHMENT AND IN INK. Whence this rule? — We explain writing' in one place by the use of the term in another. It is written here, And Esther the queen wrote,³ and it is written in another place, then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book.⁴

MISHNAH. A RESIDENT OF A TOWN WHO HAS GONE TO A WALLED CITY⁵ OR OF A WALLED CITY WHO HAS GONE TO A TOWN, IF HE IS LIKELY TO RETURN TO HIS OWN PLACE⁶ READS ACCORDING TO THE RULE OF HIS OWN PLACE,⁷ AND OTHERWISE READS WITH THE REST. FROM WHERE MUST A MAN READ THE MEGILLAH SO AS TO FULFIL HIS OBLIGATION? R. MEIR SAYS, [HE MUST READ] THE WHOLE OF IT; RABBI JUDAH SAYS, [HE MUST READ] FROM 'THERE WAS A JEW';⁸ R. JOSE SAYS, FROM 'AFTER THESE THINGS'.⁹

GEMARA. Raba said: This rule applies only if he¹⁰ intends to return on the night of the fourteenth; but if he does not mean to return on the night of the fourteenth, he reads with the rest. Said Raba: Whence do I derive this ruling? Because it is written, Therefore do the Jews of the villages that dwell in the unwalled towns.¹¹ See now. It is written, 'the Jews of the villages'. Why then should it be further written, 'that dwell in the unwalled towns'? This teaches us that one who is a villager for one day is called¹² a villager. We have proved this for a villager. How do we know that it applies also to inhabitants of walled towns? — It is reasonable to suppose that since a villager of one day is called a villager, a walled-city-dweller of one day is called a walled-city-dweller.

Raba also said: A villager who has gone to a town reads with the rest in any case. What is the reason? By rights he ought to read at the same time as the townspeople — and it is the Rabbis who made a concession to the villagers so that they might supply food and drink to their brethren in the large cities.¹³ Now this applies only so long as they are in their own place, but when they are in the town, they must read like the townspeople. Abaye raised an objection to this from the following: 'If a resident of a walled city has gone to a town, in any case he reads according to the custom of his own place'. 'A resident of a walled city', do you say? His rule depends on whether he means to return!¹⁴ What you must read, then, is 'a villager'.¹⁵ — But must you not [in any case] explain [the passage]?¹⁶ Read, [then] 'reads with the rest'.

FROM WHERE MUST A MAN READ THE MEGILLAH etc. It has been taught: R. Simeon b. Yohai says, from On that night'.¹⁷ R. Johanan said: All these authorities derived their lesson from the same verse, viz., Then Esther the queen and Mordecai the Jew wrote all the acts of power.¹⁸ He who says that the whole Megillah must be read refers this to the power of Ahasuerus;¹⁹ he who says it must be read from 'there was a Jew', to the power of Mordecai; he who says from 'after these things', to the power of Haman; and he who says, from 'on that night', to the power of the miracle. R. Huna said: They derived it from here: And what did they see? For this reason. And what came upon them?²⁰ He who says that the whole of it must be read [interprets thus]: What had Ahasuerus seen to make him use the vessels of the Temple? It was for this reason, that he reckoned seventy years and they had not yet been redeemed;²¹ And what came upon them? that he put Vashti to death.

He who says that it should be read from ‘there was a Jew’ [interprets thus]: What had Mordecai seen that he picked a quarrel with Haman? It was for this reason, that he made himself an object of worship. ‘And what came upon them’? that a miracle was performed [for him]. He who says that it is to be read from ‘after these things’, [interprets thus]: What did Haman see to make him pick a quarrel with all the Jews? It was for this reason, that Mordecai did not bow down or prostrate himself; ‘and what came upon him’? They hung him and his sons on the tree. He who says that it is to be read from ‘on that night’ interprets thus: What did Ahasuerus see to make him order the book of chronicles to be brought? It was for this reason that Esther invited Haman with him. ‘And what came upon them’? A miracle was performed for them.

R. Helbo said in the name of R. Hama b. Guria, who said it in the name of Rab: The halachah follows the view of him who says that the whole of it must be read; and even according to him who says that it need be read only from ‘There was a Jew’, it must all be written before him.²²

R. Hama b. Guria said in the name of Rab: The Megillah is called ‘book’²³ and it is also called ‘letter’.²⁴ It is called ‘book’ to show that if it is stitched with threads of flax,²⁵ it is not fit for use; and it is called ‘letter’ to show that if it is stitched with three threads of sinew, it may be used. R. Nahman said: This is only on condition that they are evenly spaced.²⁶

Rab Judah said in the name of Samuel: If one reads the Megillah from a volume containing the rest of the Scriptures,²⁷ he has not performed his obligation.²⁸ Raba said: This is the case only if it is not a little shorter or longer than the rest, but if it is a little shorter or longer than the rest,²⁹ there is no objection to it. Levi b. Samuel was reading before Rab Judah in a Megillah

(1) Made from papyrus stalk.

(2) Esth. IX, 27.

(3) Ibid. 29.

(4) Jer. XXXVI, 18.

(5) רבך. V. supra p. 1 n. 3.

(6) This is explained in the Gemara.

(7) I.e., on the fourteenth if he belongs to a town, on the fifteenth if to a city.

(8) Esth. II, 5.

(9) Ibid. III, 1.

(10) According to Rashi, this applies only to the man from the walled city who went to a town; but according to Asheri, even if a man from a town went to a walled city and stayed there over the night of the fourteenth, even if he returns to his own place on the fourteenth, he reads on the fifteenth and not on the fourteenth.

(11) Ibid. IX, 19.

(12) I.e., comes under the rule of.

(13) V. supra. 2a.

(14) As laid down explicitly in the Mishnah.

(15) And this would contradict the statement of Raba.

(16) By showing that the reading should be changed.

(17) Esth. VI, 1.

(18) Ibid. IX, 29.

(19) Who is mentioned at the very beginning.

(20) Ibid. 26. I.e., this is the subject-matter of the Megillah, as explained presently. E.V., ‘And of that which they had seen concerning the matter’.

(21) V. supra 11b.

(22) I.e., he must have a complete copy, even if he does not read the whole of it.

(23) Esth. IX, 32.

(24) Ibid. 26.

(25) According to one authority in Mak. 11a a sefer torah must be stitched with sinews.

(26) Lit., 'trebled', i.e., placed at equal distances from one another and from the top and bottom.

(27) Lit., 'written among the writings'.

(28) Because he does not thereby sufficiently proclaim the miracle.

(29) So that it is recognizable as a separate book.

Talmud - Mas. Megillah 19b

which was included in a volume of the Scriptures. He said to him: [I must tell you that] they have said: 'If one reads the Megillah from a volume containing the rest of the Scriptures, he has not fulfilled his obligation'.

R. Hiyya b. Abba said in the name of R. Johanan: 'If one reads the Megillah in a volume containing the rest of the Scriptures, he has not fulfilled his obligation'; and he at once qualified this remark¹ by adding, 'in a congregation'.

R. Hiyya b. Abba also said in the name of R. Johanan: It is a rule deriving from Moses at Sinai that a space should be left unstitched [in the sefer torah];² and he at once qualified the remark by saying, 'this rule was laid down³ only so that it should not be torn'.⁴

R. Hiyya b. Abba also said in the name of R. Johanan: Had there been in the cave in which Moses and Elijah stood⁵ a chink no bigger than the eye of a fine needle, they would not have been able to endure the light, as it says, for man shall not see me and live.⁶

R. Hiyya b. Abba also said in the name of R. Johanan: What is the meaning of the verse, And on them was written according to all the words which the Lord spoke with you in the mount?⁷ It teaches us that the Holy One, blessed be He, showed Moses the minutiae of the Torah,⁸ and the minutiae of the Scribes,⁹ and the innovations which would be introduced by the Scribes; and what are these? The reading of the Megillah.¹⁰

MISHNAH. ALL ARE QUALIFIED TO READ THE MEGILLAH EXCEPT A DEAF PERSON,¹¹ AN IMBECILE AND A MINOR.¹² R. JUDAH DECLARES A MINOR QUALIFIED.

GEMARA. Who is the Tanna that maintains that [even if] the deaf person has read, it does not count?¹³ — R. Mattenah said: It is R. Jose, as we have learnt: 'If one reads the Shema' inaudibly, he has performed his obligation. R. Jose, however, says that he has not performed his obligation'. But why should we say that [our Mishnah] follows R. Jose and [lays down that] even if the deaf man has read, it does not count? Perhaps it follows R. Judah, and [what it means is that] the deaf man may not read in the first instance, but if he has read, his reading is accepted? — Do not imagine such a thing. For a deaf man is mentioned in the same category as an imbecile and a minor; just as the reading of an imbecile and a minor is not accepted, so the reading of a deaf man is not accepted. But perhaps there is one rule for the one and another rule for the other? — Since it states in the final clause that R. Judah declares a minor qualified, we may conclude that the first clause does not state the opinion of R. Judah. (But perhaps the whole of the Mishnah states the opinions of R. Judah? — Is it possible that he should disqualify in the first and permit in the second?)¹⁴ But perhaps the whole [of the Mishnah] gives the views of R. Judah, and he speaks of two kinds of minor, and there is an omission in the Mishnah, and it should run this: 'All are qualified to read the Megillah, except a deaf man, an imbecile and a minor. Of what kind of minor are we speaking? Of one who is not old enough to be trained in the performance of religious duties. But a minor who is old enough to be trained in religious duties¹⁵ may read even in the first instance, since R. Judah declares a minor qualified! — How then have you explained [the first clause of the Mishnah]? As following R. Judah and applying to an action already performed. What then of this statement made by Judah the son of R. Simeon b. Pazzi: 'One who can speak but not hear may set aside terumah in the first instance.'¹⁶ Whose view is

this? If you say R. Judah's. [this cannot be, because] he would say, his blessing [once made] is a blessing, but he may not say it in the first instance. If you say R. Jose, this also cannot be, since he disallows the action even if already performed! What then will you say? That it follows R. Judah, and that he allows it even in the first instance?¹⁷ What then of this which has been taught: 'A man should not say the grace after food in his heart,¹⁸ but if he does do so, he has performed his obligation'. Whose opinion is this? It is neither that of R. Judah¹⁹ nor that of R. Jose. For if it were to follow R. Judah, it would allow this even in the first instance, and if R. Jose, it would disallow it even when performed! —

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- (1) Lit., 'he struck it on the head'.
 (2) I.e., the parchment sheets of which the scroll is composed should not be stitched together right to the top and right to the bottom.
 (3) Lit., 'they said', i.e., the Sages. It was not derived from Moses at Sinai.
 (4) Since if it is pulled violently it will give a little and the sheets will not come asunder.
 (5) According to tradition, the cave in which Elijah stood when the Lord passed before him was the same as that in which Moses had stood on a similar occasion.
 (6) Ex. XXXIII, 20.
 (7) Deut. IX, 10.
 (8) Minute indications upon which homiletical lessons are based, e.g., the words **סך** and **קך**.
 (9) Inferences drawn by the Scribes from minute indications in the earlier Mishnahs.
 (10) The 'men of the Great Synagogue' who are supposed to have written the Megillah are also numbered among the 'Scribes' (Soferim) by the Talmud.
 (11) Because it is necessary for one who reads the Megillah to hear what he is saying.
 (12) One under thirteen years of age.
 (13) Lit., 'not even if (the thing) is done'.
 (14) The passage in brackets is omitted by Rashi as breaking the connection.
 (15) I.e., nine or ten years old, v. Yoma 82a.
 (16) Although he has to say a blessing which he cannot hear.
 (17) And the Mishnah does not follow R. Judah.
 (18) I.e., inaudibly.
 (19) According to the latest version of his opinion.

Talmud - Mas. Megillah 20a

In fact it follows R. Judah,¹ and he holds that the act may be done even in the first instance, and there is no difficulty: in the first quotation² he is giving his own opinion, in the second³ that of his teacher, as it has been taught: 'R. Judah says in the name of R. Eleazar b. Azariah: One who recites the Shema' must do so audibly, as it says, Hear, O Israel, the Lord our God is One,⁴ which implies. 'Let thine ear hear what thy mouth utters'. R. Meir says: [It says], which I command thee this day upon thy heart:⁵ according to the concentration of the mind, so is the value of the words. Now that you have come so far as this,⁶ you may even say that R. Judah was of the same opinion as his teacher, and the statement made by Judah the son of R. Simeon b. Pazzi follows R. Meir.

R. JUDAH DECLARES A MINOR QUALIFIED. It has been taught: 'R. Judah said: When I was a boy, I read it [the Megillah] before R. Tarfon and the elders in Lydda. They said to him: A proof cannot be adduced from a recollection of boyhood'.⁷ It has been taught: 'Rabbi said: When a boy, I read it before R. Judah. They said to him: A proof cannot be adduced from the very authority who allows [the act]'.⁸ Why did they not say to him, A proof cannot be adduced from recollections of boyhood? They gave him a double answer.⁹ For one thing, they said, you were a boy and besides, even had you been grown up, proof cannot be brought from the very authority who allows.

MISHNAH. THE MEGILLAH SHOULD NOT BE READ, NEITHER SHOULD

CIRCUMCISION BE PERFORMED, NOR A RITUAL BATH BE TAKEN,¹⁰ NOR SPRINKLING¹¹ BE PERFORMED, AND SIMILARLY A WOMAN KEEPING DAY FOR DAY¹² SHOULD NOT TAKE A RITUAL BATH UNTIL THE SUN HAS RISEN. BUT IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED,¹³ IT COUNTS AS DONE.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, and these days should be remembered [mentioned] and kept,¹⁴ which implies, that they are to be so by day, but not by night. Shall we say that this is a refutation of R. Joshua b. Levi; for R. Joshua b. Levi said: It is a man's duty to read the Megillah by night and a second time by day? — When the Mishnah makes this statement it is referring to the day reading.

NEITHER SHOULD CIRCUMCISION BE PERFORMED. Because it is written, And on the eighth day he shall be circumcised.¹⁵

NEITHER SHOULD A RITUAL BATH BE TAKEN NOR SPRINKLING BE PERFORMED. Because it is written, And the clean person shall sprinkle on the unclean . . . and on the seventh day:¹⁶ and bathing¹⁷ is put on the same footing as sprinkling.

AND SIMILARLY A WOMAN WHO IS KEEPING DAY FOR DAY SHOULD NOT TAKE A RITUAL BATH TILL THE SUN HAS RISEN. This is obvious! Why should a woman keeping day for day be different from all others who are under obligation to take ritual baths?¹⁸ — Her case had to be mentioned. For you might suppose that she should be on the same footing as the first observation of one with an issue, and the first observation of one with an issue has been put on the same footing as one with a seminal issue, as it is written, This is the law of him that hath an issue and of him from whom the flow of seed goeth out:¹⁹ just as one with a seminal issue takes his bath by day, so this one also should take his bath on the same day. This woman, however, cannot bathe on the day, because it is written, all the days of the issue of her uncleanness she shall be as in the days of her impurity;²⁰ so [you might say], by night at least she might keep watch for a short time²¹ and then bathe; therefore we are told that [she must not do this], because she requires to count [day for day];²²

(1) And our Mishnah in the first clause follows R. Jose.

(2) Referring to the blessing over terumah.

(3) Referring to grace after meals

(4) Deut. VI, 4.

(5) Ibid. 6.

(6) To inform us of the difference between R. Judah and R. Meir.

(7) Lit., 'from a boy'.

(8) Seeing that the majority disagree with him.

(9) Lit., 'they answered him (in the form of) one thing and yet another'.

(10) For defilement through a dead body (Num. XIX, 17ff) or through an issue (Lev. XV, 15). So Rashi. Tosaf., however, points out that, according to other passages in the Talmud, it is very doubtful if this is the rule, and therefore renders, 'the hyssop (for sprinkling) should not be dipped', v. Num. XIX, 11-12.

(11) Of the waters of purification on one who has touched a dead body.

(12) V. supra p. 44, n. 4.

(13) [Lit., 'after the going up of the pillar of the morning'; the first streaks of light visible about 1 1/5 hours before sunrise, v. Maim. Commentary on Ber. I. 1].

(14) Esth. IX, 28.

(15) Lev. XII, 3.

(16) Num. XIX, 19.

(17) V. n. 1.

(18) If we accept the explanation of Tosaf. we must suppose this to refer not to the Mishnah but to mean, 'why should

this one be specified rather than any others who have to take ritual baths and who must bathe by day'.

(19) Lev. XV, 32.

(20) Ibid. 25. This shows that she must wait till the day is over. The verse refers to a woman who is keeping day for day.

(21) To make sure that she has no further issue.

(22) Cf. notes supra 3 and 11.

Talmud - Mas. Megilah 20b

and counting must be by day.¹

IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED, IT COUNTS AS DONE. Whence is this rule derived? — Raba said: Because the Scripture says, And God called the light day;² that which gradually becomes light He called day.³ But according to this, [when it says] and the darkness He called night,⁴ [are we to explain] that which gradually becomes dark He called night? Is it not generally agreed that till the stars come out it is not night? No, said R. Zera; we derive it from here: So we wrought in the work; and half of them held the spears from the rising of the morning till the stars appeared;⁵ and it says further, that in the night they may be a guard to us, and may labour in the day.⁶ What is the point of the second quotation?⁷ — You might say that from the time of the first rising of the dawn it is not yet day, though from the time the sun begins to set it is already night and they were early and late.⁸ Therefore come and hear: that in the night they may be a guard to us, and may labour in the day.⁹ MISHNAH. THE WHOLE OF THE DAY IS A PROPER TIME FOR THE READING OF THE MEGILLAH AND FOR THE RECITING OF HALLEL¹⁰ AND FOR THE BLOWING OF THE SHOFAR¹⁰ AND FOR TAKING UP THE LULAB¹⁰ AND FOR THE MUSAF¹⁰ PRAYER AND FOR THE ADDITIONAL SACRIFICES¹¹ AND FOR CONFESSION OVER THE OXEN¹² AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE¹³ AND FOR THE CONFESSION OF SINS ON THE DAY OF ATONEMENT,¹⁴ FOR LAYING ON OF HANDS,¹⁵ FOR SLAUGHTERING [THE SACRIFICES], FOR WAVING,¹⁶ FOR BRINGING NEAR [THE VESSEL WITH THE MEAL-OFFERING TO THE ALTAR], FOR TAKING A HANDFUL, AND FOR PLACING IT ON THE FIRE,¹⁷ FOR PINCHING OFF [THE HEAD OF A BIRD-OFFERING]¹⁸ AND FOR RECEIVING THE BLOOD,¹⁹ AND FOR SPRINKLING,²⁰ AND FOR MAKING THE UNFAITHFUL WIFE DRINK²¹ AND FOR BREAKING THE NECK OF THE HEIFER²² AND FOR PURIFYING THE LEPER.²³ THE WHOLE OF THE NIGHT IS PROPER TIME FOR REAPING THE OMER,²⁴ AND FOR BURNING FAT AND LIMBS [ON THE ALTAR].²⁵ THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT WHICH IS TO BE PERFORMED BY DAY MAY BE PERFORMED DURING THE WHOLE OF THE DAY, AND ANY COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, And these days shall be mentioned and kept.²⁶

FOR READING THE HALLEL: as it is written, From the rising of the sun to its going down.²⁷ R. Joseph says: Because it is written, this is the day on which the Lord hath wrought.²⁸

FOR THE TAKING UP OF THE LULAB: as it is written, And ye shall take you on the first day.²⁹

FOR THE BLOWING OF THE SHOFAR, as it is written, it is a day of blowing the horn unto you.³⁰

FOR THE ADDITIONAL SACRIFICES, as it is written, each on its own day.³¹

AND FOR THE MUSAF PRAYER: because the Rabbis put this on the same footing as the additional sacrifices.

AND FOR THE CONFESSION MADE OVER THE OXEN, an analogy being drawn between the 'atonement' mentioned in this connection and that mentioned in connection with the Day of Atonement, as it has been taught in reference to the Day of Atonement: 'And he shall make atonement for himself and for his house:³² the text speaks of atonement made by words. And atonement is by day, as it is written, For on this day shall atonement be made for you.³³

AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE: as it is written, And thou shalt say before the Lord thy God, I have put away the hallowed things out of my house,³⁴ and in the same context it says, This day the Lord thy God commandeth thee.³⁵

FOR LAYING ON OF HANDS AND FOR SLAUGHTERING: as it is written, and he shall lay his hand . . . and he shall kill,³⁶ and it is written in connection with killing, on the same day that ye sacrifice.³⁷

AND FOR WAVING: as it is written, and in the day when ye wave the sheaf.³⁸

AND FOR BRINGING NEAR; because this is compared to waving, as it is written, And the priest shall take the meal-offering of jealousy out of the woman's hand, and shall wave the meal-offering . . . and bring it near³⁹ [to the altar].

AND FOR PINCHING AND FOR TAKING A HANDFUL AND FOR BURNING AND FOR SPRINKLING, as it is written, in the day that he commanded the children of Israel [to present their offerings].⁴⁰

AND FOR MAKING THE UNFAITHFUL WIFE DRINK: The word 'law' which occurs in this connection is explained by its use in another.⁴¹ It is written here, and the priest shall execute upon her all this law,⁴² and it is written elsewhere, According to the law which they shall teach thee and according to the judgement⁴³

(1) As it says, And she shall count seven days. Ibid. 28.

(2) Gen. I, 5.

(3) Which shows that from dawn may be called day.

(4) Ibid.

(5) Neh. IV, 15.

(6) Ibid. 16.

(7) Lit., 'what is "and it says"'. .

(8) I.e., started before day and finished after nightfall.

(9) Which shows that all the time during which they laboured was called day.

(10) V. Glos.

(11) On Sabbath or Festivals. V. Num. XXVIII-IX.

(12) Brought as a sin-offering for a sin committed unwittingly by the High Priest or by the congregation. V. Lev. IV.

(13) V. Deut. XXVI, 12-15.

(14) V. Lev. XVI.

(15) V. e.g., Lev. I, 4, III, 2.

(16) E.g., the breast of the peace-offering. V. Lev. VII, 30.

(17) From the meal-offering. V. Lev. II, 2.

(18) V. Lev. I, 15.

(19) Of the slaughtered animal in a vessel.

(20) The blood on the altar.

- (21) The bitter waters. V. Num. V, 24.
- (22) As atonement for an unpunished murder. V. Deut. XXI, 1-9.
- (23) V. Lev. XIV.
- (24) Lev. XXIII, 10-11.
- (25) V. Lev VI, 2.
- (26) Esth. IX, 28.
- (27) Ps. CXIII, 3.
- (28) Ibid. CXVIII, 24.
- (29) Lev. XXIII, 40.
- (30) Num. XXIX, 1.
- (31) Lev. XXIII, 37.
- (32) Ibid. XVI, 6.
- (33) Ibid. 30.
- (34) Deut. XXVI, 13.
- (35) Ibid. 16.
- (36) Lev. I, 4, 5.
- (37) Ibid. XIX, 6.
- (38) Ibid. XXIII, 12.
- (39) Num. V, 25.
- (40) Lev. VII, 38. and all these ceremonies constitute the presenting of the offering.
- (41) Lit., 'There comes along "law", "law"'.¹
- (42) Num. V, 30.
- (43) Deut. XVII, 11.

Talmud - Mas. Megilah 21a

: just as judgement is by day,¹ so here it must be by day.

AND FOR BREAKING THE NECK OF THE HEIFER. In the school of R. Jannai it was said: [The word] 'atonement' is applied to it² as to holy things.

AND FOR THE PURIFICATION OF THE LEPER: as it is written, This shall be the law of the leper in the day of his cleansing.³

THE WHOLE NIGHT IS A PROPER TIME FOR REAPING THE 'OMER. Since a Master has said that reaping and counting are to be performed by night and the bringing by day.⁴

AND FOR BURNING FAT AND LIMBS: as it is written, All the night till the morning.⁵

THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT THAT IS TO BE PERFORMED BY DAY CAN BE PERFORMED DURING THE WHOLE OF THE DAY. [The words] 'this is the general principle' are inserted to add what? — To add the setting of the cup⁶ and the removal of the cups, and in agreement with R. Jose, as it has been taught: 'R. Jose says: If he removed the old [shew-bread] in the morning and set the new one in the evening, there is no harm.⁷ What then do I make of the verse, before me continually?⁸ [This is to show that] the table of the Lord should not be without bread.⁹

A COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT. What does this add? — It adds the consumption of the paschal lamb, thus differing from R. Eleazar b. Azariah, as it has been taught: And they shall eat the flesh on that night:¹⁰ R. Eleazar b. Azariah said: It says here, on that night, and it says elsewhere, And I shall pass through the land of Egypt on that night:¹¹ just as there up to midnight [is meant], so

here up to midnight [is meant].

CHAPTER III

MISHNAH. HE WHO READS THE MEGILLAH MAY DO SO EITHER STANDING OR SITTING. WHETHER ONE READS IT OR TWO READ IT [TOGETHER] THEY [THE CONGREGATION] HAVE PERFORMED THEIR OBLIGATION. IN PLACES WHERE IT IS THE CUSTOM TO SAY A BLESSING,¹² IT SHOULD BE SAID, AND WHERE IT IS NOT THE CUSTOM IT NEED NOT BE SAID.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH,¹³ THREE READ FROM THE TORAH, NEITHER MORE NOR LESS, NOR IS A HAFTARAH¹⁴ READ FROM A PROPHET. THE ONE WHO READS¹⁵ FIRST IN THE TORAH¹⁶ AND THE ONE WHO READS LAST¹⁷ MAKE [RESPECTIVELY] A BLESSING BEFORE READING AND AFTER.¹⁸ ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ, NEITHER MORE NOR LESS, AND THERE IS NO HAFTARAH FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. THIS IS THE GENERAL RULE: ON ANY DAY WHICH HAS A MUSAF¹⁶ AND IS NOT A FESTIVAL FOUR READ; ON A FESTIVAL FIVE READ; ON THE DAY OF ATONEMENT SIX READ; ON SABBATH SEVEN READ; THIS NUMBER MAY NOT BE DIMINISHED BUT IT MAY BE ADDED TO, AND A HAFTARAH IS READ FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. GEMARA. A Tanna stated: 'This [that one may read sitting] is not the case with the Torah'.¹⁹ Whence this rule? — R. Abbahu said: Because Scripture says, But as for thee, stand thou here by me.²⁰ R. Abbahu also said: Were it not written in the Scripture, it would be impossible for us to say it: as it were, the Holy One, blessed be He, also was standing.²¹

R. Abbahu further said: How do we know that the master should not sit on a couch and teach his disciples while they sit on the ground? Because it says, 'But as for thee, do thou stand here by me.'²²

Our Rabbis taught: From the days of Moses up to Rabban Gamaliel, the Torah was learnt only standing. When Rabban Gamaliel died, feebleness descended on the world, and they learnt the Torah sitting; and so we have learnt that 'from the time that Rabban Gamaliel died, [full] honour ceased to be paid to the Torah'.

One verse says, And I sat [wa-esheb] in the mount,²³ and another verse says, And I stood in the mount.²⁴ — Rab says: He [Moses] stood when he learnt and sat while he went over [what he had learnt]. R. Hanina said: He was neither sitting nor standing, but stooping. R. Johanan said: 'Sitting' [yosheb] here means only 'staying', as it says, And ye stayed [teshbu] in Kadesh many days.²⁵ Raba said: The easy things [he learnt] standing and the hard ones sitting.

WHETHER ONE READS IT OR TWO READ IT, THEY HAVE PERFORMED THEIR OBLIGATION.

(1) V. Sanh. 34b.

(2) 'And the blood shall be atoned unto them'. Deut. XXI, 8.

(3) Lev. XIV, 2.

(4) This is deduced from scriptural texts in Men. 66a.

(5) Ibid. VI, 2.

(6) Containing the frankincense for the shewbread.

(7) [Rashi reads, 'also this is (termed) 'continually'].

- (8) Lev. XXIV, 3.
- (9) [Var lec. 'Should not be overnight without bread'.]
- (10) Ex. XII, 8.
- (11) Ibid. 12.
- (12) After the reading. V. infra.
- (13) V. Glos. On these three occasions the first section of the Sedra (portion) of the following Sabbath is read.
- (14) V. Glos. [Lit., 'we do not dismiss (the public) with (a reading from) a prophet', the haftarah having originally formed the concluding part of the morning service Saturdays and Festivals when the worshippers were dismissed to their homes. V. Buchler JQR VI, p. 7].
- (15) Lit., 'he who opens', 'begins'.
- (16) V. Glos.
- (17) Lit., 'he who seals', 'closes'.
- (18) V. infra p. 130.
- (19) Referring to the public reading of the Law.
- (20) Deut. V, 28.
- (21) Because it says, by (lit., 'with') me.
- (22) And God was to Moses in the relation of master to pupil.
- (23) Deut. IX, 9; v. Sot. 49a.
- (24) Ibid. X, 10.
- (25) Ibid. I, 46.

Talmud - Mas. Megillah 21b

A Tanna stated: This is not the case with [the public reading of] the Torah.

Our Rabbis taught: As regards the Torah, one reads and one translates,¹ and in no case must one read and two translate [together]. As regards the Prophets, one reads and two may translate, but in no case may two read and two translate. As regards Hallel and the Megillah,² even ten may read [and ten may translate].³ What is the reason? Since the people like it,⁴ they pay attention and hear.⁵

WHERE IT IS THE CUSTOM TO SAY A BLESSING, IT SHOULD BE SAID. Abaye said: This rule applies only to the blessing after the reading, but before the reading it is a religious duty to say a blessing, since Rab Judah said in the name of Samuel: 'Over the performance of all religious precepts a blessing is said as one passes on [‘ober] to perform them'. How can you prove that this 'passing on means 'just in front of'? — R. Nahman b. Isaac said: Scripture says, Then Ahimaaz ran by way of the plain and overran [wa-ya'abor] the Cushite.⁶ Abaye said: We prove it from here: And he himself passed over before them.⁷ Or, if you prefer, I can prove it from here: And their king is passed on before them and the Lord at the head of them.⁸

What blessing is said before the reading of the Megillah? — R. Shesheth from Kateriza happened [once to read] in the presence of R. Ashi, and he made the blessings M'N'H'.⁹ What blessing is said after it? — 'Blessed art thou, O Lord our God, king of the universe, [the God]¹⁰ who espoused our quarrel and vindicated our cause and executed our vengeance and punished our adversaries for us and visited retribution on all the enemies of our soul. Blessed art thou, O Lord, who avenges Israel on all their enemies'. Raba Says: [The concluding words are], 'The God who saves. R. Papa said: Therefore we should say both: 'Blessed art thou, O Lord, who avenges Israel on all their enemies, the God who saves'.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ. What do these three represent? — R. Assi said: The Pentateuch, the Prophets and the Hagiographa. Raba said: Priests, Levites, and lay Israelites. But now, in the statement of R. Shimi, 'Not less than ten verses [of the Torah] should be read in the synagogue, the verse 'and [God] spoke to [Moses saying]'

being counted as one',¹¹ — what do these ten represent? — R. Joshua b. Levi said: The ten men of leisure in the synagogue.¹² R. Joseph said: The ten commandments which were given to Moses on Sinai. (R. Levi said: The ten times hallel [praise] which David uttered in the book of Psalms.)¹³ R. Johanan said: The ten utterances with which the world was created.¹⁴ What are these? The expressions 'And [God] said' in the first chapter of Genesis.¹⁵ But there are only nine? — The words 'In the beginning' are also a [creative] utterance, since it is written, By the word of the Lord the heavens were made, and all the host of them by the breath of his mouth.¹⁶

Raba said: If the first reads four verses¹⁷ he is to be commended; if the second reads four verses¹⁸ he is to be commended; if the third reads four verses he is to be commended. 'If the first reads four verses he is to be commended', as we have learnt: 'There were three bags holding three se'ahs¹⁹ each, in which the priests take up the money-offerings out of the [shekel] chamber,²⁰ and they were labelled Aleph, Beth, Gimel,²¹ so as to show which was taken out first, so that sacrifices could be brought from that one first, since it is a religious duty to offer from the first. 'If the middle one reads four verses, he is to be commended', as it has been taught: '[The seven lamps] shall give light in front of the candlestick;²² this teaches that they were made to face the western lamp²³ and the western lamp faced the Shechinah; and R. Johanan said: This shows that the middle one is specially prized'. 'If the last reads four verses he is to be commended': because of the principle that 'in dealing with holy things we promote but never degrade'.²⁴ R. Papa was once in the synagogue of Abe Gobar,²⁵ when the first one [who was called up] read four verses, and R. Papa commended him.

NEITHER LESS NOR MORE [etc.]. A Tanna stated: The one who reads first makes a blessing before the reading, and the one who reads last makes a blessing after it. Nowadays that all make a blessing both before and after the reading, the reason is that the Rabbis ordained this to avoid error on the part of people entering and leaving synagogue.²⁶

ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF THE FESTIVAL FOUR READ. 'Ulla b. Rab enquired of Raba: How is the portion of New Moon²⁷ to be divided? [The paragraph commencing] 'command the children of Israel and say to them'²⁸ has eight verses. How are we to deal with them? Shall two persons read three verses each? Then two verses will be left [to the end of the paragraph], and it is not proper to leave over less than three verses to the end of the paragraph.²⁹ Shall two read four verses each? Then seven verses will be left altogether, [the paragraph beginning] 'and on the sabbath day'³⁰ being two, and [the paragraph beginning] 'and on your new moons'³¹ being five. How are we to do? Shall we read [as one portion] two from one paragraph and one from the next?

(1) I.e., reads the Aramaic Targum.

(2) V. Glos.

(3) Rashi omits these words on the ground that there is no Targum to the Hagiographa. Tosaf., however, points out that there is such a Targum, though it is not attributed to Jonathan b. Uzziel; v. supra 3a.

(4) Lit., 'it is beloved'.

(5) Even though many are speaking together.

(6) II Sam. XVIII, 23.

(7) Gen. XXXIII, 3, of Jacob and his family before Esau.

(8) Micah II, 13.

(9) M = Mikra (or Megillah), over the reading of the Megillah; N = Nissim, the blessing for miracles; H = she-heheyanu (or Hayyim, life) 'who has kept us alive to this day'.

(10) This word is omitted by Alfasi and Asheri.

(11) Although it is a recurring introductory formula.

(12) Every community was required to have ten men who had leisure always to attend synagogue when required. V. supra p. 21, n. 9.

(13) This is bracketed in the text, and is omitted by Bah and MS.M. [This number is exceeded many times in the Book of

Psalms and applies to Psalm CL by itself (v. R.H. 32a) hence, the omission].

(14) V. Aboth V, 1.

(15) Lit., "in "In the beginning"".

(16) Ps. XXXIII, 6. The creation of 'Heavens' and 'the host of them' (the earth) is mentioned in the first verse of Genesis.

(17) Out of the obligatory ten read on weekdays.

(18) If the first has read only three, or even if he has read four.

(19) V. Glos.

(20) Shekels brought by the public for purchasing the congregational sacrifices.

(21) V. Shek. 5a.

(22) Num. VIII, 2.

(23) According to one opinion, this was the middle lamp of the candlestick; according to another, the one second from the western end. R. Johanan evidently adopted the first opinion.

(24) Hence the religious service of the last should be at least equal to that of those who preceded him.

(25) [Or, Be Gobar, near Mahuza, v. Obermeyer p. 178. This synagogue is also mentioned in Ber. 50a and Ta'an. 26a].

(26) People who come in after the reading has commenced, on seeing a fresh person commence to read without saying a blessing, might think that no blessing is necessary before the reading. Similarly, those who leave before the reading is concluded might think that no blessing at all is necessary after the reading.

(27) Which consists of three paragraphs of eight, two and five verses. Num. XXVIII, 1-15.

(28) Ibid. 1-8.

(29) V. infra. פֶּרֶשֶׁה A 'paragraph' is a section at the end of which a blank space is left in the Scroll.

(30) Ibid. 9, 10.

(31) Ibid. 11-15.

Talmud - Mas. Megilah 22a

[This is not right], since we do not read less than three verses together at the beginning of a paragraph.¹ Shall the reader read two from one and three from the other? Then only two verses are left [to the end of the second paragraph]! — He replied: On this point I have not heard [any pronouncement], but I have learnt the rule in a somewhat similar case, as we have learnt: 'On Sundays, [the ma'amad² read the paragraph] "In the beginning" and "let there be a firmament",³ and to this a gloss was added, "In the beginning" is read by two and "let there be a firmament" by one', and we were somewhat perplexed by this. For that [the paragraph] 'let there be a firmament' can be read by one we understand, since it has three verses, but how can 'In the beginning, be read by two, seeing that it has only five verses, and it has been taught, 'He who reads in the Torah should not read less than three verses'? And it was stated [in answer] to this [question] that Rab says he should repeat,⁴ and Samuel says he should divide a verse. Rab said he should repeat. Why should he not say 'divide'? — He was of opinion that any verse which Moses had not divided, we may not divide, whereas Samuel held that we may divide. But surely, R. Hananiah the Bible teacher⁵ said, I was in great pain in the house of R. Hanina the great, and he would not allow me to make [additional verse] divisions save for the school children, because they are there to be taught? — Now what was the reason there [why he was allowed to make divisions]? Because it could not be avoided; here⁶ too it cannot be avoided. Samuel said that he divides. Why did he not say that he repeats? It is a precaution to prevent error on the part of those coming in and going out.⁷

An objection [against both these views]⁸ was brought from the following: 'A section of six verses may be read by two persons, a section of five verses must be read by one. If the first reads three verses, the second reads the remaining two from this section and one from the next; some, however, say that he reads three from the next, because not less than three verses should be read at the beginning of a section'.⁹ Now if it is as you said,¹⁰ then according to the one who says he should repeat, let him repeat, and according to the one who says he should divide, let him divide? — It is different here,¹¹ because this method is open to him.¹²

R. Tanhum, said in the name of R. Joshua b. Levi: The halachah follows the alternative opinion¹³ mentioned.

R. Tanhum also said in the name of R. Joshua b. Levi: Just as at the beginning of a section not less than three verses should be read, so at the end of a section not less than three verses should be left. Surely this is obvious! Seeing that in regard to the beginning of a section where the First Tanna is not so strict the alternative opinion is strict, is it not certain that in regard to the verses left [at the end of the section] where the First Tanna is strict the alternative opinion will also be strict? — You might argue that it is usual for people to come in [to synagogue during the reading of the law],¹⁴ but it is not usual for them to go out and leave the scroll of the law while it is being read;¹⁵ therefore we are told [that we do not argue thus]. But now with regard to the First Tanna: Why does he forbid [less than three verses] to be left [at the end of the section]? On account of people going out of synagogue,¹⁶ is it not? Then with regard to the beginning also he should take precautions on account of people coming in? — I can answer that a person coming in enquires [how much has been read].¹⁷

Rabbah the son of Raba sent to enquire of R. Joseph: What is the law?¹⁸ He sent him back word: The law is that the verse is repeated, and it is a middle reader¹⁹ who repeats.

THIS IS THE GENERAL RULE: WHENEVER THERE IS A MUSAF etc. The question was raised: How many read on a public fast day?²⁰ Shall we say that on New Moon and the intermediate days of the festival when there is an additional sacrifice four read, but here where there is no additional sacrifice this is not the case? Or shall we argue that here also there is an additional prayer?²¹ — Come and hear: ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ', from which we conclude that on public fasts only three read. Look now at the preceding clause: 'ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ', from which we may conclude that on a public fast four read! The truth is that we cannot decide from here.

Come then and hear [this]: 'Rab happened to be at Babylon²² during a public fast. He came forward and read in the scroll of the law. Before commencing he made a blessing but after finishing he made no blessing. The whole congregation [afterwards] fell on their faces,²³ but Rab did not fall on his face'. Let us now see. Rab read as a lay Israelite.²⁴ Why then did he say no blessing after finishing? Was it not because another was to read after him? — No. Rab read as kohen,²⁵ for R. Huna also read as kohen.²⁶ I can understand R. Huna reading as kohen, because even R. Assi and R. Ammi who were distinguished kohanim of Eretz Israel showed deference to R. Huna.²⁷ But as to Rab there was Samuel [his Babylonian contemporary] who was a kohen and who took precedence of him?²⁸ — Samuel also showed deference to Rab, and it was Rab²⁹ who of his own accord paid him special honour³⁰ and this he did only in his presence, but not when he was not present. It is reasonable also to assume that Rab read as kohen, because if you presume that he read as a layman, why did he say a blessing before reading? — It was after the regulation³¹ had been made. If so, he should have said a blessing after reading also? — Where Rab was present there was a difference, because people came in [late]

(1) V. infra.

(2) V. Glos.

(3) Gen. I, 1-5, and 6-8; v. Ta'an. 26a.

(4) The last verse read by the predecessor. Lit., 'skip', 'go back'.

(5) Heb. **סגן**, a Bible teacher who appears to have been also a professional reader of the Scripture, with proper vowels, stops and accents, as the tanna (v. Glos. s.v.) was a professional memorizer of the Mishnah or Baraitha.

(6) In the readings of the ma'amad.

(7) V. supra p. 132, n. 3.

- (8) Of Rab and Samuel.
- (9) V. Ta'an 27b.
- (10) That he either divides or repeats.
- (11) Which deals with the Biblical reading on Mondays and Thursdays.
- (12) Whereas on New Moon the next paragraph deals with a different subject and therefore cannot be read.
- (13) Lit., 'the "some say"'; viz., that three verses are read from the next paragraph.
- (14) And therefore, if they hear only the first verse of a section read, may not know that at least three verses have been read.
- (15) And therefore, even if only one verse of a section is left, they will see that three are read.
- (16) Who might think that if two verses to the end of a section had been left by a reader at the point when he went out, only those two will have been read by the next reader. Cf. n. 7.
- (17) Supposing he finds when he comes in that someone reads three verses beginning from the third verse of a paragraph, he inquires whether the previous reader read only the preceding two verses or more.
- (18) With respect to the reading by the ma'amad and on the New Moon readings.
- (19) I.e., not the one who reads last.
- (20) Other than the day of Atonement.
- (21) Inserted in the Amidah — the prayer ענינו, v. P. B. p. 47.
- (22) [Babylon stands here, as in other places in the Talmud, for Sura which was in the neighbourhood of the old great city of Babylon, and in contradistinction to Nehardea where Samuel had his seat, v. Obermeyer p. 306].
- (23) To say propitiatory prayers — tahanun, v. P.B. p. 62.
- (24) I.e., third, being neither kohen nor Levite.
- (25) I.e., first.
- (26) Although only a lay Israelite.
- (27) Cf. Git. 59b.
- (28) V. B.K. 80a.
- (29) In giving him precedence.
- (30) V. Shab. 108a.
- (31) That a blessing should be said both before and after each reading. V. supra, p. 132.

Talmud - Mas. Megilah 22b

but did not go out [during the reading of the law].¹

Come and hear: 'The general principle is that wherever the people would be hindered from their work, as on a public fast and on the month of Ab, three read, and where the people would not be hindered from their work, as on New Moons and the intermediate days of festivals,² four read'. This settles the question. Said R. Ashi: But we have learnt differently, viz., THIS IS THE GENERAL RULE: WHEREVER THERE IS A MUSAF BUT NOT A FESTIVAL FOUR READ: Now what is added [by the words 'THIS IS THE GENERAL RULE']? Is it not a public fast and the month of Ab? But according to R. Ashi,³ whose view then is recorded in the Mishnah? It is neither that of the First Tanna nor of R. Jose, as it has been taught: 'If it [the month of Ab] falls on Monday or Thursday, three read and one [of them] says a haftarah. If on Tuesday or Wednesday, one reads and [the same] one says the haftarah. R. Jose, however, says that in all cases three read and one [of them] says the haftarah'. But still⁴ the words 'THIS IS THE GENERAL RULE' are difficult! — No. They add New Moon and the intermediate days. But as these are stated explicitly: ON NEW MOONS AND THE INTERMEDIATE DAYS FOUR READ? — [The Mishnah]⁵ is merely giving an indication that you should not say that the festivals and the intermediate days have the same rule, but you should take this as a general principle, that for every additional distinguishing mark an additional person reads. Hence on New Moon and the intermediate days, when there is an additional sacrifice, four read; on festivals, when [in addition] work is prohibited, five read; on the Day of Atonement when [in addition] there is a penalty of kareth, six read; on Sabbath when there is a penalty of stoning, seven read.

The text [above stated]: ‘Rab happened to be in Babylon on a public fast. He came forward and read in the scroll. He made a blessing before commencing, but made no blessing after finishing. The whole congregation [subsequently] fell on their faces, but Rab did not fall on his face’. Why did not Rab fall on his face? There was a stone pavement there and it has been taught: ‘Neither shall ye place any figured stone in your land to bow down upon it:⁶ upon it ye may not bow down in your land, but you may prostrate yourselves on the stones in the Temple’, this teaching is in accord with the opinion of ‘Ulla, who said: The Torah [here] is forbidding only a pavement of stone. If that is the case, why is only Rab mentioned? All the rest should equally have abstained? — It was in front of Rab. But could he not have gone among the congregation and fallen on his face? — He did not want to trouble the congregation.⁷ Or if you like I can say that Rab usually spread out his hands and feet [when he fell on his face], and he followed the opinion of ‘Ulla, who said, The Torah forbade only the spreading out of the hands and feet. But could he not have fallen on his face without spreading out his hands and feet? — He did not care to change his custom. Or if you like I can say that for a distinguished man the rule is different, as laid down by R. Eleazar; for R. Eleazar said: A man of eminence is not permitted to fall on his face⁸ unless he is [sure of being] answered like Joshua son of Nun, as it is written, Wherefore now art thou fallen upon thy face.⁹

Our Rabbis have taught: Kidah means falling upon the face, as it says, Then Bathsheba bowed [wa-tikod] with her face to the earth.¹⁰ Keri'ah means going down upon the knees, and so it says, [Solomon arose] from kneeling [mi-kroa'] on his knees.¹¹ Hishtahawa'ah is spreading out of the hands and feet, as it says, Shall I and thy mother and thy brethren come to prostrate ourselves [lehishtahawoth] before thee to the earth.¹²

Levi displayed a kidah¹³ in the presence of Rabbi and became lame.¹⁴ But was this the cause of his accident? Did not R. Eleazar Say: ‘A man should never complain against heaven, because a great man complained against heaven and he became lame; and who was he? Levi’?¹⁵ — Both things caused it. R. Hiyya b. Abin said: I saw Abaye

(1) Hence the reason for saying a blessing after did not apply.

(2) On the intermediate days only work which could not be left over without serious loss was allowed to be done. On New Moon it was the custom for women to abstain from work. V. Rashi and Tosaf. [In ancient times as long as the Temple stood New Moon was marked by a cessation of work; cf. Pseudo-Jonathan on I Sam. XX, 19; v. Halevy, Doroth, I, p. 330ff].

(3) That the Mishnah means to include a public fast and the month of Ab among the days on which four read.

(4) Viz., if we do not accept R. Ashi's explanation.

(5) In mentioning explicitly new moons and the intermediate days, although these are already implied in THIS IS THE GENERAL RULE.

(6) Lev. XXVI, 1. E.V., ‘to it’.

(7) Who would all have risen.

(8) In public.

(9) Josh. VII, 10. So that Rab never fell on his face for the propitiatory prayer.

(10) I Kings I, 31.

(11) Ibid. VIII, 54.

(12) Gen. XXXVII, 10.

(13) V. Suk. 53a.

(14) In getting up.

(15) V. Ta'an.

Talmud - Mas. Megilah 23a

and Raba bend over to one side.¹

ON FESTIVALS FIVE READ, ON THE DAY OF ATONEMENT SIX etc. Whose view does the Mishnah embody? It is neither that of R. Ishmael nor of R. Akiba, as it has been taught: 'On festivals five read, on the Day of Atonement six, and on Sabbath seven. This number may neither be increased nor diminished. So R. Ishmael. R. Akiba says: On festivals five read, on the Day of Atonement seven and on Sabbath six. This number may not be diminished but it may be increased'. Whom [does the Mishnah follow]? If R. Ishmael, it conflicts with him over the additional number, if R. Akiba, it conflicts with him over the question of six and seven! — Raba said: The view is that of a Tanna of the school of R. Ishmael, since in the school of R. Ishmael it was stated: 'On festivals five, on the Day of Atonement six, on Sabbath seven; this number may not be diminished but it may be increased. So R. Ishmael.' R. Ishmael is now in conflict with himself! — Two Tannaim report R. Ishmael differently.

Who is responsible for the statement which has been taught: 'On festivals people come late to synagogue and leave early.'² On the Day of Atonement they come early and leave late. On Sabbath they come early and leave early'?³ Shall I say it is R. Akiba who makes an extra man [read on the Day of Atonement]? — You may also say it is R. Ishmael, [his reason being that] the order [of the service] of the day is very long.

What do these three, five and seven represent? — Different answers were given by R. Isaac b. Nahmani and one who was with him, namely, R. Simeon b. Pazzi, or, according to others, by R. Simeon b. Pazzi and one who was with him, namely, R. Isaac b. Nahmani, or according to others, R. Samuel b. Nahmani. One said that [these represent] the [respective number of Hebrew words in the three verses of the] Priestly benedictions,⁴ while the other said 'the three keepers of the door'.⁵ [The five represent] 'five of them that saw the king's face'⁶ [and the seven] 'seven men of them that saw the king's face'.⁷ R. Joseph learnt: Three, five and seven: 'three keepers of the door', five of them that saw the king's face', and 'seven that saw the king's face'. Said Abaye to him: Until to-day your honour never explained the reason to us, he replied: I never knew that you wanted to know. Did you ever ask me anything which I did not tell you?

Jacob the Mir⁸ asked R. Judah: What do the six of the Day of Atonement represent? — He replied: The six who stood at the right of Ezra and the six who stood at his left, as it says, And Ezra the scribe stood upon a pulpit of wood which they had made for the purpose, and beside him stood Mattithiah, Shema and Anaiah and Uriah and Hilkiah and Maaseiah, on his right hand; and on his left hand, Pedaiah, and Mishaël and Malchijah and Hashum and Hashbaddanah, Zechariah, Meshullam.⁹ But these last are seven? — Zechariah is the same as Meshullam. And why is he called Meshullam? Because he was blameless [mishlam] in his conduct.

Our Rabbis taught: All are qualified to be among the seven [who read], even a minor and a woman, only the Sages said that a woman should not read in the Torah out of respect for the congregation.

The question was raised: Should the Maftir¹⁰ be counted among the seven? — R. Huna and R. Jeremiah b. Abba answered differently. One said that he does count and the other that he does not count. The one who says he does count points to the fact that he actually reads [from the Torah also], while the one who says he does not count relies on the dictum of 'Ulla, who said: Why is it proper for the one who reads the haftarah from the Prophet to read in the Torah first? To show respect for the Torah.¹¹ Since then he reads [only] out of respect for the Torah,¹² he should not be counted to make up the seven.

The following was cited in objection to this: 'He who says the haftarah from the Prophet should read not less than twenty-one verses, corresponding to [those read by] the seven who have read in

the Torah'. Now if it is as you say,¹³ there are twenty-four? — Since it is only out of respect for the Torah [that he reads],

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- (1) Because as men of eminence they were not permitted to fall right on their faces.
 - (2) They come late because they have been busy preparing the festival meal, and they leave early to enjoy the festival.
 - (3) They come early because their food is already prepared, and they leave early to enjoy Sabbath.
 - (4) Num. VI, 24-26.
 - (5) Mentioned in II Kings XXV, 18, among those taken captive from Jerusalem by Nebuzaradon.
 - (6) Mentioned *ibid.* 19.
 - (7) Mentioned in the corresponding account in Jer. LII, 25.
 - (8) V. Glos. Probably a Christian.
 - (9) Neh. VIII, 4.
 - (10) The one who reads the haftarah.
 - (11) I.e., by not putting the Prophet on the same level as the Torah.
 - (12) And not because an extra one is required to read.
 - (13) That the Maftir is not one of the seven.

Talmud - Mas. Megilah 23b

no corresponding verses [to those read by him] are required [in the prophetic reading]. Raba strongly demurred to this: There is, he said, [the haftarah of] 'Add your burnt-offerings'¹ in which there are not twenty-one verses, and yet we read it! — The case is different there, because the subject is completed [before twenty-one verses]. But where the subject is not completed, do we then not [read less than twenty-one]? Has not R. Samuel b. Abba said: Many times I stood before R. Johanan, and when I had read ten verses he said,² 'Stop [both of] you'? — In a place where there is a translator³ it is different, since R. Tahlifa b. Samuel has taught: This rule was laid down only for a place where there is no translator, but where there is a translator a stop may be made [earlier].

MISHNAH. THE INTRODUCTION TO THE SHEMA IS NOT REPEATED,⁴ NOR DOES ONE PASS BEFORE THE ARK,⁵ NOR DO [THE PRIESTS] LIFT THEIR HANDS,⁶ NOR IS THE TORAH READ [PUBLICLY] NOR THE HAFTARAH READ FROM THE PROPHET,⁷ NOR ARE HALTS MADE [AT FUNERALS],⁸ NOR IS THE BLESSING FOR MOURNERS SAID,⁹ NOR THE COMFORT OF MOURNERS,¹⁰ NOR THE BLESSING OF THE BRIDEGROOMS,¹¹ NOR IS THE NAME [OF GOD] MENTIONED IN THE INVITATION TO SAY GRACE,¹² SAVE IN THE PRESENCE OF TEN. FOR REDEEMING SANCTIFIED PROPERTIES¹³ NINE AND A PRIEST [ARE SUFFICIENT], AND SIMILARLY WITH HUMAN BEINGS.

GEMARA. Whence these rules?¹⁴ — R. Hiyya b. Abba said in the name of R. Johanan: Because Scripture says, But I will be hallowed among the children of Israel:¹⁵ every act of sanctification requires not less than ten. How does the verse denote this? — As R. Hiyya taught: We explain the word 'among' here by reference to its use in another place. It is written here, 'But I will be hallowed among the children of Israel', and it is written elsewhere, Separate yourselves from among this congregation;¹⁶ and we further explain the word 'congregation' here by reference to what is written in another place, How long shall I bear with this evil congregation.¹⁷ Just as there ten are indicated,¹⁸ so here.

NOR ARE HALTS MADE [AT FUNERALS]. Since [the conductor of the funeral] requires to say, 'stand, dear friends, stand; sit, dear friends, sit',¹⁹ it is not proper²⁰ [to have less than ten].

NOR IS THE BLESSING OF MOURNERS NOR THE BLESSING OF BRIDEGROOMS SAID etc. What is the blessing of mourners? The blessing of the public square,²¹ since²² R. Isaac said in the name of R. Johanan: The blessing of mourners requires the presence of ten, the mourners not

being counted; the blessing of bridegrooms requires the presence of ten, the bridegroom being counted.

THE NAME [OF GOD] IS NOT MENTIONED IN THE INVITATION TO SAY GRACE WITH LESS THAN TEN. Since the one who invites has to say, 'Let us bless our God', it is not seemly to do so with less than ten.

FOR REDEEMING PROPERTIES NINE AND A PRIEST. Whence is this rule derived? — Samuel said: Ten priests are mentioned in the section [dealing with sanctifications],²³ one for the actual priest required (and [the first] one [after] to limit),²⁴ and the rest constitute a limitation after a limitation, and a limitation after a limitation has the force of an addition, to include, namely, nine Israelites and one priest.²⁵ But cannot I [rather] say five priests and five Israelites?²⁶ — This is indeed a difficulty.

AND SIMILARLY WITH HUMAN BEINGS. But can a human being become sanctified?²⁷ — R. Abbahu said: It refers to one who says, 'My money [value] be upon me', as it has been taught: 'If a man says, My money [value] be upon me, we estimate his value as we would that of a slave'. And a slave is put on the same footing as landed property, as it is written, And ye may make them an inheritance for your children after you, to hold for a possession.²⁸

MISHNAH. ONE WHO READS THE TORAH [IN SYNAGOGUE] SHOULD READ NOT LESS THAN THREE VERSES, AND HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE [AT A TIME].²⁹

(1) Jer. VII, 21, the Maftir to section Zaw (Lev. VI, I to VIII, 36).

(2) To him and to the translator.

(3) Who repeats each verse, in the Aramaic Targum.

(4) פורסין על שמע lit., 'they do not divide over the Shema' (v. Glos.). According to Rashi this means that if a number of persons (not less than ten, or seven, or six, or three, according to various opinions, v. Tosaf. and Asheri) come into synagogue after the Shema' has been said, it is allowable for the congregation to repeat the kaddish and bareku and the first blessing before the Shema' for their benefit. From the context one would say that it means here more simply 'say the Shema' with its attendant blessings'. V. P.B. pp. 37ff. V. Rabbinowitz Mishnah Megillah, ad loc. [Kohler (The Origin of the Synagogue and the Church; p. 58) explains the phrase: 'The lifting up the hands towards heaven at the recital of the Shema' — In continuation of the old practice of the Hasidim'. Krauss (Israel-Theol. Lehranstalt, Wien, Bericht, 1933 p. 53): The stepping forward of the reader to recite the Shema'].

(5) To lead the congregation in the Amidah.

(6) To say the priestly blessing, Num. VI, 24-26.

(7) V. supra p. 140.

(8) Lit., 'they do not make a halting and sitting'. It was the custom on the return from a funeral to have seven pauses during which lamentation was made in honour of the dead. V. infra.

(9) V. infra.

(10) The formal words of consolation addressed to the mourners on passing between the two rows formed by friends after the funeral; v. Keth. 8b and Sanh. 19a. Some texts omit 'NOR COMFORT OF MOURNERS'.

(11) V. Keth. 7b and 8a and P.B. p. 299.

(12) Said by one of those present at table to the rest of the company.

(13) V. Lev. XXVII, 16-23.

(14) Relating to the synagogue.

(15) Lev. XXII, 32.

(16) Num. XVI, 21.

(17) Ibid. XIV, 27.

(18) The twelve spies without Joshua and Caleb; v. Sanh. 2a.

(19) V. B.B. 100b.

(20) Lit., 'the way of the world'.

(21) **בְּרַכַּת רַחֲמֵהָ** A blessing of consolation pronounced in the open air on the mourners return from the burial; v. Keth., Sonc. ed. p. 41, n. 5.

(22) [To be omitted with MS.M. 'R. Isaac said etc.' beginning a new sentence v. Tosaf. s.v. **וְאָמַר**].

(23) In Lev. XXVII, three times in connection with personal valuations v. 8, three in connection with the valuation of animals vv. 11-13, four with sanctification of property vv. 14, 18, 23; v. 21 is not included as the word priest is not mentioned there in connection with the act of 'valuation'.

(24) These words are bracketed in the text.

(25) V. Sanh., Sonc. ed. p. 71 notes.

(26) The second mention adding an Israelite, the third going back to a priest, the fourth adding an Israelite and so on.

(27) Since all Israelite could not be sold in the market like a slave. (V. Tosaf.).

(28) Lev. XXV, 46.

(29) So that the translator (who had no book) should not become confused.

Talmud - Mas. Megilah 24a

IN A PROPHET, HOWEVER, [HE MAY GIVE HIM] THREE AT A TIME.¹ IF THE THREE VERSES CONSTITUTE THREE SEPARATE PARAGRAPHS,² HE MUST READ THEM [TO THE TRANSLATOR] ONE BY ONE. THE READER MAY SKIP [FROM PLACE TO PLACE] IN A PROPHET BUT NOT IN THE TORAH. HOW FAR MAY HE SKIP? [ONLY] SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED³ [BEFORE HE FINDS HIS PLACE].⁴

GEMARA. What do these three verses represent? — R. Assi said: The Pentateuch, the Prophets, and the Hagiographa.

HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE. IN A PROPHET, HOWEVER, HE MAY READ THREE. IF THE THREE VERSES CONSTITUTE THREE PARAGRAPHS, HE MUST READ THEM ONE BY ONE. For instance, [the three verses], For thus saith the Lord, ye were sold for nought; For thus saith the Lord God, my people went down aforetime to Egypt; Now therefore what do I here, saith the Lord.⁵

THE READER MAY SKIP IN A PROPHET BUT NOT IN THE TORAH. A contradiction was pointed out [between this and the following]: 'He [the High Priest] reads [on the Day of Atonement] "after the death"⁶ and "only on the tenth day".⁷ But he is skipping? — Abaye replied: There is no contradiction; in the one case the translator will have come to a stop [before the place is found] in the other case he will not have come to a stop.⁸ But it states in connection with this. THE READER MAY SKIP IN THE PROPHET BUT HE MAY NOT SKIP IN THE TORAH. AND HOW FAR MAY HE SKIP? SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED. From this we infer that in the Torah he may not skip at all? — The truth is, said Abaye, that there is no contradiction. In the one case [the reader deals] with one subject, in the other case with two; and in fact it has been taught: 'The reader may skip in the Torah [provided he keeps] to one subject, and in a Prophet even if he goes on to another subject'; and in both cases only so far that the translator will not have stopped [before he finds the place]. It has been taught in another place: 'The reader may not skip from one prophet to another. In the Twelve Minor Prophets he may skip,⁹ provided only that he does not skip from the end of the book to the beginning.'¹⁰

MISHNAH. THE ONE WHO SAYS THE HAFTARAH FROM THE PROPHET REPEATS ALSO THE BLESSINGS BEFORE THE SHEMA,¹¹ AND PASSES BEFORE THE ARK¹² AND LIFTS UP HIS HANDS.¹³ IF HE IS A CHILD,¹⁴ HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. A CHILD MAY READ IN THE TORAH AND TRANSLATE, BUT HE MAY NOT PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A PERSON IN RAGS¹⁵ MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND

TRANSLATE, BUT HE MAY NOT READ IN THE TORAH NOR PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A BLIND MAN MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND TRANSLATE. R. JUDAH SAYS: ONE WHO HAS NEVER SEEN THE LIGHT FROM HIS BIRTH MAY NOT RECITE THE BLESSINGS BEFORE THE SHEMA'.¹⁶

GEMARA. What is the reason [why the one who says the haftarah has this privilege]? — R. Papa said: As a mark of honour;¹⁷ R. Shimi said: Because otherwise quarrels might arise.¹⁸ What difference is there in practice between them? — There is a difference, in the case of one who reads gratis.¹⁹

We learn: IF HE IS A CHILD, HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. If now you say it is to avoid quarrels, will a child pick a quarrel? What then? It is a mark of respect? Does a child receive marks of respect? What you must say is, out of respect for his father and his teacher.

(1) Because if he makes a mistake, it does not matter so much.

(2) V. infra.

(3) Lit., 'so that the translator shall not (have to) pause'.

(4) I.e., he must not have much to unroll in the scroll.

(5) Isa. LII, 3, 4 and 5.

(6) Lev. XVI, 1ff.

(7) Ibid. XXIII, 26ff.

(8) Because the passages read by the High Priest are not far apart.

(9) As these were all written in one scroll,

(10) I.e., go backwards.

(11) V. supra. Sof. XIV, 8 refers this to the Shema' recited at the taking out of the law from the Ark; v. P.B. p. 145.

(12) To read the 'Amidah, and especially the kedushah.

(13) To say the priestly blessing. Why the maftir should have these privileges is not at all clear, and the 'lifting up of hands' certainly was the privilege of every priest. V. Rabinowitz, op. cit. MS.M. omits: 'AND LIFTS UP HIS HANDS.

(14) Under thirteen.

(15) So that most of his body is exposed.

(16) Which include a prayer of thanksgiving for the creation of light.

(17) I.e., as a kind of reward for having consented to read the haftarah.

(18) Between persons eager to act as reader.

(19) In which case there will not be such competition for the honour, and so there is no need to give the one who says the haftarah priority.

Talmud - Mas. Megilah 24b

So here too, there is the question of quarrels, involving him or his teacher.

A PERSON IN RAGS MAY REPEAT etc. 'Ulla b. Rab enquired of Abaye: Is a child in rags allowed to read in the Torah?¹ He replied: You might as well ask about a naked one. Why is one without any clothes not allowed? Out of respect for the congregation. So here, [he is not allowed] out of respect for the congregation.

A BLIND MAN MAY REPEAT THE BLESSINGS etc. It has been taught: They said to R. Judah: Many have discerned sufficiently [with their mind's eye] to expound the Chariot,² and yet they never saw it? — What says R. Judah to this? — There [he can reply], all depends on the discernment of the heart, and the expounder by concentrating his mind can know, but here one reads for the benefit which he derives therefrom,³ and this one derives no benefit.⁴ The Rabbis, however, hold that he does derive a benefit, for the reason given by R. Jose, as it has been taught: R. Jose said: I was long

perplexed by this verse, And thou shalt grope at noonday as the blind gropeth in darkness.⁵ Now what difference [I asked] does it make to a blind man whether it is dark or light? [Nor did I find the answer] until the following incident occurred. I was once walking on a pitch black night when I saw a blind man walking in the road with a torch in his hand. I said to him, My son, why do you carry this torch? He replied: As long as I have this torch in my hand, people see me and save me from the holes and the thorns and briars.⁶

MISHNAH. A PRIEST WHOSE HANDS ARE DEFORMED SHOULD NOT LIFT UP HIS HANDS [TO SAY THE PRIESTLY BLESSING]. R. JUDAH SAYS: ALSO ONE WHOSE HANDS ARE DISCOLOURED WITH WOAD⁷ SHOULD NOT LIFT UP HIS HANDS, BECAUSE [THIS MAKES] THE CONGREGATION LOOK AT HIM.⁸

GEMARA. A Tanna stated: The deformities which were laid down [as disqualifying] are on the face, the hands and the feet.⁹ R. Joshua b. Levi said: If his hands are spotted¹⁰ he should not lift up his hands. It has been taught similarly: 'If his hands are spotted, he should not lift up his hands. If they are curved inwards or bent sideways, he should not lift up his hands'.

R. Assi said: A priest from Haifa or Beth Shean¹¹ should not lift up his hands. It has been taught to the same effect: 'We do not allow to pass before the ark either men from Beth Shean or from Haifa or from Tib'onim,¹² because they pronounce alif as 'ayin and 'ayin as alif'.¹³

Said R. Hiyya to R. Simeon b. Rabbi: If you were a Levite, you would not be qualified to chant,¹⁴ because your voice is thick. He went and told his father who said to him: Go and say to him, When you come to the verse, And I will wait [we-hikethi] for the Lord,¹⁵ will you not be a reviler and blasphemer?¹⁶

R. Huna said: A man whose eyes run should not lift up his hands. But was there not one in the neighbourhood of R. Huna who used to spread forth his hands? — The townspeople had become accustomed to him.¹⁷ It has been taught to the same effect: 'A man whose eyes run should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'. R. Johanan said: A man blind in one eye should not lift up his hands. But was not there one in the neighbourhood of R. Johanan who used to lift up his hands? — The townspeople were accustomed to him. It has been taught to the same effect: 'A man blind in one eye should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'.

R. JUDAH SAYS: A MAN WHOSE HANDS ARE DISCOLOURED SHOULD NOT LIFT UP HIS HANDS. A Tanna stated: If most of the men of the town follow the same occupation it is permitted.

MISHNAH. IF ONE SAYS, I WILL NOT PASS BEFORE THE ARK [TO ACT AS READER] IN COLOURED ROBES, HE MUST NOT PASS BEFORE IT IN WHITE ROBES EITHER. [IF HE SAYS], I WILL NOT PASS BEFORE IT IN SHOES, HE MUST NOT PASS BEFORE IT BAREFOOT EITHER. A PHYLACTERY [FOR THE HEAD] WHICH IS MADE ROUND¹⁸ IS DANGEROUS¹⁹ AND HAS NO RELIGIOUS VALUE. TO PUT THEM ON THE FOREHEAD OR ON THE PALM OF THE HAND²⁰ IN THE MANNER OF THE HERESY,²¹ TO OVERLAY THEM WITH GOLD OR PUT [THE ONE FOR THE HAND] ON ONE'S SLEEVE IS THE MANNER OF THE OUTSIDERS.²²

GEMARA. [IN COLOURED ROBES]. What is the reason [why he must not act as reader]? We are apprehensive that he has a leaning towards minuth.²³

TO MAKE ONE'S PHYLACTERY ROUND IS DANGEROUS AND HAS NO RELIGIOUS

VALUE. May we say that our Mishnah teaches here the same as our Rabbis taught: 'That phylacteries should be square is a law set down by Moses at Sinai', and Raba explained [this to mean] in their seam and in their diagonal?²⁴ — R. Papa said: The Mishnah is speaking only of those which are made as round as a nut.²⁵

MISHNAH. IF ONE SAYS

- (1) A child not being forbidden to expose himself.
- (2) The first chapter of Ezekiel.
- (3) Viz., the light.
- (4) He does not enjoy the benefit of light.
- (5) Deut. XXVIII, 29.
- (6) So although blind, he does benefit by the light.
- (7) [Var. lec. add: 'or madder', a red dye].
- (8) And it is forbidden to look at the priests while saying the blessing, v. Hag. 16.
- (9) The priest said the blessing barefoot, v. Sot. 40a.
- (10) With white pustules. The deformity apparently is the same as that referred to in Lev. XIII, 39.
- (11) Towns in Palestine.
- (12) More correctly Tibe'on, perhaps the same as modern Tubun, W. of Sephoris.
- (13) V. Glos.
- (14) Lit., 'for the platform', on which the Levites stood while chanting.
- (15) Isa. VIII, 17.
- (16) Because he could not pronounce a heth and would say we-hikethi, which would mean 'And I shall smite'.
- (17) Lit. 'he had become familiar to the townspeople'.
- (18) Instead of cube-shaped.
- (19) [The capsule might penetrate his head during prostration at tahanun (supra p. 135 n. 6). V. Rashi and R. Hananel]. R. Tam takes this to mean that it will not avail him in time of danger. V. Shab. 49a.
- (20) According to the literal meaning of the text, and thou shalt bind them for a sign upon thy hand and they shall be phylacteries between thine eyes. Deut. VI, 8.
- (21) Minuth (v. Glos. s.v. Min) Maim.: Sadducees. The reading 'Karaites' in some texts is a censor's variant.
- (22) This term apparently designates persons who followed the Rabbis only partially. According to the Rabbis, the phylacteries had to be made wholly of the skin of a clean animal and to be placed directly on the flesh.
- (23) Probably Judeo-Christianity, the Christians being particular about this. For other suggestions v. Rabinowitz, op. cit. a.l.
- (24) Apparently this means 'both in their base and in their height'.
- (25) But the shape of an egg or of a bean might be permitted (Rashi).

Talmud - Mas. Megilah 25a

'MAY THE GOOD BLESS THEE', THIS IS A CUSTOM OF HERESY.¹ [IF HE SAYS], 'MAY THY MERCIES REACH THE NEST OF A BIRD', 'MAY THY NAME BE MENTIONED FOR WELL-DOING', 'WE GIVE THANKS, WE GIVE THANKS',² HE IS SILENCED. IF HE INTRODUCES EUPHEMISMS INTO THE PORTION DEALING WITH FORBIDDEN MARRIAGES,³ HE IS SILENCED. IF HE SAYS, [INSTEAD OF] 'AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART TO MOLOCH', 'THOU SHALT NOT GIVE TO TRANSFER IT TO A GENTILE WOMAN',⁴ HE IS BOTH SILENCED AND REBUKED.⁵

GEMARA. We understand the prohibition of saying 'WE GIVE THANKS, WE GIVE THANKS', because he seems to be addressing two Powers;⁶ also of 'THY NAME BE MENTIONED FOR WELL-DOING', because this implies, for good, yes, for evil, no, and we have learnt, 'It is the duty of a man to bless [God] for evil in the same way as he blesses for good'.⁷ But what is the reason for prohibiting, 'MAY THY MERCIES REACH THE NEST OF A BIRD'?⁸ —

Different answers were given by two Amoraim in the West [Palestine], R. Jose b. Abin and R. Jose b. Zebida. One said, it is because he creates jealousy in the work of the creation,⁹ and the other says it is because he makes the commands¹⁰ of the Holy One, blessed be He, acts of grace, whereas they are only decrees.¹¹ A certain man went down [before the ark] in the presence of Rabbah and said, 'Thou hast shown pity to the nest of a bird, do thou have pity and mercy on us'; (Thou hast shown pity to an animal and its young,¹² do thou have pity and mercy on us). Said Rabbah: How well this Rabbi knows how to placate his Master! Said Abaye to him: But we have learnt, HE IS SILENCED? — Rabbah only wanted to sharpen Abaye's wits.

A certain [reader] went down before the ark in the presence of R. Hanina and said, 'The great, the mighty, the terrible, the majestic, the strong, the powerful God'. He said to him: Have you finished the praises of your Master? Even the first three, had it not been that Moses wrote them in the Law¹³ and the Men of the Great Synagogue came and ordained them,¹⁴ we should not recite; and you say all this! It is as if a man had thousands of thousands of denarii of gold and people to praise his wealth would say he had a thousand. Would it not be an insult to him?

R. Hanina said: Everything is in the hands of heaven except the fear of heaven¹⁵ as it says, And now, Israel, what doth the Lord thy God ask of thee but to fear.¹⁶ Are we to infer from this that fear is a small thing? — Yes; for Moses our teacher it was a small thing. In the same way, if a man is asked for a big article and he has it, it seems to him only small, but if he is asked for a small article and he has it not, it seems big to him.

R. Zera said: For one to say, 'Hear, Hear',¹⁷ is like saying, 'We give thanks, we give thanks'. The following was cited in objection to this: 'He who recites the Shema' and repeats is reprehensible'. He is only reprehensible, but we do not silence him? — There is no contradiction. In the one case we suppose he repeats each word as he says it,¹⁸ in the other that he repeats a whole sentence.¹⁹ Said R. Papa to him: But perhaps [the reason why he repeats] is because at first he was not thinking of what he said, and now he does think? — He replied: Is he to treat heaven like an ordinary acquaintance?²⁰ If he does not think of what he is saying, I will hit him with a hammer till he does think.

IF HE INTRODUCES EUPHEMISMS INTO THE PASSAGE DEALING WITH FORBIDDEN MARRIAGES, HE IS SILENCED. R. Joseph learned: [If, for example, he says] 'the shame of his father, the shame of his mother'.²¹

IF ONE SAYS, AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART etc. In the school of R. Ishmael it was stated: The text speaks of an Israelite who has intercourse with a Cuthean woman and begets from her a son for idolatry.²²

MISHNAH. THE INCIDENT OF REUBEN IS READ IN SYNAGOGUE BUT NOT TRANSLATED.²³ THE STORY OF TAMAR²⁴ IS READ AND TRANSLATED. THE FIRST ACCOUNT OF THE INCIDENT OF THE GOLDEN CALF²⁵ IS BOTH READ AND TRANSLATED, THE SECOND²⁶ IS READ BUT NOT TRANSLATED. THE BLESSING OF THE PRIESTS²⁷ IS READ BUT NOT TRANSLATED. THE STORIES OF DAVID²⁸ AND AMNON²⁹ ARE READ BUT NOT TRANSLATED. THE PORTION OF THE CHARIOT³⁰ IS NOT READ AS A HAFTARAH, BUT R. JUDAH PERMITS THIS. R. ELEAZAR SAYS: THE PORTION, MAKE KNOWN TO JERUSALEM',³¹ IS NOT READ AS A HAFTARAH.

GEMARA. Our Rabbis taught: Some portions [of the Scripture] are both read and translated, some are read but not translated, [and some are neither read nor translated].³² The following are both read and translated: (Mnemonic: B'L'T' 'E'K'N' N'SH'P'H').³³ The account of the creation³⁴ is both read and translated. Certainly! — You might think that [through hearing it] people are led to inquire what is above and what is below,

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- (1) Minuth (v. supra note 4); implying that only the good are invited to bless God (Rashi).
- (2) In the 'Amidah prayer.
- (3) Lev, ch. XVIII.
- (4) I.e., beget children from a Gentile woman. Aliter: 'To render pregnant a Gentile woman'. Either version is a departure from the text which is an injunction against Moloch worship. [Aruch (s.v. **מלך**): 'Thou shalt not give any of thy seed to the Arameans to set them apart to Moloch', implying that the prohibition applies only to the Moloch worship of a particular nation. Albeck Ch., Bericht Hochschule, Berlin 1930 p. 55 renders it: thou shalt not give thy seed to pass to heathendom, viz., to introduce them to the knowledge of heathen culture and custom.]
- (5) All this is explained in the Gemara.
- (6) V. Ber. 54a.
- (7) [The dualism of the Persians — the god of darkness and of light.]
- (8) With reference to the prohibition of taking both a bird and its nestlings. Deut. XXII, 6. 7.
- (9) As though God had mercy on birds and not on beasts.
- (10) Lit., 'his attributes'. [Herford sees in this a protest against the Pauline antithesis of Law and Grace, v. Christianity in Talmud and Midrash pp. 202ff.]
- (11) Which must be obeyed whether they are merciful or not.
- (12) V. Lev. XXII, 28. This sentence is bracketed in the text.
- (13) Deut. X, 17.
- (14) V. Neh. IX, 32.
- (15) It is left to the free choice of man whether to be Godfearing or not.
- (16) Deut. X, 12.
- (17) In reciting the Shema'.
- (18) I.e., he says, 'Hear, hear, Israel, Israel' which is only a stupidity.
- (19) I.e., he says, 'We give thanks to thee, we give thanks to thee', as if he were addressing two Powers.
- (20) Lit., 'Intimacy towards heaven!'
- (21) From prudery, instead of 'the nakedness'; Lev. XVIII, 7. [Maim: instead 'of thy father', 'of thy mother'].
- (22) Cf. Pseudo-Jonathan a.l. Apparently this is in flat contradiction with the Mishnah. Possibly R. Ishmael means to explain the words of the Mishnah which are somewhat obscure (Rashi). [According to Aruch's and Albeck's explanations (v. p. 149, n. 3) the Mishnah does not denounce R. Ishmael's version.]
- (23) Gen. XXXV, 22.
- (24) Ibid. XXXVIII.
- (25) Ex. XXXII, 1-20.
- (26) Ibid. 21-25. (So Maim).
- (27) Num. VI, 24-27.
- (28) II Sam. XI, 2-17.
- (29) Ibid. XIII, 1-4.
- (30) Ezek. I and X.
- (31) Ibid. XVI.
- (32) Wilna Gaon omits the words in brackets.
- (33) B = Bereshith (creation); L = Lot; T = Tamar; E = 'Egel (Calf); K = Kelaloth (curses); N = 'Oneshin (penalties); N = Amnon; Sh = Abshalom, P = Pilegesh (concubine); H = hoda' (make known).
- (34) Gen. I.

Talmud - Mas. Megilah 25b

and what is before and what is after.¹ Therefore we are told [that this is no objection]. The story of Lot and his two daughters² is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Abraham. Therefore we are told [that this is no objection]. The story of Tamar and Judah is both read and translated. Certainly! — We might think that [we should forbear] out of respect for Judah. Therefore we are told [that this is no objection]; [the passage] really redounds to his credit, because [it records that] he confessed.³ The first account of the making

of the Calf is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Israel. Therefore we are told [that this is no objection]; on the contrary, it is agreeable to them,⁴ because it was followed by atonement.⁵ The curses and blessings⁶ are both read and translated. Certainly! — You might think that [we should forbear] lest the congregation should become disheartened; therefore we are told [that this is no objection]. Warnings and penalties are both read and translated. Certainly! — You might think that [we should forbear] for fear that they may come to keep the commandments out of fear;⁷ therefore we are told [that this is no objection]. The story of Amnon and Tamar is both read and translated. Certainly! — You might think that [we should forbear] out of respect for David. Therefore we are told [that this is no objection]. The story of the concubine in Gibeath⁸ is both read and translated. Certainly! — You might think [that we should forbear] out of respect for Benjamin. Therefore we are told [that this is no objection]. The passage commencing ‘Make known to Jerusalem her abominations’ is both read and translated. Certainly! — This is stated to exclude the view of R. Eleazar, as it has been taught: ‘On one occasion a man read in the presence⁹ of R. Eleazar ‘Make known to Jerusalem her abominations’. He said to him, While you are investigating the abominations of Jerusalem, go and investigate the abominations of your own mother. Inquiries were made into his birth, and he was found to be illegitimate.

Mnemonic: R'E'B'D'N').¹⁰ The incident of Reuben is read but not translated. On one occasion R. Hanina b. Gamaliel went to Kabul,¹¹ and the reader of the congregation read, ‘And it came to pass when Israel abode’,¹² and he said to the translator, Translate only the latter part of the verse, and the Sages commended his action. The second account of the Calf is read but not translated. What is the second account of the Calf? — From ‘And Moses said’ up to ‘and Moses saw’.¹³ It has been taught: A man should always be careful in wording his answers, because on the ground of the answer which Aaron made to Moses the unbelievers were able to deny [God], as it says, And I cast it into the fire and this calf came forth.¹⁴

The priestly blessing is read but not translated. What is the reason? — Because it contains the words, May he lift up.¹⁵

The accounts of David and Amnon are neither read nor translated.¹⁶ But you just said that the story of Amnon and Tamar is both read and translated? — There is no contradiction; the former statement refers to where it says ‘Amnon son of David’,¹⁷ the latter to where it says ‘Amnon’ simply.

Our Rabbis taught: Wherever an indelicate expression is written in the text, we substitute a more polite one in reading.¹⁸ [Thus for] yishgalenah¹⁹ [we read] yishkabenah;²⁰ [for] ba'apolim²¹ [we read] ba-tehorim;²² [for] hiryonim²³ [we read] dibyonim;²⁴ [for] le-ekol eth horehem we-lishtoeth meme shinehem²⁵ [we read] le-ekol eth zo'atham we-lishtoeth meme raglehem;²⁶ [for] la-mahara'oth²⁷ [we read] lemoza'oth.²⁸ R. Joshua b. Korha, however, says that the actual word la-mahara'oth²⁷ [is read] because it is a term of opprobrium for idolatry. R. Nahman said: All gibing²⁹ is forbidden save gibing at idolatry, which is permitted, as it is written, Bel boweth down, Nebo stoopeth³⁰ and the text goes on, They stoop, they bow down together, they cannot deliver the burden, etc. R. Jannai learns the same lesson from here: The inhabitants of Samaria shall be in dread for the calves of Beth Aven, for the people thereof shall mourn over it and the Priests thereof shall tremble for it, for its glory, because it is departed from it.³¹ Read not ‘its glory’ [kebodo], but ‘its burden’ [kebedo]. R. Huna b. Manoah said in the name of R. Aha the son of R. Ika: It is permitted to an Israelite to say to a Cuthean, Take your idol and put it in your shin tof.³² R. Ashi said: It is permissible to abuse a person of ill fame³³ with the term gimel shin.³⁴ It is permissible to praise a person of good report and if one does praise him, ‘blessings shall rest upon his head’.

CHAPTER IV

MISHNAH. IF THE TOWNSPEOPLE³⁵ SELL THE TOWN SQUARE,³⁶ THEY MAY BUY WITH THE PROCEEDS A SYNAGOGUE;³⁷ [IF THEY SELL] A SYNAGOGUE, THEY MAY BUY WITH THE PROCEEDS AN ARK;³⁸ [IF THEY SELL] AN ARK THEY MAY BUY WRAPPINGS [FOR SCROLLS]; [IF THEY SELL] WRAPPINGS

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- (1) I.e., before the creation and after the end of the world. Cf. Hag. 11b.
 (2) Gen. XIX, 31-38.
 (3) Ibid. XXXVIII, 26.
 (4) To have the story recounted.
 (5) [MS.M. so that there may be (by the recounting of the lapse) an atonement unto them].
 (6) Lev. XXVI; Deut. XXVII.
 (7) Rashi apparently makes this the reason for reading the curses and blessings, and reads 'out of love and fear', i.e., desire for the blessings and fear of the curses, while he transfers to this place the clause in the previous sentence, 'lest the congregation should become disheartened'. But. v. Maharsha.
 (8) Jud. XIX, XX.
 (9) [Lit., 'above', the reader in public occupying a raised position].
 (10) R = Reuben; E = 'Egel (calf); B = berakah (blessing); D = David; N = Amnon.
 (11) S.E. of Akko.
 (12) Gen. XXXV, 22.
 (13) Ex. XXXII, 21-25.
 (14) Which seems to be an admission that the calf had divine powers.
 (15) Which seems to imply favouritism for Israel.
 (16) According to R. Bezael Ronsburg, the proper reading is 'The accounts of David and Amnon are read but not translated'.
 (17) I.e. the first verse of the chapter.
 (18) Lit., 'wherever the text is written indelicately, we read it delicately'.
 (19) ישגלנה 'ravish'.
 (20) ישכבנה Deut. XXVIII, 30. E.V. 'shall lie with her'.
 (21) בעפולים 'posteriors'.
 (22) בטחורים I Sam. V, 5. E.V. 'emerods'.
 (23) חריונים 'dove's dung'. So E.V.
 (24) דביונים II Kings VI, 25. E.V. 'decayed leaves'.
 (25) חוריהם עץמימי שיניהם 'excrement . . . urine'.
 (26) צואתם עץמימי רגליהם Ibid. XVIII, 27. E.V. 'deposit . . . water of his feet'
 (27) למחראות 'privies'.
 (28) למוצאות Ibid. X, 27, 'retreats'. E.V. 'draughthouse'.
 (29) The reference apparently is to obscenity.
 (30) Isa. XLVI, 1.
 (31) Hos. X, 5.
 (32) שת. Fundament.
 (33) I.e., suspected of adultery.
 (34) According to Rashi, = gala shaita (adulterer, madman). Another reading is beth gimel = bar girtha (son of a harlot).
 (35) Lit., 'sons of the town': probably the general assembly of residents of over twelve months' standing. V. Rabbinowitz, op. cit.
 (36) Lit., 'broad place'. Where at times religious ceremonies were performed.
 (37) On the principle that we may use for a more holy purpose but not for a less holy'; and so with the rest.
 (38) In which to place the Scrolls of the Law.

Talmud - Mas. Megilah 26a

THEY MAY BUY SCROLLS;¹ [IF THEY SELL] SCROLLS THEY MAY BUY A [SEFER] TORAH. BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY WITH THE

PROCEEDS SCROLLS; IF [THEY SELL] SCROLLS THEY MAY NOT BUY WRAPPINGS; IF [THEY SELL] WRAPPINGS THEY MAY NOT BUY AN ARK; IF [THEY SELL] AN ARK THEY MAY NOT BUY A SYNAGOGUE; IF [THEY SELL] A SYNAGOGUE THEY MAY NOT BUY A TOWN SQUARE. THE SAME APPLIES TO ANY MONEY LEFT OVER.²

GEMARA. IF THE TOWNSPEOPLE SELL THE TOWN SQUARE. Rabbah b. Bar Hanah said in the name of R. Johanan: This is the view of R. Menahem b. Jose the anonymous author,³ but the Sages say that no sanctity attaches to the square. What is the reason of R. Menahem b. Jose? — Because the people pray in it on fast days⁴ and at gatherings of the ma'amad.⁵ What say the Rabbis to this? — That happens only exceptionally. IF [THEY SELL] THE SYNAGOGUE THEY MAY BUY AN ARK. R. Samuel b. Nahmani said in the name of R. Jonathan: This rule applies only to a synagogue in a village, but a synagogue in a large town, since people from all parts come to it,⁶ may not be sold, it being regarded as belonging to a wider public. Said R. Ashi: As for this synagogue in Matha Mehasia,⁷ although people come to it from all parts, since they come at my discretion,⁸ I can if I like sell it. An objection was raised: 'R. Judah says: It is recorded of the synagogue of the coppersmiths⁹ in Jerusalem that they sold it to R. Eliezer and he used it for his own purposes'. And yet that was one in a large town? — That was a very small synagogue, and they themselves had made it.

The following was further raised in objection: 'In a house of the land of your possession:¹⁰ your possession is defiled by leprosy, but Jerusalem is not defiled by leprosy'.¹¹ R. Judah said: I have not heard this laid down save with respect to the area of the Sanctuary alone. We thus see that [according to R. Judah] synagogues and houses of study are defiled; and yet why [according to you] should this be, seeing that they belong to the town?¹² — I would emend [the above statement to read]: 'R. Judah says: I have not heard this rule laid down save in relation to a sanctified place only'.¹³

On what point do these [two authorities] join issue? — The First Tanna is of opinion that Jerusalem was not apportioned to [any of] the tribes,¹⁴ while R. Judah was of opinion that it was apportioned to [certain of] the tribes; and their difference is the same as that of the following Tannaim, as it has been taught: What [part of Jerusalem] was in the portion of Judah?¹⁵ The Temple mountain,¹⁶ the priestly chambers,¹⁷ and the courts.¹⁸ And what was in the portion of Benjamin? The hall¹⁹ and the sanctuary²⁰ and the holy of holies.²¹ A strip projected from the portion of Judah into the portion of Benjamin, and in it the altar [of sacrifice] was built, and every day the righteous Benjamin fretted over it, desiring to swallow it up, as it says, Crouching over it all the day.²² Therefore Benjamin was privileged to become the host of the Shechinah'.²³ The following Tanna, however, held that Jerusalem was not apportioned to any of the tribes, as it has been taught: 'People cannot let out houses²⁴ in Jerusalem as they do not belong to them. R. Eleazar b. Zadok says: They may not hire out beds either.²⁵ Therefore householders [who took in guests] would seize the skins of [visitors'] sacrifices forcibly'.²⁶ Abaye remarked: We may see from this that it is good manners for a man to leave his [empty] wine-flask and his skin-rug at his guest-house.

Raba said: This rule²⁷ was meant to apply only where the seven 'good men' of the town²⁸ did not sell in the assembly of the townspeople. But if the seven 'good men' of the town sold in the assembly of the townspeople, even

(1) Of the Scriptural books other than the Pentateuch.

(2) From any of these purchases.

(3) I.e., whose opinions are usually quoted without mention of his name. Cf. supra p. 4, n. 1.

(4) V. Ta'an. 15a. Apparently the square was usually in front of the synagogue.

(5) V. Glos. The ma'amad did not in fact pray in the square but in the synagogue, and this word is omitted by many authorities, v. Rashi.

(6) And are regarded as having contributed to it, or may actually have contributed to it.

- (7) A suburb of Sura.
- (8) I.e., since they have contributed on condition that I may do as I please with the money (Tosaf.). Cf. B.B. 3b.
- (9) **טורסיים** (Tarsians), or 'filigree workers'. [We find a synagogue of Tarsians also in Tiberias and Lydda, and in Krauss, *Synagogale Altertümer*, p. 201, they are identical with the synagogue of Alexandrians (cf. the parallel passage in the Jerusalem Talmud Megillah III, 1) who had brought over with them to Palestine the industry in Tarsian carpets — an industry which flourished greatly in Egypt; v. also T.A. II, 625].
- (10) Lev. XIV, 34; of leprosy of houses.
- (11) V. infra.
- (12) And so cannot be called 'your possession'. (V. Tosaf. s.v. **אֲמִנָּה**).
- (13) Including also synagogues and houses of study.
- (14) But remained the possession of all of them jointly.
- (15) Jerusalem was on the border between the territories of Judah and Benjamin.
- (16) On the east of the city.
- (17) The rooms used by the priests for various purposes.
- (18) The Court of Women, the Israelites' Court, and the Priests' Court.
- (19) Ulam. Leading to the interior of the Temple.
- (20) Containing the candlestick and table and altar of incense.
- (21) Containing the Ark.
- (22) As if to swallow it. Deut. XXXIII, 12. E. V. 'He covereth him all the day'.
- (23) Through the Holy of Holies. V. Yoma 12a.
- (24) To the pilgrims who come to Jerusalem for the three Festivals (Rashi).
- (25) Because the ground on which they rested did not belong to them (Tosaf).
- (26) In lieu of payment for lodging.
- (27) That the proceeds of the sale could not be used for purchasing something less holy, and that the thing sold itself retained its holiness.
- (28) Seven men who acted as representatives of the town in communal matters — *optimates*.

Talmud - Mas. Megilah 26b

if it was for a drinking place,¹ the transaction holds good. Rabina had the ground of a dismantled synagogue. He applied to R. Ashi to know whether he could plant seeds there. He replied: Go and buy it from the seven 'good men' of the town in the assembly of the townspeople, and you may then sow it.

Rami b. Abba was building a synagogue. There was a certain old synagogue which he wanted to pull down, so as to take bricks and beams from it and use them for the other. He was doubtful, however, how to interpret the dictum of R. Hisda; for R. Hisda² said: A man should not pull down a synagogue until he has built another [to take its place]. The reason there, [he knew] was so that there should be no negligence.³ But what was the rule in such a case as this?⁴ He applied to R. Papa, who forbade him; to R. Huna, and he also forbade him.

Raba said: A synagogue may be exchanged or sold [for secular purposes], but may not be hired or pledged. What is the reason?

[In the latter case] its holiness is still adhering to it.⁵ Its bricks also, may be exchanged or sold [for secular purposes], but not lent. This rule applies only to old ones,⁶ but in the case of new ones there is no objection.⁷ And even if we adopt the view that the mere intention [to use a thing for a certain purpose] has a certain force, this would be the case, for instance, with one who weaves a shroud for a dead body,⁸ but in this case [the objects in question] are like thread which has still to be woven into cloth, and no authority says [that in such a case there is force in mere intention].

[With regard to a synagogue which has been made] a gift, there is a difference of opinion between

R. Aha and Rabina, one forbidding [it to be used for secular purposes] and one permitting. The one who forbade did so on the ground that there is nothing to which its holiness is transferred,⁹ while the one who permitted it argued that if he [the giver] did not derive some benefit from the act¹⁰ he would not give it, so that in the end the gift is equivalent to a sale.

Our Rabbis taught: ‘Accessories of religious observances [when disused] are to be thrown away; accessories of holiness are to be stored away. The following are accessories of religious observances: a sukkah, a lulab, a shofar,¹¹ fringes. The following are accessories of holiness: large sacks for keeping scrolls of the Scripture in, tefillin and mezuzoth,¹¹ a mantle for a sefer torah,¹¹ and a tefillin bag and tefillin straps’. Raba said: At first I used to think that the stand [on which the sefer torah is placed] is an accessory to an accessory and that it is permitted.¹² When, however, I saw that the sefer torah is placed actually on it,¹³ I came to the conclusion that it is all accessory of holiness and is forbidden. Raba further said: At first I used to think that the curtain¹⁴ is an accessory of an accessory. When, however, I observed that it is folded over and a scroll is placed on it, I came to the conclusion that it is itself an accessory of holiness, and forbidden.

Raba further said: When an ark is falling asunder, to make it into a smaller ark is permitted, but to make it into a stand¹⁵ is forbidden. Raba further said: When a curtain is worn out, to make it into a mantle for a [whole] scroll of the Law is permitted, but for a single humash¹¹ is forbidden. Raba further said: These bags for humashim and boxes for scrolls¹⁶ are accessories of holiness and must be stored away [when disused]. Is not this obvious? — You might think that these are used not out of respect [for the scrolls] but merely for protection. Therefore we are told [that this is not so].

There was a synagogue of the Roman Jews¹⁷ which opened out into a room where a dead body was deposited.¹⁸ The kohanim¹⁹ wanted to go in there to pray, and they came and asked Raba [what they should do]. He said: Take the ark and put it down there,²⁰ since it is a wooden vessel which is meant to be stationary, and every wooden vessel which is meant to be stationary is immune from defilement and forms a partition to prevent the passage of defilement. Said the Rabbis to Raba: But sometimes it is moved while a scroll of the law is resting on it, and thus it becomes a vessel which is moved both when full and when empty? If that is so [he said], there is no remedy.

Mar Zutra said: Wrappings of scrolls which are worn out may be used for making shrouds for a meth mizwah;²¹ and this act constitutes their ‘storing away’.

Raba also said: A scroll of the law which is worn out may be buried by the side of a talmid hakam,¹⁹ even though he be one who only repeats halachoth.²² R. Aha b. Jacob said: It should be put in an earthenware vessel, as it says, And put them in an earthen vessel that they may continue many days.²³

R. Papi said in the name of Raba: To turn a synagogue into a college²⁴ is permitted; to turn a college into a synagogue is forbidden. R. Papa, however, also reporting Raba, states the opposite. R. Aha said:

(1) Bah. adds: ‘or for spreading out fruit’.

(2) B.B. 3b.

(3) To build the new one after the old one had been pulled down.

(4) Where the object of pulling down the old one was to obtain building material for the new one.

(5) But if it is sold or exchanged, its holiness is transferred to the money or to its equivalent.

(6) I.e., bricks in an old synagogue.

(7) Because they have not yet become holy.

(8) The shroud being ready for use for the purpose for which it is intended.

(9) Lit., ‘(asked) to what is its holiness transferred’, reading **במאי** with Alfasi; or, ‘why should its holiness be lost’,

reading אֲמַאי with Asheri; cur. edd. בְּהַאי 'with this'.

(10) I.e., receive some return from the recipient, which acquires the sanctity of the synagogue.

(11) V. Glos.

(12) 'To use it for secular purposes when it is worn out'.

(13) And not on a cloth spread over it.

(14) Hung over the Ark in synagogue.

(15) On which to place the sefer torah when read.

(16) Of the Prophets or Hagiographa.

(17) יְהוּדַאי רומאי. Who had settled in Mahuza (Rashi). Probably Syrian Jews are meant, not Roman. [Obermeyer (p. 179): Jews of Rumae, the Persian Rumakan, near Mahuza, the seat of Raba].

(18) Before being taken to the cemetery, and its uncleanness spread from the room to the synagogue. V. B.B. 20a.

(19) V. Glos.

(20) Just between the room and the synagogue.

(21) Lit., 'an obligatory corpse': a dead body found by the wayside which it is obligatory on passers-by to bury if the relatives cannot be found; v. Glos.

(22) I.e., he knew only Mishnahs and Baraitas, not the Gemara also (Rashi).

(23) Jer. XXXII, 14.

(24) Lit., 'House of Rabbis'.

Talmud - Mas. Megilah 27a

The statement of R. Papi is the more probable, since R. Joshua b. Levi said: It is permissible to make a synagogue into a beth hamidrash. This seems conclusive.

Bar Kappara gave the following exposition. 'What is the meaning of the verse, And he burnt the house of the Lord and the king's house and all the houses of Jerusalem even every great man's house burnt he with fire?'¹ 'The house of the Lord': this is the Temple. 'The king's house': this is the royal palace. 'All the houses of Jerusalem': literally. 'Even every great man's house burnt he with fire':² R. Johanan and R. Joshua b. Levi gave different interpretations of this. One said, it means the place where the Torah is magnified; the other, the place where a prayer is magnified. The one who says Torah bases himself on the verse, The Lord was pleased, for his righteousness' sake to make the torah great and glorious.³ The one who says prayer bases himself on the verse, Tell me, I pray thee, the great things that Elisha has done;⁴ and what Elisha did, he did by means of prayer. It may be presumed that it was R. Joshua b. Levi who said, 'the place where Torah is magnified', since R. Joshua b. Levi said that a synagogue may be turned into a beth ha-midrash; which is a clear indication.

BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY SCROLLS. The question was raised: What is the rule about selling an old sefer torah to buy a new one? Do we say that since we do not thus go to higher grade [in the use of the money] it is forbidden, or are we to say that since there is no higher grade to go to, there is no objection? Come and hear: BUT IF THEY SELL, A [SEFER] TORAH THEY MAY NOT BUY SCROLLS; it is scrolls that they may not buy, but to buy a [sefer] torah with the money of a [sefer] torah is unobjectionable! [No.] But the Mishnah speaks of some thing already done, we ask whether it may be done in the first instance? — Come and hear: A sefer torah may be rolled up in the wrappings of a humash, or a humash in the wrappings of a scroll of prophets and hagiographa, but prophets and hagiographa may not be rolled up in the wrappings of a humash, nor a humash in the wrappings of a sefer torah.⁵ Now it states here at any rate that a sefer torah may be rolled up in the wrappings of a humash; [as much as to say], in the wrappings of a humash it may be, but in those of [another] sefer torah it may not be?⁶ — Look at the succeeding clause: 'But a humash may not be rolled up in the wrappings of a sefer torah', which would imply that there is no objection against wrapping a sefer torah in those of another sefer torah? — The fact is that from this statement no conclusion can be drawn.

Come and hear: 'A [sefer] torah may be laid on another [sefer] torah, and a [sefer] torah on separate humashim, and separate humashim on scrolls of the prophets and hagiographa, but scrolls of the prophets and hagiographa may not be placed on humashim, nor humashim on a [sefer] torah'! — You speak here of laying; laying is different, because it is impossible to avoid it; for if you do not suppose this, [we may ask,] how are we allowed to roll up the scrolls, seeing that in so doing we lay one sheet on another? The fact is that since this cannot be avoided, it is permitted; and so here also, since it cannot be avoided,⁷ it is permitted.

Come and hear, since Rabbah b. Bar Hanah said in the name of R. Johanan, who had it from Rabban Simeon b. Gamaliel: A man should not sell an old [sefer] torah in order to buy a new one with the proceeds! — There the reason is lest he should [afterwards] neglect to do so; here we speak of a case where the new one is written and waiting to be paid for. What is the rule [in such a case]? — Come and hear, since R. Johanan said in the name of R. Meir: A man should not sell a sefer torah save in order to study the Torah and to marry a wife. From this we may conclude [may we not] that there is no objection against buying one sefer torah with the proceeds of another? — Perhaps study comes under a different rule, since study leads on to practice. Marrying also [is permitted because it says], 'He created it not a waste, he formed it to be inhabited,'⁸ but to buy a sefer torah with the proceeds of another is still not permitted.

Come and hear: 'A man should not sell a sefer torah even though he does not require it. Rabban Simeon b. Gamaliel went further and said: Even if a man has no food and he sells a sefer torah or his daughter, he will never have any luck⁹ [from that money]'.

THE SAME APPLIES TO ANY MONEY LEFT OVER. Raba said: This is the rule only if they had money left over from a sale; but if they had money left over from a collection, it is permitted [to use it for any purpose]. Abaye cited the following in objection to this: 'When does this rule apply? If they made no stipulation; but if they made a stipulation, they may even give it to the *duchsusia*'.¹⁰ Now how are we to understand this? Shall we say that they [the seven good men] sold [a holy article] and had money left over [after purchasing a new one]? Then even if they made a stipulation [that they could do what they liked with it], what does it avail?¹¹ We must say therefore that they collected money and had some left over, and the reason is given that 'they made a stipulation', but if they made no stipulation they cannot? — I still maintain that [what is meant is] that they sold and had something left, and the statement should run thus: 'When does this rule apply? When the seven "good men" of the town did not make any stipulation in the assembly of the townspeople; but if the seven good men of the town made a stipulation in the assembly of the townspeople, it may be used even for paying a *duchsusia*'.

Abaye said to a Rabbinical student who used to repeat¹² the Mishnah in the presence of R. Shesheth: Have you ever heard from R. Shesheth what is meant by *duchsusia*? — He replied: This is what R. Shesheth said: The town horseman.¹³ Abaye thereupon observed: This shows that a Rabbinical student who has heard something of which he does not know the meaning should ask one who is frequently in the company of the Rabbis, since he is almost certain to have heard the answer from some great man.

R. Johanan said in the name of R. Meir: If the representatives of one town¹⁴ go [on a visit] to another town and they are there rated for a charity contribution, they should pay it and on leaving they should bring the money with them¹⁵ to assist with it the poor of their own town. It has been taught to the same effect: 'If the men of one town go to another town and are there rated for a charity contribution, they should pay it, and when they leave they should bring the money back with them. If an individual, however, goes to another town and is there rated for a charity contribution, it is given to the poor of that town

R. Huna once proclaimed a fast day. R. Hana b. Hanilai and all the [leading] men of his place happened to visit him [on that day], and they were called upon for a charity contribution, and they gave it. When they were about to leave, they said to him [R. Huna], Kindly return it to us so that we may go and assist with it the poor of our own town. He replied to them: We have learnt: 'When does this rule apply? When there is no

(1) II Kings XXV, 9.

(2) These words are apparently superfluous and therefore lend themselves to a homiletical exposition.

(3) Isa. XLII, 21.

(4) II Kings VIII, 4.

(5) Because this brings the wrappings to a lower stage of holiness.

(6) And we infer that similarly one sefer torah may not be bought from the proceeds of another.

(7) In point of fact it is now avoided in the synagogue by the device of letting someone hold one sefer torah while another is being read from.

(8) Isa. XLV, 18.

(9) Lit., 'he will never see a sign of blessing'.

(10) V. infra.

(11) Since the Mishnah expressly says that it is on the same footing as purchase money.

(12) Lit., 'arrange'.

(13) Whose function it was to take urgent messages to the authorities on behalf of the town.

(14) Lit., 'Sons of the town, v. supra p. 155, n. 1. [Aliter: 'a group of people of the same town' — not necessarily representatives; v. Maim. Mat. 'Aniyim VII, 14].

(15) I.e., secure repayment.

Talmud - Mas. Megilah 27b

town scholar¹ in charge there; but if there is a scholar in control there, it should be given to the town scholar, and all the more so in this case, seeing that both my poor and your poor depend upon me.

MISHNAH. [A SYNAGOGUE² BELONGING TO A COMMUNITY³ SHOULD NOT BE SOLD TO A PRIVATE PERSON BECAUSE ITS SANCTITY IS [THEREBY] LOWERED. SO R. MEIR. THEY SAID TO HIM: IF SO, IT SHOULD NOT BE ALLOWED TO SELL FROM A LARGER TOWN TO A SMALLER ONE.

GEMARA. That was a sound objection raised by the Rabbis against R. Meir, [was it not]? What says R. Meir to this? — [To sell] from a large town to a small one [is unobjectionable], because if it was holy to begin with, it is still holy now. But if it passes from a community to an individual, there is no holiness left.⁴ [And what is the reply of] the Rabbis [to this]? — If that raises a scruple [in this case], in the other case also it raised a scruple, because 'in the multitude of people is the king's glory'.⁵

MISHNAH. A SYNAGOGUE MAY NOT BE SOLD SAVE WITH THE STIPULATION THAT IT MAY BE BOUGHT BACK [BY THE SELLERS] WHENEVER THEY DESIRE. SO R. MEIR. THE SAGES, HOWEVER, SAY THAT IT MAY BE SOLD IN PERPETUITY, SAVE FOR FOUR PURPOSES-FOR A BATH, FOR A TANNERY, FOR A RITUAL BATH, OR FOR A LAUNDRY. R. JUDAH SAYS: IT MAY BE SOLD FOR [TURNING INTO] A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES WITH IT.

GEMARA. On R. Meir's ruling, how do people live in it? [The rent they pay] would be interest!⁶ — R. Johanan replied: R. Meir gave this ruling on the basis of the view of R. Judah, who said that interest which is only contingent⁷ is permitted, as it has been taught:⁸ 'If a man lent another a maneh

and the latter made a [conditional] sale to him of his field,⁹ if the vendor takes¹⁰ the produce, this is permitted, but if the purchaser takes the produce, it is forbidden.¹¹ R. Judah said that even if the purchaser takes the produce it is permitted. Said R. Judah further: It happened once that Boethus b. Zunin made a sale of his field with the permission of R. Eleazar b. Azariah, and the purchaser took the produce. They said to him: Do you cite that as a proof? It was in fact the vendor who took the produce and not the purchaser'. On what point of principle did they differ? — On the question of contingent interest; one authority [R. Judah] held that contingent interest is permitted, and the other held that it is forbidden. Raba said: All authorities agree that contingent interest is forbidden, and the point at issue is the taking of interest on condition of returning it. One authority [R. Judah] held that to take interest on condition of returning it [when the principal is returned] is permitted,¹² while the other held that it is forbidden.

THE SAGES SAY HE MAY SELL IT IN PERPETUITY etc. Rab Judah said in the name of Samuel: It is permitted to a man to make water within four cubits of where prayers have been said. Said R. Joseph: What has he told us? We have already learnt it: R. JUDAH SAYS: IT MAY BE SOLD FOR USE AS A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES IN IT; And even the Rabbis did not forbid save in the synagogue itself, since its sanctity is permanent, but for the four adjoining cubits, the sanctity of which is not permanent,¹³ they did not make such a rule.

A tanna recited in the presence of R. Nahman: One who has just said prayers may go a distance of four cubits and make water, and one who has made water may go a distance of four cubits and pray. He said to him: I grant you that one who has made water may go four cubits and pray; this we have learnt:¹⁴ 'How far should he remove from it and from excrement? Four cubits'. But why should one who has prayed remove four cubits before making water? If that is the rule, you have sanctified all the streets of Nehardea!¹⁵ Say, 'should wait' [the time it takes to go four cubits]. [Is that so?] I grant you that one who has made water should wait till he can go four cubits, on account of drippings [on his clothes]. But why should one who has just prayed wait long enough to go four cubits? — R. Ashi replied: Because for the time it takes to go four cubits his mouth is still full of his prayer¹⁶ and his lips are still muttering it. (Mnemonic Z'L'P'N').¹⁷ R. Zaccai was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made water within four cubits of a place where prayers have been said, nor have I given an opprobrious epithet to my fellow, nor have I omitted [to perform] the sanctification of the [Sabbath] day.¹⁸ I had a grandmother who once sold her headdress so as to bring me [wine for] the sanctification of the day. It was taught: When she died she left him three hundred barrels of wine, and when he died he left his sons three thousand barrels.

R. Huna once came before Rab girded with a string. He said to him, What is the meaning of this? He replied: I had no [wine for] sanctification, and I pledged my girdle so as to get some. He said: May it be the will of heaven that you be [one day] smothered in robes of silk. On the day when Rabbah his son was married, R. Huna, who was a short man, was lying on a bed and his daughters and daughters-in-law stripped [clothes] from themselves and threw them on him until he was smothered in silks. When Rab heard he was chagrined and said, Why when I blessed you did you not say, The same to you, Sir?¹⁹

R. Eleazar b. Shammua' was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made a short²⁰ cut through a synagogue, nor have I stepped upon the heads of the holy people,²¹ nor have I lifted my hands [to say the priestly blessing] without reciting a blessing.²²

R. Peridah was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I allowed anyone to be before me at the house of study

- (1) **חבר עיר**. A Rabbi who took a leading part in the town affairs. [Others vocalize **חבר** 'a group' denoting either a town council similar to the Roman Collegia (Krauss) or an official communal religious or charity organization, v. Krauss, *Synagogale Altertumer* pp. 20ff and Weinberg, M. Jeschurun, 1929 pp. 240ff and 1930, 269ff].
- (2) V. Rashi s.v. **ורבנן**.
- (3) Lit., 'to many'.
- (4) Since a quorum of at least ten is required for any act of sanctification (v. supra p. 142) — Rashi.
- (5) Prov. XIV, 28. The meaning is that the more worshippers, the greater the glory of God.
- (6) I.e., it becomes interest when the place is bought back and the first purchaser recovers his capital.
- (7) Lit., 'one side in interest'
- (8) B.M. 63a.
- (9) I.e., saying, 'the field is sold from now if I do not repay'.
- (10) Lit., 'consumes'.
- (11) Because if the loan is repaid, this will appear like interest on his maneh.
- (12) According to R. Judah, when the loan is repaid, any profit that has been made out of the field in the interval is to be given up. The Rabbis, however, forbid even this since the lender does after all enjoy interest for the time being on the loan. V. B.M., Sonc. ed. p. 376, n. 8.
- (13) But it lasts only while prayers are actually being said.
- (14) Ber. 22.
- (15) For there is no space of four cubits in them in which prayers have not been said by somebody.
- (16) Lit., 'his prayer is ordered in his mouth'.
- (17) Z = Zaccai; L = Eleazar; P = Peridah; N = Nehunia.
- (18) Kiddush, v. P.B. p. 142.
- (19) Because that might also have been fulfilled.
- (20) V. infra p. 171, n. 2.
- (21) I.e., pushed the disciples out of the way in order to get to his place in the beth ha-midrash. It was the custom there to sit on the ground.
- (22) 'Blessed art thou . . . who hast sanctified us with the sanctity of Aaron', v. Sot. 39a.

Talmud - Mas. Megilah 28a

, nor have I said grace before a kohen,¹ nor have I eaten of a beast from which the priestly dues² have not been given,³ as R. Isaac said in the name of R. Johanan: It is forbidden to eat from an animal from which the priestly dues have not been given; and R. Isaac further said: To eat from an animal from which the priestly dues have not been given is like eating tebel.⁴ The law, however, is not as stated by him. 'Nor did I say grace before a kohen'. This implies that this is a meritorious action. But has not R. Johanan said: 'If a talmid hakam allows even a high priest who is all ignoramus to say grace before him, that talmid hakam commits a mortal offence,⁵ as it says, All that hate me [mesanne'ai] love death;⁶ read not mesanne'ai [that hate me], but masni'ai [that make me hated]'?⁷ — When R. Johanan made this remark, he was thinking of equals.⁸

R. Nehunia b. ha-Kaneh was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I sought respect through the degradation of my fellow, nor has the curse of my fellow gone up with me upon my bed, and I have been generous with my money.⁹ 'I have not sought respect through the degradation of my fellow', as illustrated by R. Huna who once was carrying a spade on his shoulder when R. Hana b. Hanilai wanted to take it from him, but he said to him, If you are accustomed to carry in your own town, take it, but if not, I do not want to be paid respect through your degradation. 'Nor did the curse of my fellow go up on my bed with me'. This is illustrated by Mar Zutra, who, when he climbed into his bed said, I forgive all who have vexed me. 'I have been generous with my money', as a Master has said, 'Job was generous with his money; he used to leave with the shopkeeper a perutah¹⁰ of his change'. R. Akiba asked R. Nehunia the great: In virtue of what have you reached such a good old age? His attendants came and

beat him,¹¹ so he went and sat on the top of a date tree, and said to him: Rabbi, seeing that it says ‘a lamb’, why does it also say ‘one’?¹² Thereupon he [R. Nehunia] said, He is a rabbinical student, leave him alone. He then answered his question, saying, ‘One’ means ‘unique in its flock’. Then he said to him: Never in my life have I accepted presents, nor have I insisted on retribution [when wronged],¹³ and I have been generous with my money. ‘I have not accepted presents’, as illustrated by R. Eleazar, who, when presents were sent to him from the Prince would not accept them and when he was invited there would not go. He said to them: Do you not want me to live, since it says, He that hateth gifts shall live?¹⁴ R. Zera, when presents were sent to him from the Prince, would not accept them, but when he was invited there he used to go, saying, They derive honour from my presence. ‘Nor did I insist on retribution’, as Raba said: ‘He who waives his right to retribution¹⁵ is forgiven all his sins, as it says, that pardoneth iniquity and passeth by transgression.¹⁶ Whose iniquity is forgiven? The iniquity of him who passes by transgression.

Rabbi asked R. Joshua b. Korha: In virtue of what have you reached such a good old age? He said to him: Do you begrudge me my life?¹⁷ Said Rabbi to him: This is [a point of] Torah, and it is important for me to learn. He replied: Never in my life have I gazed at the countenance¹⁸ of a wicked man; for so R. Johanan said: It is forbidden to a man to gaze at the form of the countenance¹⁹ of a wicked man, as it says, Were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee nor see thee.²⁰ R. Eleazar said: His eyes become dim, as it says, And it came to pass that when Isaac was old that his eyes were dim, so that he could not see;²¹ because he used to gaze at the wicked Esau. But was that the cause? Has not R. Isaac said: Let not the curse of an ordinary person ever seem of small account to thee, for Abimelech cursed Sarah, and it was fulfilled in her seed, as it says, Behold he is for thee a covering [kesuth] of the eyes.²² Read not ‘kesuth’ but ‘kesiyath’ [blinding]? — Both caused the affliction. Raba said. We learn it from here, It is not good to respect the person of the wicked.²³ When he was about to depart life, Rabbi said to him, Bless me. He said to him: May it be heaven's will that you attain to half my days. Not to their whole length [he exclaimed]? Shall those who succeed you,²⁴ [he replied] pasture cattle?²⁵

Abbuha b. Ihi and Minyamin b. Ihi [both left sayings on this subject]. One said: May I be rewarded²⁶ because I have never gazed at a Cuthean, and the other said, May I be rewarded because I have never gone into partnership with a Cuthean.

R. Zera was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I been harsh with my household, nor have I stepped in front of one greater than myself, nor have I meditated on the Torah in filthy alleys,²⁷ nor have I gone four cubits without Torah²⁸ and tefillin,²⁹ nor have I slept in the beth ha-midrash,²⁹ either a long or a short sleep,³⁰ nor have I rejoiced in the downfall of my fellow, nor have I called my fellow by his nickname, (or, as some report, ‘family nickname’).³¹

MISHNAH. R. JUDAH SAID FURTHER:³² IF A SYNAGOGUE HAS FALLEN INTO RUINS, IT IS NOT RIGHT TO DELIVER FUNERAL ORATIONS THEREIN NOR TO WIND ROPES³³ NOR TO SPREAD NETS NOR TO LAY OUT PRODUCE ON THE ROOF [TO DRY] NOR TO USE IT AS A SHORT CUT,³⁴ AS IT SAYS, AND I WILL BRING YOUR SANCTUARIES UNTO DESOLATION,³⁵ [WHICH IMPLIES THAT] THEIR HOLINESS REMAINS EVEN WHEN THEY ARE DESOLATE. IF GRASS COMES UP IN THEM, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION.³⁶

GEMARA. Our Rabbis taught: ‘Synagogues must not be treated disrespectfully. It is not right to eat or to drink in them

(1) But invariably gave him precedence, v. Git. 59b.

(2) The shoulder, the two cheeks and the maw. Deut. XVIII, 3.

- (3) Bah. reverses the order of the two last clauses.
- (4) Produce from which the priestly and levitical dues have not been separated.
- (5) [Lit., 'deserves death', a recurring rabbinic phrase not to be taken literally but merely as expressing strong indignation].
- (6) Prov. VIII, 36. Wisdom is speaking.
- (7) The talmid hakam makes wisdom hated by allowing the ignoramus to have precedence.
- (8) I.e., where the priest is also a talmid hakam, even though not of equal standing (Tosaf.).
- (9) Lit., 'ready to excuse with my money'.
- (10) V. Glos.
- (11) For asking such a question, v. infra.
- (12) Num. XXVIII, 4, of the daily sacrifice: one lamb in the evening where 'a lamb' would have been sufficient.
- (13) Lit., 'insisted on my measures'.
- (14) Prov. XV, 27.
- (15) Lit., 'passes by his measures'.
- (16) Micah VII, 18.
- (17) That you ask me such a question.
- (18) Lit., 'likeness', with reference to Gen. I, 26.
- (19) Lit., 'image of the likeness V. ibid.
- (20) II Kings III, 14. Spoken by Elisha to Jehoram.
- (21) Gen. XXVII, 1.
- (22) Ibid. XX, 16.
- (23) Prov. XVIII, 5.
- (24) Your children (Rashi).
- (25) They will also be scholars, and if you live too long, they will not enjoy a position of dignity.
- (26) Lit., 'let it come to me'.
- (27) V. Ber. 24b.
- (28) I.e., without conning words of Torah.
- (29) V. Glos.
- (30) Lit., 'a fixed or an accidental sleep'.
- (31) So Rashi. According to Maharsha the reading should be 'my nickname, i.e., a name of reproach which he himself would reject. [According to some edd. there is no difference in the meaning but in the Hebrew word used to express 'nickname', in the former version it is hakinah, in the latter hanikah].
- (32) The point of the word 'further' is not clear, as R. Judah was the most lenient of the authorities quoted in the last Mishnah, and this Mishnah contains restrictions. V. Tosaf.
- (33) This is taken as typical of any kind of rough work which needs a great deal of room such as a synagogue would provide (Rashi).
- (34) קפנדריא, compendiaria, sc. via.
- (35) Lev. XXVI, 31.
- (36) In the beholders, and make them pray for the restoration of the holy place.

Talmud - Mas. Megilah 28b

, nor to dress up in them, nor to stroll about in them, nor to go into them in summer to escape the heat and in the rainy season to escape the rain, nor to deliver a private funeral address¹ in them. But it is right to read [the Scriptures] in them and to repeat the Mishnah and to deliver public funeral addresses.² R. Judah said: When is this? When they are still in use; but when they are abandoned, grass is allowed to grow in them, and it should not be plucked, so as to excite compassion'. Who was speaking about grass? — There is an omission, and the statement should read thus: 'They should be swept and watered so that grass should not grow in them. R. Judah said: When is this? When they are in use; but when they are abandoned, grass is allowed to grow in them; if grass does grow, it is not plucked, so that it may excite compassion

R. Assi said: The synagogues of Babylon have been built with a stipulation,³ and even so they must not be treated disrespectfully. What [for instance] is this? — Doing calculations [for business purposes] in them. R. Assi said: A synagogue in which people make calculations is used for keeping a dead body in over night. You actually think it is used for keeping a dead body in? — Is there no way otherwise? But [say] in the end a meth mizwah⁴ will be kept there over night.

‘Nor to dress up in it’. Raba said: The Sages and their disciples are permitted — since R. Joshua b. Levi has said: What is the meaning of ‘Be Rabbanan’?⁵ The Rabbis’ house.

‘Nor to go into them in summer to escape the heat and in the rainy season to escape the rain’. For instance, Rabina and R. Ada b. Mattenah were once standing and asking questions of Raba when a shower of rain came on. They went into the synagogue, saying, Why we have gone into the synagogue is not because of the rain, but because the discussion of a legal point requires clarity, like a clear day.⁶

R. Aha the son of Raba asked R. Ashi: If a man has occasion to call another out of synagogue, what is he to do? He replied: If he is a rabbinical student, let him say some halachah; if he is a tanna,⁷ let him repeat a Mishnah; if he is a Kara,⁸ let him say a verse of Scripture; if none of these, let him say to a child, ‘Repeat me the last verse you have learnt’; or else let him stay a little while and then get up.

‘To deliver public funeral addresses⁹ in them’. What is meant by a public funeral address? — R. Hisda gave as an example, For instance, a funeral address at which R. Shesheth is present.¹⁰ R. Shesheth mentioned as an example: For instance, a funeral address at which R. Hisda is present.¹¹ Rafram had a funeral address delivered for his daughter-in-law in the synagogue, saying, To pay honour to me and to the dead¹² all the people will come.¹³

R. Zera delivered a funeral address for a certain rabbinical student in the synagogue, saying, Whether to pay honour to me or to pay honour to the dead, all the public will come.

Resh Lakish delivered a funeral address for a certain rabbinical student who frequented the Land of Israel and who used to repeat halachoth¹⁴ before twenty-four rows [of disciples]. He said: Alas! The Land of Israel has lost a great man. [On the other hand] there was a certain man who used to repeat halachoth, Sifra and Sifre and Tosefta,¹⁵ and when he died they came and said to R. Nahman, Sir, will you deliver a funeral oration for him, and he said, How are we to deliver over him an address: Alas! A bag full of books has been lost!¹⁶ Observe now the difference between the rigorous scholars of the Land of Israel and the saints of Babylon.¹⁷

We have learnt in another place:¹⁸ ‘Whoever makes use of a crown, passeth away [from the world]’ and Resh Lakish commented: This applies to one who accepts service from one who can repeat halachoth, and ‘Ulla said: A man may accept service from one who can repeat the four [orders of the Mishnah]¹⁹ but not from one who can [also] teach²⁰ them. This is illustrated by the following story of Resh Lakish, he was once traveling along a road when he came to a pool of water, and a man came up and put him on his shoulders and began taking him across. He said to the man: Can you read²⁰ the Scriptures? He answered, I can. Can you repeat the Mishnah? [He replied], I can repeat four orders of the Mishnah. Resh Lakish thereupon said: You have hewn four rocks, and you carry Resh Lakish on your shoulder? Throw the son of Lakisha into the water! He replied: I would sooner that your honour tell me something.²¹ If so, he replied, learn from me this dictum which was enunciated by R. Zera: ‘The daughters of Israel imposed spontaneously upon themselves the restriction that if they saw [on their garments] a spot of blood no bigger than a mustard seed, they waited for seven days without issue [before taking a ritual bath].²²

It was taught in the Tanna debe Eliyyahu:²³ ‘Whoever repeats halachoth may rest assured that he is destined for the future world, as it says, His goings [halikoth] are to eternity.’²⁴ Read not halikoth but halachoth’.

Our Rabbis taught:

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- (1) I.e., one not attended by the general public.
 - (2) V. *infra*.
 - (3) That they may be used for various purposes.
 - (4) As punishment many will die and there will be no near relatives found to attend to their burial. V. *Glos*.
 - (5) Lit., ‘at the Rabbis’, the common name for the College, exactly equivalent to the French *chez les Rabbins*, be being a contraction of *beth* (the house of).
 - (6) Lit., ‘a day of the north wind’. They could not think clearly in the rain.
 - (7) V. *Glos*. s.v. (b).
 - (8) Lit., ‘reader’; one who could recite correctly the Scriptures by heart; v. *Supra* p. 133, n. 5.
 - (9) Heb. *hesped*. This was an address in honour of the dead designed to evoke lamentation and mourning, and often delivered by a professional orator called a *safdan*.
 - (10) Lit., ‘a hesped at which R. Shesheth stands’. (V. *Maharsha*).
 - (11) R. Shesheth and R. Hisda desired to pay compliments to one another.
 - (12) Rashi reads: Whether to pay honour to me or to the dead.
 - (13) This makes it a public funeral address.
 - (14) Traditional teachings.
 - (15) *Sifra* is the halachah midrash on Leviticus; *Sifre* the halachic midrash on Num. V to the end of Deuteronomy; *Tosefta* the Baraitha of R. Hiyya; v. *Sanh. Sonc. ed.*, p. 567, n. 1.
 - (16) As much as to say, that would not redound to his praise: he could only repeat these books parrot-like, but did not know what they meant.
 - (17) Resh Lakish was from Palestine, R. Nahman from Babylon. On the rigour of the former v. *Yoma* 9b; on the saintliness of the latter v. *Sot.* 49b.
 - (18) Ab. I.
 - (19) Apparently the Orders of Zera'im and Toharoth were not considered so necessary as no longer having practical application (V. *Maharsha*).
 - (20) I.e., explain.
 - (21) So that he might be indebted to Resh Lakish and be allowed to perform service for him.
 - (22) Whereas the law demanded this only if an issue was observed three days running, during the eleven days between the menses, v. *supra* P. 44, n. 4.
 - (23) I.e., in a Baraitha attributed to Elijah; v. *Keth.*, *Sonc. ed.* p. 680, n. 2.
 - (24) *Hab. III*, 6. E.V. ‘as of old’.

Talmud - Mas. Megilah 29a

The study of the Torah may be suspended for escorting a dead body to the burying place and a bride to the canopy. It was recorded of R. Judah b. Ila'i that he used to suspend the study of the Torah for escorting a dead body to the burying place and a bride to the canopy. When does this rule [regarding the dead] apply? When there are not present sufficient numbers [to pay him due honour]; but if sufficient numbers are available, [the study of the Torah] is not suspended. What numbers are sufficient?—R. Samuel b. Inia said in the name of Rab: Twelve thousand and [in addition] six thousand trumpets, or, as according to another version, twelve thousand men of whom six thousand have trumpets. Ulla said: Enough to make a procession extending from the burying ground to the town gate. R. Shesheth said: The withdrawal of the Torah¹ should correspond to its delivery:² as its delivery was in the presence of sixty myriads, so its withdrawal should be accompanied by sixty myriads. This applies to one who knew by heart Scripture and Mishnah; but for one who [also] taught the Mishnah there is no limit.³

It has been taught: R. Simon b. Yohai said: Come and see how beloved are Israel in the sight of God, in that to every place to which they were exiled the Shechinah went with them. They were exiled to Egypt and the Shechinah was with them, as it says, Did I reveal myself unto the house of thy father when they were in Egypt.⁴ They were exiled to Babylon, and the Shechinah was with them, as it says, for your sake I was sent to Babylon.⁵ And when they will be redeemed in the future, the Shechinah will be with them, as it says, Then the Lord thy God will return [with] thy captivity.⁶ It does not say here we-heshib [and he shall bring back] but we-shab [and he shall return]. This teaches us that the Holy One, blessed be He, will return with them from the places of exile.

Where [is the Shechinah] in Babylon?-Abaye said: In the synagogue of Huza⁷ and in the synagogue of Shaf-weyathib⁸ in Nehardea. Do not, however, imagine that it is in both places,⁹ but it is sometimes in one and sometimes in the other. Said Abaye: May I be rewarded¹⁰ because whenever I am within a parasang¹¹ I go in and pray there.

The father of Samuel and Levi were sitting in the synagogue which 'moved and settled' in Nehardea. The Shechinah came and they heard a sound of tumult and rose and went out. R. Shesheth was once sitting in the synagogue which 'moved and settled' in Nehardea, when the Shechinah came. He did not go out, and the ministering angels came and threatened him. He turned to him and said: Sovereign of the Universe, if one is afflicted¹² and one is not afflicted, who gives way to whom? God thereupon said to them: Leave him.

Yet have I been to them as a little sanctuary.¹³ R. Isaac said: This refers to the synagogue and houses of learning in Babylon. R. Eleazar says: This refers to the house of our teacher¹⁴ in Babylon.

Raba gave the following exposition: What is the meaning of the verse, Lord, thou hast been our dwelling [ma'on] place?¹⁵ This refers to synagogues and houses of learning. Abaye said: Formerly I used to study at home and pray in the synagogue, but when I noticed¹⁶ the words of David, O Lord, I love the habitation [me'on] of thy house,¹⁷ I began to study also in the synagogue.

It has been taught: R. Eleazar ha-Kappar says: The synagogues and houses of learning in Babylon will in time to come be planted in Eretz Israel, as it says, For as Tabor among the mountains and as Carmel by the sea came.¹⁸ Now can we not draw an inference here a fortiori: Seeing that Carmel and Tabor which came only on a single occasion to learn the Torah are implanted in Eretz Israel, how much more must this be the case with the synagogues and houses of learning where the Torah is read and expounded!¹⁹

Bar Kappara gave the following exposition: What is the meaning of the verse, Why look ye askance [terazedun], ye mountains of peaks.²⁰ A bath kol²¹ went forth and said to them: Why do ye desire litigation [tirzu din] with Sinai? Ye are all full of blemishes as compared with Sinai. It is written here gabnunim [with peaks], and it is written elsewhere or crookedbacked [gibben] or a dwarf.²² R. Ashi observed: You can learn from this that if a man is arrogant, this is a blemish in him.

IT SHOULD NOT BE USED AS A SHORT CUT [KAPANDRIA]. What is kapandria?²³ Raba said: Kapandria is as its name implies. What does its name imply? As if one were to say, Instead of going round the block ['makifna adare], I will go through here. R. Abbahu said: If a road passed through there originally,²⁴ it is permitted. R. Nahman b. Isaac said: If one goes in without any intention of using it as a short cut, he may afterwards use it as a short cut. And R. Helbo said in the name of R. Huna: If one enters a synagogue to pray, he may²⁵ afterwards use it as a short cut, as it says, But when, the people of the land shall come before the Lord at the appointed seasons, he that entereth by way of the north gate to worship shall go forth by way of the south gate.²⁶

IF GRASS HAS GROWN IN IT, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION. But it has been taught: 'It should not be plucked and given as food [to cattle], but it may be plucked and left there'? — The statement in our Mishnah also refers to plucking and giving for food.

Our Rabbis taught: 'Burying grounds must not be treated disrespectfully. Cattle should not be fed in them, nor should a watercourse be turned through them, nor should grass be plucked in them, and if it is plucked, it should be burnt on the spot, out of respect for the dead'. To what do these last words apply? Shall I say, to the last clause? If it is burnt on the spot, what respect does this show for the dead? It must be then to the preceding clauses.

MISHNAH. IF THE NEW MOON OF ADAR FALLS ON SABBATH, THE PORTION OF SHEKALIM²⁷ IS READ [ON THAT DAY]. IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK.²⁸ ON THE SECOND [OF THE SPECIAL SABBATHS] ZAKOR²⁹ IS READ, ON THE THIRD THE PORTION OF THE RED HEIFER,³⁰ ON THE FOURTH THIS MONTH SHALL BE TO YOU.³¹ ON THE FIFTH THE REGULAR ORDER³² IS RESUMED. [THE REGULAR READING]³³ IS INTERRUPTED FOR ANY SPECIAL OCCASION: FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH,³⁴ AND FOR THE DAY OF ATONEMENT.³⁵

GEMARA. We have learnt in another place: 'On the first of Adar proclamation is made with regard to the shekels'³⁶

(1) I.e., the burial of a learned man.

(2) At Mount Sinai.

(3) V. Keth. 17a.

(4) I Sam. II, 27. This is taken to mean that God revealed himself to Aaron in Egypt even before Moses came.

(5) Isa. XLIII, 14. E.V. (incorrectly) 'have sent'.

(6) Deut. XXX, 3.

(7) V. supra p. 26 n. 1. Sherira Gaon, in his Epistle (ed. Lewin p. 73) locates it 'near the Beth Hamidrash of Ezra the Scribe, below Nehardea'.

(8) **שֶׁף וְיָתִיב** Lit., 'that moved and settled'. The name for a synagogue in Nehardea which according to tradition was built with materials brought by King Jeconiah and his companions from Jerusalem at the time of the first captivity. [For this tradition v. Sherira Gaon op. cit. p. 72-3, where the passage is also found with variants: Rab said in the synagogue of Huzal, Samuel said in the synagogue of Shaf-weyathib in Nehardea. The name is also spelled **שְׁפִיתִיב** and is regarded by some as being a name of a place, v. Krauss, Synagogale Altertumer pp. 214ff and Obermeyer pp. 299ff].

(9) Lit., 'here and there'. [Sherira Gaon: 'here and not there'].

(10) Lit., 'may it come to me'.

(11) Of either of these synagogues.

(12) R. Shesheth was blind.

(13) Ezek. XI, 16.

(14) Rab. [The reference is to the venerable old Synagogue founded by Rab in Sura of which there is frequent mention in the Geonic Responsa; v. Krauss, Synagogale Altertumer, p. 221 and Ginzberg, Geonica, p. 41].

(15) Ps. XC, 1.

(16) Lit., 'heard' or 'understood'. This means apparently that his attention was called to them by the exposition of Raba.

(17) Ibid. XXVI, 8.

(18) Jer. XLVI, 18. E.V. 'As Tabor... he shall come'. According to tradition these two mountains (or their angelic guardians) came to Sinai at the giving of the Law.

(19) Lit., 'spread (learning among many)'.

(20) Ps. LXVIII, 17. According to tradition, all the mountains were jealous of Sinai.

(21) V. Glos.

- (22) Lev. XXI, 20.
- (23) V. supra p. 171, n. 2.
- (24) I.e., before the synagogue was built.
- (25) According to Asheri, this is not only permitted but is a duty.
- (26) Ezek. XLVI, 9.
- (27) The Gemara discusses what this is.
- (28) In the series of four special Sabbaths; v. supra p. 32, n. 5.
- (29) Deut. XXV, 17-19; on account of Purim.
- (30) Num. XIX, calling the people's attention to the need of ritual cleanness for participating in the Paschal lamb soon to be offered.
- (31) Ex. XII; on account of the proximity of Passover.
- (32) V. Gemara infra.
- (33) The Pentateuch is divided into a number of portions (sidra), one to be read on each Sabbath of the year, commencing with the Sabbath after Tabernacles. The opening verses of each weekly portion are also read on Sabbath afternoon, and in the morning service on the Monday and Thursday of that week. It is the weekday reading that is here primarily referred to.
- (34) V. Glos.
- (35) In the Minhah service, even when it falls on Sabbath (v. Tosaf.).
- (36) The so-called terumath halishkah, contributions to the shekel chamber to provide the daily sacrifices for the coming year.

Talmud - Mas. Megilah 29b

and with regard to diverse seeds.¹ I can understand it being made for diverse seeds, because it is the time for sowing.² But what is the ground for making it for the shekels? — R. Tabi said in the name of R. Josiah: Because Scripture says, This is the burnt-offering of each new moon in its renewal.³ The Torah herein says to us: As you renew the month, bring an offering from the new contributions. And since it is in Nisan that we have to bring from the new contributions,⁴ we read beforehand on the first of Adar so that shekels should be brought [in time] to the Sanctuary. With whose view does this accord? Not with that of R. Simeon b. Gamaliel. For if you take the view of R. Simeon b. Gamaliel, he requires [only] two weeks' [notice], as it has been taught: 'Moot points in the law of Passover are considered⁵ from thirty days before Passover; R. Simeon b. Gamaliel, however, says, from two weeks before'. You may even say it accords with the view of R. Simeon b. Gamaliel. For since a Master has said that 'on the fifteenth of this month [Adar] tables⁶ are set up in the provinces and on the twenty-fifth in the Sanctuary',⁷ On account of the tables we read beforehand [on the first of Adar].⁸

What is the portion of Shekalim? — Rab said, Commanded the children of Israel and say unto them My food which is presented unto me,⁹ Samuel said, When thou takest.¹⁰ We call well see how, according to the one who says the portion is 'When thou takest', it is called the portion of Shekalim, because shekalim are mentioned in it. But according to the one who says it is 'My food which is presented to me', — are shekels mentioned there? — Yes; the reason is based on the dictum of R. Tabi.¹¹ I can well understand [the reason of] the one who says that 'Command the children of Israel' [should be read], because sacrifices are mentioned in it. But according to the one who says that 'When thou takest' should be read, are sacrifices mentioned there? It is the shekels for the sockets that are mentioned there!¹² — [The reason is] as R. Joseph learnt: 'There were three contributions;¹³ of the altar for the altar,¹⁴ of the sockets for the sockets, and of the repair of the House for the repair of the House'.¹⁵ There is a justification for the one who says that 'When thou takest' should be read, because he thus makes a difference between this New Moon and other New Moons. But the one who says that 'Command the children of Israel' should be read — what difference does he make?¹⁶ — He does make a difference, because on other New Moons¹⁷ six read in the portion of the day¹⁸ and one that of New Moon, whereas on this occasion all read in that of New Moon. This is a good answer for

one who says that [when the Mishnah says that the 'REGULAR ORDER' IS RESUMED it means] 'the regular order of portions'; but according to the one who says that [what it means is that] the order of haftarahs¹⁹ is resumed [and the order of Pentateuch portions has not been interrupted], what difference is there [between this New Moon and others]? — There is a difference, because on other New Moons six read in the portion of the day¹⁸ and one the special portion for New Moon, whereas on this occasion three read in the portion of the day and four in that of New Moon.

On objection was raised.²⁰ 'When the New Moon of Adar falls on Sabbath, the portion of Shekalim is read, and the chapter of Jehoiada the Priest²¹ is said as haftarah'. Now according to the one who says that 'When thou takest' should be said, there is a good reason for reading Jehoiada the Priest as haftarah because it is similar in subject,²² as it is written [there], the money of the persons for whom each man is rated.²³ But according to the one who says that 'My food which is presented to me' is read, is there any similarity? — There is, on the basis of R. Tabi's dictum.²⁴

The following was then cited in objection: 'If it [the New Moon of Adar] falls on the portion next to it [the portion of Shekalim], whether before or after, they read it and repeat it'. Now this creates no difficulty for one who holds that 'When thou takest' is read because [the regular portion containing this passage] falls about that time.²⁵ But according to the one who says that 'My food which is presented to me' is read — does [the portion containing that passage] fall about that time?²⁶ — Yes, for the people of Palestine, who complete the reading of the Pentateuch in three years.²⁷

It has been taught in agreement with Samuel: 'When the New Moon of Adar falls on Sabbath, the portion 'When thou takest' is read, and the haftarah is about 'Jehoiada the Priest'.

R. Isaac Nappaha said: When the New Moon of Adar falls on Sabbath, three scrolls of the Law are taken out [of the Ark], and read out of — from one the portion of the day, from one the portion of New Moon,²⁸ and from one 'When thou takest'. R. Isaac b. Nappaha also said: When the New Moon of Tebeth falls on Sabbath, three scrolls of the Law are brought and read out of; from one the regular portion, from a second the portion of New Moon, and from the third that of Hanukkah.²⁹ Both statements are required. For if only the latter had been given, [I might think that] in this case R. Isaac required [three scrolls], but in the other case he followed the view of Rab who said that the portion of Shekalim is 'My food which is presented to me', and therefore two would be enough. Therefore we are told that this is not so. But why not state the former [only] and the other would not need to be stated? — One was inferred from the other.³⁰

It was stated: If the New Moon of Tebeth falls on a weekday, R. Isaac [Nappaha] says that three read the portion of New Moon and one the portion of Hanukkah. R. Dimi from Haifa, however, says that three read the portion of Hanukkah and one that of New Moon. Said R. Mani: The opinion of R. Isaac Nappaha is the more probable, because when it is a question between the regular and the intermittent, the regular takes precedence.³¹ R. Abin, however, said: The opinion of R. Dimi is the more probable. For what is it that causes a fourth man to read?³² The New Moon. Therefore the fourth ought to read the portion of the New Moon. What do we decide? — R. Joseph said: We take no notice of New Moon,³³ while Rabbah said, We take no notice of Hanukkah. The law, however, is that we take no notice of Hanukkah,' and New Moon is the main consideration.

It was stated: 'If it [the Sabbath of Shekalim] falls when the portion 'And thou shalt command'³⁴ is read, then six persons read from 'And thou shalt command' to 'When thou takest', and one from 'When thou takest' to 'Thou shalt also make'.³⁵ Abaye remarked:

(1) That it is time to pluck them up, if any have appeared, v. Shek. I, 1.

(2) More precisely, sprouting (v. Tosaf.).

- (3) Num. XXVIII, 14.
- (4) This is derived in R.H. 7a from the words 'for the months of the year' in this text.
- (5) Lit., 'one asks concerning the laws of Passover'.
- (6) For changing smaller coins into shekels.
- (7) Shek. I, 3.
- (8) The two weeks before the tables are set up.
- (9) Num. XXVIII, 2. This is the portion always read on New Moon.
- (10) Ex. XXX, 12ff
- (11) Who said that shekels are to be brought in Adar for the congregational sacrifices.
- (12) As we learn from Ex. XXXVIII, 26-28.
- (13) The word *terumah* occurs three times in Ex. XXX, 12ff.
- (14) For the purchase of congregational sacrifices for the altar.
- (15) So that congregational sacrifices are also referred to in Ex. XXX, 12ff.
- (16) Since this is the portion actually read on every other new moon.
- (17) That fall on Sabbath.
- (18) The Pentateuchal portion of the particular week cf. p. 178, n. 6.
- (19) V. Glos. The special feature of the reading is that the one who is called up *maftir* reads a special portion appropriate for the day instead of the one in the sequence of the weeks.
- (20) Against the view that the portion of Shekalim is from Num. XXVIII.
- (21) 11 Kings XII.
- (22) The prophetic reading (*haftarah*) must always have some resemblance in subject matter to the Pentateuchal lesson of the day.
- (23) Ibid. 5.
- (24) V. p. 179, n. 7.
- (25) The portion *Ki Thisa* in which this passage occurs usually falls on a Sabbath about the beginning of Adar.
- (26) This passage is in the portion *Pinhas*, which usually falls about the middle of Tammuz.
- (27) This is known as the Triennial Cycle.
- (28) Num. XXVIII, 1-15.
- (29) In Num. VII. Hanukkah lasts from Kislev 25 to Tebeth 2 or 3.
- (30) I.e., the statement about Hanukkah was given not as a tradition but as an inference.
- (31) New Moon comes every month, Hanukkah only every twelve months.
- (32) On the other days of Hanukkah only three read.
- (33) I.e., we do not make it the first consideration.
- (34) The portion *Tezaweh* from Ex. XXVII, 20 to XXX, 10, which is followed by the portion *Ki Thissa*.
- (35) Ibid. XXX, 11-16. I.e., six read the portion of *Tezaweh* and one the portion of *Shekalim* which immediately follows.

Talmud - Mas. Megilah 30a

If that is done, people will say that that is where they stop.¹ No, said Abaye; six read from 'And thou shalt command' to 'Thou shalt also make', and one repeats and reads from 'When thou takest' to 'Thou shalt also make'.

The following was cited in objection to this: 'If it [the Sabbath of Shekalim] falls on the Sabbath of the portion adjoining it, whether just before or just after,² it is read and repeated'. Now if we accept the view of Abaye, this is quite in harmony with it; but on the view of R. Isaac Nappaha, it does conflict with it,³ [does it not]? — R. Isaac Nappaha can answer you: And on the view of Abaye does it create no difficulty? We may allow the Sabbath before it, but if it falls on the Sabbath after, where do you find a repetition? What you have to say in fact is that [according to Abaye] this portion [of Shekalim] is read on two successive Sabbaths;⁴ so I too can answer that it is read on two successive Sabbaths.

If it falls on the portion of 'When thou takest' itself, R. Isaac Nappaha says that six read from

‘Thou shalt also make’ to ‘And Moses assembled’,⁵ and one from ‘When thou takest’ to ‘Thou shalt also make’. Abaye strongly demurred to this, saying, Now people will say that we are reading backwards!⁶ No, said Abaye; Six read to ‘And Moses assembled’, and one repeats from ‘When thou takest’ to ‘Thou shalt also make’. It has been taught in agreement with Abaye: ‘If it falls on [the Sabbath of] ‘When thou takest itself, it is read on the Sabbath before’.

It was stated: ‘If the new moon of Adar falls on Friday, Rab says that [the portion of Shekalim] is read on the Sabbath before, while Samuel says that it is read on the Sabbath after’. Rab says it is read before, because otherwise there will be a shortage in the days of the tables.⁷ Samuel says it is read after, because after all the fifteenth day [from the new moon] falls on a Friday, and the tables will not be taken out till the Sunday; therefore we delay the reading [of the portion of Shekalim].

We have learnt: IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK. Does not this rule apply even where it falls on Friday? — No; only if it falls actually in the middle part of the week.

Come and hear: ‘Which is the first Sabbath [of the series]? That in the week succeeding which the new moon of Adar falls, even if it is on the Friday’. Now do not the words ‘even on Friday’ here [put Friday] on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? — Said Samuel: [The words ‘in the middle’ here mean], ‘on it’.⁸ So too a Tanna of the school of Samuel taught: ‘On it’. The same difference of opinion is found between Tannaim: ‘An interruption can be made [in the series] of Sabbaths. This is the ruling of R. Judah the Prince.⁹ R. Simeon b. Eleazar says: No interruption is made. Said R. Simeon b. Eleazar: When do I rule that no interruption may be made? When it [new moon] falls on Friday;¹⁰ but if it falls in the middle of the week, it [the portion of Shekalim] is read on the Sabbath before, even though that is still in Shebat’.¹¹

ON THE SECOND ZAKOR etc. It was stated: If Purim falls on Friday, Rab says that the portion of Zakor is read on the Sabbath before, while Samuel says it is read on the Sabbath after. Rab says it is read on the Sabbath before, so that the celebration [of Purim] should not precede the commemoration [of the miracle]. Samuel says on the Sabbath after; he can argue that since there are the walled cities which celebrate on the fifteenth, celebration and commemoration come together.

We learnt: ON THE SECOND ZAKOR. Now when the new moon [of Adar] is on Sabbath, Purim falls on Friday, and he states ON THE SECOND ZAKOR?¹² — R. Papa replied: What is meant by ‘second’ here? The second to the break.¹³

Come and hear: ‘Which is the second Sabbath? That in the week following which Purim falls, even if on Friday’. Now is not the Friday here mentioned meant to be on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? Said Samuel: [The proper reading is] ‘on it’;¹⁴ and so a Tanna of the school of Samuel taught, ‘On it’.

If it falls on Sabbath itself. R. Huna said, All authorities concur that the portion of Zakor is not read on the Sabbath before, whereas R. Nahman said, There is a difference of opinion on this point also. It was also stated: ‘R. Hiyya b. Abba said in the name of R. Abba, who had it from Rab: If Purim falls on Sabbath, Zakor is read on the Sabbath before’.

ON THE THIRD THE PORTION OF THE RED HEIFER etc. Our Rabbis taught: Which is the third Sabbath? The one which follows Purim. It was stated: R. Hama b. Hanina said: The Sabbath next to the new moon of Nisan. There is no conflict [between these two statements]; the one refers to where the new moon of Nisan falls on Sabbath,¹⁵ and the other to where it falls in the middle of the

week.¹⁶

ON THE FOURTH, THIS MONTH SHALL BE TO YOU. Our Rabbis taught: If the new moon of Adar falls on Sabbath, we read Ki Thissa¹⁷ and [the account of] Jehoiada as haftarah. Which is the first Sabbath? The one in the week following which the new moon of Adar falls, even if on Friday. On the second Sabbath Zakor is read, and for haftarah, I have visited.¹⁸ Which is the second Sabbath? The one in the week following which Purim falls, even if on Friday. On the third Sabbath the portion of the Red Heifer is read, and for haftarah, And I shall sprinkle on you.¹⁹ Which is the third Sabbath? The one which follows Purim. On the fourth 'This month'²⁰ is read, and for haftarah, Thus saith the Lord God, in the first month on the first of the month.²¹

(1) I.e., that the portion of Tezaweh extends to XXX, 16.

(2) I.e., the portion of Tezaweh or that of Wa-yakhel.

(3) Because there is no doubling according to R. Isaac Nappaha.

(4) Lit., 'he doubles it on Sabbaths'. Once qua Shekalim, and once as part of Ki Thissa; and this is the meaning of the word 'repeated' in the Baraitha quoted.

(5) The beginning of the portion next to Ki Thissa — the portion Wa-yakhel. I. e., the whole portion Ki Thissa, commencing from Ex. XXX, 17 up to XXXIV, 35.

(6) Because the first verses of the portion (11-16) are read last.

(7) I.e., two full weeks will not elapse between the proclamation of the Shekalim and the setting of the tables on Adar 15.

(8) Viz., on the Sabbath itself.

(9) I.e., his version of the statement in the Mishnah was, 'Which is the first Sabbath? That on which etc.

(10) In which case even if it is read on the Sabbath after it would not affect the 'tables' as stated supra.

(11) The month preceding Adar.

(12) 'Second' being taken to mean the second Sabbath of the month.

(13) I.e., the Sabbath after the one on which there is no special portion.

(14) V. supra.

(15) In which case the 'portion of the red heifer' is read on the Sabbath preceding it.

(16) In which case the 'portion of the month' is read on the Sabbath preceding it.

(17) I.e., the portion of Shekalim.

(18) 1 Sam. XV.

(19) Ezek. XXXVI, 22ff

(20) Ex. XII, 1-20.

(21) Ezek. XLV, 18.

Talmud - Mas. Megilah 30b

Which is the fourth Sabbath? — The one immediately preceding the week in which the new moon of Nisan falls, even if on Friday.

ON THE FIFTH THE REGULAR ORDER IS RESUMED. What order? — R. Ammi said: The order of weekly portions: R. Jeremiah said, The order of haftarahs is resumed. Said Abaye: The opinion of R. Ammi is the more probable, Since we learnt: THE REGULAR READING IS INTERRUPTED FOR ANY SPECIAL OCCASION FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH AND FOR THE DAY OF ATONEMENT. This accords well with the opinion of the one who says that the order of weekly portions is resumed,¹ seeing that a portion [of the Law] is read on weekdays.² But on the view of him who says that the order of haftarahs is resumed — is there any haftarah on [ordinary] weekdays?³ [What says] the other to this? — The one rule holds where it applies, and the other where it applies.⁴ But on fast days [according to R. Jeremiah], why should there be an interruption [of the regular portion]? Let us read in the morning from the portion of the week and at Minhah on the subject of the fast? — [R.

Jeremiah's ruling] supports R. Huna; for R. Huna said: 'In the morning of fast days there is a public assembly'.⁵ How do we act? Abaye said: From the morning to midday we examine the affairs of the town;⁶ from midday to evening, for a quarter of the day we read the portion of the Law and the haftarah, and for a quarter we offer up supplications as it says, And they read in the book of the law of their Lord a fourth part of the day, and another part they confessed and prostrated themselves before the Lord their God.⁷ But cannot I interpret this in the reverse way?⁸ — Do not imagine such a thing, since it is written, Then were assembled unto me every one that trembled at the words of the God of Israel because of the faithlessness of them of the captivity and I sat appalled unto the evening offering;⁹ and it goes on, And at the evening offering I arose up from my fasting.¹⁰

MISHNAH. ON PASSOVER WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS.¹¹ ON PENTECOST, 'SEVEN WEEKS'¹² ON NEW YEAR, 'ON THE SEVENTH DAY ON THE FIRST OF THE MONTH';¹³ ON THE DAY OF ATONEMENT, 'AFTER THE DEATH';¹⁴ ON THE FIRST DAY OF TABERNACLES WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS, AND ON THE OTHER DAYS OF TABERNACLES THE SECTION OF THE OFFERINGS OF THE FESTIVAL.¹⁵ ON HANUKKAH WE READ THE SECTION OF [THE DEDICATION OF THE ALTAR BY] THE PRINCES;¹⁶ ON PURIM, 'AND AMALEK CAME';¹⁷ ON NEW MOONS, 'AND ON YOUR NEW MOONS';¹⁸ ON MA'AMADOTH,¹⁹ THE ACCOUNT OF THE CREATION;²⁰ ON FAST DAYS,²¹

(1) R. Ammi held that on Sabbaths a special portion was substituted for the regular one on special occasions, cf. supra p. 180.

(2) On which the ma'amadot met for prayer and a fast could be held.

(3) Though there is on fast days. V. infra.

(4) I.e., the order of haftarahs is resumed on Sabbaths and of portions on other days.

(5) And so there is no time to read the Law; v. Ta'an 12b.

(6) I.e., the conduct of the inhabitants.

(7) Neh. IX, 3.

(8) That the reading of the Law was in the morning.

(9) Ezra IX, 4.

(10) Ibid. 5.

(11) I.e., Lev. XXIII. Heb. Torath Kohanim, (lit., 'law of the priests'), the name given by the Rabbis to Leviticus.

(12) Deut. XVI, 9ff.

(13) Lev. XXIII, 23ff.

(14) Lev. XVI.

(15) Num. XXIX, 12ff.

(16) Num. VII.

(17) Ex. XVII, 8ff.

(18) Num. XXVIII, 11ff.

(19) V. Glos.

(20) Because the heaven and earth are preserved on account of the sacrifices. V. Ta'an 26a.

(21) [According to Geonic authorities the reference here is to fasts for rain. v. Lewin, Ozar ha-Geonim, Megillah p. 60].

Talmud - Mas. Megillah 31a

THE SECTION OF BLESSINGS AND CURSES.¹ THE SECTION OF CURSES MUST NOT BE BROKEN UP, BUT MUST ALL BE READ BY ONE PERSON. ON MONDAY AND THURSDAY AND ON SABBATH AT MINHAH THE REGULAR PORTION OF THE WEEK IS READ, AND THIS IS NOT RECKONED AS PART OF THE READING [FOR THE SUCCEEDING SABBATH],² AS IT SAYS,³ AND MOSES DECLARED UNTO THE CHILDREN OF ISRAEL. THE APPOINTED SEASONS OF THE LORD;⁴ WHICH IMPLIES THAT IT IS PART OF THEIR ORDINANCE THAT EACH SHOULD BE READ IN ITS SEASON.

GEMARA. Our Rabbis taught: ‘On Passover we read from the section of the festivals⁵ and for haftarah the account of the Passover of Gilgal’.⁶ Now⁷ that we keep two days Passover, the haftarah of the first day is the account of the Passover in Gilgal and of the second day that of the Passover of Josiah.⁸ ‘On the other days of the Passover the various passages in the Torah relating to Passover are read’⁹ What are these? — R. Papa said: The mnemonic is M'A'P'U'.¹⁰ ‘On the last day of Passover we read, And it came to pass when God sent,¹¹ and as haftarah, And David spoke’.¹² On the next day we read, All the firstborn,¹³ and for haftarah, This very day.¹⁴ Abaye said: Nowadays the communities are accustomed to read ‘Draw the ox’, ‘Sanctify with money’, ‘Hew in the wilderness’, and ‘Send the firstborn’.¹⁵ ‘On Pentecost, we read Seven weeks,¹⁶ and for haftarah a chapter from Habakuk.¹⁷ According to others, we read In the third month,¹⁸ and for haftarah the account of the Divine Chariot’.¹⁹ Nowadays that we keep two days, we follow both courses, but in the reverse order.²⁰ On New Year we read On the seventh month,²¹ and for haftarah, Is Ephraim a darling son unto me.’²² According to others, we read And the Lord remembered Sarah²³ and for haftarah the story of Hannah.²⁴ Nowadays that we keep two days, on the first day we follow the ruling of the other authority, and on the next day we say, And God tried Abraham,²⁵ with ‘Is Ephraim a darling son to me’ for haftarah. On the Day of Atonement we read After the death²⁶ and for haftarah, For thus saith the high and lofty one.²⁷ At minhah we read the section of forbidden marriages²⁸ and for haftarah the book of Jonah.²⁹

R. Johanan said:³⁰ Wherever you find [mentioned in the Scriptures] the power of the Holy One, blessed be He, you also find his gentleness mentioned. This fact is stated in the Torah, repeated In the Prophets, and stated a third time in the [Sacred] Writings. It is written in the Torah, For the Lord your God, he is the God of gods and Lord of lords,³¹ and it says immediately afterwards, He doth execute justice for the fatherless and widow. It is repeated in the Prophets: For thus saith the High and Lofty One, that inhabiteth eternity whose name is holy,³² and it says immediately afterwards, [I dwell] with him that is of a contrite and humble spirit. It is stated a third time in the [Sacred] Writings, as it is written: Extol him that rideth upon the skies, whose name is the Lord,³³ and immediately afterwards it is written, A father of the fatherless and a judge of the widows.

‘On³⁴ the first day of Tabernacles we read the section of the festivals in Leviticus, and for haftarah, Behold a day cometh for the Lord’.³⁵ Nowadays that we keep two days, on the next day we read the same Section from the Torah, but what do we read for haftarah.? — And all the men of Israel assembled unto King Solomon.³⁶ On the other days of the festival we read the section of the offerings of the festival.³⁷ On the last festival day we read, ‘All the firstlings’, with the commandments and statutes [which precede it],³⁸ and for haftarah, ‘And it was so that when Solomon had made an end’.³⁹ On the next day we read, ‘And this is the blessing’,⁴⁰ and for haftarah, ‘And Solomon stood’.⁴¹

R. Huna said in the name of R. Shesheth: On the Sabbath which falls in the intermediate days of the festival, whether Passover or Tabernacles, the passage we read from the Torah is ‘See, Thou [sayest unto me]’⁴² and for haftarah on Passover the passage of the ‘dry bones’,⁴³ and on Tabernacles, ‘In that day when Gog shall come’.⁴⁴ On Hanukkah we read the section of the Princes⁴⁵ and for haftarah [on Sabbath] that of the lights in Zechariah.⁴⁶ Should there fall two Sabbaths in Hanukkah, on the first we read [for haftarah] the passage of the lights in Zechariah and on the second that of the lights of Solomon.⁴⁷ On Purim we read ‘And Amalek came’.⁴⁸ On New Moon, ‘On your new moons’.⁴⁹ If New Moon falls on a Sabbath, the haftarah is [the passage concluding] ‘And it shall come to pass that from one new moon to another’.⁵⁰ If it falls on a Sunday, on the day before the haftarah is, ‘And Jonathan said to him, tomorrow is the new moon’.⁵¹ R. Huna said:

(1) Lev. XXVI.

(2) And must be repeated on the Sabbath.

- (3) This refers to all the previous part of the Mishnah.
- (4) Lev. XXIII, 44.
- (5) Lev. XXIII.
- (6) Josh. V.
- (7) This is an interpolation in the Baraitha inserted by an Amora who lived In Babylon and gives the practice of the Galuth.
- (8) II Kings XXIII.
- (9) Lit., 'he collects and reads of the subject of the day'.
- (10) M=mishku (Draw and take you lambs, Ex. XII, 21); A=im (If thou lend money to any of my people, Ibid. XXII, 24); P = pesol (Hew thee two tables of stone, Ex. XXXIV, 1); U = wayedaber (And God spoke, Num. IX, 1). All these passages go on to speak of Passover.
- (11) Ex. XII, 17 relating to the passage of the Red Sea which is supposed to have taken place on the seventh day.
- (12) David's song of deliverance in II Sam. XXII.
- (13) Deut. XV, 19.
- (14) Isa. X, 32 referring to the overthrow of Sennacherib which is supposed to have taken place on Passover.
- (15) A mnemonic of the key words in the passages following the order: Ex. Xli, 21; Lev. XXII, 27; Ex. XIII; Ex. XXII, 24; Ex. XXXIV, 1; Num. IX, I; Ex. XIII, 17; Deut. XV, 19. Cf. Tosaf.
- (16) Deut. XVI, 9.
- (17) Hab. III, which describes the giving of the Law, commemorated (according to the Rabbis) by Pentecost.
- (18) Ex. XIX.
- (19) Ezek. I, describing the heavenly hosts who also are supposed to have appeared on Mount Sinai.
- (20) I.e., Ex. XIX on the first day.
- (21) Num. XXIX, 1.
- (22) Jer. XXXI, 20. The text proceeds, 'For I shall surely remember him', which is suitable to the day of memorial.
- (23) Gen. XXI, in order that the merit of Isaac may be remembered.
- (24) I Sam. I, because Hannah was supposed to have been visited on New Year.
- (25) Gen. XXII.
- (26) Lev. XVI.
- (27) Isa. LVII, 15, which goes on to speak of repentance.
- (28) Lev. XVIII. Apparently this section is chosen because the temptation to sexual offences is particularly strong (Rashi). Cf. Tosaf.
- (29) Which speaks of repentance.
- (30) The reference to Isa. LVII leads to the introduction of the passage which follows.
- (31) Deut. X, 17.
- (32) Isa. LVII, 15.
- (33) Ps. LXVIII, 5.
- (34) The Baraitha is here resumed.
- (35) Zech. XIV, in which the festival of Tabernacles is mentioned.
- (36) I Kings VIII, 2. The verse continues, 'on the festival in the seventh month'.
- (37) Num. XXIX, 12-34.
- (38) The 'commandments and statutes' are those contained in Deut. XIV, 22-XV, 18, after which follows 'all the firstling,'. A better reading is: 'We read commandments and statutes and all the firstling.'
- (39) I Kings, VIII, 54.
- (40) Deut. XXXIII; the conclusion of the Torah.
- (41) I Kings VIII, 22.
- (42) Ex. XXXIII, 12. The festivals are mentioned in the sequel.
- (43) Ezek. XXXVII. The 'dry bones' are supposed to have been those of the Israelites who tried to break out of Egypt before the time (Rashi).
- (44) Ezek. XXXVIII, 18. The subject of this chapter is supposed to be the same as that of the chapter of Zechariah read on the first day of Tabernacles (Rashi).
- (45) The dedication of the altar in Num. VII.
- (46) Zech. IV. .

(47) 1 Kings VII, 40-50.

(48) Ex. XVII, 8ff.

(49) Num. XXVIII, 11.

(50) Isa. LXVI, 23.

(51) 1 Sam. XX, 18.

Talmud - Mas. Megilah 31b

If the new moon of Ab falls on a Sabbath the haftarah is [the passage with the verse] 'Your new moons and your appointed seasons my soul hateth, they are a burden unto me'.¹ What is the meaning of 'they are a burden unto me'? God said: 'It is not enough for Israel that they sin before Me, but they impose on Me the burden of considering what punishment² I shall bring upon them'. On the Ninth of Ab itself what is the haftarah? — Rab said: '[The passage containing], How is she become a harlot'.³ What is the section from the Torah? — It has been taught: Others say, 'But if ye will not hearken unto me';⁴ R. Nathan b. Joseph says, 'How long will this people despise me';⁵ and some say, 'How long shall I bear with this evil congregation'.⁶ Abaye said: Nowadays the custom has been adopted of reading [from the Torah] 'When thou shalt beget children',⁷ and for haftarah, 'I will utterly consume them'.⁸

ON MA'AMADOTH THE ACCOUNT OF THE CREATION. Whence is this rule derived? — Said R.. Ammi: But for the ma'amadoth, the heaven and earth would not be firmly established, as it says, But for My covenant [which continues] day and night, I had not set the statutes of heaven and earth,⁹ and it is written, And he said, O Lord God, Whereby shall I know that I shall inherit it.¹⁰ Said Abraham before the Holy One, blessed be He: Sovereign of the Universe, perhaps God forbid, Israel will sin before Thee and Thou wilt do to them as Thou didst to the generation of the Flood and the generation of the Division?¹¹ He answered, Not so. He then said before Him: Sovereign of the Universe, by what shall I know this? He said: Take me a heifer of three years old¹² etc. He then said before Him: Sovereign of the Universe, This is very well for the time when the Temple will be standing, but in the time when there will be no Temple what will befall them? He replied to him: I have already fixed for them the order of the sacrifices. Whenever they will read the section dealing with them, I will reckon it as if they were bringing me an offering, and forgive all their iniquities.

ON FAST DAYS [THE PORTION OF] BLESSINGS AND CURSES IS READ, AND THERE MUST BE NO BREAK IN [THE READING OF] THE CURSES. Whence is this rule derived? — R. Hiyya b. Gamda replied in the name of R. Assi: Because Scripture says, My son, despise not the chastening of the Lord.¹³ Resh Lakish said: It is because a blessing¹⁴ should not be said for chastisement. How then is the reader to do? A Tanna taught: He commences his reading with a verse¹⁵ before them and concludes it with a verse after them. Said Abaye: This rule was laid down only for the curses in Leviticus, but in the curses in Deuteronomy a break may be made. What is the reason? — In the former Israel are addressed in the plural number and Moses uttered them on behalf of the Almighty;¹⁶ in the latter Israel are addressed in the singular, and Moses uttered them in his own name.¹⁷ Levi b. Buti was once reading the curses [in Deuteronomy] in the presence of R. Huna hesitatingly. Said R. Huna to him: Do just as you please, the rule [against making a break] applies only to the curses in Leviticus, but in those in Deuteronomy a break may be made.

It has been taught: R. Simeon b. Eleazar says: Ezra made a regulation for Israel that they should read the curses in Leviticus before Pentecost and those in Deuteronomy before New Year. What is the reason? — Abaye — or you may also say Resh Lakish said: So that the year may end along with its curses. I grant you that in regard to the curses in Deuteronomy you can say, 'so that the year should end along with its curses'. But as regards those in Leviticus — is Pentecost a New Year? — Yes; Pentecost is also a New Year, as we have learnt: 'On Pentecost is the new year for [fruit of] the tree'.¹⁸

It has been taught: R. Simeon b. Eleazar says: If old men say to you, 'throw down', and young men say to you 'build up' throw down and do not build up, because destruction by old men is construction, and construction by boys is destruction; and the example is Rehoboam son of Solomon.¹⁹

Our Rabbis taught: The place [in the Torah] where they leave off in the morning service on Sabbath is the place where they begin at Minhah; the place where they leave off at Minhah [on Sabbath] is the place where they begin on Monday; the place where they leave off on Monday is the place where they begin on Thursday; the place where they leave off on Thursday is the place where they begin on the next Sabbath. This is the ruling of R. Meir. R. Judah, however, says that the place where they leave off in the morning service on Sabbath is the place where they begin on [Sabbath] Minhah, on Monday, on Thursday, and on the next Sabbath. R. Zera said: The halachah is that the place where they leave off in the morning service on Sabbath is the place where they begin at Minhah, on Monday, on Thursday and on the next Sabbath. Why does he not say, 'the halachah follows Rabbi Judah'? —

(1) Isa. I, 14.

(2) Lit. 'harsh decree'.

(3) Ibid. 21.

(4) Lev. XXVI, 14ff.

(5) Num. XIV, 11.

(6) Ibid. 27.

(7) Deut. IV, 25.

(8) Jer. VIII, 13.

(9) Jer. XXXIII, 25.

(10) Gen. XV, 8.

(11) The division of tongues at the Tower of Babel.

(12) Indicating that Israel would obtain forgiveness through the sacrifices.

(13) Prov. III, 11. As much as to say, Do not treat the portion of the curses disrespectfully by giving the impression that you do not wish to continue with the reading of it.

(14) The blessing said over the reading of the Torah.

(15) More strictly, a few verses, because the curses commence a new paragraph.

(16) 'If ye shall not hearken unto me etc.'.

(17) 'If thou shalt not hearken unto the voice of the Lord thy God etc.'

(18) R.H. 16a.

(19) Who destroyed his power by following the advice of the young men which was intended to strengthen it; v. Ned. 50a.

Talmud - Mas. Megilah 32a

Because [the names] might be reversed.¹

Our Rabbis taught: [The one who reads] opens the scroll and sees [the place], then rolls it together and says the blessing, then opens it again and reads. So R. Meir. R. Judah says: He opens and looks and says the blessing, and reads. What is R. Meir's reason? — It is similar to that of 'Ulla [in a parallel case]; for 'Ulla said: Why did they lay down that he who reads from the Torah should not prompt the translator? So that people should not say that the translation is written in the Torah. So here [R. Meir's reason is], so that they should not say that the blessings are written in the Torah. And [what says] R. Judah [to this]? — With regard to translation a mistake might be made, but no mistake will be made with regard to the blessings.² R. Zera said in the name of R. Mattenah: The halachah is that he opens and looks, then says the blessing and reads. Why not say, 'The halachah follows R. Judah'? Because the names might be reversed.³

R. Zera said in the name of R. Mattenah. No sanctity attaches to the boards and to the platforms.⁴

R. Shefatiah said in the name of R. Johanan: When one rolls up a scroll of the Torah, he should make it close at a seam.⁵

R. Shefatiah further said in the name of R. Johanan: One who rolls together a sefer torah should roll it from without and should not roll it from within,⁶ and when he fastens it he should fasten it from within and should not fasten it from without.⁷

R. Shefatiah further said in the name of R. Johanan: If ten have had a reading of the Torah, the senior among them rolls up the sefer torah. He who rolls it up receives the reward of all of them, since R. Joshua b. Levi said: If ten have had a reading of the Torah, the one who rolls it up receives the reward of all of them. The reward of all of them, think you? No; say rather, he receives a reward equal to that of all of them.

R. Shefatiah further said in the name of R. Johanan: Whence do we know that we may avail ourselves of a chance utterance⁸ [as an omen]?⁹ Because it says, And thine ears shall hear a word behind thee saying.¹⁰ This applies, however, only if one hears the voice of a man in town and of a woman in the country,¹¹ and Only if it says, yes, yes, or no, no.¹²

R. Shefatiah further said in the name of R. Johanan: If one reads the Scripture without a melody¹³ or repeats the Mishnah without a tune,¹⁴ of him the Scripture Says, Wherefore I gave them also statutes that were not good etc.¹⁵ Abaye strongly demurred to this, saying, Because he cannot sing agreeably, are you to apply to him the verse, 'ordinances whereby they shall not live'? No; this verse is to be applied as by R. Mesharshia, who said: If two scholars live in the same town and do not treat one another's halachic pronouncements respectfully, of them the verse says, I gave them also statutes that were not good and ordinances whereby they should not live.

R. Parnak said in the name of R. Johanan: Whoever takes hold of a scroll of the Torah without a covering¹⁶ is buried without a covering. Without a covering, think you? — Say rather, without the covering protection of religious performances. Without religious performances, think you? — No, said Abaye; he is buried without the covering protection of that religious performance.¹⁷

R. Jannai the son of the old R. Jannai said in the name of the great R. Jannai: It is better that the covering [of the scroll] should be rolled up [with the scroll] and not that the scroll of the Torah should be rolled up [inside the covering].¹⁸

And Moses declared unto the children of Israel the appointed seasons of the Lord.¹⁹ It is part of their observance that [the section relating to] each one of them should be read in its season.

Our Rabbis taught: Moses laid down a rule for the Israelites that they should enquire and give expositions concerning the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles.

(1) I. e., the opinion of R. Judah might be assigned to R. Meir and vice versa.

(2) For everyone knows that they are not written in the Torah.

(3) V. p. 192, n. 3.

(4) **הלוחות והבימות**. Opinions are divided as to what is meant by these two terms. We should naturally suppose 'boards' to mean a kind of noticeboard in the synagogue and 'platforms' the stand from which the Torah is read. But there is good authority for supposing that both words are technical terms for parts of the scroll of the Torah, 'boards' being the side margins and platforms' the upper margins, and the meaning will be that no sanctity attaches to these if they have been cut away from the scroll (v. Tosaf.) [J. Meg. III, 1 reads **בימה ולוחין**; this leads Krauss (Synagogale Altertumer, p. 388) to render, 'the reading desk (made of boards, on which the Torah was read) and the platform (on which it stood)'. In a word, the almemor].

(5) So that if it is accidentally pulled, it should come asunder easily without being torn.

(6) I.e., he should have the written side of the scroll facing him (Asheri).

(7) I.e., the wrapping should be fastened in such a way that he will not need to turn the scroll over when he comes to open it again (Asheri). Rashi explains this passage differently.

(8) **בת קול** 'a reverberating sound', 'echoing', — as it were — a thought in one's mind (Rashi).

(9) In spite of the prohibition of divination (Deut. XVIII, 11).

(10) Isa. XXX, 21.

(11) I.e., in an unusual place.

(12) I.e., says the word twice.

(13) As indicated by the singing accents.

(14) To aid the memory (Tosaf.).

(15) Ezek. XX, 25.

(16) Lit., 'naked'.

(17) I.e., the precept of reading or rolling up the scroll which he performed at that time is not accounted to him as a merit (Tosaf.).

(18) [Aliter: It is better that the covering (of the scroll) should be rolled up (round the scroll) than that the scroll of the Torah (itself) should be rolled up. MS.M. reads, The covering should be rolled (round the scroll) but not the scroll itself (without a covering); v. R. Hananel and D.S. It may however mean: It is better that the covering should be rolled round the scroll than that the scroll should be wrapped up by being rolled along the scroll].

(19) Lev. XXIII, 44.

CHAPTER I

MISHNAH. IF THE MOST HOLY SACRIFICES¹ WERE SLAUGHTERED ON THE SOUTH SIDE [OF THE ALTAR].² THE LAW OF SACRILEGE³ [STILL] APPLIES TO THEM. IF THEY WERE SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH OR [SLAUGHTERED] ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, OR IF THEY WERE SLAUGHTERED BY DAY AND [THEIR BLOOD] SPRINKLED DURING THE NIGHT⁴ OR [SLAUGHTERED] DURING THE NIGHT AND [THEIR BLOOD] SPRINKLED BY DAY,⁵ OR IF THEY WERE SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE,⁶ THE LAW OF SACRILEGE STILL APPLIES TO THEM. R. JOSHUA LAID DOWN THE GENERAL RULE: WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE,⁷ AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? [SACRIFICES] WHICH REMAINED OVERNIGHT⁸ OR BECAME DEFILED OR WERE TAKEN OUT [OF THE TEMPLE COURT].⁹ WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? [SACRIFICES] THAT WERE SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT¹⁰ AND THEY SPRINKLED IT.¹¹ GEMARA. It is stated: IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE, THE LAW OF SACRILEGE [STILL] APPLIES TO THEM. Is this not obvious? Should the Law of Sacrilege cease to apply to them merely because they were slaughtered on the south side?¹² — It need be stated, for it might otherwise have entered your mind to say: Since 'Ulla said in the name of R. Johanan¹³ that 'sacrifices which died were, as far as the law of the Torah rules,¹⁴ excluded from the Law of Sacrilege', so were also Most Holy sacrifices when slaughtered on the south side considered as if they were strangled. It is therefore made known to us [that the instance of the Mishnah is different, for] sacrifices which died are in no case of any avail,¹⁵ while the south side, though it is not the proper place for Most Holy sacrifices, is, however, the proper place for sacrifices of a minor degree of holiness.¹⁶ Why was it necessary to enumerate [in the Mishnah all those cases]? — It was necessary, for if only SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH were stated, [I would argue:] The law of Sacrilege still applies to [the sacrifices in] this case, because the receiving [of the blood]¹⁷ was after all on the north side, but in the case where they were SLAUGHTERED ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, since [the blood] was received on the south side, [I Would say that] the Law of Sacrilege no longer applies to them. And if only these [first two instances] were stated, I would argue: [The law of Sacrilege still applies to them, because in these cases the sacrifices were at least offered during the day and] the day is the proper time for offering; in the case, however, where they were SLAUGHTERED BY NIGHT AND [THEIR BLOOD] SPRINKLED DURING THE DAY, since night is not the proper time for offering and the sacrifices were slaughtered by night, I might have thought that the Law of Sacrilege would no longer apply to them. And if SLAUGHTERED BY NIGHT [AND THEIR BLOOD SPRINKLED DURING THE DAY] were stated¹⁸ I would argue: The Law of Sacrilege still applies to them, because the blood was received during the day. In the case, however, where they were SLAUGHTERED DURING THE DAY AND THEIR BLOOD SPRINKLED BY NIGHT,¹⁹ since it is not the proper time for offering,²⁰ the sacrifices are to be considered as if strangled, and the Law of Sacrilege would accordingly not apply to them; therefore [also this instance] has been made known to us. IF SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE. Of what avail are such sacrifices?²¹ — [The Law of Sacrilege still applies to them] because [the performance of] the other acts of offering²²

[is yet necessary]²³ for rendering the sacrifices piggul.²⁴

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- (1) Viz., burnt-offerings, sin-offerings, guilt-offerings and communal peace offerings. They are considered wholly the 'possession of God' until their blood is sprinkled (Tosaf.).
- (2) And not on the north side as required, v. Zeb. 47a.
- (3) Lit., 'trespass', or malappropriation of the property of the Temple.
- (4) Night is not the time for sacrificial rites.
- (5) Tosaf. reverse the order of the last two instances, which is more in accord with the discussion in the Gemara below.
- (6) Zeb. V. 3 and 5.
- (7) Because it has, so to speak, become the private possession of the priests.
- (8) V. Lev. VII, 17.
- (9) After the sprinkling of the blood, so that the flesh was for a time permissible to the priests.
- (10) Priests who have a blemish, or who are unclean (in case of private sacrifices), v. Rashi. In these three latter cases the offerings were never valid and as such never became permissible to the priests.
- (11) V. Gemara.
- (12) Surely they are still sacred!
- (13) Infra 12a.
- (14) Not, however, by rabbinical enactment.
- (15) The prescribed manner of slaughtering allows no exception. It is & more rigid rule than that which prescribes the south side, and its non-fulfillment deprives the sacrifice of its sacred character.
- (16) Zeb. 55a.
- (17) Which is a holier act of offering than slaughtering, as it must be performed by a priest.
- (18) But not the following instance.
- (19) This argumentation proves that the version of Tosaf. in the Mishnah is correct, cf. p. 1. n. 5.
- (20) Viz., sprinkling.
- (21) Are they not irrevocably disqualified from the moment of slaughtering alike for the priests and the altar? Why then should the Law of Sacrilege apply to them?
- (22) Lit., 'rites that make acceptable', Sc. receiving the blood, carrying it to the altar and the sprinkling thereof.
- (23) With regard to the penalty of kareth (v. Glos) cf. Lev. XIX, 7.
- (24) פִּיגּוּל lit., 'abomination'; sacrificial flesh which has lost its sacred character in consequence of an improper intention in the mind of the officiating priest. v. Zeb. 28b.

Talmud - Mas. Me'ilah 2b

The following was queried: If they¹ were already laid² [upon the altar], must they be brought down? Rabbah said, even if laid [upon the altar] they must be brought down. R. Joseph said, If laid [upon the altar] they need not be brought down. According to the view of R. Judah³ there can be no question that all agree that even if laid [upon the altar], they must be brought down. The dispute arises according to the view of R. Simeon.⁴ R. Joseph conforms [also here] to the view of R. Simeon; while Rabbah argues: R. Simeon maintained his view only in regard to offerings [the blood of which] should be applied below [the red line] and was applied above, or should be applied above [the red line] and was applied below; [since] they were at any rate slaughtered and their blood was received on the north side. In our case, however, since they were slaughtered⁵ on the south side they are to be considered as if they were strangled. We have learnt: IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE, THE LAW OF SACRILEGE APPLIES TO THEM. This is in order on the view of R. Joseph; but on the view of Rabbah it presents, however, difficulties.⁶ — [Rabbah would reply]: THE LAW OF SACRILEGE APPLIES . . . is [to be understood as enacted] by the Rabbis only. What is the actual difference between [its application] by law of the Torah and that by [enactment of] the Rabbis? — When by law of the Torah a fifth [of the value misappropriated] must be paid,⁷ when by enactment of the Rabbis it is not paid.⁸ But is there a Law of Sacrilege as a Rabbinical enactment? — Yes, there is. For 'Ulla said in the name of R. Johanan⁹ that 'sacrifices which died were, as far as the law of the Torah rules, excluded from the

Law of Sacrilege', from which we may infer that by rule of the Torah only they are excluded from the Law of Sacrilege, by [enactment of] the Rabbis, however, the Law of Sacrilege still applies to them. In the same way [in our Mishnah it is to be interpreted as applying] by enactment of the Rabbis. May we then infer¹⁰ that the statement of 'Ulla in the name of R. Johanan has already been learnt [in our Mishnah]?¹¹ — Although it has been learnt, 'Ulla's statement is still necessary, for it might otherwise have entered your mind to say: [In the instance of our Mishnah the Rabbis have enacted the application of the Law of Sacrilege, because] people do not keep away from those sacrifices;¹² but in the case of sacrifices which died, since people do keep away from them,¹³ I might have thought that even as a Rabbinical enactment Sacrilege does not apply to them. Therefore ['Ulla has made his view] known to us. But has not also [the case of sacrifices which] died been learnt already? [For we have learnt]: If one enjoyed of a sin-offering,¹⁴ if it was still alive he is not guilty of Sacrilege until he has diminished its substance, but if it was dead he is guilty of Sacrilege. as soon as he had benefitted from it.¹⁵ — ['Ulla's statement is still necessary. for] it might otherwise have entered your mind

(1) Viz., the disqualified sacrifices as instanced in the Mishnah.

(2) Lit., 'gone up'.

(3) Zeb. 84a.

(4) With reference to sacrifices the blood of which was sprinkled irregularly either above or below the red line surrounding the altar. In such a case R. Judah holds that if they had gone up they must come down again, whereas R. simeon holds they need not, v. *ibid*.

(5) Similarly in regard to other acts of offering.

(6) Since he holds that they must come down again these sacrifices have lost their sacred character, and the Law of Sacrilege should not apply to them.

(7) Lev. V, 16.

(8) Just as the trespass guilt-offering is not brought.

(9) *Supra*.

(10) According to Rabbah's interpretation of the Mishnah.

(11) Since on the view of Rabbah sacrifices slaughtered on the south are treated as if they were strangled, their case is on a par with that of sacrifices which died, the ruling of R. Johanan can be derived from the Mishnah and hence is superfluous.

(12) And are, therefore, likely to make unlawful use of them.

(13) As they are repulsive.

(14) E.g., by plucking of its wool.

(15) This is interpreted to the extent of the value of a Perutah, v. *infra* 18a. Thus the case of animals which died has already been taught, wherefore then 'Ulla's ruling in the name of R. Johanan?

Talmud - Mas. Me'ilah 3a

to say that in the case of the sin-offering, since it comes for atonement people do not keep away from it; but other sacrifices, however, since they come for atonement, people will keep away from them and there was, therefore, no [necessity for the Rabbis to enact in regard to them the] Law of Sacrilege. Therefore ['Ulla has made his view] known to us.¹ But is it indeed so that the Law of Sacrilege applies to a sin-offering which died? Has it not been taught: Sin-offerings that are to be left to die² and money that is to be thrown into the Dead Sea³ must not be enjoyed, yet the Law of Sacrilege does not apply to them? — You might reply: In the case of sin-offerings that are to be left to die people keep away from them even while they are still alive;⁴ which is not so [with ordinary sin-offerings] from which people do not keep away while they are alive.⁵ R. Joseph raised an objection to Rabbah [by way of inference] from one [Mishnah] to another and again from this to a third. [We have learnt]: And all of them⁶ do not defile the garments worn by him that swallows them, and the Law of Sacrilege still applies to them all except the sin-offering of a bird, which was offered below [the red line], after the manner of a sin-offering of a bird and under the name of a

sin-offering. And then in connection therewith we have learnt [the general rule]:⁷ Whenever it⁸ became disqualified in the Sanctuary⁹ it does not defile the garments worn by him that swallows it, and whenever it became disqualified while not in the Sanctuary it defiles the garments worn by him that swallows it.¹⁰ And we have furthermore learnt: Whatever became disqualified in the Sanctuary need not be removed, if already laid upon the altar, need not be brought down.¹¹ Is this not a refutation of Rabbah's view?¹² — It is indeed a refutation. Now the point which had been disputed by Rabbah and R. Joseph was a matter of course to R. Eleazar. For R. Eleazar said:¹³ If a burnt-offering which was dedicated to a private High Place¹⁴ was brought [to be offered] inside [the Sanctuary]

(1) [The meaning is obscure and the text seems to be in disorder. Bah reads: It might have entered your mind since a sin-offering comes for atonement people keep away from it and therefore no Law of Sacrilege applies to it, therefore (the Mishnah) has made known to us (that even here the Law of Sacrilege applies); consequently no question can be raised against 'Ulla from this Mishnah which by specifying a sin-offering was taken on the view of the questioner to exclude other sacrifices, v. Sh. Mek.,.]

(2) V. Tem. 21.

(3) Ibid. 22b.

(4) And are not likely to touch them after they have died.

(5) And therefore the Law of Sacrilege applies to them by Rabbinic enactment.

(6) I.e., those enumerated in the Mishnah Zeb. 66a.

(7) Zeb. 66b Mishnah.

(8) Refers to the sin-offering of a bird the 'wringing' of which (melikah. v. Glos.) was performed in the wrong place.

(9) Through some irregularity in the prescribed method of slaughtering, melikah.

(10) B. cause the wringing off of the head, which is prescribed for a valid sin-offering of a bird, renders it in this case nebelah (v. Glos.); v. Zeb. 68b.

(11) Zeb. 84a.

(12) From the first Mishnah we learn that the sin-offerings of a bird whose melikah was performed in the wrong place a case which corresponds to the instances of our Mishnah — do not defile the garments worn by him that swallows them; thus we infer that when the second Mishnah speaks of disqualification that occurred in the Sanctuary, the reference is likewise to a melikah performed in the wrong place, and similarly the third Mishnah which states that whatever becomes disqualified in the Sanctuary need not be brought down when already laid upon the altar includes such a disqualification as melikah performed in the wrong place, and similarly a slaughtering in the wrong place which refutes Rabbah.

(13) Zeb. 1 19b.

(14) At a time when these were permitted. In such places the offerings need not necessarily be slaughtered on the north side of the altar. Cf. Zeb. 112b.

Talmud - Mas. Me'ilah 3b

the [sacred] precincts exercise on it their retaining power in every respect.¹ R. Eleazar then submitted the following query:² 'If a burnt-offering, which was dedicated to a private High Place and brought inside the Sanctuary. became disqualified,³ if laid [upon the altar] must it be brought down?' May we not infer from the fact that R. Eleazar queried only this [special] case. that the other case⁴ was a matter of course to him, either confirming to the view of Rabbah or to the view of R. Joseph? — [No, R. Eleazar was doubtful even in regard to instances of our Mishnah and] he queries the one case as a further step⁵ of the other. [For I could argue on the one hand]: Rabbah maintained that even when laid upon the altar they must be brought down only [when the sacrifices were brought inside] the precincts of the Temple in conformity with their original provision,⁶ [in which case the departure from the prescribed method of offering rightly]⁷ disqualified them; but where [the sacrifices were brought inside] the precincts of the Temple against their original provision⁸ [a departure from the right method of offering]⁹ [he might hold] does not disqualify them!¹⁰ Or I could, perhaps, [argue on the other hand]: R. Joseph maintained that when laid upon the altar they need not be brought down only when the retaining power of the sacred precincts was exercised in conformity with the Original

provision [of the sacrifices]; but [if the sacrifices were brought inside] the sacred precincts against their original provision the retaining power of the Temple [he might hold] is not [fully] effective!¹¹ Let this query¹² remain undecided. Said R. Giddal in the name of Rab: The sprinkling of [the blood of an offering which was rendered] *piggul*¹³ [at the slaughtering]¹⁴ neither effects exemption from the Law of Sacrilege in the case of Most Holy sacrifices,¹⁵ nor inclusion within the scope of the Law of Sacrilege in the case of sacrifices of a minor degree of holiness.¹⁶ Abaye was sitting and quoting this ruling, when R. Papa raised an objection to him: If the thank-offering¹⁷ was slaughtered inside [the Temple Court] while the bread thereof remained outside the wall, the bread has not become sacred. If it was slaughtered before the loaves in the oven had formed a crust — even if all the loaves but one had formed a crust — the bread has not become sacred. [But] if it was slaughtered¹⁸ [while purposing an act] beyond the proper time or outside the proper place, the bread has become sacred?¹⁹ Does this not prove that [the performance of the acts of offering of a sacrifice rendered] *piggul* brings [sacrifices of a minor degree of holiness] within the scope of the Law of Sacrilege? — Thereupon he [Abaye] was silent. When he came before R. Abba the latter replied: It is through the sprinkling²⁰ [that the bread has become sacred].²¹ Said R. Ashi to Raba: But has not ‘Ulla ruled²² that if the handful of [a meal-offering, which was rendered] *piggul*,²³ was laid upon the altar the disqualification ceased?²⁴ Now, the separation of a handful [of a meal-offering] corresponds to the slaughtering [of an animal-offering].²⁵ He thereupon replied: [‘Ulla’s statement is to be understood in the following manner: The taking of the handful with disqualifying intention] is a prohibited act that leads to the offering becoming *piggul*.²⁶

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- (1) Sacrifices must then be offered in accordance with all the prescriptions relating to those originally dedicated to the Sanctuary
- (2) Zeb. 119b has a different version of the text.
- (3) By an error which causes no disqualification on a private High Place, e.g., he slaughtered it on the south side, cf. n. 2.
- (4) Relating to the instances of our Mishnah.
- (5) Lit., ‘out of the other’.
- (6) I.e., when originally dedicated to the Temple.
- (7) Because originally attached to them.
- (8) Which was to offer them on a private High Place.
- (9) Prescribed primarily for offerings dedicated to the Temple.
- (10) And they need not be removed when laid upon the altar.
- (11) And the sacrifices must be brought down from the altar.
- (12) Of R. Eleazar.
- (13) V. Glos.
- (14) According to pseudo-Rashi the sprinkling, too, was performed with disqualifying intention, while Tosaf. hold that its performance was unqualified. The explanation that follows is according to the first view.
- (15) Cf. *infra* 7b.
- (16) [The principle is that the application of the Law of Sacrilege ceases from the moment the blood is sprinkled on the altar in the case of Most Holy sacrifices and in regard to sacrifices of a lesser degree of holiness it becomes operative only between the moment of the sprinkling of the blood and the burning of the portions — and that only as far as the sacrificial portions are concerned.]
- (17) Which is a sacrifice of a minor degree of holiness.
- (18) R. Papa assumed that the other acts of offering, too, were performed with this disqualifying intention,
- (19) And the Law of Sacrilege applies to it, v. Men. 78b.
- (20) Which, we should assume, was performed unqualified.
- (21) While R. Giddal’s ruling refers to a case where all the acts were performed with disqualifying intention.
- (22) Zeb. 43a.
- (23) Through the handful having been taken with disqualifying intention.
- (24) Even to the extent that it must be placed upon the altar if it happened to spring off, and consequently the Law of Sacrilege applies to it.
- (25) Both are respectively the first acts of offering. ‘Ulla’s statement proves then that the first act alone can render an

offering piggul, contrary to R. Abba's reply. And still it states that the bread is made sacred which shows that sacrifices of a minor degree of holiness are brought within the scope of the Law of Sacrilege by acts of offering performed subsequently to a slaughtering that rendered them piggul contra R. Giddal.

(26) Viz., when the other acts, too, will be performed with disqualifying intention, but the taking of the handful itself does not render completely piggul. nor the act of slaughtering in itself unless followed by other acts, such as sprinkling with the same disqualifying intention, which is the case to which R. Giddal refers.

Talmud - Mas. Me'ilah 4a

But does it not say:¹ since it [[the handful] renders others piggul, how much more so should it itself [become piggul]]?² — Here, too, [you must understand it as meaning] a prohibited act that leads to the offering becoming piggul. Said Rabina to R. Ashi: But did not Ilfa say:³ The dispute⁴ is only in regard to two acts of offering,⁵ namely when he [that officiated] said: I am cutting the first organ⁶ [while purposing an act] beyond the proper time, and the second [while purposing an act] outside the proper place;⁷ but in regard to one act,⁸ they all agree that there is here an admixture of unlawful intentions?⁹ — Here, too, [you must understand that] when the sprinkling takes place it will [retrospectively] prove whether [there was unlawful intention] in one act or in two acts of offering. If this be so,¹⁰ why not say with the thankoffering, too, [that its disqualification becomes effective] with the sprinkling?¹¹ — '[The bread has become] sacred' means indeed only in so far as it has to be burnt by reason of its disqualification.¹² May not the following be cited in support [of R. Giddal]:¹³ 'The Law of Sacrilege applies to piggul always'. [Does this not imply] even though the blood has been sprinkled. and will then offer a support [of R. Giddal]? — [No, [that is] where the blood has not been sprinkled.¹⁴ But if the blood has not been sprinkled need it be stated? — It deals, in fact, with a case where the blood has been sprinkled, but when this has been taught, it was in reference to a burnt-offering.¹⁵ If it refers to a burnt-offering, is it not obvious, since this offering is wholly dedicated to the Lord?

(1) In 'Ulla's argument. MS.M.: 'Did not 'Ulla state'.

(2) V. Zeb. 43G where this is explained thus: If the disqualification rendered by the taking of the handful with the unlawful intention is not irrevocable in that if it is subsequently laid upon the altar it need not be brought down, now should it render the rest of the handful liable to the Law of Sacrilege. This proves that on the view of 'Ulla unlawful intention at the taking of the handful only renders the piggul complete and irrevocable.

(3) Zeb. 29b.

(4) Of R. Judah and the Sages, v. ibid.

(5) More exactly, two separable parts of an act.

(6) The windpipe and the gullet are the two organs the cutting of which effects the ritual slaughtering.

(7) The former intention renders the sacrifice piggul, the eating of which involves the penalty of kareth, the second renders it only invalid.

(8) Viz., one organ. e.g., if the first half of the organ is cut with the thought of executing an act beyond the proper time and the second with the thought of executing an act outside the proper place.

(9) And he that eats of the flesh is not liable to the penalty of kareih. This statement at any rate indicates that the disqualification is assumed to be effective and complete with the mere act of unlawful slaughtering, and yet in the case of the thank-offering we learnt that the bread has become sacred, which refutes R. Giddal.

(10) I.e., that the disqualification of the offering becomes effective with the sprinkling.

(11) Why then should, according to R. Giddal's view, the bread become sacred and thus come under the Law of Sacrilege.

(12) But not in regard to the Law of Sacrilege.

(13) Viz., of the first part of his statement with reference to the Most Holy sacrifices.

(14) With disqualifying thought.

(15) In which-unlike sin- and guiltofferings-the priests have no share, there then being no flesh rendered permissible by the sprinkling of the blood.

Talmud - Mas. Me'ilah 4b

Talmud - Mas. Me'ilah 4b

And moreover it says in the concluding clause: 'If the blood remained overnight, although it was still sprinkled, the Law of Sacrilege still applies [to the offering].'¹ This would be right if it related [for instance] to a sin-offering, but if it referred to a burnt-offering, need it at all be stated?² — The concluding clause obviously supports [R. Giddal's view], but what about the opening clause? As the concluding clause offers a support so will also the opening one?³ But even the concluding clause need not necessarily support [R. Giddal's view].⁴ — And what would be the difference? — [The disqualification of] leaving the blood overnight is caused by action⁵ and [the transgressor is therefore penalized in that] the sprinkling has not the effect of exempting the offering from the Law of Sacrilege, but the thought [of piggul] is not an action and the sprinkling has the effect of exempting the offering from the Law of Sacrilege. But may we not say that the following supports [R. Giddal]? [It was taught]: 'The Law of Sacrilege applies to Most Holy sacrifices that were rendered piggul'. Now, does this not imply even though the blood was sprinkled,⁶ and will then offer a support [of R. Giddal]? — No, [it speaks of a case] where the blood was not sprinkled. But what would be the case if [the blood was] sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then state in the concluding clause: 'The Law of Sacrilege does not apply to sacrifices of a minor degree of holiness [which were rendered piggul]'? Could the distinction not be made in the opening clause itself [in the following manner]: The Law of Sacrilege applies [to the offering] before the blood has been sprinkled, but is not applicable after it has been sprinkled? — [The concluding clause] undoubtedly supports [R. Giddal's view].⁷ Shall we say: Since the concluding clause supports [R. Giddal], so will also the opening one?⁸ — [No, the latter refers indeed to a case where the blood has not been sprinkled, and the reason why the distinction is not made within the opening clause itself is]: The statement [in the concluding clause] on sacrifices of a minor degree of holiness is absolute, the [distinction] in the opening clause would be, in form, conditional.⁹ R. JOSHUA LAID DOWN THE GENERAL RULE: WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE, AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT]. WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT. Said Bar Kappara to Bar Pada:¹⁰ O, thou son of my sister, keep in mind what to ask me to-morrow at the School House:¹¹ Does PERMITTED TO THE PRIESTS mean 'permitted through slaughtering'¹²

(1) And it is assumed that the same applies in the case of piggul.

(2) It is now assumed that this ruling applies to other disqualifications as well.

(3) I.e., does the opening clause necessarily refer to sin-offerings because the concluding one does?

(4) As it might apply only to the case where the blood was left overnight but not to other piggul. MS.M.: 'And does the concluding clause indeed offer a support? — He said: What is the difference? — He replied: The disqualification of leaving the bread . . . '.

(5) Or rather by omission of action,

(6) With disqualifying thought.

(7) The concluding clause undoubtedly applies also to the case where the blood has been sprinkled, as a disqualified offering can never assume a sacred character. It therefore supports directly the second part of R. Giddal's statement with reference to sacrifices of a minor degree of holiness.

(8) In that we assume that the blood has been sprinkled.

(9) Lit., 'not cut'.

(10) Cur. edd. Pedath, but cf. Tosaf. Tem. 10d s.v. אֵיתָמַר.

(11) To provoke a discussion on this matter. Thus Tosaf. According to pseudorashi the query which follows was put

forward by Bar-Pada.

(12) I.e., once it was properly slaughtered it is regarded as having become permissible to the priests and hence the Law of Sacrilege no longer applies to the flesh.

Talmud - Mas. Me'ilah 5a

or 'permitted for sprinkling',¹ or 'permitted for consumption'?² Hezekiah said: It means 'permitted at the time of slaughtering'. R. Johanan said: It means 'permitted for consumption'. Said R. Zera: Our Mishnah cannot be made to correspond either with the view of Hezekiah or that of R. Johanan. For we have learnt: THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT]. Now, does this not mean that the blood remained overnight,³ and yet it states that the Law of Sacrilege does not apply, [a statement which] proves that 'permitted for sprinkling' is meant? — No, it means that the flesh remained overnight, but the blood had been sprinkled, and for this reason it states that the Law of Sacrilege does not apply. We have learnt: WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED WHILE PURPOSING AN ACT BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT. How is [the last instance] to be understood? Shall I say that the blood was received by unfit [priests] and sprinkled by unfit [priests]? Why is it necessary to have this twofold [disqualification]?⁴ You must then understand it that the blood was received by the unfit and sprinkled by the fit,⁵ and it states that [in this case] the Law of Sacrilege applies.⁶ This would prove that 'permitted for sprinkling' is meant. To this R. Joseph demurred: Should you say that a distinction of this character can be made. how [would you explain] that which we have learnt elsewhere:⁷ 'The blood of a disqualified sin-offering need not be washed off⁸ [if splashed upon a cloth], no matter whether the offering had at one time been fit for use and then became disqualified. or had at no time [been fit for use]. Which is that which had at one time been fit for use, but became disqualified? That⁹ which remained overnight or became defiled or was brought outside the Temple Court. Which is that which had at no time been fit for use? That which was slaughtered [while purposing an act] beyond the proper time or outside the proper place, or the blood of which was received by the unfit and they sprinkled it'. Now, how is this to be understood? Shall I say that [the blood] was received by the unfit, and was sprinkled by the unfit [and thus infer that only in this case] need the blood not be washed off; if, however, it was received and sprinkled by the fit, the blood has to be washed off? [But this could not be!] Apply here the verse: And when there is sprinkled of the blood thereof . . . ,¹⁰ but not of that which has already been sprinkled. You must then say [that the text of the Mishnah there] is not meant to be taken precisely [so as to exclude other instances]

(1) I.e., the receiving of the blood must have been in order.

(2) I.e., also the sprinkling must have been in order.

(3) After the receiving was properly performed.

(4) The mere fact that the blood had been received by the unfit prevented the flesh from becoming permissible to the priests.

(5) The receiving was undoubtedly by unfit according to the text.

(6) But not if the receiving was by fit and the sprinkling by unfit, in which case the flesh would have been rendered at a time permissible to the priests.

(7) Zeb. 92.

(8) V. Lev. VI, 20.

(9) I.e., the blood.

(10) Lev. VI, 20. The verb is used in the future tense indicating that the blood has yet to be sprinkled.

Talmud - Mas. Me'ilah 5b

, and likewise here, [that the text is] not to be taken precisely [so as to exclude other instances].¹ Said

R. Assi: If so, why has this [loose phrasing] been used twice?² You must therefore indeed say that used in connection with the Law of Sacrilege is to be taken precisely [as excluding other instances],³ [yet your objection that to state this twofold disqualification was unnecessary does not hold good as] it is to let us know that an unfit person [through his sprinkling] renders [the blood]⁴ a residue,⁵ so that although after the unfit received and sprinkled [the blood] a fit priest received and sprinkled it again, the action of the latter is of no avail. Why? Because the blood⁶ is considered a residue. But did not Resh Lakish put this forward as a query to R. Johanan:⁷ 'Does [the act of] an unfit person render the blood a residue'? Whereupon the latter replied: 'Nothing makes [the blood] a residue save [the sprinkling while purposing an act] beyond its proper time or outside its proper place, because such a sprinkling [is in so far of effect as to] render [the sacrifice] 'acceptable' in respect of piggul.⁸ Now, does this not exclude [the sprinkling by] an unfit person? — No, also the [sprinkling] by the unfit [is included]. But does it not say: 'Nothing . . . save'? — This is to be understood in the following manner: There is no [disqualification] such as to render [an offering] nonacceptable in the case of a congregation [sacrifice]⁹ and yet to make the blood a residue save that caused by [the thought of executing an act] beyond the proper time or outside the proper place; but a defiled [priest],¹⁰ since he is considered fit in the case of the congregation,¹¹ makes the blood a residue, whilst other unfit [priests]¹² who are not considered fit in the case of the congregation, do not make the blood a residue. Come and hear: 'The Law of Sacrilege applies to piggul¹³ always',¹⁴ Does this not refer to a case where the blood has not been sprinkled, and would then prove¹⁵ that 'permitted for sprinkling' is meant? — No, it [refers to a case where the blood] has been sprinkled. And what is the meaning of 'always'? — It is to confirm the statement of R. Giddal.¹⁶ For R. Giddal said in the name of Rab: 'The sprinkling of [the blood of a sacrifice rendered] piggul [with slaughtering] effects neither exemption from nor inclusion in the Law of Sacrilege'.¹⁷

(1) E.g., where it was received by the fit and sprinkled by the unfit, for even in such a case the Law of Sacrilege applies since the slaughtering has been properly performed. The inference that 'permitted for sprinkling' is meant would then be invalid.

(2) Both here and in Zeb. 92a.

(3) Viz., that it refers to a case where both receiving and sprinkling were performed by the unfit, though the phrasing in Zeb. is not to be taken precisely, as proved by the verse Lev. VI. 20; v. n. 1.

(4) Also that life-blood which remained in the body of the beast.

(5) Which must not be used again and poured out into the duct, v. Zeb. 34b. Had the sprinkling not been performed by the unfit, receiving as well as sprinkling could have been executed again by a fit person from the life-blood that remained in the body of the beast. Cf. Zeb. 32a.

(6) Left over after the receiving and sprinkling performed by the unfit.

(7) Zeb. 34b.

(8) So that he who eats thereof is liable to the penalty of kareth. Cf. Zeb. 28b.

(9) E.g., piggul, nothar and 'taking out of the Temple Court'.

(10) The unfit to whom R. Assi in his explanation of our Mishnah is meant to refer.

(11) If the majority of the congregation are unclean, v. Pes. 66b. 77a.

(12) E.g., those with a blemish.

(13) Viz., of Most Holy sacrifices.

(14) No matter whether the disqualification was accomplished with the slaughtering or the receiving.

(15) By the conclusion that if, however, both slaughtering and receiving were in order the Law of Sacrilege would no longer apply.

(16) V. supra 3b.

(17) 'Always' means thus 'for ever'.

Talmud - Mas. Me'ilah 6a

Come and hear: R. Simeon said:¹ 'There is a kind of nothar² that is subject to the Law of Sacrilege and there is a kind of nothar that is exempted from the Law of Sacrilege. How is this? If [the blood

was] left overnight before sprinkling it is subject to the Law of Sacrilege, if after the sprinkling it is exempted from the Law of Sacrilege'. Now it states, at all events: 'Is subject to the Law of Sacrilege'. Does this not refer to a case where there was still time [during the day] to sprinkle³ it, so that if he wished, he could have performed the sprinkling?⁴ This would then prove that 'permitted for consumption' is meant? — No, it refers to a case where the blood was received near sunset, so that there was no time for sprinkling. But what would be the case if there was time [during the day to sprinkle it]? Would the Law of Sacrilege indeed not apply? Why then was it necessary to instance 'before the sprinkling'?⁵ Let [the distinction] be made between 'before sunset' and 'after sunset'!⁶ — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready⁷ for sprinkling' and 'after it was ready for sprinkling'. Come and hear: R. Simeon said, 'There is piggul that is subject to the Law of Sacrilege. and there is piggul that is exempted from the Law of Sacrilege. How is this? If [enjoyed] before the sprinkling it is subject to the Law of Sacrilege, if after it is exempted from the Law of Sacrilege'. It states, at all events: 'If before the sprinkling it is subject to the Law of Sacrilege'. Now does this not refer to a case where there was still time [during the day] to sprinkle it, so that if he wished he could have performed the sprinkling, yet it states that it comes under the Law of Sacrilege, which would prove that 'permitted for consumption' is meant? — No, there was no time during the day to sprinkle it. But what would be the case if there was time during the day to sprinkle it? Would it indeed cease to be subject to the Law of Sacrilege? Why then was it necessary to instance 'after sprinkling'? Let [the distinction] be made between 'before sunset' and 'after sunset'?⁸ — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready⁹ for sprinkling' and 'after it was ready for sprinkling'. Come and hear: 'The Law of Sacrilege applies to Most Holy sacrifices that were rendered piggul'. Now, does this not refer to a case where the blood has been sprinkled. and would then prove that 'permitted for consumption' is meant?¹⁰ — No, it was not sprinkled. But what would be the case if sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then was it necessary to state:¹¹ 'But if the sacrifices were of a minor degree of holiness they are exempted from the Law of Sacrilege'? Let [the distinction] be made between 'before sprinkling' and 'after sprinkling'? — [The distinction made is to be preferred] to let know the rule: Whatsoever has to be brought within the scope of the Law of Sacrilege¹² can achieve this status only if the sprinkling was according to proper procedure, but whatsoever has to cease to be subject to the Law of Sacrilege¹³ can achieve this also by a sprinkling that was not in accordance with the proper procedure.

(1) Tosef. I, 1.

(2) Portions left over from sacrifices. Lev. VII, 17.

(3) I.e., it was received in the vessel on the same day but not sprinkled till the following.

(4) It was thus 'fit for sprinkling' and is yet subject to the Law of Sacrilege.

(5) I.e., to distinguish between 'before sprinkling' and 'after sprinkling'.

(6) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(7) During the day.

(8) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(9) During the day.

(10) By the inference that if, however, it was not piggul the law of Sacrilege would not apply to it.

(11) In the concluding clause.

(12) E.g., the sacrificial portions, emurim, of sacrifices of a minor degree of holiness, v. supra p. 8. n. 6.

(13) Such as the flesh of Most Holy sacrifices. R. Giddal's statement is thus refuted, v. ibid.

Talmud - Mas. Me'ilah 6b

MISHNAH. IF THE FLESH OF THE MOST HOLY SACRIFICES WAS TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED,¹ R. ELIEZER SAYS: IT IS STILL SUBJECT TO THE LAW OF SACRILEGE² AND ONE DOES NOT BECOME GUILTY IN REGARD TO IT OF [TRANSGRESSING THE LAWS OF] NOTHAR,³ PIGGUL⁴ AND

DEFILEMENT.⁵ R. AKIBA SAYS: IT IS EXEMPTED FROM THE LAW OF SACRILEGE AND ONE CAN BECOME GUILTY OF [TRANSGRESSING IN REGARD TO IT THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT. SAID R. AKIBA: IF ONE SET ASIDE HIS SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER IN ITS STEAD AND AFTERWARDS THE FIRST WAS FOUND SO THAT BOTH WERE DESIGNATED [FOR SLAUGHTERING].⁶ [DO YOU NOT AGREE] THAT LIKE AS [THE SPRINKLING OF] THE BLOOD [OF THE ONE BEAST] EXEMPTS ITS OWN FLESH [FROM THE LAW OF SACRILEGE] SO IT EXEMPTS THE FLESH OF THE OTHER BEAST? NOW, IF THE SPRINKLING OF ITS BLOOD CAN EXEMPT THE FLESH OF OTHER BEASTS⁷ FROM THE LAW OF SACRILEGE, HOW MUCH MORE MUST IT EXEMPT ITS OWN FLESH. IF THE EMURIM⁸ OF SACRIFICES OF A MINOR DEGREE OF HOLINESS WERE TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED, R. ELIEZER SAYS: THEY ARE EXEMPTED FROM THE LAW OF SACRILEGE AND ONE DOES NOT BECOME GUILTY IN REGARD TO THEM OF [TRANSGRESSING THE LAWS OF] NOTHAR. PIGGUL AND DEFILEMENT. R. AKIBA SAYS: THEY ARE SUBJECT TO THE LAW OF SACRILEGE AND ONE DOES BECOME GUILTY [OF TRANSGRESSING THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT.⁹ GEMARA. Why was it necessary to state both these instances? — It was necessary. for if [the instance of] the Most Holy sacrifices alone was stated, I might have said: In this case ruled R. Eliezer that it is still subject to the Law of Sacrilege, because [he held that] sprinkling executed according to the proper procedure effects exemption from the Law of Sacrilege, but [a sprinkling] not according to the proper procedure does not effect exemption. But as to effecting the inclusion within the scope of the Law of Sacrilege,¹⁰ he might concede to R. Akiba that also [sprinkling that was] not performed in accordance with the proper procedure effects the inclusion within the scope of the Law of Sacrilege. And if the instance of a sacrifice of a minor degree of holiness alone was stated, I might have said: In regard to sacrifices of a minor degree of holiness only did R. Akiba rule that the Law of Sacrilege applies. because [he held that] even sprinkling that was not performed in accordance with the proper procedure [has the power of] including [the flesh] within the scope of the Law of Sacrilege; but in regard to Most Holy sacrifices in which case [the sprinkling] is to effect the exemption from the Law of Sacrilege. [I might say that] if not performed in accordance with the proper procedure it does not possess the power of exempting from the Law of Sacrilege. Therefore he informs us [regarding both instances]. It was stated, R. Johanan said: R. Akiba held his view that the sprinkling is of effect in the case of an offering that was taken out, only if it was partly taken out [of the Temple Court],¹¹ but if it was wholly taken out [R. Akiba did] not [hold this view]. Said R. Assi to R. Johanan:¹² My friends in the Diaspora [Babylon] have already taught me:

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- (1) And brought in again, and then the blood was sprinkled.
 - (2) The sprinkling does not effect an exemption from the Law of Sacrilege since the offering is invalid.
 - (3) Lit., 'left over'. Lev. VII, 17.
 - (4) V. Glos. Lev. VII, 18; Zeb. II, 3 and 28a.
 - (5) Lev. VII, 21. For only a valid sprinkling can bring the sacrifices within the scope of these laws.
 - (6) And he slaughtered both and after receiving the blood of each in two separate vessels he sprinkled the blood of only one of them.
 - (7) Though it be invalid, as the remnant of a sin-offering.
 - (8) I.e., the portions that are to be offered upon the altar.
 - (9) The sprinkling does not effect the application of the Law of Sacrilege, since the offering is invalid.
 - (10) Which is in the direction of greater stringency.
 - (11) Because the sprinkling is then of effect for the portions that remained inside.
 - (12) Tosaf. do not read 'to R. Johanan'. The following discussion is then independent of R. Johanan's statement.

‘The disqualifying thought¹ in respect of lost or burnt [portions of an offering] is of effect’.² Now, the lost and the burnt no longer exist, yet it was taught that a disqualifying thought [relating to them] is effective.³ But does R. Assi indeed hold this view? Did not R. Assi ask R. Johanan: ‘What is the case if one purposed [to sprinkle on the] following day blood which has to be poured’?⁴ Whereupon R. Zera replied: ‘Did you not teach us⁵ [the Mishnah] about allal?’⁶ Now, this allal, because it has no substantial value, an unlawful thought relating to it is of no effect.⁷ The same applies to the blood that is to be poured; because it is destined for destruction an unlawful thought relating to it must be of no effect’. At all events, that which was stated concerning the lost and the burnt⁸ offers a difficulty!⁹ — Said Raba: Say, [‘The disqualifying thought in respect of portions] that were about to be lost or burnt . . .’.¹⁰ Said R. Papa: R. Akiba held that sprinkling is effective in respect of [offerings that] were taken out only if the flesh was taken out, but if the blood was taken out¹¹ the sprinkling is of no effect. It was also taught likewise: ‘If the slaughtering was performed undefined, and the blood was taken out, although it was afterwards sprinkled [the sprinkling] is of no effect: Most Holy sacrifices remain subject to the Law of Sacrilege, and sacrifices of a minor degree of holiness remain exempted from the Law of Sacrilege’. SAID R. AKIBA: TO WHAT CAN THIS BE COMPARED . . .¹² Said R. Eleazar: R. Akiba held his view¹³ only if [both sin-offerings were slaughtered] simultaneously.¹⁴ but if successively R. Akiba did not hold his view.¹⁵ It has been taught:¹⁶ Said R. Simeon, When I went to Kefar Pagi¹⁷ an old man¹⁸ met me and asked me: Does R. Akiba indeed hold that sprinkling is of effect in the case of an offering that was taken out? I said to him: Yes, he does. When I came and quoted these words before my colleagues in Galilee they said unto me: But is it not disqualified? How can [the sprinkling] be of effect¹⁹ with a disqualified offering? When I left and brought up these words before R. Akiba himself, he said unto me: My son, do you not hold the same view? Behold, if one set aside his sin-offering and it was lost and he set aside another in its stead and afterwards the first was found, so that both were designated [to be slaughtered], both are still subject to the Law of Sacrilege; if they were slaughtered and their [respective] blood was placed in two [separate] receptacles, the Law of Sacrilege still applies to both.

(1) During sprinkling. Lit., ‘one can think (with effect)’.

(2) To render the flesh piggul.

(3) In the same way should, in the case where the whole offering was taken out, the sprinkling be of effect in regard to the Law of Sacrilege.

(4) Over the base of the altar, cf. Zeb. 47a.

(5) Zeb. 35a.

(6) ‘Offal of meat’ which is uneatable. Cf. Hul. 121a as to what kind of offal is meant.

(7) Thus the version of Tosaf. and MS.M. Cur. edd.: ‘is not susceptible of defilement’. The quotation concerning allal would then be from Hul. 121a, thus also pseudo-Rashi.

(8) I.e., the statement reported by R. Assi in the name of his colleagues in the Diaspora.

(9) Viz., to R. Assi’s teaching concerning allal.

(10) I.e., they had still been in existence at the time of the sprinkling. But if already lost or burnt an unlawful thought would indeed be of no effect.

(11) Though brought in again and then sprinkled.

(12) Cur. edd. and MS.M. do not contain this phrase in the Mishnah.

(13) That the sprinkling of the blood of the one exempts the flesh of the other beast from the Law of Sacrilege.

(14) E.g., by different people. V. Tosaf.

(15) V. infra.

(16) Tosef. I.

(17) Beth Page, near Jerusalem.

(18) MS.M.: ‘from among the disciples of R. Akiba’, v. Tosef.

(19) Lit., ‘make acceptable’, cf. Zeb. 28a.

If the blood of one of them was sprinkled, do you not agree that like as the [sprinkling of the] blood exempts its flesh from the Law of Sacrilege so it exempts also the flesh of the other beast from the Law of Sacrilege? Now, if it can save the flesh of another offering from the Law of Sacrilege, though it is disqualified, how much more must it save its own flesh. Said Resh Lakish in the name of R. Oshaia: Inexact¹ was the reply that R. Akiba gave to that disciple, [as it² suggests that his instance holds good] only if they were slaughtered simultaneously but not if successively. Now, since [the other offering³ is, at all events] disqualified,⁴ what is the difference between ‘simultaneously’ and ‘successively’? Said R. Johanan to Resh Lakish: And you, do you not make this distinction? Suppose one set apart two guilt-offerings for surety⁵ [one against the other], and he had them both slaughtered and had the emurim⁶ of one of them placed upon the altar before sprinkling.⁷ Would you not agree that although [those emurim were] already placed upon the altar they have to be brought down? Now, if your assumption was right that they are considered in such a case as one offering, why have they to be brought down? Did not ‘Ulla rule: ‘If the emurim of sacrifices of a minor degree of holiness⁸ were laid upon the altar before the sprinkling they must not be brought down, as they have become the food of the altar!?’ Thereupon he gave no reply. Said R. Johanan: I have cut off the legs of that child.⁹ MISHNAH. THE ACT OF [SPRINKLING THE] BLOOD OF MOST HOLY SACRIFICES MAY HAVE EITHER A LENIENT OR A STRINGENT EFFECT, BUT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT. HOW SO? WITH MOST HOLY SACRIFICES, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES BOTH TO THE EMURIM AND TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH;¹⁰ IN RESPECT OF BOTH ONE IS GUILTY¹¹ OF [TRANSGRESSING THE LAWS OF] NOTHAR. PIGGUL AND DEFILEMENT.¹² IT IS THUS FOUND THAT WITH MOST HOLY SACRIFICES THE ACT OF SPRINKLING HAS A LENIENT AS WELL AS A STRINGENT EFFECT. WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT’, HOW SO? WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH; IN RESPECT OF BOTH ONE IS GUILTY OF TRANSGRESSING THE LAWS OF NOTHAR, PIGGUL AND DEFILEMENT. IT IS THUS FOUND THAT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT. GEMARA. It teaches:¹³ ‘THE LAW OF SACRILEGE APPLIES . . . NOT TO THE FLESH’ which implies that the penalty of Sacrilege is not inflicted, but the prohibition still remains.¹⁴ But why? Is it not the possession of the priest?¹⁵ — This is no difficulty, since in the opening clause he had to use [the phrase] ‘THE LAW OF SACRILEGE APPLIES’ he uses also in the concluding clause¹⁶ [the phrase] ‘THE LAW OF SACRILEGE APPLIES NOT’.¹⁷ But read then the second section of the Mishnah: ‘WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT’, HOW SO? WITH FLESH OF SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH. This implies: The penalty of sacrilege is not inflicted but the prohibition still remains.¹⁸ Why? Is it not the possession of the owner?¹⁹ — Said R. Hanina: [It refers] to an offering that was taken out [of the Temple Court] and the Mishnah stands in accordance with R. Akiba's view.²⁰ For R. Akiba held that ‘sprinkling is of effect in the case of an offering that was taken out [of the Temple Court]’ only in regard to its burning,²¹ but

(1) Lit., ‘a stolen reply’.

(2) Viz., the phrase. ‘they were slaughtered’, and the repetition of ‘both’ in the text. Pseudo-Rashi ‘reads: ‘they were both slaughtered’.

(3) The one whose blood has not been sprinkled..

(4) As a remnant of a sin-offering. Yet R. Akiba ruled that it is exempted from the Law of Sacrilege. He must apparently hold that the two sin-offerings are considered as one offering.

- (5) In case one is lost.
- (6) V. Glos.
- (7) Then the blood of the other offering was sprinkled
- (8) The same applies, of course, also to Most Holy sacrifices,
- (9) I.e., I have proved his argument to be wrong. Resh Lakish was younger than R. Johanan, hence the designation 'of that child'.
- (10) This is the lenient outcome.
- (11) After sprinkling.
- (12) V. supra p. 17. nn. 9-11. This is the stringent outcome.
- (13) In the first section of the Mishnah.
- (14) Viz., to the priest.
- (15) Once the blood has been sprinkled.
- (16) Of the first section of the Mishnah.
- (17) For the sake of symmetry.
- (18) Viz., to the layman.
- (19) The answer given in the first instance is not applicable here, as there is no clause in this section which demanded the use of the phrase for the sake of symmetry.
- (20) Infra 8b.
- (21) Viz., that it may not be burnt at once, like offerings whose disqualifications are essentially in themselves, but only after the flesh has begun to decay.

Talmud - Mas. Me'ilah 8a

in regard to eating it does not effect permission.

C H A P T E R I I

MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE SIN-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK¹ IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM² OR ONE WHO STILL REQUIRES ATONEMENT³, OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR⁴ AND DEFILEMENT, BUT THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.⁵ GEMARA. It is stated: IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. [That is, it becomes] 'susceptible for unfitness' but not for defilement.⁶ With whom then will our Mishnah agree? — With the Sages, for it has been taught:⁷ 'Abba Saul says. A tebul yom [

(1) This is the prescribed form of slaughter, v. Lev. I, 25.

(2) The immersion of an unclean person does not effect _immediate purification. In order to be able to partake of a sacred meal he has to wait until sunset. A tebul yom, lit., 'a person immersed by day'. is one who took his immersion in day-time and is waiting for sunset.

(3) In four instances of uncleanness an offering is required in addition to immersion, v. Ker. 8b. As long as this 'ceremony of atonement is not performed one is not permitted to partake of a sacred meal.

(4) V. supra p. 17, n. 9.

(5) For it has become the possession of the priests.

(6) The term 'unfit' פסול through contact with an unclean person or thing denotes that the uncleanness contracted is not of such a degree as to be transmitted to another object. 'Defiled' or 'unclean' טמא, on the other hand, denotes the capacity of transmitting further the uncleanness contracted.

(7) Tosef. Toh. I, 3. There is a scale of degrees of uncleanness: the 'source of sources'; the 'source' of uncleanness; the first, second, third and fourth degree of uncleanness. The degree of uncleanness of the defiled object is (in general) one

degree lower than that of the object from which it derived its defilement. The susceptibility to uncleanness is not uniform. The holier a thing the more susceptible it is to uncleanness. Holy things קדשים, e.g. are susceptible to 'uncleanness' in the third degree and to 'unfitness' in the fourth, and terumah to 'uncleanness' in the second degree and to 'unfitness' in the third.

Talmud - Mas. Me'ilah 8b

is unclean of the first degree in regard to holy things.¹ R. Meir says: He renders holy things "unclean" and terumah² "unfit".³ The Sages say, Just as he renders "unfit" liquids and edibles of terumah, so he renders "unfit"⁴ sacred liquids and edibles! — Said Raba, on the view of Abba Saul, A higher standard has been set with holy things in that the Rabbis declared the tebul yom to be [in regard to them unclean in] the first degree. And on the view of R. Meir, [he possesses by Rabbinic enactment the same measure of uncleanness] as food which is unclean in the second degree;⁵ while on the view of the Sages, since he has immersed, his uncleanness has weakened, and he renders things 'unfit' but not 'unclean'.⁶ ONCE ITS BLOOD HAS BEEN SPRINKLED . . . THE LAW OF SACRILEGE NO LONGER APPLIES TO IT. This implies that the Law of Sacrilege no longer applies though the prohibition still remains.⁷ But why? Is it not now the possession of the priests? — Said R. Hanina, [The Mishnah refers to an offering] which was taken out [of the Temple Court] so that [the flesh] is indeed not fit for consumption⁸ and is in accordance With the view of R. Akiba⁹ Who holds that the sprinkling of the blood is of avail¹⁰ with an offering that was taken out [of the Temple precincts]. Said R. Huna in the name of Rab: The draining out of the blood¹¹ of the sin-offering of a bird is not indispensable,¹² for Rab learnt [in our Mishnah]: 'When its blood has been sprinkled'.¹³ R. Adda son of Ahabah in the name of Rab said: The draining out of the blood of the sin-offering of a bird is indispensable, and Rab, in fact, learnt [in our Mishnah]: 'When its blood has been drained out'. Come and hear: It is said, and the rest of the blood shall be drained at the base of the altar; it is a sin-offering.¹⁴ Now on the view of R. Adda son of Ahabah it is right when it is written, 'and the rest of the blood shall be drained . . . it is a sin-offering',¹⁵ but according to R. Huna, what is the meaning of 'the 'est etc.'? — As it has been taught in the School of R. Ishmael: 'If there remained . . .'.¹⁶ But then what of the phrase, 'it is a sin-offering'?¹⁷ — It refers to the preceding text.¹⁸ Said R. Aha son of Raba to R. Ashi: If so, with the meal-offering where it is written 'and the remainder',¹⁹ does it also mean 'if there remained'? And should you say: Indeed, so it is, surely it has been taught:

(1) This means, the sacred thing touched by a tebul yom is 'unclean' of the second degree. It can thus transmit the uncleanness two stages further. It 'defiles' other holy things and 'renders unfit' terumah.

(2) I.e., the priests' share of the produce of the land, v. Num. XVIII, 11f, v. Glos.

(3) As the tebul yom is considered unclean of the second degree.

(4) But not 'unclean' so as to defile other things, as in our Mishnah.

(5) Which renders a holy thing unclean in the third degree.

(6) According to Raba's explanation our Mishnah may well agree with the views of Abba Saul and R. Meir, for their rulings result from the enactment of the Rabbis, whilst the 'Mishnah refers to the original law of the Torah.

(7) Its use is still forbidden although the attached penalty does not apply. It is thus considered the property of the Temple. This inference is made from the fact that the term 'permitted' would otherwise have been used in our Mishnah.

(8) But has to be burnt.

(9) V. supra 7b.

(10) To exempt it from the Law of Sacrilege.

(11) A ceremony performed after the sprinkling of the blood, v. Lev. V, 9.

(12) If omitted or if there is not sufficient blood in the organs of the animal for this act, the sprinkling remains valid in regard to the laws of Sacrilege, piggul, etc. as ruled in our Mishnah.

(13) No mention has been made of the draining out an indication that it is not indispensable.

(14) Ibid.

(15) Suggesting there has to be a rest and that the rest which is to be drained is a sin-offering, hence indispensable.

- (16) Then it has to be drained out. But if there is no rest the service is still valid without it.
 (17) Which might suggest that it is the draining out which makes it a valid sin-offering.
 (18) Viz., the sprinkling of the blood, without which the offering is indeed invalid.
 (19) Lev. II, 3.

Talmud - Mas. Me'ilah 9a

[The verse], and he shall take thereout his handful of the fine flour thereof, and of the oil thereof with all the frankincense thereof,¹ is to exclude the case where there was not the full quantity of fine flour, oil and frankincense?² — I will tell you. There it is written [again] 'and the remainder' which is superfluous.³ The father of Samuel raised an objection to R. Huna: Both in the case of the sin-offering of a bird and in that of the burnt offering of a bird if the neck was pinched or the blood drained out while purposing an act outside the proper place, the offering is invalid but one is not liable to the penalty of extinction; if while purposing an act beyond its proper time, it is piggul, and one is liable to extinction.⁴ It states at all events, 'the blood drained out'.⁵ — He raised this objection and he himself answered it: It is to be understood in a disjunctive sense.⁶ [To revert to] the [above] text: The School of R. Ishmael taught: 'If there remained of the blood'.⁷ But has not the School of R. Ishmael taught elsewhere:⁸ 'The remnant is indispensable'. and R. Papa explained that they⁹ differed as to whether the draining out of the blood of a sin-offering of a bird was indispensable? — There are two [contradictory traditions of] Tannaim as to what was the view of R. Ishmael. MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE BURNT-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM, OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN DRAINED OUT,¹⁰ IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO IT UNTIL [THE ASHES HAVE BEEN] REMOVED [FROM THE ALTAR] TO THE PLACE OF THE ASHES.¹¹ THE LAW OF SACRILEGE APPLIES TO THE BULLOCKS WHICH ARE TO BE BURNT AND THE HEGOATS WHICH ARE TO BE BURNT¹² FROM THE MOMENT OF THEIR DEDICATION. ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO THEM EVEN WHILE THEY ARE AT THE PLACE OF THE ASHES SO LONG AS THE FLESH HAS NOT BEEN CHARRED TO CINDERS. THE LAW OF SACRILEGE APPLIES TO A BURNT-OFFERING FROM THE MOMENT OF ITS DEDICATION. ONCE SLAUGHTERED IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE DOES NOT APPLY TO THE SKIN,¹³ BUT IT APPLIES TO THE FLESH UNTIL [THE ASHES] HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO BURNT- AND SIN-OFFERINGS AND TO PEACE-OFFERINGS OF THE CONGREGATION FROM THE MOMENT OF THEIR DEDICATION. ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT, OR BY REMAINING OVERNIGHT. ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE THEN NO LONGER APPLIES TO THE FLESH,¹³ BUT APPLIES TO THE EMURIM UNTIL THE ASHES ARE REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO THE TWO LOAVES OF BREAD¹⁴ FROM THE MOMENT OF THEIR DEDICATION. ONCE

THEY HAVE FORMED A CRUST IN THE OVEN THEY ARE SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', AND THE [FESTIVAL] OFFERINGS¹⁵ CAN THEN BE OFFERED. ONCE THE BLOOD OF THE LAMBS HAS BEEN SPRINKLED THEY [THE LOAVES] ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THEM. THE LAW OF SACRILEGE APPLIES TO THE SHEWBREAD¹⁶ FROM THE MOMENT OF ITS DEDICATION. ONCE IT HAS FORMED A CRUST IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', AND MAY BE ARRANGED UPON THE TABLE [OF THE SANCTUARY]. ONCE THE CENSERS OF INCENSE¹⁷ WERE OFFERED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.¹⁸ THE LAW OF SACRILEGE APPLIES TO MEAL-OFFERINGS FROM THE MOMENT OF THEIR DEDICATION. ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY] THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE THE HANDFUL¹⁹ HAS BEEN OFFERED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAW OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THE REMNANT,²⁰ BUT IT APPLIES TO THE HANDFUL UNTIL ITS ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. GEMARA. It was stated: If one has made use of the ashes of the tappuah²¹ which was on the altar, Rab says he has not transgressed the Law of Sacrilege, and R. Johanan says he has transgressed. Both agree that before the separation of the ashes²² the Law of Sacrilege still applies to them, they differ as to what is the case after the separation of the ashes. Rab says the Law of Sacrilege no longer applies to them, since the prescribed ceremony²³ has already been performed with them; but R. Johanan holds, since it is written: And the priest shall put on his linen garments . . .²⁴ as priestly garments are necessary, it proves that they [the ashes] still maintained their sacredness. We have learnt: THE LAW OF SACRILEGE APPLIES²⁵ UNTIL THE ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. This presents a difficulty on the view of Rab. — Rab would tell you: [The meaning is]: Until it is fit for removal to the place of the Ashes.²⁶

(1) Ibid. II, 2.

(2) I.e., even after the handful, which is only a portion of the prescribed quantity, has been taken, the ingredients of the offering must be whole. In other words, the remainder is indispensable.

(3) The phrase occurs twice II, 3 and 10. The indispensable nature of the offering of the 'remainder' in the case of the meal-offering is thus an exception and based on a special text.

(4) Zeb. 64b.

(5) Were it dispensable, it would not render the offering piggul.

(6) Viz., the pinching of the neck refers both to the sin- and to the burnt-offering, while the draining out refers to the burnt-offering only, in which case the blood is not sprinkled upon the altar and the draining takes the place of the sprinkling and is therefore rightly indispensable.

(7) This interpretation implies that the draining out of the blood is not indispensable.

(8) Ibid. 52a, where R. Akiba and R. Ishmael differ in general terms on the question whether the remnant of an offering is indispensable or not

(9) Viz., R. Akiba and R. Ishmael.

(10) The draining out of the blood takes here the place of the sprinkling of the blood prescribed of other offerings.

(11) V. Lev. VI. 4.

(12) These have to be burnt outside Jerusalem, at the Place of the Ashes. To this category belong the sacrifices brought by the High Priest for communal transgression and for idolatry, and those offered on the Day of Atonement.

(13) Which becomes the possession of the priests.

(14) To be offered on the Feast of Weeks. V. Lev. XXIII, 17.

(15) I.e., the two lambs appertaining to the bread, v. *ibid.* v. 19.

(16) Cf. Lev. XXIV, 5f.

(17) The censers of incense were offered before the bread was distributed among the priests. This act stands therefore in place of the sprinkling of the blood prescribed for animal sacrifices. Cf. Men. XI.

(18) It can then be eaten by the priests.

(19) A handful was separated from the meal-offering and burnt upon the altar.

(20) Which becomes the possession of the priests.

(21) Lit., 'apple', 'pile'. I.e., the place upon the altar where the ashes were piled up.

(22) Cf. Lev. VI, 3 and Yoma 22a.

(23) Viz., the separation of the ashes. These were then deposited outside Jerusalem.

(24) *Ibid.* The proof is actually from the following verse: And he shall put off his garments and put on other garments, and carry forth the ashes without the camp unto a clean place. This is taken to prove that the depositing of the ashes is: part of the ceremony. The ashes are still sacred before this is done.

(25) Apparently even after the separation of the ashes was performed they are subject to the Law of Sacrilege.

(26) I.e., until the separation of the ashes has been performed.

Talmud - Mas. Me'ilah 9b

The following objection was raised: [We have learnt]: 'And if any of them¹ burst off from the altar, they need not be replaced; similarly, if a coal burst off from the altar it need not be replaced'.² [It appears that if] however [the coal] burst off [from the fire but still remained] on the altar, it has to be replaced [upon the fire].³ This is right according to the view of R. Johanan, but presents a difficulty on the view of Rab. — Rab would reply: It is different with coal, as it is still substance.⁴ Some there are who say the objection was raised in the other direction: [It appears that coal only has to be replaced]⁵ because it is of substance, but ashes that are not of substance, though still upon the altar, are not subject to the law of Sacrilege. This would be right according to Rab, but presents a difficulty on the view of R. Johanan! — R. Johanan would reply: This ruling⁶ applies to ashes as well, and the reason why coal has been instanced is to let us know even in the case of coal, that is of substance, if it burst off from the altar it must not be replaced. It was stated: If one enjoyed of the flesh of Most Holy sacrifices⁷ before the sprinkling of the blood, or of the emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, Rab says: The [value⁸ of that] which he enjoyed must be restored to the nedabah⁹ fund. Levi says: He shall buy something which is wholly for the altar.¹⁰ It was taught in confirmation of Levi's view: To which fund goes this repayment for this sacrilege? Those that were permitted to argue before the Sages¹¹ say: He shall buy something which is wholly for the altar. Which is it? Incense'. It was taught in confirmation of Rab's view: 'If one has enjoyed of the money destined for his sin- or guilt-offering, if¹² his sin-offering has not been offered yet, he shall add [a fifth] and offer [for the whole sum] his sin-offering; similarly if his guilt offering has not been offered, the money is to be taken to the Dead Sea;¹³ similarly if his guilt-offering has already been offered, it shall be restored to the nedabah fund. If one had enjoyed of Most Holy sacrifices before the sprinkling of the blood, or of the emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, [the value of] that which he has enjoyed goes to the nedabah fund.¹⁴ [If one has enjoyed of] any kind of offerings dedicated to the altar, [the money is refunded] for the altar, if of objects dedicated to the Temple Repair Fund [it is employed] for the Temple Repair Fund, if of sacrifices of the congregation, it is employed for freewill-offerings of the congregation'. Now, does this not contain a contradiction in itself? [For it states]: 'If his sin-offering has not been offered yet, he shall add [a fifth] and offer for the whole sum his sin-offering; and if his sin-offering has been offered already, the money is to be taken to the Dead Sea'. And then it states: 'If one has enjoyed any kind of offerings dedicated to the altar, it is employed for the altar', and there is apparently no distinction made as to whether the owner has been atoned or not! — The former clause is in accordance with the view of R. Simeon who holds,¹⁵ 'Every sin-offering whose owner has already been atoned¹⁶ is left to die',

- (1) Viz., those disqualified offerings that need not be removed when already laid upon the altar, Zeb. IX, 2.
- (2) Zeb. 86a.
- (3) As 'coal' here is unqualified it is assumed to include also coals which have already been removed from the fire place of the altar to the tappuah, i.e., coals with which the 'separation' has already been performed; and yet it says that only if it has burst off from the altar it need not be replaced, but if it was shifted to some other place upon the altar it has to be replaced upon the fire, which implies that even after the 'separation' it is still considered sacred; the Law of Sacrilege should then still apply.
- (4) While ashes are considered of no substance.
- (5) If still upon the altar. This version of the objection is also based upon the implication that if the coal was shifted from its place but remained upon the altar, it has to be replaced. It is thus still considered sacred.
- (6) Viz., that the sacredness of things burnt upon the altar continues even after their separation.
- (7) The flesh of Most Holy sacrifices is subject to sacrilege only prior to the sprinkling, while the 'sacrificial portions' of sacrifices of a lesser degree of holiness come under the Law of Sacrilege with the sprinkling of the blood, v. Mishnah 7b.
- (8) Or rather, the value plus a fifth, v. Lev. V, 16.
- (9) Lit., 'freewill'; i.e., freewill burnt-offerings to be offered at a time when the altar was employed (Tosaf.).
- (10) I.e., incense as distinct from the freewill burnt-offerings, the skin of which belongs to the priests.
- (11) V. Sanh. 17b, that this paraphrases 'Levi before R. Judah the Prince', but Tosaf. rejects here this assumption. V. Men. 80b.
- (12) At the moment of repayment. Tosaf.
- (13) I.e., destroyed.
- (14) This supports the view of Rab.
- (15) Tem. 15a.
- (16) I.e., he has brought in the meantime another offering for the sin which this sin-offering was to expiate.

Talmud - Mas. Me'ilah 10a

while the latter clause¹ is in accordance with the Sages.² Said R. Gebiha of Be Kathil³ to R. Ashi: [Indeed] thus said Abaye: 'The former clause reflects R. Simeon's view and the latter that of the Sages'.⁴ Said Raba: All⁵ agree that if he enjoyed of the flesh of Most Holy sacrifices which was defiled,⁶ or of the emurim of sacrifices of a minor degree of holiness after they had been placed upon the altar,⁷ he is free [from the payment of indemnity]. Is this not obvious? For what loss did he cause?⁸ — I might have thought that since the flesh of most holy sacrifices became defiled there is still attached to it the duty of being burnt by the priests,⁹ and with the emurim of sacrifices of a minor degree of holiness [placed on the altar fire] the duty of turning it over by the poker.¹⁰ We are therefore informed [that he is free]. Said Raba: The statement, 'If the sin-offering has already been offered the money is to be taken to the Dead Sea', holds good only in the case where he became aware of his transgression [of the Law of Sacrilege] before this atonement, but if after his atonement, it goes to the nedabah fund.¹¹ Why? Because one may not at the outset set aside [holy things] for destruction. MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE HANDFUL [OF A MEAL-OFFERING], THE FRANKINCENSE, THE INCENSE, THE MEAL-OFFERING OF A PRIEST,¹² THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST¹³ AND THE MEALOFFERING THAT IS ACCOMPANIED BY A LIBATION¹⁴ FROM THE MOMENT OF THEIR DEDICATION. ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT, AND THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] NOTHAR AND DEFILEMENT, BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO THEM. THIS IS THE GENERAL RULE: WHATSOEVER HAS THAT WHICH RENDERS IT PERMISSIBLE [FOR THE ALTAR OR FOR THE USE OF THE PRIESTS]¹⁵ IS NOT SUBJECT TO [THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT UNTIL THAT ACT HAS BEEN PERFORMED. AND WHATSOEVER HAS NOT THAT WHICH RENDERS IT PERMISSIBLE¹⁶ BECOMES SUBJECT [TO THE LAWS OF] NOTHAR AND DEFILEMENT AS SOON AS IT

HAS BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO IT.

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- (1) Which makes no distinction whether or not the owners had been atoned for.
- (2) Who dispute with R. Simeon, v. Tem. 15a.
- (3) On the Tigris N. of Bagdad.
- (4) This tradition in the name of Abaye is quoted as a confirmation of the anonymous answer given before.
- (5) Rab as well as R. Johanan, whose dispute is mentioned supra 9a, v. Tosaf.
- (6) Even if it was defiled before the sprinkling of the blood. The flesh is not fit to be offered upon the altar but has to be burnt by the priests.
- (7) And charred, so that sacrilege is no longer applicable to it, since the ceremony of offering may be considered as completed.
- (8) This means he has in the first case made use of something which cannot be used by the priests and in the second case of something which is no longer within the scope of the service of the Temple.
- (9) I.e., it is still sacred; the religious procedure has not finished yet.
- (10) Lit., 'hook'.
- (11) If he became aware of his sacrilegious use of a part of the money designated for his sin-offering prior to the offering of this sacrifice, we may consider the indemnity he has to pay as forming part of the sum to be used for the sin-offering. Consequently if before the indemnity was paid a sacrifice was bought for the remainder of the amount originally set aside for the offering, the indemnity is to be regarded as money designated for a sin-offering which can no longer be used for this purpose, as its owner has already been atoned for. It has then to be destroyed in accordance with our general rule. But if at the time of the offering he had no knowledge of his trespass against the Law of Sacrilege, his indemnity cannot be considered as set aside for his sin-offering, and when paid it need not be destroyed.
- (12) Lev. VI, 16.
- (13) Lev. IV, 3ff and Hor. III, 4.
- (14) I.e., one that is offered with a freewill peace-offering.
- (15) So as to make it 'acceptable' (v. Lev. XIX, 7). E.g., the flesh of sin-offerings and sacrificial portions of peace-offerings where the sprinkling of the blood renders these permissible respectively to the priest or for the altar.
- (16) E.g., the handful and frankincense and other offerings enumerated in our Mishnah, which require no other things to make the offering fit for the altar.

Talmud - Mas. Me'ilah 10b

GEMARA. Whence do we know this?¹ — For our Rabbis taught:² I might have thought that only for things that have that which renders them permissible is one culpable for [transgressing] the Law of Defilement; for this would be the logical deduction: Since piggul, which requires only one awareness of transgression,³ whose sacrifice of atonement is fixed⁴ and allows of no exception for the congregation,⁵ yet it applies to things only that have that which renders them permissible, the much more so must uncleanness, which requires a twofold awareness of transgression,⁶ whose sacrifice of atonement can be of a higher or lesser value⁷ and allows of an exception for the congregation,⁸ apply only to things that have that which renders them permissible. The text therefore states: Say unto them: Whosoever he be of all your seed throughout your generations, that approaches [unto the holy things, which the children of Israel hallow unto the Lord, having his uncleanness upon him, that soul shall be cut off from before Me].⁹ Scripture deals with all kinds of holy things.¹⁰ But I might have thought that [in the case of things that have other things that render them permissible, the Law of Defilement] would apply at once;¹¹ therefore It states: 'Who approaches' [which is to be expounded after the way of] R. Eliezer [who] said: Is it possible that one is liable [to the Law of Defilement] merely by touching [the flesh]? You must then understand it in the following manner: Whatsoever has that which renders it permissible is not subject [to the laws of piggul, nothar and defilement] until that which renders it permissible has been performed; and whatsoever has not that which renders it permissible is liable [to those laws] only when they have become sacred by being put in the vessel [of ministry].¹²

CHAPTER III

MISHNAH. THE YOUNG OF A SIN-OFFERING,³ THE SUBSTITUTE¹⁴ OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNER HAS DIED¹⁵ ARE LEFT TO DIE. THAT WHICH PASSED [THE AGE-LIMIT OF] ONE YEAR¹⁶ OR WAS LOST¹⁷ AND THEN FOUND WITH A BLEMISH, IF AFTER THE OWNER HAS BEEN ATONED,¹⁸ IT IS LEFT TO DIE; IT CANNOT EFFECT A SUBSTITUTE¹⁹ AND THOUGH ONE MAY NOT DERIVE ANY BENEFIT FROM IT, IT IS NOT SUBJECT TO THE LAW OF SACRILEGE;²⁰

(1) I.e., that also things that do not require some other object to render them permissible are subject to the laws of nothar and defilement.

(2) Zeb. 45b.

(3) I.e., it is not necessary for the transgressor to have known that the food he enjoyed was piggul.

(4) I.e., does not vary according to the pecuniary situation of the transgressor, as in the case of uncleanness. V. Lev. V, 2ff.

(5) I.e., even if the whole congregation ate piggul, everyone would be guilty.

(6) An unclean person that has entered the Temple precincts or has eaten holy things is guilty only if at one time he knew of his uncleanness, v. Shebu. 2a. He thus is aware twice of his uncleanness; before and after his transgression.

(7) Shebu. 2a.

(8) E.g., in the case of the Passover lamb, v. Pes. 66b, which can be offered and consumed in the case of the whole congregation being unclean.

(9) Lev. XXII, 3.

(10) Including things that do not require the act of another object to render them permissible.

(11) Even before that act had been performed.

(12) The word **קָרִיב**, (rendered 'who approaches') is expounded as **קָרֵב**, 'fit to be offered', thus indicating that the law applies only if the flesh was ready to be offered, i.e., that the act that renders it permissible was performed already.

(13) The young, born after its mother's dedication, is considered holy, yet it cannot be offered upon the altar, since it was not explicitly dedicated for this purpose.

(14) It is forbidden to change an animal dedicated as an offering against a profane animal; if such an exchange takes place, both the animal originally dedicated and the animal exchanged for it are equally holy, except in the case where the latter animal, although it too becomes holy, must not be offered 'upon the altar', v. Lev. XXVII, 10 and Tem. 22b.

(15) 'There is no atonement for the dead; death has atoned for them' is a general ruling of the Sages. The offering can therefore no longer be employed for the purpose for which it was originally designated.

(16) Num. XV, 27.

(17) In Tem. 22b this is expounded as follows: 'That which passed one year and was lost, or that which was lost and found with a blemish'.

(18) With another animal.

(19) As it is destined to be killed.

(20) By law of the Torah, but by enactment of the Sages it is sacrilegious to use it. The Fifth is then not to be paid.

Talmud - Mas. Me'ilah 11a

IF BEFORE THE OWNER HAD BEEN ATONED, IT SHALL GO TO PASTURE UNTIL IT BECOMES UNFIT [FOR SACRIFICE].¹ THEN IT SHALL BE SOLD AND FOR THE EQUIVALENT ANOTHER [SACRIFICE] SHALL BE BOUGHT; IT CAN EFFECT A SUBSTITUTE AND IS SUBJECT TO THE LAW OF SACRILEGE. GEMARA. Why this difference in that no distinction is made² in the first clause while in the concluding a distinction is made? — In the first clause the ruling is absolute,³ in the concluding it is not. But has not this [Mishnah] been taught already in connection with exchanges?⁴ — There it has been taught for the sake of its reference to the law of exchanges, here by reason of its reference to the Law of Sacrilege.

MISHNAH. IF ONE HAS SET ASIDE MONEY FOR HIS NAZIRITE OFFERINGS,⁵ IT MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT, AS IT MAY ALL⁶ BE USED FOR THE PEACE-OFFERING.⁷ IF HE DIED AND LEFT MONEY [FOR HIS NAZIRITE OFFERINGS]. IF UNSPECIFIED IT SHALL GO TO THE NEDABAH⁸ FUND; IF SPECIFIED, THE MONEY DESIGNATED FOR THE SIN-OFFERINGS SHALL BE TAKEN TO THE SALT [DEAD] SEA;⁹ IT MAY NOT BE USED, THOUGH THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WITH THE MONEY DESIGNATED FOR A BURNT-OFFERING THEY SHALL BRING A BURNT-OFFERING;¹⁰ THE LAW OF SACRILEGE APPLIES TO IT. WITH THE MONEY DESIGNATED FOR THE PEACE-OFFERING THEY SHALL BRING A PEACE-OFFERING, AND IT HAS TO BE CONSUMED WITHIN A DAY,¹¹ BUT REQUIRES NO BREAD OFFERING.¹² GEMARA. Resh Lakish demurred: Why does not [the Mishnah] teach also the following case: If one has set aside monies for bird-offerings,¹³ they may not be used but the Law of Sacrilege does not apply to them because he might buy with them turtledoves which have not reached the prescribed age or pigeons which have passed the prescribed age?¹⁴ — Said Raba: [In our case] the Torah rules that for the unspecified money [also] a peace offering shall be purchased; but does the Torah ever rule that turtle-doves which have not reached the right age shall be offered? Are they not indeed unfit for the altar? MISHNAH. R. SIMEON¹⁵ SAYS: [THE LAW RELATING TO] BLOOD IS LENIENT AT THE BEGINNING [OF THE OFFERING CEREMONY] AND STRINGENT AT THE END; [THAT RELATING TO] LIBATIONS IS STRINGENT AT THE BEGINNING AND LENIENT AT THE END; BLOOD IS EXEMPTED FROM THE LAW OF SACRILEGE AT THE BEGINNING, BUT IS SUBJECT TO IT AFTER IT HAS FLOWED AWAY TO THE BROOK KIDRON;¹⁶ LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING, BUT ARE EXEMPTED FROM IT AFTER THEY FLOWED DOWN INTO THE SHITTLIN.¹⁷ GEMARA. Our Rabbis taught:¹⁸ ‘The Law of Sacrilege applies to blood. These are the words of R. Meir and R. Simeon; but the Sages say. It does not apply’. What is the reason of them Who hold that it does not apply?¹⁹ — Said ‘Ulla: Scripture says. And I have given it to you,²⁰ [suggesting] it shall be yours.²¹ The School of R. Ishmael taught: [It reads there] to make atonement²² [meaning], I have given it for atonement, but not [to make it subject] to the Law of Sacrilege. R. Johanan says: Scripture Says. For it is the blood that maketh atonement by reason of the life.²² [The blood] before [the act of]²³ atonement is to be compared to its status after the act of atonement.²⁴ Just as after the act of atonement it is exempted from the Law of Sacrilege, so before the act of atonement it is exempted from the Law of Sacrilege. But why not infer [in the other direction]: Just as before the act of atonement the Law of Sacrilege applies to it, so also after the act of atonement the Law of Sacrilege applies to it? — Is there at all a thing to which the Law of Sacrilege applies after the Prescribed ceremony had been performed therewith! — But why not?

(1) I.e., until it contracts a blemish. This phrase refers, of course, only to the one which has passed the age-limit. for in the other instance the animal is found with a blemish.

(2) Whether the owner has been atoned for or not.

(3) There is no object in making this distinction, for in all the three instances of the first clause the position is final; the young and the exchange are themselves not considered offerings, and in the case of the owners' death the sin for which the offering was brought is already expiated.

(4) Tem. IV, 1; why repeat it?

(5) Without specifying what portion of the sum is designated for each of the required offerings, viz., a sin-offering, a burnt-offering and a peace-offering. V. Num. VI, 14f.

(6) Of each coin one may say, perhaps this is designated for the peace-offering (Rashi). Tosaf.: The whole sum may be used for the peace-offering, and the other offerings bought with other money.

(7) Which as a sacrifice of a minor degree of holiness does not come under the Law of Sacrilege; v. supra 7b.

(8) V. Glos.

(9) I.e., it shall be destroyed.

(10) A burnt offering is not brought for atonement. It can therefore be offered even after its owner's death. The same applies to the peace-offering.

- (11) As in the case of the peace-offering of a Nazirite and not as in the instance of an ordinary peace-offering whose flesh may be consumed during two days and the night in between.
- (12) As it cannot be placed upon the hands of the Nazirite as required in Num. VI. 19.
- (13) To be offered e.g., by him who recovered from gonorrhoea; v. Lev. XV. 1ff.
- (14) Turtle-doves are fit for offerings only after they have reached a certain age, pigeons only under that age. cf. Hul. 22b. The argument is: As he might buy with the money something which is not subject to sacrilege. the money. too, should not be subject to the Law of Sacrilege, as in the instance of the Mishnah.
- (15) Some edd. read: R. Ishmael.
- (16) Cf. Yoma 58b.
- (17) I.e., pits at the side of the altar into which the remainder of libations was poured. V. Tosef. Suk. III, 3.
- (18) Yoma 592.
- (19) Yoma 59b has the version: The dispute refers only to the application of the law by enactment of the Rabbis. All agree, however, that by law of the Torah Sacrilege does not apply; wherefrom do we know this? Tosaf. corrects here accordingly.
- (20) Lev. XVII, 11.
- (21) I.e., it is not the 'possession of God', but that of man.
- (22) Ibid.
- (23) I.e., the sprinkling of the blood.
- (24) 'It is' is understood to convey as much as 'it remains in the same status', Rashi Yoma ibid.

Talmud - Mas. Me'ilah 11b

What of the ashes removed [from the altar] which are subject to the Law of Sacrilege although the prescribed ceremony had been performed therewith!¹ — The [law concerning the] removed ashes and that concerning the limbs of the scapegoat² constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them.³ This would be right according to the view that one may make no use of the limbs of the scapegoat, but what would be your argument according to him who holds that one may use them? — The [law concerning the] removed ashes and that concerning the garments of the High priest⁴ constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them. This would be right according to the Rabbis Who hold [that the text]. And he shall place them there⁵ teaches that they have to be hidden,⁶ but what would be your argument according to R. Dosa who holds that a common priest may wear them? — The [law concerning the] removed ashes and that concerning the heifer whose neck has been broken⁷ constitute two texts of Scripture which teach the same thing [and from such texts no general rule can be derived]. But this [reply] would be right [only] according to him who [indeed] holds that one cannot derive a general rule [from such laws]; but what would be your argument according to the view that one can derive a general rule [from such laws]? — [In this case] there are written two limitations [excluding other instances]: Here it is written. The heifer whose neck has been broken,⁸ and there it is written, And he shall place it by the side of the altar,⁹ implying that only in these [instances does the Law of Sacrilege apply even after the prescribed ceremony has been performed], but not in others. LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING etc. May we assume that our Mishnah is not in agreement with the view of R. Eleazar son of R. Zadok? For 'it has been taught:¹⁰ 'R. Eleazar son of R. Zadok said: There was a small passage between the ascent [of the altar] and the altar, on the west side of the altar. Once every seventy years young priests descended through it and brought up the [accumulated] congealed wine, which resembled a cake of figs. and burnt it in a sacred place, for Scripture says: In holiness shalt thou surely offer the libation to the Lord:¹¹ just as the libation thereof must be in a sacred place, so the burning thereof must be in a sacred place'. How is this implied? — Thereupon said Rabina: It is derived from [nothar¹² by textual analogy based on the word] 'holy' occurring in both texts. It says here 'in holiness'¹³ and it says there, and thou shalt burn the remnant in fire, it may not be eaten for it is holy.¹⁴ Just as nothar is burnt in a sacred state,¹⁵ so also these [libations] are burnt in a sacred

state.¹⁶ — [The Mishnah] may well agree with R. Eleazar, son of R. Zadok, as [it refers only to the case where the wine] was caught [before it reached the bottom of the Shittin].¹⁷ Some reported [the discussion in the following version]: Shall we say that our Mishnah is in accordance with the view of R. Eleazar son of R. Zadok?¹⁸ — [Not necessarily] as [it deals with a case where] the wine was caught [before it reached the ground]. I might say:¹⁹ It is not necessary [to limit the Mishnah to this case] for [it is considered holy only] by Rabbinical enactment. But does he not adduce the text? — [The Biblical text is a] mere exegetical support [of a Rabbinical enactment]. MISHNAH. THE ASHES OF THE INNER ALTAR²⁰ AND [OF THE WICKS OF] THE CANDLESTICK MAY NOT BE USED. AND ARE NOT SUBJECT TO THE LAW OF SACRILEGE. IF ONE DEDICATES ASHES²¹ THEY ARE SUBJECT TO THE LAW OF SACRILEGE. TURTLE-DOVES WHICH HAVE NOT REACHED THE RIGHT AGE AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE²² MAY NOT BE ENJOYED; THEY ARE, HOWEVER NOT SUBJECT TO THE LAW OF SACRILEGE. GEMARA. This²³ is right

(1) Why not take this as an example for similar instances?

(2) Which, too, according to one view in Yoma 67a are subject to the Law of Sacrilege, although the prescribed ceremony has been performed therewith.

(3) For were it the intention of the Torah that these laws should serve as a model to similar cases one text would suffice.

(4) V. Hul. 117a.

(5) Lev. XVI, 23.

(6) So as not to be used again, i.e., they are subject to the Law of Sacrilege.

(7) V. Deut. XXI, 1ff, and Sot. IX. 1f.

(8) Deut. XXI, 6. The definite article is to exclude other cases.

(9) That the removed ashes are still holy and therefore subject to the Law of Sacrilege is learnt from the fact that we are commanded to place it 'by the side of the altar'. In the text commanding this, Lev. VI, 3, the word 'it' is regarded as unnecessary and is taken to indicate that only the ashes are sacred even after the prescribed ceremony had been performed therewith, and not other things.

(10) Suk. 492'

(11) Num, XXVIII, 7. The verb is repeated in Hebrew as emphasis.

(12) V. Glos.

(13) Num. XXVIII, 7.

(14) Ex. XXIX, 34.

(15) Cf. Pes. 82b.

(16) They are still considered sacred at the time of burning. The Law of Sacrilege should accordingly apply to the wine libation even after it had been let down to the Shittin, which is contradictory to our Mishnah.

(17) In which case R. Eleazar too agrees that the Law of Sacrilege does not apply. though once it reaches the bottom of the Shittin the holy ground renders the wine again sacred.

(18) For according to the Sages. Suk. 49a, the pits were not pits where the wine accumulated, but rather canals through which it flowed. The instance of our Mishnah of the use of such wine should then be an impossibility.

(19) The text of the last paragraph is rather obscure; cf. Tosaf. Suk. 49b who states that this version is corrupt and that of Suk. correct, where this paragraph is wholly omitted. It can make sense as a continuation of the discussion according to the former tradition. There the Mishnah is restricted, according to R. Eleazar son of R. Zadok, to wine caught in the air, for if taken after it has reached the bottom of the Shittin, it is considered holy and should therefore be subject to the Law of Sacrilege. Now it is argued, perhaps this reservation is not necessary, for the sacred character attributed to the wine by R. Eleazar is only a Rabbinical enactment and the Law of Sacrilege need not therefore apply to it.

(20) Unlike the ashes of the outer altar these do not retain their sacred character after the removal from the inner altar, since there is no special text implying that they remain holy. as in the case of the outer altar (v. oupra p. 40, n. 5).

(21) I.e., if one collects these ashes after their removal from the inner altar to the heap of ashes, and dedicates them afresh to the Temple, they are sacred and therefore subject to the Law of Sacrilege (Tosaf.). Aliter: If someone had vowed to give their value to the Temple before they had been removed.

(22) These are not fit for offerings. v. Hul. I, 5.

(23) Viz., the fact that the ashes of the altar have to be put at the place of the ashes.

Talmud - Mas. Me'ilah 12a

as far as the outer altar is concerned, for it is written: And he shall place it by the altar,¹ but wherefrom do we know this of the ashes of the inner altar? Said R. Eleazar, Scripture says: And he shall take away its crop with the feathers thereof [and cast it beside the altar on the east part, in the place of the ashes]:² as this has no bearing on the outer altar,³ make it bear on the inner altar. But why not say that both passages bear upon the outer altar [and it has been repeated] in order to fix the precise side [for the ashes]?⁴ — If so, Scripture should [only] say, 'by the altar'; why [add, 'the place of] the ashes'? [To suggest] that [it was the place of the ashes] also for the inner altar.⁵ Wherefrom do we know [the place for the ashes of] the candlestick? — [The expression] 'the ashes' [is an amplification, for it sufficed to mention] 'ashes'. MISHNAH.⁶ R. SIMEON SAID: TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE ARE SUBJECT TO THE LAW OF SACRILEGE,⁷ WHILE PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE ARE NOT ALLOWED FOR USE, BUT ARE EXEMPTED FROM THE LAW OF SACRILEGE. GEMARA. It is right according to R. Simeon whose reason has been stated [in a Mishnah]:⁸ 'For R. Simeon used to say: [He who uses] that which will be fit [for offering] after a period and has been dedicated before that period has expired has transgressed a prohibitory law,⁹ though he is not liable to the penalty of kareth'.¹⁰ But according to the ruling of the Rabbis,¹¹ whereby is [our case] distinguished from that of [animal-sacrifices] which have not reached the required age [of eight days]?¹² — I might reply: [The sacrifice of a beast] that has not reached the required age is to be compared to one with a blemish which can be redeemed,¹³ but these bird-offerings, which a blemish¹⁴ does not disqualify them, cannot be redeemed. 'Ulla said in the name of R. Johanan: Dedicated [animals] which have died are according to the Torah exempted from the Law of Sacrilege. When 'Ulla sat and recited this ruling. R. Hisda said to him: Who has ever heard this, your view and the view of R. Johanan. your teacher? Whither has the sanctity thereof gone? — He thereupon replied: Why not ask the same question with relation to our Mishnah, where it says: TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE, AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE MAY NOT BE ENJOYED; THEY ARE, HOWEVER, NOT SUBJECT TO THE LAW OF SACRILEGE. Here, too. [ask] whither has the sanctity thereof gone?¹⁵ — Nevertheless¹⁶ [continued 'Ulla], I admit that by Rabbinical enactment the Law of Sacrilege is applicable [in these instances],¹⁷ but I wish to raise the difficulty: Is there anything which has been exempted from the Law of Sacrilege¹⁸ from the beginning and is subject to it afterwards?¹⁹ — Why not? Is there not the instance of blood which was originally exempted from the Law of Sacrilege, but is subject to it at the end [of the offering ceremony]? For we have learnt: 'Blood is exempted from the Law of Sacrilege at the beginning, but is subject to it after it has flowed away to the Brook Kidron'.²⁰ — I might reply: In that instance the Law of Sacrilege was applicable at the beginning

(1) Lev. VI, 3.

(2) Ibid. I, 16.

(3) Since this is mentioned in Lev. VI, 3.

(4) Viz., the east side.

(5) Ibid. The definite article is regarded as superfluous.

(6) In many editions this Mishnah is joined to the previous, of which it is a continuation, thus in Tosaf.

(7) For they may be offered when they grow older.

(8) Hul. 81a.

(9) Similarly, these turtle-doves since they will become fit after a certain period, are considered holy when dedicated even before the period is reached.

(10) V. Glos.

(11) I.e., the anonymous view of the previous Mishnah.

(12) Of which it says in Bek. 56a that they at once become sacred.

- (13) In the instance of a sacrifice of cattle there is redemption in the case of disqualification by blemish; i.e., we find a precedent that even a disqualified only is holy, because a substitute can take its place. There is no such precedent in the case of a bird offering as this offering cannot be redeemed.
- (14) Even in the case of such blemishes which disqualify even bird-offerings there is no redemption.
- (15) The question is from pigeons which have passed the prescribed age after having been dedicated.
- (16) So MS.M. cur. edd.: 'He said to him'. I.e., although Mishnah proves that it is possible for the Law of Sacrilege to cease to operate.
- (17) I.e., in my case and in that of the Mishnah. One is liable to compensation, though not to the payment of the additional Fifth.
- (18) As in the instance of the turtle-doves according to the first view of the Mishnah.
- (19) I.e., after they reach the prescribed age. although they had been dedicated when they were not yet of age.
- (20) Supra 11a.

Talmud - Mas. Me'ilah 12b

for Rab said:¹ 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'. [The above] text states: R. Huna² said in the name of Rab: 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'. R. Hamnuna raised an objection:³ 'The milk of consecrated cattle and the eggs of turtledoves may not be used, but the Law of Sacrilege does not apply to them'.⁴ — He replied: The ruling applies only to blood, for one cannot live without blood,⁵ but not to milk, as one can well live without it. R. Mesharsheya raised an objection: The manure and excrements⁶ that lie in the courtyard of the Temple may not be used, but are not subject to the Law of Sacrilege. The money thereof [paid in compensation] goes to the Temple Treasury. Now why is this so, since here too there is none who exists without some quantity of digested food [in its body]?⁷ — I might reply: How can you compare these two things with one another? Excrements come from outside [the body] and when the one [quantity of food] has been excluded [from the body] another will be consumed. Different it is with blood which is part of the body. It states: ' . . . may not be used, but are subject to the Law of Sacrilege and the money [thereof paid in compensation] goes to the Temple Treasury'. This offers a support of the rule of R. Eleazar. For R. Eleazar said: Wherever the Sages ruled [that a thing is] sacred yet not sacred [in every respect],⁸ the money thereof [paid in compensation] goes to the Temple Treasury. MISHNAH. THE MILK OF CONSECRATED ANIMALS AND THE EGGS OF [CONSECRATED] TURTLE-DOVES MAY NOT BE USED, BUT ARE NOT SUBJECT TO THE LAW OF SACRILEGE. THIS HOLDS GOOD ONLY FOR THINGS DEDICATED FOR THE ALTAR, BUT AS TO THINGS DEDICATED FOR TEMPLE REPAIR, IF ONE CONSECRATED [E.G.,] A CHICKEN BOTH IT AND ITS EGGS ARE SUBJECT TO THE LAW OF SACRILEGE, OR [IF ONE DEDICATED] A SHE-ASS, BOTH IT AND ITS MILK ARE SUBJECT TO THE LAW OF SACRILEGE. GEMARA. Does [the restriction to things dedicated for Temple repair] imply that if dedicated [to the altar] for its value [the milk or eggs] will be exempted from the Law of Sacrilege? — Said R. Papa, a clause has been omitted [in the Mishnah] which should read as follows: 'This holds good only for things dedicated themselves for the altar; but if their value is dedicated for the altar, it is considered as if they have been dedicated for Temple repair. If one consecrated [e.g.,] a chicken both it and its eggs are subject to the Law of Sacrilege, or [if one dedicated] a she-ass, both it and its milk are subject to the Law of Sacrilege'.⁹ MISHNAH. WHATSOEVER IS FIT FOR THE ALTAR

(1) Ber. 312.

(2) In the above quotation R. Huna's name is omitted.

(3) Infra.

(4) The same should apply to blood.

(5) It is therefore an integral part of the body.

(6) Of consecrated animals.

(7) I.e., it is essential for the life of the beast.

(8) I.e. it may not be used, yet is not subject to the Law of Sacrilege, in which case the mere actual value has to be repaid.

(9) Because the produce of the offering cannot be offered upon the altar, for which the animal itself is designated. It is therefore not included in the dedication. In the case of sacrifices of a minor degree of holiness the produce is of the same degree of holiness as the animal itself.

Talmud - Mas. Me'ilah 13a

AND NOT FOR TEMPLE REPAIR. FOR TEMPLE REPAIR AND NOT FOR THE ALTAR, NEITHER FOR THE ALTAR NOR FOR TEMPLE REPAIR. IS SUBJECT TO THE LAW OF SACRILEGE, HOW IS THIS? IF ONE CONSECRATED A CISTERN FULL OF WATER,¹ A MIDDEN FULL OF MANURE,² A DOVE-COTE FULL OF PIGEONS,³ A TREE LADEN WITH FRUIT,⁴ A FIELD COVERED WITH HERBS,⁵ THE LAW OF SACRILEGE APPLIES TO THEM AND TO THEIR CONTENTS. BUT IF ONE CONSECRATED A CISTERN AND IT WAS LATER FILLED WITH WATER, A MIDDEN AND IT WAS LATER FILLED WITH MANURE, A DOVE-COTE AND IT WAS LATER FILLED WITH PIGEONS, A TREE AND IT AFTERWARDS BORE FRUIT OR A FIELD AND IT AFTERWARDS PRODUCED HERBS, THE LAW OF SACRILEGE APPLIES TO THE CONSECRATED OBJECTS THEMSELVES BUT NOT TO THEIR CONTENTS, R. JOSE SAID: IF ONE CONSECRATED A FIELD OR A TREE, THE LAW OF SACRILEGE APPLIES TO THEM AND TO THEIR PRODUCE.⁶ FOR IT IS THE GROWTH OF CONSECRATED PROPERTY. THE YOUNG⁷ OF [CATTLE SET ASIDE AS] TITHE MAY NOT SUCK FROM SUCH CATTLE.⁸ SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION.⁹ THE YOUNG¹⁰ OF CONSECRATED CATTLE MAY NOT SUCK FROM SUCH CATTLE. SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION. LABOURERS¹¹ MAY NOT ENJOY OF DRY FIGS DEDICATED TO THE TEMPLE,¹² NOR MAY A COW EAT OF THE VETCH BELONGING TO THE TEMPLE.¹³ GEMARA. It says: 'THE YOUNG OF CATTLE SET ASIDE AS TITHE MAY NOT SUCK FROM SUCH CATTLE'. Wherefrom do we know this? Said R. Ahadboi, son of Ammi, It is derived from the first-born by textual analogy based on the word 'passing',¹⁴ occurring in both texts]: As the first-born¹⁵ is subject to the Law of Sacrilege, so also the milk of cattle set aside as tithe is subject to the law of Sacrilege. As to milk of consecrated cattle, it is derived from the first-born [by textual analogy based on the words] 'his mother'¹⁶ [occurring in both texts]. LABOURERS MAY NOT ENJOY etc. What is the reason?¹⁷ — Said R. Ahadboi, son of Ammi, Scripture says: Thou shalt not muzzle the ox when he treadeth out the corn;¹⁸ what he treadeth of your own,¹⁹ but not of Temple property. If one threshes [his] kela'ilin²⁰ in a field belonging to the Temple he is guilty of sacrilege.²¹ But has it not to be detached from the ground?²² — Said Rabina: This proves that the dust²³ is beneficial to it [kela'ilin]. [

(1) Fit for Temple repair only.

(2) Fit neither for the altar nor for Temple repair.

(3) Fit for the altar.

(4) Fit for the altar if it was a vine tree, whose wine may be used for libation offerings, otherwise unfit for both.

(5) Which bears a sacred character.

(6) R. Jose contends that in these two instances the produce has not come from without, but has grown naturally from the things dedicated. The produce is potentially present at the time of dedication.

(7) Which is itself not sacred, as it was born before the tithing.

(8) For the milk is sacred and may not be used by profane cattle.

(9) I.e., when cattle were taken to be tithed a condition was made to the effect that should the tithe be a female, its milk should not be consecrated, but permissible for its young.

(10) Itself not sacred, if born before consecration.

(11) Working in fields belonging to the Temple.

- (12) For the law that labourers may eat of fruits on which they work, Deut. XXIII, 25, applies to private property only, for the text speaks of 'the neighbour's vineyard'. v. B.M. 87a.
- (13) A cow which belongs to private property may be muzzled while thrashing the vetch of the Temple, for the law of Deut. XXV, 4 does not apply to Temple property.
- (14) I.e., occurring in Ex. XIII, 12 and Lev. XXVII, 32.
- (15) The first-born is a male animal. Its sacredness appertains to the whole body, as also in the case of tithe the sanctity attaches to the whole body, including the milk.
- (16) I.e., occurring in Ex. XXII, 29 and Lev. XXII, 27.
- (17) That a cow may not eat the vetch belonging to the Temple.
- (18) Deut. XXV, 4.
- (19) The pronoun of בְּדִישׁוֹ is taken to refer to the owner and not to the ox.
- (20) Rashi and Tosaf.: A kind of cereall Jastrow identifies this with kela'ilin ('wool') of Men. 42b.
- (21) For using property of the sanctuary.
- (22) Only things detached from the ground are subject to the Law of Sacrilege. cf. infra 18b.
- (23) Which is detached from the ground. He is guilty for using the dust belonging to Temple property.

Talmud - Mas. Me'ilah 13b

MISHNAH. IF THE ROOTS OF A PRIVATELY OWNED TREE SPREAD INTO DEDICATED GROUND,¹ OR THOSE OF A TREE IN DEDICATED GROUND SPREAD TO PRIVATE GROUND,² THEY MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO THEM.³ THE WATER OF A WELL⁴ WHICH COMES FORTH IN A DEDICATED FIELD MAY NOT BE ENJOYED THOUGH IT IS NOT SUBJECT TO THE LAW OF SACRILEGE; WHEN IT HAS LEFT THE FIELD IT MAY BE ENJOYED.⁵ THE WATER⁶ IN THE GOLDEN JAR⁷ MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WHEN IT HAS BEEN POURED INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. THE WILLOW BRANCH⁸ MAY NOT BE USED, BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. R. ELEAZAR, SON OF R. ZADOK SAYS: THE ELDERS WERE ACCUSTOMED TO USE IT WITH THEIR PALM TREE BRANCHES. GEMARA. Said Resh Lakish: 'The law of Sacrilege does not apply' to the whole of the contents [of the jar], but the Law of Sacrilege applies to the three logs.⁹ But does it not say in the second clause: WHEN IT HAS BEEN POURED INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE, from which it follows that in the first clause the Law of Sacrilege does not apply. even with reference to the three logs? — Rather, if [Resh Lakish's statement] has been made, it has been made with reference to the second clause: IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. Said Resh Lakish: This holds good only [if the flask contained] exactly three logs,¹⁰ but R. Johanan said: It applies to the whole contents. Are we then to assume that Resh Lakish holds that a definite quantity has been prescribed for the water libation? But have we not learnt: R. Eleazar said, If one offered the water libation of Tabernacles during the Festival outside the Temple Court he is culpable;¹¹ and R. Johanan in the name of Menahem of Jotapata remarked thereupon: R. Eleazar follows R. Akiba's principle who expounds 'their libations'¹² denoting that the libation of water is analogous to the libation of wine;¹³ and Resh Lakish retorted: Would you then also say: As three logs are prescribed for wine, so also for water? Now does it not follow from this that Resh Lakish holds that no definite quantity has been prescribed for water? — No, his argument is on the view of Menahem of Jotapata!¹⁴ MISHNAH. ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE. BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH¹⁵ ONE FLICKS [IT] OFF WITH A REED.¹⁶ IF ONE DEDICATED A FOREST TO THE TEMPLE, THE LAW OF SACRILEGE APPLIES TO THE WHOLE OF IT.

(1) I.e., property of the Temple, provided the tree is less than sixteen cubits away from the field. cf. Maim. and B.B. 27b.

(2) And there is a distance of more than sixteen cubits between tree and field, Maim.

- (3) For either the tree or the ground where they are found is secular property.
- (4) The source of which is in private ground (Rashi).
- (5) For both the source and the place whence the water is drawn are not in Temple property.
- (6) Used for the water libation on Tabernacles.
- (7) V. Suk. 48a. The jar was not sacred proper. tao; the water was kept therein overnight.
- (8) Used on Tabernacles to decorate the altar; v. Suk. IV, 5. According to Maim. this refers to willows growing on dedicated ground.
- (9) I.e., if it contains more or less than the prescribed three logs which is the quantity prescribed for the libation according to Resh Lakish. For log v. Glos.
- (10) But if it contained more, one is not liable unless one used of the last three logs. Tosaf.
- (11) On the score of Lev. XVII, 3f.
- (12) Num. XXIX, 19. Tosaf. reads as in Zeb. 110b 'and its libations' of verse 31, where the use of the plural is indeed out of place.
- (13) And one is subject to a prohibition if one offers the water libation outside the Temple.
- (14) Who does not hold with Resh Lakish that three logs are prescribed for the water libation.
- (15) A tree worshipped by the heathen, cf. Deut. XII, 3.
- (16) But one may not climb up the tree, in order not to make use of it.

Talmud - Mas. Me'ilah 14a

GEMARA. It was stated:¹ If an idol broke to pieces by itself, R. Johanan says it is still prohibited [for use]; Resh Lakish says it is allowed. 'R. Johanan holds it is prohibited', because the idol worshipper has not annulled it.² 'Resh Lakish holds it is allowed', for [the idolator] surely thinks: If the idol did not save itself, how could it save me.³ Resh Lakish raised an objection to R. Johanan: ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH ONE FLICKS [IT] OFF WITH A REED. Now, does this not deal with a case where the twigs [with which the nest was built] were broken off [by the birds] from that tree itself, and yet it rules that he can flick them off with a reed?⁴ — No, the twigs were brought [by the birds] from elsewhere. If so,⁵ if [the tree was] dedicated one may not make use [of the nest] and the Law of Sacrilege does not apply to it.⁶ Hence it must deal with twigs that have however grown after [the dedication of the tree],⁷ and [our Mishnah] holds that the Law of Sacrilege does not apply to the growth of dedicated [trees]. This interpretation⁸ seems also logical, for should we say that the twigs were brought from elsewhere, why [has the nest] to be shaken off with a reed, let it be simply taken [by hand]!⁹ — Said R. Abbahu in the name of R. Johanan: It deals indeed with twigs brought from elsewhere and the expression ONE FLICKS OFF refers to the young birds.¹⁰ Said R. Jacob to R. Jeremiah: The young birds are permitted for use¹¹ in both instances,¹² and the eggs are prohibited¹³ for use in both instances. Said R. Ashi: If the birds are [so young that they] require [the care of] their mother, they are considered like eggs. MISHNAH. IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES,¹⁴ THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE.¹⁵ GEMARA. Said Samuel: Temple buildings are built first with secular [money]. and then they are dedicated,¹⁶ (why? Because he who donates money [to the Temple Fund] declares it [forthwith] sacred)¹⁷ in that he [the Treasurer] says the sacredness of the money shall be transmitted to the building, so that the money may be paid out to the labourers as their wages.

(1) A.Z. 4b.

(2) It was not the heathen who broke the idol, it broke by itself.

(3) It is assumed that in their hearts the worshippers have abandoned this idol. It is no longer an object of worship.

(4) And, of course, used. This instance is parallel to the case in question. for the twigs were not broken by the heathen himself and thus annulled by him.

(5) Rashi has here a version similar to that of the same discussion in A.Z. 42a.

- (6) Since the twigs are not from the tree belonging to Temple property, they should even be permitted for use (Tosaf).
- (7) You are thus obliged to interpret the Mishnah as referring to twigs taken from the tree itself; but should you then object, in that case the difficulty would be why they were not subject to the Law of Sacrilege: It is because it deals with twigs grown after the dedication of the tree (exclusive of the ground upon which the tree grows) and such twigs are not subject to the Law of Sacrilege. The objection to R. Johanan again remains. The following passage is to be understood in parenthesis.
- (8) Viz., that the twigs were from the tree itself.
- (9) If the twigs are, in accordance with our interpretation. of the same tree the direct approach to the nest and its twigs may have been prohibited as a precautionary measure, lest people assume that the twigs still growing are also permitted;
- (10) The twigs, however, are indeed prohibited in accordance with the view of R. Johanan.
- (11) Because they can fly and are not considered as belonging to the tree.
- (12) I.e., in the case of dedicated trees and an asherah.
- (13) For they are considered attached to the tree.
- (14) To have them prepared for building purpose for the Temple.
- (15) For these are useless for building and the Treasurer, it is assumed, has not intended to impart to them the character of sacred property.
- (16) The building material is bought with money belonging to private individuals or taken on credit. Also the wages for the workmen are paid from secular money or owed to them. When the building is finished it is exchanged. as a whole, against the money donated to the Temple Fund for this building. The money becomes again secular and can be used to satisfy the creditors and the labourers.
- (17) If material was bought with this money, the seller of the material would be guilty of sacrilege in using the money. The same applies to the labourers.

Talmud - Mas. Me'ilah 14b

An objection was raised: What was done with the surplus of the frankincense?¹ Money equivalent to the craftsmen's but if the twigs are from elsewhere there is no ground for such an assumption. wages² was set aside [from the Temple Treasury],³ [the surplus was] then exchanged against this money of the craftsmen, handed over to the craftsmen⁴ and then purchased from them with money of the new levy.⁵ Now why was [this procedure necessary]? Why not exchange the surplus against a building?⁶ — [We deal with a case where] there was no building.⁷ But does it not speak of 'the craftsmen's wages'?⁸ — There was no building equivalent to the value of the surplus. But does not Samuel hold:⁹ 'If consecrated property of the value of a maneh¹⁰ has even exchanged against a perutah,¹⁰ the exchange is valid'. — [He sanctions such a transaction] after it has been done, but not at the outset. R. Papa says, This is the reason why the building has to be built with secular [money]: The Torah has not been given to ministering angels;¹¹ he [the craftsman] might wish to lie down and would lie down on them,¹² and if it was built by consecrated [money] he would as a result be guilty of sacrilege. We have learnt: IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES, THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE. But why should one trespass the law of Sacrilege? Let this too be prepared in a secular state¹³ lest one might wish to lie down on them, and would as a result be guilty of sacrilege! — Said R. Papa: If the wood is to be used at a later date it would be indeed so;¹⁴ our Mishnah refers to wood which is to be used on the same day.¹⁵ [

(1) Each year there was a surplus of frankincense. In the month of Nissn a new year began for the offering of incense. The surplus of the past year was not allowed to be used in the new year. The device mentioned here provides a method of using this surplus by repurchasing it with the money of the new levy.

(2) I.e., any wages that the Temple may owe to labourers for their work.

(3) From this money of the shekel chamber (the Lishkah) wages were permitted to be paid, but not from a donation declared holy for a special purpose.

(4) It is not essential actually to hand it over to the labourers. Somebody else may acquire it on their behalf. The incense then becomes secular property and may be re-purchased for the Temple to be used during the coming year.

- (5) I.e., the newly paid shekels from which all public offerings for the coming year beginning with the first of Nisan are bought, v. Shek. IV, 5.
- (6) Since, according to Samuel, the building is at first secular, why not exchange the frankincense against it and re.purchase it with the money of the new levy?
- (7) No new building was erected then.
- (8) Implying that some work has been done.
- (9) B.M. 57b.
- (10) V. Glos.
- (11) I.e., we are only human beings.
- (12) The bricks e.g.
- (13) Let the preparation of the timber be done as non consecrated property and then purchased by the Temple Fund.
- (14) As you suggest.
- (15) In which case there is little likelihood that one will use it unwittingly.

Talmud - Mas. Me'ilah 15a

CHAPTER IV

MISHNAH. THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER¹ WITH REGARD TO THE LAW OF SACRILEGE AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL,² NOTHAR² AND DEFILEMENT.³ THINGS DEDICATED FOR TEMPLE REPAIR⁴ CAN COMBINE WITH ONE ANOTHER.⁵ THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH THINGS DEDICATED FOR TEMPLE REPAIR WITH REGARD TO THE LAW OF SACRILEGE.

GEMARA. Since things dedicated for the altar can combine with things dedicated for Temple repair, although the one is consecrated as such and the other only for its value, was it then necessary to mention at all that things dedicated for the altar can combine with others of the same nature? — Since he had to state the addition in this connection: 'AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT', which is inapplicable to things dedicated for Temple repair, therefore he stated this separately. Said R. Jannai: It is clear that the Law of Sacrilege applies only to things dedicated for Temple repair and to burnt-offerings.⁶ What is the reason? — Scripture says: If anyone commits a trespass [and sin in error] in the holy things of the Lord.⁷ Holy things designated wholly for God⁸ are subject to the Law of Sacrilege; but as to [other] things⁹ dedicated for the altar, of them the priests have a share and the owners have a share. We have learnt: THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER WITH REGARD TO THE LAW OF SACRILEGE?¹⁰ — [This applies only] by Rabbinical enactment. We have learnt: 'The Law of Sacrilege applies to the Most Holy sacrifices which were slaughtered on the south side'.¹¹ — [It is] by Rabbinical enactment. We have learnt: 'If one derived a benefit from a sin-offering, while it was alive he has not trespassed the Law of Sacrilege unless he has diminished its substance; if while it was dead he is liable even though his benefit was of the smallest value'.¹² — By Rabbinical enactment. And by Biblical law are they indeed exempted? Has it not been taught: Rabbi says. The expression all fat is the Lord's¹³ is to include the emurim¹⁴ of sacrifices of a minor degree of holiness with regard to the Law of Sacrilege!¹⁵ — By Rabbinical enactment. But does he adduce a Biblical text [as proof]? — It is a mere exegetical support [of a Rabbinical enactment]. But does not 'Ulla say in the name of R. Johanan: 'Consecrated animals which died are according to Biblical law exempted from the Law of Sacrilege'.¹⁶ Now, to what does this refer? Shall I say to things dedicated for Temple repair; then the Law of Sacrilege should apply to them even after they have died; for suppose a man would dedicate a midden for Temple repair, would the Law of Sacrilege not apply to it? It must then refer to things dedicated for the altar.¹⁷ But then they should not¹⁸ be subject to sacrilege by Biblical law! — Rather what the School of R. Jannai taught was that from that text¹⁹ you can only derive things

dedicated for Temple repair; but things dedicated for the altar you cannot derive from it.²⁰ [

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- (1) To make up the requisite legal size of an olive's bulk, or, in reference to sacrilege, the required legal value of a perutah.
(2) V. Glos.
(3) V. supra p. 17.
(4) I.e., the Temple treasury.
(5) With reference to sacrilege only. as the other laws are not applicable to them.
(6) [Var. lec. omit 'and to burntofferings'. This is the correct reading as is shown by the second version of R. Jannai's statement at the end of this passage.]
(7) Lev. V, 15.
(8) Viz., the burnt-offering which is wholly offered on the altar.
(9) E.g., the sin-offering and the guilt-offering.
(10) Obviously referring to all sacrifices, in contradiction to R. Jannai.
(11) Supra 2a.
(12) Infra 18a.
(13) Lev. III, 16.
(14) V. Glos.
(15) Tem. 32b.
(16) Supra 12a.
(17) From 'Ulla's statement we learn that before they died they were subject to sacrilege by Biblical law.
(18) According to R. Jannai's view.
(19) Viz., Lev. V, 15.
(20) But from Lev. III, 16.

Talmud - Mas. Me'ilah 15b

MISHNAH. FIVE THINGS IN A BURNT-OFFERING CAN COMBINE WITH ONE ANOTHER: THE FLESH, THE FAT,¹ THE FINE FLOUR, THE WINE AND THE OIL;² AND SIX IN A THANKOFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD. GEMARA. R. Huna recited to Raba: 'Five things in the world³ can combine with one another'. Said the latter: Did you say 'in the world'? Does not the Mishnah teach of a thank-offering: AND SIX IN A THANK-OFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD? — The other replied: Read 'in a burnt-offering'.⁴ We have thus learnt here what our Rabbis have taught: '[The flesh of] a burnt-offering and the sacrificial portions thereof⁵ can combine to make up [the requisite size of] an olive [to render one liable] for offering them outside [the Temple Court] and to render one culpable for [transgressing the laws of] piggul, nothar and defilement'. It speaks of a burnt-offering and does apparently not apply to a peace-offering. This is right as far as offering outside the Temple Court is concerned, for with a burnt-offering which is wholly offered the emurim⁶ can be combined;⁷ but with [the flesh of] a peace-offering⁸ it can rightly not be combined. But with regard to [the transgression of the laws of] piggul nothar and defilement, why should one not be guilty in the case of a peace-offering?⁹ Have we not learnt: 'All kinds of piggul can combine with one another and all kinds of nothar can combine with one another'?¹⁰ — Read, therefore: The flesh of a burnt-offering and the emurim thereof can combine with one another to make up an olive-size so that the blood can be sprinkled on account of them;¹¹ and it represents the opinion of R. Joshua. For we have learnt:¹² R. Joshua said, With all other sacrifices of the Torah the blood can be sprinkled only if an olive-size of flesh or an olive-size of fat was left; if half an olive-size of flesh and half an olive-size of fat were left the blood cannot be sprinkled. With a burnt-offering, however, the blood can be sprinkled even if half an olive-size of flesh and half an olive size of fat were left, because it is all offered upon the altar. And with a meal-offering, even if it has wholly been preserved. the blood cannot be sprinkled. How does the meal-offering come in?¹³ — Said R. Papa: [It refers to] a meal-offering which accompanies a

beast sacrifice.¹⁴ MISHNAH. TERUMAH,¹⁵ TERUMAH OF THE TITHE,¹⁶ TERUMAH OF THE TITHE SEPARATED FROM DEM'AI,¹⁷ HALLAH¹⁸ AND FIRST-FRUITS CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE SIZE REQUIRED TO RENDER OTHER THINGS¹⁹ FORBIDDEN AND TO BE LIABLE TO THE PAYMENT OF A Fifth.²⁰ ALL KINDS OF PIGGUL CAN COMBINE WITH ONE ANOTHER AND ALL KINDS OF NOTHAR CAN COMBINE WITH ONE ANOTHER. GEMARA. What is the reason that hallah and first-fruits can combine? — All these are called by the term 'terumah'. Of hallah it reads, of the first of your dough you shall set apart terumah.²¹ The first-fruits are also called terumah, for we have learnt: The expression, and the terumah of thy hand²² refers to first fruits.²³ While the other instances²⁴ of the Mishnah need no proof. MISHNAH. ALL KINDS OF NEBELAH²⁵ CAN COMBINE WITH ONE ANOTHER,²⁶ AND ALL KINDS OF REPTILES CAN COMBINE WITH ONE ANOTHER.²⁶ GEMARA. Said Rab:

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- (1) The fat parts which were offered on the altar.
 - (2) The latter three are from the accompanying meal-offering
 - (3) Meaning there are in connection with all offerings only five things.
 - (4) בעולם instead of בעולם 'in the world'.
 - (5) Thus the version of Zeb. 109a and of Rashi. Cur. edd. read: burnt-offerings and emurim, v. Glos.
 - (6) Which are always offered upon the altar.
 - (7) With the other parts of the flesh.
 - (8) The flesh is eaten by the owner and the priests. In this case they can, of course, not combine the emurim when offered outside the Temple.
 - (9) When the legal size was accomplished through a combination of the different parts thereof.
 - (10) V. infra.
 - (11) Thus the version of Tosaf. and Rashi. Cur. edd. add.: And since they can combine with regard to sprinkling, one is guilty . . . and whose view is this? If the flesh of a burnt-offering is lost, the blood can be sprinkled only if an olive-size of the offering is left. Now, this olive-size may be composed of flesh and emurim.
 - (12) Tosef. Zeb. IV, 3.
 - (13) I.e., how does the sprinkling come in connection with a meal-offering.
 - (14) Lit., 'a meal-offering of libation', because this is the only kind of meal-offering which requires wine for libation. V. Num. XV, 5f. I might have thought that the blood of the offering can be sprinkled if nothing but the accompanying meal-offering is preserved, hence we are told that it is not so.
 - (15) The priest's share of the ingathering of the field. v. Ter. IV, 3. v. Glos.
 - (16) The Levite's contribution to the priest.
 - (17) I.e., produce of the field about which there is a suspicion that they have not been tithed properly, v. Glos.
 - (18) The portion of the dough set aside for the priest. V. Num. XV, 20 and Glos.
 - (19) If common food is mixed with them in a proportion which is no less than a hundred to one (the required proportion of each of them), they are wholly forbidden to a non priest.
 - (20) If one has eaten unwittingly the value of at least a perutah, one is liable to the payment of an additional Fifth. V. Ter. I, 1.
 - (21) Num. XV, 20.
 - (22) Deut. XII, 17.
 - (23) Pes. 37b.
 - (24) The first three mentioned in our Mishnah.
 - (25) v. Glos.
 - (26) To make up the required legal size of an olive.

Talmud - Mas. Me'ilah 16a

This¹ has been taught only with reference to defilement,² but with regard to eating, clean animals³ form one group for themselves and unclean animals⁴ another. And Levi said: Also in regard to eating do they all combine with one another.⁵ And R. Assi said: Clean animals for themselves and unclean

for themselves. Some say he differs from Rab,⁶ while others say he does not differ from him.⁷ An objection was raised: [The flesh of] a dead cow⁸ and a living camel⁹ cannot combine with one another, from which it follows that if both, however, were dead their flesh would combine. Does this not contradict R. Assi?¹⁰ — No, refer thus: But if both were alive they could combine; and this would be in agreement with R. Judah's view who holds¹¹ that the prohibition to eat a limb [cut off] from a living creature¹² applies also to unclean animals. But what would be the case if both were dead? Could they not combine? If so, why just instance¹³ 'the flesh of a dead cow and a living camel',¹⁴ surely even if both were dead they could not combine? And furthermore, have we not learnt: 'Half an olive size [of the flesh] of a living cow and half an olive-size of that of a dead camel cannot combine with one another, but half an olive size of the flesh of a cow and half an olive-size of that of a camel can combine with one another if both are alive or both dead'. There would be a contradiction between the opening clause¹⁵ and the concluding. You must therefore come to the conclusion that in the case of both animals being dead they can combine with one another!¹⁶ — R. Assi would reply: This Tanna holds that a prohibition can apply to something that has been prohibited already by reason of another prohibition.¹⁷

(1) Viz., the first clause.

(2) V. Lev. XI, 39. An olive's bulk conveys uncleanness.

(3) Which, if they died of themselves, or if slaughtered not according to ritual, are prohibited as nebelah, v. Deut. XIV, 21.

(4) Which even if not slaughtered according to ritual are prohibited only by reason of their uncleanness, v. Lev. XI, 8, but do not come under the category of nebelah, according to the principle that a prohibition cannot take hold of something which has already been forbidden.

(5) He holds that unclean animals not slaughtered according to ritual do come under the category of nebelah.

(6) I.e., he is assumed to relate also to defilement.

(7) But refers to eating only.

(8) I.e., the nebelah of a clean animal.

(9) Cut off while the camel was alive. A camel is an unclean animal.

(10) According to the first explanation of R. Assi's statement, Rashi: Rab is not contradicted as this statement might refer to defilement.

(11) Hul. 101b.

(12) Gen. IX, 4.

(13) Lit., 'what was (the idea) that he rushed and instanced . . . '.

(14) In the concluding clause of the previous statement.

(15) If your inference be right.

(16) Contradicting R. Assi.

(17) While his statement is following the view that such a prohibition cannot take effect.

Talmud - Mas. Me'ilah 16b

Said R. Judah in the name of Rab: As to the eating of unclean reptiles, one is liable to the penalty of lashes only when one has consumed an olive-size.¹ Why? Because the expression 'eating'² is used in that connection. But did not R. Jose son of R. Hanina recite before R. Johanan: [It is written]: Ye shall therefore separate between the clean beast and the unclean and between the unclean fowl and the clean and ye shall not make your souls³ detestable by beast or by fowl or by anything wherewith the ground teemeth, which I have set apart for you to hold unclean.⁴ Scripture speaks at the beginning of eating and ends with defilement, in order to indicate that as with reference to defilement the lentil is the standard size so also with regard to eating. Whereupon R. Johanan praised him. Now, does this not contradict Rab's ruling? — No, there is no difficulty, for the one⁵ deals with reptiles while they are dead⁶ the other while they are alive. But, said Abaye to him, does not Rab refer his statement to the Mishnah⁷ and our Mishnah speaks of ALL REPTILES, [apparently] even though they are dead? — Replied R. Joseph: This⁸ is your assumption. The fact is that Rab made an

independent statement. [It said]: 'R. Johanan praised him'.⁹ To this an objection was raised. [We have learnt]: 'There is no standard size for entire limbs [of unclean animals]. Even less than an olive-size of nebelah and less than a lentil-size of a reptile effect defilement',¹⁰ And R. Johanan remarked: The penalty of lashes, however, is inflicted only for an olive-size!¹¹ — Said Raba: Scripture speaks only of those that are separated.¹² Said R. Adda son of Ahabah, to Raba: If so, why not draw a distinction also with reference to beasts between those that are separated¹³ and those that are not separated?¹⁴

(1) Unlike defilement where the lentil-size suffices.

(2) Viz., Ye shall not eat them, for they are a detestable thing, Lev. XI, 42. The rule is that wherever 'eating' is used the standard size is an olive.

(3) 'Make your souls detestable' is understood, through eating.

(4) Lev. XX, 25.

(5) Viz., R. lose.

(6) And effect defilement in which case a comparison may be drawn between eating and defilement, making a lentil's bulk the standard quantity.

(7) Cur. edd. insert here in parenthesis the following text which pseudo-Rashi declares to be incomprehensible: 'and not a little from here and a little from there'.

(8) That Rab was referring to our Mishnah.

(9) Thus agreeing that a lentil is the standard size for the eating of reptiles, and that one is then liable to lashes.

(10) Oh. I, 7.

(11) R. Johanan thus contradicts himself, as this dictum is taken to refer to dead reptiles in analogy to nebelah, and yet an olive-size is required.

(12) The former dictum of R. Johanan according to which the standard size for the eating of reptiles is a lentil refers to the eight reptiles which have been singled out in Lev. XI, 29f for their uncleanness, and whose standard size with regard to defilement is a lentil; while the latter saying of R. Johanan relates to other reptiles which do not effect uncleanness; so that no analogy can be drawn between eating and defilement with regard to the legal size. This dictum of R. Johanan is not to be taken as comment on the Mishnah quoted from Oh. which explicitly mentions uncleanness in connection with reptiles and must therefore relate to the eight reptiles, but as a statement made independently by him.

(13) I.e., clean animals.

(14) I.e., the unclean. The fact that Lev. XX, 25 mentions beasts and reptiles side by side intimates an analogy between these two kinds. Also in the case of beasts, therefore, should some distinction be made as to the standard size between those that are separated and the standard quantity of those that are not separated, an olive-size being prescribed only with regard to the former; but as to the latter, a greater quantity should be required, e.g., that of an egg.

Talmud - Mas. Me'ilah 17a

— He replied to him: The Divine Law compares them with reference to the prohibition of 'you shall not make your souls detestable',¹ but not with regard to standard sizes.² MISHNAH. THE BLOOD OF A REPTILE AND THE FLESH [THEREOF] CAN COMBINE WITH ONE ANOTHER.³ R. JOSHUA LAID DOWN THE GENERAL RULE: ALL THINGS THAT ARE ALIKE BOTH IN RESPECT OF [DURATION OF] UNCLEANNESS⁴ AND IN RESPECT OF THEIR STANDARD SIZE⁵ CAN COMBINE WITH ONE ANOTHER. THINGS, HOWEVER, THAT ARE ALIKE IN RESPECT [OF DURATION] OF UNCLEANNESS BUT NOT IN RESPECT OF SIZE, IN RESPECT OF SIZE BUT NOT IN RESPECT [OF DURATION] OF UNCLEANNESS, OR [IF THEY ARE ALIKE] NEITHER IN RESPECT [OF DURATION] OF UNCLEANNESS NOR IN RESPECT OF SIZE, CANNOT COMBINE WITH ONE ANOTHER. GEMARA. Said R. Hanin in the name of R. Zeira, and thus said also Rab Judah:⁶ Only the blood and the flesh of the same reptile [can combine with one another]. R. Jose son of R. Hanina demurred to this: The expression, they that are unclean,⁷ is to teach us that reptiles can combine one with the other: one reptile with another, reptile or [flesh of] reptile with blood, whether they are of one denomination or two denominations!⁸ — Said R. Joseph, There is no contradiction. The one ruling⁹ refers to a whole creature¹⁰ the other to a part thereof. Wherefrom do you know [to make such distinction]? — From what has been taught:¹¹ 'If [the blood]¹² was poured out on a pavement, which was a sloping place, and he overshadowed¹³ a portion he remains clean, if he overshadowed the whole thereof he is unclean'. Now, what does 'a portion' mean? Shall I say, a portion [of the standard quality of blood]?¹⁴ But did not R. Hanina¹⁵ say in the name of Rabbi: 'If one stirred¹⁶ the exact quantity of a fourth of a log of blood he remained clean'.¹⁷ You must therefore conclude [that a distinction has to be made in the following manner]: In the one instance the blood came from a whole body, in the other from a portion thereof.¹⁸ This indeed proves it. R. Mathia b. Heresh once asked R. Simeon b. Yohai, in Rome: Wherefrom do we know that the blood of reptiles is unclean? — He replied: Because it is written: And these are they that are unclean.¹⁹ His disciples then said to him: The son of Yohai has grown wise. Said he to them: This is a teaching prepared in the mouth of R. Eleazar son of R. Jose.²⁰ For the Government²¹ had once issued a decree that [Jews] might not keep the Sabbath, circumcise their children, and that they should have intercourse with menstruant women. Thereupon R. Reuben son of Istroboli cut his hair in the Roman fashion,²² and went and sat among them.²³ He said to them: If a man has an enemy, what does he wish him, to be poor or rich? They said: That he be poor. He said to them: If so, let them²⁴ do no work on the Sabbath so that they grow poor. They said: 'He speaketh rightly',²⁵ let this decree be annulled. It was indeed annulled. Then he continued: If one has an enemy, what does he wish him, to be weak or healthy? They answered: Weak. He said to them: Then let their children be circumcised at the age of eight days and they will be weak. They said: 'He speaketh rightly',²⁵ and it was annulled. Finally he said to them: If one has an enemy, what does he wish him, to multiply or to decrease? They said to him: That he decreases. If so, let them have no intercourse with menstruant women. They said: 'He speaketh rightly', and it was annulled. Later they came to know that he was a Jew, and [the decrees] were re-instituted. [The Jews] then conferred as to who should go [to Rome] to work for the annulment of the decrees.

(1) Lev. XX. 25. I.e., that he who eats nebelah has transgressed an additional prohibition.

(2) I.e., not in order to make distinctions among animals with regard to standard sizes.

(3) With reference to defilement, to the requisite size of a lentil.

(4) Which they communicate to him who comes in contact with them. The defilement by reptile or nebelah lasts one day, by a corpse seven days.

(5) The standard size of nebelah or a corpse is an olive, that of reptiles a lentil.

(6) Thus Rashi. Cur. edd. 'and thus said R. Jose son of R. Hanina: The expression . . .', a version which seems to be corrupt.

(7) Lev XI, 31. The definite article of **הטמאים**, is regarded as superfluous.

(8) I.e., two species.

- (9) Viz., that of R. Jose.
- (10) I.e., the flesh and the blood were taken from two whole reptiles. But if taken from parts of reptiles the combination holds good only if the flesh and the blood are from the same reptile.
- (11) Cf. Oh. III, 3. The text there is somewhat different.
- (12) Viz., the fourth of a log of the blood of a corpse.
- (13) A corpse renders unclean everything that is under the same roof as the corpse itself. This method of defilement is called 'ohel' (tent). Also a quarter of a log of blood from a corpse effects uncleanness by 'ohel'. If a person overshadows, tentlike, a corpse or a quarter of a log of blood he himself forms the 'ohel', roofing, and is unclean.
- (14) I.e., if he overshadowed less than the required fourth of a log, he is clean; and accordingly if he overshadowed the whole quantity, although it was scattered and disconnected, he is unclean.
- (15) Tosaf. read R. Johanan.
- (16) And thereby overshadowed it.
- (17) Because a part of the blood must have been sucked into the ladle with which it was stirred, and the blood is thus disconnected. We thus learn that the fourth of a log must be connected.
- (18) When the blood comes from a whole body it need not be connected; when from a part thereof it must be connected.
- (19) Lev. XI, 29. A superfluous passage as the same is said in verse 31 and hence taken to include blood.
- (20) I.e., it is not his own.
- (21) Viz., the Roman.
- (22) Lit., 'cut a coma; i.e.' to trim the front of the hair like a fringe on the forehead and let the curls hang down on the temple' (Jastrow). V. B.K. 83a; that Abtolomos son of Reuben was permitted to wear a coma because he mixed with Roman officials. Tosaf. identifies him with Reuben son of Istroboli, v. Jawitz v. p. 177 who suggests that these were father and son.
- (23) Viz., the Romans, without being recognized.
- (24) Viz., the Jews.
- (25) Apparently the Governor.

Talmud - Mas. Me'ilah 17b

Let R. Simeon b. Yohai go for he is experienced in miracles.¹ And who should accompany him? — R. Eleazar son of R. Jose. Said R. Jose to them: And were my father Halafta still alive, would you have said to him to give his son for slaughter?² Answered R. Simeon: Were Yohai my father still alive, would you have said to him to give his son for slaughter? Said R. Jose to them: I shall accompany him, for I fear R. Simeon may punish him.³ He [R. Simeon] undertook thereupon not to inflict any punishment on him. Notwithstanding this, he did punish him, for when they were proceeding on the way the following question was raised in their presence: Wherefrom do we know that the blood of a reptile is unclean? R. Eleazar son of R. Jose curved his mouth⁴ and said: It is written: And these are they that are unclean.⁵ Said R. Simeon to him: From the undertone of thy utterance⁶ one can see that thou art a scholar, yet the son⁷ shall not return to the father.⁸ Then Ben Temalion⁹ came to meet them. [He said]: Is it your wish that I accompany you? Thereupon R. Simeon wept and said: The handmaid of my ancestor's house was found worthy of meeting an angel¹⁰ thrice, and I not even to meet him once. However, let the miracle be performed, no matter how. Thereupon he¹¹ advanced and entered into the Emperor's daughter. When [R. Simeon] arrived there,¹² he called out: 'Ben Temalion leave her, Ben Temalion leave her', and as he proclaimed this he left her. He¹³ said to them: Request whatever you desire. They were led into the treasure house to take whatever they chose. They found that bill,¹⁴ took it and tore it to pieces. It was with reference to this visit that R. Eleazar son of R. Jose related:¹⁵ 'I saw it¹⁶ in the city of Rome and there were on it several drops of blood'. MISHNAH. PIGGUL AND NOTHAR¹⁷ CANNOT COMBINE WITH ONE ANOTHER BECAUSE THEY ARE OF TWO DIFFERENT DENOMINATIONS. REPTILE AND NEBELAH¹⁸ AS WELL AS NEBELAH AND THE FLESH OF A CORPSE CANNOT COMBINE WITH ONE ANOTHER TO EFFECT UNCLEANNESS, NOT EVEN IN RESPECT OF THE MORE LENIENT OF THE TWO [GRADES] OF DEFILEMENT.¹⁹ GEMARA. Said R. Judah in the name of Samuel: This²⁰ has been taught only with reference to the uncleanness of the hands,²¹

which is only a Rabbinical enactment, but with regard to [the liability attached to] eating they can combine with one another. For we have learnt:²² R. Eliezer said: It says, it shall not be eaten for it is holy;²³ with this the Writ comes to impose a negative command upon whatever among holy things has become disqualified.²⁴ MISHNAH. FOOD CONTAMINATED THROUGH CONTACT WITH A PRIMARY DEFILEMENT²⁵ CAN COMBINE WITH THAT CONTAMINATED BY A SECONDARY DEFILEMENT TO EFFECT UNCLEANNESS ACCORDING TO THE LOWER DEGREE OF DEFILEMENT OF THE TWO.²⁶ ALL KINDS OF [UNCLEAN] FOOD CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE QUANTITY OF HALF A PERAS²⁷ IN ORDER TO RENDER THE BODY UNFIT²⁸ [OR TO MAKE UP THE FOOD] FOR TWO MEALS TO FORM AN 'ERUB²⁹ OR TO' MAKE UP AN EGG'S BULK TO CONTAMINATE FOOD, OR TO MAKE UP A DRY FIG'S BULK IN RESPECT OF THE PROHIBITION TO CARRY FORTH ON THE SABBATH³⁰ AND A DATE'S BULK WITH REGARD TO THE DAY OF ATONEMENT.³¹ ALL KINDS OF DRINKS CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE FOURTH [OF A LOG] IN ORDER TO RENDER THE BODY UNFIT OR TO MAKE UP A MOUTHFUL WITH REGARD TO THE DAY OF ATONEMENT. GEMARA. It has been taught: R. Simeon said, What is the reason?³² Because things unclean in the second degree can become unclean in the first degree.³³ But can indeed a thing unclean in the second degree become unclean in the first degree? Surely this is an impossibility?³⁴ — Said Raba: This is what is meant: What caused the object to be rendered unclean in the second degree? Surely it was something unclean in the first degree!³⁵ R. Ashi said: Things unclean in the first degree and those unclean in the second degree in relation to uncleanness of the third degree are considered as belonging to one category.³⁶ [

(1) V. Shab. 33 b.

(2) So you cannot expect me to send my son. He feared that R. Simeon might curse his son as he explains later in the conversation, but R. Simeon misunderstood this as cowardice, viz., that he feared to run the risk of being executed by the Romans, and therefore replied with displeasure that he, too, is risking his life.

(3) Viz., my son, when finding fault with him.

(4) I.e., pouted, speaking in an undertone; for it is unseemly for a pupil to speak unasked in his master's presence.

(5) Lev. XI, 29. Cf. supra.

(6) Lit., 'from the curving of your lips'.

(7) Viz., R. Eleazar.

(8) I.e., should die as a punishment for his rashness to reply in the presence of his teacher without permission.

(9) Rashi: A demon. Tosaf.: a goblin.

(10) Refers to Hagar, Gen. XVI.

(11) Viz., Ben Temalion.

(12) According to Rashi the daughter continuously proclaimed the name of R. Simeon who was thereupon invited to cure her.

(13) Apparently the Emperor.

(14) Viz., the one containing the decrees against the religious practices of the Jews.

(15) Yoma 57a.

(16) Viz., the curtain separating the Holy from the Holy of Holies, cf. Yoma ibid.

(17) V. Glos.

(18) V. Glos.

(19) The gradation refers both to the standard size and the duration of uncleanness. The uncleanness caused through contact with a corpse lasts seven days, with nebelah or a reptile only one day. The standard size for nebelah and a corpse is an olive, that of a reptile is a lentil. Any two of these cannot combine even to the larger of the respective standard sizes, and even to effect the uncleanness of the lesser duration of the two.

(20) Referring to piggul and nothar.

(21) Both nothar and piggul render the hands unclean through contact, cf. Pes. 120b.

(22) Mak. 18a.

(23) Ex. XXIX, 34. Rashi reads, for they are holy' probably with reference to verse 33, and derives this conclusion from the fact that the plural is used, referring as it seems not only to nothar but also to piggul.

- (24) They are therefore to be considered as 'of one denomination with regard to eating, and can therefore combine one with the other.
- (25) V. supra 17a.
- (26) The contaminated thing is as a rule one degree lower in the scale of uncleanness than the object from which it contracted the uncleanness. In the case of a combination the contaminated object is a degree lower than the lowest of the components.
- (27) I.e., the quantity of half a loaf, v. 'Er. 83a and Glos.
- (28) A person that has eaten unclean food must not eat any terumah or sacred food. If he touches these they are unclean, unless he has immersed before; v. Mik. X, 7.
- (29) By depositing food sufficient for two meals at the end of the Sabbath limit of two thousand cubits, one is permitted to walk on the Sabbath another two thousand cubits from that place. V. 'Er. 82b.
- (30) It is forbidden to carry things of the quantity of a dry fig from a private place to a public thoroughfare and vice versa, cf. Shab. 76b.
- (31) The eating of food of the quantity of a date on the Day of Atonement is punishable with extinction; cf. Yoma 73b. The same applies to a mouthful of any drink.
- (32) Of the combination of different degrees of uncleanness, referring to the first clause of the Mishnah.
- (33) Tosef. Toh. I, 1.
- (34) A thing unclean through contact with that of the second degree of uncleanness is itself only of the third degree!
- (35) And because of this origin a combination of the two degrees should be possible.
- (36) Lit., one valley'. Both lead after all to uncleanness of the third degree, whether it be direct or not.

Talmud - Mas. Me'ilah 18a

MISHNAH. 'ORLAH¹ AND DIVERSE SEEDS OF THE VINEYARD² CAN COMBINE WITH ONE ANOTHER.³ R. SIMEON SAYS, THEY CANNOT COMBINE. GEMARA. Is a combination at all necessary according to R. Simeon? Has it not been taught:⁴ R. Simeon said, [The eating even of] the smallest quantity [of forbidden food] makes one liable to the penalty of lashes? — Read: [R. Simeon says], A combination is unnecessary. MISHNAH. CLOTH AND SACKING, SACKING AND SKIN, SKIN AND MATTING⁵ CAN COMBINE WITH ONE ANOTHER.⁶ SAID R. SIMEON: WHAT IS THE REASON?⁷ BECAUSE THESE ARE ALL SUSCEPTIBLE TO THE UNCLEANNESS CAUSED BY SITTING.⁸ GEMARA. A Tanna taught:⁹ If one trimmed all these¹⁰ and made of the trimmings a cloth to lie upon,¹¹ [the standard size for contracting defilement is] three [handbreadths square]; if to sit upon one [handbreadth square]; and if [to serve] as a holder [it contracts defilement] however small [its size]. What is [the reason of the rule relating to the] holder? — Said Resh Lakish in the name of R. Jannai: Because it may be used in connection with weaving.¹² In a Baraitha it was taught: Because it can be used by the reapers of figs.¹³

CHAPTER V

MISHNAH. IF ONE DERIVED FROM CONSECRATED THINGS A BENEFIT OF A PERUTAH'S WORTH,¹⁴ HE IS GUILTY OF SACRILEGE EVEN THOUGH HE DID NOT LESSEN ITS VALUE. THIS IS THE VIEW OF R. AKIBA, WHILE THE SAGES HOLD: WHATSOEVER DETERIORATES [THROUGH USE] THE LAW OF SACRILEGE APPLIES TO IT ONLY AFTER IT HAS SUFFERED DETERIORATION,¹⁵ BUT WHATSOEVER DOES NOT DETERIORATE [THROUGH USE], THE LAW OF SACRILEGE APPLIES TO IT AS SOON AS HE MADE USE OF IT. FOR INSTANCE: IF [A WOMAN] PUT A NECKLACE ROUND HER NECK OR A RING ON HER FINGER, OR IF SHE DRUNK FROM A GOLDEN CUP, SHE IS LIABLE TO THE LAW OF SACRILEGE AS SOON AS SHE MADE USE OF IT [TO THE VALUE OF A PERUTAH]. BUT IF ONE PUT ON A SHIRT OR COVERED HIMSELF WITH A CLOTH, OR IF ONE CHOPPED [WOOD] WITH AN AXE,¹⁶ HE IS SUBJECT TO THE LAW OF SACRILEGE ONLY IF [THOSE OBJECTS] HAVE SUFFERED DETERIORATION.¹⁵ IF ONE DERIVED BENEFIT¹⁷ FROM A SINOFFERING,¹⁸ IF WHILE IT WAS ALIVE,¹⁹ HE IS NOT

LIABLE TO THE LAW OF SACRILEGE UNLESS HE HAS DIMINISHED ITS VALUE,²⁰ IF WHILE IT WAS DEAD,²¹ HE IS LIABLE AS SOON AS HE MADE USE OF IT. GEMARA. A Tanna taught: R. Akiba agrees with the Sages in regard to things which deteriorate [through use].²² Wherein, then, do they differ? — Said Raba, In regard to a garment worn between other [garments]²³ and a soft web.²⁴ Our Rabbis taught: It is written, If any one [commit a trespass . . .],²⁵ to imply the ordinary man as well as the Prince or the Anointed Priest,²⁶ ‘commit a trespass [ma'al]:²⁷ [The term] ma'al denotes nothing else but [effecting] a change,²⁸ and thus it says. If any one's wife go aside and act unfaithfully [ma'al] against him . . .,²⁹ and it also says, And they broke faith [wa-yim'alu] with the God of

(1) V. Glos.

(2) V. Lev. XIX, 19, and Deut. XXII, 9ff.

(3) One who eats an olive's bulk of the two combined is liable to forty stripes.

(4) Mak. 17a.

(5) Their standard sizes required for midras defilement (v. Glos.) is respectively three, four, five and six handbreadths square. V. Kel. XXVII, 2.

(6) To make up the larger of the two sizes. V. Kei. XXVII, 3 as to the proportion of the composition.

(7) Viz., how can they combine since their legal sizes vary?

(8) Viz., caused by the sitting upon them of one who is afflicted with gonorrhoea, Lev. XV, 2f.

(9) Shab. 28.

(10) Thus Rashi. Cur. edd.: ‘If one trimmed these to the extent of three handbreadths square . . .’.

(11) E.g., to patch a pillow with it.

(12) Rashi: The weaver can tie it around his finger when smoothing the yarn. Jast.: ‘To tie around the weaver's frame’.

(13) Viz., to tie it around their fingers to keep them clean.

(14) I.e., for which use one would be ready to pay at least a perutah, the smallest coin. V. also Glos.

(15) To the extent of a perutah.

(16) All these articles being the property of the Temple.

(17) The printed separate Mishnah edd. read, ‘If one has plucked (hair or wool) . . .’.

(18) Which had a blemish, v. Gemara.

(19) And could therefore be redeemed.

(20) For the price of redemption would suffer as a result of the use made of the offering; it thus belongs to the first category in the rule of the Sages.

(21) In which case it cannot be redeemed and can therefore not be valued.

(22) Tosef. II, 1.

(23) Lit., ‘middle garment’.

(24) Which do not wear off quickly in the first instance because the garment is protected. in the latter because of its rare use. Cf. Git. 59a where ** מלמל (soft web) is derived from מלל (to crumple). According to R. Akiba they are counted as garments which do not deteriorate, for the deterioration is very slow, according to the Sages they belong to the first category of the Mishnah.

(25) Lev. V, 25 dealing with sacrilege.

(26) I.e., the High Priest.

(27) Ibid.

(28) I.e., when the object of sacrilege has suffered deterioration by the use to which it has been put.

(29) Num. V, 12. This is a change of loyalty. One person or one god is substituted for another.

Talmud - Mas. Me'ilah 18b

their fathers. and went astray after the gods of the peoples of the land.¹ One might assume that [the Law of Sacrilege applied also to a case] where one has damaged [consecrated things] but has derived therefrom no benefit or has derived a benefit but has left the things unimpaired, or [that it applies] to things attached to the ground and in the case of a messenger who has carried out his appointed errand.² The text³ therefore states, ‘and sin’.⁴ [The term] ‘sin’ is used in connection with terumah⁵

and 'sin'⁶ is also mentioned in connection with sacrilege: just as 'sin' mentioned in connection with terumah⁷ [refers to a case where there is] deterioration as well as benefit; [and to a case] where he who has caused the damage is at the same time the person that has derived the benefit; [and to a case] where the deterioration and the benefit are in respect of one and the same object and where the deterioration and the benefit take place simultaneously;⁸ and to things detached from the ground and applies in the case where an agent has executed his appointed errand,⁹ so also the word 'sin' used in connection with sacrilege [refers to a case where there is] deterioration as well as benefit; where he who has caused the damage is at the same time the person that has derived the benefit; where the deterioration and the benefit are in respect of one and the same object and where the deterioration and the benefit have taken place simultaneously; and to things detached from the ground and applies in the case where an agent has executed his appointed errand.¹⁰ From this¹¹ we only derive that [the law of Sacrilege applies to] edibles which are enjoyed. whence do we know [its application to] things that do not deteriorate [through use] and that [different portions] can combine with one another,¹² even after the elapse of a considerable time;¹³ in the case where he has himself eaten thereof¹⁴ and has given to his fellow to eat thereof,¹⁵ or where he has himself made use of it¹⁴ and has given to his fellow to make use of it,¹⁵ or where he has himself made use of it¹⁴ and has given to his fellow to eat thereof,¹⁵ or where he has himself eaten thereof¹⁴ and has given to his friend to make use thereof?¹⁵ The text therefore reads: Commit a trespass:¹⁶ whatever the form may be. But [why not deduct in the following manner]: Just as with the word 'sin' mentioned in connection with terumah the rule is that two separate edibles cannot combine with one another,¹⁷ so also with the word 'sin' mentioned in connection with sacrilege two separate meals cannot combine with one another.¹⁸ From whence [further] do we know [that edibles can combine] if one eats one portion on one day and the other on the following, or if even a longer period has elapsed between the two meals? The text therefore reads: 'Commit a trespass', whatever the form may be. But [why not draw the following comparison]: Just as with the word 'sin' mentioned in connection with terumah the deterioration and the enjoyment is simultaneous,¹⁹ [so also with the word sin used in connection with sacrilege]; whence do we know then [that the Law of Sacrilege applies] when one has eaten [of consecrated food] himself and has given to his fellow to eat, even though after an interval of three years? The text therefore reads: 'Commit a trespass', whatever the form may be. But [why not deduct as follows]: Just as with the word 'sin' mentioned in connection with terumah

(1) I Chron. V, 25. Cur. edd. read wrongly 'after the Baals'.

(2) Viz., that the agent should be liable to the penalty of sacrilege and not his employer, in accordance with the otherwise valid general rule: 'One cannot appoint a deputy for an illegal act'. V. however infra 20a.

(3) Lev. V, 15.

(4) Which is really a repetition of the words preceding it 'commit a trespass' and is thus superfluous.

(5) Lev. XXII, 9, with reference to the priest's share of the crop; v. Glos.

(6) Or rather the verb of the same root.

(7) Referring to an Israelite who unlawfully eats terumah.

(8) I.e., eating.

(9) For one can appoint an agent to separate terumah, v. Kid. 41b.

(10) I.e., the employer is guilty. v. Chap. VI, I.

(11) Viz., the analogy between terumah and sacrilege. Terumah applies to edibles only.

(12) To make up the requisite value of a perutah.

(13) Rashi: but within the same day.

(14) A portion worth a fraction of a perutah.

(15) A portion worth the supplementary fraction of a perutah. V. Mishnah 3.

(16) Lev. V, 15. Lit., 'trespass a trespass'. This repetition suggests an amplification.

(17) To make up the requisite size of an olive.

(18) I.e., from this analogy we should deduct that sacrilege applies only if the required quantity has been consumed of two different kinds of food, which is contradictory to IV, 1.

(19) Since the reference is to eating.

Talmud - Mas. Me'ilah 19a

there is no liability except when [the food] has been transferred from sacred possession¹ into secular ownership,² [so also with the word 'sin' used in connection with sacrilege]; whence do we know [that the Law of Sacrilege applies] when consecrated money has been misappropriated and used for other sacred purposes; e.g., if he purchased with it the bird-offerings of a zab or a zabah,³ or of a woman after confinement,⁴ or has paid therewith his shekel,⁵ or if one has offered his sin- or guilt-offering from sacred money, in which case one is liable to sacrilege at the moment of misappropriation according to R. Simeon and at the time of the sprinkling according to R. Judah. Whence do we know all this? The text reads: 'Commit a trespass': whatever the form may be. The Master said: It is written, 'If any one [commit a trespass]', to imply the ordinary man as well as the Prince or the Anointed [Priest]. What else might one have assumed? Is this not obvious, 'If any one' is written [distinctly]? — I might have thought, The Divine Law says: And whosoever putteth any of it upon a stranger [he shall be cut off from among his people],⁶ and this one⁷ is not a stranger, since he had been anointed therewith.⁸ Therefore the amplification mentioned was necessary. The Divine Law has drawn an analogy between [the Law of Sacrilege on the one hand] and [the laws concerning] the suspected woman,⁹ idolatry and terumah [on the other]. [It is compared] to the law concerning the suspected woman: [Just as the law applies] even though there was no deterioration,¹⁰ so also with consecrated property;¹¹ if [a woman] has [e.g.,] put a ring on her finger she is guilty of sacrilege. And the Divine Law compared it to the law of idolatry: Just as the latter [applies] only when a change has taken place,¹² so also in the case of consecrated property.¹³ One is not guilty when one has chopped wood with an axe [belonging to the Temple] unless it has been impaired. The Divine Law was compared to the law of terumah: Just as in the case of terumah [the words] 'if one has eaten'¹⁴ exclude the one who damages [terumah],¹⁵ so also with consecrated things: If one has damaged anything eatable,¹⁶ he is exempted from the Law of Sacrilege. FOR INSTANCE, IF [A WOMAN] HAS PUT A NECKLACE . . . Said R. Kahana to R. Zebid: Does gold indeed not deteriorate?¹⁷ Whither, then, has the gold of Nun's daughter-in-law gone?¹⁸ — He retorted: Perhaps the gold was thrown about¹⁹ as your daughter in-law used to do. And besides, admitted this is not a case where there is enjoyment and immediate deterioration [of the used article], but [can you say] it will never deteriorate.²⁰ IF ONE HAS DERIVED A BENEFIT FROM A SIN-OFFERING etc. Now, consider:, if this refers to an animal that has no blemish,²¹ [do you not agree that] it would be analogous to the case of the golden cup? — Said R. Papa: It refers indeed to one with a blemish.²²

(1) I.e., in this connection the possession of the priest.

(2) By eating the terumah one necessarily becomes the owner thereof.

(3) I.e., a man or a woman respectively who have recovered from gonorrhoea; v. Lev. XV.

(4) V. Lev. XII.

(5) V. Shek. II, 1.

(6) Ex. XXX, 33. The text deals with the anointing oil. From which it follows that he upon whom the oil is put by law is not to be considered a 'stranger' in respect of Temple property.

(7) Viz., the anointed.

(8) And consequently would not be liable to the Law of Sacrilege.

(9) Num. V, 12-31.

(10) I.e., no physical change has taken place with the woman.

(11) Viz., regarding things which do not deteriorate through use.

(12) The worshipper transfers his allegiance from God to the idol (Rashi).

(13) Referring this time to things which do deteriorate through use.

(14) Lev. XXII, 14 dealing with terumah.

(15) I.e., if he damaged terumah he is not liable to the payment of the additional Fifth. Pes. 32b.

(16) Terumah, from which this restrictive law is derived, consists always of edibles. The derived rule applies, therefore, also in the case of sacred property to edibles only.

(17) The general rule of the Mishnah is exemplified by a golden cup. It must, therefore, be assumed that gold is considered a material which does not deteriorate through use.

(18) This alludes according to Rashi and Tosaf. to a man called Nun who presented his daughters-in-law with golden vessels which after a time were found to have lost in weight.

(19) I.e., treated with little care.

(20) Thus lit.: When the rule of the Mishnah speaks of deterioration it can only mean immediate deterioration, for nothing remains unimpaired after a sufficiently long time.

(21) As it is to be offered upon the altar, whether it be fat or grows lean, any deterioration of the animal is irrelevant with regard to its purpose. Consequently it is to be compared to the case of the golden cup.

(22) The offering is then to be redeemed, and any deterioration will express itself in the price offered for it.

Talmud - Mas. Me'ilah 19b

MISHNAH. IF ONE HAS DERIVED A BENEFIT OF HALF A PERUTAH'S WORTH AND HAS IMPAIRED [THE VALUE OF THE USED ARTICLE] BY ANOTHER HALF A PERUTAH, OR IF ONE HAS DERIVED THE BENEFIT OF A PERUTAH'S WORTH FROM ONE THING¹ AND HAS DIMINISHED ANOTHER THING BY THE VALUE OF A PERUTAH, HE IS NOT LIABLE TO THE LAW OF SACRILEGE, [FOR THIS LAW APPLIES] ONLY WHEN HE BENEFITS A PERUTAH'S WORTH AND DIMINISHES THE VALUE OF A PERUTAH OF THE SELFSAME THING. ONE DOES NOT COMMIT SACRILEGE WITH CONSECRATED THINGS WITH WHICH SACRILEGE HAD ALREADY BEEN MADE BY ANOTHER PERSON,² EXCEPT WITH ANIMALS³ AND VESSELS OF MINISTRY.⁴ FOR INSTANCE, IF ONE RODE ON A BEAST AND THEN CAME ANOTHER AND RODE ON IT AND YET ANOTHER CAME AND RODE ON IT, ALL OF THEM ARE GUILTY OF SACRILEGE; OR IF ONE DRANK FROM A GOLDEN CUP, THEN CAME ANOTHER AND DRANK AND YET ANOTHER CAME AND DRANK, ALL OF THEM ARE GUILTY OF SACRILEGE; OR IF ONE PLUCKED [OF THE WOOL] OF A SIN-OFFERING, THEN CAME ANOTHER AND PLUCKED AND YET ANOTHER CAME AND PLUCKED, ALL OF THEM ARE GUILTY OF SACRILEGE. RABBI SAID: WHATSOEVER IS UNREDEEMABLE IS SUBJECT TO THE LAW OF SACRILEGE EVEN AFTER SACRILEGE HAS BEEN ALREADY COMMITTED WITH IT. GEMARA. According to whom is our Mishnah? — According to R. Nehemiah, for it has been taught: One does not commit sacrilege with things of which sacrilege had been committed already, except with animals; R. Nehemiah says. Except with animals and vessels of ministry.⁵ What is the reason of the first Tanna? — He bases his opinion upon the fact that animals are mentioned in connection therewith,⁶ for it is written: With the ram of the guilt-offering,⁷ while R. Nehemiah argues a minori: If it⁸ renders things contained therein holy,⁹ surely it must be holy itself.¹⁰ RABBI SAID WHATSOEVER IS UNREDEEMABLE IS SUBJECT etc. But this is the view of the first Tanna? — They differ with regard to wood. For our Rabbis taught:¹¹ If a man said, I take upon myself to present wood to the Temple, he may not offer less than two logs. Rabbi said: Wood has the status of a sacrifice, it requires salt¹² and swinging.¹³ Whereupon Raba remarked that according to Rabbi an offering of wood requires other wood in addition,¹⁴ and R. Papa remarked that according to Rabbi wood requires the taking of a handful.¹⁵ R. Papa said, They differ with regard to unblemished offerings consecrated to the altar which received blemishes and were illegitimately slaughtered.¹⁶ This indeed is confirmed by what has been taught: If unblemished offerings dedicated to the altar received blemishes and were illegitimately slaughtered. Rabbi says they have to be buried, while the Sages hold they shall be redeemed. MISHNAH. IF A MAN¹⁷ TOOK AWAY A STONE OR A BEAM BELONGING TO TEMPLE PROPERTY, HE IS NOT GUILTY OF SACRILEGE

(1) Viz., an article which according to the rule of the previous Mishnah comes under the Law of Sacrilege only after it has been impaired.

(2) The first transgressor has become its owner. Sacrilege can no longer apply to it, since it is in secular possession.

(3) Consecrated to the altar and unblemished. They cannot be redeemed or alienated.

- (4) These things remain sacred even after sacrilege has been committed therewith. They cannot be redeemed or alienated.
- (5) Tosef. II, 2.
- (6) Viz., with sacrilege.
- (7) Lev. V, 16. These words are considered superfluous, since it is clear from the context that the atonement is to be made with the ram of the guilt-offering. They are therefore taken to indicate that only to offerings does sacrilege apply under all circumstances, i.e., even though another person has already committed sacrilege with them, but not to vessels of ministry.
- (8) Viz., a vessel of ministry.
- (9) V. Zeb. IX, 7.
- (10) I.e., it possesses a high degree of holiness so that it ought to retain its sacred character even after it has unlawfully been used by another person.
- (11) The first part of this quotation is from the Mishnah Men. 106b, while the second part is from a Baraita cited in the Gemara belonging thereto.
- (12) V. Lev. II, 13.
- (13) V. Lev. XIV, 12. V. Men. loc. cit.
- (14) Upon which to burn the wood-offering.
- (15) To be burnt upon the altar. According to Rabbi wood would be included in one category with animal sacrifices, also with regard to the question of repeated sacrilege, according to the Sages it would not.
- (16) Rashi: Rabbi holds namely that also sacrifices when being redeemed have to be placed before the priest and appraised. This cannot be done with a slaughtered animal, v. Hul. 30a. The sacrifice is thus unredeemable and is according to Rabbi's rule subject to repeated sacrilege. The Sages, however, hold that the placing before the priest is unnecessary with sacrifices. The slaughtered sacrifice can thus be redeemed and does not come into the same category as unblemished offerings and vessels of ministry.
- (17) Referring to the Temple treasurer, v. Gemara.

Talmud - Mas. Me'ilah 20a

. BUT IF HE GAVE IT TO HIS FELLOW HE IS GUILTY OF SACRILEGE, BUT HIS FELLOW IS NOT GUILTY. IF HE BUILT IT INTO HIS HOUSE HE IS NOT GUILTY OF SACRILEGE UNTIL HE LIVES BENEATH IT AND BENEFITS THE EQUIVALENTS OF A PERUTAH. IF HE TOOK A PERUTAH FROM TEMPLE PROPERTY HE HAS NOT TRANSGRESSED THE LAW OF SACRILEGE, BUT AS SOON AS HE GAVE IT TO HIS FELLOW HE IS GUILTY OF SACRILEGE, WHILE HIS FELLOW IS NOT GUILTY; IF HE GAVE IT TO THE BATHING KEEPER, HE IS GUILTY OF SACRILEGE EVEN THOUGH HE HAS NOT BATHED, FOR [THE MASTER] CAN SAY TO HIM, BEHOLD THE BATH IS READY FOR YOU, GO IN AND BATHE. THE PORTION WHICH A PERSON HAS EATEN HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO EAT, OR THE PORTION WHICH HE HAS MADE USE OF HIMSELF AND THAT WHICH HE HAS GIVEN TO HIS NEIGHBOUR TO MAKE USE OF, OR THE PORTION WHICH HE HAS EATEN HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO MAKE USE OF, OR THE PORTION WHICH HE HAS MADE USE OF HIMSELF AND THAT WHICH HE HAS GIVEN HIS NEIGHBOUR TO EAT CAN RESPECTIVELY COMBINE WITH ONE ANOTHER¹ EVEN AFTER THE LAPSE OF A CONSIDERABLE TIME. GEMARA. What is the difference² between himself and the other person?³ — Said Samuel: It refers to the Temple treasurer in whose trust these articles were.⁴ IF HE BUILT IT INTO HIS HOUSE HE IS NOT GUILTY etc. Why only when he has lived beneath it? [Should he not be guilty of sacrilege at all events] since the beam has been transformed?⁵ — Said Rab: We suppose he placed it over the roof opening.⁶ When, however, he built it in, it is agreed that he is guilty of Sacrilege;⁷ does this not confirm Rab's view? For Rab said: If a man worships a house, he renders it prohibited for use?⁸ Said R. Aha son of R. Ika: As to sacrilege, the Torah has prohibited any benefit which is visible.⁹ Shall we say the following supports him [Rab]?¹⁰ For it was taught: If one has dwelt in a house belonging to Temple property, he is guilty of sacrilege as soon as he has

derived therefrom the benefit [of a perutah's worth]?¹¹ — Said Resh Lakish: This deals with a case where [the building material]¹² was consecrated and then [the house] built.¹³ But what would be the case if the house was first built and then consecrated? Would the Law of Sacrilege indeed not apply? Why then was it necessary to contrast:¹⁴ If, however, one has dwelt in a cave [belonging to Temple property] he is not liable to the Law of Sacrilege?¹⁵ Why not state [instead]: If one has dwelt in a house of stones which he had first built and then consecrated, he is not liable to the Law of Sacrilege? — They replied: That instance¹⁶ is absolute,¹⁷ this one would not be absolute.

CHAPTER VI

MISHNAH. IF AN AGENT HAS DISCHARGED HIS APPOINTED ERRAND, THE EMPLOYER¹⁸ IS GUILTY OF SACRILEGE, BUT IF HE HAS NOT CARRIED OUT HIS APPOINTED ERRAND, HE HIMSELF IS GUILTY OF SACRILEGE.¹⁹ FOR INSTANCE: IF THE EMPLOYER SAID TO HIM: GIVE FLESH²⁰ TO THE GUESTS AND HE OFFERED THEM LIVER, LIVER AND HE OFFERED THEM FLESH, HE HIMSELF IS GUILTY OF SACRILEGE. IF THE EMPLOYER SAID TO HIM: ‘GIVE THEM ONE PIECE EACH’, AND HE SAID TO THEM: ‘TAKE TWO PIECES EACH’, WHILE THE GUESTS THEMSELVES TOOK THREE PIECES EACH, ALL OF THEM ARE GUILTY OF SACRILEGE.²¹

(1) To make up the requisite value of a perutah.

(2) I.e., why should not the mere appropriation of consecrated goods be a culpable act.

(3) I.e., the one to whom the goods were handed over.

(4) So long as the treasurer has not parted with the article it is considered as if it was deposited with him.

(5) Viz., cut and planed and adapted to the measures of the building. The change of form of a misappropriated object effects its definite transfer into the possession of the illegitimate holder in so far as he is no longer obliged to return the object itself, but may pay its value. Cf. B.K. 65b.

(6) I.e., he made no alteration, as the beam was ready for use.

(7) Though the beam is now something attached to the ground. The Law of Sacrilege does not apply to things attached to the ground. v. supra 18b.

(8) A.Z. 47a. He holds that movable things, such as stones and mortar, which are fixed to the ground, retain their status of movables and are forbidden for any use if worshipped. Originally immovable things are not prohibited for use if worshipped. V. ibid. 45a.

(9) I.e., the ruling of our Mishnah does not result from the fact that the beam is still considered a movable object, but that any visible benefit, whether derived from consecrated property, whether movable or immovable, is regarded as sacrilege.

(10) In his explanation of our Mishnah.

(11) Which proves that the material of a house is considered movable though it is built into the house.

(12) Which is movable.

(13) In which case the Law of Sacrilege has already taken full effect upon the object, before it was fixed to the ground. Different it might be with immovable property, such as houses, which were consecrated when already attached to the ground. The latter case seems to be implied in Rab's interpretation of our Mishnah.

(14) Lit., ‘why does he run and teach’.

(15) Since it is not movable.

(16) Viz., that of the cave.

(17) I.e., no distinction is necessary as to the time of consecration.

(18) Lit., ‘householder’.

(19) I.e., if a man has charged another person to make use on his behalf of consecrated things, both of them being ignorant of the transgression that they were committing thereby, and the agent carried out his commission exactly as he was told, his employer is guilty, because the Law of Sacrilege prescribing a guilt-offering as atonement for sacrilege applies only to an act committed in error as indicated in Lev. V, 15, and it was the employer who first trespassed in error. In this respect the Law of Sacrilege is an exception, for the general rule is that one cannot appoint a deputy for an unlawful act, v. supra 18b. If, however, the agent departed substantially from the task with which he was charged, his act is considered independent of his commission, and he is himself subject to the Law of Sacrilege.

(20) Belonging to Temple property.

(21) The employer, because in respect of the first piece his order has been carried out, the agent because he exceeded his power in respect of the second piece and the guests because they misappropriated the third piece on their own accord.

Talmud - Mas. Me'ilah 20b

GEMARA. Who is the Tanna who holds that any deviation¹ for which the agent would consult [the principal] is considered something different [from the original order]?² — Said R. Hisda: It is certainly not R. Akiba, for we have learnt: If one vows to abstain from vegetables, he is permitted to eat gourds; R. Akiba holds, he is forbidden.³ Abaye said: The Mishnah may well agree with R. Akiba, for do you not admit that he should have nevertheless consulted his employer?⁴ When the scholars passed on these words to Raba he said: Nahmani⁵ said well. Who is the Tanna who opposes R. Akiba? — It is Rabban Simeon b. Gamaliel, for it has been taught: If one vows to abstain from meat, he is prohibited to eat any kind of flesh as well as the head, the legs, the windpipe, the liver and the heart and even the flesh of fowls, but he is permitted to eat the flesh of fish and locust. Rabban Simeon b. Gamaliel permits the head, the legs, the windpipe, the liver and the flesh of fowl, fish and locust. Similarly Rabban Simeon b. Gamaliel said that entrails are no flesh and he who eats them is no man.⁶ Why is, according to the first Tanna, the flesh of fowl different [from that of fish and locust]? — [Presumably] because people often say. I could not find flesh of the cattle and bought flesh of the fowl instead.⁷ But can you not argue similarly: people often say. I could not find flesh of the cattle and bought fish instead? — Said R. Papa: We deal with the case where [the vow was made] on the day of blood letting, when people do not as a rule eat any fish.⁸ But then he may not eat fowl either? For Samuel⁹ said: If a man who has let blood eats the flesh of fowl, his heart will fly off like a fowl. And it has further been taught: One should not let blood after a meal of fish, fowl and salted meat! — Rather said R. Papa: We deal with a case where [the vow was made] at a time when his eyes were sore, when one does not eat fish. IF THE EMPLOYER SAID TO HIM, 'GIVE THEM ONE PIECE EACH' etc. May we not infer from this that if an agent adds to his order he still remains an agent [in respect of the original commission]?¹⁰ — Said R. Shesheth: [Our Mishnah deals with a case] where [the agent] said to the guests. 'Take one piece each at my master's permission and another with my permission'.

(1) Viz., of the commission with which he has been entrusted.

(2) For this situation is assumed to exist in the case of the Mishnah in which the agent offered liver instead of meat. Ordinarily if one is e.g., charged to buy meat one would enquire first whether liver may be bought instead.

(3) Ned. 54a. Cf. *ibid.* as to R. Akiba's reason. In this instance, which is parallel to that of our Mishnah, R. Akiba holds that gourds are not regarded as essentially different from herbs, although consultation would be required for such deviation from the original order. The following discussion is recorded there with little variation.

(4) Although R. Akiba holds that also where consultation is required the changed order is not necessarily to be considered as essentially different from the original one, he admits that such change may not be undertaken without the employer's authorization, and this the agent has failed to obtain in the instance of our Mishnah, wherefore he is himself guilty of sacrilege.

(5) Abaye's original name, but v. also Tosaf. Ned. 54b.

(6) He thus takes the word flesh in its greatest possible restriction. The same should apply to the instance of the Mishnah.

(7) I.e., the latter is considered similar in nature to the first.

(8) It is therefore assumed that fish was not included in the vow.

(9) Who was a physician, v. Shab. 208b.

(10) And we do not consider the whole commission as canceled. This question is dealt with in Keth. 98b.

Talmud - Mas. Me'ilah 21a

You might have thought that the agent had thereby canceled his employer's order and that [the employer] should therefore be exempted from sacrilege, therefore [the Mishnah] lets us know [that

this is not the case]. MISHNAH. IF A MAN SAID TO ANOTHER PERSON, ‘GET ME [SUCH A THING] FROM THE WINDOW OR FROM THE CHEST’,¹ AND THE LATTER BROUGHT IT TO HIM [FROM ONE OF THESE PLACES]. EVEN THOUGH THE EMPLOYER SAYS, ‘I MEANT ONLY FROM THIS PLACE’. AND HE BROUGHT IT FROM ANOTHER PLACE, THE EMPLOYER IS GUILTY OF SACRILEGE.² BUT IF HE SAID TO HIM, ‘GET IT FOR ME FROM THE WINDOW, AND HE BROUGHT IT FROM THE CHEST, OR ‘FROM THE CHEST AND HE BROUGHT IT TO HIM FROM THE WINDOW, THE AGENT IS GUILTY OF SACRILEGE. IF ONE HAS COMMISSIONED A DEAF-MUTE, AN IMBECILE OR A MINOR,³ AND THEY CARRIED OUT THEIR APPOINTED ERRAND THE EMPLOYER IS GUILTY, IF THEY DID NOT CARRY OUT THEIR APPOINTED ERRAND, THE SHOPKEEPER IS GUILTY.⁴ IF ONE HAS COMMISSIONED ONE OF SOUND SENSES AND REMEMBERS⁵ [THAT THE MONEY BELONGS TO TEMPLE PROPERTY] BEFORE IT HAS COME INTO THE POSSESSION OF THE SHOPKEEPER, THE SHOPKEEPER WILL BE GUILTY⁶ WHEN HE SPENDS IT. WHAT SHALL HE⁷ DO?⁸ HE SHALL TAKE A PERUTAH OF ANY OBJECT AND DECLARE THAT THE MONEY⁹ BELONGING TO TEMPLE PROPERTY, WHERESOEVER IT MAY BE AT THAT TIME, SHALL BE REDEEMED WITH THIS; FOR CONSECRATED THINGS CAN BE REDEEMED BOTH WITH MONEY AND WITH MONEY'S WORTH. GEMARA. What does he teach us thereby?¹⁰ — That unexpressed words are of no avail. IF ONE HAS COMMISSIONED A DEAF-MUTE, AN IMBECILE OR A MINOR, AND THEY HAVE CARRIED OUT etc. But surely these people are legally not fit to become agents! — Said R. Eleazar: They have the same status as the vat of olives of which we have learnt:¹¹ From what tree do olives become susceptible to defilement?¹² When they begin to exude,¹³ the moisture being one that comes out of them when they are in the vat and not moisture that comes out of them when they are still in the store basket.¹⁴ R. Johanan said: This is to be compared to that which we have learnt: If one placed it¹⁵ upon an ape or upon an elephant, which carried it to the right quarter (and another person was charged to receive it), the ‘erub is valid.¹⁶ Does this not prove that the fact of the execution of the appointed errand alone matters?¹⁷ So in our case: The appointed errand has at any rate been carried out. IF HE HAS COMMISSIONED A SANE PERSON etc. [Does this apply] even though the agent has not remembered? Against this the following contradiction is raised: If the employer remembered and not the agent, the agent is guilty of sacrilege, [but if both remembered the shopkeeper is guilty].¹⁸ — Said R. Shesheth: Also our Mishnah has to be understood that both remembered.¹⁹ MISHNAH. IF HE GAVE HIM A PERUTAH²⁰ AND SAID TO HIM: GET ME FOR HALF A PERUTAH LAMPS AND FOR THE OTHER HALF WICKS’, AND HE WENT AND BROUGHT FOR THE WHOLE WICKS OR FOR THE WHOLE LAMPS, OR IF HE SAID TO HIM, ‘GET ME FOR THE WHOLE LAMPS OR FOR THE WHOLE WICKS’, AND HE WENT AND BROUGHT FOR HALF [A PERUTAH] LAMPS AND FOR THE OTHER HALF WICKS. THEY ARE BOTH EXEMPTED FROM THE GUILT OF SACRILEGE.²¹ BUT IF HE SAID TO HIM, ‘GET FOR HALF A PERUTAH LAMPS FROM ONE PLACE AND FOR HALF A PERUTAH WICKS FROM ANOTHER’ AND HE WENT AND BROUGHT THE LAMPS FROM THE PLACE WHERE THE WICKS [WERE TO BE BROUGHT] AND THE WICKS FROM THE PLACE WHERE THE LAMPS [WERE TO BE BROUGHT]. THE AGENT IS GUILTY.²² IF HE GAVE HIM TWO PERUTAH'S AND SAID, ‘GET ME FOR THEM A CITRON’, AND HE BROUGHT FOR ONE PERUTAH A CITRON AND FOR THE OTHER A POMEGRANATE, BOTH HAVE TRANSGRESSED THE LAW OF SACRILEGE.²³ R. JUDAH HOLDS THAT THE EMPLOYER IS NOT GUILTY, FOR HE CAN ARGUE, I WISHED FOR A LARGE CITRON AND YOU BROUGHT ME A SMALL AND UGLY ONE.²⁴ IF HE GAVE HIM A GOLDEN DENAR²⁵ AND SAID TO HIM, ‘GET ME A SHIRT

(1) Both containing the same kind of consecrated property.

(2) According to the rule that the uttered word and not the unexpressed thought of a man are of avail.

(3) To buy goods with money which belongs to the Temple.

(4) As soon as he spends the money, for the shop keeper at this point transfers it from Temple property to private

possession. As long as it is with the shopkeeper, the money is regarded as deposited with him.

(5) So does the messenger, v. Gemara.

(6) The employer and the messenger are exempted because the Law of Sacrilege applies only in the case of inadvertency.

(7) Viz., the employer, according to Rashi and Tosaf., and according to Maim. the shopkeeper who has learned in the meantime that a coin of sacred property is among his money.

(8) So as to prevent the shopkeeper from committing sacrilege. according to Rashi; according to Maim. so as not to commit sacrilege himself.

(9) Lit., 'perutah'.

(10) Referring to the first clause of the Mishnah.

(11) Toh. IX, 1.

(12) Food is susceptible to defilement only after it has been moistened with liquid. It is, however, essential that the circumstances are such as to enable one to assume that the owner regards the moistening as desirable.

(13) To prepare the olives for the press they used to be packed in vessels until they formed a viscid mass. Previous to that they were kept in baskets. The exudation produced in the vat was preserved. It was advantageous for the owner that such exudation should take place. We, therefore, assume that the owner was satisfied with the dripping of the olives, which accordingly become fit for defilement. The juice produced in the basket, however, trickles down and its formation is against the owner's interest and wish. Thus Maim.

(14) We learn from this that the vat may be considered an instrument for the realization of the owner's wish. In the same way are the deaf-mute, the imbecile and the minor to be considered a mere instrument by which the employer's wish is fulfilled. In other words: With sacrilege it is not the act of appropriation that is decisive, but the effect of possessing or deriving a benefit from consecrated things. It does not matter, therefore, whether it be achieved by legally qualified persons or not.

(15) Viz., the 'erub, v. Glos.

(16) V. 'Er. 31b.

(17) Irrespective of the instrument by which it was achieved.

(18) Kid. 50a.

(19) And only the shopkeeper is subject to the Law of Sacrilege.

(20) Belonging to the Temple.

(21) The employer, because his order has not been carried out and the messenger. because he spent only half a perutah contrary to the commission he received.

(22) Because he spent a whole perutah in contradiction to his commission.

(23) The employer by reason of that part of the order which was carried out according to his desire, and the messenger because of the other part.

(24) I.e., your purchase cannot be recognized as a part fulfillment of my order.

(25) Twenty-four silver denars, v. Keth. 99a, Tosaf. s.v. **נתן**.

Talmud - Mas. Me'ilah 21b

AND HE BROUGHT HIM FOR THREE [SILVER SELA'S]¹ A SHIRT AND FOR THE OTHER THREE A CLOTH, BOTH HAVE TRANSGRESSED THE LAW OF SACRILEGE. R. JUDAH HOLDS THE EMPLOYER IS NOT GUILTY, FOR HE CAN ARGUE, I WISHED FOR A BIG SHIRT AND YOU BROUGHT ME A SMALL AND BAD ONE. GEMARA. May we infer from this² that if a man said to his agent. Go, buy for me a kor³ of land and he bought only a lethek⁴ the acquisition on behalf of the buyer is valid?⁵ — I might retort: [Our Mishnah] refers to a case where [the messenger] bought something worth six [silver sela's] for three.⁶ But read then the concluding clause: R. JUDAH HOLDS THE EMPLOYER IS NOT GUILTY. FOR HE CAN ARGUE, I WISHED FOR A BIG SHIRT AND YOU BROUGHT A SMALL AND BAD ONE? — [This is to be understood in the following manner]: Because he can say to him, Had you spent the whole [golden] denar you could have bought something worth two [golden] denars.⁷ This interpretation stands to reason, for it says [in the concluding section]:⁸ R. Judah agrees with reference to pulse, for it makes no difference whether you buy pulse for a perutah or for a denar!⁹ But how is this? If it deals with a place where it is customary to sell cereals by estimate, Surely then also in the case of

pulse when one buys for a whole sela' he buys much cheaper? — Said R. Papa: It refers to a place where it is customary to sell it in kannas,¹⁰ each kanna for a perutah, in which case the price is absolutely fixed.¹¹ MISHNAH. IF ONE DEPOSITED MONEY¹² WITH A MONEYCHANGER,¹³ AND IT WAS TIED UP. HE MAY NOT USE IT; AND THEREFORE IF HE DID SPEND IT HE IS GUILTY OF SACRILEGE; IF IT WAS LOOSE HE MAY USE IT AND THEREFORE IF HE SPENT IT HE IS NOT GUILTY OF SACRILEGE.¹⁴ IF [THE MONEY WAS DEPOSITED] WITH A PRIVATE PERSON,¹⁵ HE MAY NOT USE IT IN NEITHER CASE, AND THEREFORE IF HE DID SPEND IT HE IS GUILTY OF SACRILEGE. A SHOPKEEPER HAS THE STATUS OF A PRIVATE PERSON. SAYS R. MEIR. R. JUDAH HOLDS, HE IS LIKE A MONEY-CHANGER. IF A PERUTAH BELONGING TO THE TEMPLE FELL INTO HIS BAG OR IF HE SAYS, ONE PERUTAH IN THIS BAG SHALL BE DEDICATED, HE IS GUILTY OF SACRILEGE AS SOON AS HE SPENDS THE FIRST PERUTAH. THUS THE VIEW OF R. AKIBA. WHILE THE SAGES HOLD: NOT BEFORE HE HAS SPENT ALL THE MONEY THAT WAS IN THE BAG. R. AKIBA AGREES, HOWEVER, WITH THE SAGES THAT IF HE SAID, A PERUTAH OUT OF THIS BAG¹⁶ SHALL BE DEDICATED, HE IS PERMITTED TO KEEP ON SPENDING [AND IS LIABLE ONLY] WHEN HE HAS SPENT ALL THAT WAS IN THE BAG. GEMARA. When R. Dimi arrived,¹⁷ he said, Resh Lakish had questioned R. Johanan: What is the difference between the first clause¹⁸ and the last?¹⁹ To this he [R. Johanan] replied: In the last clause the man's declaration was, This bag should not be spared from a donation to the Temple.²⁰ When Rabin arrived¹⁷ he said: He²¹ raised before him²² a contradiction between the case of the pocket and that of the oxen. For we have learnt: If one said, I dedicate one of my oxen to the Temple, and he had two oxen, the larger one becomes sacred.²³ To this the other²⁴ replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

(1) Twelve silver denars.

(2) Viz., the last instance of the Mishnah where we read that according to the first Tanna the messenger is regarded as having acted on behalf of the employer with regard to a part of the commission.

(3) A piece of land which requires a kor (measure) of seed. It is usually valued Beth-Kor.

(4) I.e., half a kor.

(5) V. Keth. 98a.

(6) It is because the employer has obtained an article of the required quality that the commission is considered partly fulfilled.

(7) Thus cur. edd., a version which renders the discussion which follows incomprehensible. The Gemara in Keth reads 'at least two denars' and Tosaf. there understands this as follows: Had the messenger bought for the whole denar he would have got something worth more than two denars, because things are cheaper when bought in big quantities. The profit of the employer would then have been also relatively higher. This loss cannot be remedied, for even if the messenger bought now goods for another half denar at the same price, the extra profit over and above two denars would not materialize. Tosaf. quotes also a version which reads explicitly 'more than two denars'.

(8) To be found in the Tosef. II. The bracketed words are rightly deleted by Sh. Mek.

(9) There is no reduction when buying a large quantity. The employer had therefore no loss when the messenger spent only half a denar. The owner's order is therefore to be considered as partly fulfilled, and he is liable to the law of sacrilege.

(10) A certain measure.

(11) With no reduction for larger quantities.

(12) Belonging to the Temple.

(13) Or a banker, without telling him that the money was from sacred property.

(14) According to Rashi the depositor is guilty, while Maim. holds that both are exempted.

(15) Lit. , 'householder'.

(16) V. Gemara infra as to the difference between this form of promise and the previous.

(17) From Palestine.

(18) Viz., that which forms the subject of the dispute between R. Akiba and the Sages.

(19) Why does R. Akiba differ from the Sages in the first clause and agree with them in the last?

(20) It is assumed that the last perutah was meant.

(21) Resh Lakish's.

(22) R. Johanan.

(23) Men. 108b; from which it is inferred that if, however, both oxen were equal the one that is met first is considered sacred, while in the last clause of the Mishnah we learn that one can fulfil such a promise with the last perutah. Thus Rashi. Tosaf. explains the contradiction as follows: Why not say also in the last instance of our Mishnah that the biggest coin in the pocket should become sacred. Apparently Tosaf. read 'coin' instead of PERUTAH' in the last clause of the Mishnah, or PERUTAH should be understood in its general significance as money.

(24) Viz., R. Johanan.

Talmud - Mas. Me'ilah 22a

R. Papa said, 'He raised before him a contradiction between the case of the bag and that of loss; for we have learnt:¹ If one has bought wine² from Cutheans,³ he shall declare: Two logs which I shall separate are herewith designated as terumah, ten as first tithe and nine as second tithe, the latter portion is redeemed⁴ and then he may begin to drink at once.⁵ This is the view of R. Meir, while R. Judah. R. Jose and R. Simeon hold it is prohibited.⁶ To this he⁷ replied: In the last clause the man's declaration was, 'this bag shall not be spared from a donation to the Temple'.

(1) Dem. VII, 4.

(2) Late on Sabbath Eve or while on the way, thus not being in a position to separate tithe and terumah, The law is exemplified with a quantity of a hundred logs.

(3) V. Glos.

(4) Second tithe has to be consumed in Jerusalem, or redeemed and its equivalent spent in Jerusalem.

(5) R. Meir accepts the principle of bererah (v. Glos.); i.e., the subsequent actual separation of these taxes will be retrospectively valid in that it will establish that the portion used by the owner was not 'mingled' with tithe or terumah which are prohibited for use.

(6) For they do not accept the principle of bererah, and as long as no actual separation of the tithe and the terumah has taken place, the wine is considered untithed and is therefore forbidden for use, for of each cup of wine I might say. perhaps this is the one designated as tithe (v. Hul. 14a). Similarly I should say in the instance of the Mishnah of each coin, perhaps this is the one dedicated to the Temple, in contradiction to R. Akiba's view that the last may be assumed to be the one designated for the Temple.

(7) Viz., R. Johanan.

Mishna - Mas. Middoth Chapter 1

MISHNAH 1. IN THREE PLACES PRIESTS KEEP WATCH¹ IN THE TEMPLE² — IN THE CHAMBER OF ABTINAS, IN THE FLASH CHAMBER AND IN THE FIRE CHAMBER.³ THE LEVITES KEEP WATCH IN TWENTY-ONE PLACES — FIVE AT THE FIVE GATES⁴ OF THE TEMPLE MOUNT,⁵ FOUR AT ITS FOUR CORNERS ON THE INSIDE, FIVE AT THE⁶ FIVE GATES OF THE AZARAH.⁷ FOUR AT ITS FOUR CORNERS ON THE OUTSIDE,⁸ ONE AT THE OFFERING CHAMBER,⁹ ONE AT THE CHAMBER OF THE VEIL,¹⁰ AND ONE BEHIND THE PLACE OF THE MERCY SEAT.¹¹

MISHNAH 2. THE OFFICER OF THE TEMPLE MOUNT USED TO GO ROUND TO EVERY WATCH, WITH LIGHTED TORCHES BEFORE HIM, AND IF ANY WATCHER DID NOT RISE [AT HIS APPROACH] AND SAY TO HIM, PEACE BE TO THEE, SUPERVISOR OF THE TEMPLE MOUNT, IT WAS OBVIOUS THAT HE WAS ASLEEP,¹² AND HE USED TO BELABOUR HIM WITH HIS STICK, AND HE WAS ALSO AT LIBERTY TO BURN HIS CLOTHES, AND THE OTHERS USED TO SAY, WHAT IS THE NOISE IN THE AZARAH? IT IS THE CRY OF A LEVITE WHO IS BEING BEATEN AND WHOSE CLOTHES ARE BEING BURNT, BECAUSE HE WAS ASLEEP AT HIS POST. R. ELIEZER B. JACOB SAID: ONCE THEY FOUND MY MOTHER'S BROTHER ASLEEP, AND THEY BURNT HIS CLOTHES.

MISHNAH 3. THERE WERE FIVE GATES TO THE TEMPLE MOUNT-THE TWO GATES OF HULDAH¹³ ON THE SOUTH WHICH WERE USED BOTH FOR ENTRANCE AND EXIT, THE GATE OF KIPONUS¹⁴ ON THE WEST WHICH WAS USED BOTH FOR ENTRANCE AND EXIT, THE GATE OF TADDI¹⁵ ON THE NORTH WHICH WAS NOT USED [BY THE PUBLIC] AT ALL,¹⁶ AND THE EASTERN GATE OVER WHICH WAS A REPRESENTATION OF THE PALACE OF SUSA¹⁷ AND THROUGH WHICH THE HIGH PRIEST¹⁸ WHO BURNT THE RED HEIFER AND ALL WHO ASSISTED WITH IT¹⁹ USED TO GO FORTH TO THE MOUNT OF OLIVES.²⁰

MISHNAH 4. THERE WERE THREE GATES IN THE AZARAH,²¹ THREE IN THE NORTH AND THREE IN THE SOUTH AND ONE IN THE EAST. IN THE SOUTH THERE WAS FIRST THE GATE OF KINDLING,²² THEN THE GATE OF OFFERING,²³ THEN THE WATER GATE.²⁴ IN THE EAST THERE WAS THE GATE OF NICANOR²⁵ WHICH HAD TWO ROOMS ATTACHED, ONE ON ITS RIGHT AND ONE ON ITS LEFT, ONE THE ROOM OF PHINEAS THE DRESSER²⁶ AND ONE THE ROOM OF THE GRIDDLE CAKE MAKERS.²⁷

MISHNAH 5. ON THE NORTH WAS THE GATE OF THE FLASH²⁸ WHICH WAS SHAPED LIKE A VERANDAH.²⁹ IT HAD AN UPPER CHAMBER BUILT ON IT, AND THE PRIESTS USED TO KEEP WATCH ABOVE AND THE LEVITES BELOW, AND IT HAD A DOOR OPENING INTO THE HEL.³⁰ NEXT³¹ TO IT WAS THE GATE OF OFFERING AND NEXT TO THAT THE FIRE CHAMBER.

MISHNAH 6. THERE WERE FOUR SIDE CHAMBERS TO THE FIRE ROOM LIKE ALCOVES OPENING INTO A HALL, TWO IN SACRED GROUND AND TWO IN NON-SACRED,³² AND THERE WAS A ROW OF STONES³³ SEPARATING THE HOLY FROM THE PROFANE. FOR WHAT WERE THEY USED? THE ONE ON THE SOUTH-WEST WAS THE CHAMBER OF OFFERING,³⁴ THE ONE ON THE SOUTH-EAST WAS THE CHAMBER OF THE SHEWBREAD. IN THE ONE TO THE NORTH-EAST THE HASMONEANS DEPOSITED THE STONES OF THE ALTAR WHICH THE KINGS OF GREECE HAD DEFILED.³⁵ THROUGH THE ONE ON THE NORTHWEST THEY³⁶ USED TO GO DOWN TO THE BATHING PLACE.

MISHNAH 7. THE FIRE ROOM HAD TWO GATES, ONE OPENING ON TO THE HEL AND ONE ON TO THE AZARAH. R. JUDAH SAYS: THE ONE THAT OPENED ON TO THE AZARAH HAD A SMALL LATTICE GATE THROUGH WHICH THEY WENT IN TO SEARCH THE AZARAH.³⁷

MISHNAH 8. THE FIRE ROOM WAS VAULTED. IT WAS A LARGE ROOM SURROUNDED³⁸ WITH STONE SLABS.³⁹ ON THESE THE ELDERS OF THE FATHERS' HOUSE⁴⁰ [ON DUTY] USED TO SLEEP HAVING WITH THEM THE KEYS OF THE AZARAH, WHILE THE PRIESTLY NOVITIATES⁴¹ SLEPT EACH ON HIS GARMENT⁴² ON THE GROUND.

MISHNAH 9. THERE WAS A PLACE THERE ONE CUBIT SQUARE ON WHICH WAS A SLAB OF MARBLE. IN THIS WAS FIXED A RING AND A CHAIN [UNDERNEATH] ON WHICH THE KEYS WERE HUNG. WHEN CLOSING TIME CAME, THE PRIEST WOULD RAISE THE SLAB BY THE RING AND TAKE THE KEYS FROM THE CHAIN. THEN THE PRIEST WOULD LOCK UP⁴³ WITHIN WHILE THE LEVITE WAS SLEEPING WITHOUT.⁴⁴ WHEN HE HAD FINISHED LOCKING UP, HE WOULD REPLACE THE KEYS ON THE CHAIN AND THE SLAB IN ITS PLACE AND LAY HIS GARMENT ON IT AND SLEEP THERE. IF A SEMINAL EMISSION HAPPENED TO ONE OF THEM, HE WOULD GO OUT BY THE WINDING STAIR⁴⁵ WHICH WENT UNDER THE BIRAH,⁴⁶ AND WHICH WAS LIGHTED WITH LAMPS ON BOTH SIDES, UNTIL HE REACHED THE BATHING PLACE. R. ELIEZER B. JACOB SAYS: HE DESCENDED BY THE WINDING STAIR WHICH WENT UNDER THE HEL AND HE WENT OUT BY THE TADDI GATE.

(1) At night time. For the rule that there should be twenty-four watches, v. *Tamid*, 27a.

(2) Heb. *Beth ha-Mikdash*. 'House of the Sanctuary', a term covering the whole space round the Temple buildings which a person in a higher degree of ritual uncleanness was forbidden to enter, and the measurements of which are given in this Tractate.

(3) For the explanation of these names, v. *Tamid*, ad. init. (Sonc. ed.) and notes. These three rooms adjoined the priestly Azarah or court in which was the altar of sacrifice.

(4) Enumerated below in Mishnah 3.

(5) The name given to the outer wall of the Sanctuary. though it is also used to designate the space enclosed by the wall.

(6) In Mishnah 4 it says that there were seven gates to the Azarah, and in *Tamid* 27a we find a difference of opinion on the question, so it is doubtful whether we should translate here 'the five' or simply 'five'.

(7) Temple court, v. *infra* p. 2. n. 10.

(8) Because it was not permitted to sit down in the Azarah, and they were not required to stand the whole time.

(9) This may be the same as the Lamb Chamber mentioned in *Tamid* 27a as being one of four rooms opening out from the Flash Chamber.

(10) Where the new veils for the Holy of Holies were woven. V. *Tamid*, l.c. These two rooms were apparently under the places where the priests watched. V. *infra* 5 and *Tamid* 26b.

(11) The Holy of Holies retained this name in the second Temple, although it contained no Ark. The western part of the Azarah wall ran a short distance behind it.

(12) Var. lec.: If any watcher did not rise . . . the officer would say to him, Peace be to thee, and if it was obvious that he was asleep, he would belabour him etc., v. *Tamid* 27b.

(13) It is not known whether these had any connection with Huldah the prophetess mentioned in II Kings, XXII, 14.

(14) A certain Koponius succeeded Archelaus as procurator of Judea and Samaria, A.D. 6-7 (Josephus, *Ant.* XVIII, 2 and 29). Possibly this gate was called after him.

(15) Or perhaps Todi = GR. **. The origin of this name is not known.

(16) But it was used for other purposes, as explained at the end of the section.

(17) According to Jewish tradition, this was in commemoration of the permission to rebuild the Temple given by the kings of Persia. Cf. *Men.* 98a.

(18) This follows the opinion of R. Meir. According to the Rabbis, any priest was competent to perform the ceremony.

Parah IV, 1.

(19) Maim. renders 'all its appurtenances'.

(20) On the east of Jerusalem, where the heifer was burnt.

(21) The term here includes the whole of the area extending inward² from the Court of the Israelites, in which the Temple services were carried out. It was evidently surrounded by a wall.

(22) So called because the wood for the fire was brought in by it.

(23) Perhaps the sacrificial animals were brought in by this gate. V. infra 5. Another reading is 'gate of the firstborn'.

(24) V. infra, II, 6.

(25) For a tradition concerning this Nicanor, v. Yoma, 38a.

(26) I.e. it was called after a certain Phineas who used to robe the High Priest. V. Shek. V, I.

(27) Where the wafers were made for the High Priest's daily offering.

(28) Apparently the same as the 'flash chamber' mentioned above in Mishnah I.

(29) I.e., it was open on one side, giving, perhaps a glimpse of the altar fire, whence its name.

(30) I.e., the back of it led out into the Hel, or outer circuit, v. infra II, 3.

(31) I.e., a little further south. The gate of the spark was near the north-west corner.

(32) The two former were to the south adjoining the Azarah and the other two to the north, adjoining the Hel.

(33) Lit., 'heads of pebbles', perhaps level with the floor but of a different colour.

(34) V. supra, Mishnah I. Var. lec.: the lambs for the offering.

(35) This incident is referred to in I Macc., I, 46, 59. IV, 36. 46.

(36) Priests who had become defiled.

(37) To see that nothing had been left there. V. Tamid, 28a.

(38) On the outside.

(39) Let into the wall.

(40) The priests were divided into family groups of 'fathers' houses', which ministered in rotation.

(41) Lit., 'flowers of the priesthood', young priests who had just commenced to minister.

(42) Var. lec. pillow.

(43) The gates of the Temple were always closed at nightfall.

(44) The point of this remark is not at all clear. Perhaps it means that the Levite was sleeping until it was time for him to rise and go on night duty.

(45) Heb. mesibbah. Lit., 'circuit'. Hollis thinks perhaps it was only a gangway, not a stair.

(46) Lit., 'palace' or 'fortress', some building adjoining the Sanctuary on the north-west. V. Yoma 2a. For further notes on the passage v. Tamid (Sonc. ed.) p. 2.

Mishna - Mas. Middoth Chapter 2

MISHNAH 1. THE TEMPLE MOUNT WAS FIVE HUNDRED CUBITS BY FIVE HUNDRED.¹ THE GREATER PART OF IT² WAS ON THE SOUTH; NEXT TO THAT ON THE EAST; NEXT TO THAT ON THE NORTH; AND THE SMALLEST PART ON THE WEST. THE PART WHICH WAS MOST EXTENSIVE WAS THE PART MOST USED.³

MISHNAH 2. ALL WHO ENTERED THE TEMPLE MOUNT ENTERED BY THE RIGHT⁴ AND WENT ROUND [TO THE RIGHT] AND WENT OUT BY THE LEFT, SAVE FOR ONE TO WHOM SOMETHING UNTOWARD HAD HAPPENED, WHO ENTERED AND WENT ROUND TO THE LEFT. [IF HE WAS ASKED], WHY DO YOU GO ROUND TO THE LEFT, [AND HE ANSWERED] BECAUSE I AM A MOURNER, [THEY SAID TO HIM], MAY HE WHO DWELLS IN THIS HOUSE COMFORT THEE. [IF HE SAID] BECAUSE I AM EXCOMMUNICATED. [THEY SAID] MAY HE WHO DWELLS IN THIS HOUSE INSPIRE THEM TO BEFRIEND THEE⁵ AGAIN. SO R. MEIR. SAID R. JOSE TO HIM: YOU MAKE IT SEEM THAT THEY TREATED HIM UNJUSTLY.⁶ WHAT THEN SHOULD THEY SAY? MAY HE WHO DWELLS IN THIS HOUSE INSPIRE THEE TO LISTEN TO THE WORDS OF THY COLLEAGUES⁷ SO THAT THEY MAY BEFRIEND THEE AGAIN.

MISHNAH 3. WITHIN IT⁸ WAS THE SOREG⁹ TEN HANDBREADTHS HIGH. THERE WERE THIRTEEN BREACHES IN IT; THESE HAD BEEN ORIGINALLY MADE BY THE KINGS OF GREECE,¹⁰ AND WHEN THEY REPAIRED THEM THEY ENACTED THAT THIRTEEN PROSTRATIONS SHOULD BE MADE FACING THEM.¹¹ WITHIN THIS WAS THE HEL,¹² WHICH WAS TEN CUBITS [BROAD]. THERE WERE TWELVE STEPS THERE.¹³ THE HEIGHT OF EACH STEP WAS HALF A CUBIT AND ITS TREAD WAS HALF A CUBIT. ALL THE STEPS IN THE TEMPLE WERE HALF A CUBIT HIGH WITH A TREAD OF HALF A CUBIT, EXCEPT THOSE OF THE PORCH.¹⁴ ALL THE DOORWAYS IN THE TEMPLE WERE TWENTY CUBITS HIGH AND TEN CUBITS BROAD EXCEPT THOSE OF THE PORCH.¹⁵ ALL THE DOORWAYS THERE HAD DOORS IN THEM EXCEPT THOSE OF THE PORCH. ALL THE GATES THERE HAD LINTELS EXCEPT THAT OF TADDI WHICH HAD TWO STONES INCLINED TO ONE ANOTHER.¹⁶ ALL THE ORIGINAL GATES WERE CHANGED FOR GATES OF GOLD EXCEPT THE GATES OF NICANOR, BECAUSE A MIRACLE WAS WROUGHT TO THEM;¹⁷ SOME SAY, HOWEVER, IT WAS BECAUSE THE COPPER OF THEM GLEAMED [LIKE GOLD].

MISHNAH 4. ALL THE WALLS OF THE TEMPLE WERE HIGH EXCEPT THE EASTERN WALL, SO THAT THE PRIEST WHO BURNT THE RED HEIFER MIGHT WHILE STANDING ON THE TOP OF THE MOUNT OF OLIVES BY DIRECTING HIS GAZE CAREFULLY SEE THE DOOR OF THE HEKAL AT THE TIME OF THE SPRINKLING OF THE BLOOD.¹⁸

MISHNAH 5. THE WOMEN'S AZARAH¹⁹ WAS A HUNDRED AND THIRTY-FIVE CUBITS LONG BY A HUNDRED AND THIRTY-FIVE BROAD. IT HAD FOUR CHAMBERS IN ITS FOUR CORNERS,²⁰ EACH OF FORTY CUBITS.²¹ THEY WERE NOT ROOFED, AND SO THEY WILL BE IN THE TIME TO COME, AS IT SAYS, THEN HE BROUGHT ME FORTH INTO THE OUTER COURT, AND CAUSED ME TO PASS BY THE FOUR CORNERS OF THE COURT, AND BEHOLD IN EVERY CORNER OF THE COURT THERE WAS A COURT. IN THE FOUR CORNERS OF THE COURT THERE WERE SMOKED²² COURTS;²³ AND SMOKED²⁴ MEANS ONLY THAT THEY WERE NOT ROOFED. FOR WHAT WERE THEY USED? THE SOUTHEASTERN ONE WAS THE CHAMBER OF THE NAZIRITES WHERE THE NAZIRITES USED TO BOIL THEIR PEACE-OFFERINGS AND POLL THEIR HAIR AND THROW IT UNDER THE POT.²⁵ THE NORTH-EASTERN ONE WAS THE WOOD CHAMBER WHERE PRIESTS WITH A PHYSICAL DEFECT USED TO PICK OUT THE WOOD WHICH HAD WORMS, EVERY PIECE WITH A WORM IN IT BEING UNFIT FOR USE ON THE ALTAR. THE NORTH-WESTERN ONE WAS THE CHAMBER OF THE LEPERS.²⁶ AS FOR THE SOUTHWESTERN ONE, A. ELIEZER B. JACOB SAID: I FORGET WHAT IT WAS USED FOR. ABBA SAUL SAYS: THEY USED TO STORE THERE WINE AND OIL, AND IT WAS CALLED THE OIL STORAGE ROOM.²⁷ IT [THE WOMEN'S AZARAH] HAD ORIGINALLY BEEN QUITE BARE BUT SUBSEQUENTLY THEY SURROUNDED IT WITH A BALCONY SO THAT THE WOMEN COULD LOOK ON FROM ABOVE WHILE THE MEN WERE BELOW, AND THEY SHOULD NOT MIX TOGETHER.²⁸ FIFTEEN STEPS LED UP FROM IT TO THE AZARAH OF ISRAEL, CORRESPONDING TO THE FIFTEEN [SONGS OF] ASCENTS MENTIONED IN THE BOOK OF PSALMS.²⁹ THE LEVITES USED TO CHANT PSALMS ON THESE.²⁸ THEY WERE NOT RECTANGULAR BUT CIRCULAR LIKE THE HALF OF A THRESHING FLOOR.

MISHNAH 6. THERE WERE CHAMBERS UNDERNEATH THE COURT OF ISRAEL WHICH OPENED INTO THE COURT OF WOMEN, WHERE THE LEVITES USED TO KEEP LYRES AND LUTES AND CYMBALS AND ALL KINDS OF MUSICAL INSTRUMENTS. THE COURT OF ISRAEL WAS A HUNDRED AND THIRTY-FIVE CUBITS IN LENGTH BY ELEVEN IN BREADTH. SIMILARLY THE COURT OF THE PRIESTS WAS A HUNDRED AND THIRTY-FIVE CUBITS IN LENGTH³⁰ BY ELEVEN IN BREADTH, AND A ROW OF

STONES³¹ SEPARATED THE COURT OF ISRAEL FROM THE COURT OF THE PRIESTS. A. ELIEZER B. JACOB SAYS: THERE WAS A STEP A CUBIT HIGH ON WHICH WAS PLACED A PLATFORM,³² AND THIS HAD THREE STEPS EACH OF HALF A CUBIT. IN THIS WAY THE COURT OF THE PRIESTS WAS MADE TWO AND A HALF CUBITS HIGHER THAN THAT OF ISRAEL. THE WHOLE OF THE AZARAH³³ WAS A HUNDRED AND EIGHTY-SEVEN CUBITS IN LENGTH BY A HUNDRED AND THIRTY-FIVE IN BREADTH, AND THIRTEEN PROSTRATIONS WERE MADE THERE.³⁴ ABBA JOSE B. HANAN SAYS: THEY WERE MADE FACING THIRTEEN GATES.³⁵ ON THE SOUTH ADJOINING THE WEST THERE WERE THE UPPER GATE, THE GATE OF BURNING, THE GATE OF THE FIRSTBORN,³⁶ AND THE WATER GATE.³⁷ (WHY WAS IT CALLED THE WATER GATE? BECAUSE THEY BROUGHT IN THROUGH IT THE PITCHER OF WATER FOR LIBATION ON THE FESTIVAL. R. ELIEZER B. JACOB SAYS: IN IT THE WATER WELLED UP, AND IN THE TIME TO COME THEY WILL ISSUE FROM UNDER THE THRESHOLD OF THE TEMPLE).³⁸ CORRESPONDING TO THEM IN THE NORTH ADJOINING THE WEST WERE THE GATE OF JECONIAH, THE GATE OF THE OFFERING,³⁹ THE WOMEN'S GATE,⁴⁰ THE GATE OF SONG.⁴¹ WHY WAS IT CALLED THE GATE OF JECONIAH? BECAUSE JECONIAH WENT FORTH INTO CAPTIVITY⁴² THROUGH IT.⁴³ ON THE EAST WAS THE GATE OF NICANOR; IT HAD TWO WICKETS,⁴⁴ ONE ON ITS RIGHT AND ONE ON ITS LEFT. THERE WERE FURTHER TWO GATES IN THE WEST WHICH HAD NO SPECIAL NAME.

(1) By 'Temple Mount' is apparently meant all that part of the temple area which lay outside of the Azarah, between the wall of the Azarah and the outer wall. This area was not actually consecrated but it had to be treated with a certain respect; thus one was not supposed to enter it with stick and wallet, to use it for a short cut etc. (Ber. 54a). According to Hollis, the corresponding areas in the present Haram-esh-Sherif are found by measurement to be 255,000 sq. feet on the southern side, 150,000 on the east, 92,900 on the north and 90,600 on the west, a total of 488,500 sq. ft., which reckoning a cubit at 12/2 feet, is nearly 500 cubits square.

(2) V. previous note.

(3) I.e. the majority of people entered from the south.

(4) I.e., on entering they turned to the right, even if their immediate objective was to the left, so that they had to make a circuit to reach it.

(5) Lit., 'bring thee back'.

(6) So that it was necessary for them to alter their mind.

(7) Excommunication was usually inflicted on an elder who would not conform to the ruling of the majority.

(8) Viz., the wall of the Temple Mount.

(9) According to the Jewish commentators, this was a kind of lattice work, the root sarag meaning 'to entwine'. Josephus, however, says It was of stone. Its exact purpose is not known as there was no higher degree of holiness till the Hel was reached.

(10) Cf. I Macc. IX, 54, 55.

(11) By worshippers in the Azarah. V. infra 6.

(12) A level promenade running right round the Azarah.

(13) Leading up from the Hel to the Court of Women. Apparently these steps ran the whole length of the Hel on its southern side.

(14) Which had a tread of a cubit.

(15) Which were forty cubits high and twenty broad.

(16) Hollis (p. 267) supposes this to mean that the two sides of the gate converged not in the vertical plane (which would have been unsafe), but in the horizontal, so that it was narrower on the outside than on the inside, and required no lintel. It is doubtful, however, if the Hebrew will bear this meaning.

(17) V. Yoma 38a.

(18) In accordance with the biblical injunction, And he shall sprinkle facing (E. V. toward) the front of the tent of meeting, Num. XIX. 4. There were three walls between the Mount of Olives and the door of the Hekal — the outer wall of the Temple Mount, the wall of the Women's Azarah, and the wall between the Court of Women and the Court of

Israel. As the ground level of the outer wall was much lower than that of the Hekal — over 22 cubits — this wall would have had to be very high to obstruct the view from the Mount of Olives, and Hollis therefore (p. 273) thinks that it is the inner wall, separating the Court of Women from the Court of Israel, which is referred to.

(19) V. Yoma 16a.

(20) It is not certain whether these rooms were in the court or adjoining it on the outside.

(21) It is not clear whether this means forty cubits square.

(22) E. V. inclosed.

(23) Ezek. XLVI, 21, 22.

(24) The Hebrew word is keturoth, which is connected by the Mishnah with the root katar, to send up smoke, and is taken to mean that the smoke was allowed to ascend without impediment.

(25) V. Num. VI, 18.

(26) Where they bathed on purification before the blood of the offering was placed on their thumb; v. Neg. XIV, 8-9.

(27) Lit., 'room of the house of oils'.

(28) At the festival of the drawing of water. V. Suk. 51b.

(29) Ps. CXX-CXXXIV.

(30) Running alongside of the Women's Court. The longer side of any area is called by the Talmud its length.

(31) V. supra, p. 3. n. 12.

(32) From which the priests blessed the people. Perhaps it was really a movable pulpit.

(33) The whole of the sanctified area of the Temple from the Court of Israel to the Holy of Holies.

(34) By worshippers in the Azarah. According to the Rabbis, they were made towards the thirteen breaches in the soreg (v. supra), but Abba Jose b. Hanan differs.

(35) These were not all necessarily in the outer wall.

(36) Through which firstlings of flock and cattle were led to be offered, v. supra, p. 3, n. 2.

(37) These last three are mentioned in I, 4.

(38) V. Ezek. XLVII, 1, and Yoma 77b.

(39) Mentioned in I, 5. It is hard to say what was the relation of the other gates mentioned here to the 'Room of the Flash', and the Fire Chamber mentioned there.

(40) Which serves, perhaps, as exit for women.

(41) Through which, perhaps, the Levites brought in their instruments.

(42) V. II Kings XXIV, 8-16.

(43) After paying his last visit to the Temple.

(44) Not in it but adjoining it, and therefore reckoned as two separate gates.

Mishna - Mas. Middoth Chapter 3

MISHNAH 1. THE ALTAR¹ WAS THIRTY-TWO CUBITS BY THIRTY-TWO.² IT ROSE A CUBIT AND WENT IN A CUBIT, AND THIS FORMED THE FOUNDATION,³ LEAVING THIRTY CUBITS BY THIRTY. IT THEN ROSE FIVE CUBITS AND WENT IN ONE CUBIT, AND THIS FORMED THE SURROUND, LEAVING TWENTY-EIGHT CUBITS BY TWENTY-EIGHT.⁴ THE HORNS EXTENDED A CUBIT IN EACH DIRECTION,⁵ THUS LEAVING TWENTY-SIX BY TWENTY-SIX.⁶ A CUBIT ON EVERY SIDE WAS ALLOWED FOR THE PRIESTS TO GO ROUND, THUS LEAVING TWENTY-FOUR BY TWENTY-FOUR AS THE PLACE OF THE WOOD PILE [FOR THE ALTAR FIRE].

R. JOSE SAID: ORIGINALLY THE COMPLETE AREA [OCCUPIED BY THE ALTAR] WAS ONLY TWENTY-EIGHT CUBITS BY TWENTY-EIGHT, AND IT ROSE WITH THE DIMENSIONS MENTIONED⁷ UNTIL THE SPACE LEFT FOR THE ALTAR PILE WAS ONLY TWENTY BY TWENTY. WHEN, HOWEVER, THEY RETURNED FROM THE CAPTIVITY,⁸ THEY ADDED FOUR CUBITS ON THE NORTH,⁹ AND FOUR ON THE WEST LIKE A GAMMA,¹⁰ SINCE IT IS SAID: AND THE HEARTH¹¹ SHALL BE TWELVE CUBITS LONG BY TWELVE BROAD, SQUARE.¹² AM I TO SUPPOSE THAT IT WAS ONLY TWELVE CUBITS BY TWELVE? WHEN IT SAYS, IN THE FOUR SIDES THEREOF,¹³ THIS SHOWS

THAT HE WAS MEASURING FROM THE MIDDLE, TWELVE CUBITS IN EVERY DIRECTION.

A LINE OF RED PAINT RAN ROUND IT IN THE MIDDLE¹⁴ TO DIVIDE BETWEEN THE UPPER AND THE LOWER BLOOD.¹⁵ THE FOUNDATION RAN THE WHOLE LENGTH OF THE NORTH AND OF THE WEST SIDES, BUT IT LEFT OPEN¹⁶ ONE CUBIT ON THE SOUTH AND ONE ON THE EAST.¹⁷

MISHNAH 2. AT THE SOUTH-WESTERN CORNER [OF THE FOUNDATION] THERE WERE TWO OPENINGS LIKE TWO FINE NOSTRILS THROUGH WHICH THE BLOOD WHICH WAS POURED ON THE WESTERN SIDE OF THE FOUNDATION AND ON THE SOUTHERN SIDE¹⁸ FLOWED DOWN TILL THE TWO STREAMS BECAME MINGLED IN THE CHANNEL,¹⁹ THROUGH WHICH THEY MADE THEIR WAY OUT TO THE BROOK OF KIDRON.

MISHNAH 3. ON THE PAVEMENT BENEATH AT THAT CORNER THERE WAS A PLACE A CUBIT SQUARE ON WHICH WAS A MARBLE SLAB WITH A RING FIXED IN IT,²⁰ AND THROUGH THIS THEY²¹ USED TO GO DOWN TO THE PIT²² TO CLEAN IT OUT.²³ THERE WAS AN ASCENT ON THE SOUTH SIDE OF THE ALTAR, THIRTY-TWO CUBITS [LONG] BY SIXTEEN BROAD. IT HAD A CAVITY IN ITS WESTERN SIDE WHERE REJECTED SIN-OFFERINGS OF BIRDS WERE PLACED.²⁴

MISHNAH 4. THE STONES BOTH OF THE ASCENT AND OF THE ALTAR WERE TAKEN FROM THE VALLEY OF BETH KEREM.²⁵ THEY DUG²⁶ INTO VIRGIN SOIL²⁷ AND BROUGHT FROM THERE WHOLE STONES ON WHICH NO IRON HAD BEEN LIFTED, SINCE IRON DISQUALIFIES BY MERE TOUCH, THOUGH A SCRATCH MADE BY ANYTHING COULD DISQUALIFY. IF ONE OF THEM RECEIVED A SCRATCH, IT WAS DISQUALIFIED, BUT THE REST WERE NOT. THEY WERE WHITEWASHED TWICE A YEAR, ONCE AT PASSOVER AND ONCE AT TABERNACLES, AND THE HEKAL WAS WHITEWASHED ONCE A YEAR, AT PASSOVER. RABBI SAYS: THEY WERE WHITEWASHED EVERY FRIDAY WITH A CLOTH ON ACCOUNT OF THE BLOOD STAINS. THE PLASTER WAS NOT LAID ON WITH A TROWEL OF IRON, FOR FEAR THAT IT MIGHT TOUCH AND DISQUALIFY, SINCE IRON WAS CREATED TO SHORTEN MAN'S DAYS AND THE ALTAR WAS CREATED TO PROLONG MAN'S DAYS, AND IT IS NOT RIGHT THEREFORE THAT THAT WHICH SHORTENS SHOULD BE LIFTED AGAINST THAT WHICH PROLONGS.

MISHNAH 5. THERE WERE RINGS²⁸ TO THE NORTH OF THE ALTAR, SIX ROWS OF FOUR EACH, OR, ACCORDING TO SOME, FOUR ROWS OF SIX EACH, AT WHICH THEY USED TO SLAUGHTER THE SACRIFICIAL ANIMALS. THE SLAUGHTERERS SHED WAS AT THE NORTH OF THE ALTAR. THERE WERE EIGHT DWARF PILLARS THERE, ON WHICH WERE BLOCKS OF CEDAR-WOOD. IN THESE WERE FIXED HOOKS OF IRON, THREE ROWS IN EACH, ON WHICH THEY HUNG THE CARCASSES, AND FLAYED THEM OVER TABLES OF MARBLE BETWEEN THE PILLARS.²⁹

MISHNAH 6. THE LAVER³⁰ WAS BETWEEN THE PORCH AND THE ALTAR, A LITTLE TO THE SOUTH. THE SPACE BETWEEN THE PORCH AND THE ALTAR WAS TWENTY-TWO CUBITS. THERE WERE TWELVE STEPS THERE, EACH STEP BEING HALF A CUBIT HIGH AND A CUBIT BROAD. THERE WAS A CUBIT, A CUBIT AND A LEVEL SPACE OF THREE CUBITS,³¹ THEN A CUBIT, A CUBIT AND A LEVEL SPACE OF THREE CUBITS, THEN AT THE TOP A CUBIT, A CUBIT AND A LEVEL SPACE OF FOUR CUBITS. R. JUDAH SAYS THAT AT THE TOP THERE WAS A CUBIT, A CUBIT AND A LEVEL

MISHNAH 7. THE DOORWAY OF THE PORCH WAS FORTY CUBITS HIGH AND ITS BREADTH WAS TWENTY CUBITS. OVER IT WERE FIVE MAIN BEAMS OF CEDAR. THE LOWEST PROJECTED A CUBIT ON EACH SIDE BEYOND THE DOORWAY. THE ONE ABOVE PROJECTED BEYOND THIS ONE A CUBIT ON EACH SIDE. THUS THE TOPMOST ONE WAS THIRTY CUBITS LONG. THERE WAS A LAYER OF STONES BETWEEN EACH ONE AND THE NEXT.

MISHNAH 8. THERE WERE CROSS BARS OF STONE³³ STRETCHING FROM THE WALL OF THE HEKAL TO THE WALL OF THE PORCH TO PREVENT IT FROM BULGING.³⁴ THERE WERE CHAINS OF GOLD FIXED IN THE ROOF BEAMS OF THE PORCH BY WHICH THE PRIESTLY NOVITIATES³⁵ USED TO ASCEND AND SEE THE CROWNS,³⁶ AS IT SAYS, AND THE CROWNS SHALL BE TO HELEM AND TO TOBIJAH AND TO JEDAIAH AND TO HEN THE SON OF ZEPHANIAH AS A MEMORIAL IN THE TEMPLE OF THE LORD.³⁷ A GOLDEN VINE STOOD AT THE DOOR OF THE HEKAL TRAINED ON POLES, AND ANYONE WHO OFFERED A LEAF OR A GRAPE OR A BUNCH USED TO BRING IT AND HANG IT THEREON. R. ELIEZER SON OF R. ZADOK SAID: ON ONE OCCASION THREE HUNDRED PRIESTS WERE COMMISSIONED [TO CLEAR IT].

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- (1) For a description of the altar, cf. Zeb. 54a.
(2) At its base.
(3) Which was thus a kind of step one cubit high and one wide going right round the altar.
(4) The Mishnah here does not mention that from the surround the altar rose three cubits, as this is known from the statement of Scripture, and the height thereof shall be three cubits (Ex. XXVII, 1).
(5) They were also one cubit high, so that the whole height of the altar was ten cubits.
(6) Quite clear of the horns.
(7) I.e., one for the foundation and five for the surround.
(8) Lit., 'when the children of the exile came up'.
(9) So the text. The proper reading, however, is 'south' as appears from Zeb. 61b.
(10) I.e., two sides of a square.
(11) I.e., the place of the altar fire.
(12) Ezek. XLIII, 16.
(13) Ezek. XLIII, 16.
(14) Maim. calculates that this 'middle' was 26 handbreadths from the ground.
(15) The blood of animals brought as sin-offerings and of birds brought as burnt-offerings was sprinkled above the line, of other sacrifices below the line.
(16) Lit. 'consumed'.
(17) I.e., the south-east corner. So Maim. Asheri, however, explains that it ran only one cubit on the south and on the east side. The reason is given in Zeb. 53b.
(18) The blood of the offerings which was left after the sprinkling.
(19) A channel which flowed through the Azarah into the brook of Kidron.
(20) In order to lift it.
(21) Young priests detailed for the task.
(22) Into which the wine of the libations flowed.
(23) According to Suk. 49a, this was done only once in seventy years.
(24) Until they became unrecognisable, when they were taken out and burnt. Birds were killed at the altar, and therefore if a disqualification was subsequently found in the bodies they could not be taken away.
(25) Mentioned in Jer. VI, 1. It was not far from Jerusalem.
(26) With wooden spades.
(27) So that it was certain that no plough had touched them.
(28) Hoops fixed round the necks of the animals to keep them in place. V. Tamid IV, 1.

(29) V. Tam. III, 5, (Sonc. ed.) notes.

(30) V. Ex. XXX, 18.

(31) This is taken by Asheri to mean that there were four steps each half a cubit high and each a cubit broad, which with level pavement of three cubits would make seven cubits. Then came four more steps and a level of three cubits, making another seven cubits, and then four more steps and a level space of four cubits, making eight cubits. Thus altogether between the altar and the porch there were twelve steps and twenty-two cubits. It is not clear on this explanation why it should say, 'a cubit, a cubit' and not 'two cubits' or 'four steps'. Maim. takes the whole statement to refer to the wall of the porch and to mean that after every two cubits there was a projection issuing from the wall. Certainly the word *robed* which Asheri takes to mean 'level pavement is used for 'projection' in Tamid I, 1, but it is much more natural to take the passage here as referring to the steps. The reading is uncertain.

(32) R. Judah (according to Asheri) must suppose that one of the previous level spaces was only two cubits.

(33) Var. lec.: 'cedar'.

(34) On account of its great height.

(35) Lit., 'flowers of the Priesthood'. v. *supra*. I, 8.

(36) Which were placed as ornaments in the windows of the upper chambers of the Porch. According to Asheri, the young priests climbed up to see if they were in good order, not merely for pleasure, which was forbidden.

(37) Zech. VI, 14.

Mishna - Mas. Middoth Chapter 4

MISHNAH 1. THE DOORWAY OF THE HEKAL¹ WAS TWENTY CUBITS HIGH AND TEN BROAD.² IT HAD FOUR DOORS, TWO ON THE INNER SIDE,³ AND TWO ON THE OUTER, AS IT SAYS, AND THE TEMPLE AND THE SANCTUARY HAD TWO DOORS.⁴ THE OUTER ONES OPENED INTO THE INTERIOR OF THE DOORWAY SO AS TO COVER THE THICKNESS OF THE WALL, WHILE THE INNER ONES OPENED INTO THE TEMPLE SO AS TO COVER THE SPACE BEHIND THE DOORS,⁵ BECAUSE THE WHOLE OF THE TEMPLE WAS OVERLAID WITH GOLD EXCEPT THE SPACE BEHIND THE DOORS. R. JUDAH SAYS: THE DOORS⁶ WERE PLACED WITHIN THE DOORWAY,⁷ AND THEY RESEMBLED FOLDING DOORS,⁸ ONE HALF COVERING TWO CUBITS AND A HALF [OF THE WALL] AND THE OTHER HALF COVERING TWO CUBITS AND A HALF, LEAVING HALF A CUBIT AND A DOORPOST AT THE ONE END AND HALF A CUBIT AND A DOORPOST AT THE OTHER END, AS IT SAYS: AND THE DOORS HAD TWO LEAVES APIECE, TWO TURNING LEAVES, TWO LEAVES FOR THE ONE DOOR AND TWO LEAVES FOR THE OTHER.⁹

MISHNAH 2. THE GREAT GATE¹⁰ HAD TWO WICKETS, ONE TO THE NORTH AND ONE TO THE SOUTH. BY THE ONE TO THE SOUTH NO MAN EVER WENT IN, AND CONCERNING THIS THE RULE WAS DISTINCTLY LAID DOWN BY THE MOUTH OF EZEKIEL, AS IT SAYS, AND THE LORD SAID UNTO ME: THIS GATE SHALL BE SHUT, IT SHALL NOT BE OPENED, NEITHER SHALL ANY MAN ENTER IN BY IT, FOR THE LORD GOD OF ISRAEL HATH ENTERED IN BY IT; THEREFORE IT SHALL BE SHUT.¹¹ HE [THE PRIEST] TOOK THE KEY AND OPENED THE [NORTHERN] WICKET AND WENT IN TO THE CELL,¹² AND FROM THE CELL HE WENT IN TO THE HEKAL. R. JUDAH SAYS: HE USED TO WALK ALONG IN THE THICKNESS OF THE WALL¹³ UNTIL HE CAME TO THE SPACE BETWEEN THE TWO GATES.¹⁴ HE USED TO OPEN THE OUTER DOORS FROM WITHIN AND THE INNER DOORS FROM WITHOUT.¹⁵

MISHNAH 3. THERE WERE THIRTY-EIGHT CELLS THERE,¹⁶ FIFTEEN ON THE NORTH, FIFTEEN ON THE SOUTH, AND EIGHT ON THE WEST. ON THE NORTH AND ON THE SOUTH THERE WERE FIVE OVER FIVE AND FIVE AGAIN OVER THESE;¹⁷ ON THE WEST THERE WERE THREE OVER THREE AND TWO OVER THESE. EACH HAD THREE OPENINGS,¹⁸ ONE TO THE CELL ON THE RIGHT AND ONE TO THE CELL ON THE LEFT

AND ONE TO THE CELL ABOVE. IN THE [ONE AT THE] NORTHEASTERN CORNER THERE WERE FIVE OPENINGS, ONE TO THE CELL ON THE Right,¹⁹ ONE TO THE CELL ABOVE, ONE TO THE MESIBBAH,²⁰ ONE TO THE WICKET,²¹ AND ONE TO THE HEKAL.²²

MISHNAH 4. THE LOWEST STOREY CHAMBER WAS FIVE CUBITS WIDE WITH A CEILING OF SIX CUBITS;²³ THE MIDDLE STOREY CHAMBER WAS SIX CUBITS WIDE WITH A CEILING OF SEVEN; THE TOP STOREY CHAMBER WAS SEVEN CUBITS WIDE, AS IT SAYS, THE NETHERMOST STOREY OF THE SIDE-STRUCTURE WAS FIVE CUBITS BROAD, AND THE MIDDLE WAS SIX CUBITS BROAD, AND THE THIRD WAS SEVEN CUBITS BROAD.²⁴

MISHNAH 5. A WINDING PASSAGE²⁵ WENT UP FROM THE NORTH-EAST CORNER TO THE NORTH-WEST CORNER BY WHICH THEY USED TO MOUNT TO THE ROOFS OF THE CELLS. ONE ASCENDED THE PASSAGE FACING THE WEST, AND TRAVERSED THE WHOLE OF THE NORTHERN SIDE TILL HE REACHED THE WEST. WHEN HE REACHED THE WEST HE TURNED TO FACE SOUTH. HE THEN TRAVERSED THE WEST SIDE²⁶ TILL HE REACHED THE SOUTH. WHEN HE REACHED THE SOUTH HE TURNED TO FACE EASTWARDS. HE THEN TRAVERSED THE SOUTH SIDE TILL HE REACHED THE DOOR OF THE UPPER CHAMBER,²⁷ SINCE THE DOOR OF THE UPPER CHAMBER OPENED TO THE SOUTH. IN THE DOORWAY OF THE UPPER CHAMBER WERE TWO COLUMNS OF CEDAR BY WHICH THEY USED TO CLIMB²⁸ UP TO THE ROOF OF THE UPPER CHAMBER, AND AT THE TOP OF THEM WAS A ROW OF STONES²⁹ SHOWING THE DIVISION IN THE UPPER CHAMBER BETWEEN THE HOLY PART AND THE HOLY OF HOLIES.³⁰ THERE WERE TRAP DOORS IN THE UPPER CHAMBER OPENING INTO THE HOLY OF HOLIES BY WHICH THE WORKMEN WERE LET DOWN IN BASKETS SO THAT THEY SHOULD NOT FEED THEIR GAZE ON THE HOLY OF HOLIES.³¹

MISHNAH 6. THE HEKAL³² WAS A HUNDRED CUBITS BY A HUNDRED³³ WITH A HEIGHT OF A HUNDRED. THE SUBSTRUCTURE³⁴ WAS SIX CUBITS, THEN IT ROSE FORTY, THEN A CUBIT FOR THE ORNAMENTATION, TWO CUBITS FOR THE GUTTERING,³⁵ A CUBIT FOR THE ROOF AND A CUBIT FOR THE PLASTERING. THE HEIGHT OF THE UPPER CHAMBER WAS FORTY CUBITS, THERE WAS A CUBIT FOR ITS ORNAMENTATION,³⁶ TWO CUBITS FOR THE GUTTERING, A CUBIT FOR THE CEILING, A CUBIT FOR THE PLASTERING, THREE CUBITS FOR THE PARAPET AND A CUBIT FOR THE SPIKES.³⁷ R. JUDAH SAYS THE SPIKES WERE NOT INCLUDED IN THE MEASUREMENT, THE PARAPET BEING FOUR CUBITS.

MISHNAH 7. FROM EAST TO WEST WAS A HUNDRED CUBITS — THE WALL OF THE PORCH FIVE CUBITS, THE PORCH ITSELF ELEVEN, THE WALL OF THE HEKAL SIX CUBITS AND ITS INTERIOR FORTY, A CUBIT FOR THE PARTITION³⁸ AND TWENTY CUBITS FOR THE HOLY OF HOLIES, THE WALL OF THE HEKAL SIX CUBITS,³⁹ THE CELL⁴⁰ SIX CUBITS AND THE WALL OF THE CELL FIVE. FROM NORTH TO SOUTH WAS SEVENTY CUBITS — THE WALL OF THE MESIBBAH FIVE CUBITS, THE MESIBBAH ITSELF THREE, THE WALL OF THE CELL FIVE AND THE CELL ITSELF SIX, THE WALL OF THE HEKAL SIX CUBITS AND ITS INTERIOR TWENTY, THEN THE WALL OF THE HEKAL AGAIN SIX AND THE CELL SIX AND ITS WALL FIVE, THEN THE PLACE OF THE WATER DESCENT⁴¹ THREE CUBITS AND ITS WALL FIVE CUBITS. THE PORCH EXTENDED BEYOND THIS FIFTEEN CUBITS ON THE NORTH AND FIFTEEN CUBITS ON THE SOUTH, AND THIS SPACE WAS CALLED THE KNIFE-HOUSE WHERE THEY USED TO STORE THE [SLAUGHTERERS'] KNIVES.⁴² THUS THE HEKAL WAS NARROW BEHIND AND BROAD IN FRONT, RESEMBLING A LION, AS IT SAYS, AH, ARIEL, ARIEL, THE CITY WHERE DAVID ENCAMPED.⁴³ JUST AS A LION IS NARROW BEHIND AND

BROAD IN FRONT, SO THE HEKAL WAS NARROW BEHIND AND BROAD IN FRONT.

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- (1) The Temple proper exclusive both of the Holy of Holies and the Porch.
 - (2) It was also six cubits thick.
 - (3) Towards the Hekal.
 - (4) Ezek. XLI, 23.
 - (5) Thus the outer doors were drawn back a right angle, the inner ones a full half circle.
 - (6) I.e., the outer doors.
 - (7) Drawn back a little from the edge of the wall.
 - (8) They consisted of two leaves joined by hinges. R. Judah does not differ from the First Tanna, but adds a new detail.
 - (9) Ibid. 24.
 - (10) So the doorway of the Hekal is now called.
 - (11) Ezek. XLIV, 2.
 - (12) Heb. *ta*, a small apartment let into the wall. V. *infra*, 3.
 - (13) Parallel to the direction of the wall, back towards the gateway.
 - (14) I.e., between the two ends of the great gateway.
 - (15) The terms 'within' and 'without' here are used relatively to the Hekal. According to R. Judah, the priest did not enter directly from the cell into the Hekal.
 - (16) Surrounding the Temple.
 - (17) I.e., three stories of five each.
 - (18) This was the general rule, but some must have had more and some less.
 - (19) Of one looking towards the Hekal.
 - (20) V. *infra*. 5.
 - (21) V. *supra*. 2.
 - (22) This follows the view of the First Tanna above in 1. According to R. Judah, one door opened not into the Hekal, but into the great gateway.
 - (23) When the wall of the Hekal rose as high as the top of the lowest storey chambers, it narrowed one cubit, and this space was used for extending the ceiling beams of the chamber.
 - (24) I Kings VI, 6.
 - (25) Lit., 'circuit', an ascent running from the foot of the chambers on the north-east to the roof and then the whole length of the north side to the roof of the north-west.
 - (26) On the roofs of the chambers.
 - (27) This must have been a chamber adjoining the Holy of Holies and part of it must have projected over the Holy of Holies.
 - (28) By rungs or by hooks.
 - (29) V. *supra* p. 3, n. 12.
 - (30) I.e., the stones were exactly over the dividing partition. cf. n. 5.
 - (31) V. *Pes.* 26a.
 - (32) Including the Porch and the Holy of Holies.
 - (33) In front; behind it was narrow, as is explained *infra*.
 - (34) The lower blocks or packed earth on which the weight of the whole rested.
 - (35) Affording protection against a leak in the upper roof (Maim.).
 - (36) A panel ornamented with carvings and figures.
 - (37) Lit., 'consuming the raven', the object of the spikes being to keep birds from settling on the roof.
 - (38) The two curtains with one cubit space between them dividing the Hekal and the Sanctuary. V. *Yoma* 51b.
 - (39) The western wall of the Hekal embracing also the Holy of Holies.
 - (40) V. *supra* *Mish.* 4.
 - (41) This was really a continuation of the *mesibbah* on the south side, and it was called thus because it contained a conduit leading water to the brazen sea.
 - (42) Maim.: which had become disqualified.
 - (43) Isa. XXIX, I. 'Ariel', the lion of God.

Mishna - Mas. Middoth Chapter 5

MISHNAH 1. THE WHOLE OF THE AZARAH¹ WAS A HUNDRED AND EIGHTY-SEVEN CUBITS LONG BY A HUNDRED AND THIRTY-FIVE BROAD. FROM EAST TO WEST IT WAS A HUNDRED AND EIGHTY-SEVEN. THE SPACE TO WHICH THE ISRAELITES² HAD ACCESS WAS ELEVEN CUBITS. THE SPACE TO WHICH THE PRIESTS HAD ACCESS WAS ELEVEN CUBITS. THE ALTAR TOOK UP THIRTY-TWO. BETWEEN THE PORCH AND THE ALTAR WAS TWENTY-TWO CUBITS. THE HEKAL TOOK UP A HUNDRED CUBITS, AND THERE WERE ELEVEN CUBITS BEHIND THE MERCY SEAT.³

MISHNAH 2. FROM NORTH TO SOUTH WAS A HUNDRED AND THIRTY-FIVE CUBITS. THE ASCENT AND THE ALTAR TOOK UP SIXTY-TWO;⁴ FROM THE ALTAR TO THE RINGS WAS EIGHT CUBITS. THE RINGS TOOK UP TWENTY-FOUR CUBITS. FROM THE RINGS TO THE TABLES WAS FOUR CUBITS, FROM THE TABLES TO THE DWARF PILLARS FOUR, AND FROM THE DWARF PILLARS TO THE WALL OF THE AZARAH EIGHT CUBITS, AND THE REMAINDER⁵ WAS BETWEEN THE ASCENT AND THE WALL⁶ AND THE SPACE OCCUPIED BY THE PILLARS.⁷

MISHNAH 3. THERE WERE SIX CHAMBERS IN THE AZARAH, THREE ON THE NORTH AND THREE ON THE SOUTH. ON THE NORTH WERE THE SALT CHAMBER, THE PARWAH⁸ CHAMBER AND THE WASHERS CHAMBER. IN THE SALT CHAMBER THEY USED TO KEEP THE SALT FOR THE OFFERINGS. IN THE PARWAH CHAMBER THEY USED TO SALT THE SKINS OF THE ANIMAL-OFFERINGS. ON ITS ROOF WAS THE BATH USED BY THE HIGH PRIEST ON THE DAY OF ATONEMENT.⁹ IN THE WASHERS' CHAMBER THEY USED TO WASH THE ENTRAILS OF THE SACRIFICIAL ANIMALS, AND FROM IT A WINDING ASCENT WENT UP TO THE ROOF OF THE PARWAH CHAMBER.

MISHNAH 4. ON THE SOUTH WERE THE WOOD CHAMBER, THE CHAMBER OF THE CAPTIVITY AND THE CHAMBER OF HEWN STONES. WITH REGARD TO THE WOOD CHAMBER, R. ELIEZER B. JACOB SAYS: I FORGET WHAT IT WAS USED FOR. ABBA SAUL SAYS:¹⁰ THE CHAMBER OF THE HIGH PRIEST¹¹ WAS BEHIND TWO OF THEM, AND ONE ROOF COVERED ALL THREE. IN THE CHAMBER OF THE CAPTIVITY THERE WAS A FIXED CISTERN¹² WITH A WHEEL OVER IT, AND FROM THERE WATER WAS PROVIDED FOR ALL THE AZARAH. IN THE CHAMBER OF HEWN STONE¹³ THE GREAT SANHEDRIN OF ISRAEL USED TO SIT AND JUDGE [AMONG OTHER THINGS THE APPLICANTS, FOR PRIESTHOOD. A PRIEST IN WHOM WAS FOUND A DISQUALIFICATION¹⁴ USED TO PUT ON BLACK UNDER GARMENTS AND WRAP HIMSELF IN BLACK AND CLEAR AWAY. ONE IN WHOM NO DISQUALIFICATION WAS FOUND USED TO PUT ON WHITE UNDER GARMENTS AND WRAP HIMSELF IN WHITE AND GO IN AND MINISTER ALONG WITH HIS BROTHER PRIESTS. THEY USED TO MAKE A FEAST BECAUSE NO BLEMISH HAD BEEN FOUND IN THE SEED OF AARON THE PRIEST, AND THEY USED TO SAY THUS: BLESSED IS THE OMNIPRESENT,¹⁵ BLESSED IS HE, BECAUSE NO BLEMISH HAS BEEN FOUND IN THE SEED OF AARON. BLESSED IS HE WHO CHOSE AARON AND HIS SONS TO STAND TO MINISTER BEFORE THE LORD IN THE HOLY OF HOLIES.

(1) The Temple Court. The space which was called 'the camp of the divine presence'.

(2) Lit. 'place of the treading of the feet of the Israelites'.

(3) More precisely behind the western wall of the Hekal. V. supra p. 1, n. 11.

(4) Cf. supra III, 3. Apparently the base of the ascent was thirty cubits.

(5) Of the hundred and thirty-five cubits.

(6) I.e., the southern wall.

- (7) We must also suppose the space occupied by the tables to be included, although strangely enough this is not mentioned.
- (8) Supposed to have been so called after a man named Parwah. V. Yoma, 35a. Or it may be connected with parim, bulls.
- (9) V. Yoma 30a.
- (10) Abba Saul's remark has nothing to do with R. Eliezer's.
- (11) This apparently is the 'Chamber of Parhedrin' mentioned at the beginning of Tractate Yoma.
- (12) Supposed to have been dug by the returned exiles.
- (13) V. Tam. (Sonc. ed.) p. 14, n. 9.
- (14) E.g., that his mother had been a divorced woman.
- (15) Heb. Ha-makom, lit., 'the Place'.

Mishna - Mas. Mikva'oth Chapter 1

MISHNAH 1. THERE ARE SIX DEGREES OF GATHERINGS OF WATER,¹ EACH SUPERIOR TO THE OTHER.² THE WATER OF PITS³ — IF AN UNCLEAN PERSON DRANK OF IT AND THEN A CLEAN PERSON DRANK OF IT, HE BECOMES UNCLEAN;⁴ IF AN UNCLEAN PERSON DRANK OF IT AND WATER WAS THEN DRAWN FROM IT IN A CLEAN VESSEL, [THE VESSEL] BECOMES UNCLEAN;⁴ IF AN UNCLEAN PERSON DRANK OF IT AND THEN A LOAF OF TERUMAH⁵ FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAN; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAN.⁶

MISHNAH 2. IF ONE DREW WATER FROM IT IN AN UNCLEAN VESSEL AND THEN A CLEAN PERSON DRANK [OUT OF THE PIT]. HE BECOMES UNCLEAN;⁷ IF ONE DREW WATER [FROM IT] IN AN UNCLEAN VESSEL AND THEN DREW WATER FROM IT IN A CLEAN VESSEL, IT BECOMES UNCLEAN; IF ONE DREW WATER [FROM IT] IN AN UNCLEAN VESSEL AND A LOAF OF TERUMAH FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAN; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAN.

MISHNAH 3. IF UNCLEAN WATER⁸ FELL INTO IT AND A CLEAN PERSON DRANK OF IT, HE BECOMES UNCLEAN; IF UNCLEAN WATER FELL INTO IT AND THEN WATER WAS DRAWN FROM IT IN A CLEAN VESSEL, IT BECOMES UNCLEAN; IF UNCLEAN WATER FELL INTO IT AND A LOAF OF TERUMAH FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAN; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAN. R. SIMEON SAYS: IT BECOMES UNCLEAN⁹ WHETHER IT WAS WASHED IN IT OR WHETHER IT WAS NOT WASHED IN IT.

MISHNAH 4. IF A CORPSE FELL INTO IT OR AN UNCLEAN PERSON¹⁰ WALKED IN IT, AND A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAN. THE SAME RULE APPLIES TO THE WATER OF PITS, THE WATER OF CISTERNS,¹¹ THE WATER OF DITCHES,¹² THE WATER OF CAVERNS,¹³ THE WATER OF RAIN DRIPPINGS¹⁴ WHICH HAVE STOPPED,¹⁵ AND MIKWEHS¹⁶ OF LESS THAN FORTY SE'AHs: THEY ARE ALL CLEAN DURING THE TIME OF RAIN;¹⁷ WHEN THE RAIN HAS STOPPED THOSE NEAR TO A CITY OR TO A ROAD ARE UNCLEAN,¹⁸ AND THOSE DISTANT REMAIN CLEAN UNTIL THE MAJORITY OF PEOPLE PASS [THAT WAY].¹⁹

MISHNAH 5. WHEN ARE THEY ACCOUNTED CLEAN AGAIN? BETH SHAMMAI SAY: WHEN THEIR CONTENTS HAVE BEEN INCREASED²⁰ [BY MORE THAN THE ORIGINAL QUANTITY] AND THEY OVERFLOW.²¹ BETH HILLEL SAY: WHEN THEIR CONTENTS HAVE BEEN INCREASED²² [BY MORE THAN THEIR ORIGINAL QUANTITY] ALTHOUGH THEY DO NOT OVERFLOW. R. SIMEON SAYS: WHEN THEY OVERFLOW ALTHOUGH THEIR CONTENTS HAVE NOT BEEN SO²³ INCREASED. [ALL SUCH PIT- WATER]²⁴ IS VALID [FOR PREPARING DOUGH] FOR HALLAH²⁵ AND FOR THE WASHING OF THE HANDS.²⁶

MISHNAH 6. SUPERIOR TO SUCH [WATER] IS THE WATER OF RAIN DRIPPINGS WHICH HAVE NOT STOPPED.²⁷ IF AN UNCLEAN PERSON DRANK OF IT AND THEN A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAN;²⁸ IF AN UNCLEAN PERSON DRANK OF IT AND WATER WAS THEN DRAWN FROM IT IN A CLEAN VESSEL, IT CONTINUES CLEAN; IF AN UNCLEAN PERSON DRANK OF IT AND A LOAF OF TERUMAH FELL IN, EVEN IF IT WAS WASHED IN IT, IT CONTINUES CLEAN; IF ONE DREW WATER FROM IT IN AN UNCLEAN VESSEL AND THEN A CLEAN PERSON DRANK [OUT OF THE POOL]. HE CONTINUES CLEAN; IF ONE DREW WATER FROM IT IN AN UNCLEAN VESSEL AND A LOAF OF TERUMAH FELL [INTO THE POOL]. EVEN IF

IT WAS WASHED IN IT, IT CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND ONE DREW WATER FROM IT IN A CLEAN VESSEL, IT CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND A LOAF OF TERUMAH FELL IN, EVEN IF IT WAS WASHED IN IT, IT CONTINUES CLEAN. [ALL SUCH WATER] IS VALID FOR TERUMAH²⁹ AND FOR THE WASHING OF THE HANDS.³⁰

MISHNAH 7. SUPERIOR TO SUCH [WATER] IS [THE WATER OF] THE MIKWEH CONTAINING FORTY SE'AHs,³¹ FOR IN IT PERSONS MAY IMMERSE THEMSELVES³² AND IMMERSE OTHERS.³³ SUPERIOR AGAIN IS [THE WATER OF] A FOUNTAIN WHOSE OWN WATER IS LITTLE BUT HAS BEEN INCREASED BY A GREATER QUANTITY OF DRAWN WATER; IT IS EQUIVALENT TO THE MIKWEH IN AS MUCH AS IT MAY RENDER CLEAN BY STANDING WATER,³⁴ AND TO AN [ORDINARY] FOUNTAIN IN AS MUCH AS ONE MAY IMMERSE IN IT WHATEVER THE QUANTITY OF ITS CONTENTS.³⁵

MISHNAH 8. SUPERIOR AGAIN ARE 'SMITTEN WATERS'³⁶ WHICH CAN RENDER CLEAN EVEN WHEN FLOWING. SUPERIOR AGAIN ARE 'LIVING WATERS'³⁷ WHICH SERVE FOR THE IMMERSION OF PERSONS WHO HAVE A RUNNING ISSUE³⁸ AND FOR THE SPRINKLING OF LEPERS,³⁹ AND ARE VALID FOR THE PREPARATION OF THE WATER OF PURIFICATION.⁴⁰

(1) **במקואות**, here used in the ordinary and more original sense of an assemblage of water, as in biblical Hebrew (e.g., Gen. I, 10). and not in the later technical sense of a ritual bathing-pool; cf. Introduction. The six degrees are: I, water of pits (mishna 1); II, water of rain drippings (mishna 6); III, the mikweh; IV, the fountain (mishna 7); V, smitten water; VI, living water (mishna 8).

(2) In their power of imparting and removing uncleanness.

(3) **נביאים**, cf. Isa. XXX, 14. The contents are less than 40 se'ahs. If the pit contains 40 se'ahs or more, it becomes a mikweh.

(4) The water taken up by the drinker in his mouth having become unclean, it may be feared that a drop of it fell from his mouth back' into the water of the pit, and was afterwards drunk by the clean person, or was taken up in the clean vessel.

(5) Heave-offering which, by reason of its sanctity, is susceptible to uncleanness more than ordinary food; cf. Zabim V, 12; Shab. 14a.

(6) The water in the pit is considered as joined to the ground, and as such is incapable of becoming unclean or of conveying uncleanness (cf Lev. XI, 36), until it is deliberately removed from the pit. Therefore, if the person did not wash the loaf, the unclean drop of water, which may have been absorbed by the loaf, was neutralized and its uncleanness rendered ineffective by the rest of the water in the pit. But when the person washed the loaf, he deliberately removed from the pit water absorbed by the loaf, which may have included the unclean drop. This drop, therefore, was not neutralized, but imparted its uncleanness to the loaf.

(7) The same rule obtains in the case of an unclean vessel as in the case of an unclean drinker. The vessel imparts uncleanness to the water it takes up from the pit. A drop of this unclean water may have fallen back from the vessel into the pit, and may have been taken up again by the drinker in his mouth.

(8) The rule applying to a drop falling back into the pit from an unclean drinker or from an unclean vessel applies also to unclean water which falls into the pit.

(9) In all the three cases discussed above. He holds that even when the loaf was not washed, we may suspect that it was the clean water alone which escaped from the loaf when lifted from the pit, and that the unclean water adhered to the loaf, and rendered it unclean.

(10) The corpse or the unclean person did not make the water unclean, because, as stated above p. 423, n. 6, water in a pit is considered joined to the ground, and is not susceptible to uncleanness unless it is deliberately separated from the pit.

(11) They are shaped round like wells.

(12) Shaped long and narrow.

(13) These are more or less square-shaped and roofed.

- (14) Pools formed by rain water running down from the hills.
- (15) To trickle down from the hills. If they have not stopped, they would neutralize an unclean drop falling into them.
- (16) Artificial pools designed for ritual immersion (cf. Introd.), somewhat rectangular in shape, but not roofed.
- (17) When wayfarers are few and drinking water is abundant. There is then no need to suspect that an unclean person had drunk from them, or that water had been drawn from them in an unclean vessel. And if by chance this did happen, the flowing rain water would have neutralized the unclean drop.
- (18) It may be suspected that an unclean wayfarer had drunk from them, or that water was drawn from them in an unclean vessel.
- (19) Among whom there may have been an unclean person who drank of the water, or a person who drew water in an unclean vessel.
- (20) By rain water.
- (21) So that it may be assumed that the unclean quantity had escaped.
- (22) The larger quantity of rain water is sufficient to neutralize the unclean quantity; cf. Maksh. II, 3.
- (23) Even if the new rain water was less than the original contents, but was sufficient to overfill the receptacle.
- (24) As defined Supra I, n. 3.
- (25) I.e. dough from which hallah, or dough-offering, has to be taken; cf. Num. XV, 20; Hal. I. 1.
- (26) Before eating of common food; cf. Hag. II, 5.
- (27) Cf. p. 425 nn. 3, 4.
- (28) A possible unclean drop falling back into the pool is neutralized by the fresh flow of water coming down from the hills.
- (29) For preparing in it food of heave-offering.
- (30) Even for eating terumah; cf. Hag. I.c.
- (31) Not filled by the hand of man; cf. Introd.
- (32) All persons who require purification by immersion, with the exception of persons with a running issue; cf. next Mishnah.
- (33) Unclean vessels and the hands before eating of the meat of sacrifices; cf. Hag. I.c.
- (34) Whereas a fountain with its water coming from under the ground can purify also when the water is flowing.
- (35) It does not require to have 40 se'ahs, but just sufficient for the complete immersion of persons or of utensils; cf. Introd.
- (36) Salty water or hot water from a spring.
- (37) Pure and sweet spring water.
- (38) Cf. Lev. XV, 13.
- (39) Ibid. XIV, 5-7.
- (40) Num. XIX, 17.

Mishna - Mas. Mikva'oth Chapter 2

MISHNAH 1. IF AN UNCLEAN MAN WENT DOWN TO IMMERSE HIMSELF AND IT IS DOUBTFUL WHETHER HE DID IMMERSE HIMSELF OR NOT,¹ OR EVEN IF HE DID IMMERSE HIMSELF,² IT IS DOUBTFUL WHETHER THE MIKWEH CONTAINED FORTY SE'AHs OR NOT, OR IF THERE WERE TWO MIKWEHS, ONE CONTAINING FORTY SE'AHs BUT NOT THE OTHER, AND HE IMMERSED HIMSELF IN ONE OF THEM BUT HE DOES NOT KNOW IN WHICH OF THEM HE IMMERSED HIMSELF, IN SUCH A DOUBT HE IS ACCOUNTED UNCLEAN.³

MISHNAH 2. IF A MIKWEH WAS MEASURED AND WAS FOUND LACKING [IN ITS PRESCRIBED QUANTITY],⁴ ALL THINGS WHICH HAD BEEN PURIFIED IN IT HITHERTO,⁵ WHETHER IN PRIVATE PREMISES OR IN PUBLIC PREMISES,⁶ ARE ACCOUNTED UNCLEAN. TO WHAT DOES THIS RULE APPLY?⁷ TO A SERIOUS UNCLEANNESS.⁸ BUT IN THE CASE OF A LESSER UNCLEANNESS,⁹ NAMELY IF ONE ATE UNCLEAN FOODS¹⁰ OR DRANK UNCLEAN LIQUIDS, OR IF HIS HEAD AND THE GREATER PART OF HIS BODY ENTERED INTO DRAWN WATER,¹¹ OR IF THREE LOGS OF DRAWN WATER FELL

ON HIS HEAD AND THE GREATER PART OF HIS BODY,¹² AND HE THEN WENT DOWN TO IMMERSE HIMSELF AND HE IS IN DOUBT WHETHER HE IMMERSED HIMSELF OR NOT, OR EVEN IF HE DID IMMERSE HIMSELF THERE IS [STILL] A DOUBT WHETHER THE MIKWEH CONTAINED FORTY SE'AHs OR NOT, OR IF THERE WERE TWO MIKWEHS, ONE CONTAINING FORTY SE'AHs AND NOT THE OTHER, AND HE IMMERSED HIMSELF IN ONE OF THEM BUT DOES NOT KNOW IN WHICH OF THEM HE IMMERSED HIMSELF, IN SUCH A DOUBT HE IS ACCOUNTED CLEAN. R. JOSE CONSIDERS HIM UNCLEAR, FOR R JOSE SAYS: ANYTHING WHICH IS PRESUMPTIVELY UNCLEAR ALWAYS REMAINS IN A CONDITION OF UNFITNESS UNTIL IT IS KNOWN THAT IT HAS BECOME CLEAR;¹³ BUT IF THERE IS A DOUBT WHETHER A PERSON BECAME UNCLEAR¹⁴ OR CAUSED UNCLEARNESS,¹⁵ IT IS TO BE ACCOUNTED CLEAR.

MISHNAH 3. IN THE CASE OF A DOUBT ABOUT DRAWN WATER WHICH THE SAGES HAVE DECLARED CLEAR,¹⁶ WHEN THERE IS A DOUBT WHETHER [THREE LOGS OF DRAWN WATER] FELL INTO THE MIKWEH OR NOT, OR IF, THOUGH THEY DID FALL IN, THERE IS A DOUBT WHETHER [THE MIKWEH] CONTAINED FORTY SE'AHs OR NOT, OR IF THERE WERE TWO MIKWEHS OF WHICH ONE CONTAINED FORTY SE'AHs AND THE OTHER DID NOT, AND DRAWN WATER FELL INTO ONE OF THEM AND IT IS NOT KNOWN INTO WHICH OF THEM IT FELL, IN SUCH A DOUBT IT IS ACCOUNTED CLEAR,¹⁷ BECAUSE THERE EXISTS [A POSSIBILITY]¹⁸ ON WHICH WE MAY DEPEND [IN DECLARING IT CLEAR]. IF THEY BOTH CONTAINED LESS THAN FORTY SE'AHs, AND [DRAWN WATER] FELL INTO ONE OF THEM AND IT IS NOT KNOWN INTO WHICH OF THEM IT FELL, IN SUCH A DOUBT IT IS ACCOUNTED UNCLEAR, BECAUSE THERE EXISTS NO [POSSIBILITY]¹⁹ ON WHICH WE MAY DEPEND [IN DECLARING IT CLEAR].

MISHNAH 4. R. ELIEZER SAYS: A QUARTER-LOG OF DRAWN WATER IN THE BEGINNING²⁰ MAKES THE MIKWEH INVALID, AND THREE LOGS ON THE SURFACE OF THE WATER.²¹ BUT THE SAGES SAY: BOTH IN THE BEGINNING AND AT THE END, THE MEASURE [WHICH MAKES THE MIKWEH INVALID] IS THREE LOGS.

MISHNAH 5. IF THERE WERE THREE CAVITIES²² IN A MIKWEH²³ EACH HOLDING A LOG OF DRAWN WATER, IF IT IS KNOWN THAT THERE FELL THEREIN FORTY SE'AHs OF VALID WATER BEFORE REACHING THE THIRD CAVITY, [SUCH A MIKWEH IS]²⁴ VALID; OTHERWISE IT IS INVALID. BUT R. SIMEON DECLARES IT VALID, SINCE IT RESEMBLES A MIKWEH ADJOINING ANOTHER MIKWEH.²⁵

MISHNAH 6. IF THE MUD²⁶ HAD BEEN MOVED TO THE SIDES AND THEN THREE LOGS [OF WATER] WERE DRAWN OUT FROM IT, [THE MIKWEH IS STILL] VALID. BUT IF THE MUD HAD BEEN REMOVED AWAY²⁷ AND THREE LOGS WERE DRAWN FROM IT [INTO THE MIKWEH]. IT BECOMES INVALID.²⁸ BUT R. SIMEON PRONOUNCES IT VALID, SINCE THERE WAS NO INTENTION TO DRAW [THE WATER].²⁹

MISHNAH 7. IF ONE HAD LEFT WINE-JARS ON THE ROOF TO DRY³⁰ AND THEY BECAME FILLED WITH WATER,³¹ R. ELIEZER SAYS: IF IT WAS THE SEASON OF RAIN³² AND³³ THERE WAS [IN THE CISTERN] A LITTLE WATER, ONE MAY BREAK THE JARS,³⁴ OTHERWISE ONE MAY NOT BREAK THEM.³⁵ R. JOSHUA SAYS: IN EITHER CASE ONE MAY BREAK THEM OR TILT THEM OVER,³⁶ BUT ONE MAY NOT EMPTY³⁷ [THEM INTO THE CISTERN].

MISHNAH 8. IF A PLASTERER FORGOT HIS LIME-TUB IN A CISTERN AND IT BECAME FILLED WITH WATER, IF WATER FLOWED ABOVE IT HOWEVER LITTLE,³⁸ IT MAY BE BROKEN;³⁹ OTHERWISE IT MAY NOT BE BROKEN.⁴⁰ THIS IS THE OPINION OF R.

ELIEZER. BUT R. JOSHUA SAYS: IN EITHER CASE IT MAY BE BROKEN.⁴¹

MISHNAH 9. IF ONE HAD ARRANGED WINE-JARS IN A CISTERN⁴² AND THEY BECAME FILLED WITH WATER, EVEN THOUGH THE WATER OF THE CISTERN WAS ALL SOAKED UP,⁴³ THEY MAY BE BROKEN.⁴⁴

MISHNAH 10. IF A MIKWEH CONTAINED FORTY SE'AHs OF WATER AND MUD⁴⁵ [COMBINED]. R. ELIEZER SAYS: ONE MAY IMMERSE OBJECTS IN THE WATER BUT ONE MAY NOT IMMERSE THEM IN THE MUD. BUT R. JOSHUA SAYS: IN THE WATER AND ALSO IN THE MUD. IN WHAT KIND OF MUD MAY OBJECTS BE IMMERSED? MUD OVER WHICH WATER FLOATS.⁴⁶ IF THE WATER WAS ON THE ONE SIDE ONLY. R. JOSHUA ADMITS THAT OBJECTS MAY BE IMMERSED IN THE WATER BUT MAY NOT BE IMMERSED IN THE MUD.⁴⁷ OF WHAT KIND OF MUD HAVE THEY SPOKEN?⁴⁸ MUD INTO WHICH A REED WILL SINK OF ITSELF.⁴⁹ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: [MUD] IN WHICH⁵⁰ A MEASURING-ROD WILL NOT STAND UPRIGHT.⁵¹ ABBA ELEAZAR B. DULA'I SAYS: [MUD] INTO WHICH A PLUMMET WILL SINK. R. ELIEZER SAYS: SUCH AS WILL GO DOWN INTO THE MOUTH OF A JAR.⁵² R. SIMEON SAYS: SUCH AS WILL ENTER INTO THE TUBE OF A WATER- SKIN.⁵³ R. ELEAZAR B. ZADOK SAYS: SUCH AS CAN BE MEASURED IN A LOG MEASURE.⁵⁴

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- (1) Whether the immersion was carried out in accordance with the prescribed regulations.
- (2) He is sure the immersion was carried out properly.
- (3) The doubtful purification has not the power of undoing the certain state of a previous defilement.
- (4) 40 se'ahs.
- (5) Since the time it was known to have contained 40 se'ahs until it was measured.
- (6) Although the rule is that a doubtful defilement in public premises is deemed clean (cf. Toh. IV, 7, 11; 'Ed. (Sonc. ed.) p. 11, n. 6; p. 19, n. 13.), because the doubt here is not about the defilement but about the purification of a previous certain defilement.
- (7) In this and in the last Mishnah.
- (8) Caused by a principal defilement (אב הטומאה; 'Ed. (Sonc. ed.) p. 10, n. 1), enacted by the Torah.
- (9) Caused by a secondary defilement enacted by rabbinic law only.
- (10) Of a secondary defilement of the first or second degree; cf. 'Ed. l.c.
- (11) Immediately after immersion in a mikweh.
- (12) All these acts cause secondary defilement in accordance with rabbinic law only, disqualifying the person from eating terumah; cf. Toh. IV, 11; Zabim V, 12; Shab. 13b.
- (13) R. Jose makes no distinction between a defilement according to Mosaic law and a defilement according to rabbinic law. In either case when the defilement is certain and the purification doubtful, the defilement continues. Only when the doubt is about a defilement according to rabbinic law may it be deemed clean.
- (14) By any of the named secondary defilements.
- (15) After the person had become unclean by a secondary defilement, there arose a doubt whether he had conveyed uncleanness to terumah things.
- (16) Cf. Toh. IV, 7.
- (17) In both cases the mikwehs are valid when their contents are brought up to 40 se'ahs.
- (18) Viz., that the three logs did not fall in at all, or that the mikweh did contain 40 se'ahs, or, finally, that the three logs fell into the mikweh containing 40 se'ahs.
- (19) Since one of the two mikwehs was certainly rendered invalid, and as we do not know which of the two, both must be considered invalid.
- (20) Before the mikweh became filled with rain water, a quarter-log of drawn water was put into it.
- (21) Poured in after the mikweh had been filled with rain water, but with less than 40 se'ahs.
- (22) One above the other in the wall of the mikweh.
- (23) Which was empty.
- (24) Because when the contents of the mikweh reached 40 se'ahs, the quantity of drawn water in it was still less than

three logs.

(25) The cavities are to be considered as distinct and separate from the main mikweh, and as if they were themselves mikwehs. But the validity of a mikweh is not affected by its contiguity with an invalid mikweh.

(26) In a mikweh holding less than 40 se'ahs.

(27) Out of the mikweh.

(28) The water from the mud is considered drawn water.

(29) The intention was only to remove the mud but not the water contained therein; therefore the water is deemed as still belonging to the mikweh.

(30) But if the intention was that they should be filled with water, the water would become equivalent to drawn water.

(31) Rain water.

(32) When the mikweh under the roof might be expected to be filled with nearly 40 se'ahs of rain water.

(33) Var. lec. 'or'.

(34) So that their water may flow into the mikweh below and make up 40 se'ahs.

(35) If it is not the rainy season and the mikweh cannot be expected to be filled with rain water, it may not, according to R. Eliezer, be filled with water from a receptacle, even though the water flows freely without human touch from the receptacle into the mikweh. Again, if the cistern had no water at all, it may be feared that a quarter-log of water would run over from the jars into the empty mikweh before the jars are broken, and this would invalidate the mikweh in accordance with R. Eliezer's opinion in Mishnah 4.

(36) So as to let the water flow freely from the jars into the mikweh below.

(37) By hand, for this would render the water in the jars drawn water.

(38) Its contents are then part of the contents of the cistern.

(39) And its contents allowed to mingle with the contents of the cistern which serves as a mikweh. But the tub must not be lifted from the cistern and emptied into the cistern, for its contents would then become drawn water.

(40) The contents of the tub are equivalent to drawn water.

(41) And let its contents flow into the cistern, because the water in the tub is not deemed drawn water.

(42) Which held water, in order that the porous sides of the wine-jars might become saturated with water and not be able afterwards to soak in any wine.

(43) In the soil, and there is no water left save that which is in the jars.

(44) And their contents may be used for making a mikweh in the cistern, because they are not deemed drawn water since it was not his intention for the water to fill the jars.

(45) Thin mud; cf. *infra* VII, 1.

(46) For the cavity formed by the immersed object becomes filled with water.

(47) Although the mud serves to make up the 40 se'ahs.

(48) That it may combine with water to form the 40 se'ahs, and that objects may be immersed in it.

(49) Without being pressed down by the hand. Of the opinions that follow, each assumes a thicker mud than the preceding opinion.

(50) Lit., 'a place'.

(51) But must be held by the hand.

(52) And so cannot serve as a stopper to the jar.

(53) Even if it can stop the mouth of a jar.

(54) Like a liquid.

Mishna - Mas. Mikva'oth Chapter 3

MISHNAH 1. R. JOSE SAYS: IF THERE ARE TWO MIKWEHS NEITHER OF WHICH CONTAINS FORTY SE'AHS, AND A LOG AND A HALF [OF DRAWN WATER] FELL INTO EACH, AND THEY ARE MINGLED TOGETHER, THEY REMAIN VALID, SINCE THEY HAD NEVER¹ BEEN EXPLICITLY ACCOUNTED AS INVALID; BUT IF THERE IS A MIKWEH HOLDING LESS THAN FORTY SE'AHS, AND THREE LOGS [OF DRAWN WATER] FELL INTO IT, AND IT WAS THEN DIVIDED INTO TWO,² IT IS INVALID, SINCE IT HAD ALREADY BEEN EXPLICITLY ACCOUNTED AS INVALID.³ R. JOSHUA DECLARES IT VALID; FOR R. JOSHUA USED TO SAY: ANY MIKWEH CONTAINING LESS THAN FORTY

SE'AHs INTO WHICH THREE LOGS [OF DRAWN WATER] FELL AND FROM WHICH A KORTOB⁴ WAS WITHDRAWN BECOMES VALID, SINCE THE THREE LOGS HAVE ALSO BEEN DIMINISHED.⁵ BUT THE SAGES SAY: IT ALWAYS REMAINS INVALID UNTIL THE FORMER CONTENTS THEREOF ARE REMOVED AND A LITTLE MORE.⁶

MISHNAH 2. IN WHAT MANNER? IF THERE WAS A CISTERN⁷ IN A COURTYARD AND THREE LOGS [OF DRAWN WATER] FELL INTO IT, IT WILL ALWAYS REMAIN INVALID UNTIL THE WHOLE OF IT IS REMOVED AND A LITTLE MORE, OR UNTIL [ANOTHER MIKWEH CONTAINING] FORTY SE'AHs IS PLACED IN THE COURTYARD,⁸ SO THAT THE HIGHER⁹ MIKWEH IS RENDERED VALID BY THE LOWER.¹⁰ R. ELIEZER B. AZARIAH DECLARES IT INVALID UNLESS THE [NEW MIKWEH] IS STOPPED UP.¹¹

MISHNAH 3. IF THERE WAS A CISTERN FULL OF DRAWN WATER AND A CHANNEL¹² LED INTO IT AND OUT OF IT, IT CONTINUES INVALID UNTIL IT CAN BE RECKONED THAT THERE DOES NOT REMAIN IN IT THREE LOGS OF THE FORMER [WATER].¹³ IF TWO MEN POURED¹⁴ EACH A LOG AND A HALF [OF DRAWN WATER] INTO A MIKWEH, OR IF ONE WRUNG OUT HIS CLOTHES AND SO POURED IN [WATER] FROM SEVERAL PLACES,¹⁵ OR IF ONE EMPTIED OUT A WATER-COOLER¹⁶ AND SO POURED IN [WATER] FROM SEVERAL PLACES, R. AKIBA DECLARES IT VALID,¹⁷ BUT THE SAGES DECLARE IT INVALID. R. AKIBA SAID: THEY¹⁸ DID NOT SAY 'IF THEY POURED IN', BUT 'IF ONE¹⁹ POURED IN'. BUT THEY SAID: THEY SAID NEITHER THUS NOR THUS, BUT ONLY IF THERE FELL THEREIN THREE LOGS²⁰ [OF DRAWN WATER]'.²¹

MISHNAH 4. [IF THE THREE LOGS OF DRAWN WATER FELL IN] FROM ONE VESSEL OR FROM TWO OR FROM THREE, THEY COMBINE TOGETHER;²¹ BUT IF FROM FOUR, THEY DO NOT COMBINE TOGETHER.²² IF A MAN WHO HAD A SEMINAL ISSUE WAS SICK AND NINE KABS OF WATER²³ FELL ON HIM, OR IF THERE FELL ON THE HEAD AND THE GREATER PART OF THE BODY OF A CLEAN PERSON THREE LOGS OF DRAWN WATER²⁴ FROM ONE VESSEL OR FROM TWO OR FROM THREE, THEY COMBINE TOGETHER; BUT IF FROM FOUR, THEY DO NOT COMBINE TOGETHER. IN WHAT CASE DOES THIS APPLY?²⁵ WHEN THE SECOND BEGAN BEFORE THE FIRST FINISHED. AND IN WHAT OTHER CASE DOES [THE OTHER STATEMENT]²⁶ APPLY? WHEN THERE WAS NO INTENTION TO INCREASE²⁷ IT. BUT IF THERE WAS AN INTENTION TO INCREASE IT, IF ONLY A KORTOB IN A WHOLE YEAR, THEY COMBINE TOGETHER TO ADD UP TO THE THREE LOGS.

(1) Before they became mingled, when the amount of drawn water which fell into each was less than three logs.

(2) And each had its contents increased to 40 se'ahs.

(3) Before it was divided into two.

(4) The smallest liquid measure, viz., one sixty-fourth of a two.

(5) The kortob which was withdrawn must have included also some portion of the drawn water.

(6) To make the mikweh valid a quantity of water must be withdrawn from it, which is equal to the quantity which the mikweh contained when the drawn water fell into it, and a little more to reduce the drawn water in the mikweh to less than three logs.

(7) Containing less than 40 se'ahs.

(8) One above the other and connected.

(9) Var. lec.: 'the lower'.

(10) Var. lec.: 'the higher'.

(11) פקד, so that one has to come first to the old mikweh. Var. lec.: פקד, until all its water is used up.

(12) Of rain water less than 40 se'ahs in quantity.

(13) That through the channel leading out of the cistern there flowed away the former contents of drawn water in the cistern, leaving of them less than three logs plus the quantity of fresh rain water which entered the cistern on the one side

and flowed out on the other side. This together will be considerably more than the former contents of the cistern, required in the last Mishnah, because there the former contents of the cistern consisted of valid water which only became invalid by the addition of three logs of drawn water, whereas here all the former contents were invalid water.

(14) Simultaneously; cf. next Mishnah.

(15) To the quantity of three logs.

(16) Containing a sieve-like filter within its neck; cf. Kelim II, 8.

(17) He holds that the three logs of water which invalidate the mikveh must all come from one receptacle.

(18) The Sages who formulated the rule regarding drawn water in a mikveh.

(19) Which wording implies that all the three logs must come from one vessel.

(20) Which may imply also pouring in from more than one vessel. Cf. 'Ed. I, 3. The dispute between R. Akiba and the Sages turns on the exact wording of the traditional formula of the rule.

(21) In accordance with the opinion of the Sages, provided each vessel contains one log.

(22) Because one of them must contain less than one log.

(23) Which is sufficient purification for a person with such a defilement who, owing to sickness, is unable to undergo full immersion in a mikveh, provided the defilement was unintentional. If, however, the defilement was intentional, he needs complete immersion before he can occupy himself with the study of the Torah; cf. Ber. 22b, and infra VIII, 1, n. 3.

(24) Which confers a defilement of the second degree, disqualifying a person from eating terumah; cf. Zabim V. 6; Shab. 13b.

(25) That three logs of drawn water derived from two or three vessels combine to invalidate the mikveh.

(26) That the contents of more than three vessels are not reckoned together to invalidate the mikveh.

(27) To increase the quantity of water in the mikveh by the addition of the drawn water.

Mishna - Mas. Mikva'oth Chapter 4

MISHNAH 1. IF ONE PUT VESSELS UNDER A WATER-SPOUT,¹ WHETHER THEY BE LARGE VESSELS² OR SMALL VESSELS³ OR EVEN VESSELS OF DUNG, VESSELS OF STONE OR EARTHEN VESSELS,⁴ THEY MAKE THE MIKWEH INVALID.⁵ IT IS ALL ALIKE WHETHER THEY WERE PUT THERE [PURPOSELY] OR WERE [MERELY] FORGOTTEN. THIS IS ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL DECLARE IT CLEAN IN THE CASE OF ONE WHO FORGETS.⁶ R. MEIR SAID: THEY VOTED AND BETH SHAMMAI HAD A MAJORITY OVER BETH HILLEL;⁷ YET THEY AGREE⁸ IN THE CASE OF ONE WHO FORGETS [AND LEAVES VESSELS] IN A COURTYARD⁹ THAT THE MIKWEH REMAINS CLEAN.¹⁰ R. JOSE SAID: THE CONTROVERSY STILL REMAINS AS IT WAS.

MISHNAH 2. IF ONE PUT A BOARD UNDER A WATER-SPOUT AND IT HAD A RIM¹¹ TO IT, IT MAKES THE MIKWEH INVALID; OTHERWISE IT DOES NOT MAKE THE MIKWEH INVALID. IF HE MADE IT STAND UPRIGHT TO BE RINSED, IN NEITHER CASE DOES IT MAKE THE MIKWEH INVALID.

MISHNAH 3. IF ONE MAKES¹² A HOLLOW IN A WATER-SPOUT TO COLLECT THE GRAVEL,¹³ IT MAKES THE MIKWEH INVALID¹⁴ IN THE CASE OF A WOODEN [SPOUT] IF IT HOLDS HOWEVER LITTLE, BUT IN THE CASE OF AN EARTHENWARE [SPOUT] IF IT WILL HOLD A QUARTER-LOG.¹⁵ R. JOSE SAYS: ALSO IN THE CASE OF AN EARTHENWARE [SPOUT] IF IT HOLDS HOWEVER LITTLE: THEY HAVE SPOKEN OF 'A QUARTER-LOG'¹⁶ ONLY IN THE CASE OF BROKEN SHERDS OF AN EARTHENWARE UTENSIL. IF THE PIECES OF GRAVEL MOVED ABOUT INSIDE [THE HOLLOW]. IT MAKES THE MIKWEH INVALID.¹⁷ IF EARTH CAME DOWN INTO IT AND WAS PRESSED DOWN,¹⁸ [THE MIKWEH CONTINUES] VALID. IF THE SPOUT WAS NARROW AT EACH END AND WIDE IN THE MIDDLE, IT DOES NOT MAKE [THE MIKWEH] INVALID, BECAUSE IT¹⁹ HAD NOT BEEN FASHIONED FOR GATHERING [ANYTHING IN IT].²⁰

MISHNAH 4. IF DRAWN WATER AND RAIN WATER WERE MINGLED TOGETHER IN A COURTYARD OR IN A CAVITY OR ON THE STEPS OF A CAVE,²¹ IF THE GREATER PART WAS VALID,²² THE WHOLE IS VALID; AND IF THE GREATER PART WAS INVALID,²³ THE WHOLE IS INVALID. IF THEY WERE EQUAL IN QUANTITY. THE WHOLE IS INVALID. WHEN [DOES THIS APPLY]?²⁴ WHEN THEY WERE MINGLED TOGETHER BEFORE THEY ARRIVED AT THE MIKWEH. BUT IF THEY FLOWED [EACH ONE DIRECT] INTO THE WATER [OF THE Mikweh].²⁵ IF IT WAS KNOWN THAT THERE FELL IN FORTY SE'AHs OF VALID WATER BEFORE THERE CAME DOWN THREE LOGS OF DRAWN WATER, [THE MIKWEH IS] VALID; OTHERWISE IT IS INVALID.

MISHNAH 5. IN THE CASE OF A TROUGH²⁶ IN THE ROCK,²⁷ WATER MAY NOT BE GATHERED IN IT,²⁸ NOR MAY THE WATER OF PURIFICATION BE CONSECRATED²⁹ THEREIN, NOR MAY ONE SPRINKLE³⁰ THEREFROM; AND IT DOES NOT REQUIRE A TIGHTLY STOPPED-UP COVERING,³¹ AND IT DOES NOT MAKE THE MIKWEH INVALID.³² IF IT WAS A [MOVABLE] VESSEL³³ AND HAD BEEN JOINED TO THE GROUND WITH LIME, WATER MAY BE GATHERED IN IT, AND THE WATER OF PURIFICATION MAY BE CONSECRATED THEREIN, AND ONE MAY SPRINKLE THEREFROM, AND IT REQUIRES A TIGHTLY STOPPED-UP COVERING, AND IT MAKES THE MIKWEH INVALID. IF A HOLE WAS MADE IN IT BELOW OR AT THE SIDE SO THAT IT COULD NOT CONTAIN WATER IN HOWEVER SMALL A QUANTITY,³⁴ IT IS VALID.³⁵ AND HOW GREAT SHOULD BE THE HOLE? LIKE THE TUBE OF A WATER-SKIN. R. JUDAH B. BATHYRA SAID: IT HAPPENED IN THE CASE OF THE TROUGH OF JEHU³⁶ IN JERUSALEM THAT THERE WAS A HOLE IN IT LIKE THE TUBE OF A WATER-SKIN, AND IT WAS USED FOR ALL THINGS IN JERUSALEM WHICH NEEDED A STATE OF PURITY. BUT BETH SHAMMAI SENT AND BROKE IT DOWN, FOR BETH SHAMMAI SAY: [IT REMAINS A VESSEL] UNLESS THE GREATER PART OF IT IS BROKEN DOWN.

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- (1) Conveying rain water from the roof.
 - (2) Containing more than 40 se'ahs.
 - (3) Too small to become unclean; cf. Kelim II, 2.
 - (4) These are not susceptible to uncleanness.
 - (5) If their contents of three logs are emptied into a mikweh containing less than 40 se'ahs (so also below where this phrase occurs). For, unlike the case discussed in II, 7, these serve for the special purpose of receiving the water from the spout.
 - (6) Because there was no intention to collect water in them.
 - (7) And the controversy was settled in accordance with the opinion of Beth Shammai; cf. Shab. I, 4.
 - (8) Beth Shammai.
 - (9) Not under a water-spout.
 - (10) Since evidently there was no intention to collect the water.
 - (11) It is considered a receptacle, and the rain water passing from the roof along the board becomes drawn water.
 - (12) Before fixing the spout to the roof.
 - (13) Coming down in the rain water.
 - (14) The cavity becomes a receptacle for the water that passes through it into the mikweh. The spout itself is not deemed a receptacle, because it is open at both ends.
 - (15) If it holds less than a quarter-log, it is not considered a vessel; cf. Kelim II, 2.
 - (16) As the minimum capacity of a vessel.
 - (17) Though the gravel fills the cavity.
 - (18) Filling the cavity.
 - (19) The wide part in the middle.
 - (20) But only for facilitating the flow of the water.
 - (21) Containing a mikweh.
 - (22) The rain water exceeds in quantity the drawn water.

- (23) Consisting of drawn water.
- (24) That the mikweh is valid when rain water makes up the greater part of the mixture.
- (25) I.e., the drawn water flowed directly from the vessel into the mikweh.
- (26) Cf. Parah V, 7.
- (27) If filled with water from a fountain. Being naturally joined to the ground, it cannot be considered a vessel; cf. supra I, 1, n. 6.
- (28) For the Water of Purification, for which a vessel is required; cf. Num. XIX, 17.
- (29) By mixing in it the ashes of the Red Heifer.
- (30) If properly prepared Water of Purification is put on to it; ibid. XIX, 18.
- (31) Ibid. XIX, 15. It protects its contents against defilement from a corpse even if it has only an ordinary covering; cf. Ohol. V, 6.
- (32) If three logs of rain water flow from it into a mikweh containing less than 40 se'ahs.
- (33) The trough had been hollowed out in a movable stone.
- (34) It loses the character of a vessel and becomes like a channel.
- (35) The water which flows from it does not render the mikweh invalid.
- (36) The site of this trough is not known. The name Jehu occurs in Judah, I Chron. II, 38. etc. S. Klein conjectures that the trough belonged to a family which traced its descent from Jehu, King of Israel; cf. the Well of Ahab, Parah VIII, 11; v. צִיָּן, IV (Jerusalem, 1938), p. 40f.

Mishna - Mas. Mikva'oth Chapter 5

MISHNAH 1. [WATER FROM] A FOUNTAIN WHICH IS MADE TO PASS OVER INTO A TROUGH¹ BECOMES INVALID;² IF IT WAS MADE TO PASS OVER THE EDGE IN ANY QUANTITY, [WHAT IS] OUTSIDE [THE TROUGH] IS VALID,³ FOR [THE WATER OF] A FOUNTAIN PURIFIES HOWEVER LITTLE ITS QUANTITY.⁴ IF IT IS MADE TO PASS OVER INTO A POOL AND THEN IS STOPPED, THE POOL COUNTS AS A MIKWEH;⁵ IF IT IS MADE TO FLOW AGAIN,⁶ IT IS STILL INVALID FOR PERSONS WITH A RUNNING ISSUE AND FOR LEPERS AND FOR THE PREPARATION OF THE WATER OF PURIFICATION⁷ UNTIL IT IS KNOWN THAT THE FORMER [WATER] IS GONE.

MISHNAH 2. IF IT WAS MADE TO PASS OVER THE OUTSIDE OF VESSELS OR OVER A BENCH, R. JUDAH SAYS: LO, IT REMAINS AS IT WAS BEFORE.⁸ R. JOSE SAYS: LO, IT IS LIKE A MIKWEH,⁹ EXCEPT THAT ONE MAY NOT IMMERSE ANYTHING ABOVE THE BENCH.¹⁰

MISHNAH 3. IF [WATER FROM] A FOUNTAIN THAT FLOWS INTO MANY CHANNELS¹¹ WAS INCREASED¹² IN QUANTITY SO THAT IT WAS MADE TO FLOW IN ABUNDANCE, IT REMAINS AS IT WAS BEFORE.¹³ IF IT WAS A STANDING FOUNTAIN¹⁴ AND ITS QUANTITY WAS INCREASED¹⁵ SO THAT IT WAS MADE TO FLOW, IT BECOMES EQUAL TO A MIKWEH IN THAT IT CAN PURIFY IN STANDING WATER,¹⁶ AND TO A FOUNTAIN IN THAT ONE MAY IMMERSE [OBJECTS] THEREIN HOWEVER SMALL ITS QUANTITY.

MISHNAH 4. ALL SEAS¹⁷ ARE DEEMED VALID AS A MIKWEH,¹⁸ FOR IT IS WRITTEN, 'AND THE MIKWEH¹⁹ OF THE WATERS CALLED HE SEAS',²⁰ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: THE GREAT SEA²¹ ALONE IS A VALID MIKWEH, FOR THE REASON THAT SCRIPTURE SAYS 'SEAS' IS BECAUSE IN IT ARE MANY KINDS OF SEAS.²² R. JOSE SAYS: ALL SEAS PURIFY AS FLOWING WATERS,²³ BUT THEY ARE INVALID FOR PERSONS WITH A RUNNING ISSUE AND FOR LEPERS AND FOR THE PREPARATION OF THE WATER OF PURIFICATION.²⁴

MISHNAH 5. FLOWING WATER²⁵ IS AS WATER OF A FOUNTAIN AND DRIPPING WATER²⁶ IS AS A MIKWEH. R. ZADOK²⁷ TESTIFIED THAT IF FLOWING WATER

EXCEEDED DRIPPING WATER [WITH WHICH IT WAS MIXED] IT WAS VALID [AS FLOWING WATER].²⁸ IF DRIPPING WATER BECAME FLOWING WATER, ITS FLOW MAY BE BLOCKED²⁹ BY A STICK OR BY A REED OR EVEN BY A MAN OR A WOMAN WHO HAS A RUNNING ISSUE, AND THEN ONE MAY GO DOWN AND IMMERSE ONESELF THEREIN. THIS IS THE OPINION OF R. JUDAH. R. JOSE SAYS: ONE MAY NOT STOP THE FLOW OF WATER³⁰ WITH ANYTHING WHICH IS LIABLE TO UNCLEANNES.

MISHNAH 6. IF A WAVE WAS SEPARATED [FROM THE SEA] AND COMPRISED FORTY SE'AHs, AND IT FELL ON A MAN OR ON VESSELS,³¹ THEY BECOME CLEAN. ANY PLACE CONTAINING FORTY SE'AHs IS VALID FOR IMMERSING ONESELF AND FOR IMMERSING OTHERS.³² ONE MAY IMMERSE IN TRENCHES³³ OR IN DITCHES³⁴ OR EVEN IN A DONKEY-TRACK³⁵ THE WATER OF WHICH IS JOINED³⁶ [WITH A VALID MIKWEH] IN A VALLEY. BETH SHAMMAI³⁷ SAY: ONE MAY IMMERSE IN A RAIN TORRENT.³⁸ BUT BETH HILLEL SAY: ONE MAY NOT IMMERSE.³⁹ THEY⁴⁰ ADMIT, HOWEVER, THAT ONE MAY BLOCK ITS FLOW WITH VESSELS⁴¹ AND IMMERSE ONESELF THEREIN, BUT THE VESSELS WITH WHICH THE FLOW IS BLOCKED ARE NOT THEREBY [VALIDLY] IMMERSED.⁴²

(1) Which had been hollowed out in a movable stone and then fixed to the ground; cf. supra IV, 5.

(2) For immersion either in the trough itself or in the water that passes out of the trough, for since the trough is like a vessel, this water becomes drawn water.

(3) For immersion.

(4) Cf. supra I, 7.

(5) And requires 40 se'ahs of standing water; cf. supra I, 7.

(6) The flow from the fountain into the pool was restored. It then becomes valid for immersion even if its quantity is less than 40 se'ahs, but not for those who require for their purification 'living water'.

(7) Cf. supra I, 8, and notes 5-7.

(8) With the efficacy of a fountain.

(9) And requires 40 se'ahs of standing water.

(10) Or above the backs of the vessels, lest one may be led to immerse things in vessels.

(11) Lit., 'is drawn out like a centipede'.

(12) By pouring into it drawn water.

(13) It retains the characteristics of a fountain.

(14) I.e., a well or a lake.

(15) By the addition of drawn water.

(16) But not in its flowing water, since this is derived from drawn water.

(17) Parah VIII, 8.

(18) And require 40 se'ahs of standing water, and are invalid for those who need 'living water'.

(19) 'The gathering together'; cf. Introd.

(20) Gen. I. 10.

(21) The Mediterranean, and likewise the oceans, to the exclusion of inland seas and lakes.

(22) It gathers water from numerous sources.

(23) Like fountains.

(24) Because these require 'living water' and sea water being salty is 'smitten water', cf. supra I, 8.

(25) Streams and rivers.

(26) Rain water.

(27) Cf. 'Ed. VII, 3. (Sonc. ed.) p. 42, and notes.

(28) And is treated as a fountain.

(29) So as to make it standing water, as required in a mikweh.

(30) So most commentators explain the reading in the editions מוֹחִילִין, which being in the causative stem (hiph'il) should rather be rendered 'one may not cause to flow'. However, the Cambridge text (cf. Introd. n. 1). and MS.M. read מוֹחִלִּים, which may be interpreted as a privative pi'el, to prevent or stay the flow.

- (31) Who were unclean, immersing them accidentally.
- (32) Vessels and the hands before eating sacrificial meat; cf. I, 7, n. 7.
- (33) Square-shaped like caverns, but not roofed over; cf. I, 4, n. 2.
- (34) Narrow at the top and wide at the bottom; cf. B.K. 50b.
- (35) Or holes made by the feet of other animals.
- (36) Through a hole of the size prescribed infra VI, 1.
- (37) 'Ed. V, 2.
- (38) In the running water, though the whole stream contains no more than 40 se'ahs.
- (39) Except when the stream forms a pool of 40 se'ahs of standing water.
- (40) Beth Hillel.
- (41) So as to form standing water.
- (42) Because only one of their sides is immersed in standing water.

Mishna - Mas. Mikva'oth Chapter 6

MISHNAH 1. ANY [GATHERING OF WATER]. WHICH IS JOINED WITH [THE WATER OF] A MIKWEH IS AS VALID AS THE MIKWEH¹ [ITSELF]. ONE MAY IMMERSE IN HOLES OF A CAVERN² AND IN CREVICES OF A CAVERN² JUST AS THEY ARE;³ BUT ONE MAY NOT IMMERSE IN THE PIT⁴ OF A CAVERN EXCEPT IT HAD A HOLE AS BIG AS THE TUBE OF A WATER-SKIN. R. JUDAH SAID: WHEN [IS THIS THE CASE]? WHEN IT STANDS BY ITSELF;⁵ BUT IF IT DOES NOT STAND BY ITSELF, ONE MAY IMMERSE THEREIN JUST AS IT IS.⁶

MISHNAH 2. IF A BUCKET WAS FULL OF UTENSILS AND THEY WERE⁷ IMMERSED, LO, THEY BECOME CLEAN; BUT IF [THE BUCKET] WAS NOT IMMERSED [FOR ITS OWN SAKE]⁸. THE WATER IN THE BUCKET IS NOT RECKONED AS JOINED⁹ [WITH THE WATER OF THE MIKWEH] UNLESS IT BE JOINED [BY MEANS OF THE NECK OF THE BUCKET WHICH IS AS BIG] AS THE TUBE OF A WATER-SKIN.

MISHNAH 3. IF THERE WERE THREE MIKWEHS, TWO OF WHICH HELD TWENTY SE'AHS [OF VALID WATER] AND THE THIRD HELD TWENTY SE'AHS OF DRAWN WATER, AND THAT HOLDING DRAWN WATER WAS AT THE SIDE. IF THREE PERSONS WENT DOWN¹⁰ AND IMMERSED THEMSELVES THEREIN AND [THE WATER OF THE THREE MIKWEHS] JOINED,¹¹ THE MIKWEHS ARE CLEAN¹² AND THEY THAT IMMERSED THEMSELVES BECOME CLEAN. IF THE ONE HOLDING THE DRAWN WATER WAS IN THE MIDDLE¹³ AND THREE PERSONS WENT DOWN AND IMMERSED THEMSELVES THEREIN AND [THE WATER OF THE THREE MIKWEHS] JOINED, THE MIKWEHS CONTINUE AS THEY WERE BEFORE¹⁴ AND THEY THAT IMMERSED THEMSELVES ARE AS THEY WERE BEFORE.¹⁵

MISHNAH 4. IF A SPONGE OR A BUCKET CONTAINING THREE LOGS OF WATER FELL INTO A MIKWEH,¹⁶ THEY DO NOT MAKE IT INVALID, BECAUSE THEY HAVE ONLY SAID:¹⁷ 'IF THREE LOGS FELL IN'.¹⁸

MISHNAH 5. ONE MAY NOT IMMERSE IN A COFFER OR IN A BOX¹⁹ WHICH IS IN THE SEA EXCEPT IT HAS A HOLE²⁰ AS LARGE AS THE TUBE OF A WATER-SKIN. R. JUDAH SAYS: IN THE CASE OF A LARGE VESSEL²¹ [THE HOLE SHOULD BE] FOUR HANDBREADTHS, AND IN A SMALL ONE [THE HOLE SHOULD BE AS LARGE AS] THE GREATER PART OF IT. IF THERE IS IN THE SEA A SACK OR A BASKET, ONE MAY IMMERSE THEREIN AS IT IS. SINCE THE WATER [IN THE SEA AND IN THE SACK OR BASKET] IS JOINED TOGETHER.²² IF THEY ARE PLACED UNDER A WATER-SPOUT, THEY DO NOT MAKE THE MIKWEH INVALID,²³ AND THEY MAY BE IMMERSED AND

BROUGHT OUT IN THE ORDINARY WAY.²⁴

MISHNAH 6. IF THERE WAS A DEFECTIVE [EARTHENWARE] VESSEL IN THE MIKWEH AND UTENSILS WERE IMMersed THEREIN, THEY BECOME CLEAN FROM THEIR [FORMER] UNCLEANNESS²⁵ BUT ARE AGAIN RENDERED UNCLEAN BECAUSE OF THE EARTHENWARE VESSEL;²⁶ BUT IF WATER FLOWED ABOVE IT IN ANY QUANTITY. THEY WILL REMAIN CLEAN.²⁷ IF [WATER OF] A FOUNTAIN ISSUED FROM AN OVEN²⁸ AND A MAN WENT DOWN AND IMMersed HIMSELF, HE IS CLEAN²⁹ BUT HIS HANDS BECOME UNCLEAN;³⁰ BUT IF [THE WATER WAS AS] HIGH ABOVE THE OVEN AS THE HEIGHT OF HIS HANDS,³¹ HIS HANDS ALSO ARE CLEAN.

MISHNAH 7. MIKWEHS CAN BE JOINED TOGETHER [AS ONE IF THEIR CONNECTION IS AS BIG] AS THE TUBE OF A WATER-SKIN IN THICKNESS AND IN CAPACITY, IN WHICH TWO FINGERS³² CAN BE TURNED ROUND IN FULL. IF THERE IS A DOUBT [WHETHER IT IS AS BIG] AS THE TUBE OF A WATER SKIN OR NOT, IT IS INVALID, BECAUSE [THE RULE CONCERNING IMMERSION] IS A COMMAND OF THE TORAH.³³ THE SAME APPLIES ALSO TO THE OLIVE'S BULK OF A CORPSE AND THE OLIVE'S BULK OF CARRION AND THE LENTIL'S BULK OF A CREEPING THING.³⁴ ANYTHING WHICH REMAINS³⁵ IN [THE SPACE MEASURING] THE TUBE OF A WATER-SKIN LESSENS [ITS MEASURE].³⁶ RABBAN SIMEON B. GAMALIEL SAYS: IF IT IS ANY WATER CREATURE³⁷ WHATSOEVER, [THE MIKWEHS] REMAIN CLEAN.

MISHNAH 8. MIKWEHS MAY BE MADE CLEAN [BY JOINING DRAWN WATER FROM] A HIGHER [MIKWEH TO VALID WATER] FROM A LOWER [MIKWEH OR DRAWN WATER FROM] A DISTANT [MIKWEH TO VALID WATER] IN A [MIKWEH] NEAR AT HAND. IN WHAT MANNER? ONE BRINGS A TUBE OF EARTHENWARE OR OF LEAD³⁸ AND PUTS HIS HAND BENEATH IT³⁹ TILL IT IS FILLED WITH WATER; THEN HE DRAWS IT ALONG TILL [THE TWO WATERS] TOUCH — EVEN IF IT BE BY A HAIR'S BREADTH IT IS SUFFICIENT. IF IN THE HIGHER [MIKWEH] THERE WERE FORTY SE'AHs AND NOTHING IN THE LOWER, ONE MAY DRAW WATER AND CARRY IT ON THE SHOULDER³⁷ AND PLACE IT IN THE HIGHER [MIKWEH] TILL FORTY SE'AHs HAVE FLOWED DOWN INTO THE LOWER [MIKWEH].⁴⁰

MISHNAH 9. IF A WALL BETWEEN TWO MIKWEHS⁴¹ HAD A PERPENDICULAR CRACK, [THEIR WATERS] MAY BE RECKONED TOGETHER [TO MAKE UP THE REQUIRED QUANTITY]; [IF IT WAS CRACKED] LENGTHWISE, THEY CANNOT BE RECKONED TOGETHER, UNLESS THERE IS AT ONE PLACE [A HOLE AS BIG] AS THE TUBE OF A WATER-SKIN. R. JUDAH SAYS: THE RULE IS JUST THE REVERSE. IF THERE IS A BREACH⁴² [ON THE TOP OF THE WALL] FROM ONE [MIKWEH] TO THE OTHER, [THEY CAN BE RECKONED TOGETHER] IF THE HEIGHT IS AS [THE THICKNESS OF] THE SKIN OF GARLIC AND THE BREADTH LIKE THE TUBE OF A WATER-SKIN.

MISHNAH 10. THE OUTLET⁴³ OF A BATH, IF IT IS IN THE CENTRE, RENDERS [THE BATH] INVALID⁴⁴ [AS A MIKWEH]; BUT IF IT IS AT THE SIDE, IT DOES NOT RENDER IT INVALID, BECAUSE THEN IT IS LIKE ONE MIKWEH ADJOINING ANOTHER MIKWEH. THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: IF THE BATH- BASIN CAN CONTAIN A QUARTER-LOG BEFORE [THE WATER] REACHES THE OUTLET,⁴⁵ IT IS VALID; BUT IF NOT, IT IS NOT VALID.⁴⁶ R. ELEAZAR B. ZADOK SAYS: IF THE OUTLET CAN CONTAIN [WATER]. IT IS INVALID IN ANY POSITION WHATEVER.

MISHNAH 11. IF IN THE BATH'S 'PURIFIER'⁴⁷ THE BOTTOM [PIPE] WAS FULL OF DRAWN [WATER] AND THE TOP [PIPE] FULL OF VALID⁴⁸ [WATER]. IF [THE SPACE] IN

FRONT OF THE HOLE CAN CONTAIN THREE LOGS IT IS INVALID⁴⁹ [AS A MIKWEH]. HOW LARGE NEED THE HOLE BE TO CONTAIN THREE LOGS? A THREE-HUNDRED-AND-TWENTIETH PART⁵⁰ OF THE POOL. THIS IS THE OPINION OF R. JOSE. BUT R. ELEAZAR SAYS: EVEN THOUGH THE BOTTOM [PIPE] WERE FULL OF VALID [WATER] AND THE TOP [PIPE] FULL OF DRAWN [WATER] AND BY THE HOLE'S SIDE WERE THREE LOGS, [THE BATH IS] VALID, FOR THEY HAVE ONLY SAID: 'IF THREE LOGS FELL IN'.⁵¹

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- (1) It becomes part of the mikweh. One may immerse in it though it contains less than 40 se'ahs, and it may serve to make up 40 se'ahs in the mikweh itself.
 - (2) Forming a mikweh.
 - (3) Their water need not be joined by a hole to the water in the cavern.
 - (4) As explained by R. Judah in the following.
 - (5) It forms an independent pool separated by a wall from the pool in the cavern.
 - (6) It is part of the pool in the cavern, and need not have 40 se'ahs, nor be connected with the pool by a hole.
 - (7) Var. lec.: 'it was'. The bucket as well as the utensils needed immersion.
 - (8) Lit., 'if one did not immerse', i.e., the bucket itself was clean, and needed no immersion; cf. Hag. 22a.
 - (9) For the purpose of purifying the utensils. The text is very doubtful. Hag. l.c. and some commentators omit 'not'.
 - (10) Simultaneously.
 - (11) By overflowing through the immersion of the three persons.
 - (12) All the three mikwehs become valid. They are now considered as one mikweh containing 40 se'ahs of valid water to which were added 20 se'ahs of drawn water.
 - (13) Thus preventing the junction of the two with the valid water.
 - (14) They remain three separate mikwehs, two with valid water but of insufficient quantity, and one with invalid water.
 - (15) Unclean.
 - (16) Containing less than 40 se'ahs.
 - (17) Cf. supra III, 3, n. 13.
 - (18) Whereas here some portion of the three logs remained in the pores of the sponge or in the folds of the bucket.
 - (19) Even though they contain 40 se'ahs.
 - (20) Which joins their water to the water in the sea.
 - (21) Some nine handbreadths in height.
 - (22) Through their holes.
 - (23) The rain water from the spout flowing through them into the mikweh is not deemed drawn water as in supra IV, I, n. 5.
 - (24) And not bottom upwards as prescribed for a bolster or a cushion of leather, v. infra VII, 6.
 - (25) Because the water in the defective or broken earthenware vessel is considered as joined to the water in the mikweh through the breakage in the vessel.
 - (26) If it is unclean. For an earthenware vessel is not rendered clean by immersion in a mikweh (Lev. XI, 33), and though the water in it, as part of the mikweh, is clean, yet uncleanness remains in the air-space of the vessel above the water. Hence when utensils are immersed in such an earthenware vessel, the water which adheres to them renders them unclean as they are raised into the airspace of the earthenware vessel.
 - (27) Because the air-space of the unclean earthenware vessel is all covered by the clean water.
 - (28) Of earthenware, fixed to the ground and open at the top, and large enough to hold a man. The oven is unclean.
 - (29) Because a man's body is not rendered unclean by the air-space of an unclean vessel.
 - (30) Hands do become unclean by the air-space; cf. Yad, III, 1.
 - (31) The surface of the water covered his hands.
 - (32) Those near the thumb.
 - (33) And in the case of a doubt respecting the fulfillment of a Mosaic law we must abide by the more stringent alternative.
 - (34) These are the minimum quantities which cause defilement, and if there is a doubt whether they were of the required quantity or not, we must assume that they were, and that they did cause defilement.
 - (35) And not carried off by the water flowing through the opening which joins the two mikwehs.

- (36) And the two mikwehs remain separate.
- (37) It is considered part of the water.
- (38) Or of any other metal.
- (39) To shut the lower end of the tube.
- (40) I.e., fill the lower mikweh with drawn water through the higher one. For since the two mikwehs are reckoned as one, and the upper one has 40 se'ahs of valid water, no amount of drawn water can render either of them invalid.
- (41) One of which had less than 40 se'ahs.
- (42) Which forms a connecting channel between the two mikwehs.
- (43) In the shape of a receptacle, having a hole for the discharge of foul water with a stopper.
- (44) Because the outlet is then regarded as a receptacle and water which is made to flow over vessels is thus invalid.
- (45) The outlet is higher than the bottom of the bath-basin, so that water gathers in the bath-basin before any water reaches the outlet.
- (46) Even if the outlet is at the side.
- (47) An arrangement for a cold-water douche after a hot bath, consisting of two pipes one above the other with a hole in the upper pipe communicating with the lower one.
- (48) Less than 40 se'ahs.
- (49) The three logs of drawn water at the hole in the lower pipe render the water in the upper pipe invalid. It goes without saying that such would be the case also if the upper pipe contained drawn water and the lower pipe contained valid water.
- (50) This is the proportion of three logs to 40 se'ahs, since a se'ah consists of 24 logs; cf. Introd., n. 2.
- (51) But here the drawn water does not fall into the valid water, but both, the valid water of one pipe and the drawn water of the other pipe, are mixed together in the mikweh; and since the valid water is more in quantity than the drawn water, the mikweh is valid as in the case discussed above, IV, 4.

Mishna - Mas. Mikva'oth Chapter 7

MISHNAH 1. SOME MATERIALS MAKE UP THE MIKWEH [TO THE REQUIRED QUANTITY]¹ AND DO NOT MAKE IT INVALID;² SOME MAKE IT INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY] AND SOME NEITHER MAKE UP [THE REQUIRED QUANTITY] NOR MAKE IT INVALID. THESE MAKE UP THE REQUIRED QUANTITY AND DO NOT MAKE THE MIKWEH INVALID: SNOW, HAIL, HOARFROST, ICE, SALT, AND THIN³ MUD. R. AKIBA SAID: R. ISHMAEL ONCE ARGUED AGAINST ME SAYING; SNOW DOES NOT MAKE UP THE MIKWEH [TO ITS REQUIRED QUANTITY]. BUT THE MEN OF MADEBA⁴ TESTIFIED IN HIS NAME THAT HE HAD ONCE TOLD THEM: GO AND BRING SNOW AND WITH IT FROM THE FIRST⁵ PREPARE A MIKWEH. R. JOHANAN B. NURI SAYS: HAILSTONES ARE LIKE DRAWN WATER. IN WHAT MANNER DO THEY MAKE UP [THE REQUIRED QUANTITY] AND DO NOT RENDER IT INVALID? IF THE MIKWEH CONTAINED FORTY SE'AHS LESS ONE, AND A SE'AH⁶ OF THEM⁷ FELL IN AND MADE UP [THE REQUIRED QUANTITY], THEY THUS MAKE UP [THE REQUIRED QUANTITY] BUT DO NOT RENDER IT INVALID.

MISHNAH 2. THESE RENDER THE MIKWEH INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY]: DRAWN WATER, WHETHER CLEAN OR UNCLEAR, WATER THAT HAS BEEN USED FOR PICKLING OR FOR SEETHING, AND GRAPE-SKIN⁸ WINE STILL UNFERMENTED.⁹ IN WHAT MANNER DO THEY MAKE THE MIKWEH INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY]? IF A MIKWEH CONTAINED FORTY SE'AHS LESS A KORTOB,¹⁰ AND A KORTOB OF THESE FELL INTO IT, IT DOES NOT MAKE UP [THE REQUIRED QUANTITY]; AND IF THERE WERE THREE LOGS OF ANY OF THESE, THEY WOULD RENDER THE MIKWEH INVALID. BUT THE OTHER LIQUIDS,¹¹ AND THE JUICE OF FRUITS, BRINE, AND LIQUID IN WHICH FISH HAS BEEN PICKLED, AND GRAPE-SKIN WINE THAT HAS FERMENTED AT TIMES MAKE UP [THE REQUIRED QUANTITY] AND AT TIMES DO NOT MAKE IT UP.¹² HOW IS THIS? IF A

MIKWEH CONTAINED FORTY SE'AHs LESS ONE, AND A SE'AH OF ANY OF THESE FELL IN IT, THIS DOES NOT MAKE UP¹³ [THE REQUIRED QUANTITY]. BUT IF THE MIKWEH CONTAINED FORTY SE'AHs AND A SE'AH OF ANY OF THESE WAS PUT IN AND ONE SE'AH WAS REMOVED, LO, THE MIKWEH IS STILL VALID.¹⁴

MISHNAH 3. IF BASKETS OF OLIVES OR BASKETS OF GRAPES WERE WASHED IN THE MIKWEH AND THEY CHANGED ITS COLOUR, IT CONTINUES VALID. R. JOSE SAYS: DYE-WATER RENDERS IT INVALID BY A QUANTITY OF THREE LOGS,¹⁵ BUT NOT THROUGH CHANGING ITS COLOUR.¹⁶ IF WINE OR THE SAP OF OLIVES FELL INTO IT AND CHANGED ITS COLOUR, IT BECOMES INVALID.¹⁷ WHAT SHOULD ONE DO [TO MAKE IT VALID AGAIN]?¹⁸ ONE SHOULD WAIT WITH IT TILL THE RAIN FALLS AND THE COLOUR REVERTS TO THE COLOUR OF WATER. IF IT CONTAINED FORTY SE'AHs,¹⁹ WATER MAY BE DRAWN AND CARRIED ON THE SHOULDER AND PUT THEREIN UNTIL THE COLOUR REVERTS TO THAT OF WATER.

MISHNAH 4. IF WINE OR THE SAP OF OLIVES FELL INTO THE MIKWEH²⁰ AND CHANGED THE COLOUR OF A PORTION OF THE WATER,²¹ ONE MAY NOT IMMERSE ONESELF THEREIN IF IT HAS NOT FORTY SE'AHs WITH THE COLOUR OF WATER.

MISHNAH 5. IF A KORTOB OF WINE FELL INTO THREE LOGS OF WATER AND ITS COLOUR BECAME LIKE THAT OF WINE, AND THE WATER THEN FELL INTO A MIKWEH,²² IT DOES NOT RENDER IT INVALID.²³ IF THERE WERE THREE LOGS OF WATER LESS A KORTOB INTO WHICH A KORTOB OF MILK FELL, AND THEIR COLOUR REMAINED LIKE THE COLOUR OF WATER, AND THEN THEY FELL INTO A MIKWEH, THEY DO NOT RENDER IT INVALID.²⁴ R. JOHANAN B. NURI SAYS: ALL GOES BY THE COLOUR.²⁵

MISHNAH 6. IF A MIKWEH CONTAINED FORTY SE'AHs EXACTLY AND TWO PERSONS WENT DOWN AND IMMERSED THEMSELVES ONE AFTER THE OTHER, THE FIRST BECOMES CLEAN BUT THE SECOND REMAINS UNCLEAR.²⁶ R. JUDAH SAYS: IF THE FEET OF THE FIRST WERE STILL TOUCHING THE WATER,²⁷ THE SECOND ALSO BECOMES CLEAN. IF ONE IMMERSED A THICK CLOAK²⁸ AND WHEN HE DREW IT OUT A PART WAS STILL IN CONTACT WITH THE WATER [AND THEN ANOTHER PERSON IMMERSED HIMSELF IN THE MIKWEH], HE BECOMES CLEAN.²⁹ IF A BOLSTER OR A CUSHION OF LEATHER WAS IMMERSED, AS SOON AS IT IS TAKEN OUT OF THE WATER BY ITS OPEN ENDS THE WATER WHICH STILL REMAINS IN IT IS DRAWN WATER.³⁰ HOW SHOULD ONE DO IT? ONE SHOULD IMMERSE THEM AND DRAW THEM UP BY THEIR LOWER EDGES.³¹

MISHNAH 7. IF A BED WAS IMMERSED THEREIN,³² ALTHOUGH ITS FEET SINK INTO THE THICK MUD, IT STILL BECOMES CLEAN BECAUSE THE WATER TOUCHED THEM BEFORE [THE MUD].³³ IF THE WATER OF A MIKWEH³⁴ IS TOO SHALLOW,³⁵ ONE MAY PRESS DOWN EVEN BUNDLES OF STICKS, EVEN BUNDLES OF REEDS, SO THAT THE LEVEL OF THE WATER MAY RISE,³⁶ AND THEN GO DOWN AND IMMERSE ONESELF. IF AN [UNCLEAN] NEEDLE IS PLACED ON THE STEP³⁷ [LEADING DOWN TO A MIKWEH] IN A CAVERN, AND THE WATER IS PUT IN MOTION, ONCE A WAVE HAS PASSED OVER IT, [THE NEEDLE] BECOMES CLEAN.

(1) If they enter a mikweh containing less than 40 se'ahs.

(2) If three logs of them fall into a mikweh of less than 40 se'ahs.

(3) Lit., 'like spittle'.

(4) East of the Jordan, cf. Num. XXI, 30.

- (5) To make a new mikweh.
- (6) A quantity which when melted was equal to a se'ah.
- (7) Of the materials in the above list.
- (8) 'Tamed', an inferior wine made by steeping in water husks and stones of pressed grapes; cf. Ma'as. Sh. I, 3.
- (9) It is still considered water.
- (10) V. supra III, 1, n. 4.
- (11) The seven liquids enumerated in Maksh. VI, 4, including wine, oil, milk, etc.
- (12) Neither do these liquids render the mikweh invalid if they fall into it and do not change the colour of the water. These liquids thus form the third class of materials which neither make up the required quantity of the mikweh, nor render it invalid.
- (13) But neither does it render the water in the mikweh invalid.
- (14) Although the greater portion of the se'ah removed must have consisted of the valid water, so that now the mikweh must contain less than 40 se'ahs of its original water.
- (15) Like ordinary drawn water.
- (16) Because the dye is an artificial addition to the water.
- (17) Because the colour of wine or olives is natural to them and inseparable from them. A mikweh so coloured would appear to be not a mikweh of water, as prescribed by the Torah, but a mikweh filled with wine or with the sap of olives.
- (18) In the case of a mikweh containing less than 40 se'ahs which may not be increased by drawn water.
- (19) Which does not become invalid by the addition of any quantity of drawn water.
- (20) Holding less than 40 se'ahs.
- (21) At one side of the mikweh. That portion can no longer be reckoned as part of the mikweh.
- (22) Holding less than 40 se'ahs, and the colour of which was not changed.
- (23) Because the three logs are no longer considered as water.
- (24) Because milk cannot make up the required quantity of the three log of water.
- (25) And if the milk did not change the colour of the water, it combines with the water to make up three logs, and so renders the mikweh invalid.
- (26) Because some water must have adhered to the body of the first person, thus reducing the quantity of the mikweh to less than 40 se'ahs.
- (27) When the second person immersed himself, the whole of the body of the first person may thus be considered as if still in the water.
- (28) In a mikweh containing 40 se'ahs exactly.
- (29) The water absorbed by the cloak is considered as if still in the mikweh.
- (30) They form a receptacle, and if immersed in a mikweh of 40 se'ahs exactly, the water running down from them into the mikweh, if three logs in quantity, will render the mikweh invalid.
- (31) So that no water will be held inside them.
- (32) In a mikweh containing 40 se'ahs exactly.
- (33) Or, according to some commentators, because the water fills the holes in the mud before the feet of the bed sink in them.
- (34) Containing more than 40 se'ahs.
- (35) For the body to be completely covered by it.
- (36) Lit., 'swell up'.
- (37) The owner will not immerse the needle in the cavern for fear of its being lost.

Mishna - Mas. Mikva'oth Chapter 8

MISHNAH 1. THE LAND OF ISRAEL IS CLEAN¹ AND ITS MIKWEHS ARE CLEAN.² THE MIKWEHS OF THE NATIONS OUTSIDE THE LAND ARE VALID FOR THOSE WHO HAD A SEMINAL ISSUE³ EVEN THOUGH THEY ARE FILLED WITH A SWIPE-BEAM;⁴ THOSE IN THE LAND OF ISRAEL WHEN OUTSIDE THE ENTRANCE [TO THE CITY]⁵ ARE VALID ALSO FOR MENSTRUANTS,⁶ AND THOSE WITHIN THE ENTRANCE [TO THE CITY] ARE VALID FOR THOSE WHO HAD A SEMINAL ISSUE BUT INVALID FOR ALL [OTHERS] WHO ARE UNCLEAN.⁷ R. ELIEZER SAYS: THOSE WHICH ARE NEAR TO A CITY OR TO A

ROAD ARE UNCLEAR BECAUSE OF THE WASHING [OF CLOTHES⁸ THEREIN]; BUT THOSE AT A DISTANCE ARE CLEAN.

MISHNAH 2. THESE ARE THE PERSONS THAT HAD A SEMINAL ISSUE WHO REQUIRE IMMERSION: IF HE NOTICED THAT HIS URINE ISSUED IN DROPS OR WAS MUDDY, AT THE BEGINNING⁹ HE IS CLEAN;¹⁰ IN THE MIDDLE AND AT THE END, HE IS UNCLEAR;¹¹ FROM THE BEGINNING TO THE END, HE IS CLEAN.¹⁰ IF IT WAS WHITE AND VISCOUS, HE IS UNCLEAR.¹² R. JOSE SAYS: WHAT IS WHITE COUNTS LIKE WHAT IS MUDDY.¹³

MISHNAH 3. IF HE EMITTED THICK DROPS FROM THE MEMBER, HE IS UNCLEAR.¹² THIS IS THE OPINION OF R. ELEAZAR HISMA. IF ONE HAD IMPURE DREAMS IN THE NIGHT AND AROSE AND FOUND HIS FLESH¹⁴ HEATED, HE IS UNCLEAR.¹⁵ IF A WOMAN¹⁶ DISCHARGED SEMEN ON THE THIRD DAY,¹⁷ SHE IS CLEAN.¹⁸ THIS IS THE OPINION OF R. ELEAZAR B. AZARIAH. R. ISHMAEL SAYS: SOMETIMES THERE ARE FOUR 'ONAHs,¹⁹ AND SOMETIMES FIVE, AND SOMETIMES SIX. R. AKIBA SAYS: THERE ARE ALWAYS FIVE.

MISHNAH 4. IF A GENTILE WOMAN DISCHARGED SEMEN FROM AN ISRAELITE, IT IS UNCLEAR. IF AN ISRAELITE WOMAN DISCHARGED SEMEN FROM A GENTILE, IT IS CLEAN. IF A WOMAN HAD INTERCOURSE AND THEN WENT DOWN AND IMMERSSED HERSELF BUT DID NOT²⁰ SWEEP OUT THE HOUSE,²¹ IT IS AS THOUGH SHE HAD NOT IMMERSSED HERSELF.²² IF A MAN WHO HAD A SEMINAL ISSUE IMMERSSED HIMSELF BUT DID NOT FIRST PASS URINE, HE AGAIN BECOMES UNCLEAR WHEN HE PASSES URINE.²³ R. JOSE SAYS: IF HE WAS SICK OR OLD HE IS UNCLEAR, BUT IF HE WAS YOUNG AND HEALTHY HE REMAINS CLEAN.²⁴

MISHNAH 5. IF A MENSTRUANT PLACED COINS IN HER MOUTH AND WENT DOWN AND IMMERSSED HERSELF, SHE BECOMES CLEAN FROM HER [FORMER] UNCLEANNESS,²⁵ BUT SHE BECOMES UNCLEAR ON ACCOUNT OF HER SPITTLE.²⁶ IF SHE PUT HER HAIR IN HER MOUTH²⁷ OR CLOSED HER HAND²⁷ OR PRESSED HER LIPS TIGHTLY,²⁷ IT IS AS THOUGH SHE HAD NOT IMMERSSED HERSELF.²⁸ IF A PERSON HELD ON TO ANOTHER MAN OR TO VESSELS AND IMMERSSED THEM, THEY REMAIN UNCLEAR;²⁹ BUT IF HE HAD WASHED HIS HAND BEFORE IN THE WATER, THEY BECOME CLEAN.³⁰ R. SIMEON SAYS: HE SHOULD HOLD THEM LOOSELY THAT WATER MAY ENTER INTO THEM. THE SECRET³¹ AND WRINKLED PARTS OF THE BODY DO NOT NEED THAT WATER SHOULD ENTER INTO THEM.³²

(1) Even localities occupied by non-Jews.

(2) They are not suspected of having become invalid by drawn water.

(3) To purify them for the study of the Torah; cf. supra III, 4, n. 3. Such a defilement can be removed by immersion even in a mikweh with drawn water.

(4) Carrying drawn water.

(5) Where few people come, and one need not suspect the presence of drawn water in a mikweh.

(6) Even for such a severe defilement as that of menstruation; cf. Lev. XX, 18.

(7) Because such mikwehs are used for ordinary bathing and for washing clothes, and may be suspected of having been filled with drawn water.

(8) Even though they are filled with rain water, they may yet be suspected of having received three logs of water wrung out of the clothes washed in them and thus rendered drawn before they had 40 se'ahs of rain water.

(9) Of his urination.

(10) It is not semen.

(11) It is semen.

(12) V. p. 452, n. 11.

- (13) And it differs according as it is discharged at the beginning or in the middle and at the end.
- (14) A euphemism for the male member; cf. Lev. XV, 2, etc.
- (15) Even though he did not perceive a discharge.
- (16) Cf. Shab. IX, 3.
- (17) After intercourse. The number of days is derived from Ex. XIX, 15.
- (18) After such a time the semen loses its efficacy.
- (19) During which the discharge remains unclean. An 'onah (lit.. 'period') is a day or a night, half an astronomical day. R. Ishmael holds that two full astronomical days (viz., a complete night and the day following it) must elapse to render the discharge clean. Thus if intercourse took place at the end of the first day and the discharge at the beginning of the fourth day, two complete days or four 'onahs intervening, it is clean. But if intercourse took place in the morning of the first day, the discharge will still not be clean till the beginning of the fourth day, a lapse of five 'onahs. Likewise, if intercourse took place in the evening (preceding) the first day, the discharge is not clean till the beginning of the fourth day, a lapse of six 'onahs.
- (20) Previous to immersion.
- (21) A euphemism; did not clean her private parts from any trace of semen.
- (22) Because she may have a discharge after her immersion.
- (23) The urine may carry a discharge of semen.
- (24) The original discharge must have been complete, leaving nothing behind for an additional discharge in the urine.
- (25) For fresh intercourse.
- (26) Before the immersion some spittle may have come on the coin in her mouth. This spittle does not become clean by the immersion like the rest of the spittle in her mouth, and conveys uncleanness to the woman.
- (27) Preventing their contact with the water.
- (28) Because the immersion was not complete.
- (29) The water in the mikveh did not cover the place held by the hand.
- (30) The water adhering still to his hand combines with the water of the mikveh to serve as immersion for the place held by the hand.
- (31) The inside of the mouth, ears, and nose.
- (32) But they must be left free for contact with the water.

Mishna - Mas. Mikva'oth Chapter 9

MISHNAH 1. THE FOLLOWING INTERPOSE¹ IN THE CASE OF A PERSON: THREADS OF WOOL AND THREADS OF FLAX AND THE RIBBONS ON THE HEADS OF GIRLS.² R. JUDAH SAYS: THOSE OF WOOL OR OF HAIR DO NOT INTERPOSE, BECAUSE WATER ENTERS THROUGH THEM.

MISHNAH 2. THE MATTED HAIR ON THE HEART AND ON THE BEARD AND ON A WOMAN'S³ SECRET PARTS; PUS OUTSIDE THE EYE, HARDENED PUS OUTSIDE A WOUND AND THE PLASTER OVER IT, DRIED-UP JUICE, CLOTS OF EXCREMENT ON THE BODY, DOUGH UNDER THE FINGER NAIL, SWEAT-CRUMBS, MIRY CLAY, POTTER'S CLAY, AND ROAD-CLAY. WHAT IS MEANT BY 'MIRY CLAY'? THIS MEANS THE CLAY IN PITS, FOR IT IS WRITTEN: 'HE BROUGHT ME UP OUT OF A HORRIBLE PIT, OUT OF THE MIRY CLAY'.⁴ 'POTTER'S CLAY' IS ACCORDING TO ITS LITERAL SENSE. R. JOSE DECLARES POTTER'S CLAY CLEAN,⁵ BUT CLAY FOR PUTTY UNCLEAN. 'ROAD-CLAY'⁶ IS CLAY WHICH BECOMES LIKE ROAD-SIDE PEGS.⁷ IN THESE [KINDS OF CLAY]⁸ ONE MAY NOT IMMERSE ONESELF NOR IMMERSE WITH THEM;⁹ BUT IN ALL OTHER CLAY ONE MAY IMMERSE WHEN IT IS WET. ONE MAY NOT IMMERSE ONESELF WITH DUST [STILL] ON ONE'S FEET.¹⁰ ONE MAY NOT IMMERSE A KETTLE WITH SOOT [ON IT] EXCEPT IT HAS BEEN SCRAPED.

MISHNAH 3. THE FOLLOWING DO NOT INTERPOSE: THE MATTED HAIR OF THE HEAD AND OF THE ARMPITS AND OF A MAN'S SECRET PARTS. R. ELIEZER SAYS: IT IS

THE SAME WITH A MAN OR A WOMAN: IF IT IS SOMETHING WHICH ONE FINDS ANNOYING, IT INTERPOSES; BUT IF IT IS SOMETHING WHICH ONE DOES NOT FIND ANNOYING, IT DOES NOT INTERPOSE.

MISHNAH 4. PUS WITHIN THE EYE, HARDENED PUS WITHIN A WOUND, JUICE THAT IS MOIST, MOIST EXCREMENT ON THE BODY, EXCREMENT INSIDE THE FINGER NAIL, AND A DANGLING FINGER NAIL.¹¹ THE DOWNY HAIR OF A CHILD IS NOT LIABLE TO UNCLEANNESS¹² AND DOES NOT CAUSE UNCLEANNESS. THE SKIN WHICH FORMS OVER A WOUND IS LIABLE TO UNCLEANNESS AND CAUSES UNCLEANNESS.

MISHNAH 5. IN THE CASE OF ARTICLES THE FOLLOWING INTERPOSE: PITCH AND MYRRH¹³ IN THE CASE OF GLASS VESSELS, WHETHER INSIDE OR OUTSIDE; THEY INTERPOSE [WHEN FOUND] ON A TABLE OR ON A BOARD OR ON A COUCH THAT ARE [USUALLY] KEPT CLEAN,¹⁴ BUT THEY DO NOT INTERPOSE [WHEN FOUND] ON THESE ARTICLES IF ALLOWED TO REMAIN DIRTY. THEY INTERPOSE IN THE CASE OF BEDS BELONGING TO HOUSEHOLDERS,¹⁵ BUT THEY DO NOT INTERPOSE ON BEDS BELONGING TO A POOR PERSON. THEY INTERPOSE ON THE SADDLE OF A HOUSE-HOLDER, BUT THEY DO NOT INTERPOSE ON THE SADDLE OF A DEALER IN WATER-SKINS. THEY INTERPOSE IN THE CASE OF A PACK-SADDLE.¹⁶ RABBAN SIMEON B. GAMALIEL SAYS: [ONLY IF THE STAIN IS AS BIG] AS AN ITALIAN ISSAR.¹⁷

MISHNAH 6. THEY DO NOT INTERPOSE [IF FOUND] ON CLOTHING ON ONE SIDE [ONLY]. BUT [IF FOUND] ON TWO SIDES¹⁸ THEY INTERPOSE. R. JUDAH SAYS IN THE NAME OF R. ISHMAEL: ON ONE SIDE ALSO. R. JOSE SAYS: IN THE CASE OF BANNA'IM¹⁹ THEY INTERPOSE ALSO IF ON ONE SIDE, BUT IN THE CASE OF THE UNCULTURED ONLY IF ON BOTH SIDES.

MISHNAH 7. THEY DO NOT INTERPOSE IN THE CASE OF APRONS BELONGING TO WORKERS IN PITCH, POTTERS, OR TRIMMERS OF TREES. R. JUDAH SAYS: THE SAME APPLIES ALSO TO SUMMER FRUIT-DRIERS. THIS IS THE GENERAL RULE: IF IT IS SOMETHING WHICH CAUSES ANNOYANCE, IT INTERPOSES; BUT IF IT IS SOMETHING WHICH DOES NOT CAUSE ANNOYANCE, IT DOES NOT INTERPOSE.

(1) Between the body and the water of the mikweh to render the immersion void if they are worn on the body while immersing; cf. supra VIII, 5. nn. 5-7, and Introd.

(2) If tied tightly or interlaced.

(3) A married woman only, who finds such hair annoying in intercourse with her husband.

(4) Psalms XL, 3. This shows that miry clay (טיט היין) is found in pits.

(5) Water can penetrate through this clay, but not through putty.

(6) גת יוני, of uncertain meaning and pointing (יוני); cf. Kohut, 'Aruch, II, p. 341.

(7) When it becomes dry and hard; cf. B.K. 81a.

(8) If any such clay is in the mikweh.

(9) If any such clay is sticking to the body.

(10) The dust may turn in the water into clay.

(11) This concludes the list of things which do not interpose.

(12) If it comes in contact with a defilement.

(13) וזהמור. Var. lec.: וזהמר, 'and bitumen'.

(14) And the stain causes annoyance.

(15) A rich person who is fastidious about the cleanness of his furniture.

(16) Some texts omit this sentence.

(17) The Roman As, a coin which was equal to 1/24 of a denar.

(18) When a stain causes annoyance.

(19) **בְּנָאִים**, 'builders' explained in Shab. 114a as scholars learned in the law who build up the world (cf. Ber. 64a). Another explanation given there is 'bath-attendants' (**בְּלִנָּאִים** or **בְּלָנִים**), but this does not correspond to the following 'uncultured' (**בְּנִי**).

Mishna - Mas. Mikva'oth Chapter 10

MISHNAH 1. ANY HANDLES OF VESSELS WHICH HAVE BEEN FIXED NOT IN THEIR CUSTOMARY MANNER, OR, IF FIXED IN THEIR CUSTOMARY MANNER, HAVE NOT BEEN FIXED FIRMLY, OR, IF FIXED FIRMLY, HAVE BEEN BROKEN,¹ LO, THEY INTERPOSE.² IF A VESSEL IS IMMERSED WITH ITS MOUTH DOWNWARDS, IT IS AS THOUGH IT HAD NOT BEEN IMMERSED.³ IF IMMERSED IN THE REGULAR MANNER BUT WITHOUT THE ATTACHMENT,⁴ [IT BECOMES CLEAN] ONLY IF TURNED ON ITS SIDE.⁵ IF A VESSEL IS NARROW AT EACH END AND BROAD IN THE CENTRE, IT BECOMES CLEAN ONLY IF TURNED ON ITS SIDE.⁵ A FLASK WHICH HAS ITS MOUTH TURNED INWARDS⁶ BECOMES CLEAN ONLY IF A HOLE IS MADE AT THE SIDE.⁵ AN INKPOT OF LAYMEN⁷ BECOMES CLEAN ONLY IF A HOLE IS MADE AT THE SIDE. THE INKPOT OF JOSEPH THE PRIEST HAD A HOLE AT ITS SIDE.⁸

MISHNAH 2. IN THE CASE OF A BOLSTER AND A CUSHION OF LEATHER IT IS NECESSARY THAT THE WATER ENTER INSIDE THEM;⁹ BUT IN THE CASE OF A ROUND CUSHION OR A BALL OR A BOOTMAKER'S LAST OR AN AMULET OR A PHYLACTERY,¹⁰ IT IS NOT NECESSARY THAT THE WATER ENTER INSIDE THEM. THIS IS THE GENERAL RULE: ANY ARTICLE THE FILLING OF WHICH IS NOT HABITUALLY TAKEN OUT AND PUT IN MAY BE IMMERSED UNOPENED.

MISHNAH 3. THE FOLLOWING DO NOT REQUIRE THAT THE WATER SHALL ENTER INSIDE THEM: KNOTS [IN THE CLOTHES] OF A POOR MAN,¹¹ OR IN TASSELS, OR IN THE THONG OF A SANDAL, OR IN A HEAD-PHYLACTERY¹² IF IT IS FASTENED TIGHTLY, OR IN AN ARM-PHYLACTERY¹² IF IT DOES NOT MOVE UP OR DOWN, OR IN THE HANDLES OF A WATER-SKIN, OR IN THE HANDLES OF A WALLET.¹³

MISHNAH 4. THE FOLLOWING REQUIRE THAT WATER SHALL ENTER INSIDE THEM: THE KNOT IN AN UNDERGARMENT¹⁴ WHICH IS TIED TO THE SHOULDER, (LIKEWISE THE HEM OF A SHEET¹⁵ MUST BE STRETCHED OUT), AND THE KNOT OF A HEAD-PHYLACTERY IF IT IS NOT FASTENED TIGHTLY, OR OF THE ARM-PHYLACTERY IF IT MOVES UP AND DOWN, AND THE LACES OF A SANDAL. CLOTHES WHICH ARE IMMERSED WHEN THEY HAVE JUST BEEN WASHED¹⁶ MUST BE KEPT IMMERSED UNTIL THEY THROW UP BUBBLES,¹⁷ BUT IF THEY ARE IMMERSED WHEN ALREADY DRY, THEY MUST BE KEPT IMMERSED UNTIL THEY THROW UP BUBBLES AND THEN CEASE TO THROW UP BUBBLES.¹⁸

MISHNAH 5. ANY HANDLES OF VESSELS WHICH ARE TOO LONG AND WHICH WILL BE CUT SHORT, NEED ONLY BE IMMERSED UP TO THE POINT OF THEIR PROPER MEASURE.¹⁹ R. JUDAH SAYS: [THEY ARE UNCLEAN] UNTIL THE WHOLE OF THEM IS IMMERSED. AS FOR THE CHAIN OF A LARGE BUCKET, TO THE LENGTH OF FOUR HANDBREADTHS, AND A SMALL BUCKET, TO THE LENGTH OF TEN HANDBREADTHS; AND THEY NEED ONLY BE IMMERSED UP TO THE POINT OF THEIR PROPER MEASURE.²⁰ R. TARFON SAYS: IT IS NOT CLEAN UNLESS THE WHOLE OF THE RING²¹ IS IMMERSED. THE ROPE BOUND TO A BASKET IS NOT COUNTED AS A CONNECTION UNLESS IT HAS BEEN SEWN ON.²²

MISHNAH 6. BETH SHAMMAI SAY: HOT WATER²³ MAY NOT BE IMMERSED IN COLD,

OR COLD IN HOT, FOUL IN FRESH OR FRESH IN FOUL.²⁴ BUT BETH HILLEL SAY: IT MAY BE IMMERSED. IF ONE IMMERSED A VESSEL FULL OF LIQUIDS.²⁵ IT IS AS THOUGH IT HAD NOT BEEN IMMERSED;²⁶ IF IT WAS FULL OF URINE, THIS IS RECKONED AS WATER; IF IT CONTAINED WATER OF PURIFICATION,²⁷ [IT IS UNCLEAR] UNLESS THE WATER [OF THE MIKWEH WHICH ENTERS THE VESSEL] EXCEEDS THE WATER OF PURIFICATION. R. JOSE SAYS: EVEN IF A VESSEL WITH THE CAPACITY OF A KOR²⁸ CONTAINS BUT A QUARTER-LOG.²⁹ IT IS AS THOUGH IT HAD NOT BEEN IMMERSED.

MISHNAH 7. ALL FOODS³⁰ COMBINE TOGETHER³¹ TO MAKE UP THE HALF OF A HALF-LOAF³² WHICH MAKES THE BODY UNFIT. ALL LIQUIDS COMBINE TOGETHER³³ TO MAKE UP THE QUARTER-LOG WHICH MAKES THE BODY UNFIT. THIS FORMS A RULE OF GREATER STRINGENCY IN THE CASE OF ONE WHO DRINKS UNCLEAR LIQUIDS THAN IN THE CASE OF THE MIKWEH, FOR IN HIS CASE THEY HAVE MADE ALL OTHER LIQUIDS LIKE WATER.³⁴

MISHNAH 8. IF ONE ATE UNCLEAR FOODS OR DRANK UNCLEAR LIQUIDS. AND HE IMMERSED HIMSELF AND THEN VOMITED THEM UP,³⁵ THEY ARE STILL UNCLEAR BECAUSE THEY DID NOT BECOME CLEAN IN THE BODY.³⁶ IF ONE DRANK UNCLEAR WATER AND IMMERSED HIMSELF AND THEN VOMITED IT UP, IT IS CLEAN BECAUSE IT BECAME CLEAN IN THE BODY.³⁷ IF ONE SWALLOWED A CLEAN RING AND THEN WENT INTO THE TENT OF A CORPSE,³⁸ IF HE SPRINKLED HIMSELF ONCE AND TWICE³⁹ AND IMMERSED HIMSELF AND THEN VOMITED IT UP, LO, IT REMAINS AS IT WAS BEFORE.⁴⁰ IF ONE SWALLOWED AN UNCLEAR RING, HE MAY IMMERSE HIMSELF AND EAT TERUMAH,⁴¹ IF HE VOMITED IT UP, IT IS UNCLEAR⁴² AND IT RENDERS HIM UNCLEAR.⁴³ IF AN ARROW WAS STUCK INTO A MAN, IT INTERPOSES SO LONG AS IT IS VISIBLE;⁴⁴ BUT IF IT IS NOT VISIBLE, HE MAY IMMERSE HIMSELF AND EAT TERUMAH.⁴⁵

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- (1) In all these cases the handle cannot be considered a permanent or an essential part of the vessel.
 - (2) They prevent the water from covering that part of the vessel where the handle is attached.
 - (3) Because air remains in the vessel and prevents the water from filling it.
 - (4) The reading and meaning of this word are very doubtful. It is variously explained as an additional opening, or handle, or long neck, or saucer-like bottom.
 - (5) To enable the water to fill it completely.
 - (6) In order to prevent the escape of the liquid when the flask is turned upside down.
 - (7) Or 'private persons' who are not professional scribes. The inkpot was made in the same fashion with the rim of its mouth turned inwards. The Cambridge text (cf. Introd. n. 1.) omits 'of laymen'.
 - (8) In accordance with this rule.
 - (9) Because they are sometimes opened for a change of their filling.
 - (10) These are not usually opened.
 - (11) To tie up rents.
 - (12) Cf. Deut. VI, 8.
 - (13) They are permanent knots.
 - (14) It has a wide opening at the neck, which is drawn in and tied to the shoulder.
 - (15) Which serves as a curtain with folds at the top hem.
 - (16) And are full of folds and wrinkles.
 - (17) The bubbles show that the water still adhering to the clothes has mingled with the water of the mikweh, and has thus become part of the water of the mikweh. It is not necessary then for the water of the mikweh to penetrate into all the folds of the clothes.
 - (18) When we may be sure that the water of the mikweh has penetrated into all the folds and wrinkles of the clothes.
 - (19) As given in Kelim XXIX. The rest is not considered as belonging to the vessel.

- (20) Even if this ends in the middle of a ring. Cf. Kelim XIV, 3.
- (21) If the appointed measure ends in the middle of the ring.
- (22) Therefore when not sewn on, it must be undone before the basket is immersed.
- (23) Water can be rendered clean by filling it in a vessel in which it is immersed to the rim, when the water in the vessel establishes contact with the water of the mikweh.
- (24) The water to be immersed must be of the same kind as the water of the mikweh.
- (25) Other than water; cf. supra VII, 2, p. 449 n. 3.
- (26) These liquids do not mingle with the water of the mikweh, and therefore they interpose between the inside of the vessel and the water of the mikweh.
- (27) This water, on account of its importance, cannot be considered as mingled with the water of the mikweh, unless the latter exceeds it in quantity.
- (28) Cf. Ezek. XLV, 14. It is equal to thirty se'ahs.
- (29) Of liquid other than water or of Water of Purification.
- (30) Cf. Me'ilah IV, 5.
- (31) If a man ate small quantities of unclean foods of different kinds, these quantities may be reckoned together to make up the minimum quantity of unclean food which renders a person unfit for eating terumah.
- (32) A bulk of two eggs, (Rashi), or of an egg and a half, according to Maimonides.
- (33) If a person drank small quantities of unclean liquids of different kinds.
- (34) To combine with water in order to make up the required quantity, whereas in the case of the mikweh other liquids do not combine with water.
- (35) Before they had remained in the stomach sufficiently long for digestion.
- (36) Unclean foods and liquids except water cannot be purified by immersion.
- (37) Unclean water can be purified by immersion, cf. p. 460, n. 5.
- (38) Or any other premises with remains of a dead human body.
- (39) With Water of Purification, in accordance with the law in Num. XIX, 19.
- (40) The ring remains clean, because a swallowed article is not affected by the defilement of the person after swallowing it.
- (41) The ring had a principal defilement (אב הטומאה), and by coming in contact with it before swallowing it, the person received a secondary defilement of the first degree, and requires immersion for eating terumah.
- (42) It did not become clean by the person's immersion.
- (43) By coming in contact with the ring in the act of vomiting it out.
- (44) It sticks out of the body.
- (45) Even if the arrow is unclean, because an object enclosed in the body cannot convey uncleanness.

CHAPTER I

MISHNAH. AN IRRIGATED FIELD¹ MAY BE WATERED DURING THE FESTIVAL² [WEEK] OR IN THE SABBATICAL YEAR³ BOTH FROM A NEWLY-EMERGING SPRING AND FROM A SPRING THAT IS NOT JUST EMERGED, BUT NOT WITH WATER FROM STORED RAIN, NOR FROM A SWIPE-WELL;⁴ NOR MAY SMALL BASINS⁵ BE FORMED ABOUT THE VINES. R. ELEAZAR B. AZARIAH SAYS THAT A [WATER] CHANNEL MAY NOT BE NEWLY MADE DURING THE FESTIVAL [WEEK], NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY THAT A CHANNEL MAY BE NEWLY MADE IN THE SABBATICAL YEAR AND ONE THAT HAS GOT OUT OF ORDER MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. AND IMPAIRED WATER WORKS⁶ IN THE PUBLIC DOMAIN MAY BE REPAIRED OR CLEANED OUT; AND ROADS, BROADWAYS AND [RITUAL] POOLS⁷ MAY BE PUT IN ORDER. AND ALL PUBLIC NEEDS MAY BE PERFORMED,⁸ AND GRAVESIDES MAY BE MARKED,⁹ AND [PUBLIC COMMISSIONERS] MAY SET OUT ALSO¹⁰ TO INSPECT DIVERSE¹¹ SEED-CROPS.

GEMARA. Now, one might argue that after [having permitted] watering FROM A NEWLY EMERGING spring — which is apt to come along tearing up [the soil]¹² — need further mention be made of [drawing from] A SPRING THAT IS NOT NEWLY EMERGING—which is unlikely to come tearing up [the soil]?¹³ — I may answer that it is necessary [to mention the latter]; for if [the Tanna] had mentioned only the newly emerging spring I might have said that only here [where it is] for an irrigation plot it is permitted — but not for a Baal-plot,¹⁴ because it is apt to come tearing up [the soil]; but [on the other hand], from a spring that is not newly emerging, which is unlikely to come tearing up [the soil], I might say that even a Baal-plot [may be watered]; therefore he informs us¹⁵ that there is no difference; be it a spring newly emerging, or a spring not newly emerging, an irrigation plot may be watered therefrom, but a Baal-plot may not be.¹⁶

And whence [know we] that the term BETH HA-SHELAHIN¹⁷ denotes a ‘thirsty’¹⁸ field? — It is written: When thou wast faint and weary,¹⁹ and we render the word ‘faint’ [in Aramaic] by meshalhi.²⁰ And whence [know we] that Beth ha-Baal²¹ denotes ‘settled’ soil? — It is written: For as a man be the husband [yib'al] of a maiden, so shall thy sons be as husbands unto thee²² and we render [in Aramaic], ‘Behold as a young man settles down with a maiden, thy sons shall become settled²³ in the midst of thee’.

Who may be the [unnamed] Tanna²⁴ who maintains that [work²⁵ to prevent] loss is allowed,²⁶ but [to augment] profit²⁷ is not allowed; and that even in [averting] loss we should not do any laborious work?²⁸ Said R. Huna: It is [the view of] R. Eliezer b. Jacob, as we learned:²⁹ R. Eliezer b. Jacob says: Water may be trained along from tree to tree, provided that one does not water thus the entire field.³⁰

I grant³¹ you may understand R. Eliezer [b. Jacob]³² to disallow exertion to enhance profit,³³ but could you also understand him [from here] to disallow exertion [even] where loss is [involved]? Rather, said R. Papa, (whose view is it)?³⁴ It is R. Judah's, as it is taught: ‘A spring newly emerging may be [used for] watering even (a field that is)³⁵ a Baal-plot. So R. Meir; R. Judah³⁶ says, None but (a field that is)³⁵ a ‘languid plot’ that has dried up may be watered [therefrom]. R. Eleazar b. ‘Azariah says, Neither one nor the other.³⁷ R. Judah³⁸ went even further and said, ‘A person may not clean out a water channel³⁹ and [with the dredging] water his garden of debris — [heap]⁴⁰ during the festival week’. [Now] what is [meant by a ‘languid plot’] that dried up?⁴¹ If you say, literally dried up’ what is the good of watering it? — Said Abaye, It means that this [old] spring has run dry⁴² and another has [just] emerged [instead].⁴³ ‘R. Eleazar b. Azariah says, Neither one nor the other’. [By

this he means to say that] it makes no difference whether the [old] spring has run dry or has not run dry, a newly emerging spring is not to be used.

But how [do you arrive at this conclusion]? Perhaps when R. Judah said that a languid plot may be watered from a newly emerging spring and a Baal-plot may not be,

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- (1) **בית השלחין** means lit. 'a house of channels', i.e., a plot of land which owing to situation or climate or nature of the soil requires to be watered artificially. It is often a laborious process and at times of vital importance to the crop.
- (2) I.e., during the middle period of the two longer Feasts, namely, the 'Feast of Unleavened Bread' (Passover) and that of Tabernacles, v. Introduction.
- (3) Lit., 'the seventh year'. Every seventh year in the Jubilee cycle was ordained to be a year of remissness, or sabbath for the land, when the regular processes of agriculture for its improvement were to be suspended. V. Ex. XXIII, 10-11; Lev. XXV, 2ff and infra 3a.
- (4) **קילון** the Greek **, a mechanical contrivance for raising water by water-wheel or bucket from a deep well, like the shadoof in Egypt and the denkli or paecottah in India. The reason for the objections is stated in the Gemara.
- (5) Circular depressions made about the stem of the vine, or a small trench drawn about a group of vines to retain the water. V. infra 4b.
- (6) Broken wells, cisterns or aqueducts; pools that have become muddy puddles, or blocked drains. **קילקולין** _ Latin cloaculae, Baneth).
- (7) For priests and pilgrims to purify themselves ritually or their vessels that have met with defilement. Cf. Lev. XI, 24-40; XXII, 1-7.
- (8) E.g., removing rubbish and thorns, levelling the road and footways, mending bridges, etc. Cf. infra 5a.
- (9) With whitewash of lime to warn passers-by against defilement. Cf. infra 5a.
- (10) [MS.M. omits 'ALSO' which is difficult to explain. V. Tosaf. Yom Tob].
- (11) Lev. XIX, 19: Thou shall not sow thy field with two (or more kinds of) seeds (promiscuously). They are neither to be sown nor preserved by active process. Infra 2b, 6a and cf. Kil. I, 1, 9; Shek. I, 1, a.
- (12) I.e., by erosion, necessitating immediate repair of the damage during the restricted period.
- (13) Running on its habitual course.
- (14) **בית בעל**, lit., 'Baal's area', or field — an old pagan denomination of a fertile soil, i.e., a soil favoured by 'Baal Lord of the heavens', Baal-Shamen, with fertilizing rain and sunshine. V. Cooke's N.S.I. p. 45, n. 1 etc. and Robertson Smith's Religion of the Semites (ed. 1894) pp. 96-97. Cf. Isa. LV, 10 and Ta'an. 6b: 'Rain is earth's husband'; also Krauss, TA II, p. 546, n. 115.
- (15) From here to the end of the sentence is not in DS., being seemingly a gloss from 2b.
- (16) From a new or old spring.
- (17) Rendered 'AN IRRIGATED FIELD'.
- (18) Or 'a languid track.' The term **שלחין** (channels) is here explained by popular etymology as derived from **שלהי** (the gutturals **ל** and **ה** interchanging), 'weary', 'exhausted'. V. n. 2.
- (19) Deut. XXV, 18. Han. and Aruch s.v. **שלה** (VIII, 80b) quote more appropriately Gen. XXV, 29 referring to Esau's exhaustion and thirst. Cf. Isa. XXIX, 8 and Ps. LXIII, 2.
- (20) A participle Shafel from **להי** meaning 'exhausted'. This derivation is grammatically unsound. In B.B., Sonc. ed. p. 271 it is more correctly connected with the root in the sense of sending water across the fields in channels. Cf. Ezek. XXXI, 4; Ps CIV, 10; Job V, 10. It is surmised that the name of the Pool of Siloam (**לשח**) is derived from the same root. V. Krauss, TA. II, p. 547, n. 117.
- (21) V. supra p. 2, n. 7.
- (22) Isa. LXII, 5.
- (23) Cf. our expressions husbandry and husbandman.
- (24) In the first clause of the Mishnah.
- (25) During the Festival week.
- (26) I.e., watering a languid soil.
- (27) E.g., watering a fertile field to make it still more productive.
- (28) Lit., 'excessive trouble', e.g., to use rainwater or raise water by swipe.
- (29) V. infra 6b, Mishnah.

- (30) To water the whole field in that manner is all exertion to be avoided during the Festival week.
- (31) Lit., 'say'.
- (32) So correctly, R. Han., DS.
- (33) As he forbids watering the entire field, presumably thinking it unnecessary to give it an extra watering to increase its fertility.
- (34) Omitted in DS.
- (35) A doublet occurring also in the texts given in the next note.
- (36) J.M.K. I, 1 (81a) and Tosef., I, I read here, 'and the Sages say' instead, showing that it is R. Judah's view that has been adopted in the Mishnah. Obviously, the Babylonian teachers engaged in this critical discussion did not have that reading.
- (37) I.e., that a newly emerging spring may not be used either for a generally nourished field (again at R. Meir's view), nor in a 'languid field' even where it has replaced a dried-up old spring (against R. Judah's view).
- (38) He went further in his restrictions, even in the case of a 'languid field'. (Tosaf. v. Ritba).
- (39) A running brook or ditch which has become muddy and shallow, which he may clean out under certain conditions discussed infra 4b.
- (40) Used as a vegetable garden or bed for nurslings. V. Tosaf. Lit., 'his garden and his ruin'.
- (41) I.e., that is waste.
- (42) Lit., 'it is dried up from this spring'.
- (43) [All of which shows that R. Judah does not permit any laborious work even in order to avert loss, as in the case of the old spring having dried up, whereas R. Judah permits watering from the new spring that has emerged but not from rain-water or a swipe-well, which is in agreement with our Mishnah].

Talmud - Mas. Mo'ed Katan 2b

he was referring only to a newly emerging spring since it may come along tearing up [the soil]; but a spring that is not just newly emerging and which is unlikely to come along tearing up [the soil] he might allow even for a Baal-plot?¹ If [you take it] thus, then whom does our Mishnah represent?² The fact is that according to R. Judah it makes no difference, whether it be a newly emerging spring, or a spring not just newly emerging; in either case a languid plot may be watered [therefrom], but a Baal-plot may not be. And the reason why it states the 'newly emerging' spring³ is [merely] to show how far R. Meir is prepared to go, [namely], that even a newly emerging spring may be used for watering and even for a Baal-field!

It was stated: 'If one is [seen] weeding or watering his seedlings on the Sabbath,⁴ under what category [of the offence] should he be cautioned?⁵ — Rabbah said, [It comes] under the category of ploughing. R. Joseph said, under the category of sowing. Said Rabbah, My view seems the more reasonable, for what is the object of the plougher? To loosen the soil; here too, he loosens the soil. Said R. Joseph, My view seems the more reasonable, for what is the object of the sower? To promote the growth of the produce; here too, he promotes the growth of the produce.

Said Abaye to Rabbah, Your view presents difficulty and R. Joseph's view presents difficulty. Your view presents difficulty, for does the act come [only] under the category of ploughing [and] not under that of sowing [only]? R. Joseph's view presents difficulty, for does it come [only] under the category of sowing [and] not under that of ploughing also? And should you rejoin that where there are two [possible categories], the offender is liable only on one count, [this cannot be] for did not R. Kahana say that if one [incidentally] pruned [his tree] in cutting it for wood⁶ he is liable on two counts, one under the category of planting⁷ and one again under that of reaping?⁸ — This is a difficulty.⁹

R. Joseph, thereupon, put an objection to Rabbah from [the following]: One who weeds or covers [with earth] diverse-seeds¹⁰ receives [judicial] flogging. R. Akiba says, Also one who preserves [them].¹¹ Now this is in perfect accord with my view, as I say that [he who weeds is to be cautioned]

under the category of sowing, which [explains the penalty] because sowing is [explicitly] forbidden in connection with diverse-seeds; but according to your view who say that [he is to be cautioned] under the category of ploughing, is ploughing forbidden in connection with diverse-seeds? — Said he [Rabbah] to him, [He¹² is flogged] under the category of preserving [them]. But surely, since the last clause states ‘R. Akiba says, Also one who preserves [them]’, may we not infer that according to the first Tanna the penalty is not on account of preserving [them]? — The entire statement is [to be taken as] recording R. Akiba's view, and the latter clause is explanatory: ‘On what ground does one who weeds or covers [with earth] diverse-seeds receive a flogging? Because he comes under the category of preserving, for R. Akiba says, Also he who preserves [them]’. What is R. Akiba's reason? — It is taught: — Thou shalt not sow thy field with two kinds of seed’.¹³ This tells me about ‘sowing’, whence [the prohibition against] preserving [what is already sown]? — From the instructive wording *kil'ayim* [diverse-seeds] in thy field not.¹⁴ We learned: AN IRRIGATED FIELD MAY BE WATERED DURING THE FESTIVAL [WEEK] OR IN THE SABBATICAL YEAR. This [permission] is perfectly correct in regard to the festival [week] where [the prohibition is] merely to avoid exertion, but where loss is [threatened]¹⁵ the Rabbis have allowed it. But in regard to the sabbatical year, whether on the view that [watering] comes under the category of sowing¹⁶ or on the view that it comes under that of ploughing,¹⁷ is either sowing or ploughing permitted in the sabbatical year?¹⁸ — Said Abaye, Our Mishnah is speaking of the sabbatical year in the present time and it [expresses] the view held by Rabbi;¹⁹ for it is taught: Rabbi says, [It is written] And this is the manner of the release; release [by every creditor of that which he hath lent to his neighbour];²⁰ the text speaks here of two forms of release, one the release of the soil [from tillage]²¹ and the other the release of money²² [the juxtaposition of] which tells us that so long as you must release the soil [from tillage], you must release the money [debt], but when you do not release the soil, you need not release the money!²³ Said Raba [not necessarily], you may even say [it voices] the view of the Rabbis²⁴ and that they²⁵ are the principal [types of work] that the Divine Law has forbidden [explicitly],

(1) Whereas our Mishnah forbids watering a Baal-plot from a newly emerging spring. Consequently it will not represent the view of R. Judah.

(2) Lit., ‘to whom will you throw (trace the view of) our Mishnah’.

(3) In the cited Baraita: the spring might as well have been left undefined, as either is allowed for a languid plot by R. Judah.

(4) Ritba reads on a festival, which is preferred by R. Moses Sofer. Cf. Mak., Sonc. ed., p. 149.

(5) An offender doing an act which is explicitly forbidden in Holy Writ had to be duly and accurately cautioned by two witnesses against that particular act, and informed of the exact penalty it involved, before he could be judicially punished by a duly constituted tribunal. Ploughing, sowing and mowing are of the thirty-nine main categories of work forbidden (Scripturally) on Sabbath or Festivals. For the list v. Shab. VII, 2 and Shab. 73aff.

(6) Lit., ‘he prunes and requires the wood’. Shab. 73b. Work on the Sabbath is to be purposive, whether intended or not. If one did what he desired to do, without knowing that such a thing was not to be done on the Sabbath, or forgetting for the moment that it was the Sabbath day, he would not be punishable, but would have to bring a sin-offering in Temple times.

(7) Pruning promotes growth and is therefore another form of sowing or planting.

(8) Having a definite purpose for the cuttings.

(9) Var. lec. omit this final admission. [The statement of R. Kahana, being of an Amora, is not deemed sufficiently authoritative to refute the views of Rabbah and R. Joseph. V. Tosaf. s.v. **חייב**.]

(10) Weeding and covering with earth diverse-seeds are here made punishable as sowing, v. Lev. XIX, 19 (cf. Deut. XXII, 9).

(11) Fencing in the plot to prevent cattle from trampling them out or feeding on the young blades. Cf. A.Z. 64a (Rashi and Tosaf.).

(12) He who weeds diverse-seeds.

(13) Lev. XIX, 19.

(14) Some explain a section of the Hebrew text of Lev. XIX, 19, namely, **כלאים שדך לא תזרע כלאים**, as it

were two interlocked sentences, (i) כִּלְאִים שָׂדֶךְ לֹא i.e., ‘Kil'ayim in thy field not’, (which forbids the presence and the preservation of diverse-seed crops in the field); and (ii) שָׂדֶךְ לֹא תִזְרַע כִּלְאִים i.e., ‘Thy field thou shalt not sow kil'ayim’ (which forbids sowing). This explanation, however, is very strained, as the variations in the parallel passages show, having puzzled the commentators. The readings תִּזְרַע לֹא כִּלְאִים and תִּזְרַע לֹא are both correct and to the same effect. It is the import of the wording rather than the form of the text that R. Akiba stressed. It is the diverse mixing or crossing — ‘kil'ayim’ — that is emphatically forbidden, be it of animal, or field, or raiment (Lev. XIX, 19) and fiercest of all in the (oliveyard or) vineyard (Deut. XXII, 9). Have no share by your action in producing kil'aym!

(15) As shown above.

(16) R. Joseph, above.

(17) Rabbah, above.

(18) Sowing, pruning, gleaning and reaping are directly forbidden in Lev. XXV, 4-5. Ploughing, however, is forbidden only indirectly, by implication from a positive law in Ex. XXIII, 11; XXXIV, 21. Note this point.

(19) R. Judah ha-Nasi, compiler of the Mishnah.

(20) Deut. XV, 2.

(21) I.e., let the soil lie fallow and the crops free and unguarded against the poor, Ex. XXIII, 11.

(22) Let slip the money debts owing to you.

(23) The interpretation is based on the ground that since the Nation, Israel as a whole, is no longer in possession of the Holy Land as his inheritance, the land laws relative to the sabbatical year and Jubilee re-distributions, which are made contingent on Israel's entry and possession (Lev. XXV, 2, 10ff; cf. *ibid.* XXVI, 34-35, and Deut. XXXI, 10-13) are of necessity in abeyance, for the time being. [This according to Rabbi, since the prohibition of tilling the soil on the sabbatical years nowadays is merely Rabbinical, it is not enforced where a loss is involved; hence the ruling of our Mishnah.]

(24) That the operation of the sabbatical year nowadays is Biblical.

(25) Those that are specified in the text of Holy Writ.

Talmud - Mas. Mo'ed Katan 3a

but derivative¹ operations it has not forbidden, for it is written: But in the seventh year shall be a sabbath of solemn rest for the land..., thou shalt neither sow thy field nor prune thy vineyard. That which groweth of itself of thy harvest thou shalt not reap and the grapes of thy undressed vine thou shalt not gather.² Now, since pruning comes within the general process of sowing³ and grape-gathering within the general process of reaping,⁴ what law then did the All-Merciful desire to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable⁵ and for [any] other [secondary processes] one is not [to be] held liable.⁶ Indeed not? Surely it has been taught: Thou shalt neither sow thy field nor prune thy vineyard,⁷ that only forbids me sowing or pruning; whence is forbidden weeding or hoeing or the trimming of wilted parts? From the instructive [form of the] text: Thy field thou shalt not... thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. [Likewise] whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for supporting [fruit trees]? From the [same] instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. [Similarly] whence [is derived the rule] not to manure,⁸ or remove stones, or dust [with flower of sulphur]⁹ or fumigate the tree? From the instructive wording of the text: Thy field thou shalt not . . . thy vineyard thou shalt not, that is, no manner of work in the field, no manner of work in the vineyard. Shall I say that one should not [even] stir the soil under the olive trees, nor use the hoe under the vines, nor fill the gaps [under the olive trees]¹⁰ with water nor make drills¹¹ for the vines? There is the Instructive wording of the text: Thy field thou shalt not sow [nor thy vineyard shalt thou prune]. Now, as ‘sowing’ was already embraced in the general terms of the ordinance,¹² why then was it singled out [for mention]? To provide ground for an analogy, namely that just as sowing has the special quality of being a work common to field and orchard,¹³ so is every [other] work that is common to field and orchard [forbidden]!¹⁴ — [That is only] Rabbinically; and

the text is adduced merely as a support.¹⁵ But, is it permitted to stir the soil [under the olive tree] in the sabbatical year? Surely [is it not taught]: It is written, But the seventh year thou shalt let it rest and lie fallow;¹⁶ ‘let it rest’ — not to hoe; and ‘[let it] lie fallow — not to remove stones? — Said R. ‘Ukba b. Haba, there are two sorts of hoeing, one for strengthening the [olive] tree, and another to close up fissures; that for strengthening the tree is forbidden, whereas that for closing up fissures is allowed.¹⁷

It has been stated:¹⁸ — If one ploughed in the sabbatical year,¹⁹ R. Johanan and R. Eleazar²⁰ [took opposite views]. One said that he is flogged²¹ and the other said that he is not flogged.²² Might I suggest that the issue turns on the dictum of R. Ela as reported by R. Abin? For R. Abin reported R. Ela to have stated that wherever a general [proposition] is stated in the form of a positive command and a particular [specification] in the form of a negative injunction,²³ the hermeneutical rule of General-Particular-General²⁴ does not apply to it.²⁵ [Accordingly], the one who says the offender is flogged, did not agree with that dictum of R. Abin in the name of R. Ela,²⁶ while the other who says that the offender is not flogged did agree with the dictum of R. Abin [in the name of R. Ela]?²⁷ — Not [necessarily]. It can be maintained that nobody agrees with the dictum of R. Ela, as reported by R. Abin. As to the one who says that the offender is flogged²⁸ it of course is in order, while the other who says the offender is not flogged may tell you thus:²⁹ Consider: pruning comes within [the general process of] sowing and grape-gathering within [the general process of] reaping, what rule did the All-Merciful intend to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable, but for any other secondary process³⁰ he is not [to be] held liable. But is he not? Surely it is taught: Thou shalt neither sow thy field nor prune thy vineyard, this only forbids me sowing or pruning; whence is forbidden weeding, hoeing, or the trimming of wilted parts? From the instructive [form of] the text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. Whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for [fruit] trees? From the [same] instructive text: thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. Whence [is derived the rule] not to manure, or remove stones, [or dust] or fumigate the trees? From the instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [that is], no manner of work in thy field, no manner of work in thy vineyard. Am I then to say that one may not stir the soil under the olive trees, nor use the hoe under the vines, nor fill the [open] gaps [under the olives] with water, nor make drills for the vines? There is the instructive wording of the text: Thy field thou shalt not sow and thy vineyard thou shalt not prune. Now, sowing was already embraced in the general terms of the ordinance, why then was it singled out [for mention]? For the purpose of providing [ground for] an analogy, that just as sowing has the special quality of being a work common to field and vineyard, so is any other work that is common to field and orchard [forbidden]? — [That is only] rabbinically; and the text is [adduced] as a mere support.³¹

(1) Or secondary processes which are not unspecified.

(2) Lev. XXV, 4-5.

(3) Or planting, as explained above by R. Kahana.

(4) V. Shab. 73a.

(5) To a judicial flogging.

(6) I.e., scripturally (even according to the Rabbis) though reprehensible rabbinically.

(7) The order of the Hebrew words in the text is: ‘Thy field thou shalt not sow nor thy vineyard shalt thou etc.’

(8) Yalkut reads: ‘remove excrescences’ or ‘warts’.

(9) Thus J. Sheb. II, 2; Aruch explains ‘remove dust from the foliage’ and Rashi here takes it as covering with dust the exposed roots. The context seems to favour the first explanation here adopted.

(10) After thinning olive trees, by lifting some to give more room for the other young trees, the gap left in the soil would ordinarily be filled with manure and olive trees need much water. Cf. Sheb. IV, 5, and Sifra Behar Rabad's Commentary.

(11) Or small ridges with furrows on top between the vines. V. loc. cit.

(12) Lev. XXV, 4: But the seventh year shall be a sabbath of solemn rest for the land, a sabbath unto the Lord, in direct contrast to verse 3; there was therefore no further need to continue with specific instances of the prohibition, such as sowing the field and pruning the vineyard.

(13) I.e., common to both, agriculture and horticulture.

(14) [Excluding the last mentioned processes which are not common to both field and vineyard. At all events this teaching shows that a number of processes though of the secondary type are forbidden in the sabbatical year].

(15) I.e., mnemotechnical and Biblically only sowing, pruning, reaping and gleaning are forbidden explicitly. The inclusion of ploughing, digging, hoeing or watering in the prohibition is purely Rabbinic. Thus the ruling of the Mishnah that an irrigated field may be watered . . . in the sabbatical year has now been explained: by Abaye on the basis of Rabbi's view, namely, that the restrictions of the sabbatical year are not operative nowadays; and, on the other hand by Raba, on the view of the other Rabbis (who do not concede Rabbi's interpretation of Deut. XV, 2), by pointing out that 'watering' is, strictly speaking, not textually forbidden, it being a 'derivative' (secondary) process, and hence allowed by the Rabbis in the sabbatical year where damage (loss of crop) is likely.

(16) Ex. XXIII, 11.

(17) The former is for enhancing profit and the latter is prevention of loss, namely, to save the tree from bleeding or rotting.

(18) The same question is again discussed from a different angle in Palestinian schools.

(19) After having been duly cautioned.

(20) B. Pedath.

(21) As having offended against a Biblical prohibition.

(22) Because 'ploughing' is not distinctly forbidden, but is only an implied offence, for which no judicial flogging can be given.

(23) E.g., in Lev. XXV, 2-5. We have first a general ordinance in positive terms: The land shall keep a sabbath unto the Lord. Six years thou shalt sow . . . prune . . . gather in the produce thereof, but the seventh year shall be a sabbath of solemn rest unto the Lord (cf. Ex. XXIII, 11); then follow the particulars in negative terms. Thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of itself thou shalt not reap and the grapes of thy undressed vines thou shalt not gather (Lev. XXV, 4-5). Then follows a general rule again in positive form: It shall be a year of solemn rest for the land.

(24) According to this rule, the particulars are in such a case considered typical as illustrations serving to include in the general rule all such items as are similar to the particulars. E.g. in Ex. XXII, 8 the text first states that an oath can be judicially imposed 'for every matter of trespass' (General term). This is followed by: 'for ox, for ass, for sheep, for raiment' (particulars), which again is followed finally by: 'for any manner of lost thing' (General). We infer from this that an oath can be imposed for things like those specified as typical instances, but not in the case of a dispute about land, being immovable property, or in the case of sanctuary-property, as it being not one's neighbour's property, or in the case of dispute about a slave, as being a (human) chattel, or about documents, as not being 'property', but merely instruments of evidence. Similarly in the case of the sabbatical year, if the particulars are typical of the general rule, one who does any of these would break the law.

(25) But it is treated merely as a general proposition which is followed only by a particularization, in which case the general proposition does not go beyond what has actually been specified by the particularization that follows it.

(26) I.e., he interprets the Sabbatical Ordinance as a pure instance of a General-Particular-General form and takes sowing, pruning, reaping and gleaning as typical illustrative instances and, accordingly, considers 'ploughing' as included in the general terms of the Ordinance and hence as a punishable offence.

(27) I.e., that the Sabbatical Ordinance cannot be treated as a pure form of General-Particular-General, it being negative in the particulars, which amounts to saying, 'Not a, not b, not c; these, I mean, precisely, and no others'. 'Ploughing' therefore is not included among the forbidden processes and hence is not a punishable offence.

(28) For ploughing in the sabbatical year.

(29) In interpreting the import of the wording of the text, to show that there is no penalty for ploughing, although the application of the General-Particular-General rule would indicate to the contrary.

(30) I.e., ploughing.

(31) For notes v. supra p. 9, n. 6.

Talmud - Mas. Mo'ed Katan 3b

When R. Dimi came [from Palestine] he said [the discussion went on]: Possibly, you might say that the offender be flogged [even] for the 'extension'? But the teaching was concluded¹ to prove that he was exempt. But [said he], I know not which was the teaching, nor what was [actually] meant by 'extension'.

R. Eleazar [b. Pedath] said that the 'extension' had reference to [the inclusion of] 'ploughing' [as a punishable offence], and the argument proceeded thus: Possibly [you might say] that he should be flogged for 'ploughing' [in the sabbatical year], the rule being inferred by [treating the sabbatical ordinance as a case of] General-Particular-General; then the teaching was concluded to prove exemption. For, if it [the flogging] were correct, what is the [legal] import of all those particulars [set out in the text]?

R. Johanan said [that the 'extension' had reference to] the extra days [of restriction] which the sages had added prior to New Year; and the argument proceeded thus: Possibly [you might say] that he should be flogged for [ploughing during] the extended extra period prior to New Year which is based on the text: 'In ploughing time and in reaping time thou shalt rest.'² Then the teaching was concluded to prove exemption [from a flogging], as we shall seek to explain presently.

What is meant by 'the days [of restriction] prior to New Year'? — According to what we learned: 'Up to what date may ploughing be done in a tree field [orchard] in the pre-sabbatical year? Beth Shammai say, As long as it is for the benefit of the fruit; Beth Hillel say, Up to the Feast of Weeks; and the [practical effect of] one ruling is much the same as that of the other.'³ And up to what date may they plough a "white field"⁴ in the pre-sabbatical year? Up to when the moisture gives out and as long as people till for planting their cucumber and gourd beds. Said R. Simeon, If that is so, you have handed over the Torah for every individual to determine for himself the right time! No: [I say], a "white field" [they may till] up to Passover and a tree field up to the Feast of Weeks'.⁵ (And Beth Hillel say up to Passover.)⁶

And⁷ R. Simeon b. Pazzi reported in the name of R. Joshua b. Levi who had it from Bar Kappara that Rabban Gamaliel and his Beth din took a vote on these two [terminal] periods⁸ and abrogated them. Said R. Zera to R. Abbahu, some say, Resh Lakish said to R. Johanan: How could Rabban Gamaliel and his Beth din abrogate a measure instituted by Beth Shammai and Beth Hillel? Surely we learned: 'No Beth din has power to nullify the words [ruling] of another Beth din unless it be superior to it in learning and number'!⁹ 'He was astonished for a while';¹⁰ then he replied: I say, they thus have stipulated among themselves that whoever might thereafter wish to abrogate that [measure] could come and abrogate it.¹¹ But was it their measure? Was it not an [ancient] halachah of Moses from Sinai?¹² As [in fact] R. Assi reported R. Johanan to have said in the name of R. Nehuniah¹³ a man hailing from the valley of Beth Hauran,¹⁴ that the [laws of] 'Ten Saplings',¹⁵ the 'Willow',¹⁶ and the 'Water Libation',¹⁷ were 'halachah' of Moses from Sinai! — Said R. Isaac, When we received on tradition that law [of extra restriction] as [an ancient] halachah, It was only in reference to 'thirty days prior to the New Year'; thereafter came those [of Beth Shammai and Hillel] and instituted [the cessation] from Passover¹⁸ and the Feast of Weeks,¹⁹ and [at the same time] they stipulated with reference to their [measure] that whoever might [thereafter] wish to abrogate [them] might come and abrogate them.²⁰

But were these [termini] merely halachah [-usages]? Were they not [based on Biblical] texts? For is it not taught: [Six days thou shalt work, but on the seventh day thou shalt rest]: in ploughing time and in reaping time thou shalt rest.²¹ Says R. Akiba,²² There is no need to be told [in the second clause] to desist from ploughing or reaping in the seventh year, since it is already stated [elsewhere at length]: thou shalt neither sow thy field nor prune thy vineyard: [that which groweth of itself thou shalt not reap].²³ [It can be taken] only [to debar] ploughing in the pre-sabbatical year

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- (1) Lit., 'the Talmud took it up'. (3) As explained above. (4) The sabbatical year began with the New Year. It was necessary to stop tillage before that date; when, and where, did it originate? On what authority? These are the points to be discussed now at length.
- (2) Ex. XXXIV, 21 The exposition of this follows presently.
- (3) Sheb. I, 1.
- (4) Preparing for a grain crop, i.e., of cereals or legumina. A white field=a sown field, not planted with trees that cast a shadow.
- (5) Ibid. II, 1.
- (6) This bracketed part is a meaningless gloss.
- (7) [So MS. M. Cur. edd. insert 'And'].
- (8) Passover (Nisan) and the Feast of Weeks (Sivan); after these were abrogated, tillage was again permitted down to New Year (Tishri).
- (9) 'Ed. I, 5.
- (10) A phrase from Daniel IV, 16. R. Abbahu or R. Johanan was for the moment puzzled for a reply.
- (11) Should the exigencies of the time demand it.
- (12) I.e., a rule of immemorial practice, whose origin is unknown. Cf. our expression 'as old as the hills'. Cf. 'Ed. VIII, 7; Yad. Malachi No. 663 and W. Bacher's Tradition und Tradenten etc. (1914) p. 33ff.
- (13) Also Hunya, Huna or Huna. Bacher *ibid.* p. 38 sect. 11.
- (14) A high plain S.E. of Damascus mentioned by Ezekiel, XLVII, 18, among the boundaries of Palestine (cf. R.H. 22b). Herod established there a protectorate under Zamaris, a Babylonian Jew who offered military safety to the Babylonian pilgrims on their way to Jerusalem. V. Josephus, Antiquities XVII, 11, 1-2.
- (15) A young plantation in a field of fifty by fifty cubits in dimension with at least ten saplings may be tilled entirely for their benefit, down to the edge of the sabbatical year which began with New Year's day, the first of Tishri. This implies that with old trees tilling must cease before New Year.
- (16) V. *infra*. Willows were carried in procession once round the altar during the first six days of Tabernacles and then fixed at the side of the altar. On the seventh day the circuit was made seven times. V. Suk. 45a, where Abbahu suggests a Biblical indication, Ps. CXVIII, 27.
- (17) On the same occasions the grand celebration of the water libation took place in the Temple, a golden flagon being filled with water from Siloam, was brought amidst trumpet blasts to the Temple and poured on the altar by the High Priest.
- (18) For a 'white field', growing cereals and legumina.
- (19) For a tree field, an orchard.
- (20) And it is only these two earlier terms, Passover and Feast of Weeks, up to thirty days before New Year that Rabban Gamaliel and his Beth din abrogated. Cf. J. Sheb. I, 5.
- (21) Ex. XXXIV, 21.
- (22) As all manner of work is forbidden on the sabbath day, the particular stress on ploughing and reaping suggested a connection between the sabbath-day and the sabbath-year.
- (23) Lev. XXV, 4-5.

Talmud - Mas. Mo'ed Katan 4a

[which may have beneficial effects] extending into the seventh year and [likewise] to the reaping of the seventh year's crops which mature in the post-sabbatical year.¹ Says R. Ishmael, [It is purely a Sabbath law]; as the ploughing [here forbidden on Sabbath] is optional ploughing,² so is the reaping [here mentioned] optional reaping; outside this [law] is the reaping [of the new barley] for the 'omer³ which is a religious duty [by ordinance]!⁴ — In fact said R. Nahman b. Isaac, when we received on tradition [that the pre-sabbatic restrictions had their origin in] halachah [-usage], this had reference to the permission [of tilling for the benefit] of saplings;⁵ whereas the texts are for the prohibition of old trees.⁶ But since 'halachah [-usage] allowed [tillage down to New Year] for saplings, it is not obvious that old trees were forbidden? — What we must say therefore is, the halachah [-usage] as basis for the prohibition is [necessary] according to R. Ishmael,⁷ whereas the

texts [serve as basis] according to R. Akiba.

But R. Johanan said that Rabban Gamaliel and his Beth din abrogated those [restrictions] on Biblical authority. What was the reason? He deduced it by equating the term ‘Sabbath’ common to both⁸ the Sabbath-year and the Sabbath of Creation⁹ [thus]: Just as in the case of the Sabbath Day [work is forbidden] on the day itself, but on the day before and on the day after it is allowed, so [likewise] in the Sabbath Year [tillage is forbidden] during the year itself, but in the year before and in the year after it is allowed.

To this R. Ashi demurred: On the view that it [the restriction] is a halachah [-usage] can a gezerah shawah [deduction]⁸ come and eradicate a halachah [-usage]; and [likewise] on the view that it is [based on] a Biblical text, can a gezerah shawah⁸ come and eradicate a text! — But no, said R. Ashi, Rabban Gamaliel and his Beth din concurred with R. Ishmael who held that [the presabbatical restrictions] were based on a halachah-usage. And when did the tradition of such halachah-usage [apply]? During the time when the Temple was still standing, like that of the water libation;¹⁰ but in times when the Temple is no longer standing the tradition of this halachah-usage does not apply.¹¹

BUT IT MAY NOT BE WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL. It is quite correct [to prohibit water] from a swipe-well, because that is a rather extra trouble; but rain water-what trouble is there [in using it]? — Said R. Ela, reporting R. Johanan: Rain water is prohibited as a precaution on account of the swipe-well.¹² R. Ashi said: Rain water itself may [sometimes] come to be [just as difficult to draw¹³ as] the water of a swipe-well. And they differ on [the statement of] R. Zera; for R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week.¹⁴ One Master¹⁵ is in agreement with [the statement of] R. Zera, while the other¹⁶ is not in agreement with [the statement of] R. Zera. The text [above stated]: ‘R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week’. R. Jeremiah put all objection to him [R. Zera]: BUT... NOT WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL!¹⁷ — Said R. Zera to him: Jeremiah, my son, these Babylonian pools are like water [pools] that do not fail.¹⁸

Our Rabbis taught: Ditches and pools¹⁹ [even though] filled with water on the day before the festival are debarred from being used for watering during the festival week,²⁰ but if a canal passes between them they may be used. Said R. Papa: This is only provided that the greater part of that field obtains its supply from that canal.²¹ R. Ashi said that [they may be used] even if the greater part of that field does not obtain its supply [from that canal], because since its flow is continuous [the owner] says. if it [the field] does not get enough drink on [this] one day, it will [soon] get its drink in two or three days.²² Our Rabbis taught: ‘If a pool gets tricklings from²³ an irrigated field [higher up], it may be used for watering another field’.²⁴ But is it not going [ultimately] to give out? — Said R. Jeremiah: For the present at any rate it is still trickling! Said Abaye: This is [permitted] only so long as the first source has not given out.²⁵

It has been taught: R. Simeon b. Menassia says: Where two cultivated beds lie one above the other, one should not²⁶ draw from the [supply of the] lower to water the upper. R. Eleazar b. Simeon went even further, saying: Even in one bed, if half of it is low and the other half higher one should not draw from the low-lying part to water the upper part.

Our Rabbis taught: ‘One may raise [medallin]²⁷ for the vegetables if they are to be eaten; but if it is to improve their appearance it is forbidden’. Rabina and Rabbah of Thospia²⁸ were [once] walking on the road when they saw a certain man drawing buckets of water during the festival week.²⁹ Said Rabbah of Thospia to Rabina: Come, Sir, put a ban³⁰ on him. Said Rabina to him, But is it not taught: ‘One may raise³¹ for vegetables to be eaten’? — Replied Rabbah, Do you think that this

medallin means one may raise water [in buckets]?³² [No], what medallin means is

(1) Accordingly 'ploughing' is Biblically forbidden in the pre-sabbatical extension and the offender would be liable to a flogging were it not for the inferences derived from the other text of Lev. XXV, 4-5, as expounded above, 3a. Cf. Tosaf. 3b s.v. **שהרי** and Han.

(2) I.e., not ordained to be done on any particular day.

(3) 'The sheaf of the first fruit of your (barley) harvest'. V. Lev. XXIII, 10ff. R. Ishmael holds that this may be reaped even on Sabbath. R. Ishmael's statement is for the moment irrelevant, though it comes in later. R. Akiba's dictum shows that the extension, i.e., the pre-sabbatical bar on tillage, is not merely a pristine halachah-usage, but has textual basis.

(4) Cf. M. Sheb. I, 4 and Mak., Sonc. ed. p. 48.

(5) Down to New Year's eve.

(6) Thirty days before New Year, which prohibition was extended by Beth Shammai and Beth Hillel to Passover and Feast of Weeks, according to the field.

(7) Who, unlike R. Akiba, uses that text for another point, namely, as permitting reaping the barley for the 'omer even on a Sabbath, if that is the date.

(8) Gezerah shawah (V. Glos.) which some admit and others do not.

(9) I.e., Ex. XXXIV, 21 taken with Lev. XXV, 2 ('a Sabbath-rest year-unto the Lord').

(10) Mentioned together with the tradition regarding the ten saplings, supra 3b.

(11) With the fall of the Temple and the Jewish State many of the laws appertaining to the Temple and the Land fell into abeyance owing to the force of circumstances. Recently, I. S. Zuri has attempted to establish that Rabban Gamaliel's abrogation was enacted soon after May 215 C.E. when Caracalla entered Antioch and thence marched his armies through Palestine on his way to Egypt, when the people had to pay 'annonae' to feed the armies. V. his **שלטון הנשיאות והועד** I, Vol. III, 58-59.

(12) If stored rain water is permitted, one will also work a shadoof.

(13) When much of it has been drawn off he will have to go deep down with his bucket, with almost as much exertion as from a shadoof.

(14) [And we do not apprehend the possibility of the pool drying up when he might go and fetch water from another river, with all the extra trouble it involves.]

(15) R. Ashi.

(16) R. Johanan, who prohibits rain water on account of a swipe-well.

(17) [Presumably because we apprehend lest he may go deep down with his bucket should the water be drawn off and the same should apply to the case of R. Zera.]

(18) And there is no likelihood of leading to exertion during the Festival Week.

(19) The former rough-cut and the latter well-made (Commentators on Alfasi). J.M.K. I, 1 reads **הפיסקין והבריכה**, which points to the Latin piscina, reservoir, swimming bath or fish-tank.

(20) Because their supply comes from a distance and may entail exertion should the supply fail.

(21) I.e., if the supply is plentiful.

(22) Because he will get what he may and if not enough will readily wait for a day or two for another chance, without going to exertion during the festival week.

(23) [So MS.M. Cur. edd. 'trickles water (which one gets) from'].

(24) Tosef M.K. I, 1; J.M.K. I, 1.

(25) But once the trickling has ceased the pool has lost its supply and becomes like a swipe-well or stored rain water likely to entail exertion.

(26) During the festival week.

(27) **מדלין** either (i) 'medallin' (from **דלה**, 'raise water by means of buckets', hence irrigate; or (ii) madlin (from **דלל**) 'to lift (vegetables)' for thinning the beds. At present the first rendering is assumed].

(28) The capital of the Armeman district Thospitis.,

(29) To water his vegetables.

(30) **שמתא** cf. infra 17a.

(31) **מדלין** or **מדלין** from **דלה** to raise, draw water with bucket (**דלי**).

(32) In the course of the festival week.

Talmud - Mas. Mo'ed Katan 4b

to pull out [vegetables],¹ as we learned:² 'If one is [engaged in] thinning³ vines, just as he may thin his own, so also he may thin those due to the poor;⁴ so R. Judah. R. Meir says: He is permitted [to attend] to his own but not to those of the poor'.⁵ Said Rabina: But it is taught [explicitly]: 'One may raise water for vegetables if they are to be eaten'! — Said Rabbah [of Thospia] to Rabina: If it is thus taught, that settles the matter.⁶

NOR MAY SMALL BASINS ['UGIOTH] BE FORMED ABOUT THE VINES. What is meant by 'ugioth?⁷ — Said Rab Judah, [What we call] banki.⁸ It is also taught thus: These are 'ugioth; light hoeing done about the roots of olives and at the roots of vines.⁹ [But] this is not so, for did not Rab Judah allow the family of Bar-Zittai¹⁰ to make banki in their vineyards? — This is not difficult: The one statement [in the Mishnah] refers to fresh [trenchings], the other [Rab Judah's] refers to re-trenching.¹¹

R. ELEAZAR B. AZARIAH SAYS A [WATER] CHANNEL MAY NOT BE NEWLY MADE [DURING THE FESTIVAL WEEK, NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY].¹² It is perfectly in order in regard to the festival week, because he performs laborious work, but what reason can there be [against making a channel] in the sabbatical year? — R. Zera and R. Abba b. Memel differ in the matter: One says [it is forbidden] because [the digger] seems to be doing spading [in his field]; the other says, because he is [thereby] preparing the banks for sowing. What is the [practical] difference between the two [explanations]? — There is a difference where water comes along forthwith; according to the one who says that [it is] because he is preparing the banks for sowing, there is [still an objection], but according to the one who says that [it is] because he seems to be doing spading, there is none.¹³ But, the one who objects on the ground that he seems to be doing spading, should he not likewise object on the ground that he seems to be preparing the bank for sowing? — Rather, the [practical] difference between them is where he takes [the mould] from the trench and throws it outside. According to the one who says that [it is] because he seems to be preparing the banks for sowing, there is no objection, whereas according to the one who says that [it is] because he seems to be spading, there is [still an objection]. But, he who takes the view that he seems to be preparing the banks for sowing, should he not likewise admit the objection that he seems to be doing spading? — [No,] because one who does spading, as soon as he takes up a spadeful he puts it down again in its place.

Amemar taught this [clause of the] Mishnah with the explanation [that R. Eleazar b. 'Azariah forbids making a channel] 'because he seems to be doing spading [in his field]'¹⁴ but felt some difficulty about it in view of another statement of R. Eleazar b. 'Azariah. Could R. Eleazar b. 'Azariah [said he] have held the view that wherever one seems to be spading [his field],¹⁴ it is forbidden? And he contrasted that with the [statement in the] following [Mishnah]:¹⁵ One may lay up a store of manure [in his field].¹⁴ R. Meir says he may not until he places it either three handbreadths below or three handbreadths above [the surface]. If he had some small quantity [already there] he may go on adding thereto. R. Eleazar b. 'Azariah says [even then] he may not until he puts it down either three handbreadths below, or raises it three handbreadths above [the surface],¹⁶ or places it on a rock! — R. Zera and R. Abba b. Memel [explained this seeming discrepancy], one said: [The latter Mishnah means where], for instance, he has had the place excavated; the other said: [The reason there is because] the manure heap itself attests his intention.¹⁷

AND [A CHANNEL] THAT HAS GOT OUT OF ORDER MAYBE RE-PAIRED. What is meant by OUT OF ORDER? — Said R. Abba:¹⁸ 'It means that if it is [now, for instance] but one handbreadth in depth, he may restore it to [a depth of] six handbreadths'. It is obvious that [to restore it] from half a handbreadth to [the original] three, seeing that there was [originally] scarcely any flow of water, it is nothing at all;¹⁹ [to deepen it] front two handbreadths to [the original] twelve²⁰ which

involves extra exertion,²¹ is not [allowed]. What about [deepening it] front two [handbreadths] to [the original] seven? [Do we argue that] as in the first instance [it was explained above] he deepens it by five handbreadths, [from one to six], so here he deepens it by five handbreadths [from two to seven];²² or, maybe that as in this instance he [actually] deepens the channel by an extra handbreadth there is extra exertion, and hence it is forbidden? — It stands undecided.

Abaye allowed the people of Harmek to clear away²³ [the growths obstructing]²⁴ the canal.²⁵ R. Jeremiah allowed the people of Sacutha to dredge the canal that had become blocked.²⁶ R. Ashi allowed the people of Matha-Mehasia to clear obstructions from the river Barnis, saying that as the public obtained their drinking water from it it was virtually a [pressing] public need, and we learn: **AND ALL PUBLIC NEEDS MAY BE PERFORMED.**

(1) I.e., one may lift vegetables for thinning and improving the crop. If the vegetables pulled up are to be eaten in the course of the festival week, and it should be vocalized to read madlin.

(2) Pe'ah VII, 5. Cf. IV.

(3) מִידֵּל from דָּל.

(4) V. Lev. XIX, 10; Deut. XXIV, 21.

(5) Because he has no right to handle them, as if they were his.

(6) It is taught.

(7) Grooves, ditchlets, or circular depressions, or trenching drawn around a group of vines. V. n. 5 on Mishnah.

(8) Little hollows, basins.

(9) Tosef. M.K. I, 2. Cf. Ibid. Sheb. I.

(10) A well-known family referred to in Yeb. 21b.

(11) Lit., 'old ones'.

(12) V. Mishnah 2a.

(13) The flow of water in the trench shows that he has no intention of spading the field.

(14) In the sabbatical year.

(15) Sheb. III, 3.

(16) Here R. Eleazar b. 'Azariah permits digging in the field in the sabbatical year to prepare a place for the manure store without seeming concern about giving a wrong impression, that he is said to have had in his mind when he prohibited the making of a water channel.

(17) Lit., 'is the proof for him'. Cf. J.M.K. I, 2. J. Sheb. III, 2.

(18) D.S. react Abbahu.

(19) It is useless work to be done in the festival week (Rashi).

(20) That is, proportionately double, i.e., from one to six and from two to twelve.

(21) V. supra 2a, pp. 3 and 4.

(22) And it should therefore be permitted.

(23) During the festival week.

(24) Projecting from the banks, or weeds choking the canal.

(25) Or stream.

(26) According to J.M.K. I, 2 it was a public bathing pool that had got into disorder at Sacutha and R. Abbahu allowed the repairing to be done in the festival week.

Talmud - Mas. Mo'ed Katan 5a

AND IMPAIRED WATER-WORKS¹ IN THE PUBLIC DOMAIN MAY BE REPAIRED AND CLEANED OUT. [That is to say only] to repair, but not to be dug [afresh]. Said R. Jacob as reporting R. Johanan: This was taught only where there is no public need; but where there is public need² for it even [fresh] digging is allowed.

And where there is a public need is digging allowed? Surely it is taught: 'Wells,³ ditches or caverns of a private person may be cleaned out, and needless to say, those of the public; but wells,

ditches or caverns of the public may not be dug and still less those of a private person'.⁴ Does not that mean that [digging is not allowed] even where the public has need of it? — No, [only] where the public has no need of it. Then similarly the reference to a private person is where the private person has no need of it, but in that case is 'cleaning out' allowed? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them, but they may not be cleaned out, nor have their cracks plastered; but those of the public may be cleaned out and their cracks may be plastered'? — But what else [are we to say] but that the private person has need of it; in which case [the references to the public is similarly where the public has need of it? But where the public has need of it, is digging forbidden? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them or be cleaned out; but their cracks may not be plastered, nor may the scourings be put into them,⁵ nor may they be plastered with cement. But those of the public may be dug and plastered with cement'.⁶ But [if so], the first [Baraita] is difficult. Explain it thus: 'Wells, [ditches or caverns] of a private person [may be cleaned out]' — providing he has need of them, 'and needless to say those of the public' — when the public has need of them, as then, even digging is allowed.⁷ 'But wells, ditches or caverns of the public are not to be dug' — when the public has no need of them, 'still less, those of a private person', as when a private person has no need of them, even cleaning out is not allowed. R. Ashi remarked: Our own Mishnah is also precisely worded [to the same effect] as it states **AND ALL PUBLIC NEEDS MAY BE PERFORMED**. What is the force of **ALL**? Is it not meant to include digging? — No; it is to include [other instances] such as are taught [in the following]: 'They [Public Commissioners] go forth to clear the roads of thorns, to mend the broadways and [main] highways and to measure the [ritual] pools; and if any [ritual] pools be found short of forty [cubic] se'ahs of water⁸ they train a continuous flow into it [to ensure] forty se'ahs'. And whence do we know that if they did not go forth and attend to all these [public needs], then if any blood be shed there [through] this neglect [Scripture] lays [blame] on them, as if they themselves had shed it? From the instructive text, And so blood be upon thee.⁹ But surely [the Mishnah does] state these instances expressly: **AND ROADS, BROADWAYS AND [RITUAL] WATER POOLS AND ALL PUBLIC NEEDS MAY BE PERFORMED!** What else [then] may be included under this word **ALL**? Is it not digging [afresh if required by the public]? This proves it.

AND GRAVESIDES MAY BE MARKED. R. Simeon b. Pazzi said: Where is an indication in the Torah that gravesides should be marked? In the instructive text: [And when they pass through . . . the land] and one seeth a man's bone then shall he set up a sign by it.¹⁰ Said Rabina to R. Ashi, But who told us that¹¹ before Ezekiel came? — [Said the other]: Accepting your view, with regard to the statement made by R. Hisda¹² [namely]: This point we do not learn from the law of our Master Moses; we learn it from the words of [prophet] Ezekiel the son of Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My Sanctuary.¹³ [We might equally ask], who had told us that before Ezekiel came and stated it? Only, that was first learnt by oral tradition and then Ezekiel came and gave us a textual basis for it; here too, it was first learnt as an oral tradition and then Ezekiel came and gave us a textual basis for it. R. Abbahu suggested that it may be derived from this [text]: And he shall cry, 'Unclean! Unclean!'¹⁴ [That is], impurity cries out [to the passer-by] and tells him, 'Keep off!' And R. 'Uzziel, the grandson of the elder R. 'Uzziel said the same, [that] impurity cries out and tells him, 'Keep off!' But was this [text] intended for this lesson? It is required for what has been taught: And he shall cry 'Unclean! Unclean!'; [this teaches that] one must needs make his distress known to many, that many pray for mercy on his behalf? — If that be so, let the text read 'Unclean' [but once]; why has it 'Unclean', 'Unclean' [twice over]? Infer [from it] the two points. Abaye said [that the rule¹⁵ may be derived] from here: And put not a stumbling-block before the blind.¹⁶ R. Papa said: And he will say, Cast ye up, cast ye up, clear the way.¹⁷ R. Hinena suggested, Take up the stumbling-block out of the way of My people.¹⁷ R. Joshua the son of R. Idi said: And thou shalt show them the way wherein they must walk.¹⁸ Mar Zutra said: And ye shall separate the Children of Israel from their uncleanness.¹⁹ R. Ashi said: And they shall have charge of My charge,²⁰ [which implies], make safeguards to My charge. Rabina said: And to him who ordereth²¹ [we-sam] his way will I show the salvation of God.²²

Said R. Joshua b. Levi, Whoever appraises [ha-sham] his ways [in this life]²³ becomes privileged to behold the salvation of the Holy One, blessed be He, for it is said: '[And to him] who ordereth his way'.²² Read not [we-sam]²⁴ who sets [his way], but [we-sham]²⁵ who appraises the worth [of his way], him will I show the divine salvation. R. Jannai had a certain disciple who daily raised critical points [at his college]²⁶ but refrained from raising any critical points at the periodic lectures of the Festival Sabbaths²⁷

(1) Damaged wells or cisterns, etc. Cf. Mishnah n. 6.

(2) Lit., 'where the public needs them.' Though there be no immediate need for it, yet 'cleaning out' may be done in the festival week.

(3) Or 'cisterns, pits.

(4) Note the absence of the proviso of 'need' in this Baraitha, which seemingly contradicts R. Johanan's quoted comment above.

(5) To fill the cracks.

(6) The first Baraitha, which forbids digging public wells even when the public has need of them, contradicts this latter Baraitha which permits.

(7) In agreement with R. Johanan's ruling.

(8) The minimum quantity of natural flowing water, calculated to allow an average person to go in and submerge himself completely. V. Mak., Sonc. ed. p. 13, n. 2.

(9) Deut. XIX, 10 in conjunction with verse 3, and Num. XXXV, 12 and 25, which was a public charge.

(10) Ezek. XXXIX, 15. This is a mere allusion as the verse refers to the future.

(11) In the Pentateuch, the main source of Law.

(12) V. Ta'an 17a and 17b.

(13) Ezek. XLIV, 9.

(14) The leper, in his state of uncleanness, shall warn those who approach him. Lev. XIII, 45.

(15) For marking off graves.

(16) Lev. XIX, 14. A travelling priest or pilgrim might by stepping unawares on a grave become defiled.

(17) Isa. LVII, 14.

(18) Ex. XVIII, 20.

(19) Lev. XV, 31; which with Num. XIX, 13, 20 has a special bearing on this marking for pilgrims on their way to visit the Temple and celebrate the Passover (Num. IX, 6ff).

(20) Lev. XXII, 9 as referring especially to priests and Levites who are charged again and again with repeated warnings. Cf. Num. XVIII, 3,4,5.

(21) In the sense of marking off the unclean paths for the people to avoid.

(22) Ps. L, 23.

(23) Some texts add these words.

(24) From the root **נָשָׂא** to put, place, set out, e.g., Ex. XXI, 13 and especially Isa. XLIII, 19.

(25) From the later Hebrew **נָשָׂא**, to estimate, the value or worth of an object or claim.

(26) Often this task was assigned to the most prominent member of the college or the Vice-principal.

(27) When many strangers were gathered to hear the master on the topics of the day. Cf. B.M. 97a.

Talmud - Mas. Mo'ed Katan 5b

. He [R. Jannai] applied to him the text: And to him who ordereth his way will I show the salvation of God.¹

Our Rabbis taught: 'No markings are made to indicate [the presence of] a piece of flesh² [from a corpse] no larger than an olive, nor of [human] bone no larger than a barley-corn,³ nor of any [human] remains which do not diffuse defilement under 'tent'.⁴ But markings are made to indicate [the presence of] a [human] spine, a skull or the major members of a skeleton or the major number of lesser bones thereof.⁵ And the markings are not made in cases of certainty⁶ but [only] in cases of

uncertainty. These are [instances of] uncertainty: Leafy bowers,⁷ jutting ledges⁸ and a Peras-area.⁹ And the markings are not placed on the site of the impurity [itself], in order to avoid wasting what is [preserved as] pure;¹⁰ nor is the marking placed far away from the spot, in order to avoid wasting any space¹¹ of the Land of Israel'.¹² But does not flesh of an olive's size from a human body diffuse defilement under a tent? For we learned: 'The following diffuse defilement by tent [overspreading]: Flesh of an olive's size from a human dead body . . .!' — Said R. Papa, We speak here of an olive's size precisely which after all shrinks [to less]: far better is it that terumah and other meats that are pure¹³ should be burnt [unnecessarily] on one occasion¹⁴ than that they should be burnt continuously.¹⁵

And these are [instances] of uncertainty: Leafy bowers and jutting ledges.¹⁶ 'Leafy bowers' [means] a tree which overspreads the ground¹⁷ and 'jutting ledges' are [stones]¹⁸ projecting from wall enclosure.¹⁷ 'And a Peras-area': as we learned: 'One who runs a plough over a grave makes the site a Peras-area'; and how much thereof has he thus affected? The full length of a furrow, one hundred cubits [each way].¹⁹ But does a Peras-area convey defilement by tent? Surely, Rab Judah, citing Samuel, said that one [a pilgrim] may walk across a Peras-area cautiously fanning his way [in front of him].²⁰ Moreover, R. Judah b. Ammi, in the name of 'Ulla, said that a Peras-area which has been [much] trampled is [considered as] clean?²¹ — Said R. Papa: 'This [discrepancy] is not difficult [to explain]. The former statement refers to a field where a grave has become lost;²² whereas the latter refers to a field where a grave had been run over by the plough'.²³ But is a field where a grave has been lost²⁴ [correctly] called a Peras-area? — Yes [indeed], for we learned: 'There are three kinds of Peras-areas — [a] a field where a grave has been lost²⁵ [b] a field where a grave has been run over by the plough²⁶ and [c] the weepers' field'.²⁷ What is the weepers' field? — R. Joshua²⁸ b. Abba explained in the name of 'Ulla that it is a field where they bid final farewell²⁹ to the dead. And wherefore [is it held as a defiling area]? — Said [R. Hisda, as reporting]³⁰ Abimi, [It is] because there is here a possibility³¹ of abandoned ownership.³² But does not a field where a grave has been run over by the plough require to be marked? Surely it is taught: 'If one came upon a marked field without knowing its character,³³ then if there are trees on it, it is thereby indicated that a grave in it had been run over by the plough;³⁴ if there are no trees, it is thereby indicated that a grave has been lost in it.³⁵ R. Judah says: [The presence of trees is no criterion] until there is some elder or disciple [to attest it], for not all are well versed on the subject [of proper markings]'! — Said R. Papa: What is taught in this [latter Baraita] refers to a field in which a grave had been lost, and which had [consequently] been marked. If there are trees on it, it is thereby indicated that a grave had been run over by the plough [subsequently]; if there are no trees on it, it is indicated that a grave had been lost in it.³⁶ But is there not a danger that the trees are situate within the field and the grave was outside?³⁷ — as 'Ulla said [elsewhere that we speak of a case where]³⁸ the trees are situate on the boundaries [of the field] here likewise they were situate on the boundary line.³⁹

(1) In appreciation of his disciple's thoughtful considerateness towards himself on those special public occasions. Cf. Ta'an. 9b and B.K. 117a.

(2) As flesh soon shrinks to less than its (traditional) minimum size of an olive and is then impotent to cause defilement without direct contact, Num. XIX, 13-16; Ohal. II, 3.

(3) Which is (traditionally) the minimum size for human bone to cause defilement by direct contact. V. references in previous note and Tosaf. s.v. **עצם**.

(4) Anything extending to one handbreadth over dead human remains represents the 'tent' of Num. XIX, 14, to diffuse defilement without contact, unless it is less than the minimum size.

(5) Any of these enumerated defile under cover without coming into direct contact with the object or grave. Any covering to the extent of one handbreadth, say his coat tail or sleeve spread, or hanging down over the spot, is enough to defile him, even if neither he nor his garment touch the unclean thing or spot.

(6) As people take care of their own accord not to run the risk of personal defilement or the loss of sacred meats.

(7) Lit., 'coverings', arbours, groves, avenues or single trees whose thick branches are full of foliage, constitute a 'tent', to spread the defilement to the walker; cf. Tosaf. s.v. **אילן**.

- (8) E.g., stone copings, boards and ledges projecting from cemetery walls each way within and without, constitute a 'tent'. These are doubtful, as one is not certain whether there is a corpse near by within.
- (9) Defined lower down. On the term v. Pes., Sonc. ed. p. 492, n. 4.
- (10) Which may be brought close to the grave and defiled before one is aware. To those pure' things belong e.g., the priest's due — terumah 'first-fruits', 'second tithe', etc. Cf. Num. XVIII, 11-13; 26-30.
- (11) I.e., declaring any of it unclean unnecessarily.
- (12) Cf. Sot. 30b.
- (13) Reading טהרות (instead of קדשים), as holy sacrificial meat is not carried about.
- (14) While the human dead flesh, soon after the burial is still of the size potent to defile.
- (15) Through the unnecessary space included in the marking. Holy food or drink (wine, corn, fruit and oil) could not be given away or thrown away, it had to be burnt.
- (16) Explaining the above technical terms.
- (17) Near a cemetery; Ohal. VIII, 2.
- (18) The word 'stones' is omitted in the above Baraita as the fence or wall enclosure may be any of other materials.
- (19) Ibid. XVII, 1. (Cf. 'furlong' as the length of a furrow).
- (20) With bellows or a spade to blow away from his path, without touching any piece of splintered bone cast up by the plough. They used to bury the dead in a very shallow grave, barely three handbreadths under the surface, which were therefore easily exposed. Cf. Tosaf. s.v. מנפה and Ohal. XVIII, 5.
- (21) And need not be marked or avoided. (Han.).
- (22) And, as it cannot be located, the whole field is considered a place of defilement.
- (23) The plough, we assume, crushes the bones rendering them impotent to communicate tent-defilement.
- (24) So according to Wilna Gaon. Cur. edd., that was ploughed over.
- (25) Ohal. XVIII, 3.
- (26) Ibid. 2.
- (27) Ibid. 4'
- (28) Better D.S.; 'R. Hoshaia in the name of 'Ulla'.
- (29) The 'broad place' or forum provided on the cemetery.
- (30) So D.S. and Ritba.
- (31) Lit., 'a touch of', contingency.
- (32) Loose limbs may have been dropped in transit, which the mourners being unable to identify, leave abandoned. On the practice of collecting bones after temporary burial and transferring them to their permanent place of rest v. infra 8a and Ber. 18a.
- (33) Whether a grave had been lost in it, and the field cannot then be traversed by 'fanning', or whether the grave had the plough run over it in which case it may be traversed by 'fanning'.
- (34) For the sake of the trees, this shows that a field in which a grave had been run over by the plough is marked.
- (35) As such a field is not to be planted, Ohal. XVIII, 3; Tosef. Ohal. XVII.
- (36) And had not been ploughed over.
- (37) I.e., where the soil had not been ploughed, so that it is treated like a field wherein a grave had been lost.
- (38) Ned. 42b.
- (39) And since dead are not buried on the road, the grave must be among the trees and has been run over by the plough, when the field has been tilled for the good of the trees.

Talmud - Mas. Mo'ed Katan 6a

But perhaps the defilement lies within the field while the trees stand on the outer sides [of it]?¹ — They were planted irregularly.² Or, if you like, I may explain by what was said above: Nor is the marking placed far away from the spot, in order to avoid wasting any space of the Land of Israel.³

'R. Judah says [the presence of trees is no criterion] until there be some elder or disciple [to attest that it has been ploughed], for not all are well versed in the subject [of markings]'. Said Abaye: You may infer from here, that when a scholar is resident in a place, all local matters devolve upon him.

Said Rab Judah: If one comes across a [single] stone which is marked [with lime], the space under it is defiled; if two stones [with markings] then if there is lime on the space between them, the space between is defiled, and if there is no lime between them, the intervening space is clean, even though there is no [sign of] tilling [there]. But surely it is taught: 'If one comes upon one stone which is marked, the space under it is defiled, if on two stones, if there is tilling between them, the intervening space is clean, if not, it is defiled'? — Said R. Papa. Here [it is a case where] the lime had been poured on top of the stones and got spread here and there. [Now] if there is any tilling [in the space] between them, [the space] between is clean, because it may be presumed that the [splashed] lime had got peeled off by the tilling; whereas if there is not [any trace of tilling] the lime is intended to mark the space between and it is 'defiled'.

Said R. Assi:⁴ If one boundary is marked, that side [alone] is 'defiled', but the rest of the entire field is 'clean'. If two [are marked] those [alone] are 'defiled', but the rest of the entire field is 'clean'; if three [are marked], those are 'defiled', but the rest of the entire field is clean; if the four [boundaries are marked] they are clean and the entire field [within] is 'defiled', for the Master⁵ said: 'Nor is the marking place far away from the spot, in order to avoid wasting space of the Land of Israel'.⁶

AND [PUBLIC COMMISSIONERS] SET OUT [ALSO] TO INSPECT DIVERSE SEED-CROPS. But do we set out for inspecting seed-crops during the festival week? This is contradicted by the [following]: On the first of Adar announcements are made about the [contribution of] shekels and about the diverse crops. On the fifteenth thereof the scroll [of Esther] is read in the [ancient] walled cities and [commissioners] go forth to clear the roads of thorns, mend the broadways, measure the [ritual] water-pools and to perform all public needs, and they mark the gravesides and go forth to inspect the diverse seed-crops?⁷ — R. Eleazar and R. Jose b. Hanina [gave differing explanations], One said, The latter statement speaks of earlier crops,⁸ the other of later⁹ crops; the other said, In one case⁸ [they go out to attend] to grain crops, in the others to vegetable crops.

R. Assi, reporting R. Johanan said: The rule laid down [in the Mishnah] applies only when the sproutings [of the season are late and] had not become recognizable¹⁰ [before then]; but where the sproutings had become recognizable [before], they went forth about them [even earlier].

Why do we particularly set out during the festival week? R. Jacob reporting R. Johanan explained that it was because the wages given for labour are then low with us.¹¹

R. Zebid, or some say, R. Mesharsheya said: From the afore — mentioned [explanation] you may infer that when pay was given,¹² it was given them out of the Terumah of the [Shekel] Chamber;¹³ for if you should suppose that they [the owners of the fields] themselves paid, what difference does it make to us? Let them pay whatever they ask.¹⁴

And how much [constitutes an admixture]?¹⁵ Said R. Samuel b. Isaac, The same as we learned:¹⁶ Every se'ah of seeds that contains one quarter [of a kab]¹⁷

(1) And the grave has not been disturbed at all. What is the indication of the trees in such a case?

(2) Not in even rows, but promiscuously and thus the whole site had to be disturbed by the ploughing.

(3) [And since the marking is in proximity to the trees, it is evident that the defilement lay between the trees].

(4) Explaining the precise principle and system of marking, by confining the markings close to the spot of defilement.

(5) In the Baraitha, supra 5b.

(6) [Consequently where the whole field was defiled the whole of the four boundaries had to be marked. As to the cleanliness of the boundaries themselves, v. Tosaf. s.v. **אָמַר**.]

(7) Shek. I, 1. Meg. 13b.

- (8) In mid Adar.
- (9) In our Mishnah again directing it to be done in mid Nisan during the festival week.
- (10) Cf. e.g., Ex. IX, 32.
- (11) As ordinary work, apart from emergencies, is suspended during the festival week.
- (12) For the work.
- (13) V. Shek. III, 1.
- (14) As this was a punitive campaign against the inobservant, let them be mulcted.
- (15) What quantity of diverse seeds necessitate; the pulling up of the (offensive) crop?
- (16) In reference to initial sowing, Kil. II, 1.
- (17) A se'ah contains six kabs and a quarter of a kab's admixture is therefore one twenty-fourth of the se'ah, or enough seed to be sown in a field of 50 X 50 cubits.

Talmud - Mas. Mo'ed Katan 6b

of another kind must be reduced.¹ But it is taught: They [the authorities] introduced a rule that they should declare ownerless the [crop of the] entire field? — That is not difficult [to explain]. The former [Mishnah] states the practice before the [new] rule, while the latter [of the Baraitha] gives the practice after the [introduction] of the rule, as it is [distinctly] taught: Formerly they [the public commissioners] used to uproot [the diverse-crop], throwing it to the cattle, at which the owners were doubly pleased, for one thing that they weeded their fields for them, and again that they threw [the forbidden crop] to the cattle; thereupon they made a [new] regulation that they should pull up [the forbidden crop] and cast it on the road. And still the owners were greatly pleased, because they weeded their fields. Thereupon they instituted that they should declare ownerless the crop of the entire field.²

MISHNAH. R. ELIEZER B. JACOB SAYS: WATER MAY BE DRAWN FROM [ONE] TREE TO [ANOTHER] TREE,³ PROVIDED THE WHOLE FIELD IS NOT WATERED IN THIS WAY.⁴ SEEDS⁵ THAT HAVE NOT HAD [ANY] DRINK BEFORE THE FESTIVAL WEEK MAY NOT BE WATERED DURING THE FESTIVAL WEEK.⁶ THE SAGES HOWEVER ALLOW IT IN BOTH THE ONE CASE AND THE OTHER.⁷

GEMARA. [NOT...THE ENTIRE FIELD]. Said Rab Judah,⁸ If the field has a clayey⁹ soil he may [water it].¹⁰ It is likewise taught:¹¹ When they said¹² that it is forbidden to water them during the festival [week], they referred only to seeds that had not drunk before the festival; but seeds that had drunk before the festival may [again] be watered during the festival [week]; and if the field was a clayey soil, it is allowed [to water it]. And a bare¹³ field is not watered during the festival [week]; but the Sages allow it¹⁴ in the one case and in the other. Said Rabina: You may infer from here that a garden plot may be sprinkled¹⁵ in the festival week. For in the case of a bare field, why is it [permitted]?¹⁶ Because it just quickens a tardy soil; here too, it just quickens a tardy soil.

Our Rabbis taught: 'A white field may be sprinkled¹⁷ in the sabbatical year, but not during the festival [week]'. But it has been taught: It may be sprinkled either in the sabbatical year or during the festival [week]?¹⁸ — Said R. Huna, This [discrepancy] is not difficult [to explain]; the former [quotation] states the view of R. Eliezer b. Jacob¹⁹ and the latter that of the Rabbis.²⁰

Another [Baraitha] taught: A white field may be²¹ sprinkled in the pre-sabbatical year so that the greens may sprout in the sabbatical year. Nay, more, a white field may be²¹ sprinkled in the sabbatical year, so that the greens may sprout [better] in the post-sabbatical year.

MISHNAH. MOLES AND MICE MAY BE TRAPPED IN A TREE-FIELD OR WHITE FIELD IN THE USUAL WAY²² DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR: BUT THE SAGES²³ SAY, IN THE TREE-FIELD IN THE USUAL WAY AND IN THE

WHITE FIELD NOT IN THE USUAL WAY: AND A BREACH MAY BE BLOCKED UP DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR ONE MAY BUILD IN THE USUAL WAY.

GEMARA. What is ESHUTH?²⁴ — Said Rab Judah: [It is] a creature which has no eyes. Raba b. Ishmael, some say, R. Yemar b. Shelemia, said, What [may be the] text [for this]? — ‘Let them [the wicked] be as a snail which melteth and passeth away; like the young mole [esheth]²⁵ which hath not seen the sun.’²⁶

Our Rabbis taught: Moles and mice may be trapped in a white field and in a tree-field in the usual way and ants’ holes may also be destroyed. How are they destroyed? Rabbah Simeon b. Gamaliel says: Earth is fetched from one hole and put into another and they²⁷ strangle each other. R. Yemar b. Shelemia said in the name of Abaye, That is [effective] only if [the nests are] situate on two sides of the river; and that [again], if there is no bridge; and that [again], if there is not [even] a [crossing] plank; and that [again], if there is not even a rope [to cross by].

(1) Or when already sown and sprouting the admixture is to be pulled up.

(2) As a deterrent, s.v. Shek. 1, 3.

(3) If the fruit-trees need it.

(4) I.e., under this pretext.

(5) Grain crops, white and leguminous, in contrast to fruit-trees.

(6) Either because they then require fuller attention, entailing greater exertion, or to discourage leaving the task for this week of leisure.

(7) The Sages disagree in both clauses of the Mishnah, i.e., that they do allow watering the entire orchard by training from tree to tree, and allow watering seeds even if they had not been watered before the festival.

(8) D.S.: R. Huna.

(9) ‘Trees, shrubs . . . generally thrive better in heavy soil’. ‘Clays are especially of a pourous nature and consequently retentive of water and plant food’. H. J. Webb, *Element, Agriculture*, 1896, p. 20.

(10) Otherwise the soil goes hard.

(11) Var. lec. insert, R. Eliezer b. Jacob said.

(12) R. Eliezer b. Jacob and those who share his view.

(13) I.e., a plot uncultivated at the moment; cf. Pes. 55a and Lewin Otz. Hag. IV, 3, No. 6, p. 10.

(14) Both in the case of seeds that were not watered before the festival, and in the case of a bare field when an extra chance supply of water occurs, thereby to fit the soil for its turn to be sown or planted.

(15) By hand, jug or watering pot but not by regular irrigation, i.e., running the water into the field by ridges or channels.

(16) According to the Rabbis. So taken in Otz. Hag. l.c. and Tosaf. here s.v. **וְיָרֵק** but Han. explains differently.

(17) Of cereals and legumina. Rashi here takes it as a Baal-field, i.e., one favourably situated as regards rain and sunshine.

(18) This is in agreement with Rashi and Tosaf. according to the reading in our text. Var. lec.: ‘May not be sprinkled... neither in the sabbatical year nor during the festival (week)’. V. Han. Alfasi. The reading is discussed by the Tosafist R. Shimshon (b. Abraham) of Sens in his commentary on Sheb. II, 10.

(19) Who disallows (in the Mishnah) watering the whole field in the festival week (and sprinkling marrows with ‘white earth’ even in the sabbatical year). Sheb. II, 10 q.v.

(20) Both in our Mishnah and in the first cited Baraita, as regards the tree-field and seeds.

(21) Tosef. Sheb. II, 1 reads ‘a field’.

(22) Mishnah texts read here ‘not in the usual way’.

(23) Var. lec. R. Judah; v. Gemara infra. Obviously, it is ultimately the view adopted by the Sages. 7a.

(24) The Hebrew word for ‘moles’ in the Mishnah.

(25) Biblical Hebrew for Eshuth.

(26) Ps. LVIII, 9.

(27) The ants of the two nests not knowing each other.

Talmud - Mas. Mo'ed Katan 7a

How much [apart]? — Up to a parasang.¹

R. JUDAH² SAYS: IN THE TREE-FIELD IN THE USUAL WAY AND IN THE WHITE FIELD NOT IN THE USUAL WAY. Our Rabbis taught: How is the usual way? He digs a hole and suspends a trap in it. How is the unusual way? He drives a stake [into the spot] or strikes it with a pick and flattens out the soil underneath.³ It is taught: R. Simeon b. Eleazar⁴ says, When they⁵ said, [‘And in the white field not in the usual way’], they said it only in reference to a white field situate near the city; but in a white field that is situate near a tree-field [they may trap them] even in the usual way, lest these [pests] come away from the white field and destroy the tree-field.

AND A BREACH IS BLOCKED UP DURING THE FESTIVAL [WEEK]. How is it ‘blocked up’? — Said R. Joseph: With [a hurdle made of] twigs and daphne stakes. In a Baraita it is taught: ‘Loose rubble is piled up without being plastered with clay.’⁶ Said R. Hisda, This⁷ is taught only with regard to a garden wall,⁸ but the wall of a court⁹ is built in the usual way. Might one suggest that the following supports him: A wall that is bulging out into the public domain may be pulled down and built in the usual way, because it constitutes a danger [to the passers-by]!¹⁰ — [Not necessarily]. There the reason is as stated: ‘Because it constitutes a danger’. Some [put the argument] as follows: Come and hear: A wall that is bulging out into the public domain may be pulled down and built in the ordinary way, because it constitutes a danger. That is, where it constitutes a danger he may, but if it is not a danger he may not build. May we see in this a confutation of R. Hisda? — [Not necessarily], as R. Hisda might reply: There¹¹ he may ‘pull down and build’, whereas here¹² he may build¹³ but not pull down. Then let one in that case¹¹ likewise [merely] pull down¹⁴ and not build!¹⁵ — If so, he might refrain even from pulling down.¹⁶ R. Ashi said: Our Mishnah, here, gives an indication to the same effect,¹⁷ for it states: BUT IN THE SABBATICAL YEAR, ONE BUILDS IN THE ORDINARY WAY. Now of what is it [that he may block up the breach]? If it means [the wall of] his courtyard, does this need to be stated?¹⁸ It can only be, therefore [a breach in] his garden [wall] although he might seem to be doing it in order to safeguard his fruits.¹⁹ You can infer it [from this].

MISHNAH.²⁰ R. MEIR SAYS: AN [INITIAL]²¹ INSPECTION OF LEPROUS SYMPTOMS MAY BE MADE [DURING THE FESTIVAL ‘WEEK’]²² FOR [THE PRIEST TO MAKE] A LENIENT PRONOUNCEMENT²³ [ON THE FINDINGS], BUT NOT TO MAKE A SEVERE²⁴ PRONOUNCEMENT; BUT THE SAGES SAY: [IT IS TO BE MADE] NEITHER FOR A LENIENT NOR FOR A SEVERE PRONOUNCEMENT.²⁵

GEMARA. It is taught: R. Meir says that an inspection is made [during the festival week] to make a lenient pronouncement but not for a severe one. R. Jose says: Neither for making a lenient nor a severe pronouncement;²⁶ as, if you arrive at the necessity of having to make a lenient pronouncement [on the findings] you are [likewise] bound to make a severe pronouncement. Said Rabbi: R. Meir's statement seems appropriately applied to the case of an [observational] detention²⁷ and R. Jose's to that of a decided leper.²⁸

Said Raba, In the case of one who is [as yet nominally] ‘clean’,²⁹ all are agreed that he is not examined.³⁰ In regard to one under preliminary [observational] detention, all agree that he is examined;³¹ where a difference of opinion arises is

(1) Four Roman miles.

(2) V. Mishnah note.

(3) I.e., rams it down to flatten out the tunnelled cavities.

- (4) Sheeltoth reads: R. Eleazar b. Jacob. Our reacting, however, is well attested.
- (5) The Sages (adopting R. Judah's view).
- (6) Cf. *infra* 11a.
- (7) The ruling that he may merely block it up but not build in the usual way.
- (8) Which can wait, as not much damage or loss could be caused by this temporary delay.
- (9) As the Talmudic saying goes: 'The breach invites the thief' (Suk. 26a, SBH), or the possible loss of cattle or poultry, by straying.
- (10) Tosef. I, 4; *infra* 13a.
- (11) The case of a dangerous wall.
- (12) Where there is no public danger.
- (13) If it had already broken down.
- (14) Just remove the danger.
- (15) During the festival week, as in the other private case.
- (16) It is therefore ultimately a case of public need which may be performed during the festival week. Cf J.M.K. a.l., 'R. Hananiah in the name of R. Johanan (said), They permitted the last act thereof by reason of the first (the danger)'.
- (17) As R. Hisda's interpretation.
- (18) That he may build it in the ordinary way (cf. the discussion above).
- (19) 'Yet he may in the usual way in the Sabbatical year, but not in Festival week'.
- (20) The technical points involved in the discussion of this Mishnah bearing on the diagnosis of the symptoms of (biblical) leprosy and the treatment of the patient are the following: (a) The diagnosis may be made by any expert, priest or layman, 'save that the pronouncement of "cleanness" or "uncleanness" is assigned to the priest: if the priest be told that the man is "clean", he pronounces him clean; if he be told the man is "unclean", he pronounces him unclean'. Neg. III, 1. (b) On the findings of the first inspection the priest pronounced the patient either (i) as 'clean' and discharged, or as 'unclean', to be isolated; and (ii) in some cases of doubt, to be remanded for seven days' observational detention. Cf. Lev. XIII, 2-4ff; Neg. III, 3-4. (c) After a second inspection in doubtful cases, the priest pronounced the patient either 'clean' or 'unclean' as before, or if still in doubt a further remand for seven days' observational detention. Cf. Lev. *ibid.* 5-8; 13-17; Neg. *ibid.* 5-6. (d) On the third and final inspection he declared him 'clean' and discharged or 'unclean' to be isolated, until he recovered from his affection. During these periods the patient was allowed to consort with his wife. (e) On his recovery the patient went through two ritual purifications, (i) a preliminary, outside the town and returned home for seven days, during which, however, he was not to consort with his wife; cf. Lev. XIV, 2-8; Neg. XIV, 1-2. He then went through a second ritual purification which admitted him to the sanctuary for the sacrificial rites. Lev. XIV, 9ff; Neg. *ibid.* 3 and 7ff.
- (21) **בתחילה** seems best omitted here, as seems apparent from Raba's comment *infra*, and other ancient texts, e.g., Asheri and commentaries of Alfasi, although our editions of Alfasi as well as the Mishnah texts (Babylonian and Palestinian) have it. V. Heller, Tosaf. Yom Tob and particularly Dr E. Baneth's full critical examination in his commentary on the Mishnah, Berlin., 1925, Pt. II, p. 161, n. 26.
- (22) This (bracketed) expression is in the Mishnah text and is essential here.
- (23) If the findings warrant it, to pronounce him 'clean'; and if not, to withhold the adverse pronouncement pending the festival.
- (24) If the symptoms are unfavourable, to order an observational detention (first or second), or his isolation as a confirmed 'unclean' leper. Cf. *supra*, n. 11, b, c, and d.
- (25) I.e., no inspection is to be made during the festival week.
- (26) I.e., the view adopted by the Sages (in the Mishnah).
- (27) V. p. 35, n. 3.
- (28) After the first or second detention. V. the following discussion by Raba.
- (29) I.e., who has not yet submitted to an inspection.
- (30) During the festival.
- (31) If he is pronounced 'clean' he is happy; if he is remanded for a second period he is no worse off.

Talmud - Mas. Mo'ed Katan 7b

in the case of one under a second [observational] detention: one Master [R. Meir] considers that it is

left to [the discretion of] the priest, so that if the patient is [found] 'clean' he declares him 'clean', and if he is [found] 'unclean' he holds his peace; while the other Master [R. Jose] considers that, [since] it is written: [This is the law of the plague and leprosy. . .], to pronounce it clean or unclean,¹ [the priest has no choice].²

The Master said: Said Rabbi, R. Jose's statement seems appropriately applied to the case of a decided leper³ and R. Meir's to one under [observational] detention.⁴ But the reverse⁵ is taught [elsewhere]? — Both versions are [variant] tannaitic interpretations of Rabbi's observation. One [authority]⁶ is of the opinion that the patient prefers the company of the world at large⁷ [during the Festival], while the other [authority]⁸ holds that he prefers to retain his wife's company.⁹

Is that to say that [according to Rabbi]¹⁰ a confirmed leper may have the use of the [conjugal] bed? — [Yes], it is taught: But he shall dwell outside his tent seven days,¹¹ [that is] he shall be¹² precluded from the use of the [conjugal] bed; for 'tent' means nothing but [living with] his wife, as it is said: Go, say unto them, return ye unto your tents.¹³ R. Judah says:¹⁴ [It is written,] [And after he is cleansed] they shall reckon for him seven days,¹⁵ [which implies that he is precluded only] while counting his seven days ['after he is cleansed] but not while he is a confirmed leper'. R. Jose b. Judah says: '[I take it to mean he is precluded] while counting seven days [and] all the more so while he is a confirmed leper'. 'And' 'said R. Hiyya: 'I argued on this point before Rabbi'. Our Master! [said I], You taught that [King] Jotham could not have been born unto Uzziah¹⁶ save during the time that he was a confirmed leper,¹⁷ [to which] Rabbi replied, 'and I said so too'.¹⁸

Wherein do they differ? — R. Jose b. Judah argues that as the All Merciful has plainly indicated¹⁹ that a convalescent leper ['shall dwell outside his tent']²⁰ while counting his seven days [of preliminary ritual purification] it is all the more [to be expected that he be apart from his wife] while being in the state of a confirmed leper; and the [other] Master [Rabbi] argues that what has been plainly indicated is [to be kept as] indicated and what has not been indicated is not [to be assumed as] indicated.²¹

[Reverting to Raba's explanation above], do you mean to say that [the postponement of an unfavourable pronouncement or of the time of inspection]²² is [solely] dependent on the discretion of the priest?²³ — Yea, indeed, as it is taught [in the following]: And on a day when [raw flesh] shall be seen in him [he shall be unclean; and the priest shall lood on the raw flesh and pronounce him unclean],²⁴ which means that there is a day when you do see it in him as well as a day when you do not see it in him. Hence said they [the Sages] that if a groom developed symptoms of leprosy they grant him [delay of inspection to the end of] the seven days of the [marriage] feast,²⁵ whether it be his person, or his house²⁶ or his garment²⁷ [that is affected]; and likewise [if the symptoms developed] during a festival they grant him [the patient] all²⁸ the seven days of the festival: thus R. Judah. Rabbi says: There is no need [to resort to this text] as it says: And the priest shall command that they empty the house²⁹ [before the priest goes in to see the plague that all that is in the house be not made unclean].³⁰ Now if [the inspection is] here delayed for his convenience, which is just an optional [matter],³¹ may it not all the more be deferred for his [due observance of a] religious obligation?³² What is the [actual] issue between them? — Said Abaye: Merely the different expository results obtained by each from his text. And Rab said, it is the delay of inspection in an optional [matter]³³ that is the issue between them, R. Judah [holding] that from the [other] text [cited above by Rabbi]³⁴ we cannot learn [this],³⁵ as it is an anomaly,³⁶

(1) Lev. XIII, 59.

(2) And he must declare one or the other, according to his findings.

(3) To make no inspection so as to avoid the adverse decision being given in the festival week.

(4) The order of the statements is reversed but not the substance.

(5) Viz., that R. Jose's ruling is appropriate to a case under second observation and R. Meir's to that of a confirmed leper.

- (6) The second Baraitha which regards the view of R. Meir as appropriate to a confirmed leper and that of R. Jose to a case under second detention.
- (7) Thus: R. Meir, having in mind a confirmed leper, says: 'Inspect him now to mitigate his plight. If he is still a leper, he loses nothing. If he is found cured, he can at once get back to the town by beginning his first ritual cleansing; and although he has thereupon to part from his wife for seven days, he does not mind it as he prefers to get back to his friends in town'. And R. Jose, thinking of the case of a second detention, says: 'No inspection! For if you find him a leper you must confirm him as such and send him into complete isolation, right away from everybody (save from his wife)'.
- (8) The first Baraitha quoted.
- (9) Thus: R. Jose, thinking of a confirmed leper says: 'No inspection! For if you examine and find him clean" (cured), he must at once begin counting seven days of his ceremonial cleansing (referred to *infra*) and live apart from his wife. Leave him alone, therefore, just now; he prefers his wife's company to getting back to the town'. And R. Meir, thinking of a case of second observation, says: 'Examine him to ease his plight. If you find him "clean" (cured) he is happy with the favourable decision; if "unclean", (make no pronouncement just yet, or) even if you declare him a confirmed leper and he had to be strictly isolated, he will not be much worse off, as he still retains his wife's company'.
- (10) As implied in the discussion.
- (11) 'And he that is to be cleansed shall wash his clothes . . . and bathe himself in water and he shall be clean; and after that he may come (back) into the camp, but he shall dwell . . . , Lev. XIV, 8.
- (12) Var. lec. (v. D.S., Han.) add here: 'As one under a ban and as a mourner and'; cf. *infra* 15b.
- (13) Deut. V, 27, which is taken to mean the removal of the injunction, 'Come not near a woman' before the theophany. Ex. XIX, 14-15 and Bez. 5b.
- (14) I.e., Rabbi, as in the texts of Sifra, ad loc. ed. Weiss, 71b and RID (R. Jacob David of Wishogrod) ed. Warsaw 1866, p. 61 and Yalk. π 561.
- (15) Ezek. XLIV, 26. Although that passage speaks of the ceremonial cleansing after contact with the dead — cf. Num. XIX, II, 12ff, 19 — it is taken exegetically, as having also a bearing on the leper's ceremonial cleansing. Cf. p. 35, n. 11e.
- (16) According to calculation. V. Rashi on II Kings XV, 1; and Tosaf. s.v. **ייתם**.
- (17) Cf. II Chron. XXVI, 19ff, and II Kings XV, 5.
- (18) That a leper may consort with his wife while a confirmed leper. This proves that Rabbi permits a confirmed leper the use of the conjugal bed.
- (19) Lev. XIV, 8 and Ezek. XLIV, 26.
- (20) Avoid marital connection.
- (21) There is no need or warrant to extend the restriction. V. Tosaf. s.v. **בזאי**.
- (22) During the festival week, in a case of a second observational detention, as suggested by Raba.
- (23) And not on the condition of the patient, or the ruling of Holy Writ which fixes definite periods for inspection and detention.
- (24) Lev. XIII, 14-15. The first part is rendered here according to the needs of the exposition.
- (25) Cf. Gen. XXIX, 27-28 with Nahmanides' commentary a.l. also J. Targum a.l.
- (26) Lev. XIV, 35-38.
- (27) Ibid. XIII, 47,50ff.
- (28) Mishnah, Sifra and Han. read 'all the days . . . , which is more correct than our text, as Shabu'oth is shorter and Tabernacles is longer than seven days.
- (29) Affected by symptoms of leprosy.
- (30) Lev. XIV, 36.
- (31) To save his effects in the house from becoming involved in defilement by the priest's declaration.
- (32) Marriage is ordained in Gen. I, 22 and II, 24; the joyous observance of festivals is ordained in Deut. XIV, 26 and XVI, 11, 14-15.
- (33) In the case of body leprosy (Rashi).
- (34) Lev. XIV, 36.
- (35) That inspection is delayed in an optional matter.
- (36) Lit., 'novel', something exceptional altogether. You cannot take an exceptional instance as a basis for argument or deductions.

Talmud - Mas. Mo'ed Katan 8a

inasmuch as wood and stones elsewhere are not subject to [ceremonial] uncleanness whereas here [in a house affected by leprosy] they are [made] subject to uncleanness. And [on the other hand] Rabbi says [that this text] is also needed.¹ For had the All Merciful prescribed [only], 'And on a day when [raw flesh] shall be seen in him . . .' I might have said that postponement [of inspection or pronouncement on the findings] is granted only for the [due observance of a] religious obligation, but not for the sake of an optional [matter]; therefore did the All Merciful prescribe also, 'And the priest shall command'. Again, had the All Merciful prescribed only 'And the priest shall command that they empty the house . . .', I might have said that [postponement is granted] in the case of these effects [of the house] because the uncleanness is not that of a person, but where the uncleanness is that of a person I might say that the priest should inspect him, [without delay]: therefore it is necessary [to have both texts].

The Master said: 'There is a day when you do see it in him and there is a day when you do not see it in him. How is this implied? — Said Abaye, If it is just so,² the Divine Law should have written: 'On a day [when]'; what then is the [import of] 'And on a day [when]'? From this you infer that there is 'a day' when you see in him . . . and there is 'a day' when you do not see . . . in him. Raba said: The whole text³ is redundant altogether for if it be just so,⁴ Divine Law might have had 'And when [raw flesh] is seen [in him]'. What then is the import of the [amplification] 'And on a day'?⁵ From this infer that there is a day when you do see it in him and there is a day when you do not see it in him.⁶ And Abaye?⁷ He needs that [to teach that the inspection is held] by 'day', and not at night.⁸ And whence derives Raba this [point] 'by day and not at night'? — It is derived by him from, 'According to all the sight of the eyes of the priest'.⁹ And Abaye? — He needs that [text] to exclude a person blind in one eye [inspecting a leper]. But does not Raba also require this text for that same point? — Yea, [he does] so also. But then, whence [does he derive the point] 'by day but not at night'? — He derives it from, 'Like as a plague was seen by me in the house',¹⁰ [that is, seen] by me, not by [the aid of] my [candle] light. And Abaye?¹¹ — If he did learn from there, I might have said that these [restrictions] obtain [only] where the uncleanness is not personal [of one's body]; but where uncleanness is that of the body, [it may be inspected] also by one's [candle] light. [Therefore] the [original] text¹² conveys it to us [best].

MISHNAH. FURTHERMORE R. MEIR SAID, A MAN MAY GATHER¹³ HIS FATHER'S AND MOTHER'S BONES,¹⁴ SINCE THIS IS [AN OCCASION] 'OF JOY' FOR HIM;¹⁵ R. JOSE SAYS, IT IS AN [OCCASION] 'OF MOURNING'¹⁶ FOR HIM. A PERSON SHOULD NOT STIR UP WAILING¹⁷ FOR HIS DEAD, NOR HOLD A LAMENTATION¹⁸ FOR HIM THIRTY DAYS BEFORE A FEAST.

GEMARA. AS IT IS A JOY FOR HIM. [The following] was cited in contrast to this: 'One who gathers his father's or mother's bones holds himself in mourning for them all the day,¹⁹ but in the evening he does not hold himself in mourning for them [any longer].' And R. Hisda commented thereon, even if he had them by him tied up in a sheet.²⁰ Said Abaye, I should suggest [it means], 'because the joyousness of the feast prevails with him'.²¹

A PERSON SHOULD NOT STIR UP A WAILING FOR HIS DEAD: What is the meaning of 'stirring up a wailing for one's dead'? Rab said: In Palestine [it is customary that] whenever a professional lamenter comes round people say, 'Let all those who are sore at heart weep with him.

THIRTY DAYS BEFORE A FEAST. Why [just] thirty days? R. Kahana said that Rab Judah as reporting Rab told him that once it happened that a man saved money to 'go up for the feast'²² [to Jerusalem] when a [professional] lamenter came and stopped at his door and the wife took her

husband's savings and gave them to him, and so he was prevented from going. Then it was that they [the Rabbis] said, One should not stir up a wailing for his dead, nor hold a [funerary] lament for him thirty days before a Feast; but Samuel gave another reason, namely,

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- (1) I.e., although Rabbi holds that delay is afforded in the case of body leprosy even for the sake of an optional matter on the analogy of leprosy of houses etc., yet he requires the verse quoted by R. Judah.
- (2) To be read just ordinarily.
- (3) The word 'on a day'.
- (4) To be read just ordinarily.
- (5) Which suggests, 'yet another day'.
- (6) Cf. Yeb. 72b.
- (7) Why does he not explain thus the redundant phrase 'on a day'?
- (8) Cf. Shab. 132a.
- (9) Lev. XIII. 12, so lit. This implies that it must be held by day when it can be seen well.
- (10) Ibid. XIV, 35.
- (11) Why does he not derive it from this latter text.
- (12) 'And on a day etc.' that there is a time when you see etc.
- (13) During the festival (week).
- (14) It was an ancient custom to give first a temporary burial, and after the flesh had decayed to transfer the bones to a reserved tomb or mausoleum, where they were kept in cedar or marble coffins. Cf. Sem. XII.
- (15) To perform a filial duty while he is free to go and 'bring them home' to their assigned resting place. There is another possible meaning, see the discussion later.
- (16) And should not be undertaken during the festival week.
- (17) The meaning apparently is (as explained by Rab later) to join others in lamenting their dead and resuscitate ones own old grief on the occasion. A funeral in the town or village provided a good occasion for such a renewed lament, when professional funerary orators, 'lamenters' and female dirge-singers, were available.
- (18) I.e., The ceremonial lament for an individual at the time of his death and funeral.
- (19) Contrary to R. Meir who allows it during the festival week and furthermore says, 'it is a joy for him'.
- (20) Even if he had not gathered them himself that day, their presence is mournful enough and it is surprising that R. Meir allowed transference and even said 'it was a joy for him'.
- (21) Not that it is an occasion of joy, but that the joy of the festive season prevails in dispensing with formal mourning. Or, that the performance of his filial duty will afford him a sense of satisfaction throughout the remaining festival days (J.M.K.).
- (22) On one of the three pilgrim feasts. V. Deut. XVI, 16. Cf. Ex. XXIII, 14ff. ibid. XXXIV, 23. The festival atmosphere is introduced by the study and discussion of its laws thirty days before. Pes. 6b.

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because the dead cannot be put out of mind and heart for [at least] thirty days. What practical difference is there between the two [explanations]? — There is [a difference] between them, where [say], the [professional] lamenter does it without a charge.¹

MISHNAH. KUKIN² AND BURIAL PLACES³ MAY NOT BE DUG IN THE FESTIVAL [WEEK]: BUT KUKIN MAY BE ADAPTED⁴ DURING THE FESTIVAL [WEEK] AND A NIBREKETH⁵ MAY BE MADE IN THE FESTIVAL [WEEK] AND A BOX, WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]: R. JUDAH FORBIDS, UNLESS THERE ARE SAWN BOARDS AT HAND.

GEMARA. What are KUKIN and what are BURIAL PLACES? — Said Rab Judah, kukin are [recesses made] by excavation and 'burial-places' [are structures made by] building. It is [actually] taught thus: 'These are kukin and these are burial places: Kukin, are [niches made] by excavation and 'burial places' are [structures made] by building'.

BUT KUKIN MAY BE ADAPTED. How are they adapted? — Rab Judah said: If [for instance] one is [too] long it may be shortened. A. Tanna taught: ‘He lengthens or shortens [the recess] within⁶ [the cave]’.

AND THEY [MAY] MAKE A NIBREKETH⁷ . . . What is NIBREKETH?⁸ — Rab Judah said: It is [the same as] bekia’.⁹ But then, is it not taught: ‘The nibreketh and the bekia’ [etc.]?¹⁰ — Abaye, or as some say R. Kahana, replied [They have the same relation as] a trough and a troughlet.¹¹

AND A RON WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]. We learn here what our Rabbis taught [elsewhere]: ‘They [may] do all that the dead requires, they cut his hair and wash a garment for him and make him a box of boards that had been sawn on the day before the Festival. Rabban Simeon b. Gamaliel says, they [may] even bring trees and he saws them [into] boards in his house, behind closed doors’.

MISHNAH. ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK], WHETHER A VIRGIN OR A WIDOW, NOR EFFECT A LEVIRATE MARRIAGE,¹² AS IT IS A REJOICING FOR THE GROOM; BUT ONE MAY REMARRY HIS DIVORCED WIFE. AND A WOMAN MAY MAKE HER ADORNMENTS IN THE FESTIVAL [WEEK]. R. JUDAH SAYS, SHE MAY NOT USE LIME,¹³ AS THAT IS A [TEMPORARY] DISFIGUREMENT TO HER. AN ORDINARY PERSON SEWS IN THE USUAL WAY; BUT A CRAFTSMAN SEWS A TUCK-STITCH.¹⁴ AND THE CORDS¹⁵ IN BED-FRAMES MAY BE INTERLACED. R. JOSE SAYS, THEY MAY [ONLY] BE TIGHTENED. GEMARA. [A REJOICING FOR THE GROOM]. And if it is a rejoicing for him, what is amiss? — Said Rab Judah, as reporting Samuel, and so said R. Eleazar, as reporting R. Oshaia — and some say, R. Eleazar, as reporting R. Hanina: — It is [barred], because one ‘rejoicing’ may not be merged in another ‘rejoicing’.¹⁶ Rabbah son of R. Huna said: It is [barred] because he abandons the ‘rejoicing’ of the festival and busies himself with that of his wife. Said Abaye to R. Joseph: That explanation of Rabbah son of R. Huna is the same as that given by Rab. For R. Daniel b. Kattina reporting Rab, said, Whence [is the ruling] that ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK]? For it is said, And thou shalt rejoice in thy feast,¹⁷ [that is,] in ‘thy feast’, but not with thy [new] wife [instead]. ‘Ulla said, [It is] because of the exertion [it occasions]. R. Isaac b. Nappaha said, Because it may cause a decline in marriage and parenthood.¹⁸

An objection was raised: ‘All those who have been declared to be forbidden to take wives during the festival [week]

(1) According to the former view (of Rab), even if performed gratis it may not be held, as the bitterness and grief are thereby being roused too near the festive time. Cf. Tosaf. s.v. דקא.

(2) כוכין (plural of כוך) are loculi, or recesses, excavated in the sides of a sepulchral cave. V. B.B. 100bff, (Sonc. ed. p. 421ff.)

(3) A sepulchral tomb, mausoleum, built above the ground.

(4) I.e., one of the loculi already excavated may be adapted to receive a particular corpse during the festival week.

(5) נברכת seems to denote a kind of (stone) tank, or trough used by fullers in which they soaked and cleansed soiled woollens. Cf. B.B. 19a. (Sonc. ed. p. 96). From the context however, it is quite obvious as Ritba points out — that here it is not the fuller's trough or tank, but the dead man's sarcophagus, a stone, clay or wooden coffin (box) that is allowed, such as the labella-troughs used as coffins.

(6) Tosef. M.K. I, 9.

(7) V. p. 42, n. 5.

(8) This word (connected with ברכה — the fuller's trench or pool in Isa. VII, 3) is most probably of Assyrian origin as the form with initial N instead of M suggests, cf. מרכבת with narkabtu. V. J.H.

(9) A small hollow creek.

(10) Which shows that they are not identical.

(11) Lit. , 'son of a trough'.

(12) The marriage of a deceased's brother's widow, if the deceased had died absolutely childless. This was an obligation on the brother to keep his deceased brother's memory alive. Deut. XXV, 5ff.

(13) As a depilatory.

(14) Or with irregular stitches, like a dog's teeth. It means here that a craftsman should not do skilled work, only what is barely needed for the festival week.

(15) Or girths that support the bedding.

(16) I.e., the festival will lose its own significance in the marriage festivities.

(17) Deut. XVI, 14.

(18) Lit., '(the precept of) being fruitful and multiplying. If marriages were to be deferred till the festival season when people are free, there would be a likelihood that some might never take place at other times, apart from the congestion that such a practice might cause; and others might come to nothing because of the delay through innumerable other causes. Marriage and parenthood are a primary duty of man and should receive every consideration. Cf. Gen. I, 27-28; II, 18, 24; IX, 1; Isa. XLV, 18.

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are free to marry on the day previous to the festival', which presents a difficulty to all those authorities. — There is no difficulty: As to one who states [that it is forbidden] because of the 'rejoicing', [it may be said that] the main rejoicing [of a marriage celebration] lasts mainly one day.¹ As to the one who states [that it is] because of the exertion [it occasions here too] the main exertion falls on one day.¹ As to the one who says [that it is] because it may lead to a decline in marriage and parenthood, [it may be said] that for the sake of one day² a person would not put himself off [indefinitely].³ Whence do we derive the principle that 'rejoicing should not be merged in rejoicing'? From the text: So Solomon made the feast at that time and all Israel with him, a great congregation from the entrance of Hamath unto the Brook of Egypt, before the Lord our God seven days and seven days, even fourteen days.⁴ Now, if it is the fact that one rejoicing may be merged in another rejoicing, he should have kept back the consecration ceremony [of the Temple] for the time of the feast and then have held it for seven days [concurrently], for both one and the other.⁵ Maybe that the rule is [only] that we should not [deliberately keep a marriage] for the time of a festival,⁶ but where it so turns out to be [opportune], we might as well hold it then? — [If so], Solomon should have left some small part [unfinished].⁷ But perhaps this could not be done because we brook no delay in the building of the Temple!⁸ — Then he could have left [say], an ell of the Ravens' Scare Palisade.⁹ [But, it may be asked,] The ell of the Ravens' Scare Palisade was an essential part of the Temple building!¹⁰ Rather [it is derived] from [the fact that] the text is redundant. Consider, it is written 'fourteen days', wherefore the need of 'seven days and seven days'? Infer from this that these [first] seven days and those [second] seven days were distinct from each other.

R. Parnak, reporting R. Johanan, said that that year Israel did not observe the Day of Atonement, whereat they were perturbed, saying, that perhaps the enemies of Israel¹¹ had thereby incurred their doom;¹² whereat a Bath Kol¹³ came forth and announced to them: 'All of you are destined for the life of the world to come.'¹⁴ What was the basis of their exposition? — They argued a fortiori [thus]: If within the Tabernacle, the sanctity of which was not to be in perpetuity,¹⁵ yet an individual's sacrificial gifts¹⁶ were allowed [at the consecration] to be offered on the Sabbath day,¹⁷ which [ordinarily] is an offence punishable by stoning¹⁸ to death; all the more is it the case [that it is permitted] with the Temple, the sanctification of which is to be for ever, and with public¹⁹ offerings, and that on the Day of Atonement, whose desecration is an offence punished only by kareth! But then, why were they perturbed? — Because there [in the former case] the offerings were brought as dues to the Supreme Being,²⁰ whereas here, they were brought for their [own] common needs.²¹ Then here too, should they not have made their offerings without partaking [on that day] of any meat or drink?²² — There is no joyous celebration without eating and drinking.²³

Whence do we know that at [the consecration of] the Tabernacle the Sabbath restrictions were suspended? Shall I say because it is written, 'On the first day [So-and-so offered] . . . on the seventh²⁴ day [So-and-so offered], then [say I], maybe it means the seventh day [in the order] of the offerings?²⁵ Said R. Nahman b. Isaac: The text says, 'On the day of the eleventh, day'²⁶ just as a day is continuous, so were the eleven days continuous.²⁷ But perhaps, it means [continuous] on days appropriate?' — Then there is yet another such text, On the day of the twelfth day,²⁸ — just as a day was continuous, so had the whole twelve days been entirely continuous. But that too, maybe means only continuous on days appropriate? — If that be so, why do I require two [peculiarly worded] texts?

Again, whence do we know that during the consecration of the Temple the restrictions of the Day of Atonement were suspended? — Shall I say because it is written, 'even fourteen days', maybe it means days appropriate?²⁹ — That is learnt from the analogy between the repeated word 'day' here and in the other place.³⁰

'Whereat a Bath kol came forth and announced to them: "All of you are destined for the life of the world to come".' And whence know we that pardon was granted them? — For R. Tahlifa taught: [It is written], On the eighth day he sent the people away and they blessed the king and went unto their tents joyful and glad of heart for all the goodness that the Lord had shown unto David His Servant and to Israel His people.³¹ 'To their tents', that is, they went [home] and found their wives in [a state] of purity³² [to receive their husbands]; joyful', that is, that they had enjoyed the radiance of the Shechinah;³³ 'and glad of heart', that is, each man's wife conceived and bore him a male child. 'For all the goodness' that is, a Bath kol had come forth and announced to them: 'All of you are destined for the life of the world to come ; That the Lord had shown unto David His servant and to Israel His people': It is perfectly clear [as to what is referred to] by 'all the goodness shown to Israel His people', as indicating that God had granted them pardon for their sin against [the non-observance of] the Day of Atonement; but what is the point of 'the goodness shown unto David His servant'? — Said Rab Judah, as reporting Rab; At the moment when Solomon wanted to bring the Ark into the Temple, the gates held fast together. Solomon recited [a prayer of] four and twenty [expressions of] intercession³⁴ but had no response. He began [anew] and said: lift up your heads, O ye gates³⁵ and again he had no response. As soon as [however] he said: [Now therefore arise, O Lord God . . . Thou and the Ark of Thy strength . . .] O Lord, turn not away the face of Thine anointed, remember the good deeds of David Thy servant,³⁶ he was answered forthwith.³⁷ At that moment the faces of David's foes turned [livid] like the [blackened] sides of a pot and all became aware that the Holy One, blessed be He, had pardoned David that misdeed.³⁸

R. Jonathan b.'Asma³⁹ and R. Judah son of proselyte parents were studying the section of 'Vows'⁴⁰ at the school of R. Simeon b. Yohai. They had taken leave from him in the evening, but in the morning they came and again took leave from him. Said he to them: But did you not take leave of me yesternight? Said they to him: Our Master, You taught us, a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once again, for it is said: 'On the eighth day⁴¹ he [King Solomon] sent the people away and they blessed the King,⁴² and [then] it is written: 'And on the three and twentieth day of the seventh month he sent the people away'.⁴³ Hence we learn from here that a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once again. Said he to his son, 'These are men of countenance,⁴⁴ go along with them, that they may bless you'. He went and found them comparing text with text: It is written: Balance the path of thy feet and let all thy ways be established;⁴⁵ and it is written: Lest thou shouldst balance the path of life?⁴⁶ It is not difficult [to explain]: the former text applies where an obligation can be discharged through another person:⁴⁷

(1) In this case on the eve of the festival.

- (2) The eve of the festival.
- (3) For fear he might be prevented from marrying on that day.
- (4) I Kings VIII, 65, and more particularly, II Chron. VII, 9.
- (5) To spare the people loss of time and work, as it could best be celebrated leisurely during the festival week.
- (6) Even as we find that Solomon did not keep back the consecration.
- (7) To be completed just before the festival so that the consecration be held on the festival. As reported, Solomon's Temple had been completed some time before. V. I Kings, VII, 51 — VIII, 1 and II Chron. V, 1-3,
- (8) And thus the Temple of Solomon affords no proof for the principle against merging one joy with another!
- (9) A projecting palisade of iron spikes, or according to others a sheet of iron one ell wide, was fixed with sharp edge upward all round the Temple walls. V. Mid. IV, 6 and cf. Josephus, Wars, V, 5, 6.
- (10) And likewise brooked no delay.
- (11) A euphemistic expression for 'Israel'.
- (12) Lev. XXIII, 29-30, threatens the non-observance of the Day of Atonement. by working and eating with the penalty of kareth.
- (13) Lit., 'the daughter of the voice'. V. Glos. and R. Hirsch Chajes' study of the subject Immrei Binah, chap. VI.
- (14) I.e., they felt reassured of their spiritual existence in the after life.
- (15) Temporary, to be replaced by a permanent structure after the settlement in the Land of Promise.
- (16) Num. VII, records the gifts which the Princes of the tribes, as individuals, brought day after day, in succession, among them 'burnt-offerings' and 'sin-offerings' which were not permitted to be eaten by the donors or the people, and the male priests alone were allowed to eat of the sin-offerings as if partaking of 'the table of the Lord'.
- (17) Only the prescribed offerings were permitted on Sabbaths and festivals. Cf. Num. XXVIII.
- (18) If the desecration was deliberate. Ex. XXXI, 14; XXXV, 2-3. For the expression מות יומת (as by stoning), v. Lev. XX, 2, 27 and Num. XV, 32-36.
- (19) I Kings VIII, 62-64, more than the sacrifices prescribed for the consecration of the Tabernacle (Lev. VIII, IX), which were permitted to the priests alone as sacred meat, whereas here they brought many 'peace-offerings' to be partaken of by the whole community. Cf. Lev. VII, 11-16 and I Sam. IX, 19-24.
- (20) V. note 3 above.
- (21) Making 'peace-offerings' for their own enjoyment, mainly, as only a portion was given to the altar and the priests, and the bulk went to the people.
- (22) Fasting, v. supra p 45. n. 9.
- (23) Cf. I Sam. IX, 19-24 cited above at the end of n. 6.
- (24) Num. VII, 12, 18 and 48, the seventh day here being the Sabbath.
- (25) I.e., every day, the Sabbath excepted, when no other offerings save those prescribed for the Sabbath day were offered.
- (26) Num. VII, 72. The repetition of the word 'day' is taken to express the meaning 'day by day', daily without interruption. Cf. verse 11 and Solomon's prayer, I Kings VIII, 59; Lev. XXIV, 8.
- (27) I.e., gift-offerings were brought consecutively on each of the twelve days.
- (28) Num. VII, 78.
- (29) For feasting, exclusive of the Day of Atonement.
- (30) In connection with the offerings in the Tabernacle and here in the repetition 'seven days and seven days, even fourteen days'. This method of analogy is the Gezerah Shawah. See Glos.
- (31) I Kings, VIII, 66.
- (32) On the meaning of tent' as denoting wife, cf. supra 7b. As regards the state of purity referred to here, v. Lev. XVIII, 19 and XX, 18; XV, 19-24.
- (33) The elation of feeling the Divine Presence near.
- (34) In I Kings, VIII, 22-53, the expressions for intercession (in their nominal and verbal forms) amount to twenty-four, namely: Five in v. 28; two in 29; two in 30; two in 33; one in 35; two in 38; one in 42; one in 44; two in 45; one in 47; one in 48; two in 49; two in 52, total, twenty-four.
- (35) Ps. XXIV, 7ff.
- (36) II Chron. VI, 41-42.
- (37) The gates yielded an entry.
- (38) Against Uriah the Hittite and his wife Bath-sheba, II Sam. XI.

- (39) Many texts have b. Akmai. The theme here on taking leave from a master is in continuation of Solomon's farewell to the people.
- (40) I.e., they were pursuing the method of Midrashic exposition of Num. XXX, on the law of vows ultimately formulated in the Mishnah.
- (41) The eighth day was the twenty-second of Tishri, when they bade the King farewell.
- (42) I Kings VIII, 66.
- (43) II Chron. VII, 10. Which apparently contradicts the former verse.
- (44) Men of importance.
- (45) Prov. IV, 26, i.e., carefully pick and choose your actions and duties.
- (46) Ibid. V, 5, i.e., do not pick and choose.
- (47) Should duty's calls come from several directions some of which may be discharged through some other trusty person, choose the more important and responsible tasks for yourself.

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the latter where the obligation cannot be discharged through another person.¹ Again they were sitting and enquiring [into the following]: It is written: She [Wisdom]² is more precious than rubies; and all the things thou canst desire are not to be compared unto her',³ [which implies] that heaven's demands [of you] are comparable to Her,⁴ Again it is written: And all things desirable are not to be compared unto Her,⁵ [which means] that even things that are of Heaven's desire are not comparable to Her?⁶ The former text applies where the duty can be discharged through others, the latter — where the Duty cannot be discharged through others. Then [turning to him] they said: 'What is your business here?'⁷ He replied: 'Father told me, "Go along with them that they may bless you".⁸ Said they to him: 'May it be [Heaven's] pleasure that you sow and mow not; that what you bring in go not out; that what goes out you bring not in; that your house be desolate and your inn be inhabited; that your board be disturbed and you behold not a new year'. 'When he came home to his father, he said to him: 'So far were they from blessing me that they [even] distressed me sorely'. His father asked him: 'What did they say to you?' — They said thus and thus. Said the father to him: 'Those are all blessings. That "you sow and mow not [means], that you beget children and they do not die. That "what you bring in go not out" [means], that you bring home daughters-in-law and your sons do not die, so that their wives need not leave again. "What goes out you bring not in" [means], that you give your daughters [in marriage] and their husbands do not die so that your daughters need not come back. "That your house be desolate and your inn be inhabited" [means], that this world is your inn and the other world⁷ is a home, as it is written, Their grave is their house for ever;⁸ reading not "their inward thought" [Kirbam] but "their grave (Kibram) is their house for ever, and their dwelling places be for generations."⁸ "That your board be disturbed" [that is]; by sons and daughters and "that you behold not a new year [means] that your wife do not die and you have not to take you a new wife'.⁹

R. Simeon b. Halafta took his leave from Rabbi.¹⁰ Said Rabbi to his son: 'Go along with him that he may bless you' — Said [the parting Rabbi] to him: 'May it be [Heaven's] pleasure that you be not put to shame nor feel ashamed yourself'.¹¹ When he came to his father, he asked him: 'What did he say to you?' — He replied: 'He made some commonplace remark¹² to me — Said [Rabbi] to his son: 'He blessed you with the blessing with which the Holy One [blessed be He] blessed Israel twice over; for it is written: And ye shall eat in plenty and be satisfied and shall praise the name of the Lord your God . . . And My people shall never be ashamed. And ye shall know that I am in the midst of Israel, and that I am the Lord your God, and there is none else; and My people shall never be ashamed.¹³

AND A WOMAN MAY MAKE HER TOILET DURING THE FESTIVAL [WEEK]. Our Rabbis taught: These are [permitted in] woman's adornment. She [plaits her hair]¹⁴ treats her [eyes] with kohl; fixes a parting,¹⁵ [trims her hair and nails¹⁴ and] puts rouge on her face; some say she may use a razor for her privy parts. R. Hisda's wife made her toilet in front of her daughter-in-law.¹⁶ R. Hina

b. Hinena sat before R. Hisda;¹⁷ as he sat he said that the instances [mentioned in the Mishnah] applied only to a young woman, but not to an elderly woman. Said R. Hisda to him: God! even to your mother, even to your mother's mother, yea even if she be standing at the [brink of the]¹⁸ grave, as the saying goes: 'At sixty as at six; the sound of a timbrel makes her nimble'.¹⁹

R. JUDAH SAYS SHE SHOULD NOT USE LIME. It is taught: R. Judah says, a woman should not use lime, as it is a disfigurement to her. R. Judah concedes, however, that [if it is] a lime [preparation] that can be peeled off during the festival week she may apply it during the festival week, because, although it is irksome to her at the moment, It is a pleasure to her afterwards. But does R. Judah hold this view? Surely we learned [elsewhere]: 'R. Judah said, Debts may be recovered [from pagan creditors during their festivals] as it is irksome to them'. They said to him, Although it is irksome [for them] at the moment, they feel pleased afterwards?²⁰ — Said R. Nahman b. Isaac, Do not cite the rules for the festival week, as they all derive from the principle 'that though [the task] is irksome for the moment, it gives satisfaction afterwards'.²¹ Rabina remarked that [the recovery of debts is allowed because] to a pagan the payment of a debt is always irksome.

Rab Judah [reporting Rab]²² said: The daughters of Israel, who attain puberty before the [normal] age,²³ if they are poor, put on a cosmetic preparation made of lime; richer girls put on fine-flower,²⁴ and the wealthy²⁵ girls put on oil of myrrh, as it is said: 'Six mouths with the oil of myrrh'.²⁶ What is this 'oil of myrrh'? — Said R. Huna b. Hiyya, [It is what is called] stacte.²⁷ R. Jeremiah b. Ammi²⁸ said, It is oil obtained from olives that have reached but a third of their [normal] growth. It is taught: 'R. Judah says omphacinon²⁹ is an oil made of [unripe] olives that have reached but a third of their [normal] growth' — And why do they put it on? Because it is a depilatory and softens the flesh [skin].³⁰ R. Bebai had a dark-skinned³¹ daughter; he applied to her that unguent one limb at a time and this brought her a husband with four hundred zuzim.³² There was a pagan neighbour of his who had a daughter, and he applied it all over her at once [and] she died; [whereupon] he said, Bebai killed my daughter. Said R. Nahman: 'R. Bebai drinks beer, therefore his daughters needed unguents; [but as] we do not drink beer, our daughters need no unguents'.³³

(1) If there be no trusty person at hand or there be but one call, do not delay action to wait for some more important task; be it great or small, do it promptly, as delay may rob you of your chance of doing it, or you may be too late to do anything at all.

(2) The Torah.

(3) Prov. III, 15.

(4) I.e., your own affairs and wishes are not comparable to the study of Torah; but such pursuits as please Heaven, the calls of duty and religion, are comparable to it.

(5) Ibid. VIII, 11.

(6) I.e., nothing else is comparable to the study of Torah, it is absolutely supreme.

(7) The sepulchre; cf. the term **בית עלמי** and v. Eccl. XII, 5 and Han.

(8) Ps. XLIX, 12. Cf. Targum.

(9) V. Deut. XXIV, 5.

(10) Should be Rabbi instead of Rab.

(11) Reading with MS.M., SBH and Han. **לא תיבוש** the more difficult text, but supported by Rabbi's observation. Cur. edd., 'that you shame not (others) nor feel ashamed' does not accord with the quotation.

(12) So MS. M., cur. edd., 'mere words'.

(13) Joel II, 26-27. The same assurance repeated twice.

(14) So Hananel.

(15) So Ps. Rashi and SBH. Perhaps it means making the hair frizzy or curled. Cf. Shab. 64b, Keth. 4b and 17a.

(16) To show what may and what may not be done. (SBH not so Ps. Rashi). V. Strashun's Glos. ad loc.

(17) To expound the Mishnah (SBH).

(18) So D.S. and SBH.

(19) Lit., 'run', to see a wedding procession. On the custom cf. B.B. 145b (Sonc. ed. p. 625).

- (20) V. A.Z. 6b. The idea is to avoid any dealings with pagans
 (21) E.g., baking, cooking etc., troublesome at the moment but enjoyed later.
 (22) So Han.
 (23) Lit., 'years', the statutory age of twelve years and one day.
 (24) A cosmetic paste.
 (25) Lit., 'daughters of kings'. Cf. The Latin use of rex, reges for rich.
 (26) Esth. II, 12.
 (27) Latin stacta, oil of myrrh.
 (28) So D.S.; SBH and Meg. 13a read 'b. Abba'.
 (29) Latin omphacium, oil or juice of unripe olives or grapes.
 (30) Cf. Targum Sheni on Esth. II, 12.
 (31) So MS.M.
 (32) As a gift before marriage. Cf. B.B. 146a (Sonc. ed. p. 628).
 (33) Beer produces obesity and growth of hair (Rashi).

Talmud - Mas. Mo'ed Katan 10a

AN ORDINARY PERSON SEWS IN THE USUAL WAY. How do we define 'an ordinary person'? — At the school of R. Jannai they said, [It means] anyone who cannot draw a needful

during their festivals, as the means afforded them by the Jew may go to enhance the heathen celebrations. The settlement of a debt leaves the debtor with an easy mind. of stitches in one sweep. R. Jose b. Hainna said, [It means] anyone who cannot sew an even seam on the hem of his tunic.

BUT A CRAFTSMAN MAY SEW A TUCK-STITCH. What is meant by sewing a 'tuck-stitch'? — R. Johanan said, [It means] 'overstepping'.¹ Rabbah b. Samuel said, [It means that the stitches resemble] dogs' teeth.²

AND THE CORDS MAY BE INTERLACED IN BED-FRAMES. [R. JOSE SAYS THEY MAY ONLY BE TIGHTENED]. What is meant by 'interlacing' and what by 'tightening'? When R. Dimi came [from Palestine] he said that R. Hiyya b. Abba and R. Assi had different views on this, both reporting in the name of Hezekiah and R. Johanan. One said that 'interlacing' meant [interlacing] both the warp and the woof, and that 'tightening' meant putting in the warp without the woof;³ while the other said that 'interlacing' meant putting in the warp without the woof, and tightening' meant that he may tighten a girth cord if it has become slack.

But this cannot be [correct], for R. Tahlifa⁴ b. Saul taught: 'And all agreed that no cords may be let in afresh'. Now this is perfectly in accord with the one who says that the 'interlacing' [permitted in the Mishnah] means interlacing both the warp and the woof, and that the 'tightening' [that R. Jose permitted] means putting in the warp without the woof; hence R. Tahlifa could say: 'And all agreed that no cords may be let in afresh' — But, according to one who says that 'interlacing' means putting in the warp without the woof and that 'tightening' means that he may tighten a cord if it has become slack, [how do you explain R. Tahlifa b. Saul's statement? For,] if you say that interlacing the warp and the woof is forbidden, need one [at all state] that cords are not to be let in afresh? — This is a difficulty. Said R. Nahman b. Isaac to R. Hiyya b. Abin: Is there anybody who applies the term 'Interlacing' to inserting a warp without the woof? For surely we learned:⁵ R. Meir says: A bed [frame] is not [subject to ritual defilement] until three warp spaces in it have been crossed? The fact is that when Rabin came [from Palestine] he said that all agree that 'interlacing' means interlacing the warp and woof; but where the difference arose was on the interpretation of 'tightening'; one Master held that the 'tightening' [that was permitted] was inserting the warp without the woof, and the other Master held [that what was allowed was] the tightening of a cord which has become slack. An objection was raised: Bed-frames may be interlaced [during the festival week] and needless to

say that they may be tightened: these are the words of R. Meir. R. Jose says: They may be tightened, but not interlaced and 'Some say'⁶ that tightening may not be done at all — Now here [the several views are] perfectly [understandable] according to the one who says that by 'tightening' is meant 'inserting the warp without the woof', as then, 'Some' come and express their dissent [on that kind of mending]. But according to the one who says that by the 'tightening' [which is allowed] is meant that when a cord has become slack one may make it taut, then according to the view of 'Some' not even this [simple adjustment] is allowed! — Yes, indeed; because, since it is possible [temporarily] to fill [the sag] with bedclothes, we should not go to [further] exertion [during the festival week].

MISHNAH. AN OVEN STOVE⁷ OR MILL MAY BE SET UP [IN POSITION] DURING THE FESTIVAL [WEEK]; R. JUDAH SAYS, A PAIR OF MILLSTONES IS NOT TO BE COMPRESSED FOR THE FIRST TIME [IN THE FESTIVAL WEEK].

GEMARA. What is meant by 'compressing'? — Rab Judah said that [it means] chiselling⁸ the millstones; R. Jehiel said, It means [fixing] an eye-hole.⁹ An objection was raised: An oven or stove [or mill] may be set up in the festival [week], provided that the work is not entirely completed; these are the words of R. Eliezer; but the Sages say, It may even be finished off. R. Judah, speaking in his¹⁰ name says: A new one may be set up and an old [mill] compressed, and 'Some'¹¹ say compressing may not be done at all. Now this accords well with the one who says that 'compressing' means scoring the mill [stones], hence this process is applicable in the case of an old mill; but according to the one who says that it means [fixing] an eye-hole, what fixing of an eye-hole does an old mill need?¹² — I may say, for instance, that it needs widening a little more. R. Huna [once] hearing someone scraping his millstones during the festival week said: 'Who is that? May he himself suffer desecration that desecrates the festival week!' He [evidently] held the view of 'Some say' [cited above]. R. Hama expounded:¹³ 'One [may] scrape millstones during the festival [week]'. In the name of our Master¹⁴ they said: One [may] trim the hoofs of the horse he rides or the ass he rides during the festival week;

(1) Like a baste stitch, hot contiguous but in and out on either side of the material, alternatively.

(2) Irregular in form, or unevenly. Cf. n. 9. on the Mishnah, supra 8b, p. 43.

(3) I.e., putting in a cord or webbing in one direction only.

(4) MS.M.: Halafta.

(5) Kei. XVI, 1: 'Straight wooden frames, such as are used for litter or cradle, are not subject to ritual contamination until they are rubbed smooth with a fish-skin; R. Meir says, not (even then) until (the cords have been let in) and three spaces have been crossed by the woof cord'.

(6) Representing the view of R. Nathan the Babylonian. V. Hor., Sonc. ed. p. 104.

(7) Probably of clay.

(8) Scoring the grooves or scraping and removing the sediment of flour dust to make the two stones fit closely together.

(9) Of the upper stone, the runner, through which the grain is poured in.

(10) R. Eliezer's: he often cites R. Eliezer's views, which were stricter, as being of the Shammaite school.

(11) R. Nathan the Babylonian. V. p. 54, n. 2.

(12) Surely an old mill has an eye-hole already.

(13) On a Sabbath within a month before the festival.

(14) So Han. MS. M. and many texts, i.e., Rab, which is the correct reading (not R. Meir of cur. edd.).

Talmud - Mas. Mo'ed Katan 10b

but not those of the ass turning the mill.¹ Rab Judah² declared it permissible to trim the hoofs of the ass turning the mill or to set up the mill or build a mill, or to construct a base for the mill or build a horse stable. Rab³ declared it permissible to curry horses and to construct a bed⁴ or make a mattress-box.⁵ Raba allowed bleeding of cattle during the festival week. Said Abaye to him: There is a Tanna who supports you: Cattle [may] be bled and no curative means are [to be] withheld from an

animal during the festival week'. Raba allowed fulled clothes⁶ to be rubbed.⁷ On what ground? It is an ordinary unskilled process. Said R. Isaac b. Ammi, as citing R. Hisda: To pleat sleeve-ends⁸ is forbidden; on what ground? Because that is a craftsman's process.

Raba said: [With regard to] a man who levels up his ground, if it is to even [the slope of] the threshing floor⁹ it is allowed; if merely to level the soil, it is forbidden. How can one tell? If he takes up heaped [soft] soil to heap on [soft] soil, or stiff soil to lay on stiff soil, it shows that [it is done] for [improving] the threshing floor; but if he takes up heaped [soft] soil and casts it on the stiff soil, this shows that it is for [improving] the ground.¹⁰

Raba said: With regard to one who clears his field [of chips of wood], if it is for gathering [fire] wood, it is allowed; if for clearing the ground, it is forbidden. How can we tell? If he picks up the larger pieces and leaves the smaller, this shows that it is to gather [fire] wood; but if he picks up both large and small, this shows that it is to clear the field. Raba said also: With regard to one who opens [sluices] to let water run off into his field, if it be to get the fish,¹¹ it is permitted; if it is to water the soil, it is forbidden. How can we tell? If he opens two flood-gates one above¹² and another below,¹³ this shows that it is for getting the fish; but if only one gate, it is [obviously] for watering the soil. Raba further said: With regard to one who trims his palm,¹⁴ if it is for the [benefit of his] beasts it is allowed; but if for the [benefit of the] palm it is forbidden. How can we tell? If he trims one side only, this shows that it is for the beasts; if both one side and the other, it is for the [benefit of the] palm, and it is forbidden. And furthermore said Raba: Those [unripe] tauhla¹⁵ dates one may pick, but to press them is not permitted. R. Papa remarked that as [if these are left] the worms get at them, they are on the same footing as a business deal¹⁶ [the postponement of which] would entail loss,¹⁷ and therefore may be [pressed during the festival week]. Raba also said: Any business transaction whatsoever is forbidden. R. Jose b. Abin said: And if there be a risk of loss, it is permitted. Rabina had some deal on hand which would have fetched six thousand zuzim;¹⁸ he deferred the sale till after the festival and sold at twelve thousand. Rabina had advanced some money to the people living at Akra di-Shanutha.¹⁹ He came to consult R. Ashi and said: 'What about going over to them just now [during the festival week]?' — Said R. Ashi to him: 'As they had ready cash just then which they might not have later, it is [practically] like a deal [the postponement of which] would entail loss, and [accordingly] is allowed'. It is also similarly taught with reference to heathens: One may go

(1) As not being so urgent.

(2) Of Pumbeditha, Rab's disciple.

(3) Readings vary.

(4) Latin, grabatus, a Macedonian article of furniture, a very low bedframe or couch. V. the references in Tosaf. s.v. Ps. Rashi takes it as meaning a crib.

(5) Stibadium or stibas (Greek) a pallet or mattress, a semicircular low seat for lounging. Cf. Pliny's Letters, V, 6.

(6) קירמי are fulled or carded sheets of cloth (from the Latin carminare) worn as a mantle or used as coverlets and tapestries. Cf. Suk. 10a, also Kel. XXIII, 4.

(7) Han. explains (in Arabic) as 'damping to be rubbed and twisted to make them soft (or pliable)'. V. B.M. Lewin, Otz. Hag. IV, Mashkin, II, no. 173.

(8) Reading קיטורי בי ידי. Lewin, op cit. Yom-tob p. 5, no. 164. Cf. Lat. manicatae tunicae. According to another reading קיטורי בירי; to 'pleat' or 'bleach' (with sulphur fumes or with scented perfume ingredients) mantles, birri (Jast. s.v. ביריא. According to Gaonic explanation (Lewin, Otz. Hag. IV, Yom-tob, p. 55, no. 164) as al-akmis (Arabic), Camisoles, shirt-tunics. Cf. Persian pirahan.

(9) Which was raised in the centre sloping outwards.

(10) Which means that he is simply working the field during the festival week.

(11) When the water is run off.

(12) The water that carries the fish into the next section.

(13) To run off the upper water leaving the fish lower down in the shallows.

(14) Removing the foliage and young shoots.

(15) Syriac, Arabic, from Assyrian *tuhallu* (Brockelmann 70b) *palmulla praematura*. Cf. Hag. 15b.

(16) Lit., 'business transaction'.

(17) Risk of a loss may be prevented during the festival week. V. *supra*, 2a, p. 3.

(18) Same as (silver) *denarii*.

(19) The foot of *Shanwatha*. V. Obermeyer L.B. 268. From B.M. 73b, (Sonc. ed. p. 425), we learn it was a deal in wine.

Talmud - Mas. Mo'ed Katan 11a

to a heathen fair and buy cattle, male and female slaves, houses, fields and vineyards, and draw up contracts and have them registered at their Registry Offices,¹ because it is [practically] like rescuing something of which they [the heathens] had got possession. Rab permitted R. Hiyya b. Ashi to mend basket-traps² during the festival week. What is the reason? — It is ordinary [unskilled] work; but [to mend] mesh-nets is forbidden. What is the reason? It is work of craftsmanship. Rab Judah allowed Ammi the ovenmaker to put up ovens and Rabbah b. Ashbi he allowed to plait sieves. But this cannot be [correct], as Rabbah b. Samuel learned: And all [authorities] are agreed that an oven may not be set up for the first time [during the festival week]! — There is no difficulty [here]: The former ruling obtains during the 'warm season'³ while the latter ruling obtains in the 'rainy season'.⁴

MISHNAH. A PARAPET MAY BE PUT ROUND A ROOF OR [A RAILING ROUND] A GALLERY ROUGHLY BUT NOT IN FINISHED STYLE.⁵ PLASTER MAY BE SMEARED ON THE CREVICES⁶ AND FLATTENED DOWN WITH A ROLLER,⁷ WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS.⁸ PIVOTS AND SOCKETS,⁹ LINTELS, LATCHES,¹⁰ BOLT-LOCKS AND DOOR-HANDLES¹⁰ THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK], ONLY THEY MUST NOT BE LEFT PURPOSELY FOR THE FESTIVAL [WEEK]; AND ALL PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE.

GEMARA. What, for instance, is meant by putting up a parapet or railing 'roughly'? — R. Joseph explained: [Something like a fence of] palm-leaves and daphne-stakes.¹¹ A Tanna taught: One may pile up rubble without daubing with clay. PLASTER MAY BE SMEARED ON THE CREVICES AND FLATTENED DOWN WITH A ROLLER, WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS. Now, if you say it is allowed to flatten down with a roller, need one [be told] 'with hand or foot'? — What it means is: One may smear [plaster on] the crevices and flatten down as with a roller, by hand or foot, but not with ramming-tools.

PIVOTS AND SOCKETS, LINTELS, LATCHES, BOLT-LOCKS AND DOOR-HANDLES THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. Some contrasted this with [the following]: 'Up to his days,¹² the hammer was beating in Jerusalem during the festival [week] . . .', [that is], 'up to his days', but not thereafter!¹³ — [Said R. Huna]¹⁴ that is not difficult [to explain]; the reference there is to the smith's [hammer],¹⁵ while here [the tool allowed] is the joiner's [mallet].¹⁶ R. Hisda demurred to this [explanation] as according to this some will say that a loud din is forbidden, [but] a faint sound is allowed. No, said R. Hisda, it is not difficult [to explain]: One [the tool allowed here] is the bill-hook¹⁷ and the other [which is not allowed] is an adze.¹⁸ R. Papa said that in one statement we have the [older view held] before the restriction [had been introduced] and in the other the [later] view held after the restriction [was introduced]. R. Ashi said that one [Mishnah] expresses R. Judah's view¹⁹ and the other R. Jose's; for R. Isaac b. Abdimi said: 'Who may be the [anonymous] Tanna that [holds] that work must be done in a different way from the ordinary²⁰ [in working] during the festival [week] even where its [postponement would entail] loss? Not R. Jose'.²¹ Rabina said, Whose ruling do we follow nowadays when we raise the pivot-cups²² of the doors during the festival week? — R. Jose's. AND ALL PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE. On *Baditha Luba*,²³ everybody engaged in fishing and they brought in fish,²⁴ and Raba allowed to put them in

salt. Said Abaye to him: But [why]? We learned: PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE? — Said he [Raba] to him, Since they brought them home with the intention of eating them and if they leave them [uneaten] they will be spoilt, it is similar to [a case of] business that might be lost and is therefore permitted.²⁵ And some say that Raba [actually] allowed them to him, But surely we learned: PRESERVES THAT MAY BE EATABLE go fishing,²⁶ fetch the fish home and put them in salt. Said Abaye to IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE! — Said he [Raba] to him, These may be eaten [also] by means of ‘pressing’, as was the case with Samuel when they applied pressure [to the fish in salt] sixty times²⁷ and he ate [thereof]. When Raba [himself] once happened to be at the house of the Exilarch,²⁸ they prepared for him [a dish of fish] pressed sixty times and he ate it. Rab was [on a festival week] once at Bar-Shappir²⁹ [Perissabora?] where they put before him some kind of fish [which was] a third boiled, a third salted and a third broiled. Rab said, Adda the fisherman told me that a fish is at its best when it is about to turn putrid. Rab also said this, Adda the fisherman told me: Broil the fish with his brother [salt], plunge it into its father [water], eat it with its son [sauce] and drink after it its father [water]. This too Rab said: Adda the fisherman told me: [After eating] fish, cress and milk occupy your body, don't occupy your couch.³⁰ And furthermore said Rab, Adda the fisherman told the: [After] fish, cress and milk drink [rather] water, not mead;³¹ mead and not wine. [

(1) Archives.

(2) For fish or fowl.

(3) Passover time, when the clay very soon dries and the oven may be used forthwith.

(4) At the time of Tabernacles, when the rain delays its use, hence the work is untimely during the festival week.

(5) Lit., ‘the work of an ordinary man but not that of a craftsman’.

(6) On the roof, which was flat and sloping slightly towards the edges to allow the rain to run off’. Cf. Bez. 9a.

(7) A leveller, so called because of its round shape. It was made of a piece of round log with a long handle fixed at right angles, by which it was drawn to and fro, like our broom. Sometimes it was a flat stone with the edges rounded on moved in a circular motion by a long handle. V. Rashi, Mak. 7a, (Sonc. ed. p. 38).

(8) Pressing tools; Roman pavicula.

(9) The doors of the ancients did not hang on hinges, but turned on wedged shaped pins which fitted into a hollow, or metal ring fixed into the threshold and lintel. V. Krauss, T.A. I, 36ff

(10) All made of wood. Cf. ‘Er. 101a.

(11) Like a hurdle or hedge fixed temporarily. Daphne is a dwarf shrub often used for hedges.

(12) Referring to the High Priest, John Hyrcanus I, one of the Maccabean princes. Cf. Sot. 17a.

(13) Whereas here the Mishnah permits its use!

(14) So MS.M.

(15) Publicly plied in the forge.

(16) Privately, in the house.

(17) A gardener's tool for a piece of joinery.

(18) The regular artisan's tool.

(19) I.e., the stricter view, as he forbids exertion and only allows it where loss is threatened. Cf. supra 2a, p. 3.

(20) E.g., by using an improvised tool, or be satisfied with a temporary adjustment.

(21) V. infra 11a and 12a.

(22) Or the cavity which receives the bolt. Cf. Ar. Compl. s.v. VI, 161b. There are different readings.

(23) **בְּדִיתָא לְבָאִי** i.e., the canal Baditha near Luba on the northern Euphrates, v. Obermeyer, p. 311.]

(24) The time of flood in Mesopotamia is between March and May and there was therefore at Passover-time a plentiful supply of fish in the streams.

(25) Cf. supra 10b for Raba's view in regard to merchandise, as modified by R. Jose b. Abin.

(26) Ab initio, or to purchase fish, i.e., to take advantage of the opportunity.

(27) Sixty is a Babylonian unit, e.g., sixty minutes an hour, a minute sixty seconds etc. and is used often as conventionally as here for ‘ever so many times’.

(28) Resh Galutha. The official head of the Jewish community in Babylon, an office held in succession by descendants of the royal house of David, and recognized by the Government. It was, in this distance, either Mar Huna III or Abba son

of Mar 'Ukban III, to both of whom Raba was official adviser on religious matters. V. W. Bacher's article, *Jew. Encycl.* V, 289, s.v. Exilarch.

(29) MS.M. Piruz-Shabur = Perisaboras was however rebuilt and so named later by Sapor II. Cf. Obermeyer p. 226.

(30) I.e., move about and do not lie down to sleep.

(31) A fermented beverage made of dates used in Babylon.

Talmud - Mas. Mo'ed Katan 11b

CHAPTER II

MISHNAH. IF ONE HAD [ALREADY] TURNED HIS OLIVES¹ WHEN MOURNING² OR SOME HINDRANCE BEFELL HIM, OR WORKMEN DISAPPOINTED HIM, HE MAY [DURING THE FESTIVAL WEEK] PUT ON THE BEAM FOR THE FIRST TIME AND LEAVE IT [THUS] UNTIL AFTER THE FESTIVAL; THESE ARE THE WORDS OF R. JUDAH. R. JOSE SAYS, HE MAY DRAW OFF [THE OIL] AND COMPLETE THE PROCESS³ AND BUNG⁴ [THE JARS] IN HIS USUAL WAY [DURING THE FESTIVAL WEEK].

GEMARA. The Mishnah begins with mourning and finally [only] deals with the festival [week]!⁵ — Said R. Shisha⁶ son of Idi: This implies that things one is permitted [to do] during the festival [week] are forbidden him during [the week of] his mourning.⁷ R. Ashi says, [Not so], this wording is cast in the form of, 'No need to say' . . . ,⁸ no need to say [that he may put on the beam for the first time] during [the week of] his mourning when [the restriction on work] is but rabbinical, but even during the festival [week], when [work] is restricted on Scriptural grounds, the Rabbis still permit it where loss is involved.

It was taught⁹ in the sense of R. Shisha son of Idi: These are the things they may do for the mourner during his [week of] mourning: If his olives had been turned they may put on for him [the beam for the first time], or if his wine [cask] is to be bunged, or his flax is to be lifted from the retting, or his wool is to be lifted from the dye-bath; and they may besprinkle his field¹⁰ for him when his turn for water-rights arrives. R. Judah says they may even sow for him the ploughed field or the field awaiting a flax-crop. Said they [the Rabbis] to him: [Not so], if the field is not sowed in the early season it could be sowed in the latter season and if It cannot be sowed with flax let it be sowed with some other kind [of crop].¹¹ Rabban Simeon b. Gamaliel says, If his olives had been turned and there is no skilled worker save himself, or his cask is [ready] for bunging and there is no skilled worker save himself, or his flax is [ready] for lifting from the retting or his wool for lifting from the dye-bath and there is no skilled worker save himself, such a one may perform [his task] behind closed doors. Furthermore, said Rabban Gamaliel, if he is a skilled worker engaged in the service of the public, or a hairdresser or a bath-attendant in the service of the public, and the Festival is close at hand and there is no skilled worker save him, such a one may do the work. Farmkeepers,¹² tenant-farmers¹³ and contractors of labour may have others doing work for them.¹⁴ Ass-drivers, camel-drivers and bargemen may not work;¹⁵ but if they were [already] engaged on the job or were [just then] in the hire of others, they [themselves] may do their work.¹⁴ A daily worker¹⁶ may not work, even in another town.¹⁷ One who has others' work in hand,¹⁸ even if it is a contract job,¹⁹ he may not do it. [You say,] 'Even if it is a contract job', [which implies] and all the less so if it is not a contract job. On the contrary, a contract job is like his own [work]!²⁰ Rather, whether it is a contract job or not a contract job he may not do it. If his work²¹ was placed in the hand of others, they may not do it in his own house, but in another house they may do it.

Marion the son of Rabin and Mar the son of R. Aha the son of Raba had a yoke of oxen²² between them, when a misfortune²³ befell Mar the son of R. Aha the son of Raba; he broke up the team [and did not send his animal to work]. Said R. Ashi, A great man like Mar the son of R. Aha acting in such a manner! Granted that he minds not his own loss [of earning], is he not concerned about the

loss [caused] to others? Surely it is taught: 'But if they were [already] engaged [on the job] or were [just then] in the hire of others, these may do their work'?²⁴ — He [Mar] however held the view that [the case of] a prominent man is different.²⁵

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- (1) For maturing before pressing (or milling).
 - (2) For the death of a parent, wife, child, brother or sister.
 - (3) Of a second or third pressing, etc.
 - (4) Omitted in most texts as rather more applicable to the next case, that of wine.
 - (5) Without stating how to proceed in the case of mourning.
 - (6) Var. lec. Shesheth.
 - (7) Namely, that the permission to do those things now was granted only in connection with the festival week, but not during the week of mourning.
 - (8) 'No need to say only this . . . but even that' may or may not be done.
 - (9) Cf. Sem. II, 2-5, and J.M.K. II, 1 (81a).
 - (10) Sem. has 'besprinkle for him a white field' and J.M.K. has 'irrigate for him a languid field'.
 - (11) Abstention would thus involve no loss.
 - (12) Gardeners or metayers who receive from the owner of the field or orchard a certain proportion of the produce for their labour.
 - (13) Who pay a fixed annual rent in money or in kind.
 - (14) While in mourning, as their abstention means a loss to the workers besides the mourners themselves.
 - (15) Either drive the animal or let it out on hire just then.
 - (16) I.e., on a day to day employment.
 - (17) Where he is not known. [Since according to the law he may withdraw during any part of the day, v. B.K. 116a.]
 - (18) I.e., he does the work at home.
 - (19) I.e., he is paid by piece and not by day.
 - (20) And therefore should be forbidden.
 - (21) Here the quotation is resumed.
 - (22) Gemella. A pair of oxen owned in partnership which they let on hire to farmers.
 - (23) A bereavement.
 - (24) In the Baraitha cited above, with a slight variation in the order to suit the case.
 - (25) I.e., he was not unaware of the ruling in the Baraitha, but felt that a man of his status (and maybe, his partner too) should be stricter in the application of the law. Cf. Bez. II, 6; 22b; Shab. 51a.

Talmud - Mas. Mo'ed Katan 12a

Samuel said: '[If non-Jews] take work on contract they may not [work for a Jew]¹ within the [limits of the Sabbath] boundary;² but outside the boundary they may'. Said R. Papa, Even outside the boundary we do not say [they may] save where there is no town in the Vicinity; but where there is a town near by, it is forbidden. Said R. Mesharshaya: And even if there be not a town close by we [still] do not say [they may carry on the work] save on Sabbaths and festivals when there are not frequent [Jewish] passers-by, but during the festival week when people are often passing to and from the place it is forbidden. Mar Zutra son of R. Nahman had a mansion erected for himself by [non Jewish] contractor [builders] outside the boundary.³ R. Safra and R. Huna b. Hinena happened to come thither and did not enter his house; and some report that he [R. Nahman] himself did not enter the building. But did not Samuel say that contractors may not carry on their work within the boundary, but outside the boundary they may? — [The case of] a prominent man is different. Some say [his servant]⁴ had assisted then with straw. R. Hama allowed the Exilarch's table-stewards to do their work⁵ during the festival week; he said that as they received no remuneration they only intend to benefit him⁶ which concerns us nought.

Our Rabbis taught: Contracts may be made during the festival [week for work] to be executed after the festival [week]; but [to do it] during the festival [week] is forbidden. The general principle

on this point is that whatever one may do himself he may tell a non-Jew to do; and what he himself may not do, he may not tell a non-Jew to do. Another [Baraita] taught: Contracts may be made during the festival [week] to be executed after the festival [week], only that one should not measure, weigh or count [quantities] after the manner in which this is done on an ordinary day.

Our Rabbis taught: One may not bring a sire to mate during the festival week. Similarly, a 'first-born, sire should not⁷ be [used to] mate,⁸ nor a votive beast that has become disqualified.⁹ Another [Baraita] taught: They may not bring a sire to mate during the festival week. R. Judah says, Where an ass is hankering [for the male] they may bring her the jackass to mate lest she become chilled. All other beasts are [merely] brought into the stalls.¹⁰

Our Rabbis taught: Sheep may not be turned out to graze in a hurdled enclosure¹¹ on Sabbaths, festivals, or in the festival week, but if they come [and do it] of their own accord,¹² it is allowed; and they may not be assisted [to it]. Nor may a watchman be assigned [to the shepherds] to move the sheep about.¹³ If [the herdsman was] engaged by the week, month, year or septennate, assistance may be given to these¹⁴ and a watch may be assigned to them to move the sheep about. Rabbi¹⁵ says, [This may be done] on the Sabbath by way of favour, on the festival for meals and during the festival [week] for payment. R. Joseph stated that the law is according to Rabbi.

MISHNAH. LIKEWISE IF ONE HAD HIS WINE [ALREADY] RUN INTO THE CISTERN THEN MOURNING BEFELL HIM, OR [SOME OTHER] HINDRANCE, OR WORKMEN DISAPPOINTED HIM, HE MAY DRAW OFF [THE WINE], COMPLETE THE PROCESS AND BUNG [THE CASKS] IN HIS USUAL WAY: THESE ARE THE WORDS OF R. JOSE; R. JUDAH SAYS, HE [MERELY] COVERS [THE CISTERN] WITH SHINGLES TO PREVENT IT TURNING SOUR.

GEMARA. [LIKEWISE IF ONE HAD etc.] And this [wine clause] is necessary. Because, if [the Tanna] had told us the first [clause alone], we might have argued that only in that case did R. Jose say [he may complete the process] as the loss on oil is considerable, whereas in the case of wine, where the loss is not much, one might presume that he concurred with the [stricter] view of R. Judah. And if [the Tanna] had told us the latter [clause alone], we might have argued that only in this case [of wine] did R. Judah say [he may not do more], whereas in that [former case of oil], one might presume that he concurred with the more [lenient] view of R. Jose: [therefore] it was necessary [to enunciate both clauses]. Said R. Isaac b. Abba,¹⁶ Who is the Tanna who requires that work [if done] should be done with a difference during the festival [week] where loss is threatened? It is not R. Jose.¹⁷ R. Joseph said, The halachah is according to R. Jose.

Some [scholars] asked of R. Nahman b. Isaac: Is it permitted to coat a mead-cask [with resin]¹⁸ in the festival week? — Said he to them: Sinai¹⁹ stated that the halachah is according to R. Jose. Supposing that R. Jose said [one may] in the case of wine, [does it follow] that he said [that one may] also in the case of mead? — [Indeed,] for what is the reason [that he allows] in the case of wine? [It is] because the loss on it is considerable; it is also considerable in the case of mead, as Abaye said, Mater²⁰ told me: 'Better a coated cask of Six se'ahs than an uncoated cask of eight se'ahs'.²¹

R. Hama b. Guria citing Rab said: The halachoth²² appertaining to the festival [week] are like the halachoth regulating the dealings with Kuthites.²³ What is the legal import [of this dictum]? — Said R. Daniel son of R. Ketina, It is to say that they are 'sterile'²⁴ [regulations] and communicate nought²⁵ to each other, as [for instance] Samuel said that they [may] coat a jug with pitch but may not coat a cask; while R. Dimi of Nehardea said that they [may] coat a cask with pitch but they may not coat a jug; one master being solicitous to avert loss,²⁶ the other master being solicitous to avoid exertion²⁷ [during the festival week]. Said Abaye, We have it as tradition²⁸ that the halachoth

appertaining to the festival [week] are like the halachoth appertaining to the Sabbath:

- (1) People might say that they were given the work on the Sabbath.
- (2) On a Sabbath or Festival (Rash). V. however, Asheri.
- (3) On a Sabbath or a Festival.
- (4) Han. and other texts.
- (5) He allowed these non-Jewish servants to mend or improvise extra tables for the guests of the Exilarch. R. Hama is mentioned with Mar zutra in B.B. 7a.
- (6) By working for the Exilarch during the festival week.
- (7) At any time. Cf Tosef. M.K. II.
- (8) 'Firstborn' males of 'clean' animals are from birth dedicated to the altar and as such claimed by the priest (v. Num. XVIII, 15, 17). These may not be worked, nor shorn for fleece, nor milked (v. Deut. XV, 19-20). Cf. Mak. 22a, (Sonc. ed. p. 155) and Bek. 15a.
- (9) Having become blemished, it is unfit for the altar and may be redeemed for ordinary slaughter but not for any other use. V. Bek. 15b.
- (10) To mate without assistance.
- (11) To manure the field.
- (12) I.e., if the non-jewish herdsmen drive the cattle into the field without any Instruction or request from the owner of the field.
- (13) I.e., to use means whereby to expedite the discharge of excrements of the flock on the spot to be manured. V. Jast. s.v. נער, II.
- (14) As these non-jewish herdsmen carry out their own work according to undertaking.
- (15) J. Sheb. III, 3 reads here Rabban Simeon b. Gamaliel, besides other variations. Also cf. Tosef. Sheb. end of Chapter li and Tosef. Shab. XVIII, 16.
- (16) It is Isaac b. Abdimi on 11b.
- (17) Since R. Jose holds that he can complete the process in the usual way.
- (18) Or pitch, to make it air-tight. V. A.Z. 33a (Sonc. ed. p. 162). Han. takes it as sealing the stopper, by smearing it over with clay or pitch to prevent the wine or mead becoming vapid. The mead made from the syrup of dates was a Babylonian beverage, cf. Pes. 107a and 113b.
- (19) A complimentary appellation of R. Joseph as an eminent authority on the body of Baraita-comments (on the Mishnah), in contrast to Rabbah b. Nahmani, his great contemporary and predecessor as Principal of the Academy at Pumbeditha, who was called 'Uprooter of Mountains', a title descriptive of his method of acute analysis. V. Ber. 64a and Hor. 14a, (Sonc. ed. p. 105).
- (20) Abaye was a posthumous child and his mother died in childbirth. He was brought up by a foster mother whose instructive sayings he frequently quotes as here. V. Kid. 31b.
- (21) A se'ah is about two and a third gallons.
- (22) Traditional rules of practice.
- (23) The Samaritans who, when friendly, were treated as observant Jews, and when hostile and making common cause with the heathens in persecuting Jews and jeering at their religious practices, were treated as heathens. The attitude towards them, therefore, varied from time to time, according to circumstances.
- (24) Some texts have עקודות 'tethered', i.e., inapplicable as 'rules in practice' owing to their frequent variability.
- (25) Serving no purpose as definite instances from which to argue any definite principle.
- (26) There is more loss involved in neglecting a cask than a jug, which is much smaller.
- (27) The exertion entailed in coating a cask is greater than with a jug.
- (28) Abaye often uses that expression.

Talmud - Mas. Mo'ed Katan 12b

some acts involve no penalty, though forbidden,¹ while other acts are allowed ab initio.

R. Huna had his harvest reaped during the festival [week], whereupon Rabbah put an objection to R. Huna [from the following]: They may mill flour during the festival [week] for the requirements of

the festival; what is not required for the festival is forbidden. A thing that is perishable in the festival [week] is permitted to be done; a thing that is not perishable in the festival [week] is forbidden. When does this [rule] obtain?² In the case of something that is [already] severed from the soil, but where [the crop is still] attached to the soil, even if all of it perish it is forbidden; but if he have not food to eat, he may reap, gather into sheaves, thresh, winnow, clean and mill,³ only that he shall not thresh with cows?⁴ — He replied: That [Baraitha] is but an individual⁵ opinion, and is not generally accepted by us, as it has been taught: Rabban Simeon b. Gamaliel stated a general rule in the name of R. Jose, Whatever is [already] severed from the soil, even though only part of it might perish, yet may it be worked; while that which is [still] attached to the soil, even though it might all perish, is forbidden. But if [as you say] that [anonymous] Baraitha be R. Jose's opinion, then he should also be allowed to thresh with cows!⁶ For Surely R. Isaac b. Abba said: 'Who is the Tanna that demands some variation In the working during the festival [week] where loss is involved? It is not R. Jose!⁷ — [Said R. Huna],⁸ He [R. Jose] might reply:⁹ 'Yea indeed, so; yet as one does not usually¹⁰ thresh with cows, threshing without them [during the festival week] would be no variation now.¹¹

Our Rabbis taught: Flour may be ground during the festival [week] for the needs of the festival; but if not for the requirements of the festival [week], it is forbidden. If, however, one ground¹² and had some flour over, he is allowed to use it.¹³ Trees may be cut down during the festival [week] for the needs of the festival, but if it is not for the needs of the festival it is forbidden; if one, however, had cut down¹² and had some over, it is permitted.¹³ [The ingredients] for brewing mead¹⁴ may be put in during the festival [week] for the needs of the festival; but if it is not needed for the festival it is forbidden; and if one put in [the ingredients]¹² and had some [brew] left over, it is permitted,¹³ provided only that there is no guile.¹⁵ A contradiction was raised [from the following]: 'They may put in [ingredients for brewing] mead during the festival [week] for the needs of the festival, but what is not for the needs of the festival is forbidden, be it a brew of dates or a brew of barley, and even though one have some old [brew] he may act with guile and drink of the new'?¹⁶ — There is a difference among Tannaim as was taught: There should be no resort to guile in such matters; R. Jose son of R. Judah says, One may act with guile [sometimes].¹⁷

Rab [once] had his harvest gathered for him in the festival week. Samuel heard [of it] and was annoyed. Might one suggest that Samuel concurred with the view of the individual authority?¹⁸ — No, it was a crop of wheat which [if left a while] would not have deteriorated. What is the reason that Rab acted thus? — He had not then [enough] to eat; and as for Samuel, he had not been fully informed [of the circumstances]. Or, [maybe he thought that the case of] a prominent person is different.

R. Judah the Prince¹⁹ [once] went out [on the Sabbath] wearing an amethyst²⁰ signet and [once] drank water which an Aramean [non-Jewish] cook²¹ had heated. R. Ammi hearing of it was annoyed. Said R. Joseph: What is the reason he was annoyed? Was it on account of the amethyst signet? Why, it is taught: Chains, earrings and rings are like all articles of dress that may be worn in the courtyard!²² [Again], if because he drank water which an Aramean had made hot? Why, Samuel b. Isaac, citing Rab, stated that whatever can be eaten raw is not [debarred] as in the category of heathen-cooked food! — [The case of] a prominent person is different.²³

R. Hananel, citing Rab, said that one may lop off branches from a palm tree during the festival [week] even though he needs only the chips.²⁴ Abaye denounced²⁵ this [dictum] vehemently. R. Ashi had a wood in Shelania. He went to cut it down during the festival week. Said R. Shela of Shelania to R. Ashi, What is your ground [for acting thus]? Is it because of what R. Hananel, citing Rab, said, that one may lop branches from a palm during the festival [week] even though he needs only three chips?²⁴ But surely Abaye denounced it vehemently! — Said he [R. Ashi] to him: 'I heard it not', as much as to Say, 'I do not concur [with Abaye's view]'. The hatchet then slipped threatening to cut off his leg. He then abandoned his task and came again.²⁶

Rab Judah permitted pulling up flax, picking hops and pulling up sesame crops. Said Abaye to R. Joseph: It is quite correct to do this in the case of flax, as if may be used for covering [fruits]; in the case of hops, as they may be used for [brewing] beer; but sesame — to what [immediate] use can it be put? — [It may be picked] on account of the seeds²⁷ it contains. R. Jannai had an orchard²⁸ that had become ripe for picking during the festival week [and] he picked it. The year [after] all the people kept their orchards waiting for the festival week. R. Jannai [thereupon] renounced his [proprietary rights in the] orchard that year.²⁹

MISHNAH. A MAN MAY BRING HIS FRUITS INDOORS FOR FEAR OF THIEVES AND PULL HIS FLAX OUT OF RETTING TO PREVENT IT SPOILING, PROVIDED HE DOES NOT PURPOSELY HOLD THE WORK OVER TILL THE FESTIVAL [WEEK]; AND ALL THOSE WHO HAVE DELIBERATELY HAD THEIR WORK HELD OVER FOR THE FESTIVAL [WEEK] SHALL HAVE IT DESTROYED.³⁰

GEMARA. BRING INDOORS. A Tanna taught: Provided only that he bring them into his house privily. R. Joseph had some beams of timber which he brought in during daylight. Said Abaye, But it is taught: ‘Provided only that he bring them into his house privily’! — He replied, The [requisite] privacy for these is [attained best] during daylight, since at night more men would be needed and torchbearers too would be required, making much ado.³¹

AND PULLS HIS FLAX OUT OF RETTING. R. Jeremiah asked of R. Zera: If a man keeps work over for the festival [week] and dies, should his children be penalized after him? Should you cite³² [the case of],

(1) Cf. rules of Ulpian: ‘An in imperfect law is one which forbids something to be done, and yet if it be done, neither rescinds it nor imposes a penalty on him who has acted contrary to the Law’. I, 1.

(2) That which is perishable may be attended to in the festival week.

(3) I.e., one may do anything and everything that is necessary.

(4) I.e., he must introduce some variation. This Baraitha forbidding to reap except in the case where he has no food to eat, refutes R. Huna who, it is assumed, was not short of ready food.

(5) R. Jose's view which is given in the citation that follows and which is, however, not generally accepted.

(6) Which, however, is distinctly debarred in the anonymous Baraitha, above.

(7) As may be seen from his attitude in the first and second Mishnah (11b and 12a) in contrast to that of R. Judah in regard to both oil and wine. Whereas, In the anonymous Baraitha ascribed to him he distinctly stipulates not to thresh with cows, insisting on a variation.

(8) To explain that there is really no contradiction in the discrepancy.

(9) SBH reads better: ‘Said he, R. Huna, to him (to Raba)’.

(10) Lit., ‘every day’.

(11) On the contrary to use cows would be in this case an undesirable offensive display of his work (Rashi).

(12) During the festival week for the needs of the festival.

(13) After the festival.

(14) Or beer.

(15) To prepare which under the guise of forgetfulness or mistake for the needs of the festival with the intention of having some left over after the festival.

(16) Indicating thereby that he made the brew for the festival week.

(17) On the principle, v. Bez. 17b, especially Rashi's observation s.v.

(18) Cf. supra R. Huna's reply to Rabbah's question.

(19) R. Judah III, Rabbi's grandson.

(20) **מְדוּשָׁא מְדוּשָׁא** representing the Greek form **. The amethyst was often worn (as its name implies) as a talisman against drunkenness. Or the phrase may possibly be a talisman ring having a setting of a Medusa head, a popular charm against spells and against the power of enemies; and, although this could not have been the case in our

instance, it is not unlikely in the instance cited in 'Er. 69a, where the wearer on sighting R. Judah the Prince, quickly covered it; he is considered there as a semi-heathen or renegade.

(21) Or tavern keeper.

(22) Cf. 'Er. 69a and R. Tam's comments, Tosaf, s.v. כיון.

(23) Cf. Shab. 51a.

(24) Or sawdust.

(25) Lit., 'cursed'.

(26) Another time.

(27) For sesame oil.

(28) J.M.K. II, 2 (81a) reads: R. Simeon, R. Jannai's son.

(29) As a self-imposed penalty for having led others to do wrong.

(30) I.e., they must be deprived of any advantage gained.

(31) Lit., 'a noisy affair'.

(32) Lit., 'Find a case to explain (my question) by saying. . .'; or, 'Extract an answer from the case of. . .'

Talmud - Mas. Mo'ed Katan 13a

'One who had [craftily] clipped the ear of his first-born beast', and whose son is penalized after him,¹ [I can reply that] that is because that is [an offence against] a Scriptural prohibition. Or should you cite [the case of], 'One who sold his [non-Jewish] slave to a non-Jew', and whose son was penalized after him, [I can say that] that is because he debarred him daily from the [performance of] religious duties.² Here, what do we say? That the Rabbis' intention was to penalize the man personally and he is no more, or, maybe that it was only to impose a pecuniary penalty [on his estate] and that is to be had? — R. Zera replied, You learned it [in the Mishnah]: 'A field that has been cleared of thorns³ during the seventh year may be sowed in the post-sabbatical year; if it had been well improved⁴ or manured⁵ by hurdling cattle⁶ on it, it may not be sowed in the post-sabbatical year',⁷ and [on this Point] R. Jose b. Hanina said: 'We have it on tradition that if one had well improved his field and died, his son may Sow it'. This shows that our Rabbis did [intend to] penalize him,⁸ but his son the Rabbis did not [intend to] penalize; here too, then, it is the man himself that they would penalize, but his son the Rabbis would not have penalized. Said Abaye, We have it on tradition that if a man has defiled his fellow's clean [produce]⁹ and dies they do not penalize his son after him [to pay for the damage caused]. What is the reason? 'Imperceptible damage'¹⁰ is not in the category of [legal] damage';¹¹ the man himself the Rabbis would have penalized, but his son the Rabbis would not have penalized.

MISHNAH. HOUSES, [STONES],¹² SLAVES AND CATTLE MAY NOT BE BROUGHT SAVE FOR THE NEEDS OF THE FESTIVAL, OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. GEMARA. Raba asked of R. Nahman: What about [affording] 'earning-jobs'¹³ in aid of one who has not [enough] to eat? — He replied: We learned: OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. What is this [relative] clause, 'Who has not enough to eat' intended to cover?¹⁴ Is it not to include such [casual] 'earning-jobs'? — Not [necessarily]; it is an explanatory clause.¹⁵ Thereupon Abaye pointed out to him an objection: 'One should not write credit-bills during the festival [week]; but if [the creditor] does not trust [the person] or he [the clerk] has not [enough] to eat, one may [then] write'.¹⁶ What is the clause, 'Or he has not [enough] to eat' intended to cover here? Is it not to include [casual] 'earning-jobs'?¹³ — [Yes], you may infer that.

R. Shesheth raised an objection: 'And the Sages say, Three craftsmen [may] do work until midday on the day preceding the [Feast of] Passover,¹⁷ [namely], tailors, hairdressers and fullers; tailors, for the same reason that a private person may do [some] sewing in his usual way during the festival [week]; hairdressers and fullers, for the same reason that persons returning home from abroad,¹⁸ or coming out of prison may crop their hair and wash their clothes during the festival [week]'.¹⁹ Now,

if you presume that 'earning-jobs' are allowed²⁰ where one has not [enough] to eat, then also all [other] work should have been allowed here,²¹ because 'earning-jobs' are permitted²⁰ where one has not [enough] to eat! R. Papa demurred to this [argument]: Then accordingly, building [work should] be allowed,²² just as 'a wall which is bulging outward into the public domain, may be pulled down and rebuilt in the usual way,²³ because it is a [public] danger'!²⁴ Rabina also demurred to this [argument]: Accordingly then, a scrivener²⁵ should be allowed [to work]²² just as one may 'write marriage deeds,²⁶ bills of divorcement²⁷ and receipts'!²⁸ Said R. Ashi:²⁹ [How] can you argue thus from regulations governing the festival [week] to those governing the fourteenth of Nisan? Those governing the festival [week] are based on [the avoidance of] exertion and where loss is threatened the Rabbis have allowed [exertion]; whereas the regulations governing the fourteenth of Nisan are based on the exigencies of the Festival; anything which is required for the Festival our Rabbis have permitted and anything that is not required for the Festival our Rabbis have not permitted.

MISHNAH. ONE MAY NOT REMOVE [EFFECTS] FROM HOUSE TO HOUSE,³⁰ BUT ONE MAY REMOVE THEM TO HIS COURT. WARES³¹ MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. IF ONE IS ANXIOUS ABOUT THE THINGS,³² HE MAY REMOVE THEM TO ANOTHER COURT.³³

GEMARA. [BUT ONE MAY REMOVE THEM TO HIS COURT]. But you said at first that one's effects may not be removed at all? — Said Abaye, The latter part comes to [tell] us that [to another] house in that [same] court he may [remove his effects].³⁴

AND WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. Said R. Papa: Raba [once] gave us a test: We learned, 'WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN' and this he contrasted [with the following]: 'Wares may be conveyed [to]³⁵ and brought home from the house of the craftsman, even though they be not needed for the festival'!³⁶ And we replied to him: The latter [Baraita] refers to the fourteenth of Nisan, while here it refers to the festival week. Or, if you like, I might suggest that both [passages] refer to the festival week, [but that the ruling] here [obtains] where he trusts him³⁷ [and] the latter [ruling obtains] where he does not trust him.³⁸

(1) The firstborn male of 'clean' animals is from birth 'dedicated' or destined for the altar and its flesh is the priests' due (Num. XVIII, 15-18). It may not be used for work or be shorn, unless it be born blemished or becomes accidentally permanently maimed, when it is no longer fit for sacrifice (Deut. XV, 19-22; cf. Lev. XXII, 18ff). If the owner cunningly contrives to get it injured either to avoid the trouble and expense of keeping it or to have the flesh, he is penalized to have it buried and is mulcted to half its value for the loss he caused to a priest. V. Shul. 'Ar. Yor. De'ah. 309-310.

(2) Non-Jewish male slaves who (with their consent) had been circumcised (cf. Gen. XVII. 12-13) and (male and female) ritually received into the household, enjoyed the privileges of resting on the Sabbaths (Ex. XX, 10) and Feasts (Deut. XII, 12, 18) and to partake of holy meats (ibid. XVI, 11) even in the priest's household (Lev. XXII, 11) and to perform such Jewish religious observances as they chose. (Cf. Ber. 20a and Suk. 20b). By selling him to a non-Jew he debarred the slave from the religious observances he learned to love and enjoy, and for this heartless act the offending master was penalized by the loss of his monetary gain.

(3) Merely picked up, cleared, lifted from the soil by the first superficial ploughing which did not constitute working the soil, forbidden Scripturally.

(4) By regular harrowing or deeper or cross ploughing. V. Tosaf. s.v. **נטיבה** and commentary of R. Samson of Sens on M. Sheb. IV, 2.

(5) By bringing cartloads of manure and methodically spreading it over the field.

(6) Methodically, instead of just letting cattle roam about on it.

(7) M. Sheb. IV, 2.

(8) For clearing thorns by harrowing, manuring and hurdling cattle on the field, are not of the processes explicitly forbidden in Scripture (Lev. XXV, 1-5); and though some included even such 'secondary processes' under the Scriptural prohibition (cf. supra 3a), the Rabbis did not press the penalty against the dead man's son.

- (9) Which had been carefully guarded by the owner from contamination, if the malefactor spitefully threw (for instance) a dead reptile on the heap of washed corn or among the gathered olives or grapes (cf. Lev. XI, 29-34). Priests' due of these could not be eaten, but might only be burnt as fuel. Pious lay-people would not buy such produce.
- (10) As there is no visible change in the produce that has been thus deteriorated, he call say that all is still as it was.
- (11) MS. M. and in parallel passages add here: 'The penalty (imposed) is rabbinical (in origin) '.
- (12) V. D.S. Other texts add also 'fields'.
- (13) I.e., find a poor man some odd, unnecessary job to do, as a chance of earning something wherewith to buy provisions for the Festival.
- (14) It is assumed that the words THE NEED OF A VENDOR imply that he has not enough to eat.
- (15) Explaining the phrase THE NEED OF A VENDOR. But there is no indication according to this interpretation of the Mishnah — to have any unnecessary job done in the festival week.
- (16) During the festival week, plainly allowing it as a means of helping the borrower or the (professional) scribe.
- (17) The fourteenth of Nisan, when from early afternoon the people began the preparation of the Paschal Lambs. Cf. pes. V, 1, 5ff.
- (18) Lit., 'from the maritime province', generally denoting the Diaspora.
- (19) V. Pes. 55b and cf. with the Mishnah 55a on the variations in the text.
- (20) During the festival week.
- (21) On the fourteenth of Nisan, instead of limiting the permission to three crafts only, because there may be other craftsmen who may be in need of money for food. But, as there is no mention of such a contingency there, it shows that even in such a case, unnecessary odd 'earning-jobs' may not be given in the festival week.
- (22) On the fourteenth of Nisan.
- (23) During the festival week.
- (24) V. supra 7a.
- (25) Lat. librarius.
- (26) The terms of the marriage contract agreed to by the parents, the bride and bridegroom.
- (27) To end an unhappy marriage all the sooner, it is allowed even in the festival week.
- (28) V. infra 18b.
- (29) There is a flaw in K. Shesheth's argument.
- (30) Either (i) from one house to another in the same court, or (ii) from another's house into his own, as this is gratifying to him. V. Han., Asheri and Ritba.
- (31) כְּלִים ; the term covers articles of household furniture, utensils, clothing and bedding; but obviously not tools, etc.
- (32) Fearing they might be stolen.
- (33) To ensure their safety.
- (34) Cf. p. 75. n. 9 (ii).
- (35) So SBH. p. 62. In our text as it stands, both here and pes. 55b מוֹלִיכִין might possibly refer to the conveyance of larger, unportable objects, while מְבִיאִין refers to smaller, portable things. The concluding words of this discussion, however, do not take note of this possibility.
- (36) V. pes. 55b.
- (37) The craftsman, and may leave his things with him safely to avoid all unnecessary 'exertion'.
- (38) Fearing they might be stolen.

Talmud - Mas. Mo'ed Katan 13b

And [in fact] it is taught [thus]: 'Wares may be brought [home] from the house of the craftsman, for instance, jugs from the jug maker's and tumblers from the glass maker's, but not wool from the dyer's nor articles from the house of the craftsman; but if he has not [enough] to eat one gives him his pay [in advance] and leaves the object with him, if however he does not trust him he leaves It In a house near him¹ and if he is anxious about the things lest they be stolen he² brings them home privily'.³ You have thus explained⁴ [the discrepancy] about 'bringing home', [but] the discrepancy about 'conveying' still remains a difficulty; for when it states WARES MAY NOT BE BROUGHT HOME, [it follows] much less may one convey [wares to the house of the craftsman]! Hence [obviously] the explanation given at first⁵ is the correct one. MISHNAH. FIGS [WHILE DRYING]

MAY BE COVERED WITH STRAW;⁶ R. JUDAH SAYS, THEY MAY EVEN BE PILED UP [IN HEAPS].⁷ VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL Privily FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. FISHERMEN, GROATS-POUNDERS AND GRIST GRINDERS⁸ PLY THEIR TRADE PRIVILY FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. R. JOSE SAYS, THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES.⁹

GEMARA. R. Hiyya b. Abba and R. Assi differ [in their interpretation] both in the name of Hezekiah and R. Johanan.¹⁰ One says that the [former expression], they MAY BE COVERED, MEHAPPIN, means [covering but] lightly, and [the latter] MAY EVEN BE PILED UP, ME'ABBIN, means [spreading the straw] closely; the other says that MAY BE COVERED, means [spreading the straw] lightly or densely, while [the latter expression], MAY EVEN BE PILED UP, means making a sort of pile.¹¹ It is also taught thus: 'May be piled up [me'abbin] — making a sort of pile: these are the words of R. Judah'.

VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL PRIVILY. The question was asked: Does THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES, mean that they do not work at all, or perhaps that they do it privily? Come and hear: 'Vendors of fruits, clothing and [other] wares sell privily for the requirements of the festival [week]; R. Jose says, The Tiberian traders have imposed a restriction on themselves not to sell at all. Deerstalkers, fowlers and fishermen catch privily for the requirements of the festival [week]; it. Jose says, The catchers of Acra have imposed a restriction on themselves not to catch at all. Groats-pounders make hilka¹² [coarse meal], tragus¹³ [pulse-porridge] and tisana¹⁴ [pearl-barley] privily for the requirements of the festival [week]; R. Jose says, The gristpounders of Sepphoris have imposed a restriction on themselves not to pound at all'. Abaye explained:¹⁵ Hilka means [groats of] one [grain broken] in two;¹⁶ tragus, one into three;¹⁷ tisana, one into four.¹⁸ When R. Dimi came [from Palestine] he said: [All these are] kuntha [spelt].

An objection was raised: Hilka, tragus and tisana are [considered as] 'tainted'¹⁹ everywhere.²⁰ Now this harmonizes well with the explanation that it is one [grain broken] in two, three or four; they are [considered] 'tainted' everywhere, because they have been rendered 'fit' [liable to take the taint of impurity]; but according to the explanation that they are all 'spelt', why then are they taken as 'tainted' everywhere, for these have not [necessarily] been rendered 'fit' [by damping]? [Sometimes they are], for instance, where the groats are [made of] peeled [spelt]; because, unless the grain had been soaked in water it would not peel. And why is it called hilka? Because it has had its 'tunic'²¹ [husk] taken off. An objection was raised: 'One who vowed [to abstain] from dagan²² is debarred even from [partaking of] the Egyptian bean²³ when dry, but is allowed to eat it when fresh [green];²⁴ and he is permitted rice,²⁵ hilka, tragus and tisana.²⁶ Now, this harmonizes well with the explanation that these [varieties] are so called because one [grain] is broken into two, three or four; it is Proper [to allow him to eat] because these [being now meal] no longer belong to the [category] of dagan [grain]; but according to him who says that hilka is [what we call] 'spelt', it is [still] properly [designated as] dagan! — This is a difficulty.

R. Huna²⁷ permitted vendors of Pot-herbs²⁸ to go and sell in the festival week in the market Place in the ordinary way. R. Kahana thereupon put an objection to him [from the following]: 'A shop which opens into a colonnade may be opened and closed in the ordinary way; if it opens into the public domain, [the shopkeeper] may open one door and close one; and on the day preceding the last day of the Feast [of Tabernacles]²⁹ he may bring out fruit and decorate the markets all round the town in honour of the last day of the Feast'. [That is to say], 'In honour of the last day of the Feast, [he may open]; but if not in honour of the last day of the Feast, he may not [open]! That is not difficult [to explain]: This latter prohibition refers to the sale of fruits, whereas in the former case it is the sale of seasoning [pot-herbs that is allowed].

CHAPTER III

MISHNAH. AND THESE [MAY] CROP³⁰ [THEIR HAIR] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM A PLACE OF CAPTIVITY OR ONE COMING OUT OF PRISON, OR ONE UNDER A BAN³² TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE³³ AND WAS ABSOLVED [BY HIM], AND A NAZIRITE³⁴ OR A LEPER ON EMERGING FROM HIS [STATE OF RITUAL] IMPURITY TO [BEGIN] HIS PURIFICATION.³⁵

AND THESE [MAY] WASH [THEIR GARMENTS] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM THE PLACE OF [HIS] CAPTIVITY, OR COMING OUT OF PRISON

(1) The craftsman.

(2) The owner takes the things into his house.

(3) V. supra n. 3.

(4) Lit., 'straightened out'.

(5) Namely that the Baraita ruling (cf. Pes. 55b) refers to the fourteenth of Nisan while our Mishnah refers to the festival week. Cf. R. Ash's reply, above. For further notes on this passage v. pes., Sonc. ed. p. 276.

(6) During the festival week, to protect them from rain. קציעות are split figs, which are sun-dried and pressed into cakes. V. commentaries on Alfasi 's text and Krauss, TA II, 246.

(7) The figs, or the covering straw. V. Gemara.

(8) Coarse and fine.

(9) V. Gemara.

(10) All four were Palestinian teachers (Tiberias).

(11) Supra n. 2.

(12) Latin halica, alicia. Cf. Martial, Epigr. XIII, 9: 'Villio est alicia, carior illa faba'. It is mentioned there with the fine Egyptian lentil (Niliacum . . . lentem).

(13) Lat. tragum, pulse, porridge.

(14) Lat. pitsana, barley crushed and cleansed from the husks.

(15) By popular etymology.

(16) Derived from חלק 'divide' (into halves).

(17) From the Greek ** in three parts.

(18) Greek ** four.

(19) Literally (ritually) defiled, potentially or actually, by the grain being washed before the milling. Fruits, grain and vegetables are not subject to ritual defilement until washed or sprayed or have Purposely been left exposed to get damped by rain or dew. After that deliberate damping these take ritual defilement by contact with defiling objects. Cf. Lev. XI, 34. 37-38 with commentaries of Rashi and Nahmanides and B.M. 22a-b, (Sonc. ed. p. 138-9).

(20) M. Maksh. VI, 2, and cf. Pes 40a.

(21) Another popular derivation from חלוק a shirt or tunic.

(22) Means 'cereal' in the (final) form of grain.

(23) V. supra p. 77, n. 7.

(24) When it is not called a 'cereal' but a 'vegetable' and 'in vows we follow the (meaning of terms in) popular parlance', Ned. 49a; cf. 55a (top) commentaries.

(25) Or hirse. V. Pes. 35a.

(26) V. Ned. 55b; Tosef. Ned. IV, 1, ZM. p. 279. 17-18.

(27) Of Sura, Rab's disciple and successor. Many texts (v. D.S. and SBH) read here Rab Judah at Pumbeditha, also a disciple of Rab, as was also R. Kahana, mentioned next.

(28) And other ingredients for food seasoning or 'cornchandlers'. V. Tosaf. s.v. בתבלין and כרופייתא (sing. כרופיתא), probably connected with the Greek **

(29) The bracket is omitted in the Tosefta (M.K. II, 13) and other texts and rightly so, as the addition confines the

permission only to the last part of Tabernacles, whereas there is no reason to exclude that of Passover.

(30) Lit., 'shave'.

(31) Lit., 'From a maritime province'.

(32) Lit., 'repelled' for some flagrant breach of discipline, a religious or moral offence. The matter is discussed fully infra 16aff. The 'repelled' person was expected to go about in sorry apparel, with disordered hair during the time of disgrace, as if in mourning.

(33) A hakam, an ordained Rabbi, to absolve him of a vow to go unkempt for a period, which is found to have been made rashly and is now extremely inconvenient or impossible of fulfillment. Cf. e.g., Ned. IX, 6; 66a.

(34) V. Num. VI, 1-21. If he became defiled by contact with a corpse he had first to be ritually purified and shaved (ibid 6-9); or, on the completion of his Nazirite period (13, 18).

(35) He had likewise to be shaved and to wash his garments. Lev. XIV, 8-9.

Talmud - Mas. Mo'ed Katan 14a

, OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE AND WAS ABSOLVED [BY HIM]. HAND-TOWELS, BARBERS' TOWELS AND BATH-TOWELS [MAY BE WASHED]. MEN OR WOMEN [AFFECTED] WITH 'THE FLUX'¹ OR MENSTRUANTS,² OR WOMEN AFTER CHILDBIRTH³ AND ALL THOSE EMERGING FROM [A STATE OF RITUAL.] IMPURITY⁴ TO [BEGIN] THEIR PURIFICATION ARE ALLOWED [TO WASH THEIR GARMENTS]; BUT ALL OTHER MEN ARE FORBIDDEN.

GEMARA. What is the reason that all other men are forbidden? — As we learned: 'Members of the ward on duty⁵ and [communal] Deputies at their Posts⁶ are forbidden [during their turn] to crop [their hair] or wash [their garments]. But on Thursday they are allowed, in honour of the Sabbath'. Now Rabbah b. Bar-Hana reporting R. Eleazar [as commenting on this] said: 'What is the reason [they may on Thursday]? So that they should not enter [on the duty of] their Ward in a state of untidiness'. Here also the reason is that they do not enter upon the festival in a state of untidiness.

R. Zera inquired: Suppose one had lost something on the day before the festival? [Do we say], since he was prevented [from attending to himself before] he may,⁷ or perhaps, as the reason is not obvious, he may not? — Said Abaye: [Obviously not], as people would then say: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'?⁸ But admitting your argument [against], yet what about it. Assi's statement? who citing R. Johanan said: 'Anybody who has but one tunic⁹ is allowed to wash it during the festival week'. Would not people say in that case, too: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'? — Surely it has been stated in this connection: 'Said Mar son of R. Ashi, His girdle¹⁰ proves his plight'.¹¹ R. Ashi's comments on our Mishnah were [in this form]: R. Zera enquired, What if a craftsman¹² had lost something on the day before the festival? Do we say that since he is a craftsman, the reason [why he is allowed] is obvious, or since the reason is not so obvious as in those other cases [mentioned in the Mishnah], he may not [attend to himself in the festival week]? Let this question stand [adjourned].¹³

[ONE ARRIVING HOME] FROM ABROAD [MAY CROP]. [The anonymous view of] our Mishnah is not that of R. Judah. For it is taught: R. Judah says, One arriving [home] from abroad may not crop himself [during the festival week] because he had set out [on his voyage] without the approval [of the Rabbis].¹⁴ Said Raba: 'If he merely went on a tour all [authorities] are agreed that he is forbidden;¹⁵ if to seek his bread, all are agreed that he is allowed.¹⁵ Difference of opinion arises only in the case of a voyage for business profits, one master looking upon it as equivalent to [mere] travelling, and the other master looking upon it as equivalent to seeking his bread'.

An objection was raised: 'Said Rabbi: R. Judah's opinion seems apposite where he had set out

without approval and the Sages' opinion seems apposite where he had set out with approval'. Now, what is 'without approval'? If I say for going on a tour, did you not say that all are agreed that he is forbidden?¹⁵ Again [should it mean] for seeking [his] bread; surely did you not say that [if with this object] all are agreed that he is allowed?¹⁶ It is obvious therefore that it means for profit-seeking.¹⁷ Now consider the latter clause: 'And the Sages' opinion seems apposite where he had set out with approval'; what is meant by 'with approval'? If I say [approval to set out] for earning his bread, have you not said that all are agreed that he is allowed?¹⁶ Again, should it [rather] mean for profit [seeking]; but surely then, did you not say that' R. Judah's [adverse] opinion seems apposite in this case [that he is forbidden]?¹⁸ — This is what he [Rabbi] meant to say: The Rabbis accept R. Judah's opinion where he had started out 'without approval', and what means it? For going on a tour; because, even the Sages disagree with him only on [the question of a voyage] for gaining profit, whereas in regard to going on a tour they concur with him.¹⁹ And again, R. Judah accepts the Rabbis' opinion [that he may attend to himself]¹⁶ where he had set out 'with approval', and what means it? For seeking his bread; because even R. Judah disagrees with them only on [the question of a voyage] for gaining profit, whereas in regard to going out for seeking his bread he concurs with them.²⁰

Samuel said: 'If an infant is born during the festival [week] it is allowed to cut his hair²¹ during the festival [week] because there is no imprisonment²² more real than this'. [That is, only 'if . . . born] during the festival [week]' it may be done, but [if born] before then, it is [presumably] not allowed.²³

R. Phineas raised all objection: 'Every one of those mentioned [by the Sages] as being permitted to crop his hair during the festival [week] may [likewise] crop his hair during the [thirty]²⁴ days of his mourning';²⁵ [which means conversely] that every one of those who is forbidden to crop his hair during the festival [week] is [likewise] forbidden to crop his hair during the [thirty]²⁶ days of his mourning.

(1) Ibid. XV, 2, 5, 13.

(2) Ibid. 19-27.

(3) Ibid. XII, 2; cf. XV, 25ff.

(4) Ibid. XI, 24-25, 28, 40 and Num. XIX, 19.

(5) Mishmar, v. Glos. The priests and Levites were grouped in twenty-four wards to take their turn in the Temple. V. I Chron. XXIV, 1-19 (Priests) and 20-25 (Levites). Cf. Neh. XII, 44-47 and XIII, 29-31.

(6) Ma'amad, v. Glos. Palestine was divided into twenty-four stations or districts which sent their deputies of priests, Levites and lay Israelites to represent the community at the Temple service and they served for a week. While on duty the Deputies observed a daily fast during the day, from Monday to Thursday and in a side chapel recited Holy Writ. V. Ta'an. IV, 1; Talm. 26a and 27a.

(7) Trim himself and wash his garments during the festival week.

(8) A proverbial expression, protesting against discrimination. The origin of the proverb is found in Pes. 37a where it is objected to fancy-shaped loaves for Passover use, as the shaping of the piece of dough may delay the baking to the point of leavening. R. Boethus b. Zonin suggested that the use of moulds might easily obviate this fear, which evoked the (proverbial) retort.

(9) Or shirt.

(10) Or loin cloth.

(11) While washing his shirt, he is either girded with a loin cloth or wears his outer garment fastened by the belt to avoid exposure of his body.

(12) A barber or bath attendant who is permitted to work on the fourteenth of Nisan, who mislaid or lost one of his tools, and his customers see him worried and hindered in his work.

(13) For a future adequate solution.

(14) Quoted in J.M.K. I, 1: 'For R. Judah said it is forbidden to set out on a voyage on the great sea'. The reason for his disapproval is probably on account of the risk of not arriving home in time for the festival. Cf. Shab. 19a and J. Shab. 1,

3.

(15) To attend to his personal appearance during the festival week.

(16) To attend to his personal appearance during the festival week.

(17) I.e., R. Judah does not approve of a sea voyage for mere gain or profit.

(18) All of which shows that the difference cannot be as stated on the question of a voyage for profit.

(19) That he is to be penalized if his homecoming was delayed, and not allowed to trim himself during the festival week.

(20) The accepted view is that a voyage for profit is an extenuating circumstance. V. Han., Asheri and Codes.

(21) If its hair is abnormally long and, for convenience, would best be shortened. If, however, the shortening is imperative for hygienic reasons there is no question.

(22) In the pre-natal state.

(23) Since it could have been cut before the festival.

(24) So in Tosef. II, 2. I. e., if he suffered a second bereavement before the mourning days of the first expired. V. infra 17b.

(25) V. infra 17b.

(26) V. p. 83, n. 9.

Talmud - Mas. Mo'ed Katan 14b

Now if you say that there is a difference here in the case of the infant,¹ you are this implying that [the observance of] mourning obtains in the case of a minor, whereas it is taught: 'A minor's garment is rent out of grief of soul'?² R. Ashi said [that the negative inference is faulty, for] does it [actually] state 'but those who are forbidden'?³ Perhaps [it means to state] that some there are who are forbidden⁴ and some others who are permitted.⁵

Amemar, or some say. R. Shisha son of R. Idi, taught thus: 'Samuel said: "An infant may be cropped in the festival [week]: it makes no difference whether he was born during the festival [week] or was born before".' Said R. Phineas: We learned this also [indirectly] from [the following]: 'Every one of those mentioned [by the Sages] as being permitted to crop during the festival [week] may likewise crop his hair during the [thirty] days of his mourning'; which means conversely, but every one of those who is forbidden to crop during the festival [week] is likewise forbidden to crop during the [thirty] days of his mourning. Now if you say that a [newly-born] infant is forbidden [to be cropped] you find yourself [implying] that [the observance of] mourning obtains in the case of a minor; whereas it is taught [distinctly]: 'The garment of a minor is rent [merely] out of grief of soul'? — Said R. Ashi: [That negative inference is faulty for] does it [actually] state, 'But he who is forbidden [in the festival week] is also forbidden during his [thirty] days of mourning? Probably it means that some there are who are forbidden and some others who are permitted.

A mourner does not deport himself as one in mourning during a festival, as it is said: And thou shalt rejoice in the feast.⁶ [For], if his mourning began before [the festival], a positive precept incumbent on the community⁷ overrides one incumbent on him as an individual;⁸ and if his mourning began just then [during the festival], an individual's function cannot come and put off that of the public.

Now what about one separated [under a ban]? Should he deport himself as one in 'separation' during a festival? — Said R. Joseph: Come and hear: 'They [the Courts] deal with capital offenses, with [offenses involving judicial] floggings⁹ and monetary suits,¹⁰ [during the festival week]'. [This implies that] if one heeds not the [court's] decision, we put him under a ban.¹¹ Now if you presume that he should not deport himself during the festival like one under 'separation', [then] seeing that where one is already fallen under a ban, the festival comes and suspends [the ban],¹² shall we pronounce him banned in the first instance [during the festival]? Abaye replied: Perhaps [the object of the adjudication is] to examine the charge against him.¹³ For, should you not say thus, then 'capital offenses' therein mentioned would likewise mean indeed that they would have him slain; but

surely thereby they [the judges] themselves would be debarred from 'rejoicing in the feast' [as is Scripturally ordained], as it is taught:¹⁴ Says R. Akiba: Whence may it be shown that a Sanhedrin [Court] that put a [sinning] soul to death do not taste [food] all that day? From the instructive text 'Ye shall not eat on the blood'.¹⁵ Therefore [I say] it must be only to examine the charge against him, and likewise here it is only to examine the charge against him. Said R. Joseph to him: If [you explain it] so, the result is that you delay the execution of his sentence [which is forbidden]?¹⁶ But [I take it], they come early in the morning and examine the charges against him; then they go home and eat and drink all that day¹⁷ and, coming back with the setting sun, they do give a final decision and [also] have him put to death.¹⁸

Said Abaye: Come and hear.¹⁹ OR ONE UNDER A BAN TO WHOM THE SAGES HAVE GRANTED ABSOLUTION.²⁰ Said Raba: Does it state: 'Whom the Sages granted absolution'? It says: OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION, [that is] where he [the offender] went and appeased the plaintiff and then came before our Rabbis²¹ and they then set him free [from restraints].²²

What about a leprous person; does he deport himself as a leper during the festival?²³ — Said Abaye: 'Come and hear: AND [ALSO] A NAZIR OR LEPER EMERGING FROM HIS [STATE OF] IMPURITY TO [BEGIN] HIS PURIFICATION [may crop his hair and wash his garments],²⁴ which implies that during the days of his impurity he does deport himself [as a leper]'! — [No]; the Tanna considered that this goes without saying [and is to be understood thus]: It goes without saying that he does not deport himself [as a leper] during the festival.²⁵ But when [he is emerging] into his state of cleanness we might [be inclined to] restrict him, in case he might defer²⁶ making his [preliminary] offerings [of purification].²⁷ Therefore he informs us [that he may, nevertheless].²⁸ Said Raba: Come and hear.²⁹ '[It is taught]: And the leper. [in whom the plague is, his clothes shall be rent and the hair of his head shall be loose . . .],³⁰ that is meant to include a High Priest [in this rule]'. Now [we learned] a High Priest all through the year is on a par with any other person on a festival, as we learned: The High Priest may make sacrifice [on the altar] even when he be onen,³¹ without however eating thereof! From this [latter restriction of even a High Priest] you can infer [about the former] that he should deport himself as a leper during the festival. — Infer that.

A mourner is forbidden to cut his hair, because since the Divine Law ordained the sons of Aaron:³² Let not the hair of your heads go loose,³³ we infer that for everybody else [cutting the hair] is forbidden

(1) Whether the infant was born during or before the festival, in which latter case he must not be cropped, and consequently on the principle just enunciated he may not be cropped on his days of mourning.

(2) V. infra 26h. It is done, not as an obligatory observance on the part of the child, but merely to deepen the poignancy of grief among the mourners by including the young, unknowing child in the sorrow.

(3) 'But those who are forbidden to crop their hair during the festival (week) are (likewise) forbidden to do it during the (thirty) days of mourning'.

(4) In the case of adults.

(5) In the case of minors.

(6) Deut. XVI, 14.

(7) The divine charge, an 'ordinance' to the community to observe the joyous celebration of the festival.

(8) The observance of mourning.

(9) Of thirty-nine stripes, for a well-attested breach of a Scriptural prohibition after due warning. V. Deut. XXV, 1-3; Mak., Sonc. ed. p. 90, n. 1.

(10) Claims or fines. So Tosef. M.K. II, 11.

(11) Shammetha, to enforce public discipline.

(12) I.e., his disabilities of seclusion and wearing a mourner's garb as in the case of the mourner.

(13) Without pronouncing judgment.

- (14) Sanh., Sonc. ed. p. 430.
- (15) Lev. XIX, 26.
- (16) Cf. Aboth. V, II and Shab. 33a.
- (17) In fulfillment of the precept of rejoicing on the Festival.
- (18) [Since after all a final decision is given on the festival week, it follows that the ban is necessarily imposed on the disobedient and consequently proves that the regulations of the ban are in force on the festival week.]
- (19) In support of my view.
- (20) The relative clause is at present assumed to mean that one who is banned is automatically released by the Sages on the festival from the disabilities of a ban.
- (21) During the festival week.
- (22) Otherwise he remains under his disabilities during the festival.
- (23) I.e., to remain isolated, let his hair remain long and wear torn or soiled clothes as a leper, during the festival week.
- (24) Cf. Mishnah supra 13b.
- (25) I.e., it is immaterial either way so long as he is still an unclean leper, as he, in any case, has to resume his disabilities after the festival. V. Ritba.
- (26) I.e., after having trimmed himself and changed his clothes during the festival he might postpone the offerings and bring them on the last day of the festival when a private sacrifice may not be offered.
- (27) I.e., taking two live birds and spring water for the ritual sprinkling with the hyssop, as prescribed in Lev. XIV, 2-8, after which he washed his clothes and shaved his body and was to return to the camp' (home) and after another seven days to complete his 'purification and atonement by sacrifice at the Temple.
- (28) Crop his hair and cleanse or change his torn clothes during the festival week.
- (29) That the leper deports himself as a leper in the festival week also.
- (30) Sifra on Lev. XIII, 45 where by laying stress on 'And the' together with the descriptive clause 'in whom the plague is' still, the wording is taken to include especially the otherwise exceptional person of the High Priest, who may never grow long hair or wear torn clothes, even when a mourner. Lev. XXI, 10.
- (31) I.e., on the day of poignant grief, when the death of his near and dear occurred. This law is based on the sad experience of Aaron who lost two of his sons on the day of his induction as High Priest. He then offered up the sacrifices, but did not partake of the holy meat. V. Lev. X, 16; 16-20. Cf. Hor., Sonc. ed. pp. 90 and 93. Any other priest may not officiate during the state of onen, except on festivals when the law of onen does not apply.
- (32) When Nadab and Abihu died.
- (33) I.e., keep it in trim. V. Lev. X, 6 and cf. Ezek. XLIV, 20.

Talmud - Mas. Mo'ed Katan 15a

. What about those 'separated' [under a ban], and [segregated] lepers in regard to cutting [their hair] during the festival week? — Come and hear. "Those "separated" [under a ban] and [segregated] lepers are forbidden to cut [their hair] and wash [their garments]. If one "separated" [under a ban] died,¹ the Beth din stone his coffin; R. Judah says, not that they set up a heap of stones over him like the heap of Achan,² but the Beth din send [commissioners]³ and have a large stone⁴ placed on his coffin, which teaches you that if anyone is placed under a ban and dies in his "separation", the Beth din stone his coffin'.⁵

A mourner is obliged to muffle his head. Since the All Merciful enjoined Ezekiel: And cover not thine upper lip,⁶ we infer that everybody else is obliged [to do so].⁷ What about one 'separated' [under a ban] in regard to muffling the head? — Said R. Joseph, Come and hear: 'And they⁸ muffle themselves and sit as men "separated" [under a ban] and like mourners until Heaven grants them mercy'. Said Abaye: Perhaps it is different with one who is 'separated' [under a ban] by displeasure of Heaven⁹ [as it were]; for that is [more] serious [than being in disfavour with man]!

What about a leper, in regard to muffling the head? — Come and hear: And he shall cover his upper lip;¹⁰ we infer from this that he is obliged to muffle his head. — Infer that.

A mourner is forbidden to put on tefillin.¹¹ Since the All Merciful ordained Ezekiel: Bind thy headtire upon thee,¹² this implies that everybody else is forbidden [to do so in deep mourning]. What about one 'separated' [under a ban], in regard to tefillin? — It stands [adjourned].

What about a leper, in regard to [putting on] tefillin? — Come and hear: [Holy Writ prescribes], 'And the leper';¹³ this [amplification] is to include [even] a High Priest [in this law];¹⁴ 'his clothes shall be perumim',¹⁵ that is, they shall be torn. 'And [the hair of] his head shall be parua'.'¹⁶ 'Parua' means only letting the hair grow long;¹⁷ these are the words of R. Eliezer. R. Akiba explains [otherwise]: 'Shall be' is stated in connection with the leper's head;¹⁸ and 'shall be' is stated in connection with the leper's garment.¹⁹ [Therefore] just as 'shall be' stated in connection with the garment refers to something external to the body [clothes],²⁰ so also 'shall be' stated in connection with the head refers to something external to the body.²¹ What then [is to be discarded]? Is it not the reference to tefillin? — Said R. Papa, [Not necessarily these], it may refer to [not putting on] a cap or sudarium.²²

A mourner is forbidden to give the usual greeting [of wellbeing],²³ because the All Merciful said to Ezekiel: Sigh in silence.²⁴ What about one 'separated' [under a ban] in regard to [abstaining from] the usual greeting?²⁵ — R. Joseph said, Come and hear: And in regard to greeting one another 'with peace', as man to man, they [that are fasting]²⁶ behave like persons who are 'separated' [under a ban] by the Omnipresent.²⁷ Said Abaye to him, Perhaps [the case of] the 'separated' [as under a ban] by displeasure of Heaven is different because it is [more] serious.

What about a leper in regard to [abstaining from] greeting one 'with peace'? — Come and hear: [It is written]: And he shall cover his upper lip,²⁸ that is, his lips shall be compressed together, that he should behave like one 'separated' [under a ban] and like a mourner, and he is forbidden to greet one 'with peace' Infer that. Then why not solve now²⁹ [the above question] about one 'separated' [under a ban]?³⁰ — Said R. Aha b. Phineas in the name of R. Joseph: Does it [actually] state that he [the leper] is forbidden [to greet one 'with peace' like one 'separated']? It only states that he behaves like one 'separated' or like a mourner with reference to other things and at the same time that he is also forbidden to greet one 'with peace'.

A mourner is forbidden [to engage] in the words of the Torah, because the All Merciful said to Ezekiel: 'Sigh in silence'.³¹ What about one 'separated' [under a ban engaging in] the words of the Torah? — Said R. Joseph, Come and hear: One 'separated' [under a ban] may teach [others] and others may teach him; he may be hired [for work] and others may be hired by him. One under anathema³² neither teaches others, nor do others recite it to him; he is not hired [for work] nor are others [to be] hired by him; but he recites to himself in order that he does not interrupt his study;³³ and he makes a small stall for himself [as a means] for 'his livelihood'.³⁴ Whereat Rab³⁵ remarked, [As for instance] selling water at the pass of Araboth.³⁶ Infer from that.³⁷ What about a leper [engaging] in the words of the Torah? — Come and hear: [It is written], And make them known³⁸ unto thy children and thy children's children; the day that thou stoodest before the Lord thy God in Horeb. [that they may learn to fear Me all the days . . . and that they may teach their children],³⁹ that is, just as [they heard God's word] then [at Sinai] with awe, fear, trepidation and perspiration;⁴⁰ [so be it now studied with awe, fear, trepidation and perspiration]. Hence sad they [the Sages], that men who are [affected] with flux,⁴¹ lepers, or such as [in error] consorted with their wife while in separation⁴² are allowed to read [Scripture] out of the Torah [Pentateuch], the Prophets or the Hagiographa⁴³ or to recite [orally] Mishnah,⁴⁴ Midrash,⁴⁵ Gemara,⁴⁶ Halachah or Aggadah;⁴⁷ while those who have night pollutions are forbidden.⁴⁸ You may infer it from that.

A mourner is forbidden to wash his clothes, for it is written, And Joab sent to Tekoa and fetched thence a wise woman and said unto her: 'I pray thee, feign thyself to be a mourner and put mourner apparel, I Pray thee and anoint not thyself with oil, but be as a woman that had a long time mourned

for the dead'.⁴⁸ What about the 'separated' [under a ban] and the lepers washing their clothes? — Come and hear: Persons 'separated' [under a ban] and lepers are forbidden to cut [their hair] or wash [their clothes]. You may infer it from here.

A mourner is in duty bound to rend [his garments], because the All Merciful enjoined the sons of Aaron, 'Neither rend [your clothes]'.⁴⁹ From here you infer that everyone else is bound to do it. What about one 'separated' [under a ban] rending his garments? It stands [adjourned].

What about the leper rending his garments? — Come and hear: 'His clothes shall be perumim'⁵⁰ which means they shall be rent. [Yes], infer it.

A mourner is bound to overturn his couch, because Bar Kappara taught:

(1) Sem. V, 11 adds: 'he requires a stoning'.

(2) Josh. VII, 25.

(3) Sem. *ibid.* has: But a messenger of the Beth din takes a stone and puts it on his coffin to carry out on him the ordinance of a stoning.

(4) Cf. Lev. XXIV, 23.

(5) Cf. 'Ed. V, 6 (Sonc. ed. p. 25) and Ber. 19a.

(6) Ezek. XXIV, 17.

(7) Under similar circumstances of bereavement, as Ezekiel's grief was meant to be excessively poignant.

(8) Some of the leading Rabbis who meet to fast and pray on account of the shortage of rain. V. Ta'an. 14b.

(9) The drought being the sign of Heaven's displeasure.

(10) Lev. XIII, 45. 'Cover' here is the same term as used in Ezek. XXIV, 17; 22-23.

(11) Phylacteries. Cf. Deut. VI, 4-9; XI, 19 and Prov. III, 3; VI, 20-23.

(12) Ezek. XXIV, 17-23. Cf. Targum *ad loc.*

(13) Lev. XIII, 45. V. the full text cited by Raba p. 87.

(14) V. *supra* p. 87, n. 5.

(15) Note the phrase, also the specific meaning of the root פָּרַם , to tear, rend clothes, as here. It is used again twice (Lev. X, 6; and XXI, 10) and Lily in connection with Aaron and his sons; (not) to rend their garments for the dead.

(16) Note this phrase as well as the several meanings of the root פָּרַע ; (a) to be, or get free (from restraint or debt), be loose; (b) to grow freely (of hair, foliage or branches), Num. VI, 5; (c) to let go free, without restraint (Ex. XXXII, 25); (d) to uncover, loosen, disarrange (hair etc.), Num. V, 18.

(17) V. 3b. Cf. Pseudo Jonathan on Lev. XIII, 45.

(18) V. *supra* p. 87, n. 5.

(19) V. *supra* *ibid.*

(20) I.e., his clothes are to be rent exposing parts of the body as a sign of distress and mourning.

(21) I.e., his head to be left bare, uncovered, by not putting on any external covering, as a sign of distress and mourning. Cf. Onkelos on Lev. XIII, 45.

(22) A Latin word meaning a napkin; here a cloth used as a kerchief.

(23) Lit., 'ask after peace'. E.g., Gen. XXIX, 6: 'Is it (peace) well with him?' 'Is well': *ibid.* XLIII, 27. To ask such a question would be invidious and a happy reply even painful to the mourner who is in deep sorrow.

(24) Ezek. XXIV, 17; 22-23. Keep your grief to yourself, but outwardly chat and greet people freely, implying that other mourners may not greet, Han.

(25) on account of the prolonged drought.

(26) V. Ta'an. 12b.

(27) Lev. XIII, 45, with reference to a leper.

(28) From the leper's silence.

(29) Left in suspense because of Abaye's query that perhaps the demeanour of the faster is no criterion, as a public calamity such as drought, Hood, or epidemic disease etc. seems a more serious indication of divine displeasure than the sorrow of an individual.

(30) But converse and talk freely, as if nothing is amiss; implying that other mourners are forbidden. The learned

discussion on the words of the Torah is deemed as a joy. V. Ps. XIX, 9-11; CXIX, 15-16 etc.

(31) One put under herem. This is the extreme disciplinary measure taken against a refractory offender, who persists in his defiance of the first reprimand' (for seven days); the 'separation' (or exclusion) for another seven days (in Babylon and thirty days in Palestine), refusing to submit. The matter is dealt with fully infra 16a.

(32) MS.M., 'Does not impair his studies'.

(33) Cf. Sem. V, 12-13 (where the text is defective).

(34) MS.M., R. Hisda.

(35) A place proverbially notorious for its lack of water, and highly infested by brigands. Cf. Ber. 54a; Naz. 43b. The best place where a man like him would find ready customers.

(36) That one under a ban is permitted to engage in the words of the Torah.

(37) 'The things which the eyes saw', i.e., the scene at Sinai.

(38) Deut. IV, 9-10.

(39) 'And when people saw it they trembled . . .' Ex. XX, 15.

(40) Lev. XV, 2ff.

(41) I.e., within the forbidden period of menses. V. Lev. XV, 19, 24 and XX, 18.

(42) Because 'The sacred word is not subject to defilement'; besides, it cleanses the mind and heart.

(43) The Mishnah par excellence. Inserted by MS.M.

(44) Lit., 'exposition' of the Biblical text.

(45) Lit., 'oral' or 'complementary' teaching and explanations of the Mishnah received from the mouth of a master. These constitute the study of the Talmud.

(46) Halachah is matter of legal import, and Aggadah is ethical and homiletical exposition.

(47) V. Ber. 22a, where the subject is discussed at length showing the divided opinions of teachers, who ultimately inclined to recognize human weakness along with the value of the study of Torah as a moral aid. Cf. Mak. 10a and 23b (Sonc. ed. pp. 62, 169ff).

(48) II Sam. XIV, 2.

(49) Lev. X, 6. At the death of their brothers Nadab and Abihu, during their installation into their priestly office.

(50) Ibid. XIII, 45. Cf. Supra p. 89, n. 2.

Talmud - Mas. Mo'ed Katan 15b

'[God says], "I have set the likeness of mine image on them and through their sins have I upset it; let your couches be overturned¹ on account thereof".' What about one 'separated' [under a ban] and a leper overturning couches? Let this stand [adjourned].

A mourner is forbidden to engage in work, for it is written: And I shall turn your feasts into mourning;² [hence we say] that just as it is forbidden to engage in work during a Feast [festival], so is it forbidden to engage in work during mourning. What about one 'separated' [under a ban] in regard to doing work? — Said R. Joseph: 'Come and hear: "When the Sages said that it is forbidden them³ to engage in work, [about themselves, bathe, don shoes. . .], they laid this down only for the daytime, but at night it is all permitted and [the same restrictions] you find also in the case of one 'separated' and a mourner."⁴ Does not this refer to all those [restrictions]?' — No, it is only to the other things, [but not to work].

Come and hear: 'One "separated" [under a ban] teaches [others] and others teach him; he is hired [for work] and others are hired by him'.⁵ You may infer from that. What about a leper engaging in work? — Let this stand [adjourned]. A mourner is forbidden to wash himself, as it is written, And anoint not thyself with oil,⁶ and bathing is implied in anointing.⁷ What about one 'separated' [under a ban] bathing? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, to wash [on the fast day] they meant only in regard to washing the whole body, but one is permitted to wash one's face, hands or feet, and [the same restrictions] you find also in the case of one "separated" [under a ban] and a mourner'⁸. Now, does not this refer to all the restrictions? — No, [only] to the others [but not to bathing]. What about the leper washing himself? — Let this stand [adjourned].

A mourner is forbidden to put on sandals [shoes], as the All Merciful ordained Ezekiel, And put thy shoes upon thy feet,⁹ which implies that for everyone else it is forbidden [to do so]. What about one 'separated' [under a ban] putting on sandals? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, [on the fast day] to put on sandals, they meant only in town, but on the road it is permitted. When, for instance? When one sets out on the road he puts on [shoes], on entering town, he takes them off: and [the same] you find also in the case of one "separated" [under a ban]'.⁸ Now, does not this refer to all those [restrictions]?¹⁰ — No, [only] to the other.¹¹ What about the leper putting on sandals? — Let this stand [adjourned].

A mourner is forbidden the use of the [conjugal] bed, as it is written: And David comforted Bath-Sheba his wife and went in unto her,¹² which implies that before then¹³ it was forbidden [him]. What about one 'separated' [under a ban] in regard to the use of the [conjugal] bed? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]¹⁴ yet they used their [conjugal] beds.¹⁵ Said Abaye: But, maybe, the case of those who are 'separated' by [displeasure] of Heaven is different because it is less serious? [You say], 'less serious'! But you argued [before]¹⁶ that it was more serious? — He is uncertain on the point; [if you] go [and argue] this way, he rebuts it, and if you go [and argue] the other way, he [again] rebuts it. What about a leper, in regard to the use of the [conjugal] bed? — Come and hear, for it is taught: '[It is written], But [he] shall dwell outside his tent seven days',¹⁷ that is, he shall be like one 'separated' [under a ban] and like a mourner; and he is forbidden the use of the [conjugal] bed, as '[outside] his tent' means only [apart from] his wife, as it is said: Go say to them: Return ye to your tents.¹⁸ You may infer it from that. Then could not one now by this [conclusion] solve the above question [on this point] about one 'separated' [under a ban]? — Said R. Huna¹⁹ son of Phineas in R. Joseph's name: Does it state [categorically] that he [the leper] is forbidden [like one 'separated']? It only states that he is like one 'separated' [under a ban] and like a mourner in respect of other things and that he be [also] forbidden the use of the [conjugal] bed.²⁰

A mourner does not send his sacrifices [to the Temple], for it is taught: Says R. Simeon, [It is written, And thou shalt sacrifice] peace-offerings²¹ and eat there,²² and thou shalt rejoice before the Lord thy God,²³ that is, one offers 'peace-offerings' [only] at times when one is untroubled,²⁴ but not at a time when one is onen,²⁵ What about one 'separated' [under a ban], should he [then] send his offerings? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]²⁶ and [yet] they sent their offerings [to the Tabernacle]. Said Abaye to him: But perhaps one 'separated' by [the displeasure of] Heaven is different, because it is not so serious? [You say], 'Not so serious'! But you argued [before] that it was more serious! — [Abaye] being uncertain on the point rebutted it [either way]. What about a leper, may he send his [sacrificial] offerings? — Come and hear: And after he [a defied priest] is cleansed²⁷ — [that is, cleansed]²⁸ after coming away from his dead near of kin — they shall reckon unto him seven days²⁹ — those are the seven days which he has to count³⁰ — and in the day that he goeth into the Sanctuary,³¹ into the inner court,³² to minister in the Sanctuary, he shall offer his sin-offering³³

(1) So MS.M.; cur. edd.: 'overturn their couches'. Cf. Ezek. XXIV, 23 and J. Ber. III, 1.

(2) Amos VIII, 10.

(3) Those praying and fasting on account of persistent drought.

(4) Ta'an. 13a; Tosef. Ta'an. 1, 6; J. Ta'an. I, 3 twice, and J.M.K. III, 5.

(5) V. supra 15a.

(6) II Sam. XIV, 2.

(7) V. Ruth III, 3 and Yoma 76.

(8) Cf. supra p. 92, nn. 5 and 6.

(9) Ezek. XXIV, 17.

(10) Including that of not wearing sandals.

- (11) Exclusive of sandals.
- (12) II Sam. XII, 24 and infra 21a.
- (13) During the period of mourning.
- (14) Deut. 1, 34-35; 43-44. Cf Mekilta, Bo. Poem, based on Deut. II, 15-16.
- (15) Deut. I, 39.
- (16) V. supra p. 90.
- (17) Lev. XIV, 8.
- (18) Deut. V, 27. Cf. supra 7b.
- (19) Var. lec. Aha.
- (20) V. supra p. 93.
- (21) שלמים derived here from שלם , to be whole, hale and at peace.
- (22) These 'peace-offerings' were usually brought to the Temple by the pilgrims during the festivals (of Passover, Weeks and Tabernacles) and after the altar rites had been performed and the priests given their due portions (Lev. VII, 29-34), the worshippers with their family group ate the remainder of the sacrificial meat in a state of ritual purity as joyous celebrants (Deut. XII, 6-7; 17-19; XXVII, 7).
- (23) Deut. XXVII, 7.
- (24) Lit., 'whole'. Cf. n. 1.
- (25) V. Supra p. 87, n. 6.
- (26) V. n. 2 and Yeb. 72a. (12) Lev. XVII, 5. (Private peace-offerings). V. however Men. 45b.
- (27) Ezek. XLIV, 26.
- (28) V. verse 25; about the ritual sprinkling after being defiled by the dead (before one may enter the sanctuary), Num. XIX, 11-13; 19-20.
- (29) The (above) ritual sprinkling from defilement by contact with the dead was done on the third and seventh days after having separated from the corpse; but the use of the phrase 'they shall reckon seven days' instead of 'they shall sprinkle upon him' is taken to be reminiscent of the seven days for a leper on his recovery and his preliminary ritual cleansing, before leaving his place of Isolation (Lev. XI V, 1-8), which were followed by another seven days of ritual purification before he may proceed on the eighth day with his final purification and atonement. (Ibid. 8-11). Accordingly, the case of a leprous priest is read into the text of Ezekiel. For obviously it would be useless to cleanse a leprous priest (or layman) from his defilement by the dead while still being unclean as a leper, and as such unfit to enter the camp or sanctuary.
- (30) As a leper, 11 the course of his cleansing.
- (31) After having been purified from both defilements.
- (32) As a priest.
- (33) Prescribed for a recovered leper (Lev. Xlv, 19 or 22); or it might be translated, 'His (offerings for) cleansing' (cf. Lev. Xlv, 52; Num. VIII, 7; XIX, 9, 12, 19). V. supra n. 3.

Talmud - Mas. Mo'ed Katan 16a

— which is his [own meal-oblation¹ consisting of] one tenth part of an ephah [of fine flour]: These are the words of R. Judah. R. Simeon says, [the wording:] And in the day that he goeth into the sanctuary [into the inner court to minister in the sanctuary], he shall offer his sinoffering² [implies that only] when he is fit to go into the sanctuary he is fit to offer up [his own oblation]: and when he is not fit to go into the sanctuary, he is not fit to offer up [his own oblation].³ Raba said: Whence do we know⁴ the regulation that we send a messenger of the Court?⁵ — From what is written: And Moses sent to call Dathan and Abiram the sons of Eliab.⁶ And whence do we know that we summon⁷ him to attend [in person]? — From what is written, And Moses said to Korah, Be thou and all thy congregation before the Lord, thou and Aaron [tomorrow].⁸ [Whence, to appear] 'before a great personage'? — From what is written, Before the lord.⁸ [To name both parties], 'thou and So-and-so'? — From what is written, Thou and they [that are with thee] and Aaron.⁸ That we fix a time? — As it is written, To-morrow.⁸ Time and again?⁹ — As it is written: They called there,¹⁰ Pharaoh the king of Egypt [the author of] 'commotion'; he hath let the appointed time pass by. [As I live, saith the King, the Lord of Hosts, surely like Tabor among the mountains and like Carmel by the sea, so shall he come].¹¹ And whence do we know that if one behaves insolently towards the

Court's messenger and the latter comes and reports it, this is not deemed slander [on his part]? — As it is written: [And Moses sent to call Dathan and Abiram the sons of Eliab]; And they said: [We will not come up]⁶ . . . Wilt thou put out the eyes of these men? [We will not come up].¹² Whence do we derive that we [may] pronounce a shammetha¹³ [imprecation]? — From the text: Curse ye Meroz.¹⁴ Whence do we derive that it must be according to the considered opinion of some prominent person? — From the text: [Curse ye Meroz] said the angel of the Lord¹⁴ [to Barak]. And whence do we derive that we pronounce the herem?¹⁵ — Front the [same] text: Curse ye a cursing.¹⁶ Whence do we derive that [it falls on one who] eats and drinks with the offender or stands within four cubits of him? — From the same text: [Curse ye a cursing] the inhabitants thereof.¹⁷ Whence do we derive that we publish the details of his offence? — From the [same] text: Because they [the denizens of Meroz] came not to the help of the Lord. And, said 'Ulla, Barak pronounced the shammetha¹⁸ against Meroz with [the blast of] four hundred horns. Some say that Meroz was [the name of] a great personage;¹⁹ others say that it was [the name of] a star,²⁰ as it is written [there]: They fought from Heaven, the stars in their courses fought against Sisera.²¹ Whence do we derive that his property may be forfeited?²² — From the text: And whosoever come not within three days, according to the counsel of the princes and the elders, all his substance should be forfeited and himself separated from the congregation of the captivity.²³ Whence do we derive that we may quarrel [with an offender], curse him, smite him, pluck his hair and put on him an oath?²⁴ — From the text: And I contended with them, and cursed them, and smote certain of them and plucked off their hair and made them swear by God.²⁵ Whence do we derive that we may fetter, arrest and prosecute them? — From the text: [Let judgment be executed upon him with all diligence], whether it be unto death, or to uprooting, or to confiscation of goods or to imprisonment.²⁶ What is meant by 'uprooting? Said [R.] Adda Mari, reporting Nehemiah b. Baruch, who said in the name of R. Hiyya b. Abin, who had it from Rab Judah, it mean the hardafah.²⁷ What is denoted by hardafah? — Said Rab Judah son of R. Samuel b. Shelath in the name of Rab: It means, They declare him 'separated'²⁸ forthwith; then [if he still persists] they repeat [the same declaration] after thirty days,²⁹ and finally they pronounce the herem on him after sixty days. Said R. Huna b. Hinena, This is what R. Hisda said: They [first] warn him on Monday, [then] on the Thursday³⁰ [following] and [again on the] Monday. This rule applies if he disregards a monetary judgment; but in a case of sheer contumacy the ban is imposed forthwith. When a certain butcher had been insolent to R. Tobai b. Mattena, Abaye and Raba were appointed³¹ to investigate and they pronounced the shammetha on him. In the end, the fellow went and appeased his litigant.³² Said Abaye, What is one to do? Should we absolve him now? The shammetha had not lasted [its] thirty days.³³ Shall we not absolve him? The Rabbis want to go in to him!³⁴ Said lie to R. Idi b. Abin: 'Have you [perchance] heard aught bearing on this?' He replied: 'Thus said R. Tahlifa b. Abimi as reporting Samuel: "A toot³⁵ binds and a toot releases!"' [Said Abaye] to him, Yea, but this obtains only in the case of disregarding a monetary decision, but in a case of contumacy [it holds] until it has rested on him for thirty days! Anyhow, that shows that Abaye was of opinion that if three people had pronounced the shammetha on a man three others cannot come and release him!³⁶ For the question was raised: If three people had pronounced the shammetha on a man, can three others come and remit it for him? — Come and hear: 'One who has been "separated" [under a ban] by the master is [deemed as] "separated" from the disciple;³⁷ but one who has been "separated" by the disciple is not [considered as] "separated" from the master. One who is "separated" by his own town is also "separated" from another town; but one who is "separated" by another town is not [considered] "separated" from his own town. One who is "separated" by the Nasi [Prince] is "separated" in all Israel; but one who is "separated" by all Israel is not [thereby] "separated" from the "Prince". Rabban Simeon b. Gamaliel says that if one of the disciples had "separated" someone and died, his part is not nullified'. From this you derive three points: — [a] That if a disciple 'separated' someone in [defence of] his personal dignity,³⁸ the 'separation' lies, and you infer [b] that each person revokes his own part, and you infer [c] that if a body of three have pronounced a shammetha on a person, three others may not come and release him.³⁹

Amemar said: 'The rule in practice is, that if a body of three have laid a shammetha on a person, a

body of three others [can] come and release him'. Said R. Ashi to Amemar, But it is taught: 'Rabban Simeon b. Gamaliel says that if one of the disciples "separated" someone and died, his part is not nullified'! Does not this mean, that it cannot be nullified at all? — No, [it means] not until a body of three others come and release him.

Our Rabbis taught: No 'separation' ban holds less than thirty days and no 'reproof'⁴⁰ holds less than seven days; and although there is no direct proof on that point, there is an [indirect] 'indication' of it: If her father had but spit in her face, should she⁴¹ not hide in shame seven days? [Let her be shut up without the camp seven days and after that he shall be brought in again].⁴²

R. Hisda remarked, 'Our "separation" [in Babylon] corresponds to their "reproof" [in Palestine]'. But is their 'reproof' of only seven days' duration, not more? Is it not a fact that R. Simeon, Rabbi's son, and Bar Kappara were once sitting rehearsing the lesson together when a difficulty arose about a certain passage⁴³ and R. Simeon said to Bar Kappara, 'This [matter] needs Rabbi [to explain it]', and Bar Kappara replied: 'And what forsooth can Rabbi [have to] say on this?' He went and repeated it to his father, [at which] the latter was vexed, and [when] Bar Kappara next presented himself before Rabbi, he said: 'Bar Kappara, I have never known you!'⁴⁴ He realized that he [Rabbi] had taken the matter to heart and submitted himself to the [disability of a] 'reproof' for thirty days. Again, on one occasion, Rabbi issued an order that they should not teach disciples in the open public market place. (What was his exposition?⁴⁵ — How beautiful are thy steps in sandals, O prince's daughter!⁴⁶ The roundings of thy thighs are like the links of a chain [the work of the hands of a skilled workman].⁴⁷ As the thigh is covered

(1) If he is a common priest, after full purification and re-admission into the inner court of the priests, he might on that very day officiate and offer up his own free-gift oblation (v. Men. 73-74a). This proves that as long as he is unclean, whether through contact with dead or through leprosy, he cannot bring his offerings.

(2) Ezek. XLIV, 27.

(3) That is, R. Simeon does not allow a leper and common priest or a layman to send his offerings to the Temple until after his purification and atonement by sacrifices. For a leper had to attend in person to be purified by the stated ceremony (Lev. XIV, 11, 14-18, 20).

(4) Scripturally.

(5) So amended by Bah. V. D.S. To invite one to a suit.

(6) Num. XVI, 12.

(7) The defendant.

(8) Ibid. 16.

(9) If he does not obey the first summons.

(10) 'Summoned', so the Targum.

(11) Jer. XLVI, 17-18. V. Rash. Cf. Targum and Rashi ad loc cit.

(12) Num. XVI, 12-14. V. Rashi.

(13) **משמתינן** probably a dialectical form for **משמדינן** from **שמד** to curse, which occurs in this sense of 'cursing' in a Nabatean El-Hejra inscription (Cooke N. Sem. Inscr. No. 80p. 220 line 8); cf. infra 17a note on etymology.

(14) Judg. V, 23.

(15) V. supra p. 90, n. 5.

(16) I.e., a repeated cursing (of the defiant sinner).

(17) Cf. Judg. V, 23.

(18) Note that shammetha is here used as the equivalent of herem, or its Aramaic form ahramta.

(19) Or hero, who gave his name to the city 'Meroz'. V. Gen. IV, 17, Num. XXXII, 41-42; also cf. Alexandria, Antioch, Caesarea, Constantinople.

(20) A planet, like Mars, Mercury, Jupiter; or a constellation, like Perseus or Orion.

(21) Judg. V, 20.

(22) In the case of disobedience of the court.

(23) Ezra X, 8.

- (24) To desist from his malpractices.
- (25) Neh. XIII, 25.
- (26) Ezra VII, 26.
- (27) Active pursuit, 'prosecution'; cf. Judg. XX, 43 for the term in this sense
- (28) Repel or expel him from their midst. Niddui and herem are Mishnaic, Palestinian terms, while shammetha is a popular Babylonian term loosely used for either, and whose legal denotation was the subject of discussion in Talmudic times (e.g., Ned. 7a-b) and later in Geonic responsa; as to its precise meaning, v. B.M. Lewin's Otzar ha-Geonim IV on Mashkin, Responsa 29ff, pp. 17-19.
- (29) The ordinary period of niddui, 'separation'.
- (30) The Beth din had their regular sessions on Mondays and Thursdays: a practice said to have been one of the Ten Institutions introduced by Ezra, B.K. 82a (Sonc. ed. p. 466).
- (31) With a third person, v. infra.
- (32) Apologized to R. Tobai.
- (33) The normal period of a 'separation'. V. R. Han.
- (34) They need him to obtain their meat. [Var. lec. 'The Rabbis wish to depart' (Han.). The Rabbis, who took part in imposing the ban and who must consequently be present at the absolution, wish to depart and the opportunity of releasing him will thus be lost, v. infra].
- (35) The horn blown at banning.
- (36) [Rashi! Since he himself was anxious to perform the release. In var. lec. supra n. 6 the question is clear.]
- (37) I.e., the ban is effective also as far as the disciple is concerned; and similarly in all the other cases that follow.
- (38) [Since we find that a disciple's ban has no force as far as the teacher is concerned, which can apply only to a ban imposed in defence of the disciple's own dignity, and not to one for a general transgression.]
- (39) [(b) and (c) are inferred from the statement of R. Simeon b. Gamaliel. The phrase 'his part is not nullified' is taken to mean that it can never be nullified.]
- (40) Nezfah, a 'snub'; sometimes ge'arah, a 'shout'. Cf. Gen. XXXVII, 10 and Zech. II, 2.
- (41) Miriam.
- (42) Num. XII, 14.
- (43) שמעתא ; something 'heard' or 'repeated', usually a halachic interpretation repeated in the name of a well-known master.
- (44) I.e., I don't (want to) know you, stay away, or I have never been able to understand your attitude towards me. B. Kappara clashed with Rabbi on several occasions. The cause, it seems, was not personal, but rather due to the different schools to which they each belonged. B. K. belonged to the 'Southern Sages' (Lydda and Caesarea) and was himself the compiler of an often quoted collection of Mishnah (Baraita).
- (45) A question interrupts the quotation.
- (46) The Torah, which is allegorically represented by Shulammith, 'Perfection' or 'Pence', the beloved of Solomon (the divine) King of Perfection or Peace. Cf. Prov. III, 13-18; VIII, 1 ff.
- (47) Cant. VII, 2. (Cf. its counterpart V, 15).

Talmud - Mas. Mo'ed Katan 16b

so the [discussions on the] words of the Torah are also [to be] under cover.)¹ — R. Hiyya went out and taught the sons of his two brothers in the [open] marketplace, Rab and Rabbah son of Kar Hana. Rabbi heard [of this and] was vexed. [When] R. Hiyya [next] presented himself before him, Rabbi said to him, 'Iyya!² Who is calling you outside?' He realized that he [Rabbi] had taken the matter to heart, and submitted himself to [the disability of] a 'reproof' for thirty days. On the thirtieth day Rabbi sent him a message saying 'Come!' Later he sent him a message not to come! (What³ was his idea in sending the first [message] and what in sending the second? At first he thought 'part of the day may be deemed equivalent to the whole day' and in the end he thought, we do not say part of the day may be deemed equivalent to the whole day'.)⁴ In the end he came. Said Rabbi to him, Why have you come? R. Hiyya replied: 'Because you, Sir, sent for me to come'. But then I sent to you not to come! He replied: 'The one [messenger] I saw and the other I have not seen'. Thereupon he [Rabbi] cited [as appropriate] the text: When a man's ways please the Lord, He maketh even his

enemies to be at peace with him.⁵ Wherefore, Sir, [asked Rabbi] did you act thus [contrary to order]? — Because, replied R. Hiyya, it is written: Wisdom crieth aloud it, the street: [She uttereth her voice in the broad places; she calleth at the head of the street; at the entrance of the gates, in the city she uttereth her words].⁶ Said Rabbi to him: 'If you read Holy Writ [once], you have not read it a second time; if you have read it a second time, you have not read it a third time; and if you have read it a third time, they [who taught you] have not explained it to you'.⁷ [The text] 'Wisdom crieth aloud in the streets' is [to be taken] in the sense in which Raba [explained it];⁸ for Raba said: 'If one studies the Torah indoors, the Torah proclaims his merit abroad'. But then is it not written [otherwise]: 'From the beginning I have not spoken in secret'?⁹ — That has [special] reference to the 'Kallah' days.¹⁰ And what [use] does R. Hiyya make of the text — 'The roundings of thy thighs'? — He explained it in reference to the dispensing of charity and acts of lovingkindness.¹¹ Thus¹² [you see] the disability of their 'reproof' [in Palestine] lasts thirty days! — The 'reproof' of a Nasi is different. And our 'reproof', how long [is its disability]? — One day [only], as in the case of Samuel and Mar 'Ukba.¹³ When they were sitting together [at the College] engaging in the revision of some theme, Mar 'Ukba sat before him¹⁴ at a distance of four cubits; and when they sat together at a judicial session, Samuel sat before him¹⁴ at a distance of four cubits and a place was dug out¹⁵ for Mar 'Ukba where he sat on a matting so that what he¹⁶ said should be heard. Every day Mar 'Ukba accompanied Samuel to his house. One day he¹⁶ was [rather] engrossed in a suit, and Samuel walked behind him. When he¹⁶ had reached his house, Samuel said to him: 'Haven't you been rather a long time at it?'¹⁷ Take up now my case!'¹⁸ He¹⁶ then realized that he [Samuel] felt aggrieved and submitted himself to the [disability of a] 'reproof' for one day.

There was a certain woman who sat sprawling on the footway fanning the husks out of her barley groats, and when a Collegiate was walking past her she did not make way for him. He said, 'How impudent is this woman!' She came before R. Nahman. Said he to her, Did you hear him utter the shammetha?¹⁹ She replied [she had] not. Said he to her, Go and submit yourself to the [disability of a] 'reproof' for one day.¹⁹ Zutra b. Tobiah was [once] expounding a Scriptural lesson in the presence of Rab Judah. Coming to the verse: And these are the last words of David,²⁰ he said to R. Judah. 'Last words': this implies that there were former words; which are those former [words]? He [Rab Judah] kept silent, without saying anything. Again said the former: 'Last words! This implies there were former words; which are those former [words]'? — He [then] replied: What, think you that one who does not know an explanation of that text is not an eminent man? He [Zutra] realized that he [Rab Judah] had taken the matter to heart [and] submitted himself to the [disability of a] 'reproof' for one day. Now, however, that we have come upon this question: "'Last words", this implies that there were former words', what were they? — [These:] And David spoke unto the Lord the words of this song in the day that the Lord delivered him out of the hand of all his enemies and out of the hand of Saul.²¹ The Holy One, blessed 'be He, said to David, David do you compose a song on the downfall of Saul? Had you been Saul and he David, I would have annihilated many a David out of regard for him. Hence it is written, 'Shiggaion²² of David, which he said unto the Lord, concerning Cush a Benjamite.²³ Was Cush that Benjamite's name? And was not his name Saul? — But, just as a Cushite [Ethiopian]²⁴ is distinguishable by his skin, so was Saul distinguished by his deeds. In like manner you explain: '[And Miriam and Aaron spoke against Moses] because of the Cushite woman that he had taken, to wife.²⁵ Was she a Cushite [woman]? Was not her name Zipporah? But as a Cushite woman is distinguishable by her skin so was also Zipporah distinguished by her deeds. In like manner you explain: Now Ebed-Melek the Cushite . . . heard.²⁶ Now was his name Cushite? Was not his name Zedekiah?²⁷ But as the Cushite is distinguishable by his skin so was Zedekiah distinguished by his deeds. In like manner you explain: Are ye not as the children of the Cushites unto me, O children of Israel, saith the Lord?²⁸ Now is their name [children of] Cushites? Was not their name [children of] Israel? The truth is that as the Cushite is distinguishable by his skin, so are Israel distinguished by their ways²⁹ from all other nations.³⁰

R. Samuel b. Nahmani citing R. Jonathan. explained: [And these tire the last words of David], The

saying of David the son of Jesse and the saying of the man raised on high,³¹ [means, it is] the saying of David the son of Jesse who established firmly the yoke [discipline] of repentance.³² [The spirit of the Lord spoke by the and His word was upon my tongue]. The God of Israel said, The Rock of Israel spoke to me: Ruler over man shall be the righteous, even he that ruleth through the [reverent] fear of God.³³ What does this mean? — Said R. Abbahu, It means this: ‘The God of Israel said, to the [David] spake the Rock of Israel; I rule man; who rules Me? [It is] the righteous: for I make a decree and he [may] annul it’.³⁴

And these are the names of the mighty of David: Josheb-basshebeth a Tahchemonite [etc.].³⁵ What does this mean? — Said R. Abbahu, It means: And these are the mighty deeds of David: ‘Josheb-basshebeth’ — [which means], sitting at the session;³⁶ [that is], When David sat at the College Session he was not seated on cushions and coverlets but on the [bare] ground.³⁷ For all the time that his Master, Ira the Jairite,³⁸ was alive he taught the Rabbis whilst being himself seated on cushions and coverlets; when his soul found rest David used to teach the Rabbis being himself seated on the ground.³⁹ Said they [the Rabbis] to him: ‘Sit, sit on the cushions and coverlets’; but he would not accede to their request.

‘Tahchemoni’.⁴⁰ Rab explained: The Holy One, blessed be He, said to him [to David], ‘Since you have humbled yourself you shall be like Me [that is], that I make a decree and you [may] annul it’. ‘Chief of the Captains’,⁴¹ [that is] you be chief next to the three Fathers. He is Adino⁴² the Eznite,⁴³ [that is] when he was sitting engaged in the [study of] Torah he rendered himself pliant as a worm, but when he went marching out to [wage] war he hardened himself like a lance. ‘On eight hundred slain at one time’, [that is] when he threw a javelin he felled eight hundred slain at one time and moaned for the [shortage of] two hundred, for it is written: How one should chase a thousand.⁴⁴ But an echo came forth and said: ‘Save only for the matter of Uriah the Hittite’!⁴⁵

Said R. Tanhuni son of R. Hiyya a man of Kefar Acco as citing R. Jacob b. Aha who reported R. Simlai; and some say, R. Tanhun, said as reporting R. Huna; and again some say, R. Huna alone said that

(1) The motive of this new restriction is not given. It was an old common practice to teach in the open. perhaps it was to avoid misrepresentation on the part of the passing crowds who might mistake the heated discussions for acrimonious disputations. The quotation is now resumed.

(2) Imitating Hiyya's defective pronunciation; he could not correctly pronounce the guttural letters. Cf. Meg. 24b.

(3) The quotation is here again interrupted.

(4) Cf. infra p. 129 and Pes. 4a where R. Hiyya's action determines the former alternative to be the ‘rule in practice’.

(5) Prov. XVI, 7.

(6) Ibid. I, 20-21.

(7) Cf. Ber. 18a where R. Hiyya makes the same retort to R. Jonathan.

(8) Much later; Rabbi died about 200 C.E. and Raba lived 299-352 C.E.

(9) Isa. XLVIII, 16, the prophet speaking in the name of God. This is taken to refer to the Revelation when the Torah was given to all Israel assembled at Sinai and heard by all the other nations. Cf. Shab. 88b and Zeb. 116a.

(10) These were half-yearly assemblies held in Adar and Elul, before the great Festivals.

(11) I.e., to ‘be practiced privately.

(12) Reverting to the original question.

(13) ‘Mar’ is a Babylonian title of rank and is sometimes also borne by Samuel, but mostly by the members of the Exilarch's family. Samuel was the principal of the Academy at Nehardea and the Chief justice, while Mar ‘Ukba was both a disciple of Samuel and Exilarch, the supreme civil Head of the Jewish community invested with authority by the persian king. This Mar ‘Ukba is probably the same as Nathan ‘Ukban who succeeded his father ‘Anan or Huna as Exilarch shortly before the rise of the Neo-Persian rule of the Sassanids (c. 226 C.E.). V. W. Bacher, Jew. Encyc. Vol. V, 289a s.v. Exilarch.

(14) I.e., in his presence, probably sitting at his right.

- (15) Either a kind of recess or alcove in the wall or a marked-off enclosure with a rich matting for the Exilarch. [Aliter: A place was hollowed out in the ground over which the Exilarch's matting was spread for Mar 'Ukba to sit on, in order that his seat may not be on a higher level than that of Samuel; cf. Maharsha and D.S. a.l. The text is not clear.]
- (16) Mar 'Ukba.
- (17) Lit., 'is it not yet clear to you?'
- (18) So MS.M. Cur. edd. 'his case'. V. Rashi.
- (19) Which as a 'separation' 'would take effect for seven days; v. R. Hisda's observation, supra 16a,
- (20) II Sam. XXIII, 1.
- (21) Ibid. XXII, 1.
- (22) שגויון (from שגה) is here taken to mean an error'. It was an error on his part to celebrate in song the downfall of Saul.
- (23) Ps. VII, 1.
- (24) Aithiops in Greek means 'fiery-looking', 'flashing'.
- (25) Num. XII, 1.
- (26) Jer. XXXVIII, 7ff.
- (27) Sifre on Num. XII, 1 has it obviously more correctly: Baruch, son of Neriah (Jer. XXXVI, 4ff) his disciple.
- (28) Amos IX, 7.
- (29) Sifre. ibid. has: 'By their commandments'.
- (30) On this antiphrasis, cf. Juvenal, Sat. VIII, 32-33: 'Somebody's dwarf we call an Atlas and an Aethiopian a swan'. And L. Friedlander's note ad loc. quotes Isid. Orig. I, 36, 24, 'antiphrasis — hoc tropo et nani Atlantes — et vulgo Aethiopes appellantur argentei(?)'.
- (31) II Sam. XXIII, 1.
- (32) He showed the way of repentance for a heinous sin. Cf. p5, LI, 15 and A.Z., Sonc. ed. p. 19.
- (33) II Sam. XXIII, 2-3. V. Hananel.
- (34) The righteous have power to move God to change his adverse decree by prayer. Cf. Gen. XVIII, 20ff; Ex. XXXII, 7-14.
- (35) II Sam. XXIII, 8.
- (36) Playing on the meaning of the words: josheb _ sitting; basshebeth _ at the 'sitting' or 'Session' (of scholars).
- (37) Cf. Mar 'Ukba above.
- (38) II Sam. XX, 26.
- (39) Cf. 'Er. 63a and Sit. 59a.
- (40) II Sam. XXIII, 8. (From חכם), a session of the sages; but here Rab divides it into תהא כמוני 'be (thou) like me'.
- (41) Explained as Chief of the Trio, the three Patriarchs.
- (42) From עדי = 'gentle'; he was gentle, tender.
- (43) ** _ wood; the wooden lance. Cf. I Sam. XVII, 7. Cf. on this section, Seder Elijahu Rabbah Ed. M. Friedmann, III, pp. 15-16.
- (44) Deut. XXXII, 30.
- (45) I Kings XV, 5.

Talmud - Mas. Mo'ed Katan 17a

if a disciple 'separates' someone in [defence of] his personal dignity his 'separation' is an [effective] . For it is taught: 'One who has been "separated" [as under a ban] by the Master is [deemed] "separated" from the disciple; but one who has been "separated" by the disciple is not [deemed] "separated" from the Master'.¹ [That means], not 'separated' from the Master; but in regard to everybody else he is ['separated']. [Now let us see; 'separated'] for what [offence]? If [it was imposed] for some offence towards Heaven, then there is no wisdom nor understanding nor counsel against the Lord!² Therefore [presumably] it is only so³ [where a disciple had pronounced it] in [defence of] his personal dignity. R. Joseph said that a Collegiate⁴ may enforce his own rights in a matter where he is perfectly certain [as to the law]. There was once a certain Collegiate whose reputation was objectionable. Said Rab Judah, How is one to act? To put the shammetha on him [we cannot], as the Rabbis have need of him [as an able teacher]. Not to put the shammetha on him [we cannot afford] as the name of Heaven is being profaned. Said he to Rabbah b. Bar Hana, Have you heard alight on that point? He replied: 'Thus said R. Johanan: What means the text, For the priest's lips should keep knowledge and they should seek the law at his mouth; for he is the messenger of the Lord of Hosts?⁵ [It means, that] if the Master is like unto a messenger of the Lord of Hosts, they should seek the law at his mouth; but if [he be] not , they should not seek the law at his mouth'. [Thereupon] Rab Judah pronounced the shammetha on him. In the end Rab Judah became indisposed. The Rabbis came to enquire about him and that man came along with them. When Rab Judah beheld him he laughed. Said the man to him: Not enough for him that he put upon that man [me] the shammetha, but he even laughs at me! Replied he [Rab Judah]: I was not laughing at you: but as I am departing to that World [beyond] I am glad to think that even towards such a personage as you I showed no indulgence. Rab Judah's soul came to rest.⁶ The man [then] came to the College [and] said, 'Absolve me'. Said the Rabbis to him, There is no man here of the standing of Rab Judah who could absolve you; but go to R. Judah Nesi'ah⁷ that he may absolve you. He went and presented himself to him. Said he to R. Ammi: 'Go forth and look into his case; if it be necessary to absolve him, absolve him'. R. Ammi looked into his case and had a mind to absolve him. Then R. Samuel b. Nahmani got up on his feet and said: 'Why, even a 'separation" imposed by one of the domestics in Rabbi's house was not lightly treated by the Rabbis for three years; how much more so one imposed by our colleague, Rab Judah!' Said R. Zera, From the fact that this venerable scholar⁸ should just now have turned up at this College after not having come here for many years, you must take it that it is not desirable to absolve that man. He [R. Judah Nesi'ah]⁹ did not absolve him. He went away weeping. A wasp then came and stung him in the privy member and he died. They brought him into 'The Grotto of the Pious', but they admitted him not.¹⁰ They brought him into 'The Grotto of the Judges' and they received him.¹¹ Why was he admitted there? — Because he had acted according to the dictum of R. Il'ai. For R. Il'ai says, If one sees that his [evil] yezer¹² is gaining sway over him, let him go away where he is not known; let him put on sordid¹³ clothes, don a sordid wrap and do the sordid deed that his heart desires rather than profane the name of Heaven openly.¹⁴

What [was the incident] of the domestic in Rabbi's house? It was one of the maidservants in Rabbi's house that had noticed a man beating his grown-up son and said, Let that fellow be under a shammetha! because he sinned against the words [of Holy Writ]: Put not a stumbling-block before the blind.¹⁵ For it is taught: 'And put not a stumbling-block before the blind', that text applies¹⁶ to one who beats his grown-up son.¹⁷

Resh Lakish was once guarding an orchard [when] a fellow came and ate [some] figs; he shouted at him, but the fellow heeded him not, [whereupon] he said: 'Let that fellow be under a shammetha!' He replied: 'Rather be that other fellow [Resh Lakish] under a shammetha! Though I have incurred a pecuniary liability towards you, did I incur a "separation"?' [Resh Lakish] went to the College [and reported it]; they said to him: 'His "separation" is a [justified]¹⁸ "separation", yours was not a [justified] "separation".' And what is the remedy for it? — 'Go to him that he [himself] may absolve

you'. [But] I know him not! Said they to him [to Resh Lakish]: 'Go to the Nasi that he absolve you;' for it is taught: '[If] they "separate" him and he knows not who he was that "separated" him, let him go to the Nasi and let him absolve him from his "separation".'

Said R. Huna, At [one of the Synods at] Usha¹⁹ they made a regulation that if the Ab Beth din²⁰ committed an offence he was not to be [formally] 'separated', but someone was to tell him, Save your dignity and remain at home.²¹ Should he again offend they 'separate' him, because [otherwise there would be] a profanation of the Name [of God]. And this is at variance with Resh Lakish; for Resh Lakish said: If a scholar-disciple has committed an offensive deed they do not 'separate' him publicly, because it is said: Therefore shalt thou stumble' in the day and the prophet also shall stumble with thee in the night, [that is to say], Keep it dark,²² like night.

Mar Zutra, the Pious,²³ if ever a Collegiate incurred the shammetha, pronounced the shammetha first on himself²⁴ and then pronounced it on the culprit; as he entered his house he first absolved himself and then absolved the other.²⁵ Said R. Giddal, as citing Rab: 'A scholar-disciple may Pronounce "separation" on himself and absolve himself'. Said R. Papa, 'May [good] befall me, for I have never put the shammetha on any Collegiate.'²⁶ But then, when a Collegiate did incur the shammetha, how did he act? — As they do [in the West]; for in the West [Palestine] they appoint a tribunal for chastising a Collegiate but do not appoint a tribunal for pronouncing a shammetha.

What is [the etymology of the word] shammetha? — Said Rab, [It is], sham-mitha, 'death is there'. Samuel said, [It is], shemamah yihye,²⁷ 'he shall be a desolation'; and its effects adhere to one like grease to the oven. And this is in disagreement with [what] Resh Lakish said. For Resh Lakish said that just as when it [the herem] enters, it penetrates the two hundred and forty eight joints [on one's body],²⁸ so on its withdrawal it departs from the two hundred and forty eight joints. When it enters, as it is written; And the city shall be Herem, [a curse²⁹ [i.e.,] Herem being in its letter value two hundred and forty eight,³⁰ So at its withdrawal, as it is written: In wrath remember Rahem [to have compassion]³¹ the letter value being the same.

R. Joseph said, 'Cast a shammetha on the dog's tail and it will do its work'. For there was a dog that used to eat the Rabbis' shoes and they did not know what it was [that did it], so they pronounced a shammetha on the culprit, and the dog's tail caught fire and got burnt. There was a domineering fellow who bullied a certain Collegiate. The latter came before R. Joseph [for advice]. Said he to him: 'Go and put the shammetha on him'. 'I am afraid of him', he replied. Said he to him, 'Then go and take [out] a Writ³² against him.' — 'I am all the more afraid to do that!' Said R. Joseph to him: 'Take that Writ, put it into a jar,

(1) Supra p. 98.

(2) Prov. XXI, 30. That is to say, there should be no distinctions: the offender must be debarred from all and everybody.

(3) That the 'separated' is not debarred from his Master.

(4) **צורבא מרבנן**, the Babylonian appellation of an acknowledged scholar, a member of the Academy. The term has not been satisfactorily explained; but it is obviously from an Aramaic form, **צרב** = Hebrew **צרף** to be joined, adhere to, the equivalent of the Palestinian term **חבר** = associate, colleague, Collegiate.

(5) Mal. II, 7.

(6) In 299 C.E. Succeeded after a short interregnum by Rabbah b. Nahmani. V. Sherira's Epistle, ed. B. M. Lewin, p. 86.

(7) R. Judah II, grandson of Rabbi Judah I and son of Rabban Gamaliel III. Nesi'ah is the Aramaic form of Nasi 'the Prince'; it is conveniently used to indicate the second Judah (and sometimes the third).

(8) R. Samuel b. Nahmani.

(9) Or his Beth din, among whom were prominent R. Ammi and R. Zera.

(10) It is forbidden to bury a bad man next to a good man. V. Sanh. 47a.

(11) He was such himself and had repented.

(12) I.e., the evil (formative) imagining, prompting, 'urge'. V. Gen. VI, 5; VIII, 21; Deut. XXXI, 21. There is, however,

a 'steady' (formative) urge for good. V. Isa. XXVI, 3 and P.B. p. 7.

(13) Lit., 'black clothes'. He had probably in mind the Roman custom for a discredited official to be sordidatus. For an earlier reference v. Mid. V, 4; 37b. Cf however Hag. 16a.

(14) V. kid., Sonc. ed. p. 199 notes.

(15) Lev. XIX, 14.

(16) Lit., 'speaks of'.

(17) And this caused him to rebel.

(18) An effective ban, because deserved. J.M.K. III, 1 gives another version of this incident.

(19) V. e.g., Keth. 49b-50. J.M.K. III, 1.

(20) V. Glos.

(21) II Kings XIV, 10.

(22) Do it as quietly as possible for his sake and that of the community.

(23) Seemingly one of the Exilarchs or of their family. Cf. Sanh. 7b.

(24) So hateful was it to him.

(25) To be free himself before he freed another. Cf. Tosaf. s.v. **משמית**

(26) Some take it as an asseveration, 'May evil befall me if I ever did that'. Cf. II Sam. III, 35.

(27) Cf. fer. XLII, 18; Han. and Aruch have sham tehi, i.e., 'be it there'; let it stay there as a curse, citing Zech. V, 3-4.

(28) Cf. Mak. 23b.

(29) Josh. VI, 17, 'even it and all that; is therein'.

(30) $\aleph = 8$; $\beth = 200$; $\daleth = 40$.

(31) Hab. III, 2.

(32) Lit., the Opening', preliminary action after a verbal shammetha. It is to write out the shammetha against him.

Talmud - Mas. Mo'ed Katan 17b

take it to a graveyard and hoot into it a thousand shipur [horn-blasts] on forty days'. He went and did so. The jar burst and the domineering bully died.

What is the [significance of using a] shipur'? — That he'll pay, the penalty.¹ What signifies the tabra² [tooting]? — Said R. Isaac son of R. Judah: [It suggests] 'the tumbling of high houses': for it is taught: Rabban Simeon b. Gamaliel said that wherever the Sages set their eye against one, [the result was] either death or poverty.³

AND THE NAZIRITE OR LEPER, EMERGING FROM HIS [STATE OF] IMPURITY TO [A STATE OF] PURITY. . . R. Jeremiah enquired of R. Zera whether this [concession]⁴ was allowed [only] when they had not an [earlier] opportunity.⁴ or, maybe, even if they had an [earlier] opportunity? — He replied, We learned it [in a Baraita]:⁵ All those who were mentioned [in the Mishnah]⁶ as being allowed to crop their hair during the festival [week, are allowed] where they had no [earlier] opportunity, but if they had an [earlier] opportunity [and did not use it] are forbidden.⁷ The Nazirite and the leper [however] are allowed,⁷ even if they had an opportunity [and did not use it]; the reason being that they should not delay bringing their [prescribed] offerings⁸ [on their release from their respective restrictions].

A Tanna taught: A priest and a mourner also⁹ are allowed to crop themselves.⁷ Now, as to this mourner, under what conditions [may he do so]? Shall I assume that the eighth day of his [mourning] fell on the day before the festival? Then he ought to have trimmed himself then, on the day before¹⁰ the festival! Again, if the eighth day of his [mourning] came on a Sabbath which was the day before the festival; [if so] then he should have trimmed his hair on the Friday. as R. Hisda stated, citing Rabina b. Shila, that 'the rule in practice' followed Abba Saul's view and that the Sages concurred with Abba Saul,¹¹ [namely] that where the eighth day of his [mourning] came on a Sabbath which was the day before a festival, [in such a case] he was allowed to trim himself on the Friday!¹² — No, this [statement in the Baraita] is required for the case where the seventh day of his [mourning] came

on a Sabbath which was also the day before the festival. [In that case] the external Tanna takes the view of Abba Saul who says that part of a day may be deemed as an entire day; and [accordingly] the seventh day of his [mourning] is counted both with the preceding and with the following period¹³ and as that happens to be a Sabbath day,¹⁴ the mourner was prevented [from trimming himself on the festival eve].¹⁵ [Whereas], our Tanna¹⁶ takes the view of the Sages who say that part of a day is not deemed as an entire day, and [accordingly] the mourner has not yet completed the seven days of his mourning [before the festival].¹⁷

Now as to the priest,¹⁸ under what conditions [may he]? Shall I assume that [the turn of] his Ward¹⁹ terminated on the day before the festival?²⁰ He should have trimmed himself then on the day before the festival! No, it is necessary to assume that [the turn of] his Ward terminated on the festival [day].²¹ [In that case], our Tanna¹⁶ then holds in view of what we learned: At three periods of the year, all the Wards have an equal right to [assist in placing] the ‘ordained’ parts²² of the festival offerings [on the altar] and sharing the ‘shewbread’²³ — that we consider him as one whose Ward had virtually not yet completed [its turn].²⁴ Whereas the external Tanna holds that although [in a way] he belongs to the other Wards [also], his own Ward had nevertheless [actually] completed [its turn, and therefore he may trim himself].²⁵ Our Rabbis taught: All those who were mentioned [in the Mishnah] as being allowed to crop their hair during the festival [week] are likewise allowed to crop their hair during the days of their mourning. But surely it is taught that they are forbidden? — Said R. Hisda as citing R. Shela: When it is taught here that they ‘are allowed [to crop their hair during the days of their mourning]’, it refers only to persons who suffered one bereavement immediately after another. If it refers only [as you say] to persons who suffered one bereavement immediately after another, what is the point in wording it ‘all those who were mentioned [in the Mishnah]’ whereas [under such unfortunate circumstances] it is even applicable to anybody, as it is taught: ‘If a person suffered one bereavement immediately after another and his hair has become oppressively [long], he may ease it with a razor and wash his raiment with water’? — But that has already been explained: R. Hisda said [it means], ease it with a razor but not with scissors: wash his raiment with water but not natron or lye.²⁶ [Furthermore] said R. Hisda: This [Baraitha] indicates that [otherwise] a mourner is barred from washing [his clothes].

Our Rabbis taught: ‘Just as it was said that cropping the hair during the festival [week] is not allowed, so is paring the nails during the festival [week] not allowed. This is R. Judah's opinion; but R. Jose allows it. And just as it was said that a mourner is not allowed to crop his hair within [the period of] his mourning, so is paring the nails not allowed to him within [the period of] his mourning. This is R. Judah's opinion; but R. Jose allows it

‘Ulla stated that the halachah follows the view of R. Judah in the case of a mourner, and that of R. Jose in regard to the festival [week]. Samuel said

(1) She-nifra'im; lit., ‘they will exact punishment’.

(2) Lit., ‘broken’. The short broken toots which were sounded at a shammetha.

(3) Cf. Hag. 5b (top).

(4) To trim themselves during the festival week.

(5) V. supra 14a-b and cf. Tosef. M.K. II.

(6) V. supra 13b-14a.

(7) To trim themselves during the festival week.

(8) The Nazirite, Num. VI, 10ff; the leper, Lev. XIV, 9ff.

(9) These are not mentioned in the Mishnah list.

(10) As the seven days of mourning are over, the festival cancels the rest, down to 30 days (in all).

(11) The issues are discussed at length, infra 19b.

(12) Why then should he be allowed to crop himself during the festival week.

(13) Lit., ‘with this way and that way’.

(14) On which he may not trim himself.

(15) I.e., it is not on account of his negligence, but owing to the force of circumstances, and therefore he may have his hair cut in the festival week.

(16) Of the Mishnah who does not include the priest or mourner in his list.

(17) And consequently the rest of the period is not canceled and therefore he is not among those who are allowed to trim in the festival week.

(18) Mentioned above with the mourner by the external Tanna (in the Baraitha) as being allowed to trim in the festival week.

(19) Mishmar, v. Glos.

(20) Priests were not allowed to trim themselves or wash their garments while their Ward was on duty in the Temple, save on the Friday in honour of the Sabbath. Cf. supra 14a.

(21) When he could not trim himself.

(22) V. e.g., Lev. 1, 5-9; 11-13; II, 1-3ff; VII, 1-10 etc.

(23) Ibid. XXIV, 5-9.

(24) Therefore he is not in the list of the Mishnah among those who may.

(25) Cf. n. 1.

(26) [In the case of those mentioned in the Mishnah, where they in addition suffered one bereavement after another, the said restrictions do not apply].

Talmud - Mas. Mo'ed Katan 18a

that the Halachah follows the opinion of R. Jose [both] in regard to the festival [week] and to mourning. For Samuel said that in [questions appertaining to] mourning, the halachah follows the authority of the more lenient view.

Phineas, Mar Samuel's brother, suffered a bereavement¹ and Samuel called on him to ask him the cause of it.² Noticing that his nails were long, he asked him why he had not cut them. He replied: Had this happened to you, would you have been so regardless of it [as to cut them]? This was [inauspicious], 'like an error which proceedeth from a ruler';³ and Samuel [later] suffered a bereavement himself. When his brother [Phineas] called on him to ask the cause of it, Samuel took his cut nails and cast them down in front of his brother, saying, 'Do you not hold that a covenant has been made with the lips?'⁴ For R. Johanan said: Whence is derived the notion that the lips are subject to a covenant? From what is said: And Abraham said unto his young men: 'Abide ye here with the ass, and I and the lad will go yonder; and we will worship and [we will] come back to you';⁵ and the words came true⁶ so that they both came back.

Some argued from the above [incident] that [only] the fingernails may [be cut],⁷ but not the toe-nails. But R. 'Anan b. Tahlifa said, 'I myself had it explained to me by Samuel, that there was no distinction made between the finger-nails and the toe-nails'. R. Hiyya b. Ashi citing Rab said: But with a nail-cutter it is forbidden. Said R. Shaman b. Abba: 'I was once standing before R. Johanan⁸ at the College during the festival week when R. Johanan bit off his nails and threw them away. Learn from this [incident] three points: Learn that it is allowed to take off nails during the festival week; that [doing it with the teeth] was not considered objectionable, and that [nails] may be thrown away'. But this [deduction] is not [correct]? as surely it is taught. 'Three things were said in reference to nails: One who buries them is righteous;⁹ one who burns them is pious¹⁰ and one who throws them away is a villain'! What is the reason? Lest a pregnant woman should step over them and miscarry; [but then], women do not 'often come to the College. And should you say that sometimes the nails are gathered and thrown away outside, once they have been shifted their spell has been lifted.'¹¹

Rab Judah. as citing Rab, said: 'A pair [of scholars] came from Hammathan¹² before Rabbi . . .', and Mar Zutra taught [the same as a Baraitha]. 'A pair [of scholars] came from Hammathan before Rabbi, and asked him about [paring] the nails [during mourning]; and he permitted it to them. And if

they had asked him about [trimming] the upper lip. he would¹³ have permitted it to them likewise'. And Samuel stated that they did ask him also about the upper lip and that he permitted them.

Abitol the hair-dresser¹⁴ said in the name of Rab that [trimming the] upper lip means from corner¹⁵ to corner; [and of the drooping ends¹⁶ too, all that causes inconvenience]. Said R. Ammi, And as regards the upper lip [it also means only] whatever part causes inconvenience. Said R. Nahman b. Isaac, And to me [all of it]¹⁷ is like the [end of the] upper lip causing inconvenience.

And Abitol the hair-dresser, citing Rab, said [also this]: Pharaoh¹⁸ the contemporary of Moses, was [a puny fellow] a cubit [in height] with a beard a cubit long and his shock of hair¹⁹ a cubit and a span, justifying what is said: And He setteth up over it [the kingdom of men] the lowest of men.²⁰ And [furthermore] said Abitol the hair-dresser, as citing Rab, Pharaoh, the contemporary of Moses, was a Magus,²¹ because it is said: [Get thee unto Pharaoh in the morning,] lo he goeth out unto the water.²²

AND THESE [MAY] WASH [THEIR CLOTHES] DURING THE FESTIVAL [WEEK], ONE ARRIVING FROM ABROAD.²³ R. Assi, as citing R. Johanan said that one who has but one tunic is allowed to wash it during the festival week. Thereupon R. Jeremiah put an objection to him: 'AND THESE [MAY] WASH [THEIR CLOTHES] DURING THE FESTIVAL [WEEK]. ONE ARRIVING FROM ABROAD etc.' [which enumeration implies that only] those here mentioned may [wash] but one who has but one tunic²⁴ [may] not? — Said R. Jacob to R. Jeremiah [b. Tahlifa],²⁵ I will explain that to you: Our Mishnah [permits to wash] even if he has two garments if they be soiled.²⁶ R. Isaac son of R. Jacob b. Giyora sent [a message] in the name of R. Johanan that garments made of flax²⁷ one may wash during the festival week. Raba raised an objection: HAND-TOWELS, BARBERS'-WRAPS AND BATHTOWELS [MAY BE WASHED].

(1) Lit., 'something befell him'.

(2) Rashi: to console him.

(3) Eccl. X, 5.

(4) I.e., the way in which a thing is expressed may contain a prognostication for the future.

(5) Gen. XXII, 5.

(6) Lit., 'the thing was furthered'.

(7) Because they are visible.

(8) Waiting on him.

(9) By justly removing a stumbling block, a believed cause for injury,

(10) By going to greater trouble in disposing of the injurious matter effectively, beyond recovery. Cf. B. K. 30a; 50b.

(11) I.e., they are quite harmless once the nails have been shifted from their first place.

(12) Ancient Emmaus, a famous spa about a mile from Tiberias. Hanimatha(n) means 'Hot Springs'.

(13) Judging by his attitude.

(14) Hardly 'scribe', as his observation shows. He is otherwise unknown; he may have consulted Rab professionally.

(15) Of the mouth.

(16) So Rabad and SBH (p. 92). Cf. Asheri (section 20) and Ritba.

(17) So D.S.

(18) Under Pharaoh, Rab alluded veiledly to the new Persian rulers as may be gathered from the following description of the Parthians (or Persians). Two Palestinian Rabbis had visited Nehardea and had there an awkward experience. R. Jose b. Kippar, on his return, explained his timidity, thus: 'Those people are a cubit (in height) with a cap a cubit high, speaking as ventriloquists, bearing formidable names (such as) Arda(shir) and Arta (xerxes) and having a shock of hair on their head. If they say, "Fetter" they put on fetters; if they say "Kill" they kill . . . and they were related to royalty', Git. 14b. 'Surena (a Parthian grandee) had his face painted and his hair parted after the fashion of the Medes, whereas the Parthians (whom he led against Crassus 53 B.C.E.) made a more terrible appearance with their shaggy hair gathered in a mass upon their forehead after the Scythian manner'. Plutarch's Lives, Crassus (Everyman's Library, Vol. II, pp. 292-293). 'But to describe their persons and customs (says Ammianus Marcellus) they are nearly all slight in figure,

swarthy... fierce-looking with goat-like eyes, eyebrows arched in semi-circle and joined, handsome beards and long hair'. Amm. Marcell. Chapter XXIII, VI, 75 (Bohn's ed. pp. 343ff expedition of Julian in 363 C.E.).

(19) פרמשתקו Adopting J. Perles' suggested etymology cited in (Ar. Compl. s.v. 430b) as more likely correct, ** meaning here not the side whiskers but the other hair, the shock of hair on top of the head.

(20) Dan. IV, 14, in reference to Nebuchadnezzar who turned beast, with hair grown like eagles' feathers (v. 30). Cf. Kid. 72a (and parallel passage, Meg. 11a) where Persians are compared to a restless, corpulent, shaggy bear, with a corresponding reference to the Book of Daniel.

(21) I.e., a priest of the Zoroastrian religion, who adored Ahura-Mazda (Ormuzd) 'the Lord of Light' who would vanquish Angra-Mainyus, (Ahriman) 'the Lord of the Demons, Darkness and Evil'.

(22) Ex. VII, 15. It is the reference to the light of morning which is the emphatic part of this quotation. Rab undoubtedly referred to the then national revival of Zoroastrianism on the defeat of Artaban IV and the overthrow of the Parthian, Arsacid dynasty by Ardashir I — (Artaxerxes) and the establishment of the Sassanid dynasty in 226 C.E. Artaban (who is said to have been friendly disposed towards Rab) was captured, held a prisoner and finally put to death in 233. i.e., at the time when Alexander Severus repelled the Persian attacks on the Roman outposts in Northern Mesopotamia. Ardashir 'was an ardent devotee of the Zoroastrian doctrine and closely connected with the Priesthood and in his royal style assumed the designation Mazdayasman' (i.e., devotee of Ahura-Mazda) and depicted himself on rock-reliefs as King and Ormuzd both on horseback, i.e., King and god as Pharaoh did of old. Shapur I, his son and successor, was more liberal and friendly to Samuel. Hence the discussion between Rab and Samuel (Shab. 75a) as to what is a magus, a sorcerer (a muttering quack-priest) or a blasphemer, reviler of God? On the historical facts cf. Enc. Brit. II (1911) Art. Peria, VIII, p. 219a-b.

(23) Lit., 'from a maritime province'.

(24) Or shirt.

(25) So MS.M.

(26) Bit where he has only one tunic he may in all circumstances wash it.

(27) Linen, in contrast to woollens that require more skill and exertion in cleaning.

Talmud - Mas. Mo'ed Katan 18b

This [detailed enumeration] implies that these only [one may wash], but not [all sorts of] garments made of flax? — Said Abaye to him, [Not necessarily]; Our Mishnah included even those other kinds [of material].¹ Said Bar Hedyā: I have myself seen at the lake of Tiberias [people] bringing along basins full of flax garments [and washing them] during the festival week. Abaye [however] strongly contested this [testimony]. Who can vouch to us that they did it with the approval of the Sages? Possibly they did so without the approval of the Sages!

MISHNAH AND THE FOLLOWING DOCUMENTS MAY BE INDITED DURING THE FESTIVAL [WEEK]: INSTRUMENTS OF BETROTHAL,² BILLS OF DIVORCE³ AND RECEIPTS;⁴ TESTA MENTS, BEQUESTS⁵ AND PROSBOLS;⁶ VALUATION CERTIFICATES⁷ AND ORDERS FOR ALIMONY;⁸ RECORDS OF HALIZAH⁹ AND OF REPUDIATION [OF MARRIAGE]¹⁰ AND ARBITRATION RECORDS;¹¹ JUDGMENT ORDERS AND DIPLOMATIC¹² CORRESPONDENCE.

GEMARA. [INSTRUMENTS OF BETROTHAL]. Said Samuel, 'One is allowed to betroth a woman during the festival week, [the reason being] lest another [rival suitor] anticipate him'. Might one suggest that [the wording here] lends support to Samuel's view: AND THE FOLLOWING MAY BE INDITED DURING THE FESTIVAL [WEEK]: INSTRUMENTS OF BETROTHAL. What is [meant by this]? Is it not actually inditing the formula of Kiddushin?¹³ — No, [it means, drawing up] the [preliminary] terms, and as R. Giddal, citing Rab, stated: 'How much do you give to your son?' 'So much and so much.' 'How much do you give to your daughter?' 'So much and so much'. [If] they then stood up and pronounced the 'dedication' [espousal formula] they have acquired their legal rights [to the offers]; these are [among] the matters that are [legally] acquired by word of mouth.¹⁴ Might one suggest [then] the following as lending support to him [to Samuel]? 'One may take a wife

during the festival [week]. whether a virgin or a widow, but not effect a levirate marriage;¹⁵ as it is a rejoicing for him [the groom],¹⁶ [which implies] that betrothing is allowed. — Not [quite so]. He stated [the rule in the form] ‘Not merely [this is not allowed but even that]: Not merely [it is forbidden] to betroth,¹⁷ by which no scriptural obligation is carried out; but even to take [a wife in wedlock] whereby a scriptural obligation is fulfilled,¹⁸ he is forbidden. Come and hear [a support for this]: For it was learnt in the School of Samuel:¹⁹ [Grooms] may betroth, but not bring [a bride] home: and they may not make a feast of betrothal nor effect a levirate marriage, as this is a rejoicing for him [the groom]’. Infer this.²⁰

But [yet], could Samuel have said ‘Lest another [rival suitor] anticipate him’? Surely Rab Judah, as citing Samuel, said: [‘Forty days before the embryo is formed²¹ an echo issues²² forth [on high] announcing, "The daughter of So-and-so is [to be a wife] to Soand-so".’ [Similarly]. ‘Such and such a field²³ is [to belong] to Soand-so’. — No; what it means is, ‘Lest another [rival suitor] anticipate him’ by means of prayer, as is illustrated by what occurred to Raba, who overheard a certain fellow praying for grace saying: ‘May that girl be destined to be mine!’ Said Raba to the man: ‘Pray not for grace thus; if she be meet for you, you will not lose her, and if not, you have challenged Providence’.²⁴ Later he overheard him praying that either he should die before her or she before him. Said Raba to him: ‘[Praying Jack],²⁵ did I not tell you not to pray for grace in this matter?’ Thus said Rab in the name of R. Reuben b. Estroble, from the Torah,²⁶ from the Prophets and from the Hagiographa it may be shown that a woman is [destined to] a man by God. From the Torah: Then Laban and Bethuel answered and said, The thing proceedeth from the Lord.²⁷ From the Prophets: But his [Samson's] father and mother knew not that it was of the Lord.²⁸ And from the Hagiographa: House and riches are the inheritance of fathers, but a prudent wife is from the Lord.²⁹

And Rab said [also this] in the name of R. Reuben b. Estroble: ‘A person does not incur suspicion unless he has done the thing [suspected]; and if he has not done it wholly he has done it partly; and if he has not done it partly, he has a mind to do it; and if he has not had a mind to do it, he has seen others doing it and enjoyed [the sight of it]’. [As against this], R. Jacob [of Nehar Pekod]³⁰ raised an objection [from the following text]: ‘And the children of Israel did impute things that were not right unto the Lord their God.³¹ There they did it [purposely] to provoke [God].

Come [then] and hear [this statement]: And [Moses heard and fell on his face].³² What tidings had he heard? — Said R. Samuel b. Nahmani, as reporting R. Jonathan: [He heard that] they suspected him of [adultery with] a married woman, as it is said: And they were jealous³³ of Moses in the camp and of Aaron the holy one of the Lord.³⁴ And, said R. Samuel b. Isaac, this indicates that everyone was jealous of his wife because of Moses. — There [again] it was done out of hatred.³⁵

[Then] come and hear [this statement]: Said R. Jose, May my share be with him whom they suspect of something of which he is innocent. Nay further, R. Papa said, They suspected me myself of something of which I was innocent! — It is not difficult [to explain]. One [speaks of a] rumor that dies away, the other of a rumor that persists. And how long would a persistent rumor be? — Said Abaye. ‘Nanna’ told me, Local gossip lasts a day and a half; and that holds good only if it did not cease in the meantime, but if it had ceased in the meantime, we take no notice of it. If, however, it does cease in the meantime, the rule is [to disregard it] only where it was not [stopped] out of fear, but if it was stopped out of fear, it is not [to be disregarded]; again, the rule is [to disregard it] only where it does not break out again, but where it breaks out again [we do] not [disregard it]; also, the rule is [to disregard it] when he [the maligned] person has no enemies, but if he has enemies, [we say] it is his enemies who have spread the [adverse] rumor.

MISHNAH. BILLS OF CREDIT MAY NOT BE WRITTEN DURING THE FESTIVAL [WEEK]; BUT IF HE [THE CREDITOR] DOES NOT TRUST HIM OR HE³⁶ HAS NOT [ENOUGH] FOOD TO EAT, HE MAY WRITE. SCROLLS [OF THE LAW] AND THE

[SCRIPTURAL SECTIONS FOR] PHYLACTERIES³⁷ AND MEZUZOTH³⁸ MAY NOT BE WRITTEN DURING THE FESTIVAL [WEEK]; NOR MAY A SINGLE LETTER BE CORRECTED, EVEN IN THE [ANCIENT] TEMPLE-SCROLL.³⁹ R. JUDAH SAYS, A PERSON MAY WRITE THE [SCRIPTURAL SECTIONS FOR] THE PHYLACTERIES OR MEZUZOTH FOR HIMSELF

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- (1) [E.g., woollen which requires more skill in cleaning, yet in the case of hand-towels, washing is permitted. But as to those made of linen, all sorts of garments may be washed].
- (2) Either (a) the formula of espousal: 'Behold thou art dedicated unto me according to the law of Moses and Israel' (Cf. Kid. 5b and 6a), to be handed by the suitor to his bride (thereby to secure her for himself forthwith in case of another rival suitor) as a 'marriage' may not be celebrated during the festival week (Rashi); or, (b) the terms of the marriage settlement (instrumenta dotalia). V. Gemara and SHB ad loc. p. 95; also Lewin, Otz. Hag. Mashk No. 52.
- (3) Cf.. Deut. XXIV, 1-4.
- (4) Or part-cancellation of a debt. Cf. Keth. 89a ff and B.M. 18a, 19a-b.
- (5) During his lifetime. B.M. 19a. palest. Mishnah reads: 'and bequests'.
- (6) A formal written declaration made by a creditor before the Judges assigning to the Court the collection of an outstanding debt, thus preventing its cancellation by the incidence of the Sabbatical year. Cf. Deut. XV, 2, and Sheb. X, 4; Git. 36a. The Probol is said to have been instituted by Hillel.
- (7) Valuation of a debtor's property by order of Court prior to a public auction to meet the payment of his debt. Cf. B.M. 20a and 'Arach. 21b.
- (8) E.g., to keep a step-daughter for a certain period. V. Keth. 101b.
- (9) The ceremony on the refusal of the levirate marriage by the brother of a man who died absolutely childless. V. Deut. XXV, 5-10. For the text see J.M.K. ad loc. and Yeb. 3 9b.
- (10) By a girl minor who before attaining puberty had been given in marriage (after her father's death) by her mother or brothers. Her repudiation before a tribunal of three judges was sufficient to nullify the marriage. Cf. Yeb. 107b ff.
- (11) 'Compromissum', a covenant to abide by the decision of arbitrators, according to J.M.K. III, 3 or copies of the pleadings and award, according to B.M. 20a.
- (12) **ראשות רשות** government 'letters of credentials', 'diplomas'; or **רשות** voluntary, private, friendly letters, J.M.K., ibid; also Lewin Otz. Hag. IV, Mashk. Nos. 53-55.
- (13) The dedication formula, v. n. 6 on Mishnah.
- (14) Without formal, symbolical 'delivery'. Cf. Keth. 102a and b.
- (15) Deut. XXV, 5-6. V. p. 117, n. 5.
- (16) V. supra 8b.
- (17) During the festival week.
- (18) The duty of procreation. Gen. I, 27-28; II, 18, 22-24.
- (19) [Han.: Menasseh.]
- (20) I.e., this is conclusive.
- (21) V. D.S. note ad loc and cf. Sot. 2a and Sanh. 22a (Sonc. ed. p. 124).
- (22) Cur. edd. have here 'daily'.
- (23) Or house, family, D.S.
- (24) You will (in the end) challenge Providence for not having granted your sincere prayer.
- (25) **הלא** SBH. (Cf. Ex. XXXII, 11).
- (26) The Pentateuch.
- (27) Gen. XXIV, 50.
- (28) Judg. XIV, 4.
- (29) Prov. XIX, 14.
- (30) So MS.M. and parallels.
- (31) II Kings, XVII, 9. Surely, God has not been guilty of improper intentions. Yet ill is imputed to Him.
- (32) Num. XVI, 4. According to MS.M. Cf. Sanh. 110a.
- (33) Connecting this expression with that of Num. V, 14.
- (34) Ps. CVI, 16.
- (35) It was not suspicion, but sheer spite.

(36) The borrower or the scribe. V. J.M.K. 82a.

(37) Cf. Deut. VI, 8; XI, 18 and supra.

(38) Deut. VI, 9; XI, 20.

(39) According to some, a copy written by Ezra, according to others, the scroll kept in the 'Court' of the Temple.

Talmud - Mas. Mo'ed Katan 19a

AND MAY SPIN ON HIS THIGH THE BLUE-WOOL FOR HIS FRINGE.¹

GEMARA. Our Rabbis taught: A person [may] write [the scriptural sections for] phylacteries or mezuzoth for his own use [and spin on his thigh the blue threads for his own fringe],² and for others [he may do so] as a favour:³ this is R. Meir's view; R. Judah says, He may artfully dispose of his own and [then] write fresh ones for his own use. R. Jose says, He may write and sell [them] in his usual way enough for his [personal] requirements',⁴ Rab gave a decision to R. Hananel and some say, Rabbah b. Bar-Hanah to R. Hananel⁵ — that the halachah is that one [may] write and then in his way to the extent of his requirements.

AND [MAY] SPIN ON His THIGH BLUE-WOOL FOR HIS FRINGE. Our Rabbis taught: A person [may] spin on his thigh the blue [thread] for his fringe, but [may] not do so with a stone [as a spindle-whorl]: that is R. Eliezer's view; but the Sages say [he may] even with a stone. R. Judah says in his [R. Eliezer's] name: [He may] with a stone, but not with a spindle; but the Sages say, [He may] either with stone or with spindle. Said R. Judah as citing Samuel, and similarly R. Hiyya b. Abba said as citing R. Johanan: The halachah is that [one may spin the blue-wool for his fringe] whether with a stone [as whorl] or with a spindle;⁶ and it is also the halachah that one [may] write in his usual way and sell sufficient for his requirements.⁷

MISHNAH. IF ONE BURIES HIS DEAD THREE DAYS⁸ BEFORE A FESTIVAL, THE RESTRICTIONS⁹ APPERTAINING TO HIS SEVEN DAYS' MOURNING FALL AWAY; [IF HE BURIES HIS DEAD] EIGHT DAYS BEFORE A FESTIVAL, THE RESTRICTIONS OF THE THIRTY [DAYS] FALL AWAY,¹⁰ BECAUSE THEY [THE SAGES] SAID THAT THE SABBATH ENTERS INTO COUNT BUT DOES NOT INTERRUPT,¹¹ WHILE FESTIVALS INTERRUPT¹² AND DO NOT ENTER INTO COUNT.¹³ R. ELIEZER SAYS, SINCE THE SANCTUARY [AT JERUSALEM] WAS LAID IN RUINS, [THE FEAST OF] 'AZERETH'¹⁴ IS [RECKONED] AS AN [ORDINARY] SABBATH [DAY];¹⁵ RABBAN GAMALIEL SAYS, NEW YEAR AND THE DAY OF ATONEMENT ARE [RECKONED] AS FESTIVALS; WHILE THE SAGES SAY, [THE RULE IS] NEITHER ACCORDING TO THE STATEMENT OF THE ONE NOR ACCORDING TO THE STATEMENT OF THE OTHER, BUT AZERETH IS [RECKONED] LIKE [THE OTHER] FESTIVALS AND NEW YEAR AND THE DAY OF ATONEMENT ARE [RECKONED] AS A SABBATH [DAY].

GEMARA. [THE RESTRICTIONS... FALL AWAY]. Said Rab, [this means only] 'the restrictions'¹⁶ fall away, but the days [of mourning] do not fall away¹⁷ and so said also R. Huna:¹⁸ The 'restrictions fall away but the 'days' do not fall away; and R. Shesheth¹⁹ said that even the days also fall away.²⁰ What is the meaning of, 'But the days [of mourning] do not fall away'? [It means] that if he had not cropped his hair on the day before the festival he is forbidden to crop himself after the festival

(1) Num. XV, 38ff.

(2) This bracketed part is omitted in many texts. Cf. D.S.

(3) Without payment for his work.

(4) פְּרֻסָּה includes 'food, raiment and home' for himself, wife and children or his father's widow. Cf. Shab. 118a and Keth. 69a.

(5) V. J.M.K. III, 4.

(6) It being for the performance of a Biblical ordinance which gives him joy.

(7) To help him joyously to keep the festival.

(8) V. infra 20a.

(9) גִּזְרָה means generally a restrictive measure. (Cf. Be. 4b, 8b, 36b). Here it refers to the abstention, during the seven days of mourning, from work and bodily comforts — bathing, anointing, footwear and fresh clean clothes, i.e., the maintenance of a neglected disconsolate appearance in honour of the deceased. The public, religious, festive rejoicing suspends, or according to some, cancels the formal observance of sorrow.

(10) I.e., the remaining period of formal mourning down to thirty days lapses on his having duly observed the first seven days plus one day of the remaining period before the festival.

(11) I.e., it neither counts as a blank day, nor does it cancel the rest. The remaining days of mourning continue after the Sabbath.

(12) Cancel the remaining days of mourning.

(13) If the interment took place during the festival. But v. Rashi.

(14) The rabbinic term for the 'Feast of Weeks' (Deut. XVI, 10). or the Day of Bikkurim, First Fruits (of wheat; Lev. XXIII, 17). Both terms occur in Num. XXVIII, 26. V. Targums on the last, and Mid. Lekah Tob, ad loc. p. 272; cf. also infra 24b.

(15) It enters into count and does not interrupt.

(16) I.e., only the outer, formal observances of mourning but not the obligation.

(17) I.e., the period of mourning of seven or (down to) thirty days (as the case may be, according to the wording of the Mishnah) is not canceled but only deferred pending the festive time.

(18) Rab's disciple and his successor at the Academy of Sura.

(19) Var. lec., Samuel; v. D.S. a.l.

(20) I.e., they are not to be compensated after the festival to the number of the days during which the mourning formalities were suspended.

Talmud - Mas. Mo'ed Katan 19b

and that is [exactly] what is taught [in a Baraitha]: If one buries his dead three days before a festival his restrictions of the seven fall away;¹ if eight days before a festival his restrictions of the thirty fall away;¹ and he crops [his hair] on the day before the festival.² If he had not cropped himself on the day before the festival, he is forbidden to crop himself after the festival.³ Abba Saul says, He is permitted to crop himself after the festival; for just as the '[observed] obligation⁴ of three' [days] quashes the restriction of the seven⁵ so does the '[observed] obligation of seven' quash the 'restrictions of thirty'.⁶ [You Say, 'The observed obligation of] seven'? But we learned [in our Mishnah] 'eight' [days before the festival]! — Abba Saul maintains the view that part of a day is [reckoned] as an entire day and [here] the seventh day [of mourning] enters into the count both this way and that.⁷ R. Hisda, as citing Rabina son of Shela, said the halachah follows the opinion of Abba Saul;⁸ and the Sages concur with Abba Saul that when his eighth day comes on a Sabbath which is the day before a festival he is permitted to crop himself [even] in the Friday.⁹

Whose opinion is followed in the statement in which R. Amram, citing Rab, said: '[As to] the mourner, as soon as the comforters have risen to depart from his house, he is permitted to bathe'? Whose view [is it]? — It is Abba Saul's [view]. Said Abaye, The halachah follows Abba Saul's view in regard to the seventh day [of mourning] and the Sages concur with Abba Saul in regard to the thirtieth day [of mourning] that we say, part of the day is regarded as the whole day. Raba said, The halachah follows Abba Saul's view in regard to the thirtieth day, but in regard to the seventh day the halachah does not follow the view of Abba Saul. And the Nehardeans¹⁰ say the halachah follows Abba Saul's view in both instances, because Samuel stated that in matters appertaining to mourning the halachah is to follow the view of the more lenient authority.

Whence [in Scripture] do we derive the term of thirty days [of mourning]? — It is obtained by an

analogy¹¹ between two texts which have in common the term *pera'* used [in connection] with mourning¹² and again used [in connection] with the Nazirite,¹³ [namely]: Here [in the law about mourning] it is written, Let not the hair of your heads grow long [tifra'u];¹² and there [in the law of the Nazirite] it is written: He shall let the locks of the hair of his head [*pera'*] grow long.¹³ Just as the period there [for the Nazirite] is thirty days, so also here [for the mourner] it is thirty days. And whence do we derive it there? — Said R. Mattena: An unspecified Nazirite-vow is [binding] for thirty days. What is the reason? The text there reads: He shall be [Yihyeh] holy;¹⁴ the [consonant] letter value of Yihyeh being [ten + five + ten + five] thirty.

Said R. Huna the son of R. Joshua,¹⁵ [Authorities] all accept the view that when the third day [of mourning] occurs on the day before the festival the mourner is forbidden to wash [his whole body]¹⁶ till the evening.¹⁷ Said R. Nehemiah the son of R. Joshua: I once found R. Pape and R. Papa sitting together and stating that the halachah is in accordance with the statement of R. Huna the son of Joshua. Some report it thus: R. Nehemiah the son of R. Joseph said, I once found R. Pape, R. Papa and R. Huna the son of R. Joshua sitting together and stating that all are agreed that when the third day occurs on the day before a festival, the mourner is forbidden to bathe till the evening.

Abaye enquired of Rabbah: What if one buried his dead during the festival? Does the festival enter into his counting of the thirty days, or does the festival not enter into his counting of the thirty days?¹⁸ I am not asking about [counting the festival as part of] the seven days, because the 'due observance of seven [days of mourning] does not obtain during the festival;¹⁹ but what I do ask is about the period of thirty days, because the 'due observance of thirty days does [partly] obtain during the festival;²⁰ what [is your view]? — He [Rabbah] replied, The [days of the] festival do not enter into the counting.

[Thereupon] he put to him an objection from [the following]: If one buried his dead two days before the festival, he counts five [supplementary] days after the festival,²¹ and his work is done [for him] by others; his men-servants and maid-servants do [their domestic] work quietly indoors, privily; and the public do not [need to] condole formally²² with him

(1) As then his obligation to the dead is already sufficiently fulfilled.

(2) In honour of the festival, although he is still within the thirty days.

(3) I.e., the remaining period of mourning up to thirty is resumed: it having been only suspended but not canceled.

(4) **מצוה** means a positive order and denotes rather the positive aspect, the active fulfillment of the obligation to the departed, in contrast to the **גזירה**, the restrictive aspect of mourning.

(5) Not to be resumed again.

(6) I.e., again, if he had not cropped himself before the festival he is permitted to do so immediately after the festival.

(7) I.e., that after part has served for the seventh day, the remainder can count as part of the eighth day with its easier regimen.

(8) [With reference to his latter ruling, cf. D.S. note 7 and Han].

(9) Though it is still the seventh.

(10) Represented by R. Han., Sanh. 17b. Also by R. Nahman b. Isaac (according to another source). V. A. Hyman, *Toledoth II*, p. 919.

(11) This question interrupts the discussion. The method of equalling two texts is *gezerah shawah*, v. Glos.

(12) V. Lev. X, 6; Aaron and his sons were thus commanded at the death of Nadab and Abihu, not to allow their hair to go loose, i.e., not to grow freely or long.

(13) Num. VI, 5. Cf. *supra* 15a.

(14) Num. VI, 5: **י** 10, **ה** 5 (twice).

(15) The discussion on the former theme is resumed here.

(16) I.e., to bathe in warm water which affords pleasure.

(17) Even Abba Saul will in this case not regard a part of the day as the whole.

(18) Formal mourning after burial falls into three periods: (i) three days of weeping and (ii) up to the seventh day

(part-inclusive) for lamenting with abstention from work and attention to the person; then (iii) down to the thirtieth day (part-inclusive) in slightly mitigated formal mourning.

(19) Therefore it is certain that the mourner begins his observance of the seven after the festival; and as these had not begun, there was as yet no part to be taken, into account.

(20) For on it too, like during the thirty days, washing clothes and cropping hair are forbidden.

(21) To make up the requisite seven days of mourning.

(22) Lit., 'busy themselves'.

Talmud - Mas. Mo'ed Katan 20a

as they have already done that Service towards him during the festival. As a general principle on this matter [it may be stated]: 'Whatever appertains to the mourner [himself],¹ that the festival interrupts,² but whatever appertains to the [obligations of] the public,³ that the festival does not interrupt'. If he buried his dead three days towards the conclusion of the festival,⁴ he counts seven days [of mourning] after the festival. During the first four days [after the festival] the public engage [in condoling] with him, but in the last three days the public do not [need to] condole with him as they have already done [this service] towards him during the [three days within the] festival; and the festival enters into the counting. Now, does not [this last sentence] refer to the latter part [of the statement]?⁵ — No, [said Rabbah] it refers to the former part [of the statement].⁶ Thereupon he put an objection to him [from the continuation of the Baraitha]: The festival enters into the counting of thirty days: how, for instance? If one buried his dead at the beginning of the festival he counts seven days [of mourning] after the festival and his work is done by others; his men-servants and maid-servants do work quietly indoors, and the public do not [need to] engage [in condoling] with him, as they have already done that service towards him during the festival; and the festival enters in the counting!⁷ — That is a confutation [of Rabbah].

When Rabin came [from Palestine] he reported R. Johanan to have said, Even if one buried his dead during the festival;⁸ and similarly R. Eleazar gave as his decision to his son R. Pedath, Even if one buried his dead during the festival.

Our Rabbis taught: 'If one carried out the rule of overturning the couch⁹ for three days before the festival, he need not overturn it [any more] after the festival; these are the words of R. Eliezer; but the Sages say: [He need not] even if he had [done so] only for one day or even for one hour. Said R. Simeon b. Eleazar, Those were the very words of Beth Shammai and the very words of Beth Hillel: for Beth Shammai say: 'For three days [before the festival]', and the Hillelites Say: Even [if] for one day'. R. Huna said: R. Hiyya b. Abba, as citing R. Johanan. stated¹⁰ — surely say that R. Johanan told R. Hiyya b. Abba and R. Huna: [He need not], even if he had [overturned the couch] for one day; even for one hour. Raba stated¹¹ that the halachah is according to our Tanna [of the Mishnah] who said three days.¹²

Rabina once came to Sura-cum-Euphrates.¹³ Said R. Habiba to Rabina: What is the law [on this point]? — He replied: 'Even [if he had the couch overturned] one day and even for one hour'. R. Hiyya b. Abba, R. Ammi and R. Isaac were [once] seated in the marquee of R. Isaac b. Eleazar¹⁴ when a discussion was begun between them: Whence is it authentically derived that the observance of mourning is for seven days? From the text, And I shall turn your feasts¹⁵ into mourning . . . [and I will make it as the mourning for an only son];¹⁶ just as the 'Feast' lasts seven days.¹⁵ so [the period of] mourning is also for seven days. But why not [draw an analogy with] the feast of 'Azereth,¹⁷ which lasts but one day? — [No], that [analogy] is needed [for another lesson] as explained by Resh Lakish; for Resh Lakish said in the name of R. Judah Nesi'ah:¹⁸ Whence is it derived that on [the receipt of] belated tidings¹⁹ [formal] mourning obtains for one day only? From the text, And I shall turn your feasts into mourning;²⁰ and we find 'Azereth as an instance where one day's celebration is designated [a 'Feast'].

Our Rabbis taught: On receiving near tidings [formal] mourning obtains for seven [days] as well as [up to] thirty [days]; on distant tidings, it obtains for one day only. Which are 'near' tidings and which 'distant' tidings? 'Near' tidings are [recent tidings] within, thirty [days] and 'distant' tidings are [belated tidings] after thirty [days]: these are the words of R. Akiba; the Sages, however, say, One and the same [practice obtains in both], on [the receipt of] 'near' tidings or of 'distant' tidings, [formal mourning] obtains for seven as well as [up to] thirty [days]. Said Rabbah b. Bar Hanah, as citing R. Johanan: Wherever you find a single authority expressing a lenient view and a number expressing a strict view, the halachah is in accordance with the strict view, save in this case: that although R. Akiba is lenient and the Sages are strict, the halachah is in accordance with R. Akiba, as Samuel stated, that in matters obtaining to mourning the halachah follows the lenient authority.

R. Hanina²¹ received tidings from Be[th]-Hozai about [the death of] his father; he consulted²² R. Hisda, [who] told him, 'On [receipt of] distant tidings [formal mourning] obtains for one day only'. R. Nathan b. Ammi received tidings from Be[th]-Hozai about his mother; he consulted²² Raba, who told him: The authorities have already stated [that] on [receipt of] distant tidings [formal mourning] obtains for one day only. Thereupon he put to him an objection [from the following]: When does this ruling apply? In the case of the [other] five nearest-of-kin [for whom mourning is] obligatory;²³ but for one's father or mother [mourning is for] seven [days] and [up to] thirty [days] — [Raba] replied: That is the ruling of an individual²⁴ with which we do not concur, as [will be made clear from what] is taught [in the following]: 'There was the case of the father of R. Zadok who had died at Ginzak,²⁵ and he was not informed till after three years. He [thereupon] came and asked of Elisha b. Abuyah and the elders that were with him and they told him to observe seven [days] and [up to] thirty, and when R. Ahiyya's son died in the Diaspora,²⁶ he [too] sat on his account seven and [observed mourning up to] thirty'. But this is not so? For when Rab, R. Hiyya's brother's son — who was also R. Hiyya's sister's son²⁷ — came up there [to Palestine], he [R. Hiyya] said to his nephew [Rab]: 'Is father alive'?²⁸

(1) I.e., the observance of formal mourning by the mourner.

(2) Is deferred till after the festival.

(3) Lit., 'the business of the public', i.e., to pay visits of condolence and offer words of comfort.

(4) **בסוף הרגל** probably a misreading of **בתוך הרגל** 'within', 'during the festival', as in MS.M.

(5) 'If one buried his dead during the festival, three days before towards conclusion . . .' As the seven days have been dealt with already, the last sentence must refer to the thirty days, namely, that the festival days enter into the counting; i.e., not as Rabbah replied, negatively.

(6) 'If one buried his dead two days before the festival', when two days of the seven were also two days of the thirty, as Abaye himself admitted when he put the question to Rabbah.

(7) Of the thirty days, obviously.

(8) That part of the festival enters in the counting of thirty days.

(9) Cf. supra p. 92.

(10) As the Palestinian practice.

(11) As the Babylonian practice.

(12) As the minimum observance of formal mourning before the festival secures remission of the remainder.

(13) The Western part of Sura which lay along the junction of the Sura canal. V. Obermeyer p. 293.

(14) Palestinian authorities.

(15) I.e., Passover and Tabernacles, Lev. XXIII, 7-8 and 34-35.

(16) Amos VIII, 10.

(17) The Feast of Weeks; Deut. XVI, 10, 16 and cf. Num. XXVIII, 26.

(18) Judah II. grandson of R. Judah ha-Nasi (Judah I).

(19) Lit., 'distant tidings' (of a death), defined below.

(20) Amos VIII, 10. (10) The Feast of Weeks, Deut. XVI, 1, 16, cf. Num. XXVIII, 26.

(21) Var. lec. R. Hinena of Be(th)-Hozai (Chuzistan).

(22) Lit., 'came before'.

(23) I.e., for brother, sister, wife, son and daughter. Lev. XXI, 2-4. This is again taken up lower down.

(24) The authority is named lower down.

(25) Gazaka, a city in North Media (Atropatene); according to Rawlinson it is Shiz near Lake Urmia. V. Obermeyer p. 10.

(26) Golah, the ancient place of the 'Captivity' when the first Temple fell, Babylon, Nehardea and later, Pumbeditha, were considered the most ancient centres of the Golah.

(27) R. Aha of Kafri married a widow and his eldest son Aybu married her daughter. From these unions Aha had a son R. Hiyya, and Aybu had a son Rab ('R. Abba the Long', later the famous principal of Sura). Rab's mother was R. Hiyya's half-sister (from one mother, i.e., R. Ala's second wife); and Rab's father Aybu was R. Hiyya's eldest half-brother (from the same father, namely, R. Aha of Kafri). R. Hiyya was therefore doubly related to his nephew Rab, being his paternal uncle as well as his maternal uncle, cf. Pes. 4a (Rashi).

(28) I.e., is my father Aha alive?

Talmud - Mas. Mo'ed Katan 20b

He replied, 'Mother'¹ is alive'. [Again] he asked 'Is mother² alive'? He replied: 'Father is alive'.³ R. Hiyya thereupon said to his attendant: 'Take off my shoes and bring along my things after me to the [public] baths'. Now from this instance we learn three lessons: We learn that a mourner is forbidden to don shoes;⁴ that distant tidings [entail formal mourning] but for one day; and that part of the day is [deemed] as all entire day's [mourning]!⁵ [In fact], R. Hiyya is one person and R. Ahiyya [whose son died in the Diaspora] is another person.⁶

Said R. Jose b. Abin: [If] one received near tidings on a festival and by the [time of its] termination it became distant tidings, [the festival-time] enters into the counting and [accordingly] he observes but one day [of formal mourning]. R. Adda⁷ of Caesarea recited in the presence of R. Johanan: If one hears near tidings on a Sabbath day and by the termination of the Sabbath it has become distant tidings, he observes but one day [of formal mourning]. Does one [in such a case] rend his garment, or does he not rend his garment? — R. Mani said: He does not [need to] rend his garment; R. Hanina said, He does rend [his garment]. Said R. Mani to R. Hanina: My view that he does not rend [his garment] is consistent with the fact that there is no [observance of] 'seven'. But according to your view that he [should] rend his garment, tell me, is there a rending of [one's garment] without [the observance of] the seven [days of mourning]? But is there not? Surely, Isi, father of R. Zera — or as sonic say, R. Zera's brother, recited in the presence of R. Johanan: If one had no tunic⁸ to rend [at the time] and he obtained one during the seven [days], he should rend it then; [if it became available] after the seven days, he does not rend it! [Thereupon] R. Zera chimed in after him: 'When does this ruling apply? In the case of the [other] five nearest-of-kin [for whom mourning is] obligatory,⁹ but in the case of father or mother one always rends one's garment!' — What you cited [in fact] refers to the deference to be shown to one's father or mother.¹⁰

Our Rabbis taught: For all [nearest-of-kin] mentioned in the Priest's Section¹¹ for whom a priest is to defile himself, a mourner is to observe [formal] mourning, namely, these: [For] his wife, father or mother, brother or [single] sister, son or daughter. To these they added: His brother or single sister from the same mother,¹² as well as his married sister, be it from the same mother or the same father.¹³ And just as he observes [formal] mourning for these, he likewise observes [formal] mourning for their relatives in the second degree:¹⁴ this is R. Akiba's ruling. R. Simeon b. Eleazar says: [Extended, formal] mourning is not observed except for one's son's child and a father's father,¹⁵ and the Sages say [by way of definition]: Whomever he mourns for he should also mourn with.¹⁶ Is not the Sages' view [practically] the same as that of the former Tanna?¹⁷ — Not [quite]; there is a [practical] difference between them, whether [we require him to be, that is to say when he is] with him in the [same] house,¹⁸ as Rab¹⁹ said to his son Hiyya, and as R. Huna likewise said to his son Rabbah:²⁰ 'In her presence observe mourning; away from her presence do not observe mourning'.

[When] Mar Ukba's father-in-law's son died, he thought of sitting for him²¹ seven [days of mourning] and [continuing to] thirty. R. Huna going to his house found him [in formal mourning]. 'Do you desire', said he, 'to eat of mourners' fare?'²² They [the Sages] did not say that [one should observe formal mourning] out of deference to his wife only in the case of [the death of] his father-in-law or his mother-in-law,²³ as it is taught: 'If his father-in-law or mother-in-law died the husband may not compel his [mourning] wife to put on kohl or do her hair²⁴ [as usual], but he should overturn his [own] couch and observe [formal] mourning with her; and likewise she, when her father-in-law or mother-in-law dies, may not put on kohl or do her hair [as usual]; but she should overturn her couch and observe [formal] mourning with him'. And another Baraitha taught: 'Although it was stated [that] he may not compel his wife to put on kohl or do her hair [as usual] it is — said they — indisputably correct²⁵ that she [may] mix his wine for him, make his bed and wash his face, hands and feet'.²⁶ [Now the regulations in] the two citations contradict each other.²⁷ Hence infer from this that the one Baraitha refers to [the death of] a father-in-law or mother-in-law,²⁸ while the other to [the death of] other near of kin.²⁹ — This proves it.³⁰ It is also taught thus [explicitly]: 'They did not lay down [that one should observe formal mourning] out of deference to his wife, save [at the death of] his father-in-law or his mother-in-law alone'.

Amemar lost his son's son, and he rent [his garment]. Thereupon his son came and he [again] rent [his garment] in his [son's] presence. He then recollected that he had done it while sitting; he rose and relit [his garment again] standing. Said R. Ashi to Amemar: Whence do we derive that the rending [of a garment] is [to be done] standing? From the text: Then Job rose³¹ and rent his mantle.³²

(1) To evade a direct doleful reply, Rab said that his own mother was alive, but said nothing about his grandfather, R. Aha of Kafri.

(2) I.e., is my mother alive? I.e., R. Hiyya's mother, Rab's grandmother, R. Aha's wife.

(3) Again to evade the direct and sad answer Rab replied that his own father (i.e., Aybu, R. Hiyya's half-brother) was alive, but nothing about it. Hiyya's mother, Aha's wife. This is according to R. Hananel. Rashi and Tosaf. s.v. **וַיִּבְרָא** offer different interpretations. V. Pes. 4a (Sonc. ed. p. 11.)

(4) Cf. supra p. 93.

(5) Even in the case of a parent one short while and one simple demonstration of respectful, sorrowful mourning, such as doffing the shoes, are enough; as soon after R. Hiyya went to the baths, which is forbidden to a mourner for a recent bereavement. Cf supra p. 101.

(6) That is, do not confuse Ahiyya of the Baraitha with Hiyya, Rab's uncle as being the same person who had acted differently on two occasions, at receiving belated distant news of the loss of a son and again of the loss of parents. They are two different persons.

(7) Var. lec. Abba.

(8) Of his own, to rend it at the poignant moment of hearing the sad tidings. Cf. infra, 24a and Tosaf. s.v. **כִּי**.

(9) Brother, sister, wife, son and daughter. see next citation.

(10) [I.e., though there is no observance of seven days he rends his garments not as an obligation but as a special mark of respect for his parents; v. Nimmuke Yosef.]

(11) Lev. XXI, 1ff.

(12) [Though not of the same father. The text implies only a paternal brother or sister.]

(13) [Although the text speaks only of a single sister (ibid. v. 3).]

(14) I.e., for his grandfather, grandmother or grandchildren; also for brothers and sisters of parents, i.e., uncles and aunts.

(15) I.e., for these only but no others of those included in R Akiba's extended list. Cf. n. 7.

(16) E.g., One mourns (in sympathy) with his father on the death of his father's father; likewise a father mourns (in sympathy) with his son who loses a child.

(17) I.e., R. Simeon b. Eleazar

(18) As implied in the words of the Sages, 'he should mourn with him'.

(19) When Rab's sister died, v. J.M.K. III, 5.

(20) When Rabbah's wife was in mourning.

(21) Out of deference to his wife.

(22) Food provided by friends. Cf. *infra* 24b and 27a.

(23) Cited in Samuel's name, J.M.K. III, 5.

(24) I.e., to insist that she should keep up her personal appearance, instead of looking neglected and dejected when numerous callers come to condole with her; *kohl* was used for the eye-brows.

(25) Lit., 'in truth, they said'. V. B.M. 6.

(26) I.e., she may attend to his usual needs. [Washing hands and feet means in warm water which is forbidden to a mourner (*Tosaf.*).]

(27) In the former it is insisted that the husband must observe formal mourning out of deference to the wife, while in the latter, it implies that the husband need not.

(28) In which case he must mourn with her.

(29) In which case he need not mourn with her.

(30) That the distinction made by R. Huna *supra* is correct.

(31) I.e., stood up to perform the act of rending.

(32) Job I, 20.

Talmud - Mas. Mo'ed Katan 21a

But if that is so,¹ [the text]: And if he stand and say, I like not to take her,² [will be interpreted] similarly? But surely it is taught: [And if she loose the shoe from off the foot of a grownup levir], whether he be standing or sitting or stooping, [the ceremony is valid]?³ — He replied: [It is because] there it is not written, 'And he stood and said';⁴ whereas here [in our instance] it is written, 'And Job rose and rent his mantle'. Rami b. Hama said: Whence [is it derived] that the rending [of a garment] is to be done standing? From what is said: And Job rose and rent his mantle. But perhaps what he did was something extra? For should we not say so, [what of the next thing Job did], And he shaved his head, [should we] likewise [have to conform with it]? — Rather it is [to be derived] from here: Then the king arose and rent his garments.⁵ But here too, perhaps, what he did was something extra? For should you not say so [what of the next thing he did], And he lay on the earth,⁶ [should we] likewise [have to conform with it]? Whereas it is taught: 'If a mourner sat on a bed,⁶ on a chair⁷ or on a stall for urns [and cans],⁸ or even goes to the extreme⁹ of sleeping on the bare ground, he has not discharged his duty [to the dead]'. And, explained R. Johanan, [It is] because he has not carried out the [custom of] overturning the bed? — He replied: [It means that David lay] as it were on the ground.

Our Rabbis taught: The following things are forbidden to a mourner: He is forbidden to do work, to bathe or anoint himself, to have [marital] intercourse, or don sandals; he is forbidden to read the Pentateuch, Prophets or Hagiographia, or to recite the Mishnah, or Midrash and halachoth or the Talmud or aggadoth.¹⁰ If, however, the public have need of him, he need not abstain. There was all actual case, when a son of R. Jose of Sepphoris¹¹ died, he went into the Beth Hamidrash¹² and expounded there all day long; [also¹³ when a daughter of Rabbi died at Beth-Shearim, he went into the Beth Hamidrash and expounded there all day long]. Rabbah b. Bar Hanah had a bereavement [and] he thought he ought not to go out to [give] his lecture. Said Rab to him, We learned:¹⁴ 'And if the public have need of him he does not refrain'. He then thought of calling upon his 'expositor' [assistant].¹⁵ When Rab said to him, 'We learned:¹⁴ 'Provided only that he does not place [at his side] an expositor [assistant]'. But then how is he to do? — After the manner taught [in the following]: 'It happened, that when a son of R. Judah b. Il'ai died, he went into the Beth Hamidrash and R. Hananiah b. Akavia also went in and sat him down at his side: he then whispered to R. Hananiah b. Akavia and R. Hananiah b. Akavia [whispered] to the Turgeman and the Turgeman spoke aloud to the public'.

Our Rabbis taught: '[During] the first three days a mourner is forbidden to put on phylacteries.¹⁶ From the third day onward, the third day included, he is allowed to put on phylacteries and he does not¹⁷ [have to] take them off at the entry of fresh personages [visitors]:¹⁸ this is R. Eliezer's opinion.

R. Joshua says, A mourner is forbidden to put on phylacteries [during] the first two days. From the second day onward, the second day included, he is allowed to put on phylacteries; but at the entry of fresh personages [visitors] he takes¹⁷ them off.¹⁹ Said R. Mattena: What is the reason for R. Eliezer's view? — Because it is written: And the days of weeping in the mourning of Moses were ended.²⁰ Said R. Ena: What is the reason for R. Joshua's view? — Because it is written: [And I will turn your feasts into mourning . . . And I will make it as the mourning for an only son] and the end thereof as a bitter day.²¹ But as to R. Joshua, surely it is written: [And the days of weeping in the mourning for Moses] were ended? — He may reply. The case of Moses was different; the mourning for him was [more] intense. And what of R. Eliezer too, surely it is written, 'And the day thereof [I will make] as a bitter day'? — The poignancy of the bitterness is but on one day. Said 'Ulla: The halachah follows R. Eliezer in regard to taking off [the phylacteries]²² and R. Joshua in regard to putting on [the phylacteries].²³ They enquired: What of the second day [of mourning], according to 'Ulla? Does he [at the entrance of fresh personages] have to take them off, or does he not [have to] take them off? — Come and hear: 'Ulla said: He takes them off and puts them on [the second day] even a hundred times'.²⁴ Likewise it is taught: Judah b. Tema Says, He takes them off and puts them on even a hundred times. Raba said, Having put them on he does not take them off. But was it not Raba who said [above],²⁵ The halachah follows our Tanna [of the Mishnah],²⁶ who says [that the minimum observance of formal mourning is] three [days]?

(1) That the brother of the deceased husband must declare his rejection of a levirate marriage standing.

(2) Deut. XXV, 8.

(3) Yeb. 103a.

(4) The distinction is not clear, and texts vary; v. D.S. ad loc.

(5) II Sam. XIII, 31.

(6) Without any bedding.

(7) Var. lec. a bench.

(8) **אורני** is the correct form derived from the Latin urnari(um), a low bench or stand for the urnae-cans and water buckets. This derivation fits in with the requirements of all the passages where this obscure word occurs. B.B. 144a and **עירניה** J.B.B. IX, 4; Tosef. Kel. 587, 22 and Sifra, Mezora II, Weiss 75c. Cf. however, Dictionaries and S. Krauss, T A. I., 273 n. 60 and addenda III, 361.

(9) V. marginal note according to Han. and Alfasi.

(10) The study of the Torah is considered a source of joy. Cf. Ps, XIX and CXIX, e.g. vv. 14, 16, 24, 47 etc.

(11) R. Jose b. Halaftha, prominent in the College of Rabbi.

(12) The College.

(13) This bracketed part (which occurs in MS.M.) has accidentally fallen out through the same ending 'all day long'.

(14) So MS. M.

(15) It was the practice to call upon a competent scholar or scholars at the college to stand at the side of the Principal or lecturer of the day and expound the theme to the listeners in several groups. He was called Amora or Turgeman (Meturgeman) _ expounder, interpreter (dragoman).

(16) Cf. supra 15a.

(17) In Sem. VI, and J.M.K. III, 5, it is the reverse.

(18) [Although they might be led to assume that he had donned the phylacteries also in the first two days.]

(19) Rashi: on the second day; according to J.M.K. (ibid.) in the week of mourning.

(20) Deut. XXXIV, 8. That the main mourning is during the first three days is derived by counting the three expressions. 'days', 'weeping', 'mourning'.

(21) Amos VIII, 10, which indicates that the essential mourning is but one day. .

(22) That he need not take them off on the third day at the entry of fresh visitors.

(23) On the second day.

(24) Each time at the entry of new visitors, to show the visitors that he has not been disregarding the law hitherto.

(25) 20a about keeping the bed overturned for at least three days before a festival.

(26) Supra 19a.

Talmud - Mas. Mo'ed Katan 21b

— It is different in the case of a religious precept. [like phylacteries].¹

Our Rabbis taught: A mourner is forbidden, during the first three days [to do] work, even a poor man who receives maintenance from charity; thereafter he does [his work] privately, in his house: and a woman [in mourning] plies the spindle in her house.

Our Rabbis taught: A mourner should not go during the first three days to a place of mourning;² thereafter he may go but not take a place among the comforters, but among those who are [to be] comforted.

Our Rabbis taught: A mourner is forbidden during the first three days to give greeting [of peace];³ after three and to seven [days], he responds but does not give greeting [of peace]; thereafter he gives greeting [of peace] and responds in his usual manner.

[It is stated above] 'Forbidden during the first three days to give greeting of peace'. But surely it was taught: It happened, when [two]⁴ sons of R. Akiba, [bridegrooms],⁵ died, all Israel entered⁶ and made a great lament for them, and as the people were about to depart, R. Akiba stood on a large bench⁷ and addressed them: Our brethren, the House of Israel, hear ye! Even though these two sons were 'bridegrooms',⁸ I am⁹ consoled on account of the honour you have done [them].¹⁰ And even though you have come on account of Akiba, there is many an Akiba!¹¹ But this it is what you said [to yourselves]: The law of God is in his heart, [his footsteps will not falter].¹² All the more then, two-fold be your reward: Go home unto peace!¹³ — Deference towards the public is a different matter.

[It was stated above 'After three to seven [days]; he responds but does not give greeting [of peace]; thereafter, he gives greeting [of peace] and responds, in his usual manner'. Some contrasted this statement with the following: 'One who meets his fellow mourner within thirty days, tenders him [words of] consolation but enquires not about his peace; after the thirty days he enquires about his peace, but tenders him not [words of] consolation.'¹⁴ If his [friend's] wife had died and he married another [formally],¹⁵ he is not allowed to call at his house to tender him [there,¹⁶ words of] consolation; if he meets him in the street he expresses [his condolence] to him in a low voice and with downcast looks!¹⁷ — Said R. Idi b. Abin: The mourner enquires about the peace of others [within his period of mourning]¹⁸ because others' are abiding in peace; others enquire not about the peace of the mourner, because he is not abiding in peace [but in sorrow].¹⁹ But then, since it states [in the former Baraitha]: [After three to seven days] 'he responds. . .', does this not imply that others may enquire [about the mourner's peace]?²⁰ — Where they are unaware [of his bereavement]. If so, does not the same apply also to the other earlier period?²¹ — [No,] then²¹ he is obliged to acquaint them [of his sorrow] and makes no [further] response, whereas here²² he need not acquaint them [of it].

Thereupon some contrasted [this latter Baraitha] with the following: One who meets another mourner within a twelvemonth tenders him [words of] consolation, but does not enquire about his 'peace';²³ after a twelvemonth, he enquires about his 'peace and does not tender him [words of] consolation, but may refer to his sorrow indirectly.²⁴ Said R. Meir: If one meets another mourner after a twelvemonth and tenders him [then words of] consolation, to what can he be likened? To [the case of] a man who had his leg broken and healed when a physican met him and said to him, Come to me and let me break it and set it [again], to convince you that my medicaments are good? — This offers no difficulty: This last citation refers to [the death of] father or mother, while the former refers to [the death of] other near of kin. But in that case²⁵ too, why not tender him [words of] consolation indirectly? — Yes indeed [he may], and what means: ['After thirty days he may] not tender him

[words of] consolation' is, [not] in one's usual manner — but he refers to his sorrow indirectly.

Our Rabbis taught: A mourner who arrives home during the first three days from a place in the near vicinity, counts [his days of mourning] with them.²⁶ If he came home from a distance, he counts on his own. Thereafter even if he came home from a place in the vicinity he counts on his own. R. Simeon says: Even if he came home on the seventh day from a place in the vicinity, he counts with them.²⁶

The Master said: 'During the first three days from a place in the vicinity, he counts with them'. R. Hiyya b. Abba, as citing R. Johanan said that this is done only where the chief person of the household was at home. The following question was then raised:

(1) Deut. VI, 8; XI. 18.

(2) Lit., 'House of mourning', i.e., either to a private house or to the cemetery to attend a funeral. Cf. Sem. VI.

(3) Lit., 'enquire about his "peace"' (welfare). E.g., Gen. XXIX, 6 and cf. supra p. 89, n. 10.

(4) Cf. D. note 7: probably during a plague.

(5) So Sem. III, 6. The expression denotes that they died in the prime of life, under thirty years of age.

(6) The cemetery.

(7) An improvised rostrum.

(8) V. p. 135 n. 8.

(9) The text reads, 'He is consoled' by way of euphemism, to avoid an omen for one who reads or recounts this.

(10) By your presence.

(11) I.e., I am not so great a man as to be entitled to it all.

(12) Ps. XXXVII, 31.

(13) Thus R. Akiba tendered 'peace' to his audience on the very first day of mourning. Cf. Sem. VIII, where this incident among others is told at length.

(14) Here ends the part that causes difficulty. The attempted reply follows later after the conclusion of the whole quotation.

(15) That is by betrothal within the thirty days of mourning: this is permitted for the sake of little children, left motherless; often it is the deceased wife's sister. He may thus marry her formally but is not to live with her as man and wife till after the period of mourning is over. Generally a widower should wait till after the three Festivals — Passover, Weeks and Tabernacles have passed, before he marries again. Cf. infra, 23a.

(16) Not to embarrass the second wife.

(17) Lit., 'with faint lip and heavy head', so as to avoid giving the impression of being cynical. 1 This Baraitha thus teaches that within the thirty days one may not greet a mourner, which is in opposition to the ruling of the former Baraitha that the mourner himself is permitted to exchange greetings once the seven days are over].

(18) Within the thirty days.

(19) [I.e., the two Baraithas are not contradictory: whereas the former teaches that the mourner may greet others within the thirty days, the latter forbids others to greet him within, that period.]

(20) And thus the two Baraithas are still contradictory.

(21) I.e., during the first three days.

(22) After three days.

(23) Whereas above it was ruled that after thirty days one may tender greetings.

(24) Rashi: He merely utters a word of comfort without mentioning the name of the deceased.

(25) I.e., in the case of other near-of-kin to which the former Baraitha refers.

(26) With the other members of the family.

Talmud - Mas. Mo'ed Katan 22a

What if the chief person¹ of the household had gone to the place of interment?² — Come and hear: For R. Hiyya b. Abba as citing R. Johanan. said that even if the chief person of the household went to the place of interment, he [still] counts with them. [You say] 'He counts with them?' Why, it is

taught [definitely]: ‘He counts by himself’! — That is not difficult [to explain]: The former [ruling] obtains where he returned within three [days]; the latter [ruling] obtains where he had not returned within three [days]. Similar it is to what Rab told the sons of Hazzalponi:³ Those that come [home] within three [days] should count with you; those that do not come [home] within three [days] should count by themselves. Raba told the people of Mahoza: You who do not follow the bier,⁴ should begin counting [the days of mourning] as soon as you turn your faces from the city gates.

‘R. Simeon says, Even if he came home on the seventh day from a place in the vicinity he counts with them’. Said R. Hiyya b. Gamada that R. Jose b. Saul as reporting Rabbi said: That is [done] only where [on his arrival] he found comforters still present.⁵ R. ‘Anan then enquired: What if they [the comforters] had just made ready⁶ themselves to get up [and leave] but had not yet left? — This stands over [for a solution]. The fellow-collegiate of R. Abba b. Hiyya had it as a tradition from R. Abba — Who was that [fellow-collegiate]? — R. Zera; and some say that it was the fellow-collegiate of R. Zera who had heard it from R. Zera. — And who was that [fellow-collegiate]? — R. Abba son of R. Hiyya b. Abba — who reported R. Johanan [to have stated]: ‘The halachah is to follow R. Simeon b. Gamaliel’s view on the point of terefoth⁷ and the halachah is to follow R. Simeon on the point of mourning’. The view of R. Simeon on the point of mourning is this one which we have just cited; and the view of R. Simeon b. Gamaliel on terefoth is that which is taught:⁸ ‘If intestines had become perforated and mucilage blocks the perforation, it [the animal’s flesh] is kasher’.⁹ What is ‘mucilage’? — Said R. Kahana: it is the viscous matter inside the intestines which comes away under pressure. Said someone; May I be granted to go up to [Palestine] and learn the legal dictum from the mouth of the Master himself! When he went up he came upon R. Abba son of R. Hiyya b. Abba. Said he to him: ‘Did you, sir, say that the halachah is to follow R. Simeon b. Gamaliel on the point of terefoth’? — He replied: ‘I said that the halachah is not so’! And what about the point of mourning’, [is the halachah in that case] to follow R. Simeon? — He replied: Opinions are divided on that, as it has been stated: ‘R. Hisda said, [R. Simeon’s view is] the halachah, and R. Johanan said likewise; [but] R. Nahman said, [R. Simeon’s view is] not the halachah. The [present] halachah however does not follow R. Simeon b. Gamaliel’s view in terefoth; but as to the point of mourning, the halachah is like R. Simeon’s, because of Samuel’s dictum that in matters of mourning, the halachah is to follow the [view of the] lenient authority’.

[Our Rabbis taught]:¹⁰ ‘[If] for all [other] dead one expedites [the departure of] the bier,¹¹ he is praiseworthy; but in the case of one’s father or mother, he is blameworthy. If it was the day before the Sabbath or a festival,¹² [or if pouring rain was falling on it], he is praiseworthy, as he expedites [the interment] out of deference to his father or mother. For all [other] dead, if he desires, he minimizes his business¹³ or if he does not desire,

(1) Not necessarily the senior person of the family, but the person in charge of the affairs of the household.

(2) And was away for three days. Does he count on his return with the folks at home whose period of mourning commenced as soon as the cortege departed. or does he count from the time of interment?

(3) Cf. I Chron. IV, 3. Or were these Jewish converts of the Beni-Solibi clan of bedouin Arabs, hailing from the neighbourhood of Zulfa in N.E. Arabia? V. Enc. Brit. s.v. Bedouins, III, (11th ed.) p. 623h. [Obermeyer, p. 298, identifies it with Zalfiun near Sura, the seat of Rab.]

(4) [The cemetery was far removed from the town so as not to offend the susceptibilities of the Persians who disapproved of the burial of the dead; v. Obermeyer, p. 174].

(5) Lit., ‘at his side’.

(6) Lit., ‘bestirred themselves’.

(7) Plur. of trefa, a defect indicating a disease in animals or birds slaughtered for food. Cf. Hul. III, 1ff.

(8) תניא is more correct than תנן Cf. Hul. 50a.

(9) Fit for Jewish consumption, not rejected on account of some organic defect.

(10) So D.S. and many other texts. Cf. Sem. IX.

(11) I.e., hastens the interment.

(12) When delay involves keeping the body till the day after their termination.

(13) I.e., his business affairs (Rashi) before the funeral. Or, according to Han. quoting Palestinian Talmud, he minimizes the expenses of the funeral and lament. Cf. J.M.k. III, 8.

Talmud - Mas. Mo'ed Katan 22b

he does not minimize it'; but for his father or mother he should minimize [his business].¹ For all [other] dead, if he desires, he bares [his shoulder] and if he does not desire he does not bare it; for his father or mother he must bare [his shoulder].² It happened once with a certain 'great man of the generation' whose father had died, that he desired to bare [his shoulder],³ and [another] 'great man of the generation' that was with him desired to bare his too, and on that account he [the mourner] refrained and did not bare [his shoulder].⁴

Said Abaye, The 'great man of the generation' referred to was Rabbi, and the [other] 'great man of the generation' that was with him was R. Jacob b. Aha [the elder]. Some say that 'the great man of the generation' was R. Jacob b. Alia and the [other] great man of the generation' that was with him was Rabbi. Now it seems correct if Rabbi was the 'great man of the generation' that was with him [with the mourner], we understand why [R. Jacob b. Aha]⁵ refrained and did not bare [his shoulder and heart];⁶ but according to the [other] report that Rabbi [was the mourner] and that R. Jacob b. Aha was the 'great man of the generation' that was with him, why did not he [Rabbi] bare [his shoulder and both hands] as Rabban Simeon b. Gamaliel [Rabbi's father] was the Nasi, and everybody should by rights have bared [their shoulders]?⁷ — This is difficult [to explain].

'For⁸ all dead one has his hair trimmed after thirty days; for one's father or mother [one lets his hair grow long]⁹ until his companions rebuke him. For all dead one enters a house of rejoicing after thirty days; for his father and mother [not] till after twelve months'. Rabbah b. Bar Hanah¹⁰ said:¹¹ 'And [one may go] to a joyous entertainment of comrades'.¹² An objection was raised: 'And [one may not go to a joyous [feast] as well as to [an entertainment of] rejoicing and to comrades [for] thirty days'!¹³ — This [divergence] presents difficulty.

Amemar taught [his comments] on that [same] Baraita thus: Said Rabbah b. Bar Hanali, 'But [to go] to a joyous entertainment of comrades is allowed forthwith'.¹⁴ But then [in another version] it is taught: '[One may go] to a joyous [feast] after thirty [days] and to an entertainment of comrades [after] thirty days'? — This [discrepancy] is not difficult [to explain]; the latter [version] refers to a first¹⁵ [invitation to an] entertainment [of comrades], while the former [version] refers to a return entertainment¹⁶ [of comrades].

'For all¹⁷ [other] dead one makes a rent [in his tunic] of a handbreadth [in depth]; for one's father or mother [he rends his clothes] till he bares his heart [chest]'. Said R. Abbahu, What text is there [which teaches this]? Then David took hold on his clothes and rent them,¹⁸ and there is no taking hold [of anything] by less than a hand's breadth.¹⁹

'For all [other] dead one rends only the uppermost [garment] even though he be wearing [then] ten; but for one's father or mother one rends them all'. And [the rending of] one's undershirt is not indispensable, be it in man or woman; R. Simeon b. Eleazar says. 'A woman rends her undermost garment and turns it [front to] back and then again rends her uppermost garment,²⁰ For all [other] dead, if one desire he divides the [upper] selvage-border of his [garment],²¹ and if he does not desire he does not divide it; for his father or mother he must divide, R. Judah says, Any rending [of a garment] that divides not the selvage-border thereof is mere make-believe. Said R. Abbahu: What is the reason for R. Judah's [statement]? — The text: [And Elisha saw it, and he cried, My father, my father, the chariots of Israel and the horsemen thereof! And he saw him no more] and he took hold of his own clothes and rent them in two pieces.²² Once it says 'and he rent them' do I not know that he

rent them in two? But [the addition of 'in two'²³ implies] that [at the rent] the garments appeared as if torn into two [separate] pieces.²⁴

'For all [other] dead, one tacks²⁵ the rent together after seven [days] and [completely] reunites [the edges] after thirty [days]; for one's father or mother one tacks it together after thirty [days], but never reunites [the edges]; a woman tacks it together forthwith, out of the respect due to her. When R. Abin came [from Palestine] he said as citing R. Johanan: 'For all [other] dead, if one desires, he rends [his garment] with the hand, or if he desires he rends by an instrument; for one's father or mother one rends with the hand'. And R. Hiyya b. Abba said, as citing R. Johanan: 'For all [other] dead [one rends] inside;²⁶ for one's father or mother one rends outside'.²⁷

R. Hisda observed: And the same rule obtains²⁸ on the [death of a] Nasi. An objection was raised: '[Those other dignitaries]²⁹ were not deemed equal to one's father or mother save in regard to re-uniting [the edges of the rent] alone'. Does not this [inequality] hold also for the Nasi?³⁰ — No, the Nasi alone [is an exception].³⁰ The Nesi'ah³¹ died. Said R. Hisda to R. Hanan b. Raba:³² Turn the mortar³³, upside down, stand on it and show the rending [of garments] to all the people!

For a Hakam [sage]³⁴ one bares [the hand and shoulder] on the right; for the Ab Beth din, on the left, and for a Nasi on both sides'.

Our Rabbis taught: When a Hakam dies, his Beth Hamidrash is in vacation; when the Ab Beth din dies all the Colleges in his city are in vacation and [the people of the synagogue]³⁵ enter the synagogue[s] and change their [usual] places: those that [usually] sit in the north sit in the south and those that [usually] sit in the south sit in the north. When a Nasi dies, all the Colleges are in vacation³⁶ and the people of the synagogue enter the synagogue³⁷

(1) I.e., even after the burial, during the thirty days of mourning. Han. and Hay Gaon, quoted Otz. Hag. no. 199.

(2) And also bares his heart (chest). Sem. IX.

(3) For a Hakam (doyen), the (shoulder and) right hand are bared; for the president of the Beth din, the (shoulder and) left hand are bared; for the Nasi both (shoulders and) hands are bared. It happened, when R. Eliezer died, that R. Akiba bared 'both his hands' (arms) and beat his breast till it was bleeding and he said: my father, my father, the chariots of Israel, and the horsemen thereof. (II Kings, II, 12). Sem. IX. Cf. infra 22b.

(4) Here the series of citations from Sem. IX is interrupted by an observation of historical interest.

(5) D.S. and many other texts.

(6) Out of deference to Rabbi who was the Nasi, and therefore for him it was *infra dignitatem*. This was no disrespect to R. Jacob's father, as this is provided for in the rules: 'And if they (one's father or mother) seem not important (enough) for (the baring), he (the son) does not bare himself even for his father or mother'. Sem. IX. It should be noted that R. Jacob's father was not a qualified Rabbi, and that if 'Rabbi' Judah, the Nasi did out of deference to R. Jacob b. Aha bare himself, it would cause adverse comment among those present at the funeral. On R. Jacob b. Aha's status, v. Shab. 31a and A. Hyman, Toledoth s.v. II, 774a.

(7) V. p. 140, n. 8.

(8) The quotation is resumed.

(9) So D.N. and other texts. V. Tosaf. s.v. עד .

(10) Var. lec. Rabbah b. R. Huna.

(11) [In commenting on the rule that one may enter a house of rejoicing after thirty days].

(12) שמחת מריעות . For the expression, cf. Judg. XIV, 10ff, where it is connected with a betrothal or marriage celebration. It is thus taken by SBH p. 110. Generally, however, it is taken to denote an ordinary social repast shared with one's intimate friends. The import of Rabbah's observation is rather ambiguous and, accordingly, taken variously: — (a) A comrade's entertainment may not be attended until before the thirty days are over, as there is conviviality, eating and drinking; much less may one go to a joyous celebration, such as a betrothal, or marriage ceremony with music and singing. (b) That a comrade's entertainment which provides enjoyment for one's own boon companions should not be entered upon before thirty days; but at a religious ceremonious celebration, a marriage ceremony, a circumcision etc. one

may attend sooner, especially if one does not join in the feasting. V. Tosaf., Asheri par. 41, Nahmanides (Torath ha-Adam) and Ritba.

(13) [This proves that the two phrases are not identical].

(14) At the termination of the seven days.

(15) There are various readings: D.S. reads — ארשיותא ; SBH: ארשותא — from רשא , 'to begin with'. Cf Ber. 46a and Ritba: ** — a 'voluntary' entertainment, which can be fixed for a later date.

(16) I.e., when it is his turn to entertain or to attend and he cannot defer it or absent himself and therefore may hold his entertainment forthwith. So Han.

(17) The quotation is resumed. V. supra p. 141, n. 8.

(18) II Sam. I, 11.

(19) Cf. Suk. 32fr, and Nid. 26a.

(20) Thus avoiding exposure of her chest.

(21) About the neck and shoulders.

(22) II Kings, 11, 12.

(23) Lit., 'And he rent them in two rent pieces'.

(24) So infra 26a (for parents or one's teachers). V. D.S. p. 76 n. 7.

(25) Roughly, large basting stitches.

(26) Privately, aside, turned away from the bystanders (Rashi); or, rending an interior garment (Giat). V. Ritba.

(27) Coram populo, demonstratively displaying his grief before all present.

(28) As in the case of a parent, to rend publicly.

(29) One's master, the Nasi, and the president of the Beth din. Cf. infra 26a (top).

(30) In regard to rending the garment publicly.

(31) The descendant-successors of R. Judah Ha-nasi were denominated Nesi'ah (Aramaic form of ha-Nasi).

(32) Var. lec. R. Nahman b. Ammi.

(33) The mortar was a large crib or trough (for pounding olives for the press or soaking barley for brewing beer) cf. A.Z. 8b and Keth. 8a.

(34) The official title of the consultative expert of a constituted Beth din, next in rank to the Ab Beth din, Vice President of the Court and the Nasi. V. Hor., Sonc. ed. p. 101, nn. 6 and 8.

(35) So Han; Asheri etc. read: and the people of his town.

(36) Cf. Keth. 103a-b.

(37) On the Sabbath day.

Talmud - Mas. Mo'ed Katan 23a

and seven persons read [the weekly portions of the Torah]¹ and thereafter they come away. R. Joshua b. Korhah says, Not that they go and walk about in the street but they sit [at home] in silence.² Neither a halachic theme³ nor an aggadah should be discussed in the house of mourning. It was related of R. Hananiah b. Gamaliel that he used to speak on halachic and aggadic themes in the house of mourning.

Our Rabbis taught: during the first week a mourner does not go out of the door of his house; the second week he goes out but does not sit in his [usual] place [in the synagogue];⁴ the third week he sits in his [usual] place but does not speak; the fourth week he is like any other person. Says R. Judah: There was no need to say 'In the first week he does not go out of the door of his house', as then everybody comes into his house to comfort him; [what it should] rather [say is that] the second [week] he does not go out of the door of his house; the third [week] he goes out but does not sit in his [usual] place [in the synagogue]; the fourth [week] he sits in his place but does not speak; in the fifth [week] he is like any other person. Our Rabbis taught: For [the whole] thirty days [the mourner is debarred from] taking a wife. If his wife died, he is forbidden to take another until three Festivals have gone by. R. Judah says. [Until] the first festival and the second he is forbidden [to marry]; before the third he is allowed. If he have no children he may take a wife forthwith,⁵ lest [otherwise]⁶ he may fail in [the duty of] procreation.⁷ If she left him little children, he is allowed to take a wife

forthwith to take care of them. It happened that the wife of Joseph the Priest died and he said on the burial ground to her sister: Go and take care of your sister's children: nevertheless he did not go in to her [as husband] till a long time after. What is [meant by] a 'long time'? — R. Papa said, Alter thirty days.

Our Rabbis taught: [During the whole] thirty days [the mourner is debarred from donning] pressed⁸ clothes: it makes no difference whether they be old or new clothes coming out of the press.⁹ Rabbi says, They only forbade new clothes; R. Eleazar son of R. Simeon says, They only forbade new white linen clothes.

Abaye went out¹⁰ in a worn sarbal,¹¹ in accordance with Rabbi.¹² Raba went out¹³ in a new Roman re tunic,¹⁴ in accordance with R. Eleazar son of R. Simeon.¹⁵

BECAUSE THEY [THE SAGES] SAID¹⁶ THAT THE SABBATH ENTERS [INTO COUNT] BUT DOES NOT INTERRUPT; [WHILE FESTIVALS INTERRUPT, AND DO NOT ENTER INTO COUNT]. The Judeans and the Galileans [differed in regard to this Mishnah], the one party saying

(1) But pray individually, not as a congregational service. So Rashi. This however is contradicted by a responsum of Natronai Otz. Hag. (Lewin) n. 91.

(2) Han. Alfasi, MS.M. etc. read: 'sit in anguish'. Sem. X (end) enlarges: They sit or stand saddened and are like people who have Parnes (leader). When the time of rising arrives they minimize their affairs and rise'.

(3) שמועה — a novel exposition of the legal import of a Mishnah, Baraitha 'heard' from some prominent teacher. Aggadah, is a homiletical exposition of ethical import.

(4) Sem. X.

(5) If the date of nuptials had been fixed before the bereavement took place.

(6) Delay might lead to a cancellation of the match and loss of his only opportunity for a suitable spouse.

(7) V. Gen. I, 27-28; II, 24.

(8) I.e., ironed, or pressed smooth out of their creases. S. Krauss, TA I, 156, 581 translates, 'bleaching';

(9) After bleaching, the clothes were put in a press; v. Krauss, loc. cit.

(10) During the thirty days of mourning.

(11) גרדא דסרבלא: In Syrian gridā means a worn garment, or piece of cloth. Is גרדא perhaps the Aramaic equivalent of the Greek ** or **? which means a shabby, rough cloak or cape. Sarbal means a mantle (and sometimes, Persian trousers). V. Kohut Ar. Compl. s.v. סרבל. Jast. renders, in a fresh scraped and smoothed cloak.

(12) [Who permitted freshly pressed or bleached clothes provided they were not new].

(13) During the thirty days of mourning.

(14) Or shirt.

(15) [Who forbade new pressed clothes only if white].

(16) In reference to the efficacy of festivals or the Sabbath to cancel or defer the observances of formal mourning. V. Mishnah, supra 19a.

Talmud - Mas. Mo'ed Katan 23b

that [some] mourning is to be observed¹ on the Sabbath and the others saying that there is no [observance of] mourning on the Sabbath. Those that said that [some] mourning is observed on the Sabbath based themselves on the wording in the Mishnah, [THE SABBATH] ENTERS [INTO COUNT]; the others who said that mourning is not observed on the Sabbath based their view on the wording [AND] DOES NOT INTERRUPT. For, [said they], should you assume that mourning is to be observed on the Sabbath, why need we have [the reservation] AND DOES NOT INTERRUPT? But surely it states [also], [THE SABBATH] ENTERS [INTO COUNT]! — Because he has to teach in the latter part that [FESTIVALS]. . . DO NOT ENTER INTO COUNT, he teaches also [for the sake of symmetry] in the former part [THE SABBATH] ENTERS [INTO COUNT]. And as to the other side who said that [some] mourning is to be observed on the Sabbath, surely it states AND

DOES NOT INTERRUPT? — Because he has to state in the latter part that [FESTIVALS] INTERRUPT [the mourning], he teaches also [for the sake of symmetry] in the former part [THE SABBATH. . .] DOES NOT INTERRUPT.

Might not one suggest that their disagreement goes back to the [divergent] views of [older] Tannaim [as set out in the following Baraita]? For it has been taught: ‘One who has his dead laid out before him eats [his meals] in another house [room]; if he have not another house [room], he eats in his friend's house; if he have not a friend's house [available], he makes him a partition [ten handbreadths high];² if he have not the wherewithal to make a partition, he turns away his face as he takes his meals. And he does not recline³ as he eats [nor does he eat his fill]⁴ — he eats not meat nor drinks wine, nor does he say the grace. nor does he invite others [partaking in the meal to join in grace with him]⁵ nor do others invite him;⁶ and he is exempt from a recital of Shema’,⁷ from Saying the Tefillah⁸ or donning phylacteries, and [exempt] from the performance of any religious duties that are commanded in the Torah. [When do these said restrictions obtain? On weekdays];⁹ but on Sabbath¹⁰ he takes meals reclining, eats meat and drinks wine, recites grace, invites others [to join him] and others invite him and it is incumbent on him to recite the Shema’ and to say the Tefillah¹¹ and to perform all the religious duties commanded in the Torah. Rabban Gamaliel¹² says,¹³ Since he re-enters into these several obligations [here mentioned] he enters into the obligation of all [religious duties].’ [And commenting on this] R. Johanan said that the actual difference between them is the question of ‘using the [marital] couch’.¹⁴ Now, is not this the issue between them: One Master¹⁵ takes the view that [some] mourning is to be observed on Sabbath and the other Master¹⁶ that there is to be no mourning on Sabbath? Why [do you think so]? Perhaps there¹⁷ the first Tanna might not have gone so far as to forbid,¹⁸ save only because his dead is still laid out in front of him; but here,¹⁹ he might not [forbid].²⁰ Again, Rabban Gamaliel there²¹ would not have gone so far as to allow,²⁰ save only because there²¹ the incidence of mourning has not yet occurred;²² whereas here,¹⁹ where the incidence of mourning has already occurred, he might also [forbid].²⁰

(1) privately, at home, e.g., covering the head, sleeping on an overturned couch, not occupying the marital couch, not greeting with ‘peace’. ‘In Judea they greeted mourners with "peace" on entering and leaving his house, to show that mourning did not obtain on Sabbath’. Sem. X (end.).

(2) This is a gloss — not found in the parallel texts — on the technical height of a partition. Cf. Shab. 6a — and Tosa, Suk. 5b s. v. עשרה .

(3) On a couch or seated round the table with others; that is, he does not have his meals in style.

(4) Sem. adds: ‘Nor does he eat all he requires’ — i.e., his fill.

(5) Three or more eating together should join as a group in saying grace. Cf. Ber. 45a.

(6) [Rashi Ber. 17b explains differently: He recites no benediction before meals, nor does he say grace after meals. Nor do others recite the benediction before meals on his behalf, nor does he join in the grace after meals.]

(7) ‘Hear, O Israel. . . , Dent. VI, 4ff Cf. P.B. pp. 30ff

(8) The ‘Amidah, or the ‘Eighteen Benedictions (19) Prayer’ for weekdays. V. P.B. p. 44ff.

(9) So Sem. X.

(10) Sem. ibid. adds, he eats according to his requirements.

(11) The ‘Amidah or Seven Benedictions for the Sabbath. MS. M. omits ‘phylacteries’, as these are never donned on Sabbath.

(12) So also Sem. and other texts. In Ber. 17b Rabban Simeon b. Gamaliel.

(13) Sem. inserts: A mourner on Sabbath is as if he were no mourner.

(14) I.e., marital intercourse during the Sabbath, which is otherwise forbidden during the week of mourning. Rabban Gamaliel's statement implies that he is permitted to use the marital couch on the Sabbath of the week of mourning. Conjugal rights are among the Scriptural obligations of a husband to his wife. Ex. XXI, 10 and cf. Keth. 61a.

(15) The first Tanna in the cited Baraita.

(16) R. Gamaliel.

(17) In the Baraita which deals with the case before burial.

(18) The conjugal couch on the Sabbath.

- (19) In the Mishnah which deals with mourning after the burial.
 (20) The conjugal couch on the Sabbath.
 (21) In the Baraitha which deals with the case before burial.
 (22) The observance of formal mourning does not begin till after the funeral.

Talmud - Mas. Mo'ed Katan 24a

Mar Yohani¹ enquired of Samuel, Was there [some] mourning [to be observed] on Sabbath or was there no mourning on the Sabbath? — He replied, There is no mourning [to be observed] on the Sabbath.

Some Rabbis sitting in the presence of R. Papa reported in the name of Samuel that a mourner who used the conjugal couch during the [seven] days of his mourning is guilty of a mortal offence. Said R. Papa to them, What was reported was that it is 'forbidden', not 'a mortal offence', and in the name of R. Johanan it was reported [and not in the name of Samuel]; and if you heard aught [condemned] in the name of Samuel [as a mortal offence] it was this: 'Said R. Tahlifa b. Abimi, as reporting Samuel, A mourner who did not let his hair grow long and did not rend his clothes is guilty of a mortal offence. For it was said [to Aaron and his surviving sons]:² Let not the hair of your heads go loose neither rend your clothes, that ye die not. . . ,³ which [clearly] implies that any [other] mourner if he has not let the hair [of his head] go loose and has not rent his clothes, is guilty of a mortal offence'.

Rafram⁴, b. Papa said, It is taught in the Ebel Rabbathi:⁵ 'A mourner is forbidden to use the [conjugal] couch during his [seven] days of mourning'; and it happened [once] with one who used his [conjugal] couch during the [seven] days of his mourning that swine hauled away his carcass.⁶

Samuel said, Pahaz,⁷ are obligatory; Natar,⁷ are optional [on the Sabbath] i.e., the unveiling of the head,⁸ turning the rent side [of his garment] from front to back and tilting up the couch [into its normal position] are obligatory [on the mourner, in honour of the Sabbath]; donning sandals, the use of the conjugal bed and washing his hands and feet with warm water at [the approach of the] Sabbath even are optional.⁹ But Rab says, The unveiling of his head is also optional. Now, what is the difference in the case of the donning of sandals [on the Sabbath] that Samuel treats it as optional? [presumably] because not everyone usually wears shoes;¹⁰ is it not so likewise with the unveiling of the head, as not everybody generally goes about with head unveiled? — Samuel is consistent in this, as Samuel said, 'Any rending [of clothes] not done in the flush [of grief]¹¹ is not a [proper] rending, and any muffling [of the face] not alter the manner of the Ishmaelites,¹² is not a proper muffling [for a mourner]'. R. Nahman demonstrated it [by covering himself up in his mantle] right up to the sides of the beard.¹³

Said R. Jacob, as reporting R. Johanan: This statement was made [above]¹⁴ only in reference to one who has no shoes on his feet, but if he has shoes on his feet [on the Sabbath] his shoes give evidence about him.¹⁵

'Any rending [of clothes] not done in the flush [of grief] is not a [proper] rending'. But yet [when] they said to Samuel, 'Rab's soul has gone to rest', he rent on account of him thirteen garments [and] said: 'Gone is the man before whom I trembled'!¹⁶ When they told R. Johanan. 'The soul of R. Hanina has gone to rest', he rent on account of him thirteen robes¹⁷ of Milesian wool and said: 'Gone is the man before whom I trembled'!¹⁸ — Rabbis are in a different category, since their discussions are always recalled it is [for us] like 'the first flush [of grief]'.¹⁹

Said Rabin b. Adda to Raba: Your disciple R. Amram said that it was taught, 'A mourner [hearing of a fresh bereavement] at any time during the seven [days] rends his [clothes] in the forefront

thereof, and if he has [occasion] to change [the garment]. he changes and rends afresh; on the Sabbath he rends [on hearing the news] in the hinder part [of the garment]. and if he has [occasion] to change it, he changes but tears not [afresh]’?²⁰ — That was taught only where [it was] in honour of one's father or mother, [but not for other near of kin].

Are such rents [to be] sewed up²¹ or are they not [to be] sewed up? — On that, [Nahmani]²² father of R. Oshaia and Bar Kappara held different views, one saying that the rents are [to be] sewed up and the other saying that they are not [to be] sewed up. May it be inferred that it was the father of R. Oshaia that said that these were not [to be] sewed up, as R. Oshaia said that they were not [to be] sewed up; from whom had he heard this if not from his father? — Not [necessarily]: he [R. Oshaia] heard it from his master, [who was] Bar Kappara.

Raba said, A mourner may walk about in his [rent] wrap²³ indoors [on the Sabbath]. Abaye found R. Joseph going in and out of his house, his head covered with a sudarium²⁴ [on the Sabbath]. Said he to him:²⁵ Do you not, sir, hold the view that there is to be no [observance of] mourning on the Sabbath? — He replied: Thus said R. Johanan: ‘Intimate [forms of] mourning may be maintained [on the Sabbath]’.

R. ELIEZER SAYS, SINCE THE SANCTUARY [AT JERUSALEM] WAS LAID IN RUINS [THE FEAST OF] ‘AZERETH²⁶ [IS CONSIDERED] AS AN [ORDINARY] SABBATH, etc. Said R. Giddal b. Menashia as citing Samuel, The halachah follows the opinion of Rabban Gamaliel. And some attach this comment of R. Giddal b. Menashia to [the following Baraita]: ‘Any infant up to thirty days old is carried out in arms²⁷ and buried by one woman and two men, but not by one man and two women.’²⁸

(1) According to older editions and MS.M. V. D.S. p. 78. n. מ R. Johanan in our text is corrupt. V. Tosaf. s.v. בעא . V. also Hyman, ‘Toledoth, 653a who cites A.Z. 16b.

(2) When Nadab and Abihu died on the day of their induction.

(3) Lev. X, 6.

(4) An abbreviated form of R. Ephraim.

(5) אבל רבתי Major (tractate) on Mourning mentioned again infra 26b, identified with Sem. Reference is also made to a ‘Minor Tractate on Mourning’ — אבל זוטות by Salomo bel Hajathom (SBH) in his Commentary on M.K. (ed. H. P. Chajes, 1909, p. 125) who saw both at Rome. V. Strack's Einleitung in Talmud und Midrash (5th ed., 1921, p. 73, c).

(6) A liter: his membrum virile, as per talionem.

(7) Abbreviation used as a word of the rules that follow. P = Pri'ath ha-Rosh (unveiling of the head); H = Hazarath Keran' (turning of rent). Z = Zekifath ha-mittah (tilting up the couch); N = Ne'ilath Ha-sandal (donning sandals); T = Tashmish ha-mittah (Use of conjugal bed); R = Rehizath yadaim etc. (washing hands etc.).

(8) Ct infra n. 5.

(9) Opinion differed considerably on this also in Palestine. V. J.M.K. III, 5. Cf. n. 7 infra.

(10) On the Sabbath, and therefore the variation in honour of the Sabbath is not so marked after all.

(11) At the moment of death, or on first hearing the sad news.

(12) Samuel is speaking of the customs in Babylon where many Arabs had come to settle in constant streams from Arabia.

(13) That is, drawing the mantle together so as to enfold the forehead above and the chin and mouth below, leaving only nose and eyes exposed, as a mourner is to keep silence.

(14) In regard to the differences between Rab and Samuel about uncovering the head.

(15) That he is not observing mourning on the Sabbath.

(16) On account of his great learning.

(17) Stolae.

(18) On account of his great learning.

(19) I.e., each time when their discussions are recalled.

- (20) Which shows that rending is not limited to the first flush of grief.
- (21) Lit., 're-united', properly mended.
- (22) V. Hyman Toledoth I, 116a.
- (23) Heb. **אונקלי**, probably the Latin amiculum, an upper cloak. Cf. Becker's Gallus (E.T. ed. 4) Extirsus II on dress, p. 436ff.
- (24) A square piece of cloth worn as a kerchief.
- (25) Abaye was a disciple of R. Joseph.
- (26) The Feast of Weeks. V. Mishnah and notes supra 19a.
- (27) Lit., 'bosom'.
- (28) For reasons of propriety. Cf. Kid. 80b.

Talmud - Mas. Mo'ed Katan 24b

Abba Saul says, Even by one man with two women. And they [the people] do not stand in line¹ on the [immature] infant's account, nor do they [need] to recite the [usual] mourners' benediction,² nor tender the [usual] condolence to the mourners. An infant thirty days old is taken forth [to burial] in a case.³ R. Judah says: Not a case that is borne on the shoulder, but one that is borne in the arms; and the people stand in line¹ on its account, and recite the [additional] mourners' benediction² and tender the [usual] condolence to the mourners. One twelve months old is taken forth [to burial] on a bier; R. Akiba says, If the infant is twelve months old and its limbs are like those of one two years old, or two years old and its limbs are like those of one twelve months old, it is carried out on a bier. R. Simeon b. Eleazar says, For any one that is taken out on a bier the public [should] show their distress;⁴ for any one that is not taken out on a bier the public do not [need] to show their distress. R. Eleazar says, If he is known to the public at large, the public should participate in the proceedings; if he be not known to many [of the public] they do not [need] to participate. And what is the rule in respect of making lamentation for them? R. Meir in the name of R. Ishmael says: In the case of the poor lamentation is made for a child of three and in the case of the rich for a child of five.⁵ R. Judah speaking in his [R. Ishmael's.] name says: With the poor [they make a lament] for children of five; with the rich for children of six. And [as for] the children of 'elders', they are [treated] in the same way as the children of the poor.⁶ Said R. Giddal b. Menashia, as citing Rab,⁷ The halachah is as stated by R. Judah in the name of R. Ishmael.

R. 'Anani b. Sason⁸ gave a discourse at the door of the Prince⁹ [and said]: 'One day [of mourning] before 'Azereth¹⁰ [the Feast of Weeks] with [one day of] 'Azereth count as fourteen days [out of the thirty].' R. Ammi heard of this and was indignant saying. Is that his own view? It is what R. Eleazar [b. Pedath] said as citing R. Oshaia! R. Isaac the smith gave a discourse at the marquee¹¹ of the Exilarch [and said]: 'One day [of mourning] before 'Azereth with the [one day of] 'Azereth, count as fourteen days [out of the thirty]'. R. Shesheth heard of this and was indignant, saying, Is that his own view? It is what R. Eleazar said, as citing R. Oshaia! For R. Eleazar, citing R. Oshaia, said: Whence is derived the ruling that 'Azereth [the Feast of Weeks] is allowed a supplementary extension to full seven days?¹² From what is said: Three times in a year shall all thy males appear before the Lord thy God in the place He shall choose: on the Feast of Unleavened Bread and on the Feast of Weeks and on the Feast of Tabernacles; and they shall not appear before the Lord thy God empty.¹³ Just as the Feast of Unleavened Bread has a supplementary [period] to full seven days [for the celebration offerings],¹⁴ the Feast of Weeks¹⁵ has likewise a supplementary extension [for festive offerings] of full seven days.¹⁶ R. Papa invited¹⁷ the elder R. Awia [to act as expositor] and he expounded [the theme]: 'One day [of mourning] before New Year and New Year's Day [together] account for fourteen [out of the thirty days]'. Said Rabina, According to this, then, one day [of mourning] before 'the Feast' [of Tabernacles] together with the [seven days of the] festival and 'the Eighth Day' [of 'Solemn Assembly'] account [together] for twenty-one [out of the thirty days of mourning]. Rabina turned up at Sura-on the Euphrates¹⁸ when R. Habiba of Sura-on-the Euphrates put the question to him: Did you, sir, say that one day¹⁹ before New Year and New Year's Day [together] account for

fourteen [out of the thirty days]? — He replied, I did say that, arguing on [the basis of] Rabban Gamaliel's view.²⁰

MISHNAH. NONE REND [THEIR CLOTHES] NOR BARE [THEIR SHOULDER], NOR PROVIDE A REPAST [FOR THE MOURNERS]²¹ SAVE THOSE [WHO ARE] NEAR OF KIN TO THE DEAD; NOR DO THEY PROVIDE A REPAST SAVE [SEATED] ON AN UPRIGHT COUCH.²²

(1) To offer condolence to the mourners.

(2) V. Keth. 8b, foot-note.

(3) דְּלוֹסְקָמָא (a Doric form of) **.

(4) מַעֲצִיבִין (פָּנִים) מַצְהִיבִין (פָּנִים) Cf. e.g., Gen. VI, 6; Neh. VIII, 9-10.

(5) [The grief of the poor at the loss of a child is greater than among the rich, since a child is the poor's only joy (Rashi)].

(6) For variations on the passage v. Sem. III, 2-4.

(7) Han. has, 'As citing Samuel'.

(8) Identical with עֲנִיָאֵל בַּר שִׁשְׁנִי and חֲנִינָא בַּר סִיסִי V. Zuri's שְׁלֵמוֹן הַנְּשִׂאוֹת (London, 1934) Voi I, book 3, sec. 2, pp. 36 and 142.

(9) Judah II.

(10) Pentecost, a one-day feast.

(11) Or castle.

(12) For making the prescribed 'festive' offering at the Temple. If one had been unable to make it on the festival itself, it may be done up to the seventh day after.

(13) Deut. XVI, 16.

(14) Cf. Hag. 9a.

(15) I.e., Azereth, though essentially a Feast of but one day.

(16) The same argument applies to the analogy with the Feast of Tabernacles which has a range of eight days; but this argument is logically questioned, as thereby the one-day Feast of Weeks would be entitled to a day more than the seven-day Feast of Mazzoth; besides, it is shown that the eighth day of Tabernacles is, by virtue of its special sacrificial tariff a distinct Feast by itself. Cf. Hag. 17a and note discussion that follows.

(17) אֲדַבְרִיהָ Lit., 'took him along, brought or led him forward'. R. Papa, as Principal, invited him to act as Amora or Turgeman of the occasion (cf. supra p. 133, n. 10). probably on one of the two or four Sabbaths preceding a festival — שַׁבְּתָא דְּרִיגְלָא — when the theme was seasonal. Cf. Pes. 6a-b and more fully in Tosef. Meg. IV, 5: 'And they enquire about the laws of Passover at Passover; the laws of Azereth at 'Azereth; the laws of the Feast (of Tabernacles) at "the Feast" in the House of the Assembly (בְּבֵית הַוָּעָד). And they enquire about the laws of Passover thirty days preceding the Festival'. And on the expression אֲדַבְרִיהָ v. Bez. 29a (Sonc. ed., p. III, n. 3).

(18) Cf. supra 20a, p. 127.

(19) 'Even one hour's mourning before the festival'.

(20) V. Mishnah supra 19a.

(21) After the interment at the house of the mourners, and sometimes in the special forum on the burial ground, where the lament was held. Cf. supra 5b and the formal tendering of comfort with the first repast which followed. Cf. infra 27a. Shab. 105a (Rashi), and Keth. 8b.

(22) I.e., a couch in its normal position. J.M.K. and other texts read, 'upright couches', i.e., couches for both the comforters and the mourners. 'Such was the custom; when they provided the mourners' fare and wished to take the meal, they set up the couches erect, and after the comforters left (the house) they overturned (upset) them (again)'. V. B.M. Lewin, Otz. Ha., IV, n. 132.

Talmud - Mas. Mo'ed Katan 25a

GEMARA. [NONE REND etc.] even though [the dead be] a recognized scholar.¹ But then, it is taught [otherwise]: If a scholar dies, all are his near of kin?² 'All are his near of kin', say you? — Rather All are like his near of kin. — All rend their clothes on his account and all bare [their shoulders] on his account and all provide a repast for those that mourn on his account in the broad

space?³ — It⁴ is a necessary ruling where the deceased was not a scholar. But then if the deceased was a worthy person, one is [still] in duty bound to rend his clothes, as it is taught: ‘Wherefore do a person's sons and daughters die in infancy? That one should weep and mourn for a worthy person.’ — [You say]. ‘That one should weep and mourn [for a worthy person]’!⁵ What, levy a distress on one [in advance]?⁶ — Say rather, ‘Because one has not wept and mourned for a worthy person’. — ‘For⁷ whoever weeps and mourns for a worthy person, all his sins are forgiven him, on account of the honour he rendered to him [the deceased]’? — It is necessary⁸ where the deceased is not a [particularly] worthy person. But yet if one stands here, at the time of a person breathing his last, one is [also] in duty bound [to rend his clothes]. as it is taught: R. Simeon b. Eleazar says, One who stands near the dying, at the time when he breathes his last, he is in duty bound to rend [his clothes]: To what is this like? To a scroll of the Law that is burnt,⁹ when one is in duty bound to rend [his clothes]. — It is a necessary¹⁰ ruling where one was not standing there at the time when the dying breathed his last.

When the soul of R. Safra¹¹ went into repose, the Rabbis did not rend [their clothes] on account of him,¹² since, they said, We have not learnt from him [directly].¹³ Said Abaye, Is it taught: ‘When a Master died’? The teaching is: ‘When a scholar dies [all are his near-of-kin]’. Besides, we repeat daily the halachic interpretations reported [in his name] at the College! The [Rabbis of the College] then took the view that what was done was done.¹⁴ Said Abaye to them, We learned: ‘If a scholar dies, as long as they are engaged in a lament for him they are in duty bound to rend [their clothes]’. They thought then of rending forthwith [their clothes].¹⁵ Said Abaye to them, [No], it is taught: ‘A scholar is honoured at the lament held [on his account].’¹⁶

When the soul of R. Huna¹⁷ came to repose, they thought of Placing a scroll of the law on his bier.¹⁸ Said it. Hisda to them: Should one do for him now something that he did not countenance in his life-time? For R. Tahlifa¹⁹ said: I myself [once] saw R. Huna when he wanted to sit down on his couch, but there was a scroll of the law lying on it, so he put an inverted jar on the ground and put on it the scroll of the law. Obviously he thought that it was forbidden to sit on a couch when there was a scroll of the law lying thereon. Then the bier could not be got through the doorway²⁰ and they thought of letting it down from the roof. Said R. Hisda, I have learnt this from himself: ‘The honour of a scholar requires that his bier should pass through the door’. They then thought of transferring him from this bed to another, but said R. Hisda to them, I have learnt thus from himself: ‘The honour of a scholar requires that he should be taken out on the first bier’. For Rab Judah, as citing Rab, said, Whence is derived the lesson that the honour of a scholar requires that he should be borne on his first bier? From what is said: And they set the ark of God on a new cart²¹ and brought it out of the house of Abinadab that was on the hill.²² They then readied the gateway and brought it out.

R. Abba then opened [his funerary address]: ‘Our Master [said he] was worthy that the Shechinah²³ should abide with him, but [the fact of his being in] Babylon prevented it’.²⁴

Thereupon R. Nahman, son of R. Hisda — some say it was R. Hanan, son of R. Hisda — referred to [the text]: The word of the Lord came expressly unto Ezekiel the priest, the son of Buzi in the land of the Chaldeans by the river Chebar.²⁵ His father tapped him with his sandal, saying to him: Have I not told you not to worry everybody [with this point]? What is meant by the [double expression] ‘Hayoh [hayah]’?²⁶ That it had been [had come] before [he came to Babylon].

When they brought him up thither [to Palestine, for burial] people told R. Ammi and R. Assi²⁷ that R. Huna had come. They said: ‘When we were there [in Babylon] we had not [a chance] of raising our heads because of him;²⁸ now that we have come here he is come after us’.²⁹ They then were told that it was his coffin that had arrived. R. Assi and R. Assi went out [to meet him]; R. Ela³⁰ and R. Hanina did not go out. Some say, R. Ela went out, R. Hanina did not go out. What was the reason of the one who went out? According to what is taught [in the following]: ‘If a coffin is passing [on its

way] from place to place they stand in a row³¹ on account of the deceased, and say the mourners' benediction on account of him and also offer condolence to the mourners'. What was the reason of the one who did not go out? — According to what is taught [in the following]: 'If a coffin is passing [on its way] from place to place, they do not stand in a row on account of it, nor say on his account the mourners' benediction, nor [offer] condolence to the mourners'. These citations contradict one another! — This is not difficult [to explain]; the former [ruling obtains] where the body is intact; the latter where the body is not intact, and R. Huna's body was intact. Why did one not go out [to meet it]? Because he had not been fully informed of this. Then they said, Where shall we lay him to rest? [Said some, Let us lay him at the side of R. Hiyya];³² for R. Huna disseminated Torah in Israel³³ and R. Hiyya had likewise disseminated Torah³⁴ in Israel. Who will bring him into [the cave of] R. Hiyya? — Said R. Hagga 'I shall bring him in, because I sustained [revised] my studies [before him]³⁵ when I was but eighteen years of age, never having experienced the effects of an unchaste dream³⁶ and he made me his attendant³⁷ and therefore I know of his [pious] deeds. For one day the strap of his phylacteries was [accidentally] reversed,³⁸ whereupon he sat fasting forty days'. He then brought him in [to the cave].³⁹ Judah was laid there at the right of his father [R. Hiyya] and on his left was his [twin brother]⁴⁰ Hezekiah. Said Judah to Hezekiah: 'Rise from your place, for it is not good manners that R. Huna be left standing'. As he [Hezekiah] rose a column of fire rose with him⁴¹. R. Hagga, seeing that, was overcome with fear, set up the coffins and came away. And the reason that he came to no harm⁴² [from the pillar of fire] was because he set up the coffin of R. Huna.⁴³

When the soul of R. Hisda went to its rest they [the Collegiates] thought of placing a scroll of the law on his bier. Said R. Isaac to them: What he had disapproved of being done for his master, shall we now do to himself? They then thought that they should not stitch the rent in their garments, when R. Isaac b. Ammi said to them, It is taught:⁴⁴ In the case of a Scholar, [who died] as soon as they have turned away their faces, at the rear of the bier, they [may] stitch together [the rent]'.

When the soul of Rabbah⁴⁵ son of R. Huna went to its rest and [that of] R. Hamnuna, they took them [both] up thither.⁴⁶

(1) **חכם** an ordained Rabbi.

(2) The citation is here interrupted by a question and continues after the explanation.

(3) V. p. 153. n. 8.

(4) I.e., the ruling in our Mishnah, here.

(5) Again the citation is interrupted.

(6) I.e., give one cause to weep in anticipation that some worthy person shall die and not be fittingly mourned by the punished person. Cf. Rashi, Shab. 105b.

(7) Here the citation is resumed.

(8) I.e., the ruling in our Mishnah. So MS.M. and Shab. 105b. I.e., there is no contradiction between this citation and the ruling in our Mishnah.

(9) Cf. infra 26a and Rashi Shab. 105b. The divine Law is the inner Light that guides and at death it is as if the candle has been taken out of the lantern. Cf. Prov. VI, 33; XX, 27; and Sot. 21a.

(10) V. p. 154. n. 9.

(11) A great scholar, saint and merchant who used to go to and fro between Babylon and Palestine. Cf. supra 12a; Mak. 24a.

(12) At the news of his death.

(13) I.e., we are not really of his disciples.

(14) And nothing more is to be done.

(15) Without waiting for the holding of a lament for him.

(16) And it is on that occasion that the rending is proper to take place.

(17) Rab's great disciple and his successor in 247 as Principal of Sura. He died in 297, C.E.

(18) 'They laid a scroll of the law on his (King Hezekiah's) bier and said: This one maintained what is written in this (scroll)'. B.K. 17b.

- (19) Cf. Me. 32b, where as here MS.M., SBH and other texts read R. Helbo who often cites R. Huna's dicta.
- (20) Lit., 'the gateway'.
- (21) The same that had been provided originally by the Philistines. I Sam. VI, 7ff. Cf. Elijahu Rabbah (ed. Friedmann) XXIX (XXXI) p. 157: 'All Israel were gathered and David with them, to bring up the ark. And the halachah had been forgotten by them; said (Ahitophel) and all, The ark came from the field of the Philistines in the cart, likewise in the cart let it come (back) to the house of David'.
- (22) II Sam. VI, 3.
- (23) The 'Divine Presence'.
- (24) Caused it to (be otherwise for) him.
- (25) Ezek. I, 3. On this point cf. Mekilta Bo, Proemium s.v. (Ed. Friedmann 1b n. 21).
- (26) Taken as pluperfect.
- (27) Two Babylonians who had become leading scholars in Palestine. Cf. Keth. 17b.
- (28) Being aware of his superiority and seniority. Cf. Meg. 22a(bottom).
- (29) They thought we were still alive.
- (30) Also a Babylonian who became very famous in Palestine. Cf. supra 3a.
- (31) To condole with the mourners.
- (32) So MS.M.
- (33) Cf. Keth. 106a.
- (34) Cf. B.M. 85b. He was accounted as a second Ezra or Hillel; Suk. 20a.
- (35) For the expression cf. אֲקִימְתוֹן מִסֵּכַת פֶּלֶן Hor. 10b (Sonc. ed. p. 72.) It was customary for students to revise their studies by reciting alone before their master, periodically. Cf. Ber. 11a (R. Hiyya b. Ashi I before Rab). 38b (R. Hiyya b. Abba before R. Johanan), Hul. 86b and Ker. 27a. R. Ash did so every thirty days. (M.K. 28a). Resh Lakish did every forty days. Ta'an. 8a.
- (36) A night pollution, cf. Ber. 10b about Elisha as a holy man.
- (37) Cf. A.Z. 37a (of R. Simlai) and 58a (of R. Elyakim). Then he (Elisha) arose and went after Elijah and ministered unto him (I Kings XIX, 21). It is not said 'and he (Elijah) taught him', but 'and he (Elisha) ministered unto him'; hence they said: Greater is (practical) ministration in (connection with) Torah than the teaching (or study) thereof. Elijahu Rabbah, V (ed. Friedmann, p. 23).
- (38) Cf. Men. 3a-b.
- (39) Cf. B.M. 85b. Like a second Ezra or Hillel. Suk. 20a. The family cave of R. Hiyya was probably at Tiberias.
- (40) Yeb. 65b.
- (41) Tilted it hastily in front of the fiery column. (Rashi); or set the coffin in its place (on stones or trestles).
- (42) V. J. Kii. IX, 4, where it is stated that R. Hagga was then eighty years old and his years were doubled.
- (43) This R. Huna II was one of the Exilarch's family. Moreover, Rab, Hiyya's nephew, had one of his daughters married into the Exilarch's family (Hul. 92a). Furthermore, the Exilarchs of Babylon were senior and held as superior both in civil authority and descent to the Nasi in Palestine, and admitted by Rabbi himself (J. Keth. XII, 3) by R. Hiyya (and his sons). Hor. 11b (Sonc. ed. p. 81) and Sanh. 5a (Sonc. ed. p. 15.) Cf. Bacher, J.E. s.v. Exilarch V, 289a.
- (44) So MS.M.
- (45) Son of the above R. Huna II.
- (46) To Palestine for burial.

Talmud - Mas. Mo'ed Katan 25b

As they came to a bridge the camels¹ halted. Said a certain Arab² to those [who accompanied the cortege], What is that?³ — They replied that the [deceased] Rabbis were doing honour to one another: one saying [as it were], 'You, Sir, proceed first', and the other saying, 'You, Sir, proceed first'. Said he, [the Arab]: [In my judgment],⁴ it is right that [a notable the son of a notable],⁴ Rabbah son of R. Huna, should take precedence. The camel bearing Rabbah son of R. Huna then passed along first. The molars and teeth of that Arab fell out.⁵ Then a certain child opened [his funerary oration] thus:

'A scion of ancient stock from Babylon⁶ came

With records of prowess in combat⁷ and fame;
Twice numerous pelican and bittern⁸ from far
Came for the ravage and ruin⁹ in Shinear.¹⁰
When [God] views His world with displeasure,
He seizes [great] souls in exacting measure,
Awaiting their coming as new brides, with delight
And, riding on Araboth¹¹ in empyrean height,

He welcomes the souls of the pure and right'.¹² When the soul of Rabina went Into repose, a certain orator opened [his funerary oration] thus:

‘Ye Palms, sway your heads [and deplore]

A Saint, a noble Palm¹³ that is no more

Who days and nights in meditation spent;

For him, day and night, let us lament.’

Said R. Ashi to Bar-Kipok,¹⁴ What would you say on such a day [about me]? He responded thus:

‘If a flame among the Cedars fall

What avails the lichen¹⁵ on the wall?¹⁶

If Leviathan¹⁷ by hook be hauled to land,

What hope have fishes of a shallow strand?

If fish in rushing stream by hook¹⁸ be caught

What death may in marshy ponds be wrought!’

Said Bar Abin¹⁹ to him: ‘[God] forbend that I should talk of "hook" or "flame" in connection with the righteous’. Then what would you say? — I should say:

‘Weep ye for the mourners

Not for what is lost:

He found him rest;

‘Tis we are let distressed’.

R. Ashi was’ offended²⁰ with them,²¹ and their feet²² were turned.²³ On that day [of R. Ashi's

demise] they did not come to make a lament for him, and that is what R. Ashi had said: 'Neither shall Bar-Kipok²⁴ bare [his shoulder] nor shall Bar-Abin²⁴ bare²⁵ [his shoulder, for me]'.

When Raba once came to Dagleth [Tekrit],²⁶ he said to Barabin,²⁷ Get up and say something. He rose and said [the following]:²⁸

When more than a 'third'²⁹ wadeth in water deep Remember the covenant³⁰ and mercy keep.³¹
We strayed from Thee as a wayward wife;³² Leave us not: as at Marah³³ save our life. R. Honin³⁴
was a son-in-law in the Nasi's family. He had no children but he prayed for mercy and had [his wish granted]. On the day when the child was [born] unto him he himself went to his repose, and the funeral orator on that occasion opened [his lament] thus:

Joy is turned to sorrow and

Gladness linked with sadness.

When the time of joy³⁵ came nigh

The father heaved a dying sigh:

At [the birth of] his Gracious-little-son³⁶

The Gracious-sire's life was done.

They gave the child the name of Hanan after his father.

When the soul of R. Pedath³⁷ went into repose, R. Isaac b. Eleazar³⁸ opened [his address] thus: This day is as hard for Israel as the day when the sun set at noon-tide, as it is written: And it shall come to pass in that day . . . that I will cause the sun to go down at noon and I will darken the earth in the clear day. And I will turn your feasts into mourning and all your songs into lamentation. . . as the mourning of an only so,³⁹ And, said R. Johanan, that was the day of King Josiah's death.⁴⁰

When the soul of R. Johanan went into repose R. Ami observed [on his account] the seven [days of mourning] and the thirty. Said R. Abba son of R. Hiyya b. Abba: What R. Ammi did, he did but on his own initiative;⁴¹ for thus said R. Hiyya b. Abba, as citing R. Johanan: 'Even for his master who had taught him Wisdom⁴² one sits but one day'. When the soul of R. Zera⁴³ went into repose the orator of that occasion opened [his address] thus:

'The land of Shinear⁴⁴ was his home of birth

The land of Glory⁴⁵ reared her Darling⁴⁶ to fame;

"Woe is me!" saith Rakath⁴⁷ in lament,

For she hath lost her choicest ornament.'

When the soul of R. Abbahu went into repose the columns at Caesarea ran with tears.⁴⁸ At [the death of] R. Jose⁴⁹ the roof gutters at Sepphoris ran with blood. At that of R. Jacob [b. Aha],⁵⁰ Stars were visible in daytime. At that of R. Assi [all cedars]⁵¹ were uprooted; [at the death of R. Samuel b. Isaac]⁵¹ all trees were uprooted. At that of R. Hiyya [b. Abba]⁵⁰ fiery stones came down from the sky; at that of R. Menahem [b. Simai]⁵⁰ all images were effaced⁵² and came to be [used] as stone rollers;⁵³ at that of Tanhum son of R. Hiyya [of Kefar Acco]⁵¹ all human statues were torn out of

their position; at that of [R. Isaac, son of R.]⁵¹ Eliashib seventy houses were broken into [by thieves] at Tiberias;⁵⁴ at that of R. Haninuna,⁵⁵ hail stones came down from the sky; at that of Rabbah and R. Joseph the rocks of the Euphrates kissed each other;⁵⁶ at that of Abaye and Raba the rocks of the Tigris kissed each other. When the soul of R. Mesharsheya went into repose the palms were laden with thorns.⁵⁷

Our Rabbis taught:

- (1) Which were carrying the coffins.
- (2) Tayi'a, the name of an Arab tribe which came to be used for Arabs in general.
- (3) What does this strange thing indicate?
- (4) The bracketed words which form the reading of MS.M. are here combined with the text of cur. edtl. to bring out the import of the Arab's remarks more fully.
- (5) A proverbial expression. He received the meed for his irreverence.
- (6) The Babylonian Exilarchs to which Rabbah b. R. Huna belonged traced their descent to Jehoiachim, King of Judah. V. JEV, 288ff.
- (7) Referring to his prowess and triumphs at the Collegiates' discussions.
- (8) An echo of Isa. XXXIV, 11; Zeph. II, 14.
- (9) Cf. Isa. LI, 19 and Jer. XLVIII, 3.
- (10) I.e., Babylon. Cf. Gen. XIV, 1.
- (11) Ps. LXVIII, 5 is taken as 'High-Heavens'; cf. v. 34 and Deut. XXXIII. Hoffin. Mid. Tann. ad loc. p. 221 and Hag. 12b.
- (12) With this thought, cf. Midr. Tehil. on Ps. CXVI, 15: Precious in the sight of the Lord is the death of His saints, a parable of a king who sent an eparchos (prefect) to a place which he directed well. Having completed his term, the king gave him another eparchia (province). In the place which he was leaving they praised him that he had directed them well, and in the place that he was entering they (also) praised him, that he was going to rule them well. Likewise, when the Holy One, blessed be He, sent a righteous man into the world to direct the age and he directed it well, on his departure from the world, people are distressed about him (leaving): for so long as the righteous man is among them he prevents tribulation from coming into the world while the Ministering Angels rejoice about his coming to abide among them. (Edition Buber, p. 478)
- (13) Cf. Ps. XCII, 13.
- (14) A noted orator.
- (15) The hyssop is frequently associated with the cedar, the high and low in contrast. Cf. Lev. XIV, 51, 52 and I Kings V, 13. Cf. 'And he (Solomon) spake of trees, from the cedar that is in Lebanon even unto the hyssop that springeth out of the wall'.
- (16) V. Elijah Rabbah (ed. Fried.) XIV (XIII) p. 65.
- (17) The monster fish. 'Canst thou draw out Leviathan with a fish hook, or press down his tongue with a cord?' Job XL, 25. Cf. Isa. XXVII, 1; Ps. CIV, 25-26.
- (18) **נפלה הרבה** Var. lec. (v. D.S. p. 86) **נפלה הרבה**: 'If rushing stream run dry What water may marshy ponds supply?' — Cf. Jer. XIV, 3; Ezek. XLVII, 11.
- (19) A noted orator.
- (20) Lit., 'his mind weakened', felt discouraged, disappointed.
- (21) At their ill-chosen metaphors, such as a flame among the cedars (cf. Judg. IX, 15); hooking the Leviathan (cf. n. 5), or marshy shallows, or 'what is lost', implying as it were that all his life's best work, the encouragement of scholarship and the careful redaction of the Talmud, are of no lasting value.
- (22) Lit., 'knees'.
- (23) I.e., they turned about and fled in confusion, ashamed of their indiscreet and almost impudent poetic effusion. For the idiomatic use of this expression, cf. R. Johanan's similar utterance in a sharp disputation with Resh Lakish who was his junior: 'We cut off the legs of the youngster'. Me'ila 7b and also Bez. 25b. The traditional interpretation takes it literally, that they both became crippled. V. next notes.
- (24) Yeb. 103a has **בר קיפוף** and **בר אובא**
- (25) I.e., shall not attend my funeral nor bare their shoulder as is done at the lament of a Principal of an Academy. Cf.

supra p. 140, n. 7. The traditional explanation takes the above observation as referring to their 'lameness' in connection with a discussion between R. Ashi and Amemar on the possibility of effecting the rite of halizah, i.e., taking off the shoe, by the levir or brother of a deceased childless husband, if he is a cripple where the malformation of his foot is such as to render it impossible to walk or don or take off a shoe, as required by Scriptural law. Deut. XXV, 5-10. According to this interpretation the translation of the sentence is: 'Neither Bar-Kipok nor Bar-Abin are fit to submit to the rite of halizah. V. Yeb., Sonc. ed. ' p. 709.

(26) **דגלת**. Tagrit, Tekrit or Tikrit (cf. Obermeyer p. 142). It could not be here the Tigris, as Mahoza itself lay on the Tigris. Tagrit or Tekrit lies higher up on the Tigris between Mosul and Baghdad and is often mentioned in Syrian literature.

(27) It seems doubtful whether it is the same Bar-Abin as above.

(28) The following poem seems to be part of a **סליחה** which had been composed by Bar-Abin on the occasion of a bad flooding of the Tigris in spring time, April-May, cf. Ta'an. 14a (bottom).

(29) A third of the country is flooded. Perhaps **שלישית** here refers to Israel, the Jewish quarter in the town. Cf. Isa. XIX, 24 and Shab. 88a.

(30) That a flood come not again. Cf. Gen. IX, 15, 16.

(31) Cf. Hab. III, 2 and P.B. P. 65.

(32) A faithless wife was tried by water, Num. V, 22. The flooding has made the waters undrinkable and caused many deaths.

(33) Var. lec. **בזכות מי מרה** by virtue of the old favour at Marah's water', or, as our text: **באות מי מרה**. Deliver us now miraculously as when the bitter water was healed and sweetened for our forefathers at Marah, Ex. XV, 23-25.

(34) probably pronounced Honein. He may be identical with 'Anani b. Sason mentioned supra 24b. R. Honein is cited infra 28a.

(35) The joyous birth of the child.

(36) **הנינתו** (from **הנינה** Grace) a diminutive form (fu'ailah) i.e., 'Little Honein' — a play on his father's name, from **הנין** (graced, favoured).

(37) So MS.M. and other texts; but cur. edd. R. Johanan, which seems however incorrect.

(38) Lived and taught at Caesarea.

(39) Amos VIII, 9-10.

(40) At Megiddo. V. Ii Chron. XXXV, 23-25; Rashi on v. 25; Targum on Lam. IV, 20; infra p. 188 and Ta'an. 22b.

(41) I.e., as his personal tribute to R. Johanan; but it is not to be taken as a rule to be followed generally.

(42) I.e., Torah.

(43) A great Babylonian sage highly esteemed for his learning, piety and noble character. Cf. supra 17a; Meg. 28a (twice) and Sanah. 14a (Sonc. ed., p. 65).

(44) Babylon.

(45) Palestine. Cf. Dan. XI, 16, 41.

(46) Cf. Jer. XXXI, 19.

(47) An ancient name identified with Sepphoris or Tiberias, both the seat of the Nasi. V. Meg. 6a (top).

(48) **דמעתא** (instead of **מיא** water, sweat). So MS. M., J.A.Z. III, 1 and other texts.

(49) Jose b. Halafta. J.A.Z. ibid. names Laodicea as the place.

(50) So MS.M.

(51) MS.M. and other texts, v. J.A.Z. ibid.

(52) As he refused to look even at the image of coins. Cf. J.A.Z. ibid. 'At the death of R. Nahum b. Simai they covered all the images, saying that as he never looked at them in his lifetime he should not see them after he fell asleep'.

(53) Cf. supra 11a.

(54) So MS.M. CC. more correctly than Nehardea of cur. edd., as J.A.Z. ibid. states it happened in Galilee and Ta'an. 23b shows this R. Isaac b. El. to have been with R. Mani of Tiberias. Besides, Nehardea had been in ruins since 259 C.E.

(55) Mentioned supra p. 158.

(56) I.e., they were thrown together, probably referring to the tier rocks which carried the bridges of the river. Cf. B.M. 86a where it is related that at Rabbah's death there arose so violent a storm that an Arab with his camel were bodily carried across the Nehar Papa canal. Cf. Obermeyer pp. 166 and 238.

(57) [According to the Meiri (Jerusalem 1937), these were figures of speech introduced by orators as the funerary

orations respectively on the deaths of the above-named scholars, describing the gravity of the loss.]

Talmud - Mas. Mo'ed Katan 26a

And these are rents that are not [to be] sewed up: One who rends [his clothes] for his father or mother; or his master who taught him Wisdom,¹ for a Nasi, or Ab Beth din;² or on hearing evil tidings or [hearing] God's name blasphemed, or when a scroll of the law has been burnt; or at the [sight of the ruined] cities of Judea, the Holy Temple or Jerusalem. And one rends [first] for the Temple and then enlarges [the rent] for Jerusalem.

‘For his father or mother or for his master who taught him Wisdom’. Whence derive we [these rulings]? — From what is written: And Elisha saw it and he cried: My father. my father, the chariots of Israel and the horsemen thereof.³ ‘My father, my father’, that is, [to rend on the loss of] one's father or mother. ‘The chariots of Israel and the horsemen thereof’, that is [for] a Master who taught one Torah. How exactly does it convey this [meaning]? — As R. Joseph rendered it [in Aramaic]: ‘My master, my master, who was better [protection] to Israel with his prayer than chariots and horsemen’.

And whence that these rents are not [to be] reunited? — From what is written [in the same passage]: And he [Elisha] took hold of his own clothes and rent them in two pieces.³ Once it says ‘and he rent then;’, do I not know that he rent them in two [asunder]? It must be meant to teach that the severed parts ever remain rent [apart] in two.⁴ Said Resh Lakish to R. Johanan: Elijah [however] is alive!⁵ — He replied, Since it is written there ‘And he saw ‘him no more,’ he was as dead to him [to Elisha].

‘For a Nasi or Ab Beth din or on hearing evil tidings’. Whence do we derive [these rulings]? — From what is written: Then David took hold of his clothes and rent them,’ and likewise all the men that were with him. And they wailed and wept and fasted until even, for Saul and for Jonathan his son and for the people of the Lord and for the house of Israel, because they were fallen by the sword.⁶ Now ‘Saul’, that is the Nasi [Prince]; ‘Jonathan’, that is the Ab Beth din. ‘And for the people of the Lord and for the house of Israel’, that refers to ‘evil tidings’ [that reached them].

Said Rab b. Shabba to R. Kahana: Might not one explain that [they did] not [rend their clothes] until [after hearing] all those misfortunes [that had then happened]?⁷ He replied, The repetition of ‘for’ this ‘and for’ that ‘and for’ separate the items [from one another]. Yet do we [have to] rend [clothes] on hearing evil tidings? For when they informed Samuel that King Shapur had slain twelve thousand Jews at Caesarea-Mazaca,⁸ he did not [then] rend his clothes? — They [the Sages] did not say [it should be done] save where the misfortune involves the larger part of the Community resembling the typical instance.⁹ And is it a fact that King Shapur slew Jews? For [it is reported] that King Shapur said to Samuel,¹⁰ ‘May [ill] befall me if I have ever slain a Jew!’ — For there, it was they [the Jews] that had brought it on themselves, as R. Ammi said, that the noise of the harp-strings¹¹ about Caesarea-Mazaca burst the wall of Laodicea.¹²

‘[Rents] on [hearing] God's name blasphemed’.¹³ Whence do we derive this? — From what is written: Then came Eliakim the son of Hilkiah who was over the household and Shebna the scribe and Joah the son; of Asaph the recorder to Hezekiah with their clothes rent and told him the [blasphemous] words of Rabshakeh.¹⁴

Our Rabbis taught: ‘It makes no difference whether one hears it [himself] or hears it from another who had heard it, he is in duty bound to rend [his clothes], but the witnesses are not in duty bound to rend [again on reporting] as they have already rent at the time they heard [the blasphemy]’. [You say], ‘as they have already rent at the time they heard [the blasphemy]’, what matters it, since they

do hear it now [again in reporting]? — Do not imagine such a thing. For it is written, And it came to pass, when the King heard it, that he rent his clothes:¹⁵ the King [we are told], rent [his clothes], but they [who reported it] did not rend [again]. And whence [do we know] that these rents are not [to be] mended? — That is learnt from a comparison¹⁶ between the ‘rending’ [here] by King Hezekiah and ‘rending’ [elsewhere].¹⁷

‘[Rents] when a scroll of the law has been burnt’. What is the source for this? — What is written: And it came to pass when Jehudi had read three or four columns that he cut it with a penknife and cast it into the fire that was in the brazier.¹⁸ What is the point of saying ‘[had read] three or four columns’? — They told [King] Jehoiakim that Jeremiah had written a book of Lamentations, [and] he said to them: What is written there? [They quoted] ‘How doth the city sit solitary’.¹⁹ — [The King] replied: I am the King.²⁰ They then cited to him [the second verse]: She weepeth sore in the night. He replied [again]: I am the King. [They then cited the third verse]: Judah is gone into exile because of affliction. [Again he replied]: I am the King. [They continued with verse four]: The ways of Zion do mourn. I am the King [he replied]. [They continued with the fifth verse]: Her adversaries are become the head. He asked: Who said that? — [They continued with that same verse]: For the Lord hath afflicted her for the multitude of her transgressions. Forthwith he [began to] cut out all the names of God mentioned therein and burnt them in the fire; hence it is written [in the report there]: Yet they were not afraid, nor rent their garments, neither the King, nor any of his servants that heard all these words,²¹ which implies that the [bystanders] should have rent [their clothes]. Said Abaye to R. Papa: Might it not be suggested that the reason [why they should have rent was] for hearing evil tidings?²² — He replied: [Hardly, for] were there at that time any evil tidings as yet?

Said R. Helbo, as citing R. Huna: One who witnesses a scroll of the law being torn²³ is in duty bound to make two rents: one on account of the [injury to the] parchment²⁴ and one for [the injury to] the writing, as [may be gathered] from what is said: Then the word of the Lord came to Jeremiah after that the King had burned the roll and the words which Baruch wrote at the mouth of Jeremiah.²⁵ ‘The roll,’ that is, the parchment and ‘and the words’, that is, the writing.²⁶

R. Abba and R. Huna b. Hiyya were once sitting together. R. Abba got up to [go and] relieve himself. He took off his head phylactery and put it down on a pillow, when a young ostrich came and wanted to swallow it.²⁷ Said he [R. Abba]: [If that had been swallowed] I should now have had to make two rents.²⁸ Said the other:²⁹ Whence do you derive this? A similar thing happened to me and I came to R. Mattenah [asking for guidance] and he had none to give me. I then came to Rab Judah and he told me: Thus said Samuel: ‘The [Rabbis] taught [that one should rend] only where [a sacred text is torn or burnt] by force majeure³⁰ and as in the example cited’.³¹ ‘Or at the [sight of the ruined] cities of Judea: the Holy Temple or Jerusalem’. Whence do we learn this? — From what is written: And it came to pass the second day after he³² had slain Gedaliah and no man knew it that there come certain men from Shechem, front Shiloh and from Samaria, even fourscore men, having their beards shaven and their clothes rent and having cut themselves, with meal-offerings and frankincense in their hand to bring them in the house of the Lord.³³ Said R. Helbo, as citing ‘Ulla of Beraï who reported R. Eleazar: One who sees the cities of Judah in their [state of] ruin, recites the verse: Thy holy cities are become a wilderness,³⁴ and rends his garment. [On seeing] Jerusalem in its [state of] ruin, one recites: Our holy and our beautiful house, where our fathers praised Thee, is burned with fire and all our pleasant things are laid waste,³⁵ and rends his garment.

‘He [first] makes a rent for the Holy Temple and then enlarges [the rent] for Jerusalem’. [In contrast to this] some cited [the following Baraitha]: ‘It is all the same whether one hears [that Jerusalem is fallen into ruin]³⁶ or sees [Jerusalem in ruin he is] in duty bound to rend [his garment].³⁶ As soon as he reaches the Scopus he rends; and he rends for the holy Temple separately and for Jerusalem separately’? — This [seeming discrepancy] is not difficult [to explain]. The former ruling obtains where he first [of all] encounters the site of the [ruined] Sanctuary³⁷ and the latter, where he

encounters Jerusalem [ruins] first [and afterwards the Sanctuary].

Our Rabbis taught: 'And all these [rents] they may tack together,³⁸ baste or pick up [the frayed edges]³⁹ or with a ladderstitch, but may not reunite the edges [by a sewn seam]'.⁴⁰ Said R. Hisda:

(1) I.e., Torah.

(2) V. Glos.

(3) II Kings II, 12.

(4) I.e., the two edges of the torn part remain as they are, apart. Cf supra 22b.

(5) He constantly reappears, from time to time, communing with saintly persons. Cf. B.M. 85b and Ta'an. 22a. How can this be the guiding instance for a ruling on a loss by death?

(6) II Sam. I, 11-12.

(7) The case of Saul and Jonathan.

(8) Shapur I (241-272) is said to have destroyed Caesarea-Mazaca, the capital of Cappadocia, a vital military post on the main roads leading to the East, in 260 C.E. after he defeated the Emperor Valerian. It is said that there were then four hundred thousand inhabitants. Cf. Enc. Brit. (11th ed.) IV, 943a. The date 260 however makes this statement rather difficult, as Samuel died in 252 and Papa bar Nasr of Palmyra (Odenath) destroyed Nehardea 259. The occasion must therefore have been earlier, after the murder of Gordian III at Zaitha in 244 when Philip the Arab (of Hauran) made the best terms he could with Shapur [V. Graetz MGWJ 1852, p. 512 and Hoffmann D. Mar Samuel, p. 48.]

(9) Of Saul and Jonathan.

(10) They were on very friendly terms.

(11) Played by the Jews rebelling against the Persians (Rashi).

(12) I.e., brought about the destruction of Laodicea. Laodicea Combusta lay further West.

(13) Resuming the discussion of the points quoted in the Baraitha.

(14) II Kings XVIII, 37.

(15) Ibid. XIX, 1.

(16) Gezerah shawah, v. Glos.

(17) In the case of Elisha as explained above from 'and he rent them in two pieces'. II Kings II, 12.

(18) Jer. XXXVI, 23ff.

(19) Lam. I, 1ff.

(20) There is nothing in that verse about the King himself, but only lamentations about the city of Jerusalem.

(21) Jer. XXXVI, 24.

(22) And not for blasphemy.

(23) MS.M., Asheri and other texts read here burnt.

(24) Which is especially prepared as dedicated for a sacred text.

(25) Ibid. v. 27.

(26) So MS.M. and J.M.K.

(27) 'R. Huna seized the bird and held it by the throat'. J.M.K. III, 7.

(28) If the ostrich had swallowed or destroyed it. for the parchment and also for the text.

(29) R. Huna b. Hiyya. In J.M.K. the names are reversed.

(30) An irresistible attack, lit., 'by arm'.

(31) Blasphemously, as did Jehoiakim and his friends; but not when happening casually, as in this instance.

(32) Ishmael the son of Nethaniah.

(33) Jer. XLI. 4.5.

(34) Isa. LXIV, 9.

(35) Ibid. 10.

(36) Enlarged according to the version in J.M.K. III, which is merely condensed in our texts.

(37) Without somehow having caught sight of the ruins of Jerusalem on entering the city, travelling in a covered van, for instance or entering at dusk. He then rends first for the ruined Sanctuary and enlarges the rent on beholding the ruins of Jerusalem.

(38) Soon after, the next day.

(39) With a herringbone or cross stitch.

(40) Sew up permanently.

Talmud - Mas. Mo'ed Katan 26b

Nor may the Alexandrian¹ mending [be used]. Our Rabbis taught: One who rends [his garment] in a part that had been tacked together, basted, or [the edges] picked up by cross or ladderstitch, has not discharged his duty; if in a part which had been rejoined [in a seam], he has discharged his duty. Said R. Hisda: Also [if he rent] in a part [which had been done up] with the Alexandrian mending.

Our Rabbis taught: One is allowed to turn [a garment] upside down² and [then] completely mend the rent. R. Simeon b. Eleazar forbids complete mending of the rent. And just as the vendor [of the garment] is forbidden to reunite the rent [completely] the buyer too is forbidden to reunite it [completely] and accordingly the vendor is bound to inform the buyer of [the nature of the rent].

Our Rabbis taught: The initial rending is [to the extent of] a handbreadth,³ and any extension thereof⁴ is to be to the depth of three fingers: these are the words of R. Meir. R. Judah says: The initial rending is [to the extent of] three fingers and the extension may be as small as he cares.⁵ Said 'Ulla, The halachah follows R. Meir in regard to the [initial] rending and in regard to the extension, the halachah follows R. Judah. It is likewise taught: R. Jose Says. The initial rending is [to the extent of] one handbreadth and the extension may be as little as one cares.⁵

Our Rabbis taught: If one was informed that his father died and he rent [his garment], [then] that his son died and he added thereto, the lower [inner portion] may be reunited; the upper parts is not to be reunited; that his son died and he rent his garment, [then] that his father died and he added thereto, the upper part may be reunited [and] the lower part⁶ is not to be reunited. [If one was informed] that his father died, that his mother died, that his brother died, that his sister died,⁷ he makes one rent for all. R. Judah b. Bathyra⁸ says: For all [near of kin he makes] one rent; for his father and/or mother⁹ [he makes] another rent: because a rent made for one's father or mother is not to be added to.¹⁰ What is the reason [for this differentiation]? — Said R. Nahman b. Isaac, it is because there is no extension [of a rent] in their case.¹¹ Samuel said: The halachah follows the view of R. Judah b. Bathyra. But did Samuel say that? Inasmuch Samuel stated that the halachah in matters of mourning is to follow the view of the [more] lenient authority!¹² — The [observance¹³ of] mourning comes under one category and the [act of] rending¹⁴ under another [category],

To what extent does one rend [his garment]? — To [exposing his breast down to] the [region of the] navel; some say, [only] down to the [region of the] heart — Although there is no [authentic] proof on this point, there is some [Scriptural] allusion to it, as it is said: And rend your hearts and not your garments.¹⁵ Having reached to the navel, [on hearing another evil report] he moves away a space of three fingers [from the former rent] and rends [afresh]. If the forepart of his garment is become full [of rents], he turns the garment front to back and then rends [again]; if it become full [of rents] in the upper parts. he turns the garment [upside] down; but one who rends the lower part or on the sides [of the garment] has not discharged his duty, save the High Priest, who rends [his garment] below.

[On the extension rending] R. Mattenah and Mar 'Ukba held different views and both advanced them in the names of [Abba] Samuel's father and R. Levi [b. Sisi]. One said: 'Anytime during the seven days. one rends [anew for another bereavement] and after the seven he [merely] adds [to the first rent]'. The other said: 'Anytime during the thirty. one rends [anew for another bereavement] and after the thirty he [merely] adds thereto'. To these statements R. Zera demurred. Now [said R. Zera], in regard to the one who says: 'Anytime during the seven days one rends [anew for another bereavement]',¹⁶ why [rend anew]? Because the rent may not be tacked together;¹⁷ then [in the case of a woman] in view of the Master's statement: 'A woman [mourner] tacks the rent together

forthwith' [may she not] just as well [add even to the first rent]?¹⁷ — [No, because] there¹⁸ it is [a concession merely] out of the respect due to a woman.¹⁹ Again [said R. Zera], in regard to the one who says: 'Anytime during the thirty, one rends [anew for another],¹⁶ why is that? Because the rent is not to be reunited;²⁰ then [in the case of] a rent made for a father or mother that is never to be reunited, [may he not] just as well [add to the rent]?²¹ — [No, because] there [also the restriction is merely] out of the deference²² due to one's father and mother.

Our Rabbis taught: One who goes forth before the dead with a garment already rent, robs the dead and the living [relatives of their due]. Rabban Simeon b. Gamaliel says: If a man says to his friend, 'Lend me your cloak and I shall go and visit my father who is ill', and he went and found him already dead, he rends it and then mends the rent. After returning home he returns the cloak and compensates him for the damage done by the rent; but if he had not informed him [of his intention to visit his sick father], he must not touch it.

Our Rabbis taught: If one who is ill sustains bereavement, they should not inform him thereof, lest he thereby become distracted in mind; nor do they direct to have any garments rent in his presence and they direct the women to keep silent [from lamenting] in his presence. Children may be made to rend their clothes in order to stir up sadness and garments are also rent for a father-in-law or mother-in-law, out of deference to one's wife. R. Papa said: It is taught in the Ebel Rabbathi:²³ 'A mourner should not set an infant on his knee, because the child may amuse him and he may thereby incur censure from his fellow men'.

NOR DO THEY PROVIDE A REPAST SAVE²⁴ [SEATED] ON UPRIGHT COUCHES.²⁵ Our Rabbis taught: 'One who goes to the house of a mourner, if he be on familiar terms with him, may provide the repast for him [to be taken]²⁶ on overturned couches, but if not, he provides the repast for him [to be taken] on couches in erect position'.²⁷

Raba suffered a misfortune and Abba b. Martha, who is the same as Abba b. Manyomi, went to the house [to provide the mourner's repast for him]. Raba sat on all upright couch while Abba b. Martha sat on an overturned one. Said Raba: How lacking in [good] sense²⁸ is that Associate of the Rabbis!

Our Rabbis taught: One who goes from place to place [and mourning befell him while being on the road],²⁹

(1) Neatly sewed together on the surface with the joined ends on the wrong side of the material, or darned invisibly, or a piece neatly let in. V. Tosaf. s.v. **אֵיחָוִי**.

(2) I.e., adapting the bottom part for the neck.

(3) Four fingers, the width of the palm.

(4) on the intermediate occurrence of another bereavement.

(5) Lit., 'whatever it be'.

(6) Of the rent made for a parent.

(7) I.e., the news of their several deaths reached him simultaneously. J.M.K. III, 7 reads thus: 'Even if he heard of the death of his father and mother and of his Master who had taught him wisdom, he makes one rent for all'.

(8) J.M.K. III, 7 reads: 'R. Judah b. Tema says. 'He makes a rent for this one separately and for that one separately: only that he does not make that for his father and that for his mother as an extension". But is not this (latter part) to the same effect as the former part? Only, what he means is, that one shall make no extension on a rent made for a father or a mother'.

(9) Note the ambiguity indicated here by 'and/or', that is, either (a) a separate rent for father and mother jointly, quite apart from the rent made for the other near-of-kin on that occasion; or (b) a separate rent for each, even if the news of their deaths was communicated to him at the same moment. The former interpretation (with some reservations) is accepted by Ritba. V. infra n. 1.

- (10) Cf. n. 1 *supra*. Sem. IX reads as follows: One whose father and mother died (together) makes one rent for both; R. Judah b. Tema says: He makes a rent for this one separately and a rent for this one separately.
- (11) Tosaf. s.v. **אמר** fails to see the purport of this remark of R. Nahman b. Isaac and favours the view that the last clause ('because a rent made. . .') is probably a gloss (and is in fact not found in Sem. I.e.). Rabad, however, cited by Asheri, n. 71, explains the comment thus: Since a rent for a parent extends to the region of the heart (or even to the navel), any extension of it (for another sorrow) would fail to be any indication thereof, as his friends would take the enlarged rent as the sign of the mourners excessive grief for his parent.
- (12) Whereas R. Judah's view is in fact stricter than the first.
- (13) I.e. , the period of seven or thirty days. which begins after the interment.
- (14) Which is effected at the most poignant moment of grief, at witnessing the death of a beloved (even before the interment) or at the first intelligence of it. It is a tribute to the dead.
- (15) Joel II, 13.
- (16) It is the last part of the quotation on which the argument turns.
- (17) Within the seven days.
- (18) V. *supra* 22b, p. 142.
- (19) V. *ibid*. Not the law, whereas rending the garment is a duty according to the law for all, it is a tribute she owes to the dead, and like everybody else she should act in the regular way for all, i.e., rend anew.
- (20) During the thirty days. V. *supra* p. 143.
- (21) Even during the thirty days; as, even after the thirty days he would, according to the view expressed above, act like any other person according to the law and merely add to the rent a little, in tribute of the fresh loss; otherwise there is no concession in the case of a son mourning for a parent until the end of the year.
- (22) Not the law; hence after thirty days he merely adds to the rent.
- (23) Cf. *supra* p. 148, n. 10.
- (24) [MS.M. omits 'save', v. n. 6.]
- (25) For the reading. v. *supra* p. 154, n. I.
- (26) The one who provided the mourner's would also join him at the meal.
- (27) [Our Mishnah accordingly speaks of one who is not on familiar terms with the mourner. Raabad and others (v. Asheri) explain the Mishnah as referring to festival week, when in no case is the meal provided on overturned couches. As, however, no couches are overturned on festival week, the word 'SAVE' is redundant and on this interpretation is to be omitted, v. n. 3.]
- (28) As Raba and his visitor were not on intimate terms, it was presumptuous on the part of the visitor to sit low, while Raba out of deference to the visitor sat on the couch in its normal position.
- (29) So MS.M. Asheri and other texts.

Talmud - Mas. Mo'ed Katan 27a

if he can reduce his business affairs, he should do so, and if not, let him carry on with them [as best he may].

Our Rabbis taught: When do mourners overturn the beds? From the moment [the corpse] is taken from the house: these are the words of R. Eliezer; R. Joshua Says, From the moment that the rolling slab¹ closes the tomb. It happened [when] Rabban Gamaliel the Elder² died, as soon as he was taken out of the door of his house, R. Eliezer said to them,³ Overturn your beds. And after the 'rolling slab' had been placed [to close the tomb] R. Joshua said to them:³ 'Overturn your beds'. Said they to him, 'We have already overturned them by order of the Elder' [R. Eliezer].

Our Rabbis taught: When do they place the beds in erect position on the [approaching] eve of the Sabbath? From the time of the evening offering⁴ onwards'. Said Rabbah son of Huna,⁵ Nevertheless he [the mourner] does not sit down on it until it gets dark, and on the termination of the Sabbath, although he may have but one day [more] to sit [in mourning] he overturns it again.⁶

Our Rabbis taught: One who [has to] overturn his bed, over turns not his own bed alone, but all

the beds he has in the house;⁷ even though he has ten beds in ten places, he overturns them all.⁸ And even if there be five brothers one of whom died, they all overturn [their beds].⁹ If, however, it be a bed specially set apart for vestments,¹⁰ that one need not be overturned. A dargesh¹¹ [couch] need not be overturned, but should be tilted up;¹² Rabban Simeon b. Gamaliel says, [In the case of] a dargesh [it is enough if] he loosens the bolster-frame and lets it drop [down] of its own accord. What is a dargesh? — Said ‘Ulla, It is a Couch of Fortune.¹³ Said Rabbah to him: But then [how does that] meaning fit the ruling in reference to a king, for we learned:¹⁴ ‘[And when they provide for him the mourner's repast] all the people recline [at the repast] on the ground while the king sits on the dargesh’.¹⁵ Is there any reason why he should now be seated on [a special couch] which he had hitherto not been able to sit on?¹⁶ To this question R. Ashi demurred, [saying]: What is this difficulty? It may be just as exceptional as eating and drinking [with the king], because heretofore they [the people] did not provide for him food and drink, whereas now [in his mourning] they do provide for him food and drink! But, if difficulty there be [in the offered explanation] it arises from what is taught: ‘There is no need to overturn a dargesh, but he [merely] tilts it up’. Now if dargesh be a ‘Couch of Fortune’ why is there no need to overturn it, surely it is taught: ‘One who [has to] overturn his bed overturns not his own bed alone but all the beds he has in his house! And what is this difficulty? Why, a dargesh is similar to a bed specially set apart for vestments,¹⁷ as it is taught [there]: ‘If it be a bed specially set apart for vestments, that need not be overturned’. But if difficulty there be [in the explanation] it is this [from what is taught there]: ‘Rabban Simeon b. Gamaliel says, [In the case of] a dargesh [it is enough if] he unfastens the inner bolster-frame and lets it drop [down]’. Now if you suppose that dargesh means a ‘Couch of Fortune’ , what bolster-frame is there [at all]?

When Rabin came [home from Palestine] he said, One of the Rabbis whose name is R. Tahlifa the Palestinian, who used to frequent the leather-mart, told me: What is a dargesh? It is [said he] a couch covered with a hide.¹⁸ It has also been stated: ‘R. Jeremiah said,¹⁹ In a dargesh the interlacing²⁰ [of the girths] is on the inside; in a bed [couch] the interlacing [of the girths] is on the outside’. Said R. Jacob b. Aha as reporting R. Joshua b. Levi: The halachah follows the opinion of R. Simeon b. Gamaliel.²¹ Also this, R. Jacob b. Ala is to have said as reporting R. Assi that where a couch has projecting lean-backs,²² it is enough if he merely tilts it up.²³

Our Rabbis taught: If he slept [during the seven days] on a chair, or on a large bench for water-jugs²⁴ or [even] on the ground. he has not discharged his duty.²⁵ Said R. Johanan: [He has not discharged his duty] because he has not conformed to [the practice of] overturning the bed.²⁶

Our Rabbis taught: We may sweep or strew²⁷ [the floors] in a house of mourning and wash dishes, cups, jugs and wine-goblets²⁸ in a house of mourning; but do not bring perfumes²⁹ or spices into a house of mourning. But this is not [correct]? For Bar Kappara taught: One should not say a benediction for [enjoying the scent of] perfumery or spices in a house of mourning, which implies that while we do not say a benediction, they may yet be taken into the house? — That presents no difficulty: the former ruling is for the house of mourning,³⁰ while the latter ruling is for the house of comforters.³¹

MISHNAH. [PROVISIONS]³² SHOULD NOT BE CONVEYED TO THE HOUSE OF MOURNING ON AN [ORNAMENTAL] TRAY,³³ SALVER,³⁴ OR FRUIT-BASKET,³⁵ BUT IN [PLAIN] BASKETS. AND THE MOURNERS BENEDICTION [IN GRACE AFTER MEALS] IS NOT SAID DURING THE FESTIVAL [WEEK]. BUT COMFORTERS MAY STAND IN A ROW AND COMFORT [THEM].³⁶ AND THE MOURNERS GIVE LEAVE OF DEPARTURE TO THE MANY [COMFORTERS]. THE BIER IS NOT SET DOWN IN THE BROADWAY [DURING THE FESTIVAL WEEK] SO AS NOT TO ENCOURAGE THE [FUNERARY] LAMENT; AND THE BIER OF WOMEN IS NEVER [SET DOWN IN THE BROAD WAY] FOR THE SAKE OF PROPRIETY.

GEMARA. Our Rabbis taught: Formerly they were wont to convey [victuals] to the house of mourning, the rich in silver and gold baskets and the poor in osier baskets of peeled willow twigs, and the poor felt shamed: they therefore instituted that all should convey [victuals] in osier baskets of peeled willow twigs out of deference to the poor.

Our Rabbis taught: Formerly, they were wont to serve drinks in a house of mourning, the rich in white glass vessels and the poor in coloured glass, and the poor felt shamed: they instituted therefore that all should serve drinks in coloured glass,³⁷ out of deference to the poor.³⁸ Formerly they were wont to uncover the face of the rich and cover the face of the poor, because their faces turned livid in years of drought and the poor felt shamed; they therefore instituted that everybody's face should be covered, out of deference for the poor.³⁸ Formerly, they were wont to bring out the rich [for burial] on a dargesh³⁹ aid the poor

(1) גלגל, a stone rolling in a groove to close a tomb.

(2) Rightly omitted in J. Ber. and J.M.K. (loc. cit.), as this could be only Rabban Gamaliel II (of Jabne). R. Eliezer's brother-in-law. Cf. B.M. 59b (Sonc. ed., p. 354, nn. 3 and 4.)

(3) To his wife Imma Shalom, Rabban Gamaliel's sister and others in the house. J. Ber. and J.M.K.: 'To his disciples'.

(4) I.e., 3.30 p.m. The Minhah was a meal-offering which accompanied the 'daily offerings', morning and afternoon. Num. XXVIII, 5, 8.

(5) Asheri read, 'Rabba b. 'Ulla'.

(6) To remind him that he is still a mourner within the seven days. J.M.K. III, 5.

(7) 'His own as well as those of his wife and children, who observe mourning in the house out of deference to him, but not those of strangers staying in the house'. Raabad, cited in Asheri.

(8) If he occupies any of those, even away from the place where the death had taken place (Asheri). Cf. Sem. XI.

(9) If they sleep in their own homes.

(10) A kind of sofa or couch like our ottomans, for clothes or coverlets; i.e., one not used for sleeping.

(11) An elaborate couch, explained and discussed below at length.

(12) To make it uncomfortable for sleeping or sitting on it.

(13) Among non-Jews. Among the Romans the lectus genialis was a symbolical, ornamental marriage-bed placed on the day of marriage in the front hall, the atrium, (as the bride's domain). 'Genialis lectus, qui nuptiis sternitur in honorem genii' quoted by Becker, Gallus, Excursus I (on Woman and Roman Marriage) p. 166. Cf. ibid. p. 154.

(14) Sanh. 20a.

(15) So that the king does not go down to the level of the people and sit with them.

(16) I.e., how call dargesh possibly mean a 'Couch of Fortune'? It can only mean a couch other than the ordinary, for the king.

(17) Not for sleeping.

(18) I.e., a bedstead with a hide thrown on girths or stretched on the frame which serves as a mattress or bolster. So Han., v. Becker's Charicles, Scene VIII, n. 8 (Eng. Trans. p. 136).

(19) In J.M.K. III, 5 we have: 'Where the interlacing (girths) are attached to the body (i.e., the frame of the bedstead itself) it is a bed; where the interlacing is not attached to the body (i.e., that the mattress-frame is a separate piece, the grabatus) it is a dargesh. Cf. further the notes on the discussion of the Mishnah.

(20) Horace's tenta cubilia.

(21) That it is enough, in the case of a dargesh, if he unfastens the inner bolsterframe and lets it drop down.

(22) נקליטי = **, lit. , 'something to lean back on'; here are meant head-rests and the back of a couch to support the cushions as well as the poles, at the head and the foot of a bed, to support a curtain or net. Cf. Suk. 10b.

(23) To show that it is not in use and does not need to be overturned.

(24) The Roman urnarium, a low oblong bench or kitchen-table, used for keeping near to hand urns, water vessels and other earthenware utensils and out of the way of being broker. אורניי for אוריני is the correct rendering and this meaning of the word fits all the parallel passages.

(25) J.M.K. III, 5 explains the context: 'If he said, I am not going to up turn the bed, for behold, I shall sleep on a bench, they do not listen to him, because he said, "I am not going to upturn the bed"; but if he said, lo, I am going to upturn the

bed . . . they do listen to him'.

(26) Cf. Sem. XI, (end). 'But they say to him, There is the Mizwah (duty) of upturning'.

(27) With sawdust or said.

(28) and ** a Lacomian earthen drinking vessel or goblet.

(29) Spices to be burnt on 'coals' in fumigation pans.

(30) While the corpse is still in the house; it suggests that the dead is objectionable. Cf. Baraitha on the next Mishnah.

(31) I.e., after the burial, when comforters come in to visit and condole with the mourner.

(32) 'The mourners fare'.

(33) Tabella or tabula.

(34) Scutella.

(35) Calathus.

(36) On the cemetery after the burial, during the festival week.

(37) Tosef. Nd. IX, 17 has: 'Then they reverted to bringing (drink) in coloured or white (glass vessels)'.

(38) MS.M. inserts: Our Rabbis taught.

(39) **דרגש** a tall state bed, ornamented and covered with rich coverlets. V. Targum and Kimhi on Ezek. XXIII, 41 **מטה משובח**. In Lewin, Otz. Hag. No. 208 it is explained by **מטה משובח** and SBH explains it by **מטה חשוכה**. Cf. Persius, Sat. III, 103, 'tandemque beatulus alto Compositus lecto....,' and at last our blessed (dead) little friend being laid out on a tall bier'. Cf. also Jos., Ant. XVII, 8, 3 (197) and War, XXXIII, 9 (671) about Herod's gorgeous bier.

Talmud - Mas. Mo'ed Katan 27b

on a plain bier,¹ and the poor felt shamed: they instituted therefore that all should be brought out on a plain bier, out of deference for the poor. Formerly they were wont to set a perfuming-pan under [the bed of] those that died of intestinal disorders, and the living suffering from intestinal disorders felt shamed: they instituted therefore that it should be set under all [alike], out of deference to the living that suffer from intestinal disorders. Formerly they were wont to subject to [ritual] ablution all utensils that had been used by [dying] menstruants,² and the living menstruant women felt thereby shamed: they instituted therefore that they should subject utensils used by all [dying] women alike, out of deference to the living menstruants. Formerly they were wont to subject to [ritual] ablution all utensils used by those suffering from a flux.³ while dying, and the living suffering from a flux felt shamed: they therefore instituted that they should subject to ablution utensils used by all, out of deference to the living suffering from flux.⁴ Formerly the [expense of] taking the dead out [to his burial] fell harder on his near-of-kin than his death so that the dead man's near-of-kin abandoned him and fled, until at last Rabban Gamaliel came [forward] and, disregarding his own dignity, came out [to his burial] in flaxen⁵ vestments and thereafter the people followed his lead to come out [to burial] in flaxen vestments. Said R. Papa. And nowadays all the world follow the practice of [coming out] even in a paltry⁶ [shroud] that costs but a zuz.

THEY SET NOT DOWN THE BIER IN THE BROADWAY. Said R. Papa,⁷ in the case of a scholar [who died] no regard is paid to the festival [week].⁸ and much less so during Hanukkah⁹ or Purim,¹⁰ and this ruling obtains only in his presence, but away from his presence no [lament is allowed]. But that is not [correct]? For R. Kahana did make a lament for R. Zebid of Nehardea at Pum-Nahara? — Said R. Papi,¹¹ it was on the day of [receiving] the tidings [of his death] and that is deemed the same as in his presence.

Said 'Ulla: [The technical meaning of] a hesped¹² is [lamenting with striking] upon the breast, as it is written: [Tremble ye... strip you... and gird sackcloth upon your loins]. striking upon the breast.¹³ [The technical meaning of] tippuah¹⁴ is clapping one's hands [in grief], and that of killus¹⁵ is [tapping] with the foot [in mourning].

Our Rabbis taught: One who does the tapping with the foot. should not do so when wearing either

sandal or boot, because of the danger.¹⁶

Said R. Johanan, As soon as the mourner nods his head,¹⁷ the comforters are no longer allowed to remain seated by him. R. Johanan said also, All are in duty bound to rise at the Presence of the Nasi,¹⁸ save a mourner, or one who feels ill. And furthermore, said R. Johanan, To all we may say¹⁹ 'be seated' save to a mourner or one who feels ill.²⁰

Said Rab Judah, as citing Rab: A mourner is forbidden to eat of his own bread on the first day [of mourning].²¹ as the All-Merciful said to Ezekiel: And eat thou not the bread of men.²² Rabbah and R. Joseph alternately provided the repast to each other.

This also said Rab Judah as reporting Rab: When a person dies in town, all the townspeople are forbidden from doing work. R. Hamnuna once came to Daru-matha;²³ he heard the sound of the funerary-bugle²⁴ [and] seeing some people carrying on their work, he said: Let the people be under the shammetha [ban]! Is there not a person dead in town? They told him that there was an Association²⁵ in the town. If so, said he to them, it is allowed you [to work]. And furthermore, Rab Judah said, as citing Rab, Whoever indulges in grief to excess over his dead will weep for another. There was a certain woman that lived in the neighbourhood of R. Huna; she had seven sons one of whom died [and] she wept for him rather excessively. R. Huna sent [word] to her: 'Act not thus'. She heeded him not [and] he sent to her: If you need my word it is well; but if not, are you anxious to make provision²⁶ for yet another? He [the next son] died and they all died. In the end he said to her, Are you fumbling with provision for yourself? And she died.

[Our Rabbis taught]:²⁷ 'Weep ye not for the dead, neither bemoan him²⁸ [that is], 'Weep not for the dead' [that is] in excess, 'neither bemoan him' — beyond measure. How is that [applied]? — Three days for weeping and seven for lamenting and thirty [to refrain] from cutting the hair and [donning] pressed clothes; hereafter, the Holy One, blessed be He, says, 'Ye are not more compassionate towards him [the departed] than I'.

Weep sore for him that goeth away.²⁸ Said Rab Judah [as reporting Rab],²⁹ that means, Weep for him who goes [to his long home] childless.³⁰ R. Joshua b. Levi would not go to [visit] a house of mourning save to that of one who had gone childless, for it is written [said he]: Weep sore for him that goeth away,³¹ for he shall return no more nor see his native country.²⁸ R. Huna said this [verse refers to] one who committed a sinful act and repeated it again. R. Huna is here adhering to his own view, as he said: 'As soon as a person has continued a sinful act and has repeated it, it has become unto him permissible'. [You say]. 'Become unto him permissible'? Can you conceive such a thing? — Say rather that it has become unto him as though it were something permissible.

Said R. Levi: A mourner [during] the first three days should look upon himself as if a sword is resting between his shoulders;³² from the third to the seventh, as if it stands in the corner facing him; thereafter as if it is moving alongside him in the [broad] market place.

AND THE BIER OF WOMEN IS NEVER [SET DOWN IN THE BROADWAY] FOR THE SAKE OF PROPRIETY. Said the Nehardeans:³³ This [Mishnah] was taught only

(1) Or box.

(2) A menstruant's touch defiled persons, her bed, clothes and utensils. Cf. Lev. XV, 19-24.

(3) Lev. XV, 4-12.

(4) MS.M. inserts: Our Rabbis taught.

(5) That is, dressed in linen instead of woollen expensive vestments, as had been the custom heretofore.

(6) **סדר** : This is the correct reading for **סדר** a popular pronunciation of the Latin word sordida which means cheap, poorly, mean, ragged. Cf. sordidn amictus and the Latin proverb: 'Saepe est etiam sub palliolo sordido sapientia'

(Wisdom is often hidden under a ragged cloak). Also Juv. III, 149: Si toga sordidula est etc. (If the toga is somewhat threadbare...). This meaning fits also R. Papa's statement in B.M. 51b as cheap, slightly soiled (second-hand?) clothes dealers. Cf. also Hul. 105b **רוח צרדא** with **רוח זוהמא** Shab. 82a.

(7) MS.M. and other texts read: Rabbah b. R. Huna.

(8) I.e., lament may be made for a scholar even on festival week.

(9) The Maccabean Feast of Lights beginning on the 25th of Kislev. V. I Macc. IV; II Macc. X, 1ff.

(10) V. Esth. IX, 19ff.

(11) MS.M., R. Papa.

(12) **הספד**.

(13) Isa. XXXII, 11-12.

(14) **טפוח**, v. Tosaf.

(15) **קלום**, cf. Ezek. VI, 11.

(16) Of twisting the ankle or hurting another's foot.

(17) Thereby indicating to the comforters that they may retire, whatever his reason may be, whether his wish or necessity; he may not bid them farewell with the word 'Peace' — **שלום**.

(18) At his entry.

(19) E.g., to distinguished visitors or elderly persons.

(20) As this might be taken ill, as an ominous expression wishing one to 'be seated' as a mourner.

(21) I.e., after the funeral.

(22) Ezek. XXIV, 17. to be taken there as having been contrary to all regular practice, and done by the prophet to convey to his hearers the magnitude of the threatening calamities.

(23) Obermeyer, p. 197 suggests that this place is identical with Darukart, in the neighbourhood of Wasit. SBH reads: Dara (N. of Nisibis).

(24) Cf. Meg. 29a (top).

(25) A collegium that attended to burials.

(26) Provision for the long way, shrouds, etc.

(27) So Han. and SBH.

(28) Jer. XXII, 10.

(29) So MS.M. and Yalkut.

(30) Cf. B.B. 116a (Sonc. ed. p. 477.)

(31) 'Goeth away' also means 'to die childless'. Cf. Gen. XV, 2.

(32) Close by and ready to slay him.

(33) R. Hama, R. Nahman and Samuel. V. Sanh. 17b and A. Hyman Toledoth III, 919b.

Talmud - Mas. Mo'ed Katan 28a

with reference to a woman who died in childbirth,¹ but [that of] other women may be set down [in the roadway]. R. Eleazar says: [The rule applies] even to other women, as it is written: And there Miriam died and was buried there,² which shows that her death was close to her [place of] burial. R. Eleazar also said that Miriam also died by the Divine kiss [like Moses]: We interpret the expression 'there' [used at Miriam's death] in the same sense as that of the expression 'there' used of Moses.³ Wherefore then is it not said about her [that she died] by the mouth of the Lord?³ Because it would be unbecoming to say so.

Said R. Ammi, Wherefore is the account of Miriam's death⁴ placed next to the [laws of the] red heifer?⁵ To inform you that even as the red heifer afforded atonement [by the ritual use of its ashes], so does the death of the righteous afford atonement [for the living they have left behind].

R. Eleazar said, Wherefore is [the account of] Aaron's death closely followed by [the account of the disposal of] the priestly vestments?⁶ [To inform you] that just as the priest's vestments were [means] to effect atonement,⁷ so is the death of the righteous [conducive to procuring] atonement.

Our Rabbis taught: If one die suddenly, this is [reckoned] as being 'snatched away'; if one is ill one day and dies, that is reckoned as being hustled away; R. Hanania b. Gamaliel says, That is death by a stroke, for it is said: Son of Man, behold I take away from thee the desire of thine eyes with a pestilential stroke,⁸ and it is written [there. after], So I spoke unto the people in the morning and at even my wife died.⁹ After two days' [illness], it is a rather precipitous death.¹⁰ [After] three — it is one of reproof; [after] four — it is one of rebuff [snubbing]; [after] five is the ordinary death of all men.¹¹ (Said R. Honin: What is the text [for this]? Behold thy days are approached that thou must die.¹² 'Behold' [accounts for] one;¹³ 'thy days' accounts for two [more]; 'are approached' [gives us] two [more], which makes five. 'Behold' makes one because the word for 'one' in Greek is hen.)¹³

'If one dies [under]¹⁴ fifty years [old] — that is death by kareth;¹⁵ at fifty-two years — that is the death of Samuel of Ramah; at sixty — that is by the hand of Heaven'.¹¹ (Said Mar Zutra: What is the text [for this]? Thou shalt come to thy grave in ripe age,¹⁶ as the [numerical value of the] word for 'in ripe age' yields sixty.) 'At seventy, it is the death of the hoary head; at eighty it is the death of a vigorous [old man]. for it is written, The days of our years are three score and ten, or even by reason of strength four score years.¹⁷ Said Rabbah,¹⁸ From fifty to sixty years [of age]. that is death by kareth, and the reason why this has not been mentioned was out of deference to [the prophet] Samuel of Ramah. R. Joseph, on his attaining the age of sixty, made a festival day for the Rabbis [of the Academy] saying. 'I have just passed beyond [the limit of] kareth'. Said Abaye to him: 'Granted, Sir, that you have passed the [limit of] kareth as to years. but as to the [limit of sickening] days¹⁹ have you escaped that'? He replied: 'Nevertheless, hold on to the half'.²⁰ R. Huna's soul went into repose suddenly²¹ and the Rabbis [of the academy] were perturbed [thereat] when Zoga²² who hailed from Adiabene taught them:²³ 'What we learned applies only when one has not attained the "age of strength" [eighty] but if one has attained the "age of strength" [eighty] a sudden death is dying by the kiss'.

Raba said: [Length of] life, children and sustenance depend not on merit but [rather on] mazzal.²⁴ For [take] Rabbah and R. Hisda. Both were saintly Rabbis; one master prayed for rain and it came, the other master prayed for rain and it came. R. Hisda lived to the age of ninety-two,²⁵ Rabbah²⁶ [only] lived to the age of forty. In R. Hisda's house there were held sixty marriage feasts, at Rabbah's house there were sixty²⁷ bereavements. At R. Hisda's house there was the purest wheaten bread for dogs, and it went to waste;²⁸ at Rabbah's house there was barley bread for human beings and that not to be had. This too, Raba said: These three requests I made of Heaven; two were granted me and one was not. [I prayed for] the scholarship of R. Huna and the wealth of R. Hisda which were granted me; but the modest disposition of Rabbah son of R. Huna,²⁹ that was not granted me.

R. Se'orim, Raba's brother, while sitting at Raba's bedside³⁰ saw him [Raba] going into sleep [dying],³¹ when he [the invalid] said to his brother: 'Do tell him,³² Sir, not to torment me'. R. Se'orim replied: 'Are you, Sir, not his intimate friend?'³³ Said Raba: 'Since [my] mazzal³⁴ has been delivered [to him], he takes no heed of me'. R. Se'orim then said to the dying: 'Do, Sir, show yourself to me [in a dream]'. He did show himself and when asked: 'Did you, Sir, suffer [pain]?' He replied: 'As from the prick of the cupping instrument'.

Raba, while seated at the bedside³⁰ of R. Nahman, saw him sinking into slumber [death].³⁵ Said he to Raba: 'Tell him,³⁶ Sir, not to torment me'. Said Raba: 'Are you, Sir, not a man esteemed?'³⁷ Said [R. Nahman] to him, 'Who is esteemed, who is regarded, who is distinguished [before the Angel of Death]?' Said [Raba] to him: 'Do, Sir, show yourself to me [in a dream]'. He did show himself. [Raba] asked him: 'Did you suffer pain, Sir'? He replied: 'As [little as] the taking of a hair from the milk; and were the Holy One, blessed be He, to say to me, Go back to that world as you were, I wish it not, for the dread thereof [of death] is great'.

R. Eleazar was eating some terumah [priest's holy food] when he³⁶ showed himself to him. Said

he, Am I not [in the pious act of] eating terumah and is not that designated 'holy [meat]'?³⁸ The [fatal] moment [thus] was past! R. Shesheth caught sight of him³⁶ in the market place. Quoth he: 'Do you [seize me] in the market place like a beast? Come to [the] house'! R. Ashi³⁹ caught sight of him³⁶ in the market place. Quoth he: 'Grant me thirty days' respite and I shall revise my studies, inasmuch as you say [in Heaven above]: "Happy he that cometh hither [to Heaven] bringing his learning ready with him".'⁴⁰ he came [again] on the thirtieth day; quoth he, 'What is the urgency?' He replied: R. Huna⁴¹ b. Nathan is close on your heels⁴² and, 'No sovereignty encroaches upon the sphere of another even to a hair's breadth'.

As for R. Hisda, he³⁶ could never overcome him as his mouth was never silent from [repeating] his learning by rote. So he went and settled on the cedar tree of the Schoolhouse. The tree cracked; R. Hisda stopped [and] he overcame him.

As for R. Hiyya, he³⁶ could not gain access to him. So one day he adopted the guise of a poor man and came and rapped at the gate, saying, 'Bring me out some bread'. They [others] brought out some bread to him. Said he then to R. Hiyya: 'Don't you, Sir, treat the poor kindly? Why not, Sir, [also] treat kindly this man [standing outside]?'⁴³ He [R. Hiyya] opened the door to him,⁴⁴ whereupon, showing him a fiery rod, he made him yield his soul.

(1) For obvious reasons of delicacy; they might stain their clothing and bier.

(2) Num. XX, 1, 'There' being repeated twice.

(3) Deut. XXXIV, 5: So Moses the servant of the Lord died there in the land of Moab by the mouth of the Lord. In the passage 'there' could have been omitted, and in the above passage we have also a superfluous 'there', which suggests the Gezerah shawah, v. Glos.

(4) Num. XX, I.

(5) Ibid. XIX. It is called a 'sin-offering' and the ritual use of its ashes afforded the means of purification as well as the desire to sanctification.

(6) Ibid. XX, 26, 28.

(7) Lev. XVI, 4, 24, 32, 33. Cf. Zeb. 88b.

(8) Ezek. XXIV, 16.

(9) Ibid. verse 18.

(10) Cf. P5. CXVIII, 13, דָּהָה דְּהִיתָנִי and XXXVI, 13.

(11) Here the quotation is interrupted.

(12) Deut. XXXI. 14.

(13) The word הֵן, — hen — similar in sound to ** — hen — the Greek neuter for one. The quotation is now resumed.

(14) So Sem. III, 8.

(15) 'Cut off' for certain sins. E.g., Lev. XVIII. V. Mak. Chapter III, 13aff. (Sonc. ed., p. 90. n. 2). Cf. Tosaf. here, s.v.

(16) Job V, 26. בַּכֶּלֶה = 2 + 20 + 30 + 8, in letter value.

(17) Ps. XC, 10.

(18) Raba is probably more correct, as Rabbah himself died at forty.

(19) I.e., there is yet the danger of dying suddenly without any warning as cited above.

(20) Take what you get, a proverbial phrase.

(21) 297 C.E. Cf. supra 25a.

(22) Or Zawa.

(23) I.e., cited to them a Baraita on the point.

(24) 'Destiny'. Cf. however, Shab. 156a.

(25) Died 309 C.E.

(26) 13. Nahmani, died 330 C.E.

(27) A proverbial number. The number sixty is a Babylonian unit, e.g., the hour and minute are divided into sixty.

(28) Lit., 'was not wanted'.

(29) Died 322 C.E.

(30) Lit., 'in front of R.'

- (31) 252 C.E.
 (32) The Angel of Death.
 (33) Lit., 'a bosom friend', cf. Sanh. III, 5. As a teacher of Torah, he is God's messenger himself. V. Mal. II, 6-7.
 (34) The guardian Angel.
 (35) 320 C.E.
 (36) The Angel of Death.
 (37) To make your appeal direct to the Angel of Death; He would surely grant your request.
 (38) Cf. Num. XVIII, 11-12. If he were to die just then the terumah would be defiled which is not a correct thing to do. Besides, 'a pious deed acts as a shield against tribulation'. Cf. Aboth. IV, 11, P.B. p. 107 (top).
 (39) Var. lec. Assi.
 (40) Lit., 'in his hand'. Cf. Pes. 50a.
 (41) So MS.M. V. Git. 59a and Zeb. 19a. Var. lec. R. Huna b. Hisda,
 (42) I.e., waiting to succeed you.
 (43) Why not yourself befriend me, this poor man, and give me the bread with your own hand?
 (44) Cf. A.Z. 58a (Sonc. ed., 11. 289). Here probably to be one word גליליה 'he pushed the door aside'; cf. גליל for a slab used for closing the entrance to a tomb.

Talmud - Mas. Mo'ed Katan 28b

MISHNAH. WOMEN MAY RAISE A WAIL DURING THE FESTIVAL [WEEK], BUT NOT CLAP [THEIR HANDS IN GRIEF]; R. ISHMAEL SAYS, THOSE THAT ARE CLOSE TO THE BIER CLAP [THEIR HANDS IN GRIEF]. ON THE DAYS OF NEW MOON, OF HANUKKAH AND OF PURIM¹ THEY MAY RAISE A WAIL AND CLAP [THEIR HANDS IN GRIEF]. NEITHER ON THE FORMER² NOR ON THE LATTER OCCASIONS DO THEY CHANT A DIRGE. AFTER [THE DEAD] HAS BEEN INTERRED THEY NEITHER RAISE A WAIL NOR CAP [THEIR HANDS IN GRIEF]. WHAT IS MEANT BY RAISING A WAIL' ['INNUIY]?³ WHEN ALL SING IN UNISON. WHAT IS MEANT BY A DIRGE [KINAH]?⁴ WHEN ONE SPEAKS⁵ AND ALL RESPOND AFTER HER, AS IT IS SAID: AND TEACH YOUR DAUGHTERS WAILING AND ONE ANOTHER [EACH] LAMENTATION [KINAH].⁶ BUT AS TO THE FUTURE [DAYS] TO COME, [THE PROPHET] SAYS: HE WILL DESTROY DEATH FOR EVER AND THE LORD GOD WILL WIPE AWAY TEARS FROM OFF ALL FACES.⁷

GEMARA. What say the women [in lament]? — Said Rab.⁸ 'Cry woe o'er him that is now departing! Cry woe o'er his wounds⁹ [and smarting]!' Raba¹⁰ said, The women of Shoken-Zeb¹¹ speak thus:

'Cry woe o'er him that is departing!

Cry woe o'er his wounds and smarting!'

Raba also said, The women of Shoken-Zeb speak thus:

'Withdraw the bone from out the pot¹²

And the kettles¹² fill with water [hot]'.
 Raba said this also: The women of Shoken-Zeb speak thus:

'Be muffled,¹³ ye high mountains,

[Clouds] covering your head;

Of high lineage and grand ancestry

Came he that is dead’.

Also this said Raba: The women of Shoken-Zeb speak thus:

‘Borrow [and buy] a Milesian¹⁴ robe

To dress a free-born son;

[Give it free of charge] for

Provision left he none’.¹⁵

And furthermore said Raba: The women of Shoken-Zeb speak thus:

‘Comes hurrying and scurrying¹⁶ Tumbling aboard the ferry

And having to borrow his fare’.

Again this said Raba: The women of Shoken-Zeb speak thus:

‘Our brothers are merchants who

At the custom houses¹⁷ are searched’.

And again said Raba: The women of Shoken-Zeb speak thus:

‘This death or that death [is the end of the quest];

Our bruises are the rate of interest’.

It is taught: R. Meir was wont to say: ‘[It is written], It is better to go to the house of mourning than to go to the house of feasting; for that is the end of all men and the living will lay it to heart.¹⁸ ["And the living will lay it to heart"], what is that? Things about death; if one makes lament, others will lament for him; if one assists at burial, others will bury him; if one bears the bier, others will bear him; if one raises [his voice]¹⁹ others will raise [their voice] for him’. Others read [the last]: ‘And he that raises not [himself with pride], others will raise him, as it is written: Glorify not thyself in the presence of the King and stand not in the place of great men; for better is it that it be said unto thee, Come up hither, than that thou shouldest be put lower in the presence of the prince.²⁰

Our Rabbis taught: When the sons of R. Ishmael died, four Elders went into his house to comfort him. R. Tarfon, R. Jose the Galilean, R. Eleazar b. ‘Azaria and R. Akiba. Said R. Tarfon to them: ‘Know ye, he is a great sage and erudite in homiletic exposition, let none of you break in while another is speaking’. Said R. Akiba: ‘And I be last!’ R. Ishmael opened²¹ [the conversation] and said: ‘His²² sins were many, his sorrowful bereavements came in close succession; he²² troubled his Masters once and a second time!’ R. Tarfon responded and said: ‘But your brethren, the whole house of Israel bewail the burning which the Lord hath kindled.²³ Is not this universal sorrow more due²⁴ now [even than there]? Why, if Nadab and Abihu who had performed but one office — as it is written: And the sons of Aaron presented the blood unto him²⁵ . . . were thus [universally mourned] — how much more clue to the sons of R. Ishmael!’ R. Jose the Galilean then responded and said: It is written: And all Israel shall make lamentation for him and bury him.²⁶ Is not more due now? Why,

if Abijah Jeroboam's son who had done but one good thing — as it is written: Because in him there is found some good thing towards the Lord God of Israel,²⁶ — was mourned in such universal manner, how much more is due to the sons of Ishmael!

What was that 'good thing'? R. Zeira and R. Hanina b. Papa [gave different explanations]: one saying that he left his charge [post] and went on a festive pilgrimage [to Jerusalem]; the other saying that he removed the military guards²⁷ that his father had posted on the roads to prevent the Israelites from going on a pilgrimage [to Jerusalem].²⁸

R. Eleazar b. 'Azaria then responded and said: 'Thou shalt die in peace and with the burning of thy fathers, the former kings that were before thee, so shall they make a burning for thee.'²⁹ Is not more due now? Why, if Zedekiah King of Judah who had performed but one office in having had Jeremiah lifted from the mire,³⁰ was to be mourned thus, how much more is due to the sons of Ishmael'!

R. Akiba then responded and said: 'In that day there shall be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon'.³¹ [On this] R. Joseph said, Had we not the [Aramaic Targum] rendering of that text, I would not have known what it said there: 'In that time the mourning at Jerusalem will be as great as the lament over Ahab son of Omri whom Hadadrimmon son of Tabrimmon had slain³² and as the lament over Josiah son of Amon whom Pharaoh the Lame³³ [Necho] had slain in the valley of Megiddon.³⁴ Is not more due now? Why, if Ahab King of Israel who had done but one good thing — as it is written: And the king was stayed up in his chariot against the Arameans [and died at even]³⁵ — was lamented thus how much more is due to the sons of Ishmael'!

Said Raba to Rabbah b. Mari, It is written about Zedekiah: Thou shalt die in peace,³⁶ yet it is written [thereafter]: Moreover he [Nebuchadnezzar] put out Zedekiah's eyes?³⁷ — He replied that R. Johanan had explained it thus, [namely] that Nebuchadnezzar died in Zedekiah's lifetime.³⁸ Again said Raba to Rabbah b. Mari, it is written: Therefore, behold I will gather thee to thy fathers, and thou shalt be gathered to thy grave in peace;³⁹ yet it is written [about him elsewhere]: And the archers shot at King Josiah,' [and the King said to his servants, Have me away for I am sore wounded;⁴⁰ And [on this last part] R. Judah citing Rab, commented: They riddled⁴¹ his body like a sieve! — This, too he replied, R. Johanan explained that the Temple had not been destroyed [as threatened] in his lifetime.

Said R. Johanan.⁴² Comforters are not permitted to say a word until the mourner opens [conversation], as it is said: So they sat down with him on the ground. . . and none spake a word unto him; for they saw that his grief was very great.⁴³ After this opened Job his mouth⁴⁴ . . . Then answered Eliphaz the Temanite.⁴⁵

Said R. Abbahu: Whence [derive we the practice] that the mourner reclines in the foremost place⁴⁶ [at the mourners' repast]? From what is said [by Job]: I chose out their way, and sat chief, and dwelt as a king it, the army, as one comforteth the mourners.⁴⁷ 'As one comforteth the mourners'? Does not that convey [rather] that he was [at the head in] comforting others? — Said R. Nahman b. Isaac: [Not necessarily as] it is written Yenahem, it may be rendered, 'as when one comforteth mourners'.⁴⁸

Mar Zutra said: The rule might be [derived] from here:⁴⁹ And prince⁵⁰ be he who is embittered — distraught⁵¹ among those stretched [on couches].⁵² Said R. Hama b. Hanina, Whence [is derived the practice] that a bridegroom reclines in the foremost place [at the marriage feast]? From what is said: I will rejoice in the Lord . . . for He hath clothed me with the garments of salvation . . . as a bridegroom that ministers in his diadem as a priest.⁵³ Which means that just as a priest [with whom he is compared] is at the head, so is the bridegroom [placed] at the head. And whence have we this

ruling about the priest himself? — From what is taught in [a Baraitha of] the School of R. Ishmael: And thou shalt sanctify him [the priest] for he offereth the bread of thy God,⁵⁴ which means, [sanctify him] in every matter appertaining to hallowed things, to be first to begin,⁵⁵ first to say grace, first to take a fair portion.

R. Hanina said: The dying gasps severely agitate the body

- (1) For these cf. supra p. 178, nn. 7 and 8.
- (2) The festival week.
- (3) I.e., what is the technical meaning of the word used in the Mishnah, which literally means chanting, singing the lamenting words.
- (4) The term for chanting a dirge used in the Mishnah.
- (5) Or, leads.
- (6) Jer. IX, 19.
- (7) Isa. XXV, 8 cited here as a comforting conclusion to the lugubrious subject of the tractate.
- (8) Died 247 C.E.
- (9) Cf. P5. XVIII, 5-6; CXVI, 3; Micah II, 10. Aliter: 'loss'.
- (10) Died 309 C.E. half a century after Rab, who reported the same dirge.
- (11) Identified by Obermeyer. 190ff as Askun — Zefia, two places in close proximity on the eastern bank of the Tigris, a parasang (mile) from Sikara and, higher up. Mahoza, Raba's place.
- (12) Reading **מכבא** instead of **מכבא** as in our text (or D.S. **מכבא**) which means, 'Withdraw the bone from the molar tooth' which gives no sense, as the dying do not suck or gnaw a bone. It has hitherto defied all explanation. It is probably a misreading of **ככבא** from ** or Latin cacabus a three-legged cooking pot synonymous with cucuma — **קומקום** — associated here with **אנמיכי** = ** (V. Shab. 41a) meaning: He's dead, he needs no broth; fill now the pots and kettles with hot water to wash the dead instead.
- (13) Cf. supra 24a about the mourner muffling himself in his cloak and covering his head. Han. and other commentators give other various interpretations.
- (14) A robe of Milesian wool was the finest. V. Classical Dictionaries.
- (15) Lit., 'has come to an end', has run out. Give him a decent funeral.
- (16) Han. has different readings to the same effect — 'Running and tumbling comes one with a wallet...' Cf 'a purse of denars'. B.M. 28b (Sonc. ed., p. 176) and v. Jast. 22a.
- (17) Reading **אזבוגי**. Cf. Kohut, Ar. Compl. III, 264 s.v. **זבוגי**. His correction is confirmed by SBH p. 235. Kohut appropriately refers to Shab. 32a q.v. Han. gives another reading cited in Ar. Compl. l.c.: 'Our brothers are merchants who are tested by the goods they sell'.
- (18) Eccl. VII, 2.
- (19) I.e., will cry aloud in his lament. Cf. Ber. 6b.
- (20) Prov. XXV, 6-7.
- (21) Comforters are not to speak until the mourner has acknowledged their presence by some word addressed to them. Cf. Job II, 11-13; III, 1ff
- (22) Euphemistically altered by the Scribe, instead of saying. 'My sins etc.' 'I troubled...'
- (23) Lev. X, 6.
- (24) Lit., 'is not this a fortiori?'
- (25) Ibid. IX, 9, while assisting their father at the ceremony of their induction into the priestly office.
- (26) I Kings XIV, 13.
- (27) **פרסדאות** or **פרזדאות** = praesidia. V. Ar. Compl. VI, p. 418a. Var. lec. **פריסתקאות** cf. **
- (28) Cf. B. B., Sonc. ed. p. 499.
- (29) Jer. XXXIV, 5.
- (30) Cf. Ibid. XXXVIII, 6.
- (31) Zech. XII, 11. The quotation is interrupted by a comment.
- (32) I Kings XXII, 34f.
- (33) Translation of **נכה** — Necho. Cf. II Sam. IV, 4; IX, 3.
- (34) II Kings XXIII, 29-20; II Chron. XXXV, 20ff.

- (35) I Kings XXII, 35. The good deed consisted in the wounded king being propped up so as not to discourage the fighting men and not to give the enemy an advantage.
- (36) Jer. XXXIV, 5.
- (37) Ibid. XXXIX, 7.
- (38) I.e., Zedekiah had the satisfaction to outlive his captor.
- (39) II Kings XXII, 20 addressed to King Josiah.
- (40) II Chron. XXXV, 23.
- (41) Taking the word **החליתי** (I have been made ill) as if it were from **חלל** (I am pierced, holed). Cf Num. XIX, 16. J. Kid. I, 7 adds: 'They riddled him with three hundred arrows',
- (42) D.S., Han., Asheri and others have: Said Rab Judah, as citing Rab.
- (43) Job. II, 13.
- (44) Ibid. III, 1.
- (45) Ibid. IV, 1.
- (46) On the table etiquette of the ancients, both in Palestine and in Babylon, v. Ber. 46b, where both R. Naliman b. Isaac and Mar Zutra mentioned here are among the persons taking part in the discussion on this point.
- (47) Job XXIX, 25. Possibly R. Abbahu and Mar Zutra (mentioned next) read into the terms 'chief' and 'king' the popular, familiar usage of these terms in Latin and Greek, by which they designated the person presiding over the toasts at the end of a feast, the rex convivii, basileus, or symposiarch. The following citation from Sem. XIV, (end), will make it clear: 'Ten cups (toasts) they drink in the house of mourning; two before the meal, five during the meal and three after the meal (namely) one for the benediction of the mourners, one for comforting the mourners and one (in reference) to acts of loving-kindness (the merits of the deceased; the bearers of the biers and the orators at the funeral; cf. Sot. 14a). Then they added more cups — one (toast) for the "chief of the synagogue", one for the "administrator of the synagogue" and one to (the memory of) Rabban Gamaliel. But when the Beth din saw that some were coming away drunk they issued an inhibition (on the innovation) and made them go back to the old practice'. For considerable divergencies v. Keth. 8b. Cf. Ber. 46b. In J. Ber. III, 1 it is stated that the cup for Rabban Gamaliel had been introduced after his death. Seemingly it was introduced to commemorate his great social reform in directing the simplification of funerals. Cf. supra 27b, p. 177.
- (48) Which is the equivalent of the passive 'as when mourners are being comforted'. For other instances of this use of the third person singular in the passive sense v. Gen. XLVIII, 1-2 (someone told Joseph, one told Jacob). Cf. Gesenius, Hebrew Grammar, 144, 3a. Or, it may be pointed **ינחם** = as when 'it being comforted', i.e., when comfort is being tendered to mourners.
- (49) Amos VI, 7. The rendering is here adapted to the requirements of the exposition. The prophet there threatens: Therefore now shall they (the callous revellers) go captive at the head of captives and the revelry (**מרוצה**) of them that lay (**סרוחים**) stretching (on banqueting couches) shall pass away (**סר**). It is the three words, **וסר מרוצה סרוחים**, in the second half of the sentence that are being strained to yield the sense required by Mar Zutra.
- (50) **וסר** (and shall pass away) = **ושר** (and prince be).
- (51) **מרוצה** is divided into **מר** (bitter) and **צה** (moved, perturbed, distraught). Cf. Rashi on the parallel passage Keth. 69b. The term **מרוצה** denotes solemn feasting, particularly a funerary repast, as seems clear from Jer. XVI, 5-8. Cf. Ar. Compl., a.v. Also, Kimhi on Jer. l.c. and on Amos, l.c.
- (52) Cf. Amos VI, 4.
- (53) Isa. LXI, 10.
- (54) Lev. XXI, 8.
- (55) The reading of the Law in the synagogue.

Talmud - Mas. Mo'ed Katan 29a

like the rigging¹ at the edge of the mast.² R. Johanan said, like the top-sail³ at the edge of the mast.

R. Levi b. Hitha said: One bidding farewell to the dead should not say unto him 'Go unto peace', but 'Go in peace'; one bidding farewell to the living [friend] should not say to him 'Go in peace'. but 'Go unto peace'. One bidding farewell to the dead should not say to him, 'Go unto peace', because it

is said [unto Abraham]: But thou shalt go to thy fathers in Peace,' thou shalt be buried.⁴ One bidding farewell to the living [friend]⁵ should not say to him, 'Go in peace', but 'Go unto peace', because there was David [who] said to Absalom, 'Go in peace,⁶ and he went and was hanged.⁷ Whereas, Jethro said to Moses, 'Go unto peace,⁸ [and] he went and succeeded.

And, said R. Levi:⁹ Whoever comes out of the Synagogue and goes into the Beth Hamidrash, or from the Beth Hamidrash to the synagogue shall gain the privilege of being admitted into the Presence of the Shechinah,¹⁰ as it is said: They go from strength to strength, every one of them appeareth before God in Zion.¹¹ R. Hiyya b. Ashi as citing Rab, said: The disciples of the Sages have no rest even in the world to come, as it is said: They go from strength to strength, every one of them appeareth before God in Zion.

(1) So Rashi here (which is not of Rashi's authorship) and on Ber. 8b. In this naval simile we need not be surprised to find the terms used to be of Greek origin, just as we have many naval terms in English of Dutch origin. **צפורי** in the sense of 'rigging' is seemingly the Greek ** = cord, rope, especially a ship's cable. The term may mean the 'top-sail', ** Latin, siparum and supparum, which is defined by Festus as, Velum Minus in navi ut acation (acatium) majus; (v. Lewis and Short, Lat. Dict. s.v.).

(2) **וושט**, connected by Rashi with **תורן** (a mast) is the Greek **.

(3) **פטורי** is the Greek ** which means, anything suspended aloft or fluttering in mid-air, a top-mast or pennant.

(4) Gen. XV, 15.

(5) So Asheri and other texts.

(6) II Sam. XV, 9.

(7) Ibid. XVIII, 9ff.

(8) Ex. IV, 18.

(9) Ber. 64a has R. Levi b. Hiyya.

(10) The Divine Presence.

(11) Ps. LXXXIV, 8.

Mishna - Mas. Nega'im Chapter 1

MISHNAH 1. THE COLOURS OF LEPROSY SIGNS¹ ARE TWO² WHICH, IN FACT, ARE³ FOUR.⁴ THE BRIGHT SPOT IS BRIGHT WHITE LIKE SNOW; SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS THE LIME OF THE TEMPLE.⁵ THE RISING IS AS WHITE AS THE SKIN OF AN EGG; SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS WOOL.⁶ SO R. MEIR. BUT THE SAGES RULED: THE RISING IS AS WHITE AS WHITE WOOL AND SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS THE SKIN OF AN EGG.⁷

MISHNAH 2. THE VARIEGATION⁸ OF THE SNOW-LIKE WHITENESS⁹ IS LIKE WINE MINGLED WITH SNOW.¹⁰ THE VARIEGATION⁸ OF THE LIME-LIKE WHITENESS IS LIKE BLOOD¹¹ MINGLED WITH MILK.¹² SO R. ISHMAEL. R. AKIBA RULED: THE REDDISHNESS¹³ IN EITHER OF THEM IS LIKE WINE MINGLED WITH WATER, ONLY THAT IN THE SNOW-LIKE WHITENESS THE COLOUR IS BRIGHT WHILE IN THAT OF LIME-LIKE WHITENESS IT IS DULLER.

MISHNAH 3. THESE¹⁴ FOUR COLOURS¹⁵ ARE COMBINED WITH EACH OTHER¹⁶ IN RESPECT OF DECLARING A SIGN FREE FROM UNCLEANNESS, OF CERTIFYING¹⁷ IT AS UNCLEAR, OR OF CAUSING IT TO BE SHUT UP.¹⁸ 'OF CAUSING IT TO BE SHUT UP',¹⁹ WHEN IT²⁰ CONTINUED UNCHANGED²¹ BY THE END OF THE FIRST WEEK;²² 'OF DECLARING A SIGN FREE FROM UNCLEANNESS', WHEN IT²⁰ CONTINUED UNCHANGED²¹ BY THE END OF THE SECOND WEEK;²³ 'OF CERTIFYING IT AS UNCLEAR', WHEN IT²⁰ HAD PRODUCED QUICK FLESH OR WHITE HAIR IN THE BEGINNING,²⁴ BY THE END OF THE FIRST WEEK,²⁵ BY THE END OF THE SECOND WEEK²⁵ OR AFTER IT HAD BEEN DECLARED FREE [FROM UNCLEANNESS]. [OR AGAIN] 'OF CERTIFYING IT AS UNCLEAR', WHEN A SPREADING HAS ARISEN IN IT BY THE END OF THE FIRST WEEK,²⁵ BY THE END OF THE SECOND WEEK,²⁶ OR AFTER IT HAD BEEN DECLARED FREE FROM UNCLEANNESS; [ALSO] 'OF CERTIFYING IT AS UNCLEAR', WHEN ALL ONE'S SKIN TURNED WHITE AFTER THE SIGN²⁶ HAD BEEN DECLARED FREE FROM UNCLEANNESS; OF DECLARING A SIGN FREE FROM UNCLEANNESS' ALSO, WHEN ALL THE SKIN TURNED WHITE AFTER THE SIGN HAD BEEN CERTIFIED UNCLEAR OR AFTER IT HAD BEEN SHUT UP. THESE²⁷ ARE THE COLOURS OF LEPROSY SIGNS WHEREON DEPEND ALL DECISIONS CONCERNING LEPROSY SIGNS.²⁸

MISHNAH 4. R. HANINA, THE SEGAN²⁹ OF THE PRIESTS, RULED: THE COLOURS OF LEPROSY SIGNS ARE SIXTEEN.³⁰ R. DOSA B. HARKINAS RULED: THE COLOURS OF LEPROSY SIGNS ARE THIRTY-SIX.³¹ AKABIAH B. MAHALALEEL RULED SEVENTY-TWO.³² R. HANINA, THE SEGAN OF THE PRIESTS, RULED: LEPROSY SIGNS MAY NOT BE INSPECTED FOR THE FIRST TIME ON A SUNDAY,³³ SINCE THE END OF THAT WEEK³⁴ WILL FALL ON THE SABBATH;³⁵ NOR ON A MONDAY, SINCE THE END OF THE SECOND WEEK³⁶ WILL FALL ON THE SABBATH; NOR ON A TUESDAY, IN THE CASE OF HOUSES, SINCE THE END OF THE THIRD WEEK WILL FALL ON THE SABBATH.³⁷ R. AKIBA RULED: THEY MAY BE INSPECTED AT ALL TIMES, AND IF THE TIME FOR THE SECOND INSPECTION³⁸ FALLS ON A SABBATH IT IS POSTPONED TO THE SUNDAY; AND THIS PROCEDURE LEADS SOMETIMES TO A RELAXATION OF THE LAW³⁹ AND SOMETIMES TO RESTRICTIONS.³⁹

MISHNAH 5. HOW DOES IT⁴⁰ LEAD TO A RELAXATION OF THE LAW? IF THE LEPROSY SIGN HAD⁴¹ WHITE HAIRS⁴² AND⁴³ THESE WHITE HAIRS DISAPPEARED;⁴⁴ IF THEY WERE WHITE⁴² AND THEN⁴³ TURNED BLACK; IF ONE HAIR WAS WHITE AND THE OTHER BLACK, AND⁴³ BOTH TURNED BLACK;⁴⁵ IF THEY WERE LONG⁴² AND

THEN⁴³ THEY BECAME SHORT;⁴⁴ IF⁴¹ ONE WAS LONG AND THE OTHER SHORT AND⁴³ BOTH BECAME SHORT;⁴⁵ IF⁴¹ A BOIL ADJOINED BOTH HAIRS⁴⁶ OR ONE OF THEM;⁴⁶ IF THE BOIL ENCOMPASSED⁴³ BOTH HAIRS OR ONE OF THEM,⁴⁷ OR IF THEY WERE⁴³ SEPARATED FROM EACH OTHER BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, OR THE QUICK FLESH OF A BURNING, OR A TETTER;⁴⁷ IF IT HAD⁴¹ QUICK FLESH⁴² AND THIS QUICK FLESH DISAPPEARED;⁴³ IF IT WAS⁴³ FOUR SIDED⁴⁸ AND THEN⁴¹ BECAME ROUND⁴⁹ OR LONG;⁴⁹ IF IT⁵⁰ WAS⁴¹ ENCOMPASSED⁵¹ AND THEN⁴¹ SHIFTED TO THE SIDE; IF IT WAS⁴¹ UNITED⁵² AND THEN⁴³ IT WAS DISPERSED, OR A BOIL APPEARED⁴³ AND MADE ITS WAY INTO IT;⁵⁰ IF IT WAS⁴³ ENCOMPASSED, PARTED OR LESSENED BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER; IF IT HAD⁴¹ A SPREADING AND THEN⁴³ THE SPREADING DISAPPEARED; IF THE FIRST SIGN ITSELF DISAPPEARED OR WAS SO LESSENED THAT BOTH⁵³ ARE LESS THAN THE SIZE OF A SPLIT BEAN; OR IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER, FORMED A DIVISION BETWEEN THE FIRST SIGN AND THE SPREADING-BEHOLD THESE LEAD TO A RELAXATION OF THE LAW.

MISHNAH 6. HOW DOES IT⁵⁴ LEAD TO RESTRICTIONS? IF THE LEPROSY SIGN HAD⁵⁵ NO WHITE HAIRS⁵⁶ AND THEN⁵⁷ WHITE HAIRS APPEARED;⁵⁸ IF THEY WERE⁵⁸ BLACK⁵⁴ AND THEN⁵⁷ TURNED WHITE;⁵⁸ IF⁵⁵ ONE HAIR WAS BLACK AND THE OTHER WHITE AND BOTH TURNED⁵⁷ WHITE;⁵⁸ IF THEY WERE⁵⁵ SHORT⁵⁴ AND THEY BECAME⁵⁷ LONG;⁵⁸ IF⁵⁵ ONE WAS SHORT AND THE OTHER LONG AND BOTH BECAME⁵⁷ LONG;⁵⁸ IF⁵⁵ A BOIL ADJOINED BOTH HAIRS OR ONE OF THEM,⁵⁶ IF⁵⁵ A BOIL ENCOMPASSED BOTH HAIRS OR ONE OF THEM⁵⁶ OR IF⁵⁵ THEY WERE PARTED FROM ONE ANOTHER BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, OR THE QUICK FLESH OF A BURNING, OR A TETTER, AND THEN⁵⁷ THEY DISAPPEARED;⁵⁸ IF⁵⁵ IT HAD NO QUICK FLESH⁵⁶ AND THEN QUICK FLESH APPEARED;⁵⁸ IF IT WAS⁵⁵ ROUND OR LONG⁵⁶ AND THEN⁵⁷ BECAME FOUR SIDED;⁵⁸ IF IT WAS⁵⁴ AT THE SIDE⁵⁶ AND THEN⁵⁷ IT BECAME ENCOMPASSED;⁵⁸ IF IT WAS⁵⁵ DISPERSED⁵⁶ AND THEN⁵⁷ IT BECAME UNITED⁵⁸ OR A BOIL APPEARED⁵⁷ AND MADE ITS WAY INTO IT;⁵⁸ IF IT WAS⁵⁵ ENCOMPASSED,⁵⁸ PARTED OR LESSENED BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING OR A TETTER,⁵⁸ AND THEN⁵⁷ THEY DISAPPEARED;⁵⁸ IF⁵⁵ IT HAD NO SPREADING⁵⁶ AND THEN⁵⁷ A SPREADING APPEARED;⁵⁸ IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER FORMED A DIVISION⁵⁵ BETWEEN THE FIRST SIGN AND THE SPREADING⁵⁶ AND THEN⁵⁷ THEY DISAPPEARED⁵⁸ — BEHOLD THESE LEAD TO RESTRICTIONS.

(1) V. Lev. XIII-XIV on which the laws in this tractate are based.

(2) VII., those of the bright spot and the rising (Lev. XIII, 2).

(3) By the addition of another two colours derived by a Rabbinical deduction from sappahath (ibid.) which signifies 'attachment', 'addition' (E.v. scab).

(4) One secondary colour added to each of the two mentioned (cf. supra n. 2).

(5) Cf. Mid. III, 4.

(6) Of a lamb one day old that was duly washed.

(7) Which is the duldest of the four shades of white mentioned. Whiter than the skin of an egg is white wool, whiter than the wool is the lime of the Temple, and whiter than the lime is snow.

(8) With red. Lit., mixture.

(9) Which (cf. Lev. XIII, 19) is another colour of leprosy.

(10) In the proportion of one of wine to two of snow.

(11) Var. lec. wine.

(12) One of blood to two of milk.

(13) Sc. the variegation spoken of supra (cf. n. 8).

- (14) Var. lec. '(some) of these' (cf. Bert. and L.).
- (15) Cf. supra MISHNAH 1.
- (16) To make up the prescribed minimum of the size of a split bean.
- (17) Lit., 'to determine'.
- (18) Cf. Lev. XIII, 4.
- (19) For a second week (cf. infra n. 9).
- (20) Lit., 'that which'.
- (21) In size and colour.
- (22) Since its appearance. The colours are similarly combined on its first appearance when it is to be shut up for a week.
- (23) If, for instance, a bright spot of the size of two split beans was shut up and found at the end of the second week to have the colour of the bright spot extending over an area of the size of one split bean and that of rising over the other, the two colours are regarded as combined and the sign is deemed to be unchanged.
- (24) When it was first shown to the priest.
- (25) Since it was shut up.
- (26) Having continued unchanged for two weeks.
- (27) The four colours and their variegations enumerated supra.
- (28) On the human body.
- (29) Deputy High Priest, and chief of the priests; v. Glos.
- (30) Viz., the four simple colours given supra (MISHNAH 1), the three colours obtained by the combination of that of the bright spot with each of the other three, the one colour which is a combination of lime and the skin of an egg, and another eight colours consisting of the variegations of each of these eight. Some texts omit the entire sentence from 'R. Hanina' to 'sixteen'.
- (31) The four simple colours and their four variegations in the leprosy signs of the skin, the eight corresponding colours of the boil and the burn, the eight leprosy signs on the baldness of the scalp and the forehead, the eight of the scall, two of greenishness and reddishness in garments and similar two in houses.
- (32) The thirty-six colours enumerated in the previous note, (when a leprosy sign makes its first appearance) and another thirty-six corresponding colours when a leprosy sign has been shut up for a week or two weeks in the case of men or for three weeks in the case of houses.
- (33) Lit., 'after the Sabbath'.
- (34) During the seven days of which the leprosy sign might have to be shut up.
- (35) On which no leprosy signs are examined.
- (36) The second period of seven days which begins on the following Sunday, that day being counted both as the last day of the first week and as the first day of the second week.
- (37) Cf. prev. n. mut. mut.
- (38) The seventh day after the first inspection.
- (39) As will be explained in the MISHNAH following.
- (40) Cf. the final clause of the prev. MISHNAH .
- (41) On the Sabbath when the second inspection (after the first period of seven days) was due.
- (42) Which are a sign of uncleanness.
- (43) On the Sunday which the inspection took place.
- (44) Thus exempting the man from the sacrifices and shaving.
- (45) This instance seems purposeless, since the leprosy sign is clean in either case.
- (46) Which is no sign of uncleanness; while on the Sabbath when the inspection was due the hairs were within the leprosy sign and constituted uncleanness.
- (47) Cf. prev. n. mut. mut.
- (48) And just of the size of a split bean which is the minimum prescribed for an unclean leprosy sign.
- (49) Which, being of the minimum size (cf. prev. n.), is no sign of uncleanness.
- (50) The quick flesh.
- (51) By the bright spot.
- (52) Which is a sign of uncleanness.
- (53) The first sign and the spreading.
- (54) Cf. MISHNAH 4.

(55) V. p. 236, n. 1.

(56) Which is a sign of cleanness.

(57) V. p. 236, n. 11.

(58) V. p. 236, n. 12.

Mishna - Mas. Nega'im Chapter 2

MISHNAH 1. THE BRIGHT SPOT IN A GERMAN¹ APPEARS AS DULL WHITE,² AND THE DULL WHITE ONE IN AN ETHIOPIAN³ APPEARS AS BRIGHT WHITE.⁴ R. ISHMAEL⁵ STATED: THE CHILDREN OF ISRAEL⁶ (MAY I BE AN ATONEMENT FOR THEM!)⁷ ARE LIKE BOXWOOD, NEITHER BLACK NOR WHITE BUT OF AN INTERMEDIATE SHADE'.⁸ R. AKIBA STATED: PAINTERS HAVE MATERIALS WHEREWITH THEY PORTRAY FIGURES IN BLACK, IN WHITE, AND IN AN INTERMEDIATE SHADE; LET, THEREFORE, A PAINT OF AN INTERMEDIATE SHADE BE BROUGHT AND APPLIED ROUND THE LEPROSY SIGN FROM WITHOUT, AND IT WILL THEN APPEAR AS ON A SKIN OF INTERMEDIATE SHADE. R. JUDAH RULED: IN DETERMINING THE COLOURS OF LEPROSY SIGNS THE LAW IS TO BE RELAXED BUT NEVER TO BE RESTRICTED; LET, THEREFORE, THE LEPROSY SIGN OF THE GERMAN BE INSPECTED ON THE COLOUR OF HIS OWN BODY⁹ SO THAT¹⁰ THE LAW IS THEREBY RELAXED, AND LET THAT OF THE ETHIOPIAN BE INSPECTED AS IF IT WERE ON THE INTERMEDIATE SHADE¹¹ SO THAT¹⁰ THE LAW IS THEREBY ALSO RELAXED. THE SAGES, HOWEVER, RULED: THE ONE AS WELL AS THE OTHER IS TO BE TREATED AS IF THE LEPROSY SIGN WERE ON THE INTERMEDIATE SHADE.¹²

MISHNAH 2. LEPROSY SIGNS MAY NOT BE INSPECTED IN THE EARLY MORNING OR IN THE EVENING, NOR WITHIN A HOUSE, NOR ON A CLOUDY DAY, BECAUSE THEN THE DULL WHITE APPEARS LIKE BRIGHT WHITE; NOR MAY IT BE INSPECTED AT NOON, BECAUSE THEN THE BRIGHT WHITE APPEARS LIKE DULL WHITE. WHEN ARE THEY TO BE INSPECTED? DURING THE THIRD, FOURTH, FIFTH,¹³ EIGHTH OR NINTH HOUR;¹⁴ SO R. MEIR. R. JUDAH RULED: DURING THE FOURTH, FIFTH, EIGHTH OR NINTH HOUR.¹⁴

MISHNAH 3. A PRIEST WHO IS BLIND IN ONE EYE OR THE LIGHT OF WHOSE EYES IS DIM MAY NOT INSPECT LEPROSY SIGNS; FOR IT IS WRITTEN, AS FAR AS APPEARETH IN THE EYES OF THE PRIEST.¹⁵ IN A DARK HOUSE¹⁶ ONE MAY NOT OPEN UP WINDOWS IN ORDER TO INSPECT ITS LEPROSY SIGN.¹⁷

MISHNAH 4. IN WHAT POSTURE IS A LEPROSY SIGN TO BE INSPECTED? A MAN IS INSPECTED IN THE POSTURE OF ONE THAT HOES¹⁸ AND ONE THAT GATHERS OLIVES;¹⁸ AND A WOMAN IN THAT OF ONE WHO ROLLS OUT DOUGH¹⁹ AND²⁰ ONE WHO SUCKLES HER CHILD, AND ONE THAT WEAVES AT AN UPRIGHT LOOM²¹ IF THE LEPROSY SIGN WAS WITHIN THE RIGHT ARMPIT. R. JUDAH RULED: ALSO IN THE POSTURE OF ONE THAT SPINS FLAX²² IF IT WAS WITHIN THE LEFT ARMPIT. THE SAME POSTURE THAT A MAN ADOPTS¹⁶ IN THE CASE OF HIS LEPROSY SIGN HE IS ALSO TO ADOPT IN THE CASE OF THE CUTTING OFF OF HIS HAIR.²³

MISHNAH 5. A MAN MAY EXAMINE ALL LEPROSY SIGNS²⁴ EXCEPT HIS OWN. R. MEIR RULED: NOT EVEN THE LEPROSY SIGNS OF HIS RELATIVES.²⁵ A MAN²⁶ MAY ANNUL ALL VOWS EXCEPT HIS OWN. R. JUDAH RULED: NOT EVEN THOSE VOWS OF HIS WIFE²⁷ THAT AFFECT RELATIONSHIPS BETWEEN HER AND OTHERS.²⁸ A MAN MAY EXAMINE ALL FIRSTLINGS²⁹ EXCEPT HIS OWN FIRSTLINGS.

- (1) Whose skin is bright white.
- (2) Hence it must be pronounced clean.
- (3) Who is dark.
- (4) And must be shut up; each case being determined according to the individual concerned.
- (5) Differing from the ruling just enunciated.
- (6) With whose leprosy signs the law is concerned.
- (7) An expression of love and homage. 'May I be the victim making atonement for any punishment that may have to come upon them'.
- (8) A leprosy sign is, therefore, to be determined by its appearance on such an intermediate shade.
- (9) Which causes the leprosy sign to appear dull white.
- (10) He being as a result pronounced clean.
- (11) As a result of which the leprosy sign would appear duller than on his own dark skin.
- (12) Though this, in the case of a German, would result in a restriction.
- (13) Some texts add 'seventh'.
- (14) Of the day, beginning with sunrise, each hour being equal to one twelfth of the day.
- (15) Lev. XIII, 12, emphasis on 'appeareth' and 'eyes'
- (16) One that had no windows.
- (17) Cf. Lev. XIV, 34ff.
- (18) In such a position he exposes some of the concealed parts of his body while others still remain concealed. Only a leprosy on the latter is deemed to be 'concealed' and, therefore, clean. (7) Cf. prev. n. mut. mut.
- (19) If the leprosy sign is under the breast.
- (20) When the right arm is raised.
- (21) Who raises her left arm.
- (22) Lit., 'as he is seen'.
- (23) Lev. XIV, 9. Concealed hair need not be cut off.
- (24) Sc. even those of his nearest relatives whose lawsuits he may not try.
- (25) Cf. prev. n. mut. mut.
- (26) Who possesses the required authority; a Sage.
- (27) May one annul.
- (28) But do not affect him.
- (29) To ascertain whether they have a permanent blemish (cf. Bek. VI, 1ff).

Mishna - Mas. Nega'im Chapter 3

MISHNAH 1. ALL CAN CONTRACT LEPROSY UNCLEANNESS, EXCEPT A HEATHEN AND A RESIDENT ALIEN.¹ ALL² ARE QUALIFIED TO INSPECT LEPROSY SIGNS, BUT ONLY A PRIEST³ MAY DECLARE THEM UNCLEAN OR CLEAN. HE⁴ IS TOLD,⁵ 'SAY: UNCLEAN', AND HE REPEATS 'UNCLEAN', OR SAY: CLEAN, AND HE REPEATS 'CLEAN'. TWO LEPROSY SIGNS MAY NOT BE INSPECTED SIMULTANEOUSLY WHETHER IN ONE MAN OR IN TWO MEN; BUT THE ONE MUST BE INSPECTED FIRST AND SHUT UP, CERTIFIED UNCLEAN OR PRONOUNCED CLEAN, AND THEN THE SECOND IS INSPECTED. ONE WHO IS SHUT UP⁶ MAY NOT⁷ BE SHUT UP AGAIN⁸ NOR MAY ONE WHO IS CERTIFIED UNCLEAN⁶ BE CERTIFIED⁷ UNCLEAN AGAIN.⁸ ONE WHO IS CERTIFIED UNCLEAN⁶ MAY NOT⁷ BE SHUT UP⁸ NOR MAY ONE WHO IS SHUT UP⁶ BE CERTIFIED⁷ UNCLEAN.⁸ BUT IN THE BEGINNING,⁹ OR AT THE END OF A WEEK,¹⁰ HE¹¹ MAY SHUT UP ON ACCOUNT OF THE ONE LEPROSY SIGN AND SHUT UP ON ACCOUNT OF ANOTHER ONE ALSO; THE MAN¹¹ WHO CERTIFIES ONE SIGN UNCLEAN MAY ALSO CERTIFY THE OTHER UNCLEAN; HE MAY SHUT UP THE ONE SIGN AND DECLARE THE OTHER CLEAN, OR CERTIFY THE ONE UNCLEAN AND DECLARE THE OTHER CLEAN.

MISHNAH 2. A BRIDEGROOM ON WHOM A LEPROSY SIGN HAS APPEARED IS GRANTED EXEMPTION FROM INSPECTION DURING THE SEVEN DAYS OF THE

MARRIAGE FEAST IN RESPECT OF HIS OWN PERSON; AND ALSO IN RESPECT OF HIS HOUSE AND HIS GARMENT.¹² SIMILARLY DURING A FESTIVAL, ONE¹³ IS GRANTED EXEMPTION FROM INSPECTION DURING ALL THE DAYS OF THE FESTIVAL.

MISHNAH 3. THE SKIN OF THE FLESH¹⁴ BECOMES UNCLEAR FOR TWO WEEKS¹⁵ AND BY ONE OF THE FOLLOWING THREE TOKENS:¹⁶ BY WHITE HAIR OR BY QUICK FLESH OR BY A SPREADING. 'BY WHITE HAIR OR BY QUICK FLESH IN THE BEGINNING,¹⁷ AT THE END OF THE FIRST WEEK,¹⁸ AT THE END OF THE SECOND WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,¹⁸ AT THE END OF THE SECOND WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN PRONOUNCED CLEAN. IT BECOMES UNCLEAR FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁰

MISHNAH 4. A BOIL OR A BURNING BECOMES UNCLEAR FOR ONE WEEK²¹ AND BY ONE OF THE FOLLOWING TWO TOKENS:¹⁶ BY WHITE HAIR OR BY A SPREADING. BY WHITE HAIR, IN THE BEGINNING,¹⁷ BY THE END OF THE WEEK,¹⁸ OR AFTER IT¹⁹ HAS BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING. AT THE END OF THE WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN DECLARED CLEAN. THEY BECOME UNCLEAR FOR A WEEK WHICH REPRESENTS SEVEN DAYS.

MISHNAH 5. SCALLS BECOME UNCLEAR FOR TWO WEEKS²² AND BY ONE OF THE FOLLOWING TWO TOKENS:²³ BY YELLOW THIN HAIR OR BY A SPREADING. BY YELLOW THIN HAIR IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAR FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁶

MISHNAH 6. SCALP BALDNESS OR FOREHEAD BALDNESS BECOME UNCLEAR FOR TWO WEEKS²² AND BY ONE OF THE FOLLOWING TOKENS:²³ BY QUICK FLESH OR BY A SPREADING. 'BY QUICK FLESH', IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAR FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁶

MISHNAH 7. GARMENTS BECOME UNCLEAR FOR TWO WEEKS²² AND BY ONE OF THREE TOKENS:²³ BY A GREENISH COLOUR OR BY A REDDISH COLOUR OR BY A SPREADING. 'BY A GREENISH COLOUR OR BY A REDDISH COLOUR', IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAR FOR TWO WEEKS WHICH ARE BUT THIRTEEN DAYS.²⁶

MISHNAH 8. HOUSES BECOME UNCLEAR FOR THREE WEEKS²⁷ AND BY ONE OF THE FOLLOWING THREE TOKENS:²⁸ BY A GREENISH COLOUR OR BY A REDDISH COLOUR OR BY A SPREADING. 'BY A GREENISH COLOUR OR BY A REDDISH COLOUR', IN THE BEGINNING,²⁹ AT THE END OF THE FIRST WEEK,³⁰ AT THE END OF THE SECOND WEEK,³⁰ AT THE END OF THE THIRD WEEK,³⁰ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,³⁰ AT

THE END OF THE SECOND WEEK,³⁰ AT THE END OF THE THIRD WEEK,³⁰ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAN FOR THREE WEEKS WHICH ARE BUT NINETEEN DAYS.³¹ NONE OF THE LEPROSY SIGNS IS SHUT UP FOR LESS THAN A WEEK³² OR FOR MORE THAN THREE WEEKS.³³

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- (1) Ger Toshab, a heathen who acquired Palestinian citizenship on condition that he renounced idolatry and undertook to observe the seven Noachian laws (cf. G. F. Moore, *Judaism I*, 338ff).
- (2) Even an unlearned priest under the guidance of an Israelite scholar (v. *infra*).
- (3) Cf. prev. n.
- (4) The unlearned priest.
- (5) By the Israelite scholar who accompanies him.
- (6) On account of a leprosy sign.
- (7) Before the conclusion of the prescribed period.
- (8) On account of a second leprosy sign that appeared.
- (9) Sc. if the second leprosy sign appeared before the first had received attention.
- (10) During which one was shut up on account of a first leprosy sign.
- (11) Sc. the priest.
- (12) If a leprosy sign appeared on either.
- (13) Any person on whom a leprosy sign appeared.
- (14) On which there appeared a leprosy sign.
- (15) At least, if there was no change in the sign; since in consequence it has to be shut up for no less than two periods of seven days, making a total of two weeks.
- (16) Which render it unclean even earlier.
- (17) When the sign is first inspected.
- (18) During which it was shut up.
- (19) The leprosy sign.
- (20) Since the last day of the first week is counted also as the beginning of the second week.
- (21) Even in the absence of any token of uncleanness, since it must invariably be shut up for a week.
- (22) At least, if there was no change in the sign; since in consequence it has to be shut up for no less than two periods of seven days, making a total of two weeks.
- (23) V. p. 242, n. 5.
- (24) V. p. 242, n. 6.
- (25) V. p. 242, n. 7.
- (26) V. p. 242, n. 9.
- (27) Cf. p. 243, n. 1 mut. mut.
- (28) V. p. 242, n. 5.
- (29) V. p. 242, n. 6.
- (30) V. p. 242, n. 7.
- (31) Cf. p. 242, n. 9 mut. mut.
- (32) The boil and the burning.
- (33) The leprosy of houses.

Mishna - Mas. Nega'im Chapter 4

MISHNAH 1. CERTAIN RESTRICTIONS APPLY TO THE WHITE HAIR THAT DO NOT APPLY TO THE SPREADING, WHILE OTHER RESTRICTIONS APPLY TO THE SPREADING AND DO NOT APPLY TO THE WHITE HAIR. WHITE HAIR NAMELY CAUSES UNCLEANNESS AT THE BEGINNING,¹ IT CAUSES UNCLEANNESS WHATEVER THE STATE OF ITS WHITENESS,² AND IT IS NEVER A TOKEN OF CLEANNES.³ 'OTHER RESTRICTIONS APPLY TO THE SPREADING', FOR THE SPREADING CAUSES UNCLEANNESS HOWEVER SMALL ITS EXTENT,⁴ IT CAUSES UNCLEANNESS IN ALL FORMS OF LEPROSY SIGNS⁵ AND ALSO WHERE IT IS OUTSIDE THE SIGN,⁶ WHICH

RESTRICTIONS DO NOT APPLY TO THE WHITE HAIR.⁷

MISHNAH 2. CERTAIN RESTRICTIONS APPLY TO THE QUICK FLESH THAT DO NOT APPLY TO THE SPREADING, WHILE OTHER RESTRICTIONS APPLY TO THE SPREADING AND DO NOT APPLY TO THE QUICK FLESH. QUICK FLESH NAMELY CAUSES UNCLEANNESS AT THE BEGINNING,¹ IT CAUSES UNCLEANNESS WHATEVER ITS COLOUR,⁸ AND IT IS NEVER A TOKEN OF CLEANNESS.³ 'OTHER RESTRICTIONS APPLY TO THE SPREADING', FOR THE SPREADING CAUSES UNCLEANNESS HOWEVER SMALL ITS EXTENT, IT CAUSES UNCLEANNESS IN ALL FORMS OF LEPROSY SIGNS⁹ AND ALSO WHERE IT IS OUTSIDE THE LEPROSY SIGN,¹⁰ WHICH RESTRICTIONS DO NOT APPLY TO THE QUICK FLESH.¹¹

MISHNAH 3. CERTAIN RESTRICTIONS APPLY TO WHITE HAIR THAT DO NOT APPLY TO THE QUICK FLESH, WHILE OTHER RESTRICTIONS APPLY TO QUICK FLESH AND NOT TO WHITE HAIR. WHITE HAIR NAMELY CAUSES UNCLEANNESS IN A BOIL AND IN A BURNING, WHETHER GROWING TOGETHER OR DISPERSED,¹² AND WHETHER ENCOMPASSED¹³ OR UNENCOMPASSED. 'OTHER RESTRICTIONS APPLY TO QUICK FLESH', FOR QUICK FLESH CAUSES UNCLEANNESS IN SCALP BALDNESS AND IN FOREHEAD BALDNESS, WHETHER IT WAS TURNED¹⁴ OR WAS NOT TURNED,¹⁵ IT¹⁶ HINDERS THE CLEANNESS OF ONE WHO IS ALL TURNED WHITE,¹⁷ AND CAUSES UNCLEANNESS WHATEVER ITS COLOUR, WHICH RESTRICTIONS DO NOT APPLY TO WHITE HAIR.¹¹

MISHNAH 4. IF THE TWO HAIRS¹⁸ WERE BLACK AT THE ROOT AND WHITE AT THE TIP THE MAN IS CLEAN. IF THEY WERE WHITE AT THE ROOT AND BLACK AT THE TIP THE MAN IS UNCLEAN. HOW MUCH OF WHITENESS MUST THERE BE?¹⁹ R. MEIR RULED: ANY. R. SIMEON RULED: ENOUGH TO BE CUT WITH A PAIR OF SCISSORS. IF IT WAS SINGLE AT THE ROOT BUT SPLIT AT THE TIP, HAVING THE APPEARANCE OF TWO HAIRS, THE MAN IS CLEAN. IF A BRIGHT SPOT HAD [TWO] WHITE HAIRS AND²⁰ BLACK HAIR THE MAN IS UNCLEAN. THERE IS NO NEED TO CONSIDER THE POSSIBILITY THAT THE PLACE OF THE BLACK HAIR²¹ LESSENED THE SPACE OF THE BRIGHT SPOT,²² SINCE THE FORMER²³ IS OF NO CONSEQUENCE.²⁴

MISHNAH 5. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND A STREAK EXTENDED FROM IT, THE LATTER, PROVIDED IT WAS TWO HAIRS IN BREADTH, SUBJECTS IT²⁵ TO THE RESTRICTIONS IN RESPECT OF WHITE HAIR AND SPREADING,²⁶ BUT NOT TO THAT IN RESPECT OF ITS QUICK FLESH.²⁷ IF THERE WERE TWO BRIGHT SPOTS AND A STREAK EXTENDED FROM ONE TO THE OTHER, PROVIDED IT WAS TWO HAIRS IN BREADTH, IT COMBINES THEM;²⁸ OTHERWISE IT DOES NOT COMBINE THEM.

MISHNAH 6. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN HAD WITHIN IT QUICK FLESH OF THE SIZE OF A LENTIL AND THERE WAS WHITE HAIR WITHIN THE QUICK FLESH, IF THE QUICK FLESH DISAPPEARED²⁹ THE SPOT BECOMES UNCLEAN ON ACCOUNT OF THE WHITE HAIR; IF THE WHITE HAIR DISAPPEARED³⁰ IT BE COMES UNCLEAN ON ACCOUNT OF THE QUICK FLESH. R. SIMEON RULES THAT³¹ IT IS CLEAN, SINCE IT WAS NOT THE BRIGHT SPOT³² THAT CAUSED THE HAIR TO TURN WHITE.³³ IF A BRIGHT SPOT TOGETHER WITH THE QUICK FLESH IN IT WAS OF THE SIZE OF A SPLIT BEAN AND THERE WAS WHITE HAIR WITHIN THE SPOT, IF THE QUICK FLESH DISAPPEARED³⁴ THE SPOT IS UNCLEAN ON ACCOUNT OF THE WHITE HAIR; IF THE WHITE HAIR DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE (QUICK FLESH. R. SIMEON RULES THAT³⁴ T³⁵ IS CLEAN, SINCE IT WAS NOT A BRIGHT

SPOT OF THE SIZE OF A SPLIT BEAN THAT CAUSED THE HAIR TO TURN WHITE. HE AGREES, HOWEVER, THAT IT IS UNCLEAN IF IT WAS OF THE SIZE OF A SPLIT BEAN³⁶ WHERE THE WHITE HAIR WAS.

MISHNAH 7. WITH REGARD TO A BRIGHT SPOT³⁷ WITHIN WHICH WAS³⁸ QUICK FLESH AND A SPREADING,³⁹ IF THE QUICK FLESH DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE SPREADING; IF THE SPREADING DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE QUICK FLESH. SO ALSO IN THE CASE OF WHITE HAIR AND A SPREADING.⁴⁰ IF A LEPROSY SIGN³⁷ DISAPPEARED⁴¹ AND APPEARED AGAIN AT THE END OF THE WEEK,⁴² IT IS REGARDED AS THOUGH IT HAD REMAINED AS IT WAS.⁴³ IF IT REAPPEARED AFTER IT⁴⁴ HAD BEEN PRONOUNCED CLEAN, IT MUST BE INSPECTED AS A NEW ONE.⁴⁵ IF IT HAD BEEN BRIGHT WHITE BUT WAS NOW DULL WHITE, OR IF IT HAD BEEN DULL WHITE BUT WAS NOW BRIGHT WHITE,³⁴ T⁴⁶ IS REGARDED AS THOUGH IT HAD REMAINED AS IT WAS, PROVIDED THAT IT DOES NOT BECOME LESS WHITE THAN THE FOUR PRINCIPAL COLOURS.⁴⁷ IF IT⁴⁸ CONTRACTED AND THEN SPREAD, OR IF IT SPREAD⁴⁹ AND THEN CONTRACTED, R. AKIBA RULES THAT IT IS UNCLEAN,⁵⁰ BUT THE SAGES RULE THAT IT IS CLEAN.⁵¹

MISHNAH 8. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN⁵² SPREAD TO THE EXTENT OF HALF A SPLIT BEAN, WHILE OF THE ORIGINAL SPOT THERE DISAPPEARED AS MUCH AS HALF A SPLIT BEAN, R. AKIBA RULED: IT MUST BE INSPECTED AS A NEW ONE,⁵³ BUT THE SAGES RULE THAT IT IS CLEAN.⁵⁴

MISHNAH 9. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN SPREAD TO THE EXTENT OF HALF A SPLIT BEAN AND A LITTLE MORE, WHILE AS MUCH AS HALF THE SIZE OF A SPLIT BEAN DISAPPEARED FROM THE ORIGINAL SPOT, R. AKIBA RULES THAT IT IS UNCLEAN,⁵⁵ BUT THE SAGES RULE THAT IT IS CLEAN.⁵⁶ IF THE BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IT SPREAD TO THE EXTENT OF A SPLIT BEAN AND A LITTLE MORE, WHILE THE ORIGINAL SPOT DISAPPEARED, R. AKIBA RULES THAT IS IT UNCLEAN,⁵⁷ BUT THE SAGES RULE THAT IT SHOULD BE INSPECTED AS A NEW ONE.⁵⁸

MISHNAH 10. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN SPREAD⁵⁹ TO THE EXTENT OF A SPLIT BEAN, AND IN THE SPREADING THERE APPEARED QUICK FLESH OR WHITE HAIR, WHILE THE ORIGINAL SPOT DISAPPEARED, R. AKIBA RULES THAT IT IS UNCLEAN,⁶⁰ BUT THE SAGES RULE THAT IT MUST BE INSPECTED AS A NEW ONE.⁶¹ IF IN A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN NOTHING ELSE⁶² APPEARED, AND THEN THERE APPEARED⁶³ A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN AND IN IT THERE GREW ONE HAIR, SUCH A SPOT MUST BE SHUT UP. IF A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAD ONE HAIR AND THEN THERE APPEARED⁶³ ANOTHER SPOT OF THE SIZE OF HALF A SPLIT BEAN WHICH ALSO HAD ONE HAIR, SUCH A SPOT MUST BE SHUT UP.⁶⁴ IF A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAD TWO HAIRS AND ANOTHER SPOT OF THE SIZE OF HALF A SPLIT BEAN APPEARED⁶³ WITH ONE HAIR,⁶⁵ SUCH A SPOT MUST BE SHUT UP.⁶⁶

MISHNAH 11. IF IN A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN THERE WAS NOTHING ELSE, AND THEN THERE APPEARED⁶³ A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAVING TWO HAIRS, SUCH MUST BE CERTIFIED UNCLEAN,⁶⁷ BECAUSE IT HAS BEEN LAID DOWN: IF THE BRIGHT SPOT PRECEDED THE WHITE HAIR THE MAN IS UNCLEAN; IF THE WHITE HAIR PRECEDED THE BRIGHT SPOT HE IS CLEAN; AND IF THIS IS A MATTER OF DOUBT HE IS UNCLEAN. R. JOSHUA REGARDS THIS AS UNSOLVABLE.⁶⁸

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- (1) When a leprosy sign is first inspected.
 - (2) Even if it is dimmer than any of the four principal colours.
 - (3) A spreading, however, may be one when it extended over the whole body.
 - (4) White hair is subject to a minimum of two hairs of a prescribed length.
 - (5) Even in those of garments and houses.
 - (6) White hair, however, is no token of uncleanness unless it appeared within the leprosy sign.
 - (7) Cf. prev. nn.
 - (8) While the spreading causes uncleanness only if it has one of the four principal colours.
 - (9) Quick flesh, however, causes uncleanness only if it is of the prescribed size and only on skin, flesh, scalp baldness and forehead baldness.
 - (10) But quick flesh is a cause of uncleanness only if it appears within the leprosy sign.
 - (11) Cf. prev. nn.
 - (12) One hair at one side of the leprosy sign and another at the other side.
 - (13) By the leprosy sign.
 - (14) Cf. Lev. XIII, 13. V. foll. n.
 - (15) Sc. whether the quick flesh appeared after the bright spot or whether the latter appeared after the former. In the case of white hair if it preceded the bright spot no uncleanness is caused.
 - (16) If its size is no less than that of a lentil.
 - (17) Cf. Ibid. XIII, 12ff. White hair in such a case causes no uncleanness.
 - (18) In a leprosy sign.
 - (19) On the hairs to be regarded as turned white.
 - (20) Var. lec. 'or'.
 - (21) According to var. lec. (in previous note) add 'or the white hair'.
 - (22) In consequence of which the bright spot may have been reduced to less than the prescribed minimum of a split bean.
 - (23) The hair follicles whose size is almost imperceptible.
 - (24) Lit., 'substance', 'reality'.
 - (25) The bright spot.
 - (26) If either of these signs appear in the streak the spot is deemed unclean.
 - (27) Which must be encompassed by the bright spot.
 - (28) The two bright spots. Both are in all respects regarded as one unit to make up the prescribed minimum of a split bean and to combine the two hairs if one grew on the one and the other on the other side of the spot.
 - (29) The leprosy sign having spread over its place.
 - (30) Having fallen off or turned black.
 - (31) In the first case.
 - (32) But the quick flesh from which it grew.
 - (33) The first Tanna, however, maintains that in this respect the quick flesh is regarded as a part of the bright spot.
 - (34) The leprosy sign having spread over its place.
 - (35) V. p. 247, n. 12.
 - (36) Without the addition of the quick flesh.
 - (37) Of the prescribed size of a split bean that had been shut up for a week.
 - (38) At the end of the week (cf. prev. n.).
 - (39) In consequence of which it was certified unclean.
 - (40) If one disappeared it is still unclean on account of the other that remained.
 - (41) During the week.
 - (42) Or if it disappeared at the end of the week on the day of inspection and appeared again later on the same day.
 - (43) And is to be shut up again for a second week. It is not to be treated as a new leprosy sign to be possibly shut up for two weeks.
 - (44) Having been diminished in size.
 - (45) Lit., 'as at the beginning'. Var lec., 'in the beginning'.
 - (46) Since its size still conformed to the minimum prescribed.
 - (47) Enumerated supra I, 1. If It did become less white it must be pronounced clean.

- (48) A leprosy sign of the size of a split bean.
- (49) At the end of the first or the second week.
- (50) In his opinion the spreading, in either case, is a mark of uncleanness.
- (51) The spreading, they maintain, may be disregarded, since the size of the leprosy sign is now the same as it was originally.
- (52) That was shut up.
- (53) Because, of the original, less than the prescribed minimum remained, while the remainder together with the extension conform to the prescribed minimum.
- (54) Since the original spot had been reduced to half the prescribed minimum it must be regarded as clean. Its clean remainder, therefore, cannot be added to the extension to constitute a new leprosy sign.
- (55) Because the spreading exceeded the size of half a split bean.
- (56) Since, owing to the disappearance of half of the original spot, the new one (only slightly bigger than half a split bean) is less than the prescribed minimum.
- (57) Since the spot is now bigger than it was originally.
- (58) Because the original spot had entirely disappeared.
- (59) After it had been pronounced clean.
- (60) The spreading taking the place of the original spot.
- (61) Hence two sacrifices will have to be brought, one for each spot.
- (62) Neither quick flesh nor white hair.
- (63) At its side.
- (64) Since the first hair preceded the second half of the spot.
- (65) And much more so if it had no hair at all.
- (66) Since the full sized spot did not precede the first two hairs.
- (67) Provided that it is known that the second half of the spot preceded the two hairs.
- (68) Aliter: Doubtful; alter: Demurred; aliter: Rejected, v. Nid. 19b.

Mishna - Mas. Nega'im Chapter 5

MISHNAH 1. ANY CONDITION OF DOUBT IN LEPROSY SIGNS IS REGARDED AS CLEAN, EXCEPT THIS CASE¹ AND ONE OTHER. WHICH IS THAT? IF A MAN HAD A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND IT WAS SHUT UP, AND BY THE END OF THE WEEK IT WAS AS BIG AS A SELA', AND IT IS DOUBTFUL WHETHER IT IS THE ORIGINAL ONE² OR WHETHER ANOTHER HAS ARISEN IN ITS PLACE, THE MAN MUST BE REGARDED AS UNCLEAR.

MISHNAH 2. IF A MAN HAD BEEN CERTIFIED UNCLEAR ON ACCOUNT OF WHITE HAIR, AND THE WHITE HAIR DISAPPEARED AND OTHER WHITE HAIR APPEARED, AND SO ALSO IN THE CASE OF QUICK FLESH³ AND A SPREADING,³ WHETHER THIS⁴ OCCURRED IN THE BEGINNING,⁵ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEARNESS, HE⁶ IS REGARDED AS BEING IN THE SAME POSITION AS BEFORE.⁷ IF HE HAD BEEN CERTIFIED UNCLEAR ON ACCOUNT OF QUICK FLESH, AND THE QUICK FLESH DISAPPEARED AND OTHER QUICK FLESH APPEARED, AND SO ALSO IN THE CASE OF WHITE HAIR⁸ AND A SPREADING,⁸ WHETHER THIS⁴ OCCURRED IN THE BEGINNING,⁵ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEARNESS, HE⁶ IS REGARDED AS BEING IN THE SAME POSITION AS BEFORE.⁷ IF HE HAD BEEN CERTIFIED UNCLEAR ON ACCOUNT OF A SPREADING, AND THE SPREADING DISAPPEARED AND ANOTHER SPREADING APPEARED, AND SO ALSO IN THE CASE OF WHITE HAIR,⁹ WHETHER THIS¹⁰ OCCURRED AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEARNESS, HE¹¹ IS IN THE SAME POSITION AS BEFORE.¹²

MISHNAH 3. DEPOSITED HAIR, AKABIAH B. MAHALALEEL HOLDS TO BE UNCLEAR. BUT THE SAGES HOLD IT TO BE CLEAN. WHAT IS 'DEPOSITED HAIR'?¹³ IF A MAN HAD A BRIGHT SPOT WITH WHITE HAIR IN IT, AND THE BRIGHT SPOT DISAPPEARED LEAVING THE WHITE HAIR IN POSITION AND THEN IT REAPPEARED AKABIAH B. MAHALALEEL HOLDS THE MAN TO BE UNCLEAR,¹⁴ BUT THE SAGES HOLD HIM TO BE CLEAN. R. AKIBA OBSERVED: IN THIS CASE I ADMIT THAT THE MAN IS CLEAN; BUT WHAT IS 'DEPOSITED HAIR'?¹⁵ IF A MAN HAD A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN WITH TWO HAIRS IN IT, AND A PART THE SIZE OF A HALF SPLIT BEAN DISAPPEARED LEAVING THE WHITE HAIR IN THE PLACE OF THE WHITE SPOT AND THEN IT REAPPEARED.¹⁶ THEY¹⁷ SAID TO HIM: AS THEY¹⁸ REJECTED THE RULING OF AKABIAH SO IS THERE NO VALIDITY IN YOUR RULING.¹⁹

MISHNAH 4. ANY CONDITION OF DOUBT IN LEPROSY SIGNS IN THE BEGINNING IS REGARDED AS CLEAN BEFORE UNCLEANNESS HAS BEEN ESTABLISHED, BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAR. IN WHAT MANNER? IF TWO MEN CAME TO THE PRIEST ONE HAVING A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND THE OTHER HAVING ONE OF THE SIZE OF A SELA', AND AT THE END OF THE WEEK THAT OF EACH WAS OF THE SIZE OF A SELA, AND IT IS NOT KNOWN ON WHICH OF THEM THE SPREADING HAD OCCURRED (WHETHER THIS OCCURRED WITH ONE MAN²⁰ OR WITH TWO MEN). EACH ONE IS CLEAN. R. AKIBA RULED: IF ONE MAN IS INVOLVED HE IS UNCLEAR,²¹ BUT IF TWO MEN ARE INVOLVED EACH IS CLEAN.

MISHNAH 5. 'BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAR'.²² IN WHAT MANNER? IF TWO MEN CAME TO THE PRIEST, ONE HAVING A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND THE OTHER HAVING ONE OF THE SIZE OF A SELA' AND AT THE END OF THE WEEK THAT OF EACH WAS OF THE SIZE OF A SELA' AND A LITTLE MORE, BOTH ARE UNCLEAR; AND EVEN THOUGH BOTH RESUMED THE SIZE OF A SELA' BOTH ARE UNCLEAR, AND REMAIN SO UNLESS BOTH RESUME THE SIZE OF A SPLIT BEAN. IT IS THIS THAT WAS MEANT WHEN IT WAS LAID DOWN, 'BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAR'.

(1) The last mentioned (supra IV, 11).

(2) That had spread.

(3) That appeared in the place of the white hair.

(4) The certification as unclear.

(5) When the first inspection took place.

(6) So MS.M. Var. lec., 'it'.

(7) He is unclear and there is no need again to certify his uncleanness.

(8) Appearing in place of the quick flesh.

(9) 'Quick flesh' is omitted since under certain circumstances it is a cause of cleanness.

(10) V. p. 251, n. 4.

(11) V. p. 251, n. 6.

(12) V. p. 251, n. 7.

(13) This is explained presently.

(14) As the bright spot reappeared where it was originally it is regarded as the original spot which preceded the white hair and which was certified unclear.

(15) That is a token of uncleanness.

(16) Only in such a case is the man unclear.

(17) His colleagues.

- (18) The Sages.
(19) Since a leprosy sign that is less than half a split bean is deemed to be non-existent.
(20) Who had two bright spots.
(21) Since one of the spots at least is unclean.
(22) Cf. prev. MISHNAH .

Mishna - Mas. Nega'im Chapter 6

MISHNAH 1. THE MINIMUM SIZE¹ OF A BRIGHT SPOT² MUST BE THAT OF A CILICIAN SPLIT BEAN SQUARED.³ THE SPACE COVERED BY A SPLIT BEAN EQUALS THAT OF NINE LENTILS, THE SPACE COVERED BY A LENTIL EQUALS THAT OF FOUR HAIRS;⁴ THUS THE SIZE OF A BRIGHT SPOT MUST BE NO LESS THAN THAT OF THIRTY-SIX HAIRS.

MISHNAH 2. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH OF THE SIZE OF A LENTIL,⁵ IF THE BRIGHT SPOT GREW LARGER⁶ IT IS UNCLEAN,⁷ BUT IF IT GREW SMALLER IT IS CLEAN. IF THE QUICK FLESH GREW LARGER IT IS UNCLEAN,⁸ AND IF IT GREW SMALLER IT IS CLEAN.

MISHNAH 3. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH LESS IN SIZE THAN A LENTIL, IF THE BRIGHT SPOT GREW LARGER IT IS UNCLEAN,⁷ BUT IF IT GREW SMALLER IT IS CLEAN. IF THE QUICK FLESH GREW LARGER IT IS UNCLEAN, BUT IF IT GREW SMALLER,⁹ R. MEIR RULES THAT IT IS UNCLEAN;¹⁰ BUT THE SAGES RULE THAT IT IS CLEAN, SINCE A LEPROSY SIGN CANNOT BE DEEMED TO SPREAD WITHIN ITSELF.¹¹

MISHNAH 4. IF A BRIGHT SPOT WAS LARGER IN SIZE THAN A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH LARGER IN SIZE THAN A LENTIL, IRRESPECTIVE OF WHETHER THEY INCREASED OR DECREASED, THEY ARE UNCLEAN, PROVIDED THAT THEY DO NOT DECREASE TO LESS THAN THE PRESCRIBED MINIMUM.¹²

MISHNAH 5. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN, QUICK FLESH OF THE SIZE OF A LENTIL ENCOMPASSING IT, AND OUTSIDE THE QUICK FLESH THERE WAS ANOTHER BRIGHT SPOT, THE INNER ONE MUST BE SHUT UP AND THE OUTER ONE MUST BE CERTIFIED UNCLEAN.¹³ R. JOSE RULED: THE QUICK FLESH IS NO TOKEN OF UNCLEANNESS FOR THE OUTER ONE, SINCE THE INNER BRIGHT SPOT IS WITHIN IT.¹⁴ IF¹² T¹⁵ DECREASED OR DISAPPEARED, RABBAN GAMALIEL RULED: IF ITS DESTRUCTION WAS ON ITS INNER SIDE¹⁶ IT IS A TOKEN OF A SPREADING OF THE INNER BRIGHT SPOT¹⁷ WHILE THE OUTER ONE IS CLEAN,¹⁸ BUT IF ITS DESTRUCTION WAS ON ITS OUTER SIDE,¹⁹ THE OUTER ONE IS CLEAN²⁰ WHILE THE INNER ONE²¹ MUST BE SHUT UP. R. AKIBA RULED: IN EITHER CASE²² IT²³ IS CLEAN.²⁴

MISHNAH 6. R. SIMEON²⁵ STATED: WHEN IS THIS THE CASE?²⁶ WHEN THE QUICK FLESH WAS EXACTLY THE SIZE OF A LENTIL;²⁷ BUT IF IT EXCEEDED THE SIZE OF A LENTIL THE EXCESS IS A TOKEN OF SPREADING OF THE INNER ONE,²⁸ AND THE OUTER ONE IS UNCLEAN.²⁹ IF THERE WAS THERE³⁰ A TETTER LESS IN SIZE THAN A LENTIL, IT³¹ IS A TOKEN OF THE SPREADING³² OF THE INNER BRIGHT SPOT³³ BUT IT IS NO TOKEN OF SPREADING OF THE OUTER ONE.³⁴

MISHNAH 7. THERE ARE TWENTY-FOUR TIPS OF LIMBS IN THE HUMAN BODY THAT DO NOT BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH:³⁵ THE TIPS OF THE FINGERS AND THE TOES, THE TIPS OF THE EARS, THE TIP OF THE NOSE, THE TIP OF

THE MEMBRUM; AND ALSO THE NIPPLES OF A WOMAN. R. JUDAH RULED: THOSE OF A MAN ALSO. R. ELIEZER RULED: ALSO WARTS AND WENS DO NOT BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH.³⁶

MISHNAH 8. THE FOLLOWING PLACES IN MEN³⁷ DO NOT BECOME UNCLEAN ON ACCOUNT OF A BRIGHT SPOT:³⁸ THE INSIDE OF THE EYE, THE INSIDE OF THE EAR, THE INSIDE OF THE NOSE AND THE INSIDE OF THE MOUTH, WRINKLES,³⁹ WRINKLES IN THE NECK, UNDER THE BREAST⁴⁰ AND THE ARMPIT,⁴¹ THE SOLE OF THE FOOT,⁴² THE NAILS, THE HEAD AND THE BEARD;⁴³ AND A BOIL, A BURNING AND A BLISTER⁴⁴ THAT ARE FESTERING. ALL THESE DO NOT BECOME UNCLEAN ON ACCOUNT OF LEPROSY SIGNS NOR ARE THEY COMBINED⁴⁵ WITH OTHER LEPROSY SIGNS,⁴⁶ NOR IS A LEPROSY SIGN DEEMED TO SPREAD INTO THEM,⁴⁷ NOR DO THEY BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH,⁴⁸ NOR ARE THEY⁴⁹ A HINDRANCE⁵⁰ WHERE A PERSON IS ALL TURNED⁵¹ WHITE.⁵² IF SUBSEQUENTLY A BALD SPOT AROSE IN THE HEAD OR BEARD,⁵³ OR IF A BOIL, A BURNING OR A BLISTER FORMED A SCAR, THEY MAY BECOME UNCLEAN BY LEPROSY SIGNS THOUGH THEY CANNOT BE COMBINED WITH OTHER LEPROSY SIGNS,⁵⁴ NOR IS A LEPROSY SIGN DEEMED TO SPREAD INTO THEM,⁴⁷ NOR DO THEY BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH. THEY ARE, HOWEVER, A HINDRANCE⁵⁰ WHERE⁴⁹ A PERSON IS ALL TURNED WHITE.⁵² THE HEAD AND THE BEARD BEFORE THEY HAVE GROWN HAIR, AND WENS ON THE HEAD OR THE BEARD, ARE⁵⁵ TREATED AS THE SKIN OF THE FLESH.

(1) Lit., 'body'.

(2) That is to be pronounced unclean.

(3) Sc. each of its four sides must be as long as a Cilician split bean.

(4) Growing on the body other than the head or face.

(5) Thus reducing its size to less than the prescribed minimum.

(6) Extending outwards.

(7) On account of the spreading.

(8) Var. lec., 'clean', since the bright spot decreased where the quick flesh had spread.

(9) The bright spot having spread in that direction.

(10) An extension within being as unclean as one without.

(11) Only an external expansion is regarded as a spreading that causes uncleanness.

(12) Viz., quick flesh of the size of a lentil surrounded on all sides by a bright spot of the size of a lentil.

(13) On account of the quick flesh within it.

(14) Only quick flesh that is encompassed by a bright spot is a token of uncleanness. The quick flesh in this case is not only encompassed, but also broken up by a bright spot.

(15) The quick flesh under discussion.

(16) The inner bright spot having covered up the quick flesh.

(17) And it must be certified as unclean.

(18) Since its quick flesh disappeared or decreased to less than the prescribed minimum.

(19) The outer bright spot having covered it up.

(20) Because its quick flesh was destroyed and its spreading inwards is of no consequence.

(21) Having retained its size.

(22) Whether the reduction or disappearance was on the inner or the outer side.

(23) The inner bright spot.

(24) In the former case, because, as stated, the spreading of the outer one inwards is of no consequence; and in the latter case, because the spreading of the inner one into the outer spot is similarly of no consequence.

(25) Referring to R. Akiba's ruling in the previous MISHNAH ad fin.

(26) That the outer one is clean.

(27) Lit., 'like a lentil brought' or 'applied'.

(28) If it spread over that excess.

- (29) On account of the quick flesh.
- (30) Between the inner bright spot and the quick flesh around it.
- (31) The extension of the inner bright spot.
- (32) And of uncleanness.
- (33) Because a tetter that is less than the prescribed minimum may be disregarded.
- (34) Because its quick flesh was destroyed and its spreading inwards is of no consequence.
- (35) Because, owing to their convexity it is usually impossible to see at once the prescribed minimum of quick flesh and the leprosy sign.
- (36) Cf. prev. n.
- (37) Which are either not included in the expression, 'skin of his flesh' (Lev. XIII, 2) or are concealed parts of the body.
- (38) Or any other of the four colours (supra I, 1).
- (39) In any part of the body.
- (40) Of a suckling woman, which is covered when the child is nursed.
- (41) Which is concealed when the person is in the posture of one plucking olives (cf. supra II, 4).
- (42) Its hardened part which cannot be regarded as normal skin.
- (43) Where the only unclean leprosy sign is the scall (cf. Lev. XIII, 29ff).
- (44) That was due to an external cause.
- (45) To make up the prescribed minimum.
- (46) Even though their greater part is on the normal skin.
- (47) Sc. even if there was a spreading it is no sign of uncleanness.
- (48) That appeared in a leprosy sign on them.
- (49) If they did not turn white.
- (50) To cleanness.
- (51) Except for any of these places.
- (52) Which is a mark of cleanness (cf. Lev. XIII, 13).
- (53) Thus assuming the character of normal skin of the body.
- (54) E.g. one on the head with one on the beard.
- (55) In all respects.

Mishna - Mas. Nega'im Chapter 7

MISHNAH 1. THE FOLLOWING BRIGHT SPOTS ARE CLEAN: THOSE THAT ONE HAD BEFORE THE TORAH WAS GIVEN,¹ THOSE THAT A HEATHEN HAD WHEN HE BECAME A PROSELYTE OR A CHILD WHEN IT WAS BORN, OR THOSE THAT WERE IN A CREASE² AND WERE SUBSEQUENTLY LAID BARE. IF THEY WERE ON THE HEAD OR THE BEARD, ON A BOIL, A BURNING OR BLISTER THAT IS FESTERING, AND SUBSEQUENTLY THE HEAD OR THE BEARD BECAME BALD, AND THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR, THEY ARE CLEAN. IF THEY WERE ON THE HEAD OR THE BEARD BEFORE THESE GREW HAIR,³ AND THEY THEN GREW HAIR⁴ AND SUBSEQUENTLY BECAME BALD,³ OR IF THEY WERE ON THE BODY BEFORE THE BOIL, BURNING OR BLISTER WAS FORMED⁵ AND THEN THESE⁶ FORMED A SCAR⁷ OR WERE HEALED,³ R. ELIEZER B. JACOB RULES THAT THEY ARE UNCLEAR SINCE AT THE BEGINNING AND AT THE END THEY WERE UNCLEAR, BUT THE SAGES RULE THAT THEY ARE CLEAN.⁸

MISHNAH 2. IF THEIR COLOUR⁹ CHANGED,¹⁰ WHETHER THE CHANGE WAS A CAUSE OF LENIENCY OR ONE OF RESTRICTION — (HOW IS IT A 'CAUSE OF LENIENCY'? IF, FOR INSTANCE, A BRIGHT SPOT HAD BEEN¹¹ AS WHITE AS SNOW AND¹² IT BECAME WHITE AS THE LIME OF THE TEMPLE, AS WHITE WOOL OR AS THE SKIN OF AN EGG. OR IF A RISING¹³ HAS ASSUMED A SECONDARY SHADE,¹⁴ OR IF ONE AS WHITE AS SNOW HAS ASSUMED A SECONDARY SHADE.¹⁴ HOW IS IT 'ONE OF RESTRICTION'? IF, FOR INSTANCE, ITS COLOUR WAS¹⁵ THAT OF THE SKIN OF AN EGG AND IT

ASSUMED¹² THAT OF WHITE WOOL, THE LIME OF THE TEMPLE OR SNOW) — R. ELIEZER¹⁶ B. AZARIAH RULES THAT THEY ARE CLEAN. R. ELIEZER¹⁶ HISMA RULED: IF THE CHANGE WAS A CAUSE OF LENIENCY¹⁷ THE BRIGHT SPOT IS CLEAN, BUT IF IT WAS ONE OF RESTRICTION THE SPOT MUST BE INSPECTED AS IF IT WERE A NEW ONE. R. AKIBA RULED: WHETHER THE CHANGE WAS A CAUSE OF LENIENCY OR ONE OF RESTRICTION THE SPOT MUST BE INSPECTED AS IF IT WERE A NEW ONE.

MISHNAH 3. A BRIGHT SPOT IN WHICH¹⁸ THERE WERE NO SIGNS OF UNCLEANNESS¹⁹ AT THE BEGINNING,²⁰ OR AT THE END OF THE FIRST WEEK, MUST BE SHUT UP; AT THE END OF THE SECOND WEEK OR AFTER IT HAD BEEN PRONOUNCED CLEAN, IT MUST HENCEFORTH BE HELD TO BE CLEAN. IF WHILE THE PRIEST WAS ABOUT TO SHUT IT UP OR TO PRONOUNCE IT CLEAN TOKENS OF UNCLEANNESS²¹ APPEARED IN IT, HE MUST CERTIFY IT AS UNCLEAR. A BRIGHT SPOT IN WHICH APPEARED¹⁸ TOKENS OF UNCLEANNESS MUST BE CERTIFIED AS UNCLEAR. IF WHILE THE PRIEST WAS ABOUT TO CERTIFY IT AS UNCLEAR THE TOKENS OF UNCLEANNESS DISAPPEARED EITHER AT THE BEGINNING,²⁰ OR AT THE END OF THE FIRST WEEK, IT MUST BE SHUT UP; BUT IF THEY DISAPPEARED AT THE END OF THE SECOND WEEK OR AFTER THE SPOT HAD BEEN PRONOUNCED CLEAN,²² IT MUST HENCEFORTH BE HELD TO BE CLEAN.

MISHNAH 4. A MAN WHO PLUCKS OUT TOKENS OF UNCLEANNESS²³ OR CAUTERIZES QUICK FLESH TRANSGRESSES A NEGATIVE COMMANDMENT.²⁴ AND AS REGARDS CLEANNESS, IF THEY WERE PLUCKED OUT BEFORE THE MAN CAME TO THE PRIEST, HE IS CLEAN; BUT IF AFTER HE HAD BEEN CERTIFIED AS UNCLEAR, HE REMAINS UNCLEAR. SAID R. AKIBA: I ASKED RABBAN GAMALIEL AND R. JOSHUA WHEN THEY WERE ON THE WAY TO NADWAD,²⁵ ‘WHAT IS THE RULING IF THE PLUCKING OCCURRED WHILE IT WAS SHUT UP?’ THEY SAID TO ME, ‘WE HEARD NO SUCH RULING, BUT WE HAVE HEARD THAT IF THEY WERE PLUCKED BEFORE THE MAN CAME TO THE PRIEST HE IS CLEAN, AND IF AFTER HE HAD BEEN CERTIFIED AS UNCLEAR HE REMAINS UNCLEAR’. I BEGAN TO BRING THEM PROOFS²⁶ TO THE EFFECT THAT, WHETHER THE MAN STANDS BEFORE THE PRIEST²⁷ OR WHETHER HE IS THEN²⁷ SHUT UP, HE IS CLEAN UNLESS THE PRIEST HAD PRONOUNCED HIM UNCLEAR. WHEN DOES HE²⁸ ATTAIN CLEANNESS? R. ELIEZER RULED: AFTER ANOTHER LEPROSY SIGN HAS ARISEN IN HIM AND HE HAS ATTAINED CLEANNESS AFTER IT; BUT THE SAGES RULED: ONLY AFTER ANOTHER LEPROSY SIGN HAS SPREAD OVER HIS WHOLE BODY OR AFTER HIS BRIGHT SPOT HAS BEEN REDUCED TO LESS THAN THE SIZE OF A SPLIT BEAN.

MISHNAH 5. IF A MAN HAD A BRIGHT SPOT AND IT WAS CUT OFF, HE BECOMES CLEAN; BUT IF HE CUT IT OFF INTENTIONALLY, R. ELIEZER RULED: HE BECOMES CLEAN ONLY AFTER ANOTHER LEPROSY SIGN HAS ARISEN IN HIM AND HE HAS ATTAINED CLEANNESS AFTER IT; BUT THE SAGES RULED: ONLY AFTER IT HAS SPREAD OVER ALL HIS BODY. IF IT²⁹ WAS ON THE TIP OF ONE'S FORESKIN, CIRCUMCISION³⁰ IS PERMITTED.³¹

(1) Though they continued after it was given.

(2) Of the body.

(3) Which, being like the normal skin of the body, would be a cause of uncleanness.

(4) Normally a cause of cleanness.

(5) ‘A scar’ is, with some texts, to be deleted.

(6) The boil, burning or blister, a bright spot on which is clean.

(7) A bright spot on which is unclear.

- (8) Because there was an interval of cleanness between the two phases of uncleanness.
- (9) That of the clean bright spots spoken of in the previous MISHNAH .
- (10) During the periods of their uncleanness.
- (11) While the man for instance was still a heathen.
- (12) After he became a proselyte.
- (13) Whose colour is white as white wool.
- (14) That of lime of the Temple or the skin of an egg, which is dimmer than its first colour.
- (15) V. p. 258, n. 11.
- (16) Var. lec., 'Eleazar'.
- (17) Sc. if a bright colour assumed a dimmer shade.
- (18) When inspected by the priest.
- (19) Lit., 'nothing', neither quick flesh nor white hair.
- (20) When it was first submitted to the priest's inspection.
- (21) White hair or quick flesh.
- (22) Sc. tokens of uncleanness that appeared after it had been pronounced clean disappeared before the priest had certified it as unclean.
- (23) E.g. white hair from a leprosy sign on a normal skin.
- (24) Cf. Deut. XXIV, 8.
- (25) Var. lec., Narwad, Nadabath.
- (26) These are given in Tosef. Neg. III, 4.
- (27) When his tokens of uncleanness were plucked out.
- (28) The man whose tokens of uncleanness were plucked after he had been certified unclean.
- (29) The spreading of the leprosy sign.
- (30) Even when it is performed later than the prescribed eighth day after birth. Circumcision on the eighth day, which overrides the Pentateuchal prohibition against work on the Sabbath, obviously overrides that against the removal of a leprosy sign which is but a Rabbinical prohibition.
- (31) Since the positive commandment of circumcision overrides the negative one of removing a token of uncleanness.

Mishna - Mas. Nega'im Chapter 8

MISHNAH 1. IF LEPROSY BROKE OUT ABROAD¹ WHEN A MAN WAS UNCLEAR,² HE BECOMES CLEAN;³ BUT IF ONLY THE ENDS OF HIS MEMBERS⁴ REAPPEARED,⁵ HE BECOMES UNCLEAR⁶ UNTIL THE BRIGHT SPOT IS REDUCED TO LESS THAN THE SIZE OF A SPLIT BEAN. [IF IT BROKE OUT ABROAD] WHEN HE WAS [DECLARED] CLEAN,⁷ HE BECOMES UNCLEAR;⁸ BUT IF THE ENDS OF HIS MEMBERS REAPPEARED, HE REMAINS UNCLEAR UNTIL HIS BRIGHT SPOT RESUMES ITS FORMER SIZE.

MISHNAH 2. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN IN WHICH WAS QUICK FLESH OF THE SIZE OF A LENTIL BROKE OUT ABROAD COVERING A PERSON'S ENTIRE SKIN AND THEN THE QUICK FLESH DISAPPEARED, OR IF THE QUICK FLESH DISAPPEARED AND THEN⁹ THE BRIGHT SPOT BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS CLEAN.¹⁰ IF QUICK FLESH AROSE SUBSEQUENTLY HE IS UNCLEAR.⁶ IF HE GREW WHITE HAIR, R. JOSHUA RULES THAT HE IS UNCLEAR,¹¹ BUT THE SAGES RULE THAT HE IS CLEAN.¹²

MISHNAH 3. IF A BRIGHT SPOT IN WHICH GREW WHITE HAIR¹³ BROKE OUT ABROAD COVERING A MAN'S ENTIRE SKIN, EVEN THOUGH THE WHITE HAIR REMAINED IN ITS PLACE,¹⁴ HE IS CLEAN. IF A BRIGHT SPOT IN WHICH THERE WAS A SPREADING¹⁵ BROKE OUT ABROAD COVERING A MAN'S ENTIRE SKIN, HE IS CLEAN. BUT IN THE CASE OF ALL THESE¹⁶ IF THE ENDS OF THE MAN'S MEMBERS REAPPEARED,¹⁷ THE MAN IS UNCLEAR. IF THE LEPROSY BROKE OUT ABROAD COVERING A PART¹⁸ OF THE MAN'S SKIN HE IS UNCLEAR; IF IT BROKE OUT ABROAD

COVERING ALL HIS SKIN HE IS CLEAN.

MISHNAH 4. IN ALL CASES OF BREAKING OUT ABROAD AND COVERING THE ENDS OF THE MEMBERS WHEREBY THE UNCLEAN HAVE BEEN PRONOUNCED CLEAN, IF THEY¹⁹ REAPPEARED²⁰ THESE²¹ BECOME UNCLEAN AGAIN. IN ALL CASES OF REAPPEARANCE OF THE ENDS OF THE MEMBERS²⁰ WHEREBY THE CLEAN HAVE BEEN PRONOUNCED UNCLEAN, IF THEY¹⁹ WERE COVERED AGAIN THESE²¹ BECOME CLEAN AGAIN. IF SUBSEQUENTLY THEY BECOME UNCOVERED THESE²¹ ARE UNCLEAN, EVEN IF THIS OCCURS A HUNDRED TIMES.

MISHNAH 5. ANY PART [OF THE BODY] THAT CAN BE SUBJECT TO THE UNCLEANNESS OF A LEPROSY SIGN²² OF A BRIGHT SPOT MAY²³ PREVENT THE EFFECTIVENESS²⁴ OF THE BREAKING OUT ABROAD, AND ANY PART THAT CANNOT BE SUBJECT TO THE UNCLEANNESS OF A LEPROSY SIGN OF THE BRIGHT SPOT DOES NOT PREVENT THE EFFECTIVENESS²⁴ OF THE BREAKING OUT ABROAD. FOR INSTANCE: IF IT²⁵ BROKE OUT ABROAD, COVERING ALL ONE'S SKIN, BUT NOT THE HEAD OR THE BEARD,²⁶ OR A FESTERING BOIL, BURNING OR BLISTER,²⁶ AND THEN THE HEAD OR THE BEARD BECAME BALD,²⁷ OR THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR,²⁷ THE MAN IS NEVERTHELESS CLEAN.²⁸ IF IT BROKE OUT ABROAD, COVERING ALL ONE'S SKIN, EXCEPT A SPOT OF THE SIZE OF HALF A LENTIL²⁹ NEAR THE HEAD OR BEARD, OR NEAR A BOIL, BURNING OR BLISTER, AND THEN THE HEAD OR THE BEARD BECAME BALD, OR THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR, EVEN THOUGH THE PLACE OF THE QUICK FLESH³⁰ BECAME³¹ A BRIGHT SPOT, THE MAN IS UNCLEAN³² UNLESS IT BREAKS OUT ABROAD COVERING ALL HIS BODY.

MISHNAH 6. IF THERE WERE TWO BRIGHTS SPOTS, THE ONE UNCLEAN AND THE OTHER³³ CLEAN, AND LEPROSY BROKE OUT FROM ONE TO THE OTHER, AND THEN IT BROKE OUT ABROAD COVERING ALL THE MAN'S SKIN, HE BECOMES CLEAN.³⁴ IF THE BRIGHT SPOTS³⁵ WERE RESPECTIVELY ON HIS UPPER LIP AND LOWER LIP, ON TWO OF HIS FINGERS, OR ON HIS TWO EYELIDS, EVEN THOUGH THEY CLEAVE TOGETHER AND APPEAR AS ONE,³⁶ HE IS CLEAN. IF IT³⁷ BROKE OUT ABROAD COVERING ALL HIS SKIN EXCEPT A TETTER,³⁸ HE IS UNCLEAN. IF³⁹ THE ENDS OF THE MEMBERS REAPPEARED IN THE COLOUR OF A TETTER, HE IS CLEAN.⁴⁰ IF THE ENDS OF THE MEMBERS REAPPEARED TO THE EXTENT OF LESS THAN A LENTIL, R. MEIR RULES THAT HE IS UNCLEAN, BUT THE SAGES RULE THAT A TETTER [OR SKIN],⁴¹ LESS IN SIZE THAN A LENTIL, IS A TOKEN OF UNCLEANNESS IN THE BEGINNING,⁴² BUT IS NO TOKEN OF UNCLEANNESS AT THE END.⁴³

MISHNAH 7. A MAN WHO CAME⁴⁴ WITH ALL HIS BODY WHITE MUST BE SHUT UP. IF SUBSEQUENTLY⁴⁵ WHITE HAIR GREW, HE MUST BE CERTIFIED UNCLEAN. IF BOTH HAIRS OR ONE OF THEM TURNED BLACK,⁴⁶ IF BOTH OR ONE OF THEM BECAME SHORT, IF A BOIL ADJOINED BOTH OR ONE OF THEM, OR IF A BOIL ENCOMPASSED BOTH OR ONE OF THEM, OR IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER SUNDERED THEM,⁴⁷ AND THEN⁴⁸ THERE AROSE QUICK FLESH OR WHITE HAIR, HE IS UNCLEAN; BUT IF NEITHER QUICK FLESH NOR WHITE HAIR AROSE HE IS CLEAN. IN ALL THESE CASES, HOWEVER, IF THE ENDS OF THE MEMBERS REAPPEARED THE MAN⁴⁹ REMAINS AS HE WAS BEFORE.⁵⁰ IF THE LEPROSY THEN⁵¹ BROKE OUT ABROAD, COVERING A PART OF THEM,⁵² HE IS UNCLEAN.⁵³ IF SUBSEQUENTLY⁵⁴ IT BROKE OUT ABROAD COVERING ALL OF THEM, HE IS CLEAN.⁵⁵

MISHNAH 8. IF⁵⁶ LEPROSY BROKE OUT ABROAD COVERING ALL A MAN'S SKIN AT ONCE, HE IS UNCLEAN IF THIS ORIGINATED IN A CONDITION OF CLEANNES⁵⁷, AND CLEAN IF IT ORIGINATED IN A CONDITION OF UNCLEANNES⁵⁷. THE MAN WHO ATTAINS CLEANNES AFTER HE WAS SHUT UP IS EXEMPT FROM THE OBLIGATION OF LOOSENING THE HAIR AND RENDING THE CLOTHES,⁵⁸ FROM CUTTING OFF THE HAIR⁵⁹ AND FROM BRINGING THE BIRDS.⁶⁰ IF HE ATTAINS CLEANNES AFTER HE HAD BEEN CERTIFIED UNCLEAN, HE IS LIABLE TO ALL THESE. BOTH, HOWEVER, CONVEY UNCLEANNES⁶¹ BY ENTERING.⁶²

MISHNAH 9. IF A MAN CAME⁶³ WITH HIS WHOLE BODY WHITE, AND ON IT THERE WAS QUICK FLESH TO THE EXTENT OF A LENTIL,⁶⁴ AND THEN⁶⁵ THE LEPROSY BROKE OUT ABROAD COVERING ALL HIS SKIN,⁶⁶ AFTER WHICH⁶⁷ THE ENDS OF THE MEMBERS REAPPEARED, R. ISHMAEL RULED: THE LAW IN THIS CASE IS THE SAME AS WHEN THE ENDS OF THE MEMBERS REAPPEAR IN THAT OF A LARGE BRIGHT SPOT.⁶⁸ R. ELIEZER⁶⁹ B. AZARIAH RULED: AS WHEN THE ENDS OF THE MEMBERS REAPPEARED IN A SMALL BRIGHT SPOT.⁷⁰

MISHNAH 10. SOME MAN MIGHT SHOW HIS LEPROSY SIGN TO THE PRIEST AND THEREBY GAIN ADVANTAGE, WHILE ANOTHER MIGHT SHOW HIS AND LOSE THEREBY. IN WHAT MANNER? IF A MAN WAS CERTIFIED UNCLEAN AND THE TOKENS OF HIS UNCLEANNES DISAPPEARED, AND BEFORE HE COULD SHOW IT TO THE PRIEST THE LEPROSY BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS CLEAN; WHEREAS IF HE HAD SHOWN IT TO THE PRIEST⁷¹ HE WOULD HAVE BEEN UNCLEAN.⁷² IF HE HAD A BRIGHT SPOT IN WHICH THERE WAS NOTHING ELSE, AND BEFORE HE COULD SHOW IT TO THE PRIEST IT BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS UNCLEAN;⁷³ WHEREAS IF HE HAD SHOWN IT TO THE PRIEST⁷⁴ HE WOULD HAVE BEEN CLEAN.⁷⁵

(1) And covered all his skin. Cf. Lev. XIII, 12.

(2) Either after certification or even only when shut up.

(3) Ibid. 13.

(4) Though quick flesh on these is no cause of uncleanness.

(5) Sc. were freed from the leprosy.

(6) Ibid. 14.

(7) Either after being shut up or after the termination of a certified uncleanness, cf. *infra* p. 263.

(8) As the Biblical text refers only to a case where the plague broke out abroad in one who had been declared unclean.

(9) Before the priest could pronounce the man clean.

(10) On the same principle as in MISHNAH 1.

(11) As if quick flesh arose.

(12) Since the text speaks only of quick flesh.

(13) And consequently had been declared unclean by the priest.

(14) And much more so if it fell off and the priest had not yet pronounced the man to be clean.

(15) V. p. 262 n. 13.

(16) That were ruled *supra* (MISHNAH 2 and 3) to be clean.

(17) V. p. 262 n. 5.

(18) Even if it was the greater part.

(19) The ends of the members.

(20) After they and all the man's skin had been covered by bright spot.

(21) The cases of bright spot.

(22) Cf. *supra* VI, 8.

(23) If any part of it remained free from leprosy.

(24) Sc. as a cause of cleanness.

- (25) The bright spot.
- (26) Which is not subject to the uncleanness of bright spot.
- (27) When it is subject as a rule to the uncleanness of bright spot like the normal skin of the body.
- (28) Because at the time the bright spot first covered the body these were not subject to its uncleanness.
- (29) Which was covered by quick flesh.
- (30) Cf. prev. n.
- (31) Subsequently.
- (32) Since the leprosy did not break out abroad, covering all parts that can be affected, either before or now.
- (33) Having remained unchanged for two weeks.
- (34) Even where the breaking out began from the clean one, since its merging with the unclean one subjects it to the same status.
- (35) Each being of the size of half a split bean.
- (36) Of the size of a split bean.
- (37) The leprosy.
- (38) Bohak, a spot on the skin dimmer than any of the four principal colours; Lev. XIII, 39.
- (39) After the tetter too had been covered with the leprosy, and thus pronounced clean.
- (40) Since it is not 'quick flesh'.
- (41) Cf L.
- (42) These prevent the effectiveness of the breaking out abroad to make the leper clean.
- (43) When the small space mentioned reappeared after the entire skin had been covered.
- (44) To the priest, for a first inspection.
- (45) Having been shut up.
- (46) After the certification.
- (47) The two hairs.
- (48) Having in virtue of these been released from the uncleanness of the white hair.
- (49) Who COMES WITH ALL HIS BODY WHITE.
- (50) If, for instance, he was to be shut up for a week and during that time the ends of the members reappeared, he must be shut up again for a similar period. If, on the other hand, they reappeared after he had been pronounced clean he remains clean (v. L. and cf. Bert.).
- (51) After the ends of the members have reappeared.
- (52) Of the ends of the members.
- (53) On account of the spreading.
- (54) After a part had been covered and the man had become unclean.
- (55) Since the breaking out arose from a condition of uncleanness (cf. next MISHNAH).
- (56) As set forth in previous MISHNAH .
- (57) This is taken as the continuation of the preceding MISHNAH . One comes with his whole body white and is subjected to the various regulations set forth, and then the ends of members reappear only subsequently to be again affected with leprosy.
- (58) Cf. Lev. XIII, 45.
- (59) Cf. Ibid. XIV, 8.
- (60) Cf. Ibid. XIV, 4.
- (61) To all that is in a room.
- (62) The room (cf. prev. n.).
- (63) To the priest, for a first inspection.
- (64) So that, quick flesh being a token of uncleanness at a first inspection, the man should have been pronounced unclean.
- (65) Before the priest pronounced him unclean (cf. prev. n.).
- (66) As a result of which he must be shut up (cf. supra VII, 3).
- (67) Having been shut up.
- (68) Sc. it is regarded as though the whole body is still white, as in MISHNAH 7.
- (69) Var. lec., 'Eleazar'.
- (70) I.e., one confined to a part of the skin and unclean as in MISHNAH 3 (Bert.).

- (71) Who would have pronounced it clean.
(72) Since the breaking out would have begun in a condition of cleanness.
(73) Sc. it must be shut up.
(74) Who would have shot him up for a week.
(75) Because the breaking out would have begun from a leprosy that was shut up.

Mishna - Mas. Nega'im Chapter 9

MISHNAH 1. A BOIL¹ OR A BURNING¹ MAY BECOME UNCLEAN IN A WEEK² AND BY TWO TOKENS, VIZ., BY WHITE HAIR OR BY A SPREADING.³ WHAT EXACTLY IS A 'BOIL'? AN INJURY RECEIVED FROM WOOD, STONE, OLIVE PEAT, OR THE WATER OF TIBERIAS,⁴ OF FROM ANY OTHER OBJECT WHOSE HEAT IS NOT DUE TO FIRE IS A BOIL. WHAT EXACTLY IS A 'BURNING'? A BURN CAUSED BY A LIVE COAL, HOT EMBERS, OR ANY OBJECT WHOSE HEAT IS DUE TO FIRE IS A BURNING.

MISHNAH 2. A BOIL AND A BURNING CANNOT BE COMBINED,⁵ NOR CAN THEY EFFECTIVELY⁶ SPREAD FROM ONE TO THE OTHER, FROM THEM TO THE SKIN OF THE FLESH, OR FROM THE SKIN OF THE FLESH TO THEM.⁷ IF THEY FESTERED THEY ARE CLEAN.⁸ IF THEY FORMED A SCALE AS THICK AS GARLIC PEEL, SUCH IS THE SCAR OF THE BOIL THAT IS SPOKEN OF IN THE TORAH.⁹ IF THEY WERE SUBSEQUENTLY HEALED, EVEN THOUGH THERE WAS A CICATRIX IN THEIR PLACE, THEY ARE REGARDED AS 'THE SKIN OF THE FLESH'.¹⁰

MISHNAH 3. R. ELIEZER WAS ASKED, 'WHAT IS THE RULING WHERE A BRIGHT SPOT OF THE SIZE OF A SELA' AROSE ON THE INSIDE OF ONE'S HAND AND COVERED UP¹¹ THE SCAR OF A BOIL?'¹² HE REPLIED: 'IT MUST BE SHUT UP'. THEY SAID TO HIM, 'FOR WHAT PURPOSE, SEEING THAT IT IS NEITHER CAPABLE OF GROWING WHITE HAIR¹³ NOR CAN IT EFFECTIVELY¹⁴ SPREAD¹⁵ NOR DOES QUICK FLESH¹⁶ CAUSE IN IT ANY UNCLEANNESS?' HE REPLIED, 'IT IS POSSIBLE THAT IT WILL CONTRACT¹⁷ AND THEN SPREAD AGAIN'.¹⁸ THEY SAID TO HIM, 'BUT WHAT ABOUT WHEN ITS EXTENT BE ONLY THAT OF A SPLIT BEAN?'¹⁹ 'I HAVE NOT HEARD THE REASON', HE REPLIED.²⁰ SAID R. JUDAH B. BATHYRA TO HIM, 'I WOULD SUBMIT AN ARGUMENT ON IT'. THE OTHER REPLIED, 'IF YOU WOULD THEREBY CONFIRM THE RULING OF THE SAGES, WELL AND GOOD'. HE SAID, 'IT IS POSSIBLE THAT ANOTHER BOIL WOULD ARISE OUTSIDE IT? AND THE LATTER²¹ WOULD THEN SPREAD TO THE FORMER,²² 'YOU ARE A GREAT SAGE', THE OTHER EXCLAIMED, 'FOR YOU HAVE CONFIRMED A RULING OF THE SAGES.

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- (1) V. supra, III, 4.
(2) If there appeared a bright spot.
(3) During which the sufferer is shut up.
(4) Flowing from its hot springs.
(5) To make up the prescribed size of a split bean.
(6) To be a cause of uncleanness.
(7) Only a spreading on the boil or burning itself is effective.
(8) Though covered by a bright spot.
(9) Lev. XIII, 23.
(10) Lev. XIII, 3.
(11) Lit., 'and its place'.
(12) So that nothing of the scar is visible.
(13) Since no hair grows on the inside of a hand.
(14) To be a cause of uncleanness.

(15) As stated supra MISHNAH 2.

(16) Which is not one of its two tokens of uncleanness (supra MISHNAH 1).

(17) To the size of a split bean.

(18) Over the scar; and thus cause uncleanness.

(19) 'For what purpose should it then be shut up?' For were it to contract it would be less than the minimum size and would become altogether clean.

(20) Though the ruling in the latter case also is that the sufferer is to be shut up.

(21) The one already there that is to be shut up.

(22) And this would, of course, be a cause of uncleanness.

Mishna - Mas. Nega'im Chapter 10

MISHNAH 1. SCALLS¹ MAY BECOME UNCLEAN FOR TWO WEEKS² AND BY TWO TOKENS, VIZ., BY YELLOW THIN³ HAIR OR BY A SPREADING. BY YELLOW THIN HAIR', MEANS SO DISEASED THAT IT IS SHORT; SO R. AKIBA. R. JOHANAN B. NURI SAID: EVEN THOUGH IT IS LONG.⁴ R. JOHANAN B. NURI ARGUED: WHAT IS THE MEANING OF THE EXPRESSION WHEN PEOPLE SAY, 'THIS STICK IS THIN', OR 'THIS REED IS THIN'? DOES 'THIN' IMPLY THAT IT IS STUNTED⁵ AND SHORT AND NOT⁶ STUNTED, AND LONG?⁷ R. AKIBA REPLIED: BEFORE WE LEARN FROM THE REED LET US LEARN FROM THE HAIR. IN 'SO AND SO'S HAIR IS THIN', 'THIN' MEANS THAT IT IS STUNTED⁵ AND SHORT AND NOT STUNTED AND LONG.

MISHNAH 2. YELLOW THIN HAIR CAUSES UNCLEANNESS WHETHER IT IS CLUSTERED TOGETHER⁸ OR DISPERSED, WHETHER IT IS ENCOMPASSED⁹ OR UNENCOMPASSED, OR WHETHER IT CAME AFTER THE SCALL¹⁰ OR BEFORE IT; SO R. JUDAH. R. SIMEON RULED: IT CAUSES UNCLEANNESS ONLY WHEN IT CAME AFTER THE SCALL. R. SIMEON ARGUED: THIS IS A LOGICAL INFERENCE: IF WHITE HAIR,¹¹ AGAINST WHICH OTHER HAIR AFFORDS NO PROTECTION,¹² CAUSES UNCLEANNESS ONLY WHEN IT COMES AFTER THE SCALL,¹⁰ HOW MUCH MORE THEN SHOULD YELLOW THIN HAIR, AGAINST WHICH OTHER HAIR DOES AFFORD PROTECTION,¹³ CAUSE UNCLEANNESS ONLY WHEN IT COMES AFTER THE SCALL? R. JUDAH REPLIED: WHENEVER IT WAS NECESSARY TO SAY, 'IF IT COMES AFTER'¹⁴ SCRIPTURE HAS SAID, 'IF IT COMES AFTER', BUT THE SCALL, SINCE ABOUT IT SCRIPTURE SAID, THERE BE IN IT NO YELLOW HAIR,¹⁵ CAUSES UNCLEANNESS WHETHER IT CAME BEFORE OR AFTER IT.

MISHNAH 3. [BLACK HAIR]¹⁶ THAT GROWS UP¹⁷ AFFORDS PROTECTION AGAINST YELLOW HAIR AND AGAINST A SPREADING,¹⁸ WHETHER IT WAS CLUSTERED TOGETHER OR DISPERSED, WHETHER IT WAS ENCOMPASSED OR UNENCOMPASSED. AND THAT WHICH IS LEFT¹⁹ AFFORDS PROTECTION AGAINST YELLOW HAIR AND AGAINST A SPREADING, WHETHER IT IS CLUSTERED TOGETHER OR DISPERSED, AND ALSO WHEN ENCOMPASSED, BUT IT AFFORDS NO PROTECTION WHERE IT IS AT THE SIDE²⁰ UNLESS IT IS DISTANT FROM THE STANDING HAIR BY THE PLACE OF TWO HAIRS. IF ONE HAIR²¹ WAS YELLOW AND THE OTHER BLACK, OR IF ONE WAS YELLOW AND THE OTHER WHITE,²² THEY AFFORD NO PROTECTION.

MISHNAH 4. YELLOW HAIR THAT PRECEDED A SCALL IS CLEAN. R. JUDAH RULES THAT IT IS UNCLEAN. R. ELIEZER B. JACOB EXPLAINED:²³ IT NEITHER CAUSES UNCLEANNESS NOR DOES IT AFFORD PROTECTION. R. SIMEON EXPLAINED:²³ ANY GROWTH IN A SCALL THAT IS NOT A TOKEN OF UNCLEANNESS IS IPSO FACTO A TOKEN OF CLEANNESS.

MISHNAH 5. HOW IS ONE SHAVED WHO HAS A SCALL?²⁴ THE SPACE OUTSIDE IT IS SHAVED WHILE NEXT TO IT TWO HAIRS ARE LEFT²⁵ IN ORDER THAT IT MAY BE NOTICED WHETHER IT SPREADS. IF IT WAS CERTIFIED UNCLEAN ON ACCOUNT OF YELLOW HAIR, AND THEN THE YELLOW HAIR DISAPPEARED AND OTHER YELLOW HAIR APPEARED, AND SO ALSO IF THERE WAS A SPREADING,²⁶ IRRESPECTIVE OF WHETHER THE CERTIFICATION²⁷ TOOK PLACE AT THE BEGINNING,²⁸ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK OR AFTER THE RELEASE FROM UNCLEANNESS, THE MAN REMAINS AS HE WAS BEFORE.²⁹ IF THE MAN WAS CERTIFIED UNCLEAN ON ACCOUNT OF A SPREADING, AND THE SPREADING DISAPPEARED AND THEN REAPPEARED, AND SO ALSO IF THERE WAS YELLOW HAIR,³⁰ IRRESPECTIVE OF WHETHER THE CERTIFICATION TOOK PLACE AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK OR AFTER RELEASE FROM UNCLEANNESS, THE MAN REMAINS AS HE WAS BEFORE.²⁹

MISHNAH 6. IF THERE WERE TWO SCALLS³¹ SIDE BY SIDE AND A LINE OF HAIR INTERVENED BETWEEN THEM, IF A GAP APPEARED³² IN ONE PLACE THE MAN IS UNCLEAN,³³ BUT IF IT APPEARED IN TWO PLACES HE IS CLEAN.³⁴ HOW BIG SHOULD THE GAP³⁵ BE?³⁶ THE SPACE OF TWO HAIRS. IF THERE WAS A GAP IN ONE PLACE, EVEN THOUGH IT IS AS BIG AS A SPLIT BEAN, THE MAN IS UNCLEAN.³⁷

MISHNAH 7. IF THERE WERE TWO SCALLS ONE WITHIN THE OTHER AND A LINE OF HAIR INTERVENED BETWEEN THEM, IF³⁸ THERE APPEARED A GAP IN ONE PLACE THE INNER ONE IS UNCLEAN,³⁹ BUT IF IN TWO PLACES IT IS CLEAN.⁴⁰ HOW BIG MUST THE GAP⁴¹ BE?⁴² THE SPACE OF TWO HAIRS. IF THERE WAS A GAP IN ONE PLACE OF THE SIZE OF A SPLIT BEAN⁴³ THE MAN IS CLEAN.⁴⁴

MISHNAH 8. A MAN WHO HAS A SCALL WITH YELLOW HAIR WITHIN IT IS UNCLEAN.⁴⁵ IF SUBSEQUENTLY BLACK HAIR GREW IN IT, HE IS CLEAN; EVEN IF THE BLACK HAIR DISAPPEARED AGAIN⁴⁶ HE REMAINS CLEAN. R. SIMEON B. JUDAH CITING R. SIMEON RULED: ANY SCALL THAT HAS ONCE BEEN PRONOUNCED CLEAN CAN NEVER AGAIN BE SUBJECTED TO UNCLEANNESS.⁴⁷ R. SIMEON RULED: ANY YELLOW HAIR THAT HAS ONCE BEEN PRONOUNCED CLEAN CAN NEVER AGAIN BE SUBJECTED TO UNCLEANNESS.⁴⁸

MISHNAH 9. IF A MAN HAD A SCALL OF THE SIZE OF A SPLIT BEAN AND IT SPREAD⁴⁹ OVER ALL HIS HEAD⁵⁰ HE BECOMES CLEAN.⁵¹ THE HEAD AND THE BEARD ARE NOT INTERDEPENDENT;⁵² SO R. JUDAH. R. SIMEON RULED: THEY ARE INTERDEPENDENT. R. SIMEON ARGUED: IS NOT THIS A LOGICAL INFERENCE: IF THE SKIN OF THE FACE AND THE SKIN OF THE BODY, BETWEEN WHICH SOMETHING⁵³ INTERVENES, ARE NEVERTHELESS INTERDEPENDENT, IS THERE NOT MORE REASON TO ASSUME THAT THE HEAD AND THE BEARD, BETWEEN WHICH NOTHING INTERVENES, SHOULD BE INTERDEPENDENT? THE HEAD AND THE BEARD⁵⁴ CANNOT BE COMBINED,⁵⁵ NOR IS A SPREADING⁵⁶ FROM ONE TO THE OTHER EFFECTIVE.⁵⁷ WHAT EXACTLY COUNTS AS THE BEARD? THE HAIR FROM THE JOINT OF THE JAW⁵⁸ TO THE THYROID CARTILAGE.⁵⁹

MISHNAH 10. SCALP BALDNESS OR FOREHEAD BALDNESS⁶⁰ MAY BECOME UNCLEAN⁶¹ FOR TWO WEEKS⁶² AND BY TWO TOKENS, VIZ., BY QUICK FLESH OR BY A SPREADING. WHAT CONSTITUTES BALDNESS? IF A MAN HAD EATEN NESHEM⁶³ OR SMEARED HIMSELF WITH NESHEM OR HAD A WOUND FROM WHICH HAIR CAN NO LONGER GROW. WHAT IS THE EXTENT OF SCALP BALDNESS? FROM THE CROWN SLOPING BACKWARDS TO THE PROTRUDING CARTILAGE OF THE NECK. WHAT IS

THE EXTENT OF FOREHEAD BALDNESS? FROM THE CROWN SLOPING FORWARDS TO THE REGION FACING THE HAIR ABOVE.⁶⁴ SCALP BALDNESS AND FOREHEAD BALDNESS CANNOT BE COMBINED,⁶⁵ NOR IS A SPREADING FROM ONE TO THE OTHER EFFECTIVE.⁵⁷ R. JUDAH RULED: IF THERE IS HAIR BETWEEN THEM THEY CANNOT BE COMBINED,⁶⁵ BUT IF THERE IS NONE THEY MUST BE COMBINED.

(1) Cf. Lev. XIII, 30ff.

(2) During which the sufferer is shut up, and is in consequence in a condition of uncleanness even though no token of uncleanness had made its appearance.

(3) Dak (Lev. XIII, 30).

(4) 'Thin' (dak) referring to sparseness only.

(5) In thickness.

(6) Var. lec., 'or'.

(7) The answer, of course, is that the latter meaning is also included.

(8) Sc. a minimum of two yellow hairs in one place.

(9) By the leprosy sign.

(10) Lit., 'turned over'.

(11) In a leprosy sign on the normal skin.

(12) Even the presence of black hair does not nullify the effect of the white hair which are a token of uncleanness.

(13) Two black hairs in a scall nullify the effect of the yellow hair.

(14) V. p. 270 n. 10.

(15) Lev. XIII, 32.

(16) No less than two hairs.

(17) In a scall.

(18) If, for instance, the scall was certified unclean on account of any of these tokens and then black hair grew up the man becomes clean.

(19) Of the black hair which was there before the scall.

(20) Of the scall.

(21) That came before the scall and caused no uncleanness.

(22) Two white hairs, however, like two black ones, afford protection (Elijah Wilna).

(23) The ruling of the first Tanna.

(24) Cf. Lev. XIII, 33.

(25) All round the scall, so that a circle of two hairs in depth is formed around it.

(26) After the yellow hair disappeared, though no other yellow hair has made its appearance.

(27) As unclean, on account of the yellow hair.

(28) When the priest first inspected the scall.

(29) Sc. unclean.

(30) After the spreading had disappeared, no other spreading appearing.

(31) Each of the size of a split bean.

(32) In the line of hair.

(33) Since the scall has spread.

(34) Because black hair is now encompassed by the scall and provides protection.

(35) In each place.

(36) That it should be capable of offering protection.

(37) Because the black hair is unencompassed.

(38) During the week it was shut up.

(39) Since it spread and the black hair growing at its side is not encompassed. The outer scall, however, remains clean since black hair that is left and is encompassed affords protection (cf. MISHNAH 3 supra).

(40) Because both scalls are regarded as merged into one and the hair encompassed affords protection to both.

(41) In each place.

(42) That it should be capable of affording protection.

(43) A gap that causes the two scalls, to be regarded as one.

- (44) Cf. supra n. 3.
- (45) Since yellow hair is a token of uncleanness at all times.
- (46) Only the yellow hair remaining.
- (47) Even though subsequently there was a spreading or other yellow hair grew up.
- (48) It is unclean, however, where other yellow hair grew or a new spreading appeared after the black hair disappeared.
- (49) After it had been pronounced unclean on account of one of the tokens of uncleanness.
- (50) Or beard.
- (51) As a bright spot that breaks out abroad and covers all one's skin.
- (52) Sc. if the scall spread all over one and not over the other the man is nevertheless clean.
- (53) The hair off the chin.
- (54) In respect of scalls.
- (55) A scall on the former cannot be combined with a scall on the latter to form the prescribed size if either is less than that minimum.
- (56) Of a scall.
- (57) To be a cause of uncleanness.
- (58) The upper one.
- (59) Or (with Danby) 'the knob of the windpipe'.
- (60) Cf. Lev. XIII, 40ff.
- (61) If they have a bright spot of one of the four colours enumerated supra I, n. 1.
- (62) Cf. supra p. 270, n. 2.
- (63) A drug that causes the hair to fall out.
- (64) Excluding the eyebrows.
- (65) To constitute the prescribed minimum.

Mishna - Mas. Nega'im Chapter 11

MISHNAH 1. ALL GARMENTS¹ MAY CONTRACT THE UNCLEANNESS OF LEPROSY EXCEPT THOSE OF GENTILES.² IF GARMENTS [WITH LEPROSY SIGNS] ARE BOUGHT FROM GENTILES THEY³ MUST BE INSPECTED AS IF THE SIGNS HAD THEN FIRST APPEARED. THE HIDES [OF THE ANIMALS] OF THE SEA CANNOT CONTRACT THE UNCLEANNESS OF LEPROSY. IF ONE JOINED TO THEM ANYTHING OF THAT WHICH GROWS ON LAND, EVEN IF IT IS ONLY A THREAD OR A CORD,⁴ PROVIDED IT IS OF A MATERIAL THAT IS SUSCEPTIBLE TO UNCLEANNESS, THEY ALSO BECOME SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 2. CAMEL'S HAIR AND SHEEP'S WOOL THAT HAVE BEEN HACKLED TOGETHER⁵ ARE NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS IF THE GREATER PART IS CAMEL'S HAIR; BUT IF THE GREATER PART IS SHEEP'S WOOL THEY ARE SUSCEPTIBLE TO LEPROSY UNCLEANNESS. IF EACH REPRESENTS A HALF⁶ THEY ARE ALSO SUSCEPTIBLE TO LEPROSY UNCLEANNESS. AND THE SAME LAW APPLIES ALSO TO FLAX AND HEMP THAT HAVE BEEN HACKLED TOGETHER.⁵

MISHNAH 3. COLOURED⁷ HIDES AND GARMENTS ARE NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS. HOUSES,⁸ WHETHER THEY ARE COLOURED OR NOT COLOURED, ARE SUSCEPTIBLE TO LEPROSY UNCLEANNESS; SO R. MEIR. R. JUDAH RULED: HIDES ARE [SUBJECT TO THE SAME RESTRICTIONS] AS HOUSES. A. SIMEON RULED: THOSE THAT ARE NATURALLY⁹ [COLOURED] ARE SUSCEPTIBLE TO UNCLEANNESS BUT THOSE THAT ARE ARTIFICIALLY¹⁰ [DYED] ARE NOT SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 4. IN A GARMENT WHOSE WARP WAS COLOURED AND WHOSE WOOF WAS WHITE, OR WHOSE WOOF WAS COLOURED AND WHOSE WARP WAS WHITE, ALL DEPENDS ON WHAT IS THE MORE APPARENT. GARMENTS CONTRACT UNCLEANNESS IF THEY ARE AN INTENSE GREEN OR AN INTENSE RED. IF A LEPROSY SIGN WAS GREEN¹¹ AND IT SPREAD OUT¹² RED, OR IF IT WAS RED AND IT SPREAD OUT GREEN, IT IS UNCLEAN. IF ITS COLOUR CHANGED¹² AND THEN IT SPREAD, OR IF IT CHANGED AND IT DID NOT SPREAD, IT IS REGARDED AS IF IT HAD NOT CHANGED.¹³ R. JUDAH RULED: LET IT BE INSPECTED AS IF IT THEN APPEARED FOR THE FIRST TIME.¹⁴

MISHNAH 5. [A LEPROSY SIGN] THAT REMAINED UNCHANGED DURING THE FIRST WEEK¹⁵ MUST BE WASHED¹⁶ AND SHUT UP AGAIN. ONE THAT REMAINS UNCHANGED DURING THE SECOND WEEK MUST BE BURNED. ONE THAT SPREAD DURING THE FIRST OR THE SECOND WEEK MUST BE BURNED. IF IT BECOMES DIMMER IN THE BEGINNING,¹⁷ R. ISHMAEL RULED: IT SHOULD BE WASHED AND BE SHUT UP. BUT THE SAGES RULED: THIS IS NOT REQUIRED.¹⁸ IF THE LEPROSY SIGN BECAME DIMMER DURING THE FIRST WEEK IT MUST BE WASHED AND SHUT UP. IF IT BECAME DIMMER DURING THE SECOND WEEK IT MUST BE TORN OUT, AND THAT WHICH IS TORN OUT MUST BE BURNT, BUT IT IS NECESSARY FOR A PATCH TO BE PUT ON.¹⁹ R. NEHEMIAH RULED: A PATCH IS NOT NECESSARY.

MISHNAH 6. IF THE LEPROSY SIGN HAS REAPPEARED ON THE GARMENT,²⁰ THE PATCH IS PROTECTED;²¹ IF IT REAPPEARED ON THE PATCH THE GARMENT MUST BE BURNT.²² IF FROM THE MATERIAL OF A GARMENT THAT WAS SHUT UP²³ A PATCH WAS MADE ON A CLEAN GARMENT AND THE LEPROSY SIGN REAPPEARED ON THE GARMENT,²⁴ THE PATCH MUST BE BURNT; BUT IF IT REAPPEARED ON THE PATCH, THE FIRST GARMENT²⁴ MUST BE BURNT, AND THE PATCH SERVES THE SECOND

GARMENT WHILE THE TOKENS ARE UNDER OBSERVATION.²⁵

MISHNAH 7. IN A SUMMER GARMENT THAT HAD COLOURED AND WHITE STRIPES²⁶ A LEPROSY SIGN MAY EFFECTIVELY SPREAD²⁷ FROM ONE OF THE LATTER TO THE OTHERS.²⁸ R. ELIEZER WAS ASKED: BUT SUPPOSE THERE WAS ONLY ONE WHITE STRIPE?²⁹ HE REPLIED: I HAVE HEARD NO RULING ON THIS QUESTION. SAID R. JUDAH B. BATHYRA TO HIM: 'I WOULD SUBMIT AN ARGUMENT ON THIS'. THE OTHER REPLIED, IF THIS WOULD CONFIRM THE WORDS OF THE SAGES, WELL AND GOOD'. 'IT IS POSSIBLE', EXPLAINED THE FIRST, 'THAT IT WOULD REMAIN ON IT IN AN UNCHANGED CONDITION FOR TWO WEEKS, AND THAT WHICH REMAINS UNCHANGED ON GARMENTS FOR TWO WEEKS IS UNCLEAN'.³⁰ 'YOU ARE', THE OTHER EXCLAIMED, 'A GREAT SAGE, FOR YOU HAVE CONFIRMED THE WORDS OF THE SAGES'. A SPREADING THAT ADJOINS [A FIRST LEPROSY SIGN IS EFFECTIVE]³¹ HOWEVER SMALL IT MAY BE; ONE THAT IS Distant³² [IS EFFECTIVE' ONLY] IF IT IS OF THE SIZE OF A SPLIT BEAN; AND ONE THAT REAPPEARS³³ [IS ALSO EFFECTIVE³¹ IF IT IS] OF THE SIZE OF A SPLIT BEAN.³⁴

MISHNAH 8. THE WARP AND THE WOOF MAY FORTHWITH³⁵ CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. R. JUDAH RULED: THE WARP, ONLY AFTER IT HAD BEEN BOILED; BUT THE WOOF, FORTHWITH; AND BUNDLES OF FLAX,³⁶ AFTER THEY HAVE BEEN BLEACHED. HOW MUCH MUST THERE BE IN A COIL³⁷ FOR IT TO BE CAPABLE OF CONTRACTING THE UNCLEANNESS OF LEPROSY SIGNS? AS MUCH AS TO WEAVE FROM IT A PIECE OF THREE FINGERBREADTHS SQUARE, EITHER WARP OR WOOF, THOUGH IT IS ALL WARP OR ALL WOOF. IF IT³⁸ CONSISTED OF BROKEN THREADS³⁹ IT DOES NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. R. JUDAH RULED: EVEN IF THE THREAD WAS BROKEN ONLY IN ONE PLACE, THOUGH IT WAS KNOTTED TOGETHER, IT DOES NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS.

MISHNAH 9. IF A THREAD WAS WOUND FROM ONE COIL TO ANOTHER,⁴⁰ OR FROM ONE SPOOL TO ANOTHER,⁴⁰ OR FROM THE UPPER BEAM⁴¹ TO THE LOWER BEAM,⁴⁰ AND SO ALSO IN THE CASE OF THE TWO WINGS OF A SHIRT,⁴² IF A LEPROSY SIGN APPEARED ON THE ONE, THE OTHER REMAINS CLEAN. IF IT APPEARED ON THE SHEDDED WEFT OR ON THE STANDING WARP, THESE MAY FORTHWITH CONTRACT THE UNCLEANNESS OF LEPROSY. R. SIMEON RULED: THE WARP MAY CONTRACT UNCLEANNESS ONLY IF IT IS CLOSELY ORDERED.

MISHNAH 10. [IF A LEPROSY SIGN] APPEARED ON THE STANDING WARP THE WEB REMAINS CLEAN; IF IT APPEARED ON THE WEB THE STANDING WARP REMAINS CLEAN. IF IT APPEARED ON A SHEET THE FRINGES ALSO MUST BE BURNT; IF IT APPEARED ON THE FRINGES THE SHEET REMAINS CLEAN. A SHIRT ON WHICH A LEPROSY SIGN APPEARED AFFORDS PROTECTION TO ITS HEMS,⁴³ EVEN THOUGH THEY ARE OF PURPLE WOOL.⁴⁴

MISHNAH 11. ANY OBJECT THAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS, THOUGH INSUSCEPTIBLE TO MIDRAS UNCLEANNESS, MAY CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS; AS, FOR INSTANCE, THE SAIL OF A SHIP, A CURTAIN, THE FOREHEAD BAND OF A HAIR-NET, THE WRAPPINGS OF SCROLLS, A GIRDLE, THE STRAPS OF A SHOE OR SANDAL; IF THESE ARE AS WIDE AS A SPLIT BEAN THEY MAY CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. A THICK CLOAK ON WHICH A LEPROSY SIGN APPEARED REMAINS CLEAN, R. ELIEZER B. JACOB RULED, UNLESS THE SIGN APPEARED ON THE TEXTURE AND ON THE SOFT

WOOL.⁴⁵ A SKIN BOTTLE OR A SHEPHERD'S LEATHER WALLET ARE INSPECTED IN THE POSITION IN WHICH THEY ARE USED,⁴⁶ AND A LEPROSY SIGN MAY EFFECTIVELY SPREAD⁴⁷ FROM ITS INNER SIDE TO ITS OUTER SIDE AND FROM ITS OUTER SIDE TO ITS INNER SIDE.

MISHNAH 12. IF A GARMENT⁴⁸ THAT HAD BEEN SHUT UP WAS MIXED UP WITH OTHERS,⁴⁹ ALL ARE CLEAN.⁵⁰ IF IT WAS CUT UP AND MADE INTO SHREDS,⁵¹ IT IS CLEAN, AND BENEFIT MAY BE DERIVED FROM IT; BUT IF A GARMENT THAT HAD BEEN CERTIFIED UNCLEAN WAS MIXED UP WITH OTHERS, ALL ARE UNCLEAN. IF IT WAS CUT UP AND MADE INTO SHREDS IT ALSO REMAINS UNCLEAN AND IT IS FORBIDDEN TO HAVE ANY BENEFIT FROM IT.⁵²

(1) Cf. Lev. XIII, 47ff.

(2) Cf. supra III, 1.

(3) However old the signs.

(4) Which, if not attached to the hide of a sea animal, is itself insusceptible to leprosy uncleanness unless it is of a prescribed length.

(5) And used in the manufacture of a garment.

(6) Of the mixture.

(7) Artificially or naturally.

(8) Cf. Lev. XIV, 34ff.

(9) Lit., 'by the hands of heaven'.

(10) Lit., 'by the hands of man'.

(11) And of the prescribed minimum.

(12) While it was shut up.

(13) Hence it is burned in the former case and shut up for a second week in the latter.

(14) A change, in his opinion causes the leprosy sign to be regarded as a new one.

(15) Of being shut up.

(16) Sc. the place of the sign alone is washed with the seven substances specified in Nid. IX, 6.

(17) When it was first submitted to the priest's inspection before he ordered its shutting up.

(18) The garment being clean in any case.

(19) Over the hole. The reason is apparent from the following MISHNAH.

(20) In a different spot.

(21) Sc. it need not be burned though the garment must be burned.

(22) The patch itself, if its size is of no less than three by three fingerbreadths, must be shut up again.

(23) Sc. a garment the colour of whose leprosy sign did not become dimmer until the second week when the place of the sign is torn out and burnt.

(24) That was shut up.

(25) The patch is shut up together with the garment as if the leprosy sign had been on the latter. The former, however, must ultimately be burnt even where the garment attained complete cleanness.

(26) Or 'checks'.

(27) To be a cause of uncleanness.

(28) The coloured stripes or checks forming no valid intervention.

(29) Which was completely covered by a leprosy sign, the rest of the garment being coloured. Why, then, should such a garment be shut up, seeing that the leprosy sign can never effectively spread?

(30) Cf. Lev. XIII, 55.

(31) To be a cause of uncleanness.

(32) From the first leprosy sign; but on the same side of the garment.

(33) After a leprosy sign that became dimmer during the second week had been torn out and the garment had been washed.

(34) In which case the entire garment must be burnt.

(35) Sc. as soon as they are woven even before they have been bleached.

- (36) The threads of which are of the same thickness for both the warp and the woof.
- (37) Of thread.
- (38) The coil.
- (39) That were not knotted together.
- (40) So that both are joined together by the threads.
- (41) Of the loom.
- (42) That are held together by a single thread.
- (43) Sc. they remain clean.
- (44) Much more so if they are of silk which cannot contract leprosy uncleanness.
- (45) The woolly hairs on the surface of the material.
- (46) So that a leprosy sign on parts that are joined together when in use is a cause of uncleanness though these parts are separated from each other when it is not in use.
- (47) To be a cause of uncleanness.
- (48) Which, e.g., had been dyed after it had contracted leprosy so that no leprosy sign on it is now distinguishable.
- (49) With other coloured garments not susceptible to leprosy uncleanness, v. supra XI, 13.
- (50) Since a doubtful uncleanness is regarded as clean.
- (51) Each smaller than three fingerbreadths square and all hanging to each other.
- (52) V. Lev. XIII, 52; the phrase 'a malignant leprosy' implying that it is forbidden for any use.

Mishna - Mas. Nega'im Chapter 12

MISHNAH 1. ALL HOUSES¹ MAY CONTRACT LEPROSY UNCLEANNESS,² EXCEPT THOSE OF GENTILES. IF ONE BOUGHT HOUSES FROM GENTILES,¹ ANY LEPROSY SIGNS IN THEM³ MUST BE INSPECTED AS IF THEY HAD THEN⁴ FIRST APPEARED. A ROUND HOUSE, A TRIANGULAR HOUSE, OR A HOUSE BUILT ON A SHIP,⁵ ON A RAFT⁵ OR ON FOUR BEAMS,⁵ DOES NOT CONTRACT LEPROSY UNCLEANNESS; BUT IF IT WAS FOUR-SIDED, EVEN IF IT WAS BUILT ON FOUR PILLARS,⁶ IT MAY CONTRACT UNCLEANNESS.

MISHNAH 2. A HOUSE ONE OF WHOSE WALLS IS COVERED WITH MARBLE,⁷ WITH ROCK,⁸ WITH BRICKS OR WITH EARTH,⁹ IS NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS.¹⁰ A HOUSE THAT HAD NOT IN IT¹¹ STONES, WOOD AND EARTH,¹² AND A LEPROSY SIGN APPEARED IN IT, THOUGH AFTERWARDS STONES, WOOD AND EARTH WERE INTRODUCED INTO IT, REMAINS CLEAN. SO ALSO A GARMENT IN WHICH THERE WAS NO WOVEN PART OF THREE FINGERBREADTHS SQUARE AND A LEPROSY SIGN APPEARED IN IT, THOUGH AFTERWARDS THERE WAS WOVEN INTO IT A PIECE OF THREE FINGERBREADTHS SQUARE, REMAINS CLEAN. A HOUSE DOES NOT CONTRACT LEPROSY UNCLEANNESS UNLESS THERE ARE IN¹ T¹¹ STONES, WOOD AND EARTH.¹²

MISHNAH 3. AND HOW MANY STONES MUST THERE BE IN IT?¹³ R. ISHMAEL RULED: FOUR.¹⁴ R. AKIBA RULED: EIGHT.¹⁵ FOR R. ISHMAEL USED TO RULE: A LEPROSY SIGN IS NO CAUSE OF UNCLEANNESS UNLESS IT APPEARED IN THE SIZE OF TWO SPLIT BEANS ON TWO STONES OR ON ONE STONE.¹⁶ R. AKIBA RULED: UNLESS IT APPEARS IN THE SIZE OF TWO SPLIT BEANS ON TWO STONES, AND NOT ON ONE STONE.¹⁷ R. ELIEZER SON OF R. SIMEON RULED: UNLESS IT APPEARS IN THE SIZE OF TWO SPLIT BEANS, ON TWO STONES, ON TWO WALLS IN A CORNER, ITS LENGTH BEING THAT OF TWO SPLIT BEANS AND ITS BREADTH THAT OF ONE SPLIT BEAN.

MISHNAH 4. THE QUANTITY OF WOOD¹⁸ MUST BE SUCH AS WOULD SUFFICE TO BE SET UNDER THE LINTEL. R. JUDAH RULED: IT MUST SUFFICE TO MAKE THE SUPPORT AT¹⁹ THE BACK OF THE LINTEL.²⁰ THE QUANTITY OF EARTH MUST BE SUCH AS

WOULD SUFFICE TO FILL UP THE SPACE BETWEEN ONE ROW OF STONES AND ANOTHER. THE WALLS OF A CATTLE-STALL OR THE WALLS OF A PARTITION²¹ DO NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. A HOUSE IN JERUSALEM OR IN ANY PLACE OUTSIDE THE LAND OF ISRAEL DOES NOT CONTRACT UNCLEANNESS OF LEPROSY SIGNS.²²

MISHNAH 5. WHAT IS THE PROCEDURE IN THE INSPECTION OF A HOUSE?²³ THEN HE THAT OWNEETH THE HOUSE SHALL COME AND TELL THE PRIEST, SAYING, THERE SEEMETH TO ME TO BE AS IT WERE A PLAGUE IN THE HOUSE.²⁴ EVEN IF HE IS A LEARNED SAGE AND KNOWS THAT IT IS DEFINITELY A LEPROSY SIGN, HE MAY NOT SPEAK WITH CERTAINTY SAYING, A LEPROSY SIGN HAS APPEARED TO ME IN THE HOUSE', BUT ONLY, 'THERE SEEMETH TO ME TO BE AS IT WERE A PLAGUE IN THE HOUSE'. AND THE PRIEST SHALL COMMAND THAT THEY EMPTY THE HOUSE, BEFORE THE PRIEST GO IN TO SEE THE PLAGUE, THAT ALL THAT IS IN THE HOUSE BE NOT MADE UNCLEAN; AND AFTERWARD THE PRIEST SHALL GO IN TO SEE THE HOUSE;²⁵ EVEN BUNDLES OF WOOD²⁶ AND EVEN BUNDLES OF REEDS MUST BE REMOVED; SO R. JUDAH. R. SIMEON OBSERVED: THIS²⁷ IS A BUSINESS FOR AN IDLER ONLY.²⁸ SAID R. MEIR: BUT WHICH [OF HIS GOODS] COULD BECOME UNCLEAN? IF YOU WERE TO SAY, 'HIS ARTICLES OF WOOD, OF CLOTH OR OF METAL', THESE, SURELY, CAN BE IMMERSSED IN A RITUAL BATH WHEN THEY BECOME CLEAN. WHAT IS IT THAT THE TORAH HAS SPARED? HIS EARTHENWARE, EVEN HIS CRUSE AND HIS EWER.²⁹ IF THE TORAH THUS SPARED A MAN'S HUMBLE POSSESSIONS, HOW MUCH MORE SO WOULD IT SPARE HIS CHERISHED POSSESSIONS! IF FOR HIS MATERIAL POSSESSIONS SO MUCH CONSIDERATION IS SHOWN, HOW MUCH MORE SO FOR THE LIFE OF HIS SONS AND DAUGHTERS! IF FOR THE POSSESSIONS OF A WICKED MAN³⁰ SUCH CARE IS EXERCISED, HOW MUCH MORE SO FOR THE POSSESSIONS OF A RIGHTEOUS ONE!

MISHNAH 6. [THE PRIEST] MUST NOT GO INTO³¹ HIS OWN HOUSE TO SHUT UP,³² NOR MAY HE STAND WITHIN THE HOUSE WHEREIN IS THE LEPROSY SIGN TO SHUT IT UP. HE MUST RATHER STAND AT THE DOOR OF THE HOUSE WHEREIN IS THE LEPROSY SIGN, AND SHUTS IT FROM THERE;³³ FOR IT IS SAID, THEN THE PRIEST SHALL GO OUT OF THE HOUSE TO THE DOOR OF THE HOUSE, AND SHUT UP THE HOUSE SEVEN DAYS.³⁴ HE COMES AGAIN AT THE END OF THE WEEK AND INSPECTS THE SIGN. IF IT HAS SPREAD, THEN THE PRIEST SHALL COMMAND THAT THEY TAKE OUT THE STONES IN WHICH THE PLAGUE IS, AND CAST THEM INTO AN UNCLEAN PLACE WITHOUT THE CITY.³⁵ AND THEY SHALL TAKE OTHER STONES, AND PUT THEM IN THE PLACE OF THOSE STONES; AND HE SHALL TAKE OTHER MORTAR, AND SHALL PLASTER THE HOUSE.³⁶ HE MUST NOT TAKE STONES FROM THE ONE SIDE AND BRING THEM TO THE OTHER; NOR EARTH FROM THE ONE SIDE AND BRING IT TO THE OTHER; NOR LIME FROM ANYWHERE.³⁷ HE MUST NOT BRING ONE STONE TO REPLACE TWO, NOR TWO TO REPLACE ONE. HE MUST RATHER BRING TWO TO REPLACE TWO OR TO REPLACE THREE OR TO REPLACE FOUR. FROM THIS TEXT³⁸ IT HAS BEEN INFERRED: WOE TO THE WICKED,³⁹ WOE TO HIS NEIGHBOUR: BOTH⁴⁰ MUST TAKE OUT THE STONES,³⁵ BOTH MUST SCRAPE THE WALLS,⁴¹ AND BOTH MUST BRING THE NEW STONES.⁴² HE⁴³ ALONE, HOWEVER, BRINGS THE EARTH, FOR IT IS SAID, AND HE⁴⁴ SHALL TAKE OTHER EARTH,⁴⁵ AND PLASTER THE HOUSE;⁴² HIS NEIGHBOUR NEED NOT JOIN WITH HIM IN IN THE PLASTERING.

MISHNAH 7. HE⁴⁶ COMES AGAIN AT THE END OF THE WEEK⁴⁷ AND INSPECTS THE SIGN. IF IT HAS RETURNED, HE SHALL BREAK DOWN THE HOUSE, THE STONES OF IT, AND THE TIMBER THEREOF, AND ALL THE MORTAR OF THE HOUSE; AND HE SHALL

CARRY THEM FORTH OUT OF THE CITY INTO AN UNCLEAN PLACE.⁴⁸ A SPREADING THAT IS ADJOINING⁴⁹ IS EFFECTIVE⁵⁰ HOWEVER SMALL IT MAY BE; ONE THAT IS DISTANT MUST BE⁵⁰ NO LESS THAN THE SIZE OF A SPLIT BEAN; AND A LEPROSY SIGN THAT RETURNS IN HOUSES MUST BE⁵⁰ NO LESS THAN THE SIZE OF TWO SPLIT BEANS.⁵¹

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- (1) In Palestine.
 - (2) Cf. Lev. XIV, 34ff.
 - (3) However old.
 - (4) When they were bought.
 - (5) Since it is not resting on the ground.
 - (6) The walls being suspended in the air.
 - (7) Which is not susceptible to leprosy uncleanness.
 - (8) Primordial.
 - (9) In lumps.
 - (10) For each wall must be of stone, earth and wood.
 - (11) In each of its walls.
 - (12) Cf. Lev. XIV, 45.
 - (13) In a house that may be susceptible to leprosy uncleanness. Cf. prev. MISHNAH ad fin.
 - (14) One in each wall.
 - (15) Two stones in each of the four walls.
 - (16) Hence his ruling that four stones suffice for a house of four walls.
 - (17) He, therefore, ruled that for a house of four walls eight stones are required.
 - (18) In each wall of a house that may be susceptible to leprosy uncleanness.
 - (19) Lit., 'sandal'.
 - (20) A block of wood protecting the lintel against the knocking of the door.
 - (21) Used merely as screens against the sun.
 - (22) Since it is written, 'Which I give to you for a possession', Lev. XIV, 34, excluding lands outside Palestine; and as for Jerusalem, this was not divided for possession among the tribes.
 - (23) In which appeared a leprosy sign.
 - (24) Cf. Lev. XIV, 35.
 - (25) Cf. Ibid., 36.
 - (26) V. following note.
 - (27) The removal of the bundles mentioned which are not susceptible to uncleanness.
 - (28) Sc. they need not be removed, and remain clean (Bert.).
 - (29) Which if they remained in the house, would have become permanently unclean, as these cannot be made clean by immersion (cf. Ibid. XV, 12).
 - (30) Leprosy is a punishment for the sin of slander.
 - (31) Var. lec., 'stand within'.
 - (32) Sc. the house with a leprosy sign in it.
 - (33) I.e., by means of an agent or a long rope.
 - (34) Lev. XIV, 38.
 - (35) Ib. 40.
 - (36) Ib. 42.
 - (37) Since lime is not regarded as 'earth'.
 - (38) Ibid. XIV, 40-42, where the relevant verbs are in the plural, implying that if the wall with the leprosy sign served also the house of a neighbour the latter also must join the work (v. foll. n. but one).
 - (39) Leprosy is a punishment for the sin of slander.
 - (40) The owner of the leprous house and his neighbour on the other side of the wall (cf. prev. n. but one).
 - (41) Ibid. XIV, 42.
 - (42) Ib. 42.
 - (43) The owner of the leprous house.

- (44) Sing., the owner alone.
(45) E.V. mortar.
(46) The priest.
(47) The second week during which the house was shut up after it had been replastered.
(48) Lev. XIV, 45.
(49) The original leprosy sign.
(50) To cause uncleanness.
(51) The same minimum that is prescribed for such a leprosy sign when it appears for the first time.

Mishna - Mas. Nega'im Chapter 13

MISHNAH 1. THERE ARE TEN [CASES OF LEPROSY IN] HOUSES: IF DURING THE FIRST WEEK A LEPROSY SIGN BECAME FAINT OR DISAPPEARED,¹ IT² MUST BE SCRAPED AND IS THEN CLEAN. IF DURING THE SECOND WEEK IT BECAME FAINT OR DISAPPEARED,³ IT² MUST BE SCRAPED AND THE OWNER MUST BRING THE BIRDS.⁴ IF IT SPREAD DURING THE FIRST WEEK, THE STONES MUST BE TAKEN OUT AND THE WALL SCRAPED AND⁵ PLASTERED, AND ANOTHER WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED THE ENTIRE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN, THE BIRDS⁴ MUST BE BROUGHT.³ IF IT REMAINED UNCHANGED DURING THE FIRST WEEK BUT SPREAD DURING THE SECOND WEEK, THE STONES MUST BE TAKEN OUT AND THE WALL SCRAPED AND⁵ PLASTERED, AND ANOTHER WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED, THE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN THE BIRDS⁴ MUST BE BROUGHT.³ IF IT REMAINED UNCHANGED IN BOTH WEEKS, THE STONES MUST BE TAKEN OUT, AND THE WALL SCRAPED AND⁵ PLASTERED, AND A WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED THE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN, THE BIRDS⁴ MUST BE BROUGHT.³ IF BEFORE CLEANNESS WAS ATTAINED THROUGH THE BIRDS A NEW LEPROSY SIGN APPEARED, THE HOUSE MUST BE PULLED DOWN; BUT IF IT APPEARED AFTER CLEANNESS THROUGH THE BIRDS HAD BEEN ATTAINED, IT MUST BE INSPECTED AS IF IT HAD APPEARED FOR THE FIRST TIME.

MISHNAH 2. IN THE CASE OF A STONE IN A CORNER,⁷ WHEN THE STONE IS TAKEN OUT IT MUST BE TAKEN OUT WHOLLY; BUT WHEN [THE HOUSE IS] PULLED DOWN ITS OWNER PULLS DOWN HIS OWN [PART]⁸ AND LEAVES THAT WHICH BELONGS TO HIS NEIGHBOUR. THUS IT FOLLOWS THAT THERE ARE GREATER RESTRICTIONS FOR TAKING OUT⁹ THAN FOR PULLING DOWN.¹⁰ R. ELIEZER RULED: IF A HOUSE IS BUILT OF ROWS OF BIG STONES¹¹ AND SMALL STONES,¹² AND A LEPROSY SIGN APPEARED ON A BIG STONE,¹³ ALL OF IT¹⁴ MUST BE TAKEN OUT; BUT IF IT APPEARED ON THE SMALL STONES, HE¹⁵ TAKES OUT HIS STONES AND LEAVES THOSE OF HIS NEIGHBOUR.

MISHNAH 3. IF A HOUSE IN WHICH THERE APPEARED A LEPROSY SIGN HAD AN UPPER ROOM ABOVE IT, THE BEAMS¹⁶ ARE ALLOWED TO THE UPPER ROOM.¹⁷ IF THE LEPROSY SIGN APPEARED IN THE UPPER ROOM THE BEAMS¹⁶ ARE ALLOWED TO THE LOWER ROOM.¹⁸ IF THERE WAS NO UPPER ROOM ABOVE IT, ITS STONES AND WOOD AND EARTH MUST BE PULLED DOWN WITH IT. ONE MAY, HOWEVER, SAVE THE FRAMES¹⁹ AND THE WINDOW LATTICES. R. JUDAH RULED: A FRAME²⁰ THAT IS BUILT OVER THE HOUSE MUST BE PULLED DOWN WITH IT. ITS STONES AND WOOD AND EARTH CONVEY UNCLEANNESS IF THEY ARE OF THE MINIMUM SIZE OF AN OLIVE. R. ELIEZER HISMA RULED: WHATEVER THEIR SIZE.

MISHNAH 4. A HOUSE THAT IS SHUT UP²¹ CONVEYS UNCLEANNESS²² FROM ITS

INNER SIDE;²³ AND ONE THAT HAS BEEN CERTIFIED UNCLEAR, BOTH FROM ITS INNER SIDE AND FROM ITS OUTER SIDE. BOTH,²⁴ HOWEVER, CONVEY UNCLEANNESS IF ONE ENTERS IN.²⁵

MISHNAH 5. IF A MAN BUILDS STONES FROM A HOUSE THAT WAS SHUT UP²⁶ INTO A CLEAN ONE,²⁷ AND THE LEPROSY SIGN RETURNED TO THE [FORMER] HOUSE, THE STONES MUST BE TAKEN OUT. IF IT RETURNED TO THE STONES,²⁸ THE FIRST HOUSE MUST BE PULLED DOWN, AND THE STONES SERVE THE SECOND HOUSE WHILE THE TOKENS ARE UNDER OBSERVATION.²⁹

MISHNAH 6. IF A HOUSE OVERSHADOWED A LEPROUS HOUSE, AND SO ALSO IF A TREE OVERSHADOWED A LEPROUS HOUSE, ANY ONE WHO ENTERS THE OUTER [OF THE TWO] REMAINS CLEAN; SO R. ELEAZAR³⁰ B. AZARIAH. R. ELIEZER³¹ OBSERVED: IF ONE STONE OF IT³² CAUSES UNCLEANNESS BY ENTERING,³³ SHOULD NOT THE HOUSE ITSELF CAUSE UNCLEANNESS BY ENTERING?³⁴

MISHNAH 7. IF AN UNCLEAR MAN³⁵ STOOD UNDER A TREE AND A CLEAN MAN PASSED BY, THE LATTER BECOMES UNCLEAR. IF A CLEAN MAN STOOD UNDER A TREE AND AN UNCLEAR ONE³⁵ PASSED BY, THE FORMER REMAINS CLEAN IF THE LATTER STOOD STILL, THE FORMER BECOMES UNCLEAR. SIMILARLY IN THE CASE OF A LEPROUS STONE³⁶ HE³⁷ REMAINS CLEAN; BUT IF IT WAS SET DOWN³⁸ HE BECOMES UNCLEAR.

MISHNAH 8. IF A MAN WHO WAS CLEAN PUT HIS HEAD AND THE GREATER PART OF HIS BODY INSIDE AN UNCLEAR HOUSE,³⁹ HE BECOMES UNCLEAR; AND IF AN UNCLEAR MAN³⁹ PUT HIS HEAD AND THE GREATER PART OF HIS BODY INSIDE A CLEAN HOUSE HE CAUSES IT TO BE UNCLEAR. IF OF A CLEAN CLOAK A PART THAT WAS THREE FINGERBREADTHS SQUARE WAS PUT INSIDE AN UNCLEAR HOUSE, THE CLOAK BECOMES UNCLEAR; AND AN UNCLEAR [CLOAK], OF WHICH EVEN ONLY THE SIZE OF AN OLIVE WAS PUT INSIDE A CLEAN HOUSE, CAUSES THE LATTER TO BE UNCLEAR.

MISHNAH 9. IF A MAN ENTERED A LEPROUS HOUSE, CARRYING HIS CLOTHES UPON HIS SHOULDERS, AND HIS SANDALS AND RINGS IN HIS HANDS,⁴⁰ BOTH HE AND THEY BECOME UNCLEAR FORTHWITH.⁴¹ IF, HOWEVER, HE WAS WEARING HIS CLOTHES AND HAD HIS SANDALS ON HIS FEET AND HIS RINGS ON HIS HANDS, HE BECOMES UNCLEAR FORTHWITH, BUT THEY⁴² REMAIN CLEAN,⁴³ UNLESS HE STAYED AS MUCH TIME AS IS REQUIRED FOR THE EATING⁴⁴ OF HALF A LOAF⁴⁵ OF WHEATEN BREAD BUT NOT OF BARLEY BREAD,⁴⁶ WHILE IN A RECLINING POSTURE⁴⁷ AND EATING WITH SOME CONDIMENT.⁴⁸

MISHNAH 10. IF A MAN WAS STANDING WITHIN;⁴⁹ STRETCHING HIS HANDS OUTSIDE, WITH HIS RINGS ON HIS HANDS,⁵⁰ IF HE STAYED AS MUCH TIME AS IS REQUIRED FOR THE EATING OF HALF A LOAF, THEY BECOME UNCLEAR.⁵¹ IF HE WAS STANDING OUTSIDE, STRETCHING HIS HANDS INSIDE, WITH HIS RINGS ON HIS HANDS,⁵⁰ R. JUDAH RULES THAT THEY⁵² ARE UNCLEAR FORTHWITH, BUT THE SAGES RULED: ONLY AFTER HE STAYED THERE AS MUCH TIME AS IS REQUIRED FOR THE EATING OF HALF A LOAF.⁵³ THEY⁵⁴ SAID TO R. JUDAH: IF WHEN ALL HIS BODY IS UNCLEAR⁵⁵ HE DOES NOT RENDER THAT WHICH IS ON HIM UNCLEAR UNLESS HE STAYED THERE LONG ENOUGH TO EAT HALF A LOAF, IS THERE NOT MORE REASON THAT, WHERE NOT ALL HIS BODY IS UNCLEAR,⁵⁶ HE SHOULD NOT RENDER THAT WHICH IS ON HIM UNCLEAR UNLESS HE STAYED THERE LONG ENOUGH TO EAT

MISHNAH 11. IF A LEPER ENTERED A HOUSE ALL VESSELS IN IT, EVEN TO THE HEIGHT OF THE ROOF BEAMS, BECOME UNCLEAN. R. SIMEON RULED: ONLY TO A HEIGHT OF FOUR CUBITS.⁵⁸ VESSELS⁵⁹ BECOME UNCLEAN FORTHWITH. R. JUDAH RULED: ONLY IF THE LEPER STAYED THERE AS MUCH TIME AS IS REQUIRED FOR THE LIGHTING OF A LAMP.

MISHNAH 12. IF HE⁶⁰ ENTERS A SYNAGOGUE, A PARTITION TEN HANDBREADTHS HIGH AND FOUR CUBITS WIDE MUST BE MADE FOR HIM.⁶¹ HE MUST ENTER FIRST AND COME OUT LAST.⁶² ANY VESSEL THAT AFFORDS PROTECTION⁶³ BY HAVING A TIGHTLY FITTING COVER IN THE TENT OF A CORPSE⁶⁴ AFFORDS PROTECTION BY A TIGHTLY FITTING COVER IN A LEPROUS HOUSE; AND WHATSOEVER AFFORDS PROTECTION,⁶⁵ WHEN COVERED,⁶⁶ IN THE TENT OF A CORPSE⁶⁴ AFFORDS PROTECTION WHEN COVERED IN A LEPROUS HOUSE; SO R. MEIR. R. JOSE RULED: ANY VESSEL THAT AFFORDS PROTECTION BY HAVING A TIGHTLY FITTING COVER IN THE TENT OF A CORPSE AFFORDS PROTECTION WHEN COVERED⁶⁶ IN A LEPROUS HOUSE; AND WHATSOEVER AFFORDS PROTECTION WHEN COVERED IN THE TENT OF A CORPSE REMAINS CLEAN EVEN WHEN UNCOVERED IN A LEPROUS HOUSE.

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- (1) These are the first two cases.
 - (2) The place of the sign only.
 - (3) These represent another two cases, of the ten cases referred to above.
 - (4) Cf. Lev. XIV, 49.
 - (5) After other stones had been put in their place.
 - (6) For keeping the house shut under observation.
 - (7) Between two walls one of which has a leprosy sign and belongs to one man while the other belongs to the house of a neighbour.
 - (8) Although it forms part of his neighbour's house.
 - (9) A stone or stones.
 - (10) The entire house.
 - (11) Covering the full thickness of the walls and seen, therefore, from either side of the walls.
 - (12) That (cf. prev. n.) can be seen from one side of the walls only.
 - (13) In a wall between the houses of two neighbours.
 - (14) Even the part that faces the neighbour's house.
 - (15) Whose house is affected.
 - (16) Of the roof of the lower room which serves also as the floor of the upper room.
 - (17) Sc. they need not be dismantled when the lower room is pulled down; but may be pinned under and left in position.
 - (18) Cf. prev. n. mut. mut.
 - (19) Of the windows (or the tiles on the roof) if these are not built into the house.
 - (20) For holding the beams of the roof.
 - (21) On account of a leprosy sign in it.
 - (22) Even if only one limb of a person came in contact with it.
 - (23) But not from its outer side. The affected stone alone conveys uncleanness from both its sides.
 - (24) A house shut up as well as one that was certified unclean.
 - (25) With entire body or with its greater part and the head (cf. supra n. 2).
 - (26) For the second week, on account of a leprosy sign.
 - (27) Cf. supra XI, 6.
 - (28) While they were in the clean house.
 - (29) The second house being treated as if a leprosy sign appeared in it for the first time. After the condition of the house is duly determined the stones must be pulled out; cf. supra XI, 6.
 - (30) Var lec., Eliezer.

- (31) Var. Iec., Eleazar.
- (32) A house that is otherwise clean.
- (33) Sc. the one afflicted stone causes the uncleanness of the entire house
- (34) To the outer house or the tree.
- (35) Afflicted with leprosy.
- (36) That was carried by under the tree.
- (37) The clean person standing once the same tree.
- (38) Or If the man who carried it stood still.
- (39) V. p. 288, n. 15.
- (40) Sc. he did not wear them.
- (41) Since the clothes, sandals and rings were only carried by the man (and not worn) they, like himself, come under the Pentateuchal law of 'he that goeth into the house . . . shall be unclean' Lev. XIV, 46.
- (42) Since they were worn in the usual manner.
- (43) They are included in the category of 'clothes' which need only be washed (cf. Lev. XIV, 47 and the definition of 'eateth' in foll. n.).
- (44) This is the definition of 'eateth' (v. prev. n.).
- (45) The bulk of four eggs (Rashi) or three eggs (Maim).
- (46) The former is more tasteful than the latter and is eaten much quicker.
- (47) A position in which a man eats quicker than when he walks about (cf. prev. n.).
- (48) Cf. prev. n. mut. mut.
- (49) Within a leprous house.
- (50) In the manner they are usually worn.
- (51) Like himself, since his main body was within the house.
- (52) The man's hands and rings.
- (53) His hands, however, even according to the Sages, become unclean forthwith.
- (54) The Sages.
- (55) In the case where the man was standing within.
- (56) Where he stands outside.
- (57) R. Judah, however, maintains that in certain cases one who is unclean is subjected to lesser restrictions than one who is clean.
- (58) Any vessel above this height remains clean.
- (59) To the height of the beams according to the first Tanna, and to the height of four cubits according to R. Simeon.
- (60) A leper (cf. prev. MISHNAH).
- (61) One of smaller measurements constitutes no valid protection for the remainder of the synagogue.
- (62) Since otherwise, should he happen to stand still in his passage from the door to the partition, he would render the people in the synagogue unclean.
- (63) Cf. Kelim X, 1.
- (64) Sc. under a roof that overshadows a corpse.
- (65) Cf. Oh. V, 6.
- (66) Even when the cover was not tightly fitting.

Mishna - Mas. Nega'im Chapter 14

MISHNAH 1. HOW WAS A LEPER CLEANSED?¹ A NEW EARTHENWARE FLASK WAS BROUGHT AND A QUARTER OF A LOG OF LIVING WATER² WAS PUT IN IT. TWO UNDOMESTICATED³ BIRDS ARE ALSO BROUGHT. ONE OF THESE WAS SLAUGHTERED OVER THE EARTHENWARE VESSEL AND OVER THE LIVING WATER, A HOLE WAS DUG AND IT WAS BURIED IN HIS⁴ PRESENCE. THEREUPON CEDARWOOD, HYSSOP AND SCARLET WOOL WERE TAKEN AND BOUND TOGETHER WITH THE PROJECTING ENDS OF THE STRIP OF WOOL.⁵ NEAR TO THESE WERE BROUGHT THE TIPS OF THE WINGS AND THE TIP OF THE TAIL OF THE SECOND BIRD, AND ALL TOGETHER WERE DIPPED,⁶ AND THEREWITH THE BACK OF THE LEPER'S HAND WAS SPRINKLED UPON

SEVEN TIMES. SOME SAY THAT THE SPRINKLING WAS DONE UPON HIS⁴ FOREHEAD. IN THE SAME MANNER ONE SPRINKLED THE LINTEL OF A HOUSE⁷ FROM THE OUTSIDE.

MISHNAH 2. WHEN HE WAS ABOUT TO SET FREE THE LIVING BIRD,⁸ HE DID NOT TURN HIS FACE TOWARDS THE SEA OR TOWARDS THE CITY OR TOWARDS THE WILDERNESS, FOR IT IS SAID, BUT HE SHALL LET GO THE LIVING BIRD OUT OF THE CITY INTO THE OPEN FIELD.⁹ WHEN HE WAS ABOUT TO CUT OFF THE HAIR OF THE LEPER HE PASSED THE RAZOR OVER THE WHOLE OF HIS SKIN,¹⁰ AND THE LATTER WASHED HIS GARMENTS AND IMMERSSED HIMSELF. HE IS THEN CLEAN SO FAR AS NOT TO CONVEY UNCLEANNESS BY ENTERING IN,¹¹ BUT HE STILL CONVEYS UNCLEANNESS LIKE A [DEAD] CREEPING THING.¹² HE MAY ENTER WITHIN THE WALL,¹³ BUT MUST KEEP AWAY FROM HIS HOUSE FOR SEVEN DAYS, AND¹⁴ HE IS FORBIDDEN MARITAL INTERCOURSE.

MISHNAH 3. ON THE SEVENTH DAY HE CUT OFF HIS HAIR A SECOND TIME IN THE MANNER OF THE FIRST CUTTING, HE WASHED HIS GARMENTS AND IMMERSSED HIMSELF, AND THEN HE WAS CLEAN IN SO FAR AS NOT TO CONVEY UNCLEANNESS AS A DEAD CREEPING THING, BUT HE WAS STILL LIKE A TEBUL YOM.¹⁵ HE¹⁶ MAY EAT SECOND TITHE; AND AFTER HE HAD AWAITED SUNSET HE MAY ALSO EAT TERUMAH. AFTER HE HAD BROUGHT¹⁷ HIS OFFERING OF ATONEMENT, HE MAY ALSO EAT HALLOWED THINGS. THUS THERE ARE THREE GRADES IN THE PURIFICATION OF A LEPER¹⁸ AND THREE GRADES IN THAT OF A WOMAN AFTER CHILD BIRTH.¹⁹

MISHNAH 4. THREE CLASSES OF PERSONS CUT OFF THEIR HAIR,²⁰ AND THEIR CUTTING OF IT IS A COMMANDMENT: THE NAZIRITE,²¹ THE LEPER,²² AND THE LEVITES.²³ ALL THESE, FURTHERMORE, IF THEY CUT THEIR HAIR BUT NOT WITH A RAZOR, OR IF THEY LEFT BUT TWO HAIRS, THEIR ACT IS OF NO VALIDITY.

MISHNAH 5. THE TWO BIRDS²⁴ MUST, ACCORDING TO THE COMMANDMENT, BE ALIKE IN APPEARANCE, IN SIZE AND IN PRICE; AND THEY MUST BE PURCHASED AT THE SAME TIME. BUT THOUGH THEY ARE NOT ALIKE THEY ARE VALID; AND IF ONE WAS PURCHASED ON ONE DAY AND THE OTHER ON THE MORROW THEY ARE ALSO VALID. IF AFTER ONE OF THE BIRDS HAD BEEN SLAUGHTERED IT WAS FOUND THAT IT WAS NOT UNDOMESTICATED, A FELLOW MUST BE PURCHASED FOR THE SECOND, AND THE FIRST MAY BE EATEN. IF AFTER IT HAD BEEN SLAUGHTERED IT WAS FOUND TO BETREFAH, A FELLOW MUST BE PURCHASED FOR THE SECOND AND THE FIRST MAY BE MADE USE OF.²⁵ IF THE BLOOD²⁶ HAD BEEN POURED AWAY²⁷ THE BIRD THAT WAS TO BE LET GO²⁸ MUST BE LEFT TO DIE. IF THE ONE THAT WAS TO BE LET GO DIED, THE BLOOD²⁶ MUST BE POURED AWAY.

MISHNAH 6. THE PRESCRIBED MEASUREMENTS OF THE CEDARWOOD²⁴ ARE ONE CUBIT IN LENGTH, AND IN THICKNESS A QUARTER OF THAT OF THE LEG OF A BED, WHEN ONE LEG IS DIVIDED INTO TWO HALVES AND THESE TWO INTO FOUR.²⁹ THE PRESCRIBED KIND OF HYSSOP IS ONE THAT IS NEITHER THE GREEK HYSSOP NOR STIBIUM HYSSOP NOR ROMAN HYSSOP NOR WILD HYSSOP NOR ANY KIND OF HYSSOP THAT HAS A SPECIAL NAME.

MISHNAH 7. ON THE EIGHTH DAY³⁰ HE³¹ BROUGHT THREE BEASTS: A SIN-OFFERING, A GUILT-OFFERING AND A BURNT-OFFERING; AND A POOR MAN³² BROUGHT A SIN-OFFERING OF A BIRD AND A BURNT-OFFERING OF A BIRD.³³

MISHNAH 8. APPROACHING THE GUILT-OFFERING HE PUT HIS TWO HANDS ON IT AND THEN SLAUGHTERED IT. TWO PRIESTS RECEIVED ITS BLOOD, THE ONE IN A VESSEL AND THE OTHER IN HIS HAND.³⁴ HE WHO RECEIVED IT IN THE VESSEL PROCEEDED TO SPRINKLE IT ON THE WALL OF THE ALTAR, WHILE THE OTHER WHO RECEIVED IT IN HIS HAND APPROACHED THE LEPER. THE LEPER IN THE MEANTIME HAD IMMERSSED HIMSELF IN THE CHAMBER OF THE LEPERS,³⁵ AND CAME AND TOOK UP A POSITION AT THE NIKANOR GATE.³⁶ R. JUDAH STATED: HE DID NOT REQUIRE IMMERSION.³⁷

MISHNAH 9. [THE LEPER] PUT IN HIS HEAL³⁸ AND [THE PRIEST] APPLIED [THE BLOOD] TO THE TIP OF HIS EAR; [HE PUT IN] HIS HAND AND [THE PRIEST] APPLIED [THE BLOOD] TO THE THUMB OF HIS HAND; [HE PUT IN] HIS FOOT AND [THE PRIEST] APPLIED [THE BLOOD] TO THE GREAT TOE OF HIS FOOT. R. JUDAH STATED: HE PUT IN ALL THE THREE TOGETHER. IF HE HAD NO THUMB ON HIS HAND OR NO GREAT TOE ON HIS FOOT OR NO RIGHT EAR HE COULD NEVER ATTAIN CLEANNES.³⁹ R. ELIEZER RULED: [THE BLOOD] IS APPLIED TO THE PLACE WHERE THEY⁴⁰ WERE ORIGINALLY. R. SIMEON RULED: IF IT WAS APPLIED TO THE LEFT SIDE, THE OBLIGATION HAS BEEN FULFILLED.

MISHNAH 10. [THE PRIEST] THEN TOOK SOME [OF THE CONTENTS] OF THE LOG OF OIL⁴¹ AND POURED IT INTO HIS COLLEAGUE'S HAND;⁴² BUT EVEN IF HE POURED IT INTO HIS OWN HAND, THE OBLIGATION IS FULFILLED. HE THEN DIPPED [HIS RIGHT FOREFINGER] IN THE OIL AND SPRINKLED IT SEVEN TIMES TOWARDS THE HOLY OF HOLIES, DIPPING IT FOR EVERY SPRINKLING. HE THEN APPROACHED THE LEPER, AND TO THE SAME PLACES THAT HE APPLIED THE BLOOD HE NOW APPLIED THE OIL, FOR IT IS SAID, UPON THE PLACE OF THE BLOOD OF THE GUILT-OFFERING. AND THE REST OF THE OIL THAT IS IN THE PRIEST'S HAND HE SHALL PUT UPON THE HEAD OF HIM THAT IS TO BE CLEANSSED TO MAKE ATONEMENT.⁴³ THUS IF HE 'PUT UPON', ATONEMENT IS MADE, BUT IF HE DID NOT 'PUT UPON', NO ATONEMENT IS MADE; SO R. AKIBA. R. JOHANAN B. NURI RULED: THESE⁴⁴ ARE BUT THE RESIDUE OF THE PRECEPT⁴⁵ AND, THEREFORE, WHETHER HE PUT UPON OR DID NOT 'PUT UPON', ATONEMENT IS MADE,⁴⁶ ONLY TO HIM⁴⁷ IT IS ACCOUNTED AS IF HE MADE NO ATONEMENT.⁴⁸ IF ANY OIL WAS MISSING FROM THE LOG BEFORE IT WAS POURED OUT⁴⁹ IT MAY BE FILLED UP AGAIN; IF AFTER IT WAS POURED OUT, OTHER OIL⁵⁰ MUST BE BROUGHT ANEW; SO R. AKIBA. R. SIMEON RULED: IF ANY OIL WAS MISSING FROM THE LOG BEFORE IT WAS APPLIED,⁵¹ IT MAY BE FILLED UP; BUT IF AFTER IT HAD BEEN APPLIED, OTHER OIL⁵⁰ MUST BE BROUGHT ANEW.

MISHNAH 11. IF A LEPER BROUGHT HIS SACRIFICE AS A POOR MAN⁵² AND HE BECAME RICH, OR AS A RICH MAN⁵³ AND HE BECAME POOR, ALL DEPENDS ON THE SIN-OFFERING;⁵⁴ SO R. SIMEON. R. JUDAH RULED: ALL DEPENDS ON THE GUILT-OFFERING.⁵⁵

MISHNAH 12. A POOR LEPER WHO BROUGHT THE SACRIFICE OF A RICH MAN HAS FULFILLED HIS DUTY; BUT A RICH LEPER THAT BROUGHT THE SACRIFICE OF A POOR MAN HAS NOT FULFILLED HIS DUTY. A MAN⁵⁶ MAY BRING A POOR MAN'S SACRIFICE FOR HIS SON, HIS DAUGHTER, HIS BONDMAN OR BONDWOMAN, AND THEREBY ENABLE THEM TO EAT OF THE OFFERINGS.⁵⁷ R. JUDAH RULED:⁵⁸ FOR HIS WIFE ALSO⁵⁹ HE MUST BRING THE SACRIFICE OF A RICH MAN; AND THE SAME APPLIES TO ANY OTHER SACRIFICE TO WHICH SHE IS LIABLE.

MISHNAH 13. IF THE SACRIFICES OF TWO LEPERS WERE MIXED UP AND AFTER THE SACRIFICE OF ONE OF THEM HAD BEEN OFFERED ONE OF THE LEPERS DIED, — THIS⁶⁰ IS WHAT THE MEN OF ALEXANDRIA ASKED OF R. JOSHUA. HE ANSWERED THEM: LET HIM ASSIGN⁶¹ HIS POSSESSIONS TO ANOTHER PERSON,⁶² AND BRING THE POOR MAN'S SACRIFICE.⁶³

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- (1) Cf. Lev. XIV, 2ff.
(2) Sc. from an ever flowing spring.
(3) Lit., 'free'.
(4) The leper's.
(5) The strip of scarlet wool having been longer than the cedarwood and the hyssop.
(6) In the mixture of the blood and the water in the earthenware vessel.
(7) That was cleansed after a leprosy.
(8) Cf. Lev. XIV, 7, 53.
(9) Ibid. XIV, 53.
(10) Other than the concealed parts (cf. supra II, 4).
(11) A house; or by his bed and seat.
(12) Which conveys uncleanness to a man and vessels by contact only but not by carriage (cf. Lev. XI, 31).
(13) Of Jerusalem.
(14) So Elijah Wilna. Aliter: 'viz'. (Maim. Bert. and L.).
(15) Who disqualifies terumah.
(16) Like a tebul yom.
(17) On the day following.
(18) Viz., after the first hair cutting he no longer conveys uncleanness by entering in; after the second hair cutting and the sunset of that day he may also eat terumah; and after he had brought the prescribed offering he may also eat hallowed things.
(19) Cf. Lev. XII, 2ff. After seven days and fourteen days from the birth of a male and a female respectively she is clean for her husband; after immersion (fourty and eighty days after the birth of a male and a female respectively) and the sunset on that day she is also clean for terumah; and after she had brought her prescribed offering she may also eat hallowed things (Elijah Wilna).
(20) Before their full cleanness can be attained.
(21) Cf. Num. VI, 18.
(22) Cf. Lev. XIV, 8.
(23) Cf. Num. VIII, 7.
(24) Cf. Lev. XIV, 4.
(25) Though it may not be eaten.
(26) Of the first bird.
(27) Before the sprinkling.
(28) Cf. Ibid. XIV, 7.
(29) Sc. the thickness must be exactly one quarter, neither more nor less.
(30) If he had cut off his hair on the seventh (cf. Ibid. XIV, 9f.).
(31) The leper.
(32) Cf. Ibid. XIV, 21f.
(33) For a guilt-offering, however, he also must bring a beast.
(34) The left (Elijah Wilna).
(35) Cf. Mid. II, 5.
(36) Cf. Mid. II, 3.
(37) On the eighth day, since he had once immersed himself on the seventh.
(38) From the Nikanor Gate into the Court of the Israelites whither he was not yet allowed to enter.
(39) This, however, applies only where the limb was lost after he became unclean or (according to another opinion) after he reached the stage of undergoing the ceremonial of cleansing.
(40) The missing limbs.

- (41) Cf. Lev. XIV, 15.
- (42) A fellow priest's.
- (43) Lev. XIV, 28f.
- (44) The applications spoken of.
- (45) Sc. they are not essentials.
- (46) And the leper attains cleanness.
- (47) The priest.
- (48) Since he did not carry out the commandment in all its details.
- (49) Into the priest's hand.
- (50) To make up a full log.
- (51) To the prescribed limbs of the leper.
- (52) A bird. Cf. Ibid. XIV, 21.
- (53) A beast.
- (54) I.e., the condition of the man when he offered his sin-offering. If he was poor at the time and brought the sin-offering of a poor man (a bird), the burnt-offering that is brought after it must also be that of a poor man (a bird) although he became rich in the meantime. If he was rich at the time and brought the sin-offering of a rich man (a ewe lamb), the burnt-offering also must be that for a rich man (a he-lamb) although he became poor in the meantime. The guilt-offering does not come under consideration since it is the same for both rich and poor.
- (55) Which is the first to be offered. The condition of the man at that moment determines the value of the sin — and the burnt-offerings that follow it. Both R. Simeon and A. Judah derive their rulings from an interpretation of a Scriptural text.
- (56) Even if rich.
- (57) Cf. supra XIV, 3.
- (58) With reference to the ruling supra that a rich leper cannot fulfil his duty by bringing the sacrifice of a poor man.
- (59) A wife's condition being determined by that of her husband.
- (60) Sc. what is to be done by the surviving leper that he should attain his cleanness. He cannot attain it by the offering of the live sin-offering, since it might not be his but the dead man's; and he cannot rely upon the one that was offered, since that one might have been the dead man's and not his. He cannot bring another sin-offering, since the one that was already offered might possibly have been his, and the new animal brought as a sin-offering would in consequence remain unconsecrated and, therefore, forbidden to be offered on the altar.
- (61) Temporarily.
- (62) Thus becoming poor for the time being.
- (63) A bird; which, unlike a beast, even if it is only an uncertain offering may be offered up on the altar, v. Nid. 69b.

Mishna - Mas. Oholoth Chapter 1

MISHNAH 1. [SOMETIMES] TWO [SERIES OF OBJECTS CAN] BE DEFILED THROUGH A CORPSE,¹ ONE BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE BEING DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.² [SOMETIMES] THREE [SERIES CAN] BE DEFILED THROUGH A CORPSE, TWO BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE WITH A DEFILEMENT [LASTING TILL THE] EVENING. [SOMETIMES] FOUR [SERIES CAN] BE DEFILED THROUGH A CORPSE, THREE BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE WITH A DEFILEMENT [LASTING TILL THE] EVENING. HOW [IS THE CASE OF] TWO [SERIES TO BE PRESENTED]? A PERSON WHO TOUCHES A CORPSE IS DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND A PERSON WHO TOUCHES HIM IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.³

MISHNAH 2. HOW [IS THE CASE OF] THREE [SERIES TO BE PRESENTED]? VESSELS TOUCHING A CORPSE⁴ AND [OTHER] VESSELS [TOUCHING THESE] VESSELS ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT, THE THIRD [SERIES]. WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.

MISHNAH 3. HOW [IS THE CASE OF] FOUR [SERIES TO BE PRESENTED]? VESSELS TOUCHING A CORPSE, A PERSON [TOUCHING THESE] VESSELS, AND [OTHER] VESSELS [TOUCHING THIS] PERSON,⁵ ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT. THE FOURTH [SERIES], WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING. R. AKIBA SAID: I HAVE [A CASE OF] A FIFTH SERIES, [IF] A PEG⁶ WAS FIXED IN A TENT, THE TENT,⁷ THE PEG,⁸ A PERSON TOUCHING THE PEG⁹ AND VESSELS [TOUCHING] THE PERSON¹⁰ ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT. THE FIFTH [SERIES], WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING. [THE SAGES] SAID TO HIM: THE TENT IS NOT RECKONED.¹¹

MISHNAH 4. [BOTH] PERSONS AND VESSELS CAN BE DEFILED THROUGH A CORPSE.¹² A GREATER STRINGENCY [APPLIES IN SOME CASES] TO PERSONS THAN TO VESSELS AND [IN OTHER CASES] TO VESSELS THAN TO PERSONS; FOR WITH VESSELS [THERE CAN BE] THREE [SERIES OF DEFILEMENT].¹³ WHEREAS WITH PERSONS [THERE CAN BE ONLY] TWO.¹⁴ A GREATER STRINGENCY APPLIES TO PERSONS, FOR WHENEVER THEY FORM AN INTERMEDIATE [SERIES] THERE CAN BE FOUR [SERIES].¹⁵ WHEREAS WHEN THEY DO NOT FORM AN INTERMEDIATE [SERIES] THERE CAN BE [ONLY] THREE.

MISHNAH 5. [BOTH] PERSONS AND GARMENTS CAN BE DEFILED BY A ZAB.¹⁶ A GREATER STRINGENCY [APPLIES IN SOME CASES] TO PERSONS THAN TO GARMENTS AND [IN OTHER CASES] TO GARMENTS THAN TO PERSONS; FOR A PERSON WHO TOUCHES A ZAB CAN DEFILE GARMENTS,¹⁷ WHEREAS GARMENTS THAT TOUCH A ZAB¹⁸ CANNOT DEFILE [OTHER] GARMENTS. A GREATER STRINGENCY [APPLIES] TO GARMENTS, IN AS MUCH AS GARMENTS WHICH FORM THE SUPPORT OF A ZAB CAN DEFILE PERSONS,¹⁹ WHEREAS A PERSON WHO FORMS THE SUPPORT OF A ZAB CAN NOT DEFILE²⁰ [OTHER] PERSONS.

MISHNAH 6. A PERSON CAN NOT DEFILE [AS A CORPSE] UNTIL HIS SOUL IS GONE FORTH, SO THAT EVEN IF HE HAS HIS ARTERIES SEVERED OR EVEN IF HE IS IN HIS

LAST AGONIES HE²¹ [STILL] MAKES LEVIRATE MARRIAGE OBLIGATORY²² AND LIBERATES FROM LEVIRATE MARRIAGE.²³ QUALIFIES [HIS MOTHER]²⁴ FOR EATING TERUMAH²⁵ AND DISQUALIFIES [HIS MOTHER]²⁶ FROM EATING TERUMAH. SIMILARLY IN THE CASE OF CATTLE OR WILD ANIMALS, THEY CANNOT DEFILE UNTIL THEIR SOUL IS GONE FORTH. IF THEIR HEADS HAVE BEEN CUT OFF, EVEN THOUGH THEY ARE MOVING CONVULSIVELY, THEY ARE UNCLEAN;²⁷ [MOVING. THAT IS TO SAY.] LIKE A LIZARD'S TAIL, WHICH MOVES CONVULSIVELY.

MISHNAH 7. MEMBERS²⁸ [OF THE BODY] HAVE NO [RESTRICTION AS TO] SIZE: EVEN LESS THAN AN OLIVE-SIZED PORTION OF A CORPSE. OR LESS THAN AN OLIVE-SIZED PORTION OF CARRION, OR LESS THAN A LENTIL-SIZED PORTION OF A REPTILE CAN DEFILE,²⁹ [EACH AFTER THE MANNER OF] THEIR RESPECTIVE DEFILEMENTS.³⁰

MISHNAH 8. THERE ARE TWO HUNDRED AND FORTY-EIGHT MEMBERS IN A HUMAN BODY: THIRTY IN THE FOOT, [THAT IS] SIX TO EVERY TOE,³¹ TEN IN THE ANKLE, TWO IN THE SHIN, FIVE IN THE KNEE, ONE IN THE THIGH, THREE IN THE HIP,³² ELEVEN RIBS, THIRTY IN THE HAND, [THAT IS] SIX TO EVERY FINGER, TWO IN THE FORE-ARM, TWO IN THE ELBOW, ONE IN THE UPPER ARM AND FOUR IN THE SHOULDER, [THUS MAKING] ONE HUNDRED AND ONE ON THE ONE SIDE [OF THE BODY] AND ONE HUNDRED AND ONE ON THE OTHER; THEN EIGHTEEN VERTEBRAE IN THE SPINE, NINE [MEMBERS] IN THE HEAD, EIGHT IN THE NECK, SIX IN THE KEY OF THE HEART,³³ AND FIVE IN THE GENITALS. EACH ONE [OF THESE MEMBERS] CAN DEFILE BY CONTACT, CARRIAGE OR OVERSHADOWING. WHEN IS THIS SO? WHEN THEY HAVE UPON THEM [THEIR] APPROPRIATE FLESH,³⁴ BUT IF THEY HAVE NOT [THEIR] APPROPRIATE FLESH UPON THEM, THEY³⁵ CAN DEFILE BY CONTACT AND CARRIAGE BUT CANNOT DEFILE³⁶ BY OVERSHADOWING.³⁷

(1) In concatenation, the first series of objects being defiled directly by the corpse, the second by the first after this has ceased to be in contact with the corpse, and so on.

(2) These two periods of defilement are mentioned in Num. XIX, 11 and 22.

(3) A corpse possesses the highest power of defiling, being regarded as the originating source, the 'father of fathers' of defilement (**אבי אבות הטומאה**). It can confer a generating defilement 'a father of defilement (**אב הטומאה**) on objects with which it comes into connection. Both these degrees of defilement require a cleansing period of seven days and hence are sometimes referred to as **טומאת שבעה** . The generating defilement can, in turn, confer a generated defilement (**ולד הטומאה**) of the first grade (**ראשון לטומאה**). This requires a cleansing period lasting only till sundown and hence is referred to as **טומאת ערב** . In our case, the first person acquires a generating defilement from the corpse and the second person a generated defilement from the first.

(4) Vessels, apart from those of earthenware, (according to a special rule deduced from Num. XIX, 16 in Naz. 53b) acquire the same degree of defilement as the source which defiles them; v. 'Ed., Sonc. ed., p. 10, n. I. Here the first series becomes **אבי אבות הטומאה** and the second **אב הטומאה** and not until the third series do we get **ולד הטומאה** .

(5) These latter vessels become **אב הטומאה** through contact with the preceding person who has that degree of defilement.

(6) **שפוד** Lit., 'a metal spit', explained by Bert. as a tent-peg and by Maim. as a tent-pole.

(7) In which there is a corpse. The tent, if made of wool or tax, becomes **אבי אבות הטומאה** .

(8) Also **אבי אבות הטומאה** even that portion of it outside the tent, because the peg is overshadowed by a tent containing a corpse.

(9) He becomes a 'father of defilement'.

(10) These too become like the source from which they contracted uncleanness, i.e., 'fathers of defilement'.

(11) The peg, being in the tent containing a corpse, is to be regarded as acquiring its defilement, not from the tent, but directly from the corpse. Thus there are four series only.

- (12) This Mishnah summarizes the result of the three previous Mishnahs.
- (13) V.p. 149. n.2.
- (14) V.p. 149, n. I end.
- (15) V.p 149, n. 3.
- (16) A person who has a flux. The laws of a zab are given in Lev. XV, 1-15. As a 'father of defilement' he defiles persons (v. 7) and vessels (v. 12) by contact and other means.
- (17) I.e., the garments he is wearing when he touches the zab, according to an explicit statement in Lev XV. 7.
- (18) Becoming thereby 'generated defilement', they cannot confer defilement on other garments, since no garments can acquire defilement of a lesser grade than the first.
- (19) Lev. XV, 10. Garments upon which a zab rides can defile persons. i.e., they are זב. This applies to any garments upon which a zab is supported. i.e., upon which he stands, sits or lies, by which he is balanced or against which he leans, v. Zab II. 4. This is called midras (pressure-) defilement.
- (20) They themselves are only 'generated defilement'.
- (21) Even though he is manifestly dying, he is still not accounted a corpse and unclean, but living and possessing the full legal implications of a living man as in the four following cases.
- (22) On his childless brother's widow (v. Deut. XXV, 5). Until he actually passes away, or grants her halizah (v. Deut. XXV, 9), she cannot marry another person.
- (23) If he is the sole son, he can liberate his widowed mother from the obligation of marrying her levir.
- (24) If she, being herself the daughter of a non-priest, is the widow of a priest, since she may continue to eat terumah as long as she has a son (a priest).
- (25) Heave-offering, permitted to be eaten only by priests and their families.
- (26) If she, being the daughter of a priest, is the widow of a non-priest. since she is precluded from returning to her father's house to eat terumah as long as she has a son (a non-priest).
- (27) The movement is not a sign of life.
- (28) A unit part of the body having flesh, sinew and bone.
- (29) If these portions form complete members (v. p. 153. n. 4).
- (30) A member of a corpse by contact, carriage and overshadowing (v. p. 153. n. 4), that of carrion by contact and carriage (v. Kel. I, 2) and of a dead reptile by contact only (v. Kel. I, I).
- (31) Reckoning from the ankle to the tip of the toe and in the case of the hand, from the wrist to the finger tips.
- (32) Socket of the hip bone.
- (33) The chest, so called according to Maim, because by its movements it causes the lungs to breathe upon the heart, opening the way for fresh air.
- (34) Defined (Kel. 1.5) as sufficient to form the basis of a growth of healing flesh if the member were part of a living organism.
- (35) But not members of a dead animal or reptile. which, if they have not sufficient flesh upon them, are clean.
- (36) For defilement by overshadowing, either a whole corpse or a whole member of a corpse is required (deduced from Nun., XIX, 14, v. Maim.).
- (37) For a detailed account of the criticism to which this Mishnah has been subjected from a medical point of view and for an anatomical commentary on the terminology v. Katzenelsohn, I. L. Talmud und Medizin (Berlin 1928) pp. 234-303. On p. 257 he states, 'The Rabbinical numeration accords exactly with the number of bones in a seventeen year old male'. That the anatomical knowledge of the Rabbis was based on practical experiments by dissection is known from Bek. 45a. 'The disciples of R. Ishmael dissected the body of a prostitute who had been condemned to death by the government. By examination they found two hundred and fifty-two members'. Four were deducted as being found in the female but not in the male body, thus obtaining the figure 248. V. also J.E. VIII, p. 410 and Preuss, Biblische u. Talmudische Medizin, pp. 66f., who criticizes Katzenelsohn's views.

Mishna - Mas. Oholoth Chapter 2

MISHNAH 1. THESE THINGS DEFILE¹ BY OVERSHADOWING: A CORPSE,² AN OLIVE-SIZED [PORTION OF FLESH] OF A CORPSE, AN OLIVE-SIZED [PORTION] OF NEZEL,³ A LADLEFUL⁴ OF CORPSE-MOULD,⁵ THE SPINE OR THE SKULL,⁶ [ANY] MEMBER OF A CORPSE, OR [ANY] MEMBER [SEVERED] FROM A LIVING PERSON, A

QUARTER⁷ [OF A KAB] OF BONES COMPRISING THE STRUCTURAL MAJORITY⁸ OR NUMERICAL MAJORITY, THE STRUCTURAL MAJORITY OR NUMERICAL MAJORITY [OF THE BONES] OF A CORPSE EVEN THOUGH THEY DO NOT AMOUNT TO A QUARTER [OF A KAB]; [ALL THESE] ARE UNCLEAN. HOW MANY [BONES] FORM THE NUMERICAL MAJORITY? ONE HUNDRED AND TWENTY-FIVE.

MISHNAH 2. [THE FOLLOWING LIKEWISE DEFILE:] A QUARTER⁹ [OF A LOG] OF BLOOD,¹⁰ A (QUARTER [OF A LOG] OF MIXED BLOOD¹¹ FROM ONE CORPSE. R. AKIBA SAYS: EVEN FROM TWO CORPSES.¹² [WITH REGARD TO] THE BLOOD OF A CHILD THAT HAS COMPLETELY FLOWED FORTH, R. AKIBA SAYS: [IT DEFILES] BE IT OF ANY QUANTITY SOEVER,¹³ BUT THE SAGES SAY: [THERE MUST BE] A QUARTER [OF A LOG].¹⁴ [WITH REGARD TO] AN OLIVE-SIZED [PORTION] OF [CORPSE] WORMS WHETHER ALIVE OR DEAD, R. ELIEZER DECLARES [IT] UNCLEAN, LIKE THE FLESH [WHENCE IT COMES], BUT THE SAGES DECLARE [IT] CLEAN. [WITH REGARD TO] THE ASHES OF CREMATED PERSONS, R. ELIEZER DECLARES ITS [MINIMUM] QUANTITY [FOR DEFILEMENT TO BE] A QUARTER [OF A KAB], BUT THE SAGES DECLARE [THEM TO BE] CLEAN. A LADLEFUL AND [A LITTLE] MORE¹⁵ OF GRAVE-DUST¹⁶ IS UNCLEAN. R. SIMEON DECLARES [IT TO BE] CLEAN. A LADLEFUL OF CORPSE-MOULD KNEADED WITH WATER IS NOT [REGARDED AS] JOINED [INTO ONE MASS] FOR [THE PURPOSES OF] DEFILEMENT.¹⁷

MISHNAH 3. THE FOLLOWING DEFILE BY CONTACT AND CARRIAGE BUT NOT BY OVERSHADOWING: A BONE OF BARLEYCORN SIZE,¹⁸ EARTH FROM A FOREIGN COUNTRY,¹⁹ A BETH PERAS,²⁰ A MEMBER OF A CORPSE, OR A MEMBER [SEVERED] FROM A LIVING PERSON WHICH HAS NO LONGER ITS APPROPRIATE FLESH, A SPINE OR A SKULL WHICH IS DEFICIENT. HOW MUCH IS [CONSIDERED] A DEFICIENCY IN THE SPINE? BETH SHAMMAI SAY: TWO VERTEBRAE, BUT BETH HILLEL SAY: EVEN ONE VERTEBRA. AND IN THE SKULL? BETH SHAMMAI SAY: [THE SIZE OF A] HOLE [MADE] BY A DRILL, BUT BETH HILLEL SAY: AS MUCH AS IF IT WERE TAKEN FROM A LIVING PERSON, HE WOULD DIE.²¹ OF WHAT DRILL DID THEY SPEAK? OF THE SMALL ONE [USED] BY PHYSICIANS.²² [THIS] IS. THE OPINION OF R. MEIR, BUT THE SAGES SAY: OF THE LARGE ONE IN THE TEMPLE-CHAMBER.²³

MISHNAH 4. THE COVERING STONE²⁴ AND THE BUTTRESSING²⁵ STONE [OF A GRAVE] DEFILE BY CONTACT AND OVERSHADOWING²⁶ BUT NOT BY CARRIAGE.²⁷ R. ELIEZER SAYS: THEY DO DEFILE BY CARRIAGE. R. JOSHUA SAYS: IF THERE IS GRAVE DUST BENEATH THEM, THEY DEFILE BY CARRIAGE, BUT IF NOT THEY DO NOT DEFILE BY CARRIAGE. WHAT IS THE BUTTRESSING STONE? THAT UPON WHICH THE COVERING STONE IS SUPPORTED. THE STONE THAT SERVES AS BUTTRESS TO THE BUTTRESSING STONE, HOWEVER, IS CLEAN.

MISHNAH 5. THESE ARE CLEAN IF THEY ARE DEFICIENT:²⁸ AN OLIVE-SIZED [PORTION] OF A CORPSE, AN OLIVE-SIZED [PORTION] OF NEZEL, A LADLEFUL OF CORPSE-MOULD, A QUARTER [OF A LOG] OF BLOOD, BONE OF THE SIZE OF A BARLEY-CORN, AND A MEMBER [SEVERED] FROM A LIVING PERSON, THE BONE OF WHICH [MEMBER] IS DEFICIENT.

MISHNAH 6. A BACKBONE OR A SKULL [MADE UP FROM THE BONES] OF TWO CORPSES, A QUARTER [OF A LOG] OF BLOOD FROM TWO CORPSES, A QUARTER [OF A KAB] OF BONES FROM TWO CORPSES, A MEMBER OF A CORPSE FROM TWO CORPSES, AND A MEMBER [SEVERED] FROM A LIVING PERSON, [SUCH A MEMBER BEING MADE UP] FROM TWO PERSONS, THESE R. AKIBA DECLARES UNCLEAN BUT THE SAGES

DECLARE CLEAN.

MISHNAH 7. A BONE THE SIZE OF A BARLEY-CORN THAT IS DIVIDED INTO TWO, R. AKIBA DECLARES UNCLEAR BUT R. JOHANAN B. NURI DECLARES CLEAN. R. JOHANAN B. NURI SAID: THEY DID NOT SAY 'BONES' THE SIZE OF A BARLEY-CORN, BUT 'BONE' THE SIZE OF A BARLEY-CORN. A QUARTER [OF A KAB] OF BONES CRUSHED SO FINE THAT THERE IS NOT A SINGLE [BONE] OF BARLEY-CORN SIZE, R. SIMEON DECLARES CLEAN BUT THE SAGES UNCLEAR. A MEMBER [SEVERED] FROM A LIVING PERSON, WHICH [MEMBER] HAS BEEN DIVIDED INTO TWO IS CLEAN. R. JOSE DECLARES [IT] UNCLEAR; BUT HE AGREES THAT IF IT IS TAKEN FROM THE LIVING PERSON BY HALVES IT IS CLEAN.²⁹

(1) Cf. Nab. VII, 2.

(2) Explained in Naz. 50a as being that of an abortion, of less than olive-size.

(3) Possibly from nazal, 'to melt'; explained in Naz. 50a as 'the flesh of a corpse that has coagulated, and liquid secretions from a corpse that has been heated and has congealed'.

(4) Tarwad; Syrian 'large spoon or ladle'. 'Aruch on Kel. XVII, 12: 'the large ladle of physicians'.

(5) Dust known to have originated solely from a corpse. e.g. dust from a corpse buried naked in a marble coffin (v. Naz. 51a).

(6) Either of these, even if they had not their appropriate flesh. They are recognisably part of a human skeleton (Bert.).

(7) One kab = four logs = twenty-four eggs, roughly equivalent to two litres.

(8) Bones which make up the greater part of the skeleton's structure e.g.. two shin bones and a thigh bone (Bek. 45a).

(9) One log (cf. Lev. XIV, 10) = six eggs, roughly, equivalent to half a litre.

(10) That has flowed forth after death.

(11) That has flowed forth partly while alive and partly after death (v. III, 5).

(12) For the reasons the dispute between R. Akiba and the Sages v. Hul. 72a.

(13) Making the case of blood analogous to that of bones, the majority of the skeleton defiling whatever size it be (v. supra 9).

(14) Because one cannot tell, as one can in the case of bones, when the whole amount is present.

(15) According to the text in most Mishnah editions. But the text printed in the Vilna editions of the Talmud read: 'A ladleful of corpse-mould and some grave-dust'. V. Nid. 27b where the same disputants differ over a case of a ladleful of corpse-mould and some (ordinary) dust.

(16) Dust, mixed with blood and cadaverous secretions, from a marble coffin A ladleful and more of this dust is presumed to contain a ladleful of mould.

(17) So that if only a part of his ladleful vote overshadowed, it could not convey tent-defilement. Human agency cannot effect a connection for defilement (v. Infra III, 4).

(18) Katzenelsohn (op. cit., p. 234, n. I) suggests that this size may have been chosen because the ossa sesamoidea, the smallest human bones, are of barleycorn size.

(19) Clods of foreign earth brought in to Palestine were decreed unclear by Jose b. Jo'ezer and Jose b. Johanan (Shab. 15a; v. also Naz. 54b).

(20) A grave-area; a field into which human bodies have been ploughed (v. infra XVIII, 1ff.). Peras according to Bert. from the root meaning 'to break' and according to Maim. from the meaning 'to spread' (viz., the area of uncleanness).

(21) Explained in Bek. 37b as a portion the size of a sela' (a silver coin worth approx. four shillings).

(22) The trepan.

(23) An instrument making a hole the size of a dupondium (Roman penny): v. Kel. XVII, 12.

(24) Golel. Maim. (in comment. on the M.) 'the stone (or wooden board etc.) covering a grave'. Rashi (on Keth. 4b) 'the cover of a coffin'. Perhaps from גלל 'to roll', hence a stone too heavy for lifting and needing to be rolled into position. Cf. גלל אבן Ezra V, 8.

(25) Dofek, from root 'to strike, knock against', hence 'frame against which the golel knocks'. Preuss however (op. cit. p. 609) explains golel as the great rolling stone blocking the entrance to a cave tomb and dofek as the wedge holding it in position.

(26) The grave is expressly included with the corpse in Num. XIX, 16 for defilement by contact, in the passage

following the one giving rules for defilement by overshadowing.

(27) Defilement by carriage is not taught in Scripture directly in connection with a corpse but is derived by the Rabbis a fortiori from carrion (v. Sifre on Num. XIX, 16). The Rabbis applied it to a corpse but not to the grave-stones. R. Eliezer here applies it even to the grave-stones

(28) I.e., if they fall short of the prescribed measure.

(29) Because the member has never been of the size to acquire uncleanness

Mishna - Mas. Oholoth Chapter 3

MISHNAH 1. [WITH REGARD TO] ALL¹ OBJECTS DEFILING BY OVERSHADOWING,² IF THEY³ WERE DIVIDED AND BROUGHT INTO A HOUSE, R. DOSA B. HARKINAS DECLARES CLEAN [WHATSOEVER IS IN THE HOUSE],⁴ BUT THE SAGES DECLARE [IT] UNCLEAR. HOW [IS THIS DIFFERENCE OF OPINION TO BE UNDERSTOOD]? IF [A PERSON] TOUCHES TWO [PORTIONS] OF CARRION,⁵ EACH OF THE SIZE OF HALF AN OLIVE, OR CARRIES THEM, OR, IN THE CASE OF A CORPSE, IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND OVERSHADOWS [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, OR IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE OVERSHADOWS HIM, OR IF HE OVERSHADOWS TWO [PORTIONS, EACH] OF THE SIZE OF HALF AN OLIVE, OR IF HE OVERSHADOWS [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE OVERSHADOWS HIM, R. DOSA B. HARKINAS DECLARES HIM CLEAN, AND THE SAGES DECLARE HIM UNCLEAR. BUT IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [HAS] ANOTHER OBJECT⁶ OVERSHADOWING HIM AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, OR IF HE OVERSHADOWS [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [HAS] ANOTHER OBJECT OVERSHADOWING HIM AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, HE IS CLEAN.⁷ (R. MEIR SAID: EVEN HERE R. DOSA B. HARKINAS DECLARES HIM CLEAN AND THE SAGES DECLARE HIM UNCLEAR. EVERY [CASE] IS UNCLEAR⁸ EXCEPT [A CASE OF] CONTACT [COMBINED] WITH CARRIAGE OR OF CARRIAGE [COMBINED] WITH OVERSHADOWING). THIS IS THE GENERAL PRINCIPLE:⁹ EVERY OBJECT [WHOSE DEFILEMENT] PROCEEDS FROM ONE CAUSE¹⁰ IS UNCLEAR, FROM TWO CAUSES IS CLEAN.

MISHNAH 2. IF A LADLEFUL OF CORPSE-MOULD WAS SCATTERED ABOUT IN A HOUSE, THE HOUSE IS UNCLEAR¹¹ BUT R. SIMEON DECLARES IT CLEAN.¹² IF A QUARTER [OF A LOG] OF BLOOD WAS ABSORBED IN [THE GROUND] OF A HOUSE, THE HOUSE IS CLEAN. [IN THE CASE OF] IT BEING ABSORBED BY A GARMENT, IF THIS IS WASHED AND A QUARTER [OF A LOG] OF BLOOD EMERGES FROM IT,¹³ IT IS UNCLEAR,¹⁴ IF NOT, IT IS CLEAN,¹⁵ SINCE ANYTHING ABSORBED THAT CANNOT EMERGE IS CLEAN.¹⁶

MISHNAH 3. [IN THE CASE OF] IT¹⁷ BEING POURED OUT IN THE OPEN AIR, IF THE PLACE [WHERE IT FELL] WAS AN INCLINE AND [A PERSON] OVERSHADOWED PART OF IT, HE [REMAINS] CLEAN.¹⁸ IF IT WAS A CAVITY,¹⁹ OR IF THE BLOOD CONGEALED,²⁰ HE [BECOMES] UNCLEAR. IF IT WERE POURED OUT ON A THRESHOLD WHICH INCLINED EITHER INWARDS OR OUTWARDS AND THE HOUSE OVERSHADOWED IT,²¹ [THE HOUSE] IS CLEAN.¹⁸ IF THERE WAS A CAVITY,²² OR IF IT CONGEALED, [THE HOUSE BECOMES] UNCLEAR. EVERYTHING APPERTAINING TO A CORPSE IS UNCLEAR EXCEPT THE TEETH, HAIR AND NAILS;²³ BUT WHEN THEY ARE JOINED [TO THE CORPSE], THEY ARE ALL UNCLEAR.

MISHNAH 4. HOW IS THIS²⁴ [TO BE ILLUSTRATED]? IF THE CORPSE WERE OUTSIDE

AND ITS HAIR INSIDE, THE HOUSE IS UNCLEAN. [WITH REGARD TO] A BONE WHICH HAD UPON IT AN OLIVE-SIZED PORTION OF FLESH, IF ONE BROUGHT PART OF IT WITHIN, SO THAT THE HOUSE WAS OVERSHADOWING IT, [THE HOUSE] IS UNCLEAN.²⁵ [WITH REGARD TO] TWO BONES WHICH HAD UPON THEM TWO PORTIONS²⁶ OF FLESH, [EACH] OF THE SIZE OF HALF AN OLIVE, IF ONE BROUGHT PART OF THEM WITHIN SO THAT THE HOUSE WAS OVERSHADOWING THEM, [THE HOUSE] IS UNCLEAN. BUT IF [THE PIECES OF FLESH] WERE FIXED IN POSITION BY HUMAN AGENCY, THE HOUSE IS CLEAN SINCE CONNECTIONS EFFECTED BY HUMAN AGENCY ARE NOT [REGARDED AS BEING] CONNECTED.²⁷

MISHNAH 5. WHAT IS 'MIXED BLOOD'?²⁸ 'THE BLOOD OF A CORPSE OF WHICH AN EIGHTH [OF A LOG] ISSUED DURING LIFETIME AND AN EIGHTH AFTER DEATH. THIS IS THE OPINION OF R. AKIBA. R. ISHMAEL SAYS: [WE MUST IMAGINE] A QUARTER [OF A LOG TO HAVE ISSUED] DURING LIFETIME AND A QUARTER AFTER DEATH, [THEN IT IS] A QUARTER TAKEN FROM BOTH OF THESE. R. ELEAZAR SON OF R. [JUDAH]²⁹ SAYS: BOTH OF THESE³⁰ ARE AS WATER. WHAT THEN IS 'MIXED BLOOD'? IT IS THAT OF A CRUCIFIED PERSON WHOSE BLOOD IS STREAMING FORTH AND UNDER WHOM IS FOUND A QUARTER [OF A LOG] OF BLOOD. IT IS UNCLEAN.³¹ THAT, HOWEVER, OF A CORPSE WHOSE BLOOD DRIPS FORTH AND UNDER WHOM IS FOUND A QUARTER [OF A LOG] OF BLOOD, IS CLEAN.³² R. JUDAH SAYS: NOT SO, BUT THAT WHICH STREAMS FORTH IS CLEAN³³ AND THAT WHICH DRIPS FORTH³⁴ IS UNCLEAN.

MISHNAH 6. FOR AN OLIVE-SIZED PORTION OF A CORPSE, AN OPENING [IN THE ROOM IN WHICH IT IS FOUND] OF ONE HANDBREADTH [SQUARE], AND FOR A [WHOLE] CORPSE, AN OPENING OF FOUR HANDBREADTHS [SQUARE, SUFFICES] TO PREVENT THE UNCLEANNESS FROM [SPREADING TO THE OTHER] OPENINGS;³⁵ BUT FOR ALLOWING THE UNCLEANNESS TO COME FORTH,³⁶ AN OPENING OF ONE HANDBREADTH [SQUARE SUFFICES].³⁷ [A PORTION] GREATER THAN THE SIZE OF AN OLIVE IS RECKONED AS A [WHOLE] CORPSE. R. JOSE SAYS: [ONLY]³⁸ THE SPINE AND THE SKULL ARE RECKONED AS A [WHOLE] CORPSE.

MISHNAH 7. [AN OBJECT] ONE HANDBREADTH SQUARE³⁹ [STANDING] ONE HANDBREADTH HIGH⁴⁰ CAN BRING UNCLEANNESS⁴¹ AND SCREEN⁴² FROM UNCLEANNESS. HOW DOES IT [SCREEN]?⁴³ IN THE CASE OF AN ARCHED-UP⁴⁴ DRAIN BENEATH A HOUSE, IF THERE WAS A SPACE OF A HANDBREADTH WIDE⁴⁵ THEREIN AND ITS OUTLET⁴⁶ WAS A HANDBREADTH WIDE, WHEN THERE IS UNCLEANNESS⁴⁷ INSIDE IT, THE HOUSE REMAINS CLEAN;⁴⁸ AND WHEN THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE DRAIN] REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. IF THERE WAS A SPACE OF ONE HANDBREADTH WIDE THEREIN BUT ITS OUTLET WAS NOT ONE HANDBREADTH WIDE, WHEN THERE IS UNCLEANNESS THEREIN, THE HOUSE BECOMES UNCLEAN;⁴⁹ BUT WHEN THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN IT REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT⁵⁰ AND NOT TO GO IN.⁵¹ IF THERE WAS NOT A SPACE OF ONE HANDBREADTH WIDE THEREIN AND ITS OUTLET WAS NOT ONE HANDBREADTH WIDE,⁵² WHEN THERE IS UNCLEANNESS WITHIN IT, THE HOUSE BECOMES UNCLEAN; AND WHEN THERE IS UNCLEANNESS IN THE HOUSE, IT [ALSO] BECOMES UNCLEAN. IT IS ONE [AND THE SAME IF THE SPACE IS] A CAVITY EXCAVATED BY WATER OR BY VERMIN OR IF IT HAD BEEN EATEN OUT BY A SALINE SUBSTANCE; AND SIMILARLY [IF IT IS IN] A ROW⁵³ OF STONES OR A PILE⁵⁴ OF BEAMS. R. JUDAH SAYS: ANY 'TENT' NOT MADE BY HUMAN AGENCY⁵⁵ IS NOT CONSIDERED A TENT'. BUT HE AGREES THAT CREVICES AND CRAGS [CAN BE CONSIDERED AS 'TENTS'].

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- (1) Cf. 'Ed. III, 1.
- (2) Mentioned supra II, 1f.
- (3) I.e., a portion of the minimum quantity for defilement.
- (4) In their divided state they cannot combine to convey defilement by overshadowing.
- (5) The dispute apparently also included defilement by carrion.
- (6) A board, etc.
- (7) Even according to the Sages. The reason is discussed in Hul. 125b.
- (8) R. Meir, continuing his exposition of the opinion of the Sages. According to him they hold that two quantities may combine to form the minimum quantity in any mixed case of contact and overshadowing (regarded as one and the same cause), but not in any other mixed case arising from two causes.
- (9) Resuming the view of the first Tanna interrupted by the exposition of R. Meir.
- (10) The object is being affected by two portions which together form the minimum quantity, and which both defile through the same cause, either contact, carriage or overshadowing.
- (11) The scattered Portions are regarded as combining.
- (12) Maintaining that since it Presumably is now mixed with the dust of the house, it is just like that corpse-mould originating from a mixture of corpse matter and non-cadaverous dust which does not defile (v. supra II, 1, n. 5).
- (13) This fact is ascertained by mingling a quarter of a log of blood with a quantity of water equal to that used in washing the garment and comparing the colours of the two mixtures (Bert.).
- (14) And renders the house in which it is brought unclean by overshadowing.
- (15) In so far as it does not render the house unclean.
- (16) v. Nid. 62b.
- (17) A quarter log of blood from a corpse.
- (18) The incline cannot be regarded as a connective, holding the full quarter of a log together.
- (19) The equivalent word in Arabic means 'swamp'. 'gathering together of waters'.
- (20) Even on an incline.
- (21) I.e., part of it.
- (22) In the threshold.
- (23) Either because they change their substance continually or because they did not exist at the time the person was created.
- (24) The last fact mentioned in the previous Mishnah.
- (25) The bone forms the handle (**ט**) for the flesh in transmitting the uncleanness; v. 'Uk. I, 1.
- (26) One portion upon each bone.
- (27) Hence the bone, in this last instance, cannot be considered as forming the 'handle' for the flesh in transmitting uncleanness.
- (28) . Referred to in supra II, 2.
- (29) Sometimes known as R. Eleazar of Bertotha (v. Ab. III, 7).
- (30) Definitions of 'mixed blood' according to R. Akiba and R. Ishmael.
- (31) Such blood, streaming forth continually, is regarded as containing that drop issuing forth at the moment of death and also as containing at least half its bulk of unclean blood, issued after death.
- (32) Each drop of unclean cadaverous blood is regarded as being neutralised as it falls into the greater bulk of non-cadaverous blood.
- (33) Since it is regarded as possible that the drop of blood issuing from the crucified man at the moment of death did not fall into the quarter of a log but remained on the cross (Bert.).
- (34) The slow rate at which the blood issues proving that it is cadaverous (Maim.). The question is discussed in Nid. 71a. V. also Preuss (op. cit.) p. 242.
- (35) As explained infra VII, 3, corpse uncleanness through overshadowing extends beyond the room to the doors thereof, and even if they are closed, to the objects beneath their lintels, because it is assumed that the corpse is due to be removed through any one of them. Where, however, it is known that a definite exit will be used, that exit alone becomes unclean and all the rest, provided the doors be closed, remain clean. The Mishnah gives the minimum size of such an exit.
- (36) And proceed to an adjacent space.

- (37) Even for a whole corpse.
- (38) So Wilna Gaon.
- (39) At least one handbreadth in length and breadth.
- (40) Above the uncleanness.
- (41) To other objects in the same space.
- (42) The object forming the roof protects other things above it from being defiled. If, however, the roof is less than one handbreadth high, the uncleanness will cleave its way upward and downward (v. infra VI, 6).
- (43) So Bert. and most comm., the screening effect being the novel aspect that needs illustrating.
- (44) קמזור The word is akin to Gr. ** and Latin camera, 'a vaulted space'.
- (45) I.e., a space one handbreadth cube.
- (46) Carrying the waste out into the street.
- (47) An olive-sized portion of a corpse, a greater quantity necessitating an outlet of four handbreadths.
- (48) Since the uncleanness proceeds by the outlet into the street. The drain, by being of the stipulated size, thus screens the house from uncleanness.
- (49) There being no outlet for the uncleanness, the drain becomes a 'closed grave' whose uncleanness cleaves upwards and downwards.
- (50) To the street.
- (51) To the drain.
- (52) The dimensions of the outlet in this case are really immaterial, the drain in any case being reckoned as part of the ground of the house.
- (53) מרבך The word occurs in the quotation from this Mishnah in Suk. 20b as מרבך . which is, no doubt, from the same root as נדבך , Ezra VI, 4. The root דבך may possibly be the same as דבק 'to join together', hence a 'course of stones'. If one stone falls out a shelter can be formed.
- (54) סואר (also found as סור). Explained in 'Aruch from the cognate Arabic as 'pile'. Possibly from a root similar to 'to collect'.
- (55) The reason of R. Judah's statement is given in Suk. 21a. He considers that 'tent' should be similar in manner to the 'Tent of Meeting', the tabernacle of the wilderness, made by human agency.

Mishna - Mas. Oholoth Chapter 4

MISHNAH 1. [WITH REGARD TO] A CUPBOARD¹ STANDING IN THE OPEN AIR, IF THERE IS UNCLEANNESS WITHIN IT, VESSELS IN THE [NICHE² IN THE] THICKNESS [OF ITS WALLS] REMAIN CLEAN.³ IF THERE IS UNCLEANNESS IN [THE NICHE IN] ITS THICKNESS, VESSELS INSIDE [THE CUPBOARD] REMAIN CLEAN. R. JOSE SAYS: HALF AND HALF.⁴ WHEN IT IS STANDING INSIDE A HOUSE, IF THERE IS UNCLEANNESS INSIDE [THE CUPBOARD]. THE HOUSE BECOMES UNCLEAR;⁵ IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE CUPBOARD] REMAINS CLEAN,⁶ FOR THE MANNER OF UNCLEANNESS IS TO GO OUT⁷ AND NOT TO GO IN.⁸ [WITH REGARD TO] VESSELS WHICH ARE BETWEEN [THE CUPBOARD] AND THE GROUND, OR BETWEEN IT AND THE WALL, OR BETWEEN IT AND THE ROOFBEAMS, IF THERE IS A SPACE OF ONE CUBIC HANDBREADTH THERE, THEY BECOME UNCLEAR⁹ BUT IF NOT THEY REMAIN CLEAN.¹⁰ IF THERE IS UNCLEANNESS THERE,¹¹ THE HOUSE BECOMES UNCLEAR.¹²

MISHNAH 2. [WITH REGARD TO] A DRAWER OF THE CUPBOARD, WHICH IS OF ONE CUBIC HANDBREADTH, BUT WHOSE OUTLET IS NOT A SQUARE HANDBREADTH IN SIZE, IF THERE IS UNCLEANNESS THEREIN, THE HOUSE BECOMES UNCLEAR; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE DRAWER] REMAINS CLEAN, FOR THE MANNER OF UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. R. JOSE DECLARES [THE HOUSE]¹³ CLEAN, SINCE HE CAN REMOVE [THE UNCLEANNESS] BY HALVES¹⁴ OR BURN IT WHERE IT STANDS.¹⁵

MISHNAH 3. [IN THE CASE WHERE] THE CUPBOARD IS STANDING IN THE DOORWAY AND IS OPENED OUTWARD, IF THERE IS UNCLEANNESS THEREIN, THE HOUSE REMAINS CLEAN. IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE CUPBOARD] BECOMES UNCLEAR.¹⁶ FOR THE MANNER OF UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. IF ITS WHEELED BASE¹⁷ PROTRUDED THREE FINGERBREADTHS BEHIND IT¹⁸ AND THERE WAS UNCLEANNESS THEREIN¹⁹ UNDER THE ROOF-BEAMS, THE HOUSE REMAINS CLEAN.²⁰ WHEN DOES THIS RULING APPLY? WHEN THERE IS A SPACE THEREIN OF ONE CUBIC HANDBREADTH,²¹ WHEN IT IS NOT DETACHABLE,²² AND WHEN THE CUPBOARD IS OF THE STIPULATED SIZE.²³

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- (1) Of wood, with a cubic content of forty se'ahs. According to Kel. XV, 1 such a cupboard cannot receive uncleanness.
 - (2) These niches, of less than a cubic handbreadth in size, go right through the thickness of the walls and open inwards and outwards.
 - (3) The niches are reckoned as pertaining to the open air.
 - (4) The outside half of the niche is reckoned as pertaining to the open air and the inside half to the cupboard.
 - (5) Even if the cupboard doors are closed because the uncleanness must eventually proceed into the house.
 - (6) If the cupboard doors are closed.
 - (7) From the cupboard to the house.
 - (8) From the house to the cupboard.
 - (9) When there is a corpse in the house.
 - (10) The uncleanness not being able to penetrate.
 - (11) The space being less than a cubic handbreadth.
 - (12) The cupboard, though forming a 'tent' within a 'tent', cannot prevent the uncleanness from escaping, just as a sealed cover cannot do it (cf. Kel. VIII, 6).
 - (13) In the former case.
 - (14) So that the uncleanness going forth would be of less than the prescribed minimum size.
 - (15) So that the uncleanness would never go out.
 - (16) The text in Hul. 125b apparently followed by Bert. reads: 'clean'. This reading regards the uncleanness as going out of the house and missing the cupboard. The reading in this Mishnah is explained by Tosaf. Y.T. as applying to the case where the cupboard occupies almost the whole of the doorway. The uncleanness being unable to emerge. has to force its way through the cupboard walls.
 - (17) מוֹכְנִי Gr. **, machine (v. Kel. XVIII, 2).
 - (18) I.e., as the cupboard was standing in the doorway.
 - (19) In a container in the base.
 - (20) The base is regarded as belonging to the cupboard.
 - (21) The uncleanness is then not in a confined space and cannot cleave upwards.
 - (22) The base forms part of the cupboard.
 - (23) Forty se'ahs, v. Mishnah I, n. 1.

Mishna - Mas. Oholoth Chapter 5

MISHNAH 1. [WITH REGARD TO] AN OVEN WHICH STOOD IN A HOUSE, WITH ITS OUTLET¹ CURVED TO THE OUTSIDE [OF THE HOUSE]. IF CORPSE-BEARERS OVERSHADOWED IT,² BETH SHAMMAI SAY: ALL BECOMES UNCLEAR.³ BETH HILLEL SAY: THE OVEN BECOMES UNCLEAR, BUT THE HOUSE REMAINS CLEAN. R. AKIBA SAYS: EVEN THE OVEN REMAINS CLEAN.⁴

MISHNAH 2. [WITH REGARD TO] A HATCHWAY⁵ BETWEEN THE HOUSE AND THE UPPER STOREY, IF THERE WAS A POT PLACED OVER IT AND THIS WAS PERFORATED [BY A HOLE OF SUFFICIENT SIZE] TO ADMIT LIQUID,⁶ BETH SHAMMAI SAY: ALL BECOMES UNCLEAR.⁷ BETH HILLEL SAY: THE POT BECOMES UNCLEAR⁸ BUT THE

UPPER STOREY REMAINS CLEAN. R. AKIBA SAYS: ALL REMAINS CLEAN.

MISHNAH 3. IF [THE POT]⁹ WAS WHOLE, BETH HILLEL SAY: IT PROTECTS ALL [FROM UNCLEANNESS]. BETH SHAMMAI SAY: IT PROTECTS ONLY FOOD, DRINK AND EARTHENWARE VESSELS.¹⁰ BETH HILLEL RETRACTED AND TAUGHT AS BETH SHAMMAI.

MISHNAH 4. [WITH REGARD TO] A FLAGON,¹¹ FULL OF LIQUID, THE FLAGON IS DEFILED WITH A DEFILEMENT OF SEVEN [DAYS' DURATION] BUT THE LIQUID REMAINS CLEAN.¹² BUT IF ONE POURED IT OUT INTO ANOTHER VESSEL,¹³ IT BECOMES UNCLEAR.¹⁴ IF A WOMAN WAS KNEADING [IN THE UPPER STOREY.] AT A TROUGH, THE WOMAN AND THE TROUGH BECOME UNCLEAR, BUT THE DOUGH REMAINS CLEAN. BUT IF ONE TURNED IT OUT INTO ANOTHER VESSEL, IT BECOMES UNCLEAR. BETH HILLEL RETRACTED AND TAUGHT AS BETH SHAMMAI.¹⁵

MISHNAH 5. IF [LYING OVER THE HATCHWAY] THERE WERE VESSELS OF [BAKED] ORDURE,¹⁶ VESSELS OF STONE, OR VESSELS OF [UNBAKED] EARTH,¹⁷ ALL [IN THE UPPER STOREY] REMAINS CLEAN. IF IT WAS A VESSEL KNOWN TO BE CLEAN FOR HOLY THINGS OR FOR [THE WATER OF] PURIFICATION,¹⁸ ALL REMAINS CLEAN,¹⁹ EVERYONE²⁰ BEING TRUSTED WITH [REGARD TO MATTERS OF] PURIFICATION;²¹ FOR CLEAN VESSELS AND EARTHENWARE VESSELS THAT ARE [KNOWN TO BE] CLEAN²² PROTECT IN ASSOCIATION WITH THE WALLS OF 'TENTS'.²³

MISHNAH 6 HOW [IS THE CASE TO BE IMAGINED]? IF THERE WAS A CISTERN OR A CELLAR²⁴ IN A HOUSE²⁵ AND AN OLIVE-BASKET²⁶ WAS PLACED OVER IT, [THE CONTENTS OF THE CISTERN OR CELLAR] REMAIN CLEAN. BUT IF IT WAS A WELL [WITH ITS UPPER EDGE] LEVEL [WITH THE GROUND]. OR A DEFICIENT²⁷ BEEHIVE. UPON WHICH THE OLIVE-BASKET WAS PLACED, [THE CONTENTS] BECOME UNCLEAR.²⁸ IF IT WAS A SMOOTH BOARD OR A KNEADING BOARD²⁹ WITHOUT RIMS, [THE CONTENTS] REMAIN CLEAN.³⁰ FOR VESSELS CANNOT PROTECT ALONG WITH WALLS OF SHELTERS UNLESS THEY THEMSELVES HAVE WALLS. HOW MUCH MUST THE WALL BE? A HANDBREADTH. IF THERE WAS HALF A HANDBREADTH ON ONE AND HALF A HANDBREADTH ON THE OTHER,³¹ IT IS NOT [CONSIDERED] A WALL, AS THERE MUST BE A WHOLE HANDBREADTH ON ONE OBJECT.

MISHNAH 7. JUST AS THEY³² PROTECT INSIDE [A 'TENT'] SO DO THEY PROTECT OUTSIDE. HOW SO? IN THE CASE OF AN OLIVE-BASKET SUPPORTED ON PEGS³³ ON THE OUTSIDE [OF A 'TENT']. IF THERE WAS UNCLEANNESS BENEATH IT, VESSELS IN THE OLIVE-BASKET REMAIN CLEAN.³⁴ BUT IF IT WAS [NEXT TO] THE WALL OF A COURTYARD OR OF A GARDEN, IT DOES NOT AFFORD PROTECTION.³⁵ [IN THE CASE OF] A BEAM³⁶ PLACED ACROSS FROM ONE WALL TO AN OTHER,³⁷ WITH A POT HANGING FROM IT,³⁸ IF THERE WAS UNCLEANNESS BENEATH IT,³⁹ R. AKIBA DECLARES THE VESSELS INSIDE IT TO BE CLEAN,⁴⁰ BUT THE SAGES DECLARE THEM UNCLEAR.⁴¹

(1) Of one handbreadth square (v. Kel. VIII, 7). The reference is to an earthenware pot.

(2) With the corpse.

(3) The uncleanness penetrating the house by way of the outlet.

(4) Since only the outlet was overshadowed, not the oven itself.

(5) Of one handbreadth square.

(6) For the prescribed test to determine this fact, v. Nid. 49a.

(7) When there is a corpse in the house. The earthenware pot, because it is defective, is considered on its own and not as

a continuation of the roof of the house. It cannot protect its own contents from uncleanness since it no longer has the equivalent of a tightly fitting lid between itself and the defiling source. Hence it cannot protect the objects in the upper storey.

(8) A precautionary measure of the Sages, but really it is clean and therefore can protect the upper storey.

(9) This Mishnah deals with the case of a pot belonging to an 'am ha-arez, a person negligent of Rabbinic law (Bert.). V. 'Ed. I, 14, Sonc. ed., p. 8, for the full argument.

(10) These objects, If they belonged to all 'am ha-arez would not, in any case, be used by a haber, a scrupulous observer of Rabbinic law, without due precaution. Other vessels, however, might be used unless they were definitely declared unclean.

(11) 'Flagon', here of metal or wood. The flagon is in the upper storey, with the pot set over the hatchway.

(12) Being protected by the pot, according to Beth Shammai in supra 3.

(13) Of wood or metal, in the upper storey, which had thus already suffered corpse uncleanness.

(14) Food and drink are only protected when they are in their original container.

(15) V. 'Ed. I, 14.

(16) ארזא 'Aruch and Bert. 'cattle dung'. but Rashi (on Shab. 16b) 'marble'.

(17) All these vessels being insusceptible to uncleanness and affording protection to everything, even wood or metal vessels.

(18) Cf. Par. V, 1; Num. XIX, 17. It was the water used for compounding the ashes of the red heifer.

(19) Cf. n. 7.

(20) Even an 'am ha-arez

(21) Cf. Par. V, 1.

(22) Such as those mentioned in this Mishnah.

(23) As in the case of the pot over the hatchway. No such protection can, however, be afforded by these vessels on their own as is explained in the next Mishnah.

(24) A cistern or chamber with walls of masonry situated beneath a house. Both cistern and cellar have walls projecting at Least one handbreadth above the floor.

(25) In which there is a corpse.

(26) A large basket in which olives were placed in order to become soft. Having a capacity of more than forty Se'ahs, it is insusceptible to uncleanness, cf. Kel. XV, I.

(27) A beehive of more than forty se'ahs' capacity which had been broken and had not been stopped up with straw or the like. Var. lec., 'open'. i.e., at both ends.

(28) In neither case are there any walls that could be associated with the walls of the olive-basket to protect from the uncleanness.

(29) So Bert. Maim.: a perforated board, colander.

(30) Not being regarded as vessels, they require no 'tent' walls with which to be associated.

(31) I.e., half a handbreadth on the vessel and half on the projecting wall.

(32) Vessels in association with 'tent walls.

(33) The basket standing one handbreadth above the ground.

(34) The basket touching the wall of the 'tent' is associated with it to protect its own contents.

(35) The walls not being themselves made to serve as 'tent' walls.

(36) One handbreadth broad, one handbreadth above the ground.

(37) In the open air.

(38) At a distance from the beam of less than a handbreadth.

(39) The beam.

(40) Just as in a room, where uncleanness is not able to penetrate into a space of less than a handbreadth.

(41) The pot, not being directly associated with the walls of any 'tent', cannot protect its own contents.

Mishna - Mas. Oholoth Chapter 6

MISHNAH 1. BOTH PERSONS AND VESSELS CAN FORM¹ 'TENTS' TO BRING UNCLEANNESS, BUT NOT TO [PROTECT OBJECTS SO THAT THEY] REMAIN CLEAN.² HOW [CAN THIS BE ILLUSTRATED]? [BY THE CASE OF] FOUR PERSONS CARRYING³ A

BLOCK OF STONE.⁴ IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT BECOME UNCLEAR.⁵ IF THERE IS UNCLEANNESS UPON IT, VESSELS BENEATH IT BECOME UNCLEAR. R. ELIEZER DECLARES THEM CLEAR.⁶ [IN THE CASE OF THE LARGE STONE] BEING PLACED UPON FOUR VESSELS, EVEN IF THEY BE VESSELS OF [BAKED] ORDURE, VESSELS OF STONE, OR VESSELS [UNBAKED] OF EARTH,⁷ IF THERE IS UNCLEANNESS BENEATH [THE STONE], VESSELS UPON IT BECOME UNCLEAR. IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT BECOME UNCLEAR. [IN THE CASE OF THE LARGE STONE] BEING PLACED ON FOUR STONES OR ON ANY LIVING CREATURE, IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT REMAIN CLEAR.⁸ IF THERE IS UNCLEANNESS UPON IT VESSELS BENEATH IT REMAIN CLEAR.

MISHNAH 2. IN THE CASE WHERE THE CORPSE-BEARERS WERE PASSING ALONG A PORTICO⁹ AND ONE OF THEM¹⁰ SHUT A DOOR¹¹ AND¹² LOCKED IT WITH A KEY, IF THE DOOR CAN REMAIN IN ITS POSITION ON ITS OWN,¹³ [THE CONTENTS OF THE HOUSE]¹⁴ REMAIN CLEAR, BUT IF NOT, THEY BECOME UNCLEAR. SIMILARLY [IN THE CASE OF] A BARREL¹⁵ OF DRIED FIGS OR A BASKET OF STRAW¹⁶ PLACED IN A WINDOW,¹⁷ IF THE DRIED FIGS OR THE STRAW CAN REMAIN IN THEIR POSITION ON THEIR OWN, [THE CONTENTS OF THE ROOM] REMAIN CLEAR, BUT IF NOT THEY BECOME UNCLEAR. [IN THE CASE OF] A HOUSE PARTITIONED OFF BY WINE-JARS, WHICH HAD BEEN PLASTERED WITH CLAY,¹⁸ IF THE CLAY CAN REMAIN IN ITS POSITION ON ITS OWN, [THE SPACE PARTITIONED OFF] REMAINS CLEAR, BUT IF NOT, IT BECOMES UNCLEAR.

MISHNAH 3. A WALL SERVING A HOUSE IS TREATED BY HALVES. HOW SO? [IN THE CASE OF] A WALL LOOKING TOWARDS AN OPEN SPACE, HAVING UNCLEANNESS WITHIN IT, IF THIS IS IN THE INWARD HALF, THE HOUSE BECOMES UNCLEAR, BUT WHAT IS ABOVE [THE WALL]¹⁹ REMAINS CLEAR.²⁰ IF IT IS IN THE OUTWARD HALF, THE HOUSE REMAINS CLEAR, BUT WHAT IS ABOVE [THE WALL] BECOMES UNCLEAR.²¹ IF IT IS EXACTLY IN THE MIDDLE, THE HOUSE BECOMES UNCLEAR, AND AS FOR WHAT IS ABOVE, R. MEIR DECLARES IT UNCLEAR, BUT THE SAGES CLEAR.²² R. JUDAH SAYS: THE WHOLE OF THE WALL²³ APPERTAINS TO THE HOUSE.

MISHNAH 4. [IN THE CASE OF] A WALL BETWEEN TWO HOUSES,IF THERE IS UNCLEANNESS WITHIN IT, THE HOUSE NEARER TO THE UNCLEANNESS IS UNCLEAR, AND THE HOUSE NEARER TO THE CLEAR PART IS CLEAR. IF [THE UNCLEANNESS] IS IN THE MIDDLE, BOTH ARE UNCLEAR. IF THERE IS UNCLEANNESS IN ONE OF THE [HOUSES] AND THERE ARE VESSELS IN [THE THICKNESS OF] THE WALL, THOSE IN THE HALF NEARER THE UNCLEANNESS ARE UNCLEAR, THOSE IN THE HALF NEARER THE CLEAR [HOUSE] ARE CLEAR, AND THOSE IN THE MIDDLE ARE UNCLEAR. [WITH REGARD TO THE] PLASTER-WORK BETWEEN THE HOUSE AND THE UPPER STOREY, IF THERE IS UNCLEANNESS THEREIN IN THE LOWER HALF, THE HOUSE [BELOW] IS UNCLEANNESS AND THE UPPER STOREY IS UNCLEAR AND THE HOUSE IS CLEAR: BUT IF IT IS IN THE MIDDLE, BOTH ARE UNCLEAR. IF THERE IS UNCLEANNESS IN EITHER [THE] HOUSE OR THE UPPER STOREY] AND THERE ARE VESSELS INSIDE THE PAYMENT, THOSE IN THE HALF NEARER THE UNCLEANNESS ARE UNCLEAR, AND THOSE IN THE HALF NEARER THE CLEAR [SPACE] ARE CLEAR. IF THEY ARE IN THE MIDDLE, THEY ARE UNCLEAR. R. JUDAH SAYS: ALL THE PLASTER-WORK [IS RECKONED] TO APPERTAIN TO THE UPPER STOREY.

MISHNAH 5. [IN THE CASE OF] UNCLEANNESS AMONG THE ROOF-BEAMS, [WITH A COVERING] BENEATH IT THIN AS GARLIC-SKIN,²⁴ IF THERE IS A SPACE WITHIN²⁵ OF A

CUBIC HANDBREADTH, EVERYTHING BECOMES UNCLEAR.²⁶ IF THERE IS NOT A SPACE OF A CUBIC HANDBREADTH, THE UNCLEANNESS IS CONSIDERED PLUGGED UP.²⁷ IF THE UNCLEANNESS WAS VISIBLE WITHIN THE HOUSE, IN EITHER CASE THE HOUSE BECOMES UNCLEAR.

MISHNAH 6. A HOUSE SERVING [TO FORM] A WALL²⁸ IS SUBJECT TO THE PRINCIPLE OF GARLIC-SKIN. HOW SO? [IN THE CASE OF] A WALL BETWEEN TWO TOMB-NICHES OR TWO CAVERNS, IF THERE IS UNCLEANNESS IN THESE SPACES AND IN THE WALLS ARE VESSELS, OVER WHICH THERE IS A COVERING THIN AS GARLIC-SKIN, THEY REMAIN CLEAN. IF THE UNCLEANNESS IS IN THE WALL AND THE VESSELS ARE IN THE SPACE, AND THERE IS A COVERING THIN AS GARLIC-SKIN OVER THE UNCLEANNESS, THEY REMAIN CLEAN. IF THERE IS UNCLEANNESS BENEATH A PILLAR, THE UNCLEANNESS²⁹ CLEAVES UPWARDS AND DOWNWARDS.

MISHNAH 7. VESSELS BENEATH THE CAPITAL³⁰ [OF A PILLAR] REMAIN CLEAN.³¹ R. JOHANAN B. NURI DECLARES THEM UNCLEAR. [IN THE CASE OF] THE UNCLEANNESS AND THE VESSELS BEING [TOGETHER] BENEATH THE CAPITAL, IF THERE IS A SPACE OF ONE CUBIC HANDBREADTH THERE, [THE VESSELS] BECOME UNCLEAR; IF NOT, THEY REMAIN CLEAN.³² [IN THE CASE OF] TWO WALL-CUPBOARDS,³³ ONE BESIDE THE OTHER, OR ONE ABOVE THE OTHER,³⁴ IF ONE OF THEM WERE OPENED, BOTH IT AND THE HOUSE BECOME UNCLEAR, BUT ITS COMPANION REMAINS CLEAN.³⁵ THE WALL-CUPBOARDS ARE CONSIDERED³⁶ AS IF PLUGGED UP,³⁷ AND ARE SUBJECT TO THE PRINCIPLE OF HALVES³⁸ FOR CONVEYING UNCLEANNESS INTO THE HOUSE.

(1) Either by they themselves overshadowing or else by supporting a 'tent' as explained further in this Mishnah.

(2) As can clean vessels in association with the walls of 'tents' (v. supra v, 5).

(3) In the open air.

(4) נדבך . Bert. renders the word here 'a large and broad stone'. The reading adopted by the 'Aruch, however, is rendered 'bier'. If this reading is adopted, it is of course understood that there is no corpse on the bier.

(5) The stone overshadows all beneath it, causing all to be unclear, but cannot act as a 'tent' to prevent anything upon it from acquiring uncleanness from the source beneath.

(6) In both cases (so Bert.), R. Eliezer regarding persons and vessels as forming 'tents', valid for all purposes.

(7) These vessels are insusceptible to uncleanness but are too small (less than forty se'ahs) to afford protection.

(8) The stones not being vessels, they serve as valid sides of a 'tent' for all purposes.

(9) Exedra, a covered walk in front of a house.

(10) Of those who followed in the procession (Bert.).

(11) Leading directly from the portico to a house.

(12) L. suggests 'or', The man either keeping The door closed by his own weight or with a key.

(13) Without support of the key. or (L.) of the man.

(14) To which the door gives access.

(15) Of earthenware, with its mouth turned outwards.

(16) These foods, being spoiled beyond all possibility of edible value even for cattle are, of their own, insusceptible to uncleanness (Bert.).

(17) Not less than one handbreadth square and communicating between a clean and unclear space.

(18) There being uncleanness on one side of the partition.

(19) Even if directly above The uncleanness.

(20) The uncleanness being considered as belonging for all purposes to the house alone and not as 'compressed'. with powers of cleaving upwards and downwards.

(21) As compressed uncleanness cleaves upwards.

(22) Whereas R. Meir considers the wall to appertain both to the house and to the open space, the Sages hold that it belongs entirely to the house.

(23) Even the half towards the open space.

- (24) Preventing the uncleanness from being visible within the house (v. Kel. IX, 1).
- (25) Where the uncleanness is.
- (26) The space becomes a 'closed grave' defiling all its surroundings, in this case both the house and the upper storey.
- (27) Compressed uncleanness, cleaving upwards and downwards.
- (28) I.e., the wall has been formed by the excavation of two adjacent houses or caves.
- (29) Being compressed beneath the pillar in this vault (cf. supra III, 7, n. 6).
- (30) Lit., 'flower', hence applied to the flower-like decoration on the capital of a pillar.
- (31) Even when there is 'compressed' uncleanness beneath another part of the capital, since this kind of uncleanness does not spread sideways.
- (32) Less than one handbreadth being insufficient to convey uncleanness by overshadowing.
- (33) פֶּרֶדֶסִּים , Aramaic 'wall-cupboard'. Perhaps some form from Gk. ** 'a tower', hence 'tower-like structure'.
- (34) With uncleanness beneath one of them. Each has a content of less than a cubic handbreadth '(L.)', a space of greater size constituting a closed grave. (V. Mishnah 5, n. 5).
- (35) The uncleanness is not considered as 'compressed' but Follows the law of uncleanness in a wall. When the companion cupboard is closed, it cannot receive the uncleanness.
- (36) When they are closed.
- (37) Forming part of the solid wall.
- (38) When the uncleanness lies beneath them (v. Mishnah 3).

Mishna - Mas. Oholoth Chapter 7

MISHNAH 1. IF THERE IS UNCLEANNES IN A WALL [IN A FREE] SPACE OF ONE CUBIC HANDBREADTH, ALL UPPER STOREYS ABOVE IT, EVEN IF THERE ARE TEN OF THEM,¹ ARE UNCLEAR.² IF THERE WAS A SINGLE UPPER STOREY [BUILT] OVER TWO HOUSES,³ THAT ONE BECOMES UNCLEAR BUT ALL UPPER STOREYS ABOVE IT REMAIN CLEAR.⁴ [IN A] BEACH-⁵ WALL, UNCLEANNES CLEAVES UPWARDS AND DOWNWARD.⁶ [WITH REGARD TO] A SOLID TOMB MONUMENT,⁷ A PERSON WHO TOUCHES IT FROM THE SIDE REMAINS CLEAR, SINCE [ITS] UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS.⁸ BUT IF THERE WAS A [FREE] SPACE OF A CUBIC HANDBREADTH IN THE PLACE WHERE THE UNCLEANNES WAS, A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAR, BECAUSE IT IS LIKE A CLOSED GRAVE. IF BOOTHS WERE PLACED ADJACENT TO [THE MONUMENT] THEY BECOME UNCLEAR.⁹ R. JUDAH DECLARES THEM CLEAR.¹⁰

MISHNAH 2. ALL SLOPING [PARTS] OF 'TENTS' ARE RECKONED AS 'TENTS'.¹¹ [IN THE CASE OF] A 'TENT' [WHOSE SIDES] SLOPED DOWNWARDS AND FINISHED OFF [WITH A ROOF]¹² OF ONE FINGERBREADTH, IF THERE IS UNCLEANNES IN THE 'TENT',¹³ VESSELS BENEATH THE SLOPE BECOME UNCLEAR. IF THERE IS UNCLEANNES BENEATH THE SLOPE, VESSELS IN THE 'TENT' BECOME UNCLEAR. IF THERE HAD BEEN¹⁴ UNCLEANNES WITHIN, A PERSON WHO TOUCHES [THE TENT] FROM THE INSIDE ACQUIRES A SEVEN [DAYS'] DEFILEMENT,¹⁵ BUT FROM THE OUTSIDE, A DEFILEMENT [LASTING TILL] EVENING.¹⁶ IF THERE HAD BEEN UNCLEANNES OUTSIDE, A PERSON WHO TOUCHES THE 'TENT' FROM THE OUTSIDE ACQUIRES A SEVEN [DAYS'] DEFILEMENT, BUT FROM THE INSIDE, A DEFILEMENT [LASTING TILL] EVENING. IF THERE WAS [A PORTION OF UNCLEANNES] OF THE SIZE OF HALF AN OLIVE [TOUCHING IT] FROM WITHIN AND HALF AN OLIVE FROM WITHOUT,¹⁷ A PERSON WHO TOUCHES [THE 'TENT'] EITHER FROM WITHIN OR WITHOUT ACQUIRES A DEFILEMENT [LASTING TILL] EVENING.¹⁸ IF A PART [OF THE 'TENT' SIDE] TRAILED ALONG THE GROUND, WHEN THERE IS UNCLEANNES BENEATH OR ABOVE [THIS PART]. THE UNCLEANNES [THEREOF] CLEAVES UPWARDS AND DOWNWARDS. [IN THE CASE OF] A 'TENT' ERECTED IN AN UPPER STOREY, WITH A PORTION [OF ITS SIDE] TRAILING OVER THE HATCHWAY BETWEEN

THE HOUSE AND THE UPPER STOREY, R. JOSE SAYS: IT PROTECTS.¹⁷ R. SIMEON SAYS: IT DOES NOT PROTECT UNLESS IT BE STRETCHED OUT AFTER THE USUAL MANNER OF ERECTING 'TENTS.

MISHNAH 3. IF A CORPSE IS IN A HOUSE IN WHICH THERE ARE MANY DOORS, THEY ALL BECOME UNCLEAN.¹⁹ IF ONE OF THEM WAS OPENED, THAT ONE BECOMES UNCLEAN BUT ALL THE REST REMAIN CLEAN. IF IT WAS INTENDED TO CARRY OUT THE CORPSE THROUGH ONE OF THEM OR THROUGH A WINDOW OF FOUR HAND BREADTHS SQUARE, THAT PROTECTS ALL THE OTHER DOORS.²⁰ BETH SHAMMAI SAY: THE INTENTION MUST HAVE BEEN FORMED BEFORE THE PERSON DIED.²¹ BETH HILLEL SAY: EVEN AFTER HE DIED.²² IF [A DOOR] WAS BLOCKED UP AND IT WAS DECIDED TO OPEN IT, BETH SHAMMAI SAY: [IT IS EFFECTIVE]²³ AS SOON AS [A SPACE] FOUR HANDBREADTHS SQUARE HAS BEEN OPENED UP. BETH HILLEL SAY: AS SOON AS [THE PROCESS] HAS BEGUN. THEY AGREE, HOWEVER, THAT WHEN MAKING AN OPENING FOR THE FIRST TIME, FOUR HANDBREADTHS MUST BE OPENED UP.

MISHNAH 4. IF A WOMAN WAS IN HARD TRAVAIL AND WAS CARRIED FROM ONE HOUSE TO ANOTHER,²⁴ THE FIRST HOUSE BECOMES UNCLEAN BECAUSE OF DOUBT²⁵ AND THE SECOND OF A CERTAINTY. R. JUDAH SAID: WHEN IS THIS SO? WHEN SHE IS CARRIED OUT [SUPPORTED] BY THE ARMPITS, BUT IF SHE WAS ABLE TO WALK, THE FIRST HOUSE REMAINS CLEAN, FOR AFTER THE TOMB'²⁶ HAS BEEN OPENED THERE IS NO POSSIBILITY OF WALKING. STILLBORN CHILDREN ARE NOT [DEEMED TO HAVE] OPENED THE 'TOMB' UNTIL THEY PRESENT A HEAD ROUNDED LIKE A SPINDLE-KNOB.²⁷

MISHNAH 5. IF [AT THE BIRTH OF TWINS] THE FIRST PROCEEDED FORTH DEAD AND THE SECOND ALIVE, THE [LIVE ONE] IS CLEAN.²⁸ IF THE FIRST WAS ALIVE AND THE SECOND DEAD, THE [LIVE CHILD] IS UNCLEAN.²⁹ R. MEIR SAYS: IF THEY WERE IN ONE MEMBRANE, [THE LIVE CHILD] IS UNCLEAN,³⁰ BUT IF THERE WERE TWO MEMBRANES, IT REMAINS CLEAN.³¹

MISHNAH 6. IF A WOMAN IS IN HARD TRAVAIL, ONE CUTS UP THE CHILD IN HER WOMB AND BRINGS IT FORTH MEMBER BY MEMBER, BECAUSE HER LIFE COMES BEFORE THAT OF [THE CHILD]. BUT IF THE GREATER PART HAS PROCEEDED FORTH, ONE MAY NOT TOUCH IT, FOR ONE MAY NOT SET ASIDE ONE PERSON'S LIFE FOR THAT OF ANOTHER.³²

(1) All connected with this wall by having their floor beams fixed into it.

(2) The wall is regarded as a closed grave, defiling all around.

(3) And this unclean wall between the two houses supports the upper storey.

(4) The first upper storey affording them complete protection.

(5) שונית Bert.: a wall built in the place to which the sea comes in rough weather levelling out all free (hollow) spaces. Var. lec. (followed by L.) is שנית, 'rock'.

(6) The wall is regarded as part of the earth, in which no uncleanness is ever treated as a 'closed grave'. According to var. lec., the reason is because the principle of 'free space' applies only to a wall made by human agency (Wilna Gaon).

(7) Lit., 'resting place'. i.e., tomb (cf. Shek. II, 5).

(8) Like compressed uncleanness and not like a closed grave.

(9) Being regarded as 'tents' over corpses.

(10) Since they are placed against the sides.

(11) I.e., spaces under the sloping sides are considered as part of the 'tent' itself.

(12) So Bert. Cf. Shab. 138b where it is implied that the minimum size for the roof of a 'tent' must be a handbreadth. In

spite of this rule, for the purpose of conveying uncleanness, a smaller size does not prevent this 'tent' from being constituted.

(13) I.e., under the roof.

(14) In the past. However the uncleanness was not present when the 'tent' was touched.

(15) The inner side and the outer side of the 'tent' being reckoned as two vessels (Bert.). The inner side, having come into contact with the corpse, acquires its degree of uncleanness, **אבי אבות הטומאה** (cf. supra I, 2 n. 4) and confers both upon the person and the outer side of the 'tent' a generating defilement.

(16) The outer side conferring a generated defilement on the person touching it.

(17) In which case the 'tent' acquires a seven days' defilement, the two half olives combining on the view of the Sages, supra III, 1.

(18) The sides, in relation to those who touch them, being regarded as two vessels. (8) Although it is formed of a substance which is susceptible to uncleanness because it is part of a tent.

(19) V. Supra III, 6, n. 7.

(20) That are closed. Henceforth objects placed underneath them do not become unclean.

(21) After which, only a positive action can avail to afford protection from uncleanness.

(22) Nevertheless, vessels already in position at the time of death remain unclean.

(23) To protect other doors. V. Preuss op. cit. p. 458.

(24) And gave birth there to a dead child. V. also Preuss p. 236.

(25) Perhaps the womb had opened there and the child's head had protruded.

(26) I.e., the opening of the womb.

(27) Cf. Bek. 22a.

(28) If the dead child had been removed from the house. Uncleanness cannot be contracted in the womb.

(29) Having passed through an opening through which uncleanness is due to pass.

(30) Since it presumably touched the dead child outside the womb. On the membrane (**שפיר**) v. Preuss p. 456.

(31) On the theory that the dead child does not defile until it is out of the womb.

(32) On this principle v. Preuss p. 607.

Mishna - Mas. Oholoth Chapter 8

MISHNAH 1. SOME THINGS FORM A PASSAGE¹ FOR UNCLEANNESS AND [ALSO] A SCREEN [AGAINST IT]; [SOME] FORM A PASSAGE FOR UNCLEANNESS BUT NOT A SCREEN; [SOME] FORM A SCREEN BUT NOT A PASSAGE; [AND SOME] FORM NEITHER A PASSAGE NOR A SCREEN. THE FOLLOWING FORM [BOTH] A PASSAGE AND A SCREEN: A CHEST,² A BOX, A CUPBOARD, A BEEHIVE OF STRAW, A BEEHIVE OF REEDS, OR THE WATER-TANK OF AN ALEXANDRIAN³ SHIP, SUCH OF WHICH [OBJECTS] HAVE [FLAT] BOTTOMS⁴ AND A CONTENT OF [AT LEAST] FORTY SEAH⁵ LIQUID MEASURE OR TWO KORS⁶ DRY MEASURE.⁷ [FURTHER] A CURTAIN, A LEATHERN APRON,⁸ A LEATHERN UNDERCOVER,⁹ A SHEET, A MATTING UNDERLAY¹⁰ OR A MAT¹¹ WHEN MADE INTO 'TENTS';¹² A HERD OF CATTLE,¹³ UNCLEAN OR CLEAN, PACKS¹⁴ OF WILD ANIMALS OR BIRDS, A RESTING BIRD,¹⁵ A [SHADY] PLACE THAT [A WOMAN] MAKES FOR HER SON AMONGST THE EARS OF CORN; THE IRIS,¹⁶ THE IVY,¹⁷ ASS HERBS,¹⁸ GREEK GOURDS¹⁹ AND CLEAN FOODSTUFFS.²⁰ R. JOHANAN B. NURI DID NOT AGREE WITH REGARD TO CLEAN FOODSTUFFS EXCEPT IN THE CASE OF A CAKE OF DRIED FIGS.²¹

MISHNAH 2. [FURTHER.] PROJECTING CANOPIES,²² BALCONIES,²³ DOVE-COTES, CREVICES AND CRAGS,²⁴ GROTTOS,²⁵ [OVERHANGING] PINNACLES, INTERLACED BOUGHS AND PROTRUDING STONES SUCH AS ARE CAPABLE OF SUSTAINING THIN PLASTER-WORK; ACCORDING TO R. MEIR. BUT THE SAGES SAY A MEDIUM PLASTER-WORK. THE FOLLOWING IS A CASE OF INTERLACED BOUGHS': A TREE WHICH THROWS SHADE OVER THE GROUND. PROTRUDING STONES' ARE [STONES] THAT PROJECT FROM A WALL.

MISHNAH 3. THE FOLLOWING FORM A PASSAGE BUT NOT A SCREEN: A CHEST, A BOX, A CUPBOARD, A BEEHIVE OF STRAW, A BEEHIVE OF REEDS, OR THE WATERTANK OF AN ALEXANDRIAN SHIP, SUCH OF WHICH [OBJECTS] HAVE NOT [FLAT] BOTTOMS OR HAVE NOT A CONTENT OF FORTY SE'AH'S LIQUID MEASURE OR TWO KORS DRY MEASURE.²⁶ [FURTHER.] A CURTAIN, A LEATHERN APRON, A LEATHERN UNDERCOVER, A SHEET, A MATTING UNDERLAY OR A MAT WHEN NOT MADE INTO 'TENTS',²⁶ CATTLE OR WILD ANIMALS WHEN THEY ARE DEAD, AND FOODSTUFFS THAT ARE [LIABLE TO BECOME] UNCLEAN.²⁷ IN ADDITION TO THESE, A MILL [WORKED BY] MAN-POWER.²⁸

MISHNAH 4. THE FOLLOWING FORM A SCREEN BUT NOT A PASSAGE: A LOOM [WITH A WEB] SPREAD OUT,²⁹ THE ROPEWORK OF A BED, REFUSE BASKETS,³⁰ AND WINDOW-LATTICES.³¹

MISHNAH 5. THE FOLLOWING FORM NEITHER A PASSAGE NOR A SCREEN: SEEDS, PLANTS [STILL] ATTACHED TO THE SOIL, EXCEPT FOR THE PLANTS MENTIONED ABOVE,³² A LUMP³³ OF HAIL, SNOW, FROST, ICE AND SALT. [FURTHER ANYTHING] THAT HOPS FROM ONE PLACE TO ANOTHER, OR LEAPS FROM ONE PLACE TO ANOTHER, A FLYING BIRD, A LOOSELY-FLAPPING GARMENT,³⁴ OR A SHIP FLOATING [FREELY] ON THE WATER. IF THE SHIP WERE TIED WITH SOMETHING THAT CAN KEEP IT STEADY, OR A STONE WERE [PLACED SO AS] TO HOLD DOWN THE GARMENT, THEY CAN FORM A PASSAGE FOR THE UNCLEANNES. R. JOSE SAYS: A HOUSE ON A SHIP CANNOT FORM A PASSAGE FOR UNCLEANNES.³⁵

MISHNAH 6. IF TWO JARS CONTAINING TWO PORTIONS [ONE IN EACH] OF A CORPSE OF THE SIZE OF HALF AN OLIVE, AND SEALED WITH TIGHTLY FITTING LIDS³⁶ WERE LYING IN A HOUSE, THEY REMAIN CLEAN,³⁷ BUT THE HOUSE BECOMES UNCLEAN.³⁸ IF ONE OF THEM WAS OPENED, THAT [JAR] AND THE HOUSE BECOME UNCLEAN, BUT ITS COMPANION REMAINS CLEAN. A SIMILAR RULE APPLIES TO TWO ROOMS THAT OPEN INTO A HOUSE.³⁹

(1) Cf. supra III, 7.

(2) Heb. Shiddah. This word is frequently found (cf. Shab. 120a, Naz. 55a etc) in connection with tebah and migdal, the two words rendered here 'box' and 'cupboard'. Hence it probably means something similar to them. Kel. XVIII, 1 and 2 contains a description of certain parts of a 'shiddah' from which Rashi (on Shab. 44a) infers that it is a wheeled cart used for carrying people. Bert. and L. describe it as a larger version of tebah. 'Aruch suggests the word is possibly derived from late Gk. **, a chair. Perhaps it means a 'wheeled box chair'.

(3) Grain ships going from Alexandria to Rome.

(4) So that they can rest in stable equilibrium.

(5) One se'ah = six kabs, roughly twelve litres.

(6) Cf. 'Uk V, 2. One kor = thirty se'ahs, roughly three hundred ninety-three litres = nearly eleven bushels.

(7) These dimensions are given in connection with the above vessels in Kel. XV, 1, where it is explained that vessels of such a size are insusceptible to uncleanness.

(8) Lat. scortea, 'a leathern article'. Bert., 'workman's apron'; Maim., 'bedcover'.

(9) Gk. **, something 'thrown over' the bed, as an undercover.

(10) Cf. Kel. XXIV, 10; XXVII, 2; B.K. 25b. Perhaps from נפץ 'to spread'.

(11) מחצלת . Cf. Kel. XVII, 17: XX, 7. 'Aruch quotes the cognate Arabic meaning 'slender twigs' from which mats are woven.

(12) These articles, of their own, are susceptible to uncleanness. When forming 'tents', however, they can convey and screen in the normal manner.

(13) Standing in one place, packed tightly together (Bert.).

- (14) **מכונות** Maim. 'packs'. The word is usually taken to mean 'habitation' and here might well be rendered 'stalls', 'coops' (last.). The context, however, suggests a parallel with 'herd of cattle'.
- (15) According to Bert., a captive bird, tied to the place.
- (16) Cf. Kil. V, 8.
- (17) Cf. Kil. l.c.
- (18) **ירקות חמור** a kind of wild gourd. 'cucumis aqrestis'.
- (19) All the above-mentioned plants are regarded as having broad leaves (Bert.). or as being evergreen (L.). Moreover the reference is to such as are still connected with the soil, so that they form a suitable 'tent' and are insusceptible to uncleanness.
- (20) I.e., such as are insusceptible to uncleanness, not having come in contact with any liquid of the seven kinds, v. Maksh. VI, 4.
- (21) Which he regards as the only foods likely to be used as a shelter.
- (22) Zizirt. 'Aruch quotes the cognate Arabic root meaning 'to project'. Cf. B.B. III, 6 and also Oh. XIV, 2 for the distinction between this and the following word.
- (23) **גזריות**. A similar word, **גזזטרא** (Mid. 11,5; Shab. 96a etc.) is taken by 'Aruch from Gk. **' 'gallery'. Our word may be a Hebraized form of this word.
- (24) V. supra III end.
- (25) **גהרים** corrected by 'Aruch to **גהרים**, quoting cognate Arabic 'grotto'. Maim.: from **גהר**, 'to stretch' (I. Kings XVIII, 42) hence 'projecting rock'. Bert.: 'light-holes'.
- (26) Thereby being susceptible to uncleanness.
- (27) Through the process mentioned in Maksh. VI, 4.
- (28) Not by animal power. A portable mill is susceptible to uncleanness.
- (29) The web, consisting of the warp threads alone, spread over a hatchway.
- (30) Cf. Kel. XXIV, 9. 'Aruch connects the word with **זבל** 'dung'.
- (31) All the articles in this Mishnah have holes in their structure. These holes, however, are less than one square handbreadth in area and therefore form valid screens (cf. Rashi on Hul. 125b).
- (32) V. supra I end.
- (33) Lit., 'a stone'.
- (34) Flying loose through the air.
- (35) If it sheltered over a corpse in the sea and vessels on the ship (L.).
- (36) The tightly fitting lid (Num. XIX, 15) forms a screen for an earthenware jar.
- (37) Each containing only half an olive's bulk of a corpse.
- (38) Since It contains an olive-sized portion of a corpse, a tightly fitting lid, while it serves as a screen for what is contained in an earthenware jar, does not prevent any uncleanness in the vessel from penetrating beyond it and defiling what is outside; v. Kel. VIII, 6.
- (39) If two sealed rooms each contain a portion of a corpse of half an olive size, they remain clean, but the house through which the uncleanness must pass becomes unclean.

Mishna - Mas. Oholoth Chapter 9

MISHNAH 1. WITH REGARD TO A BEEHIVE¹ [LYING] IN THE DOORWAY² WITH ITS MOUTH [POINTING] OUTSIDE, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WERE PLACED BELOW THAT [PART OF THE HIVE] WHICH IS OUTSIDE [THE HOUSE]. EVERYTHING DIRECTLY³ BELOW OR ABOVE THAT OLIVE-SIZED [PORTION] BECOMES UNCLEAR;⁴ BUT EVERYTHING THAT IS NOT DIRECTLY [BELOW OR ABOVE] THAT OLIVE-SIZED [PORTION]. OR THAT IS WITHIN [THE HIVE]⁵ OR WITHIN THE HOUSE, REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN THE HOUSE, NOTHING BECOMES UNCLEAR EXCEPT THAT WHICH IS WITHIN THE HOUSE.⁶ [IF THE UNCLEANNESS IS] WITHIN [THE HIVE] EVERYTHING BECOMES UNCLEAR.⁷

MISHNAH 2. [IN THE CASE OF THE HIVE] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE OR ABOVE IT,

EVERYTHING BECOMES UNCLEAN⁸ EXCEPT THAT WHICH IS WITHIN [THE HIVE]. [IF THE UNCLEANNESS IS] WITHIN THE HIVE EVERYTHING BECOMES UNCLEAN.

MISHNAH 3. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL AND IS PERFORATED.⁹ [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW¹⁰ OR BLOCKED UP¹¹ (WHAT IS [CONSIDERED] 'BLOCKED UP?' ANYTHING WHICH HAS NO [LONGER AN OPENING OF] ONE HANDBREADTH [SQUARE] IN ONE PLACE). IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW THE PORTION] TO THE NETHERMOST DEEP BECOMES UNCLEAN;¹² [IF PLACED] ABOVE [THE HIVE EVERYTHING] DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN. [IF THE UNCLEANNESS IS] IN THE HOUSE, NOTHING BECOMES UNCLEAN EXCEPT THE HOUSE. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE]. NOTHING BECOMES UNCLEAN EXCEPT THAT WHICH IS WITHIN [THE HIVE].

MISHNAH 4. [IN THE CASE OF SUCH A HIVE] BEING [PLACED] ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, [THE SPACE] BELOW IT AND THE HOUSE BECOME UNCLEAN,¹³ BUT [THE SPACE] ABOVE AND WITHIN REMAINS CLEAN.¹⁴ [IF THE UNCLEANNESS IS] WITHIN, NOTHING IS UNCLEAN EXCEPT WHAT IS WITHIN; IF ABOVE [THE HIVE]. WHAT IS DIRECTLY ABOVE UP TO THE SKY BECOMES UNCLEAN.

MISHNAH 5. WHEN DO THESE RULES APPLY? WHEN THE MOUTH [OF THE HIVE IS POINTING] OUTWARDS. IN THE CASE OF THE MOUTH [POINTING] INWARDS, IF AN OLIVE-SIZED PORTION OF THE CORPSE IS PLACED BELOW OR ABOVE [THAT PART OF THE HIVE WHICH IS] OUTSIDE, EVERYTHING DIRECTLY BELOW OR ABOVE¹⁵ THAT OLIVE-SIZED PORTION BECOMES UNCLEAN, AND EVERYTHING NOT DIRECTLY [BELOW OR ABOVE IT]. AND WHAT IS WITHIN [THE HIVE] AND THE HOUSE, REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN THE HIVE OR THE HOUSE, EVERYTHING BECOMES UNCLEAN.¹⁶

MISHNAH 6. [IN THE CASE OF THE HIVE IN THIS POSITION] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THE UNCLEANNESS IS BELOW IT OR IN THE HOUSE OR WITHIN [THE HIVE] OR ABOVE IT, EVERYTHING BECOMES UNCLEAN.

MISHNAH 7. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL AND IS PERFORATED. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW OR BLOCKED UP (WHAT IS CONSIDERED BLOCKED UP? ANYTHING WHICH HAS NO [LONGER AN OPENING OF] ONE HANDBREADTH [SQUARE] IN ONE PLACE), IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW THE PORTION] TO THE NETHERMOST DEEP BECOMES UNCLEAN; [IF PLACED] ABOVE [THE HIVE, EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IF THE UNCLEANNESS IS PLACED] WITHIN [THE HIVE] OR IN THE HOUSE, EVERYTHING BECOMES UNCLEAN.¹⁷

MISHNAH 8. [IN THE CASE OF SUCH A HIVE IN THIS POSITION] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE OR WITHIN [THE HIVE]. EVERYTHING¹⁸ BECOMES UNCLEAN EXCEPT WHAT IS ABOVE IT. IF THE UNCLEANNESS IS ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN.

MISHNAH 9. [IN THE CASE WHEN THE HIVE] OCCUPIES ALL THE HOUSE AND THERE WAS NOT A SPACE OF A HANDBREADTH BETWEEN IT¹⁹ AND THE ROOF BEAMS, IF THERE IS UNCLEANNESS WITHIN [THE HIVE], THE HOUSE BECOMES UNCLEAR; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS WITHIN [THE HIVE] REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN.²⁰ [THIS APPLIES] WHETHER [THE HIVE] IS STANDING UPRIGHT, OR LYING ON ITS SIDE, WHETHER THERE IS ONE [HIVE] OR TWO.²¹

MISHNAH 10. [IN THE CASE WHERE THE NON-DEFECTIVE HIVE] WAS STANDING UPRIGHT IN THE DOORWAY AND THERE WAS NOT A SPACE OF ONE HANDBREADTH BETWEEN IT AND THE LINTEL, IF THERE IS UNCLEANNESS WITHIN IT, THE HOUSE REMAINS CLEAN; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS WITHIN [THE HIVE] BECOMES UNCLEAR,²² FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN.²³

MISHNAH 11. [IN THE CASE WHERE] IT²⁴ WAS LYING ON ITS SIDE IN THE OPEN AIR, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WAS PLACED BELOW IT OR ABOVE IT, EVERYTHING DIRECTLY BELOW OR ABOVE THE OLIVE-SIZED [PORTION] BECOMES UNCLEAR; BUT EVERYTHING THAT IS NOT DIRECTLY BELOW OR ABOVE, AND WHAT IS WITHIN [THE HIVE] REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE] EVERYTHING BECOMES UNCLEAR.

MISHNAH 12. [IN THE CASE WHERE THIS HIVE IN THE OPEN AIR] WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAR EXCEPT WHAT IS WITHIN THE HIVE]. [IF THE UNCLEANNESS IS] WITHIN, EVERYTHING BECOMES UNCLEAR. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW, OR ACCORDING TO THE SAGES,²⁵ [IN THE CASE OF IT] CONTAINING FORTY SE' AHS, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WERE PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW] UNTO THE NETHERMOST DEEP BECOMES UNCLEAR; ABOVE IT, [EVERYTHING] DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAR. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE]. NOTHING IS UNCLEAR EXCEPT THAT WHICH IS WITHIN. [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE WAS UNCLEANNESS BELOW IT, WHAT IS BELOW BECOMES UNCLEAR;²⁶ [IF THE UNCLEANNESS] WAS WITHIN IT, WHAT IS WITHIN BECOMES UNCLEAR; ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAR.

MISHNAH 13. [IN THE CASE WHERE] IT WAS RESTING ON ITS BOTTOM AND [RETAINED THE STATUS OF] A VESSEL, IF THERE IS UNCLEANNESS BELOW IT, WITHIN IT OR ABOVE IT,²⁷ THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.²⁸ [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND OR COVERED²⁹ OR INVERTED [SO AS TO STAND] UPON ITS MOUTH, IF THERE IS UNCLEANNESS BELOW IT, WITHIN IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAR.

MISHNAH 14. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [THE DEFICIENCY MAY BE] STOPPED UP WITH STRAW, OR ACCORDING TO THE SAGES, [IN THE CASE OF IT] CONTAINING FORTY SE' AHS, IF THE UNCLEANNESS IS BELOW IT, WITHIN IT OR ABOVE IT, THE UNCLEANNESS CLEAVES UPWARDS AND

DOWNWARDS. R. ELIEZER AND R. SIMEON SAY: UNCLEANNESS CAN NEITHER ASCEND INTO [THE DEFECTIVE HIVE] NOR DESCEND FROM IT.³⁰ [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT, WHAT IS BELOW BECOMES UNCLEAR; WITHIN IT OR ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] IT TO THE SKY BECOMES UNCLEAR.

MISHNAH 15. WITH REGARD TO A COFFIN³¹ WHICH IS BROAD BELOW AND NARROW ABOVE, AND HAD A CORPSE WITHIN, A PERSON TOUCHING IT BELOW³² REMAINS CLEAN; BUT ABOVE, BECOMES UNCLEAR.³³ IF IT IS BROAD ABOVE AND NARROW BELOW, A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAR. IF IT WAS THE SAME [ABOVE AND BELOW], A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAR. THIS IS THE OPINION OF R. ELIEZER, BUT R. JOSHUA SAYS: A HANDBREADTH AND MORE³⁴ BELOW IS CLEAN,³⁵ BUT FROM THAT HANDBREADTH UPWARDS IS UNCLEAR. IF IT IS MADE LIKE A CLOTHES-CHEST,³⁶ A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAR. IF IT WAS MADE LIKE A CASE,³⁷ A PERSON TOUCHING IT ANYWHERE AT THE PLACE WHERE IT OPENS, REMAINS CLEAN.

MISHNAH 16. [WITH REGARD TO] A JAR³⁸ RESTING ON ITS BOTTOM IN THE OPEN AIR, IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BENEATH IT OR WITHIN IT DIRECTLY [ABOVE] ITS BOTTOM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS,³⁹ AND THE JAR BECOMES UNCLEAR.⁴⁰ [IF THE UNCLEANNESS IS] OUTSIDE BELOW THE SIDE, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS,⁴¹ BUT THE JAR REMAINS CLEAN.⁴² [IN THE CASE WHERE THE UNCLEANNESS IS] WITHIN [THE JAR] AND BENEATH THE SIDES,⁴³ IF THERE IS WITHIN THE [CAVITY OF] THE SIDES A SPACE OF A CUBIC HANDBREADTH EVERYTHING⁴⁴ [WITHIN THE CAVITY] BECOMES UNCLEAR, BUT WHAT LIES DIRECTLY [BELOW] THE MOUTH REMAINS CLEAN. IF THERE IS NOT [A SPACE OF A CUBIC HANDBREADTH]. THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. WHEN DO THESE RULES APPLY? WHEN THE JAR IS CLEAN.⁴⁵ [IN THE CASE WHERE IT WAS CAPABLE OF BECOMING] UNCLEAR,⁴⁶ OR WAS ONE HANDBREADTH HIGH OFF THE GROUND,⁴⁷ OR COVERED,⁴⁸ OR INVERTED [SO AS TO STAND] ON ITS MOUTH,⁴⁹ IF THERE IS UNCLEANNESS BENEATH IT, WITHIN IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAR.⁵⁰

(1) A wooden cylinder open at one end (its mouth) for the collection of honey, and perforated at the closed end to give ingress to the bees. It is less than forty se'ahs in content and therefore is to be considered a vessel and not a valid 'tent' on its own; but the fact that it has perforations renders it insusceptible to uncleanness (L.).

(2) Part inside and part outside the house.

(3) In a vertical line.

(4) Being a vessel, the hive can afford no protection (supra VI, 1).

(5) Being insusceptible to uncleanness, the hive can protect its own contents.

(6) The contents of the hive remain clean, the uncleanness not entering by the perforations. regarded as being loosely stopped up.

(7) The uncleanness going out by the perforations.

(8) A 'tent' is thereby formed and the uncleanness is carried into the house.

(9) **מהלחלת**. Some commentators, basing their interpretation of these words on Kel. X, 3, render 'lying loosely in the doorway'. But there seem to be two qualities required here. Firstly the hive must be a useable vessel and not defective. Secondly, it must have perforations that are free and not blocked up. L. and Bert. both render 'perforated'.

(10) The straw cannot restore it to the status of a vessel.

(11) **אפוצה**. Some commentators, taking this word to be the opposite of **מהלחלת**, and basing their interpretation on a passage in J. Pes. I, 27c (where these two words appear as contrasts) render 'fixed tightly in the entrance'. 'Aruch

from Arabic 'to compress', whence Bert. 'with the perforations blocked up'.

(12) But all else remains clean. Not being a vessel, the hive can protect.

(13) The uncleanness being transferred from one space to another.

(14) The hive protecting.

(15) Some texts add 'or within (the hive)'.

(16) Even within the hive, the uncleanness entering its mouth.

(17) Only in this respect does this Mishnah differ from Mishnah 3.

(18) cf Mishnah 5 end n. 2.

(19) The hive is regarded as resting on its bottom so that there is not a handbreadth's space between the mouth and the roof beams.

(20) Cf. supra III, 7.

(21) The one standing on top of the other.

(22) Var. lec., clean. V. Rashi.

(23) For this reason if the uncleanness is within the hive the house is clean.

(24) The unbroken hive.

(25) Who maintain, as against R. Meir (v. Tosef. Kel. pt. II, V, 1) that certain articles when they are of the size of forty se'ahs, no longer retain the status of a vessel, but take on that of a 'tent'. V. also Kel. XV, 1.

(26) All below, the object acting as a 'tent'.

(27) Above the opening.

(28) Even when the uncleanness is within, since the open mouth is in direct communication with the air above.

(29) With another vessel, which cannot protect what is within the hive from uncleanness.

(30) Being defective, it can, In their opinion, afford protection.

(31) Excavated from the living rock.

(32) I.e., touching a portion of the rock not directly beneath the inner wall-surface of the tomb but outside it. Not immediately supporting the covering stone (supra II, 4) it is clean, being reckoned part of the ordinary rock.

(33) Touching the covering stone.

(34) Measured from the lower base of the hollow of the coffin.

(35) Being reckoned part of the ordinary rock.

(36) 'A box' (cf. Kel. XVI. 7). The cover lies over the thickness of the sides (Bert.).

(37) גַּלְסִימָה perhaps from Gr. ** (the LXX rendering For אֶרֶץ II Chron. XXIV. 8) 'a case'. The cover sinks in within the sides, not touching their thicknesses. It therefore resembles the first case in our Mishnah (Bert.).

(38) Made of a substance insusceptible to uncleanness. It is narrow above and below, bulging in the middle.

(39) Cf. Mishnah 13. n. 4.

(40) I.e., what is within the jar in a direct line with the uncleanness.

(41) In a direct line. There is not a space of one cubic handbreadth below the bulge of the jar, hence the uncleanness is compressed.

(42) Being insusceptible to uncleanness from the outside.

(43) I.e., in the cavity formed by the bulge.

(44) Reckoned a 'tent'.

(45) Insusceptible to uncleanness.

(46) And consequently unable to serve as a screen to protect the contents in the jar where the uncleanness is outside beneath the bulge.

(47) In this case the jar forms a 'tent' which conveys uncleanness and does not serve as a screen (v. supra VI, I). spreading consequently the uncleanness in every case to the jar and its contents.

(48) Whilst they would not affect the case where the uncleanness was outside under the bulge of the jar, where it was placed beneath the jar or within it directly above its bottom or beneath the sides, the contents of the jar become unclean because a tightly fitting cover does not serve as a screen against compressed uncleanness (v. Kel. X. 2). with the result that the cover itself forms a 'tent' defiling the contents of the jar.

(49) Cf. previous note mut. mut.

(50) The cases vary in detail (L.). V. nn. 12-13.

Mishna - Mas. Oholoth Chapter 10

Mishna - Mas. Oholoth Chapter 10

MISHNAH 1. [WITH REGARD TO] A HATCHWAY IN A HOUSE,¹ WHICH [HATCHWAY] HAS AN OPENING OF A [SQUARE] HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE,² WHAT IS DIRECTLY [BELOW] THE HATCHWAY REMAINS CLEAN.³ IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, THE HOUSE REMAINS CLEAN. IF THE UNCLEANNESS IS EITHER IN THE HOUSE OR DIRECTLY [BELOW] THE HATCHWAY, AND A PERSON PLACED HIS FOOT ABOVE [THE HATCHWAY]. HE HAS COMBINED⁴ [WITH THE ROOF TO BRING] UNCLEANNESS. IF PART OF THE UNCLEANNESS IS IN THE ROOM AND PART OF IT DIRECTLY [BELOW] THE HATCHWAY,⁵ THE HOUSE BECOMES UNCLEAN AND WHAT IS DIRECTLY [AGAINST] THE UNCLEANNESS BECOMES UNCLEAN.⁶

MISHNAH 2. [IN THE CASE WHERE] THE HATCHWAY HAS NOT AN OPENING OF A [SQUARE] HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS DIRECTLY [BELOW] THE HATCHWAY REMAINS CLEAN. IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, THE HOUSE REMAINS CLEAN.⁷ [IN THE CASE WHERE] THE UNCLEANNESS IS IN THE HOUSE, IF HE PLACED HIS LEG ABOVE [THE HATCHWAY]. HE REMAINS CLEAN.⁸ [IN THE CASE WHERE] THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, IF HE PLACED HIS LEG ABOVE IT, R. MEIR DECLARES [HIM] UNCLEAN, BUT THE SAGES SAY: IF THE UNCLEANNESS WAS [IN POSITION] BEFORE HIS LEG, HE BECOMES UNCLEAN,⁹ BUT IF HIS LEG WAS [IN POSITION] BEFORE THE UNCLEANNESS, HE REMAINS CLEAN.¹⁰ R. SIMEON SAYS: [IN THE CASE WHERE] TWO [MEN'S] LEGS, ONE ABOVE THE OTHER, WERE [IN POSITION] BEFORE THE UNCLEANNESS. IF THE FIRST PERSON WITHDREW HIS LEG AND THE OTHER PERSON'S LEG WAS STILL THERE, [THE SECOND] REMAINS CLEAN, BECAUSE THE FIRST PERSON'S LEG WAS [IN POSITION] BEFORE THE UNCLEANNESS.¹¹

MISHNAH 3. IF PART OF THE UNCLEANNESS IS IN THE HOUSE AND PART DIRECTLY [BELOW] THE HATCHWAY,¹² THE HOUSE BECOMES UNCLEAN, AND WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS BECOMES UNCLEAN.¹³ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: THE HOUSE BECOMES UNCLEAN BUT WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS REMAINS CLEAN.¹⁴ R. JOSE SAYS: IF THERE IS SUFFICIENT¹⁵ OF THE UNCLEANNESS FOR IT TO BE DIVIDED SO THAT [ONE PART] DEFILES THE HOUSE AND [THE OTHER PART] DEFILES WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS,¹⁶ [BOTH SPACES] BECOME UNCLEAN; IF NOT, THE HOUSE BECOMES UNCLEAN BUT WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS REMAINS CLEAN.

MISHNAH 4. [IN THE CASE OF] MANY HATCHWAYS, ONE ABOVE THE OTHER,¹⁷ HAVING AN OPENING OF ONE HANDBREADTH [SQUARE], IF THERE IS UNCLEANNESS IN THE HOUSE,¹⁸ WHAT IS DIRECTLY [BELOW] THE HATCHWAYS REMAINS CLEAN. IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAYS, THE HOUSE REMAINS CLEAN. [IN THE CASE] WHERE THE UNCLEANNESS IS EITHER IN THE HOUSE OR DIRECTLY [BELOW] THE HATCHWAYS, IF AN ARTICLE SUSCEPTIBLE TO UNCLEANNESS WERE PLACED EITHER IN THE UPPER OR THE LOWER [HATCHWAY], ALL BECOMES UNCLEAN.¹⁹ IF THE ARTICLE IS INSUSCEPTIBLE TO UNCLEANNESS, WHAT IS BELOW BECOMES UNCLEAN,²⁰ BUT WHAT IS ABOVE REMAINS CLEAN.²¹

MISHNAH 5. [IN THE CASE] WHERE THE HATCHWAYS HAVE NOT AN OPENING OF A SQUARE HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS DIRECTLY [BELOW] THE HATCHWAYS REMAINS CLEAN. IF THERE IS UNCLEANNESS DIRECTLY [BELOW] THE HATCHWAYS, THE HOUSE REMAINS CLEAN. [IN THE CASE]

WHERE THE UNCLEANNESS IS IN THE HOUSE,²² IF AN ARTICLE WHETHER SUSCEPTIBLE TO UNCLEANNESS OR INSUSCEPTIBLE TO UNCLEANNESS WAS PLACED EITHER IN THE UPPER OR THE LOWER [HATCHWAY], NOTHING BECOMES UNCLEAN EXCEPT THE LOWER STOREY.²³ [IN THE CASE] WHERE THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAYS, IF AN ARTICLE SUSCEPTIBLE TO UNCLEANNESS WERE PLACED EITHER IN THE UPPER OR LOWER [HATCHWAY], EVERYTHING BECOMES UNCLEAN.²⁴ IF THE ARTICLE IS INSUSCEPTIBLE TO UNCLEANNESS, WHETHER [IT IS PLACED] IN THE UPPER OR LOWER [HATCHWAY], NOTHING BECOMES UNCLEAN EXCEPT THE LOWER STOREY.²⁵

MISHNAH 6. [WITH REGARD TO] A HATCHWAY IN A HOUSE WITH A POT SO PLACED BELOW IT THAT, IF IT WAS RAISED, ITS RIMS WOULD NOT TOUCH THE [EDGES OF THE] HATCHWAY, IF THERE IS UNCLEANNESS BELOW, WITHIN OR ABOVE [THE POT], THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.²⁶ [IN THE CASE] WHERE [THE POT] WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, WHAT IS BELOW IT AND IN THE HOUSE BECOMES UNCLEAN,²⁷ BUT WHAT IS WITHIN [THE POT] OR ABOVE IT, REMAINS CLEAN.²⁸ [IF THE UNCLEANNESS IS] WITHIN OR ABOVE [THE POT], EVERYTHING BECOMES UNCLEAN.²⁹

MISHNAH 7. [IN THE CASE WHERE THE POT WAS] SO PLACED ON THE SIDE OF THE THRESHOLD³⁰ SO THAT IF IT WAS RAISED IT WOULD TOUCH THE LINTEL OVER A [SPACE OF A SQUARE] HANDBREADTH,³¹ IF THERE IS UNCLEANNESS BELOW, WITHIN OR ABOVE [THE POT], THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. [IN THE CASE] WHERE IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, WHAT IS BELOW IT AND IN THE HOUSE BECOMES UNCLEAN. IF THE UNCLEANNESS IS WITHIN OR ABOVE [THE POT], EVERYTHING BECOMES UNCLEAN.³² [IN THE CASE WHERE THE POT] IF RAISED WOULD NOT TOUCH THE LINTEL OVER A [SPACE OF A SQUARE] HANDBREADTH, OR IS JOINED TO THE LINTEL,³³ IF THERE IS UNCLEANNESS BELOW IT, NOTHING IS UNCLEAN EXCEPT WHAT IS BELOW [THE POT].³⁴

(1) In the roof, giving access to the open air.

(2) under the roof away from the hatchway.

(3) Not being overshadowed.

(4) Cf. supra VI, 1. The man's foot has combined with the roof to form a 'tent' For the uncleanness and everything in the room, even what is directly below the hatchway, is unclean.

(5) Although the whole does not exceed an olive's hulk, so that neither part has sufficient to convey uncleanness.

(6) Since vessels overshadowing but a portion of the prescribed minimum of uncleanness present (cf. supra III, 4) become unclean.

(7) These rules are the same as in Mishnah 1.

(8) No uncleanness escapes through a hole less than a square handbreadth in area (Tosef. XI, 7) but all the house becomes unclean as in Mishnah 1 by combination of Foot with roof.

(9) because it overshadowed uncleanness.

(10) Because his leg had already combined to Form a complete 'tent' before the uncleanness had come, and the latter cannot escape now through a hole of less than a square handbreadth in a valid 'tent'.

(11) He is not regarded as coming into position after the uncleanness.

(12) Of less than a square handbreadth in size.

(13) V. Mishnah 1, n, 6.

(14) Any continuation of a portion of uncleanness not being able to defile through an opening of less than a handbreadth.

(15) I.e., a minimum of twice the size of an olive.

(16) Though they are not so divided in fact.

- (17) One in the ceiling of the ground floor and the other in the roof, vertically above the first.
- (18) Not under the hatchways.
- (19) Including whatever is in the house, the article placed over the hatchway Forming a 'tent' overshadowing all. Even if the article was only in the lower hatchway the upper storey would become unclean, seeing that the article is susceptible to uncleanness and cannot therefore screen the upper storey, and hence is regarded as being in the upper hatchway (Bert.). ‘
- (20) Being overshadowed by the article.
- (21) It Forms a valid screen.
- (22) In the lower storey.
- (23) The uncleanness being unable to escape through an opening of less than a square handbreadth.
- (24) As in Mishnah 4.
- (25) Where the uncleanness is, the article screening.
- (26) Even penetrating the earthenware pot which normally cannot be defiled From its outside.
- (27) Since the pot combines with the roof and brings the uncleanness by overshadowing.
- (28) The pot screening in conjunction with the walls of the house (cf. supra V, 5).
- (29) I.e., the pot, which consequently cannot serve as a screen, and hence all else in the house as in Mishnah 4.
- (30) I.e., on the outer side of the house where also the uncleanness was.
- (31) It is a case where the pot was wider below and getting narrower towards the opening, so that when it is raised the opening would be entirely outside the lintel, whereas the bottom part would still be covering the lintel over the space of a handbreadth.
- (32) As in Mishnah 6, n. 4.
- (33) In such a manner as not to touch a handbreadth of the lintel,
- (34) Since there is no handbreadth under the lintel the uncleanness does not pass into the house and consequently what is within and above the pot is clean.

Mishna - Mas. Oholoth Chapter 11

MISHNAH 1. [WITH REGARD TO] A HOUSE, [WHOSE ROOF] HAS BEEN SPLIT [INTO TWO].¹ IF THERE IS UNCLEANNESS IN THE OUTER [PART].² VESSELS IN THE INNER [PART] REMAIN CLEAN.³ IF THE UNCLEANNESS IS IN THE INNER [PART]. VESSELS IN THE OUTER [PART ARE DECLARED CLEAN]. ACCORDING TO BETH SHAMMAI, WHEN THE SPLIT IS FOUR HANDBREADTHS WIDE;⁴ BUT BETH HILLEL SAY: [WHEN THE SPLIT IS OF] ANY SIZE.⁵ R. JOSE SAYS IN THE NAME OF BETH HILLEL: [WHEN IT IS] ONE HANDBREADTH WIDE.

MISHNAH 2. [WITH REGARD TO] A PORTICO WHICH HAS BEEN SPLIT [INTO TWO]. IF THERE IS UNCLEANNESS ON THE ONE SIDE,⁶ VESSELS ON THE OTHER SIDE REMAIN CLEAN.⁷ IF A PERSON PLACED HIS LEG OR A REED ABOVE [THE SPLIT],⁸ HE HAS COMBINED [WITH THE ROOF TO BRING THE] UNCLEANNESS.⁹ IF HE PLACED THE REED ON THE GROUND,¹⁰ IT DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS, [NOR CAN IT DO SO] UNTIL IT IS ONE HANDBREADTH OFF THE GROUND.¹¹

MISHNAH 3. A THICK WOOLLEN BLANKET OR A THICK WOODEN BLOCK¹² CANNOT FORM A PASSAGE FOR UNCLEANNESS¹³ UNLESS THEY ARE ONE HANDBREADTH HIGH OFF THE GROUND. IF [GARMENTS] ARE FOLDED ONE ABOVE THE OTHER THEY CANNOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND.¹⁴ IF A PERSON WERE PLACED THERE,¹⁵ BETH SHAMMAI SAY: HE CANNOT FORM A PASSAGE FOR THE UNCLEANNESS. BUT BETH HILLEL SAY: A MAN IS HOLLOW AND HIS UPPERMOST SURFACE FORMS A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 4. IF A PERSON WAS LOOKING OUT OF A WINDOW AND OVERSHADOWED A FUNERAL PROCESSION,¹⁶ BETH SHAMMAI SAY: HE DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS.¹⁷ BUT BETH HILLEL SAY: HE DOES FORM A PASSAGE FOR THE UNCLEANNESS. THEY AGREE THAT IF HE WAS DRESSED IN HIS CLOTHES OR IF THERE WERE TWO PERSONS, ONE ABOVE THE OTHER, THESE¹⁸ FORM A PASSAGE FOR THE UNCLEANNESS.¹⁹

MISHNAH 5. [IN THE CASE] WHERE THE PERSON WAS LYING ON THE THRESHOLD AND THE FUNERAL PROCESSION OVERSHADOWED HIM,²⁰ BETH SHAMMAI SAY: HE DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS.²¹ BUT BETH HILLEL SAY: HE DOES FORM A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 6. [IN THE CASE] WHERE THE UNCLEANNESS WAS IN THE HOUSE AND CLEAN PERSONS OVERSHADOWED HIM,²² BETH SHAMMAI DECLARE THEM CLEAN, BUT BETH HILLEL DECLARE THEM UNCLEAR.²³

MISHNAH 7. [WITH REGARD TO] A DOG WHICH HAD EATEN THE FLESH OF A CORPSE, HAD [SUBSEQUENTLY] DIED²⁴ AND WAS LYING OVER THE THRESHOLD, R. MEIR SAYS: IF ITS NECK HAS A THICKNESS OF ONE HANDBREADTH IT CAN FORM A PASSAGE FOR THE UNCLEANNESS, BUT IF NOT, IT CANNOT FORM A PASSAGE FOR THE UNCLEANNESS. R. JOSE SAYS: WE [EXAMINE TO] SEE WHERE THE UNCLEANNESS IS. [IF IT LIES FROM BENEATH] THE LINTEL INWARDS, THE HOUSE BECOMES UNCLEAR; [FROM BENEATH] THE LINTEL OUTWARDS, THE HOUSE REMAINS CLEAN. R. ELIEZER SAYS: IF ITS MOUTH [POINTS] INWARDS, THE HOUSE REMAINS CLEAN; IF ITS MOUTH [POINTS] OUTWARDS, THE HOUSE BECOMES UNCLEAR, SINCE THE UNCLEANNESS PROCEEDS FORTH THROUGH ITS HINDER

PARTS. R. JUDAH B. BATHYRA SAYS: WHETHER THE ONE [CONDITION] OR THE OTHER [APPLIES]. THE HOUSE BECOMES UNCLEAN.²⁵ HOW LONG SHOULD [THE UNCLEANNESS] HAVE REMAINED IN ITS ENTRAILS?²⁶ THREE WHOLE DAYS.²⁷ [IN THE CASE OF THE UNCLEANNESS BEING IN THE ENTRAILS] OF FISHES OR BIRDS, AS LONG AS [IT TAKES FOR THE UNCLEANNESS] TO FALL IN THE FIRE AND BE CONSUMED; SO R. SIMEON. R. JUDAH B. BATHYRA SAYS: IN THE CASE OF FISHES OR BIRDS, TWENTY-FOUR HOURS.

MISHNAH 8. WITH REGARD TO A CELLAR²⁸ IN A HOUSE,²⁹ WITH A CANDLESTICK [STANDING] THEREIN WHOSE CALYX³⁰ PROTRUDES³¹ AND [SUPPORTS] AN OLIVE-BASKET SO PLACED THAT IF THE CANDLESTICK IS TAKEN AWAY THE OLIVE-BASKET WOULD STILL REMAIN OVER THE MOUTH OF THE CELLAR,³² BETH SHAMMAI SAY: THE CELLAR REMAINS CLEAN³³ BUT THE CANDLESTICK BECOMES UNCLEAN.³⁴ BETH HILLEL SAY: THE CANDLESTICK ALSO REMAINS CLEAN. BUT THEY AGREE THAT IF THE OLIVE-BASKET WOULD FALL [INTO THE CELLAR] IF THE CANDLESTICK WAS TAKEN AWAY, ALL WOULD BECOME UNCLEAN.

MISHNAH 9. VESSELS [THAT ARE] BETWEEN THE RIMS OF THE OLIVE-BASKET³⁵ AND THE RIMS OF THE CELLAR, EVEN TO THE NETHERMOST DEEP,³⁶ REMAIN CLEAN.³⁷ IF THERE IS UNCLEANNESS IN THE CELLAR, THE HOUSE BECOMES UNCLEAN.³⁸ IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS IN THE WALLS OF THE CELLAR³⁹ REMAIN CLEAN, IF THE PLACE WHERE THEY ARE HAS A CONTENT OF ONE CUBIC HANDBREADTH;⁴⁰ IF NOT, THEY BECOME UNCLEAN. IF THE WALLS OF THE CELLAR ARE WIDER [APART]⁴¹ THAN THOSE OF THE HOUSE, IN EITHER CASE THE VESSELS REMAIN CLEAN.⁴²

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- (1) Two separate 'tents' thus being formed.
 - (2) Nearer the exit of the house.
 - (3) Because the uncleanness goes out by the exit and not into the inner portion. however narrow the split.
 - (4) The uncleanness can be taken out through the wide split.
 - (5) Subject to a minimum thickness of a plumb-line (Tosef.).
 - (6) Of the split.
 - (7) Cf. n. 3 mut. mut.
 - (8) Either in the case of the house or portico.
 - (9) Cf. supra X, 1.
 - (10) Directly below the split.
 - (11) And thus forming a common 'tent' with the roof connecting both parts of the house.
 - (12) **כופת** from **כפת** 'to invert', a wooden block used as a low seat.
 - (13) Even though one handbreadth high and placed directly below the split.
 - (14) Rather: they form a passage for the uncleanness if only the uppermost is one handbreadth high from the ground (Wilna Gaon).
 - (15) Directly under the object. V. 'Ed. IV, 12.
 - (16) And the corpse.
 - (17) Sc. into the house from which he was looking out. because he is not one handbreadth high above the sill. Beth Shammai differ from Beth Hillel and do not regard the man as being hollow, and his body forms a partition between the corpse and the house.
 - (18) The garments or the upper person.
 - (19) Since these are one handbreadth above the sill.
 - (20) And the corpse.
 - (21) To bring it into the house, as in Mishnah 4.
 - (22) The person described in Mishnah 5.
 - (23) Each school in accordance with its respective view in Mishnahs 4 and 5.

- (24) If the dog was alive, any uncleanness that it had swallowed would not defile (v. Hul. 71b).
- (25) For notes on this Mishnah v. Hul., Sonc. ed., p. 126a.
- (26) Before the dog died so that it would have time to be digested.
- (27) V. Shab. 155b for a Talmudic statement based upon this observation.
- (28) **הדות** The same word as **דֹת** supra V, 6.
- (29) In which there is a corpse.
- (30) **פֶּרֶחַ** Cf. Kei. XI, 7. The flower-shaped structure which holds the lamp.
- (31) Into the house.
- (32) I.e., it would not fall down into the cellar.
- (33) Being protected by the olive-basket.
- (34) Being made of metal and protruding into the house.
- (35) That was not supported by the candlestick.
- (36) I.e., even those in the ground.
- (37) The basket affording protection otherwise the corpse uncleanness In the house would spread to the vessels in the ground of the cellar, v. infra XV, 5.
- (38) Cf. supra IV, 1.
- (39) I.e., those parts which are not covered by the basket, the basket being round, whereas the cellar is square, so that the corners of the opening the latter remain uncovered.
- (40) V. supra III, 7.
- (41) So that the cellar walls are not the continuation of the walls of the house.
- (42) In this case the walls of the cellar are not regarded at all as part of the house.

Mishna - Mas. Oholoth Chapter 12

MISHNAH 1. [WITH REGARD TO] A BOARD PLACED OVER THE MOUTH OF A NEW¹ OVEN,² OVERLAPPING IT ON ALL SIDES TO THE EXTENT OF A HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH [THE BOARD]. VESSELS ABOVE IT REMAIN CLEAN; IF THERE IS UNCLEANNESS ABOVE IT, VESSELS BENEATH IT REMAIN CLEAN.³ IN THE CASE OF AN OLD OVEN, THEY BECOME UNCLEAR.⁴ R. JOHANAN B. NURI DECLARES THEM CLEAN.⁵ [IN THE CASE WHERE THE BOARD] IS PLACED OVER THE MOUTH OF TWO [OLD] OVENS, IF THERE IS UNCLEANNESS BETWEEN THEM, THEY BECOME UNCLEAR. R. JOHANAN B. NURI DECLARES THEM CLEAN.

MISHNAH 2. [WITH REGARD TO] A COLANDER⁶ PLACED⁷ OVER THE MOUTH OF AN OVEN, [SO THAT THIS IS] CLOSED WITH A SEALED LID,⁸ IF THERE IS UNCLEANNESS BELOW OR ABOVE IT, EVERYTHING BECOMES UNCLEAR; BUT WHAT IS DIRECTLY [ABOVE] THE AIR-SPACE OF THE OVEN REMAINS CLEAN.⁹ IF THERE IS UNCLEANNESS DIRECTLY [ABOVE] THE AIR-SPACE OF THE OVEN, EVERYTHING DIRECTLY ABOVE IT EVEN TO THE SKY BECOMES UNCLEAR.

MISHNAH 3. [IN THE CASE WHERE] THE BOARD PLACED OVER THE MOUTH OF AN OLD OVEN PROJECTS FROM EITHER [END] TO THE EXTENT OF ONE HAND BREADTH BUT NOT FROM THE SIDES, IF THERE IS UNCLEANNESS UNDER ONE END [OF THE BOARD]. VESSELS [UNDER] THE OTHER END REMAIN CLEAN.¹⁰ R. JOSE DECLARES THEM UNCLEAR.¹¹ A BATH¹² DOES NOT FORM A PASSAGE FOR UNCLEANNESS.¹³ IF THERE WAS A BRACKET¹⁴ IN IT, R. ELIEZER SAYS: IT [STILL] DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS. R. JOSHUA SAYS: THE BATH IS REGARDED AS NOT BEING THERE, AND THE BRACKET ABOVE FORMS A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 4. [WITH REGARD TO] THE SHOE¹⁵ OF A CRADLE,¹⁶ FOR WHICH A HOLE HAD BEEN MADE [IN THE CEILING TO BRING IT] INTO THE HOUSE [BELOW],¹⁷ IF [THE

HOLE] IS ONE HANDBREADTH SQUARE, EVERYTHING¹⁸ BECOMES UNCLEAN;¹⁹ BUT IF IT WAS NOT [ONE HANDBREADTH SQUARE]. ITS [UNCLEANNES] IS COMPUTED AS ONE RECKONS WITH [CASES OF CONTACT WITH] A CORPSE.²⁰

MISHNAH 5. [WITH REGARD TO] THE ROOF BEAMS²¹ OF THE HOUSE AND OF THE UPPER STOREY WHICH HAVE NO CEILING-WORK UPON THEM AND ARE IN A LINE, [THE UPPER ONES EXACTLY ABOVE THE LOWER]. IF THERE IS UNCLEANNES BENEATH ONE OF THEM, ALL BENEATH THAT ONE BECOMES UNCLEAN. IF IT IS BETWEEN A LOWER AND AN UPPER [BEAM]. WHAT IS BETWEEN THEM BECOMES UNCLEAN. IF IT IS ABOVE THE UPPER [ROOF BEAMS], WHAT IS DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN. [IN THE CASE] WHERE THE UPPER [ROOF BEAMS] WERE [OVER THE GAPS] BETWEEN THE LOWER [ROOF BEAMS],²² IF THERE IS UNCLEANNES BENEATH ONE OF THEM, WHAT IS BENEATH ALL OF THEM BECOMES UNCLEAN; IF ABOVE THEM, WHAT IS DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN.

MISHNAH 6. [WITH REGARD TO] A BEAM WHICH IS PLACED ACROSS FROM ONE WALL TO ANOTHER AND WHICH HAS UNCLEANNES BENEATH IT, IF IT IS ONE HANDBREADTH WIDE, IT CONVEYS THE UNCLEANNES TO ALL BENEATH IT; IF IT IS NOT [ONE HANDBREADTH WIDE], THE UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS. HOW MUCH MUST ITS CIRCUMFERENCE BE SO THAT ITS WIDTH SHOULD BE ONE HANDBREADTH? IF IT IS ROUND, ITS CIRCUMFERENCE MUST BE THREE HANDBREADTHS; IF SQUARE, FOUR HANDBREADTHS, SINCE A SQUARE HAS A [CIRCUMFERENCE] ONE QUARTER GREATER THAN [THAT OF] A CIRCLE.²³

MISHNAH 7. [WITH REGARD TO] A PILLAR LYING [ON ITS SIDE] IN THE OPEN AIR, IF ITS CIRCUMFERENCE IS TWENTY-FOUR HANDBREADTHS, IT FORMS A PASSAGE FOR UNCLEANNES FOR ALL BENEATH ITS SIDE;²⁴ BUT IF IT IS NOT, THE UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS.

MISHNAH 8. IF AN OLIVE-SIZED PORTION OF A CORPSE ADHERES TO THE THRESHOLD,²⁵ R. ELIEZER DECLARES THE HOUSE UNCLEAN. R. JOSHUA DECLARES IT CLEAN. IF IT WAS PLACED BENEATH THE THRESHOLD, THE [CASE] IS JUDGED BY THE HALF [IN WHICH THE UNCLEANNES IS].²⁶ IF IT IS ADHERING TO THE LINTEL, THE HOUSE BECOMES UNCLEAN. R. JOSE DECLARES IT CLEAN. IF IT WAS IN THE HOUSE, A PERSON TOUCHING THE LINTEL BECOMES UNCLEAN.²⁷ [AS FOR] A PERSON TOUCHING THE THRESHOLD, R. ELIEZER DECLARES HIM UNCLEAN. R. JOSHUA SAYS: [IF HE TOUCHES IT AT A POINT] BELOW A HANDBREADTH [FROM THE UPPER SURFACE]. HE REMAINS CLEAN; ABOVE THAT HANDBREADTH HE BECOMES UNCLEAN.²⁸

(1) One not yet kindled (v. Kel. V, 1). It is not reckoned a vessel and is unsusceptible to uncleanness; hence it can protect against uncleanness.

(2) Standing in the open air,

(3) The board and new oven serving as a screen.

(4) Heated ovens are vessels susceptible to uncleanness and hence (v. supra VI, 2) serve as 'tents' to bring uncleanness, but not to protect against it.

(5) Ovens differing, in his opinion, from other vessels in respect of the law laid down in VI, 1, being completely attached to the ground.

(6) Cf. supra V, 6.

(7) In the same position as the board in Mishnah 1.

(8) As in Kel. IX. 7.

- (9) Since the air-space itself remains clean because of the sealed lid.
- (10) The board affording no passage for the uncleanness and the oven serving as partition between the two 'tents' formed by each projection.
- (11) In his view the oven forms no partition.
- (12) Attached to the ground, **בטה** Some readings have **אבטה** 'Aruch gives a cognate Arabic root meaning 'a bath' or 'sill', whence Bert. renders 'bath' and Maim. 'windowsill'.
- (13) If there is a board placed over it projecting at both ends.
- (14) **זיז** found also in supra VIII, 2 meaning 'wall-projection'. The bracket overlies the whole length of the bath and the board is over the bracket.
- (15) **סנדל** 'sandal', explained as metal shoe placed under the cradle legs for protection or adornment.
- (16) Placed in the upper storey.
- (17) Where there is a corpse.
- (18) In the upper storey. Var. lec.: it forms a passage for the uncleanness.
- (19) The shoe affording no protection.
- (20) The shoe and cradle acquiring seven-day uncleanness, and the child in it uncleanness lasting till evening (v. supra I, 2).
- (21) Each of one handbreadth in width.
- (22) And were of the same size as those gaps.
- (23) Of a diameter equal to the side of the square. The circumference of the square is four handbreadths and of the circle, three, using the simplified calculation employed in the Talmud here and elsewhere ('Er. I, 5; Suk. 7b).
- (24) Such a pillar has, according to the Rabbinic reckoning, a diameter of eight handbreadths. When a circle of this size is inscribed in a square, there is sufficient space in the corners between the circle and the square to inscribe a smaller square with a side of one handbreadth. Therefore under a pillar of these dimensions a space of one cubic handbreadth, the minimum size of a shelter for uncleanness, can be found. Mathematically computed, the side of the smaller square inscribed in the corner between a circle and the circumscribed square has a relation to the side of the larger square of $1:4+2/2$. The circle thus has a circumference Gr. $4+2/2$ times the side of the smaller square. If that side was one handbreadth, the circumference would be approximately twenty-one and a half handbreadths. The measurement in our Mishnah is thus slightly too large. V. figure given by Hoffmann (Itzkowski-Kanel ed. Mishnah VI, 2 p. 210).
- (25) Outside the door jamb and not under the lintel.
- (26) Only the inner half of the threshold being reckoned with the inside of the house.
- (27) cf. supra VII, 3.
- (28) Cf. supra IX, 15.

Mishna - Mas. Oholoth Chapter 13

MISHNAH 1. [WITH REGARD TO] A LIGHT HOLE NEWLY MADE, ITS MINIMUM SIZE¹ IS THAT OF A HOLE MADE BY THE LARGE DRILL OF THE TEMPLE CHAMBER.² [IN THE CASE OF] THE RESIDUE OF A LIGHT-HOLE³ [THE SIZE IS] TWO FINGERBREADTHS HIGH BY A THUMB-BREADTH BROAD. THE FOLLOWING IS CONSIDERED A RESIDUE OF A LIGHT-HOLE A WINDOW THAT A PERSON HAD BLOCKED UP BUT HAD NOT BEEN ABLE TO FINISH. [IN THE CASE OF A HOLE] BORED BY WATER, OR BY REPTILES. OR EATEN AWAY BY SALTPETRE. THE MINIMUM SIZE IS THAT OF A FIST.⁴ IF THE HOLE HAD BEEN INTENDED FOR [DOMESTIC] USE, ITS MINIMUM SIZE IS ONE HANDBREADTH SQUARE; FOR LIGHTING. ITS MINIMUM SIZE IS THAT OF A HOLE MADE BY THE DRILL. THE HOLES IN GRATING⁵ OR LATTICE-WORK⁶ MAY BE JOINED TOGETHER TO FORM [AN OPENING] THE SIZE OF A HOLE MADE BY THE DRILL, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: [NOTHING CAN BE RECKONED] UNLESS THERE IS A HOLE OF THE SIZE MADE BY THE DRILL IN ONE PLACE. [THE FOREGOING SIZES APPLY] FOR PURPOSES OF ALLOWING THE UNCLEANNESS TO COME IN OR TO GO OUT.⁷ R. SIMEON SAYS: ONLY FOR ALLOWING THE UNCLEANNESS TO COME IN; BUT FOR ALLOWING THE UNCLEANNESS TO GO OUT [THE MINIMUM SIZE] IS ONE HANDBREADTH SQUARE.

MISHNAH 2. [WITH REGARD TO] A WINDOW MADE FOR LETTING IN AIR, ITS MINIMUM SIZE IS THAT OF A HOLE MADE BY THE DRILL. IF A HOUSE WAS BUILT OUTSIDE IT, ITS MINIMUM SIZE BECOMES ONE HANDBREADTH SQUARE. IF THE ROOF⁸ WAS PLACED AT THE HEIGHT OF THE MIDDLE OF THE WINDOW, THE MINIMUM SIZE OF THE LOWER PART IS ONE HANDBREADTH SQUARE AND OF THE UPPER PART THAT OF A HOLE MADE BY THE DRILL.

MISHNAH 3. [WITH REGARD TO] A HOLE IN THE DOOR, ITS MINIMUM SIZE IS THAT OF A FIST. THIS IS THE OPINION OF R. AKIBA. R. TARFON SAYS: ONE HANDBREADTH SQUARE. IF THE CARPENTER HAD LEFT A SPACE AT THE BOTTOM OR THE TOP [OF THE DOOR]. OR IF ONE HAD SHIFT [THE DOOR] BUT NOT CLOSED IT TIGHTLY,⁹ OR IF THE WIND BLEW IT OPEN, THE MINIMUM SIZE IS THAT OF A FIST.

MISHNAH 4. IF A PLACE¹⁰ WAS MADE FOR A ROD, A STAVE,¹¹ OR A LAMP, THE MINIMUM SIZE IS WHATEVER IS NEEDFUL, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: ONE HANDBREADTH SQUARE. [IF IT WAS MADE] FOR A PEEP-HOLE,¹² FOR SPEAKING THROUGH TO HIS FELLOW, OR FOR [DOMESTIC] USE, THE MINIMUM SIZE IS ONE HANDBREADTH SQUARE.

MISHNAH 5. THE FOLLOWING [OBJECTS SERVE TO] REDUCE [THE AREA OF A SQUARE] HANDBREADTH:¹³ [A PORTION] OF LESS THAN AN OLIVE-SIZE OF FLESH [OF A CORPSE] REDUCES [THE OPENING FOR UNCLEANNESS THAT IS] CAUSED BY A QUARTER OF A KAB OF BONES¹⁴ [FROM A CORPSE]; [A PORTION] OF LESS THAN A BARLEY-CORN SIZE OF BONE REDUCES [THE OPENING FOR UNCLEANNESS THAT IS] CAUSED BY AN OLIVE-SIZED PORTION OF FLESH; LESS THAN AN OLIVE-SIZED PORTION OF A CORPSE,¹⁵ LESS THAN AN OLIVE-SIZED PORTION OF CARRION, LESS THAN A LENTIL-SIZED PORTION OF REPTILE, LESS THAN AN EGG-SIZED PORTION OF FOOD, A PLANT GROWING AGAINST THE WINDOW,¹⁶ A COBWEB¹⁷ HAVING SUBSTANCE, THE CARCASE OF A CLEAN BIRD THAT HAVE NOT BEEN INTENDED [FOR FOOD],¹⁸ AND THE CARCASE OF AN UNCLEAR BIRD THAT HAD BEEN INTENDED [FOR FOOD] THAT HAD NOT BEEN RENDERED SUSCEPTIBLE [TO UNCLEANNESS], OR WHICH HAD BEEN RENDERED SUSCEPTIBLE [TO UNCLEANNESS] BUT HAD NOT BEEN INTENDED [FOR FOOD].¹⁹

MISHNAH 8. THE FOLLOWING CANNOT REDUCE [THE AFORESAID AREA]: BONE CANNOT REDUCE [THE AREA] FOR [OTHER] BONES;²⁰ NOR [CORPSE] FLESH FOR [OTHER] FLESH; NOR AN OLIVE-SIZED [PORTION] OF A CORPSE, NOR AN OLIVE-SIZED PORTION OF CARRION, NOR A LENTIL-SIZED PORTION OF REPTILE, NOR AN EGG-SIZED PORTION OF FOOD, NOR A PLANT GROWING IN THE WINDOWS,²¹ NOR A COBWEB HAVING NO SUBSTANCE, NOR THE CARCASE OF A CLEAN BIRD WHICH HAD BEEN INTENDED [FOR FOOD], NOR THE CARCASE OF AN UNCLEAR BIRD WHICH HAD BEEN INTENDED [FOR FOOD] AND HAD BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS, NOR WARP AND WOOF THREADS SMITTEN WITH PLAGUE,²² NOR A BRICK FROM A BETH PERAS.²³ [THIS LAST IS] THE OPINION OF R. MEIR,²⁴ BUT THE SAGES SAY: THE BRICK CAN REDUCE, BECAUSE THE DUST [OF THE BETH PERAS] IS CLEAN.²⁵ THIS IS THE GENERAL RULE: WHAT IS CLEAN REDUCES [THE AREA], AND WHAT IS UNCLEAR DOES NOT REDUCE IT.

(1) For giving passage to the uncleanness.

(2) V. supra II, 3.

(3) Already made but partially blocked.

- (4) Of a giant called Ben Batiah (Kel. XVII, 12).
- (5) V. supra VIII, 4. Such as are used for the doors of food safes (Bert.).
- (6) רפפות from the root רפף 'to shake', hence 'loosely-moving shutters'. (Tosef. XIV, 3, those of summer houses).
- (7) Some commentators refer the ease of going out to that in supra VII, 3.
- (8) Of the adjacent house.
- (9) מירקה, from מרק 'to finish'.
- (10) I.e., a hole.
- (11) The staff with which the weaver beats together the newly spun woof-threads.
- (12) לזון את עיניו 'to feast his eyes'. i.e., to allow of a look-out. Preuss, however, p. 329. translates 'to nourish the eyes'. i.e., to effect a cure on them.
- (13) Making the opening too small to allow passage for the uncleanness.
- (14) But nor for an olive-sized portion of flesh, in which case the two portions would combine to convey the uncleanness.
- (15) This has already been mentioned, but is repeated here to teach that it reduces the opening in, respect of all things enumerated in II, 1-2, as conveying uncleanness by overshadowing.
- (16) But planted some little distance away (according to L. three handbreadths away).
- (17) ככ"י 'Aruch quotes a cognate Arabic word meaning 'spider's web' (so Bert.). In Mel, XVII, 17 the same word, as is shown by the context, means 'reed-pith'.
- (18) And is therefore not yet susceptible to uncleanness. The law's concerning a clean bird are detailed in Toh. I, 1.
- (19) Unclean birds require both conditions to be fulfilled, intention for food and predisposition by moisture (Maksh.) as in Toh. 1, 3
- (20) V. supra 5, n. 7.
- (21) In a part where such a growth is undesirable and would ultimately be removed (Bert).
- (22) Which are unclean (Neg. XI, 8).
- (23) V. Supra II, 3; infra XVII, 1.
- (24) He holds that such bricks are unclean.
- (25) When the original clod has been broken up.

Mishna - Mas. Oholoth Chapter 14

MISHNAH 1. A CANOPY¹ FORMS A PASSAGE FOR THE 'UNCLEANNESSE,² BE IT OF WHATSOEVER WIDTH;³ BUT A BALCONY OR ROUNDED [PROJECTION⁴ ONLY] WHEN THEY ARE ONE HANDBREADTH WIDE. WHAT IS A CANOPY? THAT [PROJECTION] WHOSE [MAIN] SURFACE FACES DOWNWARDS, WHILE A BALCONY HAS ITS [MAIN] SURFACE FACING UPWARDS. IN WHAT [CIRCUMSTANCES] WAS IT SAID THAT A CANOPY FORMED A PASSAGE FOR UNCLEANNESSE BE IT OF WHATSOEVER WIDTH? WITH REGARD TO A CANOPY WHICH IS THREE COURSES,⁵ OR TWELVE HANDBREADTHS, ABOVE THE DOORWAY. WHEN HIGHER THAN THAT, IF FORMS A PASSAGE FOR UNCLEANNESSE ONLY IF IT IS ONE HANDBREADTH WIDE. CORNICES⁶ AND CARVINGS FORM A PASSAGE FOR THE UNCLEANNESSE WHEN THEY ARE ONE HANDBREADTH WIDE.

MISHNAH 2. A CANOPY THAT IS ABOVE A DOORWAY FORMS A PASSAGE FOR THE UNCLEANNESSE WHEN IT IS ONE HANDBREADTH WIDE;⁷ IF ABOVE A WINDOW TWO FINGERBREADTHS HIGH OR THE SIZE OF A HOLE MADE BY A DRILL,⁶ WHEN OF ANY WIDTH WHATSOEVER. R. JOSE SAYS: WHEN OF EQUAL SIZE [TO THE PARTICULAR WINDOW].

MISHNAH 3. A ROD ABOVE A DOORWAY⁸ EVEN IF ONE HUNDRED CUBITS HIGHER,⁹ FORMS A PASSAGE FOR THE UNCLEANNESSE WHEN IT IS OF ANY WIDTH. THIS IS THE OPINION OF R. JOSHUA. R. JOHANAN B. NURI SAYS: LET NOT THIS CASE BE MORE STRINGENT THAN THAT OF A CANOPY.

MISHNAH 4. [IN THE CASE OF] A CANOPY¹⁰ GOING ALL ROUND THE HOUSE, OCCUPYING SPACE ABOVE THE DOORWAY TO THE EXTENT OF [BUT] THREE FINGERBREADTHS, IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS BENEATH [THE CANOPY] BECOME UNCLEAN.¹¹ IF THE UNCLEANNESS IS BENEATH [THE CANOPY]. R. ELIEZER DECLARES THE HOUSE UNCLEAN,¹² BUT R. JOSHUA DECLARES IT CLEAN. A SIMILAR [RULE APPLIES] TO A COURTYARD SURROUNDED BY A PORTICO.¹³

MISHNAH 5. [WITH REGARD TO] TWO CANOPIES, ONE [DIRECTLY] ABOVE THE OTHER, HAVING [EACH] A WIDTH OF ONE HANDBREADTH AND THERE BEING A SPACE OF ONE HANDBREADTH BETWEEN THEM, IF THERE IS UNCLEANNESS BENEATH THEM,¹⁴ WHAT IS BENEATH THEM BECOMES UNCLEAN; IF IT IS BETWEEN THEM, WHAT IS BETWEEN THEM BECOMES UNCLEAN; ABOVE THEM,¹⁵ EVERYTHING DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IN THE CASE WHERE] THE UPPER [CANOPY] OVERLAPPED THE LOWER TO THE EXTENT OF ONE HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH OR BETWEEN THEM, WHAT IS BENEATH AND BETWEEN THEM BECOMES UNCLEAN;¹⁶ IF IT IS ABOVE THEM, WHAT IS DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IN THE CASE WHERE] THE UPPER [CANOPY] OVERLAPPED THE LOWER TO AN EXTENT OF LESS THAN A HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH THEM, WHAT IS BENEATH AND BETWEEN THEM BECOMES UNCLEAN; IF IT IS BETWEEN THEM OR BENEATH THE OVERLAPPING [PART]. R. ELIEZER SAYS: WHAT IS BENEATH THEM AND BETWEEN THEM BECOMES UNCLEAN. R. JOSHUA SAYS: WHAT IS BETWEEN THEM AND BENEATH THE OVERLAPPING [PART] BECOMES UNCLEAN, BUT WHAT IS BENEATH [THE LOWER ONE] REMAINS CLEAN.

MISHNAH 6. [IN THE CASE WHERE] THEY HAD A WIDTH OF A HANDBREADTH BUT THERE WAS NOT A SPACE OF A HANDBREADTH BETWEEN THEM, IF THERE IS UNCLEANNESS BENEATH THEM, WHAT IS BENEATH BECOMES UNCLEAN; IF IT IS BETWEEN THEM¹⁷ OR ABOVE THEM, EVERYTHING DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN.¹⁸

MISHNAH 7. [IN THE CASE WHERE] THEY DID NOT HAVE A WIDTH OF A HANDBREADTH, WHETHER THERE IS A SPACE OF A HANDBREADTH BETWEEN THEM OR WHETHER THERE IS NOT, IF THERE IS UNCLEANNESS BENEATH, BETWEEN OR ABOVE THEM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. A SIMILAR [RULE APPLIES] TO TWO CURTAINS,¹⁹ [THE LOWER ONE OF WHICH IS] ONE HANDBREADTH HIGH OFF THE GROUND.²⁰

(1) V. supra VIII, 2, n. 9. Here it seems to be a kind of ornamental moulding going round the house.

(2) Beneath it, transferring it to the house.

(3) Since it is joined to the house (L.).

(4) גבליִת . The cognate Arabic word means 'hill'. The Tosef. XIV explains it as a balcony rounded off at both ends. The word may be similar to גבן 'humpy'.

(5) Sc. of bricks. נדבך . Cf. supra VI. I, n. 4.

(6) עטרות , ornaments in the shape of a crown (corona hence cornice) above doorways and windows.

(7) This rule seems to contradict that in the previous Mishnah. Bert. explains this case to apply when the door is closed; L. when the canopy extends over the doorway alone. (8) V. supra XIII, 1.

(8) Placed parallel to the top of the entrance.

(9) In contradistinction to a canopy where there is the limit of twelve handbreadths.

(10) One handbreadth wide (Bert.).

- (11) Rendered so by the ultimately emerging uncleanness.
- (12) Because of the stringency of the laws applying to canopies of even less than a handbreadth in width (Bert.).
- (13) Whose roofed portion extends for three fingerbreadths over the door of a house in the courtyard.
- (14) Beneath the lower canopy, and so elsewhere.
- (15) Above the upper canopy, and so elsewhere.
- (16) The overlapping combining the upper and lower canopies to form a passage for the uncleanness.
- (17) Being in a space of less than a cubic handbreadth, the uncleanness cleaves upwards and downwards.
- (18) A variant followed by Bert. reads as follows: (In the case where) the canopies had a width of a handbreadth but the spaces were not a handbreadth wide, if there is uncleanness beneath or between them, what is beneath or between them becomes unclean; if it is above, what is directly (above) to the sky becomes unclean. The spaces referred to are those between the canopies and between the lower canopy and the ground. The lower canopy, since there is not a space of a handbreadth below or above it, is treated as non-existent.
- (19) Stretched horizontally.
- (20) The upper curtain being one handbreadth above the lower.

Mishna - Mas. Oholoth Chapter 15

MISHNAH 1. A THICK WOOLLEN BLANKET OR A THICK WOODEN BLOCK DO NOT FORM A PASSAGE FOR UNCLEANNESS UNLESS THEY ARE ONE HANDBREADTH HIGH OFF THE GROUND. IF [THE GARMENTS] ARE FOLDED ONE ABOVE THE OTHER THEY DO NOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND.¹ TABLETS OF WOOD [PLACED] ONE ABOVE THE OTHER DO NOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND; BUT IF THEY WERE OF MARBLE, THE UNCLEANNESS² CLEAVES UPWARDS AND DOWNWARDS.³

MISHNAH 2. [WITH REGARD TO] WOODEN TABLETS TOUCHING EACH OTHER AT THEIR CORNERS,⁴ AND ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, [A PERSON] TOUCHING THE SECOND [TABLET]⁵ BECOMES DEFILED WITH A SEVEN-DAY DEFILEMENT. VESSELS UNDER THE FIRST [TABLET] BECOME UNCLEAR; BUT THOSE UNDER THE SECOND REMAIN CLEAN.⁶ A TABLE CANNOT FORM A PASSAGE FOR UNCLEANNESS UNLESS IT CONTAINS A SQUARE? OF ONE HANDBREADTH.

MISHNAH 3. [WITH REGARD TO] JARS STANDING ON THEIR BOTTOMS OR LYING ON THEIR SIDES IN THE OPEN AIR AND TOUCHING ONE ANOTHER TO THE EXTENT OF A HANDBREADTH,⁷ IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.⁸ WHEN DOES THIS RULE APPLY? WHEN THE [JARS] ARE CLEAN.⁹ BUT IN THE CASE WHERE THEY WERE UNCLEAR¹⁰ OR ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, WHAT IS BENEATH ALL BECOMES UNCLEAR.

MISHNAH 4. [WITH REGARD TO] A HOUSE,¹¹ PARTITIONED OFF BY BOARDS OR CURTAINS FROM THE SIDES OR FROM THE ROOF BEAMS,¹² IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS BEYOND THE PARTITION REMAIN CLEAN.¹³ IF THERE IS UNCLEANNESS BEYOND THE PARTITION, VESSELS IN THE HOUSE BECOME UNCLEAR.¹⁴ [WITH REGARD TO] THE VESSELS BEYOND THE PARTITION,¹⁵ IF THERE IS A SPACE OF A [CUBIC] HANDBREADTH THERE, THEY BECOME UNCLEAR, BUT IF NOT, THEY REMAIN CLEAN.¹⁶

MISHNAH 5. [IN THE CASE WHERE] IT WAS PARTITIONED OFF FROM THE FLOOR, IF

THERE IS UNCLEANNESS BENEATH THE PARTITION, VESSELS IN THE HOUSE BECOME UNCLEAR.¹⁷ [IN THE CASE WHERE] THE UNCLEANNESS IS IN THE HOUSE, VESSELS BENEATH THE PARTITION, IF THERE IS A SPACE THERE OF ONE CUBIC HAND BREADTH, REMAIN CLEAN; BUT IF NOT, THEY BECOME UNCLEAR, SINCE THE FLOOR OF THE HOUSE IS RECKONED AS THE HOUSE EVEN TO THE NETHERMOST DEEP.

MISHNAH 6. [WITH REGARD TO] A HOUSE FILLED WITH STRAW, WITHOUT A SPACE OF A HANDBREADTH [BEING LEFT] BETWEEN [THE STRAW] AND THE ROOF BEAMS, IF THERE IS UNCLEANNESS WITHIN [THE STRAW] VESSELS AT THE EXIT¹⁸ BECOME UNCLEAR.¹⁹ [IN THE CASE WHERE] THE UNCLEANNESS WAS OUTSIDE,²⁰ THE VESSELS WITHIN, IF THEY ARE IN A SPACE OF A CUBIC HANDBREADTH, REMAIN CLEAN, BUT IF NOT THEY BECOME UNCLEAR.²¹ IF THERE IS A SPACE OF A HAND BREADTH BETWEEN THE STRAW AND THE ROOF BEAMS, IN EITHER CASE THE VESSELS BECOME UNCLEAR.²²

MISHNAH 7. [WITH REGARD TO] A HOUSE FILLED WITH EARTH²³ OR PEBBLES WHICH HAD BEEN DEEMED VALUELESS,²⁴ ON SIMILARLY A HEAP OF PRODUCE OR A MOUND OF PEBBLES EVEN AS ACHAN'S MOUND,²⁵ EVEN IF THE UNCLEANNESS IS BY THE SIDE OF THE VESSELS, THE [IN CLEANNESS CLEAVES UPWARDS AND DOWNWARDS].²⁶

MISHNAH 8. [WITH REGARD TO] THE FORECOURT OF A TOMB, A PERSON STANDING THEREIN REMAINS CLEAN AS LONG AS THERE IS A SPACE OF FOUR CUBITS SQUARE, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: FOUR HANDBREADTHS [IS THE MINIMUM SIZE]. [WITH REGARD TO] A ROOF BEAM WHICH HAD BEEN USED AS A COVERING STONE²⁷ FOR A TOMB, WHETHER IT IS STANDING UPRIGHT²⁸ OR LYING ON ITS SIDE, NOTHING BECOMES UNCLEAR EXCEPT WHAT IS OPPOSITE THE OPENING OF THE GRAVE. IF THE END [OF THE BEAM] WERE MADE THE COVERING STONE OF A GRAVE, ONLY [THAT PART] UP TO FOUR HANDBREADTHS [FROM THE GRAVE] BECOMES UNCLEAR. [THIS APPLIES] WHEN [THE BEAM] IS GOING TO BE CUT. R. JUDAH SAYS: ALL THE BEAM IS REGARDED AS BEING ONE.

MISHNAH 9. [WITH REGARD TO] A JAR FULL OF CLEAN LIQUID AND SEALED WITH A TIGHTLY FITTING LID,²⁹ WHICH HAD BEEN MADE THE COVERING STONE OF A TOMB, A PERSON TOUCHING IT CONTRACTS SEVEN-DAY UNCLEANNESS BUT THE JAR AND THE LIQUID REMAIN CLEAN.³⁰ [IN THE CASE OF] A BEAST³¹ THAT HAD BEEN USED AS A COVERING STONE, A PERSON TOUCHING IT CONTRACTS SEVEN-DAY UNCLEANNESS. R. MEIR SAYS: NOTHING POSSESSING THE BREATH OF LIFE CAN CONVEY UNCLEANNESS ON ACCOUNT OF [ITS BEING USED AS] A COVERING STONE.³²

MISHNAH 10. IF A PERSON TOUCHES A CORPSE AND [SUBSEQUENTLY]³³ TOUCHES VESSELS, OR OVERSHADOWS A CORPSE AND [SUBSEQUENTLY]³³ TOUCHES VESSELS, THESE BECOME UNCLEAR. IF HE OVERSHADOWS A CORPSE AND OVERSHADOWS VESSELS,³² OR TOUCHES A CORPSE AND OVERSHADOWS VESSELS,³⁴ THESE REMAIN CLEAN. IF HIS HAND HAS A SURFACE OF A HANDBREADTH SQUARE, THEY BECOME UNCLEAR. [WITH REGARD TO] TWO HOUSES CONTAINING TWO PORTIONS OF CORPSE-FLESH OF HALF AN OLIVE SIZE [ONE IN EACH], IF A PERSON STRETCHED BOTH HIS HANDS INTO THEM, AND HIS HANDS WERE EACH ONE HAND BREADTH SQUARE, HE CONVEYS THE UNCLEANNESS;³⁵ BUT IF [THEY WERE] NOT [ONE

HANDBREADTH SQUARE], HE DOES NOT CONVEY THE UNCLEANNESS.

- (1) Repeated from supra XI, 3.
- (2) Beneath them.
- (3) The uncleanness under the marble tablets being regarded as compressed, though the upper is more than a handbreadth high off the ground.
- (4) But to the extent of 'less than a handbreadth.
- (5) Which has contracted אבי אבות הטומאה from direct contact with the 'tent' over the uncleanness (v. supra I, 1 n. 3; 3, n. 3).
- (6) The uncleanness can only be conveyed from the first by contact, not by overshadowing, as the connection between the two tablets is less than one square handbreadth in area. (7) Explained by L. as the minimum area of a square that can be inscribed in a circular table.
- (7) This proviso is mentioned on account of the final clause.
- (8) Being regarded as 'compressed'.
- (9) And are therefore treated like marble tablets.
- (10) Since unclean vessels cannot serve as a screen they are treated like wooden tablets, and the upper parts of the vessels touching each other (as stated) form a 'tent' to spread the uncleanness to all vessels.
- (11) Consisting of a single room.
- (12) I.e., vertically or horizontally.
- (13) The partition serving as a screen, cf. supra VI, 2.
- (14) Through the emerging uncleanness, since a partition like a closely fitted cover can afford protection only against the entrance of uncleanness; but it does not prevent its egress, v. Kel. VIII, 6.
- (15) In which was the uncleanness.
- (16) The uncleanness cleaving upwards and downwards only.
- (17) V. n. 8, and supra III, 7.
- (18) The space left free near the exit.
- (19) As in Mishnah 4 where the vessels in the house become unclean through the uncleanness in the part partitioned off.
- (20) I.e., in the above-mentioned free space.
- (21) As is the case with the vessels beyond the partition where the uncleanness was in the house.
- (22) In this case the straw is regarded not as a partition but as contents of the house and not able to offer protection
- (23) Var. lec., straw
- (24) Lit., 'and he abandoned it'.
- (25) V. Josh. VII, 26.
- (26) And the vessels remains clean.
- (27) V. supra II, 4, n. 4.
- (28) I.e., sloping, its lower end resting on the tomb and the upper leaning on some other object.
- (29) V. Kel. X, 2.
- (30) An earthen jar being insusceptible to uncleanness on its outer surface and its contents being protected by the tightly fitting lid.
- (31) A live one, tied to its place.
- (32) Agreeing with his decision in 'Er. I, 7.
- (33) L.
- (34) Even at the same time, as long as the same part of the body is not performing the two actions (L.).
- (35) Into both houses, since he joins the two portions into one.

Mishna - Mas. Oholoth Chapter 16

MISHNAH 1. ALL MOVABLE THINGS FORM A PASSAGE FOR THE UNCLEANNESS¹ WHEN THEY ARE OF THE THICKNESS OF AN OX-GOAD.² R. TARFON SAID: MAY I [SEE THE] RUIN³ OF MY SONS IF THIS IS [NOT] A RUINED HALACHAH⁴ WHICH SOMEONE [DEDUCED FROM THE FOLLOWING CASE WHICH HE HAD] HEARD AND MISUNDERSTOOD. A FARMER WAS PASSING BY AND OVER HIS SHOULDER WAS AN

OX-GOAD, ONE END OF WHICH OVERSHADOWED A GRAVE. HE WAS DECLARED UNCLEAN ON ACCOUNT [OF CARRYING] VESSELS THAT WERE OVERSHADOWING A CORPSE.⁵ R. AKIBA SAID: I CAN AMEND [THE HALACHAH] SO THAT THE WORDS OF THE SAGES CAN EXIST [AS THEY ARE]: ALL MOVABLE THINGS FORM A PASSAGE FOR THE UNCLEANNESS TO COME UPON A PERSON CARRYING THEM, WHEN THEY ARE OF THE THICKNESS OF AN OX-GOAD; UPON THEMSELVES. WHEN THEY ARE OF WHATSOEVER THICKNESS;⁶ AND UPON OTHER MEN OR VESSELS [WHICH THEY OVERSHADOW]. WHEN THEY ARE ONE HANDBREADTH WIDE.⁷

MISHNAH 2. HOW [CAN THIS RULE BE ILLUSTRATED]? [BY THE CASE OF] A SPINDLE⁸ FIXED INTO THE WALL., WITH [A PORTION OF CORPSE FLESH] OF HALF AN OLIVE-SIZE ABOVE IT AND [A PORTION OF CORPSE FLESH] OF HALF AN OLIVE-SIZE BELOW IT. EVEN THOUGH ONE [PORTION] IS NOT DIRECTLY [ABOVE] THE OTHER, [THE SPINDLE] BECOMES UNCLEAN.⁹ HENCE IT IS FOUND THAT [A MOVABLE OBJECT] FORMS A PASSAGE FOR THE UNCLEANNESS TO COME UPON ITSELF WHATSOEVER ITS THICKNESS. IF A POT SELLER PASSES BY A GRAVE WHEN HE HAS ON HIS SHOULDER HIS CARRYING-YOKE,¹⁰ ONE END OF WHICH OVERSHADOWS A GRAVE, VESSELS ON THE OTHER SIDE REMAIN CLEAN. IF THE YOKE IS ONE HANDBREADTH WIDE, THEY BECOME UNCLEAN.¹¹

MOUNDS WHICH ARE NEAR TO A CITY OR TO A ROAD, WHETHER THEY ARE NEW OR OLD, ARE UNCLEAN.¹² [AS FOR THOSE THAT ARE] AFAR OFF, NEW ONES ARE CLEAN BUT OLD ONES ARE UNCLEAN.¹³ WHICH [MOUND IS ACCOUNTED] NEAR? ONE FIFTY CUBITS [AFAR OFF]. AND OLD? ONE SIXTY YEARS OLD. [THIS IS] THE OPINION OF R. MEIR. R. JUDAH SAYS: 'NEAR' [MEANS] THERE IS NONE NEARER THAN IT, AND OLD' [MEANS] THAT NO ONE REMEMBERS [WHEN IT WAS MADE].

MISHNAH 3. IF ONE FINDS¹⁴ A CORPSE UNEXPECTEDLY.¹⁵ LYING IN ITS NATURAL POSITION,¹⁶ HE MAY REMOVE IT ALONG WITH THE [BLOOD-] SATURATED EARTH¹⁷ [ROUND ABOUT].¹⁸ IF HE FINDS TWO, HE MAY REMOVE THEM ALONG WITH THE [BLOOD-] SATURATED EARTH [ROUND ABOUT]. [IN THE CASE WHERE] HE FINDS THREE, IF THERE IS A SPACE OF FROM FOUR TO EIGHT CUBITS BETWEEN THE FIRST AND THE LAST, THAT IS, THE SPACE OF A BIER AND ITS BEARERS,¹⁹ THEN IT MUST BE ACCOUNTED A GRAVEYARD,²⁰ AND HE MUST SEARCH [THE GROUND] FOR TWENTY CUBITS²¹ FROM THAT POINT. IF HE FOUND [ANOTHER CORPSE] AT THE END OF THOSE TWENTY CUBITS, HE MUST SEARCH FOR A FURTHER TWENTY CUBITS FROM THAT PLACE, SINCE THERE ARE ALREADY GROUNDS FOR BELIEF²² [THAT THIS IS A GRAVEYARD], IN SPITE OF THE FACT THAT IF HE HAD FOUND THIS [LONE GRAVE] IN THE FIRST CASE, HE COULD HAVE REMOVED IT WITH THE [BLOOD-] SATURATED EARTH [ROUND ABOUT].

MISHNAH 4. HE WHO SEARCHES²³ MUST DO SO OVER A SQUARE CUBIT AND THEN LEAVE A CUBIT, [DIGGING DOWN]²⁴ UNTIL HE REACHES ROCK OR VIRGIN SOIL. [A PRIEST]²⁵ CARRYING OUT EARTH FROM A PLACE OF UNCLEANNESS MAY EAT OF HIS TERUMAH,²⁶ BUT IF HE IS CLEARING AWAY A RUIN,²⁷ HE MAY NOT EAT OF HIS TERUMAH.

MISHNAH 5. IF HE WAS SEARCHING AND CAME TO A RIVER BED, A POOL²⁸ OR A PUBLIC ROAD, HE MAY DISCONTINUE [HIS SEARCH]. [WITH REGARD TO] A FIELD WHERE MEN HAVE BEEN SLAIN, THE BONES MAY BE GATHERED TOGETHER ONE BY ONE, AND ALL [THE AREA] MAY BE ACCOUNTED CLEAN.²⁹ IF A PERSON IS REMOVING A GRAVE FROM HIS FIELD, HE MAY GATHER TOGETHER THE BONES ONE

BY ONE, AND ALL MAY BE ACCOUNTED CLEAN. [WITH REGARD TO] A PIT INTO WHICH ABORTIONS OR PEOPLE THAT HAD BEEN SLAIN USED TO BE THROWN, THE BONES MAY BE GATHERED TOGETHER ONE BY ONE, AND ALL MAY BE ACCOUNTED CLEAN. R. SIMEON SAYS: IF IN THE FIRST PLACE IT HAD BEEN PREPARED AS A GRAVE, THERE IS [THE QUESTION OF BLOOD-] SATURATED EARTH [TO BE CONSIDERED].³⁰

(1) By acting as temporary 'tents'.

(2) Defined as having a circumference of one handbreadth, which is less than the minimum handbreadth in width required with immovable things (Bert.).

(3) אֶקְפָּה 'to destroy'. 'cut off'. The phrase the equivalent of 'May I bury my sons', was a common one of H. Tarfon's. v. B.M. 85a.

(4) Rule.

(5) Which vessels rendered the bearer unclean through carriage. But the person reporting the halachah at the beginning of the Mishnah thought (wrongly according to R. Tarfon) that the man was deemed unclean because he had been overshadowed by a goad simultaneously overshadowing a corpse.

(6) No standard being fixed for the defilement of objects which themselves form a 'tent'.

(7) For further notes v. Shab. Sonc. ed., p. 16b.

(8) כוֹשׁ Jast. 'something hollow', 'reed', cf. כוֹם כִּים . Here 'spindle', cf. Kel. IX, 6. Its size is less than a handbreadth.

(9) Both combine to form an olive's bulk according to the view of the Sages, supra III. 2.

(10) סֵל . Probably, as Kel. XVII, 16. אֶסֶל from Gk. ** 'a carrying-yoke'.

(11) The carrying-yoke forming a 'tent' overshadowing the vessels on both sides.

(12) Since they may have been used for the secret burial of abortions.

(13) Since they may have been near when newly made.

(14) Whilst ploughing the field. This Mishnah occurs in Naz. 64b, Sonc. ed., p. 244. where it is discussed in the ensuing Gemara. V. loc. cit. for notes: v. also B.B. 101b.

(15) בַּתְּחִלָּה , Lit 'in the first place'. I.e. without knowing before that there was a corpse lying there. The word is missing in the version of B B. loc. cit.

(16) Showing that there had been a normal burial.

(17) C.f. supra III, 5.

(18) The field being thereby restored to a state of cleanliness.

(19) This explanation of the distance is missing from Naz. loc. cit. but appears in the B.B. version. The size of the intervening space is evidence of a regular graveyard.

(20) The graves must then not be disturbed.

(21) The reason for this size is given in B.B.

(22) Lit., 'the matter has legs'.

(23) The prescribed area.

(24) So Bert.

(25) Who may, in the case of emergency, occupy himself with such work.

(26) דְּמֵעוֹ Ex. XXII, 28. The word is referred by Rabbinic commentators to terumah. V. Rashi ad loc. דְּמֵעַ 'tear', 'liquor'.

(27) Of a house that has fallen on a man who may have died.

(28) שְׂוִילִית 'pool'. V. B.K. 61a for the possible meanings and suggested derivations of this word.

(29) No account being taken of blood-saturated earth either in this or the succeeding cases.

(30) no note.

Mishna - Mas. Oholoth Chapter 17

MISHNAH 1. IF A GRAVE IS PLOUGHED [INTO A FIELD] THIS MAKES IT A BETH PERAS.¹ TO WHAT EXTENT IS IT SO MADE? FOR THE LENGTH OF A FURROW OF A HUNDRED CUBITS,² [THAT IS TO SAY, OVER] AN AREA OF FOUR SE'AHs.³ P. JOSE

SAYS: AN AREA OF FIVE [SE'AHs]. [THIS⁴ APPLIES WHEN THE PLOUGH IS DRIVEN] ON A DOWNWARD SLOPE;⁵ BUT WHEN ON AN UPWARD SLOPE, A QUARTER [OF A KAB] OF VETCH SEED SHOULD BE PLACED ON THE KNEE⁶ OF THE PLOUGH,⁷ AND THE SPACE UNTIL WHERE [THE LAST] THREE VETCHES GROW NEXT TO EACH OTHER⁸ IS MADE INTO A BETH PERAS. R. JOSE SAYS: [A BETH PERAS IS ONLY MADE BY A PLOUGH GOING] DOWNWARDS BUT NOT UPWARDS.

MISHNAH 2. IF A PERSON WAS PLOUGHING⁹ AND STRUCK AGAINST A ROCK OR A FENCE, OR IF HE SHOOK THE PLOUGHSHARE,¹⁰ [ONLY] TO THAT PLACE IS THE BETH PERAS FORMED. R. ELIEZER SAYS: ONE BETH PERAS CAN FORM ANOTHER BETH PERAS.¹¹ R. JOSHUA SAYS: SOMETIMES IT CAN, BUT AT OTHER TIMES IT CANNOT. HOW SO? IF HE PLOUGHED FOR HALF A FURROW'S LENGTH¹² AND THEN RETURNED AND PLOUGHED A [FURTHER] HALF, OR SIMILARLY [IF HE PLOUGHED] TO THE SIDE, HE MAKES A BETH PERAS. IF HE PLOUGHED A FULL FURROW'S LENGTH AND THEN RETURNED AND PLOUGHED FROM THAT POINT BEYOND, HE DOES NOT MAKE THIS¹³ A BETH PERAS.

MISHNAH 3. IF A PERSON PLOUGHS FROM A QUARRY,¹⁴ OR FROM A HEAP OF BONES,¹⁵ OR FROM A FIELD IN WHICH A GRAVE HAD BEEN LOST,¹⁶ OR IN WHICH A GRAVE WAS SUBSEQUENTLY FOUND,¹⁷ OR IF HE PLOUGHS A FIELD WHICH WAS NOT HIS OWN,¹⁸ OR IF A GENTILE PLOUGHED, THIS DOES NOT MAKE IT A BETH PERAS; FOR THE RULE OF BETH PERAS DOES NOT APPLY [EVEN] TO SAMARITANS.

MISHNAH 4. [IN THE CASE WHERE] THERE WAS A BETH PERAS ABOVE A CLEAN FIELD, IF RAIN WASHED DOWN SOIL FROM THE BETH PERAS TO THE CLEAN FIELD, EVEN WHERE THIS WAS REDDISH AND THE [OTHER SOIL] TURNED IT WHITE, OR WHERE THIS WAS WHITE AND THE OTHER TURNED IT RED,¹⁹ THIS DOES NOT MAKE IT A BETH PERAS.²⁰

MISHNAH 5. [WITH REGARD TO] A FIELD IN WHICH A GRAVE HAD BEEN LOST, AND IN WHICH A HOUSE HAD BEEN BUILT WITH AN UPPER STOREY ABOVE IT, IF THE DOOR OF THE UPPER ROOM WAS DIRECTLY ABOVE THE DOOR OF THE HOUSE, THE UPPER STOREY REMAINS CLEAN;²¹ BUT IF NOT THE UPPER STOREY BECOMES UNCLEAR.²² [WITH REGARD TO] SOIL FROM A BETH PERAS, OR SOIL FROM A FOREIGN COUNTRY²³ THAT CAME IN WITH VEGETABLES, [SCATTERED PARTICLES ARE REGARDED AS] COMBINING TOGETHER [TO FORM A PORTION] THE SIZE OF A PACKING-BAG²⁴ SEAL.²⁵ THIS IS THE OPINION OF R. ELIEZER; BUT THE SAGES SAY: THERE MUST BE ONE PORTION OF THE SIZE OF A PACKING-BAG SEAL. R. JUDAH SAYS: IT HAPPENED ONCE THAT LETTERS CAME FROM OVERSEAS FOR THE SONS OF THE HIGH PRIESTS²⁶ AND THEY HAD ON THEM ABOUT A SE'AH OR TWO SE'AHs OF SEALS,²⁷ BUT THE SAGES DID NOT HAVE ANY SCRUPLES ON ACCOUNT OF UNCLEANNES.²⁸

(1) V. supra II, 3. n. 8.

(2) Each way, length and breadth. So Bert. but Tosef XVII, I has 'in every direction'. The plough is presumed to carry bones with it to that extent.

(3) In which four seeks of seed can be sown. According to 'Er. 23b, the tabernacle area, one hundred cubits by fifty, could be sown by two se'ahs. One se'ah==six kabs (v. supra II, I, n. 7).

(4) Area of four se'ahs.

(5) Or on the level (Bert.). the bones in these cases being likely to be carried the full distance.

(6) בִּוּרָה V. Kel. XXI, 2. A knee-shaped receptacle in the plough sometimes used for containing seed which is gradually shaken out in decreasing number on to the field by the movement of the implement.

- (7) Which is then driven upwards.
- (8) I.e. where no more than three had fallen together out of the knee, thus indicating that practically all the seeds (and hence also bones) have been shaken off.
- (9) Over a grave.
- (10) So as to free it of soil. All these processes tend to remove any bones that may have been attached to the plough.
- (11) If one begins to plough from a point within the original area.
- (12) Fifty cubits.
- (13) Outer portion.
- (14) **מִלֵּא טְמִיאָה** Possibly Gk. ** 'quarry', presumably one containing bones. Bert. **מִלֵּא טְמִיאָה** '(pit) filled with bones'.
- (15) Treated leniently because of the unlikelihood of such a procedure.
- (16) Doubt existing as to whether any bones have actually been touched and even then, as to whether they have been scattered.
- (17) He acted unwittingly.
- (18) And therefore which he cannot render unclean by any doubtful action.
- (19) Proving definitely that soil had been transferred.
- (20) The land of a Beth Peres applies only to solid soil not to washed down soil.
- (21) Even if the grave is under the entrance, the uncleanness proceeds into the house and not to the upper storey.
- (22) The grave might possibly be directly under the entrance.
- (23) Cf. supra II, 3, n. 7.
- (24) **מִרְצוּפִין** 'packing-bags', from **רָצַף** 'to pack', 'pave'. It is mentioned in connection with shipping in B.B. V, 1, and may well have been the common Levantine trade term for the object. As such it was possibly adopted by the Greeks as Gr.**. (Lat. marsupium, Eng. marsupial).
- (25) The minimum size for uncleanness for a clod.
- (26) Cf. Keth. XIII, I.
- (27) Sc. of clay.
- (28) No single seal attaining the minimum size.

Mishna - Mas. Oholoth Chapter 18

MISHNAH 1. ROW CAN THE GRAPES OF A BETH PERAS BE GATHERED?¹ THE MEN AND THE VESSELS MUST BE SPRINKLED [ONCE]² AND THEN A SECOND TIME.³ THEREUPON THEY GATHER THE GRAPES AND TAKE THEM OUT OF THE BETH PERAS. OTHERS⁴ THEN RECEIVE [THE GRAPES] AND TAKE THEM TO THE WINEPRESS.⁵ IF THE LATTER SET [OF PERSONS] CAME INTO CONTACT WITH THE FORMER, THEY BECOME UNCLEAN. THIS IS ACCORDING TO THE OPINION OF BETH HILLEL. BETH SHAMMAI SAY: [THE GATHERER] MUST HOLD THE SICKLE WITH BAST,⁶ OR MUST CUT OFF THE GRAPES WITH A SHARP FLINT,⁷ LETTING [THE GRAPES FALL] INTO AN OLIVE-BASKET,⁸ AND THEN HE TAKES [THEM] TO THE WINEPRESS.⁹ R. JOSE SAID: WHEN DO THESE RULES APPLY? [ONLY] IN THE CASE OF A VINEYARD WHICH SUBSEQUENTLY BECAME A BETH PERAS; BUT A PERSON WHO PLANTS [VINES] IN A BETH PERAS MUST SELL [THE GRAPES] IN THE MARKET.¹⁰

MISHNAH 2. THERE ARE THREE [KINDS OF] BETH PERAS:¹¹ A FIELD INTO WHICH A GRAVE HAS BEEN PLOUGHED MAY BE PLANTED WITH ANY KIND OF PLANT,¹² BUT MUST NOT BE SOWN WITH ANY KIND OF SEED,¹³ EXCEPT WITH SEED [YIELDING PRODUCE] WHICH IS REAPED. IF [SUCH PRODUCE] WERE PLUCKED, THE THRESHING-FLOOR MUST BE PILED UP IN [THE FIELD] ITSELF,¹⁴ AND THE [GRAIN] SIFTED THROUGH TWO SIEVES.¹⁵ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: GRAIN [MUST BE SIFTED] THROUGH TWO SIEVES, BUT PULSE THROUGH THREE SIEVES.¹⁶ THE STUBBLE AND THE STALKS MUST BE BURNED.¹⁷ [SUCH A FIELD] CONVEYS UNCLEANNESS BY CONTACT AND CARRIAGE BUT DOES NOT CONVEY

UNCLEANNESS BY OVERSHADOWING.¹⁸

MISHNAH 3. A FIELD IN WHICH A GRAVE HAS BEEN LOST¹⁹ MAY BE SOWN WITH ANY KIND OF SEED,²⁰ BUT MUST NOT BE PLANTED WITH ANY KIND OF PLANT,²¹ NOR MAY ANY TREES BE PERMITTED TO REMAIN THERE EXCEPT SHADE-TREES WHICH DO NOT PRODUCE FRUIT.²² [SUCH A FIELD] CONVEYS UNCLEANNESS BY CONTACT, CARRIAGE AND OVERSHADOWING.

MISHNAH 4. A MOURNERS' FIELD²³ MAY NEITHER BE PLANTED NOR SOWN,²⁴ BUT ITS EARTH IS REGARDED AS CLEAN AND OVENS MAY BE MADE OF IT FOR HOLY USE.²⁵ [WITH REGARD TO THE FIRST²⁶ CASE OF A BETH PERAS] BETH SHAMMAI AND BETH HILLEL AGREE THAT IT IS EXAMINED²⁷ FOR ONE WHO WOULD PERFORM THE PASCHAL SACRIFICE,²⁸ BUT IS NOT EXAMINED FOR ONE WHO WOULD EAT TERUMAH.²⁹ [WITH REGARD TO A] NAZIRITE,³⁰ BETH SHAMMAI SAY: IT IS EXAMINED,³¹ BUT BETH HILLEL SAY: IT IS NOT EXAMINED.³² HOW IS IT EXAMINED? THE EARTH THAT IS ABLE TO BE MOVED IS TAKEN,³³ PLACED INTO A SIEVE WITH FINE MESHES, AND CRUMBLED. IF A BONE OF BARLEY-CORN SIZE IS FOUND THERE [THE PERSON PASSING THROUGH THE FIELD] IS DEEMED UNCLEAN.

MISHNAH 5. HOW IS A BETH PERAS³⁴ RENDERED CLEAN? [SOIL TO A DEPTH OF] THREE HANDBREADTHS³⁵ IS REMOVED FROM IT, OR³⁶ [SOIL TO A HEIGHT OF] THREE HANDBREADTHS IS PLACED UPON IT. IF FROM THE ONE HALF [SOIL TO A DEPTH OF] THREE HANDBREADTHS WAS REMOVED, AND UPON THE OTHER HALF [SOIL TO A HEIGHT OF] THREE HANDBREADTHS WAS PLACED, IT BECOMES CLEAN. R. SIMEON SAYS: EVEN IF ONE HANDBREADTH AND A HALF WAS REMOVED³⁷ AND ONE HANDBREADTH AND A HALF FROM ANOTHER PLACE WAS PLACED UPON IT, IT BECOMES CLEAN. IF A BETH PERAS IS PAVED WITH STONES THAT CANNOT [EASILY] BE MOVED, IT BECOMES CLEAN. R. SIMEON SAYS: EVEN IF [THE SOIL OF] A BETH PERAS IS BROKEN UP IT BECOMES CLEAN.

MISHNAH 6. A PERSON WHO WALKS THROUGH A BETH PERAS³⁸ ON STONES THAT CANNOT [EASILY] BE MOVED, OR [WHO RIDES] ON A MAN OR BEAST WHOSE STRENGTH IS GREAT, REMAINS CLEAN; [BUT IF HE WALKS] ON STONES THAT CAN [EASILY] BE MOVED, OR [RIDES] UPON A MAN OR BEAST WHOSE STRENGTH IS SMALL,³⁹ HE BECOMES UNCLEAN.⁴⁰ A PERSON WHO TRAVELS IN THE LAND OF THE GENTILES OVER MOUNTAINS OR ROCKS, BECOMES UNCLEAN;⁴¹ BUT IF [HE TRAVELS] BY THE SEA OR ALONG THE STRAND,⁴² HE REMAINS CLEAN. WHAT IS [MEANT BY] 'THE STRAND'? ANY PLACE TO WHICH THE SEA RISES WHEN IT IS STORMY.

MISHNAH 7. IF ONE BUYS A FIELD IN SYRIA NEAR TO THE LAND OF ISRAEL, IF IT CAN BE ENTERED IN CLEANNESS,⁴³ IT IS DEEMED CLEAN AND IS SUBJECT TO [THE LAWS OF] TITHES AND SABBATICAL YEAR [PRODUCE];⁴⁴ BUT IF IT CANNOT BE ENTERED IN CLEANNESS, IT [IS DEEMED] UNCLEAN, ALTHOUGH IT IS STILL SUBJECT TO [THE LAWS OF] TITHES AND SABBATICAL YEAR [PRODUCE].⁴⁵ THE DWELLING-PLACES OF HEATHENS⁴⁶ ARE UNCLEAN.⁴⁷ HOW LONG MUST [THE HEATHEN] HAVE REMAINED IN [THE DWELLING-PLACES] FOR THEM TO REQUIRE EXAMINATION? FORTY DAYS,⁴⁸ EVEN IF THERE WAS NO WOMAN WITH HIM. IF, HOWEVER, A SLAVE⁴⁹ OR [AN ISRAELITE] WOMAN WATCHED OVER [THE DWELLING-PLACE], IT DOES NOT REQUIRE EXAMINATION.

MISHNAH 8. WHAT DO THEY EXAMINE? DEEP DRAINS AND EVIL-SMELLING

WATERS. BETH SHAMMAI SAY: EVEN ASH-HEAPS AND CRUMBLLED EARTH.⁵⁰ BETH HILLEL SAY: ANY PLACE WHERE A PIG OR A WEASEL⁵¹ CAN GO REQUIRES NO EXAMINATION.⁵²

MISHNAH 9. COLONNADES⁵³ ARE NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING' PLACES.⁵⁴ R. SIMEON B. GAMALIEL SAYS: A HEATHEN CITY⁵⁵ THAT HAS BEEN DESTROYED IS NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING-PLACES. THE EAST [SIDE] OF CAESAREA⁵⁶ AND THE WEST [SIDE] OF CAESAREA⁵⁷ ARE GRAVEYARDS. THE [NATURE OF THE] EAST [SIDE] OF ACRE WAS DOUBTFUL,⁵⁸ BUT THE SAGES DECLARED IT CLEAN. RABBI AND HIS LAW COURT VOTED [TO DECIDE] ABOUT KENI⁵⁹ AND DECLARED IT CLEAN.

MISHNAH 10. [THE FOLLOWING] TEN PLACES ARE NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING-PLACES: ARABS' TENTS,⁶⁰ FIELD-HUTS, LEAN-TO SHEDS, FRUIT-SHELTERS,⁶¹ SUMMER SHELTERS,⁶² A GATE-HOUSE, THE OPEN SPACES OF A COURTYARD, A BATH-HOUSE, AN ARMOURY⁶³ AND THE PLACE WHERE THE LEGIONS [CAMP].⁶⁴

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- (1) So that they remain clean and can be used for making wine without rendering unclean by virtue of the law of Lev. XI, 38.
- (2) On the third day (Num. XIX, 18f) notice of the gathering having been given.
- (3) The sprinkling serves as a precaution, reminding the gatherers of the laws of uncleanness appertaining to a Beth peras and thereby preventing carelessness. Although the grapes have been rendered susceptible to uncleanness by virtue of the gathering (v. Shab. 14a), they are not affected by the uncleanness of Beth Peras 'which is only Rabbinical, and the method whereby they have been rendered susceptible also being only Rabbinical.
- (4) Who did not enter the Beth Peras.
- (5) Once taken to the winepress they become susceptible to uncleanness by virtue of Biblical law, and to such the uncleanness of Beth Peras applies, hence they must be taken to the winepress by others.
- (6) סִיב 'fibre', palm-bast'. (perhaps from סָבַב 'to be hairy'). East is insusceptible to uncleanness and therefore protects the sickle and hence also the grapes against uncleanness.
- (7) Insusceptible to uncleanness.
- (8) Cf. supra V, 6.
- (9) Having taken these precautions, he will be reminded of the laws of Beth Peras even whilst in the winepress.
- (10) As a penalty he is not allowed to use the methods enabling wine to be made.
- (11) Enumerated respectively in Mishnahs 2, 3 and 4.
- (12) Because its fruit cannot become unclean, as the law of overshadowing does not apply to such a field (v. end of Mishnah).
- (13) The roots of such plants are sometimes pulled out with the produce and they may have been in contact with a portion of bone.
- (14) So as not to spread the uncleanness abroad.
- (15) To detect any portion of bone.
- (16) More earth being found in association with this type of produce.
- (17) On the field.
- (18) The field owes its uncleanness to the possible presence of a barleycorn-sized portion of bone and therefore has the same laws as that object (v. supra II, 3).
- (19) The exact location of the grave being unknown. This is the second type of Beth Peras.
- (20) Because the roots could not reach as far as the grave (Maim). Tosef. XVIII, 11, however, has the reading, in the name of R. Judah. 'may not be sown', and this is read also in our Mishnah by Beth. and others.
- (21) Because the roots would reach to the grave (Maim.). Bert.: Otherwise people might be attracted to the field and thus contract defilement by overshadowing.
- (22) Such may be planted at the outset (Bert.).
- (23) שְׂדֵה בּוֹכִי' Lit. 'field of those who bewail'. This is the third type of Beth Peras. It is explained in M.K. 5b as a

- field in which final leave is taken of the departed before the burial. It was close to the cemetery. Tosef. XVII, 12 reads **כוכין** 'tomb niches'.
- (24) Because the owner has given up hope of ever using the field again, and it now becomes common property. v. M.K. loc. cit. Maim. explains the prohibition as a precaution lest a corpse may possibly be concealed therein, since it is in proximity to the cemetery.
- (25) The field differs in this respect from the two former types.
- (26) So Bert.
- (27) To determine whether it is unclean or not.
- (28) Who must definitely be clean (Num. IX, 6).
- (29) The neglect to eat terumah is not as grave as in the case of the paschal lamb.
- (30) Who passed through such a field.
- (31) B. Sh. afford the Nazirite an opportunity of having himself declared clean.
- (32) The Nazirite is considered unclean and must perform the rites prescribed in Num. VI, 9-12.
- (33) I.e., loose earth.
- (34) Of the first type.
- (35) The depth to which a ploughshare penetrates (cf. B.B. II, 12).
- (36) Some texts prefix 'Rabbi (Judah the Patriarch) says'.
- (37) From the surface of the whole field.
- (38) Of the first type
- (39) As defined in B.M. 105b.
- (40) By his own weight he may have moved a bone.
- (41) Earth from the neighbouring regions may have collected there and it is unclean (supra II, 3).
- (42) **שונית**. V. supra VII, 1. Possibly from **שן** 'rock'.
- (43) No gentile land intervening.
- (44) It is considered part of the Land of Israel.
- (45) The laws of Sabbatical year produce applied in Syria (v. Tosef. Kel. BK I, 5).
- (46) **כנענים**. I.e., heathens living in the Land of Israel.
- (47) Because of the heathen practice of burying abortions in their houses (Bert.).
- (48) The time of the formation of the child in the womb. V. Nid. III, 7.
- (49) Of an Israelite.
- (50) The crumbling may be an indication of a burial.
- (51) **חולדה** Bert. reads instead **ברדלם** ('hyena' or 'marten') which is found together with **חולדה** in the Tosef. XVI, 13.
- (52) The animals would have discovered and devoured the uncleanness.
- (53) **אצטונית**. From Gk. **, 'colonnade'.
- (54) As no abortions are likely to be buried there.
- (55) Situated in the Land of Israel.
- (56) Maritima, the Roman capital of Palestine.
- (57) **קסרין** In a variant version **קסריון** the district of Caesarea (Phillipi). in the north of Palestine, near the headwaters of the Jordan. It was a less important city than C. Maritima, hence the diminutive form.
- (58) According to one opinion as to whether it was on Israelite territory (cf. Git. I, 1), and to another as to whether it was a graveyard.
- (59) Neubauer's Geographie du Talmud p. 276 suggests an identification with Wady Kanah (in Samaria). Perhaps Cana (of Galilee), five miles from Sepphoris, the seat of Rabbi's court.
- (60) Of the nomadic Bedouin who move their tents from one place to another. The place on which they stand is only temporarily occupied.
- (61) According to Bert. a field-shelter in which the fruit was kept in order to guard it from rain (v. Ma'as. III, 7 where the word is found along with the other agricultural buildings mentioned here).
- (62) **אלקטיות** 'Aruch quotes Aramaic **קיטא** 'summer'. Bert. describes the structure as one which has a roof but no walls.
- (63) Lit., 'the place of the arrows'.
- (64) All these places are only temporarily occupied and hence no fear is entertained lest abortion had been buried in

them.

Mishna - Mas. Parah Chapter 1

MISHNAH 1. R. ELIEZER RULED: THE HEIFER¹ MUST BE NO MORE THAN ONE YEAR OLD AND THE RED COW² NO MORE THAN TWO YEARS OLD. BUT THE SAGES RULED: THE HEIFER¹ MAY BE EVEN TWO YEARS OLD AND THE RED COW² EVEN THREE OR FOUR YEARS OLD. R. MEIR RULED: EVEN FIVE YEARS OLD. ONE THAT IS OLDER IS VALID, BUT THEY DID NOT WAIT WITH IT SO LONG SINCE IT MIGHT IN THE MEANTIME GROW SOME BLACK HAIRS AND [THUS] BECOME INVALID.³ R. JOSHUA STATED: I ONLY HEARD⁴ OF [A COW] THAT WAS SHELASHETH.⁵ THEY SAID TO HIM: WHAT DOES THE EXPRESSION 'SHELASHETH' SIGNIFY? HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN 'AZZAI SAID, I WILL EXPLAIN: IF YOU SAY SHELISHITH THE MEANING IS 'THE THIRD' IN NUMBER TO OTHERS,⁶ BUT WHEN YOU SAY SHELASHETH THE MEANING IS ONE THAT IS 'THREE YEARS OLD. SIMILARLY IT WAS SPOKEN OF A VINEYARD THAT IS REBA'I. THEY SAID TO HIM: WHAT DOES THE EXPRESSION REBA'I SIGNIFY? HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN AZZAI SAID, I WILL EXPLAIN: IF YOU SAY 'REBI'¹ ' THE MEANING IS 'THE FOURTH IN NUMBER TO OTHERS, BUT WHEN YOU SAY 'REBA'I' THE MEANING IS ONE THAT IS FOUR YEARS OLD'. SIMILARLY IT WAS RULED: IF A MAN ATE⁷ IN A LEPROUS HOUSE HALF A LOAF, THREE⁸ OF WHICH ARE MADE OF A KAB, HE BECOMES UNCLEAR.⁹ THEY SAID TO HIM: SAY RATHER, 'EIGHTEEN⁸ OF WHICH ARE MADE OF A SE'AH'.¹⁰ HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN'AZZAI SAID, I WILL EXPLAIN: WHEN YOU SAY, THREE OF WHICH ARE MADE OF A KAB THE LOAF WOULD CONTAIN NO DOUGH-OFFERING,¹¹ BUT IF YOU SAY, EIGHTEEN OF WHICH ARE MADE OF A SE'AH', THE LOAF¹² HAS BEEN REDUCED BY ITS DOUGH-OFFERING.¹³

MISHNAH 2. R. JOSE THE GALILEAN RULED: BULLOCKS¹⁴ MUST BE NO MORE THAN TWO YEARS OLD, FOR IT IS SAID, AND THE SECOND¹⁵ YOUNG BULLOCK SHALT THOU TAKE FOR A SIN-OFFERING.¹⁶ BUT THE SAGES RULED: THEY MAY BE EVEN THREE YEARS OLD. R. MEIR RULED: EVEN THOSE THAT ARE FOUR OR FIVE YEARS OLD ARE VALID, BUT OLD ANIMALS ARE NOT BROUGHT¹⁷ OUT OF RESPECT.¹⁸

MISHNAH 3. LAMBS¹⁴ MUST BE NO MORE THAN ONE YEAR OLD, AND RAMS¹⁴ NO MORE THAN TWO YEARS OLD; AND ALL THESE YEARS ARE RECKONED FROM DAY TO DAY.¹⁹ ONE THAT IS THIRTEEN MONTHS OLD IS NOT VALID EITHER AS A RAM OR AS A LAMB. R. TARFON CALLED IT PALGAS;²⁰ BEN 'AZZAI CALLED IT NUKAD;²¹ R. ISHMAEL CALLED IT PARAKDIGMA.²² IF A MAN OFFERED IT HE MUST BRING FOR IT THE DRINK-OFFERING OF A RAM,²³ BUT IT IS NOT COUNTED AS HIS OFFERING.²⁴ ONE THAT IS THIRTEEN MONTHS OLD AND A DAY IS REGARDED AS A RAM.

MISHNAH 4. THE SIN-OFFERINGS OF THE CONGREGATION AND THEIR BURNT-OFFERINGS,²⁵ THE SIN-OFFERING OF AN INDIVIDUAL,²⁶ THE GUILT-OFFERING OF A NAZIRITE²⁷ AND THE GUILT-OFFERING OF A LEPER²⁸ ARE VALID FROM THE THIRTIETH DAY²⁹ ONWARDS, AND ALSO ON THE THIRTIETH DAY. IF, HOWEVER, THEY WERE OFFERED ON THE EIGHTH DAY²⁵ THEY ARE VALID. VOW-OFFERINGS AND FREEWILL-OFFERINGS, FIRSTLINGS AND THE TITHE OF CATTLE AND THE PASCHAL LAMB ARE VALID FROM THE EIGHTH DAY²⁵ ONWARDS, AND ALSO ON THE EIGHTH DAY.

(1) Prescribed in Deut. XXI, 3ff.

(2) The red heifer, Num. XIX, 2ff.

(3) Var. lec. 'or (otherwise) became invalid'. By bearing the yoke or contracting a blemish (cf. Ibid. XIX, 2).

- (4) That it is valid.
- (5) This is explained presently.
- (6) One third born which was deemed specially good.
- (7) Or spent time enough to eat.
- (8) Whole loaves.
- (9) Cf. Neg. XIII, 9.
- (10) Since a se'ah contains six kab.
- (11) And, therefore, could wholly be eaten. Only a minimum of five quarters of a kab is liable to the dough-offering.
- (12) Being liable (cf. prev. n.) to the dough-offering, which must be given to the priest.
- (13) So that its size would be smaller than the other from which no dough-offering had been taken.
- (14) Prescribed as sacrifices.
- (15) 'Sheni' (E. V. another') which is superfluous, is rendered as 'two year old'.
- (16) Num. VIII, 8.
- (17) As sacrifices.
- (18) For the sanctity of the altar.
- (19) Sc. from the day in one calendar year to the corresponding one in the next calendar year.
- (20) Composed of 'pelag' and 'gas', 'a half of a grown up'. Aliter. Gr. ** lit., 'young person'.
- (21) (Or noked. Lit., 'a distinct coin' (Jast.); aliter: Noked, the term used in Amos I, I to denote a herdsman of a special kind of sheep.
- (22) (Or prokadehma. Var. lec. 'parakarigma' Cf. Gr. ** 'counterfeit coin'.
- (23) A third of a hin.
- (24) If he was under an obligation to bring either a ram or a he-lamb.
- (25) For new moons and festivals, for instance, which consist of lambs and young goats.
- (26) If it is a lamb or a goat.
- (27) Which is a ewe lamb (cf. Num. VI, 14).
- (28) A he-lamb (cf. Lev. XIV, 12).
- (29) Of their birth; v. ibid XXII, 27.

Mishna - Mas. Parah Chapter 2

MISHNAH 1. R. ELIEZER RULED: A [RED] COW FOR THE SIN-OFFERING¹ THAT IS WITH YOUNG² IS VALID,³ BUT THE SAGES RULE THAT IT IS INVALID. R. ELIEZER RULED: IT⁴ MAY NOT BE BOUGHT FROM IDOLATERS,⁵ BUT THE SAGES RULE THAT SUCH A ONE IS VALID;⁶ AND NOT ONLY THIS, BUT ALL OFFERINGS OF THE CONGREGATION OR THE INDIVIDUAL MAY BE BROUGHT FROM THE LAND OF ISRAEL AND FROM OUTSIDE THE LAND, FROM NEW PRODUCE AND FROM THE OLD; EXCEPT THE OMER⁷ AND THE TWO LOAVES,⁸ WHICH MAY BE BROUGHT ONLY FROM NEW PRODUCE AND FROM WITHIN THE LAND.

MISHNAH 2. IF THE HORNS OR THE HOOFS OF THE [RED] COW ARE BLACK THEY ARE CHOPPED OFF.⁹ THE EYE BALL, THE TEETH AND THE TONGUE¹⁰ CAUSE NO INVALIDITY IN THE [RED] COW.¹¹ ONE THAT IS DWARF-LIKE IS VALID. IF THERE WAS ON IT A WEN AND THIS WAS CUT OFF, R. JUDAH RULES THAT IT IS INVALID.¹² R. SIMEON RULED: [ONLY] WHEREVER, IF REMOVED, NO RED HAIR GROWS IN ITS PLACE IS IT INVALID.

MISHNAH 3. ONE THAT IS BORN FROM THE SIDE,¹³ THE HIRE OF A HARLOT OR THE PRICE OF A DOG IS INVALID.¹⁴ R. ELIEZER RULES THAT IT IS VALID, FOR IT IS WRITTEN, THOU SHALT NOT BRING THE HIRE OF A HARLOT OR THE PRICE OF A DOG INTO THE HOUSE OF THE LORD THY GOD,¹⁵ WHILE THIS¹⁶ WAS NOT BROUGHT INTO THE HOUSE.¹⁷ ALL BLEMISHES THAT CAUSE CONSECRATED ANIMALS TO BE INVALID¹⁸ CAUSE ALSO THE [RED] COW TO BE INVALID. IF ONE HAD RIDDEN ON IT.¹⁶

LEANED ON IT, HUNG ON ITS TAIL, CROSSED¹⁹ A RIVER BY ITS HELP, DOUBLED ON ITS LEADING ROPE,²⁰ OR PUT ONE'S CLOAK ON IT, IT IS INVALID.²¹ BUT IF ONE HAD ONLY FASTENED IT BY ITS LEADING ROPE OR MADE FOR IT A SANDAL TO PREVENT IT FROM SLIPPING OR SPREAD ONE'S CLOAK ON IT BECAUSE OF FLIES, IT REMAINS VALID. THIS IS THE GENERAL RULE: WHEREVER ANYTHING IS DONE FOR ITS OWN SAKE, IT REMAINS VALID; BUT IF FOR THE SAKE OF ANY OTHER,²² IT BECOMES INVALID.

MISHNAH 4. IF A BIRD RESTED ON IT, IT REMAINS VALID. IF A MALE BEAST MOUNTED IT, IT BECOMES INVALID.²³ R. JUDAH RULED: IF THE MALE WAS MADE TO MOUNT, IT BECOMES INVALID; BUT IF IT DID SO OF ITSELF, IT REMAINS VALID.

MISHNAH 5. IF IT¹⁶ HAD TWO BLACK OR WHITE HAIRS GROWING WITHIN ONE FOLLICLE,²⁴ IT IS INVALID. R. JUDAH SAID, 'WITHIN²⁵ ONE KOS'.²⁶ IF THEY GREW WITHIN TWO FOLLICLES THAT WERE ADJACENT TO²⁷ ONE ANOTHER, IT IS INVALID. R. AKIBA RULED: EVEN IF THERE WERE FOUR OR EVEN FIVE BUT THEY WERE DISPERSED, THEY MAY BE PLUCKED OUT.²⁸ R. ELIEZER RULED: EVEN AS MANY AS FIFTY.²⁹ R. JOSHUA B. BATHYRA RULED: EVEN IF IT HAD BUT ONE ON ITS HEAD AND ONE ON ITS TAIL, IT IS INVALID. IF IT HAD TWO HAIRS³⁰ WITH THEIR ROOTS BLACK AND THEIR TIPS RED OR WITH THEIR ROOTS RED AND THEIR TIPS BLACK, ALL IS DETERMINED BY WHAT IS VISIBLE;³¹ SO R. MEIR. BUT THE SAGES RULED: BY THE ROOT.³²

(1) A phrase whereby the red cow is designated.

(2) Provided the covering was done without the owner's knowledge.

(3) Though the carrying of any other burden renders it invalid. The embryo being regarded as a part of the mother's body does not come under the category of 'burden'.

(4) The red cow.

(5) Since they may have subjected it to improper use.

(6) For reasons cf. Bert., L. and Elijah Wilna.

(7) Cf. Lev. XXIII, 10ff.

(8) Cf. Ibid. XXIII, 17.

(9) And the red cow is then valid.

(10) Though they are not red.

(11) Where no other is available (Elijah Wilna).

(12) As is the case with other sacrifices, v. Ibid. XXII, 22.

(13) By means of the caesarean cut.

(14) As a red cow, as it is invalid for any other sacrifice.

(15) Deut. XXIII. 19' emphasis on 'house'.

(16) The red cow.

(17) 'The house of the Lord'.

(18) As sacrifices.

(19) Aliter: Hung . . . tail and crossed.

(20) Placing it on its back.

(21) In accordance with Num. XIX, 2, and upon which never came yoke.

(22) Though it was for its own sake also.

(23) Because the latter is supposed to be with the approval of the owner.

(24) 'Guma' (v. next note but one).

(25) 'Even', in cur. edd. is to be deleted (Bert.).

(26) 'Follicle', kos in this context having the same meaning as 'guma' (follicle) used by the first Tanna (cf. prev. n. but one). The difference between R. Judah and the first Tanna lies only in the Hebrew and Aramaic terms they respectively use.

(27) Aliter: opposite.

(28) And the cow is valid even before they were plucked, the plucking being done only for appearance sake.

(29) Or even any larger number may be plucked (cf. prev. n.).

(30) In one follicle.

(31) Sc. the tips. If they were red the cow is valid; if they were black it is invalid.

(32) Cf. prev. n. mut. mut.

Mishna - Mas. Parah Chapter 3

MISHNAH 1. SEVEN DAYS BEFORE THE BURNING OF THE [RED] COW THE PRIEST WHO WAS TO BURN THE COW WAS REMOVED FROM HIS HOUSE TO A CHAMBER THAT WAS FACING THE NORTH-EASTERN CORNER OF THE BIRAH;¹ AND WHICH WAS CALLED THE STONE CHAMBER.² THROUGHOUT THE SEVEN DAYS³ HE WAS SPRINKLED UPON⁴ WITH [A MIXTURE⁵ OF] ALL THE SIN-OFFERINGS THAT WERE THERE.⁶ R. JOSE STATED: HE WAS SPRINKLED UPON ON THE THIRD AND THE SEVENTH DAYS ONLY. R. HANINA THE VICE-HIGH PRIEST STATED: ON THE PRIEST THAT WAS TO BURN THE COW THEY SPRINKLED ALL THE SEVEN DAYS, BUT ON THE ONE THAT WAS TO PERFORM THE SERVICE ON THE DAY OF ATONEMENT THEY SPRINKLED ON THE THIRD AND THE SEVENTH DAYS ONLY.

MISHNAH 2. COURTYARDS WERE BUILT IN JERUSALEM OVER A ROCK,⁷ AND BENEATH THEM WAS A HOLLOW WHICH SERVED AS A PROTECTION AGAINST A GRAVE IN THE DEPTHS,⁸ AND THEY USED TO BRING THERE PREGNANT WOMEN, AND THERE THEY GAVE BIRTH TO THEIR CHILDREN AND THERE THEY REARED THEM.⁹ AND¹⁰ THEY BROUGHT OXEN, UPON WHOSE BACKS WERE PLACED DOORS,¹¹ AND THE CHILDREN SAT UPON THEM WITH STONE CUPS¹² IN THEIR HANDS. WHEN THEY REACHED SILOAM¹³ THEY ALIGHTED AND FILLED THE CUPS WITH WATER¹⁴ AND THEN THEY ASCENDED AND SAT AGAIN ON THE DOORS.¹¹ R. JOSE SAID: EACH CHILD USED TO LET DOWN HIS CUP¹⁵ AND FILL IT FROM HIS PLACE.¹⁶

MISHNAH 3. HAVING ARRIVED¹⁷ AT THE TEMPLE MOUNT THEY ALIGHTED. BENEATH THE TEMPLE MOUNT AND THE COURTS¹⁸ WAS A HOLLOW WHICH SERVED AS A PROTECTION AGAINST A GRAVE IN THE DEPTHS,¹⁹ WHILE AT THE ENTRANCE OF THE COURT²⁰ THE JAR OF THE ASHES OF THE SIN-OFFERINGS²¹ WAS PROVIDED. A MALE FROM AMONG THE SHEEP WAS BROUGHT AND A ROPE WAS TIED BETWEEN ITS HORNS, AND A STICK OR²² A BUSHY TWIG WAS TIED AT THE OTHER END OF THE ROPE, AND THIS²³ WAS THROWN INTO THE JAR.²⁴ THE MALE [SHEEP] WAS THEN STRUCK SO THAT IT STARTED BACKWARDS²⁵ WHEN [A CHILD] TOOK THE ASHES AND MIXED²⁶ AS MUCH OF IT AS COULD BE VISIBLE ON THE WATER. R. JOSE SAID: DO NOT GIVE THE HERETICS²⁷ AN OPPORTUNITY TO CAVIL;²⁸ BUT [A CHILD] HIMSELF TOOK IT²⁹ AND MIXED IT.³⁰

MISHNAH 4. ONE MAY NOT BRING A SIN-OFFERING³¹ BY VIRTUE OF [THE PURIFICATIONS MADE FOR] ANOTHER SIN-OFFERING,³² NOR ONE CHILD³³ BY VIRTUE OF [THE PREPARATIONS MADE FOR] ANOTHER.³⁴ THE CHILDREN, FURTHERMORE, HAD TO BE SPRINKLED;³⁵ SO R. JOSE THE GALILEAN. R. AKIBA STATED: THEY HAD NO NEED TO BE SPRINKLED.³⁶

MISHNAH 5. IF THEY DID NOT FIND THE RESIDUE OF THE ASHES OF THE SEVEN [RED COWS]³⁷ THEY PERFORMED THE SPRINKLING WITH THOSE OF SIX, OF FIVE, OF FOUR, OF THREE, OF TWO OR OF ONE, AND WHO PREPARED THESE?³⁸ MOSES PREPARED THE FIRST, EZRA PREPARED THE SECOND, AND FIVE WERE PREPARED

SINCE EZRA; SO R. MEIR. BUT THE SAGES STATED: SEVEN WERE PREPARED SINCE THE DAYS OF EZRA. AND WHO PREPARED THEM? SIMEON THE JUST AND JOHANAN THE HIGH PRIEST PREPARED TWO ELIEHOENAI THE SON OF HA-KOF AND HANAMEL THE EGYPTIAN AND ISHMAEL THE SON OF PIABI PREPARED ONE EACH.³⁹

MISHNAH 6 A CAUSEWAY WAS MADE FROM THE TEMPLE MOUNT TO THE MOUNT OF OLIVES, BEING CONSTRUCTED OF ARCHES ABOVE ARCHES, EACH ARCH PLACED DIRECTLY ABOVE EACH PIER [OF THE ARCH BELOW] AS A PROTECTION⁴⁰ AGAINST A GRAVE IN THE DEPTHS,⁴¹ WHEREBY THE PRIEST WHO WAS TO BURN THE COW, THE COW ITSELF AND ALL WHO AIDED IN ITS PREPARATION WENT FORTH TO THE MOUNT OF OLIVES.

MISHNAH 7. IF THE COW REFUSED TO GO OUT, THEY MAY NOT TAKE OUT WITH IT A BLACK ONE LEST IT BE SAID, 'A BLACK [COW] HAS BEEN SLAIN' NOR ANOTHER RED [COW] LEST IT BE SAID, 'TWO HAVE BEEN SLAIN'. R. JOSE STATED: IT WAS NOT FOR THIS REASON BUT BECAUSE IT IS SAID IN SCRIPTURE AND HE SHALL BRING HER FORTH,⁴² BY HERSELF.⁴³ THE ELDERS OF ISRAEL USED TO PRECEDE THEM ON FOOT TO THE MOUNT OF OLIVES, WHERE THERE WAS A PLACE OF IMMERSION.⁴⁴ THE PRIEST THAT WAS TO BURN THE COW WAS (DELIBERATELY) MADE UNCLEAN ON ACCOUNT OF THE SEDDUCEES: IN ORDER THAT THEY SHOULD NOT SAY,⁴⁵ 'ONLY BY THOSE ON WHOM THE SUN HAS SET⁴⁶ MUST IT BE PREPARED'.

MISHNAH 8. THEY LAID THEIR HANDS UPON HIM⁴⁷ AND SAID,⁴⁸ MY LORD THE HIGH PRIEST,⁴⁹ PERFORM IMMERSION ONCE. HE THEREUPON WENT DOWN AND IMMERSED HIMSELF AND CAME UP AND DRIED HIMSELF. DIFFERENT KINDS OF WOOD WERE SET IN ORDER THERE: CEDAR 'WOOD, PINE, SPRUCE AND THE WOOD OF SMOOTH FIG TREES.⁵⁰ [THE PILE] WAS BUILT UP IN THE SHAPE OF A TOWER FURNISHED WITH AIR HOLES,⁵¹ AND ITS FORESIDE⁵² WAS TURNED TOWARDS THE WEST.⁵³

MISHNAH 9. IT⁵⁴ WAS BOUND WITH A ROPE OF BAST⁵⁵ AND PLACED ON THE PILE WITH ITS HEAD TOWARDS THE SOUTH AND ITS FACE TOWARDS THE WEST.⁵³ THE PRIEST STOOD IN THE EAST WITH HIS FACE TOWARDS THE WEST. HE SLAUGHTERED WITH HIS RIGHT HAND AND RECEIVED THE BLOOD WITH HIS LEFT. R. JUDAH SAID: HE RECEIVED THE BLOOD WITH HIS RIGHT HAND, PUT IT ON HIS LEFT HAND AND THEN SPRINKLED WITH HIS RIGHT. SEVEN TIMES HE DIPPED HIS FINGER IN THE BLOOD AND SPRINKLED IT TOWARDS THE HOLY OF HOLIES, DIPPING ONCE AGAIN FOR EACH SPRINKLING. HAVING FINISHED THE SPRINKLING HE WIPED HIS HAND ON THE BODY OF THE COW, CAME DOWN AND KINDLED THE FIRE WITH CHIPS. R. AKIBA SAID: WITH DRY BRANCHES OF PALM-TREES.

MISHNAH 10. WHEN IT⁵⁴ BURST⁵⁶ HE TOOK UP A POSITION OUTSIDE ITS PIT⁵⁷ AND TAKING HOLD OF CEDAR WOOD, HYSSOP AND SCARLET WOOL, HE SAID TO THE BYSTANDERS, 'IS THIS CEDARWOOD? IS THIS CEDARWOOD?' 'IS THIS HYSSOP? IS THIS HYSSOP' 'IS THIS SCARLET WOOL? IS THIS SCARLET Wool?' THREE TIMES HE REPEATED EACH QUESTION AND THEY ANSWERED HIM 'YEA, YEA!' — THREE TIMES TO EACH QUESTION.

MISHNAH 11. HE THEN WRAPPED THEM⁵⁸ TOGETHER WITH THE ENDS OF THE STRIP OF WOOL⁵⁹ AND CAST THEM INTO THE BURNING HEAP, WHEN IT WAS BURNT UP IT WAS BEATEN WITH RODS AND THEN⁶⁰ SIFTED WITH SIEVES. R. ISHMAEL STATED: THIS WAS DONE WITH STONE HAMMERS⁶¹ AND STONEWARE SIEVES.⁶¹ A BLACK

CINDER ON WHICH THERE WERE SOME ASHES WAS CRUSHED BUT ONE ON WHICH THERE WERE NONE WAS LEFT BEHIND. A BONE WAS CRUSHED IN EITHER CASE. IT⁶² WAS THEN DIVIDED INTO THREE PARTS: ONE PART WAS DEPOSITED ON THE RAMPART, ONE ON THE MOUNT OF OLIVES, AND ONE WAS DIVIDED AMONG THE COURSES.⁶³

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- (1) The Temple (cf. I Chron. XXIX, 1). Aliter: The name of a place on the Temple mount (cf. Yoma 2a).
 - (2) So named because all services in connection with the red cow had to be performed only in vessels made either of baked ordure or of earthenware or of any material which, like stone, is insusceptible to uncleanness (cf. Yoma 2a).
 - (3) Except the fourth.
 - (4) As a precaution against the possibility of having contracted corpse uncleanness.
 - (5) So Elijah Wilna.
 - (6) From the days of Moses, when the first red cow was prepared, to date.
 - (7) That was primordial.
 - (8) Sc. the possibility of the existence of an unknown grave under the rock, **טומאת התהום**. unless there is a minimum space of a cubic handbreadth above it the uncleanness of the grave penetrates through the rock and beyond it; v. Suk. 21a.
 - (9) For the service of the red cow.
 - (10) When the water for the red cow had to be brought from Siloam.
 - (11) Which prevented any uncleanness below from penetrating to the children.
 - (12) Which are not susceptible to uncleanness.
 - (13) Heb. ha-Shiluah, the conduit near Jerusalem the completion of which is recorded on the famous Siloam inscription.
 - (14) In order to use them for sprinkling on the priest who was to burn the red cow.
 - (15) Without leaving his place on the door.
 - (16) As a precaution against the uncleanness of a possible grave in the depth near Siloam.
 - (17) On their return journey.
 - (18) Of the Temple.
 - (19) Cf. supra p. 309, n. 8. And therefore they could safely alight.
 - (20) Of the women, on a particular spot between it and the Rampart.
 - (21) In which were preserved ashes of all previously burnt red cows.
 - (22) Var. lec. 'and'.
 - (23) The stick or the twig.
 - (24) It is not permitted to put it there directly since the man who did it, if he were suffering from the uncleanness of a flux or the like, would, by hesset, (v. Glos.), have conveyed uncleanness to the ashes.
 - (25) And, as a result of his sudden movement, spilled the ashes collected on the stick.
 - (26) With water. Lit., 'sanctified'.
 - (27) Or 'Sadducees'.
 - (28) Or 'mock', at such excessive care and precaution.
 - (29) The ashes from the jar.
 - (30) With water. Lit., 'sanctified'.
 - (31) Sc. a red cow for which the necessary preparations in regard to cleanness have not been made.
 - (32) Which died or became invalid after all the necessary preparations for it have been completed.
 - (33) Even if he was kept in conditions of cleanness.
 - (34) Who died or became unclean after he has been duly prepared for a particular red cow for which the first mentioned child (cf. prev. n.) was not specifically prepared. it was necessary that the preparations be made solely and specifically for each particular red heifer and that a particular child also be specifically assigned for it.
 - (35) With the ashes of the red cow, In case any of them had become unclean through a dead creeping thing. They themselves performed the sprinkling upon one another since no one could possibly be cleaner than they. Bert. on the basis of the Tosef. explains that this complicated procedure was adopted by the exiles on their return From Babylon when they were all unclean as a result of corpse-uncleanness and had no other means of becoming clean, save through the medium of children and the ashes of the red cows of former generations that had been left in safe keeping when they went to exile. B. Jose states that there were still among them a few individuals who had kept themselves Free from

corpse-uncleanness all the time and they could have made the necessary preparations.

(36) They only required immersion as a precaution against the possibility of having become unclean through contact with a dead creeping thing.

(37) That had been burnt since the days of Moses to that day. The sprinkling had to be done with a compound of the ashes of all the seven cows (cf. supra III, I and nn).

(38) Seven cows.

(39) R. Meir disregards one cow of each pair since owing to invalidity it was entirely superseded by the other.

(40) For those who crossed the causeway.

(41) Whose corpse uncleanness would otherwise have penetrated (cf. supra p 309, n. 8).

(42) Num. XIX, 3, emphasis on 'her'.

(43) The practical difference between the first Tanna and R. Jose is the permissibility of taking out with it any other animal or beast. According to R. Jose even this is not permitted.

(44) Also built, like the causeway, over a hollow as a protection against a corpse uncleanness in the depths.

(45) Var. lec., 'because they used to say'.

(46) Sc. those only who are in all respects clean.

(47) The priest who was to horn the cow.

(48) If he happened to be a High Priest.

(49) V. infra IV, I.

(50) All these kinds of wood produce suitable ashes.

(51) Lit., 'and they opened windows in it'.

(52) The largest opening into which the fire was put.

(53) Where was the Holy of Holies.

(54) The red cow.

(55) Which is insusceptible to uncleanness.

(56) From the heat.

(57) In which it was being burnt.

(58) The cedarwood and the hyssop.

(59) Which, being longer than the cedarwood and the hyssop, projected downwards.

(60) When it had been pounded to dust.

(61) Which are insusceptible to uncleanness.

(62) The ashes of the red cow.

(63) The twenty-four courses of the priests that took the Temple services in turn, v. Glos. s. v. Mishmar.

Mishna - Mas. Parah Chapter 4

MISHNAH 1. IF A COW FOR THE SIN-OFFERING WAS SLAIN UNDER SOME OTHER NAME, OR IF ITS BLOOD WAS RECEIVED OR SPRINKLED UNDER SOME OTHER NAME, OR IF THIS¹ WAS DONE UNDER ITS OWN NAME AND UNDER SOME OTHER NAME, OR UNDER SOME OTHER NAME AND UNDER ITS NAME, IT IS INVALID.² R. ELIEZER RULES THAT IT IS VALID.³ IF THE SERVICE¹ WAS PERFORMED BY ONE WHOSE HANDS OR FEET WERE UNWASHED,⁴ IT IS INVALID; BUT R. ELIEZER RULES THAT IT IS VALID.³ IF IT⁴ WAS PERFORMED BY ONE WHO WAS NOT THE HIGH PRIEST, IT IS INVALID; BUT R. JUDAH RULES THAT IT IS VALID. IF IT WAS PERFORMED BY ONE WHO WAS NOT WEARING ALL THE PRESCRIBED GARMENTS,⁵ IT IS INVALID; AND IT WAS IN WHITE GARMENTS⁵ THAT IT WAS TO BE PREPARED.

MISHNAH 2. IF IT WAS BURNT OUTSIDE ITS PIT,⁶ OR IN TWO PITS,⁷ OR IF TWO COWS WERE BURNT IN THE SAME PIT, IT IS INVALID. IF [THE BLOOD] WAS SPRINKLED BUT NOT EXACTLY IN THE DIRECTION OF THE ENTRANCE OF THE HOLY OF HOLIES, IT IS INVALID. IF HE MADE THE SEVENTH SPRINKLING OUT OF THE SIXTH⁸ AND THEN SPRINKLED AGAIN A SEVENTH TIME, IT IS INVALID. IF HE SPRINKLED AN EIGHTH TIME OUT OF THE SEVENTH⁹ AND THEN SPRINKLED AGAIN AN EIGHTH TIME, IT IS

VALID.¹⁰

MISHNAH 3. IF IT WAS BURNT UP WITHOUT WOOD,¹¹ OR WITH ANY KIND OF WOOD,¹² AND EVEN IF ONLY WITH STRAW OR STUBBLE, IT IS VALID. IF IT WAS FLAYED AND CUT UP, IT IS VALID. IF IT WAS SLAIN WITH THE INTENTION OF EATING ITS FLESH OR DRINKING ITS BLOOD, IT IS VALID. R. ELIEZER RULED: NO [UNLAWFUL] INTENTION¹³ CAUSES IN VALIDITY IN THE RED COW.

MISHNAH 4. ALL WHO ARE ENGAGED IN THE PREPARATION OF THE [RED] COW, FROM THE BEGINNING UNTIL THE END, RENDER THEIR GARMENTS¹⁴ UNCLEAR, AND THEY ALSO RENDER IT¹⁵ INVALID BY [OTHER] WORK.¹⁶ IF SOME IN VALIDITY OCCURRED WHILE IT WAS BEING SLAIN, IT CONVEYS NO UNCLEANNESS TO GARMENTS. IF IT OCCURRED WHILE THE BLOOD WAS BEING SPRINKLED, FOR ALL WHO WERE ATTENDING TO IT BEFORE THE INVALIDITY OCCURRED, IT RENDERS GARMENTS UNCLEAR, BUT FOR THOSE WHO ATTENDED TO IT AFTER IT HAD BECOME INVALID IT DOES NOT RENDER GARMENTS UNCLEAR. THUS IT FOLLOWS THAT THE RESTRICTION¹⁷ TURNS INTO A RELAXATION.¹⁸ THE LAW OF SACRILEGE¹⁹ APPLIES TO IT THROUGHOUT.²⁰ WOOD MAY BE ADDED TO THE FIRE.²⁰ ITS SERVICES²¹ MUST BE PERFORMED BY DAY AND BY A PRIEST.²² WORK²³ RENDERS IT INVALID UNTIL IT BECOMES ASHES, AND WORK²³ CAUSES THE WATER TO BE INVALID UNTIL THE ASHES ARE PUT INTO IT.

(1) The slaying, receiving or sprinkling.

(2) Since Scripture described it as a 'sin-offering' the services mentioned must in their entirety be performed under that name alone; v. Zeb. 2a.

(3) Because, unlike other sin-offerings, the services mentioned were performed outside the Temple precincts.

(4) V. Ex. XXX, 19, 20.

(5) Worn by the officiating priest.

(6) The cavity on the Mount of Olives opposite the Holy of Holies in which the red cows were burnt.

(7) A portion in each.

(8) Sc. having dipped his finger for the sixth sprinkling he used the same blood for both the sixth and the seventh sprinklings. Aliter: 'Sprinkled the seventh instead of the sixth', having made a mistake in the counting.

(9) Cf. p. 315, n. 8 mut.mut.

(10) The one additional sprinkling cannot invalidate the heifer after the seven prescribed sprinklings have been duly performed.

(11) The fire having been set to the body of the cow itself.

(12) Other than those prescribed supra III, 8.

(13) However wrong the act intended.

(14) Or any utensils with which they may come in contact.

(15) The red cow.

(16) Done during the time one was engaged in the preparation of the red cow.

(17) Invalidity of the cow where one is engaged in other work.

(18) Exemption of the man's clothes from uncleanness.

(19) Me'ah (v. Glos.). cf. Lev. V, 15f.

(20) Until it is burnt into ashes.

(21) With the exception of the collection of the ashes, the filling of the jar with water and the mixing of the water and ashes which may also be done by night and by a non-priest.

(22) V Yoma, 42a.

(23) Other than that connected with the service of the cow.

Mishna - Mas. Parah Chapter 5

MISHNAH 1. HE WHO BRINGS THE EARTHEN VESSEL FOR THE SIN-OFFERING¹ MUST PERFORM IMMERSION,² AND SPEND THE NIGHT³ BY THE FURNACE.⁴ R. JUDAH RULED: HE MAY ALSO BRING IT FROM THE HOUSE⁵ AND IT IS VALID,⁶ FOR ALL ARE DEEMED TRUSTWORTHY IN REGARD TO THE SIN-OFFERING.⁷ IN THE CASE OF TERUMAH⁸ ONE MAY OPEN THE FURNACE⁹ AND TAKE OUT [THE VESSEL]. R. SIMEON RULED: FROM THE SECOND ROW.¹⁰ R. JOSE RULED: FROM THE THIRD ROW.¹¹

MISHNAH 2. IF A MAN IMMERSED A VESSEL FOR THE SIN-OFFERING¹² IN WATER THAT IS NOT FIT FOR THE MIXING¹³ HE MUST DRY IT;¹⁴ IF IN WATER THAT IS FIT FOR THE MIXING HE NEED NOT DRY IT,¹⁵ BUT IF [HE INTENDED]¹⁶ TO COLLECT IN IT¹⁷ WATER THAT WAS ALREADY MIXED WITH THE ASHES, HE MUST DRY IT IN EITHER CASE.¹⁸

MISHNAH 3. IF A PUMPKIN SHELL¹⁹ WAS IMMERSSED²⁰ IN WATER THAT WAS NOT FIT FOR THE MIXTURE,²¹ IT IS PERMISSIBLE²² TO MIX IN IT THE ASHES WITH THE WATER,²³ PROVIDED IT HAD NEVER BEFORE CONTRACTED UNCLEANNESS. IF IT HAS CONTRACTED AN UNCLEANNESS, IT IS NOT PERMISSIBLE²⁴ TO MIX IN IT THE ASHES WITH THE WATER.²⁵ R. JOSHUA ARGUED: IF ONE IS ALLOWED TO MIX IN IT THE ASHES AND WATER AT THE BEGINNING,²⁶ ONE SHOULD ALSO²⁷ BE ALLOWED TO DO SO AT THE END;²⁸ AND IF ONE IS NOT ALLOWED²⁹ TO DO THIS AT THE END²⁸ ONE SHOULD NOT BE ALLOWED²⁹ TO DO IT AT THE BEGINNING.²⁶ IN³⁰ EITHER CASE³¹ IT IS NOT PERMISSIBLE TO COLLECT IN IT¹⁷ WATER THAT WAS ALREADY PREPARED.³²

MISHNAH 4. A REED PIPE THAT WAS CUT³³ [FOR USE AS A CONTAINER] FOR [THE WATER OR ASHES OF] THE SIN-OFFERING, R. ELIEZER RULED, MUST³⁴ BE IMMERSSED FORTHWITH.³⁵ R. JOSHUA RULED: IT MUST FIRST BE RENDERED UNCLEAR AND THEN IT IS IMMERSSED.³⁶ ALL ARE ELIGIBLE TO PREPARE THE MIXTURE,³⁷ EXCEPT A DEAF MUTE, AN IMBECILE AND A MINOR. R. JUDAH HOLDS A MINOR TO BE ELIGIBLE, BUT DISQUALIFIES A WOMAN AND A HERMAPHRODITE.

MISHNAH 5. THE MIXTURE³⁷ MAY BE PREPARED IN ALL KINDS OF VESSELS, EVEN IN VESSELS MADE OF CATTLE DUNG, OF STONE OR OF EARTH.³⁸ THE MIXTURE³⁵ MAY ALSO BE PREPARED IN A SHIP.³⁹ IT MAY NOT BE PREPARED IN THE SIDES OF VESSELS,⁴⁰ OR IN THE FLANKS OF A LADLING JAR, OR IN THE BUNG OF A JAR, OR IN ONE'S CUPPED HANDS, FOR THE WATER OF THE SIN-OFFERING MAY BE DRAWN IN, MIXED IN, AND SPRINKLED FROM A VESSEL ONLY. PROTECTION⁴¹ BY A TIGHTLY FITTING COVER⁴² CAN BE AFFORDED ONLY BY VESSELS, AS PROTECTION AGAINST AN UNCLEANNESS WITHIN AN EARTHEN VESSEL CAN BE AFFORDED ONLY BY VESSELS.⁴³

MISHNAH 6. THE POTTERS' EGG⁴⁴ IS FIT [AS A VESSEL].⁴⁵ R. JOSE HOLDS THAT IT IS UNFIT. A HEN'S EGG, R. MEIR AND R. JUDAH RULE, IS FIT [AS A VESSEL]; BUT THE SAGES RULE THAT IT IS UNFIT.

MISHNAH 7. IN A TROUGH THAT IS [HEWN] IN A ROCK⁴⁶ IT IS NOT PERMISSIBLE TO COLLECT THE WATER,⁴⁷ OR TO PREPARE THE MIXTURE,⁴⁸ NOR MAY THE SPRINKLING BE DONE FROM IT. IT, FURTHERMORE, NEEDS NO TIGHTLY FITTING COVER,⁴⁹ AND IT DOES NOT RENDER A RITUAL BATH⁵⁰ INVALID.⁵¹ IF IT WAS FIRST A MOVABLE VESSEL AND IT WAS SUBSEQUENTLY JOINED TO THE GROUND WITH LIME, IT IS PERMISSIBLE TO COLLECT THE WATER⁴⁷ IN IT, TO PREPARE THE MIXTURE IN IT AND TO SPRINKLE FROM IT. IT ALSO NEEDS A TIGHTLY FITTING COVER⁵² AND RENDERS A RITUAL BATH INVALID.⁵³ IF THERE WAS A HOLE IN IT⁵⁴

BELOW, AND IT WAS STOPPED UP WITH A RAG, THE WATER IN IT IS INVALID,⁵⁵ SINCE⁵⁶ IT IS NOT WHOLLY ENCLOSED BY THE VESSEL. IF THE HOLE WAS IN THE SIDE⁵⁷ AND IT WAS STOPPED UP WITH A RAG, THE WATER IN IT IS VALID, SINCE IT IS WHOLLY ENCLOSED BY THE VESSEL. IF THE VESSEL WAS PROVIDED WITH A BRIM OF CLAY AND THE WATER HAD RISEN TO THAT SPOT, IT⁵⁸ IS INVALID; BUT IF IT⁵⁹ WAS FIRM ENOUGH FOR THE VESSEL TO BE MOVED WITH IT,⁶⁰ THE WATER REMAINS VALID.

MISHNAH 8. IF THERE WERE TWO TROUGHS IN ONE STONE⁶¹ AND THE MIXTURE⁶² WAS PREPARED IN ONE OF THEM, THE WATER IN THE OTHER IS NOT PREPARED THEREBY.⁶³ IF A HOLE OF THE SIZE OF THE SPOUT OF A WATER SKIN⁶⁴ WAS PASSING FROM ONE TO THE OTHER, OR IF THE WATER OVERFLOWED BOTH,⁶⁵ EVEN IF ONLY [TO A DEPTH OF] THE THICKNESS OF GARLIC PEEL, AND THE MIXTURE⁶⁶ WAS PREPARED IN ONE OF THEM, THE WATER IN THE OTHER IS ALSO PREPARED THEREBY.⁶⁷

MISHNAH 9. IF TWO STONES WERE PLACED CLOSE TO ONE ANOTHER AND MADE INTO A TROUGH,⁶⁸ AND SO ALSO IN THE CASE OF TWO KNEADING TROUGHS,⁶⁹ AND SO ALSO IN THE CASE OF A TROUGH THAT WAS SPLIT,⁷⁰ THE WATER BETWEEN THEM⁷¹ IS NOT DEEMED TO BE PREPARED.⁷² IF THEY WERE JOINED TOGETHER WITH LIME OR GYPSUM AND THEY CAN BE MOVED TOGETHER, THE WATER BETWEEN THEM⁷¹ IS DEEMED TO HAVE BEEN DAILY PREPARED.

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- (1) In which the ashes are mixed with water for the sprinkling.
- (2) Cleansing himself thereby from any possible uncleanness.
- (3) That follows the immersion.
- (4) Where the earthen vessels are burnt. As vessels become susceptible to uncleanness only after their manufacture has been completed by being burnt in the furnace, he has to stand by all the time so that no unclean person may open the furnace to see whether the vessel is done, and render it unclean by contact.
- (5) Of the potter.
- (6) Even if the potter is an 'am-ha-arez who is usually careless in matters of uncleanness.
- (7) This was a special provision intended to prevent the 'am ha-arez class from preparing separate red cows for themselves.
- (8) Sc. if a vessel is required for foodstuffs of terumah.
- (9) At any time, even though no watch was kept after the vessels have been duly burnt and because susceptible to uncleanness.
- (10) May a vessel be taken for the purposes mentioned. It may not be taken from the first row where the 'am ha-arez may possibly, by opening first the furnace, have caused it to shake and thus rendered it unclean.
- (11) Cf. prev. n. mut. mut.
- (12) Sc. to draw the water with it or to mix in it the ashes with the water.
- (13) Cf. prev. n. Only living or running water may be used.
- (14) After the immersion, before he fills it with suitable water.
- (15) Though they get mixed up with the water that he deliberately puts in subsequently for mixing it with the ashes. As he must have known in the course of the immersion that some of the water would cling to the vessel, this water may be regarded as having been put in deliberately.
- (16) When immersing it.
- (17) Var. lec. 'to add to it'.
- (18) Sc. irrespective of whether the immersion took place in water that was, or water that was not fit for the mixing; for even in the former case the water would render invalid the water that was already mixed with the ashes (v. infra VI, 2.)
- (19) That was clean and used for drawing water.
- (20) As an extra precaution (cf. prev. n.).
- (21) Of the ashes of the red cow with the water; var. lec. 'that was fit for the mixture'.

- (22) After it had been dried.
- (23) The possibility of its giving out some of the unfit water which it had previously absorbed is disregarded owing to the insignificance of its quantity which is neutralised in the fit water.
- (24) Even after immersion.
- (25) Since the smallest drop that it might give out would convey uncleanness to all its contents.
- (26) Sc. before it contracted uncleanness.
- (27) Since the re-issue of absorbed liquid is disregarded.
- (28) After uncleanness had been contracted.
- (29) On account of the possible re-issue of some absorbed liquid.
- (30) This is a continuation of the ruling of the first Tanna.
- (31) Whether the pumpkin-shell had contracted uncleanness before or not.
- (32) Lit., 'Sanctified'. Sc. in which the ashes of the red cow have been mixed with the water.
- (33) Directly from the ground where, as a growing plant, it was not susceptible to uncleanness.
- (34) Though clean.
- (35) And used before sunset (v. foll. n.).
- (36) As a demonstration against the Sadducees (cf. supra III, 7). According to R. Eliezer the use before sunset (cf. prev. n.) is alone a sufficient demonstration.
- (37) Of the ashes and water of the sin-offering.
- (38) Sc. unbaked clay.
- (39) Though it is not regarded as a 'vessel' in respect of susceptibility to uncleanness.
- (40) That were broken.
- (41) Against uncleanness under the same roof beneath which lay a corpse.
- (42) For the contents under it. Cf. Kelim X, 1.
- (43) Cf. Kel. VIII, 3.
- (44) An egg-shaped lump of clay with a cavity in it runs which the pot is formed.
- (45) For the mixing of the ashes of the sin-offering with the water.
- (46) Which was fixed to the ground.
- (47) For mixing it with the ashes of the red cow.
- (48) because it is not considered a 'vessel'.
- (49) To afford protection to its contents under a roof over itself and a corpse. Having the same status as a pit or ditch any cover on it affords the same protection, v. Oh. V. 6.
- (50) That contained less water than the prescribed minimum.
- (51) If rain water that collected in it flowed into the bath. As the trough is an immovable fixture the water in it is not regarded as 'drawn water' which renders a ritual bath invalid.
- (52) If it is to protect its contents under a roof overshadowing it and a corpse.
- (53) Cf. supra n. 6 mut. mut.
- (54) A vessel that was fit for the preparation of the mixture of the water and ashes.
- (55) For mixing it with ashes of the red cow.
- (56) Owing to the interposition of the rag.
- (57) Of the vessel.
- (58) The water that reached the brim.
- (59) The brim.
- (60) When grasping the brim only.
- (61) That was movable.
- (62) Of the ashes of the red cow and the water.
- (63) And may not, therefore, be used for sprinkling.
- (64) Sc. one in which the two fingers nearest the thumb can be easily turned.
- (65) The separating partition between them being lower than the other sides.
- (66) v. p. 321, n. 17.
- (67) Provided that the quantity of the ashes put in was sufficient to be visible in both.
- (68) Some gap remaining between the two stones.
- (69) That were placed close together to form one large receptacle leaving some gap between them.

(70) Thus leaving some gap between the two halves.

(71) In the gaps (cf. prev. three nn.).

(72) Even where the main body of the water 'was duly mixed with the ashes of the red cow.

Mishna - Mas. Parah Chapter 6

MISHNAH 1. IF A MAN WAS ABOUT TO MIX THE ASHES WITH THE WATER¹ AND THE ASHES² FELL UPON HIS HAND OR UPON THE SIDE OF THE TROUGH³ AND THEN FELL INTO THE TROUGH, THE MIXTURE IS INVALID.⁴ IF THEY⁵ FELL⁶ FROM THE TUBE⁷ INTO THE TROUGH, THE MIXTURE IS INVALID. IF HE TOOK THE ASHES FROM THE TUBE⁷ AND THEN⁸ COVERED IT,⁹ OR SHUT A DOOR,¹⁰ THE ASHES¹ REMAIN VALID BUT THE WATER BECOMES INVALID.¹¹ IF⁸ HE PUT IT⁹ UP ERECT ON THE GROUND,¹² THE WATER BECOMES INVALID;¹³ IF IN HIS HAND, THE WATER IS VALID, SINCE¹⁴ IT IS POSSIBLE PROPERLY¹⁵ TO DO SO.¹⁶

MISHNAH 2. IF THE ASHES² FLOATED ON THE WATER, R. MEIR AND R. SIMEON RULED: ONE MAY TAKE SOME OF THEM¹⁷ AND USE THEM IN ANOTHER PREPARATION; BUT THE SAGES RULED: WITH ANY ASHES THAT HAVE TOUCHED WATER NO OTHER MIXTURE MAY BE PREPARED. IF THE WATER¹⁸ WAS EMPTIED OUT AND SOME ASHES¹⁹ WERE FOUND AT THE BOTTOM, R. MEIR AND R. SIMEON RULED: ONE MAY DRY THEM AND THEN USE THEM FOR ANOTHER PREPARATION; BUT THE SAGES RULED: WITH ANY ASHES THAT HAVE TOUCHED WATER NO OTHER MIXTURE MAY BE PREPARED.

MISHNAH 3. IF THE MIXTURE WAS PREPARED IN A TROUGH²⁰ WHILE A EWER WAS WITHIN IT, HOWEVER NARROW ITS NECK,²¹ THE WATER IN THE LATTER IS DEEMED TO USE DULY PREPARED. IF THERE WAS A SPONGE IN THE TROUGH, THE WATER IN IT²² IS INVALID.²³ HOW SHOULD ONE PROCEED?²⁴ ONE EMPTIES OUT THE WATER²⁵ UNTIL THE SPONGE IS REACHED.²⁶ IF ONE TOUCHED THE SPONGE,²⁷ HOWEVER MUCH THE WATER THAT WASHES OVER IT, THE WATER BECOMES INVALID.²⁸

MISHNAH 4. IF A MAN PLACED HIS HAND OR HIS FOOT OR LEAVES OF VEGETABLES²⁹ IN SUCH A MANNER AS TO ENABLE THE WATER TO RUN INTO A JAR, THE WATER IS INVALID.³⁰ IF HE USED³¹ LEAVES OF REEDS OR LEAVES OF NUTS³² THE WATER IS VALID. THIS IS THE GENERAL RULE: [WATER PASSING OVER] THAT WHICH IS SUSCEPTIBLE TO UNCLEANNESS IS INVALID, BUT [WATER PASSING OVER] THAT WHICH IS NOT SUSCEPTIBLE TO UNCLEANNESS IS VALID.

MISHNAH 5. IF A WELL WAS DIVERTED INTO A WINE VAT OR INTO CISTERNS, THE WATER³³ IS INVALID FOR ZABS³⁴ AND LEPERS;³⁵ AND ALSO FOR THE PREPARATION OF THE WATER OF THE SIN-OFFERING,³⁶ BECAUSE IT WAS NOT DRAWN INTO A VESSEL.³⁷

(1) Lit., 'sanctifying', mixing the ashes of the red cow with suitable water in a trough.

(2) Lit., 'sanctification'.

(3) That contained the water.

(4) Since the ashes must be put direct (cf. Num. XIX, 17) into the vessel. They must not fall into it of their own accord.

(5) The ashes.

(6) Of their own accord.

(7) In which they are kept.

(8) Before putting the ashes into the water.

(9) The tube.

- (10) Thus doing other 'work' while engaged in the preparation of the mixture.
- (11) As supra IV, 4 ad fin.
- (12) So as to prevent the ashes in the tube from spilling.
- (13) The act distracting his mind from the preparation of the mixture.
- (14) Being a very simple act.
- (15) Without distracting one's mind from the preparation of the mixture.
- (16) Hence it is not regarded as work. Var. lec. 'since it is impossible (to do otherwise)', if one is to prevent the ashes in the tube from spilling without covering 'it.
- (17) Of the floating ashes.
- (18) Of a mixture.
- (19) Lit., 'sanctification'.
- (20) Containing water.
- (21) Lit., 'mouth'.
- (22) The sponge.
- (23) Because a sponge cannot be regarded as a 'vessel.'
- (24) In the latter case, if all the water is not to become invalid.
- (25) From the trough into another vessel.
- (26) As the water above has not been in contact with the sponge it remains valid and may be used.
- (27) So that some of its absorbed contents might possibly have been squeezed out.
- (28) Since the water that issued from the sponge gets mixed up with that in the trough.
- (29) Under running water.
- (30) Because it has passed over an object that is susceptible to uncleanness.
- (31) Instead of his hand, foot or vegetable leaves.
- (32) Which are not susceptible to the uncleanness of food-stuffs.
- (33) In the vat or cistern since it can no longer be regarded as 'running' water.
- (34) Whose immersion must be performed in running water (Lev. XV, 13).
- (35) For whose sprinkling running water is required (Lev. XIV, 5).
- (36) Even in the vat or cistern itself.
- (37) Neither vat nor cistern can be regarded as a valid 'vessel'.

Mishna - Mas. Parah Chapter 7

MISHNAH 1. IF FIVE MEN FILLED¹ FIVE JARS TO PREPARE WITH THEM FIVE MIXTURES² [RESPECTIVELY]³ AND THEN THEY CHANGED THEIR MINDS TO PREPARE⁴ ONE MIXTURE FROM ALL OF THEM, OR IF THEY FILLED THE JARS TO PREPARE WITH THEM ONE MIXTURE AND THEN THEY CHANGED THEIR MINDS TO PREPARE WITH THEM FIVE MIXTURES,³ ALL THE WATER REMAINS VALID.⁵ IF ONE MAN FILLED¹ FIVE JARS INTENDING TO PREPARE FIVE [SEPARATE] MIXTURES, EVEN THOUGH HE CHANGED HIS MIND TO PREPARE ONE MIXTURE⁴ FROM ALL OF THEM, ONLY THE LAST⁶ IS VALID.⁷ IF HE⁸ INTENDED TO PREPARE ONE MIXTURE FROM ALL OF THEM AND THEN HE CHANGED HIS MIND TO PREPARE FIVE SEPARATE MIXTURES, ONLY THE WATER IN THE ONE THAT WAS MIXED FIRST IS VALID.⁹ IF HE⁸ SAID¹⁰ TO ANOTHER MAN, PREPARE MIXTURES¹¹ FROM THESE FOR YOURSELF', ONLY THE FIRST¹² IS VALID;¹³ BUT IF HE SAID, PREPARE A MIXTURE¹¹ FROM THESE FOR ME', ALL ARE VALID.¹⁴

MISHNAH 2. IF A MAN FILLED THE WATER WITH ONE HAND AND DID SOME OTHER WORK WITH THE OTHER HAND, OR IF HE FILLED THE WATER FOR HIMSELF AND FOR ANOTHER MAN,¹⁵ OR IF HE FILLED TWO JARS AT THE SAME TIME,¹⁶ THE WATER OF BOTH IS INVALID, FOR WORK¹⁷ CAUSES INVALIDITY WHETHER ONE ACTS FOR ONESELF OR FOR ANOTHER MAN.

MISHNAH 3. IF A MAN PREPARED THE MIXTURE¹⁸ WITH ONE HAND AND DID SOME OTHER WORK WITH THE OTHER HAND, THE MIXTURE IS INVALID¹⁹ IF HE PREPARED IT FOR HIMSELF, BUT IF HE PREPARED IT FOR ANOTHER MAN, IT IS VALID.²⁰ IF THE MAN PREPARED A MIXTURE¹⁸ BOTH FOR HIMSELF AND FOR ANOTHER MAN,²¹ HIS IS INVALID AND THAT OF THE OTHER MAN IS VALID.²² IF HE PREPARES MIXTURES FOR TWO MEN SIMULTANEOUSLY, BOTH ARE VALID.²²

MISHNAH 4. [IF A MAN SAID TO AN OTHER.]²³ 'PREPARE THE MIXTURE FOR ME AND I WILL PREPARE THE ONE FOR YOU, THE FIRST²⁴ IS VALID.²⁵ [IF HE SAID.] 'FILL IN THE WATER FOR ME AND I WILL FILL THE WATER FOR YOU', THAT OF THE LATTER IS VALID.²⁶ [IF HE SAID,] 'PREPARE THE MIXTURE FOR ME AND I WILL DRAW THE WATER FOR YOU', BOTH MIXTURES ARE VALID.²⁷ [IF HE SAID.] 'FILL THE WATER FOR ME AND I WILL PREPARE THE MIXTURE²⁸ FOR YOU',²⁹ BOTH MIXTURES ARE INVALID.³⁰

MISHNAH 5. IF A MAN IS DRAWING WATER FOR HIS OWN USE³¹ AND FOR THE MIXTURE OF THE SIN-OFFERING, HE MUST DRAW FOR HIMSELF FIRST AND FASTEN [THE BUCKET] TO THE CARRYING YOKE AND THEN HE DRAWS THE WATER FOR THE SIN-OFFERING. IF, HOWEVER, HE DREW FIRST THE WATER FOR THE SIN-OFFERING AND THEN HE DREW THE WATER FOR HIMSELF, IT IS INVALID. HE MUST³² PUT HIS OWN BEHIND HIM AND THAT FOR THE SIN-OFFERING BEFORE HIM,³³ AND IF HE PUT THAT FOR THE SIN-OFFERING BEHIND HIM IT IS INVALID.³⁰ IF BOTH WERE FOR THE SIN-OFFERING, HE MAY³² PUT ONE BEFORE HIM AND ONE BEHIND HIM AND BOTH ARE VALID, SINCE IT IS IMPOSSIBLE TO DO OTHERWISE.³⁴

MISHNAH 6. IF A MAN CARRIED THE ROPE³⁵ IN HIS HAND, [THE MIXTURE] IS VALID IF HE KEEPS TO HIS USUAL WAY; BUT IF HE GOES OUT OF HIS WAY, IT IS INVALID.³⁶ THE QUESTION WAS SENT ON TO JABNEH ON THREE FESTIVALS AND ON THE THIRD FESTIVAL.³⁷ IT WAS RULED THAT THE MIXTURE WAS VALID, AS A TEMPORARY MEASURE.³⁸

MISHNAH 7. IF A MAN COILS THE ROPE LITTLE BY LITTLE,³⁹ [THE MIXTURE] IS VALID;⁴⁰ BUT IF HE COILED IT AFTERWARDS,⁴¹ IT IS INVALID.⁴² R. JOSE STATED: THIS ALSO HAD BEEN RULED TO BE VALID AS A TEMPORARY MEASURE.

MISHNAH 8. IF A MAN PUT THE JAR⁴³ AWAY IN ORDER THAT IT SHALL NOT BE BROKEN, OR IF HE INVERTED IT IN ORDER TO DRY IT SO THAT HE MIGHT DRAW MORE WATER WITH IT,⁴⁴ [THE WATER HE HAD ALREADY DRAWN] IS VALID;⁴⁵ BUT IF HE INTENDED TO CARRY IN IT THE ASHES, IT IS INVALID.⁴² IF HE CLEARED POTSDHERDS FROM A TROUGH⁴⁶ IN ORDER THAT IT MAY HOLD MORE WATER, THE WATER IS VALID;⁴⁷ BUT IF IT WAS INTENDED THAT THEY SHOULD NOT HINDER HIM WHEN HE POURS OUT THE WATER,⁴⁸ IT IS INVALID.

MISHNAH 9. IF A MAN CARRYING HIS WATER ON HIS SHOULDER DECIDED A MATTER OF LAW, OR SHOWED OTHERS THE WAY, OR KILLED A SERPENT OR A SCORPION, OR TOOK FOODSTUFFS FOR STORAGE, IT IS INVALID; BUT [IF HE TOOK] FOODSTUFFS TO EAT, THEN IT IS VALID.⁴⁹ IF HE KILLED A SERPENT OR A SCORPION THAT HINDERED HIM, IT REMAINS VALID. R. JUDAH STATED: THIS IS THE GENERAL RULE: IN THE CASE OF ANY ACT THAT IS IN THE NATURE OF WORK, THE MIXTURE IS INVALID WHETHER THE MAN STOPPED⁵⁰ OR NOT, BUT IF IT WAS NOT IN THE NATURE OF WORK,⁵¹ THE MIXTURE IS INVALID IF HE STOPPED, BUT IF HE DID NOT STOP IT REMAINS VALID.

MISHNAH 10. IF A MAN ENTRUSTED⁵² HIS WATER⁵³ TO AN UNCLEAN MAN, IT IS INVALID;⁵⁴ BUT IF TO A CLEAN ONE IT IS VALID.⁵⁵ R. ELIEZER RULED: EVEN IF IT WAS ENTRUSTED TO AN UNCLEAN MAN IT IS VALID,⁵⁶ PROVIDED THE OWNER DID NO OTHER WORK IN THE MEANTIME.

MISHNAH 11. IF TWO MEN WERE DRAWING WATER FOR THE SIN-OFFERING AND ONE ASSISTED THE OTHER TO RAISE IT OR IF ONE PULLED OUT A THORN⁵⁷ FOR THE OTHER, IT IS VALID IF THERE IS TO BE ONLY ONE MIXTURE;⁵⁸ BUT IF THERE ARE TO BE TWO SEPARATE MIXTURES, IT IS INVALID.⁵⁹ R. JOSE RULED: EVEN IF THERE ARE TO BE TWO MIXTURES THE WATER IS VALID IF THE TWO MEN HAD MADE A MUTUAL AGREEMENT BETWEEN THEM.⁶⁰

MISHNAH 12. IF A MAN⁶¹ BROKE DOWN A FENCE⁶² WITH THE INTENTION OF PUTTING IT UP AGAIN,⁶³ THE WATER REMAINS VALID;⁶⁴ BUT IF HE PUT [A FENCE] UP,⁶⁵ THE WATER BECOMES INVALID. IF⁶⁶ HE ATE⁶⁷ FIGS INTENDING⁶⁸ TO STORE SOME OF THEM, THE WATER IS VALID;⁶⁹ BUT IF HE STORED FIGS⁷⁰ IT IS INVALID. IF⁶⁶ HE WAS EATING FIGS AND, LEAVING SOME OVER, THREW WHAT WAS IN HIS HAND UNDER THE FIG TREE OR AMONG DRYING FIGS IN ORDER THAT IT SHALL NOT BE WASTED, THE WATER BECOMES INVALID.⁷¹

(1) With suitable water.

(2) Of ashes of the red cow with the water.

(3) Each man his own mixture with the water he drew.

(4) In one vessel.

(5) Since no act of extraneous work intervened between the putting of the water in each jar and the mixing of it with the ashes.

(6) Between the filling of which and the mixing in it of the ashes no extraneous act of work intervened.

(7) The water in all the others is invalid since an act of extraneous work (the filling of the next jar or jars) intervened between the drawing of the water and the mixing of the ashes with it.

(8) The man who filled all the five jars.

(9) Because, all the five jars having been filled for one mixture, there is no intervention of extraneous work between the filling of the first jar and the mixing of its contents with the ashes. The mixtures of the other jars are invalid since the mixing of the first one, which is an act of work, intervened between the filling of them with the water and the mixing of that water with the ashes.

(10) After he filled the five jars intending to use them for one single mixture.

(11) Each jar separately.

(12) Between the filling of which and the mixing in it of the ashes no other act of work intervened.

(13) Cf. supra n. 9.

(14) Since the first man (who filled the jar) did no work between the filling and the mixing, while the second (who prepared the mixtures) cannot cause invalidity to that which does not belong to him.

(15) At the same time. The filling for the other man being an act of extraneous work.

(16) Cf. prev. n. mut. mut.

(17) Other than that necessitated for the preparation on which one is engaged.

(18) Of ashes of the red cow with the water.

(19) On account of the other work that was done by him while he was engaged in the preparation.

(20) Since that man did no other work. Only in the filling of the water is the act of an agent (who may be paid for his services and who derives benefit from his act) deemed to be identical with that of the owner, but in the preparation of the mixture (or which no fee may be paid) the act of the agent cannot be regarded as that of the owner.

(21) At the same time.

(22) Since the mixture that was not his could not be rendered invalid by his work.

(23) After each of them had already drawn his water.

- (24) Sc. the mixture that was prepared first.
- (25) The mixture that was prepared subsequently is invalid since its owner made an interruption between the filling of the vessels with the water for it and its mixing by the act of the preparation of the first mixture which in relation to it is extraneous work.
- (26) Since there was no interruption by other work on the part of the owner between the filling of the vessel and the mixing of the ashes. That old the first, however, is invalid since he had done an act of extraneous work, by filling the water for the other man, between the filling of the water for his own mixture, and the preparation of it.
- (27) Because in neither case was there any interruption by extraneous work.
- (28) 'With the water which you have drawn for yourself before I asked you to draw for me'.
- (29) 'Before I will prepare mine'.
- (30) Since in the case of both mixtures there was an interruption by other work done by their respective owners.
- (31) For his ordinary needs.
- (32) When carrying the two buckets of water.
- (33) Because, in accordance with Scripture, it has to be carefully guarded.
- (34) Var. lec. 'It is possible', Sc. it is possible in this case, since the bucket before him is for the sin-offering, to bestow equal care upon the bucket behind also.
- (35) Which he had borrowed for the purpose of drawing the water for mixing with the ashes and which he now returns to the lender.
- (36) The extra journey is regarded as 'other work' which causes invalidity.
- (37) V. Hul. 48a.
- (38) Having regard to the exigencies of the time.
- (39) While drawing water from the well.
- (40) The coiling being regarded as part of the work of the preparations for the red cow.
- (41) After the water had been drawn.
- (42) Cf. supra p. 328, n. 11 mut. mut.
- (43) After emptying the water he drew with it into the vessel, but prior to the mixing of the ashes.
- (44) For the same mixture.
- (45) Since the acts mentioned are the usual procedure they cannot be regarded as 'extraneous work'.
- (46) Between his drawing of the water and his mixing it with the ashes.
- (47) Since the act is part of the services in connection with the preparation of the mixture.
- (48) For the sprinkling after the mixing of the ashes.
- (49) As this serves to fortify him in his task it is not deemed extraneous work.
- (50) When the act was done.
- (51) As those mentioned in this Mishnah.
- (52) For safe keeping and protection against uncleanness.
- (53) For the mixture of the ashes of the red cow.
- (54) Because an unclean person cannot be trusted to exercise all the necessary care.
- (55) Even if the owner did some other work in the meantime. While the water is under the protection of the guardian it is deemed to be in his (and not in the owner's) possession, and only if the guardian did some other work does the water become invalid.
- (56) For, knowing that the guardian is unclean, the owner himself keeps his eye on it.
- (57) That happened to stick in his finger, in the interval between the drawing of the water and its mixing with the ashes.
- (58) Since the assistance afforded, which was essential for the joint effort, cannot be regarded as extraneous work.
- (59) Because the assistance given was not essential for the giver's mixture, it is extraneous work and causes invalidity.
- (60) To assist each other in all their preparations for the mixtures. As each one was entirely dependent on the other, any help rendered is deemed to be work on one's own preparation.
- (61) While carrying the water for the ashes of the red cow.
- (62) That was in his way.
- (63) And much more so if he had no intention of putting it up again.
- (64) Elijah Wilna: The destruction is not regarded as constructive work though it is preparatory to it.
- (65) On his own accord, before the water had been mixed with the ashes. According to the second interpretation (previous note). the reference is to the same fence, if he put it up.

(66) During the interval between the drawing of the water and the mixing of it with the ashes of the red heifer.

(67) V. Mishnah 9.

(68) Under compulsion by one who, otherwise, refused to allow him to eat.

(69) Even if the storing was done before the preparation of the mixture. Since the storing was an essential of his eating (cf. prev. n.) and the latter was a necessity for his drawing of the water, the storing is regarded as an act essential to the preparation.

(70) V. prev. n. mut. mut.

(71) Since the storing of foodstuffs is an act of extraneous work.

Mishna - Mas. Parah Chapter 8

MISHNAH 1. IF TWO MEN WERE KEEPING WATCH OVER THE TROUGH¹ AND ONE OF THEM CONTRACTED UNCLEANNESS, THE WATER² REMAINS VALID, SINCE IT IS STILL UNDER THE PROTECTION OF THE OTHER. IF THE FIRST BECAME CLEAN AND THE OTHER CONTRACTED UNCLEANNESS THE WATER IS STILL VALID SINCE IT IS UNDER THE PROTECTION OF THE FIRST. IF BOTH CONTRACTED UNCLEANNESS SIMULTANEOUSLY THE WATER BECOMES INVALID. IF ONE OF THEM DID³ SOME WORK,⁴ THE WATER REMAINS VALID SINCE IT IS UNDER THE PROTECTION OF THE OTHER. IF THE FIRST CEASED⁵ AND THE OTHER DID SOME WORK,⁴ THE WATER STILL REMAINS VALID SINCE IT IS UNDER THE PROTECTION OF THE FIRST. IF BOTH DID SOME WORK⁴ AT THE SAME TIME THE WATER BECOMES INVALID.

MISHNAH 2. THE MAN THAT PREPARES THE MIXTURE⁶ OF THE SIN-OFFERING⁷ MUST NOT WEAR HIS SANDALS, FOR WERE SOME OF THE LIQUID⁸ TO FALL ON A SANDAL THE LATTER WOULD BECOME UNCLEAR⁹ AND THUS CONVEY UNCLEANNESS TO HIM.¹⁰ WELL MAY HE SAY, 'THAT¹¹ WHICH MADE YOU UNCLEAR DID NOT MAKE ME UNCLEAR, BUT YOU HAVE MADE ME UNCLEAR IF SOME OF THE LIQUID FELL ON HIS SKIN¹² REMAINS CLEAR.¹³ IF IT FELL ON HIS GARMENT THE LATTER BECOMES UNCLEAR AND CONVEYS UNCLEANNESS TO HIM. WELL MAY HE SAY, THAT¹⁴ WHICH MADE YOU UNCLEAR DID NOT MAKE ME UNCLEAR, BUT YOU HAVE MADE ME UNCLEAR

MISHNAH 3. HE WHO BURNS THE RED COW¹⁵ OR THE BULLOCKS¹⁶ AND HE THAT LEADS AWAY THE SCAPEGOAT,¹⁷ RENDER GARMENTS¹⁸ UNCLEAR.¹⁹ THE RED COW, HOWEVER, AND THE BULLOCKS AND THE SCAPEGOAT DO NOT THEMSELVES CONVEY UNCLEANNESS TO GARMENTS.²⁰ WELL MAY IT²¹ SAY,²² 'THOSE²³ THAT CAUSE YOU TO BE UNCLEAR DO NOT CAUSE ME TO BE UNCLEAR, BUT YOU HAVE CAUSED ME TO BE UNCLEAR'.

MISHNAH 4. A MAN THAT EATS UP THE CARRION OF A CLEAN BIRD, WHILE IT IS YET IN HIS GULLET,²⁴ CAUSES GARMENTS TO BE UNCLEAR;²⁵ BUT THE CARRION ITSELF DOES NOT CAUSE GARMENTS TO BE UNCLEAR. WELL MAY IT²¹ SAY,²² 'THAT²⁶ WHICH CAUSED YOU TO BE UNCLEAR DID NOT CAUSE ME TO BE UNCLEAR, BUT YOU CAUSED ME TO BE UNCLEAR'.

MISHNAH 5. ANY DERIVED UNCLEANNESS CONVEYS NO UNCLEANNESS TO VESSELS, BUT [IT DOES CONVEY IT] TO A LIQUID. IF A LIQUID BECAME UNCLEAR IT CAN CONVEY UNCLEANNESS TO THEM.²⁷ WELL MAY THEY²⁷ SAY,²⁸ 'THAT'²⁹ WHICH CAUSED YOU TO BE UNCLEAR DID NOT CAUSE ME TO BE UNCLEAR, BUT YOU CAUSED ME TO BE UNCLEAR'.

MISHNAH 6. AN EARTHEN VESSEL CANNOT CONVEY UNCLEANNESS TO ANOTHER

SUCH VESSEL, BUT [CAN CONVEY IT] TO A LIQUID; AND WHEN THE LIQUID BECOMES UNCLEAN IT CAN CONVEY UNCLEANNESS TO THE VESSEL. WELL MAY IT³⁰ SAY,³¹ 'THAT³² WHICH HAS CALLED YOUR UNCLEANNESS COULD NOT CAUSE ME TO BE UNCLEAN, BUT YOU HAVE CAUSED ME TO BE UNCLEAN'.

MISHNAH 7. WHATSOEVER³³ CAUSES TERUMAH TO BE INVALID CAUSES LIQUID³⁴ TO BECOME UNCLEAN IN THE FIRST GRADE SO THAT THEY CAN CONVEY UNCLEANNESS³⁵ AT ONE REMOVE, AND RENDER UNFIT³⁶ AT ONE OTHER REMOVE,³⁷ EXCEPT ONLY A TEBUL YOM.³⁸ WELL MAY IT³⁹ SAY,⁴⁰ 'WHAT⁴¹ HAD CAUSED YOU TO BE UNCLEAN COULD NOT CAUSE ME TO BE UNCLEAN, BUT YOU HAVE CAUSED ME TO BE UNCLEAN'.

MISHNAH 8. ALL SEAS ARE⁴² ON A PAR WITH A RITUAL BATH,⁴³ FOR IT IS SAID, AND THE GATHERING OF THE WATERS CALLED HE SEAS;⁴⁴ SO R. MEIR. R. JUDAH RULED: ONLY THE GREAT SEA⁴⁵ IS ON A PAR WITH A RITUAL BATH,⁴⁶ 'SEAS'⁴⁷ HAVING BEEN STATED⁴⁴ ONLY BECAUSE THERE ARE IN IT⁴⁵ MANY KINDS OF SEAS. R. JOSE RULED: ALL SEAS⁴⁸ AFFORD CLEANNESS WHEN RUNNING,⁴⁹ AND YET THEY ARE UNFIT⁵⁰ FOR ZABS AND LEPERS AND FOR THE PREPARATION OF THE WATER OF THE SIN-OFFERING.⁵¹

MISHNAH 9. AFFECTED⁵² WATERS ARE UNFIT.⁵³ THE FOLLOWING ARE AFFECTED⁵² WATERS: THOSE THAT ARE SALTY OR LUKEWARM. WATERS THAT FAIL: ARE UNFIT.⁵³ THE FOLLOWING ARE WATERS THAT FAIL; THOSE THAT FAIL EVEN ONCE IN A SEPTENNIAL CYCLE. THOSE THAT FAIL ONLY IN TIMES OF WAR⁵⁴ OR IN YEARS OF DROUGHT ARE FIT.⁵³ R. JUDAH RULED: THEY ARE UNFIT.⁵³

MISHNAH 10. THE WATERS OF THE KERAMIYON AND THE WATERS OF PUGAH⁵⁵ ARE UNFIT,⁵³ BECAUSE THEY ARE MARSH WATERS.⁵⁶ THE WATERS OF THE JORDAN AND THE WATERS OF THE YARMUK⁵⁷ ARE UNFIT,⁵³ BECAUSE THEY ARE MIXED WATERS.⁵⁸ AND THE FOLLOWING ARE MIXED WATERS: A FIT KIND AND AN UNFIT KIND THAT WERE MIXED TOGETHER. IF TWO KINDS THAT ARE FIT WERE MIXED TOGETHER BOTH REMAIN FIT: R. JUDAH RULES THAT THEY ARE UNFIT.⁵⁹

MISHNAH 11. AHAB'S WELL AND THE POOL IN THE CAVE OF PAMIAS⁶⁰ ARE FIT.⁵³ WATER THAT HAS CHANGED ITS COLOUR AND THE CHANGE AROSE FROM ITSELF, REMAINS FIT. A WATER CHANNEL THAT COMES FROM A DISTANCE⁶¹ IS FIT, PROVIDED ONLY THAT IT IS WATCHED SO THAT NO ONE CUTS IT OFF.⁶² R. JUDAH RULED; THE PRESUMPTION ALWAYS⁶³ IS THAT IT IS IN A PERMITTED STATE. IF THERE FELL INTO A WELL SOME CLAY OR EARTH, ONE MUST WAIT⁶⁴ UNTIL IT BECOMES CLEAR; SO R. ISHMAEL. R. AKIBA RULED: IT IS NOT NECESSARY TO WAIT.

(1) That contained water for mixing with the ashes of the red cow

(2) Cf. prev. n.

(3) While he was supposed to keep watch over the water.

(4) That had no connection with the preparation of the the mixture of the ashes and the water.

(5) From his work.

(6) And likewise he that sprinkles it.

(7) Much more so the man who sprinkle it.

(8) Of the mixture.

(9) From the liquid which had become invalid the moment it dropped on the sandal and was no longer subjected to the special care prescribed for the mixture of the sin-offering.

(10) As a special measure enacted in connection with the preparations of the red cow mixture.

- (11) The liquid.
- (12) Lit., 'flesh'
- (13) As laid down infra IX, 8.
- (14) The liquid.
- (15) Cf. Num. XIX, 8.
- (16) That were not burnt on the altar (cf. Lev. IV, 12, 21; XVI, 27); and the same law applies also to certain he-goats (cf. Lev. XVI, 27f). Same edd. add, 'and the he-goat'.
- (17) cf. Lev. XVI, 26.
- (18) Which they wear or touch at the time.
- (19) Only men and earthen vessels do not contract uncleanness from such touch (cf. prev. n.).
- (20) Which they touched.
- (21) Each garment.
- (22) To the man.
- (23) The red cow, the bullocks and the Scapegoat.
- (24) Before he had swallowed it.
- (25) V. Toh. I, 1.
- (26) The carrion.
- (27) Vessels.
- (28) To the liquid.
- (29) A derived uncleanness.
- (30) The second vessel.
- (31) To the liquid.
- (32) The first vessel.
- (33) E.g. a second grade if uncleanness.
- (34) As a preventive measure.
- (35) To foodstuffs even if they are common hullin (v. Glos.).
- (36) To terumah, but not to common foodstuffs. To become 'unfit' denotes to contract an uncleanness without being able to convey it further.
- (37) But no more.
- (38) V. Glos. Though a tebul you renders terumah unfit, he cannot cause liquids, even if they are terumah, to become a first grade of uncleanness.
- (39) A foodstuff (cf. supra n. 6).
- (40) To the liquids.
- (41) The second grade of uncleanness.
- (42) In respect of ritual immersion.
- (43) Lit., 'a gathering (of water)'. They are not like a spring. They are consequently unfit for the immersion of a zab and a leper and far mixing with the ashes of the red heifer, and do not cleanse when running.
- (44) Gen. I, 10.
- (45) The Mediterranean.
- (46) Not the smaller inland seas.
- (47) The plural instead of the singular.
- (48) Including the Great Sea.
- (49) Like springs.
- (50) Like gathered water.
- (51) All of which require spring water.
- (52) Or 'harmful'. Lit., 'smitten'.
- (53) For use where running water is required.
- (54) When the passing troops consume much water.
- (55) Var. lec., Pigah.
- (56) V. B.B., Sonc. ed., p. 298, n. 10.
- (57) The great eastern tributary of the Jordan.
- (58) These rivers being fed by tributaries whose waters 'fail' or 'are affected'.

- (59) As a preventive measure against the possibility of using a mixture of two kinds of water one of which was unfit.
(60) Or 'Banias', one of the sources of the Jordan.
(61) Having its source in a spring.
(62) From its source. Should it be cut off, it can no longer be regarded as spring water.
(63) Even if it was not kept under watch.
(64) Before the water may be used.

Mishna - Mas. Parah Chapter 9

MISHNAH 1. IF A DROP¹ OF WATER FELL INTO A FLASK,² R. ELIEZER RULED, THE SPRINKLING MUST BE DONE TWICE;³ BUT THE SAGES RULE THAT THE MIXTURE IS INVALID.⁴ IF DEW DROPPED INTO IT,⁵ R. ELIEZER RULED: LET IT⁵ BE PUT OUT IN THE SUN AND THE DEW WILL RISE⁶ BUT THE SAGES RULE THAT THE MIXTURE IS INVALID. IF A LIQUID OR FRUIT JUICE FELL INTO IT,⁵ ALL THE CONTENTS MUST BE POURED AWAY AND IT IS ALSO NECESSARY TO DRY THE FLASK.⁷ IF ONLY INK, GUM OR COPPERAS, OR ANYTHING THAT LEAVES A MARK, FELL INTO IT,⁵ THE CONTENTS MUST BE POURED AWAY BUT IT IS NOT NECESSARY TO DRY THE FLASK.⁸

MISHNAH 2. IF INSECTS OR CREEPING THINGS FELL INTO IT,⁵ AND THEY BURST ASUNDER⁹ OR THE COLOUR OF THE WATER CHANGED, THE CONTENTS BECOME INVALID. A BEETLE¹⁰ CAUSES INVALIDITY IN ANY CASE,¹¹ BECAUSE IT IS LIKE A TUBE.¹² R. SIMEON AND R. ELIEZER B. JACOB RULED: A MAGGOT OR A WEEVIL OF THE CORN¹⁰ CAUSES NO INVALIDITY, BECAUSE IT CONTAINS NO MOISTURE.

MISHNAH 3. IF A BEAST OR A WILD ANIMAL DRANK FROM IT,¹³ IT BECOMES INVALID.¹⁴ ALL BIRDS¹⁵ CAUSE INVALIDITY, EXCEPT THE DOVE SINCE IT ONLY SUCKS UP THE WATER.¹⁶ ALL CREEPING THINGS CAUSE NO INVALIDITY, EXCEPT THE WEASEL SINCE IT LAPS UP THE WATER. R. GAMALIEL RULED: THE SERPENT ALSO¹⁷ BECAUSE IT VOMITS. R. ELIEZER RULED: THE MOUSE ALSO.¹⁷

MISHNAH 4. IF ONE INTENDED¹⁸ TO DRINK THE WATER OF THE SIN-OFFERING, R. ELIEZER RULED: IT BECOMES INVALID. R. JOSHUA RULED: ONLY WHEN ONE TIPS THE FLASK.¹⁹ R. JOSE STATED: THIS²⁰ APPLIES ONLY TO WATER THAT HAD NOT YET BEEN PREPARED,²¹ BUT IN THE CASE OF WATER THAT HAD BEEN PREPARED,²² R. ELIEZER RULED: IT BECOMES INVALID [ONLY] WHEN ONE TIPS THE FLASK;¹⁹ AND R. JOSHUA RULED: [ONLY] WHEN ONE DRINKS.²³ AND IF IT WAS POURED DIRECT INTO ONE'S THROAT,²⁴ IT REMAINS VALID.

MISHNAH 5. IF THE WATER OF THE SIN-OFFERING²⁵ BECAME INVALID IT MAY NOT BE STAMPED INTO THE MUD SINCE IT MIGHT BECOME A SNARE FOR OTHERS.²⁶ R. JUDAH RULED: IT²⁷ BECOMES NEUTRALISED.²⁸ IF A COW DRANK OF THE WATER OF THE SIN-OFFERING, ITS FLESH²⁹ BECOMES UNCLEAN FOR TWENTY-FOUR HOURS.³⁰ R. JUDAH RULED: IT BECOMES NEUTRALISED IN ITS BOWELS.³¹

MISHNAH 6. NO MAN MAY CARRY WATER OF THE SIN-OFFERING³² OR THE ASHES OF THE SIN-OFFERING³³ ACROSS A RIVER ON BOARD A SHIP,³⁴ NOR MAY ONE FLOAT THEM UPON THE WATER,³⁵ NOR MAY ONE STAND ON THE BANK ON ONE SIDE AND THROW THEM ACROSS TO THE OTHER SIDE.³⁵ A MAN³⁶ MAY, HOWEVER, CROSS OVER³⁷ WITH THE WATER UP TO HIS NECK. HE THAT IS CLEAN FOR THE SIN-OFFERING³² MAY CROSS [A RIVER]³⁸ CARRYING IN HIS HANDS AN EMPTY VESSEL THAT IS CLEAN FOR THE SIN-OFFERING³² OR WATER THAT HAS NOT YET BEEN DULY PREPARED.³⁹

MISHNAH 7. IF VALID ASHES⁴⁰ WERE MIXED [UP WITH WOOD ASHES,⁴¹ ONE IS GUIDED BY THE GREATER QUANTITY IN RESPECT OF THE CONVEYANCE OF UNCLEANNESS,⁴² BUT [THE MIXTURE]⁴³ MAY NOT BE PREPARED WITH IT.⁴⁴ R. ELIEZER RULED: THE MIXTURE⁴³ MAY BE PREPARED WITH ALL OF THEM.⁴⁵

MISHNAH 8. WATER OF THE SIN-OFFERING, EVEN IF IT IS INVALID,⁴⁶ CONVEYS UNCLEANNESS⁴⁷ TO A MAN WHO IS CLEAN FOR TERUMAH⁴⁸ [BY CONTACT] WITH HIS HANDS OR WITH HIS BODY; AND TO A MAN WHO IS CLEAN FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS NEITHER [BY CONTACT] WITH HIS HANDS NOR [BY CONTACT] WITH HIS BODY.⁴⁹ IF IT⁵⁰ BECAME UNCLEAR, IT CONVEYS UNCLEANNESS TO A MAN WHO IS CLEAN FOR TERUMAH [BY CONTACT EITHER] WITH HIS HANDS OR WITH HIS BODY, AND TO THE MAN WHO IS CLEAN FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS [BY CONTACT] WITH HIS HANDS BUT NOT [BY CONTACT] WITH HIS BODY.⁵¹

MISHNAH 9. IF VALID ASHES WERE PUT ON WATER THAT WAS UNFIT FOR THE PREPARATION,⁵² [THE LATTER] CONVEYS UNCLEANNESS TO HIM THAT IS CLEAN FOR TERUMAH [BY CONTACT] WITH HIS HANDS OR WITH HIS BODY, BUT TO HIM WHO IS CLEAN⁵³ FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS NEITHER [BY CONTACT] WITH HIS HANDS NOR WITH HIS BODY.

(1) Lit., 'any soever'.

(2) Zelohith, the vessel containing the mixture of the ashes of the red cow and the water, duly prepared for sprinkling.

(3) Thus making sure that one drop at least was valid water.

(4) V. Zeb. 80a.

(5) The flask.

(6) Leaving the mixture free from all dew.

(7) Before it can be used again for a valid mixture.

(8) For, had any of the foreign substance remained, a mark would have been left in the flask.

(9) The water penetrating them and carrying back some of the moisture of their body into the mixture.

(10) If it fell into the mixture.

(11) Whether it burst asunder or not and whether or not the colour of the water changed.

(12) Through which the water of the mixture passes and absorbs moisture from its body.

(13) The contents of the flask (cf. supra p. 336n. 10).

(14) Since spittle mixes with the water.

(15) If they drank from the mixture.

(16) Cf. supra n. 2 mut. mut.

(17) Causes invalidity if it drank from the mixture.

(18) Expressing his intention.

(19) To drink out of it. Intention alone does not suffice to cause invalidity.

(20) The ruling of R. Eliezer as well as that of R. Joshua just cited.

(21) By the mixture of the ashes.

(22) When it is evident that the water had been drawn only for that purpose.

(23) From the flask.

(24) So that no spittle could possibly have been mixed up with the contents that remained.

(25) The prepared mixture of the water and the ashes of the red cow.

(26) Who, unsuspecting the existence of the water in the mud, would touch the latter and contract uncleanness without being aware of it.

(27) On being mixed up with the mud.

(28) And no longer conveys any uncleanness.

(29) If the cow has been slain.

- (30) From the time of drinking.
- (31) And no longer conveys any uncleanness.
- (32) The prepared mixture of the water and the ashes of the red cow.
- (33) Even if it was not mixed with the water.
- (34) As a preventive measure. It once happened that a piece of a corpse was found stock in the deck of a ship on board of which the mixture of the water and ashes of the red heifer was carried, v. Hag. 28a.
- (35) Since this is similar to carrying them on board a ship.
- (36) Carrying the mixture or the ashes.
- (37) On foot.
- (38) Even in a ship.
- (39) By the mixture of the ashes, having only been drawn for the purpose.
- (40) Of the red cow.
- (41) That are unfit for sprinkling.
- (42) By touch. If the valid ashes constitute the greater quantity, one who touched it is unclean; and if the wood ashes constitute the greater quantity no uncleanness is conveyed.
- (43) Of the ashes with water.
- (44) Even where the greater quantity was valid ashes.
- (45) With both kinds of ashes whether the greater part was wood ashes or valid ashes. As no minimum quantity of ashes was prescribed for the sprinkling, and as each application would contain at least some fraction of the valid ashes, the entire mixture may be regarded as valid and used for the purpose.
- (46) Owing, for instance, to a change in colour that was due to an external cause.
- (47) Rabbinically.
- (48) But not to one who is only clean for common food; for, owing to the invalidity of the water it is no longer subject to Pentateuchal uncleanness.
- (49) So that, though he becomes unclean in certain other respects, he remains clean to draw the water, to mix it with the ashes of the red cow (the sin-offering), and to sprinkle it.
- (50) The water of the sin-offering.
- (51) Liquid uncleanness can generally be conveyed only by contact with the hands.
- (52) Which are thus on a par with water that became invalid.
- (53) Var. lec., 'the hands of him who is clean for terumah and the hands of him who is clean'.

Mishna - Mas. Parah Chapter 10

MISHNAH 1. ANY OBJECT THAT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS¹ IS FOR THE PURPOSE OF THE WATER OF THE SIN-OFFERING DEEMED TO BE UNCLEAN OF MIDDAF,² WHETHER IT WAS OTHERWISE UNCLEAN OR CLEAN.³ A MAN TOO⁴ IS SUBJECT TO THE SAME RESTRICTION.⁵ ANY OBJECT THAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS,⁶ WHETHER IT IS OTHERWISE UNCLEAN OR CLEAN, R. ELIEZER RULED, IS NOT DEEMED TO BE UNCLEAN OF MIDDAF;⁷ R. JOSHUA RULED: IT IS DEEMED TO BE UNCLEAN OF MIDDAF;⁸ AND THE SAGES RULED: THAT WHICH WAS UNCLEAN IS DEEMED TO BE UNCLEAN OF MIDDAF,³ AND THAT WHICH WAS CLEAN IS NOT DEEMED TO BE UNCLEAN OF MIDDAF.⁷

MISHNAH 2. IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING TOUCHED WHAT WAS UNCLEAN OF MIDDAF,⁹ HE¹⁰ BECOMES UNCLEAN.¹¹ IF A FLAGON THAT WAS APPOINTED FOR THE WATER OF THE SIN-OFFERING TOUCHED A MIDDAF UNCLEANNESS,¹² IT BECOMES UNCLEAN. IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING TOUCHED FOODSTUFFS OR LIQUIDS¹³ WITH HIS HAND, HE BECOMES UNCLEAN, BUT IF HE DID IT WITH HIS FOOT HE REMAINS CLEAN. IF HE SHIFTED THEM WITH HIS HAND,¹⁴ R. JOSHUA RULES THAT HE BECOMES UNCLEAN, AND THE SAGES RULE THAT HE REMAINS CLEAN.

MISHNAH 3. AN [EARTHEN] JAR OF THE WATER OF THE SIN-OFFERING THAT TOUCHED A [DEAD] CREEPING THING, REMAINS CLEAN.¹⁵ IF THE JAR WAS PUT ON IT,¹⁶ R. ELIEZER RULES THAT IT REMAINS CLEAN, AND THE SAGES RULE¹⁷ THAT IT BECOMES UNCLEAN. IF THE JAR TOUCHED FOODSTUFFS OR LIQUIDS¹⁸ OR THE HOLY SCRIPTURES,¹⁹ IT REMAINS CLEAN.¹⁵ IF IT WAS PUT ON THEM, R. JOSE RULES THAT IT REMAINS CLEAN,²⁰ AND THE SAGES RULE THAT IT BECOMES UNCLEAN.²¹

MISHNAH 4. A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING THAT TOUCHED AN OVEN²² WITH HIS HAND BECOMES UNCLEAN,²³ BUT IF HE DID IT WITH HIS FOOT HE REMAINS CLEAN.²³ IF HE STOOD ON AN OVEN AND PUT OUT HIS HAND BEYOND THE OVEN WITH THE FLAGON²⁴ IN HIS HAND, AND SO ALSO IN THE CASE OF A CARRYING-YOKE WHICH WAS PLACED OVER THE OVEN AND FROM WHICH TWO JARS WERE SUSPENDED ONE AT EITHER END,²⁵ R. AKIBA RULES THAT THEY REMAIN CLEAN,²⁶ BUT THE SAGES RULE THAT THEY ARE UNCLEAN.²⁷

MISHNAH 5. IF HE WAS STANDING OUTSIDE AN OVEN AND HE STRETCHED FORTH HIS HAND TO A WINDOW WHEREFROM HE TOOK A FLAGON AND PASSED IT OVER THE OVEN, R. AKIBA RULES THAT IT IS UNCLEAN,²⁸ AND THE SAGES RULE THAT IT IS CLEAN. HE, HOWEVER, WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING MAY STAND OVER AN OVEN WHILE HOLDING IN HIS HAND AN EMPTY VESSEL THAT IS CLEAN FOR THE WATER OF THE SIN-OFFERING OR ONE FILLED WITH WATER THAT HAS NOT YET BEEN MIXED WITH THE ASHES OF THE RED COW.

MISHNAH 6. IF A FLAGON CONTAINING THE WATER OF THE SIN-OFFERING TOUCHED A VESSEL CONTAINING CONSECRATED FOOD OR TERUMAH, THAT CONTAINING THE WATER OF THE SIN-OFFERING BECOMES UNCLEAN,²⁹ BUT THE ONE CONTAINING THE CONSECRATED FOOD OR THE TERUMAH REMAINS CLEAN.³⁰ IF HE HELD THE TWO VESSELS³¹ ONE IN EACH OF HIS TWO HANDS, BOTH BECOME UNCLEAN.³² IF THEY WERE BOTH WRAPPED IN SEPARATE PAPERS, THEY REMAIN CLEAN.³³ IF THE VESSEL OF THE WATER OF THE SIN-OFFERING WAS WRAPPED IN A PAPER WHILE THAT OF THE TERUMAH WAS HELD IN HIS HAND,³⁴ BOTH BECOME UNCLEAN.³⁵ IF THE ONE CONTAINING THE TERUMAH WAS HELD IN HIS HAND WRAPPED UP IN PAPER WHILE THAT CONTAINING THE WATER OF THE SIN-OFFERING WAS HELD IN HIS HAND, BOTH REMAIN CLEAN.³⁶ R. JOSHUA RULED: THAT CONTAINING THE WATER OF THE SIN-OFFERING BECOMES UNCLEAN. IF BOTH WERE PLACED ON THE GROUND AND A MAN TOUCHED THEM,³⁷ THAT OF THE SIN-OFFERING BECOMES UNCLEAN³⁸ BUT THAT OF THE CONSECRATED FOOD OR TERUMAH REMAINS CLEAN.³⁹ IF HE ONLY SHIFTED IT,⁴⁰ R. JOSHUA RULES THAT IT IS UNCLEAN, AND THE SAGES RULE THAT IT IS CLEAN.

(1) Sc. one that is appointed for use as a couch or a seat, v. Glos. s.v.

(2) A form of a minor or indirect uncleanness imposed Rabbinically (v. Glos. s.v.).

(3) Hence if a man who is clean for the purposes of the sin-offering shifted (hesset) any such object (unless it had been specially guarded for the purposes of the sin-offering) he becomes unclean and unfit for the services of the mixing or sprinkling of the water and ashes of the red cow as if he had shifted an actual midras uncleanness.

(4) Even if he was clean for holy things but not specially cleansed for the purposes of the sin-offering.

(5) As the objects mentioned. Hence if the man who is clean for the sin-offering water touched him he becomes equally unclean and unfit (cf. prev. n. but one).

(6) But not to midras.

(7) Hence a man who is clean for the water of the sin-offering does not become unclean by shifting it as when he shifted that which is subject to midras uncleanness.

(8) Even if the object shifted was clean.

- (9) Sc. the coverlet of a zab that was not in direct contact with the zab, (other coverlets having intervened) which is Rabbinically unclean as middaf.
- (10) Even if he did not touch it with his hand but only with his body.
- (11) Much more so if he touched the bedding under the zab, which is Pentateuchally a 'father of uncleanness.'
- (12) Cf. supra n. 2.
- (13) That were clean in regard to terumah and consecrated things, but not in regard to the water of the sin-offering.
- (14) Without touching them.
- (15) Since earthenware do not contract uncleanness from their outer sides.
- (16) The dead creeping thing.
- (17) On the strength of a deduction from Num. XIX, 9 according to which the container of the water of the sin-offering must be set in 'a clean place'.
- (18) That were unclean.
- (19) Which Rabbinically convey uncleanness to the hands or foodstuffs that touch them (cf. Yad. IV, 6).
- (20) Since it did not rest on a 'father of uncleanness'.
- (21) Because, in their view, it must rest in a place which is clean in all respects (cf. supra n. 6).
- (22) Even one that was clean for holy things.
- (23) As In the case of foodstuffs (supra X, 2).
- (24) For the water of the sin-offering.
- (25) Outside the oven.
- (26) Being outside and beyond the oven they may be regarded as resting on a clean place.
- (27) Since they are supported by the man, or the yoke that rests on the oven, they also are deemed to rest on a place that is unclean.
- (28) Passing in the air-space above the oven is in his opinion regarded as on a par with passing through the interior of the oven.
- (29) Even for common food. The flagon that contracted uncleanness from the vessel of the terumah conveys uncleanness to the water of the sin-offering within it, and this unclean water then renders the flagon itself unclean in the first degree.
- (30) Since it only touched an uncleanness of the first degree which cannot convey any uncleanness to vessels.
- (31) That of the water of the sin-offering and that of the consecrated food or terumah.
- (32) That of the sin-offering becomes unclean on account of its contact with the man's hand which has become unclean like all his body, when he touched that of the Terumah, while the vessel of terumah for consecrated food becomes unclean by contact with the man who was carrying the water of the sin-offering.
- (33) Because, though a vessel of paper (papyrus) may contract uncleanness, a scrap of paper does not, and it, therefore, forms an intervention between the uncleanness and the man.
- (34) With no paper wrapper around it.
- (35) Because, when the man had touched with his hand the vessel of the terumah, that of the sin-offering becomes unclean since the paper in this case constitutes no interposition. The man who becomes unclean because of his carrying of the invalid water of the sin-offering conveys uncleanness to the vessel of the terumah which he had touched with his hand.
- (36) That of the terumah remains clean because the paper constitutes an Interposition between the hand and the other vessel, and that of the water of the sin-offering remains clean since the uncleanness of the man, which was caused by this water, cannot be retransmitted to the water that caused it.
- (37) Simultaneously.
- (38) Since the man who became unclean by touching the flagon of the terumah conveys uncleanness to the water of the sin-offering which, in turn conveys uncleanness to the Hagon that contains them.
- (39) Since the man did not carry the invalid water but only touched its container which, being but a first grade of uncleanness, cannot convey any uncleanness to the man who is only susceptible to the uncleanness imparted by a 'father of uncleanness'.
- (40) But did not directly touch it.

Mishna - Mas. Parah Chapter 11

MISHNAH 1. A FLASK¹ THAT ONE HAS LEFT UNCOVERED AND ON RETURNING FOUND IT TO BE COVERED, IS INVALID.² IF ONE LEFT IT COVERED AND ON RETURNING FOUND IT TO BE UNCOVERED, IT IS INVALID IF A WEASEL³ COULD HAVE DRUNK FROM IT⁴ OR, ACCORDING TO THE RULING OF RABBAN GAMALIEL,⁵ A SERPENT, OR IF IT WAS POSSIBLE FOR DEW TO FALL INTO IT IN THE Night.⁶ THE WATER OF THE SIN-OFFERING⁷ IS NOT PROTECTED⁸ BY A TIGHTLY FITTING COVER;⁹ BUT WATER THAT HAD NOT YET BEEN MIXED WITH THE ASHES IS PROTECTED BY A TIGHTLY FITTING COVER.¹⁰

MISHNAH 2. ANY CONDITION OF DOUBT THAT IS REGARDED AS CLEAN IN THE CASE OF TERUMAH IS ALSO REGARDED AS CLEAN IN THE CASE OF THE WATER OF THE SIN-OFFERING. IN ANY CONDITION OF SUSPENSE WHERE TERUMAH IS CONCERNED¹¹ THE WATER OF THE SIN-OFFERING IS POURED AWAY. IF CLEAN THINGS WERE HANDLED¹² ON ACCOUNT OF IT,¹³ THEY MUST BE HELD IN SUSPENSE.¹⁴ WOODEN LATTICE WORK¹⁵ IS CLEAN IN RESPECT OF HOLY FOOD, TERUMAH, AND THE WATER OF THE SIN-OFFERING. R. ELIEZER RULED: LOOSELY FASTENED BOARDS¹⁶ ARE UNCLEAR¹⁷ IN THE CASE OF THE WATER OF THE SIN-OFFERING.¹⁸

MISHNAH 3. IF PRESSED FIGS OF TERUMAH FELL INTO THE WATER OF THE SIN-OFFERING AND WERE TAKEN OUT AND EATEN, THE WATER BECOMES UNCLEAR,¹⁹ AND HE WHO EATS OF THE FIGS INCURS DEATH²⁰ IF THEIR BULK WAS NO LESS THAN THE SIZE OF AN EGG,²¹ IRRESPECTIVE OF WHETHER THEY WERE UNCLEAR OR CLEAN. IF²² THEIR BULK WAS LESS THAN THE SIZE OF AN EGG, THE WATER REMAINS CLEAN BUT²³ HE WHO EATS OF THEM INCURS DEATH. R. JOSE RULED: IF THEY²⁴ WERE CLEAN THE WATER REMAINS CLEAN.²⁵ IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING PUT IN HIS HEAD AND THE GREATER PART OF HIS BODY INTO THE WATER OF THE SIN-OFFERING, HE BECOMES UNCLEAR.²⁶

MISHNAH 4. ALL²⁷ THAT²⁸ REQUIRE IMMERSION IN WATER ACCORDING TO THE RULINGS OF THE TORAH CONVEY UNCLEANNESS TO CONSECRATED THINGS, TO TERUMAH, TO COMMON FOOD,²⁹ AND TO SECOND TITHE; AND³⁰ IS FORBIDDEN TO ENTER THE SANCTUARY. AFTER IMMERSION³¹ ONE³⁰ CONVEYS [UNCLEANNESS TO HOLY THINGS AND CAUSES TERUMAH TO BE UNFIT; SO R. MEIR. BUT THE SAGES RULED: HE³⁰ CAUSES CONSECRATED THINGS AND TERUMAH TO BE INVALID,³² BUT IS PERMITTED UNCONSECRATED FOOD AND SECOND TITHE; AND IF HE ENTERED THE SANCTUARY,³³ WHETHER BEFORE OR AFTER HIS IMMERSION, HE INCURS GUILT.³⁴

MISHNAH 5. ALL³⁵ THAT REQUIRE IMMERSION IN WATER IN ACCORDANCE WITH THE WORDS OF THE SCRIBES CONVEY UNCLEANNESS TO CONSECRATED THINGS AND CAUSE TERUMAH TO BE UNFIT, BUT³⁰ ARE PERMITTED UNCONSECRATED FOOD AND SECOND TITHE; SO R. MEIR. BUT THE SAGES FORBID³⁰ SECOND TITHE. AFTER IMMERSION³⁶ A MAN IS PERMITTED ALL THESE, AND IF HE ENTERED THE SANCTUARY, WHETHER BEFORE OR AFTER HIS IMMERSION, HE INCURS NO GUILT.

MISHNAH 6. ALL THAT REQUIRE IMMERSION IN WATER, WHETHER ACCORDING TO THE WORDS OF THE TORAH OR ACCORDING TO THE WORDS OF THE SCRIBES, CAUSE³⁷ WATER OF THE SIN-OFFERING, THE ASHES OF THE SIN-OFFERING, AND HIM

WHO SPRINKLED THE WATER OF THE SIN-OFFERING,³⁸ TO BECOME UNCLEAN EITHER THROUGH CONTACT OR THROUGH CARRYING; AND ALSO CAUSE THE HYSSOP THAT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS, THE WATER THAT HAD NOT YET BEEN PREPARED,³⁹ AND AN EMPTY VESSEL THAT IS CLEAN FOR THE SIN-OFFERING TO BECOME UNCLEAN THROUGH CONTACT AND CARRYING; SO R. MEIR. BUT THE SAGES RULED: ONLY BY CONTACT⁴⁰ BUT NOT BY CARRYING.

MISHNAH 7. ANY HYSSOP THAT BEARS A SPECIAL NAME IS INVALID⁴¹ ORDINARY⁴² HYSSOP IS VALID. GREEK HYSSOP, STIBIUM HYSSOP, ROMAN HYSSOP OR WILD HYSSOP IS INVALID. THAT OF UNCLEAN TERUMAH⁴³ IS INVALID; BUT THAT OF CLEAN TERUMAH⁴⁴ SHOULD NOT BE USED FOR SPRINKLING,⁴⁵ THOUGH IF ONE HAD USED IT FOR SPRINKLING IT IS VALID. THE SPRINKLING MUST NOT BE DONE EITHER WITH THE YOUNG SHOOTS OR WITH THE BERRIES.⁴⁶ NO GUILT IS INCURRED [AFTER THE SPRINKLING HAD BEEN DONE] WITH YOUNG SHOOTS FOR ENTERING THE SANCTUARY. R. ELIEZER RULED: NOR IF IT WAS DONE WITH THE BERRIES. THE FOLLOWING ARE REGARDED AS YOUNG SHOOTS: THE STALKS BEFORE THE BUDS HAVE RIPENED.

MISHNAH 8. THE HYSSOP THAT WAS USED FOR SPRINKLING [THE WATER OF THE SIN-OFFERING] IS ALSO FIT FOR CLEANSING THE LEPER.⁴⁷ IF IT⁴⁸ WAS GATHERED FOR FIREWOOD, AND LIQUID⁴⁹ FELL UPON IT, IT MAY BE DRIED AND IT BECOMES FIT.⁵⁰ IF IT⁴⁸ WAS GATHERED FOR FOOD, AND LIQUID⁵¹ FELL UPON IT, EVEN THOUGH IT WAS DRIED, IT IS INVALID.⁵² IF IT⁵³ WAS GATHERED FOR [THE SPRINKLING OF THE WATER OF] THE SIN-OFFERING, IT IS SUBJECT TO THE SAME LAW AS IF IT WERE GATHERED FOR FOOD. SO R. MEIR. R. JUDAH, R. JOSE AND R. SIMEON RULED: AS IF IT WERE GATHERED FOR FIREWOOD.

MISHNAH 9. THE PRESCRIBED RITE OF THE HYSSOP IS [THAT THE BUNCH⁵⁴ SHALL CONTAIN THREE STALKS BEARING THREE BUDS.⁵⁵ R. JUDAH RULED: STALKS BEARING THREE BUDS EACH. HYSSOP THAT CONSISTS OF A GROWTH OF THREE STALKS⁵⁶ SHOULD BE CUT UP⁵⁷ AND THEN BOUND TOGETHER. IF THE STALKS WERE SEVERED BUT WERE NOT BOUND TOGETHER, OR IF THEY WERE BOUND TOGETHER BUT WERE NOT SEVERED, OR IF THEY WERE NEITHER SEVERED NOR BOUND TOGETHER, THEY ARE NEVERTHELESS VALID. R. JOSE RULED: THE PRESCRIBED RITE OF THE HYSSOP IS THAT THE BUNCH SHALL CONTAIN THREE⁵⁸ BUDS, BUT ITS REMNANTS⁵⁹ NEED ONLY HAVE TWO, WHILE ITS STUMPS⁶⁰ MAY BE⁶¹ OF THE SMALLEST SIZE.

(1) Zelohith (cf. relevant n. supra IX, I) containing the water and the ashes of the red cow for sprinkling.

(2) Since it is obvious that someone had handled it and this one might have been unclean for the sin-offering, who thus conveyed uncleanness to it.

(3) Which vomits when it drinks.

(4) Because its spittle, mingling with the water, causes invalidity.

(5) supra IX, 3.

(6) Otherwise it is valid, since no man would be likely to uncover it (cf. supra n. 2).

(7) That was already mixed with the ashes; and the same applies to the ashes alone.

(8) From uncleanness, if it is with a corpse under the same roof.

(9) Though other objects are thereby protected (cf. Num. XIX, 25). The protection cannot be extended to the water of the sin-offering since under the same roof as the corpse it cannot be said to be set in a clean place (cf. Num. XIX, 9).

(10) Since the requirement to set in 'a clean place' (cf. prev. n) does not apply, to the water alone.

(11) Sc. when it is neither eaten nor burned.

(12) By a person who became clean (v. foll. n.).

- (13) Sc. after the water that had to be poured away was sprinkled upon him.
- (14) Cf. supra p. 344, n. 11.
- (15) Which is not susceptible to midras or corpse uncleanness.
- (16) Hare'adoth, 'which shake' when one leans on them.
- (17) As middaf.
- (18) Since they might be used to sit or lie upon and thus are susceptible to midras uncleanness, v. supra X, 1.
- (19) On account of its contact with the figs of terumah whose grade of cleanness is deemed to be an uncleanness in respect of the water of the sin-offering.
- (20) Sc. by the hands of Heaven; for eating terumah while his body is unclean on account of the water on it.
- (21) The minimum of foodstuffs required for conveying uncleanness.
- (22) Some edd. omit this sentence to 'death'.
- (23) 'But . . . death' is omitted in some edd. and by Elijah Wilna.
- (24) The pressed figs.
- (25) In his opinion the grade of uncleanness required for Terumah is not regarded as unclean in respect of the water of the sin-offering.
- (26) From the water in the vessel which being 'drawn' has a defiling effect, v. Zab. V, I. This water in turn, being sin-offering water, coming in contact with him is rendered unclean and assumes the restrictions of a 'father of uncleanness' which causes him in turn to be unclean in the first grade.
- (27) Men and vessels.
- (28) Having contracted uncleanness from a 'father of uncleanness' and became a first grade of uncleanness.
- (29) Since a first grade of uncleanness causes even ordinary food to become a second grade of uncleanness.
- (30) In the case of a man. According to Maim. this applies equally in vessels.
- (31) Before the sun had set over him when as a tebul yom he is still subject to a second grade of uncleanness.
- (32) Sc. even consecrated things do not become unclean (and thus capable of conveying uncleanness) but unfit only.
- (33) The Court of the Israelites.
- (34) No guilt, however, is incurred for entering the Court of the Women, though entry into it is forbidden.
- (35) Such as men who ate or drank what is unclean, or vessels that have touched unclean liquids.
- (36) Even before sunset.
- (37) Even after an immersion that was not intended as a preparation for the services of the sin-offering.
- (38) Sc. all who are clean for the sin-offering.
- (39) By mixing it with the ashes of the red cow.
- (40) Do these become unclean.
- (41) For the sprinkling of the water of the sin-offering.
- (42) Lit., 'this'.
- (43) Though it was less in bulk than the size of an egg which, in regard to the water of the sin-offering, is insusceptible to uncleanness.
- (44) That was duly prepared for the water of the sin-offering.
- (45) In case the water of the sin-offering might become invalid and thus convey uncleanness to the terumah.
- (46) Of the hyssop.
- (47) Cf. lev. XIV, 4ff.
- (48) The hyssop.
- (49) That was unfit for the water of the sin-offering.
- (50) For use in the sprinkling of the water of the sin-offering. Such use is forbidden while the liquid is upon it since the invalid liquid would cause invalidity to water of the sin-offering with which it mingles.
- (51) v. p. 347, n. 11.
- (52) Because the liquid caused the hyssop to be susceptible to uncleanness and at the same time (since it was unfit for the sin-offering) conveyed uncleanness to it.
- (53) V. p. 347, n. 10.
- (54) With which the sprinkling is done.
- (55) One bud on each stalk.
- (56) Growing from one root.
- (57) Into three separate stalks.

- (58) Some edd. insert 'stalks having three'.
(59) If one was lost in the course of sprinkling.
(60) Which must originally be a handbreadths in length.
(61) If the bunch was worn away from use.

Mishna - Mas. Parah Chapter 12

MISHNAH 1. HYSSOP THAT IS TOO SHORT¹ MAY BE MADE TO SUFFICE¹ WITH A THREAD AND A SPINDLE-REED. IT² IS THEN DIPPED AND BROUGHT UP AGAIN, WHEN ONE GRASPS THE HYSSOP ITSELF AND SPRINKLES WITH IT. R. JUDAH AND R. SIMEON RULED: AS THE SPRINKLING MUST BE DONE WITH THE HYSSOP ITSELF SO MUST THE DIPPING ALSO BE DONE WITH THE HYSSOP ITSELF.

MISHNAH 2. IF A MAN SPRINKLED³ AND IT IS DOUBTFUL. WHETHER THE WATER CAME FROM THE THREAD OR THE SPINDLE-REED OR THE BUDS, THE SPRINKLING IS INVALID.⁴ IF HE SPRINKLED UPON TWO VESSELS AND IT IS DOUBTFUL WHETHER HE SPRINKLED ON BOTH OR WHETHER SOME WATER FROM THE ONE HAD DRIPPED ON TO THE OTHER, IT IS IN VALID. IF A NEEDLE WAS FIXED TO AN EARTHENWARE AND THE MAN SPRINKLED UPON IT, AND IT IS DOUBTFUL WHETHER HE SPRINKLED ON THE NEEDLE OR WHETHER SOME WATER DRIPPED ON IT FROM THE EARTHENWARE, HIS SPRINKLING IS INVALID. IF THE FLASK⁵ HAS A NARROW MOUTH, ONE MAY DIP IN⁶ AND DRAW OUT IN THE USUAL WAY.⁷ R. JUDAH RULED: THIS MAY BE DONE ONLY FOR THE FIRST SPRINKLING.⁸ IF THE WATER OF THE SIN-OFFERING WAS DIMINISHED,⁹ ONE MAY DIP ONLY THE TIPS OF THE BUDS AND SPRINKLE, PROVIDED THE HYSSOP DOES NOT ABSORB [ANY OF THE MOISTURE ON THE SIDES OF THE FLASK].¹⁰ IF A MAN INTENDED TO SPRINKLE IN FRONT OF HIM AND HE SPRINKLED BEHIND HIM, OR BEHIND HIM AND HE SPRINKLED IN FRONT OF HIM, HIS SPRINKLING IS INVALID. IF HE INTENDED TO SPRINKLE IN FRONT OF HIM AND HE SPRINKLED TO THE SIDES IN FRONT OF HIM, HIS SPRINKLING IS VALID. IT IS PERMITTED TO SPRINKLE UPON A MAN WITH HIS KNOWLEDGE OR WITHOUT HIS KNOWLEDGE, AND IT IS PERMITTED TO SPRINKLE UPON A MAN AND VESSELS¹¹ EVEN THOUGH THERE ARE A HUNDRED OF THEM.

MISHNAH 3. IF A MAN INTENDED TO SPRINKLE UPON A THING THAT IS SUSCEPTIBLE TO UNCLEANNESS AND HE SPRINKLED UPON ONE THAT WAS NOT SUSCEPTIBLE TO UNCLEANNESS,¹² THERE IS NO NEED TO DIP AGAIN IF ANY OF THE WATER¹³ STILL REMAINED ON THE HYSSOP.¹⁴ [IF HE INTENDED TO SPRINKLE] UPON A THING THAT IS NOT SUSCEPTIBLE TO UNCLEANNESS AND HE SPRINKLED ON THAT WHICH IS SUSCEPTIBLE TO UNCLEANNESS, EVEN THOUGH THERE WAS STILL SOME WATER¹³ ON THE HYSSOP, HE MUST DIP AGAIN.¹⁵ [IF HE INTENDED TO SPRINKLE] UPON A MAN AND HE SPRINKLED UPON A BEAST, HE NEED NOT DIP¹⁵ AGAIN IF ANY OF THE WATER¹³ REMAINED ON THE HYSSOP; BUT [IF HE INTENDED TO SPRINKLE] UPON A BEAST AND HE SPRINKLED UPON A MAN, EVEN THOUGH THERE WAS STILL SOME WATER¹³ ON THE HYSSOP, HE MUST DIP AGAIN. THE WATER THAT DRIPS OFF¹⁶ IS VALID,¹⁷ AND THEREFORE IT CONVEYS UNCLEANNESS AS THE USUAL WATER OF THE SIN-OFFERING.

MISHNAH 4. IF ONE WAS SPRINKLING¹⁸ FROM A WALL-NICHE¹⁹ IN A PUBLIC DOMAIN AND [A MAN WHO WAS SO SPRINKLED UPON]²⁰ ENTERED THE SANCTUARY,²¹ AND THE WATER WAS FOUND TO BE INVALID, HE IS BLAMELESS;²² BUT IF THE SPRINKLING WAS DONE FROM A PRIVATE WALL-NICHE AND [A MAN WHO WAS SO SPRINKLED UPON]²⁰ ENTERED THE SANCTUARY,²¹ AND THE WATER

WAS FOUND TO BE INVALID, HE INCURS THE PENALTY.²³ A HIGH PRIEST, HOWEVER, IS EXEMPT,²⁴ WHETHER THE SPRINKLING UPON HIM WAS DONE FROM A PRIVATE WALL-NICHE OR FROM ONE IN A PUBLIC DOMAIN, FOR A HIGH PRIEST NEVER INCURS A PENALTY FOR ENTERING THE SANCTUARY. [THE PEOPLE] USED TO SLIP BEFORE A CERTAIN WALL-NICHE IN A PUBLIC DOMAIN,²⁵ AND MOREOVER²⁶ THEY TROD²⁷ [ON THAT SPOT] AND DID NOT REFRAIN [FROM ENTERING THE SANCTUARY]. BECAUSE IT WAS LAID DOWN THAT WATER OF THE SIN-OFFERING THAT SERVED ITS PURPOSE²⁸ CONVEYED NO UNCLEANNESS.

MISHNAH 5. A CLEAN PERSON MAY HOLD IN HIS SKIRT AN UNCLEAR AXE²⁹ AND SPRINKLE UPON IT;³⁰ AND ALTHOUGH THERE IS ON IT³¹ SUFFICIENT WATER FOR A SPRINKLING HE REMAINS CLEAN.³² OF WHAT QUANTITY MUST THE WATER CONSIST TO BE SUFFICIENT FOR A SPRINKLING? SUFFICIENT FOR THE TOPS OF THE BUDS TO BE DIPPED THEREIN AND FOR THE SPRINKLING TO BE PERFORMED.³³ R. JUDAH RULED: THEY³⁴ ARE REGARDED AS THOUGH THEY WERE ON A HYSSOP OF BRASS.³⁵

MISHNAH 6. IF THE SPRINKLING WAS DONE WITH UNCLEAR HYSSOP,³⁶ THE WATER BECOMES INVALID, AND THE SPRINKLING IS INVALID IF IT³⁷ WAS OF THE BULK OF AN EGG. IF IT WAS LESS THAN THE BULK OF AN EGG,³⁸ THE WATER REMAINS VALID BUT THE SPRINKLING IS INVALID.³⁹ IT⁴⁰ ALSO CONVEYS UNCLEANNESS⁴¹ TO OTHER HYSSOP,⁴² AND THAT OTHER HYSSOP TO OTHER, EVEN IF THEY BE A HUNDRED.⁴³

MISHNAH 7. IF THE HANDS⁴⁴ OF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING BECAME UNCLEAR, HIS BODY ALSO BECOMES UNCLEAR, AND HE CONVEYS UNCLEANNESS TO HIS FELLOW, AND HIS FELLOW TO HIS FELLOW, EVEN IF THEY BE A HUNDRED.

MISHNAH 8. SHOULD THE OUTER PART OF A FLAGON⁴⁵ BECOME UNCLEAR,⁴⁶ ITS INNER PART ALSO BECOMES UNCLEAR,⁴⁷ AND IT CONVEYS UNCLEANNESS TO AN OTHER FLAGON, AND THE OTHER TO ANOTHER, EVEN IF THEY ARE A HUNDRED. A BELL AND A CLAPPER ARE REGARDED AS CONNECTED.⁴⁸ IN THE CASE OF A SPINDLE USED FOR COARSE MATERIAL, ONE MUST NOT SPRINKLE ON ITS ROD⁴⁹ OR RING,⁴⁹ YET IF IT WAS SO SPRINKLED IT IS VALID; IN A SPINDLE USED FOR FLAX THEY⁵⁰ ARE REGARDED AS CONNECTED. IF A LEATHER COVER OF A COT IS FASTENED TO ITS KNOBS, BOTH⁵¹ ARE REGARDED AS CONNECTED.⁴⁸ THE BASE⁵² DOES NOT CONSTITUTE A CONNECTION⁵³ EITHER IN RESPECT OF UNCLEANNESS⁵⁴ OR CLEANNES.⁵⁵ ALL DRILLED HANDLES OF UTENSILS⁵⁶ ARE REGARDED AS CONNECTIVES.⁵⁷ R. JOHANAN B. NURI RULES: ALSO THOSE⁵⁸ THAT⁵⁹ ARE WEDGED INTO HOLES IN THE UTENSILS.⁶⁰

MISHNAH 9. THE BASKETS OF A PACK-SADDLE,⁶¹ THE BED OF A BARROW,⁶² THE IRON⁶³ CORNER OF A BIER, THE [DRINKING] HORNS OF TRAVELLERS,⁶² A KEY CHAIN,⁶⁴ THE LOOSE STITCHES OF WASHERMEN,⁶⁵ AND A GARMENT STITCHED TOGETHER WITH KIL'AYIM ARE REGARDED AS CONNECTIVES⁶⁶ IN RESPECT OF UNCLEANNESS⁶⁷ BUT NOT IN THAT OF SPRINKLING.⁵⁵

MISHNAH 10. IF THE LID OF A KETTLE IS JOINED TO A CHAIN,⁶⁸ BETH SHAMMAI RULED: THESE⁶⁹ ARE REGARDED AS CONNECTED IN RESPECT OF UNCLEANNESS⁷⁰ BUT NOT IN RESPECT OF SPRINKLING.⁷¹ BETH HILLEL RULED: IF THE KETTLE⁷² WAS SPRINKLED UPON IT IS THE SAME AS IF THE LID⁷³ ALSO WAS SPRINKLED UPON; BUT IF THE LID ONLY⁷³ WAS SPRINKLED UPON IT IS NOT THE SAME AS IF THE KETTLE ALSO⁷² WAS SPRINKLED UPON. ALL⁷⁴ ARE ELIGIBLE TO SPRINKLE, EXCEPT A

TUMTUM,⁷⁵ A HERMAPHRODITE, A WOMAN, AND A CHILD THAT IS WITHOUT UNDERSTANDING. A WOMAN MAY ASSIST [A MAN] WHILE HE SPRINKLES, AND HOLD THE WATER⁷⁶ FOR HIM WHILE HE DIPS AND SPRINKLES. IF SHE HELD HIS HAND, EVEN IF ONLY AT THE TIME OF SPRINKLING,⁷⁷ IT IS INVALID.⁷⁸

MISHNAH 11. IF THE HYSSOP WAS DIPPEL⁷⁹ IN THE DAYTIME AND THE SPRINKLING ALSO WAS DONE ON THE SAME DAY, IT IS VALID.⁸⁰ IF ONE DIPPED IT IN THE DAYTIME AND SPRINKLED AT NIGHT, OR DIPPED AT NIGHT AND SPRINKLED ON THE FOLLOWING DAY, (OR DIPPED IN THE DAYTIME AND SPRINKLED ON THE FOLLOWING DAY),⁸¹ THE SPRINKLING IS INVALID.⁸² [THE MAN HIMSELF], HOWEVER, MAY PERFORM IMMERSION AT NIGHT AND DO THE SPRINKLING ON THE FOLLOWING DAY, FOR SPRINKLING IS NOT ALLOWED⁸³ UNTIL THE SUN IS RISEN;⁸⁴ YET IF ANY OF THESE WAS DONE AS EARLY AS THE RISE OF DAWN IT IS VALID.

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- (1) To reach the water of the sin-offering in the flask.
 - (2) Being held by the spindle.
 - (3) The water of the sin-offering.
 - (4) Since the man is under presumptive uncleanness. Only when it is certain that the water came from the hyssop is the sprinkling valid.
 - (5) Containing the water and the ashes of the red cow.
 - (6) The hyssop in the water.
 - (7) One need have no scruples lest the water on the hyssop would be squeezed out in its passage through the narrow neck.
 - (8) But not For a subsequent one when any water that would have been squeezed out from the first might have returned to the flask and tendered its contents invalid.
 - (9) Being insufficient for the proper dipping of the hyssop into it.
 - (10) The requirement being to dip into the water.
 - (11) Simultaneously, by one movement.
 - (12) This is explained presently.
 - (13) Of the sin-offering.
 - (14) From the first dip.
 - (15) The hyssop in the water.
 - (16) Into the flask From the hyssop that was dipped with the intention of sprinkling upon a thing that is insusceptible to uncleanness.
 - (17) For sprinkling.
 - (18) The water with the ashes of the red cow.
 - (19) A special niche with water of sin-offering was provided For the purification of the unclean.
 - (20) Having been unclean and requiring the performance of the rite.
 - (21) Not ascertaining beforehand whether the water was valid.
 - (22) Because, a doubtful condition of uncleanness in a public domain being regarded as clean, he was under no obligation to enquire after the validity of the water.
 - (23) Of a sacrifice. As a doubtful condition of uncleanness in a private domain is deemed to be unclean it was his duty to enquire after the validity of the water before he entered the Sanctuary.
 - (24) If he entered the Sanctuary after he had been sprinkled upon with water that was found to be invalid.
 - (25) On account of the abundance of the water of the sin-offering that was sprinkled there.
 - (26) Though such water would be expected to convey uncleanness
 - (27) Intentionally.
 - (28) Sprinkling.
 - (29) Though it was a 'Father of uncleanness'.
 - (30) Since the skirt which, owing to contact with the axe (cf. prev. n.), becomes only a first grade of uncleanness cannot convey any uncleanness to the man to whom only a 'Father of uncleanness' could convey uncleanness.
 - (31) The axe, after the sprinkling.

- (32) Having served their purpose they no longer convey uncleanness.
- (33) Sc. there must be as much water as to suffice For these as well as for the quantity of water absorbed by the buds.
- (34) The buds.
- (35) Which absorbs no water. Hence the water absorbed is added to what remains on the surface and a smaller quantity (cf. supra n. 2) suffices.
- (36) Sc. unclean for the water of the sin-offering though clean in other respects.
- (37) The hyssop having been gathered For Food (cf. supra XI, 8.)
- (38) The prescribed minimum for conveying uncleanness.
- (39) Since the hyssop was not clean for the sin-offering (cf. supra n. 5).
- (40) The unclean hyssop.
- (41) By contact.
- (42) Rendering consequently unclean him who touches it.
- (43) Rendering it unfit For sprinkling. Since in regard to the water of the sin-offering the conveyance of uncleanness is not limited to the third grade.
- (44) Or even only one hand.
- (45) Containing the water of the sin-offering.
- (46) From unclean liquids.
- (47) Contrary to the rule in other cases (cf. Kel. XXV, 9).
- (48) Both as regards uncleanness and sprinkling. Contact with or sprinkling upon one equally affects the other.
- (49) Alone; since they are not regarded as connected. The sprinkling must be done on the spindle-hook which is the principal part of the instrument.
- (50) Rod and ring.
- (51) Cot and cover.
- (52) On which the cot or a bed stands.
- (53) With the cot or bed.
- (54) If only one contracted uncleanness the other remains clean.
- (55) If one was sprinkled upon the other still remains unclean.
- (56) The handle of a knife, for instance, into the hole of which the blade is inserted and secured.
- (57) With the utensils.
- (58) Handles.
- (59) No hole being drilled in them.
- (60) Are connectives with the utensils.
- (61) That are joined together.
- (62) Consisting of detachable parts.
- (63) And detachable.
- (64) Holding a number of keys.
- (65) Whereby garments are held together and protected against loss.
- (66) The baskets with each other, the parts of the barrow, the iron corner and the bier, the parts of the drinking horns, the stitches and the garments, and the garment stitched together with kil'ayim.
- (67) If one part becomes unclean the other also becomes similarly unclean.
- (68) Which is attached to the kettle.
- (69) The lid and the kettle.
- (70) v. p. 353, n. 20.
- (71) V. p. 353, n. 8.
- (72) Which is the main vessel.
- (73) Which is only subsidiary to the kettle.
- (74) Even the uncircumcised.
- (75) V. Glos.
- (76) Of the sin-offering.
- (77) Much more so if she held it when he was dipping.
- (78) Since, according to Num. XIX, 18, a 'clean man' must perform these services.
- (79) In the water of the sin-offering.

(80) Though there may have been a long interval between the dipping and the sprinkling.

(81) Var. lec. omits.

(82) Cf. *ibid.* 19.

(83) In the night.

(84) Hence the sprinkling must be performed by day.

Mishna - Mas. Pe'ah Chapter 1

MISHNAH 1. THE FOLLOWING ARE THE THINGS FOR WHICH NO DEFINITE QUANTITY IS PRESCRIBED:¹ THE CORNERS [OF THE FIELD].² FIRST-FRUITS,³ [THE OFFERINGS BROUGHT] ON APPEARING [BEFORE THE LORD AT THE THREE PILGRIM FESTIVALS].⁴ THE PRACTICE OF LOVINGKINDNESS,⁵ AND THE STUDY OF THE TORAH.⁶ THE FOLLOWING ARE THE THINGS FOR WHICH A MAN ENJOYS THE FRUITS IN THIS WORLD WHILE THE PRINCIPAL REMAINS FOR HIM IN THE WORLD TO COME: THE HONOURING OF FATHER AND MOTHER,⁷ THE PRACTICE OF CHARITY, AND THE MAKING OF PEACE BETWEEN A MAN AND HIS FRIEND; BUT THE STUDY OF THE TORAH IS EQUAL TO THEM ALL.⁸

MISHNAH 2. ONE SHOULD NOT MAKE THE AMOUNT OF PE'AH LESS THAN ONE-SIXTIETH⁹ [OF THE ENTIRE CROP]. BUT ALTHOUGH NO DEFINITE AMOUNT IS GIVEN FOR PE'AH,¹⁰ YET EVERYTHING DEPENDS UPON THE SIZE OF THE FIELD, THE NUMBER OF POOR MEN,¹¹ AND THE EXTENT OF THE STANDING CROP.¹²

MISHNAH 3. PE'AH MAY BE GIVEN EITHER AT THE BEGINNING OF THE [REAPING OF THE] FIELD OR AT THE MIDDLE THEREOF.¹³ R. SIMEON SAYS: [THIS IS SO] PROVIDED HE GIVES AT THE END ACCORDING TO THE AMOUNT FIXED.¹⁴ R. JUDAH SAYS: SHOULD HE EVEN LEAVE [FOR THE CONCLUSION OF THE REAPING] ONE STALK, HE CAN RELY ON THIS¹⁵ AS [FULFILLING THE LAW OF] PE'AH; AND IF HE DID NOT DO SO, [THEN EVEN THOSE STALKS LEFT AT THE BEGINNING OR AT THE MIDDLE] ARE TO BE REGARDED AS OWNERLESS PROPERTY.¹⁶

MISHNAH 4. A GENERAL PRINCIPLE HAS BEEN ENJOINED CONCERNING PE'AH: WHATSOEVER IS USED FOR FOOD,¹⁷ AND IS LOOKED AFTER,¹⁸ AND GROWS FROM THE SOIL,¹⁹ AND IS HARVESTED ALTOGETHER,²⁰ AND IS BROUGHT IN FOR STORAGE,²¹ IS SUBJECT TO THE LAW OF PE'AH. GRAIN²² AND PULSE²³ FALL INTO THIS GENERAL PRINCIPLE.²⁴

MISHNAH 5. AMONG TREES: THE SUMMACH, THE CAROB²⁵ THE NUT, THE ALMOND, THE VINE, THE POMEGRANATE, THE OLIVE AND THE PALM²⁶ ARE SUBJECT TO PE'AH.

MISHNAH 6. ONE CAN ALWAYS GIVE PE'AH;²⁷ AND BE EXEMPT FROM GIVING TITHES²⁸ [FROM IT] UNTIL IT IS FINALLY STACKED.²⁹ OR ONE MAY PRONOUNCE [HIS FIELD] OWNERLESS AND BE EXEMPT FROM GIVING TITHE THEREOF UNTIL IT IS FINALLY STACKED.³⁰ ONE MAY FEED CATTLE, WILD ANIMALS AND BIRDS [OF THE CROP] BEFORE IT IS FINALLY STACKED AND BE EXEMPT FROM TITHES.³¹ HE MAY TAKE FROM THE THRESHING FLOOR AND USE AS SEED AND BE EXEMPT FROM TITHES UNTIL IT IS STACKED.³² SO R. AKIBA. IF A PRIEST OR LEVITE PURCHASE [THE GRAIN OF] A THRESHING FLOOR THE TITHES ARE THEIRS UNLESS THE STACKING HAS TAKEN PLACE.³³ ONE WHO DEDICATED [HIS CROP]³⁴ AND REDEEMS IT [AFTERWARDS] IS BOUND TO GIVE TITHES SO LONG AS THE TREASURER HAD NOT YET FINALLY STACKED IT.

(1) In the Torah; but v. the next Mishnah where Rabbinic tradition fixes the minimum at one-sixtieth.

(2) Lev. XIX, and XXIII, 22 enjoin the owner to leave unreaped the former for the poor and the stranger to gather.

(3) Bikkurim; v. Ex. XXIII, 19; Deut. XXVI, 1-11. These were presented to the priests in the Temple.

(4) Re'ayon; v. Ex. XXIII, 17; Deut. XVI, 16. Biblically, 'every man according to the gift of his hand' (Deut. XVI, 17), but Rabbinic halachah prescribes a ma'ah (a silver coin) as the minimum value of the burnt-offering and two silver coins

- that of the festival offering, v. Hag. 1a. According to Bertinoro, Re'ayon denoted 'appearing' in the Temple, i.e., there is no limit as to the number of times the Israelite may enter the Temple during the three festivals.
- (5) Gemilluth hasadim, a term implying more than mere charity and denoting personal service to all men of all classes.
- (6) Josh. 1, 8.
- (7) Fifth Commandment; Ex. XX, 12, Deut. V, 16.
- (8) The fuller version given in our Prayer Books (v. P.B. p. 5) is based on a Baraita quoted in Shab. 127a.
- (9) But he can, of course, give more.
- (10) V. supra I, 1.
- (11) If the field is large and the poor few, the amount of Pe'ah is determined by the size of the field, and he has to give the minimum of one-sixtieth; if, on the other hand, the field is small and the poor many, it is determined by the number of the poor and is to be increased beyond the barest minimum.
- (12) Pe'ah may not be chosen only of the inferior crop, but from the whole field. עֲנֵבָה usually identified with עֲנֵבָה whence the adopted translation. V. infra VI, 7. Others render: 'according to the piety (of the landowner)'.
- (13) Pe'ah need not necessarily be given at the very end of the reaping.
- (14) Opinion varies as to the precise meaning of this proviso. Maim. maintains that one-sixtieth must be left at the end, irrespective of what he has left before; others interpret R. Simeon's statement to mean that what he leaves at the end must supplement towards the minimum quantity prescribed. The object of the proviso is to counteract a deceitful plea that Pe'ah had been set aside already before. Tosephta and Yerushalmi cite other reasons.
- (15) I.e., the last stalk and that which he gave at the beginning or middle together constitute the Pe'ah.
- (16) If nothing is set aside for Pe'ah at the end, then even that left hitherto is hefker (v. Glos.), and even the rich can acquire possession thereof no less than the poor. In this R. Judah differs from R. Simeon, whereas according to R. Simeon all that he left counts as Pe'ah and is reserved for the poor; but according to It. Judah, if nothing is left as Pe'ah at the end, then the stalks left before are treated as hefker.
- (17) To exclude aftergrowths not fit for human food. And when ye harvest, Lev. XIX, 9 rules out crop not normally cut.
- (18) To exclude hefker, which is already the property of the poor; hence Lev, XIX, 10 can no longer apply to it.
- (19) Mushrooms, which according to the Rabbis, receive their nurture not from the soil, are thus excluded. Lev. XIX, 9 stresses the harvest of your land (soil).
- (20) Not singly as they ripen, as in the case of figs.
- (21) Hence greens and herbs that will not keep are excluded.
- (22) Of this, five species are included: wheat, barley, rye, oats and spelt.
- (23) Such as lentils and peas.
- (24) Because they fulfil the conditions concerning which the general principle was laid down, they are subject to the law of Pe'ah.
- (25) Or Sr. John's bread; cf, Ma'as. I, 3. The 'Aruch (s.v. חֶרֶב) says it takes seventy years for this tree to bear fruit from its planting.
- (26) The eight trees here mentioned in no wise exclude others that fulfil the given conditions, but only those most common in Palestine are enumerated.
- (27) If omitted from the standing corn, the stipulated amount (I, 2) must be given from the corn already cut.
- (28) Tithes are of three kinds: (a) that given to the Levite, who in turn gives a tenth thereof to the priest (Num. XVIII, 26), is called First Tithe (cf. Num. XVIII, 21); (b) that which the owner himself must eat in Jerusalem (Deut. XIV, 23) is known as Second Tithe. The produce could be converted into money for which, plus one quarter of its original value, food was bought and eaten in Jerusalem (Deut. XIV, 26); (c) in the third and sixth year of the seven-year cycle a tithe was taken from the produce and given to the poor. This was known as Poor Man's Tithe, Deut. XIV, 29; XXVI, 12. Tithes are not given from Pe'ah.
- (29) שִׁמְרָה , 'to smoothe, to make level'. The custom was to stack the produce, after the winnowing, in upright piles, broad at the base and thinning towards the top. The 'smoothing' was the final act of making the pile even prior to its being stored. If, however, the giving of the Pe'ah was delayed until after the stacking, the tithes had to be given from it.
- (30) The exemption of hefker from tithes is based on Deut. XIV, 28. A declaration of hefker after the process of stacking, when the duty of tithes had already become incumbent, does not exempt the 'ownerless' produce from tithes. The fear was lest an 'am ha-arez eat thereof under the impression that it had been tithed as soon as it had been finally stacked, Cf. Dem. III, 2.
- (31) He could even snatch an improvised meal for himself since the law of tithe does not become binding prior to the

final stacking. His cattle, however, could partake of regular meals therefrom. This is based on a statement in Ma'as. I, 1: 'Whatsoever is not used for food at first but only in its later stage, is not liable to tithes until it has become fit for human food',

(32) In Deut. XIV, 23, and thou shalt eat is used in reference to tithes; that used for seed is therefore excluded. Rabbinic tradition, however, compels also the tithe to be given from seeds. R. Akiba maintains that all seed before stacking is exempt.

(33) Had they purchased the store after the stacking, the tithes would not have been theirs as a penalty for snatching away the 'gifts' which might have been given to other priests and Levites. The custom indulged by some Levites of buying the grain prior to the winnowing in order to make sure of the tithes was condemned by the Rabbis.

(34) Hekdesh (v. Glos.) like hefker was not liable to tithes. Should this redemption take place before the Temple Treasurer had stacked it, the duty falls on the redeemer. Only if the stacking was done when it was still in the possession of the Sanctuary does it become exempt. The point stressed throughout the Mishnah is that the law of tithes comes into force with the stacking.

Mishna - Mas. Pe'ah Chapter 2

MISHNAH 1. THE FOLLOWING SERVE AS DIVIDING-LINES FOR PE'AH:¹ A STREAM, A POOL,² A PRIVATE ROAD,³ A PUBLIC ROAD,⁴ A PUBLIC PATH,⁵ OR A PRIVATE PATH IN CONSTANT USE IN SUMMER AND THE RAINY SEASON, FALLOW LAND, NEWLY-CULTIVATED LAND AND A DIFFERENT SEED.⁶ IF ONE CUT [YOUNG CORN] FOR FODDER, [THE PLOT SO REAPED] SERVES AS A DIVIDING-LINE.⁷ THUS R. MEIR. BUT THE SAGES SAY: IT DOES NOT SERVE AS A BOUND FOR PE'AH UNLESS [THIS PLOT USED FOR FODDER] IS RE-PLOUGHED.⁸

MISHNAH 2. IF A WATER CHANNEL MAKES THE CUTTING OF THE CORN [ON EITHER SIDE] IMPOSSIBLE [FROM ITS MIDST],⁹ R. JUDAH SAYS: IT SERVES AS A DIVISION.¹⁰ ANY HILL-TOP THAT CAN BE DUG WITH A HOE,¹¹ ALTHOUGH THE HERD¹² CANNOT PASS OVER IT IN THEIR OUTFIT,¹³ [IS REGARDED AS PART OF THE FIELD] FROM WHICH ONLY ONE PE'AH IS GRANTED.¹⁴

MISHNAH 3. ALL [THESE ABOVE ENUMERATED] SERVE AS DIVISIONS IN THE CASE OF SOWN CROPS,¹⁵ BUT IN THE CASE OF TREES NOTHING SAVE A FENCE SERVES AS A DIVISION.¹⁶ SHOULD THE BRANCHES INTERTWINE,¹⁷ THEN [EVEN A FENCE] DOES NOT DIVIDE AND ONE PE'AH IS GRANTED FOR THE WHOLE FIELD.

MISHNAH 4. AS FOR CAROB TREES, THE GENERAL PRINCIPLE IS THAT THEY MUST BE IN SIGHT OF ONE ANOTHER.¹⁸ RABBAN GAMALIEL SAID: THE CUSTOM PREVAILING IN THE HOUSE OF MY FATHER WAS TO GIVE SEPARATE PE'AH FROM THE OLIVE TREES IN EACH DIRECTION¹⁹ AND [ONE PE'AH] FOR ALL THE CAROB TREES WITHIN SIGHT OF EACH OTHER. R. ELEAZAR SON OF R. ZADOK SAID IN HIS NAME, THAT ALSO FOR THE CAROB TREES THEY HAD IN THE WHOLE CITY²⁰ [ONE PE'AH ONLY WAS GIVEN].

MISHNAH 5. HE WHO SOWS HIS FIELD WITH ONE KIND OF SEED, THOUGH HE MAKES UP OF IT TWO THRESHING-FLOORS, NEED GIVE ONLY ONE PE'AH [FOR THE LOT]. IF HE SOWS IT OF TWO KINDS, THEN EVEN, IF ONLY HE MAKES UP OF IT ONE THRESHING-FLOOR, HE MUST GIVE TWO PE'AHs.²¹ HE WHO SOWS HIS FIELD WITH TWO SPECIES OF WHEAT²² AND HE MAKES UP OF IT ONE THRESHING-FLOOR, HE GIVES ONLY ONE PE'AH; BUT IF TWO THRESHING-FLOORS, HE GIVES TWO PE'AHs.

MISHNAH 6. THE STORY IS TOLD OF R. SIMEON OF MIZPAH²³ THAT HE SOWED ONCE HIS FIELD [WITH TWO DIFFERENT KINDS] AND CAME BEFORE RABBAN GAMALIEL.

THEY BOTH WENT UP TO THE CHAMBER OF HEWN STONE²⁴ AND ENQUIRED [THE LAW]. NAHUM THE SCRIBE²⁵ SAID: I HAVE A TRADITION FROM R. ME'ASHA,²⁶ WHO RECEIVED IT FROM ABBA,²⁷ WHO RECEIVED IT FROM THE ZUGOTH,²⁸ WHO RECEIVED IT FROM THE PROPHETS AS AN HALACHAH OF MOSES FROM SINAI,²⁹ THAT A MAN WHO SOWS HIS FIELD WITH TWO KINDS OF WHEAT AND MAKES IT UP INTO ONE THRESHING-FLOOR MUST GIVE ONE PE'AH, IF TWO THRESHING-FLOORS, [HE GIVES] TWO PE'AHs.³⁰

MISHNAH 7. A FIELD REAPED BY GENTILES,³¹ OR ROBBERS, OR WHICH ANTS HAVE BITTEN [THE GRAINS THEREOF AT THE ROOTS]. OR WHICH WIND AND CATTLE HAVE BROKEN DOWN, IS EXEMPT FROM PE'AH.³² IF [THE OWNER] REAPED HALF THEREOF AND ROBBERS THE REMAINING HALF, IT IS EXEMPT FROM PE'AH; FOR THE OBLIGATION OF PE'AH IS IN THE STANDING CORN.³³

MISHNAH 8. IF ROBBERS REAPED HALF AND THE OWNER THE OTHER HALF, HE GIVES PE'AH FROM WHAT HE HAS REAPED. IF HE REAPED HALF AND SOLD THE OTHER HALF, THEN THE PURCHASER MUST GIVE PE'AH FOR THE WHOLE.³⁴ IF HE REAPED HALF AND DEDICATED THE OTHER HALF, THEN HE WHO REDEEMS IT FROM THE TREASURER MUST GIVE PE'AH FOR THE WHOLE.³⁵

(1) From a field divided by these into sections, Pe'ah is given separately from each.

(2) A 'wady', smaller than a stream.

(3) Only four cubits in breadth.

(4) Sixteen cubits.

(5) Much smaller than a road. If used constantly, it is a division.

(6) E.g. a plot growing spelt 'twixt two growing wheat. The length of the last three divisions mentioned must be three turns of the plough at least.

(7) Corn not quite a third of its full growth used to serve as fodder for cattle; hence is not to be regarded as crop from which Pe'ah is due. V. supra I, 4.

(8) The Sages hold that the cutting of fodder is to be regarded as the beginning of the reaping and consequently one Pe'ah for the whole field is to be given. Only when the plot cut for fodder is broken afresh does it indicate its separateness from the rest of the field.

(9) The reaper, standing in mid-stream, is unable to reap the field on either side.

(10) R. Judah opposes the view of the preceding Mishnah where a שְׁלוּלִית (the same as אֶמֶת הַמַּיִם) is held always to serve as a division, regardless of the stipulation here given.

(11) Isa. VII, 25. The criterion is the hoeing; the fact that its height precludes the oxen from passing over it does not serve as a division.

(12) Var. lec.: הַבָּקָר 'the herdsman'.

(13) Pack-saddle and cushions.

(14) It will not be regarded on this account as fallow ground which serves as a division. People will interpret this inability of the oxen or herdsmen to pass over it as a disinclination on their part to dig to-day.

(15) Should even a rock interrupt the even tenure of the plough across the field, it is regarded as a division (J.).

(16) The fence must be at least ten handbreadths in height. Not all trees come under this category, for the following Mishnah prescribes a different rule for the carob and olive trees. Pe'ah was given also from trees.

(17) שֵׁעַר 'hair'; here, the ramifications of a tree; כּוֹתֵשׁ from כָּתַשׁ 'to crush'; here, 'to twine'. This intertwining renders the fence no division as to Pe'ah.

(18) Not even a fence divides as long as, standing near one tree, the other can be seen.

(19) East, west, north and south.

(20) Even when not in sight of one another.

(21) The point stressed is that Pe'ah is given from every kind and not according to quantity.

(22) Even of the same kind but of two different colours, like dark and white. Wheat is in a different category from seed, for here quantity rather than different species decides.

- (23) With the def. article: Josh. XV, 38 (in Judah); XVIII, 26 (in Benjamin); II Kings XXV, 23. In Hos. V, 1 Mizpah appears without the def. article.
- (24) V. Mid. v, 4; Sanh. XI, 2. One of the five chambers in the Temple Court, north of the Court of the Israelites. Named גִּזְיֵת either because of its hewn stone, or because it was 'cut off' (separate) from the other chambers, or on account of it being the seat of the Sanhedrin.
- (25) לִבֵּלָר from the Latin 'libellarius'.
- (26) The only reference to this Palestinian Tanna who lived in the time of Hillel's descendants.
- (27) Or '(his) father'. As a praenomen the reference here is probably to Abba, a contemporary of R. Johanan b. Zakkai (v. J.E. I, s.v.).
- (28) For a century and a half—from the time of Jose b. Joezer (c. 160 B.C.E.) to the time of Hillel and Shammai, there were two chiefs of the Sanhedrin, a President (נָשִׂיא) and a Vice-President (סֵבִיב). V. Aboth I, 4 — 10; Hag. II, 2.
- (29) A formula denoting an ancient established tradition not derived from the Written Law.
- (30) This tradition makes quantity the decisive factor in the giving of Pe'ah and contradicts the view of the preceding Mishnah which made the different species of wheat the criterion.
- (31) Some versions instead of 'gentiles' read 'Cutheans', a sect of Samaritans. This is due to censorial influence. The Mishnah refers to non-Jews who reaped their own field; for had they been in the employ of Jews, Pe'ah would have been due.
- (32) Even if the produce reaped had been returned (v. supra I, 6). The principle to bear in mind is that וּבְקִצְרָכֶם (Lev. XXIII, 22) excludes Pe'ah from any reaping not done by or for the owner.
- (33) Since the Law of Pe'ah comes into force with the cutting of the standing corn, it does not apply when reaped by someone other than the owner.
- (34) For the Pe'ah due from the first reaping is included in that part of the field subsequently bought by the purchaser.
- (35) Likewise the dedication cannot declare 'holy' the Pe'ah already due from the moment of the first reaping; accordingly the redeemer must return to the poor their due. In supra I, 6 the 'dedication' took place before Pe'ah was due, i.e., prior to any reaping whatsoever.

Mishna - Mas. Pe'ah Chapter 3

MISHNAH 1. IN THE CASE OF PLOTS OF CORN¹ BETWEEN OLIVE TREES, BETH SHAMMAI SAY ONE MUST GIVE PE'AH FROM EACH PLOT,² BUT BETH HILLEL MAINTAIN THAT FOR ALL [THE PLOTS] ONE PE'AH IS GIVEN. BETH SHAMMAI AGREE, HOWEVER, THAT IF THE ENDS OF THE ROWS BORDER ON ONE ANOTHER, ONE PE'AH IS GRANTED FROM ONE PLOT FOR THE WHOLE.³

MISHNAH 2. IF ONE GIVES A STRIPED APPEARANCE⁴ TO HIS FIELD AND LEAVES BEHIND SOME MOIST STALKS,⁵ R. AKIBA SAID, HE GIVES PE'AH FROM EVERY PATCH.⁶ BUT THE SAGES SAY: FROM ONE PATCH ONLY FOR ALL. THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO SOWS DILL⁷ OR MUSTARD SEED IN THREE PLACES MUST GIVE PE'AH FROM EACH PLACE.⁸

MISHNAH 3. HE WHO PLUCKS⁹ FRESH ONIONS FOR THE MARKET AND LEAVES THE DRY ONES [IN THE GROUND] FOR LATER STORAGE, MUST GIVE PE'AH FROM EACH SEPARATELY.¹⁰ THE SAME APPLIES TO BEANS¹¹ AND TO A VINEYARD. IF HE, HOWEVER, ONLY THINS THEM OUT,¹² THEN HE GIVES [PE'AH] FROM THE REMAINDER ACCORDING TO THE QUANTITY OF THAT WHICH HE LEFT. HE THAT PLUCKS UP FROM ONE PLACE,¹³ GIVES FROM THE REMAINDER FOR THE WHOLE.

MISHNAH 4. SEED ONIONS¹⁴ ARE LIABLE TO PE'AH, BUT R. JOSE EXEMPTS THEM.¹⁵ IN THE CASE OF PLOTS OF ONIONS [GROWING] BETWEEN VEGETABLES, R. JOSE SAYS: PE'AH MUST BE GIVEN FROM EACH [PLOT].¹⁶ BUT THE SAGES SAY: FROM ONE [PLOT] FOR ALL.

MISHNAH 5. [TWO] BROTHERS WHO HAVE DIVIDED [AN INHERITANCE] MUST GIVE [TWO] PE'AHs.¹⁷ IF THEY AFTERWARDS AGAIN BECOME PARTNERS [IN THE WHOLE POSSESSION]. THEY NEED ONLY GIVE ONE PE'AH.¹⁸ TWO WHO PURCHASE A TREE¹⁹ GIVE ONE PE'AH. IF ONE BUYS THE NORTHERN SECTION THEREOF AND THE OTHER ITS SOUTHERN PART, EACH MUST GIVE PE'AH SEPARATELY. HE WHO SELLS THE TREE-STALKS IN HIS FIELD²⁰ MUST GIVE PE'AH FROM EACH STALK. R. JUDAH SAID: THIS IS ONLY WHEN THE OWNER OF THE FIELD LEFT NOTHING [FOR HIMSELF].²¹ BUT IF HE DID LEAVE AUGHT FOR HIMSELF, HE GIVES ONE PE'AH FOR THE WHOLE.²²

MISHNAH 6. R. ELIEZER SAYS: A PIECE OF GROUND, ONE FOURTH OF A KAB²³ IN SIZE IS SUBJECT TO PE'AH. R. JOSHUA SAYS: IT MUST [BE LARGE ENOUGH] TO PRODUCE TWO SE'AHs.²⁴ R. TARFON MAINTAINS THAT IT MUST BE SIX HANDBREADTHS BY SIX.²⁵ R. JUDAH B. BATHYRA²⁶ SAYS: [IT MUST BE LARGE ENOUGH] FOR THE SICKLE TO CUT AT LEAST TWO HANDFULS.²⁷ THE HALACHAH IS ACCORDING TO HIS WORDS. R. AKIBA SAYS: EVEN THE TINIEST PLOT IS LIABLE TO PE'AH AND THE FIRST-FRUITS,²⁸ AND [IS SUFFICIENT] FOR THE WRITING OF THE PROZBUL,²⁹ AND ALSO TO ACQUIRE THROUGH IT MOVABLE PROPERTY³⁰ BY MONEY, BY DEED OF SALE, OR BY A CLAIM BASED ON UNDISTURBED POSSESSION.³¹

MISHNAH 7. IF A MAN ON THE POINT OF DYING³² ASSIGNED HIS PROPERTY IN WRITING [TO ANOTHER]. AND HE RETAINED ANY LAND, HOWEVER SMALL,³³ HE RENDERS HIS GIFT VALID; BUT IF HE RETAINS NO LAND WHATSOEVER, HIS GIFT IS NOT VALID.³⁴ HE WHO ASSIGNED IN WRITING HIS PROPERTY TO HIS CHILDREN, AND HE ASSIGNED TO HIS WIFE IN WRITING ANY PLOT OF LAND, HOWEVER SMALL, SHE THEREBY FORFEITS³⁵ HER KETHUBAH. R. JOSE SAYS: IF SHE ACCEPTED [SUCH AN ASSIGNMENT] EVEN THOUGH HE DID NOT ASSIGN IT TO HER IN WRITING. SHE FORFEITS HER KETHUBAH.³⁶

MISHNAH 8. IF A MAN ASSIGNED IN WRITING HIS POSSESSIONS TO HIS SLAVE, HE THEREBY BECOMES A FREEDMAN.³⁷ IF HE, HOWEVER, RESERVED FOR HIMSELF ANY IMMOVABLE PROPERTY, HOWEVER SMALL, HE DOES NOT BECOME A FREEDMAN.³⁸ R. SIMEON SAYS: HE BECOMES A FREEDMAN UNDER ALL CONDITIONS,³⁹ UNLESS [THE MASTER] SAYS: BEHOLD, ALL MY GOODS ARE GIVEN TO SO-AND-SO MY SLAVE, WITH THE EXCEPTION OF ONE TEN-THOUSANDTH PART OF THEM.⁴⁰

(1) Garden beds ploughed and sown with seed between the trees and arranged in square shapes in the form of bricks. Olive trees are specifically mentioned to teach that though liable to Pe'ah (II, 4) they do not, according to Beth Hillel, act as divisions between the grain plots. Others take מלבנות to refer to the light (white) colour of the grain.

(2) Since the corn of each row does not touch that of the other, each plot acts as a separate unit for Pe'ah.

(3) Since the entire field is then regarded as one, regardless of the intervening plots. (Cf. supra II, 4 in reference to the carob trees whose branches intertwined.)

(4) Each patch is reaped separately as soon as its corn is ready for cutting, a process the effect of which is to give a speckled appearance to the field. The more manured parts would, of course, ripen first.

(5) Those still unripe and not ready for cutting.

(6) When he later proceeds to cut the remaining stalks; for each patch must be regarded as a distinct unit.

(7) Dill is an 'umbelliferous, annual, yellow-flowered herb' (Concise Oxford Dictionary).

(8) Each patch is rendered a separate unit for Pe'ah, since the normal practice is not to have more than one plot of these in one field. Dill and mustard seed are subject to Pe'ah, though the general rule is to exempt vegetables (v. supra I, 4), since they are kept for seed.

(9) מחריק the act of removing at least three trees growing side by side. Another explanation is to divide the field's products into portions, some for storing and others for the market.

- (10) Different objects in view convert the onions, as it were, into two kinds. Supra II, 5.
- (11) Cf. Kel. III, 2.
- (12) מִדֵּל is explained as the act of removing one or two olive tree seeds to allow the others crowded together more 'breathing-space'. Those seeds removed to make room for the others are not subject to Pe'ah, since their removal cannot be regarded as the beginning of reaping.
- (13) יָד, 'place'. Maim. explains it to mean that he reserved special parts of the field respectively for storage purposes and for the market. The Bertinoro explains מִזֵּהָת יָד 'If he uprooted some of the onions for the same purpose for which he leaves the rest (i.e., either for storage or for sale)'.
- (14) Lit., 'the roots of onions'.
- (15) Onions left in the ground too long become unfit to eat and therefore not subject to Pe'ah.
- (16) Since this is not the usual practice, each plot must be regarded as a different unit, cf. supra II, 5.
- (17) Each from his own portion.
- (18) Since each has a right in the whole field, the number of owners makes no difference.
- (19) Of those trees mentioned in I, 5.
- (20) Stalks or tree-trunks from which Pe'ah is due. Cf. Kil. I, 8. Since he does not sell with the stalks the soil on which they grow, there is no connecting link to make them all of one 'kind'.
- (21) Also provided that the owner did not begin to reap the field prior to selling it, for in that case his would have been the duty of giving one Pe'ah for the whole (cf. II, 8).
- (22) R. Judah elucidates the opinion of the first authority quoted anonymously in the Mishnah, without in any way differing from him.
- (23) Approximately 10 1/2 X 10 cubits (Bert.).
- (24) Twelve kabs' space or forty-eight times the size required by R. Eleazar; R. Joshua stresses the produce rather than size of soil.
- (25) One handbreadth equals four fingerbreadths (circa. 9 1/3 centimetres). R. Tarfon measures by distance instead of by dry measure. His measure equals one cubit or six handbreadths.
- (26) A Tanna of the First Generation (c. 10-80 C.E.).
- (27) Lit., 'to cut and repeat'. Reapers usually cut a handful at a time, cf. Ps. CXXIX, 7. If there is sufficient for two cuttings, the law of Pe'ah is binding.
- (28) Ex. XXIII, 19. The word אֲדָמָתָךְ is there mentioned and refers to wheat and barley. The stipulation regarding first-fruits, that there should be sixteen cubits soil round the tree — the space required for its proper nurture, applies only to fruits of the tree (Bert.).
- (29) Explained as an abbreviation of GR.** (before the council). A declaration made in court by the creditor to the effect that the operation of the law of the Sabbatical year (Deut. XV, 2) shall not apply to the loan transacted. V. Sheb. x, 3 and Git. (Sonc. ed.) p. 148, n. 4. The 'Prozbul' could only be drawn up when the debtor possessed immovable property. Of this, even the smallest amount sufficed in regarding the debt as mortgaged in a Court of Law, the principle being that the law of defrauding does not apply to immovable property, v. Sheb. X, 6.
- (30) Lit., 'property that has no security'. Movable goods cannot be resorted to by the creditor in the case of non-payment.
- (31) Usucaption. The legally fixed period is three years and with it there must be a plea of purchase or any other mode of legal acquisition. v. B.B. 28a. Movable property is generally acquired by the purchaser 'drawing' it to himself (Meshikah, v. Glos.). But the tiniest piece of immovable property acquired by means of money, writ, or usucaption effects title to any movable property brought together along with it.
- (32) Lit., 'one that lies sick'.
- (33) Thus indicating that the assignment was not prompted by thoughts of death, with the result that he cannot retract from the gift on his recovery. Bertinoro calls attention to the fact that קֶרְקַע, (land, immovable property) mentioned in this and the following Mishnah, does not refer specifically to immovable property; for even the minimum amount of movable goods is included in this term. The word קֶרְקַע is used here since it is the sine qua non of Pe'ah, Bikkurim and Prozbul mentioned in the Mishnah preceding.
- (34) Had he not anticipated death, he would not have left himself penniless; his recovery. therefore, revokes the validity of his gift.
- (35) The implication is that she prefers to be regarded among the heirs of her husband rather than demand her rights under her marriage settlement, the kethubah (v. Glos.).

(36) She cannot afterwards retract and claim it.

(37) Since the slave is part of the master's possessions, he becomes owner of himself, too. A more correct reading, which not all versions have, is 'all his possessions'.

(38) Perhaps the slave is included in the part reserved for himself; if so, then the entire gift is nullified, since a slave has no legal right of possession. It is only when the master explicitly says: 'I give thee thyself and my property', that the slave becomes free, even if the owner still reserves aught for himself.

(39) Whether the master possessed naught else beside the slave and the portion reserved for himself, in which case the assignment of his possessions must refer to the slave; or whether he had other goods besides the portion reserved for himself, the slave becomes free. R. Simeon wishes to stress that the modification made in the assignment afterwards by no means invalidates the emancipation of the slave.

(40) Since this fraction is not specified, it may easily refer to the slave, though he be worth ever so much more.

Mishna - Mas. Pe'ah Chapter 4

MISHNAH 1. PE'AH IS GIVEN FROM [THE CROP] STILL DIRECTLY CONNECTED WITH THE SOIL,¹ BUT IN THE CASE OF HANGING VINE-BRANCHES² AND THE DATE-PALM, THE OWNER BRINGS DOWN [THE FRUIT] AND DISTRIBUTES IT AMONG THE POOR.³ R. SIMEON SAYS: THE SAME APPLIES TO SMOOTH NUT TREES.⁴ EVEN IF NINETY-NINE [OF THE POOR]⁵ URGE DISTRIBUTION [BY THE OWNER] AND ONE ONLY IS [IN FAVOUR] OF INDIVIDUAL SNATCHING, THIS LATTER IS LISTENED TO,⁶ SINCE HE SPOKE IN ACCORDANCE WITH THE HALACHAH.

MISHNAH 2. BUT IT IS OTHERWISE WITH HANGING VINE-BRANCHES AND PALM TREES;⁷ FOR EVEN IF NINETY-NINE URGE INDIVIDUAL SNATCHING AND ONE POOR MAN PRESSES FOR DISTRIBUTION,⁸ THE LATTER IS LISTENED TO, SINCE HE SPOKE ACCORDING TO THE HALACHAH.

MISHNAH 3. IF [A POOR MAN] TOOK SOME OF THE PE'AH [ALREADY COLLECTED] AND CAST IT OVER THE REMAINDER [NOT YET COLLECTED],⁹ HE THEREBY FORFEITS THE WHOLE.¹⁰ IF HE FELL DOWN UPON IT,¹¹ OR SPREAD HIS CLOAK OVER IT,¹² IT IS TAKEN AWAY FROM HIM.¹³ THE SAME APPLIES TO GLEANINGS,¹⁴ AND THE FORGOTTEN SHEAF.¹⁵

MISHNAH 4. [THE POOR] MAY NOT REAP PE'AH WITH SCYTHES OR TEAR IT UP WITH SPADES, SO THAT THEY MIGHT NOT STRIKE AT ONE ANOTHER [WITH THESE IMPLEMENTS].¹⁶

MISHNAH 5. THRICE A DAY [THE POOR] MAKE A SEARCH:¹⁷ MORNING,¹⁸ NOON,¹⁹ AND SUNSET.²⁰ RABBAN GAMALIEL SAYS, THESE [TIMES] WERE SET LEST THE POOR SEARCH LESS OFTEN.²¹ ACCORDING TO R. AKIBA: THESE WERE SET LEST [THEY SEARCH] MORE OFTEN.²² [THE MEN] OF BETH NAIM²³ USED TO REAP [THEIR CROPS] WITH THE AID OF A ROPE,²⁴ AND LEFT PE'AH AT THE END OF EACH FURROW.

MISHNAH 6. IF A GENTILE REAPED HIS FIELD AND BECAME AFTERWARDS A PROSELYTE, HE IS EXEMPT FROM [LEAVING] GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH.²⁵ R. JUDAH DECLARES HIM LIABLE TO LEAVE THE FORGOTTEN SHEAF SINCE THAT BECOMES DUE AT THE TIME OF THE SHEAF-BINDING.²⁶

MISHNAH 7. IF A MAN DEDICATED STANDING CORN [TO THE TEMPLE]. AND REDEEMED IT WHILE IT WAS YET STANDING CORN, HE IS LIABLE [TO GIVE THE POOR MAN'S GIFTS].²⁷ [IF HE DEDICATED] SHEAVES AND REDEEMED THEM WHILST THEY WERE YET SHEAVES, HE IS ALSO LIABLE [TO RENDER THE GIFTS].²⁸ [IF HE

DEDICATED] STANDING CORN AND REDEEMED IT [WHEN IT WAS ALREADY IN] SHEAVES, HE IS EXEMPT,²⁹ SINCE AT THE TIME WHEN IT BECAME LIABLE [AS STANDING CORN]. IT WAS EXEMPT [BY BEING DEDICATED].

MISHNAH 8. SIMILARLY IF ONE DEDICATED HIS HARVESTED PRODUCTS PRIOR TO THE STAGE WHEN THEY ARE SUBJECT TO TITHES³⁰ AND REDEEMED THEM AFTERWARDS, THEY ARE LIABLE³¹ [TO THE GIFTS]. IF [HE DEDICATED THEM] WHEN THEY HAD ALREADY BECOME SUBJECT TO TITHES AND REDEEMED THEM, THEY ARE ALSO LIABLE [TO THE GIFTS].³² IF HE DEDICATED THEM BEFORE THEY HAD RIPENED, AND THEY BECAME RIPE WHILE IN THE POSSESSION OF THE [TEMPLE] TREASURER, AND HE AFTERWARDS REDEEMED THEM, THEY ARE EXEMPT, SINCE AT THE TIME WHEN THEY WOULD HAVE BEEN LIABLE, THEY WERE EXEMPT.³³

MISHNAH 9. IF ONE COLLECTED PE'AH AND SAID: THIS IS FOR SUCH-AND-SUCH A POOR MAN',³⁴ THEN R. ELIEZER SAYS HE HAS THUS ACQUIRED IT FOR HIM.³⁵ THE SAGES SAY: HE MUST GIVE IT TO THE POOR MAN HE FIRST COMES ACROSS.³⁶ GLEANINGS, THE FORGOTTEN SHEAF AND THE PE'AH OF GENTILES ARE SUBJECT TO TITHES,³⁷ UNLESS HE [THE GENTILE] HAD DECLARED THEM OWNERLESS.³⁸

MISHNAH 10. WHAT CONSTITUTES GLEANINGS?³⁹ THAT WHICH FALLS DOWN DURING THE REAPING. IF WHILE HE WAS REAPING, HE GRASPED A HANDFUL OR PLUCKED A FISTFUL, AND THEN A THORN PRICKED HIM, AND WHAT HE HAD IN HIS HAND FELL TO THE GROUND, IT STILL BELONGS TO THE OWNER.⁴⁰ [THAT WHICH DROPS FROM] INSIDE THE HAND OR THE SICKLE [BELONGS] TO THE POOR,⁴¹ BUT [THAT WHICH FALLS FROM] THE BACK OF THE HAND OR THE SICKLE [BELONGS] TO THE OWNER.⁴² [ANYTHING FALLING OUT OF] THE TOP OF THE HAND OR SICKLE,⁴³ R. ISHMAEL SAYS, BELONGS TO THE POOR;⁴⁴ BUT R. AKIBA SAYS, IT BELONGS TO THE OWNER.⁴⁵

MISHNAH 11. [GRAIN FOUND IN] ANT-HOLES⁴⁶ WHILE THE CORN IS STILL STANDING⁴⁷ BELONGS TO THE OWNER;⁴⁸ AFTER THE REAPERS [HAD PASSED OVER THEM]⁴⁹ THOSE [FOUND LYING] UPPERMOST⁵⁰ [IN THE ANT-HOLES BELONG] TO THE POOR, BUT [THOSE FOUND] BENEATH⁵¹ [BELONG] TO THE OWNER. R. MEIR SAYS: EVERYTHING BELONGS TO THE POOR;⁵² FOR GLEANINGS ABOUT WHICH THERE IS ANY DOUBT ARE REGARDED AS GLEANINGS.

(1) The Law: 'Thou shalt leave it to the poor and the stranger' (Lev. XIX, 10) implies that the Pe'ah must be left to the poor to seize for themselves while it is still joined to the ground.

(2) Branches of the vine twined to an espalier.

(3) Every caution must be taken to obviate any risk to the poor during their gathering. 'Distribution' is stressed, because the owner is precluded from giving the Pe'ah to a poor relative or to the first poor man who chances to pass by the field.

(4) Smooth nut trees, being free from joints or protuberances are all the more difficult to climb.

(5) This refers to the first clause of the Mishnah.

(6) Though his claim might be weakened by the fact that he is stronger or more voracious than the other poor and likely to obtain more of the Pe'ah.

(7) In whose case the Pe'ah is given after the fruit has been plucked by the owner, as stated' in the preceding Mishnah.

(8) Though he may be weakest of the poor and his claim construed as due to the fear lest he receive little Pe'ah, his view must be upheld.

(9) Under the impression that he has in this wise gained possession of the rest; though legally, this act by no means effects a title, v. B.M. 10b.

(10) Even the Pe'ah he had gathered; this is a punishment for his greed.

(11) The law which enables a man to claim possession of things found within his four cubits, applies only to alleys

adjoining open places or short cuts to public roads; not to fields owned by others. Moreover, by falling across the Pe'ah, his intention seems to have been to acquire possession by the act of falling and not by the law of **אמות ד** (B.M. 10aff.).

(12) Either as an assertion of possession or to hide the Pe'ah from the view of the other poor.

(13) From our text it would seem, that with the exception of the first instance, only the Pe'ah over which he fell or spread his cloak is taken away from him, but that he is allowed to retain that gathered in the ordinary way. According to Maim., however, it would seem that in all cases is the fine imposed on him by taking away even the Pe'ah he had already gathered. (So Tosaf. Y.T.).

(14) V. infra 10.

(15) V. infra V, 8.

(16) So great might the throng of poor be, that in their eagerness to gather they might accidentally strike one another with their sickles and spades; or some quarrels might easily break out between them and these implements be improvised as weapons.

(17) **אֲבֵעִינָה**, 'searchings'. Another rendering is 'appearings'. The translation, accordingly, would be: 'Thrice a day does the owner appear in his 'field to attract the poor to come'. The word has also been connected with **הַמְבֵּעָה** (B.K.I., 1) and the following translation effected: 'Thrice daily is the crop of Pe'ah removed from the field'. Cf. T.f. IV, 3.

(18) To enable poor nursing mothers to come, whilst the children are still asleep.

(19) So that young children, awake by now, assist their poor parents in the search.

(20) To enable the old and the infirm, whose pace is of necessity slow, to obtain their share before the day passes.

(21) In order to afford an equal opportunity for all poor to come.

(22) Probably so as not to take up the time of the owner unduly.

(23) Either the town mentioned in Num. XXXII, 3, or the name of a family. It has been identified by some with the modern Nimrin in Transjordan. Others explain it as a field cultivated in irregular strips and patches (cf. supra III, 2).

(24) A rope was tied around the standing corn in a straight line and the reaping went on till the end of the measuring line. This generous practice is here held up for commendation for it enabled the poor to gather at the end of each furrow, instead of waiting patiently for the very end of the reaping. Other explanations have also been offered. The people of Beth Namer used to divide the field into three portions with a rope, a portion being reaped at each of the three searches, (v. n. 1 supra); the idea being that the three kinds of poor for whom provision was made do not encroach upon one another. Var lec.: **יָמִים**, 'they made the poor to gather'.

(25) The phrase 'and when ye reap' (Lev. XXIII, 22) in reference to Gleanings and Pe'ah rules out non-Jews. In speaking of the Forgotten Sheaf, the word is also 'thy reaping' (Deut. XXIV, 19); hence a proselyte is exempt from giving the 'poor man's gifts' if the reaping took place before his conversion.

(26) When he has already become a Jew, upon whom all obligations are due.

(27) The law being binding as long as the corn is rooted in the soil, regardless of the change of ownership that took place in the interval.

(28) Even the Forgotten Sheaf (supra IV, 6); for Gleanings and Pe'ah automatically become due with the first reaping.

(29) The same word 'thy reaping' (Deut. XXIV, 19) that excludes non-Jews also excludes all Temple property from gifts to the poor and tithes. R. Judah would no doubt disagree with the Sages here, too, as he does in the case of the non-Jew who becomes a proselyte after the reaping.

(30) At the time when they were finally stacked (supra I, 6). Had they been finally stacked by the Treasurer they would be exempt from tithes. (V. Ma'as I, 2 for the times when the various fruits became subject to tithes). By 'Tithes' is understood the Heave-offering, the First (or Levitic) Tithe and the Second Tithe, and the Poor Man's Tithe in the third and sixth years of the seven years' cycle.

(31) Since they ripen in his possession.

(32) One cannot dedicate the property of another, and the tithes were already virtually the property of the poor prior to the dedication.

(33) Temple property was exempt from tithes and gifts and by becoming ripe when still in the possession of the Temple, the law does not apply to them at all.

(34) A man not poor himself, i.e., a man possessing more than two hundred zuz, who wishes to acquire the Pe'ah for a poor friend.

(35) Because he could easily have declared all his possession 'ownerless' and thus rendered himself qualified to get the

Pe'ah for himself; and consequently he can acquire it for another.

(36) The Sages do not admit the argument advanced by R. Eliezer (v. B.M. 9b). But if the poor man for whom he had collected passes by first, it is given to him.

(37) The law of tithes does not apply to the gifts of the poor; but since a non-Jew is exempt from tithes, the gifts of the poor obtained from his field are not treated as such and any Jew who acquires them must set aside tithes.

(38) Ownerless property is exempt from dues.

(39) Lev. XIX, 9.

(40) That which drops accidentally out of his hand is not subject to 'Gleanings'. The Bible stresses 'the gleaning of thy reaping' (Lev. XXIII, 22), thus precluding any accidental falling, such as the pricking of a thorn.

(41) After being within the hand, its falling out is not considered as accidental.

(42) This is evidently a pure accident.

(43) His fist is full to capacity and the grains that fall are those between his fingers.

(44) R. Ishmael regards the tops of his fingers as part of the hand (v. supra n. 6).

(45) R. Akiba regards the tops of the fingers as the back of the hand, hence the falling is accidental.

(46) Ants usually bring the grain into their holes.

(47) prior to the reaping

(48) While the corn is yet uncut, the poor have no claim.

(49) The ants had probably gathered the grains from the gleanings.

(50) I.e., grain still fresh and whitish in appearance (Bert.).

(51) The grain showing signs of staleness in appearance — an even better proof that the grains had been stored in these ant-holes for some considerable time before the reaping.

(52) Even the grain found below, for some rotten grains are found even among corn freshly cut. What assurance is there that these have not been brought even after the reaping had commenced or finished?

Mishna - Mas. Pe'ah Chapter 5

MISHNAH 1. IF A HEAP OF CORN WAS PLACED [ON PART OF A FIELD] FROM WHICH GLEANINGS HAD NOT YET BEEN COLLECTED,¹ WHATEVER TOUCHES THE GROUND BELONGS TO THE POOR.² IF THE WIND SCATTERED THE SHEAVES,³ ONE ESTIMATES THE AMOUNT OF GLEANINGS THE FIELD WOULD HAVE YIELDED AND GIVES THAT TO THE POOR.⁴ R. SIMEON B. GAMALIEL SAYS: ONE MUST GIVE TO THE POOR THE USUAL AMOUNT THAT FALLS [AT THE TIME OF REAPING].⁵

MISHNAH 2. IF THE TOP OF A SINGLE EAR OF CORN [THAT ESCAPED THE SICKLE] AFTER THE REAPING⁶ TOUCHES THE STANDING CORN, IF IT CAN BE CUT WITH THE STANDING CORN, IT BELONGS TO THE OWNER;⁷ BUT IF NOT, IT IS THE PROPERTY OF THE POOR. IF AN EAR OF CORN OF GLEANINGS BECAME MIXED UP WITH THE STACKED CORN, [THE OWNER] MUST TITHE ONE EAR OF CORN AND GIVE THAT TO HIM [THE POOR].⁸ R. ELIEZER SAID: HOW CAN THIS POOR MAN GIVE IN EXCHANGE SOMETHING THAT HAD NOT YET BECOME HIS?⁹ NO; [THE OWNER] MUST TRANSFER TO THE POOR MAN THE OWNERSHIP OF THE WHOLE STACK¹⁰ AND THEN TITHE AN EAR OF CORN AND GIVE IT TO HIM.¹¹

MISHNAH 3. ONE SHOULD NOT [IN SOWING] MIX INFERIOR SEEDS [WITH THE REST OF THE GRAIN].¹² THUS R. MEIR. THE SAGES PERMIT IT, BECAUSE IT IS STILL POSSIBLE [FOR THE POOR TO GET THEIR PROPER DUE].¹³

MISHNAH 4. IF A MAN OF PROPERTY¹⁴ WAS TRAVELLING ABOUT FROM PLACE TO PLACE AND HAPPENED TO BE IN NEED OF TAKING GLEANINGS, THE FORGOTTEN SHEAF, PE'AH OR THE POOR MAN'S TITHE,¹⁵ HE MAY TAKE THEM; AND ON HIS RETURN HOME, HE MUST PAY [FOR THE AMOUNT GATHERED]. SO R. ELIEZER. THE SAGES, HOWEVER, SAY: HE WAS A POOR MAN AT THAT TIME [AND SO HE NEED

MAKE NO RESTITUTION].

MISHNAH 5. HE THAT MAKES AN EXCHANGE WITH THE POOR,¹⁶ [WHAT THEY GIVE IN EXCHANGE] FOR HIS IS EXEMPT [FROM TITHES].¹⁷ BUT WHAT [HE GIVES IN EXCHANGE] FOR THAT OF THE POOR IS SUBJECT [TO TITHES].¹⁸ TWO¹⁹ WHO LEASE A FIELD ON A TENANCY²⁰ MUST GIVE, EACH TO THE OTHER, HIS DUE OF THE POOR MAN'S TITHE.²¹ ONE²² WHO UNDERTAKES TO REAP A FIELD MUST NOT TAKE GLEANINGS, THE FORGOTTEN SHEAF, PE' AH OR THE POOR MAN'S TITHE.²³ R. JUDAH SAID: WHEN IS THIS SO? WHEN HE RENTS FROM THE OWNER ON THE TERMS OF [PAYING] A HALF, THIRD OR QUARTER²⁴ [OF THE CROP]; BUT [IF THE OWNER] HAD STIPULATED WITH HIM THAT: 'A THIRD OF WHAT THOU REAPEST IS THINE',²⁵ THEN HE IS PERMITTED TO TAKE GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH, BUT NOT THE POOR MAN'S TITHE.²⁶

MISHNAH 6. IF ONE SELLS A FIELD THE VENDOR IS PERMITTED²⁷ [TO GATHER THE DUES OF THE POOR]. BUT NOT THE PURCHASER. A MAN MAY NOT HIRE A LABOURER ON THE CONDITION THAT THE SON [OF THE LABOURER] SHOULD GATHER THE GLEANINGS AFTER HIM.²⁸ ONE WHO PREVENTS THE POOR TO GATHER, OR ALLOWS ONE BUT NOT ANOTHER, OR HELPS ONE OF THEM [TO GATHER]. IS DEEMED TO BE A ROBBER OF THE POOR. CONCERNING SUCH A ONE HATH IT BEEN SAID: REMOVE NOT THE LANDMARK OF THOSE THAT COME UP.²⁹

MISHNAH 7. A SHEAF WHICH THE LABOURERS HAD FORGOTTEN BUT NOT THE LANDLORD, OR WHICH THE LANDLORD FORGOT BUT NOT THE LABOURERS;³⁰ OR A SHEAF IN FRONT OF WHICH THE POOR STOOD, OR COVERED UP WITH STUBBLE, IS NOT TO BE REGARDED AS A FORGOTTEN SHEAF.

MISHNAH 8. IF ONE BINDS SHEAVES TO COVER THE TOP OF THE HEAF³¹ OR TO PLACE AT THE BOTTOM OF THE STACK,³² OR FOR A TEMPORARY PILE,³³ OR INTO [SMALL BUNDLES OF] SHEAVES,³⁴ HE IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF;³⁵ IF THEY ARE AFTERWARDS TAKEN THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES APPLY. IF ONE PILES UP THE SHEAVES FOR THE STACK,³⁶ HE IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; IF HE AFTERWARDS REMOVES THEM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY.³⁷ THIS IS THE GENERAL PRINCIPLE: WHOEVER PILES UP THE SHEAVES AT THE PLACE WHICH MARKS THE END OF THE WORK [WHERE THEY ARE GOING TO BE THRESHED]. IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY. HE, HOWEVER, WHO PILES UP THE SHEAVES AT A PLACE WHICH IS NOT TO MARK THE END OF THE WORK, IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF APPLIES.

(1) A fine is imposed lest his intention was to hide the 'Gleanings' due to the poor.

(2) Even if he heaps up wheat upon 'Gleanings' of barley, the wheat which touches the ground also belongs to the poor.

(3) With the result that the sheaves of the owner got confused with those of 'Gleanings' belonging to the poor.

(4) In accordance with R. Meir's principle, *infra* v, 3.

(5) So Bertinoro and Tiferes Yisrael; roughly, the prescribed fortyfifth part. Maim., however, in E.M. IX, 5 explains as the amount of seed required for the field.

(6) Cf. 'Ed.' II. 4.

(7) If it is so near that it can be cut together with the standing corn in one fistful, the standing corn saves it from being

regarded as 'Gleanings' since the words 'thou shalt not go back to fetch it' (Deut. XXIV, 19) do not apply to it.

(8) Upon each ear of corn there is the doubt whether it is 'Gleanings' and so exempt from all tithes, or whether it belongs to the owner and is subject to tithes. To solve this doubt, the owner must take another 'ear of corn' and give that to the poor, for the poor must be given that which is free from dues. Tithes, unlike Pe'ah (which falls due with the reaping), become liable with the final stacking. (V. supra I. 6). The 'tithing' here referred to is thus performed: Two ears of corn are brought from the stack which contains the 'ear' that became mixed up. The owner then says over one of the 'ears': 'Should this one be the "Gleanings", well and good; but if not, then let the tithe due from it be fixed in the other ear and the first be given to the poor'.

(9) R. Eliezer is surprised at the view of the Sages seeing that they maintained (supra IV, 9) that the owner has no proprietary right to transfer gifts to any particular poor. How can they now allow the owner to exchange, in the name of a poor man, an ear of corn which had so far not become his? (It will be remembered that R. Eliezer in IV, 9 was of the opinion that a man could transfer ownership of Pe'ah to another).

(10) Holding the view that a gift given on condition of returning it later is valid. This makes the exchange possible here.

(11) The Sages, without agreeing with R. Eliezer, would reply that in this case the ear of corn was regarded as the poor man's property, in order to make the exchange possible.

(12) So Bert. and Maim. who take טופח to be an inferior type of barley seed or beans; for this mixing would be to the detriment of the poor (for the 'Gleanings' might fall from the inferior grain). Aliter: One should not irrigate the field (before Gleanings have been taken) with a pitcher (טיפה) of water (an irrigation); since this would make it all the more difficult for the poor to glean.

(13) Is it not equally possible for the 'Gleanings' to fall from the superior kinds of grain? According to the second explanation: 'Is it not possible for the owner of the field to compensate the poor for their loss?'

(14) Lit., 'a householder'; one who possesses more than two hundred zuz is disqualified from receiving these poor man's dues (v. infra VIII, 8).

(15) In the third and sixth years of the Sabbatical cycle, the Second Tithe was given to the poor (Deut. XIV. 29).

(16) Giving them some other produce in exchange for the 'Gleanings'.

(17) All the dues of the poor are exempt from tithes.

(18) The produce of the owner must be tithed prior to the exchange.

(19) Poor men,

(20) An אריס is a labourer who accepts as his payment a stipulated portion of the field's harvest, The labourer thus becomes virtually the owner of the field and, though poor otherwise, is disqualified from taking the dues.

(21) In Lev. XIX, 10 the words לא תלקט לעני are taken to refer as a warning to the poor not to gather their own 'Gleanings'. From this verse is also derived the law that one cannot gather 'dues' for another poor man (v. Git. 12a). Hence here, each one being the owner of his part of the field, can only accept the tithe due to the other (cf. Hul. 131b).

(22) A poor man.

(23) He is no longer regarded as poor.

(24) The produce then becomes the property of the labourer already before the reaping, when still attached to the soil.

(25) Since in this case, the poor man has only a share in the corn after its reaping, the duty falls upon the owner. Even from the Forgotten Sheaf is the poor man exempt, although its law comes into force at the time of the stacking of the sheaves (after reaping), since the word 'thy reaping' cannot here be applied; for it becomes the poor man's only after it had been cut.

(26) Since the tithe becomes due after the reaping (I, 6) when the poor man is already owner of his share in the produce.

(27) If compelled by poverty to do so. This only applies if he sold the field together with the standing corn thereon. For should he dispose of the latter and reserve the field for himself, both the vendor and buyer would be debarred; the former because 'thy field' (Lev. XIX, 9) still applies to him, and the latter because of the application in his case of 'thy reaping' (ibid.).

(28) On account of this concession, the labourer reduces his fees and the employer is thus found settling part of his debts with money due to the poor.

(29) Prov. XXII, 28; the word עולם 'of old' is read by the Mishnah as עולים 'those who go up', a euphemistic name for the poor, who 'have come down in the world' (יורדים); cf. infra VII, 3. Bert. also gives the following rendering: 'Do not change the warnings (fences round the law) that were given to those who went up from Egypt'.

(30) The principle is that before being regarded as (Forgotten Sheaf), it must have been forgotten by both.

(31) In the shape of a hat. Or perhaps the hat improvised from a few sheaves and worn by the labourers as a protection

from the sun (Bert.).

(32) As a foundation for the pile above. Others explain the reference to the holes dug in the field in which the sheaves were stacked temporarily.

(33) Often used with which to bake an improvised cake (חררה) or two on live coals. Bert. appends this illuminating note: 'Some cut corn and heap it up into one place, afterwards carrying it to the threshing-floor. The names in the Mishnah are those given to the shapes of the piles prior to their removal to the threshing-floor. Accordingly, this temporary stacking does not constitute the end of the process'. In view of this explanation, חררה is a cake-shaped temporary pile.

(34) To be arranged afterwards into bigger piles, from which the threshing will be done.

(35) Those sheaves dropped during the process of carrying from place to place; for just as the law of Pe'ah in Deut. XXIV, 19 refers to the end of reaping, so the law of the Forgotten Sheaf applies only to the very end of the process of threshing.

(36) On the understanding that they are going to be threshed there.

(37) This change of mind shows that the process was not to be finished there and hence it does not conform to the general principle enunciated at the end of our Mishnah.

Mishna - Mas. Pe'ah Chapter 6

MISHNAH 1. BETH SHAMMAI SAY THAT RENUNCIATION OF OWNERSHIP¹ [OF THE CROP] IN FAVOUR OF THE POOR IS VALID; BUT BETH HILLEL SAY THAT IT IS NOT 'OWNERLESS'² UNLESS THE RENUNCIATION IS ALSO MADE IN FAVOUR OF THE RICH, AS IN THE CASE OF THE YEAR OF RELEASE.³ IF ALL THE SHEAVES IN A FIELD ARE A KAB⁴ EACH IN QUANTITY, WHEREAS ONE COMPRISES FOUR KABBS AND THAT ONE IS FORGOTTEN, BETH SHAMMAI SAY IT IS NOT DEEMED 'FORGOTTEN';⁵ BUT BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.⁶

MISHNAH 2. IF A SHEAF IS LEFT NEAR A STONE FENCE⁷ OR NEAR A STACK [OF CORN]. OR NEAR OXEN AND [FIELD] IMPLEMENTS,⁸ BETH SHAMMAI SAY IT IS NOT DEEMED 'FORGOTTEN';⁹ BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.

MISHNAH 3. [WHETHER OR NOT ANY SHEAF] AT THE END OF THE ROW IS TO BE REGARDED AS FORGOTTEN', THE SHEAF LYING OVER AGAINST IT SERVES AS AN INDICATION.¹⁰ IF [THE OWNER] TOOK UP A SHEAF WITH THE INTENTION OF BRINGING IT TO THE CITY AND FORGOT IT, ALL AGREE¹¹ THAT IT IS NOT DEEMED A 'FORGOTTEN SHEAF'.

MISHNAH 4. THESE ARE TO BE CONSIDERED ENDS OF THE ROWS:¹² IF TWO MEN BEGIN [TO GATHER] FROM THE MIDDLE OF THE ROW, ONE FACING NORTHWARDS AND THE OTHER SOUTHWARDS¹³ AND THEY FORGET [SOME SHEAVES] EITHER IN FRONT OF THEM OR BEHIND THEM,¹⁴ THEN THOSE LEFT IN FRONT OF THEM ARE TO BE DEEMED 'FORGOTTEN',¹⁵ BUT THOSE LEFT BEHIND THEM ARE NOT DEEMED 'FORGOTTEN'.¹⁶ IF¹⁷ AN INDIVIDUAL BEGINS FROM THE END OF THE ROW AND HE FORGETS [SOME SHEAVES] EITHER IN FRONT OF HIM OR BEHIND HIM, THOSE IN FRONT OF HIM ARE NOT TO BE DEEMED 'FORGOTTEN',¹⁸ WHEREAS THOSE BEHIND HIM ARE DEEMED 'FORGOTTEN'; FOR THIS COMES UNDER THE CATEGORY OF 'THOU SHALT NOT GO BACK [TO FETCH IT].¹⁹ THIS IS THE GENERAL RULE: ANYTHING THAT CAN BE SAID TO FALL UNDER THE LAW 'THOU SHALT NOT GO BACK' IS DEEMED 'FORGOTTEN'; BUT THAT TO WHICH THE PRINCIPLE OF THOU SHALT NOT GO BACK' CANNOT BE APPLIED IS NOT DEEMED 'FORGOTTEN'.²⁰

MISHNAH 5. TWO SHEAVES [LEFT LYING TOGETHER] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED FORGOTTEN'.²¹ TWO BUNDLES²² OF OLIVES OR

CAROBS [LEFT LYING] ARE DEEMED 'FORGOTTEN'. BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO FLAX-STALKS²³ ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO BERRIES ARE DEEMED 'GRAPE GLEANINGS',²⁴ BUT THREE ARE NOT DEEMED 'GRAPE GLEANINGS'. TWO EARS OF CORN ARE DEEMED 'GLEANINGS',²⁵ BUT THREE ARE NOT DEEMED GLEANINGS'. ALL THESE [RULINGS] ARE ACCORDING TO BETH HILLEL;²⁶ OF THEM ALL BETH SHAMMAI SAY THAT THREE [THAT ARE LEFT] BELONG TO THE POOR, AND FOUR BELONG TO THE OWNER.²⁷

MISHNAH 6. IF A SHEAF OF TWO SE'AHS²⁸ WAS FORGOTTEN IT IS NOT DEEMED 'FORGOTTEN'.²⁹ IF TWO SHEAVES [BE FOUND] THAT TOGETHER COMPRISE TWO SE'AHS, RABBAN GAMALIEL SAYS THEY BELONG TO THE OWNER, BUT THE SAGES SAY THAT THEY BELONG TO THE POOR.³⁰ THEREUPON RABBAN GAMALIEL SAID: 'ARE THE RIGHTS OF THE OWNER STRENGTHENED OR WEAKENED ACCORDING TO THE GREATER NUMBER OF THE SHEAVES?' [TO WHICH] THEY REPLIED, 'HIS RIGHTS ARE STRENGTHENED'.³¹ THEN SAID HE UNTO THEM: 'IF, THEREFORE, ONE SHEAF OF TWO SE'AHS IS NOT DEEMED "FORGOTTEN", THEN HOW MUCH MORE SHOULD BE THE CASE OF TWO SHEAVES THAT TOGETHER CONTAIN TWO SE'AHS?' THEREUPON THEY REPLIED: 'NO. IF YOU ARGUE IN THE CASE OF ONE SHEAF [TO WHICH WE AGREED]. BECAUSE IT IS LARGE ENOUGH TO BE CONSIDERED A STACK, ARE YOU GOING TO ARGUE LIKEWISE IN THE CASE OF TWO SHEAVES WHICH ARE AS SMALL BUNDLES?'

MISHNAH 7. IF STANDING CORN³² THAT CONTAINS TWO SE'AHS WAS FORGOTTEN, IT IS NOT DEEMED 'FORGOTTEN.' IF IT DOES NOT CONTAIN TWO SE'AHS NOW, BUT WAS FIT TO YIELD TWO SE'AHS,³³ EVEN IF IT WAS OF AN INFERIOR KIND OF BARLEY.³⁴ IT IS REGARDED AS A YIELD³⁵ OF BARLEY.

MISHNAH 8. STANDING CORN³⁶ CAN SAVE A SHEAF AND OTHER STANDING CORN³⁷ [FROM BEING REGARDED AS 'FORGOTTEN'].³⁸ THE SHEAF,³⁹ HOWEVER, CANNOT SAVE EITHER ANOTHER SHEAF OR STANDING CORN.⁴⁰ WHAT STANDING CORN CAN SAVE THE SHEAF?⁴¹ THAT WHICH HAS NOT BEEN FORGOTTEN, EVEN THOUGH IT IS A SINGLE STALK.⁴²

MISHNAH 9. A SE'AH OF PLUCKED CORN AND A SE'AH OF UNPLUCKED CORN⁴³ (AND THE SAME APPLIES TO FRUIT TREES,⁴⁴ GARLIC AND ONIONS)⁴⁵ CANNOT BE COMBINED TOGETHER FOR THE PURPOSE OF COUNTING THEM AS TWO SE'AHS.⁴⁶ BUT THEY MUST BE LEFT TO THE POOR. R. JOSE SAYS: IF ANYTHING THAT BELONGS TO THE POOR⁴⁷ INTERVENES, THE TWO CANNOT BE COMBINED TOGETHER;⁴⁸ , OTHERWISE, THEY MAY BE SO COMBINED.

MISHNAH 10. CORN USED FOR FODDER⁴⁹ OR [GRAIN-STALKS] USED FOR BINDING A SHEAF, (THE SAME APPLIES TO GARLIC-STALKS⁵⁰ USED FOR TYING OTHER BUNCHES, OR TIED BUNCHES⁵¹ OF GARLIC AND ONIONS)⁵² DO NOT COME UNDER THE LAW OF THE 'FORGOTTEN SHEAF'.⁵³ ANYTHING STORED IN THE GROUND LIKE THE ARUM⁵⁴ AND GARLIC AND ONIONS, R. JUDAH SAYS, THEY DO NOT COME UNDER THE CATEGORY OF THE 'FORGOTTEN SHEAF',⁵⁵ BUT THE SAGES SAY, THE LAW OF THE 'FORGOTTEN SHEAF' APPLIES TO THEM.⁵⁶

MISHNAH 11. ONE WHO REAPS BY NIGHT AND BINDS SHEAVES [BY NIGHT] OR ONE WHO IS BLIND⁵⁷ IS SUBJECT TO THE LAW OF THE 'FORGOTTEN SHEAF'. IF HE INTENDS TO REMOVE ONLY THE LARGE LEAVES,⁵⁸ THEN THE LAW DOES NOT

APPLY.⁵⁹ IF HE SAYS: BEHOLD, I AM REAPING ON THE CONDITION THAT I TAKE AFTERWARDS THAT WHICH I HAVE FORGOTTEN', THE LAW OF THE 'FORGOTTEN SHEAF' STILL APPLIES TO HIM.⁶⁰

(1) Heb. Hefker (v. Glos.). The word **הפקר** in our Mishnah is the Palestinian dialect for **הפקר**. Cf. 'Ed. IV, 3. Deemed as ownerless, the standing crop is exempt from all tithes as is the case with all the other gifts to the poor discussed in this Tractate. The Shammaites find support for their view in Lev. XIX, 10 (v. Bert.).

(2) And, therefore, not exempt from tithes.

(3) Deut. XV, 1-6 describes the Sabbatical year in which the soil was to rest and in which all debts were cancelled. Beth Hillel argue that no hefker can be exempt from tithes unless it be declared the property of rich and poor alike, as is the case with the products of the Sabbatical year which all could enjoy.

(4) The kab was four logs == 24 eggs in size, and equal to a sixth of a se'ah.

(5) Since it comprises four kabs, it is to be regarded as a sheaf from which a row of four smaller sheaves could be made; and according to Beth Shammai (infra Mishnah 5) only three sheaves belonged to the poor, but not four. A similar provision would apply to a field in which all the sheaves were two kabs each in size and the Forgotten Sheaf of 8 kabs.

(6) Beth Hillel refuse to regard the large sheaf as so many potential smaller ones and regard it only as one sheaf that is left.

(7) Or a heap of stones piled one on top of another loosely (Bert.).

(8) Including the outfit of the oxen.

(9) The very fact that the sheaf had been left near these objects is an indication that the owner had but temporarily deposited it there.

(10) If a sheaf is left at the end of the row, then the other sheaf over against it at the end of the second row indicates whether it is to be deemed 'Forgotten'. A fuller explanation of what is implied by 'the ends of a row' is given in the Mishnah following.

(11) Even Beth Hillel. V. supra VI, 2.

(12) The reference is to many rows equally arranged; for example, ten rows of ten sheaves each, all arranged side by side.

(13) I.e., they stand back to back and face the two opposite ends of the fields. Each would thus recede further away from each other as they proceed.

(14) In the course of their gathering a sheaf or two came to be overlooked.

(15) Because Deut. XXIV, 19 can be applied to it.

(16) Since the sheaf is behind both of them, each relies on the other to pick it up.

(17) An illustration of the statement in the preceding Mishnah that the sheaf lying over against the ends of the row serves as an indication whether a sheaf is to be regarded as 'Forgotten' or not (Bert.).

(18) His intention may have been to include it in the new row about to be formed from east to 'west (Bert.).

(19) Deut. XXIV, 19.

(20) For other interpretations of this difficult Mishnah v. Tosaf. Y.T.

(21) The underlying principle seems to be, according to Beth Hillel, that whereas two can be deemed 'Forgotten', the number three suggests that these had been deposited there temporarily. Three is a number too large to be overlooked.

(22) 'Bundles' of olives, not single ones; for there must be a completion of the process of gathering (**גמר מלאכה**) before the law of the 'Forgotten Sheaf' is applied.

(23) These stalks must still be in the hard state, prior to being prepared for spinning and also fit for human food; otherwise the law of the 'Forgotten Sheaf' does not apply to them.

(24) V. Lev. XIX, 10.

(25) V. Ibid. XIX, 9.

(26) They find support for their contention in the words 'for the poor and the stranger', Ibid. XIX, 10, one for each; hence two in all.

(27) They cite Deut. XXIV, 19 instead of Lev. XIX, 10, and cite the words 'the stranger, the orphan and the widow' as proof that even three are to be regarded as the property of the poor.

(28) Twelve kabs are more than a man could carry. and the law regarding the 'Forgotten Sheaf' seems to stress the word to take it (Deut. XXIV, 19) that is, a sheaf which a man can easily carry.

(29) Since in size and weight it is almost as a stack, it cannot come under the law of the 'Forgotten Sheaf', which refers

- only to the single sheaf. V. supra the argument of the Sages.
- (30) Both their views are clarified in the course of their discussion.
- (31) Because the law refers only to a single sheaf that is left.
- (32) The same law equally operates upon the standing corn as upon the sheaf.
- (33) I.e., in a more fruitful year.
- (34) 'An aquatic plant like the Colocasia' (fast.). Maim. defines it as 'a seed similar to barley'. cf. Kil. I, 1.
- (35) I.e., though the ears of corn have been blasted and do not contain two se'ahs, they are treated as if they were full (Bert.).
- (36) That has clearly not been overlooked.
- (37) Which seems to have been overlooked and that stands near to the corn that has not been so overlooked.
- (38) For when he will return to cut the corn, he will bethink himself of the sheaf and the other corn unintentionally left. According to Bert. this is based on Deut. XXIV, 19.
- (39) Which has obviously not been forgotten.
- (40) Which have been forgotten and which lie in its proximity.
- (41) Or the forgotten standing corn near it.
- (42) Aliter: 'Even a single ear of corn left forgotten in the whole corn, can save'.
- (43) Both had evidently been left forgotten; for had he forgotten only the plucked corn and not the other, the first would have saved the other from coming under the category of the 'Forgotten Sheaf'. V. preceding Mishnah.
- (44) Plucked and unplucked fruit that only together combine to make two se'ahs that have been forgotten. Had all the fruit been plucked, they would have belonged to the owner, according to Rabban Gamaliel (supra VI, 6).
- (45) The same refers to all vegetables; two kinds cannot be combined together.
- (46) And thus not be regarded as liable to the law; supra 6, n. 10.
- (47) This refers only to the field or vineyard, where there can be 'Gleanings' or 'Grape Gleanings' between one se'ah and another. Unapplicable in the case of trees, where these laws do not operate.
- (48) To make two se'ahs; but they belong to the poor.
- (49) The Hebrew term for corn that had not yet reached a third of its full maturity. It was usually given to the cattle, cf. supra II, 1.
- (50) Others render: 'bunches of garlic on one stalk'.
- (51) Tosef. Pe'ah III, 8, **אונרי**
- (52) These small bundles are afterwards re-tied into larger bundles; the 'finishing process' is not yet completed, hence the law is not yet applicable. Cf. supra V, 8.
- (53) They are not used for human food.
- (54) A species of onion whose root is exceedingly bitter. 'A plant similar to colocasia with edible leaves and root, and bearing beans' (Jast.). Like **טפח** in Mishnah 7 supra. V. Sheb. V, 2; VII, 1; Ter. IX, 6. A full discussion of the word 'arum' will be found in Kohut's ed. of the 'Aruch s.v. **הלון**
- (55) R. Judah is of the opinion that the law of the 'Forgotten Sheaf' does not apply to things, though edible, that are stored in the ground.
- (56) V. Bert. for the exegetical basis for the respective opinions of R. Judah and the Sages.
- (57) Night-time or blindness cannot be grouped into the category of things that had been forgotten owing to an untoward accident. V. supra IV, 10.
- (58) The largest leaves are those that began to grow first. Cf. Sheb. IV, 1. Nid. 2b.
- (59) Since he does not gather them all but selects only the largest, the forgetfulness may be said to be due to untoward circumstances.
- (60) The principle throughout the Talmud is that, 'If one makes a stipulation which is contrary to what is written in the Torah, his stipulation is void'. Keth. IX, 1.

Mishna - Mas. Pe'ah Chapter 7

MISHNAH 1. AN OLIVE TREE THAT HAS A DISTINGUISHING NAME¹ IN THE FIELD, LIKE² THE OLIVE TREE OF 'NETOFAH' IN ITS SEASON,³ AND THAT HAS BEEN LEFT FORGOTTEN, IS NOT DEEMED 'FORGOTTEN'.⁴ WHEN DOES THIS STIPULATION APPLY? [ONLY TO A TREE THAT IS DISTINGUISHED] BY ITS NAME, OR ITS PRODUCE,

OR ITS SITUATION. 'BY ITS NAME': IF IT WERE [FOR INSTANCE] A SHIFKONI⁵ OR BESHANI⁶ TREE. 'ITS PRODUCE': IF IT YIELDS LARGE QUANTITIES. 'ITS SITUATION': IF IT STANDS AT THE SIDE OF THE WINEPRESS OR NEAR THE GAP IN THE FENCE.⁷ AS FOR OTHER KINDS OF OLIVE TREES,⁸ TWO [IF THEY ARE LEFT] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'.⁹ R. JOSE IS OF THE OPINION THAT THE LAW OF THE 'FORGOTTEN SHEAF' DOES NOT AT ALL APPLY TO OLIVE TREES.¹⁰

MISHNAH 2. IF AN OLIVE-TREE WAS FOUND STANDING BETWEEN THREE ROWS [OF OLIVE TREES] AT A DISTANCE OF TWO PLOTS¹¹ FROM ONE ANOTHER, AND FORGOTTEN, IT IS DEEMED, 'FORGOTTEN'.¹² IF AN OLIVE TREE CONTAINING TWO SE'AH¹³ HAS BEEN LEFT, IT IS NOT DEEMED FORGOTTEN. WHEN DOES THIS APPLY?¹⁴ ONLY WHEN HE [THE OWNER] HAD NOT YET BEGUN [TO PLUCK THE TREE]; BUT IF HE HAD BEGUN, (EVEN IF IT WERE LIKE THE OLIVE TREE NETOFAH IN ITS SEASON)¹⁵ AND THEN FORGOTTEN IT, IT IS DEEMED FORGOTTEN'. AS LONG AS THE OWNER HAS SOME OF THE FRUIT BELONGING TO HIM LYING AT THE FOOT OF THE TREE, HE CAN CLAIM POSSESSION OF THOSE STILL ON TOP OF THE TREE.¹⁶ R. MEIR SAYS: [THE LAW APPLIES ONLY] AFTER THOSE WITH THE BEATING-ROD¹⁷ HAVE DEPARTED.

MISHNAH 3. WHAT IS MEANT BY PERET?¹⁸ THAT WHICH FALLS DOWN DURING THE VINTAGE. IF WHILE HE WAS CUTTING [THE GRAPES], HE CUT OFF AN ENTIRE CLUSTER BY ITS STALK AND THIS WAS INTERCEPTED BY THE FOLIAGE, AND THEN IT FELL FROM HIS HAND TO THE GROUND AND THE SINGLE BERRIES DISPERSED THEREFROM, THEY STILL BELONG TO THE OWNER.¹⁹ HE WHO PLACES A BASKET UNDER THE VINE²⁰ WHEN HE IS CUTTING [THE GRAPES], IS ROBBING THE POOR;²¹ OF HIM IT HAS BEEN SAID: 'REMOVE NOT THE LANDMARK OF THOSE THAT COME UP'.²²

MISHNAH 4. WHAT CONSTITUTES A DEFECTIVE CLUSTER?²³ ANY CLUSTER²⁴ WHICH HAS NO SHOULDER²⁵ AND [OF WHICH THE TOP GRAPES] DO NOT HANG DOWN [FROM THE TRUNK].²⁶ IF IT HAS A SHOULDER OR ITS TOP GRAPES HANG DOWN, IT BELONGS TO THE OWNER; IF THERE IS A DOUBT, IT BELONGS TO THE POOR.²⁷ AS TO A DEFECTIVE CLUSTER ON THE JOINT²⁸ OF A VINE, IF IT²⁹ CAN BE NIPPED OFF WITH THE CLUSTER,³⁰ IT BELONGS TO THE OWNER; BUT IF IT CAN NOT, IT BELONGS TO THE POOR. R. JUDAH SAYS: A SINGLE STALK [OF BERRIES]³¹ IS DEEMED AS A WHOLE CLUSTER,³² BUT THE SAGES CONTEND THAT [THEY ARE TO BE REGARDED] AS A DEFECTIVE CLUSTER.³³

MISHNAH 5. HE WHO IS ENGAGED IN THINNING OUT³⁴ VINES MAY THIN OUT THE VINES THAT BELONG TO THE POOR JUST AS HE THINS OUT WHAT BELONGS TO HIMSELF;³⁵ SO R. JUDAH. BUT R. MEIR SAYS: HE CAN ONLY DO SO TO THAT WHICH BELONGS TO HIM BUT NOT TO THAT WHICH IS THE PROPERTY OF THE POOR.³⁶

MISHNAH 6. [AS FOR THE GRAPES OF] A VINEYARD IN ITS FOURTH YEAR,³⁷ BETH SHAMMAI SAY, THE LAWS OF THE ADDED FIFTH³⁸ AND REMOVAL³⁹ DO NOT APPLY TO THEM; BUT BETH HILLEL SAY, THEY DO. BETH SHAMMAI FURTHER SAY: THE LAWS OF PERET⁴⁰ AND THE DEFECTIVE CLUSTERS⁴¹ APPLY TO THEM, AND THE POOR CAN REDEEM THE GRAPES FOR THEMSELVES;⁴² BUT BETH HILLEL MAINTAIN THAT THE WHOLE MUST GO TO THE WINE-PRESS.⁴³

MISHNAH 7. IF A VINEYARD CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS',⁴⁴ R. ELIEZER SAYS IT BELONGS TO THE OWNER, BUT R. AKIBA SAYS, TO THE POOR. SAID

R. ELIEZER: [IT IS WRITTEN,] 'WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD, THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE'.⁴⁵ IF THERE IS NO GRAPE GATHERING,⁴⁶ WHENCE WILL YOU HAVE 'DEFECTIVE CLUSTERS'? SAID R. AKIBA TO HIM: [IT IS WRITTEN,] 'AND FROM THY VINEYARD SHALT THOU NOT TAKE THE DEFECTIVE CLUSTERS'.⁴⁷ — EVEN IF IT CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS. IF THAT IS SO, WHY IS IT SAID: 'WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE'? — [TO TEACH THAT] THE POOR HAVE NO RIGHT TO CLAIM THE DEFECTIVE CLUSTERS PRIOR TO THE VINTAGE.⁴⁸

MISHNAH 8. IF ONE DEDICATES HIS ENTIRE VINEYARD [TO THE SANCTUARY] BEFORE EVEN THE 'DEFECTIVE CLUSTERS'⁴⁹ WERE RECOGNISABLE, THE 'DEFECTIVE CLUSTERS' DO NOT BELONG TO THE POOR; BUT [IF THE DEDICATION TOOK PLACE] AFTER THE DEFECTIVE CLUSTERS WERE RECOGNISABLE,⁵⁰ THEN THEY DO BELONG TO THE POOR.⁵¹ R. JOSE SAYS: LET [THE POOR] GIVE THE VALUE OF THEIR IMPROVED GROWTH TO THE TEMPLE.⁵² WHAT CAN BE DEEMED 'FORGETFULNESS' IN THE CASE OF AN 'ESPALIER'?⁵³ WHEN ONE IS NO LONGER ABLE TO STRETCH FORTH HIS HAND AND TAKE THEREFROM.⁵⁴ AND IN THE CASE OF RUNNERS?⁵⁵ ONLY AFTER [THE GATHERERS] HAD PASSED BY IT.⁵⁶

(1) A differentiating epithet given on account of its general excellence.

(2) The word 'even' in our editions is best omitted; its inclusion here is due to its occurring in the next Mishnah.

(3) v. Ezra II, 22; Neh. VII, 26. In II Kings XXV, 23 it refers to a city near Bethlehem, in Judah, wherein olive trees were renowned. Others derive the word from נטף 'to flow', because it was a tree always overflowing with oil, and render: like an olive tree that yields much oil in its season. An alternative rendering: An olive tree which at one time bore a special name like the Netofah (olive tree).

(4) The literal interpretation of the law in Deut. XXIV, 19: 'and thou shalt forget a sheaf in the field' is of a sheaf that will always be left forgotten; but an olive tree of the kind referred to here is remembered after a time.

(5) The name applied to a species of olive tree, literally pouring forth (שפך) large quantities of oil. Others take the word as a place-name, like the following 'Beshani'.

(6) The general explanation of this word is that it is an abbreviation of the place-name 'Beth-Shean'. Others interpret the word figuratively, thus: 'A tree, that on account of the abundance of its fruit and oil, puts all the other trees to shame'. The two words are thus either taken as adjectives or proper names; though logically they would point to being place-names. Since they are included under the rubric of 'in its name' and not 'in its produce'. But then the retort of those who treat them as adjectives would be: 'If so, then why are they not included as examples of "in its situation"?' Others again render as the 'ill-yielding'.

(7) When its trunk is used to block up the gap in the fence.

(8) Those not distinguished by a special title.

(9) Agreeing with Beth Hillel, v. supra VI, 5.

(10) R. Jose referred to the days when owing to the Hadrianic persecutions (2nd cent. C.E.) Palestinian olive trees were rare; for the owner who left behind olives would bethink himself of them later, but at a time when the olive trees were no rarity, he would agree that the law of the 'Forgotten Sheaf' applies even to them (v. Bert.).

(11) A malben is a small garden plot, quadrangular in shape and three handbreadths in width, cf. supra III, 1, 4.

(12) As it is hidden from view by the other trees. V. supra V, 7. The reason why olive trees receive here such frequent mention, though the law applies to other trees, is that they are the most common trees of Palestine.

(13) V. supra VI, 6.

(14) This refers back to the opening Mishnah of this Chapter: 'When does the law not apply to the tree of a special name?'

(15) It would be considered 'Forgotten' unless the fruit comprised two se'ahs.

(16) The fruit still ungathered at his feet is an indication that the 'finishing process' of plucking the whole tree has not yet been completed. V. supra V, 8.

(17) Aliter: 'The workers searching after the remaining (hidden) olives'. This searching was done with the aid of a stick,

- with which they used to beat the branches, so that the olives still nestling between the leaves may fall down. T.J. Pe'ah substitutes the word כרכר 'turner' for the מחבא of our Mishnah.
- (18) 'Grape Gleanings'. Lev. XIX, 10. V. supra VI, 5, n. 6.
- (19) Only those grapes belong to the poor that fall to the ground in the natural course of the vintage. The case cited in the Mishnah can be construed as an accidental cause.
- (20) With the intention of collecting therein the single grapes that fall.
- (21) The reason being that single grapes (peret) are already prior to their reaching earth the property of the poor.
- (22) V. supra V, 6, n. 3.
- (23) 'Oleleth (lit., 'grape gleanings') which, according to Lev. XIX, 20 must be given to the poor. 'Oleleth here used for a defective cluster is connected with עולל (a small child), the defective cluster being in proportion to the full cluster as that of the child to the man.
- (24) That still remains on a stem.
- (25) Its grapes hang loose and do not rest on other stalks as if on a shoulder as is usual with fully ripe grapes.
- (26) Lit., 'have no pendant'.
- (27) Who always receive the benefit of the doubt. V. supra IV, 11.
- (28) The word usually applied to the knee-joint, or the leg from under the hip bone to the ankle; Hul. IV, 6. Here it refers to one branch of the vine that comes out of another branch, like so many joints, or to that part of the vine which is bent down and laid in the ground to rise at another place; cf. Rail. VII, 1.
- (29) Namely, the defective cluster on the joint of the vine.
- (30) That adjoins it.
- (31) Single grapes that are joined to the stem itself or to the rib of the cluster and not small bunches on top of one another.
- (32) Belonging, accordingly, to the owner.
- (33) And, therefore, the property of the poor.
- (34) המדל, V. supra III, 3, n. 4.
- (35) The reason being a logical one: since the object of this thinning out process is so that the grapes, or the clusters, may grow better by being less cramped together. V. next note.
- (36) According to R. Meir, the poor are to be regarded only in the role of purchasers of the defective clusters, not as partners (which is the view of R. Judah) with the original owners; hence the latter have no right to touch these grapes.
- (37) Cf. Lev. XIX, 23-25. After the first three years during which the fruit of any tree could not be eaten (ערלה), the fruit was in the fourth year taken to Jerusalem to be enjoyed there.
- (38) Though the grapes required redemption if not taken to Jerusalem, yet the 'Fifth' which is prescribed for Second Tithe, need not be added; for the Torah mentions this only in the case of the Second Tithe. V. B.M. 55b.
- (39) This refers to the removal from the house of fruits in the third and sixth year of the Sabbatical period; Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 3, 6; Sheb. VII, 1.
- (40) V. supra VII, 3.
- (41) V. supra VII, 4.
- (42) The poor can eat the grapes wherever they are, provided that they afterwards bring the redemption money to Jerusalem.
- (43) Since in their view the grapes are 'consecrated', the poor have no right to them and they are, therefore, the property of the owner to bring them to Jerusalem or redeem them, as he thinks fit. Even the 'defective clusters' are thus 'trodden' together with the other grapes and the value of the whole yield taken off to the Holy City.
- (44) I.e., in the entire vineyard there is not a single cluster which has either shoulder (כתף) or pendant (נמף).
- (45) Deut. XXIV, 21.
- (46) The extent of a vintage is at least three full clusters yielding at least one fourth of a log (v. Glos.). Since our Mishnah speaks of defective clusters, hardly likely to produce this required vintage the grapes therefore belong, according to R. Eliezer, to the owner.
- (47) Lev. XIX, 10. This verse does not mention 'grape gathering' at all but just 'thy vineyard'; hence, according to R. Akiba, even a vineyard of defective clusters belongs to the poor.
- (48) They must wait until the owner has finished gathering his grapes. R. Eliezer would take R. Akiba's verse to debar the owner from taking possession of the defective clusters before he has finished the vintage.
- (49) V. supra VII, 4. In ordinary circumstances, these would become the share of the poor.

(50) To be defective and not full clusters.

(51) The generally accepted principle being that a man cannot consecrate anything which does not belong to him.

(52) Unto the Temple authorities is due the value of the improvement the grapes have made since they were first dedicated. Cf. Me'il. III, 6.

(53) A lattice-work on which trees or shrubs are trained. In Kil. VI, 1 the word is explained as a row of at least five vines running along a fence, or perched on any high pole.

(54) When, later, he recalls the grapes thereon, he finds that he can no longer reach them.

(55) These are ground-trained vines; grapes growing in a row on isolated vines, almost foot level.

(56) For getting all about them. Each 'runner' vine is regarded as a border-bed or an outmost furrow by itself; on this account, the owner, after having forgotten to collect them once, can no longer return to them.

Mishna - Mas. Pe'ah Chapter 8

MISHNAH 1. FROM WHAT TIME ARE ALL MEN PERMITTED TO TAKE THE 'GLEANINGS'? AFTER THE LAST TROOP OF THE POOR¹ HAD GONE. AND IN THE CASE OF 'PERET'² AND 'DEFECTIVE CLUSTERS'?³ AFTER THE POOR HAD GONE INTO THE VINEYARD AND COME BACK AGAIN.⁴ AND IN THE CASE OF THE OLIVE TREES? AFTER THE DESCENT OF THE SECOND RAINFALL?⁵ SAID R. JUDAH: 'BUT ARE THERE NOT SOME WHO DO NOT HARVEST THEIR OLIVES BEFORE THE SECOND RAINFALL?' NO;⁶ [THE TIME LIMIT FOR OLIVES IS] AFTER THE POOR MAN GOES OUT⁷ AND CANNOT BRING BACK WITH HIM [MORE THAN THE VALUE OF] FOUR ISSARS.⁸

MISHNAH 2. THEY⁹ ARE TO BE BELIEVED CONCERNING GLEANINGS', THE FORGOTTEN SHEAF AND PE'AH DURING THEIR [HARVEST] SEASON, AND CONCERNING THE POOR MAN'S TITHE¹⁰ DURING THE WHOLE YEAR THEREOF. A LEVITE IS ALWAYS TO BE TRUSTED.¹¹ THEY MUST NOT BE TRUSTED [IN OTHER CASES] SAVE IN THOSE THINGS WHICH MEN ARE WONT TO GIVE THEM.¹²

MISHNAH 3. THEY ARE TO BE TRUSTED CONCERNING WHEAT,¹³ BUT NOT CONCERNING FINE FLOUR OR BREAD;¹⁴ CONCERNING RICE STILL IN ITS STALK,¹⁵ BUT NOT WHEN IT IS EITHER RAW OR COOKED.¹⁶ THEY CAN BE TRUSTED CONCERNING BEANS BUT NOT WHEN THESE ARE POUNDED, WHETHER RAW OR COOKED. THEY ARE TO BE BELIEVED WHEN THEY DECLARE THAT THEIR OIL IS FROM THE 'POOR MAN'S TITHE', BUT THEY ARE NOT BELIEVED WHEN THEY CLAIM THAT IT IS FROM THE FEW OLIVES THAT HAVE BEEN KNOCKED DOWN.¹⁷

MISHNAH 4. THEY ARE TO BE TRUSTED CONCERNING RAW VEGETABLES,¹⁸ BUT NOT CONCERNING THOSE THAT ARE COOKED, UNLESS HE HAD ONLY A SMALL QUANTITY; FOR SO IT WAS THE CUSTOM OF THE HOUSEHOLDER TO TAKE OUT OF HIS STEW-POT [AND GIVE TO THE POOR].¹⁹

MISHNAH 5. ONE MUST NOT GIVE TO THE POOR FROM THE THRESHING-FLOOR,²⁰ LESS THAN A HALF KAB OF WHEAT OR A KAB OF BARLEY.²¹ R. MEIR SAYS: [ONLY] HALF A KAB.²² [ONE MUST GIVE] A KAB AND A HALF OF SPELT, A KAB OF DRIED FIGS OR A MINA²³ OF PRESSED FIGS; R. AKIBA SAYS: [ONLY] HALF. [ONE MUST GIVE] HALF A LOG²⁴ OF WINE; BUT R. AKIBA SAYS: A QUARTER.²⁵ [ONE MUST GIVE] A QUARTER OF OIL; BUT R. AKIBA SAYS: AN EIGHTH.²⁶ AS FOR OTHER KINDS OF PRODUCE, ABBA SAUL SAYS, [THE AMOUNT GIVEN MUST BE SUCH] AS TO ENABLE THE POOR MAN TO SELL THEM AND BUY WITH THE PRICE THEREOF FOOD SUFFICIENT FOR TWO MEALS.

MISHNAH 6. THIS MEASURE IS STIPULATED FOR THE PRIEST, LEVITE AND

ISRAELITE ALIKE.²⁷ SHOULD HE DESIRE TO SAVE AUGHT,²⁸ HE CAN ONLY RETAIN A HALF²⁹ AND GIVE THE OTHER HALF AWAY. IF HE HAS ONLY A VERY SMALL QUANTITY,³⁰ THEN HE MUST PLACE IT BEFORE THEM AND THEY THEN DIVIDE IT AMONG THEMSELVES.³¹

MISHNAH 7. ONE MUST NOT GIVE THE WANDERING POOR MAN LESS THAN A LOAF WORTH A PONDION³² AT A TIME WHEN FOUR SE'AHs [OF WHEAT COST] ONE SELA'.³³ IF HE SPENDS THE NIGHT [AT A PLACE], ONE MUST GIVE HIM THE COST OF WHAT HE NEEDS FOR A NIGHT.³⁴ IF HE STAYS OVER THE SABBATH HE IS GIVEN FOOD FOR THREE MEALS.³⁵ HE WHO HAS THE MEANS FOR TWO MEALS, MUST NOT ACCEPT ANYTHING FROM THE CHARITY DISH;³⁶ AND IF HE HAS FOR FOURTEEN MEALS, HE MAY NOT ACCEPT ANY SUPPORT FROM THE COMMUNAL FUND.³⁷ THE COMMUNAL FUND IS COLLECTED BY TWO³⁸ AND DISTRIBUTED BY THREE PEOPLE.³⁹

MISHNAH 8. HE WHO POSSESSES TWO HUNDRED ZUZ⁴⁰ MAY NOT TAKE 'GLEANINGS', THE FORGOTTEN SHEAF, PE'AH OR THE POOR MAN'S TITHE. IF HE POSSESSES TWO HUNDRED MINUS ONE DENAR,⁴¹ THEN EVEN IF A THOUSAND [MEN] EACH GIVE HIM [ONE ZUZ], HE MAY ACCEPT.⁴² IF HIS PROPERTY IS MORTGAGED UNTO HIS CREDITORS OR TO THE KETHUBAH⁴³ OF HIS WIFE, HE MAY ACCEPT. THEY⁴⁴ CANNOT COMPEL HIM⁴⁵ TO SELL HIS HOUSE OR HIS TOOLS.⁴⁶

MISHNAH 9. IF A MAN POSSESSES FIFTY ZUZ AND HE USES THEM FOR HIS BUSINESS, HE MUST NOT TAKE [THE POOR GIFTS].⁴⁷ WHOEVER DOES NOT NEED TO TAKE [CHARITY] AND YET TAKES, WILL NOT DEPART FROM THIS WORLD BEFORE BEING ACTUALLY IN NEED OF HIS FELLOW-MEN;⁴⁸ BUT HE WHO NEEDS TO TAKE AND DOES NOT TAKE,⁴⁹ WILL NOT DIE BEFORE HE WILL HAVE COME IN OLD AGE TO SUPPORT OTHERS FROM HIS OWN [BOUNTY]. CONCERNING HIM THE VERSE SAYS: BLESSED BE THE MAN WHO TRUSTETH IN THE LORD AND WHOSE HOPE IS THE LORD.⁵⁰ THE SAME MAY BE APPLIED TO A JUDGE WHO JUDGES IN TRUTH ACCORDING TO ITS INTEGRITY.⁵¹ AND IF A MAN IS NOT LAME,⁵² BLIND OR HALTING, AND HE FEIGNS TO BE AS ONE OF THESE, HE WILL NOT DIE IN HIS OLD AGE BEFORE HE ACTUALLY BECOMES AS ONE OF THESE;⁵³ AS IT IS SAID: HE WHO SEARCHES FOR EVIL, IT SHALL COME UNTO HIM,⁵⁴ AND ALSO AS IT IS SAID: RIGHTEOUSNESS, RIGHTEOUSNESS SHALT THOU SURELY PURSUE.⁵⁵ AND ANY JUDGE WHO ACCEPTS A BRIBE OR WHO PERVERTS JUSTICE WILL NOT DIE IN OLD AGE BEFORE HIS EYES HAVE BECOME DIM, AS IT IS SAID: AND A GIFT SHALT THOU NOT ACCEPT; FOR A GIFT BLINDETH THEM THAT HAVE SIGHT.⁵⁶

(1) **נמושות** from **מוש** 'to grope', 'search'. T.J. gives two explanations of the word. They are either so called because they are the very last searchers; or because they are the very old people, who have to grope their way painfully along (supra IV, 5). When these last have gone and the poor no longer seem to claim it, it becomes 'ownerless' — the property of rich and poor alike.

(2) V. supra VII, 3.

(3) V. supra VII, 4.

(4) A second time; v. Ta'an. 6a.

(5) Circa 23rd Heshwan (Ned. VIII, 5; Ta'an. I, 4). So called because this rain fructifies the soil. 'The rain is husband to the soil' (Ta'an. 6b). Cf. also Lev. XIX, 19. The Talmud (Ta'an. 6b) explains what is meant by a satisfactory second rainfall; when the soil is left fit to be used for sealing the mouth of a cask.

(6) This, therefore, cannot be the stipulated time.

(7) Of the vineyard.

(8) An issar = 8 perutahs (the smallest copper coin current). This sum was calculated as sufficient for a man to buy meals — two for himself and two for his wife. Cf. infra 7.

- (9) Even the uninstructed poor ('amme ha-arez) are to be relied on when they claim that the wheat they sell is what they received as gifts and hence exempt from all tithes.
- (10) The tithe was given during the third and sixth year of the Sabbatical cycle.
- (11) He is to be trusted in his declaration that the wheat is the 'First Tithe'. Since this tithe to the Levite was unrestricted as to time, there is no doubt that he must afterwards give the tithe due to the priest. Just as an Israelite 'am ha-arez was not suspected of retaining for himself the terumah due to the priest, because the penalty of eating this terumah was death at the hands of heaven, so the Levite is not to be suspected of having failed to give the 'tithe of the tithe' which he owes to the priest. (Num. XVIII, 26).
- (12) As explained in the following Mishnah.
- (13) To state that they receive it as Poor Man's Tithe.
- (14) It is not usual to give these to the poor on account of the additional trouble and expense they involve. The same reason applies to the other instances cited in our Mishnah.
- (15) Because in this state it was usually given to the poor. The word שְׂעָרָה is also explained as the kernels of the rice after the threshing and prior to the peeling of the husks.
- (16) That is after the rice has been threshed or peeled.
- (17) It is hardly likely that the oil could have been produced from the few olives left on the tree after the continual beatings (נִקְוָה) made upon it during the harvest-time, for the olives to drop down. (Cf. Isa. XVII, 6; XXIV, 13); and since the poor only receive the few remaining olives, their statement is not credible. Cf. Hallah III, 9.
- (18) Vegetables (since they are perishable) though exempt from Pe'ah, supra I, 4, are subject rabbinically to the poor Man's Tithe.
- (19) It is very likely that the owner, having forgotten to give his dues, does so afterwards direct from the stew-pot. This, however, would only be a small quantity; for as explained (supra 3, n. 5) it is unlikely for the owner to give the poor readily prepared food.
- (20) The measures quoted in the Mishnah are based on the stipulation of Deut. XXVI, 12 that the gifts to the poor must be such as to satisfy them. This refers to the Poor Man's Tithe only; for with regard to 'Gleanings' or Pe'ah or the 'Forgotten Sheaf', the owner could leave these dues in the field for the poor to divide among themselves (supra IV, 1).
- (21) . A kab == 4 logs == one sixth of a se'ah == 24 eggs (in size).
- (22) The variance as to the amounts mentioned here is due to what is considered sufficient to satisfy temporarily the needs of the poor.
- (23) A weight measure equalling 25 sela's or 100 denars. After the figs are pressed, they are sold according to weight.
- (24) A log (v.n. 3) was 2 litras.
- (25) Of a log. This is the standard measure mentioned in connection with religious ceremonies. V.B.B. 58b.
- (26) All the measures given here apply only when the distribution takes place in the threshing-floor, amidst the scene of plenty; in his house, however, the owner can obey the dictates of his own heart, since the Rabbis have not fixed a minimum.
- (27) The priest and the Levite, like the Israelite, are subject to the Poor Man's Tithe of which they must give sufficient for at least two meals (Bert.). Moreover, even if the priest and Levite had already received their tithes, they are further entitled, should they be very poor, to the stipulated minimum due to the poor (R. Samson of Sens).
- (28) He is not desirous of giving away all the tithes he has at once, but would save some for his own poor relatives.
- (29) For this purpose, but not more.
- (30) After setting aside the half for his poor relative, the remainder is not sufficient with which to give each poor man the stipulated amount.
- (31) As long as the poor have all that is left, it does not matter even if each does not receive the stipulated amount. The onus is thus shifted from the owner to the poor.
- (32) Abridged from dupondium, a Roman coin equal to a half zuz or two issars (Ma'as. Sh. IV, 8).
- (33) The sela' == 4 denars == 24 ma'ah == 48 pondions. Four se'ahs would equal twenty-four kabs, though actually in the loaf worth one sela', there would be less than this amount, since the baker would wish to profit for the expense of grinding and baking. Only when the distribution takes place in the threshing-floor is the poor to receive not less than the stipulated sum — half a kab; when receiving a baked loaf, this need not be more than a quarter of a kab, or six eggs in size. V. 'Er. VIII, 2.
- (34) I.e., for bed and warmth; Shab. 118a.
- (35) On the Sabbath day each Jew is enjoined to partake of three meals.

- (36) Tamhui, a dish containing victuals for distribution among the poor, each receiving at least the amount of two meals, v. B.B. 8b.
- (37) The Kuppah from which sustenance was disbursed among the poor every Friday, and since he has enough to eat for the whole of next week, he is not entitled to poor relief from this source.
- (38) All charitable collections must be undertaken by at least two accredited persons, Shek. V, 2.
- (39) The disbursement required the presence of three adjudicators as in a Beth din; v. B.B. 8a.
- (40) The sum considered by the Rabbis sufficient for food and clothing for a whole year.
- (41) Latin denarius, another name for a zuz. Roughly speaking, a denar or zuz may be considered the equivalent of a shilling or mark (Danby).
- (42) The poor man's gifts above mentioned.
- (43) The marriage contract, v. Glos.
- (44) The overseers of the poor.
- (45) The applicant for these gifts.
- (46) Or such articles of furniture used to adorn his house on the Sabbath and festivals. Cf. Keth. 68a.
- (47) Fifty zuz sunk in business are as good as two hundred lying idle.
- (48) As a penalty for robbing the poor of their due.
- (49) Preferring to lead a humbler, more economical life instead.
- (50) Jer. XVII, 7.
- (51) Lit., 'who judges a true judgment according to its truth', i.e., an absolutely true verdict which can be arrived at by the judge if he endeavours to find out the truth himself and does not rely on evidence alone, v. Sanh. (Sonc. ed.) p. 27, n. 8. A judge whose hope is God is one to whom the truth is above the fear of men; cf. Shab. 10.
- (52) The distinction drawn between **הגנר** and **פסח** is that the first describes a man lame in one foot and the second a man lame in both. (cf. II Sam. IV, 4). A few versions add also 'deaf and dumb'.
- (53) In accordance with the Rabbinic principle that God punishes 'measure for measure'.
- (54) Prov. XI, 27.
- (55) Deut. XVI, 20.
- (56) Ex. XXIII, 8; the verse goes on: 'and perverteth the words of the righteous'. The judge who accepts a gift to pervert judgment is compared to the man who feigns blindness. He, therefore, courts the same punishment.

Talmud - Mas. Rosh HaShana 2a

CHAPTER I

MISHNAH. THERE ARE FOUR NEW YEARS.¹ ON THE FIRST OF NISAN² IS NEW YEAR FOR KINGS³ AND FOR FESTIVALS.⁴ ON THE FIRST OF ELUL⁵ IS NEW YEAR FOR THE TITHE OF CATTLE.⁶ R. ELEAZAR AND R. SIMEON, HOWEVER, PLACE THIS ON THE FIRST OF TISHRI.⁷ ON THE FIRST OF TISHRI⁸ IS NEW YEAR FOR YEARS,⁴ FOR RELEASE AND JUBILEE YEARS,⁹ FOR PLANTATION¹⁰ AND FOR [TITHE OF] VEGETABLES.¹¹ ON THE FIRST OF SHEBAT¹² IS NEW YEAR FOR TREES,¹³ ACCORDING TO THE RULING OF BETH SHAMMAI; BETH HILLEL, HOWEVER, PLACE IT ON THE FIFTEENTH OF THAT MONTH.

GEMARA. FOR KINGS. Why this law?¹⁴ — R. Hisda said: For dealing with documents,¹⁵ as we have learnt: 'Bonds if antedated are invalid,¹⁶ but if postdated are valid'.

Our Rabbis learnt: If a king ascended the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives¹⁷ he is reckoned to have reigned a year. If on the other hand he ascended the throne on the first of Nisan, he is not reckoned to have reigned a year till the next first of Nisan comes round.

The Master has said, 'If a king ascends the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives he is reckoned to have reigned a year.'

(1) I.e., the year is reckoned to commence at different dates for different purposes, as the Mishnah goes on to specify.

(2) The first month of the Jewish calendar (in Biblical times known as 'the month of Abib', or the springing corn), commencing in the latter half of March or the earlier part of April.

(3) If a document is dated with a certain year in a king's reign, the year is reckoned to have commenced in Nisan, no matter in what month the king came to the throne. The Gemara discusses what kinds of kings are meant — whether Israelitish or other.

(4) The meaning of this is discussed infra in the Gemara.

(5) The sixth month of the Jewish calendar.

(6) For purposes of tithe it was necessary to specify the year in which cattle were born, because cattle born in one year could not be given as tithe for cattle born in another, v. Lev. XXVII, 32.

(7) So that according to these authorities there were only three New Years.

(8) The seventh month.

(9) I.e., from the first of Tishri in these years ploughing and similar operations were forbidden. V. Lev. XXV, 4, 11.

(10) For reckoning the years of 'uncircumcision'. V. Lev. XIX, 23.

(11) I.e., those gathered after this date could not be used as tithe for those gathered before. Cf. n. 6.

(12) The eleventh month.

(13) For tithing the fruit. V. notes 6 and 11.

(14) Why should we not be content to reckon the year of the king from the day on which he ascended the throne?

(15) I.e., to enable us to determine which are antedated.

(16) If a man borrowed money in Tishri and the bond was dated in Tammuz (the fourth month of the Jewish calendar) the bond is invalid and does not give the lender any right to seize property which the borrower may have sold even subsequent to Tishri. This is a fine for having conspired to seize by means of the bond property which had been sold prior to the making of the loan. Now if the reigning king came to the throne some time between Tammuz and Tishri, then if we reckoned his years from the date of his accession, Tishri would always come before Tammuz, and the document should therefore be valid. To prevent this leading to confusion, it was consequently ordained that the king's year should always be regarded as commencing with Nisan. Tosaf. point out that it is very difficult to conceive of an instance where this might actually lead to confusion, as scribes can usually be trusted to remember the year of the reign; the example Tosaf. give is where the king came to the throne on the first of Nisan and a scribe has to write a document

on the first of Nisan in the following year. In such a case the scribe might easily think that the king came to the throne on the second of Nisan, and so, but for the regulation, might date the document a whole year wrong.
(17) I.e., on the next day.

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This teaches us that Nisan is the New Year for kings, and that one day in a year is reckoned as a year. 'But if he ascended the throne on the first of Nisan he is not reckoned to have reigned a year till the next first of Nisan comes round'. This surely is self-evident? — It had to be stated in view of the case where his election to the throne was determined upon¹ in Adar. You might think that in that case we should reckon him [by the next first of Nisan] to have reigned two years. We are therefore told [that this is not so].

Our Rabbis learnt: If [a king] died in Adar and was succeeded by another in Adar, we can designate [the rest of] the year [up to the first of Nisan] as belonging to either.² If he died in Nisan and was succeeded by another in Nisan, we can date the year by either.³ If he died in Adar and was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second.

The Master has here said, 'If he died in Adar and was succeeded by another, we can date the year by either'. Surely this is obvious? — You might think that we never date the same year by two kings;⁴ hence we are told [that this can be done]. 'If the first died in Nisan and was succeeded by another in Nisan, the year may be dated by either'. This also seems to be obvious? — You might think that when we lay down that a day in the year is reckoned as a year we mean only at the end of the year but not at the beginning;⁵ therefore we are told [that this is not so]. 'If the first died in Adar and he was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second'. This surely is obvious? — It had to be stated in view of the case where his election was determined upon from Adar and he is succeeding his father.⁶ In that case you might think that we should reckon two years to him. We are therefore told [that this is not so].

R. Johanan said: How do we know [from the Scripture] that the years of kings' reigns are always reckoned as commencing from Nisan? Because it says, And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month of Ziv which is the second month.⁷ Here Solomon's reign is put side by side with the exodus from Egypt,⁸ [to indicate that] just as [the years from] the exodus from Egypt are reckoned from Nisan, so [the years of] Solomon's reign commenced with Nisan.

But how do we know that the years from the exodus from Egypt itself are reckoned as commencing with Nisan? Perhaps we reckon them from Tishri?⁹ — Do not imagine such a thing. For it is written, And Aaron the priest went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt, in the fifth month,¹⁰ on the first day of the month,¹¹ and it is further written, And it came to pass in the fortieth year, in the eleventh month,¹² on the first day of the month, that Moses spoke, etc.¹³ Now since the text when referring to Ab places it in the fortieth year and again when referring to [the following] Shebat places it also in the fortieth year, we may conclude that Tishri is not the beginning of the year.¹⁴ [This, however] is not conclusive. I grant you that the former text states explicitly that [the year spoken of was] 'from the going forth from Egypt'; but how do we know that [the year mentioned in] the latter text is reckoned from the exodus?¹⁵ Perhaps it is from the setting up of the Tabernacle?¹⁶ — [We may reply to this] on the model of R. Papa, who said [in another connection]¹⁷ that the occurrence of the expression 'twentieth year' in two contexts provides us with a *gezerah shawah*:¹⁸ so here, [I may say that the occurrence of] the expression 'fortieth year' in the two contexts provides us with a *gezerah shawah*, [showing that] just as in the one case¹⁹ [the date is reckoned] from the Exodus, so in the other case²⁰ also.

But how do you know that [in respect of these two incidents] that of Ab was prior? Perhaps that of Shebat was prior?²¹ — Do not imagine such a thing. For it is written [in connection with the latter], ‘After he had smitten Sihon’;²² and when Aaron died Sihon was still alive, as it is written

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- (1) By the notables of the State. Lit. ‘they (i.e., their votes) have been counted for him’.
- (2) I.e., we can regard the remaining days of the year as belonging either to the last year of the late king or the first year of the new king.
- (3) And similarly if the second ascended the throne in any other month of the year.
- (4) But reckon the whole as belonging to the one who has died.
- (5) E.g., if the first king died after only reigning a few days in the year.
- (6) This point is mentioned here because we have already been told above that his mere election does not affect the dating.
- (7) I Kings. VI. 1.
- (8) I.e., the event recorded is dated by both of them.
- (9) Which is the beginning of years reckoned from the creation.
- (10) Ab.
- (11) Num. XXXIII, 38.
- (12) Shebat.
- (13) Deut. I, 3.
- (14) As otherwise Ab and Shebat would fall in different years.
- (15) As it simply says ‘In the fortieth year’, without specifying from when.
- (16) Which was in Nisan of the second year of the exodus.
- (17) V. infra 3b.
- (18) V. Glos.
- (19) The death of Aaron.
- (20) The address of Moses.
- (21) I.e., the address of Moses was prior to the death of Aaron, the fortieth year having commenced with the Tishri preceding Moses’ address.
- (22) Deut. I, 4.

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And the Canaanite the king of Arad heard.¹ What was the report that he heard? He heard that Aaron had died and that the clouds of glory had departed, and he judged that it was now permitted to attack Israel; and this is intimated in the verse, And all the congregation saw [wa-yiru] that Aaron was dead,² [commenting on which] R. Abbahu said, Do not read wayiru, but wa-yerau [and they were seen],³ [the next word⁴ being translated] in accordance with the dictum of Resh Lakish; for Resh Lakish said, Ki has four significations — ‘if’, ‘perhaps’, ‘but’ ‘for’.⁵ [In objection to this it may be asked], Are the two things alike?⁶ [The verse] there speaks of Canaan, whereas [here] it [speaks of] Sihon? — It has been taught: Sihon, Arad, and Canaan are all one. He was called Sihon as resembling a sayyah [foal] of the wilderness, he was called Canaan after his kingdom; and as for his real name, this was Arad. According to other authorities, he was called Arad as resembling an ‘arad [wild ass] of the wilderness, and Canaan after his kingdom, while as for his real name, this was Sihon.

But can I not suppose that New Year is in Iyar?⁷ — Do not imagine such a thing. For it is written, And it came to pass in the first month in the second year on the first day of the month that the tabernacle was reared up,⁸ and it is written elsewhere, And it came to pass in the second year in the second month . . . that the cloud was taken up front over the tabernacle of the testimony.⁹ Seeing that the text when referring to Nisan places it in the second year and when referring to Iyar places it also in the second year, we may conclude that Iyar is not New Year. Can I suppose then that New Year is

in Sivan?¹⁰ — Do not imagine such a thing. For it is written, In the third month after the children of Israel were gone forth out of the land of Egypt;¹¹ and if Sivan is New Year, it should say, ‘In the third month in the second year after the children of Israel etc.’ But why not say that New Year is in Tammuz,¹² in Ab,¹³ in Adar?¹⁴ — Rather, said R. Eleazar, we learn [that Nisan is New Year] from here: And he began to build in the second month in the second¹⁵ in the fourth year of his reign.¹⁶ What [is here meant by] ‘in the second’? Does not [the superfluous word] mean the second by which his reign is reckoned? Rabina strongly demurred to this. Why not, [he said], suppose it to mean the second day of the month? — In that case it would have said distinctly, ‘on the second day of the month’.¹⁷ But may I not suppose it means on the second day of the week? [This cannot be for two reasons.] One is that we never find the second day of the week mentioned in Scripture, and the other is that the second ‘sheni’ [second] is put on the same footing as the first sheni, [indicating that] just as the first sheni refers to a month, so the second sheni refers to a month.

It has been taught in accordance with R. Johanan: How do we know [from the Scripture] that the years of kings’ reigns are always reckoned as commencing from Nisan? Because it says, ‘And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt etc.,’ and it is further written, ‘And Aaron the priest went up to Mount Hor at the commandment of the Lord, etc.,’ and it is further written, And it came to pass in the fortieth year in the eleventh month’,¹⁸ and it is further written, ‘After he had smitten Sihon etc.,’ and it is further written, And all the congregation saw that Aaron was dead etc.,’ and it is further written, ‘And it came to pass in the first month in the second year etc., and it is further written, ‘And it came to pass in the second year in the second month etc.,’ and it is further written, ‘In the third month after the children of Israel were gone forth out of the land of Egypt etc.,’ and it is further written, ‘And he began to build etc.’

R. Hisda said: The rule [that New Year for kings is in Nisan] was only meant to apply to the kings of Israel, but the years of non-Israelitish kings are reckoned from Tishri,¹⁹ as it says, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev,²⁰ in the twentieth year²¹ etc., and it is written further, And it came to pass in the month of Nisan in the twentieth year of Artaxerxes.²² Now since when speaking of Kislev he places it in the twentieth year and when speaking of Nisan he places it also in the twentieth, we may conclude that New Year is not in Nisan. [This, however, is not conclusive]. In the latter text, it is true, it is expressly stated that [it was the twentieth year] of Artaxerxes, but in the former how do we know that the reign of Artaxerxes is referred to? Perhaps

(1) Num. XXXIII, 40. (V. Tosaf. s.v. **יִשְׁמַע**). The text continues in the E.V., of the coming of the children of Israel, but the Talmud renders (more in accordance with the original), ‘when the children of Israel came’. The text thus does not state what he heard and so leaves room for the exposition which follows.

(2) Num. XX, 29.

(3) I.e., became visible, the clouds of glory having previously served as a screen to them.

(4) In the original.

(5) And here if we read wa-yerau, ‘ki’ means ‘for’. Apparently Resh Lakish means that these four significations are in addition to the usual one of ‘that’, which must be the meaning here if we keep the reading wa-yiru.

(6) Viz., your exposition and your argument.

(7) The second month.

(8) Ex. XL, 17.

(9) Num., X, 11.

(10) The third month.

(11) Ex. XIX, 1.

(12) The fourth month.

(13) The fifth month.

(14) The twelfth month. The months between Ab and Adar have already been excluded above where it was shown that

Ab and Shebat must be in the same year.

(15) E.V., 'on the second day'.

(16) II Chron. III, 2.

(17) This being the usual formula of the text.

(18) This citation is inserted in the text on the authority of Maharsha. It is certainly necessary.

(19) The seventh month.

(20) The ninth month.

(21) Neh., I, 1.

(22) Ibid, II, 1.

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some other system of dating is adopted? — R. Papa replied: The occurrence in each text of the expression 'twentieth year' provides us with a *gezerah shawah*,¹ [indicating that] just as in the latter case it means 'of the reign of Artaxerxes', so in the former. But how do you know that the incident of Kislev was prior? Perhaps the incident of Nisan was prior?² — Do not imagine such a thing, since it has been taught: The things that Hanani told Nehemiah in Kislev were related by Nehemiah to the king in Nisan. 'The things that Hanani told Nehemiah', as we read, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the castle, that Hanani, one of my brethren, came out of Judah, he and certain men; and I asked them concerning the Jews that had escaped, that were left of the captivity, and concerning Jerusalem. And they said unto me: The remnant that are left of the captivity there in the province are in great affliction and reproach; the wall of Jerusalem also is broken down, and the gates thereof are burned with fire.³ These things 'were related by Nehemiah to the king in Nisan,' as we read, And it came to pass in the month Nisan, in the twentieth year of Artaxerxes the king, when wine was before him, that I took up the wine and gave it unto the king. Now I had not been beforetimes sad in his presence. And the king said unto me, Why is thy countenance sad, seeing thou art not sick? This is nothing else but sorrow of heart. Then I was very sore afraid. And I said unto the king, Let the king live for ever; why should not my countenance be sad, when the city, the place of my fathers' sepulchres, lieth waste and the gates thereof are consumed with fire? Then the king said to me: For what dost thou make request? So I prayed to the God of heaven. And I said unto the king: If it please the king and if thy servant have found favour in thy sight, that thou wouldst send me unto Judah, unto the city of my fathers' sepulchres, that I may build it. And the king said unto me, the queen also sitting by him, For how long will thy journey be and when wilt thou return? So it pleased the king to send me; and I set him a time.⁴

R. Joseph sought to disprove [the statement that the years of non-Israelitish kings are reckoned from Tishri, as follows]: [It is written], In the four and twentieth day of the month, in the sixth month, in the second year of Darius the king,⁵ and it is further written, In the seventh month in the second year in the one and twentieth day of the month.⁶ Now if it is [as you say], then we should have here 'in the seventh month in the third year'! — R. Abbahu replied: Cyrus was a worthy king,⁷ and therefore they reckoned his years like those of the kings of Israel.⁸

R. Joseph demurred strongly against this [last notion]. For one thing [he said, if this is so,] then there is a contradiction between two biblical texts. For it is written, And the house⁹ was finished on the third day of the month of Adar, which was the sixth year of Darius the king,¹⁰ and in connection with this it has been taught: 'At that period, in the year following,¹¹ Ezra went up from Babylon along with his band of exiles'. Now it is written further, And he [Ezra] came to Jerusalem in the fifth month, which was in the seventh year of the king; and if it is [as you say], it should be 'in the eighth year'? Further, is there any connection [between your answer and the question]? You speak of Cyrus and the text¹² speaks of Darius! — It has been taught: 'Cyrus,¹³ Darius, and Artaxerxes¹⁴ were all one. He was called Cyrus because he was a worthy king;¹⁵ Artaxerxes after his realm;¹⁶ while Darius

was his own name. All the same, the contradiction still remains?¹⁷ — There is no contradiction. The one verse¹⁸ speaks of him before he degenerated,¹⁹ the other after he degenerated.

R. Kahana strongly demurred to this [saying], Did he indeed degenerate? Is it not written,

(1) V. Glos.

(2) And the year might therefore commence with Nisan.

(3) Neh., I, 1-3.

(4) Neh. II, 1-6. It is not clear why the last three verses are quoted.

(5) Hag. I, 15.

(6) Ibid. II, 1. This verse follows immediately on the one just quoted and it is assumed that it refers to the same year as the preceding verse; therefore the words 'in the second year', which appear in the quotation as given in the Talmud in brackets, are not found in this verse (Rashi).

(7) The Hebrew word is kasher, which contains the same consonants as the name Koresh (Cyrus).

(8) I.e., commenced them with Nisan.

(9) The Second Temple.

(10) Ezra, VI, 15.

(11) Which would be the seventh year of Darius.

(12) In Haggai.

(13) The Second.

(14) Mentioned together in Ezra, VI, 14.

(15) V. supra, p. 8, n. 4.

(16) [The Persian Artakhshathra means 'by whom empire is perfected'].

(17) Between the statements in Haggai and in Ezra.

(18) In Haggai, which reckons his years from Nisan.

(19) Lit., 'fermented', a metaphor either from wine turning to vinegar or from flour becoming leaven. The 'evil imagination' is often compared by the Sages to a 'leaven'.

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And that which they have need of, both young bullocks and rams and lambs, for burnt-offerings to the God of heaven, wheat, salt, wine and oil, according to the word of the priests that are in Jerusalem, let it be given them day by day without fail?¹ — Said R. Isaac to him: [Here is something] out of your own package:² That they may offer sacrifices of sweet savour unto the God of heaven, and pray for the life of the king and of his sons.³ But even so, is not the action still a meritorious one, seeing that it has been taught: 'If a man says, I offer this sela' for charity in order that my children may live and in order that through it I may merit the future world, he may still be a wholly righteous man?' — There is no contradiction; this statement applies to Israelites, there we speak of heathens.⁴

Alternatively I may say that we know he deteriorated because it is written, with three rows of great stones and a row of new timber, and let the expenses be given out of the king's house.⁵ Why did he make these conditions? He thought to himself, If the Jews revolt against me, I will burn it with fire. But did not Solomon do the same thing, as it is written, three rows of hewn stone and a row of cedar beams?⁶ — Solomon placed the wood above and he placed it below; Solomon sunk it in the building and he did not sink it in the building; Solomon plastered it over and he did not plaster it over.

R. Joseph, (or, as some say, R. Isaac) said: Whence do we know that he deteriorated? From here: And the king said unto me, the shegal also sitting by hint.⁷ What is 'shegal'? Rabbah b. Lema said In the name of Rab, a she-dog.⁸ But if that is so, what are we to make of the verse, But hast lifted up thyself against the Lord of heaven, and they have brought the vessels of His house before thee, and

thou and thy lords, thy shegaloth and thy concubines have drunk wine in them.⁹ Now how can 'shegal' here be a dog? Do dogs drink wine? — This is no difficulty, as [we can suppose that] it was taught to drink. But what of the verse where it is written, Kings' daughters are among thy favourites, at thy right hand doth stand the shegal in gold of Ophir?¹⁰ Now if 'shegal' is a dog, what promise is the prophet bringing to Israel? — What he means is this: Because the Torah is as dear to Israel as a 'shegal' to the heathens, you have earned as your reward the gold of Ophir. Alternatively I may say that 'shegal' does as a rule mean 'queen', but in this case Rabbah b. Lema had a tradition [that it means 'dog'], and the reason why [in the text] it is called 'shegal' is because it was as dear to him¹¹ as a queen; or, possibly, because he put it on the queen's seat.

Alternatively I may say that we know he deteriorated from here: Unto a hundred talents of silver and to a hundred measures of wheat and to a hundred baths of wine and salt without prescribing how much.¹² At first there was no limit, but now he made a limit. But perhaps at first he simply had not decided on the limit? The truth is that the best explanation is that which was given first.

AND FOR FESTIVALS. How can [New Year] for the festivals be on the first of Nisan? It is surely on the fifteenth of Nisan?¹³ — R. Hisda said: What it means is that the festival which occurs in it is the New Year for the festivals. The legal import of this rule is for determining when one who makes a vow transgresses the precept of 'not delaying'.¹⁴ and R. Simeon is here followed, as it has been taught: Whether a man makes a vow, or sanctifies,¹⁵ or makes a valuation,¹⁶ as soon as three festivals elapse [before he carries out his word], he transgresses the precept of 'not delaying'. R. Simeon says: The three festivals must be in order, with Passover first. So too R. Simeon b. Yohai used to say: The festivals [referred to] are sometimes three [in number], sometimes four, sometimes five. For instance, if a man made a vow before Passover, they are three, if before Pentecost five, if before Tabernacles four.

Our Rabbis taught: Those who are liable for a money valuation,¹⁷ for a valuation,¹⁸ for a herem,¹⁹ for consecrations,²⁰ for sin-offerings, trespass-offerings, burnt-offerings and peace-offerings, charity contributions, tithes, firstborn and tithe of cattle, paschal lamb,

(1) Ezra, VI, 9.

(2) I.e., the next words in the same passage confute you.

(3) Which would show that his motives were not pure.

(4) And therefore the king's action was not meritorious. [Heathens are assumed to regret the good deed should the attached condition not be realized (Rashi and Tosaf.)].

(5) Ezra, VI, 4. These words occur in the rescript issued by the first Cyrus authorizing the building of the Temple. We must suppose therefore that Darius intended at first to allow them to build it wholly of stone, but on consulting the rescript changed his mind. V. Tosaf. s.v. **ונדבך**

(6) I Kings, VI, 36.

(7) Neh. II, 6.

(8) For immoral purposes.

(9) Dan. V, 23.

(10) Ps. XLV, 10.

(11) Artaxerxes.

(12) Ezra VII, 22, referring to the appropriations for the builders of the Temple.

(13) The first day of Passover, the first of the festivals.

(14) Deut. XXIII, 22: When thou shalt vow a vow to the Lord thy God, thou shalt not delay to pay it.

(15) I.e., dedicates an object to the Sanctuary.

(16) Saying, 'I dedicate to the sanctuary the value of such-and-such a person'. V. Lev. XXVII, 1-8.

(17) By saying, 'I dedicate to the Sanctuary my own price'.

(18) V. supra, n. 4.

(19) Something devoted. V. Lev. XXVII, 28, 29.

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gleanings, forgotten sheaves and corners of the field,¹ as soon as three festivals have elapsed transgress the precept of 'not delaying'. R. Simeon said: The three festivals must be in order, with Passover first. R. Meir said: As soon as one festival has passed, he transgresses the precept of 'not delaying'. R. Eliezer b. Jacob said: As soon as two festivals have elapsed, he transgresses the precept of 'not delaying'. R. Eleazar son of R. Simeon said: As soon as the feast of Tabernacles has passed, he transgresses the precept of 'not delaying'.

What is the reason of the First Tanna?² — Let us see, [he says]: The text³ has been speaking of them⁴ [the three festivals]. Why then does it repeat,⁵ on the feast of unleavened bread, on the feast of weeks, and on the feast of tabernacles? We must understand it to be laying down the rule for 'not delaying'.⁶ R. Simeon again says that there was no need [even so] to repeat 'on the feast of tabernacles', of which the text was just speaking.⁷ Why then was it mentioned? To show that this one must be the last. What is R. Meir's reason?⁸ — Because it is written, And thither thou shalt come and thither ye shall bring.⁹ What do the Rabbis [say to this]? — They say that this constitutes only a positive injunction.¹⁰ What has R. Meir [to say to this]? — [He says that] since the All-Merciful told him to bring and he did not bring, automatically he has transgressed the precept of 'not delaying'. What is the reason of R. Eliezer b. Jacob?¹¹ Because it is written, These ye shall offer unto the Lord in your appointed seasons;¹² the minimum of 'seasons' is two. What do the Rabbis [say to this]? — [They say] that this word is required for the exposition of R. Jonah; for R. Jonah said,¹³ All the festivals are put on the same footing with one another, to show that all¹⁴ atone for the uncleanness of the Sanctuary and its holy things.¹⁵ What is the reason of R. Eleazar son of Simeon?¹⁶ As it has been taught: R. Eleazar son of Simeon said: There was no need for the feast of Tabernacles to be mentioned in this verse,¹⁷ as the text was already speaking of it. Why then was it mentioned? To show that this one is the determining factor. What exposition then do R. Meir and R. Eliezer b. Jacob give of the words 'on the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles'? — They require them for the same purpose as R. Eleazar b. Oshaia. For R. Eleazar b. Oshaia said: How do we know that [a sacrifice due but not brought on] Pentecost¹⁸ can be made up for during the next seven days? Because it says, On the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles. Just as [a sacrifice not brought on the first day of] the feast of Passover can be made up for during the next seven days,¹⁹ so [a sacrifice not brought on] the Feast of Weeks can be made up for during the next seven days.

But why should not the Feast of Weeks be put on the same footing [in this respect] as the feast of Tabernacles, so that just as in that case [the duration of the festival is] eight days, so here eight days [should be allowed]? — The eighth day [of Tabernacles] is a separate festival.²⁰ I can still say that we call the eighth day a separate festival in respect of P'Z'R' K'SH'B',²¹ but that in the matter of compensation all agree that this can be made on it for the first day, as we have learnt: If one did not bring his festival sacrifice on the first day of Tabernacles, he can bring during the whole of the festival, including the last day of the festival? — If you grasp a lot you cannot hold it, if you grasp a little you can hold it.²²

But what injunction then²³ did the All-Merciful indicate by mentioning the festival of Tabernacles [in this verse]? — [It is mentioned] in order to be put on the same footing as the feast of Passover [in this respect]:

(1) If an owner took these, he has to restore them to the poor.

(2) Who requires three festivals in any order.

(3) Viz., Deut. XVI.

- (4) Lit. he set out from these’.
- (5) In v. 16, after saying, three times a year shall all thy males appear, etc.
- (6) As much as to say, ‘Come before God to pay your vows, and do not come empty-handed.’
- (7) In vv. 13-15.
- (8) For requiring only one festival.
- (9) Deut. XII, 5, 6. As much as to say, ‘each time you come, bring your vows’.
- (10) And if he does not carry it out, he is still not guilty of ‘delaying’.
- (11) Who requires two festivals.
- (12) Num. XXIX, 39. The ‘these’ here strictly refers to obligatory sacrifices, but as the text goes on, besides your vows and free will-offerings, these can also be included in the rule.
- (13) Sheb. 10.
- (14) The he-goats for sin-offering brought on festivals; v. Num. XXVIII and XXIX.
- (15) V. Shebu. 10a.
- (16) Who says that Tabernacles must be the last,
- (17) Viz., Deut. XVI, 16.
- (18) ‘Azereth.
- (19) This is learnt from the words, And ye shall keep it as a feast to the Lord . . . seven days (Ex. XII, 14, 15). V. Hag. 9a.
- (20) Standing in the same relation to Tabernacles as Pentecost to Passover.
- (21) P== payyes (casting lots); on the eighth day the twenty-four mishmaroth (wards) of the priests cast lots to see which should officiate, but not on the preceding days, when all officiated in order. Z == zeman (time); the blessing sheheheyanu (who has kept us alive) is said on the eighth day, as on the first days of other festivals. R == regel (festival); the eighth day is no longer termed ‘Tabernacles’ but is known as ‘the eighth day of solemn assembly’. K == Korban (offering); the sacrifice of the day (one bullock, one ram and seven sheep) was quite different from that of the days of Tabernacles. SH == shir (song); the psalm chanted by the Levites was not the same as that for Tabernacles. B == berakah (blessing); on this day, in the time of the Monarchy, a blessing was said for the king, in memory of the dedication of the Temple, when, as we read, on the eighth day the people blessed the king (I Kings, VIII, 66) Cf. Yoma 3a, Suk. 48a.
- (22) A proverbial saying, indicating here that Pentecost should be put on a level in this respect with Passover which has the smaller number of days, not with Tabernacles.
- (23) If the Feast of Weeks is not to be put on the same footing as Tabernacles.

Talmud - Mas. Rosh HaShana 5a

just as on the feast of Passover [the celebrant is] required to stay overnight¹ [in Jerusalem], so on the feast of Tabernacles he is required to stay overnight. How do we know this in the case of Passover? — Because it is written,² And thou shalt turn in the morning and go unto thy tents.³

But whence then do the First Tanna and R. Simeon⁴ derive the rule of compensation for the Feast of Weeks? — They derive it from the statement of Rabbah b. Samuel; for Rabbah b. Samuel stated: The Torah said, Count days⁵ and sanctify the new moon,⁶ count days and sanctify the Feast of Weeks,⁷ [indicating that] just as the new moon [is sanctified for the period corresponding with the unit of time] by which it is counted,⁸ so the Feast of Weeks [is sanctified for the period corresponding with the unit of time] by which it is counted.⁹ [In that case] I should say that [the compensation period of] the Feast of Weeks is only one day?¹⁰ — Raba replied: Do we count only days to the Feast of Weeks and not weeks [also]? Has not a Master said, It is a mizwah to count days and it is also a mizwah to count weeks?¹¹ And further, we read in the text, ‘the feast of weeks’.¹²

But can the paschal lamb¹³ be offered on any of the festivals? The paschal lamb [surely] has a fixed date:¹⁴ if it is brought then, well and goods but if not, it is rejected?¹⁵ — R. Hisda replied: The paschal lamb is mentioned incidentally. R. Shesheth said: ‘Paschal lamb’ here means the peace-offering [brought] in lieu of the paschal lamb.¹⁶ But if that is so, this is covered by the term

peace-offerings'?¹⁷ — Our authority mentions the peace-offering [which is brought] in lieu of the paschal lamb and he also mentions the peace-offerings which are brought for their own sake. You might be inclined to think that [the former] being brought in lieu of the paschal lamb

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- (1) I.e., the first night of the intermediate days (Rashi).
 - (2) In connection with the paschal lamb.
 - (3) Deut. XVI, 7. The morning of the first day of the festival obviously cannot be meant, as on that day the celebrant had to bring his festival offering.
 - (4) Who require the whole of this verse for the rule of 'not delaying'.
 - (5) As it is written. Ye shall not eat it one day, nor two days, nor five days, nor ten days, nor twenty days, but a whole month (Num. XI, 19, 20).
 - (6) By sacrifices, v. Num. XXVIII, 11.
 - (7) V. Lev. XXIII, 15. [Read with R. Hananel, Count weeks and sanctify the Feast of Weeks, v. Lev. XXIII, 15].
 - (8) It is counted by days and is sanctified for one day.
 - (9) It is counted by weeks and is sanctified for one week.
 - (10) Since it also says, 'Ye shall count fifty days'. Ibid. 16.
 - (11) To say, e.g., 'seven days which are one week to the 'omer'.
 - (12) Deut. XVI, 16.
 - (13) Mentioned above (p. 11) among the objects to which the rule of 'not delaying' applies.
 - (14) Viz., the fourteenth of Nisan.
 - (15) Lit., 'pushed away'.
 - (16) Lit., peace-offerings of the paschal lamb'. If the paschal lamb was not brought at the proper time through being lost, another was declared to be a peace-offering in its place, and this came under the rule of 'not delaying'.
 - (17) Which also occurs in the Baraitha quoted.

Talmud - Mas. Rosh HaShana 5b

is on the same footing as the paschal lamb.¹ Therefore we are told [that this is not so].

What is the authority [in the Scripture] for these rules? — As our Rabbis have taught: 'When thou shalt vow a vow:² this tells me only [the rule for] a vow; how do I know that a freewill-offering³ is also included? We have here the term 'vow' and in another place⁴ we find the expression if a vow or a free will-offering; just as there a freewill-offering goes with the vow, so here, a freewill-offering goes with it. To the Lord thy God: this indicates money valuations, valuations, devoted things, and consecrated things.⁵ Thou shalt not be slack to pay it: it, but not its substitute.⁶ For he will surely require it: this indicates sin-offerings, trespass-offerings, burnt-offerings and peace-offerings.⁷ The Lord thy God: this indicates charity contributions, tithes and firstborn.⁸ From thee: this indicates gleanings, forgotten sheaves and corners of the field. And it will be sin in thee; but not sin in thy offering.⁹

The Master has [just] said: "'Thou shalt not be slack in paying it"; It and not its substitute'. Substitute for what? If the substitute for a burnt-offering or a peace-offering is meant, this is actually offered.¹⁰ If the substitute for a sin-offering, this is allowed to perish.¹¹ How then are we to understand 'its substitute'? — The substitute for a thanksgiving-offering, as R. Hiyya taught: If a thanksgiving offering became mixed up with its substitute and one of them died, there is no remedy for the other,¹² For what is he [the owner] to do? Shall he offer it and offer the bread¹³ with it? Perhaps it is the substitute.¹⁴ Shall he offer it without the bread? Perhaps it is the original thank-offering. But [if that is so,] seeing that it cannot be offered, why do I require a text to exclude it? — R. Shesheth replied: In point of fact, [the intention of the verse is] to exclude the substitutes for burnt-offerings and peace-offerings, and we are dealing here with the case of one which was kept over during two festivals and then became blemished and the owner made it profane by substituting another and this was kept over one festival. You might imagine in this case that since it takes the

place of the first, it is as if it had been kept over for three festivals; therefore we are told that this is not so. But on the view of R. Meir who said that as soon as one festival has been allowed to elapse there is a transgression of the precept 'not to delay', what can be said? — Raba replied: Here we are dealing with a case where the animal became blemished during the festival and he declared it profane [by substituting another], and this was kept over the festival. You might imagine that since it takes the place of the first it is as if it had been kept over during the whole of the festival.¹⁵ Therefore we are told [that this is not so].

"And it will be sin in thee," but not sin in thy offering'. Do we derive this lesson from here? Surely it is derived from the text adduced by the 'Others', as it has been taught: 'Others say, I might say that a firstling after a year has passed¹⁶ is like consecrated things that have become disqualified¹⁷ and so is disqualified. Therefore it says, And thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thy herd and of thy flock.¹⁸ Here firstling is mentioned alongside of tithe, [to indicate that] just as tithe is not disqualified by being kept from one year to another,¹⁹ so a firstling is not disqualified by being kept from one year to another.' — It was still necessary [to learn the lesson in the other way]. For you might have imagined that this applies only to a firstling, which is not for appeasement, but consecrated²⁰ things which are for appeasement²¹ will not appease [if kept over]. Therefore I am told that this is not so.

But still [I may object that]

(1) And the transgression of 'not delaying' is incurred with the passing of one festival (Rashi).

(2) Deut. XXIII, 22.

(3) In making a vow a man said, 'I undertake to bring such-and-such an offering'; in making a freewill-offering he said, 'I undertake to bring this animal as an offering'.

(4) Lev. VII, 16.

(5) V. supra p. 11 nn. 5-8. Because all these went for the repair of the Temple and not to the priests.

(6) This is explained below.

(7) All these as distinct from the vow and freewill-offerings were an obligation the fulfilment of which could be demanded. The burnt-offerings and peace-offerings referred to are those which were brought as an additional offering on the festival. If they had been already set aside, they could be brought on a subsequent festival (V. Tosaf., s.v. **למחר**).

(8) The words 'the Lord thy God' here are strictly speaking superfluous, and can therefore be used for an exposition.

(9) I.e., the offering is not disqualified thereby.

(10) If the original animal was lost and another substituted and then the first was found, both are offered and the substitute also comes under the rule of 'not delaying'.

(11) And never offered.

(12) I.e., it must be allowed to perish.

(13) V. Lev. VII, 12, 13.

(14) And according to Men. 79b, bread was not to be brought with the substitute of a thanksgiving-offering.

(15) And thus, according to R. Meir, is the rule of 'not delaying' transgressed.

(16) A firstling has to be sacrificed within its first year, v. Deut. XV, 20.

(17) For being offered on the altar.

(18) Deut. XIV, 23.

(19) Because it says, At the end of every three years thou shalt bring forth all the tithe etc., Deut. XIV, 28.

(20) E.g., burnt — and sin-offerings.

(21) Heb. **לְרַצוֹן** Lev. I, 3 et al. E.V. 'that he (it) may be accepted.'

Talmud - Mas. Rosh HaShana 6a

the lesson is derived from the exposition of Ben 'Azzai, as It has been taught: Ben 'Azzai said: What is the point of the word otho [it]?¹ Since it says, Thou shalt not be slack in paying it,² I might think that a vow which is delayed also fails to appease. Therefore it says, 'it': this one fails to appease, but

a delayed vow does not fail to appease! — No; [what we must say is], “in thee a sin”, but not in thy wife a sin’. For you might think that, since R. Johanan [or, as some say, R. Eleazar] has said, ‘A man’s wife dies only because money is [rightfully] demanded of him and he has it not,’³ as it says, Why should he take thy bed from under thee’?⁴ and so I would say that his wife will die also because of this transgression of ‘not delaying’. We are therefore told [that this is not so].

Our Rabbis taught: ‘That which is gone out of thy lips:⁵ this is an affirmative precept.⁶ Thou shalt observe: this is a negative precept. And do: this is an injunction to the Beth din to make thee do, According as thou hast vowed: this means a vow. To the Lord thy God: this means sin-offerings and trespass-offerings, burnt-offerings and peace-offerings.⁷ A freewill-offering:⁸ this has its literal meaning. Even that which thou hast promised: this means things sanctified for the repair of the Temple. With thy mouth: this means charity.’

The Master has here said that “that which is gone out of thy lips” implies an affirmative precept’. Why do I require the words for this purpose? This lesson can be derived from the words, and thither thou shalt come and thither ye shall bring.⁹ “Thou shalt observe”; this implies a negative precept’. Why do I require these words? This lesson can be derived from ‘thou shalt not be slack in paying it’.¹⁰ “And do”: this is an injunction to the Beth din to make thee do’. Why do I require these words? This lesson can be derived from he shall bring it,¹¹ as it has been taught: He shall bring it: this teaches us that he is to be constrained¹² [if necessary]. I might say, even against his will. Therefore it says, of his own will.¹³ What is to be done then? We constrain him until he says ‘I am willing’. [What is the answer?] — The one [set of texts¹⁴ deal with the case] where he had pledged himself but had not yet set aside the animal, the other with the case where he had set it aside but had not yet offered it. And both are required. For if the rule had been laid down only for the case where he had pledged himself but had not yet set aside the animal, [I might say that the reason is] because he has not yet carried out his word, but where he has set it aside but not yet offered it I might argue that wherever it is, it is in the treasury of the All-Merciful. These texts therefore were necessary. And if again the rule had been laid down only for the cases where he has set the animal aside but not yet offered it, I might say that the reason is because he is keeping it by him, but if he has pledged himself without having yet set it aside I might argue that his mere word counts for nothing. Therefore these texts are also necessary.

But how can you say that [one set of texts is] where he has pledged himself but not yet set aside, seeing that ‘freewill-offering’ is mentioned, and we have learnt, What is a vow? When a man says, I pledge myself to bring a burnt-offering. What is a freewill-offering? Where a man says, I declare this to be a burnt-offering. What is the difference [in practice] between a vow and a freewill-offering? If [an animal set aside to perform] a vow dies or is stolen, he has to replace it, but if a freewill-offering dies or is stolen he is not bound to replace it! — Raba replied: You can find a freewill-offering of this kind¹⁵ in the case where he said, ‘I pledge myself to bring a burnt-offering on condition that I shall not be obliged to replace it’.

“With thy mouth”: this is charity’. Raba said: For [paying] charity-offerings one becomes liable at once. What is the reason? Because the poor are waiting.¹⁶ Surely this is obvious? — [Not so, since] you might think that, as charity is mentioned in the passage dealing with offerings, [it need not be paid] till three festivals have elapsed, as in the case of offerings. We are therefore told that this is not so. Only the others [the offerings] were made by the All-Merciful dependent on the festivals, but this [charity] is not so, because the poor are waiting.¹⁷

Raba said: As soon as one festival has elapsed, he transgresses an affirmative precept. The following objection was raised:¹⁸ R. Joshua and R. Pappias testified regarding the offspring of a peace-offering¹⁹ that it should also be brought as a peace-offering. R. Pappias said: I testify that we had a heifer which was sacrificed as a peace-offering, and we ate it on Passover, and we ate its

young as a peace-offering on the Festival.²⁰ Now I can understand why it was not offered on Passover, the ground being that it was still too short-lived.²¹ But how could the young be kept over Pentecost, which would involve the transgression of an affirmative precept? — R. Zebid said in the name of Raba: It may have been

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- (1) In Lev. VII, 18, If any of the flesh . . . be eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it. The word otho could be dispensed with.
- (2) Deut. XXIII, 22.
- (3) E.g., if he vows without having the wherewithal to pay.
- (4) Prov. XXII, 27, referring to those who go surety.
- (5) Deut. XXIII, 24.
- (6) Because we understand the word 'carry out'.
- (7) V. supra, p. II
- (8) Heb. נדבה E.V., 'freely'.
- (9) Deut. XII, 5, 6. V. p. 12, n. 8.
- (10) Which occurs just above in Deut. XXIII, v. 22.
- (11) Lev. I, 3.
- (12) By physical force.
- (13) לרצנו E.V., 'that he may be accepted'.
- (14) Explicitly in Deut. XXIII, verse 24, and by derivation in verse 22; v. supra p. 5b (Rashi).
- (15) One in respect of which he has pledged himself without setting aside.
- (16) Lit., 'are standing'.
- (17) Lit., 'are to be found'. MS.M. omits, 'Only . . . waiting'.
- (18) 'Ed. 7.
- (19) If the animal was consecrated when pregnant, or became pregnant subsequently, and gave birth before being sacrificed.
- (20) Heb. הֶחָג, which usually designates Tabernacles.
- (21) Lit. 'deficient in time'. I.e., not yet eight days old. V. Lev. XXII, 27.

Talmud - Mas. Rosh HaShana 6b

that it was sick on Pentecost. R. Ashi said: What is meant by the statement 'we ate its young as a peace-offering on the Festival'? it means, the Feast of Weeks. What says the other to this? — [He says that] wherever [Pentecost] is mentioned in connection with Passover, it is called 'Assembly' ['azereth].¹

Raba said: As soon as three festivals have elapsed, he transgresses every day the precept of 'not delaying'. The following was cited in objection to this: [The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year [even] without three festivals,² or three festivals even it less than a year, the precept of 'not delaying' is transgressed. What objection is there here?³ — R. Kahana said: The objection is a sound one.⁴ See now: the Tanna is looking for prohibitions; let him then state, 'he transgresses the precept of "not delaying" every day'.⁵ What says the other to this? — [He says that] the Tanna is only anxious to stamp the act as forbidden;⁶ he does not look for extra prohibitions.⁷

[To revert to] the [above] text: '[The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year even without three festivals or three festivals even if less than a year, the precept of "not delaying" is transgressed'. I grant that three festivals without a year are possible; but how is a year possible without three festivals? And I still grant that this is possible for one who requires the three festivals to be in order, but for one who does not require them to be in order how is it possible? And I still grant that this is possible for Rabbi in a leap year, since it has been taught, [It is written] 'a complete year'⁸ : Rabbi says, he [the seller] reckons three

hundred and sixty-five days, which is the number of days in the solar year, while the Sages say that he reckons twelve months from day to day,⁹ and if it is a leap year he gets the benefit.¹⁰ — It is possible for Rabbi [to have a year without three festivals] in the case where one sanctified the animal after¹¹ the festival of Passover, since when the end of the next second Adar¹² comes round the year is completed but the number of festivals is not completed. But for the Rabbis how is it possible? — [It is possible] on the basis of what R. Shemaiah learnt: Pentecost is sometimes on the fifth of the [third] month, sometimes on the sixth, and sometimes on the seventh. For instance, if both of them¹³ are full,¹⁴ it is on the fifth;¹⁵ if both of them are defective.,¹⁶ it is on the seventh; if one is full and the other defective, it is on the sixth.¹⁷ Who is the Tanna who takes a different view from R. Shemaiah?¹⁸ It is the 'Others', as it has been taught: Others say that between Pentecost and Pentecost, between New Year and New Year there is always an interval of four days [of the week],¹⁹ or, in a leap year, five.²⁰

R. Zera asked: Does the rule of 'not delaying' apply to an heir?²¹ [Do we reason that] the All-Merciful has said 'When thou shalt vow a vow', and he has not made a vow, or [perhaps we apply the text], and thither thou shalt come and thither shall ye bring,²² and he also is liable?²³ — Come and hear, since R. Hiyya has taught: 'From thee [me'imak]':²⁴ this excludes the heir. But this 'me'imak' is required to bring under the rule gleanings, forgotten sheaves, and corners of the field?²⁵ — I expound 'imak, and I expound me'imak.²⁶

R. Zera also asked: Does the rule of 'not delaying' apply to a woman? Do we reason that she is not obliged to appear [at Jerusalem on the festivals]²⁷ or perhaps do we reason that she is enjoined to rejoice?²⁸ — Abaye replied: Is not the answer provided by the fact that she is enjoined to rejoice? But could Abaye say this, seeing that Abaye has said that a woman is made joyful by her husband?²⁹ Abaye was answering R. Zera on his own premises.

The question was raised: From what day is the year of the firstling reckoned? — Abaye said, From the hour of its birth; R. Aha b. Jacob said, From the time when it can be used for appeasement.³⁰ Nor is there any conflict of opinion between them; one speaks of an animal without blemish,³¹

(1) The Rabbinic term for Pentecost; and therefore פסח here must mean Tabernacles.

(2) This statement is discussed infra.

(3) There is no contradiction between this statement and that of Raba.

(4) Lit., 'he who raises the objection objects well'.

(5) And since he does not say so, we presume that he is in disagreement with Raba.

(6) Lit., 'to fix it in a prohibition'.

(7) But all the same he would agree with Raba.

(8) Within which a house sold in a walled city could be compulsorily redeemed. Lev. XXV, 29.

(9) Which in an ordinary year is only 354 days according to the Jewish calendar.

(10) The year in this case being 383 days.

(11) Strictly speaking it must be during passover, since 365 days would not elapse from after Passover till the end of the next Adar sheni. Or 'the end of Adar' may be used loosely to signify the days between then and Passover.

(12) The second Adar in a leap year.

(13) The months of Nisan and Iyar.

(14) I.e., contain thirty days.

(15) This being the fiftieth day from the second day of Passover.

(16) I.e., contain only 29 days.

(17) Hence if pentecost is in one year on the fifth and he sanctifies on the sixth, and the next year Pentecost is on the seventh, a full twelvemonth can pass without three festivals.

(18) And would not count a year without three festivals.

(19) They held that the months are full and defective in strict rotation, and the twelvemonth consequently has 354 days, which is four days over 50 weeks. On this view, Pentecost must always be on the sixth of Sivan.

- (20) It being assumed that the intercalary month consists always of twenty-nine days. i.e., four weeks and a day.
- (21) Whose father made a vow which he had not fulfilled before his death.
- (22) V. supra p. 12, n. 8.
- (23) To 'come' and consequently to 'bring'.
- (24) Deut. XXIII, 22.
- (25) V. supra p. 11.
- (26) 'Imak' means 'from thee', and this would be sufficient for the rule; we therefore derive an additional lesson from the form me 'imak (lit., 'from with thee').
- (27) Since it says, shall all thy males appear (Deut. XVI, 16).
- (28) Which implies partaking of the peace-offerings. v. pes. 109a, and as she must go to Jerusalem for this purpose, she must also 'not delay' the vow
- (29) With fine clothes, v. Kid. 34b.
- (30) I.e., sacrifice, viz., on the eighth day, v. Lev. XXII, 27.
- (31) Which can be sacrificed on the eighth day.

Talmud - Mas. Rosh HaShana 7a

, the other of an animal with a blemish.¹ Can a blemished animal be eaten [on the day of birth]?² [We speak of one] of which we know for certain that it has not been born prematurely.³

Our Rabbis taught: On the first of Nisan is New Year for months,⁴ for leap-years,⁵ and for the offering of shekalim;⁶ some say, also for the renting of houses.⁷

'New Year for months': whence do we know this? — Because it is written, This month shall be unto you the beginning of months, it shall be the first month of the year to you. Speak ye unto all the congregation of Israel saying, In the tenth day of this month they shall take unto then: every man a lamb, according to their fathers' houses, a lamb for a household. . . and ye shall keep it until the fourteenth day of the same month, and they shall kill it⁸ etc. It is also written [elsewhere],⁹ Observe the month of Abib¹⁰ [springing corn]. Now which is the month in which there is springing corn? You must say this is Nisan; and this is called 'first'. But cannot I say that it is Iyar? — We require springing corn', and there is none. But cannot I say that it is Adar? — We require the bulk of the springing corn, and this we have not [in Adar]. But does the text say, 'the bulk of the springing corn'? Rather, said R. Hisda; we learn it from here: Howbeit on the fifteenth day of the seventh month, when ye have gathered in the fruits of the land.¹¹ What is the month in which there is 'gathering in'?¹² You must say that this is Tishri, and the text calls it 'seventh'. But cannot I say that it is Marheshvan, and by 'seventh' is meant the seventh to Iyar? — We require 'gathering in', and this we have not [in Marheshvan]. But cannot I say that it is Elul, and by seventh' is meant seventh to Adar? — We require the bulk of the ingathering, which we have not [in Elul]. But does the text say, 'the bulk of the ingathering'? — The fact is, said Rabina, that we cannot learn this from the Torah of Moses our teacher, but we have to learn it from the later Scriptures,¹³ [viz.,] Upon the four and twentieth day of the eleventh month, which is the month Shebat.¹⁴ Rabbah b. 'ulla said, [We learn it] from here: So Esther was taken unto king Ahasuerus into his house royal in the tenth month which is the month Tebeth.¹⁵ R. Kahana said: [We learn it] from here, In the fourth day of the ninth month, even in Kislev.¹⁶ R. Aha b. Jacob said, [We learn it] from here: Then were the king's scribes called at that time in the third month which is the month of Sivan.¹⁷ R. Ashi said, [We learn it] from here: They cast pur, that is, the lot, before Haman from day to day and from month to month to the twelfth month, which is the month Adar.¹⁸ If you prefer, I can learn it from here: In the first month which is the month Nisan.¹⁹ Why did not all the others derive it from here?²⁰ — Perhaps 'first' here means, 'first in relation to his [Haman's] affair'.²¹

Why did not our Tanna²² [reckon the first of Nisan as the New Year for months]? — Our Tanna speaks only of years, he does not speak of months.

‘For leap years’. Do we reckon [a New Year] for leap years from Nisan?²³ Has it not been taught: ‘A leap year is not decreed²⁴ before New Year,²⁵ and if such a decree is issued it is not effective. In cases of emergency,²⁶ however, the decree may be issued immediately after New Year, and even so the intercalary month must be [the second] Adar’!²⁷ — R. Nahman b. Isaac replied: What is meant here by ‘leap years’? The closing of a leap year, as we have learnt: ‘They’s testified that the year may be declared a leap year throughout the whole of Adar, since others asserted that this could be done only until Purim.’²⁸ What was the reason of those who held that this could be done only until Purim? — Since a Master has stated that ‘enquiries are made regarding the laws of Passover for thirty days before Passover,’²⁹ People might be led into neglecting the rules of heaven.³⁰ What says the other to this? — He says that people know that a leap year depends on calculation, and they say to themselves that the Rabbis have only now got the calculation right.³¹

What of our Tanna?³² — He speaks only of commencements, not of terminations.

‘And for the offering of shekalim’.³³ How do we know this [from Scripture]? — R. Josiah said: The Scripture says, This is the burnt-offering of each month in its month throughout the months of the year.³⁴ The Torah here enjoins:³⁵ ‘Renew [the year] and bring an offering from the new contributions’. That the ‘year’ here commences with Nisan is learnt by analogy with the text,³⁶ It is the first to you of the months of the year.³⁷ But why not suppose it is Tishri from the analogy of, From the beginning of the year?³⁸ — To a year with which months are mentioned we apply the analogy of a year with which months are mentioned, but to a year with which months are not mentioned, we do not apply the analogy of a year with which months are not mentioned.

Rab Judah said in the name of Samuel: It is proper to bring the congregational sacrifices that are offered on the first of Nisan from the new contributions. If, however, they are brought from the old, the duty has been performed,³⁹ but not in the most appropriate manner.⁴⁰ It has been taught to the same effect: ‘It is proper to bring the congregational sacrifices which are offered on the first of Nisan from the new contributions; if, however, they were brought from the old, the duty has been performed, but not in the most appropriate manner. If a private person has offered them from his own property, they are unexceptionable, provided he hands them over to the congregation’. Surely this is self-evident? — You might think that we should have some scruples [in accepting them], in case

(1) Which can be eaten as ordinary non-sacrificial flesh,

(2) Perhaps it has been born prematurely and cannot survive, v. Shab. 135b.

(3) Lit., ‘that its months have been completed’.

(4) I.e., the order of months commences with Nisan.

(5) V. infra.

(6) For first using for the purchase of congregational sacrifices the shekalim that were collected in Adar. Cf. Meg. 29b.

(7) V. infra.

(8) Ex. XII, 2-6. Only the first of these verses need have been quoted.

(9) In connection with the Passover.

(10) Deut. XVI, 1.

(11) Lev., XXIII, 39.

(12) When the produce is brought in from the fields to save it from the approaching rain.

(13) Lit., ‘words of Kabbalah’ (tradition), a name given in the Talmud to the Prophetical writings and the Hagiographa, v. B.K., Sonc. ed., p. 3, n. 3.

(14) Zech. I, 7.

(15) Esth. II, 16.

(16) Sech. VII, 1.

(17) Esth. VIII, 9.

(18) Ibid., III, 7.

(19) Ibid.

(20) Since Nisan is mentioned explicitly.

(21) With regard to the others also it might be asked why more than one quotation is needed. Perhaps the idea was to show that there had been no change in the names of the months since the time of 'kabbalah'. V. however, Tosaf. s.v. **מַדְבָּרִי**.

(22) The Tanna of our Mishnah.

(23) I.e., can the Beth din even in Nisan declare that the year just begun is to be a leap year?

(24) In the time of the Second Temple the calendar was not fixed, but the Beth din declared any year a leap year (i.e., inserted an intercalary month) according as they judged necessary, subject to certain rules.

(25) Because if this were done, by the time Adar came round people might forget.

(26) E.g., if they were afraid that they might be prevented from issuing the decree later.

(27) V. Sanh., Sonc. ed. p. 55 notes. (15) R. Joshua and R. Pappias. Sanh. 87a Ed. VII, 7.

(28) And once Purim had passed, the next month had to be Nisan of the next year and not the second Adar of the present year.

(29) I.e., the emissaries of the Beth din instructed the public on the matter during this time.

(30) If in the interval Passover was postponed for a month, they would not observe the new date of the Passover.

(31) Lit., 'this calculation had not been completed by the Rabbis till now'.

(32) Why does he not include leap years.

(33) In Adar a shekel had to be contributed by every Israelite for the purchase of congregational sacrifices during the coming year.

(34) Num. XXVIII, 14.

(35) By the superfluous expression, 'throughout the months of the year'.

(36) 'And we derive (the meaning of) "year" from "year" (commencing) with Nisan'.

(37) Ex. XII, 2.

(38) Deut. XI, 12, referring to the rainfall.

(39) In respect of the sacrifice itself.

(40) Lit. 'he has omitted a precept'.

Talmud - Mas. Rosh HaShana 7b

he has not transferred them with all his heart.¹ We are told therefore [that this is not necessary].

Why does our Tanna [not reckon New Year for shekalim]? — Since it is laid down that if the sacrifices are brought [from the old contributions] the duty is still performed, he was not certain [whether this should be counted a New Year].

'Some say, Also for the renting of houses'. Our Rabbis have taught: 'If a man lets a house to another for a year, he reckons it as twelve months from day to day.² If, however, he stipulates "for this year", then even if the tenant only entered into occupation³ on the first of Adar, as soon as the first of Nisan arrives,⁴ a year has been completed.' And even according to those who say that one day in the year is reckoned as a year, this does not apply here, because a man would not trouble to rent a house for less than thirty days. But why should I not say that Tishri [is the New Year for letting houses]?⁵ — It is taken for granted that when a man takes a house [in Tishri], he takes it for the whole of the rainy season. Why do the first Tanna of the Baraita and our Tanna [not reckon the renting of houses]? — In Nisan also there is often cloudy weather.⁶

ON THE FIRST OF ELUL IS NEW YEAR FOR THE TITHE OF CATTLE. Who is the authority for this? — It is R. Meir, as it has been taught: 'R. Meir says, On the first of Elul is New Year for the tithe of cattle'. Who is the authority in respect of festivals? It is R. Simeon,⁷ Now look at the succeeding clause: R. ELEAZAR AND R. SIMEON SAY, ON THE FIRST OF TISHRI. [Am I to say that] the first and third statements here follow the authority of R. Simeon and the middle one that of R. Meir? — R. Joseph said: The authority here is Rabbi, and he decides now in accordance with

one, now with another Tanna. In respect of festivals he concurs with R. Simeon, and in respect of tithe of cattle he concurs with R. Meir. If that is so, how can he say FOUR [New Years]? There are five?⁸ — Raba replied: There are four according to all authorities. There are four according to R. Meir, excluding the festivals,⁹ and four according to R. Simeon, excluding the tithe of cattle.¹⁰ R. Nahman b. Isaac said: [The meaning of our Mishnah is], There are four months in which there are a number of New Years.¹¹

An objection was raised: 'The sixteenth of Nisan is the New Year for the 'Omer';¹² the sixth of Sivan is the New Year for the two loaves'.¹³ Now [this being so], according to Raba the Mishnah should say six, and according to R. Nahman b. Isaac five? — R. Papa said: In fixing the number, [the Tanna] reckons only such [New Years] as commence with the evening,¹⁴ he does not reckon those that do not commence with¹⁵ the evening.¹⁶ But what of festivals which [in respect of vows] do not commence with the evening¹⁷ and yet are reckoned? — Since he has to bring [his vow], he becomes guilty [of 'delaying'] from the very commencement [of the festival].¹⁸ But what of Jubilees which do not commence with the evening,¹⁹ and yet are reckoned in? — This follows the view of R. Johanan b. Ishmael the son of R. Johanan b. Beroka, who said that the Jubilee commences with the New Year. R. Shisha the son of R. Idi said: In fixing the number, [the Tanna] reckoned only New Years that are not inaugurated with some ceremony,²⁰ but he does not reckon those that are inaugurated with a ceremony.²¹ But what of festivals, which [in respect of vows] are inaugurated with a ceremony,²² and yet are not reckoned? — The [transgression of] 'not delaying' comes automatically.²³

(1) Lit., 'very well'.

(2) I.e., from a date in one month to the same date in the same month next year.

(3) Lit., 'stood'.

(4) I.e., as soon as thirty days have passed.

(5) So that, if a man rents a house on the first of Elul for a year, he takes it only to the first of Tishri.

(6) And therefore at no time would a man if he took a house for a year mean merely thirty days.

(7) As explained above, that R. Simeon requires three festivals in order in the matter of vows, and he is therefore the authority for the first statement in the Mishnah, that there is a New Year for festivals.

(8) The New Year for festivals being on the fifteenth of Nisan.

(9) Since R. Meir is of the view that the transgression is involved after the lapse of one festival. V. supra 4b.

(10) I.e., the first of Elul as a separate New Year; since R. Simeon places it on the first of Tishri which is in any case a new year.

(11) There being two in Nisan, and these are counted as one.

(12) I.e., for making permissible the new corn. Lev. XXIII, 14.

(13) For bringing meal-offerings from the new corn. Ibid. 17.

(14) E.g., the New Year for kings commences with the evening of the first of Nisan.

(15) Lit., 'full'.

(16) As instanced presently.

(17) It being assumed that the precept of 'not delaying' is not transgressed till the hour arrives when the animal vowed may be offered, i.e., till the perpetual offering of the morning is brought.

(18) Even though he is unable to bring the sacrifice till the morning.

(19) But which are ushered in with a blast of the shofar on the Day of Atonement, in the daytime.

(20) Lit. 'depend on an act'. I.e., the New Years which begin with the advent of the day itself.

(21) The prohibition of the new corn for personal consumption and for offerings respectively is raised only by the offering of the Omer and the two loaves.

(22) No sacrifice could be offered before the bringing of the daily morning sacrifice.

(23) As soon as the Festival sets in.

But what of Jubilees?¹ — This follows the authority of R. Ishmael the son of R. Johanan b. Beroka. R. Ashi said: [The meaning of our Mishnah is,] There are four New Years which fall on four firsts of the month.² [Do you then reckon] the first of Shebat [as one and so] follow Beth Shammai?³ — He [R. Ashi] meant it in this way: There are three according to all authorities; with regard to the first of Shebat there is a difference of opinion between Beth Shammai and Beth Hillel.

R. ELEAZAR AND R. SIMEON SAID, ON THE FIRST OF TISHRI. R. Johanan said: They both based their opinions on the same verse, viz., The rams have mounted the sheep⁴ and the valleys also are covered over with corn, they shout for joy, yea, they sing.⁵ R. Meir reasoned: When do the rams mount the sheep? At the time when the valleys are covered over with corn. And when are the valleys covered over with corn? In Adar. The sheep conceive in Adar and bear in Ab,⁶ and their New Year is in Elul. R. Eleazar and R. Simeon said: When do the rams mount the sheep? At the time when they [the ears of corn] shout for joy and sing.⁷ When do the ears of corn burst into song? In Nisan. They conceive in Nisan and bear in Elul, and their New Year is in Tishri. How then does the other [R. Meir] account for the words, ‘they shout for joy, yea they sing’? — This refers to the late ones, whose conception takes place in Nisan. But how then does the other [R. Eleazar] account for the words, the valleys are covered with corn? — That refers to the early ones, whose conception takes place in Adar. Now according to R. Meir, there is no difficulty; the text says, ‘The rams mount the sheep’, to wit at the time when ‘the valleys are covered with corn’, but there are some also [which do not conceive till] they shout aloud and sing’. But on the view of R. Eleazar and R. Simeon, the clauses should be reversed, thus: ‘The rams mount the sheep’, to wit, at the time when the ears of corn ‘shout for joy and sing’, but there are some which do so [already] ‘when the valleys are covered with corn’? — The fact is, said Raba, that all authorities hold that the rams mount the sheep at the time when the valleys are covered with corn, which is in Adar, but where they differ is in the exposition of the following text, viz., Thou shalt surely tithe,⁸ [in regard to which we have learnt that] the Scripture speaks of two tithes, the tithe of cattle and the tithe of corn. Now R. Meir was of opinion that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as corn becomes liable to tithe, soon after it reaches completion,⁹ so cattle becomes liable to tithe soon after it reaches completion.¹⁰ R. Eleazar and R. Simeon again held that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as the New Year for the tithe of corn is in Tishri, so the New Year for the tithe of cattle is in Tishri.

ON THE FIRST OF TISHRI IS NEW YEAR FOR YEARS. What legal bearing has this? — R. Papa said: For [determining the validity of] documents, as we have learnt, ‘Bonds if antedated are invalid, but if postdated are valid’.¹¹ But we have learnt, ON THE FIRST OF NISAN IS NEW YEAR FOR KINGS, and we asked, What is the legal bearing of this, and R. Hisda replied, For [determining the validity of] documents?¹² — There is no contradiction; the one statement refers to kings of Israel, the other to kings of other nations. What then of the dictum of R. Hisda, ‘This statement refers only to the kings of Israel, but for the kings of other nations we reckon from Tishri’; was R. Hisda telling us only something that we already know from a Mishnah? — No; R. Hisda wanted to tell us the import of some Scriptural verses.¹³ If you like I can say that R. Hisda explains the Mishnah here in the same way as R. Zera, since R. Zera said [that it¹⁴ means], for reckoning cycles,¹⁵ in this following the view of R. Eleazar, who said that the world was created in Tishri.¹⁶ R. Nahman b. Isaac [explained the Mishnah to refer] to the Divine judgment ‘as it is written, From the beginning of the year to the end of the year,¹⁷ [which means], From the beginning of the year sentence is passed as to what shall be up to the end of it. How do we know that this takes place in Tishri? — Because it is written, Blow the horn at the new moon, at the covered time [keseh]¹⁸ for our feastday.¹⁹ Which is the feast

(1) V. n. 2.

(2) And for this reason the New Year for the Omer and the two loaves are not included in our Mishnah.

(3) V. Mishnah.

- (4) E.V., 'The meadows are clothed with flocks'.
- (5) Ps. LXV, 14.
- (6) Six months being allowed for pregnancy.
- (7) A poetic description of the rustling of the ears. It is doubtful whether we can find here an allusion to the idea that 'all creatures sing a certain chant before the Holy One, blessed be He'.
- (8) Lit., 'tithing thou shalt tithe', Deut., XIV, 22.
- (9) I.e., after it has become thoroughly dried in the fields, in Elul, v. infra 12a.
- (10) I.e., after it is born, in Ab.
- (11) V. supra, p. 2, n. 2.
- (12) Which shows that the year for documents is dated from Nisan and not Tishri.
- (13) I.e., he was telling us that we can learn from the Scriptures that the years of non-Israelitish kings are reckoned from Tishri. V. supra p. 7.
- (14) The statement ON THE FIRST OF TISHRI IS THE NEW YEAR FOR YEARS.
- (15) I.e., the cycle of Tishri is the first of the four cycles of the year, v. infra p. 43, n. 9. The year is divided into four cycles called Tekufoth, the Tekufah of Nisan (Vernal Equinox); Tammuz (Summer Solstice); Tishri (Autumn Equinox); Tebeth (Winter Solstice). The term Tekufah is also applied to the season itself.
- (16) V. infra 10b.
- (17) Deut. XI, 12. The verse continues, the eyes of the Lord thy God are always upon it (the land of Canaan).
- (18) E.V., 'appointed time', or 'full moon'.
- (19) Ps. LXXXI, 4.

Talmud - Mas. Rosh HaShana 8b

on which the moon is covered over [mithkaseh]? You must say that this is New Year;¹ and it is written [in this connection], For it is a statute for Israel, an ordinance for the God of Jacob.²

Our Rabbis taught: 'For it is a statute for Israel, an ordinance for the God of Jacob': this teaches that the heavenly Beth din does not assemble for judgment until the Beth din on earth has sanctified the month'.

Another [Baraitha] taught: 'For it is a statute for Israel'; this tells me only that Israel [are judged]; how do I know that this applies also to the [other] nations of this world? Because it is written, an ordinance for the God of Jacob'. If that is the case, what is the point of saying, For it is a statute for Israel?³ — It teaches that Israel are brought up for trial first. And this is in harmony with the [following] saying of R. Hisda. For R. Hisda said: Where a king⁴ and a community appear together, the king is brought up for judgment first, as it says, the judgment of his servant [Solomon] and the judgment of his people.⁵ What is the reason? — If you like I can say, because it is not seemly that the king should stand outside, and if you like I can say, [the king is tried] before [the Divine] wrath becomes really fierce.⁶

FOR RELEASE YEARS. How do we know this [from the Scripture]? — Because it is written, And in the seventh year shall be a sabbath of solemn rest for the land,⁷ and that this commences with Tishri we learn from the analogy with the word 'year'⁸ in from the beginning of the year.⁹ But let us learn that it is Nisan from analogy with the word 'year' in the text, it is the first to you of the months of the year?¹⁰ — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.¹¹

AND FOR JUBILEE YEARS. [is the New Year for] Jubilees on the first of Tishri? Surely [the New Year for] Jubilees is on the tenth of Tishri, as it is written, on the day of atonement shall ye make proclamation with the horn?¹² — What authority is here followed? R. Ishmael the son of R. Johanan b. Beroka, as it has been taught: And ye shall hallow the fiftieth year.¹³ What is the point of

these words? [It is this]. Since it says, On the day of atonement [ye shall make proclamation],¹² I might think that the year is sanctified only from the Day of Atonement onwards. Therefore it says, And ye shall sanctify the fiftieth year. This teaches that it is sanctified from its inception. On this ground R. Ishmael the son of R. Johanan b. Beroka laid down that from New Year to the Day of Atonement slaves were neither dismissed to their homes nor subjected to their masters, but they ate and drank and made merry, wearing garlands on their heads.¹⁴ When the Day of Atonement came, the Beth din sounded the horn; slaves were dismissed to their homes and fields returned to their original owners. And the Rabbis [— what do they make of this verse]? — [They say it teaches that] you are to sanctify years but not months.¹⁵

Another [Baraitha] taught: 'It is a Jubilee.'¹⁶ What is the point of these words? — Since it says, And ye shall hallow the fiftieth year,¹³ I might think that, just as it is sanctified from its inception onwards, so it remains sanctified [for a time] after its termination. And there would be nothing to wonder at in this, seeing that we [regularly] add from the profane on to the holy.¹⁷ Therefore it says, it is a Jubilee to you, the fiftieth year, [to show that] you are to sanctify the fiftieth year, but not the fifty-first year.¹⁸

(1) The only feast which takes place when the moon is hidden.

(2) Ibid. 5.

(3) For if the other nations are judged, a plus forte raison Israel.

(4) Israel being regarded as a king in relation to the other nations.

(5) I Kings, VIII, 59.

(6) Being inflamed by the sins of the community.

(7) Lev. XXV, 4.

(8) And he derives (the meaning of) 'year' from 'year' (commencing) with Tishri.

(9) Deut. XI, 12, which refers to Tishri.

(10) Ex. XII, 2.

(11) V. supra p, 7a.

(12) Lev. XXV, 9. referring to the Jubilee.

(13) Ibid 10. These words are apparently superfluous, it having already been said, and thou shalt number forty-nine years.

(14) In sign of their approaching freedom.

(15) Cf. infra 24a.

(16) Lev. XXV, II.

(17) V. infra.

(18) The word 'it' being specific.

Talmud - Mas. Rosh HaShana 9a

And the Rabbis [— what do they make of these words]?¹ — [They say]: You are to count the fiftieth year, but you are not to count the fifty-first,² to exclude the view of R. Judah, who said that the fiftieth year is reckoned both ways.³ We are here told that this is not so.

And how do we know [from the Scripture] that we add from the profane on to the holy?⁴ — As it has been taught: In plowing time and in harvest time thou shalt rest.⁵ R. Akiba, [commenting on this,] said: There was no need [for Scripture] to specify the ploughing and harvest of the Sabbatical year, since this has already been mentioned [in] thy field thou shalt not sow etc.⁶ What must be meant therefore is the ploughing of the year before the seventh which is passing into the seventh,⁷ and the harvest of the seventh year which is continuing into the period after the seventh year.⁸ R. Ishmael said: Just as ploughing is optional,⁹ so the harvest [here referred to] is an optional one, excluding the harvesting of the 'Omer, which is a religious duty.¹⁰ Whence then does R. Ishmael derive the rule that an addition is to be made from the profane on to the holy? — From what has

been taught: And ye shall afflict your souls on the ninth day:¹¹ I might think [literally] on the ninth day. It therefore says, In the evening.¹² if in the evening, I might think, after dark? It therefore says, 'or, the ninth day'.¹³ What then am I to understand? That we begin fasting while it is yet day; which shows that we add from the profane on to the holy. I know this [so far] only in regard to the inception [of the holy day]; how do I know it in regard to its termination? Because it says, from evening to evening.¹² So far I have brought only the Day of Atonement under the rule; how do I know that it applies to Sabbaths also? Because it says, ye shall rest.¹⁴ How do I know that it applies to festivals? Because it says, your Sabbath.¹⁴ How am I to understand this? That wherever there is an obligation to rest, we add from the profane on to the holy.

What then does R. Akiba make of this, 'and ye shall afflict your souls on the ninth day'? — He requires it for the lesson learnt by R. Hiyya b. Rab from Difti.¹⁵ For R. Hiyya b. Rab from Difti learnt: 'And ye shall afflict your souls on the ninth day'. Do we then fast on the ninth day? Is it not on the tenth day that we fast? [We do]; but [the use of this word] indicates that if a man eats and drinks on the ninth day, the Scripture accounts it to him

(1) They have no need of this lesson, seeing that they do not consider the year sanctified from its inception. (Cf. Tosaf. s.v. **ורבנן** 8b).

(2) Lit. 'the year fifty and first'. So our texts, the meaning being, according to Rashi, that you are not to reckon the fiftieth year as fiftieth to the Jubilee and first to the next septennate. Tosaf., by a slight change of wording, renders: 'You are to count the fiftieth year (as fiftieth to the Jubilee), but you are not to count the fiftieth year as one (to the following septennate)', which is a smoother reading.

(3) As fiftieth to the Jubilee and first to the next septennate.

(4) I.e., add a little from the ordinary week-day on to the holy day.

(5) Ex. XXXIV, 21.

(6) Lev. XXV, 4.

(7) Ploughing under trees in the sixth year which will benefit them in the seventh.

(8) Stuff which grows of itself and reached a third of its growth in the seventh year.

(9) As there is no ploughing, which is considered a religious duty.

(10) R. Ishmael takes the words 'in plowing time etc.' to refer to the Sabbath, and learns from them that the 'Omer to be brought on the second day of Passover may be reaped on Sabbath, v. Mak. 8b.

(11) Lev. XXIII, 32.

(12) Ibid.

(13) And after dark would be on the tenth.

(14) Lev. XXIII, 32.

(15) Dibtha, below the Tigris, S.E. of Babylon.

Talmud - Mas. Rosh HaShana 9b

as if he fasted on both the ninth and the tenth days.¹

Our Rabbis taught: It is a Jubilee² — 'A Jubilee'³ even though they did not observe the release of fields, even though they did not observe the blowing of the trumpet.⁴ I might say [that it is still a Jubilee] even though they did not observe the dismissal of slaves. Therefore it says, 'it is'.⁵ So R. Judah. R. Jose said: 'It is a Jubilee', — 'A Jubilee'³ even though they did not release fields, even though they did not dismiss slaves. I might think [that it is still a Jubilee] even if they did not blow the trumpet. It therefore says, 'it is'. Now⁶ since one text brings some cases under the rule and another text excludes others from it, why should I expound: 'A Jubilee',⁷ even though they did not dismiss, but it is not a Jubilee unless they blew the trumpet? Because it is possible that there should be no [opportunity for]⁸ dismissing slaves, but it is not possible that there should be no [opportunity for] blowing the trumpet.⁹ Another explanation is that the performance of the latter depends on the Beth din, but the performance of the former does not depend on the Beth din.¹⁰ What need is there

for the alternative explanation? — Because you might argue that it is impossible that there should not be someone in some part of the world who has not a slave to dismiss. Therefore I say that the one depends on the Beth din but the other does not depend on the Beth din.

I understand R. Jose's point of view, his reason being as he stated. But what is R. Judah's reason? — The text says, And ye shall proclaim liberty throughout the land,¹¹ and he holds that a text may be expounded in connection with the clause immediately preceding it, but not with the one before that.¹²

All authorities agree that the word deror¹³ means freedom. What does this tell us? — As it has been taught: The word deror means freedom. R. Judah said: What is the significance of the word deror? [The freedom of] one who dwells [medayyer] where he likes¹⁴ and can carry on trade in the whole country.

R. Hiyya b. Abba said in the name of R. Johanan: The views given above are those of R. Judah and R. Jose, but the Sages say that [the neglect of] any of these three ceremonies renders the Jubilee inoperative. Their view was that a text can be expounded in connection both with the clause immediately preceding it and with the one before that and with the one that follows it.¹⁵ But it is written 'Jubilee'¹⁶ — This is to show that it must be kept even outside of Palestine. But it is written 'throughout the land'¹⁷ — This means that when liberation is carried out in the land it is carried out abroad, and when it is not carried out in the land it need not be carried out abroad.

AND FOR PLANTATION. How do we know this [from the Scripture]? — Because it is written, Three years [it shall be] uncircumcised,¹⁸ and it is written, and in the fourth year,¹⁹ and we learn that this year commences with Tishri from the analogy of the word 'year' in the text from the beginning of the year.²⁰ But why not conclude that it commences with Nisan from the analogy of the word 'year' in It is the first to you of the months of the year? — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.

Our Rabbis taught: 'If one plants or bends over²¹ or grafts a tree in the year before²² the Sabbatical year thirty days before New Year — in all three cases, [by New Year] a year has passed for him,²³ and he can preserve the growth during the seventh year. [If he does so] less than thirty days before New Year, the interval [up to New Year] does not count as a year for him and he may not preserve the growth in the Sabbatical year

(1) Because the eating and drinking on the ninth day is called in the text 'fasting'.

(2) Lev. XXV, 11.

(3) Added by Bah.

(4) The superfluous word 'Jubilee' shows that even in these cases the year is observed as a Jubilee for the abstaining from sowing etc.

(5) ש"ך This word having a limiting force.

(6) This is a continuation of R. Jose's statement.

(7) So Bah; cur. edd. 'It is a Jubilee'.

(8) Lit., 'it is possible for the world'. E.g., if no Israelite had a slave.

(9) It is hardly possible that there should be no trumpet.

(10) Because the Beth din may not be able to compel all persons to dismiss their slaves.

(11) Just before the words 'it is a Jubilee'.

(12) Hence we apply the limiting force of the words 'it is' to the dismissal of slaves, but not to the blowing of the trumpet, which does not immediately precede.

(13) In Lev. XXV, 10. E.V. 'liberty'.

- (14) [**בֵּי דִירָא** , Lit., 'in a dwelling place'. MS.M.; **דִּירָא** (carrier). As a carrier carries (or, goes round with) his load everywhere he likes].
- (15) Viz., 'and ye shall return everyone unto his possession'.
- (16) This should cancel the limiting force of 'it is'.
- (17) So how can you say that it should be kept outside of Palestine?
- (18) Lev. XIX, 23.
- (19) Ibid. 24.
- (20) V. supra p. 31.
- (21) A branch from a tree and plants it in the ground without separating it from the parent tree.
- (22) Lit., 'in the eve of'.
- (23) I.e., the thirty days count as one of the years of 'uncircumcision'.

Talmud - Mas. Rosh HaShana 10a

. The fruit of such a plantation is forbidden until the fifteenth of Shebat,¹ whether as "uncircumcised" in [the year of] "uncircumcision", or as fourth year fruit in the fourth year',² What is the ground for this ruling? — R. Hiyya b. Abba said in the name of R. Johanan (though some trace it back to the authority of R. Jannai): Scripture says, And in the fourth year. . . and in the fifth year.³ There are occasions when fruit appears in the fourth year and it is still forbidden on account of uncircumcision', and there are occasions when fruit appears in the fifth year and it is still forbidden on account of 'fourth year'.

Shall I say that that is not [in agreement with] R. Meir,⁴ since R. Meir has affirmed⁵ that one day in the year is reckoned as a year, as it has been taught: 'Par [bullock] is mentioned in the Torah without further qualification and means an animal twenty-four months and one day old. So R. Meir. R. Eleazar says, it means an animal twenty-four months and thirty days old. For R. Meir used to say: Wherever 'egel [calf] is mentioned in the Torah without further qualification, it means of the first year; ['egel]⁶ ben bakar [young ox] means, of the second year; par [bullock] means, of the third year'! — You may still say [it is in agreement with] R. Meir. When R. Meir said that one day in a year is counted as a year, he meant at the end of a period,⁷ but not at the beginning.⁸

Raba said: Cannot we apply here an argument a fortiori,⁹ [to wit]: Seeing that in the case of a niddah,¹⁰ though the beginning of the [seventh] day is not reckoned as concluding her period,¹¹ the end of the [first] day yet counts for the beginning of her period,¹² in the case of [a period of] years where one day is counted [as a whole year] at the end,¹³

(1) Although three years are reckoned to have been completed by the previous New Year.

(2) Tosef. Sheb. I.

(3) Ibid. 24, 25. Stress is laid in the exposition on the word 'and'.

(4) The view that thirty days are required to count as a year.

(5) Lit., 'for if like R. Meir, surely he said'.

(6) But par ben bakar means 'of the third year'. V. Tosaf. s.v. **עגל**.

(7) E.g., the three-yearly period of the par.

(8) E.g., of the three-yearly period of 'uncircumcision'.

(9) To show that it makes no difference whether the day is at the beginning or the end of the period.

(10) A menstruous woman.

(11) Her period of uncleanness ending only at nightfall on the seventh day, and not at any hour earlier in the day.

(12) I.e., if she begins counting in the middle of a day, as soon as nightfall arrives she is reckoned as having completed one day. [The reference here is to Niddah who according to Biblical law was allowed to cleanse herself when seven days had passed from her first menstrual flow, provided it ceased on the seventh day before sunset. This law was later replaced by the more stringent Rabbinic rule necessitating a period of seven clean days after a single blood issue.]

(13) As in the case of the par.

Talmud - Mas. Rosh HaShana 10b

does it not follow that one day should be counted [as a year] at the beginning? — What then? Will you say [that the passage quoted¹ follows] R. Eleazar? [How can this be, seeing that] R. Eleazar requires thirty days and thirty days,² as we have learnt: ‘It is not allowed to plant nor to bend over nor to graft in the year before the Sabbatical year less than thirty days before New Year, and if one did plant or bend over or graft, he must uproot the plant. So R. Eleazar. R. Judah said: If a grafting does not take within three days, it will not take at all. R. Jose and R. Simeon said that it takes two weeks’,³ and [commenting on this] R. Nahman said in the name of Rabbah b. Abbuha: On the view that thirty days are the period [for taking] we require thirty days and thirty;⁴ on the view that three days are the period, thirty-three days are required; on the view that two weeks are the period, two weeks and thirty days are required. Now even if [we accept the view of] R. Judah, thirty-three days are required? — The truth is [that the statement in question follows] R. Meir, and when it says thirty days, it means the thirty days of taking. In that case it should say thirty-one days?⁵ — He held that the thirtieth day counts both ways.

R. Johanan said: Both of them [R. Meir and R. Eleazar] based their views on the same verse, viz., And it came to pass in the one and six hundredth year, in the first month, on the first day of the month.⁶ R. Meir reasoned: Seeing that the year was only one day old and it is still called a year, we can conclude that one day in a year is reckoned as a year. What says the other to this? — [He says that] if it were written, ‘In the six hundred and first year’, then it would be as you say. Seeing, however, that it is written, ‘In the one and six hundredth year’, the word ‘year’ refers to ‘six hundred’, and as for the word ‘one’, this means ‘the beginning of one’.⁷ And what is R. Eleazar's reason? — Because it is written, ‘In the first month on the first day of the month. Seeing that the month was only one day old and it is yet called ‘month’, we can conclude that one day in a month is reckoned as a month; and since one day in a month is reckoned as a month, thirty days in a year are reckoned as a year, a month being reckoned by its unit and a year by its unit.

(We infer from what has just been said that both [R. Meir and R. Eleazar] were of opinion that the world was created in Nisan.)⁸

It has been taught: R. Eliezer says: In Tishri the world was created; in Tishri the Patriarchs⁹ were born; in Tishri the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited;¹⁰ on New Year Joseph went forth from prison

(1) Where it says that less than thirty days does not count for planting etc.

(2) To elapse before a year is completed for ‘uncircumcision’ — thirty days for the ‘taking’ and thirty for the addition from the profane on to the holy (Rashi).

(3) Sheb. II, 6.

(4) To count for a year of ‘uncircumcision’. V. p. 37, n. 11.

(5) Thirty days for taking and one for the addition.

(6) Gen. VIII, 13.

(7) I.e., it merely gives the date, but gives no indication that a day can be counted as a year.

(8) Because both agree that ‘the first day of the first month’ in the text marks the beginning of another year. Rashi points out that both might equally well hold that the ‘first month’ here means Tishri, it being so called as first month to the creation and he therefore rejects this sentence. But v. Tosaf. s.v. **מכאן**.

(9) Abraham and Jacob.

(10) I.e., remembered on high.

Talmud - Mas. Rosh HaShana 11a

; on New Year the bondage of our ancestors in Egypt ceased;¹ in Nisan they were redeemed and in Nisan they will be redeemed in the time to come. R. Joshua says: In Nisan the world was created; in Nisan the Patriarchs were born; in Nisan the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited; on New Year Joseph went forth from prison; on New Year the bondage of our ancestors ceased in Egypt; and in Nisan they will be redeemed in time to come.

It has been taught: 'R. Eliezer says: Whence do we know that the world was created in Tishri? Because it says, And God said, Let the earth put forth grass, herb yielding seed, and fruit-tree.² Which is the month in which the earth puts forth grass and the trees are full of fruit? You must say that this is Tishri. That time was the season of rainfall,³ and the rain came down and the plants sprouted, as it says, And a mist went up from the earth.⁴

R. Joshua says: Whence do we know that the world was created in Nisan? Because it says, And the earth brought forth grass, herb yielding seed after its kind, and tree bearing fruit.⁵ Which is the month in which the earth is full of grass and trees [begin to] produce fruit? You must say that this is Nisan. That time was the period when cattle, beasts and fowls copulate with one another, as it says, The rains have mounted the sheep etc.⁶ And how does the other explain the text, 'tree bearing fruit'? — This signifies a blessing for future generations. And what does the other make of the words 'fruit-tree'? — This is to be explained in accordance with the dictum of R. Joshua b. Levi; for R. Joshua b. Levi said: All creatures of the creation were brought into being with their full stature, their full capacities, and their full beauty, as it says, And the heaven and the earth were finished, and all the host of them [zeba'am]. Read not zeba'am, but zibyonam [their beauty].

R. Eliezer said: Whence do we know that the Patriarchs were born in Tishri? Because it says, And all the men of Israel assembled themselves unto King Solomon, at the feast in the month Ethanim;⁷ that is, the month in which the mighty ones [ethanim] of the world were born. How do you know that this word ethan means 'mighty'? — Because it is written, Thy dwelling-place is firm [ethan],⁸ and it also says, Hear, ye mountains, the Lord's controversy, and ye mighty rocks [ethanim] the foundations of the earth.⁹ It also says, The voice of my beloved, behold he cometh, leaping upon the mountains, skipping upon the hills,¹⁰ [where] 'leaping upon the mountains' means, for the merit of the patriarchs, and 'skipping upon the hills' means, for the merit of the matriarchs.

R. Joshua said: Whence do we know that the patriarchs were born in Nisan? Because it says, and it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year in the month of Ziv¹¹ — that is, the month in which the brilliant ones [zewthane] of the world were born. But how does he explain the expression 'month of Ethanim'? — It means, [the month] which is strong in religious duties.¹² What does the other make of the expression 'in the month of Ziv'? — It means, the month in which there is splendour for the trees, for so Rab Judah has said: When a man goes abroad in the days of Nisan and sees trees blossoming, he should say, 'Blessed is He that hath not left His world short of anything and has created therein goodly creatures and goodly trees to rejoice mankind'.

He who holds that they were born in Nisan holds that they died in Nisan, and he who holds that they were born in Tishri holds that they died in Tishri, as it says, I am a hundred and twenty years old this day.¹³ The word 'this day' seems here superfluous. What then is the point of it? [As much as to say], This day my days and years have reached full measure, which teaches that the Holy One, blessed be He, sits and completes the years of the righteous from day to day and from month to month, as it says, The number of thy days I will fulfil.¹⁴

Whence do we know that Isaac was born on Passover? — Because it is written, On the [next] festival¹⁵ I will return unto thee.¹⁶ Now when was he [the angel] speaking?¹⁷ Shall I say [he was

speaking] on Passover and referring to Pentecost? Could she bear in fifty days?¹⁸ Shall I say then that [he was speaking on] Pentecost and was referring to Tishri? Even in five months could she bear? I must suppose then that he was speaking on Tabernacles and referring to Passover.¹⁹ Even so, could she bear in six months? — It has been taught that that year was a leap year. All the same, if the Master deducts the days of uncleanness,²⁰ the time is too short? — Mar Zutra replied: Even those who hold that when a woman bears at nine months she does not give birth before the month is complete²¹ admit that if she bears at seven months she can give birth before the month is complete, as it says, And it came to pass after the cycle of days;²² the minimum of cycles is two, and the minimum of days is two.

‘On New Year Sarah, Rachel and Hannah were visited’. Whence do we know this? — R. Eliezer said: We learn it from the two occurrences of the word ‘visiting’, and the two occurrences of the word ‘remembering’. It is written concerning Rachel, And God remembered Rachel,²³ and it is written concerning Hannah, And the Lord remembered her,²⁴ and there is an analogous mention of ‘remembering’ in connection with New Year, as it is written, a solemn rest, a remembering of the blast of the trumpet.²⁵ The double mention of visiting [is as follows]. It is written concerning Hannah, For the Lord had visited Hannah,²⁶ and it is written concerning Sarah, And the Lord visited Sarah.²⁷

‘On New Year Joseph went forth from the prison’. Whence do we know this? — Because it is written, Blow the horn on the new moon, on the covering day for our festival . . .

(1) Six months be- fore the redemption.

(2) Gen. I, 11.

(3) Lit., ‘fructification’.

(4) Gen. II, 6. This is supposed to have been at the time of the creation, and is therefore a proof that the world was created in Tishri.

(5) Gen. I, 12. ‘Bearing fruit’ is taken to mean, ‘about to bear fruit’.

(6) Ps. LXV, 14. ‘The meadows are clothed with flocks’. This Psalm is supposed to refer to the creation.

(7) I Kings VIII, 2. The verse continues, ‘which is the seventh month’.

(8) Num. XXIV, 21.

(9) Micah VI, 2.

(10) Cant. II, 8. This verse is adduced to show that mountains’ can refer to the Patriarchs.

(11) I Kings VI, 1. The text says that this was the second month, but sometimes the Nisan tekufah (vernal equinox) is late in occurring, in which case the month of Iyar may according to solar calculation still be Nisan (Rashi).

(12) As a number of festivals occur in it.

(13) Deut. XXXI, 2.

(14) Ex. XXIII, 26.

(15) Heb. **לְמוֹעֵד** E.V. ‘at the set time’.

(16) Gen. XVIII, 14. Said by the angel to Abraham with reference to the birth of Isaac.

(17) Lit., ‘standing’.

(18) The interval between Passover and Pentecost.

(19) According to another tradition (based on the words, knead and prepare unleavened cakes), the angels appeared to Abraham on Passover. Cf. Tosaf. s.v. **סֵפֶס**.

(20) According to tradition, Sarah became niddah (v. Glos.) on that day.

(21) Lit., ‘defective (months)’. I.e., less than twenty-nine or thirty days.

(22) I Sam. I, 20 (E.V. ‘when the time was come about’). This is taken as proof by the Talmud that Hannah bore after six months and two days.

(23) Gen. XXX, 22.

(24) I Sam. I, 19.

(25) Lev. XXIII, 24.

(26) I Sam. II, 21.

Talmud - Mas. Rosh HaShana 11b

He appointed it for Joseph for a testimony when he went forth¹ etc.

‘On New Year the bondage of our ancestors ceased in Egypt’. It is written in one place, and I will bring you out from under the burdens of the Egyptians,² and it is written in another place, I removed his shoulder from the burden.³ ‘In Nisan they were delivered’, as Scripture recounts. ‘In Tishri they will be delivered in time to come’. This is learnt from the two occurrences of the word ‘horn’. It is written in one place, Blow the horn on the new moon,⁴ and it is written in another place, In that day a great horn shall be blown.⁵ ‘R. Joshua says, In Nisan they were delivered, in Nisan they will be delivered in the time to come’. Whence do we know this? — Scripture calls [the Passover] ‘a night of watchings’,⁶ [which means], a night which has been continuously watched for from the six days of the creation. What says the other to this? — [He says it means], a night which is under constant protection against evil spirits.⁷

R. Joshua and R. Eliezer are herein consistent [with views expressed by them elsewhere], as it has been taught: ‘In the sixth hundredth year of Noah's life, in the second month, on the seventeenth day of the month.’⁸ R. Joshua said: That day was the seventeenth day of Iyar, when the constellation of Pleiades sets at daybreak and the fountains begin to dry up, and because they [mankind] perverted their ways, the Holy One, blessed be He, changed for them the work of creation and made the constellation of Pleiades rise at daybreak and took two stars from the Pleiades and brought a flood on the world. R. Eliezer said: That day was the seventeenth of Marheshvan, a day on which the constellation of Pleiades rises at daybreak, and [the season] when the fountains begin to fill

(1) Ps. LXXXI, 4-6.

(2) Ex. VI, 6.

(3) Ps. LXXXI, 7 in reference to Joseph.

(4) Ibid. 4.

(5) Isa. XXVII, 13.

(6) Ex. XII, 42.

(7) I.e., on this night they are not allowed to roam as on other nights.

(8) Gen. VII, 11.

Talmud - Mas. Rosh HaShana 12a

, and because they perverted their ways, the Holy One, blessed be He, changed for them the work of creation, and caused the constellation of Pleiades to rise at daybreak and took away two stars [from it] and brought a flood on the world’.¹ Now accepting the view of R. Joshua, we can understand why the word ‘second’ is used;² but on R. Eliezer's view, what is meant by ‘second’? — [It means], the second to [the day of] judgment.³ Again, on R. Joshua's view we see what change there was in the work of creation; but on R. Eliezer's view what change was there?⁴ — The answer is found in the dictum of R. Hisda; for R. Hisda said: With hot liquid they sinned and with hot liquid they were punished. ‘With hot liquid they sinned’, namely, in [sexual] transgression. ‘With hot liquid they were punished’: it is written here⁵ , and the waters assuaged,⁶ and it is written elsewhere, and the wrath of the king was assuaged.⁷

Our Rabbis taught: ‘The wise men of Israel follow R. Eliezer in dating the Flood⁸ and R. Joshua in dating the annual cycles,⁹ while the scholars of other peoples follow R. Joshua in dating the Flood also’.

AND FOR VEGETABLES. A Tanna taught: 'For vegetables and for tithes and for vows'. What is meant by vegetables? The tithe of vegetables? But this is the same as 'tithes'? — [The Tanna] mentions first a tithe prescribed by the Rabbis and then those prescribed by the Torah.¹⁰ But let him mention those prescribed by the Torah first? — Since he was specially pleased with the others,¹¹ he mentions them first. And our Tanna [— why does he not mention tithes]? — He mentions a tithe prescribed by the Rabbis,¹² and [leaves us to infer] a fortiori those prescribed by the Torah. Why does not the Tanna here say simply 'tithe' [in the singular]? — He desires to include both the tithe of cattle and the tithe of cereals. Then why does he not say vegetable' [in the singular]? — He refers to two kinds of vegetables, as we have learnt: '[Tithe is to be given from] vegetables which are commonly made up into bundles, from the time they are so made up, and from those which are not commonly so made up, from the time when he fills a vessel with them.

Our Rabbis taught: If one¹³ gathered herbs on the eve of New Year before sunset, and then gathered some more

(1) There seems to be some confusion in the text here. To make it astronomically correct we should read (with the Seder Olam) in the dictum of R. Joshua, 'When Pleiades rises at daybreak', and in the dictum of R. Eliezer, 'sets at daybreak'.

(2) Because we find Nisan called the first month in the Torah.

(3) Which is also recognized by Scripture as the beginning of a year in the text, 'The eyes of the Lord are upon it (the Land of Israel) from the beginning of the year'.

(4) Seeing that it was the season of rain.

(5) In connection with the Flood.

(6) Gen. VIII, 1.

(7) Esth. VII, 10.

(8) I.e., the years of Noah and the calendar from Tishri; Tishri being the New Year for years.

(9) They hold that the world was created in Nisan, v. supra p. 30, n. 5.

(10) Tithes for all other kinds of produce apart from vegetables are derived by the Rabbis from biblical texts. But v. Tosaf. s.v. תנא .

(11) Because they were a rabbinic innovation.

(12) I.e., tithes for vegetables.

(13) Apparently a non-Jew is meant (Tosaf.).

Talmud - Mas. Rosh HaShana 12b

after sunset, terumah¹ and tithe are not given from one lot for another, because terumah and tithe are not given from the new for the old nor from the old for the new. If it was at the meeting point of the second and third years² [of the septennial cycle], from that [which is plucked in] the second year first and second tithe³ [have to be given], [and from that which was plucked in] the third year, first tithe and the tithe of the poor.

Whence this rule? — R. Joshua b. Levi says: [It is written], When thou hast made an end of tithing all the tithe of thine increase in the third year, which is the year of the tithe.⁴ This means the year in which there is only one tithe.⁵ How is then one to act? [He gives] the first tithe and the tithe of the poor, and the second tithe is omitted. Is this correct, or should the first tithe also be omitted? — [Not so], because it says, Moreover thou shalt speak unto the Levites and say unto them, When ye take of the children of Israel the tithe which I have given you from them for your inheritance.⁶ The text here compares the tithe [of the Levites] to an inheritance, [to signify that] just as an inheritance is to be held uninterrupted, so their tithe is to be given without interruption. It has been taught to the same effect: 'When thou hast made an end of tithing etc.' [This means] a year in which there is only one tithe. How is one to act? [He gives] first tithe and tithe of the poor, and the second tithe is omitted. Should perhaps the first tithe also be omitted? — [Not so], because it says, and the Levite shall come,⁷ which means to say, every time he comes give him.⁸ So R. Judah. R. Eliezer b. Jacob says:

We have no need [to appeal to this text].⁹ It says, Moreover thou shalt speak unto the Levites and say unto them, When ye take from the children of Israel the tithe which I have given you from them for your inheritance.¹⁰ The text here compares the tithe to an inheritance, to signify that just as an inheritance is held uninterruptedly, so the tithe is to be given without interruption.

AND FOR VOWS. Our Rabbis taught: If one is interdicted by vow to have no benefit from another person for a year, he reckons twelve months from day to day. If he said 'for this year', then even if he made the vow on the twenty-ninth of Elul, as soon as the first of Tishri arrives a year is completed for him; and this even on the view of those who say that one day in a year is not counted as a year. For he undertook to mortify himself, and he has mortified himself. But why not say [that his year ends in] Nisan? — In respect of vows, follow the ordinary use of language.¹¹

We have learnt elsewhere: 'Fenugrec¹² [becomes liable to tithe] from the time when it grows;¹³ produce¹⁴ and olives, from the time when they have grown a third'. What is meant by 'from the time when it grows'? — From the time when it grows sufficiently for resowing.¹⁵ 'Produce and olives from the time when they are a third grown'. Whence this rule? — R. Assi said in the name of R. Johanan (some trace it back to the name of R. Jose the Galilean): Scripture says: At the end of every seven years, in the set time of the year of release, in the feast of Tabernacles.¹⁶ Now how comes the year of release to be mentioned here? The feast of Tabernacles is already the eighth year? It is in fact to intimate to us that if produce has grown a third in the seventh year before New Year, the rules of the seventh year are to be applied to it in the eighth year.¹⁷

Said R. Zera to R. Assi:

(1) V. Glos.

(2) Lit., 'if the second entered into the third'. In the second year a tithe was taken to Jerusalem to be consumed there; in the third year a tithe was given to the poor, but not taken to Jerusalem. The first tithe which went to the Levites was given every year. v. infra.

(3) I.e., tithe of the Levites and tithe for Jerusalem.

(4) Deut. XXVI, 12.

(5) I.e., one of the two regular tithes.

(6) Num. XVIII, 26.

(7) Deut. XIV, 29.

(8) In the third year also.

(9) R. Eliezer apparently was not completely satisfied with the proof from this text, because it speaks of the Levite as in the category of the poor.

(10) Num. XVIII, 26.

(11) And men ordinarily talk of the year as beginning in Tishri.

(12) Or 'fenugreek', a leguminous plant allied to clover.

(13) I.e., its year is determined by the time of its growth and not of its gathering, as in the case of vegetables.

(14) התבואה It is a question whether this includes grapes or not. V. Tosaf.

(15) Cf. Tosaf. s.v. משתצמח .

(16) Deut. XXXI, 10.

(17) Tosaf. (s.v. מנהג) points out that this would seem to come under the rule already given above of adding from the profane on to the holy, and answers that from this verse we should learn only that the produce if harvested must be treated as seventh-year produce e.g.. in respect of trading interest, but not that it is forbidden to harvest it.

Talmud - Mas. Rosh HaShana 13a

But perhaps even though it has not begun to ripen at all, the All-Merciful has still laid down that it is to be left alone until the feast of Tabernacles? — Do not imagine such a thing. For it is written, and the feast of ingathering [asif] at the end of the year.¹ Now what is 'ingathering'? Shall I say it means

the feast which comes at the time of ingathering? This is already signified in the words when thou gatherest in.² What then must be meant here by asif? Harvesting;³ and the Rabbis take it for granted that all produce which is harvested by Tabernacles must have grown to a third by New Year, and Scripture applies to it the words at the end of the year.⁴ Said R. Jeremiah to R. Zera: And were the Rabbis certain that there is this distinction between a third and less than a third?⁵ He replied to him: Am I not always telling you not to let yourself go beyond the established rule? All the measurements laid down by the Sages are of this nature. In forty se'ahs [of water] a ritual bath may be taken; in forty se'ahs less a kurtub⁶ it may not be taken. [A quantity of food equal to the] size of an egg can be rendered unclean as foodstuff; if it is short of that quantity by a grain it cannot be rendered unclean. [A piece of cloth] three handbreadths by three can be rendered unclean by being trodden on,⁷ less than this quantity by one hair is not so rendered unclean. R. Jeremiah subsequently said: What I said is of no account. For R. Kahana was asked by members of the college, Whence did the Israelites bring the omer which they offered on their entry into the Land [of Israel]? If you say, it grew⁸ while still in the possession of the heathen, [this cannot be, since] the All Merciful prescribed your harvest⁹ and not the harvest of the stranger. (But how do we know that they [the Israelites] offered it at all? Perhaps they did not offer it at all? — Do not imagine such a thing. For it is written, And they did eat of the produce of the land on the morrow after the Passover.¹⁰ On the morrow after the Passover they ate, but not before, [which shows that] they brought the omer and only then ate. Whence then did they obtain it?) — He [R. Kahana] replied to them: All that had not grown to a third while in the possession of the stranger [was fitting for their use]. Now [it might be argued here also that] perhaps it had grown [in the possession of the stranger] and they were not certain. The fact, however, [that they ate it] shows that they were certain. So here,¹¹ the Rabbis are certain. But perhaps [the Israelites brought the omer from] corn which had not commenced to grow [when they entered the land], but where it had grown to a quarter they were not certain about the difference between a third and less than a third?¹² — Do not imagine such a thing. For it is written, And the people went up from the Jordan on the tenth of the month.¹³ Now if you assume that by then the corn had not grown at all, could it become ripe in five days? But [on your assumption] that it had grown to a fourth or a fifth, could [such corn] become ripe in five days? What you consequently have to answer [even on this assumption] is that the land of Canaan is called 'the land of the hind';¹⁴ so [on the other assumption] you can answer that it is called 'the land of the hind'.

R. Hanina objected strongly to the statement made above. Can you, he said, maintain that this 'asif' is 'harvesting', seeing that it is written, when thou gatherest in from thy threshing floor and from thy wine press,¹⁵ and [commenting on this] a Master has said, The verse speaks of the waste of the threshing floor and the wine press?¹⁶ Said R. Zera: I thought I was sure of this,¹⁷ and now R. Hanina has come and put a spoke in my wheel.¹⁸ How then do we know [this rule about a third]? — As it has been taught: R. Jonathan b. Joseph says: And it shall bring forth produce for the three years;¹⁹

(1) Ex. XXIII, 16.

(2) Ibid.

(3) The verse meaning that the harvest gathered in at this season belongs to the year going out.

(4) Which shows that it is regarded as belonging to the year which is going out.

(5) Viz., that what is grown to a third belongs to one year, and what is less grown to another year. This seems to R. Jeremiah rather arbitrary.

(6) A small liquid measure equal to 1/64 of a log.

(7) By one who had a flux.

(8) A third (Rashi).

(9) Ye shall bring the sheaf of the firstfruits of your harvest unto the priest. Lev. XXIII, 10.

(10) Josh. V, 11.

(11) With reference to the corn that is harvested at the season of Tabernacles.

(12) And it was not from such corn that they brought the omer.

(13) Josh. IV, 19.

(14) Dan. XI, 16 (E.V. beautiful land). The Sages say that the Land of Israel is compared to a hind on account of its swiftness in bringing its products to maturity. Keth. 112.

(15) Deut. XVI, 13. 'From' is taken in the partitive sense.

(16) To show that it may be used for covering the sukkah; and the phrase, Festival of 'asif' ('ingathering') here too has the same signification — the festival that comes at the time when people 'gather in' the waste products for the sukkah.

(17) Lit., 'this thing was in our hand'.

(18) Lit., 'has thrown into it an axe'.

(19) Lev. XXV, 21.

Talmud - Mas. Rosh HaShana 13b

read not lishlosh [for three], but lishlish [to a third].¹ But this text is required for its literal meaning?² It is written in another verse, And ye shall sow for the eighth year and eat of the produce, the old store, until the ninth year.³

We have learnt elsewhere:⁴ 'Rice, millet, hanie⁵ and sesame,⁶ if they have taken root by New Year, are for purposes of tithe counted⁷ as belonging to the year before [the New Year],⁸ and are permitted in the seventh year.⁹ Otherwise they are forbidden in the seventh year,⁹ and are reckoned for tithe as belonging to the next year.¹⁰ Rabbah said: The Rabbis have laid down that [the tithe year of] a tree is determined by its blossoming, that of produce and olives by their becoming a third grown, that of vegetables by their ingathering. In which class have these been placed by the Rabbis? — Rabbah answered himself by saying: Since they are gathered for shelling as required,¹¹ the Rabbis made the taking root the determining factor.¹²

Said Abaye to him: Can he not collect the whole crop in a heap,¹³ so that ex post facto he will have set aside from the new crop in it for the new crop in it, and from the old crop in it for the old crop?¹⁴ Has it not been taught:¹⁵ 'R. Jose b. Kippar says in the name of R. Simeon Shezuri: If Egyptian beans have been sown for seed and part takes root before New Year and part after, terumah and tithe must not be given from one lot for another, because terumah and tithe are not given from the new for the old nor from the old for the new. How then is one to manage? He collects the whole crop in a heap, so that in the end he gives terumah and tithe from the new crop in the heap for the new crop in the heap, and from the old crop in the heap for the old crop in the heap! — He replied to him: You cite R. Simeon Shezuri. R. Simeon Shezuri held that mixing can be relied on,¹⁶ whereas the Rabbis held that mixing cannot be relied on.

R. Isaac b. Nahmani said in the name of Samuel: The halachah follows the ruling given by R. Jose b. Kippar in the name of R. Simeon Shezuri. R. Zera strongly demurred to this. Did Samuel, he asked, really say this? Has not Samuel said: Mixing is not relied on for anything save wine and oil? — R. Zera overlooked the following dictum of Samuel: The determining factor is in all cases the full ripening.¹⁷

(1) Meaning that it is considered ripe when it has grown a third.

(2) And how therefore can you use it for a deduction?

(3) Ibid. 22. This shows that the produce of the sixth year will last three years, and therefore the other verse is not required to tell us this and may be used for a deduction.

(4) Sheb. II, 7.

(5) A species of millet.

(6) These are all counted as varieties of pulse.

(7) In an ordinary year.

(8) Second or third as the case may be. V. p. 44, n. 6.

(9) Viz., those that take root in the sixth.

(10) V. Sheb. II, 7.

(11) I.e., some before New Year and some after. [The phrase עשויין פרכין פרכין is difficult. Rashi renders: They (their gathering) are made (as they are needed) for shelling. R. Hananel reads פרגין ('beds') and renders, They ripen (at different times) in different beds, even though they may 'take' at the same time].

(12) Because otherwise it would be difficult to keep the old and the new separate for tithing purposes without great inconvenience.

(13) Lit., 'heap up his threshing-floor in the middle of it'.

(14) Abaye holds that if the whole crops old and new, is well mixed together, then when he sets aside terumah and tithe from it, the proportion of old and new in the terumah and tithe will be the same as the proportion of old and new in the whole crop.

(15) Tosef. Sheb. II.

(16) To produce old and new in proper proportions in the tithe. Lit., 'there is mixing'.

(17) And therefore in fact tithe is given from Egyptian beans all together, whether they took root in the outgoing or in the incoming year, which is as R. Simeon Shezuri said, in so far that the two crops can be tithed together, although according to each for a different reason. For on the view of Samuel the whole is regarded as belonging to the incoming year, which is not what R. Simeon said.

Talmud - Mas. Rosh HaShana 14a

And all three dicta of Samuel are necessary.¹ For if he had told us only that the law follows R. Simeon b. Shezuri, I should have said that his reason was because we can rely on mixing; he tells us therefore that mixing is not to be relied on for anything. And if he had told us that mixing is not to be relied on for anything, I should have said that he holds with the Rabbis;² therefore he tells us that the halachah follows R. Simeon Shezuri. If again we had only these two dicta, I should have said that Samuel contradicts himself;³ he therefore tells us that the determining factor is in all cases the full ripening.⁴ And if he had told us [only] that the determining factor is in all cases the full ripening, I should have said that this applies also to produce and olives. Therefore he tells us that the halachah follows R. Simeon Shezuri where he expresses a different view.⁵ [But if so], let him indicate [only] these two points; why does he tell us that mixing is not in all cases to be relied on? — His object is to tell us that for wine and oil mixing is to be relied on.

It has been taught: R. Jose the Galilean says: After that thou hast gathered in from thy threshing-floor and from thy wine press:⁶ [this tells us that] just as the [produce brought to the] threshing floor and the wine press have this special feature, that they are nurtured by the waters⁷ of the outgoing year and are [consequently] tithed for the outgoing year, so all products which are nurtured by the waters of the outgoing year are tithed for the outgoing year. This excludes vegetables, which are nurtured by the waters of the current year⁸ and are [consequently] tithed for the current year. R. Akiba said: 'After that thou hast gathered it, from thy threshing-floor and thy wine press:' just as [the products brought to the] threshing-floor and wine press have this special feature that they are nurtured by rain water⁹ and [consequently] are tithed for the outgoing year, so all products that are nurtured by rain water are tithed for the outgoing year. This excludes vegetables, which are nurtured by all kinds of water¹⁰ and are consequently tithed for the current year. Where do they [R. Jose and R. Akiba] differ in practice? — R. Abbahu said: They take different views with regard to seedless onions and Egyptian beans, as we have learnt:¹¹ Seedless onions and Egyptian beans which have been kept without water for thirty days before New Year [and are gathered after New Year] are tithed for the outgoing year and are permitted in the Sabbatical year. Otherwise they are forbidden in the Sabbatical year and are tithed for the current year.¹²

ON THE FIRST OF SHEBAT IS NEW YEAR FOR TREES. What is the reason? — R. Eleazar said in the name of R. Oshaia: Because [by then] the greater part of the year's rain has fallen¹³ and the greater part of the cycle¹⁴ is still to come. What is the sense of this? What it means is this: 'Although the greater part of the cycle is still to come, yet since the greater part of the year's rain has

fallen, [therefore etc.]’.

Our Rabbis taught: ‘It is recorded of R. Akiba that he once plucked a citron tree on the first of Shebat and gave two tithes from

(1) For making clear to us his point of view.

(2) So that if old and new have become mixed together, tithe for both parts of the mixture must proportionately be given from some other quarter.

(3) By saying on the one hand that the law follows R. Simeon, which would imply that mixing can be relied on, and on the other that mixing cannot be relied on.

(4) And this is the reason why the law follows R. Simeon.

(5) From the Rabbis. That is, only in the case of beans etc. but not of produce, where Samuel would hold that the decisive factor is the growth of a third. [R. Hananel reads ‘where they (R. Simeon b. Shezuri and the Rabbis) differ’].

(6) Deut. XVI, 13.

(7) This apparently includes both rain water and irrigation.

(8) Lit., ‘the year that covers’. The year in which they are gathered.

(9) Lit., ‘most (kinds of) water’.

(10) Including irrigation.

(11) Sheb. II, 9.

(12) Rashi gives two views as to what is implied in this. According to one opinion, if these vegetables have been kept without water for the last thirty days of the outgoing year, then R. Jose would hold that they must have been nurtured by the rain water of that year, and so are to be tithed for that year; whereas R. Akiba would hold that their growth is due in part to irrigation. and so they would be tithed for the next year; and the Mishnah quoted follows R. Jose. The other opinion is that as they have not been irrigated for thirty days, it is R. Akiba and not R. Jose who would hold that they have been nurtured by the rain of the outgoing year, and the Mishnah therefore follows R. Akiba. It was customary to withhold water from these two species for thirty days before plucking them so as to harden them.

(13) And the trees now begin to blossom.

(14) The cycle of Tebeth; i.e., the winter season beginning at the winter solstice. V. supra p. 30, n. 5.

Talmud - Mas. Rosh HaShana 14b

it,¹ one² in accordance with the ruling of Beth Shammai and one³ in accordance with the ruling of Beth Hillel.⁴ R. Jose b. Judah said: He did not follow the [two] rulings of Beth Shammai and Beth Hillel, but the [two] rulings of Rabban Gamaliel and R. Eliezer, as we have learnt:⁵ ‘A citron tree follows the rule of a tree in three respects and of a vegetable in one respect. It follows the rule of a tree in three respects — for ‘uncircumcision,’⁶ for fourth-year fruit, and for the Sabbatical year. It follows the rule of a vegetable in one respect, its tithe [year] being determined by its plucking. So Rabban Gamaliel. R. Eliezer, however, says that a citron follows the rule of a tree in all respects.’⁷

But is it right to adopt the harder rule from both sides?⁸ Has it not been taught: ‘As a general principle, the halachah follows Beth Hillel. If one prefers, however, to adopt the rule of Beth Shammai, he may do so, and if he desires to adopt the rule of Beth Hillel he may do so. One, however, who adopts the more lenient rulings of both Beth Shammai and Beth Hillel [on the same subject] is a bad man, while to one who adopts the more stringent rulings of both Beth Shammai and Beth Hillel may be applied the verse, But the fool walketh in darkness.’⁹ No; either one must follow Beth Shammai both where they are more severe and more lenient or Beth Hillel both where they are more severe and more lenient? — [The answer is that] R. Akiba was doubtful about the tradition, and did not know whether Beth Hillel fixed [the New Year for trees] on the first of Shebat or on the fifteenth of Shebat.¹⁰

‘R. Jose b. Judah said: He did not adopt the two rulings of Beth Shammai and Beth Hillel, but of Rabban Gamaliel and R. Eliezer [But would R. Jose hold that] in respect of the first of Shebat he

adopted the ruling of Beth Shammai?¹¹ — R. Hanina (or some say R. Hananiah) said: The case here is one of a citron which had blossomed before the fifteenth of Shebat of the previous year,¹² and R. Akiba might equally well have done the same thing at all earlier date,¹³ but this happened to be the actual date. Rabina said: Combine¹⁴ the two statements. It was not the first of Shebat but the fifteenth of Shebat,¹⁵ and he [R. Akiba] did not adopt the two rulings of Beth Shammai and Beth Hillel but of Rabban Gamaliel and R. Eliezer.

Rabbah son of R. Huna said: Seeing that Rabban Gamaliel has said that the tithe year of a citron tree is determined by its plucking like that of a vegetable, its New Year [like that of a vegetable] must be the first of Tishri. The following was cited in objection to this: 'R. Simeon b. Eleazar says: If a man plucked the fruit of a citron tree on the eve of the fifteenth of Shebat before sunset, and then plucked some more after sunset, terumah and tithe must not be given from one lot for the other because terumah and tithe are not given from the new for the old nor from the old for the new. [If it was at the meeting point of the third and] fourth years, [from the fruit of] the third year he gives first tithe and the tithe of the poor, and from the fruit of the fourth year the first tithe and the second tithe'.¹⁶

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- (1) The second tithe for the second year and the poor tithe for the third.
 - (2) The poor tithe.
 - (3) The second tithe.
 - (4) Who say that the New Year begins only on the fifteenth of Shebat.
 - (5) Bek. II, 6.
 - (6) 'Orlah, v. Glos.
 - (7) And its tithe-year is determined by its blossoming. Being in doubt whether to follow R. Gamaliel or R. Eliezer, R. Akiba gave two tithes.
 - (8) Where two authorities give each two rulings with regard to a certain subject, one being more stringent in respect of one point and the other in respect of the other. For instance, Beth Shammai rule that the lack of one vertebra in a human spine still leaves it capable of defiling by 'overshadowing' (v. Glos. s.v. ohel) but does not make an animal trefa (v. Glos.) whereas Beth Hillel says that it makes an animal trefa but leaves it incapable of defiling by overshadowing. Here Beth Shammai are more stringent in the matter of defilement and Beth Hillel in the matter of trefa (v. 'Er. 6b). So here, R. Akiba took on himself two burdens when one would have sufficed.
 - (9) Eccl. II, 14.
 - (10) And he followed Beth Hillel only.
 - (11) [For according to Beth Hillel, even if the tithe is determined by the blossoming he would still not be liable to the tithe of third year, which would not begin before the fifteenth of Shebat.]
 - (12) When the third year began, and the fruit had been left on the tree. A citron can remain on the tree for several years.
 - (13) R. Akiba following Beth Hillel and the two rulings of R. Gamaliel and R. Eliezer, the blossoming having taken place in the second year.
 - (14) In R. Jose's statement.
 - (15) When unquestionably a New Year would have commenced for trees.
 - (16) Tosef., R.H.I., cf. supra p. 44, nn. 6-7.

Talmud - Mas. Rosh HaShana 15a

Now which authority is reported to make plucking the determining factor? Rabban Gamaliel; and he says here Shebat?¹ — The statement should have been reported differently,² [thus]: Rabbah b. bar Huna said: Although Rabban Gamaliel said that [the tithe-year of] a citron tree is determined by its plucking like [that of] a vegetable, yet its New Year is Shebat.

Why in the former statement³ is the expression used, 'if it was the meeting point of the second and third years', and in this statement the expression, 'if it was the meeting point of the third and fourth years'? — This points out to us incidentally that the citron tree suffers from being handled, and since

everybody handles it in the seventh year,⁴ it does not yield fruit till the third year [after blossoming].

R. Johanan inquired of R. Jannai: When is the New Year of the citron tree? — He replied: In Shebat. Do you mean [he asked further] Shebat of the calendar⁵ or Shebat of the cycle?⁶ — He replied: Shebat of the calendar.⁷

Raba inquired of R. Nahman (or, according to others, R. Johanan inquired of R. Jannai): Suppose it was a leap year, what is the rule?⁸ — He replied: Do as in ordinary years.⁹

Rabbah said: A citron tree which has blossomed in the sixth year and ripened in the seventh¹⁰ is not liable to tithe and not liable to clearance;¹¹ while one which has blossomed in the seventh year and produced fruit in the eighth is not liable to tithe but is liable to clearance. Said Abaye to him: Your second clause is unobjectionable, because [you can say that] you take the more stringent view.¹² But your first clause [surely involves a contradiction]? [For you say], 'It is not liable to clearance'. Why so? Because we say, Make the blossoming the determining factor.¹³ But if so, it should surely be liable to tithe? — He replied to him: Everybody handles it, and you say it should be liable to tithe! R. Hamnunah, however, said: A citron tree which blossoms in the sixth year and ripens in the seventh is always reckoned as belonging to the sixth, and one which blossoms in the seventh and ripens in the eighth is always regarded as belonging to the seventh. The following was cited in objection: 'R. Simeon b. Judah said in the name of R. Simeon: A citron tree which blossoms in the sixth year and ripens in the seventh is not liable to tithe and not liable to clearance, since no fruit is liable to tithe which has not both grown and been plucked in a period of liability.¹⁴ A citron tree which blossoms in the seventh year and ripens in the eighth year is not liable either to tithe or to clearance, since no fruit is liable to clearance which has not both grown and been plucked in the seventh year'. Now the first part of this statement seems to contradict R. Hamnunah,¹⁵ and the second part both Rabbah and R. Hamnunah?¹⁶ — There is a difference of Tannaim on this point,¹⁷ as it has been taught: 'R. Jose said: Abtolmus testified in the name of five elders that a citron is determined by its plucking in the matter of tithe. Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe and of Sabbatical year'. How does Sabbatical year come to be mentioned here? —

(1) And not Tishri.

(2) Lit., 'if the statement was made it was stated thus'.

(3) In the Tosef. quoted on 12a ad fin.

(4) Since, like all other trees, it is common property in that year.

(5) I.e., the lunar month Shebat-thirty days from the first of Tebeth.

(6) Thirty days from the cycle of Tebeth (Winter Solstice, usually Dec. 22).

(7) In spite of the fact that fructification is due to the action of the sun.

(8) Do we make the New Year in Shebat which comes next to Tebeth, or in First Adar which takes the place of Shebat in this year?

(9) Lit., 'follow most of the years'. I.e., adhere to Shebat.

(10) Lit., 'the daughter of the sixth which enters into the seventh'.

(11) In the third and sixth years of the Septennate. V. Deut. XXVI, 13.

(12) I.e., the view which is more stringent in this case, viz., that we go by the blossoming and not by the plucking. And since we do this for purposes of clearance, we also do it for purposes of tithes, although this means taking the more lenient view. (V. Tosaf s.v. **בשלא**).

(13) And so it belongs to the sixth year.

(14) And the seventh year is not a period of liability for tithe.

(15) Who holds that if it blossoms in the sixth it is liable to tithe.

(16) Who both hold that if it blossomed in the seventh year it is liable to clearance.

(17) As to whether we go by the plucking or the blossoming for purposes of the Sabbatical year.

Talmud - Mas. Rosh HaShana 15b

There is an omission in the statement, which should read as follows: '[Abtolmus testified that] a citron tree is determined by its plucking for purposes of tithe and by its blossoming for purposes of the Sabbatical year.¹ Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe and of Sabbatical year'.

It has been stated: R. Johanan and Resh Lakish both lay down that a citron tree which blossoms in the sixth year and ripens in the seventh year is always reckoned as belonging to the sixth year.² When Rabin came [from Palestine], he said in the name of R. Johanan: A citron which blossomed in the sixth year and ripened in the seventh, even though [at the beginning of the seventh] it was no bigger than an olive and it subsequently became as big as a loaf, can render one guilty of breaking the rule of tebel.³

Our Rabbis taught: If the fruit of a tree blossoms before the fifteenth of Shebat, it is tithed for the outgoing year; if after the fifteenth of Shebat, it is tithed for the incoming year. R. Nehemiah said: This rule applies only to trees which produce two broods in a year.⁴ (Two broods,⁵ do you say? — He should say, as it were two broods).⁶ Trees, however, which produce only one brood, like date trees, carob trees and olive trees, even though they blossom before the fifteenth of Shebat are tithed for the incoming year.

R. Johanan said: In regard to carob trees, it has become the general custom to follow the rule of R. Nehemiah. Resh Lakish sought to confute R. Johanan from the following: 'As regards wild fig-trees, their seventh year is the second year [of the Septennate] because [after blossoming] their fruit takes three years to grow'.⁷ — He made no answer.⁸ Said R. Abba the priest to R. Jose: Why did he make no answer? He could have said to him, I give the view of R. Nehemiah, and you bring against me the view of the Rabbis! — [He could not have answered him thus], because Resh Lakish could have retorted: Do you abandon the Rabbis and follow R. Nehemiah? — But he could have said to him, I speak to you of the general custom, and you speak to me of a prohibition?⁹ — [He could not answer thus], because he could have said to him: Where a prohibition applies, even if there is a general custom, do we allow it? — But he could have said to him: I speak to you of the tithe of carobs, which is Rabbinical, and you speak to me of the Sabbatical year, which is Pentateuchal! — The truth is, said R. Abba the priest, I wonder whether Resh Lakish put this question. Whether he put this question? But we are distinctly told that he did so! — What R. Abba should say is, whether he [R. Johanan] admitted the difficulty or not.¹⁰

(1) And this is the view taken by Rabbah and R. Hamnurah in respect of the law of clearance. For the purposes of tithes, however, Rabbah is of the opinion that although Abtolmus makes the plucking the decisive factor, he would nevertheless exempt from tithe a citron tree which blossomed in the sixth year and ripened in the seventh, for the reason that it is handled by everybody (Rashi)].

(2) Whether for purposes of the Sabbatical year or tithes.

(3) V. Glos. If it was consumed before tithe was given for it, R. Johanan being of the opinion that we go by the blossoming.

(4) R. Nehemiah's statement is here interrupted while the use of the strange word 'broods' is explained.

(5) Heb. בְּרִיכוֹת, a word strictly applicable only to broods of birds.

(6) I.e., their fruit is not all gathered at one time; e.g., figs; cf. supra 13b, the rule in the case of beans.

(7) Sheb. V, 1. Which would show that the blossoming is the determining factor in all trees, even those which are all plucked at one time.

(8) Lit. 'he was silenced'.

(9) The prohibition to determine the year by the plucking.

(10) I.e., whether his silence was due to the fact that he had no answer, or to the fact that he thought it obvious that tithe of carobs, which is Rabbinical, could not be put on the same footing as produce of the Sabbatical year which is

Talmud - Mas. Rosh HaShana 16a

MISHNAH. AT FOUR SEASONS [DIVINE] JUDGMENT IS PASSED ON THE WORLD:¹ AT PASSOVER IN RESPECT OF PRODUCE; AT PENTECOST IN RESPECT OF FRUIT; AT NEW YEAR ALL CREATURES PASS BEFORE HIM [GOD] LIKE CHILDREN OF MARON,² AS IT SAYS, 'HE THAT FASHIONETH THE HEART OF THEM ALL, THAT CONSIDERETH ALL THEIR DOINGS';³ AND ON TABERNACLES JUDGMENT IS PASSED IN RESPECT OF RAIN.

GEMARA. Which produce is referred to? Shall I say, the produce which is already grown?⁴ If so, then when were the hardships decreed which it has already suffered? It must be then the produce which is to be sown later.⁵ You assume then that only one judgment is passed. But it has been taught: 'If some calamity or misfortune⁶ happens to produce before Passover, it is in virtue of a judgment passed on the previous Passover, if after Passover, of a judgment passed at the Passover which has just gone.⁷ If a calamity or misfortune happens to a man before the Day of Atonement, it is in virtue of a judgment passed on the last Day of Atonement, if just after the Day of Atonement, of a judgment passed on the one just gone'! — Raba replied: This shows that two judgments are passed on the produce.⁸ Abaye remarked: Therefore if a man sees that the slow-maturing seed⁹ is doing well he should sow the quick-maturing seed¹⁰ in good time, so that it may be well grown before the time comes to judge it.¹¹

Our Mishnah seems to agree neither with R. Meir nor with R. Judah nor with R. Jose nor with R. Nathan. For it has been taught: 'All are judged¹² on New Year and their doom is sealed on the Day or Atonement. So R. Meir. R. Judah says: All are judged on New Year and the separate dooms are sealed each in its time — on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement. R. Jose says: Man is judged every day, as it says, And thou dost visit him every morning.¹³ R. Nathan says: Man is judged every moment, as it says, Thou dost try him every moment'.¹⁴ Should you maintain that it is after all in accordance with Rabbi Judah, [the seasons] mentioned in our Mishnah referring to the final doom, we may retort that if so there is a difficulty with the case of man!¹⁵ — Raba replied: This Tanna [of our Mishnah] follows the Tanna of the school of R. Ishmael, since it has been taught in the school of R. Ishmael: 'At four seasons judgment is passed on the world, on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement'. The statements of the Mishnah must then be taken to refer to the preliminary judgment.

R. Hisda said: What is the reason of R. Jose? — [How can you ask this?] Surely it is as he has stated, [viz., the text], 'And thou dost visit him every morning'! — What we mean is this: What is his reason for not taking the same view as R. Nathan? — 'Trying' merely means scrutinizing. But 'visiting' also merely means scrutinizing? The truth is, said R. Hisda, that R. Jose's reason is to be found in this text: To do the judgement of his servant and the judgement of his people Israel, as every day shall require.¹⁶

R. Hisda further said: If a king and a people present themselves together, the king stands his trial first, as it says, To do the judgement of his servant and the judgement of his people Israel.¹⁶ What is the reason? — If you like, I can say, because it is not proper that a king should remain outside, or if you like I can say, [so that he may be judged] before the [divine] anger waxes hot.¹⁷

R. Joseph said: Whose authority do we follow nowadays in praying [daily] for the sick and for the ailing?¹⁸ — Whose authority? That of R. Jose.¹⁹ Or if you like I can say that it is after all that of the

Rabbis,²⁰ but that at the same time we follow the counsel of R. Isaac. For R. Isaac said: Supplication²¹ is good for a man whether before the doom is pronounced or after it is pronounced.²²

It has been taught: R. Judah said in the name of R. Akiba: Why did the Torah enjoin on us to offer an 'Omer on Passover? Because Passover is the season of produce. Therefore the Holy One, blessed be He, said, Bring before Me an 'Omer' on Passover so that your produce in the fields may be blessed.²³ Why did the Torah enjoin on us to bring two loaves on Pentecost? Because Pentecost is the season for fruit of the tree. Therefore the Holy One, blessed be He, said: Bring before Me two loaves on Pentecost so that the fruit of your trees may be blessed.²⁴ Why did the Torah enjoin on us to pour out water on Tabernacles?²⁵ The Holy One, blessed be He, said, Pour out water before Me on Tabernacles, so that your rains this year may be blessed. Also recite before Me on New Year [texts making mention of] kingship, remembrance, and the shofar-kingship, so that you may proclaim Me king over you; remembrance, so that your remembrance may rise favourably before Me; and through what? Through the shofar.²⁶

R. Abbahu said: Why do we blow on a ram's horn? The Holy One, blessed be He, said: Sound before Me a ram's horn so that I may remember on your behalf the binding of Isaac the son of

Abraham,²⁷ and account it to you as if you had bound yourselves before Me.

R. Isaac said: Why do we sound the horn on New Year? — [You ask], why do we sound? The All-Merciful has told us to sound!²⁸ — What he means is, why do we sound a teru'ah?²⁹ [You ask] why do we sound a teru'ah? The All-Merciful has proclaimed 'a memorial of teru'ah!³⁰ — What he means is, why do we sound a teki'ah and teru'ah!³⁰ — sitting

(1) In accordance with its actions during the preceding year. By the 'world' here is probably meant only the people of Israel

(2) The general sense of this obscure expression is 'one by one', 'in single file'. Its precise meaning is discussed in the Gemara infra p. 18a q.v.

(3) Ps. XXXIII, 15.

(4) Having been sown in the previous autumn.

(5) In the coming autumn.

(6) קרי או אונם. The former by an 'act of God', the latter by an act of man', Aruch.

(7) Lit. , 'to come'. I.e., the Passover after which it had been sown.

(8) I.e., the same produce is judged in two years.

(9) Wheat and cummin, which are sown in October.

(10) Barley, 'which is sown in January or February.

(11) At the next Passover, and meanwhile it profits from the favourable judgment of the preceding Passover.

(12) This means apparently, 'all judgments are passed'.

(13) Job VII, 18.

(14) Ibid. Tosef. R.H. I.

(15) Whose judgment according to the Mishnah is on New Year.

(16) I Kings VIII, 59.

(17) Cf. supra 8b.

(18) V. P.B. p 47.

(19) Who holds that man is judged daily; v. Ned. 49a.

(20) I.e. our Mishnah.

(21) Lit., 'crying'.

(22) So that daily prayer for the sick is of some effect though judgment has already been pronounced on New Year.

(23) Passover being the season when judgment is pronounced on the produce.

(24) The connection between the loaves and fruit lies in the fact that firstfruits were not brought to the Temple before Pentecost.

- (25) The ceremony of water-pouring on Tabernacles (v. Suk. 48a) was derived by the Rabbis from hints in the Pentateuch, though it is not expressly mentioned there (V. Ta'an 2b-3a).
- (26) V. infra 34b.
- (27) Because eventually Abraham offered a ram in place of Isaac.
- (28) In the verse Sound (tik'u) the horn on the New Moon, on the appointed day of our festival. Ps. LXXXI, 4.
- (29) Because the word tik'u implies only the teki'ah sound. For teru'ah and teki'ah v. Glos.
- (30) Lev. XXIII, 24. E.V. 'a memorial proclaimed with the blast of horns'.

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and then again sound a teki'ah and teru'ah standing? — It is so as to confuse the Accuser.¹

R. Isaac further said: If the shofar is not sounded² at the beginning of the year, evil will befall at the end of it. Why so? Because the Accuser has not been confused.

R. Isaac further said: Every year which is poor³ at its opening becomes rich before it ends, as it says, From the beginning of the year — where the word is spelt meroshith⁴ — 'unto the end'; such a year is destined to have a 'latter end'.⁵

R. Isaac further said: Man is judged only according to his actions up to the time of judgment,⁶ as it says, God hath heard the voice of the lad as he is there.⁷

R. Isaac further said: Three things call a man's iniquities to mind, namely, a shaky wall,⁸ the scrutinizing of prayer,⁹ and calling for [Divine] judgment on one's fellow man. For R. Abin said: He who calls down [Divine] judgment on his neighbour is himself punished first [for his own sins], as it says, And Sarai said unto Abram, My wrong be upon thee,¹⁰ and it is written later, And Abraham came to mourn for Sarah and to weep for her.¹¹

R. Isaac further said: Four things cancel the doom of a man, namely, charity, supplication, change of name and change of conduct. Charity, as it is written, And charity delivereth from death.¹² Supplication, as it is written, Then they cried unto the Lord in their trouble, and he delivered them out of their distresses.¹³ Change of name, as it is written, As for Sarai thy wife, thou shalt not call her name Sarai, but Sarah shall her name be;¹⁴ and it continues, And I will bless her and moreover I will give thee a son of her. Change of conduct, as it is written, And God saw their works, and it continues, and God repented of the evil which he said he would do unto them and he did it not.¹⁵ Some say that change of place [also avails], as it is written, Now the Lord said unto Abram, Get thee out of thy country, and it proceeds, and I will make of thee a great nation.¹⁶ And the other [— why does he not reckon this]? — In that case it was the merit of the land of Israel which availed him.

R. Isaac further said: It is incumbent on a man to go to pay his respects to his teacher on festivals, as it says, Wherefore wilt thou go to him today? It is neither new moon nor sabbath,¹⁷ from which we infer that on New Moon and Sabbath¹⁸ one ought to go.¹⁹

R. Isaac further said: A man should purify himself for the festival, as it says, and their carcasses ye shall not touch.²⁰ It has been taught to the same effect: 'And their carcasses ye shall not touch'. I might think that [ordinary] Israelites are cautioned not to touch carcasses. Therefore it says, Say unto the priests the sons of Aaron;²¹ [which shows that] the sons of Aaron are cautioned but ordinary Israelites are not cautioned. May we not then argue a fortiori: Seeing that in the case of a serious uncleanness,²² while the priests are cautioned Israelites are not cautioned, how much less [are they likely to be cautioned] in the case of a light uncleanness!²³ What then am I to make of the words, 'and their carcasses ye shall not touch'? — On the festival.

R. Kruspedai said in the name of R. Johanan: Three books are opened [in heaven] on New Year, one for the thoroughly wicked,²⁴ one for the thoroughly righteous, and one for the intermediate. The thoroughly righteous are forthwith inscribed definitively in the book of life; the thoroughly wicked are forthwith inscribed definitively in the book of death;²⁵ the doom of the intermediate is suspended from New Year till the Day of Atonement; if they deserve well, they are inscribed in the book of life; if they do not deserve well, they are inscribed in the book of death. Said R. Abin, What text tells us this? — Let them be blotted out of the book of the living, and not be written with the righteous.²⁶ 'Let them be blotted out from the book — this refers to the book of the wicked. 'Of life — this is the book of the righteous. 'And not be written with the righteous' — this is the book of the intermediate. R. Nahman b. Isaac derives it from here: And if not, blot me, I pray thee, out of thy book which thou hast written,²⁷ 'Blot me, I pray thee' — this is the book of the wicked. 'Out of thy book' — this is the book of the righteous. 'Which thou has written' — this is the book of the intermediate.

It has been taught: Beth Shammai say, There will be three groups at the Day of Judgment²⁸ — one of thoroughly righteous, one of thoroughly wicked, and one of intermediate. The thoroughly righteous will forthwith be inscribed definitively as entitled to everlasting life; the thoroughly wicked will forthwith be inscribed definitively as doomed to Gehinnom, as it says. And many of them that sleep in the dust of the earth shall awake, some to everlasting life and some to reproaches and everlasting abhorrence.²⁹ The intermediate will go down to Gehinnom

(1) Heb. 'Satan'. The devotion of the Jews to the precepts nullifies Satan's accusation against them (Rashi). [The Shofar on New Year is blown twice: once at the close of the morning prayer and the reading of the Law when the congregation is seated, and again during the Musaf prayers while the people stand. According to J.R.H. IV, 8 the Shofar was originally blown only at the morning service, whence it was transferred to a later hour in the Musaf because their enemies on one occasion took the Shofar blasts early in the morning as a call to arms, whereupon they attacked the Jews. The custom of blowing the Shofar at Musaf service was retained even after the rite had been restored to the morning service].

(2) [This does not apply where New Year falls on Sabbath, in which case the Shofar may not be blown, but where the rite was omitted through some other cause (Tosaf.)].

(3) I.e., in which Israel humble themselves and make themselves poor in spirit.

(4) Defectively, and can be read **מְרִשִּׁית** from the poverty of'.

(5) Apparently there is an allusion here to the verse, 'for the latter end of that man is peace'. Ps. XXXVII.

(6) And not in view of those which he is likely to commit at some later time. Lit., 'of that hour'.

(7) Gen. XXI, 17. Stress is laid on the words as he is there (E.V. 'where he is'); Ishmael was still righteous, whatever he was destined to become in the future.

(8) By passing under a shaky wall a man, as it were, 'tempts Providence'.

(9) Lit., 'speculation in prayer'. To see whether it produces an effect or not. [Or, 'expectation of the immediate grant of one's request'. The offence lies in the presumption of claiming that God must answer prayer of any kind whatsoever. V. Abrahams, I, Pharisaism and Gospels II, 78ff].

(10) Gen. XVI, 5.

(11) Which shows that Sarah died first. Ibid. XXIII, 2.

(12) Prov. X, 2 (E.V. 'righteousness').

(13) Ps. CVII, 6.

(14) Gen. XVII, 15.

(15) Jonah III, 10.

(16) Gen. XII, 1, 2.

(17) II Kings IV, 23.

(18) Which is a generic name for all holy days.

(19) [R. Hananel's text reads on 'But we have said (only) on festivals (whereas the verse speaks of New Moon and Sabbaths)? — If the teacher resides near him he must go to pay him his respects every Sabbath and New Moon; if he resides at a long distance, he must go to pay him his respects (only) on Festivals].

(20) Lev. XI, 8.

(21) Lev. XXI, 1. The text continues, there shall none defile himself for the dead among his people.

- (22) That of a dead body.
- (23) That of an animal carcass.
- (24) I.e. , those whose bad deeds definitely outweigh their good.
- (25) The life and death in the future world (i.e., of the soul) is meant. V. Tosaf. s.v. **ונחתמין** .
- (26) Ps. LXIX, 29.
- (27) Ex. XXXII, 32.
- (28) When the dead will arise in the flesh. V. Tosaf. s.v. **ליום** .
- (29) Dan. XII, 2.

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and squeal¹ and rise again, as it says, And I will bring the third part through the fire, and will refine them as silver is refined, and will try them as gold is tried. They shall call on my name and I will answer them.² Of them, too, Hannah said, The Lord killeth and maketh alive, he bringeth down to the grave and bringeth up.³ Beth Hillel, however, say: He that abounds in grace inclines [the scales] towards grace,⁴ and of them David said, I love that the Lord should hear my voice and my supplication,⁵ and on their behalf David composed the whole of the passage, I was brought low and he saved me.⁶

Wrongdoers of Israel who sin with their body⁷ and wrongdoers of the Gentiles who sin with their body go down to Gehinnom and are punished there for twelve months. After twelve months their body is consumed and their soul is burnt and the wind scatters them under the soles of the feet of the righteous as it says, And ye shall tread down the wicked, and they shall be as ashes under the soles of your feet.⁸ But as for the minim⁹ and the informers and the scoffers,¹⁰ who rejected the Torah and denied the resurrection of the dead, and those who abandoned the ways of the community,¹¹ and those who 'spread their terror in the land of the living',¹² and who sinned and made the masses sin, like Jeroboam the son of Nebat and his fellows — these will go down to Gehinnom and be punished there for all generations, as it says, And they shall go forth and look upon the carcasses of the men that have rebelled against me¹³ etc. Gehinnom will be consumed but they will not be consumed, as it says, and their form shall wear away the nether world.¹⁴ Why all this? Because they laid hands on the habitation [zebul], as it says, that there be no habitation [zebul] for Him,¹⁵ and zebul signifies the Temple, as it says, I have surely built thee a house of habitation [zebul].¹⁶ Of them Hannah said, They that strive with the Lord shall be broken to pieces.¹⁷ R. Isaac b. Abin said: And their faces shall be black like the sides of a pot. Raba added: Among them are the most handsome of the inhabitants of Mahuza, and they shall be called 'sons of Gehinnom'.¹⁸

The Master said [above]: 'Beth Hillel say, He that abounds in grace inclines [the scales] towards grace'. [How can this be], seeing that it is written, And I shall bring the third part through the fire?¹⁹ That refers to wrongdoers of Israel who sin with their body. Wrongdoers of Israel who sin with their body! But you said that there is no remedy for them?²⁰ — There is no remedy for them when their iniquities are more numerous [than their good deeds]. We now speak of those whose iniquities and good deeds are evenly balanced, but whose iniquities include that which is committed by sinners of Israel with their body. In that case they cannot escape the doom of 'I shall bring the third through the fire', but otherwise, [in regard to them], 'He that is abundant in grace inclines towards grace', and of them David said, I love that the Lord should hear. [On this verse] Raba discoursed as follows: What is meant by the words, 'I love that the Lord should hear'? The Community of Israel exclaimed before the Holy One, blessed be He: Sovereign of the Universe, when am I beloved in thy sight? At the time when thou hearest the voice of my supplications. 'I was brought low [dalothi] and he saved me': although I am poor (dallah) in the performance of religious duties, yet it is fitting to save me.

What is meant by 'wrongdoers of Israel who sin with their body'? — Rab said: This refers to the cranium which does not put on the phylactery.²¹ Who are 'the wrongdoers of the Gentiles who sin with their body'? — Rab said: This refers to [sexual] sin. 'Who have spread their terror in the land of the living': [who are these]? — R. Hisda said: This is a communal leader²² who makes himself unduly feared by the community for purposes other than religious.²³ Rab Judah said in the name of Rab: Any communal leader who makes himself unduly feared by the community for purposes other than religious will never have a scholar for a son, as it says, Therefore if men fear him, he shall not see [among his sons] any wise of heart.²⁴

'Beth Hillel say: He that abounds in grace inclines [the scales] to grace'. How does He do? — R. Eliezer²⁵ says: He presses down [the scale of merit], as it says, He will again have compassion on us,

he will press down our iniquities.²⁶ R. Jose b. Hanina says: [He does so] by raising [the scale of iniquities], as it says, Raising²⁷ iniquity and passing by transgression.²⁸ In the school of R. Ishmael they taught: He puts aside every first iniquity;²⁹ and herein lies the attribute [of grace]. Raba said: The iniquity itself is not obliterated, and if there is an excess of iniquities³⁰ [God] reckons it with the others.³¹

Raba said: He who forgoes his right [to exact punishment]³² is forgiven all his iniquities, as it says, Forgiving iniquity and passing by transgression. Who is forgiven iniquity? One who passes by transgression [against himself]. R. Huna the son of R. Joshua was once ill. R. Papa went to inquire about him. He saw that he was very ill³³ and said to those present, Make ready provisions for his [everlasting] journey.³⁴ Eventually, however, he [R. Huna] recovered, and R. Papa felt ashamed to see him. He said to him, What did you see [in your illness]? He replied, It was indeed as you thought, but the Holy One, blessed be He, said to them [the angels]: Because he does not insist upon his rights, do not be particular with him, as it says, Forgiving iniquity and passing by transgression. Who is forgiven iniquity? He who passes by transgression. [The verse continues], 'to the remnant of his heritage'. R. Aha son of R. Hanina said: We have here a fat tail with a thorn in it.³⁵ 'for the remnant of his inheritance', but not for all his inheritance.

(1) On account of their punishment. Al. 'struggle and rise'. [Ginzberg L.: 'be singed', i.e., by the fires of the Gehinnom, and after this experience arise thence and be healed. V. Moore S.F. Judaism III, p. 198].

(2) Zech. XIII, 9.

(3) 1 Sam. II, 6.

(4) And does not doom them to Gehinnom.

(5) Ps. CXVI, 1. Further on we read, The cords of death compassed me (v. 3).

(6) Ibid. 6.

(7) This is explained infra.

(8) Mal. III, 21.

(9) V. Glos. The reference is probably to the Judeo-Christians, as the Sadducees would be included under 'those who denied the resurrection'.

(10) אַפִּיקורְסִים ; those who treat the Rabbis and students of the Torah with disdain. If this is meant, then we should insert with MS.M. the words 'and those' before the word 'who'.

(11) Rashi deletes these words, (on the ground that they do not designate a separate class, but are a general description of all the classes mentioned.

(12) A phrase borrowed from Ezek. XXXII, 23. It is explained infra.

(13) Isa. LXVI, 24.

(14) Ps. XLIX, 15.

(15) Ibid. (E.V. 'for it'. [It is through the sins of such as these that the Temple has been destroyed (Rashi). If the reference is to Jewish Christians it may allude to their repudiation of the claims of the Temple as the place where alone true and perfect worship could be offered, V. Herford, Christianity in Talmud p. 135].

(16) 1 Kings VIII, 13.

(17) 1 Sam. II, 10.

(18) [The passage is difficult. Read with MS.M. 'The Master said (above) "Of them (of the intermediate class) Hannah said The Lord killeth and maketh alive, he bringeth down to the grave and bringeth up". R. Isaac b. Abin said, And their faces (that is, of the intermediate class) shall (on rising from Gehinnom) be black like the sides of the pot. Raba added, And yet (despite this disfigurement) they shall be more beautiful than the most handsome men of Mahuza who shall be called the sons of Gehinnom'. V. D.S. a.l.].

(19) Which was explained above to refer to the intermediate.

(20) I.e., that after passing through the fire they become dust.

(21) Even this in an Israelite is sufficient to merit Gehinnom.

(22) Heb. Parnas. (V. Git., Sonc. ed., p. 280, n. 9).

(23) I.e., not merely to make them keep the commandments.

(24) Job XXXVII, 24. E.V. Men do therefore fear Him; He regardeth not any that are wise of heart.

(25) [Read with MSM. R. Eleazar].

(26) I.e., press down the scale of merit against our iniquities, Micah VII, 19.

(27) E.V. 'that pardoneth'.

(28) Ibid. 18.

(29) Rashi and Asheri explain this to mean that if without the first iniquity the good deeds are in excess, then the first iniquity is not put back in the scale.

(30) I.e., if even so the iniquities just balance the merits.

(31) So as to count him guilty.

(32) Lit., 'passes by his measures'.

(33) Lit. 'the world (life) was getting weak for him'.

(34) I.e., prepare shrouds.

(35) A certain breed of sheep in the East have very long tails which are esteemed a great delicacy, but as they trail on the ground they often pick up thorns. Hence the proverbial expression, 'a tail with a thorn in it' for a good thing containing a snag.

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[What it means is], for him who makes himself a mere remnant.¹

R. Huna contrasted [two parts of the same verse]. It is written, The Lord is righteous in all his ways, and then it is written, and gracious in all his works.² [How is this]?³ — At first righteous and at the end gracious.⁴ R. Eleazar [similarly] contrasted two texts. It is written, Also unto thee, O Lord, belongeth mercy, and then it is written, For thou renderest to every man according to his work.⁵ [How is this]? — At first, 'Thou renderest to every man according to his work', but at the end, 'unto thee, O Lord, belongeth mercy'.

Ilfi (or, as some report, Ilfa) [similarly] contrasted two texts: It is written, abundant in goodness, and then it is written, and in truth.⁶ [How is this]? — At first, 'truth', and at the end 'abundant in goodness'.

And 'the Lord passed by before him and proclaimed [etc.].'⁷ R. Johanan said: Were it not written in the text, it would be impossible for us to say such a thing; this verse teaches us that the Holy One, blessed be He, drew his robe round Him like the reader⁸ of a congregation and showed Moses the order of prayer. He said to him: Whenever Israel sin, let them carry out this service before Me,⁹ and I will forgive them.

'The Lord, the Lord': I am the Eternal¹⁰ before a man sins and the same¹⁰ after a man sins and repents. 'A God merciful and gracious:' Rab Judah said: A covenant has been made with the thirteen attributes¹¹ that they will not be turned away empty-handed,¹² as it says, Behold I make a covenant.¹³

R. Johanan said: Great is the power of repentance that it rescinds¹⁴ a man's final sentence, as it says, Make the heart of this people fat and make their ears heavy and shut their eyes, lest they seeing with their eyes and hearing with their ears and understanding with their heart return and be healed.¹⁵ Said R. Papa to Abaye: Perhaps this was before the final sentence? — He replied: It is written, 'and he be healed'. What is that which requires healing? You must say, the final sentence.

An objection [against this view] was raised [from the following]: 'If one repents in the interval,¹⁶ he is forgiven; if he does not repent in the interval, should he even offer [subsequently] all the rams of Nebayoth,¹⁷ he is not forgiven'! — There is no contradiction: the latter statement refers to an individual, the former to a community.

A further objection was raised [from the following]: ‘The eyes of the Lord thy God are upon it [the land of Israel],¹⁸ sometimes for good, sometimes for evil. How sometimes for good? Suppose Israel were [in the class of] the thoroughly wicked at New Year,¹⁹ and scanty rains were decreed for them, and afterwards they repented. [For God] to increase the supply of rain is impossible, because the decree has been issued. The Holy One, blessed be He, therefore sends down the rain in the proper season on the land that requires it,²⁰ all according to the district. How sometimes for evil? Suppose Israel were [in the class of] the thoroughly virtuous on New Year, and abundant rains were decreed for them, but afterwards they backslided. To diminish the rains is impossible, because the decree has been issued. The Holy One, blessed be He, therefore sends them down not in their proper season and on land that does not require them’.²¹ Now, [if the decree can be rescinded], for good at any rate, let the decree be rescinded and let the rains be increased? — There is a special reason there, namely, that this²² is sufficient.

Come and hear [a further objection]: ‘They that go down to the sea in ships, that do business in great waters, they saw the works of the Lord . . . For he commanded and raised the stormy wind which lifted up the waves thereof . . . they reeled to and fro and staggered like a drunken man . . . They cried unto the Lord in their trouble . . . let them give thanks unto the Lord for his mercy²³ etc. [The Psalmist] inserted here signs²⁴ having the same force as the ‘buts’ and ‘onlys’ of the Torah,²⁵ to indicate that if they cried before the final sentence they were answered, but if they cried after the final sentence they were not ‘answered’! — These also are on the same footing as individuals.

Come and hear [again]: ‘Bluria²⁶ the proselyte put this question to Rabban Gamaliel: It is written in your Law, [she said], who lifteth not up the countenance,²⁷ and it is also written, The Lord shall lift up his countenance upon thee.²⁸ R. Jose the priest joined the conversation and said to her: I will give you a parable which will illustrate the matter.²⁹ A man lent his neighbour a maneh and fixed a time for payment in the presence of the king, while the other swore to pay him by the life of the king. When the time arrived he did not pay him, and he went to excuse himself to the king. The king, however, said to him: The wrong done to me I excuse you, but go and obtain forgiveness from your neighbour. So here: one text speaks of offences committed by a man against God, the other of offences committed by a man against his fellow man. [This explanation was generally accepted] until R. Akiba came and taught

(1) I.e., who is self-effacing.

(2) Ps. CXLV, 17.

(3) How can God be both righteous (i.e., just) and gracious at the same time?

(4) When He sees that in strict justice the world cannot endure.

(5) Ps. LXII, 13.

(6) Ex. XXXIV, 6.

(7) Ibid.

(8) Lit., ‘emissary’; the one appointed to lead the congregational prayers. It is usual for such a one to draw his robe over his head.

(9) I.e., read from the Torah the passage containing the thirteen attributes.

(10) Lit., ‘He’. The Divine name YHWH (E.V. ‘the Lord’) designates the divine attribute of mercy (Rashi).

(11) Enumerated in this verse. According to one reckoning, ‘The Lord, the Lord’ count as two, according to another reckoning only the second of these counts as an attribute, and the expressions ‘keeping mercy’ and ‘unto the thousandth generation’ count as two attributes. V. Tosaf., s.v. **שש**.

(12) I.e., that Israel will not be turned away empty-handed when they recite them.

(13) Ibid. 10.

(14) Lit., ‘tears up’.

(15) Isa. VI, 10.

(16) Between New Year and the Day of Atonement.

(17) Cf. Isa. LX, 7.

(18) Deut. XI, 12.

(19) I.e. at New Year their evil deeds in the past clearly exceeded their good deeds.

(20) E.g., gardens and orchards.

(21) E.g. on barren land.

(22) Sending the rain in the proper place and time.

(23) Ps. CVII, 23-31.

(24) In the Hebrew text an inverted nun is inserted before the verses 23-28 of this passage.

(25) It was a principle of R. Akiba that wherever the words **ל** (but) and **אך** (only) occur in the Pentateuch, they are meant to except something which is not explicitly mentioned in the text.

(26) Valeria.

(27) Deut. X, 17. E. V. 'who regardeth not persons', 'countenance' referring to man's. It is here, however, taken as referring to God's in the sense of 'who shows not favour', as in the passage next quoted.

(28) Num. VI, 26.

(29) Lit., 'to what the thing is like'.

Talmud - Mas. Rosh HaShana 18a

: One text speaks of God's attitude before the final sentence, the other of his attitude after the final sentence!' — Here too the case is that of an individual.

On the question of the final sentence of an individual there is a difference between Tannaim, as it has been taught: R. Meir used to say: Two men take to their bed suffering equally from the same disease, or two men are before a criminal court to be judged¹ for the same offence; yet one gets up² and the other does not get up, one escapes death and the other does not escape death. Why does one get up and the other not? Why does one escape death and the other not? Because one prayed and was answered, and the other prayed and was not answered. Why was one answered and the other not? One prayed with his whole heart³ and was therefore answered, the other did not pray with his whole heart and was not answered. R. Eleazar, however, said: The one man was praying before his final sentence had been pronounced [in heaven], the other after his final sentence had been pronounced.

R. Isaac said: Supplication⁴ is good for a man whether before the final sentence has been pronounced or after.

But can the final sentence on a community be rescinded? Have we not one text which says, Wash thy heart from wickedness,⁵ and another which says, For though thou wash thee with nitre and take thee much soap, yet thine iniquity is marked before me,⁶ and does not the one text apply before the final sentence is pronounced and the other after? — No; both apply after the final sentence has been pronounced, yet there is no contradiction; in the one case the final sentence has been accompanied by an oath, in the other it has not been accompanied by an oath. This accords with the dictum of R. Samuel b. Ammi. For R. Samuel b. Ammi (or, as some say R. Samuel b. Nahmani) said in the name of R. Jonathan: How do we know that a final sentence accompanied by an oath is never rescinded? Because it says, Therefore I have sworn unto the house of Eli that the iniquity of Eli's house shall not be expiated with sacrifice nor offering.⁷ Raba said: With sacrifice and offering it cannot be expiated, but it can be expiated with Torah. Abaye said: With sacrifice and offering it cannot be expiated, but it can be expiated with Torah and charitable deeds. Rabbah⁸ and Abaye were of the house of Eli. Rabbah who devoted himself to the Torah lived forty years, Abaye who devoted himself both to the Torah and to charitable deeds lived sixty years.⁹

The Rabbis taught: There was a family in Jerusalem the members of which used to die at the age of eighteen. They came and told Rabban Johanan b. Zaccai. He said to them, Perhaps you are of the family of Eli, to whom it was said, and all the increase of thy house shall die young men.¹⁰ Go and study the Torah and you may live. They went and studied the Torah and lived, and they used to call

that family the family of Rabban Johanan after his name.

R. Samuel b. Inia said in the name of Rab: Whence do we know that the final sentence on a community is never sealed? — Never sealed, [you say]? Is it not written, Thine iniquity is marked before me?¹¹ What he should say is, [How do we know that] although it is sealed it can yet be rescinded? Because it says, as the Lord our God is whenever we call upon him.¹² But it is written, Seek ye the Lord while he may be found?¹³ — This verse speaks of an individual, the other of community. When can an individual [find God]? — Rabbah b. Abbuha said: These are the ten days between New Year and the Day of Atonement.

And it came to pass after the ten days that the Lord smote Nabal.¹⁴ How come these ten days here? — Rab Judah said in the name of Rab: They correspond to the ten dishes which Nabal gave to the servants of David.¹⁵ R. Nahman said in the name of Rabbah b. Abbuha: These are the ten days between New Year and the Day of Atonement.

ON NEW YEAR ALL MANKIND PASS BEFORE HIM LIKE CHILDREN OF MARON.¹⁶ What is the meaning of the expression 'like children of Maron'? — In Babylon it was translated, 'like a flock of sheep'.¹⁷ Resh Lakish said: As [in] the ascent of Beth Maron.¹⁸

Rab Judah said in the name of Samuel: Like the troops of the house of David.¹⁹ Rabbah b. Bar Hanah said in the name of R. Johanan: [All the same] they are all viewed with a simple glance. R. Nahman b. Isaac said: We also have learnt the same idea: He that fashioneth the hearts of them all, that considereth all their doings.²⁰ What does this mean? Shall I say that it means this, that [God] has created all creatures and unites all their hearts together? But we see that this is not so! No; what it means is this: 'The Creator sees²¹ their hearts together and considereth all their doings'.

MISHNAH. THERE ARE SIX NEW MOONS TO REPORT WHICH²² MESSENGERS GO FORTH [FROM JERUSALEM²³ TO THE DIASPORA]. [THE NEW MOON] OF NISAN ON ACCOUNT OF PASSOVER,²⁴ OF AB²⁵ ON ACCOUNT OF THE FAST,²⁶ OF ELUL ON ACCOUNT OF NEW YEAR,²⁷ OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS,²⁸ OF KISLEV ON ACCOUNT OF HANUKAH,²⁹ AND OF ADAR ON ACCOUNT OF PURIM.³⁰ WHEN THE TEMPLE STOOD, THEY USED ALSO TO GO FORTH TO REPORT IYAR ON ACCOUNT OF THE LESSER PASSOVER.³¹

GEMARA. Why should they not also go forth to report Tammuz and Tebeth³²

(1) So Rashi: Aliter: 'ascend the scaffold to be punished'.]

(2) Lit., 'comes down', i.e., from the bed.

(3) Lit., 'a perfect prayer'.

(4) Lit., 'cry'.

(5) Jer. IV, 14.

(6) Ibid. II, 22.

(7) I Sam. III, 14.

(8) Bar Nahmani, the colleague of R. Hisda. V. Tosaf. s.v. רבה .

(9) [Forty and sixty are mere round figures, as there is evidence that Rabbah lived more than forty years. The main thing the Talmud wishes to point out is that Abaye lived longer than Rabbah for the reason stated. V. Funk. S., Die Juden in Babylonian II, Note I and cf. A.Z., Sonc. ed., p. 101, n. 6.]

(10) I Sam. II, 33.

(11) Jer. II, 22.

(12) Deut. IV, 7.

(13) Isa. LV, 6. This implies that God cannot always be found.

(14) I Sam. XXV, 38. The question is suggested by the use of the definite article with the word 'ten'.

(15) David sent to Nabal ten young men (I Sam. XXV, 5), and Nabal according to tradition gave them each one meal. This hospitable act secured for him some respite.

(16) **מרון**.

(17) Passing through a wicket to be counted one by one. The word 'maron' is here connected with the Aramaic **אמרא**, a sheep.

(18) Var. lec. Beth Horon. A narrow pass where wayfarers had to proceed in single file.

(19) Which pass in review one by one. The word 'maron' is here connected with **מרות**, 'lordship'. [Cf. the reading of the Vienna MS.: **נומרי** (numerus), i.e., a troop of soldiers].

(20) Ps. XXXIII, 15.

(21) This word being supplied from 'beholdeth' in v. 13.

(22) I.e., to report whether the Beth din in Jerusalem have made the New Moon on the thirtieth or the thirty-first day after the preceding New Moon. Lit., 'for six months'.

(23) As soon as the New Moon has been declared, on the twenty-ninth or the thirtieth day as the case may be.

(24) So that before Passover arrives the Jews in the Diaspora will know which day is the fifteenth.

(25) There is no need for them to go on Sivan, because the date of Pentecost is known from the counting of the 'Omer.

(26) The ninth of Ab.

(27) Knowing the New Moon of Elul, the Jews of the Diaspora will fix New Year thirty days later, Elul usually having twenty-nine days, though there is still a risk that the Beth din may in any particular year declare Elul to have thirty.

(28) Viz., the Day of Atonement and Tabernacles, about which they could not be any more sure than about New Year.

(29) Which commences on Kislev 25.

(30) Adar the 14th.

(31) The Passover for the unclean, kept on the fourteenth of Iyar. V. Num. IX, 1-14.

(32) On account of the fasts of the seventeenth of Tammuz and the tenth of Tebeth.

Talmud - Mas. Rosh HaShana 18b

seeing that R. Hanah b. Bizna has said in the name of R. Simeon the Saint: 'What is the meaning of the verse, Thus had said the Lord of Hosts: The fast of the fourth month and the fast of the fifth and the fast of the seventh and the fast of the tenth shall be to the house of Judah joy and gladness?'¹ The prophet calls these days both days of fasting and days of joy, signifying that when there is peace they shall be for joy and gladness, but if there is not peace they shall be fast days'! — R. Papa replied: What it means is this: When there is peace they shall be for joy and gladness; if there is persecution,² they shall be fast days; if there is no persecution but yet not peace, then those who desire may fast and those who desire need not fast.³ If that is the case, the ninth of Ab also [should be optional]? — R. Papa replied: The ninth of Ab is in a different category, because several misfortunes happened on it, as a Master has said: On the ninth of Ab the Temple was destroyed both the first time and the second time, and Bethar was captured⁴ and the city [Jerusalem] was ploughed.⁵

It has been taught: R. Simeon said: There are four expositions among those given by R. Akiba with which I do not agree. [He said]:⁶ 'The fast of the fourth month' — this is the ninth of Tammuz, on which a breach was made in the walls of the city,⁷ as it says, On the fourth month on the ninth of the month the famine was sore in the city, so that there was no bread for the people of the land, and a breach was made in the city.⁸ Why is it called fourth? As being fourth in the order of months. 'The fast of the fifth month': this is the ninth of Ab, on which the House of our God was burnt. Why is it called fifth? as being fifth in the order of months. 'The fast of the seventh month': this is the third of Tishri on which Gedaliah the son of Ahikam was killed.⁹ Who killed him? Ishmael the son of Nethaniah killed him; and [the fact that a fast was instituted on this day] shows that the death of the righteous is put on a level with the burning of the House of our God. Why is it called the seventh? As being the seventh in the order of months. 'The fast of the tenth month': this is the tenth of Tebeth on which the king of Babylon invested Jerusalem, as it says, And the word of the Lord came unto me in the ninth year in the tenth month, in the tenth day of the month, saying, Son of man, write thee the name of the day, even of this selfsame day; this selfsame day the king of Babylon hath invested

Jerusalem.¹⁰ Why is it called the tenth? As being the tenth in the order of months. [It might be asked], should not this have been mentioned first?¹¹ Why then was it mentioned in this place [last]? So as to arrange the months in their proper order. I, however, [continued R. Simeon], do not explain thus. What I say is that ‘the fast of the tenth month, is the fifth of Tebeth on which news came to the Captivity that the city had been smitten, as it says, And it came to pass in the twelfth year of our captivity, in the tenth month, in the fifth day of the month, that one who had escaped out of Jerusalem came to me saying, The city is smitten,¹² and they put the day of the report on the same footing as the day of burning. My view is more probable than his, because I make the first [mentioned by the prophet] first [chronologically] and the last last,¹³ whereas he makes the first last and the last first, he, however, following [only] the order of months I [also follow] the order of calamities.

It has been stated [elsewhere]: Rab and R. Hanina hold that the Megillath Ta'anith¹⁴ has been annulled,¹⁵ whereas R. Johanan and Resh Lakish hold that the Megillath Ta'anith, has not been annulled. Rab and R. Hanina hold that the Megillath Ta'anith has been annulled, interpreting the words of the prophet thus: ‘When there is peace, these days¹⁶ shall be for joy and gladness, but when there is no peace, they shall be fasts’, and placing the days mentioned in the Megillath Ta'anith, on the same footing. R. Johanan and Resh Lakish hold that the Megillath Ta'anith has not been annulled, maintaining that it was those others [mentioned by the prophet] that the All-Merciful made dependent on the existence of the Temple,¹⁷ but these [mentioned in Megillath Ta'anith] remain unaffected.

R. Kahana cited the following in objection: ‘On one occasion a fast was decreed in Lydda on Hanukah¹⁸ and R. Eliezer went down there and bathed and R. Joshua had his hair cut,¹⁹ and they said to the inhabitants, Go and fast in atonement for having fasted [on this day]’!²⁰ — R. Joseph said: Hanukah is different, because there is a religious ceremony [attached to it]²¹ Said Abaye to him: Let it be abolished and its ceremony with it?²² — R. Joseph thereupon [corrected himself and] said: Hanukah is different because it commemorates publicly a miracle.²³

R. Aha b. Huna raised an objection [from the following]: ‘On the third of Tishri the mention [of God] in bonds was abolished:²⁴ for the Grecian²⁵ Government had forbidden the mention of

God's name²⁶ by the Israelites, and when the Government of the Hasmoneans became strong and defeated them, they ordained that they should mention the name of God even on bonds, and they used to write thus: ‘In the year So-and-so of Johanan, High Priest to the Most High God’, and when the Sages heard of it they said, ‘To-morrow this man will pay his debt and the bond will be thrown²⁷ on a dunghill’, and they stopped them, and they made that day a feast day.²⁸ Now if you maintain that the Megillath Ta'anith has been annulled, [is it possible that] while the former [prohibitions of fasting] have been annulled, new ones should be added? — With what are we here dealing? With the period when the Temple was still standing

(1) Zech. VIII, 19.

(2) Lit., ‘decrees of the Government’.

(3) Since these fasts were at the time of this Mishnah optional, no messengers were sent forth on their account.

(4) In the war of Bar Cochba.

(5) V. Ta'an. 20b.

(6) In expounding the verse from Zechariah quoted above.

(7) [The fast of Tammuz observed nowadays on the seventeenth of the month is in commemoration of the same calamity at the Second Destruction; v. Ta'an. 26b. Supra on Deut. VI, 4 reads, ‘on the seventeenth’ following J. Ta'an. IV, 8 that also point in their evidence since in the absence of witnesses the New Moon is on the first time the breach was made on the seventeenth, the ‘ninth’ mentioned in the text being due to miscalculation caused by the confusion of the time, v. Tosaf. s.v. ט״ז].

- (8) Jer. LII, 6, 7.
- (9) V. Jer. XLI, 1, 2.
- (10) Ezek. XXIV, 1, 2.
- (11) The event commemorated being chronologically the first of those mentioned.
- (12) Ezek. XXXIII, 21. This is one of the four expositions in which R. Simeon differed from his teacher, R. Akiba. The other three are found in the Tosefta of Sot. VI and Sifre on Deut. VI, 4.
- (13) The fast of the fourth month.
- (14) Lit., 'Scroll of Fasting': a record of days on which it was prohibited to fast in memory of some joyful event which had happened on that date. It dates back in part before the destruction of the Second Temple (v. Shab. 13b). Its present form dates from the days of Hadrian.
- (15) Apparently we have to supply, 'since the destruction of the Temple'.
- (16) The four days mentioned by Zechariah.
- (17) So that when the Temple is restored and there is peace these fasts are abolished.
- (18) One of the Festivals mentioned in Megillath Ta'anith.
- (19) R. Eliezer and R. Joshua were disciples of R. Johanan b. Zaccai, and became authorities only after the destruction of the Temple. Bathing and haircutting were prohibited on fast days.
- (20) And if it was prohibited to fast on Hanukah, so also on the other days mentioned in Megillath Ta'anith.
- (21) Viz., the kindling of the lights.
- (22) Seeing that it is purely Rabbinical.
- (23) By the kindling of lights, and the people regard its ceremony like one ordained in the Torah.
- (24) This is a sentence from Megillath Ta'anith, which the Baraita explains.
- (25) I.e., Syrian.
- (26) Lit., 'the name of heaven'. [Cf. Gen. Rab. 11, 4: 'The Jews were ordered by the Greeks to write on the horn of the ox, "We have no share in the God of Israel"'].
- (27) Lit., 'it is found that the name of heaven is lying about'.
- (28) [Geiger, Urschrift, p. 34 places this in the last days of John Hyrcanus when the Pharisees turned against him; Graetz, Geschichte III, 2 p. 572 during the reign of Queen Salome when the Pharisees were in power. For other views, v. Lichtenstein, H, HUCA, pp. 283ff].

Talmud - Mas. Rosh HaShana 19a

. But [if that is so], cannot the prohibition [of the third of Tishri] be derived from the fact that it was the day on which Gedaliah the son of Ahikam was killed?¹ — Rab replied: Its [insertion in the Megillath Ta'anith] was required only to prohibit the day before it also.² But the prohibition of the day before it can also be derived from the fact that it is the day after New Moon?² — New Moon is ordained by the Written Law, and the ordinances of the Written Law do not require reinforcement, as it has been taught: 'These days which are mentioned in Megillath Ta'anith are forbidden [for fasting on] along with both the day before them and the day after them. As to Sabbaths and New Moons, they themselves are forbidden, but the days before and after them are permitted. What is the difference between one set and the other? The one set are ordained by the Torah,³ and the words of the Torah require no reinforcement, whereas the other are laid down by the Scribes, and the words of the Scribes require reinforcement'.⁴ But cannot the prohibition [of the second of Tishri] be derived from the fact that it is the day before the day on which Gedaliah the son of Ahikam was killed?⁵ — R. Ashi replied: The fast of Gedaliah the son of Ahikam is laid down in the later Scriptures,⁶ and the words of the later Scriptures are on the same footing as those of the Torah.

R. Tobi b. Mattenah raised the following objection [against the statement that Megillath Ta'anith has been annulled]: "On the twenty-eighth thereof [of Adar] came glad tidings to the Jews that they should not abandon the practice of the Law". For the Government [of Rome] had issued a decree that they should not study the Torah and that they should not circumcise their sons and that they should profane the Sabbath. What did Judah b. Shammu'a and his colleagues do? They went and consulted a certain matron whom all the Roman notables used to visit.⁷ She said to them: "Go and make

proclamation [of your sorrows] at night time". They went and proclaimed at night, crying, "Alas, in heaven's name, are we not your brothers, are we not the sons of one father and are we not the sons of one mother? Why are we different from every nation and tongue that you issue such harsh decrees against us?" The decrees were thereupon annulled, and that day was declared a feast day'.⁸ Now if you maintain that the Megillath Ta'anith⁹ was annulled, [is it possible that] after the earlier prohibitions had been annulled they should add new ones? And should you reply that this also was in the period when the Temple was still standing, [this cannot be], because Judah b. Shammu'a was the disciple of R. Meir, and R. Meir was after the destruction of the Temple. We know [that R. Judah was R. Meir's disciple] because it has been taught: 'If holes were made in a vessel of glass and filled up with lead, R. Simeon b. Gamaliel reports that R. Judah b. Shammu'a in the name of R. Meir declares it unclean,'¹⁰

(1) On which, as established above, fasting was prohibited in the period of the Temple.

(2) V. infra.

(3) The Pentateuch.

(4) And the days before and after are prohibited lest one should come to fast on the actual day.

(5) Cf. p. 75, n. 1.

(6) Viz., Zechariah. Lit., 'words of Kabbalah. V. supra p., 23 n. 10.

(7) [Probably the widow of Tineius Rufus (v. A.Z. 20a) whose home was in Caesarea, (Graetz, Geschichte IV, p. 169)].

(8) [Graetz, loc. cit. refers this to the withdrawal of the Hadrianic edicts by his successor Antonius Pius in 139 — 140. For other views v. Lichtenstein op. cit. p. 279].

(9) I.e., those days that were inserted in the list before the destruction of the Temple.

(10) Supposing it had been unclean, it now reverts to the uncleanness which it had lost when it was broken, v. Shab. 15b. Or it may mean 'becomes capable of receiving uncleanness'. V. Rashi a.l. and Tosaf. s.v. **יהודה**.

Talmud - Mas. Rosh HaShana 19b

whereas the Sages declare it clean'! — There is a difference of opinion between Tannaim [as to whether the Megillath Ta'anith, has been annulled], as it has been taught: 'These days which are mentioned in the Megillath Ta'anith are prohibited [to be kept as fast days] whether in the period when the Temple is standing or in the period when the Temple is not standing. So R. Meir. R. Jose says: In the period when the Temple is standing they are prohibited, because they [Israel] have cause for rejoicing; in the period when the Temple is not standing they are permitted, because they have cause for mourning'. The law is that these prohibitions are annulled and the law is that they are not annulled. There is a contradiction, is there not, between these two laws? — There is no contradiction: the one¹ relates to Hanukah and Purim, the other to the other days.

OF ELUL ON ACCOUNT OF NEW YEAR, OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS. Once the messengers have gone forth to report [the new moon of] Elul, why should they be required to do so for Tishri? Should you reply that [the reason is because] perhaps Elul has been prolonged,² [this cannot be], because R. Hinena b. Kahana has said in the name of Rabbi: 'From the days of Ezra onwards we have found no instance of Elul being prolonged'! — [Exactly so]: 'We find no instance', because there was no reason [to prolong it]; where, however, there is a special reason,³ we do prolong it. But in that case New Year is interfered with?⁴ — It is better that New Year should be interfered with than that all the festivals should be interfered with. There is also an indication [that this view is correct in the language of the Mishnah], which states, OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS. This is clear proof.

OF KISLEV ON ACCOUNT OF HANUKAH AND OF ADAR ON ACCOUNT OF PURIM. [The Mishnah], however, does not say, 'When the year is prolonged,⁵ messengers go forth to report [the new moon of] the second Adar also on account of Purim'. [This shows that] our Mishnah does not agree with Rabbi, since it has been taught: 'Rabbi says that if the year has been prolonged,

messengers go forth to report also regarding the second Adar on account of Purim'. Shall we say that the point on which they join issue is this, that one authority holds that all the ceremonies observed in the second Adar⁶ are observed also in the first,⁷ while the other holds that the ceremonies observed in the second are not observed in the first?⁸ — No. Both hold that the ceremonies observed in the second are not observed in the first, and here they differ on the question of the prolongation of the year,⁹ as it has been taught: 'How long is the period of the prolongation of the year? Thirty days. Simeon b. Gamaliel, however, says a month'.¹⁰ But why should only [the one who says] thirty days [require no messengers to be sent]? Because, you say, people in this case know when the month ends?¹¹ If the period is a month, they also know! — R. Papa said: The one who said 'a month' holds that [the Beth din may prolong the year] either by thirty days or by a month at their option.¹²

R. Joshua b. Levi testified on behalf of the holy community of Jerusalem concerning the two Adars, that they are sanctified on the day of their prolongation.¹³ This is equivalent to saying that we make them defective but we do not make them full, and excludes the statement made in a discourse by R. Nahman b. Hisda; [for R. Nahman b. Hisda stated in a discourse]: 'R. Simai testified in the name of Haggai, Zechariah and Malachi concerning the two Adars that if they [the Beth din] desired they could make both of them full, and if they desired they could make both of them, defective, and if they desired they could make one full and the other defective; and such was their custom in the Diaspora. In the name of our teacher,¹⁴ however, they said: One is always to be full and the next defective, unless you have been informed that New Moon has been fixed at its proper time'.¹⁵

They sent [from Palestine] to Mar 'Ukba to say: The Adar which precedes Nisan is always defective. R. Nahman raised an objection [from the following]: 'For the fixing of two New Moons the Sabbath may be profaned,¹⁶ for those of Nisan and of Tishri'. Now if you say that [the Adar before Nisan] is sometimes full and sometimes defective, I can understand how occasions arise for profaning the Sabbath

(1) That fasting is prohibited.

(2) I.e., made to last thirty days, and therefore the Diaspora may make a mistake about the Day of Atonement and Tabernacles.

(3) The 'special reason' is discussed *infra*, 20a.

(4) Lit., 'spoilt'. The Diaspora will keep it one day too soon.

(5) I.e., made to consist of thirteen months, by the insertion of a second Adar.

(6) Including in particular Purim.

(7) And therefore the observance of Purim in the first Adar is really sufficient for religious purposes, and so there is no need to send out messengers to fix the date of the second.

(8) And therefore it is important that Purim in the second Adar should be kept on the right day, *v. Meg. 6b*.

(9) I.e., the [days of the month of the first Adar which is inserted to prolong the year (Rashi)].

(10) I.e., twenty-nine days. This is apparently the opinion of Rabbi also.

(11) When the first Adar ends and the second Adar begins.

(12) And therefore it is necessary to keep the public informed. (9) [Regarded by some as a survival of an Essene community, *v. J.E V. p. 226*].

(13) The thirtieth day is known as the day of prolongation (**יום עיבור**) as it is the day which is added to make the preceding month full (*v. supra p. 21, n. 7*). In the case of the two Adars the thirtieth day of each is sanctified as the New Moon of the next month.

(14) Rab.

(15) I.e., that the Beth din in Jerusalem fixed the New Moon of Adar II on the thirtieth day of the first Adar, the thirtieth day always being regarded as the 'proper time' of New Moon.

(16) By the watchers for the new moon, who are allowed to exceed the two thousand cubit limit in order to report their observation to the Beth din in Jerusalem. *V. infra 23b*.

Talmud - Mas. Rosh HaShana 20a

. But if it is always defective, why should they profane it?¹ — Because it is a religious duty to sanctify [the New Moon] on the strength of actual observation.² According to another version, R. Nahman said: We also have learnt: 'For the fixing of two New Moons the Sabbath may be profaned, for those of Nisan and of Tishri'. Now if you say that the Adar which precedes Nisan is always defective, there is no difficulty; the reason why Sabbath may be profaned is because it is a religious duty to sanctify [the New Moon] on the strength of actual observation. But if you say that it is sometimes full and sometimes defective, why should [the Sabbath] be profaned? Let us prolong [the month] today and sanctify [the New Moon] to-morrow?³ — If the thirtieth day happens to be on Sabbath, that is actually what we do. Here, however, we are dealing with the case where the thirty-first day happens to fall on Sabbath [and we allow the Sabbath to be profaned because] it is a religious duty to sanctify on the strength of actual observation.⁴

R. Kahana raised [against the instruction sent to Mar 'Ukba] the following objection: 'When the Temple stood, Sabbath was profaned for the fixing of all the months, for the sake of the adjustment of the sacrifice'.⁵ Now since the reason [for allowing the profanation of the Sabbath] was not in the case of all the other [months] because it is a religious duty to sanctify on the strength of actual observation, neither is the reason in the case of Nisan and Tishri because it is a religious duty to sanctify on the strength of actual observation.⁶ Now if you say that the Adar preceding Nisan is sometimes full and sometimes defective, there is no difficulty: for the reason mentioned we allow the profanation of the Sabbath. But if you say that it is always defective, why should we allow the profanation?⁷ — This is unanswerable.⁸

When 'Ulla came [from Palestine to Babylon], he said: They have prolonged Elul.⁹ Said 'Ulla thereupon: Do our Babylonian colleagues recognize what a boon we are conferring on them? What was the boon? — 'Ulla said: On account of the vegetables;¹⁰

R. Aha b. Hanina said: On account of the [unburied] dead.¹¹ What difference does it make [in practice which view we adopt here]? — There is a difference, in the case of a Day of Atonement coming just after Sabbath. According to him who says that the reason is because of the [unburied] dead, we prolong Elul [so as to prevent this], but according to him who says that it is because of vegetables, [we do not do so, because] when are the vegetables required? For the evening [after the Day of Atonement]; and in the evening we can get fresh ones. But even if we accept the view that the reason is because of vegetables, we should still prolong Elul because of the unburied dead? — We must therefore say that the practical difference is in the case of a festival which comes just before or just after Sabbath. In such a case, according to him who says the reason is because of vegetables,¹² we prolong Elul [to prevent this], but according to him who says it is because of the [unburied] dead, [we do not do so], because they can be attended to by heathens. But even if we accept the view that it is because of the [unburied] dead, let us still prolong Elul on account of the vegetables? — Vegetables can be [freshened by being put] in hot water. If that is the case, why is it a boon only for us [in Babylon]? Why not also for them [in Palestine] — We suffer from oppressive heat, they do not suffer from oppressive heat.¹³

Is all this correct,¹⁴ seeing that Rabbah b. Samuel has learnt: I might think that just as the year is prolonged in case of emergency,¹⁵ so the month may be prolonged to meet an emergency; therefore it says, This month is for you the head of months,¹⁶ [which implies], See [the moon] like this and then sanctify!¹⁷ — Raba replied: There is no contradiction: in the once case we speak of prolonging the month, in the other of sanctifying it,¹⁸ and what [the above teaching] meant is this: I might say that just as the year is prolonged to meet an emergency, so the month may be sanctified to meet an emergency, therefore it says, 'This month is for you'; See [the moon] like this, and then sanctify. This is illustrated by the dictum of R. Joshua b. Levi: 'Witnesses¹⁹ can be intimidated [to withhold the report of] the new moon which has appeared in its due time²⁰ in order that the month may be

prolonged,²¹ but they may not be intimidated into reporting the new moon which has not appeared in its proper time in order that a New Moon may be sanctified [on the thirtieth]'. Is this so? Did not R. Judah the Prince²² send to R. Ammi a message saying: Know that when R. Johanan was alive he used to teach us that witnesses may be intimidated into reporting [on the thirtieth day] the new moon which has not appeared in its due time, in order that the New Moon may be sanctified, and even though they have not seen it they may say, We have seen it? — Abaye said: There is no contradiction: the one rule²³ holds good for Nisan and Tishri, the other for the other months of the year.²⁴ Raba said: This teaching which Rabbah b. Samuel learnt follows the 'Others', as it has been taught: 'Others say that between one Pentecost and another and between one New Year and 'another there are always four days [of the week] difference, or, if it was a leap year, five'.²⁵ R. Dimi from Nehardea reports the teaching in the reverse form: 'Witnesses can be intimidated to report [on the thirtieth day] the appearance of the moon which has not appeared in its proper time, in order that the month may be sanctified, but they may not be intimidated to withhold the report of the new moon which has been seen at its proper time in order that the month may be prolonged. What is the reason?

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- (1) Since the New Moon can be fixed without actual observation.
 - (2) Even though the observation is not necessary for the purpose.
 - (3) I.e., in all such cases we can make Adar thirty days, and if the watchers have seen the new moon on Sabbath, they need not report till the next day.
 - (4) Hence we do not make New Moon on the thirtieth day, the new moon not yet having been observed, and it is not permitted to make it on the thirty-second.
 - (5) I.e., so that the sacrifice for New Moon should be offered at the proper time.
 - (6) But, as in the case of all the others, to secure that the New Moon offering should be brought on the proper day.
 - (7) Seeing that the observation makes no difference.
 - (8) Lit., 'this is a confutation'.
 - (9) So as to prevent Sabbath and a festival falling on successive days.
 - (10) Which would become stale if kept over two days. Vegetables eaten raw are referred to, and of course, there could be no plucking on Sabbath or Festivals.
 - (11) Which would commence to decompose if kept over two days.
 - (12) Which would be required on the second of the holy days.
 - (13) Lit., 'the world is oppressive for us'. In Palestine vegetables or dead bodies could be kept for two days.
 - (14) That a month may be prolonged to prevent inconvenience to the public. Lit. 'It is not so?'
 - (15) E.g., to make Passover fall in the season of new corn., v. Sanh. 11b.
 - (16) Ex. XII, 2.
 - (17) The word 'this' is interpreted to mean that God showed Moses the new moon as a model for all future time
 - (18) V. infra.
 - (19) Men sent out by the Beth din to watch for the appearance of the new moon from points of vantage.
 - (20) I.e., on the thirtieth day.
 - (21) Over the thirtieth day and the next New Moon declared on the thirty-first, which shows that the month can be prolonged in case of need.
 - (22) The grandson of Rabbi.
 - (23) That the month may be sanctified to meet a special need.
 - (24) A 'special need' might arise in the other months of the year if, for instance, eight months in a year (which was the maximum) had already been made 'full' and in the next month the moon did not appear on the thirtieth: v. 'Ar. 8b.
 - (25) V. p. 21, nn. 12, 13, and note. For this to happen the months would have to follow the moon strictly.

Talmud - Mas. Rosh HaShana 20b

— The latter statement would be seen to be false,¹ the former statement is not seen to be false.²

Samuel said: I am quite able to make a calendar³ for the whole of the Diaspora. Said Abba the father of R. Simlai to Samuel: Does the Master know [the meaning] of this remark which occurs in

[the Baraitha known as] the secret of the Calendar?⁴ ‘If the new moon is born before midday or after midday’? — He replied: I do not. He then said to him: Since the Master does not know this, there must also be other things which the Master does not know. When R. Zera went up [to Palestine], he sent back word to them [in Babylon]: It is necessary that there should be [on New Moon] a night and a day of the new moon.⁵ This is what Abba the father of R. Simlai meant: ‘We calculate [according to] the new moon's birth. If it is born before midday, then certainly it will have been seen shortly before sunset. If it was not born before midday, certainly it will not have been seen shortly before sunset’. What is the practical value of this remark? — R. Ashi said: To [help us in] confuting the witnesses.⁶

R. Zera said in the name of R. Nahman: The moon is invisible for twenty-four hours [round about new moon]. For us [in Babylon] six of these belong to the old moon and eighteen to the new;⁷ for them [in Palestine] six to the new and eighteen to the old.⁸ What is the practical value of this remark? — R. Ashi said: To confute the witnesses.

The Master has just said: It is necessary that there should be [on New Moon] a night and a day of the new moon. Whence is this rule derived? — R. Johanan said: [From the text]. From evening to evening;⁹ Resh Lakish said: [From the text], Until the twenty-first day of the month in the evening.¹⁰ What practical difference is there between them? — Abaye said: The difference between them is only one of exegesis.¹¹ Raba said: They differ in regard to [the hours up to] midnight.¹²

R. Zera said in the name of R. Nahman: Wherever [an extra day is kept] out of doubt, we make it the succeeding day.¹³ This means to say that we keep [Passover and Tabernacles] on the fifteenth and sixteenth but not on the fourteenth.¹⁴ But should not the fourteenth also be kept, in case both Ab and Elul¹⁵ have been declared short?¹⁶

(1) Because other people might have seen the new moon.

(2) Because it could not be proved that they had not seen it (Rashi). R. Hananel: Provided they had seen a semblance of the new moon].

(3) Heb. עָבוּר lit., ‘taking across’: the word used for the prolonging of the year and the month.

(4) This was a Baraitha made up of enigmatic sentences like the one which follows.

(5) I.e., that there should be no appearance of the old moon in this period, viz., after the closing of the twenty-ninth day; otherwise New Moon cannot be proclaimed on the thirtieth.

(6) Because if the conjunction is calculated to have been after midday and they claim to have seen the new moon before nightfall, they are not telling the truth.

(7) Which would imply that in Babylon the new moon is not visible till eighteen hours after its birth (Rashi).

(8) Which would imply that in Palestine the new moon is visible six hours after its birth (Rashi).

(9) Lev. XXIII, 32, in connection with fasting on the Day of Atonement. This shows that the day follows the night in reference to the festivals.

(10) Ex. XII, 18, in connection with eating unleavened bread on Passover. This shows that the festivals end at even.

(11) Lit., ‘the interpretation of exegeses’.

(12) According to R. Johanan, the ‘night’ referred to is on the same footing as the night of the Day of Atonement which commences at nightfall. But according to Resh Lakish, it is on a par with the first night of Passover, which, in relation to the Paschal lamb, was a continuation of the afternoon before. Hence Resh Lakish holds that even if the old moon was seen in the early part of the evening, the next day may still be declared New Moon.

(13) Lit., ‘wherever there is a doubt, we cast it forward’.

(14) I.e., that we reckon fifteen days from the thirtieth day, and also from the thirty-first day of the previous Adar or Elul, out of doubt, but in no case from the twenty-ninth. This dictum would seem to be superfluous, as in no circumstances was New Moon proclaimed on the twenty-ninth day after the previous New Moon.

(15) Rashi reads ‘Shebat’.

(16) And in this case, what we suppose to have been the twenty-ninth day of Adar or of Elul would really have been the first of Nisan or of Tishri.

Talmud - Mas. Rosh HaShana 21a

— If two [successive] months¹ are declared short, the thing becomes known.

Levi once arrived in Babylon on the eleventh of Tishri.² He said [to the people there]: How good and sweet is the dish of the Babylonians on the great day of the West.³ They said to him, Testify [that this is the tenth day].⁴ He replied: I did not [personally] hear the Beth din [in Jerusalem proclaim] ‘sanctified’.⁵

R. Johanan issued a proclamation: ‘In all those places which can be reached by the messengers sent out in Nisan but not by those sent out in Tishri,⁶ two days should be kept [on Passover],⁷ Nisan being included so that there should be no mistake as to Tishri’.⁸

R. Aibu b. Nagri and R. Hiyya b. Abba once arrived at a certain place which had been reached by the messengers sent out in Nisan but not by those sent out in Tishri, and though the inhabitants kept only one day [of Passover] they did not reprove them. When R. Johanan heard this he was annoyed and said to them: Did I not tell you that in places which have been reached by the messengers sent out in Nisan but not by those sent out in Tishri they should keep two days, Nisan being included so that no mistake should be made in Tishri?

Rabbah was accustomed to fast two days [on the Day of Atonement].⁹ Once he was found to be right.¹⁰ R. Nahman had once fasted the whole of the Day of Atonement, when in the evening a man came and told him, To-morrow is the great day in the West. He said to him, Whence are you? He replied, From Damharia.¹¹ ‘Blood will be his latter end’¹² he ejaculated, applying to himself the verse, Swift were our pursuers.¹³

R. Huna b. Abin sent an instruction to Raba: When you see that the cycle of Tebeth¹⁴ extends to the sixteenth of Nisan,¹⁵ declare that year¹⁶ a leap year and have no scruples,¹⁷ since it is written, Observe the month [hodesh] of Abib,¹⁸ which signifies, See to it that the Abib of the cycle¹⁹ should commence in the earlier half [hodesh]²⁰ of Nisan.

R. Nahman said to those who were going to sea: As you will not know when New Moon is fixed, [I will tell you what to do]. When you see the moon ceases shining with daylight,²¹ clear away leaven [for Passover]. When does it so shine? On the fifteenth [of the month]. But we clear away leaven on the fourteenth? — For them, as they had a clear view,²² the moon commenced to shine into the day from the fourteenth.

(1) Viz., (apparently) Ab and Elul, or Tebeth and Shebat. Rashi: Tebeth and Tammuz are always, according to the principles of fixed calendar, defective, and if Shebat' which follows Tebeth, Ab and Tammuz were also to be defective, it would have become known to the Diaspora before the advent of the festivals.

(2) I.e., according to the reckoning of the Babylonians who were not aware that the previous month had been prolonged in Palestine by one day. He either came from near the frontier or just before nightfall, before they had broken their fast (v. Tosaf. s.v. **לוי**).

(3) I.e., this is the Day of Atonement in Palestine, and you are eating, or you are ready to break your fast, cf. p. 86, n. 10.

(4) And we will keep this day too.

(5) I.e., that the day was sanctified as New Moon and therefore he could not testify, although he knew from independent sources that this was only ten days before, v. infra 21b. [MS.M.: ‘(proclaim)’, ‘prolonged’ **מעובר** instead of **מקודש**].

(6) The messengers sent out from Jerusalem to announce the New Moon of Nisan would be able to travel further by Passover than the messengers sent out in Tishri would be able to travel by Tabernacles, because the latter would lose two days on New Year and the Day of Atonement, when it was forbidden to travel.

- (7) Although the inhabitants would know when the New Moon of Nisan had been proclaimed.
- (8) I.e., if they kept Passover only one day, they might come to keep Tabernacles only one day.
- (9) Being uncertain whether the month of Elul, which normally consisted of twenty-nine days, had not been prolonged by the Beth din in Jerusalem.
- (10) Lit., 'it was found (to be) according to him'.
- (11) [Damar S.W. of Sura. V. Obermeyer p. 298.]
- (12) Heb. Dam tehi Aharitho — a play on the name Damharia.
- (13) Lam. IV, 19.
- (14) V. supra p. 30, n. 5.
- (15) Inclusive. V. Tosaf. s.v.
- (16) In other words, if the vernal equinox is known by calculation to fall after the sixteenth of Nisan a leap year is proclaimed.
- (17) Although this follows the view only of an individual authority, as recorded in Sanh. 13b.
- (18) Deut. XVI, 1.
- (19) I.e., the beginning of the vernal equinox. The day on which the vernal equinox begins is called Abib because on that day the corn begins to ripen by the effects of the sun (Rashi). V. Sanh., Sonc. ed., p. 60 notes.
- (20) Lit., 'newness'. I.e., the first fourteen days. The New Moon of Nisan must be timed so that this can take place.
- (21) Lit., 'completing (its course) by day'.
- (22) Lit., 'as the world was revealed to them'.

Talmud - Mas. Rosh HaShana 21b

MISHNAH. FOR THE SAKE OF TWO MONTHS SABBATH MAY BE PROFANED,¹ NAMELY, NISAN AND TISHRI, SINCE IN THEM MESSENGERS GO FORTH TO SYRIA AND IN THEM THE DATES OF THE FESTIVALS ARE FIXED.² WHEN THE TEMPLE WAS STANDING THEY USED TO PROFANE SABBATH FOR ALL THE MONTHS, IN ORDER THAT THE SACRIFICE [OF NEW MOON] MIGHT BE OFFERED ON THE RIGHT DAY.³

GEMARA. [Do messengers go forth] for two months only? The following was cited as conflicting with this: 'Messengers go forth to proclaim six months'!⁴ — Abaye replied: What is meant is this: For all [the other months] the messengers set out while it is still night,⁵ but for Nisan and Tishri they do not set out till they have heard the Beth din proclaim, 'sanctified'.⁶

It has been taught to the same effect: 'For all [the other months] they [the messengers] went forth while it was still night, but for Nisan and Tishri not until they had heard the Beth din proclaim 'sanctified'.

Our Rabbis taught: How do we know [from the Scripture] that Sabbath may be profaned on account of these? Because it says, These are the appointed seasons of the Lord . . . which ye shall proclaim in their appointed season.⁷ I might say then that just as it may be profaned until they [the months] are sanctified, so it may be profaned [further] until they are promulgated?⁸ Not so, since it says, 'which ye shall proclaim:' for their proclamation you may profane the Sabbath, but not for their promulgation.⁹

WHEN THE TEMPLE WAS STANDING THEY USED TO PROFANE SABBATH FOR ALL THE MONTHS, IN ORDER THAT THE SACRIFICE MIGHT BE OFFERED ON THE RIGHT DAY. Our Rabbis taught : Originally the Sabbath could be profaned for all of them. When the Temple was destroyed, Rabban Johanan b. Zakkai said to them [the Beth din], Is there then a sacrifice [waiting to be brought]? They therefore ordained that Sabbath should not be profaned save for Nisan and Tishri alone.¹⁰

MISHNAH. WHETHER [THE NEW MOON] HAS BEEN SEEN CLEARLY¹¹ OR HAS NOT

BEEN SEEN CLEARLY, SABBATH MAY BE PROFANED ON ACCOUNT OF IT. R. JOSE SAYS, HOWEVER, THAT IF IT HAS BEEN SEEN CLEARLY SABBATH IS NOT TO BE PROFANED ON ACCOUNT OF IT.¹² IT HAPPENED ONCE THAT MORE THAN FORTY PAIRS OF WITNESSES WERE ON THEIR WAY¹³ [TO JERUSALEM] AND R. AKIBA DETAINED THEM IN LYDDA. R. GAMALIEL THEREUPON SENT TO HIM SAYING: IF YOU PREVENT THE MULTITUDE [FROM COMING TO GIVE EVIDENCE] YOU WILL PROVE TO BE THE CAUSE OF THEIR STUMBLING IN THE TIME TO COME.¹⁴

GEMARA. How do we know that the word 'alil here means 'clear'? — R. Abbahu replied: Because the Scripture says, The words of the Lord are pure words, as silver tried in the clear sight [ba-'alil] of the earth, refined seven times.¹⁵

Rab and Samuel [gave different interpretations of a certain text]. One said: Fifty gates of understanding were created in the world, and all were given to Moses save one, as it says, Yet thou hast made him but little lower than a God,¹⁶ Now, Koheleth sought to find out words of delight.¹⁷ [That is to say,] Koheleth sought to be like Moses, but a bath kol¹⁸ went forth and said to him, It is written uprightly even words of truth,¹⁹ 'There arose not a prophet again in Israel like Moses'.²⁰ The other said: Among the prophets there arose not, but among the kings there did arise. How then do I interpret the words, Koheleth sought to find out words of delight? Koheleth sought to pronounce verdicts from his own insight,²¹ without witnesses and without warning,²² whereupon a bath kol went forth and said, It is written uprightly even words of truth, 'At the mouth of two witnesses' etc.²³

(1) By witnesses who have seen the new moon, in order that they may give information in Jerusalem at the earliest possible moment. V. supra.

(2) It is difficult to see what reason this furnishes for allowing the witnesses to break the Sabbath. Rashi explains that if the witnesses are not allowed to bring the news on Sabbath, the New Moon will not be sanctified till Sunday, and so the messengers instead of setting out as soon as Sabbath is over will not set out till several hours later, and this might make them late in some places in giving notice of the date of Passover. V. Rashi and Tosaf.

(3) Lit., 'for the proper adjustment of the sacrifice'.

(4) I.e., whenever the month is lengthened to thirty days.

(5) On the thirty-first day, since it is already certain that New Moon will be on this day.

(6) Which would be at some hour in the daytime.

(7) Lev. XXIII, 4. Stress is laid on the words 'in their appointed season'.

(8) I. e., to the Diaspora, by the messengers.

(9) I. e., the witnesses may profane, but not the messengers.

(10) On account of their extra sanctity.

(11) Lit., 'in an 'alil'. V. Gemara infra.

(12) There being no necessity, as many people will have seen it.

(13) Lit., 'were passing'.

(14) As people will be reluctant to come to give evidence.

(15) Ps. XII, 7. E.V. 'in a crucible'.

(16) Ps. VIII, 6. E.V. 'than the angels'.

(17) Eccl. XII, 10.

(18) A voice from heaven, V. Glos.

(19) Ibid.

(20) Deut. XXXIV, 10.

(21) Lit., 'that are in the heart'. [Omitted in MS.M.].

(22) The forewarning required by law for the punishment of an offender.

(23) Deut. XIX, 15.

IT HAPPENED ONCE THAT MORE THEN FORTY PAIRS [OF WITNESSES] WERE ON THEIR WAY [TO JERUSALEM] AND R. AKIBA DETAINED THEM etc. It has been taught: R. Judah said: Far be it from us to think that R. Akiba detained them. It was Shazpar the head of Geder¹ who detained them, and Rabban Gamaliel thereupon sent and they deposed him from his office.²

MISHNAH. IF A FATHER AND A SON HAVE SEEN THE NEW MOON, THEY SHOULD BOTH GO [TO JERUSALEM], NOT THAT THEY CAN ACT AS JOINT WITNESSES³ BUT SO THAT IF ONE OF THEM IS DISQUALIFIED⁴ THE OTHER MAY JOIN WITH SOME OTHER WITNESS. R. SIMEON, HOWEVER, SAYS THAT A FATHER AND SON AND ALL RELATIVES ARE ELIGIBLE TO TESTIFY TO THE APPEARANCE OF THE NEW MOON. R. JOSE SAID: IT HAPPENED ONCE WITH TOBIAH THE PHYSICIAN THAT HE SAW THE NEW MOON IN JERUSALEM ALONG WITH HIS SON AND HIS EMANCIPATED SLAVE, AND THE PRIESTS ACCEPTED HIS EVIDENCE AND THAT OF HIS SON AND DISQUALIFIED HIS SLAVE, BUT WHEN THEY APPEARED BEFORE THE BETH DIN THEY ACCEPTED HIS EVIDENCE AND THAT OF HIS SLAVE AND DISQUALIFIED HIS SON.

GEMARA. R. Levi said: What is the reason of R. Simeon? — Because it is written, and the Lord spoke unto Moses and Aaron in the land of Egypt, saying, This month shall be unto you the beginning of months,⁵ which implies, ‘this testimony shall be valid [when given] by you’.⁶ And the Rabbis? — [It implies], this evidence shall be entrusted to you.⁷

R. JOSE SAID, IT HAPPENED ONCE WITH TOBIAH THE PHYSICIAN etc. R. Hanan b. Raba said: The law⁸ is as stated by R. Simeon. Said R. Huna to R. Hanan b. Raba, We have R. Jose and an incident [on the other side], and you say that the law is as stated by R. Simeon! — He replied: Many times I said in the presence of Rab, ‘The law is as stated by R. Simeon’, and he did not correct me.⁹ He then asked him, How did you repeat [the Mishnah]? — He [R. Hanan] replied [I repeated it to him with the names] reversed.¹⁰ He [R. Huna] thereupon said to him, That was the reason why Rab did not correct you. Tabi said in the name of Mari Tabi who had it from Mar ‘Ukba: The law is as stated by R. Simeon.

MISHNAH THE FOLLOWING ARE INELIGIBLE: GAMBLER,¹¹ USURERS, PIGEON-FLYERS,¹² THOSE WHO TRAFFIC IN PRODUCE OF THE SABBATHAL YEAR,¹³ AND SLAVES. IT IS A GENERAL RULE THAT FOR ANY TESTIMONY FOR WHICH A WOMAN IS DISQUALIFIED THESE ALSO ARE DISQUALIFIED.

GEMARA. I infer from this that any testimony which a woman is qualified to give¹⁴ they are also qualified to give. R. Ashi said: This is equivalent to saying that one who is Rabbinically¹⁵ accounted a robber is qualified to give the same evidence as a woman.

MISHNAH. IF ONE WHO HAS SEEN THE MOON IS NOT ABLE TO GO ON FOOT, HE MAY BE BROUGHT ON AN ASS OR EVEN IN A LITTER [ON SABBATH]. IF THEY [THE WITNESSES] ARE LIKELY TO BE WAYLAID,¹⁶ THEY MAY TAKE CUDGELS [TO DEFEND THEMSELVES].¹⁷ IF THE DISTANCE IS GREAT [TO JERUSALEM], THEY MAY TAKE PROVISIONS WITH THEM, SINCE FOR AS MUCH AS A NIGHT AND A DAY'S JOURNEY¹⁸ THEY WERE ALLOWED TO PROFANE SABBATH AND GO FORTH TO TESTIFY TO THE APPEARANCE OF THE NEW MOON, AS IT SAYS: THESE ARE THE APPOINTED SEASONS OF THE LORD . . . WHICH YE SHALL PROCLAIM IN THEIR APPOINTED SEASON.¹⁹

CHAPTER II

MISHNAH. IF THAT ONE²⁰ IS NOT KNOWN TO THEM [THE BETH DIN IN JERUSALEM], THEY [THE BETH DIN OF HIS OWN PLACE] SEND ANOTHER WITH HIM TO CERTIFY

HIM [AS RELIABLE]. ORIGINALLY TESTIMONY WITH REGARD TO [THE APPEARANCE OF] THE NEW MOON WAS RECEIVED FROM ANYONE. WHEN, HOWEVER, THE BOETHUSIANS²¹ ADOPTED EVIL COURSES, IT WAS ORDAINED THAT TESTIMONY SHOULD BE RECEIVED ONLY FROM PERSONS KNOWN [TO THE BETH DIN].

GEMARA. What is meant by ANOTHER? [I would naturally suppose], one other person.

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- (1) [Gederah in Judah. V. Josh. XV, 36].
- (2) Lit., 'greatness'.
- (3) Near relatives being disqualified from offering evidence together.
- (4) I.e., found by the Beth din to be unreliable.
- (5) Ex. XII, 1, 2.
- (6) Even if you are near relatives.
- (7) The communal leaders, to sanctify the month on the strength of it. Nothing, however, is implied about relatives.
- (8) [MS.M. 'the Halachah' and so in all other cases in this passage].
- (9) Lit., 'he did not say anything to me'.
- (10) I.e., saying that R. Jose declared a father and son to be eligible, and that R. Simeon related the incident.
- (11) Lit., 'those who play with dice'.
- (12) For wagers.
- (13) V. Sanh., Sonc. ed. p. 142, nn. 3-5.
- (14) E.g., to testify the death of a husband so as to enable the widow to remarry.
- (15) Like those mentioned above, who are not accounted robbers according to the strict letter of the Pentateuch, since although they acquire money wrongfully they do not take anything by force: v. Yeb. 25a
- (16) Lit., 'if there are lyers-in-wait for them'.
- (17) Although it was forbidden to carry on Sabbath.
- (18) If the distance was much larger there would be no point in their evidence since in the absence of witnesses the New Moon is on the first day.
- (19) Lev. XXIII, 4. V. supra, p. 89. n. 5.
- (20) V. Gemara, infra.
- (21) The followers of a certain Boethus, who seems to have lived in the second century B.C.E. Like the Sadducees, they rejected the Oral Law and opposed the Rabbis. [MS.M. 'Minim' (v. Glos. s.v. Min.)]

Talmud - Mas. Rosh HaShana 22b

But [is the word of] one person to be taken? Has it not been taught, 'On one occasion he came accompanied by the witnesses¹ who were to testify to his bona fides'? — R. Papa replied: What is meant by ANOTHER? Another pair. This view too is borne out by an examination [of the language of the Mishnah]. For should you hold otherwise, [consider the words] IF THAT ONE [OTHO] IS NOT KNOWN TO THEM. Now what is referred to by THAT ONE? Shall I say, a single person? But is [the word of] one person accepted,² seeing that the word judgment³ is used in connection with it? But in fact what is meant by THAT ONE? That pair. So here, what is meant by ANOTHER? Another pair.

But is not the word of one witness taken [in this matter]? Has it not been taught, 'On one occasion R. Nehorai accompanied the witness to testify to his bona fides on Sabbath in Usha'?⁴ — I can reply that there was another witness along with R. Nehorai, and the reason why he was not mentioned was out of respect for R. Nehorai.⁵ R. Ashi said: In R. Nehorai's case there was [already] another witness in Usha,⁶ and R. Nehorai went to join his testimony with his. If that is the case, what is the point of the statement?⁷ — You might think that we do not allow the Sabbath to be profaned [by one witness] where there is any doubt [about the other].⁸ Hence we are told [that this is not so].

When 'Ulla came [to Babylon], he announced that they had sanctified the New Moon [on a certain

day] in the West [Palestine]. Said R. Kahana: Not only [in such a case] do we take the word of 'Ulla who is a great man, but we take the word of any ordinary man. What is the reason? Because whenever a thing is bound to come to light later on, men do not lie about it. It has been taught to the same effect: If a man comes from the other end of the world and says, The Beth din have sanctified the New Moon, his word is taken.

ORIGINALLY TESTIMONY WITH REGARD TO THE APPEARANCE OF THE NEW MOON WAS RECEIVED FROM ANYONE. Our Rabbis taught: What evil course did the Boethusians⁹ adopt? Once the Boethusians sought to mislead the Sages.¹⁰ They hired two men for four hundred zuzim, one belonging to our party and one to theirs. The one of their party gave his evidence and departed. Our man [came and] they said to him: Tell us how you saw the moon. He replied: I was going up the ascent of Adumim¹¹ and I saw it couched between two rocks, its head like [that of] a calf, its ears like [those of] a hind, and its tail lying between its legs, and as I caught sight of it I got a fright and fell backwards, and if you do not believe me, why, I have two hundred zuzim tied up in my cloak. They said to him: Who told you to say all this?¹² He replied: I heard that the Boethusians were seeking to mislead the Sages, so I said [to myself], I will go myself and tell them, for fear lest untrustworthy men should come and mislead the Sages. They said: You can have the two hundred zuzim as a present,¹³ and the man who hired you shall be laid out on the post.¹⁴ There and then they ordained that testimony should be received only from persons who were known to them.

MISHNAH. ORIGINALLY THEY USED TO LIGHT¹⁵ BEACONS.¹⁶ WHEN THE CUTHEANS [SAMARITANS] ADOPTED EVIL COURSES,¹⁷ THEY MADE A RULE THAT MESSENGERS SHOULD GO FORTH. HOW DID THEY LIGHT THE BEACONS? THEY USED TO BRING LONG POLES OF CEDAR AND REEDS AND OLIVE WOOD AND FLAX FLUFF WHICH THEY TIED TO THE POLES WITH A STRING, AND SOMEONE USED TO GO UP TO THE TOP OF A MOUNTAIN AND SET FIRE TO THEM AND WAVE THEM TO AND FRO AND UP AND DOWN UNTIL HE SAW THE NEXT ONE DOING THE SAME THING ON THE TOP OF THE SECOND MOUNTAIN; AND SO ON THE TOP OF THE THIRD MOUNTAIN. WHENCE DID THEY CARRY THE [CHAIN OF] BEACONS? FROM THE MOUNT OF OLIVES [IN JERUSALEM] TO SARTABA, AND FROM SARTABA TO GROFINA, AND FROM GROFINA TO HAURAN, AND FROM HAURAN TO BETH BALTIN.¹⁸ THE ONE ON BETH BALTIN DID NOT BUDGE FROM THERE BUT WENT ON WAVING TO AND FRO AND UP AND DOWN UNTIL HE SAW THE WHOLE OF THE DIASPORA¹⁹ BEFORE HIM LIKE ONE BONFIRE.²⁰

GEMARA. How do we know that the word massi'ir²¹ connotes 'burning'? — Because it is written in the Scripture, wa-yisa'em, David and his men,²² and we translate²³ 'and David burnt them'.

Our Rabbis taught 'Beacon fires are lit only for the new moon which has been seen at its proper time,²⁴ [to announce that] it has been sanctified. When are they lit? On the night following its announcement.²⁵ This means to say that we light beacons for defective months but not for full months. What is the reason? — R. Zera said: It is a precaution on account of a defective month which ends on Friday. [In that case] when do we light? On the termination of Sabbath; and if you were to insist that we should light up also for full months, this might give rise

(1) This would show that at least two were required.

(2) In giving evidence regarding the New Moon.

(3) In the verse, For it is a statute for Israel, a judgment for the God of Jacob. Ps. LXXXI, 5. 'Judgment' could be delivered only on the evidence of at least two witnesses.

(4) At the time when the Beth din was in Usha.

(5) I.e., so as not to put him on the same footing as R. Nehorai. Cf. Git. 5b for a similar incident.

(6) This witness may have been either one who had seen the new moon, or one who could testify to the bona fides of the

man who has seen it. V. Tosaf. s.v. **סדרא**.

(7) What reason was there why R. Nehorai should not have gone on Sabbath, seeing that the Mishnah permits this?

(8) Who might disappear in the interval.

(9) [MS.M.: Minim, v. supra p. 94, n. 2].

(10) By making them believe that the new moon had been seen on the thirtieth of Adar, which was a Sabbath, when in fact it had not, so that the second day of Passover might be on a Sunday and the counting of the 'Omer might commence literally 'on the morrow of the Sabbath', according to their interpretation of the words (Rashi).

(11) V. Josh. XV, 7.

(12) Lit., 'who compelled you to all this'.

(13) Beth din having the right to expropriate. [On the reading Minim, if the reference is to Jewish Christians, their desire to have the first day of Passover fall on Friday and Pentecost on Sunday as was the case in the year of the crucifixion, would supply them with a reason for tampering with the Calendar, V. Herford, Christianity in the Talmud, p. 330.]

(14) For a flogging.

(15) The Hebrew word is massi'in, which literally means 'raise up'.

(16) To convey the news of the New Moon to the diaspora in Babylon.

(17) And lit beacons on the thirtieth day, so as to mislead the Babylonians.

(18) [There is no general agreement about the identification of these places. Obermeyer (p. 17ff) locates them as follows: Sartaba == Karn Sartaba, five km from the western bank of the Jordan; Grofina (or 'Agrufina, v. D.S.) 'Arafun, a hill situated among the Gilead range of mountains; Hauran south of Damascus, cf. Ezek. XLVII, 18. Beth Baltin == Beiram (v. infra) some miles N.W. of Pumbeditha. For other views, v. Horowitz Palestine, p. 125].

(19) I.e., the district of Pumbeditha. V. Gemara. [Rashi omits 'the whole of'.]

(20) Because, as explained infra in the Gemara, the inhabitants on seeing the beacon fire used to light torches.

(21) V. supra p. 96, n. 5.

(22) 2 Sam., V, 21 in reference to the idols captured from the Philistines. E.V. 'took them away'.

(23) In the authorized Aramaic version.

(24) I.e., on the thirtieth day of the outgoing month.

(25) **יום עיבור**, 'the day of the prolongation'. V. supra, p. 81, n. 1.

Talmud - Mas. Rosh HaShana 23a

to confusion, since people would say: This month may be defective, and the reason why beacons were not lit yesterday is because it was impossible,¹ or perhaps it is full and they are lighting up at the proper time. But why should we not light up whether for a full month or a defective month, and when New Moon is on Friday not light up at all, so that since we do not light at the termination of Sabbath, in spite of the fact that we usually light for a full month, people will know that it is defective? — This nevertheless may lead to errors, since people will say, This month is full, and the reason why they have not lit up is because they have been prevented.² But why not light up for the full months and not at all for the defective months? — Abaye replied: So as not to deprive the public of two working days.³

HOW DID THEY LIGHT THE BEACONS? THEY USED TO BRING LONG POLES etc. Rab Judah said: There are four kinds of cedar — cedar, kedros,⁴ pinewood⁵ and cypress [What is] kedros? — R. Idra stated that in the school of R. Shila it was defined as mabliga,⁶ though others held that it is gulmish. He [Rab Judah] differs herein from Rabbah son of R. Huna; for Rabbah son of R. Huna reported that in the school of Rab it was stated that there are ten kinds of cedar, as it says, I will plant in the wilderness erez, shitah, and hadas and oil-tree, I will set in the desert berosh, tidhor and teashur together.⁷ 'Erez' is cedar; 'shitah' is pine; 'hadas' is myrtle; 'oil-tree' is balsam; berosh is cypress; tidhor is teak;⁸ teashur is larch.⁹ This makes seven. When R. Dimi came, he said: To these were added alonim, almonim, and almugim. 'Alonim' are terebinths; almonim are oaks; almugim are coral-wood. According to others it should be aronim, 'armonim, and almugim. Aronim are bay-trees; 'armonim are planes; almugim are coral-wood.

Neither shall gallant ship pass thereby.¹⁰ Rab said: This refers to the great ship.¹¹ How is it carried out?¹² They bring there six thousand men for twelve months (or according to others twelve thousand men for six months) and load the boat with sand until it rests on the sea-bottom.¹³ Then a diver goes down and ties a rope of flax to the coral while the other end is tied to the ship, and the sand is then taken and thrown overboard, and as the boat rises it pulls up the coral with it. The coral is worth twice its weight in silver. There were three ports, two belonging to the Romans¹⁴ and one belonging to the Persians. From the Roman side they brought up coral, from the Persian side pearls. This [the Persian] one was called the port of Mashmahig.¹⁵

R. Johanan said: Every acacia tree that was taken by the invaders from Jerusalem will be restored to it by the Holy One, blessed be He, in time to come, as it says, I will plant in the wilderness the cedar, the acacia tree,¹⁶ and 'wilderness' means Jerusalem, as it is written, Zion is become a wilderness¹⁷ etc.

R. Johanan further said: One who studies the Torah but does not teach it is like the myrtle in the wilderness.¹⁸ Others report [the saying thus]: One who studies the Torah and teaches it in a place where there is no [other] talmid hakam¹⁹ is like the myrtle in the wilderness, which is precious.

R. Johanan also said: Alas for the idol-worshippers since they have no means of remedy,²⁰ as it says, For brass I will bring gold, and for iron I will bring silver, and for wood brass and for stones iron.²¹ But what can they bring to replace R. Akiba and his companions? Of them the Scripture says, Though I cleanse them [of other transgressions] from their blood I shall not cleanse them.²²

WHENCE DID THEY CARRY THE CHAIN OF BEACONS etc.? FROM BETH BALTIN. What is Beth Baltin? — Rab said: This is

(1) On account of Sabbath.

(2) Through having drunk too much on Sabbath, and become intoxicated (Rashi).

(3) It was customary to abstain from work on New Moon (v. Tosaf. s.v. **משום**). In this case the thirtieth day would always be kept as New Moon from doubt, and if the actual day fixed was the thirty-first, there would be two days New Moon.

(4) Heb. **קדרום** or **קתרום** prob. ==GR.**.

(5) Lit., 'oil (i.e., resinous) wood'.

(6) Prob. connected with the root **זלג** 'to drip'.

(7) Isa. XLI, 19. E.V. I will plant in the wilderness the cedar, the acacia tree, and the myrtle and the oil-tree, I will set in the desert the cypress, the plane-tree and the larch together. The Talmud proceeds to give the Aramaic equivalents of the Hebrew words.

(8) The Aramaic is shaga, of which the precise meaning is unknown.

(9) Aramaic shuribna, of which also the precise meaning is unknown.

(10) Isa. XXXIII, 21.

(11) Heb. **בורני** prob. a corruption of GR.**, a light fast-sailing Liburnian vessel. [Supply here from MS.M.: 'For what purpose is it made? — To raise with it corals'].

(12) Viz., the coral fishing in the Persian Gulf.

(13) The water being here rather shallow.

(14) [**בי רומאי** so MS.M.; cur. edd. **בי ארמאי** Be Armae, the Hebrew equivalent of Suristan (the land of the Syrians) the name given to Babylon by the Sasamans; v. Funk, Monumenta, p. 16 and Obermeyer p. 74].

(15) [Rashi: 'the port of the kingdom'. Fleischer (notes to Levy's Dictionary): 'name of an island in the Persian Gulf between 'Oman and al-Bahrin.]

(16) Isa. XLI, 19.

(17) Ibid. LXIV, 9.

(18) The fragrance of which is wasted.

(19) V. Glos.

(20) I.e., they will not be able to save themselves by remedying the wrong they have done.

(21) Isa. LX, 17.

(22) Joel IV, 21. E.V., And I will hold as innocent their blood that I have not held as innocent.

Talmud - Mas. Rosh HaShana 23b

Biram.¹ What is meant here by DIASPORA [GOLAH]? — R. Joseph said: This is Pumbeditha. What is meant [then] by LIKE ONE BIG BONFIRE? — A Tanna taught: ‘Every inhabitant [of Pumbeditha] takes a torch in his hand and goes up on to his roof’.² It has been taught: ‘R. Simeon b. Eleazar says: [Beacon fires were lit] also on Harim and Kayir and Geder and the neighbouring places’.³ Some say that these places are between [those mentioned in the Mishnah].⁴ Others say that they are on the further side from the Land of Israel, and that one authority [the Mishnah] reckons the places on one side,⁵ and the other reckons the places on the other.⁶ R. Johanan said: Between each one and the next⁷ there were eight parasangs.⁸ How many [parasangs] then were there altogether? Thirty-two.⁹ But to-day there is much more? — Abaye said: The [direct] roads have been closed,¹⁰ as it is written, Therefore behold, I will hedge up thy way with thorns [etc.].¹¹ R. Nahman b. Isaac said: It is stated in this verse, viz., He hath made my paths crooked.¹²

MISHNAH. THERE WAS A LARGE COURT IN JERUSALEM CALLED BETH YA'AZEK. THERE ALL THE WITNESSES USED TO ASSEMBLE AND THE BETH DIN USED TO EXAMINE THEM. THEY USED TO ENTERTAIN THEM LAVISHLY THERE¹³ SO THAT THEY SHOULD HAVE AN INDUCEMENT¹⁴ TO COME. ORIGINALLY THEY USED NOT TO LEAVE THE PLACE THE WHOLE DAY,¹⁵ BUT RABBAN GAMALIEL THE ELDER INTRODUCED A RULE THAT THEY COULD GO TWO THOUSAND CUBITS FROM IT IN ANY DIRECTION. THESE WERE NOT THE ONLY ONES [TO WHOM THIS CONCESSION WAS MADE]. A MIDWIFE WHO HAS COME [FROM A DISTANCE] TO HELP IN CHILDBIRTH OR ONE WHO COMES TO RESCUE FROM A FIRE OR FROM BANDITS OR FROM A RIVER IN FLOOD OR FROM A BUILDING THAT HAS FALLEN IN — ALL THESE ARE ON THE SAME FOOTING AS THE RESIDENTS OF THE TOWN, AND MAY GO TWO THOUSAND CUBITS [ON SABBATH] IN ANY DIRECTION.

GEMARA. The question was raised: Do we read here Beth Ya'azek or Beth Ya'zek? Do we read Beth Ya'azek, regarding the name as an elegancia¹⁶ based on the Scriptural expressions, And he ringed it round and cleared it of stones?¹⁷ Or do we read Beth Ya'zek, taking the name to connote constraint,¹⁸ as it is written, being bound in chains?¹⁹ — Abaye said: Come and hear [a proof that it is the former]: THEY USED TO ENTERTAIN THEM LAVISHLY THERE SO THAT THEY SHOULD HAVE AN INDUCEMENT TO COME. [This is not conclusive], as perhaps they treated them in both ways.²⁰

MISHNAH. HOW DO THEY TEST THE WITNESSES? THE PAIR WHO ARRIVE FIRST ARE TESTED FIRST. THE SENIOR OF THEM IS BROUGHT IN AND THEY SAY TO HIM, TELL US HOW YOU SAW THE MOON — IN FRONT OF THE SUN OR BEHIND THE SUN?²¹ TO THE NORTH OF IT OR THE SOUTH? HOW BIG WAS IT, AND IN WHICH DIRECTION WAS IT INCLINED?²² AND HOW BROAD WAS IT? IF HE SAYS [HE SAW IT] IN FRONT OF THE SUN, HIS EVIDENCE IS REJECTED.²³ AFTER THAT THEY WOULD BRING IN THE SECOND AND TEST HIM. IF THEIR ACCOUNTS TALLIED, THEIR EVIDENCE WAS ACCEPTED, AND THE OTHER PAIRS WERE ONLY QUESTIONED BRIEFLY,²⁴ NOT BECAUSE THEY WERE REQUIRED AT ALL, BUT SO THAT THEY SHOULD NOT BE DISAPPOINTED, [AND] SO THAT THEY SHOULD NOT BE DISSUADED FROM COMING.²⁵

GEMARA. ‘IN FRONT OF THE SUN’ is surely the same as ‘TO THE NORTH OF IT’, and ‘BEHIND THE SUN’ is surely the same as TO THE SOUTH OF IT’?²⁶ — Abaye said: [It means],

whether the concavity of the moon is in front of the sun or behind the sun.²⁷ If he says, in front of the sun, his evidence is rejected, since R. Johanan has said: What is meant by the verse, Dominion and fear are with him, He maketh peace in his high places?²⁸ Never did the sun behold the concavity of the new moon nor the concavity of the rainbow. It never sees the concavity of the moon, so that she should not feel humiliated.²⁹ It never sees the concavity of the rainbow so that the worshippers of the sun should not say,

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- (1) Apparently some place between Syria and Mesopotamia; v. supra p. 97, n. 1.
- (2) To spread the news throughout Babylon.
- (3) [These places are likewise difficult to identify. For various attempts v. Horowitz loc. cit. Graetz, Geschichte p. 67, n. 1 emends on the basis of the Tosef. a.l. **חרים וכייר וגדר** into **הרי מכור וגדר** the mountains of Macherus (in the south) and Gadera in the north. 'The neighbouring places' will include Tabor which is also mentioned in the Tosef.]
- (4) And therefore in Palestine.
- (5) Perhaps those nearer to Jerusalem.
- (6) Perhaps those nearer to Babylon. This reference in both cases is uncertain; v. Horowitz, Palestine, loc. cit.
- (7) Of those mentioned in the Mishnah.
- (8) About forty miles.
- (9) [Apparently from Mount of Olives to Beth Baltin, the last station in Palestine.]
- (10) And travellers are obliged to take a round about route.
- (11) Hos. II, 8. The verse continues, that she shall not find her paths.
- (12) Lam. III, 9.
- (13) Lit., 'they made for them large banquets'.
- (14) Lit., 'become accustomed to come'.
- (15) If they came on Sabbath, as they had already exceeded the limit of two thousand cubits.
- (16) Lit., 'an elevated' or 'refined expression', i.e., not belonging to the language of everyday life.
- (17) Isa. V, 2. E.V. 'and he digged it and cleared it'. The Heb. is **ויעזקהו** which the Talmud connects with the Aramaic **עזקא** 'a ring', so that Beth Ya'azek would refer to the stone wall round the court.
- (18) In allusion to the fact that they were (originally) confined to the courtyard the whole of the day. But cf. Tosaf. s.v. **אס**.
- (19) Jer. XL, 1. The Hebrew word is **באזיקים**.
- (20) I.e., both kindly and rigorously.
- (21) The meaning of this is discussed in the Gemara.
- (22) I.e., in which direction were the horns turning.
- (23) Lit., 'he has not said anything'.
- (24) Lit., 'with heads of subjects'.
- (25) Lit., 'so that they should (still) be accustomed to come'.
- (26) The new moon can be seen only about sunset, close to the sun, when the sun is travelling towards the north. We should therefore naturally take 'in front of the sun' to mean 'to the north of the sun', and 'behind the sun' to mean 'to the south of the sun'.
- (27) I.e., whether the rim of the moon visible from the earth is concave or convex in relation to the sun. By 'in front of' Abaye understands 'turned towards', and by 'behind', 'turned away from'.
- (28) Job XXV, 2.
- (29) And in this way God keeps the peace between the sun and the moon.

Talmud - Mas. Rosh HaShana 24a

He is shooting arrows [at those who do not worship him].¹

HOW HIGH WAS IT AND IN WHICH DIRECTION WAS IT INCLINED. One Tanna taught: [If he says], To the north, his evidence is accepted; [if he says], To the south, his evidence is rejected.² But it has been taught to the opposite effect: '[If he says], To the south, his evidence is accepted; [if

he says], To the north, his evidence is rejected'? — There is no contradiction; one statement speaks of the dry season,³ the other of the rainy season.⁴

The Rabbis taught: If one⁵ says that it was two ox-loads high⁶ and the other three,⁷ their evidence is accepted. If one, however, says that it was three and the other five, their evidence is nullified, only each of them can be joined with another witness.⁸

Our Rabbis taught: '[If they say], We saw it in water, we saw it in a mirror, we saw it through the clouds, they are not allowed to testify concerning it. [If they say], We saw half of it in water, half of it through the clouds, half of it in a mirror, they are not allowed to testify concerning it'. Since you disallow them [when they see] the whole, can there be any question [when they see] only half? — In fact the statement should run as follows: '[If they say they saw] half of it in water and half in the sky, half of it through the clouds and half in the sky, half of it in a mirror and half in the sky, they are not allowed to testify.'

Our Rabbis taught: [If they say], We saw it [once], but did not see it again, they are not allowed to testify concerning it. [Why so?] Are they to go on seeing it the whole time? — Abaye replied: What is meant is this. [If they say], We saw it by chance,⁹ but when we came to look for it deliberately¹⁰ we could not see it, they are not allowed to testify concerning it. What is the reason? Because I might say, they saw only a circular disc in the clouds.

MISHNAH. THE HEAD OF THE BETH DIN SAYS, 'SANCTIFIED', AND ALL THE PEOPLE REPEAT AFTER HIM, 'SANCTIFIED, SANCTIFIED'. WHETHER THE NEW MOON IS SEEN AT ITS PROPER TIME¹¹ OR NOT AT ITS PROPER TIME, IN EITHER CASE [THE NEW MOON] IS SANCTIFIED.¹² R. ELEAZAR B. ZADOK, HOWEVER, SAYS THAT IF IT IS NOT SEEN AT ITS PROPER TIME [THE NEW MOON] IS NOT [FORMALLY] SANCTIFIED, BECAUSE HEAVEN HAS ALREADY SANCTIFIED IT.

GEMARA. THE HEAD OF THE BETH DIN etc. What is the Scriptural warrant for this? — R. Hiyya b. Gamda said in the name of R. Jose b. Saul, who had it from Rabbi: The Scripture says, And Moses declared the appointed seasons of the Lord;¹³ from this we learn that the head of the Beth din says, 'sanctified'.

AND ALL THE PEOPLE REPEAT AFTER HIM, 'SANCTIFIED, SANCTIFIED'. Whence do we learn this? — R. Papa said: Scripture says, which ye shall proclaim [them].¹⁴ [For otham] read attem.¹⁵ R. Nahman b. Isaac said, [we learn it from here]: Even these [hem] are my appointed seasons;¹⁶ [which implies], they shall say, my seasons.¹⁷

SANCTIFIED, SANCTIFIED: why twice? — Because it is written, holy convocations.¹⁸

R. ELEAZAR B. ZADOK SAYS THAT IF IT IS NOT SEEN AT ITS PROPER TIME IT IS NOT SANCTIFIED. It has been taught: Polemo says: If seen at its time it is not sanctified,¹⁹ if seen out of its time it is sanctified. R. Eleazar b. Simeon says: in either case it is not sanctified, since it says, And ye shall sanctify the fiftieth year,²⁰ which shows that you are to sanctify years, but are not to sanctify months.

Rab Judah said in the name of Samuel: The halachah is as laid down by R. Eleazar b. Zadok. Abaye said: We have also learnt to the same effect: 'If the Beth din and all Israel saw it,²¹ and if the witnesses had been tested, but they had no time to say 'sanctified' before it grew dark, the month is prolonged', which implies that it is prolonged²² but that [the new month] is not sanctified [later in the day]. [This is not conclusive, since] there was a special reason for mentioning the prolonging. You might think that since the Beth din and all Israel saw it [the new moon] everyone knew that it

had appeared and therefore the month should not be prolonged. Therefore we are told [that this is not so].

MISHNAH. R. GAMALIEL USED TO HAVE A DIAGRAM OF PHASES OF THE MOON ON A TABLET [HUNG] ON THE WALL OF HIS UPPER CHAMBER, AND HE USED TO SHOW THEM TO THE UNLEARNED AND SAY, DID IT LOOK LIKE THIS OR THIS?

GEMARA. Is this allowed, seeing that it is written, Ye shall not make with me,²³ which we interpret, 'Ye shall not make the likeness of my attendants'? — Abaye replied: The Torah forbade only those attendants of which it is possible to make copies,²⁴ as it has been taught: A man may not make a house in the form of the Temple, or an exedra in the form of the Temple hall,²⁵ or a court corresponding to the Temple court, or a table corresponding to the [sacred] table or a candlestick corresponding to the [sacred] candlestick, but he may make one

(1) The rainbow in this case having the appearance of a bow bent by the sun against the earth.

(2) Reading this sentence in its present context, we must suppose it to mean, 'if he says, (it was inclined) to the north' etc. This is very difficult to understand, and it is much more natural to suppose that the words to be supplied are 'that he saw it', and that this sentence is to be connected with the words in the Mishnah TO THE NORTH OF IT OR TO THE SOUTH. So apparently it is taken by Rashi. V. Maharsha, ad loc.

(3) Lit., 'the days of the sun': the summer months.

(4) The new moon always appears due west. Hence in the summer months when the sun sets in the north-west it is south of the sun, and similarly in the winter months north of the sun.

(5) Apparently this means here, one of a pair of witnesses.

(6) I.e., above the horizon.

(7) If the preceding paragraph related to the inclination of the moon, it obviously should have followed this paragraph, which is another reason for transferring the last Mishnah heading to the beginning of this paragraph. V. n. 1.

(8) Who gives the same version as he does.

(9) Lit., 'of ourselves'.

(10) I.e., with the object of testifying.

(11) I.e., on the thirtieth day.

(12) On the thirtieth or the thirty-first day, as the case may be.

(13) Lev. XXIII, 44.

(14) Ibid. 4. Heb. **אוֹתָם**.

(15) Lit., 'you', implying that the public should join in the proclamation.

(16) Ibid. 2.

(17) The word **הֵם** 'they', being superfluous.

(18) Ibid. The Hebrew word is **מִקְרָאִי**, 'callings' or 'proclamings', the plural implying at least two.

(19) Since there is no need to impress its sanctity on the public.

(20) Lev. XXV, 10.

(21) On the thirtieth day.

(22) I.e., New Moon is not declared till the thirty-first day.

(23) Ex. XX, 20.

(24) Lit., 'like them'. Out of the same or other materials.

(25) Ulam, the hall leading to the interior of the Temple, v. Mid. IV, 7. All exedra had only three sides, but since the fourth side of the Temple hall had a very wide entrance it is not counted. V. Tosaf. a.l.

Talmud - Mas. Rosh HaShana 24b

with five or six or eight lamps, but with seven he should not make, even of other metals.¹ R. Jose b. Judah said: He should not make one even of wood, this being the way in which the kings of the house of the Hasmoneans made it.² They said to him: Can you adduce this as a proof? The spits³ were of iron and they overlaid them with tin.⁴ When they grew richer they made them of silver.

When they grew richer still, they made them of gold.

But is it allowed [to make likenesses] of attendants of which it is impossible to make copies, seeing that it has been taught: 'Ye shall not make with me': [this implies], ye shall not make the likeness of My attendants who minister before Me on high?' — Abaye replied: The Torah forbade only the likeness of the four faces⁵ all together. If that is so, the portrait of a human being by himself should be allowed; why then has it been taught: All portraits are allowed, save the portrait of man? — R. Huna the son of R. Idi replied: From a discourse of Abaye I learnt: 'Ye shall not make with me' [implies], ye shall not make Me.⁶

Still, are the other attendants permitted, seeing that it has been taught: "'Ye shall not make with me": ye shall not make the likeness of My attendants who serve before Me on high, such as Ofanim and Seraphim and holy Hayyoth and ministering angels'? — Abaye replied: The Torah forbade only the attendants in the upper sphere.⁷ But are those in the lower sphere⁸ permitted? Has it not been taught: 'Which are in the heaven:⁹ this brings under the rule the sun, the moon, the stars and constellations; "above":¹⁰ this brings under the rule the ministering angels?' — That statement refers to the prohibition of [making a likeness] for serving them.

If for serving, then the tiniest worm should also [be prohibited]? — Yes, that is so, as it has been taught: Which are in the earth:¹¹ this brings under the rule mountains, hills, seas, rivers, streams and valleys. Beneath:¹² this brings under the rule the tiniest worm.

But is the mere making allowed? Has it not been taught: "'Ye shall not make with me": ye shall not make a likeness of My attendants who minister before Me, such as the sun, the moon, the stars and constellations'? — R. Gamaliel's case was different, because others¹³ made for him. But what of Rab Judah who [had a figure on a seal which] others had made for him, and yet Samuel said to him, Shinena,¹⁴ put out that fellow's eye?¹⁵ — In that case the seal was projecting, and [Samuel forbade it] so that it should not arouse suspicion,¹⁶ as it has been taught: 'A ring of which the seal projects must not be worn on the finger, but it is permitted to sign with it. If the seal is sunk in, it is permitted to wear it but forbidden to sign with it'. But does it matter if we do arouse suspicion? Was there not a synagogue which 'moved and settled' in Nehardea¹⁷ and in it was a statue [of a king] and Rab and Samuel and the father of Samuel used to go in there to pray, and were not afraid of arousing suspicion? — Where a whole body of persons is concerned it is different. But Rabban Gamaliel was an individual? — Since he was the Nasi,¹⁸ a large company was always with him. If you like I can say that it was [drawn] in sections,¹⁹ or if you like I can say that he did it for purposes of study, and it is written, Thou shalt not learn to do,²⁰ which implies that you may learn to understand and to teach.

MISHNAH. ON ONE OCCASION TWO WITNESSES CAME

AND SAID, WE SAW IT IN THE MORNING IN THE EAST

(1) Since a candlestick of other metal besides gold would have been permissible in the Temple. V. Men. 28.

(2) When they first recaptured the Temple from the Syrians, and were still too poor to provide a gold candlestick.

(3) I.e., the branches of the candlestick, so called because they had no ornaments. V. Tosaf. s.v.

(4) [MS.M.: with wood].

(5) V. Ezek. I, 10.

(6) [And since man was made in God's image (Gen. I, 27), the reproduction of the human face is not allowed.]

(7) In the seventh heaven.

(8) E.g., the second heaven, that of the sun and moon. V. Hag. 12.

(9) Ex. XX, 4 in the Ten Commandments.

(10) Ibid.

- (11) Ex. XX, 4.
- (12) Ibid.
- (13) Non-Jews.
- (14) You clever person. Lit.. 'sharp-toothed'. V. B.B., Sonc. ed. p. 561, n. 14.
- (15) Deface the image. This shows that the fact that it had been made by others does not render it permissible.
- (16) That he used it for idolatrous purposes.
- (17) Rashi states that according to a legend this synagogue was originally built by King Jeconiah with stones brought from Jerusalem; v. Meg., Sonc. ed. p. 175, n. 5.
- (18) Lit., 'the Prince', the President of the Sanhedrin.
- (19) And so was not a complete likeness.
- (20) Deut. XVIII, 9.

Talmud - Mas. Rosh HaShana 25a

AND IN THE EVENING IN THE WEST.¹ R. JOHANAN B. NURI THEREUPON SAID, THEY ARE FALSE WITNESSES.² WHEN, HOWEVER, THEY CAME TO JABNEH RABBAN GAMALIEL ACCEPTED THEM. ON ANOTHER OCCASION TWO WITNESSES CAME AND SAID, WE SAW IT AT ITS PROPER TIME,³ BUT ON THE NIGHT WHICH SHOULD HAVE BEEN NEW MOON⁴ IT WAS NOT SEEN, AND RABBAN GAMALIEL [HAD ALREADY] ACCEPTED THEIR EVIDENCE.⁵ RABBI DOSA B. HARKINAS SAID: THEY ARE FALSE WITNESSES. HOW CAN MEN TESTIFY THAT A WOMAN HAS BORN A CHILD WHEN ON THE NEXT DAY WE SEE HER BELLY STILL SWOLLEN?⁶ SAID R. JOSHUA TO HIM: I SEE [THE FORCE OF] YOUR ARGUMENT. THEREUPON RABBAN GAMALIEL SENT TO HIM TO SAY, I ENJOIN UPON YOU TO APPEAR BEFORE ME WITH YOUR STAFF AND YOUR MONEY ON THE DAY WHICH ACCORDING TO YOUR RECKONING SHOULD BE THE DAY OF ATONEMENT.⁷ R. AKIBA WENT [TO R. JOSHUA] AND FOUND HIM IN GREAT DISTRESS.⁸ HE SAID TO HIM: I CAN BRING PROOF [FROM THE SCRIPTURE] THAT WHATEVER RABBAN GAMALIEL HAS DONE IS VALID, BECAUSE IT SAYS, THESE ARE THE APPOINTED SEASONS OF THE LORD, HOLY CONVOCATIONS, WHICH YE SHALL PROCLAIM IN THEIR APPOINTED SEASONS,⁹ [WHICH MEANS TO SAY THAT] WHETHER THEY ARE PROCLAIMED AT THEIR PROPER TIME OR NOT AT THEIR PROPER TIME, I HAVE NO APPOINTED SEASONS SAVE THESE.¹⁰ HE [R. JOSHUA] THEN WENT TO R. DOSA B. HARKINAS, WHO SAID TO HIM: IF WE CALL IN QUESTION [THE DECISIONS OF] THE BETH DIN OF RABBAN GAMALIEL, WE MUST CALL IN QUESTION THE DECISIONS OF EVERY BETH DIN WHICH HAS EXISTED SINCE THE DAYS OF MOSES UP TO THE PRESENT TIME. FOR IT SAYS, THEN WENT UP MOSES AND AARON, NADAB AND ABIHU AND SEVENTY OF THE ELDERS OF ISRAEL.¹¹ WHY WERE NOT THE NAMES OF THE ELDERS MENTIONED? TO SHOW THAT EVERY GROUP OF THREE WHICH HAS ACTED AS A BETH DIN OVER ISRAEL IS ON A LEVEL WITH THE BETH DIN OF MOSES.¹² HE [R. JOSHUA] THEREUPON TOOK HIS STAFF AND HIS MONEY AND WENT TO JABNEH TO RABBAN GAMALIEL ON THE DAY ON WHICH THE DAY OF ATONEMENT FELL ACCORDING TO HIS RECKONING. RABBAN GAMALIEL ROSE AND KISSED HIM ON HIS HEAD AND SAID TO HIM: COME IN PEACE, MY TEACHER AND MY DISCIPLE — MY TEACHER IN WISDOM AND MY DISCIPLE BECAUSE YOU HAVE ACCEPTED MY DECISION.

GEMARA. It has been taught: Rabban Gamaliel said to the Sages: This formula has been handed down to me from the house of my father's father: Sometimes it [the moon] traverses [the heavens]¹³ by a long course and sometimes by a short course.¹⁴ R. Johanan said: What is the reason of the house of Rabbi?¹⁵ Because it is written, Who appointest the moon for seasons, the sun knoweth his going down.¹⁶ It is the sun which knows its going down, but the moon does not know its going down.¹⁷

R. Hiyya once saw the [old] moon in the heavens on the morning of the twenty-ninth day.¹⁸ He took a clod of earth and threw it at it, saying, Tonight we want to sanctify you,¹⁹ and are you still here! Go and hide yourself.²⁰ Rabbi thereupon said to R. Hiyya, Go to En Tob²¹ and sanctify the month,²² and send me the watchword, 'David king of Israel is alive and vigorous'.²³

Our Rabbis taught: Once the heavens were covered with clouds and the likeness of the moon was seen on the twenty-ninth of the month. The public were minded to declare New Moon, and the Beth din wanted to sanctify it, but Rabban Gamaliel said to them: I have it on the authority of the house of my father's father that the renewal of the moon takes place after not less than twenty-nine days and a half and two-thirds of an hour and seventy-three halakin.²⁴ On that day the mother of Ben Zaza died, and Rabban Gamaliel made a great funeral oration over her, not because she had merited it, but so that the public should know that the Beth din had not sanctified the month.²⁵

R. AKIBA WENT AND FOUND HIM²⁶ IN GREAT DISTRESS. The question was asked, Who was in distress? Was R. Akiba in distress or was R. Joshua in distress? — Come and hear, since it has been taught: 'R. Akiba went and found R. Joshua while he was in great distress. He said to him, Master, why are you in distress? He replied: Akiba, it were better for a man²⁷ to be on a sick-bed for twelve months than that such an injunction should be laid on him.²⁸ He said to him, [Master,] will you allow me to tell you something which you yourself have taught me? He said to him, Speak. He then said to him: The text says, 'you', 'you', 'you', three times,²⁹ to indicate that 'you' [may fix the festivals] even if you err inadvertently, 'you', even if you err deliberately, 'you', even if you are misled.³⁰ He replied to him in these words: 'Akiba, you have comforted me, you have comforted me'.³¹

HE THEN WENT TO R. DOSA B. HARKINAS etc. Our Rabbis taught: Why were not the names of these elders mentioned? So that a man should not say, Is So-and-so like Moses and Aaron? Is So-and-so like Nadab and Abihu? Is So-and-so like Eldad and Medad?³² Scripture also says, And Samuel said to the people, It is the Lord that made Moses and Aaron,³³ and it says [in the same passage], And the Lord sent Jerubaal and Bedan and Jephthah and Samuel.³⁴ Jerubaal is Gideon. Why is he called Jerubaal? Because he contended with Baal. Bedan is Samson. Why is he called Bedan? Because he came from Dan. Jephthah is Jephthah

(1) We should naturally suppose this to mean that they saw the old moon in the morning and the new moon in the evening.

(2) Presumably because according to what has been stated above (20b) the old moon is never visible for twenty-four hours before the new appears. But v. infra at the beginning of the Gemara and notes.

(3) Apparently this must have been on the thirtieth day shortly before nightfall.

(4) Lit., 'the night of its carry-over', i.e., after the nightfall with which the thirty-first day begins, when it should have been clearly visible.

(5) And declared the thirtieth day New Moon.

(6) Lit., 'between her teeth'. Similarly the old moon would still be 'between the teeth' of the new.

(7) The New Moon in question was that of Tishri, and consequently the Day of Atonement according to R. Joshua would fall a day later than according to R. Gamaliel.

(8) Because he had been ordered to profane the Day of Atonement.

(9) Lev. XXIII, 4.

(10) V. supra. 89.

(11) Ex. XXIV, 9.

(12) Seeing that most of the members of that Beth din also bore no names of distinction.

(13) Lit., 'it comes (to its setting place)'.

(14) This would seem to show that (in the first case mentioned in the Mishnah) the witnesses said that they saw the new moon on both occasions, and R. Johanan b. Nuri rejected them, on the ground that it could not go from, east to west so quickly, while R. Gamaliel held that it could. V. Rashi s.v. עדי שקר in the Mishnah.

- (15) Rabbi was a descendent of Rabban Gamaliel.
- (16) Ps. CIV, 19.
- (17) I.e., its speed varies.
- (18) Which was a sign that the new moon would not appear for at least twenty-four hours.
- (19) So that the Day of Atonement should not be on Sunday.
- (20) [Before nightfall, so that there should be no appearance of the old moon after the closing of the twenty-ninth day, which would prevent the thirtieth day from being proclaimed New Moon (Rashi); v. supra p. 85, n. 5].
- (21) A place in Judah where the Beth din [used to meet to sanctify the month. V. Tosaf. s.v. **שֵׁן**].
- (22) Disregarding what you have seen.
- (23) I.e., the moon is reborn. The expression is based on Ps. LXXXIX, 38.
- (24) Lit., 'parts' (sc. of one hour), $73/1080 \times 60 \text{ m} = 4 \text{ m } 3 \frac{1}{3} \text{ sec}$. The new moon, therefore, could not be seen on the twenty-ninth day.
- (25) As a funeral oration would not be delivered on New Moon, which was regarded as a holy day.
- (26) [MS.M. omits 'HIM' which explains the question which follows].
- (27) [Var. lec. 'me'. V. Maharsha.]
- (28) Var. lec. 'on me'. V. Maharsha.
- (29) I.e., the word **אתם** (them) in Lev. XXII, 31, XXIII, 2 and XXIII, 4 is read **את** (you) for homiletical purposes.
- (30) By the witnesses.
- (31) By showing me that Rabban Gamaliel was within his rights. V. Maharsha ad loc.
- (32) I.e., if a man does say so about the Beth din in his own time, we can answer him that they may be at least like the seventy elders who are unknown by name.
- (33) 1 Sam. XII, 6.
- (34) Ibid. 11. These are here put on a par with Moses and Aaron.

Talmud - Mas. Rosh HaShana 25b

. It says also: Moses and Aaron among his priests and Samuel among them that call on his name.¹ [We see therefore that] the Scripture places three of the most questionable characters² on the same level as three of the the most estimable characters,³ to show that Jerubaal in his generation is like Moses in his generation, Bedan in his generation is like Aaron in his generation, Jephthah in his generation is like Samuel in his generation, [and] to teach you that the most worthless, once he has been appointed a leader⁴ of the community, is to be accounted like the mightiest of the mighty. Scripture says also: And thou shalt come unto the priests the Levites and to the judge thou shalt be in those days.⁵ Can we then imagine that a man should go to a judge who is not in his days? This shows that you must be content to go to the judge who is in your days. It also says; Say not, How was it that the former days were better than these.⁶

HE TOOK HIS STAFF AND HIS MONEY IN HIS HAND. Our Rabbis taught: When he [Rabban Gamaliel] saw him, he rose from his seat and kissed him on his head, saying, Peace to thee my teacher and my disciple — my teacher, because thou hast taught me Torah publicly, my disciple because I lay an injunction on thee and thou dost carry it out like a disciple. Happy is the generation in which the greater defer to the lesser, and all the more so the lesser to the greater! [You say] 'All the more so'! It is their duty!⁷ — What it means is that because the greater defer to the lesser, the lesser apply the lesson to themselves with all the more force.⁸

CHAPTER III

MISHNAH. IF THE BETH DIN AND ALL ISRAEL SAW IT,⁹ IF THE WITNESSES WERE TESTED¹⁰ AND THERE WAS NO TIME LEFT TO SAY 'SANCTIFIED' BEFORE IT GREW DARK, THEN THE MONTH IS PROLONGED.¹¹ IF THE BETH DIN¹² ALONE HAVE SEEN IT,¹³ TWO OF THEM SHOULD COME FORWARD AND TESTIFY BEFORE THEM, AND THEN THEY CAN SAY, 'SANCTIFIED, SANCTIFIED'. IF THREE PERSONS SAW IT, THEY

[THEMSELVES] CONSTITUTING THE BETH DIN, TWO [OF THEM] SHOULD COME FORWARD AND THEY SHOULD ASSOCIATE SOME OF THEIR COLLEAGUES WITH THE ONE LEFT, AND THEY [THE TWO] SHOULD TESTIFY BEFORE THEM AND THEY CAN THEN SAY, 'SANCTIFIED, SANCTIFIED'. [THIS MUST BE DONE] BECAUSE AN INDIVIDUAL IS NOT AUTHORIZED [TO SAY 'SANCTIFIED'] BY HIMSELF.

GEMARA. What need is there to state IF THE BETH DIN AND ALL ISRAEL SAW IT?¹⁴ — It is necessary. You might think that since the Beth din and all Israel have seen it everyone knows about it and therefore they should not prolong the month.¹⁵ Therefore we are told [that this is not so].

But when once it has been stated IF THE BETH DIN AND ALL ISRAEL SAW IT, why should it further say, IF THE WITNESSES HAVE BEEN TESTED?¹⁶ — What it means is, 'Or if the witnesses had been tested and there was no time left to say "sanctified" before it grew dark, then the month must be prolonged'.

But when once it has been stated if IT GREW DARK THEN THE MONTH IS PROLONGED, why should the testing of the witnesses be mentioned at all?¹⁷ — It is necessary. For you might suppose that the testing of the witnesses is regarded as the commencement of a suit in court, and the pronouncement of 'sanctified', 'sanctified' as the end of the suit, and therefore they should sanctify at night, on the analogy of money suits, as we have learnt, 'Money suits are heard by day and concluded [if necessary] at night'; so here we should sanctify at night. Therefore we are told [that this is not so]. But cannot I say that this actually is the case?¹⁸ — Scripture says, For it is a statute for Israel, a judgment for the God of Jacob.¹⁹ When does the word 'statute'²⁰ apply? To the conclusion of the suit; and the All-Merciful calls it 'judgment'. [Therefore we reason], Just as judgment is delivered by day,²¹ so here [the pronouncement must be] by day.

IF THE BETH DIN [ALONE] HAVE SEEN IT, TWO OF THEM SHOULD COME FORWARD AND TESTIFY BEFORE THEM. Why so? Surely hearing should not carry greater weight than seeing?²² — R. Zera said, [It is necessary if] for instance, they saw it at night.²³

IF THREE PERSONS SAW IT, THEY [THEMSELVES] CONSTITUTING THE BETH DIN, TWO [OF THEM] SHOULD COME FORWARD AND THEY SHOULD ASSOCIATE SOME OF THEIR COLLEAGUES WITH THE ONE LEFT. Why so? Here too we can argue that hearing should not carry greater weight than seeing? And should you reply that here too [it is necessary] if, for instance, they saw it at night, then this is the same case as the one [preceding]? — It was necessary to state the last clause²⁴

[VIZ.]: BECAUSE AN INDIVIDUAL IS NOT AUTHORIZED [TO SAY 'SANCTIFIED'] BY HIMSELF. For you might have thought that since it has been taught, 'Money suits must be tried before three, but one who is a recognized legal expert²⁵ can try them even alone', so here too one might sanctify the month single-handed. Therefore we are told [that this is not so]. But cannot I say that this actually is the case?²⁶ — There was no more universally recognized expert in Israel than Moses, and yet the Holy One, blessed be He, said to him, [Do not sanctify the month] until Aaron is with thee, as it is written, And the Lord said unto Moses and Aaron in the land of Egypt saying, This month is to you.²⁷

This implies that a witness²⁸ may act as judge. Shall we say then that our Mishnah does not agree with R. Akiba, since it has been taught: 'If the Sanhedrin saw a man slay a person

(1) Ps. XCIX, 6. This shows that Samuel is on a par with Moses and Aaron.

(2) Lit., 'light ones of the world'.

(3) Lit., 'heavy ones of the world'.

- (4) Hebr. Parnas. V. Git, Sonc. ed, p. 280, n. 9.
- (5) Deut. XVII, 9.
- (6) I.e., had better judges than these. Eccl. VII, 10.
- (7) We naturally suppose the words to mean, 'all the more so where the lesser defer to the greater', which would imply that such a thing is not ordinarily to be expected.
- (8) I.e., they say, 'how much more should we defer to the greater'.
- (9) On the thirtieth day, shortly before nightfall.
- (10) The meaning of this is explained infra in the Gemara.
- (11) I.e., the thirty-first day becomes New Moon and not the thirtieth.
- (12) Of twenty-three members.
- (13) Not necessarily on the thirtieth day.
- (14) I.e., why mention Israel as well as the Beth din?
- (15) But reckon that same day as New Moon.
- (16) Why are witnesses needed if all the people have seen it?
- (17) Since this case can be inferred a fortiori from the previous one.
- (18) I.e., what reason is there why in general the pronouncement should not be made at night?
- (19) Ps. LXXXI, 5.
- (20) The Hebrew word is **פס**, which is taken by the Talmud in the sense of 'decision', 'verdict'.
- (21) V. Sanh. 32a.
- (22) I.e., the report of the witnesses should not carry greater weight than what they have seen with their own eyes.
- (23) Hence on the next day they must rely on a report.
- (24) I.e., this sentence merely leads up to the next.
- (25) Heb. Mumhe (v. Glos.).
- (26) That one expert may sanctify.
- (27) Ex. XII, 1, 2; cf. supra 22a.
- (28) I.e., one who is competent to act as witness, as here the Beth din.

Talmud - Mas. Rosh HaShana 26a

, some of them act as witnesses and some as judges. This is the view of R. Tarfon. R. Akiba says: They all act as witnesses, and a witness cannot act as a judge'? — You may say that our Mishnah agrees even with R. Akiba. R. Akiba meant this rule to apply only to capital cases, in regard to which the All-Merciful enjoined, the congregation shall judge . . . and the congregation shall deliver¹ and since they have seen him slay a person, they cannot find any defence for him. But in this case even R. Akiba would agree [that a witness may act as judge].

MISHNAH. ALL KINDS OF SHOFAR² MAY BE USED EXCEPT [ONE MADE FROM THE HORN] OF A COW, BECAUSE IT IS [PROPERLY] KEREN.³ SAID R. JOSE: ARE NOT ALL SHOFARS CALLED 'KEREN' AS IT SAYS, WHEN THEY MAKE A LONG BLAST WITH THE RAM'S KEREN [HORN]?⁴

GEMARA. R. Jose was surely quite right. What can the Rabbis reply? — That all shofars are called both shofar and keren, whereas that of a cow is called keren but is not called shofar, as it is written, His firstling bullock, majesty is his, and his horns [karnaw] are as the horns of a re'em.⁵ What says R. Jose to this? — He can reply that that of a cow is also called shofar as it is written, And it shall please the Lord better than a bullock [shor par]⁶ that hath horns and hoofs.⁷ Now if 'shor' is mentioned here why 'par', and if 'par' why 'shor'?⁸ The fact is that shor par is equivalent to shofar.⁹ And the Rabbis? — They adopt the explanation of R. Mattenah; for R. Mattenah said: What is meant by shor par? A shor which is as full-grown as a par.¹⁰ 'Ulla said: The reason of the Rabbis is to be found in the saying of R. Hisda; for R. Hisda said: Why does not the High Priest enter the inner precincts¹¹ in garments of gold¹² to perform the service there? Because the accuser may not act as defender.¹³ Is that so? What of the blood of the bullock?¹⁴ — Seeing that this has been

transformed,¹⁵ the objection to it is removed.¹⁶ But what of the ark, with the mercy-seat and the cherub?¹⁷ — What we say is that the sinner should not bring near the offering. But what of the spoon and the censer?¹⁸ — What we say is that the sinner should not adorn himself. But what of the garments of gold [which he wore] in the outer sanctuary? — We speak of [ministrations In the] inner precincts. The shofar also is [used] in the outer precincts? — Since its purpose is to awaken remembrance, it is as if it were [used] within.

But the Tanna says BECAUSE IT IS [PROPERLY] KEREN? — He mentioned [only] an additional reason:¹⁹ one reason is because the accuser cannot act as defender, and the other is because it is keren. What says R. Jose to this? — His answer is: Your statement that the accuser cannot act as defender applies only to the inner precincts, and this shofar is [used] in the outer precincts. And as for your statement that this shofar is keren, all shofars are likewise called keren.

Abaye said: The reason of the Rabbis is that the All-Merciful prescribed ‘a shofar’, and not two or three shofars, and the one made from a cow's horn being in layers²⁰ looks like two or three shofars. But the Tanna says, BECAUSE IT IS PROPERLY KEREN? — He stated [only] an additional reason:¹⁹ one reason is that the All-Merciful prescribed one shofar, and not two or three shofars, and another reason is that it is keren. What then says R. Jose to this? — He can reply: With regard to your statement that the All-Merciful prescribed one shofar and not two or three shofar, since the layers are closely joined together, it is really one, and as for your statement that it is keren, all shofars are likewise called keren.

What proof is there that the word yobel here²¹ means ram? — As it has been taught: R. Akiba said: When I went to Arabia, they used to call a ram yobla. R. Akiba further said: When I went to Gallia, they used to call a niddah²² ‘galmudah’.²³ How galmudah? — [As much as to say], gemulah da [this one is isolated] from her husband. R. Akiba further said: When I went to Africa, they used to call a ma'ah²⁴ ‘kesitah’. What is the practical importance of this? — For explaining [the Scriptural expression] a hundred kesitah;²⁵ it means, a hundred danki.²⁶

Rabbi said: When I went to the sea-ports, they called mekirah [selling] ‘kirah’. What is the practical importance of this? — To explain [the Scriptural expression] asher karithi.²⁷ R. Simeon b. Lakish said: When I went to the district of Ken Nishraya,²⁸ they used to call a bride ninfe and a cock sekvi. ‘A bride ninfe’:²⁹ where do we find this in Scripture? Yefeh nof,³⁰ the joy of the whole earth.³¹ ‘A cock sekvi’: Rab Judah said in the name of Rab, or, if you prefer,³² of R. Joshua b. Levi: Where do we find this in the Scripture? Who hath put wisdom in the tuhoth,³³ or who hath given understanding to the sekvi?³⁴ ‘Who hath put wisdom in the tuhoth’ — these are the reins; ‘or who hath given understanding to the sekvi’ — this is the cock.

In a certain place which Levi happened to visit, a man came before him and said

(1) Num., XXXV, 25, 26. The word ‘deliver’ is taken by R. Akiba to mean ‘find a defence for’.

(2) A kind of trumpet made of the horn of certain animals. Scripture prescribes (Lev. XXV, 9) that a shofar should be used for proclaiming the Jubilee. The Psalmist also says (Ps. LXXXI, 4), Blow ye the shofar on the new moon.

(3) I.e., all kinds of horns may be used for making a shofar except that of a cow, because an instrument made from a cow's horn, though similar to a shofar in all respects, is properly called keren (lit. ‘horn’)

(4) Josh. VI, 5. This is identified by the Talmud with the shofar mentioned in the same verse (when ye hear the sound of the shofar).

(5) Deut. XXXIII, 17. We see here that the horn of a bullock is called keren.

(6) שׁוֹר פֶּרֶךְ, lit., ‘ox bullock’.

(7) Ps. LXIX, 32.

(8) Either of these expressions would be sufficient by itself.

(9) With ך inserted as is found in many Hebrew nouns, Strashun.]

- (10) The name shor could be applied to the animal at birth; the name par not till it entered its third year. V. supra, 10a,
- (11) The Holy of Holies, on the Day of Atonement.
- (12) The High Priest entered the Holy of Holies wearing garments of linen only. V. Lev. XVI, 4, 23.
- (13) 'Gold' is called the accuser in reference to the Golden Calf. The garments worn by the High Priest in the Holy of Holies and all his other appurtenances there were regarded as propitiatory.
- (14) Sprinkled by the High Priest on the Day of Atonement. A bullock could be regarded as an 'accuser' for the same reason as gold.
- (15) It is no longer recognizable as a bullock.
- (16) Lit., 'since it has been changed, it has been changed'.
- (17) In all of which there was an abundance of gold.
- (18) Which the High Priest took with him into the Holy of Holies and which were also of gold.
- (19) Lit., 'he says one and again'.
- (20) As a separate layer grows each year.
- (21) In Josh. VI, 5.
- (22) V. Glos.
- (23) Lit., 'desolate'.
- (24) A small coin.
- (25) Gen. XXXIII, 19: the price paid by Jacob for the field he bought at Shechem.
- (26) One sixth of a denar (v. Glos.).
- (27) Gen. L, 5. To be rendered, 'which I have bought for myself'. E.V. 'which I have digged for myself'.
- (28) [Kennesrin, south of Aleppo; Obermeyer p. 114].
- (29) ==GR.**.
- (30) E.V. 'beautiful in elevation'.
- (31) Ps. XLVIII, 3.
- (32) [Read with MS.M.: 'or as some say'.]
- (33) E.V. 'inward parts'.
- (34) E.V. 'mind'. Job. XXXVIII, 36.

Talmud - Mas. Rosh HaShana 26b

, So-and-so has kaba'ed¹ me. He did not know what he meant, so he went and enquired in the Beth Hamidrash. They said to him: He wanted to say to you, 'has robbed me', as it is written, Will man rob [yikba'] God?² Raba from Barnish³ said to R. Ashi: Had I been there, I should have said to him, How did he kaba' you, in what did he kaba' you, why did he kaba' you, and so I should have found out [from his answers]. The other [Levi], however, thought that he meant some kind of offence.⁴

The Rabbis did not know what was meant by serugin⁵ till one day they heard the maidservant of Rabbi's household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by halugluth⁶ till one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your halugluth?

The Rabbis did not know what was meant by 'salselehah' and it shall exalt thee.⁷ One day they heard the handmaid of the household of Rabbi say to a man who was curling his hair, How long will you be mesalsel⁸ with your hair?

The Rabbis did not know what was meant by we-tetethia bematate of destruction,⁹ till one day they heard the handmaid of the household of Rabbi say to her companion, Take the tatitha [broom] and tati [sweep] the house.

The Rabbis did not know what was meant by Cast upon the Lord thy yehab and he shall sustain thee.¹⁰ Said Rabbah b. Bar Hanah: One day I was travelling with an Arab¹¹ and was carrying a load, and he said to me, Lift up your yehab and put it on [one of] the camels.¹²

MISHNAH. THE SHOFAR USED ON NEW YEAR¹³ WAS OF AN ANTELOPE'S HORN AND STRAIGHT, AND ITS MOUTH WAS OVERLAID WITH GOLD. THERE WERE TWO TRUMPETS, ONE ON EACH SIDE OF IT. THE SHOFAR GAVE A LONG BLAST AND THE TRUMPETS A SHORT ONE, SINCE THE PROPER CEREMONY OF THE DAY WAS WITH THE SHOFAR.¹⁴ ON [COMMUNAL] FAST DAYS THEY USED [TWO] CURVED SHOFARS OF RAMS, THE MOUTHS OF WHICH WERE OVERLAID WITH SILVER. THERE WERE TWO TRUMPETS BETWEEN THEM; A SHORT BLAST WAS MADE WITH THE SHOFARS AND A LONG ONE WITH THE TRUMPETS, BECAUSE THE RELIGIOUS DUTY OF THE DAY WAS [TO BE PERFORMED] WITH THE TRUMPETS.¹⁵ THE JUBILEE IS ON A PAR WITH NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS.¹⁶ R. JUDAH SAYS: ON NEW YEAR THE BLAST IS MADE WITH A SHOFAR OF RAMS AND ON JUBILEES WITH ONE OF ANTELOPES.

GEMARA. R. Levi said: The religious duty of New Year and of the Day of Atonement is performed with a curved shofar, and on other days in the year with a straight shofar. But we learn, THE SHOFAR OF NEW YEAR WAS A STRAIGHT ONE OF ANTELOPE'S HORN? — Levi followed the view of the following Tanna, as it has been taught: 'R. Judah says, On New Year they used to blow with curved shofars of rams' horns and on jubilees with shofars of antelopes' horns'. Why then did not he [Levi] say that the law¹⁷ follows the view of R. Judah?¹⁸ — If you were to say that the law follows R. Judah, I should say that in the case of the Jubilee also he was of the same opinion as R. Judah. Now we know [that this is not so]. What is the ground of the difference [between R. Judah and the First Tanna]? — One authority [R. Judah] holds that on New Year the more a man [so to speak] bends his mind the more effective [is his prayer], while on the Day of Atonement [of the Jubilee] the more a man elevates¹⁹ his mind the better is the effect.²⁰ The other authority holds that on New Year the more a man elevates his mind the better the effect, and on fast days the more he bends his mind the better the effect.

(1) קבע

(2) Mal. III, 8.

(3) [Near Sura, v. Obermeyer, p. 297.]

(4) [Lit., 'a matter of prohibition', the nature of which could not be ascertained from the answers, v. Maharsha.]

(5) Found e.g., in Meg. 17a, 'if he reads it by serugin', i.e. 'not in order.

(6) Found in Yoma 18a.

(7) Prov. IV, 8. E.V. 'extol her'.

(8) I.e., adorning.

(9) Isa. XIV, 23. E.V. 'I will sweep it with the besom of destruction'.

(10) Ps. LV, 23. E.V. 'burden'.

(11) [Heb. Ta'ya, name of an Arab tribe which name came finally to be applied to Arabs in general, as the name of a part is often given to a whole.]

(12) On this passage v. Meg. 18a.

(13) In the Temple.

(14) Hence the sound of the shofar was allowed to be heard after that of the trumpets.

(15) As it says, (Num. X, 2), Make thee two trumpets of silver . . . for the calling of the congregation, and on fast days the public were summoned to assemble.

(16) I.e., nine blessings have to be said over the shofar as on New Year.

(17) [Read with MS.M.: 'the halachah is'.]

(18) As expressed in the Mishnah,

(19) Lit., 'straightens', with the idea of freedom.

(20) On the analogy of the words, Let us lift up our hearts to our hands unto God in the heavens (Lam. III, 41).

Talmud - Mas. Rosh HaShana 27a

AND ITS MOUTH WAS OVERLAID WITH GOLD. But has it not been taught: 'If it was overlaid with gold at the place where the mouth is applied, it is not valid;¹ if not at the place where the mouth is applied, it is valid'? — Abaye replied: When this state ment is made in our Mishnah, it also refers to the place where the mouth is not applied.

THERE WERE TWO TRUMPETS, ONE ON EACH SIDE OF IT. But can two distinct sounds be caught at once?² Has it not been taught:³ "Remember" and "observe" were spoken in a single utterance,⁴ a thing which transcends the capacity of the [human] mouth to utter and of the [human] ear to hear'? — It was for this reason that the blast of the shofar was prolonged. This implies that if one heard the end of the blast without the beginning he has performed his duty;⁵ and from this it would follow that if he heard the beginning of the blast without the end he has equally performed his duty. Come now and hear [a refutation of this idea]: 'If he blew teki'ah at the beginning [of the service] and prolonged the second so as to make it equal to two, this only counts as one'.⁶ Why should this be? Why should not it [the second blast] be counted as divided into two?⁷ — We do not divide a teki'ah into two.

Come and hear [another objection]: If one blew into a pit or a cistern or a barrel, if the sound of the shofar came out [pure], he has performed his duty, but if an echo came out [with it], he has not performed his duty.⁸ Why should this be? Cannot he have performed his duty [by hearing] the beginning of the blast, before the sound is confused [with the echo]? — The truth is that two utterances proceeding from one man cannot be distinguished, but proceeding from two men they can be distinguished.⁹ But if they proceed from two men can they be distinguished? Have we not learnt: 'In the recital of the Torah [in synagogue] one may read and another translate;¹⁰ what is not allowed is that¹¹ one should read¹² and two translate'.¹³ — The fact is that our case resembles that mentioned in the next clause [of this quotation]: 'In the recital of Hallel and the Megillah¹⁴ even ten may read'.¹⁵ This shows that since an interest is taken in these,¹⁶ the hearer pays close attention. So here, since an interest is taken, he pays close attention and hears [the two sounds]. Why then is the blast of the shofar prolonged? — So that people should know that the proper ceremony of the day is with the shofar.

ON FAST DAYS THEY USED CURVED SHOFARS OF RAMS' HORNS THE MOUTHS OF WHICH WERE OVERLAID WITH SILVER. Why in the other case should gold have been used and here silver? — If you like I can reply that for all public gatherings silver is used, as it is written, Make thee two trumpets of silver,¹⁷ or if you like I can say that the Torah wished to spare Israel unnecessary expense.¹⁸ [If that is so], we should use silver in the other case also? — Even so, this consideration is outweighed by that of paying respect to the holyday.

R. Papa b. Samuel was minded to follow the instructions of the Mishnah,¹⁹ but Raba said to him, These instructions were laid down only for the Sanctuary. It has been taught to the same effect: Where do these rules apply? To the Sanctuary; but in the provinces, where the trumpets are in place²⁰ there is no shofar, and where the shofar is in place²¹ there are no trumpets. R. Halafta adopted the same custom in Zepphoris and R. Hananiah b. Teradion in Sikni,²² and when this was reported to the Sages they said: This was not the practice save only in the gates of the East and the Mount of the Temple.²³ Said Raba — or it may be R. Joshua b. Levi: What is the Scriptural warrant for this? — Because it is written, With trumpets and the sound of the shofar shout ye before the king, the Lord:²⁴ before the king, the Lord,²⁵ we require trumpets and the sound of the shofar, but elsewhere not.

THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS. R. Samuel b. Isaac asked: What authority do we follow in saying nowadays [on New Year] the prayer, 'This day is the beginning of thy works, the commemoration of the first day'?²⁶ What authority? R. Eliezer, who said that the world was created in Tishri. R. 'Ena raised an objection [against this view]: [It is stated], THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE TRUMPET AND FOR BLESSINGS. [Now how can this be on your view] seeing that there is [the prayer], 'This day is the beginning of thy works, the commemoration of the first day'?²⁷ — The statement of the Mishnah refers to the other [features]. R. Shisha the son of R. Idi reported the discussion thus. 'R. Samuel b. Isaac said: This statement of our Mishnah, THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS. — which authority does it follow? Not that of R. Eliezer. For if you were to say it follows R. Eliezer, seeing that he holds that the world was created in Tishri, what would you make of "This day is the commencement of thy works, the commemoration of the first day", which is said on New Year and is not said on the Jubilee? — [The answer is that] the Mishnah speaks only of the other [features]'.

MISHNAH. A SHOFAR WHICH HAS BEEN SPLIT AND STUCK TOGETHER IS NOT VALID.²⁸ IF FRAGMENTS OF SHOFARS

ARE STUCK TOGETHER [TO MAKE ONE], IT IS NOT VALID.

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- (1) Because the blast has to be made with a shofar, and not with gold.
 - (2) As much as to say, if the shofar and the trumpets are blown together, the sound of the shofar will not be distinguished.
 - (3) B.B. 64a.
 - (4) In the version of the Ten Commandments in Ex. XX, the fourth commandment commences with the words Remember the Sabbath day, whereas in Deut. V it commences with 'Observe'; and the Rabbis explain the discrepancy in this way.
 - (5) Seeing that in this case he hears distinctly only the end of the shofar blast, after the trumpets have ceased.
 - (6) This is a quotation from the Mishnah on 33b, where an explanation will be found in the notes.
 - (7) So that the beginning would count as the end of the first series of teki'ah teru'ah teki'ah, and the end of it would count as the beginning of the second series.
 - (8) V. infra 28a.
 - (9) And so the shofar and the trumpets can be distinguished here.
 - (10) It was usual in ancient times to read after each verse of the Torah the authorized Aramaic translation (targum) of it.
 - (11) Lit., 'only one should not'.
 - (12) So in Meg. loc. cit. Our texts have here 'two should read and two translate'.
 - (13) Meg. 21b.
 - (14) The book of Esther.
 - (15) V. loc. cit. for notes.
 - (16) Lit., 'endeared'. I.e., a greater interest than in the Torah, since they come more rarely.
 - (17) Num. X, 2. V. supra.
 - (18) Lit., 'had mercy on the money of Israel'.
 - (19) I.e., to use both shofar and trumpets.
 - (20) I.e., on fast days.
 - (21) I.e., on New Year and Jubilees.
 - (22) perhaps Sogana in Galilee mentioned in Josephus, Vita, 51.
 - (23) I.e., the gates of the East on the Temple Mount. According to some, however, the 'gates of the East' were in the Women's Court (v. Rashi).
 - (24) Ps. XCVIII, 6.
 - (25) I.e., in the Temple.
 - (26) In the Musaf 'Amidah for New Year, v. P.B., p. 250.

(27) Which cannot be said on the Day of Atonement of the Jubilee.

(28) Because it is like two shofars.

Talmud - Mas. Rosh HaShana 27b

IF A HOLE IN A SHOFAR HAS BEEN STOPPED UP, IF IT INTERFERES WITH THE BLOWING IT IS NOT VALID, BUT OTHERWISE IT IS VALID.¹ IF ONE BLOWS INTO A PIT OR A CISTERN² OR A BARREL, IF HE CAN HEAR THE SOUND OF THE SHOFAR [PURE] HE HAS PERFORMED HIS DUTY, BUT IF HE HEARS THE ECHO [ALSO], HE HAS NOT PERFORMED HIS DUTY. SIMILARLY IF ONE WAS PASSING BEHIND A SYNAGOGUE OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE AND HE HEARD THE SOUND OF THE SHOFAR OR OF THE MEGILLAH³ [BEING READ], IF HE LISTENS WITH ATTENTION⁴ HE PERFORMS THE RELIGIOUS PRECEPT [BY SO HEARING], BUT OTHERWISE HE DOES NOT; ALTHOUGH ONE HEARS EQUALLY WITH THE OTHER, [YET THERE IS A DIFFERENCE, BECAUSE] THE ONE LISTENED WITH ATTENTION WHILE THE OTHER DID NOT LISTEN WITH ATTENTION.

GEMARA. Our Rabbis taught: 'If the horn was too long and it has been shortened, it is valid. If it has been scraped till it becomes thin like a wafer,⁵ it is valid. If it is overlaid at the spot where the mouth is applied, it is not valid, if not at the spot where the mouth is applied,⁶ it is valid. If it is overlaid with gold on the inside, it is not valid,⁷ if on the outside, if the sound is thereby changed from what it was before, it is not valid, but otherwise it is valid. If it had a hole which has been stopped up, if this interferes with the blast it is not valid, but otherwise it is valid.⁸ If one shofar is put inside another shofar, if one can hear the sound of the inner one he thereby performs his religious duty, but if he hears the sound of the outer one he does not thereby perform his religious duty.⁹

Our Rabbis taught: If it was scraped whether on the inside or the outside, it is valid. If it was scraped till it became [thin like] a wafer, it is valid. If one shofar is placed within another, if one hears the sound of the inner one he thereby performs his religious duty, but if he hears the sound of the outer one he does not thereby perform his religious duty. If he turns it inside out¹⁰ and blows it, he does not thereby perform his religious duty. Said R. Papa: Do not take this to mean [merely], 'if he turned it inside out like a coat', but even if he widened the narrow part and narrowed the wide part. What is the reason? — As stated by R. Mattenah; for R. Mattenah said: And thou shalt carry along:¹¹ we require [the horn to be] of the shape in which it is carried along.¹²

Our Rabbis taught: 'If the least quantity is added to it whether of its own material or of another material, it is not valid. If there was a hole in it and it is stopped up, whether with its own material or another material, it is not valid. R. Nathan, however, says, if with its own material it is valid, but if with another material it is not valid'.¹³ 'If with its own material it is valid': Said R. Johanan: This is the case only if the greater part of the original is left. From this we infer that if it is stopped with another material, even though the greater part of the original was left it may not be used. Some attach R. Johanan's remark to the latter clause: 'If with another material it is not valid': Said R. Johanan: This is the case only if the greater part of the original was removed. From this we infer that if the stoppage is made with the same material, even though the greater part of the original is gone it is valid.¹⁴ 'If it was overlaid with gold on the inside it is not valid, if on the outside, if its sound becomes different from what it was before, it is not valid, but otherwise it is valid. If it is split lengthwise it is not valid, but if breadthwise, if enough is left to produce a blast it is valid, but otherwise it is not valid.'¹⁵ How much is enough to produce a blast? — R. Simeon b. Gamaliel explained: Enough to allow of it being held in the hand and leaving something showing on either side. 'If its sound is thin or thick or dry, it is valid, since all sounds emitted by a shofar can pass muster',¹⁶

They sent to inform the father of Samuel: If one pierced it [the horn] and blew with it, he has performed his religious duty. Is not this obvious? All shofars are pierced!¹⁷ — R. Ashi explained: [It means], if he pierced the inset bone.¹⁸ You might think that although it is of the same material it makes a partition; we are therefore told [that this is not so].

IF ONE BLOWS INTO A PIT OR A CISTERN etc. R. Huna said: This rule applies only to those standing on the edge of the pit, but those standing in the pit perform their religious duty thereby. It has been taught to the same effect: 'If one blows into a pit or a cistern, he performs his religious duty'. But have we not learnt, HE DOES NOT PERFORM HIS RELIGIOUS DUTY? You must therefore understand it in the sense of R. Huna's dictum. Some put the two statements in opposition, [thus]: We have learnt, IF ONE BLOWS INTO A PIT OR A CISTERN HE DOES NOT PERFORM HIS RELIGIOUS DUTY. But has it not been taught, 'He does perform his religious duty'? — R. Huna replied: There is no contradiction; the one statement speaks of those standing on the edge of the pit, the other of those standing in the pit.

Rabbah¹⁹ said:

(1) The Talmud Yerushalmi reads here, 'If it (the hole) interfered with the blowing before it was closed, the shofar is not valid after it was closed'. Our version, however, rather implies that if the stoppage restores the shofar to its original condition, it may be used. V. Tosaf. s.v. **נִיקָב**.

(2) Heb. **דֹּת**, a pit faced with cement.

(3) V. Glos.

(4) Lit., 'if he applies his heart'.

(5) Lit., 'he reduced it to its coating'.

(6) This apparently means, on the top opposite the exact spot to which the mouth is applied. V. Tosaf. s.v. **צִפְהוּ**.

(7) Because the blast is then made by gold.

(8) V. supra n. 1.

(9) Because as the sound comes from the air between the two shofars, it is as if made by two or three shofars. V. Tosaf. s.v. **אֵם**.

(10) By means of softening it with hot water.

(11) **וְהַעֲבֵרָה** Lev. XXV, 9. E.V. Then shalt thou make proclamation with. Lit., 'cause to pass'.

(12) By the ram when alive.

(13) The quotation is here interrupted with a gloss on the last clause.

(14) The quotation from the Baraita is here resumed.

(15) The quotation is again interrupted.

(16) Lit., 'are valid'.

(17) I.e., the horn is pierced to make a shofar.

(18) A bone which grows from the animal's head inside the horn, and which is usually removed to make the shofar.

(19) Var. lec. Raba.

Talmud - Mas. Rosh HaShana 28a

If one heard part of the blast in the pit and part of the blast on the edge of the pit,¹ he has performed his religious duty. If he heard part of the blast before the dawn² and part of the blast after dawn he has not performed his religious duty. Said Abaye to him: Why this difference? Because in the latter case we require the whole of the blast [which he hears] to be obligatory and this requirement is not fulfilled?³ In the former case also we require the whole of the blast to be obligatory, and this requirement is not fulfilled!⁴ — Are the two cases parallel? In the latter, night is a time to which the obligation does not apply at all, but in the former, the pit is a place to which the obligation does apply for those who are in the pit.⁵

I infer from this that Rabbah was of opinion that if one heard the end of a blast without the

beginning he has performed his religious duty,⁶ and that from this it follows that if he heard the beginning without the end, he has likewise performed his religious duty. Come now and hear [an objection to this]: 'If one blew a teki'ah at the beginning [of the series] and prolonged the second one so as to be equal to two, it still counts as only one'. Why should this be? Let it be counted as divided into two? — We do not divide teki'ahs.⁷ Come and hear [another objection]: 'If one blows into a pit or a cistern or a barrel, if he hears the sound of the shofar [pure] he has performed his religious duty, but if he hears the echo he has not performed his religious duty'. Why should this be? Let him have performed his religious duty with the beginning of the blast, before the sound is confused [with the echo?] — Rabbah was speaking of one who blows [for himself] and as he blows steps out of the pit.⁸ If that is so, what is the point of his remark?⁹ — You might argue that sometimes he puts his head out while the shofar is still in the pit and so the sound is confused. We are therefore told [that this makes no difference].

Rab Judah said: One should not blow with a shofar taken from a burnt-offering,¹⁰ but if he did so¹¹ he has performed his religious duty. One should not blow with a shofar taken from a peace-offering, and if he did so he has not performed his religious duty. What is the reason? A burnt-offering is subject to the rule of trespass,¹² and once trespass has been committed with it, it becomes unhallowed. Peace-offerings, on the other hand, not being subject to the rule of trespass,¹³ are still saddled with their prohibition,¹⁴ (and do not become unhallowed).¹⁵ Raba strongly demurred to this. When [he said], is the trespass committed? After he has blown; but when he blows, he does so with something prohibited.¹⁶ No, said Raba: alike in one case and the other, he has not performed his religious duty. Later, however, he said: Alike in one case and in the other he has performed his religious duty, because religious precepts are not meant to provide physical enjoyment.¹⁷

Rab Judah said: One should not blow with a shofar which has been used for idolatrous purposes,¹⁸ but if he does so, he has performed his religious duty.¹⁹ One should not blow with a shofar from a devoted city,²⁰ and if he does so he has not performed his religious duty. What is the reason? In a devoted city nothing is [presumably] left of proper size.²¹

Raba said: If one is interdicted by vow to have any benefit²² from his neighbour, the other may yet perform the ritual blowing of the shofar for him.²³ One, too, who is interdicted by vow to have any enjoyment from a shofar may yet perform with it the ritual blowing. Raba further said: If one is interdicted by vow to have any benefit from his neighbour, the other may yet sprinkle on him the water of the sin-offering²⁴ in the rainy season, but not in the summer time. One who has vowed to have no enjoyment from a fountain may take a ritual bath in it in the rainy season²⁵ but not in the summer time.

They sent to inform the father of Samuel: If a man is compelled by force to eat unleavened bread [on Passover], he thereby performs his religious duty.²⁶ Compelled by whom? Shall I say, by an evil spirit? But has it not been taught, 'If a man is sometimes in his sound senses and sometimes crazy, when he is in his senses he is regarded as a sane man in all particulars, and when he is crazy he is regarded as insane in all particulars'?²⁷ — R. Ashi said: [It means], if the Persians compelled him. Said Raba:²⁸ This would imply that if one blew the shofar simply to make music, he has performed his religious duty. Is not this obvious?²⁹ This is just what has been said!³⁰ — You might argue that in the previous case the All-Merciful has prescribed that unleavened bread should be eaten, and he has eaten³¹

(1) We naturally suppose this to speak of one who steps out of the pit while he hears someone else blowing in the pit.

(2) [Lit., 'before the pillar of the dawn went up'. This is the legal dividing line between night and day.]

(3) It is obligatory to hear the shofar only by day but not by night.

(4) One who is on the edge of the pit does not fulfil his obligation by hearing one blow in the pit.

(5) And he fulfils his obligation with the part he heard in the pit.

- (6) V. supra.
- (7) V. supra, and notes.
- (8) And he hears both the beginning and the end of the blast clearly.
- (9) As it is obvious.
- (10) Made from the horn of a living animal which, has been consecrated for a burnt-offering. After it has been offered and the blood thereof sprinkled the law of trespass does not apply to its horns, v. infra.
- (11) Unwittingly. V. Tosaf. s.v. **בשופר**.
- (12) Heb. **מעילה**, the using of holy things for secular purposes, v. Lev. V, 15ff.
- (13) I.e., even while still alive. After it had been offered and the blood sprinkled the law of trespass applied to certain portions of the flesh assigned for the altar.
- (14) Even if they have been accidentally used for secular purposes, they remain hallowed and must not be further used for such purposes.
- (15) These words in the text are bracketed.
- (16) Even in the case of the burnt-offering.
- (17) And since he derives no physical enjoyment from the act, he does not commit trespass.
- (18) Because no benefit may be derived from articles which have been used for idolatrous purposes, v. A.Z. 51b.
- (19) Because such performance is not intended to give any enjoyment. This reason is based on the opinion of Raba and not of Rab Judah; perhaps therefore we should read here 'Raba said', not 'Rab Judah said'. V. Tosaf. s.v. **אמר רב יהודה**.
- (20) V. Deut. XIII, 13-17.
- (21) Lit., 'its measurements are cut to pieces'. Everything in it was supposed to be burnt.
- (22) Heb. **הנאה** which can mean either 'benefit' or enjoyment'.
- (23) For this is no physical enjoyment.
- (24) Of the red heifer, to cleanse him from the pollution of a dead body.
- (25) I.e., when it is cold.
- (26) Even though he had no intention of performing it.
- (27) And we cannot speak of the performance of religious duties in connection with an insane person.
- (28) Var. lec. Rabbah.
- (29) Viz., that this is the implication of R. Ashi's remark.
- (30) Lit., 'this is that'.
- (31) And has obtained some physical benefit.

Talmud - Mas. Rosh HaShana 28b

, whereas in this case it is written a memorial of blowing the trumpet¹ and this man is merely amusing himself.² Therefore we are told [that this argument does not apply].

We conclude from this that in Raba's opinion religious precepts do not need to be performed with deliberate intention. The following objection was raised against this view: 'If a man was reading the [passage of the shema] in the Torah and the time of reading [the shema] arrived, if he put his mind to it, he has performed his religious duty'. Does this not mean, 'put his mind to perform his religious duty'? — No; it means, [put his mind] to read [distinctly]. To read? But he is reading! — We speak of one who is reading to correct [the scroll].³

Come and hear: 'IF HE WAS PASSING BEHIND THE SYNAGOGUE, OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE, AND HE HEARD THE SOUND OF THE SHOFAR OR OF THE READING OF THE MEGILLAH, IF HE PUT HIS MIND TO IT HE THEREBY PERFORMED HIS RELIGIOUS DUTY, BUT IF NOT HE DID NOT PERFORM HIS RELIGIOUS DUTY'. Does not this mean, 'if he put his mind to perform his religious duty'? — No; [it means, if he put his mind] to hear. To hear? But he is hearing! — He may think, it is merely an ass braying. The following objection was raised against this view: 'If the hearer [of the shofar] put his mind to the act but not the performer,⁴ or the performer put his mind but not the hearer, he did not perform

his religious duty; [he does not do so] until both hearer and performer put their minds to the act'. I understand the case where the performer put his mind but not the hearer, as the latter may have thought it was merely an ass braying. But that the hearer should put his mind and not the performer — how can this happen? Is it not where the latter blows merely to make music?⁵ — Perhaps [it refers to a case] where he merely [as it were] barks.⁶ Said Abaye to him:⁷ But if that is so, then one who sleeps in the Sukkah⁸ on the eighth day should be flogged?⁹ — He replied: [Not so], because I maintain that commandments cannot be transgressed [by adding to them] save in their proper season.

R. Shaman b. Abba raised the following objection against this view: 'Whence do we learn that a priest who mounts the platform¹⁰ should not say, "Because the Torah has given me permission to bless Israel, I will add a blessing of my own, as for instance, The Lord, the God of your fathers, add unto you"?'¹¹ Because it says, Ye shall not add unto the word'.¹² Now here, since he has finished blessing them,¹³ the time of the precept has passed, and yet it states that he transgresses? — Here we are dealing with the case where he has not yet finished the blessings. But the statement runs, 'he has finished'? — That means, he has finished one blessing.¹⁴ But it states, 'he finished all his blessings'? — There is a special reason in this case; seeing that, if he comes across another congregation, he may bless again, the whole day is reckoned as the proper time.¹⁵ But what is your ground for saying so? — Because we have learnt: If blood which has to be sprinkled [on the altar] once¹⁶ has been mixed with other blood which had to be sprinkled once, the whole should be sprinkled once. If blood which has to be sprinkled four times¹⁷ has been mixed with other blood which has to be sprinkled four times, the whole must be sprinkled four times. If blood which has to be sprinkled four times is mixed with blood which has to be sprinkled once, R. Eleazar says the whole should be sprinkled four times. R. Joshua says it should be sprinkled once. Said R. Eleazar to him: By doing so he transgresses the precept of 'thou shalt not diminish'.¹⁸ To which R. Joshua retorted, By doing your way, he transgresses the precept of thou shalt not add.¹⁹ Said R. Eleazar to him: The precept 'thou shalt not add' applies only when the act is repeated on the same subject.²⁰ To which R. Joshua replied: The precept 'thou shalt not diminish' applies only where the act is withheld from the same subject.²⁰ R. Joshua said further to him: If you do not sprinkle [four times], you transgress the rule of 'thou shalt not diminish', but you do not perform any positive action,²¹ When you do sprinkle, you transgress the rule of 'thou shalt not add' and you do perform a positive action.²² Now here, as soon as he has made one sprinkling for the firstborn, its time is past, and yet it says that he transgresses the precept of 'thou shalt not add'; and is not the reason for this because we say that since, if he gets hold of another firstborn he can sprinkle its blood, the whole day is reckoned its proper time? — [No.] Perhaps R. Joshua was of opinion that precepts may be transgressed even out of their proper time.²³ We argue thus.²⁴ Why does R. Shaman b. Abba leave the Mishnah and bring his objection from the Baraitha? Let him bring his objection from the Mishnah! What is the reason why he does not adduce the Mishnah? On the ground that, if he [the priest] gets hold of another firstborn he can sprinkle its blood, the whole day is its proper time. But in the case mentioned in the Baraitha also, seeing that, if he comes across another congregation he may bless again, the whole day is the proper time! What says R. Shaman b. Abba to this? — In that case [of the blood], he is bound to sprinkle;²⁵ in this case, if he likes he may bless, and if he likes he need not bless.

Raba says: For the performance of his religious duty, he does not require to put his mind to it. For transgression [by adding to the precept], he does require to put his mind. But what of the sprinkling of blood, where, according to R. Joshua, he transgresses though he does not put his mind to it?²⁶ Raba therefore [corrected himself and] said: For the performance of the religious duty he does not require to put his mind to it; for [being accounted to have committed a] transgression [by adding to the precept] if [the act is done] in proper time, he does not require to put his mind to it; if it is not done in its proper time he does require to put his mind to it.

R. Zera said to his attendant:

- (1) Lev. XXIII, 24.
- (2) Lit., 'occupying himself'. And we are told infra that one who blows merely to pass the time does not fulfil his obligation.
- (3) And only mumbles the words.
- (4) Lit., 'he who causes to hear'.
- (5) And in such a case he does not perform the precept of blowing the shofar, which would show that such performance requires intention.
- (6) I.e., produces only half the requisite sound.
- (7) Raba.
- (8) V. Glos.
- (9) Because the commandment is to sleep there only seven days, and he is adding to the commandment even if he does not mean to, v. Deut. IV, 2.
- (10) Heb. **דוכן**.
- (11) Deut. I, 11.
- (12) Ibid. IV, 2.
- (13) Before he adds his own blessing.
- (14) Of the three priestly blessings.
- (15) And we may still hold that commandments cannot be transgressed by adding to them save in their proper time.
- (16) E.g., the blood of the firstborn of cattle when brought as a sacrifice. Lit., 'has to be given in a single gift'.
- (17) E.g., the blood of burnt-offerings and peace-offerings which had to be sprinkled on four corners of the altar.
- (18) Because he sprinkles in one instalment blood which should be sprinkled in four.
- (19) Because he sprinkles in four instalments blood which should be sprinkled in one.
- (20) Lit., 'when it (the instrument of the religious act) is by itself'.
- (21) I.e., the sin is one of omission only.
- (22) I.e., the sin is one of commission, v. Zeb. 80a.
- (23) So that this Mishnah affords no support for the distinction made above in regard to the blessing of the priest and thus the objection against Raba stands.
- (24) In trying to bring support from the Mishnah to the above distinction.
- (25) Lit., 'there is no way of not giving'; if he gets other blood.
- (26) He does not intend to sprinkle the blood of the firstborn in the last three installments.

Talmud - Mas. Rosh HaShana 29a

Put your mind to it and blow [the shofar] for me. I gather from this that in his opinion the performer requires to put his mind to it.¹ The following was raised in objection against this view: IF HE WAS PASSING BEHIND THE SYNAGOGUE, OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE AND HE HEARD THE SOUND OF THE SHOFAR OR THE READING OF THE MEGILLAH, IF HE PUT HIS MIND TO IT HE THEREBY PERFORMED HIS RELIGIOUS DUTY, BUT IF NOT HE DID NOT. And if he did put his mind to it, what difference does it make [on your theory], seeing that the other [the performer] was not consciously performing for him? — We are here speaking of a congregational reader who performs consciously for all.

Come and hear: 'If the hearer put his mind to it but not the performer, or if the performer put his mind to it but not the hearer, he did not perform his religious duty; [he does not do so] until both the hearer and the performer put their mind to it'. Here he mentions the performer in the same breath with the hearer, [to indicate that] just as the hearer hears for himself, so the performer performs for himself, and [in such a case] he states that 'he did not perform his religious duty'?² — There is a difference on this point between Tannaim, as it has been taught: The hearer hears for himself, and the performer performs for all and sundry.³ R. Jose said: This applies only to a congregational reader, but an ordinary individual does not perform his religious duty until both the hearer and the performer put their mind to it.

MISHNAH. [IT IS WRITTEN] AND IT CAME TO PASS, WHEN MOSES HELD UP HIS HAND THAT ISRAEL PREVAILED, ETC.⁴ NOW DID THE HANDS OF MOSES WAGE WAR OR CRUSH THE ENEMY?⁵ NOT SO; ONLY THE TEXT SIGNIFIES THAT SO LONG AS ISRAEL TURNED THEIR THOUGHTS ABOVE AND SUBJECTED THEIR HEARTS TO THEIR FATHER IN HEAVEN THEY PREVAILED, BUT OTHERWISE THEY FELL. THE SAME LESSON MAY BE TAUGHT THUS. [IT IS WRITTEN], MAKE THEE A FIERY SERPENT AND SET IT UP ON A POLE, AND IT SHALL COME TO PASS THAT EVERYONE THAT IS BITTEN, WHEN HE SEETH IT, SHALL LIVE.⁶ NOW DID THE SERPENT KILL OR DID THE SERPENT KEEP A LIVE? NO; [WHAT IT INDICATES IS THAT] WHEN ISRAEL TURNED THEIR THOUGHTS ABOVE AND SUBJECTED THEIR HEARTS TO THEIR FATHER IN HEAVEN, THEY WERE HEALED, BUT OTHERWISE THEY PINED AWAY.⁷

A DEAF-MUTE, A LUNATIC AND A MINOR CANNOT PERFORM A RELIGIOUS DUTY ON BEHALF OF A CONGREGATION.⁸ THIS IS THE GENERAL PRINCIPLE: ONE WHO IS NOT HIMSELF UNDER OBLIGATION TO PERFORM A RELIGIOUS DUTY CANNOT PERFORM IT ON BEHALF OF A CONGREGATION.

GEMARA. Our Rabbis taught: ‘All [males] are under obligation to blow the shofar, Priests, Levites and lay Israelites, proselytes and emancipated slaves, tumtum⁹ and androgynus,¹⁰ and one who is half slave and half free.¹¹ A tumtum cannot perform [a religious duty] either for a fellow-tumtum or for anyone else.¹² An androgynus can perform [a religious duty] for a fellow-androgynus¹³ but nor for anyone else. One who is half a slave and half free can perform [a religious duty] neither for one in the same condition nor for anyone else’.¹⁴

The Master has here said, ‘All are under obligation to blow the shofar, Priests, Levites and lay Israelites’. Is not this self-evident? If these have not the duty, who has? — This had to be stated. For you might have argued, Seeing that it is written, A day of blowing the trumpet it shall be to you,¹⁵ this obligation devolves upon those who have not to blow save on one day a year, but since these priests participate in the blowings all through the year, as it is written, And ye shall blow with your trumpets over your burnt-offerings,¹⁶ I might think that they are not bound [to observe this blowing]. Therefore we are told [that this is not so]. Is there any analogy? You cite trumpets and we speak of shofar! No; [what you must say is], This had to be stated. For I might argue that since we have learnt, ‘The Jubilee is on the same footing as New Year in respect of blowing the shofar and blessings’,¹⁷ those to whom the injunction of the Jubilee applies have to keep the precept of New Year, and since these priests do not come under the obligations of the Jubilee, as we have learnt, ‘Priests and Levites may sell at any time and redeem at any time’,¹⁸ therefore they are not bound to keep the precept of New Year. Therefore we are told [that this is not so].

‘One who is half a slave and half free can perform [a religious duty] neither for one who is in the same condition nor for anyone else’. R. Huna said: He may, however, perform [the duty] for himself. Said R. Nahman to R. Huna: What is the reason why he may not perform [it] for others? Because the side of slavery [in himself] cannot perform [the duty] for the side of freedom [in others]. In regard to himself similarly, the side of slavery should not be able to perform [the duty] for the side of freedom in himself? No, said R. Nahman; he cannot perform [the duty] for himself either. It has been taught to the same effect: One who is half slave and half free cannot perform the [religious duty] even for himself.

Ahabah the son of R. Zera learnt: Any blessing which one has already recited on behalf of himself, he can recite again on behalf of others,¹⁹ save the blessing over bread and the blessing over wine.²⁰ These if he has not yet recited on behalf of himself²¹ he may recite on behalf of others,²² but if he has already recited them for himself he cannot recite them on behalf of others.²³ Raba inquired:

- (1) I.e., to perform consciously for the benefit of the hearer.
- (2) [This is difficult, v. Marginal Glosses, Bezaleel Ronsburg. Read with MS.M.: 'and it states (in such a case, i.e., where the performer performs for himself provided the hearer puts his mind to it) he performed his duty.]
- (3) Lit., 'according to his way'; i.e., he need not consciously perform for the benefit of the listener.
- (4) Ex. XVII, 11.
- (5) Lit., 'break war'.
- (6) Num. XXI, 8.
- (7) This disquisition in the Mishnah is suggested by the references above to 'religious intention' (v. Maharsha).
- (8) Lit., 'cannot take the public out of the power of their obligation'.
- (9) One of uncertain sex.
- (10) A hermaphrodite.
- (11) E.g., a slave of two masters, one of whom has released him.
- (12) Because possibly the tumtum is a female and as no obligation. Lit., 'either for his own species or not for his own species'.
- (13) In virtue of the male part common to both of them.
- (14) As the slave side of the performer cannot delegate for the free side of the hearer.
- (15) Num. XXIX, 1.
- (16) Ibid. X, 10.
- (17) V. supra 26b.
- (18) 'Ar. 33b. A better reading is, 'may sanctify at any time and redeem etc'. (v. Tosaf. s.v. **דַּתְנִי**), the reference being to the right of a priest or Levite to sanctify or redeem at any time a field even if it has been sold by the treasurer of the sanctuary, which was not permissible to a lay Israelite; v. 'Ar. 26b and 33b.
- (19) Lit., 'in respect of all other blessings, though he emerged from his responsibility, he can bring (others) forth'. The blessings referred to are those said over the performance of religious precepts, and the reason is that all Israelites are responsible for one another in regard to the performance of religious precepts.
- (20) This includes blessings over food and scents generally, which are only said because it is forbidden to enjoy the goods of this world without a blessing, not because the partaking is a religious duty.
- (21) Lit., 'if he does not emerge (from his responsibility)'.
- (22) Lit., 'he brings forth (from their responsibility)'.
- (23) Because, as there is no religious duty involved, he is not responsible for their partaking.

Talmud - Mas. Rosh HaShana 29b

What is the rule with regard to the blessing for bread said over the mazzah and the blessing for wine said in the sanctification?¹ Do we say that since [the partaking of these] is obligatory, he can perform [the duty] for others, or have we here perhaps only an [optional] blessing, not an obligation?² — Come and hear, since R. Ashi said: When we were at the house of R. Papi, he used to say the sanctification for us, and when his tenants came from the fields he used to make the sanctification for them.³

Our Rabbis taught: A man should not break bread⁴ for visitors unless he eats with them, but he may break bread for his children and the members of his household so as to train them in the performance of religious duties. In the reciting of [the blessing over] Hallel and the Megillah, even though he has already performed [the duty] for himself, he may perform it for others.

CHAPTER IV

MISHNAH. IF THE FESTIVE DAY OF NEW YEAR FELL ON A SABBATH, THEY USED TO BLOW THE SHOFAR IN THE TEMPLE BUT NOT IN THE COUNTRY:⁵ AFTER THE DESTRUCTION OF THE TEMPLE, RABBAN JOHANAN BEN ZACCAI ORDAINED THAT IT SHOULD BE BLOWN [ON SABBATH] IN EVERY PLACE WHERE THERE WAS A BETH DIN. R. ELIEZER SAID: RABBAN JOHANAN BEN ZACCAI LAID DOWN THIS RULE FOR

JABNEH ONLY.⁶ THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. JERUSALEM HAD THIS FURTHER⁷ SUPERIORITY OVER JABNEH, THAT IN EVERY CITY FROM WHICH IT COULD BE SEEN OR HEARD AND WHICH WAS NEAR AND FROM WHICH IT WAS ACCESSIBLE THEY USED TO BLOW [ON SABBATH],⁸ WHEREAS IN JABNEH THEY USED TO BLOW IN THE BETH DIN ONLY.⁹

GEMARA. Whence [in the Scripture] is this rule¹⁰ derived? — R. Levi b. Lahma said: One verse says, a solemn rest, a memorial of blast of horns,¹¹ while another verse says, it is a day of blowing the horn unto you!¹² [Yet] there is no contradiction, as one refers to a festival which falls on Sabbath¹³ and the other to a festival which falls on a weekday. Raba said: If the prohibition [on Sabbath] is from the Written Law, how comes the shofar to be blown in the Temple? And besides, [the blowing] is no work¹⁴ that a text should be needed to except it.¹⁵ For it was taught in the school of Samuel:¹⁶ [When it says], Ye shall do no servile work [on New Year],¹⁷ this excludes the blowing of the shofar and the taking of bread from the oven,¹⁸ these being kinds of skill and not work! — No, said Raba. According to the Written Law it is allowed, and it is the Rabbis who prohibited it as a precaution; as stated by Rabbah; for Rabbah said, All are under obligation to blow the shofar but not all are skilled in the blowing of the shofar. [Hence] there is a danger that perhaps one will take it in his hand [on Sabbath] and go to an expert to learn and carry it four cubits in public domain.¹⁹ The same reason applies to the lulab and the same reason to the Megillah.²⁰

AFTER THE DESTRUCTION OF THE TEMPLE RABBAN JOHANAN BEN ZACCAI ORDAINED etc. Our Rabbis taught: Once New Year fell on a Sabbath [and all the towns assembled],²¹ and Rabban Johanan said to the Bene Bathyra,²² Let us blow the shofar. They said to him, Let us discuss the matter.²³ He said to them, Let us blow and afterwards discuss. After they had blown they said to him, Let us now discuss the question. He replied: The horn has already been heard in Jabneh, and what has been done is no longer open to discussion.²⁴

R. ELIEZER SAID: RABBAN JOHANAN BEN ZACCAI LAID DOWN THIS RULE FOR JABNEH ONLY. THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. [What] THEY SAID TO HIM is the same as the dictum of the first Tanna?²⁵ — There is a difference between them, namely, in the case of a temporary Beth din.²⁶

THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. R. Huna said

(1) The eating of unleavened bread on the first night of Passover and the sanctification of Sabbaths are religious duties and as such have to be prefaced with blessings. In addition, the ordinary blessing is said over the mazzah and the wine as articles of physical enjoyment. Raba's question relates to these latter blessings.

(2) I.e., is the blessing on this occasion on a par with the blessing on other occasions when the partaking is optional?

(3) This would show that in this case the one who recites the blessing over bread and wine, though he had already recited it for himself, can recite it again for others.

(4) I.e., recite the blessing.

(5) Including Jerusalem (Rashi). [Maim.: excluding Jerusalem].

(6) Where there was a 'Great Beth din' or Sanhedrin of seventy-two members. [A small town on the N.W. border of Judah, the Jabneel of Josh. XV, 11. It was a seat of learning as early as the days of R. Gamaliel the Elder. At the request of R. Johanan b. Zaccai it was spared by Vespasian at the time of the destruction of the Temple. when the Great Sanhedrin removed there and was presided over by R. Johanan b. Zaccai.]

(7) The meaning of this expression is discussed in the Gemara.

(8) After the destruction of the Temple.

(9) And not in the surrounding towns.

- (10) That the shofar should not be blown on Sabbath.
- (11) Lev. XXIII, 24.
- (12) Num. XXIX, 1. How reconcile the two texts?
- (13) When there is to be only a 'memorial' or mention of the blowing of the shofar, not actual blowing.
- (14) [Read with MS.M. and Rashi: 'Is it work that etc.'.]
- (15) From the general Prohibition of work on Sabbath.
- (16) [Var. lec., R. Ishmael.]
- (17) Num. XXIX, 1.
- (18) After it is baked. V. Tosaf., s.v. **רדיית**
- (19) But this carrying was not forbidden in the Temple.
- (20) V. Glos,
- (21) To Jabneh in order to hear the blowing of the shofar by the representatives of the Beth din. The brackets appear in the text.
- (22) Descendants of the leaders of the Sanhedrin who resigned their position in favour of Hillel. V. Pes. 66a.
- (23) Whether the prohibition should be extended to a Place where there is a Beth din.
- (24) Lest we should have to stigmatize ourselves as having committed an error.
- (25) That R. Johanan b. Zaccai ordained that the shofar should be blown on Sabbath wherever there was a Beth din.
- (26) The latter authority requires that the Beth dill should be a permanent one like that of Jabneh.

Talmud - Mas. Rosh HaShana 30a

, [The shofar on Sabbath is blown only] with the Beth din. What is meant by 'with the Beth din'? — In the presence of the Beth din, [and he means] to except [from the permission] any blowing [on Sabbath] not in the presence of the Beth din.

Raba raised the following objection against this view: JERUSALEM HAD THIS FURTHER SUPERIORITY OVER JABNEH etc. What does THIS FURTHER imply? Shall I say that [the text] is to be taken as it stands?¹ Then it should have said THIS simply!² Again, should it imply that in Jerusalem private individuals used to blow and in Jabneh private individuals did not blow, [I would ask,] but did not private individuals blow in Jabneh? When R. Isaac b. Joseph came, did he not report that when the congregational reader had finished blowing in Jabneh, a man could not hear his own voice³ for the noise of the blowing [of individuals]?⁴ What then must be said is that in Jerusalem the shofar was blown whether during the hours when the Beth din sat⁵ or the hours when they did not sit, but in Jabneh it was blown during the hours when they sat but not when they did not sit. You admit then that during the hours when the Beth din sat at any rate they blew away from the Beth din?⁶ — No; [what it implies⁷ is that] in Jerusalem they blew whether in the presence of the Beth din or not in their presence, but in Jabneh they did blow in the presence of the Beth din, but otherwise not.

Some attach R. Huna's dictum to [the exposition of] the text, On the day of Atonement ye shall cause a shofar to pass through all your land,⁸ [thus]: This teaches that every individual is under obligation to blow. R. Huna said: It must be with the Beth din. What is meant by 'with the Beth din'? At the time when the Beth din sits,⁹ to exclude [from the permission] the time when the Beth din does not sit. Raba raised the following objection: The blowing of the shofar on New Year and Jubilee overrides Sabbath in the country¹⁰ [for] a man and his house. What is meant by 'a man and his house'? Shall I say it means a man and his wife? Has then a woman to perform this duty, seeing that it is a duty for which there is a specific time,¹¹ and women are not liable to perform any duties for which there is a specific time? What it therefore must mean is, every man in this house', and even [I presume] during the hours when the Beth din does not sit? — No; it means in fact during the hours when the Beth din does sit.

R. Shesheth raised the following objection [against this view]: 'The Jubilee is on the same footing

as New Year for blowing the shofar and for blessings, only on the Jubilee they blew [on Sabbath] alike in a Beth din in which the New Moon had been sanctified and in a Beth din in which the New Moon had not been sanctified, and every individual was under obligation to blow, whereas on New Year they blew only in a Beth din in which the New Moon had been sanctified and private individuals were not under obligation to blow'. What is meant by 'private individuals were not under obligation to blow'? Shall I say that on the Jubilee individuals used to blow a shofar and on New Year individuals did not blow? [This cannot be], because when R. Isaac b. Joseph came he said that when the congregational reader in Jabneh finished blowing a man could not hear his own voice for the noise [of the blowings] of individuals. It must mean then that on the Jubilee they blow both during the hours when the Beth din sits and also when the Beth din does not sit, but on New Year they blow when the Beth din sits but not when the Beth din does not sit. Now it states here at any rate that on the Jubilee [it is blown] whether when the Beth din is sitting or when it is not sitting?¹² — No; what indeed is meant is, when the Beth din sits, and the statement should be understood thus: On the Jubilee [it is blown] during the hours when the Beth din sits whether in the presence of the Beth din or not in the presence of the Beth din; but on New Year it is blown only when the Beth din sits and in the presence of the Beth din. It has also been stated [elsewhere]: R. Hiyya b. Gamda said in the name of R. Jose b. Saul, who had it from Rabbi: The shofar is blown only during the hours that the Beth din sits.

R. Zera inquired: If they have made ready¹³ to rise, what is the rule? Is it necessary that the Beth din should be still seated, and this condition is fulfilled, or is it necessary that it should be during the sitting of the Beth din, and this condition is not fulfilled? — This question is left undecided.

JERUSALEM HAD THIS FURTHER SUPERIORITY OVER JABNEH etc. FROM WHICH IT COULD BE SEEN: this excludes one situated in a valley. OR HEARD: this excludes one situated on the top of a mountain. OR NEAR: this excludes one situated beyond the Sabbath limit.¹⁴ OR FROM WHICH IT WAS ACCESSIBLE: this excludes one separated from it by a river.

MISHNAH. ORIGINALLY THE LULAB WAS SHAKEN¹⁵ IN THE SANCTUARY DURING SEVEN DAYS AND IN THE COUNTRY ONLY ONE DAY.¹⁶ WHEN THE TEMPLE WAS DESTROYED RABBAN JOHANNAN B. ZACCAI ORDAINED THAT THE LULAB SHOULD BE SHAKEN IN THE COUNTRY SEVEN DAYS, IN REMEMBRANCE OF THE SANCTUARY. [HE] ALSO [ORDAINED] THAT DURING

THE WHOLE OF THE DAY OF THE WAVING [OF THE 'OMER]¹⁷ THE NEW CORN SHOULD BE FORBIDDEN.

GEMARA. What is our warrant for doing things in remembrance of the Temple? — Because the Scripture says, For I will restore health unto thee and I will heal thee of thy wound, saith the Lord, because they have called thee an outcast, 'she is Zion, there is none that inquireth after her'.¹⁸ From this we gather that she ought to be inquired after.

THAT THE WHOLE OF THE DAY OF WAVING THE 'OMER THE NEW CORN SHOULD BE FORBIDDEN. What is the reason? — The Temple, [let us hope], will speedily be rebuilt, and [the Jews] will [then] say, 'Last year did we not eat [the new corn] from daybreak?¹⁹ Now too let us eat', they not knowing that last year when there was no [waving of the] 'omer it was daybreak which rendered the new corn permissible, but now that there is the 'omer it is the 'omer which renders it permissible. When [are we supposing] it will be built? Shall I say it will be built on the sixteenth [of Nisan]? Then daybreak [of the sixteenth] will render the new corn permissible.²⁰ Shall I say then that it will be built on the fifteenth?²¹ Then let [the new corn] become Permissible from midday [on the sixteenth], since we have learnt: 'Those who are at a distance [from the Temple] are allowed to eat [the new corn] from midday, because the Beth din do not procrastinate [with the 'omer]'.²² -The rule

is necessary in case the Temple will be built on the fifteenth shortly before sunset,²³ or also in case it will be built by night.²⁴

R. Nahman b. Isaac [however] said: Rabban Johanan b. Zaccai

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- (1) I.e., that there is no omission to be supplied.
(2) Because no superiority has so far been mentioned.
(3) Lit., 'ears'. [MS.M.: voice in his ears'.]
(4) In the text the words 'of individuals' are in brackets.
(5) I.e., till six hours (midday) — Rashi.
(6) Which refutes R. Huna's statement that in Jabneh the permission to blow on Sabbath was only in the presence of the Beth dill.
(7) As to the superiority of Jerusalem.
(8) Lev. XXV, 9.
(9) And not, as above, in the presence of the Beth din, this being excluded by through all your land including places where there is no Beth din.
(10) Lit., 'the borders', i.e., outside the Sanctuary.
(11) Lit., 'which time causes (its observance)'.
(12) Which is contrary to the opinion of R. Huna as explained above.
(13) Lit., 'shaken themselves'.
(14) I.e., more than two thousand cubits from the wall of Jerusalem.
(15) Lit., 'taken', 'lifted up'. On lulab v. Glos.
(16) V Suk. 41a.
(17) I.e., the sixteenth of Nisan; v. Glos. s.V.
(18) Jer. XXX, 17.
(19) The text says, Ye shall not eat bread . . . until this selfsame day, until ye have brought the offering (of the 'omer). — Lev. XXIII, 14. The Rabbis learn from this (Men. 68), that when the 'omer is brought the new corn may be eaten as soon as it is brought, and when it is not brought the new corn may be eaten from daybreak on the sixteenth of Nisan.
(20) The Temple not yet having been built.
(21) [I.e., it will have been built by the fifteenth so that there would be time to make all the preparation necessary for the offering of the 'omer v. Rashi Suk. 41a.]
(22) And it may be safely assumed that they have brought it by midday.
(23) [The law that the building of the Temple does not override the Sabbath (v. Sheb. 15b) does not apply to the future Temple which will be wrought by the hands of Heaven (Rashi). MS.M. (v. also Tosaf. Suk. 41a S.V. 'ס) omit fifteenth, the reference being to the fourteenth day before sunset when there would not be ample time to provide for many of the preliminaries to the offering of the 'omer, which had to be attended to on the eve of the Festival (v. Men. 65a).]
(24) And in such a case there will not be time to bring the 'omer by midday, and if the Jews should eat the new corn then they will transgress.

Talmud - Mas. Rosh HaShana 30b

based his rule on the view enunciated [later] by R. Judah, who said: [Ye shall neither eat bread . . .] until this selfsame day:¹ this means, until the termination² of the day, and he was of the opinion that the expression 'until' is inclusive [of its object]. But did Rabban Johanan concur with him [R. Judah]? Did he not join issue with him, as we have learnt:³ 'When the Temple was destroyed, Rabban Johanan b. Zaccai ordained that during the whole of the day of waving the 'omer the new corn should be forbidden. Said R. Judah: Is it not forbidden from the Torah, [as it is written, until this selfsame day]?⁴ — On that occasion it was R. Judah who made a mistake. He thought that Rabban Johanan b. Zaccai declared it only Rabbinically forbidden, but this is not the case: he declared it forbidden from the Pentateuch. But it is stated that 'he ordained'?⁵ — What is meant [here] by 'ordained'? It means, he expounded [the text] and ordained'.⁶

MISHNAH. ORIGINALLY THEY USED TO ACCEPT TESTIMONY WITH REGARD TO THE NEW MOON DURING THE WHOLE OF THE DAY. ON ONE OCCASION⁷ THE WITNESSES WERE LATE IN ARRIVING, AND THE LEVITES WENT WRONG IN THE DAILY HYMN.⁸ IT WAS THEREFORE ORDAINED THAT TESTIMONY SHOULD BE ACCEPTED [ON NEW YEAR] ONLY UNTIL

THE AFTERNOON SACRIFICE, AND THAT IF WITNESSES CAME AFTER THE AFTERNOON SACRIFICE THAT DAY⁹ SHOULD BE KEPT AS HOLY¹⁰ AND ALSO THE NEXT DAY. AFTER THE DESTRUCTION OF THE TEMPLE RABBAN JOHANAN B. ZACCAI ORDAINED THAT TESTIMONY WITH REGARD TO THE NEW MOON SHOULD BE RECEIVED DURING THE WHOLE OF THE DAY.

GEMARA. How did the Levites go wrong in the daily Psalm?¹¹ — Here [in Babylon] it was explained that they did not say any psalm at all.¹² R. Zera, however, said that they recited the weekday psalm along with the regular sacrifice of the afternoon.¹³ Said R. Zera to Ahabah his son: Go and cite to them [the Babylonians] [the following Baraitha]: ‘They made a rule that testimony with regard to the new moon should not be received unless there was still time left to offer the regular sacrifices and the additional sacrifices and their drink-offerings and to recite the psalm without confusion’.¹⁴ Now if you hold that they said the weekday psalm, we understand how there is a possibility of confusion, but if they did not say any psalm at all, how could there be confusion? — Since they did not say a psalm at all, there could be no confusion¹⁵ greater than this.

R. Aha b. Huna raised the following objection [against this latter view]: The regular morning sacrifice on New Year is offered in the usual way.¹⁶ Over the additional sacrifice what psalm is said? [The one commencing], Sing aloud unto God our strength, make a teru'ah¹⁷ unto the God of Jacob.¹⁸ At the afternoon sacrifice what did they say? [The psalm containing the words], The voice of the Lord shaketh the wilderness.¹⁹ When New Year fell on a Thursday, for which the regular psalm is ‘Sing aloud unto God our strength’,²⁰ they did not say ‘Sing aloud’ at the morning service because the same section was afterwards repeated. What then did they say? I removed his shoulder from the burden.²¹ If, however, witnesses came after the regular morning sacrifice,²² they said ‘Sing aloud’, although the verse might afterwards have to be repeated’. Now if you hold that wherever there is a doubt we say the weekday psalm, we understand the statement here that ‘it might be repeated’. But if you hold that they said no psalm at all, what is meant by repeating it? —

(1) Lev. XXIII, 14.

(2) Heb. **עצמו של יום** lit., ‘the very self of the day’.

(3) Men. 68b.

(4) These words in the text are bracketed.

(5) Heb. **התקין** a term usually applied to ordinances of the Rabbis not derived from the written text.

(6) That henceforth they should be forbidden to eat the new corn the whole of the sixteenth, this being an injunction of the Scripture.

(7) On the occasion of a New Year (Rashi).

(8) The meaning of this is discussed infra in the Gemara.

(9) I.e., the thirtieth day of the month.

(10) In point of fact it had already been kept as holy from the previous sunset, out of doubt. The rest of it was now to be kept as holy, although the New Moon would not be sanctified till to-morrow, the thirty-first day, which naturally would also be holy. The reason why the rest of the thirtieth day was declared holy was as a precaution lest, if the public were allowed to keep this part as a weekday, they might in future years keep the whole day as a weekday on the assumption that after all the witnesses would not come, or not come till late (Rashi).

(11) Lit., ‘song’. It was the custom for the Levites to chant a psalm while the drink-offering accompanying the daily sacrifices was being offered, as explained in the Gemara infra.

(12) Being in doubt whether to recite the festival psalm or that of the weekday, V. infra.

- (13) Whereas, since the day was eventually declared holy, they should have recited the festival psalm. [No special psalm was instituted to be recited in connection with the morning sacrifice on New Year as witnesses rarely came so early.]
- (14) The Hebrew word is שִׁבוּשׁ which R. Zera apparently understands in the sense of 'gabbling'.
- (15) The word שִׁבוּשׁ being taken in the sense of 'error'.
- (16) I.e., it is accompanied by the weekday psalm, v. p. 144, n. 5.
- (17) E.V. 'shout'.
- (18) Ps. LXXXI, 2. The words 'make a teru'ah' were of course appropriate to the day of teru'ah, — New Year.
- (19) Ps. XXIX, 8. This verse is reminiscent of the shofar blown at the giving of the Law.
- (20) V. infra, in the list of the daily psalms.
- (21) Ps. LXXXI, 7. This verse was said because it refers to Joseph who was supposed to have been liberated on New Year (v. supra 11a). Apparently the latter half of this psalm was said with the morning sacrifice and the first half with the additional sacrifice.
- (22) So that at the time of the sacrifice they did not yet know if the day would be holy.

Talmud - Mas. Rosh HaShana 31a

There the case is different, because it is the psalm of the day.¹

It has been taught: 'R. Judah said in the name of R. Akiba: On the first day [of the week] what [psalm] did they [the Levites] say? [The one commencing] The earth is the Lord's and the fulness thereof,² because He took possession and gave possession³ and was [sole] ruler in His universe.⁴ On the second day what did they say? [The one commencing], Great is the Lord and highly to be praised,⁵ because he divided His works⁶ and reigned over them like a king.⁷ On the third day they said, God standeth in the congregation of God,⁸ because He revealed the earth in His wisdom and established the world for His community.⁹ On the fourth day they said, O Lord, Thou God, to whom vengeance belongeth,¹⁰ because He created the sun and the moon and will one day punish those who serve them. On the fifth day they said, Sing aloud to the God of our strength,¹¹ because He created fishes and birds to praise His name.¹² On the sixth day they said, The Lord reigneth, He is clothed in majesty,¹³ because He completed His work and reigned over His creatures. On the seventh day they said, A psalm a song for the Sabbath day,¹⁴ to wit, for the day which will be all Sabbath.¹⁵ Said R. Nehemiah: What ground had the Sages¹⁶ for making a difference between these sections?¹⁷ No. On the first day [the reason for the psalm said is] because He took possession and gave possession and was [sole] ruler in His world; on the second day because He divided and ruled over them; on the third day because He revealed the earth in His wisdom and established the world for His community; on the fourth day, because He created the sun and the moon and will one day punish those who serve them; on the fifth day because He created birds and fishes to praise His name; on the sixth day because He completed His work and reigned over His creatures; on the seventh day, because He rested. The point at issue between them¹⁸ is whether to accept or not the dictum of R. Kattina; for R. Kattina said: The world is to last six thousand years, and one thousand it will be desolate, as it says, And the Lord alone shall be exalted in that day.¹⁹ Abaye, however, said: It will be desolate two thousand, as it says, After two days He will revive us.²⁰

At the additional sacrifice of Sabbath what did they say? — R. Anan²¹ b. Raba said in the name of Rab: Hazyw Lak.²² R. Hanan b. Raba said also in the name of Rab: As these sections are divided here, so they are divided [when read on Sabbath] in the synagogue.²³ At the afternoon sacrifice of Sabbath what did they say? — R. Johanan said: Then sang,²⁴ and Who is like thee,²⁵ and Then sang.²⁶

The question was raised: Were all these portions said on each Sabbath, or was only one said on every Sabbath? — Come and hear, since it has been taught: 'R. Jose said: By the time the first of these sections²⁷ has come round once, the second has come round twice'.²⁸ This shows that each Sabbath one portion was said: and this may be taken as proved.

R. Judah b. Idi said in the name of R. Johanan: The Divine Presence [so to speak] left Israel by ten stages²⁹ — this we know from references in Scripture — and the Sanhedrin correspondingly wandered to ten places of banishment³⁰ — this we know from tradition. ‘The Divine Presence left Israel by ten stages — this we know from references in Scripture’: [it went] from the Ark-cover to the Cherub³¹ and from the Cherub to the threshold [of the Holy of Holies], and from the threshold to the court, and from the court to the altar,³² and from the altar to the roof [of the Temple], and from the roof to the wall, and from the wall to the town, and from the town to the mountain, and from the mountain to the wilderness, and from the wilderness it ascended and abode in its own place,³³ as it says, I will go and return to my place.³⁴ ‘From the Ark-cover to the Cherub³⁵ and from the Cherub to the threshold’, as it is written, And there will I meet with thee . . . from above the ark-cover,³⁶ and it is written, And the glory of the Lord was gone up from the cherub whereupon it was to the threshold of the house.³⁷ ‘And from the threshold to the court’, as it is written, And the house was filled with the cloud, and the court was full of the brightness of the Lord's glory,³⁸ ‘From the court to the altar’, as it is written, I saw the Lord standing on the altar.³⁹ ‘And from the altar to the roof’, as it is written, It is better to dwell it, a corner of the housetop [than in a house in common with a contentious woman].⁴⁰ ‘From the roof to the wall’, as it is written, Behold, the Lord stood by a wall made by a plumbline.⁴¹ ‘From the wall to the town’, as it is written, The voice of the Lord crieth unto the city.⁴² ‘And from the city to the mountain’, as it is written, And the glory of the Lord went up from the midst of the city and stood upon the mountain which is on the east side of the city.⁴³ ‘And from the mountain to the wilderness as it is written, It is better to dwell in a desert land [than with a contentious woman].⁴⁴ ‘And from the wilderness it went and abode in its own place’, as it is written, I shall go and return to my place until they acknowledge their guilt.⁴⁵

R. Johanan said: The Divine Presence tarried for Israel in the wilderness six months in the hope that they would repent. When [it saw that] they did not repent, it said, Let their soul expire, as it says, But the eyes of the wicked shall fail and they shall have no way to flee and their hope shall be the expiry of the soul.⁴⁶

‘Correspondingly the Sanhedrin wandered to ten places of banishment, as we know from tradition’, namely, from the Chamber of Hewn Stone⁴⁷ to Hanuth,⁴⁸ and from Hanuth to Jerusalem, and from Jerusalem to Jabneh,⁴⁹

(1) And therefore was said in spite of the doubt.

(2) Ps. XXIV, 1.

(3) To the sons of men (Rashi), cf. Ps. CXV, 16. Maharsha: He made something which could subsequently be acquired, as it says, ‘Who shall go up in the Mount of the Lord’ etc.

(4) I.e., without angels, who were created on the second day.

(5) Ps. XLVIII, 2.

(6) I.e., the upper and lower worlds.

(7) This apparently means, reigned over the lower world from the heavens, referred to in the psalm as ‘beautiful in elevation in the city of a great king’. [R. Hananel: Thus did He set aside Jerusalem to become ‘the city of our God, the mountain of his holiness’.]

(8) Ps. LXXXII.

(9) Cf. Gen. I, 9.

(10) Ps. XCIV.

(11) Ps. LXXXI, 2.

(12) I.e., to manifest His glory.

(13) Ps. XCIII.

(14) Ps. XCII.

(15) When God shall be alone, between the end of the world and the resurrection of the dead (Rashi).

(16) Var. lec., ‘R. Akiba’, who in any case is meant.

- (17) Viz., the psalms for the first six days, all of which they take to refer to the past, and that for the seventh day, which they take to refer to the future.
- (18) R. Akiba and R. Nehemiah.
- (19) Isa. II, 11. A 'day' of God is reckoned as a thousand years, on the basis of Ps. XC, 4, 'For a thousand years in thy sight are but as yesterday'; v. Sanh. 97a.
- (20) Hos. VI, 2. Cf. p. 146, n. 11, R. Nehemiah holds with Abaye, and therefore cannot refer to this period as a Sabbath day.
- (21) Var. lec. Hanan.
- (22) Mnemonic (lit., 'the splendour of thine'). I.e., Ha'azinu, (give ear), Zekor, (remember), Yarkibehu (He made him ride), Wayar (and he saw), Lule (but that), Ki (when), the first words of verses 1, 7, 13, 19, 27 and 36 in Deut. XXXII, the 'Song of Ha'azinu'.
- (23) I.e., the divisions of the sidra are at the same verses.
- (24) The 'song of Moses', Ex. XV, up to v. 9.
- (25) The rest of the song of Moses.
- (26) The 'song of the well', Num. XXI, 17ff
- (27) I.e., Ha'azinu.
- (28) Because the first had six portions and the second three.
- (29) Lit., 'made ten journeys', before the destruction of the first Temple.
- (30) Before and after the destruction of the second Temple.
- (31) The text here incorrectly inserts, 'and from one cherub to the other'.
- (32) Of sacrifice.
- (33) I.e., heaven.
- (34) Hos. V, 15.
- (35) The text here incorrectly inserts, 'and from one cherub to the other'.
- (36) Ex. XXV, 22. This shows that the original abode of the Shechinah was over the ark-cover. The text here inserts, 'and it is written, And he rode upon a cherub and did fly' (II Sam. XXII, 11), which is omitted by Rashi.
- (37) Ezek. IX, 3, describing the departure of the divine glory from the Temple.
- (38) Ibid. X, 4.
- (39) Amos IX, I. These words were spoken long before the destruction of the Temple, but they are taken by the Talmud as prophetic.
- (40) Prov. XXI, 9. These words are put by the Talmud in the mouth of the Shechinah, the 'contentious woman' being the idol which was placed in the Temple.
- (41) Amos VII, 7. Cf. supra n. 8.
- (42) Micah VI, 9. Cf. supra n. 8.
- (43) Ezek. XI, 23.
- (44) Prov. XXI, 19. Cf. supra n. 9.
- (45) Hos. V, 15.
- (46) Job. XI, 20.
- (47) [Lishkath ha-Gazith in the inner court of the Temple, v. J.E. XII, p. 576].
- (48) Lit., 'shop', 'bazaar', to which the Sanhedrin removed when they ceased to judge capital cases. [Hanuth was a place on the Temple Mount outside the Chamber of Hewn Stone. Derenbourg, Essai p. 467, identifies it with the Chamber of the Sons of Hanan (a powerful priestly family, cf. Jer. XXXV, 4) mentioned in J. Pe'ah 1,5.]
- (49) Jamnia, in Judea. This was in the time of R. Johanan b. Zaccai.

Talmud - Mas. Rosh HaShana 31b

and from Jabneh to Usha,¹ and from Usha [back] to Jabneh, and from Jabneh [back] to Usha, and from Usha to Shefar'am,² and from Shefar'am to Beth She'arim, and from Beth She'arim to Sepphoris, and from Sepphoris to Tiberias;³ and Tiberias is the lowest-lying of them all,⁴ as it says, And brought down thou shalt speak out of the ground.⁵ R. Eleazar says: There were six banishments, as it says, For he hath brought down them that dwell on high, the lofty city, laying it low, laying it low even to the ground, bringing it even to the dust.⁶ Said R. Johanan: And from there they are

destined to be redeemed, as it says, Shake thyself from the dust, arise.⁷

MISHNAH. R. JOSHUA B. KORHA SAID: THIS FURTHER

REGULATION DID R. JOHANAN B. ZACCAI MAKE, THAT SHOULD THE HEAD OF THE BETH DIN BE IN SOME OTHER PLACE THE WITNESSES SHOULD STILL PROCEED ONLY TO THE PLACE OF THE ASSEMBLY.⁸

GEMARA. A certain woman was summoned to appear before Amemar in Nehardea. Meanwhile Amemar went to Mahuza, but she did not follow him. He accordingly wrote out a summons [under the penalty of the ban]⁹ against her. Said R. Ashi to Amemar: [Is this right] seeing that we have learnt: SHOULD THE HEAD OF THE BETH DIN BE IN SOME OTHER PLACE THE WITNESSES SHOULD STILL PROCEED ONLY TO THE PLACE OF THE ASSEMBLY? — He replied: This refers only to the testimony with regard to the new moon, and [the reason for it is that] if this¹⁰ [were to be insisted on], the result might be to put a stumbling block in their way for the future;¹¹ but in this case, the borrower is a servant to the lender.¹²

Our Rabbis have taught: ‘The priests are not permitted to ascend the duchan¹³ in their sandals, and this is one of the nine regulations laid down by Rabban Johanan b. Zaccai’. [What are these nine?] — Six mentioned in this chapter¹⁴ and one in the preceding chapter¹⁵ and the following one, as it has been taught: ‘One who becomes a proselyte at the present time¹⁶ must set aside a quarter¹⁷ for a nest of pigeons’.¹⁸ Said R. Simeon b. Eleazar: Rabban Johanan took a vote on it and annulled this rule, because it may lead to wrongdoing.¹⁹ As to the last,²⁰ there is a difference of opinion between R. Papa and R. Nahman b. Isaac. R. Papa said it was [the regulation] regarding a vine of the fourth year, whereas R. Nahman b. Isaac said it was the one regarding the thread²¹ of scarlet. ‘R. Papa said it was the regulation regarding the vine of the fourth year’, for we have learnt: [The fruit of] a vine in the fourth year was taken to Jerusalem from any point within a day's journey on all sides.²² The boundary of this area was as follows: Elath on the north, Akribath on the south,²³ Lydda on the west, and Jordan on the east’. [In reference to this] ‘Ulla (or as some say, Rabbah b. ‘Ulla) said in the name of R. Johanan: What was the reason? To decorate the streets of Jerusalem with fruit.²⁴ It has been further taught: ‘R. Eliezer had a vine in its fourth year east of Lydda²⁵ at the side of Kefar Tabi, and R. Eliezer had a mind to declare it free to the poor,²⁶ but his disciples said to him, Rabbi, your colleagues have already taken a vote on it and declared it permitted’.²⁷ Who are his ‘colleagues’? — Rabban Johanan b. Zacca.

‘R. Nahman b. Isaac said it was the tongue of scarlet’, as it has been taught: ‘Originally they used to fasten the thread of scarlet on the door of the [Temple] court on the outside.²⁸ If it turned white the people used to rejoice,²⁹ and if it did not turn white they were sad. They therefore made a rule that it should be fastened to the door of the court on the inside. People, however, still peeped in and saw, and if it turned white they rejoiced and if it did not turn white they were sad. They therefore made a rule that half of it should be fastened to the rock and half between the horns of the goat that was sent [to the wilderness]’. Why did not R. Nahman b. Isaac accept the view of R. Papa? — He could reply: If you assume that it was R. Johanan b. Zaccai [who made the rule about the vine], was he the colleague of R. Eliezer? He was his teacher! [What replies] the other [to this]? — Since they were his disciples [who reported the rule to him], it was not polite of them to say to their teacher, ‘your teacher’. Why did not R. Papa accept the view of R. Nahman b. Isaac? — He could reply: If you assume It was R. Johanan b. Zaccai [who made the rule], was there in the days of R. Johanan b. Zaccai a thread of scarlet [which turned white]? Has it not been taught: ‘R. Johanan b. Zaccai lived altogether a hundred and twenty years. For forty years he was in business, forty years he studied, and forty years he taught’, and it has further been taught: ‘For forty years before the destruction of the Temple the thread of scarlet never turned white but it remained red’.³⁰ Further, the statement of the Mishnah is, ‘After the destruction of the Temple R. Johanan b. Zaccai made a rule’.³¹ [What says]

the other [to this]? — During those forty years that he studied³² his status was that of a disciple sitting before his teacher, and he would offer a suggestion and make good his reasons

(1) This was in the time of Rabban Gamaliel II.

(2) The last three in the time of R. Simeon b. Gamaliel. [The Sanhedrin met at Usha mostly after the Hadrianic persecutions, and apparently ceased functioning during the reign of Verus, and re-established in Shefar'am under Marcus Aurelius; v. Horowitz, Palestine, p. 34.]

(3) The last three were in the time of Rabbi.

(4) Being on Lake Galilee below sea-level. This is a figurative way of saying that at Tiberias the authority of the Sanhedrin sank to its lowest level.

(5) Isa. XXIX, 4.

(6) Ibid. XXVI, 5. The six are (i) he hath brought down, (ii) laying it low, (iii) laying it low, (iv) even to the ground, (v) bringing it, (vi) even to the dust.

(7) Ibid. LII, 2.

(8) And the Beth din should declare the New Moon hallowed without the head, though by rights this was his privilege, v. sura 24a.

(9) Heb. פתיחה lit., 'opening' of legal proceedings.

(10) Viz., that they should go after the head.

(11) As the messengers will refrain from going to all this trouble in order to give evidence.

(12) Quoted from Prov. XXII, 7.

(13) V. Glos.

(14) Viz., (i) that the shofar should be blown on Sabbath wherever there is a Beth din, (ii) that the lulab should be taken in the provinces seven days, (iii) that new corn should be forbidden the whole of the sixteenth of Nisan, (iv) that testimony with regard to the new moon should be received the whole day, (v) that witnesses should go only to the place of assembly, (vi) and that the priests should not ascend the dachan in their sandals. [Read with R. Hananel: 'One, the one (first stated), five in this chapter'.]

(15) That the witnesses should be allowed to profane Sabbath only for Nisan and Tishri, v. supra 21b.

(16) I.e., when there is no Temple.

(17) It is not certain whether this means a quarter of a shekel (= half a denar) or a quarter of a denar. V. Tosaf. s.v. רובע.

(18) While the Temple stood a new convert had to bring a sacrifice (v. Ker. 9a), a couple of pigeons being the smallest, and after the destruction of the Temple the Rabbis still insisted on his bringing them in case the Temple should be rebuilt.

(19) Because the money set aside might be used for secular purposes.

(20) Lit., 'and the other'.

(21) Lit., tongue'. The explanation follows immediately.

(22) According to Lev. XIX, 24 fruit produced by a tree in its fourth year was to be 'holy for giving praise to the Lord' and the Rabbis interpreted this to mean that it was to be consumed in Jerusalem. If, however, the tree was not in the Jerusalem district, the money value of the fruit could be taken to Jerusalem instead of the fruit itself.

(23) [Mishnah M.Sh. V, 2 reverses: Elath on the south, Akrobath on the north. Akrobath is perhaps the modern Akrabah twenty-five miles north of Jerusalem, and Elath is identified with (a) Eleutheropolis (Horowitz, Palestine, p. 41) (b) Beth Elonim near Hebron (Klein, D.J. s.v.).]

(24) Hence all this area was put by the Rabbis under the same rule as Jerusalem itself.

(25) I.e., between Lydda and Jerusalem.

(26) So as not to have the trouble of taking it to Jerusalem.

(27) Because as there was no longer a Temple, there was no point any more in decorating the streets of Jerusalem.

(28) After the High Priest had performed the service on the Day of Atonement. V. Yoma, 67a.

(29) This being a sign that their sins had been forgiven.

(30) When then could R. Johanan have had an opportunity of making this rule?

(31) This applies presumably to all his rules and regulations.

(32) While the Temple still existed.

Talmud - Mas. Rosh HaShana 32a

and his teacher would make it a definite rule in his name.

MISHNAH. THE ORDER OF BLESSINGS [IN THE MUSAF 'AMIDAH¹ IS AS FOLLOWS]: [THE READER SAYS THE BLESSING OF] THE PATRIARCHS,² [THAT OF] MIGHTINESS³ AND THAT OF THE SANCTIFICATION OF THE NAME⁴ AND INCLUDES THE KINGSHIP-VERSES⁵ WITH THEM AND DOES NOT BLOW THE SHOFAR. HE THEN SAYS THE SANCTIFICATION OF THE DAY⁶ AND BLOWS, THE REMEMBRANCE-VERSES⁵ AND BLOWS, AND THE SHOFAR-VERSES⁵ AND BLOWS; AND HE THEN SAYS THE BLESSING OF THE TEMPLE SERVICE⁷ AND THE ONE OF THANKSGIVING⁸ AND THE BLESSING OF THE PRIESTS.⁹ THIS IS THE VIEW OF R. JOHANAN B. NURI. SAID R. AKIBA TO HIM: IF HE DOES NOT BLOW THE SHOFAR FOR THE KINGSHIP-VERSES, WHY SHOULD HE SAY THEM? NO; [THE RULE IS AS FOLLOWS]. HE SAYS [THE BLESSING OF] THE PATRIARCHS AND OF THE RESURRECTION AND OF THE SANCTIFICATION OF THE NAME, AND SAYS THE KINGSHIP-VERSES ALONG WITH THE SANCTIFICATION OF THE DAY AND BLOWS THE SHOFAR, THEN HE SAYS THE REMEMBRANCE-VERSES AND BLOWS, AND THE SHOFAR-VERSES AND BLOWS. THEN HE SAYS THE TEMPLE SERVICE BLESSING AND THE THANKSGIVING AND THE BLESSING OF THE PRIEST.

GEMARA. SAID R. AKIBA TO HIM, IF HE DOES NOT BLOW THE SHOFAR FOR THE KINGSHIP-VERSES, WHY DOES HE SAY THEM? [He asks], Why does he say them! But the All-Merciful enjoined that they should be said!¹⁰ — What he really means is, why say ten verses? Why not only nine,¹¹ because if there is a difference [in one particular]¹² so there may as well be a difference [in another]?¹³

Our Rabbis taught: Whence do we learn in the Scripture that we are to say [the blessing of] the Patriarchs? Because it says, Ascribe unto the Lord, O ye sons of might.¹⁴ And whence do we learn that we say the blessing of mightiness? Because it says, Ascribe unto the Lord glory and strength.¹⁵ And whence that we say sanctifications? Because it says, Ascribe unto the Lord the glory of his name, worship the Lord in the beauty of holiness.¹⁶ Whence do we learn that we are to say kingship, remembrance and shofar¹⁷ [verses]? R. Eliezer says: Because it is written, a solemn rest, a memorial proclaimed with the blast of trumpets, a holy convocation.¹⁸ 'A solemn rest': this indicates the sanctification of the day. 'A memorial': this indicates remembrance verses. 'Proclaimed with the blast of horns': this indicates shofar verses. 'A holy convocation': sanctify it by [abstaining from] the doing of work. Said R. Akiba to him: Why should we not interpret 'a solemn rest' to apply to the abstention from work, seeing that the text placed this first?¹⁹ No; [we should interpret thus]: 'A solemn rest': sanctify it by [abstaining from] the doing of work — 'A memorial': this indicates the remembrance verses. 'Proclaimed with the blowing of horns': this indicates shofar-verses. 'A holy convocation': this indicates the sanctification of the day. Whence [then] do we learn that we say kingship-verses? — It has been taught: Rabbi says, I am the Lord your God,²⁰ [and immediately afterwards], In the seventh month,²¹ this [juxtaposition]²² indicates kingship-verses. R. Jose b. Judah said: There is no need [of such an interpretation]. For Scripture says, And they [the trumpets] shall be to you for a memorial before your God.²³ This makes superfluous [the succeeding words], I am the Lord your God. What then is the point of the words, I am the Lord your God? This creates a general pattern²⁴ for all places where we say remembrance verses, [to show] that kingship verses should accompany them.

Where is the blessing of the sanctification of the day to be said? — It has been taught: Rabbi says, It should be said with the kingship verses. For just as on every other occasion²⁵ we find that it comes fourth [in the order of blessings], so here it should come fourth. Rabban Simeon b. Gamaliel says: It should be said with the remembrance verses. Just as we find that on all other occasions it is said in

the middle,²⁶ so here it should be in the middle.²⁷

When the Beth din sanctified the New Moon in Usha, R. Johanan b. Beroka went down [before the ark]²⁸ in the presence of Rabban Simeon b. Gamaliel, and read as prescribed by R. Johanan b. Nuri.²⁹ Rabban Simeon said to him: That was not the way they used to do in Jabneh.³⁰ On the second day, R. Hanina the son of R. Jose the Galilean went down and read as prescribed by R. Akiba.³¹ Rabban Simeon b. Gamaliel said: So they used to do in Jabneh. This would seem to show that R. Simeon b. Gamaliel was of the same opinion as R. Akiba. But [how can this be seeing that] R. Akiba said that the kingship verses are to be joined with the sanctification of the day, whereas R. Simeon b. Gamaliel said that the sanctification of the day is to be joined with the remembrance verses? — R. Zera replied: What it indicates is that [in R. Simeon's opinion] the shofar is blown with the kingship verses.

‘On the second day R. Hanina went down’. What is meant by second? Shall I say, the second day of the holyday, which would imply that Elul had been prolonged?³² [But this cannot be] seeing that R. Hanina b. Kahana has said that from the time of Ezra there has been no case known of Elul being prolonged? R. Hisda replied: What is meant by ‘second’? It means the same holyday in the next year.

MISHNAH. THERE SHOULD BE RECITED NOT LESS THAN TEN KINGSHIP VERSES, TEN REMEMBRANCE VERSES, AND TEN SHOFAR VERSES. R. JOHANAN B. NURI SAID: IF THE READER SAYS THREE FROM EACH SET³³ HE HAS FULFILLED HIS OBLIGATION.

GEMARA. To what do these ten kingship verses correspond? — R. Levi said, To the ten praises that David uttered in the book of Psalms. But there are a large number of praises there? — It means, those among which occurs, Praise him with the blowing of the shofar.³⁴ R. Joseph said: To the ten commandments that were spoken to Moses on Sinai.³⁵ R. Johanan said: To the ten Utterances by means of which the world was created.³⁶ Which are they? The phrase ‘and he said’ occurs in the account of the creation only nine times? — The words ‘in the beginning’ are also an utterance, as it is written, By the word of the Lord the heavens were made.³⁷

R. JOHANAN B. NURI SAID: IF HE SAYS THREE OF EACH SET HE HAS FULFILLED HIS OBLIGATION. The question was raised: How is this to be understood? Three from the Pentateuch, three from the Prophets and three from the Writings, which would make nine [for each set], so that there is a difference of one between the two authorities, or is it one from the Pentateuch, one from the Prophets and one from the Writings,³⁸ making three for each set, so that they differ considerably? — Come and hear, since it has been taught: ‘There must be recited not less than ten kingship verses, ten remembrance verses, and ten shofar verses, but one who said seven of all of them has fulfilled his obligation, these corresponding to seven firmaments. R. Johanan b. Nuri said: The lowest number one should say is seven,³⁹ but if he said [even] three of them he has fulfilled his obligation, these corresponding to the Torah, the Prophets and the Writings, or, as others report, to Priests, Levites, and lay Israelites’. R. Huna said in the name of Samuel: The halachah is as laid down by R. Johanan b. Nuri.

MISHNAH. NO MENTION IS MADE OF KINGSHIP, REMEMBRANCE AND SHOFAR VERSES THAT SIGNIFY PUNISHMENT. IT IS PROPER TO BEGIN WITH THE TORAH⁴⁰ AND CONCLUDE WITH THE PROPHETS. R. JOSE SAID: IF ONE CONCLUDES WITH THE TORAH HE HAS FULFILLED HIS OBLIGATION.

(1) On New Year, v. P.B. pp. 245-254; on Musaf and ‘Amidah, v. Glos.

(2) The one ending, ‘Blessed art thou, O Lord, shield of Abraham’.

(3) Lit., ‘mightinesses’: the one ending ‘Blessed art thou, O Lord, who revivest the dead’.

- (4) The one ending, 'the holy king'. These are the first three benedictions of every 'Amidah. V. P.B. pp. 44-45.
- (5) Ten verses, v. infra.
- (6) The passage ending, 'Blessed art thou, O Lord, who dost sanctify Israel and the day of memorial'.
- (7) The passage ending, 'Blessed art thou . . . who restorest thy divine presence to Zion'.
- (8) The one ending, 'Blessed art thou . . . to thee it is fitting to give thanks'.
- (9) Which precede the last benediction of every 'Amidah, v. P.B. p. 53.
- (10) As explained infra.
- (11) I.e., three each from the Torah, the Prophets and the Writings.
- (12) Viz., in the blowing of the shofar.
- (13) So as to have nine verses instead of ten.
- (14) Ps. XXIX, 1. By 'the sons of might' the Patriarchs are understood.
- (15) Ibid.
- (16) Ibid. 2.
- (17) Heb. Malkeyoth, Zikronoth, Shoferoth.
- (18) Lev. XXIII, 24.
- (19) And abstention from work is the first mark of the day.
- (20) Lev. XXIII, 22.
- (21) Ibid. 24.
- (22) The intervening words, And the Lord spoke unto Moses saying, Speak unto the children of Israel saying, are not counted.
- (23) Num. X, 10.
- (24) Lit., 'this builds a father'.
- (25) I.e., in the 'Amidah of the other festivals.
- (26) I.e., it is the fourth out of seven blessings that constitute the 'Amidah of the festivals except the one in question.
- (27) I.e., it should be the fifth, as the New Year Musaf 'Amidah has nine blessings.
- (28) To act as reader.
- (29) I.e., he joined the kingship verses with the third blessing and did not blow the shofar after them. V. Mishnah.
- (30) In the days of his father Rabban Gamaliel, when the seat of the Sanhedrin was in Jabneh.
- (31) I. e., he joined the kingship verses with the sanctification of the day and blew the shofar after them. V. Mishnah.
- (32) So that the thirtieth day was kept as New Moon out of doubt, but the new month was not sanctified till the thirty-first.
- (33) The meaning of this is discussed infra in the Gemara.
- (34) Ps. CL, 3.
- (35) Because these were prefaced by the blowing of the shofar.
- (36) New Year being the anniversary of the creation.
- (37) Ps. XXXIII, 6. Hence the first verse of Genesis is equivalent to 'In the beginning God said, Let there be heaven and earth'.
- (38) And we translate in the Mishnah, 'three in all', i.e., in each set of the kingship, remembrance and shofar verses.
- (39) Obviously this means seven altogether in each set.
- (40) Pentateuch.

Talmud - Mas. Rosh HaShana 32b

GEMARA. [What are] KINGSHIP VERSES [signifying punishment]? — For instance, As I live, saith the Lord God, surely with a mighty hand and with an outstretched arm and with fury poured out will I be king over you,¹ and although R. Nahman said, Let the Holy One, blessed be He, be as furious as all this with us so only that He [finally] redeem us, yet since this was spoken in wrath, we do not call wrath to mind at the beginning of the year. REMEMBRANCE VERSES, as for instance, And he remembered that they were flesh² etc. SHOFAR VERSES, as for instance, Blow ye the horn in Gibeah³ etc. If, however, he desires to recite kingship, remembrance and shofar verses mentioning the punishment of idolaters, he may do so. 'Kingship verses', as for instance, The Lord reigneth, let the peoples tremble,⁴ or, The Lord is king for ever and ever, the nations are perished out of his land.⁵

‘Remembrance verses’, as for instance, Remember, O Lord, against the children of Edom⁶ etc. ‘Shofar verses’, as for instance, And the Lord God will blow the horn and will go with whirlwinds of the south,⁷ and the text continues, The Lord of hosts will defend them.⁸ [On the other hand] a verse mentioning the remembrance of an individual is not recited, even if it is for good, as for instance, Remember me, O Lord, when thou favourest thy people,⁹ or, Remember unto to me, O my God, for good.¹⁰ ‘Visitation’ is equivalent to ‘remembrance’, as, for instance, in the verse, And the Lord visited Sarah,¹¹ or, I have surely visited you.¹² This is the view of R. Jose; R. Judah, however, says that ‘visitation’ is not equivalent to ‘remembrance’. Now on R. Jose's view, even granting that ‘visitation’ is equivalent to ‘remembrance’, the text, ‘And the Lord visited Sarah’ refers to the visitation of an individual,¹³ [does it not]? — Since a multitude issued from her,¹⁴ it is as good as a multitude.

[In the text], Lift up your heads, O ye gates, and be ye lifted up, ye everlasting doors, that the king of glory may come in. Who is the king of glory? The Lord strong and mighty, the Lord mighty in battle, Lift up your heads, O ye gates, yea, lift them up, ye everlasting doors, that the king of glory may come in. Who is the king of glory? The Lord of hosts, he is the king of glory,¹⁵ the first [apostrophe] contains two mentions [of God's kingship]¹⁶ and the second three. So R. Jose; R. Judah, however, says that the first contains one and the second two.¹⁷ [In the text], Sing praises to God, sing praises; sing praises unto our king, sing praises. For God is the king of all the earth,¹⁸ there are two mentions [of God's kingship]; so R. Jose. R. Judah, however, says there is only one.¹⁹ They agree, however, that in the verse, God reigneth over the nations, God sitteth upon his holy throne,²⁰ there is only one.

A remembrance verse which also mentions blowing [teru'ah], as for instance, a memorial proclaimed with the blast of horns, a holy convocation may be recited either with the remembrance verses or with the shofar verses; so R. Jose. R. Judah, however, says that it may be recited only with the remembrance verses.²¹ A kingship verse which also contains mention of blowing, as, for instance, The Lord his God is with him and the shouting [teru'ath] for the king is among them,²² may be recited either with the kingship verses or with the shofar verses; so R. Jose. R. Judah, however, says that it may be recited only with the kingship verses.²³ A verse mentioning simply blowing of the trumpet, as for instance, it is a day of blowing the horn [teru'ah] unto you,²⁴ may be recited with the shofar verses; so R. Jose. R. Judah, however, says that it may not be recited at all.²⁵

IT IS PROPER TO BEGIN WITH THE TORAH AND CONCLUDE WITH THE PROPHETS. R. JOSE SAID: IF ONE CONCLUDES WITH THE TORAH HE HAS FULFILLED HIS OBLIGATION. ‘IF ONE CONCLUDES’ [HE HAS FULFILLED]: that is to say, the deed having been done; but he should not do so in the first instance. [Is this correct] seeing that it has been taught: ‘R. Jose says, He who concludes with the Torah verses, he is to be commended’? — Read, ‘He concludes’. But it states [distinctly], IF HE CONCLUDES [etc.], [which implies that] what is done is done, but in the first instance it should not be done? — What is meant is this: ‘It is proper to commence with the Torah and conclude with the Prophets. R. Jose said: It is proper to conclude with the Torah, but if one concluded with the Prophets, he has fulfilled his obligation’. It has been taught to the same effect: ‘R. Eleazar b. R. Jose said: The wethikin,²⁶ used to conclude with the Torah’.

We can understand this being done with the remembrance and shofar verses, because there are numbers of them [in the Pentateuch], but of kingship verses there are only three, viz., The Lord his God is with him and the shouting for the King is among them,²⁷ And he was king in Jeshurun,²⁸ and The Lord shall reign for ever and ever,²⁹ and we require ten verses [in all]³⁰ and [in this way] we cannot find them?³¹ — R. Huna replied: Come and hear. Hear, O Israel, the Lord our God the Lord is one;³² this is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse. And thou shalt know on that day and lay it to thy heart that the Lord he is God, there is none else,³³ is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse, Unto thee it

was shown, that thou mightest know that the Lord he is God, there is none else beside him³⁴ is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse.

MISHNAH. OF THOSE WHO PASS BEFORE THE ARK³⁵ ON THE HOLYDAY OF NEW YEAR, THE SECOND³⁶ BLOWS³⁷ THE SHOFAR. ON DAYS WHEN HALLEL IS SAID,³⁸ THE FIRST³⁹ READS ALOUD THE HALLEL.⁴⁰

GEMARA. What special reason is there for the second to blow? [You must say], because of the maxim, In the multitude of people is the king's glory.⁴¹ But if that is so, Hallel should also be recited by the second because 'in the multitude of people is the king's glory'? Should you say, however, that there is a special reason why Hallel is said by the first, because the zealous come early for the performance of religious duties, then let the blowing of the shofar be performed by the first because the zealous come early for the performance of religious duties! — R. Johanan replied: They made this rule at a time when the Government had forbidden [the blowing of the shofar].⁴²

Since it says, ON DAYS WHEN HALLEL IS SAID, we infer that on New Year Hallel is not said. What is the reason? — R. Abbahu replied: The ministering angels said in the Presence of the Holy One, blessed be He: Sovereign of the Universe, why should Israel not chant hymns of praise before Thee on New Year and the Day of Atonement? He replied to them: Is it possible that the King should be sitting on the throne of justice with the books of life and death open before Him, and Israel should chant hymns of praise?

MISHNAH. [FOR THE SAKE OF] THE SHOFAR OF NEW YEAR IT IS NOT ALLOWED TO DISREGARD THE DISTANCE LIMIT⁴³ NOR TO REMOVE DEBRIS NOR TO CLIMB A TREE NOR TO RIDE ON AN ANIMAL NOR TO SWIM ON THE WATER. IT MUST NOT BE SHAPED⁴⁴ EITHER WITH AN IMPLEMENT THE USE OF WHICH IS FORBIDDEN ON ACCOUNT OF SHEBUTH⁴⁵ OR WITH ONE THE USE OF WHICH IS FORBIDDEN BY EXPRESS PROHIBITION.⁴⁶ IF ONE, HOWEVER, DESIRES TO POUR WINE OR WATER INTO IT HE MAY DO SO.⁴⁷ CHILDREN NEED NOT

BE STOPPED FROM BLOWING; ON THE CONTRARY, THEY MAY BE HELPED⁴⁸ TILL THEY LEARN HOW TO BLOW. ONE WHO BLOWS MERELY TO PRACTISE⁴⁹ DOES NOT THEREBY FULFIL HIS RELIGIOUS OBLIGATION, NOR DOES ONE WHO HEARS THE BLAST MADE BY ANOTHER WHEN PRACTISING.

GEMARA. What is the reason [why these things may not be done]? — The blowing of the shofar is [based on] a positive precept,⁵⁰ whereas the observance of the holyday is [based both on] a positive⁵¹ and a negative precept,⁵² and a positive precept cannot override both a positive and a negative precept.

NOR TO CLIMB A TREE NOR TO RIDE ON AN ANIMAL etc, Seeing that you have not allowed even Rabbinical [prohibitions to be broken],⁵³ need you mention Pentateuchal ones?⁵⁴ — The Mishnah adopts the style of 'A, and needless to say B'.

(1) Ezek. XX, 33.

(2) Ps. LXXVIII, 39.

(3) Hos. V, 8.

(4) Ps. XCIX, 1.

(5) Ps. X, 16.

(6) Ibid. CXXXVII, 7.

(7) Zech. IX, 14.

(8) Ibid. 15.

- (9) Ps. CVI, 4.
- (10) Neh. V, 19.
- (11) Gen. XXI, 1. Heb. פקד
- (12) Ex. III, 16.
- (13) Which has just been declared inadmissible.
- (14) Through this visitation.
- (15) Ps. XXIV, 7-10.
- (16) I.e., the expression 'the king of glory'.
- (17) R. Judah does not reckon the question 'who is the king of glory'.
- (18) Ps. XLVII, 7, 8.
- (19) R. Judah does not reckon 'Our King', as this does not declare God king over the whole world.
- (20) Ibid. 9.
- (21) Because the mention of teru'ah is not equivalent to the mention of shofar.
- (22) Num. XXIII, 21.
- (23) V. n. 1.
- (24) Num. XXIX, 1.
- (25) V. n. 1.
- (26) Lit., 'ancients': a name given to certain men of exceptional piety in the days of the Second Temple. [These are identified by some with the Essenes, v. J.E. V. p. 226. Others regard them as a community of priests who held a service in common; v. Blau, REJ, XXXI, pp. 184ff.]
- (27) Num. XXIII, 21.
- (28) Deut. XXXIII, 5.
- (29) Ex. XV, 18.
- (30) V. supra 32a.
- (31) As the Torah verses come last, they should be four out of the ten
- (32) Deut. VI, 4.
- (33) Ibid. IV, 39.
- (34) Ibid. 35.
- (35) Lit., 'he who passes etc.'. I.e., who read the service before the congregation. These were said to 'pass' or, more correctly, to 'go down before the Ark', because they stood in front of the Ark on a level lower than the Ark itself and the rest of the congregation.
- (36) I.e., the one who reads the Musaf service (v. Glos.).
- (37) מתקיע Hai Gaon takes it literally, 'he causes to blow', 'he orders the blowing'. I.e., he recites the prayers introductory to the blowing, v. supra 32a, but the blowing itself is performed by another to avoid confusing the reader; cf. Ber. 34a.]
- (38) Lit., 'at the time of Hallel': e.g., on the festivals.
- (39) I.e., the one who reads the shaharith service (v. Glos.).
- (40) V. Glos.
- (41) Prov. XIV, 28. The larger the congregation, the greater the honour paid to God. The implication is that there will be more persons present at the later than at the earlier service.
- (42) And the blowing was less likely to be noticed if it was postponed to the second half of the service. Once made the rule was not altered even when the reason for it had disappeared, v. supra p. 61, n. 5.
- (43) Lit., 'to pass the limit'. I.e., to travel more than the permitted two thousand cubits in order to hear the shofar blown.
- (44) Lit., 'cut'.
- (45) I.e., merely to make a distinction between Sabbath (or holydays) and weekdays, and not because any 'work' in the strict legal sense is involved. For shebuth, v. Glos.
- (46) Found in or based on the Pentateuch.
- (47) And we do not say that he is carrying out repairs, which is forbidden on the Sabbath or holydays.
- (48) Lit., 'we occupy ourselves with them'.
- (49) Lit., 'one who occupies himself'.
- (50) Num. XXIX, 1. It shall be a day of blowing the horn unto you.
- (51) Lev. XXIII, 24: In the seventh month . . . shall be a solemn rest unto you.

(52) Ibid. 25: Ye shall do no manner of servile work.

(53) The prohibitions to exceed the Sabbath limit and to remove debris are purely Rabbinical, without basis in the Pentateuch. (Rashi).

(54) Riding and climbing are forbidden because they might lead to the cutting or plucking of a branch, which is forbidden by the Pentateuch. The argument is very forced, and Rashi is inclined to regard the whole sentence as spurious. [R. Hananel takes the prohibitions regarding the Sabbath limit and removing the debris to be the Biblical prohibitions referred to.]

Talmud - Mas. Rosh HaShana 33a

IT MUST NOT BE SHAPED EITHER WITH AN IMPLEMENT THE USE OF WHICH IS FORBIDDEN ON ACCOUNT OF SHEBUTH OR WITH ONE THE USE OF WHICH IS FORBIDDEN BY EXPRESS PROHIBITION. 'An instrument the use of which is forbidden on account of shebuth' — as for instance, a sickle.¹ 'An implement which is forbidden by express prohibition' — as for instance, a knife. Seeing that you disallow an implement prohibited on account of shebuth, need you mention one disallowed by express prohibition?² — The Mishnah adopts the style of 'A and needless to say B'.

IF ONE, HOWEVER, DESIRES TO POUR WINE OR WATER INTO IT HE MAY DO SO. Wine or water he may, but urine he may not. Which authority does our Mishnah follow? — That of Abba Saul, as it has been taught: 'Abba Saul says, Wine or water is permissible, these serving to clean it, but urine is forbidden, as showing disrespect'.³

CHILDREN NEED NOT BE STOPPED FROM BLOWING. This would imply that women are stopped. [But how can this be], seeing that it has been taught: 'Neither children nor women need be stopped from blowing the shofar on the Festival'? — Abaye replied: There is no discrepancy; the one statement follows R. Judah, the other R. Jose and R. Simeon, as it has been taught: 'Speak unto the children [bene] of Israel:⁴ [this indicates that] the "sons" [bene] of Israel lay on hands but not the "daughters" of Israel. So R. Judah, R. Jose and R. Simeon say that women also have the option of laying on hands'.⁵

ON THE CONTRARY, THEY MAY BE HELPED UNTIL THEY LEARN HOW TO BLOW. R. Eleazar said: Even on Sabbath. it has been taught to the same effect: 'They may be helped till they learn how to blow even on Sabbath, and children are not stopped from blowing on Sabbath, and needless to say on a [weekday] holyday'. This statement itself involves a contradiction. You say first, 'They may be helped till they learn how to blow, even on Sabbath', from which I should infer that we may actually tell them in the first instance to blow. Then it states, 'They are not stopped', which would indicate that we do not go so far as to stop them, but we do not tell them in the first instance to blow! — There is no contradiction: In the one case we speak of

(1) To cut ordinary articles with a scythe or sickle on Sabbath is not regarded legally as 'work' because the implement is not being used for its proper purpose. The Rabbis, however, forbade it on account of shebuth.

(2) The sanction for which is Pentateuchal and not merely Rabbinical.

(3) Lit., 'because of respect'.

(4) Lev. I, 2, introducing the regulations of the sacrifice.

(5) Similarly R. Jose and R. Simeon hold that although women are not commanded to blow the shofar (this being a precept for which a definite time is fixed), they have the option of doing so, and therefore may practise.

Talmud - Mas. Rosh HaShana 33b

a child old enough to be trained [in the performance of religious precepts],¹ in the other of one not yet old enough to be trained.

ONE WHO BLOWS MERELY TO PRACTISE DOES NOT THEREBY FULFIL HIS RELIGIOUS OBLIGATION:² I infer that one who blows to make musical sounds³ does thereby fulfil his religious obligation. May we say that this supports Raba, for Raba said that one who blows to make musical sounds fulfils his religious obligation?⁴ — Perhaps our authority includes ‘making music’ also under the head of ‘practising’.

NOR ONE WHO HEARS THE BLAST MADE BY ANOTHER WHEN PRACTISING. But one who hears the blast from another who is blowing for himself, we are to assume, does fulfil his obligation? If so, this would be a refutation of R. Zera; for R. Zera said to his attendant, ‘Blow with intent to clear me⁵ also’!⁶ — Perhaps our authority having mentioned ‘practising’ in the first clause used the same expression in the second.⁷

MISHNAH. THE ORDER OF THE BLASTS CONSISTS OF THREE SETS⁸ OF THREE EACH.⁹ THE LENGTH OF A TEK'AH IS EQUAL TO THREE TERU'AHs,¹⁰ AND THE LENGTH OF A TERU'AH TO THREE YEBABOTH.¹¹ IF ONE BLEW THE FIRST TEK'AH¹² [AS USUAL] AND PROLONGED THE SECOND SO AS TO MAKE IT EQUAL TO TWO, IT COUNTS ONLY AS ONE.¹³ IF ONE HAS SAID THE [NINE] BLESSINGS¹⁴ AND THEN PROCURES¹⁵ A SHOFAR, HE SOUNDS A TEK'AH TERU'AH TEK'AH THREE

prohibition, and therefore explains that it is the other one whom we may help, and this one we simply do not stop.

TIMES!¹⁶ JUST AS THE CONGREGATIONAL READER IS UNDER OBLIGATION, SO EVERY INDIVIDUAL IS UNDER OBLIGATION.¹⁷ RABBAN GAMALIEL, HOWEVER, SAID THAT THE CONGREGATIONAL READER CLEARS THE WHOLE CONGREGATION OF THEIR OBLIGATION.

GEMARA. [THE LENGTH OF THE TEK'AH IS EQUAL TO THREE TERU'AHs]. But it has been taught that the length of a teki'ah is equal to a teru'ah? — Abaye replied: Our Tanna reckons the teki'ahs of all the sets and the teru'ahs of all the sets,¹⁸ whereas the external Tanna¹⁹ was reckoning one set and no more.²⁰

THE LENGTH OF THE TERU'AH IS EQUAL TO THE LENGTH OF THREE YEBABOTH. But it has been taught, ‘The length of the teru'ah is equal to three shebarim’?²¹ — Abaye said: Here there is really a difference of opinion. It is written, It shall be a day of teru'ah unto you,²² and we translate [in Aramaic], a day of yebaba, and it is written of the mother of Sisera, Through the window she looked forth,²³ [wa-teyabab]. One authority thought that this means drawing a long sigh,²⁴ and the other that it means uttering short piercing cries.

Our Rabbis taught: ‘Whence do we know [that the blowing on New Year must be] with a shofar? Because it says, Thou, shalt make proclamation, with a shofar of teru'ah.²⁵ I know this so far only of the Jubilee; how do I know it of New Year? The text says significantly, In the seventh month,²⁶ when there is no real occasion for the expression, in the seventh month.²⁷ Why then does it say, in the seventh month? To show that all the teru'ahs of the seventh month should be of the same character. How do we know that there must be a plain blast²⁸ before it? Because it says, Thou, shalt make proclamation with a shofar of teru'ah.²⁹ How do we know that there must be a plain blast³⁰ after it? Because it says, Ye shall make proclamation with the shofar.³¹ I know this only of the Jubilee; how do I learn it of New Year also? It says significantly, in the seventh month³²

(1) Such a one we may actually help to learn. So Rashi. Tosaf., however, (s.v. תניא) objects that this would involve telling him to break a Rabbinical

- (2) Even if accidentally he produces the proper sounds.
- (3) Without religious intention.
- (4) V. supra 28b.
- (5) From the obligation of blowing the shofar.
- (6) This would show that in R. Zera's opinion it was not sufficient to hear another blowing merely for himself.
- (7) But he meant to include one blowing for himself
- (8) One set for the kingship, one for the remembrance and one for the shofar verses, v. supra 32a.
- (9) A teki'ah, teru'ah and teki'ah in each set. For teki'ah and teru'ah v. Glos.
- (10) V. infra in the Gemara.
- (11) Lit., 'moanings'. The meaning of this word is discussed in the Gemara infra.
- (12) Of one set of three.
- (13) I.e., he cannot count half for one set and half for the next.
- (14) Of the Musaf prayer.
- (15) Lit., 'there was assigned to him'.
- (16) For each of the three sets, cf. p. 164, n. 7.
- (17) To say the daily prayers, v. Gemara.
- (18) And we should translate: 'the length of a teki'ah is the same as that of (each of) the three teru'ahs'.
- (19) The Tanna of the Baraita or 'external' Mishnah.
- (20) And he meant just the same thing.
- (21) Lit., 'breakings'. These are somewhat longer than yebaboth.
- (22) Num. XXIX, 1.
- (23) Jud. V, 28. E.V. 'and peered'.
- (24) The one who held that a teru'ah is equal to three shebarim.
- (25) Lev. XXV, 9, referring to the Jubilee. E.V. 'blast of the horn'.
- (26) Ibid.
- (27) Because it says immediately after, 'on the day of atonement'.
- (28) I.e., a teki'ah.
- (29) Which is taken to mean 'shofar (i.e., teki'ah) and teru'ah'.
- (30) I.e., a teki'ah.
- (31) Lev. XXV, 9. The repetition of the word shofar points to another teki'ah.
- (32) Ibid.

Talmud - Mas. Rosh HaShana 34a

when there is no real occasion for the expression, "in the seventh month". Why then does it say, "in the seventh month"? To indicate that all the teru'ahs of the seventh month should be of the same character. How do we know that there must be three sets of three each? Because it says, Thou shalt make proclamation with the shofar of teru'ah,¹ and again, a solemn rest, a memorial of teru'ah,² and again, a day of teru'ah it shall be to you.³ And how do we know that we can utilize what is said in connection with one for purposes of the other and vice versa?⁴ The word "seventh" occurs twice⁵ to provide a gezerah shawah.⁶ How then is it carried out? There are three [sets] which are nine [blasts]. The length of the teki'ah is equal to that of the teru'ah. The length of the teru'ah is equal to three shebarim'.

This Tanna first derives his inference from an analogy⁷ and now he derives it from a gezerah shawah!⁸ — He reasons thus: 'If there were no gezerah shawah, I would derive the inference from analogy; now, however, that there is a gezerah shawah, I do not require the analogy'.

The following Tanna derives the same lesson from a gezerah shawah [with the blowing of the horn ordained] in the wilderness, as it has been taught: And ye shall blow a teru'ah:⁹ this indicates that there shall be a separate teki'ah¹⁰ and a separate teru'ah. You say, there shall be a separate teki'ah and a separate teru'ah! But can it not be interpreted differently, namely, that the teki'ah and teru'ah

are all one?¹¹ When you come to the text, But when the assembly is to be gathered together ye shall blow a teki'ah but not a teru'ah,¹² you must conclude that teki'ah and teru'ah are separate. And how do we know that a plain blast is to precede it [the teru'ah]? Because it says, And ye shall blow a teru'ah.' And how do we know that a plain blast follows it? Because it says, a teru'ah shall they blow.¹³ R. Ishmael the son of R. Johanan b. Beroka said: This¹⁴ is not necessary. For the text says, And ye shall blow a teru'ah a second time.¹⁵ Here the words a second time' are unnecessary.¹⁶ Why then are the words 'a second time' inserted? This furnishes a general rule¹⁷ that wherever teru'ah is mentioned a teki'ah should follow it.¹⁸ So far I know this only of the wilderness.¹⁹ On what ground can I apply it to New Year also? Because we find teru'ah [in one place] and teru'ah [in another place]²⁰ to provide a gezerah shawah. Three teru'ahs are mentioned in connection with New Year — 'a solemn rest, a memorial proclaimed with teru'ah'; 'a day of teru'ah', and 'thou shalt make proclamation with the shofar of teru'ah'. Each teru'ah is accompanied with two teki'ahs. We thus learn that three teru'ahs and six teki'ahs were prescribed for New Year. Two of these are ordained by the Torah and one by the Soferim:²¹ [The teru'ahs mentioned in] 'a solemn rest, a memorial of teru'ah,' and in 'thou shalt make proclamation with the shofar of teru'ah' are ordinances of the Torah; the text 'a day of teru'ah it shall be to you' is required for its own lesson.²² R. Samuel b. Nahmani said in the name of R. Jonathan: One is ordained by the Torah and two by the Soferim: [That mentioned in] 'and thou shalt make proclamation with the shofar of teru'ah' is ordained by the Torah. [The texts] 'a solemn rest, a memorial of teru'ah' and, 'a day of teru'ah it shall be to you', are required for their own lessons. What is meant by saying that 'it [the latter] is required for its own lesson'?²³ — It is required to show that [the blowing must be] in the daytime and not at night. Whence does the other authority derive the rule that the blowing must be by day and not by night? — He derives it from the expression On the Day of Atonement.²⁴ But if he learns it from 'On the Day of Atonement', let him also learn from this text the rule that there is to be a plain blast before the teru'ah and a plain blast after it?²⁵ — He does not accept the implication of the expressions 'and thou shalt proclaim', 'ye shall proclaim'. How then does he expound these words? — [He expounds] 'and thou shalt proclaim' in the same way as R. Mattenah; for R. Mattenah said: 'And thou shalt proclaim': this means, in the usual manner of proclamation.²⁶ The words 'Ye shall proclaim' mentioned by the All-Merciful indicate that the shofar should be taken in the hand,²⁷ and the other, [what says he to this?] — The lesson of R. Mattenah you can learn from the fact that the text uses an unusual expression,²⁸ but that the word means 'taking in the hand' you could not maintain, for one can compare the expression 'passing' here with the expression 'passing' used in connection with Moses.²⁹ It is written here, And ye shall cause to pass a shofar of teru'ah, and it is written elsewhere, And Moses commanded, and they caused a voice to pass.³⁰ Just as there the passing was of a sound, so here it is of a sound.

And to the Tanna who derives the rule [regarding the teki'ah] from [the blowing commanded] in the wilderness, [it may be objected that] just as there trumpets were to be used, so here [on New Year] trumpets should be used? — Therefore it is written, Blow ye the shofar at the New Moon, at the concealment for the day of our festival.³¹ Which is the festival on which the moon is concealed? You must say that this is New Year; and the All-Merciful prescribed the shofar [to be used on it].

R. Abbahu prescribed in Caesarea that there should be a teki'ah, three shebarim, a teru'ah and a teki'ah. How can this be justified?³² If [the sound of teru'ah] is a kind of wailing, then there should be teki'ah, teri'ah³³ and teki'ah, and if it is a kind of groaning, there should be teki'ah, three shebarim, and teki'ah? — He was in doubt whether it was a kind of wailing or a kind of groaning.³⁴ R. 'Awira strongly demurred against this procedure, saying, Perhaps it is a kind of wailing, and the three shebarim make an interruption between the teru'ah and the [first] teki'ah? — We assume that he afterwards blows teki'ah, teru'ah, teki'ah. Rabina strongly demurred against this, saying, Perhaps it is a kind of sighing and the teru'ah makes an interruption between the shebarim and the [second] teki'ah? — We suppose that he afterwards blows teki'ah, shebarim, teki'ah. What then is the point of R. Abbahu's regulation?³⁵ If it is a groaning sound, it has already been made,³⁶ and if it is a wailing

sound it has already been made?³⁷ — He was in doubt whether it does not include both groaning and wailing. If so, the reverse should also be carried out, namely, teki'ah, teru'ah, three shebarim, teki'ah, since perhaps it is wailing and groaning? — Ordinarily when a man has a pain, he first groans and then wails.

IF ONE BLEW THE FIRST TEKIAH AND PROLONGED THE SECOND SO AS TO MAKE IT EQUAL TO TWO. R. Johanan said: If one heard

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- (1) Lev. XXV, 9, referring to the Jubilee. E.V. 'blast of the horn',
(2) Ibid. XXIII, 24.
(3) Num. XXIX, 1.
(4) Two of the verses quoted occur in connection with the New Year and one in connection with the Jubilee. What right have we then to assume from this that there should be three teru'ahs on each?
(5) In the seventh month (Lev. XXIII, 24) in connection with New Year, and in the seventh month (Lev. XXV, 9) in connection with the Jubilee.
(6) V. Glos.
(7) On the basis of the superfluous 'in the seventh month'.
(8) Heb. hekkesh. Having laid down from analogy the principle that all the teru'ahs of the seventh month must be of the same character, why does he require a gezerah shawah to show that there must be three both on New Year and on the Jubilee?
(9) Num. X, 5. E.V. 'And when ye blow an alarm'.
(10) The word **ותקעתם** being taken to signify the blowing of a teki'ah.
(11) I.e., made in one blast. And the word **ותקעתם** means simply 'and you shall blow'.
(12) Ibid. 7' E.V. 'ye shall blow but ye shall not sound an alarm'.
(13) Ibid. 6.
(14) I.e., to resort to so forced an exposition.
(15) Ibid. 6.
(16) Because one blowing of an alarm has already been mentioned in v. 5'
(17) Lit., 'builds a father'.
(18) And we translate, 'and ye shall blow a teki'ah' as second to the teru'ah'.
(19) I.e., of the assembling of the people in the wilderness.
(20) Viz., in connection both with the wilderness and the New Year.
(21) V. Glos.
(22) I.e., to provide a gezerah shawah; and the third teru'ah is an ordinance of the Soferim.
(23) The gezerah shawah being provided by the other text.
(24) Lev. XXV, 9.
(25) . From the texts, 'and thou shalt make proclamation', 'and ye shall make proclamation', as supra 33b ad fin.
(26) I.e., the shofar must not be held the wrong way up, v. supra 27b.
(27) And not blown.
(28) The word **והעברת** lit., 'and ye shall cause to pass' instead of 'you shall blow'.
(29) [This is apparently the meaning of this difficult passage].
(30) Ex. XXXVI, 6.
(31) Ps. LXXXI, 4. E.V. 'at the full moon for our feast day, v. supra 8a.
(32) Lit., 'what is your desire?', a formula for posing a dilemma.
(33) I.e., what is elsewhere called yebaba.
(34) And had both sounds blown.
(35) If he repeats both teki'ah, teru'ah, teki'ah, and teki'ah, shebarim, teru'ah.
(36) In teki'ah, teru'ah, teki'ah. [MS.M.: We are making it.]
(37) In teki'ah, shebarim, teki'ah. We then have a set containing four blasts.

nine blasts at nine different times of the day, he has performed his religious obligation. It has been taught to the same effect: 'If one heard nine blasts at nine different times of the day, he has performed his religious obligation. If, however, he heard nine different people at once, he has not performed his obligation.¹ If he hears a teki'ah from one and a teru'ah from another, he has fulfilled his obligation, even if the intervals extended over the whole day'.

But could R. Johanan have said this,² seeing that R. Johanan said in the name of R. Simeon b. Jehozadak: If in the midst of reciting Hallel and the Megillah³ one paused long enough to say the whole, he must go back to the beginning? — There is no contradiction: in one case he was giving his own opinion, in the other that of his teacher. But does not his own opinion [conflict with the above statement]? Was not R. Abbahu once following after R. Johanan reciting the shema',³ and when he came to some dirty alley-ways he stopped, and after they had passed them he asked R. Johanan whether he should finish, and he replied, If you paused long enough to say the whole, you must start again from the beginning? What he meant to say to him was this: 'I do not hold this view,⁴ but according to you who do hold it,⁵ if you have paused long enough to say the whole, you must start afresh'.

Our Rabbis taught: '[On most days]⁶ the omission of one blast is no bar to another, and the omission of one blessing⁷ is no bar to another, but on New Year and the Day of Atonement the omission of one blast or one blessing is a bar to the others'.⁸ What is the reason? — Rabbah said: God proclaimed: Recite before Me on New Year kingship, remembrance and shofar verses; kingship verses to declare Me king over you; remembrance verses, that the remembrance of you may come before Me for good; and through what? Through the shofar.

IF ONE HAS SAID THE [NINE] BLESSINGS AND THEN PROCURES A SHOFAR, HE SOUNDS A TEKIAH, TERUAH, TEKIAH. The reason is that he had no shofar to begin with. This shows that if he had a shofar to begin with, when he hears the blasts he must hear them during the recital of the blessings.⁹ R. Papa b. Samuel rose to say his prayer, and at the same time said to his attendant, When I give you a sign,¹⁰ blow the shofar for me. Said Raba to him:¹¹ This rule¹² was laid down only for a congregation.¹³ It has been taught to the same effect: 'When he hears the blasts, he must hear them in order, and during the recital of the blessings.¹⁴ When does this hold good? In a congregation; but when not praying with the congregation he must hear them in order but not necessarily during the recital of the blessings. If an individual has not blown [the shofar], another may blow it for him, but if an individual has not said the blessings another may not say them for him. It is a greater act of piety to hear the shofar than to say the blessings. Hence¹⁵ if there are two towns in one of which the shofar is being blown and in the other of which the blessings are being said, one should go rather to the place where they are blowing than to the place where they are saying the blessings'. Surely this is self-evident: the former precept is of Pentateuchal sanction, the latter [only] of Rabbinic! — It was necessary to state the rule, [to show that it still applies] even though he is certain of [finding an opportunity for] the latter and not certain of [finding an opportunity for] the former.¹⁶

JUST AS THE CONGREGATIONAL READER IS UNDER OBLIGATION, SO EVERY INDIVIDUAL etc. It has been taught: 'They said to Rabban Gamaliel: Accepting your view,¹⁷ why do the congregation [first] say the ['Amidah] prayer? He replied, So as to give the reader time to prepare his prayer.¹⁸ Rabban Gamaliel then said to them: Accepting your view,¹⁹ why does the reader go down [and stand] before the Ark?²⁰ They replied: So as to clear from his obligation one who is not familiar [with the prayers]. He said to them: Just as he clears one who is not familiar, so he clears one who is familiar'.²¹

Rabbah b. bar Hanah said in the name of R. Johanan: The Sages gave Rabban Gamaliel right. Rab, however, said: The difference of opinion still remains.²² Hiyya the son of Rabbah b. Nahmani heard

the argument [reported] and went and repeated it before R. Dimi b. Hinnena. He said to him: Thus said Rab: The difference of opinion still remains. The other said to him: This is what Rabbah b. bar Hanah also said, that when R. Johanan made this statement, Resh Lakish joined issue with him, saying: The difference of opinion still remains. But did R. Johanan say this? Has not R. Hanah of Sepphoris stated that R. Johanan said that the law²³ follows the view of Rabban Gamaliel, and since he said the law is so, we infer that there is a difference of opinion?

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- (1) According to Tosaf. the reason is because he does not hear a teruah preceded and followed by a teki'ah. Rashi, however, reads: 'If he heard nine people at once, a teki'ah from one and a teruah from another, he has fulfilled his obligation, and even if he heard at intervals' etc. He points out that it has already been laid down above that two different sounds from two different persons can be discerned at once.
- (2) That it is permissible to hear different blasts at different times.
- (3) V. Glos.
- (4) That it is necessary to pause on coming to a dirty place, (V. Ber. 24b) nor, again, that it is necessary to start afresh after a pause.
- (5) And your difficulty is simply, how long the pause must be.
- (6) E.g., on fast days.
- (7) In the 'Amidah. (V. Glos.).
- (8) I.e., a teruah cannot be blown without a teki'ah before it, nor can remembrance verses be said unless kingship verses have first been said. V. Tosaf. 33b, s.v. **שיעור** sub fin.
- (9) V. supra 32a.
- (10) As a signal that I have finished a blessing which is to be followed by the blowing of the shofar.
- (11) To reassure him.
- (12) That the blasts must be heard during the recital of the blessings.
- (13) **חבר עיר** v. Meg. Sonc. ed., p. 164, n. 1.
- (14) Lit., 'on the order of the blessings'.
- (15) Lit., 'how so?'.
- (16) He can always find ten men to make a congregation, but he may come too late to hear the shofar.
- (17) That the reader may recite on behalf of the congregation.
- (18) I. e. , put himself in the proper frame of mind by thinking over the prayers, which in those days were recited from memory.
- (19) That each individual must pray for himself.
- (20) V. supra p. 160, n. 9.
- (21) If he has accidentally omitted something. V. Tosaf. s.v. **כך**
- (22) [This sentence is rightly omitted in MS.M.]
- (23) [**הלכה** read with MS.M. **הלכתא**]

Talmud - Mas. Rosh HaShana 35a

. When R. Ammi returned from a sea-voyage,¹ he explained it thus: 'The Sages give Rabban Gamaliel right' in regard to the blessings of New Year and the Day of Atonement; and 'the halachah is so', which implies that they differ in regard to the blessings of the rest of the year.² But is this so? Did not R. Hanah of Sepphoris say in the name of R. Johanan, 'The halachah follows Rabban Gamaliel in regard to the blessings of New Year and the Day of

Atonement'³ — No, said R. Nahman b. Isaac. Who is it that gave [Rabban Gamaliel] right? R. Meir;⁴ and the halachah is so', which shows that the Rabbis⁵ refer to [the others]. For it has been taught: 'In regard to the blessings of New Year and the Day of Atonement, the reader can clear the congregation of their obligation to say them'.

Why should a difference be made in respect of these [blessings]? Should you say it is because they contain many scriptural texts, has not R. Hananel said in the name of Rab, As soon as one has

said, 'And in thy Law it is written saying',⁶ he need not recite any more [texts]? — No; the reason is because there is an extra large number of blessings.⁷

[To revert to] the [above] text — R. Hananel said in the name of Rab, As soon as one has said, "And in thy Law it is written saying", he need not recite any more [texts]'. It was presumed [in the Academy] that this applies only to an individual but not to a congregation. It has been stated, however, [elsewhere]: R. Joshua b. Levi said: [The rule] alike for an individual or a congregation is that as soon as they have said 'And in thy Law it is written saying', they need not recite any more [texts].

R. Eleazar said: A man should always first prepare himself for his prayer⁸ and then say it. R. Abba said: The dictum of R.

Eleazar appears to be well founded in respect of the blessings of New Year and the Day of Atonement and periodical [prayers]⁹ but not of the rest of the year. Is that so? Did not Rab Judah use always to prepare himself for his prayer before praying? — Rab Judah was exceptional; since he prayed only every thirty days,¹⁰ it was [to him] like a periodical [prayer].

R. Aha b. 'Awira said in the name of R. Simeon the Pious: Rabban Gamaliel used to allow even the people in the fields to be cleared [by the reader in the synagogue], and needless to say those in town.¹¹ On the contrary, [we should have expected the opposite, because] the former are prevented from coming and the latter are not prevented, in the same way as Abba the son of R. Benjamin b. Hiyya has stated, 'The People who stand behind the priests are not included in the [priestly] benediction'! — The fact is that when Rabin came [from Palestine] he stated in the name of R. Jacob b. Idi that R. Simeon the Pious said: Rabban Gamaliel allowed only the people in the fields to be cleared [by the reader]. What is the reason? Because they are prevented by their work from coming [to synagogue]. Those in the town, however, are not cleared.¹²

(1) [מִיָּמֵי Aliter: From Jammi, a place in Naftali.]

(2) And thus both statements of R. Johanan might be correct.

(3) Which shows that even on this point the Sages continued to differ with him.

(4) Who agrees with him in regard to the blessings of New Year and the Day of Atonement, and not the Sages, as at first stated in the name of R. Johanan.

(5) Apart from R. Meir.

(6) I.e., the passage which runs in our prayer-book, 'May we offer before thee the additional offerings of this day according to the commandment of thy will as thou hast prescribed for us in thy law'.

(7) Viz., nine instead of seven. [In point of fact the blessings on the Day of Atonement are only seven. [In point of fact the blessings on the Day of Atonement 'blessings' (v. Lewin, Otzar ha-Geonim, Rosh Hashanah p. 73; on this reading render: they (the benedictions) are lengthy. Ritba (a.l.) takes the Day of Atonement throughout this passage to refer to the Day of Atonement on the year of Jubilee, v. supra 33b].

(8) So as to be fluent and avoid all mistakes, v. supra p. 172, n. 2.

(9) For feasts, fasts, etc.

(10) Being occupied in the intervening period with study.

(11) Lit., 'those who are here'.

(12) [Rashi: They themselves must say the prayer and not rely on the reader. Alfasi: They are not cleared by the reader unless they attend the synagogue and hear from him the prayers from beginning to end; v. Commentary of R. Nissim a.l.]

Mishna - Mas. Shekalim Chapter 1

MISHNAH 1. ON THE FIRST OF ADAR¹ PUBLIC ANNOUNCEMENT IS MADE² CONCERNING THE PAYMENT OF THE SHEKELS³ AND CONCERNING THE DIVERSE KINDS.⁴ ON THE FIFTEENTH⁵ THEREOF THE SCROLL [OF ESTHER] IS READ IN WALLED CITIES, AND THE ROADS AND THE BROADWAYS⁶ AND THE RITUAL, WATER BATHS⁷ ARE REPAIRED, AND ALL PUBLIC DUTIES⁸ ARE PERFORMED, AND THE GRAVES ARE MARKED,⁹ AND [MESSENGERS] GO FORTH ALSO CONCERNING THE DIVERSE KINDS.¹⁰

MISHNAH 2. R. JUDAH SAID: AFORETIME THEY USED TO PLUCK UP [THE DIVERSE KINDS], AND CAST THEM BEFORE THE OWNERS.¹¹ [BUT] WHEN TRANSGRESSORS¹² INCREASED IN NUMBER, THEY USED TO PLUCK THEM UP AND CAST THEM ON THE ROADS.¹³ [FINALLY],¹⁴ THEY ORDAINED THAT THE WHOLE FIELD SHOULD BE DECLARED OWNERLESS PROPERTY.

MISHNAH 3. ON THE FIFTEENTH THEREOF TABLES [OF MONEY CHANGERS]¹⁵ WERE SET UP IN THE PROVINCES.¹⁶ ON THE TWENTY-FIFTH THEY WERE SET UP IN THE TEMPLE. WHEN [THE TABLES] WERE SET UP IN THE TEMPLE, THEY BEGAN TO DISTRAIN.¹⁷ WHOM DID THEY DISTRAIN? LEVITES AND ISRAELITES,¹⁸ PROSELYTES AND FREED SLAVES,¹⁹ BUT NOT WOMEN OR SLAVES OR MINORS.²⁰ A MINOR ON WHOSE BEHALF HIS FATHER HAD BEGUN TO PAY THE SHEKEL, MAY NOT DISCONTINUE IT AGAIN. BUT NO DISTRAINT WAS LEVIED ON THE PRIESTS, IN ORDER TO PROMOTE PEACEFULNESS.²¹

MISHNAH 4. R. JUDAH SAID: BEN BUKRI TESTIFIED AT JABNEH THAT A PRIEST WHO PAID THE SHEKEL DID NOT COMMIT A SIN.²² BUT RABBAN JOHANAN THE SON OF ZACCAI SAID TO HIM: NOT SO, BUT A PRIEST WHO DID NOT PAY THE SHEKEL WAS GUILTY OF A SIN. ONLY THE PRIESTS EXPOUNDED THIS VERSE [THUS] FOR THEIR OWN BENEFIT: AND EVERY MEAL-OFFERING OF THE PRIEST SHALL BE WHOLLY BURNT, IT SHALL NOT BE EATEN;²³ IF THEREFORE THE 'OMER²⁴ AND THE TWO LOAVES²⁵ AND THE SHEWBREAD²⁶ ARE [BROUGHT] FROM OUR [CONTRIBUTIONS], HOW CAN THEY BE EATEN?²⁷

MISHNAH 5. ALTHOUGH IT WAS SAID THAT NO DISTRAINT IS LEVIED ON WOMEN OR SLAVES OR MINORS, [YET] IF THESE PAID THE SHEKEL IT IS ACCEPTED OF THEM. IF A HEATHEN OR A CUTHEAN²⁸ PAID THE SHEKEL IT IS NOT ACCEPTED OF THEM. LIKEWISE BIRD-OFFERINGS OF MEN WHO HAD AN ISSUE,²⁹ AND BIRD-OFFERINGS OF WOMEN WHO HAD AN ISSUE,²⁹ AND BIRD-OFFERINGS OF WOMEN AFTER CHILDBIRTH,²⁹ AND SIN-OFFERINGS AND GUILT-OFFERINGS ARE NOT ACCEPTED OF THEM. BUT VOW-OFFERINGS³⁰ AND FREEWILL-OFFERINGS³¹ ARE ACCEPTED OF THEM. THIS IS THE GENERAL RULE: ALL OFFERINGS WHICH CAN BE MADE AS A VOW-OFFERING OR A FREEWILL-OFFERING³² ARE ACCEPTED OF THEM, BUT OFFERINGS THAT CANNOT BE MADE AS A VOW-OFFERING OR A FREEWILL-OFFERING³³ ARE NOT ACCEPTED OF THEM. AND THUS IT IS EXPLICITLY STATED IN [THE BOOK OF] EZRA, WHERE IT IS SAID: YE HAVE NOTHING TO DO WITH US TO BUILD A HOUSE UNTO OUR GOD.³⁴

MISHNAH 6. THE FOLLOWING ARE LIABLE [TO PAY] A SURCHARGE;³⁵ LEVITES AND ISRAELITES AND PROSELYTES AND FREED SLAVES;³⁶ BUT NOT PRIESTS OR WOMEN OR SLAVES OR MINORS.³⁷ IF A MAN PAID THE SHEKEL ON BEHALF OF A PRIEST, OR ON BEHALF OF A WOMAN, OR ON BEHALF OF A SLAVE, OR ON BEHALF OF A MINOR, HE IS EXEMPT.³⁸ IF A MAN PAID THE SHEKEL³⁹ ON HIS OWN BEHALF AND ON BEHALF

OF HIS FELLOW HE IS LIABLE TO PAY BUT ONE SURCHARGE, R. MEIR SAYS: TWO SURCHARGES. IF ONE GAVE A SELA' AND RECEIVED A SHEKEL,⁴⁰ HE IS LIABLE TO PAY TWO SURCHARGES.

MISHNAH 7. IF A MAN PAID THE SHEKEL⁴¹ ON BEHALF OF A POOR MAN OR ON BEHALF OF HIS NEIGHBOUR OR ON BEHALF OF HIS FELLOW-TOWNSMAN, HE IS EXEMPT [FROM A SURCHARGE]. BUT IF HE DID IT AS A LOAN TO THEM HE IS LIABLE. BROTHERS, WHO ARE PARTNERS,⁴² ARE EXEMPT FROM THE TITHE OF CATTLE⁴³ WHEN THEY ARE LIABLE TO A SURCHARGE.⁴⁴ BUT WHEN THEY ARE LIABLE TO THE TITHE OF CATTLE⁴⁵ THEY ARE EXEMPT FROM THE SURCHARGE.⁴⁶ AND HOW MUCH IS THE SURCHARGE? A SILVER MA'AH.⁴⁷ THUS R. MEIR. BUT THE SAGES SAY: HALF A MA'AH.

(1) The twelfth month of the year.

(2) Throughout the Land of Israel and the Diaspora.

(3) The annual contribution towards the upkeep of the Temple and its services which was obligatory on every adult male Israelite. It was derived from the Mosaic Institution described in Ex. XXX, 11-16 (cf. Introduction). The contribution had to be paid before the first of Nisan, the beginning of the religious year, and all public offerings brought during the new year had to come out of the new annual contributions.

(4) Of seeds, prohibited in Lev. XIX, 19; Deut. XXII, 9. Warning was given for the removal from fields and vineyards of a portion of plants which were of a kind different from the main growth, so as to reduce these foreign plants to a quantity which did not fall under the prohibition; cf. Kil. II, 1. Warning was given on the first of Adar before the plants had had time to grow up and render the whole field forfeit.

(5) The purim of Shushan. V. Esther IX, 18-19 and cf. Meg. I, 1ff.

(6) That had been damaged by the winter rains, for the benefit of the pilgrims who went up to Jerusalem for the Passover; or, according to Maimonides, for the benefit of fugitives to the Cities of Refuge; cf. Deut. XIX, 2ff and Mak. II, 5, Sonc. ed. p. 59.

(7) For the immersion of the ritually unclean. The rains might have carried soil into the pools, and thus reduced their water to less than the prescribed quantity of forty se'ahs; cf. Mik. I, 7; 'Ed. I, 3, Sonc. ed. p. 2, n. 7.

(8) That had not been fully performed during the rainy season. A list of these duties is given in the Palestinian Gemara and in the commentaries.

(9) Afresh with lime (cf. M.Sh. V, 1), after the old marks had become obliterated by the rains. These marks served to warn priests and Nazirites against approaching them and becoming defiled; cf. Num. XIX, 16; VI, 6; also Ezek. XXXIX, 15.

(10) To inspect the fields and do what is described in the following section.

(11) In order to shame them.

(12) Who fed their cattle on the uprooted plants.

(13) This prevented the obnoxious plants being used by the owners for cattle food.

(14) When even this failed to deter transgressors, since the uprooting saved them the labour of weeding their fields.

(15) For changing foreign coins of Jews from the Diaspora.

(16) Outside Jerusalem. According to others, outside the Temple (cf. *infra* and II, 1), and including also Jerusalem.

(17) The goods of those who had not yet paid their shekel.

(18) I.e., Jews who were not priests or Levites.

(19) These four classes were bound by law to pay the shekel.

(20) With these the payment of the shekel was a voluntary act.

(21) Lit., 'because of the ways of peace'. Because the priests contested their obligation to pay the shekel, as stated in the next section. The Palestinian Gemara seems to have read: 'Because of the respect due to them'.

(22) I.e., he may pay it, but he was not bound to pay it.

(23) Lev. VI, 16.

(24) The 'Sheaf of Waving', Lev. XXIII, 9ff; cf. Men. X, 1ff.

(25) Ibid. 17; cf. Men. XI, 1ff.

(26) Ex. XXV, 30; Lev. XXIV, 5ff. These three offerings were bought out of the Shekel fund (cf. *infra* IV, 1), but were

consumed by the priests.

(27) But in reality Lev. VI, 16 applied only to private meal-offerings, and not to public offerings such as the 'Omer, the Two Loaves and the Shewbread.

(28) A person from Cutha, i.e., a Samaritan. It is an opprobrious designation derived from II Kings XVII, 24.

(29) Lit., 'nests', i.e. pairs of turtle-doves or young pigeons, of which one was a sin-offering and the other a burnt-offering; cf. Lev. XV, 14f, 25f; XII, 8.

(30) An undertaking with an expression which binds the person (**הרי עלי** infra VI, 6) to bring an offering.

(31) An undertaking with an expression which dedicates a particular animal as an offering (**הרי זו**). In this case if the animal died or was lost the undertaking is considered as discharged; cf. Kin. I, 1.

(32) To the altar, such as burnt-offerings and peace-offerings, fine flour, wine, frankincense, and wood.

(33) To the altar, but only to the Repair of the Temple.

(34) Ezra IV, 3.

(35) To compensate the Temple for any loss that might be incurred in changing the Shekel (half a sela') into sela's; v. next section.

(36) Who are bound by law to pay the Shekel.

(37) Who are not bound to pay it; cf. supra p. 2; nn. 9 and 10.

(38) Even if the payment of the Shekel was not a gift to them, but a loan which they promised to repay; cf. the next section.

(39) In one coin, viz., a sela'.

(40) As change.

(41) As a gift.

(42) In the inheritance of their father. Cf. Hul. I, 7; Bek. IX, 3.

(43) Of young born during their partnership. This tithe is a personal charge, and cattle held in partnership was exempt from it; cf. Bek. ibid.

(44) I.e., when they had become partners again after they had already shared out the inheritance.

(45) Viz., before they had shared out the inheritance, when the cattle is still considered as the property of their father.

(46) If their Shekels were paid out of the inheritance. Their Shekels are then considered as a gift from their father, and a gift Shekel is exempt from the surcharge.

(47) 1/24th of a sela', or 1/12th of the Shekel.

Mishna - Mas. Shekalim Chapter 2

MISHNAH 1. SHEKELS MAY BE CHANGED¹ INTO DARICS² IN ORDER TO [LIGHTEN] THE LOAD OF THE JOURNEY.³ JUST AS THERE WERE CHESTS⁴ IN THE TEMPLE SO WERE THERE CHESTS IN THE PROVINCE.⁵ IF THE PEOPLE OF A TOWN HAD SENT THEIR SHEKELS AND THEY WERE STOLEN OR LOST, THEN IF THE APPROPRIATION⁶ HAD ALREADY BEEN MADE⁷ [THE MESSENGERS] SWEAR THE OATH [OF ACQUITTAL]⁸ TO THE TREASURERS; BUT IF [THE APPROPRIATION HAD] NOT [YET BEEN MADE] THEY SWEAR TO THE TOWNSPEOPLE, AND THE TOWNSPEOPLE MUST PAY [FRESH] SHEKELS IN THE PLACE OF THE [LOST] SHEKELS. [IF THE LOST SHEKELS] WERE FOUND, OR IF THE THIEVES RESTORED THEM, THEN BOTH [THE FIRST SHEKELS AND THEIR SUBSTITUTES] ARE [ACCOUNTED SACRED] SHEKELS,⁹ BUT THEY CANNOT BE CREDITED [TO THE ACCOUNT] OF THE COMING YEAR.¹⁰

MISHNAH 2. IF A MAN GAVE HIS SHEKEL TO HIS FELLOW TO PAY IT ON HIS BEHALF, BUT [HIS FELLOW] PAID IT¹¹ ON BEHALF OF HIMSELF, THEN IF THE APPROPRIATION HAD ALREADY BEEN MADE¹² [HIS FELLOW] IS GUILTY OF SACRILEGE.¹³ IF A MAN PAID HIS SHEKEL OUT OF MONEY BELONGING TO THE SANCTUARY, THEN IF THE APPROPRIATION HAD ALREADY BEEN MADE AND AN ANIMAL [BOUGHT OUT OF THE APPROPRIATION] HAD ALREADY BEEN OFFERED, HE IS GUILTY OF SACRILEGE.¹⁴ [IF HE DID IT WITH MONEY WHICH WAS] THE VALUE OF SECOND TITHES¹⁵ OR THE VALUE OF SEVENTH YEAR PRODUCE,¹⁶ HE MUST

CONSUME [FOOD TO] THE VALUE THEREOF.¹⁷

MISHNAH 3. IF A MAN SAVED COINS AND SAID: LO, THESE ARE FOR MY SHEKEL, BETH SHAMMAI SAY: THE SURPLUS [OF THE COINS GOES TO THE CHESTS OF] FREEWILL-OFFERINGS.¹⁸ BUT BETH HILLEL SAY: THE SURPLUS THEREOF IS COMMON PROPERTY.¹⁹ [IF HE SAID: FROM THESE COINS] I SHALL OFFER MY SHEKEL, [BOTH SCHOOLS] AGREE THAT THE SURPLUS THEREOF IS COMMON PROPERTY. [IF HE SAID]: THESE [COINS] ARE FOR A SIN-OFFERING, [BOTH] AGREE²⁰ THAT THE SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. [IF HE SAID]: FROM THESE I SHALL OFFER A SIN-OFFERING, [BOTH SCHOOLS] AGREE THAT THE SURPLUS IS COMMON PROPERTY.

MISHNAH 4. R. SIMEON SAID: WHAT IS THE DIFFERENCE BETWEEN SHEKELS AND A SIN-OFFERING?²¹ SHEKELS HAVE A FIXED VALUE, BUT A SIN-OFFERING HAS NO FIXED VALUE.²² R. JUDAH SAYS: SHEKELS ALSO HAVE NO FIXED VALUE. FOR WHEN THE ISRAELITES CAME UP OUT OF THE CAPTIVITY²³ THEY USED TO PAY THE SHEKEL IN DARICS,²⁴ THEN THEY PAID THE SHEKEL IN SELA'S²⁵ THEN AGAIN THEY PAID IT IN TIB'IN,²⁶ AND FINALLY THEY SOUGHT TO PAY IT IN DENARS.²⁷ BUT R. SIMEON SAID: NEVERTHELESS THE VALUE THEREOF REMAINED THE SAME FOR EVERYBODY, WHEREAS [IN THE CASE OF] A SIN-OFFERING ONE MAN MAY BRING IT OF THE VALUE OF ONE SELA', ANOTHER MAY BRING IT OF THE VALUE OF TWO SELA'S, AND AGAIN ANOTHER OF THREE SELA'S.

MISHNAH 5. THE SURPLUS OF [MONEY SET ASIDE FOR] SHEKELS IS COMMON PROPERTY, BUT THE SURPLUS OF [MONEY SET ASIDE FOR THE] TENTH OF THE EPHAH,²⁸ AND THE SURPLUS OF [MONEY SET ASIDE FOR] BIRD-OFFERINGS OF MEN WHO HAD AN ISSUE, FOR BIRD-OFFERINGS OF WOMEN WHO HAD AN ISSUE, FOR BIRD-OFFERINGS OF WOMEN AFTER CHILDBIRTH,²⁹ THEIR SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. THIS IS THE GENERAL RULE: OF ALL [MONIES SET ASIDE] FOR A SIN-OFFERING OR FOR A GUILT-OFFERING, THE SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. THE SURPLUS OF [MONEY SET ASIDE FOR] A BURNT-OFFERING [MUST BE USED] FOR A BURNT-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A MEAL-OFFERING [MUST BE USED] FOR A MEAL-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A PEACE-OFFERING [MUST BE USED] FOR A PEACE-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A PASSOVER-OFFERING [MUST BE USED] FOR A PASSOVER-OFFERING; THE SURPLUS OF [MONEY RAISED FOR] THE OFFERINGS OF NAZIRITES³⁰ [MUST BE USED] FOR THE OFFERINGS OF OTHER NAZIRITES; THE SURPLUS OF [MONEY RAISED FOR] THE OFFERINGS OF A [PARTICULAR] NAZIRITE [MUST GO] TO THE [CHESTS OF] FREEWILL-OFFERINGS; THE SURPLUS OF [MONEY RAISED FOR] THE POOR [MUST BE USED] FOR [OTHER] POOR; THE SURPLUS OF [MONEY RAISED FOR] A [PARTICULAR] POOR PERSON³¹ [MUST BE GIVEN] TO THAT [POOR PERSON];³² THE SURPLUS OF [MONEY RAISED FOR THE RANSOM OF] CAPTIVES [MUST BE USED] FOR [THE RANSOM OF OTHER] CAPTIVES; THE SURPLUS OF [MONEY RAISED FOR THE RANSOM OF] A [PARTICULAR] CAPTIVE [MUST BE GIVEN] TO THAT CAPTIVE; THE SURPLUS OF [THE MONEY RAISED FOR THE BURIAL OF] THE DEAD [MUST BE USED] FOR [THE BURIAL OF OTHER] DEAD; THE SURPLUS OF [THE MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON [MUST BE GIVEN] TO HIS HEIRS. R. MEIR SAYS: THE SURPLUS OF [MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON MUST BE LAID ASIDE UNTIL ELIJAH COMES.³³ R. NATHAN SAYS: THE SURPLUS OF [MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON [MUST BE USED] FOR BUILDING A MONUMENT FOR HIM OVER HIS GRAVE.

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- (1) Lit., 'may be combined' (for purposes of exchange).
- (2) A Persian gold coin; cf. Ezra II, 69; VIII, 27.
- (3) Of the coins on the way up to the Temple
- (4) Heb. 'Shoferoth' (**שופרות**), horns of blowing. The chests were shaped like the Shofar, narrow at the top where the opening was, and widening lower down. This shape was chosen to prevent the theft of the contents.
- (5) Cf. p. 2 n. 6.
- (6) Lit., 'heave-offering' (**תרומה**). This term is usually applied to the offering 'heaved' from produce and given to the priest. Here it designates the portion of the shekels taken up periodically in the store-chamber for the current needs of the Temple, as described below, III, 1ff.
- (7) By making the appropriation all the shekels which are due to come to the Temple become the property of the Temple, the appropriation being made also in respect of those shekel payments which had not yet reached the Temple at the time of appropriation. V. B.M. 58a, Sonc. ed. p. 344.
- (8) The oath which acquits unpaid guardians of responsibility for the loss of goods entrusted to them; cf. B.M. 33b.
- (9) Both are the property of the Temple.
- (10) They have to pay the shekel afresh in the next year.
- (11) By error.
- (12) By the appropriation the Temple had already secured possession of the shekel from the first man; cf. p. 5, n. 7.
- (13) In accordance with Lev. V, 15ff; since he used Temple property to discharge a debt. The authorities are divided as to whether in this case also, as in the following case, an animal has first to be offered out of the appropriation before he becomes guilty of sacrilege.
- (14) But otherwise he does not incur guilt, since he has not used Temple money for any common purpose, but only transferred it from one hallowed denomination to another.
- (15) The First Tithe of produce was given to the Levites, Num. XVIII, 21. The Second Tithe had to be consumed itself, or its value in money, in Jerusalem. Cf. Deut. XIV, 24ff; 'Ed. I, 9ff, Sonc. ed. p. 4, n. 16.
- (16) Which is liable to the law of 'Removal' (**ביעור**), and must be consumed before the Passover; cf. M.Sh. V, 6.
- (17) He must take money equal to the value of the shekel and declare that this money shall be in place of the Second Tithes money or of the Seventh Year produce money that had been given away as a shekel, and then he must use up this money in accordance with the rules laid down for the consumption of Second Tithes (M. Sh. II, 1-4), or of Seventh Year produce (Sheb. VIII, 1-5; IX, 8).
- (18) Cf. infra VI, 6. All the coins saved have become hallowed.
- (19) It may be expended by the owner at his will.
- (20) For the reason stated by R. Simeon in the next section.
- (21) That in the case of a shekel Beth Hillel always hold the surplus of the coins to be common property, but in the case of a sin-offering they agree with Beth Shammai, that in the condition stated in the last section, the surplus falls to the chest of freewill-offerings?
- (22) Hence all the coins might have been used up for a sin-offering, therefore they are all hallowed.
- (23) In the days of Cyrus.
- (24) Viz., half a daric.
- (25) Half a sela'.
- (26) **טבעין** plural of **טבע**, minted shekel.
- (27) Half of the tib'in. Some texts add: 'But they were not accepted of them'.
- (28) Lev. V, 11-13.
- (29) Cf. supra p. 3, n. 7.
- (30) Num. VI, 10ff, 14ff.
- (31) For a definite need.
- (32) For his other needs.
- (33) Who will solve the problem of what to do with it; cf. B.M., Sonc. ed. p. 6, n. 2.

Mishna - Mas. Shekalim Chapter 3

MISHNAH 1. AT THREE PERIODS OF THE YEAR WAS THE APPROPRIATION MADE

[FROM THE SHEKELS] IN THE CHAMBER:¹ HALF A MONTH² BEFORE THE PASSOVER, HALF A MONTH BEFORE PENTECOST, AND HALF A MONTH BEFORE THE FEAST OF TABERNACLES. THESE ARE ALSO THE SEASONS³ FOR THE TITHE OF CATTLE;⁴ THUS R. AKIBA. BEN 'AZZAI SAYS: ON THE TWENTY-NINTH OF ADAR,⁵ AND ON THE FIRST OF SIVAN,⁶ AND ON THE TWENTY-NINTH OF AB.⁷ R. ELEAZAR AND R. SIMEON SAY: ON THE FIRST OF NISAN,⁵ ON THE FIRST OF SIVAN,⁶ AND ON THE TWENTY-NINTH OF ELUL. WHEREFORE DID THEY SAY, ON THE TWENTY-NINTH OF ELUL AND NOT ON THE FIRST OF TISHRI?⁸ BECAUSE THE FIRST OF TISHRI IS A FESTIVAL,⁹ AND IT IS NOT PERMITTED TO TITHE ON A FESTIVAL, THEREFORE THEY ADVANCE IT TO THE TWENTY-NINTH OF ELUL.

MISHNAH 2. THE APPROPRIATION IN THE CHAMBER WAS MADE WITH THREE BASKETS EACH OF [THE CAPACITY OF] THREE SE'AHs,¹⁰ AND ON THEM WAS INSCRIBED [RESPECTIVELY]¹¹ ALEPH, BETH, GIMEL. R. ISHMAEL SAYS: ON THEM WAS INSCRIBED IN GREEK, ALPHA, BETA, GAMLA.¹² HE WHO MADE THE APPROPRIATION DID NOT ENTER THE CHAMBER WEARING EITHER A BORDERED¹³ CLOAK OR SHOES OR SANDALS OR TEFILLIN OR AN AMULET, LEST IF HE BECAME POOR PEOPLE MIGHT SAY THAT HE BECAME POOR BECAUSE OF AN INIQUITY COMMITTED IN THE CHAMBER, OR IF HE BECAME RICH PEOPLE MIGHT SAY THAT HE BECAME RICH FROM THE APPROPRIATION IN THE CHAMBER. FOR IT IS A MAN'S DUTY TO BE FREE OF BLAME¹⁴ BEFORE MEN AS BEFORE GOD, AS IT IS SAID: AND BE GUILTLESS TOWARDS THE LORD AND TOWARDS ISRAEL,¹⁵ AND AGAIN IT SAYS: SO SHALL THOU FIND FAVOUR AND GOOD UNDERSTANDING IN THE SIGHT OF GOD AND MAN.¹⁶

MISHNAH 3. [MEMBERS] OF RABBAN GAMALIEL'S HOUSEHOLD USED TO ENTER [THE CHAMBER] WITH THEIR SHEKEL BETWEEN THEIR FINGERS, AND THROW IT IN FRONT OF HIM WHO MADE THE APPROPRIATION, WHILE HE WHO MADE THE APPROPRIATION PURPOSELY PRESSED IT INTO THE BASKET.¹⁷ HE WHO MADE THE APPROPRIATION DID NOT MAKE IT UNLESS HE FIRST SAID TO THEM:¹⁸ SHALL I MAKE THE APPROPRIATION? AND THEY SAID TO HIM THREE TIMES:¹⁹ MAKE THE APPROPRIATION! MAKE THE APPROPRIATION! MAKE THE APPROPRIATION!

MISHNAH 4. WHEN HE MADE THE FIRST APPROPRIATION²⁰ HE COVERED [WHAT WAS LEFT] WITH LEATHER SPREADS,²¹ AND WHEN HE MADE THE SECOND APPROPRIATION²² HE AGAIN COVERED [WHAT WAS LEFT] WITH LEATHER SPREADS,²¹ BUT AFTER THE THIRD APPROPRIATION HE DID NOT COVER [WHAT WAS LEFT]. [HE COVERED AFTER THE FIRST TWO APPROPRIATIONS] LEST HE SHOULD FORGET AND MAKE A [FRESH] APPROPRIATION FROM SHEKELS FROM WHICH AN APPROPRIATION HAD ALREADY BEEN MADE. THE FIRST APPROPRIATION HE MADE ON BEHALF OF THE LAND OF ISRAEL, AND THE SECOND ON BEHALF OF THE CITIES NEAR THEREUNTO, AND THE THIRD ON BEHALF OF BABYLON AND ON BEHALF OF MEDIA AND ON BEHALF OF [OTHER] DISTANT COUNTRIES.

(1) In the Temple which serves as the Treasury.

(2) Lit., breaking (into two) I.e., half the period of the preparation for the festival during which the laws of the festival are being expounded.

(3) Lit., 'threshing floors' (גרנות), a term borrowed from the tithe of produce which becomes due when the produce reaches the threshing-floor.

(4) Lev. XXVII, 32; cf. Bek. IX, 5-6. These dates were chosen to enable cattle dealers to sell their young animals after the tithing for the requirement of sacrifices on the three great Festivals of Pilgrimage.

(5) A more definite date than the one given by R. Akiba.

- (6) The supply of young animals was smaller before Pentecost, and the longer period of half a month given by R. Akiba might cause a scarcity of animals for sacrifices on Pentecost.
- (7) And not on or about the first of Tishri. Ben 'Azzai holds that animals born during the month of Elul had to be tithed by themselves, and could not be mixed up with those born before Elul; cf. Bek. IX, 5.
- (8) Like the dates which they gave for Nisan and Sivan.
- (9) The Festival of the New Year.
- (10) Three se'ahs equal the Biblical ephah; cf. 'Ed., Sonc. ed. p. 2, nn. 3, 7.
- (11) To ensure that the contents of each basket would be expended in the order in which they had been taken up.
- (12) The J. Mishnah reads Gamma.
- (13) With a border folded up at the lower end of the cloak. Aruch explains it as a cloak with sleeves. The articles of apparel enumerated may serve as a receptacle for hiding a theft from the shekels.
- (14) I.e., to give no cause for suspicion.
- (15) Num. XXXII, 22.
- (16) Prov. III, 4.
- (17) To make sure that their shekels would be used for the purchase of the offerings enumerated infra IV, 1, and not be left in the residue, *ibid.* 4.
- (18) To those who stood outside the chamber; v. Maim. Yad. Shekalim, II, 5.
- (19) Cf. Men. X, 3.
- (20) The one taken before the Passover.
- (21) GR. **. On which were laid the shekels that arrived later.
- (22) The one taken before Pentecost.

Mishna - Mas. Shekalim Chapter 4

MISHNAH 1. WHAT WAS DONE WITH THE APPROPRIATION? THEY BROUGHT THEREWITH THE DAILY BURNT-OFFERINGS¹ AND THE ADDITIONAL² BURNT-OFFERINGS AND THEIR DRINK-OFFERINGS, THE 'OMER AND THE TWO LOAVES AND THE SHEWBREAD³ AND ALL THE OTHER PUBLIC OFFERINGS.⁴ THOSE WHO WATCHED THE AFTERGROWTHS⁵ IN THE SEVENTH YEAR⁶ RECEIVED THEIR WAGES OUT OF THE APPROPRIATION FROM THE CHAMBER. R. JOSE SAYS: [IF A MAN WISHED] HE COULD VOLUNTEER TO WATCH WITHOUT PAYMENT. BUT THEY SAID TO HIM: THOU, TOO, DOST ADMIT THAT THEY⁷ CAN ONLY BE OFFERED OUT OF PUBLIC FUNDS.⁸

MISHNAH 2. THE [RED] COW⁹ AND THE SCAPEGOAT¹⁰ AND THE STRIP OF SCARLET¹¹ CAME OUT OF THE APPROPRIATION OF THE CHAMBER. THE VIADUCT FOR THE [RED] COW¹² AND THE VIADUCT FOR THE SCAPEGOAT¹³ AND THE STRIP OF SCARLET WHICH WAS BETWEEN ITS HORNS,¹⁴ AND [THE MAINTENANCE OF] THE POOL OF WATER,¹⁵ AND THE WALL OF THE CITY¹⁶ AND THE TOWERS THEREOF AND ALL THE NEEDS OF THE CITY¹⁷ CAME OUT OF THE REMAINDER¹⁸ IN THE CHAMBER. ABBA SAUL SAYS: THE VIADUCT FOR THE [RED] COW THE HIGH PRIESTS MADE OUT OF THEIR OWN [MEANS].

MISHNAH 3. WHAT WAS DONE WITH THE SURPLUS OF THE REMAINDER IN THE CHAMBER?¹⁹ THEREWITH WERE BOUGHT WINES, OILS AND FINE FLOURS,²⁰ AND THE PROFIT BELONGED TO THE SANCTUARY; THUS R. ISHMAEL. R. AKIBA SAYS: ONE MAY NOT DEAL WITH THE PROPERTY OF THE SANCTUARY,²¹ NOR WITH THE PROPERTY OF THE POOR.²²

MISHNAH 4. WHAT WAS DONE WITH THE SURPLUS OF THE APPROPRIATION?²³ [THEREOF WERE MADE] BEATEN PLATES OF GOLD FOR COVERING²⁴ THE INTERIOR OF THE HOLY OF HOLIES. R. ISHMAEL SAYS: THE SURPLUS [FROM THE SALE] OF THE

PRODUCE²⁵ WAS USED FOR THE ALTAR'S 'DESSERT',²⁶ AND THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE VESSELS OF MINISTRATION. R. AKIBA SAYS: THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE ALTAR'S 'DESSERT', AND THE SURPLUS OF THE DRINK-OFFERINGS²⁷ WAS USED FOR THE VESSELS OF MINISTRATION. R. HANANIAH THE CHIEF OF THE PRIESTS²⁸ SAYS: THE SURPLUS OF THE DRINK-OFFERINGS WAS USED FOR THE ALTAR'S 'DESSERT', AND THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE VESSELS OF MINISTRATION. NEITHER OF THESE [TWO SAGES] ALLOWED [A PROFIT FROM THE SALE OF THE PRODUCE].²⁹

MISHNAH 5. WHAT WAS DONE WITH THE SURPLUS OF THE FRANKINCENSE:³⁰ THEY SET APART THEREFROM³¹ THE WAGES OF THE CRAFTSMEN,³² AND WHEN THEY HAD EXCHANGED IT³³ FOR THE WAGES OF THE CRAFTSMEN, THEY GAVE IT TO THE CRAFTSMEN AS THEIR WAGES, AND THEN THEY BOUGHT IT BACK AGAIN OUT OF A NEW APPROPRIATION.³⁴ IF THE NEW ONE³⁵ HAD ARRIVED IN TIME THEY BOUGHT IT BACK AGAIN WITH THE NEW APPROPRIATION, BUT IF NOT, THEY BOUGHT IT BACK AGAIN WITH THE OLD ONE.

MISHNAH 6. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY, AND THERE WAS AMONG THEM AUGHT THAT WAS FIT FOR PUBLIC OFFERINGS,³⁶ IT SHOULD BE GIVEN TO THE CRAFTSMEN AS THEIR WAGES; THUS R. AKIBA. BUT BEN 'AZZAI SAID TO HIM: THIS IS NOT IN ACCORDANCE WITH THE ESTABLISHED RULE.³⁷ NAY, RATHER, THEY SET APART THEREFROM³⁸ THE WAGES OF THE CRAFTSMEN, AND WHEN THEY HAD EXCHANGED IT FOR THE MONEY DUE TO THE CRAFTSMEN THEY GAVE IT TO THE CRAFTSMEN AS THEIR WAGES, AND THEN THEY BOUGHT IT BACK AGAIN OUT OF A NEW APPROPRIATION.

MISHNAH 7. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY AND THERE WERE AMONG THEM CATTLE FIT FOR THE ALTAR, MALES OR FEMALES, R. ELIEZER SAYS: MALES SHOULD BE SOLD³⁹ FOR THE USE OF BURNT-OFFERINGS AND FEMALES⁴⁰ SHOULD BE SOLD FOR THE USE OF PEACE-OFFERINGS, AND THE PRICE THEREOF TOGETHER WITH THE REST OF THE POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE.⁴¹ R. JOSHUA SAYS: THE MALES SHOULD THEMSELVES BE OFFERED UP AS BURNT-OFFERINGS⁴² AND THE FEMALES SHOULD BE SOLD FOR THE USE OF PEACE-OFFERINGS, [AND FOR THE PRICE THEREOF BURNT-OFFERINGS SHOULD BE OFFERED],⁴³ AND THE OTHER POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE. R. AKIBA SAYS: I PREFER THE OPINION OF R. ELIEZER ABOVE THE OPINION OF R. JOSHUA, FOR R. ELIEZER APPLIED A UNIFORM RULE,⁴⁴ BUT R. JOSHUA DIFFERENTIATED.⁴⁵ R. PAPIAS SAID: I HAVE HEARD A TRADITION IN ACCORDANCE WITH THE OPINIONS OF BOTH [SAGES]: THAT IF A MAN DEDICATED TO THE SANCTUARY IN DEFINITE TERMS⁴⁶ IT IS ACCORDING TO THE OPINION OF R. ELIEZER,⁴⁷ BUT IF HE DEDICATED TO THE SANCTUARY IN INDEFINITE TERMS⁴⁸ IT IS ACCORDING TO THE OPINION OF R. JOSHUA.⁴⁹

MISHNAH 8. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY AND THERE WERE AMONG THEM THINGS FIT FOR THE ALTAR [SUCH AS] WINES, OILS,⁵⁰ AND BIRDS,⁵¹ R. ELIEZER SAYS: THEY SHOULD BE SOLD FOR THE USE OF [OFFERINGS BELONGING TO] EACH PARTICULAR KIND, AND FOR THE PRICE THEREOF BURNT-OFFERINGS⁵² SHOULD BE OFFERED, WHILE THE OTHER POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE.

MISHNAH 9. ONCE IN THIRTY DAYS PRICES WERE FIXED [ON BEHALF OF] THE CHAMBER.⁵³ IF A MAN HAD UNDERTAKEN TO SUPPLY FINE FLOURS AT FOUR [SE'AH'S

FOR A SELA'] AND THEY NOW STOOD AT THREE [SE'AHs FOR A SELA'] HE MUST [STILL] SUPPLY AT FOUR [SE'AHs]. [IF HE HAD UNDERTAKEN TO SUPPLY] AT THREE [SE'AHs FOR A SELA'] AND THEY NOW STOOD AT FOUR, HE MUST [ALSO] SUPPLY AT FOUR, FOR THE SANCTUARY HAS THE UPPER HAND.⁵⁴ IF THE FINE FLOUR BECAME WORM-EATEN THE LOSS IS HIS; IF THE WINE BECAME SOUR THE LOSS IS HIS. FOR HE IS NOT ENTITLED TO HIS MONEY⁵⁵ EXCEPT AFTER THE ALTAR HAS ACCEPTED THE OFFERING.⁵⁶

(1) Cf. Num. XXVIII, 1-8.

(2) The special offering for the Sabbath, the New Moon and the Festivals, enumerated in Num. XXVIII, 9-XXIX, 39.

(3) Cf. supra p. 3 nn. 2-4.

(4) E.g., frankincense and the drink-offerings ordained, infra VII, 6.

(5) Growing without human labor; cf. Lev. XXV, 5, 11.

(6) All produce of the Seventh Year was ownerless property and free to man and beast, Lev. *ibid.* 6-7. As the 'Omer and the Two Loaves had to be offered out of the new produce of the year, therefore in the Seventh Year guardians were set over a special field to guard its aftergrowths for the use of the 'Omer and the Two Loaves for that year, so that they might not be eaten by man or beast.

(7) The 'Omer and the Two Loaves.

(8) But if the watcher is unpaid the aftergrowths become automatically his own private property and could not be offered up; v. B.M., Sonc. ed. pp. 671ff and notes.

(9) Num. XIX, 1ff.

(10) Lev. XVI, 10, 21F.

(11) Which was thrown into the burning Red Cow, including also the accompanying cedar wood and hyssop, Num. XIX, 6. According to others, the strip of scarlet tied on the neck of the goat of the sin-offering in order to distinguish it from the scapegoat, Lev. XVI, 9; v. p. 13, n. 3.

(12) Across the valley which separated the Temple Mount from the Mount of Olives, over which the Red Cow was led by the priest. The viaduct was erected in order to protect the priest against defilement from the possible unsuspected presence of a grave in the valley; cf. Parah III, 6.

(13) A private exit leading out of Jerusalem for the man who carried away the scapegoat, to prevent his being mobbed; cf. Yoma 66a.

(14) Cf. Yoma 41b.

(15) In the Temple Court.

(16) Of Jerusalem.

(17) The maintenance of the water supply, the streets and markets, etc.

(18) What is left over from the shekels after the three appropriations had been made; v. supra III, 2, 4.

(19) After the needs enumerated in the foregoing section (viaducts etc.) had been satisfied.

(20) To be re-sold to those requiring them for their offerings.

(21) (a) Such trafficking is unseemly for the Temple v. Keth. 106b. [(b) Because trafficking may involve loss as well as gain, T.J. a.l.].

(22) 'Because a poor man might come unexpectedly and there would be nothing to give him'. Keth. *ibid.*; cf. however preceding note (b).

(23) After the needs enumerated in section 1 and the beginning of section 2 had been met.

(24) Cf. Num. XVII, 3; I Kings VI, 20ff.

(25) In accordance with his opinion in the last section.

(26) Lit., 'summer-fruit', eaten as dessert, a figurative name for the burnt-offerings which were offered after all the prescribed public and private offerings had been offered, to prevent the altar standing idle, v. Shebu., Sonc. ed. p. 50, n. 3.

(27) Sold by the officers of the Temple in accordance with infra V, 4.

(28) Segan, v. Sanh., Sonc. ed. p. 97, n. 1.

(29) Against R. Ishmael, and in agreement with R. Akiba supra section 3.

(30) In conformity with an ancient tradition, the incense was prepared for the whole year in advance in a quantity of 365 minas, corresponding to the number of days in the solar year, with an extra three minas for the Day of Atonement, of

which one mina was offered daily, one half in the morning and one half in the afternoon (cf. Ex. XXX, 7-8; Ker. 6a). But as the calendar year in force was the lunar year which consists usually of 354 days (excepting the leap year which has 384 days), there was at the end of most years a surplus of eleven minas. This surplus could not be carried over for use in the next year, since all public offerings made from the first of Nisan onwards had to come out of the appropriation of the new shekels (cf. p. 12, n. 4). Hence arose the problem how to enable the surplus from the old year to be used for the new year.

(31) From the shekels in the chamber. So Maimonides and Bertinore. [Aliter: From the surplus of the frankincense (Barneth a.l.). Cf. next section, n. 5.]

(32) Who compounded the incense, made the Shewbread, and guarded the aftergrowths in the Seventh Year; cf. supra section 1, and infra V], 1.

(33) The surplus of the incense, thereby divesting it of its hallowed character and rendering it 'common'. This roundabout method was adopted, instead of selling it straightway, out of reverence for its hallowed character.

(34) And it could be used for the new year.

(35) The contribution of the new shekel.

(36) Frankincense, wine, oil, or flour.

(37) As laid down in the last section.

(38) [מִזְבֵּי] evidently refers to the dedicated objects fit for public offerings; cf. previous section, n. 6.]

(39) But they should not themselves be offered, as, according to the view of R. Eliezer, an ordinary dedication to the Temple belonged to the general Temple fund ('The Repair of the Temple').

(40) Females could not be used for burnt-offerings, but were good for peace-offerings; cf. Lev. I, 3, 10; III, 1, 6.

(41) Cf. II Kings XII, 6ff. This was equivalent to the general Temple fund.

(42) He holds that such was the intention of the dedication.

(43) But not as peace-offerings the flesh of which is eaten by the owner, it being assumed that his intention was to dedicate them exclusively to the altar.

(44) For cattle and other possessions.

(45) Between cattle and other possessions.

(46) Making special mention of the cattle among his possessions.

(47) That cattle should be treated in the same way as his other possessions.

(48) Without mentioning the cattle.

(49) That each is treated in the manner for which it is fit.

(50) For meal-offerings and drink-offerings; cf. Num. XXVIII, 5, 7, etc.

(51) Pigeons and turtle-doves.

(52) This is deduced from the wording of Lev. XXII, 18: Of all their vows and freewill-offerings . . . for a burnt-offering, v. T.J. a.l.

(53) The treasury chamber where the shekels were deposited; III, 1.

(54) Cf. Kid. 29a.

(55) Even if he had received it in advance.

(56) As a valid one.

Mishna - Mas. Shekalim Chapter 5

MISHNAH 1. THESE WERE THE OFFICERS¹ IN THE TEMPLE: JOHANAN THE SON OF PHINEAS WAS OVER THE SEALS, AHIJAH OVER THE DRINK-OFFERINGS,² MATTITHIAH THE SON OF SAMUEL³ OVER THE LOTS,⁴ PETHAHIAH OVER THE BIRD-OFFERINGS (THIS SAME PETHAHIAH WAS MORDECAI. WHEREFORE WAS HIS NAME CALLED PETHAHIAH? BECAUSE HE 'OPENED'⁵ MATTERS AND EXPOUNDED THEM, AND HE UNDERSTOOD THE SEVENTY TONGUES);⁶ THE SON OF AHIJAH WAS OVER THE SICKNESS OF THE BOWELS,⁷ NEHUNIAH WAS DIGGER OF DITCHES,⁸ GEBINI WAS THE CRIER,⁹ THE SON OF GEBER WAS OVER THE LOCKING OF THE GATES,¹⁰ THE SON OF BEBAI WAS OVER THE STRIPS,¹¹ THE SON OF ARZA OVER THE CYMBAL,¹² HYGROS THE SON OF LEVI OVER THE SINGING,¹³ THE HOUSE OF GARMU OVER THE MAKING OF THE SHEWBREAD,¹⁴ THE HOUSE OF ABTINAS OVER THE

PREPARING OF THE FRANKINCENSE,¹⁴ ELEAZAR OVER THE VEIL,¹⁵ AND PHINEAS OVER THE VESTMENTS.¹⁶

MISHNAH 2. THE TREASURERS WERE NOT LESS THAN THREE AND THE SUPERINTENDENTS NOT LESS THAN SEVEN, NOR MAY AUTHORITY BE EXERCISED IN MATTERS OF MONEY BY LESS THAN TWO [OFFICERS], EXCEPT [IN THE CASE] OF AHIJAH¹⁷ WHO WAS OVER THE SICKNESS OF THE BOWELS AND ELEAZAR¹⁷ WHO WAS OVER THE VEIL, FOR THESE HAD BEEN ACCEPTED BY THE MAJORITY OF¹⁸ THE PUBLIC.

MISHNAH 3. THERE WERE FOUR SEALS IN THE TEMPLE, AND ON THEM WAS INSCRIBED [RESPECTIVELY] 'CALF', 'RAM',¹⁹ 'KID', 'SINNER'.²⁰ BEN 'AZZAI SAYS: THERE WERE FIVE AND ON THEM WAS INSCRIBED IN ARAMAIC [RESPECTIVELY] 'CALF', 'RAM', 'KID', 'POOR'²¹ 'SINNER', AND 'RICH'²² 'SINNER'. [THE SEAL INSCRIBED] 'CALF', SERVED FOR THE DRINK-OFFERINGS²³ OF KINE, BOTH GREAT AND SMALL, MALE AND FEMALE; [THE ONE INSCRIBED] 'KID' SERVED FOR THE DRINK-OFFERINGS OF FLOCKS, BOTH GREAT AND SMALL, MALE AND FEMALE, WITH THE EXCEPTION OF THOSE OF RAMS; [THE ONE INSCRIBED] 'RAM' SERVED FOR THE DRINK-OFFERINGS OF RAMS ALONE; [THE ONE INSCRIBED] 'SINNER' SERVED FOR THE DRINK-OFFERINGS OF THE THREE ANIMALS [OFFERED] BY LEPERS.²⁴

MISHNAH 4. IF A MAN REQUIRED DRINK-OFFERINGS HE WOULD GO TO JOHANAN WHO WAS THE OFFICER OVER THE SEALS, AND GIVE HIM MONEY AND RECEIVE FROM HIM A SEAL. THEN HE WOULD GO TO AHIJAH WHO WAS THE OFFICER OVER THE DRINK-OFFERINGS, AND GIVE HIM THE SEAL, AND RECEIVE FROM HIM DRINK-OFFERINGS. AND IN THE EVENING THESE TWO [OFFICERS] WOULD COME TOGETHER, AND AHIJAH WOULD BRING OUT THE SEALS AND RECEIVE MONEY FOR THEIR VALUE. AND IF THERE WAS MORE [THAN THEIR VALUE] THE SURPLUS BELONGED TO THE SANCTUARY,²⁵ BUT IF THERE WAS LESS [THAN THEIR VALUE] JOHANAN WOULD PAY [THE LOSS] OUT OF HIS OWN MEANS; FOR THE SANCTUARY HAS THE UPPER HAND.

MISHNAH 5. IF A MAN LOST HIS SEAL HIS CASE WAS DEFERRED UNTIL THE EVENING.²⁶ IF THEN THEY FOUND [MONEY OVER] TO THE VALUE OF HIS LOST SEAL THEY GAVE [IT] TO HIM, PUT IF NOT HE HAD NOTHING. MOREOVER, ON THE SEALS WAS INSCRIBED THE NAME OF THE DAY [IN ORDER TO GUARD] AGAINST IMPOSTORS.²⁷

MISHNAH 6. THERE WERE TWO CHAMBERS IN THE TEMPLE, ONE THE CHAMBER OF SECRET GIFTS AND THE OTHER THE CHAMBER OF THE VESSELS. THE CHAMBER OF SECRET GIFTS — SIN-FEARING PERSONS²⁸ USED TO PUT THEIR GIFTS THEREIN IN SECRET, AND THE POOR WHO WERE DESCENDED OF THE VIRTUOUS WERE SUPPORTED THEREFROM IN SECRET. THE CHAMBER OF THE VESSELS — WHOEVER OFFERED A VESSEL AS A GIFT USED TO THROW IT THEREIN, AND ONCE IN THIRTY DAYS THE TREASURERS OPENED IT; AND ANY VESSEL THEY FOUND THEREIN THAT WAS OF USE FOR THE REPAIR OF THE TEMPLE THEY LEFT THERE; BUT THE OTHERS WERE SOLD AND THEIR PRICE WENT TO THE CHAMBER OF THE REPAIR²⁹ OF THE TEMPLE.

(1) According to an explanation in the Palestinian Gemara, the functionaries here enumerated were all contemporaries in a particular generation. Another, less likely, explanation given there is that these persons were the worthiest of all the occupants of the offices during the whole existence of the Second Temple. [According to Hoffmann (Die Erste Mishnah

- p. 17) the officers enumerated here date from the time of Agrippa. This is disputed by Graetz MGWJ, XXXIV, 195ff and Buchler, *Die Priester*, p. 134ff.]
- (2) Cf. *infra* 4.
- (3) A saying of his in connection with the Temple service is recorded in Yoma 28a.
- (4) By which the various labours connected with the service of the altar were distributed among the priests; v. Yoma II, 2ff.
- (5) I.e. pathah (פתח). This is an allusion to the various difficult problems in connection with bird-offerings discussed in the Tractate Kinnim; cf. also Aboth. III, 19.
- (6) The number of languages into which human speech was traditionally divided, corresponding to the seventy nations enumerated in Gen. X; cf. *ibid.* 5, 20, 31. Of Mordecai's skill in strange languages, cf. Meg. 13b. The whole bracketed passage is probably an interpolation. The Mordecai mentioned here is identified by the commentators with Mordecai Bilshan (בלשן from לשון, language) of Ezra II, 2. According to Rashi (Men. 64b, cf. Tosaf. *ibid.*) and Ibn Ezra (on Ezra *loc. cit.*) this was the Mordecai of the Book of Esther.
- (7) To cure it. The Palestinian Gemara adds that the priests were specially subject to this sickness, because they went about barefooted, ate much meat, and drank much water.
- (8) To supply water to pilgrims to the Temple. Cf. B.K. Sonc. ed. p. 287.
- (9) Who summoned the priests to their labours every morning; cf. Tam. III, 8; Yoma 20b.
- (10) To lock them in the evening and open them again in the morning.
- (11) Strips of cloth of which wicks were made for the lamps and torches of the Temple. So the Palestinian Gemara. The Babylonian Gemara (Yoma 23a) explains it as the straps with which Levites were scourged when found sleeping while on night duty as watchmen. But in Mid. I, 2 the sleeping watchman is beaten with a stick.
- (12) That accompanied the singing of the Levites, Tam. VII, 3.
- (13) Of the Levites, Tam. VII, 4; cf. Yoma 38a. [Whether Ben Arza was a priest or a Levite, v. Buchler *op. cit.* pp. 126f and 142f.]
- (14) V. Yoma 38a.
- (15) Over its manufacture, etc.; cf. *infra* VIII, 5.
- (16) Of the priests.
- (17) Who also handled money for the purchase of medicines and of materials for the Veil.
- (18) Some texts omit 'the majority of'.
- (19) Lit., 'male', the Aramaic name of the ram.
- (20) I.e., leper. Leprosy was considered a punishment for certain serious transgressions; cf. 'Ar. 16a.
- (21) Lev. XIV, 21ff.
- (22) I.e., a leper who is not poor. He has to offer the sacrifices prescribed, Lev. *ibid.* 10.
- (23) Including meal-offerings. These had to accompany every burnt-offering and peace-offering, but differed in their quantities according as the sacrifice was of kine, or of flocks, or a ram; cf. Num. XV, 3-10.
- (24) As prescribed in Lev. XIV, 10, 21 respectively.
- (25) Johanan could not claim it as his own.
- (26) When the two officers met together to settle the daily account.
- (27) Who might use for themselves seals lost by the officers or by the buyer, or who might buy seals when produce was cheap and use them in a time when produce became dear.
- (28) Pious persons who sought to avoid publicity for their deeds of charity.
- (29) Cf. *supra* p. 15, n. 8.

Mishna - Mas. Shekalim Chapter 6

MISHNAH 1. THERE WERE IN THE TEMPLE THIRTEEN CHESTS,¹ THIRTEEN TABLES AND THIRTEEN PROSTRATIONS. [MEMBERS] OF THE HOUSEHOLD OF RABBAN GAMALIEL AND OF R. HANANIAH THE CHIEF OF THE PRIESTS, USED TO PROSTRATE THEMSELVES FOURTEEN [TIMES]. AND WHERE WAS THE ADDITIONAL [PROSTRATION]? IN FRONT OF THE STORE OF WOOD², FOR THUS THEY HAD A TRADITION FROM THEIR FOREFATHERS THAT THE ARK WAS HIDDEN THERE.³

MISHNAH 2. ONCE IT HAPPENED THAT A CERTAIN PRIEST WHO WAS BUSY⁴ [THERE] NOTICED THAT THE PAVEMENT WAS DIFFERENT [THERE] FROM THE OTHERS. HE WENT AND TOLD [IT] TO HIS FELLOW, BUT BEFORE HE HAD TIME TO FINISH HIS WORDS HIS SOUL DEPARTED. THEN IT BECAME KNOWN OF A SURETY THAT THE ARK WAS HIDDEN THERE.

MISHNAH 3. BUT WHERE DID THEY MAKE THE PROSTRATIONS? FOUR [TIMES] IN THE NORTH, FOUR [TIMES] IN THE SOUTH, THREE [TIMES] IN THE EAST, AND TWICE IN THE WEST, IN FRONT OF THE THIRTEEN GATES. THE SOUTHERN GATES CLOSE TO THE WEST⁵ [SIDE WERE]: THE UPPER GATE,⁶ THE GATE OF THE FUEL,⁷ THE GATE OF THE FIRSTBORN [ANIMALS],⁸ AND THE WATER GATE. WHEREFORE WAS ITS NAME CALLED THE WATER GATE? BECAUSE THROUGH IT WAS BROUGHT IN THE FLASK OF WATER FOR THE LIBATION ON THE FEAST OF TABERNACLES.⁹ R. ELIEZER THE SON OF JACOB SAYS: THROUGH IT THE WATERS TRICKLED FORTH¹⁰ AND IN THE HEREAFTER THEY WILL ISSUE OUT FROM UNDER THE THRESHOLD OF THE HOUSE.¹⁰ OVER AGAINST THEM¹¹ IN THE NORTH CLOSE TO THE WEST WERE:¹² THE GATE OF JECHONIAH, THE GATE OF THE OFFERINGS¹³ THE GATE OF THE WOMEN,¹⁴ AND THE GATE OF SONG.¹⁵ AND WHEREFORE WAS ITS NAME CALLED THE GATE OF JECHONIAH? BECAUSE THROUGH IT JECHONIAH WENT FORTH INTO HIS CAPTIVITY.¹⁶ IN THE EAST WAS THE GATE OF NICANOR,¹⁷ AND IT HAD TWO WICKETS,¹⁸ ONE TO THE RIGHT AND ONE TO THE LEFT. THERE WERE ALSO TWO GATES IN THE WEST WHICH [HOWEVER] HAD NO NAME.¹⁹

MISHNAH 4. THERE WERE THIRTEEN TABLES IN THE TEMPLE, EIGHT OF MARBLE IN THE PLACE OF SLAUGHTERING ON WHICH THE ENTRAILS WERE RINSED, AND TWO TO THE WEST OF THE ASCENT²⁰ [TO THE ALTAR], ONE OF MARBLE AND ONE OF SILVER; ON THAT OF MARBLE WERE PLACED THE LIMBS²¹ [OF THE OFFERINGS], AND ON THAT OF SILVER THE VESSELS OF MINISTRATION. THERE WERE TWO TABLES IN THE PORCH²² WITHIN THE ENTRANCE OF THE HOUSE,²³ ONE OF MARBLE AND THE OTHER OF GOLD; ON THAT OF MARBLE²⁴ THE SHEWBREAD WAS PLACED WHEN IT WAS BROUGHT IN,²⁵ AND ON THAT OF GOLD [THE SHEWBREAD WAS PLACED] WHEN IT WAS TAKEN OUT,²⁶ BECAUSE THINGS SACRED MAY BE RAISED [IN HONOUR] BUT NOT LOWERED.²⁷ AND WITHIN THERE WAS ONE [TABLE] OF GOLD ON WHICH THE SHEWBREAD LAY CONTINUALLY.²⁸

MISHNAH 5. THERE WERE THIRTEEN CHESTS²⁹ IN THE TEMPLE AND ON THEM WAS INSCRIBED [RESPECTIVELY] 'NEW SHEKELS',³⁰ 'OLD SHEKELS',³⁰ 'BIRD-OFFERINGS', 'YOUNG PIGEONS FOR BURNT-OFFERINGS', 'WOOD', 'FRANKINCENSE', 'GOLD FOR THE MERCY-SEAT',³¹ AND ON SIX [WAS INSCRIBED] 'FOR FREEWILL-OFFERINGS'. 'NEW SHEKELS' — THOSE FOR EACH YEAR; 'OLD SHEKELS' — WHOSOEVER HAS NOT PAID HIS SHEKEL IN THE PAST YEAR MAY PAY IT IN THE COMING YEAR; 'BIRD-OFFERINGS' — THESE ARE TURTLE-DOVES; 'YOUNG PIGEONS FOR BURNT-OFFERINGS' — THESE ARE YOUNG PIGEONS. BOTH [THESE TWO CHESTS] ARE FOR BURNT-OFFERINGS; THUS R. JUDAH. BUT THE SAGES SAY: [OF THE CHEST INSCRIBED] 'BIRD-OFFERINGS' ONE [HALF] IS FOR SIN-OFFERINGS AND THE OTHER [HALF] FOR BURNT-OFFERINGS,³² BUT [OF THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS' ALL GOES TO BURNT-OFFERINGS.³³

MISHNAH 6. IF A MAN SAYS: 'LO,³⁴ UPON ME [BE THE DUTY OF OFFERING] WOOD', HE MAY NOT OFFER LESS THAN TWO LOGS; [IF HE SAYS: 'LO, UPON ME BE THE DUTY OF OFFERING] FRANKINCENSE', HE MAY NOT OFFER LESS THAN A HANDFUL [THEREOF]; [IF HE SAYS: 'LO, UPON ME BE THE DUTY OF OFFERING] GOLD', HE MAY

NOT OFFER LESS THAN A GOLD DENAR.

‘ON SIX [WAS INSCRIBED] "FOR FREEWILL-OFFERINGS" — WHAT WAS DONE WITH THE FREEWILL-OFFERINGS? THEY BOUGHT WITH THEM BURNT-OFFERINGS, THE FLESH [OF WHICH] WAS FOR THE DIVINE AND THE HIDES FOR THE PRIESTS. THE FOLLOWING IS THE EXPOSITION WHICH WAS EXPOUNDED BY JEHOIDA THE HIGH PRIEST: IT IS A GUILT-OFFERING; HE IS CERTAINLY GUILTY BEFORE THE LORD³⁵ — THIS IS THE GENERAL RULE: WITH WHAT IS [LEFT OVER OF MONEY] OFFERED FOR A SIN-OFFERING OR A GUILT-OFFERING BURNT-OFFERINGS SHOULD BE BOUGHT, [OF WHICH] THE FLESH GOES TO THE DIVINE AND THE HIDES TO THE PRIESTS. THUS THE TWO STATEMENTS OF SCRIPTURE ARE FULFILLED: HE IS CERTAINLY GUILTY UNTO THE LORD³⁶ AND IT IS A GUILT-OFFERING UNTO THE PRIESTS.³⁷ AND SO IT SAYS AGAIN:³⁸ THE MONEY³⁹ FOR THE GUILT OFFERINGS AND THE MONEY FOR THE SIN-OFFERINGS WAS NOT BROUGHT INTO THE HOUSE⁴⁰ OF THE LORD; IT WAS THE PRIESTS’.⁴¹

(1) Cf. supra p. 5, n. 4.

(2) V. Mid. II, 5.

(3) According to one tradition, by King Josiah before the destruction of the First Temple, v. Yoma 53b.

(4) He was engaged in picking the sound wood from the mouldy wood, as mouldy wood was unfit for the altar, Mid. ibid. Cf. also Yoma 54a.

(5) I.e., in the direction from west to east; cf. Mid. II, 6.

(6) [The western-most gate, so called on account of its elevated position, as the Temple court was situated on an incline rising from east to west. V. Hollis F. J., *The Archeology of Herod's Temple* p. 297.]

(7) Through it the wood for the altar was brought in.

(8) Through it the firstlings were led in preparatory to sacrifice.

(9) Cf. Suk. IV, 9.

(10) Cf. Ezek. XLVII, 2. 1.

(11) I.e., exactly opposite them.

(12) V. p. 22, n. 5.

(13) Through it the Most Holy sacrifices were brought in.

(14) Women entered here to attend to their offerings.

(15) Through it were brought in the musical instruments.

(16) Cf. II Kings XXIV, 12ff.

(17) Named after a man who fetched its doors from Egypt; cf. Yoma 38a.

(18) [These probably gave access to the chambers situated on the north and south respectively of the Gate of Nicanor; cf. Mid. I, 4, v. Hollis op. cit. p. 302.]

(19) [V. Tosaf. Yom Tob a.l. and Hollis pp. 139-53 where the question why these two gates were not named is discussed.]

(20) The inclined plane by which the priests went up to the altar (cf. Ex. XX, 26). V. Mid. III, 3.

(21) To keep them fresh.

(22) Ulam, the hall leading to the interior of the Temple.

(23) The Temple proper.

(24) To keep them fresh.

(25) Waiting to be laid on the table of gold, cf. Ex. XXV, 30; Lev. XXIV, 6.

(26) On the Sabbath, to make room for the new Shewbread (Lev. ibid. 8; Men. XI, 8), and before it was distributed among the priests.

(27) Hence having rested for a week on a table of gold, the Shewbread could not now be laid again on any but another table of gold; cf. Men. VI, 7.

(28) Ex. XXV, 30.

(29) Which served as receptacles of money for the purposes denoted by the various inscriptions on them.

(30) These are couched in Aramaic.

- (31) **לכפרת** , viz., for the Holy of Holies (Maimonides), as there was no Mercy-seat in the Second Temple. Others suggest the reading **לכפורות** , for basins; cf. Ezra I, 10; I Chron. XXVIII, 17.
- (32) Therefore a man who was obliged to offer bird-offerings (which had to consist of a pair, one a sin-offering and the other a burnt-offering; cf. supra p. 3, n. 7) could throw money into this chest, and thereby discharge his obligation, since the offerings bought with the money of this chest would be in accordance with his requirements.
- (33) Therefore only freewill-offerings could be thrown into this chest, but not obligatory offerings.
- (34) Cf. Men. XIII, 3.
- (35) Lev. V, 19. The phrase 'It is a guilt-offering' implies that it is like any other guilt-offering of which the priests had a share, in accordance with Lev. VII, 6; on the other hand, the following phrase 'He is certainly guilty unto the Lord' implies that the whole is offered unto the Lord and is consumed by the altar, without leaving a share to the priests, thus contradicting the previous phrase. This contradiction is overcome by assigning the surplus of money offered for a sin-offering or a guilt-offering to the purchase of burnt-offerings, of which part goes to the altar, the flesh, and part to the priests, the hides.
- (36) Viz., the flesh of the offering brought from the surplus of the money intended for a guilt-offering.
- (37) The priests take the hides.
- (38) II Kings XII, 17.
- (39) Viz., the surplus of money originally intended for a guilt-offering or for a sin-offering.
- (40) This is interpreted as meaning 'for the Repair of the House of the Lord', cf. the preceding verses of the chapter.
- (41) This is interpreted to mean: It should be devoted to a sacrifice, of which the priests enjoy a share — the hides.

Mishna - Mas. Shekalim Chapter 7

MISHNAH 1. IF MONEY WAS FOUND BETWEEN THE [CHEST INSCRIBED] 'SHEKELS'¹ AND THE [CHESTS INSCRIBED] 'FOR FREEWILL-OFFERINGS, AND IT WAS NEARER² TO [THE CHEST INSCRIBED] 'SHEKELS', IT GOES TO THE SHEKELS; [IF NEARER TO THE CHESTS INSCRIBED] 'FOR FREEWILL-OFFERINGS', IT GOES TO FREEWILL-OFFERINGS; IF MIDWAY, IT GOES TO FREEWILL-OFFERINGS.³ [IF MONEY WAS FOUND] BETWEEN [THE CHEST INSCRIBED] 'WOOD' AND [THE CHEST INSCRIBED] 'FRANKINCENSE' AND IT WAS NEARER TO [THE CHEST INSCRIBED] 'WOOD', IT GOES TO THE WOOD; [IF NEARER TO THE CHEST INSCRIBED] 'FRANKINCENSE', IT GOES TO FRANKINCENSE; IF MIDWAY, IT GOES TO FRANKINCENSE.⁴ [IF IT WAS FOUND] BETWEEN [THE CHEST INSCRIBED] 'BIRD-OFFERINGS' AND [THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS' AND IT WAS NEARER TO [THE CHEST INSCRIBED] 'BIRD-OFFERINGS' IT GOES TO BIRD-OFFERINGS; [IF NEARER TO THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS', IT GOES TO YOUNG PIGEONS FOR BURNT-OFFERINGS; IF MIDWAY, IT GOES TO YOUNG PIGEONS FOR BURNT-OFFERINGS.⁵ [IF IT WAS FOUND] BETWEEN COMMON [MONEY] AND [SECOND] TITHES [MONEY]⁶ AND IT WAS NEARER TO THE COMMON [MONEY], IT IS CONSIDERED COMMON [MONEY]; IF NEARER TO THE [SECOND] TITHES [MONEY], IT IS CONSIDERED [SECOND] TITHES [MONEY]; IF MIDWAY, IT IS CONSIDERED [SECOND] TITHES [MONEY]. THIS IS THE GENERAL RULE: SUCH MONEY IS ASSIGNED TO THAT WHICH IS NEARER TO IT, EVEN IF IT IS THEREBY MADE LESS IMPORTANT; BUT IF MIDWAY, IT IS ASSIGNED TO THAT WHICH IS THE MORE IMPORTANT.⁷

MISHNAH 2. IF MONEY WAS FOUND⁸ IN FRONT OF CATTLE DEALERS AT ANY TIME OF THE YEAR IT IS DEEMED TO BE [SECOND] TITHES [MONEY];⁹ [IF IT WAS FOUND] IN THE TEMPLE MOUNT IT IS DEEMED TO BE COMMON MONEY;¹⁰ [RUT IF IT WAS FOUND] IN JERUSALEM¹¹ DURING THE SEASON OF FESTIVALS¹² IT IS DEEMED TO BE [SECOND] TITHES [MONEY]. BUT ALL THE REST OF THE YEAR IT IS DEEMED TO BE COMMON [MONEY].¹³

MISHNAH 3. IF FLESH WAS FOUND IN THE TEMPLE COURT [AND IT WAS CUT UP IN]

LIMBS,¹⁴ [IT MUST BE TREATED AS BELONGING TO] BURNT-OFFERINGS; [BUT IF CUT UP IN ORDINARY] PIECES [IT MUST BE TREATED AS BELONGING TO] SIN-OFFERINGS.¹⁵ [IF FLESH WAS FOUND] IN JERUSALEM¹⁶ [IT MUST BE TREATED AS BELONGING TO] PEACE-OFFERINGS.¹⁷ IN EITHER CASE¹⁸ IT MUST BE LEFT TO BECOME DISFIGURED¹⁹ AND MUST THEN BE TAKEN AWAY TO THE PLACE OF BURNING. IF FOUND WITHIN THE BORDERS²⁰ [AND IT WAS CUT UP IN] LIMBS, [IT MUST BE TREATED AS] CARRION;²¹ [BUT IF CUT UP IN ORDINARY] PIECES, IT IS FIT FOR [FOOD].²² BUT [IF FOUND] DURING THE SEASON OF FESTIVALS, WHEN FLESH IS ABUNDANT,²³ IT IS FIT FOR [FOOD] EVEN WHEN CUT UP IN LIMBS.

MISHNAH 4. IF CATTLE WAS FOUND IN JERUSALEM AS FAR AS MIGDAL EDER,²⁴ AND WITHIN A LIKE DISTANCE ON ANY SIDE [OF JERUSALEM], MALES [MUST BE CONSIDERED AS BEING] BURNT-OFFERINGS, BUT FEMALES MUST BE CONSIDERED AS] PEACE-OFFERINGS.²⁵ R. JUDAH SAYS: IF THEY WERE FIT FOR THE PASSOVER-OFFERING,²⁶ [THEY MUST BE CONSIDERED AS] PASSOVER-OFFERINGS [WHEN FOUND] WITHIN THIRTY DAYS BEFORE THE FEAST [OF PASSOVER].²⁷

MISHNAH 5. AFORETIME THEY USED TO DISTRAIN²⁸ ANY ONE WHO HAD FOUND SUCH A [STRAY] ANIMAL, UNLESS HE ALSO OFFERED THE DRINK-OFFERINGS THEREOF. THEN MEN WOULD LEAVE THE ANIMAL AND RUN AWAY; SO THE COURT ORDAINED THAT THE DRINK-OFFERINGS THEREOF SHOULD BE OFFERED OUT OF PUBLIC FUNDS.

MISHNAH 6. R. SIMEON SAID: SEVEN THINGS THE COURT ORDAINED AND THAT WAS ONE OF THEM. [THE OTHERS WERE THE FOLLOWING:] IF A HEATHEN SENT A BURNT-OFFERING FROM THE LANDS BEYOND THE SEA AND WITH IT HE SENT THE DRINK-OFFERINGS²⁹ THEREOF, THEY ARE OFFERED OUT OF HIS OWN MEANS; BUT IF [HE DID] NOT [SEND THE DRINK-OFFERINGS THEREOF], THEY SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ THUS [ALSO IN THE CASE OF] A PROSELYTE³¹ WHO HAD DIED AND LEFT SACRIFICES [TO BE OFFERED], THEN IF HE HAD ALSO LEFT THE DRINK-OFFERINGS THEREOF THEY ARE OFFERED OUT OF HIS OWN; BUT IF NOT, THEY SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ IT WAS ALSO A CONDITION LAID DOWN BY THE COURT IN THE CASE OF A HIGH PRIEST WHO HAD DIED³² THAT HIS MEAL-OFFERINGS³³ SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ R. JUDAH SAYS: [IT WAS OFFERED OUT] OF THE PROPERTY OF HIS HEIRS, AND HAD TO BE OFFERED OF THE WHOLE³⁴ [TENTH].

MISHNAH 7. [THEY FURTHER ORDAINED] CONCERNING THE SALT AND THE WOOD³⁵ THAT THE PRIESTS SHOULD MAKE USE THEREOF;³⁶ AND CONCERNING THE [RED] COW³⁷ THAT THE USE OF ITS ASHES SHOULD NOT INVOLVE THE GUILT OF SACRILEGE;³⁸ AND CONCERNING BIRD-OFFERINGS³⁹ WHICH HAD BECOME UNFIT [FOR SACRIFICE], THAT [OTHERS] SHOULD BE OFFERED [IN THEIR STEAD] OUT OF PUBLIC FUNDS. R. JOSE SAYS: [THE DEALER] WHO SUPPLIED THE BIRD-OFFERINGS WAS BOUND TO SUPPLY [AT HIS COST ALSO THOSE WHICH HAD TO BE OFFERED IN THE STEAD OF] THOSE WHICH HAD BECOME UNFIT.⁴⁰

(1) Cf. supra VI, 5 (p. 24).

(2) The presumption is that the money fell out of the chest nearest to it. This is deduced from Deut. XXI, 3; v. B.B. 23a.

(3) According to the rule laid down below, when the probabilities are evenly balanced, the money should be assigned to the holier of the two, which in this case is the chest of freewill-offerings, since its contents were spent entirely on burnt-offerings for the altar (supra VI, 6), whereas the contents of the chest of shekels were spent also on such less holy objects as the needs of the city of Jerusalem (supra IV, 2).

- (4) Because frankincense, which was an offering for the altar, was holier than the wood which merely served as fuel for the altar.
- (5) Which is the holier of the two, since one of the pair of bird-offerings was a sin-offering (cf. supra p. 3, n. 7), the flesh of which was eaten by the priests (Lev. VI, 19), whereas the burnt-offerings were all consumed by the fire of the altar.
- (6) Cf. supra p. 6, n. 5.
- (7) I.e., that which is holier.
- (8) In Jerusalem.
- (9) The presumption is that the money was lost by people who came to buy cattle for peace-offerings with their own second tithes money, or with the second tithes money left to them by their pilgrim friends when they returned home after the Festival. Here again the rule is followed that in case of doubt the money is to be assigned to the more hallowed object of the two.
- (10) Even during the Festival season. Though most of the money at the time is of second tithe, we assume that the money was lost before the Festival when common money is in ordinary circulation, v. n. 8.
- (11) Not in front of the cattle dealers.
- (12) When the city is full of pilgrims bringing second tithes money.
- (13) Because the streets of Jerusalem (as distinct from the Temple Mount, cf. n. 5) were swept daily, so that any second tithe money brought by the pilgrims would have been swept away. v. B.M. 26a.]
- (14) As prescribed for burnt-offerings in Tam. IV, 2 f.
- (15) Which were so cut up and divided among the priests.
- (16) Outside the Temple Court.
- (17) For these were the most frequent of the Lesser Holy offerings (קדשים קלים) which could be eaten in the Holy City outside the Temple Court; cf. Zeb. V, 7.
- (18) Whether found in the Temple Court or in the city. It cannot be eaten because it may have suffered some defilement.
- (19) It must be left untouched until the third day when such sacrificial flesh becomes 'Remnant' (נותר), and must be burnt, Lev. VII. 17. Cf. also Pes. VII, 9). It cannot, however, be burnt immediately when found, since it may never have suffered any defilement, and it is forbidden to burn sacrificial flesh which is still fit to be eaten.
- (20) Of the Land of Israel, i.e., outside Jerusalem. It is of course assumed that the majority of the inhabitants are Jews.
- (21) For so it was customary to dismember animals unfit for food and leave them to the dogs to tear at them; cf. Deut. XIV, 21.
- (22) One would not take the cutting up an animal in small pieces for dogs.
- (23) And is cut up in limbs for the Festival.
- (24) Cf. Gen. XXXV, 21; Micah IV, 8. It is situated south of Jerusalem on the Hebron road.
- (25) The finder must offer them as such; cf. supra p. 15, n. 7. Most cattle in Jerusalem and the vicinity were intended for sacrifices.
- (26) A male of the sheep or of the goats and one year old; cf. Ex. XII, 5.
- (27) For during that period such animals were mostly intended for the Passover offering.
- (28) His goods to pay for the necessary drink-offerings and meal-offerings; cf. supra p. 19, n. 4.
- (29) Viz. money to pay for them. The drink-offering itself which came from abroad could not be used, because it was considered unclean.
- (30) Out of the Shekel appropriation cf. p. 12, n. 4.
- (31) But in the case of an Israelite his heirs must pay for the drink-offerings.
- (32) And a successor had not yet been appointed.
- (33) The daily meal-offering, morning and evening, prescribed in Lev. VI, 12-16.
- (34) Whether it happened to be the morning or the evening meal-offering, the tenth of an epha was not to be divided as prescribed in Lev. ibid. 13.
- (35) That belong to the Sanctuary.
- (36) In connection with their consumption of the flesh of sacrifices.
- (37) Cf. Num. XIX, 1ff.
- (38) Cf. Lev. V, 14-16.
- (39) Bought by the Temple out of the money placed in the chest for bird-offerings by those on whom such an offering was an obligation; cf. supra p. 24, n. 9.
- (40) Just as the dealer had to make good other similar losses; cf. supra IV, 9.

Mishna - Mas. Shekalim Chapter 8

MISHNAH 1. ANY SPITTLE FOUND IN JERUSALEM¹ IS CLEAN² EXCEPT THAT WHICH IS [FOUND] IN THE UPPER MARKET;³ THUS R. MEIR. R. JOSE SAYS: AT OTHER TIMES OF THE YEAR⁴ [SPITTLE FOUND] IN THE MIDDLE⁵ [OF THE ROAD] IS UNCLEAR, WHILE [SPITTLE FOUND] AT THE SIDES⁶ [OF THE ROAD] IS CLEAN; BUT IN THE SEASON OF FESTIVALS⁷ [SPITTLE FOUND] IN THE MIDDLE [OF THE ROAD] IS CLEAN,⁸ WHILE [THAT WHICH IS FOUND] AT THE SIDES [OF THE ROAD] IS UNCLEAR; FOR SINCE [PERSONS WHO HAVE AN ISSUE] ARE FEW IN NUMBER, THEY BETAKE THEMSELVES [IN THE SEASON OF FESTIVALS] TO THE SIDES OF THE ROAD.⁹

MISHNAH 2. ALL VESSELS FOUND IN JERUSALEM¹⁰ IN THE WAY OF GOING DOWN TO THE PLACE OF IMMERSION¹¹ ARE UNCLEAR, [BUT THOSE FOUND] IN THE WAY OF GOING UP [FROM THE PLACE OF IMMERSION] ARE CLEAN; FOR THEY ARE NOT IN THE SAME CONDITION WHEN ON THE WAY GOING DOWN¹² [TO THE PLACE OF IMMERSION] AS ON THE WAY GOING UP¹³ [THEREFROM]; THUS R. MEIR. R. JOSE SAYS: THEY ARE ALL CLEAN,¹⁴ EXCEPT THE BASKET AND THE SHOVEL AND THE BONE CRUSHER¹⁵ WHICH ARE SPECIALLY CONNECTED WITH [WORK IN] BURIAL-PLACES.

MISHNAH 3. IF A [SLAUGHTERING] KNIFE WAS FOUND ON THE FOURTEENTH¹⁶ [OF NISAN] IT MAY BE USED FORTHWITH FOR SLAUGHTERING.¹⁷ [IF IT WAS FOUND] ON THE THIRTEENTH [OF NISAN] IT MUST BE IMMERSSED AGAIN¹⁸ [BEFORE USE]. BUT A CHOPPER,¹⁹ WHETHER [FOUND] ON THE FOURTEENTH OR ON THE THIRTEENTH, MUST BE IMMERSSED AGAIN [BEFORE USE]. IF THE FOURTEENTH FELL ON A SABBATH IT²⁰ MAY BE USED FOR SLAUGHTERING FORTH WITH;²¹ [IF FOUND] ON THE FIFTEENTH²² IT MAY ALSO BE USED FOR SLAUGHTERING FORTHWITH. IF [THE CHOPPER] WAS FOUND TIED TO A [SLAUGHTERING] KNIFE IT MAY BE TREATED AS THE KNIFE.²³

MISHNAH 4. IF THE VEIL²⁴ WAS DEFILED BY A DERIVED UNCLEANNESS,²⁵ IT IS IMMERSSED WITHIN²⁶ [THE PRECINCTS OF THE TEMPLE] AND BROUGHT IN AGAIN FORTHWITH; BUT IF IT WAS DEFILED BY A PRINCIPAL UNCLEANNESS,²⁵ IT MUST BE IMMERSSED OUTSIDE AND SPREAD OUT IN THE HEL.²⁷ IF IT WAS NEW IT WAS SPREAD OUT ON THE ROOF OF THE COLONNADE,²⁸ SO THAT THE PEOPLE MIGHT BEHOLD ITS FAIR WORKMANSHIP.

MISHNAH 5. RABBAN SIMEON THE SON OF GAMALIEL SAYS IN THE NAME OF R. SIMEON THE SON OF THE CHIEF [OF THE PRIESTS]:²⁹ THE VEIL WAS A HAND BREADTH IN THICKNESS AND WAS WOVEN ON SEVENTY-FOUR CORDS, EACH CORD MADE UP OF TWENTY-TWO THREADS. IT WAS FORTY CUBITS LONG AND TWENTY CUBITS BROAD, AND WAS MADE UP OF EIGHTY-TWO TIMES TEN THOUSAND.³⁰ TWO VEILS WERE MADE EVERY YEAR, AND THREE HUNDRED PRIESTS WERE NEEDED TO IMMERSSE IT.³¹

MISHNAH 6. IF FLESH OF THE MOST HOLY OFFERINGS WAS DEFILED, WHETHER BY A PRINCIPAL UNCLEANNESS³² OR BY A DERIVED UNCLEANNESS,³² WHETHER INSIDE OR OUTSIDE [THE PRECINCTS OF THE TEMPLE]. BETH SHAMMAI SAY: IT MUST ALL BE BURNT WITHIN,³³ EXCEPT WHEN DEFILED OUTSIDE BY A PRINCIPAL UNCLEANNESS. BUT BETH HILLEL SAY: IT MUST ALL BE BURNT OUTSIDE, EXCEPT THAT WHICH WAS DEFILED BY A DERIVED UNCLEANNESS WITHIN.

MISHNAH 7. R. ELIEZER SAYS: [FLESH³⁴ WHICH WAS DEFILED BY AN UNCLEANNESS, WHETHER INSIDE OR OUTSIDE [THE TEMPLE PRECINCTS], MUST BE BURNT WITHIN. R. AKIBA SAYS: WHERE IT WAS DEFIED THERE [ALSO] MUST IT BE BURNT.³⁵

MISHNAH 8. THE LIMBS OF THE DAILY³⁶ BURNT-OFFERING WERE PLACED ON THE HALF OF THE ASCENT³⁷ [TO THE ALTAR] DOWNWARDS ON THE WEST³⁸ SIDE, THOSE OF THE ADDITIONAL.³⁹ BURNT-OFFERING WERE PLACED ON THE HALF OF THE ASCENT DOWNWARDS ON THE EAST SIDE,⁴⁰ WHILE THOSE OF THE NEW MOON⁴¹ OFFERINGS WERE PLACED UNDER THE RIM⁴² OF THE ALTAR DOWNWARDS.

[THE LAWS OF] THE SHEKELS AND OF THE FIRST-FRUIT⁴³ HAVE FORCE ONLY DURING THE TIME OF THE EXISTENCE OF THE TEMPLE, BUT [THE LAWS OF] THE TITHE OF CORN⁴⁴ AND OF THE TITHE OF CATTLE⁴⁵ AND OF THE FIRSTBORN⁴⁶ ARE IN FORCE BOTH DURING THE TIME OF THE EXISTENCE OF THE TEMPLE AND WHEN THERE IS NO TEMPLE IN EXISTENCE. IF A MAN DEDICATED TO THE SANCTUARY SHEKELS AND FIRST-FRUIT WHEN THERE WAS NO TEMPLE IN EXISTENCE, THEY BECOME HOLY. R. SIMEON SAYS: IF HE SAID: 'THE FIRST-FRUIT BE HOLY,'⁴⁷ THEY ARE NOT HOLY.⁴⁸

(1) Where people were usually scrupulous in matters of purity. But outside Jerusalem, where people were not so scrupulous, all spittle found anywhere was declared by a preventive enactment of the Rabbis to be suspect of defilement: cf. Toh. IV, 5.

(2) It need not be suspected of being the spittle of a person who had an issue (cf. Lev. XV, 8), since persons with an issue formed an insignificant minority of the population of Jerusalem.

(3) This was frequented by heathen launderers and also by Jewish persons with an issue.

(4) When persons with a defilement were numerous.

(5) This was crowded by pedestrians.

(6) These were frequented by persons who were scrupulous about their purity and who shunned contact with the crowds in the middle of the road.

(7) When all who had a defilement sought to recover their purity, in order to be able to worship in the Temple.

(8) The crowd walking in the middle of the road may then be presumed to consist of people who had become free of defilement.

(9) So as not to cause a defilement to worshippers and pilgrims walking in the middle of the road.

(10) Outside Jerusalem all articles found anywhere were declared by a preventive enactment of the Rabbis to be suspect of defilement; cf. Toh. IV, 5; and supra n. 1.

(11) To be immersed for the purpose of purification; cf. Lev. XI, 32; XV, 17.

(12) When found on the way down they may be presumed to have been unclean vessels lost before immersion.

(13) When found on the way up they may be presumed to have been lost after immersion. So according to Maimonides. According to Rashi (Pes. 19b) the passage should be rendered as follows: 'For their way of going down (to the place of immersion) is not the same as their way of going up (therefrom),' i.e. things going down to immersion and things going up from immersion went by different routes.

(14) No suspicion need be entertained as to the purity of articles found in Jerusalem.

(15) (מריצה), from the root (רצי), an instrument for reducing the size of bones in order to get them into the basket for removal to the grave. So Maimonides. Others, after the T.J., a.l., explain it as some sort of conveyance or hand cart, from the root (רוי).

(16) The day of slaughtering of the Passover-offering; Ex. XII, 6.

(17) It may be presumed to have been purified for the slaughtering of the Passover-offering.

(18) Even though it may be presumed to have been immersed before by its previous owner. According to Maimonides it refers to the second sprinkling with the Ashes of Purification as prescribed in Num. XIX, 18-19, assuming that the previous owner had it sprinkled only once.

- (19) GR. **, a large knife which can be used for slaughtering but is primarily designed for breaking bones, consequently it could not have been intended for use with the Passover-offering, of which no bones must be broken; cf Ex. XII, 46; Num. IX, 12. The probability, therefore, is that it had not been purified.
- (20) The chopper.
- (21) For as it is not permitted to purify vessels on the Sabbath, even a chopper may be presumed to have been purified before the fourteenth of Nisan.
- (22) The Festival day, on which purification was not permitted, so it must be presumed to have been purified before the Festival.
- (23) It may be used for slaughtering straightway, even if found on the fourteenth and not on a Sabbath.
- (24) Of the Temple, Ex. XXVI, 13ff.
- (25) Such as an unclean liquid; cf. 'Ed., Sonc. ed. p. 9 nn. 3, 4.
- (26) In the 'Sea of Solomon'; cf. I Kings VII, 23ff.
- (27) Or 'The Rampart', in the space between the Temple Court and the 'Soreg', or latticed fortifications; cf. Mid. II, 3. Some texts add: 'Because it needs (to wait for) the setting of the sun', before it can recover its purity; cf. Lev. XI, 3.
- (28) On the Temple Mount. From the Hel it could not be seen so well.
- (29) V. supra p. 14, n. 3.
- (30) Threads, or according to others, denars in value. Another reading is (רִיבוֹת) 'damsels', instead of (רִיבּוֹא) 'ten thousand'; i.e., it was woven by eighty-two young damsels.
- (31) When new and before being hung up; cf. Hag. III, 2. The comment of T.J. a.l. on these figures is: 'An exaggeration!' So Maimonides.
- (32) V. p. 34, n. 5.
- (33) Within the Temple Court in the place of Ashes (בֵּית הַדֶּשֶׁן), where the ashes of the altar were deposited; cf. Zeb. V, 2.
- (34) Of Most Holy offerings. No other defiled flesh was permitted to be burnt within the Temple Court.
- (35) Irrespective of the character if the source of defilement.
- (36) Cf. Num. XXVIII, 1-8. The limbs of the daily burnt-offering were not taken up to the altar direct but were first deposited on the ascent by one party of priests, selected by lot, and then another lot was cast for a second party to take them up from the ascent to the top of the altar; v. Yoma 25a and 26a.
- (37) Cf. supra p. 23, n. 13.
- (38) Some texts read 'on the east'.
- (39) For the Sabbath and Festivals; cf. Num. ibid. 9-10, 16ff.
- (40) Some texts read 'on the west'.
- (41) Num. ibid. 11-15.
- (42) Cf. Ex. XXVII, 5. [The reference is not to the rim itself but to a line on the ascent in direct level with the rim, Var. lec. On the rim of the altar above. The 'rim' in this case does not denote the one running about the middle of the altar, but the space on the top of the altar on its four sides for the treading of the priests' feet, v. Mid. III, 1.]
- (43) Ex. XXIII, 19; Deut. XXVI, 1ff.
- (44) Comprising First (Levite's) Tithes, Second Tithes (supra p. 6, n. 5).
- (45) Cf. supra p. 9, n. 4.
- (46) Cf. Num. XVIII, 15-18, etc.
- (47) I.e., he dedicated them to the Sanctuary (Maimonides).
- (48) [Because they are not his property to be dedicated to the Sanctuary. v. Tosaf. Yom Tob. Aliter: 'If he declares his fruit holy as first-fruit, they are not holy'. The reference is to present days when there is no Temple in existence, and when the words, 'thou shalt bring them to the house of the Lord' (Ex. XXIII, 19) do not apply, Bertinoro.]

CHAPTER I

MISHNAH. IF ONE WARNS¹ HIS WIFE [NOT TO ASSOCIATE WITH A CERTAIN MAN]. R. ELIEZER SAYS: HE WARNS HER ON THE TESTIMONY OF TWO WITNESSES,² AND MAKES HER DRINK [THE WATER OF BITTERNESS] ON THE TESTIMONY OF ONE WITNESS³ OR HIS PERSONAL TESTIMONY. R. JOSHUA SAYS: HE WARNS HER ON THE TESTIMONY OF TWO AND MAKES HER DRINK ON THE TESTIMONY OF TWO.

HOW DOES HE WARN HER? IF HE SAYS TO HER IN THE PRESENCE OF TWO, DO NOT CONVERSE WITH THAT MAN, AND SHE CONVERSED WITH HIM, SHE IS STILL PERMITTED TO HER HUSBAND⁴ AND PERMITTED TO PARTAKE OF THE HEAVE-OFFERING.⁵ SHOULD SHE HAVE ENTERED A PRIVATE PLACE WITH HIM AND STAYED WITH HIM A TIME SUFFICIENT FOR MISCONDUCT TO HAVE OCCURRED, SHE IS FORBIDDEN TO HER HUSBAND⁶ AND FORBIDDEN TO PARTAKE OF THE HEAVE-OFFERING. IF [HER HUSBAND] DIED,⁷ SHE PERFORMS THE CEREMONY OF HALIZAH⁸ BUT CANNOT CONTRACT A LEVIRATE MARRIAGE.

GEMARA. Now that the Tanna has finished [Tractate] Nazir, what is his reason for continuing with [Tractate] Sotah?⁹ — It is according to the view of Rabbi; for it has been taught: Rabbi says, Why does the section of the Nazirite adjoin that of the suspected woman?¹⁰ To tell you that whoever witnesses a suspected woman in her disgrace should withhold himself from wine.¹¹ But [the Tanna in the Mishnah] should treat of [Tractate] Sotah first and afterwards that of Nazir!¹² — Since he treated of [Tractate] Kethuboth [marriage-settlements] and dealt with the theme, 'He who imposes in vow upon his wife',¹³ he next treated of [Tractate] Nedarim [Vows]; and since he treated of [Tractate] Nedarim, he proceeded to treat of [Tractate] Nazir which is analogous to Nedarim,¹⁴ and then continues with Sotah for the reason given by Rabbi.

IF ONE WARNS HIS WIFE. As an accomplished fact¹⁵ it is allowable, but as something still to be done it is not. Consequently our Tanna holds that it is forbidden to give a warning.¹⁶

R. Samuel b. R. Isaac said: When Resh Lakish began to expound [the subject of] Sotah, he spoke thus: They only pair a woman with a man according to his deeds;¹⁷ as it is said: For the sceptre of wickedness shall not rest upon the lot of the righteous.¹⁸ Rabbah b. Bar Hanah said in the name of R. Johanan: It is as difficult to pair them as was the division of the Red Sea; as it is said: God setteth the solitary in families: He bringeth out the prisoners into prosperity!¹⁹ But it is not so; for Rab Judah has said in the name of Rab: Forty days before the creation of a child, a Bath Kol²⁰ issues forth and proclaims, The daughter of A is for B;²¹ the house of C is for D; the field of E is for F! — There is no contradiction, the latter dictum referring to a first marriage and the former to a second marriage.

R. ELIEZER SAYS, HE WARNS HER ON THE TESTIMONY OF TWO WITNESSES etc. So far only do [R. Eliezer and R. Joshua] differ, viz. in the matter of warning and seclusion, but in the matter of misconduct [they agree] that one witness is believed.²² We similarly learn in the Mishnah: If one witness says: I saw that she committed misconduct, she does not drink the water.²³ Whence is it derived according to Torah-law that one witness is believed? As our Rabbis taught: And there be no witness against her²⁴ — the text refers to two witnesses.²⁵ But perhaps it is not so and even one [suffices]! There is a teaching to declare, One witness shall not rise up against a man.²⁶

(1) Lit., 'is jealous of, i.e., he gives her a warning because he feels jealous.

(2) There must be two witnesses that he had warned her in their presence; otherwise he cannot require her to drink the water of bitterness.

- (3) That she had secluded herself with the man, after due warning had been given.
- (4) Lit., 'to her house'. Marital relations may continue.
- (5) If her husband is a priest. The heave-offering could be eaten by any member of the priest's household who was ritually clean; Num. XVIII, 8ff.
- (6) Forthwith, before the water is drunk.
- (7) Before she had undergone the ordeal.
- (8) V. Glos.
- (9) What is the association of ideas between the subject of the Nazirite and the woman suspected of infidelity?
- (10) In Num. V and VI.
- (11) Immoderate use of wine is a source of immorality. v. Ber. 63a.
- (12) That being the order in which they are dealt with in Scripture.
- (13) The opening words of Keth. VII.
- (14) A man becomes a nazirite by imposing a vow upon himself.
- (15) This is derived from the addition of the definite article, the literal sense being: he who warns, i.e., he who has given a warning.
- (16) Different views are taken on this question; v. p. 8.
- (17) Only if his actions are righteous does he have a faithful wife.
- (18) Ps. CXXV, 3.
- (19) Ibid. LXVIII, 7. The first clause refers to marriage-making, the second to the release of prisoners. Therefore the two are declared identical as regards difficulty.
- (20) V. Glos.
- (21) Since the marriage is ordained even before birth, it cannot be dependent upon a man's conduct.
- (22) [After due warning had been given and seclusion taken place]. And without drinking the water she leaves her husband's house and does not receive what would normally have been due to her under the marriage-contract.
- (23) Infra 31a.
- (24) Num. V, 13.
- (25) I.e., wherever Scripture uses the word witness, even in the singular, it denotes two.
- (26) Deut. XIX, 15.

Talmud - Mas. Sotah 2b

From the fact that it is stated: '[A] witness¹ shall not rise up against a man', do I not know that one is intended? Why is there a teaching to declare 'one witness'?² This establishes the rule that wherever it is stated 'witness', it signifies two unless the text specifies 'one'; and [in the case under discussion] the All-Merciful declares that when there are not two witnesses against her but only one, and she has not been violated,³ she is forbidden [to her husband].⁴ Now the reason for that⁵ is because it is written: One witness shall not rise up against a man. Were it however not so [stated], I might have supposed that 'witness' in the verse relating to a suspected woman means one.⁶ But if there be not even one witness against her, why should she then be prohibited [to her husband]? — [The verse: One witness etc.] is necessary, because otherwise it might have occurred to me to suppose that 'there be no witness against her' means, he is not believed against her. He is not believed against her! What, then, [does the text] want unless there are two witnesses?⁷ Let the Scriptural text be silent on the point [and not mention it at all], since the rule could have been deduced by analogy from the occurrence of the word *dabar*⁸ in the verse relating to civil actions, and I would know that it applies to every case of testimony mentioned in the Torah! — It was necessary [for Scripture to have mentioned it], because otherwise it might have occurred to me to suppose that the matter is different in the case of a suspected woman inasmuch as there was some basis for the charge, seeing that he had warned her and she had been secluded [with the man]; consequently one witness should be believed against her. But how is it possible to say [that if the Torah had not specified that 'witness' always means two, I might have supposed that the intention of 'there be no witness against her' was] that he is not believed against her and she is permitted to her husband? Surely from what is written: 'and she had not been violated',⁹ it is implied that she is forbidden to

him! It was necessary [for Scripture to have mentioned this], because otherwise it might have occurred to me to suppose that [the evidence against her] is not believed unless there are two witnesses,¹⁰ and [that the verse means] that she had not been violated on the evidence of two witnesses. We are consequently taught [that one witness is believed].

R. JOSHUA SAYS: HE WARNS HER ON THE TESTIMONY OF TWO etc. What is R. Joshua's reason? Scripture states 'against her' — I.e., 'against her' [in the matter of misconduct]¹¹ but not in the matter of warning, 'against her' [in the matter of misconduct] but not in the matter of seclusion. R. Eliezer, [on the other hand] says: 'Against her' [in the matter of misconduct] but not in the matter of warning only. Perhaps, however, 'against her' does mean, and not in the matter of seclusion! — Seclusion is compared to 'defilement' [misconduct], for it is written, and he kept close and she be defiled.¹² But warning also is compared to 'defilement', for it is written, and he be jealous of his wife and she be defiled!¹³ — The All-Merciful excluded this by the phrase 'against her'.¹⁴ But what leads you to this conclusion?¹⁵ — It is obvious that seclusion is more serious [than warning] because she is forthwith prohibited to her husband as with 'defilement'. On the contrary, warning is more serious since it is the root cause [of her seclusion rendering her forbidden to her husband]!¹⁶ — If there was no seclusion, would there have been any warning?¹⁷ But if there was no warning, what effect would seclusion have? — Nevertheless seclusion is the more serious since it is the beginning of 'defilement'.

Our Mishnah does not agree with the following Tanna. For it has been taught: R. Jose son of R. Judah says in the name of R. Eliezer: He who warns his wife does so on the testimony of one witness or his personal testimony, and makes her drink [the water of bitterness] on the testimony of two witnesses. The Sages replied: According to the view of R. Jose son of R. Judah, there is no purpose in the matter.¹⁸ What is the reason of R. Jose son of R. Judah? — Scripture states 'against her', i.e., 'against her' [in the matter of misconduct] but not in the matter of seclusion. Perhaps, however, 'against her' means: and not in the matter of warning? — Warning is compared to 'defilement', for it is written, and he be jealous of his wife and she be defiled. But seclusion is also compared to 'defilement', for it is written, and he kept close and she be defiled? — That refers to a length of time sufficient for 'defilement' to have occurred.¹⁹

[It was stated above:] 'The Sages replied: According to the view of R. Jose son of R. Judah, there is no purpose in the matter'. What does this mean? — There may be times when he did not warn her and he claims that he did warn her.²⁰ Is there, then, according to our Mishnah any purpose in the matter, since there may be times when she had not been secluded with the man and the husband claims that she had been secluded?²¹ — R. Isaac b. Joseph said in the name of R. Johanan, [Read] also according to the view of R. Jose son of R. Judah, there is no purpose in the matter. 'Also according to the view of R. Jose son of R. Judah' [you say]; is there, then, no question with respect to our Mishnah? On the contrary, according to our Mishnah there is foundation [for the charge], but in the other case [the view of R. Jose son of R. Judah] there may be no foundation!²² — But if the teaching is reported, it must be in this form: R. Isaac b. Joseph said in the name of R. Johanan: 'According to the view of R. Jose son of R. Judah, and also according to our Mishnah, there is no purpose in the matter.'

R. Hanina of Sura said: Nowadays a man should not say to his wife, 'Do not be secluded with So-and-so', lest we decide according to R. Jose son of R. Judah who said: A warning [is effective] if given on [the husband's] personal testimony. If she then secluded herself with the man, since we have not now the water for a suspected woman to test her, the husband forbids her to himself for all time.

Resh Lakish said: What is the meaning of the term *kinnui*?²³ A matter which causes hatred [Kin'ah] between her and others. Consequently he holds that the warning can be on [the husband's]

personal testimony; and since not everybody knows that he gave her a warning and they say: 'What has happened that she holds herself aloof?' they will proceed to cause hatred against her. R. Jemar b. Shelemia said in the name of Abaye: [Kinnui means] a matter which causes hatred between husband and wife. Consequently he holds that the warning must be on the testimony of two witnesses and everybody is aware that he gave her a warning,²⁴ and it is he who proceeds to cause hatred against her.

(1) And not witnesses.

(2) The word one is superfluous if a single witness is intended, since it would have been sufficient to state a witness.

(3) But consented to the act. Num. V, 13. The English Version translates the verb she be not taken in the act; but the Rabbis understood it in the sense that she was not forced to misconduct and was a consenting party. Cf. the use of the same verb in Deut. XXII, 28. If she had been violated, she was exempt from the ordeal.

(4) Infra 31b. [This proves that in the matter of misconduct one witness is believed, as otherwise whence is it known that she was not violated?]

(5) For maintaining that the term witness' in the case of the Sotah denotes two.

(6) 'And there be no witness against her' means not even one.

(7) What is the purpose of the words if the meaning of there be no witness indicates only one and that his evidence is not accepted?

(8) In connection with infidelity the text has he hath found some unseemly matter (dabar) in her (Deut. XXIV, 1), and in connection with civil actions At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter (dabar) be established (ibid. XIX, 15). By the rule of Gezerah Shawah, analogy of expression, the principle of the latter with regard to the number of witnesses required is also applied to the former.

(9) Therefore it is maintained that misconduct has occurred with her consent.

(10) In a charge of misconduct.

(11) One witness is sufficient; but for warning and seclusion two are necessary.

(12) Num. V, 13.

(13) Ibid. 14.

(14) The phrase 'against her' was explained above as relating only to misconduct.

(15) That 'against her' excludes the idea that warning is to be compared to misconduct, and that only seclusion is to be likened to it.

(16) Without previous warning she would not be prohibited to her husband because of seclusion.

(17) There must have been seclusion to cause jealousy and consequently a warning.

(18) In requiring the husband's personal testimony, since, as the Gemara will explain, it may be false.

(19) So that if the time of seclusion was insufficient, she is not required to drink the water.

(20) So what purpose is there in requiring the husband's unsupported evidence?

(21) The Mishnah compels the woman to drink the water on the unsupported evidence of the husband.

(22) According to the Mishnah there must have been warning on the testimony of two witnesses, so there is some foundation for the charge; but according to R. Jose the husband can give her warning on his uncorroborated testimony which might be groundless.

(23) That is the term used in Num. V, 14, 'he be jealous'.

(24) Since the witnesses are likely to talk of it to others.

Talmud - Mas. Sotah 3a

Conclude that they hold that it is forbidden to give a warning;¹ but according to him who says that it is permissible to give a warning, what is the meaning of Kinnui? — R. Nahman b. Isaac said: Kinnui means nothing but 'warning;' and thus Scripture states: Then the Lord warned [wa-yekna] his land.²

It has been taught: R. Meir used to say: If a person commits a transgression in secret, the Holy One, Blessed be He, proclaims it against him in public; as it is said: And the spirit of jealousy came upon him;³ and the verb 'abar [came upon] means nothing but 'proclaiming', as it is said: And Moses gave commandment, and they caused it to be proclaimed throughout the camp.⁴ Resh Lakish

said: A person does not commit a transgression unless a spirit of folly [shetuth] enters into him; as it is said: If any man's wife go aside.⁵ [The word is] written [so that it can be read] sishteh.⁶

The School of R. Ishmael taught: Why does the Torah believe one witness in the case of a suspected woman? Because there was some basis for the charge, seeing that he had warned her and she had secluded herself with the man, and one witness testifies that she had 'defiled' [misconducted] herself. R. Papa said to Abaye, But the warning is mentioned in the text after the seclusion and misconduct?⁷ — He replied to him, We'abar [means] there had already come upon him.⁸ But can that interpretation be also applied to, And every armed man of you will pass over?⁹ — In that passage, since it is written: And the land will be subdued before the Lord, then afterward ye shall return,¹⁰ it follows that the reference is to the future; but here, if it should enter your mind that we follow the order of the text [and we'abar signifies 'will come'], of what use is a warning after misconduct and seclusion had taken place?

The School of R. Ishmael taught: A man does not warn his wife unless a spirit¹¹ enters into him; as it is said: 'And the spirit of jealousy came upon him and he be jealous of his wife'. What is the meaning [of the word] 'spirit'? — The Rabbis declare, It is a spirit of impurity;¹² but R. Ashi declares, It is a spirit of purity.¹³ Reasonable is the view of him who declares that it is a spirit of purity, because it was taught: and he be jealous of his wife — this is voluntary¹⁴ in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. It is well if you say that it means a spirit of purity, then everything is right; but if you say that it means a spirit of impurity, is it voluntary or obligatory for a man to introduce a spirit of impurity into himself!

[To turn to] the main text: And he be jealous of his wife — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. For her he may defile himself¹⁵ — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. Of them shall ye take your bondmen for ever¹⁶ — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. R. Papa said to Abaye — others declare it was R. Mesharsheya who said to Raba: Is this to say that R. Ishmael and R. Akiba differ in this way throughout the Torah, one maintaining that [a precept] is voluntary and the other that it is obligatory? — He replied, They only differ here over texts: And he be jealous of his wife — it is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — He holds the same view as that of the following teacher. It has been taught: R. Eliezer b. Jacob says: Since the Torah declares, Thou shalt not hate thy brother in thine heart,¹⁷ it is possible to think that this applies also in such a circumstance;¹⁸ therefore there is a text to say: And the spirit of jealousy came upon him and he be jealous of his wife.¹⁹ And [what is the reason of] R. Akiba? — The word 'jealous' occurs a second time in the verse.²⁰ And [how does] R. Ishmael [explain the repetition of jealous]? — Since it was necessary to write, And she be defiled and afterwards and she be not defiled, the Torah wrote and he be jealous of his wife.²¹ This is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael; Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein. [Similarly] 'For her he may defile himself — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — Since it is written: Speak unto the priests the sons of Aaron and say unto them, There shall none defile himself for the dead among his people,²² it was likewise necessary to write, For her he may defile himself. And [from where does] R. Akiba [learn that a priest may so defile himself]? — He derives it from, Except for his kin;²³ what then is the purpose of, For her he should defile himself? [It is to indicate that] it is obligatory. And [how does] R. Ishmael [explain the addition of these words]? — 'For her' he may defile himself but not for any of her limbs.²⁴

(1) Because they explain Kinnui in the sense of hatred, and it is not allowed to create hatred.

(2) Joel II, 18. (E.V. 'Then the Lord was jealous for his land'.)

(3) Num. V, 14.

- (4) Ex. XXXVI, 6.
- (5) Num. V, 12. The word for 'go aside' is sisteh.
- (6) I.e., act in folly.
- (7) The matter of seclusion and misconduct is mentioned in Num. V, 12f, and the warning from jealousy in verse 14.
- (8) [ועבר] is treated as pluperfect.]
- (9) Num. XXXII, 21 where the same word, we'abar, occurs.
- (10) Ibid. 22.
- (11) Introduced into him by God to warn him of what had occurred.
- (12) An instigation by Satan.
- (13) Which revolts against immorality.
- (14) The husband can ignore the matter if he so wishes.
- (15) Lev. XXI, 3. Does it mean he may or he should; and similarly with the other instances discussed.
- (16) Ibid. XXV, 46.
- (17) Ibid. XIX, 17.
- (18) That a husband may overlook his wife's seclusion with another man and not warn her.
- (19) He interprets the words as meaning: if the spirit of jealousy came upon him and he wishes to warn his wife.
- (20) He understands the second clause as he should be jealous and warn her.
- (21) The words are repeated because of the two contingencies mentioned and no such deduction is to be drawn as R. Akiba suggests.
- (22) Lev. XXI, 1.
- (23) Ibid. 2.
- (24) An amputated limb of a body defiles in the same way as the whole body. V. Nazir 43b.

Talmud - Mas. Sotah 3b

[What reply does] R. Akiba [make to this explanation]? — If that were the sole intention, the All-Merciful should have written 'for her' and then stop; what is the purpose of the words 'he should defile himself? Deduce therefrom.¹ [How does] R. Ishmael [meet this argument]? — Since the Torah wrote 'for her', it likewise wrote 'he may defile himself this is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael: Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein. [And similarly,] 'Of them shall ye take your bondmen for ever² — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — Since it is written: Thou shalt save alive nothing that breatheth,³ it was likewise necessary to write, 'Of them shall ye take your bondmen for ever', in order to indicate that if a man belonging to any other Gentile people has intercourse with a Canaanite woman⁴ and begets a son by her, it is permissible to purchase him as a slave. For it has been taught: Whence is it that if a man belonging to any other Gentile people has intercourse with a Canaanite woman and begets a son by her, it is permissible to purchase him as a slave? There is a text to declare, Moreover of the children of the strangers that do sojourn among you, of them shall ye buy.⁵ It is possible to think that also if a Canaanite had intercourse with a woman belonging to any other Gentile people and he begets a son by her, it is permissible to purchase him as a slave; therefore there is a text to declare, Which they have begotten in your land⁶ — from those born in your land⁷ and not from those who dwell in your land.⁸ And [from where does] R. Akiba [learn this rule]? — He derives it from, 'Of them shall ye buy'; what then is the purpose of, 'Of them ye shall take your bondmen for ever'? [It indicates that] it is obligatory. And [how does] R. Ishmael [explain the addition of these words]? — 'Of them' [he may purchase] but not of your brethren. [From where does] R. Akiba [derive this rule]? — It is deduced from the mention of 'your brethren' at the end of the verse: But over your brethren the children of Israel ye shall not rule, one over another, with rigour.⁹ [How does] R. Ishmael [meet this argument]? — Since the Torah wrote 'But over your brethren', it likewise wrote 'of them'. This is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael: Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein.

R. Hisda said: Immorality in a house is like a worm in the sesame plant. Further said R. Hisda: Anger in a house is like a worm in the sesame plant. Both these statements refer to a woman, but in the case of a man there is no objection.¹⁰ Further said R. Hisda, At first, before Israel sinned [against morality], the Shechinah abode with each individual; as it is said: For the Lord thy God walketh in the midst of thy camp.¹¹ When they sinned, the Shechinah departed from them; as it is said: That he see no unclean thing in thee and turn away from thee.¹²

R. Samuel b. Nahmani said in the name of R. Jonathan: Whoever performs one precept in this world, it precedes him for the world to come; as it is said: And thy righteousness shall go before thee;¹³ and whoever commits one transgression in this world, it clings to him and precedes him for the Day of Judgment, as it is said: The paths of their way are turned aside; they go up into the waste and perish.¹⁴ R. Eleazar says: It attaches itself to him like a dog; as it is said: He hearkened not unto her, to lie by her, or to be with her¹⁵ — to lie by her in this world, or to be with her in the world to come.

We learn elsewhere: It is a proper conclusion that if the first evidence [that the woman had secluded herself with the man], which does not prohibit her [to her husband] for all time,¹⁶ is not established by fewer than two witnesses, is it not right that the final evidence [that she had misconducted herself] which prohibits her to him for all time, should not be established by fewer than two witnesses! Therefore there is a text to state, ‘And there be no witness against her’, [implying that], whatever [evidence] there may be against her [is believed, even if it be only one witness]. And with respect to the first evidence [about her seclusion with the man, that one witness suffices may be argued by] a fortiori reasoning as follows: If the final evidence [regarding misconduct], which prohibits her to her husband for all time, is established by one witness, is it not proper that the first evidence, which does not prohibit her to him for all time, should be established by one witness! Therefore there is a text to state, Because he hath found some unseemly matter in her,¹⁷ and elsewhere it states: At the mouth of two witnesses, or at the mouth of three witnesses shall a matter be established;¹⁸ as the ‘matter’ mentioned in this latter case must be confirmed by the testimony of two witnesses, so also here [in the case of the suspected woman] the ‘matter’ must be confirmed by the testimony of two witnesses.¹⁹ Is this deduction to be drawn from the words, ‘Because he hath found some unseemly matter in her’? It ought to be derived from ‘against her’ — i.e., ‘against her’ [in the matter of misconduct] but not in the matter of warning, ‘against her’ [in the matter of misconduct] but not in the matter of seclusion!²⁰ — He also says similarly²¹ [and his teaching is to be cited as follows]: Therefore there is a text to state ‘against her’ [in the matter of misconduct] but not in the matter of warning, ‘against her’ [in the matter of misconduct] but not in the matter of seclusion; and whence is it that merely in a case of misconduct, where there had been no warning or seclusion one witness is not believed? It is stated here, ‘Because he hath found some unseemly matter in her’, and elsewhere it states: ‘At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established’; as in the ‘matter’ mentioned in the latter case two witnesses are required, so also here [where there has been misconduct without warning and seclusion] two witnesses are required. Our Rabbis have taught: Which is the ‘first testimony’? Evidence of seclusion, and the ‘final testimony’ is evidence of ‘defilement’ [misconduct].

(1) That it is obligatory.

(2) Lev. XXV, 46.

(3) Deut. XX, 16.

(4) The woman belonged to the seven nations which had to be exterminated.

(5) Lev. XXV, 45.

(6) Ibid. I.e., the original natives of Canaan.

(7) [Whose father belongs to another land.]

(8) [I.e., the original natives of Canaan]. It is to be noted that descent is traced through the father, whereas in the case of

a Jew descent is traced through the mother.

(9) Lev. XXV, 46.

(10) This opinion is contradicted by popular proverbs quoted in the Talmud, viz., 'He among the full-grown pumpkins and his wife among the young ones' (infra, p. 45), and 'He who gives vent to his anger destroys his house' (Sanh. 102b).

(11) Deut. XXIII, 15.

(12) Ibid.

(13) Isa. LVIII, 8.

(14) Job VI, 18.

(15) Gen. XXXIX, 10.

(16) Because the water may prove her innocent.

(17) Deut. XXIV, 1.

(18) Ibid. XIX, 15.

(19) Infra 31a-b.

(20) V. supra p. 5.

(21) The teacher in the Mishnah accepts the deduction from 'against her' and uses the argument from the occurrence of the word 'matter' for another purpose. He had been quoted wrongly and the Gemara proceeds with the correct form of the teaching.

Talmud - Mas. Sotah 4a

And how long is the duration in the matter of seclusion? Sufficient for misconduct, i.e., sufficient for coition, i.e., sufficient for sexual contact, i.e., sufficient for a person to walk round a date-palm. Such is the view of R. Ishmael; R. Eliezer says: Sufficient for preparing a cup of wine;¹ R. Joshua says: Sufficient to drink it; Ben Azzai says: Sufficient to roast an egg; R. Akiba says: Sufficient to swallow it; R. Judah b. Bathyra says: Sufficient to swallow three eggs one after the other; R. Eleazar b. Jeremiah says: Sufficient for a weaver to knot a thread; Hanin b. Phineas says: Sufficient for a woman to extend her hand to her mouth to remove a chip of wood [from between the teeth]; Pelemon says: Sufficient for her to extend her hand to a basket and take a loaf therefrom. Although there is no proof for this [last opinion] there is an indication, viz., For on account of a harlot, to a loaf of bread.² What is the purpose of all these definitions? — They are necessary; because if we were only taught sufficient for misconduct, I would have thought that it meant sufficient time for her misconduct and her submission;³ therefore it is defined as sufficient for coition.⁴ If, however, it were only taught sufficient for coition, I would have thought that it meant sufficient time for completed coition; therefore it is defined as sufficient for sexual contact. If, further, we had only been taught sufficient for sexual contact, I would have thought that it meant sufficient time for sexual contact and her submission; therefore it is defined as sufficient for misconduct. And how much is the time sufficient for sexual contact? Sufficient for a person to walk round a date-palm.

In contradiction of the above [I quote the following]: And be kept close⁵ — but how long is the duration in the matter of seclusion we have not heard. Since, however, it states 'and she be defiled', deduce that it is time sufficient for misconduct, i.e., sufficient for coition, i.e., sufficient for sexual contact, i.e., sufficient for a date-palm to rebound.⁶ Such is the view of R. Eliezer; R. Joshua says: Sufficient for preparing a cup of wine; Ben Azzai says: Sufficient to drink it; R. Akiba says: Sufficient to roast an egg; R. Judah b. Bathyra says: Sufficient to swallow it.⁷ Now it is assumed that walking round a date-palm and the rebound of a date-palm are identical [in length of time, and the question thus arises:] R. Ishmael said above, 'Sufficient for a person to walk round a date-palm', and R. Eliezer disagreed with him; and here R. Eliezer says: 'Sufficient for a date-palm to rebound'! — Abaye said: 'Walking round' means on foot, and 'rebound' means by the force of the wind. R. Ashi asked: How is 'rebound' to be understood? Does it mean that the palm is blown in one direction and then in its opposite, or perhaps that it is blown in one direction and then in its opposite and finally returns to its original position? — The question remains unanswered.

R. Eliezer said above: ‘Sufficient for preparing a cup of wine’, and here he says: ‘Sufficient for a date-palm to rebound’! — They are alike in duration. R. Joshua said above, ‘Sufficient to drink it’, and here he says: ‘Sufficient for preparing a cup of wine’! — Say [that the correct version is], Sufficient for preparing a cup of wine and drinking it. But why not say rather that they are alike in duration? — If so, he would agree with R. Eliezer's view.⁸ Ben Azzai said above ‘Sufficient to roast an egg’, and here he says: ‘Sufficient to drink [a cup of wine]’! — They are alike in duration. R. Akiba said above, ‘Sufficient to swallow [a roasted egg]’, and here he says: ‘Sufficient to roast an egg’! — Say [that the correct version is], Sufficient to roast an egg and swallow it. But why not say rather that they are alike in duration? — If so, he would agree with Ben Azzai's view. R. Judah b. Bathyra said above, ‘Sufficient to swallow three eggs one after the other’, and here he says: ‘Sufficient to swallow [one roasted egg]’! — He spoke in accordance with the view of R. Akiba who said that we fix as the duration a length of time sufficient to roast and swallow an egg, [and with reference to this he said,] ‘speak rather only of the duration of swallowing’, that is ‘sufficient time to swallow three eggs one after the other’, for that is the same as roasting and swallowing [one egg].⁹

‘R. Eleazar b. Jeremiah says: Sufficient for a weaver to knot a thread’. R. Ashi asked: Does this mean two ends which are distant or near?¹⁰ — The question remains unanswered.

‘Hanin b. Phineas said: Sufficient for a woman to extend her hand to her mouth to remove a chip of wood’. R. Ashi asked: Does this mean wedged tightly [between the teeth] or not? — The question remains unanswered.

‘Pelemo said: Sufficient for her to extend her hand to a basket and take a loaf therefrom’. R. Ashi asked: Is it [a loaf] which is wedged in tightly or not, a new or old [basket],¹¹ a hot or cold [loaf],¹²

(1) By diluting it with water.

(2) Prov. VI, 26. This is the literal rendering of the Hebrew.

(3) I.e., that he should make improper advances and induce her to submit.

(4) Consequently she must have secluded herself with the intention of committing misconduct.

(5) Num. V, 13.

(6) After having been bent by the wind.

(7) Tosef. Sot. I, 2.

(8) That cannot be, because he gives a different definition, and so it is impossible to think them alike in duration.

(9) [Why introduce at all the act of roasting, seeing that the act of swallowing by itself can afford a suitable standard for defining the duration?]

(10) I.e., does it include the time spent in bringing the threads together as well as tying them?

(11) In a new basket the ends of straws protrude and catch in the loaves, so that it takes longer to get one out.

(12) A warm loaf has to be drawn out with greater care and therefore takes longer.

Talmud - Mas. Sotah 4b

wheaten or of barley,¹ soft or hard-baked? — The question remains unanswered.

R. Isaac son of R. Joseph said in the name of R. Johanan: Each of the teachers defined the duration [of coition] from his own experience. But they included Ben Azzai who was unmarried! — If you wish I can say that he had married and separated [from his wife],² or that he had heard it from his master, or that The secret of the Lord is with them that fear him.³

R. ‘Awira expounded sometimes in the name of R. Ammi and at other times in the name of R. Assi: Whoever eats bread without previously washing the hands is as though he had intercourse with a harlot ; as it is said , For on account of a harlot, to a loaf of bread.⁴ Raba said: [On that interpretation] the verse, ‘For on account of a harlot, to a loaf of bread’ should have read: ‘On

account of a loaf of bread, to a harlot'! But, said Raba, [the meaning is:] Whoever has intercourse with a harlot will in the end go seeking a loaf of bread.

R. Zerika said in the name of R. Eleazar: Whoever makes light of washing the hands [before and after a meal] will be uprooted from the world. R. Hiyya b. Ashi said in the name of Rab: With the first washing [before the meal] it is necessary to lift the hands up; with the latter washing [after the meal] it is necessary to lower the hands. There is a similar teaching: Who washes his hands [before the meal] must lift them up lest the water pass beyond the joint,⁵ flow back and render them unclean. R. Abbahu says: Whoever eats bread without first wiping his hands is as though he eats unclean food; as it is stated: And the Lord said: Even thus shall the children of Israel eat their bread unclean.⁶

And⁷ what means, And the adulteress hunteth for the precious life? — R. Hiyya b. Abba said in the name of R. Johanan: Every man in whom is haughtiness of spirit will in the end stumble through an [unfaithful] married woman; as it is said: 'And the adulteress hunteth for the precious life'. Raba said: [On that interpretation] the word 'precious' should have been 'haughty'! Furthermore the verse should have read, [The haughty soul] hunteth [the adulteress]! But, said Raba, [the meaning is:] Whoever has intercourse with a married woman, even though he had studied Torah, of which it is written: It is more precious than rubies,⁸ i.e., above a High Priest who enters into the innermost part of the Sanctuary, she will hunt him to the judgment of Gehinnom.⁹ R. Johanan said in the name of R. Simeon b. Yohai: Every man in whom is haughtiness of spirit is as though he worships idols; it is written here, Every one that is proud in heart is an abomination to the Lord,¹⁰ and it is written elsewhere, Thou shalt not bring an abomination into thine house.¹¹ R. Johanan himself said: He is as though he had denied the fundamental principle;¹² as it is said: Thine heart be lifted up and thou forget the Lord thy God, etc.¹³ R. Hama b. Hanina said: He is as though he had broken all the laws of sexual morality;¹⁴ it is written here, Every one that is proud in heart is an abomination to the Lord, and it is written elsewhere, For all these abominations, etc.¹⁵ 'Ulla said: He is as though he had erected an idolatrous altar; as it is said: Cease ye from man whose breath is in his nostrils;¹⁶ for wherein [bammeh] is he to be accounted of?¹⁷ — read not bammeh but bamah [an idolatrous altar].

What means, Hand to hand, he shall not escape punishment?¹⁸ Rab said: Whoever has intercourse with a married woman, though he proclaim the Holy One, blessed be He, to be Possessor of heaven and earth as did our father Abraham, of whom it is written: I have lift up mine hand unto the Lord, God Most High, Possessor of heaven and earth,¹⁹ he will not escape the punishment of Gehinnom. The students of the School of R. Shila objected: [On that interpretation] the phrase 'Hand to hand etc.' should have read: 'Of my [God's] hand will not escape punishment'! But, said they of the School of R. Shila, [the meaning is:] Though he received the Torah as did our teacher Moses, of whom it is written: At his right hand was a fiery law unto them,²⁰ he will not escape the punishment of Gehinnom. R. Johanan objected: [On that interpretation] the phrase 'Hand to hand' should have read 'Hand from hand'!²¹ But, said R. Johanan,

(1) A wheaten loaf is smoother and has to be grasped more firmly; and similarly with one which is soft-baked.

(2) The passage in Yeb. 63b does not make it clear whether Ben Azzai was censured for remaining a bachelor or for having married and not begetting children.

(3) Ps. XXV, 14. The knowledge was revealed to him.

(4) Prov. VI, 26. (E.V. 'For on account of a harlot a man is brought to a loaf of bread'). [As much as to say that the disregard of one Rabbinic precept leads to the disregard of another.]

(5) When washing the hands for a meal, the water should reach the second joint of the fingers; Hul. 106a. The hands beyond the joint having been left unwashed are deemed unclean.

(6) Ezek. IV, 13.

(7) The Gemara now continues the discussion of prov. VI, 26 quoted above.

(8) Prov. III, 15. **מפנינים**

(9) **לפני ולפנינים**, a play upon the word **מפנינים** v. n. 4.

- (10) Prov. XVI, 5.
- (11) Deut. VII, 26, the reference being to an idolatrous image.
- (12) Viz., the existence of God.
- (13) Ibid. VIII, 14.
- (14) Enumerated in Lev. XVIII.
- (15) Lev. XVIII, 27.
- (16) Understood in the sense: who is proud.
- (17) Isa. II, 22.
- (18) Prov. XVI, 5.
- (19) Gen. XIV, 22.
- (20) Deut. XXXIII, 2.
- (21) Since the interpretation implies that the adulterer receives from, and does not give to.

Talmud - Mas. Sotah 5a

[the meaning is:] Though he practise charity in secret,¹ concerning which it is written: 'A gift in secret pacifieth anger,² he will not escape the punishment of Gehinnom. Whence is there a prohibition for the haughty of spirit? — Raba said in the name of Ze'iri: Hear ye, and give ear; be not proud.³ R. Nahman b. Isaac said: [It is derived] from this passage, Thine heart be lifted up, and thou forget the Lord thy God,⁴ and it is written: Beware lest thou forget the Lord thy God.⁵ This is in accord with what R. Abin said in the name of R. Elai; for R. Abin said in the name of R. Elai: Wherever it is stated 'Beware' 'lest' and 'Do not' the reference is to a prohibition.

R. 'Awira expounded, sometimes he said it in the name of R. Assi and at other times in the name of R. Ammi: Every man in whom is haughtiness of spirit will in the end be reduced in rank; as it is said: They are exalted, there will be reduction of status;⁶ and lest you think that they remain in existence, the text continues, 'And they are gone'. If, however, he changes [and becomes humble], he will be gathered [to his fathers] in his due time like our father Abraham; as it is said: But when they are lowly, they are gathered in like all⁷ — i.e., like Abraham, Isaac and Jacob in connection with whom the word 'all' is used.⁸ If not, They are cut off as the tops of the ears of corn.⁹ What means 'as the tops of the ears of corn'? R. Huna and R. Hisda [explain it]. One says that it means like the awn of the grain, and the other that it means like the ears themselves. This is quite right according to him who says that it means like the awn of the grain, since it is written 'as the tops of the ears of corn'; but according to him who says that it means like the ears themselves, what signifies 'as the tops of the ears of corn'? — R. Assi said, and it was similarly taught in the School of R. Ishmael: It is like a man who enters his field; he gleans the tallest ears.

With him also that is of a contrite and humble spirit.¹⁰ R. Huna and R. Hisda [explain it]. One says that it means the contrite is with Me, and the other that I [God] am with the contrite. The more probable view is in accord with him who holds the meaning to be I am with the contrite; for behold, the Holy One, blessed be He, ignored all the mountains and heights and caused His Shechinah to abide upon Mount Sinai, but did not elevate Mount Sinai [up to Himself].

R. Joseph said: Man should always learn from the mind of his Creator; for behold, the Holy One, blessed be He, ignored all the mountains and heights and caused His Shechinah to abide upon Mount Sinai, and ignored all the beautiful trees and caused His Shechinah to abide in a bush.¹¹

R. Eleazar also said: Every man in whom is haughtiness of spirit is fit to be hewn down like an Asherah.¹² It is written here, The high ones of stature shall be hewn down,¹³ and elsewhere it is written: And ye shall hew down their Asherim.¹⁴ Further said R. Eleazar, Every man in whom is haughtiness of spirit, his dust will not be disturbed [for the Resurrection]; as it is said: Awake and sing, ye that dwell in the dust¹⁵ — it is not said 'ye that lie in the dust', but, 'ye that dwell [shokne]

in the dust', i.e., each one who during his lifetime made himself a neighbour [shaken] to the dust [by his humility]. Further said R. Eleazar: Over every man in whom is haughtiness of spirit the Shechinah laments; as it is said: But the haughty he knoweth from afar.¹⁶

R. Awira expounded, and according to another version it was R. Eleazar: Come and see that the manner of the Holy One, blessed be He, is not like the manner of human beings. The manner of human beings is for the lofty to take notice of the lofty and not of the lowly; but the manner of the Holy One, blessed be He, is not so. He is lofty and He takes notice of the lowly, as it is said: For though the Lord be high, yet hath he respect unto the lowly.¹⁷

R. Hisda said, and according to another version it was Mar 'Ukba: Every man in whom is haughtiness of spirit, the Holy One, blessed be He, declares, I and he cannot both dwell in the world; as it is said: Whoso privily slandereth his neighbour, him will I destroy; him that hath an high look and a proud heart will I not suffer¹⁸ — read not 'him' [I cannot suffer], but 'with him'¹⁹ I cannot [dwell]. There are some who apply this teaching to those who speak slander; as it is said, 'whoso privily slandereth his neighbour, him will I destroy'.

R. Alexandri said: Every man in whom there is haughtiness of spirit, even the slightest wind will disturb;²⁰ as it is said: But the wicked are like the troubled sea.²¹ If the sea, which contains so many quarters of a log,²² is ruffled by the slightest wind, how much more so a human being who contains but one quarter of a log.²³

R. Hiyya b. Ashi said in the name of Rab: A disciple of the Sages should possess an eighth [of pride].²⁴ R. Huna the son of R. Joshua said: [This small amount of pride] crowns him like the awn of the grain. Raba said: [A disciple of the Sages] who possesses [haughtiness of spirit] deserves excommunication, and if he does not possess it he deserves excommunication.²⁵ R. Nahman b. Isaac said: He should not possess it or part of it; is it a trifling matter concerning which it is written: Every one that is proud in heart is an abomination to the Lord!²⁶

Hezekiah said: A man's prayer is not heard unless he makes his heart [soft] like flesh; as it is said, And it shall come to pass, that from one new moon to another, shall all flesh come to worship, etc.²⁷ R. Zera said: Concerning flesh it is written: And it is healed;²⁸ but it is not written concerning man, And he is healed.

R. Johanan said: The word for man [adam] indicates dust, blood and gall;²⁹ the word for flesh [basar] indicates shame, stench and worm. Some declare that [instead of 'stench' we should have the word] Sheol, since its initial letter corresponds.³⁰

R. Ashi said: Every man in whom is haughtiness of spirit will in the end be degraded; as it is said,

(1) He gives from 'hand to hand'.

(2) Prov. XXI, 14.

(3) Jer. XIII, 15.

(4) Deut. VIII, 14.

(5) Ibid. 11.

(6) Job XXIV, 24.

(7) Ibid.

(8) V. Gen. XXIV, 1, XXVII, 33 and XXXIII, 11.

(9) Job loc. cit.

(10) Isa. LVII, 15.

(11) Ex. III, 2. Similarly should man associate with the humble.

(12) An object of idolatrous worship.

- (13) Isa. X, 33.
 (14) Deut. VII, 5.
 (15) Isa. XXVI, 19. 'Ye that lie in the dust' would apply to all mortals.
 (16) Ps. CXXXVIII, 6. The Hebrew word translated knoweth, ידע , is understood in the sense of punish, cf. Jud. VIII. 16.
 (17) Ibid.
 (18) Ps. CL. 5.
 (19) Involves a slight change in the vocalization.
 (20) [The smallest disappointment is liable to discomfit him.]
 (21) Isa. LVII, 20.
 (22) A liquid measure, equal to the contents of six eggs.
 (23) This was considered the minimum quantity of blood in the body essential to life.
 (24) He should have a little pride to maintain his self-respect.
 (25) To have too much is bad, and also too little because it prevents a Rabbi from exercising his authority.
 (26) Prov. XVI, 5.
 (27) Isa. LXVI, 23.
 (28) Lev. XIII, 18. Hence only one whose heart is soft like flesh will be healed, and not a man in his full pride.
 (29) The initials of these words in Hebrew form adam.
 (30) The initial of the word for 'stench' is samek, whereas the second letter in basar is similar in form to that of 'Sheol'.

Talmud - Mas. Sotah 5b

For a rising and for a scab,¹ and se'eth ['rising'] means nothing else than elevation, as it is said: Upon all the high mountains, and upon all the hills that are nisa'oth [lifted up].² Sappahath ['scab'] means nothing else than attachment; as it is said: Attach me, I pray thee, into one of the priests' offices, that I may eat a morsel of bread.³

R. Joshua b. Levi said: Come and see how great are the lowly of spirit in the esteem of the Holy One, blessed be He, since when the Temple stood, a man brought a burnt-offering and received the reward of a burnt-offering, a meal-offering and he received the reward of a meal-offering; but as for him whose mind is lowly, Scripture ascribes it to him as though he had offered every one of the sacrifices; as it is said: The sacrifices of God are a broken spirit.⁴ More than that, his prayer is not despised; as it continues: A broken and a contrite heart, O God, thou wilt not despise.

R. Joshua b. Levi further said: He who calculates his ways in this world will be worthy to behold the salvation of the Holy One, blessed be He; as it is said: To him that ordereth his way will I show the salvation of God⁵ — read not we-sam [that ordereth] but we-sham [who calculates] his way.⁶

HOW MUST HE WARN HER? etc. This is self-contradictory. You declare, IF HE SAYS TO HER IN THE PRESENCE OF TWO, DO NOT CONVERSE WITH THAT MAN — consequently conversation is the equivalent of seclusion.⁷ He then proceeds to teach: AND SHE CONVERSED WITH HIM, SHE IS STILL PERMITTED TO HER HUSBAND AND PERMITTED TO PARTAKE OF THE HEAVEOFFERING — consequently conversation is nothing! — Abaye said: This is what he means: [If he said to her,] Do not converse, and she conversed with him, Do not converse, and she secluded herself with him, that is nothing; [but if he said to her,] Do not be secluded with him, and she conversed with him, she is still permitted to her husband and permitted to partake of the heave-offering. Should she have entered a private place with him and stayed a time sufficient for misconduct to have occurred, she is forbidden to her husband and forbidden to partake of the heave-offering.

IF [HER HUSBAND] DIED, SHE PERFORMS THE CEREMONY OF HALIZAH. Why so? Let her also contract a levirate marriage! — R. Joseph said: Scripture declared: And when she is

departed out of his house, she may go and be another man's wife⁸ — she may marry 'another' man but not her brother-in-law.⁹ Abaye said to him, According to your argument, Halizah also should be unnecessary! He replied to him, If the husband is living, is not a Get required?¹⁰ So here likewise Halizah is necessary.¹¹ Another version is: R. Joseph said: The All-Merciful declared: And when she is departed out of his house, she may go and be another man's wife, so as not to destroy his house;¹² and you argue, let her also contract a levirate marriage!¹³ Abaye said to him, According to your argument, she should never marry again so as not to destroy another man's house! — He replied to him,

(1) Lev. XIV, 56 interpreted as: having first been elevated, he will become something superfluous among men, and therefore esteemed as nothing.

(2) Isa. II, 14.

(3) I Sam. II, 36. The Hebrew for the verb attach resembles the word for scab, v. Shebu, 6b.

(4) Ps. LI, 19.

(5) Ibid. L, 23.

(6) He calculates the loss incurred in fulfilling a precept against the reward it will bring him, v. Aboth, II, 1.

(7) Since it justifies a warning from the husband.

(8) Deut. XXIV, 2.

(9) ['Another' excludes the brother-in-law whose marriage to her is but a continuation, so to speak, of her first marriage. The derivation is based on the superfluous word 'another' which is taken to refer to a case where the wife was charged with an 'unseemly thing' and her husband died. The meaning of the verse would accordingly be as follows: If she found no favour . . . because he hath found some unseemly thing, he shall write her a bill of divorcement. When she departs out of his house (whether on his death or on divorce) and she goeth and becometh another man's wife, implying she can become the wife only of another man but not the brother-in-law.]

(10) Despite her misconduct. Ibid. 3 mentions, and write her a bill of divorcement. The technical term for this document is Get.

(11) [The brother-in-law taking the place of the dead husband.]

(12) V. supra p. II where it is taught that the wife's immorality destroys the husband's house.

(13) And perhaps destroy the brother-in-law's house.

Talmud - Mas. Sotah 6a

Do we compel any other man to marry her [as in the case of a brother-in-law where it is a duty]! Another version is: R. Joseph replied: The text calls [the second husband] 'another', because he is not the equal of the first husband, since the latter removes wickedness from his house [by divorcing his wife] whereas the other introduces wickedness into his house [by marrying such a woman]; and you argue, let her also contract a levirate marriage! Abaye said to him, According to your argument, if she does marry another man and he died without issue, she may not contract a levirate marriage since the text calls him 'another'!¹ — While living with the second husband she may have been of spotless reputation! Raba said: It is an a fortiori argument:² if she is forbidden to [her husband] to whom she is [otherwise] allowed, how much more so to [her brother-in-law] to whom she is [normally] forbidden! Abaye said to him, According to your argument, if a High Priest betrothed a widow and he died and had a brother who was an ordinary priest, she may not marry him, since if she becomes forbidden to one to whom she is [otherwise] allowed, how much more so to one to whom she is [normally] forbidden!³ [You say,] 'If she becomes forbidden' — she is actually forbidden;⁴ 'to one to whom she is allowed' — he is forbidden [to marry her]! But [ask rather as follows: According to Raba's argument] if the wife of a priest had been violated and he died, and he had a brother who was disqualified,⁵ she may not marry him, since if she is forbidden to [her husband]⁶ to whom she is [otherwise] allowed, how much more so to one to whom she is [normally] forbidden!⁷ — A woman who had been violated is permitted to a non-priest and the prohibition does not apply in his case.⁸

MISHNAH. THE FOLLOWING⁹ ARE PROHIBITED TO PARTAKE OF THE HEAVE-OFFERING:¹⁰ SHE WHO SAYS, 'I AM UNCLEAN TO THEE';¹¹ WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF;¹² SHE WHO SAYS, I REFUSE TO DRINK [THE WATER]'; WHEN THE HUSBAND IS UNWILLING TO MAKE HER DRINK [THE WATER]: AND WHEN THE HUSBAND COHABITED WITH HER ON THE JOURNEY.¹³

GEMARA. R. Amram said: The following did R. Shesheth tell us and enlighten our eyes from our Mishnah:¹⁴ In the case of a suspected woman where the witnesses against her are in a far-distant land,¹⁵ the water does not prove her.¹⁶ What is the reason? Because Scripture states: And be kept close and she be defiled and there be no witness against her¹⁷ — this is when there is nobody who knows anything against her, thus excluding the case when there are men who know something against her.¹⁸ And he enlightened our eyes from our Mishnah where it is taught: WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF. When did the witnesses come? If we say that they came before she drank the water, she is an adulteress;¹⁹ consequently they could only have come after she had drunk the water. This is quite right if you say that the water does not prove her,²⁰ then all is clear; but if you say that [in such a circumstance] the water does prove her, the water may demonstrate retrospectively that the witnesses were false!²¹ — R. Joseph said to him, Still I maintain that the water does prove her, and answer that some merit she possesses causes the water to suspend its effect.²² In what do [R. Joseph and R. Shesheth] differ? — In the matter of her becoming ill, according to the teaching of Rabbi. For we learn: Rabbi says: Merit [in the woman] causes the water of bitterness to suspend its effect, and she never bears a child or thrives, but she gradually grows ill and finally dies through that death.²³ R. Shesheth is of the opinion that both in the view of Rabbi and of the Rabbis she grows ill;²⁴ and R. Joseph is of the opinion that in the view of Rabbi she grows ill but in the view of the Rabbis she does not.²⁵

R. Shimi b. Ashi raised an objection: R. Simeon says: Merit does not cause the water of bitterness to suspend its effect; and if you say that merit does cause the water of bitterness to suspend its effect, you discredit the water in the case of all the women who drink it and defame the pure woman who drank it, since people will say: They were unclean, only their merit caused the water to suspend its effect upon them.²⁶ But if it is so,²⁷ then through [the teaching], 'Where the witnesses against her are in a far-distant land', you likewise defame the pure women who drank and people will say: They were unclean, only the witnesses against them are in a far-distant land! — [The reply to R. Shimi is:] You quote R. Simeon; but as R. Simeon holds that merit does not cause the water to suspend its effect, he similarly holds that the existence of witnesses does not cause it to suspend its effect.

Rab raised an objection: The following have their meal-offerings destroyed:²⁸

-
- (1) [And how can we compel the brother-in-law to marry her?]
 - (2) [To forbid her to the brother-in-law.]
 - (3) As wife of his brother. The conclusion is false, because such a levirate marriage is permissible.
 - (4) A High Priest is not allowed to marry a widow; Lev. XXI, 14.
 - (5) From the priesthood because he was the issue of another marriage which was illegal.
 - (6) A priest could not continue to live with his wife after she had been violated.
 - (7) The argument is false, because the man disqualified from the priesthood could marry his childless brother's widow if she had been violated.
 - (8) I.e., a non-priest was not obliged to divorce his wife who was the victim of violation.
 - (9) Wives of priests.
 - (10) For all time, even if the woman be a priest's daughter (v. Bertinoro).
 - (11) She admits misconduct.
 - (12) Even if she had successfully come through the ordeal, v. Gemara.
 - (13) To Jerusalem, where alone the ordeal was carried out. V. Mishnah p. 30.

- (14) He found support for his teaching in the statement of the Mishnah.
- (15) And unable to appear before a Court to give evidence that she misconducted herself.
- (16) It has no effect, though she be guilty.
- (17) Num. V, 13.
- (18) 'No witness' is now interpreted literally, and not as before, viz., only one witness.
- (19) As the result of their evidence; [consequently she is forbidden to partake of the heave-offering, v. Yeb. 44b].
- (20) If there are witnesses of her misconduct who have not testified.
- (21) Because, if she came through successfully, her reputation is cleared. [Why then should she be prohibited to partake of the heave-offering for all time?]
- (22) This point is discussed immediately. If this view is accepted, the water does not affect her although the witnesses are true.
- (23) Through her belly swelling and her thigh falling (Num. V, 27). The passage is cited from *infra* 22b.
- (24) And the Sages only disagree with him on the question whether she dies. In any case, if she does not grow ill, it cannot be attributed to her merit but to the fact that there are witnesses who have not given evidence.
- (25) So that on either view, if the water has no effect, it is due to her merit.
- (26) Also quoted from *infra* 22b.
- (27) Viz., that the existence of absent witnesses causes the water not to take effect.
- (28) V. Num. V, 15 for this offering. In the cases mentioned, it is not burnt upon the altar or redeemed by payment in money of its value, but destroyed by fire.

Talmud - Mas. Sotah 6b

She who says: 'I am unclean'; and when witnesses came [and testified] that she had misconducted herself.¹ When did the witnesses come? If I say that they came before the offering was hallowed,² then it can become non-holy?³ Consequently they could only have come after it had been hallowed. This is quite right if you say that the water proves her;⁴ consequently she is qualified to have [the flour] hallowed and offered on her behalf, and since it was hallowed from the commencement, it is certainly holy⁵ and for that reason her meal-offering is destroyed. But if you say that the water does not prove her, it becomes evident retrospectively that the hallowing was from the commencement in error,⁶ and therefore [the flour] becomes non-holy!⁷ — Rab Judah of Diskarta⁸ said: Suppose that [after the hallowing] she committed adultery within the Temple-precincts,⁹ since it was hallowed from the commencement, it is certainly holy! R. Mesharsheya objected: But do not the priestly novitiates accompany her?¹⁰ — Rab Judah [meant,] She committed adultery with one of these novitiates. R. Ashi¹¹ said: Suppose it was necessary for her to relieve herself, do you think that the priestly novitiates hang on to her headgear!¹² R. Papa said: The matter is certainly as we originally explained;¹³ and when you argue, [The offering] becomes non-holy, [the answer is that the rule by which the offering is destroyed] is a decree of the Rabbis lest it should be said, we may take [the flour] out of the ministering vessel for secular use.

R. Mari raised an objection: If her offering became ritually defiled before it became hallowed in the vessel, behold it is like all meal-offerings¹⁴ and is redeemed; but if [it became defiled] after it had been hallowed in the vessel, behold it is like all meal-offerings [in such a circumstance] and is destroyed.¹⁵ If the handful of flour¹⁶ was hallowed but there was not sufficient time to offer it before [the husband] died¹⁷ or she died, behold it is like all the meal-offerings and must be destroyed. If the handful had been offered but there was not sufficient time [for the priest] to eat the remainder¹⁸ before [the husband] died or she died, behold it is like all the meal-offerings and is eaten; because it was brought from the commencement in connection with a matter of doubt,¹⁹ it atoned for the doubt which is now ended. If witnesses came [and testified] against her that she had misconducted herself, her meal-offering is destroyed; should the witnesses against her be proved to be perjurers,²⁰ her meal-offering is non-holy?²¹ — You mention perjured witnesses; the fact that they were perjured witnesses is generally known.²²

There is a teaching in accord with the view of R. Shesheth²³ but not for the same reason as his,²⁴ viz., If she be clean²⁵ — [this indicates] there are no witnesses against her in a far-distant land;²⁶ ‘and if she be clean’ — [the addition of and indicates] it is not merit that causes the water to suspend its effect; [‘and if] she [be clean’] — [meaning that she has escaped the effect of the water because she is in fact clean] and not because women who spin by moonlight were discussing her.²⁷ Now as for R. Simeon,²⁸ agreed that he does not expound the conjunction and;²⁹ still there is the case

(1) Quoted from *infra* p. 144.

(2) By the priest placing the flour in one of the ministering vessels.

(3) By being redeemed; so why does the Mishnah say it is destroyed?

(4) And she drank the water before witnesses testified.

(5) Even after the witnesses gave evidence.

(6) Since witnesses proved her guilty and the ordeal was unnecessary.

(7) And does not even have to be redeemed since the hallowing was based on an error.

(8) [Deskarah, 16 miles N.E. of Bagdad; Obermeyer, *Die Landschaft Babylonian*, p. 116.]

(9) And witnesses came to testify concerning this act of infidelity.

(10) So that adultery could not occur there.

(11) Who rejects the thought that she could be guilty with one of the novitiates.

(12) When she retired to relieve herself. Consequently she could have the opportunity with another than the novitiates.

(13) That the witnesses came concerning the first act of infidelity.

(14) Which became defiled before being hallowed.

(15) Mishnah, p. 114. What follows is cited in the main from *Tosefta Sotah II*.

(16) Num. V, 26.

(17) In the event of the husband's death she does not drink the water.

(18) Of the flour which is not burnt upon the altar and is the priest's perquisite.

(19) The woman's chastity.

(20) *Zomemim v. Glos.* Before the meal-offering was burnt upon the altar.

(21) Though it has been placed in the vessel; and we do not say, as above, that by a Rabbinic decree, it must be destroyed. This contradicts the view given by R. Papa.

(22) So that it will be recognised that the offering was never holy.

(23) Viz., that the water does not take effect when there are absent witnesses.

(24) Which is based on the phrase ‘No witness against her’ (*v. supra* p. 24). The teaching finds another derivation in support.

(25) Num. V, 28.

(26) The verse is thus explained; if she be really pure and did not escape the effect of the water through the witnesses being far away, then she will conceive.

(27) Women gather together in the moonlight to spin and gossip. To be talked about by them was a sufficient disgrace to suspend the effect of the water.

(28) Who holds that merit does not suspend the effect of the water.

(29) To derive from it a Scriptural basis for his view.

Talmud - Mas. Sotah 7a

where there are witnesses against her in a far-distant land!¹ — That is uncommon.²

MISHNAH. HOW DOES [THE HUSBAND] DEAL WITH HER? HE BRINGS HER TO THE COURT OF JUSTICE IN THE PLACE WHERE HE RESIDES, AND THEY ASSIGN TO HIM TWO DISCIPLES OF THE SAGES³ LEST HE COHABIT WITH HER ON THE JOURNEY.⁴ R. JUDAH SAYS, HER HUSBAND IS TRUSTED WITH HER.⁵

GEMARA. Two [disciples of the Sages] and he make three. Is this to say that it supports the teaching of Rab? For Rab Judah said in the name of Rab: [The Rabbis] did not teach [that a woman

may be in the company of two men] except in a city; but on a journey there must be three, in case one of them should have need to relieve himself and consequently one of them will be left alone with [the possibility of] immorality!⁶ — No; here the reason is that they should be witnesses against him.⁷ [But the fact that] disciples of the Sages are necessary and not ordinary men, does this not support another teaching of Rab? For Rab Judah said in the name of Rab: [The Rabbis] did not teach [that a woman may be in the company of two men] except in the case of pure men; but in the case of dissolute men not even with ten. It once happened that ten men carried a [live] woman [out of the city] in a coffin [to violate her]! — No; here the reason is that they will know to warn him.⁸

R. JUDAH SAYS, HER HUSBAND etc. It has been taught: R. Judah says: By a fortiori reasoning [it is deduced] that a husband is trusted.⁹ If a husband is trusted in the matter of his wife during menstruation where the penalty is excision,¹⁰ how much more so in the matter of his wife under suspicion in connection with which there is a mere prohibition.¹¹ And [how do] the Rabbis [meet this argument]? — The same reasoning establishes [their view]: in the case of a wife during menstruation where the penalty is excision, since it is so stringent, the husband is trusted; but in the case of a wife under suspicion where [cohabitation] is a mere prohibition, since there is no stringent [penalty] for him, he is not trusted. But does R. Judah derive his view from a fortiori reasoning? He surely derives it from a Scriptural text; for it has been taught: Then shall the man bring his wife unto the priest¹² — according to the Torah it is the husband who has to bring his wife; but said the Sages, They assign to him two disciples of the Sages lest he cohabit with her on the journey. R. Jose says: By a fortiori reasoning [it is deduced] that a husband is trusted with her. If a husband is trusted in the matter of his wife during menstruation where the penalty is excision, how much more so in the matter of his wife while under suspicion in connection with which there is a mere prohibition. [The Sages] replied to him, No; if you argue [that he may be trusted] in the case of his wife during menstruation to whom he will have a right [on her recovery], will you argue so in the case of his wife under suspicion when he may never have a right to her!¹³ It further states: Stolen waters are sweet, etc.¹⁴ R. Judah says: According to the Torah it is the husband who has to bring his wife; as it is said: Then shall the man bring his wife!¹⁵ — At first he argued his view to [the Sages] by a fortiori reasoning; but when they refuted it, he then quoted the text to them. But R. Judah's opinion is the same as that of the first Tanna!¹⁶ — There is a point of difference between them, viz., [the continuation], 'But, said the Rabbis' etc.¹⁷

MISHNAH. THEY BRING HER UP TO THE GREAT COURT OF JUSTICE WHICH IS IN JERUSALEM, AND [THE JUDGES] SOLEMNLY CHARGE HER IN THE SAME WAY THAT THEY CHARGE WITNESSES IN CAPITAL CASES¹⁸ AND SAY TO HER, 'MY DAUGHTER, WINE DOES MUCH, FRIVOLITY DOES MUCH, YOUTH DOES MUCH, BAD NEIGHBOURS DO MUCH.¹⁹ DO IT²⁰ FOR THE SAKE OF HIS GREAT NAME WHICH IS WRITTEN IN HOLINESS SO THAT IT MAY NOT BE OBLITERATED BY THE WATER.'²¹ AND THEY RELATE TO HER MATTERS WHICH NEITHER SHE NOR ALL THE FAMILY OF HER FATHER'S HOUSE IS WORTHY TO HEAR.²² — IF SHE SAID, 'I HAVE MISCONDUCTED MYSELF', SHE GIVES A QUITTANCE FOR HER MARRIAGE-SETTLEMENT²³ AND DEPARTS;²⁴ BUT IF SHE SAYS, 'I AM PURE', THEY BRING HER UP TO THE EAST GATE WHICH IS BY THE ENTRANCE OF NICANOR'S GATE²⁵ WHERE THEY GIVE SUSPECTED WOMEN THE WATER TO DRINK, PURIFY WOMEN AFTER CHILDBIRTH AND PURIFY LEPERS.²⁶ A PRIEST SEIZES HER GARMENTS²⁷ — IF THEY ARE RENT THEY ARE RENT, AND IF THEY BECOME UNSTITCHED THEY ARE UNSTITCHED UNTIL HE UNCOVERS HER BOSOM,²⁸ AND HE UNDOES HER HAIR. R. JUDAH SAYS: IF HER BOSOM WAS BEAUTIFUL HE DOES NOT UNCOVER IT, AND IF HER HAIR WAS BEAUTIFUL HE DOES NOT UNDO IT. — IF SHE WAS CLOTHED IN WHITE, HE CLOTHES HER IN BLACK. IF SHE WORE GOLDEN ORNAMENTS

(1) Which is deduced from Scripture as suspending the effect of the water; consequently there is still the objection that it

causes pure women to be suspected.

(2) It is so rare for witnesses to be far away that no suspicion would be created on that ground.

(3) To accompany him and his wife on the journey.

(4) To Jerusalem where the ordeal takes place.

(5) That he will not cohabit; if he does, the ordeal is not held.

(6) V. Kid. 81a.

(7) In the event of the husband cohabiting with her.

(8) Should he wish to cohabit, so that the ordeal be not held.

(9) In this matter of cohabitation and witnesses are unnecessary.

(10) Kareth v. Glos. Lev. XX, 18. A husband may occupy the same room as his wife while she is in that condition and he is trusted not to cohabit.

(11) Without any penalty attached thereto, v. Yeb. 11b.

(12) Num. V, 15.

(13) If she is proved guilty, he must divorce her. Consequently the temptation is greater in the latter case.

(14) Prov. IX, 17.

(15) [R. Judah thus derives his ruling from a Scriptural text and not from a fortiori reasoning?]

(16) Quoted at the end of the last paragraph who cites Num. V, 15.

(17) With which R. Judah disagrees.

(18) V. Sanh. 37a.

(19) I.e., there may be some excuse for your behaviour.

(20) Confess if you are guilty, and so make the ordeal unnecessary which includes the use of the Divine Name.

(21) V. Num. V, 23.

(22) Instances of persons in Israel's history who confessed their guilt.

(23) I.e., she admits misconduct in writing and the forfeiture of the sum due to her under the marriage-settlement,

(24) After being formally divorced.

(25) Two gates of Corinthian bronze presented to the Temple by an Alexandrian named Nicanor. They were located between the Court of Israelites and the Court of women. V. Nazir (Sonc. ed.) p. 165, n. 11.

(26) I.e., the place where such persons, who are not allowed through uncleanness to enter the Temple-precincts, bring their purificatory offerings.

(27) At the neck.

(28) Lit., 'heart'.

Talmud - Mas. Sotah 7b

AND NECKLACES, EAR-RINGS AND FINGER-RINGS, THEY REMOVE THEM FROM HER IN ORDER TO MAKE HER REPULSIVE. AFTER THAT [THE PRIEST] TAKES A COMMON ROPE¹ AND BINDS IT OVER HER BREASTS.² WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK WITH THE EXCEPTION OF HER MALE AND FEMALE SLAVES, BECAUSE HER HEART IS MADE DEFIANT THROUGH THEM. ALL WOMEN ARE PERMITTED³ TO LOOK UPON HER, AS IT IS SAID, THAT ALL WOMEN MAY BE TAUGHT NOT TO DO AFTER YOUR LEWDNESS.⁴

GEMARA. Whence is this?⁵ — R. Hiyya b. Gamda said in the name of R. Jose b. Hanina: From the analogous use of the word 'law'. It is written here, And the priest shall execute upon her all this law;⁶ and elsewhere it is written: According to the tenor of the law which they shall teach thee.⁷ As in this latter case it is [the Court of] seventy-one,⁸ so also in the former it is [the Court of] seventy-one.

AND [THE JUDGES] SOLEMNLY CHARGE HER etc. I quote in contradiction: Just as they solemnly charge her not to drink,⁹ so they solemnly charge her to drink, saying to her, 'My daughter, if the matter is clear to thee that thou art pure, rely upon thy purity and drink; because the water of bitterness is only like dry powder which is placed upon living flesh. If there is a wound, it penetrates

and goes through [the skin]; and if there is no wound, it has no effect.¹⁰ — There is no contradiction; here [they charge her not to drink] before [the writing on] the scroll is blotted out,¹¹ and there [they charge her to drink] after it has been blotted out.¹²

AND SAY TO HER etc. Our Rabbis have taught: He tells her narratives and incidents which occurred in the early writings;¹³ for instance, Which wise men have told and have not hid it [from their fathers],¹⁴ namely Judah confessed and was not ashamed; what was his end? He inherited the life of the world to come. Reuben confessed and was not ashamed; what was his end? He inherited the world to come. And what was their reward? What was their reward [you ask]! It was as we have just mentioned. But [the meaning is], What was their reward in this world? Unto them alone the land was given, and no stranger passed among them.¹⁵ It is quite right with Judah; we find that he confessed, for it is written: And Judah acknowledged them, and said: She is more righteous than I.¹⁶ Whence, however, is it that Reuben confessed? — As R. Samuel b. Nahmani said in the name of R. Johanan: What means that which is written: Let Reuben live and not die; and this for Judah?¹⁷ All the years that the Israelites were in the wilderness, Judah's bones¹⁸ kept turning in his coffin until Moses arose and begged mercy for him. He said before Him, Lord of the Universe, who caused Reuben to confess? It was Judah,¹⁹ [as it is stated], 'And this for Judah'; immediately [after Moses prayed], 'Hear, Lord, the voice of Judah', each limb entered its socket.²⁰ But [the angels] would not permit him to enter the heavenly Academy;²¹ [so Moses prayed], 'And bring him in unto his people'. He was unable to discuss the theme which the Rabbis were then debating; [so Moses prayed], 'With his hands let him contend for himself.'²² He was still not able to secure a decision in accordance with the traditional practice; [so Moses prayed], 'Be an help against his adversaries'.²³ It is quite right that Judah confessed so that Tamar should not be burnt; but why did Reuben confess? Surely R. Shesheth has declared: Consider him shameless who [publicly] specifies his sins! — [Reuben confessed] so that his brothers should not be suspected [of his offence].

IF SHE SAID, 'I HAVE MISCONDUCTED MYSELF' etc. Is it to be concluded from this that a quittance is written out?²⁴ — Abaye said: Read [in our Mishnah]: [The document of the marriage-settlement] is torn. Raba replied to him, But the Mishnah mentions A QUITTANCE! But, said Raba, we deal here with places where they do not write a document for a marriage-settlement.²⁵

BUT IF SHE SAYS, 'I AM PURE', THEY BRING HER UP TO THE EAST GATE. 'THEY BRING HER UP'?

(1) The Palestinian Gemara explains it as 'an Egyptian cord' which is used because she followed the immoral practices of Egypt. More probably it means a cord made of twisted strips of the bark of the palm-tree. It was the commonest form of rope and used here as a mark of contempt.

(2) To prevent her clothing from falling down.

(3) Interpreted in the Gemara to mean that they should as a duty look.

(4) Ezek. XXIII, 48.

(5) That the water must be administered by the great Court in Jerusalem.

(6) Num. V, 30.

(7) Deut. XVII, 11. The reference is here to the Supreme Court.

(8) V. Sanh. 14b and 86a.

(9) If guilty, but make confession.

(10) Quoted from Tosefta Sotah I, 6.

(11) Num. V, 23, so that the Divine Name may not be obliterated in vain.

(12) To encourage her to go through the ordeal if she is convinced of her innocence.

(13) The Pentateuch.

(14) I.e., they confessed, Job XV, 18. (E.V. 'Which wise men have told from their fathers and have not hid it').

(15) Ibid. 19.

(16) Gen. XXXVIII, 26.

(17) Deut. XXXIII, 6f.

(18) According to tradition, the bones of all Jacob's sons were carried out of Egypt.

(19) When he confessed, Reuben followed his example.

(20) Of the skeleton and ceased rolling about.

(21) Where the Torah is studied.

(22) May he be able to prevail in the debate.

(23) V. B.M. 86a.

(24) The question whether a quittance is given or the document of the marriage-settlement torn is discussed in B.B. 170b.

(25) This was sometimes not done because there was an established rule about the amount due to a wife from her husband, v. B.M. (Sonc. ed.) p. 107, n. 4.

Talmud - Mas. Sotah 8a

But she is already there!¹ — They lead her up² and lead her down, for the purpose of wearying her.³ For it has been taught: R. Simeon b. Eleazar says: The Court causes the witnesses to be taken from place to place that their mind may become confused and they retract [their evidence, if false].⁴

WHERE THEY GIVE SUSPECTED WOMEN THE WATER TO DRINK etc. This is quite right in the case of suspected women; because it is written: And the priest shall set the woman before the Lord.⁵ Likewise is it with lepers; because it is written: And the priest that cleanseth him shall set the man . . . before the Lord.⁶ But why a woman after childbirth? Is it to say because they come to stand by their offerings; for it has been taught: A person's offering is not sacrificed until he stands by it? If so, it should also apply to men and women with a running issue!⁷ — It does indeed also apply to them, and the Tanna [in the Mishnah] only specifies one of them.⁸ Our Rabbis have taught: They do not give two suspected women the water to drink at the same time, so that the heart of one should not become defiant because of the other.⁹ R. Judah says: It is not from this reason, but Scripture declares, [The priest shall cause] her [to swear]¹⁰ — her alone. And for the first Tanna it is likewise written 'her'!¹¹ — The first Tanna is R. Simeon who expounds the reason of Scriptural texts¹² and [here] he states the reason: What is the meaning of 'her'? Her alone, so that the heart of one should not become defiant because of the other. What difference is there, then, between them? — The difference between them is the case of a woman who is trembling.¹³ But even if [a woman] is trembling, may we give her the water to drink [simultaneously with another woman] when, behold, we may not perform precepts in bundles?¹⁴ For we have learnt: They do not give two suspected women the water to drink at the same time, nor purify two lepers at the same time, nor bore the ears of two slaves at the same time,¹⁵ nor break the necks of two calves at the same time,¹⁶ because we may not perform precepts in bundles! — Abaye said, but others declare it was R. Kahana: There is no contradiction; the latter case referring to one priest,¹⁷ the other to two priests.

A PRIEST SEIZES HER GARMENTS. Our Rabbis have taught: And let the hair of the woman's head go loose.¹⁸ I only have here mention of her head; whence is it derived that it applies to her body?¹⁹ The text states: 'the woman's'.²⁰ If so, what is the object of the text declaring, 'And let the hair of the head go loose'? It teaches that the priest undoes her hair.²¹

R. JUDAH SAYS, IF HER BOSOM WAS BEAUTIFUL etc. Is this to say that R. Judah is afraid of impure thoughts being aroused and the Rabbis do not fear this? Behold we have heard the opposite opinion of them; for it has been taught: In the case of a man [who is to be stoned] they cover him with one piece of cloth in front, and in the case of a woman with two pieces, one in front and one behind, because the whole of her is considered nudity. This is the statement of R. Judah; but the Sages say: A man is stoned naked but a woman is not stoned naked!²² — Rabbah answered: What is the reason here?²³ Lest she go forth from the Court innocent, and the priestly novitiates become inflamed through her, whereas in the other case she is stoned. Should you reply that it may

cause them to be inflamed by another woman, Raba²⁴ declared: We have learnt a tradition that the evil impulse only bears sway over what a person's eyes see. Raba asked: Is it, then, that R. Judah contradicts himself and the Rabbis do not contradict themselves? But, said Raba, R. Judah does not contradict himself as we have just explained²⁵

(1) V. Mishnah p. 30.

(2) The Temple-mount to be charged by the judges, then lead her to the bottom, and finally up again.

(3) So that she may be more disposed to confess.

(4) V. Sanh. 32b.

(5) Num. V, 18.

(6) Lev. XIV, 11.

(7) Ibid. XV, 14, 29.

(8) Who do not enter the Temple precincts owing to a condition of defilement, and consequently stand at Nicanor's gate.

(9) One may be guilty and the other not. The first may refuse to confess because the other does not confess.

(10) Num. V, 19. V. Ned. 73a.

(11) So why does he give his own reason?

(12) V. B.M. 115a.

(13) And therefore we cannot say she is defiant, and on the view of the first Tanna, as explained, she might be submitted to the ordeal at the same time with another suspected woman.

(14) Each must have separate attention.

(15) Ex. XXI, 6.

(16) Deut. XXI, 1 ff.

(17) Administering the water to two women, when it would be performing a precept in bundles.

(18) Num. V, 18.

(19) That he uncovers her bosom, as stated in the Mishnah.

(20) And not merely 'the hair of her head'.

(21) And unravels the locks.

(22) V. Sanh. 45a.

(23) That R. Judah is against the exposure of her bosom.

(24) In the parallel passage in Sanh. 45a the name is Rabbah.

(25) The case of a suspected woman is not analogous to that of a woman who is to be stoned.

Talmud - Mas. Sotah 8b

, and the Rabbis likewise do not contradict themselves. What is the reason here?¹ Because [it is written], That all women may be taught not to do after your lewdness.² In the other case [of stoning], however, there cannot be a severer warning than that.³ Should you argue, Let both be inflicted upon her,⁴ R. Nahman said in the name of Rabbah b. Abbuha: The text states: Thou shalt love thy neighbour as thyself⁵ — choose for him [or her] a light death. Is this to say that Mishnaic teachers disagree [with respect to this teaching] of R. Nahman?⁶ — No; everybody is in agreement with R. Nahman's teaching, but they differ here on the following point: [the Rabbis] hold that disgrace is worse than physical pain, and [R. Judah] holds that physical pain is worse than disgrace.⁷ IF SHE WAS CLOTHED IN WHITE etc. It has been taught: If black garments became her, they clothe her in mean garments.

IF SHE WORE GOLDEN ORNAMENTS etc. This is obvious. Since she has to be made repulsive how much more is it necessary to do this!⁸ — What you might have thought is that with these ornaments upon her, the disgrace would be greater; as the proverb declares, 'Stripped naked, yet wearing shoes'. Therefore we are taught [that all ornaments must be removed].

AFTER THAT [THE PRIEST] TAKES A COMMON ROPE etc. R. Abba asked R. Huna, Does [the absence of] a common rope invalidate the ceremony of a suspected woman? If the purpose is

that her garments should not slip down from her, then a small belt would also suffice; or is it perhaps as the Master said: 'She girded herself with a belt [to adorn herself] for him,⁹ therefore the priest takes a common rope and binds it over her breasts', and consequently [its absence] does invalidate the ceremony? — He replied: You have [the reason stated:] After that he takes a common rope and binds it over her breast so that her garments should not slip down from her.

WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK etc. This is self-contradictory! You say: WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK; consequently it makes no difference whether they be men or women. Then it is taught: ALL WOMEN ARE PERMITTED TO LOOK UPON HER — hence women are [permitted] but men are not! — Abaye answered: Explain it¹⁰ as referring to women. Raba said to him, But the Mishnah states: WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK! But, said Raba, [the meaning is:] WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK, it makes no difference whether they be men or women; but women are obliged¹¹ to look upon her, as it is said: 'That all women may be taught not to do after your lewdness.' MISHNAH. IN THE MEASURE WITH WHICH A MAN MEASURES IT IS METED OUT TO HIM. SHE ADORNED HERSELF FOR A TRANSGRESSION; THE HOLY ONE, BLESSED BE HE, MADE HER REPULSIVE. SHE EXPOSED HERSELF FOR A TRANSGRESSION; THE HOLY ONE, BLESSED BE HE, HELD HER UP FOR EXPOSURE. SHE BEGAN THE TRANSGRESSION WITH THE THIGH AND AFTERWARDS WITH THE WOMB; THEREFORE SHE IS PUNISHED FIRST IN THE THIGH AND AFTERWARDS IN THE WOMB,¹² NOR DOES ALL THE BODY ESCAPE. GEMARA. R. Joseph said: Although the measure¹³ has ceased, [the principle] IN THE MEASURE has not ceased.¹⁴ For R. Joseph said, and similarly taught R. Hiyya: From the day the Temple was destroyed, although the Sanhedrin ceased to function, the four modes of execution¹⁵ did not cease. But they did cease! — [The meaning is:] The judgment¹⁶ of the four modes of execution did not cease. He who would have been condemned to stoning either falls from a roof [and dies] or a wild beast tramples him [to death]. He who would have been condemned to burning either falls into a fire or a serpent stings him. He who would have been condemned to decapitation is either handed over to the [Gentile] Government¹⁷ or robbers attack him. He who would have been condemned to strangulation either drowns in a river or dies of a quinsy.¹⁸

It has been taught: Rabbi¹⁹ used to say: Whence is it that in the measure with which a man measures it is meted out to him? As it is said: By measure in sending her away thou dost contend with her.²⁰ I have here only a se'ah;²¹ whence is it to include a trikab and half a trikab, a kab and half a kab, a quarter, an eighth, a sixteenth and a thirtysecond part of a kab? There is a text to state, For all the armour of the armed man in the tumult.²² And whence is it that every perutah²³ reckons together into a great sum? There is a text to state, Laying one thing to another to find out the account.²⁴ Thus we find in the case of a suspected woman that in the measure with which she measured it was meted out to her. She stood at the entrance of her house to display herself to the man; therefore a priest sets her by the Nicanor-gate and displays her disgrace to all. She wound a beautiful scarf about her head for him; therefore a priest removes her headgear and places it under her feet. She beautified her face for him; therefore

(1) That the Rabbis do not scruple to disgrace the suspected woman, whereas in the case of the woman who is stoned they do.

(2) Ezek. XXIII, 48.

(3) Viz., the stoning itself; therefore the Rabbis are against the exposure of the body.

(4) Disgrace as well as death by stoning.

(5) Lev. XIX, 18.

(6) That when R. Judah says a woman is stoned naked except for a loin-cloth in front and behind he evidences disagreement with R. Nahman.

(7) Therefore the former believe that a woman about to die would prefer to be clothed although it may involve a more

protracted death, while R. Judah takes the opposite view, v. Sanh. (Sonc. ed.) pp. 294-5.

(8) Why, then, does the Mishnah mention it?

(9) Her paramour; v. infra p. 38.

(10) The phrase, WHOEVER WISHES etc.

(11) The word מותרות, 'are permitted', is apparently derived here from the root תרה 'to warn'; hence 'are warned, obliged'.

(12) V. Num. V, 21 f.

(13) Meted out by a Jewish Court of Justice.

(14) Referring to Divine retribution.

(15) V. Sanh. 90a.

(16) Through Divine intervention.

(17) Which executes him by the sword.

(18) V. Sanh. (Sonc. ed.) p. 236.

(19) [The parallel passage in Sanh. 100a has 'R. Meir'].

(20) Isa. XXVII, 8.

(21) The word for by measure is connected by Rabbi with se'ah, a dry measure of which a trikab (equals three kab) is a half. Se'ah is taken as representing a very serious offence.

(22) Isa. IX, 4, E.V. 5. The Hebrew words for 'armour' סאן and 'armed man' סואן are likewise connected with se'ah.

(23) A small coin, here representing a minor offence which is not overlooked for punishment.

(24) Eccl. VII, 27.

Talmud - Mas. Sotah 9a

her face is made to turn green in colour.¹ She painted her eyes for him; therefore her eyes protrude. She plaited her hair for him; therefore a priest undoes her hair. She signalled to him with her finger; therefore her fingernails fall off. She girded herself with a belt for him; therefore a priest takes a common rope and ties it above her breasts. She thrust her thigh towards him; therefore her thigh falls. She received him upon her body; therefore her womb swells. She gave him the world's dainties to eat; therefore her offering consisted of animal's fodder.² She gave him costly wine to drink in costly goblets; therefore a priest gives her water of bitterness to drink in a potsherd. She acted in secret; and He that dwelleth in the secret place of the Most High³ directed His face against her [to punish her], as it is said: The eye also of the adulterer waiteth for the twilight, saying: No eye shall see me.⁴ Another version is: She acted in secret; the All-present proclaims it in public, as it is said: Though his hatred cover itself with guile, his wickedness shall be openly shewed before the congregation.⁵

Since [the teaching that even the slightest sin is punished] is derived from 'Laying one thing to another to find out the account', why do I require 'For all the armour of the armed man in the tumult'? — That [the punishment is] according to measure. But since that is derived from 'For all the armour of the armed man in the tumult', why do I require 'By measure in sending her away thou dost contend with her'? — It is in accord with the teaching of R. Hinena b. Papa; for R. Hinena b. Papa said: The Holy One, blessed be He, does not exact punishment of a nation until the time of its banishment into exile, as it is said: 'By measure in sending her away, etc'. But it is not so; for Raba has said: Why are three cups mentioned in connection with Egypt?⁶ One which she drank in the days of Moses; one which she drank in the days of Pharaoh-Necho;⁷ and one which she is destined to drink with her allies! Should you reply that they passed away, and these are different [Egyptians],⁸ behold it has been taught: R. Judah said: Minyamin, an Egyptian proselyte, was a colleague of mine among the disciples of R. Akiba; and Minyamin, the Egyptian proselyte, told me: 'I am an Egyptian of the first generation,⁹ and I married an Egyptian woman of the first generation; I will marry my son to an Egyptian woman of the second generation so that my grandson may be permitted to enter the Community'!¹⁰ — But if the above statement was made it was made as follows: R. Hinena b. Papa

said: The Holy One, blessed be He, does not exact punishment of a king until the time of his banishment into exile, as it is said: 'By measure in sending her away, etc'. Amemar applied this teaching of R. Hinena b. Papa to the following: What means the text: For I the Lord change not; therefore ye, O sons of Jacob, are not consumed'?¹¹ 'I the Lord change not' — I have not smitten a people and repeated it;¹² 'therefore ye, O sons of Jacob, are not consumed' — that is what is written: I will spend Mine arrows upon them¹³ — Mine arrows will be spent, but [the sons of Jacob] will not cease. R. Hamuna said: The Holy One, blessed be He, does not exact punishment of a man until his measure [of guilt] is filled; as it is said: 'In the fullness of his sufficiency he shall be in straits, etc'.¹⁴ R. Hinena b. Papa expounded: What means the text: Rejoice in the Lord, O ye righteous; praise is comely for the upright?¹⁵ Read not praise is na'wah ['comely'], but praise is neweh ['a habitation']. This alludes to Moses and David over whose works [in erecting a Sanctuary] their enemies had no power.¹⁶ Of [the Temple planned by] David, it is written: Her gates are sunk in the ground.¹⁷ With regard to Moses the Master said: After the first Temple was erected, the Tent of Meeting was stored away, its boards, hooks, bars, pillars and sockets. Where [were they stored]? — R. Hisda said in the name of Abimi: Beneath the crypts of the Temple.

Our Rabbis have taught: The suspected woman¹⁸ set her eyes on one who was not proper for her; what she sought was not given to her¹⁹ and what she possessed was taken from her;²⁰ because whoever sets his eyes on that which is not his is not granted what he seeks and what he possesses is taken from him.

(1) This, and the protruding of the eyes, are the effect of drinking the water; v. Mishnah 20a.

(2) Barley meal, Num. V, 15.

(3) Ps. XCI, I.

(4) Job XXIV, 15. No eye etc. is explained in the sense, God will not observe me.

(5) Prov. XXVI, 26.

(6) The word 'cup' occurs three times in Gen. XL, 11, and is a symbol of calamity.

(7) When Egypt was defeated by Babylon (Jer. XLVI. 2). The third 'cup' refers to the Messianic era. The conclusion is, therefore, that punishment is not exacted of a nation only at the time of banishment.

(8) The original Egyptians had disappeared and their land was inhabited by a different race.

(9) That means, he had been personally converted to Judaism and was not the son of a proselyte.

(10) V. Deut. XXIII, 9, E.V. 8. This proves that the original Egyptians are considered as still extant.

(11) Mal. III, 6.

(12) The Hebrew word for 'change' שנה also means 'repeat'.

(13) Deut. XXXII, 23.

(14) Job XX, 22.

(15) Ps. XXXIII, 1.

(16) I.e., the enemies of Israel did not profit by any of the materials when the Temple was destroyed.

(17) Lam. II, 9.

(18) Who is guilty.

(19) She is not allowed to marry her lover.

(20) She dies if she drinks the water, and is divorced with loss of her settlement if she confesses.

Talmud - Mas. Sotah 9b

We thus find it with the primeval serpent [in the Garden of Eden] which set its eyes on that which was not proper for it; what it sought was not granted to it and what it possessed was taken from it. The Holy One, blessed be He, said: I declared: Let it be king over every animal and beast; but now, Cursed art thou above all cattle and above every beast of the field.¹ I declared, let it walk with an erect posture; but now it shall go upon its belly. I declared: Let its food be the same as that of man; but now it shall eat dust. It said: I will kill Adam and marry Eve; but now, I will put enmity between thee and the woman, and between thy seed and her seed.² Similarly do we find it with Cain, Korah,

Balaam, Doeg, Ahitophel, Gehazi, Absalom, Adonijah, Uzziah and Haman, who set their eyes upon that which was not proper for them; what they sought was not granted to them and what they possessed was taken from them.

SHE BEGAN THE TRANSGRESSION WITH THE THIGH etc. Whence is this? Shall I say because it is written: When the Lord doth make thy thigh to fall away and thy belly to swell?³ But it is likewise written: Her belly shall swell and her thigh shall fall away!⁴ — Abaye said: When [the priest] utters the curse, he first curses the thigh and then curses the belly; but when the water produces its effect it does so in its normal order, viz., the belly first and then the thigh. But also in connection with the curse, it is written: Make thy belly to swell and thy thigh to fall away!⁵ — That is what the priest informs her, viz., that it affects her belly first and then the thigh so as not to discredit the water of bitterness.⁶

MISHNAH. SAMSON WENT AFTER [THE DESIRE OF] HIS EYES; THEREFORE THE PHILISTINES PUT OUT HIS EYES, AS IT IS SAID, AND THE PHILISTINES LAID HOLD ON HIM, AND PUT OUT HIS EYES.⁷ ABSALOM GLORIED IN HIS HAIR; THEREFORE HE WAS HANGED BY HIS HAIR. AND BECAUSE HE COHABITED WITH THE TEN CONCUBINES OF HIS FATHER, THEREFORE HE WAS STABBED WITH TEN LANCES, AS IT IS SAID, AND TEN YOUNG MEN THAT BARE JOAB'S ARMOUR COMPASSED ABOUT.⁸ AND BECAUSE HE STOLE THREE HEARTS, THE HEART OF HIS FATHER, THE HEART OF THE COURT OF JUSTICE, AND THE HEART OF ISRAEL, AS IT IS SAID, SO ABSALOM STOLE THE HEARTS OF THE MEN OF ISRAEL,⁹ THEREFORE THREE DARTS WERE THRUST THROUGH HIM, AS IT IS SAID, AND HE TOOK THREE DARTS IN HIS HAND, AND THRUST THEM THROUGH THE HEART OF ABSALOM.¹⁰ — IT¹¹ IS THE SAME IN CONNECTION WITH THE GOOD. MIRIAM WAITED A SHORT WHILE FOR MOSES, AS IT IS SAID, AND HIS SISTER STOOD AFAR OFF;¹² THEREFORE ISRAEL WAS DELAYED FOR HER SEVEN DAYS IN THE WILDERNESS, AS IT IS SAID, AND THE PEOPLE JOURNEYED NOT TILL MIRIAM WAS BROUGHT IN AGAIN.¹³ JOSEPH EARNED MERIT BY BURYING HIS FATHER AND THERE WAS NONE AMONG HIS BROTHERS GREATER THAN HE; AS IT IS SAID, AND JOSEPH WENT UP TO BURY HIS FATHER, ETC.,¹⁴ AND THERE WENT UP WITH HIM BOTH CHARIOTS AND HORSEMEN.¹⁵ WHOM HAVE WE GREATER THAN JOSEPH SINCE NONE OTHER THAN MOSES OCCUPIED HIMSELF WITH HIS BURIAL? MOSES EARNED MERIT THROUGH THE BONES OF JOSEPH AND THERE WAS NONE IN ISRAEL GREATER THAN HE, AS IT IS SAID, AND MOSES TOOK THE BONES OF JOSEPH WITH HIM.¹⁶ WHOM HAVE WE GREATER THAN MOSES SINCE NONE OTHER THAN THE OMNIPRESENT OCCUPIED HIMSELF [WITH HIS BURIAL], AS IT IS SAID, AND HE BURIED HIM IN THE VALLEY?¹⁷ NOT ONLY CONCERNING MOSES DID THEY SAY THIS, BUT CONCERNING ALL THE RIGHTEOUS, AS IT IS SAID, AND THY RIGHTEOUSNESS SHALL GO BEFORE THEE, THE GLORY OF THE LORD SHALL BE THY REARWARD.¹⁸

GEMARA. Our Rabbis have taught: Samson rebelled [against God] through his eyes, as it is said: And Samson said unto his father, Get her for me, because she is pleasing in my eyes;¹⁹ therefore the Philistines put out his eyes, as it is said: And the Philistines laid hold on him and put out his eyes.²⁰ But it is not so; for behold it is written: But his father and his mother knew not that it was of the Lord!²¹ — When he went [to choose a wife] he nevertheless followed his own inclinations.²² It has been taught: Rabbi says: The beginning of his [Samson's] degeneration occurred in Gaza; therefore he received his punishment in Gaza. 'The beginning of his [Samson's] degeneration was in Gaza', as it is written: And Samson went to Gaza, and saw there an harlot etc.,²³ 'therefore he received his punishment in Gaza,' as it is written: And they brought him down to Gaza.²⁴ But behold it is written: And Samson went down to Timnah!²⁵ — Nevertheless the beginning of his degeneration occurred in Gaza.²⁶

And it came to pass afterward, that he loved a woman in the valley of Sorek, whose name was Delilah.²⁷ It has been taught: Rabbi says: If her name had not been called Delilah, she was fit that it should be so called. She weakened²⁸ his strength, she weakened his heart, she weakened his actions. 'She weakened his strength', as it is written: And his strength went from him.²⁹ 'She weakened his heart', as it is written: And when Delilah saw that he had told her all his heart.³⁰ 'She weakened his actions' since the Shechinah departed from him, as it is written: But he wist not that the Lord had departed from him.³¹

'And when Delilah saw that he had told her all his heart'. How did she know this?³² R. Hanin said in the name of Rab: Words of truth are recognisable. Abaye said: She knew that this righteous man would not utter the Divine Name in vain; when he exclaimed: I have been a Nazirite unto God,³³ she said: Now he has certainly spoken the truth.

And it came to pass, when she pressed him daily with her words, and urged him.³⁴ What means 'and urged him'? R. Isaac of the School of R. Ammi said: At the time of the consummation, she detached herself from him.

Now therefore beware, I pray thee, and drink no wine nor strong drink, and eat not any unclean thing.³⁵ What means 'any unclean thing'? Furthermore, had she [Samson's mother] up to then eaten unclean things? R. Isaac of the School of R. Ammi said: [She had hitherto eaten] things forbidden to a Nazirite.

But God clave the hollow place that is in Lehi.³⁶ R. Isaac of the School of R. Ammi said: He [Samson] lusted for what was unclean;³⁷ therefore his life was made dependent upon an unclean thing.³⁸

And the spirit of the Lord began, etc.³⁹ R. Hama b. Hanina said: Jacob's prophecy became fulfilled, as it is written: Dan shall be a serpent in the way.⁴⁰

To move him in Mahaneh-Dan.⁴¹ R. Isaac of the School of R. Ammi said: This teaches that the Shechinah kept ringing in front of him like a bell;⁴² it is written here to move him [lefa'amo] in Mahaneh-Dan, and it is written elsewhere A golden bell [pa'amon] and a pomegranate.⁴³ Between Zorah and Eshtaol⁴⁴ — R. Assi said: Zorah and Eshtaol are two great mountains, and Samson uprooted them and ground one against the other.

And he shall begin to save Israel.⁴⁵ R. Hama b. Hanina said:

(1) Gen. III, 14.

(2) Ibid. 15.

(3) Num. V, 21. 'Thigh' is mentioned first.

(4) Ibid. 27. Here 'thigh' is mentioned second.

(5) Ibid. 22.

(6) If the effects were produced in the reverse order.

(7) Judg. XVI, 21.

(8) And slew Absalom, II Sam. XVIII, 15.

(9) Ibid. XV, 6.

(10) Ibid. XVIII, 14.

(11) The principle of measure for measure.

(12) Ex. II, 4.

(13) Num. XII, 15.

(14) Gen. L, 7.

(15) Ibid. 9.

- (16) Ex. XIII, 19.
 (17) Deut. XXXIV, 6.
 (18) Isa. LVIII, 8. The verb translated 'shall be thy rearward' seems to be taken here in its literal sense, shall gather thee sc. to thy fathers.
 (19) Judg. XIV, 3.
 (20) Ibid. XVI, 21.
 (21) Ibid. XIV, 4.
 (22) And not the will of God.
 (23) Judg. XVI, I.
 (24) Ibid. 21.
 (25) Ibid. XIV, 1.
 (26) He lawfully married the woman in Timnah but not the woman in Gaza.
 (27) Ibid. XVI, 4.
 (28) Dildelah, a play on her name.
 (29) Ibid. 19.
 (30) Ibid. 18.
 (31) Ibid. 20.
 (32) He had previously told her several falsehoods; so how did she know that he had now spoken the truth?
 (33) Ibid. 17.
 (34) Ibid. 16.
 (35) Ibid. XIII, 4.
 (36) Judg. XV, 19.
 (37) Philistine women.
 (38) The ass's jawbone (lehi) out of which he drank in his thirst.
 (39) Ibid. XIII, 25.
 (40) Gen. XLIX, 17. This prophecy alluded to Samson who was of the tribe of Dan.
 (41) The word in Judg. XIII, 25 for 'move' is commonly used of striking a bell.
 (42) To direct him where he was to go.
 (43) Ex. XXVIII, 34.
 (44) Judg. XIII, 25.
 (45) Ibid. 5. The word 'begin' (**הָיָא**) is connected with a similar root (**הָלַךְ**) meaning become void.

Talmud - Mas. Sotah 10a

The oath of Abimelech became void, as it is written: That thou wilt not deal falsely with me, nor with my son, nor with my son's son.¹

And the child grew, and the Lord blessed him.² Wherewith did He bless him? — Rab Judah said in the name of Rab: With his physique which was like that of other men but his manly strength was like a fast-flowing stream.³

And Samson called unto the Lord, and said: O Lord God, remember me, I pray Thee and strengthen me, I pray Thee, that I may be at once avenged of the Philistines for my two eyes.⁴ Rab said: Samson spoke before the Holy One, blessed be He, Sovereign of the Universe, Remember on my behalf the twenty⁵ years I judged Israel, and never did I order anyone to carry my staff from one place to another.

And Samson went and caught three hundred foxes.⁶ Why just foxes? — R. Aibu b. Nagari said in the name of R. Hiyya b. Abba: Samson declared: Let [the animal] come which turns backward⁷ and exact punishment of the Philistines who went back on their oath.⁸

It has been taught: R. Simeon the Pious said: The width between Samson's shoulders was sixty

cubits, as it is said: And Samson lay till midnight, and arose at midnight and laid hold of the doors of the gate of the city, and the two posts, and plucked them up, bar and all, and put them upon his shoulders;⁹ and there is a tradition that the gates of Gaza were not less than sixty cubits [in width]. And he did grind in the prison house.¹⁰

R. Johanan said: 'Grind' means nothing else than [sexual] transgression; and thus it is stated: Then let my wife grind unto another.¹¹ It teaches that everyone brought his wife to him to the prison that she might bear a child by him [who would be as strong as he was]. R. Papa said: That is what the proverb tells, 'Before the wine-drinker [set] wine, before a ploughman a basket of roots.'

R. Johanan also said: Whoever is faithless, his wife is faithless to him; as it is said: If mine heart have been enticed unto a woman, and I have laid wait at my neighbour's door¹² and it continues, Then let my wife grind unto another, and let others bow down upon her. That is what the proverb tells, 'He among the full-grown pumpkins and his wife among the young ones'.

R. Johanan also said: Samson judged Israel in the same manner as their Father in heaven; as it is said: Dan shall judge his people as One.¹³ R. Johanan also said: Samson was called by the name of the Holy One, blessed be He; as it is said: For the Lord God is a sun and a shield.¹⁴ According to this argument, [his name] may not be erased!¹⁵ — The intention is that [his name] was typical of the name of the Holy One, blessed be He;¹⁶ as the Holy One, blessed be He, shields the whole world, so Samson shielded Israel during his generation.

R. Johanan also said: Balaam was lame in one leg, as it is said: And he went shefi;¹⁷ Samson was lame in both legs, as it is said: An adder in the path.¹⁸

Our Rabbis have taught: Five were created after the likeness of Him Who is above, and all of them incurred punishment on account of [the feature which distinguished] them: Samson in his strength, Saul in his neck,¹⁹ Absalom in his hair,²⁰ Zedekiah in his eyes, and Asa in his feet. 'Samson [was punished] in his strength', as it is written: And his strength went from him.²¹ 'Saul [was punished] in his neck', as it is written: Saul took his sword and fell upon it.²² 'Absalom [was punished] in his hair', as we shall have occasion to explain later. Zedekiah [was punished] in his eyes, as it is written: They put out the eyes of Zedekiah.²³ Asa [was punished] in his feet, as it is written: But in the time of his old age he was diseased in his feet;²⁴ and Rab Judah said in the name of Rab, Podagra [gout] attacked him.

Mar Zutra, son of R. Nahman, asked R. Nahman, What is Podagra like? — He answered: Like a needle in living flesh. How did he know this? — Some say he suffered from it himself; others say that he heard it from his teacher;²⁵ and others declare, The secret of the Lord is with them that fear Him, and He will shew them His covenant.²⁶

Raba expounded: Why was Asa punished? Because he imposed forced labour²⁷ upon the disciples of the Sages, as it is said: Then King Asa made a proclamation unto all Judah; none was exempted.²⁸ What means 'none was exempted'? — Rab Judah said in the name of Rab: Even the bridegroom from his chamber and the bride from her canopy.

It is written: And Samson went down to Timnah,²⁹ and it is written: Behold, thy father-in-law goeth up to Timnah!³⁰ R. Eleazar said: Since in the case of Samson he was disgraced there, it is written in connection with it 'went down;' but in the case of Judah, since he was exalted in it,³¹ there is written in connection with it 'goeth up'. R. Samuel b. Nahmani said: There are two places named Timnah; one [was reached] by going down and the other by going up. R. Papa said: There is only one place named Timnah; who came to it from one direction had to descend and from another direction had to ascend, as, e.g., Wardina, Be Bari and the market-place of Neresh.³²

She sat in the gate of Enaim.³³ R. Alexander said: It teaches that she [Tamar] went and sat at the entrance [of the hospice] of our father Abraham, to see which place all eyes [‘enaim] look. R. Hanin said in the name of Rab: It is a place named Enaim, as it states: Tappuah and Enam.³⁴ R. Samuel b. Nahmani said: [It is so called] because she gave eyes to her words.³⁵ When [Judah] solicited her, he asked her, ‘Art thou perhaps a Gentile?’ She replied: ‘I am a proselyte’. ‘Art thou perhaps a married woman?’ She replied: ‘I am unmarried’. ‘Perhaps thy father has accepted on thy behalf betrothals?’³⁶ She replied: ‘I am an orphan’. ‘Perhaps thou art unclean?’ She replied: ‘I am clean’.

And he planted a tamarisk tree in Beer-sheba.³⁷ Resh Lakish said: It teaches that he [Abraham] made an orchard and planted in it all kinds of choice fruits. R. Judah and R. Nehemiah [differ in this matter]; one said that it was an orchard and the other that it was a hospice. It is right according to him who said that it was an orchard, since it is written ‘and he planted’; but according to him who said that it was a hospice, what means ‘and he planted?’ — It is similarly written: And he shall plant the tents of his palace, etc.³⁸

And he called there on the name of the Lord, the Everlasting God.³⁹ Resh Lakish said: Read not ‘and he called’

(1) Gen. XXI, 23. The alliance between the Israelites and Philistines ended in the time of Samson.

(2) Judg. XIII, 24.

(3) The point underlying this piece of Rabbinic hyperbole is that it was through Samson's inordinate passion for Philistine women that he came in contact with their people and brought about Israel's release from their power.

(4) Ibid. XVI, 28.

(5) Some edd. read ‘twenty-two’ in error; v. ibid. 31.

(6) Judg. XV, 4.

(7) When a fox is hunted, it does not run ahead but in a roundabout course.

(8) Between Isaac and Abimelech; v. supra.

(9) Ibid. XVI, 3.

(10) Ibid. 21.

(11) Job XXXI, 10.

(12) Ibid. 9.

(13) Gen. XLIX, 16, the One being God.

(14) Ps. LXXXIV, 12, E.V.11 The word for sun is shemesh which is the basis of Samson's name, Shimshon.

(15) As it is forbidden to erase the Divine Name.

(16) The word sun is not God's Name but a simile.

(17) Num. XXIII, 3. (E.V. ‘To a bare height’). The Hebrew word is explained as ‘lame’.

(18) Gen. XLIX, 17. The word for adder is shefifon which looks like a duplicated form of shefi from the root שׁוּף , ‘to dislocate’.

(19) Cf. I Sam. X, 23.

(20) Cf. II Sam. XIV, 26. There is no Biblical reference in connection with Zedekiah and Asa.

(21) Judg. XVI, 19.

(22) I Sam. XXXI, 4. The sword passed through his neck.

(23) II Kings XXV, 7.

(24) I Kings XV, 23.

(25) His teacher was a Rabbi named Samuel who was a physician.

(26) Ps. XXV, 14. The information was revealed to him by God.

(27) In the public service.

(28) I Kings XV, 22.

(29) Judg. XIV. I.

(30) Gen. XXXVIII, 13. Why does one text say ‘down’ and the other ‘goeth up’?

(31) Perez was born there from whom David was descended.

(32) Towns in Babylonia situated on mountain slopes on the east bank of the Euphrates, v. Obermeyer, op. cit., p. 309.

(33) Gen. XXXVIII. 14.

(34) Josh. XV, 34. Enam is identified with Enaim.

(35) Tamar gave convincing replies to Judah's questions as to whether she was permitted to him.

(36) [And thou thus belongest to another man.]

(37) Gen. XXI, 33. The explanation 'hospice' is obtained by taking each letter of the word **אָס** 'tamarisk-tree', and making them the initials of three Hebrew words meaning 'eating, drinking, lodging'.

(38) Dan. XI, 45.

(39) Gen. I.c.

Talmud - Mas. Sotah 10b

but 'and he made to call', thereby teaching that our father Abraham caused the name of the Holy One, blessed be He, to be uttered by the mouth of every passer-by. How was this? After [travellers] had eaten and drunk, they stood up to bless him; but, said he to them, 'Did you eat of mine? You ate of that which belongs to the God of the Universe. Thank, praise and bless Him who spake and the world came into being'.

When Judah saw her, he thought her to be an harlot; for she had covered her face.¹ Because she had covered her face he thought her to be an harlot! — R. Eleazar said: She had covered her face in her father-in-law's house;² for R. Samuel b. Nahmani said in the name of R. Jonathan: Every daughter-in-law who is modest in her father-in-law's house merits that kings and prophets should issue from her. Whence is this? From Tamar. Prophets [issued from her], as it is written: The vision of Isaiah the son of Amoz,³ and kings [issued from her] through David; and R. Levi has said: This is a tradition in our possession from our fathers that Amoz and Amaziah⁴ were brothers.

When she was brought forth.⁵ Instead of muzeth the verb should have been mithwazzeth!⁶ R. Eleazar said: [The verb in the text implies] that after her proofs⁷ were found, Samael⁸ came and removed them, and Gabriel⁹ came and restored them. That is what is written: For the Chief Musician, the silent dove of them that are afar off. Of David, Michtam¹⁰ — R. Johanan said: At the time when her proofs were removed, she became like a silent dove. 'Of David', 'Michtam' — [that means] there issued from her David who was meek [mach] and perfect [tam] to all. Another explanation of 'Michtam' is: his wound [makkah]¹¹ was whole [tammah], since he was born already circumcised. Another explanation of 'Michtam' is: just as in his youth [before he became king] he made himself small in the presence of anyone greater than himself to study Torah, so was he the same in his greatness.¹²

She sent to her father-in-law, saying: By the man whose these are, am I with child.¹³ She ought to have told [the messenger] plainly!¹⁴ — R. Zutra b. Tobiah said in the name of Rab — another version is, R. Hama b. Bizna said in the name of R. Simeon the Pious; and still another version is, R. Johanan said in the name of R. Simeon b. Yohai: Better for a man to cast himself into a fiery furnace rather than shame his fellow in public. Whence is this? From Tamar.¹⁵

Discern, I pray thee.¹⁶ R. Hama b. Hanina said: With the word 'discern' [Judah] made an announcement to his father, and with the word 'discern' an announcement was made to him. With the word 'discern' he made an announcement — Discern now whether it be thy son's coat or not;¹⁷ and with the word 'discern' an announcement was made to him — Discern, I pray thee, whose are these.¹⁶ The word 'na' ['I pray thee'] is nothing else than an expression of request. She said to him, 'I beg of thee, discern the face of thy Creator and hide not thine eyes from me'.¹⁸

And Judah acknowledged them, and said: She is more righteous than I.¹⁹ That is what R. Hanin b. Bizna said in the name of R. Simeon the Pious: Joseph who sanctified the heavenly Name in

private²⁰ merited that one letter should be added to him from the Name of the Holy One, blessed be He, as it is written: He appointed it in Joseph for a testimony.²¹ Judah, however, who sanctified the heavenly Name in public merited that the whole of his name should be called after the Name of the Holy One, blessed be He.²² When he confessed and said: She is more righteous than I, a Bath Kol²³ issued forth and proclaimed, 'Thou didst rescue Tamar and her two sons from the fire. By thy life, I will rescue through thy merit three of thy descendants from the fire'. Who are they? Hananiah, Mishaël and Azariah.²⁴ 'She is more righteous than I' — how did he know this?²⁵ A Bath Kol issued forth and proclaimed, 'From Me came forth secrets.'²⁶

And he knew her again no more.²⁷ Samuel the elder, father-in-law of R. Samuel b. Ammi said in the name of R. Samuel b. Ammi: Having once known her,²⁸ he did not separate from her again. It is written here, 'And he knew her again no more [Yasaf], and elsewhere it is written: With a great voice increasing [Yasaf].'²⁹

ABSALOM GLORIED IN HIS HAIR etc. Our Rabbis have taught: Absalom rebelled [against his father] through his hair, as it is said: There was none to be so much praised as Absalom for his beauty . . . And when he polled his head, now it was at every year's end that he polled it because the hair was heavy on him therefore he polled it, he weighed the hair of his head at two hundred shekels, after the king's weight.³⁰ It has been taught that [the king's weight] was the weight with which the men of Tiberias and Sepphoris weigh. Therefore he was hanged by his hair, as it is said: And Absalom chanced to meet the servants of David. And Absalom rode upon his mule, and the mule went under the thick boughs of a great oak, and his head caught hold of the oak, and he was taken up between the heaven and the earth,; and the mule that was under him went on.³¹ He took a sword and wished to cut himself loose;³² but it was taught in the School of R. Ishmael, At that moment Sheol was split asunder beneath him.³³

And the king was much moved, and went up to the chamber over the gate, and wept; and as he went, thus he said: O my son Absalom, my son, my son Absalom! would God I had died for thee, O Absalom, my son, my son.³⁴ And the king covered his face, and the king cried with a loud voice, O my son Absalom, O Absalom my son, my son.³⁵ Why is 'my son' repeated eight times? Seven to raise him from the seven divisions of Gehinnom; and as for the last, some say to unite his [severed] head to his body and others say to bring him into the World to Come.

Now Absalom in his lifetime had taken and reared up.³⁶ What means 'had taken'? — Resh Lakish said: He had made a bad purchase for himself.³⁷ The pillar which is in the king's dale, etc. — R. Hanina b. Papa said: In the deep plan of the King of the Universe;³⁸

(1) Ibid. XXXVIII, 15.

(2) So that Judah had never seen it and did not recognise her.

(3) Isa. I, 1.

(4) King of Judah, and since he was a descendant of David and Amoz was his brother, it is true that prophets and kings issued from Tamar.

(5) Gen. XXXVIII, 25.

(6) The verbal form used in the text could be translated 'was found', and the alternative suggested would have clearly indicated 'brought forth'.

(7) The signet, cord and staff.

(8) Angel of evil, later identified with Satan.

(9) One of the four Archangels.

(10) Ps. LVI, I.

(11) I.e., the place where there should have been a wound after circumcision.

(12) After he became king, he humbled himself to study. So he was meek and perfect.

(13) Gen. XXXVIII, 25.

- (14) That Judah was the father of her child. Why the circumlocution?
- (15) She risked being burnt to death rather than publicly shame Judah.
- (16) Ibid.
- (17) Ibid. XXXVII, 32.
- (18) That is how 'Discern, I pray thee' is explained.
- (19) Ibid. XXXVIII, 26.
- (20) When he resisted Potiphar's wife.
- (21) Ps. LXXXI, 6, E.V. 5. Here in the Hebrew the letter 'he', one of the letters of the Tetragrammaton, is added to Joseph's name: **יְהוֹסֵף**.
- (22) The four letters of the Tetragrammaton occur in Judah's name **יְהוּדָה**.
- (23) V. Glos.
- (24) See Dan. III.
- (25) Since she might have cohabited with other men.
- (26) V. Mak. 23b.
- (27) Gen. XXXVIII, 26.
- (28) That she was righteous.
- (29) Deut. V, 19. The two verbs are really distinct, but the Rabbi connected them both with the root **אָסַף** and accordingly explained the phrase in Gen. as 'and he knew her again without ceasing', v. Sanh. 17a.
- (30) II Sam. XIV, 25f.
- (31) II Sam. XVIII. 9.
- (32) The first half of this sentence is omitted in some edd.
- (33) So that had he cut through his hair he would have fallen into Sheol.
- (34) Ibid. XIX, 1. E.V. XVIII, 33.
- (35) Ibid. 5, E.V. 4.
- (36) Ibid. XVIII, 18.
- (37) The verb signifies both took and purchased. The meaning appears to be that his conduct resulted in his having to buy a monument to preserve his memory instead of his succeeding his father; hence it was a bad bargain for him.
- (38) The word 'dale' means 'deep', and 'king' is applied to God Who had decided that this should happen as a punishment for his sin with Bathsheba.

Talmud - Mas. Sotah 11a

as it is written: I will raise up evil against thee out of thine own house.¹ Similarly it is stated: So he sent him [Joseph] out of the vale of Hebron.² R. Hanina b. Papa said: [The meaning is:] It was through the deep plan of that righteous man [Abraham] who had been buried in Hebron; as it is written: Know of a surety that thy seed shall be a stranger in a land that is not theirs.³

For he said: I have no son.⁴ Had he, then, no sons? Behold it is written: And unto Absalom there were born three sons and one daughter!⁵ — R. Isaac b. Abdimi said: [His meaning was] that he had no son fit for the kingship. R. Hisda said: There is a tradition that whoever burns his neighbour's produce will not leave a son to succeed him; and he [Absalom] had burnt [the produce] of Joab, as it is written: Therefore he said unto his servants, See, Joab's field is near mine, and he hath barley there; go and set it on fire. And Absalom's servants set the field on fire.⁶

IT IS THE SAME IN CONNECTION WITH THE GOOD. MIRIAM etc. Is this like [the other cases mentioned]? There she waited a short while [for Moses], here [the Israelites waited for her] seven days?⁷ — Abaye said: Read that in connection with the good [the principle of measure for measure] does not apply. Raba said to him, But the Mishnah teaches IT IS THE SAME IN CONNECTION WITH THE GOOD! But, said Raba, the Mishnah must be understood thus: It is the same in connection with the good that there is the same measure; nevertheless the measure in the case of the good is greater than the measure in the case of punishment.⁸

And his sister stood afar off.⁹ R. Isaac said: The whole of this verse is spoken with reference to the Shechinah: 'and stood', as it is written: And the Lord came and stood etc.¹⁰ 'His sister', as it is written: Say unto wisdom, thou art my Sister.¹¹ 'Afar off', as it is written: The Lord appeared from afar unto me.¹² 'To know', as it is written: For the Lord is a God of knowledge.¹³ 'What', as it is written: What doth the Lord require of thee?¹⁴ 'Done', as it is written: Surely the Lord God will do nothing.¹⁵ 'To him', as it is written: And called it Lord is peace.¹⁶

Now there arose a new king etc.¹⁷ Rab and Samuel [differ in their interpretation]; one said that he was really new, while the other said that his decrees were made new. He who said that he was really new did so because it is written 'new'; and he who said that his decrees were made new did so because it is not stated that [the former king] died and he reigned [in his stead]. Who knew not Joseph — he was like one who did not know [Joseph] at all.

And he said unto his people, Behold the people of the children of Israel.¹⁸ A Tanna taught: He [Pharaoh] originated the plan first, and therefore was punished first. He originated the plan first, as it is written: And he said unto his people; therefore he was punished first, as it is written: Upon thee, and upon thy people, and upon all thy servants.¹⁹

Come, let us deal wisely with him²⁰ — it should have been with them! — R. Hama b. Hanina said: [Pharaoh meant,] Come and let us outwit the Saviour of Israel. With what shall we afflict them? If we afflict them with fire, it is written: For, behold the Lord will come with fire,²¹ and it continues, For by fire will the Lord plead etc.²² [If we afflict them] with the sword, it is written: And by His sword with all flesh.²³ But come and let us afflict them with water, because the Holy One, blessed be He, has already sworn that he will not bring a flood upon the world; as it is said: For this is as the waters of Noah unto Me, etc.²⁴ They were unaware, however, that He would not bring a flood upon the whole world but upon one people He would bring it; or alternatively, He would not bring [the flood] but they would go and fall into it. Thus it says: And the Egyptians fled towards it.²⁵ This is what R. Eleazar said: What means that which is written: Yea, in the thing wherein they zadu [dealt proudly] against them?²⁶ In the pot in which they cooked were they cooked. Whence is it learnt that 'zadu' means cooking? — Because it is written: And Jacob sod [wa-yazed] pottage.²⁷

R. Hiyya b. Abba said in the name of R. Simai: There were three in that plan,²⁸ viz. Balaam, Job²⁹ and Jethro. Balaam who devised it was slain; Job who silently acquiesced was afflicted with sufferings; Jethro, who fled, merited that his descendants should sit in the Chamber of Hewn Stone,³⁰ as it is said: And the families of scribes which dwelt at Jabez; the Tirathites, the Shimeathites, the Sucathites. These are the Kenites that came of Hammath, the father of the house of Rechab;³¹ and it is written: And the children of the Kenite, Moses' father-in-law etc.³²

And fight against us and get them up out of the land³³ — it should have read 'and we will get us up!'³⁴ — R. Abba b. Kahana said: It is like a man who curses himself and hangs the curse upon somebody else.

Therefore they did set over him taskmasters³⁵ — it should have read 'over them'! — It was taught in the School of R. Eleazar b. Simeon, It indicates that they brought a brick-mould and hung it round Pharaoh's neck; and every Israelite who complained that he was weak was told, 'Art thou weaker than Pharaoh?'

Missim ['taskmasters'] — i.e., something which forms [mesim].³⁶ 'To afflict him with their burdens' — it should have read 'them'! — The [meaning is] to afflict Pharaoh with the burdens of Israel.³⁷

And they built for Pharaoh store cities [miskenoth]. Rab and Samuel [differ in their

interpretation]; one said, [They were so called] because they endangered [mesakkenoth] their owners,³⁸ while the other said because they impoverished [memaskenoth] their owners,³⁹ for a master has declared that whoever occupies himself with building becomes impoverished.⁴⁰

Pithom and Raamses³⁵ — Rab and Samuel differ [in their interpretation];⁴¹ one said: Its real name was Pithom, and why was it called Raamses? Because one building after another collapsed [mithroses]. The other said that its real name was Raamses, and why was it called Pithom? Because the mouth of the deep [pi tehom] swallowed up one building after another.

But the more they afflicted him, the more he will multiply and the more he will spread abroad⁴² — it should have read ‘the more they multiplied and the more they spread abroad!’ — Resh Lakish said: The Holy Spirit announced to them. ‘The more he will multiply and the more he will spread abroad’.

And they were grieved [wa-yakuzu] because of the children of Israel⁴² — this teaches that they were like thorns [kozim] in their eyes.

And the Egyptians made the children of Israel to serve

(1) Ibid. XII, 11.

(2) Gen. XXXVII, 14. Here ‘vale’ is also explained as deep plan.

(3) Ibid. XV, 13.

(4) II Sam. I.c.

(5) Ibid. XIV, 27.

(6) II Sam. 30.

(7) So how does the principle of measure for measure apply?

(8) The reward for a good deed exceeds the actual merit of an action and is not merely a quid pro quo as with a wrong deed.

(9) Ex. II, 4.

(10) I Sam. III, 10.

(11) Prov. VII, 4. Wisdom is an emanation from God.

(12) Jer. XXXI, 3.

(13) I Sam. II, 3.

(14) Deut. X, 12.

(15) Amos III, 7.

(16) Judg. VI, 24. The Hebrew word ‘it’ is the same as ‘to him’.

(17) Ex. I, 8.

(18) Ex. 9.

(19) Ibid. VII, 29.

(20) Ibid. I, 10. The Hebrew is literally with him.

(21) Isa. LXVI, 15.

(22) Ibid. 16.

(23) Ibid. Some edd. quote as the proof text: With his sword drawn in his hand (Num. XXII, 23).

(24) Isa. LIV, 9.

(25) Ex. XIV, 27. So the Hebrew literally.

(26) Ibid. XVIII, II. The verb ‘they dealt proudly’ resembles in form another with the meaning ‘they cooked’ **לָבִי**.

(27) Gen. XXV, 29.

(28) To destroy Israel through the decree: Every son that is born ye shall cast in the river, Ex. I, 22.

(29) Various opinions are expressed in the Talmud regarding the age in which he lived. According to one view he was born in the year that Jacob settled in Egypt and died at the time of the Exodus, v. B.B. 15a-b.

(30) In the Temple where the Sanhedrin met.

(31) I Chron. II, 55. The various names are understood in the sense that they were eminent scholars.

(32) Judg. I, 16; v. Sanh. (Sonc. ed.) p. 722.

(33) Ex. I, 10.

(34) I.e., we will be driven out of the land.

(35) Ibid. 11, the text is literally him.

(36) Viz., bricks, referring to the brick-mould which Pharaoh had to wear.

(37) He had to carry the brick-mould as the pattern for the Israelites to work upon.

(38) Led to the destruction of the Egyptians.

(39) When they were spoiled by the Israelites before the Exodus.

(40) [According to this dictum the interpretation 'memaskenoth' is general in its application and has no particular reference to the Egyptians. Some edd. accordingly omit the last sentence.]

(41) They agreed that only one store city was built.

(42) Ex. 12. So the Hebrew literally.

Talmud - Mas. Sotah 11b

with rigour [parek].¹ R. Eleazar said: [It means] with a tender mouth [peh rak];² R. Samuel b. Nahmani said: [It means] with rigorous work [perikah]. And they made their lives bitter with hard service, in mortar and in brick etc. Raba said: At first it was in mortar and in brick; but finally it was in all manner of service in the field. All their service wherein they made them serve with rigour.³ R. Samuel b. Nahmani said in the name of R. Jonathan: They changed men's work for the women and the women's work for the men; and even he who explained [parek] above as meaning 'with tender mouth' admits that here it means 'with rigorous work'.

R. Awira expounded: As the reward for the righteous women who lived in that generation were the Israelites delivered from Egypt. When they went to draw water, the Holy One, blessed be He, arranged that small fishes should enter their pitchers, which they drew up half full of water and half full of fishes. They then set two pots on the fire, one for hot water and the other for the fish, which they carried to their husbands in the field, and washed, anointed, fed, gave them to drink and had intercourse with them among the sheepfolds, as it is said: When ye lie among the sheepfolds etc.⁴ As the reward for 'When ye lie among the sheepfolds', the Israelites merited the spoliation of the Egyptians, as it is said: As the wings of a dove covered with silver, and her pinions with yellow gold.⁵ After the women had conceived they returned to their homes; and when the time of childbirth arrived, they went and were delivered in the field beneath the apple-tree, as it is said: Under the apple-tree I caused thee to come forth [from thy mother's womb] etc.⁶ The Holy One, blessed be He, sent down someone from the high heavens who washed and straightened the limbs [of the babes] in the same manner that a midwife straightens the limbs of a child; as it is said: And as for thy nativity, in the day thou wast born thy navel was not cut, neither wast thou washed in water to cleanse thee.⁷ He also provided for them two cakes, one of oil and one of honey, as it is said: And He made him to suck honey out of the rock, and oil etc.⁸ When the Egyptians noticed them, they went to kill them; but a miracle occurred on their behalf so that they were swallowed in the ground, and [the Egyptians] brought oxen and ploughed over them, as it is said: The ploughers ploughed upon my back.⁹ After they had departed, [the Israelite women with their babes] broke through [the earth] and came forth like the herbage of the field, as it is said: I caused thee to multiply as the bud of the field;¹⁰ and when [the babes] had grown up, they came in flocks to their homes, as it is said: And thou didst increase and wax great and didst come with ornaments¹¹ — read not with ornaments [ba'adi 'adayim] but in flocks [be'edre 'adarim]. At the time the Holy One, blessed be He, revealed Himself by the Red Sea, they recognised Him first, as it is said: This is my God and I will praise Him.¹²

And the king of Egypt spake to the Hebrew midwives etc.¹³ Rab and Samuel [differ in their interpretation]; one said they were mother and daughter, and the other said they were daughter-in-law and mother-in-law. According to him who declared they were mother and daughter,

they were Jochebed and Miriam; and according to him who declared they were daughter-in-law and mother-in-law, they were Jochebed and Elisheba.¹⁴ There is a teaching in agreement with him who said they were mother and daughter; for it has been taught: ‘Shiphrah’¹⁵ is Jochebed; and why was her name called Shiphrah? Because she straightened [meshappereth] the limbs of the babe. Another explanation of Shiphrah is that the Israelites were fruitful [sheparu] and multiplied in her days. ‘Pu’ah’ is Miriam; and why was her name called Puah? Because she cried out [po’ah] to the child¹⁶ and brought it forth. Another explanation of Pu’ah is that she used to cry out through the Holy Spirit¹⁷ and say: ‘My mother will bear a son who will be the saviour of Israel’.

And he said: When ye do the office of a midwife to the Hebrew women etc.¹⁸ What means ‘obnayim’?¹⁹ R. Hanan said: He entrusted them with an important sign and told them that when a woman bends to deliver a child, her thighs grow cold like stones [‘abanim’].²⁰ Another explains [the word ‘obnayim’] in accordance with what is written: Then I went down to the potter’s house, and, behold, he wrought his work on the wheels.²¹ As in the case of a potter, there is a thigh on one side, a thigh on the other side and the wooden block in between, so also with a woman there is a thigh on one side, a thigh on the other side and the child in between.

If it be a son, then ye shall kill him.²² R. Hanina said: He entrusted them with an important sign, viz., if it is a son, his face is turned downward and if a daughter, her face is turned upward.²³ But the midwives feared God, and did not as the king of Egypt spoke to them.²⁴ Instead of alehen [‘to them’] we should have had ‘lahen’!²⁵ — R. Jose son of R. Hanina said: It teaches that he solicited them for immoral intercourse,²⁶ but they refused to yield. But saved the men children alive — A Tanna taught: Not only did they not put them to death, but they supplied them with water and food.²⁷ And the midwives said unto Pharaoh, Behold the Hebrew women are not as the Egyptian women etc.²⁸ What means hayoth?²⁹ If it is to say they were actually midwives,³⁰ do you infer that a midwife does not require another midwife to deliver her child! — But [the meaning is] they said to him, This people are compared to an animal [hayyah] — Judah [is called] a lion’s whelp;³¹ of Dan [it is said] Dan shall be a serpent;³² Naphtali [is called] a hind let loose;³³ Issachar a strong ass;³⁴ Joseph a firstling bullock;³⁵ Benjamin a wolf that ravineth.³⁶ [Of those sons of Jacob where a comparison with an animal] is written in connection with them, it is written: but [in the instances where such a comparison] is not written, there is the text: What was thy mother? A lioness; she couched among lions etc.³⁷

And it came to pass, because the midwives feared God, that He made them houses.³⁸ Rab and Samuel [differ in their interpretation]; one said they are the priestly and Levitical houses, and the other said they are the royal houses. One who says they are the priestly and Levitical houses: Aaron and Moses; and one who says they are the royal houses: for also David descended from Miriam, as it is written: And Azubah died, and Caleb took unto him Ephrath, which bare him Hur,³⁹ and it is written: Now David was the son of that Ephrathite etc.⁴⁰

And Caleb the son of Hezron begat children of Azubah his wife and of Jerioth,’ and these were her sons: Jeshar and Shobab and Ardon.⁴¹ ‘The son of Hezron’? He was the son of Jephunneh!⁴² — [It means] that he was a son who turned [panah] from the counsel of the spies. Still, he was the son of Kenaz, as it is written: And Othniel the son of Kenaz, Caleb’s younger brother, took it!⁴³ — Raba said: He was the stepson of Kenaz.

(1) Ibid. 13.

(2) They induced the Israelites to work by using smooth words to them.

(3) Ibid. 14.

(4) Ps. LXVIII, 14, E.V., 13.

(5) Ps. LXVIII, 14, E.V., 13. The dove is often used by the Rabbis as a symbol of Israel.

(6) Cant. VIII, 5. That is how the verb is interpreted here.

- (7) Ezek. XVI, 4. There was no midwife present to cut the navel-string, nor was ordinary water used.
- (8) Deut. XXXII, 13.
- (9) Ps. CXXIX, 3.
- (10) Ezek. XVI, 7.
- (11) Ibid.
- (12) Ex. XV, 2. The word 'this' implies that He had been previously seen; therefore it must have been by the former babes.
- (13) Ibid. I, 15.
- (14) She was Aaron's wife (Ex. VI, 23).
- (15) Ibid. I, 15.
- (16) Rashi explains: she uttered soothing words which induced the child to come forth. She blew a charm into the mother's ear and brought forth the child (Jast.).
- (17) I.e., the prophetic gift.
- (18) Ibid. 16.
- (19) This word in the verse is translated birthstool.
- (20) By means of this symptom they would be able to detect a mother who tried to conceal a birth.
- (21) Jer. XVIII, 3. The word for wheels is 'obnayim'.
- (22) Ex. I, 16.
- (23) At the time of birth (Nid. 31a).
- (24) Ibid. 17.
- (25) The latter is the more usual form since no direct speech follows.
- (26) The preposition 'el, which occurs in the text, is employed in this sense.
- (27) The text does not state, 'they did not kill'; therefore 'saved alive' is so explained.
- (28) Ex. I, 19.
- (29) The word in this verse translated lively.
- (30) That is the significance the word has in Rabbinic Hebrew.
- (31) Gen. XLIX, 9.
- (32) Ibid. 17.
- (33) Ibid. 21.
- (34) Ibid. 14.
- (35) Deut. XXXIII, 17.
- (36) Gen. XLIX, 27.
- (37) Ezek. XIX, 2.
- (38) Ex. I, 21.
- (39) I Chron. II, 19.
- (40) I Sam. XVII, 12.
- (41) I Chron. II, 18.
- (42) V. Num. XIII, 6.
- (43) Judg. I, 13.

Talmud - Mas. Sotah 12a

There is also evidence for this, since it is written, [And Caleb the son of Jephunneh] the Kenizzite.¹ Conclude, therefore, that Azubah is identical with Miriam; and why was her name called Azubah? Because all men forsook her ['azabuhah] at first.² 'Begat!'³ But he was married to her! — R. Johanan said: Whoever marries a woman for the name of heaven,⁴ the text ascribes it to him as though he had begotten her. 'Jerioth' — [she was so named] because her face was like curtains.⁵ 'And these were her sons' — read not baneha [her sons] but boneha [her builders].⁶ 'Jesher' [he was so called] because he set himself right [yishsher].⁷ 'Shobab' — [he was so called] because he turned his inclination aside [shibbeb].⁸ 'And Ardon' — [he was so called] because he disciplined [radah] his inclination. Others say: Because his face was like a rose [wered].

And Ashhur the father of Tekoa had two wives, Helah and Naarah.⁹ Ashhur is identical with Caleb; and why was his name called Ashhur? Because his face was blackened [hushheru] through his fasts.¹⁰ 'The father' - he became a father to her.¹¹ 'Tekoa' - he fixed [taka'] his heart on his Father in heaven.¹² 'Had two wives' — [this means] Miriam became like two wives. 'Helah and Naarah' — she was not both Helah and Naarah, but at first she was Helah [an invalid] and finally Naarah [a young girl].¹³ And the sons of Helah were Zereth, Zohar and Ethnan.¹⁴ 'Zereth' — [Miriam was so called] — because she became the rival [zarah] of her contemporaries [in beauty]. 'Zohar' — because her face was [beautiful] like the noon [zoharayim]. 'Ethnan' — because whoever saw her took a present ['ethnan] to his wife.¹⁵

And Pharaoh charged all his people.¹⁶ R. Jose son of R. Hanina said: He imposed the same decree upon his own people.¹⁷ R. Jose son of R. Hanina also said: He made three decrees: first, 'if it be a son, then ye shall kill him'; then 'every son that is born ye shall cast into the river'; and finally he imposed the same decree upon his own people.

And there went a man of the house of Levi.¹⁸ Where did he go? R. Judah b. Zebina said that he went in the counsel of his daughter. A Tanna taught: Amram was the greatest man of his generation; when he saw that the wicked Pharaoh had decreed 'Every son that is born ye shall cast into the river', he said: In vain do we labour. He arose and divorced his wife.¹⁹ All [the Israelites] thereupon arose and divorced their wives. His daughter said to him, 'Father, thy decree is more severe than Pharaoh's; because Pharaoh decreed only against the males whereas thou hast decreed against the males and females. Pharaoh only decreed concerning this world whereas thou hast decreed concerning this world and the World to Come.'²⁰ In the case of the wicked Pharaoh there is a doubt whether his decree will be fulfilled or not, whereas in thy case, though thou art righteous, it is certain that thy decree will be fulfilled, as it is said: Thou shalt also decree a thing, and it shall be established unto thee!²¹ He arose and took his wife back; and they all arose and took their wives back.

And took to wife¹⁸ — it should have read 'and took back'!²² R. Judah b. Zebina said: — He acted towards her as though it had been the first marriage; he seated her in a palanquin, Aaron and Miriam danced before her, and the Ministering Angels proclaimed, A joyful mother of children.²³

A daughter of Levi.¹⁸ How is this possible! She was one hundred and thirty years old, and he calls her 'a daughter'! (For R. Hama b. Hanina said: This²⁴ refers to Jochebed whose conception occurred during the journey [to Egypt] and her birth between the walls;²⁵ as it is said: Who was born to Levi in Egypt²⁶ — her birth occurred in Egypt but her conception did not occur there.)²⁷ — Rab Judah said: [She is called 'a daughter'] because the signs of maidenhood were reborn in her.²⁸

And the woman conceived and bare a son.²⁹ But she had already been pregnant three months!³⁰ — R. Judah b. Zebina said: It compares the bearing of the child to its conception; as the conception was painless so was the bearing painless. Hence [it is learnt] that righteous women were not included in the decree upon Eve.³¹

And when she saw him that he was good.²⁹ It has been taught: R. Meir says: His name was Tob [good]; R. Judah says: His name was Tobiah; R. Nehemiah says: [She foresaw that he would be] worthy of the prophetic gift; others say: He was born circumcised; and the Sages declare, At the time when Moses was born, the whole house was filled with light — it is written here, And when she saw him that he was good, and elsewhere it is written: And God saw the light that it was good.³²

She hid him three months.²⁹ [She was able to do this] because the Egyptians only counted [the period of her pregnancy] from the time that she was restored [to youth], but she was then already pregnant three months.

And when she could not longer hide him³³ — why? She should have gone on hiding him! — But whenever the Egyptians were informed that a child was born, they would take other children there so that it should hear them [crying] and cry with them; as it is written: Take us the foxes, the little foxes etc.³⁴

She took for him an ark of bulrushes³⁵ — why just bulrushes? R. Eleazar said: Hence [it is learnt] that to the righteous their money is dearer than their body;³⁵ and why so? — That they should not stretch out their hand to robbery.³⁶ R. Samuel b. Nahmani says: [She selected them] because they are a soft material which can withstand both soft and hard materials.³⁷

And daubed it with slime and with pitch³⁸ — A Tanna taught: The slime was inside and the pitch outside so that that righteous child should not smell the bad odour.

And she put the child therein and laid it in the reeds [suf]³⁸ — R. Eleazar said: In the Red [suf] Sea; R. Samuel b. Nahmani said:

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- (1) Josh. XIV, 6, and not the son of Kenaz.
 - (2) She was an invalid so that nobody would marry her.
 - (3) The Hebrew text could be translated: and Caleb begat Azubah.
 - (4) From a pious motive, as in this case where through illness Miriam remained unmarried.
 - (5) She also is identified with Miriam. Through illness her face was pale like the colour of curtains (yeri'oth).
 - (6) Through them she attained the dignity of motherhood.
 - (7) Viz., Caleb escaped the error of the other spies.
 - (8) From following the rest of the spies.
 - (9) I Chron. IV, 5.
 - (10) He mortified himself to resist joining the other spies.
 - (11) To Miriam who, on account of illness, required constant attention.
 - (12) For will-power not to join in the evil report.
 - (13) I.e., she recovered and became young in appearance.
 - (14) I Chron. IV, 7.
 - (15) His passion was aroused by the sight of Miriam.
 - (16) Ex. I, 22.
 - (17) To kill the male children, because the astrologers had warned him that a boy was soon to be born who would overthrow him.
 - (18) Ex. II, 1.
 - (19) Since all the male children to be born would be killed, and the primary object of marriage was the procreation of sons.
 - (20) The drowned babes would live again in the Hereafter; but unborn children are denied that bliss.
 - (21) Job XXII, 28.
 - (22) His wife, according to the story just related.
 - (23) Ps. CXIII, 9.
 - (24) 'The daughter of Levi'.
 - (25) I.e., just as the caravan arrived at Egypt.
 - (26) Num. XXVI, 59. The Torah mentions that the Israelites numbered seventy who came to Egypt, whereas there are only sixty-nine names in the list. Hence this statement about Jochebed.
 - (27) From that time one hundred and thirty years had elapsed.
 - (28) Although so old, she became young in form and appearance.
 - (29) Ex. II, 2.
 - (30) Viz., before she was restored to youth, as will be explained.
 - (31) That she would bear children in pain (Gen. III, 16).
 - (32) Gen. I, 4.

(33) Ex. II, 3.

(34) Cant II, 15.

(35) She selected bulrushes because of their cheapness, although hard wood would have been better for the welfare of the child.

(36) They are frugal in expenditure upon their comforts so as not to be tempted to dishonesty for the gratification of their needs.

(37) Hard wood would be more easily split, whereas bulrushes yield under pressure.

(38) Ex. II, 3.

Talmud - Mas. Sotah 12b

It means reeds, as it is written: The reeds and flags shall wither away.¹

And the daughter of Pharaoh came down to bathe at the river.² R. Johanan said in the name of R. Simeon b. Yohai: It teaches that she went down there to cleanse herself of her father's idols;³ and thus it says: When the Lord shall have washed away the filth of the daughters of Zion etc.⁴ And her maidens walked along etc.⁵ R. Johanan said: The word for 'walk' means nothing else than death; and thus it says: Behold I am going to die.⁶ And she saw the ark among the reeds.² When [the maidens] saw that she wished to rescue Moses, they said to her, 'Mistress, it is the custom of the world that when a human king makes a decree, though everybody else does not obey it, at least his children and the members of his household obey it; but thou dost transgress thy father's decree!' Gabriel came and beat them to the ground.

And sent her handmaid to fetch it² — R. Judah and R. Nehemiah [differ in their interpretation]; one said that the word means 'her hand' and the other said that it means 'her handmaid'. He who said that it means 'her hand' did so because it is written *ammathah*;⁷ he who said that it means 'her handmaid' did so because the text has not *yadah* [her hand]. But according to him who said that it means 'her handmaid', it has just been stated that Gabriel came and beat them to the ground!⁸ — He left her one, because it is not customary for a king's daughter to be unattended. But according to him who said that it means 'her hand', the text should have been *yadah*! — It teaches us that [her arm] became lengthened; for a master has said: You find it so⁹ with the arm of Pharaoh's daughter and similarly with the teeth of the wicked, as it is written: Thou hast broken [*shibbarta*] the teeth of the wicked,¹⁰ and Resh Lakish said: Read not *shibbarta* but *shirbabta* [thou has lengthened].¹¹

She opened it and saw the child¹² — it should have been 'and saw'. R. Jose b. R. Hanina said: She saw the Shechinah with him.¹³

And, behold, the boy wept¹² — he is called a 'child' and then a 'boy'! — A Tanna taught: He was a child but his voice was like that of a grown boy; such is the view of R. Judah. R. Nehemiah said to him, If so, you have made our master Moses into one possessed of a blemish;¹⁴ but it teaches that his mother made for him a canopy [such as is used at the marriage] of boys¹⁵ in the ark, saying: 'Perhaps I may not be worthy [to be present at] his marriage-canopy'.

And she had compassion on him and said: Of the Hebrews' children is this.¹² How did she know it? — R. Jose b. R. Hanina said: Because she saw that he was circumcised. 'Is this' — R. Johanan said: It teaches that she unwittingly prophesied that 'this' one will fall [into the river] but no other will fall.¹⁶ That is what R. Eleazar said: What means the text: And when they shall say unto you, Seek unto them that have familiar spirits and unto the wizards, that chirp and that mutter?¹⁷ They foresee and know not what they foresee; they mutter and know not what they mutter. They saw that Israel's saviour would be punished through water; so they arose and decreed, Every son that is born ye shall cast into the river.¹⁸ After they had thrown Moses [into the water], they said: 'We do not see that sign any longer';¹⁹ they thereupon rescinded their decree. But they knew not that he was to be

punished through the water of Meribah.²⁰ That is what R. Hama b. Hanina said: What means the text: These are the waters of Meribah, because they strove?²¹ These are [the waters] about which Pharaoh's magicians saw and erred; and concerning this Moses said: Six hundred thousand footmen etc.²² Moses said to Israel, 'On my account were all of you delivered [from drowning by the edict of Pharaoh]'.²³

R. Hanina b. Papa said: That day²⁴ was the twenty-first of Nisan,²⁵ and the Ministering Angels spoke before the Holy One, blessed be He, 'Lord of the Universe! Shall he who will utter a song to Thee by the Red Sea on this day be punished on this day?' R. Aha b. Hanina said: That day was the sixth of Sivan,²⁶ and the Ministering Angels spoke before the Holy One, blessed be He, 'Lord of the Universe! Shall he who will receive the Torah on Mount Sinai on this day be punished on this day?' It is quite right according to him who said that it was the sixth of Sivan, for then it occurred three months [after his birth]; for a master has said: Moses died on the seventh of Adar²⁷ and was born on the seventh of Adar, and from the seventh of Adar to the sixth of Sivan is three months. But according to him who said that it was the twenty-first of Nisan, how could it have been?²⁸ — That year was a leap year;²⁹ the greater part of the first [Adar] and the greater part of the last [Nisan] and a full month in between.³⁰

Then said his sister to Pharaoh's daughter, Shall I go and call thee a nurse of the Hebrew women?³¹ Why just 'of the Hebrew women'? — It teaches that they handed Moses about to all the Egyptian women but he would not suck. He³² said: Shall a mouth which will speak with the Shechinah suck what is unclean! That is what is written: Whom will He teach knowledge etc.³³ — To whom will He teach knowledge and to whom will He make the message understandable? To them that are weaned from the milk, and drawn from the breasts.

And Pharaoh's daughter said unto her, Go etc.³⁴ R. Eleazar said: It teaches that she went quickly like a young woman.³⁵ R. Samuel b. Nahmani said: [She is called] the maid ['almah] because she made the words secret.³⁶

And Pharaoh's daughter said unto her, Take this child away.³⁷ R. Hama b. Hanina said: She prophesied without knowing what she prophesied — Heliki ['take away'] — behold what is thine [ha sheliki].

And I will give thee thy wages.³⁸ R. Hama b. Hanina said: Not enough that the righteous have their loss restored to them but they also receive their reward in addition.

And Miriam the prophetess, the sister of Aaron, took etc.³⁹ The 'sister of Aaron' and not the sister of Moses! — R. Amram said in the name of Rab, and according to others it was R. Nahman who said in the name of Rab: It teaches that she prophesied while she yet was the sister of Aaron only⁴⁰

(1) Isa. XIX, 6.

(2) Ex. II, 5.

(3) Since immersion is part of the ceremony of conversion, it is assumed that she became a proselyte.

(4) Isa. IV, 4.

(5) Ex. II, 5.

(6) Gen. XXV, 32.

(7) The text could be read either as amathah 'her maid' or 'ammathah 'her arm'. The Targum of Onkelos renders by 'her arm'.

(8) Therefore they were all dead; so how could the princess send her handmaid?

(9) [The lengthening of a limb, v. Meg. 15b.]

(10) Ps. III, 8.

(11) [The reference is to Og, King of Bashan, v. Ber. 54b.]

- (12) Ex. II, 6. The text is literally: she saw him the child.
- (13) The suffix hu (him) is explained as God and the particle eth as 'with' and not the sign of the accusative: she saw Him with the child'.
- (14) His voice would be abnormal, and this disqualified a Levite from the Temple-ministry.
- (15) [Or. 'canopy of youth', i.e., a bridal canopy.]
- (16) Because on that day the decree to drown the males was rescinded.
- (17) Isa. VIII, 19.
- (18) Ex. I, 22.
- (19) Indicating that the peril to Pharaoh was averted by this action.
- (20) [And that this was the meaning of the sign they had seen.]
- (21) Num. XX, 13.
- (22) Ibid. XI, 21. Footmen is in Hebrew ragli which can also mean 'for my sake'.
- (23) [On which Moses was cast into the Sea.]
- (24) The first month in the Jewish year. It was on that day later on that the Egyptians were drowned.
- (25) The third month, the date of the Revelation.
- (26) The twelfth month.
- (27) The difference between the two dates is only one month and fourteen days.
- (28) When a thirteenth month is inserted between Adar and Nisan.
- (29) This gives in round figures the three months required.
- (30) Ex. II, 7.
- (31) Some authorities explain 'He' as referring to God.
- (32) Isa. XXVIII, 9.
- (33) Ex. II, 8.
- (34) The word in the verse 'almah 'maid' is connected with its analogous root in Aramaic which means 'to be vigorous'.
- (35) 'Alam means 'to hide'; she did not disclose her relationship to the child.
- (36) Ex. II, 9.
- (37) Ibid. XV, 20.
- (38) Before Moses' birth.

Talmud - Mas. Sotah 13a

and said: 'My mother will bear a son who will be the saviour of Israel'. When Moses was born, the whole house was filled with light; and her father arose and kissed her upon her head, saying 'My daughter, thy prophecy has been fulfilled'; but when they cast him into the river, her father arose and smacked her upon her head, saying: 'Where, now, is thy prophecy!' That is what is written: And his sister stood afar off to know what would be done to him¹ — what would be the fate of her prophecy.

JOSEPH EARNED MERIT etc. Why the difference that first it is written: And Joseph went up to bury his father, and with him went up all the servants of Pharaoh etc.,² followed by, And all the house of Joseph, and his brethren, and his father's house,³ and in the sequel it is written: And Joseph returned into Egypt, he and his brethren,⁴ followed by, And all that went up with him to bury his father? — R. Johanan said: At first, before [the servants of Pharaoh] beheld the glory of the Israelites, they did not treat them with respect;⁵ but in the sequel, when they beheld their glory, they treated them with respect. For it is written: And they came to the threshing-floor of Atad;⁶ but is there a threshing-floor for brambles? — R. Abbahu said: It teaches that they surrounded Jacob's coffin with crowns like a threshing-floor which is surrounded with a hedge of brambles, because the sons of Esau, of Ishmael and of Keturah also came. A Tanna taught: They all came to wage war [against the Israelites]; but when they saw Joseph's crown hanging upon Jacob's coffin, they all took their crowns and hung them upon his coffin. A Tanna taught: Sixty-three crowns were hung upon Jacob's coffin.

And there they lamented with a very great and sore lamentation.⁷ It has been taught: Even the

horses and asses [joined in the lamentation]. When [the cortege] arrived at the Cave of Machpelah, Esau came and wished to prevent [the interment there], saying to them, Mamre, Kiriath-arba, the same is Hebron⁸ — now R. Isaac has said: Kiriath-arba [is so called] because four couples [were buried there], viz. Adam and Eve, Abraham and Sarah, Isaac and Rebekah, and Jacob and Leah — [Jacob] had buried Leah in his portion and what remains belongs to me'. They replied to him, 'Thou didst sell it'. He said to them, 'Granted that I sold my birth-right, but did I sell my plain heir's right!' They replied: 'Yes, for it is written: In my grave which I [Jacob] have digged for me',⁹ and R. Johanan has said in the name of R. Simeon b. Jehozadak: The word kirah [dig] means nothing else than 'sale' [mekirah], and thus in the coast-towns they use kirah as a term for 'sale'. — He said to them, 'Produce a document [of sale] for me'. They replied to him, 'The document is in the land of Egypt. Who will go for it? Let Naphtali go, because he is swift as a hind'; for it is written: Naphtali is a hind let loose, he giveth goodly words¹⁰ — R. Abbahu said: Read not 'goodly words' [imre shefer] but imre sefer [words of a document]. Among those present was Hushim, a son of Dan, who was hard of hearing; so he asked them, 'What is happening?' They said to him, '[Esau] is preventing [the burial] until Naphtali returns from the land of Egypt'. He retorted: 'Is my grandfather to lie there in contempt until Naphtali returns from the land of Egypt!' He took a club and struck [Esau] on the head so that his eyes fell out and rolled to the feet of Jacob. Jacob opened his eyes and laughed; and that is what is written: The righteous shall rejoice when he seeth the vengeance; he shall wash his feet in the blood of the wicked.¹¹ At that time was the prophecy of Rebekah fulfilled, as it is written: Why should I be bereaved of you both in one day?¹² Although the death of the two of them did not occur on the one day, still their burial took place on the same day. — But if Joseph had not occupied himself with [Jacob's burial], would not his brethren have occupied themselves with it? Behold it is written: For his sons carried him into the land of Canaan!¹³ — They said [among themselves], 'Leave him [to conduct the interment]; for the honour [of our father] will be greater [when it is conducted] by kings than by commoners'.

WHOM HAVE WE GREATER THAN JOSEPH etc.? Our Rabbis have taught: Come and see how beloved were the commandments by Moses our teacher; for whereas all the Israelites occupied themselves with the spoil, he occupied himself with the commandments, as it is said: The wise in heart will receive commandments etc.¹⁴ But whence did Moses know the place where Joseph was buried? — It is related that Serah, daughter of Asher, was a survivor of that generation. Moses went to her and asked: 'Dost thou know where Joseph was buried?' She answered him, 'The Egyptians made a metal coffin for him which they fixed in the river Nile so that its waters should be blessed'. Moses went and stood on the bank of the Nile and exclaimed: 'Joseph, Joseph! the time has arrived which the Holy One, blessed be He, swore, "I will deliver you", and the oath which thou didst impose upon the Israelites¹⁵ has reached [the time of fulfilment]; if thou wilt shew thyself, well and good; otherwise, behold, we are free of thine oath'. Immediately Joseph's coffin floated [on the surface of the water]. Be not astonished that iron should float; for, behold, it is written: As one was felling a beam, the axe-head fell into the water etc. Alas, my master, for it was borrowed. And the man of God said: Where fell it? And he shewed him the place. And he cut down a stick and cast it in thither, and made the iron to swim.¹⁶ Now cannot the matter be argued by a fortiori reasoning — if iron floated on account of Elisha who was the disciple of Elijah who was the disciple of Moses, how much more so on account of Moses our teacher! R. Nathan says: He was buried in the sepulchre of the kings; and Moses went and stood by the sepulchre of the kings and exclaimed. 'Joseph! the time has arrived which the Holy One, blessed be He, swore "I will deliver you", and the oath which thou didst impose upon the Israelites has reached [the time of fulfilment]; if thou wilt shew thyself, well and good; otherwise, behold, we are free of thine oath'. At that moment, Joseph's coffin shook, and Moses took it and carried it with him. All those years that the Israelites were in the wilderness, those two chests, one of the dead and the other of the Shechinah,¹⁷ proceeded side by side, and passersby used to ask: 'What is the nature of those two chests?' They received the reply: 'One is of the dead and the other of the Shechinah'. 'But is it, then, the way of the dead to proceed with the Shechinah?' They were told,

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- (1) Ibid. II, 4.
(2) Gen. L, 7.
(3) Gen. L, 8.
(4) Ibid. 14. The order of the procession is now reversed.
(5) And proceeded in front of them.
(6) Ibid. 10. As a common noun 'atad' means 'brambles'.
(7) Gen. L, 10.
(8) Ibid. XXXV, 27. Kiriath — 'arba is literally 'the burial of four'. He claimed that only four couples were to be buried there, and demanded the one remaining sepulchre for himself. The explanatory remark of R. Isaac is interpolated into Esau's words.
(9) Ibid. L, 5.
(10) Gen. XLIX, 21.
(11) Ps. LVIII, 11.
(12) Gen. XXVII, 45.
(13) Ibid. L, 13. It is not stated that Joseph did this.
(14) Prov. X, 8.
(15) To carry Joseph's bones out of Egypt (Exod. XIII, 19).
(16) II Kings VI, 5f.
(17) Aron means in Hebrew both an ark and a coffin. It here refers to the Ark of the Covenant.

Talmud - Mas. Sotah 13b

'This one [Joseph] fulfilled all that was written in the other'.¹ But if Moses had not occupied himself with him, would not the Israelites have occupied themselves with him? Behold, it is written: And the bones of Joseph which the children of Israel brought up out of Egypt buried they in Shechem!² Furthermore, if the Israelites had not occupied themselves with him, would not his own sons have done so? And, behold, it is written: And they became the inheritance of the children of Joseph!³ — They⁴ said [to one another], 'Leave him; his honour will be greater [when the burial is performed] by many rather than by few'; and they also said: 'Leave him; his honour will be greater [when the burial is performed] by the great rather than by the small'.

Buried they in Shechem.³ Why just in Shechem? — R. Hama son of R. Hanina said: From Shechem they stole him,⁵ and to Shechem we will restore what is lost. The following verses are contradictory: it is written: And Moses took the bones of Joseph with him,⁶ and it is written: And the bones of Joseph which the children of Israel brought up⁷ etc.! — R. Hama son of R. Hanina said: Whoever performs a task without finishing it and another comes and completes it, Scripture ascribes it to the one who completed it as though he had performed it. R. Eleazar said: He⁸ is likewise deposed from his greatness; for it is written: And it came to pass at that time that Judah went down.⁹ R. Samuel b. Nahmani said: He also buries his wife and children; for it is written: Shua's daughter, the wife of Judah, died etc.,¹⁰ and it is written: But Er and Onan died.¹¹

Rab Judah said in the name of Rab: Why was Joseph called 'bones' during his lifetime?¹² Because he did not interfere to safeguard his father's honour when [his brothers] said to him, Thy servant our father¹³ and he made no reply to them. Rab Judah also said in the name of Rab, and others declare that it was R. Hama son of R. Hanina: Why did Joseph die before his brothers? Because he gave himself superior airs.

And Joseph was brought down to Egypt.¹⁴ R. Eleazar said: Read not 'was brought down' but 'brought down', because he brought Pharaoh's astrologers down from their eminence.¹⁵ And Potiphar, an officer of Pharaoh's bought him, Rab said: He bought him for himself;¹⁶ but Gabriel came and castrated him,¹⁷ and then Gabriel came and mutilated him [pera'], for originally his name

is written Potiphar but afterwards Potiphra.¹⁸

WHOM HAVE WE GREATER THAN MOSES etc. And the Lord said unto me, Let it suffice thee.¹⁹ R. Levi said: With the word 'suffice' [Moses] made an announcement and with the word 'suffice' an announcement was made to him. With the word 'suffice' he made an announcement: 'Suffice you';²⁰ and with the word 'suffice' an announcement was made to him: 'Let it suffice thee'. Another explanation of 'Let it suffice [rab] thee' is, Thou hast a master [rab], viz., Joshua.²¹ Another explanation of 'Let it suffice thee' is, That people should not say: How severe the Master is and how persistent the pupil is.²² And why so? In the School of R. Ishmael it was taught: According to the camel is the burden.²³

And he said unto them, I am an hundred and twenty years old this day.²⁴ Why does the text state 'this day?' [The meaning is], This day are my days and years completed.²⁵ Its purpose is to teach you that the Holy One, blessed be He, completes the years of the righteous from day to day, and from month to month; for it is written: The number of thy days I will fulfil.²⁶ I can no more go out and come in²⁴ — what means 'go out and come in'? If it is to be understood literally, behold it is written: And Moses was an hundred and twenty years old when he died; his eye was not dim, nor his natural force abated;²⁷ it is also written: And Moses went up from the plains of Moab unto mount Nebo;²⁸ and it has been taught: Twelve steps were there, but Moses mounted them in one stride! — R. Samuel b. Nahmani said in the name of R. Jonathan: [It means] to 'go out and come in' with words of Torah, thus indicating that the gates of wisdom were closed against him. And Moses and Joshua went, and presented themselves in the tent of meeting.²⁹ A Tanna taught: That was a Sabbath when two teachers [gave discourses] and the authority was taken from one to be transferred to the other. It has further been taught: R. Judah said: Were it not for a Scriptural text, it would be impossible to utter the following. Where did Moses die? In the portion of Reuben, for it is written: And Moses went up from the plains of Moab unto mount Nebo, and Nebo was located in the portion of Reuben, for it is written: And the children of Reuben built . . . and Nebo etc.³⁰ — It was called Nebo because three prophets [nebi'im] died there, viz. Moses, Aaron, and Miriam. — And where was Moses buried? In the portion of Gad, for it is written: And he provided the first part for himself etc.³¹ Now what was the distance between the portion of Reuben and that of Gad? Four mil.³² Who carried him those four mil? It teaches that Moses was laid upon the wings of the Shechinah, and the Ministering Angels kept proclaiming, He executed the justice of the Lord, and His judgments with Israel,³³ and the Holy One, blessed be He, declared: Who will rise up for Me against the evil-doers? Who will stand up for Me against the workers of iniquity?³⁴

Samuel³⁵ said [that God declared], Who is as the wise man? and who knoweth the interpretation of a thing?³⁶ R. Johanan said [that God declared], Where shall wisdom be found?³⁷ R. Nahman said [that God announced], So Moses died there etc.³⁸ Semalyon³⁹ said: So Moses died there, the great Sage of Israel.⁴⁰

It has been taught: R. Eliezer the Elder said: Over an area of twelve mil square, corresponding to that of the camp of Israel, a Bath Kol made the proclamation, 'So Moses died there', the great Sage of Israel. Others declare that Moses never died; it is written here, 'So Moses died there', and elsewhere it is written: And he was there with the Lord.⁴¹ As in the latter passage it means standing and ministering, so also in the former it means standing and ministering.

And He buried him in the valley in the land of Moab over against Beth-peor.⁴² R. Berechyah said: Although [Scripture provides] a clue within a clue, nevertheless no man knoweth of his sepulchre.⁴² The wicked Government once sent to

(1) The Ark contained the tables of the Decalogue.

(2) Josh. XXIV,32.

- (3) Josh. XXIV, 32.
- (4) Joseph's sons.
- (5) His brothers. Cf. Gen. XXXVII, 12.
- (6) Ex. XIII, 19.
- (7) Josh. XXIV, 32.
- (8) Viz., he who does not finish his undertaking.
- (9) Gen. XXXVIII, 1, i.e., descended from his greatness, because he began to rescue Joseph but did not complete it.
- (10) Ibid. 12.
- (11) Ibid. XLVI, 12. They were Judah's sons.
- (12) Cf. L, 25.
- (13) Ibid. XLIV, 31.
- (14) Ibid. XXXIX, 1.
- (15) He interpreted the dreams which baffled them.
- (16) For an immoral purpose, being inflamed by Joseph's beauty.
- (17) The word Hebrew for 'officer' also means eunuch.
- (18) . Cf. Gen. XLI, 45.
- (19) Deut. III, 26.
- (20) Num. XVI, 3.
- (21) The meaning is that his leadership was coming to an end and Joshua was about to succeed him.
- (22) Do not petition Me more, lest the people make reflections on My nature.
- (23) God is stricter with the righteous because their faith will stand the test.
- (24) Deut. XXXI, 2.
- (25) It was his birthday.
- (26) Ex. XXIII, 26.
- (27) Deut. XXXIV, 7.
- (28) Ibid. 1.
- (29) Deut. XXXI, 14.
- (30) Num. XXXII. 37f.
- (31) Deut. XXXIII, 21. It continues, For there was the lawgiver's portion reserved.
- (32) A mil equalled 2,000 cubits, or 3,000 feet.
- (33) Ibid.
- (34) Ps. XCIV, 16. I.e., now that Moses is dead.
- (35) The Rabbi of that name.
- (36) Eccl. VIII, 1.
- (37) Job XXVIII, 12.
- (38) Deut. XXXIV, 5.
- (39) Rashi explains it as the name of a wise man. Others take it as the designation of an angel who made the proclamation, v. Aruch.
- (40) [ספרא רבא . Lit., 'the Great Scribe'. Moses is so designated because he wrote the Torah (Maharsha). Krauss, S., (Hagoren, VII, p. 32ff) attempts to connect this appellation with the mythological idea of a heavenly Scribe by the side of the Deity determining the fate of nations and individuals].
- (41) Ex. XXXIV, 28. The word there is common to both verses.
- (42) Deut. XXXIV, 6.

Talmud - Mas. Sotah 14a

the governor¹ of Beth-peor [the message], 'Shew us where Moses is buried'. When they stood above, it appeared to them to be below; when they were below, it appeared to them to be above. They divided themselves into two parties; to them who were standing above it appeared below, and to those who were below it appeared above. This is in fulfilment of what is said: 'No man knoweth of his sepulchre'. R. Hama son of R. Hanina said: Even Moses our teacher does not know where he is buried; it is written here, 'No man knoweth of his sepulchre', and it is written elsewhere, And this is

the blessing wherewith Moses the man of God blessed.² R. Hama son of R. Hanina also said: Why was Moses buried near Beth-peor? To atone for the incident at Peor.³

R. Hama son of R. Hanina further said: What means the text: Ye shall walk after the Lord your God?⁴ Is it, then, possible for a human being to walk after the Shechinah; for has it not been said: For the Lord thy God is a devouring fire?⁵ But [the meaning is] to walk after the attributes of the Holy One, blessed be He. As He clothes the naked, for it is written: And the Lord God made for Adam and for his wife coats of skin, and clothed them,⁶ so do thou also clothe the naked. The Holy One, blessed be He, visited the sick, for it is written: And the Lord appeared unto him by the oaks of Mamre,⁷ so do thou also visit the sick. The Holy One, blessed be He, comforted mourners, for it is written: And it came to pass after the death of Abraham, that God blessed Isaac his son,⁸ so do thou also comfort mourners. The Holy one, blessed be He, buried the dead, for it is written: And He buried him in the valley,⁹ so do thou also bury the dead.

‘Coats of skin’ — Rab and Samuel [differ in their interpretation]; one said that it means a material that grows from the skin, and the other a material from which the [human] skin derives pleasure.¹⁰

R. Simlai expounded: Torah begins with an act of benevolence¹¹ and ends with an act of benevolence. It begins with an act of benevolence, for it is written: And the Lord God made for Adam and for his wife coats of skin, and clothed them;¹² and it ends with an act of benevolence, for it is written: ‘And He buried him in the valley’.

R. Simlai expounded: Why did Moses our teacher yearn to enter the land of Israel? Did he want to eat of its fruits or satisfy himself from its bounty? But thus spake Moses, ‘Many precepts were commanded to Israel which can only be fulfilled in the land of Israel. I wish to enter the land so that they may all be fulfilled by me’. The Holy One, blessed be He, said to him, ‘Is it only to receive the reward [for obeying the commandments] that thou seekest? I ascribe it to thee as if thou didst perform them’; as it is said: Therefore will I divide him a portion with the great, and he shall divide the spoil with the strong; because he poured out his soul unto death, and was numbered with the transgressors; yet he bare the sins of many, and made intercession for the transgressors.¹³ ‘Therefore will I divide him a portion with the great’ — it is possible [to think that his portion will be] with the [great of] later generations and not former generations; therefore there is a text to declare, ‘And he shall divide with the strong’, i.e., with Abraham, Isaac and Jacob who were strong in Torah and the commandments. ‘Because he poured out his soul unto death’ — because he surrendered himself to die, as it is said: And if not, blot me, I pray thee etc.¹⁴ ‘And was numbered with the transgressors’ — because he was numbered with them who were condemned to die in the wilderness. ‘Yet he bare the sins of many’ — because he secured atonement for the making of the Golden Calf. ‘And made intercession for the transgressors’ — because he begged for mercy on behalf of the sinners in Israel that they should turn in penitence; and the word *pegi'ah* [‘intercession’] means nothing else than prayer, as it is said: Therefore pray not thou for this people, neither lift up cry nor prayer for them, neither make intercession to Me.¹⁵

CHAPTER II

MISHNAH. [THE HUSBAND] BRINGS HER MEAL-OFFERING¹⁶ IN A BASKET OF PALM-TWIGS AND PLACES IT UPON HER HANDS IN ORDER TO WEARY HER. WITH ALL OTHER MEAL-OFFERINGS, THE BEGINNING AND END OF THEIR [SACRIFICE] ARE IN MINISTERING VESSELS; BUT WITH THIS, ITS BEGINNING IS IN A BASKET OF PALM-TWIGS AND ITS END IN A MINISTERING VESSEL. ALL OTHER MEAL-OFFERINGS REQUIRE OIL AND FRANKINCENSE, BUT THIS REQUIRES NEITHER OIL NOR FRANKINCENSE. ALL OTHER MEAL-OFFERINGS CONSIST OF WHEAT, BUT THIS CONSISTS OF BARLEY. THE MEAL-OFFERING OF THE ‘OMER,¹⁷ ALTHOUGH

CONSISTING OF BARLEY, WAS IN THE FORM OF GROATS; BUT THIS WAS IN THE FORM OF COARSE FLOUR. RABBAN GAMALIEL SAYS: AS HER ACTIONS WERE THE ACTIONS OF AN ANIMAL, SO HER OFFERING [CONSISTED OF] ANIMAL'S FODDER. GEMARA. It has been taught: Abba Hanin says in the name of R. Eliezer: What is the purpose [of placing the basket upon her hands]? In order to weary her so that she may retract.¹⁸ If the Torah has such consideration¹⁹ for them who transgress His will, how much more so for them who perform His will. But whence is it [known that the object of this regulation is] to show consideration; perhaps it is to avoid [the Divine Name on] the scroll being obliterated? — He is of the opinion

(1) This is Rashi's explanation of the word *gastera*. Goldschmidt, accepting it, identifies it with the latin *quaestor*; but Jastrow and Krauss render 'camp', connecting it with *castra*.

(2) Ibid. XXXIII, 1. The word 'man' is common to both passages.

(3) V. Num. XXV, 1 ff.

(4) Deut. XIII, 5.

(5) Ibid. IV, 24.

(6) Gen. III, 21.

(7) Ibid. XVIII, 1. Since the preceding verses deal with Abraham's circumcision, it is deduced that the occasion was when he was recovering.

(8) Gen. XXV, 11.

(9) Deut. XXXIV, 6.

(10) I.e., wool and linen respectively.

(11) [*Gemiluth hasadim*, lit., 'doing deeds of loving kindness'. The inner meaning of the phrase is 'making good', 'requiting' — a making good to man for the goodness of God and it is connected with tenderness and mercy to all men and all classes. V. J. Pe'ah. IV.]

(12) Gen. III, 21.

(13) Isa. LIII, 12.

(14) Ex. XXXII, 32.

(15) Jer. VII, 16. [It is suggested that the application of these verses to Moses was a tacit parrying of the use made of that passage by Christian apologists. V. Moore, *Judaism* III, p. 166, n.254.]

(16) Num. V, 15.

(17) Lev. II, 14. The Talmud (Men. 68b) argues that it consisted of barley.

(18) And confess, if guilty.

(19) In its endeavour to make the woman avoid the serious consequences of drinking the water.

Talmud - Mas. Sotah 14b

that she is first given the water to drink and then the offering is sacrificed,¹ so that if it be [suggested that the reason is] because of the scroll, [the writing] has already been obliterated.

WITH ALL OTHER MEAL-OFFERINGS etc. The following is quoted in contradiction: How is the procedure of meal-offerings? A man brings a meal-offering from his house² in silver or golden baskets, places it in a ministering vessel, hallows it in a ministering vessel, adds to it its oil and frankincense, and carries it to a priest who carries it to the altar and brings it near unto the south-west corner opposite the point of the altar's horn, and that suffices. He then moves the frankincense to one side [of the vessel], takes a handful [of the flour] from a place where its oil is abundant, sets it in a ministering vessel, hallows it in a ministering vessel, gathers its frankincense and places it on the top thereof, and sets it upon the altar and fumigates it in a ministering vessel. He next salts [the handful of flour] and sets it upon the fire. When the handful has been offered, the remainder may be eaten, and the priests are allowed to mix it with wine, oil and honey, and are only forbidden to make it leaven.³ Now here it is taught that [meal-offerings are brought only] in silver or golden baskets!⁴ — R. Papa said: The correct version [of the Mishnah] is: in vessels which are proper to be used as ministering vessels. It therefore follows that a basket of palm-twigs is not proper to be used as a

vessel. This would not agree with the view of R. Jose son of R. Judah; for it has been taught: As regards a ministering vessel of wood, Rabbi disqualifies it but R. Jose son of R. Judah allows it! — If you wish you may say that it is in accord even with the view of R. Jose son of R. Judah, because he is referring to [wooden vessels which are] valuable, but does he say that with regard to [wooden vessels which are] inferior?⁵ Does R. Jose son of R. Judah not hold with the text: Present it now unto thy governor?⁶

‘Places it in a ministering vessel and hallows it in a ministering vessel’. Is the conclusion to be drawn from this that the ministering vessels only hallow when such is the intention!⁷ — The correct version is: places it in a ministering vessel in order to hallow it in a ministering vessel. ‘Adds to it its oil and frankincense’; as it is said: He shall pour oil upon it, and put frankincense thereon.⁸ ‘And carries it to a priest’; for it is written: And he shall bring it to Aaron's sons etc.⁹ ‘Who carries it to the altar’; for it is written: And he shall bring it unto the altar.¹⁰ Brings it near unto the south-west corner opposite the point of the altar's horn, and that suffices’. Whence is this? — For it is written: And this is the law of the meal-offering: the sons of Aaron shall offer it before the Lord, before the altar;¹¹ and it has been taught: ‘Before the Lord’ — it is possible [to think that this means] on the west [side of the altar],¹² therefore the text declares, ‘Before the altar’.¹³ If [Scripture only had] ‘before the altar’, it is possible [to think that this means] on the south side, therefore the text declares, ‘Before the Lord’. So what was the procedure? He sets it on the south-west corner opposite the point of the altar's horn, and that suffices. R. Eleazar says: It is possible [to think that the meaning is] he sets it on the west of the horn or the south of the horn; but you can answer: Wherever you find two texts, one self-confirmatory and confirming the words of the other, whereas the second is self-confirmatory but annuls the words of the other, we abandon the latter and accept the former. Thus when you emphasize ‘before the Lord’ on the west [side of the altar],¹⁴ you annul ‘before the altar’ on the south side;¹⁵ but when you emphasize ‘before the altar’ on the south side,¹⁴ you confirm ‘before the Lord’ on the west side.¹⁴ What, then, is the procedure? He brings it on the south of the horn. But how do you confirm it?¹⁶ — R. Ashi said: This Tanna holds that the whole of the altar stood in the north.¹⁷

What means ‘and that suffices’?¹⁸ — R. Ashi said: It was necessary [to mention this], because otherwise it may have occurred to me to say that the bringing of the meal-offering itself [to the altar without the ministering vessel] is required. Consequently we are informed [that the contrary is the correct procedure]. But say that it is really so [and the ministering vessel is not necessary]! — The text states: And it shall be presented unto the priest, and he shall bring it unto the altar¹⁹ — as the presentation to the priest is in a [ministering] vessel, so also the bringing to the altar must be in a [ministering] vessel.

‘He then moves the frankincense to one side [of the vessel]’, so that none of it may be included in the handful taken of the meal-offering; as we have learnt: If, when he took a handful, there came into his hand a pebble or particle of salt or grain of frankincense, it is disqualified.²⁰ ‘Takes a handful [of flour] from a place where its oil is abundant’ — whence is this? For it is written: Of the fine flour thereof and of the oil thereof;²¹ of the bruised corn thereof and of the oil thereof.²² ‘Sets it in a ministering vessel and hallows it in a ministering vessel’ — for what purpose, since he has already hallowed it once? — It is analogous to the case of blood: although the knife²³ hallows it in the animal's neck, [the priest] again hallows it in a ministering vessel;²⁴ so here, too, there is no difference. ‘Gathers its frankincense and places it on the top thereof; for it is written: And all the frankincense which is upon the meal-offering.²⁵ ‘And sets it upon the altar

(1) This question is discussed *infra* 19a. The effects of the water take place only after the offering of the meal-offering.

(2) To the Temple-court.

(3) V. Tosefta Men. I, 16f. The whole passage is explained anon.

(4) And not in ministering vessels as taught in the Mishnah.

- (5) E.g., of palm-twigs.
- (6) Mal. I, 8. The context is a denunciation of offering inferior animals. The same rule applies to vessels used in the Temple.
- (7) On this there is a difference of opinion, one being that the vessels automatically hallow their contents, v. Men. 7a.
- (8) Lev. II, 1. This is done by the person who presents the offering.
- (9) Ibid. 2.
- (10) Ibid. 8.
- (11) Ibid. VI, 7, E.V. 14.
- (12) Since this side faced the Holy of Holies which was located in the west of the Temple-area.
- (13) Lit., 'before the face of the altar'. I.e., the face of the altar which was towards the south. [Since the north side of the altar was designated 'the side' **רִי**, i.e., the rear (v. Lev. I. 11) the face of the altar must denote the south side.]
- (14) V. note 6.
- (15) V. note 7.
- (16) If the meal-offering is to be brought to the south side of the altar, it is not opposite the entrance of the Sanctuary, which is on the West.
- (17) Of the Temple-area. So that the south of the altar faced the entrance of the Sanctuary and is thus described as 'before the Lord'.
- (18) What else could he think was necessary?
- (19) Lev. II, 8.
- (20) As not being a complete handful.
- (21) Ibid. 2.
- (22) Ibid. 16.
- (23) Which is regarded as a utensil of the Sanctuary.
- (24) I.e., the basin in which the blood is received.
- (25) Lev. VI, 8, E.V. 15.

Talmud - Mas. Sotah 15a

and fumigates it in a ministering vessel'. He fumigates it in a ministering vessel' [you say]!¹ — The correct version is: and sets it upon the altar in a ministering vessel to fumigate it. He next salts [the handful of flour] and sets it upon the fire'; for it is written: And every oblation of thy meal-offering shalt thou season with salt.² 'When the handful has been offered, the remainder may be eaten'. Whence is this? — For it is written: And the priest shall burn the memorial of it etc.,³ and it is written: And that which is left of the meal-offering shall be Aaron's and his sons'.⁴ 'When the handful has been offered etc.' — this⁵ is differently explained by two teachers; for it has been reported: From what time does the taking of the 'handful' render the eating of the remainder permissible? R. Hanina says: When the fire takes hold of it; R. Johanan said: When the fire burns the greater part of it. 'And the priests are allowed to mix it with wine, oil and honey' — for what reason? The text states: By reason of the anointing,⁶ i.e., as a mark of eminence, in the same manner as kings take their food. 'And are only forbidden to make it leaven'; for it is written: It shall not be baked with leaven, their portion⁷ — R. Simeon b. Lakish says: [It means] that even their portion must not be baked with leaven.

WITH ALL OTHER MEAL-OFFERINGS etc. But do all other meal-offerings⁸ require oil and frankincense? Behold, there is the meal-offering of the sinner concerning which the All-Merciful said: He shall put no oil upon it, neither shall he put any frankincense thereon!⁹ — This is what he intends: All other meal-offerings require oil and frankincense, and consist of wheat in the form of fine flour; but the meal-offering of the sinner, although it does not require oil and frankincense, consists of wheat in the form of fine-flour; the meal-offering of the 'omer, although it consists of barley, requires oil and frankincense and is in the form of groats; but this one [of the suspected woman] does not require oil and frankincense, and consists of barley in the form of coarse flour.

It has been taught: R. Simeon said: It is right that the meal-offering of a sinner should require oil and frankincense, so that a sinner should not gain;¹⁰ why, then, are they not required? That his offering should not be luxurious. It is also right that an ordinary sin-offering¹¹ should require drink-offerings, so that a sinner should not gain; why, then, are they not required? That his offering should not be luxurious. The sin-offering of a leper, however, and his trespass-offering do require drink-offerings because they are not due to sin. But that is not so; for, behold R. Samuel b. Nahmani said in the name of R. Jonathan: On account of seven faults does the plague of leprosy occur etc.!¹² — In this case he received atonement [of his sin] by the plague¹³ he suffered; and when he brings an offering, it is only to allow him to participate in what is holy.¹⁴ According to this conclusion, the sin-offering of a Nazirite should require drink-offerings, since it is not due to a sin! He holds with R. Eliezer ha-Kappar who said: A Nazirite is also a sinner.¹⁵

RABBAN GAMALIEL SAYS, AS etc. It has been taught: Rabban Gamaliel¹⁶ said to the Sages: Learned men, permit me to explain this allegorically.¹⁷

(1) [Surely the fumigation does not take place at this stage! Rashi deletes the words 'in a ministering vessel', as the question is concerned only with the act of fumigation].

(2) Lev. II, 13.

(3) Ibid. 16.

(4) Ibid. 10.

(5) The meaning of the term offered used in this connection.

(6) Num. XVIII, 8. Anointing occurred at the induction of a priest and a king.

(7) Lev. VI, 10.

(8) With the exception of that of the suspected woman.

(9) Ibid. V, 11.

(10) By being spared the cost of these ingredients.

(11) Lit., 'sin-offering of (forbidden) fat', because the words ye shall eat neither fat nor blood (Lev. III, 16) are followed by Chap. IV which deals with the sin-offering.

(12) Enumerated in 'Ar. 16a, v. Shebu. 8a.

(13) Suffering, according to the Rabbis, is a means of atonement.

(14) The offerings were purificatory in their intention, and unlike an ordinary sin-offering, which is brought in expiation.

(15) Because he abstained from wine. V. Naz. 22a.

(16) [Apparently Gamaliel III, the son of R. Judah ha-Nasi, a contemporary of R. Meir; v. Chayes. Z.H., notes; and Lauterbach, JQR (N.S.), I, p. 514, where the whole passage is discussed. V. also Wahrman, Untersuchungen, I, p. 26ff.]

(17) חֲזוֹר For the term here used, v. Lauterbach op. cit. I 291ff., 503ff, especially p. 509 and Kid. 22b.

Talmud - Mas. Sotah 15b

He had heard R. Meir say: She fed him with the dainties of the world; therefore her offering is animal's fodder.¹ Then said he to him, You may be right about a rich woman, but what of a poor woman! But [the reason is], As her actions were the action of an animal, so her offering [consisted of] animal's fodder.

MISHNAH. [THE PRIEST] TAKES AN EARTHENWARE BOWL AND POURS HALF A LOG OF WATER INTO IT FROM THE LAVER. R. JUDAH SAYS: A QUARTER [OF A LOG]. JUST AS [R. JUDAH] REDUCES THE AMOUNT OF WRITING,² SO HE REDUCES THE QUANTITY OF WATER. [THE PRIEST] ENTERS THE TEMPLE AND TURNS RIGHT. THERE WAS A PLACE THERE A CUBIT SQUARE IN EXTENT WITH A MARBLE TABLET, TO WHICH A RING WAS ATTACHED. HE LIFTS THIS OUT, TAKES SOME DUST FROM BENEATH IT WHICH HE PUTS [INTO THE BOWL] JUST SUFFICIENT TO BE VISIBLE ABOVE THE WATER; AS IT IS SAID, AND OF THE DUST THAT IS ON THE FLOOR OF THE TABERNACLE THE PRIEST SHALL TAKE, AND PUT IT INTO THE WATER.³

GEMARA. A Tanna taught: [The priest takes] a new earthenware bowl — such is the opinion of R. Ishmael. What is R. Ishmael's reason?⁴ — He derives it from the common use of the word 'vessel' [here and in the law] of a leper. As with the latter new earthenware was required, so here likewise was new earthenware required. Whence is it that there [with a leper it must be new]? — For it is written: And the priest shall command to kill one of the birds in an earthen vessel over running water⁵ — as it must be running water which has not been previously used, so also it must be a vessel which has not been previously used. According to this argument, as there [with a leper] it had to be running water, so also here [with a suspected woman] it had to be running water! — In the view of R. Ishmael that is indeed so; for R. Johanan said the water from the laver⁶ was according to R. Ishmael spring-water, and the Sages declare that it can be ordinary water. It may, however, be objected [to this argument] that as with a leper it is necessary to have cedar wood, hyssop and scarlet,⁷ [so are these required with the water of bitterness]!⁸ — Rabbah said: The text mentions in an earthen vessel,⁹ i.e., a vessel to which I referred previously.¹⁰ Raba said: [The Rabbis in our Mishnah] did not teach [that a used vessel may be employed] except when its exterior is not blackened [by smoke]; but if its exterior is blackened it is unfit for use. What is their reason? — It is analogous to the water: just as the water must not be changed in appearance,¹¹ so also the vessel must not be changed in appearance. Raba asked: How is it if the earthenware had been blackened and re-whitened by being passed through the furnace again? Do we say that since it has once been rejected, it remains rejected; or perhaps, since it has been restored, it is suitable? — Come and hear: 'R. Eleazar says: If a man twisted cedar wood, scarlet and hyssop into a cord for the purpose of carrying his bundle on his back, they are unfit [to be used in the ceremony of purification];' and yet they are here again smoothed out!¹² But in that case we suppose that [some of the material] has been peeled off.¹³

[THE PRIEST] ENTERS THE TEMPLE AND TURNS RIGHT etc. For what reason? Because a Master has declared: All the turns which thou dost make must only be to the right.

THERE WAS A PLACE THERE A CUBIT etc. Our Rabbis have taught: 'And of the dust that is etc.' — it is possible to think that [the priest] may prepare [dust] from outside and bring it in; therefore there is a text to state, 'On the floor of the tabernacle'. If 'on the floor of the tabernacle', it is possible to think that he may dig for it with an axe; therefore there is a text to state 'that is'. How was it done? If [dust] is there, take of it; if none is there, put some there [and take of it]. Another [Baraitha] taught: 'And of the dust that is' — this teaches that he prepares some from outside and brings it in. 'On the floor of the tabernacle' — Issi b. Judah says: It includes the floor

(1) V. supra p. 75.

(2) V. next Mishnah, p. 87.

(3) Num. V, 17.

(4) For requiring a new bowl.

(5) Lev. XIV, 5.

(6) [Which water was used for the water of bitterness.]

(7) V. ibid. 4.

(8) The Torah does not require these things, and so the analogy is false.

(9) [And not 'he shall take a vessel and put in it etc.']

(10) Viz., in the law of the leper. Hence it is established that a new vessel is also necessary in the ceremony of the water of bitterness.

(11) Although they do not insist on running water, it must not be discoloured by dirt.

(12) When they are disconnected. So by analogy the earthenware cannot be made fit for use by re-whitening.

(13) While it was used as a cord; therefore the restoration is not complete. But in the case of the vessel there is complete restoration and so it is allowed.

Talmud - Mas. Sotah 16a

[of the Tabernacle] in Shiloh, Nob, Gideon and the permanent Temple; Issi b. Menahem says: It is unnecessary [to include the permanent Temple];¹ if in the case of a minor defilement² Scripture does not differentiate [between the temporary Tabernacle and the permanent Temple], in the case of the defilement of a married woman³ how much more so [is it unnecessary to differentiate]. Why, then, does the text state 'on the floor of the tabernacle'? He may not take it from the midst of a heap.⁴

The following question was asked: If there is no dust, how is it about putting ashes there? According to the view of Beth Shammai, the question does not arise because they said that we never find ashes called dust; but the question does arise according to the view of Beth Hillel because they said that we do find ashes called dust.⁵ How is it then? Although the word 'dust' is used, it is here written 'on the floor of the tabernacle';⁶ perhaps, however, the phrase 'on the floor of the tabernacle' is intended to be understood according to the interpretation of Issi b. Judah and Issi b. Menahem?⁷ — Come and hear: for R. Johanan said in the name of R. Ishmael: In three places the halachah crushes the Scriptural text under heel:⁸ the Torah states with dust,⁹ whereas the halachah allows [the blood to be covered] with anything; the Torah states no razor,¹⁰ whereas the legal decision is [that a Nazirite may not shave] with anything; the Torah states a book,¹¹ whereas the legal decision [allows] any [form of document]. Now if this¹² is so, it should also have been enumerated! — He taught [some instances] and omitted others. What else, then, did he omit?¹³ — He omitted [the shaving] of a leper;¹⁴ for it has been taught: And it shall be on the seventh day that he shall shave all his hair — that is a generalization; off his head and his beard and his eyebrows — that is a particularization; even all his hair he shall shave off¹⁵ — that is again a generalization. Now [the rule of exegesis is]: when there is a general proposition, followed by the enumeration of particulars, and this is followed by a general proposition, include only that which resembles the particulars.¹⁶ As the particulars refer to a part [of the body] where the hair grows and is visible, so every place where the hair grows and is visible [comes within the scope of the law]. What does it include? It includes the hair on the private part. What does it exclude? It excludes that of the arm-pit and the whole body [which is normally covered]. The halachah, however, is: he shaves himself as smooth as a gourd.¹⁷ For we have learnt: When [the priest] comes to shave the leper, he passes a razor over all his flesh;¹⁸ and it continues,¹⁹ On the seventh day he shaves²⁰ the second shaving after the manner of the first.²¹ R. Nahman b. Isaac said: [R. Johanan] enumerated instances where the halachah crushes the Scriptural text under heel; but here it crushes a Rabbinical teaching²² under heel.²³ R. Papa said: [R. Johanan] enumerated instances where the halachah crushes the Scriptural text under heel and overthrows it; but here it crushes the text under heel and extends it.²⁴ R. Ashi said: According to whom is this teaching [that only the visible parts of the body are to be shaved]? It is R. Ishmael who expounds [the Torah] by the rule of generalization and particularization.²⁵

(1) In Jerusalem.

(2) I.e., entrance into the Temple-precincts while ritually unclean. This is not an offence punished by a Court with death.

(3) Which is a capital crime.

(4) It must first be scattered on the floor. [In contradiction to the second Baraitha cited which permits the bringing in dust from elsewhere and putting it forthwith into the water].

(5) This matter, with reference to covering the blood after slaughter of an animal, is discussed in Hul. 88b.

(6) So it is impossible to think that ashes could be meant.

(7) If these words intend the inclusion of temporary Sanctuaries and the Temple, then 'dust' could here signify ashes.

(8) I.e., practice goes beyond the letter of the Torah.

(9) Lev. XVII, 13.

(10) Num. VI, 5.

(11) So literally, of a letter of divorcement (Deut. XXIV, I).

(12) The use of ashes instead of dust.

(13) [He would not in enumeration just stop short at one point.]

- (14) This refers to the second act of shaving. The leper was shaved twice; see Lev. XIV, 8 and 9.
- (15) Lev. XIV, 9.
- (16) V. Shebu (Sonc. ed.) p. 13, n. 3.
- (17) I.e., all over his body.
- (18) Neg. XIV. 2.
- (19) Ibid 3.
- (20) [This is a reading of Rashi which is preferable to that of the cur. edd: 'on the seventh day he shall shave', as this is a quotation of Neg. XIV. 3.]
- (21) Over all the body.
- (22) [A teaching derived from Rabbinic exegesis. MS.M. reads 'Midrash'; v. Chajes, Z.H. ntes.]
- (23) And therefore R. Johanan's list of three cases is complete.
- (24) [By shaving the whole body the demands of the text are not set aside but extended.]
- (25) He elaborated thirteen rules of interpretation, and that quoted above is one of them. [And so according to R. Ishmael in whose name the above enumeration was reported by R. Johanan the list is complete].

Talmud - Mas. Sotah 16b

According to whom [is the teaching that he must be shaved the second time] as smooth as a gourd? It is R. Akiba who expounds [the Torah] by the rule of amplification and limitation; for it has been taught: 'And it shall be on the seventh day that he shall shave all his hair' — that is an amplification; 'off his head and his beard and his eyebrows' — that is a limitation; 'even all his hair he shall shave off' — that is again an amplification. Now [the rule of exegesis is]: Where there is an amplification, followed by a limitation, and this is followed by an amplification, the amplification applies to the whole. In which respect is there an amplification? It includes all the body [to be shaved]. In which respect is there a limitation? It excludes the hair which grows inside the nostril. How is it, then, with our original question [whether ashes may be used when there is no dust]? — Come and hear: For R. Huna b. Ashi said in the name of Rab: If there is no dust there, he brings decayed herbage and hallows it! — But this is no proof. Decayed herbage may indeed be [called] dust but not ashes.

JUST SUFFICIENT TO BE VISIBLE ABOVE THE WATER. Our Rabbis have taught: Three things must be visible, viz., the dust in the ceremony of the suspected woman, the ashes in the ceremony of the red heifer¹ and the spittle in the ceremony of Halizah.² They said in the name of R. Ishmael, Also the blood of the bird.³ What is R. Ishmael's reason? — Because it is written: And shall dip them in the blood of the bird etc.;⁴ and it has been taught: 'in the blood' — it is possible [to think that they must be dipped] in blood and not in water; therefore the text declares '[over the running] water'. If Scripture [had only mentioned] 'water', it would be possible [to think that they must be dipped] in water and not in blood; therefore the text declares 'in the blood'. What, then, was the procedure? He brings water in which the blood of the bird is recognisable. What is the quantity? A quarter [of a log]. And [why is this instance not included in their enumeration by] the Rabbis? — That is part of the subject-matter; for thus said the All-Merciful, Dip in blood and water.⁵ [How is this argument met by] R. Ishmael? — In that case, the All-Merciful should have written: 'And he shall dip in them'; so why [is it stated] in blood and in water? That [the blood] must be recognisable. And [how is this argument met by] the Rabbis? — If the All-Merciful had written: 'And he shall dip in them', I might have imagined [that he was to dip] in each separately; therefore He wrote 'in blood and in water' to indicate that they must be mixed. [How does] R. Ishmael [answer this point]? That they are to be mixed [is learnt from] another verse; it is written: And kill one of the birds in an earthen vessel over running water.⁶ [How do] the Rabbis [answer this point]? — If [we had to learn it] from that passage, we might have thought that he is to kill it near a vessel, press the jugular veins,⁷ and receive the blood in another vessel. Hence we are informed [by this verse that the killing must be done over the vessel containing the water].

R. Jeremiah asked R. Zera, How is it if [the bird] was so big that [its blood] effaced [all trace of]

the water, or if it was so small that [all trace of its blood] was effaced by the water? He answered: Have I not told thee not to take thyself beyond the legal decision?⁸ The Rabbis estimated [the quantity of a quarter of a log] by a free bird;⁹ and this is never so big that [its blood] should efface [all trace of] the water, nor so small that [all trace of its blood] should be effaced by the water.

Our Rabbis have taught: If he put the dust [in the bowl] before the water, it is invalid; but R. Simeon allows it. What is the reason of R. Simeon? — Because it is written: And for the unclean they shall take of the dust of the burning of the sin-offering;¹⁰ and it has been taught: R. Simeon said: Was it dust and not ashes? The text changes the expression to indicate that a conclusion was to be drawn from it by the rule of analogy: it is mentioned here ‘dust’, and there [in the ceremony of the suspected woman] it is also mentioned ‘dust’; as in the second instance the dust had to be placed over the water,¹¹ so also here the dust had to be placed over the water; and further, as it is valid here if he put the dust on before the water, so also there [in the ceremony of the suspected woman] it is valid if he put the dust on before the water.¹² Whence is this derived there [in the rite of the red heifer]? — There are two texts: It is written thereto,¹³ consequently the ashes are first; and it is written running water in a vessel, consequently the water is first. So what was the procedure? He can put either in first. [How is this interpretation answered by] the Rabbis?¹⁴ — ‘In a vessel’ — precisely so;¹⁵ ‘thereto’ — that they are to be mixed. But say rather that ‘thereto’ means precisely so;¹⁶ and ‘in a vessel’ means that the water must be poured directly into the vessel from the spring!¹⁷ — As we find that everywhere it is the qualifying element which is on top,¹⁸ so also here¹⁹ the qualifying element must be on top.

(1) Num. XIX.

(2) V. Glos.

(3) Used in the purificatory rites of a leper.

(4) Lev. XIV, 6.

(5) So long as there is some blood in the water, even if it cannot be distinguished.

(6) Lev. XIV, 5.

(7) So that no blood escapes while carrying it to the other vessel.

(8) Not to raise questions about exaggerated points in connection with the decisions.

(9) Such as flies in and out of a house. [A swallow; v. Lewysohn Zoologic, p. 206ff].

(10) Num. XIX, 17. The text has the word for dust, not ‘ashes’.

(11) As stated in Num. V, 17.

(12) As explained anon.

(13) Ibid., running water shall be put thereto.

(14) Who declare that the rite is invalid if the dust is placed in the bowl before the water.

(15) I.e., the water must be poured in first.

(16) The water to be poured on the ashes.

(17) It must be running water, and not poured from another vessel.

(18) [In the case of a suspected woman, and of a leper, the qualifying elements — i.e., the dust which gives the water of bitterness its efficacy and the blood of the bird — must be placed on top as indicated by the plain meaning of the Scriptural texts: Num. V, 17, and Lev. XIV, 6.]

(19) With the ashes of the red heifer.

Talmud - Mas. Sotah 17a

MISHNAH. WHEN HE COMES TO WRITE THE SCROLL, FROM WHAT PLACE DOES HE WRITE? FROM IF NO MAN HAVE LAIN WITH THEE¹ . . . BUT IF THOU HAST GONE ASIDE, BEING UNDER THY HUSBAND ETC.² HE DOES NOT, HOWEVER, INCLUDE, THEN THE PRIEST SHALL CAUSE THE WOMAN TO SWEAR,³ BUT CONTINUES WITH, THE LORD MAKE THEE A CURSE AND AN OATH . . . AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS AND MAKE THY BELLY TO SWELL, AND THY THIGH TO FALL AWAY.⁴ HE DOES NOT, HOWEVER, INCLUDE, AND THE WOMAN SHALL SAY, AMEN, AMEN. R. JOSE SAYS, HE MAKES NO OMISSIONS.⁵ R. JUDAH SAYS, HE WRITES NONE OF ALL THIS EXCEPT, THE LORD MAKE THEE A CURSE AND AN OATH ETC. AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS ETC. AND DOES NOT INCLUDE, AND THE WOMAN SHALL SAY, AMEN, AMEN.

GEMARA. On what point do they differ? — They differ in [the interpretation of] the following verse: And the priest shall write these curses in a book.⁶ R. Meir⁷ is of the opinion that curses denotes [the passages which are] actually curses;⁸ the curses⁹ is to include the curses which result from the benedictions;¹⁰ 'these' is to exclude the curses in Deuteronomy;¹¹ 'the these' is to exclude instructions [given to the officiating priest] and the responses of Amen [made by the woman]. R. Jose agrees with all that has been stated, except that he interprets the particle 'eth'¹² as indicating the inclusion of instructions and responses, whereas R. Meir draws no deductions from the occurrences of the particle 'eth. R. Judah, on the other hand, expounds all the above points as implying limitation; 'curses' denotes [the passages which are] actually curses; 'the curses' is to exclude the imprecations which result from the benedictions; 'these' is to exclude the imprecations in Deuteronomy; 'the these' is to exclude instructions and responses. What is the difference that R. Meir interprets the definite article [in the curses] as implying amplification and the definite article [in the these] as implying limitation? — When the definite article occurs in connection with amplification¹³ it also denotes amplification, and when it occurs in connection with limitation¹⁴ it also denotes limitation. But R. Meir does not accept the rule that an affirmative is to be deduced as the corollary of a negative!¹⁵ — R. Tanhum said: It is written hinnaki.¹⁶

R. Akiba expounded: When husband and wife are worthy, the Shechinah abides with them; when they are not worthy fire consumes them.¹⁷ Raba said: [The fire which results] from the woman is severer than that from the man.¹⁸ What is the reason? In the case of the former [the letters aleph and shin] are consecutive, but not in the case of a man.¹⁹

Raba said: Why does the Torah command that dust should be provided for [the ceremony of] a suspected woman? If she be innocent, there will issue from her a son like our father Abraham, of whom it is written: Dust and ashes;²⁰ and if she be not innocent, she reverts to dust.²¹

Raba expounded: As a reward for our father Abraham having said: 'I am but dust and ashes', his descendants were worthy to receive two commandments, viz., the ashes of the red heifer and the dust [of the ceremony] of a suspected woman. But there is likewise dust for the covering of the blood!²² — In this case [the use of dust is merely] the completion of the commandment without any advantage [to the performer].²³

Raba expounded: As a reward for our father Abraham having said: I will not take a thread nor a shoelatchet,²⁴ his descendants were worthy to receive two commandments, viz., the thread of blue²⁵ and the thong of the phylacteries. It is right in the case of the thong of the phylacteries, for it is written: And all the peoples of the earth shall see that thou art called by the name of the Lord,²⁶ and it has been taught: R. Eliezer the Elder says: This refers to the phylactery worn upon the head;²⁷ but

what is [the advantage to him who performs the law] of the thread of blue? — It has been taught: R. Meir used to say: Why is blue specified from all the varieties of colours? Because blue resembles [the colour of] the sea, and the sea resembles [the colour of] heaven, and heaven resembles [the colour of] the Throne of Glory, as it is said: And they saw the God of Israel and there was under His feet as it were a paved work of sapphire stone, and as it were the very heaven for clearness,²⁸ and it is written: The likeness of a throne as the appearance of a sapphire stone.²⁹

MISHNAH. HE WRITES NEITHER ON A [WOODEN] TABLET NOR ON PAPYRUS NOR ON

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- (1) Num. V, 19, — ‘be thou free from this water of bitterness’.
- (2) Ibid. 20, — [This is taken to imply a curse; v. infra].
- (3) Ibid. 21.
- (4) Ibid. 22.
- (5) And the whole Scriptural passage is included.
- (6) Num. V, 23.
- (7) Who is the author of the anonymous statement in the Mishnah, v. Sanh. 86a.
- (8) ‘The Lord make thee etc.’, verse 20.
- (9) According to Hebrew idiom, ‘these curses’ is literally ‘the curses the these’.
- (10) [I.e., ‘if no man have lain with thee . . . be thou free’ implies that ‘if thou hast gone aside . . . be thou not free’].
- (11) If the text of Num. V, 23 had read ‘and the priest will write the curses in a book’ it might have been understood as referring to the curses in Deut. XXVIII, 16ff.
- (12) The sign of the accusative before ‘these curses’.
- (13) The phrase ‘and the priest will write’ is a general statement — an amplification.
- (14) ‘These’ is a limited term.
- (15) How then does he consider verse 20 to imply a curse, v. Kid. 61a-62a and Shebu. 36a.
- (16) ‘Be free’ in Num. V, 19. Since the word is defectively spelt without the mater lectionis, and the Hebrew letter he closely resembles the letter heth, it might be taken to mean ‘be strangled’; and so an imprecation is mentioned and it has not to be deduced as a corollary, v. Shebu (Sonc. ed.) p. 213, n. 6.
- (17) The letters of the word for ‘husband’ are aleph, yod and shin, and for ‘wife’ aleph, shin and he. The yod and he form the Divine Name; but if omitted, only aleph and shin are left which form the word esh ‘fire’.
- (18) I.e., a bad wife is more destructive of domestic happiness than a bad husband.
- (19) The first and second letters of the word for ‘woman’ or ‘wife’ form esh; but in the word for ‘husband’ or ‘man’ they are the first and third letters.
- (20) Gen XVIII, 27.
- (21) Dies from the effect of the water.
- (22) Of a slaughtered animal (Lev. XVII, 13).
- (23) Whereas the dust in the ceremony of the ordeal helps to restore the confidence of a husband in his wife or punishes immorality and the ashes of the red heifer serve to cleanse the unclean.
- (24) Gen. XIV, 23.
- (25) On the fringes of the garment (Num. XV, 38).
- (26) Deut. XXVIII, 10.
- (27) Hence its advantage to him who performs the precept.
- (28) Ex. XXIV, 10.
- (29) Ezek. I, 26. [And he who fulfils the precept is blessed, as it were, with the Divine Presence (Rashi).]

Talmud - Mas. Sotah 17b

DIFTERA¹ BUT ON A [PARCHMENT] SCROLL, AS IT IS SAID, IN A BOOK.² NOR DOES HE WRITE WITH A [PREPARATION OF] GUM OR VITRIOL³ OR WITH ANYTHING WHICH INDENTS [THE PARCHMENT] BUT WITH INK,⁴ AS IT IS SAID, AND BLOT OUT⁵ — WRITING WHICH IS CAPABLE OF BEING BLOTTED OUT.

GEMARA. Raba said: A scroll for a suspected woman which one wrote at night is invalid. What is the reason? An analogy is drawn between two passages where the word ‘law’ occurs: here it is written: And the priest shall execute upon her all this law,⁶ and elsewhere it is written: According to the tenor of the law which they shall teach thee, and according to the judgment.⁷ As judgment [could only be delivered] in the daytime,⁸ so a scroll for a suspected woman [could only be written] in the daytime. If he wrote the text not in its proper order,⁹ it is invalid; for it is written: And he shall write these curses¹⁰ — just as they are written [in the Scriptural text]. If he wrote it before she took the oath upon herself, it is invalid; as it is said: He shall cause her to swear and after that, He shall write.¹¹ If he wrote it in the form of a letter,¹² it is invalid — ‘in a book’ said the All-merciful.

(1) Animal's hide prepared with salt and flour but not with gallnut. It was consequently more absorptive than fully prepared parchment. V. Krauss, T A. II, 262, v. Git. (Sonc. ed.) p. 87, n. 2.

(2) Num. V, 23. The book was then in the form of a scroll.

(3) [Kankantun, v. Git. (Sonc. ed.) p. 10, n. 8.]

(4) It was really black paint, consisting of lampblack mixed with oil. V. Krauss, op. cit., III, 148ff., v. Git. (Sonc. ed.) p. 70, n. 9.

(5) Num. V, 23.

(6) Num. V, 30.

(7) Deut. XVII, II.

(8) This was the rule of judicial procedure; v. Sanh. 32a.

(9) [Lit., ‘backward’; probably as an incantation, v. Blau, Das altjüdische Zaubrerwesen, pp. 146ff.]

(10) Num. V, 23.

(11) Ibid. 19 and 23.

(12) I.e., without first tracing lines to secure evenness of script, as is required with a scroll of the Law, v. Git. (Sonc. ed.) p. 20, n. 3.

Talmud - Mas. Sotah 18a

If he wrote it on two folios it is invalid; the All-merciful spoke of one ‘book’ and not of two or three books. If he wrote one letter and blotted it out [with the water of bitterness] and then wrote another letter and blotted it out¹ it is invalid; for it is written: And the priest shall execute upon her all this law.

Raba asked: How is it if he wrote two scrolls for two suspects and blotted them in one vessel of water? Do we only require that the writing should be expressly for each case? That we have here; or perhaps it is also necessary to have obliteration expressly for each case! If, furthermore, you conclude that we also require obliteration expressly for each case, how is it if he obliterated them in two vessels and then mixed them? Do we only require that the obliteration should be expressly for each case? That we have here; or perhaps each of the women does not drink the water prepared for her! If, furthermore, you conclude that [this renders the rite invalid because] each of the women does not drink the water prepared for her, how is it if he again divided the water into two parts [after having mixed it]? Is there or is there not a retrospective differentiation?² — The questions remain unanswered. Raba asked: How is it if he made her drink through a straw or tube? Is that to be regarded as a mode of drinking or not? — The question remains unanswered. R. Ashi asked: How is it if some of the water was spilt or remained over? The question remains unanswered.

R. Zera said in the name of Rab: Why are two oaths mentioned in connection with a suspected woman?³ One [was imposed] before [the writing on] the scroll was blotted out and the other after it was blotted out. Raba demurred: They are both written [in the Scriptural text] before [the inscription on] the scroll was obliterated! But, said Raba, with one oath a curse was connected⁴ and not with the other. What was the formula of the oath with which a curse was connected? — R. Amram said in the

name of Rab: 'I make thee swear that thou hast not misconducted thyself, for if thou hast, may [the curses] befall thee.' Raba asked: [In this wording] the curse and the oath are distinct!⁵ But, said Raba, [the formula is], 'I make thee swear that if thou hast misconducted thyself, may [the curses] befall thee'.⁶ R. Ashi asked: [In this wording] there is a curse but no oath! But, said R. Ashi, [The formula is], 'I make thee swear that thou hast not misconducted thyself; and that if thou hast, may [the curses] befall thee'.

MISHNAH. TO WHAT DOES SHE RESPOND 'AMEN, AMEN'? AN 'AMEN' OVER THE CURSE AND AN 'AMEN' OVER THE OATH; AN 'AMEN' WITH RESPECT TO THIS MAN⁷ AND AN 'AMEN' WITH RESPECT TO ANY OTHER MAN;⁸ AN 'AMEN' THAT I DID NOT GO ASTRAY AS A BETROTHED MAIDEN OR MARRIED WOMAN

(1) He did not write out the text in full before obliterating it.

(2) Bererah v. Glos. Do we regard the water now divided as being differentiated and identical with the original quantities of water?

(3) V. Num. V, 19, 21.

(4) Verse 21 where the phrase oath of cursing occurs.

(5) [The oath here is not connected with the curse, but relates to the wife's fidelity.]

(6) [The oath relates only to the wife's conduct and is not connected with the curse.]

(7) Who is the cause of the ordeal.

(8) With whom she may have associated without her husband's knowledge.

Talmud - Mas. Sotah 18b

OR [A CHILDLESS WIDOW] WAITING FOR MY BROTHER-IN-LAW'S [DECISION WHETHER HE WOULD MARRY ME] OR TAKEN TO HIS HOUSE,¹ AND AN 'AMEN' THAT I HAVE NOT MISCONDUCTED MYSELF AND IF I HAVE MAY [THE CURSES] BEFALL ME. R. MEIR SAYS: ONE 'AMEN' IS THAT I HAVE NOT MISCONDUCTED MYSELF AND THE OTHER 'AMEN' THAT I WILL NOT MISCONDUCT MYSELF.

ALL AGREE THAT A MAN CANNOT MAKE A STIPULATION WITH HER IN RESPECT OF THE TIME BEFORE SHE WAS BETROTHED² OR AFTER SHE IS DIVORCED. IF SHE SECLUDES HERSELF WITH ANOTHER MAN³ AND MISCONDUCTS HERSELF AND SUBSEQUENTLY [HER HUSBAND] TAKES HER BACK, HE CANNOT MAKE A STIPULATION WITH HER [IN RESPECT OF THIS].⁴ THIS IS THE GENERAL RULE: HE CANNOT MAKE A STIPULATION WITH HER IN RESPECT OF ANY ACT OF COHABITATION WHICH DOES NOT RENDER HER PROHIBITED TO HIM.

GEMARA. R. Hamnuna said: [A childless widow] waiting for her brother-in-law's [decision whether he would marry her] who acted immorally is forbidden to her levir.⁵ Whence is this? Since the Mishnah teaches: [A CHILDLESS WIDOW] WAITING FOR MY BROTHER-IN-LAW'S [DECISION WHETHER HE WOULD MARRY ME] OR TAKEN TO HIS HOUSE. This is quite right if you say that she is prohibited [to her brother-in-law] then he can make a stipulation with her;⁶ but if you say that she is not prohibited to him,⁷ how can he make a stipulation with her; for we have learnt: THIS IS THE GENERAL RULE: HE CANNOT MAKE A STIPULATION WITH HER IN RESPECT OF ANY ACT OF COHABITATION WHICH DOES NOT RENDER HER PROHIBITED TO HIM! In the West,⁸ however, they said: The legal decision is not in agreement with R. Hamnuna. But whose [then] is the teaching concerning [A CHILDLESS WIDOW] WAITING FOR HER BROTHER-IN-LAW OR TAKEN TO HIS HOUSE? — It is R. Akiba's; for he said: No betrothal can take effect in cases which are subject to a mere negative prohibition,⁹ and he regards her¹⁰ act as equal to an incestuous union.¹¹

R. Jeremiah asked: Can he make a stipulation in connection with a first marriage¹² or her marriage with his brother?¹³ — Come and hear: THIS IS THE GENERAL RULE: HE CANNOT MAKE A STIPULATION WITH HER IN RESPECT OF ANY ACT OF COHABITATION WHICH DOES NOT RENDER HER PROHIBITED TO HIM. Consequently when it would render her prohibited to him he can make a stipulation with her. Draw that conclusion.¹⁴

R. MEIR SAYS: ONE 'AMEN' IS THAT I HAVE NOT MISCONDUCTED MYSELF etc. It has been taught: When R. Meir declares, AND THE OTHER 'AMEN' THAT I WILL NOT MISCONDUCT MYSELF, it does not imply that if she in the future misconducts herself, the water affects her now; but should she later misconduct herself, the water will bestir and affect her.

R. Ashi asked: Can a man make a stipulation with regard to remarriage?¹⁵ [Do we argue] that for the present she is not prohibited to him [and therefore he cannot make a stipulation with her], or that it may happen that he will divorce and remarry her [and therefore can make a stipulation]? — Come and hear: ALL AGREE THAT A MAN CANNOT MAKE A STIPULATION WITH HER IN RESPECT OF THE TIME BEFORE SHE WAS BETROTHED OR AFTER SHE IS DIVORCED. IF SHE SECLUDES HERSELF WITH ANOTHER MAN AND MISCONDUCTS HERSELF AND SUBSEQUENTLY [HER HUSBAND] TOOK HER BACK, HE CANNOT MAKE A STIPULATION WITH HER [IN RESPECT OF THIS]. Hence if he takes her back and she then misconducts herself, he can make a stipulation [in respect of this]. Draw that conclusion.¹⁶

Our Rabbis have taught: This is the law of jealousy¹⁷ — it teaches that a woman may drink [the water of bitterness] and do so again.¹⁸ R. Judah says: 'This'¹⁹ indicates that a woman does not drink and do so again. R. Judah said: It happened that Nehonia the welldigger²⁰ testified before us that a woman had drunk [the water of bitterness] and had done so a second time. We accepted his testimony as relating to two husbands but not one husband. The Sages, however, declared that a woman does not drink and do so again, whether it be in respect of one husband or two husbands. But for the first Tanna [cited above] it is likewise written 'This'.²¹ And for the latter Rabbis [cited above] it is likewise written 'the law of'.²² — Raba said: In the case of the same husband and the same paramour none differ that a woman does not drink and do so again,

(1) For the purpose of marriage, but before its consummation.

(2) That she had never acted immorally.

(3) After being divorced, and the divorce was not on account of misconduct because in that event there could be no re-marriage.

(4) In respect of what she may have done after the divorce.

(5) Because she is regarded as a wife who was unfaithful to her husband.

(6) In respect of her conduct before he married her; and if she was immoral, he may not marry her.

(7) For immorality before marriage.

(8) The Palestinian Schools.

(9) Without carrying with them the death penalty or of kareth. There is such a prohibition in connection with a childless widow's marriage (v. Deut. XXV, 5) v. Yeb. 10b.

(10) The childless widow who acted immorally.

(11) [And therefore forbidden to her brother-in-law just as a wife who misconducted herself is forbidden to her husband.]

(12) When he had remarried her after divorcing her can he make her swear that she had been faithful to him during their first marriage?

(13) After he had gone through the levirate-marriage with her, can he make her swear that she had not misconducted herself whilst living with his brother?

(14) In both of the contingencies mentioned immorality would render her prohibited; so he can make the stipulation.

(15) Since R. Meir interprets 'Amen' as referring to what may occur in the future, suppose a husband makes a condition that his wife shall not misconduct herself if he divorces her and remarries her, and after remarriage she is unfaithful?

(16) That such a stipulation is permissible.

(17) Num. V, 29. The text is literally 'law of jealousies', which is taken to mean: the law is to be applied in every instance of suspicion.

(18) If suspected a second time.

(19) The word has an exclusive meaning, and equals this is the only time the woman undergoes the ordeal.

(20) [V. B.K. (Sonc. ed.) p. 287. He however could not have testified before R. Judah who lived about 200 years later. The text must accordingly be connected with the parallel passage in J. Sotah II, where the reading is Nehemia of Shihin testified in the name of R. Akiba v. Hyman, A Toledoth, p. 924.]

(21) He permits a woman to drink a second time; why does he not interpret 'This' is an exclusive sense?

(22) Why do they not understand this as not permitting the second ordeal?

Talmud - Mas. Sotah 19a

for it is written 'This'. In the case of two husbands and two paramours none differ that a woman drinks and does so again, for it is written 'the law of. Where they differ is in the case of the same husband and two paramours, or two husbands and the same paramour. The first Tanna holds that 'the law of indicates the inclusion of them all, and 'This' indicates the exclusion of the case of the same husband and the same paramour. The Rabbis hold that 'This' indicates the exclusion of them all, and 'the law of indicates the inclusion of the case of two husbands and two paramours. R. Judah holds that 'This' is to exclude two cases and 'the law of is to include two cases. 'This' is to exclude two cases, viz., the same husband and the same paramour, and the same husband and two paramours; 'the law of is to include two cases, viz., two husbands and the same paramour, and two husbands and two paramours.

CHAPTER III

MISHNAH. HE¹ TAKES HER MEAL-OFFERING OUT OF THE BASKET OF PALM-TWIGS AND PLACES IT IN A MINISTERING VESSEL AND SETS IT UPON HER HAND; AND THE PRIEST PLACES HIS HAND UNDER HERS AND WAVES IT.²

HAVING WAVED IT, HE BROUGHT A HANDFUL [TO THE ALTAR], FUMIGATED IT, AND THE REMAINDER WAS EATEN BY THE PRIESTS. HE [FIRST] GIVES [HER THE WATER OF BITTERNESS] TO DRINK, AND THEN SACRIFICES HER MEAL-OFFERING. R. SIMEON SAYS: HE SACRIFICES HER MEAL-OFFERING AND THEN GIVES HER TO DRINK, AS IT IS SAID, AND AFTERWARD SHALL MAKE THE WOMAN DRINK THE WATER;³ BUT IF HE GAVE HER TO DRINK AND THEN SACRIFICED HER MEAL-OFFERING IT IS VALID.

GEMARA. R. Eleazar said to R. Joshiah his contemporary:⁴ You shall not sit down⁵ until you have explained the following: Whence is it that the meal-offering of a suspected woman requires to be waved? 'Whence have we it? It is written In connection therewith, And shall wave⁶ — But [my question is], whence [is it that it has to be done] with [the co-operation of] the owner?'⁷ — It is derived from the analogous use of the word 'hand' in connection with the peace-offering. Here it is written: 'The priest shall take out of the woman's hand', and there it is written: His own hands shall bring.⁸ As in this present case it refers to the priest [who waves the offering of the suspected woman], so there it refers to the priest;⁹ and as there [in the waving of the peace-offering] the owner [holds it during the rite] so here the owner [holds it]. What, then, was the procedure? — [The priest] places his hand under the hands of the owner and waves.

HAVING WAVED IT, HE BROUGHT A HANDFUL... HE [FIRST] GIVES [HER THE WATER OF BITTERNESS] TO DRINK, AND THEN SACRIFICES HER MEAL-OFFERING. But he has already offered it!¹⁰ — This is what is intended:¹¹ What is the procedure in connection with

meal-offerings? He waves, brings a handful [to the altar]. fumigates it and the remainder is eaten by the priests. As to the giving of the water to drink, on this R. Simeon and the Rabbis differ; because the Rabbis hold that he gives her to drink and then sacrifices her meal-offering, whereas R. Simeon holds that he sacrifices her meal-offering and then gives her to drink, as it is said: 'And afterwards shall make the woman drink'.

BUT IF HE GAVE HER TO DRINK AND THEN SACRIFICED HER MEAL-OFFERING IT IS VALID.

(1) According to Rashi it is the husband; other commentators declare it is the priest.

(2) The offering, forward and backward, and up and down.

(3) Num. V, 26.

(4) This is added to distinguish him from an earlier Rabbi of that name.

(5) Lit., 'sit on your legs', v. Nazir (Sonc. ed.) p. 87, n. 9.

(6) Ibid. 25.

(7) In this instance, the suspected woman; and the verse declares, The priest shall take the meal-offering of jealousy out of the woman's hand and shall wave, Ibid.

(8) Lev. VII, 30.

(9) Who performs the act of waving although it is not explicitly mentioned.

(10) Since the Mishnah stated: HE BROUGHT A HANDFUL (TO THE ALTAR), FUMIGATED IT.

(11) This Mishnah is describing the order of the sacrifice without any reference to whether it comes before or after the drinking of the water.

Talmud - Mas. Sotah 19b

Our Rabbis taught: And when he hath made her drink¹ — what does this intend to tell us since It has already been stated: And he shall make the woman drink?² [It informs us] that if [the writing on] the scroll has been obliterated and she says: 'I refuse to drink', they exert influence upon her and make her drink by force. Such is the statement of R. Akiba. R. Simeon says: 'And afterwards shall make the woman drink' — what does this intend to tell us since it has already been stated: 'And he shall make the woman drink'? [It informs us] that it only takes place after all the rites mentioned above have been carried out, thus indicating that three things prevent [the giving of the water to drink]: [the priest] must have offered the handful, [the writing on] the scroll must have been blotted out, and [the woman] must have taken the oath. '[The priest] must have offered the handful' — R. Simeon is consistent with his opinion when he said that the priest sacrifices her meal-offering and then gives her to drink. '[The writing on] the scroll must have been blotted out' — [obviously so], for what else could he give her to drink!³ — R. Ashi said: No, it is necessary [to mention this for the case where] a trace of the inscription is recognisable.⁴ '[The woman] must have taken the oath.' [This means] merely she does not drink, but they write the scroll for her [before she takes the oath]? But Raba has said: If he wrote the scroll for a suspected woman before she took the oath, what he did was Invalid! — [R. Simeon] mentioned this⁵ unnecessarily. On what, then, do they differ? — There are three verses: first 'he shall make the woman drink', second 'and afterward shall make drink', and third 'and when he hath made her drink'. The Rabbis hold that the first phrase is required for the subject-matter, i.e., he gives her to drink and then sacrifices her meal-offering; the phrase 'and afterward shall make drink' is necessary [to cover the case where] a trace of the inscription is recognisable; and the third phrase indicates that if [the writing on] the scroll has been obliterated and she says 'I refuse to drink', they exert influence upon her and make her drink by force. R. Simeon, on the other hand, holds that 'and afterward shall make drink' is required for the subject-matter. i.e., he sacrifices her meal-offering and then gives her to drink. The first phrase is to indicate that if he first gave her to drink and afterward sacrificed her meal-offering it is valid; and the third phrase denotes that if [the writing on] the scroll has been obliterated and she says 'I refuse to drink', they exert influence upon her and make her drink by force. The Rabbis, however, do not hold that the text

opens with [a commandment which is only valid as] an accomplished fact.⁶

Does R. Akiba hold that they give her to drink by force? Surely it has been taught: R. Judah says: They insert iron tongs into her mouth, so that if [the writing on] the scroll has been obliterated and she says 'I refuse to drink', they exert influence upon her and make her drink by force. R. Akiba says: Do we require anything else than to prove her, and is she not actually proved!⁷ But so long as the priest has not offered the handful, she can retract;⁸ and when he has offered the handful, she cannot retract! — But, even on your reasoning, the teaching is inconsistent. It states: 'When he has offered the handful, she cannot retract', but is she not actually proved!⁹ [You must perforce say] that there is no contradiction; as one case is where she retracts through trembling and the other where she retracts through defiance;¹⁰ and this is what he means: when [she retracts] through defiance she does not drink at all; but when it is through trembling, so long as the priest has not offered the handful she is able to retract, since [the writing on] the scroll had not yet been obliterated, or even if it had been obliterated because the priests acted illegally in obliterating it; but if he had offered the handful, in which case the priests acted legally in obliterating it, she is unable to retract.¹¹

(1) Num. V. 27.

(2) Ibid. 24. In the consonantal text the two verbs look the same, but there is a grammatical difference.

(3) Since the writing was an essential ingredient of what she drank.

(4) R. Simeon insists on total obliteration.

(5) That she first takes the oath before drinking; for it must have been done before the scroll was written.

(6) A Biblical precept states what is or is not to be done, not that something should not be done but, if accomplished, it is allowed to stand. For this reason they reject R. Simeon's explanation of the first phrase.

(7) Her refusal to drink is interpreted as an admission of guilt. R. Akiba is therefore against force being used.

(8) And admit guilt, and so avoid force.

(9) By refusing to drink before the handful was offered.

(10) Only in the latter is the refusal considered an admission of guilt.

(11) [Similarly R. Akiba in stating in the first Baraita that she is given to drink by force refers to the case when it is through trembling.]

Talmud - Mas. Sotah 20a

But R. Akiba [nevertheless] contradicts himself; he declared above that it was the obliteration [of the inscription] which prevents [her from retracting], and here he declares that [the offering of the] handful prevents her! — There are two Tannaim [who take opposite sides on this question] in the view of R. Akiba.

The question was asked, how is it if she said: 'I refuse to drink' through defiance and she retracts and says 'I am willing to drink'? Is it that since she said: 'I refuse to drink' she admitted 'I am unclean', and having presumed her self to be unclean, she is unable to retract; or perhaps, since she says 'I am willing to drink', she evidences that she first spoke in terror? — The question remains unanswered. Samuel's father said: It is necessary to put something bitter into the water. What is the reason? Scripture declares, The water of bitterness¹ — i.e., [water] which had been previously made bitter.

MISHNAH. IF, BEFORE [THE WRITING ON] THE SCROLL HAD BEEN BLOTTED OUT, SHE SAID 'I REFUSE TO DRINK', HER SCROLL IS STORED AWAY² AND HER MEAL-OFFERING IS SCATTERED OVER THE ASHES.³ HER SCROLL IS NOT VALID TO BE USED IN GIVING ANOTHER SUSPECTED WOMAN TO DRINK. IF [THE WRITING ON] THE SCROLL HAS BEEN BLOTTED OUT AND SHE SAID 'I AM UNCLEAN', THE WATER IS Poured AWAY AND HER MEAL-OFFERING IS SCATTERED IN THE PLACE OF THE ASHES.⁴ IF [THE WRITING ON] THE SCROLL HAD BEEN BLOTTED OUT AND SHE SAID

'I REFUSE TO DRINK', THEY EXERT INFLUENCE UPON HER AND MAKE HER DRINK BY FORCE.

SHE HAD SCARCELY FINISHED DRINKING WHEN HER FACE TURNS GREEN, HER EYES PROTRUDE AND HER VEINS SWELL;⁵ AND IT IS EXCLAIMED, REMOVE HER THAT THE TEMPLE-COURT BE NOT DEFILED'.⁶ IF SHE POSSESSED A MERIT, IT [CAUSES THE WATER] TO SUSPEND ITS EFFECT UPON HER. SOME MERIT SUSPENDS THE EFFECT FOR ONE YEAR, ANOTHER FOR TWO YEARS, AND ANOTHER FOR THREE YEARS. HENCE DECLARED BEN AZZAI, A MAN IS UNDER THE OBLIGATION TO TEACH HIS DAUGHTER TORAH, SO THAT IF SHE HAS TO DRINK [THE WATER OF BITTERNESS], SHE MAY KNOW THAT THE MERIT SUSPENDS⁷ ITS EFFECT. R. ELIEZER SAYS: WHOEVER TEACHES HIS DAUGHTER TORAH TEACHES HER OBSCENITY. R. JOSHUA SAYS: A WOMAN PREFERS ONE KAB⁸ AND SEXUAL INDULGENCE TO NINE KAB⁹ AND CONTINENCE. HE USED TO SAY, A FOOLISH PIETIST, A CUNNING ROGUE, A FEMALE PHARISEE, AND THE PLAGUE OF PHARISEES¹⁰ BRING DESTRUCTION UPON THE WORLD.

GEMARA. Rab Judah declared that Samuel said in the name of R. Meir: When I studied Torah with R. Akiba, I used to put vitriol¹¹ into the ink and he said nothing to me; but when I went to R. Ishmael, he said to me, 'My son, what is thy occupation?' I answered: 'I am a scribe'.¹² He told me: 'My son, be careful, because thy work is the work of Heaven; if thou omittest a single letter or addest a single letter, thou dost as a consequence destroy the whole world'.¹³ I said to him, 'There is an ingredient which I put into the ink, and its name is vitriol'. He asked me, 'May we put vitriol into the ink? The Torah has said: He shall blot out,¹⁴ i.e., writing which can be blotted out!' What did [R. Ishmael] intend to tell [R. Meir] that the latter answered him in that manner?¹⁵ — [R. Meir] meant, Obviously, I am skilled in the rules of defective and plene spelling;¹⁶ but I even have no reason to fear lest a fly should come and settle upon the crownlet of the letter D and obliterate it so that it makes it look like the letter R.¹⁷ There is an ingredient which I put into the ink, and its name is vitriol. But it is not so, for it has been taught: R. Meir said: When I studied Torah with R. Ishmael, I used to put vitriol into the ink and he said nothing to me; but when I went to R. Akiba, he forbade it to me! Here is an inconsistency in [the order of the Rabbis upon whom R. Meir] attended, and an inconsistency in [the name of the Rabbi who] forbade it. It is quite right, there is no inconsistency in [the order of the Rabbis upon whom R. Meir] attended; he first went to R. Akiba, but when he was unable [to follow his arguments],¹⁸ he went to R. Ishmael. After having studied¹⁹ with him, he returned to R. Akiba whose reasoning he was then able to grasp. But there is an inconsistency in [the name of the Rabbi who] forbade it! — That is a difficulty.

It has been taught: R. Judah says: R. Meir used to declare that for all [kinds of script] we may put vitriol into the ink

(1) Num. V, 18.

(2) It was not destroyed because the inscription included the Divine Name.

(3) Of the Temple-offerings.

(4) This was a special Court in the Temple where the refuse of sacrifices was destroyed.

(5) Literally, she becomes filled with veins.

(6) The reason is discussed in the Gemara.

(7) [MS.M.: 'suspended'. In the absence of such a knowledge, the woman who passed through the ordeal unscathed may be led to doubt the efficacy of the water of bitterness searching out sin, and thus indulge in further immoral practices. By realising however that merit has suspended the effects, she would pause and be in constant dread of the fate hanging over her.]

(8) Metaphorical for a scanty livelihood.

(9) Luxurious style of living.

- (10) All these phrases will be explained in the Gemara.
 (11) V. supra p. 90. n. 8.
 (12) Of Torah-scrolls for use in the Synagogue.
 (13) Such an error might turn a phrase into blasphemy.
 (14) Num. V, 23.
 (15) By mentioning the use of vitriol.
 (16) I.e., the use of vowel letters which are sometimes added and sometimes omitted.
 (17) [Changing, e.g., **ד' אלהים אחד** 'the Lord is one' into **אחר** 'another.']
 (18) Which, through lack of knowledge, were beyond his comprehension.
 (19) [Lit., 'learned Gemara'. On the term Gemara v. B.M. (Sonc. ed.) p. 206. n. 6. Here it denotes the summary of Tannaitic teachings preserved in early Mishnas and Baraitas; v. Epistle of Sherira Gaon, p. 44.]

Talmud - Mas. Sotah 20b

except only for the portion concerning the suspected woman. R. Jacob says in his [R. Meir's] name, Except the portion of the suspected woman [written] in the Temple.¹ What is the difference between them? — R. Jeremiah said: The point between them is [whether it is permissible] to blot out from the Torah [-scroll the passage required for the rite of the water of bitterness];² and these teachers [differ on the same issue] as the following teachers, for it has been taught: Her scroll is not valid to be used in giving another suspected woman to drink. R. Ahi b. Joshiah says: Her scroll is valid to be used in giving another suspected woman to drink.³ R. Papa said: perhaps it is not so, the first teacher only gives his opinion there because [the scroll] was designated for Rachel and cannot therefore be re-designated for Leah, but since the text of the Torah-scroll is written without reference to any individual, we may obliterate [the passage]. R. Nahman b. Isaac said: perhaps It is not so; R. Ahi b. Joshiah only gives his opinion there in the case of a scroll which was written for the purpose of the curses; but with a Torah-scroll which is written for the purpose of study, we may not obliterate [the passage]. Does not, then, R. Ahi b. Joshiah accept what we learnt: If a man wrote [a document] to divorce his wife but changed his mind, and then met a man who resided in the same city⁴ and said to him, 'My name is identical with yours and my wife's name identical with your wife's name', it is invalid [as a document] wherewith to divorce?⁵ — They answer: There [in connection with divorce] the All-Merciful declared: He shall write for her⁶ — we require that it should be written expressly for her; here likewise [it is stated], Shall execute upon her⁷ — what is intended by the word 'execute'? The obliteration [of the writing].⁸

SHE HAD SCARCELY FINISHED DRINKING WHEN HER FACE etc. Whose [teaching] is this?⁹ — It is R. Simeon's, because he said that [the priest] sacrifices her meal-offering and then gives her to drink,¹⁰ since the water does not affect her so long as her meal-offering is not sacrificed, as it is written: A meal-offering of memorial, bringing iniquity to remembrance.¹¹ But cite the continuation [of the Mishnah]: IF SHE POSSESSED A MERIT, IT [CAUSES THE WATER] TO SUSPEND ITS EFFECT UPON HER — this accords with the view of the Rabbis; because if [it be supposed that it accords with the view of] R. Simeon, behold he has declared: Merit does not cause the water of bitterness to suspend its effect!¹² — R. Hisda said: Whose is it, then? It is R. Akiba's, because he said: He sacrifices her meal-offering and then gives her to drink, and on the question of [the effect of] merit he agrees with the Rabbis.

AND IT IS EXCLAIMED, 'REMOVE HER' etc. What is the reason? — Perhaps she dies. Is this to say that a corpse is forbidden in the camp of the Levites?¹³ But it has been taught: One who is defiled through contact with a corpse is permitted to enter the camp of the Levites; and not only did they say this of one who is defiled through contact with a corpse but even the corpse itself [may be taken there], as it is said: And Moses took the bones of Joseph with him¹⁴ — 'with him', i.e., in his division!¹⁵ — Abaye said: [The reason is] lest she become menstruant.¹⁶ Is this to say that a sudden fright brings on [menstruation]? — Yes, for it is written: And the queen was exceedingly grieved,¹⁷

and Rab said, [It means] that she became menstruant. But we have learnt: Trembling holds back [the menstrual] flow! — Fear holds it back but a sudden fright brings It on.

IF SHE POSSESSED A MERIT etc. Whose teaching is our Mishnah? It is not that of Abba Jose b. Hanan, nor of R. Eleazar b. Isaac of Kefar Darom, nor of R. Ishmael; for it has been taught: If she possess a merit, it suspends [the effect of the water] for three months, sufficiently long for pregnancy to be recognisable. Such is the statement of Abba Jose b. Hanan; R. Eleazar b. Isaac of Kefar Darom says: For nine months, as it is stated: Then she shall be free and shall conceive seed,¹⁸ and elsewhere it declares, A seed shall serve him, it shall be related¹⁹ — i.e., a seed which is fit to be related.²⁰ R. Ishmael says: For twelve months, and although there is no proof of this, yet there is some indication; because it is written, Wherefore, O king, let my counsel be acceptable unto thee, and break off thy sins by righteousness, and thine iniquities by showing mercy to the poor,'

(1) Specially prepared for the ordeal.

(2) According to R. Jacob it is not permissible, and consequently one may use vitriol for writing that portion in the Torah-scroll.

(3) The point here also is whether the scroll must be expressly written for the ordeal.

(4) The name of the city is inserted in the document.

(5) The second woman, since it must be written expressly for the woman who is to be divorced, v. Git. 24a.

(6) Deut. XXIV. 1.

(7) Num. V, 30.

(8) Only the obliteration, but not the writing, must be expressly for the woman who is being tried.

(9) That the water takes effect as soon as she drinks it.

(10) V. supra 19a.

(11) Ibid. 15.

(12) V. supra p. 25. Consequently the above teaching cannot be R. Simeon's.

(13) The Court of the Levites in the Temple where the Court of Women and the Nicanor Gate (v. supra p. 30, n. 9.) were located.

(14) Ex. XIII, 19.

(15) Which was the camp of the Levites.

(16) As the result of her agitation.

(17) Est. IV, 4.

(18) Num. V, 28.

(19) Ps. XXII, 31.

(20) Viz., at birth, and so the period of nine months is required. Rashi explains differently.

Talmud - Mas. Sotah 21a

if there may be a lengthening of thy tranquility,¹ and it is written: All this came upon king Nebuchadnezzar,² and it is written: At the end of twelve months!³ — [The teaching is] certainly R. Ishmael's and he found a verse which mentions [the period] and repeats it; for it is written: Thus saith the Lord: For three transgressions of Edom.⁴ But why [was it said] that although there is no proof of this, yet there is some indication?⁵ — It may be different with heathens upon whom [God] does not execute judgment immediately.

AND ANOTHER FOR THREE YEARS etc. What sort of merit? If I answer merit of [studying] Torah, she is [in the category] of one who is not commanded and fulfils!⁶ — Rather must it be merit of [performing] a commandment. But does the merit of performing a commandment protect as much as that? — Surely it has been taught: The following did R. Menahem son of R. Jose expound: For the commandment is a lamp and Torah is light⁷ — the verse identifies the commandment with a lamp and Torah with light; the commandment with a lamp to tell thee that as a lamp only protects temporarily, so [the fulfilment of] a commandment only protects temporarily; and Torah with light to

tell thee that as light protects permanently, so Torah protects permanently; and it states: When thou walkest it shall lead thee etc.⁸ — ‘when thou walkest it shall lead thee’, viz., In this world; ‘when, thou sleepest it shall watch over’ thee, viz., in death; and when, thou awakest it shall talk with thee, viz., in the Hereafter. Parable of a man who is walking in the middle of the night and darkness, and is afraid of thorns, pits, thistles, wild beasts and robbers, and also does not know the road in which he is going. If a lighted torch is prepared for him, he is saved from thorns, pits and thistles; but he is still afraid of wild beasts and robbers, and does not know the road in which he is going. When, however, dawn breaks, he is saved from wild beasts and robbers, but still does not know the road in which he is going. When, however, he reaches the cross-roads, he is saved from everything.⁹ Another explanation is: A transgression nullifies¹⁰ [the merit of] a commandment but not of [study of] Torah; as it is said: Many waters cannot quench love!¹¹ — Said R. Joseph: A commandment protects and rescues¹² while one is engaged upon it; but when one is no longer engaged upon it, it protects¹³ but does not rescue. As for [study of] Torah, whether while one is engaged upon it or not, it protects and rescues. Raba demurred to this: According to this reasoning, did not Doeg and Ahitophel engage upon [study of] Torah; so Why did it not protect them?¹⁴ — But, said Raba, while one is engaged upon [study of] Torah, it protects and rescues, and while one is not engaged upon it, it protects but does not rescue. As for a commandment whether while one is engaged upon it or not, it protects but does not rescue.

Rabina said: It is certainly merit of [the study of] Torah [which causes the water to suspend its effect]; and when you argue that she is in the category of one who is not commanded and fulfils, [it can be answered] granted that women are not so commanded, still when they have their sons taught Scripture and Mishnah and wait for their husbands until they return from the Schools,¹⁵ should they not share [the merit] with them?

What means ‘the cross-roads’ [in the parable related above]? — R. Hisda said: It alludes to a disciple of the Sages and the day of his death. R. Nahman b. Isaac said: It alludes to a disciple of the Sages and his fear of sin.¹⁶ Mar Zutra said: It alludes to a disciple of the Sages when the tradition cited by him is in accord with the halachah.¹⁷ Another explanation is: A transgression nullifies [the merit of] a commandment but not of [study of] Torah. R. Joseph said: R. Menahem son of R. Jose expounded that verse¹⁸ as though [it were Interpreted] from Sinai, and had Doeg and Ahitophel expounded it [similarly], they would not have pursued David, as it is written, saying: God hath forsaken him, etc.¹⁹ What verse did they expound?²⁰ — That he see no unclean thing in thee etc.²¹ They did not know, however, that a transgression nullifies [the merit of] a commandment but not of [study of] Torah.²² What means He would utterly be condemned?²³ — ‘Ulla said: Not like Simeon the brother of Azariah nor like R. Johanan of the Prince's house²⁴ but like Hillel²⁵ and Shebna. When R. Dimi came²⁶ he related that Hillel and Shebna were brothers; Hillel engaged in [study of] Torah and Shebna was occupied in business. Eventually [Shebna] said to him, ‘Come, let us become partners and divide [the profits]’. A Bath Kol²⁷ issued forth and proclaimed. If a man would give all the substance of his house etc.²⁸

(1) Dan. IV, 24.

(2) Ibid. 25.

(3) Ibid. 26.

(4) Amos I, II. The respite of a year is trebled and this period corresponds to that given in the Mishnah.

(5) The texts quoted did afford proof!

(6) The duty of Torah-study is not obligatory upon a woman; therefore she cannot acquire so much merit even if she does so, v. A.Z. 3a.

(7) Prov. VI, 23.

(8) Ibid. 22.

(9) The commandment is the torch, Torah the dawn, and death the cross-roads.

(10) Lit., ‘extinguishes’.

- (11) Cant. VIII. 7. This shows that a commandment has no great protective powers.
- (12) 'Protects' from sufferings and 'rescues' from the urge of the evil inclination.
- (13) The merit of its fulfilment can thus protect the woman against the effects of the water.
- (14) [This is used in a loose sense. The question is the Torah should have 'rescued' them (Tosaf. of Sens.)
- (15) These were often a distance from the home and involved a long absence. V. Ber. 17a.
- (16) His study of Torah imbues him with a fear of sin which withholds him from transgression. His clear conscience serves him well at the time of death.
- (17) This is proof that he had studied correctly and the consciousness of this also calms his mind at the end of his life.
- (18) Viz., Prov. VI, 23.
- (19) Ps. LXXI, 11, i.e., David because of his sin with Bathsheba, and so they imagined they could pursue him with impunity.
- (20) To support them in their view.
- (21) Deut. XXIII, 15, E.V. 14. The continuation is: and turn away from thee. Now the phrase 'unclean thing' usually means an immoral act, and it was so understood by Doeg and Ahitophel.
- (22) And David was still protected by his zeal in Torah-study. This is the exposition of R. Menahem son of R. Jose.
- (23) Cant. VIII, 7.
- (24) Simeon studied while supported by his brother, and R. Johanan was subsidised by R. Judah II, the Prince. Each, therefore, forfeited some of the merit which accrued from his study.
- (25) Who studied in the direst poverty; v. Yoma 35b.
- (26) From Palestine to Babylon.
- (27) V. Glos.
- (28) Cant. VIII, 7. Hillel, unlike the others named, declined to barter the merit he earned by devotion to Torah.

Talmud - Mas. Sotah 21b

HENCE DECLARED BEN AZZAI: A MAN IS UNDER THE OBLIGATION TO TEACH . . . R. ELIEZER SAYS: WHOEVER TEACHES HIS DAUGHTER TORAH TEACHES HER OBSCENITY. Can it enter your mind [that by teaching her Torah he actually teaches her] obscenity! — Read, rather: as though he had taught her obscenity. R. Abbahu said: What is R. Eliezer's reason? — Because it is written: I wisdom have made subtilty my dwelling,¹ i.e., when wisdom enters a man subtilty enters with it.

And what do the Rabbis² make of the words 'I wisdom'? — They require them in accordance with the teaching of R. Jose son of R. Hanina; for R. Jose son of R. Hanina said: Words of Torah only remain with him who renders himself naked³ on their behalf; as it is said: 'I wisdom have made nakedness my dwelling'. R. Johanan said: Words of Torah only remain with him who makes himself like one who is as nothing, as it is said: Wisdom shall be found from nothing.⁴

R. JOSHUA SAYS: A WOMAN PREFERS etc. What does he intend? — He means that a woman prefers one kab and sensuality with it to nine kab with continence.

HE USED TO SAY, A FOOLISH PIETIST etc. What is a foolish pietist like? — E.g., a woman is drowning in the river, and he says: 'It is improper for me to look upon her and rescue her'. What is the cunning rogue like? — R. Johanan says: He who explains his case to the judge before the other party to the suit arrives.⁵ R. Abbahu says: He who gives a poor man a denar to bring his possessions to the total of two hundred zuz;⁶ for we have learnt; He who possesses two hundred zuz may not take gleanings, forgotten sheaves, the produce of the corner of the field, or the poor tithe;⁷ but should he lack one denar of the two hundred [zuz], even if a thousand persons give him [the gleanings, etc.] simultaneously, he may accept.⁸ R. Assi said in the name of R. Johanan: [A cunning rogue is] he who gives advice to sell an estate which is inconsiderable;⁹ for R. Assi said in the name of R. Johanan: If the male-orphans sold an inconsiderable estate before [the daughters established their claim at a Court], their act of selling is legal. Abaye said: [A cunning rogue is] he who gives advice

to sell property in accordance with the view of Rabban Simeon b. Gamaliel; for it has been taught: [If a man said], 'My property is for you and after you for So-and-so', and the first person went and sold it and ate up [the proceeds], the second man can recover from the purchaser. Such is the statement of Rabbi; Rabban Simeon b. Gamaliel says: The second only receives what the first left.¹⁰ R. Joseph b. Mama said in the name of R. Shesheth: He who induces others to follow in his ways.¹¹ R. Zerika said in the name of R. Huna: He who is lenient with himself¹² and strict with others. 'Ulla said: He

(1) Prov. VIII, 12. Subtilty is not desirable in a woman.

(2) Those who disagree with R. Eliezer.

(3) He neglects everything else, and is therefore destitute. The Hebrew word for 'subtilty' is connected with a root meaning 'to be naked'.

(4) Sic., Job XXVIII, 22.

(5) Such an action is illegal; v. Shebu. 31a.

(6) In order to prevent him from taking advantage of the law, so that he can retain the produce for his own kinsfolk.

(7) V. Lev. XXIII, 22, Deut. XXIV, 19.

(8) Pe'ah VIII, 8.

(9) The law of inheritance is that where the estate is small, the daughters inherit 'and the sons can go begging' (B.B. 140a).

(10) Cf. Keth. 95b; and B.B. 137a.

(11) By hypocritically pretending to be pious.

(12) In the interpretation of the Law.

Talmud - Mas. Sotah 22a

who learnt Scripture and Mishnah but did not attend upon Rabbinical scholars.¹

It has been reported, If one has learnt Scripture and Mishnah but did not attend upon Rabbinical scholars, R. Eleazar says he is an 'Am ha-arez'² R. Samuel b. Nahmani says he is a boor; R. Jannai says he is a Samaritan;³ R. Aha b. Jacob says he is a magician.⁴ R. Nahman b. Isaac said: The definition of R. Aba b. Jacob appears the most probable; because there is a popular saying: The magician mumbles and knows not what he says; the tanna⁵ recites and knows not what he says.

Our Rabbis taught: Who is an 'Am ha-arez? Whoever does not recite the Shema⁶ morning and evening with its accompanying benedictions; such is the statement of R. Meir. The Sages say: Whoever does not put on the phylacteries. Ben Azzai says: Whoever has not the fringe upon his garment.⁷ R. Jonathan b. Joseph says: Whoever has sons and does not rear them to study Torah. Others say: Even if he learnt Scripture and Mishnah but did not attend upon Rabbinical scholars, he is an 'Am ha-arez. If he learnt Scripture but not Mishnah, he is a boor; if he learnt neither Scripture nor Mishnah, concerning him Scripture declares, I will sow the house of Israel and the house of Judah with the seed of man and with the seed of beast.⁸

My son, fear thou the Lord and the king, and mingle not with them that are given to change.⁹ R. Isaac said: They are the men who learn legal decisions.¹⁰ This is self-evident!¹¹ — [It is not, because] you might have supposed [that the text meant], they who repeat a sin, and that it is according to the teaching of R. Huna; for R. Huna said: When a man commits a transgression and repeats it, it becomes to him something which is permissible. Therefore he informs us [that this is not the intention of the text]. A Tanna taught: The Tannaim¹² bring destruction upon the world. How can it occur to you to say that they bring destruction upon the world! Rabina said: Because they decide points of law from their teachings.¹³ It has been similarly taught: R. Joshua said: Do they destroy the world? Rather do they cultivate the world, as it is said: As for the ways, the world is for him.¹⁴ But [the reference is to] those who decide points of law from their teachings.

A FEMALE PHARISEE etc. Our Rabbis have taught: A maiden who gives herself up to prayer,¹⁵ a gadabout widow,¹⁶ and a minor whose months are not completed¹⁷ — behold these bring destruction upon the world. But it is not so; for R. Johanan has said: We learnt fear of sin from a maiden [who gave herself up to prayer] and [confidence in] the bestowal of reward from a [gadabout] widow! Fear of sin from a maiden — for R. Johanan heard a maiden fall upon her face and exclaim, ‘Lord of the Universe! Thou hast created Paradise and Gehinnom; Thou hast created righteous and wicked. May it be Thy will that men should not stumble through me’. [Confidence in] the bestowal of reward from a widow — a certain widow had a Synagogue in her neighbourhood; yet she used to come daily to the School of R. Johanan¹⁸ and pray there. He said to her, ‘My daughter, is there not a Synagogue in your neighbourhood?’ She answered him, ‘Rabbi, but have I not the reward for the steps!’¹⁹ — When it is said [that they bring destruction upon the world] the reference is to such a person as Johani the daughter of Retibi.²⁰ What means ‘a minor whose months are not completed’? — They explained it thus: It refers to a disciple who rebels against the authority of his teachers. R. Abba said: It refers to a disciple who has not attained the qualification to decide questions of law and yet decides them; for R. Abbahu declared that R. Huna said in the name of Rab, What means that which is written: For she hath cast down many wounded, yea, all her slain are a mighty host?²¹ ‘For she hath cast down many wounded’ — this refers to a disciple who has not attained the qualification to decide questions of law and yet decides them; ‘yea, all her slain are a mighty host’ — this refers to a disciple who has attained the qualification to decide questions of law and does not decide them.

(1) To attain higher learning in Torah. He thus makes a pretence of a scholarship which he really does not possess.

(2) Lit., ‘people of the earth’; the description of those Jews who are careless about religious duties.

(3) And his bread and wine must not be used by an observant Jew.

(4) Who deceives the people.

(5) V. Glos., s.v. Tanna (b).

(6) V. Glos. For the benedictions, V. Singer P. B. pp- 39ff, 96ff.

(7) V. Num. XV, 37ff [Zeitlin, S. (JQR (NS) XXIII, p. 58) sees in this an allusion to the early Jewish Christians who, as is known from the N.T. and the early Church Fathers, objected to the Shema’, phylacteries and fringes.]

(8) Jer. XXXI, 27.

(9) Prov. XXIV, 21. The word for ‘that are given to change’ is shonim from shanah which in later Hebrew means ‘learn’ or ‘repeat’.

(10) And do not study with the scholars to understand their scope and derivation from Scripture.

(11) So why is it mentioned?

(12) Who only report teachings without giving their derivations, cf. Glos. s.v. (b), and supra p. 103, n. 2.

(13) [The Baraitas and Mishnas which they memorized without knowing perfectly the reasoning on which they were based.]

(14) Sic., Hab. III, 6. In Meg. 28b this is explained: Read not halichoth ‘ways’, but halachoth ‘legal decisions’, i.e., as for him (who studies) legal decisions, the world exists on account of him.

(15) In the J. Talmud there is a variant: ‘gives herself up to fasting’. We seem to have here an expression of disapproval of conventual life.

(16) Her chastity is open to suspicion.

(17) Explained below.

(18) Where Services were held.

(19) I.e., for the extra distance she walked to attend the Services.

(20) She was a widow who by witchcraft made childbirth difficult for a woman and then offered prayer for her.

(21) Prov. VII, 26.

Talmud - Mas. Sotah 22b

At what age [is he qualified]? — At forty.¹ But it is not so, for Rabbah decided questions of Law!²

— [He did so only in a town where the Rabbis] were his equals.³

AND THE PLAGUE OF PHARISEES etc. Our Rabbis have taught: There are seven types of Pharisees: the shikmi Pharisee, the nikpi Pharisee, the kizai Pharisee, the ‘pestle’ Pharisee, the Pharisee [who constantly exclaims] ‘What is my duty that I may perform it?’, the Pharisee from love [of God] and the Pharisee from fear. The shikmi Pharisee — he is one who performs the action of Shechem.⁴ The nikpi Pharisee — he is one who knocks his feet together.⁵ The kizai Pharisee — R. Nahman b. Isaac said: He is one who makes his blood to flow against walls.⁶ The ‘pestle’ Pharisee — Rabbah b. Shila said: [His head] is bowed like [a pestle in] a mortar. The Pharisee [who constantly exclaims] ‘What is my duty that I may perform it?’ — but that is a virtue! — Nay, what he says is, ‘What further duty is for me that I may perform it?’⁷ The Pharisee from love and the Pharisee from fear — Abaye and Raba said to the tanna [who was reciting this passage], Do not mention ‘the Pharisee from love⁸ and the Pharisee from fear’; for Rab Judah has said in the name of Rab: A man should always engage himself in Torah and the commandments even though it be not for their own sake,⁹ because from [engaging in them] not for their own sake, he will come [to engage in them] for their own sake. R. Nahman b. Isaac said: What is hidden is hidden, and what is revealed is revealed; the Great Tribunal will exact punishment from those who rub themselves against the walls.¹⁰

King Jannai¹¹ said to his wife’, ‘Fear not the Pharisees and the non-Pharisees but the hypocrites who ape the Pharisees; because their deeds are the deeds of Zimri¹² but they expect a reward like Phineas’.¹³ MISHNAH R, SIMEON SAYS: MERIT DOES NOT CAUSE THE WATER OF BITTERNESS TO SUSPEND ITS EFFECT, AND IF YOU SAY THAT MERIT DOES CAUSE THE WATER OF BITTERNESS TO SUSPEND ITS EFFECT, YOU DISCREDIT THE WATER IN THE CASE OF ALL THE WOMEN WHO DRINK IT AND DEFAME THE PURE WOMAN WHO DRANK IT, SINCE PEOPLE WILL SAY, THEY WERE UNCLEAN, ONLY THEIR MERIT CAUSED THE WATER TO SUSPEND ITS EFFECT UPON THEM. RABBI SAYS: MERIT CAUSES THE WATER OF BITTERNESS TO SUSPEND ITS EFFECT, AND SHE NEVER BEARS A CHILD OR THRIVES, BUT SHE GRADUALLY GROWS ILL AND FINALLY DIES THROUGH THAT DEATH.¹⁴

IF HER MEAL-OFFERING BECAME DEFILED BEFORE IT BECAME HALLOWED IN THE [MINISTERING] VESSEL, BEHOLD IT IS LIKE ALL MEAL-OFFERINGS [SIMILARLY DEFILED] AND CAN BE REDEEMED;¹⁵ BUT IF [IT BECAME DEFILED] AFTER IT HAD BEEN HALLOWED IN THE [MINISTERING] VESSEL, BEHOLD IT IS LIKE ALL MEAL-OFFERINGS [SIMILARLY DEFILED] AND IS DESTROYED. THE FOLLOWING HAVE THEIR MEAL- OFFERINGS DESTROYED:

(1) Tosaphoth explains this to mean after forty years of study. It may, however, be connected with the statement in Ab. V, 24, At forty for understanding.

(2) He died at the age of forty; v. R. H. 18a.

(3) Since they were not his superiors in learning, he decided questions although less than the requisite age. [Tosaf. s.v. שוין explains that Rabbah surpassed all other scholars in his town, and the restriction applies only where there are others equal in learning to the young scholar. For further notes on the passage, v. A.Z. (Sonc. ed.) p. 101.]

(4) Who was circumcised from an unworthy motive (Gen. XXXIV). The J. Talmud (Ber. 14b) explains: who carries his religious duties upon his shoulder (shekem), i.e., ostentatiously.

(5) He walks with exaggerated humility. According to the J. Talmud: He says: Spare me a moment that I may perform a commandment.

(6) In his anxiety to avoid looking upon a woman he dashes his face against the wall. The J. Talmud explains: calculating Pharisee, i.e., he performs a good deed and then a bad deed, setting one off against the other.

(7) As though he had fulfilled every obligation.

(8) [Abaye and Raba understood ‘love’ and ‘fear’ to denote love of the rewards promised for the fulfilment of precepts

and fear of punishment for transgressing them. In J. Ber., however, they are both taken in reference to God — i.e., love of God and fear of Him.]

(9) From pure and disinterested motives.

(10) In simulated humility. Others render: who wrap themselves in their cloaks. The meaning is that hypocrisy is of no avail against the Judge Who reads the heart.

(11) Alexander Jannaeus. For his advice, given on his death-bed to his wife Salome, v. Josephus, Ant. XIII, XV, 5.

(12) Num. XXV, 14.

(13) Ibid. 11ff. [He probably had in mind the treacherous act by a group of Zealots — not Pharisees — in resisting foreign assistance — Demetrius Eucerus, King of Syria — in their struggle with Alexander Jannaeus. Josephus, op. cit. XIII, 13, 5. V. Klausner, **היסטוריה** 11, 128.

(14) Caused by the symptoms described in Num. V, 27.

(15) By paying its value into the Temple treasury.

Talmud - Mas. Sotah 23a

SHE WHO SAYS, 'I AM UNCLEAN TO THEE',¹ WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF, SHE WHO SAYS I REFUSE TO DRINK, WHEN THE HUSBAND REFUSES TO LET HER DRINK, AND WHEN HER HUSBAND COHABITED WITH HER ON THE JOURNEY [TO JERUSALEM]. FURTHERMORE, THE MEAL-OFFERINGS OF ALL WOMEN MARRIED TO PRIESTS ARE DESTROYED.² THE MEAL-OFFERING OF THE DAUGHTER OF AN ISRAELITE³ WHO IS MARRIED TO A PRIEST IS DESTROYED. BUT THE MEAL-OFFERING OF A PRIEST'S DAUGHTER WHO IS MARRIED TO AN ISRAELITE IS EATEN. WHAT [DIFFERENCES ARE THERE IN LAW] BETWEEN A PRIEST AND A PRIEST'S DAUGHTER? THE MEAL-OFFERING OF A PRIEST'S DAUGHTER IS EATEN BUT THE MEAL-OFFERING OF A PRIEST IS NOT EATEN.⁴ A PRIEST'S DAUGHTER MAY BECOME DECLASSED,⁵ BUT A PRIEST DOES NOT BECOME DECLASSED.⁶ A PRIEST'S DAUGHTER MAY RENDER HERSELF UNCLEAN BY CONTACT WITH THE DEAD, BUT A PRIEST MAY NOT RENDER HIMSELF UNCLEAN BY CONTACT WITH THE DEAD. A PRIEST EATS OF THE MOST HOLY [CLASS OF OFFERINGS],⁷ BUT A PRIEST'S DAUGHTER MAY NOT EAT OF THE MOST HOLY.

WHAT [DIFFERENCES ARE THERE IN LAW] BETWEEN A MAN AND A WOMAN? A MAN RENDS HIS CLOTHES AND LOOSENS HIS HAIR,⁸ BUT A WOMAN DOES NOT REND HER CLOTHES AND LOOSEN HER HAIR. A MAN MAY VOW THAT HIS SON WILL BECOME A NAZIRITE, BUT A WOMAN MAY NOT VOW THAT HER SON WILL BECOME A NAZIRITE.⁹ A MAN MAY BE SHAVED ON ACCOUNT OF THE NAZIRITESHIP OF HIS FATHER,¹⁰ BUT A WOMAN CANNOT BE SHAVED ON ACCOUNT OF THE NAZIRITESHIP OF HER FATHER. A MAN MAY SELL HIS DAUGHTER,¹¹ BUT A WOMAN MAY NOT SELL HER DAUGHTER. A MAN MAY GIVE HIS DAUGHTER IN BETROTHAL,¹² BUT A WOMAN MAY NOT GIVE HER DAUGHTER IN BETROTHAL. A MAN IS STONED NAKED, BUT A WOMAN IS NOT STONED NAKED.¹³ A MAN IS HANGED,¹⁴ BUT A WOMAN IS NOT HANGED. A MAN IS SOLD FOR HIS THEFT,¹⁵ BUT A WOMAN IS NOT SOLD FOR HER THEFT.

GEMARA. Our Rabbis taught: The meal-offerings of all women who had married into the priesthood are to be destroyed.¹⁶ How is this? In the case of the daughter of a priest, Levite or Israelite who had married a priest, her meal-offering is not eaten because he has a share in it,¹⁷ nor is it treated as a holocaust¹⁸ because she¹⁹ has a share in it; but the handful is offered separately and the remainder separately. But there is to be applied here the rule that whatever sacrifice has a portion thereof treated as 'offerings made by fire' comes under the law of ye shall not burn!²⁰ — R. Judah, son of R. Simeon b. Pazi said: They are burnt as fuel,²¹ in accordance with the statement of R.

Eliezer; for it has been taught: R. Eliezer says: For a sweet savour²² thou mayest not bring it [upon the altar] but thou mayest bring it as fuel. This is right for R. Eliezer who holds this opinion; but what is there to say as regards the Rabbis who do not hold this opinion? — [They declare that] it is to be treated according to the view of R. Eleazar b. Simeon; for it has been taught: R. Eleazar b. Simeon says: The handful²³ is offered separately and the remainder is scattered upon the place of the ashes.

(1) To her husband through infidelity.

(2) Although not defiled. The law of Lev. II, 3 does not apply, v. Gemara.

(3) A non-priest.

(4) V. Lev. VI, 16.

(5) By contracting an illegal marriage. Even after divorce or in widowhood she loses her privileges.

(6) Permanently by contracting an illegal marriage. After divorce or his wife's death he regains his privileges.

(7) A sin-offering or guilt-offering.

(8) When declared a leper (Lev. XIII, 45).

(9) V. Nazir 28b.

(10) I.e., in the event of his father's death, he can go through the ceremony described in Num. VI, 18, v. Nazir 30a.

(11) As a bondwoman (Ex. XXI, 7).

(12) Without her consent when she is a minor.

(13) V. Sanh. 44b.

(14) After capital punishment (Deut. XXI, 22).

(15) Ex. XXII, 2.

(16) And not eaten by the priests.

(17) The flour belongs to him, and so the offering in fact comes under the law of Lev. VI, 16.

(18) Which is the way the meal-offering of a priest is treated

(19) Who is a non-priest.

(20) Lev. II, 11. In this verse the word *mimmennu* 'of it' appears to be superfluous, and the deduction is drawn that the parts of a sacrifice which are designated as not to be burnt upon the altar must not be burnt upon it. How, then, can it be stated that 'the remainder' is to be burnt separately?

(21) Upon the altar but not as part of the sacrifice.

(22) Ibid. 12.

(23) Of a meal-offering for a sin brought by a priest. Lev. VI, 16 speaks of a freewill-offering.

Talmud - Mas. Sotah 23b

And even the Rabbis only differ from R. Eleazar b. Simeon in the matter of the meal-offering brought by a sinner from among the priests which is something to be offered [in its entirety],¹ but even here² the Rabbis admit.³

[THE MEAL-OFFERING] OF THE DAUGHTER OF AN ISRAELITE WHO IS MARRIED etc. What is the reason? — Because Scripture declared: And every meal-offering of the priest shall be wholly burnt; it shall not be eaten⁴ — 'of the priest' but not of a priest's daughter.⁵

A PRIEST'S DAUGHTER MAY BECOME DECLASSIFIED, BUT A PRIEST DOES NOT BECOME DECLASSIFIED. Whence have we this? — Because Scripture declared: He shall not profane his seed among his people⁶ — his seed may become profaned,⁷ but he himself cannot become profaned.

A PRIEST'S DAUGHTER MAY RENDER HERSELF UNCLEAN etc. What is the reason? — Scripture declared: Speak unto the priests the sons of Aaron⁸ — 'the sons of Aaron' but not the daughters of Aaron.

A PRIEST EATS OF THE MOST HOLY — for it is written: Every male among the children of Aaron shall eat of it.⁹

WHAT [DIFFERENCES ARE THERE IN LAW] BETWEEN A MAN etc. Our Rabbis taught: [He is a leprous] man.¹⁰ I have here only mention of a man; whence is it [that the law applies to] a woman? When it states: And the leper in whom [the plague is],¹¹ behold here are two.¹² If so, what does the word ‘man’ indicate? [It is to be applied] to the subject-matter of what follows, viz., it is a man who rends his clothes etc, [but not a woman].

A MAN MAY VOW THAT HIS SON WILL BECOME A NAZIRITE, BUT A WOMAN CANNOT VOW THAT HER SON WILL BECOME A NAZIRITE. R. Johanan said: This is a legal decision [traditionally handed down] in connection with a Nazirite.¹³

A MAN MAY BE SHAVED ON ACCOUNT OF THE NAZIRITESHIP OF HIS FATHER, BUT A WOMAN CANNOT BE SHAVED ON ACCOUNT OF THE NAZIRITESHIP OF HER FATHER. R. Johanan said: This is a legal decision [traditionally handed down] in connection with a Nazirite.¹⁴

A MAN MAY GIVE HIS DAUGHTER IN BETROTHAL, BUT A WOMAN CANNOT GIVE HER DAUGHTER IN BETROTHAL. Because it is written: I gave my daughter unto this man.¹⁵

A MAN MAY SELL HIS DAUGHTER, BUT A WOMAN MAY NOT SELL HER DAUGHTER. Because it is written: And if a man sell his daughter.¹⁶

A MAN IS STONED NAKED etc. What is the reason? — And stone him¹⁷ — what means ‘him’? If I say that it means him and not her, behold it is written: Then shalt thou bring forth that man or that woman!¹⁸ But [the meaning is] ‘him’ without his clothing but not her without her clothing.

A MAN IS HANGED etc. What is the reason? — Scripture declared: And thou hang him on a tree¹⁹ — ‘him’ but not her.

A MAN IS SOLD FOR HIS THEFT, BUT A WOMAN IS NOT SOLD FOR HER THEFT. What is the reason? — Scripture declared: Then he shall be sold for his theft²⁰ — ‘for his theft’ but not for her theft.

CHAPTER IV

MISHNAH. A BETROTHED MAIDEN AND A CHILDLESS WIDOW WAITING FOR HER BROTHER-IN-LAW [TO DECIDE WHETHER HE WILL MARRY HER] DO NOT DRINK [THE WATER OF BITTERNESS]²¹ AND DO NOT RECEIVE WHAT IS DUE UNDER THE MARRIAGE-SETTLEMENT; AS IT IS SAID, WHEN A WIFE, BEING UNDER HER HUSBAND, GOETH ASIDE,²² THUS EXCLUDING A BETROTHED MAIDEN AND A CHILDLESS WIDOW WAITING FOR HER BROTHER-IN-LAW. A WIDOW WHO HAD MARRIED A HIGH PRIEST,²³ A DIVORCED WOMAN OR A HALUZAH²⁴ WHO HAD MARRIED AN ORDINARY PRIEST, AN ILLEGITIMATE

(1) According to the Rabbis, this sin-offering is to be dealt with in the same manner as the ordinary meal-offering of the priest and burnt in its entirety without the handful being first removed and offered.

(2) With the meal-offering of a priest's wife which is not something to be wholly offered, since this is treated like a non-priest.

(3) That the remainder is not to be offered, but should be scattered.

(4) Lev. VI, 16.

(5) Consequently if the woman is a priest's wife but not a priest's daughter her offering is destroyed.

(6) Lev. XXI, 15.

(7) As the result of an illegal marriage.

(8) Ibid. 1.

(9) Ibid. VI, 11.

(10) Ibid. XIII, 44.

(11) Ibid. 45.

(12) Since these words are otherwise redundant after the preceding verse.

(13) V. Nazir 28b.

(14) V. Nazir 30a.

(15) Deut. XXII, 16. The subject is 'the damsel's father'.

(16) Ex. XXI, 7.

(17) Lev. XXIV, 14.

(18) Deut. XVII, 5.

(19) Ibid. XXI, 22.

(20) Ex. XXII, 2. E.V. 3.

(21) In the event of seclusion with another man after receiving due warning.

(22) Num. V. 29.

(23) All the marriages enumerated here are illegal.

(24) V. Glos.

Talmud - Mas. Sotah 24a

OR A NETHINAH¹ WHO HAD MARRIED AN ISRAELITE, AND AN ISRAELITE'S DAUGHTER WHO HAD MARRIED AN ILLEGITIMATE OR A NATHIN DO NOT DRINK [THE WATER OF BITTERNESS] AND DO NOT RECEIVE WHAT IS DUE UNDER THE MARRIAGE-SETTLEMENT.

THE FOLLOWING DO NOT DRINK AND DO NOT RECEIVE THE MARRIAGE-SETTLEMENT: SHE WHO SAYS 'I AM UNCLEAN WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF, AND SHE WHO SAYS 'I REFUSE TO DRINK'. WHEN HER HUSBAND IS UNWILLING TO LET HER DRINK, OR WHEN HER HUSBAND COHABITED WITH HER ON THE JOURNEY [TO JERUSALEM]. SHE RECEIVES THE MARRIAGE-SETTLEMENT BUT DOES NOT DRINK. IF THE HUSBANDS DIED BEFORE [THE WOMEN] DRANK, BETH SHAMMAI DECLARE THAT THEY RECEIVE THE MARRIAGE-SETTLEMENT BUT DO NOT DRINK, AND BETH HILLEL DECLARE THAT THEY EITHER DRINK OR DO NOT RECEIVE THE MARRIAGE-SETTLEMENT.

[A WIFE] WHO WAS PREGNANT BY A FORMER HUSBAND OR WAS SUCKLING A CHILD BY A FORMER HUSBAND² DOES NOT DRINK AND DOES NOT RECEIVE THE MARRIAGE-SETTLEMENT. SUCH IS THE STATEMENT OF R. MEIR; BUT THE RABBIS DECLARE THAT HE IS ABLE TO SEPARATE FROM HER AND TAKE HER BACK AFTER THE PERIOD [OF TWO YEARS]. A WOMAN INCAPABLE OF CONCEPTION,³ ONE TOO OLD TO BEAR CHILDREN, AND ONE WHO IS UNFIT TO BEAR CHILDREN⁴ DO NOT RECEIVE THE MARRIAGE-SETTLEMENT AND DO NOT DRINK.⁵ R. ELIEZER SAYS: HE IS ABLE TO MARRY ANOTHER WIFE⁶ AND HAVE OFFSPRING BY HER. AS FOR ALL OTHER WOMEN, THEY EITHER DRINK OR DO NOT RECEIVE THE MARRIAGE-SETTLEMENT.

THE WIFE OF A PRIEST DRINKS AND IS PERMITTED TO HER HUSBAND.⁷ THE WIFE OF A EUNUCH⁸ DRINKS. THROUGH [SECLUSION WITH] ALL PERSONS FORBIDDEN TO

HER IN MARRIAGE⁹ JEALOUSY [NECESSITATING THE ORDEAL] IS ESTABLISHED WITH THE EXCEPTION OF A MINOR¹⁰ AND ONE NOT A MAN.¹¹

IN THE FOLLOWING CASES A COURT OF LAW CAN GIVE WARNING:¹² WHEN THE HUSBAND IS A DEAF-MUTE OR HAS BECOME INSANE OR IS IMPRISONED. NOT FOR THE PURPOSE OF MAKING HER DRINK DID THEY SAY THIS, BUT TO DISQUALIFY HER IN CONNECTION WITH THE MARRIAGE-SETTLEMENT. R. JOSE SAYS: ALSO TO MAKE HER DRINK; WHEN HER HUSBAND IS RELEASED FROM PRISON HE MAKES HER DRINK.

GEMARA. [In the instances enumerated by the Mishnah, the husband] does not let her drink, but he may give her a warning.¹³ Whence is this learnt? — Our Rabbis taught: Speak unto the children of Israel and say¹⁴ — [the addition of 'and say'] is to include a betrothed maiden and a childless widow waiting for her levir in the law respecting the warning. Whose is [the teaching of] our Mishnah? — It is R. Jonathan's; for it has been taught: Being under thy husband¹⁵ excludes a betrothed maiden. It is possible to think that we are also to exclude a childless widow; therefore the text repeats the word 'man'.¹⁶ Such is the statement of R. Joshiah. R. Jonathan says: 'Being under thy husband' excludes a childless widow. [It is possible to think that] we exclude a childless widow waiting for her levir but not a betrothed maiden; therefore there is a text to declare, When a wife, being under her husband, goeth aside,¹⁷ thus excluding a betrothed maiden. One teacher¹⁸ considers a betrothed maiden as more bound to him since the marriage ensues through him and they stone her on his account;¹⁹ whereas the other teacher considers that a childless widow is more bound to [her brother-in-law] since the nuptial surrender is not lacking.²⁰ What, then, does R. Jonathan make of the repetition of the word 'man'? — He requires it to include the wife of a deaf-mute man, the wife of an imbecile, and the wife of

(1) A descendant of the Gibeonites (Josh. IX) with whom Israelites were not allowed to intermarry. An illegitimate was debarred under the law of Deut. XXIII, 3, E.V. 2.

(2) Under Rabbinic Law, a pregnant woman who had been divorced or widowed should not marry for two years. This Mishnah deals with the case where she married within that period and her husband became jealous of her.

(3) Lit., 'ram-like', v. Keth. 11a.

(4) This refers to a woman who lost the capability of bearing by taking some drug and not just barren or too old to bear children.

(5) Because marriage with such as these is forbidden to one who has no children.

(6) In addition to her; he therefore regards such a marriage as valid.

(7) If proved innocent.

(8) Who became so after marriage.

(9) E.g., her father or brother.

(10) Under the age of nine years.

(11) Explained in the Gemara.

(12) Instead of the husband, when they have cause to suspect the wife.

(13) Not to associate with the man, in order to deny her right to the marriage settlement if she disobeyed.

(14) Num. V, 12.

(15) Ibid. 19.

(16) In verse 12 any man's wife is literally: a man, a man, his wife. The addition of the word 'man' is taken to include the case of a childless widow, waiting for her levir.

(17) Ibid. 29.

(18) R. Jonathan.

(19) If she is unchaste (Deut. XXII, 24).

(20) By the death of her husband she ipso facto becomes the wife of her brother-in-law if he wishes to take her, and an act of cohabitation constitutes a marriage.

Talmud - Mas. Sotah 24b

a weak-minded man.¹ And what does R. Joshiah make of the phrase 'being under her husband'? — He requires it to draw an analogy between a husband and wife and between a wife and husband.² Now the reason [given why a betrothed maiden is excluded] is because these Scriptural texts occur, otherwise I would have said that a betrothed maiden must drink; but when R. Aha b. Hanina came from the South he brought this teaching with him: Besides thine husband³ — i.e., when intercourse with a husband had preceded intercourse with a paramour and not when intercourse with a paramour had preceded intercourse with a husband!⁴ — Rami b. Hama said, [It is necessary to rely upon the texts] for such a contingency as when the fiance had had intercourse with her in her father's house.⁵ Similarly with a childless widow the texts would be required for the contingency as when the brother-in-law had had intercourse with her in her father-in-law's house,⁶ but can you call her a childless widow waiting for her levir'? [In such circumstances], Surely she is his legal wife; for Rab has said: He⁷ has acquired her [as his wife] in every respect!⁸ — It is as Samuel said: He has only acquired her for the objects mentioned in the Scriptural portion.⁹ If that is so, are we to say that Rab agrees with R. Joshiah¹⁰ and Samuel with R. Jonathan?¹¹ — Rab can reply. I even agree with R. Jonathan, because from the fact that it was necessary for the text to exclude her,¹² it follows that she is his legal wife.

(1) V. infra 27a.

(2) This is likewise expounded infra 27a.

(3) Num. V, 20.

(4) Consequently a betrothed maiden is excluded from the law.

(5) Before marriage.

(6) After her husband's death.

(7) The levir.

(8) By cohabitation. If, e.g., he is a priest, she partakes of the heave-offering.

(9) Deut. XXV, 5-10. viz., to be his brother's heir and free himself from the ceremony of Halizah; but cohabitation would not constitute a marriage to give her the right to partake of the heave-offering if he was a priest.

(10) Who says that a childless widow waiting for her levir drinks, and that can arise in the case where the cohabitation occurred in her father's house.

(11) Who holds that she does not drink, for cohabitation does not constitute full marriage.

(12) A childless widow who cohabited with her brother-in-law.

Talmud - Mas. Sotah 25a

Similarly Samuel can reply. I even agree with R. Joshiah. because from the fact that it was necessary for the text to include her, it follows that she is not his wife at all.

The question was asked: Does a woman who transgresses [the Jewish] ethical code¹ require to be warned in order to make her lose her marriage-settlement or does she not require it? Do we say that since she transgresses the ethical code she does not require to be warned; or perhaps warning is necessary because she may reform? — Come and hear: A BETROTHED MAIDEN AND A CHILDLESS WIDOW WAITING FOR HER BROTHER-IN-LAW² DO NOT DRINK AND DO NOT RECEIVE WHAT IS DUE UNDER THE MARRIAGE-SETTLEMENT. [In these instances the man] does not let her drink but he may give her warning. But for what purpose [does he warn her]? Is it not to make her lose her marriage-settlement!³ — Abaye said: No; [the purpose is] to prohibit her to himself [in marriage]. R. Papa said: [The purpose is] to make her drink when she is married;⁴ as it has been taught: We may not warn a betrothed maiden with the object of making her drink while she is betrothed; but we may warn a betrothed maiden with the object of making her drink when she is married.

Raba said: Come and hear: A WIDOW WHO HAD MARRIED A HIGH PRIEST, A DIVORCED WOMAN OR A HALUZAH WHO HAD MARRIED AN ORDINARY PRIEST, AN ILLEGITIMATE OR A NETHINAH WHO HAD MARRIED AN ISRAELITE, AND AN ISRAELITE'S DAUGHTER WHO HAD MARRIED AN ILLEGITIMATE OR A NATHIN DO NOT DRINK AND DO NOT RECEIVE WHAT IS DUE UNDER THE MARRIAGE-SETTLEMENT. They do not drink but they receive a warning. But for what purpose? If [you answer] to make them prohibited to the husband, behold they are already prohibited;⁵ rather must it be to make them lose the marriage-settlement! — Rab Judah of Diskarta⁶ said: No; [the purpose is] to prohibit her to the paramour as to the husband; as we learn: Just as she is prohibited to the husband so is she prohibited to the paramour.⁷

R. Hanina of Sura said; Come and hear: IN THE FOLLOWING CASES A COURT OF LAW CAN GIVE WARNING: WHEN THE HUSBAND IS A DEAF-MUTE OR HAS BECOME INSANE OR IS IMPRISONED. NOT FOR THE PURPOSE OF MAKING HER DRINK DID THEY SAY THIS BUT TO DISQUALIFY HER IN CONNECTION WITH THE MARRIAGE-SETTLEMENT. Conclude from this that she does require to be warned! That conclusion is to be drawn. But why did not [the other Rabbis] draw the inference from this passage? — [They thought] perhaps it is different in the circumstance where she had no cause at all to be afraid of her husband.⁸

The question was asked: If a woman transgresses [the Jewish] ethical code and the husband desired to retain her, may he do so or may he not? Do we say that the All-Merciful depends upon the husband's objection [to her conduct],⁹ and in this case he does not object; or, perhaps, since [a husband normally] objects, he must object [and divorce her]? — Come and hear: IN THE FOLLOWING CASES A COURT OF LAW CAN GIVE WARNING: WHEN THE HUSBAND IS A DEAF-MUTE OR HAS BECOME INSANE OR IS IMPRISONED. Should you maintain that if the husband desired to retain her he may do so, can the Court of Law do something of which the husband may not approve?¹⁰ — As a general rule, when a woman transgresses the ethical code, [the husband] is agreeable [to the warning].

The question was asked: If a husband retracted his warning, is the warning retracted or not?¹¹ Do we say that the All-Merciful depends upon the husband's warning and here the husband retracted it; or perhaps since he already gave a warning he is unable to withdraw it? — Come and hear: IN THE FOLLOWING CASES A COURT OF LAW CAN GIVE WARNING: WHEN THE HUSBAND IS A DEAF-MUTE OR HAS BECOME INSANE OR IS IMPRISONED. Should you maintain that if a husband retracted his warning his warning is retracted, can we¹² perform an action which the husband may come and retract!¹³ — As a general rule, a man agrees with the opinion of a Court of Law.¹⁴

Come and hear: And they assign to him two disciples of the Sages lest he cohabit with her on the journey.¹⁵ Should you maintain that if a husband retracted his warning the warning is retracted, let him then withdraw it and cohabit with her! — Why are disciples of the Sages specified? Because they are learned men, so that if he wishes to cohabit with her, they say to him, 'Withdraw your warning and cohabit with her'.¹⁶

Come and hear: R. Josiah said: Three things did Ze'ira tell me as emanating from the men of Jerusalem:¹⁷ If a husband retracted his warning the warning is retracted; if a Court of Law wished to pardon an elder who rebelled [against their decision] they may pardon him; and if the parents wished to forgive a stubborn and rebellious son¹⁸ they may forgive him.¹⁹ When, however, I came to my colleagues in the South, they agreed with me in respect of two but did not agree with me in respect of the rebellious elder, so that disputes should not multiply in Israel. Deduce therefrom that if a husband retracted his warning the warning is retracted. Draw that conclusion.

In this connection R. Aha and Rabina differ. One said that [the warning can be] retracted before seclusion but not after seclusion, and the other said that also after seclusion it can be retracted. The more probable view is that of him who said that it cannot be retracted. Whence is this learnt? — [It is to be inferred] from the answer which the Rabbis gave to R. Jose; for it has been taught: R. Jose says: By a fortiori reasoning [it is deduced] that a husband is trusted with her. If a husband is trusted in the matter of his wife during menstruation where the penalty is excision, how much more so in the matter of his wife while under suspicion in connection with which there is a mere prohibition! [The Rabbis] replied to him, No; if you argue [that he may be trusted] in the case of his wife during menstruation to whom he will have a right [on her recovery], will you argue so in the case of his wife while under suspicion when he may never have a right to her!²⁰ Now if you maintain that [a warning may be] retracted after seclusion, then it can happen that he may again have a right to her; because if he so desire, he can retract his warning and cohabit! Therefore deduce from this that after seclusion it cannot be retracted. Draw that conclusion.

IF THE HUSBANDS DIED BEFORE [THE WOMEN] DRANK, BETH SHAMMAI etc. On what point [do the two Schools] differ?

Beth Shammai are of opinion that a bond which is due for redemption is considered as having been redeemed;²¹

(1) And thereby shows an indifference for public opinion; such a woman is put away without recovering her kethubah, v. Keth. 72a.

(2) These too had transgressed the ethical code by their act of seclusion.

(3) Consequently, without warning she would not lose it.

(4) If she secluded herself with a man after marriage, then the warning which the husband gave her for a previous action, while she was betrothed, is still valid.

(5) Since such a marriage is contrary to law.

(6) V. supra p. 26, n. 7.

(7) V. infra 27b.

(8) Since he was incapacitated; but in normal circumstances, they imagined that she would lose her marriage-settlement without a warning.

(9) Because Scripture declares, 'and he be jealous of his wife'. If he is not jealous, is her conduct to be overlooked?

(10) The Court, representing the husband, would thereby involve him in an act which was contrary to his wish, and this is not legally possible, v. Keth. 11a.

(11) [Assuming that the husband may retain a wife who transgresses the ethical code, the question still arises whether he can retract or not in the case where he had given her a warning.]

(12) I.e., the Court.

(13) And then offer an affront to the court.

(14) But if he wishes to retract he may do so.

(15) V. supra 7a.

(16) This is a reply to the question. The husband indeed can withdraw, and that is the very reason why disciples of the Sages are specified.

(17) [Rashi: who was of the men of Jerusalem].

(18) Cf. Deut. XXI, 18ff.

(19) For further notes v. Sanh. (Sonc. ed.) p. 585.

(20) V. supra 7a.

(21) If the bond was on the security of the borrower's property, then at the time of the redemption the property is considered as automatically passing into the possession of the creditor pending payment. By analogy, the widow is automatically entitled to her marriage-settlement on the husband's death and the onus is upon the heirs to prove that she had forfeited it by producing witnesses that she had committed adultery.

Talmud - Mas. Sotah 25b

whereas Beth Hillel are of opinion that a bond which is due for redemption is not considered as having been redeemed.¹

[A WIFE] WHO WAS PREGNANT BY A FORMER HUSBAND etc. R. Nahman said in the name of Rabbah b. Abbuha: The dispute² is in connection with a barren woman and one too old to bear children; but as for a woman incapable of conception, all agree that she does not drink and does not receive her marriage-settlement, as it is said: Then she shall be free and shall conceive seed³ — i.e., one whose way it is to conceive seed, thus excluding one whose way is not to conceive seed. An objection was raised: 'If a man gives a warning to his betrothed or to his brother's childless widow, should she seclude herself [with the other man] before the marriage, she does not drink and does not receive her marriage-settlement'.⁴

(1) As the creditor must first establish his right to the debtor's property, so the widow must prove her right to the marriage-settlement by drinking the water, since she is under suspicion; for fuller notes v. Shebu. (Sonc. ed.) p. 298, n. 5.

(2) Viz., R. Eliezer says: He is able to marry another wife and have offspring by her.

(3) Num. V, 28.

(4) V. Tosef. Sotah v, 4.

Talmud - Mas. Sotah 26a

'[A wife] who was pregnant by a former husband or was suckling a child by a former husband does not drink and does not receive the marriage-settlement.'¹ Such is the statement of R. Meir; because R. Meir says: A man may not marry a woman who is pregnant by a former husband or is suckling a child by a former husband, and if he married her he must let her go and never take her back; the Sages, on the other hand, say: He must let her go, but when the time arrives when he may marry her² he marries her. 'If a youth married a barren woman or one too old to bear, and he did not previously have a wife and children, she does not drink and does not receive the marriage-settlement. R. Eliezer says: He is able to marry another wife and have offspring by her'.³ But 'if a man gives a warning to his betrothed or to his brother's childless widow and she secluded herself after marriage, she either drinks or does not receive the marriage-settlement. If the wife is pregnant or suckling a child by himself,⁴ she either drinks or does not receive the marriage-settlement. And if a youth married a barren woman or one too old to bear, and he already had a wife and children, she either drinks or does not receive the marriage-settlement. The legal wife of an illegitimate,⁵ the legal wife of a Nathin, the wife of a proselyte or freed slave, and a woman incapable of conception either drink or do not receive the marriage-settlement.⁶ Here the woman incapable of conception is specified [among the woman who are required to drink]! It is a refutation of R. Nahman.⁷

R. Nahman can reply, [That which I stated above is a difference between] Tannaim, whereas I agree with the following Tanna. For it has been taught: R. Simeon b. Eleazar says: A woman incapable of conception does not drink and does not receive the marriage-settlement, as it is said: Then she shall be free and shall conceive seed⁸ — i.e., one whose way is to conceive seed, thus excluding one whose way is not to conceive seed.⁹ What, then, do the Rabbis make of the phrase 'Then she shall be free and shall conceive seed'? They require it in accordance with the following teaching: 'Then she shall be free and conceive seed' — so that if she had been barren, she now becomes visited.¹⁰ Such is the statement of R. Akiba. R. Ishmael said to him, In that case, all barren women will seclude themselves and be visited, and since this one did not seclude herself she will be the loser!¹¹ If so, what is the purpose of 'Then she shall be free and shall conceive seed'? If she formerly bore children in pain she will now bear with ease; if formerly girls she will now give birth to boys; if formerly short she will now bear tall children; if formerly dark she will now have fair

children.

‘The legal wife of an illegitimate [either drinks or does not receive the marriage-settlement]’ — this is self-evident!¹² — What you might have said was that disqualified [members of the Community] should not be multiplied.¹³ Therefore he informs us [that such a marriage is treated like any other].

‘The wife of a proselyte or freed slave and a woman incapable of conception [either drink or do not receive the marriage-settlement]’ — this is self-evident! — What you might have said was, Speak unto the children of Israel¹⁴ — but not to proselytes. Therefore he informs us [that proselytes are included in the law]. Or as an alternative answer: And say¹⁵ is to be interpreted as including [the wife of a proselyte, etc.].

THE WIFE OF A PRIEST DRINKS etc. This is self-evident! — What you might have said was, And she had not been violated¹⁶ — then she is prohibited [to her husband];¹⁷ hence if she had been violated she is permitted to him; but this woman [being the wife of a priest] is prohibited to him even if she had been violated, and consequently she does not drink. Therefore he informs us [that she does undergo the ordeal].

AND IS PERMITTED TO HER HUSBAND. This is self-evident! — R. Huna said: [This refers to a case where] she becomes ill.¹⁸ But if she becomes ill, the water has proved her [guilty]! — [It refers to a case where] she becomes ill in other limbs.¹⁹ What you might have said was that she had committed adultery, and the fact that the water did not affect her in the usual way was due to her having acted immorally under force and as such she is prohibited to a priest. Therefore he informs us [that she is permitted to her husband].

THE WIFE OF A EUNUCH DRINKS. This is self-evident! — What you might have said was, Besides thine husband²⁰ declared the All Merciful, and this man [being a eunuch] does not come within the category [of husband]. Therefore he informs us [that he is considered to be her husband for the law of the ordeal].

THROUGH [SECLUSION WITH] ALL PERSONS FORBIDDEN TO HER IN MARRIAGE JEALOUSY IS ESTABLISHED. This is self-evident!

(1) Ibid. 6.

(2) I.e., after the lapse of two years from the birth of the child.

(3) Tosef. ibid. 5. The last sentence occurs in the Mishnah p. 120, and instead the Tosef. reads: R. Eliezer says: He is able to separate from her and take her back after a time.

(4) I.e., by the husband who gives her warning.

(5) Viz., a woman who was competent to marry such a man, and she secluded herself after warning.

(6) Tosef. ibid. 1-4.

(7) He asserted above, ‘All agree that she does not drink’.

(8) Num. V, 28.

(9) Tosef. ibid. 4.

(10) The Biblical term used of barren women who conceive.

(11) By remaining loyal to her husband and avoiding all suspicion a barren woman will continue sterile!

(12) Since her marriage is legal.

(13) The purpose of the Torah cannot be to restore harmony between such a couple, since the offspring of the union would be disqualified from membership in the Community.

(14) Num. V, 12.

(15) Ibid.

(16) Num. V, 13; i.e., she had been a consenting party.

(17) V. supra 2b.

(18) After drinking the water.

(19) Not those enumerated in Num. V, 22.

(20) Ibid. 20.

Talmud - Mas. Sotah 26b

— What you might have said was, The phrase ‘and she be defiled’ occurs twice¹ — once with respect to the husband and the other with respect to the paramour² — but it only applies when she becomes prohibited [to the paramour] by this act of adultery; but where she was in any event forbidden to him, conclude that she is not [barred from marrying him]. Therefore he informs us [that she has to undergo the ordeal although the paramour was forbidden to her in any case and if guilty she cannot marry her paramour].

WITH THE EXCEPTION OF A MINOR etc. A man³ declared the All-Merciful, not a minor. AND ONE NOT A MAN. Whom does this exclude? If I answer that it is to exclude one whose flesh is wasted,⁴ behold Samuel has said: A warning [against seclusion] can be given in connection with a man who is wasting and he disqualifies for partaking of the heave-offering!⁵ (A warning [against seclusion] can be given in connection with him — this is self-evident! — What you might have said was, ‘And a man lie with her carnally’ declared the All-Merciful and such a one does not come within that category; therefore he informs us [that seclusion with him does bring the woman within the scope of the law]. And he disqualifies for partaking of the heave-offering — that is self-evident! — What you might have said was, He shall not profane his seed⁶ declared the All-Merciful-one who had ‘seed’ can profane,⁷ but one who had no ‘seed’ cannot profane; therefore he informs us [that he can profane].⁸) If, on the other hand, it is to exclude a gentile, behold R. Hamnuna has said: A warning [against seclusion] can be given in connection with a gentile and he disqualifies for partaking of the heave-offering! (A warning [against seclusion] can be given in connection with him — this is self-evident! — What you might have said was, The phrase ‘and she be defiled’ occurs twice — once with respect to the husband and the other with respect to the paramour — but it only applies when she becomes prohibited [to the paramour] by this act of adultery; but where she was in any event forbidden to him,⁹ conclude that she is not [warned against seclusion]. Therefore he informs us [that a warning can be given with respect to a gentile]. And he disqualifies for partaking of the heave-offering — this is self-evident! — What you might have said was, And if a priest's daughter be married unto a stranger¹⁰ declared the All-Merciful, i.e., when there was a legal marriage-status, but not when there is no legal marriage-status. Therefore he informs us [that a gentile] does disqualify her. This is in agreement with R. Johanan who said in the name of R. Ishmael: Whence is it that a gentile or a slave who had intercourse with a priest's daughter or Levite's daughter or an Israelite's daughter disqualifies her [for the heave-offering]? As it is said: But if a priest's daughter be a widow, or divorced¹¹ — only In the case of a man where her widowhood or divorce [is legally recognised],¹² thus excluding a gentile or slave where her widowhood or divorce is not [legally recognised].)¹³ What, then, [does the phrase AND NOT A MAN] exclude? — R. Papa said: It excludes an animal, because there is not adultery in connection with an animal.¹⁴

Raba of Parazika¹⁵ asked R. Ashi, Whence is the statement which the Rabbis made that there is no adultery in connection with an animal? — Because it is written: Thou shalt not bring the hire of a harlot or the wages of a dog etc.;¹⁶ and it has been taught: The hire of a dog¹⁷ and the wages of a harlot¹⁸ are permissible, as it is said: Even both these¹⁹ — the two [specified in the text are abominations] but not four.²⁰

What is the purpose [of the Scriptural phrase] carnally?²¹ — It is required for this teaching: ‘Carnally’ to the exclusion of something else. What means ‘something else’? — R. Shesheth said: It excludes the case where he warned her against unnatural intercourse. Raba said to him, [It excludes

the case where he warned her against] unnatural intercourse? It is written: As lying with womankind!²² But, said Raba, it excludes the case where he warned her against contact of the bodies.²³ Abaye said to him, That is merely an obscene act [and not adultery], and did the All-Merciful prohibit [a wife to her husband] for an obscene act? But, said Abaye, it excludes the case where he warned her against external contact. This is quite right according to him who maintains that by sexual contact is to be understood insertion²⁴ inasmuch as external contact is not regarded, and consequently the Scriptural phrase is intended to exclude the latter; but according to him who maintains that sexual contact is the external contact what is there to say? — Certainly [the Scriptural phrase is intended to exclude the case where] he warned her against contact of the bodies; and should you argue that the All-Merciful made it depend upon the husband's objection [to such conduct] and behold the husband did object,²⁵ therefore he informs us [that the phrase 'carnally' is to exclude this].

Samuel said: Let a man marry

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- (1) Ibid. 13f.
 - (2) She must be divorced by her husband and is not allowed to marry her paramour. V. Mishnah p. 135.
 - (3) Lie with her carnally. Num. V, 13.
 - (4) Tosef. Bek. V, 4, identifies the term with he who hath his stones broken in Lev. XXI, 20.
 - (5) If he married a priest's daughter when he was so afflicted, she loses the right to eat of the heave-offering.
 - (6) Lev. XXI, 15.
 - (7) A priest's daughter by marriage.
 - (8) Consequently a person who is so afflicted is regarded as 'a man' and cannot be intended by the Mishnah.
 - (9) He being a gentile.
 - (10) Lev. XXII, 12.
 - (11) Lev. XXII, 13.
 - (12) Does she return to her father's house and eat the heave-offering.
 - (13) Therefore a gentile cannot be intended by the Mishnah.
 - (14) She would not be prohibited to her husband for such an act.
 - (15) Farausag near Bagdad v. B.B. (Sonc. ed.) p. 15. n. 4. He is thus distinguished from the earlier Rabbi of that name
 - (16) Deut. XXIII, 19.
 - (17) Money given by a man to a harlot to associate with his dog. Such an association is not legal adultery.
 - (18) If a man had a female slave who was a harlot and he exchanged her for an animal, it could be offered.
 - (19) Are an abomination unto the Lord (ibid.).
 - (20) Viz., the other two mentioned by the Rabbis.
 - (21) In Num. V, 13, since the law applies to a man who is incapable.
 - (22) Lev. XVIII, 22. The word for 'lying' is in the plural and is explained as denoting also unnatural intercourse.
 - (23) With the other man, although there is no actual coition.
 - (24) Which is legally equal to complete coition.
 - (25) As evidenced by his warning.

Talmud - Mas. Sotah 27a

a woman of ill-repute rather than the daughter of a woman of ill-repute, since the former comes from pure stock and the latter from impure stock.¹ R. Johanan, however, said: Let a man marry the daughter of a woman of ill-repute rather than a woman of ill-repute, since the former is presumably chaste whereas the latter is not. An objection was raised: One should marry a woman of ill-repute! — Raba said: Can you possibly think that [the meaning is that] he should marry [a woman of ill-repute who is such] at the outset? But the statement should take this form: 'If a man married [a woman of ill-repute]'; and similarly [read] 'the daughter of a woman of ill-repute'.² But the legal decision is: Let a man marry the daughter of a woman of ill-repute rather than a woman of ill-repute; because R. Tahlifa, the son of the West,³ recited in the presence of R. Abbahu, If a woman is an

adulteress, her children are legitimate since the majority of the acts of cohabitation are ascribed to the husband.

R. Amram asked: How is it if she was excessively dissolute?⁴ According to him who maintains that a woman only conceives immediately before her period the question does not arise, because [the husband] may not know [when this is] and does not watch her; but the question does arise according to him who maintains that a woman only conceives immediately after the time of her purification. How is it then? Does he watch her since he knows when this occurs; or perhaps this is of no account since she is excessively dissolute?⁵ The question remains unanswered.

IN THE FOLLOWING CASES A COURT OF LAW etc. Our Rabbis taught: 'Man' — why does Scripture repeat the word?⁶ To include the wife of a deaf man, the wife of an imbecile, the wife of a weak-minded man, and cases where the husband has gone on a journey to a distant country or is imprisoned, that a Court of Law can give them warning to disqualify them in connection with the marriage-settlement. It is possible [to think that the warning] is also to make them drink; therefore there is a text to say: Then shall the man bring his wife.⁷ R. Jose says: It is also to make the woman drink so that when the husband is released from prison he makes her drink.⁸ On what do they differ? — The Rabbis are of the opinion that we require that the same man who 'warned' her must 'bring' her,⁹ whereas R. Jose is of the opinion that we do not require that the same man who 'warned' her must 'bring' her.¹⁰

Our Rabbis taught: When a wife, being under her husband, goeth aside¹¹ — this is to compare a husband with a wife and a wife with a husband. For what practical purpose? — R. Shesheth said: Just as he does not make her drink if he is blind, as it is written: And it be hid from the eyes of her husband,¹² so she does not drink if she is blind. R. Ashi said: Just as a woman who is lame or armless does not drink, for it is written,

(1) [As it is not known with whom the mother had relation.]

(2) [Since the Baraitha has to be amended in any case we might just as well amend 'a woman' into 'the daughter of a woman etc.'].]

(3) I.e., the Palestinian.

(4) Are the children legitimate?

(5) And she may deceive him although he is careful to watch her.

(6) In the Hebrew text of Num. V, 12.

(7) Ibid. 25.

(8) V. supra 24a.

(9) To the ordeal, and only the husband can bring her.

(10) And so he gives the Court power to warn her for the purpose of the ordeal.

(11) Num. V. 29.

(12) Ibid. 13. He presumably could see.

Talmud - Mas. Sotah 27b

And the priest shall set the woman before the Lord . . . and put the meal-offering in her hands,¹ so he does not make her drink if he is lame or armless. Mar son of R. Ashi said: Just as a dumb woman does not drink, for it is written And the woman shall say Amen, Amen,² so he does not make her drink if he is dumb.

CHAPTER V

MISHNAH. JUST AS THE WATER PROVES HER SO THE WATER PROVES HIM,³ AS IT IS SAID, 'AND SHALL ENTER ð TWICE.⁴ JUST AS SHE IS PROHIBITED TO THE HUSBAND⁵

SO IS SHE PROHIBITED TO THE PARAMOUR;⁶ AS IT IS SAID, DEFILED . . . AND IS DEFILED.⁷ THIS IS THE STATEMENT OF R. AKIBA. R. JOSHUA SAID: THUS USED ZECHARIAH B. HAKAZAB TO EXPOUND.⁸ RABBI SAYS: THE WORD DEFILED OCCURS TWICE IN THE SCRIPTURAL PORTION,⁹ ONE REFERRING [TO HER BEING PROHIBITED] TO THE HUSBAND AND THE OTHER TO THE PARAMOUR.

ON THAT DAY,¹⁰ R. AKIBA EXPOUNDED, AND EVERY EARTHEN VESSEL, WHEREINTO ANY OF THEM FALLETH, WHATSOEVER IS IN IT SHALL BE UNCLEAN,¹¹ IT DOES NOT STATE TAME [IS UNCLEAN] BUT YITMA',¹² I.E. TO MAKE OTHERS UNCLEAN. THIS TEACHES THAT A LOAF WHICH IS UNCLEAN IN THE SECOND DEGREE,¹³ MAKES [WHATEVER IT COMES IN CONTACT WITH] UNCLEAN IN THE THIRD DEGREE. R. JOSHUA SAID: WHO WILL REMOVE THE DUST FROM THINE EYES, R. JOHANAN B. ZAKKAI, SINCE THOU SAYEST THAT ANOTHER GENERATION IS DESTINED TO PRONOUNCE CLEAN A LOAF¹⁴ WHICH IS UNCLEAN IN THE THIRD DEGREE ON THE GROUND THAT THERE IS NO TEXT IN THE TORAH ACCORDING TO WHICH IT IS UNCLEAN!¹⁵ IS NOT R. AKIBA THY PUPIL?¹⁶ HE ADDUCES A TEXT IN THE TORAH ACCORDING TO WHICH IT IS UNCLEAN, VIZ., 'WHATSOEVER IS IN IT SHALL BE UNCLEAN'.

ON THAT DAY R. AKIBA EXPOUNDED, AND YE SHALL MEASURE WITHOUT THE CITY FOR THE EAST SIDE TWO THOUSAND CUBITS ETC.¹⁷ BUT ANOTHER TEXT STATES, FROM THE WALL OF THE CITY OUTWARD A THOUSAND CUBITS ROUND ABOUT.¹⁸ IT IS IMPOSSIBLE TO SAY THAT IT WAS A THOUSAND CUBITS SINCE IT HAS BEEN ALREADY STATED TWO THOUSAND CUBITS'; AND IT IS IMPOSSIBLE TO SAY THAT IT WAS TWO THOUSAND CUBITS SINCE IT HAS BEEN ALREADY STATED 'A THOUSAND CUBITS'! HOW WAS IT THEN? A THOUSAND CUBITS FOR THE SUBURB¹⁹ AND TWO THOUSAND CUBITS FOR THE SABBATH-LIMIT.²⁰ R. ELIEZER THE SON OF R. JOSE THE GALILEAN SAYS: A THOUSAND CUBITS FOR THE SUBURB AND TWO THOUSAND CUBITS FOR FIELDS AND VINEYARDS.²¹

ON THAT DAY R. AKIBA EXPOUNDED, THEN SANG MOSES AND THE CHILDREN OF ISRAEL THIS SONG UNTO THE LORD AND SPAKE, SAYING,²² THERE WAS NO NEED FOR THE WORD 'SAYING', SO WHY WAS IT ADDED? IT TEACHES THAT THE ISRAELITES RESPONDED TO EVERY SENTENCE AFTER MOSES, IN THE MANNER OF READING HALLEL,²³ 'I WILL SING UNTO THE LORD, FOR HE HATH TRIUMPHED GLORIOUSLY,²⁴ ON THAT ACCOUNT IS THE WORD 'SAYING' MENTIONED. R. NEHEMIAH SAYS: IN THE MANNER OF READING THE SHEMA²⁵ AND NOT HALLEL.

ON THAT DAY R. JOSHUA B. HYRCANUS EXPOUNDED: JOB ONLY SERVED THE HOLY ONE, BLESSED BE HE, FROM LOVE: AS IT IS SAID, THOUGH HE SLAY ME, YET WILL I WAIT FOR HIM.²⁶ AND SHOULD IT BE STILL DOUBTFUL WHETHER THE MEANING IS 'I WILL WAIT FOR HIM' OR 'I WILL NOT WAIT',²⁷ THERE IS ANOTHER TEXT TO DECLARE, TILL I DIE I WILL NOT PUT AWAY MINE INTEGRITY FROM ME.²⁸ THIS TEACHES THAT WHAT HE DID WAS FROM LOVE. R. JOSHUA [B. HANANIAH] SAID: WHO WILL REMOVE THE DUST FROM THINE EYES, R. JOHANAN B. ZAKKAI, SINCE THOU HAST BEEN EXPOUNDING ALL THY LIFE THAT JOB ONLY SERVED THE ALL-PRESENT FROM FEAR, AS IT IS SAID, THAT MAN WAS PERFECT AND UPRIGHT, AND ONE THAT FEARED GOD. AND ESCHEWED EVIL!²⁹ DID NOT JOSHUA, THE PUPIL OF THY PUPIL,³⁰ TEACH THAT WHAT HE DID WAS FROM LOVE?³¹

GEMARA. [The Mishnah states: SO THE WATER PROVES] HIM. Whom? If I say that it is the husband, what has the husband done? Should you reply

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- (1) Num. V, 18.
 (2) Ibid. 22.
 (3) Her paramour.
 (4) Num. V, 24, 27.
 (5) He must divorce her if she is guilty.
 (6) He is not allowed to marry her.
 (7) Ibid. 29. The and is redundant; it is therefore employed by R. Akiba for an exegetical purpose.
 (8) He similarly explained the redundant and.
 (9) In verses 14 and 29. It also occurs in verse 13; but that is expounded in a different connection. V. fol. 2b, p. 5.
 (10) When the preceding was taught. It was the important occasion when R. Eleazar b. Azariah was appointed Principal of the School in place of Rabban Gamaliel II. V. Ber. 27b et seq. (Rashi). V. 'Ed. (Sonc. ed.). Introduction p. XI. [Geiger, *Lesestücke aus der Mischnah*, p. 37: on the same day on which the previous teachings were presented.]
 (11) Lev. XI, 33. The reference is to unclean creeping things.
 (12) Since the text was unpointed R. Akiba read the word as yetamme', i.e., 'makes (others) unclean'.
 (13) The vessel becomes unclean first and then defiles the loaf in it.
 (14) [Even in holy food like that of the heave-offering.]
 (15) (Even in common food.)
 (16) [He was not the pupil of R. Johanan b. Zakkai, but of his disciple R. Eliezer b. Hyrcanus, yet he is so described on account of his eminence. (Maim.).]
 (17) Num. XXXV, 5, defining the limits of the cities of refuge.
 (18) Ibid. 4.
 (19) Open spaces for cattle.
 (20) Beyond the city an additional space was included equal to the extreme point one was allowed to proceed to from an inhabited spot on the Sabbath. viz., 2000 cubits. This latter space was inclusive of the suburb.
 (21) This was also inclusive of the suburb.
 (22) Ex. XV, 1.
 (23) This will be explained in the Gemara. Hallel, lit., 'praise', is the name given to Pss. CXIII-CXVIII, cf. Suk. III, 10.
 (24) Ex. XV, 1.
 (25) V. Glos. The method of recital is explained in the Gemara.
 (26) Job XIII, 15.
 (27) There is a variant in the text which gives the alternative translation. V. R.V. margin.
 (28) Ibid. XXVII, 5.
 (29) Ibid. I, 1.
 (30) He was the pupil of Akiba.
 (31) [Buchler, *Sin and Atonement*, p. 140, suggests this controversy to have arisen in connection with the discussion whether the book of Job should be included in the Canon.]

Talmud - Mas. Sotah 28a

that if there be sin in him¹ the water proves him, [it may be asked] should there be sin in him on his own account does the water prove her for her own sin, and behold it has been taught: And the man shall be free from iniquity, and that woman shall bear her iniquity,² i.e., so long as the husband is free from iniquity the water proves his wife, but if the husband is not free from iniquity the Water does not prove his wife! — Should [the Mishnah, on the other hand, refer] to the paramour, it should have used the same phraseology as in the continuation, viz., 'Just as she is prohibited to the husband so is she prohibited to the paramour'³ — It certainly refers to the paramour; but in the first clause since it uses the word 'HER' it uses the word HIM and in the continuation since it used the word 'HUSBAND' it used the word 'PARAMOUR'.

AS IT IS SAID 'AND SHALL ENTER' TWICE. The question was asked: Does [the teacher in the Mishnah] mean 'shall enter and shall enter' or 'and shall enter and shall enter'?⁴ — Come and

hear: JUST AS SHE IS PROHIBITED TO THE HUSBAND SO IS SHE PROHIBITED TO THE PARAMOUR; AS IT IS SAID, DEFILED. . . AND IS DEFILED.⁵ But it is still questionable whether [the teacher in the Mishnah] draws the conclusion from the repetition of ‘defiled’ or from the conjunction in ‘defiled . . . and is defiled’! — Come and hear: Since he states in the continuation, RABBI SAYS: THE WORD DEFILED OCCURS TWICE IN THE SCRIPTURAL PORTION, ONE REFERRING TO THE HUSBAND AND THE OTHER TO THE PARAMOUR, it follows that it is R. Akiba who expounds the conjunction ‘and’. Consequently for R. Akiba there are six texts [containing the phrase ‘and shall enter’]⁶ — one for the command regarding her⁷ and one for the command regarding him;⁸ one for the action regarding her and one for the action regarding him;⁹ one for the notification¹⁰ regarding her and one for the notification regarding him. For Rabbi,¹¹ on the other hand, there are three texts — one for the command, one for the action and one for the notification.¹² But whence does Rabbi derive the teaching: JUST AS THE WATER PROVES HER SO THE WATER PROVES HIM? — He derives it from [the following teaching]: For it has been taught: And make the belly to swell and the thigh to fall away,¹³ i.e., the belly and thigh of the paramour. You say it is the belly and thigh of the paramour; perhaps it is not so, but the belly and thigh of the adulteress! Since it is stated and her belly shall swell and her thigh shall fall away,¹⁴ here it is clearly the belly and thigh of the adulteress which are referred to; so how am I to explain ‘and make the belly to swell and the thigh to fall away’? It refers to the belly and thigh of the paramour. And the other?¹⁵ — It indicates that the priest informs her that [the water] affects the belly first and then the thigh so as not to discredit the water of bitterness.¹⁶ And the other?¹⁷ — If that were so, It should have been written ‘her belly and her thigh’; what means ‘belly and thigh’ [without specification]? Conclude that the reference is to the paramour. But am I to suppose that [the phrase without specification] is intended only for this?¹⁸ — If that were so, it should have been written ‘his belly and his thigh’; what means ‘belly and thigh’? Draw two inferences therefrom.¹⁹

R. JOSHUA SAID, THUS USED ZECHARIAH etc. Our Rabbis taught: Why is it mentioned three times in the Scriptural portion if she be defiled,²⁰ she be defiled,²¹ and she is defiled?²² One [to make her prohibited] to the husband, one to the paramour, and one for partaking of the heave-offering. This is the statement of R. Akiba. R. Ishmael said: It is an a fortiori conclusion; if a divorced woman,²³ who is allowed to partake of the heave-offering, is prohibited [to marry into] the priesthood, how much more must a woman who is prohibited from partaking of the heave-offering²⁴ be prohibited [to marry into] the priesthood!²⁵ For what purpose²⁶ is it stated and she be defiled . . . and she be not defiled?²⁷ If she be defiled, why should she drink; and if she be not defiled, why does he make her drink! Scripture informs you that in a doubtful case she is prohibited. From this you can draw an analogy [with respect to the defilement caused] by a creeping thing:²⁸ if in the case of a suspected woman, where the effect is not the same should the act be in error or in presumption, under compulsion or of free will,²⁹ there is the consequence [of being prohibited] when there is a doubt as when there is certainty; how much more so must there be the consequence [of defilement] in a case of doubt as in a case of certainty with a creeping thing where the effect is the same whether [the contact was] in error or in presumption, or whether it was under compulsion or of free will!

(1) By having cohabited with her after she had secluded herself with the other man.

(2) Nun., V, 31.

(3) And state, ‘so the water proves the paramour’.

(4) I.e., is the inference drawn from the redundant and or from the repetition of the word?

(5) Similarly in the first clause the deduction is drawn from the redundant and.

(6) In verses 22, 24 and 27, the conjunction ‘and’ duplicating each.

(7) verse 24, where God decreed that the water should have the effect of proving her.

(8) The paramour.

(9) verse 27, where the assurance is given that the water would take effect.

(10) Of the priest, in verse 22.

(11) Who draws no conclusion from ‘and’.

- (12) As regards the woman only in each instance.
- (13) Num. V, 22. The pronoun 'thy' in the E.V. does not occur in the Hebrew. Therefore the reference is taken to be the paramour.
- (14) Ibid. 27.
- (15) I.e., how does R. Akiba explain the phrase 'and make the belly etc.'?
- (16) V. supra 9b.
- (17) How does Rabbi meet this argument?
- (18) To teach that it refers to the paramour.
- (19) That it refers to the paramour and also that it indicates the order in which the effect of the water is felt.
- (20) Num. V, 27.
- (21) Ibid. 14.
- (22) Ibid. 29.
- (23) Viz., a priest's daughter who had been married to a non-priest, v. Lev. XXII, 13.
- (24) Because of suspected adultery.
- (25) This will be explained anon.
- (26) The exposition that follows is independent of the preceding.
- (27) Num. V, 14.
- (28) Viz., when it is doubtful whether defilement has been caused.
- (29) If the woman acted in error or under force, she does not undergo the ordeal.

Talmud - Mas. Sotah 28b

And from the position you have taken up¹ [proceed to draw the following deductions]: As [the case of doubt in connection with] the suspected woman can only occur in a private domain [where seclusion takes place],² so [the case of doubt in connection with] a creeping thing can only occur [when the contact takes place] in a private domain.³ And as [the case in connection with] a suspected woman is a matter where there is a rational being to be interrogated,⁴ so [in the case of doubt in connection with] a creeping thing it must be a matter where there is a rational being to be interrogated.⁵ Hence [the Rabbis] said: Where there is a rational being to be interrogated, should a doubtful [case of defilement] occur in a private domain it is regarded as unclean, but should it occur in a public place as clean; and when there is no rational being to be interrogated whether it occurs in a private domain or in a public place a doubtful [case of defilement] is regarded as clean.⁶

R. Akiba dealt above with [the woman being prohibited to partake] of the heave-offering, and R. Ishmael answers him with a statement about the priesthood!⁷ And further, whence does R. Akiba derive [the rule that the suspected woman cannot marry into] the priesthood? Should you answer that with reference to [this rule about] the priesthood a Scriptural text is not necessary,

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- (1) Viz., drawing the above analogy.
- (2) As distinct from a public place.
- (3) If the doubt occurred about contact in a public place, there is no defilement.
- (4) As to whether she had misconducted herself or not.
- (5) There must have been a person present who can be questioned about the probability of the contact having taken place.¹⁴
- (6) Thus the end of the cited Baraita.
- (7) Into which an adulteress cannot marry. The reply was quite irrelevant to the issue.

Talmud - Mas. Sotah 29a

since a woman about whom there is a doubt whether she is immoral is treated like an immoral woman,¹ then [for the rule about] the heave-offering a Scriptural verse should likewise be unnecessary, since a woman about whom there is a doubt whether she is immoral is treated like an

immoral woman!² — But according to R. Akiba, there are four texts [where the word ‘defiled’ occurs]³ — one [to prohibit the woman] to the husband, one to the paramour, one to the priesthood and one for the heave-offering. Whereas according to R. Ishmael there are [only] three texts⁴ — one [to prohibit her] to the husband, one to the paramour, and one for the heave-offering; and [the prohibition] regarding the priesthood he deduces by a fortiori reasoning. Whence, however, does R. Ishmael [know] that a text is required for the heave-offering and that [the prohibition] regarding the priesthood is to be deduced by a fortiori reasoning; perhaps [a text] is required as regards the priesthood and the heave-offering is permitted to her!⁵ — He can reply to you, This is proved by the analogy of the husband and paramour: just as [the prohibition] respecting husband and paramour is in force already during the lifetime [of the husband],⁶ so also [the prohibition] respecting the heave-offering is likewise to come into force during his lifetime, to the exclusion of that respecting the priesthood which comes into effect after death.⁷ R. Akiba, on the other hand,⁸ does not accept the analogy of the husband and paramour; and even if he accepted it, a teaching which is deducible by a fortiori reasoning Scripture took the trouble to write down.⁹

R. Giddal said in the name of Rab: The [difference between] a case where there is a rational being to be interrogated and one where there is no rational being to be interrogated is derived from the following texts: And the flesh that toucheth any unclean thing shall not be eaten¹⁰ — when the thing is certainly unclean it may not be eaten; hence when there is a doubt whether it is unclean or clean it may be eaten. Consider now the continuation: And as for the flesh, all that is clean shall eat [sacrificial] flesh¹¹ — [A man who is] certainly clean may eat, but when there is a doubt whether he is unclean or clean he may not eat!¹² Is not, then, the conclusion to be drawn from this that in one case there is a rational being to be interrogated and not in the other?¹³ The statement of R. Giddal in the name of Rab was necessary, and it was also necessary to derive [the rule of defilement caused by a creeping thing] from the case of the suspected woman; for if [it had only been based on] the teaching of Rab, I would have said that the rule was the same whether [the defilement occurred] in a private domain or a public place; therefore it was also necessary to derive it from the case of a suspected woman.¹⁴ If, further, it [had been derived solely] from the case of the suspected woman, I would have said that the rule¹⁵ only applied when that which was touched and that which touched it were both rational beings.¹⁶ So it is necessary [to have Rab's teaching].¹⁷

ON THAT DAY R. AKIBA EXPOUNDED, AND EVERY EARTHEN VESSEL etc. Since it has no [basis in Scripture according to which it is unclean],¹⁸ why should it be unclean? — Rab Judah said in the name of Rab, It has none from the Torah, but it has one as a deduction from a fortiori reasoning: If a tebul yom,¹⁹ who is allowed with non-holy food,²⁰ disqualifies²¹ the heave-offering,²² how much more so must a loaf unclean in the second degree, which is disqualified in the case of non-holy food,²³ render the heave-offering unclean in the third degree! It can, however, be objected, This²⁴ applies to a tebul yom because he may be a source of primary defilement.²⁵ [But it may be answered,] You can draw [the necessary conclusion]

(1) ‘A harlot’ (Lev. XXI, 7) whom a priest may not marry.

(2) And if a priest's daughter loses the right to eat of the heave-offering though lawfully married to a non-priest (Lev. XXII, 12), how much more must she forfeit it if she is immoral; v. Yeb. 68a.

(3) In Num. V, 17, 28 and 29. In the last verse it is preceded by ‘and’, which is understood as the duplication of the term.

(4) He does not expound ‘and’.

(5) Why does he not apply one occurrence of the word ‘defiled’ to the matter of the priesthood instead of the heave-offering?

(6) She is forbidden to the paramour whilst the husband is yet alive.

(7) During the husband's lifetime she cannot in any way marry into the priesthood since a priest may not marry a divorcee; the prohibition is consequently to refer here to after the husband's death, that even then a priest may not marry the suspected woman. Since the analogy does not apply, the text cannot be applied to this prohibition.

(8) Who bases the prohibition of marriage with a priest on a text.

- (9) So the fact that the rule could be arrived at by deduction does not obviate R. Akiba's contention that it is based on a text.
- (10) Lev. VII, 19.
- (11) Ibid., sic.
- (12) Contrary conclusions are drawn from the verse.
- (13) The clause 'and as for flesh etc.' speaks of a man who is the object of uncleanness and a rational being to be interrogated; whereas the former 'and the flesh that toucheth etc.' refers to where there is no rational being to be interrogated.
- (14) From which it is learnt that the rule is not the same in both localities.
- (15) About a doubtful case of defilement being regarded as unclean.
- (16) As happens with the suspected woman.
- (17) That it is sufficient if the object touched is a rational being for a doubtful case to be unclean. It is not required that the defiling agent should also be a rational being.
- (18) As R. Johanan declares in the Mishnah; and yet he held it to be defiled.
- (19) Lit., 'bathed during day', i.e., an unclean person who has undergone immersion but awaits sunset before he regains his state of purity. V. Lev. XXII, 7.
- (20) And does not defile it.
- (21) [פסול This term denotes the last degree of uncleanness which cannot communicate defilement to any other object coming into contact with it.]
- (22) By touching it so that it may not be eaten by a priest. v. Yeb. 74b.
- (23) [If a creeping thing touches an object which in turn comes into contact with non-holy food, the latter, which is in the second degree of uncleanness, is disqualified; v. Lev. XI, 33.]
- (24) The disqualifying of the heave-offering.
- (25) Lit., 'father of defilement'. By, e.g., having touched a corpse or by himself being a leper. Tebul yom cannot thus be made the basis of deduction.

Talmud - Mas. Sotah 29b

from a tebul yom [who was defiled] by a creeping thing.¹ [Should it be objected that] it applies [only] to a tebul yom [who was defiled] by a creeping thing because he belongs to that category in which there may be a primary source of defilement],² the case of an earthenware vessel proves [the contrary].³ [And should it be objected that] it applies to an earthenware vessel because its interior space renders unclean,⁴ the case of tebul yom proves [the contrary].⁵

Thus the original reasoning [by a fortiori] holds good, since the characteristic [of the tebul yom] is unlike the characteristic [of the earthenware vessel]⁶ and vice versa;⁷ the point they have in common is that they are allowed with non-holy food but disqualify the heave-offering.⁸ How much more, then, must a loaf unclean in the second degree, which disqualifies in the case of non-holy food, disqualify the heave-offering! ANOTHER GENERATION,⁹ however, might object. What is the point common to them both? That in each there is a characteristic which makes for severity!¹⁰ But R. Johanan does not raise an objection on the ground that there is in each a characteristic which makes for severity.¹¹

It has been taught: R. Jose said: Whence is it that with sacrificial food there is disqualification with the fourth degree of defilement? It is a deduction [from a fortiori reasoning]: If one lacking atonement,¹² who is permitted with the heave-offering,¹³ is disqualified as regards sacrificial food,¹⁴ how much more does the third degree, which is disqualified with the heave-offering,¹⁵ create a fourth degree of defilement with sacrificial food! We learnt [the rule about] a third degree of defilement with sacrificial food from the Torah and a fourth degree from a fortiori reasoning,¹⁶ whence have we it from the Torah that there is a third degree with sacrificial food? — As it is written: And the flesh that toucheth any unclean thing shall not be eaten¹⁷ — do we not deal here with [flesh] that touched something unclean in the second degree?¹⁸ And the All-Merciful declared:

‘It shall not be eaten’. A fourth degree [is derived] from a fortiori reasoning as we stated above.

R. Johanan said: I do not understand the Master's¹⁹ reason²⁰ since its refutation is by its side, viz., food which is made unclean by contact with a tebul yom proves [the contrary], inasmuch as it is disqualified in the case of heave-offering but does not create a fourth degree of defilement with sacrificial food. For it has been taught: Abba Saul said: A tebul yom is unclean in the first degree as regards sacrificial food to create two further degrees of defilement²¹ and one degree of disqualification.²² R. Meir Says: He creates one further degree of defilement and one of disqualification. The Sages Say: Just as he disqualifies food or liquids of the heave-offering,²³ so he disqualifies sacrificial food and drinks.²⁴ To this R. Papa demurred: Whence is it that R. Jose holds the same view as the Rabbis? perhaps he holds the same view as Abba Saul who says [that the tebul yom] creates two further degrees of defilement and one of disqualification! — If it enter your mind that he holds the same view as Abba Saul, let him [deduce the rule about] a fourth degree of defilement with sacrificial food from the case of food that is rendered unclean by contact with a tebul yom [as follows]: If a tebul yom is himself allowed with non-holy food,²⁵ and yet you say that food which is unclean through him creates a fourth degree with sacrificial food,

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- (1) He is then unclean in the first degree but not a source of primary cause of defilement. A creeping thing is a primary source of defilement.
- (2) [A man who touches a dead body becomes a primary source of uncleanness. This does not apply to foodstuffs.]
- (3) Since it can never be a primary source of defilement and yet defiles the heave-offering by contact.
- (4) Without actual contact, v. Lev. XI, 33.
- (5) Because he obviously cannot defile except by direct contact and yet he disqualifies the heave-offering by touching it.
- (6) Since the latter unlike the former defiles by its interior space.
- (7) The former, unlike the latter, being possibly a primary source of defilement.
- (8) [This is difficult to explain, since an earthenware vessel does disqualify non-holy food (v. Lev. XI, 33ff). Rashi suggests another reading which is not free from difficulty. Tosaf. of Sens explains the reference to be to a broken earthenware vessel which in respect of non-holy food communicates no defilement.]
- (9) Which would not regard this as unclean.
- (10) In the law relating thereto, viz., the tebul yom can be a primary source of defilement and the interior space of an earthenware vessel can render unclean.
- (11) Because the characteristic of severity is peculiar to each and not common to both.
- (12) E.g., a leper on his recovery, (v. Lev. XIV, 9ff). The seventh day the sacrifice had not yet been offered, and he may not partake of sacrificial food until this has been done.
- (13) And does not disqualify it by his touch.
- (14) I.e., he disqualifies it by his touch.
- (15) As proved on a fortiori reasoning, supra.
- (16) [Once the third degree is derived from the Torah, it is possible to employ the a fortiori reasoning in regard to the fourth degree. Were it not so, we should have required the a fortiori reasoning for the third degree only.]
- (17) Lev. VII, 19.
- (18) Since ‘unclean thing’ means that which had been rendered unclean by something else. The flesh was accordingly unclean in the third degree.
- (19) V. Nazir (Sonc. ed.) p. 64, n. 1.
- (20) R. Jose's argument as given in the preceding paragraph with respect to a fourth degree with holy food.
- (21) What touches him is unclean in the second degree and what this touches is unclean in the third.
- (22) If the heave-offering was touched by the object unclean in the third degree it would become disqualified but would not create a fourth degree.
- (23) But does not create any further degree of defilement.
- (24) [Without creating a further degree of defilement. Whereas, adopting R. Jose's arguments the food touched by the tebul yom should on a fortiori reasoning produce here a disqualification in the fourth degree.]
- (25) And does not disqualify it.

Talmud - Mas. Sotah 30a

then that which is unclean in the third degree through contact with what is unclean in the second degree — the second degree which is itself forbidden in the case of non-holy food¹ — must all the more create a fourth degree with the holy!² And should you reply [as stated above], ‘It can, however, be objected. It applies to a tebul yom because he may be a primary source of defilement’, behold he [R. Jose] derived his argument from one lacking atonement and [he] did not raise this objection.³

R. Assi said in the name of Rab — another version is Rabbah b. Issi said in the name of Rab — , R. Meir, R. Jose, R. Joshua, R. Eleazar and R. Eliezer all hold the view that what is unclean in the second degree does not create a third degree with non-holy food. R. Meir — for we have learnt: Everything that requires immersion in water according to the statement of the scribes⁴ defiles the holy, disqualifies the heave-offering, and is permitted with the non-holy and with the tithe. Such is the statement of R. Meir; but the Sages prohibit in the case of the tithe.⁵ R. Jose — as we have stated above; for if it were so,⁶ then let him derive a fourth degree with the heave-offering and a fifth with the sacrificial food.⁷ R. Joshua — for we have learnt: R. Eliezer Says: He who eats food unclean in the first degree is unclean in the first degree; [if he eats] food unclean in the second degree he is unclean in the second degree; and similarly with the third degree. R. Joshua Says: He who eats food unclean in the first or second degree is unclean in the second degree; [if he eats food unclean] in the third degree, he is unclean in the second degree as regards the sacrificial food but not unclean in the second degree as regards the heave-offering. This⁸ is said of non-holy food which was prepared in the purity of the heave-offering.⁹ [This means, does it not,] ‘When it is in the purity of the heave-offering’ but not when it is in the purity of the sacrificial food?¹⁰ Conclude, then, that he holds that [normally] what is unclean in the second degree does not create a third degree with the non-holy. R. Eleazar — for it has been taught: R. Eleazar says: The following three are alike: the first degree of defilement in the case of the sacrificial food, the non-holy and the heave-offering; it creates two further degrees of defilement and one of disqualification with the sacrificial food;¹¹ it creates one further degree of defilement and one of disqualification with the heave-offering;¹² and it creates one degree of disqualification with the non-holy.¹³ R. Eliezer-for we have learnt: R. Eliezer Says: Hallah¹⁴ may be taken from [dough] which is pure on account of that which is defiled. How is this? There are two portions of dough, one pure and the other defiled. He takes a quantity sufficient for hallah¹⁵ from the dough from which its hallah had not been removed,¹⁶ and places a piece less than the size of an egg¹⁷ in the centre [of the defiled dough] so that [it may be considered that hallah] had been taken from the mass [of the defiled dough].

(1) Non-holy food can become unclean in the second degree.

(2) [The advantage of this deduction consists in that it is more direct than that of R. Jose, which involves a second a fortiori reasoning to prove that there is a disqualification in the third degree in the case of the heave-offering (v. p. 145, n. 3) Tosaf.]

(3) I.e., that one lacking atonement is different since he may be a primary source of defilement. The reason R. Jose did not raise this objection is evidently because he is no longer regarded as unclean, and the same applies to a tebul yom. Consequently R. Jose cannot be said to agree with Abba Saul, but must agree with the Rabbis, hence the question of R. Johanan.

(4) Viz., things which, according to the Torah, are clean, but the Rabbis take a stricter view.

(5) To be eaten; v. Parah, XI, 5.

(6) That there was a third degree of defilement with the non-holy.

(7) From his own a fortiori reasoning cited above.

(8) That food in the third degree renders the one eating it unclean in respect of sacrificial food.

(9) I.e., when a priest took upon himself that even the non-holy food he ate should be in the same state of purity as the heave-offering. But ordinary non-holy food cannot become unclean in the third degree.

(10) [As non-holy food cannot be raised to the level of purity of sacrificial food. Rashi reads: ‘but not when it is ordinary non-holy food’. This is also the reading of MS.M.]

- (11) There is thus a fourth degree of defilement.
- (12) There is then a third degree.
- (13) And so there is no third degree with the non-holy.
- (14) Part of the dough presented to the priest; v. Num. XV, 17-21.
- (15) One twenty-fourth of the whole in the case of an individual and half of that proportion in the case of a baker.
- (16) The pure dough.
- (17) A quantity less than the size of an egg cannot communicate defilement.

Talmud - Mas. Sotah 30b

The Sages, however, forbid this. And it has also been taught: [The quantity¹ may be] equal to the size of an egg. — [Now the schoolmen] held that both [these teachings]² refer to dough which is unclean in the first degree, and that non-holy food from which hallah had not yet been taken is not like hallah.³ Is it not, then, to be supposed that they differ on this point: One⁴ holds that a second degree of defilement does not create a third with the non-holy,⁵ whereas the others hold that it does create a third degree with the non-holy?⁶ R. Mari b. R. Kahana said: All agree that a second degree of defilement does not create a third with the non-holy; but here they differ with regard to non-holy food from which hallah had yet to be taken. One holds that it is like hallah;⁷ the other holds that it is not like hallah. If you like I can say that all agree that non-holy food from which hallah had yet to be taken is not like hallah and a second degree of defilement does not create a third with the non-holy; and here they differ on whether it is permitted to apply the laws of defilement to non-holy food in the land of Israel.⁸ One⁹ holds that it is permitted to apply the laws of defilement to non-holy food in the land of Israel, the others hold that it is prohibited.¹⁰

ON THAT DAY R. AKIBA EXPOUNDED, [AND YE SHALL MEASURE] etc. On what do they¹¹ differ? — One holds that the regulations concerning the Sabbath-limit are an institution of the Torah,¹² whereas the other holds they are an institution of the Rabbis.

Our Rabbis taught: On that day R. Akiba expounded: At the time the Israelites ascended from the Red Sea, they desired to utter a Song; and how did they render the song? Like an adult who reads the Hallel [for a congregation]¹³ and they respond after him with the leading word.¹⁴ [According to this explanation] Moses said: 'I will sing unto the Lord' and they responded, 'I will sing unto the Lord'; Moses said: 'For He hath triumphed gloriously' and they responded, 'I will sing unto the Lord'. R. Eliezer son of R. Jose the Galilean declares, Like a minor who reads the Hallel [for a congregation], and they repeat after him all that he Says.¹⁵ [According to this explanation] Moses said: 'I will sing unto the Lord' and they responded, 'I will sing unto the Lord'; Moses said: 'For He hath triumphed gloriously' and they responded, 'For He hath triumphed gloriously'. R. Nehemiah declares: Like a school-teacher¹⁶ who recites¹⁷ the Shema' in the Synagogue, viz., he begins first and they respond after him.¹⁸ On what do they differ? — R. Akiba holds that the word 'saying'¹⁹ refers to the first clause;²⁰ R. Eliezer son of R. Jose the Galilean holds that 'saying' refers to every clause; and R. Nehemiah holds that 'and spake' indicates that they sang all together 'and saying' that Moses began first.

Our Rabbis taught: R. Jose the Galilean expounded: At the time the Israelites ascended from the Red Sea, they desired to utter a Song; and how did they render the song? The babe lay upon his mother's knees and the suckling sucked at his mother's breast; when they beheld the Shechinah, the babe raised his neck and the suckling released the nipple from his mouth, and they exclaimed: This is my God and I will Praise Him;²¹ as it is said: Out of the mouths of babes and sucklings hast thou established strength.²² R. Meir used to say: Whence is it that even the embryos in their mothers' womb uttered a song? As it is said,

(1) [According to R. Eliezer.]

- (2) [The one that holds that the quantity should be less than the size of an egg as well as the other, that it may be the size of an egg.]
- (3) I.e., like heave-offering in respect of the law of defilement. [But is treated like non-holy, both on the view of R. Eliezer and the Rabbis. For this reason even if the quantity placed between the two doughs is of the size of an egg it does not communicate the defilement in the second degree, which it contracts from the defiled dough to the pure one, since there is no third degree with non-holy.]
- (4) R. Eliezer.
- (5) [For this reason he allows in the second teaching a quantity of the size of an egg; and the reservation in the first teaching is merely as a precaution lest the piece of dough may come in contact with impure dough after the hallah has been designated.]
- (6) This shews that R. Eliezer holds that there is no third degree with non-holy food.
- (7) The Rabbis consider that it can create a third degree.
- (8) In Ber. 47b R. Meir defines an 'Am ha-arez (v. supra p. 110) as one who does not eat his non-holy food in a condition of ritual purity; but the Rabbis give a different definition.
- (9) R. Eliezer.
- (10) [And their concern is with the piece of dough placed between the two doughs which, though less than the size of an egg, can yet contract defilement.]
- (11) R. Akiba and R. Eliezer, son of R. Jose of Galilee.
- (12) R. Akiba takes this view; and therefore, according to him, the Torah had to make provision for the Sabbath-limit in the cities of refuge.
- (13) He acts as precentor and his rendering is on their behalf so that they may thereby fulfil their duty to recite it.
- (14) Lit., 'heads of chapters'. According to a statement in Suk. 38a, the response consisted of the word Hallelujah.
- (15) Since he was a minor, his rendering would not exempt them from saying every word.
- (16) Whose class was usually in the Synagogue and so he acted as Precentor.
- (17) The word pores is lit., 'divide', and its exact meaning is disputed. V. Elbogen. Der jüdische Gottesdienst, pp. 514ff and the references cited there.
- (18) Elbogen takes this to mean that the Precentor and Congregation read the verses alternately. Rashi's explanation is: he reads the benedictions preceding the Shema' which they repeat after him and then they read the Shema in unison. According to this explanation, Moses and the Israelites were divinely inspired so that they independently sang the same words in unison.
- (19) In Ex. XV, 1.
- (20) 'I will sing unto the Lord', and that only was the Israelite's response.
- (21) Ibid. 3.
- (22) Ps. VIII, 3. E.V. 2.

Talmud - Mas. Sotah 31a

Bless ye the Lord in the Congregations, even the Lord, from the fountain of Israel.¹ But these could not behold [the Shechinah]! — R. Tanhum said: The abdomen became for them a kind of transparent medium and they did behold it.

ON THAT DAY R. JOSHUA B. HYRCANUS EXPOUNDED, JOB ONLY SERVED etc. But let him see how the word 'lo'² is spelt; if it is written with lamed and aleph then it means 'not', and if with lamed and waw then it means for Him!³ But is the meaning 'not' wherever the spelling is lamed and aleph? Can it apply to: In all their affliction there was affliction to Him?⁴ [The word 'lo', 'to Him'] is spelt lamed and aleph, but does it here also signify 'not'? And should you say that here too [it means 'not'], behold it continues with: And the angel of His presence saved them!⁵ But sometimes it has one meaning and at other times the other meaning.

It has been taught: R. Meir Says: It is declared of Job one that feared God,⁶ and it is declared of Abraham thou fearest God;⁷ just as 'fearing God' with Abraham indicates from love, so 'fearing God' with Job indicates from love. Whence, however, have we it in connection with Abraham

himself [that he was motivated by love]? As it is written: The seed of Abraham who loved Me.⁸ What difference is there between one who acts from love and one who acts from fear? — The difference is that indicated in this teaching: R. Simeon b. Eleazar says: Greater is he who acts from love than he who acts from fear, because with the latter [the merit] remains effective for a thousand generations but with the former it remains effective for two thousand generations. Here it is written: Unto thousands of them that love Me and keep My commandments⁹ and elsewhere it is written: And keep His commandments to a thousand generations.¹⁰ But in this latter passage it is likewise written: ‘With them that love Him and keep His commandments to a thousand generations! — In the first verse cited [the word ‘thousand’] is attached [to them that love Me,] whereas in the second verse [cited the word ‘thousand’] is attached [to keep His commandments].¹¹

Two disciples were once sitting in the presence of Raba. One said to him, In my dream they read to me, O how great is Thy goodness which Thou hast laid up for them that fear Thee.¹² The other said to him, In my dream they read to me, But let all those that put their trust in Thee rejoice, let them ever shout for joy, because Thou defendest them; let them also that love Thy name be joyful in Thee.¹³ He replied to them, Both of you are completely righteous Rabbis, but one is actuated by love and the other by fear.

CHAPTER VI

MISHNAH. IF A MAN WARNED HIS WIFE AND SHE SECLUDED HERSELF [WITH ANOTHER MAN], EVEN IF HE HEARD [THAT SHE HAD DONE SO] FROM A FLYING BIRD,¹⁴ HE DIVORCES HER AND GIVES HER THE MARRIAGE-SETTLEMENT.¹⁵ SUCH IS THE STATEMENT OF R. ELIEZER. R. JOSHUA SAYS: [HE DOES NOT DO THIS] UNTIL WOMEN WHO SPIN BY MOONLIGHT DISCUSS HER.¹⁶

IF ONE WITNESS SAID, I SAW THAT SHE COMMITTED MISCONDUCT, SHE DOES NOT DRINK THE WATER.¹⁷ NOT ONLY THAT, BUT EVEN A SLAVE, MALE OR FEMALE,¹⁸ IS BELIEVED ALSO TO DISQUALIFY HER FOR THE MARRIAGE-SETTLEMENT. HER MOTHER-IN-LAW, HER MOTHER-IN-LAW'S DAUGHTER, HER ASSOCIATE-WIFE,¹⁹ HER SISTER-IN-LAW²⁰ AND HER STEPDAUGHTER²¹ ARE BELIEVED, NOT TO DISQUALIFY HER FOR THE MARRIAGE-SETTLEMENT BUT THAT SHE SHOULD NOT DRINK.

IT²² IS A PROPER CONCLUSION THAT IF THE FIRST EVIDENCE [THAT THE WOMAN HAD SECLUDED HERSELF WITH THE MAN], WHICH DOES NOT PROHIBIT HER [TO HER HUSBAND] FOR ALL TIME,²³ IS NOT ESTABLISHED BY FEWER THAN TWO WITNESSES, IS IT NOT RIGHT THAT THE FINAL EVIDENCE [THAT SHE HAD MISCONDUCTED HERSELF] WHICH PROHIBITS HER TO HIM FOR ALL TIME, SHOULD NOT BE ESTABLISHED BY FEWER THAN TWO WITNESSES! THEREFORE THERE IS A TEXT TO STATE, AND THERE BE NO WITNESS AGAINST HER,²⁴ I.E., WHATEVER [EVIDENCE] THERE MAY BE AGAINST HER [IS BELIEVED, EVEN IF IT BE ONLY ONE WITNESS]. AND WITH RESPECT TO THE FIRST EVIDENCE [ABOUT HER SECLUSION WITH THE MAN, THAT ONE WITNESS SUFFICES MAY BE ARGUED BY] A FORTIORI REASONING AS FOLLOWS IF

(1) Ibid. LXVIII, 27, E.V. 26. ‘From the fountain’ indicates those who were still in the womb.

(2) In Job XIII, 15.

(3) So how could the Mishnah state that there is a doubt about the meaning?

(4) Isa. LXIII, 9.

(5) These words prove that ‘lo’ in the preceding clause cannot mean ‘not’.

(6) Job I, 1.

(7) Gen. XXII, 12.

- (8) Isa. XLI, 8, sic.
- (9) Ex. XX, 6. 'Thousands' is interpreted as generations, and the plural indicates at least two thousand.
- (10) Deut. VII. 9.
- (11) So in the former the motive is love, in the latter fear of punishment.
- (12) Ps. XXXI, 20.
- (13) Ibid. V, 12.
- (14) It was only a vague rumour that came to his ears. [The rumour was concerning (a) seclusion only (Rashi); (b) misconduct (Maim.). — 'A FLYING BIRD' may denote a talking bird, a parrot (v. Maim. and Strashun.)]
- (15) He gives this to her if he was unwilling for her to drink the water, (Rashi). [According to this interpretation the husband, if he wishes, can make her drink even on the strength of a vague rumour, even as he can on the evidence of one witness to the seclusion, according to R. Eliezer. Rashbam, however, holds that a vague rumour is not on par with one witness and the husband therefore, though he cannot make her drink, must put her away and give her the marriage-settlement. (V. Tosaf. Sens): Similarly on the view of Maimonides (v. n. 1) the divorce is compulsory. though in the absence of real evidence of misconduct she does not forfeit the marriage-settlement.]
- (16) Her behaviour had given rise to public scandal.
- (17) One witness is accepted and she is divorced besides losing the marriage-settlement. V. supra 2a.
- (18) Whose evidence is not accepted in an ordinary case.
- (19) The husband had more than one wife.
- (20) Viz., the wife of her husband's brother whom she was due to marry if she was left a childless widow.
- (21) All these are presumably ill-disposed towards her, and their evidence would not have been accepted in any other kind of charge.
- (22) V. supra 3b.
- (23) Because the water may prove her innocent.
- (24) Num. V, 13.

Talmud - Mas. Sotah 31b

THE FINAL EVIDENCE [REGARDING MISCONDUCT], WHICH PROHIBITS HER TO HER HUSBAND FOR ALL TIME, IS ESTABLISHED BY ONE WITNESS, IS IT NOT PROPER THAT THE FIRST EVIDENCE, WHICH DOES NOT PROHIBIT HER TO HIM FOR ALL TIME, SHOULD BE ESTABLISHED BY ONE WITNESS! THEREFORE THERE IS A TEXT TO STATE, BECAUSE HE HATH FOUND SOME UNSEEMLY MATTER IN HER,¹ AND ELSEWHERE IT STATES, AT THE MOUTH OF TWO WITNESSES, OR AT THE MOUTH OF THREE WITNESSES, SHALL A MATTER BE ESTABLISHED;² AS THE 'MATTER' MENTIONED IN THIS LATTER CASE MUST BE CONFIRMED BY THE TESTIMONY OF TWO WITNESSES, SO ALSO HERE [IN THE CASE OF THE SUSPECTED WOMAN] THE 'MATTER' MUST BE CONFIRMED BY THE TESTIMONY OF TWO WITNESSES.

IF ONE WITNESS SAYS THAT SHE MISCONDUCTED HERSELF AND ANOTHER WITNESS SAYS THAT SHE DID NOT,³ OR IF A WOMAN SAYS [OF HER] THAT SHE MISCONDUCTED HERSELF AND ANOTHER WOMAN SAYS THAT SHE DID NOT, SHE DRINKS THE WATER. IF ONE WITNESS SAYS THAT SHE MISCONDUCTED HERSELF AND TWO SAY THAT SHE DID NOT, SHE DRINKS THE WATER. IF TWO SAY THAT SHE MISCONDUCTED HERSELF AND ONE SAYS THAT SHE DID NOT, SHE DOES NOT DRINK IT.

GEMARA. [Why does the teacher in the Mishnah use] the Scriptural text: 'Because he hath found some unseemly matter in her'? He should have used [the teaching]: 'Against her' — i.e., 'against her' [in the matter of misconduct] but not in the matter of warning, 'against her' [in the matter of misconduct] but not in the matter of seclusion!⁴ — He does also intend to say this: Therefore there is a text to state 'against her' — i.e., 'against her' [in the matter of misconduct] but not in the matter of warning, 'against her' [in the matter of misconduct] but not in the matter of seclusion. Whence,

however, have we it that one witness is not believed in an ordinary charge of infidelity where there was neither warning nor seclusion? Here [in connection with infidelity] the word ‘matter’ occurs and it also occurs [in the law of evidence]; as with the latter [a charge is established] by two witnesses so [is the former established] by two witnesses.

IF ONE WITNESS SAYS THAT SHE MISCONDUCTED HERSELF. The reason [why one witness is not accepted] is because there is another who contradicts him; but where nobody contradicts him one witness is believed — Whence have we this rule? Because our Rabbis have taught: ‘And there be no witness against her’ — the text refers to two witnesses. You say that it refers to two witnesses; but perhaps it is not so and even one [suffices]! There is a teaching to declare, One witness shall not rise up against a man etc.⁵ From the fact that it is stated: ‘[A] witness shall not rise up against a man,’ do I not know that one is intended? Why is there a teaching to declare one witness? This establishes the rule that wherever it is stated witness, it signifies two unless the text specifies ‘one’, and [in the case under discussion] the All-Merciful declares that when there are not two witnesses against her but only one, ‘and she has not been violated,’ she is forbidden [to her husband].⁶

But since, according to the Torah one witness is believed, how is it possible for another to contradict him? Surely ‘Ulla has said: Wherever the Torah accepts the testimony of one witness, he is regarded as two, and the evidence of one is of no account when opposed by two!⁷ — But, said ‘Ulla, read the Mishnah as, ‘She does not drink’;⁸ and R. Isaac similarly declared that she does not drink, but R. Hiyya said that she does drink. The view of ‘Ulla creates a difficulty against the statement of R. Hiyya!⁹ — There is no difficulty; one statement refers to evidence given simultaneously¹⁰ and the other when one witness follows the other.¹¹

We learnt: IF ONE WITNESS SAYS THAT SHE MISCONDUCTED HERSELF AND TWO SAY THAT SHE DID NOT, SHE DRINKS THE WATER. Consequently if there was one [against her] and one [for her], she would not drink; this is a refutation of R. Hiyya! — R. Hiyya can reply: And according to your view [that she does not drink] consider the next clause: IF TWO SAY THAT SHE MISCONDUCTED HERSELF AND ONE SAYS THAT SHE DID NOT, SHE DOES NOT DRINK IT. Consequently if there was one [against her] and one [for her], she would drink! But the whole [of this section of Mishnah] refers to disqualified witnesses,¹² and it is R. Nehemiah's teaching; for it has been taught: R. Nehemiah says: ‘Wherever the Torah accepts the testimony of one witness, [the decision] follows the majority of persons [who testify]’, so that two women against one man is identical with two men against one man. But there are some who declare that wherever a competent witness came [and testified] first, even a hundred women are regarded as equal to one witness;¹³

(1) Deut. XXIV, 1.

(2) Ibid. XIX, 15.

(3) At the time of seclusion.

(4) For notes v. supra 3b.

(5) Deut. XIX, 15.

(6) For notes v. supra 3b.

(7) So that the evidence of the first witness, being accepted by the Torah, must stand though it is contradicted by another.

(8) Instead of ‘she drinks the water’, and she is held to be guilty.

(9) If the Torah accepts one witness, why should she drink the water?

(10) If it is contradictory it is not accepted.

(11) If one witness had testified and been accepted, another cannot come subsequently and offer contradictory evidence.

(12) Viz., women and slaves; and it teaches that two witnesses of this class can discredit the evidence of a competent witness.

(13) And they cannot upset his testimony.

Talmud - Mas. Sotah 32a

and with what circumstance are we dealing here?¹ For example, if it was a woman who came first [and testified]; and R. Nehemiah's statement is to be construed thus: R. Nehemiah says: 'Wherever the Torah accepts the testimony of one witness, [the decision] follows the majority of persons [who testify]', so that two women against one woman is identical with two men against one man, but two women against one man is like half and half.² Why, then, have we two teachings concerning disqualified witnesses?³ What you might have said was that when we follow the majority of persons [who testify] it is for taking the severer view, but to take the lenient view we do not follow [the majority]. Therefore [the Mishnah] informs us [of one case where the accused must drink and one where she does not drink, and in each the majority is followed].

CHAPTER VII

MISHNAH. THE FOLLOWING MAY BE RECITED IN ANY LANGUAGE: THE SECTION CONCERNING THE SUSPECTED WOMAN,⁴ THE CONFESSION MADE AT THE PRESENTATION OF THE TITHE,⁵ THE SHEMA',⁶ THE 'PRAYER',⁷ THE GRACE AFTER MEALS,⁸ THE OATH CONCERNING TESTIMONY⁹ AND THE OATH CONCERNING A DEPOSIT.¹⁰

THE FOLLOWING ARE RECITED IN THE HOLY TONGUE:¹¹ THE DECLARATION MADE AT THE OFFERING OF THE FIRSTFRUITS,¹² THE FORMULA OF HALIZAH,¹³ THE BLESSINGS AND CURSES,¹⁴ THE PRIESTLY BENEDICTION,¹⁵ THE BENEDICTION OF THE HIGH PRIEST,¹⁶ THE SECTION OF THE KING,¹⁷ THE SECTION OF THE CALF WHOSE NECK IS BROKEN,¹⁸ AND THE ADDRESS TO THE PEOPLE BY THE PRIEST ANOINTED [TO ACCOMPANY THE ARMY] IN BATTLE.¹⁹

WHENCE IS IT THAT THE DECLARATION MADE AT THE OFFERING OF THE FIRST-FRUITS [MUST BE IN HEBREW]? [IT IS STATED]. AND THOU SHALT ANSWER AND SAY BEFORE THE LORD THY GOD,²⁰ AND ELSEWHERE IT IS STATED, AND THE LEVITES SHALL ANSWER AND SAY;²¹ AS THE LATTER MUST BE IN THE HOLY TONGUE,²² SO MUST THE FORMER BE IN THE HOLY TONGUE. WHENCE IS IT THAT THE FORMULA OF HALIZAH [MUST BE IN HEBREW]? [IT IS STATED]. AND SHE SHALL ANSWER AND SAY,²³ AND ELSEWHERE IT IS STATED, AND THE LEVITES SHALL ANSWER AND SAY'; AS THE LATTER MUST BE IN THE HOLY TONGUE. SO MUST THE FORMER BE IN THE HOLY TONGUE. R. JUDAH SAYS: [IT IS DERIVED FROM THE TEXT], AND SHE SHALL ANSWER AND SAY THUS²⁴ — I.E., SHE MUST SAY IT IN THIS LANGUAGE.

HOW WERE THE BLESSINGS AND CURSES [PRONOUNCED]? WHEN ISRAEL CROSSED THE JORDAN AND CAME TO MOUNT GERIZIM AND MOUNT EBAL WHICH ARE BY SAMARIA, (THIS IS IN THE VICINITY OF SHECHEM WHICH IS IN THE VICINITY OF THE TEREBINTHS OF MOREH, AND IT IS SAID, ARE THEY NOT BEYOND JORDAN ETC.²⁵ AND ELSEWHERE IT STATES, AND ABRAM PASSED THROUGH THE LAND UNTO THE PLACE OF SHECHEM UNTO THE TEREBINTH OF MOREH;²⁶ AS THE TEREBINTH OF MOREH MENTIONED IN THIS LATTER VERSE IS SHECHEM, SO THE TEREBINTH OF MOREH MENTIONED IN THE FORMER VERSE IS SHECHEM.) SIX TRIBES ASCENDED THE SUMMIT OF MOUNT GERIZIM, SIX TRIBES ASCENDED THE SUMMIT OF MOUNT EBAL, AND THE PRIESTS AND LEVITES WITH THE ARK WERE STATIONED BELOW IN THE CENTRE, THE PRIESTS SURROUNDING THE ARK, THE LEVITES [SURROUNDING] THE PRIESTS, AND ALL ISRAEL ON THIS SIDE AND THAT SIDE; AS IT IS SAID, AND ALL ISRAEL, AND THEIR ELDERS AND OFFICERS, AND THEIR JUDGES STOOD ON THIS

SIDE THE ARK AND ON THAT SIDE ETC.²⁷ THEY TURNED THEIR FACES TOWARDS MOUNT GERIZIM AND OPENED WITH THE BLESSING: BLESSED BE THE MAN THAT MAKETH NOT A GRAVEN OR MOLTEN IMAGE',²⁸ AND BOTH PARTIES²⁹ RESPOND AMEN. THEY THEN TURNED THEIR FACES TOWARDS MOUNT EBAL AND OPENED WITH THE CURSE: CURSED BE THE MAN THAT MAKETH THE GRAVEN OR MOLTEN IMAGE', AND BOTH PARTIES RESPOND 'AMENØ. [SO THEY CONTINUE] UNTIL THEY COMPLETE THE BLESSINGS AND CURSES. AFTER THAT THEY BROUGHT THE STONES,³⁰ BUILT THE ALTAR AND PLASTERED IT WITH PLASTER, AND INSCRIBED THEREON ALL THE WORDS OF THE TORAH IN SEVENTY LANGUAGES,³¹ AS IT IS SAID, VERY PLAINLY.³² THEN THEY TOOK THE STONES³³ AND WENT

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- (1) When the Mishnah teaches: IF ONE WITNESS . . . AND TWO SAY etc.
 (2) One witness against one witness; if they testified simultaneously the evidence is not accepted.
 (3) In these last two clauses of the Mishnah which have been explained as referring to the evidence of women and slaves.
 (4) The exhortation addressed to her by the priest (Num. V, 19ff).
 (5) Deut. XXVI, 13ff.
 (6) V. Glos.
 (7) 'The Eighteen Benedictions' recited twice daily. V. P.B. pp. 44ff.
 (8) Op. cit. pp. 280ff.
 (9) Against the withholding of evidence (Lev. V, 1ff.).
 (10) That it had not been misappropriated if the bailee declares that it had been stolen or is missing.
 (11) Hebrew.
 (12) Deut. XXVI, 9ff.
 (13) Ibid. XXV, 9.
 (14) Ibid. XXVII, 15ff.
 (15) Num. VI, 24ff.
 (16) V. infra. Mishnah p. 198.
 (17) V. infra, Mishnah p. 202.
 (18) Deut. XXI, 7f.
 (19) Ibid. XX, 3ff.
 (20) Ibid. XXVI, 5.
 (21) Ibid. XXVII, 14.
 (22) This will be demonstrated in the Gemara.
 (23) Ibid. XXV, 9.
 (24) He attaches the word 'thus' to what precedes.
 (25) Deut. XI, 30. The verse ends with: beside the terebinths of Moreh.
 (26) Gen. XII, 6.
 (27) Josh. VIII, 33.
 (28) The reverse of Deut. XXVII, 15.
 (29) On the two mounts.
 (30) V. Deut. XXVII, 2ff.
 (31) The total number of languages in the world as the Rabbis thought.
 (32) Ibid. 8.
 (33) After the sacrifices had been offered, the altar was taken to pieces.

Talmud - Mas. Sotah 32b

AND SPENT THE NIGHT IN THEIR PLACE.¹

GEMARA. Whence have we it that the section concerning the suspected woman [may be recited in any language]? — As it is written: And the priest shall say unto the woman² — in whatever

language he speaks.

Our Rabbis taught: They explain to her in any language she understands for what reason she is about to drink the water, in what [sort of vessel] she drinks, why she had misconducted herself and in what manner she had misconducted herself. For what reason she is about to drink the water — because of [her husband's] warning and her subsequent seclusion. In what [sort of vessel] she drinks — in a potsherd.³ Why she had misconducted herself- because of levity and childishness. And in what manner she had misconducted herself — whether in error or deliberately, under compulsion or of free will. But why all this? So as not to discredit the water of bitterness.⁴

THE CONFESSION MADE AT THE PRESENTATION OF THE TITHE. Whence have we it that this [may be recited in any language]? — As it is written: And thou shalt say before the Lord thy God, I have put away the hallowed things out of mine house,⁵ and the deduction is to be drawn from the analogous use of the word 'say' in connection with the suspected woman that it may be in whatever language he speaks. R. Zebid said to Abaye, But let the deduction be drawn from the analogous use of the word 'say' in connection with the Levites⁶ [as follows]: As there it means that it must be in the holy tongue so here it must be in the holy tongue! — [He answered], We deduce [the meaning of] an unqualified use of 'say' from another occurrence of an unqualified use of 'say, but we do not deduce [the meaning of] an unqualified use of 'say' from a passage where the expression 'answer and say' occurs.⁷

It has been taught: R. Simeon b. Yohai said: A man should recount what is to his credit in a low voice and what is to his discredit in a loud voice. That he is to recount what is to his credit in a low voice [is learnt] from the confession made at the presentation of the tithe, and what is to his discredit in a loud voice from the declaration made at the offering of the first-fruits.⁸ But should one recount what is to his discredit in a loud voice? Surely R. Johanan has said in the name of R. Simeon b. Yohai: Why was it instituted that the 'prayer'⁹ should be recited softly? So as not to put transgressors to shame;¹⁰ for behold, Scripture made no distinction as to the place of a sin-offering or burnt-offering!¹¹ — Do not read [in R. Simeon's statement] 'his discredit' but 'his trouble';¹² as it has been taught: And he shall cry, Unclean, unclean¹³ — it is necessary [for the leper] to make his trouble known to the multitude so that the multitude may pray on his behalf; and thus everybody to whom a calamity has occurred should make it known to the multitude so that the multitude may pray on his behalf. The [above] text states: 'R. Johanan said in the name of R. Simeon b. Yohai: Why was it instituted that the 'prayer' should be recited softly? So as not to put transgressors to shame; for, behold, Scripture made no distinction as to the place of a sin-offering or burnt-offering.' But it is not so, for there is a difference in the treatment of the blood. The blood of a sin-offering [was applied] above [the red line which ran round the altar], whereas the blood of a burnt-offering [was applied] below it! — Only the priest would know that. There is, however, the difference that for a sin-offering a female animal was sacrificed and for a burnt-offering a male! — Being covered by the fat tail [the sex would not be recognised]. That is quite right with a female lamb, but what of a female goat?¹⁴ — In that case the man brought the shame upon himself, because he should have offered a lamb but offered a goat. What, however, of the sin-offering brought for idolatry when only a goat suffices!¹⁵ — In that case let him experience shame so that he may receive atonement.

THE SHEMAÐ. Whence have we it that this [may be recited in any language]? As it is written: Hear, O Israel¹⁶ — in any language you understand.

Our Rabbis taught: The Shema' must be recited as it is written.¹⁷ Such is the statement of Rabbi but the Sages say: In any language. What is Rabbi's reason? — Scripture declares, And [these words] shall be,¹⁸ i.e., they must remain as they are. And [what is the reason of] the Rabbis? — Scripture declares, 'Hear, O Israel' — in any language you understand. But for the Rabbis it is likewise written: 'And [these words] shall be'!¹⁹ — That indicates that one may not read it in the wrong

order.²⁰ And whence does Rabbi derive the rule that one may not read it in the wrong order? — From the fact that the text uses ‘these words’ and not merely ‘words’. And the Rabbis?²¹ — They draw no inference from the use of ‘these words’ instead of ‘words’. But for Rabbi it is likewise written: ‘Hear’! — He requires that for the rule: Make audible to your ears what you utter with your lips.²² And the Rabbis? — They agree with him who said that if one has not recited the Shema’ audibly he has fulfilled his obligation. It is possible to say that Rabbi holds

(1) Viz., in Gilgal where they were again set up (Josh. IV, 20).

(2) Num. V, 21.

(3) V. supra p. 38.

(4) So that if she had offended in error or under compulsion and the water did not affect her, she should not think there would have been no effect if she had offended deliberately or of her free will.

(5) Deut. XXVI, 13.

(6) V. ibid. XXVII, 14 and Mishnah p. 157.

(7) Viz., in connection with the Levites. Consequently the analogy is drawn with the reference to the suspected woman and not the Levites.

(8) In the former he tells how he had done his duty (V. Deut. XXVI, 13f.) and in that connection the unqualified ‘say’ occurs. In the latter he tells of his humble ancestry (ibid. 5ff.) and in that connection ‘answer and say’, i.e., say aloud, occurs.

(9) V. supra p. 157, n. 4.

(10) Who confess their sins in the course of prayer.

(11) They were offered on the same side of the altar, and an onlooker would not be able to tell which offering was being sacrificed.

(12) In the declaration made over the first-fruits, the allusion was to the vicissitudes of the patriarch; and such should be spoken aloud.

(13) Lev. XIII, 45.

(14) Which has no fat tail.

(15) V. Num. XV, 27, 29.

(16) Deut. VI, 4. The word for ‘Hear’ also means ‘understand’.

(17) Only in Hebrew.

(18) Ibid. 6.

(19) Why do they not explain them: they must remain as they are?

(20) V. supra p. 91.

(21) What do they derive from the use of ‘these words’?

(22) I.e., the Shema’ must be recited audibly.

Talmud - Mas. Sotah 33a

that the whole Torah may be read in any language; for if you maintain that it may be read¹ only in the holy tongue, wherefore had the All-Merciful to write ‘And [these words] shall be’? — It is necessary because it is written ‘Hear’.² It is likewise possible to say that the Rabbis hold that the whole Torah must be read in the holy tongue; for if you maintain that it can be read in any language, wherefore had the All-Merciful to write the word ‘Hear’? — It is necessary because it is written ‘And [these words] shall be’.³

THE ‘PRAYER’. [It may be recited in any language because] it is only supplication, and one may pray in any language he wishes. But may the ‘prayer’ be recited in any language? Behold Rab Judah has said: A man should never pray for his needs in Aramaic. For R. Johanan declared: If anyone prays for his needs in Aramaic, the Ministering Angels⁴ do not pay attention to him, because they do not understand that language! — There is no contradiction, one referring to [the prayer] of an individual and the other to that of a Congregation.⁵ And do not the Ministering Angels understand Aramaic? Behold it has been taught: Johanan, the High Priest, heard a Bath Kol⁶ issue from within

the Holy of Holies announcing, 'The young men who went to wage war against Antioch⁷ have been victorious.'⁸ It also happened with Simeon the Righteous⁹ that he heard a Bath Kol issue from within the Holy of Holies announcing, 'Annulled is the decree which the enemy intended to introduce into the Temple'. Then was Caius Caligula¹⁰ slain and his decrees annulled. They noted down the time [when the Bath Kol spoke] and it tallied.¹¹ Now it was in Aramaic that it spoke! — If you wish I can say that it is different with a Bath Kol since it occurs for the purpose of being generally understood;¹² or if you wish I can say that it was Gabriel who spoke; for a Master has declared: Gabriel came and taught [Joseph] the seventy languages.¹³

THE GRACE AFTER MEALS. [That this may be recited in any language is derived from] the text: And thou shalt eat and be full, and thou shalt bless the Lord thy God¹⁴ — in any language wherein thou utterest a benediction.

THE OATH CONCERNING TESTIMONY. [That this may be uttered in any language is derived from] the text: And if any one sin, in that he heareth the voice of adjuration¹⁵ — in whatever language he hears it.

THE OATH CONCERNING A DEPOSIT. [That this may be uttered in any language] is derived from the analogous use of the phrase 'if any one sin' in the oath concerning testimony.¹⁶

THE FOLLOWING ARE RECITED IN THE HOLY TONGUE: THE DECLARATION MADE AT THE OFFERING OF THE FIRST-FRUITS, THE FORMULA OF HALIZAH, etc. down to: WHENCE IS IT THAT THE DECLARATION MADE AT THE OFFERING OF THE FIRST-FRUITS [MUST BE IN HEBREW]? [IT IS STATED], AND THOU SHALT ANSWER AND SAY BEFORE THE LORD THY GOD, AND ELSEWHERE IT IS STATED, AND THE LEVITES SHALL ANSWER AND SAY; AS THE LATTER MUST BE IN THE HOLY TONGUE, SO MUST THE FORMER BE IN THE HOLY TONGUE. But whence have we it of the Levites themselves [that they used Hebrew]? — It is derived from the analogous use of the word 'voice' in connection with Moses. Here it is written with a loud voice,¹⁷ and elsewhere it is written: Moses spake and God answered him by a voice;¹⁸ as in the latter passage it was in the holy tongue, so also in the other passage it means in the holy tongue.

WHENCE IS IT THAT THE FORMULA OF HALIZAH etc. What, then, do the Rabbis make of the word 'thus'?¹⁹ — They require it to indicate that each act²⁰ invalidates [the ceremony by its omission]. And R. Judah?²¹ — From the use of 'Kakah' instead of koh.²² And the Rabbis? — They draw no inference from the use of 'Kakah' instead of koh.

(1) In the synagogue (Rashi).

(2) If he were of the opinion that the Torah can only be read in Hebrew, it would necessarily apply to the Shema'. Why, then, should he draw a conclusion from shall be? He does so to oppose the inference which the Rabbis draw from Hear.

(3) Which might otherwise be taken to indicate that the Shema' must be read in Hebrew.

(4) Who convey the petitions to the Throne of Glory.

(5) With the latter, the help of the angels is not required.

(6) V. Glos. This is evidently the incident related by Josephus (Ant. XIII, X, 3) of John Hyrcanus.

(7) [Antiochus Cyzicenus, over whom the children of John Hyrcanus were victorious, v. loc. cit., and Derenbourg, Essai, p. 47.]

(8) This and the following announcements were made in Aramaic, so the angels must have understood it.

(9) Possibly the High Priest Simon, son of Boethus, also called Cantheras, as Josephus describes him (op. cit. XIX, VI, 2). [For other views v. HUCA VIII-IX, p. 300.]

(10) The name is corrupted in the text. He ordered that his statue should be placed in the Temple and worshipped (Josephus, War II, X, 1.)

(11) With the time of Caligula's assassination.

- (12) And Aramaic was the vernacular of the period.
- (13) V. infra. Gabriel was exceptional; but the other angels were ignorant of Aramaic.
- (14) Deut. VIII, 10.
- (15) Lev. V, 1.
- (16) V. ibid. 21.
- (17) Deut. XXVII, 14.
- (18) Ex. XIX, 19.
- (19) Upon which R. Judah bases the teaching that the formula must be in Hebrew.
- (20) Mentioned in Deut. XXV, 9, viz., loosing the shoe, spitting in his face, and pronouncing the formula.
- (21) From where does he derive this teaching?
- (22) Both words signify 'thus'; and since the text has the longer form, he takes it as an indication that the formula must be in Hebrew and also that the omission of an act invalidates the ceremony.

Talmud - Mas. Sotah 33b

What, then, does R. Judah make of the phrase 'and she shall answer and say'?¹ — He requires it for the purpose of deducing that the Levites [must pronounce the blessings and curses] in the holy tongue.² But let him derive that from the analogous use of the word 'voice' in connection with Moses! — He had learnt [from his teacher] to draw an inference from the analogous use of the word 'answer' but not from 'voice'.³ It has been similarly taught: R. Judah says: Wherever [in Scripture the words] 'thus', both in the form of 'koh' and 'kakah', or 'answer and say' occur, [what has to be spoken] must only be in the holy tongue. The word 'koh' is found in 'Thus ye shall bless',⁴ 'kakah' in connection with Halizah, and 'answer and say' with the Levites.

HOW WERE THE BLESSINGS AND CURSES [PRONOUNCED]? WHEN ISRAEL CROSSED THE JORDAN etc. Our Rabbis taught: Are they not beyond Jordan?⁵ [This means] on the other side of the Jordan and beyond; such is the statement of R. Judah. Behind the way of the coming of the sun⁶ — the place where the sun dawns.⁷ In the land of the Canaanites which dwell in the Arabah⁶ — i.e., mount Gerizim and mount Ebal where the Cutheans⁸ dwell. Over against Gilgal⁶ — [this means] near Gilgal.⁹ Beside the terebinths of Moreh⁶ — [this means] Shechem. Elsewhere it states: And Abram passed through the land unto the place of Shechem unto the terebinth of Moreh;¹⁰ as the terebinth of Moreh mentioned in this latter verse is Shechem, so in the former verse it means Shechem.

It has been taught:¹¹ R. Eleazar son of R. Jose said: In this connection I proved the Samaritan Scriptures¹² to be false. I said to them, 'You have falsified your Torah¹³ but you gained nothing thereby.¹⁴ You declare that 'the terebinths of Moreh' means Shechem; we too admit that 'the terebinths of Moreh' means Shechem. We learnt this by an inference from analogy;¹⁵ but how have you learnt it!'¹⁶

R. Eleazar said: 'Are they not beyond the Jordan'? [This means] near the Jordan; because if it signified on the other side of the Jordan and beyond, is it not written: And it shall be when ye are passed over Jordan!¹⁷ 'Behind the way of the coming of the sun' — [this means] the place where the sun sets.¹⁸ 'In the land of the Canaanites' — i.e., the land of the Hivites. 'Which dwell in the Arabah' — but do they not dwell among mountains and hills!¹⁹ 'Over against Gilgal' — but they could not see Gilgal!²⁰ — R. Eliezer b. Jacob says: Scripture has here only the intention of pointing out to them the route for the second [part of the journey] as it had pointed out to them the route for the first [part of the journey].²¹ 'The way' — [this means], Proceed along the high-road and not through fields and vineyards. 'Which dwell' — [this means], Pass through inhabited territory and not through deserts. 'In the Arabah' — [this means], Pass through the plain and not through mountains and hills.

Our Rabbis taught: How did Israel cross the Jordan? Each day [during the journey in the wilderness] the ark journeyed behind two standards,²² but on this day [of crossing] it journeyed in front; as it is said: Behold, the ark of the covenant of the Lord of all the earth passeth over before you.²³ Each day the Levites carried the ark, but on this day the priests carried it; as it is said: And it shall come to pass, when the soles of the feet of the priests that bear the ark of the Lord etc.²⁴ — It has been taught: R. Jose says: On three occasions the priests carried the ark: when they crossed the Jordan, when they walked round Jericho,²⁵ and when they deposited it in its place.²⁶ —

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- (1) Since he does not follow the Rabbis in basing upon it the rule that the formula must be in Hebrew.
- (2) Since the phrase ‘answer and say’ occurs in Deut. XXVII, 14.
- (3) [No inference can be drawn from the analogous use of a word (a Gezerah shawah, v. Glos.) which has not been received on tradition from a teacher.]
- (4) Num. VI, 23, the priestly benediction which must be in Hebrew.
- (5) Deut. XI, 30. This might have been interpreted as close to the other side of the Jordan.
- (6) Ibid.; ‘coming’ is usually understood as ‘setting’, but it is here explained as ‘coming up, rising’.
- (7) [The East. The phrase means accordingly: Far away from the Eastern bank of the Jordan where the Israelites were at the time towards the West. The term אַחֲרֵי as distinct from אַחֲרֵי denotes ‘greatly separated’.]
- (8) Samaritans, so called because they were brought by Sargon, King of Assyria, from Cuthea, to take the place of the exiled Israelites.
- (9) [Not the Gilgal east of Jericho, but another place of that name identified with Juleijil, east of Mt. Gerizim; v. p. 166, n. 3.
- (10) Gen. XII, 6.
- (11) As Rashi remarks, the words ‘it has been taught’ should be deleted, as it is the continuation of the Baraita, v. Sifre, a.l.
- (12) For sifre ‘Scriptures’ we must read with the J. Talmud Sofre ‘scribes, learned men’.
- (13) The Samaritan recension of the Pentateuch. In Deut. XI, 30 it adds ‘over against Shechem’ which does not appear in the Hebrew version.
- (14) I.e., your addition of the words was unnecessary.
- (15) Gezerah shawah (v. Glos.).
- (16) By tampering with the text.
- (17) Ibid. XXVII, 4. This is explained: as soon as you have passed over; therefore it must have been a place close to the Jordan.
- (18) [The West, and the verse means far away from the Western towards the Eastern bank of the Jordan.]
- (19) Arabah signifies the plain.
- (20) They lived at a distance from it; so why is this mentioned? [Rashi, who seems to have another and preferable text, explains the question: ‘but they (these places) are far from Gilgal’ Gilgal being East of Jericho (v. p. 165, n. 5), why then mention it, cf. also Rashi on Deut. XI, 30.]
- (21) When Israel left Egypt a pillar of fire and cloud directed them; but this ceased on the death of Moses. Scripture therefore gives them directions, and its purpose is not to explain the location of Gerizim and Ebal.
- (22) Of the tribes; v. Num. X, 11ff.
- (23) Josh. III, 11.
- (24) Ibid. 13.
- (25) Ibid. VI, 6.
- (26) In Solomon's Temple (I Kings VIII, 3).

Talmud - Mas. Sotah 34a

When the feet of the priests were dipped in the water, the water flowed backward; as it is said: And when they that bore the ark were come unto the Jordan . . . that the waters which came down from above stood and rose up in one heap.¹ What was the height of the water? Twelve mil by twelve mil in accordance with the dimensions of the camp of Israel.² Such is the statement of R. Judah; and R. Eleazar b. Simeon said to him, According to your explanation, which is swifter, man or water?

Surely water is swifter; therefore the water must have returned and drowned them!³ It rather teaches that the waters were heaped up like stacks to a height of more than three hundred mil, until all the kings of the East and West saw them; as it is said: And it came to pass, when all the kings of the Amorites, which were beyond Jordan westward, and all the kings of the Canaanites, which were by the sea, heard how that the Lord had dried up the waters of Jordan from before the children of Israel until they were passed over, that their heart melted, neither was there spirit in them any more, because of the children of Israel.⁴ And also Rahab the harlot said to Joshua's messengers, For we have heard how the Lord dried up the water of the Red Sea etc.;⁵ and it continues, And as soon as we heard it, our hearts did melt neither did there remain any more etc.⁶

While they were still in the Jordan, Joshua said to them, Know why you are crossing the Jordan; it is on condition that you disinherit the inhabitants of the land from before you; as it said: Then ye shall drive out all the inhabitants of the land from before you etc.⁷ If you do this, well and good; otherwise the water will return and drown you [othekem].⁸ — What means 'othekem'? Me and you. While they were still in the Jordan, Joshua said to them, Take you up every man of you a stone upon his shoulder, according unto the number of the tribes of the children of Israel etc.;⁹ and it continues, That this may be a sign among you, that when your children ask in time to come, saying: What mean ye by these stones? etc.¹⁰ It was to be a monument for the children that their fathers had crossed the Jordan. While they were still in the Jordan, Joshua said to them. Take you hence out of the midst of the Jordan, out of the place where the priests' feet stood firm, twelve stones, and carry them over with you, and lay them down in the lodging place, where ye shall lodge this night etc.¹¹ It is possible [to think that they were to deposit them] in any lodging place; therefore there is a text to state, 'Where ye shall lodge this night'.

R. Judah¹² said: Abba Halafta, R. Eliezer b. Mathia and Hananiah b. Hakinai stood upon those stones and estimated that each was equal to about forty se'ah.¹³ There is a tradition that the weight which a man can raise upon his shoulder is a third of the weight he can carry;¹⁴ so from this you may calculate what was the weight of the cluster of grapes,¹⁵ as it is said: And they bare it upon a staff between two.¹⁶ From the fact that it is stated upon a staff do I not know that it [was carried] between two? Why, then, is there a text to state 'between two'? [It means] on two staffs. R. Isaac said: [It means] a series of balancing poles.¹⁷ How was it? Eight [spies] carried the grape-cluster,¹⁸ one carried a pomegranate, one carried a fig, and Joshua and Caleb did not carry anything. If you wish I can say [that they did not carry anything] because they were the most distinguished of them,¹⁹ or alternatively that they did not have a share in the plan.²⁰

R. Ammi and R. Isaac the smith differ in opinion. One said: According to the statement of R. Judah,²¹

(1) Josh. III, 15f.

(2) supra p. 71. So that as soon as the last Israelite had crossed over, the waters returned.

(3) If the water rose to twelve mil only to subside again, they would not have been able to traverse a sufficient distance to escape the returning water.

(4) Josh. V, 1.

(5) Ibid. II, 10.

(6) Ibid. 11.

(7) Num. XXXIII. 52.

(8) This is an unusual Hebrew form, and is taken as a combination of othi, 'me' and ethkem 'you'.

(9) Josh. IV, 5.

(10) Ibid. 6.

(11) Josh. IV, 3.

(12) The reading should be: R. Jose.

(13) The se'ah was a measure of capacity; so what is here meant is a weight equal to that of forty se'ah of wheat.

- (14) . When others help to set it upon his shoulder. Consequently the weight of each was 120 se'ah.
 (15) Carried by the spies.
 (16) Num. XIII, 23.
 (17) For four couples of carriers.
 (18) [The weight of which would have been on this calculation 960 se'ahs, that is 8 times 120.]
 (19) And so it was beneath their dignity.
 (20) The bringing of the fruit was part of the plan to discourage the community. They would judge from its size what must be the stature of the inhabitants.
 (21) That the water was twelve mil in height.

Talmud - Mas. Sotah 34b

they crossed over in the formation of their encampment, and according to the statement of R. Eleazar b. Simeon¹ they crossed over in single file.² The other said: According to the statement of both teachers they crossed over in the formation of their encampment. One teacher was of the opinion that man was swifter, and the other that water was swifter.³ Send for thee men⁴ — Resh Lakish said: ['For thee' means] from thine own mind;⁵ because does anybody choose a bad position for himself?⁶ That is what is written: And the thing pleased me well⁷ — Resh Lakish said: It pleased me [Moses] well but not the All-Present.

That they search the land for us⁸ — R. Hiyya b. Abba said: The spies aimed at nothing else than discrediting the land of Israel. Here it is written: That they may search [we-yahperu] the land for us, and elsewhere it is written: Then the moon shall be confounded [we-haferah] and the sun ashamed etc.⁹

And these were their names: of the tribe of Reuben, Shammua the son of Zaccur.¹⁰ R. Isaac said: It is a tradition in our possession from our forefathers that the spies were named after their actions, but only with one has it survived with us: Sethur the son of Michael.¹¹ [He was named] Sethur because he undermined [sathar] the works of the Holy One, blessed be He; and Michael [was so named] because he suggested that God [el] was weak [mak].¹² R. Johanan said: We can also explain [the name] Nahbi the son of Vophsi.¹³ [He was named] Nahbi because he hid [hikbi] the words¹⁴ of the Holy One, blessed be He; and Vophsi [was so named] because he stepped over [pasa'] the attributes¹⁵ of the Holy One, blessed be He.

And they went up by the South and he came unto Hebron¹⁶ — it should have read 'and they came'! — Raba said: It teaches that Caleb held aloof from the plan of the spies and went and prostrated himself upon the graves of the patriarchs, saying to them, 'My fathers, pray on my behalf that I may be delivered from the plan of the spies'. (As for Joshua, Moses had already prayed on his behalf; as it is said: And Moses called Hoshea the son of Nun Joshua,¹⁷ [meaning], May Jah save thee [yoshi'aka] from the plan of the spies.) That is the intention of what is written: But My servant Caleb, because he had another spirit with him.¹⁸

And there were Ahiman, Sheshai and Talmai¹⁹ — Ahiman [was so named because he was] the strongest [meyuman] of them; Sheshai because he made the earth like pits [shehithoth];²⁰ Talmai because he made the earth like furrows [telamim]. Another explanation:²¹ Ahiman built 'Anath, Sheshai built Alash, and Talmai built Telbesh.²² The children of Anak — [they are so called] because they wore the sun as a necklace [ma'anikin] owing to their stature.

Now Hebron was built seven years¹⁹ — what means 'was built'? If I say that it means actually built, is it possible that a man constructs a house for his younger son before his elder son; as it is written: And the sons of Ham: Cush and Mizraim?²³ But [the intention is], it was seven times more productive than Zoan. There is no worse stony ground in all the land of Israel than Hebron, and that

is why they bury the dead there; and there is none among all the countries superior to the land of Egypt, as it is said: Like the garden of the Lord, like the land of Egypt;²⁴ and there is no place superior to Zoan In all the land Egypt, as it is written: For his princes are at Zoan.²⁵ Nevertheless Hebron was seven times more productive than Zoan. But was Hebron stony ground; behold it is written: And it came to pass at the end of forty years, that Absalom said unto the king, I pray thee, let me go [and pay my vow . . . in Hebron];²⁶ and R. Iwya — another version is, Rabbah b. Bar Hanan-said: He went to fetch lambs from Hebron; and there is also a teaching: [The best] rams are from Moab and lambs from Hebron! — From that very fact [it is proved that the land was stony]; because the soil is thin it produces pastures²⁷ and the cattle grow fat there.

And they returned from spying out the land . . .

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- (1) That the height was over three hundred mil.
 - (2) The time of crossing was much longer; consequently the heap of water had to be of greater height.
 - (3) For that reason they suggest different heights for the water to enable the people to escape.
 - (4) Num. XIII, 2. So the Hebrew literally.
 - (5) I.e., the plan did not emanate from God but from Moses.
 - (6) Would God have sanctioned a plan which He knew was to end in disaster?
 - (7) Deut. I, 23.
 - (8) Ibid. 22. The word for search is here given the meaning 'confound'.
 - (9) Isa. XXIV, 23.
 - (10) Num. XIII, 4.
 - (11) Ibid. 13.
 - (12) Lit., 'he made himself to be weak' — a reverential avoidance of a disparaging reference to God. He was the man who said: 'Even the master of the house cannot remove his furniture from there' (infra 35a).
 - (13) Ibid. 14.
 - (14) Did not truthfully report them.
 - (15) He misrepresented them.
 - (16) Ibid. 22. So the Heb. literally.
 - (17) Num. XIII, 16.
 - (18) Ibid. XIV, 24. It continues: I will bring him into the land whereinto he went, viz. Hebron. V. Josh. XIV, 14.
 - (19) Num. XIII, 22.
 - (20) Through his heavy tread.
 - (21) These words should be deleted, and do not occur in the parallel passage Yoma 10a.
 - (22) [Identified by Obermeyer (op. cit. pp. 102-3) with 'Anah, Alusa and Telbeth, three fortified island-towns on the Northern Euphrates.]
 - (23) Gen. X, 6. Canaan was the youngest of his sons and Mizraim the second.
 - (24) Ibid. XIII, 10.
 - (25) Isa. XXX, 4.
 - (26) II Sam. XV, 7.
 - (27) It does not yield any other produce.

Talmud - Mas. Sotah 35a

and they went and came.¹ R. Johanan said in the name of R. Simeon b. Yohai, It compares the going to the coming back; as the coming back was with an evil design, so the going was with an evil design.² And they told him and said: We came etc.,³ and it continues, Howbeit the people are strong.⁴ R. Johanan said⁵ in the name of R. Meir, Any piece of slander, which has not some truth in the beginning, will not endure in the end.⁶

And Caleb stilled [wa-yahas] the people concerning Moses⁷ — Rabbah said, [It means] that he won them over [hissithan] with words. When Joshua began to address them, they said to him,

‘Would this person with the lopped-off head⁸ speak to us!’ [Caleb] said [to himself], If I address them [in the same strain as Joshua], they will answer me in like manner and silence me; so he said to them, ‘Is it this alone that Amram's son has done to us!’⁹ They thought that he was speaking to censure Moses, so they were silent. Then he said to them, ‘He brought us out of Egypt, divided the Red Sea for us and fed us with manna. If he were to tell us, Prepare ladders and ascend to heaven, should we not obey him! Let us go up at once and possess it etc.’¹⁰

But the men that went up with him said: We will not be able etc.¹¹ R. Hanina b. Papa said: A grievous statement did they make at that moment, viz. For they are stronger than we — read not than we but than He;¹² as it were even the master of the house cannot remove his furniture from there.¹³

It is a land that eateth up the inhabitants thereof.¹⁴ Raba expounded: The Holy One, blessed be He, said: I intended this for good¹⁵ but they thought it in a bad sense. I intended this for good, because wherever [the spies] came, the chief [of the inhabitants] died, so that they should be occupied [with his burial] and not inquire about them.¹⁶ (Others say that Job died then and the whole world was occupied with mourning for him.) But they thought it in a bad sense: It is a land that eateth up the inhabitants thereof.¹⁷

And we were in our own sight as grasshoppers, and so we were in their sight.¹⁸ R. Mesharsheya said: The spies were liars. As regards ‘we were in our own sight as grasshoppers’, very well; but how could they know that ‘so we were in their sight’? But it is not so;¹⁹ for when [the inhabitants] held their funeral-meal²⁰ they ate it beneath cedar trees, and when [the spies] saw them they climbed the trees and sat there. Then they heard them say: ‘We see men like grasshoppers in the trees’.

And all the congregation lifted up their voice and wept.²¹ Rabbah said in the name of R. Johanan: That day was the ninth of Ab;²² and the Holy One, blessed be He, said: They are now weeping for nothing, but I will fix [this day] for them as an occasion of weeping for generations.

But all the congregation bade them stone them with stones,²³ and it continues, And the glory of the Lord appeared in the tent of meeting. R. Hiyya b. Abba said: It teaches that they took stones and hurled them against Him Who is above.²⁴ Even those men that did bring up an evil report of the land died by the plague.²⁵ R. Simeon b. Lakish said: They died an unnatural death.²⁶ R. Hanina b. Papa said: R. Shila of Kefar Temarthah expounded; It²⁷ teaches that their tongue was elongated and reached down to their navel, and worms issued from their tongue and penetrated their navel and from their navel they penetrated their tongue. R. Nahman b. Isaac said: They died of croup.²⁸

When²⁹ the last of the Israelites ascended from the Jordan, the waters returned to their place; as it is said: And it came to pass, when the priests that bore the ark of the covenant of the Lord were come up out of the midst of the Jordan, and the soles of the priests’ feet were lifted up unto the dry ground, that the waters of Jordan returned unto their place, and went over all its banks, as aforetime.³⁰ Consequently the ark and its bearers and the priests were on one side [of the Jordan] and the Israelites on the other!³¹ The ark carried its bearers and passed over [the river]; as it is said: And it came to pass, when all the people were clean passed over, that the ark of the Lord passed over, and the priests, in the presence of the people.³² On that account was Uzza punished, as it is said: And when they came unto the threshing-floor of Chidon, Uzza put forth his hand to hold the ark.³³ The Holy One, blessed be He, said to him, ‘Uzza, [the ark] carried its bearers; must it not all the more [be able to carry] itself!’

And the anger of the Lord was kindled against Uzzah; and God smote him there for his error [shall] etc.³⁴ R. Johanan and R. Eleazar [differ on the interpretation of the word ‘shal’]. One said [that it means] on account of the act of error [shalu];³⁵ the other said [that it means] he relieved himself in its presence.³⁶

And there he died by³⁷ the ark of God. R. Johanan said: Uzzah entered the World to Come, as it is stated 'with the ark of God' — as the ark endures for ever, so Uzzah entered the World to Come.

And David was angry, because the Lord had broken forth upon Uzzah.³⁸ R. Eleazar said: His face was changed [so that it became in colour] like a cake baked upon the coals [hararah]. Are we to infer from this that wherever wa-yihar occurs it has this meaning? — In other passages the word 'af [anger] is added but here it is not added.

Raba expounded: Why was David punished?³⁹ Because he called words of Torah 'songs', as it is said: Thy statutes have been my songs in the house of my pilgrimage.⁴⁰ The Holy One, blessed be He, said to him, 'Words of Torah, of which it is written: Wilt thou set thine eyes upon it? It is gone,⁴¹ thou recitest as songs! I will cause thee to stumble in a matter which even school-children know.' For it is written: But unto the sons of Kohath he gave none, because the service of the sanctuary etc.;⁴² and yet [David] brought it in a waggon.

And he smote of the men of Beth-Shemesh, because they looked into the ark.⁴³ God smote them because they looked into the ark! R. Abbahu and R. Eleazar [differ in their interpretation]; one said that they went on reaping while they prostrated themselves [before the ark],⁴⁴ the other said that they also used this [disrespectful] language to it,

(1) Num. XIII, 25f.

(2) They planned at the outset to bring back a discouraging report.

(3) Ibid. 27.

(4) Ibid. 28.

(5) The Gemara inserts here: mnemonic — truth, alone, interment. These are keywords to assist in remembering the sequence of the passages treated.

(6) On that account the report opened with a true description of the land's fertility.

(7) Ibid. 30. I.e., he silenced them to hear something about Moses. E.V. 'before'.

(8) An allusion to the fact that he was childless. What interest could he have in the conquest since he had no children to possess the land! (Rashi).

(9) He chose his words that the people should imagine he was against Moses, and so they would listen to him. 'Alone' in this sentence is the key-word of the mnemonic.

(10) Ibid.

(11) Ibid. 31.

(12) [**מִמֶּנּוּ** instead of **מִמֶּנּוּ** a difference of pronounciation in the Babylonian Masora, in order to distinguish between the 1st. masc. plur and 3rd. sing, (v. Ges. K. 1910 para. m, n. 1), and cf. Ibn Ezra on Ex. I, 9.]

(13) Even God is powerless against them.

(14) Num. XIII, 32.

(15) Viz., that many Canaanites die there. Hence the word 'interment' in the mnemonic.

(16) This is how the spies were able to return unmolested.

(17) This fate would befall the Israelites if they settled there.

(18) Ibid. 33.

(19) The spies did not lie in this matter.

(20) After burying the dead, as mentioned above.

(21) Ibid. XIV, 1.

(22) Fifth month. On that date the two Temples were destroyed, and the day is observed as a fast.

(23) Ibid. 10.

(24) The word 'them' includes God,

(25) Num. XIV, 37.

(26) That is the meaning of 'by the plague'.

(27) The definite article in 'the plague' shows that it was not an ordinary epidemic.

- (28) It was regarded as the severest form death could take (Ber. 8a) and was the fate of the slanderer (Shab. 33b).
- (29) After this long digression there is resumed the narrative of the crossing of the Jordan.
- (30) Josh. IV, 18.
- (31) The text is understood in the same sense that the priests who carried the ark dipped their feet in the Jordan and the waters remained parted so long as the feet were kept there. When the Israelites had crossed, the priests lifted their feet out of the water, stepping back upon the bank. They were consequently on the other side; so how did they get over?
- (32) Ibid. 11. Note that the ark 'passed over', and was not carried over.
- (33) I Chron. XIII, 9.
- (34) II Sam. VI, 7.
- (35) [שָׁל error, neglect, cf. Ezra IV, 12.]
- (36) Shal is connected with the root nashal 'to drop off.
- (37) Lit., 'with'.
- (38) II Sam. VI, 8. 'Angry' is 'wa-yihar' lit., 'be kindled'. The explanation is intended to avoid the thought that David was angered against God.
- (39) That Uzzah died through him.
- (40) Ps. CXIX, 54. When he fled from his enemies, he entertained himself by treating Scriptural passages as songs. He thus made a profane use of them.
- (41) Prov. XXIII, 5 — i.e., the Torah is beyond human understanding.
- (42) Num. VII, 9. The ark had to be carried upon the shoulders of the Levites.
- (43) I Sam. VI, 19.
- (44) [The phrase רָאוּ בְּאֵרֶן is taken to signify 'they gazed at the ark' with unbecoming interest, v. Driver, S.R., Samuel, a.l.]

Talmud - Mas. Sotah 35b

'Who embittered thee that thou wast thus embittered,¹ and what has come upon thee that thou art now appeased?' Even He smote of the people seventy men and fifty thousand men.² R. Abbahu and R. Eleazar [differ in their interpretation]; one said that there were only seventy men [smitten] each of whom was the equal of fifty thousand men, while the other said that there were fifty thousand men [smitten] each of whom was equal to the seventy who constituted the Sanhedrin.

And it was so, that when they that bore the ark of the Lord had gone six paces, he sacrificed an ox and a fatling,³ and it is also written, [They sacrificed] seven bullocks and seven rams!⁴ — R. Papa said in the name of Samuel: [The two passages are reconciled by supposing that] at each pace an ox and a fatling [were offered] and at each six paces seven bullocks and seven rams. R. Hisda said to him, On your theory you filled the whole of the land of Israel with high places! But, said R. Hisda, at each six paces an ox and a fatling [were offered] and at each six sets of six paces seven bullocks and seven rams.

[In one place the name of the threshing-floor] is written Chidon [and in another] Nacon!⁵ — R. Johanan said: At first [it was called] Chidon and afterwards Nacon.⁶

In consequence [of what is related in the Scriptures], you must conclude that there were three sets of stones: one which Moses caused to be erected in the land of Moab, as it is said: Beyond Jordan, in the land of Moab, began Moses to declare etc.,⁷ and elsewhere it states: Thou shalt write upon the stones all the words of this law [very plainly],⁸ and the inference is drawn from the use of the analogous word [that as in the latter passage stones were employed, they were similarly employed in connection with what is narrated in the first passage]. The second set was that which Joshua caused to be erected in the midst of the Jordan, as it is said: And Joshua set up twelve stones in the midst of Jordan.⁹ The third set was that which he caused to be erected in Gilgal, as it is said: And those twelve stones which they took.¹⁰

Our Rabbis taught: How did the Israelites inscribe the Torah? — R. Judah says: They inscribed it upon the stones, as it is stated: ‘Thou shalt write upon the stones all the words of this law etc.’ After that they plastered them over with plaster. R. Simeon said to him, According to your explanation, how did the nations of that period learn the Torah!¹¹ — He replied to him, The Holy One, blessed be He, endowed them with exceptional intelligence; and they sent their scribes who peeled off the plaster and carried away [a copy of the inscription]. On that account was the verdict sealed against them [to descend] to the pit of destruction, because it was their duty to learn [Torah] but they failed to do so. R. Simeon says: They inscribed it upon the plaster and wrote below, That they teach you not to do after all [their abominations].¹² Hence you learn that if they turn in penitence they would be accepted. Raba b. Shila said: What is R. Simeon's reason? — Because it is written: And the peoples shall be as the burnings of lime¹³ — i.e., on account of the matter of the plaster.¹⁴ And [how does] R. Judah [explain this verse]? — [Their destruction will be] like plaster — as there is no other remedy for plaster except burning, so there is no other remedy for those nations [who cleave to the abominations] except burning. According to whom [is the following teaching] which has been taught: And thou carriest them away captive¹⁵ — this is to include Canaanites who reside outside the land [of Israel] so if they turn in penitence they will be accepted.

(1) And didst not release thyself from the Philistines.

(2) I Sam. VI, 19. [In M.T. the particle וְ (‘and’) is missing.]

(3) II Sam. VI, 13.

(4) I Chron. XV, 26.

(5) Cf. II Sam. VI, 6 with I Chron. XIII, 9.

(6) Chidon means ‘a spear’, an appropriate name for the place where Uzzah lost his life; Nacon means ‘established’, and alludes to the fact that the ark was established there.

(7) Deut. I, 5. The Hebrew for ‘declare’ is be'er.

(8) Ibid. XXVII, 8. The Hebrew for ‘plainly’ is ba'er.

(9) Josh. IV, 9.

(10) Josh. IV, 20.

(11) Since the inscription was covered with plaster.

(12) Deut. XX, 18. The command to destroy was limited to those of the seven nations who resided in Canaan. Those of them who lived outside its borders could survive by giving up their abominable practices.

(13) Isa. XXXIII, 12. The word for ‘lime’ is the same as for plaster.

(14) The nations will be destroyed because they neglected to pay heed to the teachings inserted on the plaster.

(15) Deut. XXI, 10.

Talmud - Mas. Sotah 36a

According to whom is this? — According to R. Simeon.

Come and see how many miracles were performed on that day. Israel crossed the Jordan, came to mount Gerizim and mount Ebal [thus traversing a distance of] more than sixty mil, no creature was able to withstand them and whoever withstood them was immediately panic-stricken; as it is said: I will send My terror before thee, and will discomfort all the people to whom thou shalt come, etc.,¹ and it states: Terror and dread falleth upon them . . . till Thy people pass over, O Lord.² This alludes to the first advance [of Israel in the days of Joshua]; and ‘Till the people pass over which Thou hast gotten’² alludes to the second advance [in the days of Ezra]. Conclude from this that the Israelites were worthy that a miracle should be performed on their behalf during the second advance as in the first advance, but sin caused [it to be withheld].

After that they brought the stones, built the altar, and plastered it with plaster, and inscribed thereon all the words of the Torah in seventy languages; as it is said: Very plainly.³ Then they sacrificed burnt-offerings and peace-offerings, ate and drank and rejoiced, pronounced the blessings

and the curses,⁴ packed up the stones, and came and lodged in Gilgal; as it is said: Carry them over with you and lay them down in the lodging place.⁵ It is possible [to think that they were to deposit them] in any lodging place; therefore there is a text to state, Where ye shall lodge this night,⁵ and then it is written: And those twelve stones, which they took [out of Jordan, did Joshua set up in Gilgal].⁶

A Tanna taught: The hornet did not pass over [Jordan] with them; but behold it is written: And I will send the hornet before thee!⁷ — R. Simeon b. Lakish said: It stood by the bank of the Jordan and injected a virus [into the Canaanites] which blinded their eyes above and castrated them below; as it is said: Yet destroyed I the Amorite before them, whose height was like the height of the cedars, and he was strong as the oaks; yet I destroyed his fruit from above and his roots from beneath etc.⁸ R. Papa said: There were two hornets, one in the period of Moses and the other in the period of Joshua; the former did not pass over [Jordan] but the other did.

SIX TRIBES ASCENDED THE SUMMIT OF MOUNT GERIZIM etc. What means and the half of them?⁹ — R. Kahana said: As they were divided here [on the mounts]¹⁰ so were they divided on the stones of the ephod.¹¹ An objection was raised: The High priest had two precious stones on his shoulders, one on this side and one on the other side; upon them were inscribed the names of the twelve tribes, six on one stone and six on the other, as it is said: Six of their names on the one stone, [and the names of the six that remain on the other stone, according to their birth].¹² [This indicates that] the second six were to be according to their birth, but the first six were not to be according to their birth; because [the name of] Judah came first, and there were fifty letters, twenty-five on each stone. R. Hanina b. Gamaliel says:

(1) Ex. XXIII. 27.

(2) Ibid. XV, 16.

(3) Deut. XXVII. 8.

(4) [Wilna Gaon deletes 'and the curses', and refers the blessings to the Grace after meals, since the blessings and curses on the Mounts were pronounced before the altar was built, v. Mishnah.]

(5) Josh. IV, 3.

(6) Ibid. 20.

(7) Ex. XXIII, 28.

(8) Amos II, 9.

(9) Josh. VIII, 33. The Hebrew has the definite article which seems superfluous.

(10) Simeon, Levi, Judah, Issachar, Joseph and Benjamin on Mount Gerizim, and Reuben, Gad, Asher, Zebulun, Dan and Naphtali on Mount Ebal, v. Deut. XXVII, 12-13.

(11) Six tribes in the same order on each stone; v. Ex. XXVIII, 9ff.

(12) Ibid. 10.

Talmud - Mas. Sotah 36b

They were not apportioned upon the stones as they were apportioned in the Book of Numbers¹ but as they were apportioned in the second Book of the Pentateuch.² How then [were they arranged]? The sons of Leah in order of seniority [on one stone, and on the other] the sons of Rachel, one on top and the other at the bottom, with the sons of the hand-maids in the centre.³ In that case, how am I to explain 'according to their birth'? [It means that the inscription was] according to the names which their father called them and not according to the names which Moses called them — Reuben and not Reubeni, Simeon and not Simeoni, Dan and not had-Dani, Gad and not hag-Gadi.⁴ This is a refutation of R. Kahana!⁵ The refutation [is unanswered].

What, then, is the meaning of 'and the half of them'? — It has been taught: 'The half in front of mount Gerizim was larger than that in front of mount Ebal, because [the tribe of] Levi was below

[with the ark].⁶ On the contrary, for the reason that Levi was below it must have been smaller!⁷ — This is what he intends: Although Levi was below [the party on mount Gerizim was still larger] because the sons of Joseph were included with them [and they were very numerous]; as it is said: And the children of Joseph spake unto Joshua, saying: Why hast thou given me but one lot and one part for an inheritance, seeing I am a great people? . . . And Joshua said unto them, If thou be a great people, get thee up to the forest.⁸ He said to them, ‘Go, hide yourselves in the forests that the evil eye⁹ may not have sway over you’. They replied to him, ‘The evil eye can bear no sway over the seed of Joseph’; for it is written: Joseph is a fruitful bough, a fruitful bough by a fountain,¹⁰ and R. Abbahu said: Read not ‘ale ‘ayin [by a fountain] but ‘ole ‘ayin [overcoming the eye]. R. Jose b. Hanina said: [It is derived] from this passage, And let them grow [we-yidgu] into a multitude in the midst of the earth¹¹ — as the water covers the fish [dagim] in the sea so that the [evil] eye bears no sway over them, so the [evil] eye bears no sway over the seed of Joseph.

[It was stated above that on the stones of the ephod] were fifty letters; but there were fifty less one! — R. Isaac said: One letter was added to the name of Joseph, as it is said: He appointed it in Joseph for a testimony, when he went out over the land of Egypt.¹² R. Nahman b. Isaac objected: We require according to their birth!¹³ — But [the correct explanation is] that throughout the whole Torah Benjamin's name is spelt without the letter yod [before the final letter], but here [on the ephod] it was spelt complete with yod; as it is written: But his father called him Benjamin.¹⁴

R. Hanā¹⁵ b. Bizna said in the name of R. Simeon the Pious: Because Joseph sanctified the heavenly Name in private one letter was added to him from the Name of the Holy One, blessed be He; but because Judah sanctified the heavenly Name in public, the whole of his name was called after the Name of the Holy One, blessed be He. How was it with Joseph [that he sanctified the Name]? — As it is written: And it came to pass about this time, that he went into the house to do his work.¹⁶ R. Johanan said: This teaches that both [Joseph and Potiphar's wife] had the intention of acting immorally. ‘He went into the house to do his work’ — Rab and Samuel [differ in their interpretation]. One said that it really means to do his work; but the other said that he went to satisfy his desires.¹⁷ ‘And there was none of the men of the house etc. — is it possible that there was no man in a huge house like that of this wicked [Potiphar]! — It was taught in the School of R. Ishmael: That day was their feast-day, and they had all gone to their idolatrous temple; but she had pretended to be ill because she thought, I shall not have an opportunity like to-day for Joseph to associate with me. And she caught him by his garment, saying etc.¹⁸ At that moment his father's image came and appeared to him through the window and said: ‘Joseph, thy brothers will have their names inscribed upon the stones of the ephod and thine amongst theirs; is it thy wish to have thy name expunged from amongst theirs and be called an associate of harlots?’ (As it is written: He that keepeth company with harlots wasteth his substance.)¹⁹ Immediately his bow abode in strength²⁰ — R. Johanan said in the name of R. Meir: [This means] that his passion subsided. And the arms of his hands were made active²⁰ — he stuck his hands in the ground so that his lust came out from between his finger-nails. ‘By the hands of the Mighty One of Jacob’²⁰ — Who caused his name to be engraven upon the stones of the ephod but the Mighty One of Jacob? ‘From thence is the shepherd, the stone of Israel’²¹ — from there was he worthy to be made a shepherd, as it is said: Give ear, O Shepherd of Israel, Thou that leadest like the flock of Joseph.²²

It has been taught: Joseph was worthy that twelve tribes should issue from him as they issued from his father Jacob, as it is said: These are the generations of Jacob, Joseph;²³ but his lust came out from between his finger-nails.²⁴ Nevertheless they²⁵ issued from his brother Benjamin and were given names on his own account; as it is said: And the sons of Benjamin: Bela and Becher and Ashbel etc.²⁶ [He was called] Bela, because [Joseph] was swallowed up [nibla’] among the peoples. [He was called] Becher, because [Joseph] was the firstborn [bekor] of his mother. [He was called] Ashbel, because God sent [Joseph] into captivity [sheba'o el]. [He was called] Gera, because [Joseph] dwelt [gar] in lodgings [in a strange land]. [He was called] Naaman, because he was especially beloved

[na'im]. [They were called] Ehi and Rosh, because [Joseph] is my brother [ahi] and chief [rosh]. [They were called] Muppim and Huppim, because [Benjamin said: Joseph] did not see my marriage-canopy [huppah] and I did not see his.²⁷ [He was called] Ard, because [Joseph] descended [yarad] among the peoples. Others explain [that he was called] Ard, because [Joseph's] face was like a rose [wered].

R. Hiyya b. Abba said in the name of R. Johanan: At the moment when Pharaoh said to Joseph, And without thee shall no man lift up his hand etc.,²⁸ Pharaoh's astrologers exclaimed: 'Wilt thou set in power over us a slave whom his master bought for twenty pieces of silver!' He replied to them, 'I discern in him royal characteristics.' They said to him, 'In that case he must be acquainted with the seventy languages'. Gabriel came and taught [Joseph] the seventy languages, but he could not learn them. Thereupon [Gabriel] added to his name a letter from the Name of the Holy One, blessed be He, and he learnt [the languages] as it is said: He appointed it in Joseph²⁹ for a testimony, when he went out over the land of Egypt, where I [Joseph] heard a language that I knew not.³⁰ On the morrow, in whatever language Pharaoh conversed with him he replied to him; but when [Joseph] spoke to him in the holy tongue he did not understand what he said. So he asked him to teach it to him; he taught it to him but he could not learn it. [Pharaoh] said to him, 'Swear to me that thou wilt not reveal this';³¹ and he swore to him. When [Joseph] later said to him, My father made me swear, saying,³² he remarked to him, 'Go, ask [to be released from] thine oath.'³³ He replied to him, 'I will also ask [to be released from my oath] concerning thee'.³⁴ Therefore, although it was displeasing to him, [Pharaoh] said to him, Go up and bury thy father, according as he made thee swear.³⁵

What was it that Judah did?³⁶ — As it has been taught: R. Meir said: When the Israelites stood by the Red Sea, the tribes strove with one another, each wishing to descend into the sea first. Then sprang forward

(1) V. I, 5ff.

(2) V. Ex. I, 2ff.

(3) On the one stone were Reuben, Simeon, Levi, Judah, Issachar and Zebulun; on the other Benjamin, Dan, Naphtali, Gad, Asher and Joseph.

(4) The latter are the tribal as distinct from the personal names.

(5) Who said that the tribes were divided on the stones of the ephod as on the two mounts; and this has been shewn to be incorrect.

(6) [The article 'the' denotes that those who stood on Ebal represented the full contingent of half the tribes. Whereas on Gerizim one of the tribes — Levi — was missing (Maharsha)].

(7) Since Levi should have been among the first six tribes.

(8) Josh. XVII, 14f.

(9) The personification of envy which causes harm to those who enjoy good fortune. Their numerical strength would excite envy.

(10) Gen. XLIX, 22.

(11) Ibid. XLVIII, 16, referring to Joseph's sons.

(12) Ps. LXXXI, 6. In this verse Joseph's name is spelt with five letters instead of the usual four, v, supra p. 50, n. 2.

(13) As explained above, viz., the name as given by Jacob; consequently we cannot use the exceptional form of his name as it occurs here.

(14) Gen. XXXV, 28; here it is spelt with the yod.

(15) In the parallel passage, supra 10b the name is Hanin.

(16) Ibid. XXXIX, 11.

(17) I.e., for an immoral purpose.

(18) Ibid. 12.

(19) Prov. XXIX, 3.

(20) Gen. XLIX, 24.

(21) Gen. XLIX, 24.

- (22) Ps. LXXX, 2, E.V. 1., sic. Hence Israel is called Joseph's flock and he is the shepherd.
- (23) Gen. XXXVII, 2.
- (24) As mentioned above, and so his power to beget was diminished.
- (25) I.e., ten sons, who, added to Joseph's two, made the total of twelve.
- (26) Ibid. XLVI, 21.
- (27) The derivation of Muppim has fallen out of the text, but is found in Tanhuma to Genesis (ed. Buber, p. 206), viz., his mouth (pi) was like that of our father, i.e., he learnt Torah from Joseph as from Jacob.
- (28) Ibid. XLI, 44
- (29) V. p. 179, n. 7.
- (30) Ps. LXXXI, 6.
- (31) That he was ignorant of Hebrew, and a king was expected to know every language.
- (32) Ibid. L, 5, viz., that he should enter his body in Canaan.
- (33) In Jewish Law only proper authorities could release a man from his oath. Pharaoh did not wish Joseph to leave Egypt to bury his father.
- (34) I.e., if Pharaoh refused him permission, he would take steps to enable him to disclose the king's ignorance of Hebrew.
- (35) Ibid. 6.
- (36) That he sanctified God's Name publicly.

Talmud - Mas. Sotah 37a

the tribe of Benjamin and descended first into the sea; as it is said: There is little Benjamin their ruler¹ — read not *rodem* [their ruler] but *rad yam* [descended into the sea]. Thereupon the princes of Judah hurled stones at them; as it is said: The princes of Judah their council.² For that reason the righteous Benjamin was worthy to become the host of the All-Powerful,³ as it is said: He dwelleth between his shoulders.⁴ R. Judah said to [R. Meir]: That is not what happened; but each tribe was unwilling to be the first to enter the sea. Then sprang forward Nahshon the son of Amminadab⁵ and descended first into the sea; as it is said: Ephraim compasseth me about with falsehood, and the house of Israel with deceit; but Judah yet ruleth with God.⁶ Concerning him it is stated in Scripture,⁷ Save me O God, for the waters are come in unto my soul. I sink in deep mire, where there is no standing etc.⁸ Let not the waterflood overwhelm me, neither let the deep swallow me up etc.⁹ At that time Moses was engaged for a long while in prayer; so the Holy One, blessed be He, said to him, 'My beloved ones are drowning in the sea and thou prolongest prayer before Me!' He spake before Him, 'Lord of the Universe, what is there in my power to do?' He replied to him, Speak unto the children of Israel that they go forward. And lift thou up thy rod, and stretch out thy hand etc.¹⁰ For that reason Judah was worthy to be made the ruling power in Israel, as it is said: Judah became His sanctuary, Israel his dominion.¹¹ Why did Judah become His sanctuary and Israel his dominion? Because the sea saw [him] and fled.¹²

It has been taught. R. Eliezer b. Jacob says: It is impossible to declare that Levi [was stationed] below since it is stated that he was above,¹³ and it is impossible to declare that he was above since it is stated that he was below;¹⁴ so how was it? The elders of the priests and Levites were below and the rest above. R. Joshiyah said: All [the Levites] who were qualified to serve [as bearers of the ark] were below and the rest above. Rabbi says: Both [the priests and Levites] and also [the Israelites] were standing below.¹⁵ They turned their faces towards mount Gerizim and opened with the blessing, and then towards mount Ebal and opened with the curse; for what means 'al'?¹⁶ It means 'near to'; as it has been taught: And thou shalt put pure frankincense near ['al] each row¹⁷ — Rabbi says: 'Al means 'near to'. You declare that 'al means 'near to'; but perhaps it is not so and the signification is actually 'upon'? Since it states: Thou shalt put a veil 'al the ark,¹⁸ conclude that 'al means 'near to'.

THEY TURNED THEIR FACES TOWARDS MOUNT GERIZIM AND OPENED WITH THE

BLESSING etc. Our Rabbis taught: There was a benediction in general and a benediction in particular, likewise a curse in general and a curse in particular.¹⁹ [Scripture states]: to learn, to teach, to observe and to do;²⁰ consequently there are

(1) Ps. LXVIII, 28, E.V. 27.

(2) Ibid. The word for council has the same root as the verb 'to stone'; so it is here understood as 'their stoners'.

(3) The Temple was erected on the territory of Benjamin, v. Yoma 12a.

(4) Deut. XXXIII, 12, i.e., God dwells in the land of Benjamin.

(5) He was the prince of the tribe of Judah (Num. VII, 12).

(6) Hos. XII, 1. The last words are read 'im el, which are interpreted: he descended (into the sea because his trust was) with God.

(7) Kabbalah, lit., 'tradition', a term used for the Biblical canon other than the Pentateuch, v. B.K. (Sonc. ed) p. 3. n. 3.

(8) Ps. LXIX, 2f.

(9) Ibid. 16.

(10) Ex. XIV, 15f.

(11) Ps. CXIV. 2. The Temple was in the kingdom of Judah. 'His dominion' is understood as Judah's rule over Israel.

(12) Ibid. 3.

(13) On Gerizim (Deut. XXVII, 12).

(14) Josh. VIII, 33.

(15) This seems to be implied in Josh. I.c.

(16) In Deut. XXVII, 12, translated 'upon'.

(17) Lev. XXIV, 7.

(18) Ex. XL, 3. The veil was not 'upon' the ark but 'near to, i.e., in front of it.

(19) The general blessing or curse was in connection with Deut. XXVII, 26, and the particular blessing or curse for the actions specified in that chapter.

(20) Cf. ibid. v. I and XI, 19.

Talmud - Mas. Sotah 37b

four [duties associated with each commandment]. Twice four are eight¹ and twice eight are sixteen.² It was similar³ at Sinai and the plains of Moab; as it is said: These are the words of the covenant which the Lord commanded Moses etc.'⁴ and it is written: Keep therefore the words of this covenant etc.⁵ Hence there were forty-eight covenants in connection with each commandment.⁶ R. Simeon excludes [the occasion of] Mount Gerizim and Mount Ebal⁷ and includes that of the Tent of Meeting in the wilderness.⁸ The difference of opinion here is the same as that of the teachers in the following: R. Ishmael says: General laws were proclaimed at Sinai and particular laws in the Tent of Meeting. R. Akiba says: Both general and particular laws were proclaimed at Sinai, repeated in the Tent of Meeting, and for the third time in the plains of Moab. Consequently there is not a single precept written in the Torah in connection with which forty-eight covenants were not made. R. Simeon b. Judah of Kefar Acco⁹ said in the name of R. Simeon: There is not a single precept written in the Torah in connection with which forty-eight times six hundred and three thousand, five hundred and fifty¹⁰ covenants were not made. Rabbi said: According to the reasoning of R. Simeon b. Judah of Kefar Acco who said in the name of R. Simeon that there is not a single precept written in the Torah in connection with which forty-eight times six hundred and three thousand, five hundred and fifty covenants were not made, it follows that for each Israelite there are six hundred and three thousand, five hundred and fifty commandments.¹¹ What is the issue between them? — R. Mesharsheya said: The point between them is that of personal responsibility and responsibility for others.¹²

R. Judah b. Nahmani, the lecturer¹³ of Simeon b. Lakish, expounded: The whole section [of the blessings and curses] refers to none other than the adulterer and adulteress. [It states,] Cursed be the man that maketh a graven or molten image etc.¹⁴ Does it suffice merely to pronounce cursed with such a person!¹⁵ — But it alludes to one who has immoral intercourse, and begets a son who goes to

live among heathens¹⁶ and worships idols; cursed be the father and mother of this man since they were the cause of his sinning.¹⁷

Our Rabbis taught: Thou shalt set the blessing upon Mount Gerizim and the curse etc.¹⁸ What is the purpose of this text? If it is to teach that the blessing [is to be pronounced] on Mount Gerizim and the curse on mount Ebal, it has already been said: These shall stand upon mount Gerizim to bless the people,¹⁹ and it continues, And these shall stand upon mount Ebal for the curse!²⁰ But [the purpose is to indicate] that the blessing must precede the curse. It is possible to think that all the blessings must precede the curses; therefore the text states 'blessing' and 'curse, I.e., one blessing precedes a curse and all the blessings do not precede the curses. A further purpose is to draw a comparison between blessing and curse to tell us that as the curse is pronounced by the Levites so the blessing must be pronounced by the Levites; as the curse is uttered in a loud voice so must the blessing be uttered in a loud voice; as the curse is said in the holy tongue²¹ so must the blessing be said in the holy tongue; as the curse is in general and particular terms so must the blessing be in general and particular terms; and as with the curse both parties respond with Amen so with the blessing both parties respond with Amen.

MISHNAH. HOW WAS THE PRIESTLY BENEDICTION [PRONOUNCED]? IN THE PROVINCE²² IT WAS SAID AS THREE BLESSINGS,²³ BUT IN THE TEMPLE AS ONE BLESSING.²⁴ IN THE TEMPLE THE NAME WAS UTTERED

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- (1) In connection with every command there is a covenant for each of the four duties. So there were four blessings and four curses pronounced with each precept.
- (2) Eight blessings and curses with the general commandment and eight with the particular commandments.
- (3) Viz., there were sixteen blessings and curses implied with the covenants entered into in each of the two places named.
- (4) Deut. XXVIII, 69. apart from the section at Mt. Gerizim.
- (5) Ibid. XXIX, 8.
- (6) Sixteen in each of the three places.
- (7) Because not all the commandments formed the covenant there.
- (8) After its erection God spoke to Moses from thence (Lev. I, 1).
- (9) [Capharnaum in lower Galilee, mentioned in Josephus, Wars II, 20, 6; v. Hildesheimer, Beitrage, p. 81.]
- (10) The number of male Israelites, with each of whom the covenants were made.
- (11) And forty-eight covenants were made in connection with each of them.
- (12) If it is held according to the Rabbis that each Israelite is responsible for the conduct of the rest, then the number must be squared to get the total.
- (13) It was customary for a teacher to impart the lesson to a lecturer who delivered it to the disciples.
- (14) Deut. XXVII, 15.
- (15) The penalty is death.
- (16) [Being the offspring of an adulterous union, he is debarred from the Assembly and cannot marry an Israelite woman.]
- (17) [And not only with idolatry. His heathen association will lead him to commit the other offences in this section, provoking upon his parents the enumerated curses; v., however, Rashi.]
- (18) Ibid, XI, 29.
- (19) Ibid. XXVII, 12.
- (20) Ibid. 13.
- (21) V. supra 33a.
- (22) I.e., outside the Temple.
- (23) As divided in Num. VI, 24ff., and after each sentence there was a response of Amen.
- (24) There was no interruption because the response of Amen was not made in the Temple.

Talmud - Mas. Sotah 38a

AS WRITTEN,¹ BUT IN THE PROVINCE IN ITS SUBSTITUTED NAME.² IN THE PROVINCE THE PRIESTS RAISE THEIR HANDS IN A LINE WITH THEIR SHOULDERS, BUT IN THE TEMPLE ABOVE THEIR HEADS, EXCEPT THE HIGH PRIEST WHO DOES NOT RAISE HIS HANDS HIGHER THAN THE PLATE.³ R. JUDAH SAYS: ALSO THE HIGH PRIEST RAISES HIS HANDS HIGHER THAN THE PLATE, AS IT IS SAID, AND AARON LIFTED UP HIS HANDS TOWARD THE PEOPLE AND BLESSED THEM.⁴

GEMARA. Our Rabbis taught: On this wise ye shall bless⁵ — i.e., in the holy tongue. You say that it means in the holy tongue; but perhaps it is not so and it means in any language! It is stated here, ‘On this wise ye shall bless,’ and elsewhere it is stated: These shall stand to bless the people,⁶ as in this latter passage it was in the holy tongue, so also in the former it was in the holy tongue. R. Judah says: [This deduction] is unnecessary, because it states ‘on this wise’ [which signifies] that they must pronounce it in this language [as written in Scripture].⁷

Another [Baraitha] taught: ‘On this wise ye shall bless’ — i.e., standing. You say that it means standing; but perhaps that is not so and [the benediction may be pronounced] even sitting! It is stated here, ‘On this wise ye shall bless,’ and elsewhere it is stated: ‘These shall stand to bless’ — as here it was standing so in the former passage it was standing. R. Nathan says: [This deduction] is unnecessary; behold it states: To minister unto Him and to bless in His name⁸ — as [the priest] ministers standing so he blesses standing. Whence is it that the ministering itself [was performed standing]? Because it is written: To stand to minister.⁹

Another [Baraitha] taught: ‘On this wise ye shall bless’ — i.e., with raising of the hands. You say that it means with raising of the hands; but perhaps that is not so [and the benediction can be pronounced] without raising of the hands! It is stated here, ‘On this wise ye shall bless’, and elsewhere it is stated: ‘And Aaron lifted up his hands toward the people and blessed them’;¹⁰ as in this latter passage it was with raising of the hands, so also in the former passage it was with raising of the hands. R. Jonathan raised the question: If [your reasoning is valid], then as in that passage¹⁰ [the benediction was pronounced] by the High Priest, on the new moon¹¹ and in the service of the Community, so also here it must be the High Priest, on the new moon and in the service of the Community! R. Nathan says: [This deduction] is unnecessary; behold it states: Him and his sons for ever,¹² comparing him and his sons — as [the High Priest pronounced the benediction] with raising of the hands, so also his sons with raising of the hands. Furthermore it is written for ever,¹³ and a comparison is drawn between the benediction and ministering.¹⁴

Another [Baraitha] taught: ‘On this wise ye shall bless the children of Israel’ — with the use of the Shem Hameforash.¹⁵ You say that it means with the Tetragrammaton; but perhaps that is not so and a substituted name was used!¹⁶ There is a text to say: So shall they put My name¹⁷ — My name which is unique to Me. It is possible to think that [the Shem Hameforash was also used] in places outside the Temple; but it is stated here, ‘So shall they put My name’ and elsewhere it is stated: To put His name there¹⁸ — as in this latter passage it denotes in the Temple so also in the former passage it denotes in the Temple. R. Joshiah says: [This deduction] is unnecessary; behold it states: In every place where I cause My name to be remembered I will come unto thee.¹⁹ Can it enter your mind that every place is intended?²⁰ But the text must be transposed thus: In every place where I will come unto thee and bless thee will I cause My name to be remembered; and where will I come unto thee and bless thee? In the Temple; there, in the Temple, will I cause My name to be remembered.

Another [Baraitha] teaches: ‘On this wise ye shall bless the children of Israel’ — I have here only the children of Israel; whence is it that proselytes, women and enfranchised slaves [are included]? There is a text to state, Ye shall say unto them²¹ — i.e., to all of them.

Another [Baraita] teaches: 'On this wise ye shall bless' — i.e., face to face.²² You say that it means face to face; but perhaps that is not so and it means the face [of the priests] towards the back [of the people]! There is a text to state, 'Ye shall say unto them' — i.e., like a man who talks to his companion.

Another [Baraita] teaches: 'On this wise ye shall bless — i.e., in a loud voice. But perhaps it is not so and the meaning is softly! There is a text to state, 'Ye shall say unto them' — like a man who talks to his companion.

Abbaye said: We have a tradition that [the Precentor]²³ exclaims 'Kohanim!' when [at least] two are present but he does not exclaim 'Kohen!' when only one is there;²⁴ as it is said: Ye shall say unto them — i.e., [at least] unto two. R. Hisda said: We have a tradition that [when the Precentor is himself] a kohen he exclaims 'Kohanim!' but a lay-Israelite does not; as it is said: 'Ye shall say unto them' — the saying

(1) The Tetragrammaton YHWH.

(2) Viz., Adonai.

(3) Worn on the forehead (Ex. XXVIII, 36).

(4) Lev. IX, 22.

(5) Num. VI, 23.

(6) Deut. XXVII, 12.

(7) V. supra 33b, p. 164.

(8) Ibid. X, 8.

(9) Ibid. XVIII, 5.

(10) Which refers to the special occasion when the Tent of Meeting was dedicated.

(11) That day on which the Tabernacle was set up was New Moon, v. Ex. XL, 2.

(12) Deut. XVIII, 5.

(13) He thus answers the argument that the benediction should only be pronounced by the High Priest and on the new moon.

(14) I.e., although Deut. XVIII, 5 only mentions ministering and not blessing, yet from the phrase to minister and to bless (ibid. X, 8) it is concluded that they are analogous.

(15) [Lit., 'the Distinguished Name', synonymous with Shem Hameyuhad, 'the Unique Name' and generally held identical with the Tetragrammaton, uttered as written, v. Sanh. (Sonc. ed.) p. 408, n. 1.]

(16) [I.e., as read Adonai, v. Tosaf.]

(17) Num. VI, 27.

(18) Deut. XII, 5.

(19) Ex. XX, 24.

(20) [That the Divine presence will come there. Surely this is restricted to the Sanctuary or Temple; v. Rashi.]

(21) Num. VI, 23.

(22) The priests and people must face one another.

(23) When calling upon the Kohanim (v. Glos., s.v. Kohen) in the Synagogue to pronounce the benediction.

(24) [But the priest turns his face to bless the people of his own accord; v. 'Atereth Zekenim Sh. 'A. Orah Hayyim 128, 10.]

Talmud - Mas. Sotah 38b

must come from one of their own body. The legal decision is in accord with the view of Abaye and not according to R. Hisda.

(Mnemonic.¹ Desires, for the benediction, platform, in the 'Service', cup, recognise, accepts hospitality, heifer.)

R. Joshua b. Levi said: Whence is it that the Holy One, blessed be He, desires the priestly benediction? As it is said: So shall they put My name upon the children of Israel; and I will bless them.² R. Joshua b. Levi also said: Every kohen who pronounces the benediction is himself blessed, but if he does not pronounce it he is not blessed; as it is said: I will bless them that bless thee.³ R. Joshua b. Levi also said: Any kohen who refuses to ascend the platform⁴ transgresses three positive commandments, viz., ‘On this wise shall ye bless’, ‘Ye shall say unto them’, and ‘So shall they put My name’. Rab said: We have to take into consideration that he might be the son of a divorcee or the son of a Haluzah.⁵ But [R. Joshua and Rab] are not at variance, one referring to a case where he ascends [the platform] occasionally,⁶ the other to a case where he does not occasionally ascend it.

R. Joshua b. Levi also said: Any kohen who does not ascend [the platform] in the ‘Service’⁷ may not ascend later; as it is said: And Aaron lifted up his hands toward the people, and blessed them, — and he came down from offering the sin-offering and the burnt-offering and the peace-offering.⁸ As in this passage [the benediction occurred] during the ‘Service’, so here [in the Synagogue] it must be [during the prayers relating to] the ‘Service’. But that is not so, seeing that R. Ammi and R. Assi ascended [at a later point in the liturgy]! — R. Ammi and R. Assi had already moved their feet [at the proper point to ascend the platform] but did not reach there [in time]. This is as R. Oshaia taught, [The statement that the kohen may not ascend after that point in the liturgy] does not apply except when he had not moved his feet, but if he had moved his feet he may ascend. It has been similarly learnt: If he⁹ is confident that he can raise his hands [for the benediction] and resume the prayers [without an error], he is permitted to do so;¹⁰ on arguing in this connection that he surely does not move [his feet],¹¹ [the reply was] that he shifts a little [to one side]; so also in the present instance, if [a kohen] moves a little [to ascend at the right point, it is sufficient].

R. Joshua b. Levi also said: We give the cup of blessing¹² for the recital of the Grace after meals only to one who is of a generous disposition,¹³ as it is said: He that hath a bountiful eye shall be blessed, for he giveth of his bread to the poor¹⁴ — read not yeborak [‘shall be blessed’] but yebarek [shall say the Benediction]. R. Joshua b. Levi also said: Whence is it that even the birds recognise those who have a niggardly spirit?¹⁵ As it is said: For in vain is the net spread in the eyes of any bird.¹⁶ R. Joshua b. Levi also said: Whoever accepts hospitality of men of niggardly spirit transgresses a prohibition; as it is said: Eat thou not the bread of him that hath an evil eye, [neither desire thou his dainties]. For as he reckoneth within himself; so is he; eat and drink, saith he to thee, [but his heart is not with thee].¹⁷ R. Nahman b. Isaac said: He transgresses two prohibitions, ‘Eat thou not’ and ‘Neither desire thou’. R. Joshua b. Levi also said: [The necessity for] the heifer whose neck is to be broken¹⁸ only arises on account of the niggardly of spirit, as it is said: Our hands have not shed this blood.¹⁹ But can It enter our minds that the elders of a Court of Justice are shedders of blood! The meaning is, [The man found dead] did not come to us for help and we dismissed him, we did not see him and let him go — i.e., he did not come to us for help and we dismissed him without supplying him with food, we did not see him and let him go without escort.²⁰

Adda said in the name of R. Simlai: In a Synagogue where all the worshippers are kohanim, they all ascend the platform. For whom, then, do they pronounce the benediction? R. Zera answered: For their brethren [working] in the fields.²¹ But it is not so; for Abba the son of R. Minyamin b. Hiyya taught: The people who are behind the kohanim do not come within the scope of the benediction!²² — There is no contradiction; the former refers to men who are compelled [to be absent] and the latter to men who are not compelled [to be stationed behind the kohanim]. But R. Shimi of the Fort of Shihori taught: In a Synagogue where all the worshippers are kohanim, some ascend [the platform] and the rest respond with Amen! — There is no contradiction; the latter refers to where ten remain [to respond Amen] and the former where ten do not remain.

The [above] text stated: ‘Abba the son of R. Minyamin b. Hiyya taught: The people who are behind the kohanim do not come within the scope of the benediction.’ It is obvious that the tall do

not create an obstruction for the short,²³ nor does the ark [where the Torah-scrolls are deposited] create an obstruction; but how is it with a partition [within the Synagogue]? — Come and hear: R. Joshua b. Levi said: Even a partition of iron does not divide between Israel and their Father in heaven. The question was asked: How is it with those standing on the side [of the kohanim]? — Abba Mar son of R. Ashi said: Come and hear: We have learnt: If he intended to sprinkle²⁴ in front of him

(1) V. p. 171, n. 6.

(2) Num. VI, 27. [By blessing the people, the priests place, so to speak, to the delight of God, His name upon them (Rashi)].

(3) Gen. XII, 3.

(4) From which the benediction is pronounced.

(5) V. Glos. His father may have contracted a marriage which is forbidden to a kohen, in which case the son was disqualified.

(6) On some of the Festivals and then declines to do so on others; in which case we do not suspect him of being disqualified.

(7) I.e., the paragraph of the Eighteen Benedictions referring to the Temple-service. That is the point at which the kohen ascends the platform. V. P.B. p. 238a.

(8) Lev. IX, 22.

(9) The case is where the Precentor is the only kohen in the Synagogue. He is not required to 'raise his hands', because it might confuse him and lead to a mistake in the rendering of the prayers.

(10) V. Ber. 34a.

(11) From the reading desk to ascend the platform, so how can he 'raise his hands'?

(12) A cup of wine is used in the recital of Grace.

(13) Lit., 'good of eye', the opposite of bad of eye, i.e., envious.

(14) Prov. XXII, 9.

(15) Lit., 'narrow of eye'. Birds avoid such as these.

(16) Prov. I, 17. verse 19 continues, So are the ways of everyone that is greedy of gain.

(17) Ibid. XXIII, 6f.

(18) Cf. Deut. XXI, 1ff.

(19) Ibid. 7.

(20) A man without escort was liable to be set upon and murdered.

(21) Who were prevented by their work from being present.

(22) R.H. 35a. So how much more, they who are not present!

(23) Although the latter are shut out from the view of the kohanim, they are not excluded from the benediction.

(24) The purifying water to remove the defilement of vessels (v. Num. XIX, 18).

Talmud - Mas. Sotah 39a

and he sprinkled behind him, or vice versa, the sprinkling is invalid; [but if he intended to sprinkle] in front of him and did so on the sides in front of him, his sprinkling is valid.¹

Raba son of R. Huna said: When the Torah-scroll is unrolled² it is forbidden to converse even on matters concerning the law; as it is said: And when he opened it all the people stood up,³ and standing up signifies nothing else than silence, as it is said: And I wait because they speak not, because they stand still and answer no more.⁴ R. Zera said in the name of R. Hisda: [It may be derived] from this passage, And the ears of all the people were attentive unto the book of the law.⁵

R. Joshua b. Levi also said: Any kohen who has not washed his hands may not lift them up [to pronounce the benediction]; as it is said: Lift up your hands in holiness and bless ye the Lord.⁶

His disciples asked R. Eleazar b. Shammua, 'How have you prolonged your life?' He replied:

‘Never have I made use of a Synagogue as a short cut,⁷ nor stepped over the heads of the holy people,⁸ nor lifted up my hands [as a kohen] without first uttering a benediction.’ What benediction did he utter? — R. Zera said in the name of R. Hisda: ‘[Blessed art Thou, O Lord our God, King of the Universe] Who hast commanded us with the sanctity of Aaron and hast commanded us to bless Thy people Israel in love’.⁹ When he [the priest] moves his feet [to ascend the platform] what does he say? — ‘May it be pleasing before Thee, O Lord our God, that this benediction wherewith Thou hast commanded us to bless Thy people Israel may be free from stumbling and iniquity.’ When he turns his face from the Congregation [to the ark after pronouncing the benediction] what does he say? — R. Hisda led R. ‘Ukba forward¹⁰ and the latter explained [that what he says is], ‘Lord of the Universe, we have performed what Thou hast decreed upon us;¹¹ fulfil with us

(1) Consequently those standing on the side are within the scope of the benediction.

(2) For the lection in the Synagogue.

(3) Neh. VIII, 3, describing the reading of the Torah to the assembly.

(4) Job XXXII, 16.

(5) Neh. VIII, 3.

(6) Ps. CXXXIV, 2.

(7) In Ber. 62b it is stated: If one enters a Synagogue not for the purpose of making it a short cut, he may use it in that manner. But R. Eleazar took a stricter view.

(8) I.e., made his way to his seat by passing through the students who sat on the floor. He either arrived first or sat on the outside.

(9) This formula has been adopted in the ritual; P.S. p. 238a. [Cf. Rashi, Num. VI, 23 (quoting from Midrash): Ye shall not bless them hurriedly and hastily but devoutly and with a perfect heart.]

(10) [אֶדְבָּרָה Rashi (Bezah. 29a), ‘took him out for a walk’; R. Hananeel (a.l.): ‘put the words in his mouth’ — i.e., prepared the exposition for him. R. ‘Ukba was Exilarch and had his public discourses prepared by R. Hisda.]

(11) [I.e., although we are not worthy to bless; v. Tikkin Tefillah., Ozar ha- Tefilloth, (Wilna, 1923) p. 941.]

Talmud - Mas. Sotah 39b

what Thou hast promised us, viz., Look down from Thy holy habitation, from heaven etc.’¹

R. Hisda said: The kohanim are not permitted to bend their fingerjoints² until they turn their faces from the congregation.

R. Zera said in the name of R. Hisda: The Precentor is not permitted to exclaim ‘Kohanim!’³ until the response of Amen [to the preceding benediction] had been completed by the congregation; and the kohanim are not permitted to begin the benediction until the announcement [of ‘Kohanim!'] had been completed by the Precentor; and the congregation is not permitted to respond Amen until the benediction had been completed by the kohanim, — and the kohanim are not permitted to begin another section of the benediction until the response of Amen had been completed by the congregation [to the preceding].

R. Zera also said in the name of R. Hisda: The kohanim are not permitted to turn their faces from the congregation ‘until the Precentor begins the paragraph ‘Grant peace’;⁴ nor are they permitted to move their feet and descend until the Precentor has finished ‘Grant peace’.

R. Zera also said in the name of R. Hisda: The congregation is not permitted to respond Amen until a benediction had been completed by the Precentor; and the reader is not permitted to read in the Torah until the response of Amen [to the preliminary benediction] had been completed by the congregation; and the translator⁵ is not permitted to begin the translation until the verse had been completed by the reader; and the reader is not permitted to begin another verse until the translation [of the preceding verse] had been completed by the translator.

R. Tanhum said in the name of R. Joshua b. Levi: He who is to read the lection from the prophets must first read [a passage] in the Torah.⁶ R. Tanhum also said in the name of R. Joshua b. Levi: He who is to read the lection from the prophets is not permitted to begin his recital until the Torah-scroll is rolled up.⁷ R. Tanhum also said in the name of R. Joshua b. Levi: The Precentor is not permitted to strip the ark bare in the presence of the Congregation because of the dignity of the congregation.⁸ R. Tanhum also said in the name of R. Joshua b. Levi: The congregation is not permitted to depart until the Torah-scroll is removed⁹ and deposited in its place. Samuel said: [They may not depart] until [the Pre centor] has gone out.¹⁰ There is no variance between them; the former refers to when there is another exit,¹¹ the latter to when there is not another exit. Raba said: Bar Ahina explained to me [that the Scriptural basis for this regulation is], Ye shall walk after the Lord your God.¹²

While the kohanim are blessing the people¹³ what do the latter say? — R. Zera declared in the name of R. Hisda: Bless the Lord, ye angels of His, ye mighty in strength . . . Bless the Lord, all ye His hosts, ye ministers of His that do His pleasure. Bless the Lord, all ye His works, in all places of His dominion. Bless the Lord, O my soul.¹⁴ What do they say [during the benediction] in the additional service of the Sabbath?¹⁵ — R. Assi declared: A Song of Ascents, Behold, bless ye the Lord, all ye servants of the Lord . . . Lift up your hands in holiness and bless ye the Lord.¹⁶ Blessed be the Lord Out of Zion, Who dwelleth at Jerusalem. Praise ye the Lord.¹⁷ But they should also say: The Lord bless thee out of Zion¹⁸ which occurs in that context! — Judah the son of R. Simeon b. Pazzi answered: Since he commenced with the blessings of the Holy One, blessed be He, he should conclude with His blessings. What do they say in the afternoon — service of a fast-day?¹⁹ — R. Aha b. Jacob declared: Though our iniquities testify against us, work Thou for Thy name's sake . . . O Thou hope of Israel, the Saviour thereof in the time of trouble, why shouldest Thou be as a sojourner in the land . . . Why shouldest Thou be as a man astonied, as a mighty man that cannot save? etc.²⁰

(1) Deut. XXVI, 15.

(2) The fingers are outstretched during the benediction.

(3) On hearing which word they begin to bless the congregation.

(4) V. P.B., p. 53.

(5) In the ancient Synagogue the recital of each verse of the Scriptural section was followed by a translation into the vernacular.

(6) This custom is still preserved in the Synagogue, except that the lection from Scripture is read by the Precentor and not the person called up to the reading of the Law.

(7) The purpose is that they who are rolling it should not be prevented from listening to the recital.

(8) The ark was adorned with hangings, and these must not be removed so long as the worshippers are Present.

(9) [From the ark. The Scroll was removed from the synagogue after service for safe custody. The words, 'and deposited in its place' are difficult to explain. Rashi does not appear to have had them, nor do they occur in MS.M.]

(10) He used to carry the Scroll with him to his house for safe custody.

(11) [In which case the congregation can depart through the other exit as soon as the Scroll is removed, even before it leaves the synagogue (Rashi).]

(12) Deut. XIII, 5.

(13) On week-days according to the old usage.

(14) Ps. CIII, 20ff. Each of the Scriptural selections consists of three verses, one for each part of the priestly benediction.

(15) According to modern usage the kohanim do not utter the benediction on the Sabbath, with the exception of the Day of Atonement which falls on a Sabbath.

(16) Ibid. CXXXIV, If.

(17) Ibid. CXXXV, 21.

(18) Ibid. CXXXIV, 3.

(19) This is not the modern practice.

(20) Jer. XIV, 7ff.

Talmud - Mas. Sotah 40a

What do they say in the concluding service of the Day of Atonement?¹ — Mar Zutra declared — according to another version, there is a teaching to this effect — :Behold, thus shall the man be blessed that feareth the Lord. The Lord shall bless thee out of Zion, and thou shalt see the good of Jerusalem all the days of thy life. Yea, thou shalt see thy children's children. Peace be upon Israel.² Where did they say these verses? — R. Joseph answered: Between each benediction. R. Shesheth answered: At the mention of the Divine Name. R. Mari and R. Zebid differ on this matter; one said: A verse [by the congregation is to be recited] simultaneously with a verse [by the kohanim], while the other said, [The congregation recites] the whole for each verse [by the kohanim]. R. Hiyya b. Abba said: Whoever recites them outside the Temple simply errs.³ R. Hanina b. Papa said: Know that even in the Temple it is unnecessary to recite them; for is there a servant whom one blesses without his listening! R. Aha b. Hanina said: Know that even outside the Temple it is necessary to recite them; for is there a servant whom one blesses without his face brightening!⁴

R. Abbahu said: At first I used to recite them; but when I saw that R. Abba of Acco did not recite them I also did not. R. Abbahu also said: At first I used to think that I was humble; but when I saw R. Abba of Acco offer one explanation and his Amora⁵ offer another without his taking exception. I considered that I was not humble. How did R. Abbahu display humility? — The wife of R. Abbahu's Amora said to R. Abbahu's wife, 'My husband has no need of [instruction from] your husband; and when he bends down⁶ and straightens himself, he merely pays him respect'.⁷ R. Abbahu's wife went and reported this to him, and he said to her, 'Why worry about it? Through me and him the All-Highest is praised'. Further, the Rabbis decided to appoint R. Abbahu as principal [of the Academy]; but when he saw that R. Abba of Acco had numerous creditors [pressing for payment], he said to the Rabbis, 'There is a greater [scholar than I for the office]'. R. Abbahu and R. Hiyya b. Abba once came to a place; R. Abbahu expounded Aggada⁸ and R. Hiyya b. Abba expounded legal lore. All the people left R. Hiyya b. Abba and went to hear R. Abbahu, so that the former was upset. [R. Abbahu] said to him: 'I will give you a parable. To what is the matter like? To two men, one of whom was selling precious stones and the other various kinds of small ware. To whom will the people hurry? Is it not to the seller of various kinds of small ware?' Everyday R. Hiyya b. Abba used to accompany R. Abbahu to his lodging-place because he was esteemed by the Government; but on that day R. Abbahu accompanied R. Hiyya b. Abba to his lodging-place, and still his mind was not set at rest.

While the Precentor recites the paragraph 'We give thanks'⁹ what does the congregation say? — Rab declared: 'We give thanks unto Thee, O Lord our God, because we are able to give Thee thanks'. Samuel declared: 'God of all flesh, seeing that we give Thee thanks'. R. Simai declared: 'Our Creator and Creator of all things in the beginning, seeing that we give Thee thanks.' The men of Nehardea¹⁰ declared in the name of R. Simai: 'Blessings and thanksgiving to Thy great Name because Thou hast kept us alive and preserved us, seeing that we give Thee thanks'. R. Aha b. Jacob used to conclude thus: 'So mayest Thou continue to keep us alive and be gracious to us; and gather us together and assemble our exiles to Thy holy courts to observe Thy statutes and to do Thy will with a perfect heart, seeing that we give Thee thanks'. R. Papa said: Consequently let us recite them all.¹¹

R. Isaac said: Let respect for the congregation be always upon thee; for behold, the kohanim had their faces towards the people and their backs towards the Shechinah.¹² R. Nahman said: It is derived from this text: Then David the king stood up upon his feet and said: Hear me, my brethren and my people.¹³ If [he called them] 'my brethren' why 'my people', and vice versa? — R. Eleazar said: David told the Israelites, If you listen to me, you are my brethren; if not, you are my people and I will rule you with a rod. The Rabbis said: It is derived from the regulation that the kohanim are not permitted to ascend the platform wearing their shoes. This is one of the ten ordinances which R.

Johanan b. Zakkai instituted. What was the reason? Was it not out of respect for the congregation? — R. Ashi said: No; [the reason] there was lest the shoe-lace become untied and he proceeds to retie it, and people will say: 'He is the son of a divorcee or a Haluzah'.¹⁴

BUT IN THE TEMPLE AS ONE BLESSING etc.

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- (1) This also is omitted in the modern ritual.
(2) Ps. CXXVIII, 4ff.
(3) They should be said only in the Temple where alone the Tetragrammaton is used, since they are a blessing upon the Divine Name.
(4) Therefore the recital of these verses, in acknowledgement, by the congregation is acceptable to God.
(5) V. Glos. Who should have conveyed the Rabbi's explanation to the disciples.
(6) To receive the teaching from the Rabbi.
(7) Because he was highly regarded by the Government. V. infra and Hag. 14a, Sanh. 14a.
(8) The non-legal part of Rabbinic lore which is the more popular, v. Glos.
(9) V. P.B. p. 51.
(10) A town in S. Babylonia where Rab founded his School.
(11) The accepted version combines them all. V. P.B. p. 51.
(12) I.e., the Ark in which the Torah-Scrolls are kept.
(13) I Chron. XXVIII, 2.
(14) Disqualified for priestly service. A derisive taunt at him for his undignified behaviour by stooping on the platform to retie his shoelace.

Talmud - Mas. Sotah 40b

For what reason is this? — Because the response of Amen was not made in the Temple.

Our Rabbis taught: Whence is it that the response of Amen was not made in the Temple? As it is said: Stand up and bless the Lord your God from everlasting to everlasting.¹ And whence is it that every benediction must be followed by an expression of praise? As it is said: And blessed be Thy glorious name which is exalted above all blessing and praise² — i.e., upon every benediction ascribe praise to Him.

MISHNAH. WHAT WAS THE PROCEDURE WITH THE BENEDICTIONS OF THE HIGH PRIEST?³ THE SYNAGOGUE ATTENDANT TAKES A TORAH-SCROLL AND HANDS IT TO THE SYNAGOGUE-PRESIDENT. THE SYNAGOGUE-PRESIDENT HANDS IT TO THE DEPUTY⁴ AND HE HANDS IT TO THE HIGH PRIEST. THE HIGH PRIEST STANDS, RECEIVES [THE SCROLL] AND READS [THEREIN] AFTER THE DEATH⁵ AND HOWBEIT ON THE TENTH DAY.⁶ THEN HE ROLLS THE TORAH-SCROLL TOGETHER, PLACES IT IN HIS BOSOM AND EXCLAIMS, 'MORE THAN I HAVE READ BEFORE YOU IS WRITTEN HERE!' THE PASSAGE 'ON THE TENTH DAY', WHICH IS IN THE BOOK OF NUMBERS, HE READS BY HEART,⁷ AND HE RECITES EIGHT BENEDICTIONS IN CONNECTION THEREWITH, VIZ., OVER THE TORAH, FOR THE TEMPLE-SERVICE, FOR THE THANKSGIVING, FOR THE PARDON OF SIN, OVER THE TEMPLE, OVER ISRAEL, OVER THE PRIESTS, OVER JERUSALEM, AND THE REST OF THE PRAYER.⁸

GEMARA. Is it to be deduced from this⁹ that honour may be paid to a disciple in the presence of his master? — Abaye said: [No]; all this was done for the purpose of honouring the High Priest.

THE HIGH PRIEST STANDS, RECEIVES [THE SCROLL] AND READS etc. [Since it is stated that] he stands, it follows that he had been sitting; but a Master has said: In the Temple-court the kings of the house of David alone were allowed to sit, as it is said: Then David the king went in, and

sat before the Lord, and he said: Who am I? etc!’¹⁰ — It is as R. Hisda declared, [This occurred] in the Court of Women;¹¹ and here also [with the reading of the High Priest] it was in the Court of Women. An objection was raised: Where did the lection take place? In the Temple-court; R. Eliezer b. Jacob declares it was on the Temple Mount, as it is said,

(1) Neh. IX, 5. This was the response to be used in the Temple; not Amen. [No satisfactory reason has so far been given for this regulation. Graetz MGWJ 1872, pp. 492ff., suggests that this does not mean that the response Amen was not allowed in the Temple, but that the solemnity of its service, heightened by the pronunciation of the Tetragrammaton as written, demanded a more extensive and impressive formula than the single Amen. V. also Blau, L. REJ, XXXIX, p. 188.]

(2) Ibid. The word ‘above’ is understood as ‘upon’.

(3) What is described here followed the completion of the rites connected with the sacrifices of the Day of Atonement. The Synagogue referred to was that situated on the Temple Mount.

(4) Segan. Of the High Priest who took his place if he became defiled or incapacitated during the Day of Atonement (Rashi); v. however Sanh. (Sonc. ed.) p. 97, n. 1.

(5) I.e., Lev. XVI.

(6) Ibid. XXIII, 26-32.

(7) Num. XXIX, 7-11, to obviate the necessity of unrolling the Scroll from the former passage in Leviticus.

(8) The separate editions of the Mishnah and the J. Talmud omit ‘over Jerusalem’, and to complete the number eight read ‘and over the rest of the prayer’.

(9) That the Torah was handed to his inferiors before being delivered to the High Priest.

(10) II Sam. VII, 18.

(11) A part of the Temple-precincts which was non-holy.

Talmud - Mas. Sotah 41a

And he read therein before the broad place that was before the water gate.¹ R. Hisda said: In the Court of Women.

AND READS [THEREIN] AFTER THE DEATH AND HOWBEIT ON THE TENTH DAY. I quote in contradiction: We may skip a passage in the Prophets but not in the Torah!² — Abaye said: There is no contradiction; the latter teaching refers to a case where the passage skipped is sufficiently long to interrupt the translator, whereas [in the Mishnah] it is not sufficiently long to interrupt the translator.³ On this point, however, it has been taught: We may skip a passage in the Prophets but not in the Torah. How much may be skipped [in the reading of the Prophets]? A passage which is not sufficiently long to interrupt the translator. Consequently so far as the Torah is concerned nothing at all [may be skipped]! — But Abaye said: There is no contradiction; the teaching [that we may skip a passage in the reading of the Torah] applies to where there is one theme,⁴ the other teaching to where there are two themes. Thus it has been taught: We may skip [a passage] in the Torah where there is one theme and in the Prophets where there are two themes, but in either case only when it is not sufficiently long to interrupt the translator. We may not, however, skip from one Prophetical Book to another; but with a book of the Minor Prophets⁵ we may skip [from one to another] except that this may not be done from the end of the Book to its beginning.⁶

THEN HE ROLLS THE TORAH-SCROLL TOGETHER, PLACES IT IN HIS BOSOM etc. Why all this?⁷ — So as not to discredit the Torah-Scroll.⁸

THE PASSAGE ‘ON THE TENTH DAY’, WHICH IS IN THE BOOK OF NUMBERS, HE READS BY HEART. Let him roll up the Scroll and recite [the passage]!⁹ — R. Huna b. Judah said in the name of R. Shesheth: Because we do not roll up a Torah-scroll in the presence of a congregation.¹⁰ Then let another Torah-scroll be brought and read [it therein]! — R. Huna b. Judah said: [No], because it would discredit the first.¹¹ R. Simeon b. Lakish said: Because we may not

pronounce an unnecessary benediction.¹² Do we, then, pay attention to [the reason that it would] discredit [the first Scroll]? Behold, R. Isaac the smith said: When the new moon of Tebeth¹³ falls on the Sabbath, three Scrolls are brought: the first for the lection of the [Sabbath] day, the second for [the portion of] the new moon, and the third for [the portion of] Hanukkah!¹⁴ — When three men [read] in three Scrolls, there is no fear about [a Scroll] being discredited, but when one man [reads] in two Scrolls there is this fear.

AND HE RECITES EIGHT BENEDICTIONS IN CONNECTION THEREWITH etc. Our Rabbis taught: [The High Priest] pronounces a benediction over the Torah just as we do in Synagogue;¹⁵ for the Temple-service for the thanksgiving,¹⁶ and for the pardon of sin as usual;¹⁷ over the Temple separately,¹⁸ over the priests separately, over the Israelites separately — and over Jerusalem separately.

AND THE REST OF THE PRAYER. Our Rabbis taught: The rest of the prayer consists of petitions song and supplication that Thy people Israel is in need of salvation; and he concludes with, '[Blessed art Thou, O Lord,] Who hearkenest unto prayer.' From this point onward,¹⁹ each individual brings a Torah-scroll from his house and reads therein. For what purpose is this done? To display its beauty in public.²⁰ MISHNAH. WHAT WAS THE PROCEDURE IN CONNECTION WITH THE PORTION READ BY THE KING? AT THE CONCLUSION OF THE FIRST DAY OF THE FESTIVAL [OF TABERNACLES] IN THE EIGHTH,²¹ I.E., THE END OF THE SEVENTH,²² THEY ERECT A WOODEN DAIS IN THE TEMPLE COURT, UPON WHICH HE SITS; AS IT IS SAID, AT THE END OF EVERY SEVEN YEARS, IN THE SET TIME etc.²³ THE SYNAGOGUE-ATTENDANT²⁴ TAKES A TORAH-SCROLL AND HANDS IT TO THE SYNAGOGUE PRESIDENT,²⁵ AND THE SYNAGOGUE-PRESIDENT HANDS IT TO THE [HIGH PRIEST'S] DEPUTY. HE HANDS IT TO THE HIGH PRIEST WHO HANDS IT TO THE KING. THE KING STANDS AND RECEIVES IT, BUT READS SITTING. KING AGRIPPA²⁶ STOOD AND RECEIVED IT AND READ STANDING, FOR WHICH ACT THE SAGES PRAISED HIM. WHEN HE REACHED, THOU MAYEST NOT PUT A FOREIGNER OVER THEE,²⁷ HIS EYES RAN WITH TEARS.²⁸ THEY SAID TO HIM, 'FEAR NOT, AGRIPPA, THOU ART OUR BROTHER, THOU ART OUR BROTHER!' [THE KING] READS FROM THE BEGINNING OF DEUTERONOMY UP TO THE SHEMA',²⁹ THE SHEMA', AND IT SHALL COME TO PASS IF YE HEARKEN,³⁰ THOU SHALT SURELY TITHE,³¹ WHEN THOU HAST MADE AN END OF TITHING,³² THE PORTION OF THE KING,³³ AND THE BLESSINGS AND CURSES, UNTIL HE FINISHES ALL THE SECTION. THE KING PRONOUNCES THE SAME BENEDICTIONS AS THE HIGH PRIEST, EXCEPT THAT HE SUBSTITUTES ONE FOR THE FESTIVALS INSTEAD OF ONE FOR THE PARDON OF SIN. GEMARA. Does it enter your mind [that the Mishnah means] the eighth [day of the Festival]! — Read 'the eighth [year].'³⁴ But why all this?³⁵ — It is all necessary; for if the All-Merciful had only written 'at the end', I might have thought that the reckoning was to be from then³⁶ although they had not observed a year of release;³⁷ therefore the All-Merciful wrote in 'the year of release', If the All-Merciful had only written 'the year of release', I might have thought that this means the end of the year of release;³⁸ therefore the All-Merciful wrote 'in the set time.'³⁹ If He had only written 'in the set time', I might have thought that this means at the New Year festival; therefore the All-Merciful wrote 'in the feast of tabernacles'. And if the All-Merciful had only written 'in the feast of tabernacles', I might have thought that this means on the last day of the festival; therefore the All-Merciful wrote 'when all Israel is come'⁴⁰

(1) Neh. VIII, 3.

(2) When read in the Synagogue.

(3) While he is translating the last passage from Lev. XVI, it would be possible to turn up chap. XXIII. v. supra p. 199, nn. 2-3.

(4) As here, since both passages deal with the Day of Atonement.

- (5) These are regarded as one Book.
- (6) I.e., it is not allowed to turn back in the reading.
- (7) Viz., his exclamation, 'More than I have read' etc.
- (8) The people should not imagine it was a defective Scroll and for that reason he read a portion by heart.
- (9) Since he does not read it from the Scroll, why is it left open?
- (10) In modern practice this is done.
- (11) People would conclude that it had some defect, and for that reason another was brought.
- (12) Over the use of the second Scroll.
- (13) The tenth month.
- (14) The Feast of Dedication which occurs at the end of Kislev and the beginning of Tebeth. Why are not all three portions read from one Scroll?
- (15) V. P.B. p. 147.
- (16) Op. cit., 50f.
- (17) [As we have it in the Day of Atonement liturgy (Rashi, Yoma 70).]
- (18) This and the following benedictions are not in the existing liturgy.
- (19) I.e., after the High Priest had finished the benedictions.
- (20) It was considered praiseworthy to possess a beautiful copy of the Torah-scroll.
- (21) This is explained in the Gemara.
- (22) The years were arranged in Cycles of seven, the seventh being 'the year of release' (Deut. XV, 1ff).
- (23) Deut. XXXI, 10.
- (24) [Hazzan. There is no certainty either in regard to the original function or rank of the Hazzan. Here he appears as second to the synagogue president; v. n. 5.]
- (25) [ראש הכנסת . Identified with the **, the officer who administered the external affairs of the Synagogue; v. Krauss, Synagogale Altertumer pp. 116ff and JE II, 86.]
- (26) Agrippa I. His reading occurred in the year 41 C.E. [Others ascribe this incident to Agrippa II. V. Derenbourg. op. cit. p. 217, and Buchler, Priester und der Cultus pp. 12ff.]
- (27) Ibid. XVII, 15.
- (28) Because on his father's side he was not of Jewish descent.
- (29) I.e., down to ibid. VI, 4.
- (30) Ibid. XI. 13-25.
- (31) Ibid. XIV, 22ff.
- (32) Ibid. XXVI, 12ff.
- (33) Ibid. XVII, 14ff.
- (34) The word should have the feminine form, not masculine as in the Mishnah, to make it clear that the year and not the day is intended.
- (35) Viz., the elaborate description of the time when the reading takes place as it is given in Deut. XXXI. 10.
- (36) From the fortieth year after the Exodus.
- (37) The observance only began seven years after the land had been divided among the Israelites.
- (38) I.e., before the eighth year.
- (39) The word for 'set time' usually denotes a festival; hence it refers to a festival in the eighth year.
- (40) Deut. XXXI, 11. referring to the pilgrimage to the Sanctuary which was on the first day.

Talmud - Mas. Sotah 41b

, i.e., the beginning of the Festival.

THE SYNAGOGUE-ATTENDANT TAKES A TORAH-SCROLL AND HANDS IT TO THE SYNAGOGUE-PRESIDENT. Is it to be deduced from this that honour may be paid to a disciple in the presence of his master?¹ — Abaye said: [No]; all this was done for the purpose of honouring the king.

THE KING STANDS AND RECEIVES IT, BUT READS SITTING. KING AGRIPPA STOOD

AND RECEIVED IT AND READ STANDING. [Since it is stated that] he stands, it follows that he had been sitting. But a Master has said: In the Temple-court the kings of the House of David alone were allowed to sit; as it is said: Then David the king went in, and sat before the Lord, and he said etc.¹² — It is as R. Hisda declared: [This occurred] in the Court of Women, and here also [with the reading by the king] it was in the Court of Women. FOR WHICH ACT THE SAGES PRAISED HIM. Since they praised him, it follows that he acted rightly; but R. Ashi has said: Even according to him who maintains that when a Nasi³ forgoes the honour due to him one may avail himself of the permission, when a king forgoes the honour due to him one may not avail himself of the permission; as it is said: Thou shalt set a king over thee⁴ — that his authority⁵ may be over thee! — It is different [with the fulfilment of] a precept.⁶

WHEN HE REACHED 'THOU MAYEST NOT PUT [etc.]'. A Tanna taught in the name of R. Nathan: At that moment⁷ the enemies of Israel⁸ made themselves liable to extermination, because they flattered Agrippa. R. Simeon b. Halafta said: From the day the fist of flattery prevailed, justice became perverted, conduct deteriorated, and nobody could say to his neighbour, 'My conduct is better than yours'. R. Judah the Palestinian — another version, R. Simeon b. Pazzi — expounded: It is permitted to flatter the wicked in this world, as it is said: The vile person shall be no more called liberal, nor the churl said to be bountiful⁹ — consequently it is allowed in this world. R. Simeon b. Lakish said: [It may be derived] from this text: As one seeth the face of God, and thou wast pleased with me.¹⁰ On this point he is at variance with R. Levi; for R. Levi said: A parable of Jacob and Esau: To what is the matter like? To a man who invited his neighbour to a meal, and the latter perceived that he wished to kill him. So he said to him, 'The taste of this dish of which I am partaking is like the dish I tasted in the king's palace'. The other said [to himself]. 'He is acquainted with the king!' So he became afraid and did not kill him.¹¹ R. Eleazar said: Every man in whom is flattery brings anger upon the world: as it is said: But they that are flatterers at heart lay up anger.¹² Not only that, but their prayer remains unheard; as it continues, They cry not for help when He chasteneth them.¹³ (Mnemonic:¹⁴ Anger, embryo, Gehinnom, in his hand, menstruant, exile).

R. Eleazar also said: As for any man in whom is flattery, even the embryos in their mothers' wombs curse him; as it is said: He that saith unto the wicked, Thou art righteous, peoples shall curse him, nations shall abhor him¹⁵ — the word kob ['abhor'] means nothing but 'curse', as it is said: Whom God hath not cursed;¹⁶ and le'om [nation] means nothing but 'embryo', as it is said: And the one le'om [nation] shall be stronger than the other nation.¹⁷ R. Eleazar also said: Every man in whom is flattery will fall into Gehinnom; as it is said: Woe unto them that call evil good, and good evil etc.¹⁸ What is Written after that? Therefore as the tongue of fire devoureth the stubble, and as the dry grass sinketh down in the flame etc.¹⁹ R. Eleazar also said: Whoever flattereth his neighbour²⁰ will finally fall into his hand; if he does not fall into his hand, he will fall into the hand of his sons; and if he does not fall into his sons' hand, he will fall into the hand of his grandsons; as it is stated: And Jeremiah said to Hananiah, Amen; the Lord do so; the Lord perform thy words,²¹ and it is written,

(1) V. infra 40b.

(2) II Sam. VII, 18.

(3) The Chief of the Great Sanhedrin.

(4) Deut. XVII, 15.

(5) Lit., 'fear'.

(6) A king may forgo his honour when fulfilling it.

(7) When the Rabbis said: 'Thou art our brother'.

(8) An euphemism for Israel.

(9) Isa. XXXII, 5. This verse alludes to the Hereafter.

(10) Gen. XXXIII, 10. The words were spoken in flattery by Jacob to the wicked Esau.

(11) Similarly Jacob's words were not flattery, but spoken with the intention of frightening Esau.

(12) Job XXXVI, 13.

- (13) Because their cry receives no response.
 (14) V. p. 171, n. 6. The first word refers to what has just preceded.
 (15) Prov. XXIV, 24.
 (16) Num. XXIII, 8.
 (17) Gen. XXV, 23. The context deals with the unborn sons of Rebekkah.
 (18) Isa. V, 20.
 (19) Ibid. 24.
 (20) [Var. lec. 'the wicked']
 (21) Jer. XXVIII, 6. In the Massoretic text the reading is 'The prophet Jeremiah said: Amen; the Lord etc.'

Talmud - Mas. Sotah 42a

And when he was in the gate of Benjamin, a captain of the ward was there, whose name was Irijah, the son of Shelemiah, the son of Hananiah,' and he laid hold on Jeremiah the prophet, saying: Thou fallest away to the Chaldeans. Then said Jeremiah, It is false,' I fall not away to the Chaldeans etc.,¹ and it continues, So he laid hold on Jeremiah and brought him to the princes.² R. Eleazar also said: Any community in which is flattery is as repulsive as a menstruant woman; as it is said: 'For the community of flatterers is galmud'³ — and in over-sea towns they call a menstruant woman galmudah. What means galmudah? — She is separated [gemulah da] from her husband. R. Eleazar also said: Any community in which is flattery will finally go into exile. It is written here, 'For the community of flatterers is galmud', and elsewhere it is written: Then shalt thou say in thine heart, Who hath gotten me these, seeing I have been bereaved of my children, and am solitary [galmudah], an exile and wandering to and fro etc.⁴

R. Jeremiah b. Abba said: Four classes will not receive the presence of the Shechinah: the class of scoffers, the class of flatterers, the class of liars, and, the class of slanderers. The class of scoffers, as it is written: He stretched out His hand against scorners.⁵ The class of flatterers, as it is written: For a flatterer shall not come before Him.⁶ The class of liars, as it is written: He that speaketh falsehood shall not be established before Mine eyes.⁷ The class of slanderers, as it is written: For Thou art not a God that hath pleasure in wickedness; evil shall not sojourn with Thee⁸ — i.e., Thou art righteous, O Lord, evil may not sojourn in Thy habitation.

CHAPTER VIII

MISHNAH. AT THE TIME WHEN THE ANOINTED FOR BATTLE⁹ ADDRESSES THE PEOPLE HE SPEAKS IN THE HOLY TONGUE, AS IT IS SAID, AND IT SHALL BE, WHEN YE DRAW NIGH UNTO THE BATTLE, THAT THE PRIEST SHALL APPROACH¹⁰ — I.E., THE ANOINTED FOR BATTLE; AND SPEAK UNTO THE PEOPLE — I.E., IN THE HOLY TONGUE; AND SHALL SAY UNTO THEM, HEAR, O ISRAEL, [YE DRAW NIGH THIS DAY UNTO BATTLE AGAINST YOUR ENEMIES]¹¹ — 'AGAINST YOUR ENEMIES' BUT NOT AGAINST YOUR BRETHREN, NOT JUDAH AGAINST SIMEON NOR SIMEON AGAINST BENJAMIN, SO THAT IF YOU¹² FALL INTO THEIR HAND THEY SHALL HAVE MERCY UPON YOU, AS IT IS SAID, AND THE MEN WHICH HAVE BEEN EXPRESSED BY NAME ROSE UP, AND TOOK THE CAPTIVES, AND WITH THE SPOIL CLOTHED ALL THAT WERE NAKED AMONG THEM, AND ARRAYED THEM, AND SHOD THEM, AND GAVE THEM TO EAT AND TO DRINK, AND ANOINTED THEM, AND CARRIED ALL THE FEEBLE OF THEM UPON ASSES, AND BROUGHT THEM TO JERICHO, THE CITY OF PALM TREES, UNTO THEIR BRETHREN; THEN THEY RETURNED TO SAMARIA ETC.¹³ AGAINST YOUR ENEMIES DO YOU MARCH, SO THAT IF YOU FALL INTO THEIR HAND THEY WILL HAVE NO MERCY UPON YOU. LET NOT YOUR HEART FAINT; FEAR NOT NOR TREMBLE ETC.¹⁴ — 'LET NOT YOUR HEART FAINT' AT THE NEIGHING OF THE HORSES AND THE BRANDISHING OF SWORDS; 'FEAR NOT' BECAUSE OF THE CRASH

OF SHIELDS AND THE TRAMP OF THE SOLDIERS' FOOTWEAR; — 'NOR TREMBLE' AT THE SOUND OF TRUMPETS; 'NEITHER BE YE AFFRIGHTED' AT THE SOUND OF BATTLE-CRIES. FOR THE LORD YOUR GOD IS HE THAT GOETH WITH YOU¹⁵ THEY COME [RELYING] UPON THE MIGHT OF FLESH AND BLOOD, BUT YOU COME [RELYING] UPON THE MIGHT OF THE ALL-PRESENT. THE PHILISTINES CAME [RELYING] UPON THE MIGHT OF GOLIATH; BUT WHAT WAS HIS FATE? IN THE END HE FELL BY THE SWORD AND THEY FELL WITH HIM. THE AMMONITES CAME [RELYING] UPON THE MIGHT OF SHOBACH;¹⁶ BUT WHAT WAS HIS FATE? IN THE END HE FELL BY THE SWORD AND THEY FELL WITH HIM. BUT WITH YOU IT IS OTHERWISE; 'FOR THE LORD YOUR GOD IS HE THAT GOETH WITH YOU TO FIGHT WITH YOU ETC.' [THIS ALLUDES TO] THE CAMP OF THE ARK.¹⁷

GEMARA. How does [the author of the Mishnah] prove his point?¹⁸ — He proves it thus: It is stated in this connection 'and speak', and elsewhere it states: Moses spake, and God answered him by a voice;¹⁹ as in the latter passage it was in the holy tongue, so also in the former it was in the holy tongue.

Our Rabbis taught: The priest shall approach and speak unto the people.²⁰ It is possible to think that any priest who so desires [may address them]; therefore there is a text to state, And the officers shall speak²¹ — as the officers must have been appointed so must the priest have been appointed [for the purpose]. But I might say that it is the High Priest [who addresses them]! — It is analogous to the case of an officer; as an officer has a superior appointed over him,²² so also the priest [who addresses the people] has a superior appointed over him.²³ But the High Priest likewise [has a superior over him]. viz., the king! — He is referring to his service.²⁴ But I might say that it is the deputy High Priest [who addresses them]!²⁵ — The deputy High Priest is not considered appointed; as it has been taught: R. Hanina, the deputy of the priests,²⁶ said: For what is the priests' deputy appointed? If any disqualification should occur to the High Priest, he enters and functions in his stead.²⁷

'And shall say unto them, Hear, O Israel'. Why must he just [open with the words] 'Hear, O Israel'? — R. Johanan said in the name of R. Simeon b. Yohai: The Holy One, blessed be He, said to Israel, Even if you only fulfilled morning and evening the commandment to recite the Shema',²⁸ you will not be delivered into [the enemy's] hand.

'Let not your heart faint; fear not' etc. Our Rabbis taught: He addresses them twice: once on the boundary²⁹ and once on the battle-field. What does he say on the boundary?

(1) Ibid. XXXVII, 13f. Note the captain was the grandson of Hananiah.

(2) [The M.T. reads 'So I Irijah laid hold etc.']

(3) Job XV, 34. The usual translation of galmud is 'barren'.

(4) Isa. XLIX, 21.

(5) Hos. VII, 5 sic., i.e., God kept them at a distance.

(6) Job XIII, 16.

(7) Ps CI, 7.

(8) Ibid. V, 5. The Psalm deals with the evil of slander.

(9) The priest designated to accompany the army to battle.

(10) Deut. XX, 2.

(11) Ibid., 3.

(12) I.e., any Israelite falls into the hand of another Israelite in battle.

(13) II Chron. XXVIII, 15.

(14) Deut. XX, 3.

(15) Deut. XX, 4.

(16) Cf. II Sam. X, 14ff

- (17) I.e., the Israelite army which was accompanied by the ark.
 (18) That the priest addresses the people in Hebrew.
 (19) Ex. XIX, 19.
 (20) Deut. XX, 2.
 (21) Ibid. 5.
 (22) Viz., the judge whose decisions the officer enforces.
 (23) Therefore the High Priest is excluded.
 (24) In the Temple. In this sphere the High Priest is supreme.
 (25) V. p. 199, n. 1.
 (26) V. Aboth. (Sonc. ed.) III, 2.
 (27) But so long as the High Priest could officiate, the deputy ranked as an ordinary priest.
 (28) V. Glos. This also opens with 'Hear, O Israel'.
 (29) Before marching into the enemy's territory.

Talmud - Mas. Sotah 42b

'Hear the words of the War-regulations and return home'.¹ What does he say to them on the battle-field? 'Let not your heart faint; fear not, nor tremble, neither be ye affrighted'. [These four expressions] correspond to the four means adopted by the nations of the world [to terrorise the enemy]: they crash [their shields], sound [trumpets], shout [battle-cries] and trample [with their horses].

THE PHILISTINES CAME [RELYING] UPON THE MIGHT OF GOLIATH etc. Goliath [was so named], said R. Johanan, because he stood with affrontery [gilluy panim] before the Holy One, blessed be He; as it is said: Choose you a man for you, and let him come down to me.² The word 'man' signifies none other than the Holy One, blessed be He, as it is said: The Lord is a man of war.³ The Holy One, blessed be He, declared: Behold, I will bring about his downfall through the hand of a son of man; as it is said: David was the son of that man of Ephrath.⁴

R. Johanan said in the name of R. Meir: In three places did his mouth trap that wicked man:⁵ first, 'Choose you a man for you, and let him come down to me';² second, 'If he be able to fight with me, and kill me etc.,'⁶ and third, 'Am I a dog, that thou comest to me with staves?'⁷ David likewise replied to him, Thou contest to me with a sword, and with a spear, and with a javelin;⁸ and he continued, But, I come to thee in the name of the Lord of hosts, the God of the armies of Israel, which thou hast defied.⁸

And the Philistine drew near morning and evening.⁹ R. Johanan said: To make them omit the recital of the Shema' morning and evening.

And presented himself forty days.⁹ R. Johanan said: [The period] corresponds to the forty days in which the Torah was given.¹⁰

And there went out a champion [benayim] out of the camp of the Philistines etc.¹¹ What means 'benayim'? — Rab said: That he was built up [mebunneh] without any blemish. Samuel said: He was the middle one [benoni] of his brothers.¹² In the School of R. Shila they explained: He was made like a building [binyan]. R. Johanan said: He was the son of a hundred fathers and one mother [ben nane].¹³ 'Named Goliath of Gath' — R. Joseph learnt: [He is so described] because all men pressed his mother like a wine-press [gath].

The text has ma'aroth¹⁴ but we read the word as ma'arkoth! R. Joseph learnt: Because all had intercourse [he'eru] with his mother. The text has Harafah and also Orpah!¹⁵ — Rab and Samuel [differ in their interpretation]. One said that her name was Harafah and why was she called Orpah?

Because all had intercourse with her from the rear 'orfin] — The other said: Her name was Orpah; and why was she called Harafah? Because all ground her like a bruised corn [harifoth]. Thus it states: And the woman took and spread the covering over the well's mouth and strewed harifoth [bruised corn] thereon.¹⁶ If you like, I can derive [the meaning of harifoth] from this verse: Though thou shouldest bray a fool in a mortar with a pestle among harifoth [bruised corn].¹⁷

These four were born to Harafah in Gath; and they fell by the hand of David, and by the hand of his servants.¹⁸ Who were they? — R. Hisda said: Saph, Madon, Goliath and Ishbi-benob.¹⁹ 'And they fell by the hand of David, and by the hand of his servants', as it is written: And Orpah kissed her mother-in-law, but Ruth clave unto her.²⁰ R. Isaac said: The Holy One, blessed be He, spake, May the sons of the one who kissed²¹ come and fall by the hand of the sons of the one who clave.

Raba expounded: As a reward for the four tears which Orpah dropped upon her mother-in-law, she merited that four mighty warriors should issue from her; as it is said: And they lifted up their voice and wept again.²²

The text further has hez [the arrow] of his spear but we read 'ez [the staff] of his spear!²³ — R. Eleazar said: [It indicates that] we have not reached half [hazi] the praise of that wicked man.²⁴ Hence [it is learnt] that it is forbidden to recount the praise of the wicked. Then [Scripture] should not have begun to recount it at all! — [The object] is to proclaim the praise of David [who conquered such a giant].

THE AMMONITES CAME [RELYING] UPON THE MIGHT OF SHOBACH etc. [The name] is written Shobach and also Shofach!²⁵ — Rab and Samuel [differ in their interpretation]. One said that his name was Shofach; and why was he called Shobach? Because he was made like a dove-cote [shobak].²⁶ The other said that his name was Shobach; and why was he called Shofach? Because whoever beheld him was [through terror] poured out [nishpak] before him like a ewer. Their quiver ['ashpah] is an open sepulchre, they are all mighty men.²⁷ Rab and Samuel [differ in their interpretation]; another version is, R. Ammi and R. Assi [differ in their interpretation]. One said: At the time when they shot an arrow they made heaps upon heaps [ashpatoth] of slain; and should you say that this was only because they were only skilled in fighting, there is a text to state, They are all mighty men.²⁸ The other said: At the time when they relieved themselves they made heaps and heaps of excrement; and should you say that this was due to disorder of the bowels, there is a text to state, They are all mighty men.²⁹ R. Mari said: Infer from this that whoever has excessive excrement suffers from disorder of the bowels. What is the practical purpose of this? — He should take steps [to cure himself].

Heaviness in the heart of a man maketh it stoop [yashhennah].³⁰ — R. Ammi and R. Assi [differ in their interpretation]. One said, [The last word means], let him dismiss it [yissehennah] from his mind; the other said, [it means], let him talk of it [yesihenah] with others.

BUT WITH YOU IT IS OTHERWISE etc. Why all this?³¹ Because the Name³² and all His substituted names

(1) Viz., those who are qualified for exemption. V. *ibid.* 5ff.

(2) I Sam. XVII, 8.

(3) Ex. XV, 3.

(4) I Sam. XVII, 12.

(5) Goliath's words brought calamity upon him.

(6) I Sam. XVII, 9. David did kill him.

(7) *Ibid.* 43.

(8) *Ibid.* 45.

(9) Ibid. 16.

(10) V. Ex. XXIV, 18. [Ginzberg (Legends, VI, p. 250) quotes in this connection Philo, who explains the forty days as corresponding to the number of days wherein Israel feasted when they received the law in the wilderness. 'For forty days' said Goliath 'I will reproach them and after that I will fight them'. V., however, Rashi.]

(11) I Sam. XVII, 4.

(12) The third of four brothers. V. infra.

(13) Nana, Pers. for mother.

(14) 'Out of the ranks', ibid. 23.

(15) Cf. II Sam. XXI, 18 and Ruth I, 4. The first is taken as a proper noun and identified with the second.

(16) II Sam. XVII, 19.

(17) Prov. XXVII, 22.

(18) II Sam. XXI, 22.

(19) V. ibid. 18, 20 (translated a man of great stature), 19 and 16.

(20) Ruth I, 14.

(21) Goliath and his brothers were sons of Orpah who is identified with Naomi's daughter-in-law.

(22) Ibid. 'Again' denotes that they wept twice, and a tear dropped from each eye on each occasion.

(23) In I Sam. XVII, 7.

(24) Scripture has not described in full the prowess of Goliath.

(25) Cf. II Sam. X, 16 and I Chron. XIX, 16.

(26) He was excessively tall.

(27) Jer. V, 16.

(28) So it was due to their extraordinary strength.

(29) As giants they ate abnormal quantities of food.

(30) Prov. XII, 25.

(31) Viz., 'For the Lord your God etc.' and not simply, Your God is with you.

(32) The Tetragrammaton.

Talmud - Mas. Sotah 43a

were deposited in the ark. Thus it states: And Moses sent them, a thousand of every tribe, to the war, them and Phinehas¹ — 'them' refers to the Sanhedrin; 'Phinehas' was the [priest] Anointed for Battle; 'with the vessels of the sanctuary' i.e., the ark and the tablets [of the decalogue] which were in it; 'and the trumpets for the alarm' i.e., the horns.² — A Tanna taught: Not for naught did Phinehas go to the battle [against Midian] but to exact judgment on behalf of his mother's father [Joseph]; as it is said: And the Midianites sold him into Egypt etc.³ Is this to say that Phinehas was a descendant of Joseph? But behold it is written: And Eleazar Aaron's son took him one of the daughters of Putiel to wife; [and she bare him Phinehas]!⁴ Is it not to be supposed, then, that he was a descendant of Jethro who fattened [pittem]⁵ calves for idolatry? — No; [he was a descendant] of Joseph⁶ who mastered [pitpet] his passion. But did not the other tribes despise him⁷ [saying], 'Look at this son of Puti, the son whose mother's father fattened calves for idolatry; he killed a prince in Israel!'⁸ But, if his mother's father was descended from Joseph, then his mother's mother was descended from Jethro; and if his mother's mother was descended from Joseph, then his mother's father was descended from Jethro. This is also proved as a conclusion from what is written: 'One of the daughters of Putiel', from which are to be inferred two [lines of ancestry].⁹ Draw this conclusion.

MISHNAH. AND THE OFFICERS SHALL SPEAK UNTO THE PEOPLE, SAYING, WHAT MAN IS THERE THAT HATH BUILT A NEW HOUSE, AND HATH NOT DEDICATED IT? LET HIM GO AND RETURN TO HIS HOUSE — ETC.¹⁰ IT IS ALL ONE WHETHER HE BUILT A BARN FOR STRAW, A STABLE FOR CATTLE, A SHED FOR WOOD, OR A STOREHOUSE;¹¹ IT IS ALL ONE WHETHER HE BUILT, PURCHASED, INHERITED IT OR SOMEBODY HAD GIVEN IT TO HIM AS A PRESENT.¹² AND WHAT MAN IS THERE THAT HATH PLANTED A VINEYARD, AND HATH NOT USED THE FRUIT THEREOF? ETC.¹³ IT

IS ALL ONE WHETHER HE PLANTED A VINEYARD OR PLANTED FIVE FRUIT-TREES¹⁴ AND EVEN OF FIVE SPECIES;¹⁵ IT IS ALL ONE WHETHER HE PLANTED, BENT¹⁶ OR GRAFTED IT, OR WHETHER HE PURCHASED, INHERITED OR SOMEBODY HAD GIVEN IT TO HIM AS A PRESENT. AND WHAT MAN IS THERE THAT HATH BETROTHED A WIFE? ETC.¹⁷ IT IS ALL ONE WHETHER HE HAD BETROTHED A VIRGIN OR A WIDOW, OR EVEN A CHILDLESS WIDOW WAITING FOR HER BROTHER-IN-LAW, OR EVEN IF A MAN HEARD THAT HIS BROTHER HAD DIED IN BATTLE,¹⁸ HE RETURNS HOME. ALL THESE HEAR THE PRIEST'S WORDS CONCERNING THE WAR-REGULATIONS AND RETURN HOME; BUT THEY SUPPLY WATER AND FOOD AND REPAIR THE ROADS [FOR THE ARMY].

THE FOLLOWING DO NOT RETURN HOME: HE WHO BUILT A LODGE,¹⁹ A LOGGIA OR A VERANDAH; HE WHO PLANTED FOUR FRUIT-TREES OR FIVE TREES WHICH ARE NOT FRUIT-BEARING; HE WHO TOOK BACK HIS DIVORCED WIFE. IF A HIGH PRIEST MARRIED A WIDOW, OR AN ORDINARY PRIEST MARRIED A DIVORCEE OR A HALUZAH,²⁰ OR A LAY ISRAELITE MARRIED AN ILLEGITIMATE OR A NETHINAH,²¹ OR THE DAUGHTER OF AN ISRAELITE MARRIED AN ILLEGITIMATE OR A NATHIN, HE DOES NOT RETURN HOME.²² R. JUDAH SAYS: ALSO HE WHO REBUILT A HOUSE UPON ITS FOUNDATIONS DOES NOT RETURN HOME. R. ELIEZER SAYS: ALSO HE WHO BUILT A BRICK-HOUSE IN SHARON²³ DOES NOT RETURN HOME.

THE FOLLOWING DO NOT MOVE FROM THEIR PLACE:²⁴ HE WHO BUILT A NEW HOUSE AND DEDICATED IT, PLANTED A VINEYARD AND USED ITS FRUIT, MARRIED HIS BETROTHED, OR TOOK HOME HIS BROTHER'S CHILDLESS WIDOW; AS IT IS SAID, HE SHALL BE FREE AT HOME ONE YEAR²⁵ — 'AT HOME,' THIS REFERS TO HIS HOUSE; 'SHALL BE' REFERS TO HIS VINEYARD; 'AND SHALL CHEER HIS WIFE' REFERS TO HIS WIFE; WHICH HE HATH TAKEN' IS TO INCLUDE HIS BROTHER'S CHILDLESS WIDOW. THESE DO NOT SUPPLY WATER AND FOOD AND REPAIR THE ROADS [FOR THE ARMY]. GEMARA. Our Rabbis taught: 'And the officers shall speak' — it is possible to think that this refers to their own words;²⁶ but when it states: And the officers shall speak further,²⁷ behold this is to be understood as their own words; so how am I to explain 'And the officers shall speak'? Scripture alludes to the words of the priest Anointed for Battle. So what was the procedure? A priest speaks [the words] and an officer proclaims them [to the army]. One [authority] taught: A priest speaks [the words] and an officer proclaims them; another taught: A priest speaks [the words] and a priest proclaims them; while yet another taught: An officer speaks [the words] and an officer proclaims them! — Abaye said: What, then, was the procedure? From 'when ye draw nigh' down to 'and the officers shall speak'²⁸ a priest speaks and a priest proclaims. From 'and the officers shall speak' down to 'and the officers shall speak further'²⁹ a priest speaks and an officer proclaims. From 'and the officers shall speak' onwards an officer speaks and an officer proclaims.

WHAT MAN IS THERE THAT HATH BUILT A NEW HOUSE? etc. Our Rabbis taught: 'That hath built' — I have here only the case where he built; whence is it [that the law applies also to a case where] he purchased, inherited or somebody gave it to him as a present? There is a text to state, What man is there that hath built a house.³⁰ I have here only the case of a house; whence is it that it includes a barn for straw, a stable for cattle, a shed for wood and a storehouse? There is a text to state 'that hath built' — i.e., whatever [structure be erected]. It is possible to imagine that I am also to include one who built a lodge, loggia or verandah; there is a text to state 'a house' — as 'house' implies a place suitable for habitation so every [building for which exemption may be claimed must be] suitable for habitation. R. Eliezer b. Jacob says: [The word] 'house' [is to be interpreted] according to its usual definition; [and the fact that Scripture does not read] 'and hath not dedicated' but and hath not dedicated it³¹ is to exclude a robber.³² Is this to say that [this teaching] is not in agreement with that of R. Jose the Galilean?³³ For if it agreed with R. Jose the Galilean, behold he

has said: Fainthearted³⁴ i.e., he who is afraid

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- (1) Num. XXXI, 6.
(2) [Shofaroth (pl. of Shofar) — i.e., the instruments which were called in those days Shofaroth and not by the biblical term hazozeroth; v. Shab. 36a (Strashun).]
(3) Gen. XXXVII, 36.
(4) Ex. VI, 25.
(5) Putiel is explained as 'one who fattened (calves) for a god'.
(6) Identified with Putiel.
(7) Phinehas.
(8) Viz., Zimri (Num. XXV. 7ff). Consequently Phinehas was considered by his contemporaries to have descended from Jethro. V. Sanh. 82b.
(9) The name Putiel is spelt with a yod which is usually the sign of the plural. Hence both the explanations given are possible, viz., Putiel can be identified either with Joseph or Jethro.
(10) Deut. XX, 5.
(11) For wine, oil, produce etc.
(12) So long as it was new to him, he was exempt from service.
(13) Ibid. 6.
(14) The minimum number to warrant exemption.
(15) May be included in the requisite number of plantings.
(16) The vine so that the end is embedded in the soil and brings forth a new shoot.
(17) Deut. XX, 7.
(18) Leaving no offspring, and it is his duty to marry the widow.
(19) Lit., 'house of the gate'.
(20) V. Glos.
(21) V. p. 119, n. 5.
(22) Because these are illegal marriages.
(23) A place in Palestine which is very sandy; so a house built there does not last long.
(24) To join the army and then claim exemption.
(25) Deut. XXIV, 5.
(26) I.e., spoken by the officers and not by the priest.
(27) Deut. XX, 8. The addition of 'further' is the basis of the deduction.
(28) I.e., the exhortation in Deut. XX, 3ff.
(29) Ibid. 5-7.
(30) This is understood as: whatever man built a new house, the present owner of it is exempt.
(31) The suffix is superfluous.
(32) A man who steals a new house is not exempt.
(33) Who exempts a sinner; v. supra p. 222.
(34) Deut. XX, 8.

Talmud - Mas. Sotah 43b

because of the transgressions he had committed!¹ — You may even say that it agrees with R. Jose the Galilean, as, e.g., when the man had repented and restored the monetary value. But in that event he becomes the purchaser, and as such returns home! — Since it originally came into his possession as the result of robbery, he does not [return home].

AND WHAT MAN IS THERE THAT HATH PLANTED A VINEYARD? etc. Our Rabbis taught: 'That hath planted' — I have here only the case where he planted; whence is it [that the law applies also to a case where] he purchased, inherited or somebody gave it to him as a present? There is a text to state, And what man is there that hath planted a vineyard. I have here only the case of a vineyard; whence is it that it includes five fruit-trees and even of other kinds [of plantings]? There is

a text to state 'that hath planted'. It is possible to think that I am also to include one who planted four fruit-trees or five trees which are not fruit-bearing; therefore there is a text to state 'a vineyard'. R. Eliezer says: [The word] 'vineyard' [is to be interpreted] according to its usual definition; [and the fact that Scripture does not read] 'one hath not used the fruit' but 'and hath not used the fruit thereof is to exclude one who bends or grafts [the vine]. But we have the teaching: IT IS ALL ONE WHETHER HE PLANTED, BENT OR GRAFTED IT! — R. Zera said in the name of R. Hisda: There is no contradiction, the latter referring to a permitted grafting and the former to a prohibited grafting.² What is an instance of this permitted grafting? If I say a young shoot on a young shoot, it follows that he ought to return home on account of [planting] the first young shoot! It must therefore be [grafting] a young shoot on an old stem. But R. Abbahu has said: If he grafted a young shoot on an old stem, the young shoot is annulled by the old stem and the law of 'orlah³ does not apply to it! — R. Jeremiah said: It certainly refers to a young shoot on a young shoot, and [the case of a permitted grafting is where], e.g., he planted the first [stem] for a hedge or for timber; as we have learnt: He who plants for a hedge or for timber is exempt from the law of 'orlah.⁴

What is the distinction that a young shoot is annulled [when grafted] on an old stem⁵ but not [when grafted] on a young shoot?⁶

In the former case if he reconsiders his intention with regard to it, it is incapable of retraction;⁷ but in the latter case if he reconsiders his intention with regard to it, it is capable of retraction⁸ since it is then analogous to [plants which] grow of themselves;⁹ for we have learnt: When they grow of themselves they are liable to 'orlah. But let him explain [the Mishnah¹⁰ as dealing with] the case of a vineyard belonging to two partners, where each returns home on account of his own [grafting]!¹¹ — R. Papa declared: This is to say that in the case of a vineyard belonging to two partners, the war-regulations do not apply to it.¹² Why, then, is it different with five brothers, one of whom dies in battle,¹³ that they all return home? — In the latter illustration we apply the words 'his wife' to each one of them;¹⁴ but in the other we cannot apply the words 'his vineyard' to each one of them.¹⁵

R. Nahman b. Isaac said: [The Mishnah deals with the] case where he grafted¹⁶ a tree into vegetables, and this accords with the view of the teacher responsible for the following teaching: If one bends¹⁷ a tree into vegetables — Rabban Simeon b. Gamaliel allows it in the name of R. Judah b. Gamda of Kefar Acco,¹⁸ but the Sages forbid it. When R. Dimi came [from Palestine to Babylon] he reported in the name of R. Johanan, Whose teaching is it?¹⁹ It is that of R. Eliezer b. Jacob. Did not R. Eliezer b. Jacob declare above, The word 'vineyard' [is to be interpreted] according to its usual definition? So here also 'planted' [is to be interpreted] according to its usual definition; hence if he planted he does [return home], but if he bends or grafts he does not.²⁰

When R. Dimi came he reported that R. Johanan said in the name of R. Eliezer b. Jacob: A young shoot less than a handbreadth in height is liable for 'orlah so long as it appears to be a year old;²¹ but this only applies where there are two plants with two other plants parallel to them and one in front.²² Should, however, the entire vineyard [consist of such shoots], then it is talked about.²³

When R. Dimi came he reported that R. Johanan said in the name of R. Eliezer b. Jacob: A dead body affects four cubits with respect to the recital of the shema',²⁴ as it is said: Whoso mocketh the poor reproacheth his Maker.²⁵ R. Isaac declared that R. Johanan said in the name of R. Eliezer b. Jacob: A step-daughter reared with her [step-] brothers is forbidden to marry one of them because she appears to be their sister. But this is not so since the relationship is generally known.²⁶

R. Isaac also declared that R. Johanan said in the name of R. Eliezer b. Jacob: If gleanings, forgotten sheaves and the corner of the field²⁷ are gathered into a barn, they become subject to the tithe.²⁸ 'Ulla said: He only intended this to refer to a rural district, but in the city the fact [that the owner is a poor man who collected the produce from the fields of others] is generally known.

R. Isaac also declared that R. Johanan said in the name of R. Eliezer b. Jacob: A shoot which is less than a handbreadth in height does not make the seeds forfeit;²⁹ but this only applies when there are two plants with two other plants parallel to them and one in front. Should, however, the entire vineyard [consist of such shoots] it does make [the seeds] forfeit.

R. Isaac also declared that R. Johanan said in the name of R. Eliezer b. Jacob:

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- (1) Consequently a robber may return home.
 - (2) Two different species.
 - (3) Lit., 'circumcision', the Law of Lev. XIX, 23 forbidding the enjoyment of the fruit of a tree during the first three years of growth. Since this regulation does not apply to a young shoot grafted on an old stem, it is not regarded as a new planting.
 - (4) And similarly he would not have to return on account of it.
 - (5) And its fruit is not subject to 'orlah.
 - (6) [Since it has been stated that one returns on account of a young shoot grafted on to another which has been planted for timber.]
 - (7) An old stem can never become young again, consequently the young shoot grafted to it becomes annulled.
 - (8) The planter can change his mind within the first three years, and determine the purpose of the young shoot, originally grafted for timber, to be for fruit, so that it becomes itself subject to 'orlah.
 - (9) And at the time of their plantation there was no definite purpose in the mind of the planter whether it was for fruit or timber.
 - (10) Which rules that one returns on account of grafting.
 - (11) [Instead of the far-fetched circumstance where the first young shoot was planted for timber.]
 - (12) Lit., 'they do not return on account of it from the army'. The partners do not have exemption for a new planting or grafting which belongs to them jointly, so that the Mishnah cannot deal with such a case.
 - (13) Leaving no offspring so that his wife is due to marry one of his brothers.
 - (14) Since it is not determined which one will marry her.
 - (15) Because it belongs to them jointly.
 - (16) [So Rashi. Rabina is answering the question in the Mishnah exempting one who grafts, cur. edd: 'bent'.]
 - (17) [Tosef. Kil. I, has 'grafts'.]
 - (18) [Being a permissible grafting it exempts the owner.]
 - (19) Viz., the statement above: is to exclude one who bends or grafts (the vine).
 - (20) [Even in a permissible case of bending or grafting.]
 - (21) Because if he uses its fruit, it might seem to others that he was doing what was forbidden.
 - (22) Five plants so arranged are considered a vineyard, to which all agree that the law of 'orlah applies, v. Ber. 35a.
 - (23) It is generally known that the vineyard has this peculiarity, and he may use the fruit.
 - (24) It may not be recited within the four cubits.
 - (25) Prov. XVII, 5. To perform a precept near a corpse is to deride it, since it is denied the privilege.
 - (26) That they have neither father or mother in common.
 - (27) V. Lev. XIX, 9f. and Deut. XXIV, 19.
 - (28) Because people may think that it is the produce of the man's field.
 - (29) Under the law forbidding mixture; v. Deut. XXII, 9.

Talmud - Mas. Sotah 44a

A dead body affects four cubits with respect to communicating defilement.¹ Similarly teaches a Tanna: With a fore-court of a burial vault,² whoever stands within it is clean, provided there is in it a space of four cubits.³ Such is the statement of Beth Shammai; but Beth Hillel declare, [A space of] four handbreadths'.³ When does this⁴ apply? If the entrance is from above; but if the entrance is from the side,⁵ all agree that [a space of] four cubits [is necessary]. This should be just the reverse!⁶ On the contrary, when [the entrance is] from the side, he merely steps aside and goes out; but when it

is from above it is impossible for him to avoid forming a cover!⁷ — But read thus: when does [the statement of Beth Hillel] apply? To [a vault] whose entrance is from the side; but if the entrance is from above [a space of] four cubits [is necessary].⁸ Now [the teaching that one is clean who stands therein] only holds good of a fore-court of a burial vault where the partitions [between the graves and the fore-court] are distinctly marked, but a corpse in general affects four cubits.⁹

AND WHAT MAN IS THERE THAT HATH BETROTHED A WIFE? etc. Our Rabbis taught: 'That hath betrothed' — it is all one whether he betrothed a virgin or a widow or a childless widow waiting for her brother-in-law; and even when there are five brothers, one of whom died in battle, they all return home.¹⁰ [The fact that Scripture does not read] 'and hath not taken' but 'and hath not taken her' is to exclude a High Priest who married a widow, an ordinary priest who married a divorcee or a Haluzah, a lay Israelite who married an illegitimate or a Nethinah, or a daughter of an Israelite married to an illegitimate or a Nathin. Is this to say that [this teaching is] not in agreement with R. Jose the Galilean? For if it agreed with R. Jose the Galilean, behold he has said: 'Fainthearted' i.e., he who is afraid because of the transgressions he had committed!¹¹ — You may even say that it agrees with R. Jose the Galilean, and it is in accord with Rabbah; for Rabbah said: He is certainly not guilty until he has cohabited with her. For what is the reason [of the prohibition] shall he not take?¹² So that he shall not profane [his seed].¹³ Hence he does not receive the punishment of lashes¹⁴ until he has cohabited with her. Our Rabbis taught: [The order of the phrases is] 'that hath built', 'that hath planted', 'that hath betrothed'. The Torah has thus taught a rule of conduct: that a man should build a house, plant a vineyard and then marry a wife. Similarly declared Solomon in his wisdom, Prepare thy work without, and make it ready for thee in the field, and afterwards build thine house¹⁵ — 'prepare thy work without', i.e., a dwelling place; 'and make it ready for thee in the field', i.e., a vineyard; 'and afterwards build thine house', i.e., a wife. Another interpretation is: 'prepare thy work without', i.e., Scripture; 'and make it ready for thee in the field', i.e., Mishnah; 'and afterwards build thine house', i.e., Gemara. Another explanation is: 'prepare thy work without', i.e., Scripture and Mishnah; 'and make it ready for thee in the field', i.e., Gemara; 'and afterwards build thine house,' i.e., good deeds. R. Eliezer, son of R. Jose the Galilean says: 'Prepare thy work without,' i.e., Scripture: Mishnah and Gemara; 'and make it ready for thee in the field,' i.e., good deeds; 'and afterwards build thine house,' i.e., make research [in the Torah] and receive the reward.

THE FOLLOWING DO NOT RETURN HOME: HE WHO BUILT A LODGE etc. A Tanna taught: If [when rebuilding the house] he adds a row [of fresh bricks] to it, he does return home.¹⁶

R. ELIEZER SAYS: ALSO HE WHO BUILT A BRICK-HOUSE IN SHARON DOES NOT RETURN HOME. A Tanna taught: [The reason is] because they have to renew it twice in a period of seven years.

THE FOLLOWING DO NOT MOVE FROM THEIR PLACE: HE WHO BUILT A NEW HOUSE AND DEDICATED IT etc. Our Rabbis taught: A new wife¹⁷ — I have here only 'a new wife'; whence is it [that the law applies also to] a widow and divorcee? There is a text to state 'wife', i.e., in every case. Why, however, does the text state 'a new wife'? [It means] one who is new to him, thus excluding the case of a man who takes back his divorced wife, since she is not new to him.

Our Rabbis taught: He shall not go out in the host¹⁸ — and it is possible to think that he does not go out in the host, but he supplies water and food and repairs the roads [for the army]; therefore there is a text to state, 'Neither shall he be charged with any business'. It is possible to think that I am also to include [among those who do not move from their place] the man who built a house but did not dedicate it, or planted a vineyard and did not use its fruit, or betrothed a wife but did not take her; therefore there is a text to state, 'Neither shall he be charged' — but you may charge others.¹⁹ Since, however, it is written 'Neither shall he be charged', what is the purpose of 'He shall not go out in the

host'?²⁰ So that a transgression of the Law should involve two prohibitions.

MISHNAH. AND THE OFFICERS SHALL SPEAK FURTHER UNTO THE PEOPLE ETC.²¹ R. AKIBA SAYS: 'FEARFUL AND FAINTHEARTED' IS TO BE UNDERSTOOD LITERALLY VIZ., HE IS UNABLE TO STAND IN THE BATTLE-RANKS AND SEE A DRAWN SWORD. R. JOSE THE GALILEAN SAYS: 'FEARFUL AND FAINTHEARTED' ALLUDES TO ONE WHO IS AFRAID BECAUSE OF THE TRANSGRESSIONS HE HAD COMMITTED; THEREFORE THE TORAH CONNECTED ALL THESE²² WITH HIM THAT HE MAY RETURN HOME ON THEIR ACCOUNT.²³ R. JOSE SAYS: A HIGH PRIEST WHO MARRIED A WIDOW, AN ORDINARY PRIEST WHO MARRIED A DIVORCEE OR HALUZAH, A LAY ISRAELITE WHO MARRIED AN ILLEGITIMATE OR NETHINAH, AND THE DAUGHTER OF AN ISRAELITE WHO MARRIED AN ILLEGITIMATE OR A NATHIN-BEHOLD SUCH AN ONE IS 'FEARFUL AND FAINTHEARTED'.²⁴

AND IT SHALL BE, WHEN THE OFFICERS HAVE MADE AN END OF SPEAKING UNTO THE PEOPLE, THAT THEY SHALL APPOINT CAPTAINS OF HOSTS AT THE HEAD OF THE PEOPLE.²⁵ AND AT THE REAR OF THE PEOPLE THEY STATION GUARDS IN FRONT OF THEM AND OTHERS BEHIND THEM, WITH IRON AXES IN THEIR HANDS, AND SHOULD ANYONE WISH TO FLEE, THEY HAVE PERMISSION TO SMITE HIS THIGHS,

(1) Whoever comes within that distance is rendered unclean.

(2) V. B.B. (Sonc. ed.) p. 422 for diagram.

(3) V. op. cit. p. 423.

(4) The more lenient requirement of the School of Hillel.

(5) [This means apparently that the sepulchral chambers surrounded the fore-court only on three sides, the fourth side being left open. V. R. Samson of Sens commentary on Oh. loc. cit.]

(6) Viz., that when the entrance is from the side the requirement should be less strict.

(7) When he climbs up to get out he may put his hands upon the graves; therefore a larger space should be required since the probability of contracting defilement is greater.

(8) [This is the end of the cited Mishnah Oh. XV, 8. What follows is from a Baraita another version of which is to be found in Tosef. Oh. XV.]

(9) [Even according to Beth Hillel, otherwise what need for their ruling in the case of one standing in a fore-court? The Tanna of the cited Mishnah is thus in support of R. Eliezer b. Jacob.]

(10) V. supra p. 214.

(11) If that is so, the men who contracted an illegal marriage should return home.

(12) Lev. XXI, 14, referring to the women forbidden in marriage to a High Priest.

(13) Ibid. 15.

(14) And but for the verse 'and hath not taken her', they would not be exempted where there was betrothal.

(15) Prov. XXIV, 27.

(16) It is then regarded as a new house.

(17) Deut. XXIV, 5.

(18) Ibid.

(19) E.g., who have built a house and not dedicated it or betrothed a woman and not taken her to wife.

(20) The former surely includes the latter.

(21) Deut. XX, 8.

(22) Those who had exemption because of a new house etc.

(23) Otherwise anyone who claimed exemption because of sinfulness had to expose himself publicly as a transgressor.

(24) The difference in the point of view of R. Jose the Galilean and R. Jose will be explained in the Gemara.

(25) Deut. XX, 9.

BECAUSE THE BEGINNING OF FLIGHT IS FALLING,¹ AS IT IS SAID, ISRAEL IS FLED BEFORE THE PHILISTINES, AND THERE HATH BEEN A GREAT SLAUGHTER AMONG THE PEOPLE;² AND FURTHER ON IT STATES, AND THE MEN OF ISRAEL FLED FROM BEFORE THE PHILISTINES AND FELL DOWN SLAIN ETC.³

TO WHAT DOES ALL THE FOREGOING APPLY? TO VOLUNTARY WARS, BUT IN THE WARS COMMANDED BY THE TORAH⁴ ALL GO FORTH EVEN A BRIDEGROOM FROM HIS CHAMBER AND A BRIDE FROM HER CANOPY.⁵ R. JUDAH SAYS: TO WHAT DOES ALL THE FOREGOING APPLY? TO THE WARS COMMANDED BY THE TORAH; BUT IN OBLIGATORY WARS⁶ ALL GO FORTH, EVEN A BRIDEGROOM FROM HIS CHAMBER AND A BRIDE FROM HER CANOPY.

GEMARA. What is the difference between R. Jose and R. Jose the Galilean?⁷ — The issue between them is the transgression of a Rabbinical ordinance.⁸ With whom does the following teaching accord: He who speaks between [donning] one phylactery and the other⁹ has committed a transgression and returns home under the war-regulations? With whom [does it accord]? With R. Jose the Galilean. Who is the Tanna of the following: Our Rabbis taught: If he heard the sound of trumpets and was terror-stricken, or the crash of shields and was terror-stricken, or [beheld] the brandishing of swords and the urine discharged itself upon his knees, he returns home? With whom [does it accord]? Are we to say that it is with R. Akiba and not R. Jose the Galilean?¹⁰ — In such a circumstance even R. Jose the Galilean admits [that he returns home], because it is written: Lest his brethren's heart melt as his heart.¹¹

AND IT SHALL BE, WHEN THE OFFICERS HAVE MADE AN END etc. The phrase, BECAUSE THE BEGINNING OF FLIGHT IS FALLING should be, 'because falling is the beginning of flight'! Read [in the Mishnah]: Because falling is the beginning of flight.

TO WHAT DOES ALL THE FOREGOING APPLY? TO VOLUNTARY WARS etc. R. Johanan said: [A war] which is [designated] voluntary according to the Rabbis is commanded according to R. Judah,¹² and [a war] which is [designated] commanded according to the Rabbis is obligatory according to R. Judah.¹³ Raba said:¹⁴ The wars waged by Joshua to conquer [Canaan] were obligatory in the opinion of all; the wars waged by the House of David for territorial expansion were voluntary in the opinion of all; where they differ is with regard to [wars] against heathens so that these should not march against them. One¹⁵ calls them commanded and the other voluntary, the practical issue being that one who is engaged in the performance of a commandment is exempt from the performance of another commandment.¹⁶

CHAPTER IX

MISHNAH. [THE DECLARATION OVER] THE HEIFER WHOSE NECK IS TO BE BROKEN MUST BE IN THE HOLY TONGUE; AS IT IS SAID, IF ONE BE FOUND SLAIN IN THE EARTH . . . THEN THY ELDERS AND THY JUDGES SHALL COME FORTH.¹⁷ THREE USED TO GO FORTH FROM THE SUPREME COURT IN JERUSALEM; R. JUDAH SAYS: FIVE, AS IT IS STATED, THY ELDERS, I.E., TWO, 'AND THY JUDGES' I.E., TWO, AND SINCE A COURT OF JUSTICE CANNOT CONSIST OF AN EVEN NUMBER, THEY ADD ONE MORE.

IF [THE CORPSE] WAS FOUND HIDDEN IN A HEAP OF STONES, OR HANGING ON A TREE, OR FLOATING UPON THE SURFACE OF THE WATER, THEY DO NOT BREAK [A HEIFER'S NECK]. BECAUSE IT IS STATED, 'IN THE EARTH' — AND NOT HIDDEN IN A HEAP OF STONES, NOR HANGING ON A TREE IN A FIELD, NOR FLOATING UPON THE SURFACE OF THE WATER. IF IT WAS FOUND NEAR TO THE FRONTIER, OR A CITY THE MAJORITY OF WHOSE INHABITANTS WERE HEATHENS, OR A CITY IN WHICH THERE

IS NO COURT OF JUSTICE, THEY DO NOT BREAK [A HEIFER'S NECK]. THEY ONLY MEASURE¹⁸ THE DISTANCE TO A CITY IN WHICH THERE IS A COURT OF JUSTICE.

GEMARA. How does [the author of the Mishnah] prove his point?¹⁹ — R. Abbahu said: This is what he intends: It is stated: And they shall answer and say²⁰ and elsewhere it is stated: And the Levites shall answer and say etc.,²¹ as the answering mentioned in this latter passage was in the holy tongue, so here also it was in the holy tongue, and as to the procedure in the ceremony of the heifer whose neck was to be broken — IF ONE BE FOUND SLAIN IN THE EARTH . . . THEN THY ELDERS AND THY JUDGES SHALL COME FORTH. THREE USED TO GO FORTH FROM THE SUPREME COURT IN JERUSALEM; R. JUDAH SAYS: FIVE etc.

Our²² Rabbis taught: 'Then thy elders and thy judges shall come forth' — 'thy elders', i.e., two, 'and thy judges', i.e., two, and since a Court of justice cannot consist of an even number, they add one more; hence there were five. Such is the statement of R. Judah; but R. Simeon says: 'Thy elders', i.e., two, and since a Court of Justice cannot consist of an even number, they add one more; hence there were three. But for R. Simeon also it is written 'and thy judges'! — He requires that for [the teaching that they must be] the most distinguished of thy judges. And [where does] R. Judah [derive the teaching that they must be the most distinguished]? — It follows from 'thy' in 'thy elders'.²³ [How does] R. Simeon [meet this argument]? — If the All-Merciful had only written 'elders', I might have thought that even old men from the market-place [would suffice]; therefore the All-Merciful wrote 'thy elders'. If, further, the All-Merciful had only written 'thy elders', I might have thought that even [members of] a minor Sanhedrin²⁴ [would suffice]; therefore the All-Merciful wrote 'and thy judges' i.e., the most distinguished of thy judges. [Where does] R. Judah [derive the teaching that they must be members of the Supreme Court]? — He draws an analogy between the use of the word 'elders' here and in the phrase the elders of the Congregation;²⁵ as it there denotes the most distinguished men of the congregation so here also it denotes the most distinguished men of the congregation. If he makes a deduction, then let him deduce the whole from there and what is the necessity of 'and thy judges'!²⁶ — But the 'and' in 'and thy judges' [denotes that the phrase is to be used] for obtaining the requisite number. [How does] R. Simeon [meet this argument]?²⁷

(1) The Gemara reverses the wording here.

(2) I Sam. IV, 27.

(3) Ibid. XXXI, I.

(4) E.g., the conquest of Canaan and the annihilation of the Amalekites (Deut. XXV, 19).

(5) The women provided food for the troops.

(6) In defence against attack.

(7) Since they agree in defining 'fainthearted' as one afraid of his sins.

(8) R. Jose does not consider this sufficient to warrant exemption; therefore in the Mishnah he instances marriages forbidden by the Torah as the kind of transgression for which exemption may be claimed.

(9) Upon the arm and the forehead. It is forbidden to speak between the putting on of the two.

(10) Since the latter does not understand 'fainthearted' as relating to physical fear.

(11) Deut. XX, 8.

(12) They differ in terminology but agree that a bridegroom does not serve.

(13) They agree that a bridegroom must serve.

(14) Raba explains R. Johanan's statement.

(15) R. Judah.

(16) If it is to be considered a war commanded by the Torah, those engaged in it are exempt from the performance of other commandments.

(17) Deut. XXI, 1ff.

(18) The distance between the corpse and the nearest city (ibid. 2).

(19) That the declaration must be in Hebrew. The verse adduced affords no proof.

(20) Ibid. 7.

(21) Ibid. XXVII, 14.

(22) On the whole passage, v. Sanh. (Sonc. ed.) pp. 66ff.

(23) It would have been sufficient for the text to read: Then elders shall go forth.

(24) Consisting of twenty-three members, and not the Great Sanhedrin in Jerusalem of seventy-one members.

(25) E.g., in Lev. IV, 15.

(26) In Sanh. 3b it is argued that Lev. IV, 15 must be interpreted in the sense that five elders are required; that being so, why does not R. Judah use that argument and not 'and thy judges' for his opinion that five are necessary?

(27) Since he only requires three.

Talmud - Mas. Sotah 45a

He draws no deduction from 'and';¹ (for what then does the All-Merciful intend by the phrase? — They are to be the most distinguished of thy judges.)² But on this line of argument: 'and they shall come forth'³ i.e., two, 'and they shall measure' i.e., two; according to R. Judah, then, there must be nine and according to R. Simeon there must be seven!⁴ — [No; the two phrases] are required for the following teaching:⁵ 'They shall come forth' — they and not their agents; 'and they shall measure' — even if it is found obviously near to a particular city,⁶ they must still measure since it is a commandment to carry out the measurement.

Our Mishnah is not in agreement with R. Eliezer b. Jacob; for it has been taught: R. Eliezer b. Jacob says: 'Thy elders' i.e., the Sanhedrin; 'thy judges' i.e., the king and High priest—the king, for it is written: The king by judgment establisheth the land;⁷ and the High priest, for it is written: And thou shalt come unto the priests the Levites, and unto the judge that shall be etc.⁸ The question was asked: Is R. Eliezer b. Jacob only at variance [in defining 'judges'] as the king and High priest, but as regards [the number of members of] the Sanhedrin does he agree with R. Judah or R. Simeon; or perhaps he is also at variance on that matter too and requires the whole of the Sanhedrin? — R. Joseph said: Come and hear: If they⁹ found a rebellious elder¹⁰ in Beth Pagi,¹¹ and he rebelled against them,¹² it is possible to think that his act of rebellion is punishable; therefore there is a text to State, Then shalt thou arise and get thee up unto the place.¹³ This teaches that the 'place' determines [whether the act of rebellion is punishable].

Now how many of them had gone forth [from the Great Sanhedrin to Beth Pagi]? If I say that only a part of them had gone forth, perhaps they who remain behind are of the same opinion as the accused!¹⁴ It is therefore evident that all must go forth. And for what purpose? If for a secular object, was it possible for them all to go? For behold it is written: Thy navel is like a round goblet, wherein no mingled wine is wanting,¹⁵ so that should a member have need to go out [from the hall where the Sanhedrin was in session], he may only do so if twenty-three [of his colleagues] remain, corresponding to the number of a minor Sanhedrin, otherwise he may not leave! Obviously, then, [they had gone forth] for a religious object. For what object? Must it not be to measure in connection with the heifer, according to the opinion of R. Eliezer b. Jacob?¹⁶ — Abaye said to [R. Joseph], No; [they may all go forth for such a purpose as] to add to the boundaries of the city [of Jerusalem] or the Temple-courts; as we have learnt: We do not add to the boundaries of the city [of Jerusalem] or the Temple-courts except by a Court of seventy-one.¹⁷ There is a teaching in agreement with R. Joseph: If they¹⁸ met in Beth Pagi, and [an elder] rebelled against them; e.g., they went forth to carry out a measurement in connection with the heifer, or to add to the boundaries of the city [of Jerusalem] or the Temple-courts,¹⁹ it is possible to think that his act of rebellion is punishable; therefore there is a text to State, Then shalt thou arise and get thee up [etc.].¹³ This teaches that the 'place' determines [whether the act of rebellion is punishable]. IF [THE CORPSE] WAS FOUND HIDDEN IN A HEAP OF STONES, OR HANGING ON A TREE. Is this to say that our Mishnah agrees with R. Judah and not the Rabbis? For it has been taught: And hast forgot a sheaf in the field²⁰ — this excludes [a sheaf] which was hidden; such is the statement of R. Judah, but the Sages declare that 'in the field' is to include a hidden sheaf!²¹ — Rab said: You may even maintain that it agrees with the

Rabbis since each case is to be explained in the light of its context. [In connection with the corpse] it is written: 'If one be found slain,' i.e., wherever it be found; 'in the earth', i.e., to the exclusion of one which is hidden. The other case [of the sheaf] is to be explained in the light of the context; for it is written: 'When thou reapest thine harvest in thy field and hast forgot a sheaf. There is an analogy between the forgotten sheaf and the harvesting: as the harvesting is visible to all so the forgotten sheaf must be visible to all;²² and the fact that the All-Merciful wrote 'in the field' is to include a hidden sheaf. Then let R. Judah likewise draw an analogy between the forgotten sheaf and the harvesting!²³ — He actually does so; but [he argues], What is the purpose of 'in the field'? It is required to include standing-corn which is forgotten.²⁴ From where, then, do the Rabbis derive the regulation of standing-corn which is forgotten? — They derive it from, When thou reapest thine harvest in thy field [and hast forgot].²⁵ And [how does] R. Judah [explain this phrase]? — He requires it for the teaching of R. Abbahu in the name of R. Eleazar; for R. Abbahu said in the name of R. Eleazar: It excludes the case where sheaves were carried [by the wind] into his neighbours' field.²⁶ And [from where] do the Rabbis [derive this regulation]? — From the fact that Scripture has 'thy field' and not merely 'the field'. And [what of] R. Judah? — He draws no inference from 'thy field' as distinct from 'the field'. R. Jeremiah asked: How is it if sheaves were carried²⁷ into his own field? Is the air-space above a field identical with the field or not? — R. Kahana said to R. Papi another version is, R. Kahana said to R. Zebid, The problem is to be solved from the teaching of R. Abbahu who said in the name of R. Eleazar, 'It excludes the case where sheaves were carried [by the wind] into his neighbour's field,' implying, does it not, that only [when they are carried into] his neighbour's field they are [excluded], but [if the wind drops them] into his own field they are not!²⁸ But according to your reasoning, [it would follow that] if the sheaves were carried into his neighbour's field [and alighted upon a stone, etc.,] they are excluded, but should they lie [upon the ground] they are not;²⁹ surely we require [the sheaves to be] 'in thy field', but they are not there! Rather must they [argue thus]:³⁰ 'It excludes when the sheaves were] in his neighbour's field' even if actually lying upon the ground; and the expression 'carried' is only employed because this could have happened only if they were 'carried' [by the force of the wind].

Come and hear: If he laid hold of a sheaf to convey it into the city, placed it on top of another sheaf belonging to his neighbour and forgot it, the lower is considered to be a forgotten sheaf but not the upper. R. Simeon b. Judah says in the name of R. Simeon: Neither is a forgotten sheaf, the lower because it is hidden and the upper because it is suspended.³¹ Hence they only differ as regards the lower, but with respect to the upper they all agree that it is not a hidden sheaf!³² — It is different in this circumstance, because having taken hold of it he has the right to it. If that is so,³³ why use the argument 'placed it on top of another sheaf belonging to his neighbour'? It would have been the same if he had laid it upon the field [of his neighbour]! — That is so; but he used the illustration of 'on top of another sheaf belonging to his neighbour', because of the instance of the lower sheaf [about which there was a difference of opinion]. Why, then, should he use the phrase 'because it is suspended'?³⁴ — Read: because it is like something suspended.³⁵

Abaye said: Behold I am like Ben Azzai in the streets of Tiberias.³⁶ So one of the Rabbis asked Abaye, If there were two corpses, one on top of the other,³⁷ from which is the measurement taken? [Do we argue that with] two things of the same kind [the lower] is regarded as hidden and with two things of the same kind [the upper] is not regarded as suspended, so that he takes the measurement from the upper; or perhaps with two things of the same kind [the upper] is regarded as suspended and with two things of the same kind [the lower] is not regarded as hidden, so that he takes the measurement from the lower; or perhaps with two things of the same kind [the lower] is regarded as hidden and with two things of the same kind [the upper] is regarded as suspended, so that he takes measurement neither from the lower nor the upper! — He replied to him,

(1) I.e., he does not expound the analogy.

(2) [This passage, which is bracketed in cur. edd., is rightly omitted in some texts.]

- (3) Deut. XXI, 2.
- (4) The former obtained the number five from 'thy elders and thy judges' and now four more are to be added.
- (5) And are not to be used to add to the number of elders.
- (6) So that there is no need for measuring.
- (7) Prov. XXIX, 4.
- (8) Deut. XVII, 9. 'And' is understood as 'evenð; therefore the priests acted as judges; and since one in particular is specified in 'the judge' it must be the High Priest.
- (9) The number of the Great Sanhedrin.
- (10) One who refused to abide by the decision of the Sanhedrin, Deut. XVII, 8.
- (11) A place within the walls of Jerusalem. Origen mentions that it was a village inhabited by priests.
- (12) Against the decision of the local Sanhedrin to whom a disputed point of law was submitted.
- (13) Deut. XVII, 8, i.e., the Temple mount, the locale of the Great Sanhedrin.
- (14) How then could the rebellious elder be condemned?
- (15) Cant. VII, 3, E.V. 2. This verse is applied to the Sanhedrin, called 'navel', because it sat in a place which was considered to be the centre of the world. 'Mingled wine' is defined (Shab. 77a) as diluted with two-thirds of water. Hence one third of the Sanhedrin must at least be present at a session.
- (16) Who, ex hypothesi, requires the presence of the entire Sanhedrin.
- (17) Sanh. I, 5.
- (18) The Great Sanhedrin.
- (19) So it is possible that they all went out to do the measuring.
- (20) Deut. XXIV, 19.
- (21) The former explains 'in the field' as lying about upon the surface of the field; the Rabbis understand it as hidden somewhere in the field.
- (22) And the reaper merely overlooked it.
- (23) And not maintain that it is excluded.
- (24) If he forgot to cut down a portion of the corn, this remains for the poor.
- (25) They connect 'forgot' with 'thy field', so that the forgetting applies also to corn standing in the field.
- (26) And thinking that they were not his, he left them.
- (27) Some texts read 'afu (flew) instead of zafu. The question relates to the circumstance where the sheaves did not fall upon the field but upon a stone or something similar, so that they were suspended above the field.
- (28) Consequently so long as the sheaves are in his own field, they come within the law of the forgotten sheaf.
- (29) And come within the law of the forgotten sheaf.
- (30) With reference to the teaching of R. Abbabu.
- (31) Not lying upon the ground.
- (32) This conclusion would therefore answer R. Jeremiah's question.
- (33) That his having taken hold of it precludes it from being regarded as a forgotten sheaf.
- (34) Since it was irrelevant to the issue.
- (35) It is exempt from the law of the forgotten sheaf because, having been in the owner's hand, it is like something suspended and not lying upon the ground.
- (36) I.e., in his own town of Pumbeditha he felt as competent to solve difficult problems as did Ben Azzai in his city of Tiberias.
- (37) The top one is not fully over the other, so that if the measurements are taken from the two, a different city would be the nearest in each case.

Talmud - Mas. Sotah 45b

You have it stated: 'If he laid hold of a sheaf to convey it into the city, placed it on top of another sheaf belonging to his neighbour and forgot it, the lower is considered to be a forgotten sheaf but not the upperð. R. Simeon b. Judah says in the name of R. Simeon: Neither is a forgotten sheaf, the lower because it is hidden and the upper because it is suspended. Now they were¹ of the opinion that these Tannaim agreed with R. Judah who said: 'In the field', i.e., to the exclusion of one which is hidden. Do they, then, not differ on this issue: One holds that with two things of the same kind [the

lower] is regarded as hidden, and the other holds it is not regarded as hidden? — No; if they were of the same opinion as R. Judah, they all agree that with two things of the same kind [the lower] is regarded as hidden; but here the difference is the same as that of R. Judah and the Rabbis. The Rabbis here agree with the Rabbis there,² and R. Simeon b. Judah agrees with R. Judah.³ If that is so, why use the argument ‘on top of another sheaf belonging to his neighbour’? It would have been the same if he had placed it on the earth or on pebbles! That is so; but the purpose was to let you know how strong is the position of R. Judah who said that even with two things of the same kind [the lower] is regarded as hidden.

Our Rabbis taught: ‘Slain,’ but not strangled,⁴ ‘slain,’ but not one who is expiring;⁵ ‘in the land’, but not hidden in a heap of stones; ‘lying’, but not hanging on a tree; ‘in the earth’, but not floating upon the surface of the water. R. Eleazar says: In all these cases, if the person had been slain, they break the heifer's neck. It has been taught: R. Jose b. Judah said: They asked R. Eleazar, Do you not admit that if he had been strangled and was lying upon a dung-heap,⁶ they do not break the heifer's neck?⁷ [Yes:] consequently [you must agree that] ‘slain’ indicates one who is not strangled; similarly ‘in the earth’ indicates one who is not hidden in a heap of stones, ‘lying’ one who is not hanging on a tree, ‘in the earth’ one who is not floating upon the surface of the water! [How does] R. Eleazar [meet this argument]? — The word ‘slain’ is written redundantly.⁸

IF IT WAS FOUND NEAR TO THE FRONTIER, OR A CITY THE MAJORITY OF WHOSE INHABITANTS WERE GENTILES etc. Because it is written ‘be found’, thus excluding what commonly occurs.⁹ OR A CITY IN WHICH THERE IS NO COURT OF JUSTICE. Because we require ‘the elders of that city’, and such are not [forthcoming].

THEY ONLY MEASURE THE DISTANCE TO A CITY [IN WHICH THERE IS A COURT OF JUSTICE]. This is obvious! Since he stated: OR A CITY IN WHICH IS NO COURT OF JUSTICE [etc.], I know that they only measure the distance to a city in which there is a Court of Justice! — He thereby informs us what is taught in the following: Whence is it that if it was found near a city in which there is no Court of Justice, they leave [the city out] and measure to [the nearest] city which has a Court of Justice? There is a text to state, The elders of that city shall take,¹⁰ i.e., in every case.¹¹

MISHNAH. IF [THE CORPSE] WAS FOUND EXACTLY BETWEEN TWO CITIES, BOTH OF THEM BRING TWO HEIFERS [BETWEEN THEM]. SUCH IS THE STATEMENT OF R. ELIEZER;¹² BUT JERUSALEM DOES NOT BRING A HEIFER WHOSE NECK IS TO BE BROKEN. IF THE HEAD WAS FOUND IN ONE PLACE AND THE BODY IN ANOTHER PLACE, THEY CARRY THE HEAD TO THE BODY. SUCH IS THE STATEMENT OF R. ELIEZER.¹³ R. AKIBA SAYS: [THEY CARRY] THE BODY TO THE HEAD. FROM WHAT PART [OF THE BODY] DO THEY MEASURE? R. ELIEZER SAYS: FROM THE NAVEL; R. AKIBA SAYS: FROM THE NOSE; R. ELIEZER B. JACOB SAYS: FROM THE PLACE WHERE HE WAS MADE A SLAIN PERSON, FROM THE NECK.

GEMARA. What is R. Eliezer's reason?¹³ — He holds that it is possible to make an exact measurement; and the word ‘nearest’¹⁴ holds good of even more than one city. BUT JERUSALEM DOES NOT BRING A HEIFER WHOSE NECK IS TO BE BROKEN. Because Scripture declares, To possess it,¹⁵ and he is of the opinion that Jerusalem was not apportioned among the tribes.

IF THE HEAD WAS FOUND IN ONE PLACE etc. In what do they differ? If I should say that they differ on the question from where the measurement is to be taken, behold since [the author of the Mishnah] states in the sequel: FROM WHAT PART [OF THE BODY] DO THEY MEASURE? it follows that we are not dealing here with the subject of measurement! — R. Isaac said: They differ because of the regulation that a meth mizwah¹⁶ acquires his place; and thus he means to say: He

acquires his place for burial, and where the head is found in one place and the body in another, they carry the head to the body [and bury it there]. Such is the statement of R. Eliezer; but R. Akiba says, [They carry] the body to the head [and bury it there]. In what do they differ? One is of the opinion that the body is in the place where it fell and the head rolled away, while the other is of the opinion that the head remains in the place where it falls while the body falls some way off.

FROM WHAT PART [OF THE BODY] DO THEY MEASURE? In what do they differ? One is of the opinion that the source of existence is in the nose, while the other is of the opinion that the source of existence is in the navel. Is this to say [that they differ on the same point] as the following teachers: From where is the embryo formed? From the head, and thus it states: Thou art He that took me [gozi] out of my mother's womb,¹⁷ and it further states: Cut off [gozi] thine hair and cast it away etc.¹⁸ Abba Saul Says: It is from the navel, and its root spreads in all directions [from there]! — You may even say that Abba Saul [agrees with R. Akiba], because Abba Saul's statement only applies to the formation, that when an embryo is formed it is formed from the centre, but with respect to existence all agree that [its source is] in the nose; for it is written: All in whose nostrils was the breath of the spirit of life etc.¹⁹

R. ELIEZER B. JACOB SAYS: FROM THE PLACE WHERE HE WAS MADE A SLAIN PERSON, FROM THE NECK. What is the reason of R. Eliezer b. Jacob? — Because it is written: To lay thee upon the necks of the wicked that are slain.²⁰

MISHNAH. WHEN THE ELDERS OF JERUSALEM²¹ HAD DEPARTED AND GONE AWAY, THE ELDERS OF THAT CITY²² TAKE A HEIFER OF THE HERD²³ WHICH HAS NOT DRAWN IN THE YOKE, AND A BLEMISH DOES NOT DISQUALIFY IT. THEY BRING IT DOWN TO A RAVINE WHICH IS STONY²⁴ — ‘ETHAN’ IS TO BE UNDERSTOOD IN ITS LITERAL SENSE OF ‘HARD’ — BUT EVEN IF IT BE NOT STONY, IT IS FIT [FOR THE CEREMONY]. THEY THEN BREAK ITS NECK WITH A HATCHET FROM BEHIND.²⁵ THE SITE MAY NEVER BE SOWN OR TILLED, BUT IT IS PERMITTED TO CARD FLAX AND CHISEL STONES THERE. THE ELDERS OF THAT CITY THEN WASH THEIR HANDS WITH WATER IN THE PLACE WHERE THE HEIFER'S NECK WAS BROKEN AND DECLARE, OUR HANDS HAVE NOT SHED THIS BLOOD, NEITHER HAVE OUR EYES SEEN IT.²⁶ BUT CAN IT ENTER OUR MINDS THAT THE ELDERS OF A COURT OF JUSTICE ARE SHEDDERS OF BLOOD! [THE MEANING OF THEIR STATEMENT IS], HOWEVER, [THE MAN FOUND DEAD] DID NOT COME TO US [FOR HELP] AND WE DISMISSED HIM WITHOUT SUPPLYING HIM WITH FOOD, WE DID NOT SEE HIM AND LET HIM GO WITHOUT ESCORT.²⁷

(1) The scholars who thought of solving the question from this Baraita.

(2) Who maintained that a hidden sheaf came within the law of the forgotten sheaf.

(3) Who excludes a hidden sheaf from the law.

(4) The Hebrew for slain (halal) denotes by the sword.

(5) Not actually dead.

(6) So the body was not hanging, hidden or floating.

(7) For the reason that he was not ‘slain’.

(8) It occurs four times in Deut. XXI, 1-9; emphasizing that he must be ‘slain’ and not ‘strangled’.

(9) It frequently happened that dead bodies were found in such localities.

(10) Deut. XXI, 3.

(11) The measurement must always be made and the nearest city containing ‘elders’ ascertained.

(12) [J. adds: BUT THE SAGES SAY ONLY ONE CITY BRINGS A HEIFER WHOSE NECK IS TO BE BROKEN BUT TWO CITIES DO NOT BRING.]

(13) For requiring two heifers if the body is found equidistant between two cities.

(14) Deut. XXI, 3.

(15) Deut. XXI, I.

(16) Lit., 'a dead body which is a commandment'; i.e., an unattended corpse, and it is the duty of whoever finds it to be concerned with its burial. The Talmud (B.K. 81b) relates that when Joshua divided out the land, he imposed a condition that a meth mizwah should be buried in whatever spot he is found.

(17) Ps. LXXI, 6.

(18) Jer. VII, 29. On the basis of the similar word in this verse, it is explained in the former as 'the place where my hair grows', i.e., the head.

(19) Gen. VII, 22.

(20) Ezek. XXI, 34.

(21) The members of the Great Sanhedrin whose duty it was to make the measurement.

(22) Which is found to be nearest the corpse.

(23) Defined in Parah I, 1 as less than a year old.

(24) The word ethan (Deut. XXI, 4) is interpreted by Maimonides in the sense given in the E.V. viz., running water.

(25) Not in front as in the act of ritual slaughter.

(26) Deut. XXI, 7.

(27) [In the J. text of the Mishnah and in MS.M. the words 'without . . . food' and 'without escort' are missing, and in the Gemara there it is stated that the reference is not, as maintained by the Babylonian scholars, to the murdered person, but to the murderer. The elders, that is to say, declare that 'he did not come to us and we dismissed him or allowed him to go unpunished.']

Talmud - Mas. Sotah 46a

THEN THE PRIESTS EXCLAIM, FORGIVE, O LORD, THY PEOPLE ISRAEL, WHOM THOU HAST REDEEMED, AND SUFFER NOT INNOCENT BLOOD TO REMAIN IN THE MIDST OF THY PEOPLE ISRAEL.¹ THERE IS NO NEED FOR THEM TO SAY, AND THE BLOOD SHALL BE FORGIVEN THEM;² BUT THE HOLY SPIRIT ANNOUNCES TO THEM, 'WHEN YOU ACT THUS, THE BLOOD IS FORGIVEN YOU.'

GEMARA. But that a blemish disqualified a heifer may be deduced by a fortiori reasoning from the instance of the [red] cow:³ if a blemish disqualifies a cow which is not disqualified on account of age,⁴ how much more must a blemish disqualify a heifer which is disqualified on account of age! — It is different there, because Scripture stated: Wherein is no blemish⁵ — a blemish disqualifies [a red cow] but does not disqualify a heifer. According to this argument,⁶ the other disqualifications on account of work having been done by it should not apply [to the red cow];⁷ why, then, did Rab Judah say in the name of Rab, If a person laid a bundle of sacks upon it,⁸ it is disqualified, but with a heifer [it is not disqualified] until it draws [a load]!⁹ — It is different with a [red] cow, because we derive the meaning of the term 'yoke' [in connection with a red cow] from its occurrence in connection with a heifer.¹⁰ But let [the deduction that a blemish disqualifies] a heifer be also drawn from the instance of a [red] cow on the basis of a common use of the term 'yoke'! — Behold the All-Merciful has excluded that by using the word 'wherein' [bah]. But with the heifer it is likewise written 'wherewith' [bah]!¹¹ — This is required to exclude animals destined as sacrifices which are not disqualified by having been used for work; because it might have occurred to you to say: Let us draw a conclusion by a fortiori reasoning from the heifer: if a heifer which is not disqualified by a blemish is disqualified by having been used for work, how much more must animals destined as sacrifices, which are disqualified by a blemish, be disqualified by having been used for work! It can, however, be objected: This is right for a heifer because it is also disqualified by an age-limit! — Do you mean to say, then, that there are no animals destined as sacrifices which are disqualified by an age-limit? Hence a text is necessary for those offerings which are disqualified by an age-limit.¹² Is, however, [the regulation that] animals destined as sacrifices are not disqualified by having been used for work derived from here?¹³ Surely it is derived from the following: Blind, or broken, or maimed, or having a wen, or scurvy or scabbed, ye shall not offer these unto the Lord¹⁴ — these ye shall not offer, but you may offer animals as sacrifices which have been used for work! — [This verse]¹⁵ is

necessary, because it might have occurred to you to say: This only applies where they have been used for permissible work, but where it was for prohibited work¹⁶ conclude that they are forbidden [as sacrifices]! So it was necessary [to have this verse from which we infer that the animals may be offered even if they had been used for prohibited work]. But it could likewise have been derived from the following: Neither from the hand of a stranger shall ye offer the bread of your God of any of these¹⁷ — these you shall not offer, but you may offer animals which have been used for work! — [This verse]¹⁵ is necessary, because it might have occurred to you to say: This only applies when they were worked while they were still not designated as sacrifices, but when they were worked after having been designated as sacrifices conclude that they are forbidden! So it was necessary [to have this verse from which we infer that even then they are acceptable as offerings].

The above text [teaches]: ‘Rab Judah said in the name of Rab: If a person laid a bundle of sacks upon it, it is disqualified; but with a heifer [it is not disqualified] until it draws [a load]’. It is objected: Yoke¹⁸ — I have only mention of a yoke; whence is it that there are other [disqualifications on account of] work having been done by it? You may argue by a fortiori reasoning: if a heifer which is not disqualified by a blemish is disqualified by having been used for work, how much more must a [red] cow, which is disqualified by a blemish, be disqualified by having been used for various kinds of work! And if you like you may argue:¹⁹ It is stated here ‘yoke’ and there [with the heifer] it is stated ‘yoke’, as there the various kinds of work disqualify, so here [with the red cow] the various kinds of work disqualify. But why have this alternative argument?²⁰ — Because you might reply [as mentioned above], ‘It can, however, be objected: This is right for a heifer because it is also disqualified by an age-limit’. Or it might also [be objected] that the case of animals destined as sacrifices proves [the contrary, thus:] a blemish disqualifies them but the fact that they were used for work does not disqualify them. [Therefore the alternative line of reasoning is employed:] It is stated here ‘yoke’ and there [with the heifer] it is stated ‘yoke’; as there the various kinds of work [disqualify], so here [with the red cow] the various kinds of work [disqualify].

Now from the same line of reasoning: You may conclude as there [with the heifer it is not disqualified] until it draws [a load], so here [with the red cow it is not disqualified] until it draws [a load]!²¹ — This is a matter disputed by Tannaim. Some of them deduce it from the instance of the heifer,²² while others deduce it from [the law of the red] cow itself.²³ For it has been taught: ‘Yoke’ — I have mention only of a yoke; whence is it that various kinds of work [disqualify]? There is a text to state, Upon which never came yoke²⁴ i.e., [work] of any sort. If that is so, why is ‘yoke’ specified? A yoke disqualifies whether during the time of work or not during the time of work,²⁵ but the various kinds of work only disqualify during the time of work.²⁶ But say that ‘upon which never came’ is general and ‘yoke’ is particular, and where there is a case of general and particular, only what is in the particular is in the general²⁷ — viz., a yoke only [disqualifies] and nothing else! The phrase ‘which’ is inclusive [of various kinds of work], and there is a similar teaching in connection with the heifer as follows: Yoke²⁸ — I have mention only of a yoke; whence is it that various kinds of work [disqualify]? There is a text to state, ‘Which hath not been wrought with’ — i.e., [work] of any sort. If that is so, why is ‘yoke’ specified? A yoke disqualifies whether during the time of work or not during the time of work, but the various kinds of work only disqualify during the time of work. But say that ‘which hath not been wrought with’ is general and ‘yoke’ is particular, and where there is a case of general and particular, only what is in the particular is in the general — viz. a yoke [disqualifies] and nothing else!²⁹ — The phrase ‘which’ is inclusive [of various kinds of work].

R. Abbahu said: I asked R. Johanan, To what extent must there be drawing by a yoke [to constitute a disqualification]?³⁰ — He replied: The full extent of the yoke. The question was asked: Does this mean its length or breadth? One of the Rabbis, named R. Jacob, answered: The statement of R. Johanan was explained to me as indicating drawing by a yoke to the extent of a handbreadth in its breadth. Then [R. Johanan] should have said: A handbreadth!-He intended to inform us that the minimum of a yoke [in its breadth] is a handbreadth. For what purpose does he deduce this? — For

buying and selling. R. Johanan b. Saul said: Why does the Torah mention that he should bring a heifer into a ravine? The Holy One, blessed be He, said: Let something which did not produce fruit³¹ have its neck broken in a place which is not fertile and atone for one who was not allowed to produce fruit. What [does this last word] 'fruit' mean? If I answer [that it means] offspring, then according to this argument we should not break a heifer's neck if [the man found dead] was old or castrated! Therefore [by 'fruit' must be understood the performance of] commandments.³²

AND BRING IT DOWN TO A RAVINE WHICH IS STONY 'ETHAN' IS TO BE UNDERSTOOD IN ITS LITERAL SENSE OF 'HARD'. Our Rabbis taught: Whence is it that 'ethan' means 'hard'? As it is said,

(1) Deut. XXI, 8.

(2) Ibid.

(3) Num. XIX. How can the Mishnah declare that a blemish does not disqualify it?

(4) It may be more than a year old.

(5) Ibid. 2.

(6) That 'wherein' (bah) is a restrictive particle.

(7) Since it is merely stated 'upon which never came yoke' and not, as with the heifer, 'wherewith (bah) it hath not been wrought and which hath not drawn (Deut. XXI, 3), the 'wherewith' restricting it to the heifer.

(8) The red cow, and no yoke was placed upon it.

(9) Because the text states explicitly 'which hath not drawn'.

(10) And the restrictive word 'wherewith', stated with the heifer, is required for another purpose.

(11) Cf. p. 236, n. 7.

(12) E.g., the lambs offered on the Passover are specified as being of the first year, (Num. XXVIII, 19).

(13) From the restrictive particle written with the heifer.

(14) Lev. XXII, 22.

(15) The 'wherewith' stated with the heifer.

(16) E.g., on the Sabbath.

(17) Ibid. 25.

(18) Num. XIX, 2.

(19) Not by a fortiori reasoning but from the analogous occurrence of 'yoke'.

(20) Why does not the first suffice?

(21) Which refutes Rab Judah.

(22) This is the Tanna of the Baraitha cited. He will accordingly not disqualify the cow until it draws.

(23) The Tanna who follows.

(24) Num. XIX, 2.

(25) If he put the yoke on the animal to ease the load and not for the purpose of drawing it.

(26) If, e.g., he put sacks upon it not as a burden, there is no disqualification. Where, however, the sacks were placed as a load there is immediate disqualification, even though the cow did not draw. This is in agreement with Rab Judah.

(27) The general rule must be restricted in application to what is contained in the particular.

(28) Deut. XXI, 3.

(29) This is one of the principles of hermeneutics according to R. Ishmael. V. B.K., 54a.

(30) With a heifer.

(31) A heifer less than a year old could not bring forth young.

(32) Which produces a harvest of merit; and he was prevented by his murder from doing this.

Talmud - Mas. Sotah 46b

Strong [ethan] is thy dwelling-place, and thy nest is set in the rock;¹ and it states: Hear, O ye mountains, the Lord's controversy, and ye enduring foundations [ethanim] of the earth.² Others, however, say: Whence is it that 'ethan' means 'old'? As it is stated: It is an ethan nation, it is an ancient nation.³

THEY THEN BREAK ITS NECK WITH A HATCHET FROM BEHIND. What is the reason [that it is done from behind]? — He derives it by the analogous word ‘breaking’ [stated] in the case of a bird brought as a sin.offering.⁴

THE SITE MAY NEVER BE SOWN OR TILLED. Our Rabbis taught: Which is neither plowed nor sown⁵ — this refers to the past; such is the statement of R. Joshiah. R. Jonathan says: It refers to the future. Raba said: Nobody disputes as to the future since it is written: It shall not be sown;⁶ when they differ as to the past, R. Joshiah argues, Is it written: ‘And it shall not be tilled’?⁷ And R. Jonathan argues, Is it written: ‘Which has not been tilled’?⁸ And [how does] R. Joshiah [meet R. Jonathan's argument]? — The relative pronoun ‘which’ must be understood of the past.⁹ And R. Jonathan? — ‘Which’ is employed in an inclusive sense.¹⁰

BUT IT IS PERMITTED TO CARD FLAX AND CHISEL STONES THERE. Our Rabbis taught: ‘Which is neither plowed nor sown’ — I have here only sowing; whence is it that the other kinds of agricultural work [are prohibited]? There is a text to state, ‘which is neither plowed’ — i.e., [agricultural labour] in any form. If that is so, why is it stated ‘nor sown’?¹¹ Its purpose is to inform us that as sowing is special since it is connected with the soil itself, so everything which is connected with the soil itself [is forbidden], to the exclusion of carding flax and chiselling stones which are not connected with the soil itself. But argue that ‘which is neither plowed’ is general and ‘nor sown’ particular, and where there is a case of general and particular, only what is in the particular is in the general — viz. sowing only [is forbidden] but nothing else! — The term ‘which’ is employed in an inclusive sense.

THE ELDERS OF THAT CITY THEN WASH THEIR HANDS etc. Our Rabbis taught: And all the elders of that city, who are nearest unto the slain man, shall wash their hands over the heifer whose neck was broken in the valley.¹² There was no need to state, ‘whose neck was broken’!¹³ Why, then, is ‘whose neck was broken’ added? [It signifies], Over the place of the heifer's neck where it was broken. They then declare, ‘Our hands have not shed this blood, neither have our eyes seen it’. But can it enter our minds that [the members of a] Court of Justice shed blood! [The meaning of their statement is], however, [The man found dead] did not come to us for help and we dismissed him without supplying him with food, we did not see him and let him go without an escort. It has been taught: R. Meir used to say: We may compel a person to escort [a traveller],¹⁴ because the reward for escorting is limitless; as it is said: And the watchers saw a man come forth out of the city, and they said unto him, Shew us, we pray thee, the entrance into the city, and we will deal kindly with thee.¹⁵ It continues, And he shewed them the entrance into the city.¹⁶ What was the kindness they did to him? They slew the whole of the city at the edge of the sword, but let that man and his family go.

And the man went into the land of the Hittites, and built a city, and called the name thereof Luz: which is the name thereof unto this day.¹⁷ It has been taught: That is the Luz in which they dye the blue;¹⁸ that is the Luz against which Sennacherib marched without disturbing it,¹⁹ against which Nebuchadnezzar marched without destroying it, and even the Angel of Death has no permission to pass through it, but when the old men there become tired of life²⁰ they go outside the wall and then die. For is not the matter²¹ an a fortiori inference? If this Canaanite, who did not utter a word or walk a step,²² caused deliverance to come to himself and his seed unto the end of all generations, how much more so he who performs the act of escorting by actually going with the person! How did he show them [the way]? — Hezekiah said: He just curved his mouth for them;²³ R. Johanan said: He pointed for them with his finger. There is a teaching in agreement with R. Johanan, viz., Because this Canaanite pointed with his finger, he caused deliverance to come to himself and his seed unto the end of all generations.

R. Joshua b. Levi said: Whoever is on a journey and has no escort should occupy [his mind] with Torah;²⁴ as it is said: For they shall be a chaplet of grace unto thy head, and chains about thy neck.²⁵ R. Joshua b. Levi also said: Because of the four paces with which Pharaoh accompanied Abraham, as it is said: And Pharaoh gave men charge concerning him etc.,²⁶ he [was allowed to] enslave the latter's descendants for four hundred years, as it is said: And shall serve them, and they shall afflict them four hundred years.²⁷ Rab Judah said in the name of Rab: Whoever accompanies his neighbour four cubits in a city will come to no harm [when on a journey]. Rabina accompanied Raba b. Isaac four cubits in a city; danger threatened him but he was saved.

Our Rabbis taught: A teacher [accompanies] his pupils until the outskirts²⁸ of a city; one colleague [accompanies] another up to the Sabbath-limit;²⁹ a pupil [accompanies] his master a distance without limit.³⁰ But how far?³¹ — R. Shesheth said: Up to a parasang. This only applies when his master is not a distinguished scholar; but should his master be a distinguished scholar [he accompanies him] three parasangs.

R. Kahana once accompanied R. Shimi b. Ashi from Pum-Nahara to Be-Zinyatha.³² When they arrived there, he said to him, 'Is it true what you say, that these palms of Babylon are from the time of Adam?' He answered: 'You have reminded me of something which R. Jose b. Hanina said, viz., What means that which is written: Through a land that no man passed through, and where no man dwelt?³³ Since no man passed through it, how could anyone dwell there, and since nobody dwelt there how could anyone pass through it! But [the meaning is], A land concerning which Adam decreed that it should be inhabited has become inhabited, and a land concerning which Adam did not so decree has not been inhabited'.³⁴ R. Mordecai accompanied R. Ashi from Hagronia³⁵ to Be-Kafi;³⁶ another version is to Be-Dura.³⁷ R. Johanan said in the name of R. Meir: Whoever does not escort others or allow himself to be escorted is as though he sheds blood; for had the men of Jericho escorted Elisha he would not have stirred up bears against the children, as it is said: And he went up from thence unto Bethel; and as he was going up by the way, there came forth little children out of the city, and mocked him, and said unto him, Go up, thou bald head; go up, thou bald head.³⁸ What they said to him was, 'Go up, thou who hast made this place bald for us!'³⁹ What means 'little children'?⁴⁰ — R. Eleazar said: Ne'arim [children] means they were bare [menu'arim] of precepts; 'little' means they were little of faith.⁴¹ A Tanna taught: They were youths [ne'arim] but they behaved like little children. R. Joseph demurred to this: But perhaps they were so called after the name of the place; for is it not written: And the Syrians had gone out in bands, and had brought away captive out of the land of Israel a little maid,⁴² and the question is asked by us a maid [na'arah] and little?⁴³ And R. Pedath explained: She was a little girl from a place called Ne'uran!⁴⁴ — In this passage her place is not specified,⁴⁵ but in the other their place is specified.⁴⁶

And he looked behind him and saw them, and cursed them in the name of the Lord.⁴⁷ What did he see? — Rab said: He actually looked upon them, as it has been taught: Rabban Simeon b. Gamaliel says: Wherever the Sages set their eyes there is either death or calamity.⁴⁸ Samuel said: He saw that their mothers had all become conceived with them on the Day of Atonement.⁴⁹ R. Isaac the smith said: He saw that their hair was plaited as with Amorites.⁵⁰ R. Johanan said: He saw that there was no sap of the commandments in them. But perhaps there would have been such in their descendants!⁵¹ — R. Eleazar said: Neither in them nor in their descendants unto the end of all generations.

And there came forth two she-bears out of the wood, and tore forty and two children of them.⁵²

(1) Num. XXIV, 21.

(2) Micah VI, 2. 'Foundations', being parallel to 'mountains', has a similar meaning.

(3) Jer. V, 15. The true meaning here is 'enduring', but the word is taken as defined by what follows.

(4) Cf. Lev. V, 8 where the Hebrew is 'from the back of the neck'.

- (5) Deut. XXI, 4.
- (6) So the Hebrew literally. They all agree that the site may not be sown or tilled after the ceremony has taken place there.
- (7) Since the text has not this form, it must refer to the past.
- (8) Consequently it can only refer to the future.
- (9) Since it would not be used if a command were implied, and the Torah would have stated: 'it shall not be tilled'.
- (10) To include all kinds of agricultural work, as explained below.
- (11) Since sowing is included in agricultural labour.
- (12) Deut. XXI, 6.
- (13) The words seem redundant.
- (14) [Or the court compels a town to provide escorts for travellers.]
- (15) Judg. I, 24.
- (16) Ibid. 25.
- (17) Ibid. 26.
- (18) For the fringes (Num. XV, 38). The purpose of this statement and what follows is to illustrate the words 'which is the name thereof unto this day', showing that the city survived destruction and still exists.
- (19) By not plundering it and exiling the inhabitants.
- (20) Lit., 'their mind becomes loathsome to them'.
- (21) That the reward for escorting is limitless.
- (22) It merely states 'he showed them'.
- (23) I.e., he made inarticulate sounds.
- (24) As a means of protection.
- (25) Prov. I, 9. The Hebrew word for chaplet is the same as for 'escort'.
- (26) Gen. XII, 20.
- (27) Ibid. XV, 13.
- (28) [I.e., seventy cubits and two thirds beyond the outer range of the houses of the city. V. Ned. 56a.]
- (29) V. p. 136, n. 7.
- (30) [It is one of those deeds of kindness to the performance of which no maximum is set; v. next note.]
- (31) [I.e., what minimum distance must he accompany his teacher?]
- (32) [Lit., 'Among the Palms', the former was near the Tigris, the latter was the district of the old city of Babylon, to which Sura belonged and which was rich in palms; cf. Sanh. 96b (Obermeyer, op. cit. p. 295).]
- (33) Jer. II, 6.
- (34) Accordingly Adam must have decreed that those palms should grow there.
- (35) Outside Nehardea.
- (36) [Be Kufai. A village four parasangs west of Bagdad, v. Obermeyer, op. cit. p. 267.]
- (37) [Be-Duraja, S.W. of Bagdad. This would be about two hours beyond Be Kafi; (Obermeyer, op. cit., p. 268)]. This is cited to show how far a disciple escorted his teacher.
- (38) II Kings II, 23. 'He went up' implies that he was unaccompanied.
- (39) He had sweetened the waters in that place (ibid. 19ff.) and so had caused loss to the people of the vicinity who had profited by selling drinkable water. Hence the ill-feeling against him.
- (40) 'Little' appears to be superfluous.
- (41) Because they worried about their livelihood since they could no longer sell water.
- (42) Ibid. V, 2.
- (43) Na'arah implies that she was young (v. Glos.).
- (44) Therefore it is suggested that in the other verse ne'arim means 'men of Ne'uran'. In Josh. XVI, 7 there is a town called Naarath.
- (45) It is merely stated 'out of the land of Israel', so Na'arah could possibly indicate a place name.
- (46) We gather from the context that the children belonged to Jericho.
- (47) II Kings II, 24.
- (48) It was believed that the Rabbis were endowed with this power and the Talmud relates several anecdotes on the subject.
- (49) When cohabitation is forbidden.

(50) Lit., 'he saw they had a belorith'. They aped heathen manners. On belorith v. Sanh. (Sonc. ed.) p. 114. n. 5.

(51) So why should they have perished on that account?

(52) II Kings II, 24.

Talmud - Mas. Sotah 47a

Rab and Samuel [differ in their interpretation]; one said it was a miracle, while the other said it was a miracle within a miracle. He who said it was a miracle did so because there was a forest but there were no bears;¹ he who said it was a miracle within a miracle did so because there was no forest nor were there any bears. [But according to the latter interpretation] there need have been [provided] bears but not a forest! — [It was required] because [the bears] would have been frightened.²

R. Hanina said: On account of the forty-two sacrifices which Balak, king of Moab, offered,³ were forty-two children cut off from Israel. But it is not so; for Rab Judah has said in the name of Rab: Always should a man occupy himself with Torah and the commandments even though it be not for their own sake,⁴ for from [occupying himself with them] not for their own sake he comes to do so for their own sake; because as a reward for the forty-two sacrifices which Balak, king of Moab, offered,⁵ he merited that Ruth should issue from him and from her issued Solomon concerning whom it is written: A thousand burnt-offerings did Solomon offer!⁶ And R. Jose b. Honi said: Ruth was the daughter of Eglon the son of Balak!⁷ — Nevertheless his desire was to curse Israel.⁸ And the men of the city said unto Elisha, Behold, we pray thee, the situation of this city is pleasant, as my lord seeth etc.⁹ [But how could it be so] since 'the water is naught and the land miscarrieth'! What, then, was its pleasantness? — R. Hanin said: The favour of a place in the estimation of its inhabitants. R. Johanan said: There are three kinds of favour: the favour of a locality in the estimation of its inhabitants, the favour of a woman in the estimation of her husband, and the favour of an article in the estimation of its purchaser.

Our Rabbis taught: Elisha was afflicted with three illnesses: one because he stirred up the bears against the children, one because he thrust Gehazi away with both his hands, and one of which he died; as it is said: Now Elisha was fallen sick of his sickness whereof he died.¹⁰

Our Rabbis have taught: Always let the left hand thrust away and the right hand draw near. Not like Elisha who thrust Gehazi away with both his hands (and not like R. Joshua b. Perahiah who thrust one of his disciples away with both his hands).¹¹ How is it with Elisha? As it is written: And Naaman said: Be content, take two talents,¹² and it is written: And he said unto him, Went not my heart with thee when the man turned again from his chariot to meet thee? Is it a time to receive money, and to receive garments, and oliveyards, and sheep and oxen, and manservants and maidservants?¹³ But had he received all these things? Silver and garments were what he had received! — R. Isaac said: At that time Elisha was engaged [in the study of the Law concerning] the eight kinds of [unclean] creeping things;¹⁴ so he said to [Gehazi], 'You wicked person, the time has arrived for you to receive the reward for [studying the law of] the eight creeping things.'¹⁵ The leprosy therefore of Naaman shall cleave unto thee and unto thy seed for ever.¹⁶ Now there were four leprosy men¹⁷ — R. Johanan said: This refers to Gehazi and his three sons. And Elisha came to Damascus¹⁸ — why did he go there?¹⁹ — R. Johanan said: He went to induce Gehazi to repent but he refused. He said to him, 'Repent'; but he replied: 'Thus have I received from thee that whoever sinned and caused others to sin is deprived of the power of doing penitence'. What had he done? Some say: He applied a loadstone to the idolatrous image of Jeroboam²⁰ and suspended it between heaven and earth. Others say: He engraved upon it the Name [of God] so that it used to exclaim, 'I [am the Lord thy God]' and 'Thou shalt have no [other God beside me]' — Still others say: He drove the Rabbis from before him, as it is written: And the sons of the prophets said unto Elisha, Behold now, the place where we dwell before thee is too strait for us²¹ — hence, up to then it had not been too strait.

What²² was the incident with R. Joshua b. Perahiah? — When King Jannaeus²³ put the Rabbis to death, Simeon b. Shetah was hid by his sister, whilst R. Joshua b. perahiah fled to Alexandria in Egypt. When there was peace,²⁴ Simeon b. Shetah sent [this message to him]: 'From me, Jerusalem,

the Holy city, to thee Alexandria in Egypt. O my sister, my husband²⁵ dwelleth in thy midst and I abide desolate'. [R. Joshua] arose and came back and found himself in a certain inn where they paid him great respect. He said: 'How beautiful is this 'aksania'!²⁶ One of his disciples²⁷ said to him, 'My master, her eyes are narrow!' He replied to him, 'Wicked person! Is it with such thoughts that thou occupiest thyself !' He sent forth four hundred horns and excommunicated him.²⁸ [The disciple] came before him on many occasions, saying 'Receive me'; but he refused to notice him. One day while [R. Joshua] was reciting the Shema', he came before him. His intention was to receive him and he made a sign to him with his hand, but the disciple thought he was repelling him. So he went and set up a brick and worshipped it. [R. Joshua] said to him, 'Repent'; but he answered him, 'Thus have I received from thee that whoever sinned and caused others to sin is deprived of the power of doing penitence'. A Master has said: The disciple practised magic and led Israel astray.

It has been taught: R. Simeon b. Eleazar says: Also human nature²⁹ should a child and woman thrust aside with the left hand and draw near with the right hand.³⁰

MISHNAH. IF THE MURDERER WAS DISCOVERED BEFORE THE HEIFER'S NECK WAS BROKEN, IT GOES FREE AND FEEDS WITH THE HERD; BUT IF AFTER THE HEIFER'S NECK WAS BROKEN, IT IS BURIED IN THAT PLACE BECAUSE IT CAME THERE FROM THE OUTSET IN CONNECTION WITH A MATTER OF DOUBT,³¹ AND ATONED FOR THE DOUBT WHICH IS NOW GONE. IF THE HEIFER'S NECK WAS BROKEN AND AFTERWARDS THE MURDERER IS DISCOVERED, BEHOLD HE IS EXECUTED.

IF ONE WITNESS SAYS 'I SAW THE MURDERER' AND ONE WITNESS SAYS 'YOU DID NOT SEE HIM',³² OR IF A WOMAN SAYS 'I SAW HIM' AND ANOTHER WOMAN SAYS 'YOU DID NOT SEE HIM', THEY BREAK ITS NECK. IF ONE WITNESS SAYS 'I SAW HIM' AND TWO SAY 'YOU DID NOT SEE HIM', THEY BREAK ITS NECK. IF TWO SAY 'WE SAW HIM' AND ONE SAYS TO THEM 'YOU DID NOT SEE HIM', THEY DO NOT BREAK ITS NECK.³³ WHEN MURDERERS MULTIPLIED THE CEREMONY OF BREAKING A HEIFER'S NECK WAS DISCONTINUED. THAT WAS WHEN ELIEZER B. DINAI, ALSO CALLED TEHINAH B. PERISHAH, APPEARED;³⁴ HE WAS AFTERWARDS RENAMED 'SON OF THE MURDERER — WHEN ADULTERERS MULTIPLIED THE CEREMONY OF THE BITTER WATER WAS DISCONTINUED AND IT WAS R. JOHANAN B. ZAKKAI WHO DISCONTINUED IT, AS IT IS SAID, I WILL NOT PUNISH YOUR DAUGHTERS WHEN THEY COMMIT WHOREDOM, NOR YOUR BRIDES WHEN THEY COMMIT ADULTERY, FOR THEY THEMSELVES ETC.³⁵ WHEN JOSE B. JOEZER OF ZEREDAH AND JOSE B. JUDAH OF JERUSALEM DIED, THE GRAPE-CLUSTERS³⁶ CEASED, AS IT IS SAID, THERE IS NO CLUSTER TO EAT; MY SOUL DESIRETH THE FIRST RIPE FIG.³⁷

JOHANAN THE HIGH PRIEST³⁸ BROUGHT TO AN END THE CONFESSION MADE AT THE PRESENTATION OF THE TITHE.³⁹ HE ALSO ABOLISHED THE WAKERS AND THE KNOCKERS⁴⁰

(1) These were miraculously created for the occasion.

(2) If there was no forest provided for them in which they could hide, they would not have dared to attack the children.

(3) Num. XXIII, 1, 14, 29.

(4) Without the expectation of reward.

(5) Although he did not offer them for their own sake.

(6) I Kings lii, 4. V. Hor. (Son. ed.) p. 75.

(7) So this was Balak's reward and not the death of the children.

(8) And so he had his reward in the death of these children.

(9) II Kings II, 19.

(10) Ibid. XIII, 14. Sick and sickness denote two, apart from his fatal illness.

- (11) MSS. and old editions read Jesus the Nazarene. R. T. Herford sees in Gehazi a hidden reference to Paul. Cf. his Christianity in Talmud and Midrash, pp. 97ff.
- (12) II Kings V, 23.
- (13) Ibid. 26.
- (14) Name of the Chapter in Mishnah Shabbath, XIV, I, cf. Lev. XI, 29ff.
- (15) Referring to the eight kinds of presents he had accepted. That will be his reward in this world so that he may be punished in the Hereafter. For a fuller version v. Sanh. (Sonc. ed.) p. 735.
- (16) II Kings V, 27. 'For ever' indicates the World to Come.
- (17) II Kings VII, 3.
- (18) Ibid. VIII, 7.
- (19) V. Sanh. (Sonc. ed.) p. 734, n. 8.
- (20) Cf. I Kings XII, 28.
- (21) II Kings VI, I.
- (22) The following paragraph is deleted in censored editions, v. Sanh. (Sonc. ed.) p. 736, n. 2.
- (23) Alexander Jannaeus, king of Israel from 104 to 78 B.C.E., a persecutor of the Pharisees. The chronological discrepancy is obvious since he lived a century before Jesus, v. however, Sanh. (Sonc. ed.) loc. cit.
- (24) On his death-bed the King advised the Queen to put her confidence in the Pharisees. V. Josephus, Ant. XIII, XV, 5.
- (25) His teacher, R. Joshua.
- (26) The word means 'inn' and 'female innkeeper'. The Rabbi intended it in the first sense, Jesus in the second.
- (27) MSS.: 'Jesus'.
- (28) A horn is blown at the ceremony of excommunication. The large number used on this occasion indicated the extreme severity of the penalty.
- (29) One must learn to control it so as to avoid extremes.
- (30) [One must not be too severe in chiding a child or reproving a wife lest they be driven to despair.]
- (31) The unknown murderer.
- (32) [I.e., 'I was present with you at the time of the alleged murder and testify that it did not take place.' J. reads 'I did not see it', and similarly in the following clause substitutes the first person for the second.]
- (33) The single witness does not upset the evidence of two, so there is no doubt about the murderer.
- (34) He was a notorious bandit who committed numerous murders; (v. Josephus, Ant. XX, 6, I; 8, 5.)
- (35) Hos. IV, 14.
- (36) Descriptive of Rabbis of exceptional learning. These two Rabbis flourished in the first half of the second cent. B.C.E. and were the first of the Zugoth or 'Pairs' of teachers who preserved and passed on the Torah-lore accumulated by the men of the Great Assembly. [Lauterbach. J.Z. (JQR VI, p. 32, n. 34) explains this to mean that with his death teachers ceased to act as a body, reporting only such teachings as represented the opinion of the whole group to which they belonged, but began to report rulings of individual teachers.]
- (37) Micah VII, 1.
- (38) John Hyrcanus who reigned over Judea from 135 to 104 B.C.E.
- (39) Cf. Deut. XXVI, 13f.
- (40) These terms are explained in the Gemara.

Talmud - Mas. Sotah 47b

. UP TO HIS DAYS THE HAMMER USED TO STRIKE¹ IN JERUSALEM, AND IN HIS DAYS THERE WAS NO NEED TO INQUIRE ABOUT DEMA².

GEMARA. Our Rabbis taught: Whence is it that if the heifer's neck had been broken, and the murderer is afterwards discovered, they do not set him free? There is a text to state, And no expiation can be made for the land for the blood that is shed therein, but by the blood of him that shed it.³

IF ONE WITNESS SAYS, 'I SAW THE MURDERER' etc. The reason [why his evidence is not accepted] is because there is somebody who contradicts him; therefore if there is nobody who

contradicts him, one witness is believed. Whence is this? — As our Rabbis taught: And it be not known who hath smitten him⁴ — hence if it be known who had smitten him, even by one person at the other end of the world, they do not break the neck. R. Akiba says: Whence is it that if the Sanhedrin saw a person commit murder, but they do not recognise him, the neck of the heifer is not broken? There is a text to state, Neither have our eyes seen it;⁵ but [in this case] they had seen it.⁶

Now that you admit that one witness is believed, how is it possible for another individual to contradict him? Surely ‘Ulla has said: Wherever the Torah accepts the testimony of one witness, he is regarded as two [witnesses], but the evidence of one is not regarded as the evidence of two!⁷ ‘Ulla can reply to you, Read in the Mishnah: They do not break its neck. Similarly said R. Isaac, Read in the Mishnah: They do not break its neck; but R. Hiyya said: Read in the Mishnah: They break its neck. Then R. Hiyya is in conflict with the teaching of ‘Ulla! — There is no contradiction, one case referring to evidence given simultaneously⁸ and the other when one witness follows the others.⁹

The Mishnah declares: IF ONE WITNESS SAYS ‘I SAW THE MURDERER’ AND TWO SAY ‘YOU DID NOT SEE HIM’, THEY BREAK ITS NECK. Consequently if there is one against one, they do not break its neck; and this is a refutation of R. Hiyya's statement!¹⁰ — But according to your own argument, cite the continuation: IF TWO SAY ‘WE SAW HIM’ AND ONE SAYS TO THEM ‘YOU DID NOT SEE HIM’, THEY DO NOT BREAK ITS NECK. Consequently if — there is one against one, they do break its neck!¹¹ But our Mishnah deals entirely with disqualified witnesses,¹² and is in accord with R. Nehemiah who said,¹³ Wherever the Torah accepts the testimony of one witness, [the decision] follows the majority of persons [who testify], so that two women against one woman is identical with two men against one man. But there are some who declare that wherever a competent witness came [and testified] first, even a hundred women are regarded as equal to one witness; and with what circumstance are we dealing here? For example, if it was a woman who came first [and testified]; and R. Nehemiah's statement is to be construed thus: R. Nehemiah Says: Wherever the Torah accepts the testimony of one witness, [the decision] follows the majority of persons [who testify], so that two women against one woman is identical with two men against one man, but two women against one man is like half and half. Why, then, have we two teachings concerning disqualified witnesses?¹⁴ What you might have said was that when we follow the majority of persons [who testify] it is for taking the severer view, but to take the lenient view we do not follow [the majority]. Therefore [the Mishnah] informs us [of one case where the neck is broken and one where it is not, and in each the majority is followed].

WHEN MURDERERS MULTIPLIED etc. Our Rabbis taught: When murderers multiplied the ceremony of breaking a heifer's neck was discontinued, because it is only performed in a case of doubt; but when murderers multiplied openly, the ceremony of breaking a heifer's neck was discontinued.

WHEN ADULTERERS MULTIPLIED etc. Our Rabbis taught: And the man shall be free from iniquity¹⁵ — at the time when the man is free from iniquity, the water proves his wife; but when the man is not free from iniquity, the water does not prove his wife. Why, then, [was it necessary for the Mishnah to add]: AS IT IS SAID, ‘I WILL NOT PUNISH YOUR DAUGHTERS WHEN THEY COMMIT WHOREDOM etc.’? Should you say that his own iniquity [prevents the water from proving his wife] but the iniquity of his sons and daughters does not, come and hear: ‘I WILL NOT PUNISH YOUR DAUGHTERS WHEN THEY COMMIT WHOREDOM, NOR YOUR BRIDES WHEN THEY COMMIT ADULTERY’. And should you say that his sin with a married woman [prevents the water from proving his wife] but not if it was with an unmarried woman, come and hear: FOR THEY THEMSELVES GO ASIDE WITH WHORES AND WITH THE HARLOTS etc.’ What means And the people that doth not understand shall be overthrown?¹⁶ R. Eleazar said: The prophet spoke to Israel, If you are scrupulous with yourselves, the water will prove your wives; otherwise the water will not prove your wives.

When hedonists multiplied, justice became perverted,¹⁷ conduct deteriorated and there is no satisfaction [to God] in the world. When they who displayed partiality in judgment multiplied, the command Ye shall not be afraid [of the face of man]¹⁸ became void and Ye shall not respect [persons in judgment]¹⁹ ceased to be practised; and people threw off the yoke of heaven and placed upon themselves the yoke of human beings. When they who engaged in whisperings in judgment²⁰ multiplied, fierceness of [the divine] anger increased against Israel and the Shechinah departed; because it is written: He judgeth among the judges.²¹ When there multiplied [men of whom it is said] Their heart goeth after their gain,²² there multiplied they who call evil good and good evil.²³ When there multiplied they 'who call evil good and good evil', woes²⁴ increased in the world. When they who draw out their spittle²⁵ multiplied, the arrogant increased, disciples diminished, and Torah went about [looking] for them who would study it. When the arrogant multiplied, the daughters of Israel began to marry arrogant men, because our generation looks only to the outward appearance. But that is not so; for a Master has declared: An arrogant person is not acceptable even to the members of his household, as it is said: A haughty man one abideth not at home²⁶ — i.e., even in his own house! — At first they jump round him, but in the end he becomes repugnant to them.

When there multiplied they who forced their goods upon householders,²⁷ bribery increased as well as miscarriage of justice, and happiness ceased. When there multiplied [judges] who said 'I accept your favour' and 'I shall appreciate your favour', there was an Increase of Every man did that which was right in his own eyes;²⁸ common persons were raised to eminence, the eminent were brought low, and the kingdom [of Israel] deteriorated more and more. When envious men and plunderers [of the poor] multiplied, there increased they who hardened their hearts and closed their hands from lending [to the needy], and they transgressed what is written in the Torah, viz., Beware that there be not etc.²⁹ When there multiplied women who had stretched forth necks and wanton eyes,³⁰ [the need] increased for the bitter water but it ceased [to be used]. When receivers of gifts multiplied, the days [of human life] became fewer and years were shortened; as it is written: But he that hateth gifts shall live.³¹ When the haughty of heart multiplied, dissensions increased in Israel. When the disciples of Shammai and Hillel multiplied who had not served [their teachers] sufficiently, dissensions increased in Israel and the Torah became like two Torahs. When there multiplied they who accepted charity of Gentiles, Israel became on top and they below, Israel went forward and they backward.³²

WHEN JOSE B. JOEZER DIED etc. What does 'grape-clusters' [eshkoloth] mean? — Rab Judah said in the name of Samuel: A man in whom is everything [ish she-hakol bo].

JOHANAN THE HIGH PRIEST BROUGHT TO AN END THE CONFESSION MADE AT THE PRESENTATION OF THE TITHE etc. What was his reason? — R. Jose b. Hanina said: Because people were not presenting it according to the regulation; for the Allmerciful said that they should give it to the Levites

(1) V. note on the Gemara infra.

(2) Produce about which there is uncertainty whether it had been tithed. The Gemara will explain what is intended.

(3) Num. XXXV, 33.

(4) Deut. XXI, I.

(5) Ibid. 7.

(6) Consequently the ceremony is not performed.

(7) But according to the Mishnah, if one is contradicted by one, the former is not accepted and the neck is broken.

(8) Then one witness can contradict another.

(9) The evidence of the first witness having been accepted is regarded as that of two.

(10) He proposed that when one is against one the Mishnah should read: They break its neck.

(11) Which supports R. Hiyya and in apparent contradiction to the first clause.

(12) Women and slaves.

- (13) What follows is quoted from supra 31b et seq., q.v. for notes.
- (14) In the two clauses of our Mishnah which have been explained as referring to the evidence of women and slaves.
- (15) Num. V, 31.
- (16) Hos. IV, 14.
- (17) Judges accepted bribes.
- (18) Deut. I, 17.
- (19) Ibid.
- (20) To influence the judges in favour of one party.
- (21) Ps. LXXXII, I, i.e., God is only with honest judges.
- (22) Ezek. XXXIII, 31.
- (23) Isa. V, 20.
- (24) The word woe occurs frequently in Isa. V.
- (25) As a mark of ostentation.
- (26) Hab. II, 5 sic.
- (27) Judges who compelled them to buy against their will.
- (28) Judg. XVII, 6.
- (29) Deut. XV, 9.
- (30) Isa. III, 16.
- (31) Prov. XV, 27.
- (32) A euphemism for the reverse: Israel became below etc. This sentence has fallen out of the text in some modern editions.

Talmud - Mas. Sotah 48a

whereas we present it to the priests.¹ Then let them make the confession over the other tithes!² — Resh Lakish said: Any household which does not make the confession over the first tithe may not make it over the other tithes. For what reason? — Abaye said: Because Scripture deals with that first;³ This implies that they had separated it [before proceeding to the other tithes]. But surely it has been taught: He also annulled the confession and decreed in respect of demai;⁴ because he sent [inspectors] throughout the Israelite territory and discovered that they only separated the great terumah⁵ but as for the first and second tithes some fulfilled the law while others did not.⁶ So he said to [the people], 'My sons, come, I will tell you this. Just as in [the neglect] of the "great terumah" there is mortal sin,⁷ so with [the neglect] to present the terumah of the tithe and with the use of untithed produce there is mortal sin'. He thus arose and decreed for them that whoever purchases fruits from an 'Am ha-arez⁸ must separate the first and second tithes therefrom. From the first tithe he separates the terumah of the tithe and gives it to a priest, and as for the second tithe he should go up and eat it in Jerusalem. With regard to the first tithe and the tithe of the poor⁹ whoever demands them from his neighbour has the onus of proving [that they had not been already apportioned]!¹⁰ [Johanan] made two decrees: he abolished the confession [over the presentation of the first tithe] in the case of the Haberim¹¹ and decreed in regard to the demai¹² of the 'Amme ha-arez.¹³

HE ALSO ABOLISHED THE WAKERS. What does 'WAKERS' mean? — Rehabah said: The Levites used daily to stand upon the dais and exclaim, Awake, why sleepest Thou, O Lord?¹⁴ He said to them, Does, then, the All-Present sleep? Has it not been stated: Behold, He that keepeth Israel shall neither slumber nor sleep!¹⁵ But so long as Israel abides in trouble and the Gentiles are in peace and comfort, the words 'Awake, why sleepest Thou, O Lord'? [should be uttered].¹⁶

AND KNOCKERS. What does 'KNOCKERS' mean? — Rab Judah said in the name of Samuel: They used to make an incision on the calf between its horns¹⁷ so that the blood should flow into its eyes.¹⁸ [Johanan] came and abolished the practice because it appeared as though [the animal had] a blemish. There is a Baraitha which teaches: They used to strike [the animal] with clubs as is the practice with idolatry. [Johanan] said to them, How long will you feed the altar with nebeloth!¹⁹

[How could he have described the carcasses as] nebeloth when they had been properly slaughtered! — Rather [should they be described as] terefoth,²⁰ since the membrane of the brain may have been perforated. He [thereupon] arose and ordained rings for them in the ground.²¹

UP TO HIS DAYS THE HAMMER USED TO STRIKE IN JERUSALEM. On the intermediate days of the Festival.²²

ALL HIS DAYS²³ THERE WAS NO NEED TO INQUIRE ABOUT DEMAI. As we have explained above.²⁴

MISHNAH. WHEN THE SANHEDRIN CEASED [TO FUNCTION], SONG CEASED FROM THE PLACES OF FEASTING; AS IT IS SAID, THEY SHALL NOT DRINK WINE WITH A SONG ETC.²⁵

WHEN THE FORMER PROPHETS²⁶ DIED, THE URIM AND THUMMIM²⁷ CEASED. WHEN [THE SECOND] TEMPLE WAS DESTROYED, THE SHAMIR AND NOPHETH ZUFIM²⁸ CEASED, AND MEN OF FAITH DISAPPEARED FROM ISRAEL; AS IT IS SAID, HELP, LORD, FOR THE GODLY MAN CEASETH ETC.²⁹ RABBAN SIMEON B. GAMALIEL SAYS: R. JOSHUA TESTIFIED THAT FROM THE DAY THE TEMPLE WAS DESTROYED, THERE IS NO DAY WITHOUT A CURSE, THE DEW HAS NOT DESCENDED FOR A BLESSING, AND THE FLAVOUR HAS DEPARTED FROM THE FRUITS. R. JOSE SAYS: THE FATNESS³⁰ WAS ALSO REMOVED FROM THE FRUITS. R. SIMEON B. ELEAZAR SAYS; [THE CESSATION OF] PURITY HAS REMOVED TASTE AND FRAGRANCE [FROM FRUITS]; [THE CESSATION OF] THE TITHES HAS REMOVED THE FATNESS OF CORN. BUT THE SAGES SAY: IMMORALITY AND WITCHCRAFT DESTROYED EVERYTHING.

GEMARA. How do we know that the text, [‘They shall not drink wine with a song’] — applies to the time when the Sanhedrin ceased? — R. Huna, son of R. Joshua, said: Because Scripture states: The elders have ceased from the gate, the young men from their music.³¹

Rab said: The ear which listens to song should be torn off. Raba said: When there is song in a house there is destruction on its threshold; as it is stated: Their voice shall sing in the windows, desolation shall be in the thresholds, for He hath laid bare the cedar work.³² What means ‘for he hath laid bare [‘erah] the cedar work’? — R. Isaac said: Is a house panelled with cedar-wood a city [‘irah]?³³ But [the meaning is] even a house panelled with cedars will be overthrown [mithro'ea’].³⁴ R. Ashi said: Infer from this that when destruction begins, it begins on the threshold; as it is stated: ‘Desolation shall be in the thresholds’ — Or if you will, deduce it from here: And the gate is smitten with destruction.³⁵ Mar, son of R. Ashi said: I have personally seen him,³⁶ and he goes like an ox.

R. Huna said: The singing of sailors and ploughmen is permitted, but that of weavers is prohibited.³⁷ R. Huna abolished singing, and a hundred geese were priced at a zuz³⁸ and a hundred se'ahs of wheat at a zuz and there was no demand for them [even at that price];³⁹ R. Hisda came and [ordered R. Huna's edict to be] disregarded, and a goose was required [even at the high price of] a zuz but was not to be found.⁴⁰ R. Joseph said: When men sing and women join in it is licentiousness; when women sing and men join in it is like fire in tow.⁴¹ For what practical purpose is this mentioned? — To abolish the latter before the former.⁴²

R. Johanan said: Whoever drinks to the accompaniment of the four musical instruments⁴³ brings five punishments to the world; as it is stated: Woe unto them that rise up early in the morning, that they may follow strong drink, that tarry late into the night, till wine inflame them! And the harp, and the lute, the tabret and the pipe, and wine, are in their feasts; but they regard not the work of the Lord.⁴⁴ What is written after this? ‘Therefore My people are gone into captivity for lack of

knowledge' — they therefore cause captivity in the world; 'and their honourable men are famished' — they therefore bring hunger into the world; and their multitude are parched with thirst⁴⁵ — they therefore cause Torah to be forgotten by its students. And the mean man is bowed down and the great man is humbled⁴⁶ — they therefore cause humiliation to the haters of God⁴⁷ — and 'man' signifies none other than the Holy One, blessed be He, as it is said: The Lord is a man of war,⁴⁸ 'and the eyes of the lofty are humbled' they therefore cause the humiliation of Israel. And what is written after that? Therefore

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- (1) Deut. XXVI, 13 requires that the first tithe should be given to the Levites; but it is related in Yeb. 86b that because the Levites refused to join in the return from Babylon, Ezra punished them by having the tithe transferred to the priests.
 - (2) The second and poor tithes.
 - (3) The Rabbis explain the verse as follows: 'Thou shalt give it unto the Levite' i.e., the first tithe; 'and unto the stranger' i.e., the tithe of the poor; 'within thy gates' i.e., the second tithe.
 - (4) The reason given by R. Jose b. Hanina.
 - (5) The part which is separated in the first instance is the 'great terumah' or offering for the priests, to distinguish it from the 'terumah of the tithe', i.e., the tenth part given by the Levite of the tithe he receives, to the priest; then the first tithe is taken from the remainder for the Levites; after that the second tithe is removed to be eaten by the owner in Jerusalem (Deut. XIV, 22ff.); and each third year a tithe is allocated to the poor (ibid. XXVI, 12); v. Glos., s.v. Terumah.
 - (6) I. H. Weiss (Dor I p. 119) suggests that at that time there was a growing aversion against paying the tithe to the Levites, firstly because their status had changed from the period when the land was apportioned among the tribes and they had no share; and secondly because part of the produce had to be paid as a tax to the Government and the law of the tithe pressed very heavily upon the people.
 - (7) I.e., the penalty involved is death at the hands of Heaven.
 - (8) V. p. 110 n. 1.
 - (9) Since they are non-holy and may be eaten by any person.
 - (10) This shows that the people neglected the separation of the tithe to the Levite.
 - (11) The opposite of the 'Amme ha-arez. They were most scrupulous in the allocation of the tithes. The reason for his edict was, as stated, because the tithe was presented to a priest and not a Levite.
 - (12) 'Doubtful produce', corn purchased from a farmer about which there is a doubt whether the tithes had been apportioned.
 - (13) Because he learnt from his inspectors that the law was being neglected. It could therefore be safely assumed that the 'Amme ha-arez, were not observing it. Consequently if one purchased their produce, he had the responsibility of apportioning the tithes.
 - (14) Ps. XLIV, 24.
 - (15) Ibid. CXXI, 4.
 - (16) Since his reign was blessed with peace and prosperity, he felt it was unnecessary for the Levites to use the words.
 - (17) Before it was slaughtered for the altar.
 - (18) To prevent it from seeing what was to happen so that it should not struggle.
 - (19) I.e., animals which died not by the act of ritual slaughter.
 - (20) Animals found to possess a disqualification during the examination which followed the act of slaughter.
 - (21) To hold the animals fast so that they should not struggle, and the other methods were discontinued.
 - (22) I.e., work used to be done on those days, which were a semi-festival, and he abolished the practice.
 - (23) [The actual reading in our Mishnah is 'IN HIS DAYS'.]
 - (24) The purchaser had the responsibility of separating the tithe himself, so there was no need to inquire whether the produce had been tithed before the sale.
 - (25) Isa. XXIV, 9' The authority of the Sanhedrin was ended by the Roman General Gabinius in the middle of the first cent. B.C.E. Cf. Josephus, Ant. XIV, v. 4.
 - (26) The phrase is explained in the Gemara.
 - (27) V. Ex. XXVIII, 30.
 - (28) Shamir is the name of a worm which tradition relates had the power of splitting the hardest stone. The Gemara will explain Nopheth Zufim, a phrase occurring in Ps. XIX, 11, lit., 'the droppings of the honeycomb'.
 - (29) Ps. XII, 2. That the second and not the first Temple is intended here is proved in Tosaf. to Git! 68a.

- (30) Nourishing quality.
- (31) Lam. V, 14. The elders sat in the gate of the city to judge.
- (32) Zeph. II, 14. The last clause is understood as: even a cedar house, i.e., even the strongly-built house, will be destroyed.
- (33) So Maharsha. Rashi explains differently.
- (34) Hath laid bare ('erah) is connected with a root רעע 'to be razed'.
- (35) Isa. XXIV, 12.
- (36) The demon of destruction, v. B.K. 21a.
- (37) Singing helps the former in their work, but with the latter it is done out of frivolity.
- (38) A small coin worth about sevenpence.
- (39) Through the decline of feasting.
- (40) The demand for geese had become so great.
- (41) A woman's singing aroused sexual passion. The latter is more serious, because it implies a wilful act on the part of the men to listen to the female voices.
- (42) If both cannot be suppressed at the same time, the latter should receive more attention as being the worse of the two.
- (43) Mentioned in the verse to be quoted.
- (44) Isa. V, 11f.
- (45) Ibid. 23.
- (46) Ibid. 15.
- (47) A euphemism for God Himself.
- (48) Ex. XV, 3.

Talmud - Mas. Sotah 48b

Sheol hath enlarged her desire and opened her mouth without measure; and their glory, and their multitude, and their pomp, and he that rejoiceth among them, descend into it.¹

WHEN THE FORMER PROPHETS DIED. Who are the former prophets? — R. Huna said: They are David, Samuel and Solomon. R. Nahman said: During the days of David, they were Sometimes successful² and at other times unsuccessful; for behold, Zadok consulted it and succeeded, whereas Abiathar consulted it and was not successful, as it is said. And Abiathar went up.³ Rabbah b. Samuel objected: [It is written], And he⁴ set himself to seek God all⁵ the days of Zechariah who had understanding in the vision of God.⁶ Was this not by means of the urim and Thummim?⁷ — No, it was through the prophets.

Come and hear: When the first Temple was destroyed — the cities with pasture land⁸ were abolished, the Urim and Thummim ceased, there was no more a king from the House of David; and if anyone incites you to quote, And the governor said unto them that they should not eat of the most holy things till there stood up a priest with Urim and Thummim,⁹ reply to him: [It is only a phrase for the very remote future] as when one man says to another, 'Until the dead revive and the Messiah, son of David, comes'! — But, said R. Nahman: Who are the former prophets? [The term 'former'] excludes Haggai, Zechariah, and Malachi who are the latter [prophets]. For our Rabbis have taught: When Haggai, Zechariah and Malachi died, the Holy Spirit¹⁰ departed from Israel; nevertheless they made use of the Bath Kol.¹¹ On one occasion [some Rabbis] were sitting in the upper chamber of Gurya's house in Jericho; a Bath Kol was granted to them from heaven which announced, 'There is in your midst one man who is deserving that the Shechinah should alight upon him, but his generation is unworthy of it'. They all looked at Hillel the elder; and when he died, they lamented over him, 'Alas, the pious man! Alas, the humble man! Disciple of Ezra!' On another occasion they were sitting in an upper chamber in Jabneh; a Bath Kol was granted to them from heaven which announced, 'There is in your midst one man who is deserving that the Shechinah should alight upon him, but his generation is unworthy of it'. They all looked at Samuel the Little;¹² and when he died, they lamented over him, 'Alas, the humble man! Alas, the pious man! Disciple of Hillel!' At the time

of his death he also said,¹³ ‘Simeon and Ishmael¹⁴ [are destined] for the sword and their colleagues for death, and the rest of the people for spoliation, and great distress will come upon the nation.’ They also wished to lament over R. Judah b. Baba,¹⁵ ‘Alas, the pious man! Alas, the humble man!’ But the times were disturbed and they could not lament publicly over those who had been slain by the government.

WHEN [THE SECOND] TEMPLE WAS DESTROYED, THE SHAMIR CEASED etc. Our Rabbis taught: With the Shamir Solomon built the Temple,¹⁶ as it is said: And the house, when it was in building, was built of stone made ready at the quarry.¹⁷ The words are to be understood as they are written;¹⁸ such is the statement of R. Judah. R. Nehemiah asked him, Is it possible to say so? Has it not been stated: All these were of costly stones . . . sawed with saws!¹⁹ If that be so, why is there a text to State, There was neither hammer, nor axe nor any tool of iron heard in the house, while it was in the building?²⁰ [It means] that they prepared them outside and brought them within. Rabbi said: The statement of R. Judah is probable in connection with the stones of the Sanctuary, and the statement of R. Nehemiah in connection with [Solomon's] house. For what purpose, then, according to R. Nehemiah, was the Shamir necessary? — It was required as taught in the following: We may not write with ink upon these stones,²¹ because it is said: Like the engravings of a signet,²² nor cut into them with a knife because it is said: In their settings;²³ but he writes with ink upon them, shows the Shamir [the written strokes] on the outside, and these split of their own accord,²⁴ like a fig which splits open in summer and nothing at all is lost, or like a valley which splits asunder in the rainy season and nothing at all is lost.

Our Rabbis taught: The Shamir is a creature about the size of a barley-corn, and was created during the six days of Creation.²⁵ No hard substance can withstand it. How is it kept? They wrap it in tufts of wool and place it in a leaden tube full of barley-bran.

R. Ammi said: When the first Temple was destroyed, fringed²⁶ silk and white glass²⁷ ceased to be used. There is a teaching to the same effect: When the first Temple was destroyed, fringed silk and white glass and iron chariots ceased to be used. Some say: Also wine-jelly²⁸ which comes from Senir²⁹ and resembles cakes of figs.

AND NOFETH ZUFIM. What means NOFETH ZUFIM? — Rab said: The fine flour which floats [zofah] upon the top of a sieve [nafah] and resembles dough kneaded with honey and oil. Levi said: It is two loaves attached to [opposite sides of] an oven which keep on swelling until they touch one another.³⁰ R. Joshua b. Levi said: It is the honey which comes from the hills [zofim].³¹ How is this known?³² — As R. Shesheth³³ translated:³⁴ When the bees spring forth and fly in the heights of the world and collect honey from the herbage on the mountains.

We have learnt there:³⁵ Whatever is poured out³⁶ is clean with the exception of thick honey and batter.³⁷ What means zifim [thick]? — R. Johanan said: Honey used for adulteration [ziyyef]; and Resh Lakish said: It is named after its place, as it is written: Zif, Telem and Bealoth.³⁸ You may similarly quote, When the Zifites came and said to Saul, Doth not David etc.³⁹ What means Zifites? — R. Johanan said: Men who falsify their words; and R. Eliezer says: They are named after their place, as it is written: Zif Telem, and Bealoth.³⁸

AND MEN OF FAITH DISAPPEARED. R. Isaac said: These are men who had faith in the Holy One, blessed be He. For it has been taught: R. Eliezer the Great⁴⁰ declares: Whoever has a piece of bread in his basket and Says. ‘What shall I eat tomorrow?’ belongs only to them who are little in faith. And that is what R. Eleazar said: What means that which is written: For who hath despised the day of small things?⁴¹ [It signifies,] What is the cause that the tables of the righteous are despoiled in the Hereafter?⁴² The smallness [of faith] which was in them, that they did not trust in the Holy One, blessed be He. Raba said: They are the little ones⁴³ among the children of the wicked of Israel

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- (1) Isa. V, 14.
- (2) In obtaining knowledge of the future by consulting the Urim and Thummim.
- (3) II Sam. XV, 24. This is explained by the Rabbis: he retired from the priesthood because he received no reply from the Urim and Thummim.
- (4) Uzziah, King of Judah.
- (5) [M.T. reads 'in the days of.]
- (6) II Chron. XXVI, 5.
- (7) Therefore there were Urim and Thummim in the days of King Uzziah, contrary to the view of R. Huna.
- (8) For the Levites; v. Num. XXXV, 2.
- (9) Ezra II, 63. From this verse it would appear that the Urim and Thummim continued up to the destruction of the first Temple, contrary to the view of R. Huna.
- (10) Divine inspiration.
- (11) V. Gios.
- (12) A famous pupil of Hillel who died about a decade after the destruction of the second Temple.
- (13) Under the influence of the Holy Spirit.
- (14) Probably Simeon b. Gamaliel and Ishmael b. Elisha who were put to death after the capture of Jerusalem. See the full discussion in R.T. Herford, *op. cit.*, pp. 129ff.
- (15) A victim of the Hadrianic Persecution. For further notes on this passage, v. Sanh. (Sonc. ed.) p. 46.
- (16) V. Git. (Sonc. ed.) p. 323, n. 2.
- (17) I Kings VI, 7. The Hebrew is 'perfect stone'.
- (18) I.e., the stones were naturally in a hewn state, as though they had been cut in a quarry.
- (19) Ibid. VII, 9 referring to Solomon's house.
- (20) Ibid. VI, 7 referring to the Temple.
- (21) On the ephod and High Priest's breastplate.
- (22) Ex. XXVIII, 11.
- (23) Ibid. 20. Lit., 'in their fullnesses', i.e., no part of the stones may be cut away.
- (24) Through the action of the Shamir the stones are split open along the written lines without any part of the stones being cut away.
- (25) According to Ab. v. 9 it was one of the ten things created in the twilight of the sixth day, before the first Sabbath.
- (26) Perles, *Etymol. Studien*, p. 51, identifies the word with the Persian *parand* or *barand*.
- (27) V. B.M. (Sonc. ed.) p. 184, n. 3.
- (28) Lit., congealed wine; perhaps identical with 'wine mixed with snow' (Neg. I, 2).
- (29) A northern peak of Mt. Hermon mentioned in the Bible as famed for its cypresses.
- (30) The dough is blessed and so increases in size. The loaves float (Zaf) in the space of the oven.
- (31) There is another reading: *zipya* which Jastrow explains as the inner cells of the honeycomb.
- (32) That bees gather honey from the hills.
- (33) [Var. lec. 'R. Joseph', v. B.K. (Sonc. ed.) p. 9, n. 9.]
- (34) The words 'as bees do' in Deut. I, 44.
- (35) Nazir 50a.
- (36) If something is poured from a clean vessel into an unclean vessel, what is in the former is not defiled by the fact that the latter is unclean.
- (37) Being thick the outflow connects what is in the two vessels.
- (38) Josh. XV, 24.
- (39) Ps. LIV, 2 (in the E.V. it is part of the heading of the Psalm).
- (40) Eliezer b. Hyrcanus.
- (41) Zech. IV, 10.
- (42) They do not receive their full reward.
- (43) Children who died young.

who despoil the verdict upon their fathers in the Hereafter, Saying before Him, 'Sovereign of the Universe! Since thou art about to exact punishment of them, why hast Thou blunted their teeth?'¹

R. Elai b. Jebarekya said: Had it not been for the prayer of David, all Israel would have been sellers of rubbish,² as it is stated: Grant them esteem, O Lord.³

R. Elai b. Jebarekya also said: Had it not been for the prayer of Habakkuk, two disciples of the Sages would have to cover themselves with one garment⁴ and occupy themselves with Torah; as it is stated: O Lord, I have heard the report of Thee and am afraid; O Lord, revive Thy work in the midst of the years⁵ — read not 'in the midst of the years [bekereb shanim]' but in the drawing together of two [bekerub shenayim].⁶

R. Elai b. Jebarekya also said: If two disciples of the Sages proceed on a journey and there are no words of Torah between them, they are deserving of being burnt with fire; as it is stated: And it came to pass, as they still went on, that, behold, a chariot of fire etc.⁷ The reason [why the chariot of fire appeared] was that there was discussion [of Torah between them]; hence if there had not been such discussion, they would have deserved to be burnt.

R. Elai b. Jebarekya also said: If two disciples of the Sages reside in the same city and do not support each other in [the study of] the law, one dies and the other goes into exile;⁸ as it is stated: That the manslayer might flee thither, which slayeth his neighbour without knowledge,⁹ and 'knowledge' means nothing but Torah, as it is stated: My people are destroyed for lack of knowledge.¹⁰

R. Judah, son of R. Hiyya said: Any disciple of the Sages who occupies himself with Torah in poverty will have his prayer heard; as it is stated: For the people shall dwell in Zion at Jerusalem; thou shalt weep no more; He will surely be gracious unto thee at the voice of thy cry; when He shall hear, He will answer thee,¹¹ and it continues, And the Lord will give you bread in adversity and water in affliction.¹² R. Abbahu said: They also satisfy him from the lustre of the Shechinah, as it is stated: Thine eyes shall see thy Teacher.¹³ R. Aha b. Hanina said: Neither is the veil¹⁴ drawn before him, as it is said: 'Thy teacher shall no more be hidden.'

RABBAN SIMEON B. GAMALIEL SAYS IN THE NAME OF R. JOSHUA:¹⁵ FROM THE DAY THAT THE TEMPLE WAS DESTROYED, THERE IS NO DAY etc. Raba said: And the curse of each day is severer than that of the preceding, as it is stated: In the morning thou shalt say: Would God it were even! and at even thou shalt say: Would God it were morning.¹⁶ Which morning [would they long for]? If I say the morning of the morrow, nobody knows what it will be. Therefore [it must be the morning] which had gone.¹⁷ How, in that case, can the world endure?¹⁸ — Through the doxology recited after the Scriptural reading,¹⁹ and [the response of] 'May His great Name [be blessed]' [which is uttered in the doxology] after studying Aggada;²⁰ as it is stated: A land of thick darkness, as darkness itself, a land of the shadow of death, without any order.²¹ Hence if there are Scriptural readings, it is illumined from the thick darkness.

THE DEW HAS NOT DESCENDED FOR A BLESSING AND THE FLAVOUR HAS DEPARTED FROM THE FRUITS etc. It has been taught: R. Simeon b. Eleazar Says: [The cessation of] purity has removed taste and fragrance [from fruits]; [the cessation of] tithes has removed the fatness of corn. R. Huna once found a juicy date which he took and wrapped in his mantle. His son, Rabbah, came and said to him, 'I smell the fragrance of a juicy date'. He said to him, 'My son, there is purity in thee',²² and gave it to him. Meanwhile [Rabbah's] son, Abba, came; [Rabbah] took it and gave it to him. [R. Huna] said to [Rabbah], 'My son, thou hast gladdened my heart²³ and blunted my teeth'.²⁴ That is what the popular proverb Says, 'A father's love is for his children; the children's love is for their own children.' R. Aha b. Jacob reared R. Jacob, his

daughter's son. When he grew up, [the grandfather] said to him, 'Give me some water to drink'. He replied: 'I am not thy son'.²⁵ That is what the popular proverb says: 'Rear me, rear me';²⁶ I am thy daughter's son'.

MISHNAH. DURING THE WAR WITH VESPASIAN²⁷ THEY [THE RABBIS] DECREED AGAINST [THE USE OF] CROWNS WORN BY BRIDEGROOMS AND AGAINST [THE USE OF] THE DRUM.²⁸ DURING THE WAR OF QUIETUS²⁹ THEY DECREED AGAINST [THE USE OF] CROWNS WORN BY BRIDES AND THAT NOBODY SHOULD TEACH HIS SON GREEK. DURING THE FINAL WAR³⁰ THEY DECREED THAT A BRIDE SHOULD NOT GO OUT IN A PALANQUIN³¹ IN THE MIDST OF THE CITY, BUT OUR RABBIS DECREED THAT A BRIDE MAY GO OUT IN A PALANQUIN IN THE MIDST OF THE CITY.

WHEN R. MEIR³² DIED, THE COMPOSERS OF FABLES CEASED. WHEN BEN AZZAI³³ DIED, THE ASSIDUOUS STUDENTS [OF TORAH] CEASED. WHEN BEN ZOMA³⁴ DIED, THE EXPOSITORS CEASED.³⁵ WHEN R. AKIBA³⁶ DIED, THE GLORY OF THE TORAH CEASED. WHEN R. HANINA B. DOSA DIED, MEN OF DEED³⁷ CEASED. WHEN R. JOSE KETANTA DIED, THE PIOUS MEN CEASED; AND WHY WAS HIS NAME CALLED KETANTA? BECAUSE HE WAS THE YOUNGEST³⁸ OF THE PIOUS MEN.³⁹ WHEN R. JOHANAN B. ZAKKAI⁴⁰ DIED, THE LUSTRE OF WISDOM CEASED.⁴¹ WHEN RABBAN GAMALIEL THE ELDER DIED, THE GLORY OF THE TORAH CEASED, AND PURITY AND ABNEGATION PERISHED. WHEN R. ISHMAEL B. FABI⁴² DIED, THE LUSTRE OF THE PRIESTHOOD CEASED. WHEN RABBI DIED, HUMILITY AND FEAR OF SIN CEASED.⁴³ R. PHINEAS B. JAIR SAYS: WHEN [THE SECOND] TEMPLE WAS DESTROYED, SCHOLARS⁴⁴ AND NOBLEMEN WERE ASHAMED AND COVERED THEIR HEAD,⁴⁵ MEN OF DEED WERE DISREGARDED, AND MEN OF ARM AND MEN OF TONGUE⁴⁶ GREW POWERFUL. NOBODY ENQUIRES,⁴⁷ NOBODY PRAYS [ON THEIR BEHALF], AND NOBODY ASKS.⁴⁸ UPON WHOM IS IT FOR US TO RELY? UPON OUR FATHER WHO IS IN HEAVEN. R. ELIEZER THE GREAT SAYS: FROM THE DAY THE TEMPLE WAS DESTROYED, THE SAGES BEGAN TO BE LIKE SCHOOL-TEACHERS,⁴⁹ SCHOOL-TEACHERS LIKE SYNAGOGUE-ATTENDANTS, SYNAGOGUE-ATTENDANTS LIKE COMMON PEOPLE, AND THE COMMON PEOPLE

(1) Caused them suffering in this world by our death in childhood. By this plea the bereaved parents are spared punishment.

(2) Earning a precarious livelihood.

(3) Ps. IX, 21 (E.V. 'Put them in fear'). ['Them' are Israel, and the prayer is that God will bestow on them worldly goods which will secure for them the esteem of the nations.]

(4) Through poverty.

(5) Hab. III, 2.

(6) 'Thy work' is the study of Torah; and 'drawing together of two' refers to two students sharing one garment.

(7) II Kings II, 11.

(8) One being the cause of the other's death, he has, so to speak, to flee to a city of refuge; he is exiled.

(9) Deut. IV, 42.

(10) Hos. IV, 6.

(11) Isa. XXX, 19. The people dwelling in Zion symbolise students of Torah.

(12) Ibid. 20 sic.

(13) Ibid. 'Teacher' is applied to God.

(14) Hiding the glory of God from man.

(15) The wording in the Mishnah is: R. Joshua testified.

(16) Deut. XXVIII, 67.

(17) Because yesterday was less severe than today. Therefore they longed for its return.

(18) If every day is worse than the preceding day.

- (19) [Kidushah-de-Sidra. Lit., 'the doxology of the order'. This name is given to the passage recited at the conclusion of the morning service which begins 'And a Redeemer shall come unto Zion' (v. P.B. p. 73) and which consists of Scriptural verses including the doxology in Hebrew and Aramaic. It was designed according to Rashi to take the place of the daily study of the law which is enjoined upon every Jew. For other explanations v. Abrahams, I., Companion to the Daily Prayer Book, p. LXXXIII.]
- (20) V. p. 197, n. 1.
- (21) Job X, 22. The word for 'order' is the same as that for the Scriptural reading.
- (22) For that reason he was able to smell its fragrance.
- (23) With his purity.
- (24) By displaying more love for the son than the father, because he gave him the date.
- (25) He claimed that the duty of honouring parents did not apply to grandparents, although he had been reared by him.
- (26) And yet I have not the duty of a son.
- (27) Which ended in the destruction of the second Temple.
- (28) At wedding festivities.
- (29) The text has Titus; but Neubauer's Mediaeval Jewish Chronicles, II p. 66 has the correct reading. Quietus was a Moorish prince, appointed by Trajan to command the army which overran Babylon in 116 C.E.
- (30) Rashi explains: when the Temple was destroyed. More probably it refers to the last stand against Rome under Bar Kochba in 135 C.E.
- (31) In which she was conveyed to her husband's house.
- (32) He was renowned for his fables, V. Sanh, 38b.
- (33) He was wedded to the Torah. V. supra p. 15.
- (34) He was a famous expositor. V. Ber. 12b.
- (35) [The text of the separately printed Mishnah adds: WHEN R. JOSHUA DIED, GOODNESS DEPARTED FROM THIS WORLD. WHEN R. SIMEON B. GAMALIEL DIED, THE LOCUST CAME AND TROUBLE INCREASED. WHEN R. ELEAZAR B. AZARIAH DIED, WEALTH DEPARTED FROM THE SAGES.]
- (36) He studied every letter of the Torah and derived ideas from every peculiarity of expression.
- (37) The phrase has been variously interpreted. V. Buchler, Some Types of Jewish-Palestinian Piety, pp. 79ff, He explains it as men who devoted their lives to deeds of loving kindness.
- (38) I.e., the last of them. There is no other mention of him in Rabbinic literature.
- (39) [J. B.K. III, makes him identical with Jose the Babylonian, the son of Akabia b. Mahalaliel. V. Derenbourg. Essai, p. 483.]
- (40) His disciples called him 'the lamp of Israel'. V. Br. 28b.
- (41) [On the wide sweep of his knowledge embracing the whole gamut of sciences known in his day v. B.B. 134a.]
- (42) Appointed High Priest by Agrippa II in 59 C.E. He was executed in Cyrene after the destruction of the Temple (Josephus, War VI, II, 2.).
- (43) Since Rabbi (Judah I, the Prince) was the redactor of the Mishnah, this paragraph is clearly a later addition. V. Bacher, Agada der Tannaiten, II, p. 222, n. 4.
- (44) Haberim, v, Glos.
- (45) Through the insolence of inferior Persons who grew powerful.
- (46) Demagogues.
- (47) Concerning Israel's plight.
- (48) About the welfare of his neighbour.
- (49) They deteriorated in quality.

Talmud - Mas. Sotah 49b

BECAME MORE AND MORE DEBASED; AND THERE WAS NONE TO ASK, NONE TO INQUIRE. UPON WHOM IS IT FOR US TO RELY? UPON OUR FATHER WHO IS IN HEAVEN. IN THE FOOTSTEPS OF THE MESSIAH¹ INSOLENCE WILL INCREASE AND HONOUR DWINDLE;² THE VINE WILL YIELD ITS FRUIT [ABUNDANTLY] BUT WINE WILL BE DEAR;³ THE GOVERNMENT WILL TURN TO HERESY⁴ AND THERE WILL BE NONE [TO OFFER THEM] REPROOF; THE MEETING-PLACE [OF SCHOLARS] WILL BE

USED FOR IMMORALITY; GALILEE WILL BE DESTROYED, GABLAN⁵ DESOLATED, AND THE DWELLERS ON THE FRONTIER WILL GO ABOUT [BEGGING] FROM PLACE TO PLACE WITHOUT ANYONE TO TAKE PITY ON THEM; THE WISDOM OF THE LEARNED⁶ WILL DEGENERATE, FEARERS OF SIN WILL BE DESPISED, AND THE TRUTH WILL BE LACKING; YOUTHS WILL PUT OLD MEN TO SHAME, THE OLD WILL STAND UP IN THE PRESENCE OF THE YOUNG, A SON WILL REVILE HIS FATHER, A DAUGHTER WILL RISE AGAINST HER MOTHER, A DAUGHTER-IN-LAW AGAINST HER MOTHER-IN-LAW, AND A MAN'S ENEMIES WILL BE THE MEMBERS OF HIS HOUSEHOLD;⁷ THE FACE OF THE GENERATION WILL BE LIKE THE FACE OF A DOG,⁸ A SON WILL NOT FEEL ASHAMED BEFORE HIS FATHER. SO UPON WHOM IS IT FOR US TO RELY? UPON OUR FATHER WHO IS IN HEAVEN.

GEMARA. Rab said: [The decree against the use of a crown] applies only to one made of salt and brimstone,⁹ but if made of myrtle or roses it is permitted; and Samuel said: Also one made of myrtle or roses is prohibited, but if made of reeds or rushes it is permitted; and Levi said: Also one made of reeds or rushes is prohibited. Similarly taught Levi in his Mishnah:¹⁰ It is also prohibited if made of reeds or rushes.

AND AGAINST [THE USE OF] THE DRUM [IRUS]. What means IRUS? — R. Eleazar said: A drum with a single bell.¹¹ Rabbah b. R. Huna made a tambourine for his son; his father came and broke it, saying to him, 'It might be substituted for a drum with a single bell. Go, make for him [an instrument by stretching the skin] over the mouth of a pitcher or over the mouth of a kefiz'.¹²

DURING THE WAR OF QUIETUS THEY DECREED AGAINST [THE USE OF] CROWNS WORN BY BRIDES etc. What means 'crowns worn by brides'? — Rabbah b. Bar Hanah said in the name of R. Johanan: A [miniature] golden city.¹³ There is a teaching to the same effect: What are 'crowns worn by brides'? — A golden city. But one may make a cap for her out of fine wool. A Tanna taught: They also decreed against [the use of] the canopy of bridegrooms. What means 'canopy of bridegrooms'? — Crimson silk embroidered with gold. There is a teaching to the same effect. The canopy of bridegrooms is crimson silk embroidered with gold. But we may make a framework of laths and hang on it anything one desires.

AND THAT NOBODY SHOULD TEACH HIS SON GREEK. Our Rabbis taught: When the kings of the Hasmonean house fought one another,¹⁴ Hyrcanus was outside and Aristobulus within. Each day¹⁵ they used to let down denarii in a basket, and haul up for them [animals for] the continual offerings. An old man there, who was learned in Greek wisdom,¹⁶ spoke with them¹⁷ in Greek,¹⁸ saying: 'As long as they carry on the Temple-service, they will never surrender to you'. On the morrow they let down denarii in a basket, and hauled up a pig.¹⁹ When it reached half way up the wall, it stuck its claws [into the wall] and the land of Israel was shaken over a distance of four hundred parasangs. At that time they declared, - 'Cursed be a man who rears pigs and cursed be a man who teaches his son Greek wisdom!' Concerning that year we learnt that it happened that the 'omer²⁰ had to be supplied from the gardens of Zarifim and the two loaves from the valley of En-Soker.²¹ But it is not so!²² For Rabbi said: Why use the Syrian language in the land of Israel? Either use the holy tongue or Greek! And R. Joseph said: Why use the Syrian language in Babylon? Either use the holy tongue or Persian! — The Greek language and Greek wisdom are distinct.²³ But is Greek philosophy forbidden? Behold Rab Judah declared that Samuel said in the name of Rabban Simeon b. Gamaliel, What means that which is written: Mine eye affecteth my soul, because of all the daughters of my city?²⁴ There were a thousand pupils in my father's house; five hundred studied Torah and five hundred studied Greek wisdom, and of these there remained only I here and the son of my father's brother in Assia!²⁵ — It was different with the household of Rabban Gamaliel because they had close associations with the Government;²⁶ for it has been taught: To trim the hair in front²⁷ is of the ways of the Amorites;²⁸ but they permitted Abtilus b. Reuben²⁹ to trim his hair in front

because he had close associations with the Government. Similarly they permitted the household of Rabban Gamaliel to study Greek wisdom because they had close associations with the Government.

DURING THE FINAL WAR THEY DECREED THAT A BRIDE SHOULD NOT GO OUT IN A PALANQUIN etc. Why? — For reasons of chastity.³⁰

WHEN RABBAN JOHANAN [B. ZAKKAI] DIED, [THE LUSTRE OF] WISDOM CEASED. Our Rabbis taught: When R. Eliezer died, the Torah-scroll was hidden away.³¹ When R. Joshua died, counsel and thought ceased.³² When R. Akiba died, the arms of the Torah ceased and the fountains of wisdom were stopped up. When R. Eleazar b. Azariah died, the crowns of wisdom ceased, because the crown of the wise is their riches.³³ When R. Hanina b. Dosa died, men of deed ceased. When Abba³⁴ Jose b. Ketanta died, the pious men ceased; and why was his name called Abba Jose b. Ketanta? Because he was the youngest of the pious men. When Ben Azzai died, the assiduous students [of Torah] ceased. When Ben Zoma died, the expositors ceased. When Rabban Simeon b. Gamaliel died, locusts³⁵ came up and troubles increased. When Rabbi died, troubles were multiplied twofold.

WHEN RABBI DIED, HUMILITY AND FEAR OF SIN CEASED. R. Joseph said to the tanna,³⁶ Do not include [when reciting this Mishnah] the word 'humility', because there is I.³⁷ R. Nahman said to the teacher, Do not include 'fear of sin', because there is I.³⁸

(1) Just before his advent.

(2) Jast. renders; the nobility shall be oppressed. In Sanh. 97a there is a variant: honour will be perverted; or, according to Jast. the nobility will pervert (justice).

(3) Through the spread of drunkenness.

(4) These words are omitted in the Talmud ed. of the Mishnah. The meaning is: The Roman Empire will go over to Christianity. V. Herford, op. cit., p. 207.

(5) Perhaps Gebal of Ps. LXXXIII, 8, i.e., the Northern part of Mount Seir. [Others: Gaulan, E. of the Sea of Galilee and the Upper Jordan.]

(6) Lit., 'scribes'.

(7) V. Micah VII, 6.

(8) Impervious to shame. [In some editions the whole of this passage beginning 'R. Phineas b. Jair' is introduced with 'Our Rabbis taught', and not as part of the Mishnah.]

(9) Rashi explains that it was a crown cut out of a block of salt upon which figures were traced with brimstone.

(10) His own collection of traditional teachings.

(11) Lit., 'mouth'.

(12) A vessel of the capacity of three log.

(13) According to Shab. 59a a golden crown designed in the form of Jerusalem. V. Krauss. Tal. Arch., I, p. 662 n. 961.

(14) The allusion is to the struggle between the two sons of Alexander Jannaeus, Hyrcanus had the assistance of the Romans who besieged Jerusalem.

(15) According to Josephus Ant. XIV, II, 2, this demand for animals was for the Passover only.

(16) [Sophistry, v, Graetz, Geschichte. III, 710ff.]

(17) He was in Jerusalem and addressed his words to the besiegers. He spoke in Greek because the people in the city did not understand it.

(18) Lit., 'in great wisdom'.

(19) In Josephus' version, they took the money but sent up no animals. So the men in Jerusalem 'prayed to God that He would avenge them on their countrymen. Nor did He delay that punishment, but sent a strong and vehement storm of wind that destroyed the fruits of the whole country.'

(20) The sheaf of the first fruits and the meal-offering of two tenth parts of an ephah (Lev. XXIII, 10, 13) should consist of produce grown in the vicinity of Jerusalem. But that year the surroundings were devastated and the produce had to be brought from distant places.

(21) For further notes on this passage v. B.K. (Sonc. ed.) pp. 469ff.

- (22) That it is forbidden to teach Greek.
- (23) The language is permitted but not the wisdom,
- (24) Lam. III. 51.
- (25) So Greek wisdom was studied by Rabban Gamaliel's pupils. Assia was a town east of the lake of Tiberias, v. Sanh. (Sonc. ed.) p. 151, n. 1.
- (26) An exception was made in their case.
- (27) Forming a fringe on the forehead and letting the curls hang down over the temples. V. Krauss, op. cit., I. p. 647 n. 845.
- (28) A heathenish practice which is forbidden.
- (29) Nothing more is recorded of him in Rabbinic literature.
- (30) There was danger of her being attacked.
- (31) A tribute to his great learning.
- (32) He was a protagonist of Judaism against heathen attacks. V. Hag. 5b.
- (33) Prov. XIV, 24. He was extremely wealthy. V. Shab. 54b.
- (34) Abba, 'father', was a title of affection given to a number of Rabbis.
- (35) Some understand this literally; others see a reference to exacting tax-gatherers who despoiled the people. [The reference is said to be to R. Simeon II b. Gamaliel II, (the father of Rabbi) and to the plague of locusts and pestilence that broke out in the year 164 C.E. — about the time of his death. V. Kerem Chemed IV, p. 220.]
- (36) Who conveyed his teaching to the students, v. Glos. s.v. (b).
- (37) He claimed to be humble, [V. Hor. (Sonc. ed.) p. 105.]
- (38) [In the separate printed editions of the Mishnah there follows: R. PHINEAS B. JAIR USED TO SAY: HEEDFULNESS LEADS TO CLEANLINESS; CLEANLINESS LEADS TO PURITY; PURITY LEADS TO ABSTINENCE; ABSTINENCE LEADS TO HOLINESS; HOLINESS LEADS TO HUMILITY; HUMILITY LEADS TO FEAR OF SIN; FEAR OF SIN LEADS TO SAINTLINESS; SAINTLINESS LEADS TO (THE POSSESSION) OF THE HOLY SPIRIT; THE HOLY SPIRIT LEADS TO THE RESURRECTION OF THE DEAD; AND THE RESURRECTION OF THE DEAD COMETH THROUGH ELIJAH OF BLESSED MEMORY, AMEN. On this passage which has been named the Saint's Progress, v. A.Z., 20b. (Sonc. ed.) p. 106.]

CHAPTER I

MISHNAH. WHEN DO WE [BEGIN TO] MAKE MENTION OF THE POWER OF RAIN?¹ R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST.² R. JOSHUA SAYS: ON THE LAST DAY OF THE FEAST. R. JOSHUA SAID TO HIM: SEEING THAT RAIN ON THE FEAST IS A SIGN OF [GOD'S] ANGER³ WHY MAKE MENTION OF IT? THEREUPON R. ELIEZER SAID TO HIM: I ALSO DID NOT SAY TO PRAY⁴ BUT TO MAKE MENTION [IN THE WORD] 'HE CAUSETH THE WIND TO BLOW AND THE RAIN TO FALL'⁵ -IN ITS DUE SEASON. HE [R. JOSHUA] REPLIED TO HIM: IF THAT IS SO ONE SHOULD AT ALL TIMES MAKE MENTION OF IT.

WE PRAY FOR RAIN ONLY CLOSE TO THE RAINY SEASON. R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK⁶ ON THE LAST DAY OF THE FEAST MAKES MENTION, THE FIRST DOES NOT; ON THE FIRST DAY OF PASSOVER THE FIRST MAKES MENTION, THE LAST DOES NOT.

GEMARA. What has the Tanna [in mind] when he teaches WHEN etc.?⁷ -The Tanna refers to [a Mishnah] elsewhere which teaches: We make mention of the Power of Rain in the [benediction of] the Revival of the Dead,⁸ and we pray for [rain] in the Benediction of the Years⁹ and [we insert] the Habdulah¹⁰ in [the benediction] 'Thou favourest man with knowledge'.¹¹ [With that passage in mind] the Tanna now teaches: When do we [begin] to make mention of the Power of Rain? Would it not have been more appropriate to teach it there, why did he leave it until now? — [Say] rather, because the Tanna had just completed [learning the Tractate] Rosh Hashanah¹² where we have learnt: And on the Feast [the world] is judged through water. And, [as there] he taught: 'And on the Feast [the world] is judged through water,' therefore there he teaches: When do we [begin] to make mention of the Power of Rain. But let him teach: When do we [begin] to make mention of Rain: why, the Power of Rain? -R. Johanan said: Because Rain comes down by the Power [of God], as it is said, Who doeth great things und unsearchable, marvellous things without number.¹³ And it is [further] written, Who giveth rain upon the earth, and sendeth waters upon the fields.¹⁴ Where [in these verses is this idea] implied? — Rabbah b. Shila replied: It is derived from the analogous use of the word heker in verses treating of Creation. Here it is written, 'Who doeth great things and unsearchable'. And there it is written, 'Hast thou not known? hast thou not heard that the everlasting God, The Lord, the Creator of the ends of the earth, fainteth not, neither is weary? His discernment is past searching out.'¹⁵ And [of Creation] it is [also] written, Who by Thy strength settest fast the mountains, Who art girded about with might.¹⁶ Whence do we know that mention of

Rain is to be made in the Prayer?¹⁷ - It has been taught: To love the Lord your God and to serve Him with all your heart.¹⁸ What is Service of Heart? You must needs say, Prayer. And the verse following reads, That I will give the rain of your land in its season, the former rain and the latter rain.¹⁹

R. Johanan said: Three keys the Holy One blessed be He has retained in His own hands and not entrusted to the hand of any messenger, namely, the Key of Rain, the Key of Childbirth, and the Key of the Revival of the Dead. The Key of Rain, for It is written, The Lord will open unto thee His good treasure, the heaven to give the rain of thy land in its season,²⁰ The Key of Childbirth, for it is written, And God remembered Rachel, and God hearkened

(1) The term 'power of Rain' is applied to the phrase 'He causeth the wind to blow and the rain to fall' inserted in the second benediction of the prayer known as 'the Eighteen Benedictions' — The Tefillah (v. Glos.) On the expression POWER OF RAIN v. infra.

- (2) The Feast, **הַחֹהֵן**, the name by which the festival of Tabernacles is referred to in Mishnah and Talmud. Cf. I Kings VIII, 2, 65; Neh. VIII, 14, 15.
- (3) Lit., curse, v. Suk. 28b.
- (4) I.e., to insert in the ninth benediction the words, 'Give dew and rain for a blessing upon the face of the earth'.
- (5) V. n. 1.
- (6) To step before the Ark (tebah), a technical term denoting the recitation of the tefillah or the Amidah by the reader. V. R.H., Sonc. ed. p. 160, n. 9.
- (7) What is the Tanna's authority that the power of rain has to be mentioned at all?
- (8) The second benediction.
- (9) The ninth benediction.
- (10) Additional prayer inserted in the fourth benediction in the evening service at the termination of Sabbath and festivals.
- (11) Ber. 33a.
- (12) The order of the tractates of the Mishnah mentioned here is the same as given by the Gaon Sherira of Pumbeditha (968 C.E.) in the letter addressed by him to the community of Kairwan. (V. Neubauer Med. Jew. Chronicles, p. 13). The same sequence is given by Maimonides in the Introduction to his Commentary on the Mishnah.
- (13) Job V, 9-10. The Gemara cites IX, 10, but the commentators substitute for it V, 9 which makes the sequence of ideas clearer.
- (14) V. supra n. 5.
- (15) Isa. XL, 28.
- (16) Ps. LXV, 7. Rabbah b. Shilah infers from the analogous use of the word **יָקַר**, in Job (where it speaks of rain) and Isaiah (where it refers to Creation) that just as God displayed 'Power' at Creation so too 'Power is a concomitant of rain. Hence the expression, POWER OF RAIN.
- (17) The Tefillah.
- (18) Deut. XI, 13.
- (19) Ibid. v. 14.
- (20) Deut. XXVIII, 12.

Talmud - Mas. Ta'anith 2b

to her, and opened her womb.¹ The Key of the Revival of the Dead, for it is written, And ye shall know that I am the Lord, when I have opened your graves.² In Palestine they said: Also the Key of Sustenance, for it is said, Thou openest thy hand etc.³ Why does not R. Johanan include also this [key]? — Because in his view sustenance is [included in] Rain.⁴

R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST etc. The question was asked, Whence did R. Eliezer derive this? Did he learn it from Lulab⁵ or from the Libation of Water?⁶ If he learnt it from Lulab, then just as the obligation of the use of the Lulab comes into force on the [first] day of Tabernacles, so too should we begin to make mention of rain on that day. Or perhaps he learnt it from Libation. [If so, then] just as Water Libation may be [carried out] on the evening [preceding the first day] — (for a Master [interpreting the verse], And the meal-offering thereof and their drink-offerings,⁷ said, Even by night)-so too should one begin to make mention of rain on that evening!⁸ — Come and hear: R. Abbahu said: R. Eliezer deduced it from Lulab only. Some there are who say: R. Abbahu had a tradition. Whilst others say: He based it on a Baraitha. Which is the Baraitha? — It has been taught: 'When do we [begin to] make mention of Rain? R. Eliezer says: From the time of the taking up of the Lulab; R. Joshua says, From the time when the Lulab is discarded.'⁹ Said R. Eliezer: Seeing that these Four Species are intended only to make intercession for water,¹⁰ therefore as these cannot [grow] without water so the world [too] cannot exist without water. R. Joshua said to him: Is not rain on the Feast a sure sign of [God's] anger? R. Eliezer replied: I too did not say to pray but to make mention. And just as one makes mention of the Revival of the Dead all the year round¹¹ although it will take place only in its proper time, so too should mention be made of the Power of Rain all the year round although it comes only in its due season. Therefore if

one desires to make mention all the year round he may do so. Rabbi says: I hold the view that when one ceases to pray [for rain]¹² one should also no longer make mention of it. R. Judah b. Bathyra says: On the second day of the Feast one [begins] to make mention. R. Akiba says: On the sixth day of the Feast. R. Judah says in the name of R. Joshua: The last to step before the Ark on the last day of the Feast makes mention, the first does not; on the first day of Passover the first makes mention, the last does not. Did not then R. Eliezer reply well to R. Joshua?— R. Joshua can answer you: It is quite in order to make mention of the Revival of the Dead [all the year round], since any day may be its time, but is rain seasonable at all times? Have we not learnt: Should Nisan terminate and then rain fall it is a sign of [God's] anger, for it is said, Is it not wheat harvest to-day etc.?¹³

‘R. Judah b. Bathyra says: on the second day of the Feast one [begins] to make mention’. What is R. Judah b. Bathyra's reason? — It has been taught: R. Judah b. Bathyra says, Of the second day of the Feast, Scripture Says, we-niskehem,¹⁴ [‘and their drink-offerings’] and of the sixth day, u-nesakeah¹⁵ [‘and its drink-offerings’] and of the seventh day, kemishpatam¹⁶ [according to their rule]. Note [the letters] Mem, Yod, Mem which form the word mayim [‘water’].¹⁷ Here you have the biblical allusion to the Libation of Water. And what makes him [R. Judah b. Bathyra] fix it on the second day? — Because [the first of the allusions to the Water Libation] is found in connection [with the order for] the second day. Hence why we should [begin] to make mention on the second day. R. Akiba says: On the sixth day of the Feast one [begins] to make mention, for of the sixth day Scripture says, And its drink-offerings.¹⁸ Scripture thus speaks of two libations,¹⁹ the Libation of Water and the Libation of Wine. Perhaps both Libations must be of wine? — He [R. Akiba] is of the same opinion as R. Judah b. Bathyra who said, There is an allusion to water.²⁰

(1) Gen. XXX, 22. R. Joshua stresses the connection between **מפתח** key (lit., opener’) and the verb **פתח** to open, in the verses cited.

(2) Ezek. XXXVII, 13.

(3) Ps. CXLV, 16.

(4) Since it comes through rain.

(5) The Palm-branch. Term applied to the Four Plants used in the service on Tabernacles. Cf. Lev. XXIII, 40.

(6) [The vessel for the Water Libation was filled the preceding evening, v. Suk. 51 b. Aliter: The drink-offerings of wine brought in conjunction with animal sacrifices could be offered on the evening following the animal sacrifice, v. p. 4, n.1.]

(7) Num. XXIX, 18.

(8) [On this first interpretation of Rashi this verse is irrelevant and is to be omitted, v. Rashi. On the second interpretation the argument will run as follows: Should R. Eliezer deduce his opinion from the Water Libation, the mention of rain would have to be mentioned in the evening, seeing that the evening is a time at which drink-offerings (of wine) may be offered. Once, however, it is granted that the mention of rain starts on the evening, it will have to be the preceding, so as to be on the same day as the Water Libation (the night always being counted with the following day). V. Tosaf, s.v. **איבעיא**. On this interpretation the text should read as ‘Libation (not ‘Water Libation’) may be on the evening’, v. Me’iri a.I. where also other interpretations of this difficult passage are given.]

(9) On the seventh day of the Feast.

(10) V. Suk. 37b.

(11) In the second benediction.

(12) On the first day of Passover.

(13) I Sam. XII, 17.

(14) Num. XXIX, 18.

(15) Ibid. 31.

(16) Ibid. 33.

(17) The **מ** of **נמכייהם**, the **י** of **נמכיה**, and the **מ** of **כמשפטם** taken, together spell the word, **מים** water.

(18) The plural form implies (at least) two drink-offerings. [It is taken to refer to the festival, in contradistinction to the phrase, ‘their drink-offering’ mentioned in the sixth day where ‘their’ has reference to the sacrifices.]

(19) On the Festival of Tabernacles.

(20) I.e., he accepts the allusion supplied by the letters Mem, Yod, Mem.

Talmud - Mas. Ta'anith 3a

If he accepts the view of R. Judah b. Bathyra let him also agree with him [that one begins to make mention on the second day of the Feast]? — R. Akiba holds the view that the additional Libation occurs in the text¹ on the sixth day.

It has been taught: R. Nathan says, In the holy place shalt thou pour out a drink-offering of strong drink unto the Lord.² Scripture [here] speaks of two Libations, the Libation of Water and the Libation of Wine.³ Perhaps both are of wine? — If it were so, he should have said, either *hassek hassek* or *nasok nesek*. What is the force [of the words] *hassek nesek*? — From this is to be inferred, that one points to the Libation of Water, and the other to the Libation of Wine.⁴

Who is the authority for that which we have learnt, The Libation of Water [is performed] throughout the seven days [of the Feast]? Is it R. Joshua? He would have stated on one day only!⁵ Is it R. Akiba? According to him it is performed on two days!⁶ Is it R. Judah b. Bathyra? According to him it is performed on six days?⁷ — I can still say, It is R. Judah b. Bathyra and he will hold the same opinion as R. Judah of the following Mishnah. For we have learnt: R. Judah says, A vessel of a log⁸ capacity was used for Libation throughout the eight days [of the Feast]; but he [R. Judah b. Bathyra] excludes the first day and includes the eighth day.⁹ Why does he exclude the first day? Is it because the [first of the] biblical allusions to water [is to be found] on the second day? Then the eighth day too should be excluded seeing that the last [of the] allusions to water is on the seventh day! — It must then be R. Joshua, and as for the Libation of Water being performed throughout the seven days [of the Feast] this is founded on a tradition;¹⁰ for R. Ami said in the name of R. Johanan, in the name of R. Nehunia a native¹¹ of the Plain of Beth-Hawartan,¹² the laws concerning the Ten Young Trees,¹³ the Willow of the Brook,¹⁴ and the Libation of Water are laws [communicated] to Moses from Sinai.¹⁵

'R. Judah in the name of R. Joshua says: The last to step before the Ark on the last day of the Feast makes mention [of rain], the first does not; on the first day of Passover the first makes mention, the last does not. Which R. Joshua? Is it R. Joshua of our Mishnah? Surely he said, ON THE LAST DAY OF THE FEAST ONE MAKES MENTION? Or, is it R. Joshua of the Baraitha? Surely he said: From the day that the Lulab is discarded? And further, when it is taught: R. Judah says in the name of Ben Bathyra: The last to step before the Ark on the last day of the Feast makes mention. Which Ben Bathyra [is meant]? Is it R. Judah b. Bathyra? Surely he said: On the second day of the Feast one makes mention? — R. Nathan bar Isaac replied: [In both passages cited] it is R. Joshua b. Bathyra. Sometimes he is called by his own name and some times he is referred to by his father's name; by the one before his ordination, and by the other after his ordination.

It has been taught: The Sages did not make it obligatory on one to make mention of dew and winds, but if one desires to make mention he may do so. What is the reason? — R. Hanina said: Because they are never withheld. And how do we know that dew is never withheld? — For it is written, And Elijah the Tishbite, who was of the settlers of Gilead, said to Ahab: As the Lord the God of Israel liveth, before whom I stand, there shall not be dew nor rain these years but according to my word.¹⁶ And it is written further, Go, show thyself unto Ahab, and I will send rain upon the land.¹⁷ Of dew, however, Scripture does not speak. Why?

(1) Lit., 'written'.

(2) Num. XXVIII, 7.

(3) On the Festival of Tabernacles.

(4) The two different word formations of the root, נסך seem to point to two kinds of libation.

- (5) On the seventh day, since R. Joshua says: We begin to make mention from the time when the Lulab is discarded. [The question is not quite clear. Rashi did not seem to have this passage which is also omitted by MS.M.]
- (6) On the sixth and seventh day. Cf. 2b.
- (7) From the second until the seventh inclusive.
- (8) A liquid measure equal to the contents of six eggs.
- (9) [I.e., whilst R. Judah b. Bathyra agreed with R. Judah that the Water Libation continued to the eighth day, he differs in so far that he holds that the rite began only with the second day, so that it lasted only seven days.]
- (10) [Var. lec. omit R. Joshua and read, 'It must then be that as for the libation of water being performed etc.' On this reading all authorities agree that the rite is performed for seven days, the difference between them being only as to where the allusion is to be found, v. D.S. a.l.]
- (11) Lit., 'a man of'.
- (12) Perhaps Beth Hawran, east of the Jordan. V. Neubauer, *Geog. du Talmud*, p. 50.
- (13) All work in a tree-planted field had to be discontinued thirty days before the end of the sixth year of the Sabbatical cycle; but where ten saplings are spread over an area of fifty square cubits they may be cultivated right until the end of the sixth year. V. Sheb. 1, 6.
- (14) The use of the Willow in the daily processions around the altar during the festival of Tabernacles. V. Suk. IV, 5-6.
- (15) A phrase often denoting a law which has no scriptural basis and the origin of which is no longer known. V. Moore, *Judaism I*, 256.
- (16) I Kings XVII, 1.
- (17) I Kings XVIII, 1.

Talmud - Mas. Ta'anith 3b

Because it is never withheld. But if it is never withheld, why did Elijah take an oath on it? — This is what he conveyed to him [Ahab]. The dew of blessing also would not fall. Then the dew of blessing should also have been restored? — Because the difference would not have been discernable. How do we know that winds are not withheld? R. Joshua b. Levi said: Scripture says, For I have spread you abroad as the four winds of heaven, saith the Lord.¹ What does the prophet desire to convey? Shall we say that the Holy One, blessed be He, spoke thus to Israel, 'I have scattered you to the four corners of the world'. If so, Scripture should have said not 'as the four' but 'to the four'. But this is what he meant: 'As the world cannot endure without winds, so too the world cannot exist without Israel'. R. Hanina said: Therefore, if in the summer one inserted [in the Tefillah the words], 'He causeth the wind to blow', he is not compelled to repeat [the Tefillah]; if, however, he said, 'He causeth the rain to fall', he is compelled to repeat [it]. Similarly, if in winter one did not insert, 'He causeth the wind to blow', he is not compelled to repeat; if, however, he did not say, 'He causeth the rain to fall', he is compelled to repeat. And furthermore, even if he said, 'He causeth the wind to pass and the dew to disappear',² he is not compelled to repeat.

A Tanna taught: The Sages did not make it obligatory to make mention of clouds and winds, but if one desires to make mention he may do so. What is the reason? Is it because they are never withheld? But are they never withheld? Did not R. Joseph learn, 'And He will shut up the heaven',³ means, in respect of clouds and winds. You say that this verse is in respect of clouds and winds, perhaps it is not so but means in respect of rain? When Scripture adds, So that there shall be no rain, rain is thus already referred to. What then is the force of [the words], And He will shut up the heaven? [It must mean] in respect of clouds and winds'. There will then be a contradiction between 'winds and winds' and between 'clouds and clouds'? — There is really no contradiction between clouds and clouds'. In the one case [the reference is] to early clouds⁴ and in the other to late clouds.⁵ Between winds and winds' too there is no contradiction; in the one case they are normal winds and in the other extraordinary winds.⁶ But are not extraordinary winds suitable for⁷ [winnowing] in the barn? — This can be done with sieves [independently of the wind].

A Tanna taught: The clouds and the winds are secondary to rain.⁸ Which are they? 'Ulla said, or

as some say, R.⁹ Judah said: Those that come after the rain. Can we then say that these are beneficial? Is it not written, The Lord will make the rain of thy land powder and dust,¹⁰ and on this 'Ulla, or as some say, R. Judah commented, [This refers to] the wind following the rain?¹¹ — There is no contradiction; in the one case [it speaks] of when the rain comes down gently and in the other when it comes down with vehemence.¹² In the latter it throws up dust, and in the former it does not.

Rab Judah further said: Wind after rain is as beneficial as rain, clouds after rain as beneficial as rain, sunshine after rain as beneficial as twofold rain. What does this exclude? — The glow after sunset and sunshine between clouds.

Raba said: Snow is beneficial to the mountains as fivefold rain to the earth, as it is said, For he saith to the snow, 'Fall thou on the earth'; likewise to the shower of rain and to the showers of His mighty rain.¹³

Raba further said: Snow is beneficial to the mountain, heavy rain to the trees, gentle rain to the fruits of the field,

(1) Zech. II, 10.

(2) Lit., 'to fly away'.

(3) Deut, XI, 17.

(4) Before the rain. These are never withheld.

(5) After the rain. [Such clouds depend on the rain and are withheld, nevertheless, as clouds as a whole are never withheld, no mention need be made of them.]

(6) [Such are withheld. Since, however, they are not particularly beneficial no mention need be made of them.,

(7) [R. Gershom reads, 'are necessary'].

(8) I.e., they are almost as beneficial as rain.

(9) [Read with MS.M., Rab Judah.]

(10) Deut. XXVIII, 24.

(11) The wind raises dust which in turn sticks to the damp produce.

(12) [Cur. edd. insert here in brackets, 'If you wish I can tell you', but this is best left out.]

(13) Job XXXVII, 6.

Talmud - Mas. Ta'anith 4a

drizzling rain ['urpila] even to the seeds under a hard clod. What is 'urpila? 'Uru pili ['Wake up ye cracks'].

Raba further said: A young scholar may be likened to the seeds under a hard clod; once he has sprouted he soon shoots forth.

Raba further said: If a young scholar gets into a rage it is because the Torah inflames him, as it is said, Is not my word like a fire? said the Lord.¹

R. Ashi said:² A scholar who is not as hard as iron is no scholar, as it is said, And like a hammer that breaketh the rock in pieces.³ R. Abba said to R. Ashi: You have learnt this from that verse but we have learnt it from the following verse: A land whose stones are iron.⁴ Do not read, abaneha [stones] but boneha [builders].⁵ Rabina said: Despite this, a man should train himself to be gentle, for it is said, Therefore remove vexation from thy heart, etc.⁶

R. Samuel b. Nahmani said in the name of R. Jonathan: Three [men] made haphazard requests,⁷ two of them were fortunate in the reply they received and one was not, namely, Eliezer, the servant of Abraham; Saul, the son of Kish; and Jephtha the Gileadite. Eliezer, the servant of Abraham, as it

is written, So let it come to pass, that the damsel to whom I shall say, 'Let down thy pitcher etc.'⁸ She might have been lame or blind, but he was fortunate in the answer given to him in that Rebecca chanced to meet him. Saul, the son of Kish, as it is written, And it shall be, that the man who killeth him, the king will enrich him with great riches, and will give him his daughter.⁹ [He] might have been a slave or a bastard. He too was fortunate in that it chanced to be David. Jephtha, the Gileadite, as it is written, Then it shall be, that whatsoever cometh forth out of the doors of my house etc.¹⁰ It might have been an unclean thing. He, however, was fortunate in that it so happened that his own daughter came to meet him. This is what the prophet had in mind when he said to Israel, Is there no balm in Gilead? Is there no physician there?' And it is further written, Which I commanded not, nor spake it, neither came it to my mind.¹¹ 'Which I commanded not': This refers to the sacrifice of the son of Mesha, the king of Moab, as it is said, Then he took his eldest son that should have reigned in his stead and offered him for a burnt-offering.¹² 'Nor spake it'; This refers to the daughter of Jephtha.¹³ 'Neither came it to my mind': This refers to the sacrifice of Isaac, the son of Abraham.

R. Berekiah said: The Congregation of Israel also made a thoughtless request, yet God granted that request,¹⁴ as it is said, And let us know, eagerly strive to know the Lord. His going forth is sure as the morning: and He shall come to us as the rain.¹⁵ The Holy One, blessed be He, said to her [Israel]: My daughter, thou askest for something¹⁶ which at times is desirable and at other times is not desirable, but I will be unto thee something which is desirable at all times, as it is said, I will be as dew unto Israel.¹⁷ She further made another thoughtless request. She said before Him,: O God, Set me as a seal upon thy heart,- as a seal upon thine arm.¹⁸ Thereupon the Holy One, blessed be He, replied to her: My daughter, thou askest for something which at times can be seen and at other times cannot be seen. I, however, will make of thee something which can be seen at all times, as it is said, Behold I have graven thee upon the palms of My hands.¹⁹

WE PRAY FOR RAIN ONLY etc. [The scholars] were of the opinion that 'praying' and 'making mention' are one and the same thing. Who is the authority for this?-Raba replied: It is R. Joshua, who said, [We begin to make mention of rain] from the time when the Lulab is discarded —²⁰ Abaye said to him: You can even say, that it is R. Eliezer; 'praying', however, is one thing and 'making mention' is another. Others have the reading:

(1) Jer. XXIII, 29.

(2) [So MSS. cur. edd., And R. Ashi said.]

(3) Ibid.

(4) Deut. VIII, 9.

(5) Cf. Ber. 64a for a similar example of **אל תקרי**. The scholar as the builder of minds must be adamant and determined if he is to succeed in his lofty mission.

(6) Eccl. XI, 10.

(7) Lit., 'asked not in a proper manner', two they answered in a proper manner, and one they answered in a non-proper manner.

(8) Gen. XXIV, 14.

(9) I Sam. XVII, 25.

(10) Jud. XI, 31. (11) Jer. VIII, 22. [Was there no remedy for Jephtha? Surely he could have had his

(11) Ibid. XIX, 5.

(12) II Kings III, 27.

(13) [So MS.M., cur. ed., 'this refers to Jephtha'.]

(14) Cf. supra p. 10, n. 7.

(15) Hos. VI, 3.

(16) I.e., rain.

(17) Hos. Xlv, 6.

(18) Cant. VIII, 6.

(19) Isa. XLIX, 16. A seal on the heart and arm is not always visible. Hence the reply of God.

(20) Supra 2b. After the seventh day which is close to the rainy season.

Talmud - Mas. Ta'anith 4b

Shall we say it is R. Joshua, who said, From the time when the Lulab is dis-

vow annulled by appealing to Phinehas who was in Gilead for a remission of the vow; cf. Gen. Rab. LX, .] carded? — Raba replied: You can even say that it is R. Eliezer; 'praying', however, is one thing and 'making mention' is another,

R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK etc. The following was cited in contradiction to this: Until when do we [continue] to pray for rain? R. Judah says: Until Passover is over; R. Meir says, Until the end of Nisan! — R. Hisda replied: The two statements [of R. Judah] are not contradictory; the one refers to 'praying' and the other to 'making mention'; 'praying'¹ one continues [until] the end of Passover] but 'making mention' is discontinued on the first day [of Passover]. 'Ulla said: This [solution of the contradiction] by R. Hisda is as difficult as vinegar to the teeth, and as smoke for the eyes. If one makes mention of rain at such times when it is not permissible to pray for² [it], how much more so should one make mention of rain when it is permissible to pray for it? — It must be, says 'Ulla, that [there is a dispute] between two Tannaim as to the opinion of R. Judah. R. Joseph said: What is the meaning of, 'Until Passover is over'? Until the first reader on the first day of Passover is over [with his prayers].³ Said Abaye to him: Is there then a place in the Festival [Tefillah] for inserting the prayer for rain? He replied to him: Yes, the Meturgeman⁴ 'prays' — Does then the Meturgeman ever pray for something of which the community has no need? Therefore, the better solution is that of 'Ulla.

Rabbah said: What is the meaning of, 'Until Passover is over'? Until the time limit for the slaughtering of the Paschal offering has passed;⁵ and as at its beginning⁶ so at its end; just as at its beginning one makes mention [of rain] although one has not yet [begun] to pray,⁷ so too at its end he makes mention although he no longer has to pray.⁸ Abaye replied: I can understand that one should make mention at the beginning, seeing that making mention is a form of propitiation [prefatory to prayer] but as for the end, what place is there for such propitiation? Therefore, the better solution is that of 'Ulla.

R. Assi said in the name of R. Johanan, The halachah is according to R. Judah. Thereupon R. Zera asked R. Assi: Could then R. Johanan [really] have said so? Have we not learnt: We [begin] to pray for rain on the third of Marcheshvan; Rabban Gamaliel said: On the seventh of the same month — And with reference to this R. Eleazar declared: The halachah is according to Rabban Gamaliel. He [R. Assi] replied to him: You set one authority against another!⁹ Moreover, if you like I will say there is no contradiction; the one [case] speaks of 'praying' and the other of 'making mention'.¹⁰ But did not R. Johanan say: Whenever one prays one should also make mention? That [rule] applies only to the discontinuation [of 'praying'].¹¹ But did not R. Johanan say: When one begins to make mention one should also [begin] to pray; when one discontinues to pray one should also cease to make mention? — There is really no contradiction; one statement refers to us [Babylonians] and the other to them [Palestinians],¹² Why should we be different? — Is it because we have produce in the field?¹³ They also have Pilgrims?¹⁴ -R. Johanan speaks [of con — ditions] after Temple times.¹⁵ Now that you have arrived at this conclusion [I can say], Both teachings apply equally to them [Palestinians] and there is no contradiction; the one speaks [of conditions] in Temple times and the other [of conditions] after Temple times. But as for us who observe two days [of the festival],¹⁶ what shall our practice be? — Rab says: He begins [to make men-tion] in the Additional Service of the Eighth Day of the Feast, he discontinues in the Afternoon Service and in the Evening Service and in the Morning Service but resumes in the Additional Service of the second day. Samuel said to them [to the scholars]: Go and say to Abba:¹⁷ After you have declared the day holy¹⁸ can you declare it

again a weekday?¹⁹ — Therefore Samuel said: He begins [to make mention] in the Additional Service and in the Afternoon Service and discontinues in the Evening Service and in the Morning Service [of the following day], and resumes it in the Additional Service

(1) V. supra p. 1, n. 4.

(2) I.e., in the musaf of the last day of the Feast of Tabernacles, the 'prayer' for rain being inserted only in the weekday Tefillah

(3) I.e., the Shaharith Tefillah. (v. Glos.). [MS.M. 'until the time of the first... is over'].

(4) The translator or interpreter. The function of this official in Talmudic times was to interpret to the audience in the Synagogue in a popular manner and to enlarge upon the theme of the rabbi lecturing. Rashi, feeling that in our passage no such official could be referred to, explains that here the lecturing rabbi and interpreter are one and the same person, he who lectures on the first day of Passover, and that he included in his address a prayer for rain. V. however, the commentary of R. Hananel ad loc.

(5) I.e., noon of the fourteenth of Nisan.

(6) I.e., of the rainy season.

(7) V. supra p. 1, n. 4.

(8) Having ceased to pray on the preceding day in the afternoon service, v. Rashi.

(9) R. Eleazar against R. Johanan.

(10) Which begins on the seventh whereas in regard to mentioning R. Johanan will rule in accordance with R. Judah.

(11) At the end of the rainy season we stop at the same time both the making of mention and the praying for rain; but at the beginning of the rainy season we commence with the making mention of rain and at a later date we also add the formal prayer for rain.

(12) [In Babylonia the harvest was gathered later than in Palestine and consequently the prayer for rain would also begin later].

(13) And therefore rain was not opportune as long as the harvest had not been gathered in.

(14) And therefore mention of rain should be put off as late as possible to enable the Pilgrims to reach home in comfort before the rains set in. MISHNAH. UNTIL WHEN DO WE PRAY FOR RAIN? R. JUDAH SAYS: UNTIL THE PASSOVER IS OVER. R. MEIR SAYS: UNTIL

(15) When pilgrimages to Jerusalem, no longer took place.

(16) [Because of doubt, In this case whether it is the eighth or seventh day of the Festival of Tabernacles.]

(17) I.e., Rab. His proper name was Abba Arika.

(18) By making mention of rain indicating thereby that it is the eighth day of the Festival.

(19) [By discontinuing it at the afternoon service and then implying that it is still the seventh day which belongs to the half holiday.]

Talmud - Mas. Ta'anith 5a

. Raba said: Once he has begun [to make mention] he should not discontinue. And so said R. Shesheth: Once he has begun he should not discontinue. Rab also retracted his statement. For R. Hananel said in the name of Rab: One counts twenty-one days from New Year¹ and begins to make mention in the same way as one counts Ten Days [of Penitence] from the New Year until the Day of Atonement; and once he has begun he should not discontinue. And the law is, once he has begun he should not discontinue.

THE END OF NISAN, AS IT IS SAID: AND HE CAUSETH TO COME DOWN FOR YOU THE RAIN, THE FORMER RAIN AND THE LATTER RAIN, AT THE FIRST.²

GEMARA. R. Nahman said to R. Isaac: Does then the former rain [fall] in Nisan? The former rain surely [falls] in Marcheshvan. It has been taught: Former rain, [falls] in Marcheshvan and latter rain in Nisan. He replied: Thus said R. Johanan, This verse³ was fulfilled in the days [of the prophet] Joel, the son of Pethuel, That which the palmer-worm hath left hath the locust eaten etc.⁴ In that year, although Adar had passed yet no rain had fallen, and it was not until the first of Nisan that the

first rain, came down. Thereupon the prophet said to Israel, 'Go and sow' — They replied, If a man has a kab⁵ of wheat or two kabim of barley, should he eat them and keep himself alive, or sow them and die? He answered: 'Despite this, go and sow' — A miracle happened for them and they discovered whatever [grain] which was hidden [in the chinks of] the walls and in the ant-holes; they proceeded to sow on the second, on the third, and on the fourth and the second rain came down on the fifth of Nisan; on the sixteenth of Nisan they offered the 'Omer;⁶ and thus it so came about that the grain which should take six months to ripen ripened in eleven days.⁷ To that generation was applied the scriptural verses, They that sow in tears shall reap in joy. Though he goeth on his way weeping that beareth the measure of seed etc.⁸ What is the meaning of, 'Though he goeth on his way weeping that beareth the measure etc.'? — Rab Judah said: When the ox is ploughing, on his forward journey he weeps, but on his return journey he eats the young green from the furrows — And this is the force of the words, 'He shall come home with joy' — What is the meaning of, 'Bearing his sheaves'? — R. Hisda said: Others say it was taught in a Baraita: The stalk was then one span and the ear two spans.

R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, For the Lord hath called for a famine, and it shall also come upon the land seven years?⁹ What had they to eat during these seven years? — He replied: Thus said R. Johanan, In the first year they ate what was stored up in the houses, in the second what was in the fields, in the third the flesh of clean animals, in the fourth the flesh of unclean animals, in the fifth the flesh of forbidden animals and reptiles, in the sixth the flesh of their sons and daughters and in the seventh the flesh of their own arms and thus the verse of Scripture was fulfilled, They eat every man the flesh of his own arms.¹⁰

Further, R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, The Holy One in the midst of thee and I will not come in to the city?¹¹ [Surely it cannot be that] because the Holy One is in the midst of thee I shall not come into the city! He replied: Thus said R. Johanan: The Holy One, blessed be He, said, 'I will not enter the heavenly Jerusalem until I can enter the earthly Jerusalem'. Is there then a heavenly Jerusalem?—Yes; for it is written, Jerusalem thou art builded as a city that is compact together.¹²

R. Nahman further said to R. Isaac: What is the meaning of the verse, But they are altogether brutish and foolish; the vanities by which they are instructed are but a stock?¹³ — He replied: Thus said R. Johanan, There is one thing that brings about the perdition of the wicked in Gehenna¹⁴ and that is, idolatrous worship. Here it is written, 'The vanities by which they are instructed' and elsewhere [of the idols] it is written, They are a vanity, a work of delusion.¹⁵

R. Nahman further said to R. Isaac: What is the meaning of the verse, For my people have committed two evils?¹⁶ Were they only two? Has he then ignored the fact that they were twenty-four?¹⁷ — He [R. Isaac] replied: There is one [evil]

(1) [I.e., from the first day of New Year to the eighth day of the Festival of Tabernacles. This is despite the general rule that where a Jewish month has two New Moon days, the days of the month are counted from the second day].

(2) Joel II, 23. E.V. 'at first'.

(3) I.e., Joel I, 4.

(4) Joel I, 4.

(5) A measure of capacity equal to one-sixth of a se'ah.

(6) V. Glos.

(7) From the fifth of Nisan to the sixteenth.

(8) Ps. CXXVI, 5-6.

(9) II Kings VIII, 1.

(10) Isa, IX, 19.

(11) Hosea XI, 9- The A.V. renders, I will not come in fury. Cf. Tosaf, s.v. **סף**.

(12) Ps. CXXII, 3. Stressing the word **שְׁחֹבְרָה** R. Johanan adduces from the verse that Jerusalem has a **חֵבְרָה** a companion (or prototype) in heaven. Both are said to be situated exactly opposite each other. [The verse in Hosea is thus taken to mean: There is a holy (city) in thy midst (referring to the earthly Jerusalem) and I (i.e., God) will not enter the city (the heavenly Jerusalem)].

(13) Jer. X, 8.

(14) A play upon the word **וּבְעֵרוֹ** the root of which (**בִּעַר**) in the Pi'el means, to destroy, to remove. The wicked, by following the instructions of idols that are but wood, find themselves fooled and are carried off into Gehenna.

(15) Jer. X, 15.

(16) Ibid. II, 13.

(17) [Aliter: 'Has he forgiven them the twenty-four?'] The twenty-four sins enumerated in Ezek. XXII; according to some commentators the sins in transgressing the commandments contained in the twenty-four canonical books of Scripture. [Some take twenty-four as a round number. For other renderings v. Aruchs.v. **עֶשֶׂר**].

Talmud - Mas. Ta'anith 5b

which is equal to two, and that is, idolatrous worship, for it is written, For my people have committed two evils: they have forsaken me, the fountain of living waters and hewed them out cisterns, broken cisterns.¹ And further it is written, For pass over to the isles of the Kittites, and see, and send unto Kedar, and consider diligently etc. Hath nation changed its gods, which are yet no gods? But my people hath changed its glory for that which doth not profit.²

A Tanna taught: The Kittites worship fire and the Kedarites water, and although they know that water extinguishes fire they have yet not changed their gods but my people hath changed their God for that which doth not profit.

R. Nahman further said to R. Isaac: What is the meaning of the verse, And it came to pass when Samuel was old.³ Did Samuel ever reach old age? He lived only for fifty-two years. For a Master said: If a man dies in his fifty-second year he is said to have died at the age reached by Samuel, the Ramathite?⁴ — He replied: Thus said R. Johanan: Old age came prematurely upon him, for it is written, It repenteth Me that I have set up Saul to be king.⁵ Samuel complained before Him: Sovereign of the Universe! You have made me equal to Moses and Aaron, for it is written, Moses and Aaron are amongst His priests, and Samuel among them that call upon His name.⁶ As in the case of Moses and Aaron the work of their hands did not come to nought in their lifetime, so too let not the work of my hands come to nought in my lifetime. The Holy One, blessed be He, replied: How shall I act? Shall Saul die? Of this Samuel will not approve. Shall Samuel die young? People will speak ill of him.⁷ Shall neither Saul nor Samuel die? The time has come for David to reign and one reign may not encroach on another even by a hair's breadth. Thereupon the Holy One, blessed be He, said: I will make him prematurely old and this is what is written, Now Saul was sitting in Gibeah, under the Tamarisk tree in Ramah.⁸ How comes Gibeah to Ramah?⁹ This is to teach you that it was the prayer of Samuel the Ramathite that was the cause of Saul's two and a half years'¹⁰ sojourn as king in Gibeah? Should then one man be put aside because of another? — Yes, for R. Samuel b. Nahmani said in the name of R. Jonathan: What is the meaning of the verse, Therefore have I hewed them by the prophets, I have slain them by the words of my mouth?¹¹ Scripture does not say, by their works,' but, 'by the words of my mouth', this proves that one may be put aside because of another.

R. Nahman and R. Isaac were sitting at a meal and R. Nahman said to R. Isaac: Let the Master expound something. He replied: Thus said R. Johanan: One should not converse at meals lest the windpipe acts before the gullet and his life will thereby be endangered. After they ended the meal he added: Thus said R. Johanan: Jacob our patriarch is not dead. He [R. Nahman] objected: Was it then for nought that he was bewailed and embalmed and buried?—The other replied: I derive this from a scriptural verse, as It is said, Therefore fear thou not, O Jacob, My servant, saith the Lord; neither be dismayed, O Israel,— for, lo, I will save thee from afar and thy seed from the land of their captivity.¹²

The verse likens him [Jacob] to his seed [Israel]; as his seed will then be alive so he too will be alive.

R. Isaac said: Whosoever repeats [the name] Rahab, Rahab, becomes immediately subject to an onset of issue.¹³ Thereupon R. Nahman said to him: I have repeated it and was not in any way affected. R. Isaac replied: I speak only of one who knew her intimately (and recalls her likeness).¹⁴ When they were about to part, [R. Nahman] said: Pray Master, bless me. He replied: Let me tell you a parable — To what may this be compared? To a man who was journeying in the desert; he was hungry, weary and thirsty and he lighted upon a tree the fruits of which were sweet, its shade pleasant, and a stream of water flowing beneath it; he ate of its fruits, drank of the water, and rested under its shade. When he was about to continue his journey, he said: Tree, O Tree, with what shall I bless thee? Shall I say to thee, ‘May thy fruits be sweet’? They are sweet already; that thy shade be pleasant? It is already pleasant; that a stream of water may flow beneath thee? Lo, a stream of water flows already beneath thee; therefore [I say], ‘May it be [God's] will that all the shoots taken from thee

(1) Jer. II, 13.

(2) Ibid. v. 10-11.

(3) I Sam. VIII, 1.

(4) M.K. 28a.

(5) I Sam. XV, 11.

(6) Ps. XCIX, 6.

(7) Saying that he died young on account of his sins.

(8) I Sam. XXII, 6.

(9) Gibeah being in Benjamin while Ramah is in Ephraim.

(10) V. Seder ‘Olam XIII.

(11) Hos. VI, 5.

(12) Jer. XXX, 10.

(13) Cf. Josh. II. According to Meg. 15a, she was a very beautiful woman. The thought of her physical beauty may lead one to harbour impure thoughts.

(14) Lit., ‘her name’. [The words in brackets are bracketed also in the original, and left out in many edd.]

Talmud - Mas. Ta'anith 6a

be like unto thee’. So also with you. With what shall I bless you? With [the knowledge of the Torah?] You already possess [knowledge of the Torah]. With riches? You have riches already. With children? You have children already. Hence [I say], ‘May it be [God's] will that your offspring be like unto you’.

Our Rabbis have taught: [‘Former rain is termed] ‘yoreh’,¹ because it warns² people to plaster their roofs and to gather in their fruits and to attend to all their needs.³ Another explanation: It saturates⁴ the ground and waters it right down to its depths, as it is said, Watering her ridges abundantly, settling down the furrows thereof, thou makest her soft with showers; thou blessest the growth thereof.⁵ Another explanation: [It is termed] ‘yoreh’ because it comes down⁶ gently and not heavily. Or perhaps [it is termed] ‘yoreh’ because it causes the fruit to fall⁷ and it washes away the seed, and the trees? The text [therefore] adds ‘malkosh’ [‘latter rain’];⁸ just as latter rain is a blessing, so too is former rain. Or perhaps [it is termed] ‘malkosh’,⁹ because It razes the houses to the ground and it shatters the trees and brings up the crickets? The text [therefore] adds ‘yoreh’; just as former rain is a blessing so too is latter rain. How do we know that ‘yoreh’ itself is a blessing? — For it is written, Be glad then ye children of Zion, and rejoice in the Lord your God; for He giveth you the former rain [moreh] in just measure and He causeth to come down for you the rain, the former rain and the latter rain, at the first.¹⁰

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan and latter rain in Nisan; perhaps it is otherwise, former rain in Tishri and latter rain in Iyar? The text [therefore] adds, in its due season.¹¹ R. Nehilai b. Idi said in the name of Samuel: [‘Latter rain’ is termed] ‘malkosh’ because it is a thing that removes the stiff-neckedness of Israel.¹² The school of R. Ishmael taught: It is something that fills the stalks with grain.¹³ In a Baraitha it has been taught: [It is] something which falls both upon the ears and upon the stalks.¹⁴

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan; perhaps, on Kislev? The text [therefore] adds, ‘in its due season, former rain and latter rain, as latter rain is that which comes in due season (since should Nisan pass and no rain fall, it is not a sign of blessing)¹⁵ so too former is that which comes in due season.

Another [Baraitha] teaches: Former rain [falls] in Marcheshvan and latter rain in Nisan; this is the opinion of R. Meir; but the Sages say: Former rain [falls] in Kislev. Who are the Sages? R. Hisda replied: It is R. Jose. For it has been taught: Which is the first rainfall?¹⁶ The early [rain] falls on the third of Marcheshvan, the intermediate on the seventh, the late on the seventeenth; this is the opinion of R. Meir. R. Judah says: On the seventh, on the seventeenth, and on the twenty-third. R. Jose says: On the seventeenth, on the twenty-third and on the first of Kislev. And likewise R. Jose used to say: The individuals do not begin to fast until the first day of Kislev. R. Hisda said: The halachah is according to the opinion of R. Jose.

Amemar reported R. Hisda's statement in the following version: On the third day of Marcheshvan we pray for rain; Rabban Gamaliel says, On the seventh of the month. R. Hisda said: The halachah is according to Rabban Gamaliel. In accordance with whose view then is the following which has been taught: R. Simeon b. Gamaliel says: If rain falls on seven days in succession you may consider it as the combination of the first, the second [or the second] and the third rainfall?¹⁷ — It is in accordance with the opinion of R. Jose.¹⁸ R. Hisda said: The halachah is according to R. Jose. The reason for giving a date for the first rainfall is evident seeing that from that date we begin to pray for rain; likewise the date of the third rainfall is given because from that date we begin to fast; but what may be the reason for giving the date of the second rainfall?—R. Zera replied: It has to do with Vows. For we have learnt:

(1) The reference is to Deut. XI, 14.

(2) Lit., ‘teaches’. connecting יורה with the root ירה, to teach.

(3) In preparation of the Winter.

(4) Connecting יורה with the root רוה, to saturate.

(5) Ps. LXX, 11.

(6) Connecting יורה with the root ירד to descend.

(7) Connecting יורה with the root ירה to throw.

(8) Deut. XI, 14.

(9) According to Rashi מלקוש is connected with לקש (cf. Amos VII, 1) which he takes to mean, grasshopper.

(10) Joel II, 23.

(11) Deut. XI, 14.

(12) דבר שמל קשיותיהן של ישראל

(13) שממלא תבואה בקשיה

(14) דבר שיורד על המלילות ועל הקשין

(15) [The words in brackets which appear bracketed also in the original seem irrelevant here. They are more appropriate in the preceding paragraph after the words, ‘In its due season’ where in point of fact they so occur in some edd.].

(16) רביעה ראשונה. The yoreh (former rain) consists of three rainfalls, each being termed rebi'ah; when each is due is the point at issue in the discussion that follows. The word ‘first’ is accordingly difficult and is omitted by R. Hananel and MSS. of the Tosef. Ta'an. I from where the passage is quoted.]

(17) [The words in square brackets are supplied from MS.M.; v. also Tosef. loc. cit.]

(18) [According to R. Jose each rainfall is due within seven days of the other].

Talmud - Mas. Ta'anith 6b

If one interdicts himself by a vow [from the enjoyment of anything] until the rainy season or until rain has fallen, then his vow remains operative until the second rainfall.¹ R. Zebid said: It has to do with Olives — We have learnt: When is it permissible for any man to take of the gleanings² [of the field] and of the forgotten sheaves³ and of the corners of the field?⁴ After the nemushot have departed. When [is it permissible to take] of the grapes that have fallen off the branches and of the gleanings of the vine?⁵ After the poor have left the vineyard and have come back again. When of the olives?⁶ After the second rainfall.⁷ Who are the nemushoth?— R. Johanan said: Old People who walk on a staff⁸. Resh Lakish said: Those who glean behind the gleaners.⁹

R. Papa said: [The date of the second rainfall is necessary] so that travellers should know whether they may walk on private paths¹⁰ [across the fields]. For a Master said:¹¹ It is permissible for any one to walk on private paths until the second rainfall. R. Nahman b. Isaac said: [The date is necessary] for the disposal of the produce grown during the sabbatical year. For we have learnt: Until when is it permissible to derive benefit from the burning of straw and stubble grown in the sabbatical year? Until the second rainfall.¹² Why? Because it is written, And for thy cattle, and for the beasts that are in thy land;¹³ so long as there is food for the beast in the field you may feed your cattle in the house, but when there is no more food in the field for the beast to eat, you must withhold food that is in your house from the cattle.

R. Abbahu said: What is the meaning of rebi'ah?¹⁴ That which fructifies the ground — This is according to the teaching of Rab Judah who said: Rain is the husband of the soil, for it is written, For as the rain cometh down and the snow from heaven, and returneth not thither except it water the earth, and make it bring forth and bud.¹⁵

R. Abbahu further said: The first rainfall [to be beneficial] should be sufficient to penetrate the soil one handbreadth deep, the second should be sufficient to make of it a stopper for a cask.

R. Hisda said: When it has rained sufficient to make [of the soil] a stopper for a cask then [the curse contained in the words 'and He will shut up']¹⁶ does not apply.

R. Hisda further said: If rain came down before [the time for reciting in the Shema'], 'and He will shut up' then the curse contained in these words does not apply.¹⁷ Abaye thereupon interjected: This only holds good when the rain fell before [the time for the recital of the words,] 'and He will shut up' in the evening [Shema'], but if rain fell before [the time for their recital in] the morning [Shema'] then the curse can still be said to apply.¹⁸ For R. Judah b. Isaac said: The morning clouds have no significance, for it is written, O Ephraim, what shall I do unto thee? For your goodness is as the morning cloud, etc.¹⁹ Said R. Papa to Abaye: But people say, if it rains when the gates are opened [in the morning], 'lay down thy sack ass-driver and sleep'!²⁰ — This is no contradiction. In the one case the heavens are overcast with thick clouds and the other with light clouds.²¹

Rab Judah said: Happy is the year wherein [the month of] Tebeth is widowed.²² Some say it is so because the gardens do not lie waste²³ [or, because the schools are not empty]; others say, Because the grain will not become subject to blast. Is that so? Did not R. Hisda say: Happy is the year wherein [the month of] Tebeth is muddy!²⁴ — This is no contradiction. The former is the case when rain had already fallen [in the previous months] and the latter when it had not yet fallen.

R. Hisda further said: If rain falls on some parts of the country and not on others then [the curse

contained in the words], ‘and He will shut up’ cannot be said to apply. Is that so? Is it not written, And I also have withholden the rain from you, when there were three months to the harvest: and I caused it to rain upon one city and caused it not to rain upon another city; one piece was rained upon etc.²⁵ And referring to this verse, Rab Judah said in the name of Rab: Both are a curse! — There is no contradiction. In the one case [Scripture speaks of] abnormal rain and in the other of normal rain. R. Ashi said: This can in fact be proved from the use of the word timoter in the verse, that is to say, it will be a place [flooded by] rain.²⁶ And thus [the interpretation] is proved.

R. Abbahu said: When do we [begin to] recite the benediction over rain?²⁷ When the bridegroom goes forth to meet the bride.²⁸ What benediction should one recite? — Rab Judah said in the name of Rab: ‘We give thanks unto Thee, O Lord, our God for every single drop which thou hast caused to fall upon us’. And R. Johanan concluded the benediction thus: ‘Though our mouths were full of song as the sea, and our tongues of exultation as the multitude of its waves, etc.!’ until, ‘Let not Thy mercies forsake us O Lord, our God, even as they have not forsaken us. Blessed art Thou to Whom abundant thanksgivings are due’. ‘Abundant thanksgivings’ and not ‘all the thanksgivings’? — Raba replied: Read, ‘The God to Whom thanksgivings are due’. R. Papa said: Therefore

(1) V. Ned. 62b for slight variants.

(2) Lev. XIX, 9.

(3) Deut. XXIV, 19.

(4) Lev. XIX, 9.

(5) Lev. XIX, 10.

(6) Deut. XXIV, 20.

(7) Pe'ah VIII, 1.

(8) These walk slowly and usually leave nothing behind them.

(9) The poor who come for the second gleanings.

(10) **שבילי הרשות** Lit., (a) ‘paths of permission’, i.e., paths which the court has sanctioned for the use of the public (Rashi); (b) ‘paths of (private) property’, R. Gershon.]

(11) B.K. 81a. Till then no injury can be done to the seeds sown.

(12) Sheb. IX, 7.

(13) Lev. XXV, 7.

(14) V. supra p. 20 n. 7.

(15) Isa. LV, 10.

(16) Deut. XI, 17.

(17) Although there most of the rain required has not yet fallen.

(18) Since they did not fall during the day they are not beneficial.

(19) Hos. VI, 4.

(20) Rain will continue to fall and there will be plenty of supplies available and consequently the prices will fall.

(21) Such have no significance.

(22) I.e., without rain. Cf. supra the statement of Rab Judah, Rain is the husband of the soil.

(23) As there is no rain people are able to attend undisturbed to the cultivation of the soil. **תרביצא**, a garden. The word is also applied figuratively to mean, School or College Assembly. As the roads are in good condition the scholars are able to attend the lectures at the School Assembly.

(24) Heavy rains fall.

(25) Amos IV, 7.

(26) **תמטר** rendered as if the word were made up of the three words, **מטר** **מקום** **מה**.

(27) Cf. Ber. 54a.

(28) When the accumulated rain-water rebounds to meet every additional drop of rain as it falls.

Talmud - Mas. Ta'anith 7a

we should say both ‘the God to Whom thanksgivings are due’ and ‘to Whom abundant thanksgivings

are due’.

R. Abbahu said: The day when rain fails is greater than [the day of] the Revival of the Dead, for the Revival of the Dead is for the righteous only whereas rain is both for the righteous and for the wicked. And he differs from the opinion of R. Joseph who said: As [rain] is equal to the Revival of the Dead the mention of it has therefore been inserted in the section of the Revival of the Dead.¹

Rab Judah said: The day when rain falls is as great as the day when the Torah was given, as it is said, My doctrine shall drop as the rain:² and by ‘doctrine’ surely, Torah is meant as it is said, For I give you good doctrine, forsake ye not my Torah.³ Raba said: It is even greater than the day when the Torah was given, as it is said, My doctrine shall drop as the rain.⁴ Who is dependent upon whom? You must needs say, the lesser upon the greater.⁵

Raba pointed out a contradiction. It is written ‘My doctrine shall drop as the rain’, and immediately on this follows, My speech shall distil as dew.⁶ [The implication here is]. if the scholar is a worthy person then he is like unto dew, but if he is not then drop him like rain.⁷

It has been taught in a Baraita: R. Banna'ah used to say: Whosoever occupies himself with the Torah for its own sake his learning becomes an elixir of life to him, for it is said, It is a tree of life to them that grasp it;⁸ and it is further said, It shall be as health to thy navel;⁹ and it is also said, For whoso findeth me findeth life.¹⁰ But, whosoever occupies himself with the Torah not for its own sake, it becomes to him a deadly poison, as it is said, My doctrine shall drop as the rain, and ‘arifa surely means, death, as it is said, And they shall break [we'arfu] the heifer's neck there in the valley.¹¹

R. Jeremiah said to R. Zera: Pray, Master, come and teach. The latter replied: I do not feel well enough¹² and am not able to do so. [Then said R. Jeremiah] Pray, Master, expound something of an aggadic character, and he replied: Thus said R. Johanan: What is the meaning of the verse, For is the tree of the field man?¹³ Is then man the tree of the field? [This can only be explained if we connect the verse with the words immediately before it] where it is written, For thou mayest eat of them, but thou shalt not cut them down; but then again it is written, ‘It thou shalt destroy and cut down’?¹⁴ How is this to be explained?-If the scholar is a worthy person learn [eat] from him and do not shun [cut] him, but if he is not destroy him and cut him down.

R. Hama b. Hanina said: What is the meaning of the verse, Iron sharpeneth iron?—¹⁵ This is to teach you that just as in the case of one [iron] iron sharpeneth the other so also do two scholars sharpen each others mind by halachah.

Rabbah b. Hanah said: Why are the words of the Torah likened to fire, as it is said, Is not my word like as fire? saith the Lord?¹⁶ This is to teach you that just as fire does not ignite of itself so too the words of the Torah do not endure with him who studies alone. This is in agreement with what R. Jose b. Hanina said: What is the meaning of the verse, A sword is upon the lonely,¹⁷ and they shall become fools?¹⁸ This means, destruction comes upon the enemies¹⁹ of such scholars who confine themselves to private study; and what is even more they become stultified, as it is said, And they shall become fools; and what is more they are guilty of sin. For here it is written, And they shall become fools, and there it is written, For that we have done foolishly and for that we have sinned.²⁰ If you wish, you can infer it from the following verse, The princes of Zoan are become fools . . . they have caused Egypt to go astray.²¹

R. Nahman b. Isaac said: Why are the words of the Torah likened to a tree, as it is said, It is a tree of life to them that grasp it? This is to teach you. just as a small tree may set on fire a bigger tree so too it is with scholars, the younger sharpen the minds of the older. This will be in agreement with

what R. Hanina said: I have learnt much from my teachers, and from my colleagues more than from my teachers, but from my disciples more than from them all.

R. Hanina b. Papa pointed out a contradiction . It is written, Unto him that is thirsty bring ye water;²² and it is also written Ho, everyone that thirsteth come ye for water.²³ If he is a worthy disciple, then, ‘Unto him that is thirsty bring ye water’, but if he is not, then, ‘Ho, everyone that thirsteth come ye for water’.

R. Hanina b. Hama pointed out a contradiction. It is written, Let thy springs be dispersed abroad,²⁴ and it is also written, Let them be only thine own!²⁵ If he is a worthy disciple. ‘Let thy springs be dispersed abroad,’²⁶ but if not, ‘Let them be thine own’.

R. Hanina b. Ida said: Why are the words of the Torah likened unto water-as it is written, ‘Ho, everyone that thirsteth, come ye for water’? This is to teach you, just as water flows from a higher level to a lower, so too the words of the Torah endure only with him who is meekminded. R. Oshaia said: Why are the words of the Torah likened unto these three liquids, water, wine and milk — as it is written, ‘Ho, everyone that thirsteth come ye for water’; and it is written, Come ye, buy and eat; yea, come buy wine and milk without money, and without price?²⁷ This is to teach you, just as these three liquids can only be preserved in the most inferior of vessels, so too the words of the Torah endure only with him who is meekminded. This is illustrated by the story of the daughter of the Roman Emperor²⁸ who addressed R. Joshua b. Hanania, ‘O glorious Wisdom in an ugly vessel’. He replied, ‘Does not your father keep wine in an earthenware vessel?’ She asked, ‘Wherein else shall he keep it?’ He said to her, ‘You who are nobles should keep it in vessels of gold and silver’. Thereupon she went and told this to her father and he had the wine put into vessels of gold and silver and it became sour. When he was informed of this he asked his daughter, ‘Who gave you this advice?’ She replied. ‘R. Joshua b. Hanania’ — Thereupon the Emperor had him summoned before him and asked him, ‘Why did you give her such advice?’ He replied, ‘I answered her according to the way that she spoke to me’. But are there not good-looking people who are learned?

(1) V. supra 2a.

(2) Deut. XXXII, 2.

(3) Prov. IV, 2.

(4) E. V. ‘my teaching’. Deut. XXXII, 2.

(5) Hence the Torah, which is compared to rain, is the less important.

(6) Deut. XXXII, 2.

(7) עורפה from the root ערף, to break the neck, to destroy; cf. Ex. XIII, 13. Hos. X, 11. Drop him with all your might just as the heavy rains coming down with force on the crops crush them.

(8) Prov. III, 18.

(9) Ibid. v. 8.

(10) Prov. VIII, 35.

(11) Deut. XXI, 4.

(12) Lit., ‘my heart is faint’.

(13) Deut. XX, 19.

(14) Ibid. v. 20.

(15) Prov. XXVII, 17.

(16) Jer. XXIII, 29.

(17) בדים from בוד to be alone. E.V. ‘boasters’.

(18) Jer. L, 36.

(19) A euphemism for the scholars themselves.

(20) Num. XII, 11.

(21) Isa. XIX, 13.

(22) Isa. XXI, 14.

- (23) Isa. LV, 1.
 (24) Prov.V, 16.
 (25) Ibid. v. 17.
 (26) Reveal the secrets of the Torah unto him.
 (27) Isa. LV, 1.
 (28) Hadrian.

Talmud - Mas. Ta'anith 7b

— If these very people were ugly they would be still more learned.¹ Another explanation: Just as these three liquids can become unfit for consumption only through inattention,² so too the words of the Torah are forgotten only through inattention.

R. Hania b. Hanina said: The day when rain falls is as great as the day on which heaven and earth were created, as it is said, Drop down, ye heavens from above, and let the skies pour down righteousness: let the earth open, that they may bring forth salvation, and let her cause righteousness to spring up together; I the Lord have created it.³ It is not said, 'I created them', but I have created it.⁴

R. Oshaia said: The day when rain falls is great for on it even salvation springs forth and waxes great, as it is said, 'Let the earth open, that they may bring forth salvation'.

R. Tanhum b. Hanilai said, No rain falls unless the sins of Israel have been forgiven, as it is said, Lord, Thou hast been favourable unto Thy land, Thou hast turned the Captivity of Jacob. Thou hast forgiven the iniquity of Thy people, Thou hast pardoned all their sins. Selah.⁵ Ze'iri of Dahabath⁶ said to Rabina: You have learnt it from this verse, but we have learnt from the following verse, Then hear Thou in heaven and forgive the sin etc.⁷

R. Tanhum the son of R. Hiyya of Kefar Acco⁸ said: Rain is withheld only when the enemies of Israel⁹ have merited destruction as it is said, Drought and heat consume the snow waters; so doth the nether world those that have sinned.¹⁰ Ze'iri of Dahabath said to Rabina: You have learnt from this verse, but we have learnt it from the following verse, And He will shut up the heaven . . . and ye perish quickly.¹¹

R. Hisda said: Rain is withheld only because of the neglect to bring heave-offerings and tithes, as it is said, Drought and heat¹² consume the snow waters. How is this derived from the verse? — In the school of R. Ishmael it was taught: Because you have not performed in the summer the things I have commanded you, you shall be denied snow waters in the winter.

R. Simeon b. Pazzi said: Rain is withheld only because of those who talk slander, as it is said, The north wind bringeth forth rain, and a backbiting tongue an angry countenance.¹³

R. Salla said in the name of R. Hamnuna: Rain is withheld only because of the insolent, as it is said, Therefore the showers have been withheld, and there hath been no latter rain; yet thou hadst a harlot's forehead etc.¹⁴

R. Salla further said in the name of R. Hamnuna: Any man who is insolent stumbles in the end into sin, for it is said, 'Thou hadst a harlot's forehead'. R. Nahman said: It is evident that he [actually] stumbled into sin, for it is said 'Thou hadst' and not, 'thou wilt have'. Rabbah the son of R. Huna said: It is permissible to call 'wicked' any one who is insolent, as it is said, A wicked man hardeneth his face.¹⁵ R. Nahman the son of R. Isaac said: One may even hate him, as it is said, And the boldness of his face is changed.¹⁶ Do not read yeshuneh [changed] but yesuneh [hated].

R. Kaltina said: Rain is withheld only because of the neglect of the Torah, as it is said, By slothfulness the rafters sank in [yimak].¹⁷ Because of the sloth displayed by Israel in not occupying themselves with the Torah the enemy of the Holy One, blessed be He,¹⁸ becomes Poor. Mak, actually means, poor, as it is said, But if he be too poor [mak] for thy valuation.¹⁹ Mekoreh actually denotes God, as it is said, Who layest [ha-mekoreh] the beams of Thine upper chambers in the waters.²⁰ R. Joseph derived it from the following verse, And how men see not the light which is bright in the skies; but the wind passeth and cleanseth them.²¹ And 'light' surely means Torah, as it is said, For the commandment is a lamp and the teaching [Torah] is light.²² 'Which is bright in the skies': [With reference to this] it was taught In the school of R. Ishmael: Even when the heavens are full of white spotted clouds ready to cause dew and rain to fall a wind passes and cleanses them.²³

R. Ammi said: Rain is withheld only because of the sin of violent robbery, as it is said, He covereth His hands with the lightning;²⁴ that is to say, for the sin [of violent robbery committed by] their hands He covereth the light. And 'hands' surely signifies, violent robbery, as it is said, And from the violence that is in their hands,²⁵ and 'light' Surely [stands for] rain, as it is said, He spreadeth abroad the cloud of His lightning.²⁶ What is then his remedy? — Let a man make many prayers, as it is said, And giveth it a charge that it strike the mark [be-mafgi'ah],²⁷ and pegi'ah is prayer, as it is said, Therefore pray not thou for this people . . . neither make intercession [tifga'] to me.²⁸

R. Ammi further said: What is the meaning of the verse, If the iron be blunt, and one do not whet the edge?²⁹ If you see the sky hard as iron so that neither dew nor rain fall, this is to be attributed to the deeds of the generation which are corrupt, as it is said, And one do not whet the edge. What then shall be their remedy? Let them make many prayers [for mercy], as it is said, Then must he put to more strength; but wisdom is profitable to direct.³⁰ [The latter words indicate,] how much more [efficacious their prayer would prove] if their deeds had originally been righteous.³¹

Resh Lakish said: If you see a student

(1) They would be meek and devote themselves even more to their studies.

(2) If one neglects to cover them.

(3) Isa. XLV, 8.

(4) Thus referring to the rain.

(5) Ps. LXXXV, 2, 3.

(6) Place not identified. Rashi reads: Said Mar Ze'iri to Rabina.

(7) I Kings VIII, 36.

(8) [Caphare Accho in lower Galilee; v. Hildesheimer, Beitrage, p. 81.]

(9) A euphemism for Israel themselves.

(10) Job XXIV, 19.

(11) Deut. XI, 17.

(12) צִיָּה drought, is here connected with צוּה to command and חוֹם heat, taken to mean, summer. With the completion of the harvest heave-offerings tithes have to be brought.

(13) Prov. XXV, 23

(14) Jer. III, 3.

(15) Prov. XXI, 29.

(16) Eccl. VIII, 1.

(17) Ibid. X, 18.

(18) A euphemism for God Himself. God is unable (lit., 'too poor') to send rain because Israel do not merit it.

(19) Lev. XXVII, 8.

(20) Ps. CIV, 3.

(21) Job XXXVII, 21.

(22) Prov. VI, 23.

(23) Because of their disregard of the Torah which is compared to light, the wind disperses the clouds that were bringing the rain.

(24) Job. XXXVI, 32.

(25) Jonah III, 8.

(26) Job XXXVII, 11. [The meaning then of the verse is: On account of hands (violence). He covers the lightning (withholds rain).]

(27) Job XXXVI, 32.

(28) Jer. VII, 16. All interplay upon the word פגע meaning both to strike and to intercede. [Var. lec. omit: 'What is then his remedy? . . . to me' which passage is apparently an intrusion from infra p. 31. V. D.S. It is a well established Talmudic teaching that no amends can be made for robbery by prayer alone; this must be accompanied by restitution, v. infra 16a and Yoma 85b.]

(29) Eccl. X, 10. R. Ammi recalling the words ונתתי את שמיכם כברזל in Lev. XXVI, 19 endeavours to find an allusion in ברזל in the verse quoted. to the hardness of the heavens. He takes the negative לא as לו 'to it', 'of it' and interprets the word קלקל 'to whet', in the later Hebrew sense of, 'to be corrupt', thus rendering the face of it (of the generation) is corrupt.

(30) Eccl. X, 10.

(31) הכשיר from the root כשר to be proper. Cf. Esth. VIII, 5.

Talmud - Mas. Ta'anith 8a

to whom his studies are as hard as iron,¹ it is because he has failed to systematize his studies, as it is said, And one do not whet the edge.² What is his remedy? Let him attend the school even more regularly, as it is said, Then must he put to more strength; but wisdom is profitable to direct. [The latter words indicate] how much more profitable would his efforts be if he had originally systematized his studies. Thus for example, Resh Lakish made it his practice to repeat in systematic order his studies forty times corresponding to the forty days³ during which the Torah was given, and only then would he come before R. Johanan. R. Adda b. Abbahu made it his practice to repeat in systematic order his studies twenty-four times corresponding to the [twenty-four books⁴ which embody] the Torah, the Prophets and the Hagiographa, and only then would he come before Raba.

Raba said: If you see a student who finds his studies as hard as iron, it is because his teacher does not encourage him,⁵ as it is said, 'and one do not whet the edge'.⁶ What is his remedy? Let him seek many companions [to intercede for him with his teacher], as it is said. 'Then must he put to more strength; but wisdom is profitable to direct.' [The latter words indicate,] how much more successful he would have been had his efforts originally found favour with his teacher.

R. Ammi further said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage?⁷ If you see a generation over whom the heavens are rust coloured⁸ like copper so that neither dew nor rain falls, it is because that generation is wanting in men who pray softly.⁹ What then is their remedy? Let them go to one skilled in the art of praying softly, as it is written, The noise thereof telleth concerning it.¹⁰ 'Then the charmer hath no advantage' [means]: 'As to him who is skilled in the art of praying softly and does not do so what benefit has he?'¹¹ But if he has prayed softly and was not answered, what is his remedy? Let him go to the most pious man of that generation that he may intercede abundantly for him, as it is said, And giveth it a charge that it strike the mark [be-mafgia'h]. and striking the mark [pegi'ah] is prayer, as it is said, Therefore pray not thou for this people, neither lift up cry nor prayer for them, neither make intercession [tifga'] to Me.¹² But if he did pray softly and proved successful and on account of this he becomes overproud he thereby brings divine displeasure upon the world, as it is said, The cattle also concerning the storm that cometh up.¹³

Raba said: Two scholars who reside in the same city but are intolerant of each other in matters of

halachah provoke anger and bring it upon themselves, as it is said, The cattle also concerning the storm that cometh up.¹⁴

Resh Lakish said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage? In the Messianic age all animals will assemble and come to the serpent and say to him, 'The lion claws [his victim] and devours him, the wolf tears him and devours him, but as for thee what benefit dost thou derive? His reply will be, The charmer hath no advantage.¹⁵

R. Ammi said: A man's prayer is only answered if he takes his heart into his hand,¹⁶ as it is said, Let us lift up our heart with our hands.¹⁷ [But it is not so. Surely]¹⁸ Samuel appointed an amora¹⁹ to act for him and his exposition ran thus: But they beguiled Him with their mouth, and lied unto Him with their tongue. For their heart was not steadfast with Him, neither were they faithful in His covenant; and yet, But He being full of compassion, forgiveth iniquity etc.²⁰ — This is no contradiction. The one refers to the individual, and the other to the community.²¹

R. Ammi said: Rain falls only for the sake of Men of Faith,²² as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven.²³

R. Ammi further said: Come and see how great the Men of Faith are as is evidenced from the episode of the Weasel²⁴ and the Well. If this is the case with one who trusts in the Weasel and the Well how much more so if one trusts in the Holy One blessed be He!

R. Johanan said: He who leads a righteous life [on earth below]²⁵ is judged strictly [in heaven] above, as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven. R. Hiyya b. Abin in the name of R. Huna [adduced this lesson] from this verse, And Thy wrath according to the fear that is due unto Thee.²⁶ Resh Lakish said: [It may be adduced] from this verse, Thou didst take away him that joyfully worked righteousness, those that remembered Thee in Thy ways — behold Thou wast wroth, and we sinned-upon them have we stayed of old, that we might be saved.²⁷

R. Joshua b. Levi said: He who joyfully bears the chastisements that befall him brings salvation to the world as it is said, 'Upon them have we stayed of old, that we might be saved'.

Resh Lakish said: What is the meaning of the verse, And He will shut up the heaven?²⁸ — When the heavens are shut up so that neither dew nor rain falls it is like to a woman who is in labour but who cannot give birth. This is in keeping with what Resh Lakish said in the name of Bar Kappara: 'Withholding' is applied to rain, and 'withholding' is applied to a woman;

(1) He cannot grasp what he learns.

(2) Taking קלקל as a reduplication of קל light, clear. I.e., he did not make it clear unto himself: פנים the meaning of a passage in the Torah, cf. Aboth III, 11,

(3) Ex. XXXIV, 28.

(4) On the twenty-four books of the Bible v. Blau, Zur Einleitung in die heilige Schrift, pp. 6ff.

(5) Does not show him a cheerful countenance. Cf. Aboth I, 15 בסבר פנים יפות.

(6) [Taking קלקל in the sense of 'corrupting' to make unpleasant. He showed a displeasing countenance to him.]

(7) Eccl. X, 11.

(8) Taking נשך to bite, in the Aramaic sense of שתך to become rusty coloured; נחש shortened for נחשת copper. The heavens are, so to speak, covered with a deposit of copper-rust and this prevents rain and dew from falling.

(9) לחש to charm, is also used in the sense of, to whisper. and then to pray. The Tefillah (v. Glos.) was recited in silence.

(10) Job XXXVI, 33. Connecting רע noise, from root רוע to shout, with רע friend from root רעה to associate

with. The context in Job deals with rain.

(11) He himself suffers with others from the drought that follows.

(12) V. supra p. 30, n. 3. [MS.M omits: 'But if he has prayed . . . to me'.]

(13) Job XXXVI, 33- The verse is generally interpreted, that the cattle through their greater sensitiveness to atmospheric conditions feel in advance the coming of the storm. The Gemara reads **מקנה** (for **מקנה** of the Massoretic Text) in the sense of, acquire, and it takes **אף** to be a noun meaning anger; and **עולה** exalted or elated (with pride). The meaning of the verse according to this interpretation would be: He brings upon the world divine displeasure who is overbearing with pride because his prayer was answered.

(14) Raba takes **מקנה**=...**התקנה ב** to provoke; **אף** as previously, and **על יעולה**= that cometh up.

(15) Heb. **בשל הלשון** lit., 'the man of tongue'; figuratively, the slanderer. The allusion here is to the tempting of Eve, Gen. III.

(16) He feels deeply what he prays.

(17) Lam. III, 41.

(18) So Bomberg ed. and inserted in cur. edd. in square brackets, p. 33 n. 1.

(19) Same as Meturgeman. V. supra p. 12, n. 4.

(20) Ps. LXXVIII, 36-38. [MS.M. adds: 'Do these (verses) not contradict one another'. This reading makes unnecessary the insertion noted on p. 32, n. 7. V. Marginal Glosses.]

(21) The prayers of a community are accepted even if they do not come up to the higher standard set by R. Ammi.

(22) Trustworthy men, honest in business. Cf. Prov. XXVIII, 20 **איש אמונות**.

(23) Ps. LXXXV, 12. R. Ammi takes the verse to mean: When there is truth on earth righteousness symbolizing rain, (cf. Isa. XLV, 8) looketh down from heaven.

(24) An allusion to the story of a young man who extracted a promise of marriage from a maiden who had fallen into a well, if he rescued her. The well and a passing weasel were made witnesses to the undertaking and avenged subsequently the maiden for the young man's breach of promise. V. Rashi and Tosaf. a.l. and Aruch s.v. **הלד**.

(25) The greater the man the more strictly he is judged for his actions. R. Johanan takes **צדק** in the sense of strict justice **דין**.

(26) Ps. XC, 11.

(27) Isa. LXIV, 4.

(28) Deut. XI, 17.

Talmud - Mas. Ta'anith 8b

'withholding' is applied to a woman, as it is said, For the Lord had fast closed up all the wombs;¹ and 'withholding' is applied to rain, as it is written, 'And He will shut up the heaven.' 'Bearing' is applied to a woman, and 'bearing' is applied to rain; 'bearing' is applied to a woman, as it is written, And she conceived and bore a son;² and 'bearing' is applied to rain, as it is written, And make it bear³ and bud.⁴ 'Remembering' is applied to a woman and 'remembering' is applied to rain; 'remembering' is applied to a woman, as it is written, And the Lord remembered Sarah;⁵ and 'remembering' is applied to rain, as it is written, Thou hast remembered the earth, and watered her, greatly enriching her, with the river of God that is full of water.⁶ What is the meaning of, 'With the river of God that is full of water'? — A Tanna taught: There is in heaven a kind of chamber from which the rain issues.

R. Samuel b. Nahmani said: What is the meaning of the verse, Whether it be for correction, or for His earth, or for mercy, that He cause it to come?⁷ If the rain is 'for correction,' [then it falls] upon the mountains and upon the hills; if it is 'for mercy', He causes it to come upon His earth, upon the fields and upon the vineyards;⁸ if it is 'for correction', upon the trees; if it is upon His earth, upon the seeds [in the ground]; if it is 'for mercy', He causes it to come for cisterns, pits and caves.

In the days of R. Samuel b. Nahmani there was a famine and pestilence. People asked, What shall we do? Shall we pray for [the removal] of the two? That is not possible. Let us then pray for [the removal of] the pestilence and we will endure the famine. Thereupon R. Samuel b. Nahmani said to

them: Let us rather pray [for the removal of] the famine, because when the All-Merciful gives plenty, He gives it for the living, as it is said, Thou openest Thy hand, and satisfiest every living thing with favour.⁹ How do we know that it is not fitting to pray for two things [at the same time]? — Because it is written, So we fasted and besought our God for this.¹⁰ ‘This’ would indicate that there were other things to pray for. In the West [Palestine] it was reported in the name of R. Haggai that it could be adduced from this verse, That they might ask mercy of the God of heaven concerning this secret.¹¹ ‘This would indicate that there were other things too [to pray for]. In the days of R. Zera there was a religious persecution and fasting was also prohibited. R. Zera said to his colleagues: Let us now resolve to fast and when the decree is rescinded we will observe these fasts. His colleagues asked him: What is your authority for this? He replied: Because it is written, Then said he unto me, ‘Fear not, Daniel, for from the first day when thou didst set thy heart to understand, and to humble thyself before thy God, thy words were heard’.¹²

R. Isaac said: If rain falls on the eve of Sabbath then though the years be [years of drought] as in the days of Elijah¹³ it is yet none-the-less but a sign of [divine] anger.¹⁴ This is in agreement with the statement of Rabbah b. Shila who said: The day when rain falls is as hard [to bear]¹⁵ as a day of Judgment.¹⁶ Amemar said: Were it not that mankind must have rain we would pray and have it cease.

R. Isaac further said: Sunshine on the Sabbath is an act of kindness towards the poor, as it is said, But unto you that fear My name shall the sun of righteousness arise with healing in its wings.¹⁷

R. Isaac further said: The day when rain falls is great for thereon even the peruta¹⁸ in one's purse is blessed, as it is said, To give the rain of Thy land in its season, and to bless all the work of thy hands.¹⁹

R. Isaac further said: Blessing is only possible in things hidden from sight, as it is said, The Lord will command the blessing with thee in thy barns.²⁰ In the school of R. Ishmael it was taught: Blessing is only possible in things not under the direct control of the eye, as it is said, ‘The Lord will command the blessing with thee in thy barns.’

Our Rabbis have taught: On entering the barn to measure the new grain one shall recite the benediction, ‘May it be Thy will O Lord, our God, that Thou mayest send blessing upon the work of our hands’. Once he has begun to measure he says, ‘Blessed be He who sends blessing into this heap’. If, however, he first measured the grain and then recited the benediction then his prayer is in vain, because blessing is not to be found in anything that has been already weighed or measured or numbered, but only in a thing hidden from sight.

(Mnemonic: Gathering of Armies, Charity, Tithes, Sustenance.)

R. Johanan said: The day on which rain falls is as great as the day of the Gathering of exiled [Israel,] as it is said, Turn our captivity: O Lord, as the streams in the dry land.²¹ By ‘streams’ rain is meant, as it is said, And the channels of the sea appeared.²²

R. Johanan further said: The day when rain falls is great, for thereon even warring armies cease [fighting], as it is said, Watering her ridges abundantly, settling down the furrows thereof.²³

R. Johanan further said: Rain is withheld only on account of those who subscribe to charity in public and fail to pay, as it is said, As vapours and wind without rain, so is he that boasteth himself of a false gift²⁴

R. Johanan further said: What is the meaning of the verse

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- (1) Gen. XX, 18.
 - (2) Ibid. XXX, 23.
 - (3) E.V. bring forth.
 - (4) Isa. LV, 10.
 - (5) Gen. XXI, 1.
 - (6) Ps. LXV, 10.
 - (7) Job XXXVII, 13.
 - (8) [The text from this point to the end of the passage is in disorder and omitted in MS.M.]
 - (9) Ps. CXLV, 16.
 - (10) Ezra VIII, 23.
 - (11) Dan. II, 18.
 - (12) Dan. X, 12. The good intention was acceptable as a good deed.
 - (13) Cf. 1 Kings XVII, 7ff
 - (14) Because the rain prevents the people from making the necessary preparations for Sabbath.
 - (15) Owing to the inconvenience and discomfort to which people are put.
 - (16) Mondays and Thursdays when the Beth din met and the people could have their cases tried (Rashi).
 - (17) Mal. III, 20. You that fear my name, I.e., those who keep the Sabbath. On the Sabbath the poor have the time and leisure to enjoy the sunshine.
 - (18) Smallest coin. The word is used for money in general.
 - (19) Deut. XXVIII, 12.
 - (20) Deut. XXVIII, 8. R. Isaac connects the Hebrew word **בִּאֲסוּמִיךְ** with **סָמָא** to hide, conceal.
 - (21) Ps. CXXXVI, 4.
 - (22) II Sam. XXII, 16. The same word **אֲפִיקִים** is used in both verses.
 - (23) Ps. LXV, n. 'Watering ridges' implies rain. **גִּדְדֵּךְ** 'furrows' has also the meaning of, 'army'.
 - (24) Prov. XXV, 14. Both act deceitfully and disappoint.

Talmud - Mas. Ta'anith 9a

, Thou shalt surely tithe?¹ Give tithes that you may be enriched.² R. Johanan met the young son³ of Resh Lakish and said to him, 'Recite to me the Bible verse [you have learnt to-day]. The latter replied, 'Thou shalt surely tithe', at the same time asking, 'What may be the meaning of these words?' R. Johanan answered, 'Give tithes that you may be enriched'. The boy then asked, 'Whence do you adduce this?' R. Johanan replied: 'Go test it [for yourself]'. The boy thereupon asked: Is it permissible to try the Holy One, blessed be He, seeing that it is written, Ye shall not try the Lord?⁴ -R. Johanan replied: Thus said R. Oshaia: The case of tithe-giving is excepted [from the prohibition], as it is said, Bring ye the whole tithe unto the storehouse, that there may be food in My house, and try Me now herewith, saith the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall be more than sufficiency.⁵ (What is the meaning [of the words], 'That there shall be more than sufficiency?' — R. Rami b. Hama said in the name of Rab: Until your lips grow weary from saying, 'It is enough'.) The boy thereupon exclaimed, Had I reached this verse [in my Bible studies] I should need neither you nor R. Oshaia, your teacher. On another occasion R. Johanan met the young son of Resh Lakish sitting and reciting the verse, The foolishness of man perverteth his way; and his heart fretteth against the Lord.⁶ R. Johanan thereupon⁷ exclaimed in amazement: Is there anything written in the Hagiographa to which allusion cannot be found in the Torah? The boy replied: Is then this verse not alluded to in the Torah, seeing that it is written, And their heart failed them, and they turned trembling one to another, saying: 'What is this that God hath done unto us?'⁸ R. Johanan lifted up his eyes and stared at him, whereupon the boy's mother came and took him away, Saying to him, 'Go away from him, lest he do unto you as he did unto your father'.⁹

R. Johanan further said: Rain may fall even for the sake of an individual but sustenance [is

granted] only for the sake of the many. [That] rain [may fall] for the sake of even one man may be learnt from the verse where it is written, The Lord will open unto thee his good treasure, the heaven to give the rain of thy land;¹⁰ sustenance for the sake of the many, as it is written, Behold I will cause to rain bread for you.¹¹

An objection was raised: R. Jose the son of R. Judah says: Three good leaders had arisen for Israel, namely. Moses, Aaron and Miriam, and for their sake three good things were conferred [upon Israel], namely, the Well,¹² the Pillar of Cloud and the Manna; the Well, for the merit of Miriam; the Pillar of Cloud for the merit of Aaron; the Manna for the merit of Moses. When Miriam died the well disappeared, as it is said, And Miriam died there,¹³ and immediately follows [the verse], And there was no water for the congregation; and it returned for the merit of the [latter] two. When Aaron died the clouds of glory disappeared, as it is written, And the Canaanite, the king of Arad heard.¹⁴ What news did he hear? He heard that Aaron had died, and that the clouds of glory had disappeared; he thought that he was free to make war on Israel. Therefore it is written, And all the congregation saw that Aaron was dead.¹⁵ With reference to which R. Abahu said: Do not read, 'they saw' [wayir-u] but 'they were seen' [wayyero-u].¹⁶ This is also in accordance with the view of Resh Lakish who said: [The word] ki may be used in four different senses, namely, 'if' 'perhaps'. 'but', 'because'.¹⁷ The two [the Well and the Cloud] returned because of the merit of Moses, but when Moses died all of them disappeared, as it is said, And I cut off the three shepherds in one month.¹⁸ Did they then all [three] die in one month? Did not Miriam die in Nisan, Aaron in Ab and Moses in Adar? This therefore is meant to teach you that the three good gifts which were given because of their merit were nullified and they all disappeared in one month. Thus we find that sustenance¹⁹ may be granted for the sake of one individual! — The case of Moses is exceptional; as he prayed on behalf of the many, he himself is regarded as a multitude.

R. Hunah b. Manoah and R. Samuel b. Idi and R. Hiyya of Wastanya²⁰ were wont to attend the discourses of Raba. When Raba died they came to those of R. Papa and whenever he expounded to them a law which did not appeal to them they winked at one another, and thus hurt him greatly.

(1) עשר תעשר Deut. XIV, 22.

(2) A play upon the words תע,ר to give tithes, and תע,ר to grow rich.

(3) The boy was a nephew of R. Johanan, being the son of his sister.

(4) Deut. VI, 16.

(5) Mal. III, 10.

(6) Prov. XIX, 3.

(7) [So MS.M. Cur. ed. Insert 'sat'.]

(8) Gen. XLII, 28. First they sold their brother and then they complained at the punishment meted out to them by God.

(9) In B.M. 84a it is related that R. Johanan was the cause of R. Lakish's untimely death.

(10) Deut. XXVIII, 12.

(11) Ex. XVI, 4.

(12) A rock that accompanied the Israelites throughout their wanderings in the wilderness. Cf. Shab. 35a.

(13) Num. XX, 1.

(14) Ibid. XXI, 1.

(15) Ibid. XX, 29.

(16) With the disappearance of the Pillar of Cloud Israel became visible and exposed to the enemy.

(17) 'Ki' here on the reading of R. Abbahu is rendered 'because'.

(18) Zech. XI, 8.

(19) I.e., the manna.

(20) [Astunia, near Pumbeditha, v. Obermeyer, p. 229.]

In a dream he was made to recite the verse, 'And I cut off the three shepherds'. When next day these disciples took leave of him he said to them, Go in peace.¹

R. Shimi b. Ashi was wont to frequent [the discourses] of R. Papa and used to annoy him, very much with questions. One day he observed that R. Papa fell on his face² [in prayer] and he heard him saying. 'May God preserve me from the insolence of Shimi'. The latter thereupon vowed silence and annoyed him no more [with questions].

Resh Lakish too held the view that rain may fall even for the sake of an individual, for Resh Lakish said: Whence do we adduce that rain may fall even for the sake of an individual? Because it is written, Ask ye of the Lord rain in the time of the latter rain, even of the Lord that maketh lightnings, and He will give them showers of rain, to every one grass in the field.³ You might have thought, only when all need [it]. therefore Scripture says. 'to everyone'. Further, it has been taught: Had Scripture said, 'to everyone' [only] you might have thought [rain would fall] only when one needs it for all his fields, therefore Scripture adds, 'field'. Had the word 'field' [been used] you might have thought only when the whole field needs [rain] Scripture therefore adds, 'grass'. This is borne out by the case of Daniel b. Kattina who had a garden which he was in the habit of inspecting daily and he would exclaim, 'This bed needs water and that one does not'; and rain would fall on those beds that needed water.

What is the meaning of the verse, 'Even the Lord that maketh hazizim [lightnings]? — R. Jose son of R. Hanina said: This teaches that God provides a haziz for each righteous man. What are hazizim? Rab Judah said: Porehoth.⁴ R. Johanan said: Porehoth are a sign of [coming] rain. What are porehoth? — R. Papa said: A thin cloud under a thick cloud. Rab Judah said: Should fine rain come down before the heavy rain then the rain will continue for some time; should it follow a heavy downpour of rain then the rain will soon cease. If before the rain, the rain will continue, of this the sieve serves as a reminder; if after a heavy rain, the rain will cease, of this goats' excrement serves as a reminder.⁵

'Ulla chanced to be in Babylon and observing light clouds [porehoth] he exclaimed, 'Remove the vessels for rain is now coming'. No rain however fell and he exclaimed, As the Babylonians are false, so too is their rain.

'Ulla chanced to be in Babylon and observing that a basketful of dates was being sold for a zuz⁶ he exclaimed, 'A basketful of honey for a zuz and yet the Babylonians do not occupy themselves with the study of the Torah'. During the night he was in agony [from eating the dates] and he then exclaimed, 'A basketful of knives for a zuz and yet the Babylonians occupy themselves with the study of the Torah.

It has been taught: R. Eliezer said: The whole world draws its water supply from the waters of the ocean, as it is said, But there went up a mist from the earth and watered the whole of the ground.⁷ Thereupon R. Joshua said to him: But are not the waters of the ocean salty? He replied: They are sweetened by the clouds. R. Joshua said: The whole world drinks from the upper waters, as it is said, And drinketh water as the rain of heaven cometh down.⁸ If so, what is the force of the verse, 'But there went up a mist from the earth'? This teaches that the clouds grow in strength as they rise towards the firmament and then open their mouth as a flask and catch the rain water, as it is said, Which distil rain from His vapour,⁹ they are perforated like a sieve and they slowly distil [mehashroth] waters on the ground. as it is said, Distilling [hashroth] of waters, thick clouds of the skies;¹⁰ there is but one hand-breadth space between one drop and another, in order to teach you that the day on which rain falls is as great as the day whereon heaven and earth were created, as it is said, Who doeth great things past finding out;¹¹ and it is written, Who giveth rain upon the earth;¹² and it is also written, Hast thou not known? hast thou not heard that the everlasting God, the Lord . . . His

discernment is past finding out?¹³

Whose view is supported by the verse, Who waterest the mountains from Thine upper chambers,¹⁴ which R. Johanan interprets to mean the upper chambers of the Almighty? Whose view? — It is that of R. Joshua. And R. Eliezer's¹⁵ view?—As [the waters] ultimately find their way above [Scripture] aptly terms them, 'from Thine upper chambers'¹⁴ For if it were not so, how will you explain, Powder and dust from heaven?'¹⁶ What you must [say is] that as these rise upwards [from the ground] the words, 'from heaven' are quite aptly applied to them. Likewise as the waters eventually find their way above Scripture aptly refers to them as, from Thine upper chambers'. Whose view supports R. Hanina who said this, He gathereth the waters of the sea together as a heap; He layeth up the deeps in storehouses,¹⁷ [as meaning,] Who caused the storehouses to be filled with grain? The deeps—the view of R. Eliezer. And what of R. Joshua's [view]?¹⁸ — That [verse] refers to Creation of the world.

(1) בשלמא 'Go in peace' was addressed to the dead while to the living the greeting was לשלמא 'Go to peace'. Cf. Ber. 64a. R. Papa. by his greeting, implied that the disciples would not survive long. [MSM. however reads לשלם 'to peace'. R. Papa then in using this formula expressed the wish that the implications of the dream would not be fulfilled.]

(2) He recited the prayer known as the Tahanun. V. P. B. p. 62

(3) Zech. X, 1.

(4) [Transpose with MS.M. R. Johanan's statement after that of R. Papa which follows.]

(5) The fine flour comes first from a sieve then the heavier parts; contrariwise the goat first discharges with force then relaxes.

(6) Zuz = a denar=about a quarter of a silver shekel.

(7) Gen. II, 6.

(8) Deut. XI, 11.

(9) Job XXXVI, 27.

(10) II Sam. XXII, 12. E.V. 'Gathering waters etc. '.

(11) Job V, 9.

(12) Ibid. v. 10.

(13) Isa. XL, 28.

(14) Ps. CIV, 13.

(15) How does he explain this verse?

(16) Deut. XXVIII, 24.

(17) Ps. XXXIII, 7.

(18) How does he explain this verse?

Talmud - Mas. Ta'anith 10a

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Our Rabbis have taught: Palestine was created first and then the rest of the world, as it is said, While as yet He had not made the earth, nor the fields.¹ Palestine is watered by the Holy One, blessed be He, and the rest of the world is watered by a messenger, as it is said, Who giveth rain upon the earth, and sendeth waters upon the fields.² Palestine is watered by the rain and the rest of the world is watered by the residue,³ as it is said, 'Who giveth rain upon the earth, etc'.⁴ Palestine is watered first and then the rest of the world, as it is said, 'Who giveth rain upon the earth, etc'. This may be compared to a man making cheese; he removes first what is edible and discards the refuse.

The Master said: '[The waters of the ocean] are sweetened by the clouds' — Whence does he learn this? R. Isaac b. Joseph said in the name of R. Johanan: It is written, Darkness of waters, thick clouds of the skies,⁵ and it is also written, Distilling of waters, thick clouds of the skies,⁶ take away the kaf and add it to the [word written with] resh and read haksharath.⁷ As for R. Joshua what use does he make of these verses? — He is of the opinion that these verses are the basis for the statement

made by R. Dimi when he came [to Babylon] and he reported that in Palestine people say, If the clouds are bright they contain little water, but if they are dark they contain much water.⁸ In keeping with whose view is the teaching which has been taught: The upper waters remain suspended by Divine command, and their fruit is the rain-water, as it is said, The earth is full of the fruit of Thy works?⁹ This is according to R. Joshua. And as for R. Eliezer?-[He is of the opinion] that this [verse] refers to the other handiwork of God.

R. Joshua b. Levi said: The whole world is watered by the residue of the Garden of Eden, as it is said, And a river went out of Eden, etc.¹⁰ A Tanna taught: The residue of a kor¹¹ is enough to irrigate a tarkab.¹²

Our Rabbis taught: Egypt is four hundred parasangs by four hundred, and it is one sixtieth of the size of Ethiopia; Ethiopia is one sixtieth of the world, and the world is one sixtieth of the Garden [of Eden].¹³ and the Garden is one sixteenth of Eden, and Eden is one sixtieth of Gehenna;¹⁴ thus the whole world compared with the Gehenna is but as a lid to the pot. Some say that Gehenna has no limit in size; others say that Eden is without limit. R. Oshaia said: What is the meaning of the verse, O thou that dwellest upon many waters, abundant in treasures?¹⁵ What has brought it about that Babylon's treasures are full of corn? Because it dwells by many waters.¹⁶ Rab said: Babylon is rich because it harvests without rain. Abaye said: We have a tradition, Better is a flooded land than an arid land.

MISHNAH. ON THE THIRD OF MARCHESHVAN WE [BEGIN TO] PRAY FOR RAIN. R. GAMALIEL SAYS: ON THE SEVENTH, [THAT IS.] FIFTEEN DAYS AFTER THE FEAST SO THAT THE LAST ISRAELITE¹⁷ MAY REACH THE RIVER EUPHRATES.

GEMARA. R. Eleazar said: The halachah is according to R. Gamaliel. It has been taught: Hananiah says: In the Diaspora¹⁸ [we do not begin to pray] until the sixtieth day after the [Tishri] cycle.¹⁹ R. Huna b. Hiyya said in the name of Samuel: The halachah is according to Hananiah. Is it really so? Was not a question asked of Samuel: When do we begin to make mention [of the words] 'and give dew and rain'? and he replied, 'When wood is brought into the house of Tabut,²⁰ the fowler'? — Perhaps the two time limits are identical. A question was asked in the school: Is the sixtieth day counted with those that precede it or with those that follow it?²¹ -Come and hear:²² Rab said: The sixtieth day is counted with those that follow it; and Samuel said: With those that precede it.²³ R. Nahman said: The mnemonic for this is, the highlands need water, but the lowlands do not.²⁴ R. Papa said: The halachah is that the sixtieth day is counted with those that follow it.²⁵

MISHNAH. IF THE SEVENTEENTH OF MARCHESHVAN CAME AND NO RAIN FELL THE YEHDIM²⁶ [INDIVIDUALS] BEGIN TO FAST THREE FASTS; THEY MAY EAT AND DRINK AFTER IT GETS DARK²⁷ [AND ON THESE FASTS] IT IS PERMISSIBLE FOR THEM TO DO WORK, TO BATHE, TO ANOINT THEMSELVES WITH OIL, TO WEAR SHOES, AND TO HAVE

of Tabernacles may reach home without being inconvenienced by the rain. MARITAL RELATIONS. IF THE NEW MOON OF KISLEV CAME AND NO RAIN FELL THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FASTS; [ON THESE] THEY MAY EAT AND DRINK WHILST IT IS STILL DARK AND IT IS PERMISSIBLE TO DO WORK, TO BATHE, TO ANOINT ONESELF WITH OIL, TO WEAR SHOES, AND TO HAVE MARITAL RELATIONS.

GEMARA. Who are the yehidim? R. Huna said: The rabbis. R. Huna further said: The yehidim fast three fasts, [that is to say, on] Monday, Thursday and Monday. What new fact does he teach us? Has it not already been taught to us:²⁸ No fast is ordained upon the community to begin on a

Thursday in order to prevent a rise in food prices.²⁹ Hence the order of the first three fasts must be, Monday, Thursday, Monday? You might have thought that this applies only to public fasts but not to those of individuals therefore he teaches us [that it applies] equally to those of individuals. The same has been taught us elsewhere: When the yehidim begin to fast they fast on Monday, Thursday and Monday, and they interrupt³⁰ their fasts on New Moon

(1) Prov. VIII, 26.

(2) Job V, 10. ארץ taken to mean ארץ ישראל Palestine, and חוצות from חוץ (outside, field) the rest of the world (חוץ לארץ).

(3) [MS.M. adds, of Palestine.]

(4) [The order of the last two sentences should be reversed with MS.M.]

(5) Ps. XVIII, 12.

(6) In the parallel psalm. II Sam. XXII, 12.

(7) By the manipulation of the letters in the words השכת and השרת in the verses cited the word הכשרת is obtained, meaning 'making fit', i.e., drinkable. The meaning is the clouds make the waters drinkable. The additional change of ה to ח involved is quite common in Semitic languages.

(8) [This popular proverb is alluded to in the verse cited from Psalms, 'Darkness of waters — thick clouds of skies', R. Joshua being of the opinion that השכיו is not a variant of השרת.]

(9) Ps. CIV, 13.

(10) Gen. II, 10. The continuation of the verse is, 'and from thence it was parted and became four heads'.

(11) A dry measure = 30 se'ahs. Cf. II Kings VII, 16.

(12) Tarkab, Gk. ***=3 kabs= one half se'ah. With the residue of water used for watering a space sown with a kab seed one can water a space sown with a tarkab.

(13) If the world is one sixteenth of the Garden of Eden, then it can be seen from the previous statement that the residue of the Garden of Eden is sufficient to water the whole world.

(14) [Var. lec. omit 'and the Garden . . . of Eden' which words are difficult to explain.]

(15) Jer. LI, 13.

(16) Being a low-lying country it is well irrigated and consequently it needs but little rain.

(17) Who comes on pilgrimage to Jerusalem on the feast

(18) In the first instance applied to Babylonia.

(19) The year was divided into four cycles (v. Glos. s.v. Tekufah), Tishri, Tebeth, Nisan and Tammuz. Here the Tishri Tekufah is meant—the Autumnal Equinox.

(20) A sign that the rainy season was about to set in.

(21) Exclusive or inclusive.

(22) [Omitted in MS.M.]

(23) [R. Hananel and Aruch reverse the opinions of Rab and Samuel.]

(24) Rab came from Palestine which is mountainous and so needed more rain, while Samuel came from Babylonia which was well irrigated and therefore needed less rain. [R. Hananel and Aruch (v. n. 6): Samuel's place was Nehardea which was situated higher and consequently in greater need of rain at an earlier period than Sura, the place of Rab.]

(25) And the words 'give dew and rain' are said earlier.

(26) Distinguished persons.

(27) On the night preceding the fast, the fast beginning only with dawn.

(28) V. infra 15b.

(29) Thursday being a market day, they would purchase food for the breaking of their fast and also for the Sabbath and consequently the abnormal demand for food would tend to make the prices soar.

(30) Should any such festive day coincide with their fast days.

Talmud - Mas. Ta'anith 10b

and on such festive days as are enumerated in the Scroll of Fasts.¹

The Rabbis have taught: Let not a man say, 'I am but a disciple and I am therefore not worthy to

consider myself a yahid', since all Disciples of the Wise are accounted yehidim. Who is a yahid? And who is a disciple? A yahid is one worthy to be appointed Leader of the Community; a disciple is one who is asked any question of halachah connected with his studies and can answer it — even though it is on a subject dealt with in the Tractate Kallah.² Our Rabbis have taught: Not everyone desirous to consider himself a yahid may do so;³ a disciple however may do so; this is the opinion of R. Meir. R. Jose says: Anyone may do so, and may he be remembered for good, because it is not an advantage to him but a hardship. Another [Baraitha] teaches: Not everyone desirous to consider himself a yahid may do so; a disciple however may do so; this is the opinion of R. Simeon son of R. Eliezer. R. Simeon b. Gamaliel says: This only applies to things which are to his distinction⁴ but in things which cause him hardship any one may do so and may he be remembered for good, because it is not an advantage to him but a hardship.

Our Rabbis have taught: If one fasted on account of some visitation and it passed, or for a sick person and he recovered, he should nevertheless complete his fast. If one journeys from a place where they do not fast to a place where they do, he should fast with them; from a place where they do fast to a place where they do not, he should nevertheless complete his fast. If he forgot and ate and drank let him not make it patent in public nor may he indulge in delicacies, as it is written, And Jacob said to his sons: Why should you show yourself?⁵ Jacob conveyed thereby to his sons' 'When you are fully sated do not show yourselves either before Esau or before Ishmael that they should not envy you'. See that ye fall not out by the way. R. Eleazar said: Joseph said to his brethren, 'Do not busy yourselves with questions of law lest the road become uncertain for you [you lose the way]'.⁶ Is it really so; did not R. Elia b. Berackiah say: Two scholars who are journeying on the road and they do not discuss words of Torah merit to be devoured by fire, as it written, And it came to pass, as they still went on and talked, that behold, there appeared a chariot of fire, and horses of fire, which parted them asunder?⁷ — [They parted asunder] only because they talked [of Torah] but if they had not talked they would have merited to be devoured by fire! — There is no contradiction. The latter case speaks of repeating one's studies, and the former of cogitation.

A Tanna taught: [Joseph said to his brethren] 'Do not take big strides and bring the sun into the city'. 'Do not take big strides': For a Master said: Big strides rob a man of one five-hundredth part of his eyesight. 'And bring the sun into the city': As Rab Judah said in the name of Rab: Let a man always leave [the city by 'daylight',⁸ and enter it by 'daylight, as it is said, As soon as the morning was light, the men were sent away.⁹ Rab Judah said¹⁰ in the name of R. Hiyya: He who journeys on the road should not eat more than one eats in years of famine. Why? Here [in Babylonia] they explained the reason to be in order to prevent digestive troubles¹¹ but in Palestine they said, in order [to make] his provisions last [throughout the whole journey]. What is the difference between the two [reasons]? — The difference is

(1) Megillath Ta'anith. A chronicle enumerating thirty-five eventful days in the history of the Jewish people on which fasting is forbidden. The Scroll was written between 66-70 C.E. V. Zeitlin, Megillat Taanit.

(2) There are two explanations of the term Kallah. (a) It is the name of an apocryphal tractate of the Talmud not usually studied. (b) The term signifies the half-yearly assemblies in the Babylonian schools in Adar and Elul when a particular tractate was studied and the lecture sessions thrown open to all. V. Shab. 114a and commentaries ad loc.; J.E. VII, 423. and Kid., Sonc. ed. p. 247 n. 4.

(3) With reference to the first three fasts.

(4) Cf. Ber. 16b.

(5) Gen. XLII, 1. E. V. 'Why do you look upon one another.'

(6) [Aliter: 'Become unsafe for you'. passers-by might be irritated by your disputes.]

(7) II Kings II, 11.

(8) Cf. Gen. 1, 4. כִּי טוֹב applied by the Rabbis to the daylight.

(9) Gen. XLIV, 3.

(10) [Var. lec. insert: In the name of Rab.]

(11) Which would retard the peace of the journey

Talmud - Mas. Ta'anith 11a

apparent in the case of a man on board ship¹ or of a man journeying from one inn to another.² R. Papa ate a piece of bread at every parasang; he was therefore of the opinion that the reason is in order to prevent digestive troubles.³

Rab Judah said in the name of Rab:⁴ He who starves himself in years of famine escapes unnatural death, as it is said, In famine He will redeem thee from death.⁵ [Scripture should have said] 'from famine'. This is therefore what [Scripture] meant to convey. As a reward for starving himself in years of famine one will escape unnatural death. Resh Lakish said: A man may not have marital relations during years of famine, as it is said, And unto Joseph were born two sons before the year of famine came.⁶ A Tanna taught: Childless people may have marital relations in years of famine. Our Rabbis have taught: When Israel is in trouble and one of them separates himself from them, then the two ministering angels who accompany every man come and place their hands upon his head and say, 'So-and-so who separated himself from the community shall not behold the consolation of the community'. Another [Baraita] taught: When the community is in trouble let not a man say, 'I will go to my house and I will eat and drink and all will be well with me'. For of him who does so Scripture says, And behold joy and gladness, slaying oxen and killing sheep, eating flesh and drinking wine — 'Let us eat and drink, for to-morrow we shall die'.⁷ What follows after this [verse]? — And the Lord of Hosts revealed Himself in mine ears; surely this iniquity shall not be expiated by you till ye die. This is the conduct of the ordinary man, but what does Scripture say of the conduct of the wicked? Come ye, I will fetch wine, and we will fill ourselves with strong drink; and to-morrow shall be as this day.⁸ What follows after this [verse]? The righteous perisheth, and no man layeth it to heart . . . that the righteous is taken away from the evil to come.⁹ But rather a man should share in the distress of the community, for so we find that Moses, our teacher, shared in the distress of the community, as it is said, But Moses' hands were heavy; and they took a stone and put it under him, and he sat thereon.¹⁰ Did not then Moses have a bolster or a cushion to sit on? This is then what Moses meant [to convey], 'As Israel are in distress I too will share with them. He who shares in the distress of the community will merit to behold its consolation'.¹¹ Perhaps a man will say, 'Who is there to testify against me?' The very stones of his house and its beams testify against him, as it is written, For the stone shall cry out of the wall, and the beam out of the timber shall answer it.¹² In the school of R. Shila it was taught: The two ministering angels who accompany every man testify against him, as it is said, For He will give His angels charge over thee.¹³ R. Hidka says: A man's own soul testifies against him, as it is said, Keep the doors of thy mouth from her that lieth in thy bosom.¹⁴ And some say: A man's own limbs testify against him, as it is said, Ye are my witnesses saith the Lord.¹⁵

A God of faithfulness and without iniquity.¹⁶ 'A God of faithfulness': Just as punishment will be exacted of the wicked in the world to come even for a slight transgression which they commit, So too is punishment exacted in this world of the righteous for any slight transgression which they commit. 'And without iniquity': Just as the righteous will receive their reward in the world to come, even for the least meritorious act which they do, so too are the wicked rewarded in this world even for the least meritorious act which they do. Just and right is He:¹⁷ They [the Rabbis] said: When a man departs to his eternal home all his deeds are enumerated before him and he is told, Such and such a thing have you done, in such and such a place on that particular day. And he replies, 'Yes'. Then they say to him. 'Sign' — And he signs, as it is said, He sealeth up the hand of every man.¹⁸ And what is even more, he acknowledges the justice of the verdict and he says. 'You have judged me well', in order that the words of Scripture may be fulfilled, That thou mayest be justified when Thou speakest.¹⁹

Samuel said: Whosoever fasts [for the sake of self-affliction] is termed a sinner. He is of the same opinion as the following Tanna. For it has been taught: Eleazar ha-Kappar Berabbi²⁰ Says: What is Scripture referring to when it says [of the Nazirite] , And make atonement for him, for that he sinned by reason of the soul.²¹ Against which soul did he sin?²² [It must refer to the fact that] he denied himself wine. We can now make this inference from minor to major: If this man [Nazirite] who denied himself wine only is termed, Sinner, how much more so he who denies himself the enjoyment of ever so many things. R. Eleazar says: He is termed, Holy. as it is said, He shall be holy, he shall let the locks of the hair of his head grow long.²³ If this man [Nazirite] who denied himself wine only is termed, Holy. how much more so he who denies himself the enjoyment of ever so many things — How will then Samuel explain the verse wherein he is termed, Holy? — That refers to the locks growing long. And how will R. Eleazar explain the statement that he is termed, Sinner?—That is because he defiled himself [by contact with the dead]. But did R. Eleazar say so? Did he not say: Let a man always consider himself

(1) The former reason does not apply here, but the latter does.

(2) Lit., ‘from station to station’ where he can obtain new provisions. The latter does not apply here but the former does.

(3) [Of which he was not afraid owing to his corpulence, v. B.M. 84a.]

(4) [MS.M. adds: In the name of R. Hiyya, cf. n. 3.]

(5) Job V, 20.

(6) Gen. XLI, 50.

(7) Isa. XXII, 13.

(8) Ibid. LVI, 12.

(9) Ibid. LVII, 1.

(10) Ex. XVII, 12.

(11) [This sentence is omitted in MS.M.]

(12) Hab. II, 11.

(13) Ps. XCI, 11.

(14) Micah VII, 5. Bosom is interpreted to mean, ‘soul’.

(15) Isa. XLIII, 10.

(16) Deut. XXXII, 4.

(17) [MS.M. reverses the application of the two texts.]

(18) Job XXXVII, 7.

(19) Ps. LI, 6.

(20) Or ‘Beribi’ v. Nazir, Sonc. ed. p. 64, n. 1. J.E. s.v. Berabbi.

(21) Num. VI, 11. E.V. ‘dead’.

(22) He has sinned against his own soul.

(23) Num. VI, 5.

Talmud - Mas. Ta'anith 11b

as if the Holy One dwells within him, as it is said, The Holy One in the midst of thee, and I will not come in fury?¹ — This is no contradiction. The one speaks of him, who is able to bear self-affliction and the other of one who is not able. Resh Lakish says: He is termed, Pious, as it is said, The Pious man² weans his own soul but he that is cruel etc.³ R. Shesheth, said: The young scholar who would afflict himself by fasting let a dog devour his meal.⁴

R. Jeremiah b. Abba said: There are no public fasts⁵ in Babylonia except [the Fast of] the Ninth of Ab.⁶ R. Jeremiah b. Abba further said in the name of Resh Lakish: A scholar may not afflict himself by fasting because he lessens thereby his heavenly work.⁷

THEY MAY EAT AND DRINK AFTER IT GETS DARK etc. R. Ze'ira said in the name of R. Hanina: An individual who has undertaken to fast though he may have eaten and drunk the whole of

the [preceding] night, yet on the morrow he should recite the [special] prayer for fast days; if, however, he has continued his fast throughout the following night he may not recite the prayer for fast days [on the next day].⁸ R. Joseph asked: What view does R. Huna take? Does he take the view that one cannot [undertake a] fast for a matter of hours? Or perhaps one can undertake a fast for hours, but if one does so he should not recite the [special] prayer for fast days?⁹ — Abaye replied to him: It is quite definite R. Huna may hold the opinion that one can undertake a fast for a matter of hours and if one does so he may recite the [special] prayer for fast days, but here the case is different since he did not previously take upon himself¹⁰ [to fast]. Mar 'Ukba¹¹ chanced to come to Ganzaka¹² and he was asked: Is fasting for a matter of hours considered a fast or not? and he was unable to answer. [They then asked him] are wine-jars belonging to idolaters prohibited for use or not and he was unable to answer; [he was then asked] in which [garments] did Moses perform the service [in the Tabernacle] during the seven days of consecration¹³ and he was unable to answer. He went and inquired in the House of Learning and he was told, the law is that fasting for a matter of hours is considered a fast and we do recite the [special] prayer for fast days [if one has completed the fast].¹⁴ Further the law is that wine-jars belonging to idolaters may be used after twelve months; Moses performed the service during the seven days of consecration dressed in a white frock. R. Kahana taught: In a white frock without a border.¹⁵

R. Hisda said:

(1) Hosea XI, 9. R. Eleazar holds the view that the divine is ever present in man. How could then a man who fasts be called holy seeing that he humiliates God through his fasting.

(2) E.V. 'merciful'. Resh Lakish takes **חַסִּיד** as denoting **חַסִּיד**.

(3) Prov. XI, 17. Resh Lakish takes **גִּמְלָה** in the sense of, to wean (e.g., Gen. XXI, 8). He refrains from food (Rashi). [Aliter: Resh Lakish considers the one who does not fast as pious on this view the verse is rendered: The pious man doeth good to his own soul, v. Tosaf. s.v. **גִּמְלָה**]

(4) He deserves to have no food on which to break his fast.

(5) Observed with the same strictness as the fast of the ninth of Ab.

(6) [The reference is (a) to rain fasts of which some were subject to the stringencies of the ninth of Ab (v. infra 30a). As Babylon could do with a minimum of rain (v. supra) such fasts were not decreed (v. Tosaf. s.v. **אֵין**); (b) To fasts decreed for some visitation. Since there was no Sanhedrin in Babylon they were not treated as public fasts. An exception to this rule is the ninth of Ab which has been decreed for all generations by a Sanhedrin of a former age. v. Me'iri, a.I.]

(7) He weakens himself by fasting and consequently his studies suffer.

(8) Every fast must be explicitly undertaken on the preceding day. **קִבְלַת תַּעֲנִית** In the case where he merges one day's fast into another for which he has failed to make that undertaking he is not entitled to recite the **עֲנִי** prayer (v. P. B. p. 50) since the second day's fast in the absence of the undertaking is considered no fast and can be broken at will (Rashi).

(9) [I.e. is R. Huna's view that a fast that has not been undertaken in the preceding day is considered no fast at all, and consequently may be broken at will, or though the fast prayer is not provided for such a fast, it is nevertheless considered a fast in so far that once begun it has to be continued to the end of the stipulated time (Rashi). For other interpretations v. R. Hananel and R. Gershom.]

(10) [I.e., the question whether fasting by hours is considered a fast has no bearing on it. Huna's case where the individual incidentally merged one day's fast into another without at all intending the second day to be a fast. Where, however, a man vows to fast for a number of hours, the fast indeed may be considered a fast in every respect (Rashi).]

(11) The parallel passage in A.Z. 34a has R. Akiba.

(12) Ganzaka, identified with Shiz S.E. of Lake Urmia, N.W. Persia. V. Obermeyer. p. 10.

(13) Lev. VIII, 33. Aaron we know did put on special priestly garments for the occasion. Cf Ex. XXIX, 29-30.

(14) [Cf. MS.M.: 'and he who fasts by hours recites the fast prayer'; v. also A.Z. loc. cit.]

(15) To indicate that it was for temporary ministration only. V. Tosaf. A.Z. 34a.

Talmud - Mas. Ta'anith 12a

With reference to what you said that one may fast for a matter of hours this only applies if [the man concerned] had not tasted anything until the evening. Abaye said to him: This is then a full fast! — This speaks of a case where the fast was only an after thought.¹

R. Hisda further said: A fast over which the sun has not set cannot be deemed a fast. An objection was raised against this. The men of the Mishmar fast but do not complete [the day]. [There fasting] is merely in order to afflict themselves [in sympathy with the community].²

Come and hear: R. Eleazar b. Zadok said: I am a descendant of Sena'ah³ of the tribe of Benjamin; once the [fast of] the ninth of Ab fell on the Sabbath and we postponed it until the day after the Sabbath and we fasted but did not complete the fast because it was our festive day!⁴ — There too the fasting was merely in order to afflict themselves [in sympathy with the community].

Come and hear: R. Johanan [once] said: 'I will fast until I return home'! — There he said this merely in order to evade the hospitality of the house of the Nasi.⁵

Samuel said: A fast which one does not undertake before sunset on the previous day is not deemed to be a fast. But what if a man does observe such a fast? — Rabbah b. Shila replied: It may be compared to a pair of bellows filled with wind.⁶ At what time should one undertake such a fast? — Rab said: During the time that one may read the Afternoon Service, and Samuel said, In the course of the Afternoon Tefillah. R. Joseph said: The view of Samuel appears the more reasonable, since it is written in the Scroll of Fasts: Therefore any man who has been subject to a fast previous to this [i.e., the incidence of these festive days] should build himself⁷ [by an undertaking]. Does this not refer to an undertaking made during prayer?⁸ — No; this only denotes that he is forbidden [to break his fast because of his previous undertaking]. R. Hiyya and R. Simeon b. Rabbi differ on this question. One reads⁹ yesar¹⁰ ['he should bind himself by his under-taking'] and the other reads, yeaser¹¹ [he is forbidden, i.e., to break his fast]. The one who reads, yesar, justifies his view in the way we have just stated, but the one who reads, yeaser, what does this mean? — It has been taught in the Scroll of Fasts: Any man who is subject to a fast previous to this [incidence of these festive days] is forbidden [to break his fast]. How is this to be understood? If a man undertook to fast on Mondays and Thursdays throughout the year and any of the festive days enumerated in the Scroll of Fasts happens to fall on those days, then if his vow was made previous to our decree his vow overrides our decree, but if our decree was made before his vow then our decree overrides his vow.

Our Rabbis taught: Until when may one eat and drink [on the night preceding a fast]? Until the rise of dawn; this is the opinion of Rabbi. R. Eliezer b. Simeon says: Until cock crow. Abaye said: This only holds good where a man had not yet finished his meal, but if he had finished his meal he may not eat again.

Raba raised an objection against this: If one had completed his meal and rose from the table, he may eat further! — There it speaks of the case where he had not yet removed the [table].¹² Some say, Raba said: This holds good only when he has not gone to sleep, but if he has gone to sleep he may not eat again. Abaye raised an objection against this: If one had gone to sleep and then got up he may eat again! — There it speaks of the case where he was merely dozing. What constitutes dozing?—R. Ashi replied:

(1) R. Hisda's interpretation of fasting for a matter of hours is this. A man was too occupied for the first half of the day to have a meal and decides that he would end the day without food so as to make it constitute a fast. In such special circumstances the fast is a valid one, though the man had not explicitly undertaken it on the day previous (V. Rashi).

(2) V. Mishnah infra 15b and notes.

(3) Cf. Ezra II, 35. The Gemara reads Sena'ab.

(4) V. infra 26a.

- (5) V. Glos.
 (6) I.e., of no significance.
 (7) The text reads, יִסֵּר.
 (8) בצלו in prayer. יִסֵּר בצלו an undertaking made during the Minhah Tefillah the day previous.
 (9) In the text of the Scroll of Fasts.
 (10) יִסֵּר.
 (11) יֵאָסֵר.
 (12) The meal is not looked upon as ended.

Talmud - Mas. Ta'anith 12b

A sleep which is no sleep, a wakefulness which is no wakefulness, he answers when he is called, but cannot recall an argument; when, however, he is reminded of something he remembers it.

R. Kahana said in the name of Rab: An individual who has undertaken a fast is forbidden to wear shoes because we fear that perhaps he has undertaken a public fast.¹ How shall he declare his vow [to be able to wear shoes]?-Rabbah b. Shila said: He should make the following declaration, 'To-morrow I shall observe before Thee a private fast'. The Rabbis said to R. Shesheth: We have seen Rabbis who come to an Assembly on a fast day wearing their shoes. Thereupon he became angry and asked them, Perhaps they even eat? Abaye and Raba used to come [to the Assembly] wearing shoes² without soles. Meremar and Mar Zutra used to change the right [shoe] to the left [foot] and the left to the right.³ The scholars of the school of R. Ashi wore their shoes as usual; they were of the same opinion as Samuel who said: In Babylonia except for the Fast of the Ninth of Ab there are no public fasts.⁴

Rab Judah said in the name of Rab: One may borrow a fast and repay it [on another day]; When I repeated this [statement] before Samuel he said to me, Did he then take a vow upon himself that he must pay it?-He merely undertook to afflict himself, if he is able he afflicts himself, if not he does not do so. Some say, Rab Judah said in the name of Rab: One may borrow his fast and repay it. When I repeated this before Samuel he said to me, This is self-evident; even if it is merely a vow, would he not have to pay a vow on the next day or on a later day?

R. Joshua, the son of R. Idi chanced to be with R. Assi, and after they had prepared in his honour a three-year-old calf⁵ they said to him, 'Will the Master partake of it?' He replied. 'I am fasting'. They said to him, 'Let the Master borrow and repay [the fast later]'. Is the Master not in agreement with the view of Rab Judah, who said in the name of Rab: One may borrow a fast and repay it? — He replied: [Mine] is a fast for a [bad] dream, and Rabbah b. Mehasiah said in the name of R. Hama b. Guriah, in the name of Rab: Fasting is as efficacious for the bad dream as fire is for tow, and upon this R. Hisda commented: And [the fast must be] on the same day; and R. Joseph added: Even if [the day] is the Sabbath. What amends shall he make [for having fasted on the Sabbath]? — He should observe an additional fast.⁶

MISHNAH. IF THESE FAST DAYS PASSED AND THERE WAS NO ANSWER TO THEIR PRAYERS, THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FURTHER FASTS; [ON DAYS PRECEDING THESE FASTS] THEY MAY EAT AND DRINK [ONLY] WHILST IT IS STILL DAY, AND THEY MAY NOT [ON THESE FAST DAYS] DO WORK, NOR BATHE, NOR ANOINT THEMSELVES WITH OIL, NOR WEAR SHOES, NOR HAVE MARITAL RELATIONS; AND THE BATHS TOO ARE CLOSED. IF THESE [DAYS] PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THE BETH DIN ORDAIN UPON THE COMMUNITY A FURTHER SEVEN [FASTS]. MAKING THIRTEEN IN ALL. [IN THIS RESPECT ARE] THE LATTER MORE STRINGENT THAN THE FORMER⁷ IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. ON MONDAYS THE

SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK, BUT ON THURSDAYS THEY ARE PERMITTED⁸ [THE WHOLE DAY]⁹ IN HONOUR OF THE SABBATH. IF THESE PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THEN BUSINESS IS RESTRICTED AS ALSO IS BUILDING, PLANTING, BETROTHAL AND MARRIAGE; AND MEN GREET ONE ANOTHER AS PEOPLE LABOURING UNDER DIVINE DISPLEASURE. THE YEHDIM¹⁰ BEGIN THEIR FASTING ANEW AND CONTINUE UNTIL THE END OF NISAN; IF NISAN PASSES AND RAIN FALLS THIS IS A SIGN OF DIVINE ANGER, AS IT IS WRITTEN, IS IT NOT WHEAT HARVEST TO-DAY, etc.¹¹

GEMARA. It is reasonable that all the other restrictions [should be forbidden] because they give pleasure, but why work which is a source of pain? — R. Hisda replied in the name of R. Jeremiah b. Abba: Scripture says. Sanctify ye a fast, call a solemn assembly, gather the elders.¹² This means that [the fast day is to be treated] like a solemn assembly. Just as it is not permissible to do work on a solemn assembly it is likewise not permissible to do work on a fast day. Perhaps just as on the solemn assembly work is forbidden from the preceding evening so too on a fast day work should close on the preceding evening? — R. Zeira replied: R. Jeremiah b. Abba explained the matter to me thus: Scripture says, Gather the elders'; it is to be like a gathering of elders, as the elders foregather by day so too the fast commences on the day. Perhaps [it commences] from noon? — R. Shisha b. Idi replied: This is a support for R. Huna who said: The assembly [of the community on a fast day] takes place in the morning. How do they spend [the day]?-Abaye replied: From morning to midday they look into the affairs of the city;¹³ from then onwards they read for a quarter of the day from the Torah and the Prophets and the rest of the day [is spent] in praying for mercy, as it is said, And they stood up in their place, and read in the book of the Law of the Lord their God a fourth part of the day; and another fourth part they confessed and prostrated themselves before the Lord their God.¹⁴

(1) And therefore he must observe the fast with all the strictness of a public fast. V. supra 10a.

(2) [MS.M 'Used to wear shoes.' V. Tosaf. s.v. אבי.]

(3) To show that they had not forgotten that it was a fast day.

(4) V. note on supra 11 b.

(5) Another explanation is: a calf the third born of its mother.

(6) Lit., 'He should observe a fast for his fast'.

(7) [Var lec., In what respect are the latter more stringent than the former? in that on them etc.]

(8) V. Gemara.

(9) V. Mishnah text in the Gemara.

(10) V. supra p. 44, n. 9.

(11) I Sam. XII, 17.

(12) Joel I, 14.

(13) To find out if the citizens were guilty of any dishonesty or whether in the city there were men of violence (Maimonides). V. Buchler, Moses Maimonides, viii Centenary Memorial Volume, ed. by I. Epstein, pp. 13-55.

(14) Neh. IX, 3.

Talmud - Mas. Ta'anith 13a

Perhaps the order of the day is to be reversed? — This cannot possibly be so, seeing that it is written, Then were assembled unto me everyone that trembled at the words of the God of Israel, because of the faithlessness of them of the captivity etc.;¹ and then follows, And at the evening offering I arose from my fasting . . . and spread out my hands unto the Lord.²

Rafram b. Papa said in the name of R. Hisda: On any fast ordained on account of mourning, as for example the Ninth of Ab and a mourner, it is forbidden to bathe in warm or in cold water, but on any fast ordained merely to prevent indulgence in pleasure, as for example, a public fast day, bathing in

warm water is forbidden but permissible in cold water. R. Idi b. Abin said: We too have learnt: AND THE BATHS TOO ARE CLOSED? Abaye said to him: If it were forbidden to bathe even in cold water, then it should have stated, 'and the rivers are stopped up'! — R. Shisha the son of R. Idi replied: This was the difficulty which my father felt. [He argued]. Let us see: the Mishnah already states, IT IS NOT PERMISSIBLE TO BATHE, why does it add AND THE BATHS TOO ARE CLOSED? Evidently from this is to be concluded that [bathing] in warm water is forbidden but permissible in cold water.

Shall we say that the following supports [R. Hisda]: 'All those who have to take the ritual bath³ immerse in the usual way both on the Ninth of Ab and on the Day of Atonement'. In what [water is here meant]? Is it in warm [water]? Is then [ritual] immersion in warm water permissible, seeing that such water must of a necessity be drawn⁴ [and is therefore unfit for immersion]? It must therefore be in cold [water]; and yet it is only those who have to take the ritual bath who may [immerse] but others may not?⁵ — Said R. Hana b. Kattina [No:] This [passage] has special reference to the hot springs of Tiberias. If this is so how is the concluding statement to be understood? R. Hanina, the Deputy High Priest said: Our House of God merits that a man should for its sake forego an immersion once a year.⁶ Now should you say that bathing in cold water is permissible, let him then bathe in cold water! — R. Papa replied: [It speaks] of a place where cold water is not available.

Come and hear: When the Rabbis declared that it is not permissible to do work [on a public fast day] this applies only to the day but not to the night [preceding]; and when they declared that it is not permissible to wear shoes, this applies only within the city, but on the road it is permissible. How should a man act? When he sets out on a journey he puts his shoes on, but when he enters the city he removes them. And when they declared that it is not permissible to bathe they meant the whole body but he may wash his face, hands or feet. You will find that the same applies to one placed under the ban and also to the mourner. Now does not [this last statement] imply that they are subject to all [the restrictions mentioned previously]? This being so, of what [water does the Baraitha] speak? Shall we say warm water? Is it then permissible [for a mourner] to wash his face, hands or feet [in warm water]? Did not R. Shesheth say: The mourner may not put even his finger into warm water? Therefore [it must speak of] cold water!⁷ — No; it refers indeed to warm water, and as for your difficulty in interpreting, 'and the same applies to one placed under the ban and also to the mourner', [you must take] this to refer only to the remaining restrictions⁸ [and not to bathing].

Come and hear: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]! — In his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor but not with scissors, in water but not in natron nor in sand.

Raba said: A mourner may bathe in cold water all the seven days in the same way as he may partake of meat and wine. An objection was raised against this:

(1) Ezra IX, 4.

(2) Ezra IX, 5.

(3) E.g. a woman after menstruation or confinement. (V. Num. XIX, 17.)

(4) Ritual immersion takes place only either in running water i.e., in a stream, or in a natural spring or in a ritual bath the waters of which are directly connected with them. To be warmed, waters would have to be 'drawn', and this is not permissible.

(5) This supports R. Hisda.

(6) On the ninth of Ab because of national mourning.

(7) [This shows that on a public fast day, as in the case of a mourner, bathing in cold water is forbidden in opposition to

R. Hisda.]

(8) I.e., working and wearing shoes.

Talmud - Mas. Ta'anith 13b

A girl who has reached adolescence¹ may not make herself unsightly during the days of mourning for her father.² This implies that a girl who has not reached adolescence may [make herself unsightly]. And in which respect [may she neglect herself]? By not bathing. [This being so], in what water? Shall I say in warm? [Then how can you say that] a girl who has not reached adolescence may not neglect herself [in this respect]? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water!³ — No; [it speaks of] painting the eyelids and dyeing the hair.

Shall we say that the following supports Raba: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]. The answer is, in his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor, but not with scissors, In water, but not in natron, nor in sand nor in aloe.

Some say. Raba said: The mourner may not [bathe] in cold water all the seven days. Why this differentiation [between bathing in cold water] and partaking of meat and wine?⁴ — Of these [the mourner] may partake in order to counteract his fear.⁵ Shall we say that support may be adduced from the following passage: A girl who has reached adolescence may not make herself un-sightly [during the days of mourning for her father]. This implies that one who has not reached adolescence may? And in what respect may she neglect herself? [By not bathing]. [This being so], in what water? Is it in warm water? Then how can you say that a girl who has reached adolescence may not neglect herself in this respect? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water! — No; it speaks of painting the eyelids and dyeing the hair. R. Hisda said this proves⁶ that a mourner is forbidden to wash his clothes throughout the seven days of mourning.⁷ The law is, a mourner is forbidden to bathe his whole body either in warm or in cold water all the seven days; his face, hands and feet he may not [wash] in warm water but in cold water he may; anointing is not permitted at all; if, however, it is to remove the dirt it is permissible.

Where is the prayer for the fast day⁸ inserted?⁹ Rab Judah brought his son R. Isaac [to the school]¹⁰ and he expounded as follows: An individual who has taken upon himself a fast should recite the prayer for the fast day. And where does he insert it? Between the benediction for 'Redemption' and the benediction for 'Healing'.¹¹ R. Isaac demurred to this [saying]: Is it proper that an individual should insert [in his prayers] a special benediction for himself? Therefore said R. Isaac: [He includes it] in the benediction 'Thou hearkenest to the prayer'.¹² And so, too, said R. Shesheth: [In the benediction] 'Thou hearkenest to the prayer'. An objection was raised [against this]: The only difference between [the Order of Prayer] of an individual on a fast day and a community is that the former recites eighteen benedictions and the latter recite nineteen. Now what is [meant by] an 'individual' and what by a 'community'? Shall we say that [by] an 'individual' [is meant] literally and [by] 'community' the Representative of the community [leading in prayer]?¹³ If so, are the benedictions [recited by the latter] nineteen? Are they not rather twenty-four?¹⁴ Therefore the [Baraita quoted] should read thus: The only difference between an individual who has undertaken a private fast and an individual who has undertaken a public fast is that the former recites eighteen [benedictions] and the latter nineteen.¹⁵ From which one may infer that an individual may insert a special benediction for himself.¹⁶ No; [by 'community' is definitely meant], the Representative of the Community and as to your difficulty, that the Representative recites twenty-four benedictions [and not nineteen]. [this refers] to the first three fasts when the twenty-four

are not [recited]. But is this so? Is it not stated that the only difference between the first three [fasts] and the middle three [fasts] is that work is permissible on the former and forbidden on the latter? Does this not imply that with regard to the recital of the twenty-four [benedictions] both are alike?—The Tanna [of the Baraitha] has stated only one [difference] and has left out [others] — What other differences has he left out besides this one?¹⁷ And further, does he not explicitly state: The only difference etc.? — The Tanna speaks only of differences with regard to things forbidden on the fast days and not [of differences with regard to] prayers. And if you like, I can say that even on the middle three fasts the twenty-four benedictions are also not recited. But is this so? Has it not been taught: ‘The only difference between the second three [fasts] and the last seven is that on the latter the alarm is sounded and the shops are closed.’ Does this not imply that in all other respects they are alike? And should you reply that here too [the Tanna] stated one difference only and left out [others], I would object on the ground that it explicitly states, ‘The only difference’! — Do you assume the expression, ‘The only difference etc.’

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- (1) **בוגרת** Twelve and a half years of age plus one day. opposed to a virgin twelve years plus one day old.
 (2) In order not to prejudice her chances of marriage because of her unsightliness.
 (3) [And yet it is forbidden to a girl who has not reached adolescence to bathe in it during her mourning, which contradicts Raba.]
 (4) Which is permissible for the mourner.
 (5) I.e., to counteract his grief.
 (6) Which is in support of Raba. Cf. P. 59, n. 3 *mutatis mutandis*.
 (7) [Washing clothes is placed on a par with painting eyelids and dyeing hair (Rashi). This passage is omitted in one MS. v. D.S. a.l.]
 (8) **תפלת ענינו** v. P.B. p. 50.
 (9) [This sentence is omitted in MS.B. v. D.S.]
 (10) **אדבריה** Lit., ‘to lead’. Various meanings have been given to the phrase: (a) Took him for a walk (Rashi. Beza 29a); (b) Put the words in his mouth (R. Hananel, *ibid.*) i.e., prepared for him the exposition; (c) Gave him permission (Epstein J.N. MGWJ, LXIII, p. 258, adopted by Malter a.l.)
 (11) I.e., between the seventh and the eighth benedictions.
 (12) I.e., in the sixteenth benediction.
 (13) The Reader.
 (14) V. *infra* 15a.
 (15) V. *supra* 12b.
 (16) In opposition to R. Isaac.
 (17) Surely he would not stop short of just one item.

Talmud - Mas. Ta'anith 14a

to denote the absolute exclusion of any other differences? Has he not left out [mention of the taking out of] the Ark?¹ — [As for the taking out of the] Ark this cannot be considered an omission because [the Baraitha] enumerates only things done in private but not things done in public. R. Ashi said: This² may also be deduced from our Mishnah where it is learnt: IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER?³ IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. This would imply that in all other respects they are alike. And should you reply that here too [the Mishnah] has stated only one [difference] and left out [others]. I would object, the Mishnah explicitly states, IN WHAT RESPECT ARE THE LATTER etc.’⁴ — Do you assume the expression, ‘IN WHAT RESPECT ARE THE LATTER etc. literally? Has he not also left out [mention of the taking out of] the Ark?— [As for the taking out of] the Ark this cannot be considered an omission because he mentions it in the next chapter. If now that you have arrived at this conclusion [the difference in respect of the recital of] the twenty-four benedictions is also no omission since he mentions it [also] in the next chapter. What is the final decision [with regard to the insertion of the special benediction for fast days]?⁵ R. Samuel b. Sasartai

said, and so too R. Hiyya b. Ashi in the name of Rab: [He inserts it] between 'Redemption' and 'Healing'. R. Ashi said in the name of R. Jannai, the son of R. Ishmael: In [the benediction] 'Who hearkenest unto prayer.

One Baraitha teaches: Pregnant women and nursing mothers fast on the first fasts but not on the last; another teaches: They fast on the last but not on the first; and yet another teaches: They fast neither on the first nor on the last! — R. Ashi said: Take it that they fast on the middle set of fasts and in this way all [three Baraithas] will be reconciled.⁶

IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER? IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. How do we sound the alarm? — Rab Judah said: By the shofar.⁷ Rab Judah the son of R. Samuel b. Shilath in the name of Rab said: By [the recital of the] 'anenu.⁸ The scholars assumed that the authority who said by the 'anenu was opposed to the sounding of the alarm by the shofar and that the one who said by the shofar was opposed to the recital of the 'anenu. But has it not been taught: No less than seven fasts are ordained upon the community upon each of which the alarm is sounded eighteen times; [as] a sign to remember this take Jericho. Now at Jericho the shofar [was used to give the alarm]. This would be a refutation of him who said: By 'anenu [only]! Hence [we must conclude] that all are agreed that the sounding of the shofar constitutes the sounding of an alarm, and that they differ only with regard to [the recital of] the 'anenu; one takes the view that it constitutes the sounding of an alarm, and the other that it does not. The authority who says that the recital of the 'anenu constitutes the sounding of an alarm [will hold] how much more so does the sounding of the shofar, but the authority who says, 'by the shofar', would exclude the recital of the 'anenu. But has it not been taught: In the case of all other visitations that break out [in the world], as for example. Itch, Locusts, Flies, Hornets, Gnats and the invasion by Snakes and Scorpions they did not sound the alarm, but they cried aloud? And as crying can only be by mouth, the sounding of the alarm must consequently be by the shofar! — This forms a subject of dispute amongst the Tannaim, for it has been learnt: In the case of these [calamities] they sound the alarm even on the Sabbath ; when a city is surrounded by a ravaging troop, or is in danger of inundation by a river or when a ship is foundering on the sea, R. Jose said: [We may sound the alarm to summon] help but not for intercession! Now with what [is the alarm sounded]? Shall we say by the shofar? Is then the sounding of the shofar on the Sabbath permissible? It must therefore be by the recital of the 'anenu, and this is termed: 'Sounding the alarm'. This proves it.

In the time of R. Judah the Prince⁹ there was distress¹⁰

(1) Which was taken out during the last seven fasts but not during the intermediary, v. infra 15a.

(2) That the twenty-four benedictions are recited also during the middle three fasts.

(3) ['THE FORMER' means those immediately preceding the middle three fasts which, taken together with what follows, seems to imply that the difference is limited to the points enumerated.

(4) [Where as explained in the Gemara infra 15b it applies only to the last fast days (Rashi). R. Hananel explains differently.]

(5) I.e., by an individual (Rashi).

(6) The reconciliation of the conflicting Baraithas is arrived at in the following manner. Call the three groups of fasts A (the first three), B (the middle three) and C (the last seven). In the first Baraitha B is first with regard to C; in the second B is last with regard to A; and in the third B is the middle one.

(7) V. Glos.

(8) The fast prayer. v. P.B. p. 50.

(9) Text reads, Judah Nesi'ah. Nesi'ah, is the title by which the Patriarch Judah III (end of third century) was known.

(10) Not a drought, but some other kind of visitation.

Talmud - Mas. Ta'anith 14b

; he ordained thirteen fast days and their prayer was not answered. He thought of ordaining additional fasts but R. Ammi said to him, 'Did not [the Sages] declare we should not trouble the community unduly'. Said R. Abba the son of R. Hiyya b. Abba, 'R. Ammi [in saying this] was studying his own interests',¹ for thus did R. Hiyya b. Abba say in the name of R. Johanan: The statement [cited by R. Ammi] holds good only so far [as fasts for] rain are concerned, but in the case of other forms of visitation the fasts are continued until their prayers are answered from heaven. It has been taught to the same effect: When they [the Sages] instituted the order of fasts for [twice] three days, and then a further seven days, they intended these to be applicable only in the case of fasts for rain, but in all other forms of visitation the fasts are to be continued until their prayers are answered from heaven. Shall we say that this will be a refutation of R. Ammi? — R. Ammi can answer you: The Tannaim are divided on this question. For it has been taught: Not more than thirteen fasts are ordained upon the community because we should not trouble the community unduly; this is the opinion of Rabbi. R. Simeon b. Gamaliel says: This is not the real reason² [why no additional fasts are ordained] but it is because after these thirteen fasts the time of rainfall has gone.

The inhabitants of Nineveh³ sent to enquire of Rabbi: How should we who need rain even in the Tammuz cycle act?⁴ Are we to consider ourselves individuals and [insert the special prayer for rain] in 'Who hearkenest unto prayer'. or shall we consider ourselves a community and [insert it] in the 'Blessing of the Years'?⁵ He sent [word] back to them: Consider yourselves individuals and [insert the prayer] in, 'Who hearkenest unto prayer'. An objection was raised [against this]: R. Judah said: When did this order of fasts apply? Only at such times when the seasons of the year were normal⁶ and Israel dwelt in their own land, but to-day all depends upon the years, the countries and the seasons! He replied:⁷ You cite a Baraitha in refutation of Rabbi; Rabbi is a Tanna and has the right to differ [from a Baraitha]. What is the final decision [with regard to this matter]? — R. Nahman said: [The blessing is inserted] in the Blessing of the Years. R. Shesheth said: In 'Who hearkenest unto prayer'. The Law is [it is inserted in]. 'Who hearkenest unto prayer'.

ON MONDAYS THE SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK; BUT ON THURSDAYS THEY ARE PERMITTED⁸ THE WHOLE DAY IN HONOUR OF THE SABBATH. The question was raised: How did [the Mishnah] teach? Was it that on Mondays the shutters are opened a little when it gets dark and on Thursdays they are opened [a little] during the whole day in honour of the Sabbath, or perhaps, that on Mondays they are open a little and on Thursdays they are open wide for the whole day? — Come and hear: It has been taught: On Mondays they are opened slightly till the evening and on Thursdays they remain wide open the whole day in honour of the Sabbath; should there be two doors then one is kept open and the other remains closed; should there be a stand⁹ in front of the door he may open [the door] in the usual way without any compunction.

IF THESE 'PASSED WITHOUT THEIR PRAYER BEING ANSWERED THEN BUSINESS DEALINGS ARE RESTRICTED AS WELL AS BUILDING AND PLANTING. It has been taught: By BUILDING [is to be understood] building for joyous purposes, and by PLANTING planting for joyous purposes. What is 'building' for joyous purposes? — Building a house for the marriage-feast of one's own son. What is 'planting' for joyous purposes? When one erects a royal banqueting hall.¹⁰

AND GREETING. Our Rabbis taught: Scholars do not greet one another at all; the greetings of the ignorant are reciprocated in an undertone in a solemn manner; people are seated covered in mourner's fashion and like those placed under the ban, and like men labouring under Divine displeasure, until mercy is shown to them from heaven.

R. Eleazar said: A prominent man should not fall upon his face¹¹ unless he is confident that he will be answered like Joshua. as it is said, And the Lord said unto Joshua. 'Get thee up; wherefore

now art thou fallen upon thy face?’¹² R. Eleazar further said: A prominent man should not put on sackcloth unless he is confident that he will be answered like Jehoram, the Son of Ahab, as it is said, And it came to pass, when the king heard the words of the woman, that he rent his clothes — now he was passing by upon the wall — and the people looked, and, behold, he had sackcloth within upon his flesh, etc.¹³

R. Eleazar further said: Not everyone [is answered] through rending his garments nor is everyone [answered] through falling [on his face]. Moses and Aaron [were answered] through falling [on the face], Joshua and Caleb through rending [their] garments. Moses and Aaron through falling [on the face]; for it is written, Then Moses and Aaron fell on their faces.¹⁴ Joshua and Caleb through rending [their] garments, for it is written, And Joshua the son of Num and Caleb ... rent their clothes.¹⁵ R. Ze'ira and some say, R. Samuel b. Nahmani demurred to this. Had it been written [in the verse] ‘Joshua’. it would be as you say, but seeing that the verse reads ‘And Joshua’, they may have done both.¹⁶

R. Eleazar further said: Not all [will in the Messianic era] rise [before Israel], nor will all prostrate themselves; kings will rise and princes prostrate themselves; ‘Kings will rise’, for it is written, Thus saith the Lord, the Redeemer of Israel, his Holy One

(1) Because he did not wish to fast.

(2) Lit., ‘not of the same denomination’. Cf. Shebu. 3b.

(3) [Identified by Klein, S. (JQR. N. S. II, p. 551) with Nawa north of the Gaulan in Transjordan. The climatic conditions of the country and the stony nature of the territory rendered it necessary for them to have rain even in the summer season.]

(4) Heb. Tekufah, v. Glos.

(5) V. P.B. p. 47.

(6) I.e., divided according to the work regularly done in the fields-sowing in Marcheshvan and reaping in Nisan.

(7) [To be omitted with MS.M.]

(8) V. supra p. 55. n. 3.

(9) The stand obscures the door and it is not easily visible whether it is open or closed.

(10) For his son's wedding.

(11) Recite the Tahanum. v. P.B. p. 57.

(12) Josh. VII, 10; v. Meg., Sonc. ed. p. 137ff and notes.

(13) II Kings VI, 30.

(14) Num. Xlv, 5.

(15) Ibid. v. 6.

(16) The ‘waw’ (‘and’) connects it with the previous verse and conveys the meaning that Joshua and Caleb both rent their garments in the same way as they both fell on their faces.

Talmud - Mas. Ta'anith 15a

to him who is despised of men, to him who is abhorred of nations, to a servant of rulers; kings shall see and arise;¹ ‘and princes will prostrate themselves,’ for it is written, Princes and they shall prostrate themselves. R. Ze'ira and some say R. Samuel b. Nahmani demurred to this. Had it been written in the verse, ‘And princes shall prostrate themselves’, it would be as you say, but seeing that the verse reads, ‘Princes and they shall prostrate themselves,’ they will perhaps do both.

R. Nahman b. Isaac declared: I say furthermore, Not all are destined to share in the light nor all in the gladness. Light shall be for the righteous and gladness for the upright. ‘Light for the righteous’, for it is written, Light is sown for the righteous;² And gladness for the upright’. for it is written, And gladness for the upright in heart.²

CHAPTER II

MISHNAH. WHAT IS THE ORDER [OF SERVICE] FOR FAST DAYS?³ THE ARK IS TAKEN OUT TO THE OPEN SPACE⁴ OF THE CITY, WOOD ASHES ARE PLACED ON THE ARK, ON THE HEAD OF THE NASI⁵ AND ON THE HEAD OF THE AB-BETH-DIN.⁶ EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD; THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION [TO REPENTANCE] THUS, OUR BRETHREN, SCRIPTURE DOES NOT SAY OF THE PEOPLE OF NINEVEH, AND GOD SAW THEIR SACKCLOTH AND THEIR FASTING, BUT, AND GOD SAW THEIR WORKS, THAT THEY TURNED FROM THEIR EVIL WAY;⁷ AND IN THE PROPHETS IT IS SAID, AND REND YOUR HEART AND NOT YOUR GARMENTS.⁸ WHEN THEY STAND UP TO PRAY THEY PLACE [AS READER] BEFORE THE ARK AN OLD MAN CONVERSANT [WITH THE PRAYERS], WHO HAS CHILDREN AND WHOSE HOUSE IS EMPTY [OF FOOD], SO THAT HIS HEART IS CONCENTRATED ON HIS PRAYER; HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY, TO WHICH HE ADDS SIX AS FOLLOWS, ZIKRONOTH,⁹ SHOFAROTH,¹⁰ AND [THESE PSALMS]: IN MY DISTRESS I CALLED UNTO THE LORD;¹¹ I WILL LIFT UP MINE EYES UNTO THE MOUNTAINS ETC.;¹² OUT OF THE DEPTHS HAVE I CALLED THEE, O LORD;¹³ A PRAYER OF THE AFFLICTED WHEN HE FAINTETH.¹⁴ R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH, BUT INSTEAD HE SHOULD RECITE THE FOLLOWING SCRIPTURAL, PASSAGES, IF THERE BE IN THE LAND FAMINE, IF THERE BE PESTILENCE;¹⁵ THE WORD OF THE LORD THAT CAME TO JEREMIAH CONCERNING THE DROUGHTS;¹⁶ AND HE ENDS EACH [OF THE ADDITIONAL SIX] SECTIONS WITH ITS APPROPRIATE CONCLUDING BENEDICTION. THE FIRST HE CONCLUDES WITH, 'HE WHO ANSWERED ABRAHAM ON MT. MORIAH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REDEEMEST ISRAEL. THE SECOND HE CONCLUDES WITH, 'HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REMEMBEREST ALL FORGOTTEN THINGS. THE THIRD HE CONCLUDES WITH, HE WHO ANSWERED JOSHUA IN GILGAL, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEAREST THE TRUMPET BLAST. THE FOURTH HE CONCLUDES WITH, 'HE WHO ANSWERED SAMUEL IN MIZPAH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEARKENEST TO CRIES. THE FIFTH HE CONCLUDES WITH, 'HE WHO ANSWERED ELIJAH ON MT. CARMEL, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEARKENEST UNTO PRAYER. THE SIXTH HE CONCLUDES WITH, 'HE WHO ANSWERED JONAH IN THE BELLY OF THE FISH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO ANSWEREST IN TIME OF TROUBLE. THE SEVENTH¹⁷ HE CONCLUDES WITH, 'HE WHO ANSWERED DAVID AND SOLOMON HIS SON IN JERUSALEM, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HAST MERCY UPON THE LAND. IT HAPPENED

(1) Isa. XLIX, 7.

(2) Ps. XCVII, 11.

(3) For rain.

(4) According to Krauss (Syn. Alt. pp. 140-1) it was an open space in front of the synagogue.

(5) Head of the Great Sanhedrin in Jerusalem.

(6) Lit., 'Father of the Beth din', generally taken to denote the Vice-President of the Great Sanhedrin and next in dignity to the Nasi. V. Hor., Sonc. ed. p. 101, n. 6.

(7) Jonah III, 10.

(8) Joel II, 13.

(9) Lit., 'remembrances'. The term is applied to the second section of the Musaf for the New Year which consists of scriptural verses describing the mindfulness of God for man. The section ends with the prayer that God may show his mindfulness of Israel in their present calamity. Cf. R.H. 32a.

(10) Lit., 'trumpets'. The term applied to the third section of the musaf of Rosh Hashanah consisting of scriptural verses which speak of God proclaiming in thunder-notes a message to the world and especially to Israel. The section concludes with the prayer for the great trumpet to be sounded heralding the redemption of Israel. Cf. R.H. 32a.

(11) Ps. CXX.

(12) Ps. CXXI.

(13) Ps. CXXX.

(14) Ps. CII.

(15) I Kings VIII, 37-41.

(16) Jer. XIV, 1-10.

(17) V. Gemara.

Talmud - Mas. Ta'anith 15b

IN THE DAYS OF R. HALAFTA AND R. HANINA B. TRADYON THAT A MAN STEPPED BEFORE THE ARK AND COMPLETED THE ENTIRE BENEDICTION AND THEY DID NOT RESPOND, 'AMEN'.¹ [THE SYNAGOGUE ATTENDANT CALLED OUT], SOUND A TEKIAH, PRIESTS, SOUND A TEKIAH.² [THEN THE READER EXCLAIMED], HE WHO ANSWERED ABRAHAM OUR FATHER ON MT. MORIAH, HE SHALL ANSWER YOU, AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. [THE SYNAGOGUE ATTENDANT CONTINUED], SOUND A TERUAH,³ CHILDREN OF AARON, SOUND A TERUAH. [THEN THE READER EXCLAIMED], HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. AND WHEN THE MATTER CAME UP BEFORE THE WISE, THEY DECLARED, THIS⁴ WAS OUR ORDER OF PROCEDURE ONLY AT THE EASTERN GATES AND ON THE TEMPLE MOUNT.⁵

ON THE FIRST THREE [RAIN]⁶ FASTS THE MEN OF THE MISHMAR⁷ FAST BUT DO NOT COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB⁸ DO NOT FAST AT ALL. ON THE SECOND THREE [RAIN FASTS]⁹ THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST; ON THE LAST SEVEN⁹ BOTH FAST AND COMPLETE THEIR FAST; THIS IS THE OPINION OF R. JOSHUA. THE SAGES, HOWEVER, SAY: ON THE FIRST THREE FASTS NEITHER FAST AT ALL, ON THE SECOND THREE, THE MEN OF THE MISHMAR FAST AND DO NOT COMPLETE THEIR FAST; BUT THE MEN OF THE BETH-AB DO NOT FAST AT ALL; ON THE LAST SEVEN, THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST.

THE MEN OF THE MISHMAR ARE PERMITTED TO DRINK WINE IN THE EVENINGS BUT NOT DURING THE DAY,¹⁰ BUT THE MEN OF THE BETH-AB MAY NOT [DRINK WINE] EITHER ON THE DAY OR ON THE PRECEDING EVENING. BOTH THE MEN OF THE MISHMAR AND THE MEN OF THE MA'AMAD¹¹ MAY NOT CUT THEIR HAIR NOR WASH THEIR CLOTHES, BUT ON A THURSDAY THEY MAY IN HONOUR OF THE SABBATH.

THE RESTRICTION AGAINST MOURNING ON THE DAYS ENUMERATED IN THE SCROLL OF FASTS¹² APPLIES EQUALLY TO THE PRECEDING DAY BUT NOT TO THE

DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN [TO MOURN] BOTH ON THE PRECEDING DAY AND) THE DAY FOLLOWING. AS FOR FASTING IT IS PERMITTED ON THE PRECEDING DAY AND ON THE DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN ON THE PRECEDING DAY BUT PERMITTED ON THE DAY FOLLOWING.

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST TO COMMENCE ON A THURSDAY IN ORDER NOT TO CAUSE A RISE IN THE MARKET PRICES. HENCE THE FIRST THREE FASTS ARE HELD [IN THIS ORDER], MONDAY, THURSDAY, AND MONDAY; THE SECOND THREE, THURSDAY, MONDAY, AND THURSDAY; R. JOSE SAYS: JUST AS THE FIRST THREE [FASTS] SHOULD NOT COMMENCE ON A THURSDAY SO TOO NEITHER THE SECOND [THREE] NOR THE LAST [SEVEN].

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST ON NEW MOON, ON HANUKKAH, OR ON PURIM, BUT IF THEY HAD ALREADY BEGUN [A SERIES OF FASTS AND ONE OF THESE FESTIVE DAYS INTERVENED] THEY DO NOT INTERRUPT [THEIR FASTS]; THIS IS THE OPINION OF RABBAN GAMALIEL. R. MEIR SAID: EVEN THOUGH R. GAMALIEL IS OF THE OPINION THAT THE [FASTS] SHOULD NOT BE INTERRUPTED HE YET AGREES THAT THEY SHOULD NOT COMPLETE THEIR FASTS. AND THE SAME APPLIES TO THE NINTH OF AB SHOULD IT FALL ON A FRIDAY.

GEMARA. WHAT IS THE ORDER [OF SERVICES] FOR FAST DAYS? THE ARK IS TAKEN out etc. Does all this apply to the first six fasts? If so, is there not a contradiction raised against this? [For it has been taught]: On the first three and also on the second three [fasts] they enter the synagogue and pray there in the same way as they pray all the year round, but on the last seven the Ark is taken to the open space of the city and ashes are placed on the Ark and also upon the head of the Ab-Beth-din, and everyone else puts ashes upon his own head. R. Nathan says: They take wood-ashes!¹³ — R. Papa replied: Our Mishnah also refers to the last seven fasts.

AND ON THE HEAD OF THE NASI: And afterwards [the Mishnah] states, EVERYONE ELSE PUTS ASHES UPON HIS OWN HEAD. But is it so? Has it not been taught: Rabbi says: Where it is a case of doing honour we begin at the most distinguished, but where it is a case of censuring we begin at the least important; as it is said, And Moses said unto Aaron, and unto Eleazar and unto Ithamar;¹⁴ but where it is a case of censuring we begin at the least important, (for a Master said:) First the serpent was cursed, and afterwards Eve and [only] then Adam?—Here [in our Mishnah] it is also a case of doing honour, because [by this act] the people convey to them¹⁵ [the thought] you are worthy to entreat for mercy on behalf of us all.

EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD: R. Adda said: Seeing that everyone else puts the ashes on his own head let also the Nasi and the Ab-Beth-din themselves take ashes and place them on their own heads! Why should someone else take ashes and put them on their head? — R. Aba of Caesarea replied: To humiliate oneself is not the same as being humiliated by others.

(1) [But the response, Blessed be the Name of the Glorious Kingdom for ever, (Me'iri) v. infra p. 77. For other interpretations v. D.S. a.l. Var. lec. 'and they answered, Amen'; v. note 5].

(2) A single long blast, V. Glos.

(3) A series of brief blasts in quick succession as for alarm. V. Glos.

(4) [The response, 'Blessed be the Name etc.', v. preceding note. On the reading 'they answered, Amen', the reference is to the custom of the synagogue attendant to call upon the priests to blow and the reader to recite the formula 'He who answered' after the conclusion of the Benediction. V. Me'iri. For other interpretations v. D.S. loc. cit.]

(5) [Var. lec. At the Eastern Gate. Others again omit: 'and on the Temple Mount' which in the context is difficult to explain. The Eastern Gate was 'the brass gate situated in the inner space of the Temple towards the East'. V. Buchler, Types p. 207.]

(6) V. supra 10a.

(7) Term applied to each of the twenty-four divisions of priests (and Levites) who did one week's duty in the Temple every half year. V. infra.

(8) Each Mishmar was subdivided into seven sections (בתי אבות) each detailed for duty on one day of the week, v. loc. cit.

(9) V. supra 12b.

(10) This is a general law without any reference to the rain fasts.

(11) A division of lay Israelites in attendance on the regular daily offerings v. Glos. and infra 20a.

(12) V. supra p. 45.

(13) [MS.M. omits: 'and also upon the head... wood ashes', these words being unnecessary in this connection.]

(14) Lev. X, 6. (3) [The brackets appear also in the original; these words being apparently superfluous, they are omitted in MS.M.]

(15) To the Nasi and Ab-Beth-din.

Talmud - Mas. Ta'anith 16a

And where [on the head] does he put [the ashes]?-R. Isaac said: On the place of the phylacteries, as it is said, To appoint unto them that mourn in Zion, to give unto them a garland for ashes.¹ (Mnemonic: open space, Ark, sackcloth, wood-ashes, dust, cemetery, Moriah.)

Why do they go out to the open space [of the city]?-R. Hiyya b. Abba said: In order to express thereby [the idea], We have prayed in private but we have not been answered; we will [therefore] humiliate ourselves in public. Resh Lakish said: We have exiled ourselves [from the House of God] may our exile atone for us. What is the difference between the two explanations? — The difference is when they move from one synagogue to another.²

And why do they take out the Ark to the open space of the city? — R. Joshua b. Levi said: In order to express thereby [the idea], We had a vessel which we kept hidden and now because of our sins it has been rendered common.

And why do they clothe themselves in sackcloth? — R. Hiyya b. Abba said: In order to express thereby [the idea], We consider ourselves animals³ [before God].

And why do they place wood-ashes upon the Ark? — R. Judah b. Pazzi said: As if to say, I will be with him in trouble.⁴ Resh Lakish said: [As if to say] In all their afflictions He was afflicted.⁵ R. Zera said: When I first saw the rabbis placing wood-ashes on the Ark my whole body shook.

And why does everyone else put ashes on his head? — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are merely like ashes before Thee; and the other says: That [God] may remember for our sake the ashes of Isaac.⁶ What is the difference between them? — The difference is with regard to [the use of] ordinary dust.⁷

Why do they go to the cemetery? — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are as the dead before Thee; and the other says: In order that the dead should intercede for mercy on our behalf. What is the difference between them? — The difference is with regard to going to the cemetery of Gentiles.⁸ What is [the meaning of] 'Mount Moriah'?⁹ — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina.¹⁰ [One says] because from this mountain instruction went forth unto Israel;¹¹ and the other says: Because it is the mountain whence fear¹² came upon the heathens.

THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION. Our Rabbis have taught: If there is an elder present he addresses them; if not, then a scholar addresses

them; and if there is no scholar present then a distinguished looking man addresses them. Does the term ‘elder’ here used denote one who is not a scholar? — Abaye replied: This is what is meant: If there is present an elder who is also a scholar then he addresses them, and if not, then a [younger] scholar addresses them, and if not, a distinguished looking man addresses them. [And this is what he says], ‘Our brethren, neither sackcloth nor fastings are effective but only penitence and good deeds, for we find that of the men of Nineveh Scripture does not say, And God saw their sackcloth and their fasting, but, God saw their works that they turned from their evil way.’

But let them be covered with sackcloth, both man and beast.¹³ How did they act? — They separated the animals from their young and they said, Master of the Universe, if Thou wilt not have mercy upon us we will not show mercy to these.

And let them cry mightily unto God.¹⁴ What did they say? — They said, Master of the Universe, If one is submissive and the other is not, if one is righteous and the other is not, who of them should yield?¹⁵

Let them turn everyone from his evil way and from the violence that is in their hands.¹⁶ What is the meaning of, ‘From the violence that is in their hands’? — Samuel said: Even if one had stolen a beam and built it into his castle he should raze the entire castle to the ground and return the beam to its owner.

R. Adda b. Ahaba said: One who has sinned and confesses his sin but does not repent may be compared to a man holding a dead reptile in his hand, for although he may immerse himself in all the waters of the world his immersion is of no avail unto him; but if he throws it away from his hand then as soon as he immerses himself in forty se'ahs of water,¹⁷ immediately his immersion becomes effective, as it is said, But whoso confesseth and forsaketh them shall obtain mercy.¹⁸ And it is further said, Let us lift up our heart with our hands unto God in the heavens.¹⁹

WHEN THEY STAND UP TO PRAY THEY PLACE BEFORE THE ARK [AS READER] AN OLD MAN etc. Our Rabbis have taught: When they stand up to pray, although there may be present an elder and a scholar, they place before the Ark [as Reader] only a man conversant with the prayers. (Who is considered conversant with prayers)?²⁰ — R. Judah says: One having a large family²¹ and has no means of support, and who draws his subsistence from [the produce of] the field,²² and whose house is empty, whose youth was unblemished, who is meek and is acceptable to the people; who is skilled in chanting, who has a pleasant voice, and possesses a thorough knowledge of the Torah, the Prophets and the Hagiographa, of the Midrash, Halachoth and Aggadot and of all the Benedictions. Thereupon the Rabbis gazed on R. Isaac b. Ammi.²³

(1) Isa. LXI, 3. The Gemara takes the word פאר, garland, to refer to the phylacteries. So Ber. 11a in interpreting Ezek. XXIV, 17.

(2) This would constitute an ‘exile’ but not a humiliation.

(3) Because sackcloth is woven of the hair of animals (Rashi).

(4) Ps. XCI, 15.

(5) Isa. LXIII, 9. The thought implied is that though God punishes people He yet does not fail to have sympathy with them.

(6) This refers to the sacrifice of Isaac. Cf. Gen. XXII.

(7) For humiliation ordinary dust or earth could be used, but for recalling the sacrifice of Isaac only ashes would do.

(8) In the former case any cemetery would be used but in the latter case only a Jewish cemetery.

(9) The mount on which the Temple was built.

(10) The difference of opinion between R. Levi and R. Hama b. Hanina also in the matter accounts for the inclusion here of this passage.

(11) Taking מוריה from ירה ‘to teach’. [The Sanhedrin from which proceeded all legislation governing the life of the

people had its seat in the Temple Mount.]

(12) II Chron. III, 1. Taking מוריה from ירא, 'to fear'. [Either (a) fear for Israel (Rashi); or (b) reverence for God.]

(13) Jonah III, 8.

(14) Ibid.

(15) Man cannot force God to yield to him. God should, however, in his great loving-kindness yield to the prayer of a man who humiliates himself before him.

(16) Jonah III, 8.

(17) The minimum requirement for ritual immersion.

(18) Prov. XXVIII, 13.

(19) Lam. III, 41.

(20) [The bracketed words appear in brackets also in the original. The statement of R. Judah that follows is hardly relevant as a definition of 'one conversant with prayers'. The words are omitted in MS.M.]

(21) מטופל, lit., 'burdened'; var. lec. מטפל 'engages himself in work', 'labours away'.]

(22) [And thus depends for his livelihood on rain. This will make him pray with more devotion for the acceptance of his prayers].

(23) As one whom the description befits.

Talmud - Mas. Ta'anith 16b

Is not one having a large family with no means of support the same as one whose house is empty? — R. Hisda replied: The latter refers to a man whose house is free from sin.¹

Whose youth was unblemished. Abaye said: This is one against whom no evil reputation had gone forth in his youth.

My heritage is become unto to Me as a lion in the forest; she hath uttered her voice against Me; therefore have I hated her.² What is the meaning of, 'She hath uttered her voice against Me'? — Mar Zutra b. Tobiah said in the name of Rab, some say R. Hama said in the name of R. Eleazar: This refers to an unfit person who steps down before the Ark [to act] as Reader.

AND HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY TO WHICH HE ADDS SIX MORE. Are there only six? Are they not actually seven, as we have learnt: THE SEVENTH [BENEDICTION] HE CONCLUDES WITH BLESSED BE HE WHO HAS MERCY UPON THE EARTH! — R. Nahman b. Isaac replied: [Do you know] which is THE SEVENTH? it is the seventh of the longer benedictions.³ As it has been taught: [The benediction], 'Who redeemest Israel,' is prolonged and at its conclusion [the Reader] adds, He who answered Abraham on Mt. Moriah, He shall answer you and hearken this day unto the voice of your cry. Blessed art Thou who redeemest Israel, and the congregation respond, Amen. The synagogue attendant⁴ calls out unto them, 'Blow a Teru'ah, ye children of Aaron, blow a Teru'ah, and [the Reader] resumes with, 'He who answered our fathers at the Red Sea, He shall answer you and hearken this day to the cry of your voice. Blessed art Thou O Lord who rememberest forgotten things'; and the congregation responds, Amen. The synagogue attendant calls out, Sound a Teru'ah, O ye children of Aaron, sound a Teru'ah. And likewise [he does] with the other benedictions, at one he calls out, sound a Teki'ah, and another, sound a Teru'ah. The order of service⁵ [in which the congregation responds, Amen] holds good for the country generally but not for the Temple, because the response, Amen' is not made use of in the Temple.⁶ And whence can it be adduced that the response, Amen, was not made use of in the Temple? — For it is said, Stand up and bless the Lord your God from everlasting to everlasting; and let them say: Blessed be Thy glorious Name, that is exalted above all blessing and praise.⁷ You might have thought that there shall be only one form, of praise after all Benedictions, therefore the text adds, 'Exalted above all blessing and praise'; that is to say, Give him 'praise' after every blessing. 'What then was said in the Temple? Blessed be the Lord God, the God of Israel, from everlasting to everlasting. Blessed art Thou who redeemest Israel;

and the congregation respond, Blessed be the name of his glorious kingdom for ever and ever.⁸ The synagogue attendant calls out unto them, Blow a Teki'ah, O Priests, sons of Aaron, blow a Teki'ah, and [the Reader] resumes with, he who answered Abraham on Mt. Moriah, He will answer you and hearken to the voice of your cry. Blessed art Thou, O Lord God of Israel, who remembers forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teru'ah, O Priests, children of Aaron, sound a Teru'ah etc. And likewise [he does] with the other benedictions; at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until he completes them all. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When however the matter came to the notice of the Sages they declared that this custom was observed only at the eastern gates and on the Temple mount.

Some report [the passage just cited] in the form taught in the following Baraitha: [The Reader] recites before them twenty-four benedictions; the eighteen recited daily, to which he adds six more. 'Where are those six included? Between the benedictions for redemption and Healing the Sick,⁹ the latter benediction being prolonged and the congregation respond, 'Amen', after every benediction. This was the custom in the country generally, but in the Temple they said, Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou O Lord who redeemest Israel and there was no response, 'Amen', after it. And why all this [long response]? Because it was not customary to respond 'Amen', in the Temple. And whence can it be adduced that they did not respond, 'Amen', in the Temple? For it is said, 'Stand up and bless the Lord your God from everlasting to everlasting, and let them say: Blessed be Thy glorious name that is exalted above all blessing and praise'; that is to say, Give Him praise after every benediction.

Our Rabbis have taught: When concluding the first benediction he says: Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou who redeemest Israel. And the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teki'ah, Priests, Sound a Teki'ah, and [the Reader] then resumes, He who answered Abraham on Mt. Moriah, He will answer you and hearken this day to the voice of your cry. And they blow a Teki'uh and sound a Teru'ah, and blow a Teki'ah [again]. When concluding the second benediction he says: Blessed be the Lord God, the God of Israel from everlasting to everlasting. Blessed art Thou who rememberest forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant then calls out, Sound a Teru'ah, children of Aaron, sound a Teru'ah, and the reader resumes, He who answered our fathers at the Red Sea, He will answer you and hearken this day to the voice of your cry. They then sound a Teru'ah and blow a Teki'ah and sound a Teru'ah [again]; and likewise he [does] after every benediction, at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until all the benedictions are concluded. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When, however, the matter was brought to the notice of the Sages, they declared that this custom was observed only at the eastern gate and on the Temple mount.

R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH etc.: Said R. Adda of Joppa; what may be R. Judah's reason? Because Zikronoth and Shofaroth are recited only on New Year

(1) He has no stolen goods or any property acquired by dishonest means (Rashi).

(2) Jer. XII, 8.

(3) [לארובות] (so R. Hananel, R. Gershom and MS. M.). The seventh benediction of the daily Tefillah ending in, 'Who redeemest Israel' (גואל ישראל) was on rain fasts increased by the addition of the formula, 'He who answered etc.' inserted before its conclusion. After this followed the six additional special benedictions as described in the Mishnah thus making a total of seven long benedictions. On the reading לארובה of cur. edd. render the seventh

from the seventh lengthened benediction (of the daily Tefillah)] .

(4) [Hazzan. There is no certainty either in regard to the original function or rank of the Hazzan; v. Sot., Sonc. ed. p. 202, n. 4.]

(5) Lit., 'in what are these said'.

(6) [No satisfactory reason has so far been given for this regulation. Graetz, MGWJ 1872 pp. 492ff suggests that this does not mean that the response, Amen, was not allowed in the Temple, but that the solemnity of the service, heightened by the pronounciation of the Tetragrammaton as written, demanded a more extensive and impressive formula. V. also Blau, REJ. XXXIX, p. 188.]

(7) Neh. IX, 5.

(8) Cf. 'and let them say, Blessed be Thy Glorious Name etc..' cited from Neh. IX, 5.

(9) I.e., between the seventh and the eighth benedictions of the daily Tefillah.

Talmud - Mas. Ta'anith 17a

and on the [Day of Atonement of] the Jubilee year and in the time of war.¹ THE FIRST HE CONCLUDES WITH, HE WHO ANSWERED ABRAHAM etc.: A Tanna taught: Some reverse the order of the words and attribute 'crying' to Elijah and 'praying' to Samuel. True, of Samuel Scripture uses the words 'praying' and 'crying'.² but of Elijah Scripture uses only [the word] 'praying' but never 'crying'. [When Elijah says], Hear me, O Lord, hear me;³ that is an expression of 'crying'.

THE SIXTH HE CONCLUDES WITH, HE WHO ANSWERED JONAH etc.; THE SEVENTH HE CONCLUDES WITH, HE WHO ANSWERED DAVID etc. Let us see, Did not Jonah live after David and Solomon, why then is he placed first? — Because it was desired to conclude [the prayers] with, Blessed art Thou, O Lord who hast mercy upon the earth.⁴ A Tanna taught: It was reported in the name of Symmachos, [that the prayers were concluded] with, Blessed art Thou who humblest the proud.

ON THE FIRST THREE [RAIN] FASTS THE MEN OF THE MISHNAH FAST BUT DO NOT COMPLETE THEIR FAST etc. Our Rabbis have taught: Why have the Sages ruled that the Men of the Mishmar are permitted to drink wine by night and not by day, lest the work weigh too heavily on the men of the Beth-ab and then they will be called upon to help them; why have the Sages ruled that the men of the Beth-ab are forbidden [to drink] both by day and by night because they are continuously at work [in the Temple]. Hence the Sages have declared that any priest who can identify his Mishmar and his particular Beth-ab and who also knows definitely that the members of his Beth-ab were participating in the service of the Temple⁵ is forbidden to drink wine on the whole of that day.⁶ If, however, he can identify only his Mishmar but not his particular Beth-ab and yet he knows definitely that the members of his Beth-ab were participating in the service of the Temple, he is forbidden to drink wine the whole of that week.⁷ If he cannot identify his Mishmar nor his particular Beth-ab, but he knows definitely that the members of his Beth-ab were participating in the service of the Temple, he is forbidden to drink wine all the year round. Rabbi says: I declare [priests] should not at any time drink wine, but what can I do seeing that his misfortune turned out to be an advantage to him.⁸ Abaye said: According to whose opinion do priests drink wine? According to that of Rabbi.

BOTH THE MEN OF THE MISHMAR AND THE MEN OF THE MA'AMAD MAY NOT CUT THEIR HAIR NOR WASH THEIR CLOTHES, BUT ON A THURSDAY THEY MAY OUT OF RESPECT FOR THE SABBATH. What is the reason? — Rabbah b. Bar Hana said in the name of R. Johanan: In order that they should not enter on their week of duty in an unkempt state.

Our Rabbis have taught: A king cuts his hair every day, a high priest on the eve of every Sabbath, all ordinary priest once in thirty days. Why has a king to cut his hair every day? — R. Abba b. Zabda said: Scripture says, Thine eyes shall see the king in his beauty.⁹ Why has a high priest [to cut his hair] on the eve of every Sabbath? — R. Samuel b. Isaac said: Because the Mishmar changes every week. Whence can it be adduced that an ordinary priest [must cut his hair] once in thirty days? — It is to be adduced from the analogous use of the word *pera* in connection with the Nazirite [and the priests]. Of the priests [it is written], Neither shall they shave their heads, 'nor suffer their locks [*pera*] to grow long;¹⁰ and of the Nazirite it is written, He shall be holy. he shall let the locks of the hair of his head grow long [*pera*];¹¹ as in the case of the Nazirite the period of growing his hair is thirty days so too must it be in the case of the ordinary priest. But whence do we know this to be the requirement of the Nazirite himself? R. Mattena said: A Nazirite's unspecified [term of] vow is thirty days. Whence is this to be adduced? — Scripture uses the word *yihyeh* the numerical value of which is thirty.¹² R. Papa said to Abaye: Perhaps Scripture means [that the priests] should not let their hair grow at all? — The latter replied: Had Scripture written, 'nor suffer to grow long their locks', it

might be as you suggest, but since Scripture has written, 'Nor suffer their locks to grow long,' this implies, they may grow their hair but they may not suffer their locks to grow long. If that is so, this restriction should be valid even at the present time! — [This restriction is] on the same lines as that of the drinking of wine; just as the restriction of drinking wine applied only to the time when they might enter [the Temple]¹³ to do service, so too with regard to the restriction of letting the locks grow long. But has it not been taught: Rabbi says, I declare that [a priest] should not at any time drink wine, but what can I do, seeing that his misfortune turned out to be an advantage to him. And on this Abaye commented: At the present time according to whom do priests drink wine? According to Rabbi.

(1) .

(2) 1 Sam. VII, 5; VIII, 6: XV, 11.

(3) I Kings XVIII, 37.

(4) Earth, in the first instance refers to the land of Israel. David and Solomon were the founders of the Jewish kingdom and prayed for its welfare.

(5) [There were many of the priestly families who had been disqualified from the priesthood.]

(6) [On the particular day on which his Beth Ab was in service, as the Temple might be rebuilt and they might be called upon to serve.]

(7) [The particular week on which the Mishmar to which he belonged was in service.]

(8) The destruction of the Temple with the consequent cessation of priestly duties enables the priests to drink wine at any time.

(9) Isa. XXXIII, 17.

(10) Ezek. XLIV, 20.

(11) Num. VI, 5.

(12) יָיָיָ taken numerically, 10 + 5 + 10 + 5 + 30.

(13) I.e., so long as the Temple was in being.

Talmud - Mas. Ta'anith 17b

From this may be inferred that the Rabbis forbid [priests to drink wine], why? Perhaps the Temple may speedily be rebuilt and the need will arise for priests to do service therein and there will be none available; and so here too [in the case of letting the hair grow long] the Temple may speedily be rebuilt and the need will arise for priests fit for service and there will be none available? — [This difficulty cannot arise] here [in this latter case] since it is always possible for a priest to cut his hair and then enter [the Temple]. If that is so, then priests who are intoxicated could first sleep a little and then enter [the Temple], in accordance with the statement of Rami b. Abba who said: A mile walk or a little sleep drives away the effects of drink? — Has it not been stated in connection with this [statement]: This only holds good where a man has drunk a quarter of a log, but where he has drunk more than a quarter of a log walking renders him all the more tired, and sleep all the more drunk. R. Ashi replied: The Rabbis have decreed against those who are drunk because they profane [thereby] the service, but against those who perform the service with their hair long they did not decree because they do not [thereby] profane the service.

An objection was raised against this: The following [priests] incur the penalty of death, those who are intoxicated with wine and those whose hair has grown long. With regard to those who are intoxicated with wine, it is expressly stated, Drink no wine nor strong drink,¹ but whence do we adduce that this also applies to those who grow their hair long? For it is written, Neither shall they shave their heads, nor suffer their locks to grow long,² and the next verse states, Neither shall any priest drink wine when they enter into the inner court; thus, those who grow their hair long are likened to those who are drunk with wine, just as those who are drunk with wine incur the penalty of death so too those who grow their locks long. Now can we not carry the comparison even further [and say] that just as those who are drunk with wine profane the service, so too should those who

grow their hair long profane the service?³ — (No; [the two] are likened only with regard to the penalty of death but not with regard to the rendering of the service profane).⁴

Rabina asked R. Ashi:⁵ Who taught it⁶ before Ezekiel's time? — He replied: And according to your reasoning how will you explain the statement of R. Hisda, who said: The rule forbidding an uncircumcised priest⁷ to do service we have learnt not from the Law of Moses but from the prophets [where it is written], No alien uncircumcised in heart and uncircumcised in flesh, shall enter My sanctuary.⁸ But who stated it? It must therefore [be assumed] that it was a tradition and then Ezekiel came and gave it a Scriptural basis. Here too [of long hair profaning the service] there was a tradition and then Ezekiel came and gave it a Scriptural basis. (The tradition was with regard to the death penalty only but not with regard to the profaning of the service).⁹

THE RESTRICTION AGAINST MOURNING ON THE DAYS ENUMERATED IN THE SCROLL OF FASTS APPLIES TO THE PRECEDING DAY BUT NOT TO THE DAY FOLLOWING. Our Rabbis have taught:¹⁰ These are the days on which fasting is not permissible, and on some of them mourning also is forbidden. From the New Moon of Nisan until the eighth of the month mourning is not permissible because the Daily offering was established;¹¹ from the eighth day of the same month until the end of the festival [of Passover] mourning is not permissible since the date of the observance of the Feast of Weeks was then definitely fixed.¹²

The Master said: From the New Moon of Nisan until the eighth of the month mourning is not permissible because the Daily offering was established. Why does it state, 'from the New Moon'? Let it state from the second of Nisan and as New Moon itself is a festive day mourning is in any case forbidden thereon! — Rab replied: This is necessary in order to extend the restriction to the preceding day. But should not the restriction in any case apply to it seeing that it is the day before New Moon? — New Moon is a biblical ordinance, and a biblical ordinance needs no [additional] strengthening. For it has been taught: Mourning is forbidden before and after the days enumerated in the Megillath Ta'anith; as for Sabbaths and Festivals mourning is forbidden on the day before their incidence but not after their incidence. Why this differentiation between the two? The latter are biblical ordinances and need no [additional] strengthening, but the former are ordinances of the Soferim and ordinances of the Soferim need [additional] strengthening.

The Master said: 'From the eighth of the same month until the end of the festival [Passover] mourning is not permissible since the date of the observance of the Feast of Weeks was then definitely fixed.' Why does it state, 'until the end of the festival'? Let it state 'until the festival' and the festival itself being a holiday will ipso facto be a forbidden period for mourning? — R. Papa replied: [The answer is] as Rab who said: This was necessary

(1) Lev. X, 9.

(2) Ezek. XLIV, 20.

(3) This is in opposition to R. Ashi who holds that priests with long hair do not profane the service.

(4) [The bracketed words, which appear in brackets also in the original, stand in contradiction to the parallel passage in Sanh. 22b and are omitted in MS.M.; v. Sanh., Sonc., ed., pp. 127-8 and notes.]

(5) [MS.M.: 'said R. Ashi to Rabina' on which reading what follows is R. Ashi's reply to the objection cited against him; v. p. 84, n. 1.]

(6) That those who perform service with long hair are punishable by death.

(7) Cf. Zeb. 18b.

(8) Ezek. XLIV, 9.

(9) [These bracketed words, bracketed also in the original, are omitted in MS.M. and are difficult to explain in this context. Accepting, however, the reading of MS.M. cited supra p. 83, n. 5, these words conclude R. Ashi's argument which runs thus: Since Ezekiel merely provides here a basis for laws that are essentially based on tradition, there is no warrant for the suggested analogy between intoxicated priests and those with long hair. While the former do profane the

service, there is no tradition for this to apply to the latter.]

(10) V. Megillath Ta'anith.

(11) A dispute lasting from the first to the eighth day of Nisan took place between the Pharisees and the Sadducees with regard to the Daily offering (Num. XXVIII, 3). The Pharisees were of the opinion that it could be brought only out of public funds (i.e., from the Temple treasury) and the Sadducees maintained it might also be defrayed by private funds. The Pharisees gained the day. V. Megillath Ta'anith, ch. 1; Men. 65a.

(12) There was also a dispute between the Pharisees and Sadducees with regard to the fixing of the date of Pentecost. The dispute turned on the interpretation of the words **ממחרת השבת** (Lev. XXIII, 15). The Pharisees took the view that the 'Omer had to be brought on the second day of Passover, while the Sadducees maintained that these words meant the morrow of the first Sabbath of the Passover week and from that day forty-nine days had to be counted to Pentecost. V. Megillath Ta'anith, ch. 1; Men. 65a.

Talmud - Mas. Ta'anith 18a

in order to extend the restriction to the preceding day, so here also it was necessary in order to extend the restriction to the following day. With whose view will this agree? Is it with that of R. Jose,¹ who declared that the restriction applies equally to the day before and the day after it? If so, with regard to the twenty-ninth Adar, why need you base your restriction on the ground that it is the day before the Daily offering was established;² deduce it rather from the fact that it is the day after the twenty-eighth concerning which it has been taught: On the twenty-eighth of the month [Adar] the good news reached the Jews that they were no longer to be kept back from the study of the Torah.³ For once it was decreed that the Jews should not occupy themselves with the study of the Torah nor circumcise their children and that they should desecrate the Sabbath. What did Judah b. Shammua' and his colleagues do? They went and took counsel with a Roman Matron with whom all the prominent Romans were wont to associate. She advised them, 'Arise and raise an alarm by night'. They went and raised the alarm by night thus, 'O ye heavens, are we not your brethren? Are we not the children of one Father? Are we not the children of one mother? Wherein are we different from every other nation and tongue that ye make harsh decrees against us?' Thereupon the decrees were annulled and that day was declared a festive day!⁴ -Abaye replied: It was necessary to state the restriction in this way in order to cover the case of a full month [where Adar has thirty days].⁵ R. Ashi said: The same would be the case even when the month [of Adar] is deficient,⁶ because on a day following on a festive day fasting alone is forbidden but mourning is permissible; but as for this day [the twenty-ninth Adar] seeing that it is placed between two festive days it was considered as if it were a festive day itself, and therefore mourning too was forbidden thereon.

The Master said: 'From the eighth day of the month until the end of the festival mourning is forbidden since then the date of the observance of the Feast of Weeks was definitely fixed.' Why does he say, 'from the eighth of the same month'? Let him say, 'from the ninth of the same month' and the eighth day would ipso facto be forbidden because it is the day on which the Daily offering was established?⁷ — The reason why it is stated 'the eighth day' is this, should it ever come to pass that the seven festive days be abolished,⁸ even then on the eighth day it would still be forbidden to mourn, because it is the first day on which the date of the Feast of Weeks was definitely fixed. Now that you have arrived at this conclusion the same will apply also to the twenty-ninth Adar because should it ever come to pass that the twenty-eighth Adar be abolished as a festive day, even then the twenty-ninth would be forbidden seeing that it is the day before the Daily offering was established.

It has been taught: R. Hiyya b. Asi said in the name of Rab, the halachah is in accordance with the view of R. Jose.⁹ Samuel said, The halachah is in accordance with the view of R. Meir.¹⁰ But did Samuel actually say so? Has it not been taught: R. Simeon b. Gamaliel said: Why does the text [in the Scroll of Fasts] repeat the word 'behon' [on them] twice?¹¹ This is to teach you that the restriction applies to these days but not to the days immediately preceding or following the days enumerated in the Scroll of Fasts. On which Samuel's comment was that the halachah is in

accordance with the view of R. Simeon b. Gamaliel! — At first he thought that as there was no other authority who took a lenient view as R. Meir did he decided that the halachah was according to R. Meir, but when he heard that Rabbi Simeon took an even more lenient view he decided that the halachah was according to R. Simeon b. Gamaliel. And so too said Bali in the name of R. Hiyya b. Abba, in the name of R. Johanan: The halachah is according to R. Jose. Thereupon R. Hiyya said to Bali: I will explain to you that when R. Johanan said that the halachah was in accordance with R. Jose, he meant only with regard to the prohibition of fasting.¹² But did R. Johanan actually say so? Did not R. Johanan say that the halachah is in accordance with the anonymous opinion of a Mishnah,¹³ and it has been learnt: Although the Rabbis said that [the Megillah of Esther] could be read earlier¹⁴ but not later, yet

(1) In our Mishnah.

(2) I.e., the first of Nisan, v. supra.

(3) R.H. 19a; cf. Megillath Ta'anith, ch. 12.

(4) For notes v. R.H., Sonc. ed. 19a. Why then state that the restriction on the twenty-ninth Adar was due to the matter of the Tamid.

(5) In that case the thirtieth Adar would be the last day of the month and it could only be included in the restriction on the ground that it precedes the first Nisan and not that it follows the twenty-ninth Adar, seeing that a day (the twenty-eighth) intervenes.

(6) I.e., it has twenty-nine days.

(7) I.e., one of the eight festive days.

(8) Because of some misfortune that befalls Israel and it would be necessary to fast on these days.

(9) Who holds that the restriction applies both to the day before and the day after the festive days.

(10) Who holds that the restriction applies only to the day following the festive day but not to the day before it. This view is anonymously stated in the Mishnah and in accordance with the accepted tradition that every anonymous statement in the Mishnah goes back to R. Meir. Hence the statement in our Mishnah is taken, to be the view of R. Meir.

(11) In the introductory sentence cited supra p. 84.

(12) But not mourning.

(13) I.e., R. Meir.

(14) Than the fourteenth and fifteenth days of Adar.

Talmud - Mas. Ta'anith 18b

mourning and fasting are permitted.¹ Now to what does this apply? Shall we say that it applies to those [who should read the Megillah] on the fifteenth [Adar] and they read it on the fourteenth? Is then mourning permissible [for them on that day]?² Is it not written in the Scroll of Fasts, 'The fourteenth day and the fifteenth day [of Adar] are the days of Purim and no mourning is permissible thereon,' and Raba's comment on this was: It was necessary [to mention both these dates] in order to make it clear that what was forbidden on the one day was equally forbidden on the other! Again, should it refer to [those who should read the Megillah] on the fourteenth and they read it on the thirteenth [Adar];³ [the question arises] that is Nicanor's Day.⁴ Or again, if it refers to those [who should read it] on the fourteenth and read it on the twelfth? But then that is Trajan's Day!⁵ Hence it can only have reference [to those who should read it on] the fourteenth and they read it on the eleventh, and yet it is stated that mourning and fasting are permitted thereon!⁶ — No; it has reference to those who should read it on the fourteenth and they read it on the twelfth, and as to your objection that it is Trajan's Day, this [festive] day was subsequently abolished because Shemaiah and his brother Ahijah⁷ were killed thereon. Thus R. Nahman once ordained a public fast for the twelfth of Adar and the Rabbis objected to this because it was Trajan's Day. Thereupon R. Nahman replied: This [festive] day has been abolished because Shemaiah and his brother Ahijah were killed thereon. Let, however, the restrictions [aforementioned] remain valid for the day seeing that it is the day before Nicanor's Day? — R. Ashi replied: If the festive character of the day had been once abolished [is it then feasible] that fasting should be forbidden thereon because it is the day before Nicanor's

Day?

What is Nicanor's Day? And what is Trajan's Day? It has been taught: Nicanor was one of the Greek generals; every day he waved his hand against Judah and Jerusalem and exclaimed, 'When shall it fall into my hands that I may trample upon it?' But when the Hasmonean Rulers proved victorious and triumphed over him they cut off his thumbs and his great toes and suspended them from, the gates of Jerusalem, as if to say of the mouth that spake arrogantly, of the hands that were waved against Jerusalem, May vengeance be exacted.

What is Trajan's [Day]?⁸ It was said: When Trajan⁹ was about to execute Lulianus and his brother Pappus in Laodicea [Lydia] he said to them, 'If you are of the people of Hananiah, Mishael and Azariah, let your God come and deliver you from my hands, in the same way as he delivered Hananiah, Mishael and Azariah from the hands of Nebuchadnezzar; and to this they replied: 'Hananiah, Mishael and Azariah were perfectly righteous men and they merited that a miracle should be wrought for them, and Nebuchadnezzar also was a king worthy for a miracle to be wrought through him, but as for you, you are a common and wicked man and are not worthy that a miracle be wrought through you; and as for us, we have deserved of the Omnipresent that we should die, and if you will not kill us, the Omnipresent has many other agents of death. The Omnipresent has in His world many bears and lions who can attack us and kill us; the only reason why the Holy One, blessed be He, has handed us over into your hand is that at some future time He may exact punishment of you for our blood'. Despite this he killed them. It is reported that hardly had they moved from there when two officials¹⁰ arrived from Rome and split his skull with clubs.

WE DO NOT ORDAIN UPON THE COMMUNITY FASTS TO COMMENCE ON A THURSDAY etc.; WE DO NOT ORDAIN UPON THE COMMUNITY A FAST ON NEW MOON etc. What constitutes a beginning?¹¹ — R. Aha said: Three fasts. R. Assi said: One. Rab Judah said in the name of Rab: The view [that one should not complete the fast] is in accordance with R. Meir who reported it in the name of R. Simeon b. Gamaliel, but the Sages say: He should complete the fast. Mar Zutra expounded in the name of R. Huna: The halachah is, one should complete the fast.

CHAPTER III

MISHNAH. THE ORDER OF PUBLIC FASTS AFOREMENTIONED IS OBSERVED ONLY IN CONNECTION WITH [THE WITHHOLDING OF] THE FIRST RAIN,¹² BUT IF THE CROPS HAVE UNDERGONE [AN UNUSUAL] CHANGE THE ALARM IS SOUNDED AT ONCE. THE SAME TOO IS DONE IF FORTY DAYS ELAPSED BETWEEN THE FIRST AND THE SECOND RAINFALL¹³ BECAUSE IT IS THEN A PLAGUE DUE TO DROUGHT. IF [RAIN] FALLS FOR CROPS BUT NOT FOR THE TREES, FOR THE TREES BUT NOT FOR CROPS, FOR BOTH OF THESE BUT NOT FOR CISTERNS, DITCHES AND CAVES THE ALARM IS SOUNDED AT ONCE. AND SO TOO IF NO RAIN FALLS UPON A PARTICULAR CITY, AS IT IS WRITTEN, AND I CAUSED IT TO RAIN UPON ONE CITY, AND CAUSED IT NOT TO RAIN UPON ANOTHER CITY; ONE PIECE WAS RAINED UPON ETC.¹⁴

(1) On the days on which the Megillah is read earlier, v. Meg. 5a.

(2) On the fourteenth.

(3) Cf. Megillah I, 2.

(4) V. infra, that on which fasting is in any case forbidden.

(5) V. infra.

(6) But it is the day before Trajan's Day and according to R. Jose the restriction is extended to it. How can then mourning and fasting be permissible thereon? How could then R. Johanan declare that the halachah is according to R. Jose?

(7) [Identified with Julianus and Pappus, the martyrs of Lydia mentioned infra v. Aruch s.v. **הרג**].

(8) [The victory of Judas Maccabeus over Nicanor is mentioned in I Maccabees as the occasion for making the thirteenth

of Adar a holiday. This was in 161 B.C.E. V. Zeitlin, Megillat Ta'anit, p. 82.]

(9) **טוריינום** The identification of this name with Trajan is disputed, particularly as Trajan is known to have died a natural death. It is suggested that this reference here is to Trajan's General, Lusius Quietus, who was executed by Trajan (Schurer I, 660 n. 62). Nothing can however as yet be said with certainty. V. HUCA, Lichtenstein Die Fastenrolle, p. 273.]

(10) **דייפלי** So Rashi. [Aliter: GR. ** = GR. ** 'dispatch'].

(11) So that the fasts that have been begun should not be interrupted.

(12) **רביעה ראשונה** The first of the fructification (**רביעה**) rain that is expected to begin in the month of Marcheshvan, v. supra p. 20, n. 7 and Gemara.

(13) V. supra 6a.

(14) Amos IV, 7.

Talmud - Mas. Ta'anith 19a

IN SUCH A CASE THAT CITY FASTS AND SOUNDS THE ALARM, BUT THOSE [IN THE PLACES] AROUND IT FAST BUT DO NOT SOUND THE ALARM. R. AKIBA SAYS: THEY SOUND THE ALARM BUT DO NOT FAST. AND SO TOO IF A PLAGUE RAGES IN A CITY OR [ITS BUILDINGS] COLLAPSE¹ THEN THAT CITY FASTS AND SOUNDS THE ALARM, BUT THE PEOPLE [IN THE PLACES] AROUND IT FAST BUT DO NOT SOUND THE ALARM. R. AKIBA SAYS: THEY SOUND THE ALARM BUT DO NOT FAST. WHAT CONSTITUTES A PLAGUE? IF IN A CITY THAT CAN SUPPLY FIVE HUNDRED FOOT-SOLDIERS THREE DEATHS TAKE PLACE ON THREE CONSECUTIVE DAYS, THIS CONSTITUTES A PLAGUE; LESS THAN THIS IS NO PLAGUE.

THE ALARM IS SOUNDED EVERYWHERE ON ACCOUNT OF THE FOLLOWING [VISITATIONS]: BLAST, MILDEW, LOCUST, CRICKET, WILD BEASTS AND THE SWORD, AS THEY ARE ALL PLAGUES LIKELY TO SPREAD. IT HAPPENED THAT ELDERS WENT DOWN FROM JERUSALEM TO THEIR OWN CITIES AND ORDERED A FAST BECAUSE THERE WAS OBSERVED IN ASKELON BLAST WHICH AFFECTED AS MUCH GRAIN AS WOULD FILL AN OVEN [WITH LOAVES MADE THEREOF]. THEY ALSO ORDAINED A FAST BECAUSE WOLVES DEVOURED TWO CHILDREN ON THE OTHER SIDE OF THE JORDAN; R. JOSE SAID: NOT BECAUSE THEY DEVOURED [THE CHILDREN] BUT [MERELY] BECAUSE THEY WERE SEEN.

THE ALARM IS SOUNDED ON THE SABBATH ON ACCOUNT OF THE FOLLOWING MISHAPS: IF A CITY IS BESIEGED BY HOSTILE TROOPS OR [INUNDATED BY] THE RIVER, OR IF A SHIP IS FOUNDERING ON THE SEA, R. JOSE SAYS: [THE ALARM IS SOUNDED] FOR HELP BUT NOT FOR A CALL TO PRAYERS. SIMEON THE TEMANITE SAYS: [THE ALARM IS SOUNDED] ON ACCOUNT OF PLAGUE, BUT THE SAGES DID NOT AGREE WITH HIM.

THE ALARM IS SOUNDED ON ACCOUNT OF ANY VISITATION, THAT COMES UPON THE COMMUNITY² EXCEPT ON ACCOUNT OF AN OVER-ABUNDANCE OF RAIN. IT HAPPENED THAT THE PEOPLE SAID TO HONI THE CIRCLE DRAWER, PRAY FOR RAIN TO FALL. HE REPLIED: GO AND BRING IN THE OVENS [ON WHICH YOU HAVE ROASTED] THE PASCHAL OFFERINGS SO THAT THEY DO NOT DISSOLVE.³ HE PRAYED AND NO RAIN FELL...WHAT DID HE DO? HE DREW A CIRCLE AND STOOD WITHIN IT AND EXCLAIMED, MASTER OF THE UNIVERSE, THY CHILDREN HAVE TURNED TO ME BECAUSE THEY BELIEVE ME TO BE AS A MEMBER OF THY HOUSEHOLD; I SWEAR BY THY GREAT NAME THAT I WILL NOT MOVE FROM HERE UNTIL THOU HAST MERCY UPON THY CHILDREN. RAIN THEN BEGAN TO DRIP, AND THEREUPON HE EXCLAIMED: IT IS NOT FOR THIS THAT I HAVE PRAYED BUT FOR RAIN [TO FILL]

CISTERNS, DITCHES AND CAVES. THE RAIN THEN BEGAN TO COME DOWN WITH GREAT FORCE, AND THEREUPON HE EXCLAIMED; IT IS NOT FOR THIS THAT I HAVE PRAYED BUT FOR RAIN OF BENEVOLENCE, BLESSING AND BOUNTY. RAIN THEN FELL IN THE NORMAL WAY UNTIL THE ISRAELITES IN JERUSALEM WERE COMPELLED TO GO UP [FOR SHELTER] TO THE TEMPLE MOUNT BECAUSE OF THE RAIN. THEY CAME AND SAID TO HIM: IN THE SAME WAY AS YOU HAVE PRAYED FOR [THE RAIN] TO FALL PRAY [NOW] FOR THE RAIN TO CEASE. HE REPLIED: GO AND SEE IF THE STONE OF CLAIMANTS⁴ HAS BEEN WASHED AWAY. THEREUPON SIMEON B. SHETAH SENT TO HIM [THIS MESSAGE]: WERE IT NOT THAT YOU ARE HONI I WOULD HAVE PLACED YOU UNDER THE BAN, BUT WHAT CAN I DO UNTO YOU WHO IMPORTUNE GOD AND HE ACCEDES TO YOUR REQUEST AS A SON THAT IMPORTUNES HIS FATHER AND HE ACCEDES TO HIS REQUEST; OF YOU SCRIPTURE SAYS, LET THY FATHER AND THY MOTHER BE GLAD, AND LET HER THAT BORE THEE REJOICE.⁵

IF WHILST THEY ARE FASTING RAIN FALLS, IF IT IS BEFORE SUNRISE THEY DO NOT COMPLETE THE FAST,⁶ IF AFTER SUNRISE, THEY DO COMPLETE THE FAST. R. ELIEZER SAYS: IF BEFORE NOON THEY DO NOT COMPLETE THE FAST, AFTER NOON THEY DO COMPLETE IT. IT HAPPENED THAT THE RABBIS ORDAINED A FAST IN LYDIA AND RAIN FELL BEFORE NOON. THEREUPON R. TARFON SAID TO THEM: GO, EAT AND DRINK AND OBSERVE THE DAY AS A HOLIDAY. THEY WENT AND ATE AND DRANK AND OBSERVED THE DAY AS A HOLIDAY AND AT EVENING TIME THEY CAME AND RECITED THE GREAT HALLEL.⁷

GEMARA. THE ORDER OF PUBLIC FASTS AFOREMENTIONED IS OBSERVED ONLY IN CONNECTION WITH [THE WITHHOLDING] OF THE FIRST RAIN. A contradiction was raised against this Mishnah: [If rain is withheld at the time of] the first and second rainfalls prayers are offered; if at the third rainfall, fasts are observed!⁸ Rab Judah replied: The Mishnah means this: The order of fasts aforementioned is observed only when the time for the first, second and third fructification rainfalls has passed and no rain fell, but if rain fell at the time for the first fructification rainfall and they sowed but nothing sprouted forth, or if the [plants] did sprout forth but they had undergone an unusual change the alarm is sounded at once.⁹

R. Nahman said: Only when they had undergone an unusual change, but not if they merely withered away. Is not this self-evident? We clearly learned, HAVE UNDERGONE A CHANGE[R. Nahman's statement] is needed to cover the case of seeds that have already shot up into stalks. You might have thought that this is a sign of recovery, he therefore informs us [that it is not].

THE SAME TOO IS DONE IF FORTY DAYS ELAPSED BETWEEN THE FIRST AND THE SECOND RAINFALLS AND NO RAIN FELL etc. What is the nature of the plague of drought? Rab Judah said in the name of Rab: A plague which leads to scarcity. R. Nahman said: When [grain] has to be transported by river

(1) If the collapse is caused by an earth-quake or by some other extraordinary natural phenomena.

(2) [Aliter: 'that may not come etc.' a euphemism for 'that may come etc.']

(3) These ovens were usually made of clay and were portable.

(4) Lit., 'a stone of the losers'. A stone in Jerusalem from which announcements of property lost and found were made. (Cf. B.M. 28b where the reading is אבן הטוען 'stone of claims or claimants'). [The meaning of Honi's statement becomes clear from the parallel passage in Tosef. Ta'an. III, We are confident that God will not bring a flood upon the world according to Gen. IX, 15. It was this assurance which made it impossible for the rain to be so strong as to dissolve the stones and which should allay the fear of the anxious people.]

(5) Prov. XXIII, 25. [With this story cf. Josephus, Ant. XVI, 2,1 and v. Buchler, Types, 198ff for a fine analysis of

Honi's prayer.]

(6) Because strictly speaking the fast had not yet begun.

(7) Ps. CXXXVI. Cf. Ber. 4b.

(8) Here it is stated that fasts are ordained after these three rainfalls had failed, whereas the Mishnah says that the fasts are observed immediately after the first expected rainfalls had failed.

(9) The phrase רביעה ראשונה does not denote, as it was assumed, the first fructification rain but the whole of the former rain season (יורה) which comprises three fructification rains as stated supra 6a.

Talmud - Mas. Ta'anith 19b

[from one city to another] it is drought, but when it has to be brought [overland] from one province to another it is famine. R. Hanina said: If a se'ah of grain costs one sela' and is obtainable it is drought; but if four se'ahs cost a sela' but are not easily obtainable, then it is a famine. R. Johanan added: This holds good only when money is cheap and food dear, but if money is dear and food cheap then the alarm is sounded at once. For R. Johanan said: I remember well [the time] when four se'ahs cost one sela' and yet there were many in Tiberias swollen from hunger because there was not a coin to be had.

IF RAIN FALLS FOR CROPS BUT NOT FOR THE TREES. It is of course possible [for rainfall to be beneficial] for crops and not for the trees when [the rain] falls gently and not heavily; similarly, It can be beneficial for trees and not for crops when it falls heavily and not gently; similarly, it can be beneficial for both of them and yet not for cisterns, ditches and caves if it falls heavily and gently but yet not in great enough volume. But is it possible for rain to fall for cisterns, ditches and caves and yet not be beneficial for both of these [crops and trees] as has been taught in the Baraitha? — When the rain is torrential.

Our Rabbis have taught: The alarm [for rain] for the trees is sounded during the middle of the Passover [season],¹ and for the cisterns, ditches and caves even during² the middle of the Tabernacles [season]; and at any time should there be no water to drink the alarm is sounded at once. What is meant by 'at once'? — On the [following] Monday, Thursday and Monday. The alarm is sounded for all the aforementioned only in the particular province affected. In the case of croup the alarm is sounded only when deaths result from it, but if no deaths result the alarm is not sounded. In the case of locust the alarm is sounded no matter how small in number. R. Simeon b. Eleazar says: [The alarm is sounded] also in the case of grasshoppers.

Our Rabbis have taught: The alarm is sounded for the trees during the working years of the Sabbatical Cycle,³ but for the cisterns, ditches and caves even on the Sabbatical year. R. Simeon b. Gamaliel says: [The alarm is sounded] also for the trees during the Sabbatical year because the poor derive their livelihood from them.⁴

Another Baraitha taught: The alarm is sounded for trees during the six working years of the Sabbatical Cycle, but for the cisterns, ditches and caves even on the Sabbatical year. R. Simeon b. Gamaliel says: [The alarm is sounded] also for the trees. For what grows of itself the alarm is sounded even on the Sabbatical year because the poor derive their livelihood from them.

It has been taught: R. Eleazar b. Perata said: Ever since the day the Temple was destroyed the rains have become irregular;⁵ there are years in which rains are abundant, and there are other years when they are scanty; there are some years when the rains come in season, and there are other years when they do not. To what may be compared the years when the rains come in season? To a servant to whom his master gave his week's food allowance [in advance] on the first day of the week, with the result that the dough is baked well and eatable.⁶ To what may be compared the years when the rains do not come in season? To a servant to whom his master gave his week's food allowance on the

eve of the Sabbath with the result that his dough is not well baked⁷ and uneatable. To what may be compared the years when the rains are abundant? To a servant to whom his master gave his [year's] food allowance in one lot so that the [waste of] the mill in grinding a kor⁸ is no more than [the waste] in grinding a kab⁹ and likewise the waste in kneading a kor is no more than in kneading a kab. To what may be compared the years when the rains are scanty? To a servant to whom his master gave his [year's] food allowance little by little, so that the waste in grinding a kab is no less than in grinding a kor, and likewise the waste in kneading a kab is no less than in kneading a kor. Another explanation: When the rains are plentiful they may be compared to a man kneading clay; if he has a plentiful supply of water then the clay is well kneaded without all the water being used up, but if the supply is scanty the water will give out and the clay is not well kneaded.

Our Rabbis have taught: Once it happened when all Israel came up on pilgrimage to Jerusalem that there was no water available for drinking. Thereupon Nakdimon b. Gurion approached a certain [heathen] lord and said to him: Loan me twelve wells of water for the Pilgrims and I will repay you twelve wells of water; and if I do not, I will give you instead twelve talents of silver, and he fixed a time limit [for repayment]. When the time came [for repayment] and no rain had yet fallen the lord sent a message to him in the morning: Return to me either the water or the money that you owe me. Nakdimon replied: I have still time, the whole day is mine. At midday he [again] sent to him a message, Return to me either the water or the money that you owe me. Nakdimon replied: I still have time to-day. In the afternoon he [again] sent to him a message, Return to me either the water or the money that you owe me. Nakdimon replied, I still have time to-day. Thereupon the lord sneeringly said to him, Seeing that no rain has fallen throughout the whole year

(1) פרום 'half'. This is explained by J. T. (Shek. III, 47b) to mean half of the thirty days before the feast, i.e., within fifteen days before the feast.

(2) Though it is still summer season (Rashi). MS.M. omits 'even'.

(3) At any time within the six years of the seven years' cycle (Shemittah).

(4) The poor had equal rights with the owners to the produce of the seventh year. Cf. Ex. XXIII, 11 and Lev. XXV, 6.

(5) צימוקין Rashi explains the word to mean 'with difficulty'. Jastrow thinks the word to be a corruption of xenium, 'a host or king's gift, donation indefinite as to time and amount', hence, irregular.

(6) He has plenty of time to devote to its baking.

(7) It is baked hurriedly.

(8) Thirty se'ahs.

(9) One sixth of a se'ah.

Talmud - Mas. Ta'anith 20a

will it then rain now? Thereupon he repaired in a happy mood to the baths. Meanwhile, whilst the lord had gone gleefully to the baths, Nakdimon entered the Temple depressed. He wrapped himself in his cloak and stood up to pray. He said, 'Master of the Universe! It is revealed and known before Thee that I have not done this for my honour nor for the honour of my father's house, but for Thine honour have I done this in order that water be available for the Pilgrims'. Immediately the sky became covered with clouds and rain fell until the twelve wells were filled with water and there was much over. As the lord came out of the baths Nakdimon b. Gurion came out from the Temple and the two met, and Nakdimon said to the lord, Give me the money for the extra water that you have received. The latter replied, I know that¹ the Holy One, blessed be He, disturbed the world but for your sake, yet my claim against you for the money still holds good, for the sun had already set and consequently the rain fell in my possession. Nakdimon thereupon again entered the Temple and wrapped himself in his cloak and stood up to pray and said, 'Master of the Universe! Make it known that Thou hast beloved ones In Thy world'. Immediately the clouds dispersed and the sun broke through. Thereupon the lord said to him, Had not the sun broken through I would still have had a claim against you entitling me to exact my money from you. It has been taught: His name was not

Nakdimon but Boni and he was called Nakdimon because the sun had broken through [nikdera] on his behalf.

The Rabbis have taught: For the sake of three the sun broke through, Moses, Joshua and Nakdimon b. Gurion. Now of Nakdimon we know from the above tradition; of Joshua too we know from Scripture where it is written, And the sun stood still, and the moon stayed,² etc.; but of Moses whence do we know this?

R. Eleazar said: We deduce it from an inference from the analagous use of the word ahel.³ Here it is written, I will begin [ahel] to put the dread of thee,⁴ and elsewhere it is written, I will begin [ahel] to magnify thee.⁵ R. Samuel b. Nahmani said: From an analogous use of the word teth.⁶ Here it is written, I will begin to put [teth] the the dread of thee, and elsewhere it is written, In the day when the lord delivered [teth] up the Amorites etc.⁷ R. Johanan said: It can be derived from the verse itself, Who, when they hear the report of thee, shall tremble and be in anguish because of thee.⁸ When did they tremble and were in anguish before Moses? When the sun broke⁹ through for Moses.

AN SO TOO IF NO RAIN FALLS UPON A PARTICULAR CITY etc. Rab Judah said in the name of Rab: Both [cities cited in the verse are under] divine displeasure.¹⁰ Jerusalem is among them as one unclean.¹¹ Rab Judah said in the name of Rab: [The verse implies] blessing; as an unclean [menstruous] woman becomes permissible [to her husband],¹² so too will Jerusalem be reinstated.

She is become as a widow;¹³ Rab Judah said: [The verse implies] blessing; 'as a widow'; not a real widow, but a woman whose husband has gone to a country beyond the sea [fully] intending to return to her.

Therefore have I also made you contemptable and base before all the people:¹⁴ Rab Judah said: [The verse implies] blessing; of you no overseers of rivers¹⁵ nor officers¹⁶ shall be appointed.

For the Lord will smite Israel as a reed is shaken in the water:¹⁷ Rab Judah said in the name of Rab: [The verse implies] blessing. For R. Samuel b. Nahmani said in the name of R. Johanan: What is the meaning of the verse, Faithful are the wounds of a friend; but the kisses of an enemy are importunate?¹⁸ Better is the curse which Ahijah the Shilonite pronounced on Israel than the blessings with which Balaam the wicked blessed them. Ahijah the Shilonite cursed them by comparing them with the 'reed'; he said to Israel, For the Lord will smite Israel as a reed is shaken in water. [Israel are as the reed], as the reed grows by the water and its stock grows new shoots¹⁹ and its roots are many, and even though all the winds of the universe come and blow at it they cannot move it from its place for it sways with the winds and as soon as they have dropped the reed resumes its upright position. But Balaam the wicked blessed them by comparing them with the 'cedar', as it is said, As cedars beside the waters;²⁰ the cedar does not grow by the waterside and its stock does not grow new shoots and its roots are not many, and even though all the winds of the universe blow at it they cannot move it from its place;²¹ if however the south wind blows at it, it uproots it and turns it upside down. Moreover, [because of its yielding nature] the reed merited that of it should be made a pen for the writing of the Law, the Prophets and Hagiographa.

Our Rabbis have taught: A man should always be gentle as the reed and never unyielding as the cedar. Once R. Eleazar son of R. Simeon was coming from Migdal Gedor,²² from the house of his teacher, and he was riding leisurely on his ass by the riverside and was feeling happy and elated because he had studied much Torah

(1) no.

(2) Josh. X, 13.

(3) 578

- (4) Deut. II, 25.
 (5) Josh. III, 7.
 (6) תת.
 (7) Josh. X, 12.
 (8) Deut. 11, 25.
 (9) There is in this passage a confusion of the root קדם with the root קדר to break through. Jast. reads שנקדה V. Jast. s.v. נקד.
 (10) The one suffers from a want of rain and the other from an excess.
 (11) Lam. I, 17.
 (12) After her period of separation.
 (13) Ibid. I.
 (14) Mal. 11,9.
 (15) I.e., toll collectors.
 (16) גזיריפטי Jastrow derives the word from the Persian meaning, a class of oppressive Persian officers.
 (17) I Kings XIV, 15.
 (18) Prov. XXVII, 6.
 (19) If the stock is cut it grows again.
 (20) Num. XXIV, 6.
 (21) [Read with MS.M.: 'it does not sway with them'. I.e., it offers resistance to the wind.]
 (22) probably in Judah. V. Josh. XV, 36.

Talmud - Mas. Ta'anith 20b

. There chanced to meet him an exceedingly ugly man who greeted him, 'Peace be upon you, Sir'. He, however, did not return his salutation but instead said to him, 'Raca,¹ how ugly you are. Are all your fellow citizens as ugly as you are?' The man replied: 'I do not know, but go and tell the craftsman who made me, "How Ugly is the vessel which you have made".' When R. Eleazar realized that he had done wrong he dismounted from the ass and prostrated himself before the man and said to him, 'I submit myself to you, forgive me'. The man replied: 'I will not forgive you until you go to the craftsman who made me and say to him, "How ugly is the vessel which you have made".' He [R. Eleazar] walked behind him until he reached his native city. When his fellow citizens came out to meet him greeting him with the words, 'Peace be upon you O Teacher, O Master,' the man asked them, 'Whom are you addressing thus'? They replied, 'The man who is walking behind you.' Thereupon he exclaimed: 'If this man is a teacher, may there not be any more like him in Israel'! The people then asked him: 'Why'? He replied: 'Such and such a thing has he done to me. They said to him: 'Nevertheless, forgive him, for he is a man greatly learned in the Torah.' The man replied: 'For your sakes I will forgive him, but only on the condition that he does not act in the same manner in the future.' Soon after this R. Eleazar son of R. Simeon entered [the Beth Hamidrash] and expounded thus, A man should always be gentle as the reed and let him never be unyielding as the cedar. And for this reason the reed merited that of it should be made a pen for the writing of the Law, Phylacteries and Mezuzoth.²

AND SO TOO, IF A PLAGUE RAGES IN A CITY OR [ITS BUILDINGS] COLLAPSE etc. Our Rabbis have taught: The 'COLLAPSE spoken of refers only to sound buildings but not to those already dilapidated; only to those which are not likely to fall in but not to those that are likely to fall in. Are not 'sound buildings' the same as 'those that are not likely to fall in'? And are not those already dilapidated' the same as 'those likely to fall in'? — It is necessary [to distinguish between them] when for instance they collapsed because of their excessive height, or, when they stood on the bank of a river.³ In Nehardea there was a dilapidated wall and neither Rab nor Samuel would go past it although it had remained standing in the same position for thirteen years. One day R. Adda b. Ahaba happened to come there and Samuel said to Rab: 'Come, Sir, let us walk around it', and the latter replied, 'This precaution is not necessary now because R. Adda b. Ahaba is with us; his merit

is great and therefore I do not fear'.

R. Huna had wine [stored] in a certain dilapidated house and he desired to remove it. He took R. Adda b. Ahaba into that house and kept him occupied with traditional teaching until he had removed it. As soon as he had left the house it fell in. R. Adda b. Ahaba noticed this and was offended, because he agreed with the statement of R. Jannai who said: A man should never stand in a place of danger and declare, 'A miracle will befall me'; perhaps a miracle will not befall him. And if a miracle does befall him he suffers thereby a reduction from his merits. R. Hanan said: This can be inferred from the verse where it is written, I am not worthy of all the mercies, and of all the truth.⁴ What were the merits of R. Adda b. Ahaba?—Thus it has been stated: The disciples of⁵ R. Adda b. Ahaba asked him: To what do you attribute your longevity? — He replied: I have never displayed any impatience in my house, and I have never walked in front of any man greater than myself, nor have I ever meditated [over the words of the Torah] in any dirty alleys, nor have I ever walked four cubits without [musing over] the Torah or without [wearing] phylacteries, nor have I ever fallen asleep in the Beth Hamidrash for any length of time or even momentarily, nor have I rejoiced at the disgrace of my friends, nor have I ever called my neighbour by a nickname given to him by myself, or, some say by the nickname given to him by others.⁶

Raba said to Rafram b. Papa: Tell me some of the good deeds which R. Huna had done. He replied: Of his childhood I do not recollect anything, but of his old age I do. On cloudy [stormy] days they used to drive him about in a golden carriage and he would survey every part of the city and he would order the demolition of any wall that was unsafe; if the owner was in a position to do so he had to rebuild it himself, but if not, then [R. Huna] would have it rebuilt at his own expense. On the eve of every Sabbath [Friday] he would send a messenger to the market and any vegetables that the [market] gardeners had left over he bought up and had then, thrown into the river. Should he not rather have had these distributed among the poor? — [He was afraid] lest they would then at times be led to rely upon him and would not trouble to buy any for themselves. Why did he not give the vegetables to the domestic animals? — He was of the opinion that food fit for human consumption may not be given to animals⁷ Then why did he purchase them at all? — This would lead [the gardeners] to do wrong in the future [by not providing an adequate supply].⁸ Whenever he discovered some [new] medicine he would fill a water jug with it and suspend it above the doorstep and proclaim, Whosoever desires it let him come and take of it. Some say, he knew from tradition a medicine for that disease, Sibetha⁹ and he would suspend a jugful of water and proclaim, Whosoever needs it let him come [and wash his hands] so that he may save his life from danger. When he had a meal¹⁰ he would open the door wide and declare, Whosoever is in need let him come and eat. Raba said: All these things I could myself carry out except the last one

(1) 'Empty one', 'Good for nothing'.

(2) V. Glos. s.v. mezuzah.

(3) Though they were sound they were liable to fall, because of their height or because of the water washing away the foundations.

(4) Gen. XXXII, 11. R. Hanan renders the verse thus: I have become smaller on account of all the mercies, etc.

(5) Cur. edd. insert in brackets, 'R. Zera and according to some, the disciple of'.

(6) V. Meg., Sonc. ed. p. 170, n. 11.

(7) That would be treating God's food disrespectfully.

(8) It would cause a rise in prices and the poor would suffer thereby.

(9) **שיבתא** the name of an evil spirit that attacks those who eat food with unwashed hands. Cf. Yoma 77b. Hence R. Huna suspended a jug filled with water in order to warn those whose hands were unwashed to wash them and so save themselves from the power of the evil spirit, v. Rashi ad loc. [R. Hananel takes Sibetha to be the name of a liquid medicine.]

(10) Lit., 'wrapped bread'. It was the custom to begin a meal with herbs and salt placed between two pieces of bread, hence the phrase.

Talmud - Mas. Ta'anith 21a

because there are so many in Mahuza.¹

Ilfa and R. Johanan studied together the Torah and they found themselves in great want and they said one to another, Let us go and engage in commerce so that of us may be fulfilled the verse, Howbeit there shall be no need among you.² They went and sat down under a ruinous wall and while they were having their meal two ministering angels came and R. Johanan overheard one saying to the other, Let us throw this wall upon these [people] and kill them, because they forsake life eternal and occupy themselves with life temporal. The other [angel] replied: Leave them alone because one of them has still much to achieve.³ R. Johanan heard this but Ilfa did not. Whereupon R. Johanan said to Ilfa, Master, have you heard anything? He replied: No. Thereupon R. Johanan said to himself: Seeing that I heard this and Ilfa has not, it is evident that I am the one who still has much to achieve. R. Johanan then said to Ilfa: I will go back, that of me may be fulfilled, For the poor shall never cease out of the land.⁴ Thereupon R. Johanan went back but Ilfa did not. When [at last] Ilfa returned, R. Johanan was already presiding over the school, and the scholars said to him: Had you remained here and studied the Torah you might have been presiding.⁵ Ilfa then suspended himself from the mast of a ship and exclaimed, If there is any one who will ask me a question from the Baraitas of R. Hiyya and R. Hoshaiah and I fail to elucidate it from the Mishnah then I will throw myself down and be drowned [in the sea]. And an old man came forward and cited the following Baraita: If a man [in his last will and testament] declares, Give a shekel weekly to my sons, but actually they needed a sela'⁶ then they should be given a sela'; but if he declared, Give them a shekel only, then they should be given a shekel. If, however, he declared, On their death others should inherit [their allowance] in their stead, then whether he has declared 'give' or 'give only' they are given a shekel only.⁷ He replied: This is in accordance with the view of R. Meir who said: It is a duty to carry out the will of a dying man.⁸

It is related of Nahum of Gamzu⁹ that he was blind in both his eyes, his two hands and legs were amputated — and his whole body was covered with boils and he was lying in a dilapidated house on a bed the feet of which were standing in bowls of water in order to prevent the ants from crawling on to him. On one occasion his disciples desired to remove the bed and then clear the things out of the house, but he said to them, My children, first clear out the things [from the house] and then remove my bed for I am confident that so long as I am in the house it will not collapse. They first cleared out the things and then they removed his bed and the house [immediately] collapsed. Thereupon his disciples said to him, Master, since you are wholly righteous, why has all this befallen you? and he replied, I have brought it all upon myself. Once I was journeying on the road and was making for the house of my father-in-law and I had with me three asses, one laden with food, one with drink and one with all kinds of dainties, when a poor man met me and stopped me on the road and said to me, Master, give me something to eat. I replied to him, Wait until I have unloaded something from the ass; I had hardly managed to unload something from the ass when the man died [from hunger]. I then went and laid myself on him and exclaimed, May my eyes which had no pity upon your eyes become blind, may my hands which had no pity upon your hands be cut off, may my legs which had no pity upon your legs be amputated, and my mind was not at rest until I added, may my whole body be covered with boils. Thereupon his pupils exclaimed, 'Alas! that we see you in such a sore plight'. To this he replied, 'Woe would it be to me did you not see me in such a sore plight'. Why was he called Nahum of Gamzu? — Because whatever befell him he would declare, This also is for the best. Once the Jews desired to send to the Emperor a gift and after discussing who should go they decided that Nahum of Gamzu should go because he had experienced many miracles. They sent with him a bag full of precious stones and pearls. He went and spent the night in a certain inn and during the night the people in the inn arose and emptied the bag and filled it up with earth. When he discovered this next morning he exclaimed, This also is for the best. When he arrived at his destination and they

undid his bag they found that it was full of earth. The king thereupon desired to put them¹⁰ all to death saying, The Jews are mocking me. Nahum then exclaimed, This also is for the best. Whereupon Elijah appeared in the guise of one of them¹¹ and remarked, Perhaps this is some of the earth of their father Abraham,¹² for when he threw earth [against the enemy] it turned into swords and when [he threw] stubble it changed into arrows, for it is written, His sword maketh them as dust, his bow as the driven stubble.¹³ Now there was one province which [the emperor had hitherto] not been able to conquer but when they tried some of this earth [against it] they were able to conquer it. Then they took him [Nahum] to the royal treasury and filled his bag with precious stones and pearls and sent him back with great honour. When on his return journey he again spent the night in the same inn he was asked, What did you take [to the king] that they showed you such great honour? He replied, I brought thither what I had taken from here. [The innkeepers] thereupon razed the inn to the ground and took of the earth to the king and they said to him, The earth that was brought to you belonged to us. They tested it and it was not found to be [effective] and the innkeepers were thereupon put to death.

WHAT CONSTITUTES PLAGUE? IF IN A CITY THAT CAN SUPPLY FIVE HUNDRED FOOT-SOLDIERS etc. Our Rabbis have taught: If in a city that can supply fifteen hundred foot-soldiers, as for example Kefar Acco,¹⁴ nine deaths take place in three consecutive days, this constitutes plague; if, however, these deaths take place in one day or in four days it is not plague. And if in a city that can supply five hundred foot-soldiers, as for example, Kefar-Amiko,¹⁵ three deaths take place in three consecutive days this constitutes plague; if, however, they take place in one day or in four days it is not plague.

(1) A city in Mesopotamia on the river Tigris where Raba lived. [Soldiers would frequently be billeted in Mahuza on account of its proximity to the capital Ktesifon, v. Obermeyer, p. 174.]

(2) Deut. XV, 4.

(3) Lit., 'time stands for him' (in his favour).

(4) Ibid. 11.

(5) [Tosaf.: 'Had you returned . . . he (R. Johanan) would not have been presiding.]

(6) Two common shekalim make a sela'.

(7) V. B.B. 129a. Keth. 69a.

(8) And thus make it possible for others to inherit the residue of the estate on the death of the sons, v. Keth. 69b.

(9) גמזי is mentioned in II Chron. XXVIII, 18 as the name of a place. Here it is not a name of a place but a cognomen and the Gemara explains it to be the combination of גם 'also', and זי 'this'.

(10) The Jews.

(11) Romans.

(12) Cf. Midrash Tanhuma on Genesis XIX (ed. Buber); Gen. Rab. XLIII.

(13) Isa. XLI, 2.

(14) V. supra p. 28, n. 4.

(15) [North of Acco, Klein, NB, p. 9].

Talmud - Mas. Ta'anith 21b

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In Derokereth,¹ a city that supplied five hundred foot-soldiers three deaths took place in one day, whereupon R. Nahman b. Hisda ordained a [public] fast. R. Nahman b. Isaac said, This must be in accordance with the authority of R. Meir who declared, If for going at long intervals [during three days] there is [full] liability, how much more so for going at short intervals [in one day].² Said R. Nahman b. Hisda to R. Nahman b. Isaac: Pray, take a seat nearer us.³ The latter replied: We have taught, R. Jose says: It is not the place that honours the man but it is the man who honours the place. We find it thus In connection with Mt. Sinai, as long as the Shechinah dwelt thereon the Torah

declared, Neither let the flocks nor herds feed before that mount;⁴ but once the Shechinah had departed thence the Torah said, When the ram's horn soundeth long, they shall come up to the mount.⁵ The same too we find in connection with the Tent of Meeting in the wilderness; so long as it remained pitched the Torah commanded, That they put out of the camp every leper;⁶ but once the curtains were rolled up⁷ both those with a running issue and the lepers were permitted to enter therein. Thereupon R. Hisda retorted: If so I will come nearer to you; whereupon the latter replied: It is more fitting that a scholar, the son of an ordinary man, should go to one who is a scholar and is the son of a scholar, than the latter should go towards the former.⁸

Once a plague broke out in Sura but it did not affect the locality in which Rab resided. People thought that this was on account of Rab's great merit but in a dream it was made clear to them that this was far too small a matter to need Rab's great merit, but that it was on account of the merit of a certain man who made it a practice to lend shovel and spade for burials.

Once a fire broke out in Derokereth but it did not spread to the locality where R. Huna resided. People thought that it was on account of the great merit of R. Huna, but in a dream it was made clear to them that this was far too small a matter to need R. Huna's great merit, but that it was on account of a certain woman who [on the eve of Sabbaths] would heat her oven and permit her neighbours to make use of it.

Once Rab Judah was informed that locusts had come and he ordained a fast. He was then told that no damage had been done, whereupon he exclaimed: Have they then brought provision with them?⁹

Once Rab Judah was informed that pestilence was raging among the swine and he ordained a fast. Can it then be concluded from this that Rab Judah is of the opinion that a plague scourging one species of animals is likely to attack also other species? No, the case of the swine is exceptional, because their intestines are like unto those of human beings.

Once Samuel was informed that pestilence was raging amongst the inhabitants of Be Hozae,¹⁰ and he ordained a fast. The people said to him: surely [Be Hozae] is a long distance away from here.¹¹ He replied: Would then a crossing prevent it from spreading?¹²

Once R. Nahman was informed that there was pestilence in Palestine and he ordained a fast, for he said, If the 'Mistress' is stricken how much more so the 'Maidservant'.¹³ [Are we then to assume] that the reason for his ordaining the fast was because it was a case of 'mistress' and 'maidservant', but if both were maidservants', he would not have ordained the fast? But did not Samuel ordain a fast [in Nehardea] when he was informed that there was pestilence amongst the inhabitants of Be Hozae?¹⁴ The case there was exceptional since there are caravans which it accompanies and with which it comes along.

Abba was a cupper and daily he would receive greetings from the Heavenly Academy. Abaye received greetings on every Sabbath eve, Raba on the eve of every Day of Atonement. Abaye felt dejected because of [the signal honour shown to] Abba the Cupper. People said to him: This distinction is made because you cannot do what Abba does. What was the special merit of Abba the Cupper? When he performed his operations he would separate men from women, and in addition he had a cloak which held a cup [for receiving the blood]¹⁵ and which was slit at the shoulder¹⁶ and whenever a woman patient came to him he would put the garment on her shoulder¹⁷ in order not to see her [exposed body].¹⁸ He also had a place¹⁹ out of public gaze²⁰ where the patients deposited their fees which he would charge; those that could afford it put their fees there, and thus those who could not pay were not put to shame.²¹ Whenever a young scholar happened to consult him not only would he accept no fee from him but on taking leave of him he also would give him some money at the same time adding, Go and regain strength therewith. One day Abaye sent to him two scholars in

order to test him. He received them and gave them food and drink and in the evening he prepared woollen mattresses for them [to sleep on].

(1) Identified with Daraukat on the Tigris, v. Obermeyer p. 197.

(2) Cf. B.K. 24a. An ox is considered a goring ox (mu'ad) if he gored three times in three days. R. Meir takes the view that he is considered a goring ox if he gored three times in one day (cf. ibid. 23b).

(3) Take a more prominent place worthy of your great learning of which you have just given us proof.

(4) Ex. XXXIV, 3.

(5) Ex. XIX, 13.

(6) Num. V, 2.

(7) For the continuation of their journeyings.

(8) R. Hisda, the father of R. Nahman, was a more eminent scholar than Isaac, the father of R. Hisda, as can be seen from the fact that the former was an ordained rabbi and is referred to as R. Hisda, whereas the latter is termed Isaac without the title 'Rabbi'. To show his less distinguished ancestry R. Nahman refers to himself as **מנה בן פרם** (**מנה** == GR. **,mina and **פרם**, half of a mina). Lit., 'a mina the son of half a mina', while R. Nahman is designated by him as 'mina the son of a mina'.

(9) That they did not damage the crops.

(10) [The modern Khurzistan, v. Obermeyer p. 204.]

(11) Nehardea, the place of Samuel.

(12) So MS.M. and Rashi. Nothing can prevent disease from spreading. Cur. edd. 'There is here no crossing to prevent them'.

(13) Palestine is the Mistress and Babylon the Maidservant.

(14) And there the Maidservant alone was concerned.

(15) The caravans carry with them the pestilence to Nehardea.

(16) Lit., 'between the shoulders, shoulder blade'.

(17) [Var. lec.: a garment which had many slits at the shoulder blade.]

(18) He would insert the cup through the slit on the shoulder to bleed the patient without having to expose her body.

(19) Lit., 'hidden'.

(20) [Var. lec.: 'outside (his surgery)'].

(21) [Var. lec.: and those who could not pay could come in and sit down, and were not etc.]

Talmud - Mas. Ta'anith 22a

In the morning the scholars rolled these together and took them to the market [for sale]. There they met Abba and they said to him, Sir, value these, how much they are worth, and he replied, So-and-so much. They said to him, Perhaps they are worth more? He replied, This is what I paid for them. They then said to him, They are yours, we took them away from you; tell us, pray, of what did you suspect us. He replied: I said to myself, perhaps the Rabbis needed money to redeem captives and they were ashamed to tell me. They replied, Sir, take them back. He answered: From the moment I missed them I dismissed them from my mind and [I devoted them] to charity.

Raba was dejected because of the special honour shown to Abaye and he was therefore told, Be content that [through your merit] the whole city is protected.

R. Beroka Hoza'ah¹ used to frequent the market at Be Lapat² where Elijah often appeared to him. Once he asked [the prophet], is there any one in this market who has a share in the world to come? He replied, No. Meanwhile he caught sight of a man wearing black shoes and who had no thread of blue on the corners of his garment³ and he exclaimed, This man has a share in the world to come. He [R. Beroka] ran after him and asked him, What is your occupation? And the man replied: Go away and come back tomorrow. Next day he asked him again, What is your occupation? And he replied: I am a jailer and I keep the men and women separate and I place my bed between them so that they may not come to sin; when I see a Jewish girl upon whom the Gentiles cast their eyes I risk my life

and save her. Once there was amongst us a betrothed girl upon whom the Gentiles cast their eyes. I therefore took lees of [red] wine and put them in her skirt and I told them that she was unclean.⁴ [R. Beroka further] asked the man, Why have you no fringes and why do you wear black shoes?⁵ He replied: That the Gentiles amongst whom I constantly move may not know that I am a Jew, so that when a harsh decree is made [against Jews] I inform the rabbis and they pray [to God] and the decree is annulled. He further asked him, When I asked you, What is your occupation, why did you say to me, Go away now and come back to-morrow? He answered, They had just issued a harsh decree and I said I would first go and acquaint the rabbis of it so that they might pray to God.

Whilst [they were thus conversing] two [men]⁶ passed by and [Elijah] remarked, These two have a share in the world to come. R. Beroka then approached and asked them, What is your occupation? They replied, We are jesters, when we see men depressed we cheer them up; furthermore when we see two people quarrelling we strive hard to make peace between them.

THE ALARM IS SOUNDED EVERYWHERE ON ACCOUNT OF THE FOLLOWING [VISITATIONS] etc. Our Rabbis have taught: The alarm is sounded everywhere on account of the following visitations, blast, mildew, locust, crickets and wild beasts. R. Akiba says: For the slightest attack of blast and mildew; and In the case of locust and crickets even if only one winged creature is seen the alarm is sounded [immediately].

FOR WILD BEASTS etc. Our Rabbis have taught: The Alarm is sounded for wild beasts only when they are a [divine] visitation but not otherwise. What constitutes a [divine] visitation and what does not? When they make their appearance in the city that is a [divine] visitation, in the field it is not; by day it is a [divine] visitation, by night it is not; if a beast sees two persons and pursues them it is a [divine] visitation, but if it hides itself on seeing them it is not; if it killed two persons and devoured only one of them that is a [divine] visitation, but if it devoured both of them it is not;⁷ if it mounted the roof and carried off an infant out of the cradle that is a divine visitation. Is not this [Baraitha] self-contradictory? [First] you say, 'If it makes its appearance in the city it is a visitation' and no distinction is made whether this happens by day or by night, and then you add 'it is a visitation', but by night it is not! — There is no contradiction. This is what is meant. If it makes its appearance in the city by day it is a visitation, but in the city by night it is not. Or, in the field even by day it is not a visitation.⁸

[First you say,] 'If the beast sees two persons and pursues them it is a visitation' which implies that if it remains still it is no visitation and then you add 'if it hides itself on seeing then it is not a visitation'; this would imply that if it remains still it is a visitation! — This is no contradiction. In the one case it speaks of [a beast] in a field near reedland,⁹ in the other in a field not near reedland.

[You say,] 'If it kills two men and devours one of them, that is a visitation but if it devours both of them it is not.' But did you not say that even if it only pursues [two people] that is a visitation? — R. Papa replied: That speaks of a case [where the beast is standing] in reedland.

The [above] text [states] 'If it mounted the roof and carried off an infant out of the cradle it is a visitation'. Is not this self-evident? R. Papa replied: This statement is meant to refer to [the case of a beast carrying off an infant out of a cradle in] a hunter's cave.¹⁰

AND THE SWORD etc. Our Rabbis have taught: By 'SWORD' is meant not only a hostile attack by an invading army but also the passing en route of a friendly army.¹¹ For there could be no more friendly army than that of Pharaoh-Necho, and yet through it king Josiah met his fate, as it is said

(1) Of Be Hozae (Khuzistan).

(2) [The capital of the province of Khuzistan during the Sasanian period, v. Obermeyer p. 209.]

(3) Cf. Num. XV, 38.

(4) She was menstruating. [As protection of the woman this was singularly effective, as among the Persians the laws of menstruation were of extreme rigour, v. Obermeyer p. 210, n. 1.]

(5) [It was the black latchets which were the distinguishing marks between Jews and Gentiles, v. Sanh. 74b and Krauss TA. I, 628.]

(6) [Var. lec.: 'two brothers'.]

(7) The animal had already satisfied its hunger by devouring the first person whom it killed; when therefore it kills another person then it can only be a divine visitation.

(8) [The text is doubtful and in disorder. MS.M. omits, or in the field... visitation'. The words 'in the fields by night it is not a visitation', which appear in the cur. ed. in brackets are best left out.]

(9) When the animal stands near reedland and it feels itself secure because it has a place of escape and it therefore is not likely to attack a person

(10) Although it is a low building and the animal need not climb up high for its prey, the attack is yet taken as a divine visitation.

(11) Lit., 'there is no need to speak of a sword that is not of peace but ever a sword of peace'.

Talmud - Mas. Ta'anith 22b

But he sent ambassadors to him, saying¹ : What have I to do with thee, thou king of Judah? I come not against thee this day, but against the house wherewith I have war: and God hath given command to speed me; forbear thee from meddling¹ with God, who is with me, that He destroyeth thee not.¹

What is meant by 'God who is with me'? — Rab Judah said in the name of Rab: Idols. Josiah said [to himself], Since he [Pharaoh-Necho] puts his trust in his idols I will prevail over him.

And the archers shot at king Josiah; and the king said to his servants: Have me away, for I am sore wounded.² What is meant by, 'For I am sore wounded'? Rab Judah said in the name of Rab: This teaches that his whole body was perforated like a sieve.³ R. Samuel b. Nahmani said in the name of R. Jonathan: Josiah was punished because he should have consulted Jeremiah and he did not. On what did Josiah rely? — On the divine promise contained in the words, Neither shall the sword go through your land.⁴ What sword? Is it the warring sword? It is already stated [in the same verse], And I will give peace in the land.⁴ It must surely refer to the peaceful sword. Josiah, however, did not know that his generation found but little favour [in the eyes of God]. When he was dying Jeremiah observed that his lips were moving and he feared that perhaps, Heaven forbid,[Josiah] was saying something improper because of his great pain; he thereupon bent down and he overheard him justifying [God's] decree against himself saying, The Lord is righteous; for I have rebelled against His word.⁵ He [Jeremiah] then cited of him, The breath of our nostrils, the anointed of the Lord.⁶

IT HAPPENED THAT THE ELDERS RETURNED FROM JERUSALEM TO THEIR OWN CITIES etc. The question was asked, [Does the Mishnah mean] as an oven full of grain, or as an oven full of bread?⁷ — Come and hear: As much as would fill the opening of an oven. The following question however still remains, Does it mean [as much bread] as would close the opening of an oven, or a row of loaves extending to the opening of the oven? This is left undecided.

THEY ALSO ORDAINED A FAST BECAUSE WOLVES DEVOURED etc. 'Ulla said in the name of R. Simeon b. Jehozadak: It happened that wolves devoured two children and they passed them out through their secretory canal and the question came up before the Sages and they declared that the flesh [of the children] was clean but that their bones were unclean.⁸

THE ALARM IS SOUNDED ON THE SABBATH etc. Our Rabbis have taught: When a city is surrounded by hostile Gentiles, or threatened with inundation by the river, or when a ship is foundering in the sea, or when an individual is being pursued by Gentiles or robbers or by an evil

spirit,⁹ the alarm is sounded [even] on the Sabbath; and on account of all these an individual may afflict himself by fasting. R. Jose says: An individual may not afflict himself by fasting lest thereby he come to need the help of his fellow men and it may be that they will not have mercy upon him. Rab Judah said in the name of Rab: R. Jose's reason is because It is written, And became a living soul;¹⁰ Scripture thereby implies, [God says], Keep alive the soul which I gave you.

SIMEON THE TEMANITE SAYS [THE ALARM IS SOUNDED] ALSO EVEN ON ACCOUNT OF PLAGUE etc. The question was asked: Did the Rabbis disagree with him only when it was a question of sounding the alarm on the Sabbath, but on weekdays they agreed with him; or, perhaps they did not agree with him in any circumstances? — Come and hear: The alarm is sounded on account of plague on the Sabbath, and, it goes without saying, on weekdays. R. Hanan b. Pitom,¹¹ a disciple of R. Akiba, said in the name of R. Akiba: We may not under any circumstances sound the alarm on account of plague.

THE ALARM IS SOUNDED ON ACCOUNT OF ANY VISITATION, THAT COMES UPON THE COMMUNITY! Our Rabbis have taught: The alarm is sounded on account of any visitation that comes upon the community! except on account of an overabundance of rain. Why?— R. Johanan said: Because we may not pray on account of an excess of good. R. Johanan further said: Whence do we derive that we may not pray on account of an excess of good? For it is said, Bring ye the whole tithe into the storehouse . . . that there shall be more than sufficiency.¹² What is the meaning of, 'More than sufficiency'? — Rami son of R. Yud interpreted: Until your lips grow weary with saying, Sufficient. Rami son of R. Yud said: In the Diaspora the alarm is sounded on account of this.¹³ It has been taught likewise: In a year of excessive rain the Men of the Mishmar send [a message] to the Men of the Ma'amad:¹⁴ Think of your brethren in the Diaspora that their houses may not become their graves.¹⁵

R. Eliezer was asked, How excessive must the rainfall be to warrant prayer for it to cease? He replied: When a man standing on Keren Ofel¹⁶ is able to dabble his feet in water. But has it not been taught 'his hands'? — I mean, his feet [at the same time] as his hands.¹⁷ Rabah bar b. Hana related: Once as I was standing on Keren Ofel I saw [below] an Arab with a spear in his hand riding on a camel and to me he looked as small as a flax-worm.

The Rabbis have taught: And I will give you rains in their season.¹⁸ [This means that the soil shall be] neither soaked nor parched, but moderately rained upon. For whenever the rain is excessive it scours away the soil so that it yields no fruit.

(1) II Chron. XXXV, 21.

(2) Ibid. 23.

(3) Rab Judah infers this from the words יִּוְרוּ הַיּוֹרִים which he renders, 'And the archers continued shooting.' [Or, הַחֲלִיטִי is connected with חָלַל to pierce through.]

(4) Lev. XXVI, 6.

(5) Lam. I, 18.

(6) Ibid. IV, 20.

(7) The former is the larger quantity.

(8) Their flesh as mere secretion does not render anyone coming into contact with them unclean, but their bones, still retaining their solid nature, do; cf. Lev. V, 2-3.

(9) [Var. lec.: 'an evil beast'.]

(10) Gen. II, 7.

(11) [Var. lec.: b. Phinehas.]

(12) Mal. III, 10.

(13) Because of an excess of rain.

(14) The phrase, Men of the Mishmar' here does not refer to priests but to a division of lay Israelites whose

representatives in Jerusalem known as the Men of the Ma'amad (v. Glos.) stood by during the sacrificial ceremonies reciting prayers (v. Malter, a.l. and infra 27a notes).

(15) Diaspora in the first instance denotes Babylon. Babylon being a low lying country would be swamped by an excess of rain.

(16) The name of a high rock on the brook of Kidron E. of Jerusalem. Cf. Tosef. Ta'an. III, I. [The water to reach the Ofel would have to rise five hundred feet. V. Buchler, op. cit. p. 197.]

(17) [MS.M. omits, 'I mean', the reference being to the Baraitha. I.e., the Baraitha, in stating 'hands' means that the water had risen so high that one can sit on the Keren Ofel and wash his hands whilst his feet dabble in the water.]

(18) Lev. XXVI, 4.

Talmud - Mas. Ta'anith 23a

Another explanation. 'In their season': [This means that rain would fall only] on the eve of Wednesdays¹ and Sabbaths. For so it happened in the days of Simeon b. Shetah. [At that time] rain fell on the eve of Wednesdays and Sabbaths so that the grains of wheat came up as large as kidneys and the grains of barley like the stones of olives, and of the lentils like the golden denarii and they stored specimens of them for future generations in order to make known unto them the in effects of sin, as it is said. Your iniquities have turned away these things and your sins have withholden good from you.² Likewise we find happened in the days of Herod when the people were occupied with the rebuilding of the Temple. [At that time] rain fell during the night but in the morning the wind blew and the clouds dispersed and the sun shone so that the people were able to go out to their work, and then they knew that they were engaged in sacred work.

IT HAPPENED THAT THE PEOPLE SAID TO HONI, THE CIRCLE DRAWER etc. Once it happened that the greater part of the month of Adar had gone and yet no rain had fallen. The people sent a message to Honi the Circle Drawer, Pray that rain may fall. He prayed and no rain fell. He thereupon drew a circle and stood within it in the same way as the prophet Habakuk had done, as it is said, I will stand upon my watch, and set me upon the tower etc.³ He exclaimed [before God], Master of the Universe, Thy children have turned to me because [they believe] me to be a member of Thy house. I swear by Thy great name that I will not move from here until Thou hast mercy Upon Thy children! Rain began to drip and his disciples said to him, We look to you to save us from death;⁴ we believe that this rain came down merely to release you from your oath. Thereupon he exclaimed: It is not for this that I have prayed, but for rain [to fill] cisterns, ditches and caves. The rain then began to come down with great force, every drop being as big as the opening of a barrel and the Sages estimated that no one drop was less than a log. His disciples then said to him: Master, we look to you to save us from death; we believe that the rain came down to destroy the world. Thereupon he exclaimed before [God], It is not for this that I have prayed, but for rain of benevolence, blessing and bounty. Then rain fell normally until the Israelites [in Jerusalem] were compelled to go up [for shelter] to the Temple Mount because of the rain. [His disciples] then said to him, Master, in the same way as you have prayed for the rain to fall pray for the rain to cease. He replied: I have it as a tradition that we may not pray on account of an excess of good. Despite this bring unto me a bullock for a thanks-giving-offering.] They brought unto him a bullock for a thanks-giving-offering and he laid his two hands upon it and said, Master of the Universe, Thy people Israel whom Thou hast brought out from Egypt cannot endure an excess of good nor an excess of punishment; when Thou wast angry with them, they could not endure it; when Thou didst shower upon them an excess of good they could not endure it; may it be Thy will that the rain may cease and that there be relief for the world. Immediately the wind began to blow and the clouds were dispersed and the sun shone and the people went out into the fields and gathered for themselves mushrooms and truffles. Thereupon Simeon b. Shetah sent this message to him, Were it not that you are Honi I would have placed you under the ban; for were the years like the years [of famine in the time] of Elijah⁵ (in whose hands were the keys of Rain) would not the name of Heaven be profaned through you?⁶ But what shall I do unto you who actest petulantly before the Omnipresent and He

grants your desire, as a son who acts petulantly before his father and he grants his desires; thus he says to him, Father, take me to bathe in warm water, wash me in cold water, give me nuts, almonds, peaches, and pomegranates and he gives them unto him. Of you Scripture says, Let thy father and thy mother be glad, and let her that bore thee rejoice.⁷

Our Rabbis have taught: What was the message that the Sanhedrin⁸ sent to Honi the Circle-Drawer? [It was an interpretation of the verse], Thou, shalt also decree a thing, and it shall be established unto thee, and light shall shine upon thy ways etc.⁹ ‘Thou shalt also decree a thing:’ You have decreed [on earth] below and the Holy One, Blessed be He, fulfills your word [in heaven] above. ‘And light shall shine upon thy ways:’ You have illumined with your prayer a generation in darkness. ‘When they cast thee down, thou shalt say: There is lifting up:’ You have raised with your prayer a generation that has sunk low. ‘For the humble person He saveth:’ You have saved by your prayer a generation that is humiliated with sin. ‘He delivereth him that is not innocent:’ You have delivered by your prayer a generation that is not innocent. ‘Yea, He shall be delivered through the cleanliness of thy hands:’ You have delivered it¹⁰ through the work of your clean hands.

R. Johanan said: This righteous man [Honi] was throughout the whole of his life troubled about the meaning of the verse, A Song of Ascents, When the Lord brought back those that returned to Zion, we were like unto them that dream.¹¹ Is it possible for a man to dream continuously for seventy years?¹² One day he was journeying on the road and he saw a man planting a carob tree; he asked him, How long does it take [for this tree] to bear fruit? The man replied: Seventy years. He then further asked him: Are you certain that you will live another seventy years? The man replied: I found [ready grown] carob trees in the world; as my forefathers planted these for me so I too plant these for my children.

Honi sat down to have a meal and sleep overcame him. As he slept a rocky formation enclosed upon him which hid him from sight and he continued to sleep for seventy years. When he awoke he saw a man gathering the fruit of the carob tree and he asked him, Are you the man who planted the tree? The man replied: I am his grandson. Thereupon he exclaimed: It is clear that I slept for seventy years. He then caught sight of his ass who had given birth to several generations of mules;¹³ and he returned home. He there enquired, Is the son of Honi the Circle-Drawer still alive? The people answered him, His son is no more, but his grandson is still living. Thereupon he said to them: I am Honi the Circle-Drawer, but no one would believe him. He then repaired to the Beth Hamidrash and there he overheard the scholars say, The law is as clear to us as in the days of Honi the Circle-Drawer, for whenever he came to the Beth Hamidrash he would settle for the scholars any difficulty that they had. Whereupon he called out, I am he; but the scholars would not believe him nor did they give him the honour due to him. This hurt him greatly and he prayed [for death] and he died. Raba said: Hence the saying, Either companionship or death.

Abba Hilkiah was a grandson of Honi the Circle-Drawer, and whenever the world was In need of rain the Rabbis sent a message to him and he prayed and rain fell. Once there was an urgent need for rain and the Rabbis sent to him a couple of scholars [to ask him] to pray for rain. They came to his house but they did not find him there. They then proceeded to the fields and they found him there hoeing. They greeted him

(1) People did not venture out on Wednesday evenings as there was a belief that demons were about. Cf. Pes. 112b.

(2) Jer. V, 25.

(3) Hab. II, 1.

(4) The meaning of the Hebrew phrase is doubtful. (3) [Rashi: ‘for confession of sins’.]

(5) Cf. I Kings XVII, 1ff.

(6) [Honi would not have hesitated to force, so to speak, the hand of Heaven even in the face of an oath such as Elijah had made in the name of God that there would be no rain for years (1 Kings XVII, 1ff).]

(7) Prov. XXIII, 25.

(8) Lit., 'the Men of the Hall of Hewn Stone'. The Sanhedrin met in the Hall of Hewn Stone.

(9) Job XXII, 28ff.

(10) The nation.

(11) Ps. CXXXVI, 1.

(12) Cf. Jer. XXV, 11; XXIX, 10.

(13) [MS.M. omits the last sentence.]

Talmud - Mas. Ta'anith 23b

but he took no notice of them. Towards evening he gathered some wood and placed the wood and the rake on one shoulder and his cloak on the other shoulder. Throughout the journey he walked barefoot but when he reached a stream he put his shoes on; when he lighted upon thorns and thistles he lifted up his garments; when he reached the city his wife well bedecked came out to meet him; when he arrived home his wife entered first [the house] and then he and then the scholars. He sat down to eat but he did not say to the scholars, 'Join me'. He then shared the meal among his children, giving the older son one portion and the younger two. He said to his wife, I know the scholars have come on account of rain, let us go up to the roof and pray, perhaps the Holy One, Blessed be He, will have mercy and rain will fall, without having credit given to us. They went up to the roof; he stood in one corner and she in another; at first the clouds appeared over the corner where his wife stood. When he came down he said to the scholars. Why have you scholars come here? They replied: The Rabbis have sent us to you, Sir, [to ask you] to pray for rain. Thereupon he exclaimed, Blessed be God, who has made you no longer dependent on Abba Hilkiah. They replied: We know that the rain has come on your account, but tell us, Sir, the meaning of these mysterious acts of yours, which are bewildering to us? Why did you not take notice of us when we greeted you? He answered: I was a labourer hired by the day and I said I must not relax [from my work]. And why did you, Sir, carry the wood on one shoulder and the cloak on the other shoulder? He replied: It was a borrowed cloak; I borrowed it for one purpose [to wear] and not for any other Purpose. Why did you, Sir, go barefoot throughout the whole journey but when you came to a stream you put your shoes on? He replied: What was on the road I could see but not what was in the water. Why did you, Sir, lift up your garments whenever you lighted upon thorns and thistles? He replied¹ : This [the body] heals itself, but the other [the clothes] does not. Why did your wife come out well bedecked to meet you, Sir, when you entered the city? He replied: In order that I might not set my eyes on any other woman. Why, Sir, did she enter [the house] first and you after her and then we? He replied: Because I did not know your character.² Why, Sir, did you not ask us to join you in the meal? [He replied]: Because there was not sufficient food [for all]. Why did you give, Sir, one portion to the older son and two portions to the younger? He replied: Because the one stays at home and the other is away in the Synagogue³ [the whole day]. Why, Sir, did the clouds appear first in the corner where your wife stood and then in your corner? [He replied]: Because a wife stays at home and gives bread to the poor which they can at once enjoy whilst I give them money which they cannot at once enjoy.⁴ Or perhaps it may have to do with certain robbers In our neighbourhood; I prayed that they might die, but she prayed that they might repent [and they did repent].

Hanan ha-Nehba was the son of the daughter of Honi the Circle-Drawer. When the world was in need of rain the Rabbis would send to him school children and they would take hold of the hem of his garment and say to him, Father, Father, give us rain. Thereupon he would plead with the Holy One, Blessed be He, [thus], Master of the Universe, do it for the sake of these who are unable to distinguish between the Father who gives rain and the father who does not. And why was he called, Hanan ha-Nehba? — Because he was wont to lock [mihabbah] himself in the privy⁵ [out of modesty].

R. Zerika said to R. Safra: Come and see the difference between the [so called] hard men of

Palestine and the pious men of Babylonia. When the world was in need of rain the pious men of Babylonia, R. Huna and R. Hisda said: Let us assemble and pray, Perhaps the Holy One, Blessed be He, may be reconciled and send rain. But the great men of Palestine, as for example, R. Jonah the father of R. Mani, would go into his house when the world was in need of rain and say to his [family]: Get my haversack and I shall go and buy grain for a zuz. When he left his house he would go and stand in some low-lying spot, and then standing in this hidden spot, as it is written, Out of the depths have I called thee O Lord,⁶ dressed in sackcloth he prayed and rain came. When he returned home [his family] asked him, Have you brought the grain? He replied: Now that rain has come the world will feel relieved.

Again his son, R. Mani, was annoyed by the members of the household of the Patriarch, he went and prostrated himself on the grave of his father and exclaimed: Father, father, these people persecute me. Once as they were passing [the grave] the knees of their horses became stiff [and remained so] until they undertook not to persecute him any longer.

Again, R. Mani used often to attend [the discourses] of R. Isaac b. Eliashab and he complained: The rich members of the family of my father-in-law are annoying me. The latter exclaimed: May they become poor! And they became poor. Later on he [R. Mani] complained: They press me [for support] and R. Isaac exclaimed: Let them become rich! And they became rich. [On another occasion] he complained: My wife is no longer acceptable to me. R. Isaac thereupon asked: What is her name? He replied: Hannah. Whereupon R. Isaac exclaimed: May Hannah become beautiful! And she became beautiful. He then complained: She is too domineering over me. Whereupon R. Isaac exclaimed: If that is so, let Hannah revert to her [former] ugliness! And she became once again ugly.

Two disciples used to attend [the discourses of] R. Isaac b. Eliashab and they said to him, Master, pray that we may become very wise. He replied: Once I had the power to do this, but now I no longer possess this power.⁷

R. Jose b. Abin used to attend [the discourses of] R. Jose of Yokereth.⁸ Later he left him and went to those of R. Ashi.

(1) no.

(2) Therefore he would not leave his wife unprotected.

(3) [For instruction. The School, in Talmudic days, was attached to the synagogue.]

(4) Immediate relief is best.

(5) [Var. lec. omit: 'in the privy'. V. Rashi.]

(6) Ps. CXXX, 1.

(7) Lit., 'it was with me and I dismissed her'.

(8) Probably to be identified with דריוקרת V. supra 21b.

Talmud - Mas. Ta'anith 24a

One day he heard him reciting a tradition that Samuel had said: He that takes out of the sea a fish on the Sabbath, as soon as there is on it a dry spot as large as a sela', he has committed a breach of the Sabbath laws.¹ Thereupon R. Jose b. Abin asked him: Why does not the Master add, 'and between the fins'? He replied: Are you not aware that R. Jose b. Abin had [already] stated this? [The former] retorted: I am R. Jose b. Abin. Thereupon R. Ashi enquired: Did you not frequent the discourses of R. Jose of Yokereth? He replied: Yes. R. Ashi then asked him: Why did you leave him, Sir, and come here? He replied: How could the man who showed no mercy to his son and daughter show mercy to me?

What happened to his son? Once R. Jose had day-labourers [working] in the field; night set in and

no food was brought to them and they said to his son, 'We are hungry'. Now they were resting under a fig tree and he exclaimed: Fig tree, fig tree, bring forth thy fruit that my father's labourers may eat. It brought forth fruit and they ate. Meanwhile the father came and said to them, Do not bear a grievance against me; the reason for my delay is because I have been occupied up till now on an errand of charity. The labourers replied, May God satisfy you even as your son has satisfied us. Whereupon he asked: Whence? And they told him what had happened. Thereupon he said to his son: My son, you have troubled your Creator to cause the fig tree to bring forth its fruits before its time, may you too be taken hence before your time!

What happened to his daughter? He had a beautiful daughter. One day he saw a man boring a hole in the fence so that he might catch a glimpse of her. He said to the man, What is [the meaning of] this? And the man answered: Master, if I am not worthy enough to marry her, may I not at least be worthy to catch a glimpse of her? Thereupon he exclaimed: My daughter, you are a source of trouble to mankind; return to the dust so that men may not sin because of you. He also had an ass. When it was hired out for the day [the people who hired it] would place, in the evening, the hire on its back and the ass would make its way home to its master. If, however, the money was too much or too little, it would not go. One day a pair of sandals were left on its back and the ass would not move until they were removed and only then did it proceed.

Whenever the collectors of charity caught sight of R. Eleazar b. Birtal² they would hide themselves from him, because he was in the habit of giving away to them all that he had. One day he was going to the market to buy a trousseau for his daughter. When the collectors of charity caught sight of him they hid themselves from him. He ran after them and said to them: I adjure you, [tell me] on what mission are you engaged? And they replied: [The marriage of] an orphaned pair. He said to them: I swear, they must take precedence over my daughter. And he took all that he had and gave to them. He was left with one zuz and with this he bought wheat which he deposited in the granary. When his wife returned home she asked her daughter, What did your father bring home? She replied, He has put in the granary all that he had bought. She thereupon went to open the door of the granary and she found that it was so full of wheat that the wheat protruded through the hinges of the door-socket and the door would not open on account of this. The daughter then went to the Beth-Hamidrash and said to him [her father], Come and see what your Friend has done for you. Whereupon he said to her, I swear,³ they shall be to you as devoted property, and you shall have no more right to share in them than any poor person in Israel.⁴

R. Judah the Prince⁵ ordained a fast and he prayed but no rain fell. He thereupon exclaimed: What a great difference there is between, Samuel the Ramathite⁶ and Judah the son of Gamaliel! Woe to the generation that finds itself in such plight! Woe to him in whose days this has happened. He felt very grieved and rain fell. Once the House of the Patriarch ordained a fast and did not inform either R. Johanan or Resh Lakish. In the morning, however, they did notify them. Resh Lakish then said to R. Johanan, But we have not undertaken the fast on the previous evening.⁷ The latter replied: We are subject to their ordinances.

Once the House of the Patriarch ordained a fast and no rain fell. Thereupon Oshaiah, the youngest of the college scholars,⁸ expounded the verse, Then it shall be, if it be done in error by the congregation.⁹ This can be compared to a bride who lives in the house of her father. So long as her eyes¹⁰ are beautiful her body needs no examination; should, however, her eyes be bleared then her body needs examination. Thereupon the servants of the Patriarch came and put a scarf around his neck and tortured him. Whereupon the people of the city cried out, Leave him alone; us also he insults but since we see that whatever he does is for the sake of Heaven, we say nothing to him and we leave him alone, so you too leave him alone.

Once Rabbi ordained a fast and no rain fell. Thereupon 'Ilfa (some say, R. Ilfi),[stepped down

before the ark and] recited [the prayer], 'He causeth the wind to blow', and the wind blew. [He continued], 'He causeth the rain to fall', and rain fell. Rabbi then asked him, What is your special merit? He replied: I live in a poverty-stricken remote place where wine for Kiddush and Habdalah¹¹ is unobtainable but I take the trouble to procure for myself wine for Kiddush and Habdalah and thus help also others to fulfil their duty.

Once Rab came to a certain place and decreed a fast but no rain fell. The Reader then stepped down at his request before the ark and recited, 'He causeth the wind to blow', and the wind blew; [he continued], 'He causeth the rain to fall', and rain fell. Rab thereupon asked him, What is your special merit? The latter replied: I am a teacher of young children and I teach the children of the poor as well as those of the rich; I take no fees from any who cannot afford to pay; further, I have a fishpond and any boy who is reluctant [to learn] I bribe with some of the fishes from it¹² and thereby appease him so that he becomes eager to learn.

Once R. Nahman ordained a fast and he prayed but no rain fell. He thereupon said, 'Take Nahman and throw him down from the wall to the ground'.¹³ He felt greatly dejected and then rain came. Rabbah once decreed a fast. He prayed but no rain came. Thereupon the people remarked to him: When Rab Judah ordained a fast rain did fall. He replied: What can I do? Is it because of studies? We are superior to him, because in the time of R. Judah all studies were concentrated on

(1) Cf. Shab. 107b. He desecrates the Sabbath by killing which is one of the thirty-nine primary types of work forbidden on the Sabbath (cf. Shab. 73a).

(2) [Identified by Horowitz (Palestine p. 115) with Beiruth.]

(3) Lit., 'By the Service of the Temple', one of the formulas of oaths.

(4) R. Eleazar b. Birtah did not wish his daughter to derive any benefit from the results of a miracle.

(5) V. supra p. 64, n. 1.

(6) Cf. I Sam. XII, 17.

(7) V. supra 11b.

(8) [זְעִירָא דְּמִן הַבְּרִיָּא, Aliter: (Oshaia) Ze'ira of Haberya. a village in the Hawran district. V. Horowitz, p. 263.]

(9) Num. XV, 24.

(10) The meaning is that the leaders of the community ('the eyes') because of their sins are the cause of the sufferings that have befallen the community.

(11) V. Glos.

(12) [Cur. edd. insert 'and we arrange them for him,' 'clean them for him'.]

(13) Figuratively He is not worthy of his high office.]

Talmud - Mas. Ta'anith 24b

Nezikin,¹ whereas we study all the six sections. When R. Judah reached the passage in [the Mishnah],² 'If a woman was preserving vegetables in a pot etc. or as some say the passage, 'If olives are preserved together with their leaves then the leaves are not susceptible to uncleanness',³ he exclaimed: I see here disputations of Rab and Samuel,⁴ and yet we to-day teach 'Ukkazin in thirteen different sessions.⁵ And yet when Rab Judah removed one shoe [as a sign of humiliation]⁶ rain fell but when we cry out the whole day no one pays need to us. Is it because of some failing? If so, let any one who knows of it declare it. What, however, can the great men⁷ of a generation do when their generation does not [appear good enough to favour in the eyes of God].

Once Rab Judah saw two men using bread wastefully and he exclaimed: It seems that there is plenty in the world. He gave an angry look and a famine arose. Thereupon the Rabbis said to R. Kahana the son of R. Nehunia, his attendant, You who are so constantly with him, endeavour to persuade him to go out by the door near the market place.⁸ He prevailed upon him and he went out to

the market place and seeing there a large crowd he asked. What is the matter? He was told, They stand around a mass of ground dates which is on sale. Whereupon he exclaimed: It seems that there is famine in the world. He then said to his disciple: Take off my shoes. As soon as he had taken off one shoe rain fell. As he was about to take off the other Elijah appeared and said to him: The Holy One, Blessed be He, said, if you will take off the other shoe I will lay waste the world.⁹

R. Mari the son of the daughter of Samuel related: Once I was standing on the bank of the river Papa¹⁰ and I saw angels in the guise of sailors who brought sand and loaded ships with it and it turned into fine flour. When the people came to purchase [it] I called out to them: Do not buy this because it resulted from a miracle. Next day boatloads of wheat came from Perezina.¹¹

Once Raba came to Hagraunia¹² and ordained a fast but no rain fell. Thereupon he said to the people: Continue with your fasting overnight. Next morning he said to them: If there is any one of you who had a dream let him tell it. Thereupon R. Eleazar from Hagraunia replied: To me in my dream the following was said: Good greetings to the good teacher from the good Lord who from His bounty dispenseth good to His people. Raba then exclaimed: It seems that this is a favourable time to pray. He prayed and rain fell.

Once a certain man was sentenced by the Court of Raba to receive corporal punishment because he had intercourse with a Gentile woman. Raba had the man punished and he died. The matter reached the ears of King Shapur and he sought to punish Raba. Whereupon Ifra Hormuz, the mother of King Shapur,¹³ said to her son, Do not interfere with the Jews because whatever they ask of their God He grants them. The king asked her, For example? They pray and rain falls [she replied]. He retorted: This must have been because it is the season for rain; let them pray now, in the Tammuz cycle¹⁴ for rain. She sent a message to Raba: Concentrate now your mind and pray for rain. He prayed but no rain fell. He then exclaimed: Master of the Universe, 'O God, we have heard with our ears, our fathers have told us; a work Thou didst in their days, in the days of old.'¹⁵ But as for us we have not seen [it] with our eyes. Whereupon there followed such a heavy fall of rain that the gutters of Mahuza¹⁶ emptied their waters into the Tigris. Raba's father then appeared unto him in a dream and said to him: Is there anyone who troubles Heaven so much? Change thy [sleeping] place.¹⁷ He changed his place and next morning he discovered that his bed had been cut with knives.

R. Papa ordained a fast and no rain fell. As he felt faint he sipped a plateful of grits and he again prayed, but still no rain fell. Thereupon R. Nahman b. Ushpazarti¹⁸ said to him: If you, Sir, will sip another plateful of grits rain would fall. Raba felt humiliated and faint, and rain fell.

R. Hanina b. Dosa was journeying on the road when it began to rain. He exclaimed: Master of the Universe, the whole world is at ease, but Hanina is in distress; the rain then ceased. When he reached home he exclaimed: Master of the Universe, the whole world is in distress and Hanina is at ease; whereupon rain fell. [With reference to this incident] R. Joseph remarked: Of what avail was the prayer of the High Priest [on the Day of Atonement] against that of R. Hanina b. Dosa? For we have learnt:¹⁹ [The High Priest on the Day of Atonement] prayed a short prayer in the outer room [of the Temple]. What did he pray? Raba son of R. Adda and Rabin son of R. Adda both said in the name of Rab Judah: 'May it be Thy will, O Lord our God, that this year may be one of rain and of heat'. Is then heat beneficial? Is it not rather something harmful? — Rather [the prayer reads thus], 'If the year is to be a year of heat, let it also be a year of rain and of dew, and let the prayer of those journeying on the roads gain admission before Thee.

R. Aha the son of Raba in the name of Rab Judah completed the prayer as follows: 'May a ruler never cease from the house of Judah and may Israel never be in need of sustenance one from another, nor from another people'. Rab Judah said in the name of Rab: Every day a Heavenly Voice is heard declaring, The whole world draws its sustenance because [of the merit] of Hanina my son,

and Hanina my son suffices himself with a kab of carobs from one Sabbath eve to another. Every Friday his wife would light the oven and throw twigs²⁰ into it

(1) The fourth order of the Mishnah.

(2) Toh. II, 1. The word **עוקצין** is here out of place and refers to the passage which follows.

(3) M. Uk. 11,1.

(4) The disputations of Rab and Samuel are proverbial for their complexity. For fuller notes V. Sanh., Sonc. ed. p. 728.

(5) Cf. Ber. 20a and Rashi there a.l.; Ned. 41a. Rashi, on our passage; in the thirteen colleges that were to be found in the place where Rabbah resided.

(6) Cf. 12b; Ta'an. I, 6.

(7) [MSM.: 'leaders'.]

(8) That he might see for himself how the people suffer because of the famine.

(9) He should not weary God with any further prayers as He had already answered his prayer.

(10) A tributary of the Euphrates. V. Obermeyer, p. 227.

(11) Obermeyer (p. 227, n. 2) identifies with Parazika, Farausag near Bagdad.

(12) A city near Nehardea in Babylonia. V. Obermeyer, p. 265-7.

(13) [Shapur II, King of Persia (310-379 C.E.), son of King Hormuzd.]

(14) Heb. Tekufah, v. Glos.

(15) Ps. XLiv, 2.

(16) [For this reading v. D.S. Mahuza was the place of Raba. Cur. edd. 'of Sepphoris'.]

(17) Underlying this is the popular belief that a change of place brings with it a change of fortune.

(18) [Aruch reading Ushparti takes it as the name of R. Papa's mother. The phrase is thus to be rendered: 'O son of Ushparti'.]

(19) Yoma 53b.

(20) Lit., 'something that produces smoke'.

Talmud - Mas. Ta'anith 25a

so as not to be put to shame. She had a bad neighbour who said, I know that these people have nothing, what then is the meaning of all this [smoke]? She went and knocked at the door. [The wife of R. Hanina] feeling humiliated [at this] retired into a room. A miracle happened and [her neighbour] saw the oven filled with loaves of bread and the kneading trough full of dough; she called out to her: You, you, bring your shovel, for your bread is getting charred; and she replied, I just went to fetch it. A Tanna taught: She actually had gone to fetch the shovel because she was accustomed to miracles.

Once his wife said to him: How long shall we go on suffering so much: He replied: What shall we do?—Pray that something may be given to you, [she replied]. He prayed, and there emerged the figure of a hand reaching out to him a leg of a golden table. Thereupon he saw in a dream that the pious would one day eat at a three-legged golden table but he would eat at a two-legged table. Her husband said to her:¹ Are you content that everybody shall eat at a perfect table and we at an imperfect table? She replied: What then shall we do? — Pray that the leg should be taken away from you, [she replied]. He prayed and it was taken away. A Tanna taught: The latter miracle was greater than the former; for there is a tradition that a thing may be given but once; it is never taken away again.

Once on a Friday eve he noticed that his daughter was sad and he said to her, My daughter, why are you sad? She replied: My oilcan got mixed up with my vinegar can and I kindled of it the Sabbath light. He said to her: My daughter, Why should this trouble you? He who had commanded the oil to burn will also command the vinegar to burn. A Tanna taught: The light continued to burn the whole day until they took of it light for the Habdalah.²

R. Hanina b. Dosa had goats. On being told that they were doing damage he exclaimed, If they

indeed do damage may bears devour them, but if not may they each of them at evening time bring home a bear on their horns. In the evening each of them brought home a bear on their horns.

Once a woman neighbour of R. Hanina was building a house but the beams would not reach the walls. She thereupon came to him and said: I have built a house but the beams will not reach the walls. He asked her: What is your name? She replied: Aiku. He thereupon exclaimed: Aiku,³ may your beams reach [the walls]. A Tanna taught: They projected one cubit on either side. Some say, New pieces joined themselves [miraculously] to the beams.⁴ It has been taught: Polemo says: I saw that house and its beams projected one cubit on either side, and people told me: This is the house which R. Hanina b. Dosa covered with beams, through his prayer.

Whence did R. Hanina b. Dosa have goats seeing that he was poor? And furthermore, did not the Sages say: We may not rear small cattle in Palestine?⁵ — R. Phinehas said: Once it happened that a man passed by his house and left there hens and the wife of R. Hanina b. Dosa found them. Her husband, however, forbade her to eat of their eggs. As the eggs and the chickens increased in number he was very troubled by them and he therefore sold them and with the proceeds he purchased goats. One day the man who lost the hens passed by [the house] again and said to his companions, Here I left my hens. R. Hanina overhearing this asked him: Have you any sign [by which to identify them]? He replied: Yes. He gave him the sign and took away the goats. These were the goats that brought bears on their horns.

R. Eleazar b. Pedath found himself in very great want. Once after being bled he had nothing to eat. He took the skin of garlic and put it into his mouth; he became faint and he fell asleep. The Rabbis coming to see him noticed that he was crying and laughing, and that a ray of light was radiating from his forehead. When he awoke they asked him: Why did you cry and laugh? He replied: Because the Holy One, Blessed be He, was sitting by my side and I asked Him, How long will I suffer in this world? And He replied: Eleazar, my son, would you rather that I should turn back the world to its very beginnings? Perhaps you might then be born at a happier hour?⁶ I replied: All this, and then only perhaps?⁷ I then asked Him, Which is the greater life, the one that I had already lived, or the one I am still to live. He replied: The one that I have already lived. I then said to Him: If so, I do not want it. He replied: As a reward for refusing it I will grant you in the next world thirteen rivers of balsam oil as clear as the Euphrates and the Tigris, which you will be able to enjoy. I asked, And nothing more? He replied: And what shall I then give to your fellow men? I said: Do I then ask the share of one who has nothing? He thereupon snapped at my forehead and exclaimed: Eleazar, my son, I have shot you with my arrows.⁸ R. Hama b. Hanina ordained a fast but no rain fell. People said to him: When R. Joshua b. Levi ordained a fast rain did fall. He replied: I am I, and he is the son of Levi.⁹ Go and ask him that he may come [and pray for us] and let us concentrate on our prayer, perhaps the whole community will be contrite in heart and rain will fall.¹⁰ They prayed and no rain fell. He¹¹ then asked them: Are you content that rain should fall on our account? They replied: Yes. He then exclaimed: heaven, heaven, cover thy face.¹² But it did not cover [its face]. He then added: How brazen is the face of heaven! It then became covered and rain fell.

Levi ordained a fast but no rain fell. He thereupon exclaimed: Master of the Universe, Thou didst go up and take Thy Seat on high and hast no mercy upon Thy children. Rain fell but he became lame. R. Eleazar said: Let a man never address himself in a reproachful manner towards God, seeing that one great man did so and he became lame, and he is Levi. But was this actually the cause [of his lameness]? Was it not rather because he demonstrated to Rabbi a particular form of prostration?¹³ — Both were the cause of his lameness.

R. Hiyya b. Luliani overhearing the clouds saying to one another, Come, let us take water to Ammon and Moab, exclaimed: Master of the Universe! When Thou wast about to give the Law to Thy people Israel Thou didst offer it around amongst all the nations of the world but they would not

accept it, and now Thou wouldst give them rain; let them [the clouds] empty their waters here; and they emptied their waters on the spot.

R. Hiyya b. Luliani expounded: What is the meaning of the verse, The righteous shall flourish like the palm tree; he shall glow like a cedar in Lebanon?¹⁴ If it is said, 'Palm-tree' why is also said 'Cedar'? And if 'Cedar' why also 'Palm-tree'? Had it been said, 'Palm-tree' and not 'Cedar' I might have argued that just in the same way [

(1) [The text is in disorder. The rendering adopted is based on the reading of MS.M.].

(2) V. Glos.

(3) The name Aiku suggests to him the Greek **= Would that sc. the joists may reach the walls (Malter, Ta'an. p. 188).

(4) [Aliter:(a) They (the angels) made (added) new joints to them (R. Gershom). (b) They made of them (the lengthened beams) new joints (Aruch).]

(5) As these usually destroy the crops of the field. Cf. B.K. 79b.

(6) Lit., 'In an hour of sustenance'.

(7) He would not give God all this trouble for a mere probability.

(8) The text is in disorder and its meaning is doubtful. According to Rashi it is a gesture of God's love for Eleazar.

(9) I.e., I am not as great a man as he is.

(10) [This appears to be the meaning of text of cur. edd. from which MSS.vary.]

(11) [On our text, either R. Hama b. Hanina, or R. Joshua b. Levi, who had come at their request to pray. V. J. Ta'an III, 4.]

(12) With clouds that bring rain.

(13) And so injured himself. V. Suk. 53b.

(14) Ps. XCII, 13.

Talmud - Mas. Ta'anith 25b

as the stem of the Palm-tree does not renew itself¹ so too the stem of the righteous, Heaven forbid, does not renew itself; therefore it is said 'Cedar'. Had it been said 'Cedar' and not 'Palmtree', I might have argued that just in the same way as the Cedar does not yield fruit, so too the righteous do not yield fruit; therefore it is said, 'Palm-tree' and 'Cedar'. But does the stem of the cedar renew itself. Surely it has been taught: If one buys a tree from his neighbour for felling he must leave of the trunk one handbreadth from the ground;² of the trunk of the sycamore tree two handbreadths; of the virgin sycamore tree three handbreadths; of reeds and of vines from the knot above it;³ in the case, however, of date palms and cedars he may dig into the ground and uproot them because their stock does not renew itself.⁴ Here it speaks of other types of cedar trees in accordance with a statement of Rabbah b. Huna, who said:⁵ There are ten types of cedar trees, as it is said, I will plant in the wilderness the cedar, the acacia tree and the myrtle tree etc.⁶

Our Rabbis have taught: It is related of R. Eliezer that he ordained thirteen fasts upon the community and no rain fell. In the end, as the people began to depart [from the synagogue], he exclaimed: Have you prepared graves for yourselves? Thereupon the people sobbed loudly and rain fell.

It is further related of R. Eliezer that once he stepped down before the Ark and recited the twenty-four benedictions⁷ [for fast days] and his prayer was not answered. R. Akiba stepped down after him and exclaimed: Our Father, our King, we have no King but Thee; our Father, our King, for Thy sake have mercy upon us; and rain fell. The Rabbis present suspected [R. Eliezer], whereupon a Heavenly Voice was heard proclaiming.[The prayer of] this man [R. Akiba] was answered not because he is greater than the other man, but because he is ever forbearing and the other is not. Our Rabbis have taught: How long should it continue to rain to warrant the community breaking their fast? [Until the rain has penetrated] as far as the knee of the plough enters the soil; this is the opinion

of R. Meir. The Sages, however, say: In the case of arid soil one handbreadth, in the case of moderately soft soil two handbreadths, and in the case of cultivated soil three handbreadths.

It has been taught: R. Simeon b. Eliezer says: Not a handbreadth of rain coming down from above but that the deep with three handbreadths comes up from below to meet it.⁸ But has it not been taught: Two handbreadths? — There is no contradiction. In the one case it is cultivated soil, and in the other it is not.⁹

R. Eliezer said: When on the Feast of Tabernacles the water libations are carried out, Deep says to Deep, 'Let thy waters spring forth, I hear the voice of two friends',¹⁰ as it is said, Deep calleth unto Deep at the voice of Thy cataracts etc.¹¹ Rabbah said: I myself have seen Ridya.¹² who resembles a three years' old heifer, with its lips parted; he stands between the lower deep and the upper deep; to the upper deep he says, 'Distil thy waters', and to the lower deep he says, 'Let thy waters spring forth', as it is said, The flowers appear on the earth etc.¹³

IF WHILST THEY ARE FASTING RAIN FALLS, IF IT IS BEFORE SUNRISE etc. Our Rabbis have taught: If whilst they are fasting rain falls, if it is before sunrise they need not complete the fast; if it is after sunrise they must complete it; this is the opinion of R. Meir. R. Judah says: If before midday they need not complete the fast, if after midday they must complete it. R. Jose says: If before the ninth hour they need not complete the fast, if after the ninth hour they must complete it — For thus we find it in the case of Ahab, King of Israel, that he fasted from the ninth hour onwards, as it is said, Seest thou how Ahab humbleth himself before Me etc.¹⁴

R. Judah the Prince¹⁵ ordained a fast and rain fell after sunrise. He was of the opinion that the people should complete the fast. Said R. Ammi to him: We have learnt: [There is a difference] between before midday and after midday.

Samuel the Little ordained a fast and rain fell before sunrise. The people thought that it was due to the merit of the community, whereupon he said to them: I will quote you a parable. This can be compared to a servant who asked his master for a gratuity and the master exclaimed, Give it to him, and let me not hear his voice.

Another time Samuel the Little ordained a fast and rain fell after sunset. The people thought that it was due to the merit of the community. whereupon Samuel exclaimed: I will quote you a parable. This can be compared to a servant who asked his master for a gratuity and the master exclaimed, Keep him waiting until he is made submissive and is distressed, and then give him his gratuity. According to Samuel the Little, what would be an instance of rain falling on account of the merit of the community? — If they recited [the prayer]. 'He causeth the wind to blow', and the wind blew, and if they recited, 'He causeth the rain to fail, and rain fell.

IT HAPPENED THAT THE RABBIS ORDAINED A FAST IN LYDIA etc. Should they not have recited the Hallel first? — Abaye and Raba explained this to be because the Hallel is recited

(1) I.e., it does not produce new shoots once it is cut down.

(2) So that the trunk above the ground may send forth fresh shoots.

(3) From the point where the plant begins to branch out.

(4) V B.B. 80a.

(5) R.H. 23a.

(6) Isa. XLI, 19.

(7) V. supra 15a.

(8) The waters below the earth rise to meet the water of the rain. Cf. supra 6b, the statement of R. Abbahu.

(9) [In cultivated soil a small quantity of water sufficient to water only one handbreadth penetrates still lower and so

attracts the deep with a response of three handbreadths (Rashi). Strashun explains differently.]

(10) The two friends are the two vessels used for the libation of water and wine respectively. V. Suk. 48a.

(11) Ps. XLII, 8.

(12) In Persian mythology the angel who has charge over rain. V. Kohut, Aruch s.v. **רִידִיָּא** and Yoma, Sonc. ed. ,21a note.

(13) Cant. II, 12. The verse is taken to point to the resurrection of nature as the result of the rain. [The verse continues, 'and the voice of the turtle (**תֹּר**) is heard in our land'. **תֹּר** is taken in its Aramaic sense of 'ox', thus alluding to Ridya's resemblance to a three years' old heifer.]

(14) I Kings XXI, 29. According to Pes. 107b kings dine at the ninth hour (i.e.. three o'clock) of the day. Scripture tells us that Ahab fasted and humbled himself on the day that Elijah informed him of his doom. The Gemara construes Ahab's fasting to be that he went without his meal that day. This would prove that the last moment resolution to fast, provided a man had not partaken of any food before that time, is counted as a valid fast. V. 12a, the statement of R. Hisda.

(15) V. supra p. 64, n. 1.

Talmud - Mas. Ta'anith 26a

only when the appetite is satisfied and the stomach is full? Is that so? Did not R. Papa on one occasion when coming to the synagogue at Abi-Cobar¹ ordain a fast and rain fell before midday and yet he first recited the Hallel and only after that the people ate and drank! — It is different with the people of Mahuza, because drunkenness is frequent amongst them.²

CHAPTER IV

MISHNAH. ON THREE OCCASIONS OF THE YEAR, ON FAST-DAYS, ON MA'AMADOTH,³ AND ON THE DAY OF ATONEMENT DO THE PRIESTS LIFT UP THEIR HANDS TO BLESS [THE PEOPLE] FOUR TIMES DURING THE DAY, NAMELY AT THE SHAHARITH⁴ [SERVICE], AT MUSAF,⁵ AT MINHAH⁶ AND AT THE CLOSING OF THE GATES [NE'ILAH].⁷

THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOTH. BECAUSE⁸ IT IS SAID, COMMAND THE CHILDREN OF ISRAEL [AND SAY UNTO THEM]: MY FOOD WHICH IS PRESENTED UNTO ME.⁹ NOW HOW CAN A MAN'S OFFERING BE BROUGHT [ON THE ALTAR] AND HE IS NOT PRESENT? [THEREFORE] THE EARLIER PROPHETS¹⁰ INSTITUTED TWENTY-FOUR MISHMAROTH,¹¹ AND EACH MISHMAR WAS REPRESENTED [AT THE TEMPLE] IN JERUSALEM BY ITS OWN MA'AMAD OF PRIESTS, LEVITES AND ISRAELITES. WHEN THE TIME CAME FOR THE MISHMAR TO GO UP [TO JERUSALEM] THE PRIESTS AND LEVITES WENT UP TO JERUSALEM AND THE ISRAELITES OF THAT MISHMAR ASSEMBLED IN THEIR CITIES AND READ [FROM THE LAW] THE STORY OF CREATION.¹² THE MEN OF THE [ISRAELITE] MA'AMAD FASTED ON FOUR DAYS OF THAT WEEK, FROM MONDAY TO THURSDAY; THEY DID NOT FAST ON FRIDAY OUT OF RESPECT FOR THE SABBATH NOR ON SUNDAY IN ORDER NOT TO CHANGE OVER [WITHOUT A BREAK] FROM THE REST AND DELIGHT [OF THE SABBATH] TO WEARINESS AND FASTING AND SO [PERHAPS] DIE.

ON SUNDAY [THEY READ],¹³ IN THE BEGINNING, AND, LET THERE BE A FIRMAMENT; ON MONDAY,¹⁴ LET THERE BE A FIRMAMENT, AND, LET THE WATERS BE GATHERED TOGETHER; ON TUESDAY,¹⁵ LET THE WATERS BE GATHERED TOGETHER, AND, LET THERE BE LIGHTS; ON WEDNESDAY,¹⁶ LET THERE BE LIGHTS, AND, LET THE WATERS SWARM; ON THURSDAY,¹⁷ LET THE WATERS SWARM, AND, LET THE EARTH BRING FORTH; ON FRIDAY,¹⁸ LET THE EARTH BRING FORTH, AND, AND THE HEAVENS [AND THE EARTH] WERE FINISHED.

TWO PERSONS READ BETWEEN THEM A LONG SECTION¹⁹ AND ONE A SHORT SECTION. AT SHAHARITH, MUSAF, AND MINHAH THEY ASSEMBLED AND READ [THE REQUISITE] SECTION BY HEART, IN THE SAME WAY AS PEOPLE RECITE THE SHEMA'. THEY DID NOT ASSEMBLE AT MINHAH ON FRIDAY OUT OF RESPECT FOR THE SABBATH.

ON ANY DAY WHEN HALLEL²⁰ WAS RECITED THERE WAS NO MA'AMAD [SERVICE]²¹ AT SHAHARITH;²² [ON THE DAY WHEN] A MUSAF-OFFERING [WAS BROUGHT] THERE WAS NONE. AT NE'ILAH, [ON THE DAY OBSERVED AS] THE WOOD-FESTIVAL²³ THERE WAS NONE AT MINHAH;²⁴ THIS IS THE OPINION OF R. AKIBA. BEN 'AZZAI SAID TO HIM: THUS DID R. JOSHUA LEARN: [ON THE DAY WHEN] A MUSAF-OFFERING [WAS BROUGHT] THERE WAS NONE AT MINHAH; [ON THE DAY OBSERVED AS] THE WOOD-FESTIVAL THERE WAS NONE AT THE CLOSING OF THE GATES. THEREUPON R. AKIBA RETRACTED AND LEARNT LIKE BEN 'AZZAI.

NINE TIMES IN THE YEAR [WAS OBSERVED] THE WOOD-FESTIVAL OF THE PRIESTS AND THE PEOPLE; ON THE FIRST OF NISAN THE FAMILY OF ARAH²⁵ OF THE TRIBE OF JUDAH BROUGHT THE OFFERING OF WOOD; ON THE TWENTIETH OF TAMMUZ THE FAMILY OF DAVID OF THE TRIBE OF JUDAH;²⁶ ON THE FIFTH OF AB THE FAMILY OF PAROSH²⁷ OF THE TRIBE OF JUDAH; ON THE SEVENTH OF THE SAME MONTH, THE FAMILY OF JONADAB OF THE RECHABITES;²⁸ ON THE TENTH OF THE SAME MONTH THE FAMILY OF SENAAB OF THE TRIBE OF BENJAMIN;²⁹ ON THE FIFTEENTH OF THE SAME MONTH THE FAMILY OF ZATTU³⁰ OF THE TRIBE OF JUDAH, AND WITH THEM WERE THE PRIESTS AND LEVITES AND ALL THOSE WHO WERE NOT CERTAIN OF THEIR TRIBE AND THE BENE GONBE 'ALI AND THE BENE KOZE KEZI'OTH;³¹ ON THE TWENTIETH OF THE SAME MONTH THE FAMILY OF PAHATH MOAB³² OF THE TRIBE OF JUDAH; ON THE TWENTIETH OF ELUL THE FAMILY OF ADIN³³ OF THE TRIBE OF JUDAH; ON THE FIRST OF TEBETH THE FAMILY OF PAROSH A SECOND TIME; ON THE FIRST OF TEBETH THERE WAS NO MA'AMAD FOR THEREON THERE WAS HALLEL, MUSAF-OFFERING³⁴ AND THE WOOD-FESTIVAL.

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ AND FIVE ON THE NINTH OF AB. ON THE SEVENTEENTH OF TAMMUZ

(1) A place in the vicinity of the city of Mahuza. v. Obermeyer, pp. 177-8.

(2) Hence they cannot be trusted to leave over the Hallel until they had eaten and drunk.

(3) Cf. *infra* 27a.

(4) Morning Service.

(5) Additional Service.

(6) Afternoon Service.

(7) V. Glos. [I.e. at the service held at the end of the day about the time of the closing of the gates of the Temple. This service is now represented by the Ne'ilah service on the Day of Atonement.]

(8) V. Gemara.

(9) Num. XXVIII, 2.

(10) Samuel and David. Cf. *supra* 27a.

(11) Twenty-four divisions of lay people as well as of priests and levites, v. *supra* 27b.

(12) Gen. I.

(13) Gen. I, 1-8. Three were the minimum number of verses each person was permitted to read. As three persons (Priest, Levite and Israelite) read from the Law, there were not sufficient verses in any one section for the reading, and therefore two sections had to be coupled. Even then on some days (e.g., Sunday and Monday) a verse had to be repeated because the two sections did not have the minimum number of nine verses.

(14) *Ibid.* 6-13.

- (15) Ibid. 9-19.
- (16) Ibid. 14-23.
- (17) Ibid. 20-31.
- (18) Ibid. 24-31 and II, 1-3.
- (19) Containing at least six verses.
- (20) The name for the collection of Psalms, CXIII-CXVIII recited on festivals or semi-festivals like Hanukkah. [Here the reference is to Hanukkah, when Hallel is read but not Musaf.]
- (21) I.e., the reading of the section from Genesis.
- (22) So as not to take up too much time. The same reason applies for the absence of a Ma'amad on days when there is Musaf and wood-offering.
- (23) V. infra 28a and cf. Neh. X, 35; XIII, 31. V. also Rabbinowitz, Mishnah Megillah pp. 44-45.
- (24) [Provided the celebrants of the wood-festival were the members of the particular division on service, Me'iri.]
- (25) Neh. VII, 10.
- (26) [There is no record of this family in Neh. VII].
- (27) Neh. VII, 8.
- (28) II Kings X, 15.
- (29) Neh. VII, 38.
- (30) Neh. VII, 13.
- (31) V. Gemara.
- (32) Neh. VII, 11.
- (33) Neh. VII, 20.
- (34) Since it was New Moon and Hanukah.

Talmud - Mas. Ta'anith 26b

THE TABLES [OF THE LAW] WERE SHATTERED, THE DAILY OFFERING WAS DISCONTINUED, A BREACH WAS MADE IN THE CITY AND APOSTOMOS¹ BURNED THE SCROLL OF THE LAW AND PLACED AN IDOL IN THE TEMPLE. ON THE NINTH OF AB IT WAS DECREED THAT OUR FATHERS SHOULD NOT ENTER THE [PROMISED] LAND, THE TEMPLE WAS DESTROYED THE FIRST AND SECOND TIME, BETHAR WAS CAPTURED AND THE CITY [JERUSALEM] WAS PLOUGHED UP.

WITH THE BEGINNING OF AB REJOICINGS ARE CURTAILED. DURING THE WEEK IN WHICH THE NINTH OF AB FALLS IT IS FORBIDDEN TO CUT THE HAIR AND TO WASH CLOTHES BUT ON THE THURSDAY IT IS PERMISSIBLE IN HONOUR OF THE SABBATH. ON THE EVE OF THE NINTH OF AB ONE MAY NOT PARTAKE OF A MEAL OF TWO COURSES NOR EAT MEAT NOR DRINK WINE. RABBAN SIMEON B. GAMALIEL SAID: ONE SHOULD MAKE A DIFFERENCE IN HIS DIET. R. JUDAH MAKES IT OBLIGATORY TO TURN THE BED OVER;² THE SAGES, HOWEVER, DID NOT AGREE WITH HIM IN THIS.

R. SIMEON B. GAMALIEL SAID: THERE NEVER WERE IN ISRAEL GREATER DAYS OF JOY THAN THE FIFTEENTH OF AB AND THE DAY OF ATONEMENT. ON THESE DAYS THE DAUGHTERS OF JERUSALEM³ USED TO WALK OUT IN WHITE GARMENTS WHICH THEY BORROWED IN ORDER NOT TO PUT TO SHAME ANY ONE WHO HAD NONE. ALL THESE GARMENTS REQUIRED RITUAL DIPPING.⁴ THE DAUGHTERS OF JERUSALEM CAME OUT AND DANCED IN THE VINEYARDS EXCLAIMING AT THE SAME TIME, YOUNG MAN, LIFT UP THINE EYES AND SEE WHAT THOU CHOOSEST FOR THYSELF. DO NOT SET THINE EYES ON BEAUTY BUT SET THINE EYES ON [GOOD] FAMILY. GRACE IS DECEITFUL, AND BEAUTY IS VAIN; BUT A WOMAN THAT FEARETH THE LORD, SHE SHALL BE PRAISED.⁵ AND IT FURTHER SAYS,⁶ GIVE HER OF THE FRUIT OF HER HANDS; AND LET HER WORKS PRAISE HER IN THE GATES.

LIKEWISE IT SAYS, GO FORTH, O YE DAUGHTERS OF ZION, AND GAZE UPON KING SOLOMON, EVEN UPON THE CROWN WHEREWITH HIS MOTHER HATH CROWNED HIM IN THE DAY OF HIS ESPOUSALS, AND IN THE DAY OF THE GLADNESS OF HIS HEART.⁷ 'ON THE DAY OF HIS ESPOUSALS:' THIS REFERS TO THE DAY OF THE GIVING OF THE LAW. 'AND IN THE DAY OF THE GLADNESS OF HIS HEART:' THIS REFERS TO THE BUILDING OF THE TEMPLE; MAY IT BE REBUILT SPEEDILY IN OUR DAYS.

GEMARA. ON THREE OCCASIONS OF THE YEAR DO THE PRIESTS LIFT UP THEIR HANDS [TO BLESS THE PEOPLE]. Is there then MUSAF ON FAST-DAYS and ON MA'AMADOTH? — There is a clause wanting [in our Mishnah]. It should read thus: 'on three occasions do the priests lift up their hands [to bless the people] at all services, and on one of these⁸ occasions four times during the day, at the Shaharith [service], at Musaf, at Minhah and at the closing of the Gates. The following are the three occasions, Fast-days, Ma'amadoth and the Day of Atonement'. R. Nahman said in the name of Rabbah b. Abbuha: This is the opinion of R. Meir. The Sages, however, say: At Shaharith and at Musaf there is 'lifting up of hands' but at Minhah or at Ne'ilah there is no 'lifting up of hands'. Who are meant by 'the Sages'? — It is R. Judah. For it has been taught: At all [services, namely] at Shaharith, at Musaf, at Minhah and at Ne'ilah there is 'lifting up of hands'; this is the opinion of R. Meir. R. Judah says: At Shaharith and at Musaf there is 'lifting up of hands' but at Minhah or Ne'ilah there is no 'lifting up of hands'. R. Jose says: At Ne'ilah there is 'lifting up of hands' but at Minhah there is no 'lifting up of hands'. Wherein do they differ? R. Meir holds the view that the reason why on ordinary days the priests do not 'lift up their hands' at Minhah is because of the likelihood of intoxication,⁹ but on the days [cited above] the question of Intoxication does not arise.¹⁰ R. Judah takes the view that as drunkenness during [the time of] Shaharith and Musaf on ordinary days is not usual the Rabbis did not prohibit the lifting up of hands [at these services on fast-days also], whereas at [the time of] Minhah and Ne'ilah since on ordinary days drunkenness is quite a likely occurrence the Rabbis prohibited the 'lifting up of hands' [at these services even on fast-days]. R. Jose holds the view that the Rabbis confined their restriction to the Minhah only seeing that it is read every day, but they did not to the Ne'ilah which is not read every day.¹¹

R. Judah said in the name of Rab: The halachah is in accordance with the view of R. Meir. R. Johanan said: The people followed the view of R. Meir. And Raba said: The established custom is in accordance with the view of R. Meir. On the view that the halachah is according to R. Meir we teach it [explicitly] in the school sessions; but if we say that the established custom is according to R. Meir, then we should not teach it explicitly in the school sessions but we may give our decisions in accordance with it; if, however, we say that the people followed the view of R. Meir then we do not definitely give a decision in accordance with it, but should one have acted on it we do not declare his action null. But R. Nahman said: The halachah is according to R. Jose. And the halachah is [indeed] according to R. Jose. But nowadays why do the priests 'lift up their hands' [to bless the people] on fast-days at Minhah? — As they lift up their hands [in blessing] very near sunset¹² it is as if this was the Ne'ilah [service].

It is, however, generally agreed that an intoxicated [priest] may not lift up his hands [in benediction]. Whence is this view adduced? — R. Joshua b. Levi said in the name of Bar Kappara: Why does the section dealing with [the blessing by] the priest follow immediately after the portion of the Nazirite?¹³ In order to teach you that, just as the Nazirite is forbidden to drink wine, so too is the priest about to recite the priestly benediction. The father of R. Zera, and some say Oshaiah b. Zabbda, demurred to this: [If that is so], then just as the Nazirite is forbidden to eat the shells¹⁴ [of grapes], so too should the priest about to recite the priestly benediction be forbidden [to eat] the 'shells of grapes'. -R. Isaac replied: Scripture says, To minister unto Him and to bless in His name;¹⁵ [from this is to be inferred] that just as the officiating priest may eat the shells [of grapes]¹⁶ so too

may the priest about to recite the priestly benediction.

(1) V. J.E. s.v.

(2) And thus sleep and sit on the ground as a sign of mourning, v. infra.

(3) [Var. lec.: 'the sons of Israel'. That the same, however, applies to the daughters is clear from the Baraitha cited in the Gemara infra 31a.]

(4) In case they had been worn by a woman in a state of uncleanness and so became unclean. Cf. Lev. XV, 19ff.

(5) Prov. XXXI, 30.

(6) [Mishnah ed. Lowe reads: 'וכך הוא אומר', and thus he said', the quotation which follows being the answer of the young man, v. Malter.]

(7) Cant. III, 11. The Song of Songs has ever been regarded by the Rabbis as an allegory depicting the love of Israel for God.

(8) On the Day of Atonement.

(9) The priest may likely be intoxicated. A priest in a state of intoxication may not officiate in the Temple. Cf. Lev. X, 9.

(10) I.e., on fast days. On Ma'amadot and the Day of Atonement. The men of the Ma'amad fasted four fasts. Cf. infra 27b.

(11) It is read only on all fast-days (Rashi). [Others: only on the Day of Atonement, v. R. Hananel and Me'iri.]

(12) [On fast-days Minhah was recited close to sunset; v. supra 12b. R. Gershom refers this only to 'the Day of Atonement.]

(13) Num. VI, 1-21; the priestly section ibid. 22-27.

(14) Or 'kernels'.

(15) Deut. X, 8.

(16) Scripture forbids expressly the drinking of wine only. Cf. Lev. X, 9.

Talmud - Mas. Ta'anith 27a

[If so, why not also argue]: Just as an officiating priest may not be blemished so too may a priest reciting the benediction not be blemished. — Surely he is compared to the Nazirite.¹ Why do you choose to make your analogies more lenient [for the priest]? Why not make your analogies more strict [for him]?² — These analogies are but supports for a Rabbinical law and they must therefore incline towards the side of leniency.

THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOT. BECAUSE IT IS SAID, COMMAND THE CHILDREN OF ISRAEL etc. What does [this Mishnah] mean to say? — This is what it means to say: THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOT. AND WHY WERE THE MA'AMADOT INSTITUTED? BECAUSE IT IS SAID, COMMAND THE CHILDREN OF ISRAEL AND SAY UNTO THEM: MY FOOD WHICH IS PRESENTED UNTO ME. HOW CAN A MAN'S OFFERING BE BROUGHT [ON THE ALTAR] AND HE IS NOT PRESENT? [THEREFORE] THE EARLIER PROPHETS INSTITUTED TWENTY-FOUR MISHMAROT; EACH MISHMAR WAS REPRESENTED [AT THE TEMPLE] IN JERUSALEM BY ITS OWN MA'AMAD OF PRIESTS, LEVITES AND ISRAELITES. WHEN THE TIME CAME FOR THE MISHMAR TO GO UP, THE PRIESTS AND LEVITES WENT UP TO JERUSALEM.

Our Rabbis have taught: 'There were twenty-four Mishmarot in Palestine and twelve in Jericho'. [You say] there were [also] twelve in Jericho, then there were actually far more [than twenty-four]! — It must therefore be understood to mean that twelve of them [of the twenty-four] were in Jericho. When the time came for the Mishmar to go up [to Jerusalem] one half of the Mishmar went up from [their homes] in Palestine to Jerusalem and the other half went up to Jericho in order to provide their brethren in Jerusalem with water and food.

Rab Judah said in the name of Samuel: The absence of the Priests, Levites and Israelites is a bar to

[the offering of] the sacrifices. A Tanna taught: R. Simeon b. Eleazar said: The absence of Priests, Levites and musical instruments is a bar to [the offering of] the sacrifices. On what question does their dispute turn? — The one [Rab Judah] holds the view that the principal music of the Temple was vocal,³ and the other that it was with an instrument.

R. Hama b. Guria said in the name of Rab: Moses instituted for Israel eight Mishmaroth, four from [the family of] Eleazar and four from [the family of] Ithamar; Samuel came and increased them to sixteen; David came and increased them to twenty-four, as it is said, In the fortieth year of the reign of David they were sought for, and there were found among them mighty men of valour at Jazer of Gilead.⁴

An objection was raised against this: Moses instituted for Israel eight Mishmaroth, four from [the family of] Eleazar and four [from the family of] Ithamar; David and Samuel came and increased them to twenty-four, as it is said, Whom David and Samuel the seer did ordain in their set office!⁵ — This is what the passage means: From their institution by David and Samuel the Ramathite they were increased to twenty-four. Another [Baraitha] taught: Moses instituted for Israel sixteen Mishmaroth, eight from [the family of] Eleazar and eight from [the family of] Ithamar; but when the descendants of Eleazar increased in number above those of Ithamar, [the Mishmaroth] were again divided and they were increased to twenty-four, as it is said, And there were more chief men found of the sons of Eleazar than of the sons of Ithamar; and thus were they divided: of the sons of Eleazar there were sixteen, heads of fathers' houses, and of the sons of Ithamar, according to their fathers' houses, eight.⁶ And it says further, One father's house being taken for Eleazar, and proportionately for Ithamar.⁷ What is the force of the additional verse cited? Should you say, that just as the descendants of Eleazar increased in number, so also those of Ithamar increased from their original four into eight. Then come and hear: 'One father's house being taken for Eleazar, and proportionately [we-ahuz ahuz] for Ithamar.' This [Baraitha] will then refute the opinion of R. Hama b. Guria⁸ — R. Hama b. Guria will answer by saying: Tannaim are divided on the question and I accept the opinion of the Tanna [who says that Moses instituted only] eight Mishmaroth.

Our Rabbis have taught: Four Mishmaroth returned from the [Babylonian] exile, and they were: Jedaiah, Harim, Pashhur and Immer.⁹ The prophets amongst them

(1) And a blemished person may be a Nazirite.

(2) [By comparing the priest reciting the blessing to a Nazirite in respect of the eating of the shells and to an officiating priest in respect of a blemish.]

(3) Hence so long as there were Levites present to sing, the absence of musical instruments does not invalidate the sacrifices.

(4) I Chron. XXVI, 31.

(5) Ibid. IX, 22.

(6) I Chron. XXIV, 4.

(7) Ibid. XXIV, 6.

(8) Who said that Moses instituted only eight Mishmaroth, four each.

(9) V. Ezra II, 36-39.

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arose and divided them and increased them to twenty-four. [Lots were prepared] and mixed and placed in an urn. First came Jedaiah and took his portion and the portions of his colleagues,¹ six [in all]; then came Harim and took his portion and the portions of his colleagues six [in all]; and likewise Pashhur; and likewise Immer. And the prophets amongst them stipulated that even if Jehoiarib, who was the chief of the Mishmaroth should go up to [Jerusalem]² Jedaiah should not be ousted from his place, but Jedaiah³ should have precedence and Jehoiarib should be subordinate [to

him].⁴

AND THE ISRAELITES OF THE MISHMAR ASSEMBLED IN THEIR CITIES AND READ [FROM THE LAW] THE STORY OF CREATION, On what is this based? — R. Jacob b. Aha said in the name of R. Assi: Were it not for the Ma'amadoth heaven and earth could not endure, as it is said, And he said: O Lord God, whereby shall I know that I shall inherit it?⁵ Abraham said: Master of the Universe, should Israel sin before Thee wilt Thou do unto them [as Thou hast done] to the generation of the Flood⁶ and to the generation of the Dispersion?⁷ [God] replied to him: No. He then said to him: Master of the Universe, 'Let me know whereby I shall inherit it'. [God] answered: Take Me a heifer of three years old, and a she-goat of three years old etc.⁸ Abraham then continued: Master of the Universe! This holds good whilst the Temple remains in being, but when the Temple will no longer be what will become of them? [God] replied: I have already long ago provided for them in the Torah the order of sacrifices and whenever they read it I will deem it as if they had offered them before me and I will grant them pardon for all their iniquities.

Our Rabbis have taught: The men of the Mishmar⁹ prayed over the sacrifice of their brethren that it may be favourably accepted, whilst the men of the Ma'amad assembled in their synagogues and observed four fasts, on Monday, Tuesday, Wednesday and Thursday of that week. On Monday [they fasted] for those that go down to the sea; on Tuesday for those who travel in the deserts; on Wednesday that croup may not attack children; on Thursday for pregnant women and nursing mothers, that pregnant women should not suffer a miscarriage, and that nursing mothers may be able to nurse their infants; on Friday they did not fast out of respect for the Sabbath; and certainly not on the Sabbath. Why did they not fast on Sunday? — R. Johanan said: Because of the Nazareans.¹⁰ R. Samuel b. Nahmani said: Because it is the third day after the creation of Man.¹¹ Resh Lakish said: Because of the additional soul. For Resh Lakish said: Man is given an additional soul on Friday, but at the termination of the Sabbath it is taken away from him, as it is said, He ceased from work and rested¹² [shabat wa-yinafash] that is to say, Once the rest had ceased, woe! that soul is gone.

ON SUNDAY [THEY READ], 'IN THE BEGINNING', AND, 'LET THERE BE A FIRMAMENT'. It has been taught: Two persons read [the section] 'In the beginning', and one 'Let there be a firmament'. I can understand one person reading, 'Let there be a firmament', as it contains three verses, but how can two persons read, 'In the beginning', seeing that it contains only five verses? Has it not been taught: He who reads the Law should not read less than three verses? — Rab answered: [The third verse] is repeated. Samuel said: It is divided into two. Rab who says that the third verse is repeated why does he not agree that it is divided? — He is of the opinion that any verse which Moses did not divide, we may not divide. And as for Samuel who says that it is divided, may it then be divided? Did not R. Hanina, the Bible teacher, declare, I endeavoured hard to get permission from R. Hanina the elder to divide a verse into two and he would permit me only in the case of teaching children, because it is merely for teaching practice! — To this Samuel can reply: There [in the case of school children] the reason why [R. Hanina permitted the verse to be divided] was because it is not possible [for them to read the whole verse at one stretch], here too it is not possible. And as for Samuel who said, 'It is divided', why should he not agree that it be repeated? — In order to prevent any misunderstanding on the part of those who may enter or leave [the synagogue].¹³

An objection was raised: [A section of] six verses is read by two, but [a section of] five verses by one; should, however, the first person have read three verses then the second person reads the [remaining] two and one verse from the following section; some say, he reads three verses [from the following section] because we do not read from a [new] section less than three verses. Now in accordance with the view of him who says that it should be repeated, let then [the third verse of the first section] be repeated; and in accordance with the view of him who says that it should be divided, let the verse be divided? — There the position is different

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- (1) I.e., those of his sub-divisions.
- (2) In the First Temple, I Chron. XXIV, 7.
- (3) [Who in the First Temple was second, v. I Chron. *ibid.*]
- (4) [Because he refused to return at the time with Ezra, v. n. 4.]
- (5) Gen. XV, 8.
- (6) Cf. Gen. VI, 9ff.
- (7) Gen. XI, 1-9.
- (8) Gen. XV, 9.
- (9) The lay representatives at the Temple sacrifices (Rashi). [They are loosely designated the Men of the Mishmar because they were attached to a priestly division (v. Me'iri and Malter, a.l.).]
- (10) I.e., Christians, who may take umbrage at the Jews turning their Sabbath into a fast-day. V. Herford, Christianity in Talmud and Midrash, pp. 171-3.
- (11) Man was created on the sixth day (Friday). Cf. Gen. I, 27. The third day after birth, like the third day after circumcision, was considered a critical period; cf. Gen. XXXIV, 25.
- (12) Ex. XXXI, 17. The word שבת R. Lakish renders as 'ceasing' to observe the Sabbath and the word וינפש he divides into two, וי 'woe' and נפש 'soul'.
- (13) Those coming in when the second person reads verse three might conclude that the first person read two verses only; similarly those leaving the synagogue when the first person reads verse three might conclude that the second person will read two verses only.

Talmud - Mas. Ta'anith 28a

because he has plenty of verses at his disposal.¹

TWO PERSONS READ A LONG SECTION . . . AT SHAHARITH, MUSAF AND MINHAH THEY READ [THE REQUISITE] SECTION BY HEART etc. The question was raised: How is this Mishnah to be understood? [Does it mean] that at Shaharith and Musaf [the section] is read from a Scroll of the Law and at Minhah by heart in the same manner as people recite the Shema'? Or, it means this: At Shaharith it is read from a Scroll of the Law and at Musaf and Minhah by heart in the same manner as people recite the Shema'? — Come and hear: At Shaharith and Musaf they assemble in the synagogue and read [from the Scroll of the Law] in the same way as all the year round, but at Minhah an individual reads it by heart. — R. Jose asked: May then an individual read by heart in public words of the Law? It must surely be that all assemble [in the synagogue] and read it by heart in the same way as the Shema' is recited.

ON ANY DAY WHEN HALLEL WAS RECITED THERE WAS NO MA'AMAD etc. What is the difference between the one and the other?² — The one [Minhah] is a Biblical injunction and the other [Ne'ilah] is a rabbinic institution.³

THE WOOD-FESTIVAL OF THE PRIESTS AND OF THE PEOPLE etc. Our Rabbis have taught: Why was it necessary [to fix special days for] the Wood-Festival of the Priests and of the People? It is reported that when the exiles returned [to Palestine] they found no wood in the [Temple wood] chamber and the families here mentioned came forward and offered wood of their own. The prophets amongst them thereupon made it a condition that even should at any time the chamber be full of wood they should still continue their offerings, as it is said, And we cast lots the priests, the Levites and the people, for the wood-offering, to bring it into the house of our God, according to our fathers' houses at times appointed, year by year, to burn upon the altar of the Lord our God, as it is written in the Law.⁴

AND WITH THEM WERE THE PRIESTS AND THE LEVITES AND ALL THOSE WHO etc. Our Rabbis have taught: What is the incident connected with the Bene Gonbe 'Ali and the Bene

Koze Kezi'oth? It is reported that once the ruling power made a decree that Israel should not bring wood to the altar, nor bring their first-fruit to Jerusalem, and placed guards on the roads as Jeroboam the son of Nebat had done to prevent Israel from going on pilgrimage. What did the pious and sin-fearing men of that generation do? They took the baskets of the first-fruit and covered them with dried figs and carried them with a pestle on their shoulders, and when they reached the guards they were asked: Whither are you going? They replied: With the pestle on our shoulders we are going to make two cakes of pressed figs in the mortar we have yonder. When they had gone away from the guard they decorated the baskets and brought them to Jerusalem.⁵ It has been taught: The family of Salami Netofah acted in a similar way.

Our Rabbis have taught: What is the incident connected with the family of Salami Netofah? It is reported that once the ruling power decreed that Israel should not bring wood to the altar and they placed guards on the roads as Jeroboam the son of Nebat had done to prevent Israel from going on pilgrimage. What did the God-fearing men of that generation do? They took the logs of wood and made them into ladders which they carried on their shoulders and proceeded on their journey; when they reached the guards they were asked: Whither are you going? They replied: [We are going] with the ladders on our shoulders to take down young pigeons from the dovecot at a place further on. When they had gone away from the guards they dismantled [the ladders] and brought them to Jerusalem.⁶ And it is of them and of men like them that Scripture says, The memory of the righteous shall be for a blessing;⁷ and of Jeroboam and his companions the verse adds, But the name of the wicked shall rot.

ON THE TWENTIETH OF THE SAME MONTH THE FAMILY OF PAHATH MOAB: A Tanna taught: The sons of Pahath Moab b. Judah are identical with the sons of David the son of Judah; this is the opinion of R. Meir. R. Judah says: They are identical with the sons of Joab b. Zeraiah.

ON THE TWENTIETH OF ELUL THE FAMILY OF ADIN THE SON OF JUDAH: Our Rabbis have taught: The sons of Adin the son of Judah are the same as the sons of David the son of Judah; this is the opinion of R. Judah. R. Jose says: They are the same as the sons of Joab the son of Zeraiah.

ON THE FIRST OF TEBETH THE FAMILY OF PAROSH A SECOND TIME etc. With whose view does the Mishnah agree? It is neither with the view of R. Meir nor with that of R. Judah, nor with that of R. Jose. If it were in agreement with the view of R. Meir then [the Mishnah] would read, 'the sons of David b. Judah a second time'; should it be with that of R. Judah then it should read 'the sons of David b. Judah a second time'; if with that of R. Jose then it should read 'the sons of Joab b. Zeraiah a second time'! — [The Mishnah actually] agrees with the view of R. Jose, but there are two Tannaim in dispute as to what R. Jose's view was.⁸

ON THE FIRST OF TEBETH THERE WAS NO MA'AMAD etc. Mar Kashisha the son of R. Hisda asked R. Ashi

(1) But here in the case of the Ma'amadoth the Scriptural verses are limited in number. For further notes on this passage v. Meg., Sonc. ed. p. 133f.

(2) Why on the day of the Wood-Festival is no Ma'amad held at Ne'ilah but takes place as usual at Minhah?

(3) Minhah is of Biblical origin its institution being attributed to the Patriarch Isaac (cf. Ber. 26b), hence the Wood-Festival cannot supersede the Ma'amad in connection with it, whereas Ne'ilah is a rabbinic institution and therefore the festive day can supersede it. (So Rashi). V. however, Tosaf. ad loc. for an alternative interpretation of the passage.

(4) Neh. X, 35.

(5) Cf. Bik. III, 3.

(6) To be used as fuel for the altar.

(7) Prov. X, 7.

(8) On one view (represented under Mishnah) R. Jose identifies the family of Adin with that of David; on the other (in the Baraitha) with that of Joab.

Talmud - Mas. Ta'anith 28b

: Why is Hallel different that it suspends its own Ma'amad¹ while Musaf does not supersede its own Ma'amad?² — R. Ashi replied: If [Musaf] suspends the Ma'amad of a service of which it is not part, [i.e., Minhah] all the more should it suspend its own Ma'amad? — R. Kashisha then said: This is what I mean to say: Let it [Musaf] suspend its own Ma'amad only!³ — R. Ashi replied: There is R. Jose who holds the same view as you. For it has been taught: R. Jose says: Any day on which there is Musaf there is also a Ma'amad. Now which Ma'amad [is here referred to]? Shall I say the Ma'amad of the Shaharith? [Surely] the first Tanna [of our Mishnah] also says likewise! Is it the Ma'amad of the Musaf? Does not Musaf suspend even its own Ma'amad! Is it the Ma'amad of Minhah? But this is already suspended because of the Wood-Festival!⁴ It must then surely be the Ma'amad of Ne'ilah. Hence the conclusion therefrom that Musaf suspends its own Ma'amad but it does not suspend the Ma'amad of any other service. Hence it is proved.

Let [the Mishnah] also state that there was no Ma'amad on the first of Nisan, because there was Hallel,⁵ and Musaf offering and the wood-offering? — Raba replied: This proves that the recital of Hallel on New Moon is not a Biblical injunction.⁶ For R. Johanan said in the name of R. Simeon b. Jehozadak, On eighteen days in the year the individual [worshiper] completes the Hallel⁷ and they are, the eight days of the Feast of Tabernacles, the eight days of Hanukkah, the first day of Passover,⁸ and the Festival of Pentecost; but in the Diaspora⁹ [the Hallel is completed] on twenty-one days, and they are, the nine days of the Feast of Tabernacles, the eight days of Hanukkah, the first two days of Passover and the two days of Pentecost.

Rab once came to Babylonia¹⁰ and he noticed that they recited the Hallel¹¹ on New Moon; at first he thought of stopping them but when he saw that they omitted parts of it he remarked: It is clearly evident that it is an old ancestral custom with them. A Tanna taught: The individual should not deliberately begin to recite [the Hallel]¹² but once he has begun he should complete it.

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ etc. Whence is it known that the Tables [of the Law] were shattered [on the seventeenth of Tammuz]? For it has been taught:¹³ On the sixth of the month [of Sivan] the Ten Commandments were given to Israel; R. Jose says: On the seventh of the month. He who says that they were given on the sixth takes the view that on the sixth they were given and on the seventh Moses ascended the mount. And he who says that they were given on the seventh holds that they were given on the seventh and on the seventh Moses ascended the mount. For it is written, And the seventh day he called unto Moses,¹⁴ and it is further written, And Moses entered into the midst of the cloud, and went up into the mount; and Moses was in the mount forty days and forty nights.¹⁵ The [remaining] twenty-four days of Sivan and the sixteen days of Tammuz make altogether forty. On the seventeenth of Tammuz he came down [from the mountain] and shattered the Tables, as it is written, And it came to pass as soon as he came nigh unto the camp, that he saw the calf . . . and he cast the tables out of his hands, and broke them beneath the mount.¹⁶

[THE DAILY OFFERING] WAS DISCONTINUED. This is a tradition.

A BREACH WAS MADE IN THE CITY. Did this then happen on the seventeenth? Is it not written, In the fourth month, in the ninth day of the month, the famine was sore in the city etc.,¹⁷ and in the following verse it is written, Then a breach was made in the city etc.! — Raba said: This is no

contradiction. The one refers to the First Temple and the other to the Second Temple. For it has been taught: In the First Temple the breach was made in the city on the ninth of Tammuz, but in the Second Temple on the seventeenth of Tammuz.

APOSTOMOS BURNED THE SCROLL OF THE LAW. This is a tradition.

AND PLACED AN IDOL IN THE TEMPLE. Whence do we know this? — For it is written, And from the time that the continual burnt-offering shall be taken away and the detestable thing that causeth appalment set up.¹⁸ Was there then only one detestable thing? Is it not written, And upon the wing of detestable things shall be that which causeth appalment?¹⁹ — Raba replied: There were two [idols] and one fell upon the other and broke its hand and upon it was found inscribed

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- (1) On the day when Hallel is recited is the corresponding Ma'amad prayer of the Shaharith eliminated.
- (2) On the day when there is Musaf the Ma'amad of the Minhah is eliminated and not the one attached to the Musaf.
- (3) And not also that of Minhah, having a similar effect as Hallel.
- (4) [This is difficult to explain. Wilna Gaon omits the last two sentences and reads: Hence it must then surely be the Ma'amad of Minhah and Ne'ilah.]
- (5) Being New Moon.
- (6) As the Mishnah does not state this, it is to be inferred that in spite of the fact that the Hallel was recited on the first of Nisan the Ma'amad prayers were read as usual at the Shaharith. This proves that the recital of the Hallel on New Moon is but a custom that had sprung up and is not a Biblical institution, otherwise the Hallel would eliminate the Ma'amad.
- (7) The complete Hallel consisted of Psalms CXIII-CXVIII; on the days when Hallel was not to be completed verses I-XI of Psalms CXV and CXVI were omitted.
- (8) The Hallel was also completed on the Eve of Passover at the Passover sacrifices. Cf. Pes. V, 7.
- (9) The next day was also observed as a festival.
- (10) [Stands here for Sura, v. Meg., Sonc. ed. p. 135, n. 5.]
- (11) The recitation of the Hallel on New Moon was one of the points of difference between the ritual of the Jews in Babylonia and Palestine.
- (12) On the New Moon.
- (13) Cf. Shab. 86a.
- (14) Ex. XXIV, 16.
- (15) Ibid. 18.
- (16) Ex. XXXII, 19. Thus it is proved that Moses broke the Tables on the seventeenth of Tammuz.
- (17) Jer. LII, 6-7.
- (18) Dan. XII, 11.
- (19) Ibid. IX, 27.

Talmud - Mas. Ta'anith 29a

: You desired to destroy the Temple, but I have handed over your hand to Him.¹

ON THE NINTH OF AB IT WAS DECREED THAT OUR FATHERS SHOULD NOT ENTER THE [PROMISED] LAND. Whence do we know this? For it is written, And it came to pass in the first month in the second year, on the first day of the month, that the tabernacle was reared up.² And [regarding this verse] a Master said: In the first year Moses built the Tabernacle, in the second year Moses erected the Tabernacle and sent out spies. Further it is written. And it came to pass in the second year, in the second month, on the twentieth day of the month, that the cloud was taken up from over the tabernacle of testimony.³ And it is further written, And they set forward from the mount of the Lord three days' journey,⁴ and R. Hama b. Hanina explained this means that on that day they turned aside from after the Lord. And it is further written, And the mixed multitude that was among them fell a-lusting; and the children of Israel also wept on their part etc.⁵ And it is further written, But a whole month etc.⁶ That brings us up to the twenty-second of Sivan. And it is further

written, And Miriam was shut up [without the camp] seven days.⁷ That brings us up to the twenty-ninth of Sivan. And it is further written, Send thou men.⁸ And it has been taught: Moses sent out spies on the twenty-ninth of Sivan. And it is further written, Add they returned from spying out the land at the end of forty days.⁹ But is not this forty days less one?¹⁰ — Abaye replied: Tammuz of that year was a full month [of thirty days],¹¹ for it is written, He hath called a solemn assembly against me to crush my young men.¹² And it is further written, And all the congregation lifted up their voice, and cried; and the people wept that night.¹³ Rabbah said in the name of R. Johanan: That night was the night of the ninth of Ab. The Holy One, blessed be He, said to them: You have wept without cause, therefore I will set [this day] aside for a weeping throughout the generations to come.

[ON THE NINTH OF AB] THE TEMPLE WAS DESTROYED THE FIRST TIME. For it is written, Now in the fifth month, on the seventh day of the month, which was the nineteenth year of King Nebuchadnezzar, king of Babylon, came Nebuzaradan the captain of the guard, a servant of the King of Babylon, unto Jerusalem. And he burnt the house of the Lord etc.¹⁴ And it is further written, Now in the fifth month, in the tenth day of the month, which was the nineteenth year of King Nebuchadnezzar, king of Babylon, came Nebuzaradan the captain of the guard, who stood before the king of Babylon into Jerusalem etc.¹⁵ With reference to this it has been taught: We cannot say that this happened on the seventh, for it has already been stated that it was ‘in the tenth’; and we cannot say that this happened on the tenth, for it has already been stated that it was ‘on the seventh’. How then are these dates to be reconciled? On the seventh the heathens entered the Temple and ate therein and desecrated it throughout the seventh and eighth [of Ab] and towards dusk of the ninth they set fire to it and it continued to burn the whole of that day, as it is said, Woe unto us! for the day declineth, for the shadows of the evening are stretched out.¹⁶ And this is what R. Johanan meant when he said: Had I been alive in that generation I should have fixed [the mourning] for the tenth, because the greater part of the Temple was burnt thereon. How will the Rabbis then [explain the contradiction]? — The beginning of any misfortune is of greater moment.

AND [THE TEMPLE WAS DESTROYED] THE SECOND TIME. Whence do we know this? For it has been taught: Good things come to pass on an auspicious day, and bad things on an unlucky day. It is reported that the day on which the First Temple was destroyed was the eve of the ninth of Ab, a Sunday, and in a year following the Sabbatical year, and the Mishmar of the family of Jehoiarib¹⁷ were on duty and the Levites were chanting the Psalms standing on the Duchan.¹⁸ And what Psalm did they recite? — [The Psalm] containing the verse, And He hath brought upon them their own iniquity; and will cut them off in their own evil.¹⁹ And hardly had they time to say, ‘The Lord our God will cut them off’,¹⁹ when the heathens came and captured them. The same thing too happened in the Second Temple.

BETHAR WAS CAPTURED. This is a tradition.

AND THE CITY WAS PLOUGHED UP. It has been taught: When Turnus Rufus the wicked destroyed²⁰ the Temple, R. Gamaliel was condemned to death. A high officer came and stood up in the Beth-Hamidrash and called out, ‘The Nose-man²¹ is wanted, the Nose-man is wanted’. When R. Gamaliel heard this he hid himself. Thereupon the officer went up secretly to him and said, ‘If I save you will you bring me into the world to come?’ He replied: Yes. He then asked him, ‘Will you swear it unto me?’ And the latter took an oath. The officer then mounted the roof and threw himself down and died. Now there was a tradition [amongst the Romans] that when a decree is made and one of their own [leaders] dies, then that decree is annulled.²² Thereupon a Voice from Heaven was heard declaring, This high officer is destined to enter into the world to come.

Our Rabbis have taught: When the First Temple was about to be destroyed bands upon bands of young priests with the keys of the Temple in their hands assembled and mounted the roof of the Temple and exclaimed, ‘Master of the Universe, as we did not have the merit to be faithful treasurers

these keys are handed back into Thy keeping'. They then threw the keys up towards heaven. And there emerged the figure of a hand and received the keys from them. Whereupon they jumped and fell into the fire. It is in allusion to them that the prophet Isaiah laments: The burden concerning the Valley of Vision. What aileth thee now, that thou art wholly gone up to the house tops, thou that art full of uproar, a tumultuous city, a joyous town? Thy slain are not slain with the sword, nor dead in battle.²³ Of the Holy One, blessed be He, also it is said, Kir shouting, and crying at the mount.²⁴

WITH THE BEGINNING OF AB REJOICINGS ARE CURTAILED. Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: Just as with the beginning of Ab rejoicings are curtailed, so with the beginning of Adar rejoicings are increased.

(1) V. Tosaf. ad loc. [Aliter: based on MS.M., I desired to destroy Thy Temple but Thy hand cut it (my hand) off.]

(2) Ex. XL, 17.

(3) Num. X, 11.

(4) Ibid. 33.

(5) Ibid. XI, 4.

(6) Ibid. 20.

(7) Ibid. XII, 15.

(8) Ibid. XIII, 2.

(9) Ibid. 25.

(10) 29-30 Sivan; 1-29 Tammuz; 1-8 Ab ($2 + 29 + 8 = 39$).

(11) The additional day brings the figure up to forty.

(12) Lam. I, 15. The word מועד 'an appointed season', festival, is interpreted homiletically as a season appointed for mourning, as the Talmud goes on explaining.

(13) Num. XIV, 1.

(14) II Kings XXV, 8-9.

(15) Jer. LII, 12.

(16) Jer. VI, 4.

(17) V. supra p. 27b.

(18) The platform in the Temple on which the Levites stood when chanting the Psalms.

(19) Ps. XCIV, 23.

(20) Var lec.: 'ploughed'.

(21) Goldschmidt (a.l.) suggests that the Roman officer confused the Hebrew title Nasi with the Latin word, nasus, nose. Hence he called out, בעל החוטם = vir nasi.

(22) They regard the death as a punishment for the evil decree (Rashi).

(23) Isa. XXII, 1-2.

(24) Ibid. 5. קיר is interpreted as **, God (Malter)

Talmud - Mas. Ta'anith 29b

R. Papa said: Therefore a Jew who has any litigation with Gentiles should avoid him in Ab because his luck is bad and should make himself available in Adar when his luck is good.

To give you a future and a hope:¹ Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: By this is meant [an abundance of] palm trees and flaxen garments.²

And he said: See, the smell of my son is as the smell of a field which the Lord hath blessed.³ Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: As the smell of an apple orchard.

DURING THE WEEK IN WHICH THE NINTH OF AB FALLS IT IS FORBIDDEN TO CUT THE HAIR AND TO WASH CLOTHES. R. Nahman said: This restriction only applies to the washing of clothes for immediate wear but the washing of clothes for storing is permissible. R.

Shesheth said: It is forbidden to wash clothes even for storing. R. Shesheth said: A proof for this is that the fullers in the house of Rab⁴ are then idle.

R. Hamnuna raised an objection: ON THURSDAY IT IS PERMISSIBLE IN HONOUR OF THE SABBATH.⁵ What is permissible? Shall I say it is to wash clothes for immediate wear?⁶ Where does the honour of the Sabbath enter into it? It must surely mean, washing clothes for storing [till Sabbath], and this is permissible only on Thursday but not during other days of the week! — In reality [the Mishnah refers] to the washing of clothes for immediate wear and it speaks of a case where a man has only one shirt. For R. Assi said in the name of R. Johanan: When a man has one shirt only he may wash it in the middle days of the Festival.⁷ So too it has been stated: R. Benjamin said in the name of R. Eleazar: The restriction applies only to washing clothes for immediate wear but washing clothes for storing is permissible. An objection was raised against this: It is forbidden to wash clothes before the ninth of Ab even for storing them until after the ninth of Ab. And our [Babylonian] laundry work is like their [Palestinian] plain washing, [in respect of this prohibition],⁸ but flaxen garments are not included in this prohibition against laundry work. This is indeed a refutation.

R. Isaac b. Giyuri sent a message in the name of R. Johanan: Although the Rabbis declared that flaxen garments are not included in the prohibition against laundry work, yet it is forbidden to wear them [newly laundered] in the week in which the Ninth of Ab falls. Rab said: This applies to the days before the Ninth of Ab but on the days after it it is permissible to wear them. Samuel said: Even on the days after the Ninth of Ab it is forbidden to wear them. An objection was raised against this: The week in which the Ninth of Ab falls it is not permissible to cut the hair or to wash clothes, but on Thursday it is permissible in honour of the Sabbath. How is this to be understood? Should it fall on Sunday it is permissible to wash clothes the whole of the week, [but should it fall] on Monday or Tuesday or Wednesday or Thursday, before it it is not permissible, but after it, it is permissible; [should it fall] on Friday it is permissible to wash clothes on Thursday in honour of the Sabbath; if however he has not washed them on the Thursday it is permissible to wash them on the Friday from the hour of Minhah onwards. (Abaye, and some say, R. Aha b. Jacob expressed his strongest disapproval⁹ of any one who acted so.) Should [the Ninth of Ab] fall on Monday or on Thursday three people read the Law, and [of these the last] one also reads the prophetic lesson; but [should it fall] on Tuesday or Wednesday one reads the Law and he also reads the prophetic lesson. R. Jose says: Invariably three persons read the Law and the last one of these also reads the prophetic lesson. [Will not this Baraitha be] a refutation of Samuel [who holds that it is not permissible to wash clothes, even on the days after the Ninth of Ab]? — Samuel will reply: Tannaim are divided on this point. For it has been taught: Should the Ninth of Ab fall on the Sabbath, and likewise if the eve of the Ninth of Ab falls on the Sabbath, one may eat and drink as much as he needs and he may load his table with as many viands as Solomon in his time did, but it is forbidden to cut the hair and to wash clothes, from the beginning of the month until after the fast; this is the opinion of R. Meir. R. Judah says: It is forbidden the whole month. R. Simeon b. Gamaliel says: It is forbidden only on that particular week. And elsewhere it has been taught: And mourning is observed from the beginning of the month until the fast; this is the opinion of R. Meir. R. Judah says: It is forbidden the whole month. R. Simeon b. Gamaliel says: It is forbidden only on that particular week.¹⁰

Said R. Johanan: All three authorities adduced their ruling from the same scriptural verse. For it is written, I will also cause all her mirth to cease, her feasts, her new moons, and her sabbaths.¹¹ The one who says, from the beginning of the month until the fast

(1) Jer. XXIX 11.

(2) Rab Judah points out that the blessings for the future promised by the prophet Jeremiah to the exiles in Babylonia are of a material kind.

(3) Gen. XXVII, 27.

(4) [דְּבִי רַב] Aliter: of the school house.]

(5) Cf. supra 26b.

(6) On the same day — Thursday.

(7) Although washing is forbidden on these days. Cf. M.K. 14a, 18b.

(8) So that plain washing of clothes is permissible in Babylon for storing after the Ninth of Ab.

(9) Lit., 'cursed'.

(10) Samuel has thus the authority of R. Judah and R. Simeon b. Gamaliel in forbidding the washing of clothes on the days following the Ninth of Ab.

(11) Hosea II, 13.

Talmud - Mas. Ta'anith 30a

adduces his opinion from 'her feasts';¹ the one who says, it is forbidden the whole month, from 'her new moons';² and the one who says, it is forbidden the whole week, from 'her sabbaths'.³ Raba said: The halachah is according to R. Simeon b. Gamaliel. And Raba further said: The halachah is according to R. Meir. And both decisions are in favour of the more lenient practice, and both are needed [to be stated]. For had it only been stated that the halachah is according to R. Meir, I might have said that the restriction is in force from the beginning of the month, therefore it is also clearly stated that the halachah is according to R. Simeon b. Gamaliel; and had it only been stated that the halachah is according to R. Simeon b. Gamaliel, I would have said that the restriction continues even on the days after [the Ninth of Ab], therefore it is clearly stated that the halachah is according to R. Meir.⁴

ON THE EVE OF THE NINTH OF AB ONE MAY NOT PARTAKE OF A MEAL OF TWO COURSES etc. Rab Judah said: This restriction applies to any time after midday⁵ but not to any time before midday. Rab Judah further said: It applies only to the concluding meal [before the fast] but not to any other meal. And both decisions are in favour of the more lenient practice, and both are needed to be stated. For had it [only] mentioned the concluding meal, I would have said that the restriction held good of a meal partaken even at any time before midday, therefore it is clearly stated, from midday onwards. And had it only mentioned from midday onwards I would have said, that the restriction held good of a meal even though it be not the concluding meal, therefore it is clearly stated that it must be the concluding meal. It has been taught according to the first statement and it has also been taught according to the second statement. It has been taught according to the second statement: One who has a meal on the eve of the Ninth of Ab if it is his intention to have another meal [later] he may eat meat and drink wine; but if not, he may not eat meat nor drink wine. It has also been taught according to the first statement: On the eve of the Ninth of Ab one may not partake of a meal of two courses, nor may he eat meat nor drink wine. R. Simeon b. Gamaliel says: He should make a difference [in his diet]. What constitutes a difference in diet? If one is in the habit of having two courses he should have one only; and if he usually dines in the company of ten persons, he should dine with five; if it is his usual practice to drink ten cups [of wine] he should drink five only.⁶ These restrictions apply only to meals partaken from midday onwards, but not to meals partaken at any time before midday.

Another [Baraitha] taught: On the eve of the Ninth of Ab a man may not partake of a meal of two courses, he should not eat meat, nor drink wine; this is the opinion of R. Meir. But the Sages say: He should make a difference [in his diet] and restrict his consumption of meat and wine. How should one restrict? If he was in the habit of eating one pound of meat he should eat one half only, if it is his usual practice to drink one log of wine he should drink one half log only; but if he is not in the habit of partaking any of these things he may not have these at all. R. Simeon b. Gamaliel said: If it was his habit to eat radish or savoury after his meal he may do so if he wishes. Another [Baraitha] taught: At the meal intended to be the concluding one [prior to the fast of] the Ninth of Ab it is forbidden to eat meat or to drink wine or to bathe after the meal; at the meal which is not intended to be a

concluding meal prior to the Ninth of Ab⁷ it is permissible to eat meat and to drink wine but not to bathe. R. Ishmael b. Jose said in the name of his father: So long as it is permissible to eat⁸ meat it is also permissible to bathe.

Our Rabbis have taught: All the restrictions that apply to the mourner hold equally good of the Ninth of Ab. Eating, drinking, bathing, anointing, the wearing of shoes and marital relations are forbidden thereon. It is also forbidden [thereon] to read the Law, the Prophets, and the Hagiographa or to study Mishnah, Talmud, Midrash, Halachoth, or Aggadoth;⁹ he may, however, read such parts of Scripture which he does not usually read and study such parts of Mishnah which he usually does not study;¹⁰ and he may also read Lamentations, Job and the sad parts of Jeremiah; and the school children are free from school for it is said, 'The precepts of the Lord are right, rejoicing the heart.'¹¹ R. Judah said: Even such parts of Scripture which he does not usually read he may not read, nor study parts of the Mishnah which he does not usually study, but he may read Job, Lamentations and the sad parts of Jeremiah; and the school children are free [from school] for it is said, 'The precepts of the Lord are right, rejoicing the heart'.

NOR EAT MEAT NOR DRINK WINE. A Tanna taught: But he may eat salted meat¹² and he may drink [new] wine from his vat.¹³ For how long must meat remain in salt so as to render it permissible? For the length of time that peace-offering may be eaten.¹⁴ How long is wine considered new? As long as it remains in its first stage of fermentation. A Tanna taught: The law forbidding the use of liquids left uncovered does not apply to new wine in the first stage of fermentation.¹⁵ And how long does it take to ferment? — Three days.

Rab Judah said in the name of Rab: The following was the practice of R. Judah b. Il'ai. On the eve of the Ninth of Ab there was brought to him dry bread with salt and he would take his seat

(1) New Moon is also a festive day.

(2) **דחש** 'New Moon' can also mean, month.

(3) **שבת** 'Sabbath' has also the meaning, a whole week.

(4) Who is opposed to the view.

(5) Lit., 'from the sixth hour onward'.

(6) [MS.M.: '. . . out of ten (successive) cups . . . out of five'].

(7) Any other meal during the day or the concluding meal prior to any other fast, e.g., the Day of Atonement.

(8) [Var lec. omit: 'meat'.]

(9) The study of all these brings delight to the genuine student.

(10) The study of new subjects needs great application and the pleasure derived from the study is eclipsed by the efforts expended.

(11) Ps. XIX, 9. This last passage occurs again in the statement of R. Judah that follows and is thus rightly omitted in MS.M.

(12) I.e., pickled meat.

(13) As these have not a good taste.

(14) Two days and one night, i.e., sixty hours. Cf. Zeb. V, 7.

(15) There is no danger of contamination by the poison of a snake as the snake would not drink such liquid. Cf. Ter. VIII, 4.

Talmud - Mas. Ta'anith 30b

between the [baking] oven and the [cooking] stove¹ and eat and he would drink with it a pitcher full of water and he would appear as if a near relation were lying dead before him.

Elsewhere we have learnt: Where it is the custom to do work on the Ninth of Ab we may do work, but where it is not the custom we may not; and everywhere the Scholars refrain from work. R.

Simeon b. Gamaliel says: [In this respect] a man should always consider himself a scholar. It has been taught likewise: R. Simeon b. Gamaliel says: [In this respect] let a man always consider himself a scholar that he may feel more strongly the fast.

A [Baraita] taught: R. Simeon b. Gamaliel says: Any one who eats or drinks on the Ninth of Ab is as if he ate and drank on the Day of Atonement. R. Akiba says: Any one who does work on the Ninth of Ab will never see in his work any sign of blessing. And the Sages say: Any one who does work on the Ninth of Ab and does not mourn for Jerusalem will not share in her joy, as it is said, Rejoice ye with Jerusalem, and be glad with her, all ye that love her; rejoice for joy with her, all ye that mourn for her.² From this originates what they [the Rabbis] have said: Everyone who mourns for Jerusalem merits to share in her joy, and any one who does not mourn for her will not share in her joy. It has also been taught likewise: Of him who eats meat and drinks wine on the Ninth of Ab Scripture says: And their iniquities are upon their bones.³

R. JUDAH MAKES IT OBLIGATORY TO TURN THE BED OVER, BUT THE WISE DID NOT AGREE WITH HIM IN THIS. It has been taught: [The Sages] said to R. Judah: If your view is followed what will happen to pregnant women and nursing mothers?⁴ — He replied to them: I too meant my statement to apply only where it is possible. It has also been taught likewise: R. Judah agrees with the Sages where it is not possible [to overturn the beds]; and the Sages agree with R. Judah where it is possible. What is the real difference between them? The difference between them arises in the case of other beds [not used for sleeping]. As it has been taught: When the Rabbis said that a man should turn over the bed, they meant not only his own bed but also all the beds [in the house]. Raba said: The halachah is according to our Tanna, but the Sages would not accept his [R. Judah's] view at all.

R. SIMEON B. GAMALIEL SAID: THERE NEVER WERE IN ISRAEL GREATER DAYS OF JOY THAN THE FIFTEENTH OF AB AND THE DAY OF ATONEMENT. I can understand the Day of Atonement, because it is a day of forgiveness and pardon and on it the second Tables of the Law were given,⁵ but what happened on the fifteenth of Ab? — Rab Judah said in the name of Samuel: It is the day on which permission was granted to the tribes to inter-marry.⁶ Whence may this be adduced? — Scripture says, This is the thing which the Lord hath commanded concerning the daughters of Zelophehad etc.,⁷ [meaning] 'this thing' shall hold good for this generation only. R. Joseph said in the name of R. Nahman: It is the day on which the tribe of Benjamin was permitted to re-enter the congregation [of Israel], as it is said, Now the men of Israel had sworn in Mizpah, saying: There shall not any of us give his daughter unto Benjamin to wife.⁸ From what was their exposition?⁹ — Rab said: From the phrase 'any of us' which was interpreted to mean, 'but not from any of our children'.

Rabbah b. Bar Hanah said in the name of R. Johanan: It is the day on which the generation of the wilderness ceased to die out. For a Master said: So long as the generation of the wilderness¹⁰ continued to die out there was no divine communication to Moses,¹¹ as it is said, So it came to pass, when all the men of war were consumed and dead . . . that the Lord spake unto me.¹² [Only then] came the divine communication 'unto me'.

'Ulla said: It is the day on which Hosea the son of Elah removed the guards which Jeroboam the son of Nebat had placed on the roads to prevent Israel from going [up to Jerusalem] on pilgrimage,¹³ and he proclaimed

(1) He took up a humble position.

(2) Isa. LXVI, 10.

(3) Ezek. XXXII, 27.

(4) Who cannot sleep on the ground.

(5) [According to a tradition in Seder Olam 6, Moses spent three periods of forty days and forty nights in the Mount beginning with the seventh of Sivan and ending on the tenth of Tishri when he came down on earth with the Second Tables.]

(6) V. next note.

(7) Cf. Num. XXXVI, 6-7. The Law was later annulled.

(8) Judg. XXI, 1.

(9) I.e., on what did they base their permission.

(10) Those who came out of Egypt.

(11) [In a direct manner as described in Num. XII, 8, 'With him I speak mouth to mouth, etc. (Rashbam, B.B. 121b).]

(12) Deut. II, 16-17.

(13) Cf. Git. 88a.

Talmud - Mas. Ta'anith 31a

, Let them go up to whichever shrine they desire. R. Mattenah said: It is the day when permission was granted for those killed at Bethar to be buried. R. Mattenah further said: On the day when permission was granted for those killed at Bethar¹ to be buried [the Rabbis] at Jabneh instituted [the recitation of] the benediction,² 'Who art kind and dealest kindly etc.'; 'Who art kind': Because their dead bodies did not become putrid;³ 'And dealest kindly': Because permission was granted for their burial. Rabbah and R. Joseph both said: It is the day on which [every year] they discontinued to fell trees for the altar.⁴ It has been taught: R. Eliezer the elder says: From the fifteenth of Ab onwards the strength of the sun grows less and they no longer felled trees for the altar, because they would not dry [sufficiently]. R. Menashya said: And they called it the Day of the Breaking of the Axe.⁵ From this day onwards,⁶ he who increases [his knowledge through study] will have his life prolonged, but he who does not increase [his knowledge] will have his life taken away.⁷ What is meant by 'taken away'? — R. Joseph learnt: Him his mother will bury.⁸

ON THESE DAYS THE DAUGHTERS OF JERUSALEM etc. Our Rabbis have taught: The daughter of the king borrows [the garments] from the daughter of the High Priest, the daughter of the High Priest from the daughter of the deputy High Priest,⁹ and the daughter of the deputy High Priest from the daughter of the Anointed for Battle,¹⁰ and the daughter of the Anointed for Battle from the daughter of an ordinary priest, and all Israel borrow from one another, so as not to put to shame any one who may not possess [white garments].

ALL THE GARMENTS REQUIRE RITUAL DIPPING: R. Eleazar said: Even though they lay folded in a box.¹¹

THE DAUGHTERS OF ISRAEL CAME OUT AND DANCED IN THE VINEYARDS. A Tanna taught: Whoever was unmarried repaired thither.

THOSE OF THEM WHO CAME OF NOBLE FAMILIES EXCLAIMED, 'YOUNG MAN etc.' Our Rabbis have taught: The beautiful amongst them called out, Set your eyes on beauty for the quality most to be prized in woman is beauty; those of them who came of noble families called out, Look for [a good] family for woman has been created to bring up a family; the ugly ones amongst them called out, Carry off your purchase in the name of Heaven, only on one condition that you adorn us with jewels of gold.

Ulla Bira'ah said in the name of R. Eleazar: In the days to come the Holy One, blessed be He, will hold a chorus for the righteous and He will sit in their midst in the Garden of Eden and every one of them will point with his finger towards Him, as it is said, And it shall be said in that day: Lo, this is our God, for whom we waited, that He might save us; this is the Lord for whom we waited, we will be glad and rejoice in His salvation.¹²

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- (1) During the Bar Kochba War. Cf. Git. 57a.
- (2) The fourth benediction of the Grace after Meals.
- (3) [During the long period in which the slain were left lying in the open field owing to Hadrian's decree forbidding their interment.]
- (4) Undried wood harbours woodworms and this makes the wood unfit for the altar. After the fifteenth of Ab the rays of the sun are not sufficiently strong to dry the fresh-cut logs and therefore the felling of trees for the altar was discontinued as from this date. Cf. Mid. II, 5.
- (5) The name signified that there was no longer any need for the woodcutter's axe.
- (6) The nights grow longer and people have more time for study.
- (7) Cf. Aboth. I, 13.
- (8) He will die prematurely.
- (9) Segan, v. Sanh., Sonc. ed., p. 97, n. 1.
- (10) Priest anointed as Chaplain of the Army in time of war, and part of whose duty it was to make the necessary proclamations for the exemptions from military service. Cf. Deut. XX, 2ff.
- (11) Which would show that they were new and had never been worn.
- (12) Isa. XXV, 9.

Mishna - Mas. Taharoth Chapter 1

MISHNAH 1. THIRTEEN RULINGS GOVERN THE CARRION OF A CLEAN BIRD: THERE MUST BE¹ INTENTION² BUT³ IT NEED NOT BE RENDERED SUSCEPTIBLE;⁴ IT CONVEYS FOOD UNCLEANNESS⁵ IF ITS MINIMUM BULK IS THAT OF AN EGG; AND IT CONVEYS UNCLEANNESS⁶ WHEN IN ONE'S GULLET⁷ IF ITS MINIMUM BULK IS THAT OF AN OLIVE; HE THAT EATS OF IT MUST WAIT⁸ UNTIL SUNSET;⁹ GUILT IS INCURRED ON ACCOUNT OF IT FOR ENTERING THE SANCTUARY;¹⁰ TERUMAH IS BURNT ON ACCOUNT OF IT;¹¹ HE WHO EATS A MEMBER OF IT WHILE IT IS ALIVE MUST SUFFER THE PENALTY OF FORTY STRIPES;¹² SLAUGHTERING IT¹³ OR WRINGING ITS NECK¹⁴ FREES IT FROM UNCLEANNESS EVEN WHEN IT IS TREFA.¹⁵ SO R. MEIR.¹⁶ R. JUDAH RULED: THEY DO NOT FREE IT FROM UNCLEANNESS. R. JOSE RULED: THE SLAUGHTERING¹³ DOES FREE IT FROM THE UNCLEANNESS BUT THE WRINGING OF ITS NECK¹⁴ DOES NOT.

MISHNAH 2. THE LARGE FEATHER¹⁷ AND THE DOWN¹⁸ CONTRACT UNCLEANNESS,¹⁹ AND²⁰ CONVEY UNCLEANNESS²¹ BUT DO NOT COMBINE [WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM].²² R. ISHMAEL RULED: THE DOWN DOES COMBINE [WITH THE FLESH]. THE BEAK²³ AND THE CLAWS²⁴ CONTRACT UNCLEANNESS¹⁹ AND²⁰ CONVEY UNCLEANNESS AND ALSO COMBINE [WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM].²² R. JOSE RULED: ALSO THE ENDS²⁵ OF THE WINGS AND THE END²⁵ OF THE TAIL COMBINE [WITH THE FLESH TO CONSTITUTE THE MINIMUM].²² SINCE THEY ARE LEFT UNPLUCKED ON FATTENED BIRDS.²⁶

MISHNAH 3. THE CARRION OF AN UNCLEAR BIRD NECESSITATES²⁷ INTENTION²⁸ AND²⁷ IT MUST BE RENDERED SUSCEPTIBLE;²⁹ IT CONVEYS FOOD UNCLEANNESS³⁰ IF ITS MINIMUM BULK³¹ IS THAT OF AN EGG; THE CONSUMPTION OF A HALF OF HALF A LOAF'S BULK³² OF IT³³ RENDERS ONE'S PERSON UNFIT TO EAT TERUMAH;³⁴ AN OLIVE'S BULK OF IT IN ONE'S GULLET CONVEYS NO UNCLEANNESS; HE WHO EATS OF IT NEED NOT WAIT FOR SUNSET;³⁵ NO GUILT IS INCURRED ON ACCOUNT OF IT³⁶ FOR ENTERING THE SANCTUARY;³⁷ BUT ON ACCOUNT OF IT³⁶ TERUMAH³⁸ MUST BE BURNT; HE WHO EATS A MEMBER OF IT WHILE IT IS ALIVE IS NOT SUBJECT TO THE PENALTY OF FORTY STRIPES,³⁹ BUT SLAUGHTERING IT DOES NOT IMMEDIATELY⁴⁰ RENDER IT FIT.⁴¹ THE LARGE FEATHERS AND THE DOWN CONTRACT UNCLEANNESS AND CONVEY UNCLEANNESS AND COMBINE WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM. THE BEAK AND THE CLAWS CONTRACT UNCLEANNESS AND CONVEY UNCLEANNESS AND COMBINE [WITH THE FLESH TO MAKE UP THE PRESCRIBED MINIMUM].

MISHNAH 4. IN THE CASE OF CATTLE, THE HIDE, GREASE, SEDIMENT, FLAYED-OFF FLESH, BONES, SINEWS, HORNS AND HOOFS COMBINE⁴² [WITH THE FLESH] TO CONVEY FOOD UNCLEANNESS⁴³ BUT NOT TO CONVEY CARRION UNCLEANNESS.⁴⁴ SIMILARLY, IF A MAN⁴⁵ SLAUGHTERED AN UNCLEAR BEAST FOR AN IDOLATER AND IT WAS STILL JERKING ITS LIMBS,⁴⁶ IT CONVEYS FOOD UNCLEANNESS;⁴⁷ BUT IT CONVEYS NO CARRION UNCLEANNESS UNTIL IT IS DEAD OR ITS HEAD IS CHOPPED OFF.⁴⁸ [SCRIPTURE THUS] LAID DOWN MORE RESTRICTIONS IN REGARD TO THE CONVEYANCE OF FOOD UNCLEANNESS THAN IN REGARD TO THE CONVEYANCE OF CARRION UNCLEANNESS.

MISHNAH 5. A FOODSTUFF THAT CONTRACTED UNCLEANNESS FROM A 'FATHER OF UNCLEANNESS' AND ONE THAT CONTRACTED UNCLEANNESS FROM A DERIVED

UNCLEANNES⁴⁹ MAY BE COMBINED TOGETHER⁵⁰ TO CONVEY UNCLEANNES ACCORDING TO THE LIGHTER GRADE OF THE TWO. HOW SO? IF THE BULK OF HALF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF HALF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER, THE TWO⁵¹ ARE REGARDED AS SUFFERING ONLY SECOND GRADE UNCLEANNES;⁵² AND IF THE BULK OF HALF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES AND THE BULK OF HALF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES WERE MIXED TOGETHER, THE TWO⁵¹ ARE REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.⁵³ IF THE BULK OF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER, BOTH⁵¹ ARE REGARDED⁵⁴ AS SUFFERING FIRST GRADE UNCLEANNES;⁵⁵ BUT IF THEY WERE THEN DIVIDED, EACH PART⁵⁶ IS REGARDED AS SUFFERING ONLY A SECOND GRADE OF UNCLEANNES.⁵⁷ IF EACH PART⁵⁸ SEPARATELY FELL ON A LOAF OF TERUMAH, THEY CAUSE IT TO BECOME UNFIT,⁵⁹ BUT IF THE TWO FELL TOGETHER THEY CAUSE IT TO SUFFER SECOND GRADE OF UNCLEANNES.

MISHNAH 6. THE BULK OF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES THAT WERE MIXED TOGETHER ARE⁵¹ REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES.⁶⁰ IF THEY WERE THEN DIVIDED, EACH PART⁶¹ IS REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.⁶² IF EACH PART SEPARATELY FELL ON A LOAF OF TERUMAH THEY DO NOT RENDER IT INVALID,⁶³ BUT IF THE TWO FELL TOGETHER THEY CAUSE IT TO SUFFER THIRD GRADE OF UNCLEANNES. THE BULK OF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES THAT WERE MIXED TOGETHER ARE⁶⁴ REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES,⁶⁵ BUT IF THEY WERE THEN DIVIDED, EACH PART IS REGARDED AS SUFFERING ONLY SECOND GRADE UNCLEANNES,⁶⁰ FOR EVEN THE THIRD GRADE THAT TOUCHED THE FIRST HAS BECOME ONLY A SECOND GRADE. IF THE BULK OF TWO EGGS OF FOOD OF THE FIRST GRADE OF UNCLEANNES AND THE BULK OF TWO EGGS OF FOOD OF THE SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER THEY ARE REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. IF THEY WERE THEN DIVIDED, EACH PART IS STILL REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. BUT IF THEY WERE DIVIDED INTO THREE OR FOUR PARTS, EACH IS REGARDED AS SUFFERING FROM SECOND GRADE. IF THE BULK OF TWO EGGS OF FOOD OF THE SECOND GRADE OF UNCLEANNES AND THE BULK OF TWO EGGS OF FOOD OF THE THIRD GRADE OF UNCLEANNES WERE MIXED TOGETHER, THEY ARE REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. IF THEY WERE THEN DIVIDED, EACH PART IS STILL REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. BUT IF THEY WERE DIVIDED INTO THREE OR FOUR PARTS, EACH IS REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.

MISHNAH 7. IF PIECES OF DOUGH⁶⁶ CLUNG TO EACH OTHER⁶⁷ OR IF LOAVES ADHERED TO EACH OTHER,⁶⁸ AND ONE OF THEM CONTRACTED UNCLEANNES FROM A [DEAD] CREEPING THING,⁶⁹ THEY ALL BECOME UNCLEAN IN THE FIRST GRADE;⁷⁰ AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. IF ONE OF THEM CONTRACTED UNCLEANNES FROM A LIQUID⁷¹ THEY ALL SUFFER SECOND GRADE OF UNCLEANNES;⁷⁰ AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. IF ONE OF THEM CONTRACTED

UNCLEANNES FROM THE HANDS,⁷² THEY ALL BECOME UNCLEAR IN THE THIRD GRADE; AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING THIRD GRADE OF UNCLEANNES.

MISHNAH 8. IF TO A PIECE OF DOUGH⁷³ THAT WAS SUFFERING FIRST GRADE OF UNCLEANNES OTHERS WERE MADE TO ADHERE,⁶⁷ THEY ALL BECOME UNCLEAR IN THE FIRST GRADE;⁷⁰ AND IF IT WAS SEPARATED, IT STILL REMAINS UNCLEAR IN THE FIRST GRADE BUT ALL THE OTHERS ARE REGARDED AS SUFFERING ONLY SECOND GRADE OF UNCLEANNES.⁷⁴ IF TO A PIECE OF DOUGH⁷³ THAT WAS SUFFERING SECOND GRADE OF UNCLEANNES OTHERS WERE MADE TO ADHERE,⁶⁷ THEY ALL BECOME UNCLEAR IN THE SECOND GRADE;⁷⁰ AND IF IT WAS SEPARATED, IT STILL REMAINS UNCLEAR IN THE SECOND GRADE BUT ALL THE OTHERS ARE ONLY UNCLEAR IN THE THIRD GRADE OF UNCLEANNES. IF TO A PIECE⁷³ THAT WAS UNCLEAR IN THE THIRD GRADE OTHERS WERE MADE TO ADHERE,⁶⁷ IT REMAINS UNCLEAR IN THE THIRD GRADE BUT ALL THE OTHERS REMAIN CLEAR,⁷⁵ IRRESPECTIVE OF WHETHER THEY WERE SUBSEQUENTLY SEPARATED FROM IT OR WHETHER THEY WERE NOT SEPARATED.

MISHNAH 9. IF OF HOLY LOAVES⁷⁶ IN WHOSE HOLLOWS THERE WAS HOLY WATER⁷⁷ ONE CONTRACTED UNCLEANNES FROM A [DEAD]CREEPING THING, THEY ALL BECOME UNCLEAR.⁷⁸ IN THE CASE OF LOAVES OF TERUMAH,⁷⁹ UNCLEANNES IS CONVEYED TO TWO LOAVES⁸⁰ AND INVALIDITY TO ONE.⁸¹ IF THERE WAS DRIPPING LIQUID BETWEEN THEM,⁸² EVEN IN THE CASE OF TERUMAH ALL⁸² BECOME UNCLEAR.⁸³

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- (1) If it is to convey uncleanness.
 - (2) To use it as human food.
 - (3) Unlike other dry permitted foodstuffs.
 - (4) To uncleanness, by purposely bringing it in contact with a liquid.
 - (5) Sc. renders clean foodstuffs, which it touches, unclear in the second grade.
 - (6) To the man who eats it who becomes a 'father of uncleanness' and in turn conveys an uncleanness of the first grade to clothes or vessels with which he is then in contact.
 - (7) Even before it had been swallowed.
 - (8) Before he can attain cleanness.
 - (9) Immersion alone being insufficient.
 - (10) After eating of it.
 - (11) If it or the man who ate it came in contact with the terumah.
 - (12) A round figure for the prescribed thirty-nine.
 - (13) Outside the Temple.
 - (14) In the Temple, as a sacrifice (cf. Lev. I, 15).
 - (15) And forbidden as food.
 - (16) Whose nine (out of the thirteen) rulings have so far been enumerated. The other four follow in the next Mishnah anonymously and are likewise the rulings of R. Meir.
 - (17) Aliter: The small feathers.
 - (18) Of a clean bird
 - (19) In case the bird was not carrion and a dead creeping thing touched it.
 - (20) If the bird was carrion.
 - (21) To foodstuffs that touched them.
 - (22) Of an egg or an olive (cf. supra I, I ab init.) to convey uncleanness. These do not act as 'protection' to the flesh to serve as correctives, v. 'Uk. I, I.
 - (23) So much of it as is covered with flesh.
 - (24) Cf. prev. n.

- (25) Nearest the body.
- (26) Thus constituting a union with the flesh.
- (27) If it is to contract and convey uncleanness.
- (28) To use it as food.
- (29) To uncleanness, by purposely bringing it in contact with a liquid.
- (30) Renders foodstuffs that it touches unclean.
- (31) That touched a dead creeping thing.
- (32) The bulk of two eggs (Rashi) or one and a half eggs (Maim.).
- (33) When it was unclean.
- (34) Before performing immersion, though there is no need to wait for sunset.
- (35) But may eat terumah even before.
- (36) If a man ate the prescribed minimum after it had become unclean.
- (37) Since the uncleanness conveyed to the man is only Rabbinical.
- (38) That the man touched.
- (39) Because the relevant prohibition does not apply to forbidden creatures (v. Hul. 102a).
- (40) While it is still struggling and subject to the prohibition of a 'member from the living'.
- (41) For a Noachite who is permitted carrion but not a 'member from the living'.
- (42) To make up the prescribed minimum of the bulk of an egg.
- (43) If the flesh had contracted uncleanness from a dead creeping thing for instance.
- (44) To make up the bulk of an olive, for eating. touching or carrying, which is the prescribed minimum in the case of carrion.
- (45) An Israelite.
- (46) When to a Noachite it is still forbidden as a 'member of a living animal'.
- (47) Because the slaughtering performed by the Israelite, which renders a clean beast fit for consumption, also causes an unclean beast to be regarded as food both in respect of contracting uncleanness and of conveying it.
- (48) This is derived in Hul. 117b from Lev. XI, 39.
- (49) So that the former is subject to a first grade, and the latter only to a second grade of uncleanness.
- (50) To make up the prescribed minimum of the bulk of an egg.
- (51) While they are together.
- (52) Which causes no uncleanness to unconsecrated foodstuffs and only invalidity to terumah.
- (53) That causes no invalidity even to terumah.
- (54) Since the mixture contains the full prescribed minimum of this grade of uncleanness.
- (55) Which consequently causes unconsecrated food to be unclean.
- (56) Which contains only a half of the prescribed minimum of each grade.
- (57) As supra.
- (58) Which is suffering second grade of uncleanness.
- (59) Since terumah is rendered invalid by a second grade of uncleanness. The term 'unfit' in connection with uncleanness denotes that the uncleanness contracted is not capable of being conveyed a grade further.
- (60) V. p. 364, n. 4.
- (61) V. p. 364, n. 8.
- (62) V. p. 364, n. 9.
- (63) A third grade of uncleanness (unlike a second grade) cannot cause terumah to be invalid.
- (64) V. p. 364, n. 3.
- (65) V. p. 364, n. 7.
- (66) Of terumah.
- (67) To such an extent that it is impossible to separate one from the other without tearing away some dough from the one or the other.
- (68) Cf. prev. n.
- (69) Which is a 'father of uncleanness' and imparts a first grade of uncleanness.
- (70) Their adhesion causing them to be regarded as one.
- (71) Which is invariably subject to the first grade of uncleanness.
- (72) Which, unless especially taken care of, are always regarded as suffering second grade of uncleanness and impart

third grade of uncleanness.

(73) Of terumah.

(74) Imparted to them by the piece that is first grade of uncleanness.

(75) Since there is no fourth grade of uncleanness in terumah.

(76) E.g., Shewbread; and the loaves were touching each other.

(77) I.e., water that was prepared in purity under conditions of holiness.

(78) Since the first loaf that was touched by the creeping thing contracted a first grade of uncleanness; the second loaf contracted from the first one a second grade of uncleanness; the third loaf contracts from the second a third grade of uncleanness and (since in the case of holy things a third grade may cause a fourth grade of uncleanness) it also imparts uncleanness to the water on it which (in accordance with the uncleanness of liquids) becomes unclean in the first grade and causes the loaf to contract second grade of uncleanness and so impart to the next loaf third grade of uncleanness. The next loaf, for the same reason, imparts second grade of uncleanness to the one next to it, and so on ad infinitum. Var. lec.: If consecrated loaves lay in their hollows (i.e., the loaves were each lying in separate hollows of a board), and similarly holy water (in the hollows of a stone).

(79) Which, unlike holy things, never suffers fourth grade of uncleanness.

(80) First grade uncleanness is conveyed by the creeping thing to the first loaf which it touched, and second grade uncleanness is conveyed by the first loaf to the second one that touched it.

(81) The third loaf that was touched by the second. Since in terumah a third cannot make a fourth it becomes only invalid but not unclean. As the loaf in the third grade cannot convey uncleanness, the water on it remains clean so that neither it nor the water can convey uncleanness to the next loaf that touched it, which (like the next loaf that touched it and the one that touched the next, and so on) consequently remains clean.

(82) The loaves.

(83) The liquid between the first loaf and a second becomes, in accordance with the law of unclean liquids, unclean in the first grade and consequently conveys uncleanness of the second grade to the second loaf that touched it. Similarly the water between the second and the third loaves becomes unclean in the first grade and causes the third loaf to be unclean in the second grade, and so on ad infinitum.

Mishna - Mas. Taharoth Chapter 2

MISHNAH 1. IF A WOMAN WHO¹ WAS PRESERVING VEGETABLES² IN A POT TOUCHED³ A PROJECTING LEAF OUTSIDE THE POT ON A DRY SPOT,⁴ EVEN THOUGH THERE WAS AN EGG'S BULK⁵ IN THE LEAF,⁶ IT ALONE BECOMES UNCLEAR⁷ WHILE ALL THE REST⁸ REMAINS CLEAN.⁹ IF SHE TOUCHED IT¹⁰ AT A WET SPOT¹¹ AND THERE WAS AN EGG'S BULK⁵ IN THE LEAF,⁶ ALL¹² BECOMES UNCLEAR.¹³ IF THERE WAS NOT AN EGG'S BULK⁵ IN IT,¹⁴ IT ALONE BECOMES UNCLEAR BUT ALL THE REST REMAINS CLEAN. IF IT IS RETURNED INTO THE POT, ALL¹⁵ BECOMES UNCLEAR.¹⁶ IF THE WOMAN WAS UNCLEAR¹⁷ OWING TO CONTACT WITH ONE WHO CONTRACTED CORPSE UNCLEARNESS,¹⁸ AND SHE TOUCHED THE LEAF EITHER AT A WET SPOT OR AT A DRY SPOT, ALL¹⁹ BECOMES UNCLEAR IF THERE WAS AN EGG'S BULK IN THE LEAF;²⁰ BUT IF THERE WAS NOT AN EGG'S BULK²¹ IN IT, IT ALONE BECOMES UNCLEAR AND ALL THE REST REMAINS CLEAN. IF A WOMAN WHO WAS A TEBULATH YOM²² EMPTIED OUT THE POT WITH UNWASHED²³ HANDS,²⁴ AND SHE OBSERVED SOME LIQUID ON HER HANDS, AND IT IS UNCERTAIN WHETHER IT WAS SPLASHED FROM THE POT OR WHETHER A STALK²⁵ HAD TOUCHED HER HANDS, THE VEGETABLES ARE INVALID²⁶ BUT THE POT REMAINS CLEAN.²⁷

MISHNAH 2. R. ELIEZER RULED: HE WHO EATS FOOD OF FIRST[GRADE UNCLEARNESS²⁸ CONTRACTS] FIRST [GRADE UNCLEARNESS];[HE WHO EATS FOOD OF] SECOND [GRADE UNCLEARNESS²⁸ CONTRACTS] SECOND [GRADE UNCLEARNESS]; [IF IT WAS] THIRD[GRADE UNCLEARNESS HE CONTRACTS] THIRD [GRADE UNCLEARNESS]. R. JOSHUA RULED: HE WHO EATS FOOD OF FIRST[GRADE] OR OF SECOND [GRADE UNCLEARNESS CONTRACTS]SECOND [GRADE

UNCLEANNES]; [IF IT WAS] THIRD [GRADE UNCLEANNES, HE CONTRACTS] SECOND [GRADE UNCLEANNES] IN REGARD TO HOLY THINGS²⁹ BUT NOT IN REGARD TO TERUMAH.³⁰ ALL THIS APPLIES TO COMMON FOODSTUFFS THAT WERE PREPARED IN CONDITION OF CLEANNESS THAT ARE APPROPRIATE FOR TERUMAH.³¹

MISHNAH 3. FIRST [GRADE UNCLEANNES] IN COMMON FOOD IS UNCLEAN AND CONVEYS UNCLEANNES;³² SECOND [GRADE UNCLEANNES³³] CONVEYS INVALIDITY³⁴ BUT DOES NOT CONVEY UNCLEANNES;³⁵ AND THIRD [GRADE UNCLEANNES]³⁶ MAY BE EATEN IN A DISH MIXED WITH TERUMAH.³⁷

MISHNAH 4. FIRST [GRADE] AND SECOND [GRADE UNCLEANNES] IN TERUMAH ARE UNCLEAN AND CONVEY UNCLEANNES;³⁸ THIRD [GRADE UNCLEANNES]³⁹ CAUSES INVALIDITY⁴⁰ BUT CONVEYS NO UNCLEANNES; AND THE FOURTH [GRADE UNCLEANNES]⁴¹ MAY BE EATEN IN A DISH CONTAINING HOLY FOOD.⁴²

MISHNAH 5. FIRST, SECOND AND THIRD [GRADES OF UNCLEANNES] IN HOLY FOODSTUFFS ARE UNCLEAN AND CONVEY UNCLEANNES;⁴⁰ THE FOURTH [GRADE OF UNCLEANNES] IS INVALID⁴³ AND CAUSES NO UNCLEANNES; AND THE FIFTH [GRADE OF UNCLEANNES]⁴⁴ MAY BE EATEN IN A DISH CONTAINING CONSECRATED FOOD.

MISHNAH 6. SECOND [GRADE UNCLEANNES] IN COMMON FOOD CONVEYS UNCLEANNES TO UNCONSECRATED LIQUIDS⁴⁵ AND CAUSES INVALIDITY TO FOODSTUFFS OF TERUMAH. THIRD [GRADE OF UNCLEANNES] IN TERUMAH CONVEYS UNCLEANNES TO CONSECRATED LIQUIDS⁴⁵ AND CAUSES INVALIDITY TO HOLY FOODSTUFFS IF IT⁴⁶ WAS PREPARED IN CONDITIONS OF CLEANNESS APPROPRIATE TO HOLY FOOD; BUT IF IT WAS ONLY PREPARED UNDER CONDITIONS OF CLEANNESS APPROPRIATE TO TERUMAH, IT CONVEYS UNCLEANNES AT A FIRST AND AT A SECOND REMOVE, AND CAUSES INVALIDITY TO HOLY FOOD AT ONE ADDITIONAL REMOVE.⁴⁷

MISHNAH 7. R. ELIEZER OBSERVED: THE THREE OF THEM⁴⁸ ARE ON A PAR IN THE FOLLOWING CASES. THE FIRST GRADE OF UNCLEANNES IN HOLY FOOD, IN TERUMAH OR IN COMMON FOOD CONVEYS UNCLEANNES AT TWO REMOVES⁴⁹ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVES IN THE CASE OF HOLY FOOD; IT CONVEYS UNCLEANNES AT ONE REMOVE⁵⁰ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVE⁴⁷ IN THE CASE OF TERUMAH; AND IN COMMON FOOD IT ONLY CAUSES INVALIDITY. THE SECOND [GRADE OF UNCLEANNES] IN THE CASE OF ALL OF THEM⁴⁸ CONVEYS UNCLEANNES AT ONE REMOVE⁴⁷ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVE⁵¹ AS REGARDS HOLY FOOD; IT CONVEYS UNCLEANNES TO COMMON LIQUIDS⁴⁵ AND CAUSES THE INVALIDITY OF FOODSTUFFS OF TERUMAH. THE THIRD GRADE [OF UNCLEANNES] IN THE CASE OF ALL THESE⁵² CONVEYS UNCLEANNES TO HOLY LIQUIDS⁵³ AND CAUSES INVALIDITY TO HOLY FOODSTUFFS.

MISHNAH 8. IF A MAN EATS FOOD OF A SECOND [GRADE OF UNCLEANNES]⁵² HE MUST NOT WORK IN AN OLIVE-PRESS.⁵⁴ COMMON FOODSTUFFS THAT WERE PREPARED UNDER CONDITIONS PROPER TO THE CLEANNESS OF CONSECRATED FOOD ARE STILL REGARDED AS COMMON FOOD.⁵⁵ R. ELIEZER SON OF R. ZADOK RULED: THEY ARE REGARDED AS TERUMAH TO CONVEY UNCLEANNES AT TWO REMOVES⁵⁶ AND TO RENDER TERUMAH INVALID AT ONE ADDITIONAL REMOVE.⁵⁷

- (1) When in a condition of cleanness.
- (2) Of terumah.
- (3) With her hands which, having been unwashed, are regarded as being in a state of second grade uncleanness.
- (4) Which, unlike the wet part of the leaf within the pot, had never come in contact with liquids and, therefore, has never been rendered susceptible to uncleanness.
- (5) The prescribed minimum for capability to convey uncleanness to others.
- (6) As a whole.
- (7) Strictly speaking, 'invalid'; i.e. in the third grade of uncleanness, having contracted it from the woman's hands (cf. supra n. 3).
- (8) Whose uncleanness could be derived only from contact with this leaf.
- (9) Because a third grade of uncleanness in terumah cannot convey uncleanness to others.
- (10) The leaf under discussion.
- (11) So that her hands (in accordance with the laws of uncleanness governing liquids) conveyed to the liquid a first grade of uncleanness.
- (12) The pot itself as well as its contents.
- (13) Because the water (cf. prev. n. but one) imparts to the leaf a second grade of uncleanness which in turn conveys to the water in the pot a first grade of uncleanness which conveys to the pot and its contents a second grade of uncleanness.
- (14) From 'ALL BECOMES UNCLEAN' to 'IT' is omitted from some edd.
- (15) The wet part of the leaf touched.
- (16) Even if the bulk of the leaf was less than that of an egg, because the smallest quantity of liquid on the leaf conveys uncleanness.
- (17) In the first grade.
- (18) The corpse being a 'father of the fathers of uncleanness'. the man who came in contact with it is a 'father of uncleanness', and imparts to the woman first grade uncleanness.
- (19) The pot as well as its contents.
- (20) Since the leaf which, owing to the moisture on it was susceptible to uncleanness, conveys an uncleanness of the first grade to the liquid in the pot and this in turn causes the pot and its contents to contract second grade uncleanness.
- (21) The prescribed minimum for capability to convey uncleanness to others.
- (22) Fem. of tebul yom; a tebul yom continues until sunset unclean in the second degree.
- (23) Lit., 'soiled'.
- (24) Which are regarded as suffering second grade uncleanness.
- (25) Of the wet vegetable.
- (26) As the uncleanness of a tebul yom is Pentateuchal any condition of doubt must be decided restrictively as certain uncleanness.
- (27) Since a tebul yom does not render liquids unclean in the first grade (cf. Parah VIII, 7) and the hands (whose uncleanness is but Rabbinical) are in this matter of doubt regarded as clean, there is nothing that could impart uncleanness to the pot.
- (28) A minimum of the bulk of two eggs (Rashi) or of one and a half eggs (Maim.).
- (29) Which may contract from it third grade uncleanness and convey to other consecrated things fourth grade of uncleanness.
- (30) Which he may consequently touch, though he must not eat it.
- (31) Otherwise common food cannot give rise to a third grade uncleanness; nor can it apply to actual terumah or to holy food which, if unclean, must not be eaten at all.
- (32) To terumah, which in turn can render other terumah 'invalid'. If it touched common food it only renders it 'invalid', but the latter can convey no uncleanness or even invalidity to other common food.
- (33) In common food.
- (34) To terumah.
- (35) Sc. the terumah it touched conveys neither uncleanness nor 'invalidity' to other terumah and much less so to common food.
- (36) Applicable to unconsecrated food that was kept under conditions of terumah cleanness.
- (37) If the mixing was accidental. Aliter: It may under certain conditions be intentionally mixed with it.
- (38) The first grade conveys uncleanness to terumah and the second grade conveys uncleanness to holy things only.

- (39) In terumah.
- (40) To holy food.
- (41) Applicable to terumah that was kept under conditions of cleanness appropriate to holy food.
- (42) Since in respect of terumah it is altogether clean.
- (43) Var. lec., 'causes invalidity'.
- (44) In the case of holy foodstuffs that were kept under conditions of cleanness proper to the ashes of the red heifer.
- (45) Rendering them unclean in the first grade.
- (46) The terumah.
- (47) A third.
- (48) Holy food, terumah and common food.
- (49) Second and third.
- (50) A second.
- (51) A fourth.
- (52) V. p. 371, n. 6.
- (53) V. p. 371 n. 3.
- (54) Where any oil of terumah would become invalid through contact with it.
- (55) Which cannot contract a third grade of uncleanness. The one particular man's fancy in treating them as consecrated food is disregarded in view of the common practice to treat them as common food.
- (56) First and second.
- (57) V. p. 371, n. 5.

Mishna - Mas. Taharoth Chapter 3

MISHNAH 1. GREASE, BEAN-MASH AND MILK,¹ WHEN IN A CONDITION OF FLUIDITY,² ARE³ UNCLEAN IN THE FIRST GRADE. IF⁴ THEY TURNED SOLID THEY⁵ BECOME UNCLEAN IN THE SECOND GRADE. IF THEY AGAIN TURNED INTO FLUIDITY THEY ARE CLEAN IF THEIR BULK WAS EXACTLY THAT OF AN EGG;⁶ BUT IF IT WAS MORE THAN THE BULK OF AN EGG THEY REMAIN UNCLEAN, FOR AS SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK.⁷

MISHNAH 2. R. MEIR RULED: OIL¹ ALWAYS⁸ REMAINS UNCLEAN IN THE FIRST GRADE;⁹ AND THE SAGES RULED: HONEY ALSO.⁹ R. SIMEON OF SHEZUR RULED: ALSO WINE.⁹ IF A MASS OF OLIVES¹ FELL INTO AN OVEN THAT WAS HEATED¹⁰ THE LATTER REMAINS CLEAN IF THE BULK OF THE OLIVES WAS EXACTLY THAT OF AN EGG;¹¹ BUT IF IT WAS MORE THAN THAT OF AN EGG THE OVEN BECOMES UNCLEAN,¹² FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK. IF THE OLIVES WERE SEPARATED THE OVEN REMAINS CLEAN EVEN IF THERE WAS A SE'AH OF THEM.¹³

MISHNAH 3. IF A MAN WHO CONTRACTED CORPSE UNCLEANNESS PRESSED OUT¹⁴ THE JUICE OF OLIVES OR GRAPES¹⁵ WHOSE BULK WAS EXACTLY THAT OF AN EGG, THE JUICE REMAINS CLEAN¹⁶ PROVIDED HE DOES NOT TOUCH THE PLACE ON WHICH THE LIQUID IS; BUT [IF THE BULK WAS] MORE THAN THAT OF AN EGG, THE JUICE BECOMES UNCLEAN,¹⁷ FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK. IF THE PERSON¹⁸ WAS A ZAB OR A ZABAH [THE JUICE] BECOMES UNCLEAN EVEN IF ONLY ONE BERRY [WAS PRESSED OUT]. FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT¹⁹ BECAME UNCLEAN²⁰ BY CARRYING.²¹ IF A ZAB MILKED A GOAT, THE MILK BECOMES UNCLEAN, FOR SO SOON AS THE FIRST DROP COMES FORTH IT¹⁹ BECOMES UNCLEAN²⁰ BY CARRYING.²¹

MISHNAH 4. IF AN EGG'S BULK²² OF FOODSTUFFS²³, WAS LEFT IN THE SUN AND IT

SHRANK,²⁴ AND SO ALSO IN THE CASE OF AN OLIVE'S BULK OF CORPSE,²⁵ AN OLIVE'S²² BULK OF CARRION,²⁵ A LENTIL'S BULK²² OF A DEAD CREEPING THING,²⁵ AN OLIVE'S²² BULK OF PIGGUL,²⁶ AN OLIVE'S BULK²² OF NOTHAR,²⁶ OR AN OLIVE'S BULK²² OF FORBIDDEN FAT²⁵ THEY BECOME CLEAN; NOR DOES ONE INCUR GUILT ON ACCOUNT OF THESE FOR TRANSGRESSING THE LAW OF PIGGUL, NOTHAR OR UNCLEANNESS.²⁷ IF THEY WERE THEN LEFT OUT IN THE RAIN AND THEY SWELLED, THEY²⁸ BECOME UNCLEAN AND GUILT IS INCURRED ON ACCOUNT OF THEM FOR TRANSGRESSING THE LAW OF PIGGUL, NOTHAR OR UNCLEANNESS.

MISHNAH 5. ALL DOUBTFUL CASES OF UNCLEANNESS ARE DETERMINED ACCORDING TO THEIR APPEARANCE AT THE TIME THEY ARE FOUND: IF THEY WERE THEN²⁹ UNCLEAN THEY ARE ASSUMED TO HAVE BEEN UNCLEAN [ALL THE TIME]³⁰ AND IF CLEAN²⁹ THEY ARE ASSUMED TO HAVE BEEN CLEAN [ALL THE TIME]; IF THEY WERE THEN²⁹ COVERED³¹ THEY ARE ASSUMED TO HAVE BEEN COVERED [ALL THE TIME] AND IF UNCOVERED²⁹ THEY ARE ASSUMED TO HAVE BEEN UNCOVERED [ALL THE TIME]; IF A NEEDLE WAS FOUND FULL OF RUST³² OR BROKEN,³² IT IS CLEAN,³³ FOR ALL DOUBTFUL CASES OF UNCLEANNESS ARE DETERMINED ACCORDING TO THEIR APPEARANCE AT THE TIME THEY ARE FOUND.

MISHNAH 6. IF A DEAF-MUTE, AN IMBECILE OR A MINOR WAS FOUND IN AN ALLEY WAY³⁴ THAT CONTAINED AN UNCLEANNESS, HE IS PRESUMED TO BE CLEAN;³⁵ BUT ANY ONE OF SOUND SENSES³⁶ IS PRESUMED TO BE UNCLEAN.³⁷ FURTHER MORE, WHATSOEVER LACKS UNDERSTANDING³⁸ TO BE INQUIRED OF IS IN A CASE OF DOUBTFUL UNCLEANNESS PRESUMED TO BE CLEAN.

MISHNAH 7. IF A CHILD³⁹ WAS FOUND AT THE SIDE OF A GRAVEYARD WITH LILIES IN HIS HAND, AND THE LILIES GREW ONLY IN A PLACE OF UNCLEANNESS, HE IS NEVERTHELESS CLEAN, FOR IT MAY BE ASSUMED THAT AN OTHER PERSON GATHERED THEM AND GAVE THEM TO HIM.⁴⁰ SO ALSO WHERE AN ASS WAS AMONG THE GRAVES⁴¹ HIS HARNESS REMAINS CLEAN.⁴²

MISHNAH 8. IF A CHILD⁴³ WAS FOUND⁴⁴ BESIDE DOUGH⁴⁵ WITH A PIECE OF DOUGH IN HIS HAND, R. MEIR RULES THAT THE DOUGH⁴⁶ IS CLEAN;⁴⁷ BUT THE SAGES RULE THAT IT IS UNCLEAN, SINCE IT IS THE NATURE OF A CHILD TO SLAP DOUGH.⁴⁸ IF A DOUGH⁴⁹ BORE TRACES OF HENS' PICKINGS AND THERE WAS UNCLEAN LIQUID IN THE SAME HOUSE, THE LOAVES⁵⁰ ARE DEEMED TO BE CLEAN IF THERE WAS DISTANCE ENOUGH BETWEEN THE LIQUID AND THE LOAVES FOR THE HENS TO DRY THEIR MOUTHS ON THE GROUND;⁵¹ AND, IN THE CASE OF A COW OR A DOG, IF THERE WAS DISTANCE ENOUGH⁵² FOR IT TO LICK ITS TONGUE;⁵³ AND, IN THE CASE OF ALL OTHER BEASTS, IF THERE WAS DISTANCE ENOUGH⁵² FOR THEIR TONGUE TO DRY. R. ELIEZER B. JACOB HOLDS THE DOUGH TO BE CLEAN IN THE CASE OF A DOG WHO IS SAGACIOUS; FOR IT IS NOT ITS HABIT TO LEAVE FOOD⁵⁴ AND GO AFTER THE WATER.⁵⁵

(1) That contracted any uncleanness.

(2) Capable also of moistening other foodstuffs.

(3) As is the rule of unclean liquids.

(4) After contracting uncleanness.

(5) Having been in contact, so to speak, with a liquid (their former shape) of the first grade of uncleanness.

(6) Because, when the first drop was formed, the solid part was thereby reduced to less than an egg's bulk and, therefore, became incapable of conveying any uncleanness to that drop (and much less to any subsequent drop) which, having assumed a new form of existence, has also passed into a state of cleanness.

- (7) Of the remaining solid. The rest of the liquified matter then contracts uncleanness from that drop since any quantity of liquid is capable of conveying uncleanness.
- (8) Even when congealed.
- (9) Like liquids, since it never changes into a proper solid.
- (10) The heat causing some liquid to flow out from the solid olives.
- (11) V. supra n. 6.
- (12) From contact with the liquid.
- (13) Since each olive is less than an egg's bulk.
- (14) In a container that was insusceptible to uncleanness.
- (15) Which he had touched before he pressed them.
- (16) V. p. 373, n. 6.
- (17) From contact with the unclean olives or grapes.
- (18) Who pressed out the juice.
- (19) Whatever its quantity.
- (20) In the first grade.
- (21) Or 'shaking' (hesset) on the part of the zab, even if there was no direct contact.
- (22) The minimum that can convey uncleanness.
- (23) That contracted uncleanness.
- (24) So that less than the prescribed minimum (cf. prev. n. but one) remained.
- (25) That shrank (cf. prev. n.).
- (26) V. Glos.
- (27) Var. lec. 'and forbidden fat'.
- (28) Consisting now of the prescribed minimum.
- (29) When found.
- (30) If, for instance, a body was touched in the dark, and it is unknown whether it was that of a live or of a dead person, but later in the daylight it was found to be a corpse, it is assumed that death had occurred by the time it was touched, and the man that touched it is, therefore, unclean.
- (31) In cases where such covering affords protection against uncleanness.
- (32) A condition in which uncleanness ceases.
- (33) Even after the rust is removed or the needle is repaired, it being assumed that it was already in a rusty or broken condition at the time contact with the unclean object had taken place.
- (34) Which has the status of a private domain where doubtful cases of uncleanness are deemed to be unclean.
- (35) Because, as stated infra, one who is incapable of giving sensible information in reply to an enquiry is, in cases of doubtful uncleanness, deemed to be clean even in a private domain.
- (36) About whom there is doubt whether he did or did not touch an uncleanness.
- (37) In a private domain. In a public domain doubtful cases of uncleanness are always presumed to be clean.
- (38) Not only the categories of person mentioned but also cattle and utensils.
- (39) Who 'lacks understanding to be inquired of' (cf. prev. Mishnah); v. Sot. 28aff.
- (40) Since the child accordingly was not in the graveyard, and since the lilies which suffered first grade uncleanness only cannot convey uncleanness to a human being, the child remains clean.
- (41) So that it is doubtful whether he did or did not overshadow a grave.
- (42) It being presumed that there was no overshadowing.
- (43) Who was unclean.
- (44) In a private domain.
- (45) That was clean.
- (46) At the side of which he was found.
- (47) Since some children (a minority) have not the habit of slapping dough and since the dough was in a presumptive state of cleanness the child in question (on the principle of minority plus presumption) may be assumed to belong to the class of children who do not slap dough, and the piece of dough in his hand may be presumed to have been given to him by some clean person.
- (48) As the majority of children do slap dough, the child in question must be presumed to be one of that class, and the dough that has presumably been touched by him must, therefore, be regarded as unclean.

(49) Made into loaves.

(50) Cf. prev. n.

(51) After drinking of the unclean liquid, as is their nature after a drink.

(52) Between the liquid and the dough.

(53) Cf. p. 376, n. 14.

(54) The dough, which is not easily procurable.

(55) Which he can get much more easily. Hence it may well be presumed that before drinking the water he had well finished with the dough.

Mishna - Mas. Taharoth Chapter 4

MISHNAH 1. IF AN UNCLEAN¹ OBJECT WAS THROWN FROM ONE PLACE TO ANOTHER:² A LOAF³ AMONG KEYS⁴ OR A KEY⁵ AMONG LOAVES,⁶ [THAT WHICH WAS CLEAN REMAINS] CLEAN.⁷ R. JUDAH⁸ RULED: IF A LOAF³ WAS THROWN AMONG KEYS⁴ THE FORMER BECOMES UNCLEAR, BUT IF A KEY⁵ WAS THROWN AMONG LOAVES⁶ THE LATTER REMAIN CLEAN.

MISHNAH 2. IF A DEAD CREEPING THING WAS HELD IN THE MOUTH OF A WEASEL THAT WAS PASSING OVER LOAVES OF TERUMAH AND IT IS DOUBTFUL WHETHER THE CREEPING THING DID OR DID NOT TOUCH THEM, SUCH CONDITION OF DOUBT IS DEEMED CLEAN.⁹

MISHNAH 3. IF A WEASEL HELD IN ITS MOUTH A [DEAD] CREEPING THING OR IF A DOG HAD CARRION IN ITS MOUTH AND THEY PASSED BETWEEN CLEAN [PERSONS] OR IF CLEAN PERSONS PASSED BETWEEN THEM,¹⁰ THEIR CONDITION OF DOUBT IS DEEMED CLEAN, SINCE THE UNCLEANNESS¹¹, HAD NO RESTING PLACE.¹² IF THEY¹³ WERE PICKING AT THEM¹⁴ WHILE THESE¹⁵ LAY ON THE GROUND,¹⁶ AND A PERSON STATED, 'I WENT TO THAT PLACE BUT I DO NOT KNOW WHETHER I DID OR DID NOT TOUCH IT',¹⁵ HIS CONDITION OF DOUBT IS DEEMED UNCLEAR, SINCE THE UNCLEANNESS HAD A RESTING PLACE.

MISHNAH 4. IF AN OLIVE'S BULK OF CORPSE WAS HELD IN A RAVEN'S MOUTH AND IT IS DOUBTFUL WHETHER IT OVERSHADOWED A MAN OR VESSELS IN A PRIVATE DOMAIN, THE MAN'S CONDITION OF DOUBT IS DEEMED TO BE UNCLEAR¹⁷ BUT THE VESSELS' CONDITION OF DOUBT IS DEEMED CLEAN.¹⁸ IF A MAN DREW WATER IN TEN BUCKETS¹⁹ AND A DEAD CREEPING THING WAS FOUND IN ONE OF THEM,²⁰ IT ALONE IS DEEMED UNCLEAR BUT ALL THE OTHERS REMAIN CLEAN.²¹ IF ONE POURED OUT FROM ONE VESSEL INTO ANOTHER AND A DEAD CREEPING THING WAS FOUND IN THE LOWER VESSEL, THE UPPER ONE REMAINS CLEAN.²²

MISHNAH 5. ON ACCOUNT OF SIX DOUBTFUL CASES OF UNCLEANNESS IS TERUMAH BURNT:²³ ON ACCOUNT OF THE DOUBT OF A BETH HA-PERAS [GRAVE AREA],²⁴ ON ACCOUNT OF EARTH²⁵ ABOUT WHICH THERE IS DOUBT WHETHER IT CAME FROM THE LAND OF THE GENTILES,²⁶ ON ACCOUNT OF A DOUBT ABOUT THE GARMENTS OF AN 'AM HA-AREZ,²⁷ ON ACCOUNT OF A DOUBT ABOUT VESSELS FOUND BY CHANCE,²⁸ ON ACCOUNT OF SPITTLE ENCOUNTERED BY CHANCE,²⁹ ON ACCOUNT OF A DOUBT ABOUT HUMAN URINE²⁹ THAT WAS NEAR THE URINE OF A BEAST.³⁰ ON ACCOUNT OF A CERTAINTY OF HAVING TOUCHED THESE, WHICH GIVES RISE TO THE DOUBTFUL UNCLEANNESS,³¹ TERUMAH IS BURNT. R. JOSE RULED: ALSO ON ACCOUNT OF THEIR DOUBTFUL CONTACT³² IN A PRIVATE DOMAIN;³³ BUT THE SAGES RULED: IN A PRIVATE DOMAIN THE TERUMAH IS ONLY HELD IN SUSPENSE³⁴ AND IN A PUBLIC DOMAIN IT IS DEEMED CLEAN.³⁵

MISHNAH 6. IN THE CASE OF TWO KINDS OF SPITTLE, ONE OF WHICH WAS [POSSIBLY] UNCLEAR³⁶ AND THE OTHER WAS DECIDEDLY CLEAN, [ANY TERUMAH] IS TO BE HELD IN SUSPENSE IF [TOUCHED BY ONE WHO] TOUCHED OR CARRIED OR SHIFTED [ONE OF THE TWO KINDS OF SPITTLE] WHILE THEY WERE IN A PRIVATE DOMAIN, OR, WHO TOUCHED ONE OF THEM IN A PUBLIC DOMAIN WHILE IT WAS STILL MOIST, OR WHO CARRIED IT IRRESPECTIVE OF WHETHER IT WAS MOIST OR DRY. IF THERE WAS BUT ONE [KIND OF POSSIBLY] UNCLEAR Spittle AND A MAN TOUCHED, CARRIED OR SHIFTED IT IN A PUBLIC DOMAIN, TERUMAH³⁷ IS BURNT ON ACCOUNT OF IT; AND IT IS STILL MORE EVIDENT THAT THIS IS THE CASE IF IT WAS³⁸ IN A PRIVATE DOMAIN.

MISHNAH 7. THE FOLLOWING CASES OF DOUBTFUL UNCLEANNESS THE SAGES DECLARED TO BE CLEAN:³⁹ A CONDITION OF DOUBT CONCERNING DRAWN WATER IN RESPECT OF A RITUAL BATH,⁴⁰ AND A CONDITION OF DOUBT CONCERNING AN OBJECT OF UNCLEANNESS THAT FLOATED UPON THE WATER.⁴¹ IN THE CASE OF A CONDITION OF DOUBT CONCERNING LIQUIDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS IT IS DEEMED UNCLEAR, BUT IF IT WAS WHETHER UNCLEANNESS HAS BEEN CONVEYED IT IS DEEMED CLEAN. IF THERE IS DOUBT CONCERNING THE HANDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS, HAVE CONVEYED UNCLEANNESS OR⁴² HAVE ATTAINED CLEANNESS, THEY ARE DEEMED CLEAN. [THE SAGES, MOREOVER, DECLARED AS CLEAN] A CONDITION OF DOUBT THAT AROSE IN A PUBLIC DOMAIN;⁴³ A CONDITION OF DOUBT CONCERNING AN ORDINANCE OF THE SCRIBES; A CONDITION OF DOUBT CONCERNING COMMON FOODSTUFFS;⁴⁴ A CONDITION OF DOUBT CONCERNING CREEPING THINGS; A CONDITION OF DOUBT CONCERNING LEPROSY SIGNS; A CONDITION OF DOUBT CONCERNING A NAZIRITE VOW; A CONDITION OF DOUBT CONCERNING FIRSTLINGS; AND A CONDITION OF DOUBT CONCERNING SACRIFICES.

MISHNAH 8. 'A CONDITION OF DOUBT CONCERNING AN OBJECT OF UNCLEANNESS THAT FLOATED UPON THE WATER'⁴⁴ [IS DEEMED CLEAN] WHETHER⁴⁵ THE WATER WAS IN VESSELS OR IN THE GROUND. R. SIMEON RULED: IF IN VESSELS IT IS DEEMED UNCLEAR⁴⁶ BUT IF IN THE GROUND IT IS DEEMED CLEAN.⁴⁷ R. JUDAH RULED: IF THE DOUBT⁴⁸ AROSE WHEN THE MAN WENT DOWN INTO THE WATER HE IS DEEMED UNCLEAR,⁴⁹ BUT IF WHEN HE CAME UP⁵⁰ HE IS DEEMED CLEAN. R. JOSE RULED: EVEN IF THE ROOM AVAILABLE⁵¹ WAS NO MORE THAN WHAT SUFFICED FOR THE MAN AND THE UNCLEANNESS THE FORMER REMAINS CLEAN.

MISHNAH 9. 'IN THE CASE OF A CONDITION OF DOUBT CONCERNING LIQUIDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS IT IS DEEMED UNCLEAR'.⁵² IN WHAT CIRCUMSTANCES? IF AN UNCLEAR PERSON STRETCHED HIS FOOT BETWEEN CLEAN LIQUIDS AND THERE IS DOUBT WHETHER HE TOUCHED THEM OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED TO BE UNCLEAR. IF A MAN HAD AN UNCLEAR LOAF IN HIS HAND AND HE STRETCHED IT OUT⁵³ BETWEEN CLEAN LIQUIDS, AND THERE IS DOUBT WHETHER IT TOUCHED THEM OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED TO BE UNCLEAR. 'BUT IF IT WAS WHETHER UNCLEANNESS HAS BEEN CONVEYED, IT IS DEEMED CLEAN'.⁵² IN WHAT CIRCUMSTANCE? IF A MAN HAD IN HIS HAND A STICK ON THE END OF WHICH THERE WAS AN UNCLEAR LIQUID AND HE THREW IT AMONG CLEAN LOAVES AND THERE IS DOUBT WHETHER IT TOUCHED THEM⁵⁴ OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.

MISHNAH 10. R. JOSE RULED: A CONDITION OF DOUBT⁵⁵ IN THE CASE OF LIQUIDS IS DEEMED UNCLEAR IN RESPECT OF FOODSTUFFS⁵⁶ AND CLEAN IN RESPECT OF VESSELS.⁵⁷ HOW SO? IF THERE WERE TWO JARS,⁵⁸ THE ONE UNCLEAR AND THE OTHER CLEAN, AND A DOUGH WAS PREPARED WITH THE CONTENTS OF ONE OF THEM AND A DOUBT AROSE AS TO WHETHER IT WAS PREPARED WITH THE CONTENTS OF THE UNCLEAR, OR OF THE CLEAN ONE, SUCH IS 'A CONDITION OF DOUBT IN THE CASE OF LIQUIDS [WHICH] IS DEEMED UNCLEAR IN RESPECT OF FOODSTUFFS AND CLEAN IN RESPECT OF VESSELS'.

MISHNAH 11. 'IF THERE IS DOUBT CONCERNING THE HANDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS,⁵⁹ HAVE CONVEYED UNCLEANNESS⁶⁰ OR HAVE ATTAINED CLEANNESS, THEY ARE DEEMED CLEAN'.⁶¹ 'ANY CONDITION OF DOUBT⁶² THAT AROSE IN A PUBLIC DOMAIN'⁶¹ IS DEEMED CLEAN' 'A CONDITION OF DOUBT CONCERNING AN ORDINANCE OF THE SCRIBES'⁶¹ [NAMELY, IF A MAN IS UNCERTAIN WHETHER] HE ATE UNCLEAR FOODSTUFFS OR DRANK UNCLEAR LIQUIDS, WHETHER HE IMMERSED HIS HEAD AND THE GREATER PART OF HIS BODY IN DRAWN WATER,⁶³ OR WHETHER THERE FELL ON HIS HEAD AND THE GREATER PART OF HIS BODY THREE LOG OF DRAWN WATER,⁶⁴ SUCH A CONDITION OF DOUBT⁶⁵ IS DEEMED CLEAN. IF, HOWEVER, A CONDITION OF DOUBT AROSE CONCERNING A FATHER OF UNCLEANNESS EVEN THOUGH IT WAS ONLY RABBINICAL, IT IS DEEMED UNCLEAR.

MISHNAH 12. 'A CONDITION OF DOUBT CONCERNING COMMON FOODSTUFFS'⁶¹ REFERS TO THE CLEANNESS PRACTICED BY PHARISEES.⁶⁶ 'A CONDITION OF DOUBT CONCERNING CREEPING THING'⁶⁷ — [THIS IS DETERMINED] ACCORDING [TO THEIR CONDITION AT] THE TIME THEY ARE FOUND.⁶⁸ 'A CONDITION OF DOUBT CONCERNING LEPROSY SIGNS'⁶⁷ — [A LEPROSY SIGN]⁶⁹ IS DEEMED CLEAN IN THE BEGINNING BEFORE IT HAD BEEN DETERMINED TO BE UNCLEAR, BUT AFTER IT HAD BEEN DETERMINED TO BE UNCLEAR, A CONDITION OF DOUBT⁷⁰ IS DEEMED UNCLEAR. 'A CONDITION OF DOUBT CONCERNING A NAZIRITE VOW'⁶⁷ — [IN SUCH A CONDITION OF DOUBT⁷¹ THE MAN] IS PERMITTED [ALL THAT IS FORBIDDEN TO A NAZIRITE].⁷² 'A CONDITION OF DOUBT CONCERNING FIRSTLINGS'⁶⁹ — [IN SUCH A CASE ONE IS EXEMPT FROM GIVING THE FIRSTLINGS TO THE PRIEST] IRRESPECTIVE OF WHETHER THEY ARE FIRSTBORN OF MEN⁷³ OR FIRSTLINGS OF CATTLE,⁷⁴ WHETHER THE FIRSTLINGS OF AN UNCLEAR BEAST⁷⁵ OR A CLEAN ONE, FOR IT IS THE MAN WHO ADVANCES THE CLAIM⁷⁶ AGAINST HIS FELLOW THAT MUST PRODUCE THE PROOF.⁷⁷

MISHNAH 13. 'AND A CONDITION OF DOUBT CONCERNING SACRIFICES'⁶⁷ — IF A WOMAN HAS EXPERIENCED FIVE DOUBTFUL CASES OF MISCARRIAGE OR FIVE DISCHARGES OF DOUBTFUL ZIBAH SHE BRINGS ONLY ONE SACRIFICE⁷⁸ AND MAY THEN EAT OF THE SLAIN SACRIFICES, SHE BEING UNDER NO OBLIGATION TO BRING THE REMAINDER.⁷⁹

(1) Or clean (cf. foll. n.).

(2) So that a doubt arose whether it touched anything clean or whether the clean object (cf. prev. n.) touched anything unclear.

(3) That was clean (cf. prev. n. but one).

(4) That were unclear.

(5) That was unclear.

(6) That were clean.

(7) The assumption being that there was no contact after the haphazard throw between the clean and the unclear objects,

and furthermore because the clean object under consideration lacks understanding, v. supra III, 6.

(8) Drawing a distinction between an uncleanness at rest and one on the move.

(9) Because the uncleanness was on the move, and because the bread lacks understanding, v. Shek. II, 7.

(10) It being doubtful whether there was contact between the clean and the unclean.

(11) Which was on the move.

(12) This principle applying even to persons, though these do not lack understanding.

(13) Sc. the weasel or the dog.

(14) The creeping thing or the carrion.

(15) V. p. 378, n. 14.

(16) In a private domain.

(17) For overshadowing, which reaches to the ground, is on a par with a resting uncleanness, and the man affected is capable of answering an enquiry (cf. supra III, 6).

(18) Since vessels are not capable of answering an enquiry (cf. prev. n.).

(19) One after the other.

(20) A doubt thus arising whether the creeping thing was in the well and thus conveyed uncleanness to all the buckets.

(21) It being assumed that where the uncleanness was found there it was all the time; and, though it came in contact with the water in the well, it conveyed no uncleanness to it, since the latter is regarded as attached to the ground which is not susceptible to uncleanness.

(22) It is not assumed that the creeping thing was first in the upper vessel from which it subsequently dropped into the lower one.

(23) In all other cases of doubtful uncleanness terumah may not be burnt.

(24) Into which terumah was carried; on Beth ha-Peras, v. Glos.

(25) Which came in contact with terumah.

(26) In which case it would be unclean.

(27) It being uncertain whether he did or did not touch them. If he did, uncleanness would have been conveyed to them.

(28) Which might possibly be unclean ones.

(29) Which might be that of a zab or a menstruant and which would, therefore, convey uncleanness.

(30) And thus distinguishable from it. If one kind alone is encountered a double doubt arises: Whether (a) it is that of a man or a beast and, if it is that of a man, whether (b) that man was unclean or clean.

(31) Owing, as stated supra, to the doubtful nature of their uncleanness.

(32) With terumah; though in such a case a double doubt arises.

(33) Is terumah burnt.

(34) Owing to the double doubt involved (cf. prev. n. but one).

(35) For further notes on this Mishnah v. Shab. (Sonc. ed.) p. 156 notes.

(36) In the case of certain uncleanness the terumah, touched in a private domain by one who came in contact with the spittle, would have had to be definitely burnt.

(37) That the man subsequently touched.

(38) Lit., 'and there is no need to say' that the terumah is to be burnt.

(39) Irrespective of whether they occurred in a private or in a public domain.

(40) It being doubtful whether the drawn water had fallen into the ritual bath that contained less than the prescribed minimum of valid water or, if it was certain that it fell into it, whether its quantity was as much as three logs which constitute the minimum for invalidating a ritual bath.

(41) This and the following cases are explained infra.

(42) Having been unclean.

(43) Even concerning a Pentateuchally ordained uncleanness.

(44) Cf. prev. Mishnah.

(45) It being uncertain whether a man had touched the uncleanness.

(46) Sc. the man concerning whom a doubt arose as to whether he touched the unclean object is deemed unclean.

(47) Cf. p. 381, n. 8 mut. mut.

(48) Whether the man has touched the unclean object.

(49) Since it is in the nature of a floating object to be drawn towards one descending into the water.

(50) When the floating object naturally recedes from him.

- (51) In the water.
- (52) Supra IV, 7.
- (53) Var. lec. 'threw it' (cf. foll. n.).
- (54) After it had come to a rest.
- (55) As to their uncleanness.
- (56) Because, in his opinion, liquids convey uncleanness to foodstuffs according to a Pentateuchal law.
- (57) Whose contraction of uncleanness from liquids is but a Rabbinical ordinance.
- (58) Containing water.
- (59) From unclean foodstuffs or liquids.
- (60) To foodstuffs.
- (61) Supra IV, 7.
- (62) Of uncleanness.
- (63) Which renders the immersion invalid.
- (64) Which cause a clean person to become unclean.
- (65) As to whether he subsequently performed immersion and much more so if there is doubt as to whether uncleanness had at all been contracted.
- (66) Lit., 'the cleanness of separation'. To keep away from the clothes of those who are not so meticulous as oneself in the observance of the laws of cleanness and uncleanness. If a Pharisee is in doubt whether he came in contact with such cloths he may regard himself as clean and continue to eat his usual food that he keeps under conditions of cleanness.
- (67) Supra IV, 7.
- (68) Sc. if a creeping thing was thrown among clean foodstuffs but was not found touching any of them, they are deemed to be clean. It is not assumed that before it came to rest it touched them.
- (69) Concerning which there is doubt whether it increased in size.
- (70) Sc. whether it had diminished in size.
- (71) Where, for instance, a man made his vow dependent on an assertion that a heap of wheat contained a certain number of measures, and the heap was lost before the assertion could be checked.
- (72) The drinking of wine and shaving for instance.
- (73) Who are redeemed with five shekels which are given to the priest.
- (74) Which are the priest's due.
- (75) An ass.
- (76) The priest who claims the firstling or the redemption of the firstborn.
- (77) As there is doubt no proof is possible, and the father of the firstborn and the owner of the firstling are exempt.
- (78) A sin-offering of a bird, brought as doubtful offering.
- (79) V. Ker. 8a.

Mishna - Mas. Taharoth Chapter 5

MISHNAH 1. IF IN A PUBLIC DOMAIN THERE WAS A [DEAD] CREEPING THING¹ AND A FROG,² AND SO ALSO [IF THERE WAS THERE] AN OLIVE'S BULK OF A CORPSE³ AND AN OLIVE'S BULK OF CARRION,⁴ A BONE OF A CORPSE⁵ AND A BONE OF CARRION,² A CLOD OF CLEAN EARTH² AND A CLOD FROM A GRAVE AREA⁶ OR A CLOD OF CLEAN EARTH² AND A CLOD FROM THE LAND OF THE GENTILES,⁴ OR IF THERE WERE TWO PATHS, THE ONE UNCLEAR⁷ AND THE OTHER CLEAN, AND A MAN WALKED THROUGH ONE OF THEM BUT IT IS NOT KNOWN WHICH,⁸ OR OVERSHADOWED ONE OF THEM BUT IT IS NOT KNOWN WHICH,⁹ OR HE SHIFTED¹⁰ ONE OF THEM BUT IT IS NOT KNOWN WHICH,¹¹ R. AKIBA RULED THAT HE IS UNCLEAR,¹² BUT THE SAGES RULE THAT HE IS CLEAN.¹³

MISHNAH 2. WHETHER¹⁴ THE MAN SAID,¹⁵ 'I TOUCHED AN OBJECT ON THIS SPOT BUT I DO NOT KNOW¹⁶ WHETHER IT WAS UNCLEAR OR CLEAN', OR 'I TOUCHED ONE BUT I DO NOT KNOW WHICH OF THE TWO I TOUCHED', R. AKIBA RULES THAT HE IS UNCLEAR,¹⁷ BUT THE SAGES RULE THAT HE IS CLEAN.¹⁸ R. JOSE RULES THAT HE IS

UNCLEAN IN EVERY CASE¹⁹ AND CLEAN ONLY IN THAT OF THE PATH,²⁰ SINCE IT IS THE USUAL PRACTICE FOR MEN TO GO²¹ BUT IT IS NOT THEIR USUAL PRACTICE TO TOUCH.²²

MISHNAH 3. IF THERE WERE TWO PATHS,²³ THE ONE UNCLEAN²⁴ AND THE OTHER CLEAN,²⁵ AND A MAN WALKED BY ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS²⁶ WHICH WERE SUBSEQUENTLY CONSUMED AND, HAVING BEEN SPRINKLED UPON ONCE AND A SECOND TIME²⁷ AND HAVING PERFORMED IMMERSION AND ATTAINED CLEANNESSE, HE WALKED BY THE SECOND PATH AND THEN PREPARED CLEAN FOODSTUFFS,²⁸ THE LATTER ARE DEEMED CLEAN.²⁹ IF THE FIRST FOODSTUFFS WERE STILL IN EXISTENCE BOTH MUST BE HELD IN SUSPENSE.²⁹ IF HE HAD NOT ATTAINED CLEANNESSE IN THE MEANTIME,³⁰ THE FIRST ARE HELD IN SUSPENSE³¹ AND THE SECOND MUST BE BURNT.³²

MISHNAH 4. IF THERE WAS A DEAD CREEPING THING AND A FROG IN A PUBLIC DOMAIN AND A MAN TOUCHED ONE OF THEM³³ AND THEN PREPARED CLEAN FOODSTUFFS³⁴ WHICH WERE SUBSEQUENTLY CONSUMED; AND THEN HE PERFORMED IMMERSION, TOUCHED THE OTHER AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ THE LATTER ARE DEEMED CLEAN.³⁵ IF THE FIRST FOODSTUFFS WERE STILL IN EXISTENCE BOTH MUST BE HELD IN SUSPENSE.³⁶ IF HE DID NOT PERFORM IMMERSION IN THE MEANTIME,³⁷ THE FIRST ARE HELD IN SUSPENSE³⁸ AND THE SECOND MUST BE BURNT³⁹.

MISHNAH 5. IF THERE WERE TWO PATHS, THE ONE UNCLEAN AND THE OTHER CLEAN, AND A MAN WALKED BY ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ AND SUBSEQUENTLY ANOTHER MAN CAME AND WALKED BY THE SECOND PATH AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ R. JUDAH RULED: IF EACH BY HIMSELF ASKED FOR A RULING THEY ARE BOTH TO BE DECLARED CLEAN;⁴⁰ BUT IF THEY ASKED FOR A RULING SIMULTANEOUSLY,⁴¹ BOTH ARE TO BE DECLARED UNCLEAN. R. JOSE RULED: IN EITHER CASE THEY ARE BOTH UNCLEAN.

MISHNAH 6. IF THERE WERE TWO LOAVES, THE ONE UNCLEAN AND THE OTHER CLEAN, AND A MAN ATE ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS, AND AFTERWARDS ANOTHER MAN CAME AND ATE THE SECOND LOAF AND THEN PREPARED CLEAN FOODSTUFFS, R. JUDAH RULED: IF EACH BY HIMSELF ASKED FOR A RULING THEY ARE BOTH TO BE DECLARED CLEAN,⁴⁰ BUT IF THEY ASKED FOR ONE SIMULTANEOUSLY⁴¹ BOTH ARE TO BE DECLARED UNCLEAN. R. JOSE RULED: IN EITHER CASE THEY ARE BOTH UNCLEAN.

MISHNAH 7. IF A MAN SAT IN A PUBLIC DOMAIN AND SOMEONE⁴² CAME AND TROD ON HIS CLOTHES, OR SPAT AND THE FORMER TOUCHED THE SPITTLE, ON ACCOUNT OF THE SPITTLE TERUMAH⁴³ MUST BE BURNT,⁴⁴ BUT ON ACCOUNT OF THE CLOTHES THE MAJORITY PRINCIPLE IS FOLLOWED.⁴⁵ IF A MAN SLEPT IN THE PUBLIC DOMAIN, WHEN HE RISES HIS GARMENTS SUFFER MIDRAS UNCLEANNESSE;⁴⁶ SO R. MEIR. BUT THE SAGES⁴⁷ RULE THAT THEY ARE CLEAN. IF A MAN TOUCHED SOMEONE IN THE NIGHT AND IT IS NOT KNOWN WHETHER IT WAS ONE WHO WAS ALIVE OR DEAD, BUT IN THE MORNING WHEN HE GOT UP HE FOUND HIM TO BE DEAD, R. MEIR RULES THAT HE⁴⁸ IS CLEAN, BUT THE SAGES RULE THAT HE IS UNCLEAN,⁴⁹ SINCE ALL DOUBTFUL CONDITIONS OF UNCLEANNESSE ARE [DETERMINED] IN ACCORDANCE WITH [THEIR APPEARANCE AT] THE TIME THEY ARE DISCOVERED.

MISHNAH 8. IF THERE WAS IN THE TOWN AN IMBECILE, A HEATHEN, OR A SAMARITAN WOMAN, ALL SPITTLE ENCOUNTERED IN THE TOWN IS DEEMED UNCLEAN.⁵⁰ IF A WOMAN TROD ON A MANS CLOTHES OR SAT WITH HIM IN A BOAT,⁵¹ HIS CLOTHES REMAIN CLEAN IF SHE KNEW HIM TO BE EATING TERUMAH,⁵² BUT IF NOT, HE MUST ASK HER.

MISHNAH 9. IF A WITNESS SAYS,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', BUT HE SAYS, 'I HAVE NOT CONTRACTED ANY UNCLEANNESS', HE IS REGARDED AS CLEAN. IF TWO WITNESSES SAY,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', AND HE SAYS, 'I HAVE NOT CONTRACTED ANY UNCLEANNESS', R. MEIR RULES THAT HE IS UNCLEAN,⁵⁴ BUT THE SAGES RULE: HE MAY BE BELIEVED ON HIS OWN EVIDENCE.⁵⁵ IF A WITNESS SAYS,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', BUT TWO WITNESSES SAY, HE HAS NOT CONTRACTED ANY UNCLEANNESS, WHETHER IN A PRIVATE DOMAIN OR IN A PUBLIC DOMAIN, HE IS REGARDED AS CLEAN. IF TWO WITNESSES SAY, 'HE HAS CONTRACTED UNCLEANNESS', AND ONE WITNESS SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', WHETHER IN A PRIVATE DOMAIN OR IN A PUBLIC DOMAIN, HE IS REGARDED AS UNCLEAN. IF ONE WITNESS SAYS, 'HE HAS CONTRACTED UNCLEANNESS', AND ANOTHER SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', OR IF ONE WOMAN SAYS, 'HE HAS CONTRACTED UNCLEANNESS', AND ANOTHER WOMAN SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', HE IS REGARDED AS UNCLEAN IF THE EVIDENCE RELATES TO A PRIVATE DOMAIN,⁵⁶ BUT IF IT RELATED TO A PUBLIC DOMAIN HE IS REGARDED AS CLEAN.⁵⁷

(1) One of the eight enumerated in Lev. XI, 29, which are 'fathers of uncleanness' and convey uncleanness by contact.

(2) Which conveys no uncleanness whatsoever.

(3) Which conveys uncleanness (cf. prev. n. but one) by overshadowing also.

(4) That conveys uncleanness by contact and carrying only.

(5) Which conveys uncleanness by hesset (v. Glos.).

(6) Beth ha- Peras (v. Glos.). This conveys uncleanness by contact and carrying only.

(7) There having been a grave across its breadth which any one going through the path must pass over and thus overshadow it and contract uncleanness.

(8) Of the two paths.

(9) Whether the olive's bulk of corpse or that of the carrion.

(10) Or carried.

(11) Whether it was the bone of the corpse or that of the carrion.

(12) Because, in his opinion, only food which, if once unclean, cannot any more be rendered clean, is deemed to be clean in a case of doubt in a public domain, but not men and vessels which may attain cleanness through immersion and sprinkling. Aliter: A doubtful case of uncleanness is deemed clean, according to R. Akiba, in a public domain only when a number of people are involved but not, as in this case, where only an individual is concerned (Wilna Gaon).

(13) Cf. prev. n. mut. mut.

(14) This is a continuation of the previous rulings.

(15) In the case where there was in the public domain a creeping thing and a frog.

(16) Owing to the similarity of the frog and the creeping thing.

(17) V. p. 385, n. 12.

(18) V. p. 385, n. 13.

(19) Enumerated in this and in the preceding Mishnah.

(20) Supra V, 1.

(21) And the imposition of uncleanness in such a case would involve undue hardship. Hence the relaxation of the restriction.

(22) As uncleanness could, therefore, be avoided the restriction could well be maintained.

(23) In a public domain.

- (24) V. supra p. 385, n. 7.
- (25) But it was not known which was which.
- (26) Of terumah which must be kept in conditions of cleanness.
- (27) On the third and the seventh day respectively.
- (28) Because the doubt occurred in a public domain.
- (29) Since both have to be considered simultaneously and one at least is obviously unclean.
- (30) Between the preparation of the first and the second foodstuffs.
- (31) Neither eaten nor burnt. Var. lec., 'are clean'.
- (32) Since they are unclean in any case.
- (33) But did not know whether it was the clean or the unclean.
- (34) Of terumah which must be kept in conditions of cleanness.
- (35) Because the doubt occurred in a public domain.
- (36) Since both have to be considered simultaneously and one at least is obviously unclean.
- (37) Between the preparation of the first and the second foodstuffs.
- (38) Neither eaten nor burnt. Var. lec., 'are clean'.
- (39) Being unclean in any case.
- (40) Since neither can be declared unclean when his uncleanness is only a matter of doubt in a public domain.
- (41) When it is impossible to declare them both clean since one at least must be unclean.
- (42) Who could possibly be suspected of uncleanness.
- (43) Which the first man touched.
- (44) As a preventive measure against contact with spittle that was known to be unclean.
- (45) Sc. only if the greater number of people in the place were zabs is midras uncleanness (v. Glos.) imposed.
- (46) Since it is possible that most of the people have trodden on them and that among these was a zab.
- (47) Holding that even in a case like this a condition of doubt in a public domain is deemed clean.
- (48) The live man.
- (49) Provided the dead man was not seen alive in the previous evening.
- (50) Since the class of women mentioned do not exercise the necessary care when they are in their menstruation periods.
- (51) Where, if she was a menstruant, she would convey to him midras uncleanness (cf. Zab. III, 1).
- (52) Since in that case she would keep away from his clothes and would not enter the same boat when in her menstruation.
- (53) To any man.
- (54) Since two witnesses on whose evidence a man may be sent to death may well be relied upon in subjecting one to uncleanness which involves no greater liability than that of a sacrifice for entering the Sanctuary in an unclean state.
- (55) Because he could well claim, even if the witnesses' evidence is accepted, that he has subsequently attained cleanness through immersion.
- (56) As is the rule with any condition of doubtful uncleanness in such a domain.
- (57) Cf. prev. n. mut. mut.

Mishna - Mas. Taharoth Chapter 6

MISHNAH 1. IF A PLACE THAT WAS A PRIVATE DOMAIN HAS BECOME A PUBLIC DOMAIN¹ AND THEN WAS TURNED AGAIN INTO A PRIVATE DOMAIN, WHILE IT IS A PRIVATE DOMAIN ANY CONDITION OF DOUBT ARISING IN IT IS DEEMED UNCLEAN BUT WHILE IT IS A PUBLIC DOMAIN ANY CONDITION OF DOUBT ARISING IN IT IS DEEMED CLEAN. IF A MAN WHO WAS DANGEROUSLY ILL IN A PRIVATE DOMAIN WAS TAKEN OUT INTO A PUBLIC DOMAIN AND THEN BROUGHT BACK INTO A PRIVATE DOMAIN,² WHILE HE IS IN THE PRIVATE DOMAIN ANY CONDITION OF DOUBT ARISING THROUGH HIM³ IS DEEMED UNCLEAN⁴ BUT WHILE HE IS IN THE PUBLIC DOMAIN ANY CONDITION OF DOUBT ARISING THROUGH HIM³ IS DEEMED CLEAN.⁵ R. SIMEON RULED: THE PUBLIC DOMAIN CAUSES A BREAK.⁶

MISHNAH 2. FOUR CASES OF DOUBT, R. JOSHUA RULED, ARE DEEMED UNCLEAN

AND THE SAGES RULE THAT THEY ARE DEEMED CLEAN. FOR INSTANCE? IF AN UNCLEAR MAN⁷ STOOD⁸ AND A CLEAN MAN PASSED BY⁹ OR THE CLEAN MAN STOOD AND THE UNCLEAR ONE PASSED BY;⁹ OR IF AN UNCLEAR OBJECT WAS IN A PRIVATE DOMAIN AND A CLEAN ONE IN THE PUBLIC DOMAIN OR THE CLEAN OBJECT WAS IN THE PRIVATE DOMAIN AND THE UNCLEAR ONE IN THE PUBLIC DOMAIN, AND THERE IS DOUBT WHETHER THERE WAS CONTACT¹⁰ OR NOT, OR WHETHER THERE WAS OVERSHADOWING¹⁰ OR NOT, OR WHETHER THERE WAS SHIFTING¹¹ OR NOT, R. JOSHUA RULES THAT THE CLEAN BECOMES UNCLEAR,¹² BUT THE SAGES RULE THAT THE CLEAN REMAINS CLEAN.

MISHNAH 3. IF A TREE STANDING IN A PUBLIC DOMAIN HAD WITHIN IT AN OBJECT OF UNCLEANNESS AND A MAN CLIMBED TO THE TOP OF IT, AND THE DOUBT AROSE AS TO WHETHER HE DID OR DID NOT TOUCH THE OBJECT OF UNCLEANNESS. SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAR.¹³ IF A MAN¹⁴ PUT HIS HAND INTO A HOLE IN WHICH THERE WAS AN OBJECT OF UNCLEANNESS AND THERE IS DOUBT WHETHER HE DID OR DID NOT TOUCH IT, SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAR.¹³ IF A SHOP THAT WAS UNCLEAR WAS OPEN TOWARD A PUBLIC DOMAIN AND THERE IS DOUBT WHETHER A MAN DID OR DID NOT ENTER IT, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.¹⁵ IF THERE IS DOUBT WHETHER HE DID OR DID NOT TOUCH ANYTHING, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.¹⁶ IF THERE WERE TWO SHOPS, THE ONE UNCLEAR AND THE OTHER CLEAN, AND A MAN ENTERED INTO ONE OF THEM, AND A DOUBT AROSE AS TO WHETHER HE ENTERED THE UNCLEAR, OR THE CLEAN ONE, SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAR.¹⁷

MISHNAH 4. HOWEVER MANY THE DOUBTS AND THE DOUBTS ABOUT DOUBTS THAT ONE CAN MULTIPLY, A CONDITION OF DOUBT IN A PRIVATE DOMAIN IS DEEMED UNCLEAR, AND IN A PUBLIC DOMAIN IT IS DEEMED CLEAN. FOR INSTANCE? IF A MAN ENTERED AN ALLEY¹⁸ AND AN UNCLEAR OBJECT WAS IN THE COURTYARD, AND A DOUBT AROSE AS TO WHETHER THE MAN DID OR DID NOT ENTER IT;¹⁹ OR IF AN OBJECT OF UNCLEANNESS WAS IN A HOUSE AND THERE IS DOUBT WHETHER A MAN ENTERED OR NOT; OR EVEN WHERE HE ENTERED, THERE IS DOUBT WHETHER THE UNCLEANNESS WAS THERE OR NOT; OR EVEN WHERE IT WAS THERE THERE IS DOUBT WHETHER IT CONSISTED OF THE PRESCRIBED MINIMUM OR NOT; OR EVEN WHERE IT CONSISTED OF THE PRESCRIBED MINIMUM, THERE IS DOUBT WHETHER IT WAS UNCLEAR OR CLEAN; OR, EVEN WHERE IT WAS UNCLEAR, THERE IS DOUBT WHETHER THE MAN HAD TOUCHED IT OR NOT, ANY SUCH CONDITION OF DOUBT IS DEEMED UNCLEAR. R. ELIEZER²⁰ RULED: ANY CONDITION OF DOUBT IN REGARD TO ENTERING IS DEEMED CLEAN, BUT ANY CONDITION OF DOUBT IN REGARD TO CONTACT WITH THE UNCLEANNESS IS DEEMED UNCLEAR.²¹

MISHNAH 5. IF A MAN ENTERED A VALLEY²² IN THE RAINY SEASON²³ AND THERE WAS AN UNCLEANNESS IN A CERTAIN FIELD, AND HE STATED, 'I WENT INTO THAT PLACE²⁴ BUT I DO NOT KNOW WHETHER I ENTERED THAT FIELD²⁵ OR NOT', R. ELIEZER RULES THAT HE IS CLEAN,²⁶ BUT THE SAGES RULE THAT HE IS UNCLEAR.²⁷

MISHNAH 6. A CONDITION OF DOUBT OCCURRING IN A PRIVATE DOMAIN IS DEEMED UNCLEAR UNLESS THE MAN CONCERNED CAN SAY, 'I DID NOT TOUCH THE UNCLEAR THING'. A CONDITION OF DOUBT IN A PUBLIC DOMAIN IS DEEMED CLEAN UNLESS THE MAN CONCERNED CAN SAY, 'I DID TOUCH THE UNCLEAR THING'. WHAT IS REGARDED AS A PUBLIC DOMAIN? THE PATHS OF BETH GILGUL²⁸ AND

SIMILAR PLACES ARE REGARDED AS A PRIVATE DOMAIN²⁹ IN RESPECT OF THE LAWS OF THE SABBATH, AND A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS.³⁰ R. ELIEZER³¹ STATED: THE PATHS OF BETH GILGUL WERE MENTIONED ONLY BECAUSE THEY ARE REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³² PATHS THAT OPEN OUT TOWARDS CISTERNS, PITS, CAVERNS OR WINE-PRESSES ARE REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH AND AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS.

MISHNAH 7. A VALLEY IN SUMMER TIME³³ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH, BUT AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS; AND IN THE RAINY SEASON³⁴ IT IS REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³⁵

MISHNAH 8. A BASILICA³⁶ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH BUT AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS. R. JUDAH RULED: IF A MAN STANDING AT ONE DOOR CAN SEE THOSE THAT ENTER AND LEAVE AT THE OTHER DOOR, IT IS REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS; OTHERWISE IT IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH AND AS A PUBLIC DOMAIN IN RESPECT OF UNCLEANNESS.

MISHNAH 9. A FORUM³⁷ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF UNCLEANNESS; AND THE SAME APPLIES TO ITS SIDES.³⁸ R. MEIR RULED: THE SIDES ARE REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³⁹

MISHNAH 10. COLONNADES⁴⁰ ARE REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF UNCLEANNESS. A COURTYARD INTO WHICH MANY PEOPLE ENTER BY ONE DOOR AND LEAVE BY ANOTHER,⁴¹ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF CLEANNESS.

(1) A valley, for instance, is a private domain in the winter when on account of the growing crops people are kept out of it, and a public domain in the summer when many labourers carry on in it the various activities associated with the harvest.

(2) Where he was found to be dead.

(3) Sc. if there is doubt whether a person had touched him while he was still alive or when he was already dead.

(4) It being assumed that he was dead in the private domain before he was taken out into the public domain. Hence the man who touched him in the private domain, whether before or after he had been taken into the public domain, is deemed unclean.

(5) And any one who touched him in the public domain before he was brought back into the private domain remains clean.

(6) Between the first and the second presence in the private domain; sc. since the dead man is deemed to have been alive while he was in the public domain he cannot possibly have been dead prior to that. Hence any condition of doubt during his first presence in the private domain must be deemed clean.

(7) A leper.

(8) Under any form of roof.

(9) The doubt arising whether (a) there was contact between the two or (b) the man that walked remained stationary for a moment while under the roof (cf. prev. n.) and the clean man thus contracted uncleanness by overshadowing.

(10) Cf. prev. n.

(11) Of the unclean by the clean.

- (12) In his opinion a doubt involving both a private and a public domain is to be regarded as involving the former alone.
- (13) Because though, in respect of the Sabbath laws, a tree or a hole in a public domain is regarded as a public domain, in respect of uncleanness it is treated as a private domain.
- (14) While standing in the public domain.
- (15) The unclean shop in the public domain is on a par with a dead creeping thing lying in a public domain, and the doubt concerning entry into it is on a par with the doubt concerning the touching of the creeping thing; the former, therefore, like the latter are deemed clean (cf. supra V, If).
- (16) Cf. prev. n.
- (17) Since there is no doubt that he entered one private domain at least.
- (18) Which in this respect is like a private domain.
- (19) The courtyard.
- (20) Var. lec. Eleazar.
- (21) This is derived by analogy from the conditions governing a sotah, (v. Glos).
- (22) Comprising many fields.
- (23) When the fields are sown and, therefore, regarded as a private domain.
- (24) The valley.
- (25) Which contained the uncleanness.
- (26) Since the fields are separated from each other the condition of doubt is one relating to entry which is deemed clean.
- (27) Because the valley unites all the fields into one unit.
- (28) Which are not frequented by many people. On Beth Gilgul v. MGWJ 1921, p. 88 and 320.
- (29) Sc. not a public domain. They are in fact a karmelith (v. Glos).
- (30) Even if less than three men were present when the doubt arose. Where three men are present even a private domain proper is treated as a public domain in respect of the laws of uncleanness.
- (31) Var. lec. Eleazar.
- (32) The laws of the Sabbath and the laws of uncleanness.
- (33) When it is frequented by the labourers engaged in it in various harvesting activities.
- (34) When it is deserted.
- (35) V. p. 393, n. 9.
- (36) A large hall with doors opening in all directions, used as a public meeting place but not as a thoroughfare.
- (37) Faron, a building in the style of a basilica whose doors are directly opposite one another. Aliter: A house in the heart of a public domain.
- (38) On either side of the passage from one door to the other.
- (39) The laws of the Sabbath and the laws of uncleanness.
- (40) In front of shops, having behind them raised benches on which the traders sit or display their wares.
- (41) Though the doors are not directly opposite one another.

Mishna - Mas. Taharoth Chapter 7

MISHNAH 1. IF A POTTER¹ LEFT HIS POTS² AND WENT DOWN TO DRINK,³ THE INNERMOST POTS REMAIN CLEAN⁴ BUT THE OUTER ONES ARE DEEMED UNCLEAR.⁵ R. JOSE RULED: THIS APPLIES ONLY WHERE THEY ARE NOT TIED TOGETHER, BUT WHERE THEY ARE TIED TOGETHER, ALL THE POTS⁶ ARE DEEMED CLEAN.⁷ IF A MAN ENTRUSTED HIS KEY TO AN 'AM HA-AREZ THE HOUSE REMAINS CLEAN, SINCE HE ENTRUSTED HIM ONLY WITH THE GUARDING OF THE KEY.⁸

MISHNAH 2. IF A MAN LEFT AN 'AM HA-AREZ IN HIS HOUSE AWAKE AND⁹ FOUND HIM AWAKE, OR ASLEEP AND⁹ FOUND HIM ASLEEP, OR AWAKE AND⁹ FOUND HIM ASLEEP, THE HOUSE REMAINS CLEAN.¹⁰ IF HE LEFT HIM ASLEEP AND FOUND HIM AWAKE, THE HOUSE IS DEEMED UNCLEAR;¹¹ SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART IS UNCLEAR TO WHICH HE CAN STRETCH OUT HIS HAND AND TOUCH IT.¹²

MISHNAH 3. IF ONE LEFT CRAFTSMEN IN HIS HOUSE, THE HOUSE IS DEEMED UNCLEAN; SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART IS UNCLEAN TO WHICH THEY CAN STRETCH OUT THEIR HANDS AND TOUCH IT.¹³

MISHNAH 4. IF THE WIFE OF A HABER¹⁴ LEFT THE WIFE OF AN 'AM HA-AREZ GRINDING CORN IN HER HOUSE, THE HOUSE IS DEEMED UNCLEAN IF SHE CEASED FROM TURNING THE HANDMILL,¹⁵ BUT IF SHE DID NOT CEASE FROM TURNING THE HANDMILL, ONLY THAT PART OF THE HOUSE IS DEEMED UNCLEAN TO WHICH SHE CAN STRETCH OUT HER HAND AND TOUCH IT. IF THERE WERE TWO WOMEN,¹⁶ THE HOUSE IS UNCLEAN IN EITHER CASE,¹⁷ SINCE, WHILE THE ONE IS GRINDING, THE OTHER CAN GO ABOUT TOUCHING; SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART OF THE HOUSE IS UNCLEAN TO WHICH THEY CAN STRETCH OUT THEIR HANDS AND TOUCH IT.

MISHNAH 5. IF A MAN LEFT AN 'AM HA-AREZ IN HIS HOUSE TO GUARD IT, WHENEVER HE¹⁸ CAN SEE THOSE THAT ENTER AND LEAVE,¹⁹ ONLY FOODSTUFFS AND LIQUIDS AND UNCOVERED EARTHENWARE ARE DEEMED UNCLEAN,²⁰ BUT COUCHES AND SEATS AND EARTHENWARE THAT HAVE TIGHTLY FITTING COVERS REMAIN CLEAN; AND WHENEVER HE¹⁸ CANNOT SEE EITHER THOSE WHO ENTER OR THOSE WHO LEAVE,¹⁹ EVEN THOUGH THE 'AM HA-AREZ²¹ HAS TO BE LED AND EVEN THOUGH HE WAS BOUND, ALL IS DEEMED UNCLEAN.²²

MISHNAH 6. IF TAX COLLECTORS²³ ENTERED A HOUSE,²⁴ THE HOUSE²⁵ IS DEEMED UNCLEAN.²⁶ EVEN THOUGH AN IDOLATER WAS WITH THEM²⁷ THEY ARE BELIEVED IF THEY SAY,²⁸ 'WE HAVE ENTERED BUT TOUCHED NOTHING'.²⁹ IF³⁰ THIEVES ENTERED A HOUSE, ONLY THAT PART IN WHICH THE FEET OF THE THIEVES HAVE TRODDEN IS DEEMED UNCLEAN.²⁹ AND WHAT DO THEY CAUSE TO BE UNCLEAN? FOODSTUFFS AND LIQUIDS AND OPEN EARTHENWARE ONLY, BUT COUCHES AND SEATS AND EARTHENWARE THAT HAVE TIGHTLY FITTING COVERS REMAIN CLEAN. IF AN IDOLATER³¹ OR A WOMAN³², WAS WITH THEM, ALL IS DEEMED UNCLEAN.³³

MISHNAH 7. IF A MAN LEFT HIS CLOTHES IN A WALL-NICHE OF A BATH-HOUSE,³⁴ R. ELEAZAR B. AZARIAH RULES THAT THEY ARE DEEMED CLEAN,³⁵ BUT THE SAGES RULED: THEY CANNOT BE REGARDED AS CLEAN UNLESS HE GIVES HIM³⁶ THE KEY³⁷ OR THE SEAL³⁷ OR UNLESS HE LEFT SOME SIGN ON THEM. IF A MAN³⁸ LEFT³⁹ HIS CLOTHES⁴⁰ FROM ONE VINTAGE TO THE NEXT, HIS⁴¹ CLOTHES REMAIN CLEAN;⁴² BUT IF HE LEFT THEM WITH AN ISRAELITE⁴³ THE CLOTHES ARE DEEMED UNCLEAN UNLESS HE⁴⁴ DECLARES, 'I HAVE TAKEN GOOD CARE⁴⁵ TO GUARD THEM'.

MISHNAH 8. IF ONE⁴⁶ WHO WAS CLEAN HAD GIVEN UP THE THOUGHT OF EATING [HIS TERUMAH]. R. JUDAH RULES THAT IT⁴⁷ STILL⁴⁸ REMAINS CLEAN, SINCE IT IS USUAL FOR UNCLEAN PERSONS TO KEEP AWAY FROM IT.⁴⁹ BUT THE SAGES RULE THAT IT⁵⁰ IS DEEMED UNCLEAN.⁵¹ IF HIS HANDS WERE CLEAN AND HE HAD GIVEN UP THE THOUGHT OF EATING TERUMAH, EVEN⁵² THOUGH HE SAYS, 'I KNEW THAT MY HANDS HAVE CONTRACTED NO UNCLEANNESS', HIS HANDS ARE DEEMED UNCLEAN, SINCE THE HANDS ARE ALWAYS BUSY.⁵³

MISHNAH 9. IF A WOMAN WHO ENTERED HER HOUSE TO BRING OUT SOME BREAD FOR A POOR MAN AND, WHEN SHE CAME OUT, FOUND HIM STANDING AT THE SIDE OF LOAVES OF TERUMAH, AND SIMILARLY IF A WOMAN WHO WENT OUT FOUND HER NEIGHBOUR RAKING OUT COALS UNDER A COOKING POT OF TERUMAH, R. AKIBA RULES THAT THEY⁵⁴ ARE UNCLEAN, BUT THE SAGES RULE THAT THEY ARE

CLEAN. SAID R. ELIEZER B. PILA:⁵⁵ IS BUT WHY DOES R. AKIBA RULE THAT THEY ARE UNCLEAN AND THE SAGES RULE THAT THEY ARE CLEAN? ONLY FOR THIS REASON: THAT WOMEN ARE GLUTTONOUS AND EACH MAY BE SUSPECTED OF UNCOVERING HER NEIGHBOUR'S COOKING POT TO GET TO KNOW WHAT SHE IS COOKING.⁵⁶

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- (1) Who was a haber (v. Glos).
 - (2) In a public domain, and thereby caused obstruction on the road.
 - (3) Thus losing sight of his wares which, in his absence, might be rendered unclean, v. n. 5.
 - (4) V. next note.
 - (5) Because the skirts of an 'am ha-arez might have been caught in the interior (air-space) of the pots. This is, however, not likely to happen with the inner pots, v. Keth. 24b.
 - (6) Even the inner ones (cf. foll. n.).
 - (7) Even the outer ones are clean, because when they are tied to the others the mouths of the pots are not sufficiently exposed upwards to catch in their interior the skirts of passers-by. Maim. reads: Unclean, because by moving the outer ones the 'am ha-arez might indirectly have moved the inner ones also to which they are tied.
 - (8) The 'am ha-arez would not, therefore, venture to enter the house which was not placed under his care.
 - (9) On returning.
 - (10) For, having been left awake the 'am ha-arez would not dare to touch anything for fear that the master would return any moment. When he is left asleep and found asleep there is no need to suspect that he awoke in the meantime.
 - (11) Since the 'am ha-arez is not afraid to move about the house touching its contents because he assumes that the owner who left him asleep would be in no hurry to return.
 - (12) From where he lay, that is where the master found him on that same spot.
 - (13) Without having to ascend or descend.
 - (14) Who is trusted as much as the haber himself.
 - (15) Before the haber's wife returned; since this would give her time to walk about the house and touch things.
 - (16) Grinding the corn, each being the wife of an 'am ha-arez.
 - (17) Whether grinding did or did not cease before the haber's wife returned.
 - (18) The householder.
 - (19) The house.
 - (20) Since the 'am ha-arez might have touched them.
 - (21) Being incapable of walking.
 - (22) Since another person, capable of conveying uncleanness to these objects, may have visited the house and touched them.
 - (23) Of the 'am ha-arez class.
 - (24) To seize a pledge for unpaid taxes.
 - (25) Sc. all the articles in it.
 - (26) Because, when searching the house for a pledge, they may have touched the various objects in it.
 - (27) In which case it might have been assumed that out of fear of him they would make a thorough search and, therefore, touch every article in the house.
 - (28) Var. lec. inserts, 'we did not enter; but they are not believed if they say'.
 - (29) V. Hag. 26a.
 - (30) Var. lec., 'and so if'.
 - (31) Who is considered as a zab.
 - (32) Who might well have been a menstruant.
 - (33) Since he or she may have touched all the objects in the house.
 - (34) Odiarin; Aliter: A bath-attendant, Heb. Odiarin. (Var. lec., oriarin), cf. Lat. olearius.
 - (35) Since no one would put his hands on them for fear of being suspected of stealing.
 - (36) The bath- attendant or the bath, keeper (cf. prev. n. but one) to the owner of the clothes. Aliter: The owner of the clothes to the bath-attendant or bath-keeper.
 - (37) Of the locker in which the clothes are kept.
 - (38) An Israelite who was engaged in the vintage of an idolater's vineyard to prepare wine under conditions of purity.

- (39) With the idolater
 (40) That were clean.
 (41) Some edd. read, 'with an idolater, his'.
 (42) Since the idolater would not dare to touch them for fear of spoiling his vintage.
 (43) Who was an 'am ha-arez and who is not so conscientious in this respect.
 (44) The 'am ha-arez.
 (45) Lit., 'there was in my heart'.
 (46) A priest.
 (47) The terumah. Aliter: He (the priest).
 (48) Despite the priest's lack of interest in it. Aliter: Despite his decision not to eat terumah.
 (49) The terumah. Aliter: Him (the priest).
 (50) Aliter. he.
 (51) Cf. prev. n. but one mut. mut.
 (52) Var. lec. 'R. Judah rules even'.
 (53) And consequently might have touched an unclean object without the man's awareness of it.
 (54) The loaves and the contents of the pot.
 (55) I.e., Philo. Var. lec. Piabi.
 (56) In the case of the poor man, however, R. Akiba agrees with the Sages.

Mishna - Mas. Taharoth Chapter 8

MISHNAH 1. IF A MAN WHO DWELT IN THE SAME COURTYARD WITH AN 'AM HA-AREZ FORGOT SOME VESSELS IN THE COURTYARD, EVEN THOUGH THEY WERE JARS WITH TIGHTLY FITTING COVERS, OR AN OVEN WITH A TIGHTLY FITTING COVER, THEY ARE DEEMED UNCLEAN.¹ R. JUDAH RULES THAT AN OVEN² IS CLEAN WHENEVER IT HAS A TIGHTLY FITTING COVER. R. JOSE RULED: AN OVEN ALSO IS DEEMED UNCLEAN UNLESS IT WAS PROVIDED WITH A SCREEN TEN HANDBREADTHS HIGH.³

MISHNAH 2. IF A MAN DEPOSITED VESSELS WITH AN 'AM HA-AREZ THEY ARE DEEMED TO BE UNCLEAN WITH CORPSE UNCLEANNESS⁴ AND WITH MIDRAS UNCLEANNESS.⁵ IF THE LATTER KNEW HIM⁶ TO BE A CONSUMER OF TERUMAH,⁷ THEY ARE FREE FROM CORPSE UNCLEANNESS⁸ BUT⁹ ARE UNCLEAN WITH MIDRAS UNCLEANNESS.¹⁰ R. JOSE RULED: IF THE MAN⁶ ENTRUSTED HIM¹, WITH A CHEST FULL OF CLOTHES, THEY ARE DEEMED TO BE UNCLEAN WITH MIDRAS WHEN THEY ARE TIGHTLY PACKED,¹¹ BUT IF THEY ARE NOT TIGHTLY PACKED THEY ARE ONLY DEEMED TO BE UNCLEAN WITH MIDDAF,¹² EVEN THOUGH THE KEY IS IN THE POSSESSION OF THE OWNER.¹³

MISHNAH 3. IF AN ARTICLE WAS LOST DURING THE DAY AND WAS FOUND ON THE SAME DAY IT REMAINS CLEAN.¹⁴ IF IT WAS LOST DURING DAYTIME AND FOUND IN THE NIGHT, OR IF IT WAS LOST IN THE NIGHT AND FOUND DURING THE DAY¹⁵ OR IF IT WAS LOST ON ONE DAY AND FOUND ON THE NEXT DAY, IT IS DEEMED TO BE UNCLEAN.¹⁶ THIS IS THE GENERAL RULE: PROVIDED A NIGHT OR PART OF A NIGHT HAS PASSED OVER IT IT IS DEEMED UNCLEAN. IF CLOTHES HAVE BEEN SPREAD OUT¹⁷ IN A PUBLIC DOMAIN, THEY REMAIN CLEAN;¹⁸ BUT IF IN A PRIVATE DOMAIN THEY ARE DEEMED UNCLEAN.¹⁹ IF, HOWEVER, ONE KEPT WATCH OVER THEM, THEY REMAIN CLEAN.²⁰ IF THEY FELL DOWN AND HE²¹ WENT TO BRING THEM, THEY ARE DEEMED UNCLEAN.²² IF A MAN'S BUCKET FELL INTO THE CISTERN OF AN 'AM HA-AREZ AND HE WENT TO BRING SOMETHING WHEREWITH TO DRAW IT UP, IT IS DEEMED UNCLEAN, SINCE IT WAS LEFT FOR A TIME IN THE DOMAIN OF AN 'AM HA-AREZ.

MISHNAH 4. IF A MAN LEFT HIS HOUSE OPEN AND FOUND IT OPEN,²³ OR CLOSED AND FOUND IT CLOSED,²⁴ OR OPEN²³ AND FOUND IT CLOSED, IT REMAINS CLEAN;²⁵ BUT IF HE LEFT IT CLOSED AND FOUND IT OPEN, R. MEIR RULES THAT IT IS DEEMED UNCLEAN,²⁶ AND THE SAGES RULE THAT IT REMAINS CLEAN,²⁷ SINCE, THOUGH THIEVES HAD BEEN THERE, THEY MAY HAVE CHANGED THEIR MIND²⁸ AND GONE AWAY.

MISHNAH 5. IF THE WIFE OF AN 'AM HA-AREZ ENTERED A HABER'S HOUSE²⁹ TO TAKE OUT HIS SON OR HIS DAUGHTER OR HIS CATTLE, THE HOUSE REMAINS CLEAN, SINCE SHE HAD ENTERED IT WITHOUT PERMISSION.³⁰

MISHNAH 6. A GENERAL RULE HAS BEEN LAID DOWN CONCERNING CLEAN FOODSTUFFS: WHATEVER IS DESIGNATED AS FOOD FOR HUMAN CONSUMPTION IS SUSCEPTIBLE TO UNCLEANNESS UNLESS IT IS RENDERED UNFIT TO BE FOOD FOR A DOG; AND WHATEVER IS NOT DESIGNATED AS FOOD FOR HUMAN CONSUMPTION IS NOT SUSCEPTIBLE TO UNCLEANNESS UNLESS IT IS DESIGNATED FOR HUMAN CONSUMPTION. FOR INSTANCE? IF³¹ A PIGEON FELL INTO A WINE-PRESS³² AND ONE INTENDED TO PICK IT OUT FOR AN IDOLATER,³³ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS; BUT IF HE INTENDED IT FOR A DOG IT IS NOT SUSCEPTIBLE TO UNCLEANNESS. R. JOHANAN B. NURI RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS. IF A DEAF MUTE, AN IMBECILE OR A MINOR INTENDED IT AS FOOD,³⁴ IT REMAINS INSUSCEPTIBLE; BUT IF THEY PICKED IT UP³⁴ IT BECOMES SUSCEPTIBLE; SINCE ONLY AN ACT OF THEIRS³⁵ IS EFFECTIVE WHILE THEIR INTENTION IS OF NO CONSEQUENCE.

MISHNAH 7. THE OUTER PARTS OF VESSELS THAT HAVE CONTRACTED UNCLEANNESS FROM LIQUIDS, R. ELIEZER RULED, CONVEY UNCLEANNESS TO LIQUIDS³⁶ BUT³⁷ DO NOT RENDER FOODSTUFFS UNFIT.³⁸ R. JOSHUA RULED: THEY CONVEY UNCLEANNESS TO LIQUIDS³⁶ AND ALSO RENDER FOODSTUFFS³⁹ UNFIT. SIMEON THE BROTHER OF AZARIAH⁴⁰ RULED: THEY DO NEITHER THE ONE NOT THE OTHER,⁴¹ BUT LIQUIDS THAT CONTRACTED UNCLEANNESS FROM THE OUTER PARTS OF VESSELS CONVEY UNCLEANNESS⁴² AT ONE REMOVE AND CAUSE UNFITNESS AT A SECOND REMOVE.⁴³ IT⁴⁴ MAY THUS SAY,⁴⁵ 'THEY⁴⁶ THAT RENDERED YOU UNCLEAR DID NOT RENDER ME UNCLEAR BUT YOU HAVE RENDERED ME UNCLEAR'.

MISHNAH 8. IF A KNEADING TROUGH WAS SLOPING DOWNWARDS AND THERE WAS DOUGH⁴⁷ IN THE HIGHER PART AND DRIPPING MOISTURE IN THE LOWER PART, THEN THREE PIECES⁴⁸ THAT JOINTLY MAKE UP THE BULK OF AN EGG⁴⁹ CANNOT⁵⁰ BE COMBINED TOGETHER,⁵¹ BUT TWO⁵² ARE COMBINED.⁵³ R. JOSE RULED: THE TWO ALSO CANNOT BE COMBINED UNLESS THEY COMPRESS LIQUID BETWEEN THEM.⁵⁴ IF THE LIQUID, HOWEVER, WAS LEVEL,⁵⁵ EVEN THOUGH THE PIECE RESEMBLED MUSTARD SEED⁵⁶ THEY⁵⁷ ARE COMBINED TOGETHER.⁵³ R. DOSA RULED: CRUMBLLED FOOD CANNOT BE COMBINED TOGETHER.⁵³

MISHNAH 9. IF A STICK IS COMPLETELY COVERED WITH UNCLEAR LIQUID⁵⁸ IT BECOMES CLEAN AS SOON AS IT⁵⁹ HAS TOUCHED THE [WATER IN THE] RITUAL BATH;⁶⁰ SO R. JOSHUA. BUT THE SAGES RULED: ONLY WHEN THE WHOLE OF IT⁶¹ IS IMMERSSED.⁶² A JET,⁶³ A SLOPE⁶⁴ OR DRIPPING MOISTURE⁶⁵ DOES NOT SERVE AS A CONNECTIVE⁶⁶ EITHER FOR UNCLEANNESS⁶⁷ OR FOR CLEANNESS.⁶⁸ A POOL OF WATER,⁶⁹ HOWEVER, SERVES AS A CONNECTIVE IN RESPECT BOTH OF

UNCLEANNESS AND CLEANNES.

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- (1) Since the jars may have been shifted by his menstruant wife (v. Glos. s. v. hesset). The oven, even if attached to the ground, is deemed unclean as a preventive measure against confusing what is detached from the ground (which is unclean) with what is attached.
- (2) Which is attached to the ground (cf. prev. n.) and is consequently immovable.
- (3) Which could serve as a reminder to the household of the 'am ha-arez to keep away from it.
- (4) Requiring sprinkling with the ashes of the red heifer on the third and the seventh day.
- (5) So that any man that carried them or was carried on them becomes unclean.
- (6) The depositor.
- (7) I.e., a priest.
- (8) It is assumed that the 'am ha-arez will keep away from the terumah if he suffers from corpse uncleanness.
- (9) If the vessels are suitable for midras.
- (10) For, though the man might take care to keep them in a condition of cleanness in respect of corpse uncleanness, he cannot be sure that his wife did not sit on them during her menstruation uncleanness. (11) The 'am ha-arez.
- (11) Since one sitting on the lid would exercise pressure on all the clothes.
- (12) A minor grade of uncleanness that can be conveyed to foodstuffs and liquids only.
- (13) Since shifting (hesset) is possible in a closed chest also.
- (14) Had any man touched it he would also have picked it up.
- (15) Sc. on the next day.
- (16) With midras. In the darkness of the night a menstruant or an idolater may have trodden on the lost article without being aware of it.
- (17) To dry.
- (18) As any other condition of doubt in a public domain which is deemed clean. There is no need to provide, as is the case with a lost article, against the possibility of midras, since people as a rule do not tread on clothes that are spread out to dry.
- (19) As is the rule with a condition of doubt in such a domain.
- (20) Even in a private domain. There is no need to consider the possibility of an occasional lapse.
- (21) Having lost sight of them.
- (22) They might have contracted an uncleanness while they were out of sight.
- (23) Finding it open, a thief would be afraid to enter, knowing as he does that the owner might at any moment return.
- (24) In which case it is unlikely that a thief has dared and managed to open it, to touch the objects within, and also to close it.
- (25) Cf. prev. two notes.
- (26) A thief having apparently been there.
- (27) If nothing had been stolen.
- (28) Before they touched anything in the house.
- (29) Without his permission.
- (30) Though it was for the owner's benefit, she is afraid to remain in it long enough to touch its contents.
- (31) With reference to the last clause.
- (32) Where it died and deteriorated and thus became unfit for human consumption.
- (33) Who does not mind eating the bird even in its deteriorated condition.
- (34) For an idolater's consumption.
- (35) In this case the picking out.
- (36) Even if the latter are unconsecrated.
- (37) Since their uncleanness is only Rabbinical.
- (38) Even if they were terumah.
- (39) Of terumah.
- (40) V. Zeb. 2a.
- (41) Sc. they neither convey uncleanness to unconsecrated liquids nor to foodstuffs or terumah.
- (42) To terumah.
- (43) If the terumah they have rendered unclean touched other terumah.

- (44) The terumah.
- (45) To the liquids from which it contracted the uncleanness.
- (46) The outer parts of the vessels.
- (47) That was unclean.
- (48) Two of which are on the dry part of the trough and one within the liquid, the middle one touching the upper piece and the lower piece while separating them from each other.
- (49) The prescribed minimum for conveying uncleanness.
- (50) On account of the two pieces that do not directly touch each other (cf. prev. n. but one).
- (51) To convey uncleanness to the liquid which in turn would have conveyed uncleanness to the trough.
- (52) Sc. the middle one and the one below it in the liquid, if together they make up the bulk of an egg.
- (53) To constitute the prescribed minimum.
- (54) Sc. they are so close to each other that the liquid between them seems to be compressed.
- (55) Lit., 'standing', the trough lying level and the pieces of unclean dough floating in the liquid.
- (56) Small and numerous but together making up the bulk of an egg.
- (57) On account of the liquid that forms a connecting link.
- (58) Water. The ruling does not apply to any other liquids.
- (59) Sc. only one end of it.
- (60) Though the remainder of the stick was outside the water. The water on the stick, which forms a slope, serves as a connective.
- (61) The stick.
- (62) Only then does the water on the stick become clean.
- (63) Of water.
- (64) Water running down an incline.
- (65) With which one touching it could not moisten another object.
- (66) Between the clean vessel from which it comes and the unclean one into which it descends.
- (67) If the jet of water, for instance, came from a clean vessel, that vessel remains clean though the jet descended into an unclean vessel.
- (68) As, for instance, in the case of the stick, if the lower end alone touched the ritual bath the stick remains unclean.
- (69) Lit., 'a marsh', a collection of standing water.

Mishna - Mas. Taharoth Chapter 9

MISHNAH 1. AT WHAT STAGE DO OLIVES¹ BECOME SUSCEPTIBLE TO UNCLEANNESS?² WHEN THEY EXUDE THE MOISTURE [PRODUCED] BY [THEIR LYING IN] THE VAT³ BUT NOT THE ONE [PRODUCED WHILE THEY ARE STILL] IN THE BASKET.⁴ THIS IS ACCORDING TO THE VIEW OF BETH SHAMMAI. R. SIMEON RULED: THE MINIMUM TIME PRESCRIBED FOR PROPER EXUDATION⁵ IS THREE DAYS.⁶ BETH HILLEL RULED: AS SOON AS THREE OLIVES STICK TOGETHER.⁷ R. GAMALIEL RULED: AS SOON AS THEIR PREPARATION⁸ IS FINISHED;⁹ AND THE SAGES AGREE WITH HIS VIEW.

MISHNAH 2. IF A MAN HAD FINISHED THE GATHERING¹⁰ BUT INTENDED TO BUY SOME MORE,¹¹ OR IF HE HAD FINISHED BUYING BUT INTENDED TO BORROW¹² SOME MORE, OR IF¹³ A TIME OF MOURNING, A WEDDING FEAST OR SOME OTHER HINDRANCE BEFELL HIM¹⁴ THEN EVEN IF ZABS AND ZABAHS WALKED OVER THEM¹⁵ THEY¹⁵ REMAIN CLEAN.¹⁶ IF ANY UNCLEAR LIQUIDS FELL UPON THEM,¹⁵ ONLY THE PLACE WHERE IT TOUCHED THEM BECOMES UNCLEAR,¹⁷ AND ANY SAP THAT ISSUES FORTH FROM THEM¹⁸ IS¹⁹ CLEAN.²⁰

MISHNAH 3. WHEN THEIR PREPARATION IS FINISHED THE¹⁵ BECOME SUSCEPTIBLE TO UNCLEANNESS. IF AN UNCLEAR LIQUID FELL UPON THEM THEY²¹ BECOME UNCLEAR.²² THE SAP THAT ISSUES FROM THEM²³ R. ELIEZER RULES IS

CLEAN,²⁰ BUT THE SAGES²⁴ RULE THAT IT IS UNCLEAN. R. SIMEON STATED: THEY DID NOT DISPUTE THE RULING THAT SAP THAT ISSUES FROM OLIVES IS CLEAN; BUT ABOUT WHAT DID THEY DIFFER? ABOUT THAT WHICH COMES FROM THE VAT,²⁵ WHICH R. ELIEZER REGARDS AS CLEAN AND THE SAGES REGARD AS UNCLEAN.²⁶

MISHNAH 4. IF A MAN²⁷ HAD FINISHED [THE GATHERING OF HIS OLIVES] AND²⁸ PUT²⁹ ASIDE³⁰ ONE BASKETFUL, LET³¹ HIM GIVE IT TO A POOR³² PRIEST;³³ SO R. MEIR. R. JUDAH RULED: HE³⁴ MUST HAND HIM³⁵ OVER THE KEY FORTHWITH.³⁶ R. SIMEON RULED:³⁷ WITHIN TWENTY-FOUR HOURS.

MISHNAH 5. IF A MAN PUT HIS OLIVES IN A BASKET³⁸ , THAT THEY MIGHT BE SOFTENED SO THAT THEY BE EASY TO PRESS, THEY BECOME SUSCEPTIBLE TO UNCLEANNESS;³⁹ BUT IF TO BE SOFTENED SO THAT THEY MAY BE SALTED⁴⁰ BETH SHAMMAI RULED: THEY BECOME SUSCEPTIBLE. BETH HILLEL RULED: THEY DO NOT BECOME SUSCEPTIBLE.⁴¹ IF A MAN CRUSHED OLIVES⁴² WITH UNWASHED⁴³ HANDS⁴⁴ HE CAUSES THEM TO BE UNCLEAN.⁴⁵

MISHNAH 6. IF A MAN PUT HIS OLIVES ON A ROOF TO DRY, EVEN THOUGH THEY ARE PILED UP TO THE HEIGHT OF A CUBIT,⁴⁶ THEY DO NOT BECOME⁴⁷ SUSCEPTIBLE TO UNCLEANNESS.⁴⁸ IF HE PUT THEM IN THE HOUSE TO PUTRIFY, THOUGH HE INTENDS TO TAKE THEM UP ON THE ROOF,⁴⁹ OR IF HE PUT THEM ON THE ROOF THAT THEY MIGHT OPEN SO THAT THEY COULD BE SALTED,⁵⁰ THEY BECOME SUSCEPTIBLE TO UNCLEANNESS. IF HE PUT THEM IN THE HOUSE WHILE HE SECURED⁵¹ HIS ROOF⁵² OR UNTIL HE COULD TAKE THEM ELSEWHERE,⁵³ THEY DO NOT BECOME SUSCEPTIBLE TO UNCLEANNESS.⁴⁸

MISHNAH 7. IF THE MAN DESIRED TO TAKE FROM THEM⁵⁴ [A QUANTITY SUFFICIENT FOR] ONE PRESSING OR FOR TWO PRESSINGS,⁵⁵ BETH SHAMMAI RULED: HE MAY TAKE OFF [WHAT HE REQUIRES] IN A CONDITION OF UNCLEANNESS⁵⁶ , BUT MUST COVER UP [WHAT HE TAKES] IN A CONDITION OF CLEANNESS.⁵⁷ BETH HILLEL RULED: HE MAY ALSO COVER IT UP IN A CONDITION OF UNCLEANNESS.⁵⁸ R. JOSE RULED: HE MAY⁵⁹ DIG OUT [WHAT HE REQUIRES] WITH METAL AXES⁶⁰ AND CARRY IT TO THE PRESS IN A CONDITION OF UNCLEANNESS.⁶¹

MISHNAH 8. IF A [DEAD] CREEPING THING WAS FOUND IN THE MILLING STONES,⁶² ONLY THE PLACE THAT IT HAS TOUCHED BECOMES UNCLEAN; BUT IF THE MOISTURE WAS RUNNING,⁶³ ALL BECOMES UNCLEAN.⁶⁴ IF IT⁶⁵ WAS FOUND ON THE LEAVES,⁶⁶ THE OLIVE-PRESS MEN⁶⁷ SHALL BE ASKED⁶⁸ WHETHER THEY CAN SAY, 'WE DID NOT TOUCH IT'. IF IT⁶⁵ TOUCHED THE MASS [OF OLIVES], EVEN BY AS LITTLE AS THE BULK OF A BARLEY GRAIN, [THE MASS BECOMES] UNCLEAN.

MISHNAH 9. IF IT⁶⁵ WAS FOUND ON BROKEN OFF PIECES⁶⁹ BUT IT TOUCHED AS MUCH AS AN EGGS BULK,⁷⁰ [THE ENTIRE MASS] BECOMES UNCLEAN.⁷¹ IF IT WAS FOUND ON SEVERED PIECES THAT LAY UPON OTHER SEVERED PIECES,⁷² EVEN THOUGH IT TOUCHED⁷³ AS MUCH AS AN EGG'S BULK⁷⁰ ONLY THE PLACE⁷³ IT TOUCHED BECOMES UNCLEAN.⁷⁴ IF IT⁶⁵ WAS FOUND BETWEEN THE WALL AND THE OLIVES, THE LATTER REMAIN CLEAN.⁷⁵ IF IT WAS FOUND [ON OLIVES⁷⁶ THAT WERE LYING] ON THE ROOF [OF THE VAT],⁷⁷ [THE OLIVES IN] THE VAT REMAIN CLEAN.⁷⁵ IF IT⁶⁵ WAS FOUND IN THE VAT, [THE OLIVES ON] THE ROOF⁷⁶ ARE [ALSO] REGARDED AS UNCLEAN.⁷⁸ IF IT⁶⁵ WAS FOUND BURNT⁷⁹ UPON THE OLIVES, AND SO ALSO IN THE CASE OF A RAG⁸⁰ THAT WAS SCORCHED,⁸¹ [THE OLIVES REMAIN] CLEAN, BECAUSE ALL CASES OF UNCLEANNESS ARE DETERMINED IN ACCORDANCE WITH THEIR

APPEARANCE AT THE TIME THEY ARE FOUND.⁸²

- (1) That are intended for the manufacture of oil.
- (2) On account of the moisture they exude.
- (3) This liquid being desired and welcomed by the owner is, like all liquids that are deliberately put on foodstuffs or whose presence on the food is desired, capable of rendering the olives susceptible to uncleanness, v. Maksh. I, 1.
- (4) In which the olives are gathered and the moisture in which runs to waste through its holes. Such moisture is useless to the owner and, therefore, undesired by him (cf. prev. n.).
- (5) Before which time the moisture cannot be regarded as valid oil.
- (6) Only after the third day can the moisture be regarded as oil and thus render the olives susceptible to uncleanness. Seven kinds of liquids, of which oil is one, are capable of imparting such susceptibility to foodstuffs.
- (7) In the vat, owing to the moisture exuded.
- (8) Lit., 'their work'.
- (9) Sc. when no more olives are to be added to the batch of olives finally harvested and ready to be placed in the vat. It is then that exudation is desired and it is, therefore, then that the liquid is capable of rendering the olives susceptible to uncleanness.
- (10) Of his olives, from the tree.
- (11) To add to those in the vat; in consequence of which the exudation of the first batch is unwelcome, since by the time the second batch would begin to exude the first would be too soft and spoilt.
- (12) Var. lec. 'to gather'. Cf. prev. n.
- (13) Before he completed the packing of the vat.
- (14) So that he is compelled to complete the packing later, and the exudation of the first batch is consequently unwelcome to him (cf. prev. n. but two).
- (15) The olives.
- (16) Since the liquid, as stated supra, was undesired and, therefore, incapable of rendering the olives susceptible.
- (17) Because only that place that has been touched by the liquid has been rendered by it susceptible to uncleanness as well as unclean simultaneously.
- (18) Before the packing has been completed.
- (19) Since it is unwelcome.
- (20) Sc. it neither causes the olives to be susceptible to uncleanness nor does it itself contract any uncleanness.
- (21) Even the olives that have not been directly touched by the liquid.
- (22) Since the unclean liquid is mixed up with their sap.
- (23) Which, according to R. Eliezer, is no proper oil and cannot, therefore, be classed among the seven liquids that render foodstuffs susceptible to uncleanness.
- (24) Regarding the sap as one of the liquids that may cause susceptibility to the uncleanness of foodstuffs.
- (25) After the good oil had been removed.
- (26) Since some particles of good oil must remain in it.
- (27) Who was an 'am ha-arez and who, after the season of gathering, is not trusted to keep his olives in conditions of cleanness.
- (28) In order that it may not become susceptible to uncleanness like the others.
- (29) Var. lec. 'let him put'.
- (30) To keep it in conditions of cleanness so that terumah for the priest may be taken from it.
- (31) Var. lec., 'and let'.
- (32) Var. lec., 'in the presence of a'. The reading 'poor' does not exclude a wealthy priest; but the scanty terumah given after the season is usually allotted to a poor priest.
- (33) Who must himself press out the oil and take off the terumah under conditions of certain cleanness.
- (34) Who was an 'am ha-arez and who, after the season of gathering, is not trusted to keep his olives in conditions of cleanness.
- (35) The priest.
- (36) Sc. the same day on which the gathering of his olives had been finished; thus making sure that no uncleanness whatsoever could be conveyed to them.
- (37) With reference to the time within which the key must be given to the priest.

- (38) Var. lec., 'press'.
- (39) Owing to the exuding moisture which was welcomed by him.
- (40) And eaten in that condition.
- (41) Since the exuding moisture is not welcomed, the owner preferring it to remain in the olives.
- (42) Of terumah.
- (43) Lit., 'unclean'.
- (44) Which, unless washed, are always deemed to be unclean in the second grade and to convey invalidity to terumah and first grade uncleanness to liquids.
- (45) As the exuding moisture is welcomed by him it renders the olives susceptible to uncleanness and also unclean in the second grade, since the moisture that becomes unclean in the first grade conveys to the olives an uncleanness of the second grade.
- (46) So that the weight of the upper olives inevitably presses down on the lower ones and causes exudation.
- (47) Var. lec., 'behold they are'.
- (48) Since the exuding moisture is not welcomed, the owner preferring it to remain in the olives.
- (49) To dry.
- (50) Var. lec., 'that they might putrify or open'.
- (51) Aliter: While he prepares a watchman's hut on.
- (52) Where they are subsequently to be taken to dry.
- (53) Cf. prev. n.
- (54) The mass of olives that are not yet susceptible to uncleanness.
- (55) Sc. he is not taking the entire batch to which he intends to add some more olives.
- (56) And it nevertheless remains clean, since the olives are still insusceptible to uncleanness.
- (57) Since its separation from the mass constitutes the completion of its preparation for the olive-press and the exuding moisture renders it susceptible to uncleanness.
- (58) So long as the greater part of the mass remains in the basket incomplete.
- (59) Even when moving the entire mass.
- (60) Though such axes are subject to many restrictions of uncleanness.
- (61) In his opinion the olives remain insusceptible to uncleanness until the actual pressing had begun.
- (62) Of olives.
- (63) Thus connecting the creeping thing with the mass of olives.
- (64) From contact with the moisture that contracted uncleanness from the creeping thing.
- (65) The creeping thing.
- (66) That cover up the olives, and that are insusceptible to uncleanness.
- (67) Though they belong to the class of the 'am ha-arez.
- (68) Since in this matter even the word of an 'am ha-arez may be relied upon.
- (69) Of the main mass of olives, each piece being less than egg's bulk and lying on the main mass.
- (70) Made up of the broken off pieces.
- (71) On account of its contact with the egg's bulk of the small pieces that contracted uncleanness from the creeping thing.
- (72) The former being separated from the main mass by the latter.
- (73) Of the upper pieces.
- (74) The lower pieces remain clean since each in turn only touched an unclean piece above it that was smaller than the prescribed minimum. The pieces are not combined to constitute the required bulk.
- (75) It being assumed that it had never touched them.
- (76) Taken from the vat.
- (77) To dry.
- (78) As these olives were once in the vat it is assumed that the creeping thing was there with them before they were taken up to the roof.
- (79) When it no longer conveys any uncleanness.
- (80) Of a zab.
- (81) V. p. 408, n. 18.
- (82) Hence it is assumed that the creeping thing or the scorched rag was in that condition during all the time that it lay on

the olives.

Mishna - Mas. Taharoth Chapter 10

MISHNAH 1. IF A MAN LOCKED IN THE LABOURERS¹ IN THE OLIVE-PRESS² AND THERE WERE OBJECTS THEREIN SUFFERING MIDRAS UNCLEANNESS, R. MEIR RULED: THE OLIVE-PRESS IS DEEMED TO BE UNCLEAR.³ R. JUDAH RULED: THE OLIVE-PRESS REMAINS CLEAN.⁴ R. SIMEON RULED: IF THEY⁵ REGARD THEM⁶ AS CLEAN, THE OLIVE-PRESS IS DEEMED UNCLEAR;⁷ BUT IF THEY REGARD THEM AS UNCLEAR,⁸ THE OLIVE-PRESS REMAINS CLEAN. SAID R. JOSE: WHY INDEED IS UNCLEANNESS IMPOSED?⁹ ONLY BECAUSE THE 'AM HA-AREZ CLASS¹⁰ ARE NOT VERSED IN THE LAWS OF HESSET.¹¹

MISHNAH 2. IF THE LABOURERS IN AN OLIVE-PRESS¹² WENT IN AND OUT,¹³ AND IN THE OLIVE-PRESS¹⁴ THERE WAS UNCLEAR LIQUID, THE LABOURERS REMAIN CLEAN IF THERE IS SPACE ENOUGH BETWEEN THE LIQUID AND THE OLIVES FOR THEIR FEET TO BE DRIED¹⁵ ON THE GROUND.¹⁶ IF AN UNCLEANNESS WAS FOUND IN A FRONT OF LABOURERS¹⁷ IN THE OLIVE-PRESS OR GRAPE HARVESTERS,¹⁷ THEY ARE BELIEVED IF THEY DECLARE, 'WE HAVE NOT TOUCHED IT'; AND THE SAME LAW APPLIES ALSO TO THE YOUNG CHILDREN¹⁸ AMONG THEM.¹⁹ THEY²⁰ MAY, FURTHERMORE, GO OUTSIDE THE DOOR OF THE OLIVE-PRESS AND RELIEVE THEMSELVES BEHIND THE WALL, AND STILL BE DEEMED CLEAN. HOW FAR MAY THEY GO AND STILL BE DEEMED CLEAN? AS FAR AS THEY CAN BE SEEN.²¹

MISHNAH 3. IF THE LABOURERS IN THE OLIVE-PRESS OR THE GRAPE HARVESTERS WERE ONLY BROUGHT WITHIN THE PRECINCTS OF THE CAVERN²² IT SUFFICES;²³ SO R. MEIR. R. JOSE RULED: IT IS NECESSARY THAT ONE²⁴ SHOULD STAND OVER THEM UNTIL IMMERSION IS PERFORMED.²⁵ R. SIMEON RULED: IF THEY REGARD THE VESSELS AS CLEAN, ONE MUST STAND OVER THEM UNTIL THEIR IMMERSION IS PERFORMED; BUT IF THEY REGARD THEM AS UNCLEAR, IT IS NOT NECESSARY FOR ONE TO STAND OVER THEM UNTIL IMMERSION IS PERFORMED.

MISHNAH 4. IF A MAN DESIRES TO PUT GRAPES [INTO THE WINE-PRESS] FROM THE BASKETS OR FROM WHAT WAS SPREAD OUT ON THE GROUND, BETH SHAMMAI RULED: HE MUST PUT THEM IN WITH CLEAN HANDS, FOR IF HE PUTS THEM IN WITH UNCLEAR HANDS HE RENDERS THEM UNCLEAR.²⁶ BETH HILLEL RULED: HE MAY PUT THEM IN WITH UNCLEAR HANDS AND YET HE MAY SET ASIDE HIS TERUMAH IN A CONDITION OF CLEANNESS.²⁷ [IF THEY ARE TAKEN] FROM THE GRAPE-BASKET²⁸ OR FROM WHAT WAS SPREAD OUT ON LEAVES,²⁹ ALL AGREE THAT THEY MUST BE PUT IN WITH CLEAN HANDS, FOR IF THEY ARE PUT IN WITH UNCLEAR HANDS THEY BECOME UNCLEAR.

MISHNAH 5. IF A MAN EATS GRAPES OUT OF THE BASKETS OR FROM WHAT IS SPREAD OUT ON THE GROUND, EVEN THOUGH THEY WERE BURST AND DRIPPED INTO THE WINE-PRESS, THE WINE-PRESS REMAINS CLEAN.²⁷ IF HE EATS THE GRAPES OUT OF THE GRAPE-BASKET²⁸ OR FROM WHAT WAS SPREAD OUT ON LEAVES, AND A SINGLE BERRY DROPPED INTO THE VAT, IF IT HAS A SEAL³⁰ ALL IN THE VAT REMAINS CLEAN;³¹ BUT IF IT HAS NO SEAL, ALL IN THE VAT BECOMES UNCLEAR.³² IF HE DROPPED³³ SOME OF THE GRAPES³⁴ AND TROD THEM³⁵ IN AN EMPTY PART OF THE WINE-PRESS,³⁶ THE CONTENTS OF THE LATTER REMAIN CLEAN IF THE BULK OF THE GRAPES WAS EXACTLY THAT OF AN EGG;³⁷ BUT IF IT WAS MORE THAN THE BULK OF AN EGG, THE CONTENTS BECOME UNCLEAR, FOR SO SOON AS THE FIRST

DROP ISSUED IT CONTRACTED UNCLEANNESS FROM THE REMAINDER WHOSE BULK IS THAT OF AN EGG.

MISHNAH 6. IF A MAN³⁸ WAS STANDING AND SPEAKING BY THE EDGE OF THE CISTERN³⁹ AND SOME SPITTLE⁴⁰ SPIRTED FROM HIS MOUTH, AND THERE ARISES THE DOUBT WHETHER IT REACHED THE CISTERN OR NOT, THE CONDITION OF DOUBT IS REGARDED AS CLEAN.⁴¹

MISHNAH 7. IF THE CISTERN³⁹ IS EMPTIED OUT⁴² AND A [DEAD] CREEPING THING WAS FOUND IN THE FIRST JAR, ALL THE OTHER JARS ARE DEEMED UNCLEAR;⁴³ BUT IF IT WAS FOUND IN THE LAST, ONLY THAT ONE IS UNCLEAR BUT ALL THE OTHERS⁴⁴ REMAIN CLEAN.⁴⁵ WHEN DOES THIS APPLY? ONLY WHEN THE WINE IS DRAWN DIRECTLY WITH EACH JAR, BUT IF IT WAS DRAWN WITH A LADLING- JAR⁴⁶ AND A [DEAD] CREEPING THING WAS FOUND IN ONE OF THE JARS, IT ALONE⁴⁴ IS UNCLEAR.⁴⁵ WHEN DOES THIS APPLY? ONLY WHEN THE MAN EXAMINED [THE JAR AND THE LADLING-JAR]⁴⁷ BUT DID NOT⁴⁸ COVER UP [THE CISTERN AND THE JAR],⁴⁹ OR COVERED THEM UP BUT DID NOT EXAMINE THEM;⁵⁰ BUT IF HE BOTH EXAMINED THEM AND COVERED THEM UP AND A [DEAD] CREEPING THING WAS FOUND IN ONE JAR, ALL THE CONTENTS OF THE CISTERN⁵¹ ARE DEEMED UNCLEAR; IF IT WAS FOUND IN THE CISTERN, ALL ITS CONTENTS ARE DEEMED UNCLEAR AND IF IT WAS FOUND IN THE LADLING-JAR AL THE CONTENTS OF THE CISTERN⁵¹ ARE DEEMED UNCLEAR.

MISHNAH 8. [THE SPACE] BETWEEN THE ROLLERS⁵² AND [THE PILE OF] GRAPE SKINS IS REGARDED⁵³ AS A PUBLIC DOMAIN.⁵⁴ A VINEYARD IN FRONT OF THE GRAPE HARVESTERS⁵⁵ IS DEEMED⁵³ TO BE A PRIVATE DOMAIN⁵⁶ AND THAT WHICH IS BEHIND THE HARVESTERS⁵⁷ IS DEEMED⁵³ TO BE A PUBLIC DOMAIN.⁵⁸ WHEN DOES THIS LAW⁵⁹ APPLY? ONLY WHEN THE PUBLIC ENTER AT ONE END AND GO OUT AT THE OTHER.⁶⁰ THE IMPLEMENTS OF THE OLIVE-PRESS, THE WINE-PRESS AND THE BASKET-PRESS,⁶¹ IF THEY ARE OF WOOD, NEED ONLY BE DRIED⁶² WHEN⁶³ THEY BECOME CLEAN; BUT IF THEY ARE OF REED GRASS⁶⁴ THEY MUST BE LEFT UNUSED⁶⁵ FOR TWELVE MONTHS, OR THEY MUST BE SCALDED IN HOT WATER.⁶⁶ R. JOSE RULED: IT SUFFICES IF THEY ARE IMMERSUED⁶⁷ IN THE CURRENT OF THE RIVER.⁶⁸

(1) Who belonged to the 'am ha-arez class and who are usually careless in the observance of the laws of cleanness and uncleanness but for whose cleansing he had especially arranged.

(2) Thus making sure that they would not come out and contract any uncleanness from without and that no unclear person would get in and convey uncleanness.

(3) The 'am ha-arez, in his opinion, cannot be trusted to keep away from the unclear objects even in such circumstances.

(4) Having been made clean for the purpose the labourers may be relied upon to keep away from all possible uncleanness.

(5) The labourers.

(6) The unclear objects in the olive-press.

(7) Since they would not mind handling those objects and thus contract and convey uncleanness.

(8) In which case they would avoid them.

(9) In the case under discussion.

(10) Who, contrary to the view of R. Meir, are not suspected of being so careless as actually to touch an unclear object.

(11) V. Glos. And, shifting one of the objects even without directly touching it, would unknowingly contract and convey uncleanness.

(12) Who were free from uncleanness.

(13) Walking with their bare feet on the ground.

(14) On the floor.

- (15) Before they reached the olives.
- (16) In such a case the liquid which, having dried up, does not come in contact with the olives, cannot possibly convey any uncleanness to them, while the labourers themselves are not affected by the liquid which conveys no uncleanness to men.
- (17) V. p. 410, n. 12.
- (18) Who are presumed to be unclean on account of their contact with menstruants who do not refrain from embracing them.
- (19) Sc. they are believed if they declare that they have not touched the children.
- (20) Who belonged to the 'am ha-arez class and who are usually careless in the observance of the laws of uncleanness and cleanness but for whose cleansing one had especially arranged.
- (21) By the owner, from his position at the press.
- (22) Containing the ritual bath for their immersion or that of the vessels which they are going to use.
- (23) To regard them as clean, even if the owner did not witness the actual immersion.
- (24) Who is versed in the laws of immersion.
- (25) Since they themselves are not familiar with these laws.
- (26) Since unclean hands convey uncleanness to exuding liquid and the liquid in turn conveys uncleanness to the grapes.
- (27) The exuding liquid, in their opinion, does not render the grapes susceptible to uncleanness since in a basket or on the ground it runs to waste and is, therefore, undesired and unwelcomed.
- (28) Lined with pitch to prevent the waste of any liquid.
- (29) In which cases the liquid is not wasted and, therefore, welcomed.
- (30) Sc. its stalk was still on it sealing it up, so that no liquid would come forth.
- (31) For, though the berry became susceptible to uncleanness when it was cut with the intention of putting it in the wine-press and, in consequence, contracted uncleanness from the man's hands, it nevertheless cannot convey uncleanness to the contents of the vat since (a) a foodstuff cannot convey uncleanness to another foodstuff and (b) it is smaller than the prescribed minimum.
- (32) Since the liquid in the berry contracted uncleanness from the man's hands and, there being no prescribed minimum for liquids, it conveys uncleanness to the contents of the wine-press.
- (33) Into the wine-press.
- (34) Of those whose stalks were still on them, that were cut with the intention of being put into the wine-press, and that in consequence became susceptible to uncleanness and then contracted uncleanness from the hands.
- (35) To press the wine out.
- (36) Sc. one on which there was no liquid.
- (37) For, as soon as the first drop exudes, there remains less than the minimum prescribed for the conveyance of uncleanness.
- (38) An 'am ha-arez.
- (39) In which the wine is gathered.
- (40) Which is deemed unclean and, in accordance with a Rabbinical law, conveys uncleanness to foodstuffs and liquids.
- (41) As is the case with any other unclean object that is thrown through space.
- (42) With a number of jars in succession.
- (43) It being assumed, since an uncleanness at one time may be presumed to have existed at an earlier time, that the unclean object was in the jar all the time and that it conveyed uncleanness to all the contents of the cistern when that jar was lowered into the water.
- (44) Since it is not presumed that an uncleanness found in one place was first present in another place.
- (45) The assumption being that the unclean object in the jar was never in the cistern.
- (46) Which draws the wine from the cistern and then empties it into the jar.
- (47) Before using them.
- (48) After each drawing of the wine.
- (49) To prevent any unclean object from falling into them. In such a case it may well be assumed that it was only then that the unclean object had fallen in.
- (50) So that it may well be presumed that the unclean object was in the jar all the time.
- (51) In which it must obviously have been first.
- (52) Beams kept for the purpose of placing upon the grape skins (after the main part of the juice had been pressed out) in

order to squeeze out any possible juice that still remained in them.

(53) In respect of conditions of doubtful uncleanness which are deemed clean in public, and unclean in a private domain.

(54) Since many men are required for the lifting up and the carrying of the beams from their position to the pile of grape skins.

(55) Sc. a vineyard or a part of it that had not yet been harvested.

(56) Since the public are kept out of it.

(57) Sc. the part that had already been harvested.

(58) Since the public freely use it.

(59) The last mentioned.

(60) Otherwise it must still be regarded as a private domain.

(61) 'Ikal or 'Ekel, a basket or bale of some loose texture into which the pressed out olives are packed to undergo a further process of pressing.

(62) After being washed with a mixture of ashes and water.

(63) After due ritual immersion.

(64) Which has a greater capacity for absorption.

(65) Lit., 'he causes them to grow old'.

(66) After which due ritual immersion restores them to cleanness.

(67) For twelve hours.

(68) Where the rapidity of the water current expels the absorbed moisture.

Talmud - Mas. Tamid 25b

CHAPTER I

MISHNAH .¹ IN THREE PLACES THE PRIESTS KEEP WATCH IN THE TEMPLE,² IN THE CHAMBER OF ABTINAS,³ IN THE CHAMBER OF THE SPARK,⁴ AND IN THE FIRE CHAMBER.⁵ IN THE CHAMBER OF ABTINAS AND IN THE CHAMBER OF THE SPARK THERE WERE UPPER CHAMBERS WHERE THE YOUTHS⁶ KEPT WATCH. THE FIRE CHAMBER WAS VAULTED.⁷ IT WAS A LARGE ROOM SURROUNDED WITH STONE PROJECTIONS,⁸ AND THE ELDERS OF THE BETH AB⁹ USED TO SLEEP THERE,¹⁰ HAVING WITH THEM THE KEYS OF THE AZARAH. THE PRIESTLY NOVITIATES¹¹ USED TO PLACE EACH ONE HIS PILLOW¹² ON THE GROUND.¹³ THEY DID NOT SLEEP IN THEIR SACRED GARMENTS, BUT THEY USED TO TAKE THEM OFF [AND FOLD THEM]¹⁴ AND PLACE THEM UNDER THEIR HEADS AND COVER THEMSELVES WITH THEIR OWN ORDINARY CLOTHES. IF AN ACCIDENT¹⁵ HAPPENED TO ONE OF THEM, HE USED TO GO OUT AND TAKE HIS WAY

(1) In current editions the pagination of the Tractate begins with 25b in continuation of Kinnim which follows on the Tractate Me'ilah.

(2) Not that the Temple or its contents needing guarding, according to the belief of the Sages. but as a mark of honour.

(3) Abtinah (== E*) is mentioned elsewhere (Yoma, 38a) as the head of the family which had the secret of making the incense, and apparently it was made in this chamber, which was on the south-east of the Azarah, or altar court.

(4) The reason of this name is not known for certain. Asheri suggests that it was so called because it was open to the rays of the sun. Another suggestion is, because a glimpse of the altar fire could be caught from it.

(5) So called because a fire was kept burning in it for the benefit of the priests who had to minister barefooted on the stone floor and wearing only one linen garment. These two rooms were on the north-west of the Azarah.

(6) Who were not yet quite old enough to minister. They were, however, allowed to keep watch.

(7) For this reason it had no upper chamber over it.

(8) Which could serve as steps to mount the wall,

(9) Lit., 'the father's house'. The priests were divided into family groups of 'fathers' houses' which ministered in rotation. The 'father's house' mentioned here is the one which was to minister next day.

(10) On these ledges or projections. They were not allowed to sleep inside, which would be consecrated ground.

(11) Lit., 'flowers of the priesthood'; young priests who had just commenced to minister.

(12) V. infra p. 5, n. 1.

(13) And not on beds.

(14) Reading as in the Mishnayoth.

(15) Euphemism for a seminal issue.

Talmud - Mas. Tamid 26a

DOWN THE WINDING STAIR¹ WHICH WENT UNDER THE BIRAH,² AND WHICH WAS LIT BY LIGHTS ON EACH SIDE UNTIL HE REACHED THE BATHING PLACE. THERE WAS A FIRE CLOSE BY AND A SUPERIOR PRIVY. ITS SUPERIORITY LAY IN THIS: IF HE FOUND IT LOCKED, HE KNEW THERE WAS SOMEONE THERE; IF IT WAS OPEN, HE KNEW THERE WAS NO ONE THERE. HE WOULD GO DOWN AND BATHE AND THEN COME UP AND DRY HIMSELF AND WARM HIMSELF IN FRONT OF THE FIRE, AND THEN GO AND TAKE HIS SEAT NEXT TO HIS BROTHER PRIESTS UNTIL THE GATES WERE OPENED, WHEN HE WOULD TAKE HIS DEPARTURE.³ ANYONE WHO DESIRED TO REMOVE THE ASHES FROM THE ALTAR USED TO RISE EARLY AND BATHE BEFORE THE SUPERINTENDENT⁴ CAME. AT WHAT TIME DID THE SUPERINTENDENT COME? HE DID NOT ALWAYS COME AT THE SAME TIME; SOMETIMES HE CAME JUST AT COCK-CROW, SOMETIMES A LITTLE BEFORE OR A LITTLE AFTER. THE

SUPERINTENDENT WOULD COME AND KNOCK AND THEY WOULD OPEN FOR HIM, AND HE WOULD SAY TO THEM, LET ALL WHO HAVE BATHED COME AND DRAW LOTS. SO THEY DREW LOTS, AND ONE OR OTHER WAS SUCCESSFUL.⁵

GEMARA. Whence [in the Scripture] is this rule derived?⁶ — Abaye replied: Scripture says, And those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses and Aaron and his sons, keeping the charge of the sanctuary, even the charge for the children of Israel.⁷ We say, Yes; we have found a basis for the rule of watching, and that it requires priests and Levites. But the Mishnah states:⁸ The priests keep watch in three places and the Levites in twenty-one; [furthermore] whereas Scripture places priests and Levites⁹ together the Mishnah places them separately. — We reply: What it means is this: ‘Those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses’; and then, ‘Aaron and his sons keeping the charge of the sanctuary — Aaron in one place and his sons in two places.’¹⁰ Whence do you learn [that priests and Levites are separate]? — Because it is written ‘those that were to pitch’ and it is written ‘keeping’ which implies, that those who pitched and those who kept were separate. But I may still say that all [of those who kept] were in one place? — Do not imagine such a thing. Just as Moses was in one place by himself, so Aaron and his sons were each in one place by themselves. R. Ashi said: This can be learnt from the latter part of the verse, [from the words] keeping the charge . . . even the charge.¹¹

(1) Heb. mesibbah, something winding. Perhaps only a gangway is meant, not a stair.

(2) Lit., ‘palace’ or ‘fortress’, some part of the Temple buildings, the exact nature of which is not known. The word is sometimes used to designate the whole of the Temple, but it does not seem to have that meaning here. V. Yoma 2a.

(3) Because although he had bathed he did not become really clean and consequently not allowed to enter the Azarah, until sunset.

(4) Memunneh, lit., ‘the appointed one’, v. Sanh. (Sonc. ed.) p. 91, n. 11.

(5) Only one was required to remove the ashes.

(6) That the priests should keep watch.

(7) Num. III, 38. Moses here represents the Levites and Aaron the priests.

(8) Mid. ad init.

(9) Moses representing the Levites.

(10) This is a second lesson to be derived from the text.

(11) The repetition of the word ‘charge’ shows that the watching was to be in several places.

Talmud - Mas. Tamid 26b

In regard to the Chamber of Abtinas and the Chamber of the Spark, the question was asked in the Academy. Were they actually upper chambers¹ or were they perhaps simply raised like upper chambers?² — Come and hear; for we have learnt:³ In the north was the Chamber of the Spark, built like a veranda,⁴ and there was an upper chamber on top of it, and the priests kept watch above and the Levites below,⁵ and it had a doorway to the non-sacred part. Whence is this rule⁶ derived? — Because our Rabbis have taught: That they [the Levites] may be joined unto thee [Aaron] and minister unto thee.⁷ The text speaks of thy [Aaron's] service.⁸ You say, The text speaks of thy service. May it not perhaps be of their service?⁹ When it says, And they shall bejoined unto thee and keep the charge of the tent of meeting,¹⁰ this disposes of their service. What then do I make of That they may be joined unto thee and minister unto thee? The text must speak of thy service. How is this to be carried out? The priests watch above and the Levites below. THE FIRE CHAMBER WAS VAULTED AND IT WAS A LARGE ROOM. But was there only one watch kept in the Fire Chamber? This is opposed to [the following statement]: There were two gates in the Fire Chamber, one opening on to the Hel and one opening on to the Azarah. R. Judah said: In the doorway opening on to the Azarah there was a small wicket through which they used to go in to inspect the Azarah?¹¹ Abaye said: Since the gates were close to one another,¹² one watchman was sufficient, as he could

glance from one to the other. [IT WAS] SURROUNDED WITH STONE PROJECTIONS. What were these projections? — They were the hewn slabs of the projections by which they used to climb up to the projections.¹³ But were there any hewn stones there, seeing that it is written, For the house when it was in building was built of stone made ready etc.?¹⁴ — Abaye replied: They were brought ready prepared. smaller stones and larger stones, as it says, Stones of ten cubits and stones of eight cubits.¹⁵ THE ELDERS OF THE BETH AB SLEPT THERE. Why so? Why could they not take in beds? — Abaye replied: It would not be respectful to take beds into the Temple. THE PRIESTLY NOVITIATES PUT EACH HIS PILLOW¹⁶ ON THE GROUND. Why are they first called ‘youths’ and then

(1) This seems to show that the proper reading in the Mishnah is not, In the Chamber of Abtinah . . . were upper stories, but The Chamber . . . were upper stories; v. Sh. Mek. on the Mishnah.

(2) The meaning of the question is, Did they have actual chambers below them, or were they simply raised some way above the ground, like upper chambers?

(3) Mid. ad init.

(4) Open on one or more sides.

(5) This shows that it was actually an upper chamber.

(6) That the priests watch above and the Levites below.

(7) Num. XVIII, 2.

(8) E.g. watching, which was primarily a function of the priests.

(9) Viz., carrying the sacred vessels’

(10) Ib. 4.

(11) The superintendent went through to see that no one was asleep in the Azarah. v. Mid. 1, 7. And since there were two gates, presumably there were two watchers!

(12) Being both near the junction of the Azarah and the Hel in the eastern wall. Or perhaps he means that they exactly faced one another in opposite walls.

(13) The elders used to sleep on projections let into the wall, to which they climbed up by means of the slabs.

(14) I Kings, VI, 7.

(15) Ibid VII, 10.

(16) It is doubtful whether the correct reading is kesutha (his garment) as here, or kisto (his pillow) as above in the Mishnah.

Talmud - Mas. Tamid 27a

novitiates’? — They replied: That is quite right. In the first passage, which speaks of those who have not yet become qualified to minister,¹ they are called ‘youths’; in the second clause which speaks of those who have become qualified to minister, they are called ‘novitiates’. We have learnt elsewhere:² In three places the priests keep watch in the Temple — in the Chamber of Abtinah, in the Chamber of the Spark, and in the Fire Chamber, and the Levites in twenty one places — five at the five gates of the Temple Mount, four at its four corners, on the inside, five at the five gates of the Azarah and four at its four corners on the outside, one in the Offering Chamber, one in the Chamber of the Veil, and one behind the place of the Mercy Seat. On what Scriptural text was this practice based? — Rab Judah from Sura replied — according to others, it is taught in a Baraitha: Because it is written: Eastward were six Levites, northward four a day, southward four a day, and for the Storehouse [asuppim] two and two. For the Precinct [Parbar] westward four at the causeway and two at the Precinct.³ But, it was observed, that makes twenty-four? — Abaye replied: We must understand thus: For the two asuppim⁴ there were two. That still leaves twenty-two? — At the parbar there was properly only one watchman, and the other merely went and sat by him for company, because he was far outside.⁵ What is the meaning of parbar? — Rabbah, son of R. Shilah replied: It is as if one said, Towards the outside [clape bar]. If you like I can say that there were really twenty-four places, as stated in the text, three of them for priests and twenty-one for Levites. But the text says here ‘Levites’? This is explained by R. Joshua b. Levi; for R. Joshua b. Levi said: In twenty-four places

‘priests’ are called Levites, and this is one of them,⁶ viz., But the priests the Levites, the sons of Zadok.⁷ ‘Five at the five gates of the Temple Mount and four at its four corners on the inside, five at the five gates of the Azarah and four at its four corners on the outside’. Why in the case of the Temple Mount are they placed on the inside and in the case of the Azarah on the outside? — They replied: On the Temple Mount,⁸ if the watchman feels tired and wants to sit down, he may sit, and therefore he is placed on the inside, but in the Azarah, if he feels tired and wants to sit down he may not sit, since a Master has said that sitting is not allowed in the Azarah save only to kings of the House of David; therefore they are Placed on the outside. The Master said: ‘Five at the five gates of the Azarah’. Were there then only five gates in the Azarah? This seems to contradict the following:⁹ There were seven gates in the Azarah, three on the north, three on the south, and one on the east! — Abaye said: Two of them did not require to be watched.¹⁰ Raba said: There is a difference of Tannaim on this point, as it has been taught:¹¹ There must not be less than thirteen treasurers [attached to the Azarah] and seven supervisors. R. Nathan said: There must be not less than thirteen treasurers corresponding to the thirteen gates. Subtract five for the Temple Mount, and eight are left for the Azarah. We see therefore that there is a Tanna who says there were eight, and one who says there were seven, and one who says there were five. THEY DID NOT SLEEP IN THEIR SACRED GARMENTS etc. It was sleeping which was forbidden, but they used to walk about in them. You may infer from this that the priestly garments could be made general¹² use of! — It was replied: In fact walking about in them was also forbidden, and the reason why the Mishnah says simply that they did not sleep in them was because it was going to say subsequently, BUT THEY TAKE THEM OFF AND FOLD THEM AND PLACE THEM UNDER THEIR HEADS. Therefore it says in the first clause also THEY DID NOT SLEEP IN THEM. But your explanation itself involves a difficulty. THEY PLACE THEM UNDER THEIR HEADS: this shows that general use may be made of the priestly garments? — Read, Opposite their heads. R. Papa said: We may infer from this that it is allowed to place tefillin at one's side [when sleeping] and we are not afraid that perhaps one will roll over and fall on them. It is reasonable to suppose that what is meant is opposite the head. For if you say ‘under the head’ even granting that they may be made general use of, it should still be forbidden on the ground of mixed kinds.¹³

(1) Having not yet reached the age of puberty.

(2) Mid. ad init.

(3) I Chron. Xxvi, 17, 18.

(4) It is doubtful how Abaye understood this word: perhaps ‘extra chambers’ from the root asaf to add, v. Asheri.

(5) I.e., at a distance from the Azarah.

(6) I.e. the clearest of them.

(7) Ezek. XLIV, 15.

(8) The precincts of the Temple outside of the Courts.

(9) Mid. I, 4.

(10) This apparently refers to the gates in the Chamber of the Spark and the Fire Chamber which were guarded by priest.

(11) Shek. V, 2.

(12) V. Yoma 69a.

(13) Contained in the priestly garments. It is forbidden to lie on such.

Talmud - Mas. Tamid 27b

. This argument is valid for one who says that the girdle of the high priest was not the same as the girdle of the ordinary priest.¹ But if one holds that the girdle of the ordinary priest is the same as that of the high priest, what is there to say? And should you allege that mixed kinds are forbidden only for putting over and putting on, but there is no objection to folding them under one, has it not been taught: Neither shall there come upon thee [a garment of two kinds of stuff];² you may, however, spread it under you. The Sages, however, said that it is forbidden to do this, for fear that a thread may wind itself round his body. And should you argue that there is something separating, behold, R.

Simeon has said in the name of Joshua b. Levi who had it from R. Jose b. Saul in the name of the holy congregation in Jerusalem, that even if there are ten coverings one on top of another and mixed kinds under them, it is forbidden to sleep on them. We must then conclude that what is meant is opposite the head. Alternatively, I may say that the Mishnah speaks of those garments in which there are no mixed kinds. R. Ashi said: The priestly garments were hard;³ since R. Huna the son of R. Joshua said: This hard fabric made in Naresh⁴ is permitted.⁵ (Come and hear: It is forbidden to go out into the town in priestly garments, but it is permissible to walk about in them in the Temple whether at the time of service or otherwise, since the priestly garments may be made general use of. This is conclusive. But not in the town? Has it not been taught: 'On the twenty-first of this month is the day of Mount Gerizim on which it is forbidden to mourn, as we find in Yoma⁶ in the section 'The High priest used to come' etc. up to 'If you like I can say they are fit for the priestly garments'.⁶ Or if you like I can say 'When it is a time to act for the Lord they break Thy Law').⁷ IF AN ACCIDENT HAPPENED TO ONE OF THEM etc. This supports the view of R. Johanan who said that the subterranean passage possessed no sanctity, and that a baal keri⁸ is sent out of two camps.⁹ WITH LIGHTS BURNING ON EACH SIDE etc. R. Safra was once sitting in a privy when R. Abba came and gave a cough,¹⁰ whereupon R. Safra said, pray, enter, Sir. When he came out, R. Abba said to him: Though you have not got as far as a he-goat¹¹ you have learnt the manners of a he-goat. Have we not learnt as follows: IF HE FOUND IT LOCKED, HE KNEW THAT THERE WAS SOMEONE INSIDE? This was to signify that he ought not to have gone in.¹² R. Safra, however, thought that perhaps it would be dangerous for him to wait, as it has been taught: R. Simeon b. Gamaliel says: To hold back faeces brings on dropsy; to hold back urine brings on jaundice. Rab said to his son Hiyya — and so also said R. Huna to his son Raba — attend to your needs at nightfall and before daybreak,¹³ so that you shall not need to go a long way.¹⁴ Sit first and then Uncover, and cover first and then rise. Wipe [the cup] before drinking and wipe again before putting it down; and when you drink water, pour out some before giving [the cup] to your disciple,¹⁵ as it has been taught: A man should not drink water and hand [the cup] to his disciple unless he first pours some out. It happened once that a man drank some water and without pouring any out gave [the cup] to his disciple. The disciple was squeamish and did not like to drink, and he died of thirst. There and then they laid down a rule that a man should not drink and give [the cup] to his disciple without pouring some out. R. Ashi said: Consequently if a disciple pours out in front of his teacher, this shows no disrespect. Do not spit anything out in front of your teacher except pumpkin and leek, for they are like molten lead.¹⁶ We have learnt elsewhere:¹⁷ The officer of the Temple Mount used to go round to every watch with torches burning before him, and if any watchman did not rise and say, Officer,

(1) The girdle of the high priest contained both wool and linen. Another reading is: The girdle of the high priest was the same etc. The reference will then be to the girdle worn by the high priest on the Day of Atonement which was of linen only; v. Yoma 69a.

(2) Lev. XIX, 19.

(3) And therefore it was permitted to lie on them.

(4) Near Sura.

(5) Because there is no danger of a thread coming loose.

(6) 69a, from which this whole discussion is taken.

(7) The passage in brackets is obviously a marginal gloss which has crept into the text.

(8) V. Glos.

(9) Viz., of the Shechinah and of the Levites. This second statement of R. Johanan is quite independent of the first, and has no connection with the present passage.

(10) So as to ascertain if anyone was inside.

(11) Lit. 'gone up to a he-goat' (or perhaps 'satyr'). V. Ber. (Sonc. ed.) 62b, p. 391, n. 12.

(12) But R. Safra ought to have coughed as a warning to him to stay outside.

(13) When there are no people about.

(14) To the privies in the fields.

(15) So as to cleanse the rim. In the case of wine it would be wasteful to pour out.

(16) Lit., 'a wick of lead'. I.e., the spittle formed by them, if swallowed, burns the inside.

(17) Mid. I, 2.

Talmud - Mas. Tamid 28a

I greet you, it was a proof that he was asleep,¹ and he would beat him with his stick. He was also permitted to burn his clothes. The others would say, What noise is that in the Azarah? It is the cry of a Levite who is being beaten and whose garments are being burnt because he was asleep at his post. R. Eliezer b. Jacob said: Once they found my mother's brother asleep and they burnt his clothes. R. Hiyya b. Abba said: When R. Johanan came to this Mishnah he used to say: Happy were the former generations who punished even for being overpowered by sleep; how much more then when there was no overpowering as of sleep!² It has been taught: Rabbi says: Which is a right way that a man should choose? Let him love reproof, since as long as there is reproof in the world ease of mind comes to the world, good and blessing come to the world, and evil departs from the world, as it says, But to them that are reproved shall come delight; and a good blessing shall come upon them.³ Some say: Let him have scrupulous honesty,⁴ as it says, Mine eyes are upon the faithful of the land that they may dwell with me,⁵ etc. R. Samuel b. Nahmani said in the name of R. Jonathan: Whoever reproves his neighbour for a purely religious motive⁶ is deemed worthy to be in the portion of the Holy One, blessed be He,⁷ as it says, He that rebuketh a man is after Me.⁸ Not only so, but a thread of favour shall twine about him, as it says, He shall find more favour than he that flattereth with the tongue.⁹ IF HE FOUND IT LOCKED HE KNEW etc. . . . WHOEVER WANTED TO REMOVE THE ASHES FROM THE ALTAR etc. This statement contains a contradiction. You say first: WHOEVER WANTS TO REMOVE THE ASHES FROM THE ALTAR RISES EARLY AND BATHES BEFORE THE SUPERINTENDENT COMES, which would show that the matter does not depend on drawing of lots, and then it states, LET HIM COME AND DRAW LOTS, which shows that it does depend on the casting of lots?—Abaye replied: There is no contradiction. The first statement refers to the period before the regulation, the second to the period after the regulation, as we have learnt:¹⁰ At first whoever desired to remove the ashes from the altar used to do so. When there were several of them they used to run and go up the Ascent¹¹ and whoever was first in the last four cubits had the privilege. If two were level, the superintendent said to them, put your fingers out. They put out the one or two fingers, but they did not put out the thumb in the Temple. It happened once that two were running level up the Ascent and one of them pushed the other and he broke his leg, and when the Beth din saw that they were endangering themselves, they ordained that the task of removing the ashes should be assigned only by lot. Raba said: Both statements refer to the period after the regulation, and what it means is this: Whoever wanted to come and draw lots used to rise early and bathe before the superintendent came. MISHNAH. HE TOOK THE KEY¹² AND OPENED THE SMALL DOOR AND WENT FROM THE FIRE CHAMBER INTO THE AZARAH, AND THE PRIESTS WENT IN AFTER HIM CARRYING TWO LIGHTED TORCHES. THEY DIVIDED INTO TWO GROUPS, ONE OF WHICH WENT ALONG THE PORTICO¹³ TO THE EAST, WHILE THE OTHER WENT ALONG IT TO THE WEST. THEY WENT ALONG INSPECTING¹⁴ UNTIL THEY CAME TO THE PLACE WHERE THE GRIDDLE-CAKES¹⁵ WERE MADE.¹⁶ THERE THE TWO GROUPS MET AND SAID, IS IT WELL? ALL IS WELL.¹⁷ THEY THEN APPOINTED HIM THAT MADE THE GRIDDLE-CAKES TO MAKE GRIDDLE-CAKES. THE ONE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASHES FROM THE ALTAR MADE READY TO DO SO. THEY SAID TO HIM: 'BE CAREFUL NOT TO TOUCH ANY VESSEL UNTIL YOU HAVE WASHED YOUR HANDS AND FEET FROM THE LAVER. SEE, THE FIREPAN IS IN THE CORNER BETWEEN THE ASCENT AND THE ALTAR ON THE WEST OF THE ASCENT'. NO ONE ENTERED WITH HIM,¹⁸ NOR DID HE CARRY ANY LIGHT¹⁹ BUT HE WALKED BY THE LIGHT OF THE ALTAR FIRE. NO-ONE SAW HIM²⁰

(1) For an alternative rendering, v. Mid. (Sonc. ed). pp. 1 and 2, trans. and notes.

- (2) For transgressions committed not under constraint.
- (3) Prov. XXIV, 25. E.V., But to them that decide.
- (4) So Rashi. Lit., 'abundant faithfulness'.
- (5) Ps. CI, 6.
- (6) Lit., 'in the name of Heaven'.
- (7) I.e., in the inner circle of the righteous in heaven.
- (8) Prov. XXVIII, 23. E.V. shall in the end find more favour.
- (9) Ibid.
- (10) Yoma, 22a.
- (11) The sloping board which led from the pavement of the Azarah to the altar. It was 32 cubits long, v. Mid.Ili, 3.
- (12) Mid. I, 9.
- (13) Which ran right round the Azarah, and where various vessels were kept.
- (14) To see if all the vessels were in order.
- (15) Which were offered every day by the High Priest. V. Lev. VI, 12-15.
- (16) The south-east corner of the Temple court, v. Mid. I, 14.
- (17) I.e., the vessels are all in order.
- (18) Because no-one was allowed in the Azarah save for purposes of service.
- (19) Because he needed to have both hands free.
- (20) Because he was hidden by the ascent.

Talmud - Mas. Tamid 28b

OR HEARD A SOUND FROM HIM UNTIL THEY HEARD THE NOISE OF THE WOODEN MACHINE WHICH BEN KATIN MADE FOR HAULING UP THE LAVER,¹ WHEN THEY SAID, THE TIME HAS COME. HE WASHED HIS HANDS AND FEET FROM THE LAVER, THEN TOOK THE SILVER FIREPAN AND WENT UP TO THE TOP OF THE ALTAR AND CLEARED AWAY THE CINDERS² ON EITHER SIDE AND SCOOPED UP THE ASHES³ IN THE CENTRE. HE THEN DESCENDED AND WHEN HE REACHED THE PAVEMENT⁴ HE TURNED HIS FACE TO THE NORTH⁵ AND WENT ALONG THE EAST SIDE OF THE ASCENT FOR ABOUT TEN CUBITS, AND HE THEN MADE A HEAP OF THE CINDERS ON THE PAVEMENT THREE HANDBREADTHS AWAY FROM THE ASCENT, IN THE PLACE WHERE THEY USED TO PUT THE CROP OF THE BIRDS⁶ AND THE ASHES FROM THE INNER ALTAR⁷ AND THE ASH FROM THE CANDLESTICK. GEMARA. But were there porticoes in the Azarah? Has it not been taught: R. Eliezer b. Jacob says: Whence do we learn that porticoes [of wood] are not made in the Azarah? Because it says: Thou shalt not plant thee an Asherah or any kind of tree beside the altar of the Lord thy God,⁸ the meaning of which is this: Thou shalt not plant thee an Asherah; nor shalt thou plant thee any kind of tree beside the altar of the Lord thy God?-R. Hisda replied: [It is permitted] with porticoes of stone.⁹ THEY WENT ALONG INSPECTING. . . . TO MAKE GRIDDLE CAKES. This would imply that the griddle cakes were the first thing offered. But it has been taught: Whence do we know that nothing preceded the regular morning offering? It says: And he shall lay the burnt-offering in order upon it,¹⁰ and Rabbah said, 'the burnt-offering' [implies that] it goes up first?¹¹ Rab Judah replied: He is appointed to prepare hot water for the soaking.¹²

CHAPTER II

MISHNAH. WHEN HIS BRETHREN SAW THAT HE HAD DESCENDED [FROM THE ASCENT]. THEY CAME RUNNING AND HASTENED TO WASH THEIR HANDS AND FEET IN THE LAVER. THEY THEN TOOK THE SHOVELS AND THE FORKS¹³ AND WENT UP TO THE TOP OF THE ALTAR. SUCH LIMBS AND PIECES OF FAT AS HAD NOT BEEN CONSUMED SINCE THE EVENING THEY REMOVED TO THE SIDES OF THE ALTAR.¹⁴ IF THERE WAS NOT ROOM ON THE SIDES THEY ARRANGED THEM ON THE SURROUND¹⁵

AND ON THE ASCENT.¹⁶ THEY THEN BEGAN TO THROW THE ASHES ON TO THE HEAP.¹⁷ THIS HEAP WAS IN THE MIDDLE OF THE ALTAR, AND SOMETIMES THERE WAS AS MUCH AS THREE HUNDRED KOR ON IT. ON FESTIVALS THEY DID NOT USE TO CLEAR AWAY THE ASH BECAUSE IT WAS RECKONED AN ORNAMENT TO THE ALTAR.¹⁸ IT NEVER HAPPENED THAT

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- (1) The laver was sunk underground in the evening so that its waters should not become disqualified by being exposed throughout the night, but it was hauled up by a pulley.
 - (2) Which would be more on the side of the altar, where the heat was not so intense. The top of the altar was 28 cubits square. V. Mid. III, 1.
 - (3) Lit., 'the consumed'; the fuel more in the centre which had been completely reduced to ashes.
 - (4) The floor of the Azarah which was of stone.
 - (5) I.e., turned back and faced the altar.
 - (6) V. Lev. I, 16. It was reckoned that the priest standing at the altar would cast the crop behind him about twenty cubits.
 - (7) The altar of incense.
 - (8) Deut. XVI, 21.
 - (9) Lit., 'of building', i.e., supported on stone pillars.
 - (10) Lev. VI, 5.
 - (11) V. Zeb. 103a.
 - (12) V. Lev. VI, 14.
 - (13) To collect the ashes and to turn the limbs.
 - (14) With the intention of replacing them after the fire had been lit. Once the pieces had left the altar, it would not have been permitted to replace them, since they were reckoned as nothar.
 - (15) The ledge running round the altar half way up. V. Mid. III, 1.
 - (16) Which was counted as part of the altar. The 'and' is not in the text, but seems necessary for the sense, v. Sh. Mek. Var. lec. 'or on the Ascent'.
 - (17) Lit., 'apple'.
 - (18) Showing that a large number of sacrifices had been brought.

Talmud - Mas. Tamid 29a

THE PRIEST WAS NEGLECTFUL¹ IN TAKING OUT THE ASHES.² THEY THEN BEGAN TO TAKE UP THE LOGS³ TO LAY THE FIRE. WERE ALL KINDS OF WOOD SUITABLE FOR THE FIRE? ALL KINDS OF WOOD WERE SUITABLE FOR THE FIRE EXCEPT VINE AND OLIVE WOOD. O WHAT THEY MOSTLY USED, HOWEVER, WERE BOUGHS OF FIG TREES AND OF NUT TREES AND OF OIL TREES: HE⁴ THEN ARRANGED THE GREAT PILE⁵ ON THE EAST SIDE OF THE ALTAR WITH ITS OPEN SIDE⁶ ON THE EAST,⁷ WHILE THE INNER ENDS OF THE [SELECTED] LOGS TOUCHED THE CENTRAL HEAP. SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD.⁸ THEY PICKED OUT FROM THERE SOME SPECIALLY GOOD FIG-TREE BRANCHES AND WITH THESE HE LAID A SECOND FIRE FOR THE INCENSE⁹ NEAR THE SOUTH-WESTERN CORNER SOME FOUR CUBITS TO THE NORTH OF IT,¹⁰ USING AS MUCH WOOD AS HE JUDGED SUFFICIENT TO FORM FIVE SE'AHs OF CINDERS, AND ON SABBATH AS MUCH AS HE THOUGHT WOULD MAKE EIGHT SE'AHs OF CINDERS, BECAUSE FROM THERE THEY USED TO TAKE FIRE FOR THE TWO DISHES OF FRANKINCENSE FOR THE SHEW-BREAD. THE LIMBS AND THE PIECES OF FAT WHICH HAD NOT BEEN CONSUMED OVER NIGHT WERE PUT BACK ON THE WOOD WHICH HAD BEEN LAID.¹¹ THEY THEN KINDLED THE TWO FIRES AND DESCENDED AND WENT TO THE CHAMBER OF HEWN STONE.¹² GEMARA. Said Raba: This¹³ is an exaggeration. [Similarly with regard to the statement]. 'They made the beast for the daily offering drink from a gold cup'.¹⁴ Raba said: This is an exaggeration. R. Ammi said: The Torah used hyperbole, the prophets used hyperbole, the Sages used hyperbole. The Torah used hyperbole, as where it is written, The cities are

great and fortified up to heaven.¹⁵ Up to heaven, think you? No; but it is an exaggeration. ‘The Sages Used hyperbole’, in the cases we have just mentioned — the heap and the giving the sacrifice beast to drink from a gold cup. ‘The prophets used hyperbole’, as it is written, And the people piped with pipes. . . . so that the earth rent with the sound of them.¹⁶ R. Jannai b. Nahmani said in the name of Samuel; In three places the Sages used the language of hyperbole, namely, in connection with the heap, the vine and the veil.¹⁷ This excludes the case cited by Raba, where we have learnt, ‘They made the beast for the daily sacrifice drink from a gold cup’, and Raba said, This is an exaggeration. This teaches us that this is true of the other cases, but not of this one, because in the abode of wealth no sign of poverty is allowed.¹⁸ [The exaggeration in the case of] the heap is as stated. In the case of the wine it is as has been taught:¹⁹ A gold vine used to stand at the door of the inner temple, trailed on poles, and anyone who offered a leaf

(1) I.e., if the ashes were left, it was not through neglect.

(2) Outside the camp, when there was a large quantity on the altar.

(3) Special large blocks of wood, well smoothed. (10) The reason is explained in the Gemara.

(4) The one who was chosen to clear away the ashes.

(5) So called by contrast with the other mentioned later.

(6) Lit., ‘transparency’. The open side from which it was touched, the other side was blocked by the central heap.

(7) So that there should be a draught from the door of the Azarah.

(8) To start the fire.

(9) I.e., to obtain coals for kindling the incense. For this it was reckoned a mark of respect to have a special fire.

(10) These five cubits of the altar faced the doorway of the Hekal, and could therefore be described as being ‘before the Lord’, and it was considered meritorious to obtain the coals for the incense from this space. The fifth cubit had to be used because four were taken up by the projections of the altar.

(11) It is not clear if this was before or after the daily offering was kindled.

(12) To cast further lots, half of this chamber being in unconsecrated ground. The Chamber of Hewn Stone was the Hall wherein the Great Sanhedrin used to sit. Schurer II, p. 264 identifies it with the Chamber ‘close to the Xystus’ on the western border of the Temple Mount, v. J. E. XII, 576.

(13) The statement that there were three hundred kor of ashes on the altar.

(14) *Infra*, 30a.

(15) Deut. I, 28. This is hardly a proof, as the Torah is here quoting the language of the spies.

(16) I Kings, I, 40.

(17) v. *infra*.

(18) I.e. no expense was to be spared in the Temple service.

(19) Mid. III, 8.

Talmud - Mas. Tamid 29b

or a single grape or a cluster used to bring it and hang it thereon. Said R. Eleazar son of R. Zadok: On one occasion three hundred priests were commissioned to clear it. The case of the veil as has been taught:¹ We have learnt: R. Simeon b. Gamaliel says: The thickness of the veil² was a handbreadth. It was formed of seventy-two strands, and each was made up of twenty-four threads.³ Its length was forty cubits and its breadth was twenty cubits, and it was made by eighty-two young girls,⁴ and two were made every year,⁵ and it took three hundred priests to immerse it.⁶ THEY BEGAN TO TAKE UP THE LOGS TO LAY THE FIRE. . . . EXCEPT VINE AND OLIVE WOOD. Why were these excepted? — R. Papa said: Because they have knots.⁷ R. Aha b. Jacob said: Because of the amenities of the Land of Israel.⁸ The following was cited in objection [to R. papa]: upon the wood that is on the fire which is upon the altar;⁹ this implies wood which rapidly becomes fire.¹⁰ Which kind is that? Thin boughs like spits which do not form knots, that is, that do not become knotted inwardly.¹¹ Are all kinds of wood suitable for the altar fire? All kinds are suitable excepts olive and vine, but what were mostly used were boughs of fig trees and nut trees and oil trees. R. Eleazar adds [as not suitable]: also wood from the matish¹² and the oak and the date tree

and the carob and sycamore. There is no difficulty here for the one who says that it is because they are knotted. The difference according to him is that one authority holds that although they are not knotted on the inside, yet since they are knotted on the outside we do not use them,¹³ while the other holds that since they are not knotted on the inside, although they are knotted on the outside we still bring them. But to the one who says, it is because of the amenities of the Land of Israel, we can object, does not the date tree contribute to the amenities of the Land of Israel? — He can reply to you: By the same reasoning does not the fig tree contribute to the amenities of the Land of Israel? But what do you answer to this? That we speak of a fig tree which does not produce fruit. Similarly we speak of a date tree which does not produce fruit. But are there fig trees which do not produce fruit? Yes, as stated by Rahabah. For Rahabah said: They bring white fig trees

(1) Shek. 12b.

(2) Between the Hekal and the Holy of Holies.

(3) Of gold, purple, etc.

(4) Var. lec. It cost eighty-two thousand denars.

(5) In the second temple there were two veils with a cubit space between them, to take the place of the wall which was in the First Temple.

(6) Like all holy things, it was immersed in water before being used. The 'three hundred' is the exaggeration.

(7) Which retain moisture and so prevent the wood from catching.

(8) Lit., 'the Settlement of the Land of Israel'. To which vines and olive trees were held to contribute in a high degree.

(9) Lev. I, 8.

(10) Lit. 'which is dissolved to become fire'.

(11) It is only in this case that moisture forms.

(12) An unknown kind of hardwood tree.

(13) Since even so there is sufficient moisture to disqualify them.

Talmud - Mas. Tamid 30a

and scrape them with a rope of date tree bark on which seed is smeared,¹ and they are then planted in alluvial soil, and they produce trunks but no fruit, and three branches of one will break down a bridge. HE THEN ARRANGED THE GREAT PILE etc. What is the reason [for the opening]? R. Huna and R. Hisda [gave different reasons]. One said, it was in order that a draught might blow on it, the other said it was in order that they might kindle the brushwood from there. The following was cited in objection [to the latter opinion]: SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD. He can reply: [Brushwood] was put in several places.²

CHAPTER III

MISHNAH. THE SUPERINTENDENT THEN SAID TO THEM: COME AND CAST LOTS, TO SEE WHO IS TO SLAUGHTER THE ANIMAL,³ AND WHO IS TO SPRINKLE THE BLOOD, AND WHO IS TO CLEAR THE ASHES FROM THE INNER ALTAR,⁴ AND WHO IS TO CLEAR THE ASH FROM THE CANDLESTICK, AND WHO IS TO LIFT THE LIMBS ON TO THE ASCENT, [NAMELY] THE HEAD, THE RIGHT LEG, THE BREAST AND THE NECK AND THE TWO FLANKS WITH THE ENTRAILS, ALSO THE FINE FLOUR⁵ AND THE GRIDDLE CAKES⁶ AND THE WINE.⁷ THEY CAST LOTS AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID TO THEM: GO OUT AND SEE IF IT IS YET TIME FOR THE SLAUGHTER. IF IT ACTUALLY WAS TIME, THE OBSERVER⁸ SAID, THERE ARE FLASHES.⁹ MATTITHIA B. SAMUEL SAYS: [HE USED TO SAY]¹⁰ THE WHOLE OF THE EAST [OF THE SKY] HAS LIT UP. [THEY WOULD ASK] AS FAR AS HEBRON? AND HE [THE OBSERVER] WOULD ANSWER YES. HE SAID TO THEM, GO OUT AND BRING A LAMB FROM THE LAMBS CHAMBER. NOW THE LAMBS CHAMBER WAS IN THE

NORTH-WESTERN CORNER.¹¹ THERE WERE FOUR CHAMBERS THERE¹² — THE LAMBS' CHAMBER, THE CHAMBER OF THE SEALS,¹³ THE CHAMBER OF THE FIRE-ROOM¹⁴ AND THE CHAMBER WHERE THE SHEWBREAD WAS PREPARED. THEY WENT INTO THE CHAMBER OF THE VESSELS AND BROUGHT OUT FROM THERE NINETY-THREE VESSELS OF SILVER AND GOLD. THEY GAVE THE ANIMAL FOR THE DAILY SACRIFICE A DRINK FROM A CUP

(1) This was supposed to spoil the seed of the tree itself.

(2) I.e., both between the logs and in the opening.

(3) The lamb of daily sacrifice.

(4) The altar of incense.

(5) For the mealoffering.

(6) The daily offering of the High Priest. V. Lev. VI, 15.

(7) For the drink-offering.

(8) A priest stationed for the purpose on the roof.

(9) The first Bashes of dawn.

(10) Alifer: Mattithiah b. Samuel used to say etc., v. Yoma, (Sonc. ed.) p. 131 and notes.

(11) Of the Fire Room. In Mid. I, 6, this room is called the Chamber of Offering (al. Chamber of the Lamb(s) of Offering), and is said to have been in the south-west of the Fire Room; in Yoma 16a it is explained that this is the opinion of R. Eleaiar b. Jacob.

(12) Attached to the Fire Room; V. Mid, I, 7.

(13) V. Shek. V, 3.

(14) In Mid. l.c., this is said to have been the room from which they went down to the bathing-place. Perhaps the fire burnt in this side room, so that it gave its name to the whole chamber.

Talmud - Mas. Tamid 30b

OF GOLD.¹ ALTHOUGH IT HAD BEEN EXAMINED ON THE PREVIOUS EVENING IT WAS NOW EXAMINED AGAIN BY TORCHLIGHT. THOSE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASH FROM THE INNER ALTAR AND FROM THE CANDLESTICK WENT ON IN FRONT WITH FOUR VESSELS IN THEIR HANDS — THE TENI² AND THE KUZ³ AND TWO KEYS. THE TENI RESEMBLED A TIRKAB⁴ OF GOLD AND HELD TWO KABS AND A HALF. THE KUZ RESEMBLED A LARGE GOLD PITCHER. WITH ONE OF THE TWO KEYS HE HAD TO REACH DOWN AS FAR AS HIS ARMPIT⁵ AND WITH THE OTHER HE OPENED IN FRONT OF HIM.⁶ HE THEN CAME TO THE SMALL DOOR ON THE NORTH. THE GREAT GATE HAD TWO SMALL WICKETS LET IN, ONE ON THE NORTH AND ONE ON THE SOUTH. NO ONE EVER WENT IN BY THE DOOR ON THE SOUTH, IN ACCORDANCE WITH THE DISTINCT STATEMENT IN EZEKIEL, NAMELY, AND THE LORD SAID UNTO ME, THIS GATE SHALL BE CLOSED, IT SHALL NOT BE OPENED, AND NO MAN SHALL ENTER BY IT, FOR THE LORD GOD OF ISRAEL HAS ENTERED BY IT.⁷ HE TOOK THE KEY AND OPENED THE SMALL DOOR AND WENT IN TO THE APARTMENT⁸ AND FROM THE APARTMENT TO THE HEKAL, [WHICH HE TRAVERSED] UNTIL HE REACHED THE GREAT GATE. WHEN HE REACHED THE GREAT GATE HE DREW BACK THE BOLT AND THE LATCHES⁹ AND OPENED IT. THE SLAUGHTERER DID NOT KILL TILL HE HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO¹⁰ THEY HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO THEY HEARD THE SOUND OF THE 'SHOVEL'.¹¹ FROM JERICHO THEY HEARD THE SOUND OF THE SINGING [OF THE LEVITES].¹² FROM JERICHO THEY USED TO HEAR THE SOUND OF BEN ARZA CLASHING THE CYMBALS. FROM JERICHO THEY USED TO HEAR THE SOUND OF THE PIPES. FROM JERICHO THEY COULD HEAR THE VOICE OF GABIN THE HERALD.¹³ FROM JERICHO THEY HEARD THE NOISE OF THE WOODEN PULLEY WHICH BEN KATIN MADE FOR THE LAVER.¹⁴ FROM JERICHO THEY

HEARD THE SOUND OF THE SINGING [OF THE LEVITES]. FROM JERICHO THEY HEARD THE SOUND OF THE SHOFAR;¹⁵ SOME SAY ALSO OF THE HIGH PRIEST WHEN HE PRONOUNCED THE DIVINE NAME ON THE DAY OF ATONEMENT. FROM JERICHO THEY COULD SMELL THE ODOUR OF THE COMPOUNDING OF INCENSE. R. ELEAZAR B. DIGLAI SAID: MY FATHER HAD SOME GOATS IN THE TOWNS OF MICHVAR,¹⁶ AND THEY USED TO SNEEZE FROM THE SMELL OF THE INCENSE. THE PRIEST WHO HAD BEEN CHOSEN TO KILL THE DAILY OFFERING TOOK IT ALONG WITH HIM TO THE SLAUGHTER HOUSE, ACCOMPANIED BY THOSE WHO HAD BEEN CHOSEN TO HAND UP THE LIMBS. THE SLAUGHTER HOUSE WAS TO THE NORTH OF THE ALTAR.¹⁷ BY IT WERE EIGHT DWARF PILLARS ON TOP OF WHICH WERE BLOCKS OF CEDAR WOOD, IN WHICH WERE FIXED HOOKS OF IRON, THREE ROWS IN EACH.¹⁸ THE ANIMALS WERE HUNG ON THESE AND FLAYED OVER TABLES OF MARBLE BETWEEN THE PILLARS. THE ONE WHO HAD BEEN CHOSEN FOR CLEARING THE INNER ALTAR WENT IN CARRYING THE TENI WHICH HE SET DOWN IN FRONT OF IT, AND HE SCOOPED UP THE ASH IN HIS FISTS AND PUT IT INSIDE, AND IN THE END HE SWEEPED UP WHAT WAS LEFT INTO IT, AND THEN HE LEFT IT THERE AND WENT OUT. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS BURNING,¹⁹ HE CLEARED THE ASH FROM THE REST AND LEFT THESE TWO BURNING. IF HE²⁰ FOUND THAT THESE TWO HAD GONE OUT, HE CLEARED AWAY THEIR ASH AND KINDLED THEM FROM THOSE WHICH WERE STILL ALIGHT AND THEN HE CLEARED THE ASH FROM THE REST. THERE WAS A STONE IN FRONT OF THE CANDLESTICK²¹ WITH THREE STEPS ON WHICH THE PRIEST STOOD IN ORDER TO TRIM THE LIGHTS. HE LEFT THE KUZ ON THE SECOND STEP AND WENT OUT.

CHAPTER IV

MISHNAH. THEY DID NOT USE TO TIE UP²² THE LAMB BUT THEY STRUNG ITS LEGS TOGETHER.²³ THOSE ON WHOM THE LOT FELL FOR THE LIMBS TOOK HOLD OF IT. IT WAS STRUNG UP IN SUCH A WAY THAT ITS HEAD WAS TO THE SOUTH WHILE ITS FACE WAS TURNED TO THE WEST,²⁴ AND THE SLAUGHTERER STOOD TO THE EAST OF IT WITH HIS FACE TURNED TO THE WEST. THE MORNING SACRIFICE WAS KILLED BY THE NORTH-WESTERN CORNER OF THE ALTAR AT THE SECOND RING,²⁵ WHILE THE EVENING SACRIFICE WAS KILLED BY THE NORTH-EASTERN CORNER AT THE SECOND RING. WHILE ONE SLAUGHTERED ANOTHER RECEIVED THE BLOOD. THE LATTER PROCEEDED TO THE NORTH-EASTERN CORNER²⁶ AND CAST THE BLOOD ON THE EASTERN AND NORTHERN SIDES; HE THEN PROCEEDED TO THE SOUTHWESTERN CORNER AND CAST THE BLOOD ON THE WESTERN AND SOUTHERN SIDES. THE REMNANT OF THE BLOOD HE POURED OUT AT THE SOUTHERN BASE OF THE ALTAR.

(1) Cf. *supra*, 29a.

(2) Lit., 'basket'. The receptacle for the ash from the altar.

(3) Lit., 'pitcher', the receptacle for the ashes from the candlestick.

(4) **: A measure holding three kabs.

(5) Because the bolt was fixed in a socket in the ground.

(6) Because it was on a level with him.

(7) Ezek. XLIV, 2. Ezekiel is speaking of the outer gate, and we do not know by what authority the Rabbis applied his words to this door. The statement is repeated in Mid. IV, 1.

(8) Heb. *to*, a kind of cell let into the wall of the Hekal, V. Mid. IV, 3.

(9) Apparently the 'bolt' was fixed in a socket in the ground, and the 'latches' were cross-bars level with his own height.

(10) About twenty miles from Jerusalem. For this passage cf. Yoma 39b.

- (11) Magrepah. A musical instrument shaped like a shovel. V. 'Ar. 10b.
- (12) These words are here out of place, and are repeated lower down.
- (13) Summoning the priests and Levites to their duties before the dawn. Shek. V, 1.
- (14) V. supra 28b.
- (15) Blown every day over the sacrifices.
- (16) A district of Peraea, beyond the Dead Sea.
- (17) On this passage cf. Mid. IV, 4.
- (18) So as to be adapted for animals of different sizes.
- (19) These had more oil than the others.
- (20) Apparently this refers not to this priest. but to the Priest who came in later, as explained infra VI, 1.
- (21) Which was eighteen hand-breadths high-about a man's height.
- (22) I.e., all four legs together, or the two fore legs and the two hind legs.
- (23) Tying together a fore leg and a hind leg.
- (24) The side of the Shechinah.
- (25) Near the altar were a number of rows of semi-circular hoops fixed in the ground under the which the head of the animal was put to keep it in place. The second row was chosen as not being in the shade of the altar; V. Gemara infra.
- (26) He started from the ascent which was on the south side and began going round to the right, passing by the south-eastern corner because it had no foundation. On this passage cf. Yoma, 14b.

Talmud - Mas. Tamid 31a

. HE DID NOT USE TO BREAK THE LEG,¹ BUT HE MADE A HOLE IN IT² AT THE JOINT AND SUSPENDED IT FROM THERE. HE THEN BEGAN TO FLAY IT AND WENT ON UNTIL HE CAME TO THE BREAST.³ WHEN HE CAME TO THE BREAST HE CUT OFF THE HEAD AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE THEN CUT OFF THE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. ON COMPLETING THE Flaying HE TORE OUT THE HEART AND SQUEEZED OUT THE BLOOD IN IT.⁴ HE THEN CUT OFF THE FORE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. HE THEN WENT BACK TO THE RIGHT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, AND THE TWO TESTICLES WITH IT. HE THEN TORE OPEN THE CARCASS SO THAT IT WAS ALL EXPOSED BEFORE HIM. HE TOOK THE FAT AND PUT IT ON TOP OF THE PLACE WHERE THE HEAD HAD BEEN SEVERED. HE TOOK THE INNARDS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN TO WASH THEM. THE STOMACH WAS WASHED VERY THOROUGHLY IN THE WASHING CHAMBER, WHILE THE ENTRAILS WERE WASHED AT LEAST⁵ THREE TIMES ON MARBLE TABLES WHICH STOOD BETWEEN THE PILLARS.⁶ HE THEN TOOK A KNIFE AND SEPARATED THE LUNG FROM THE LIVER⁷ AND THE FINGER OF THE LIVER⁸ FROM THE LIVER,⁹ BUT WITHOUT REMOVING IT FROM ITS PLACE. HE HOLLOWED OUT THE BREAST¹⁰ AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE CAME TO THE RIGHT FLANK AND CUT INTO IT AS FAR AS THE SPINE, WITHOUT HOWEVER TOUCHING THE SPINE, UNTIL HE CAME TO THE PLACE BETWEEN TWO SMALL RIBS. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE LIVER ATTACHED TO IT. HE THEN CAME TO THE NECK, AND LEAVING TWO RIBS ON EACH SIDE OF IT¹¹ HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE WINDPIPE AND THE HEART AND THE LUNG ATTACHED TO IT. HE THEN CAME TO THE LEFT FLANK IN WHICH HE LEFT TWO THIN RIBS ABOVE AND TWO THIN RIBS BELOW;¹² AND HE HAD DONE SIMILARLY WITH THE OTHER FLANK. THUS HE LEFT TWO ON EACH SIDE ABOVE AND TWO ON EACH SIDE BELOW. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, AND THE SPINE WITH IT AND THE MILT ATTACHED TO IT. THIS WAS REALLY THE LARGEST PIECE, BUT THE RIGHT FLANK WAS CALLED THE LARGEST, BECAUSE THE LIVER WAS ATTACHED TO IT. HE THEN CAME TO THE

TAIL BONE, WHICH HE CUT OFF AND GAVE TO THE ONE TO WHOSE LOT IT HAD FALLEN, ALONG WITH THE TAIL, THE FINGER OF THE LIVER AND THE TWO KIDNEYS. HE THEN TOOK THE LEFT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. BY THIS TIME THEY WERE ALL STANDING IN A ROW WITH THE LIMBS IN THEIR HANDS

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- (1) In order to suspend it for laying, after the usual manner of butchers.
(2) The object being that the body should not fall to the ground when the leg was cut off.
(3) I.e., until the flaying was completed.
(4) The animal usually draws back some blood to the heart at the time of slaughter. This sentence seems to be out of place and should follow the word 'breast' above.
(5) Aliter: 'in a vessel' used for preserving olives. Var. lec. 'on the smallest of the tables'.
(6) V. supra 30b.
(7) Because the lung was offered with the neck and the liver with the flank.
(8) A small projection from the liver.
(9) Because this finger was offered with the tail.
(10) I.e., he cut a piece out of the breast, making a hollow through which he could reach inside the body.
(11) I.e., the two ribs attached to each of the two flanks.
(12) I.e., two by the tail bone and two by the breast.

Talmud - Mas. Tamid 31b

. THE FIRST HAD THE HEAD AND THE [RIGHT] HIND LEG. THE HEAD WAS IN HIS RIGHT HAND WITH ITS NOSE TOWARDS HIS ARM, ITS HORNS BETWEEN HIS FINGERS, AND THE PLACE WHERE IT WAS SEVERED TURNED UPWARDS WITH THE FAT COVERING IT. THE RIGHT LEG WAS IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM.¹ THE SECOND HAD THE TWO FORE LEGS, THE RIGHT LEG IN HIS RIGHT HAND AND THE LEFT LEG IN HIS LEFT HAND, THE PLACE WHERE THE FLAYING COMMENCED BEING TURNED AWAY FROM HIM. THE THIRD HAD THE TAIL BONE AND THE OTHER HIND LEG, THE TAIL BONE IN HIS RIGHT HAND WITH THE TAIL HANGING BETWEEN HIS FINGERS AND THE FINGER OF THE LIVER AND THE TWO KIDNEYS WITH IT, AND THE LEFT HIND LEG IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE FOURTH HAD THE BREAST AND THE NECK, THE BREAST IN HIS RIGHT HAND AND THE NECK IN HIS LEFT HAND, ITS RIBS BEING BETWEEN TWO OF HIS FINGERS. THE FIFTH HAD THE TWO FLANKS, THE RIGHT ONE IN HIS RIGHT HAND, AND THE LEFT ONE IN HIS LEFT HAND, WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE SIXTH HAD THE INNARDS ON A PLATTER² WITH THE KNEES ON TOP OF THEM. THE SEVENTH HAD THE FINE FLOUR,³ THE EIGHTH THE GRIDDLE CAKES,⁴ THE NINTH THE WINE.⁵ THEY WENT AND PLACED THEM ON THE LOWER HALF OF THE ASCENT⁶ ON ITS WESTERN SIDE, AND SALTED THEM⁷ AND CAME DOWN AND WENT TO THE CHAMBER OF HEWN STONE TO RECITE THE SHEMA'.⁸ GEMARA. One taught: The fore leg and the hind leg [tied together] like the binding of Isaac the son of Abraham. THEY DID NOT TIE UP THE LAMB. What was the reason? — R. Huna and R. Hisda gave different answers. One said it was to avoid showing disrespect to holy things. while the other said it was to avoid walking in the statutes of the other peoples.⁹ What practical difference is there between them?¹⁰ — In the case where it was tied with silk or with gold thread.¹¹ We have learnt elsewhere:¹² There were thirteen tables in the Temple.¹³ There were eight of marble in the slaughter house on which they used to wash the innards; two to the west of the ascent, one of marble and one of silver — on the marble one they used to put the limbs and on the silver one vessels of service,¹⁴ two in the Porch on the inner side by the door of the Sanctuary, one of silver and one of gold — on the silver one they used to place the Shewbread when it was first brought in,¹⁵ and on the gold one when it was

taken out, because with holy things we always go a step higher and not a step lower; and one of gold in the inner place on which the Shewbread always rested. Now let us see. There must be no sign of poverty in the abode of wealth.¹⁶ Why then was the table¹⁷ made of marble? It should have been made of silver or even of gold! R. Hinnena answered in the name of R. Assi, and R. Assi in the name of R. Samuel b. R. Isaac: Because [the metal] would heat the flesh.¹⁸ **THE MORNING SACRIFICE WAS KILLED BY THE NORTHWESTERN CORNER** [etc.]. Whence is derived this rule? — R. Hisda replied: Because Scriptures says. Two to the day,¹⁹ implying [that they should be killed] towards the day[light].²⁰ It has been taught to the same effect: Two to the day: this means, towards the day [light]. You say it means, towards the day[light]. Or perhaps it is not so, but it means, the obligation of each day? When the text says. The one lamb shalt thou offer in the morning and the other lamb shalt thou offer at dusk,²¹ this states the obligation of the day. What then do I make of the words Two to the day? This must mean, towards the day [light]. How is this effected? The morning daily sacrifice was killed by the north-western corner by the second ring, and the evening daily sacrifice by the north-eastern corner by the second ring.²² Alexander of Macedon put ten questions to the elders of the south country.²³ He asked:

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- (1) I.e., exposed to the public, while the place where it was severed was in his hand.
 - (2) Being loose they could not be held in the hand.
 - (3) For the meal-offering.
 - (4) The daily offering of the High Priest, which was brought at the same time as the daily burnt-offering.
 - (5) For the drink-offering.
 - (6) The reason was apparently to make rather more ceremonious the actual bringing to the altar which took place later.
 - (7) In accordance with the injunction in Lev. II, 13.
 - (8) And pray for the acceptance of the sacrifice.
 - (9) Who used to bind their sacrifices in this way.
 - (10) Since each reason is in itself sufficient, why did not the later authority accept that given by the earlier?
 - (11) In this case there is no disrespect to holy things.
 - (12) Shek. 15b.
 - (13) Ten in the Azarah, and three others in the Sanctuary.
 - (14) The ninety-three vessels mentioned in our Mishnah.
 - (15) It was not taken directly to the table of gold. According to some it was brought in on Friday evening, though not placed on the table till the next day.
 - (16) A maxim frequently quoted in the Talmud: cf. supra.
 - (17) On which the limbs were put.
 - (18) Causing it to putrefy.
 - (19) Num. XXVIII, 3. E.V., 'two day by day'.
 - (20) I.e., towards the rise of the sun, hence in the west, facing east.
 - (21) Ibid. 4.
 - (22) V. supra at the beginning of the chapter and notes.
 - (23) This passage is inserted here because Alexander's first question had reference to the sun.

Talmud - Mas. Tamid 32a

Which is further, from heaven to earth or from east to west? They replied: From east to west. The proof is that when the sun is in the east all can look at it, and when it is in the west all can look at it, but when the sun is in the middle of the sky no — one can look at it.¹ The Sages, however, say: The distance in both cases is the same, as it says, For as the heaven is high above the earth [so great is His mercy towards them that fear Him]; as far as the east is from the west, [so far hath He removed our transgressions from us].² Now if one of these distances is greater, the text should not write both but only the one which is the greater. What then is the reason why no — one can look at the sun when it is in the middle of the sky? Because it is absolutely clear and nothing obstructs the view.³ He said to them: Were heavens created first or the earth? They replied: The heavens were created first,

as it says. In the beginning God created the heaven and the earth.⁴ He said to them: Was light created first, or darkness? They replied: This question cannot be solved. Why did they not reply that darkness was created first, since it is written, Now the earth was unformed and void and darkness,⁵ and after that, And God said, Let there be light, and there was light?⁶ — They thought to themselves: perhaps he will go on to ask what is above and what is below, what is before and what is after.⁷ If that is the case, they should not have answered his question about the heaven either? — At first they thought that he just happened to ask that question, but when they saw that he pursued the same subject, they bethought themselves not to answer him lest he should go on to ask what was above and what was below what was before and what was after. He said to them: Who is called wise? They replied: Who is wise? He who discerns what is about to come to pass.⁸ He said to them: Who is called a mighty man? They replied: Who is a mighty man? He who subdues his evil passions. He said to them: Who is called a rich man? They replied: Who is rich? He who rejoices in his lot. He said to them: What shall a man do to live? They replied: Let him mortify himself.⁹ What should a man do to kill himself? They replied: Let him keep himself alive.¹⁰ He said to them: What should a man do to make himself popular? They replied: Let him hate sovereignty and authority. He said to them: I have a better answer than yours: let him love sovereignty and authority and confer favours on mankind. He said to them: Is it better to dwell on sea or on dry land? They replied, It is better to dwell on dry land, because those who set out to sea are never free from anxiety till they reach dry land again. He said to them: Which among you is the wisest? They replied: We are all equal, because we have all concurred in the same answers to your questions. He said to them: Why do you resist me?¹¹ They replied: The Satan is too powerful.¹² He said to them: Behold I will slay you by royal decree. They replied: power is in the hands of the king, but it beseems not a king to be false.¹³ Forthwith he clothed them with garments of purple and put chains of gold on their necks. He said to them: I want to go to the country of Africa. They said to him: You cannot get there, because the Mountains of Darkness are in the Way. He said to them: That will not stop me from going. Was it for that I asked you? But tell me what I am to do.¹⁴ They said to him: Take Libyan asses that can travel in the dark and take coils of rope and fix them at the side [of the road] so that when you return you can guide yourself by them and reach your destination. He did so and set forth. He came to a place where there were only women. He wanted to make war with them, but they said to him, If you slay us, people will say that he killed women, and if we slay you they will call you the king who was killed by women. He said to them: Bring me bread. They brought him gold bread on a gold table.

(1) The reason, presumably, being that it is nearer.

(2) Ps. CIII, II, 12.

(3) But on the east and west hills and mountains are in the way.

(4) Gen. I, 1.

(5) Ibid 2.

(6) Ibid 3.

(7) V. Hag. 11b.

(8) V. Aboth, IV, 1.

(9) Lit., 'kill himself', with study and hard work.

(10) I.e., indulge in luxuries.

(11) In keeping with your own religion.

(12) A double entendre. What they meant was that his power was due to the Satan, and was only given to him to try them.

(13) He had apparently given them a safe-conduct.

(14) What I want you to tell me is how to get there.

Talmud - Mas. Tamid 32b

. He said to them: Do people here eat gold bread? They replied: If you wanted bread, had you no bread in your own place to eat that you should have journeyed here? When he left the place he wrote

on the gate of the city: 'I, Alexander of Macedon, was a fool until I came to the city of women in Africa and I learnt counsel from the women'. As he was journeying he sat by a well and began to eat. He had with him some salted fish, and as they were being washed they gave off a sweet odour. He said: This shows that this well comes from the Garden of Eden. Some say that he took some of the water and washed his face with it; others say that he went alongside of it until he came to the door of the Garden of Eden. He cried out, Open the door for me. They replied, This is the gate of the Lord, [the righteous shall enter into it].¹ He replied: I too am a king; I am also of some account, give me something. They gave him an eyeball. He went and weighed all his silver and gold against it, and it was not equal to it. He said to the Rabbis: How is this? They replied: It is the eyeball of a human being, which is never satisfied. He said to them: How can you prove that this is so? They took a little dust and covered it, and immediately it was weighed down; and so it is written, The nether world and Destruction are never satiated; [so the eyes of man are never satiated].² The Tanna de-be Eliyahu taught: Gehinnom is above the firmament; some, however, say that is behind the Mountains of Darkness. R. Hiyya taught: If one studies the Torah at night, the Divine presence faces him, as it says, Arise, cry out in the night, at the beginning of the watches; pour out thy heart like water before the face of the Lord.³ R. Eliezer b. Azariah said: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children.⁴ Read not banayik, [thy children], but bonayik [thy builders].

CHAPTER V

MISHNAH. THE SUPERINTENDENT SAID TO THEM, PRONOUNCE ONE BLESSING,⁵ AND THEY DID SO: THEY THEN RECITED THE TEN COMMANDMENTS,⁶ AND THE FIRST, SECOND AND THIRD SECTIONS OF THE SHEMA', AND THEY BLESSED THE PEOPLE WITH THREE BENEDICTIONS,⁷ NAMELY, TRUE AND FIRM,⁸ AND ABODAH,⁹ AND THE PRIESTLY BENEDICTION.¹⁰ ON SABBATH THEY ADDED A BENEDICTION TO BE SAID BY THE WATCH WHICH WAS LEAVING.¹¹

MISHNAH . HE SAID TO THEM, THOSE WHO ARE FRESH TO THE INCENSE COME AND DRAW LOTS,¹² AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID, NEW AND OLD, COME AND DRAW LOTS TO SEE WHO SHALL TAKE UP THE LIMBS FROM THE ASCENT TO THE ALTAR.¹³ R. ELIEZER B. JACOB SAYS, THE ONE WHO LIFTS THE LIMBS ON TO THE ASCENT ALSO TAKES THEM UP TO THE ALTAR.¹⁴

MISHNAH . HE THEN HANDED THEM OVER TO THE ATTENDANTS, WHO STRIPPED THEM OF THEIR GARMENTS,¹⁵ LEAVING ON THEM ONLY THE BREECHES.¹⁶ THERE WERE WINDOWS THERE¹⁷ ON WHICH WAS INSCRIBED THE NAME OF THE GARMENT TO WHICH EACH WAS ASSIGNED.¹⁸

MISHNAH. THE ONE WHO HAD BEEN SELECTED TO OFFER THE INCENSE TOOK UP THE SPOON, WHICH WAS IN SHAPE LIKE A BIG TIRKAB¹⁹ OF GOLD. IT HELD THREE KABS, AND THE [SMALL] DISH²⁰ WAS IN THE MIDDLE OF IT,

(1) Ps. CXVIII, 20.

(2) Prov. XXVII, 20.

(3) Lam. II, 19.

(4) Isa. LIV, 13.

(5) There is a difference of opinion in Br. 11b as to whether this was 'Who fashionest light' or 'Great love' (P. B. p. 39). This and the succeeding prayers were said in the Chamber of Hewn Stone.

(6) V. Br. 12a.

(7) Since they had not time to say all the eighteen benedictions.

(8) The blessing following the Shema.

- (9) The last but two of the eighteen benedictions.
- (10) The last of the eighteen.
- (11) They blessed the incoming watch. V. Ber. 12a.
- (12) The incense was supposed to bring prosperity. and therefore a fresh priest was given the privilege of burning it every time.
- (13) V. supra. p. 25.
- (14) I.e., each one takes up to the altar the limb which he placed on the ascent.
- (15) There is a difference of opinion in Yoma 24b, as to whether they cast lots in holy or in everyday garments. If the former, then those who were unsuccessful changed into everyday garments: if the latter, then those who were successful changed into holy garments.
- (16) These they removed for themselves after changing into the other garments.
- (17) In the wall of the Chamber of Hewn Stone.
- (18) I.e., all garments of the same kind were kept in the same window space.
- (19) A measure of capacity holding three kaba.
- (20) Wherewith to scoop up the incense.

Talmud - Mas. Tamid 33a

HEAPED UP WITH INCENSE;¹ THIS HAD A COVERING, OVER WHICH WAS SPREAD A KIND OF JACKET.²

MISHNAH . THE ONE WHO HAD BEEN ASSIGNED THE SHOVELLING,³ TOOK THE SILVER FIREPAN AND ASCENDED TO THE TOP OF THE ALTAR AND CLEARED AWAY THE LIVE COALS TO THIS SIDE AND THAT [AND SWEEPED AWAY SOME OF THE ASH AT THE BOTTOM]⁴ AND THEN WENT DOWN AND EMPTIED THEM INTO A GOLD [FIREPAN]. ABOUT A KAB OF THE COALS WAS SPILT,⁵ AND THESE HE SWEEPED INTO THE SEWER⁶ , ON SABBATH⁷ HE USED TO PUT AN OVERTURNED POT⁸ ON THEM. THIS POT WAS A LARGE VESSEL HOLDING A LETHEK.⁹ IT HAD TWO CHAINS; WITH ONE HE USED TO DRAW IT DOWN,¹⁰ AND WITH THE OTHER HE USED TO HOLD IT ABOVE SO THAT IT SHOULD NOT ROLL OVER.¹¹ IT WAS USED FOR THREE PURPOSES — FOR PLACING OVER LIVE COALS, AND OVER A [DEAD] CREEPING THING ON SABBATH,¹² AND FOR DRAWING DOWN THE ASHES FROM THE TOP OF THE ALTAR.

MISHNAH . WHEN THEY¹³ CAME BETWEEN THE PORCH AND THE ALTAR, ONE TOOK THE 'SHOVEL'¹⁴ AND THREW IT BETWEEN THE PORCH AND THE ALTAR. PEOPLE COULD NOT HEAR ONE ANOTHER SPEAK IN JERUSALEM FROM THE NOISE OF THE SHOVEL. IT SERVED THREE PURPOSES. WHEN A PRIEST HEARD THE SOUND OF IT HE KNEW THAT HIS BROTHER PRIESTS WERE GOING IN TO PROSTRATE THEMSELVES,¹⁵ AND HE WOULD RUN TO JOIN THEM. WHEN A LEVITE HEARD THE NOISE OF IT HE KNEW THAT HIS BROTHER LEVITES WERE GOING IN TO CHANT,¹⁶ AND HE WOULD RUN TO JOIN THEM. AND THE HEAD OF THE MA'AMAD¹⁷ USED TO MAKE THE UNCLEAN STAND IN THE EAST GATE.¹⁸

CHAPTER VI

MISHNAH . THEY¹⁹ COMMENCED TO ASCEND THE STEPS OF THE PORCH.²⁰ THOSE WHO HAD BEEN CHOSEN TO CLEAR THE ASHES FROM THE INNER ALTAR²¹ AND FROM THE CANDLESTICK LED THE WAY.²² THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE INNER ALTAR WENT IN AND TOOK THE TENI AND PROSTRATED HIMSELF AND WENT OUT AGAIN. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS²³ STILL BURNING HE CLEARED OUT THE EASTERN ONE²⁴ AND LEFT THE WESTERN ONE

BURNING,²⁵ SINCE FROM IT HE LIT THE CANDLESTICK FOR THE EVENING. IF HE FOUND THAT THIS ONE HAD GONE OUT, HE CLEARED THE ASH AWAY AND LIT IT FROM THE ALTAR OF BURNT-OFFERING. HE THEN TOOK THE KUZ FROM THE SECOND STEP²⁶ AND PROSTRATED HIMSELF AND WENT OUT.

MISHNAH . THE ONE WHO HAD BEEN CHOSEN FOR THE FIREPAN MADE A HEAP OF THE CINDERS ON THE TOP OF THE ALTAR AND THEN SPREAD THEM ABOUT WITH THE END OF THE FIREPAN²⁷ AND PROSTRATED HIMSELF AND WENT OUT. MISHNAH. THE ONE WHO HAD BEEN CHOSEN FOR THE INCENSE TO OK THE DISH FROM THE MIDDLE OF THE SPOON AND GAVE IT²⁸ TO HIS FRIEND OR HIS RELATIVE. IF SOME OF IT WAS SPILT INTO THE SPOON, HE WOULD PUT IT INTO HIS HANDS. THEY USED TO INSTRUCT HIM²⁹ SAYING, BE CAREFUL NOT TO BEGIN IMMEDIATELY IN FRONT OF YOU OR ELSE YOU MAY BURN YOURSELF.³⁰ HE THEN COMMENCED TO SCATTER THE INCENSE AND [AFTER FINISHING] WENT OUT. THE ONE WHO BURNT THE INCENSE DID NOT DO SO UNTIL THE SUPERINTENDENT SAID TO HIM, BURN THE INCENSE. IF IT WAS THE HIGH PRIEST WHO BURNT, HE WOULD SAY TO HIM, SIR,³¹ PRAY BURN THE INCENSE. THE PEOPLE³² LEFT AND HE BURNT THE CENSE AND PROSTRATED HIMSELF AND WENT OUT.

CHAPTER VII

MISHNAH .

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- (1) And if any was spilt, it would fall into the spoon.
 - (2) Made of cloth or leather, to prevent the fragrance from escaping.
 - (3) Lit., 'the firepan'. Of the cinders from the altar.
 - (4) These words are obviously a gloss inserted incorrectly from the Mishnah 28a dealing with the clearing away of the ashes.
 - (5) Because the silver firepan would hold four kabs and the gold one only three.
 - (6) V. Mid. III, 2 and Yoma 43b.
 - (7) When it was not permissible to sweep the cinders away.
 - (8) **, 'a wine cooler'.
 - (9) Fifteen se'aha.
 - (10) From the top of the altar pile of ashes, v. infra.
 - (11) Because it was round-bottomed.
 - (12) When it was not permissible to remove it.
 - (13) Those who had been chosen for the firepan and the incense.
 - (14) Magrepah. V. supra p. 20, n. 2. Whether it is identical with the vessel mentioned there is difficult to say.
 - (15) After the offering of the incense.
 - (16) When the libation of wine was offered.
 - (17) Hore the word seems to mean the section of the priests on duty, elsewhere designated Mishmar. Maimonides, however, takes it in its usual sense (v. G]os. s.v.) and supposes that the unclean persons mentioned in the next sentence are lepers awaiting the sprinkling of the blood.
 - (18) All the priests of the beth ab (v. supra p. I, n. 9) which was on duty had to turn up, whether clean or unclean. The reason is given in Pes. 82a.
 - (19) Those who had been chosen for the incense and the firepan.
 - (20) There were twelve steps between the altar and the Porch. V. Mid. III, 6.
 - (21) The altar of incense.
 - (22) In order to remove the teni and the kuz which had been left there. V. Jupra, end of Ch. III.
 - (23) Those which he had left at the first clearance. V. Ch. III.
 - (24) He removed the wick and the oil and cleared out the socket and put in a fresh wick and oil.
 - (25) I.e., he poured in oil without putting it out first.

- (26) Where it had been left when he trimmed the lights. V. supra end of Ch. III.
(27) So as to sprinkle the incense over them.
(28) The spoon.
(29) Since the burning of the incense was always assigned to a priest who had never had this privilege before. V. supra IV, 2.
(30) Because he would have to put his hand over the smoke to reach the further cinders.
(31) Lit., 'My sir, the High Priest'.
(32) I.e., the priests between the court and the altar.

Talmud - Mas. Tamid 33b

WHEN THE HIGH PRIEST WENT IN¹ TO PROSTRATE HIMSELF,² THREE PRIESTS SUPPORTED HIM, ONE BY HIS RIGHT AND ONE BY HIS LEFT AND ONE BY THE PRECIOUS STONES.³ WHEN THE SUPERINTENDENT HEARD THE SOUND OF THE FOOTSTEPS OF THE HIGH PRIEST AS HE WAS ABOUT TO ISSUE [FROM THE HEKAL], HE RAISED THE CURTAIN FOR HIM. HE WENT IN, PROSTRATED HIMSELF AND WENT OUT, AND THEN HIS BROTHER PRIESTS WENT IN AND PROSTRATED THEMSELVES AND WENT OUT.

MISHNAH . THEY⁴ WENT AND STOOD ON THE STEPS OF THE PORCH. THE FIRST SET⁵ STOOD AT THE SOUTH SIDE OF THEIR BROTHER PRIESTS HOLDING FIVE VESSELS; ONE HELD THE TENI, A SECOND THE KUZ, A THIRD THE FIREPAN, A FOURTH THE DISH, AND THE FIFTH THE SPOON AND ITS COVERING. THEY BLESSED THE PEOPLE WITH A SINGLE BENEDICTION;⁶ IN THE COUNTRY THEY RECITED IT AS THREE BLESSINGS,⁷ IN THE SANCTUARY AS ONE.⁸ IN THE TEMPLE THEY PRONOUNCED THE DIVINE NAME AS IT IS WRITTEN,⁹ BUT IN THE COUNTRY BY ITS SUBSTITUTE.¹⁰ IN THE COUNTRY THE PRIESTS RAISED THEIR HANDS AS HIGH AS THEIR SHOULDERS, BUT IN THE TEMPLE RIGHT ABOVE THEIR HEADS, ALL EXCEPT THE HIGH PRIEST, WHO DID NOT RAISE HIS HANDS ABOVE THE PLATE.¹¹ R. JUDAH SAYS THAT THE HIGH PRIEST ALSO RAISED HIS HANDS ABOVE THE PLATE, SINCE IT SAYS, AND AARON LIFTED UP HIS HANDS TOWARD THE PEOPLE AND BLESSED THEM.¹²

MISHNAH . WHEN THE HIGH PRIEST DESIRED TO BURN THE OFFERINGS,¹³ HE USED TO GO UP THE ASCENT WITH THE DEPUTY HIGH PRIEST¹⁴ AT HIS RIGHT HAND, AND WHEN HE REACHED THE MIDDLE OF THE ASCENT THE DEPUTY TOOK HOLD OF HIS RIGHT HAND AND HELPED HIM UP. THE FIRST [OF THE OFFICIATING PRIESTS] THEN HANDED TO HIM THE HEAD AND THE FOOT OF THE SACRIFICE AND HE LAID HIS HANDS ON THEM¹⁵ AND THREW THEM [ON THE ALTAR FIRE]. THE SECOND THEN HANDED TO THE FIRST THE TWO FORE LEGS. AND HE HANDED THEM TO THE HIGH PRIEST WHO LAID HIS HANDS ON THEM AND THREW THEM [ON TO THE ALTAR]. THE SECOND THEN SLIPPED AWAY. IN THE SAME WAY ALL THE OTHER LIMBS WERE HANDED TO HIM AND HE LAID HANDS ON THEM AND THREW THEM [ON TO THE ALTAR FIRE]. IF HE PREFERRED, HE COULD LAY ON HANDS AND LET OTHERS THROW ON THE FIRE. WHEN HE CAME TO GO ROUND THE ALTAR¹⁶ FROM WHERE DID HE COMMENCE? FROM THE SOUTH-EASTERN CORNER; FROM THERE HE WENT TO THE NORTH-EASTERN, THEN TO THE NORTH-WESTERN AND THEN TO THE SOUTH-WESTERN. THEY THERE HANDED TO HIM WINE FOR LIBATION. THE DEPUTY HIGH PRIEST STOOD ON THE HORN OF THE ALTAR¹⁷ WITH THE FLAGS IN HIS HAND, AND TWO PRIESTS ON THE TABLE OF THE FAT¹⁸ WITH TWO TRUMPETS IN THEIR HANDS. THEY BLEW A TEKIAH, A TERUAH AND A TEKIAH,¹⁹ AND THEN WENT AND STOOD BY BEN ARZA,²⁰ ONE ON HIS RIGHT HAND AND ONE ON HIS LEFT. WHEN HE

BENT DOWN TO MAKE THE LIBATION THE DEPUTY HIGH PRIEST WAVED THE FLAGS AND BEN ARZA STRUCK THE CYMBALS AND THE LEVITES CHANTED THE PSALM. WHEN THEY CAME TO A PAUSE²¹ A TERIAH WAS BLOWN, AND THE PUBLIC PROSTRATED THEMSELVES; AT EVERY PAUSE THERE WAS A TEKIAH AND AT EVERY TEKIAH A PROSTRATION. THIS WAS THE ORDER OF THE REGULAR DAILY SACRIFICE FOR THE SERVICE OF THE HOUSE OF OUR GOD. MAY IT BE GOD'S WILL THAT IT BE BUILT SPEEDILY IN OUR DAYS, AMEN.

MISHNAH . THE FOLLOWING ARE THE PSALMS THAT WERE CHANTED IN THE TEMPLE. ON THE FIRST DAY THEY USED TO SAY, THE EARTH IS THE LORD'S AND THE FULNESS THEREOF, THE WORLD AND THEY THAT DWELL THEREIN.²² ON THE SECOND DAY THEY USED TO SAY, GREAT IS THE LORD AND HIGHLY TO BE PRAISED, IN THE CITY OF OUR GOD. HIS HOLY MOUNTAIN.²³ ON THE THIRD DAY THEY USED TO SAY, GOD STANDETH IN THE CONGREGATION OF GOD, IN THE MIDST OF THE JUDGES HE JUDGETH.²⁴ ON THE FOURTH DAY THEY USED TO SAY, O LORD, THOU GOD TO WHOM VENGEANCE BELONGETH, THOU GOD TO WHOM VENGEANCE BELONGETH, SHINE FORTH.²⁵ ON THE FIFTH DAY THEY USED TO SAY, SING ALOUD UNTO GOD OUR STRENGTH, SHOUT UNTO THE GOD OF JACOB.²⁶ ON THE SIXTH DAY THEY USED TO SAY, THE LORD REIGNETH, HE IS CLOTHED IN MAJESTY, THE LORD IS CLOTHED, HE HATH GIRDED HIMSELF WITH STRENGTH.²⁷ ON SABBATH THEY USED TO SAY, A PSALM, A SONG FOR THE SABBATH DAY:²⁸ A PSALM, A SONG FOR THE TIME TO COME, FOR THE DAY THAT WILL BE ALL SABBATH AND REST FOR EVERLASTING LIFE.

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- (1) To the Hekal.
 - (2) After the offering of the incense.
 - (3) On the shoulder pieces of the ephod.
 - (4) All the priests who had officiated.
 - (5) The five particularly mentioned above, who had cleared the ashes from the inner altar and the candlestick.
 - (6) The priestly benediction, 'The Lord bless thee and preserve thee etc.' Num. VI, 24-26.
 - (7) Allowing the public to say Amen after each verse.
 - (8) Because Amen was not said in the Temple.
 - (9) YHVH.
 - (10) Adonai.
 - (11) Because the name of God was inscribed on it.
 - (12) Lev. IX, 22. Which shows that the priestly benediction must be said with raised hands. Tosaf. Yom Tob.
 - (13) The High Priest had the privilege of performing any service he wished without the formality of the lot.
 - (14) Selan
 - (15) This was not the regulation laying on of hands, which was performed when the animal was still alive, but a special mark of distinction for the High Priest.
 - (16) The ascent was on the south side of the altar and the place of libation was at the south-western corner, but as it was the rule for the officiating priest to move to the right, he had to go right round the altar to get to it.
 - (17) The horn was a cubit square.
 - (18) The marble table on which the limbs were put. V. supra.
 - (19) On these terms, v. Glos.
 - (20) V. Shek. V, 1.
 - (21) In the palm.
 - (22) Ps. XXIV.
 - (23) Ibid XLVIII.
 - (24) Ibid LXXXII.
 - (25) Ibid XCIV.
 - (26) Ibid LXXXI.

(27) Ibid. XCIII.

(28) Ibid XCII. The reasons why these Psalms were chosen are given in R.H. 31a.

Mishna - Mas. Terumoth Chapter 1

MISHNAH 1. FIVE MAY NOT GIVE TERUMAH, AND IF THEY DO SO, THEIR TERUMAH IS NOT CONSIDERED VALID:¹ THE HERESH [DEAF MUTE], THE IMBECILE,² THE MINOR,³ AND THE ONE WHO GIVES TERUMAH FROM THAT WHICH IS NOT HIS OWN. IF A GENTILE GAVE TERUMAH FROM THAT WHICH BELONGS TO AN ISRAELITE, EVEN IF IT WAS WITH HIS FULL CONSENT, HIS TERUMAH IS NOT VALID.

MISHNAH 2. A HERESH, WHO SPEAKS BUT CANNOT HEAR, MAY NOT GIVE TERUMAH,⁴ BUT IF HE DOES SO, HIS TERUMAH IS VALID.⁵ THE HERESH OF WHOM THE SAGES GENERALLY SPEAK IS ONE WHO NEITHER HEARS NOR SPEAKS.

MISHNAH 3. IF A MINOR HAS NOT YET PRODUCED TWO HAIRS [OF PUBERTY] R. JUDAH SAYS: HIS TERUMAH IS VALID. R. JOSE SAYS: IF HE HAS NOT ARRIVED AT THE AGE WHEN HIS VOWS ARE VALID, HIS TERUMAH IS NOT VALID, BUT AS SOON AS HIS VOWS BECOME VALID, HIS TERUMAH BECOMES VALID.⁶

MISHNAH 4. TERUMAH SHOULD NOT BE TAKEN FROM OLIVES FOR OIL, OR FROM GRAPES FOR WINE.⁷ IF THIS IS DONE, BETH SHAMMAI SAY: THERE IS THEN TERUMAH OF [THE OLIVES OR GRAPES] THEMSELVES,⁸ BUT BETH HILLEL SAY: THE [WHOLE] TERUMAH IS NOT VALID.⁹

MISHNAH 5. TERUMAH IS NOT TAKEN FROM 'GLEANINGS', FROM 'THE FORGOTTEN SHEAF', FROM PE'AH¹⁰ OR FROM OWNERLESS PRODUCE.¹¹ [NEITHER IS IT TAKEN] FROM FIRST TITHE FROM WHICH ITS TERUMAH HAD ALREADY BEEN TAKEN,¹² NOR FROM SECOND TITHE AND DEDICATED PRODUCE THAT HAD NOT BEEN REDEEMED.¹³ [NOR MAY IT BE TAKEN] FROM WHAT IS SUBJECT [TO TERUMAH] FOR THAT WHICH IS EXEMPT;¹⁴ OR FROM THAT WHICH IS EXEMPT FOR THAT WHICH IS SUBJECT. ALSO, NOT FROM PRODUCE ALREADY PLUCKED [FROM THE SOIL] FOR THAT STILL ROOTED TO IT,¹⁵ OR FROM THAT ROOTED [TO THE SOIL] FOR THAT ALREADY PLUCKED; ALSO, NOT FROM NEW PRODUCE¹⁶ FOR OLD,¹⁷ OR FROM OLD FOR NEW. ALSO NOT FROM FRUIT OF THE LAND¹⁸ FOR FRUIT GROWN OUTSIDE THE LAND,¹⁹ OR FROM THOSE GROWN WITH OUT THE LAND FOR THOSE GROWN IN THE LAND. [IN ALL THESE CASES] SHOULD THIS HAVE BEEN DONE, THE TERUMAH IS NOT VALID.

MISHNAH 6. FIVE MAY NOT GIVE TERUMAH, BUT IF THEY DO, THEIR TERUMAH IS VALID. HE THAT IS MUTE,²⁰ OR DRUNKEN,²¹ OR NAKED,²² OR BLIND,²¹ OR HAS SUFFERED POLLUTION BY SEMEN;²³ THESE MAY NOT GIVE TERUMAH,²⁴ BUT IF THEY DO, THEIR TERUMAH IS VALID.²⁵

MISHNAH 7. TERUMAH MAY NOT BE GIVEN ACCORDING TO MEASURE,²⁶ OR WEIGHT, OR NUMBER, THOUGH ONE MAY GIVE IT FROM THAT WHICH HAS ALREADY BEEN MEASURED,²⁷ WEIGHED OR COUNTED. TERUMAH MAY NOT BE GIVEN IN A BASKET OR A HAMPER OF A MEASURED CAPACITY,²⁸ BUT IF THEY BE ONLY [ABOUT A] HALF OR A THIRD FILLED, ONE MAY GIVE TERUMAH IN THEM. TERUMAH MAY NOT BE GIVEN IN [A VESSEL] CONTAINING A SE'AH, THOUGH IT BE ONLY A HALF FULL, FOR THIS HALF CONSTITUTES A KNOWN MEASURE.²⁹

MISHNAH 8. OIL MAY NOT BE GIVEN AS TERUMAH FOR OLIVES DUE TO BE CRUSHED,³⁰ NOR MAY WINE FOR GRAPES DUE TO BE TRODDEN; IF, HOWEVER, ONE HAS DONE SO, HIS TERUMAH IS VALID,³¹ BUT HE MUST GIVE TERUMAH ANEW.³² THE

FIRST TERUMAH RENDERS [PRODUCE INTO WHICH IT HAD FALLEN] MEDUMMA³³ AND IS SUBJECT TO THE ADDED FIFTH,³⁴ BUT NOT THE SECOND.³⁵

MISHNAH 9. TERUMAH MAY BE GIVEN FROM OIL FOR OLIVES DUE FOR PICKLING³⁶, OR FROM WINE FOR GRAPES ABOUT TO BE MADE INTO RAISINS.³⁷ HE WHO GIVES TERUMAH FROM OIL FOR OLIVES INTENDED FOR EATING,³⁸ OR FROM [OTHER] OLIVES FOR OLIVES INTENDED FOR EATING, OR FOR WINE FOR GRAPES INTENDED FOR EATING, OR FROM [OTHER] GRAPES FOR GRAPES INTENDED FOR EATING, AND DECIDES AFTERWARDS TO PRESS THEM,³⁹ NEED NOT GIVE TERUMAH ANEW.⁴⁰

MISHNAH 10. TERUMAH MAY NOT BE TAKEN FROM PRODUCE IN A FINISHED STATE⁴¹ FOR PRODUCE IN AN UNFINISHED STATE,⁴² OR FROM PRODUCE IN AN UNFINISHED STATE FOR PRODUCE IN A FINISHED STATE. NOR CAN IT BE TAKEN FROM PRODUCE IN AN UNFINISHED STATE FOR OTHER PRODUCE IN AN UNFINISHED STATE. IF, HOWEVER, TERUMAH HAD BEEN TAKEN, IT IS CONSIDERED VALID.⁴³

(1) And the produce remains forbidden to be eaten as *tebel* (v. Glos.)

(2) V. Hag. 3b for some signs of idiocy, to which Maim. adds other instances.

(3) A boy prior to the age of thirteen years and one day, and a girl of twelve years and one day.

(4) As he cannot hear the blessing to be made when giving the *terumah*; v. Ber. II, 3; Meg. II, 4.

(5) The omission of the blessing does not *de facto* affect the validity of the *terumah*, since he knows in whose honour the *terumah* is being given.

(6) The age for vows is twelve years and a day for a boy, and eleven years and a day for a girl, when they already know to whom the vow is made. *Terumah* and vows all belong to the same category, since they all depend on the spoken word.

(7) One who has olives and oil or grapes and wine subject to *terumah*, cannot take *terumah* from the olives or grapes to cover the amount of *terumah* due from both. From Num. XVIII, 27, it is inferred that *terumah* cannot be taken from produce still in the process of completion to cover also the *terumah* due from produce in a completed state. Hence olives or grapes cannot be classed together with oil or wine for purposes of *terumah*. Cf. *infra* I, 8.

(8) And separate *terumah* must again be given for the oil and the wine.

(9) Accordingly, he must give the whole *terumah* anew, for the olives or grapes separately, and the oil and wine separately.

(10) V. Pe'ah IV, 10 — 11, V. 7. Since they are dues belonging to the poor, they are exempt from *terumah* which can only be taken from produce of which one is the owner; but even the poor themselves cannot take *terumah* from these gifts for any other produce he may have, since these are originally exempt, v. *infra*.

(11) By renouncing all ownership before the process of completion of the produce had ended, the owner renders it exempt from *terumah*.

(12) I.e., the *terumah* of the tithe, even though the *terumah gedolah* had not been given. (If the Levite had obtained tithe from ears of corn, when fully grown, the produce is exempt from *terumah gedolah*).

(13) Since not having been redeemed, these are not his property but the property of the Sanctuary.

(14) E.g., not having yet reached a third of their full growth; cf. R.H. 13.

(15) *Terumah* could only be given from detached produce.

(16) Grown that year; Deut. XIV, 22.

(17) That grown last year; cf. *ibid.* XIV, 22.

(18) Palestine. Syria is here included.

(19) The general name for the lands of the Diaspora, where fruits are exempt from *terumah*, as they do not possess the desired Sanctity.

(20) He can hear, but cannot speak, and his disqualification is due to his inability to recite the blessing when taking the *terumah*.

(21) Being drunk or blind, he might take *terumah* from inferior produce and Num. XVIII, 29 explicitly tells us that it must be of the very best (**מִכֵּל חֲלָבִי**). The term DRUNKEN is applied to one who could not appear in the presence of a king (Bert.): but if the state of inebriation resembled that of Lot, his action was invalid even 'de facto'.

(22) Derived from Deut. XXIII, 15; no blessing may be recited before any nakedness.

- (23) Before ritual ablution, he was debarred from reciting any blessing. Lest it be asked: Why does not the Mishnah include these five classes under the one category of all those unable to recite the requisite blessing? The answer is, that if even one man combined within himself all these five disqualifications, his action would be valid.
- (24) The repetition to emphasize that on no account may they give terumah at the outset, relying on its validity after the act (Maim.).
- (25) Important as the blessing over the terumah is, the non-recital thereof does not invalidate the terumah. The same is true of having taken terumah from inferior produce (infra II, 6).
- (26) From Num. XVIII, 27 it was derived that terumah could only be given approximately. Since even 'the giving of one wheat exempts the whole pile', the amount given varied with the disposition of the giver and mattered not from the legal standpoint. The heave-offering of tithe had to be measured. The order followed in the Mishnah corresponds to that which was more usual. Only a minority gave it by counting.
- (27) Prior to the giving of terumah, the untithed produce would often be measured or weighed.
- (28) Though he had not measured the whole pile nor intended the basket to serve as a measure. This was to avoid the very semblance of wrong-doing. 'A thing forbidden for appearance sake, is forbidden even in the strictest privacy' (Bez. 9a).
- (29) Unlike a basket nor hamper, it was usual to have in a se'ah measure indications marking the proportional capacity of measurement at different heights in the measure; hence it was forbidden even in a se'ah which has no such indications.
- (30) For the oil to come. Terumah cannot be given from produce in a finished state, as oil, for oil that is still awaiting the final process — in these cases, the olives and the grapes.
- (31) Having fulfilled the command of the Torah, if not according to Rabbinic interpretation.
- (32) In order to lend strength to the ruling of the Rabbis, fresh terumah had to be taken after the olives and grapes had been turned into oil and wine respectively. It is not clear from our Mishnah whether even the second terumah (really a fine) must be given to the priest free, as his right due; or in view of his having fulfilled the Biblical command the first time, he may sell the second terumah to the priest; cf. infra V, 1.
- (33) **מדומע** Lit., 'that which becomes demai', (the priest's share of the produce, v. Ex. XXII, 28). If the hullin into which the terumah had fallen is less than 100 times the quantity of the amount that had fallen in, the whole produce becomes forbidden to non-priests and must be sold to priests with the exception of the value of the terumah therein, for which no money may be taken; (v. Glos.).
- (34) V. Lev. V. 16.
- (35) Since this second terumah was only imposed as a fine, it does not have the same sanctity as the first terumah, which fulfilled the injunction of the Torah. The reason why the same alternative is not given in supra I, 4 is because it would involve loss to the priest if terumah were allowed to be taken 'de facto' from olives for oil. In our Mishnah, no such loss is entailed, hence this second giving of terumah makes even the first valid.
- (36) To preserve them, they were placed in salt or vinegar. Though the olives were still awaiting this final process, the Rabbis regarded them as finished products and terumah could, accordingly, be taken from oil on their behalf.
- (37) When they would no longer be deemed grapes at all. The amount of terumah to be given from the oil and wine must be according to the quantity yielded after the olives had been preserved and the grapes converted into raisins.
- (38) The best olives or grapes were eaten in their natural state.
- (39) Instead of his original intention of eating them; cf. Demai III, 2.
- (40) Having fulfilled his duty with the first giving of terumah, since both the grapes and olives were fit for food and were in a finished state.
- (41) Lit., 'a thing, the work of which is finished'. After e.g., corn had been winnowed and shaped into a pile and taken into the house for food.
- (42) E.g., not yet winnowed or stacked up. The priest had to be spared unnecessary trouble. From Num. XVIII, 29 it was inferred that both the produce from which terumah is taken and that for which it is taken must be in their finished stages; cf. Ma'as. I, 2.
- (43) This cannot refer to olives and grapes, concerning which supra I, 4 declared the terumah invalid even 'de facto'; it must, therefore, refer to other kinds of fruit.

Mishna - Mas. Terumoth Chapter 2

MISHNAH 1. TERUMAH MAY NOT BE GIVEN FROM THE CLEAN FOR THE UNCLEAN,¹

BUT IF IT IS GIVEN, THE TERUMAH IS VALID.² IN TRUTH THEY HAVE SAID:³ IF A CAKE OF PRESSED FIGS⁴ HAD BECOME PARTLY DEFILED, TERUMAH MAY BE TAKEN FROM THE CLEAN PART FOR THAT PART WHICH HAD BECOME DEFILED. THE SAME APPLIES TO A BUNCH OF VEGETABLES,⁵ OR A STACK OF GRAIN.⁶ IF THERE WERE TWO CAKES [OF FIGS], TWO BUNCHES, TWO STACKS OF GRAIN, AND ONE OF THEM WAS DEFILED AND THE OTHER CLEAN, TERUMAH CANNOT BE GIVEN FROM ONE FOR THE OTHER. R. ELIEZER SAYS THAT ONE CAN GIVE TERUMAH FROM THAT WHICH IS CLEAN FOR THAT WHICH IS DEFILED.⁷

MISHNAH 2. TERUMAH MAY NOT BE GIVEN FROM UNCLEAR [PRODUCE] FOR THAT WHICH IS CLEAN;⁸ AND IF IT IS GIVEN UNWITTINGLY,⁹ THE TERUMAH IS VALID; IF INTENTIONALLY THE ACT IS VOID.¹⁰ SO TOO, IF A LEVITE HAD [UNCLEAR] TITHE [FROM WHICH TERUMAH] HAD NOT BEEN GIVEN,¹¹ AND HE GAVE TERUMAH FROM THIS,¹² IF PERFORMED IN ERROR HIS ACTION IS VALID;¹³ BUT IF INTENTIONALLY HIS ACT IS OF NO EFFECT.¹⁴ R. JUDAH SAYS: IF HE KNEW OF IT AT THE OUTSET,¹⁵ EVEN IF DONE IN ERROR, HIS ACTION IS OF NO EFFECT.

MISHNAH 3. HE WHO IMMERSES [UNCLEAR] VESSELS ON THE SABBATH¹⁶ IN ERROR MAY USE THEM,¹⁷ BUT IF DONE DELIBERATELY HE MAY NOT USE THEM.¹⁸ HE WHO SEPARATES TITHES,¹⁹ OR COOKS ON THE SABBATH, UNWITTINGLY, MAY EAT OF IT,²⁰ BUT IF INTENTIONALLY, HE MAY NOT EAT OF IT. HE WHO PLANTS ANYTHING ON THE SABBATH²¹ IN ERROR CAN ALLOW IT TO REMAIN, BUT IF DELIBERATELY MUST UPROOT IT. BUT DURING THE SABBATICAL YEAR, WHETHER [IT WAS PLANTED] UNWITTINGLY OR DELIBERATELY²² HE MUST UPROOT IT.

MISHNAH 4. TERUMAH MAY NOT BE GIVEN FROM ONE KIND FOR ANOTHER KIND,²³ AND IF ONE DOES SO, THE TERUMAH IS NOT VALID. ALL KINDS OF WHEAT²⁴ COUNT AS ONE,²⁵ ALL KINDS OF FRESH FIGS, DRIED FIGS AND FIG CAKES COUNT AS ONE,²⁶ AND TERUMAH CAN BE TAKEN FROM ONE FOR THE OTHER.²⁷ WHEREVER THERE IS A PRIEST, ONE MUST GIVE TERUMAH OF THE VERY BEST,²⁸ AND WHERE THERE BE NO PRIEST, TERUMAH MUST BE GIVEN OF THAT KIND WHICH KEEPS LONGEST.²⁹ R. JUDAH SAYS: AT ALL TIMES MUST IT BE GIVEN ONLY FROM THE VERY BEST.³⁰

MISHNAH 5. A WHOLE ONION, THOUGH SMALL, SHOULD BE GIVEN AS TERUMAH RATHER THAN HALF OF A LARGE ONION.³¹ R. JUDAH SAYS: NOT SO, BUT HALF OF A LARGE ONION.³² SO TOO, R. JUDAH SAID: TERUMAH SHOULD BE GIVEN FROM TOWN ONIONS FOR THOSE OF THE VILLAGE,³³ BUT NOT FROM VILLAGE ONIONS FOR THOSE OF THE TOWN, SINCE THESE³⁴ ARE THE FOOD OF ITS PRINCIPAL CITIZENS.³⁵

MISHNAH 6. TERUMAH MAY BE GIVEN FROM OLIVES [TO BE USED] FOR OIL FOR THOSE DUE TO BE PRESERVED,³⁶ BUT NOT FROM OLIVES DUE TO BE PRESERVED FOR OLIVES [TO BE USED] FOR OIL. [IT MAY BE GIVEN] FROM UNBOILED WINE FOR BOILED WINE, BUT NOT FROM BOILED WINE FOR UNBOILED WINE. THIS IS THE GENERAL RULE: ANY TWO THINGS WHICH TOGETHER INFRINGE THE LAW OF DIVERSE KINDS³⁷ CANNOT BE USED FOR TERUMAH FROM ONE FOR THE OTHER, EVEN IF THE KIND FROM WHICH IT IS GIVEN BE SUPERIOR TO THE ONE FOR WHICH IT IS GIVEN;³⁸ BUT IF THEY DO NOT CONSTITUTE DIVERSE KINDS, THEN ONE MAY GIVE TERUMAH FROM THE SUPERIOR KIND FOR THAT WHICH IS INFERIOR, BUT NOT FROM THE INFERIOR KIND FOR THAT WHICH IS SUPERIOR. IF ONE DOES GIVE TERUMAH FROM THE INFERIOR KIND FOR THAT WHICH IS SUPERIOR, HIS TERUMAH IS VALID,³⁹ EXCEPTING WHEN TARES⁴⁰ ARE GIVEN FOR WHEAT, SINCE THESE ARE

NOT FOOD. CUCUMBERS AND SWEET MELONS⁴¹ COUNT AS ONE KIND.⁴² R. JUDAH SAYS: TWO KINDS.

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- (1) Being afraid that the unclean fruit defiles by contact the clean, he might take the terumah from produce that is not lying near by, contrary to the regulation; v. Hal. I, 9.
- (2) Being only a precautionary measure, the fear was expressed at the outset only.
- (3) באמת ; v. Kil. II, 2.
- (4) Though all the figs are closely pressed together, the presence of one that is unclean does not contaminate the others, because of the absence of any of the seven liquids (dew, water, wine, oil, blood, milk, and bees' honey) that render edibles susceptible to levitical uncleanness (Maksh. VI; 4; Tebul Yom II, 3). The figs are connected only by their own juice, and fruit-juice does not render food susceptible to defilement; cf. Lev. XI, 34.
- (5) Not so tightly compressed into one mass as a cake of pressed figs.
- (6) Not even tied together as the vegetables. Since each of these three instances is not similar, all the three are quoted.
- (7) He does not fear lest he will contravene the rule mentioned in n. 1; cf. Hal. II, 8.
- (8) Since defiled terumah had to be burnt, he would thus be robbing the priest of his due.
- (9) Provided that it was at one time clean and subject to tithe, otherwise it could not be deemed terumah.
- (10) A fresh terumah is necessary, as in supra I, 8. According to some, even the second terumah is of no effect if done with intention.
- (11) The terumah of the tithe he had to give to the priest.
- (12) To serve as terumah for other untithed produce in his possession; cf. Hal. IV, 6. The expression היה מפריש עליו והולך means that from the very first he had set aside this tithe for this purpose, discovering only later that it had been defiled.
- (13) After his action, he discovered that it had been unclean.
- (14) Since it could not be considered terumah when he separated it.
- (15) He maintains that forgetfulness cannot be considered 'in error'.
- (16) When it is forbidden, being considered the equivalent of repairing and thus constituting work.
- (17) Even on the Sabbath day itself.
- (18) He must wait till the termination of the Sabbath.
- (19) An act considered as work since it qualifies the tebel to be eaten.
- (20) When Sabbath terminates. The reason why the cases of tithe and cooking are cited together is because the words 'he may eat' can be applied to them both; otherwise, the instance of tithe would have been better bracketed with the case of vessel immersion.
- (21) Planting is forbidden on the Sabbath.
- (22) Though the average Israelite would not lightly break the Sabbath, he was suspected of treating the Seventh year lightly; hence no distinction is drawn here between the unwitting and deliberate transgression.
- (23) E.g., from wheat for barley.
- (24) Either reddish or white in hue; B.B. V, 6.
- (25) For the purpose of terumah.
- (26) The black and the white species are regarded of one kind.
- (27) E.g., from fig cakes for fresh figs.
- (28) The kind best to eat, i.e., fresh figs.
- (29) Dried figs keep longer than fresh figs.
- (30) Cf. Num. XVIII, 30.
- (31) Whole onions keep longest, and where there is no priest, these are to be given preference.
- (32) Since it is the best; v. supra 4.
- (33) Those from the town are better and healthier to eat, though wild onions of the villages keep longest; cf. Ned. 66a.
- (34) Those of the town.
- (35) Bert. renders: of royal courtiers. Village onions have a more pungent flavour and, being inferior, cannot be given as terumah for that of a superior kind.
- (36) Being from a superior kind for an inferior kind. (Olives which were pickled in vinegar had not oil.) The same reason applies to the case of wine.
- (37) V. Kil. I, 1 — 2.

- (38) Even 'de facto', the terumah would not be valid.
 (39) Since they are not of two kinds.
 (40) Field-seed or vetch similar to wheat used as animal fodder and unfit for human food.
 (41) An apple-shaped melon, probably the fruit-squash (Jast); v. Kil. I, 2.
 (42) For terumah purposes.

Mishna - Mas. Terumoth Chapter 3

MISHNAH 1. IF ONE GAVE A CUCUMBER AS TERUMAH AND IT WAS FOUND TO BE BITTER, OR A MELON AND IT WAS FOUND TO BE ROTTEN, IT MAY BE CONSIDERED TERUMAH,¹ BUT HE MUST AGAIN GIVE TERUMAH.² IF ONE GAVE A JAR OF WINE AS TERUMAH AND IT WAS FOUND TO BE OF VINEGAR, IF PRIOR TO HIS ACT HE KNEW THAT IT WAS VINEGAR,³ THE TERUMAH IS NOT VALID; BUT IF IT HAD TURNED SOUR AFTER HE HAD GIVEN IT AS TERUMAH, HIS ACTION IS VALID.⁴ IN CASE OF DOUBT,⁵ IT IS TERUMAH BUT HE MUST AGAIN GIVE TERUMAH.⁶ THE FIRST DOES NOT OF ITSELF MAKE ANY OTHER PRODUCE⁷ MEDUMMA', NOR IS IT SUBJECT TO THE LAW OF THE FIFTH.⁸ THE SAME APPLIES TO THE SECOND [TERUMAH].⁹

MISHNAH 2. IF ONE OF THEM¹⁰ FALLS INTO COMMON PRODUCE,¹¹ IT DOES NOT MAKE [THE MIXTURE] MEDUMMA'.¹² IF THE SECOND [PORTION OF TERUMAH] FALLS [THEN] INTO ANOTHER PLACE,¹³ IT ALSO DOES NOT MAKE IT MEDUMMA'; BUT IF BOTH FALL INTO ONE PLACE,¹⁴ THEY DO MAKE IT MEDUMMA', ACCORDING TO THE SIZE OF THE SMALLER OF THE TWO.¹⁵

MISHNAH 3. IF [TWO] PARTNERS TOOK TERUMAH, THE ONE AFTER THE OTHER,¹⁶ R. AKIBA SAYS: THE TERUMAH OF THEM BOTH IS VALID;¹⁷ BUT THE SAGES SAY: ONLY THE TERUMAH OF THE FIRST IS VALID.¹⁸ R. JOSE SAYS:¹⁹ IF THE FIRST GAVE THE PRESCRIBED AMOUNT,²⁰ THE TERUMAH OF THE SECOND IS NOT VALID, BUT HAD HE NOT GIVEN THE PRESCRIBED AMOUNT,²¹ THE TERUMAH OF THE SECOND IS VALID.

MISHNAH 4. WHEN DO THESE WORDS APPLY?²² ONLY IF THE ONE DID NOT CONFER WITH THE OTHER;²³ BUT IF A MAN SANCTIONS A MEMBER OF HIS HOUSEHOLD,²⁴ OR HIS SLAVE OR BOND-MAID TO GIVE TERUMAH FOR HIM, THIS TERUMAH IS VALID.²⁵ IF HE ANNULLED [THIS SANCTION],²⁶ THE TERUMAH IS RENDERED INVALID IF HE ANNULLED IT BEFORE THE TAKING OF THE TERUMAH, BUT IF HE ANNULLED IT AFTER THE TERUMAH HAD BEEN TAKEN, THE TERUMAH IS VALID. LABOURERS HAVE NO AUTHORITY TO GIVE TERUMAH,²⁷ SAVE THOSE WHO TREAD [GRAPES]. FOR THEY²⁸ DEFILE THE WINEPRESS IMMEDIATELY.²⁹

MISHNAH 5. IF ONE SAYS: '[LET] THE TERUMAH OF THIS PILE BE WITHIN IT', OR, 'LET ITS TITHES BE WITHIN IT', OR, 'LET THE HEAVE-OFFERING OF TITHE BE WITHIN IT', R. SIMEON SAYS: HE HAS THEREBY DESIGNATED IT;³⁰ BUT THE SAGES SAY: NOT UNLESS HE SAID, LET IT BE TO THE NORTH OR SOUTH OF IT.³¹ R. ELEAZAR HISMA SAYS: HE WHO SAYS, LET TERUMAH BE GIVEN FROM THIS FOR THIS SAME PILE', HAS THEREBY DESIGNATED IT.³² R. ELIEZAR B. JACOB SAYS: IF HE SAYS, 'LET THE TENTH PART OF THIS TITHE BE THE HEAVE-OFFERING OF TITHE FOR THAT PILE', HE HAS THEREBY DESIGNATED IT.³³

MISHNAH 6. HE WHO GIVES TERUMAH BEFORE FIRST-FRUITS,³⁴ OR FIRST TITHE BEFORE TERUMAH, OR SECOND TITHE BEFORE FIRST TITHE, ALTHOUGH HE TRANSGRESSES A NEGATIVE COMMAND,³⁵ HIS ACTION IS VALID, FOR IT IS SAID:

THOU SHALT NOT DELAY TO OFFER OF THE FULNESS OF THY HARVEST AND OF THE OUTFLOW OF THY PRESSES.³⁶

MISHNAH 7. WHENCE DO WE DERIVE THAT FIRST-FRUITS MUST PRECEDE TERUMAH, SEEING THAT THE ONE IS CALLED 'TERUMAH' AND 'THE FIRST' ?³⁷ FIRST-FRUITS TAKE PRECEDENCE SINCE THEY ARE THE FIRST FRUITS OF ALL PRODUCE,³⁸ AND TERUMAH COMES BEFORE THE FIRST TITHE ALSO, BECAUSE IT IS [CALLED] 'FIRST'. AND FIRST TITHE PRECEDES SECOND TITHE, BECAUSE IT INCLUDES THAT WHICH IS CALLED 'FIRST'.³⁹

MISHNAH 8. HE WHO INTENDS SAYING 'TERUMAH' AND SAYS 'TITHE', OR 'TITHE' AND HE SAYS 'TERUMAH'; OR 'BURNT-OFFERING' AND HE SAYS 'PEACE-OFFERING', OR 'PEACE-OFFERING' AND HE SAYS 'BURNT-OFFERING'; OR '[I VOW] THAT I WILL NOT ENTER THIS HOUSE' AND SAYS INSTEAD 'THAT HOUSE', OR, 'THAT I WILL NOT DERIVE ANY BENEFIT FROM THIS [MAN]' ,⁴⁰ AND SAYS INSTEAD 'FROM THAT [MAN]', HE HAS SAID NOTHING UNTIL HIS HEART AND MIND ARE AT ONE.

MISHNAH 9. TERUMAH GIVEN BY A HEATHEN OR A SAMARITAN IS VALID; THEIR TITHES AND THEIR DEDICATIONS ARE ALSO VALID ACTS.⁴¹ R. JUDAH SAYS: THE LAW OF THE VINEYARD IN THE FOURTH YEAR⁴² IS NOT APPLICABLE TO A HEATHEN;⁴³ BUT THE SAGES SAY: IT IS. THE TERUMAH OF THE HEATHEN RENDERS [PRODUCE INTO WHICH IT FALLS] MEDUMMA' AND IS SUBJECT TO THE LAW OF THE FIFTH,⁴⁴ BUT R. SIMEON EXEMPTS IT.⁴⁵

(1) Since it was given unintentionally; besides even a bad cucumber is used for human food in emergency.

(2) A penalty for not tasting thereof prior to giving it away. Being only a Rabbinical prohibition, tasting thereof was first allowed.

(3) Wine and vinegar were regarded as of two different kinds.

(4) He cannot be held responsible after having discharged his obligation.

(5) Whether it had turned sour before or after his act.

(6) Both are given to the priest. Being a doubt concerning a Biblical prohibition, we adopt stringency and pronounce even the first portion as terumah. The priest, however, can have definite claim only to the second portion, which is smaller than the first, having been taken from a diminished pile, and consequently he can be asked to return the value of the first portion, on the principle that in case of doubt the claimant must bring proof of his claim.

(7) Should the first portion of terumah fall into common produce of less than a hundred times its quantity, it does not make the whole subject to terumah.

(8) A non-priest eating any of the two portions of terumah is not required to return its value, plus the requisite Fifth, as in the case of having eaten that which was unquestionably terumah; cf. Lev. V, 16.

(9) For of each it can be said that the other is the real terumah, and this only common produce.

(10) This Mishnah elaborates the one previous.

(11) Heb. hullin, produce from which terumah has been taken, as opposed to untithed produce (tebel)

(12) Since neither of them can definitely be said to be terumah.

(13) Also common produce.

(14) That is into hullin less than a hundred times the amount of both.

(15) If there be a hundred times the amount of the second terumah, which is smaller, the hullin may be eaten after he had given to the priest the amount of the two portions that had fallen in.

(16) If from a pile of fifty se'ahs held in joint ownership, each took one se'ah as terumah, (1/50th being the amount usually given).

(17) Each of the two se'ahs can only be considered half terumah and half hullin, as each partner gave terumah without permission of the other. They then must give the two se'ahs to the priest, and the priest returns them the value of the price of one.

(18) They hold that the whole se'ah of the first is terumah, and that of the second hullin.

- (19) Explaining the view of the sages.
- (20) 1/50th of the whole produce.
- (21) Giving either 1/40th or 1/60th.
- (22) Referring to words of R. Akiba in the Mishnah preceding.
- (23) The partners acting independently.
- (24) Who has no proprietary rights in the pile. The slave here is 'a son of the Covenant' and, therefore, can act as a messenger.
- (25) And even if the owner himself later gives terumah anew, his action is void, though he gives a larger amount than the messenger; cf. infra IV.
- (26) After the departure of the messenger to perform his charge, he publicly renounces his first charge.
- (27) Though they are responsible for its growth, it is not theirs to give away.
- (28) The owners who are 'amme ha-arez; v. next note.
- (29) The Mishnah refers to owners who are 'amme ha-arez (v. Glos.) who defile terumah with their touch, and to labourers who are haberim (associates) who, unlike their employers, were most scrupulous in observing the laws of purity and in setting apart tithes from produce. It was therefore the duty of 'associate' labourers to take terumah immediately they began treading, lest the owners, thinking that terumah had already been taken, might touch the grapes or olives and thus defile them. This is, therefore, a case where the owners tacitly give the labourers sanction to give terumah on their behalf in purity. Moreover, it was even allowed here to take terumah before the entire process was finished, contrary to the ruling of supra I, 8, in order to safeguard terumah being taken in purity, Tif. Yis.
- (30) And cannot set aside terumah from any other pile.
- (31) The designation must be more definite. Just to say 'within it' is not enough, as not sufficient distinction is made between that which is taken and that left. V. 'Er. 37b.
- (32) Agreeing with R. Simeon that it is not necessary to have a discernible distinction between the portion given as terumah and the remainder.
- (33) Differing from R. Simeon in that he insists that the tithe must be separated before the heave-offering of tithe can be taken or designated as such.
- (34) Declaring: 'Let these fruits be terumah as soon as they are plucked'. The fruit is not yet fully ripe.
- (35) V. n. 3.
- (36) Ex. XXII, 28. 'Fulness' and 'harvest' are respectively interpreted as referring to first fruits and to terumah and First Tithe. The words 'thou shalt not delay' are also taken to enjoin against a variation of this order. Cf. Bez. 13b.
- (37) Deut. XII, 6 refers to first-fruits as 'the terumah of your hands' (cf. Deut. XXVI, 4) and in Ex. XXIII, 19, we read 'the first of the first fruits of thy ground'; of terumah, too, both terms are used (Num. XVIII, 8; Deut. XVIII, 4).
- (38) The word 'bikkurim' actually implies what is brought first.
- (39) Since it contains the heave-offering of tithe to which applies as terumah the term, 'The first'.
- (40) Since he wrongly specifies the man or thing intended for his ban.
- (41) Only if the things tithed and dedicated are their very own.
- (42) Lev. XIX, 23 — 25.
- (43) In the fourth year of planting Jews could eat fruits from the vineyard of a gentile without redemption, R. Judah being of the opinion that the gentile can take 'possession' of land in Eretz Israel to exempt him from the law of the vineyard.
- (44) If there be not in the produce a hundred times the quantity of the terumah that fell in.
- (45) From the added Fifth, since it is not definitely terumah; R. Simeon, however, agrees that it does make other produce medumma'.

Mishna - Mas. Terumoth Chapter 4

MISHNAH 1. HE WHO SETS ASIDE ONLY PART OF TERUMAH AND TITHES,¹ MAY EXTRACT FROM THAT [HEAP] THE OTHER TERUMAH DUE,² BUT HE MAY NOT EXTRACT THEREFROM FOR PRODUCE ELSEWHERE.³ R. MEIR SAYS: HE CAN ALSO TAKE THEREFROM TERUMAH AND TITHES⁴ FOR PRODUCE ELSEWHERE.

MISHNAH 2. IF ONE HAD HIS FRUIT IN THE STOREHOUSE,⁵ AND GAVE A SE'AH TO A

LEVITE,⁶ AND A SE'AH TO A POOR MAN,⁷ HE MAY SET ASIDE FROM THE STORE AS MANY AS EIGHT SE'AHs AND EAT THEM;⁸ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: HE MAY ONLY SET ASIDE ACCORDING TO PROPORTION.⁹

MISHNAH 3. [THIS IS] THE AMOUNT OF TERUMAH: THE BENEVOLENT¹⁰ [GIVES] A FORTIETH; BETH SHAMMAI SAY, ONE THIRTIETH. THE AVERAGE MAN ONE FIFTIETH¹¹ AND THE NIGGARDLY MAN ONE SIXTIETH.¹² IF HE GAVE TERUMAH¹³ AND DISCOVERED THAT IT WAS ONLY ONE SIXTIETH, HIS TERUMAH IS VALID AND HE NEED NOT GIVE IT ANEW. IF HE ADDS TO IT,¹⁴ THEN IT IS LIABLE TO TITHES.¹⁵ IF HE FOUND THAT IT WAS ONLY ONE SIXTY-FIRST IT IS VALID, BUT HE MUST GIVE TERUMAH ANEW ACCORDING TO HIS ESTABLISHED PRACTICE,¹⁶ IN MEASURE, WEIGHT OR NUMBER.¹⁷ R. JUDAH SAYS: EVEN IF IT BE NOT FROM PRODUCE CLOSE BY.¹⁸

MISHNAH 4. HE WHO SAYS TO HIS MESSENGER: 'GO AND GIVE TERUMAH [FOR ME]'. THEN [THE LATTER] MUST DO SO IN ACCORDANCE WITH THE MIND OF THE OWNER.¹⁹ , IF HE DOES NOT KNOW THE MIND OF THE OWNER, HE GIVES ACCORDING TO THE AMOUNT OF THE AVERAGE MAN — ONE FIFTIETH. IF HE GAVE TEN PARTS LESS OR MORE,²⁰ THE TERUMAH IS VALID.²¹ IF, HOWEVER, HIS INTENTION WAS TO ADD EVEN ONE PART MORE, HIS TERUMAH IS NOT VALID.²²

MISHNAH 5. IF ONE WISHES TO GIVE MORE TERUMAH,²³ R. ELIEZER SAYS HE MAY GIVE UP TO A TENTH PART, AS IN THE CASE OF HEAVE-OFFERING OF TITHE.²⁴ [IF HE GAVE] MORE THAN THIS [MEASURE] HE MUST MAKE IT TERUMAH OF TITHE FOR OTHER PRODUCE.²⁵ R. ISHMAEL SAYS: TILL HALF BE SECULAR AND HALF TERUMAH.²⁶ R. TARFON AND R. AKIBA SAY: AS LONG AS HE RETAINS A PART AS HULLIN.²⁷

MISHNAH 6. ON THREE OCCASIONS²⁸ DOES ONE MEASURE THE CONTENTS OF THE BASKET:²⁹ AT THE FULL TIME OF THE FIRST RIPE FRUITS,³⁰ AND OF THE LATE SUMMER FRUITS,³¹ AND IN THE MIDDLE OF THE SUMMER.³² HE WHO COUNTS [THE FRUITS] DESERVES PRAISE,³³ , HE WHO MEASURES THEM EVEN MORE PRAISE, BUT HE WHO WEIGHS THEM IS MOST MERITORIOUS.

MISHNAH 7. R. ELIEZER SAYS: TERUMAH IS NEUTRALIZED IN A HUNDRED AND ONE PARTS;³⁴ R. JOSHUA SAYS: IN JUST A LITTLE OVER A HUNDRED,³⁵ AND THIS 'LITTLE OVER' HAS NO DEFINITE MEASURE.³⁶ R. JOSE B. MESHULLAM SAYS: THIS 'LITTLE OVER' MUST BE A KAB TO A HUNDRED SE'AHs,³⁷ NAMELY A SIXTH [OF THE SE'AH]³⁸ WHICH RENDERS THE WHOLE AS MEDUMMA'.

MISHNAH 8. R. JOSHUA SAYS: BLACK FIGS SERVE TO NEUTRALIZE WHITE ONES, AND WHITE ONES SERVE TO NEUTRALIZE BLACK ONES.³⁹ IN THE CASE OF CAKES OF FIGS, THE LARGE SERVE TO NEUTRALIZE THE SMALL, AND THE SMALL SERVE TO NEUTRALIZE THE LARGE.⁴⁰ ROUND CAKES OF FIGS SERVE TO NEUTRALIZE THOSE PRESSED IN SQUARE MOULDS,⁴¹ AND THOSE PRESSED IN SQUARE MOULDS SERVE TO NEUTRALIZE THE ROUND ONES. R. ELIEZER PROHIBITS THIS. R. AKIBA SAYS: IF THE KIND WHICH FELL IN BE KNOWN,⁴² THEN THE ONE KIND CANNOT NEUTRALIZE THE OTHER;⁴³ BUT IF THE KIND BE NOT KNOWN, THEN THE ONE KIND SERVES TO NEUTRALIZE THE OTHER.⁴⁴

MISHNAH 9. FOR EXAMPLE:⁴⁵ IF THERE WERE FIFTY BLACK FIGS AND FIFTY WHITE ONES,⁴⁶ AND A BLACK ONE⁴⁷ FELL AMONG THEM, THE BLACK ONES ARE

FORBIDDEN, BUT THE WHITE FIGS ARE PERMITTED; AND IF A WHITE FIG⁴⁷ FELL AMONG THEM, THE WHITE ONES ARE FORBIDDEN AND THE BLACK FIGS ARE PERMITTED. IF IT BE NOT KNOWN WHICH KIND FELL IN, THEN EACH KIND HELPS TO NEUTRALIZE THE OTHER. IN THIS CASE, R. ELIEZER IS MORE STRINGENT AND R. JOSHUA MORE LENIENT.

MISHNAH 10. BUT IN THIS INSTANCE [THAT FOLLOWS].⁴⁸ R. ELIEZER IS THE MORE LENIENT AND R. JOSHUA THE MORE STRINGENT. IF A LITRA⁴⁹ OF DRIED FIGS⁴⁷ WAS PRESSED INTO A JAR⁵⁰ AND IT IS NOT KNOWN INTO WHICH,⁵¹ R. ELIEZER SAYS: THEY⁵² ARE TO BE REGARDED AS IF THEY WERE SEPARATED,⁵³ SO THAT THOSE BELOW NEUTRALIZE THOSE ABOVE. R. JOSHUA MAINTAINS THAT NO NEUTRALIZATION CAN TAKE PLACE UNTIL THERE BE A HUNDRED JARS.⁵⁴

MISHNAH 11. IF A SE'AH OF TERUMAH FELL ON TOP OF A PILE⁵⁵ AND HE SKIMMED IT OFF,⁵⁶ R. ELIEZER SAYS, IF THERE BE IN WHAT HE SKIMMED OFF⁵⁷ A HUNDRED SE'AHs, IT BECOMES NEUTRALIZED IN ONE HUNDRED AND ONE; BUT R. JOSHUA SAYS THAT IT DOES NOT BECOME NEUTRALIZED.⁵⁸ [BUT WHAT SHOULD HE DO?] IF A SE'AH OF TERUMAH FELL ON TOP OF A PILE OF GRAIN, IT MUST BE SKIMMED OFF WITH THE WHOLE OF THE TOP LAYER.⁵⁹ IF THIS BE SO, WHEREFORE THEN HAVE THEY SAID THAT TERUMAH BECOMES NEUTRALIZED IN ONE HUNDRED AND ONE PARTS?⁶⁰ [ONLY] WHEN IT BE NOT KNOWN WHETHER IT HAS BECOME MIXED UP OR WHERE IT HAS FALLEN.⁶¹

MISHNAH 12. IF INTO TWO BASKETS OR TWO PILES⁶² A SE'AH OF TERUMAH FELL, AND IT IS NOT KNOWN INTO WHICH IT HAD FALLEN, THEY SERVE TO NEUTRALIZE EACH OTHER.⁶³ R. SIMEON SAYS: EVEN IF THEY BE IN TWO CITIES, THEY SERVE TO NEUTRALIZE THE TERUMAH.

MISHNAH 13. R. JOSE SAID: A CASE ONCE CAME BEFORE R. AKIBA CONCERNING FIFTY BUNDLES OF VEGETABLES INTO WHICH A LIKE BUNDLE HAD FALLEN,⁶⁴ HALF OF WHICH WAS TERUMAH, AND I RULED IN HIS PRESENCE THAT IT BECAME NEUTRALIZED, NOT BECAUSE TERUMAH CAN BE NEUTRALIZED IN FIFTY AND ONE, BUT SIMPLY BECAUSE THERE WERE ONE HUNDRED AND TWO HALVES THERE.⁶⁵

(1) Only one se'ah instead of the usual two from a pile containing a hundred se'ahs, with the result that a part is 'tithed' and a part still untithed.

(2) The other se'ah must be taken from that pile and we do not fear lest it be taken just from that part which is 'tithed' and thus have a case of terumah being taken from that which is methukan (v. Glos.) for that which is not.

(3) If he has another pile of a hundred se'ahs, he may not take two se'ahs from the pile already partly tithed. In the case of two piles the fear is expressed lest he take terumah from that which is tithed for that untithed.

(4) R. Meir follows his principle of bererah (v. Glos.) 'retrospective designation'; that is, the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose; here, since part of the pile is partly untithed, we assume that it is from that part that the terumah for the second pile is taken.

(5) Cf. Hag. II, 19.

(6) As first tithe.

(7) What in other years would be set apart as second tithe was, in the third and sixth years of the Sabbatical Cycle, given to the poor; v. Deut. XIV, 29. In reality, only 9/10ths of a se'ah is due to the poor man, as the pile had been diminished by a tenth after the Levite had received his due.

(8) The case dealt with is that of an 'am ha-arez who gives a se'ah each to a Levite and a poor man; should his workmen be 'associates' they may eat, on the strength of the two se'ahs thus set aside, eight se'ahs, on the assumption that the terumah gedolah had been set aside. For even an 'am ha-arez was not suspected of not taking terumah gedolah.

(9) I. e., the workman may eat only as much as he requires for one meal, since it is to be assumed that the owner gave

tithe only in proportion of what his workman would need for one meal, and whatever he gave in excess to the Levite and poor man was to be considered a free gift. This is the interpretation of this obscure Mishnah according to the first version in Bert.

(10) Lit., 'a good eye'; cf. Ex. XXV, 2.

(11) Cf. Num. XXXI, 30.

(12) Cf. Ezek. XLV, 13.

(13) Namely, the generous or average man. Since terumah had to be given approximately, it was only natural to err in the amount.

(14) Till it becomes his usual gift.

(15) The amount added is not considered terumah and is subject to tithes.

(16) As much as he usually gives.

(17) This second terumah may be given by measure etc. Cf supra I, 7.

(18) The condition governing the first taking of terumah.

(19) Finding out first what amount he usually gave.

(20) Mistaking in each case the usual practice of the owner.

(21) On the plea of the messenger that since some people do give these amounts, he had judged his sender in that light.

(22) The sine qua non of a messenger is that he must fulfil the wishes of the one who sent him to the most minute particular, and since he knows how much his sender gave, he had no right to add to it; cf. Me'il. VI, 4.

(23) Even more than 1/40th, the most generous measure.

(24) Which is also known by the name of terumah.

(25) The surplus cannot be deemed as terumah, but as produce from which terumah has been taken but not the tithe with which terumah is mixed up. It can consequently be sold to a Levite who can use it only as terumah of tithe for other produce.

(26) One may even declare half his pile terumah, leaving only half as hullin.

(27) He may separate most of his pile as terumah; v. Hal. I, 9.

(28) When the fruits vary in size.

(29) In which the tithes are usually taken. Terumah gedolah was given approximately, yet consideration must be taken as to the size of the fruits.

(30) Being large, the basket will not contain so many.

(31) Of these, since they are parched and shrivelled, there will be more in the basket.

(32) When the fruits are midway in quality between the first-ripe and late summer fruits.

(33) With reference to tithes only. Terumah gedolah is to be given approximately, since the amount fixed is only a Rabbinical injunction, the Torah requiring only one grain. Tithes had to be properly measured; cf. Aboth. I. 16.

(34) If into a hundred se'ahs of hullin there falls one of terumah, making a hundred and one se'ahs in all, one se'ah is taken out and given to the priest and the rest is permissible to the Israelite, though the se'ah of terumah may still be in the pile.

(35) Even if the se'ah of terumah falls into a pile of hullin of just over ninety-nine se'ahs, a little more than a hundred se'ahs in all, the terumah is neutralized.

(36) Even if it be the most trifling over a hundred, then terumah is negated.

(37) A kab equals 1/6th of a se'ah. The whole mixture including the se'ah of terumah must then be at least a hundred se'ahs plus one kab.

(38) I.e., of terumah that fell into ninety-nine se'ahs and a kab of hullin.

(39) If a white or black fig of terumah falls into a basket containing fifty of each kind so that it is impossible to discern which is terumah and which is hullin, the two kinds combine to neutralize the fig of terumah. He must, however, first give to the priest a fig of the same kind that fell in before all the figs of hullin are permitted to him.

(40) Similarly, a large or small cake of figs of terumah falling into a pile containing fifty of each kind, is neutralized, and all the figs may be eaten after having given to the priest a cake of figs similar to the kind that fell in.

(41) Cf. Pe'ah III, 1, where the word is used of a garden-bed three handbreadths in width.

(42) What its colour, size or shape was.

(43) Since he can only eat those figs of hullin that are of a different kind to that of the terumah which fell in.

(44) The whole pile being in a state of doubt, one kind serves to neutralize the other. The ruling adopted is that of R. Akiba.

- (45) Elucidating the opinion of R. Akiba in the Mishnah preceding.
- (46) Of hullin.
- (47) Of terumah.
- (48) V. Infra n. 8.
- (49) Latin libra. The figs used to be pressed into round shapes of a pound in weight.
- (50) Near a lot of others each containing a hundred litras of figs of hullin.
- (51) There is definitely a litra of terumah on top of one of the vessels, but of which one it is unknown.
- (52) The litra of dried figs that fell in.
- (53) And not as pressed together into one solid mass; accordingly a doubt rests on each fig of the vessel, even on those at the bottom, if it be of the litra that fell in. Hence all help to neutralize the terumah. But R. Eliezer will admit that this only applies when the figs in the vessel are of the same kind that fell in, but in the case of white figs that fell into black ones, or those of a different shape into those of another, no neutralization can take place, since the terumah is easily discernible.
- (54) In order to neutralize the top layer of figs in the jars. Should there be less than this number, the top layers in all the jars are prohibited, and subject to the law of terumah.
- (55) In a barn stacked with grain.
- (56) Together with much other grain of hullin.
- (57) By skimming the entire top layer, it is clear that he does not intend including the bottom layer at all for the purpose of neutralization, for though the grain can be said to have become mixed with the whole stack, yet it is apparently only the top layer which is his concern.
- (58) On the ground that it is suspiciously like an attempt to nullify terumah deliberately. (V. however, Bert.)
- (59) This agrees with R. Joshua that no neutralization can take place, but the whole top layer must be removed.
- (60) Since the remedy lies in the removal of the top layer, then in which case is the principle of one hundred and one applied?
- (61) Either when the terumah is not definitely present or if he had forgotten or was unaware from the outset where it had fallen.
- (62) In each basket being at least fifty se'ahs of hullin.
- (63) I.e., they combine with each other to effect neutralization. This is achieved by extracting one se'ah from any of the two baskets, or even half a se'ah from each.
- (64) Similar in all respects to the others, but consisting half of terumah and half of hullin. It is immaterial whether he knew which half was terumah or whether he had originally just declared half of the bundle terumah, without precisely specifying which that half was.
- (65) For together with the half of the bundle that fell in, there are one hundred and one parts of hullin, and one part of terumah; hence the half bundle of terumah cannot render the whole a mixture of terumah.

Mishna - Mas. Terumoth Chapter 5

MISHNAH 1. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO LESS THAN A HUNDRED OF HULLIN,¹ OR FIRST TITHE, OR SECOND TITHE, OR DEDICATED PROPERTY,² WHETHER THESE WERE UNCLEAR OR CLEAR, THEY MUST ALL BE LEFT TO ROT.³ IF, HOWEVER, THAT SE AH WAS CLEAR,⁴ [THE ADMIXTURE] MUST BE SOLD TO PRIESTS AT THE PRICE OF TERUMAH,⁵ EXCLUDING THE VALUE OF THAT SE'AH ITSELF.⁶ IF IT FELL INTO FIRST TITHE,⁷ THE WHOLE IS PRONOUNCED AS HEAVE-OFFERING OF TITHE;⁸ AND IF IT FELL INTO SECOND TITHE OR DEDICATED PROPERTY, THEY MUST BE REDEEMED.⁹ IF THE HULLIN¹⁰ WAS UNCLEAR, IT MAY BE EATEN IN THE FORM OF DRIED CRUSTS,¹¹ OR PARCHED CORN,¹² OR KNEADED WITH FRUIT JUICE,¹³ OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT IN ANY ONE PLACE.¹⁴

MISHNAH 2. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO A HUNDRED OF CLEAR HULLIN,¹⁵ R. ELIEZER SAYS: A SE'AH MUST BE TAKEN OUT AND BURNT,¹⁶ ON THE ASSUMPTION THAT THE SE'AH TAKEN OUT IS THE ONE THAT FELL IN. BUT THE

SAGES SAY: IT IS NEUTRALIZED AND EATEN¹⁷ AS DRIED CRUSTS, PARCHED CORN, OR WHEN KNEADED WITH FRUIT-JUICE, OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT FOUND IN ANY ONE PLACE.¹⁸

MISHNAH 3. IF A SE'AH OF CLEAN TERUMAH FELL INTO A HUNDRED OF UNCLEAR HULLIN, IT BECOMES NEUTRALIZED¹⁹ AND MAY BE EATEN IN THE FORM OF DRY CRUSTS, OR PARCHED CORN, OR KNEADED WITH FRUIT-JUICE, OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT FOUND IN ANY ONE PLACE.

MISHNAH 4. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO ONE HUNDRED SE'AHs OF CLEAN TERUMAH, BETH SHAMMAI PROHIBIT²⁰ [THE WHOLE], BUT BETH HILLEL PERMIT IT. SAID BETH HILLEL TO BETH SHAMMAI: SEEING THAT CLEAN [TERUMAH] IS FORBIDDEN TO NON-PRIESTS AND UNCLEAR [TERUMAH IS FORBIDDEN] TO PRIESTS, THEN JUST AS CLEAN [TERUMAH] BECOMES NEUTRALIZED,²¹ SO SHOULD UNCLEAR [TERUMAH] BE NEUTRALIZED.²² BETH SHAMMAI ANSWERED THEM: CERTAINLY NOT; JUST BECAUSE HULLIN WHICH IS TREATED MORE LENIENTLY [IN THAT IT IS PERMITTED TO NON-PRIESTS], NEUTRALIZES CLEAN [TERUMAH], [SHALL] TERUMAH [WHICH IS FAR MORE STRINGENT IN THAT IT IS FORBIDDEN TO NON-PRIESTS] ALSO NEUTRALIZE THAT WHICH IS UNCLEAR? AFTER THEY HAD AGREED,²³ R. ELIEZER SAID: IT SHOULD BE TAKEN OUT AND BURNT, BUT THE SAGES SAID: IT IS REGARDED, ON ACCOUNT OF ITS PAUCITY, AS NON-EXISTENT.²⁴

MISHNAH 5. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN] AND WAS LIFTED OUT AND FELL INTO [HULLIN] ELSEWHERE, R. ELIEZER SAYS: THE WHOLE IS RENDERED MEDUMMA'²⁵ AS THOUGH UNDOUBTED TERUMAH [HAD FALLEN IN].²⁶ BUT THE SAGES SAY: IT IS RENDERED MEDUMMA' ONLY ACCORDING TO PROPORTION.²⁷

MISHNAH 6. IF A SE'AH OF TERUMAH FELL INTO LESS THAN A HUNDRED [OF HULLIN], RENDERING THE WHOLE MEDUMMA, AND PART OF THIS ADMIXTURE FELL AFTERWARDS INTO ANOTHER PLACE,²⁸ R. ELIEZER SAYS: IT RENDERS THIS AGAIN MEDUMMA. AS THOUGH UNDOUBTED TERUMAH [HAD FALLEN IN]²⁹ ; BUT THE SAGES SAY THAT THE [FIRST] MIXTURE CAN AFFECT THE [SECOND] MIXTURE ONLY ACCORDING TO THE PROPORTION.³⁰ [SIMILARLY], THAT WHICH IS LEAVENED [WITH TERUMAH] CAN RENDER OTHER DOUGH LEAVENED [AS WITH TERUMAH], ONLY ACCORDING TO THE PROPORTION;³¹ AND DRAWN WATER CAN DISQUALIFY THE RITUAL BATH ALSO ONLY ACCORDING TO THE PROPORTION.³²

MISHNAH 7. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN] AND [A SE'AH] IS LIFTED OUT,³³ AND THERE FELL IN ANOTHER AND IS LIFTED OUT AND ANOTHER FELL IN,³⁴ THE HULLIN IS PERMISSIBLE AS LONG AS THE AMOUNT OF TERUMAH DOES NOT EXCEED THAT OF THE HULLIN.³⁵

MISHNAH 8. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN], AND BEFORE HE COULD TAKE IT OUT, ANOTHER FELL IN, THE WHOLE BECOMES FORBIDDEN.³⁶ R. SIMEON PERMITS IT.³⁷

MISHNAH 9. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN], AND THEY WERE GROUND TOGETHER AND REDUCED IN BULK, [IT IS ASSUMED THAT] JUST AS THE HULLIN BECAME LESS SO THE TERUMAH BECAME LESS, AND THE WHOLE IS PERMISSIBLE.³⁸ IF A SE'AH OF TERUMAH FELL INTO LESS THAN A

HUNDRED [OF HULLIN] AND THEY WERE GROUND TOGETHER AND INCREASED IN BULK, [IT IS ASSUMED THAT] JUST AS THE HULLIN BECAME MORE, SO DID THE TERUMAH BECOME MORE,³⁹ AND IT IS FORBIDDEN. IF IT IS KNOWN THAT THE WHEAT OF HULLIN WAS BETTER THAN THE TERUMAH, IT IS PERMITTED.⁴⁰ IF A SE'AH OF TERUMAH FELL INTO LESS THAN A HUNDRED [OF HULLIN], AND MORE HULLIN FELL THEREIN LATER,⁴¹ IF [THE OCCURRENCE WAS] ACCIDENTAL IT IS PERMISSIBLE,⁴² BUT IF INTENTIONAL IT IS FORBIDDEN.⁴³

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- (1) Had there been the prescribed hundred se'ahs, even unclean terumah, though forbidden to priests, would have been neutralized.
- (2) For sacred Temple use, either for sacrifice purchase or for Temple repair.
- (3) Since even a priest cannot eat it. It must not be burnt, like other terumah, lest he come to eat thereof.
- (4) And, of course, also the hullin into which it had fallen.
- (5) Which is less than that of hullin since only priests can be the purchasers, and since it cannot be eaten by them when they are unclean.
- (6) Which must be given free to the priest, its rightful owner.
- (7) From which the Levite had to give heave-offering of tithe to the priest.
- (8) And must be sold to the priest, with the exception of the value of the terumah and the heave-offering of tithe therein, which already belong to the priest.
- (9) The redemption money to be enjoyed in Jerusalem.
- (10) Into which it had fallen.
- (11) It can only be enjoyed in these forms. Each crust must be less than half an egg in size and must be eaten without any liquid, so it be not susceptible to uncleanness.
- (12) If roasted in fire in its dry state, it will not be susceptible to defilement.
- (13) Which is not of those seven liquids that render food susceptible to uncleanness (v. Maksh. VI, 4). Once the terumah becomes susceptible, it can no longer be eaten by the priest.
- (14) The amount fixed in Toh. III, 4 for foods to be susceptible to uncleanness. Unclean terumah cannot be eaten even in these forms.
- (15) Thus becoming neutralized. The reference is to hullin that had not been rendered susceptible by means of liquids to uncleanness.
- (16) As is the law regarding all terumah that had become defiled. Since prior to burning it had become neutralized, there is no fear lest he may eat thereof. No benefit, however, must be derived from the actual burning.
- (17) I.e., the whole mixture, v. Rashi Bek. 22b.
- (18) V notes to preceding Mishnah. One se'ah, however, must actually be burnt or given to a priest, since its very retention would give the appearance of 'robbing the tribe'. For other interpretations v. Tif. Yis.
- (19) Even R. Eliezer, who maintained above that the se'ah taken out as terumah must be burnt, will here admit that it may be eaten, for, when taken out, it resumes its status of clean terumah. Yet, despite this admission, he insists that it can be enjoyed only in the manner here prescribed, arguing that when he ruled that 'the se'ah which is taken out may be the one that fell in', it was meant as a stringent measure and not as a tendency to leniency.
- (20) Maintaining that terumah falling into other terumah is not neutralized even in one hundred and one parts.
- (21) By falling into a hundred parts of clean hullin.
- (22) The instance cited in our Mishnah.
- (23) Beth Shammai agreed to the view of Beth Hillel — said to be the only admission of such a kind. The counter-argument of Beth Hillel, omitted from the Mishnah, must have been this: If clean terumah (which non-priests must not eat on penalty of death) is neutralized, then surely unclean terumah, which the priest is debarred from eating only by a positive command, ought certainly to be neutralized!
- (24) The admixture pronounced clean and there is no need for even one se'ah to be taken out and burnt, since the whole has been neutralized.
- (25) V. Glos.
- (26) In accordance with his principle (supra V, 2) that the se'ah taken out is assumed to be the very one that fell in; hence though neutralized the first time, it is treated as terumah once again and requires a hundred se'ahs of hullin to neutralize it.

- (27) After it had been neutralized, only one 1/100th part thereof is actually terumah, and accordingly it becomes nullified in one se'ah of hullin the second time, and only that proportion need be separated as terumah to make the second admixture permissible.
- (28) Into other hullin.
- (29) True to his principle of supra V, 2.
- (30) Of terumah in the mixture that fell in. An illustration: If a se'ah of terumah fell into fifty of hullin, rendering the whole medumma', and a se'ah of the medumma' afterwards fell into other hullin, it only requires two se'ahs, to counteract the terumah in the se'ah which fell in a second time, to neutralize it.
- (31) Dough leavened with terumah is forbidden to non-priests ('Orlah II, 4).
- (32) A mikweh has to contain forty se'ahs of undrawn water, and if the slightest amount be lacking of this quantity and three logs of drawn water from a vessel were poured therein, it becomes ritually disqualified. If some water of this disqualified mikweh afterwards fell into another mikweh, likewise defective in the prescribed quantity, it only disqualifies according to the proportion of drawn water in the quantity now poured in.
- (33) In order to make the hullin by which it was neutralized permissible.
- (34) Into the same hullin, a se'ah of terumah keeps falling in and a se'ah is taken out.
- (35) As long as over fifty se'ahs of terumah have not fallen in one after another.
- (36) To a non-priest; it is as if the two had fallen in together, with no hundred to neutralize it.
- (37) On this principle that since it was about to be removed, we deem it as already removed.
- (38) And there is still the prescribed quantity in the hullin to neutralize the terumah. (The wheat becomes less in grinding if worms had got in and had taken out the flour).
- (39) Since both are ground together.
- (40) It being now obvious that the hullin had become more, and therefore possesses now the amount to neutralize the terumah.
- (41) Making the hullin one hundred and one se'ahs.
- (42) He must remove, however, the se'ah that fell in.
- (43) An intentional act implies a disregard of an injunction. The admixture is then treated as medumma'.

Mishna - Mas. Terumoth Chapter 6

MISHNAH 1. ONE WHO EATS TERUMAH UNWITTINGLY MUST REPAY ITS VALUE PLUS A FIFTH,¹ WHETHER HE EATS OR DRINKS IT, OR ANOINTS HIMSELF WITH IT,² OR WHETHER THE TERUMAH IS CLEAN OR UNCLEAR; HE MUST PAY ITS FIFTH, AND A FIFTH OF THAT FIFTH.³ THE REPAYMENT MUST NOT BE IN TERUMAH BUT IN HULLIN,⁴ DULY TITHED, WHICH BECOMES TERUMAH, AND WHATEVER MAY BE REPAID IN ITS PLACE ALSO BECOMES TERUMAH.⁵ IF THE PRIEST WISHES TO FOREGO [THE FINE], HE CANNOT DO SO.⁶

MISHNAH 2. IF THE DAUGHTER OF AN ISRAELITE ATE TERUMAH,⁷ AND AFTERWARDS MARRIED A PRIEST,⁸ IF THE TERUMAH SHE HAD EATEN HAD NOT YET BEEN ACQUIRED BY ANOTHER PRIEST SHE CAN REPAY TO HERSELF THE VALUE AND THE FIFTH;⁹ BUT IF A PRIEST HAD ALREADY ACQUIRED THE TERUMAH SHE HAD EATEN, SHE MUST REPAY THE VALUE TO THE OWNERS,¹⁰ BUT THE FIFTH TO HERSELF; BECAUSE IT HAD BEEN SAID THAT HE WHO EATS TERUMAH UNWITTINGLY, MUST PAY THE VALUE TO THE OWNERS AND THE FIFTH TO WHOMSOEVER¹¹ HE DESIRES.

MISHNAH 3. IF ONE GIVES HIS WORKMEN OR HIS GUESTS TERUMAH TO EAT HE MUST REPAY THE VALUE THEREOF,¹² WHILST THEY MUST PAY THE FIFTH;¹³ SO R. MEIR. BUT THE SAGES SAY: THEY MUST PAY BOTH THE VALUE AND THE FIFTH, WHILST HE MUST PAY THEM FOR THE PRICE OF THEIR MEAL.¹⁴

MISHNAH 4. IF ONE STEALS TERUMAH BUT DID NOT EAT IT, HE MUST RETURN

TWOFOLD AT THE PRICE OF THE TERUMAH.¹⁵ IF HE HAD EATEN IT, HE MUST PAY TWICE THE VALUE PLUS A FIFTH: ONE VALUE AND A FIFTH FROM HULLIN,¹⁶ AND THE OTHER VALUE AT THE PRICE OF TERUMAH.¹⁷ IF ONE STEALS THE TERUMAH OF DEDICATED PROPERTY¹⁸ AND ATE IT, HE MUST REPAY TWO FIFTHS,¹⁹ IN ADDITION TO THE VALUE, FOR TO DEDICATED THINGS [THE LAW OF] TWOFOLD RESTITUTION DOES NOT APPLY.²⁰

MISHNAH 5. THIS REPAYMENT²¹ CANNOT BE MADE FROM GLEANINGS, AND THE FORGOTTEN SHEAF, FROM PE'AH OR OWNERLESS PROPERTY;²² NOR FROM FIRST TITHE FROM WHICH TERUMAH HAS BEEN TAKEN, OR FROM SECOND TITHE²³ OR DEDICATED PRODUCE²⁴ WHICH HAVE BEEN REDEEMED, FOR ONE DEDICATED THING CANNOT REDEEM ANOTHER WHICH HAS BEEN DEDICATED. SO R. MEIR; BUT THE SAGES PERMIT [PAYMENT] WITH THESE.²⁵

MISHNAH 6. R. ELIEZER SAYS: REPAYMENT MAY BE MADE FROM ONE KIND FOR THAT OF ANOTHER,²⁶ PROVIDED THAT IT IS FROM A SUPERIOR FOR THAT OF AN INFERIOR KIND.²⁷ R. AKIBA SAYS: REPAYMENT CAN BE MADE ONLY FROM THE SAME KIND. HENCE IF A MAN ATE CUCUMBERS GROWN A YEAR BEFORE THE SEVENTH YEAR, HE MUST WAIT FOR THOSE GROWN AFTER THE TERMINATION OF THE SEVENTH YEAR AND REPAY WITH THEM.²⁸ THE SAME SOURCE WHICH CAUSES R. ELIEZER TO BE LENIENT CAUSES R. AKIBA TO ADOPT A STRINGENT RULING; FOR IT IS WRITTEN: AND HE SHALL GIVE UNTO THE PRIEST THE HOLY THING,²⁹ [IMPLYING,] WHATEVER IS LIABLE TO BECOME 'HOLY'. SO. R. ELIEZER. BUT R. AKIBA SAYS: 'AND HE SHALL GIVE UNTO THE PRIEST THE HOLY THING', [MEANING] THE SAME KIND OF HOLY THING WHICH HE HAD EATEN.

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- (1) V. Lev. XXII, 14. This Fifth amounts to a quarter of the value of the terumah he ate. Thus if the terumah was valued at one denar, he must pay a denar and a quarter. All fifths mentioned in the Torah are computed thus.
- (2) Drinking wine of terumah is like eating terumah, and anointing oneself with oil of terumah like drinking it; cf. Shab. IX, 4.
- (3) If he further unwittingly eats of the Fifth he had brought, he must bring yet another fifth of this Fifth.
- (4) Since a debt must be repaid from one's own possessions, he cannot do so from terumah, which belongs to the priest. Even terumah which he inherits and may sell cannot be brought as compensation.
- (5) If he ate the hullin which he had repaid for eating terumah, the second repayment, too, becomes terumah.
- (6) The priest has no power to renounce a due ordained by the Torah.
- (7) Before giving it to the priest, she ate of it in error. The term 'Israelite' in this connection denotes one who is not a priest.
- (8) Prior to bringing the required compensation of the value plus a Fifth. Being now the wife of a priest, she could eat terumah herself (Lev. XXII, 11).
- (9) For she is now like any other priest.
- (10) Here, to the priest who had already acquired the terumah.
- (11) Any priest.
- (12) Lit., 'the principal'.
- (13) As an atonement for having eaten terumah unwittingly, but he must pay the whole value for having 'robbed the tribe' The case is of one who is unaware that he is giving them terumah to eat. The Fifth is only paid by him who actually derives benefit from the terumah (supra VI, 1). and not by him who causes it to be eaten. This is derived from Lev. XXII, 14, 'and if a man eat of the holy thing', which excludes one who causes damage to it.
- (14) He intended to give them. According to R. Meir, he has to pay them the value of the terumah they ate in their meal, which is cheaper in price; but according to the Sages, the full value of what they had eaten, as though it was hullin. For though they had eaten the meal, their enjoyment of it had been impaired when they learnt that they had eaten terumah.
- (15) V. Ex. XXII, 3.
- (16) Which becomes terumah automatically.

- (17) As the twofold restitution.
- (18) Which the priest had dedicated for Temple repairs.
- (19) One fifth for the terumah he ate, and the other because he had enjoyed consecrated property; Lev. V, 16.
- (20) Ex. XXII, 8; the word 'to his neighbour' excludes property which has been 'dedicated'.
- (21) To the priest for eating terumah unwittingly.
- (22) These, being once exempt from all tithes and dues (supra I, 5), cannot become terumah even when now acquired by him. Cf. Pe'ah IV passim.
- (23) Being of the opinion that Second Tithe is also 'dedicated' produce.
- (24) Also exempt from terumah (supra I, 5), hence even after their redemption, no repayment can be made with them.
- (25) With tithes and dedicated produce that have been redeemed.
- (26) If he had eaten figs of terumah, he can repay with dates, but those offered must be of a superior kind to those eaten.
- (27) Must be of the same amount as those eaten, but of better value and more sought after by purchasers.
- (28) Those now left of the sixth year are no longer fit to be eaten, owing to having become hard, whilst from those grown in the Sabbatical year no benefit whatsoever may be derived (Sheb. VII, 3). Repayment, which must be of the same kind can, therefore, only be made with those grown after the Seventh year.
- (29) Lev. XXII, 14.

Mishna - Mas. Terumoth Chapter 7

MISHNAH 1. HE WHO EATS TERUMAH OF SET PURPOSE¹ MUST REPAY ITS VALUE,² BUT NOT THE FIFTH,³ AND THE REPAYMENT REMAINS HULLIN.⁴ [ACCORDINGLY,] IF THE PRIEST WISHES TO REMIT THIS, HE CAN.

MISHNAH 2. IF THE DAUGHTER OF A PRIEST MARRIED AN ISRAELITE⁵ AND AFTERWARDS ATE TERUMAH, SHE MUST REPAY THE VALUE BUT NOT THE FIFTH;⁶ AND HER DEATH-PENALTY [FOR ADULTERY] IS BY BURNING.⁷ IF SHE MARRIED ANY OF THOSE DISQUALIFIED,⁸ SHE MUST PAY BACK BOTH THE VALUE AND THE FIFTH, AND HER DEATH-PENALTY [FOR ADULTERY] IS BY STRANGLING; SO SAYS R. MEIR. BUT THE SAGES SAY: IN EITHER CASE, SHE REPAYS THE VALUE BUT NOT THE FIFTH, AND THE DEATH PENALTY IS BY BURNING.

MISHNAH 3. [AN ISRAELITE] WHO FEEDS [WITH TERUMAH] HIS SMALL SONS, OR HIS SLAVES WHETHER THEY ARE OF AGE OR MINORS,⁹ OR WHO EATS TERUMAH FROM OUTSIDE THE LAND,¹⁰ OR LESS THAN AN OLIVE'S BULK OF TERUMAH,¹¹ MUST REPAY THE VALUE THEREOF, BUT NOT THE FIFTH; AND THE REPAYMENT REMAINS HULLIN. [HENCE] IF THE PRIEST DESIRES TO FOREGO [THE RESTITUTION], HE MAY DO SO.

MISHNAH 4. THIS IS THE GENERAL PRINCIPLE: WHENSOEVER ONE HAS TO REPAY BOTH THE VALUE AND THE FIFTH, THE REPAYMENT BECOMES TERUMAH, AND IF THE PRIEST DESIRES TO REMIT, HE CANNOT REMIT REPAYMENT; BUT WHENSOEVER ONE HAS TO REPAY THE VALUE ONLY AND NOT THE FIFTH, THE REPAYMENT REMAINS HULLIN, AND IF THE PRIEST WISHES TO REMIT HE CAN REMIT.

MISHNAH 5. IF THERE WERE TWO BASKETS, ONE OF TERUMAH AND ONE OF HULLIN, AND A SE'AH OF TERUMAH FELL INTO ONE OF THEM, BUT IT IS NOT KNOWN INTO WHICH, I ASSUME THAT IT HAD FALLEN INTO THAT OF THE TERUMAH.¹² IF IT IS NOT KNOWN WHICH WAS OF TERUMAH AND WHICH OF HULLIN,¹³ AND HE EATS FROM ONE OF THEM, HE IS EXEMPT,¹⁴ AND THE SECOND BASKET IS TREATED AS TERUMAH AND SUBJECT TO THE LAW OF 'DOUGH-OFFERING', SO R. MEIR;¹⁵ BUT R. JOSE EXEMPTS IT.¹⁶ IF ANOTHER MAN EATS OF THE SECOND BASKET HE IS EXEMPT,¹⁷ BUT IF ONE MAN ATE OF BOTH, HE MUST REPAY THE VALUE OF THE

SMALLER OF THE TWO.¹⁸

MISHNAH 6. IF ONE OF THESE [BASKETS] FELL INTO HULLIN, IT DOES NOT RENDER IT MEDUMMA',¹⁹ BUT THE SECOND IS TREATED AS TERUMAH AND SUBJECT TO THE LAW OF HALLAH, SO R. MEIR. R. JOSE EXEMPTS IT.²⁰ IF THE SECOND FALLS ELSEWHERE [INTO HULLIN]. IT DOES NOT RENDER IT MEDUMMA'. IF BOTH OF THEM FALL INTO ONE PLACE, THEY RENDER IT MEDUMMA' ACCORDING TO [THE PROPORTION] OF THE SMALLER OF THE TWO.²¹

MISHNAH 7. IF HE USED ONE OF THESE [BASKETS] AS SEED, HE IS EXEMPT,²² AND THE SECOND IS TREATED AS IF IT WERE TERUMAH AND SUBJECT TO THE LAW OF HALLAH: SO R. MEIR; BUT R. JOSE EXEMPTS IT. IF ANOTHER PERSON USES THE SECOND AS SEED, THEN HE IS EXEMPT. IF ONE MAN SOWS BOTH AS SEED, IF IT IS OF A KIND WHOSE SEED ROTS [IN THE GROUND]²³ IT IS PERMISSIBLE, BUT IF IT IS OF THE KIND WHOSE SEED DOES NOT ROT,²⁴ IT IS PROHIBITED.

(1) But did not receive legal warning by witnesses (**התראה**); for had he been so warned prior to committing the offence, he would have received flogging (**מלקות**) and be exempt from the monetary fine, the lesser penalty being merged in the greater offence. The wilful offender without such warning, incurred the penalty of death (heavenly) which did not, however, exempt him from repayment.

(2) Having robbed a priest.

(3) Which was brought as atonement only in the case of him who ate terumah unwittingly.

(4) The repayment becomes terumah only when this restitution was made for an unintentional act; v. supra VI, 1.

(5) Thus forfeiting her right to terumah; Lev. XXII, 12.

(6) Which was only paid by one totally alien to priesthood. Besides she may qualify again to eat terumah on her return to her father's household after her husband's death (Lev. XXII, 13). Since sanctity of priestly stock clings to her, she is not deemed totally a stranger to terumah.

(7) Like all daughters of a priest, v. Lev. XXI, 9. Though irrelevant to our main issue, it is cited here en passant.

(8) From marrying into the priesthood, e.g., a **חלל** one who is profane (Lev. XXI, 7), or a Nethin, a descendant of the Gibeonites, or a **במזר**, a bastard. By marrying any of these, she severs all connection with the priesthood and is deemed the daughter of an Israelite.

(9) Not having property of their own, the owner must pay the value for them, but not the Fifth, which is only paid by him who actually eats of the terumah. The case here is of one who feeds them on terumah unintentionally.

(10) Regarded as terumah only by an injunction of the Rabbis; cf. Yad. IV, 3.

(11) The minimum standard for culpability.

(12) And the basket of hullin is absolutely permissible, even if there be not therein a hundred to neutralize it. This leniency is due to the fact that terumah these days is only a Rabbinical injunction.

(13) In this case, the above hypothetical argument cannot be applied.

(14) From the value of the terumah and its Fifth, since he can claim that he had eaten of the hullin.

(15) Doubt cannot exempt it from obligations that fall upon hullin; cf. Hal. 1, 3.

(16) From hallah, since it may contain an admixture of terumah.

(17) The proviso here is that they must come independently to enquire about their own position, for we can then argue that each one had eaten of the pile of hullin, an argument hardly tenable if both come together. The exemptions refer only to the Fifth; cf. Toh. V, 5.

(18) In all cases of doubt we inflict the smaller penalty on the plea that it is upon him who claims to bring proof.

(19) On the plea that it might have been the hullin which fell in.

(20) Each of the two instances are necessary; the first to emphasize the view of R. Jose, though the terumah is still actually there; and the present to emphasize the view of R. Meir who subjects the admixture to the law of hallah.

(21) And if there be a hundred to neutralize this smaller of the two, the admixture is permitted.

(22) I.e., what will grow therefrom will be hullin and he must not plough up the seed, as is the case where one sows undoubted terumah; cf. infra IX, 1. But where there is the slightest doubt, leniency is advised.

(23) Like seed of wheat and barley. In this case it is regarded as what grows from medumma' and hence permissible; cf.

infra IX, 6.

(24) Like seed of garlic and onion. It is regarded as the growth of terumah, and hence prohibited.

Mishna - Mas. Terumoth Chapter 8

MISHNAH 1. IF A WOMAN WAS EATING TERUMAH,¹ AND THEY CAME AND SAID TO HER: 'THY HUSBAND IS DEAD', OR 'HE HAS DIVORCED THEE';² OR, IF A SLAVE WAS EATING TERUMAH,³ AND THEY CAME AND SAID TO HIM: 'THY MASTER IS DEAD',⁴ OR 'HE HAS SOLD THEE TO AN ISRAELITE', OR 'HE HAS GIVEN THEE AWAY AS GIFT', OR 'HE HAS EMANCIPATED THEE'; SO, TOO, IF A PRIEST WAS EATING TERUMAH AND IT BECAME KNOWN THAT HE WAS THE SON OF A DIVORCED WOMAN⁵ OR OF ONE THAT HAD GIVEN HALIZAH,⁶ R. ELIEZER SAYS: THEY MUST REPAY BOTH THE VALUE AND THE FIFTH;⁷ BUT R. JOSHUA EXEMPTS THEM.⁸ IF [A PRIEST] WAS STANDING AND SACRIFICING ON THE ALTAR AND IT BECAME KNOWN THAT HE WAS THE SON OF A DIVORCED WOMAN OR OF ONE WHO HAD GIVEN HALIZAH, R. ELIEZER SAYS: ALL THE SACRIFICES HE HAD OFFERED ON THE ALTAR ARE RITUALLY DISQUALIFIED; BUT R. JOSHUA PRONOUNCES THEM VALID.⁹ IF IT, HOWEVER, BECAME KNOWN THAT HE POSSESSED A BLEMISH, HIS MINISTRATION IS INVALID.¹⁰

MISHNAH 2. IN ALL THE ABOVE CASES,¹¹ IF TERUMAH WAS STILL IN THEIR MOUTH,¹² R. ELIEZER SAYS: THEY MAY SWALLOW IT;¹³ BUT R. JOSHUA SAYS: THEY MUST SPIT IT OUT. [IF IT WAS SAID TO HIM]. 'THOU ART BECOME UNCLEAR',¹⁴ OR THAT 'THE TERUMAH IS DEFILED', R. ELIEZER SAYS: HE MAY SWALLOW IT; BUT R. JOSHUA SAYS: HE MUST SPIT IT OUT. [IF IT WAS SAID TO HIM], 'THOU HAST BEEN UNCLEAR'¹⁵ OR THAT THE TERUMAH WAS DEFILED', OR IT HAD BECOME KNOWN THAT IT WAS UNTITHED, OR THAT IT WAS FIRST TITHE FROM WHICH TERUMAH HAD NOT YET BEEN TAKEN, OR SECOND TITHE OR DEDICATED PRODUCE THAT HAD NOT BEEN REDEEMED, OR IF HE TASTED THE TASTE OF A BUG IN HIS MOUTH,¹⁶ HE MUST SPIT IT OUT.

MISHNAH 3. IF HE WAS EATING A BUNCH OF GRAPES,¹⁷ AND HE ENTERED FROM THE GARDEN INTO THE COURTYARD,¹⁸ R. ELIEZER SAYS: HE MAY FINISH EATING;¹⁹ BUT R. JOSHUA SAYS: HE MAY NOT FINISH.²⁰ IF DUSK SET IN AT THE EVE OF SABBATH,²¹ R. ELIEZER SAYS: HE MAY FINISH EATING;²² BUT R. JOSHUA SAYS: HE MAY NOT FINISH.²³

MISHNAH 4. IF WINE OF TERUMAH HAD REMAINED UNCOVERED,²⁴ IT MUST BE POURED OUT;²⁵ AND THERE IS LESS NEED TO SAY THIS IN THE CASE OF HULLIN.²⁶ THREE KINDS OF LIQUIDS ARE FORBIDDEN ON ACCOUNT OF BEING UNCOVERED: WATER, WINE AND MILK, BUT ALL OTHER DRINKS ARE PERMITTED. HOW LONG SHOULD THEY REMAIN UNCOVERED FOR THEM TO BECOME PROHIBITED? THE TIME IT TAKES THE SERPENT²⁷ TO CREEP OUT FROM A PLACE NEAR BY AND DRINK.²⁸

MISHNAH 5. THE AMOUNT OF WATER THAT MAY REMAIN UNCOVERED²⁹ MUST BE SUFFICIENT TO NEGATIVE THE POISON THEREIN. R. JOSHUA SAYS: IN VESSELS [IT IS FORBIDDEN] WHATEVER BE THE QUANTITY, BUT FOR WATER ON THE GROUND, IT MUST BE FORTY SE'AH.³⁰

MISHNAH 6. FIGS, GRAPES, CUCUMBERS, PUMPKINS, WATER-MELONS OR SWEET MELONS THAT HAVE BEEN BITTEN,³¹ EVEN IF THERE IS AS MUCH AS A TALENT,³² WHETHER THEY BE LARGE OR SMALL,³³ PLUCKED OR STILL ATTACHED TO THE SOIL, THEY ARE FORBIDDEN AS LONG AS THERE IS JUICE IN THEM.³⁴ [A BEAST]

BITTEN BY A SERPENT³⁵ IS FORBIDDEN ON ACCOUNT OF THE DANGER TO LIFE.³⁶

MISHNAH 7. A WINE-FILTER, USED AS A COVER, RENDERS [THE WINE BENEATH ALSO] FORBIDDEN THROUGH BEING UNCOVERED;³⁷ BUT R. NEHEMIAH PERMITS IT.³⁸

MISHNAH 8. IF A DOUBT OF IMPURITY ARISES CONCERNING A JAR OF TERUMAH,³⁹ R. ELIEZER SAYS: IF IT HAD BEEN HITHERTO DEPOSITED IN AN EXPOSED PLACE,⁴⁰ HE MUST NOW PLACE IT IN A HIDDEN PLACE;⁴¹ AND IF IT HAD FORMERLY BEEN UNCOVERED, IT MUST NOW BE COVERED.⁴² BUT R. JOSHUA MAINTAINS THAT IF IT HAD BEEN IN A HIDDEN PLACE, HE MUST⁴³ NOW DEPOSIT IT IN AN EXPOSED PLACE; AND IF IT HAD FORMERLY BEEN COVERED UP, HE MUST⁴³ NOW UNCOVER IT.⁴⁴ R. GAMALIEL SAYS: LET HIM NOT DO ANYTHING NEW TO IT.⁴⁵

MISHNAH 9. IF A JAR [OF TERUMAH] WAS BROKEN IN THE UPPER PART OF THE WINE-PRESS,⁴⁶ AND THE LOWER PART WAS UNCLEAN,⁴⁷ BOTH R. ELIEZER AND R. JOSHUA AGREE THAT IF ONE CAN SAVE AT LEAST A REBI'ITH⁴⁸ THEREOF IN CLEANNESS HE SHOULD SAVE IT;⁴⁹ BUT IF NOT,⁵⁰ R. ELIEZER SAYS: LET IT FLOW DOWN AND BECOME UNCLEAN OF ITS OWN ACCORD,⁵¹ AND LET HIM NOT MAKE IT UNCLEAN WITH HIS OWN HANDS.⁵²

MISHNAH 10. SIMILARLY, IF A JAR OF OIL [OF TERUMAH] WAS UPSET, BOTH R. ELIEZER AND R. JOSHUA AGREE THAT IF HE CAN SAVE THEREOF AT LEAST A REBI'ITH IN CLEANNESS HE SHOULD SAVE IT; BUT IF NOT, R. ELIEZER SAYS: LET IT FLOW AWAY AND BE ABSORBED [IN THE GROUND] AND LET HIM NOT GATHER IT UP WITH HIS OWN HANDS.⁵³

MISHNAH 11. CONCERNING BOTH CASES,⁵⁴ R. JOSHUA SAID: 'THIS IS NOT THE KIND OF TERUMAH OVER WHICH I AM CAUTIONED LEST I DEFILE IT, BUT LEST I EAT OF IT.' OF WHICH [WAS IT CAUTIONED] 'THAT THOU MUST NOT DEFILE IT'? IF ONE WAS PASSING FROM PLACE TO PLACE WITH LOAVES OF TERUMAH IN HIS HAND AND A GENTILE SAID TO HIM: 'GIVE ME ONE OF THESE AND I WILL MAKE IT UNCLEAN; FOR IF NOT, I WILL DEFILE THEM ALL', LET HIM DEFILE THEM ALL, AND NOT GIVE HIM DELIBERATELY ONE TO DEFILE. BUT R. JOSHUA SAYS: HE SHOULD PLACE ONE OF THEM ON A ROCK.⁵⁵

MISHNAH 12. SIMILARLY,⁵⁶ IF GENTILES SAY TO WOMEN: 'GIVE US ONE OF YOU THAT WE MAY DEFILE HER,⁵⁷ AND IF NOT, WE WILL DEFILE YOU ALL', THEN LET THEM ALL BE DEFILED RATHER THAN HAND OVER TO THEM ONE SOUL FROM ISRAEL.⁵⁸

(1) The daughter of an Israelite married to a priest, unless she is divorced or widowed, may eat terumah. The mother of a priest's son may also eat terumah, v. supra VII, 2.

(2) I.e., he had delivered the bill of divorce to your messenger at the place appointed for him to receive it (T.J.).

(3) Lev. XXII, 11 permits non-Hebrew slaves of priests to eat terumah; Hebrew slaves, not being the 'possession' of their masters, cannot eat terumah.

(4) 'And a non-priestly relative of his has now inherited thee', such as his daughter or the son of his daughter who married an Israelite.

(5) And, therefore, deprived of all the rights and privileges of the priesthood: Lev. XXI, 7 and cf. supra VII, I.

(6) The ceremony of taking off the levir's shoe by his childless sister-in-law on his refusing to contract with her the levitical marriage; Deut. XXV, 7 — 9.

(7) As in all cases of an Israelite eating terumah unwittingly, and as if these never had connection with the priesthood.

(8) On the grounds that these are cases not of mere unwitting transgression (שוגג) but of pure accident. V. Yeb 34a.

- (9) He holds that even the work of one unfit for priesthood, owing to illegitimacy, is acceptable to God.
- (10) Even R. Joshua agrees to this.
- (11) Enumerated in the previous Mishnah; v. however, n. 4.
- (12) When word came that their right of eating terumah had ceased.
- (13) In the case of the son of a divorced woman or one who had performed halizah, since he never had the right to eat terumah, R. Eliezer will admit that the terumah must be spewed out (Bert.).
- (14) The defilement coming after he had begun to eat the terumah legally.
- (15) Before eating the terumah, similar to the son of a divorced woman or haluzah, who never possessed the privilege of eating terumah.
- (16) In such cases, he need have no qualms for wasting terumah by spitting it out. In these cases, R. Eliezer agrees with R. Joshua.
- (17) It was permissible to take a casual snack from the produce prior to tithing.
- (18) Once produce enters the owner's domain, it becomes subject to tithes and even a casual meal is now disallowed; Ma'as. I, 5.
- (19) I.e., he returns to the garden where he may finish that which he had begun to eat legally; should he want more to eat, he must take tithe first.
- (20) Before he has taken tithe; even in the garden. without first tithing what he had begun to eat.
- (21) When it is forbidden to tithe (Shab. II, 7) and he had not yet finished his casual meal in the garden. The Sabbath converts even the casual meal into a fixed one.
- (22) After its termination (Bert.).
- (23) Even on the termination of the Sabbath, without first tithing it.
- (24) The danger being lest a serpent had drunk of it and deposited therein some of its venom, a fear more real than imaginary in Talmudic times.
- (25) Without the slightest qualms of wasting terumah; the saving of one's life being more important than a prohibition. The wine may not be given to cattle to drink, lest the poison which may not affect them may affect those who will afterwards eat of their flesh.
- (26) In which case no qualms exist about waste.
- (27) Lit., 'the creeping thing'.
- (28) That place may even be the vessel containing the liquid itself; namely, as long as it takes the serpent to crawl out from the crevice in the handle of the vessel, sip of its contents and creep back.
- (29) And be used for drinking.
- (30) The coldness of the ground helps to neutralize poison.
- (31) Lit., 'hollowed', probably by snakes.
- (32) Cf. R. H. 15. I.e., even though the fruit on the trees are many so that a serpent cannot be supposed to have gnawed them all, Tif. Yis. The phrase is obscure.
- (33) This probably refers to the holes.
- (34) The juice in the fruit helps to circulate the venom; if the fruit is, however, very dry, the affected part can be cut out and thrown away and the rest eaten.
- (35) An animal bitten by a serpent and afterwards slaughtered must not be eaten, not because it is trefah, but because of danger to life.
- (36) Cf. Hul. 49a.
- (37) The poison can easily percolate into the wine through the tiny holes of the strainer.
- (38) Maintaining that since it is the nature of poison to swim on the surface, it would be easily discernible were it in the strainer.
- (39) The instance is of two jars, each containing terumah and left in private grounds one of which had come into contact with a dead serpent, but which it was is uncertain. Being in private territory, all doubts of impurity are unclean; whereas in public grounds it would have been deemed pure; cf. Nazir 57a.
- (40) Lit., 'filth', 'dirt'. A place to which all and sundry can have access, for being an open place, uncleanness can easily come.
- (41) Since it is terumah and only a doubt has arisen as to its uncleanness, it must be further protected from uncleanness, and cannot be laid open to contamination deliberately. Even terumah suspected of uncleanness must be protected.
- (42) So that no serpent may now have access to it.

(43) Or 'may' v. Rashi; Pes. 15a.

(44) Once a doubt has arisen, it no longer requires the protection due to the sacred nature of terumah. When it has definitely become unclean, the wine of terumah may be used for aromatic sprinkling, but not when only a doubt exists concerning its nature. R. Joshua's intention is not leniency, but in order to make the wine forbidden definitely.

(45) But allow it to remain in the position it was before doubt arose, not being required to guard it any more closely, or deliberately to allow it to become defiled.

(46) The vat consisted of two parts, one above the other, so that when the grapes were trodden above, the wine flowed down below.

(47) Containing wine of hullin that had become unclean and less than a hundred to neutralize the clean wine of terumah now about to fall in.

(48) A quarter of a log.

(49) In clean vessels; for it is more important to save the terumah from becoming unclean than to save the hullin below from becoming through an admixture of terumah forbidden both to priest and to Israelite. If it be not possible to save terumah in clean vessels then he must save the hullin.

(50) No clean vessels being at hand.

(51) With the hullin becoming forbidden as a result.

(52) By saving the terumah in unclean vessels in order to save the hullin.

(53) Lit., 'absorb it with his hands'. Had the jar been merely broken, as in the case of the wine, R. Joshua would agree with R. Eliezer that he may not save it in unclean vessels, since there would not be much loss in allowing the oil to flow down in the lower part of the vat, for the hullin oil even when containing an admixture of terumah that has become unclean may still be used for burning purposes.

(54) In the case of terumah whose defilement is in doubt (supra 8) and in the case of the two previous Mishnahs where the terumah is in danger of being lost.

(55) And on no account defile the loaves with his own hands and also not give it from hand to hand.

(56) Irrelevant to our main theme, but indirectly connected with the preceding Mishnah.

(57) By forcibly cohabiting with her.

(58) The general principle is that no person may be sacrificed for the saving of others. If, however, they specify one woman in particular, then she may be given over in order to prevent the others from impurity; but if they specify any one man for slaughter, he must not be handed over unless he had been legally condemned to death as a result of some crime. But some maintain that even if he had not been condemned to death owing to some crime, he may be handed over to them if specified by name, in order to save the others (Tif. Yis.).

Mishna - Mas. Terumoth Chapter 9

MISHNAH 1. HE WHO PLANTS TERUMAH, IF UNWITTINGLY, MAY UPROOT IT;¹ IF OF SET PURPOSE, HE MUST ALLOW IT TO REMAIN.² IF IT HAD ALREADY GROWN A THIRD OF ITS FULL SIZE, WHETHER HE HAD PLANTED IT UNWITTINGLY OR INTENTIONALLY, HE MUST ALLOW IT TO REMAIN;³ BUT IN THE CASE OF FLAX, EVEN WHEN PLANTED INTENTIONALLY⁴ HE MUST UPROOT IT.

MISHNAH 2. AND IT⁵ IS SUBJECT TO GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH.⁶ POOR ISRAELITES AND POOR PRIESTS MAY GLEAN THEM, BUT THE POOR ISRAELITES MUST SELL THEIRS TO PRIESTS FOR THE PRICE OF TERUMAH⁷ AND THE MONEY BECOMES THEIRS. R. TARFON SAYS: ONLY POOR PRIESTS MAY GLEAN THEM, LEST [THE OTHERS] FORGET AND PUT IT INTO THEIR MOUTHS.⁸ WHEREUPON R. AKIBA SAID TO HIM: IF THAT BE SO, THEN ONLY THOSE WHO ARE CLEAN SHOULD BE ALLOWED TO GLEAN.⁹

MISHNAH 3. AND IT¹⁰ IS ALSO SUBJECT TO TITHES¹¹ AND POOR MAN'S TITHE. BOTH ISRAELITES AND PRIESTS THAT ARE POOR MAY ACCEPT THEM, BUT THE POOR ISRAELITES MUST SELL THAT WHICH IS THEIRS TO THE PRIEST FOR THE PRICE OF TERUMAH AND THE MONEY BELONGS TO THEM.¹² HE WHO THRESHES THE GRAIN¹³

IS TO BE PRAISED;¹⁴ BUT HE WHO TREADS IT,¹⁵ WHAT SHOULD HE DO?¹⁶ HE MUST SUSPEND BAGS¹⁷ FROM THE NECK OF THE ANIMAL AND PLACE THEREIN FODDER OF THE SAME KIND, WITH THE RESULT THAT HE WILL NEITHER MUZZLE¹⁸ THE ANIMAL NOR CAUSE IT TO EAT TERUMAH.¹⁹

MISHNAH 4. WHAT GROWS FROM TERUMAH IS TERUMAH,²⁰ BUT THAT WHICH [FIRST] GREW OUT FROM IT IS HULLIN. AS FOR UNTITHED PRODUCE,²¹ FIRST TITHE,²² THE AFTER-GROWTH OF THE SABBATICAL YEAR,²³ TERUMAH GROWN OUTSIDE THE LAND,²⁴ THE ADMIXTURE OF HULLIN WITH TERUMAH,²⁵ THE FIRST-FRUIT²⁶ — WHAT GROWS FROM THEM IS REGARDED AS HULLIN. WHAT GROWS FROM DEDICATED PRODUCE AND SECOND TITHE IS HULLIN AND IS TO BE REDEEMED [AT ITS VALUE]²⁷ AT THE TIME WHEN IT WAS SOWN.

MISHNAH 5. IF A HUNDRED ROWS WERE PLANTED WITH TERUMAH SEEDS AND ONE WITH HULLIN,²⁸ THEY ALL ARE PERMITTED, IF THEY ARE OF A KIND WHOSE SEED PERISHES IN THE SOIL;²⁹ BUT IF THEY ARE OF A KIND WHOSE SEED DOES NOT PERISH IN THE SOIL, THEN EVEN IF THERE BE A HUNDRED [ROWS] OF HULLIN AND ONE OF TERUMAH, THEY ALL ARE PROHIBITED.

MISHNAH 6. AS FOR UNTITHED PRODUCE,³⁰ WHAT GROWS FROM IT IS PERMISSIBLE IF OF A KIND WHOSE SEED PERISHES [IN THE SOIL]; BUT IF OF A KIND WHOSE SEED DOES NOT PERISH, THEN EVEN WHAT GROWS FROM WHAT [LATER] GREW OUT OF IT IS FORBIDDEN. WHICH IS THE KIND WHOSE SEED DOES NOT PERISH?³¹ ANYTHING LIKE ARUM,³² GARLIC AND ONIONS. R. JUDAH SAYS: ONIONS [IN THIS RESPECT] ARE LIKE BARLEY.³³

MISHNAH 7. HE WHO WEEDS³⁴ LEEK-PLANTS³⁵ FOR A GENTILE,³⁶ THOUGH THE PRODUCE STILL BE UNTITHED,³⁷ MAY SNATCH THEREFROM A CASUAL MEAL.³⁸ PLANTINGS OF TERUMAH³⁹ WHICH HAD BECOME UNCLEAN AND WERE RE-PLANTED, BECOME CLEAN INSOFAR THAT THEY DO NOT CAUSE DEFILEMENT,⁴⁰ BUT THEY MUST NOT BE EATEN⁴¹ UNTIL THE EDIBLE PART [OF THE STALK] HAS BEEN LOPPED OFF.⁴² R. JUDAH SAYS: HE MUST [BEFORE EATING] LOP OFF A SECOND TIME THAT WHICH GREW ON THE EDIBLE PART.⁴³

(1) By ploughing the soil and tearing out the roots, so that the produce does not grow and be forbidden as terumah.

(2) As a penalty, the produce will be forbidden to him. He must not plough it up, as it would appear as if he is wilfully destroying terumah.

(3) For having attained this size, it is already fit for food and it would appear as if he is destroying terumah deliberately.

(4) And even after it had reached a third of its full size. The reason for this additional stringency in the case of flax is lest he derive benefit from the stalks on the plea that only the seeds are forbidden as terumah, but not the stalks; whereas the main part about flax is just the stalks and not the seed.

(5) What grows from the terumah seeds.

(6) Cf. supra VI, 5 and Pe'ah IV, 10. These Poor Man's dues are imposed since the terumah here is only a Rabbinic ordinance.

(7) Though what grows from terumah is forbidden to strangers, the sanctity of the terumah does not descend upon the money value thereof.

(8) Arguing that since they are allowed to glean the terumah, they may unwittingly eat of it.

(9) Since a priest who had become unclean must not eat terumah. To this challenge, R. Tarfon's rejoinder no doubt was that a priest who is unclean is very careful not to eat terumah Cf. Pes. 33a, 40a.

(10) What grows from terumah seeds.

(11) Including terumah, in the third and sixth year of the Sabbatical cycle.

(12) The fear expressed by R. Tarfon in the previous Mishnah does not apply here, since not being preoccupied as at the

time of gleaning, the poor Israelites will be careful not to eat the terumah.

(13) Smiting the ears of corn with flails.

(14) Because he need not muzzle the oxen in order to prevent them from eating of terumah, forbidden to animals not belonging to priests.

(15) Employing oxen to do the threshing for him.

(16) To avoid them eating terumah. Muzzling during threshing is forbidden in Deut. XXV, 4.

(17) Containing fodder of hullin of the same kind which he is treading.

(18) For it still eats of the same kind which it is threshing.

(19) The fodder in the bags containing hullin.

(20) Being one of the eighteen decrees of the Rabbis to prevent priests in possession of terumah that had become unclean, from keeping it till seedtime and then sowing it in order to eat the products Shab. 17a.

(21) Since most of the grain is hullin, only when the seed is entirely terumah is what grows from it also deemed terumah.

(22) Only a tenth being terumah, the rest being hullin.

(23) That which falls from ears of corn at harvest time and grows again of its own accord in the Sabbatical year. This after-growth is dated from the sixth year. Being an infrequent occurrence, occurring once in seven years, it was not held necessary to impose this added stricture regarding what grows from it.

(24) Eretz Israel. Since it was not so usual to import terumah from places outside Palestine, no additional stricture was imposed.

(25) Since most of it is hullin, as in the case of untithed produce and First Tithe.

(26) Brought only of the seven kinds mentioned in Deut. VIII, 8: (wheat, barley, grapes, figs, pomegranates, olives and honey dates) and they are not of such frequent occurrence to warrant the restriction upon what grows from terumah.

(27) I.e., the value of the seeds actually sown.

(28) And it be not known which this is.

(29) leniency was always followed in cases in connection with what grows from terumah, and thus one row of hullin makes all that grows from the hundred rows of terumah permitted, though no neutralization takes place in anything still attached to the soil.

(30) V. supra Mishnah 4, which our Mishnah explains. One may partake a casual meal of what grows from tebel, as long as it does not reach the stage when it is liable to tithes.

(31) So that what grows of it, even in the second grade, is forbidden.

(32) V. Pe'ah VI, 10.

(33) Whose seed perishes. Barley is cited because its seeds perish very quickly. Bert. explains R. Judah's statement thus: 'Only seeds of onions as large as barley do not perish, but those smaller than barley do perish'.

(34) Removing weeds interfering with growth.

(35) Species of onions whose seeds do not rot.

(36) In a field belonging to a non-Jew.

(37) A non-Jew cannot acquire land in Eretz Israel in order to exempt its produce from tithes.

(38) During his labours.

(39) שתילין . Seedlings ready for planting.

(40) Because rooted to the soil, they do not receive defilement and are not yet regarded as food.

(41) Being products of terumah, supra IX, 4.

(42) Leaving only the root. That which grows afterwards is permitted; v. Pes. 34a.

(43) Only that which grows a third time on the spot twice lopped off is permitted.

Mishna - Mas. Terumoth Chapter 10

MISHNAH 1. IF AN ONION [OF TERUMAH] WAS PLACED INTO LENTILS¹ AND THE ONION WAS WHOLE, [THE LENTILS] ARE PERMISSIBLE;² BUT IF [THE ONION] HAD BEEN CUT UP, [IT IS FORBIDDEN³ IF THE ONION] IMPARTS A FLAVOUR. IN THE CASE OF OTHER DISHES,⁴ WHETHER THE ONION IS WHOLE OR CUT UP [IT IS FORBIDDEN] IF IT IMPARTS A FLAVOUR. R. JUDAH PERMITS⁵ IT IN THE CASE OF PICKLED FISH,⁶ BECAUSE THERE IT IS USED ONLY TO REMOVE THE UNPLEASANT FLAVOUR.

MISHNAH 2. IF AN APPLE [OF TERUMAH] WAS CHOPPED AND PLACED INTO DOUGH [OF HULLIN] SO THAT IT LEAVENED IT,⁷ [THE DOUGH] IS FORBIDDEN.⁸ IF BARLEY [OF TERUMAH] FELL INTO A CISTERN OF WATER, THOUGH [THE BARLEY] DETERIORATE IT, THE WATERS ARE PERMISSIBLE.⁹

MISHNAH 3. IF ONE TAKES OFF WARM BREAD¹⁰ FROM THE OVEN¹¹ AND PLACES IT OVER AN OPEN BARREL OF WINE OF TERUMAH,¹² R. MEIR SAYS: IT IS FORBIDDEN;¹³ BUT R. JUDAH¹⁴ PERMITS IT. R. JOSE PERMITS THE BREAD IF IT IS OF WHEAT BUT NOT OF BARLEY, BECAUSE BARLEY ABSORBS.¹⁵

MISHNAH 4. IF AN OVEN WAS HEATED WITH CUMMIN¹⁶ OF TERUMAH AND BREAD WAS BAKED THEREIN, THE BREAD IS PERMITTED, BECAUSE IT IS THE SMELL BUT NOT THE FLAVOUR OF THE CUMMIN [THAT IS CONVEYED THEREIN].¹⁷

MISHNAH 5. IF FENUGREEK¹⁸ FELL INTO A WINE-VAT AND IT WAS TERUMAH OR SECOND TITHE, AND IF THERE IS IN THE SEED ALONE WITHOUT THE STALK SUFFICIENT TO IMPART A FLAVOUR¹⁹ [IT IS FORBIDDEN].²⁰ BUT IN THE CASE OF SEVENTH YEAR²¹ PRODUCE, OR MIXED SEEDS IN VINEYARDS,²² OR DEDICATED PRODUCE, [IT IS FORBIDDEN] IF IN BOTH SEED AND STALK THERE IS SUFFICIENT TO IMPART A FLAVOUR.

MISHNAH 6. IF ONE HAD BUNCHES OF FENUGREEK OF MIXED SEEDS OF THE VINEYARD, THEY MUST BE BURNT.²³ IF HE HAD BUNCHES OF FENUGREEK OF UNTITHED PRODUCE, HE MUST BEAT THEM AND CALCULATE²⁴ THE AMOUNT OF SEED WITHIN THEM AND SET ASIDE [TERUMAH] FROM THE SEED, BUT NOT FROM THE STALKS.²⁵ BUT IF HE DID SET ASIDE [THE TERUMAH ALSO FROM THE STALKS]²⁶ HE MUST NOT SAY: 'I WILL BEAT OUT [THE SEED] AND TAKE THE STALKS AND GIVE ONLY THE SEED', BUT HE MUST GIVE THE STALKS TOGETHER WITH THE SEED.²⁷

MISHNAH 7. IF OLIVES OF HULLIN WERE PICKLED TOGETHER²⁸ WITH OLIVES OF TERUMAH, WHETHER IT WAS A CASE WHERE CRUSHED [OLIVES] OF HULLIN [WERE PICKLED TOGETHER] WITH CRUSHED [OLIVES] OF TERUMAH, OR CRUSHED [OLIVES] OF HULLIN WITH WHOLE [OLIVES] OF TERUMAH,²⁹ OR WITH JUICE OF TERUMAH,³⁰ THEY ARE FORBIDDEN. BUT IF WHOLE [OLIVES] OF HULLIN WERE PICKLED WITH CRUSHED [OLIVES] OF TERUMAH, THEY ARE PERMITTED.³¹

MISHNAH 8. IF UNCLEAN FISH WAS PICKLED WITH CLEAN FISH THE BRINE THEREOF IS FORBIDDEN IF IN A BARREL OF TWO SE'AH'S THE UNCLEAN FISH WEIGHS TEN ZUZ³² IN JUDEAN MEASURE, WHICH IS FIVE SELA'S IN GALILEAN MEASURE.³³ R. JUDAH SAYS: IT NEEDS BE A QUARTER [OF A LOG] IN TWO SE'AH'S;³⁴ R. JOSE SAYS: ONE-SIXTEENTH THEREOF.³⁵

MISHNAH 9. IF UNCLEAN LOCUSTS WERE PICKLED TOGETHER WITH CLEAN ONES, THEY DO NOT MAKE THE BRINE FORBIDDEN.³⁶ R. ZADOK TESTIFIED THAT THE BRINE OF UNCLEAN LOCUSTS³⁷ IS CLEAN.³⁸

MISHNAH 10. WHATSOEVER [VEGETABLES] ARE PICKLED TOGETHER³⁹ ARE PERMITTED, SAVE [WHEN PICKLED] WITH LEEKS.⁴⁰ LEEKS OF HULLIN [PICKLED] WITH THOSE OF TERUMAH, OR OTHER VEGETABLES OF HULLIN WITH LEEKS OF TERUMAH ARE FORBIDDEN,⁴¹ BUT LEEKS OF HULLIN WITH VEGETABLES OF TERUMAH ARE PERMITTED.

MISHNAH 11. R. JOSE SAYS: WHATSOEVER IS STEWED WITH BEET⁴² BECOMES FORBIDDEN, BECAUSE THE LATTER IMPARTS A FLAVOUR. R. SIMEON SAYS: CABBAGE FROM A FIELD ARTIFICIALLY IRRIGATED [THAT IS STEWED] WITH CABBAGE⁴³ FROM A FIELD WATERED BY RAIN, IS FORBIDDEN BECAUSE IT ABSORBS.⁴⁴ R. AKIBA SAYS:⁴⁵ ALL THINGS COOKED TOGETHER⁴⁶ ARE PERMITTED, EXCEPT THOSE WITH MEAT.⁴⁷ R. JOHANAN B. NURI SAYS: LIVER RENDERS OTHER THINGS FORBIDDEN,⁴⁸ BUT DOES NOT ITSELF BECOME FORBIDDEN,⁴⁹ BECAUSE IT EXUDES AND DOES NOT ABSORB.⁵⁰

MISHNAH 12. IF AN EGG IS BOILED⁵¹ WITH FORBIDDEN SPICES⁵² EVEN ITS YOLK IS FORBIDDEN, BECAUSE IT ABSORBS.⁵³ THE WATER IN WHICH TERUMAH HAS BEEN STEWED OR PICKLED IS FORBIDDEN TO NON-PRIESTS.

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- (1) Of hullin, cooked but dry. Lit., 'it is permissible'. T.J., basing itself on the word in the sing., says that the case here is of an onion of hullin placed into lentils of terumah, and that the onion is permissible though mixed with terumah.
- (2) Even to non-priests; for a whole onion does not impart to the entire dish the pungency imparted by an onion sliced up; and similarly, if the lentils had been of terumah and the onion of hullin, the onion does not absorb from them or their juice any of their taste, unless they have been cooked together.
- (3) To non-priests.
- (4) Not of lentils, like garlic or leeks of hullin into which an onion of terumah has been placed.
- (5) The use of terumah in a dish of hullin.
- (6) Small fish pickled in brine, of unsavoury flavour. When the onion, whose sole purpose here was to absorb the unpleasant flavour of the fish, has been removed, the fish may be eaten. R. Judah will admit that if the onion had been sliced up or crushed with the fish, the dish would be forbidden.
- (7) With its pungent flavour; 'Orlah II, 4.
- (8) To all non-priests, because the dough had been flavoured with terumah.
- (9) According to the principle that any flavour which has a deteriorating effect is permissible.
- (10) Of hullin.
- (11) In ancient ovens, bread was stuck to the sides of the oven during baking and it required great skill to remove the bread.
- (12) Warm bread quickly absorbs the flavour of wine in the barrel below.
- (13) Because the flavour is as forbidden as the substance itself.
- (14) Being of the opinion that smell is of no consequence; v. Pes. 76b.
- (15) Its tendency is to absorb moisture of the wine.
- (16) An umbelliferous plant like fennel.
- (17) Agreeing with the opinion of R. Judah in the preceding Mishnah.
- (18) A leguminous plant with seeds, used in farriery. Its fruit and stalk taste alike: Kil. II, 5.
- (19) The flavour of terumah itself making the wine forbidden. Only the seed is forbidden in the case of terumah and second tithe and though stalks have the same taste as seed, yet they were not considered holy enough to be counted as terumah.
- (20) If it flavours the second tithe, it must not be eaten outside Jerusalem without redemption, and in Jerusalem it must be eaten with the sanctity due to tithes.
- (21) When even the stalks of fenugreek are forbidden, because they have the same taste as the fruit.
- (22) Lev. XIX, 19; Deut. XXII, 9 — 11. The prohibition applies to stalks as well as to the seed.
- (23) Like all other products of kil'ayim, since even the stalks are forbidden; v. Deut. XXII, 9.
- (24) For all terumah had to be given approximately.
- (25) Though the taste of both stalk and seed is similar the stalks are not subject to terumah.
- (26) I.e., he set aside terumah from seed and stalk before beating them out.
- (27) Once terumah had been pronounced in regard to the stalks, they belong to the priest, and especially since they have the same taste as the seeds.
- (28) In salt water.
- (29) Once the olives of hullin are crushed they absorb the taste of those of terumah that are whole.

- (30) Water in which terumah olives had been pickled.
- (31) Because whole olives only emit flavour, but do not absorb that of the olives of terumah.
- (32) Or 1/960th of the whole contents of the barrel. A se'ah == 24 logs == 48 litras == 4,800 zuzim. If the unclean fish is less than this prescribed amount the brine is permitted. Brine, on account of its pungency, requires a greater amount than 60 to neutralize it.
- (33) Judean measures being double those of Galilee.
- (34) The brine of the unclean fish must be 1/192nd of the contents of the barrel before we declare it forbidden. (The se'ah == 6 kabs == 24 logs; 2 se'ahs == 48 logs, and a quarter of a log is, therefore, 1/192nd of two se'ahs). Though R. Judah is of opinion that the admixture of a prohibited matter in another of a like kind is not neutralized even in a thousand, he is more lenient in the case of brine, since it is only the perspiration of the fish and is only forbidden on Rabbinical authority.
- (35) Only when the brine of the unclean fish is 1/16th part of the contents of the barrel is all the brine forbidden.
- (36) This leniency is due to the fact that they have no blood, but only perspiration.
- (37) Forbidden in Lev. XI, 20.
- (38) I.e., it may be eaten; v. 'Ed. VII, 2.
- (39) Those of terumah with hullin.
- (40) A species of onions like leek, garlic and onions, that are very sharp in taste and pungent in smell.
- (41) On account of their pungency, which pervades everything.
- (42) Of terumah or kil'ayim. Beet, unlike other vegetables (which, in the opinion of R. Jose, as distinct from the Tanna of the preceding Mishnah, are permitted when stewed together) impart a sharp flavour.
- (43) Of terumah or kil'ayim.
- (44) The former being by nature dry and always ready for moisture, will easily absorb flavour of cabbage of terumah.
- (45) Var. lec.: R. Judah.
- (46) Even when one is permitted and the other is not; for one does not absorb from the other to the extent of rendering it prohibited; Tif. Yis.
- (47) That is when forbidden meat is cooked together with permissible meat. It is the nature of meat to exude and to absorb.
- (48) If it be the liver of an animal declared to be trefah.
- (49) Permissible liver does not become forbidden if cooked with things forbidden; v. Hul. 110a.
- (50) While it is engaged in exuding its own juice, it does not absorb the juices of other flesh.
- (51) Var. lec.: 'that had been spiced'.
- (52) Of 'orlah, terumah or kil'ayim.
- (53) The shell of the egg being thin, the yolk absorbs the spices. The white of the egg, being outside, certainly becomes forbidden.

Mishna - Mas. Terumoth Chapter 11

MISHNAH 1. ONE MUST NOT PUT INTO FISH-BRINE¹ A CAKE OF PRESSED FIGS OR DRIED FIGS,² SINCE IT SPOILS THEM;³ BUT ONE MAY PLACE WINE OF TERUMAH] INTO FISH BRINE.⁴ ONE MUST NOT PERFUME THE OIL,⁵ BUT IT MAY BE MADE INTO HONIED WINE.⁶ WINE OF TERUMAH MUST NOT BE BOILED, BECAUSE THAT MAKES IT DECREASE.⁷ R. JUDAH PERMITS THIS, BECAUSE IT IMPROVES IT.⁸

MISHNAH 2. [IF A NON- PRIEST DRANK] HONEY OF DATES, WINE OF APPLES,⁹ VINEGAR FROM WINTER GRAPES,¹⁰ AND ALL OTHER KINDS OF FRUIT JUICE OF TERUMAH,¹¹ R. ELIEZER DECLARES HIM LIABLE TO REPAY THEIR VALUE AND THE FIFTH;¹² BUT R. JOSHUA EXEMPTS FROM THE FIFTH.¹³ R. ELIEZER DECLARES [THESE] SUSCEPTIBLE TO UNCLEANNESS AS LIQUIDS.¹⁴ R. JOSHUA, HOWEVER, SAYS: THE SAGES HAVE NOT ENUMERATED SEVEN LIQUIDS¹⁵ AS THOSE THAT COUNT SPICES,¹⁶ BUT HAVE EXPRESSLY STATED: SEVEN LIQUIDS MAKE THINGS SUSCEPTIBLE TO DEFILEMENT, WHEREAS ALL OTHER LIQUIDS ARE NOT SUSCEPTIBLE.¹⁷

MISHNAH 3. ONE MUST NOT MAKE DATES INTO HONEY,¹⁸ APPLES INTO WINE, WINTER-GRAPES INTO VINEGAR, OR CHANGE ANY OTHER KIND OF FRUIT THAT IS TERUMAH OR SECOND TITHE FROM THEIR NATURAL STATE, WITH THE SOLE EXCEPTION OF OLIVES AND GRAPES.¹⁹ ONE DOES NOT ADMINISTER THE FORTY LASHES²⁰ ON ACCOUNT OF 'ORLAH EXCEPT WITH THE PRODUCT OF OLIVES AND GRAPES.²¹ LIQUIDS CANNOT BE BROUGHT AS FIRST FRUITS, EXCEPT THE PRODUCT OF OLIVES AND GRAPES, AND NO FRUIT JUICE IS SUSCEPTIBLE TO UNCLEANNESS AS LIQUIDS EXCEPT THE PRODUCT OF OLIVES AND GRAPES. NO FRUIT JUICE IS BROUGHT ON THE ALTAR, EXCEPT THAT WHICH PROCEEDS FROM OLIVES AND GRAPES.²²

MISHNAH 4. THE STALK²³ OF FRESH FIGS AND DRIED FIGS, ACORNS²⁴ AND CAROBS OF TERUMAH ARE FORBIDDEN TO NON-PRIESTS.²⁵

MISHNAH 5. KERNELS OF TERUMAH²⁶ ARE FORBIDDEN²⁷ WHEN IN THE POSSESSION OF A PRIEST, BUT PERMITTED WHEN HE CASTS THEM AWAY. SIMILARLY, THE BONES OF HOLY OFFERINGS²⁸ ARE FORBIDDEN WHEN [THE PRIEST HAS THEM] IN HIS POSSESSION, BUT PERMITTED WHEN HE CASTS THEM AWAY.²⁹ COARSE BRAN IS PERMITTED,³⁰ BUT FINE BRAN IS FORBIDDEN IF IT IS OF NEW WHEAT, AND PERMITTED IF IT IS OF OLD WHEAT.³¹ ONE MAY ADOPT IN TERUMAH THE PRACTICE FOLLOWED IN HULLIN.³² HE WHO SIFTS³³ A KAB OR TWO [OF FINE FLOUR] FROM A SE'AH OF WHEAT, MUST NOT ABANDON THE REST, BUT DEPOSIT IT IN SOME HIDDEN PLACE.³⁴

MISHNAH 6. IF A STORE-CHAMBER WAS CLEARED OF WHEAT OF TERUMAH, ONE NEED NOT SIT DOWN AND COLLECT EACH GRAIN, BUT SWEEP IT ALL UP IN HIS USUAL MANNER³⁵ AND THEN DEPOSIT HULLIN THEREIN.

MISHNAH 7. SIMILARLY, IF A JAR OF OIL³⁶ IS UPSET, HE NEED NOT SIT DOWN AND SCOOP IT UP [WITH HIS FINGERS],³⁷ BUT DEAL WITH IT AS HE WOULD IN A CASE OF HULLIN.

MISHNAH 8. HE WHO POURS OUT³⁸ FROM JAR TO JAR AND ALLOWS THREE DROPS TO DRIP,³⁹ MAY PLACE HULLIN THEREIN.⁴⁰ BUT IF HE INCLINES THE JAR [ON ITS SIDE] IN ORDER TO DRAIN IT,⁴¹ IT IS TERUMAH. HOW MUCH TERUMAH OF TITHE OF

DEM'AI⁴² MUST THERE BE FOR HIM TO TAKE IT TO THE PRIEST?⁴³ ONE EIGHTH OF AN EIGHTH.⁴⁴

MISHNAH 9. VETCHES⁴⁵ OF TERUMAH MAY BE GIVEN⁴⁶ TO CATTLE, BEASTS OR FOWLS.⁴⁷ IF AN ISRAELITE HIRED A COW FROM A PRIEST, HE MAY GIVE IT VETCHES OF TERUMAH⁴⁸ TO EAT, BUT IF A PRIEST HIRED A COW FROM AN ISRAELITE, THOUGH THE RESPONSIBILITY OF FEEDING IT IS HIS,⁴⁹ HE MUST NOT FEED IT WITH VETCHES OF TERUMAH. IF AN ISRAELITE UNDERTAKES THE CARE OF A COW FROM A PRIEST,⁵⁰ HE MUST NOT FEED IT WITH VETCHES OF TERUMAH⁵¹ BUT IF A PRIEST UNDERTAKES THE CARE OF A COW FROM AN ISRAELITE, HE MAY FEED IT ON VETCHES OF TERUMAH.⁵²

MISHNAH 10. ONE MAY KINDLE OIL THAT HAS TO BE BURNT⁵³ IN SYNAGOGUES, HOUSES OF STUDY, DARK ALLEYS, AND FOR SICK PEOPLE WHEN A PRIEST IS NEAR.⁵⁴ IF THE DAUGHTER OF AN ISRAELITE MARRIED TO A PRIEST REGULARLY GOES TO HER FATHER'S HOUSE, HER FATHER MAY KINDLE [SUCH OIL] IN HER PRESENCE. IT MAY ALSO BE KINDLED AT A BANQUETING HOUSE⁵⁵ BUT NOT IN A HOUSE OF MOURNING;⁵⁶ SO R. JUDAH. R. JOSE SAYS: [IT MAY BE KINDLED] IN THE HOUSE OF MOURNING, BUT NOT IN THE BANQUETING HOUSE.⁵⁷ R. MEIR FORBIDS IT IN BOTH PLACES⁵⁸ BUT R. SIMEON PERMITS IT IN EITHER CASE.⁵⁹

(1) Latin muria or muries, a kind of salted pickle, containing fish hash and occasionally wine; also salt water in which chopped fish or locusts have been pickled.

(2) Of terumah.

(3) After the brine they had absorbed is squeezed out, the figs were thrown away.

(4) Wine was often put into the brine in order to deodorize it.

(5) Of terumah with spices of hullin, since the oil of terumah is thus absorbed by the spices and later wasted by being thrown away. Moreover, the oil is rendered unfit for food, and used only for anointing purposes, thus causing damage to terumah.

(6) I.e., wine of terumah may be mixed with water, honey and spices to make it into a sweet-honied wine; 'A.Z. 30a.

(7) And terumah must not suffer damage either by reduction in quantity, or by making it fit for less people to drink, boiled wine not being agreeable to many.

(8) Unboiled wine may taste better, but turns sour more quickly than boiled wine.

(9) Cider.

(10) Being very sour, they were usually converted into vinegar.

(11) Except wine and oil.

(12) As in all cases of a non-priest eating terumah.

(13) He does not consider these as liquid of terumah, but simply as exudation of the fruit.

(14) Lev. XI, 34, 38.

(15) Water, dew, wine, oil, honey, milk, blood (Maksh. VI, 4). These become unclean themselves and make other foods susceptible to defilement. R. Joshua, therefore, debars those mentioned in our Mishnah, which R. Eliezer includes.

(16) That are not at all precise in the enumeration of their wares.

(17) Even they themselves contract no defilement.

(18) Once the fruit is converted from its original state into a liquid, some loss is incurred to the terumah by reducing it in quantity or value.

(19) Which are more usually made into oil and wine than eaten as olives and grapes; hence, it cannot be said that fruits of terumah have in any way been altered from their natural state.

(20) In reality thirty-nine, forty being a round number.

(21) The juice of any other fruit of 'orlah not being considered as a liquid for which the penalty is administered.

(22) Oil for meal-offerings and wine for libations.

(23) By which the fruit is attached to the tree.

(24) כַּלִּים 'Word of dubious meaning. According to Maim.: a species of fig; Hash; a kind of pea or bean. Others

think it is the fruit of the carob-tree.

(25) Being considered as part of the actual fruit.

(26) Those that are soft and left with some sap.

(27) To be eaten by a non-priest.

(28) That contain marrow and can yet be enjoyed.

(29) Thus showing that he has no further use for them. If the kernels and the bones cannot be enjoyed at all any more, they are permitted to non-priests even whilst still in possession of the priest.

(30) Being almost useless as food.

(31) When the bran is new (within thirty days of being cut), much of the flour clings to the bran even after being ground, but old wheat is dry and grinds so well that little flour is left in the bran.

(32) That is, he may extract from terumah also the fine flour and cast away the coarse bran without scruples of wasting terumah.

(33) A se'ah has six kabs, and after extracting the kab or two of fine flour, the rest was thrown away as refuse.

(34) Since some of it is still edible in cases of emergency, non-priests may not eat thereof, for the name of terumah still adheres to it. (In other cases, food only used in cases of emergency is not deemed food at all, but being terumah added strictures have been imposed.)

(35) That is with a broom, and even if a few grains of terumah are left, it matters not, since he has no intention of wilfully destroying the terumah.

(36) Of terumah.

(37) Cf. Shab. 143b.

(38) Wine and oil of terumah.

(39) After emptying a bottle.

(40) Regardless of some drops that may still be in the first jar.

(41) After the dripping of the three drops.

(42) V. Glos.

(43) A question somewhat irrelevant here, but cited in consequence of the reference to small grains and drops of terumah about which one need not bother. Note that the question only concerns doubtful terumah, for in a case of definite and clean terumah, even smallest particles must not be wasted.

(44) Of a log, that is 1/64th of a log. Less than that may be wasted.

(45) A species of bean rarely used as human food, serving mostly as fodder for animals, but since man eats of it in cases of emergency, terumah must be taken therefrom.

(46) By the priest.

(47) If these are his own. Of terumah, only that which man could not eat, was given to animals.

(48) Since the cow belongs to a priest, he might just as well give the vetches to her as to any other priest.

(49) Hiring not constituting a sale, the cow is still the property of the Israelite.

(50) Lit., 'values'; he undertakes to tend it and to share in its increased value after he had fattened it. Thus, if the cow was now worth 20 dollars and he improved it to be worth 30 dollars, he would share half of the 10 dollars with the priest.

(51) By this arrangement, the cow actually becomes the property of the Israelite and not of the priest; v. Lev, XXII, 11.

(52) Since it becomes his own possession.

(53) Oil of terumah which becomes unclean must be burnt.

(54) Since a priest himself may enter these places and derive benefit from the kindled oil. Only in the case of the sick should the priest be near; he is sure to enter the other places sooner or later (T.J.).

(55) Since a priest may enter there; nor need one fear lest the guests will carry the lamp into a chamber where the priest is not present, for they will not risk soiling the festive garments in which they are attired.

(56) In the house of mourning, where no festive garments are worn, the fear referred to in the preceding note is entertained.

(57) On the contrary, argues R. Jose. In a house of mourning, all sit quietly and will not think of removing the lamp to a room where the priest is not there, but the merriment of the banqueting chamber may prompt them to do so, regardless of soiling their clothes.

(58) Applying the arguments of both R. Judah and R. Jose, and adopting the stringent ruling of each.

(59) Adopting the lenient ruling of both and having no fear that the lamp will be shifted to a place in which no priest is

present.

Mishna - Mas. Tevul Yom Chapter 1

MISHNAH 1. IF ONE¹ HAD COLLECTED DOUGH-OFFERING² [PORTIONS] WITH THE INTENTION OF SEGREGATING THEM AFTERWARDS AGAIN, BUT IN THE MEANTIME THEY HAD BECOME STUCK TOGETHER,³ BETH SHAMMAI SAY: THEY SERVE AS CONNECTIVES⁴ IN THE CASE OF A TEBUL YOM. BUT BETH HILLEL SAY: THEY DO NOT SERVE AS CONNECTIVES. PIECES OF DOUGH⁵ THAT HAD BECOME STUCK TOGETHER, OR LOAVES⁵ THAT HAD BECOME JOINED, OR A BATTER-CAKE THAT HAD BEEN BAKED ON TOP OF ANOTHER BATTER-CAKE BEFORE IT COULD FORM A CRUST IN THE OVEN, OR IF THERE WAS FROTH⁶ ON THE WATER THAT WAS BUBBLING, OR THE FIRST SCUM⁷ THAT RISES WHEN BOILING GROATS OF BEANS, OR THE SCUM OF NEW WINE (R. JUDAH SAYS: ALSO THAT OF RICE) BETH SHAMMAI SAY: ALL SERVE AS CONNECTIVES IN THE CASE OF THE TEBUL YOM. BUT BETH HILLEL SAY: THEY DO NOT SERVE AS CONNECTIVES.⁸ THEY⁹ CONCUR, HOWEVER, [THAT THEY SERVE AS CONNECTIVES] IF THEY COME INTO CONTACT WITH OTHER KINDS OF UNCLEANNESS, WHETHER THEY BE OF MINOR¹⁰ OR MAJOR GRADES.¹¹

MISHNAH 2. IF ONE HAD COLLECTED PIECES OF DOUGH-OFFERING NOT WITH THE INTENTION OF SEGREGATING THEM AFTERWARDS, OR A BATTER-CAKE THAT HAD BEEN BAKED ON ANOTHER AFTER A CRUST HAD FORMED IN THE OVEN,¹² OR A FROTH HAD APPEARED IN THE WATER PRIOR TO ITS BUBBLING UP, OR THE SECOND SCUM THAT APPEARED IN THE BOILING OF GROATS OF BEANS, OR THE SCUM OF OLD WINE, OR THAT OF OIL OF ALL KINDS,¹³ OR OF LENTILS (R. JUDAH SAYS: ALSO THAT OF BEANS¹⁴) — ALL THESE ARE RENDERED UNCLEAR¹⁵ WHEN TOUCHED BY A TEBUL YOM. AND NEEDLESS TO SAY, [THIS IS THE CASE IF TOUCHED] BY OTHER SOURCES OF UNCLEANNESS.

MISHNAH 3. THE KNOB¹⁶ ON THE BACK OF THE LOAF, OR THE SMALL GLOBULE OF SALT,¹⁷ OR THE BURNT CRUST LESS THAN A FINGER'S BREADTH — R. JOSE SAYS: WHATSOEVER IS EATEN WITH THE LOAF BECOMES UNCLEAR [WHEN TOUCHED BY THE TEBUL YOM].¹⁸ AND NEEDLESS TO SAY, THIS IS SO [WHEN TOUCHED] BY OTHER UNCLEAR THINGS.

MISHNAH 4. A PEBBLE IN A LOAF OR A LARGE GLOBULE OF SALT, OR A LUPINE,¹⁹ OR A BURNT CRUST LARGER THAN A FINGER'S BREADTH,²⁰ [DO NOT SERVE AS CONNECTIVES]. BUT R. JOSE SAYS: [ONLY] WHATSOEVER THAT IS NOT EATEN WITH THE LOAF REMAINS CLEAR EVEN WHEN TOUCHED BY A FATHER OF UNCLEANNESS';²¹ AND NEED LESS TO SAY [IS THIS SO WHEN TOUCHED] BY A TEBUL YOM.

MISHNAH 5. UNSHELLED²² BARLEY OR SPELT, ROOT OF CROWFOOT,²³ ASAFOETIDA,²⁴ SILRHUM²⁵ (R. JUDAH SAYS: BLACK BEANS)²⁶ REMAIN CLEAR²⁷ EVEN [WHEN COMING INTO CONTACT] WITH A 'FATHER OF UNCLEANNESS', LET ALONE [IF TOUCHED] BY A TEBUL YOM. SO R. MEIR: BUT THE SAGES SAY: THEY ARE CLEAR IF TOUCHED BY A TEBUL YOM, BUT UNCLEAR [WHEN TOUCHED] BY OTHER SOURCES OF DEFILEMENT. IN THE CASE OF SHELLLED BARLEY OR SPELT, OR WHEAT EITHER WITH THE HUSK ON OR WITHOUT IT, OR BLACK CUMMIN, OR SESAME OR PEPPER (R. JUDAH SAYS: ALSO WHITE BEANS), THEY BECOME UNCLEAR EVEN WHEN TOUCHED BY A TEBUL YOM,²⁸ LET ALONE [WHEN THEY HAVE COME INTO CONTACT] WITH OTHER SOURCES OF UNCLEANNESS.

(1) The priest made a house-to-house collection and piled the pieces of dough on top of each other.

- (2) V. Num. XV, 18-21; v. Glos., s. v. Hallah.
- (3) Lit., and they bit’.
- (4) To hallah is attributed the same sanctity and the same degree of susceptibility to uncleanness as to terumah, and hence it becomes pasul’ (unfit) if touched by the tebul yom. Even if only part were touched the whole becomes unclean; for it is regarded as one inseparable mass.
- (5) Of terumah, and so in all that follows we are concerned with terumah.
- (6) קרולית something hollow or round’; a hollow ball of water, bubble. The water needed for terumah shares it,’ stringencies; hence if a tebul yom touches the froth or first scum, he conveys uncleanness to the whole, according to Beth Shammai.
- (7) The first scum does not yet render the beans into one solid mass, yet Beth Shammai already regard it as a connective.
- (8) The distinction between hallah and terumah is that whereas the former comprises only a Rabbinical injunction in these times, the latter even now enjoys the rank of a Biblical command, hence both cases had to be stated (L.).
- (9) Beth Hillel. They dispute only in the case of a tebul yom, since he lacks only sunset to be wholly clean.
- (10) Derived uncleanness.
- (11) A ‘father of uncleanness’
- (12) For once a crust has formed it is hard to separate them, and the two cakes are considered as one.
- (13) Lit., ‘always’; i.e., both old or new oil.
- (14) Or ‘vetchlings’.
- (15) If of terumah.
- (16) The peg-shaped attachment to a loaf supposed to serve as a trade mark.
- (17) That had become stuck to the loaf and baked with it.
- (18) And since they are occasionally eaten with the loaf, they serve as connectives.
- (19) On account of their extreme hardness lupines had to be cooked at least six times before they were fit to be eaten.
- (20) These things served either as trade marks or marked the grades of the loaf. As such they were ‘never eaten, and hence could not be deemed as connectives for bread, even when touched by a ‘father of uncleanness’ itself.
- (21) Where they are eaten with the loaf even these serve as connectives.
- (22) A state unfit for human consumption, accordingly not susceptible to uncleanness.
- (23) Used as a spice, but considered noxious for beasts.
- (24) An umbelliferous plant used as a resin, or in leaves, for a spice, or for medicinal purposes; cf. Shab. 14a, Hul. 58b.
- (25) A mucilaginous plant; Lat. ‘Alum’, of the same species as asafoetida.
- (26) Which were used specifically for medicinal purposes.
- (27) Since only the smallest portion was placed in the food, they cannot be regarded as food and susceptible to uncleanness.
- (28) Since they are all regular food ingredients.

Mishna - Mas. Tevul Yom Chapter 2

MISHNAH 1. LIQUIDS THAT ISSUE¹ FROM A TEBUL YOM ARE LIKE THOSE² WHICH HE HAS TOUCHED: NEITHER OF THEM HAS POWER TO DEFILE.³ WITH REGARD TO ALL OTHERS THAT ARE UNCLEAR, BE THEY OF MINOR⁴ OR MAJOR⁵ [DEGREE]. THE LIQUIDS ISSUING FROM THEM ARE LIKE THOSE THEY TOUCH; BOTH ARE CONSIDERED OF FIRST GRADE UNCLEANNESS.⁶ THE SOLE EXCEPTION BEING SUCH LIQUID THAT IS IN ITSELF A ‘FATHER OF UNCLEANNESS’.⁷

MISHNAH 2. IF A POT WAS FULL OF LIQUID AND A TEBUL YOM TOUCHED IT, THE LIQUID BECOMES UNFIT IF IT IS TERUMAH, BUT THE POT IS CLEAN.⁸ BUT IF THE LIQUID IS COMMON FOOD [HULLIN] THEN ALL REMAINS CLEAN.⁹ IF HIS HANDS WERE SOILED, ALL BECOMES UNCLEAR.¹⁰ HERE GREATER STRINGENCY IS APPLIED TO SOILED HANDS THAN TO A TEBUL YOM; BUT GREATER STRINGENCY IS APPLIED TO A TEBUL YOM THAN TO SOILED HANDS, SINCE ANY DOUBT RESPECTING THE TEBUL YOM RENDERS TERUMAH UNFIT, BUT ANY DOUBT CONCERNING [SOILED] HANDS IS DEEMED CLEAN.¹¹

MISHNAH 3. IF THE PORRIDGE WAS OF TERUMAH AND THE GARLIC OR OIL [IT CONTAINED] WAS OF HULLIN, AND A TEBUL YOM TOUCHED PART OF THEM, THEN THE WHOLE BECOMES UNFIT;¹² BUT IF THE PORRIDGE WAS OF HULLIN AND THE GARLIC OR OIL IT CONTAINED WAS OF TERUMAH, AND A TEBUL YOM TOUCHED PART OF THEM, HE RENDERS UNFIT ONLY THE PART HE HAS TOUCHED.¹³ IF THE GREATER PART WAS GARLIC THEN THEY GO AFTER THE MAJORITY.¹⁴ WHEN IS IT SO?¹⁵ SAID R. JUDAH: WHEN IT¹⁶ FORMED ONE COHESIVE MASS IN THE POT, BUT IF IT WAS SCATTERED SMALL IN THE MORTAR, THEN IT IS CLEAN, SINCE IT IS HIS WISH THAT IT SHOULD BE SO SCATTERED.¹⁷ [SIMILARLY] WITH ALL OTHER MASHED FOODS WHICH WERE MASHED WITH LIQUIDS;¹⁸ THOSE, HOWEVER, WHICH ARE USUALLY MASHED¹⁹ WITH LIQUIDS AND YET WERE MASHED WITHOUT LIQUIDS, THOUGH²⁰ THEY FORMED ONE COHESIVE MASS IN THE POT, ARE REGARDED AS A CAKE OF PRESERVED FIGS.²¹

MISHNAH 4. IF THE PORRIDGE AND BATTER-CAKE²² WERE OF HULLIN AND THE OIL OF TERUMAH WAS FLOATING ABOVE THEM, AND A TEBUL YOM TOUCHED THE OIL, HE RENDERS UNFIT ONLY THE OIL. IF, HOWEVER, HE STIRRED IT ALTOGETHER, ALL THE PLACES WHITHER THE OIL GOES BECOME UNFIT.²³

MISHNAH 5. IF A FILM OF JELLY²⁴ HAD FORMED OVER THE FLESH OF HALLOWED THINGS, AND A TEBUL YOM HAD TOUCHED THE JELLY, THE SLICES [OF FLESH] ARE CLEAN;²⁵ BUT IF HE TOUCHED ONE OF THE SLICES, THAT SLICE AND ALL [THE JELLY] THAT COMES UP WITH IT²⁶ FORM A CONNECTIVE THE ONE WITH THE OTHER. R. JOHANAN B. NURI SAYS: THE TWO OF THEM SERVE AS CONNECTIVES TO EACH OTHER.²⁷ SIMILARLY, WITH [COOKED] BEANS THAT HAVE FORMED A LAYER OVER PIECES OF BREAD.²⁸ BEANS COOKED IN A POT, AS LONG AS THEY ARE STILL SEPARATE, DO NOT SERVE AS CONNECTIVES; BUT WHEN THEY BECOME A SOLID PULP,²⁹ THEY DO ACT AS CONNECTIVES. IF THEY FORMED SEVERAL SOLID PULPS,³⁰ THEY ARE TO BE COUNTED.³¹ IF OIL FLOATS ON WINE AND A TEBUL YOM TOUCHED THE OIL, ONLY THE OIL IS RENDERED UNFIT; BUT R. JOHANAN B. NURI SAYS: EACH SERVES AS A CONNECTIVE WITH THE OTHER.³²

MISHNAH 6. IF A JAR³³ HAD SUNK INTO A CISTERN CONTAINING WINE,³⁴ AND A TEBUL YOM TOUCHED IT, AND [HE TOUCHED IT] WITHIN THE RIM,³⁵ IT SERVES AS A CONNECTIVE;³⁶ BUT IF OUTSIDE THE RIM,³⁷ IT DOES NOT ACT AS A CONNECTIVE. R. JOHANAN B. NURI, HOWEVER, SAYS: EVEN THOUGH [THE LEVEL OF WINE IN THE CISTERN] IS THE HEIGHT OF A MAN³⁸ [ABOVE THE SUNKEN JAR], AND HE TOUCHED [THE WINE] DIRECTLY ABOVE THE MOUTH OF THE JAR, IT SERVES AS A CONNECTIVE.

MISHNAH 7. IF A JAR³⁹ HAD A HOLE EITHER AT ITS NECK,⁴⁰ BOTTOM OR SIDES, AND A TEBUL YOM TOUCHED IT [AT THE HOLE], IT BECOMES UNCLEAR.⁴¹ R. JUDAH SAYS: ONLY IF THE HOLE IS AT ITS NECK OR BOTTOM IT BECOMES UNCLEAR; BUT IF ON ITS SIDES, ON THIS SIDE OR ON THAT, IT REMAINS CLEAN.⁴² IF ONE POURED [LIQUID] FROM ONE VESSEL INTO ANOTHER, AND A TEBUL YOM TOUCHED THE STREAM, AND THERE WAS SOMETHING WITHIN THE VESSEL, THEN [WHATSOEVER HE TOUCHES] IS NEUTRALIZED IN A HUNDRED AND ONE.⁴³

MISHNAH 8. IF A BUBBLE⁴⁴ OF A JUG WAS PIERCED WITH HOLES ON ITS INNER SIDE AND ON ITS OUTER SIDE, WHETHER ABOVE OR BELOW,⁴⁵ [AND THE HOLES ARE] OPPOSITE ONE ANOTHER, IT BECOMES UNCLEAR [IF TOUCHED] BY A 'FATHER OF

UNCLEANNESST⁴⁶; AND IT [LIKEWISE] BECOMES UNCLEAN IF IT IS IN A TENT WHEREIN LIES A CORPSE.⁴⁷ IF THE INNER HOLE IS BELOW AND THE OUTER ABOVE, IT BECOMES UNCLEAN [IF TOUCHED] BY A 'FATHER OF UNCLEANNESST', AND IT BECOMES UNCLEAN IN A TENT WHEREIN THERE IS A CORPSE; IF THE INNER HOLE IS ABOVE AND THE OUTER BELOW, IT REMAINS CLEAN IF TOUCHED BY A 'FATHER OF UNCLEANNESST',⁴⁸ BUT IT BECOMES UNCLEAN IN A TENT WHEREIN THERE IS A CORPSE.⁴⁹

(1) Such as spittle, urine, tears, blood of a wound and milk from a woman (Bert.).

(2) Of terumah.

(3) Suffering only third grade uncleanness.

(4) When touched by a dead reptile.

(5) When coming into contact with a zab.

(6) Bestowing second and third grade respectively.

(7) As, for instance, the issue of a person with a flux, a zab.

(8) For it is only terumah, on account of its great sanctity that even a tebul yom can invalidate. Terumah that becomes unfit cannot in its turn convey uncleanness.

(9) Since a tebul yom cannot render unclean hullin or tithe-offerings.

(10) Soiled hands defile liquids (v. Parah VIII, 7); when liquids are thus defiled they become first grade uncleanness, making vessels second grade.

(11) Such as a doubt arising as to which of the two loaves of terumah lying before him the tebul yom has touched, when we pronounce both to be unclean. In the case, however, of soiled hands the loaves are clean; cf. Yad. II, 4.

(12) Even if he touched merely the oil and garlic, these as ingredients serve as connectives to the porridge.

(13) The porridge cannot serve as a connective to the garlic and oil.

(14) The porridge in this case can serve as a connective.

(15) That if he touches the garlic the whole porridge is rendered unclean.

(16) The garlic.

(17) To be used in small portions as ingredients; in which case it cannot be regarded as a connective for the other contents in the mortar.

(18) A distinction is made as to whether they are served whole in the pot or whether they are mashed in the mortar.

(19) Var. lec.: But with all other mashed . . . with liquids or that are usually mashed etc.

(20) V. L.

(21) In which case we do not say that if part thereof is touched, all becomes unclean; single figs are not regarded as connectives.

(22) This is the wafer that used to be placed into the jelly or porridge.

(23) Being impossible to separate oil.

(24) This jelly comprises all the pot ingredients which had become congealed.

(25) Not regarding the jelly as a connective.

(26) But the other jelly does not serve as a connective.

(27) Hence, even if he touches the film of the jelly, the slices of flesh become unclean.

(28) Which were usually spread with beans.

(29) The process of cooking first splits them, then forms them into a solid pulp.

(30) And then came into contact with a dead reptile.

(31) If the separate pups touched each other. That touched by a dead reptile becomes first grade unclean; the piece that touches that which is 'first grade' becomes second grade unclean.

(32) So that if the tebul yom touched the oil, the wine also is rendered unfit.

(33) Containing wine of terumah.

(34) Of hullin; and this wine flowing into the jar floats on the surface, forcing the terumah wine to the bottom of the jar.

(35) Touching the hullin wine floating on top.

(36) Though he did not come into contact with the terumah.

(37) I.e., he does not touch the wine inside the jar but only the hullin wine floating round the jar.

(38) Even if the wine in the cistern rises above the sunken jar up to a man's height, and he touches the wine directly

above the mouth of the jar, it serves as a connective and the whole jar's contents become unclean.

(39) Containing wine of terumah.

(40) Var. lec. omit.

(41) Since the hole causes the wine to flow into it, the part touched serves as a connective.

(42) His view-point being that only when the hole is at the neck or bottom may all the wine pass through it; but when it is at its sides, only a small portion of the wine will pass through. The portion he touches, which alone is invalidated, becomes neutralized in one hundred and one times the quantity; cf. Ter. V, 4.

(43) I.e., if the wine in the receiving vessel is a hundred times the quantity of that he had touched, maintaining that only the stream of liquid is defiled, and does not act as a connective. It is like a case of unclean terumah getting mixed with clean terumah, where neutralization is 1 : 101. In the case of major sources of uncleanness, the stream of liquid serves as a connective and defiles all the liquid in both vessels.

(44) An imperfection found in a clay jar formed while it was being baked. If pierced on the inner and outer side when the jar is filled the liquid penetrates the bubble through the inner hole and in its attempt to seek exit surges through the outer one.

(45) I.e., on top or at the bottom of the jar.

(46) And if he touched the hole on the outer side, all the wine in the jar becomes unclean.

(47) And even if the mouth of the jar was sealed with 'a tightly stopped-up cover'; cf. Kel. X, 2.

(48) A stream of liquid can serve as a connective only with what is below but not with what is above.

(49) The holes serving as a door for the uncleanness to penetrate into the vessel.

Mishna - Mas. Tevul Yom Chapter 3

MISHNAH 1. ALL [STALKS THAT SERVE AS] HANDLES TO FRUITS, WHICH COUNT AS CONNECTIVES WHEN TOUCHED BY A 'FATHER OF UNCLEANNESS', ALSO COUNT AS CONNECTIVES WHEN TOUCHED BY A TEBUL YOM. IF A FOODSTUFF WAS SEVERED YET A SMALL PART WAS STILL ATTACHED, R. MEIR SAYS: IF ONE TAKES HOLD OF THE LARGER PART AND THE SMALLER PART IS PULLED AWAY WITH IT, THEN THE LATTER IS REGARDED AS THE FORMER.¹ R. JUDAH. HOWEVER, SAYS: IF ONE TAKES HOLD OF THE SMALLER PART FIND THE GREATER IS ALSO PULLED AWAY WITH IT, THEN THE LATTER IS LIKE THE FORMER. R. NEHEMIAH SAYS: [THIS REFERS ONLY] TO THE CASE OF THE CLEAN PORTION,² BUT THE SAGES SAY: [IT REFERS ONLY] TO THE UNCLEAN PORTION.³ IN THE CASE OF ALL OTHER FRUITS,⁴ THOSE USUALLY HELD BY THE LEAF SHOULD BE TAKEN BY THE LEAF, AND THOSE USUALLY HELD BY THE STALK SHOULD BE TAKEN BY THE STALK.⁵

MISHNAH 2. IF A BEATEN EGG WAS ON TOP OF VEGETABLES OF TERUMAH,⁶ AND A TEBUL YOM TOUCHES THE EGG, THEN HE RENDERS UNFIT ONLY THAT STALK [OF THE VEGETABLES] THAT IS OPPOSITE THE PART [OF THE EGG] HE TOUCHED.⁷ R. JOSE, HOWEVER, SAYS: IT AFFECTS THE WHOLE OF THE UPPER LAYER;⁸ AND IF IT WAS ARRANGED LIKE A CAP⁹ IT DOES NOT SERVE AS A CONNECTIVE.

MISHNAH 3. THE STREAK OF AN EGG¹⁰ THAT HAD BECOME CONGEALED ON THE SIDE OF A PAN THAT HAD BEEN TOUCHED BY A TEBUL YOM WITHIN THE RIM [OF THE PAN]. SERVES AS A CONNECTIVE;¹¹ BUT IF OUTSIDE THE RIM, IT DOES NOT SERVE AS A CONNECTIVE. R. JOSE MAINTAINS THAT ONLY THE STREAK AND THE PART THAT CAN BE PEELED AWAY WITH IT [SERVES AS A CONNECTIVE].¹² THE SAME APPLIES TO BEANS THAT HAD FORMED A LAYER OF JELLY ON THE RIM OF THE POT.¹³

MISHNAH 4. DOUGH¹⁴ THAT HAD BEEN MIXED [WITH DOUGH OF TERUMAH]. OR THAT HAD BEEN LEAVENED WITH YEAST OF TERUMAH, IS NOT RENDERED UNFIT BY [THE TOUCH OF] A TEBUL YOM;¹⁵ R. JOSE AND R. SIMEON, HOWEVER,

PRONOUNCE IT UNFIT. DOUGH¹⁶ THAT HAD BECOME SUSCEPTIBLE [TO UNCLEANNESS] BY A LIQUID,¹⁷ AND IT WAS KNEADED WITH FRUIT JUICE,¹⁸ AND LATER TOUCHED BY A TEBUL YOM, R. ELEAZAR B. JUDAH OF BARTHOTHA SAYS IN THE NAME OF R. JOSHUA: IT BECOMES TOTALLY UNFIT.¹⁹ R. AKIBA, HOWEVER, SAYS IN HIS NAME: HE RENDERS UNFIT ONLY THE PART THAT HE TOUCHED.²⁰

MISHNAH 5. IF VEGETABLES OF HULLIN WERE COOKED WITH OIL OF TERUMAH AND A TEBUL YOM TOUCHED IT, R. ELEAZAR B. JUDAH OF BARTHOTHA SAYS IN THE NAME OF R. JOSHUA: IT BECOMES TOTALLY UNFIT.²¹ R. AKIBA, HOWEVER, SAYS IN HIS NAME: HE RENDERS UNFIT ONLY THE PART THAT HE TOUCHED.²²

MISHNAH 6. IF A CLEAN PERSON CHEWED FOOD AND IT FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, IT²³ IS NOT RENDERED SUSCEPTIBLE TO UNCLEANNESS.²⁴ IF HE ATE CRUSHED OLIVES OR MOIST DATES WITH THE INTENTION OF SUCKING THE STONE THEREOF, AND IT FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, [THE LATTER] BECOMES SUSCEPTIBLE TO UNCLEANNESS.²⁵ . IF, HOWEVER, HE ATE DRIED OLIVES, OR DRIED FIGS WITHOUT THE INTENTION OF SUCKING THE STONE THEREOF, AND THEY FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, THE LATTER IS NOT RENDERED SUSCEPTIBLE TO UNCLEANNESS.²⁶ THIS IS THE CASE IRRESPECTIVE OF THE FACT WHETHER IT WAS A CLEAN MAN OR A TEBUL YOM [WHO WAS EATING]. R. MEIR SAYS: IN EITHER CASE IT BECOMES SUSCEPTIBLE TO UNCLEANNESS IN THE CASE OF A TEBUL YOM, SINCE LIQUIDS ISSUING FROM UNCLEAR PERSONS RENDER ANYTHING SUSCEPTIBLE REGARDLESS OF THE ACCEPTABILITY OF THEIR PRESENCE OR NOT. BUT THE SAGES SAY: A TEBUL YOM IS NOT REGARDED AS AN UNCLEAR PERSON.²⁷

(1) Serving as a connective, so that if the tebul yom touches one portion, the other, too, is affected.

(2) I.e., this estimation is only made of the part untouched by the tebul yom, and if it is pulled away with the part touched, whether it be larger or smaller, it becomes unclean; v. Hul. 227b.

(3) According to the Sages this estimation is only made of the part that had become unclean, and if it was pulled away with the clean part it becomes unclean.

(4) Vegetables.

(5) And if the whole becomes severed then each part serves as a connective. It is obvious that if the bigger portion is pulled away together with the smaller, it serves as a connective to the smaller.

(6) Within a pot. Were the egg whole, it would not have served as a connective.

(7) Though the egg is hullin, which cannot be defiled by a tebul yom, yet those vegetables exactly opposite the part of the egg touched are rendered unclean.

(8) Viz., the whole top layer of the stalk on which the egg lies is affected.

(9) In cooking the eggs get blown up, forming a helmet-shape over the vegetables with vacant space between it and the vegetables below. Since the egg does not, therefore, actually touch the vegetables, it cannot be counted among the connectives.

(10) Boiled with terumah that is liable to be invalidated by a tebul yom.

(11) Rendering all the contents unclean.

(12) Even if the streak of the egg is without the pan.

(13) Having the same ruling as eggs.

(14) Of hullin; cf. Hal. 1, 4.

(15) Since the tebul yom cannot defile the hullin in the dough. Though the mixture is forbidden to non-priests it is not deemed in this respect of the rank of terumah because the prohibition of the mixture is only due to Rabbinical injunction; for according to Biblical ruling it is neutralized in the proportion of 1: 2; v. 'Orlah II, 6.

(16) Of terumah.

(17) V. Lev. XI, 38. Edibles coming into contact with liquids become susceptible provided that such liquid was applied

purposely, or whose presence on the food was at least acceptable.

(18) Which was not one of the seven liquids enumerated in Maksh. VI, 4 that rendered foods susceptible. If the dough had not received water before, the fruit juice now does not make it susceptible.

(19) Contending that the fruit juice serves the dough as a connective.

(20) Maintaining that since fruit juice does not make the dough susceptible, it is deemed non-existent.

(21) Being of the opinion that oil renders susceptible and acts as a connective.

(22) Being of the opinion that fruit juice, even which renders susceptible, such as oil, does not serve as a connective with the dough to defile it, since the dough is hullin.

(23) The loaf.

(24) Lit., 'is clean'. Since this liquid was not dropped on purpose (Maim.).

(25) Since his intention was to extract juice, he should have known that some would fall on the loaf.

(26) For on no account could the moisture have been said to have been applied on purpose.

(27) Accordingly, he cannot make all liquids, whether acceptable or not, predisposed to uncleanness. Cf. Maksh. l.

Mishna - Mas. Tevul Yom Chapter 4

MISHNAH 1. IF FOOD THAT WAS TITHE-OFFERING HAD BEEN RENDERED SUSCEPTIBLE BY A LIQUID, AND A TEBUL YOM OR UNWASHED HANDS¹ TOUCHED IT, TERUMAH OF TITHE² MAY STILL BE SET APART FROM IT IN PURITY, SINCE IT ONLY SUFFERED THIRD GRADE UNCLEANNESS, AND THIRD GRADE UNCLEANNESS COUNTS AS CLEAN IN HULLIN.

MISHNAH 2. A WOMAN THAT HAD IMMERSED HERSELF THE SAME DAY MAY KNEAD DOUGH, CUT OFF THE DOUGH-OFFERING,³ AND SET IT APART, BUT MUST PLACE IT ON AN INVERTED BASKET OF TWIGS,⁴ OR ON A TRAY⁵, AND THEN BRING IT NEAR⁶ AND DECLARE IT BY ITS NAME.⁷ FOR IT⁸ SUFFERED ONLY THIRD GRADE UNCLEANNESS,⁹ AND THIRD GRADE UNCLEANNESS IS DEEMED AS CLEAN IN HULLIN.

MISHNAH 3. IN A TROUGH WHICH HAD BEEN IMMERSED THAT VERY DAY, ONE MAY KNEAD DOUGH AND CUT OFF THE PORTION FOR HALLAH AND BRING IT NEAR AND EVEN PRO NOUNCE IT BY NAME [AS HALLAH];¹⁰ FOR IT¹¹ SUFFERS ONLY THIRD GRADE UNCLEANNESS AND A THIRD GRADE COUNTS AS CLEAN IN HULLIN.

MISHNAH 4. IF A FLAGON THAT HAD BEEN IMMERSED THE SAME DAY AND HAD BEEN FILLED OUT OF A CASK CONTAINING TITHES FROM WHICH THE HEAVE-OFFERING¹² HAD NOT YET BEEN TAKEN, AND ONE SAID, LET THIS BE HEAVE-OFFERING OF TITHE AFTER NIGHTFALL,¹³ IT BECOMES HEAVE-OFFERING OF TITHE. BUT IF HE SAID: LET THIS BE THE FOOD FOR THE [SABBATH] 'ERUB,¹⁴ HIS REMARKS ARE NOT VALID AT ALL.¹⁵ IF THE CASK WAS BROKEN,¹⁶ THE CONTENTS OF THE FLAGON STILL REMAIN TITHE FROM WHICH HEAVE-OFFERING HAD NOT YET BEEN TAKEN;¹⁷ IF THE FLAGON IS BROKEN,¹⁸ THEN WHAT IS IN THE CASK STILL REMAINS TITHE FROM WHICH HEAVE-OFFERING HAD NOT YET BEEN TAKEN.¹⁹

MISHNAH 5. FORMERLY THEY USED TO SAY: ONE MAY REDEEM²⁰ FOR THE PRODUCE OF AN AM HA-AREZ.²¹ LATER THEY RECONSIDERED AND SAID: ALSO FOR MONEY OF HIS.²² FORMERLY THEY USED TO SAY: IF A MAN IS LED OUT IN CHAINS²³ AND COMMANDS: WRITE A BILL OF DIVORCE FOR MY WIFE', IT HAD TO BE WRITTEN AND DELIVERED;²⁴ BUT AFTER CONSIDERATION THEY ADDED THE CASE OF A MAN UNDERTAKING A SEA VOYAGE, OR SETTING OUT WITH A CARAVAN.²⁵ R. SIMEON OF SHEZUR ADDED THE CASE OF ONE WHO WAS AT THE POINT OF DEATH.²⁶

MISHNAH 6. ASHKELON LEVERS²⁷ THAT HAD BECOME BROKEN, ONLY THEIR HOOKS STILL REMAINING, ARE SUSCEPTIBLE TO UNCLEANNESS.²⁸ A PITCH-FORK, WINNOWING-FAN, RAKE²⁹ [SO-TOO, A HAIR COMB]. WHICH HAD LOST ONE OF ITS TEETH, AND ANOTHER OF METAL WAS CONSTRUCTED FOR IT, ARE ALL SUSCEPTIBLE TO UNCLEANNESS.³⁰ CONCERNING ALL THESE,³¹ R. JOSHUA SAID: THIS IS A NEW THING WHICH THE SCRIBES HAVE MADE AND I HAVE NOTHING TO REPLY.³²

MISHNAH 7. IF ONE WAS TAKING TERUMAH³³ FROM A CISTERN AND SAID: 'LET THIS BE TERUMAH PROVIDED IT COMES UP SAFELY', [IT IS IMPLIED THAT HE MEANT] SAFELY FROM BEING BROKEN OR SPILLED,³⁴ BUT NOT FROM CONTRACTING UNCLEANNESS;³⁵ BUT R. SIMEON DECLARES: ALSO FROM UNCLEANNESS.³⁶ IF IT WERE BROKEN,³⁷ IT DOES NOT RENDER [THE CONTENTS OF THE CISTERN] SUBJECT TO THE RESTRICTIONS OF TERUMAH. HOW FAR AWAY³⁸ CAN IT BE BROKEN AND STILL NOT MAKE IT SUBJECT TO TERUMAH RESTRICTIONS? ONLY SO FAR THAT IF IT ROLLS BACK, IT CAN REACH THE CISTERN.³⁹ R. JOSE ADDS: EVEN IF ONE HAD THE INTENTION OF MAKING SUCH A STIPULATION, BUT DID NOT DO SO, AND IT GOT BROKEN, IT DOES NOT NEVERTHELESS MAKE IT SUBJECT TO TERUMAH RESTRICTIONS, FOR THIS IS A STIPULATION LAID DOWN BY THE BETH DIN.⁴⁰

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- (1) Both possessing second grade impurity only.
 - (2) Given to the priest by the Levite from the tithe received from the Israelites (Num. XVIII, 25ff.); this was regarded as hullin, which a tebul yom could not defile. Accordingly, this additional tithe could be taken therefrom.
 - (3) But without designating it as such; for once this is done it is no longer hullin.
 - (4) Not susceptible to uncleanness. This was stipulated in order that she may no longer touch the dough-offering.
 - (5) Which does not possess distinct receptacles and consequently is not susceptible to uncleanness. Neither of these two vessels is 'susceptible'.
 - (6) To the rest of the dough, of which it is to constitute a portion dedicated as hallah. For this requirement v. Hal I, 9.
 - (7) Hallah.
 - (8) I.e., the dough she had touched.
 - (9) Since the tebul yom possesses only second grade uncleanness.
 - (10) On account of an uncleanness it had contracted. From the tebul yom the Mishnah now turns to a vessel that had been immersed that very day. The point stressed is that we are not afraid lest it be exchanged for anything unclean.
 - (11) I.e., the dough which has touched the kneading-trough.
 - (12) The tithe which the Levite has to give to the priest from the tithe he receives.
 - (13) I.e., when the flagon becomes completely clean.
 - (14) Lit., 'mixture'. According to Sabbath law, the movements of people in a town are restricted on a Sabbath to two thousand cubits from the boundaries of a town. But if enough food for his meals is despatched in an accessible place on the eve of Sabbath, at the prescribed two thousand cubits' distance, this spot counts as a man's temporary abode, thereby allowing him a range of two thousand cubits beyond the common Sabbath limit. Similarly, an 'erub may be arranged as between various domiciles within a courtyard; for if all the occupants have a share in the deposit of food placed in a known place in the courtyard, they are all thereby given unrestricted access to the premises of the other occupants.
 - (15) Because an 'erub can only be made of such food that is ready to be eaten before sunset; but here nightfall is still needed to make it permissible for common use.
 - (16) Before nightfall.
 - (17) For when heave-offering could at last be taken therefrom, it was already non-existent.
 - (18) While yet day.
 - (19) Cf. n. 6.
 - (20) Second-tithe money in Jerusalem; Deut. XIV, 22ff. The owner had to take his money to Jerusalem, there to spend it, or else he had to 'redeem' it by putting aside coins of value (plus one fifth) in order to make that produce free for use as hullin; the coins themselves then count as second-tithe money, to which their sanctity is transferred, or to other coins for which they, in turn, may be exchanged. These coins were taken to Jerusalem, there to be exchanged for food, or

peace-offerings, and consumed in purity.

(21) Though one tithe could not be used in exchange for another, we do not suspect the 'am ha-arez of tithing his produce (Bert.).

(22) Without fearing that this money itself may be of second-tithe products (Bert.).

(23) As a prisoner; Git. VI, 5.

(24) Although he did not say 'deliver it', we surmise that his omission is due to the perturbed state of his mind.

(25) These expeditions in olden times used to be fraught with serious danger.

(26) There could be no greater perturbation of mind than this; moreover, in this state, breath is scarce and words must be used economically. (Though the last statement of the Mishnah is somewhat irrelevant to the main issue, yet the Mishnah follows the usual practice of citing other similar statements).

(27) With which pitchers used to be hooked out of the wells. Aliter. 'pitched stands' or water coolers'; Kel. XIII, 7.

(28) Since they can still serve their purpose they are still regarded as vessels.

(29) An agricultural implement with many teeth, forming a sort of sieve whereby to separate the grain from the chaff; Kel. Ibid.

(30) As metal utensils.

(31) Some opine that 'all these' refer to supra IV, 2.

(32) 'To those who would question their ruling'. Perhaps he was inclined himself to agree with the critics.

(33) Of wine or oil.

(34) A common fear; and if the wine or oil is spilled in the cistern, no terumah was taken.

(35) Accordingly, even if it becomes unclean it is still regarded as terumah.

(36) Being assumed that he meant also safe from contamination. The significance of his stipulation is the object of discussion.

(37) And the wine fell back into the cistern.

(38) From the cistern.

(39) For such a short distance is included in his stipulation.

(40) The Beth din took for granted that each person desires to make such stipulations, only is deterred from so doing by forgetfulness.

Mishna - Mas. Uktzin Chapter 1

MISHNAH 1. THAT WHICH SERVES AS A HANDLE,¹ THOUGH NOT ACTUALLY AS A PROTECTION,² BOTH CONTRACTS UNCLEANNESS³ AND CONVEYS UNCLEANNESS;⁴ BUT IT IS NOT INCLUDED.⁵ IF IT SERVES AS A PROTECTION THOUGH NOT AS A HANDLE,⁶ IT CONTRACTS AND CONVEYS UNCLEANNESS AND IS INCLUDED.⁷ IF IT SERVES NEITHER AS A PROTECTION NOR AS A HANDLE,⁸ IT NEITHER CONTRACTS NOR CONVEYS UNCLEANNESS.⁹

MISHNAH 2. ROOTS OF GARLIC, ONIONS OR LEEKS¹⁰ THAT ARE YET MOIST, OR THEIR TOP-PARTS,¹¹ BE THEY MOIST OR DRY, ALSO THE SCAPE THAT IS WITHIN THE EDIBLE PART,¹² THE ROOTS OF THE LETTUCE, THE RADISH AND THE TURNIP,¹³ [ARE INCLUDED]. SO R. MEIR. R. JUDAH SAYS: ONLY THE LARGE ROOTS OF THE RADISH ARE SO INCLUDED, BUT ITS FIBROUS ROOTS ARE NOT INCLUDED. THE ROOTS OF THE MINT, RUE,¹⁴ WILD HERBS AND GARDEN HERBS THAT HAVE BEEN UPROOTED IN ORDER TO BE PLANTED ELSEWHERE,¹⁵ AND THE SPINAL CORD OF AN EAR OF CORN TOGETHER WITH ITS HUSK,¹⁶ (R. ELEAZAR SAYS: ALSO THE COBWEB-LIKE COVERING OF FRUITS)¹⁷ ALL THESE THINGS CONTRACT AND CONVEY UNCLEANNESS¹⁸ AND ARE INCLUDED.¹⁹

MISHNAH 3. THE FOLLOWING BOTH CONTRACT AND IMPART UNCLEANNESS, BUT ARE NOT INCLUDED [TOGETHER WITH THE REST]: ROOTS OF GARLIC,²⁰ ONIONS OR LEEKS WHEN THEY ARE DRY, THE SCAPE THAT IS NOT WITHIN THE EDIBLE PART,²¹ THE TWIG OF A VINE,²² A HANDBREADTH LONG ON EITHER SIDE,²³ THE STEM OF THE CLUSTER, WHATSOEVER BE ITS LENGTH,²⁴ THE TAIL OF THE CLUSTER BEREFT OF GRAPES,²⁵ THE STEM OF THE 'BROOM'²⁶ OF THE PALM-TREE TO A LENGTH OF FOUR HANDBREADTHS,²⁷ THE STALK OF THE EAR [OF CORN] TO A LENGTH OF THREE HANDBREADTHS, AND THE STALK OF ALL THINGS THAT ARE CUT, TO THE LENGTH OF THREE HANDBREADTHS.²⁸ IN THE CASE OF THOSE THINGS NOT USUALLY CUT, THEIR STALKS AND ROOTS OF ANY SIZE WHATSOEVER.²⁹ AS FOR THE OUTER HUSKS OF GRAINS,³⁰ THEY BOTH CONTRACT AND IMPART UNCLEANNESS,³¹ BUT ARE NOT INCLUDED.³²

MISHNAH 4. THE FOLLOWING, HOWEVER, NEITHER CONTRACT NOR IMPART UNCLEANNESS, AND ARE NOT INCLUDED:³² THE ROOTS OF CABBAGE-STALKS,³³ YOUNG SHOOTS OF BEET GROWING OUT OF THE ROOT,³⁴ AND SUCH TURNIP-HEADS THAT ARE ORDINARILY CUT OFF BUT IN THIS CASE WERE PULLED UP [WITH THEIR ROOTS].³⁵ R. JOSE DECLARES THEM ALL SUSCEPTIBLE TO CONTRACT UNCLEANNESS,³⁶ BUT HE DECLARES INSUSCEPTIBLE CABBAGE-STALKS AND TURNIP-HEADS.³⁷

MISHNAH 5. STALKS OF ALL EDIBLES THAT HAVE BEEN THRESHED IN THE THRESHING-FLOOR ARE CLEAN;³⁸ BUT R. JOSE PRONOUNCES THEM UNCLEAR.³⁹ A SPRIG OF A VINE WHEN STRIPPED OF ITS GRAPES IS CLEAN,³⁸ BUT IF ONE GRAPE ALONE IS LEFT THEREON, IT IS UNCLEAR.⁴⁰ A TWIG OF A DATE-TREE STRIPPED OF ITS DATES IS CLEAN,⁴¹ BUT IF ONE DATE REMAINS THEREON, IT IS SUSCEPTIBLE, SIMILARLY, WITH PULSE.⁴² IF THE PODS WERE STRIPPED FROM THE STEM IT IS CLEAN, BUT IF EVEN ONE POD ALONE REMAINS, IT IS UNCLEAR. R. ELEAZAR B. 'AZARIAH DECLARES [THE STALK] OF THE BEAN CLEAN,⁴³ BUT DECLARES UNCLEAR THE STALK OF OTHER PULSE,⁴⁴ SINCE IT IS OF USE⁴⁵ WHEN [THE PULSE] IS HANDLED.⁴⁶

MISHNAH 6. STALKS OF FIGS AND DRIED FIGS, KELUSIM FIGS,⁴⁷ AND CAROBS BOTH CONTRACT AND IMPART UNCLEANNESS, AND ARE INCLUDED.⁴⁸ R. JOSE SAYS: ALSO THE STALKS OF THE GOURD,⁴⁹ OF PEARS AND PIPPINS,⁵⁰ QUINCES,⁵¹ AND CRAB-APPLES.⁵² THE STALKS OF THE GOURD⁵³ AND THE ARTICHOKE [TO THE LENGTH OF] ONE HANDBREADTH (R. ELEAZAR SON OF R. ZADOK SAYS: TWO HANDBREADTHS) — [ALL] THESE CONTRACT AND IMPART UNCLEANNESS; BUT ARE NOT INCLUDED.⁵⁴ AS FOR THE STALKS OF ALL OTHER FRUITS, THEY NEITHER CONTRACT NOR IMPART UNCLEANNESS.⁵⁵

- (1) To fruit or plants, like the stalks of apples, grapes, plums, or a marrowless bone held in the hand in order to enjoy the meat thereon.
- (2) Thus excluding that part of the stalk actually touching the fruit and attached to the kernel.
- (3) For though the handle itself is not edible, but since it serves as a connective to the fruit, it is rendered unclean when the edible part suffers uncleanness.
- (4) If the handle suffers uncleanness the edible part becomes also unclean. Derived from Lev. XI, 37 (v. Bert.).
- (5) With the rest of the food to complete the egg's bulk necessary for the transmission of uncleanness.
- (6) I.e., the husk of plant or fruit protecting it, which men do not grip hold of when eating; accordingly, it is regarded as part of the fruit itself.
- (7) Which includes such things as wheat and barley in their husks used for the purpose of sowing. This is inferred from Lev. XI, 37, for were it to refer merely to the contraction and imparting of uncleanness, it would have been too obvious.
- (8) Like the fibrous substance of fruits or vegetables.
- (9) And, of course, cannot be included.
- (10) With heads to them.
- (11) The protuberance on blossom-end of fruits, having the appearance of a pestle seated in a mortar; hence the upper portion of fruit.
- (12) I.e., the radical stem, bearing fructification, but no leaves. The scape is the central stalk of the onion, as far as it is surrounded by the edible part (v. L.).
- (13) **רַבִּידִּים**, a kind of radish resembling the carrot as to foliage, and the radish as to taste, cf. Kil. I, 3, 5.
- (14) Cf Kil. I, 8: 'You must not graft rue on white cassia because it would be a combination of a herb with a tree'.
- (15) With the result that he takes good care to see that the roots are plucked up with herbs, to which they serve as a protection.
- (16) Which serves as a protection to the ear of corn.
- (17) The downy growth on the tops of vegetables, resembling almost a spider's web, a view with which the halachah does not concur.
- (18) As protection.
- (19) To make up the required egg's bulk to impart uncleanness.
- (20) Being dried up, they no longer serve as 'protection', but solely as 'handles'.
- (21) V. p. 573 n. 12.
- (22) From which a grape-cluster hangs.
- (23) Were the branch less, it could not be called 'handle', being too slender to support a heavy cluster of grapes, and not of sufficient size of which to take a grip (L.).
- (24) Even if this be very great. So Bert. According to L., however, even if it be smaller than a handbreadth.
- (25) After the grapes had fallen off, the tail of the cluster need not be of the stipulated handbreadth.
- (26) The fanshaped twig of the palm-tree which resembles a broom, with which it is possible to sweep the house; cf. Suk. 40a.
- (27) But not more.
- (28) The three handbreadths are thus explained: one of which the reaper takes hold, one that is left near the ears of corn, and one below, so that his hand does not receive a cut from the sickle.
- (29) I.e., long or short, for once they have been uprooted he does not mind how much is left of the ear of corn.
- (30) The glumes of the ears of corn; Hul. 119b.
- (31) Since all are stalks whereby the fruit is held.
- (32) Together with the rest to constitute the egg's bulk.

- (33) On top of the cabbage are leaves of helmet shape. These are usually thrown away.
- (34) Left in the soil when the beets are cut for others to grow.
- (35) All these serve neither as 'handles' nor as 'protection'.
- (36) Regarding them all as 'handles' to the food.
- (37) Which he agrees are of no purpose whatsoever.
- (38) Viz., not susceptible to defilement. Threshing used to be done with the aid of animals or sticks, thus rendering the stalks too weak to be considered after this as handles; Hul. 118a.
- (39) Namely susceptible to uncleanness; his contention being that they are liable to be upturned with the pitchfork together with the grain, hence they serve as handles; cf. Suk. 14a.
- (40) This one grape causes the sprig to be considered as a handle.
- (41) Not regarding this twig as a handle to the stalk of the broom.
- (42) Others render 'summer-fruits'.
- (43) Being of the large kind, they do not need the protection of the twig.
- (44) Being small, the twig of necessity acts as a kind of protection to them.
- (45) Lit., 'he desires'.
- (46) Accordingly, he wishes them to be attached to the sprig, which thus acts as a handle to them; Hul. 119a.
- (47) A species of dried figs, so Maim.; according to Rashi: a kind of pea or bean. Aliter: the fruit of the Judas tree. These were used for cooking purposes; Ned. 50a. Aliter: acorns.
- (48) To constitute the required egg's bulk, for occasionally they are eaten with the fruit.
- (49) A general name for cucumbers and pumpkins. These gourd-stalks are sometimes cooked together with the edible parts.
- (50) Kerustemilin. According to L., a kind of crab-apple; cf. Ma'as. I, 3 where it refers to the 'crustumenian pear'.
- (51) Perishin (lit., 'set aside, excellent'); they are so called because there is no species of fruit so well adapted for cooking as this (J. Kil. I, 27a); cf. Suk. 31a.
- (52) Medlars, a small and shrunken fruit.
- (53) Bert. stresses that the Mishnah only refers to the Greek species of gourd; for the stalks of others are very tiny.
- (54) With the food to constitute the required amount to convey uncleanness.
- (55) Needless to say, they are not included with the rest to constitute the egg's bulk.

Mishna - Mas. Uktzin Chapter 2

MISHNAH 1. LEAVES OF OLIVES PICKLED¹ TOGETHER WITH THE OLIVES REMAIN CLEAN,² FOR THEIR PICKLING WAS ONLY FOR THE SAKE OF APPEARANCES.³ THE FIBROUS SUBSTANCE⁴ ON A CUCUMBER AND THE FLOWER-LIKE SUBSTANCE THEREIN ARE CLEAN;⁵ BUT R. JUDAH IS OF THE OPINION THAT AS LONG AS IT IS STILL LYING BEFORE THE MERCHANT, IT IS UNCLEAR.⁶

MISHNAH 2. ALL KINDS OF FRUIT-STONES BECOME UNCLEAR AND IMPART UNCLEANNESS BUT ARE NOT INCLUDED;⁷ BUT THE STONES OF FRESH DATES,⁸ EVEN WHEN DETACHED [FROM THE EDIBLE PART], ARE INCLUDED;⁹ BUT THOSE OF DRIED DATES ARE NOT INCLUDED. ACCORDINGLY, THE PERICARP¹⁰ OF DRIED DATES IS INCLUDED,¹¹ BUT THAT OF FRESH DATES IS NOT INCLUDED.¹² IF ONLY PART OF A FRUIT-STONE IS DETACHED, THEN ONLY THAT PART NEAR THE EDIBLE PORTION IS INCLUDED.¹³ [SIMILARLY] WITH A BONE ON WHICH THERE IS FLESH, ONLY THAT PART THAT IS CLOSE TO THE EDIBLE PART IS INCLUDED. [IF THE BONE] HAS FLESH ONLY UPON ONE SIDE THEREOF, R. ISHMAEL SAYS: WE TAKE IT AS THOUGH [THE FLESH] ENCOMPASSES IT LIKE A RING;¹⁴ BUT THE SAGES SAY: [ONLY] THAT PART CLOSE TO THE EDIBLE PART IS INCLUDED [AS IS THE CASE] FOR EXAMPLE WITH SAVORY,¹⁵ HYSSOP AND THYME.¹⁶

MISHNAH 3. IF A POMEGRANATE OR MELON HAS ROTTED IN PART, [WHAT IS ROTTEN] IS NOT INCLUDED;¹⁷ AND IF [THE FRUIT] IS SOUND AT EITHER END BUT

HAS ROTTED IN THE MIDDLE, [WHAT IS ROTTEN] IS NOT INCLUDED.¹⁸ THE NIPPLE OF A POMEGRANATE IS INCLUDED, BUT THE FIBROUS SUBSTANCE THEREOF IS NOT INCLUDED. R. ELEAZAR SAYS: ALSO THE COMB¹⁹ [THEREOF] IS NOT SUSCEPTIBLE TO UNCLEANNESS.²⁰

MISHNAH 4. ALL KINDS OF HUSKS CONTRACT AND IMPART UNCLEANNESS, AND ARE INCLUDED.²¹ R. JUDAH SAYS: AN ONION HAS THREE SKINS: THE INNERMOST ONE WHETHER IT IS IN ITS ENTIRE STATE OR WHETHER IT BE PIERCED WITH HOLES²² IS INCLUDED; THE MIDDLE ONE WHEN IT IS IN A WHOLE STATE IS INCLUDED, BUT WHEN IT IS PIERCED WITH HOLES IT IS NOT INCLUDED;²³ THE OUTERMOST SKIN IS IN EITHER CASE REGARDED AS INSUSCEPTIBLE TO UNCLEANNESS.²⁴

MISHNAH 5. IF ONE CHOPS UP [FRUIT] FOR COOKING PURPOSES, EVEN IF [THE CHOPPING HAD] NOT BEEN COMPLETELY FINISHED,²⁵ IT IS NOT REGARDED AS CONNECTED. IF HIS INTENTION, HOWEVER, HAD BEEN TO PICKLE²⁶ OR TO BOIL IT,²⁷ OR TO SET IT ON THE TABLE,²⁸ THEN IT IS REGARDED AS CONNECTED.²⁹ IF HE BEGAN TO TAKE [THE PIECES] APART, [ONLY] THAT PART OF THE FOOD WHICH HE BEGAN TO TAKE APART IS NOT CONSIDERED A CONNECTIVE.³⁰ NUTS THAT HAD BEEN STRUNG TOGETHER,³¹ OR ONIONS THAT HAD BEEN PILED TOGETHER, COUNT AS CONNECTIVES.³² IF HE BEGAN TO TAKE THE NUTS APART,³³ OR TO STRIP THE ONIONS, ONLY THAT [ON WHICH HE BEGAN] IS NOT DEEMED AS CONNECTIVE.³⁴ [SHELLS OF] NUTS AND ALMONDS ARE CONSIDERED AS CONNECTIVES [WITH THE EDIBLE PART] UNTIL THEY ARE CRUSHED.³⁵

MISHNAH 6. [THE SHELL OF] A ROASTED EGG³⁶ [IS CONSIDERED A CONNECTIVE]³⁷ UNTIL IT IS CRACKED;³⁸ THAT OF A HARD-BOILED EGG [IS CONSIDERED A CONNECTIVE] UNTIL IT IS ENTIRELY BROKEN UP.³⁹ A MARROW-BONE SERVES AS A CONNECTIVE⁴⁰ UNTIL IT IS WHOLLY CRUSHED;⁴¹ AND [THE RIND OF] A POMEGRANATE THAT HAS BEEN DIVIDED INTO HALVES SERVES AS CONNECTIVE UNTIL IT HAS BEEN KNOCKED WITH A STICK.⁴² SIMILARLY, LOOSE STITCHES OF LAUNDRYMEN⁴³ OR A GARMENT THAT HAD BEEN STITCHED TOGETHER WITH THREADS OF MIXED STUFF,⁴⁴ SERVE AS CONNECTIVES UNTIL ONE BEGINS TO LOOSEN THEM.⁴⁵

MISHNAH 7. THE [OUTER] LEAVES OF VEGETABLES IF THEY ARE GREEN⁴⁶ ARE INCLUDED,⁴⁷ BUT IF THEY HAVE WHITENED⁴⁸ THEY ARE NOT INCLUDED. R. ELEAZAR B. ZADOK SAYS: THE WHITE LEAVES OF CABBAGE ARE INCLUDED BECAUSE THEY ARE EDIBLE. SO ALSO THOSE OF LETTUCES,⁴⁹ BECAUSE THEY PRESERVE THE EDIBLE PART.

MISHNAH 8. WITH REGARD TO THE LEEK-LIKE SPROUTS OR THE CENTRE SPROUTS OF ONIONS, IF THERE IS SAP IN THEM THEY ARE TO BE MEASURED AS THEY ARE;⁵⁰ IF THERE IS A VACUUM WITHIN THEM, IT MUST BE SQUEEZED TIGHTLY TOGETHER.⁵¹ SPONGY BREAD⁵² IS MEASURED AS IT IS,⁵⁰ BUT IF THERE IS A VACUUM WITHIN IT, IT MUST BE PRESSED FIRMLY. THE FLESH OF A CALF WHICH HAD SWOLLEN,⁵³ OR THE FLESH OF AN OLD [BEAST] THAT HAS SHRUNKEN IN SIZE, ARE MEASURED IN THE CONDITION THEY ARE IN.⁵⁴

MISHNAH 9. A CUCUMBER PLANTED IN A POT⁵⁵ WHICH SO GREW TILL IT REACHED OUT OF THE POT IS NOT DEEMED SUSCEPTIBLE.⁵⁶ R. SIMEON SAID: WHAT IS THEREIN TO MAKE IT CLEAN?⁵⁷ NO;⁵⁸ THAT WHICH HAS ALREADY BECOME UNCLEAN

CONTINUES IN ITS UNCLEANNES, ⁵⁹ AND ONLY THAT WHICH IS INSUSCEPTIBLE ⁶⁰ CAN BE EATEN.

MISHNAH 10. VESSELS MADE OF CATTLE DUNG OR OF EARTH ⁶¹ THROUGH WHICH THE ROOTS CAN PENE TRATE, ⁶² DO NOT RENDER THE SEEDS SUSCEPTIBLE. ⁶³ A PERFORATED PLANT-POT DOES NOT RENDER SEEDS SUSCEPTIBLE; ⁶⁴ BUT IF IT HAS NO HOLE, THE SEEDS DO BECOME SUSCEPTIBLE. ⁶⁵ WHAT SHOULD BE THE HOLE'S DIMENSION? SUCH THAT A SMALL ROOT CAN PUSH ITS WAY THROUGH. IF IT WAS FILLED WITH EARTH TO ITS BRIM, ⁶⁶ IT IS DEEMED AS A BOARD WITHOUT AN EDGE. ⁶⁷

(1) In wine or vinegar, or other preservative liquids.

(2) I.e., they are insusceptible to uncleanness, as they are regarded neither as handle nor protection to the olives.

(3) For when the leaves are still attached, the olives lend the appearance of having just been plucked, and serve as a guarantee for freshness. Thus his intention never was to eat the olive leaves, or to preserve the olives from getting spoiled.

(4) A parasitic growth on shrubs.

(5) Being neither handle nor protection.

(6) While still unsold, this fibrous substance gives the cucumber the appearance of having been just plucked and proves more attractive to the purchaser. Accordingly, they may be regarded as a kind of protection to the fruit. In addition, they prevent the cucumber from being soiled by the fingers of intending purchasers whose custom it is to feel the fruit before buying. In this wise, they differ from the case first cited in our Mishnah concerning the leaves of the olives, with the ruling on which R. Judah agrees.

(7) To constitute the required egg's bulk; these stones being considered as handles but not as protection.

(8) Containing sap, they can be sucked in the mouth.

(9) With the edible part, since their juice is acceptable.

(10) The membranous enclosure separating the stone of the date from the flesh.

(11) With the edible part. In dry dates, the skin is thing and can be eaten with the fruit.

(12) Being bitter, the husk is usually cast aside.

(13) Part of the fresh fig was left with the fruit-stone, and the part near the edible portion was regarded as a protection.

(14) And all that part which could be then encompassed is included.

(15) A plant classified with the hyssop; Ma'as. III, 9; Sheb. VIII, 1.

(16) The stalks close to the edible parts of these plants are included (Asheri).

(17) To form the egg's bulk, since the rotted part must be cast away.

(18) Since the rotted centre can in no wise be included as edible. V. L. for the necessity of adding this statement.

(19) The sprouting hairs on the nipple of the pomegranate bear a striking resemblance to a comb.

(20) For even when they are lopped off from the fruit, the fruit-stones are not revealed; hence, they cannot be regarded as a protection. In the case of the nipple, however, the fruit-stones are laid bare when that is cut off, and the fruit does suffer as a consequence.

(21) To form the required bulk. Bert. excludes from this general statement the moist outward shells of nuts at the time of their gathering, for these also are not a protection; cf. Hul. 119b on the subject.

(22) Though such a state can scarcely be regarded as a protection to the edible part of the onion.

(23) For unlike the innermost skin, it is not eaten.

(24) Regardless of the fact whether it is whole or pierced. This skin is very thin and peels off when only touched by the hand; accordingly it can be regarded neither as handle nor as protection.

(25) I.e., some of the pieces are still attached. Since in the process of cooking they will eventually become detached, they are already considered apart.

(26) In vinegar or pungent salt water.

(27) Lit., 'to seethe them'; i.e., to overboil them. For שליקה is a more intensive process than plain cooking, בישול. In the case of pickling and boiling intensively, they become hard again and do not fall apart as in the case of plain cooking.

(28) Without chopping them up, separating them just sufficiently to enable his guests to take up separate portions, being

content that they should be attached until such time as required.

(29) Each one serving as a handle to the other, and because they are considered as one pile, since the cutting has not been complete.

(30) And we do not surmise that since he began to separate some of them his intention was to do so to all.

(31) On a thread to dry whilst they are still in a tender state.

(32) Being considered as one pile.

(33) A few nuts began to break, leaving a portion still attached.

(34) For the others will soon follow suit.

(35) For the shells, even when cracked, still serve as a protection to the nuts.

(36) Or, 'lightly-boiled'.

(37) For the smallest hole therein enables one to sip the contents of the egg still in a liquid state.

(38) Cf. Hul. 92b. Once a crack has occurred, the liquid will find a way out through the hole, and the shell will no longer act as a protection.

(39) For the egg will still remain within the shell, even if the latter suffers a severe crack. It is, therefore, a protection until completely broken.

(40) With the marrow.

(41) When it cannot serve as protection to the marrow.

(42) To extract its edible seeds.

(43) It was their custom loosely to sew the garments together so that they should not get lost, and then to separate them.

(44) Cf. Par. XII, 9. His avowed intention was to unloose them later, for kil'ayim is forbidden in the Torah, but as long as they are sewn together they are counted as connectives.

(45) Hence should one of the garments contract uncleanness, the other also is affected. Once he begins to loosen the stitches which bind them together, they can no longer be deemed as one garment.

(46) When they are eaten.

(47) With the edible parts.

(48) I.e., when they have withered, a condition which renders them inedible.

(49) Which though not eaten still serve as a protection.

(50) Viz., without squeezing the core as in the case of the vacuum.

(51) In order to include the sap so as to obtain the egg's bulk necessary to impart uncleanness.

(52) I.e., bread blown up like a sponge.

(53) In the process of cooking, the flesh of the calf swells in dimension, whereas that of an old beast shrinks.

(54) Though the calf's flesh may have been less than the size of an egg prior to the cooking, or the flesh of an old beast more, still we estimate them in their present condition; cf. Toh. V, 7.

(55) Which has no hole beneath, with the result that the cucumber has not the legal ruling applied to things growing directly out of the soil (v. next Mishnah). Our Mishnah deals with a case where the cucumber had already received contact with liquid.

(56) Since the cucumber now reaches outside the pot, and only air separates it from the soil, even if that part of the cucumber within the pot had come into contact with defilement prior to its replanting, it now becomes clean, as is the law of all unclean seedlings that have been planted; v. Ter. IX, 7 (Bert.).

(57) Why should that part within the pot which had become unclean now be declared clean? Is it not enough to pronounce just that part outside the pot clean, but that within as unclean, since the pot has no hole beneath?

(58) R. Simeon is continuing his argument.

(59) Viz., that part within the pot.

(60) The part without the pot.

(61) Unbaked clay. There are three utensils which do not contract uncleanness neither according to Biblical nor Rabbinical injunction: vessels of stone, cattle-dung or unbaked clay.

(62) Though the vessels themselves are not actually perforated, yet their sides are so thin that their roots within can force their way out. Hence does the Mishnah omit stone vessels, the sides of which can obviously resist the drive of the roots outwards.

(63) For such vessels are accounted as if they had been part of the soil; hence the objects within are insusceptible to uncleanness.

(64) Being considered as if growing directly out of the soil. Having a hole, which connects the plant directly with the soil

beneath, the pot loses the status of a vessel.

(65) For then it is regarded as a vessel, and the plants therein have the same ruling as those that have already been plucked from the soil.

(66) The unperforated plant pot was filled with earth, and thus not accounted at all as a vessel.

(67) I.e., an edge, by which a flat utensil is made into a vessel-like receptacle. Because it has no such receptacle it cannot be considered susceptible, and is regarded as the soil itself from which it is separated on the four sides thereof only by air; cf. Kel. II, 3 where the general principle is laid down that 'those earthenware vessels which have no inner part, no regard is paid to their outward part'.

Mishna - Mas. Uktzin Chapter 3

MISHNAH 1. SOME THINGS NEED TO BE RENDERED SUSCEPTIBLE [TO UNCLEANNESS].¹ BUT THEY DO NOT NEED INTENTION,² [WHILST OTHERS NEED] INTENTION AND TO BE RENDERED SUSCEPTIBLE. [STILL OTHERS THERE ARE THAT] NEED INTENTION, BUT DO NOT NEED TO BE RENDERED SUSCEPTIBLE, [WHILST OTHERS THAT] NEED NEITHER TO BE RENDERED SUSCEPTIBLE NOR INTENTION. SUCH EDIBLES THAT ARE DESIGNATED AS HUMAN FOOD NEED TO BE RENDERED SUSCEPTIBLE, BUT DO NOT NEED INTENTION.³

MISHNAH 2. THAT WHICH HAS BEEN SEVERED FROM A MAN,⁴ BEAST, WILD ANIMAL, BIRD, OR FROM THE CARRION OF AN UNCLEAR BIRD,⁵ AND THE FAT IN VILLAGES,⁶ AND (ALL KINDS OF WILD VEGETABLES,⁷ SAVE TRUFFLES⁸ OR FUNGUS⁹ — R. JUDAH SAYS, SAVE FIELD-LEEKs,¹⁰ PURSLANE¹¹ AND THE ASPHODEL.¹² AND R. SIMEON SAYS, SAVE CARDOON,¹³ AND R. JOSE SAYS, SAVE ACORNS¹⁴ — BEHOLD ALL THESE¹⁵ NEED BOTH INTENTION AND TO BE RENDERED SUSCEPTIBLE [TO UNCLEANNESS].¹⁶

MISHNAH 3. THE CARRION OF AN UNCLEAR BEAST AT ALL PLACES,¹⁷ AND OF A CLEAR BIRD IN VILLAGES, NEED INTENTION¹⁸ BUT DO NOT NEED TO BE RENDERED SUSCEPTIBLE.¹⁹ THE CARRION OF A CLEAR BEAST IN ALL PLACES,²⁰ AND THAT OF A CLEAR BIRD, AND ALSO FAT²¹ IN THE MARKET PLACES, REQUIRE NEITHER INTENTION²² NOR TO BE RENDERED SUSCEPTIBLE.²³ R. SIMEON SAYS, ALSO²⁴ [THE CARRION OF] THE CAMEL, RABBIT, CONEY OR PIG.

MISHNAH 4. THE DILL²⁵ STALK AFTER HAVING GIVEN ITS TASTE TO A DISH IS NO LONGER SUBJECT TO THE LAWS OF TERUMAH,²⁶ AND ALSO NO LONGER IMPARTS FOOD UNCLEANNESS.²⁷ THE YOUNG SPROUTS OF THE SERVICE-TREE,²⁸ OF GARDEN CRESS,²⁹ OR LEAVES OF THE WILD ARUM,³⁰ DO NOT IMPART FOOD UNCLEANNESS UNTIL THEY ARE SWEETENED.³¹ R. SIMEON SAYS: ALSO [THE LEAVES OF] THE COLOCYNTH ARE LIKE THEM.

MISHNAH 5. COSTUS,³² AMOMUM,³³ PRINCIPAL SPICES, [ROOTS OF] CROWFOOT,³⁴ ASAFOETIDA,³⁵ PEPPER AND LOZENGES MADE OF SAFFRON³⁶ MAY BE BOUGHT WITH TITHE MONEY,³⁷ BUT THEY DO NOT CONVEY FOOD UNCLEANNESS.³⁸ SO R. AKIBA. SAID R. JOHANAN B. NURI TO HIM: IF THEY MAY BE BOUGHT WITH [SECOND] TITHE MONEY, THEN WHY SHOULD THEY NOT IMPART FOOD UNCLEANNESS? AND IF THEY DO NOT IMPART FOOD UNCLEANNESS, THEN THEY SHOULD ALSO NOT BE BOUGHT WITH [SECOND] TITHE MONEY.³⁹

MISHNAH 6. UNRIPE FIGS OR GRAPES, R. AKIBA SAYS, CONVEY FOOD UNCLEANNESS; BUT R. JOHANAN B. NURI SAYS: [THIS IS ONLY] WHEN THEY HAVE REACHED THE SEAS ON WHEN THEY ARE LIABLE TO TITHES.⁴⁰ OLIVES AND GRAPES

THAT HAVE HARDENED,⁴¹ BETH SHAMMAI SAY, BECOME SUSCEPTIBLE TO UNCLEANNESS,⁴² WHEREAS BETH HILLEL SAY: THEY ARE INSUSCEPTIBLE.⁴³ BLACK CUMMIN, BETH SHAMMAI SAY, IS NOT SUSCEPTIBLE, BUT BETH HILLEL SAY: IT IS SUSCEPTIBLE.⁴⁴ [THEIR DISPUTE ALSO EXTENDS] TO [THEIR LIABILITY TO] TITHES.⁴⁵

MISHNAH 7. THE TERMINAL BUD OF A PALM⁴⁶ IS LIKE WOOD IN EVERY RESPECT,⁴⁷ SAVE THAT IT MAY BE BOUGHT FOR [SECOND] TITHE MONEY.⁴⁸ UNRIPENED DATES⁴⁹ ARE CONSIDERED FOOD,⁵⁰ BUT ARE EXEMPT FROM TITHES.⁵¹

MISHNAH 8. WHEN DO FISH BECOME SUSCEPTIBLE TO UNCLEANNESS?⁵² BETH SHAMMAI SAY: AFTER THEY HAVE BEEN CAUGHT.⁵³ BETH HILLEL SAY: ONLY AFTER THEY ARE DEAD.⁵⁴ R. AKIBA SAYS: [IT ALL DEPENDS] IF THEY CAN STILL LIVE.⁵⁵ IF A BRANCH OF A FIG TREE WAS BROKEN OFF, BUT IT WAS STILL ATTACHED BY ITS BARK,⁵⁶ R. JUDAH SAYS: [THE FRUIT THEREON] IS STILL NOT SUSCEPTIBLE TO UNCLEANNESS; BUT THE SAGES SAY: [IT ALL DEPENDS] WHETHER THEY COULD STILL LIVE.⁵⁷ GRAIN THAT HAD BEEN UPROOTED, EVEN THOUGH IT BE ATTACHED TO THE SOIL BY THE SMALLEST OF ROOTS, IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁵⁸

MISHNAH 9. THE FAT [OF THE CARCASE] OF A CLEAN BEAST IS NOT REGARDED AS UNCLEAR WITH CARRION UNCLEANNESS;⁵⁹ FOR THIS REASON IT MUST FIRST BE MADE SUSCEPTIBLE. THE FAT OF AN UNCLEAR BEAST, HOWEVER, IS REGARDED AS UNCLEAR WITH CARRION UNCLEANNESS;⁶⁰ FOR THIS REASON IT NEED NOT BE MADE AT FIRST SUSCEPTIBLE.⁶¹ AS FOR UNCLEAR FISH AND UNCLEAR LOCUSTS,⁶² INTENTION IS REQUIRED IN VILLAGES.⁶³

MISHNAH 10. A BEE-HIVE⁶⁴ SAYS R. ELIEZER, IS TREATED AS IF IT WERE IMMOVABLE PROPERTY;⁶⁵ HENCE A PROZBUL⁶⁶ MAY BE WRITTEN ON ITS SECURITY; IT IS ALSO NOT SUSCEPTIBLE TO UNCLEANNESS AS LONG AS IT REMAINS IN ITS OWN PLACE.⁶⁷ THE ONE WHO SCRAPES HONEY THEREFROM ON A SABBATH DAY BECOMES LIABLE TO A SIN-OFFERING.⁶⁸ BUT THE SAGES SAY: IT IS NOT TO BE TREATED AS IF IT WERE IMMOVABLE PROPERTY, AND HENCE NO PROZBUL MAY BE WRITTEN ON ITS SECURITY; IT IS SUSCEPTIBLE EVEN IF IT REMAINS IN ITS OWN PLACE; AND THE ONE WHO SCRAPES HONEY THEREFROM ON THE SABBATH IS EXEMPT [FROM A SIN-OFFERING].⁶⁹

MISHNAH 11. WHEN DO HONEYCOMBS BECOME SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF THEIR BEING REGARDED AS LIQUIDS?⁷⁰ BETH SHAMMAI SAY: FROM THE MOMENT HE BEGINS TO SMOKE⁷¹ THE BEES OUT; BUT BETH HILLEL SAY: FROM THE TIME AFTER [THE HONEYCOMB] HAS BEEN BROKEN.⁷²

MISHNAH 12. R. JOSHUA B. LEVI SAID: IN THE WORLD TO COME⁷³ THE HOLY ONE, BLESSED BE HE, WILL MAKE EACH RIGHTEOUS PERSON TO INHERIT THREE HUNDRED AND TEN WORLDS, FOR IT IS WRITTEN: 'THAT I MAY CAUSE THOSE THAT LOVE ME TO INHERIT YESH;⁷⁴ AND THAT I MAY FILL THEIR TREASURIES'.⁷⁵ R. SIMEON B. HALAFTA SAID: THE HOLY ONE, BLESSED BE HE, FOUND NO VESSEL THAT COULD CONTAIN BLESSING FOR ISRAEL SAVE THAT OF PEACE, AS IT IS WRITTEN: 'THE LORD WILL GIVE STRENGTH UNTO HIS PEOPLE; THE LORD WILL BLESS HIS PEOPLE WITH PEACE'.⁷⁶

(1) By coming in contact with any one of the seven liquids enumerated in Maksh. VI, 4.

(2) To be used as food so as to make them subject to rules of food uncleanness.

- (3) Since they will eventually be used for food, though not set aside for the purpose now. Even if such fruit had not been specifically plucked for human consumption, but had fallen of its own accord, it becomes unclean after having been rendered susceptible.
- (4) Only the entire limb from a living being makes objects unclean, but not the flesh. Hence both contact with liquid and intention are required. If the flesh had been cut off to throw to a dog to eat, it is deemed sufficient intention; cf. Ker. 21a.
- (5) For though dead, no major defilement attaches to it; Toh. I, 3. Accordingly it requires to be rendered susceptible both in town and village.
- (6) Where it is not usual for fat to be eaten, hence intention is required. In towns, however, where among the large throngs there are sure to be those who also eat fat, no specific intention is required; but in both places it needs to be rendered susceptible. (V. discussion in L.).
- (7) Growing of their own accord without having been sown; hence not specified for human food.
- (8) Heb. shemarka'im, 'a species of very acrid onions' (Maim.).
- (9) Though these two plants likewise grow wild, yet on account of their being occasionally served as human food, require contact with liquids, but no specific intention.
- (10) As also not requiring intention.
- (11) A low succulent herb used in salads.
- (12) A genus of lilaceous plants.
- (13) A composite kitchen garden plant allied to the artichoke; a species of edible thistles.
- (14) Heb. balosin. Jast. emends to bulbus, and renders 'a bulbous root, a delicious kind of onion'.
- (15) I.e., all enumerated things apart from those excepted by the three Rabbis, whose contention was that since they are sometimes eaten, no specific intention is required.
- (16) This intention must precede the contact with the liquid (v. L.).
- (17) For they are not usually eaten, even in towns.
- (18) To convey food uncleanness even where it is less than an olive's bulk, provided it was combined with some foodstuff of less than an egg's bulk, v. Ker. 21a.
- (19) Being already unclean per se; v. infra 9, n. 7. For the purpose of elucidation, this Rabbinic ruling must be cited: carrion, whether of wild animals, clean or unclean cattle, imparts uncleanness by contact and carrying. The carrion of a clean bird has but the one uncleanness — that when there is an olive's bulk thereof in the eater's gullet (v. Toh. I, 1). The carrion of an unclean bird, of fish, clean and unclean, and of locusts, have no uncleanness at all.
- (20) Bing regarded as food.
- (21) Sc. carrion fat of an unclean beast which defiles as the flesh does; v. however Rashi, Ker. 21a.
- (22) Since there are bound to be some people who occasionally eat such food.
- (23) Since it will later be the cause of major defilement (gullet uncleanness), contact with liquids is non-essential.
- (24) As not requiring intention in the towns, since there are bound to be some therein who eat even these things. Specific intention is only required in such cases where the food is not used for human consumption whatsoever. R. Simeon differs from the Tanna of our Mishnah who generalized that: 'the carrion of unclean beasts anywhere requires attention'.
- (25) Of terumah. An umbelliferous annual yellow-flowered herb; cf. Shab. 126b; M. K. 3a.
- (26) And, accordingly, a non-priest eating thereof is not deemed culpable.
- (27) For once it had been cooked all its taste departs and it becomes uneatable.
- (28) The interior of which is eaten as a relish, after they have been pickled.
- (29) Aliter: 'candy-tuft', a plant with white, pink or purple flowers in flat tufts.
- (30) A plant similar to colocasia, with edible leaves and not bearing beans; usually classified with onions and garlic.
- (31) And then they become edible.
- (32) The name of a fragrant root or shrub, forming one of the ingredients of frankincense.
- (33) An Indian spice; cf. Gen. R. XLV, where amomum is prescribed as a medicine for sterility.
- (34) Used as a spice, but considered poisonous for beasts.
- (35) An umbelliferous plant used as a resin, or in leaves for a spice and for medicinal purposes.
- (36) Or 'safflower', a thistlelike plant yielding red dye, used especially for rouge.
- (37) Refers to the second tithe, which the owner had to take to Jerusalem there to consume; or else he must redeem it by putting aside coins equivalent to their value plus one-fifth, after which that produce becomes free for ordinary use. The coins themselves assume the sanctity of the tithe and must also be taken to Jerusalem to buy therewith food or peace-offerings, and there to be consumed in cleanness.

- (38) Since they are not used for food but only for flavouring.
- (39) His argument being that since Deut. XIV, 26 stresses: 'And thou shalt bestow thy money . . . and thou shalt eat', the obvious implication is that only such things that can be eaten in their natural condition may be bought for the money.
- (40) Each fruit has a different season for tithing purposes; Ma'as. I, 1ff.
- (41) Prior to their ripening.
- (42) Still being regarded as food on account of the oil therein.
- (43) Not considered as food, since none will take the trouble of extracting the oil therefrom.
- (44) Cf. Ber. 40a.
- (45) According to Beth Shammai it will not be liable to tithes, since it is not susceptible to uncleanness, not being regarded as food.
- (46) Kor is the marrow or white heart of a palm or cabbage-tree. During the summer months it is soft and edible, but during the winter it hardens exceedingly.
- (47) V. 'Er. 28b; hence it is not susceptible to food uncleanness.
- (48) Being considered as food that had received its growth directly from the soil.
- (49) Kofniyoth is the inflorescence of palms, a date-berry in its early stages; cf. M. Sh. I, 14 where they are considered fruit in every respect.
- (50) For the purpose of imparting uncleanness.
- (51) Because the fruit has not yet ripened.
- (52) For as long as they are still alive they are not susceptible to, and cannot impart, uncleanness.
- (53) When they are already counted as dead, though still struggling in their nets. As fish do not require ritual slaughter, their death is only a matter of course.
- (54) Since nobody eats live fish, they can only be considered susceptible after they are dead.
- (55) I.e., if they can still survive after they have been taken out of the net and cast back into the sea, then they are not susceptible.
- (56) Thus the figs on the branch are still connected with the tree and regarded as rooted to the soil; cf. Hul. 126b. The same applies to other fruits, but the bark of the fig is mentioned on account of its thickness, and even when the bough is broken it still remains attached to the tree.
- (57) I.e., whether the fruit would grow again if fastened to the tree.
- (58) Maintaining that this is sufficient to make the grain sprout afresh.
- (59) This Mishnah is an explanation of supra III, 3. The guiding principle is that if eventually it will become a source of major defilement (so as to convey uncleanness to men and vessels), no preliminary contact with one of the seven liquids is required.
- (60) Provided, of course, it has the required egg's bulk. The Bible declared clean only the fat of the clean beast that afterwards became carrion (v. Lev. VII, 25), but the fat of an unclean beast defiles together with the flesh thereof.
- (61) Before it imparts food uncleanness; but there must be intention since it is not usually eaten; v. Mishnah 3, n. 11.
- (62) That are dead.
- (63) But not in the towns. Contact with liquids they must have everywhere, seeing that they do not carry with them any major defilement.
- (64) Cf. Shebi, X, 7.
- (65) And can, therefore, be acquired with the three legal procedures of money, document and usucaption.
- (66) Cf. Shebi. X, 6; Git. 37a; v. Glos.
- (67) Being then treated as if it were actually attached to the soil.
- (68) As in the case of plucking anything rooted to the soil on the Sabbath.
- (69) Thus regarding the bee-hive in every respect as something entirely detached from the soil. The reference is to a hive which is just lying on the ground, uncemented to the soil with lime.
- (70) For as long as the honey is in the hive it is regarded as food (v. previous Mishnah), and subject to the regulations of food uncleanness. As a liquid, however, it contracts first grade uncleanness if touched by anything unclean, v. Par. VIII, 7.
- (71) He sets twigs on fire to drive out bees from the hive. Maim.: 'He heats the honeycomb in order to make its honey sweeter'. Aliter: 'When he stirs up strife with the bees to drive them out'. Aliter: 'When he contemplates scraping out the honey'.
- (72) When he is about to scrape the honey out of the hive, he cuts it with a knife and extracts therefrom the honeycomb.

This act is described as a breaking of the honeycomb.

(73) Since this Mishnah sets the seal on the entire Talmud, it was thought appropriate to indicate the heavenly blessing to be meted out in the world to come as a reward of its long and arduous study. In some editions this last Mishnah is omitted.

(74) ש"י , (E. V. 'substance') numerically equivalent to 310. This is a recognized Rabbinic exegetic device called Gematria; cf. Aboth III, 19. The pleasure awaiting him who has made the study of the Torah his 'chief delight' and his meditation day and night' will be 310 times greater than any kind of earthly pleasure.

(75) Prov. VIII, 21. The entire chapter is devoted to the importance of a study of the Torah.

(76) Ps. XXIX, 11.

Mishna - Mas. Yadayim Chapter 1

MISHNAH 1. [A MINIMUM OF] A QUARTER [OF A LOG]¹ OF WATER MUST BE POURED² OVER THE HANDS³ [TO BE SUFFICIENT] FOR ONE [PERSON] AND IS EVEN [SUFFICIENT] FOR TWO;⁴ A MINIMUM OF HALF⁵ A LOG MUST BE POURED OVER THE HANDS [TO BE SUFFICIENT] FOR THREE OR FOUR PERSONS;⁶ ONE LOG OR MORE [IS SUFFICIENT] FOR FIVE, TEN, OR ONE HUNDRED PERSONS.⁷ R. JOSE SAYS: BUT PROVIDED ONLY THERE IS NOT LESS THAN A QUARTER OF A LOG LEFT FOR THE LAST PERSON AMONG THEM. MORE [WATER] MAY BE ADDED TO THE SECOND WATER,⁸ BUT MORE MAY NOT BE ADDED TO THE FIRST WATER.⁹

MISHNAH 2. WATER MAY BE POURED OVER THE HANDS OUT OF ANY KIND OF VESSEL, EVEN OUT OF VESSELS MADE OF ANIMAL ORDURE,¹⁰ OUT OF VESSELS MADE OF STONE¹⁰ OR OUT OF VESSELS MADE OF CLAY.¹⁰ WATER MAY NOT BE POURED FROM THE SIDES OF [BROKEN] VESSELS¹¹ OR FROM THE BOTTOM OF A LADLE¹¹ OR FROM THE BUNG OF A BARREL.¹² NOR MAY ANYONE POUR [WATER] OVER THE HANDS OF HIS FELLOW OUT OF HIS CUPPED HANDS BECAUSE ONE MAY NOT DRAW, NOR SANCTIFY,¹³ NOR SPRINKLE¹⁴ THE WATER OF PURIFICATION,¹⁵ NOR POUR WATER OVER THE HANDS EXCEPT IN A VESSEL. AND ONLY VESSELS CLOSELY COVERED WITH A LID PROTECT [THEIR CONTENTS FROM UNCLEANNES]¹⁶ AND¹⁷ ONLY VESSELS PROTECT [THEIR CONTENTS FROM UNCLEANNES] FROM EARTHENWARE VESSELS.¹⁸

MISHNAH 3. IF WATER HAS BECOME SO UNFIT¹⁹ THAT IT CANNOT BE DRUNK BY CATTLE, IF IT WAS IN A VESSEL IT IS INVALID,²⁰ BUT IF IT WAS IN THE GROUND²¹ IT IS VALID. IF THERE FELL INTO IT INK, RESIN,²² OR VITRIOL²³ AND ITS COLOUR CHANGED, IT IS INVALID.²⁴ IF A PERSON DID ANY WORK WITH IT²⁵ OR SOAKED HIS BREAD THEREIN, IT IS INVALID.²⁴ SIMEON OF TEMAN SAYS: EVEN IF HE INTENDED TO SOAK HIS BREAD IN ONE WATER AND IT FELL IN ANOTHER WATER [DO YOU STILL CONSIDER THE OTHER WATER TO BE INVALID? IN SUCH A CASE I CONSIDER THAT THE OTHER WATER] IS VALID.²⁶

MISHNAH 4. IF HE CLEANSED VESSELS THEREIN OR SCRUBBED²⁷ MEASURES THEREIN, [THE WATER] IS INVALID; IF HE RINSED THEREIN VESSELS WHICH HAD ALREADY BEEN RINSED OR NEW VESSELS, IT IS VALID. R. JOSE DECLARES IT TO BE INVALID IF THEY WERE NEW VESSELS.²⁸

MISHNAH 5. WATER IN WHICH THE BAKER DIPS GELUSK²⁰ N²⁹ IS INVALID;³⁰ BUT IF HE [MERELY] MOISTENED HIS HANDS THEREIN³¹ IT IS VALID. ALL ARE FIT TO POUR WATER OVER THE HANDS, EVEN A DEAF-MUTE, AN IMBECILE, OR A MINOR. A PERSON MAY PLACE THE BARREL BETWEEN HIS KNEES AND POUR OUT THE WATER³² OR HE MAY TURN THE BARREL ON ITS SIDE AND POUR IT OUT.³³ AN APE³⁴ MAY POUR WATER OVER THE HANDS. R. JOSE DECLARES THESE [LATTER] TWO CASES INVALID.³⁵

(1) A log is a liquid measure equal in quantity to the liquid contents of six eggs. Cf. B.B. 90a.

(2) Lit., 'they put (water) upon the hands'.

(3) I.e., in order to cleanse them.

(4) Even though there may not be as much as a quarter of a log of water remaining to be poured over the hands of the second person, it is nevertheless valid, as it originally formed part of the requisite quantity necessary to produce a condition of cleanness. Cf. Hul. 107a.

(5) Var. lec.: 'a half log or more'.

- (6) According to calculation, the minimum for three should be 3/8, nevertheless half a log was required for fear that each person in concern for those that follow him would economize in the use of water and not wash his hands properly (Bert.).
- (7) Not to be taken literally but meaning that a minimum of a log of water will suffice for any number as long as there is enough water remaining to be poured over the hands of the last person in the manner prescribed. Cf. Asheri ad loc. Maim. is of the opinion that this Mishnah refers to the water poured over the hands the second time and that a minimum of a quarter of a log must be poured over the hands of each person the first time. Cf. next note and infra II, 1.
- (8) Water must be poured over the hands twice to ensure that they become absolutely clean. Maim. explains that after water has been poured over the hands the first time the water becomes unclean through the hands, hence a second cleansing is necessary. The first pouring is designated the first water, the second, the second water.
- (9) The water must cover the hands as far as the wrist both times, hence if at the first pouring out the amount of water is insufficient to cover the hands as far as the wrist, they still remain unclean, and therefore the water may not be added to, but a fresh quantity of water must be used after first drying the hands.
- (10) Though vessels made of these materials are not susceptible to uncleanness (cf. Par. V, 5), they are nevertheless considered 'vessels' for the purpose of washing the hands.
- (11) Because they are not whole vessels but broken parts of a vessel.
- (12) A bung cannot itself be used as a vessel. But if it were shaped into a vessel it could be used to pour water over the hands. Cf. Tosef. ad loc. and Hul. 107a.
- (13) By mixing the ashes of the Red Heifer with the water.
- (14) By dipping hyssop into the water containing the ashes and sprinkling it over the unclean object. Cf. Num. XIX, 18.
- (15) The reference here is to the Red Heifer the ashes of which were mixed with running water in a vessel and sprinkled over the person or vessel which had become unclean through contact with a dead body or through being present in the tent where the dead body lay; cf. Num. XIX, 17.
- (16) In the tent where the dead body lay. Every open vessel which hath no covering close-bound upon it is unclean (Num. XIX, 15). Thus only whole vessels and not broken parts of a vessel protect their contents from contracting uncleanness in the Tent, when closely covered with a lid.
- (17) **שאיין** equivalent to **ואיין**. Cf. parallel passage in Par. V, 5.
- (18) For notes v. Par. (Sonc. ed.) V, 5.
- (19) I.e., unfit by reason of stench and putridity; cf. Zeb. 22a.
- (20) I.e., invalid to be used for pouring over the hands.
- (21) The water in the ground forms a ritual bath and is valid for the purpose of immersing the hands therein; cf. Tosef. ad loc. and Hul. 106a.
- (22) **קומום**, gum, resin, especially ink prepared with gum.
- (23) **קלקנתום** sometimes **קנקנתום**, vitriol, used as an ingredient of shoe-black and of ink.
- (24) Since the water is no longer in its natural state.
- (25) E.g., if he cooled wine in it (Asheri).
- (26) So Bert. Aliter: If he intended to soak his bread in one water and it fell in another it is invalid. Aliter: 'Even if he intended to soak his bread in one water and it fell in another it is valid', and needless to say, where there was no intention at all to soak the bread.
- (27) To remove the traces of anything which had adhered to the measure.
- (28) Because although they are clean it is customary to rinse them first before using them.
- (29) Round bread of fine meal. The reference here is to the dough before it is baked.
- (30) As he had done work with it. Cf. supra I, 3.
- (31) And then moistened the bread with his wet hands, it is valid because no work has been done with the actual water in the vessel.
- (32) The water must be poured out through human action, **כה גברא** (cf. Hul. 107a). By placing the barrel between his knees this requirement is considered fulfilled.
- (33) Once he has turned the barrel on to its side and the water is flowing he may even leave it and it is still considered valid as satisfying the above requirement.
- (34) This Tanna considers **כה גברא** to mean that the water must be poured out through someone's effort but not necessarily through human action.
- (35) R. Jose is of the opinion that 'human action' is essential and therefore an ape may not pour out the water.

Furthermore he considers that no human action comes into force on the actual washing of the hands if he merely turns the barrel on its side.

Mishna - Mas. Yadayim Chapter 2

MISHNAH 1. IF A PERSON POURS¹ WATER OVER ONE OF HIS HANDS WITH A SINGLE RINSING HIS HAND BECOMES CLEAN.² IF OVER BOTH HIS HANDS WITH A SINGLE RINSING, R. MEIR DECLARES THEM TO BE UNCLEAR UNTIL HE POURS A MINIMUM OF A QUARTER OF A LOG OF WATER OVER THEM.³ IF A LOAF OF TERUMAH⁴ FELL ON THE WATER THE LOAF IS CLEAN.⁵ R. JOSE DECLARES IT TO BE UNCLEAR.⁶

MISHNAH 2. IF HE POURED THE FIRST WATER⁷ OVER HIS HANDS [WHILST STANDING] IN ONE PLACE, AND THE SECOND WATER OVER HIS HANDS [WHILST STANDING] IN ANOTHER PLACE, AND A LOAF OF TERUMAH FELL ON THE FIRST WATER,⁸ THE LOAF BECOMES UNCLEAR. BUT IF IT FELL ON THE SECOND WATER IT REMAINS CLEAR.⁹ IF HE POURED THE FIRST AND THE SECOND WATER [WHILST STANDING] IN ONE PLACE, AND A LOAF OF TERUMAH FELL THEREON, THE LOAF BECOMES UNCLEAR.¹⁰ IF HE POURED THE FIRST WATER OVER HIS HANDS AND A SPLINTER OR A PIECE OF GRAVEL IS FOUND ON HIS HANDS, THEY REMAIN UNCLEAR,¹¹ BECAUSE THE LATTER WATER ONLY MAKES THE FIRST WATER ON THE HANDS CLEAR. R. SIMEON B. GAMALIEL. SAYS: IF ANY WATER-CREATURE [FALLS ON THE HANDS WHILST THEY ARE BEING CLEANED] THEY NEVERTHELESS BECOME CLEAR.¹²

MISHNAH 3. HANDS BECOME UNCLEAR AND ARE MADE CLEAR AS FAR AS THE WRIST. HOW SO? IF HE POURED THE FIRST WATER OVER THE HANDS AS FAR AS THE WRIST AND POURED THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THE LATTER FLOWED BACK TO THE HANDS, THE HANDS NEVERTHELESS BECOME CLEAR.¹³ IF HE POURED THE FIRST AND THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THEY FLOWED BACK TO THE HANDS, THE HANDS REMAIN UNCLEAR.¹⁴ IF HE POURED THE FIRST WATER OVER ONE OF HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER BOTH HIS HANDS, THEY REMAIN UNCLEAR.¹⁵ IF HE POURED THE FIRST WATER OVER BOTH HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER ONE OF HIS HANDS, HIS ONE HAND BECOMES CLEAR. IF HE POURED WATER OVER ONE OF HIS HANDS AND RUBBED IT ON THE OTHER HAND IT REMAINS UNCLEAR.¹⁶ IF HE RUBBED IT ON HIS HEAD OR ON THE WALL¹⁷ IT BECOMES CLEAR. WATER MAY BE POURED OVER THE HANDS OF FOUR OR FIVE PERSONS, EACH HAND BEING BY THE SIDE OF THE OTHER, OR BEING ONE ABOVE THE OTHER, PROVIDED THAT THE HANDS ARE HELD LOOSELY SO THAT THE WATER FLOWS BETWEEN THEM.

MISHNAH 4. IF THERE WAS A DOUBT WHETHER ANY WORK HAS BEEN DONE WITH THE WATER OR NOT,¹⁸ OR WHETHER THE WATER CONTAINS THE REQUISITE QUANTITY OR NOT, OR WHETHER IT IS UNCLEAR¹⁹ OR CLEAR, THEN WHERE THERE IS SUCH A DOUBT THE WATER IS CONSIDERED TO BE CLEAR. BECAUSE THEY²⁰ HAVE SAID IN A CASE OF DOUBT CONCERNING HANDS AS TO WHETHER THEY HAVE BECOME UNCLEAR OR HAVE CONVEYED UNCLEANNESS OR HAVE BECOME CLEAR, THEY ARE CONSIDERED TO BE CLEAR. R. JOSE SAYS: IN A CASE [OF DOUBT AS TO] WHETHER THEY HAVE BECOME CLEAR THEY ARE CONSIDERED TO BE UNCLEAR. HOW SO? IF HIS HANDS WERE CLEAR AND THERE WERE TWO UNCLEAR LOAVES BEFORE HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT;²¹ OR IF HIS HANDS WERE UNCLEAR AND THERE WERE TWO CLEAR LOAVES²² BEFORE

HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO CLEAN LOAVES²² BEFORE HIM AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED IT WITH THE UNCLEAN HAND OR WITH THE CLEAN HAND; OR IF HIS HANDS WERE CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED THE UNCLEAN ONE OR THE CLEAN ONE; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN, AND HE TOUCHED BOTH OF THEM, AND THERE IS A DOUBT WHETHER THE UNCLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE CLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE UNCLEAN HAND TOUCHED THE CLEAN LOAF, THE HANDS REMAIN IN THE SAME STATE AS THEY WERE BEFORE AND THE LOAVES REMAIN IN THE SAME STATE AS THEY WERE BEFORE.

(1) נטל an elliptical expression for נטל מים על ידי cf. Levy op. cit. According to Strack, Einleitung in Talmud und Midrash, elliptic for נטילת כלי לטבול על הידים i.e., lifting the vessel in order to pour water over the hands. Some derive it from נטלא, the name for the vessel used for pouring out the water. Cf. Frankel, Aramaische Fremdwörter in Arabischen, p. 65. The root נטל however, occurs in Biblical Hebrew. Cf. B.D.B. p. 642, with the meaning, to lift; and cf. note to supra I, I נוטלין לידיים .

(2) Even if there be less than a quarter of a log of water in the vessel. This is the case when he is not the first person to wash his hands from the water but washes them from the 'residue of the requisite quantity' necessary. Cf. supra I, 1. The one hand nevertheless becomes clean with a single rinsing and a second pouring out is unnecessary. But if he pours out the water over both his hands with a single rinsing, even though the water be the residue of the requisite quantity it is not sufficient and he must pour the water over his hands a second time as far as the wrist.

(3) R. Meir is of the opinion that a second pouring of water over the hands is only necessary if there was less than a quarter of a log of water poured out on the first occasion. Cf. Asheri ad loc.

(4) V. Glos.

(5) I.e., if he has poured out a quarter of a log over his hands the first time and the loaf of terumah fell in the water as it lay on the ground, or if he touched it whilst his hands were still wet, or before he poured the second water over his hands, the loaf is nevertheless clean since his hands have been cleansed by the first water which was a quarter of a log in quantity.

(6) Since the water itself is unclean.

(7) Being less than a quarter of a log in quantity. This is the case when the water is the residue of the 'requisite quantity'. v. supra I, 2. If it were more than a quarter of a log in quantity, the loaf of terumah would remain clean if it touched the first water. Cf supra II, 1.

(8) I.e., it fell on the spot where the first water had fallen.

(9) Because the second water is clean.

(10) Because the second water only makes the first water on the hands clean but not the water on the ground. V. infra.

(11) They are unclean even if he pours the second water over them, because the water on the splinter or on the piece of gravel becomes unclean by being in contact with the hands, and the second water only makes the first water clean and not the water on the splinter or on the piece of gravel, which consequently makes his hands unclean. Maim: The splinter or gravel forms an interposition and consequently the second water does not cleanse his hands.

(12) Water-creatures such as, for example, water-gnats are treated as water.

(13) All the regulations relating to the uncleanness of hands apply up to the wrist. Consequently in this case the second water makes the first water on the hands clean as far as the wrist only, and as the first water did not flow beyond the wrist the part of the second water beyond the wrist does not come into contact with it, nor does it become unclean by coming into contact with that part of the hand beyond the wrist, and therefore the hands become clean.

(14) Beyond the wrist the second water cannot cleanse the first water, and since the second water comes there into contact with the first water, the hands remain unclean; cf. Sot. 4b.

(15) I.e., if he poured the first water over each hand separately and then poured the second water over both hands held

together. The first water on each hand becomes unclean on coming into contact with the unclean water on the other hand, and so conveys uncleanness to each hand. The second water therefore does not cleanse them since each hand is still unclean. Maim. ad loc. explains that he poured the first water on one hand only and poured the second water over both hands held together. The second water becomes unclean on being poured over the other unclean hand, and therefore does not cleanse the hands.

(16) Since the other hand is unclean and therefore conveys uncleanness to the water on the hand when he touches it.

(17) In order to dry the hands.

(18) Cf. supra 1, 3.

(19) I.e., unclean for the purpose of pouring the water over the hands.

(20) I.e., the Sages; cf. Toh. IV. 7.

(21) Unclean food conveys uncleanness to the hands. Cf. infra III, 2.

(22) I.e., loaves of terumah which are rendered unfit if touched by the hands. Cf. infra III, 1.

Mishna - Mas. Yadayim Chapter 3

MISHNAH 1. IF A PERSON PUTS HIS HANDS INSIDE A HOUSE SMITTEN WITH LEPROSY,¹ HIS HANDS BECOME UNCLEAR IN THE FIRST DEGREE.² [THESE ARE] THE WORDS OF R. AKIBA. BUT THE SAGES SAY: HIS HANDS BECOME UNCLEAR IN THE SECOND DEGREE. WHOEVER CONVEYS UNCLEANNESS TO THE GARMENTS AT THE TIME WHEN HE TOUCHES [THE UNCLEANNESS]³ CONVEYS A FIRST DEGREE OF UNCLEANNESS TO THE HANDS.⁴ [THESE] ARE THE WORDS OF R. AKIBA. BUT THE SAGES SAY: IN SUCH A CASE HE CONVEYS A SECOND DEGREE OF UNCLEANNESS. THEY SAID TO R. AKIBA: WHERE DO WE FIND ANYWHERE THAT THE HANDS BECOME UNCLEAR IN THE FIRST DEGREE? HE SAID TO THEM: BUT HOW IS IT POSSIBLE FOR THEM TO BECOME UNCLEAR IN THE FIRST DEGREE WITHOUT HIS WHOLE BODY BECOMING UNCLEAR,⁵ SAVE ONLY IN THESE CASES?⁶ FOODSTUFFS AND VESSELS WHICH HAVE BEEN RENDERED UNCLEAR BY LIQUIDS CONVEY A SECOND DEGREE OF UNCLEANNESS TO THE HANDS. [THESE ARE] THE WORDS OF R. JOSHUA. BUT THE SAGES SAY: THAT WHICH HAS BEEN RENDERED UNCLEAR BY A FATHER OF UNCLEANNESS CONVEYS UNCLEANNESS TO THE HANDS, BUT THAT WHICH HAS BEEN RENDERED UNCLEAR BY AN OFFSPRING OF UNCLEANNESS⁷ DOES NOT CONVEY UNCLEANNESS TO THE HANDS. R. SIMEON B. GAMALIEL SAID: A PRACTICAL INSTANCE OCCURRED WHEN A CERTAIN WOMAN CAME BEFORE MY FATHER AND SAID TO HIM, MY HANDS PROTRUDED INTO THE AIR-SPACE INSIDE AN EARTHENWARE VESSEL.⁸ HE SAID TO HER: MY DAUGHTER, WHAT WAS THE CAUSE OF ITS UNCLEANNESS?⁹ BUT I DID NOT HEAR WHAT SHE SAID TO HIM. THE SAGES SAID: THE MATTER IS CLEAR. THAT WHICH HAS BEEN RENDERED UNCLEAR BY A 'FATHER OF UNCLEANNESS' CONVEYS UNCLEANNESS TO THE HANDS, BUT IF BY AN OFFSPRING OF UNCLEANNESS' IT DOES NOT CONVEY UNCLEANNESS TO THE HANDS.

MISHNAH 2. EVERYTHING WHICH RENDERS TERUMAH UNFIT¹⁰ CONVEYS A SECOND DEGREE OF UNCLEANNESS TO THE HANDS.¹¹ ONE [UNWASHED] HAND CAN CONVEY UNCLEANNESS TO THE OTHER HAND. [THESE¹¹ ARE] THE WORDS OF R. JOSHUA.¹¹ BUT THE SAGES SAY: THAT WHICH IS IN THE SECOND DEGREE OF UNCLEANNESS CANNOT CONVEY A SECOND DEGREE OF UNCLEANNESS. HE SAID TO THEM: BUT DO NOT THE HOLY SCRIPTURES WHICH ARE IN THE SECOND DEGREE OF UNCLEANNESS¹² RENDER UNCLEAR THE HANDS?¹³ THEY SAID TO HIM: THE LAWS OF THE TORAH MAY NOT BE ARGUED FROM THE LAWS OF THE SCRIBES, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM THE LAWS OF THE TORAH, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM [OTHER] LAWS OF THE SCRIBES.¹⁴

MISHNAH 3. THE STRAPS OF THE TEFILLIN¹⁵ [WHEN CONNECTED] WITH THE TEFILLIN RENDER UNCLEAR THE HANDS.¹⁶ R. SIMEON SAYS: THE STRAPS OF THE TEFILLIN DO NOT RENDER UNCLEAR THE HANDS.

MISHNAH 4. THE MARGIN ON A SCROLL¹⁷ WHICH IS ABOVE¹⁸ OR BELOW OR AT THE BEGINNING¹⁹ OR AT THE END RENDERS UNCLEAR THE HANDS. R. JUDAH SAYS: THE MARGIN AT THE END DOES NOT RENDER UNCLEAR [THE HANDS] UNTIL A HANDLE IS FASTENED TO IT.²⁰

MISHNAH 5. A SCROLL²¹ ON WHICH THE WRITING HAS BECOME ERASED AND EIGHTY-FIVE LETTERS REMAIN THEREON, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', ETC.²² RENDERS UNCLEAR THE HANDS. A SINGLE SHEET²³ ON WHICH THERE ARE WRITTEN EIGHTY-FIVE LETTERS, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', RENDERS UNCLEAR THE HANDS. ALL THE HOLY WRITINGS²⁴ RENDER UNCLEAR THE HANDS. THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAR THE HANDS.²⁵ R. JUDAH SAYS: THE SONG OF SONGS RENDERS UNCLEAR THE HANDS, BUT THERE IS A DISPUTE ABOUT ECCLESIASTES.²⁶ R. JOSE SAYS: ECCLESIASTES DOES NOT RENDER UNCLEAR THE HANDS, BUT THERE IS A DISPUTE ABOUT THE SONG OF SONGS. R. SIMEON SAYS: [THE RULING ABOUT] ECCLESIASTES IS ONE OF THE LENIENCIES OF BETH SHAMMAI AND ONE OF THE STRINGENCIES OF BETH HILLEL.²⁶ R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO²⁷ ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE ACADEMY²⁸ THAT THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAR THE HANDS. R. AKIBA SAID: FAR BE IT! NO MAN IN ISRAEL DISPUTED ABOUT THE SONG OF SONGS [BY SAYING] THAT IT DOES NOT RENDER UNCLEAR THE HANDS. FOR THE WHOLE WORLD IS NOT AS WORTHY AS THE DAY ON WHICH THE SONG OF SONGS WAS GIVEN TO ISRAEL; FOR ALL THE WRITINGS ARE HOLY BUT THE SONG OF SONGS IS THE HOLY OF HOLIES. SO THAT IF THEY HAD A DISPUTE, THEY HAD A DISPUTE ONLY ABOUT ECCLESIASTES. A. JOHANAN B. JOSHUA THE SON OF THE FATHER-IN-LAW OF R. AKIBA SAID: IN ACCORDANCE WITH THE WORDS OF BEN AZZAI SO THEY DISPUTED,²⁹ AND SO THEY REACHED A DECISION.³⁰

(1) V. Neg. XII-XIII.

(2) The house smitten with leprosy is a 'father of uncleanness' and therefore according to R. Akiba conveys uncleanness of the first degree to the hands.

(3) I.e., where one touches any of the uncleannesses specified in Zab. V. 7: e.g., the spittle of a zab.

(4) Although he who had come into contact with such uncleanness does not convey further uncleannesses to a man.

(5) For to suffer firstgrade uncleanness one must have contracted it from a 'father of uncleanness'; but if the hands had come into contact with such a grade of uncleanness the whole body becomes unclean.

(6) Which are exceptions.

(7) Liquids are 'offsprings of uncleanness'.

(8) Which had been rendered unclean.

(9) Was it rendered unclean by a 'father of uncleanness' or by an 'offspring of uncleanness', such as a liquid?

(10) Terumah is rendered unfit by anything which is in the second degree of uncleanness. Cf. Zab. V, 12 and supra III, 1, n. 2. They are enumerated in the eighteen decrees of Beth Shammai. Cf. Shab. 14a.

(11) Both statements are by R. Joshua.

(12) Among the eighteen decrees enacted by Beth Shammai was that the Holy Scriptures rendered terumah unfit on coming into contact with it; the reason being that the priests stored the terumah side by side with the Scrolls of the Holy Scriptures with the result that the mice which gnawed the terumah nibbled also at the Scrolls. The object of this decree was to prevent this desecration. Cf. Shab. 14a and Rashi loc. cit. Holy Scriptures were thus declared to be in the second

degree of uncleanness so as to render terumah unfit.

(13) In order to ensure that the Holy Scriptures would not be touched by the bare hands, it was further enacted that hands which touched a Scroll of the Scriptures became unclean in the second degree and therefore rendered terumah unfit. Cf. Shab. 14a and Tosaf. s. v. **האזנה**.

(14) The Scribes, i.e., Solomon, enacted that hands must be cleansed since they convey uncleanness, v. Introduction. The Scribes, i.e. the Rabbis, enacted that the Holy Scriptures convey uncleanness. Hence one cannot deduce that just as in the case of the Holy Scriptures a second degree of uncleanness conveys a second degree of uncleanness, so in the case of other defilements, a second degree of uncleanness conveys a second degree.

(15) V. Glos.

(16) The tefillin contain four sections of the Pentateuch. The Sages thus extend the principle that hands which have touched the Holy Scriptures render terumah unfit.

(17) I.e., a scroll of a Book of the Holy Scriptures.

(18) I.e., above the writing on the scroll. The width of the margin above must be three fingerbreadths and the width of that below must be one span. Cf. Men. 30a.

(19) At the beginning of the scroll there must be a margin sufficient in width for winding round the cylinder, and at the end there must be a margin sufficient for winding round the whole circumference of the scroll when it is rolled up; cf. B. B. 13a.

(20) R. Judah is of the opinion that until a handle is fastened to the scroll the margin at the end has no holiness attached to it, as it can be cut away if desired.

(21) Sc. of the Pentateuch.

(22) Num. X, 35-36. These two verses were considered to constitute a separate Book, of Shab. 116a.

(23) One of the sheets of a Pentateuch scroll. Lit., 'a scroll'.

(24) I.e., not only the Books of the Pentateuch but also the Prophetical Books and the Hagiographa.

(25) Since they are part of the Holy Scriptures.

(26) The earliest discussion as to whether Ecclesiastes should be regarded as a sacred book took place between Beth Shammai and Beth Hillel. According to the former, Ecclesiastes did not convey uncleanness to the hands, i.e., was not to be regarded as a sacred work and therefore not to be included in the Canon, but according to Beth Hillel it did convey uncleanness to the hands and therefore was to be included in the Canon; cf. 'Ed. V, 3. The basis of Beth Shammai's contention was evidently that recorded in Shab. 30b where it is stated that the Sages did not intend to include Ecclesiastes in the Canon of the Bible, because its statements seemed to contradict one another. They finally decided to include it because It begins and ends with words which indicate its sacred character. A further reason which supports the view of Beth Shammai is given by R. Simeon b. Menasyah who expressed the view that the Song of Songs conveyed uncleanness to the hands because it was inspired by the Holy Spirit, whereas Ecclesiastes was inspired solely by the Wisdom of Solomon himself. Cf. Tosef. ad loc. and Meg. 7a.

(27) The Greater Sanhedrin consisted of seventy-one members; of. Sanh. I, 6. Various suggestions have been made to account for the additional one member referred to in this Mishnah. According to Tosaf. Sanh. 16b s. v. **היה** there was an additional member of the Sanhedrin known as the Mufla, i.e., the distinguished member of the Sanhedrin who was first in authority. Lauterbach suggests that the number seventy-two included both Rabban Gamaliel and K. Eleazar b. 'Azariah. Cf. J. E. s. v. Sanhedrin and Ber. 28a.

(28) V. Ber. 27b.

(29) About both the Song of Songs and Ecclesiastes.

(30) That both render unclean the hands.

Mishna - Mas. Yadayim Chapter 4

MISHNAH 1. ON THAT DAY¹ THE VOTES WERE COUNTED AND THEY DECIDED THAT A FOOTBATH HOLDING FROM TWO LOGS TO NINE KABS² WHICH WAS CRACKED COULD CONTRACT MIDRAS³ UNCLEANNESS. BECAUSE R. AKIBA SAID A FOOTBATH [MUST BE CONSIDERED] ACCORDING TO ITS DESIGNATION.⁴

MISHNAH 2. ON THAT DAY THEY SAID: ALL ANIMAL SACRIFICES⁵ WHICH HAVE BEEN SACRIFICED UNDER THE NAME OF SOME OTHER OFFERING⁶ ARE

[NEVERTHELESS] VALID,⁷ BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS,⁸ WITH THE EXCEPTION OF THE PASCHAL-OFFERING⁹ AND THE SIN-OFFERING.⁹ [THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME¹⁰ AND TO THE SIN-OFFERING AT ANY TIME. R. ELIEZER SAYS: [WITH THE EXCEPTION] ALSO OF THE GUILT-OFFERING.¹¹ [SO THAT THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME AND TO THE SIN- AND GUILT-OFFERINGS AT ANY TIME. R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE COLLEGE THAT ALL ANIMAL SACRIFICES WHICH ARE EATEN AND WHICH HAVE NOT BEEN SACRIFICED UNDER THEIR OWN NAME ARE NEVERTHELESS VALID, BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS, WITH THE EXCEPTION OF THE PASCHAL-OFFERING AND THE SIN-OFFERING. BEN AZZAI ONLY ADDED [TO THESE EXCEPTIONS] THE BURNT-OFFERING, BUT THE SAGES DID NOT AGREE WITH HIM.

MISHNAH 3. ON THAT DAY THEY SAID: WHAT IS THE LAW APPLYING TO AMMON AND MOAB IN THE SEVENTH YEAR?¹² R. TARFON DECREED TITHE FOR THE POOR,¹³ AND R. ELEAZAR B. AZARIAH DECREED SECOND TITHE.¹⁴ R. ISHMAEL SAID: ELEAZAR B. 'AZARIAH, THE ONUS IS UPON YOU TO PRODUCE YOUR PROOF BECAUSE YOU ARE EXPRESSING THE STRICTER VIEW;¹⁵ FOR THE ONUS IS UPON THE PERSON WHO EXPRESSES A STRICTER VIEW TO PRODUCE THE PROOF. R. ELEAZAR B. AZARIAH SAID TO HIM: ISHMAEL, MY BROTHER, I HAVE NOT DEVIATED FROM THE SEQUENCE OF YEARS,¹⁶ TARFON, MY BROTHER, HAS DEVIATED THEREFROM AND THE ONUS IS UPON HIM TO PRODUCE THE PROOF. R. TARFON ANSWERED: EGYPT IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS EGYPT MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR,¹⁷ SO MUST AMMON AND MOAB GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH ANSWERED: BABYLON IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS BABYLON MUST GIVE SECOND TITHE IN THE SEVENTH YEAR,¹⁸ SO MUST AMMON AND MOAB GIVE SECOND TITHE IN THE SEVENTH YEAR. R. TARFON SAID: ON EGYPT WHICH IS NEAR, THEY IMPOSED TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MIGHT BE SUPPORTED THEREBY DURING THE SEVENTH YEAR; SO ON AMMON AND MOAB WHICH ARE NEAR, WE SHOULD IMPOSE TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MAY BE SUPPORTED THEREBY DURING THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH SAID TO HIM: BEHOLD, THOU ART LIKE A PERSON WHO WOULD BENEFIT THEM WITH GAIN, YET THOU ART REALLY AS ONE WHO CAUSES SOULS TO PERISH. WOULDST THOU ROB THE HEAVENS SO THAT DEW OR RAIN SHOULD NOT DESCEND?¹⁹ AS IT IS SAID, WILL A MAN ROB GOD? YET YE ROB ME. BUT YE SAY WHEREIN HAVE WE ROBBED THEE? IN TITHES AND HEAVE-OFFERINGS.²⁰ R. JOSHUA SAID: BEHOLD, I SHALL BE AS ONE WHO REPLIES ON BEHALF OF TARFON, MY BROTHER, BUT NOT IN ACCORDANCE WITH THE SUBJECT MATTER OF HIS ARGUMENTS. THE LAW REGARDING EGYPT IS A NEW ACT AND THE LAW REGARDING BABYLON IS AN OLD ACT, AND THE LAW WHICH IS BEING ARGUED BEFORE US IS A NEW ACT. A NEW ACT SHOULD BE ARGUED FROM [ANOTHER] NEW ACT, BUT A NEW ACT SHOULD NOT BE ARGUED FROM AN OLD ACT. THE LAW REGARDING EGYPT IS THE ACT OF THE ELDERS AND THE LAW REGARDING BABYLON IS THE ACT OF THE PROPHETS, AND THE LAW WHICH IS BEING ARGUED BEFORE US²¹ IS THE ACT OF THE ELDERS. LET ONE ACT OF THE ELDERS BE ARGUED FROM [ANOTHER] ACT OF THE ELDERS, BUT LET NOT AN ACT OF THE ELDERS BE ARGUED FROM AN ACT OF THE PROPHETS. THE VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB SHOULD GIVE TITHE FOR THE POOR IN THE

SEVENTH YEAR. AND WHEN R. JOSE B. DURMASKITH²² VISITED R. ELIEZER²³ IN LYDDA HE SAID TO HIM: WHAT NEW THING DID YOU HAVE IN THE HOUSE OF STUDY TO-DAY? HE SAID TO HIM: THEIR VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELIEZER WEPT AND SAID: THE COUNSEL OF THE LORD IS WITH THEM THAT FEAR HIM: AND HIS COVENANT, TO MAKE THEM KNOW IT.²⁴ GO AND TELL THEM: DO NOT HAVE ANY APPREHENSION ON ACCOUNT OF YOUR VOTING. I RECEIVED A TRADITION FROM R. JOHANAN B. ZAKKAI WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER FROM HIS TEACHER, AND SO BACK TO AN HALACHAH GIVEN TO MOSES FROM SINAI,²⁵ THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR.

MISHNAH 4. ON THAT DAY JUDAH, AN AMMONITE PROSELYTE, CAME AND STOOD BEFORE THEM IN THE HOUSE OF STUDY. HE SAID TO THEM: HAVE I THE RIGHT TO ENTER INTO THE ASSEMBLY?²⁶ RABBAN GAMALIEL SAID TO HIM: THOU ART FORBIDDEN. R. JOSHUA SAID TO HIM: THOU ART PERMITTED. RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, AN AMMONITE OR A MOABITE SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD: EVEN TO THE TENTH GENERATION, ETC.²⁷ R. JOSHUA SAID TO HIM: BUT ARE THE AMMONITES AND MOABITES STILL IN THEIR OWN TERRITORY? SENNACHERIB, THE KING OF ASSYRIA, HAS LONG SINCE COME UP AND MINGLED ALL THE NATIONS, AS IT IS SAID: IN THAT I HAVE REMOVED THE BOUNDS OF THE PEOPLES, AND HAVE ROBBED THEIR TREASURES, AND HAVE BROUGHT DOWN AS ONE MIGHTY THE INHABITANTS.²⁸ RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, BUT AFTERWARD I WILL BRING BACK THE CAPTIVITY OF THE CHILDREN OF AMMON,²⁹ SO THAT THEY HAVE ALREADY RETURNED. R. JOSHUA SAID TO HIM: THE SCRIPTURAL VERSE SAYS, I WILL TURN THE CAPTIVITY OF MY PEOPLE ISRAEL AND JUDAH.³⁰ YET THEY HAVE NOT ALREADY RETURNED. SO THEY PERMITTED HIM TO ENTER THE ASSEMBLY.

MISHNAH 5. THE ARAMAIC SECTIONS IN EZRA AND DANIEL RENDER UNCLEAN THE HANDS.³¹ IF AN ARAMAIC SECTION WAS WRITTEN³² IN HEBREW, OR A HEBREW SECTION WAS WRITTEN³² IN ARAMAIC, OR HEBREW SCRIPT,³³ IT³⁴ DOES NOT RENDER UNCLEAN THE HANDS. IT NEVER RENDERS UNCLEAN THE HANDS UNTIL IT IS WRITTEN IN THE ASSYRIAN SCRIPT,³⁵ ON HIDE, AND IN INK.

MISHNAH 6. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, BECAUSE YOU SAY THAT THE HOLY SCRIPTURES RENDER UNCLEAN THE HANDS,³⁶ BUT THE BOOKS OF HAMIRAM³⁷ DO NOT CONVEY UNCLEANNESS TO THE HANDS. R. JOHANAN B. ZAKKAI SAID: HAVE WE NOTHING AGAINST THE PHARISEES EXCEPTING THIS?³⁸ BEHOLD THEY SAY THAT THE BONES OF AN ASS ARE CLEAN, YET THE BONES OF JOHANAN³⁹ THE HIGH PRIEST ARE UNCLEAN.⁴⁰ THEY SAID TO HIM: PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS, SO THAT NOBODY SHOULD MAKE SPOONS OUT OF THE BONES OF HIS FATHER OR MOTHER. HE SAID TO THEM: SO ALSO THE HOLY SCRIPTURES; PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS. THE BOOKS OF HAMIRAM WHICH ARE NOT PRECIOUS DO NOT CONVEY UNCLEANNESS TO THE HANDS.⁴¹

MISHNAH 7. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU DECLARE AN UNINTERRUPTED FLOW OF A LIQUID TO BE CLEAN.⁴² THE PHARISEES SAY: [DO] WE COMPLAIN AGAINST YOU, O YE SADDUCEES, THAT YOU DECLARE A STREAM OF WATER WHICH FLOWS FROM THE BURIAL-GROUND TO BE CLEAN?⁴³ THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, IN

THAT YOU SAY, MY OX OR ASS WHICH HAS DONE INJURY IS LIABLE,⁴⁴ YET MY MANSERVANT OR MAIDSERVANT WHO HAS DONE INJURY IS NOT LIABLE'.⁴⁵ NOW IF IN THE CASE OF MY OX OR MY ASS' FOR WHICH I AM NOT RESPONSIBLE IF THEY DO NOT FULFIL RELIGIOUS DUTIES,⁴⁶ YET I AM RESPONSIBLE FOR THEIR DAMAGE, IN THE CASE OF MY MANSERVANT OR MAIDSERVANT FOR WHOM I AM RESPONSIBLE TO SEE THAT THEY FULFIL RELIGIOUS DUTIES,⁴⁷ HOW MUCH MORE SO THAT I SHOULD BE RESPONSIBLE FOR THEIR DAMAGE? THEY SAID TO THEM: NO, IF YOU ARGUE ABOUT MY OX OR MY ASS' WHICH HAVE NO UNDERSTANDING, CAN YOU DEDUCE ANYTHING THEREFROM CONCERNING MY MANSERVANT OR MAIDSERVANT WHO HAVE UNDERSTANDING? SO THAT IF I WERE TO ANGER EITHER OF THEM THEY WOULD GO AND BURN ANOTHER PERSON'S STACK AND I SHOULD BE LIABLE TO MAKE RESTITUTION?⁴⁸

MISHNAH 8. A GALILEAN SADDUCEE⁴⁹ SAID: I COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU WRITE THE NAME OF THE RULER AND THE NAME OF MOSES TOGETHER ON A BILL OF DIVORCEMENT.⁵⁰ THE PHARISEES SAID: [DO] WE COMPLAIN AGAINST YOU, O GALILEAN SADDUCEE, THAT YOU WRITE THE NAME OF THE RULER TOGETHER WITH THE DIVINE NAME ON A SINGLE PAGE? AND FURTHERMORE THAT YOU WRITE THE NAME OF THE RULER ABOVE AND THE DIVINE NAME BELOW? AS IT IS SAID, AND PHAROAH SAID, WHO IS THE LORD THAT I SHOULD HEARKEN UNTO HIS VOICE TO LET ISRAEL GO?⁵¹ BUT WHEN HE WAS SMITTEN WHAT DID HE SAY? THE LORD IS RIGHTEOUS.⁵²

(1) I.e., on the day when they appointed R. Eleazar b. 'Azariah head of the Academy after Rabban Gamaliel had been deposed. V. supra III, 4. Wherever the words **בּוּ בְיוֹם** occur, this day is meant. V. Ed. (Sonc. ed.) Introduction.

(2) A kab is a measure of capacity equal in quantity to four logs.

(3) V. Glos. A footbath which was cracked and therefore could no longer hold any water was used for sitting on. Cf. Maim. on Kel. XX, 5. It therefore comes within the category of a 'utensil' and is thus liable to contract midras uncleanness. Cf. Lev. XV, 4.

(4) I.e. as a footbath only and does not come within the category of a 'utensil', and thus does not contract midras uncleanness.

(5) Cf. Zeb. I. 1.

(6) E.g., if an animal brought as a burnt-offering is offered as a peace-offering.

(7) I.e. the blood must nevertheless be sprinkled on the altar and the relevant portions burnt on the altar or eaten.

(8) He must still bring the offering which he vowed to offer; cf. Deut. XXIII, 24, That which is gone out of thy lips thou shalt observe and do. V. Zeb. 2a.

(9) Which if sacrificed under the name of another offering are invalid; v. Zeb. 7b.

(10) I.e., if the Paschal-offering is sacrificed on the eve of Passover under the name of another offering it is invalid; but if it be offered up before mid-day of the fourteenth of Nisan or after the eve of Passover it is considered a peace-offering and all the laws appertaining to peace-offerings apply. Cf. Zeb. 8a.

(11) Cf. Lev. VII, 1.

(12) I.e., which tithe must Israelites living in these countries give in the Sabbatical year? Tithe is payable from harvest reaped in the seventh year in countries outside the Land of Israel. Cf. Sheb. VI, 1. In the Land of Israel itself no harvest was permitted to be reaped in the seventh year (cf. Lev. XXV, 4ff.) and therefore no tithe was payable.

(13) Tithe given to the poor every third and sixth year of a cycle of seven years. Cf. Deut. XIV, 28ff.

(14) Tithe given every first, second, fourth and fifth year of a cycle of seven years. Second tithe had to be consumed in Jerusalem, (Deut. XIV, 22ff.) or redeemed by its equivalent in money plus one-fifth of its value (Lev. XXVII, 30f). The latter sum had to be spent on food and drink in Jerusalem (Deut. XIV, 26).

(15) Since second tithe is consecrated, being eaten only in Jerusalem, but tithe for the poor is unconsecrated. Cf. Maim. ad loc.'

(16) Second tithe is ordinarily given in the year following that in which tithe for the poor is given. Since tithe for the poor is given in the sixth year of the seven years' cycle, it follows that in countries outside the Land of Israel second

tithe should be given in the seventh year.

(17) An ordinance of the Elders who lived after the time of Ezra.

(18) An ordinance of the Prophets.

(19) Cf. Mal. III, 10.

(20) Ibid. III, 8.

(21) That of Ammon and Moab.

(22) I.e., of Damascus. Cf. A.T. 393ff.

(23) R. Eliezer had been placed under the ban (cf. B. M. 59b). He was thus unable to participate in the discussions which took place in the House of Study.

(24) Ps. XXV, 14.

(25) I.e., an ancient ordinance.

(26) I.e., can marry an Israelite woman? Cf. Yeb. VIII, 3.

(27) Deut. XXIII, 4.

(28) Isa. X, 13; said by the boastful king of Assyria. It can therefore no longer be said that anyone born in Ammon is a real Ammonite, as he is a descendant of mixed races.

(29) Jer. XLIX, 6.

(30) Jer. XXX, 3.

(31) Since they are part of the Holy Scriptures.

(32) I.e., translated.

(33) **כתב עברי** Hebrew Script. This is the name given to the older form of the Hebrew alphabet which was used by the Hebrews, Moabites, and Phoenicians. It was angular in shape, and can be seen on the Moabite stone and on various Hebrew inscriptions discovered in Samaria, Gezer and Siloam. The 'Hebrew Script' was replaced by the 'Assyrian Script' i.e., the square alphabet now in use. This was introduced by Ezra, and was so called because (a) it was brought back from Assyria, or (b) because its characters are straight in form, **שמואל בכתב**. Cf. Sanh. 21b and 22a and notes in Sonc. ed. a. l.

(34) I.e., a book of the Holy Scriptures.

(35) I.e., the square characters.

(36) Cf. supra II, 2.

(37) The meaning of this word is obscure. The Mishnah is evidently referring to a well known example of secular writings. Aruch offers three explanations s. v. **מור** viz., (a) heretical books, from **מור** to change: (b) the books of **מור** the name of a heretic (so also Maim. and Rosh reading **מיר**): (c) books of Greek wisdom called in Greek, Homeros. Many scholars have suggested that it refers to the works of Homer. Kohut in the J. Q. R. Vol. III 546-548, who collects all the various conjectures, himself suggests pleasure, entertainment, i.e., books of entertainment.

(38) Speaking ironically.

(39) Evidently the Johanan referred to in Ber. 29a as having become a Sadducee after eighty years' service as High Priest.

(40) The Sadducees accepted the principle that the bones of an ass are clean whereas those of the human being are unclean.

(41) R. Johanan answered the Sadducees by using the principle which they themselves accepted.

(42) Cf. Maksh. V, 9. If a liquid is poured from a clean vessel into an unclean vessel, the liquid remaining in the former vessel remains clean, as the uninterrupted flow does not form a connective.

(43) Cf. Mik. I. 4. The Sadducees agreed that this was the case. On this controversy v. Finkelstein, The Pharisees II, p. 638.

(44) I.e., I am responsible for the damage they do. Cf. Ex. XXI, 35. The Sadducees did not dispute this, as it is expressly stated in the Torah.

(45) Cf. B.K. VIII, 4. Not being expressly 'stated in the Torah, the Sadducees did not accept this.

(46) Since the Torah does not enjoin religious duties on animals.

(47) E.g., to see that they do not work on the Sabbath.

(48) Hence the law provides that I should not be liable for the damage they do. On this controversy v. Finkelstein L. op. cit. II, p. 684.

(49) Var. lec. a Galilean min (v. Glos.). Finkelstein (op. cit. p. 645) holds the heretic involved to have been a Galilean Nationalist who opposed the recognition of the non-Davidic and of the Roman rulers in Jewish ceremonial.

(50) The bill of divorcement began with the date which stated the year of the rule of the reigning king. It ended with the words, 'in accordance with the religion of Moses and of Israel'. According to this Sadducee, the mention of both names on the one document was derogatory to Moses.

(51) Ex. V, 2. I.e., it is not in the least derogatory since in the Scriptures the name of the ruler is mentioned even before the Divine name.

(52) Ex. IX, 27. This is added so as to avoid ending the Tractate with the Previous verse which expresses defiance of God.

Talmud - Mas. Yevamoth 2a

CHAPTER I

MISHNAH. FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS¹ AND THE RIVALS OF THEIR RIVALS² AND SO ON, AD INFINITUM,³ FROM THE HALIZAH⁴ AND FROM THE LEVIRATE MARRIAGE;⁵ AND THESE ARE THEY: HIS DAUGHTER,⁶ THE DAUGHTER OF HIS DAUGHTER⁷ AND THE DAUGHTER OF HIS SON;⁷ THE DAUGHTER OF HIS WIFE,⁸ THE DAUGHTER OF HER SON AND THE DAUGHTER OF HER DAUGHTER; HIS MOTHER-IN-LAW,⁹ HIS MOTHER-IN-LAW'S MOTHER,¹⁰ AND HIS FATHER-IN-LAW'S MOTHER;¹⁰ HIS MATERNAL SISTER,¹¹ HIS MOTHER'S SISTER,¹¹ HIS WIFE'S SISTER AND HIS MATERNAL BROTHER'S WIFE;¹²

(1) Heb., zarah, צרה 'rival'. Where a husband has more than one wife, each woman is a zarah in relation to the other. The term is derived from צרר which signifies oppression, hence 'rival', 'adversary', as in I Sam. I, 6 (cf. Kimhi a.l.) or 'to tie up', 'to bind', hence 'associate', 'co-wife'.

(2) The co-wives of a rival through a second marriage.

(3) עד סוף העולם lit., 'to the end of the world'.

(4) הלצה (rt. חלץ, 'to take off' or 'to loosen'), the ceremony of drawing off the shoe of the brother of her husband who died without issue. According to Biblical law (v. Deut. XXV, 5-9) the brother-in-law must either marry the widow (v. following note) or be subjected to halizah.

(5) יבום, rt. יבם 'to marry the levir'. Any woman coming under the fifteen categories enumerated below is not only herself exempt from halizah and yibbum but exempts also her own rivals as well as the rivals of her rivals, ad infinitum, as explained anon.

(6) Who had been married to his brother who subsequently died childless. Since he is forbidden to marry his daughter he is thereby also forbidden to marry any of her rivals, the widows of his deceased childless brother. 'HIS DAUGHTER' includes even one born to him as a result of outrage, v. infra.

(7) Cf. previous note. All the fifteen categories enumerated are among the near relatives whom a man is forbidden to marry in accordance with the explicit and implicit prohibitions in Lev. XVIII, 6ff.

(8) From a former husband.

(9) Who, after the death of her husband, had married his brother who subsequently died childless.

(10) The prohibition to marry in this case is derived in Sanhedrin 75a from Lev. XVIII, 17.

(11) Who was married to his paternal brother. The laws of the levirate marriage and halizah are applicable to a paternal, but not to a maternal brother.

(12) Who, after the death of her husband, had married his paternal brother.

Talmud - Mas. Yevamoth 2b

THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY,¹ AND HIS DAUGHTER-IN-LAW.² ALL THESE EXEMPT THEIR RIVALS AND THE RIVALS OF THEIR RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. IF, HOWEVER, ANY AMONG THESE³ DIED,⁴ OR MADE A DECLARATION OF REFUSAL,⁵ OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED;⁶ THOUGH, OF COURSE, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, OF THE MOTHER OF HIS MOTHER-IN-LAW AND OF THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL.⁷

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED], TO BE UNDERSTOOD? IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE [AT THE TIME] WHEN HE DIED, THEN AS HIS DAUGHTER IS EXEMPT SO IS HER RIVAL

EXEMPT. IF HIS DAUGHTER'S RIVAL WENT AND MARRIED A SECOND BROTHER OF HIS,⁸ WHO ALSO HAD YET ANOTHER WIFE WHEN HE DIED, THEN AS THE RIVAL OF HIS DAUGHTER IS EXEMPT SO IS ALSO HIS DAUGHTER'S RIVAL'S RIVAL EXEMPT, EVEN IF THERE WERE A HUNDRED [BROTHERS].⁹

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED, THEIR RIVALS ARE PERMITTED?¹⁰ IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE, THEN, IF HIS DAUGHTER DIED OR WAS DIVORCED, AND HIS BROTHER DIED SUBSEQUENTLY, HER RIVAL IS PERMITTED.¹⁰

THE RIVAL OF ANY ONE WHO IS ENTITLED TO MAKE A DECLARATION OF REFUSAL¹¹ BUT DID NOT EXERCISE HER RIGHT, MUST PERFORM HALIZAH [IF HER HUSBAND DIED CHILDLESS], AND MAY NOT CONTRACT LEVIRATE MARRIAGE.¹²

GEMARA. Consider: All these¹³ are deduced from the [exemption of] a wife's sister.¹⁴ Why then was not HIS WIFE'S SISTER mentioned¹⁵ first?¹⁶ And if it be replied that the Tanna enumerated¹⁷ [the forbidden relatives] in the order of the degrees of their respective severity,¹⁸ and that it [our Mishnah] represents the view of R. Simeon who regards burning¹⁹ as the severest,²⁰ [it may be retorted that], if that is the case,²¹ HIS MOTHER-IN-LAW should have been mentioned¹⁶ first, since [Scripture] enunciated the principle of burning in the case of a mother-in-law.²² And, furthermore, HIS DAUGHTER-IN-LAW should have come¹⁵ immediately after HIS MOTHER-IN-LAW, since, next to burning, stoning²³ is the severest penalty! — But [this in fact is the proper reply]: Since [the prohibition of intercourse with] 'HIS DAUGHTER'²⁴ has been arrived at by exposition²⁵ it is given preference.²⁶

(1) Lit., 'in his world', i.e., who died before he was born. Such a brother's widow and her rivals etc. are exempt. If, for instance, C was born after his brother A had died childless, so that his widow, N married (in accordance with the laws of the levirate marriage) a contemporary brother of his, B, who had another wife, or wives, and B also died childless, all B's widows are exempt from halizah and yibbum as far as C is concerned on account of N who is forbidden to him.

(2) Who married his brother after the death of his son. The marriage of a daughter-in-law is forbidden for ever, even after the death of one's son.

(3) Lit., '(in the case of) all of them'.

(4) Prior to the death of her husband who subsequently died childless.

(5) Such a declaration, mi'un מִיּוֹן, may be made against her husband (without any further necessity for a divorce) by a wife, while she is a minor, or as soon as she becomes of age, prior to cohabitation, in cases where she was betrothed either (a) as an orphan, by her mother or brothers or (b) even in the lifetime of her father (v. infra 109a) if she was once divorced (after her father had contracted for her a betrothal) and was betrothed again while still a minor.

(6) I.e., levirate marriage may be contracted, or halizah must be performed.

(7) For, having given birth they must be of age.

(8) Whenever one of the surviving brothers is not related to either of the widows, but another brother is, it is his duty to perform the levirate marriage or to submit to halizah.

(9) Everyone of whom had also another wife or wives and the rival's rival married them in turn, ad infinitum.

(10) V. p. 2, n. 7.

(11) A minor (V. supra, p. 2, n. 6).

(12) V. Gemara infra.

(13) Exemptions enumerated in our Mishnah.

(14) V. infra.

(15) Lit., 'let him teach'.

(16) In the list.

(17) Lit., 'took'.

(18) The degree of the severity of the penalty incurred by sexual intercourse with one of these relatives.

- (19) The death penalty incurred for sexual intercourse with one of the first eight categories enumerated in our Mishnah. V. Sanh. 75a.
- (20) Of the four death penalties. V. Sanh. 49b.
- (21) Lit., 'if so'.
- (22) Lev. XX, 14.
- (23) The penalty for intercourse with one's daughter-in-law. V. Sanh. 53a.
- (24) I.e., born as a result of outrage. V. supra p. 1, n. 6.
- (25) V. infra.
- (26) Lit., 'beloved to him'.

Talmud - Mas. Yevamoth 3a

[The law, surely,] concerning all the others also was arrived at¹ by exposition!² — Granted that in respect of [exemption from] the levirate marriage [the law in relation to them] was arrived at by exposition, the principle of prohibition [of sexual intercourse] with them has been explicitly enunciated in Scripture, [while as regards] his daughter³ the very principle underlying the prohibition [of intercourse with her] has been arrived at by exposition; for Raba⁴ stated: R. Isaac b. Abdimi told me, 'Hennah⁵ is derived from hennah⁶ and zimmah⁷ is derived from zimmah'.⁸

Now that it has been stated that preference is given to whatever is arrived at by exposition, the Tanna should have placed⁹ HIS WIFE'S SISTER last!¹⁰ — As he was dealing with a prohibition due to sisterhood¹¹ he mentioned also HIS WIFE'S SISTER. Then let him relegate⁹ the entire passage¹² to the end!¹³ — But [this is really the explanation]: The Tanna follows the order of the respective degrees of kinship. He, therefore, mentions [first] HIS DAUGHTER, THE DAUGHTER OF HIS DAUGHTER AND THE DAUGHTER OF HIS SON because they are his own next of kin; and since he enumerated three generations of his relatives in descending order he enumerated also three generations of her¹⁴ relatives in descending order. Having enumerated three generations of her¹⁴ relatives in descending order he proceeded to enumerate also three generations of her relatives in ascending order. He then mentions HIS SISTER and HIS MOTHER'S SISTER who are his blood¹⁵ relatives;¹⁶ and while dealing with prohibitions due to brotherhood he also mentions HIS WIFE'S SISTER. And it would indeed have been proper that HIS DAUGHTER-IN-LAW should be placed before THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY, since it is not on account of kinship¹⁷ that the latter is forbidden, but as he was dealing with a prohibition due to brotherhood he mentioned also THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY and then mentioned HIS DAUGHTER-IN-LAW.

What argument can be advanced for using¹⁸ the expression EXEMPT¹⁹ and not that of²⁰ 'prohibit'?²¹ — If 'prohibit' had been used it might have been assumed that the levirate marriage only was forbidden but that halizah²² must nevertheless be performed,²³ hence it was taught²⁴ [that halizah also need not be performed]. Let it then be stated,²⁵ 'She is forbidden to perform halizah!²⁶ — No harm, surely, is thereby done.²⁷ But why indeed should not [the expression of prohibition be applicable to halizah]? If you were to say that halizah is permissible, [one might say that] levirate marriage is also permitted!²⁸ — As a rival²⁹ is forbidden only where the commandment [of the levirate marriage] is applicable but is permitted where the commandment is not applicable,³⁰ it was therefore necessary to use the expression, EXEMPT.³¹

What justification is there for stating, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE when it would have been sufficient to state³² FROM THE LEVIRATE MARRIAGE only?³³ — If FROM THE LEVIRATE MARRIAGE only had been stated it might have been assumed that she must perform halizah³⁴ though she is exempt from the levirate marriage, hence it was taught³⁵ that whoever is subject³⁶ to the obligation of levirate marriage is also subject to halizah and whosoever is not subject to the obligation of the levirate marriage is not subject to halizah.

Let it [first] be stated,³⁷ FROM THE LEVIRATE MARRIAGE [and then] FROM THE HALIZAH,³⁸ or else only FROM THE HALIZAH?³⁹ — This Mishnah represents the view of Abba Saul who maintains that the commandment of halizah takes precedence over that of levirate marriage.⁴⁰

What [was intended] to be excluded [by the] numeral at the beginning⁴¹ and what [again was intended] to be excluded [by the] numeral at the end?⁴²

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- (1) In respect to their exemption from the levirate marriage.
 - (2) By deduction from the law of a wife's sister.
 - (3) V. n. 2.
 - (4) Others, 'Rab', who was a disciple of R. Isaac b. Abdimi, v. Tosaf. s.v. דאמר a.l.
 - (5) הנה ('they' or 'theirs') in Lev. XVIII, 10 which deals according to Talmudic interpretation with the daughter of his son, or of his daughter that was born from an outraged woman, but not with the daughter herself.
 - (6) Ibid. v. 17 which places a daughter on the same footing as a son's and a daughter's daughter. By this analogy the inference is arrived at that intercourse even with a daughter from an outraged woman is forbidden.
 - (7) זמה ('lewdness' or 'wickedness'), ibid. where the penalty of burning is not mentioned.
 - (8) Ibid. XX, 14 where the penalty of burning with fire is explicitly stated. Thus it is shown that the very foundation of the prohibition of sexual intercourse with a daughter from an outraged woman, as well as the death penalty of burning which the crime involves, are entirely dependent on inferences arrived at by exposition, v. Sanh. 51a.
 - (9) Lit., 'let him teach'.
 - (10) In the list in our Mishnah; since, as will be shewn infra, the exemption from levirate marriage in respect of all the others is derived by exposition from 'his wife's sister'.
 - (11) 'His mother's sister', v. our Mishnah.
 - (12) Which deals with the prohibitions through sisterhood.
 - (13) Of the list.
 - (14) His wife's.
 - (15) Lit., 'his own'.
 - (16) While a daughter-in-law is not consanguineous.
 - (17) A daughter-in-law should, consequently, receive priority.
 - (18) In our Mishnah.
 - (19) Which might imply that the levirate marriage in these cases is not obligatory but optional.
 - (20) v. supra p. 4, n. 13.
 - (21) Since, in fact, no marriage with a deceased brother's widow is permitted whenever the obligation of the levirate marriage does not exist.
 - (22) V. Glos.
 - (23) Since a prohibition could not very well apply to halizah which is a harmless act, the expression of 'prohibit' in respect of halizah would have been interpreted as a 'prohibition to be married to anyone before halizah had been performed'.
 - (24) By the use of the expression, 'exempt'.
 - (25) In our Mishnah.
 - (26) And, consequently, the expression 'prohibit' which is preferable to that of 'exempt' (v. supra notes 6 and 8) could well be used for the levirate marriage.
 - (27) Lit., 'what does he do', i.e., there is no reason why halizah should be forbidden. Hence the expression of 'prohibit' could not properly be used.
 - (28) The expression of 'prohibit' in relation to halizah could, consequently, properly have been used. Why then was 'exempt' preferred to 'prohibit'?
 - (29) Of one's daughter, for instance.
 - (30) If his daughter, e.g., had married one who was not his near of kin, her rival, on the death of her husband, is not forbidden to marry the father; v. infra 13a.
 - (31) 'Prohibit' might have implied that a daughter, e.g., always causes her rival to be prohibited to her father whether the

precept of the levirate marriage is applicable or not.

(32) Lit., 'let him teach'.

(33) It is obvious that if one is exempt from the levirate marriage there could be no question of being subject to halizah which is only the result of a refusal to contract the prescribed marriage.

(34) In order that the law of the levirate marriage be not entirely abrogated.

(35) By the use of the expression, exempt'.

(36) Lit., 'goes up' sc. to the gate, i.e., the court (cf. Deut. XXV, 7.)

(37) In our Mishnah.

(38) The marriage surely is of greater importance than the halizah, the latter being only an alternative of the former. V. Deut. XXV. 7.

(39) The exemption from the marriage being then self-evident.

(40) Infra 39b, 109a. And if only FROM THE HALIZAH had been stated, there would be no basis for this inference.

(41) Of our Mishnah, 'FIFTEEN'.

(42) Of the list; 'ALL THESE', implying the 'FIFTEEN' mentioned. If nothing were to be excluded, there would be no need for the addition of a cardinal at the beginning, or of a reference to it at the end of a list which presumably enumerated all possible cases.

Talmud - Mas. Yevamoth 3b

— [They were intended] to exclude the respective rulings of Rab and R. Assi.¹ What, [however, do the numerals] exclude according to Rab and R. Assi? — If they share each other's views, one numeral would serve to exclude the rival of one who made a declaration of refusal,² and the other to exclude the rival of a wife whom [her husband] remarried after having divorced her.³ If they do not share the views of each other, [each would regard] one [numeral as serving] to exclude the ruling of his colleague,⁴ and the other numeral, as serving to exclude either the rival of one who made a declaration of refusal² or the rival of a wife whom [her husband] remarried after having divorced her.³

According to Rab and R. Assi these⁵ should have been enumerated in our Mishnah! — [This could not be done] because the law of the rival's rival⁶ is not applicable [to these cases].⁷

Whence is this law⁸ derived?⁹ — [From] what our Rabbis taught: And thou shalt not take a woman to her sister, to be a rival to her, to uncover her nakedness, 'aleha [beside her] in her lifetime,¹⁰ what need was there for the expression 'aleha'?¹¹ Because it was stated, Her husband's brother shall go in 'aleha [unto her],¹² it might have been imagined¹³ that Scripture¹⁴ speaks even of any of all the forbidden relatives enumerated in the Torah. Hence it was here¹⁰ stated, 'aleha',¹⁵ and elsewhere¹² it was also stated 'aleha'.¹⁶ Just as elsewhere it is in the case of a precept¹⁷ so here also it is in the case of a precept;¹⁷ and yet did not the All Merciful say, Thou shalt not take.¹⁸ We are thus in a position to know the law concerning herself;¹⁹ whence do we derive the law concerning her rival? — From the Scriptural expression, To be a rival to her.¹⁰ We have so far deduced the law concerning her rival only. Whence do we arrive at the law concerning her rival's rival? — From the fact that Scripture uses the expression li-zeror²⁰ and not that of la-zor.²¹ Thus we have deduced the law concerning a wife's sister, whence is the law concerning the other forbidden relatives to be inferred? — It can be answered: As a wife's sister is singled out in that she is a forbidden relative, the penalty for presumptuous intercourse with her is kareth²² and for unwitting intercourse a sin-offering, and she is forbidden to the levir, so also any woman who is a forbidden relative, and the penalty for presumptuous intercourse with whom is kareth²² and for unwitting intercourse a sin-offering, is forbidden to the levir. Now we know the law concerning themselves only;²³ whence is the law concerning their rivals deduced? — It may be answered: As a wife's sister is singled out in that she is a forbidden relative, kareth is incurred by presumptuous intercourse with her and a sin-offering for unwitting intercourse, and she is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, and for presumptuous intercourse with

whom is incurred the penalty of kareth and for unwitting intercourse a sin-offering, and who is forbidden to the levir, her rival is forbidden. Hence have the Sages said: FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS AND THEIR RIVALS' RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. One might assume that the six more rigidly forbidden relatives²⁴ are also included in the ruling,²⁵ so that their rivals also²⁶ are forbidden,²⁷ hence it must be stated:²⁸ As a wife's sister is singled out in that she is a forbidden relative, kareth is incurred for presumptuous intercourse with her and a sin-offering for unwitting intercourse, she may be married to the other brothers, but is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, for presumptuous intercourse with whom is incurred the penalty of kareth and for unwitting intercourse a sin-offering, who may marry one of the other brothers, but is forbidden to the levir, her rival also is forbidden; excluded, however, are the six more rigidly forbidden relatives. Since they may not be married to the other brothers, their rivals are permitted; for [the law of] 'rival'²⁹ is applicable only [to widows] of a brother.³⁰

Thus we have deduced the prohibition. Whence, however, is the penalty inferred? — Scripture said, For whosoever shall do any of these abominations etc. [shall be cut off from among their people.]³¹

The reason,³² then, is because the All Merciful has written, 'aleha',³³ otherwise it would have been said that levirate marriage may be contracted with the wife's sister; what is the reason? Is it because we assume that a positive precept,³⁴ supersedes a negative precept?³⁵ Surely, it is possible that³⁶ the rule that a positive precept supersedes a negative precept applies only where the latter is a mere prohibition; does it, however, supersede a prohibition involving the penalty of kareth?³⁵ Furthermore, whence is it derived that it may supersede even a mere prohibition?

(1) Infra 11a and 12a.

(2) A minor who was one of the wives of a deceased childless brother, on declaring her refusal to marry the levir, exempts thereby her rivals from the levirate marriage but not from halizah.

(3) If one of the widows of a deceased brother was divorced once, and then remarried to him after she had married another man, she causes the exemption of her rivals from the levirate marriage, v. infra 11b. The halizah, however, must be performed.

(4) According to Rab that of R. Assi, and vice versa.

(5) The subjects of their respective rulings, i.e., the sotah (v. Glos.) and the barren wife, who, they maintain, infra 11a, 11b, exempt their rivals both from the levirate marriage and from halizah.

(6) V. our Mishnah.

(7) Since neither a sotah nor a barren woman may marry any one of the brothers.

(8) Of our Mishnah, that forbidden relatives as well as their rivals and rivals' rivals, ad infinitum, are exempt from the levirate marriage and from halizah.

(9) Lit., 'whence these words'.

(10) Lev. XVIII, 18.

(11) Which does not add any point to the law enunciated.

(12) Deut. XXV, 5.

(13) Lit., 'I hear'.

(14) Since it drew no distinction between a brother's wife who was a forbidden relative and one that was not forbidden.

(15) I.e., 'beside her'.

(16) I.e., 'unto her'. In both cases the respective terms 'beside her' and 'unto her' are expressed by the same Heb. word עִלֶּיהָ.

(17) That of levirate marriage.

(18) Two sisters, Lev. XVIII, 18. The verse in Lev. thus means that the prohibition of marrying the wife's sister is in force even where she is his dead brother's widow, in regard to whom the precept, 'her husband's brother shall go in unto her', might apply.

(19) Lit., 'there is not to me but she', sc. the forbidden relative herself.

(20) לָרִיר 'to be a rival',

(21) לָצַר 'to oppress', the longer form li-zeror implies many rivals, i.e., rivals of the rivals. The last question and answer are deleted by R. Tam and Nahmanides. Cf. הַנְּהוּת הַגֵּר §

(22) V. Glos.

(23) The forbidden relatives.

(24) Enumerated infra 13a.

(25) Relating to the other forbidden relatives.

(26) If they and their rivals were married to a stranger.

(27) To marry the man whom the forbidden relatives themselves are not allowed to marry.

(28) Lit., 'say'.

(29) I.e., the rival's exemption from the levirate marriage and halizah.

(30) Where one of the widows is a forbidden relative of one of the surviving brothers and no forbidden relative of the deceased. As the relative is forbidden to marry the brother, her rival also is forbidden to him as 'his brother's wife'. Where the relative, however, is married to a stranger, her rival is permitted to those to whom the relative herself is forbidden.

(31) Lev. XVIII, 29.

(32) Why a wife's sister is forbidden the levirate marriage.

(33) V. the texts from Lev. and Deut. and the analogy supra.

(34) The commandment of the levirate marriage.

(35) The prohibition to marry one's wife's sister.

(36) Lit., 'say'.

Talmud - Mas. Yevamoth 4a

— Because¹ it is written, Thou shalt not wear a mingled stuff . . .² Thou shalt make thee twisted cords,³ and R. Eleazar said,⁴ 'Whence is the rule of proximity [of texts] derived from the Torah?'⁵ As it is said, They are established⁶ for ever and ever, they are done in truth and uprightness.⁷ Furthermore, R. Shesheth stated⁸ in the name of R. Eleazar who stated it in the name of R. Eleazar b. Azariah: Whence is it proved that a sister-in-law, who falls to the lot of a levir who is afflicted with boils, is not muzzled?⁹ From the Biblical text, Thou shalt not muzzle the ox when he treadeth out the corn,¹⁰ and in close proximity to it is written If brethren dwell together.¹¹ Furthermore R. Joseph said: Even he who does not base interpretations on the proximity [of Biblical texts] anywhere else does base them [on the texts] in Deuteronomy,¹² for R. Judah who does not elsewhere base any interpretations [on textual proximity], bases such interpretations on the Deuteronomic text.¹³ And whence is it proved that elsewhere he¹⁴ does not advance such interpretation?¹⁵ — From what has been taught: Ben 'Azzai said, It was stated, Thou shalt not suffer a sorceress to live,¹⁶ and it is also stated, Whosoever lieth with a beast shall surely be put to death;¹⁷ one subject was placed near the other to indicate that as the man who lies with a beast is to suffer the death penalty of stoning so also is a sorceress to suffer the death penalty of stoning. Said R. Judah to him: Shall we, because one subject was placed in close proximity to the other, lead out a person¹⁸ to be stoned? In truth¹⁹ [the penalty of the sorceress is derived from the following]: The necromancer and the charmer were included among the sorcerers; why then were they mentioned separately?²⁰ In order that the others may be compared to them, and to tell you that as the necromancer and the charmer are subject to the death penalty of stoning,²⁰ so is a sorceress also subject to the penalty of stoning.

And whence is it proved that in Deuteronomy he²¹ does advance such interpretation?¹⁵ — From what we learned: A man may marry a woman who has been outraged or seduced by his father or his son. R. Judah prohibits in the case of a woman outraged or seduced by one's father.²² And in connection with this, R. Giddal said in the name of Rab: What is R. Judah's reason? Because it is written, A man shall not take his father's wife, and shall not uncover his father's skirt,²³ the 'skirt' which his father saw he shall not uncover. And whence is it inferred that this is written with

reference to an outraged woman? — From the preceding section of the text where it is written, Then the man that lay with her shall give unto the damsel's father fifty shekels of silver²⁴ near which it is stated, A man shall not take etc.²⁵ And the Rabbis?²⁶ — If one text had occurred in close proximity to the other the exposition would have been justified;²⁷ now, however, that it does not occur in close proximity²⁸ [it must be concluded that] the context speaks of a woman who is awaiting the decision of the levir²⁹ and that, [in marrying such a woman, a son]³⁰ transgresses two negative precepts.³¹

And what is the reason why [R. Judah] derives laws [from the proximity of texts] in Deuteronomy? — If you wish I might say: Because [there the deduction]³² is obvious; and if you prefer I might say: Because [there the text] is superfluous.³³ 'If you prefer I might say: Because [there the deduction] is obvious' , for, otherwise,³⁴ the All Merciful should have written the prohibition in the section of forbidden relatives. 'And if you prefer I might say: Because [there the text] is superfluous', for otherwise³⁵ the All Merciful should have written, A man shall not take his father's wife.²⁵ what need was there for adding,³⁶ And shall not uncover his father's skirt?²⁵

(1) This is an answer to the second question. The first is answered infra 5b.

(2) Deut. XXII, 11.

(3) Ibid. 12.

(4) V. Ber. 10a.

(5) Heb. Semukim סְמוּכִים (rt. סִמְךְ 'to join'); i.e., the exegetical principle that we deduce laws from the proximity of Biblical texts.

(6) 'Semukim'.

(7) Ps. CXI, 8. The proximity of the two texts (Deut. XXII, 11 and 12) may consequently be taken to indicate that though the wearing of mingled stuff (linen and wool) is forbidden in ordinary cases (Deut. XXII, 11) it is nevertheless permitted in the case of the performance of a positive precept such as that of the making of 'twisted cords' or zizith (v. Glos.) on the four corners of a garment (ibid. v. 12).

(8) Mak. 23a.

(9) I.e., she is not prevented from objecting to the levirate marriage, and is entitled to halizah. 'Muzzled' (rt. מִזְמָזֵם) is taken from Deut. XXV, 4 from which this law is derived.

(10) Deut. XXV, 4.

(11) Ibid. v. 5, forming the introduction to the law of halizah. Thus it has been shewn that a law may be based on the proximity of Biblical texts, and this confirms the conclusion in respect of 'mingled stuff' in zizith (v. Deut. XXII, 11).

(12) Where the texts of 'mingled stuff' and zizith occur.

(13) Ber. 21b. Cf. Pes. 67b.

(14) R. Judah.

(15) Interpretations based on semukim or proximity of texts.

(16) Ex. XXII, 17.

(17) Ibid. 18.

(18) Lit., 'this' sc. the sorceress.

(19) Lit., 'but'.

(20) V. Lev. XX, 27.

(21) R. Judah.

(22) Ber. 21a, infra 97a.

(23) Deut. XXIII, 1.

(24) Deut. XXII, 29.

(25) Deut. XXIII, 1.

(26) Represented by the view of the first Tanna who differs from R. Judah. How do they, in view of R. Judah's exposition, allow the marriage of a woman outraged or seduced by one's father?

(27) Lit., 'as you said'.

(28) Cur. edd. contain within parentheses: 'Since the text, A man shall not take his father's wife is written between them'.

(29) Whether he will marry her or consent to halizah.

(30) Of the levir for whose decision the woman is waiting.

(31) Infra 97a. One is that of marrying a woman who is virtually his father's wife being subject still to the levirate marriage, and the other is that of marrying an aunt, the wife of his father's deceased brother.

(32) From the proximity of the texts.

(33) Lit., 'free', 'disengaged'. i.e., unnecessary for the contexts and consequently free for interpretation and exposition.

(34) Lit., 'if so', i.e., if the text was meant to convey its plain meaning only.

(35) Cf. previous note.

(36) Lit., 'wherefore to me'.

Talmud - Mas. Yevamoth 4b

Hence it must be concluded that the text was meant to provide a superfluous text.¹

Similarly in the case of zizith,² if you wish I might reply:³ Because [there⁴ the deduction] is obvious. And if you prefer I might reply:⁵ Because [there⁶ the text] is superfluous.⁷ 'If you prefer I might say: Because [there the deduction] is obvious', for otherwise,⁸ the All Merciful should have written [the precept] in the section of zizith;⁹ with what other practical rule in view has he written it here?¹⁰ 'And if you prefer, I might reply: Because [there the text] is superfluous', for observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together.¹¹ What need then was there for stating, Thou shalt not wear a mingled stuff?¹² Hence it must be concluded that the object was to provide a superfluous text.¹³

But [surely] both these texts¹⁴ are required? For if the All Merciful had only written, Neither shall there come upon thee¹⁵ it might have been assumed that all kinds of 'putting on' were forbidden by the All Merciful, even that of clothes dealers,¹⁶ hence the All Merciful, has written, Thou shalt not wear a mingled stuff,¹⁷ [shewing that the 'putting on' must be] of the same nature as that of wearing for personal comfort. And if the All Merciful had only written, Thou shalt not wear¹⁸ it might have been assumed that only wear [is forbidden] because the pleasure derived therefrom is great, but not mere 'putting on', hence the All Merciful has written, Neither shall there come upon thee!¹⁹ — If so,²⁰ the All Merciful should have written, 'Thou shalt not wear a mingled stuff' what need was there for adding, 'Wool and linen'? For²¹ observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together,¹⁵ and in connection with this a Tanna of the School of R. Ishmael taught: Whereas garments generally²² were mentioned in the Torah, and in one particular case²³ Scripture specified wool and linen,²³ all must consequently be understood as having been made of wool and linen, what need, then, was there for the All Merciful's specific mention of wool and linen? Consequently it must be concluded that its object was to provide a superfluous text.²⁴

But the text²⁵ is still required [for another purpose]! For it might have been assumed [that the limitation²⁶ applies] only to 'putting on', where the benefit is not great, but that in respect of wear, the benefit from which is great, any two kinds were forbidden by the All Merciful, hence has the All Merciful written, 'wool and linen'!²⁷ — If so, Scripture should have omitted it altogether²⁸ and [the law²⁹ would have been] deduced [by analogy between] 'mingled stuff'³⁰ and 'mingled stuff'³¹ [the latter of which occurs in connection with the law] of 'putting on'.³²

As to the Tanna of the School of R. Ishmael, is the reason [why 'mingled stuff' is permitted in zizith] because the All Merciful has written 'wool and linen', but if He had not done so, would it have been assumed that the All Merciful had forbidden two kinds of stuff in the zizith? But, surely. it is written, And they shall make them fringes in the corners of their garments³³ and a Tanna of the School of R. Ishmael [taught]: Wherever 'garment' [is written] such as is made of wool or flax [is meant], and yet the All Merciful said that in them 'purple' shall be inserted, and purple, surely, is wool. And whence is it deduced that purple is wool? Since linen³⁴ is flax, purple must be wool.³⁵ —

[The text] was necessary; for it might have been assumed [that the interpretation is] according to Raba. For Raba pointed out a contradiction: It is written, the corner,³⁶ [which implies that the fringes must be of the same] kind of [material as that of the] corner,³⁷ but then it is also written, wool and linen.³⁸ How then [are these texts to be reconciled?] Wool and linen discharge [the obligation to provide fringes] both for a garment of the same, as well as of a different kind of material, while other kinds [of material]³⁹ discharge [the obligation for a garment made] of the same kind [of material] but not for one made of a different kind [of material].⁴⁰

But the Tanna of the School of R. Ishmael,⁴¹ surely, does not hold the same view as Raba!⁴² — [The text]⁴³ is still necessary; for it might have been assumed that Raba's line of argument⁴⁴ should be followed: 'The corner' [implies that the fringes must be made of the same] kind of [material as the] corner, and that what the All Merciful meant was this: 'Make wool [fringes] for wool [garments] and linen ones for linen; only when you make wool fringes for wool garments you must dye them'; but no wool fringes may be made for linen or linen fringes for wool, hence the All Merciful has written 'wool and linen' [to indicate] that even wool fringes [may be] made for linen garments or linen fringes for woollen garments.⁴⁵

(1) V. supra note 10.

(2) V. Glos.

(3) To the question why R. Judah expounds semukim in Deuteronomy.

(4) In Deuteronomy.

(5) To the question why R. Judah expounds semukim in Deuteronomy.

(6) In Deuteronomy.

(7) V. p. 12, n. 10.

(8) Lit., 'if so', i.e., if the text was meant to convey its plain meaning only.

(9) V. Glos.

(10) None. Consequently it must have been intended for a deduction on the basis of semukim.

(11) Lev. XIX, 19.

(12) Deut. XXII, 11.

(13) V. p. 12, n. 10.

(14) Lev. XIX, 19 and Deut. XXII, 11.

(15) Lev. XIX, 19.

(16) Who put on garments for mere business display or transport and not for bodily comfort or protection.

(17) Deut. XXII, 11, emphasis on wear.

(18) Ibid.

(19) Since both texts, then, are required for the purpose mentioned, how could they be employed for the deduction of a new law?

(20) That the texts were required only for the purpose mentioned.

(21) Should it be suggested that the text was required to indicate that the 'mingled stuff' forbidden was that of wool and linen.

(22) Without specifying the material they are made of.

(23) With reference to plagues in garments, Lev. XIII, 47, 48.

(24) V. p. 12, n. 10, supra.

(25) 'Wool and linen' (Deut. XXII, 11).

(26) Of the materials to wool and linen.

(27) How, then, could this text which is required for another purpose be expounded on the basis of semukim?

(28) Lit., 'kept silence from it'.

(29) Which has just been enunciated, i.e., that only wool and linen are forbidden.

(30) Deut. XXII, 11.

(31) Lev. XIX, 19.

(32) As the latter applies to wool and linen only, so also the former.

(33) Num. XV, 38.

(34) In the description of the materials of the High Priests' garments (Ex. XXXIX, 1ff).

(35) As the garments were either of wool or flax, and linen (flax) was specified in the case of one, all the others must have been wool. Now since it has been shewn that purple is wool, it obviously follows that woollen zizith or fringes are permissible in a garment of flax. What was the need, then, for a specific text to prove the permissibility of mingling wool and flax in zizith?

(36) Num. XV, 38.

(37) I.e., if the material of the corner is wool the fringes must be wool; if of flax the fringes must be of flax.

(38) Cf. Deut. XXII, 11f: Mingled stuff, wool and linen thou shalt make the twisted cords, which shews that the fringes may be made either of wool or of flax whatever the material of the corner might be.

(39) Silk for instance.

(40) So also according to the Tanna of R. Ishmael's school, (as will be explained in the Gemara anon) if Scripture had not specified 'wool and linen' it might have been assumed that in a woollen garment the fringes must be made of wool while in a garment of flax they must be made of flax, hence wool and linen were specified to shew on the basis of semukim that mingled stuffs also are allowed in zizith.

(41) At the moment it is assumed that the suggestion is that he is in agreement with Raba's argument in all respects.

(42) For, according to him, since 'garment' denotes only such as is made of wool and linen, garments made of other materials require no fringes (zizith). What need, then, was there for the expression of wool and linen to differentiate these from other materials?

(43) Wool and linen.

(44) Though not his view, applying his method of reasoning only in regard to a garment made of wool or linen.

(45) I.e., that mingled stuffs are permissible in the performance of the precept of zizith.

Talmud - Mas. Yevamoth 5a

This¹ is satisfactory according to the view of the Tanna of the School of R. Ishmael;² as to the Rabbis,³ however, how do they arrive at the deduction?⁴ — They derive it from his head;⁵ for it was taught: [Scripture stated], 'His head';⁵ what need was there for it?⁶ — Whereas it has been stated, Ye shall not round the corners of your head,⁷ one might infer that [this law⁸ applies to] a leper also, hence it was explicitly stated, his head;⁹ and this Tanna is of the opinion that rounding all the head is also regarded as 'rounding'.¹⁰ This [conclusion, however,] may be refuted: The reason why the prohibition of¹¹ 'rounding' [may be superseded is] because it is not applicable to everybody!¹² — But [the inference] is derived from his beard;¹³ as it was taught: 'His beard';¹³ what need was there for stating it?¹⁴ — Whereas it was said, Neither shall they shave off the corners of their beard,¹⁵ one might infer that this prohibition applies also to a leprous priest,¹⁶ hence it was explicitly stated, 'his beard'.¹⁷ And since there is no object in applying it to a prohibition which is not incumbent upon everybody,¹⁸ let it be applied to a prohibition which is incumbent upon all.¹⁹ But this²⁰ is still required [for its own context]! For since it might have been assumed that as priests are different from [other people]. Scripture having imposed upon them additional commandments, and so even a prohibition which does not apply to everybody is not superseded in their case; [therefore] it was necessary to teach us that it does supersede.²¹ — In truth the inference comes from 'his head' [in the manner deduced by] the following²² Tanna. For It was taught: His head:²³ what need was there for mentioning it?²⁴ Whereas Scripture had stated, There shall no razor come upon his head,²⁵ one might infer that the same prohibition is applicable to a leprous nazirite²⁶ also, hence it was explicitly stated, 'his head'.²⁷ This,²⁸ however, may be refuted: The reason why a [leprous] nazirite [may shave his head] is because he is also in a position to obtain absolution.²⁹ For, were not this the reason,³⁰ what then of the accepted rule,³¹ that no positive precept may supersede a negative and positive precept combined; why not deduce the contrary from the law³² of the [leprous] nazirite?³³ Consequently, [it must be conceded that] the reason why no deduction may be made [from the law of the nazirite is] because it may be refuted [on the grounds] that in his case absolution is possible; so here also the refutation may be advanced, 'Since in his case absolution is possible'!³⁴ — The deduction, in fact, is made

- (1) The deduction from semukim that a positive precept supersedes a negative one.
- (2) Since on the lines of his interpretation the text, 'wool and linen' is superfluous and consequently free for the deduction mentioned.
- (3) Who do not interpret 'garment' as denoting such as is of wool and flax.
- (4) The text, 'wool and linen', being required for the completion of the plain meaning of the text, there remains no superfluous expression for the deduction. V. supra n. 2.
- (5) Lev. XIV, 9, dealing with the purification of the leper.
- (6) It was previously stated, and shave off all his hair (Lev. XIV, 8) which obviously includes that of the head.
- (7) Lev. XIX. 27.
- (8) The prohibition to round the corners of the head.
- (9) Indicating that, despite the general prohibition, it is the leper's duty to round his head.
- (10) Though the text speaks of rounding the corners. Such a rounding then, though generally forbidden, is in the case of a leper, permitted, because Scripture explicitly stated 'shave all the hair of his head' (Lev. XIV, 9). Thus it has been proved that the positive precept of the shaving of the leper supersedes the prohibition of rounding off one's head. Similarly, in the case of the levirate marriage, it might have been assumed that the positive precept of marrying the deceased brother's widow supersedes the prohibition of marrying a wife's sister; hence the necessity for a special text (v. supra 3b end and p. 10, n. 7) to prove that it does not.
- (11) Lit., 'what as to the negative (command)'.
- (12) Lit., 'equal in all'; women being exempt. (V. Kid. 35b). The prohibition of the marriage of a wife's sister, however, is applicable to the man and to the woman, the brother-in-law as well as the sister-in-law.
- (13) Which also occurs in the regulations for the purification of the leper. (V. Lev. XIV, 9).
- (14) Seeing that it was previously mentioned (Lev. XIV, 8) that the leper must 'shave off all his hair', which obviously includes that of his beard.
- (15) Lev. XXI, 5.
- (16) The prohibition of shaving the corners of one's head having been addressed to the priests. V. Lev. XXI, 1ff.
- (17) Indicating that in the case of a leprous priest the precept of shaving supersedes the prohibition of 'shaving'.
- (18) That such a prohibition is superseded by a positive precept having been deduced supra from 'his head'.
- (19) Thus it has been proved that a positive precept supersedes any prohibition even if the latter is generally applicable. Marriage between a levir and his deceased brother's widow who is his wife's sister might, consequently, have been assumed to be permitted had not an explicit text pointed to its prohibition.
- (20) The text, 'his beard'.
- (21) How, then, can the same text which is required for the purpose mentioned also be used for a general deduction.
- (22) Lit., '(manner) of that'.
- (23) Lev. XIV, 9.
- (24) Cf. supra, p. 16, n. 7.
- (25) Num. VI, 5 dealing with the laws of the nazirite.
- (26) So Rashal. Cur. edd. read, 'leper and nazirite'.
- (27) Thus it is proved that a positive precept supersedes a prohibition. Cf. supra, note 7.
- (28) The deduction from the nazirite.
- (29) Heb. she'elah שאלה 'request', i.e., the nazirite may request a qualified person to disallow his vow and thus avoid the prohibition of shaving.
- (30) Lit., 'if you will not say so'.
- (31) Lit., 'that which is established for us'.
- (32) Lit., 'let it be deduced'.
- (33) The shaving of a nazirite's head is forbidden (a) by the precept that he must grow his hair long and (b) by the prohibition of allowing a razor to come upon his head.
- (34) Whence, then, is it proved that a positive precept supersedes a prohibition?

Talmud - Mas. Yevamoth 5b

from the first cited text:¹ Since² Scripture could have used the expression, Thou shalt make thee fringes,³ what need was there for that of 'twisted cords'? Consequently it must have been intended

for the purpose of allowing that text to be used for the deduction.⁴ But this⁵ is required for the determination of the number [of threads, thus]:⁶ ‘Twisted cord’ implies two threads,⁷ [and so] ‘twisted cords’⁸ implies four threads, therefore,⁹ one twisted cord is to be made [of the four] and from the middle of it separate threads¹⁰ are to hang down!¹¹ — If so,¹² Scripture should have stated, Thou shalt not wear a mingled stuff wool and linen:¹³ what need was there to add ‘together’?¹³ Consequently it must have been intended for the purpose of allowing a free text for the deduction.¹⁴ But this text too¹⁵ is required for the deduction that two stitches¹⁶ form a combination¹⁷ and that one stitch does not! — If so, the All Merciful should have written, Thou shalt not wear wool and linen together; what need was there for inserting ‘mingled stuff’? Hence it must be concluded that the purpose was to allow a free text for deduction.¹⁸ But is not this text¹⁹ still required [for the deduction that ‘mingled stuff’²⁰ is not forbidden] unless it was hackled, spun and twisted?²¹ — But [the fact is that] all this is deduced from the expression of ‘mingled stuff’.²²

So far it has been shewn that a positive precept supersedes a mere prohibition,²³ where, however, do we find that it supersedes also a prohibition involving kareth,²⁴ and that in consequence [the explicit expression] ‘aleha’²⁵ should be required to forbid it?²⁶ And if it be replied that this²⁶ might be deduced from circumcision,²⁷ [it may be retorted]: Circumcision stands in a different category,²⁸ for concerning it thirteen covenants²⁹ were made!³⁰ From the paschal lamb?³¹ — The paschal lamb also stands in a different category³² since it too involves kareth!³⁰ From the daily offering?³¹ — The daily offering also stands in a different category³³ since it is also a regular [offering]!³⁰ [Now though] it³⁴ cannot be derived from one³⁵ it might be derived from two. From which shall it be derived? [If the reply is]: Let it be derived from circumcision and the paschal lamb, [it may be retorted]: These also involve kareth.³⁶ From the paschal lamb and the daily offering? — Both are also intended for the Most High.³⁷ From circumcision and the daily offering? — Both were also in force before the giving of the law,³⁸ this being according to the view of him who holds that the burnt-offering which Israel offered in the wilderness was the daily burnt-offering.³⁹ Nor [can the derivation be made] from all of them, since they were all in force before the giving of the law.⁴⁰

But [this is the reason for] the need of a special text.⁴¹ It might have been assumed⁴² that this⁴³ should be derived from the precept of honouring one's father and mother; for it was taught: Since one might have assumed that the honouring of one's father and mother should supersede the Sabbath, it was explicitly stated, Ye shall fear every man his mother and his father, and ye shall keep My Sabbaths,⁴⁴ it is the duty of all of you⁴⁵ to honour Me. Now is not the case in point one where the parent said to him, ‘Slaughter for me’,⁴⁶ or ‘Cook for me’,⁴⁶ and the reason [why the parent must not be obeyed is] because the All Merciful has written, ‘Ye shall keep my Sabbaths’,⁴⁴ but had that not been so⁴⁷ it⁴⁸ would have superseded?⁴⁹ — No;

(1) ‘Mingled stuff’ in the case of zizith. (V. Deut. XXII, 11, 12 and supra p. 15, n. 3).

(2) Lit., ‘if so’, i.e., if according to the Rabbis the expression, ‘wool and linen’, is required for its own context and that text, therefore, is not available for deduction.

(3) The expression used in Num. XV, 38 in the section dealing with the precept of the fringes.

(4) That a positive precept supersedes a prohibition. Cf. supra, p. 10, n. 13.

(5) The expression of ‘twisted cords’, גְּדִילִים, Deut. XXII, 12.

(6) In the fringes.

(7) The twisted cord cannot be made of less than two threads.

(8) The plural, i.e., twice two.

(9) To harmonize this text (Deut. XXII, 12) which implies twisted cords, with that of Num. XV, 38, and that they put with the fringe of each corner a thread of blue, which implies only twisted threads.

(10) The four threads are inserted into the corner of the garment and, having been folded to form a fringe of eight threads, they are joined (by winding one of the threads round the others) into one twisted cord which extends over a section of length and is then separated again into eight separate threads.

(11) Men. 39b. Now, since the expression, ‘twisted cords’, is required for the determination of the number of the threads,

how could the Rabbis deduce from it the law of 'mingled stuff' in the fringes?

(12) That the law of 'mingled stuff' in the fringes was not to be deduced from the text cited.

(13) Deut. XXII, 11.

(14) Cf. supra p. 18, n. 10.

(15) Together, in Deut. XXII, II.

(16) Combining a material made of wool with one made of flax.

(17) Of 'mingled stuff' which is forbidden.

(18) Cf. supra p. 18, n. 10.

(19) Mingled stuff, Deut. XXII, 11.

(20) Of wool and flax.

(21) An etymological explanation of, or a play upon, the words 'mingled stuff' **שעטנז**, in Deut. XXII, 11. **שעטנז** is assumed to be an abbreviation of **שוע טוי ונוז**.

(22) The use of the peculiar expression, **שעטנז**, and not the usual **כלאים**, implies both (a) the deduction mentioned, (v. previous note) and (b) the deduction that a positive precept supersedes a prohibition (v. supra p. 10, n. 13).

(23) Cf. 3b end and p. 10, n. 7.

(24) V. Glos.

(25) Lev. XVIII, 18.

(26) The marriage by the levir of the widow of his deceased childless brother, when she happens to be a forbidden relative. V. p. 8, n. 9.

(27) Which must be performed on the eighth day of the child's birth even though that day happens to be a Sabbath when manual work is forbidden under the penalty of kareth.

(28) Lit., 'what in respect of circum-cision'.

(29) The expression 'covenant' (in various grammatical forms) occurs thirteen times in Gen. XVII, the section dealing with the precept of circumcision, v. Ned. 31b.

(30) Hence it may also supersede the Sabbath. It supplies, however, no proof that a positive precept which is not so stringent (such as the marriage with the levir) also supersedes a prohibition involving kareth.

(31) The slaughtering of which (a positive precept) supersedes the Sabbath though slaughtering is manual work which is forbidden on the Sabbath under the penalty of kareth.

(32) Lit., 'what in respect of the paschal lamb'.

(33) Lit., 'what in respect of the daily offering'.

(34) V. p. 19, n. 16.

(35) Circumcision, the paschal lamb, or the daily offering alone.

(36) Cf. supra n. 1.

(37) They are offered on the altar. Cf. supra n. 1.

(38) On Mount Sinai. Lit., 'speech' i.e., of the Deity. 'revelation', and as such are deemed of greater stringency.

(39) V. Ex. XXIV, 5 and Hag. 6a. Circumcision was ordained in the time of Abraham. V. Gen. XVII.

(40) V. supra nn. 9 and 10. The law of the paschal lamb also was given in Egypt prior to the date of the Revelation. V. Ex. XII.

(41) Beside her (Lev. XVIII, 18), to indicate that levirate marriage is forbidden when the widow of the deceased brother is the surviving brother's forbidden relative.

(42) Had not that text (in Lev. XVIII, 18; v. previous note) been written.

(43) That a positive precept supersedes a prohibition involving kareth and that consequently a levir may marry his deceased childless brother's widow even if she happens to be a forbidden relative of his.

(44) Lev. XIX, 3.

(45) Parents and children.

(46) I.e., to desecrate the Sabbath by an action the penalty for which is kareth.

(47) Had no such text been available.

(48) A parent's order, (the positive precept of honouring one's parents.)

(49) The prohibition of work on the Sabbath, though it is one involving kareth. Similarly in the case of the levirate marriage. Cf. supra p. 20, n. 14.

Talmud - Mas. Yevamoth 6a

this is a case¹ of ass driving.² And [you say that] it does not supersede³ even in such a case?⁴ But then what of the generally accepted rule that a positive precept supersedes a prohibition. Should it not be inferred from this case that it does not supersede!⁵ And if it be replied that the prohibitions of the Sabbath are different⁶ because they are more stringent,⁷ surely the following Tanna, [it may be pointed out,] speaks of prohibitions generally⁸ yet no one advances any objection.⁹ For it was taught: Since it might have been assumed that if his father had said to him,¹⁰ 'Defile yourself',¹¹ or if he said to him, 'Do not restore,'¹² he must obey him, it was explicitly stated, Ye shall fear every man his mother, and his father, and ye shall keep my Sabbaths,¹³ it is the duty of all of you to honour Me!¹⁴ — The real reason¹⁵ is because this objection may be advanced: Those¹⁶ are in a different category¹⁷ since they are also essentials in the execution of the precept.¹⁸

But [the reason¹⁹ is because] it might have been assumed that this²⁰ should be derived from the precept of the building of the Sanctuary. For it was taught: Since it might have been assumed that the building of the Sanctuary should supersede the Sabbath, it was explicitly stated, Ye shall keep My Sabbaths, and reverence My Sanctuary;²¹ it is the duty of all of you to honour Me. Now is not the case in point one of [a father's order to his son to] build or to demolish,²² and yet the reason [why it does not supersede the Sabbath is] because the All Merciful has written, 'Ye shall keep My Sabbaths',²³ but had that not been written it would have superseded?²⁴ — No; the case in point is one of ass driving.²⁵

And [you say] that it²⁶ does not supersede a prohibition even in such a case?²⁷ But what of the generally accepted rule that a positive precept supersedes a prohibition? Should we not infer from this case that it does not supersede! And if it be replied that the prohibitions of the Sabbath are different²⁸ because they are of a more stringent nature,²⁹ surely the following Tanna [it may be pointed out] speaks of prohibitions generally³⁰ yet no one advances any refutation.³¹ For it was taught: Since it might have been assumed that if his father had said to him,³² 'Defile yourself',³³ or if he said to him, 'Do not restore,'³⁴ he must obey him, hence it was explicitly stated, Ye shall fear every man his mother, and his father etc.,³⁵ it is the duty of all of you to honour Me!³⁶ — The true reason³⁷ is because this objection may be advanced: Those³⁸ are in a different category³⁹ since they are also essentials in the execution of the precept.⁴⁰ [But the law relating to] essentials in the execution of a precept could be derived from the previously cited text!⁴¹ — That is so indeed. What need, then, was there for the text, Ye shall keep My Sabbaths, and reverence My Sanctuary?²³ — It is required for the following deduction:⁴² As it might have been imagined that a man should reverence the Sanctuary, it was explicitly stated in the Scriptures, Ye shall keep My Sabbaths, and reverence My Sanctuary;²³ the expression of 'keeping' was used in relation to the Sabbath and [in the same verse] that of 'reverence' in relation to the Sanctuary [in order that the following comparison may be made]: As in the case of 'keeping' used in relation to the Sabbath

(1) Lit., 'negative precept'.

(2) I.e., where a father ordered his son to desecrate the Sabbath by driving an ass; a prohibition which, unlike slaughtering or cooking, does not involve the penalty of kareth. V. Shab. 154a.

(3) Lit., 'and even thus', sc. even the mere prohibition of ass driving.

(4) A mere prohibition not involving the penalty of kareth.

(5) Even a mere prohibition which does not involve the penalty of kareth.

(6) From other prohibitions.

(7) Since the infringement of any one of the laws of the Sabbath is regarded as the sin of idolatry (v. 'Er. 69b), even a mere prohibition which does not involve kareth, cannot be superseded by a positive precept.

(8) Lit., 'stands in the world', i.e., he compares with the prohibitions of the Sabbath others which have no connection with it.

(9) That the prohibitions of the Sabbath being more stringent than others should not be compared with them.

- (10) His son who was a priest.
- (11) For the dead, which is forbidden to a priest. V. Lev. XXI, 1ff.
- (12) A lost animal. V. Deut. XXII, 1.
- (13) Lev. XIX, 3.
- (14) Thus it has been shewn that prohibitions generally may be compared with those of the Sabbath. The suggestion, therefore, that the parents' order supra concerned the performance of the act of ass driving is untenable. If, consequently, the order must have consisted of a request to perform an act involving the penalty of kareth, that case well supplies a satisfactory answer to the question (supra 5b) as to what need was there for the text, 'aleha', in Lev. XVIII, 18.
- (15) Why no satisfactory reply to the question, what need is there for the text 'aleha', may be obtained from the precept of honouring one's parents.
- (16) A father's orders to his son to slaughter or to cook on the Sabbath.
- (17) From such a precept as the levirate marriage.
- (18) Lit., 'it is a preparation of the precept'. The precept of honouring a father cannot possibly be performed by the son unless he actually executes the act of slaughtering or of cooking, which he has been ordered by his father to do, so that the fulfilment of the positive precept (honouring one's parents) is entirely dependent on its superseding the prohibition (that, e.g., of cooking). Hence it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfilment of the precept, since, instead of the marriage, halizah may be arranged, and the question remains, what need is there of the verse 'aleha'.
- (19) Why the text, 'aleha' (Lev. XVIII, 18) was needed to indicate that wherever the deceased childless brother's widow was the living brother's forbidden relative no levirate marriage must take place.
- (20) That a positive precept supersedes a prohibition involving kareth and consequently that the levirate marriage may take place even in such a case (v. previous note).
- (21) Lev. XIX, 30.
- (22) Actions which are among the principal classes of labour that are forbidden on the Sabbath under the penalty of kareth.
- (23) Lev. XIX, 30.
- (24) Thus it follows that a positive precept does supersede a prohibition even though the latter involves kareth.
- (25) Which does not involve kareth.
- (26) A positive precept.
- (27) Which does not involve kareth.
- (28) From other prohibitions.
- (29) Cf. supra p. 21, n. 13.
- (30) Cf. supra p. 21, n. 14.
- (31) Cf. supra p. 21, n. 15.
- (32) His son who was a priest.
- (33) Cf. supra p. 21, n. 17.
- (34) Cf. supra p. 21, n. 18.
- (35) Lev. XIX, 3.
- (36) Cf. supra p. 22, n. 2.
- (37) Cf. supra p. 22, n. 3.
- (38) Cf. supra p. 22, n. 4.
- (39) Cf. supra p. 22, n. 5.
- (40) Cf. supra p. 22, n. 6.
- (41) Lit., 'from there', from Lev. XIX, 3, and this superfluous text serves to extend the principle of a positive precept superseding a negative precept involving kareth to a case such as levirate marriage. Hence the need of the text 'aleha'.
- (42) Lit., 'for as it was taught'.

Talmud - Mas. Yevamoth 6b

one does not reverence the Sabbath but Him who ordered the observance of the Sabbath, so in the case of 'reverence' used in relation to the Sanctuary, one is not to reverence the Sanctuary but Him

who gave the commandment concerning the Sanctuary. And what is regarded as the ‘reverence of the Sanctuary’? — A man shall not enter the Temple mount¹ with his stick, shoes or money bag² or with dust upon his feet, nor may he use it for making a short cut;³ and spitting [is there forbidden] by inference a minori ad majus.⁴ This, however, might apply⁵ only to the time when the Sanctuary was in existence; whence is it deduced that the same holds good of the time when the Sanctuary no longer exists? It was expressly stated in Scripture, Ye shall keep My Sabbaths, and reverence My Sanctuary;⁶ as the ‘keeping’ that was used in relation to the Sabbath holds good forever, so also the ‘reverence’ used in relation to the Sanctuary must hold good forever.⁷

Really [the reason⁸ is because] it might have been assumed that this⁹ should be derived from the prohibition of kindling a fire [on the Sabbath]. For a Tanna of the School of R. Ishmael taught: Wherefore was it stated, Ye shall kindle no fire throughout your habitations?¹⁰ ‘Wherefore ‘was it stated’!¹¹ Surely if one is to follow R. Jose, it was to intimate that [kindling a fire on the Sabbath is] a prohibition only;¹² and, if one is to follow R. Nathan, it was to intimate that even a single transgression involves one in the prescribed penalties;¹³ for it was taught: ‘The prohibition of kindling a fire [on the Sabbath] was mentioned separately¹⁴ in order to [indicate that its transgression is] a prohibition only;¹⁵ so R. Jose, while R. Nathan maintains that the intention was to intimate that even a single transgression involves the offender in the prescribed penalties’!¹³ And Raba explained that the Tanna¹⁶ found difficult the expression of habitations,¹⁷ [arguing thus]: What need was there for Scripture to state ‘habitations’? [Is not this¹⁸ obvious?] For consider: The observance of the Sabbath is a personal obligation, and any personal obligation is valid both in the Land [of Israel] and outside the land;¹⁹ what need, then, was there for the All Merciful to write it²⁰ in connection with the Sabbath? This was explained by a disciple in the name of R. Ishmael: Whereas it was stated in the Scriptures, And if a man have committed a sin worthy of death, and he be put to death,²¹ one might infer [that the death penalty may be executed] both on week-days and on the Sabbath and, as regards the application of the text, Everyone that profaneth it²² shall surely be put to death,²³ this might be said to refer to the several kinds of labour other than the execution of a judicial death sentence; or again it might be inferred²⁴ that it²⁵ refers even to a judicial execution of a death sentence and, as regards the application of He shall surely be put to death²³ [this might be said to refer] to week-days but not to the Sabbath; or again it might be thought²⁶ to apply also to the Sabbath; hence it was expressly stated, Ye shall kindle no fire throughout your habitations,²⁷ and further on it is stated, And these things shall be for a statute of judgment unto you throughout your generations in all your habitations;²⁸ as the expression of ‘habitations’ mentioned below²⁸ refers to the Beth din, so the expression ‘habitations’ mentioned here²⁷ refers also to the Beth din, and concerning this the All Merciful said, ‘Ye shall kindle no fire’.²⁹ Now, are we not to assume this statement to be in agreement with the view³⁰ of R. Nathan who holds that the object was to intimate that even a single transgression involves the offender in the prescribed penalties,³¹ and the reason³² is because the All Merciful has written, Ye shall kindle no fire,²⁷ but had that not been the case it would have superseded the [Sabbath]!³³ — No; this may be according to R. Jose.³⁴

Granted, however, [that it is according to the view of] R. Jose, might it not be suggested that R. Jose said that ‘kindling a fire [on the Sabbath] is mentioned separately in order to indicate that it is a mere prohibition’ [in the case only of] ordinary burning; the burning by the Beth din,³⁵ [however, is surely a case of] boiling of the metal bar³⁶ concerning which R. Shesheth said that there is no difference between the boiling of a metal bar and the boiling of dyes?³⁷ — R. Shimi b. Ashi replied: This Tanna³⁸ [requires Scriptural texts] not because elsewhere he holds that a positive precept supersedes a prohibition, but because this³⁹ might have been obtained by inference a minori ad majus; and it is this that he meant to say: ‘As regards the application of the text, Every one that profaneth it⁴⁰ shall surely be put to death,⁴¹ it might have been said to apply to the several kinds of labour other than that of the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, by inference a minori ad majus:

- (1) On which the Sanctuary stood.
- (2) פונדה, Lat. funda. Others, 'a hollow girdle in which money is kept'.
- (3) קפנדריא, cf. compendiariorum.
- (4) Bet. 54a. For an explanation of the inference, v. ibid. 62b.
- (5) Lit., 'it is not (known) to me'.
- (6) Lev. XIX, 30.
- (7) And since there is no superfluous verse to extend the principle in such a case as levirate marriage, the question remains, what need was there for the text 'aleha'.
- (8) Cf. supra p. 22, n. 7.
- (9) Cf. supra p. 22, n. 8.
- (10) Ex. XXXV, 3.
- (11) The prohibition of kindling a fire, surely, is included in the general prohibition of labour on Sabbath.
- (12) I.e., only a negative commandment the transgression of which does not, like the other Sabbath offences, involve the penalties of stoning or kareth. The former, if the offender was warned beforehand of the consequence of his offence, the latter, where no such warning had been given.
- (13) Lit., 'to divide', i.e., one of the thirty-nine kinds of labour that are forbidden on the Sabbath was singly specified in order to indicate that to incur the prescribed penalties it is not necessary to commit all the thirty-nine transgressions (as the one general, all-embracing prohibition of about might have seemed to imply). The mention of one prohibition (kindling of fire) separately breaks up, so to speak, (divides), all the others into single units, indicating that, as in its own case, so in that of all the others first mentioned together with it, every single transgression involves the penalty of stoning, kareth, or a sin-offering.
- (14) Lit., 'went out'.
- (15) V. p. 24, n. 12.
- (16) Who asked, supra, 'wherefore was it stated?'
- (17) Ex. XXXV, 3.
- (18) That the prohibition is in force in all 'habitations'.
- (19) I.e., throughout all habitations.
- (20) The phrase, 'throughout your habitations', Ex. XXXV, 3.
- (21) Deut. XXI, 22.
- (22) The Sabbath.
- (23) Ex. XXXI, 14 which prohibits all kinds of work on the Sabbath.
- (24) Lit., 'or it is not but'.
- (25) The prohibition of labour.
- (26) Lit., 'or it is not but'.
- (27) Ex. XXXV, 3.
- (28) Num. XXXV, 29, referring to the death penalties of murderers.
- (29) I.e., execute no death penalty of burning on the Sabbath. The death penalty of 'burning' was executed by pouring molten lead through the condemned man's mouth into his body, thus burning his internal organs.
- (30) Lit., 'what, (is it) not?'
- (31) Of death or kareth. V. supra p. 25, n. 1.
- (32) Why the death penalty of burning — a kind of work — which according to R. Nathan would involve kareth must not be executed on the Sabbath.
- (33) Though the penalties involved include that of kareth. Thus it follows that a positive precept may supersede even such a prohibition. So also in the case of the levirate marriage it might have been assumed that the precept of marrying one's deceased childless brother's widow supersedes the prohibition of marrying a consanguineous relative despite the fact that such a transgression involves elsewhere the penalty of kareth; hence it was necessary for Scripture to add, 'aleha' (Lev. XVIII, 18), to indicate that even a levirate marriage is in such a case forbidden. (V. supra 3b and 5b).
- (34) V. supra p. 24, n. 12.
- (35) The death penalty of burning.
- (36) Cf. supra note 4.
- (37) Lit., 'what (difference is it) to me', Shab. 106a. The dyes were boiled in connection with the construction of the Tabernacle that was made by Moses, and any kind of labour that was there performed is included among the thirty-nine

principal kinds of labour which are forbidden on the Sabbath (v. Shab. 73a) and involve the penalty of kareth. Cf. supra p. 26, n. 8.

(38) Who deduced from Scriptural texts that a judicial death sentence may not be executed on the Sabbath.

(39) The assumption that the execution of a judicial death sentence might supersede the Sabbath.

(40) The Sabbath.

(41) Ex. XXXI, 14.

Talmud - Mas. Yevamoth 7a

If the Temple service which is of high importance and supersedes the Sabbath¹ is itself superseded by [a death sentence for] murder, as it is said, Thou shalt take him from Mine altar, that he may die,² how much more reasonable is it that the Sabbath which is superseded by the Temple service should be superseded by [a death sentence for] murder'. How, then, could it be said, 'Or it might rather [etc.]'?³ — He means this: The burial of a meth mizwah⁴ might prove [the contrary], since it supersedes the Temple service⁵ and does not nevertheless supersede the Sabbath.⁶ Then⁷ he argued: It might be inferred a minori ad majus that the burial of a meth mizwah should supersede the Sabbath, [thus]: If the Temple service which supersedes the Sabbath is superseded by the burial of a meth mizwah, by deduction from Or for his sister,⁸ how much more should the Sabbath which is superseded by the Temple service be superseded by the burial of a meth mizwah; hence it was explicitly stated, Ye shall kindle no fire.⁹ [etc].¹⁰

According to our previous assumption, however, that a positive precept supersedes a prohibition, what is meant by, 'Or it might rather [etc.]'?¹¹ — It is this that was meant: 'As regards the application of the text, Every one that profaneth it¹² shall surely be put to death,¹³ it might have been said to apply to the several kinds of labour other than the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, for a positive precept¹⁴ supersedes the prohibition. Then¹⁵ he argued: It might be suggested that a positive precept supersedes a prohibition in the case of a mere prohibition only; has it, however, been heard to supersede a prohibition which involves kareth? Then he concluded: 'Even where¹⁶ a positive precept supersedes a prohibition, is not the prohibition of a more serious nature than the precept?'¹⁷ And yet the positive precept comes and supersedes the prohibited; on what grounds, then, should a distinction be made between a minor and a major prohibition?¹⁸ Hence it was explicitly stated, Ye shall kindle no fire⁹ [etc.].¹⁹

But²⁰ [this is the reason why a specific text] was needed:²¹ It might have been assumed that this [case of a] brother's wife should be regarded as a subject which was included in a general proposition²² and was subsequently singled out in order to predicate another law,²³ the predication of which is not intended to apply to itself alone but to the whole of the general proposition. For it was taught: 'A subject which was included in a general proposition and was subsequently singled out, etc. How [is this to be understood]? But the soul that eateth of the flesh of the sacrifice of peace-offerings [that pertain unto the Lord], having his uncleanness upon him;²⁴ were not peace-offerings included among the other holy things?²⁵ Why, then, were they subsequently singled out? In order that [the others] may be compared to them, and in order to tell you that as peace-offerings are distinguished by being consecrated objects of the altar so must also all other things²⁶ be consecrated objects of the altar, the objects consecrated for Temple repair only being excluded.'²⁷ Similarly here it might have been argued:²⁸ Since a brother's wife was included among all the other forbidden relatives, why was she singled out? In order that [the others] may be compared to her, and in order to tell you that as a brother's wife is permitted²⁹ so also are all the other forbidden relatives permitted.³⁰

Are these, however, similar? There³¹ both the general proposition³² and the particular specification²⁴ relate to a prohibition, but here³³ the general proposition relates to a prohibition while the particular specification relates to something which is permitted!³⁴ This, surely, is rather to be

compared to an object that was included in a general proposition and was subsequently singled out in order to be made the subject of a fresh statement, which you cannot restore to the restrictions of the general proposition unless Scripture specifically restores it; for it was taught: Anything which was included in a general proposition and was subsequently excluded in order to be made the subject of a fresh statement, cannot be restored to the restrictions of the general proposition unless Scripture has explicitly restored it.³⁵ How³⁶ [may this principle be illustrated]? And he shall kill the he-lamb in the place where they kill the sin-offering and the burnt-offering in the place of the Sanctuary; for as the sin-offering is the priest's so is the guilt-offering.³⁷ Now since there was no need to state, 'As the sin-offering so is the guilt-offering.'³⁸ why did Scripture explicitly state. As the sin-offering so the guilt-offering? Because seeing that the guilt-offering of the leper was singled out³⁹ in order to impart a new law concerning the thumb of the right hand and the great toe of the right foot,⁴⁰ it might have been assumed that it required no application of blood to, and no burning of the prescribed portions of the sacrifice upon the altar;

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- (1) Labour prohibited on the Sabbath may be performed in connection with the service of the Temple.
 - (2) Ex. XXI, 14. This is taken to mean that he may be removed from the altar even if he has to perform service thereon.
 - (3) Supra 6b. Since the inference was made a minori ad majus how could anyone dispute it?
 - (4) V. Glos.
 - (5) A priest may defile himself by the burial of a meth mizwah though he thereby becomes disqualified from performing the Temple service. V. Meg. 3b.
 - (6) Burial is forbidden on the Sabbath. So also, it could be argued, the execution of a death sentence, though it supersedes the Temple service, need not necessarily supersede the Sabbath.
 - (7) Saying again, 'Or it might rather etc.', supra 6b.
 - (8) Num. VI, 7; v. Meg. 3b.
 - (9) Ex. XXXV, 3.
 - (10) For the continuation, v. supra 6b.
 - (11) Cf. supra p. 27, n. 8. How, in view of this assumption, could any other conclusion be arrived at?
 - (12) The Sabbath.
 - (13) Ex. XXXI, 14.
 - (14) That the man worthy of death be put to death (v. Deut. XXI, 22).
 - (15) By saying again, 'Or it might rather', supra 6b.
 - (16) Cf. Bah, a.l.
 - (17) A transgression of the prohibition involves the serious penalty of flogging, while the non-performance of the precept is no punishable offence.
 - (18) As a positive precept supersedes an ordinary prohibition so it should also supersede one which involves kareth.
 - (19) V. supra note 3.
 - (20) Now that it is concluded that the need of the Scriptural text prohibiting the execution of a death sentence on Sabbath is because otherwise the permissibility thereof might have been argued a minori, and not on the ground of the principle that a positive command supersedes a prohibition, there is no proof available for the assumption that a positive precept supersedes a prohibition which involves kareth, and thus the original question again arises: What need was there for the specific text of Lev. XVIII, 18, 'aleha' (supra p. 8), to indicate the obvious? (i.e., that the positive precept of the levirate marriage does not supersede the prohibition of marrying a consanguineous relative).
 - (21) V. previous note.
 - (22) The prohibition of incest, Lev. XVIII, 29.
 - (23) The marriage of the widow of a deceased childless brother.
 - (24) Lev. VII, 20.
 - (25) Lev. XXII, 3, where the penalty of kareth is pronounced for eating consecrated things during one's uncleanness.
 - (26) For the eating of which during one's uncleanness the penalty of kareth is incurred.
 - (27) Ker. 2b. If these were eaten by one in a state of uncleanness no obligation is incurred.
 - (28) Reading with Bah **הָאֵלֶּה** (הָאֵלֶּה אֵלֶּה). Cur. edd. retain **הָאֵלֶּה** with no sign of abbreviation.
 - (29) To be married to the levir if her husband died childless.
 - (30) Cf. previous note. A text was consequently needed to intimate that the law was not so,

(31) The case of consecrated objects.

(32) Lev. XXII, 3.

(33) Levirate marriage and forbidden relatives.

(34) How, then, could the two be compared?

(35) Now, as the case of a brother's wife has not been restored to the general proposition, what need was there for the specific text of Lev. XVIII, 18?

(36) This is the continuation of the quotation.

(37) Lev. XIV, 13, dealing with the leper's guilt-offering.

(38) Since the place of killing was indicated at the beginning of the verse while the other regulations concerning this sacrifice are found in the laws of the guilt-offering in Lev. VII, 1ff.

(39) From the laws relating to other guilt-offerings.

(40) V. Lev. XIV, 14.

Talmud - Mas. Yevamoth 7b

hence it was explicitly stated, 'As the sin-offering so is the guilt-offering': As the sin-offering¹ requires application of the blood to, and burning of the prescribed portions upon the altar, so does the guilt-offering also require application of the blood to, and burning of the prescribed portions upon the altar.² Had Scripture not restored it,³ however, it would have been assumed that it was singled out only in respect of what was explicitly specified but not in any other respect;⁴ so also here,⁵ I would assume, only a brother's wife who was explicitly mentioned [can be said] to be permitted⁶ but not any of the other forbidden relatives!⁷

But⁸ it might have been assumed that the law of a wife's sister⁹ should be deduced from what has been found in the case of a brother's wife; as a levir may marry his brother's wife so he may also marry his wife's sister.¹⁰

Are, however, the two cases¹¹ similar? In the one case¹² there is only one prohibition; in the other¹³ there are two prohibitions!¹⁴ — It might have been assumed that since she¹⁵ was permitted¹⁶ [in respect of one prohibition]¹⁷ she was also permitted [in the case of the other].¹⁸ And whence is it derived that we assume that 'since something was permitted [in one respect] it was also permitted [in the other]'? — From what was taught: In the case of a leper whose eighth day [of purification]¹⁹ fell on the Passover eve,²⁰ and who, having observed a discharge of semen on that day,²¹ had taken a ritual bath, the Sages said: Although no other tebul yom²² may enter [the Temple mount],²³ this one²⁴ may enter, for it is better that the positive precept,²⁵ the non-observance of which involves kareth, shall supersede a positive precept²⁶ the infringement of which involves no kareth.²⁷ And in connection with this R. Johanan said: According to the Torah, not even [the infringement of] a positive precept is involved,²⁸ for it is said, And Jehoshaphat stood in the congregation of Judah . . . before the new court.²⁹ What is meant by the new court? Rabbi³⁰ replied: That they enacted therein new laws, ordaining that a tebul yom³¹ must not enter the camp of the Levites.³² And 'Ulla said: 'What is the reason?'³³ Since he was given permission³⁴ in respect of his leprosy,³⁵ permission was also given to him in respect of his discharge of the semen.³⁶ But is this case³⁷ similar to that of 'Ulla?

(1) Of a leper.

(2) Zeb. 49a.

(3) The leper's guilt-offering and brought it into line with other guilt-offerings.

(4) Lit., 'to what it went out, it went out; and to what it did not go out, it did not go out'.

(5) The case of the levirate marriage.

(6) Lit., 'that was permitted is permitted'.

(7) The question consequently arises again: What need was there for 'aleha' in Lev. XVIII, 18. (Cf. supra p. 30, n. s).

(8) The reason why a superfluous text (v. previous note) was needed.

- (9) For this reading v. Bah.
- (10) Hence it was necessary to have the superfluous text, 'aleha' (v. supra n. 4) to shew that the law was not so.
- (11) Brother's wife and wife's sister.
- (12) Lit., 'there', a brother's wife.
- (13) Lit., 'here', a wife's sister.
- (14) The prohibitions to marry (a) a brother's wife and (b) a wife's sister. How then could the one be deduced from the other?
- (15) A brother's wife who is also one's wife's sister and whose husband died childless.
- (16) By the positive precept of the levirate marriage.
- (17) That of marrying a brother's wife.
- (18) The prohibition of marrying one's wife's sister. Hence etc. V. supra note 7.
- (19) On which he completes the days of his purification and brings the prescribed sacrifices, presenting himself (whither as a leper he was till that day forbidden to enter) on the Temple mount at the entrance to the Nikanor gate of the Sanctuary, from where he extends his thumb and great toe into the Sanctuary (whither he is not yet allowed to enter) for the priest to apply to them some of the sacrificial blood, v. Nazir, Sonc. ed. p. 165ff.
- (20) When the paschal lamb is sacrificed to be eaten in the evening.
- (21) Such a discharge ordinarily disqualifies a man from entering the Temple mount.
- (22) טבול יום one who has had his ritual bath and is awaiting nightfall for the completion of his purification.
- (23) Before nightfall.
- (24) The leper in the circumstances mentioned.
- (25) That of the paschal lamb.
- (26) That a leper like certain other unclean persons must be sent out from the Levitical camp in which the Temple mount is included.
- (27) If he were not allowed to enter the Temple mount his purification from leprosy could not have been completed (cf. supra p. 31, n. 16) and he would in consequence have been prevented from participating in the paschal lamb. By allowing him to enter he is enabled to complete his purification, while nightfall would also terminate the uncleanness due to the discharge, and thus he is in a position to participate in the evening in the paschal lamb which during the day is prepared for him by a deputy.
- (28) In allowing the leper in the conditions mentioned to enter the Temple court.
- (29) II Chron. XX, 5, referring to a day when Israel completed a period of purification.
- (30) This is the reading also in Zeb. 32b. Cur. edd. enclose in parentheses 'R. Johanan'.
- (31) V. Glos.
- (32) Which proves that the prohibition for a tebul yom to enter the Levitical camp was not of Pentateuchal origin, having been first enacted in the days of Jehoshaphat.
- (33) Why was a leper in the circumstances mentioned permitted to extend his hands into the Sanctuary whither an unclean person, according to 'Ulla, may not project even part of his body?
- (34) To project his hands into the Sanctuary.
- (35) Despite the prohibition for an unclean person, though the days of his purification have been duly observed, to enter the Sanctuary even partially, prior to the offering of the prescribed sacrifices.
- (36) Thus it is proved that since something was permitted in one respect the permission remains in force even when another prohibition may be involved in another respect. The same argument might have also applied to a wife's sister or widow of a deceased brother. Hence the need of the text, 'aleha'.
- (37) A brother's wife who is also one's wife's sister.

Talmud - Mas. Yevamoth 8a

[The comparison] might well be justified where the deceased brother married [first]¹ and the surviving brother married [his brother's wife's sister] afterwards,² for, in this case, since the prohibition of brother's wife was removed,³ that of wife's sister⁴ is also removed; but where the surviving brother had married [first] and the deceased brother had married subsequently, the prohibition of wife's sister was Surely in force first!⁵ Furthermore, even where the deceased had married [first], [the comparison] would be justified in the case where the deceased had married and

died, and the surviving brother had married afterwards so that [the widow] was eligible in the interval;⁶ where, however, the deceased had married, and before he died his wife's sister was married by his surviving brother, [his widow] was never for a moment eligible for his brother! Does not 'Ulla admit that if the leper observed semen on the night preceding the eighth day⁷ of his purification he must not project his hand into the Sanctuary on account of his thumb⁸ because at the time he was eligible to bring the sacrifice [of the cleansed leper]⁹ he was not free from uncleanness?¹⁰

But [this is really the explanation]: If 'aleha' was at all needed, [it was for such a case as] where the deceased brother had married [first] and died, and the surviving brother married [the widow's sister] subsequently.¹¹

If you prefer I can say [that the reason¹² is because] it¹³ might have been deduced by means of R. Jonah's analogy. For R. Jonah — others say, R. Huna son of R. Joshua — said: 'Scripture stated: For whosoever shall do any of these abominations shall be cut off,¹⁴ all forbidden relatives were compared to a brother's wife';¹⁵ [so in this case also it might have been said], as a brother's wife is permitted¹⁶ so also are all other forbidden relatives permitted; hence the All Merciful has written, 'aleha'.¹⁷

Said R. Aha of Difti¹⁸ to Rabina: Consider! All forbidden relatives¹⁹ might be compared to a brother's wife²⁰ and might equally be compared to a wife's sister,²¹ what reason do you see for comparing them to a wife's sister?²¹ Compare them rather to a brother's wife!²⁰ — If you wish I might say: When a comparison may be made for increasing as well as for decreasing restrictions, that for increasing restrictions must be preferred. If you prefer, however, I might say: In the former cases²² there are two prohibitions in the one as well as in the other,²³ and a double prohibition may justly be inferred from a double prohibition; in the latter case, however,²⁴ only one prohibition is involved,²⁵ and a double prohibition may not be inferred from a single one.

Raba said: [That] a forbidden relative herself²⁶ [may not contract the levirate marriage] requires no Scriptural text to prove it, since no positive precept can supersede a prohibition which involves kareth; if a Scriptural text was at all needed it was for the purpose of forbidding a rival.

And in the case of a forbidden relative is no Scriptural text required [to prohibit her levirate marriage]? Surely it was taught, 'Thus we are in a position to know the law concerning herself'!²⁷ — On account of her rival.²⁸ Was it not taught, however, 'Now we know the law concerning themselves'?²⁹ — On account of their rivals.³⁰

Come and hear: Rabbi said: [Instead of] and take, [Scripture stated], and take her,³¹ [and instead of] and perform the duty of a husband's brother [Scripture stated], and perform the duty of a husband's brother unto her,³¹ in order to prohibit³² [the levirate marriage of] forbidden relatives and their rivals!³³ — Read, 'To forbid [the levirate marriage of] the rivals of the forbidden relatives'. But two texts, surely, were mentioned;³⁴ was not one for the forbidden relative and the other for her rival? — No; both were for the rival, but one indicates prohibition³⁵ of a rival where the precept³⁵ is applicable, and the other indicates permission to marry the rival where the precept³⁵ is not applicable.³⁶ What is the reason? — [Because instead of] 'And perform the duty of a husband's brother' [Scripture stated] And perform the duty of a husband's brother UNTO HER, [which indicates that] only where levirate marriage is applicable is a rival forbidden³⁷ but where levirate marriage is not applicable³⁶ a rival is permitted.³⁷ R. Ashi said: [This³⁸ may] also be inferred from our Mishnah where it was stated, FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS, but it was not stated, 'are exempt³⁹ and exempt [their rivals]'. This proves it.

In what respect does the case of a forbidden relative differ⁴⁰ that it should require no text?⁴¹ Obviously because no positive precept may supersede a prohibition which involves kareth. But then

the case of a rival also should require no text,⁴¹ since no positive precept may supersede a prohibition which involves kareth!⁴² — Said R. Aha b. Bebai Mar to Rabina, Thus it has been stated in the name of Raba: In the case of a rival also no Scriptural text⁴¹ was needed; if a text was needed at all

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- (1) His wife thus becoming a forbidden relative to his brother as 'brother's wife'.
 - (2) Thus adding to the one prohibition (v. previous note) the other of 'wife's sister'.
 - (3) By the precept of the levirate marriage, owing to the childlessness of the deceased.
 - (4) Since it was added subsequently.
 - (5) And could not consequently be removed by the removal of a prohibition which took effect subsequent to it.
 - (6) Between the death of her husband and the marriage of her sister by his surviving brother. This case would be analogous to that of the leper who was eligible to bring his sacrifices on the eighth day of his purification during the interval between the beginning of the day and the hour on that day he contracted a new uncleanness by his discharge.
 - (7) The night is reckoned as the beginning of the day following it.
 - (8) V. supra p. 31, n. 16.
 - (9) The eighth day of his purification.
 - (10) Owing to the discharge of the semen which occurred in the night. As a sacrifice must be brought in the day time only, there was not a single moment during which he was eligible to bring the sacrifices as being clean in all respects. The prohibition consequently remains in force. So also in the case of a wife's sister as regards the levirate marriage. The question, therefore, arises again, what need was there for the superfluous text of Lev. XVIII, 18. V. supra p. 30, n. 2.
 - (11) So that there was an interval during which he was permitted to marry the widow. V. p. 33. n. 11.
 - (12) Why the superfluous 'aleha' in Lev. XVIII, 18 was required.
 - (13) The law that forbidden relatives may be married in the case of a levirate marriage.
 - (14) Lev. XVIII, 29.
 - (15) Having been grouped together in this text.
 - (16) In the case of a levirate marriage.
 - (17) Lev. XVIII, 18; to intimate that they are not permitted.
 - (18) Dibtha, below the Tigris, S.W. of Babylon.
 - (19) That were enumerated in our Mishnah.
 - (20) And levirate marriage with all of them would thus be permitted.
 - (21) With whom the levirate marriage is forbidden by the text 'aleha' (v. supra).
 - (22) Lit., 'here', (a) in that of a wife's sister and (b) all the other forbidden relatives (other than a brother's wife).
 - (23) Lit., 'and here two prohibitions', (a) forbidden relatives and (b) brother's wife.
 - (24) Lit., 'but here,' a brother's wife who is not a consanguineous relative.
 - (25) That of a brother's wife.
 - (26) So Bah.
 - (27) I.e., the forbidden relative, supra 3b.
 - (28) Whose case had to be proved, it was necessary to begin with this introduction.
 - (29) I.e., the forbidden relatives.
 - (30) Cf. supra n. 3.
 - (31) Deut. XXV, 5.
 - (32) By the use of 'her' and 'unto her' which implies 'but no other'.
 - (33) Which shews that a Scriptural text is required, even in the case of forbidden relatives themselves, to prove that levirate marriage is prohibited.
 - (34) Lit., 'he took.'
 - (35) Of the levirate marriage.
 - (36) As, for instance, in the case of a rival of a forbidden relative who married a stranger, v. infra 13a.
 - (37) To be married by the man to whom the relative herself is forbidden.
 - (38) Raba's statement that the prohibition to contract levirate marriage with a forbidden relative is so obvious that no Scriptural text is required to prove it.
 - (39) Which shews that the exemption of the forbidden relatives themselves from the levirate marriage (i.e., the prohibition ever to marry them) was taken in our Mishnah for granted.

(40) From the case of her rival.

(41) To prove its prohibition even in the case of the levirate marriage.

(42) Kareth being the penalty in both cases.

Talmud - Mas. Yevamoth 8b

it was for the purpose of permitting a rival where the precept¹ is not applicable. What is the reason?² — Scripture stated, ‘aleha’,³ to indicate that only in the case of ‘unto her’⁴ is she⁵ forbidden,⁶ where the other, however, may not, she is permitted.

Said Rami b. Hama to Raba: Might it not be suggested⁷ that the forbidden relative⁸ herself is permitted⁹ where the precept¹⁰ is not applicable? — Is not [such an argument contrary to the principle of inference] a minori ad majus? Being forbidden where the precept¹⁰ is applicable, would she be permitted where the precept is not applicable? — [‘The case of a] rival’, the first replied, ‘could prove it, since she is forbidden⁹ where the precept¹⁰ is applicable, and is permitted⁹ where the precept¹⁰ is not applicable’. ‘It is for your sake,’ the other replied, ‘that Scripture states, In her life-time,¹¹ so long as she¹² lives’.¹³ But is not the expression,¹⁴ In her life-time,¹¹ required for the exclusion [of the prohibition of marriage] after her¹² death?¹⁵ — This is deduced from the text, And a woman to her sister.¹¹ If [the deduction were only] from the text. ‘And a woman to her sister’,¹¹ it might have been said that if she¹⁶ was divorced the sister would be permitted, hence it was expressly stated, ‘In her life-time.’¹¹ So long as she¹⁶ is alive, even though she has been divorced, [her sister must] not [be married].¹⁷ — But, said R. Huna b. Tahlifa in the name of Raba, two Scriptural texts are available; it is written, Thou shalt not take a woman to her sister, to be a rival to her¹⁸ [implying two],¹⁹ and it is also written, To uncover her nakedness,²⁰ which implies that only one is forbidden; how then [are the two texts to be reconciled]? Where the precept²¹ is applicable both are forbidden;²² where the precept²¹ is not applicable she²³ is forbidden but her rival is permitted. Might not the deduction be reversed: Where the precept²¹ is applicable she²³ is forbidden but her rival is permitted, but where the precept is not applicable both are forbidden!²² — If so, ‘aleha’ should not have been stated.²⁴

Said R. Ashi to R. Kahana: Whence is it derived that the expression ‘aleha²⁵ indicates prohibition? Is it not possible that it implies permission, and that it is this that the All Merciful meant to imply: Thou shalt not take a woman to her sister, to be a rival to her,²⁵ neither herself nor her rival where ‘unto her’²⁶ is not applicable,²⁷ but where ‘unto her’²⁶ is applicable²⁸ both are permitted!²⁹ — If so, how could the ‘uncovering of the nakedness’ of one³⁰ be possible? If in the case where the precept³¹ is applicable, both are permitted;³² and if where the precept is not applicable both are forbidden!³³

[Reverting to] the [above] text, Rabbi said: Instead of And take, Scripture stated, ‘And take her’ and instead of ‘And perform the duty of a husband's brother’, Scripture stated, ‘And perform the duty of a husband's brother unto her’, in order to prohibit [the levirate marriage of] forbidden relatives and their rivals. Are, then, rivals mentioned here at all? And, furthermore, the law of rivals has been derived from the expression To be her rival!³⁴ — The expression To be her rival is employed by Rabbi for R. Simeon's deduction.³⁵ Where,³⁶ however, is the rival mentioned?³⁷ — What he meant is this: If so,³⁸ Scripture should have stated, And take; why then did it state, ‘And he shall take her’?³⁹ To indicate that wherever there are two to be taken,⁴⁰ he⁴¹ having the choice of marrying whichever he prefers⁴² both are permitted,⁴³ but if not,⁴⁴ both are forbidden; And perform the duty of a husband's brother unto her,⁴⁵ indicates that where levirate marriage is applicable there is the rival forbidden, where, however, levirate marriage is not applicable the rival is permitted.

As to the Rabbis,⁴⁶ to what do they apply the verse ‘And he shall take her’? — They require it for the deduction of R. Jose b. Hanina. For R. Jose b. Hanina said: ‘And he shall take her’⁴⁵ teaches that

he⁴⁷ may divorce her with a letter of divorce⁴⁸ and that he may remarry her;⁴⁹ And he shall perform the duty of a husband's brother unto her, even against her will.⁵⁰ And Rabbi?⁵¹ — The law of R. Jose b. Hanina is deduced from To a wife,⁴⁵ and that the marriage may take place against her will is deduced from Her husband's brother shall go in unto her.⁴⁵

What does Rabbi do with [the expression], ‘aleha’? — He requires it [for another deduction], as we learnt: The Beth din⁵² are under no obligation⁵³ unless [they ruled] concerning a prohibition the punishment for which is kareth, if the transgression was wilful, and a sin-offering if the transgression was unwitting; and so it is with the anointed High priest.

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- (1) Of the levirate marriage.
 - (2) I.e., how is the permissibility deduced?
 - (3) Lev. XVIII, 18.
 - (4) Lit., ‘in the place of עליה with reference to the verse ‘Her husband's brother shall go in unto her’ (v. supra p. 8, n. 9) i.e., where the command of levirate marriage would otherwise apply.
 - (5) The rival.
 - (6) To be married, cf. supra p. 35, n. 12.
 - (7) On the lines of the argument just advanced.
 - (8) I.e., the wife's sister.
 - (9) To be married.
 - (10) Of the levirate marriage.
 - (11) Lev. XVIII, 18.
 - (12) One's wife.
 - (13) Her sister must not be married. (Other forbidden relatives, as has been shewn supra, are deduced from one's wife's sister).
 - (14) Lit., ‘that’.
 - (15) I.e., that the prohibition of a wife's sister which on the present assumption is limited to cases where the precept of levirate marriage is applicable, applies only during the lifetime of one's wife.
 - (16) The wife.
 - (17) But it can still be maintained that where no levirate marriage is applicable, there is no prohibition of marrying the wife's sister.
 - (18) Lev. XVIII, 18.
 - (19) I.e., that both the wife's sister and her rival are forbidden to be married. (This, as will be shewn infra, is deduced from the expression li-zeror.)
 - (20) Lev. XVIII, 18, emphasis on her (sing.).
 - (21) Of the levirate marriage.
 - (22) To be married.
 - (23) The forbidden relative herself.
 - (24) Since even without this additional phrase the two contradictory texts would have been naturally reconciled by applying the former (prohibition of both) to a case where the precept of the levirate marriage is inapplicable, and the latter (permission of the rival) to a case where it is applicable. The addition of the phrase must consequently have been intended to impart a new law, viz. that a rival is forbidden, like the forbidden relative herself, where the precept of the levirate marriage is applicable.
 - (25) Lev. XVIII, 18.
 - (26) V. supra p. 8, n. 9.
 - (27) I.e., where the law of the levirate marriage does not apply.
 - (28) Where levirate marriage does apply.
 - (29) The concluding part of the verse עליה בהייה meaning where he has to go ‘unto her’, the sister of his wife who is the widow of his brother, he may do so even in her (his wife's) life-time.
 - (30) V. Lev. XVIII, 18, implying, as explained supra, the prohibition of one only.
 - (31) Of the levirate marriage.
 - (32) So that there are two, not only one.

- (33) And there is none.
- (34) Heb. li-zeror (Lev. XVIII, 18), supra 3b. How then could it be said to be derived from a different text?
- (35) V. infra 28b.
- (36) V. Emden a.l. Cur. edd. read 'here'.
- (37) In Deut. XXV, 5, the text cited by Rabbi. Clearly, it was not mentioned at all; how then could Rabbi derive from the text a law concerning a subject of which no mention was made?
- (38) That the text refers to the forbidden relative only and not to a rival.
- (39) Deut. XXV, 5.
- (40) Lit., 'takings', i.e., when the deceased childless brother is survived by two widows, and the levir has to decide which of them to marry.
- (41) The levir.
- (42) I.e., when neither of the two is a forbidden relative.
- (43) The emphasis on 'her' in And take her implies that there is a choice between two, and the phrase 'and take her' is taken to imply that the levir is in a position to choose whichever he pleases, since either of them must be capable of having the phrase 'and take her' applied to her.
- (44) If one cannot be married by him on account of her being his forbidden relative.
- (45) Deut. XXV, 5.
- (46) Who made the deduction from li-zeror.
- (47) The levir.
- (48) After he married her; and she requires no halizah.
- (49) Though the precept of the levirate marriage has been fulfilled and she might have been assumed to be forbidden to him as a brother's wife. The text is interpreted as follows: And he takes her to him to wife, as soon as he has taken her, she is regarded henceforth in all respects as his wife, i.e., as if she had never been forbidden to him as a brother's wife.
- (50) Emphasis on 'unto her' (v. Tosaf).
- (51) Whence does he derive the law deduced by R. Jose b. Hanina?
- (52) Who are guilty of an erroneous ruling.
- (53) To bring the sacrifice prescribed in Lev. IV, 13ff.

Talmud - Mas. Yevamoth 9a

Nor [are they liable] in respect of idolatry unless [they ruled] concerning a matter the punishment for which is kareth, if it was committed wilfully and a sin-offering if committed unwittingly;¹ and we also learnt: [For the unwitting transgression of any] commandment in the Torah the penalty for which, if committed wilfully, is kareth and, if committed unwittingly a sin-offering, the private individual brings a sin-offering of a lamb or a she-goat; the ruler brings a goat; and the anointed High Priest and the Beth din bring a bullock. In the case of idolatry the individual and the ruler and the anointed High Priest bring a she-goat while the Beth din² bring a bullock and a goat, the bullock for a burnt-offering and the goat for a sin-offering. Whence is this deduced? From the following. For our Rabbis taught: When the sin wherein they have sinned is known:³ Rabbi said, here⁴ we read 'aleha⁵ and further on⁶ we also read 'aleha;⁷ as further on⁶ the prohibition involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting, so here⁸ also, [the ruling must be concerning] a prohibition which involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting.⁹

Proof has thus been adduced for the case of the congregation; whence for that of the anointed High Priest? — It is written in relation to the High Priest, So as to bring guilt upon the people;¹⁰ this shews that the anointed High Priest is like the congregation. And for an individual and a ruler? — The inference is made by a comparison of Things¹¹ with Things.¹² 'Nor [are they liable] in respect of idolatry unless [their ruling] concerned a matter the punishment for which is kareth if it was committed wilfully, and a sin-offering if committed unwittingly'. As regards the congregation in the matter of idolatry, deduction¹³ is made by comparison between From the eyes¹⁴ and From the eyes.¹⁵ [The law¹⁶ of] a private individual, a ruler and an anointed High Priest [is deduced] from, And if one

soul¹⁷ which implies that there is no distinction between a private individual, a ruler and an anointed High Priest, while the waw¹⁸ connects them with the previous subject,¹⁹ and consequently the latter²⁰ may be deduced from the former.²¹

Whence, however, do the Rabbis²² arrive at this inference?²³ — They deduce it from the Biblical interpretation which R. Joshua b. Levi taught to his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,²⁴ all the Torah is compared to the prohibition of idolatry;²⁵ as in regard to idolatry [obligation is incurred only where] the offence involves the punishment of kareth²⁶ when it was committed wilfully and a sin-offering²⁷ when committed unwittingly, so also in the case of any other transgression [it must be such] as involves kareth when committed wilfully and a sin-offering when committed unwittingly.

Proof has thus been found for the case of a private individual, a ruler and an anointed High Priest²⁸ both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same law applies also to] the congregation in the case of idolatry? — Scripture said, And if one soul,²⁹ and the former³⁰ may be deduced from the latter.³¹ Whence, however, [is it deduced that the same law applies to] the congregation in the case of the other commandments? — Deduction is made by comparison between ‘From the eyes’ and ‘From the eyes’.³²

And what does Rabbi do with the text of One law?³³ — He applies it to the following.³⁴ Whereas we find that Scripture made distinction between individuals and a group,³⁵ individuals being punished by stoning and their money, therefore, being spared, while a group are punished by the sword and their money is consequently destroyed, one might also assume that a distinction should be made in respect of their sacrifices; hence it was explicitly stated, Ye shall have one law.³³

R. Hilkiah of Hagronia³⁶ demurred: Is the reason³⁷ because the All Merciful has written, Ye shall have one law,³³ so that had it not so been written it might have been thought that a distinction should be made [in respect of their sacrifices]? What, however, could they bring! Should they bring a bullock? The congregation,³⁸ surely, brings a bullock for the transgression of any one of all the other commandments!³⁹ [Should they bring] a lamb? An individual, surely, brings a lamb if he transgressed any of the other commandments!⁴⁰ A he-goat? A ruler brings one in the case of transgression of any of the other commandments!⁴⁰ A bullock for a burnt-offering and a goat for a sin-offering? Such, surely, are brought by the congregation in the case of idolatry!⁴⁰ Should they, then, bring a she-goat? This, surely, is also the sin-offering of a private individual!⁴¹ — [The text]⁴² was required, because it might have been suggested that whereas the congregation, in the case of an erroneous ruling, brings a bullock for a burnt-offering and a he-goat for a sin-offering, these⁴³ should also bring the same sacrifices, but] in the reverse order;⁴⁴ or [it might have been assumed to be] necessary⁴⁵ but that there was no remedy;⁴⁶ hence it was necessary to teach us.⁴⁷

Said Levi to Rabbi: What ground is there for stating⁴⁸ FIFTEEN? Sixteen should have been stated! — The other replied: It seems to me that this man has no brains in his head. ‘Do you mean’, he continued, ‘a man's mother who had been outraged by his father?’⁴⁹ The case of a man's mother who has been outraged by his father is a matter in dispute between R. Judah and the Rabbis,⁵⁰ and the author of our Mishnah does not deal with any controversial matter’. But does he not? Surely, the prohibition due to a Rabbinical ordinance and the prohibition due to the levir's sanctity,⁵¹ concerning which R. Akiba and the Rabbis are in dispute,⁵² are mentioned! — We mean, in our chapter. But, surely it was taught,⁵³ ‘Beth Shammai permit rivals to the other brothers and Beth Hillel prohibit them’!⁵⁴ — The view of Beth Shammai where it is in contradiction to that of Beth Hillel is of no consequence.⁵⁵

Is there not the case of the wife of a man's brother who was not his contemporary.⁵⁶

- (1) Hor. 8a.
- (2) So in Hor. 9a. Cur. ed. 'congregation'.
- (3) Lev. IV, 14.
- (4) Concerning an erroneous ruling of the Beth din.
- (5) עֵינָהּ, Lev. loc. cit. ('wherein').
- (6) Concerning marrying two sisters.
- (7) Ibid. XVIII, 18, E.V., 'Beside the other'.
- (8) Concerning an erroneous ruling of the Beth din.
- (9) Thus it has been shewn that Rabbi requires the text Beside the other for another deduction.
- (10) Lev. IV, 3.
- (11) Heb. mizwoth מצוות 'commandments'.
- (12) Lev. IV, 22 and IV, 13.
- (13) That the transgression must be one which involves kareth if done wilfully, and a sin-offering if done unwittingly.
- (14) Num. XV, 24, dealing with idolatry.
- (15) Lev. IV, 13, referring to an erroneous ruling.
- (16) V. note 12.
- (17) Num. XV, 27.
- (18) 'And', in we'im (ואם, and if).
- (19) The congregation.
- (20) Individual, ruler and High Priest.
- (21) The congregation, concerning whom deduction has previously been made from the law relating to an erroneous ruling.
- (22) Who, unlike Rabbi, require the expression 'aleha (beside her) for deduction in connection with the laws of incest and rival wives, supra 3b.
- (23) That obligation is incurred only where the prohibition involves kareth where it was transgressed wilfully and a sin-offering when transgressed unwittingly.
- (24) Num. XV, 29, 30.
- (25) The text, according to Rabbinical exposition, refers to idolatry and in relation to it the expression Law (Torah) is used.
- (26) E.g., offering of a sacrifice.
- (27) V. Num. XV, 30. Where wilful transgression involves kareth, unwitting transgression is atoned for by a sin-offering.
- (28) By deduction from soul (nefesh, Num. XV, 27) which includes all ranks of individuals.
- (29) Num. XV, 27, referring, as has just been pointed out, to individuals of all ranks.
- (30) Congregation.
- (31) Individuals.
- (32) V. supra p. 40, n. 13 and p. 40, n. 14.
- (33) Num. XV, 29.
- (34) Lit., 'requires it for as it was taught'.
- (35) Lit., 'many', i.e., the inhabitants of a city condemned for idolatry (Deut. XIII, 13ff).
- (36) A suburb of Nehardea.
- (37) Why the sin-offerings of a group and of individuals are the same in the case of idolatry (v. previous note).
- (38) I.e., a majority of all the tribes of Israel.
- (39) What distinction, then, would there be between the sin-offerings of a 'condemned city' and those of the 'congregation'? (V. previous note). If a distinction is to be made between the sacrifices of a 'condemned city' and those of individuals, how much more should such a distinction be made between the former and those of the 'congregation'!
- (40) Cf. n. 7, supra.
- (41) Now, since no distinction in the sacrifice could possibly be made, what need was there for the text of Num. XV, 29?
- (42) V. previous note.
- (43) The men of a 'condemned city'.
- (44) A bullock for a sin-offering and a he-goat for a burnt-offering.
- (45) For the men of a 'condemned city' to bring a special sin-offering.

- (46) If the sin was committed unwittingly since an offering peculiar to themselves is an impossibility.
- (47) That the sacrifices are the same (cf. supra p. 42, n. 5) as deduced from Num. XV, 27. For further notes v. Hor., Sonc. ed. pp. 53ff.
- (48) In our Mishnah, supra 2a.
- (49) I.e., that the Mishnah should have included as a sixteenth forbidden relative, a man's mother who was not the lawful wife of his father, and who, having been subsequently married by his paternal brother who died childless, is now subject to the levirate marriage or halizah of her own son, the brother of her second husband.
- (50) Whether she may be married to his paternal brother, supra 4a.
- (51) **איסור מצוה** a prohibition not included in the Biblical laws of incest, but ordained by the Rabbis. **איסור קדושה** a prohibition due to sanctity in the case, e.g., of a widow whose levir is a High Priest. (For this and an alternative explanation v. infra 20a).
- (52) Infra loc. cit.
- (53) In our very chapter, infra 13a.
- (54) Which shews that even laws which are in dispute are recorded in the chapter.
- (55) Lit., 'is not a teaching'; the view of Beth Hillel is accepted as law, and can consequently be included in our chapter.
- (56) Lit., 'in his world', i.e., who was born after the death of his childless brother.

Talmud - Mas. Yevamoth 9b

concerning which R. Simeon and the Rabbis are in dispute,¹ and which is nevertheless mentioned? — R. Simeon does not dispute the case where the birth² was first, and the levirate marriage³ later.⁴ Did not R. Oshaia, however, say¹ that R. Simeon disputed the first case also?⁵ — Surely. R. Oshaia's view was refuted.

Did not, however, Rab Judah state in the name of Rab, and R. Hiyya also taught: In the case of all these⁶ it may happen that she who is forbidden to one brother may be permitted to the other¹ while she who is forbidden to the other brother may be permitted to the one, and that her sister who is her sister-in-law may be subject either to halizah or to the levirate marriage.⁷ And Rab Judah interpreted [it⁸ as referring to those]⁹ from one's MOTHER-IN-LAW onwards but not to the first six categories. What is the reason? Because in the case of a daughter this¹⁰ is possible only [with one born] from a woman who had been outraged but not [with one born] from a legal marriage,¹¹ [and the author of our Mishnah] deals only with cases of legal matrimony and not with those of outraged women.¹² And Abaye interpreted it⁸ [as referring] also to a daughter from a woman who had been outraged, because, since [the application of Rab's statement] is quite possible in her case, it matters not whether she was born from a woman who was legally married or from one that had been outraged; but not to the wife of a brother who was not his contemporary. What is the reason? Because [the application of Rab's statement in this case] is possible only according to the view of R. Simeon and not according to that of the Rabbis, [the author of our Mishnah] does not deal with any matter which is in dispute. And R. Safra interprets it¹³ as referring also to the wife of a brother who was not his contemporary, and [in his opinion] it¹³ is possible in the case of six brothers in accordance with the view of R. Simeon.¹⁴

(1) Infra 18b.

(2) Of a third brother. (V. infra n. 4).

(3) Between the second brother and the widow of the first brother who died without issue (V. following note).

(4) In such a case, R. Simeon agrees that the third brother must not marry the widow, because at the time when he was born the widow was forbidden to him as 'the wife of his brother who was not his contemporary'. R. Simeon's disagreement with the Rabbis is limited to the case where the first brother, A, died childless and his widow was married to the second brother, B, prior to the birth of the third brother, C. If subsequently B died also childless, R. Simeon, contrary to the opinion of the Rabbis, allows the levirate marriage between the widow and C, because when C was born the widow was already the wife of B, and C's levirate marriage now is not due to A whose widow was a married woman when he was born, but to B whose contemporary he is.

- (5) I.e., where C (v. note 4) was born before the levirate marriage between A's widow and B took place.
- (6) The fifteen forbidden categories enumerated in our Mishnah, supra 2af.
- (7) For full explanation of this statement V. infra 26a and 28b.
- (8) Rab's statement.
- (9) Forbidden categories.
- (10) The full application of Rab's statement.
- (11) Who would be forbidden to all the brothers.
- (12) And since the case of a daughter could not be included, the other five cases also, bearing on a daughter, were excluded.
- (13) Rab's statement.
- (14) V. infra 28b for explanation.

Talmud - Mas. Yevamoth 10a

And your mnemonic is, 'Died, born, and performed the levirate marriage; died, born, and performed the levirate marriage'!¹ — Rabbi² does not accept these rules.³

R. Adda Karhina stated before R. Kahana in the name of Raba: Rabbi, in fact, does accept these rules,⁴ but it was this that he meant to say to [Levi]:⁵ [The application of the statement⁴ to] a woman outraged by one's father is possible only in one [of its parts]; it is impossible, however, to apply it in [both its parts], for if Jacob outraged his two sisters,⁶ it is possible [to apply that part of the statement relating to] 'her sister who is her sister-in-law',⁷ but not that of 'she who is forbidden to one brother may be permitted to the other';⁸ and if he outraged two strangers,⁹ it is possible [to apply the statement], 'she who is forbidden to one brother may be permitted to the other'¹⁰ but not that of 'her sister who is her sister-in-law'.¹¹

R. Ashi said: Rabbi, in fact, does not accept these rules¹² and [our Mishnah] does deal with matters in dispute, and as to the meaning¹³ of 'It seems to me that this man has no brains in his head' which he¹⁴ addressed to him,¹⁵ what he meant was this: 'Why did you not carefully consider our Mishnah? For our Mishnah represents the view of R. Judah who forbids the marriage of a woman that was outraged by one's father,¹⁶ as it was taught: Six forbidden relatives come under greater restrictions,¹⁷ since they are to be married to strangers only,¹⁸ and their rivals are permitted.¹⁹ [These are:] his mother, his father's wife and his father's sister [etc.].²⁰ Now, what is meant by "his mother"? If it be assumed to mean one who was legally married to his father, such a woman surely is "his father's wife".²¹ Must it not consequently mean one who was outraged by his father? And yet it was stated, "since they are to be married to strangers only", implying "to strangers only but not to the brothers". Now, who has been heard to hold such an opinion? Surely it was R. Judah who forbids marriage with a woman who was outraged by one's father.²² Hence²³ it was not included in our Mishnah.'²⁴

Said Rabina to R. Ashi: [Such a levirate relationship]²⁵ is possible even according to R. Judah if and when one had married²⁶ illegally!²⁷ — The author of the Mishnah is not concerned with an 'if'.²⁸ Said R. Ashi to R. Kahana: This²⁹ is also possible without the 'if',³⁰ where Jacob³¹ outraged his daughter-in-law, begat from her a son, and then Reuben³² died without issue, and she thus came into levirate relationship with her son;³³ and since she is forbidden to him,³⁴ her rival also is likewise forbidden!³⁵ — The other replied: [The author of our Mishnah] deals only with lawful brotherhood but not with brotherhood which is due to a forbidden act.

Levi nevertheless³⁶ inserted it³⁷ in his Mishnah. For Levi taught: One's mother sometimes exempts her rival³⁸ and sometimes she does not exempt her. If his mother, for instance,³⁹ was lawfully married to his father, and then she was married⁴⁰ to his paternal brother⁴¹ who subsequently died, such a mother does not exempt her rival.⁴²

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- (1) Now, since in the case of 'the wife of a brother who was not his contemporary' the application of Rab's statement is only possible according to the view of R. Simeon but not according to that of the Rabbis, and since the statement is based on our Mishnah, it is obvious that our Mishnah deals also with a case which is in dispute.
- (2) Cf. Bah. Cur. edd. insert, 'but'.
- (3) Of Rab and R. Hiyya. Our Mishnah consequently deals only with that case in which R. Simeon and the Rabbis are in agreement. (V. supra 9b top).
- (4) Of Rab and R. Hiyya, supra 9b.
- (5) Whom he addressed supra 9a.
- (6) And after one of them had given birth to a child, C, and the other to one, D, the first was married by A and the second by B, two of Jacob's sons from another wife.
- (7) For should A and B die childless their wives who are sisters as well as sisters-in-law come under the law of the levirate marriage in relation to C and D the brothers of A and B.
- (8) Both being forbidden to C as well as to D. The mother of C is forbidden to C as mother and to D as mother's sister, and the mother of D is similarly forbidden to D and C.
- (9) Cf. n.8.
- (10) Since the women are strangers and the restrictions mentioned in note 10 do not apply.
- (11) The women being sisters-in-law only but not sisters. Thus it has been shewn that the statement could not be applied in its entirety to the case of an outraged woman. Hence it was excluded from the enumeration in our Mishnah.
- (12) Of Rab and Hiyya.
- (13) Lit., 'and what'.
- (14) Rabbi.
- (15) Levi, supra 9a.
- (16) Hence it is impossible for a mother, whether legally married or outraged, ever to come into levirate relationship with her son. (Cf. supra p. 45, n. 8.)
- (17) Than those relating to the fifteen enumerated in our Mishnah.
- (18) No paternal brother of the person concerned may ever marry them.
- (19) To marry the brother of their deceased husband who had been married to their rival (one of the six relatives) illegally (Maimonides). If the marriage was with a stranger the permissibility of marriage is obvious since the laws of rivals apply only to a brother's widow.
- (20) Infra 13a.
- (21) Who was specifically mentioned.
- (22) So that it is impossible for one ever to be subject to levirate marriage with his brother's wife whose legitimate or illegitimate son he is.
- (23) Since R. Judah holds such an opinion and the Mishnah represents his view.
- (24) Lit., 'he did not teach it'.
- (25) Cf. supra p. 46, n. 13.
- (26) The woman his father had outraged and who is also the mother of his brother.
- (27) Infra 78a. In such a case it is surely possible for a mother to come into the levirate relationship with her son.
- (28) Lit., 'when if he does not teach', i.e., he is not concerned with a levirate relationship that may arise out of a possible and unlikely breach of the law.
- (29) Levirate relationship with a mother. Cf. supra p. 46, n. 13.
- (30) I.e., even if the deceased brothers did not transgress the law.
- (31) The father of the deceased.
- (32) Her husband, Jacob's son.
- (33) Lit., 'and she fell before her son', who is the paternal brother of her deceased husband, Reuben.
- (34) As his mother.
- (35) Why then was not this case included in our Mishnah?
- (36) Despite Rabbi's abusive reply, supra 9a.
- (37) בדקתה lit., 'examined it', i.e., revised our Mishnah and added the case under discussion. [Levi drew up a collection of teachings like those of R. Hiyya and R. Oshaia, v. B.B., Sonc. ed. p. 216].
- (38) From halizah and the levirate marriage.

(39) Lit., 'how so?'.

(40) Unlawfully.

(41) Which is a marriage forbidden under the penalty of kareth and is, therefore, illegal and invalid.

(42) The marriage having been invalid, the woman is not regarded as his brother's wife.

Talmud - Mas. Yevamoth 10b

If his mother, however, was a woman that had been outraged by his father and was then married to his paternal brother who subsequently died, such a mother does exempt her rival.¹ And though the Sages taught in our Mishnah FIFTEEN we must add a case like this as a sixteenth.

Resh Lakish said to R. Johanan: According to Levi who maintains that an 'if'² is also included,³ let our Mishnah also include⁴ the case of a levir who gave halizah to his sister-in-law⁵ and later betrothed⁶ her and died without issue, for since [the widow of such a one] is forbidden,⁷ her rival also is forbidden!⁸ — The other replied: Because in this case the law of the rival of the rival⁹ cannot be applied.¹⁰ But could he¹¹ not have answered¹² him¹³ [that the brothers] are only subject to the penalties of a negative precept,¹⁴ and that those who are subject to the penalties of a negative precept are¹⁵ under the obligations of halizah and the levirate marriage?¹⁶ — He¹⁷ answered him¹⁸ in accordance with the view he¹⁸ holds. 'According to my view,' he¹⁹ argued, [the brothers] are only subject to the penalties of a negative precept,²⁰ and those who are subject to the penalties of a negative precept are²¹ under the obligations of halizah and the levirate marriage,²² but even according to your view that they are subject to the penalty of kareth [the case could not have been included in our Mishnah] because the law of the rival's rival cannot be applied'.²³

It has been stated: Where [a levir] had performed the ceremonial of halizah with his sister-in-law, and then betrothed her, Resh Lakish holds that he is not subject to the penalty of kareth for the haluzah,²⁴ but the other brothers are subject to kareth for the haluzah.²⁵ In the case of the rival,²⁶ both he²⁷ and the other brothers are subject to kareth for a rival.²⁸ R. Johanan, however, holds that neither he²⁷ nor the other brothers are subject to kareth either for the haluzah or for her rival.²⁹ What is the reason of Resh Lakish? — Scripture stated, That doth not build,³⁰ since he has not built he must never again build.³¹ He himself is thus placed under the prohibition of building no more,³² but his brothers remain in the same position in which they were before.³³ Furthermore, the prohibition to build no more applies only to herself,³⁴ her rival, however, remains under the same prohibition as before.³³ And R. Johanan?³⁵ — Is it inconceivable³⁶ that at first halizah should be allowed to be performed by any one of the brothers³⁷ and with either of the widows of the deceased brother³⁸ and that now one or other of these persons should³⁹ be involved in kareth!⁴⁰ But [in point of fact] he⁴¹ merely acts as agent for the brothers while she⁴² acts as agent for her rival.⁴³

R. Johanan pointed out to Resh Lakish the following objection: 'If a levir who submitted to halizah from his sister-in-law, later betrothed her and died,⁴⁴ [the widow] requires halizah from the surviving brothers'. Now, according to me who maintains that [the surviving brothers]⁴⁵ are subject to the penalties of a negative precept only, one can well understand why she requires halizah from the other brothers.⁴⁶ According to you, however, why should she require halizah?⁴⁷ — Explain, then, on the lines of your reasoning, the final clause, 'If one of the brothers⁴⁸ actually⁴⁹ betrothed her, she has no claim upon him'!⁵⁰ R. Shesheth replied: The final clause represents the opinion of R. Akiba who holds that a betrothal with those who are subject thereby to the penalties of a negative precept is of no validity.⁵¹ Should it not then have been stated, 'according to the view of R. Akiba she⁵² has no claim upon him'!⁵³

(1) Since her marriage with the deceased brother was not unlawful, her rival (any other wife of her husband) is subject to the same laws as any other rival in the case of the fifteen relatives of our Mishnah.

(2) Cf. p. 47, n. 4, supra.

- (3) By R. Judah who, as has been shewn supra, is the author of our Mishnah. Though he prohibits the marriage of a woman that was outraged by one's father, he nevertheless, according to Levi's recital, included the case in our Mishnah.
- (4) Lit., 'teach'.
- (5) Whom he is in consequence forbidden to marry.
- (6) Since the marriage in such a case is forbidden under a negative precept the transgression of which does not involve the penalty of kareth, the betrothal is legally valid.
- (7) To the brothers of the levir who gave the halizah: this prohibition, according to Resh Lakish infra involving the penalty of kareth.
- (8) To the brothers. Why then was not this case also added to the fifteen?
- (9) V. our Mishnah.
- (10) Her rival (as well as herself), being forbidden to all the other brothers (as brother's wife or as the haluzah of one of the brothers), can never have any of the wives of the brothers as her rival. In the case of the forbidden relatives in our Mishnah, they are forbidden to one of the brothers only, hence they or their rivals are not otherwise precluded from marrying one of the other brothers.
- (11) R. Johanan.
- (12) Lit., 'and he should say'.
- (13) Resh Lakish.
- (14) If they married the haluzah, their deceased brother's widow, with whom halizah had been performed by one of them. According to R. Johanan, infra, contrary to the view of Resh Lakish, no penalty of kareth is involved in such a marriage, whether the transgressor be the brother who performed the halizah or any of the other brothers.
- (15) Unlike those subject to the penalty of kareth who are exempt from halizah and from the levirate marriage.
- (16) I.e., though the marriage with them is forbidden by a negative precept, they remain nevertheless under the obligations of the levirate relationship and must, therefore, undergo the ceremonial of halizah. Why, then, did not R. Johanan give Resh Lakish this reply which would well account for the omission from our Mishnah of the case he mentioned?
- (17) R. Johanan.
- (18) Resh Lakish.
- (19) R. Johanan.
- (20) V. p. 48, n. 13.
- (21) V. p. 48, n. 14.
- (22) Cf. previous note.
- (23) Cf. supra p. 48, n. 9.
- (24) V. Glos. I.e., for having intercourse with her. Consequently the betrothal is valid.
- (25) Consequently should any of the other brothers betroth the haluzah, the betrothal is invalid.
- (26) Of a haluzah (v. previous note). A rival is exempt from halizah and the levirate marriage by the action of the haluzah.
- (27) The levir who participated in the halizah.
- (28) V. infra 53a.
- (29) Infra 40b and l.c.
- (30) Deut. XXV, 9.
- (31) The imperfect **יבנה** may be rendered as a present as well as a future.
- (32) I.e., under a negative precept only which involves no kareth.
- (33) I.e., under the prohibition to marry a brother's wife, which involves the penalty of kareth.
- (34) The haluzah.
- (35) What reason does he advance for his opinions?
- (36) Lit., 'is there (such) a thing'?
- (37) Lit., 'if he prefers, this one participates in the halizah and if he prefers etc.'
- (38) Lit., 'and if he prefers he performs the halizah with that one and if he prefers etc'.
- (39) In case of a betrothal.
- (40) Though the others are not.
- (41) The brother who participated in the halizah.
- (42) The widow who performed the halizah ceremonial.

(43) Hence all the brothers as well as all the rivals are in this respect in exactly the same position. As the brother and the widow who between them carried out the halizah ceremonial are in a case of subsequent marriage exempt from kareth and are subject only to the penalties of a negative precept, so also are all the others on whose behalf they acted.

(44) Without issue.

(45) In subsequently marrying the haluzah.

(46) Since the negative precept which bars them from the levirate marriage does not supersede halizah.

(47) Marriage with them would involve the penalty of kareth, and whenever such a penalty is involved the parties are not subject to the laws of halizah!

(48) Other than the one who participated in the halizah.

(49) Lit., 'stood'.

(50) I.e., the betrothal is invalid, she receives no kethubah, and no divorce is needed. This obviously proves that the penalty for such an ensuing marriage is kareth, as Resh Lakish maintains; for had it been, as R. Johanan asserts, that of a negative precept only, the betrothal should have been valid.

(51) Keth. 29b, Kid. 64a, 68a, Sot. 18b, infra 52b, 69a.

(52) So Bah, a.l. Cur. edd., 'he'.

(53) Since it is the general opinion that such a betrothal is valid.

Talmud - Mas. Yevamoth 11a

— This is rather a difficulty.

R. Ashi holds the same opinion as Resh Lakish¹ and explains it² in accordance with the ruling of R. Simeon.³ Rabina holds the same opinion as R. Johanan⁴ and explains it⁵ in accordance with the ruling of the Rabbis.⁶ 'R. Ashi holds the same opinion as Resh Lakish and explains it in accordance with the ruling of R. Simeon', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she⁷ requires halizah from the brothers. Who are these brothers? Those born [subsequently].⁸ According to whose view? According to that of R. Simeon.⁹ If one of the previously born¹⁰ brothers, however, betrothed her, she has no claim upon him.¹¹ According to whose view? According to that of Resh Lakish.¹¹

'Rabina holds the same opinion as R. Johanan and explains it in accordance with the ruling of the Rabbis', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she requires halizah from the brothers. Who are these brothers? Those born [prior to the halizah]. According to whom? According to R. Johanan.¹² If one of the subsequently¹³ born brothers, however, betrothed her, she has no claim upon him. According to whose view? According to that of the Rabbis.¹⁴

It has been stated: In the case where [the levir] had intercourse with his sister-in-law¹⁵ and one of the other brothers had intercourse with her rival, there is a difference of opinion between R. Aha and Rabina. One said: [It involves¹⁶ a transgression subject] to kareth and the other said: [The transgression] of a positive precept.¹⁷ He who said, '[A transgression subject] to kareth' follows Resh Lakish;¹⁸ and he who said, '[The transgression] of a positive precept' follows R. Johanan.¹⁹

Rab Judah said in the name of Rab: The rival of a sotah²⁰ is for bidden.²¹ What is the reason?²² — Because uncleanness is ascribed to her²³ as to the cases of incest.²⁴ R. Hisda raised an objection:²⁵ R. Simeon²⁶ said, the intercourse²⁷ or halizah of the brother of the first husband exempts her rival!²⁸ — Rab can answer you, 'I speak of a sotah that is Biblically forbidden,²⁹ and you talk of a sotah that is only Rabbinically forbidden'.³⁰

But as to him who raised this objection, what did he imagine?³¹ — He thought that Rabbinical provisions were given the same force as Biblical laws.³²

R. Ashi raised an objection: If she³³ entered with the man into a private place and remained with him for a period sufficient for the consummation of defilement, she is forbidden to her house,³⁴ she may not eat of terumah,³⁵ and if he died she must undergo the ceremony of halizah

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- (1) That any brother, other than the one who submitted to the halizah, who married the widow after she had performed the halizah is subject to the penalty of kareth (v. supra 10b).
 - (2) The first clause of the statement cited in the discussion between R. Johanan and Resh Lakish, according to which halizah is required.
 - (3) Who maintains that a brother born after the levirate marriage of his elder brother is not subject, in relation to the deceased brother, to the restriction of a 'brother who was not his contemporary'. The first clause then, which requires halizah, may consequently refer to brothers born after both the halizah and the betrothal had taken place. The widow of the levir not being forbidden to them on account of her first deceased husband, is subject to halizah on account of the second. (The final clause which clearly agrees with the view of Resh Lakish requires of course no explanation).
 - (4) Who maintains that the brother who performed the halizah as well as all the other brothers are forbidden to marry the widow subsequent to the halizah, not under the penalty of kareth but under that of a negative precept. Hence the ruling in the first clause that halizah is required.
 - (5) The final clause. (Cf. n. 2 supra).
 - (6) Who hold that even a brother born after the levirate marriage (v. n. 3 supra) is subject to the restrictions of 'a brother who was not his contemporary'. The final clause may accordingly refer to such brothers to whom the widow is forbidden for this reason (not on account of the halizah that had been performed) and the marriage or betrothal with whom is consequently invalid. (The first clause obviously is in agreement with R. Johanan).
 - (7) In the case where the levir who betrothed her also died without issue.
 - (8) After the halizah and the betrothal. Having been born after the halizah they have never been subject to the levirate relationship on account of the first deceased brother and the halizah of the levir had, therefore, imposed no restrictions upon them in relation to the widow.
 - (9) V. supra n. 3. Hence it is the duty of one of these brothers to submit to halizah which is incumbent upon them as brothers of the levir who also died without issue.
 - (10) Prior to the performance of the halizah.
 - (11) Since according to Resh Lakish the performance of the halizah by one of the brothers had caused the prohibition of the widow upon all other contemporary brothers under the penalty of kareth, such a betrothal is invalid.
 - (12) V. supra p. 51, n. 4.
 - (13) After the performance of the halizah.
 - (14) V. supra p. 51, n. 6.
 - (15) The widow of his deceased childless brother.
 - (16) For the other brother.
 - (17) The precept is to perform one levirate marriage but not more than one, a transgression to which no penalty is attached.
 - (18) In whose view (supra 10b) the levir who marries, or participates in halizah with the widow, does not act as the agent of the other brothers. Hence, despite the fact that in the levir's own case the prohibition to marry the rival is regarded as having the force of a positive precept, in that of the other brothers the original prohibition to marry a brother's wife remains in force and marriage with her involves, therefore, the penalty of kareth.
 - (19) Who regards the levir as the agent of the brothers (supra 10b). Hence they are subject to the same prohibition. As in the levir's own case so in that of the other brothers the levirate obligations supersede the prohibition of marrying a brother's wife, and with it the original penalty of kareth.
 - (20) סוטה, a married woman suspected of adultery, who is subject to the ordeal prescribed in Num. V, 12ff. V. Glos.
 - (21) To the levir; in the case where there are witnesses that the sotah had committed the crime and her husband subsequently died childless. The rival and certainly the sotah herself are in such a case exempt from both the levirate marriage and the halizah.
 - (22) So Bah. Cur. edd. omit.
 - (23) She being defiled. Num. V, 13.
 - (24) Defile ye not yourselves. Lev. XVIII, 24. As the rival in the latter case is forbidden, so is she in the former.
 - (25) The following refers to a case where a woman married a second husband on the basis of a report by one witness that

her first husband had died in a foreign country. If later it was discovered that her first husband was alive, she must be divorced by both. If both died childless prior to the divorce she requires halizah from a brother of each but may not, according to the Rabbis, marry either of them.

(26) Disagreeing with the Rabbis in one point.

(27) Her second marriage having been entered into through an innocent error, no penalty is incurred by her as far as her relationship with the levir from the first marriage is concerned. Hence, in the opinion of R. Simeon, either marriage or halizah is permitted, v. infra 87a.

(28) From this it follows that the rival of a married woman who had intercourse with another husband is permitted to the levir both according to R. Simeon and according to the Rabbis (the latter having only disputed the case of the married woman herself). Why, then, did Rab state that the rival of a sotah is forbidden?

(29) A woman that was faithless to her husband. (Num. V, 12ff).

(30) The woman who married a second husband under an honest misapprehension. Biblically she is permitted to live again with her husband since her second marriage was entered into on the basis of a report by a witness, on the strength of which she was by Biblical law fully permitted to contract the marriage.

(31) He must surely have known that the one was Biblical and the other only Rabbinical! **וְדָקְאָרִי לָהּ מֵאֵי קָאָרִי** rt. **אָרִי** or **אָרָא** (cf. Gr. **) ‘to speak’, ‘enquire’, ‘argue’.

(32) Lit., ‘all that the Rabbis provided, like that of the Torah they provided’.

(33) A woman suspected by her husband who warned her not to seclude herself with a certain man.

(34) I.e., to her husband.

(35) V. Glos.; in the case where the husband is a priest.

Talmud - Mas. Yevamoth 11b

though she may not marry the levir!¹ — Rab can answer you. ‘I speak of a definite sotah, and you speak of a doubtful one’. But why should a definite sotah be different? Obviously because in relation to her the expression of ‘uncleanness’ is used;² is not, however, the expression of ‘uncleanness’ also used in relation to a doubtful sotah! For it was taught: R. Jose b. Kipper said in the name of R. Eleazar, The remarriage by a husband of his divorced wife is forbidden after marriage³ and permitted after betrothal,⁴ because it is stated in the Scriptures. After that she is defiled.⁵ The Sages, however, say, the one as well as the other⁶ is forbidden,⁷ and the expression⁸ ‘After that she is defiled’ implies the inclusion of a sotah who secluded herself with a man!⁹ — The underlying meaning of ‘secluded herself’ is ‘sexual intercourse’. Why then did he say ‘secluded herself’? — In order to employ a euphemism.¹⁰ But in relation to sexual intercourse, [surely,] uncleanness was actually mentioned in the Scriptures. She being defiled secretly!¹¹ — To subject the offence¹² to a negative precept.¹³ And R. Jose b. Kipper?¹⁴ — He does not hold the view that a negative precept is applicable to a sotah, even in the case where she had actually committed adultery. What is the reason? — [Because in reference to the remarriage of a divorced wife] Scripture uses the expression of¹⁵ becoming¹⁶ as well as that of matrimony.¹⁷

Rab Judah inquired of R. Shesheth: What is the law in regard to the rival of a woman whom her former husband remarried after her second marriage and died?¹⁸ According to the view of R. Jose b. Kipper the question does not arise. For R. Jose b. Kipper having stated that ‘uncleanness’ is mentioned in the case of him who remarried his divorced wife, it follows that her rival is subject to the very same restrictions. And if [objection be raised] from the Scriptural text, She is an abomination,¹⁹ [it may be replied that the implication is] that she is an abomination and not her children,²⁰ her rival, however, being an abomination. The question, however, arises on the view of the Rabbis: Does the Scriptural text,²¹ despite the fact that the Rabbis had applied the expression ‘uncleanness’ to the sotah, also bear its ordinary meaning,²² or since it²³ was once torn away [from its ordinary meaning] it must in all respects so remain?²⁴ Others say: According to the Rabbis no question arises, for since the text has once been torn away [from its ordinary meaning] it must in all respects so remain. The question, however, arises according to the view of R. Jose b. Kipper: What is the law? [Is it assumed that] although R. Jose b. Kipper stated that the expression of ‘uncleanness’

refers to the remarriage of a divorced wife, the All Merciful has written 'She is an abomination' to indicate that 'she' is an abomination but not her rival,²⁵ or is the implication, perhaps, that 'she' is an abomination, but her children are not; a rival, however, being an abomination?²⁶ — The other replied: You have learnt it, 'If one of them²⁷ was a permitted wife and the other a forbidden one; if he²⁸ submit to halizah he must submit to that of the forbidden one;²⁹ and if he marries he marries the permitted one.'²⁹ Now what is meant by 'permitted' and 'forbidden'? If it be suggested that 'permitted' means permitted for all the world,³⁰ and 'forbidden' means forbidden for all the world,³¹ what practical difference, in view of the fact that she is in either case suitable for him,³² could this make to him? Consequently 'permitted' must mean permitted to him, and 'forbidden', forbidden to him; and this may happen where³³ he³⁴ remarried his divorced wife;³⁵ and yet it was taught, 'and if he marries he marries the permitted one'!³⁶ — No; 'permitted' may still mean permitted to all the world³⁰ and 'forbidden', forbidden for all the world;³¹ and as to your question, 'what practical difference, in view of the fact that she is in either case suitable for him, could this make', one must take into account the moral lesson³⁷ of R. Joseph. For R. Joseph stated: Here³⁸ Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³⁹

Come and hear: 'Where a man remarried his divorced wife after she had been married,⁴⁰ she and her rival are to perform the halizah.' Is it possible to say 'she and her rival'?⁴¹ Consequently it must mean, 'Either she or her rival.'⁴² Did you not, however, have recourse to an interpretation?⁴³ [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Hiyya b. Abba said: R. Johanan inquired as to what is the law⁴⁴ in regard to a rival of a divorced woman whom her former husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding herself!⁴⁵ — Concerning herself I have no question since her case may be inferred a *minori ad majus*: If she is forbidden to him⁴⁶ to whom she was originally⁴⁷ permitted, how much more so to the man⁴⁸ to whom she was originally⁴⁷ forbidden!⁴⁹ The question, however, remains concerning her rival: Is the inference a *minori ad majus* strong enough to exclude a rival⁵⁰ or not?

R. Nahman b. Isaac taught as follows: R. Hiyya b. Abba said, R. Johanan enquired as to what is the law⁴⁴ in regard to a divorced woman whom her husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding her rival! — Concerning her rival I have no question, for an inference a *minori ad majus*⁵¹ is not strong enough to exclude a rival;⁵⁰ the question, however, remains regarding herself. Is the inference a *minori ad majus* strong enough [to be acted upon] where a precept⁵² is involved or not?

(1) If the sotah herself must go through the ceremony of halizah, much more so her rival; how then could Rab state that the rival of a sotah (and much more so the sotah herself, v. supra p. 53, n. 1) is exempt from halizah?

(2) Num. V, 13.

(3) With a second husband who subsequently died or divorced her.

(4) Where no marriage with the second man took place, and he died.

(5) Deut. XXIV, 4, referring, in the opinion of R. Eleazar, to a divorced woman who had married a second husband.

(6) Married or betrothed.

(7) This is deduced by the Sages from And goeth and becometh another man's wife (Deut. XXIV, 2) which, they maintain, implies betrothal as well as marriage.

(8) Lit., 'but what do I establish'.

(9) That the husband must not take her back. This clearly shews that the expression of 'uncleanness' was also used concerning a doubtful sotah.

(10) Lit., 'he took a nice (or superior) expression'.

(11) Num. V, 13; what need, then, was there for the implication of the text of Deut. XXIV, 4?

(12) Of remarrying a sotah.

- (13) Lit., 'to cause to stand concerning it in a negative (prohibition)'; the negative can only be derived from Deut. XXIV, 4: May not take her again to be his wife.
- (14) Who applies the entire text to the remarriage of a divorced wife, whence does he derive the law concerning the sotah?
- (15) Lit., 'it is written concerning it'.
- (16) Deut. XXIV, 2, And she departeth out of his house, and goeth and becometh (ותיתה) another man's wife.
- (17) Ibid., Or if the latter husband (האיש) die, implying that the divorced woman's connection with the second man must be that of 'husband and wife', i.e., lawful matrimony. In the case of the sotah the intercourse was unlawful and cannot come, therefore, under the prohibition of Deut. XXIV, 4.
- (18) Is the rival subject to the levirate marriage and halizah?
- (19) Deut. XXIV, 4, dealing with a woman remarried after divorce. The text She is an abomination. תועבה היא might be taken to imply that the designation, and consequently the restrictions, refer to the woman only (היא= she) and not to her rival.
- (20) I.e., the exclusion of היא may refer not to her rival but to her children who, unlike their mother who is regarded as an 'abomination', may marry into priestly families.
- (21) Describing the woman (or the act of remarrying the first husband after divorce and second marriage) as 'uncleanness'.
- (22) I.e., its bearing on the woman remarried (v. previous note), with whose case the text in its ordinary meaning is concerned, and consequently on her rival also.
- (23) The expression of uncleanness.
- (24) Lit., 'that it was uprooted it was uprooted', i.e., since it was removed from its context and applied to the sotah, it can never be re-applied to its original case. Hence a rival would not come under the same restrictions as the sotah herself.
- (25) To whom, consequently, the restrictions would not apply.
- (26) And consequently subject to the same restrictions as the woman herself.
- (27) Two widows of a brother who died without issue.
- (28) The levir.
- (29) Infra 44a, and thereby liberates also the other widow, her rival.
- (30) I.e., even to priests.
- (31) In case she was once, e.g., a divorced woman and is thus forbidden to marry a priest.
- (32) He being an ordinary Israelite.
- (33) Lit., 'and what is it'.
- (34) The deceased brother.
- (35) In which case the woman who was remarried is forbidden to the levir as she was forbidden to his deceased brother who had married her unlawfully, while her rival, having been lawfully married, is permitted to the levir.
- (36) Which clearly shews that the rival of a woman remarried by her former husband is subject to the levirate marriage.
- (37) Lit., 'because of'.
- (38) In the Mishnah cited where it is stated that halizah is to be performed with the forbidden one.
- (39) A man should not destroy anything which may be of use to others though it is of no use to him. In the case under discussion, the levir submits to halizah from the forbidden one and thus liberates the permitted one to marry even a priest to whom she would have been forbidden had the halizah been performed by her.
- (40) To a second husband who divorced her or died.
- (41) Halizah surely is performed by one of the widows only!
- (42) Which supplies an answer to the enquiry addressed by Rab Judah to R. Shesheth.
- (43) 'He and her rival' was interpreted as 'Either etc.'
- (44) In respect of the levirate marriage.
- (45) The remarried woman.
- (46) Her first husband.
- (47) Before she married her second husband.
- (48) The levir.
- (49) As brother's wife.
- (50) From the levirate marriage.
- (51) V. previous paragraph.

Talmud - Mas. Yevamoth 12a

— The other replied,¹ You have learned it: If one of them was a permitted wife and the other a forbidden one; if she submits to halizah he must submit to that of the forbidden one; and if he marries, he marries the permitted one. Now, what is meant by 'permitted' and 'forbidden'? If it be suggested that 'permitted' means permitted to all the world and 'forbidden' means forbidden to all the world, what practical difference, in view of the fact that she is in either case suitable for him, could this make to him? Consequently 'permitted' must mean permitted to him, and 'forbidden', forbidden to him; and this may happen where he remarries his divorced wife; and yet it was taught. 'If he marries he marries the permitted one'!² — No; 'permitted' may still mean permitted to all the world, and 'forbidden', forbidden to all the world; and as to your question. 'What practical difference, in view of the fact that she is in either case suitable for him, could this make'? One must take into account the moral lesson of R. Joseph. For R. Joseph said: Here, Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³

Come and hear: 'Where a man remarried his divorced wife after she had been married, she and her rival are to perform halizah.' Is it possible to say 'she and her rival'? Consequently it must mean, 'either she or her rival.'⁴ Did you not, however, have recourse to an interpretation? [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Levi b. Memel said in the name of Mar 'Ukba in the name of Samuel: The rival of a mema'eneth⁵ is forbidden. To whom [is she forbidden]? If it be suggested, to the brothers,⁶ [it may be retorted], now that she herself⁷ is permitted,⁸ for Samuel said, 'If she refused one brother she is permitted to marry the other',⁹ is there any question that her rival is permitted!⁸ Hence [it means] to himself.¹⁰ Wherein, however, does the mema'eneth¹¹ differ¹² that she is in consequence permitted to the other brothers? Obviously, in that she had taken no action in relation to them;¹³ but her rival also had taken no action in relation to them!¹⁴ — It is an enactment made to prevent marriage with the rival of one's daughter¹⁵ who was a mema'eneth.¹⁶

Is, however, the rival of one's daughter who is a mema'eneth forbidden? Surely we learned, IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED¹⁷ [etc.] THEIR RIVALS ARE PERMITTED. Now, against whom was the declaration of refusal made? If it be suggested that she refused the husband, then this case is identical with that of a divorced woman.¹⁸ Consequently it must refer to refusal of the levir!¹⁹ — No; it may, in fact, refer to the refusal of a husband, but there are two kinds of divorce.²⁰

Wherein, however, does the refusal of a husband differ?²¹ Obviously in that she thereby annuls the original marriage; but when she refused the levir she has also annulled the original marriage! — [It differs] in respect of what Rami b. Ezekiel had learnt. For Rami b. Ezekiel learnt: If she²² declared her refusal against the husband she is permitted to marry his father;²³ if against the levir, she is forbidden to his father.²⁴ From this it clearly follows that from the moment she becomes subject to the levirate marriage²⁵ she is looked upon as his²⁶ daughter-in-law; similarly here also²⁷ she is looked upon as the rival of his daughter from the moment she²⁸ becomes subject to the levirate marriage.

Said R. Assi: The rival of a woman incapable of procreation is forbidden,²⁹ for it is said in the Scriptures, And it shall be that the firstborn that she beareth,³⁰ which excludes a woman incapable of procreation, since she does not bear.³¹ R. Shesheth raised an objection: In the case where three brothers were married to three women who were strangers to one another, and one of them having

died, the second brother addressed to her³² a ma'amar³³ and died, behold these³⁴ must perform the halizah but may not marry the levir; for it is said, And one of them die [etc.] her husband's brother shall go in unto her,³⁵ only she³⁶ who is tied to one levir³⁷ but not she who is tied to two levirs;³⁸ and concerning this it was taught: R. Joseph said, 'This is the rival of a paternal brother's wife whose prohibition³⁹ is due to her double subjection to the levirate marriage,⁴⁰ a case the like of which we do not find through out the Torah'.⁴¹ Now, what does the expression 'This is' exclude? Does it not exclude the rival of a woman incapable of procreation, who is permitted!⁴² — No; it excludes the rival of a woman incapable of procreation who is forbidden. What, then, is meant by the expression, 'This is'?⁴³ — It is that in this case, where the subjection to the levirate marriage has caused the prohibition, her rival requires halizah; in the case, however, of a woman incapable of procreation even halizah is not required. What is the reason? — The prohibition of the one⁴⁴ is Pentateuchal;⁴⁵ that of the other only Rabbinical.⁴⁶

We learnt; IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED!⁴⁷ — This is no difficulty; the one⁴⁸ is a case where he⁴⁹ knew her defect⁵⁰ while the other⁵¹ is a case where⁵² he did not know of it.⁵³ The inference from our Mishnah also proves this; for it was stated WERE FOUND⁵⁴ and not 'were'. This proves it.

Raba said:

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- (1) This reply applies to both versions of the inquiry.
 - (2) Which shews that for the rival levirate marriage is permitted while for the remarried woman herself it is forbidden. For further notes v. supra p. 56.
 - (3) For notes v. supra p. 56f.
 - (4) Which supplies answers to the enquiries raised by R. Johanan in both versions.
 - (5) A minor who declared her refusal to marry the levir. V. Glos. s.v. mi'un.
 - (6) Of the levir.
 - (7) The minor who refused to marry the levir.
 - (8) To marry the other brothers.
 - (9) Infra 107b.
 - (10) To the levir whom the minor had refused. The refusal removes the precept of the levirate marriage and in respect of the rival the prohibition of marrying a brother's wife comes again into force.
 - (11) V. p. 58, n. 6.
 - (12) From her rival.
 - (13) Her refusal having been confined to one of the brothers only.
 - (14) Not even against one of them. Why then is she forbidden to the levir?
 - (15) Who comes in the category of forbidden relatives whose rivals also are forbidden. On the possibility of mi'un during a father's lifetime, v. supra p. 2, n. 6.
 - (16) If the one were permitted the other also might erroneously be married.
 - (17) So Bah. Cur. edd. omit.
 - (18) Which was already mentioned.
 - (19) And yet, as our Mishnah shews, her rival is permitted in all cases enumerated, i.e., even in that of one's daughter.
 - (20) Actual divorce and one by mi'un.
 - (21) From that of the levir.
 - (22) A minor who was married to a stranger.
 - (23) Her declaration of refusal having completely annulled the original betrothal, she is no more his daughter-in-law.
 - (24) Her former marriage having once subjected her to levirate relationship, she must be regarded as the levir's father's daughter-in-law. V. infra 13a.
 - (25) Lit., 'falling'.
 - (26) The levir's father's.
 - (27) In the case of the rival of one's daughter who made the declaration of refusal.

- (28) The daughter.
- (29) I.e., if one of the widows of the brother who died without issue is such the other also is forbidden.
- (30) Deut. XXV, 6.
- (31) Hence she herself is forbidden as a brother's wife, and her rival as the rival of a forbidden relative.
- (32) The widow of the deceased.
- (33) V. Glos.
- (34) The widows of the two dead brothers.
- (35) Deut. XXV, 5.
- (36) May marry the levir.
- (37) I.e., where the second brother had actually married her and has thus severed all her connections with the first. In such a case as in that of the usual levirate she would stand in relation to the third brother as the widow of one brother only.
- (38) The formula of betrothal or ma'amar addressed to her by the second brother has only partially attached her to him and has not completely severed her connection with her husband, the first brother. She thus remains tied to the two, and consequently entirely forbidden the levirate marriage.
- (39) Of the levirate marriage.
- (40) Lit., 'falling'. Her levirate relationship with the third brother being due to her partial connection with each of the two dead brothers.
- (41) The widow not being one of the relatives forbidden by the Torah. The prohibition of the levirate marriage in her case is only Rabbinical, the Biblical text cited being a mere *asmakta*.
- (42) How, then, could R. Assi state that a rival of one incapable of procreation is forbidden?
- (43) Which seems to imply that only this case is forbidden but not the other.
- (44) A woman incapable of procreation.
- (45) The prohibition being derived from Deut. XXV, 6 *supra*.
- (46) V. *supra* n. 1.
- (47) V. *supra* n. 2.
- (48) Lit., 'here', in R. Assi's statement.
- (49) The husband now deceased.
- (50) At the time their marriage took place. Having known her defect he was not in any way misled, and the marriage, therefore, is valid. Her rival is consequently the rival of a legally married wife who is incapable of procreation and is forbidden by the deduction from Deut. XXV, 6.
- (51) Our Mishnah.
- (52) The husband now deceased.
- (53) At the time he married her. Since her defect was unknown to him the marriage which had taken place under a misapprehension is invalid. The woman, therefore, is not his lawful wife, and her rival cannot be regarded as a legal rival. Hence the statement in our Mishnah that such a rival is permitted.
- (54) Implying discovery after the event, i.e., after the marriage.

Talmud - Mas. Yevamoth 12b

The law is that the rival of a woman incapable of procreation is permitted, even though he¹ knew her defect,² and even the rival of one's own daughter who was incapable of procreation [is permitted].³ But what about the expression WERE FOUND⁴ in our Mishnah? — Read, 'were'.

When Rabin came⁵ he stated in the name of R. Johanan: The rival of a *mema'eneth*,⁶ the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,⁷ are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may⁸ use an absorbent⁹ in their marital intercourse:¹⁰ A minor, a pregnant woman and a nursing woman. The minor,¹¹ because [otherwise] she might¹² become pregnant, and as a result¹³ might die. A pregnant woman,¹¹ because [otherwise] she might¹² cause her foetus to degenerate into a sandal.¹³ A nursing woman,¹¹ because

[otherwise] she might¹² have to wean her child prematurely¹⁴ and this would result in his death. And what is the age of such a minor?¹⁵ From the age of eleven years and one day until the age of twelve years and one day. One who is under,¹⁶ or over this age¹⁷ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from heaven,¹⁸ for it is said in the Scriptures. The Lord preserveth the simple.¹⁹

Since it has been stated, 'because she might become pregnant and as a result might die' it may be implied that it is possible for²⁰ a minor to be pregnant and not die. But, if so, one could imagine a case where²¹ a mother-in-law should be in a position to make a declaration of refusal,²² whereas we learned, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW AND THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL! — Read, 'because she might become pregnant and die';²³ for Rabbah b. Liwai said: She²⁴ is subject to an age limitation. Prior to that period²⁵ she does not conceive at all; during that period²⁵ she dies and her embryo dies; after that period²⁵ both she and her embryo survive. But is it really so? Surely, Rabbah b. Samuel recited: One cannot say of a man's mother-in-law, the mother of his mother-in-law and the mother of his father-in-law that they were found incapable of procreation or that they made a declaration of refusal, since they have already given birth to children!²⁶ — But [the reading], in fact, is, 'because she might become pregnant and as a result might die'. But, [then, the previously mentioned] difficulty remains!²⁷ — R. Safra replied: Children are like marks of puberty.²⁸ Others Say: Children are more conclusive proof than the marks of puberty. What practical difference is there between the two statements? — [It is this: That] even he who follows R. Judah who stated, '[a girl may exercise the right of refusal] until the black²⁹ predominates'³⁰ admits in the case of children.³¹

(1) The deceased brother, at the time when he married.

(2) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife.

(3) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. **הלכות גדולות** quoted by Rashi.

(4) V. p. 61, n. 14.

(5) From Palestine to Babylon.

(6) V. Glos. s.v. mi'un. In this case it refers to one who refused the levir (V. Rashi a.l.).

(7) After she had been married by a second husband who divorced her or died.

(8) [So Rashi. R. Tam: Should use, v. Tosaf s.v. **שש**.]

(9) **מוך**, hackled wool or flax.

(10) To prevent conception.

(11) May use the absorbent.

(12) Lit., 'perhaps'.

(13) **סנדל** lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation.

(14) Owing to her second conception.

(15) Who is capable of conception but exposed thereby to the danger of death.

(16) When no conception is possible.

(17) When pregnancy involves no fatal consequences.

(18) To save her from danger.

(19) Ps. CXVI, 6; those who are unable to protect themselves.

(20) Lit., 'there is'.

(21) Lit., 'we found'.

(22) In the case, for instance, where the minor gave birth to a child in her twelfth year and that child was betrothed

before the year was over. The minor who thus becomes a mother-in-law is entitled to make a declaration of refusal before, and until she enters her thirteenth year.

(23) I.e., while conception is a matter of doubt, death is a certainty whenever conception happened to take place.

(24) A minor.

(25) The age of eleven years and one day to the age of twelve and one day.

(26) Rabbah does not state, 'since they already grew up' but 'gave birth', which proves that even a minor (not yet grown up) is capable of bearing living children.

(27) From here it appears that a minor can bear children while from our Mishnah it follows that she cannot.

(28) As soon, therefore, as she gave birth to a child the minor is assumed to have passed out of the age of minority into that of puberty. Hence it is impossible for a mother, whatever her age, ever to make a declaration of refusal to which a minor only is entitled.

(29) I.e., the pubic hair.

(30) The growth of two hairs which the Rabbis regard as a definite mark of puberty not being considered by R. Judah as conclusive proof. Keth. 36a, B.B. 156a, Nid. 52a.

(31) That they provide definite proof of puberty irrespective of the state of the hair.

Talmud - Mas. Yevamoth 13a

R. Zebid, however, stated: No children are possible prior to the appearance of the marks of puberty.¹ Then let an examination be held!² — There is the possibility that they might have fallen off.³ This reply is perfectly satisfactory according to him who holds that such a possibility is taken into consideration,⁴ what, however, can be said according to him who holds that no such contingency need be considered? — Even according to him who holds that no such contingency need be considered, the possibility must be taken into consideration in this case on account of the pains of birth.⁵

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED] TO BE UNDERSTOOD? Etc. Whence is this law⁶ deduced? — Rab Judah replied: [From] Scripture which stated, *li-zeror*,⁷ [implying that] the Torah included many rivals.⁸ R. Ashi replied. 'It⁹ is arrived at by reasoning: Why is a rival forbidden? Surely because she takes the place of the forbidden relative; the rival's rival also takes the place of the forbidden relative'.

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED etc. Even if he¹⁰ married¹¹ first and then divorced?¹² This, then, would be contradictory [to the following Mishnah]: '[The case of] three brothers two of whom were married to two sisters and the third was married to a stranger, and one of the husbands of the sisters divorced his wife while the one who married the stranger died, and he who had divorced his wife then married the widow¹³ and died, is one concerning which it has been said, that if they died or were divorced, their rivals are permitted'.¹⁴ The reason, then,¹⁵ is because the divorce¹⁶ took place first and the marriage¹⁷ was subsequent to it, but had the marriage¹⁷ taken place first and the divorce¹⁶ after it, [the rival would] not [have been permitted]!¹⁸ — R. Jeremiah replied: Break it up!¹⁹ He who taught the one did not teach the other. The one Tanna²⁰ is of the opinion that it is the death²¹ which subjects the widow to the levirate marriage²² while the other²³ holds the opinion that it is the original marriage that subjects her to the levirate marriage.²⁴ Raba said: [Both statements] may, in fact, represent the views of [one Tanna,] it²⁵ being a case of 'this; and there is no need to state that'.²⁶

WHOSOEVER IS ENTITLED TO MAKE A DECLARATION OF REFUSAL [etc.]. Then let her²⁷ declare her refusal now²⁸ and thus enable [her rival] to be married to the levir!²⁹ May it then³⁰ be suggested that this supports R. Oshaiah? For R. Oshaiah said: She³¹ may annul [the levir's] *ma'amar*³² by her declaration of refusal,³³ but may not sever by such a declaration the levirate bond!³⁴ — No;³⁵ the case of the rival of a forbidden relative is different;³⁶ for Rami b. Ezekiel learnt: If a minor made a declaration of refusal against her husband she is permitted to marry his

father.³⁷ If, however, she made her declaration of refusal against the levir³⁸ she is forbidden to marry his father.³⁹ From this it clearly follows that from the moment she becomes subject to the levirate marriage⁴⁰ she is looked upon as his⁴¹ daughter-in-law; similarly here also⁴² she is looked upon as the rival of his daughter from the moment she becomes subject to the levirate marriage.⁴³ MISHNAH. [IN THE CASE OF THE FOLLOWING] SIX RELATIVES, MARRIAGE WITH WHOM IS MORE RESTRICTED THAN WITH THESE,⁴⁴ IN THAT THEY MAY ONLY BE MARRIED TO STRANGERS,⁴⁵ MARRIAGE WITH THEIR RIVALS IS PERMITTED:⁴⁶ HIS MOTHER.⁴⁷ HIS FATHER'S WIFE,⁴⁸ HIS FATHER'S SISTER,⁴⁸ HIS PATERNAL SISTER.⁴⁸ HIS FATHER'S BROTHER'S WIFE⁴⁸ AND HIS PATERNAL BROTHER'S WIFE.⁴⁸

BETH SHAMMAI PERMIT THE RIVALS⁴⁹ TO THE SURVIVING BROTHERS, AND BETH HILLEL PROHIBIT THEM.

(1) Should an apparent minor, whatever her age, ever give birth to a child it must be taken for granted that the marks of puberty had already appeared, and the age of minority had passed.

(2) Why should the existence of the marks be left to conjecture when an examination would definitely determine the facts?

(3) And the examination would prove nothing.

(4) This is a question in dispute in Nid. 46a.

(5) Which may have caused the falling off of the hair.

(6) Lit., 'these words'. That a rival's rival is also exempt.

(7) Lev. XVIII, 18, to be a rival. V. supra 3b.

(8) For explanation, v. p. 12, n. 8.

(9) The exemption of a rival's rival.

(10) The brother now deceased.

(11) The rival.

(12) His first wife, the forbidden relative. In such a case, is the rival, though the two were rivals prior to the divorce, permitted to the levir wherever the forbidden relative was dead or divorced at the time their husband died and the question of the levirate marriage arose?

(13) Lit., 'her',

(14) Infra 30a.

(15) Why the rival in this case is permitted.

(16) Of one of the sisters.

(17) Of the widow.

(18) How, then, could this be reconciled with our Mishnah from which it has been inferred that 'even if he married first and then divorced' the rival is permitted?

(19) תרבא, rt. תבר, Heb. שבר 'break', 'divide'.

(20) Of our Mishnah.

(21) Of the husband.

(22) And if at that time the women were no longer rivals it matters little whether marriage or divorce (cf. supra nn. 5 and 4) took place first.

(23) The Tanna of the Mishnah cited from 30a infra.

(24) Consequently, if the marriage of the second took place after the divorce of the first, levirate marriage is permitted since the two have never been real rivals. If, however, the marriage preceded the divorce, even if only by a fraction of time, the two have become rivals, and the rival of a forbidden relative is forbidden for ever, even after the rivalry had ceased.

(25) The statements and arrangement of our Mishnah and that cited from 30a infra

(26) זו ואין צריך לומר זו, one of the systems adopted in arranging legal statements. Our Mishnah permits 'this', the case of the rival whose marriage preceded the divorce of the forbidden relative, and consequently 'there is no need to state that', the case (infra 30a) of a rival whose marriage followed the divorce of the forbidden relative. (Cf. supra n. 12).

(27) The forbidden relative who is still a minor.

- (28) And thus annul the original marriage.
- (29) Since as a result of the annulment of the marriage the other would no more be the rival of a forbidden relative.
- (30) As such a declaration is not allowed.
- (31) A minor.
- (32) V. Glos. Since the actual marriage had not yet taken place.
- (33) She has only to perform the halizah; but there is no need for a divorce which would have been required had she been of age (v. infra 50b).
- (34) I.e., she has no power to annul the original marriage in order to be exempt thereby from halizah also. Similarly here (v. note 4) the declaration of the minor has no force to annul the original marriage and thus (v. supra note 3) to enable her rival to marry the levir.
- (35) The inference from our Mishnah provides no support for R. Oshaia.
- (36) The prohibition of a minor's declaration in this case is not Biblical, but a Rabbinical enactment made in order to prevent laxity in the law of rivals of forbidden relatives (cf. infra n. 17).
- (37) The refusal having completely annulled the marriage, the minor and her former father-in-law are now mere strangers.
- (38) I.e., after the death of her husband, when she became subject to the levirate marriage of his brother.
- (39) Her former father-in-law who is also the father of the levir whom she refused.
- (40) Lit., 'falling'.
- (41) The levir's father's.
- (42) The case of a rival of one's daughter.
- (43) Had the original marriage been allowed to be annulled by the daughter's present declaration, and had her rival in consequence been permitted to marry the minor's father, any rival of one's daughter might similarly be allowed and thus an important restriction against incest would be broken down. (V. supra n. 10 and cf. text and notes, supra 12a).
- (44) The fifteen enumerated in the previous Mishnah, supra 2af.
- (45) But never to one's paternal brothers.
- (46) Though they themselves ate forbidden. Their husbands having been strangers, the law prohibiting the marriage of rivals, which is only applicable in connection with the levirate marriage, does not apply. Should one's brother unlawfully marry one of these six relatives his marriage would be regarded as null and void and the law relating to the rivals would still be inapplicable. (Cf. Maimonides, Commentary on the Mishnah a.l.).
- (47) Who is also forbidden to his paternal brother as 'his father's wife'.
- (48) Who obviously stands in the same relationship to his paternal brother.
- (49) In respect of the levirate marriage.

Talmud - Mas. Yevamoth 13b

IF THEY¹ PERFORM THE HALIZAH,² BETH SHAMMAI DECLARE THEM INELIGIBLE TO MARRY A PRIEST,³ AND BETH HILLEL DECLARE THEM TO BE ELIGIBLE.⁴ IF THEY WERE MARRIED TO THE LEVIRS, BETH SHAMMAI DECLARE THEM ELIGIBLE [TO MARRY A PRIEST],⁵ AND BETH HILLEL DECLARE THEM INELIGIBLE.⁶ THOUGH THESE FORBODE WHAT THE OTHERS PERMITTED, AND THESE REGARDED AS INELIGIBLE WHAT THE OTHERS DECLARED ELIGIBLE, BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM [THE FAMILIES OF] BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM [THE FAMILIES OF] BETH SHAMMAI. [SIMILARLY, IN RESPECT OF] ALL [QUESTIONS OF RITUAL] CLEANNES AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.⁷

GEMARA. R. Simeon b. Pazzi said: What is Beth Shammai's reason?⁸ — Because it is written, The outside⁹ wife of the dead shall not be married unto one not of his kin;¹⁰ 'outside'¹¹ implies that there is also an internal,¹² and the All Merciful said, She shall not marry [unto one not of his kin].¹³

And Beth Hillel?¹⁴ — They require the text for the exposition which Rab Judah reported in the name of Rab. For Rab Judah stated in the name of Rab: Whence is it deduced that betrothal [by a stranger] is of no validity in the case of a sister-in-law?¹⁵ For it is said in the Scriptures, The wife of the dead shall not be married¹⁶ outside¹⁷ unto one not of his kin;¹⁸ there shall be no validity in any marriage of a stranger with her.¹⁹ And Beth Shammai? — Is it written ‘la-huz’?²⁰ Surely ‘huzah’²¹ was written. And Beth Hillel? — Since the expression used was huzah²² it is just the same as if la-huz had been written; as it was taught: R. Nehemiah said, ‘In the case of every word which requires a ‘lamed’ at the beginning²³ Scripture has placed a ‘he’²⁴ at the end; and at the School of R. Ishmael the following examples were given:²⁵ Elim, Elimah;²⁶ Mahanayim, Mahanayimah;²⁷ Mizrayim, Mizraimah;²⁸ Dibelathaimah;²⁹ Yerushalaimah;³⁰ midbarah.³¹

Whence do Beth Shammai derive the deduction made by Rab Judah in the name of Rab? — It is derived from Unto one not of his kin.³² Then let Beth Hillel also derive it from ‘Unto one not of his kin’! — This is so indeed. What need, then, was there for ‘huzah’? — To include one who was only betrothed.³³ And the others? — They derive it from the use of ha-huzah where huzah could have been used.³⁴ And the others? — A deduction from huzah ha-huzah does not appeal to them.

Raba said: Beth Shammai's reason³⁵ is that one prohibition³⁶ cannot take effect on another prohibition.³⁷ This explanation is satisfactory in the case where the deceased had married first and the surviving brother married³⁸ afterwards, since the prohibition of marrying a wife's sister³⁹ could not come and take effect on the prohibition of marrying a brother's wife;⁴⁰ where, however, the surviving brother had married first⁴¹ and the deceased married later,⁴² the prohibition of ‘wife's sister’ was, surely, first!⁴³ — Since the prohibition of a ‘brother's wife’ cannot take effect on the prohibition of ‘wife's sister’, [any of the other widows] is the rival of a forbidden relative to whom⁴⁴ the precept of the levirate marriage is inapplicable, and is consequently permitted.⁴⁵

IF THEY HAD PERFORMED THE HALIZAH, BETH SHAMMAI DECLARE THEM INELIGIBLE etc. Is not this obvious?⁴⁶ — [It had to be stated] in order to exclude [the instruction] of R. Johanan b. Nuri who said: Come and let us issue an ordinance that the rivals⁴⁷ perform the halizah but do not marry the levir.⁴⁸ Hence it was taught that Beth Hillel declare them eligible.⁴⁹

IT THEY WERE MARRIED TO THE LEVIRS etc. BETH HILLEL DECLARE THEM INELIGIBLE. What need again was there for this? — Because it was taught, IF THEY PERFORM THE HALIZAH⁵⁰ it was also taught, IF THEY WERE MARRIED TO THE LEVIRS.⁵¹

We learned elsewhere: The Scroll of Esther⁵² is read on the eleventh, the twelfth, the thirteenth, the fourteenth or the fifteenth [of Adar].⁵³ but not earlier⁵⁴ or later.⁵⁵ Said Resh Lakish to R. Johanan: Apply here the text of Lo tithgodedu,⁵⁶ you shall not form separate sects!⁵⁷ (Is not Lo tithgodedu required for its own context, the All Merciful having said, ‘You shall not inflict upon yourselves any bruise for the dead’?⁵⁸ — If so, Scripture should have said, Lo tithgodedu,⁵⁹ why did it say ‘Lo tithgodedu’?⁶⁰ hence it must be inferred that its object was this.⁶¹ Might it not then be suggested that the entire text refers to this only?⁶² — If so, Scripture should have said, Lo thagodu,⁶³ why did it say ‘Lo tithgodedu’? Hence the two deductions.)⁶⁴ — The former answered: Have you not yet learned,⁶⁵ ‘Wherever it is customary to do manual labour on the Passover Eve until midday it may be done; wherever it is customary not to do any work it may not be done’?⁶⁶ The first said to him: I am speaking to you of a prohibition, for R. Shaman b. Abba said in the name of R. Johanan: ‘Scripture having said, To confirm these days of Purim in their appointed times,⁶⁷ the Sages have ordained for them different times,⁶⁸ and you speak to me of a custom!⁶⁹ But is there no prohibition there?⁷⁰ Surely we learned, ‘Beth Shammai prohibit work during the night⁷¹ and Beth Hillel permit it’!⁷² — The other said to him: In that case,⁷³ anyone seeing [a man abstaining from work] would suppose him to be out of work.⁷⁴ But do not BETH SHAMMAI PERMIT THE RIVALS TO THE OTHER BROTHERS AND BETH HILLEL FORBID THEM!⁷⁵

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- (1) The rivals.
 - (2) With the brothers.
 - (3) In the opinion of Beth Shammai the halizah is legal and any woman who performed legal halizah is, like one divorced, forbidden to marry a priest.
 - (4) In their opinion the halizah was unnecessary and may, therefore, be treated as if it had never taken place.
 - (5) When their husbands die.
 - (6) Because having married persons to whom they are forbidden they are regarded as harlots who are ineligible ever to marry a priest.
 - (7) Lit., 'do clean things, these upon these'.
 - (8) For permitting the rivals to marry the other brothers.
 - (9) **הַחוּצָה** is rendered, 'the one who is the outside one', the word being regarded as an adjective fem. with the relative. E.V., 'abroad'.
 - (10) Deut. XXV, 5.
 - (11) I.e., the one who is not otherwise related to the levir.
 - (12) Related to the levir.
 - (13) But only unto her husband's brother (Deut. XXV, 5), which shews that a rival is permitted to the other brothers.
 - (14) Who prohibit the rival to the brothers, how do they explain this text?
 - (15) Before halizah had been performed.
 - (16) Lit., 'she shall not be', **לֹא תִהְיֶה** (rt. **הִיָּה**).
 - (17) Cf. E.V. for **הַחוּצָה**, supra note 3.
 - (18) Deut. XXV, 5.
 - (19) Lit., 'a stranger shall have no being (**הַיִּיָּה** of the root **הִיָּה**) in her'.
 - (20) **לְחוּץ**, lit., 'to the outside'.
 - (21) **הַחוּצָה**, v. supra note 3.
 - (22) **חוּצָה**.
 - (23) To indicate direction.
 - (24) The he being the he local.
 - (25) Lit., 'he recited' or 'taught'.
 - (26) 'To **אֵילָם** appears as **אֵילָמָה** (Ex. XV, 27) instead of **לְאֵילָם**.
 - (27) 'To **מַחֲנִים** appears as **מַחֲמִימָה** (II Sam. XVII, 24) instead of **לְמַחֲמִים**.
 - (28) 'To **מִצְרִים**, **מִצְרִימָה**, Gen. XII, 10.
 - (29) 'To **דְּבַלְתִּים**, **דְּבַלְתִּימָה** (Num. XXXIII, 47).
 - (30) 'To **יְרוּשָׁלַיִם** (Jerusalem) **יְרוּשָׁלִימָה** (Ezek. VIII, 3).
 - (31) 'To **מִדְבָּר** (wilderness or place-name) **מִדְבָּרָב** (I Chron. V, 9).
 - (32) Deut. XXV, 5.
 - (33) To the deceased brother. Such a widow also is subject to the levirate marriage as if she had been actually married. 'Huzah' implies (cf. supra p. 68, n. 3) 'outside', i.e., one who is not within the marriage bond.
 - (34) The addition of the 'he' in **הַחוּצָה** where **חוּצָה** would have conveyed the same meaning implies the inclusion of the betrothed. (V. n. 6.)
 - (35) V. p. 68, n. 2, supra.
 - (36) That, e.g., of marrying a brother's wife.
 - (37) That of marrying a forbidden relative (e.g., a daughter). Since the latter prohibition takes no effect in such a case, the forbidden relative whom the levirate bond does not consequently affect may be regarded as non-existent, so far as her levirate obligations are concerned. Her rivals, therefore, come under the category of complete strangers and are consequently permitted to the brothers.
 - (38) A sister of his brother's wife.
 - (39) Which arose later.
 - (40) As legally the widow is only 'his brother's wife' but not 'his wife's sister', her rivals may justly be regarded as strangers who are permitted.
 - (41) And his wife's sister has in consequence become forbidden to him.
 - (42) When the prohibition of a brother's wife arose.

- (43) And consequently had taken effect; why then are her rivals permitted? This objection is based on the assumption that Raba, in stating the prohibition of marrying a forbidden relative cannot take effect owing to the prohibition of 'brother's wife', was referring only to such prohibitions as are due to a marriage contract, e.g., a wife's sister.
- (44) Lit., 'in the place'.
- (45) V. supra p. 69, n. 10.
- (46) What need then was there for stating it.
- (47) Of forbidden relatives.
- (48) And being subject to halizah, even though on account of a Rabbinical ordinance only, it might have been assumed that they are ineligible for marriage with a priest. (Cf. supra p. 67, n. 9.)
- (49) Indicating that the rivals in such a case are not even Rabbinically subject to the halizah.
- (50) For the reason given supra. V. previous note.
- (51) Halizah and marriage usually being the only alternatives.
- (52) **מגילה** 'scroll', always signifies in Rabbinical literature the Scroll of Esther, unless the context explicitly or implicitly points to any other scroll.
- (53) According to whether the readers live in a village, a town, or a town that had been walled in the days of Joshua, and according to the day of the week on which the feast of Purim occurs.
- (54) Than the eleventh.
- (55) Than the fifteenth. Meg. 2a.
- (56) **לֹא תתגודדו** (Deut. XIV, 1), rendered by E.V. Ye shall not cut yourselves, is here taken as a form of the root **אגד**, 'to bind', implying the formation of separate groups, sects, factions.
- (57) Why, then, was the Scroll allowed to be read on different days by different classes of people?
- (58) Cf. supra n. 13 for the rendering of E.V.
- (59) Which would have implied the prohibition of cutting or bruising the body. (V. p. 70, n. 13.)
- (60) The longer form, the Hithpael.
- (61) Lit., 'for this it came', to imply both 'cutting the body for the dead', and 'the formation of sects'.
- (62) The formation of sects.
- (63) Which would have been understood to refer to the undesirable formation of sects.
- (64) It has thus been shewn that the formation of sects is undesirable; why then was it allowed to form separate groups to read the Scroll of Esther on different dates?
- (65) Or 'You should have replied' (Rashi).
- (66) Which shews that, despite the undesirability of forming separate groups, different customs are allowed.
- (67) Esth. IX, 31, emphasis on 'appointed times', **בזמניהם**.
- (68) I.e., a group who were ordained to read the Scroll on a particular date must not read it on any other date.
- (69) Manual labour on the Passover Eve is universally permitted, and its prohibition in certain places is not a matter of law but merely a question of custom.
- (70) In the case of work on the Passover Eve. (Both the day and the night preceding the Passover are designated **ערב פסח** Passover Eve).
- (71) Preceding the first Passover night.
- (72) Which shews, since some would be acting in accordance with the ruling of Beth Shammai while others would follow Beth Hillel, that even in the case of a prohibition the formation of sects is allowed.
- (73) Lit., 'there', where some people do no work though permitted.
- (74) The question of sects does not arise in such a case.
- (75) A dispute which creates faction, some following the ruling of the one authority and others that of the other.

Talmud - Mas. Yevamoth 14a

— Do you imagine that Beth Shammai acted in accordance with their views? Beth Shammai did not act in accordance with their views.

R. Johanan, however, said: They certainly acted [in accordance with their views]. Herein they¹ differ on the same point as do Rab and Samuel. For Rab maintains that Beth Shammai did not act in accordance with their views, while Samuel maintains that they certainly did act [in accordance with

their views]. When?² If it be suggested, prior to the decision of the heavenly voice,³ then what reason has he who maintains that they did not act [in accordance with their own view]? If, however, after the decision of the heavenly voice, what reason has he who maintains that they did act [in accordance with their views]? — If you wish I could say, prior to the decision of the heavenly voice; and if you prefer I could say, after the heavenly voice. ‘If you wish I could say, prior to the heavenly voice’, when, for instance, Beth Hillel were in the majority: One maintains⁴ that they⁵ did not act [according to their view] for the obvious reason that Beth Hillel were in the majority; while the other maintains⁶ that they did act [according to their view, because] a majority is to be followed only where both sides are equally matched;⁷ in this case, however, Beth Shammai were keener of intellect. ‘And if you prefer I could say, after the heavenly voice’; one maintains that they⁵ did not act [according to their view] for the obvious reason that the heavenly voice had already gone forth;⁸ while the other who maintains that they did act [according to their view] is [of the same opinion as] R. Joshua who declared that no regard need be paid to a heavenly voice.⁹

Now as to the other who ‘maintains that they did act [according to their views]’¹⁰ — should not the warning, ‘Lo tithgodedu, you shall not form separate sects’¹¹ be applied? — Abaye replied: The warning against opposing sects is only applicable to such a case as that of two courts of law in the same town, one of whom rules in accordance with the views of Beth Shammai while the other rules in accordance with the views of Beth Hillel. In the case, however, of two courts of law in two different towns [the difference in practice] does not matter. Said Raba to him: Surely the case of Beth Shammai and Beth Hillel is like that of two courts of law in the same town! The fact, however, is, said Raba, that the warning against opposing sects is only applicable to such a case as that of one court of law in the same town, half of which rule in accordance with the views of Beth Shammai while the other half rule in accordance with the views of Beth Hillel. In the case, however, of two courts of law in the same town [the difference in practice] does not matter.

Come and hear: In the place of R. Eliezer, wood was cut on the Sabbath wherewith to produce charcoal on which to forge the iron.¹² In the place of R. Jose the Galilean the flesh of fowl was eaten with milk.¹³ In the place of R. Eliezer only¹⁴ but not in the place of R. Akiba; for we learnt: R. Akiba laid it down as a general rule that any labour which may be performed on the Sabbath Eve¹⁵ does not supersede the Sabbath!¹⁶ — What an objection is this! The case, surely, is different [when the varied practices are respectively confined to] different localities. What then did he who raised this question imagine?¹⁷ — It might have been assumed that owing to the great restrictions of the Sabbath [different localities are regarded] as one place, hence it was necessary to teach us [that the law was not so].

Come and hear: R. Abbahu, whenever he happened to be in the place of R. Joshua b. Levi, carried¹⁸ a candle,¹⁹ but when he happened to be in the place of R. Johanan²⁰ he did not carry a candle!²¹ — What question is this! Has it not been said that the case is different [when the varied practices are respectively confined to] varied localities? — This is the question:²² How could R. Abbahu act in one place in one way and in another place in another way?²³ — R. Abbahu is of the same opinion as R. Joshua b. Levi,²⁴ but when he happened to be in R. Johanan's place he did not move a candle out of respect for R. Johanan. But his attendant,²⁵ surely was also there!²⁶ — He gave his attendant the necessary instructions.

Come and hear: **THOUGH THESE FORBADE WHAT THE OTHERS PERMITTED . . . BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM THE FAMILIES OF BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM THE FAMILIES OF BETH SHAMMAI.** Now, if it be said that they²⁷ did not act [in accordance with their own view] one can well understand why **THEY DID NOT REFRAIN** [from intermarrying with one another].²⁸ If, however, it be said that they²⁷ did act [in accordance with their own view], why did they not refrain? That Beth Shammai did not refrain from marrying

women from the families of Beth Hillel may well be justified because such²⁹ are the children of persons guilty only of the infringement of a negative precept;³⁰ but why did not Beth Hillel refrain from [marrying women from the families of] Beth Shammai? Such,³¹ surely, being children of persons who are guilty of an offence involving kareth, are bastards!³² And if it be suggested that Beth Hillel are of the opinion that the descendant of those who are guilty of an offence involving kareth is not a bastard,³³ surely, [it may be retorted], R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, they concede that a bastard is only he who is descended from a marriage which is forbidden as incest and punishable with kareth! Does not this then conclusively prove that they²⁷ did not act [in accordance with their own view]? — No; they²⁷ acted, indeed, [in accordance with their own view], but they²⁷ informed them³⁴ [of the existence of any such cases] and they³⁴ kept away.

This³⁵ may also be proved by logical inference; for in the final clause it was stated. [SIMILARLY IN RESPECT OF] ALL [THE QUESTIONS OF RITUAL] CLEANNESS AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.

(1) R. Johanan and R. Lakish.

(2) I.e., to what period does the dispute just mentioned refer?

(3) **בַּת קוֹל** (v. Glos. s.v. Bath Kol), which decided that the law in practice was always to be in accordance with the rulings of Beth Hillel (v. 'Er. 13a).

(4) Lit., 'according to him who said'.

(5) Beth Shammai.

(6) Lit., 'and he who said'.

(7) In qualifications and attainments.

(8) And decided the issue in favour of Beth Hillel.

(9) B.M. 59b, Ber. 52a, 'Er. 7a, Pes. 114a.

(10) Even after the heavenly voice.

(11) Cf. supra p. 70, n. 13.

(12) The knife required for the performance of circumcision. The circumcision of a child, his health permitting, must take place on the eighth day of his birth (v. Gen. XVII, 12) even though it happened to fall on a Sabbath when manual labour is prohibited. And since the precept itself supersedes the Sabbath, all its requisites such as the wood and coals (for the preparation of warm water) and the knife may also be performed on the Sabbath.

(13) Though it is forbidden to eat meat, or any dishes made of meat, together with milk or any preparation of milk. R. Jose exempts the flesh of fowl from the general prohibition of the consumption of meat and milk. Shab. 130a, Hul. 116a.

(14) Lit., 'yes'; only there was the preparation of the requisites of circumcision permitted on the Sabbath.

(15) Such as the cutting of wood, the production of coals and the forging of the knife.

(16) Now, in view of the undesirability of creating different sects, why were all these varied practices allowed?

(17) It should have been obvious to him that different localities may differ in their custom. (Cf. supra p. 53, n. 11.)

(18) Lit., 'moved'.

(19) On the Sabbath. A candle, though it was burning when Sabbath set in may, according to R. Joshua who follows R. Simeon in permitting mukzeh (v. next note), be moved on the Sabbath after the flame has gone out.

(20) R. Johanan, following R. Judah, forbids the carrying or moving of a candle that had been burning when the Sabbath set in though it had subsequently gone out. As it was burning at the commencement of the Sabbath it was at that time fit for no other use and is regarded, therefore, as mukzeh, i.e., 'something set aside', that is not to be used for any other purpose. Anything that was mukzeh when the Sabbath began remains so until it ends.

(21) Is not the practice of carrying a candle in one place and not carrying it in another as undesirable as the formation of opposing sects?

(22) Lit., 'we say thus'.

(23) Lit., 'how did he do here thus' (bis).

(24) V. supra note 3.

- (25) Who well knew that his master was of the same opinion as R. Joshua b. Levi. The **שמועץ** was in many cases both an attendant on the master and also one of his learned disciples.
- (26) And might move such a candle on the Sabbath even in R. Johanan's place.
- (27) Beth Shammai.
- (28) Since, in practice, both schools followed the same principles.
- (29) The descendants from the marriages with strangers contracted by the rivals who, in accordance with the ruling of Beth Hillel, performed no halizah.
- (30) Even Beth Shammai who require the rivals to perform the halizah regard such marriages as the infringement of a prohibition only ('The wife of the dead shall not be married abroad', Deut. XXV, 5), which does not involve kareth. The children of such marriages are consequently not deemed to be bastards.
- (31) Descendants from marriages between rivals and brothers-in-law. Such marriages, which are permitted by Beth Shammai, are regarded by Beth Hillel as forbidden under the prohibition of marrying one's brother's wife, which involves the penalty of kareth.
- (32) How, then, did they intermarry with families containing such members?
- (33) A bastard being the descendant only of such marriages as are subject to one of the capital punishments that are carried out under the jurisdiction of a court.
- (34) Beth Hillel.
- (35) That Beth Shammai duly informed Beth Hillel of any families contracting marriages which according to the ruling of the latter were forbidden.

Talmud - Mas. Yevamoth 14b

Now, if it be agreed that the required information was supplied¹ one well understands why they² did not abstain.³ If, however, it be assumed that no such information was supplied, one can still understand why Beth Shammai did not abstain from using the utensils of Beth Hillel, since that which was regarded by Beth Hillel as ritually unclean was deemed by Beth Shammai to be ritually clean; but why did not Beth Hillel abstain from using the utensils of Beth Shammai when that which was deemed clean by Beth Shammai was regarded as unclean by Beth Hillel? Must it not, then, be concluded that they supplied them with the required information! Our point is thus proved.

In what respect is the one⁴ more conclusive proof⁵ than the other?⁶ — It might have been thought that the case of a rival⁷ receives due publicity,⁸ hence it was necessary [for the inference from the final clause] to be cited.

[Reverting to] the previous text, 'R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the question of rivals they concede that a bastard is only he who is descended from a marriage forbidden as incest and punishable by kareth'. Who concedes? If it be said, Beth Shammai to Beth Hillel;⁹ this, surely, is obvious, since the children of those who are guilty of the infringement of a negative precept¹⁰ are deemed legitimate.¹¹ Must it not consequently be the case that Beth Hillel conceded to Beth Shammai;¹² but this very case is subject to the penalty of kareth! — The fact is that Beth Shammai conceded to Beth Hillel; and the purpose was to exclude the opinion of R. Akiba, who maintains that a descendant from persons guilty of the infringement of a negative precept is deemed a bastard.¹³ Hence it was taught¹⁴ that a descendant from persons guilty of the infringement of a negative precept is not deemed a bastard.

Come and hear: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, sisters,¹⁵ an old bill of divorce,¹⁶ a doubtfully married woman,¹⁷ a woman whom her husband had divorced¹⁸ and who stayed with him over the night in an inn,¹⁹ money, valuables, a perutah and the value of a perutah,²⁰ Beth Shammai did not, nevertheless, abstain from marrying women of the families of Beth Hillel, nor did Beth Hillel refrain from marrying those of Beth Shammai. This is to teach you that they shewed love and friendship towards one another, thus putting into practice the Scriptural text, Love ye truth and peace.²¹ R. Simeon said: They abstained [from marrying] in cases

of certainty but did not abstain in doubtful cases.²² Now, if you agree that they²³ acted [in accordance with their own views] one can well understand why they abstained. If, however, you assume that they did not so act, why did they abstain? — And how do you understand this? Even if it be granted that they did act (in accordance with their own views), one can only understand why Beth Hillel abstained from intermarrying with Beth Shammai, because the latter, in the opinion of Beth Hillel, were guilty of offences involving kareth and their descendants were consequently bastards; as to Beth Shammai, however, why did they abstain from intermarrying with Beth Hillel, when they were [even in the opinion of Beth Shammai] only guilty of the infringement of a negative precept and [their descendants] were consequently legitimate? — As R. Nahman said elsewhere that the statement was required only for the case of the rival herself, so here also the Statement is required for the case of the rival herself.²⁴

Why is a doubtful case different from a case of a certainty? Obviously because it is forbidden. Is not a doubtful case also forbidden? — Do not read, ‘from a doubtful case’, but ‘from a case unknown’, since when they received the information they kept away.²⁵ And what does he teach us thereby? That they shewed love and friendship to one another? But this is exactly the same as the first clause!²⁶ — He teaches us this: That the entire Mishnah represents the views of R. Simeon.

Come and hear: R. Johanan b. Nuri said: ‘How is this law²⁷ to be promulgated in Israel? Were we to act in accordance with the ruling of Beth Shammai,²⁸ the child would, in accordance with the ruling of Beth Hillel, be a bastard.²⁹ And were we to act in accordance with the ruling of Beth Hillel,³⁰ the child, according to the ruling of Beth Shammai, would be tainted;³¹ come, then, and let us issue an ordinance that the rivals

(1) By Beth Shammai.

(2) Beth Hillel, who were the more rigorous in matters of ritual cleanness.

(3) From using the utensils of Beth Shammai. The fact that any vessel was not clean according to Beth Hillel would have been, they knew, duly communicated to them.

(4) The inference from the final clause of our Mishnah relating to ritual cleanness and uncleanness.

(5) That the required information was supplied.

(6) The first clause dealing with the marriages of rivals.

(7) Who married one of the brothers.

(8) And no special report on such a case is needed.

(9) Where a rival married a stranger without previously performing the halizah (v. our Mishnah).

(10) V. supra p. 75, n. 4.

(11) And the question of legitimacy does not at all arise in the dispute.

(12) In respect of a rival who married one of the brothers.

(13) Infra 49a.

(14) In our Mishnah.

(15) Who married their brothers; infra 26a.

(16) Git. 79b.

(17) I.e., where the validity of her marriage is in doubt. V. infra 107a.

(18) Lit., ‘and about him who divorced his wife’.

(19) Git. 81a.

(20) The last four deal with the question of what constitutes legal betrothal. Kid. 2a and 11a.

(21) Zech. VIII, 19.

(22) Tosef. Yeb. I.

(23) Beth Shammai.

(24) Whom Beth Shammai abstained from marrying before she performed the halizah.

(25) So long, therefore, as no report had been received the unknown case was assumed to belong to the pure families.

(26) Why then should there be a repetition of the same thing?

(27) Relating to the marriages of rivals.

- (28) Who permit the rivals to marry the brothers.
 (29) Having been born from a forbidden marriage (that of a brother's wife) which involves kareth.
 (30) Permitting rivals to marry strangers without previous halizah.
 (31) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.

Talmud - Mas. Yevamoth 15a

perform the halizah¹ but do not marry any of the brothers'.² They had hardly time to conclude the matter before confusion set in. Said R. Simeon b. Gamaliel to them, 'What now could we do with previous rivals'?³ Now, if you assume that they⁴ acted [in accordance with their own rulings] one can understand why he said, 'What shall we do'.⁵ If, however, you assume that they did not so act, what is the meaning of 'What shall we do'?⁶ — R. Nahman b. Isaac replied: This⁷ was required only in the case of the rival herself;⁸ and this is the meaning of the objection 'what shall we do': 'How shall we, according to Beth Shammai, proceed with those rivals [who married⁹ in accordance with the rulings] of Beth Hillel? Should they be asked to perform the halizah, they would become despised by their husbands; and should you say, "Let them be despised", [it could be retorted]. Her ways are ways of pleasantness and all her paths are peace'.¹⁰

Come and hear: R. Tarfon¹¹ said: Would that the rival of [my] daughter¹² were to fall to my lot¹³ so that I could marry her!¹⁴ — Read, 'that I could make her marry [another]'.¹⁵ But he said, 'Would'!¹⁶ — It¹⁷ implies objection to the ordinance¹⁸ of R. Johanan b. Nuri.¹⁹

Come and hear: It happened that R. Gamaliel's daughter was married to his brother Abba who died without issue, and that R. Gamaliel married her rival!²⁰ — But how do you understand this? Was R. Gamaliel²¹ one of the disciples of Beth Shammai!²² But [this is the explanation]: R. Gamaliel's daughter was different because she was incapable of procreation.²³ Since, however, it was stated in the final clause, 'Others say that R. Gamaliel's daughter was incapable of procreation' it may be inferred that the first Tanna is of the opinion that she was not incapable of procreation! — The difference between them²⁴ is the question whether he²⁵ knew her²⁶ defect²⁷ or not.²⁸ And if you wish I might say that the difference between them²⁴ is the case where he²⁵ married [the rival] first and subsequently divorced [his wife].²⁹ And if you wish I might say that the difference between them²⁴ is whether a stipulation³⁰ in the case of matrimonial intercourse is valid.³¹

R. Mesharsheya raised an objection: It once happened that R. Akiba gathered the fruit of an ethrog³² on the first of Shebat³³ and subjected it to two tithes,³⁴ one³⁵ in accordance with the ruling of Beth Shammai³⁶ and the other³⁷ in accordance with the ruling of Beth Hillel.³⁸ This proves that they³⁹ did act [in accordance with their rulings!] — R. Akiba was uncertain of his tradition, not knowing whether Beth Hillel said the first of Shebat⁴⁰ or the fifteenth of Shebat.⁴⁰

Mar Zutra raised an objection: It once happened that Shammai the Elder's daughter-in-law was confined with child⁴¹ and he⁴² broke an opening through the concrete of the ceiling and covered it above the bed with the proper festival roofing⁴³ for the sake of the child.⁴⁴ Does not this prove that they³⁹ did act [in accordance with their rulings]?⁴⁵ — In that case, any onlooker might assume that it was done in order to increase the ventilation.⁴⁶

Mar Zutra raised an objection: It once happened with Jehu's Trough in Jerusalem, which was connected by means of a hole with a ritual bathing pool,⁴⁷ and in which⁴⁸ all ritual cleansing in Jerusalem was performed, that Beth Shammai sent and had the hole widened; for Beth Shammai maintain that the greater part [of the intervening wall] must be broken through.⁴⁹ But we have also learned that the combination of bathing pools⁵⁰ may be effected by a connecting tube of the size of the mouth-piece of a leather bottle in diameter and circumference,⁵¹ viz., a tube in which two fingers may conveniently be turned round.⁵² Does not this prove that they⁵³ did act [in accordance with their

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- (1) So that any stranger might be permitted to marry them, even according to Beth Shammai.
- (2) And thus prevent their children from being branded bastards according to Beth Hillel. (V. supra note 6).
- (3) Tosef. Yeb, I; the rivals who, relying on Beth Shammai, married brothers-in-law, prior to the ordinance, whose children would, were the ordinance of R. Johanan b. Nuri to be accepted, become bastard.
- (4) Beth Shammai.
- (5) Since some may have married brothers-in-law. V. supra n. 1.
- (6) No such marriage could possibly have taken place.
- (7) R. Simeon b. Gamaliel's precaution.
- (8) Who may have married a stranger without previous halizah, in accordance with the ruling of Beth Hillel. It has no reference at all to the children, who would not be regarded bastards even according to Beth Shammai.
- (9) Strangers, previously performing the halizah.
- (10) Prov. III, 17. The ways of the law must lead to no unpleasantness for the innocent.
- (11) A disciple of Beth Shammai.
- (12) Who was married to a brother of his.
- (13) As levir.
- (14) Which shews that Beth Shammai acted in accordance with their ruling that the rival of a forbidden relative is permitted to the brothers.
- (15) Which is, of course, permitted according to Beth Hillel. The Heb. **אֶשְׂאֵנָהּ** 'I will marry her' (verb. neut. Kal) may be easily mistaken for **אֶשְׂאֵנָהּ** 'I will cause her to marry another' (verb. act. Hif.).
- (16) Which implies a desire to shew something novel. Marrying a stranger, in accordance with the ruling of Beth Hillel, is the usual practice.
- (17) The expression 'would'.
- (18) Lit., 'to bring out', 'to exclude (the view)'.
- (19) Who desired to institute for rivals halizah to enable them to marry strangers, though prohibiting their marriage with the brothers
- (20) Thus acting in accordance with the ruling of Beth Shammai. (V. p. 79, n. 12.)
- (21) A descendant of the house of Hillel.
- (22) Obviously not. How, then, could it be assumed that he acted in accordance with a ruling of Beth Shammai?
- (23) And the rival of such a woman is permitted to the brothers. V. Mishnah supra 2b.
- (24) The 'Others' and the first Tanna.
- (25) The husband, R. Gamaliel's brother.
- (26) R. Gamaliel's daughter's.
- (27) At the time of their marriage.
- (28) V. supra 12a. According to the first Tanna, the rival of R. Gamaliel's daughter was permitted only because her husband was unaware of her defect, and their marriage consequently took place under a misconception. Such a marriage being invalid, R. Gamaliel's daughter was not a legal wife, and her rival consequently was a mere stranger to her father. According to the 'Others', who use the expression 'was incapable' and not 'was discovered to be incapable', the rival was permitted to R. Gamaliel irrespective of whether his daughter's defect had or had not been known, to her husband.
- (29) V. supra 13a. Such as was the case with R. Gamaliel's daughter. The first Tanna is of the opinion that the rival was permitted to R. Gamaliel because at the time his brother died she was no more his daughter's rival. The 'Others', however, maintain that so long as the two were rivals for any length of time (in this case, between the time of the marriage with the rival and the divorce of R. Gamaliel's daughter) they remain legally as rivals for all time, and the only reason why R. Gamaliel was allowed to marry the rival of his daughter was because his daughter had the defect of being incapable of procreation, and the rival of such a woman is permitted to the brothers. V. supra 2b.
- (30) That the woman, e.g., suffers from no illness or that she is not afflicted with any infirmity.
- (31) Such a stipulation was made by the husband in the case of R. Gamaliel's daughter. The first Tanna is of the opinion that the stipulation is valid, and since an infirmity was subsequently discovered, the marriage is null and void and the rival as a mere stranger is consequently permitted. The 'Others', however, regard a stipulation in connection with marital intercourse as invalid. R. Gamaliel's marriage with the rival was consequently permitted only because his daughter was incapable of procreation.

(32) V. Glos.

(33) The eleventh month in the Hebrew calendar, the first day of which is regarded by Beth Shammai as the New Year for trees. The period of the gathering was about the end of the second year of the septennial cycle and the beginning of the third.

(34) The 'second tithe' which is due in the second year of the septennial cycle, and the 'tithe for the poor' which is due in the third year of the cycle.

(35) The 'tithe for the poor'.

(36) According to whom, the first of Shebat being regarded as the beginning of the New Year for trees, the third year of the cycle had already begun, and the tithe due is, therefore, that of the poor.

(37) The 'second tithe'.

(38) Who, maintaining that the new year for trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due. 'Er. 7a, R.H. 14a.

(39) Beth Shammai.

(40) Was the new year. Cf. supra nn. 5-7.

(41) During the Festival of Tabernacles when it is obligatory upon all males to dwell in booths (Lev. XXIII, 42), the roof of which must consist of branches or leaves or any similar material which grows from the ground (v. Suk. 2aff).

(42) Shammai.

(43) V. supra n. 10.

(44) Who was a male and, in the opinion of Beth Shammai, a male child, though still dependent on his mother, is like any male adult subject to the obligation of dwelling in a booth during the festival. Suk. 28a.

(45) Since according to Beth Hillel the child, being dependent upon his mother, is exempt from the obligation.

(46) The action, therefore, did not in any way demonstrate a disregard for the ruling of Beth Hillel.

(47) מִקְוֵה 'a gathering together', applied to a bath or pool containing forty se'ah of water, which is the prescribed minimum for a ritual bath.

(48) The trough, though containing less than the required minimum, was rendered ritually fit through fusion with the larger pool by means of the connecting hole.

(49) Mik. IV, 5.

(50) Which renders the smaller one, containing less than the prescribed minimum, ritually fit.

(51) Lit., 'like the tube of a leather bottle in its thickness and hollow space'.

(52) Hag. 21b, Mik. VI, 7; lit., 'as two fingers returning to their place'.

(53) Beth Shammai.

(54) Since the original tube, according to Beth Hillel, was quite sufficient, and they had nevertheless ordered its extension.

Talmud - Mas. Yevamoth 15b

the onlooker might assume that the extension was made in order to increase the volume of the water.¹

Come and hear: R. Eleazar b. Zadok said: When I was learning Torah with R. Johanan the Horonite² I noticed that in the years of dearth he used to eat dry bread with salt. I went home and related it to my father, who said to me, 'Take some olives to him'. When I brought these to him and he observed that they were moist³ he said to me, 'I eat no olives'.⁴ I again went out and communicated the matter to my father, who said to me, 'Go tell him that the jar was broached,⁵ only the lees had blocked up the breach';⁶ and we learned: A jar containing pickled olives, Beth Shammai said, need not be broached;⁷ but Beth Hillel say: It must be broached.⁸ They admit, however, that where it had been broached and the lees had blocked up the holes, it is clean.⁹ And though he¹⁰ was a disciple of Shammai, he always conformed in practice¹¹ to the rulings of Beth Hillel. Now, if it be conceded that they¹² did act in accordance with their own rulings, one can well understand why his¹⁰ action was worthy of note;¹³ if, however, it were to be contended that they did not so act, in what respect was his conduct noteworthy!¹⁴

Come and hear: R. Joshua was asked, 'What is the law in relation to the rival of one's daughter'? He answered them, 'It is a question in dispute between Beth Shammai and Beth Hillel'. — 'But [he was asked] in accordance with whose ruling is the established law'? 'Why should you,' he said to them, 'put my head between two great mountains, between two great groups of disputants, aye, between Beth Shammai and Beth Hillel? I fear they might crush my head! I may testify to you, however, concerning two great families who flourished in Jerusalem, namely, the family of Beth Zebo'im of Ben 'Akmai and the family of Ben Kuppai of Ben Mekoshesh,¹⁵ that they were descendants of rivals¹⁶ and yet some of them were High Priests who ministered upon the altar'. Now, if it be conceded that they¹⁷ acted [in accordance with their own rulings] it is quite intelligible why he said, 'I fear'.¹⁸ If, however, it be suggested that they¹⁷ did not so act, why did he say, 'I fear'?¹⁹ But even if it be granted that they did act [according to their rulings], what [cause had he for saying,] 'I fear'? Surely R. Joshua said that a bastard was only he who was a descendant of one of those who are subject to capital punishments which are within the jurisdiction of the Beth din!²⁰ — Granted that he²¹ was not a bastard, he is nevertheless tainted;²² as may be deduced by inference a *minori ad majus* from the case of the widow: If the son of a widow²³ who is not forbidden to all²⁴ is nevertheless tainted,²⁵ [how much more so the son of a rival]²⁶ who is forbidden to all.²⁷

They asked him concerning rivals and he answered them about the sons of the rivals! — They really asked him two questions: 'What is the law concerning the rivals? And if some ground could be found in their case in favour of the ruling of Beth Hillel, what is the law according to Beth Shammai in regard to the sons of the rivals, [who married]²⁸ in accordance with the ruling of Beth Hillel'?²⁹ What practical difference is there?³⁰ — That a solution may be found, according to Beth Hillel, for the question of the child³¹ of a man who remarried his divorced wife.³² Do we³³ apply the inference a *minori ad majus*, arguing thus: 'If the son of a widow who was married to a High Priest, who is not forbidden to all,³⁴ is nevertheless tainted,³⁵ how much more so the son of her³⁶ who is forbidden to all';³⁷ or is it possible to refute the argument, thus: 'The case of the widow is different because she herself is profaned'?³⁸ And he said to them, 'With reference to the rivals I am afraid,'³⁹

(1) V. note 2.

(2) [Cf. Hauran, mentioned in Ezek. XLVII, 18, south of Damascus, the Auranitis of the Graeco-Roman times.]

(3) Moisture renders fruit susceptible to Levitical uncleanness.

(4) He hesitated to eat them owing to the possibility (Rashi) or the certainty (Tosaf. a.l. s.v. אֶמֶר) that the earthen jar in which they were kept had been touched by an 'am ha-arez and, being moist, received the uncleanness imparted to them by the jar which, by Rabbinical enactment, had become unclean by the touch of the 'am ha-arez.

(5) Keeping olives in a broached container is clear evidence that the owner had no desire to retain the sap that exudes from the olives; and only liquids which are desired by the owner render the fruit susceptible to Levitical uncleanness.

(6) And thus the undesired 'moisture remained on the olives. As such moisture does not render the fruit susceptible to uncleanness (v. previous note) the olives may safely be eaten even by the scrupulous.

(7) Because in their opinion the moisture that exudes from the olives is regarded as a fruit juice which does not render food susceptible to Levitical uncleanness.

(8) The moisture is regarded by them as actual oil which does render food susceptible to uncleanness. Broaching is consequently necessary in order to indicate thereby that the owner had no desire to preserve the liquid.

(9) I.e., the liquid, having clearly been shewn to be unwanted, does not render the olives susceptible to Levitical uncleanness. 'Ed. IV, 6.

(10) R. Johanan the Horonite.

(11) Lit., 'all his deeds he only did'.

(12) Beth Shammai.

(13) Lit., 'that is his greatness'; i.e., his conduct was remarkable and worthy of note in that he acted according to the ruling of Beth Hillel despite the practice of his colleagues of acting in accordance with the rulings of their own School.

(14) Lit., 'what was his greatness'; he only acted on the same lines as the other disciples of Beth Shammai. Consequently it must be concluded that Beth Shammai did act in accordance with their own rulings.

- (15) [A locality in Judaea; on the identification of the other names, v. Klein MGWJ 1910, 25ff, and 1917, 135ff and Buchler Priest, p. 186.]
- (16) Who, in accordance with the ruling of Beth Hillel, married strangers without previously performing halizah with the levirs.
- (17) Beth Shammai.
- (18) As the rivals, acting on the ruling of Beth Shammai, might have married the brothers, their children who, according to Beth Hillel, would thus be descendants of marriages forbidden under the penalty of kareth, would be deemed to be bastards. These would certainly resent R. Joshua's declaration in favour of Beth Hillel, and his life would thus be in danger.
- (19) No one could possibly resent his decision since no one would be adversely affected by it. Cf. supra p. 83, n. 10, final clause.
- (20) Infra 49a. Now, even if he had decided in favour of Beth Hillel no one would have been degraded thereby to the level of a bastard. Why then was he afraid?
- (21) A descendant from a marriage punishable by kareth.
- (22) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.
- (23) Born from her marriage with a High Priest.
- (24) A widow is forbidden only to a High Priest. V. Lev. XXI, 14.
- (25) V. note 8.
- (26) Cur. edd., 'etc.'
- (27) A rival is forbidden to Israelites as well as priests.
- (28) Strangers without previous halizah with the levirs.
- (29) Are the children of such marriages, which are forbidden by a negative precept, disqualified from the priesthood?
- (30) Since the halachah is according to Beth Hillel.
- (31) A daughter.
- (32) After she had been married to another man. Such remarriage is also forbidden (v. supra note 2) by a negative precept (V. Deut. XXIV, 1-4.)
- (33) In this case according to Beth Hillel, as in the case of a rival's son according to Beth Shammai; both cases coming under the prohibition of a negative precept.
- (34) V. p. 84, n. 10.
- (35) V. p. 84, n. 8.
- (36) A rival.
- (37) A rival is forbidden to Israelites as well as to priests.
- (38) On the death of the High Priest to whom she was unlawfully married she may not marry any more even an ordinary priest, and as she was a priest's daughter she is henceforth forbidden to eat terumah. On a woman, however, who was remarried after divorce no new restrictions are imposed.
- (39) V. supra p. 84, n. 4.

Talmud - Mas. Yevamoth 16a

as to the sons of the rivals¹ I may testify to you'.²

Come and hear: In the days of R. Dosa b. Harkinas the rival of a daughter was permitted to marry the brothers.³ From this it may be inferred that [Beth Shammai] acted [in accordance with their own rulings].⁴ This proves the point.

[To turn to] the main text. In the days of R. Dosa b. Harkinas, the rival of a daughter was permitted to marry the brothers. This ruling was very disturbing to the Sages, because he⁵ was a great scholar⁶ and his eyes were dim so that he was unable to come to the house of study.⁷ When a discussion took place as to who should go and communicate with him, R. Joshua said to them, 'I will go'. 'And who after him?' — 'R. Eleazar b. Azariah.' 'And who after him?' — 'R. Akiba'. They went and stood at the entrance of his house. His maid entered and told him, 'Master, the Sages of Israel are come to you'. 'Let them enter', he said to her; and they entered. Taking hold of R. Joshua

he made him sit upon a golden couch. The latter said to him, 'Master, will you ask your other disciple to sit down'? 'Who is he?' [the Master] enquired. — 'R. Eleazar b. Azariah'. 'Has our friend Azariah a son?' [the Master] exclaimed, and applied to him this Scriptural text, I have been young and now I am old; yet have I not seen the righteous forsaken, nor his seed begging bread;⁸ and so took hold of him also and made him sit upon a golden couch. 'Master', said he,⁹ 'will you ask your next disciple also to sit down'? 'And who is he?' [the Master] asked. — 'Akiba the son of Joseph'. 'You are,' [the Master] exclaimed, 'Akiba son of Joseph whose name is known from one end of the world to the other! Sit down, my son, sit down. May men like you multiply in Israel'. Thereupon they began to address to him all sorts of questions on legal practice¹⁰ until they reached that of the daughter's rival. 'What is the halachah', they asked him, 'in the case of a daughter's rival?' 'This,' he answered them, 'is a question in dispute between Beth Shammai and Beth Hillel.' 'In accordance with whose ruling is the halachah?' — 'The halachah,' he replied, is in accordance with the ruling of Beth Hillel'. 'But, indeed,' they said to him, 'it was stated in your name that the halachah is in accordance with the ruling of Beth Shammai!' He said to them: 'Did you hear, "Dosa"¹¹ or "the son of Harkinas?"'¹² — 'By the life of our Master,' they replied. 'We heard no son's name mentioned.'¹³ 'I have,' he said to them, 'a younger brother who is a dare-devil¹⁴ and his name is Jonathan and he is one of the disciples of Shammai.¹⁵ Take care that he does not overwhelm you on questions of established practice, because he has three hundred answers to prove that the daughter's rival is permitted. But I call heaven and earth to witness that upon this mortar¹⁶ sat the prophet Haggai¹⁷ and delivered the following three rulings: That a daughter's rival is forbidden, that in the lands of Ammon and Moab the tithe of the poor is to be given in the Seventh Year,¹⁸ and that proselytes may be accepted from the Cordyenians and the Tarmodites.'¹⁹

A Tanna taught: When they came²⁰ they entered through one door; when they went out they issued through three different doors.²¹ He came upon R. Akiba, submitted his objections to him and silenced him.²² 'Are you', he called out, 'Akiba whose name rings from one end of the world to the other? You are blessed indeed to have won fame while you have not yet attained the rank of oxherds.' 'Not even,' replied R. Akiba, 'that of shepherds.'

'In the lands of Ammon and Moab the tithe of the poor is given in the Seventh Year,' because a Master said: Those who came up from Egypt²³ had conquered many cities which those who came up from Babylon²⁴ did not conquer, and the first sanctification²³ was intended for that time only but not for the future.²⁵ Hence they were allowed [cultivation]²⁶ in order that the poor²⁷ might find their support there in the Seventh Year.²⁸

'And that proselytes may be accepted from the Cordyenians and the Tarmodites'. But [the law, surely,] is not so! For Rami b. Ezekiel learnt: No proselyte may be accepted from the Cordyenians. — R. Ashi replied: The statement was Kartuenians,²⁹ as people, in fact, speak of 'disqualified Kartuenians'.

Others say: Rami b. Ezekiel learnt, 'No proselytes are to be accepted from the Kartuenians'. Are not Kartuenians the same as Cordyenians? — R. Ashi replied: No; Kartuenians are a class by themselves, and Cordyenians are a class by themselves, as people, in fact, speak of 'disqualified Kartuenians'.³⁰

Both R. Johanan and Sabya maintain that no proselytes may be accepted from the Tarmodites. Did R. Johanan, however, say such a thing? Surely we learned: All blood stains [on women's garments] that come from Rekem³¹ are levitically clean,³² and R. Judah declares them unclean because [the people there] were proselytes though misguided;³³ [those that come] from the heathens³⁴ are levitically clean.³⁵ And the difficult point was raised

(1) Whether they are tainted or not.

- (2) V. supra 15b, which shews that they were not tainted, since they were permitted to occupy the highest office in the priesthood.
- (3) Of the father of that daughter.
- (4) Since the permission to marry was issued by a brother of R. Dosa (v. infra) who was a member of Beth Shammai.
- (5) R. Dosa, who was thought to be the author of the ruling.
- (6) And they did not venture to act against his decision without first consulting him.
- (7) And was thus unaware that the general opinion at the College was against the ruling.
- (8) Ps. XXXVII, 25.
- (9) R. Joshua.
- (10) Lit., 'surrounded him with halachoth'.
- (11) I.e., that Dosa permitted the rival.
- (12) Without the mention of the name of the son.
- (13) Lit., 'not specifically', 'undefined'.
- (14) בכור שטן lit., 'the first-born of Satan', first in obstinate dispute (Jast.); Satansjunge similar to Teufelskerl (Golds.); keen and obstinate (Rashi). Some suggest בחר שונן 'keen — witted youth'. R. Dosa appears to have been playing upon the rhyme of ah katan, bekor satan, and Jonathan.
- (15) And it must have been Jonathan who dared to issue a ruling in accordance with the views of his school against those of Beth Hillel.
- (16) מדוכה or mortar-shaped seat.
- (17) [That does not mean that he was a contemporary of Haggai the prophet, but that he had an incontrovertible tradition on the matter, Me'iri.]
- (18) Of the septennial cycle. The countries of Ammon and Moab, though conquered by Moses and included in the boundary of the Land of Israel, were in the days of the Second Temple excluded. The laws of the Seventh or Sabbatical year, which apply to the Land of Israel, were consequently inapplicable to the lands of Ammon and Moab. Any Jews living in those countries, it was ordained by the Rabbis, were to be allowed to cultivate their fields in this year, but besides the 'first tithe' which is due in all other years, they were to give the tithe of the poor also.
- (19) Despite the opinion of some Rabbis that they were to be regarded as bastards. Cordyene or Kardu was in Babylon; Tarmod or Tadmor, (Palmyra) lay in an oasis of the desert of Syria. [According to Obermeyer (p. 133) the question as to the legitimacy of the offering of the Kardu was on account of the possible intermarriage of the non-Jewish inhabitants with the Jewish converts, won over to Christianity by the Christian missions from Edessa in the first century.]
- (20) To interview R. Dosa.
- (21) Either in order not to attract Jonathan's attention, or, on the contrary, in the hope that one of them at least might meet him.
- (22) Lit., 'and made him stand'.
- (23) In the days of Joshua.
- (24) In the days of Ezra.
- (25) Hag. 3b.
- (26) In the Sabbatical year.
- (27) Of the Land of Israel where no cultivation was permitted and where consequently no poor-tithe was given in that year.
- (28) By obtaining employment in the fields or by receiving the tithes and the other gifts of the poor.
- (29) Mountaineers of Media. The Gr. ** natives of Karta are mentioned by Polybius and Strabo.
- (30) The Cordyenians, however, are not tainted.
- (31) Place on the borders of Palestine. Perhaps Petra or the Biblical Sela in Edom, v. Git., Sonc. ed. p. 1, n. 2.
- (32) Only the menstrual blood of the daughters of Israel is levitically unclean; and no pure Israelites lived at Rekem.
- (33) Though they no longer observed the religious laws of Judaism they were once proselytes and as such their menstrual blood is levitically unclean as is the case with that of Israelites.
- (34) I.e., from localities where no Israelites live.
- (35) Nid. 56b, Bek. 38b.

that having stated categorically,¹ '[those that came] from the heathens' [he must also imply,] 'even those from Tarmod'!² And R. Johanan replied: This proves that proselytes may be accepted from Tarmod.³ And if it be replied [that R. Johanan only said], 'This',⁴ but he himself does not hold this view,⁵ surely R. Johanan said, 'The halachah is in accordance with an anonymous Mishnah'!⁶ — It is a question in dispute between Amoraim as to what was actually the view of R. Johanan.

Why are no [proselytes to be accepted] from Tarmod? — R. Johanan and Sabya give different reasons. One says, 'On account of the slaves of Solomon,'⁷ and the other says, 'On account of the daughters of Jerusalem.'⁸

According to him who Says. 'On account of the slaves of Solomon,' the reason is quite intelligible, because he may hold the opinion that the child of a heathen or a slave who had intercourse with a daughter in Israel is a bastard. According to him, however, who said, 'On account of the daughters of Jerusalem', what is the reason? — R. Joseph and the Rabbis dispute the point, and both of them in the name of Rabbah b. Bar Hana. One maintains that [the number was] twelve thousand [foot]men and six thousand archers, and the other maintains that there were twelve thousand men and, of these, six hundred archers. At the time when the heathens entered the Temple, everyone made for the gold and the silver, but they made for the daughters of Jerusalem; as it is said in the Scriptures. They have ravished the women in Zion, the maidens in the cities of Judah.⁹

R. Samuel b. Nahmani said in the name of R. Jonathan: The following verse was uttered by the Genius of the Universe:¹⁰ I have been young and now I am old!¹¹ For who else could have said it! If the Holy One, blessed be He, be suggested, is there any old age in his case? Then David must have said it? But was he so old? Consequently it must be concluded that the Genius of the Universe had said it.

R. Samuel b. Nahmani further said in the name of R. Jonathan: What is [the meaning of] the Scriptural text,¹² The adversary hath spread out his hand upon all her treasures?¹³ — This [refers to] Ammon and Moab. At the time when the heathens entered the Temple all made for gold and silver, but they turned to the Scroll of the Law, saying, 'That in which it is written, An Ammonite or a Moabite shall not enter into the assembly of the Lord,¹⁴ shall be burned with fire.'

The Lord hath commanded concerning Jacob that they that are round about him should be his adversaries.¹⁵ Rab said: As, for instance, Humania towards Pum Nahara.¹⁶

Rab Judah said in the name of R. Assi: If at the present time a heathen betroths [a daughter in Israel], note must be taken of such betrothal since it may be that he is of the ten tribes.¹⁷ But, surely, anything separated [from a heterogeneous group] is regarded as having been separated from the majority!¹⁸ — [R. Assi's statement refers] to places where they have settled;¹⁹ for R. Abba b. Kahana said: And he put them in Halah and in Habor, on the river of Gozan, and the cities of the Medes;²⁰ Halah is Halwan,²¹ and Habor

(1) Lit., 'he decides and teaches'.

(2) But can that be so in view of the doubtful character of the admixture of Jewish stock of its inhabitants?

(3) Nid. 56b. I.e., they are not regarded as an admixture of Jewish stock and tainted from birth and disqualified. How then could it be said supra that R. Johanan maintains that proselytes may not be accepted from the Tarmodites?

(4) 'This proves etc.' supra.

(5) I.e., he disagrees with the Mishnah.

(6) Which, as has been shewn, implies that proselytes may be accepted from Tarmod.

(7) Who married Jewish women.

(8) This is explained immediately.

(9) Lam. V, 11.

- (10) Or 'Prince of the world'; identified by some writers with Metatron 'whose name is similar to that of his master'; v. Sanh., Sonc. ed. p. 245, nn. 11 and 12 and cf. op. cit. p. 246, n. 6. V. also 'A.Z., Sonc. ed. p. 10, n. 6.
- (11) Ps. XXXVII, 25, referred to by R. Dosa supra 16a.
- (12) Lit., 'what of that which was written?'
- (13) Lam. I, 10.
- (14) Deut. XXIII, 4.
- (15) Lam. I, 17.
- (16) Both were localities in Babylon. The former, inhabited by Greeks, was a constant source of annoyance to the latter the inhabitants of which were poor Israelites. Humania was below the city of Ctesifon and near it was Pum Nahara.
- (17) Whom Shalmaneser had carried away into captivity (II Kings XVIII, 11) where they intermarried with the heathens. Children born from such marriages are bastards, and R. Assi holds that a bastard's betrothal is valid.
- (18) I.e., if it is not known to which group or class a person or object that comes from a mixed multitude belongs, it is always assumed that the unit came from the majority. Now, since the ten tribes represent only a minority of the heathens, it should be assumed that the betrothal was not made by one of the ten tribes but by a heathen.
- (19) And formed a majority of the inhabitants (Tosaf. s.v. **בדוכתא** a.l.). Rashi: A group which is in a settled condition, (kabu'a, v. Keth. 15a and Glos.), though it is a minority, is deemed to represent a half of the whole multitude.
- (20) II Kings XVIII, 11.
- (21) So Kid. 72b. Cur. edd., **חלון**. Halwan is a locality in Assyria. V. Kid., Sonc. ed. p. 367, n. 4.

Talmud - Mas. Yevamoth 17a

is Hadyab,¹ the river Gozan is Ginzak,² and the cities of the Medes are Hamdan³ and its neighbouring towns; others say, Nihar⁴ and its neighbouring towns. Which are its neighbouring towns? — Samuel replied: Karak,⁵ Moshki,⁶ Hidki⁷ and Dumkia.⁸ R. Johanan said: All these⁹ [were enumerated] in order to declare them as being unfit.¹⁰ When, however, I¹¹ mentioned the matter¹² in the presence of Samuel he said to me: Thy son,¹³ implies that he who is descended from an Israelitish woman may be called thy son, but thy son who is descended from a heathen woman is not called thy son but her son.¹⁴ But, surely, there were also daughters,¹⁵ and Rabina had said, 'From this it may be inferred that thy daughter's son born from [a union with] a heathen is called thy son'!¹⁶ — There is a tradition that the women of that generation were sterilized.¹⁷

Others read: When I mentioned the matter¹⁸ in the presence of Samuel he said to me, 'They did not move from there until they had declared them¹⁹ to be perfect heathens; as it is said in the Scriptures, They have dealt treacherously against the Lord, for they have begotten strange children.'²⁰

R. Joseph sat behind R. Kahana while R. Kahana sat before Rab Judah, and while sitting he made the following statement: 'Israel will make a festival when Tarmod will have been destroyed'.²¹ But, surely, it was destroyed! — That²² was Tammod.²³

R. Ashi said: Tarmod and Tammod are identical, but the city was rebuilt;²⁴ when it was destroyed on one side it was settled on the other side, and when the other side was destroyed it was settled on the first side.²⁵

R. Hamnuna sat before 'Ulla and was engaged in discussing a traditional law when the latter remarked,²⁶ 'What a man! And how much more important would he have been²⁷ had not Harpania²⁸ been his [native] town'! As the other was embarrassed, he said to him, 'Where do you pay poll tax'? — 'To Pum Nahara', the other replied. 'If so', 'Ulla said, 'You belong to Pum Nahara'. What [is the meaning of] Harpania? — R. Zera replied: A mountain whither everybody²⁹ turns.³⁰ In a Baraitha it was taught: Whosoever did not know his family and his tribe³¹ made his way thither. Raba said: And it was deeper than the nether-world,³² for in the Scripture it is said, I shall ransom them from the power of the nether-world; I shall redeem them from death,³³ but for the unfitness of these there is no remedy at all; the unfit of Harpania on account of the unfit of Meshan,³⁴ and the unfit of Meshan on account of the unfit of Tarmod,³⁵ and the unfit of Tarmod on account of the slaves of Solomon.³⁶ Thus it is that people say, 'The small kab and the big kab³⁷ roll down to the nether-world, from the netherworld to Tarmod,³⁸ from Tarmod to Meshan, and from Meshan to Harpania.'³⁹

CHAPTER II

MISHNAH. HOW [IS THE EXEMPTION OF HER RIVAL BY] THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY'⁴⁰ [TO BE UNDERSTOOD]?- IF THERE WERE TWO BROTHERS ONE OF WHOM DIED, AND AFTER A THIRD⁴¹ BROTHER WAS BORN⁴² THE SECOND⁴³ TOOK IN LEVIRATE MARRIAGE HIS DECEASED BROTHERS WIFE AND THEN DIED HIMSELF, THE FIRST WOMAN⁴⁴ IS EXEMPT⁴⁵ AS 'THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY', AND THE SECOND⁴⁶ [IS EXEMPT]⁴⁵ AS HER RIVAL. IF HE⁴⁷ ADDRESSED TO HER A MA'AMAR⁴⁸ AND DIED,⁴⁹ THE SECOND⁵⁰, MUST PERFORM HALIZAH⁵¹ BUT MAY NOT ENTER INTO THE LEVIRATE MARRIAGE.⁵²

GEMARA. R. Nahman said: He who uses the expression FIRST⁵³ commits no error and he who uses the expression SECOND⁵³ also commits no error. 'He who uses the expression

- (1) Adiabene, a region between the rivers Caprus and Lycus in Assyria.
- (2) Ganzaka, identified with Shiz, S.E. of Urmia Lake, N.W. of Persia, v. *ibid.* n. 8.
- (3) Hamadan, the capital of Media, otherwise known as Ekbatana. V. Schrader, *Keilinschriften*, p. 378.
- (4) Nahawand, a town on the south of Ekbatana (v. previous note). V. *ibid.* n. 4.
- (5) כרך, Others read, כרך (fort) in the construct, and connect it with the following nouns.
- (6) Or Kerak Moshki, the Fort of Moshki. The land of the Moshki lay on the southern side of Colchis.
- (7) A locality in Assyria, variously described as Hudki, Hirki, Hizki and Huski.
- (8) Rumki, Ruthki, or the Fort of Rumki in Media. On all these localities v. Kid., Sonc. ed. pp. 365ff notes.
- (9) Localities mentioned.
- (10) Most of their inhabitants being deemed bastards, since the women had intermarried with the heathens, and their descendants, furthermore, married forbidden relatives.
- (11) This is the continuation of Rab Judah's statement.
- (12) R. Assi's ruling, *supra* 16b.
- (13) V. Deut. VII, 4 and Kid. 68b.
- (14) I.e., is regarded as a perfect heathen and his betrothal has no validity.
- (15) Of the ten tribes who married heathens.
- (16) V. *infra* 23a. The children of such unions, then, being deemed Israelites though unfit, should have the right of betrothal. How then could Samuel contend that they are deemed to be perfect heathens? (V. *supra* p. 91, n. 18).
- (17) אצטרוי אצטרו (root, צרי or צרא. Ithpa., 'to tear', 'split'. Lit., 'they were split', i.e., an operation for sterilization was performed on them.
- (18) Of R. Assi's ruling *supra* 16b.
- (19) The ten tribes.
- (20) Hos. V, 7.
- (21) Being of tainted birth they contaminated many pure families in Israel by their intermarriages.
- (22) The destroyed city.
- (23) [According to Obermeyer. p. 199, the district between Medina and Syria inhabited by the Arab tribe Thamod, mentioned by Plinius and which, according to the Koran (VII, 76) has been destroyed by earthquake.]
- (24) Lit., 'redoubled'.
- (25) This explains the destruction and existence of the same city.
- (26) Referring to R. Hamnuna.
- (27) Lit., 'his strength' (Bah). Cur. edd., repeat 'what a man'.
- (28) Hipparenum, a wealthy industrial town in the Mesene district, inhabited by a Jewish community of tainted birth.
- (29) Of spurious or tainted descent who cannot obtain a wife anywhere else.
- (30) הר שהכול פונין בו a play upon the word הרפנחא, the Aleph in הרפניא taking the place of the waw in בו.
- (31) V. n. 1.
- (32) Sheol, Hell.
- (33) Hos. XIII, 14.
- (34) Mesene, the island territory lying between the Tigris, the Euphrates and the Royal Canal. Its inhabitants were of spurious descent (v. Kid. 71b) and Harpania was situated near it.
- (35) [Palmyrean merchants would make with their caravans across the wilderness direct for Mesene and there intermarry with the inhabitants, v. Obermeyer, p. 198.]
- (36) V. *supra*, 16b.
- (37) I.e., both measures are false. This saying is a metaphor for all sorts of people who in a minor or major degree are of spurious descent.
- (38) Tarmod being deeper and lower than Hell itself.
- (39) Harpania lying in the lowest depths of immorality and tainted descent.
- (40) V. Mishnah *supra* 2b top.
- (41) Lit., 'to them'.
- (42) And thus found his deceased brother's widow subject to the marriage with his elder brother and forbidden to himself as 'the wife of his brother who was not his contemporary'.
- (43) Of the two elder brothers who was already a married man.

- (44) The widow of the first deceased brother who is now also the widow of the second brother.
- (45) From levirate marriage with the third brother.
- (46) Her rival, the widow of the second brother, who in ordinary circumstances would have been subject to levirate marriage with the third brother since he was a contemporary of her husband.
- (47) The second brother.
- (48) I.e., said to her in the presence of witnesses, 'Be thou betrothed unto me'.
- (49) Prior to the consummation of the marriage.
- (50) V. note 7.
- (51) With the third brother. Since her husband's union with his deceased brother's widow was not consummated he never was her legal husband, and as she is consequently not her rival she cannot be exempt from the halizah.
- (52) Because the ma'amar that the husband of the second addressed to the first widow has partially attached that woman to him, and the second has, in consequence, become the partial rival of a forbidden relative and is, therefore, Rabbinically forbidden to enter into the levirate marriage.
- (53) In describing the widow of the first deceased brother.

Talmud - Mas. Yevamoth 17b

FIRST commits no error', since 'first' may signify¹ 'first to be subject [to the levirate marriage]'; and 'he who uses the expression SECOND also commits no error', since 'second' may signify 'second to marry',² Does not our Mishnah, however, include also³ the case of one who contracted the levirate marriage first and subsequently married his other wife?⁴ What, then, is meant by 'second'? Second in respect of her marriages.⁵

Where [in the Scriptures] is [the prohibition of marrying] 'the wife of his brother who was not his contemporary' written? — Rab Judah replied in the name of Rab: Scripture states, If brethren dwell together,⁶ i.e., dwell in the world at the same time; the wife of one's brother who was not his contemporary is consequently excluded; 'together' implies who are together in respect of inheritance,⁷ a maternal brother is, therefore, excluded.

Rabbah said: [That legal] brothers [are only those who are descended] from the same father is deduced by a comparison of this 'brotherhood'⁸ with the 'brotherhood' of the sons of Jacob;⁹ as there [the brotherhood was derived] from the father¹⁰ and not from the mother,¹¹ so here also [the brotherhood spoken of is that] from the father and not from the mother.¹²

Let him rather deduce this 'brotherhood'⁸ from the 'brotherhood' of forbidden relatives!¹³ — Brethren⁸ may be deduced from brethren,⁹ but not brethren⁸ from thy brother.¹⁴ What practical difference is there [between the two expression]? Surely the School of R. Ishmael taught: And the priest shall return,¹⁵ and the priest shall come,¹⁶ 'returning' and 'coming' are the same thing!¹⁷ — Such an analogy is drawn only¹⁸ where there is no other identical word; when, however, there occurs another word which is identical, the analogy is made only with that which is identical.

Let him, then, deduce this 'brotherhood'¹⁹ from the 'brotherhood' in the case of Lot, since it is written in the Scriptures. For we are brethren!²⁰ -It stands to reason that the deduction should be made from the sons of Jacob. because the [analogous expression] is available for the purpose;²¹ for it could have been written, Thy servants are twelve sons of one man²² and yet 'brethren' also was written. Hence it must be inferred that the word was made available for the deduction.²³

It was necessary for Scripture to write brethren,²⁴ and it was also necessary to write together.²⁴ For had the All Merciful written 'brethren' only, it might have been suggested that this 'brotherhood' should be deduced from the 'brotherhood' in the case of Lot. And were you to reply that [the analogous word]²⁵, is not available for deduction,²¹ your statement would be negated,²⁶ [the analogous word] being indeed available; for whereas he could have written 'friends' and yet

wrote 'brethren', the inference must be that the object was to render it available for analogous deduction; hence the All Merciful has written 'together', implying only those who are together in respect of inheritance.²⁷ If, [on the other hand,] the All Merciful had only written 'together', it might have been said to refer to such as have the same father and mother; [hence both expressions were] required.

But how could you have arrived at such an opinion?²⁸ The All Merciful has, surely, made²⁹ the levirate marriage dependent on inheritance,³⁰ and inheritance³¹ is derived from the father and not from the mother!³² -It³³ was necessary. For it might have been assumed that whereas this³⁴ is an anomaly,³⁵ a forbidden relative³⁶ having been permitted, the brotherhood must, therefore, be both paternal and maternal; [hence it was] necessary [to teach us that the law was not so].

R. Huna said in the name of Rab: If a woman awaiting the decision of the levir!³⁷ died, [the levir] is permitted to marry her mother. This obviously shews that he!³⁸ is of the opinion that no levirate bond³⁹ exists⁴⁰ let him then say, the halachah is in accordance with the view of him who said no levirate bond exists!⁴¹ — If he had said so, it might have been suggested that this applied only to the case of two⁴² but that in the case of one⁴³ a levirate bond does exist. Then let him say, 'The halachah is in accordance with him who said no levirate bond exists even in the case of one levir'!⁴⁴ — If he had said so it might have been assumed even where she⁴⁵ is alive;⁴⁶ hence he taught us that only after death and not when she is still alive, because it is forbidden to abolish the commandment of levirate marriages.

We learned, 'If his deceased brother's wife died he may marry her sister',⁴⁷ which implies that her sister only may be married but not her mother! — The same law applies even to her mother; only because he taught in the earlier clause 'if his wife died he is permitted to marry her sister' in which case only her sister is meant and not her mother, since the latter is Biblically prohibited, he also taught in the latter clause 'he is permitted to marry her sister'.⁴⁸

Rab Judah, however, said: If a woman awaiting the decision of the levir⁴⁹ died, the levir is still forbidden to marry her mother. This⁵⁰ obviously implies that he⁵¹ is of the opinion that a levirate bond exists,⁵² let him then say, the halachah is in accordance with the view of him who said a levirate bond exists!⁵³ -If he had said so it might have been suggested that this applied only to the case of one,⁵⁴ but in the case of two⁵⁵ no levirate bond exists. But the dispute,⁵⁶ surely, centered round the question of two!⁵⁷ — But [this is really the reply]: If he⁵¹ had said so⁵⁸

(1) Lit., 'what is first?'

(2) The second brother who was already a married man when he contracted the levirate marriage with her. V. supra p 94. n. 4.

(3) Lit., 'are we not engaged on'.

(4) In which case the widow was also the first to marry him.

(5) The first marriage with her husband and the second with the levir.

(6) Deut. xxv, 5.

(7) I.e., entitled to inherit from one another.

(8) The expression 'brethren' in Deut. xxv, 5' in relation to the levirate marriage.

(9) the thy servants are twelve brethren (Gen. XLII, 13).

(10) Jacob.

(11) Since they were born from different mothers.

(12) B.B. 110b, infra 22a.

(13) The nakedness of thy brother's wife (Lev. XVIII, 26) which includes (v. infra 55a) the wife of a maternal brother.

(14) In the case of the levirate marriage (Deut. xxv, 5) as well as that of Jacob's sons (Gen. XLII, 13) the expression is **אֶחָיו** 'brethren'; In that of Lev. XVIII, 16 it is **אֶחָיְךָ** 'thy brother'.

(15) Lev. XIV, 39.

(16) Ibid. v. 44.

(17) And an analogy between them may be drawn. Though in that case the expressions **ושב** and **ובא**, are derived from different roots they are nevertheless, owing to their similarity in meaning. employed for the purposes of an analogy ('Er. 51a, Yoma 2b, Naz. 5a, Mak. 13b, Hor. 8b et a.l.), how much more so should an analogy be justified between the same nouns which differ only (v. supra p. 95' n. 14) in their suffixes!

(18) Lit., 'these words'.

(19) The expression 'brethren' in Deut. xxv, 5 in relation to the levirate marriage.

(20) Gen. Xlii, 8. Lot having been Abraham's nephew the deduction would establish a novel law of marriage with a deceased uncle's or nephew's widow.

(21) Lit., 'vacant'.

(22) Gen. XLII, 23. Cur. edd., read, in. stead of 'one man', 'our father', which occurs in v. 32. If the reference were to the latter verse 'thy servants' which does not occur there would have to be deleted here. Several MSS. support the reading here adopted.

(23) Lit., 'to make it vacant.

(24) Deut. xxv, 5.

(25) In the case of Lot.

(26) **לאִי** (cf. Jast.) or **לאִי** (cf. Levy). Contract. of **לאִי הִי** 'not it'. Aruk: derivation is from **לאִי** + Gr. ** 'not so my son'.

(27) V. supra p. 95, n. 7.

(28) Lit., 'and this, whence does it come', i.e., how could any one have assumed that the levirate marriage should only apply to brothers from the same father and mother?

(29) Lit 'hung'.

(30) [Infra 24a.

(31) Of one's brother.

(32) What need then was there for the expression 'brethren'?

(33) The expression 'brethren,.

(34) Levirate marriage.

(35) Lit., 'something novel'.

(36) A brother's wife.

(37) **שומרת יבם** a woman during the period between the death of her husband and the levirate marriage or halizah.

(38) Rab.

(39) **זיקה** v. Glos.

(40) Between the widow of the deceased brother and the levir, prior to the levirate marriage. Had such a bond existed, her mother would have been forbidden to the levir as his mother-in. law.

(41) V. infra 41a.

(42) Brothers. Since it is not known which of them will actually marry her, the levirate bond is necessarily weak.

(43) Who alone is entitled to marry her,

(44) Infra 29b.

(45) The widow.

(46) Her mother is permitted to the levir. Consequently she would be exempted from halizah as 'his wife's daughter'.

(47) Infra 49a.

(48) Her mother, however, is equally permitted.

(49) V. supra, p. 97' n. 11.

(50) The prohibition to marry her mother prior to the levirate marriage as if she had already been his actual mother-in-law.

(51) Rab Judah.

(52) Between the widow of the deceased brother and the levir, before levirate marriage takes place.

(53) Infra 41a.

(54) Brother, who is the only one entitled to marry the widow, and may consequently be regarded as the actual husband.

(55) v. supra p. 97' n. 16.

(56) Between R. Judah and the Rabbis, infra 41a.

(57) Brothers. How then could it possibly have been assumed that the halachah referred to the case of one brother only?

(58) That the halachah was in accordance with the view of him who said that a levirate bond exists between the widow and the levir prior to the levirate marriage.

Talmud - Mas. Yevamoth 18a

it might have been assumed [that this holds good only] while she is alive but that after death the bond is broken,¹ hence it was taught that the levirate bond is not automatically² dissolved.

May it be suggested that the following supports his view: 'If his deceased brother's wife died, the levir is permitted to marry her sister', which implies her sister Only but not her mother?³ — The same law may apply even to her mother; but because he taught in the earlier clause, 'if his wife died he is permitted to marry her sister', in which case her sister only is permitted and not her mother, the latter being forbidden Biblically, he also taught in the latter clause, 'he is permitted to marry her sister'.

R. Huna b. Hiyya raised an objection: IF HE ADDRESSED THE MA'AMAR TO HER AND DIED, THE SECOND MUST PERFORM HALIZAH BUT MAY NOT ENTER INTO THE LEVIRATE MARRIAGE.⁴ The reason then⁵ is because he addressed to her⁶ the ma' amar, but had he not addressed a ma'amar to her,⁵ the second also would have been permitted to enter into the levirate marriage with him. Now, if it be maintained that the levirate bond does exist,⁷ the second, owing to this bond, would be the rival of the 'wife of his brother who was not his contemporary'!⁸ — Rabbah replied: The same law, that the second must perform the halizah with, but may not be married to the levir, applies even to the case where no ma'amar was addressed to her;⁶ and the ma'amar was mentioned only in order to exclude the view of Beth Shammai. Since they maintain that the ma'amar effects a perfect contract,⁹ he teaches us [that it was not so].

Abaye pointed out the following objection to him:¹⁰ In the case of two [contemporary] brothers one of whom died without Issue, and the second determined¹¹ to address a ma'amar to his deceased brother's wife¹² but before he managed to address a ma amar to her a third¹³ brother was born and he himself died, the first¹⁴ is exempt¹⁵ as 'the wife of his brother who was not his contemporary' while the second¹⁶ either performs the halizah or enters into the levirate marriage.¹⁷ Now, if it be maintained that a levirate bond does exist,¹⁸ the second, owing to this bond, would be the rival of 'the wife¹⁹ of his brother who was not his contemporary'!²⁰ Whose view is this? It is that of R. Meir, who holds that no levirate bond exists.

Does R. Meir, however, maintain that no levirate bond exists?¹⁸ Surely we have learned: In the case of four brothers two of whom were married to two sisters, if those who were married to the sisters died, behold their widows perform the halizah but may not be taken in levirate marriage [by either of the levirs].²¹ Now, if R. Meir is of the opinion that no levirate bond exists,²² these would come from two different houses,²³ and one brother could marry the one while the other could marry the other! — The fact is that [R. Meir maintains that] no levirate bond exists; [but the levirate marriage is nevertheless forbidden] because he is of the opinion that it is forbidden to annul the precept of levirate marriages, it being possible that while one of the brothers married [one of the widowed sisters] the other brother would die,²⁴ and thus the precept of levirate marriages would be annulled.²⁵

If, however, no levirate bond exists, let [also the precept of the levirate marriage] be annulled! For R. Gamaliel who holds that no levirate bond exists²⁶ also [maintains that] the precept of the levirate marriage may be annulled; as we learned; R. Gamaliel said, 'If she²⁷ made a declaration of refusal²⁸ well and good;²⁹ if she did not make a declaration of refusal let [the elder sister] wait until [the minor] grows up³⁰ and this one³¹ is then exempt as his wife's sister'!³² -The other³³ said to him: Are you pointing out a contradiction between the opinion of R. Meir and that of R. Gamaliel?³⁴ No

[replied Abaye]; we mean to say this: Does R. Meir provide even against a doubtful annulment³⁵ and R. Gamaliel does not provide even against a certainty!³⁶ — It is quite possible that he who does not provide³⁷ makes no provision even against a certain annulment, while he who does provide³⁷ makes provision even against a doubtful annulment.³⁸

Said Abaye to R. Joseph: Rab Judah's statement³⁹ is Samuel's;⁴⁰ for we learnt:

(1) Lit., 'burst', 'split'.

(2) Lit., 'by nothing', 'without formality', i.e., without the due performance of the halizah.

(3) Because she is presumably regarded as his mother-in-law.

(4) Supra 17a, q.v. for notes.

(5) Why the levirate marriage is forbidden to the second

(6) The first, the widow of the first deceased brother.

(7) Between the widow and the levir, from the moment her husband, the first brother, died.

(8) With whom levirate marriage is forbidden.

(9) Lit., 'acquires perfect possession', i.e., the widow is regarded as the legal wife of the second brother, and his own wife thus becomes her rival and is consequently exempt even from the halizah.

(10) To Rabbah.

(11) Lit., 'stood'.

(12) The widow of the first deceased brother.

(13) Lit., 'to him'.

(14) The widow of the first deceased brother.

(15) From the halizah and levirate marriage of the third brother.

(16) Her rival, the widow of the second deceased brother.

(17) With the third brother. Infra 19a.

(18) v. supra p. 99' n. 5.

(19) The bond being regarded to be just as binding as actual marriage.

(20) And she should be exempt.

(21) 'Ed. V, 5' infra 23b, 26a, 7b; because, obviously, both are bound by a levirate bond to both surviving brothers and each is the sister of a woman who is connected with either of the brothers by such a levirate bond.

(22) V. supra p. 99' n. 5.

(23) None of them standing in any marital relationship with either of the surviving brothers.

(24) And be prevented from marrying the other widow.

(25) Since the surviving brother would not be able to marry (or to participate in the halizah of) the second widow who is now his wife's sister.

(26) Infra 51a.

(27) A minor who was married to one brother while her sister had been married to another brother who died without issue.

(28) A minor may refuse to live with her husband and no divorce is needed in her case. V. Glos. s.v. m1 un.

(29) Lit., 'she refused'. By her declaration of refusal her marriage becomes null and void retrospectively. As she has thus never been the legal wife of the levir, her sister (being no more his 'wife's sister') may contract the levirate marriage with him.

(30) And becomes the legal wife of the surviving brother.

(31) I.e., the elder sister.

(32) Infra 79b, 109a; which shews that R. Gamaliel permits the annulment of the law of the levirate marriage. Similarly, if R. Meir maintains, like R. Gamaliel, that no levirate bond exists, he should also permit the annulment of the precept of the levirate marriage.

(33) Rabbah.

(34) Though they may agree on the question of the levirate bond, it does not necessarily follow that they agree also on the question of permission to annul the precept of the levirate marriage.

(35) Supra; the possibility that one of the brothers might die.

(36) It is a certainty that when the minor becomes of age the elder sister will be precluded from both marriage and

halizah. This wide divergence of opinion is unlikely. Hence the fear of annulling the levirate marriage cannot be the reason for R. Meir's ruling in the above cited Mishnah; and consequently R. Meir cannot be of the opinion that no levirate bond exists.

(37) Against the annulment of the precept of the levirate marriage.

(38) So that R. Meir need not necessarily agree with R. Gamaliel on this point though he will agree with him on the question of the levirate bond.

(39) That if a woman awaiting the decision of the levir died, the levir is still forbidden to marry her mother (supra 17b end).

(40) Not Rab's who also was his teacher.

Talmud - Mas. Yevamoth 18b

If the brother of the levir had betrothed the sister of the widow who was awaiting the levir's decision,¹ he is told, so it has been stated in the name of R. Judah b. Bathyra, 'Wait² until your brother has taken action';³ and Samuel said, 'The halachah is in accordance with the ruling of R. Judah b. Bathyra'.⁴ The other⁵ asked him: 'What [objection could there be] if the statement⁶ be attributed to Rab?⁷ Is it the contradiction between the two statements of Rab?⁸ Surely it is possible that these Amoraim⁹ are in dispute as to what was the opinion of Rab!' — Since this ruling was stated with certainty in the name of Samuel, while as to Rab's view [on the matter] Amoraim differ, we do not ignore¹⁰ the statement attributing it with certainty to Samuel in favour of the one¹¹ which involves Amoraim In a dispute as to the opinion of Rab.

Said R. Kahana: I reported the statement¹² in the presence of R. Zebid of Nehardea, when he said: You teach it thus;¹³ our version is explicit:¹⁴ 'Rab Judah stated in the name of Samuel, "If a woman awaiting the decision of the levir died, [the levir] is forbidden to marry her mother", from which it naturally follows that he is of the opinion that a levirate bond exists'.¹⁵ Samuel is here consistent; for Samuel said, 'The halachah is in accordance with the view of R. Judah b. Bathyra'.

Said [both statements¹⁶ are] necessary. For had he only stated, 'A levirate bond exists', it might have been assumed to refer to the case of one levir only¹⁷ but not to that of two,¹⁸ hence we are taught¹⁹ [that the Same law applies also to two]. And if it had only been stated, 'The halachah is in accordance with the opinion of R. Judah b. Bathyra', it might have been assumed [that the levirate bond is in force] while the widow²⁰ is alive but that after her death the bond is dissolved, hence we are taught²¹ that the levirate bond Is not dissolved automatically.²²

MISHNAH. IF THERE WERE TWO BROTHERS AND ONE OF THEM DIED,²³ AND THE SECOND PERFORMED THE LEVIRATE MARRIAGE WITH HIS [DECEASED] BROTHER'S WIFE, AND AFTER A [THIRD] BROTHER WAS BORN THE SECOND DIED,²³ THE FIRST²⁴ IS EXEMPT²⁵ ON ACCOUNT OF HER BEING THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY', WHILE THE SECOND IS EXEMPT AS HER RIVAL.²⁶ IF HE²⁷ ADDRESSED TO HER²⁸ A MA'AMAR AND DIED,²⁹ THE SECOND MUST PERFORM THE HALIZAH³⁰ BUT SHE MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. R. SIMEON SAID:³¹ HE³² MAY EITHER TAKE IN LEVIRATE MARRIAGE WHICHEVER OF THEM HE DESIRES³³ OR HE MAY PARTICIPATE IN THE HALIZAH WITH WHICHEVER OF THEM HE DESIRES.³³

GEMARA. R. Oshaia said: R. Simeon disputed the first case also'²⁴ Whence is this inferred? From the existence Cf a Super. fluous Mishnah. For in accordance with whose view was it necessary to teach the clause of the first [Mishnah]? If it be suggested, [according to that] of the Rabbis, [it may be retorted]: If when the levirate marriage had taken place first and the birth³⁴ occurred afterwards, in which case he,³⁵ found her³⁶ permitted,³⁷ the Rabbis nevertheless forbade her,³⁸ is there any need [for them to specify prohibition in the case where] the birth³⁴ occurred first and the marriage took

place afterwards!³⁹ Consequently⁴⁰ it must have been required [in connection with the view] of R. Simeon; and the first [Mishnah] was taught in order to point out to you how far R. Simeon⁴¹ is prepared to go⁴² while the last Mishnah was taught in order to show you how far the Rabbis⁴³ are prepared to go. It would, indeed, have been logical for R. Simeon to express his dissent in the first case, but he waited for the Rabbis to conclude their statement and then he expressed his dissent with their entire statement.⁴⁴

How, in view of what has been said,⁴⁵ is it possible according to R. Simeon to find a case of ‘a wife of his brother who was not his contemporary’?⁴⁶ — In the case of one brother who died and a second brother was subsequently⁴⁷ born;⁴⁸ or also in the case of two brothers⁴⁹ where the second has neither taken the widow in the levirate marriage nor died.⁵⁰

One can well understand [R. Simeon's reason]⁵¹ where the levirate marriage⁵² took place first and the birth⁵³ afterwards, for in this case he found her permitted;⁵⁴ where, however, the birth occurred first and the levirate marriage took place afterwards,⁵⁵ what [reason [could be advanced]]?⁵⁶ -He holds the opinion that a levirate bond exists⁵⁷ and that such a bond is like actual marriage.⁵⁸

R. Joseph demurred: If R. Simeon is in doubt as to whether in the case of a ‘levirate bond’ and a ‘ma amar’ combined the widow should or should not be regarded as married, need there be any [doubt in the case of] a ‘levirate bond’ alone?⁵⁹ Whence is this known?⁶⁰ — We have learned: In the case where three brothers were married to three women who were strangers [to one another] and, one of the brothers having died, the second brother addressed to her⁶¹, a ma'amar and died, behold these⁶² must perform halizah with, but may not marry the [surviving] levir; for it is said in the Scriptures, And one of them die [etc.], her husband's brother shall go in unto her,⁶³ only she⁶⁴ who is tied to one levir,⁶⁵ but not she who is tied to two levirs.⁶⁶ R. Simeon said: He⁶⁷ may take in levirate marriage whichever of them he pleases⁶⁸ and submits to the halizah of the other.⁶⁹ He must not take both widows in levirate marriage since it is possible that a levirate bond exists⁷⁰ and thus the two sisters-in-law⁷¹ would be coming

(1) Her sister being forbidden to him as the sister of the woman connected with him by a levirate bond.

(2) With the consummation of the marriage.

(3) I.e., married the widow, when the levirate bond between her and the third brother will have been severed, and her sister will consequently be permitted to marry him.

(4) Infra 410. Meg. 18b. This shews that in the opinion of Samuel a levirate bond exists between a widow and the brothers-in-law whose decision she is awaiting. (V. previous note).

(5) R. Joseph.

(6) Cf. supra p.101, n.13.

(7) Cf. p.101, n. 14.

(8) Lit., ‘that of Rab upon Rab’, i.e., Rab's presumed statement reported by Rab Judah is contradictory to the statement made in his name by R. Huna, supra 17b.

(9) R. Huna and Rab Judah, both of whom were disciples of Rab.

(10) Lit., ‘leave aside’.

(11) Lit., ‘and establish it’.

(12) Rab Judah's.

(13) Attributing the ruling to Rab Judah without mentioning the authority from whom it originated.

(14) I.e., specifically indicating the reported authority.

(15) V. supra p. 99, n. 5.

(16) Of Samuel.

(17) Cf. supra p. 98, n. 8.

(18) Cf. supra . gin. 16.

(19) By the statement that the halachah is in accordance with R. Judah b. Bathyra.

(20) The sister.in.law awaiting the levir's decision.

- (21) By the statement, 'a levirate bond exists'.
- (22) V. supra p. 98, n. 24.
- (23) Without issue.
- (24) The widow of the first deceased brother who is now also the widow of the second.
- (25) From halizah and marriage with the third brother.
- (26) Both having been the wives of the second brother.
- (27) The second brother.
- (28) The first brother's widow.
- (29) Before marriage took place.
- (30) With the third brother.
- (31) With reference to the first case of our Mishnah.
- (32) The third brother.
- (33) And thereby exempt the other. (16) That mentioned in the previous Mishnah (supra 17a ad fin.). In his opinion the third brother may marry or submit to halizah from either of the two widows, even if he was born before the second brother had married the first brother's widow. (17) Lit., 'that which was taught'.
- (34) Of the third brother.
- (35) The third brother on the date of his birth.
- (36) The widow of the first brother.
- (37) As an ordinary sister-in-law; she being no more the 'wife of his brother who was not his contemporary'. Lit., 'for when he found her he found her in a permitted state'.
- (38) To marry the third brother.
- (39) In which case the third brother's birth took place during the period when she was forbidden him as the 'wife of his brother who was not his contemporary'.
- (40) Lit., 'but not?'
- (41) Who permits marriage with the third brother even where his birth occurred prior to the widow's marriage. v. supra note 6.
- (42) Lit., 'the strength of R. Simeon'.
- (43) Who forbid the marriage even when the birth followed the marriage. Cf 'pro note 4.
- (44) Lit., 'against them'.
- (45) Lit., 'but'; if R. Simeon permits marriage in both cases.
- (46) To be forbidden the levirate marriage in accordance with the statement in the first Mishnah of the Tractate, supra 2b ab init.
- (47) Lit., 'to him'.
- (48) The levirate relationship here is entirely due to the deceased brother who was not the surviving brother's contemporary; and marriage is, therefore, rightly forbidden.
- (49) The first of whom died without issue.
- (50) The third brother, who was born after the death of the first, is forbidden to marry the widow whose connection with the first brother has never been severed, since the second has neither married her nor submitted to her halizah.
- (51) For permitting the third brother to marry either of the widows.
- (52) With the second brother.
- (53) Of the third brother.
- (54) V. supra p. 104, on 2-4.
- (55) v....supra p. 104, n. 6.
- (56) For R. Simeon's permission of marriage.
- (57) Between widow and living levir.
- (58) The widow is consequently regarded as the wife of the second brother from the moment the first died. When the third brother is subsequently born the widow has no longer any connection with the deceased brother and cannot any more be regarded in relation to the third, as 'the wife of his brother who was not his contemporary'.
- (59) Obviously not. How then could it be said that R. Simeon definitely regards the 'levirate bond' alone as actual marriage?
- (60) Lit., 'what is it?' where did R. Simeon express such doubt?
- (61) The widow of the deceased brother.

(62) The widows of the two deceased brothers.

(63) Deut. XXV, 5.

(64) May be taken in levirate marriage.

(65) v. supra p. 98, n. 8.

(66) V. supra p' 97' n. 16.

(67) The levir.

(68) R. Simeon does not recognize a double bond. If the ma'amar addressed by the second brother was binding, the bond with the first brother, he maintains, was thereby severed, and there remains only the bond with the second; and if it was not binding then again only one bond exists, that with the first brother.

(69) Infra 31b. For the reason given anon.

(70) Between the levir (the second brother) and the first widow.

(71) The second brother's actual wife and the widow of the first to whom he addressed a ma'amar and who is his virtual wife.

Talmud - Mas. Yevamoth 19a

from one house.¹ Nor must he take one In levirate marriage and thereby exempt the other, for it is possible that the levirate bond is not as binding as actual marriage, and the two sisters-in-law would thus be coming from two houses.² From this it clearly follows that he³ is in doubt.⁴ And should you reply that Biblically one of the widows may indeed be taken in levirate marriage and the other is thereby exempt, but that this procedure had Rabbinically been forbidden as a preventive measure against the possibility of the assumption that where two sisters-in-law came from two houses⁵ one may be taken in levirate marriage and the other is thereby exempt without any further ceremonial;⁶ surely [it may be pointed out] R. Simeon's reason is because of his doubt as to the validity of the levir's ma'amar!⁷ For it was taught: R. Simeon said to the Sages, 'If the ma'amar of the second brother is valid he⁸ is marrying the wife of the second; and if the ma'amar of the second is invalid he is marrying the wife of the first'! — Said Abaye to him:⁹ Do you not make any distinction between the levirate bond with one levir and the levirate bond with two levirs? It is quite possible that R. Simeon said the levirate bond is like actual marriage in the case of one levir only¹⁰ but not in that of two levirs.¹¹

Does R. Simeon, however, recognize such a distinction?¹² Surely it was taught: R. Simeon has laid down a general rule that wherever the birth¹³ preceded the marriage¹⁴ the widow is neither to perform halizah nor to be taken in levirate marriage. If the marriage¹⁴ preceded the birth¹³ she may either perform the halizah or be taken In levirate marriage. Does not this apply to one levir?¹⁵ And yet It is stated 'she is neither to perform halizah nor to be taken in levirate marriage'!¹⁶ — No; it applies to two levirs.¹⁷ But in the case of one levir,¹⁷ may she in such circumstances also¹⁸ either perform halizah or contract levirate marriage? If so, instead of stating, 'If the marriage preceded the birth she may either perform halizah or be taken in levirate marriage' the distinction should have been drawn in this very case itself,¹⁹ thus: 'This applies only to the case of two brothers-in-law but with one brother-in-law she may either perform halizah or be taken in levirate marriage'! — The entire passage dealt with two brothers-in-law.²⁰

What, then, is meant by the general rule?²¹ And a further objection²² was raised by R. Oshaia: If there were three brothers and two of them were married to two sisters, or to a woman and her daughter, or to a woman and her daughter's daughters or to a woman and her son's daughter, behold these²³ must²⁴ perform the halizah²⁵ but may not be taken in levirate marriage.²⁶ R. Simeon, however, exempts them.²⁷ Now, if it be assumed that R. Simeon is of the opinion that the 'levirate bond' has the same force as actual marriage, let [the third brother] take the first widow²⁸ In levirate marriage and let the other²⁹ be thereby exempt.³⁰ R. Amram replied: The meaning of 'exempt'³¹ is that he exempts the second widow,³² But has it not been taught: R. Simeon exempts them both?³³ -Raba replied: The second of the one pair and the second of the other pair.³⁴ Raba, however, was

mistaken [in the interpretation] of the four pairs.³⁵ For, in the first instance, we have twice the word 'or',³⁶ and, furthermore, [if Raba's interpretation were the correct one]³⁷ it should [have read], 'R. Simeon exempts the four'.³⁸ Furthermore, it was taught: R. Simeon exempts both³⁹ from the halizah and from the levirate marriage, for it is said in the Scriptures, And thou shalt not take a woman to her sister, to be a rival to her,⁴⁰ when they become rivals to one another⁴¹ you may not marry even one of them!⁴² But, said R. Ashi: If they⁴³ had become subject [to the levir] one after the other, the law would indeed have been so.⁴⁴ Here,⁴⁵ however, we are dealing with the case where both become subject to him at the same time; and R. Simeon shares the view of R. Jose the Galilean who stated, 'It is possible to ascertain simultaneous occurrence'.⁴⁶

R. Papa⁴⁷ said: R. Simeon differs⁴⁸ only where the levirate marriage⁴⁹ took place first, and the birth⁵⁰ afterwards; he does not differ, however, when the birth⁵⁰ occurred first, and the marriage⁴⁹ took place afterwards; and both these cases⁵¹ are required on account of the Rabbis,⁵² and⁵³ [a stronger case is given after a weaker] 'not only this⁵⁴ but also that'.⁵⁵

It was taught in agreement with R. Papa⁵⁶ and in contradiction to R. Oshaia: If one of two contemporary brothers died without issue, and the second intended to address a ma'amar to his deceased brother's wife but before he was able to do so a third brother was born and he himself died, the first widow is exempt⁵⁷ as 'the wife of the brother who was not his contemporary', and the second⁵⁸ may either perform the halizah or be taken in levirate marriage. If, however, he⁵⁹ addressed a ma'amar to the widow and subsequently a third brother was born, or if a third brother was born first and he⁵⁹ addressed the ma'amar to the widow subsequently, and died, the first widow is exempt⁵⁷ as 'the wife of his brother who was not his contemporary' while the second⁵⁸ must perform the halizah,⁶⁰ though she may not be taken in levirate marriage.

(1) One as actual, the other as virtual wife of the same husband, the second brother. The Torah required the levir 'to build up his brother's house' (Deut. XXV, 9) from which it is inferred that it is his duty to build up only a house but not houses, i.e., to marry his brother's one wife but not his two wives.

(2) Both of whom are subject to the levirate marriage. and one of whom cannot exempt the other.

(3) R. Simeon.

(4) As to whether a levirate bond exists. Cf. supra p. 105, n. 9.

(5) Where two brothers died simultaneously; when the one widow is as much tied to him as the other.

(6) Lit., 'with nothing'.

(7) Lit., 'saying and not saying' or 'ma'amar and not ma'amar'.

(8) The third brother.

(9) R. Joseph.

(10) As in our Mishnah where the first brother was survived by one brother only. The subsequent birth of a third brother does not affect the levirate any more than it can affect an actual marriage.

(11) Of which the cited Baraita speaks. There, when the first brother died he was survived by two brothers.

(12) Between one levir and two.

(13) Of a third brother.

(14) Of the second brother with the widow of the first.

(15) Who survived the first deceased brother after whose death the third brother was born.

(16) Which proves that even in the case of one levir R. Simeon does not recognize the existence of a levirate bond.

(17) Cf. supra note 4.

(18) Where the birth of the third preceded the marriage of the second.

(19) Where birth preceded marriage.

(20) The Tanna preferred to draw a distinction between two sets of circumstances both of which relate to the brothers-in-law rather than to draw a distinction between one brother-in-law and two brothers-in-law in the same set of circumstances.

(21) According to which neither halizah nor levirate marriage is allowed whenever the birth preceded the marriage. Both, according to what has just been said, are permissible in the case of one levir.

- (22) Against the statement that R. Simeon regards the levirate bond as actual marriage.
- (23) The women enumerated.
- (24) If their husbands, the two brothers, died without issue.
- (25) With the third surviving brother.
- (26) By that brother; since both are equally related to him by the same 'levirate bond' and each is forbidden to him as the consanguineous relative of the woman connected with him by such bond.
- (27) Infra 28b; even from the halizah.
- (28) I.e., the widow whose husband had died first, and who, through the 'levirate bond', is regarded as the levir's virtual wife even before he married her.
- (29) Her consanguineous relative, the widow of the second deceased brother.
- (30) As a forbidden relative; being consanguineous with his virtual wife.
- (31) In R. Simeon's statement.
- (32) Whose husband died last. The first, however, is to be taken in levirate marriage.
- (33) Infra 28b, Rid. 50b.
- (34) 'Both' used by R. Simeon refers to the second of each pair. Raba assumed that the two brothers had married two sisters and also a mother and her daughter. One of the first is taken in levirate marriage and the others are thereby exempt either as 'forbidden relatives' or 'rivals'.
- (35) Enumerated in the cited Mishnah, assuming as he did that it meant marriage by the two brothers of more than one pair (v. previous note).
- (36) 'Or' occurs after the enumeration of each pair.
- (37) Viz., that R. Simeon's exemption refers to the second of each pair.
- (38) Since four pairs were enumerated.
- (39) Widows of the first brother.
- (40) Lev. XVIII, 18.
- (41) As in the case cited, where each of the two brothers was married to one of each pair, and when the first brother died all his widows became subject to levirate marriage with the second brother and thus become rivals.
- (42) Even the first widow. Consequently R. Simeon's exemption applies to all, which shews that he recognizes no distinction on the question of the levirate bond between one levir and two levirs!
- (43) The widows.
- (44) That the 'levirate bond' in the case of one levir being recognized even by R. Simeon as being as forcible as actual marriage. the levir (the third brother) marries the first while the other is exempt, though her husband (the second brother) died before he actually married the first.
- (45) In the Mishnah cited by R. Oshaia in objection against the view attributing to R. Simeon a distinction between one levir and two levirs.
- (46) I.e., to ascertain that two things occur exactly at one and the same moment, Bek. 17a. Hence it may happen that both brothers die simultaneously and both widows simultaneously become subject to the third brother and consequently, on the view of R. Simeon, both exempt from halizah and levirate marriage.
- (47) Disagreeing with R. Oshaia, supra 18b.
- (48) From the Rabbis of our Mishnah.
- (49) With the second brother.
- (50) Of the third brother.
- (51) 'Marriage before birth' in our Mishnah and 'birth before marriage' in the previous one.
- (52) To shew that they exempt not only in the one case but also in the other. Cf. infra notes 11-12
- (53) As to the objection raised (supra 18b): Since they exempt in the second case, what need was there to mention the first which could have been inferred from it a minori ad majus?
- (54) The case in the first Mishnah, the birth of the third brother before the marriage of the second, where the birth occurred while the widow was still under a prohibition to marry him.
- (55) The case in the second Mishnah, where the birth of the third brother occurred when the widow was already permitted to him.
- (56) That when the birth of the third brother occurred prior to the marriage of the second with the widow of the first, R. Simeon agrees with the Rabbis.
- (57) From marriage and halizah with the third brother.

(58) The widow of the second brother.

(59) The second brother.

(60) The ma'amar addressed to the first widow not having 'the same force as actual marriage to render the second brother's wife her rival to be exempt from halizah as well as from the levirate marriage with the third brother.

Talmud - Mas. Yevamoth 19b

R. Simeon said: Intercourse or halizah with the one of them¹ exempts her rival.² If, however, he³ participated in halizah with her to whom [the second brother had] addressed the ma'amar, her rival is not exempt.⁴ If he¹ married her⁵ and died, and a [third] brother was subsequently born, or if a [third] brother was born, and subsequently he married her⁵ and died, both [widows] are exempt from the halizah and the levirate marriage. If he married her⁵ and [after that a third] brother was born and then he himself died, both widows are exempt from the halizah and the levirate marriage; this is the opinion of R. Meir. R. Simeon, however, said: Since, when he⁶ came [into the world] he found her⁷ permitted to him,⁸ and she was never forbidden to him even for one moment, he⁶ may take in levirate marriage whichever of them he desires or he may participate in the halizah with whichever of them he desires. Now, in accordance with whose view was the case in the latter clause⁹ taught?¹⁰ If it be suggested that it was taught in accordance with the view of R. Meir,¹¹ it might be observed that, as R. Meir draws no distinction between marriage that was followed by birth and birth that was followed by marriage, all these cases should have been combined in one statement!¹² Consequently it must have been in accordance with the view of R. Simeon who thus differs¹³ only in the case where the levirate marriage was followed by birth¹⁴ but does not differ¹³ where birth was followed by levirate marriage.¹⁵ Our point is thus proved.

The Master said, '[If] the second intended to address a ma'amar to his deceased brother's wife but before he was able to do so, a third brother was born while he himself died, the first widow is exempt as "the wife of the brother who was not his contemporary and the second may either perform halizah or be taken in levirate marriage'. What is meant by 'he intended' and what by 'he was not able'? If he did it, it is an accomplished fact;¹⁶ and if he did not do it, it is not an accomplished fact!¹⁶ -In fact [this is the meaning:] 'He intended' with her consent and 'he was not able' with her consent but against her wish.¹⁷

This,¹⁸ however, is not in agreement with the view of Rabbi. For it was taught: If a man addressed a ma'amar to his deceased brother's wife against her consent, Rabbi regards this as legal [betrothal].¹⁹ But the Sages say, This is not a legal [betrothal]. What is Rabbi's reason?-He deduces [this form of betrothal] from the intercourse with the wife of a deceased brother; as the Intercourse with the wife of a deceased brother may be effected against her will²⁰ so may the betrothal of the wife of a deceased brother be effected against her will. And the Rabbis?-They deduce it from the usual form of betrothal;²¹ as the usual betrothal can be effected with the woman's consent only so may the betrothal of a yebamah²² be effected with her consent only. On what principle do they differ? — One Master²³ is of the opinion that matters relating to a yebamah should be inferred from matters relating to a yebamah and the Masters²⁴ are of the opinion that matters of betrothal should be inferred from matters of betrothal.²⁵

'If, however, he addressed a ma'amar to the widow, and subsequently a third brother was born, or if a third brother was born first and he²⁶ addressed the ma'amar to the widow subsequently and died, the first widow is exempt as "the wife of his brother who was not his contemporary" while the second must perform the halizah, though she may not be taken in levirate marriage. R. Simeon said: Intercourse or halizah with the one of them exempts her rival'.²⁷ What is R. Simeon referring to?²⁸ If it should be suggested, 'To the case where the third brother was born first and he²⁶ addressed the ma'amar subsequently's surely it has been stated, that where birth preceded marriage R. Simeon does not differ from the Rabbis!²⁹ — But [the reference is] to the case where the ma'amar was addressed

first and the third brother was born subsequently. Hence, 'if he participated in halizah with her to whom [the second brother had] addressed the ma'amar, her rival is not exempt', because³⁰ the [subjection of the] rival³¹ is a certainty³² while [the subjection of her] to whom the ma'amar had been addressed is doubtful,³³ and no doubt may over-ride³⁴ a certainty.

R. Manasseh b. Zebid sat in the presence of R. Huna, and in the course of the session he said: What is R. Simeon's reason?³⁵ — 'What is R. Simeon's reason'! [Surely it is] as it has been stated: The reason is 'because when he was born he found her permitted to him, and she was never forbidden him even for one moment'!³⁶ But [the question rather is] what is the reason of the Rabbis?³⁷ -Scripture said, A/Id take her to him to wife, and perform the duty of a husband's brother unto her,³⁸ the former levirate attachment still remains with her.³⁹ But then what of the following⁴⁰ where we learned, 'If he⁴¹ married her⁴² she is regarded as his wife in every respect'⁴³ and [in connection with this] R. Jose b. Hanina said, 'This teaches

(1) I.e., the second widow.

(2) As will be explained infra this applies to the case where the ma'amar was addressed to the first widow and the third brother was born subsequently, R. Simeon being of the opinion that it is uncertain whether the ma'amar has the same force as actual marriage or not. The rival is in either case exempt: If the ma'amar was binding, then even the first widow is according to R. Simeon permitted to the third brother, since it is a case of 'marriage prior to birth', and the halizah with the second consequently exempts the first as her rival, both having been married to the same husband; and if the ma'amar was not binding, the first widow is forbidden to the third brother as the widow of 'the brother who was not his contemporary' while the second is not her rival and may be taken in levirate marriage or perform the halizah.

(3) The third brother.

(4) Since it is possible that the ma'amar is not binding and she is in consequence forbidden to him as 'the wife of his brother who was not his contemporary' and her halizah has no validity.

(5) The first widow.

(6) The third brother.

(7) The first widow.

(8) Having been born after her marriage with the second brother had entirely severed her connection with the first brother.

(9) Marriage between the second brother and the first widow, followed by the birth of the third brother, which again was followed by the death of the second.

(10) I.e., in accordance with whose view was it necessary to have the case of marriage prior to birth separated from that of marriage after birth?

(11) To indicate that even in such a case he forbids marriage.

(12) Lit., 'let him mix them and teach them'; the third case, 'if he married her and (after that a third) brother was born and then he himself died' should not have been separated from the previous two cases, since according to R. Meir it matters little whether marriage of the second brother with the first widow preceded or followed the birth of the third brother.

(13) From the Rabbis.

(14) As R. Papa stated. V. supra note 7.

(15) Contrary to the opinion of R. Oshaia.

(16) And the intention is of no consequence.

(17) The object of the statement being that the ma'amar has not even partially the force of marriage if it was made against the woman's will. The second widow may, therefore, be taken in levirate marriage.

(18) That the ma'amar addressed to the wife of a deceased brother (Yebamah. v. Glos.) is invalid unless she consented to the betrothal.

(19) Lit., 'he acquired'.

(20) V supra 8b.

(21) The betrothal of a stranger.

(22) The wife of a deceased brother.

(23) Rabbi.

- (24) The Sages.
- (25) Rid. 440.
- (26) The second brother.
- (27) Supra 19a-b, q.v. for notes.
- (28) In differing from the Rabbis. Lit., 'on what does he stand'.
- (29) But agrees that the first widow in relation to the third brother is to be regarded as 'the wife of his brother who was not his contemporary'. Now, since it is possible that the ma'amar is as valid as actual marriage, how could R. Simeon have permitted the rival of a forbidden relative? Furthermore, the expression 'she exempts her rival' would be unsuitable, since her rival has all the time been exempt as the 'wife of the brother who was not his contemporary'.
- (30) Lit., 'what is the reason'.
- (31) To the third brother.
- (32) If the ma'amar was valid both widows are subject to the third brother, since it is a case of marriage before birth; if the ma'amar is invalid, the second is still subjected to the levir since, no marriage having taken place, she is not the rival of a forbidden relative.
- (33) It being possible that the ma'amar is not valid, and the first widow thus remains forbidden to the third brother as 'the wife of his brother who was not his contemporary'. Halizah with her is, therefore, of no validity and cannot exempt the second widow.
- (34) Lit., 'puts out'.
- (35) For permitting levirate marriage with the third brother in the case where the second brother had married the first widow prior to the birth of the third brother.
- (36) Supra, q.v. for notes.
- (37) Why do they forbid the levirate marriage between the first widow and the third brother, where the only relationship between them is through the second brother, the relationship through the first brother having ceased with the levirate marriage of the widow by the second brother prior to the birth of the third?
- (38) Deut. XXV, 5.
- (39) ולקחה לנשיא 'taking her to wife', ולקחה, does not remove from her the designation of 'brother's wife' נשיא.
- (40) Lit., 'but that'.
- (41) A brother-in-law.
- (42) The widow of his deceased childless brother.
- (43) Infra 38a. Keth. 80b.

Talmud - Mas. Yevamoth 20a

that he may divorce her with a letter of divorce and that he may remarry her',¹ let it there also be said, 'And perform the duty of a husband's brother unto her',² the former levirate attachment still remains with her' and, consequently, she should require halizah [also]! — There the case is different; since Scripture stated, 'And take her to him to wife',² as soon as he married her she becomes his wife in every respect. If so, [the same deduction should be applied] here also! — Surely the All Merciful has written, 'And perform the duty of a husband's brother unto her'.² And why the differentiation?³ - It stands to reason that permission⁴ should be applied to that which is [also otherwise] permitted,⁵ and that prohibition⁶ should be applied to that which is [also otherwise] prohibited.⁷

According to R. Simeon, however, who stated, 'Because when he was born he found her permitted, and she was never forbidden to him even for one moment',⁸ a brother, if this reason is tenable,⁹ should be allowed to take in levirate marriage his maternal sister whom his paternal brother had married prior to his birth, dying subsequently, since, when he was born, he found her permitted.¹⁰ — Whither did the 'prohibition of sister' vanish?¹¹ — Here, also, whither did the prohibition of 'the wife of the brother who was not his contemporary' vanish! — The one¹² is a prohibition which can never be lifted; the other¹³ is a prohibition which may be lifted.¹⁴

MISHNAH. A GENERAL RULE HAS BEEN LAID DOWN¹⁵ IN RESPECT OF THE DECEASED BROTHER'S WIFE:¹⁶ WHEREVER SHE IS PROHIBITED¹⁷ AS A FORBIDDEN RELATIVE, SHE¹⁸ MAY NEITHER PERFORM THE HALIZAH NOR BE TAKEN IN LEVIRATE MARRIAGE. IF SHE IS PROHIBITED BY VIRTUE OF A COMMANDMENT¹⁹ OR BY VIRTUE OF HOLINESS,²⁰ SHE MUST PERFORM THE HALIZAH AND MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. IF HER SISTER IS ALSO HER SISTER-IN-LAW,²¹ SHE²² MAY PERFORM THE HALIZAH OR MAY BE TAKEN IN LEVIRATE MARRIAGE.²³

PROHIBITED BY VIRTUE OF A COMMANDMENT' [REFERS TO] THE SECONDARY DEGREES IN RELATIONSHIP FORBIDDEN BY THE RULING OF THE SCRIBES. 'PROHIBITED BY VIRTUE OF HOLINESS' [REFERS TO THE FOLLOWING FORBIDDEN CATEGORIES]: A WIDOW TO A HIGH PRIEST;²⁴ A DIVORCED WOMAN, OR ONE THAT HAD PERFORMED HALIZAH TO A COMMON PRIEST;²⁵ A FEMALE BASTARD OR A NETHINAH²⁶ TO AN ISRAELITE;²⁷ AND A DAUGHTER OF AN ISRAELITE,²⁷ TO A NATHIN²⁸ OR A BASTARD.

GEMARA. What was the GENERAL RULE meant to include?²⁹ — R. R. b. papa replied: TO include the rival of a woman who was incapable of procreation, In agreement with the view of R. Assi.³⁰

Some there are who say:³¹ 'Whenever her prohibition is that of a forbidden relative then only is her rival forbidden; when, however, her prohibition is not that of a forbidden relative, her rival is not forbidden'. What was this meant to exclude? — R. R. b. papa replied: To exclude the rival of one incapable of procreation, contrary to the view of R. Assi.³⁰

IF HER SISTER IS ALSO HER SISTER-IN-LAW [etc.]. Whose sister? If the sister of her who is forbidden by Virtue of an ordinance of the Scribes be suggested, fit may be objected,] since, pentateuchally, she³² is subject to the levir, he would³³ come in marital contact with the sister of her who is connected with him by the levirate bond! — It means the sister of her who is prohibited to him as a forbidden relative.

PROHIBITED BY VIRTUE OF A COMMANDMENT', [REFERS TO] THE SECONDARY DEGREES. Why are these designated, PROHIBITED BY VIRTUE OF A COMMANDMENT'?-Abaye replied: Because it is a commandment to obey the rulings of the Sages.

PROHIBITED BY VIRTUE OF HOLINESS'... A WIDOW TO A HIGH PRIEST; A DIVORCED WOMAN, OR ONE WHO HAD PERFORMED THE HALIZAH, TO A COMMON PRIEST. Why are these designated 'PROHIBITED BY VIRTUE OF HOLINESS'?-Because It is written in the Scriptures, They shall be holy unto their God.³⁴

It was taught: R. Judah reverses the order: prohibited by virtue of a commandment [refers to the following prohibited categories:] a widow to a high priest; a divorced woman or one that had performed halizah, to a common priest. And why are these designated, prohibited by virtue of a commandment? — Because it is written in the Scriptures, These are the commandments.³⁵ prohibited by virtue of holiness [refers to] the secondary degrees of relationship forbidden by the rulings of the scribes. And why are these designated, prohibited by virtue of holiness?-Abaye replied: Because whosoever acts in accordance with the rulings of the Rabbis is called a holy man. Said Raba to him: Then he who does not act in accordance with the rulings of the Rabbis is not called a holy man; nor is he called a wicked man either?³⁶ — No, said Raba: 'Sanctify yourself by that which is permitted to you'.³⁷

A WIDOW TO A HIGH PRIEST. An unqualified ruling is laid down making no distinction

between a nissu'in³⁸ widow and an erusin³⁸ widow. Now, one can well understand the reason the case of a nissu'in widow [since marriage with her is forbidden by] a positive³⁹ and a negative precept⁴⁰,⁴⁰ and no positive precept⁴¹ may override both a negative and a positive precept. In the case, however, of an erusin widow [marriage with whom is forbidden by] a negative precept only,⁴² let the positive precept⁴¹ override the negative⁴⁰ one? — R. Giddal replied in the name of Rab: Scripture stated, Then his brother's wife shall go up to the 'gate,⁴³ where there was no need to state his brother's wife;⁴⁴ why then was 'his brother's wife' specified? [To indicate that] there is a case of another⁴⁵ brother's wife who goes up for halizah but does not go up for levirate marriage.⁴⁶ And who is she? One of those prohibited⁴⁷ by a negative precept.⁴⁸

Might it⁴⁹ not be said [to include also] such as are subject to the penalty of kareth?⁵⁰ — Scripture said, If the man like not to take,⁵¹ if he likes, however, he may take her in levirate marriage, [hence it is to be inferred that] whosoever may go up to enter into levirate marriage may also go up to perform halizah and whosoever may not go up to enter into levirate marriage⁵² may not go up to perform halizah either. If so, the same should apply also to those forbidden by a negative Precept! — But, surely, the All Merciful has included them [by the expression] 'His brother's wife'. What ground is there for such differentiation?⁵³

(1) Supra 8b, q.v. for notes, infra 39a.

(2) Deut. XXV, 5'

(3) Lit., 'and what did you see', i.e., why apply the first part of the text to one case and the second part of the same text to the other?

(4) To give ordinary divorce without submitting to halizah. and to remarry, which is derived from And take her to him to wife.

(5) Ordinary levirate.

(6) Implied in the words 'And perform the duty of a husband's brother unto her'.

(7) I.e., 'the wife of his brother who was not his contemporary'.

(8) Supra 19b, q.v. for notes.

(9) Lit., 'but from now'.

(10) When he was born she was already his 'brother's wife'.

(11) Lit., 'whither did it go?'

(12) Prohibition of a sister.

(13) A brother's wife.

(14) Where the brother died without issue. When the first brother died childless the prohibition of 'brother's wife' was removed and thus the widow was permitted to the second brother. Her connection with the first thus having come to an end, the third brother, as her legitimate levir through the second brother, may consequently marry her.

(15) Lit., 'they said'.

(16) Whose husband died without issue.

(17) To marry the levir.

(18) The rival, and much more so the forbidden relative herself.

(19) Or 'an ordinance of the Scribes'. The term **אִיסוּר מִצְוָה** is discussed infra.

(20) **קְדוּשַׁת אִיסוּר** v. infra.

(21) In the case where two sisters were married to two brothers who died childless, and both widows become subject to levirate marriage with a third brother towards whom one of them stood in any kind of forbidden relationship as, say, that of mother-in-law or daughter-in-law.

(22) The sister of the forbidden relative.

(23) Since the forbidden relative may never marry the levir, her sister does not come under the prohibition of 'the sister of his zekukah' i.e., of 'the woman related to him by the levirate bond'.

(24) Whose holy status precludes him from marrying a widow. V. Lev. XXI, 13f.

(25) Where his brother unlawfully married such a woman and died without issue. The levir must not marry her on account of his holy status. v. Lev. XXI, 7.

(26) V. Glos.

- (27) Who is forbidden on the ground of the sanctity of Israel to marry such types.
- (28) V. Glos.
- (29) In addition to the forbidden relatives actually enumerated.
- (30) Who stated (supra 12a) that such a woman may neither perform halizah nor be taken in levirate marriage.
- (31) In interpretation of our Mishnah.
- (32) The woman forbidden by the ordinance of the Scribes.
- (33) Should he marry her sister.
- (34) Lev. XXI, 6.
- (35) Lev. XXVII, 34 which refers to all the priestly commandments laid down in that book.
- (36) Surely, a person disobeying the Rabbis is indeed a wicked man!
- (37) I.e., marriages forbidden by the rulings of the scribes are designated as 'prohibited by virtue of holiness' because these restrictions are designed to promote self-sanctification and as a barrier and a safeguard against marriage with those who are Pentateuchally forbidden.
- (38) V. Glos.
- (39) Lev. XXI, 13. And he shall take a wife in her virginity.
- (40) Ibid. v. 14, A widow... shall he not take.
- (41) That of the levirate marriage.
- (42) V. supra n. 6. The positive precept (v. n. 5) is not infringed since she is still a virgin.
- (43) Deut. XXV, 7.
- (44) Since the pronoun implied in **וַעֲלֶתָהּ** (then she shall go up) sufficiently indicates the subject which has been previously mentioned.
- (45) Cf. Bah a.l. Cur. edd., 'one'.
- (46) I.e., a brother's wife not coming under the obligation of levirate marriage as the one spoken of previously in the text.
- (47) Lit., 'guilty of'.
- (48) A widow to a High Priest. V supra p. 117, n. 6.
- (49) The text, His brother's wife.
- (50) And so subject them also to halizah.
- (51) Deut. xxv, 7'
- (52) Such as those who are subject to kareth.
- (53) Lit., 'what did you see', i.e., why include the one and exclude the other?

Talmud - Mas. Yevamoth 20b

— This¹ stands to reason, since betrothal of those forbidden by a negative precept is valid while the betrothal of those subject to kareth is not valid.

Raba raised an objection: In the case of one forbidden by virtue of a commandment or by virtue of holiness, with whom the levir had intercourse or participated in halizah, her rival is thereby exempt. Now, if one is to assume that those forbidden by a negative precept are Pentateuchally subject to halizah but not to the levirate marriage, why should her rival be exempt when he had intercourse with her? He raised the objection and he also supplied the answer: This is to be understood respectively;² 'he had intercourse with her' refers to one prohibited by virtue of a commandment,³ 'participated in halizah with her' refers to the one forbidden by virtue of holiness.⁴

Raba raised an objection: He who is wounded in the stones or has his privy member cut off, a man-made saris,⁵ and an old man, may either participate in halizah, or contract levirate marriage. How?⁶ If these died and were survived by brothers and by wives, and those brothers arose and addressed a ma'amar to the widows, or gave them letters of divorce, or participated with them in halizah, their actions are legally valid;⁷ if they had intercourse with them, the widows become their lawful wives.⁸ If the brothers died and they⁹ arose and addressed a ma'amar to their wives, or gave them divorce, or participated with them in halizah, their actions are valid,⁷ and if they had intercourse with them, the widows become their lawful wives but they¹⁰ may not retain them,

because it is said in the Scriptures — He that is wounded in the stones or hath his privy member cut off shall not enter [into the assembly of the Lord] .¹¹ Now, if it could be assumed that those forbidden by a negative precept are Pentateuchally subject to halizah and not to levirate marriage, why should the widows become their lawful wives if they¹² had intercourse with them?¹³

But, said Raba, [say rather that] an erusin widow is forbidden¹⁴ by both a positive and a negative precept, for it is written in the Scriptures, They shall be holy unto their God.¹⁵ What, however, can be said in respect of a bastard or a nethinah?¹⁶ — It is written, And sanctify yourselves.¹⁷ If so,¹⁸ all the [negative precepts of the] Torah should be regarded as positive and negative since it is written in the Scriptures, And sanctify yourselves!¹⁷ But, said Raba, [the fact is that]¹⁹ an erusin widow is forbidden²⁰ as a preventive measure against the marriage of a nissu'in widow.²¹ What, however, can be replied in respect of a bastard and a nethinah?²² — [The prohibition in] the case where a precept is applicable²³ is a preventive measure against [a marriage] where no precept is applicable. If so, let one's paternal brother's wife not be allowed levirate marriage as a preventive measure against marriage with the wife of his maternal brother! — 'We All Merciful made levirate marriage dependent on inheritance²⁴ [and the relationship] is, therefore, well known.²⁵ A woman, then, who has no children should not be taken in levirate marriage as a preventive measure against the marriage of a woman who has children! — The All Merciful made levirate marriage dependent on [the absence of] children, [and the fact²⁶ would be] well known. The wife of one's contemporary brother should not be taken in levirate marriage as a preventive measure against marriage with the wife of one's brother who was not one's contemporary! — The All Merciful has made it²⁷ dependent on dwelling together²⁸ [and the fact]²⁹ is well known. All women should not be taken in levirate marriage as a preventive measure against the marriage of a woman incapable of procreation! — This³⁰ is unusual.³¹ A bastard and a nethinah also are unusual!³² — But, said Raba, [this is the reason]: The first act of Intercourse³³ is forbidden³⁴ as a preventive measure against a second act of intercourse.³⁵

It has been taught likewise: If they³⁶ had intercourse [with any of the forbidden women] they acquire [her as wife] by the first act of intercourse, but may not keep her for a second act of intercourse.³⁷

Subsequently Raba, others say R. Ashi, said: The statement I made³⁸ is valueless,³⁹ for Resh Lakish said, 'Wherever you come upon a combination of a positive and a negative precept and⁴⁰ you are able to act in conformity with both, well and good; but if not, the positive precept must override the negative'.⁴¹ Similarly here⁴² it is possible to perform halizah, whereby one is enabled to keep the positive as well as the negative precept.

An objection was raised: If they³⁶ had intercourse [with any of the forbidden women] they acquire [her as wife]!⁴³ — This is indeed a refutation.

It was stated: Concerning an act of intercourse between a High Priest and a widow⁴⁴ [there is a difference of opinion between] R. Johanan and R. Eleazar. One maintains that it does not exempt her rival,⁴⁵ and the other maintains that it does exempt her rival.⁴⁶)

(1) The inclusion of the one who is prohibited by a negative precept and the exclusion of those who are subject to kareth.

(2) Lit., 'he taught to sides'.

(3) As defined in our Mishnah. I.e., a woman forbidden by Rabbinic ordinance but who is Pentateuchally permitted and subject to levirate marriage. Intercourse with her consequently exempts her rival.

(4) With whom marriage is forbidden, and her halizah only exempts her rival.

(5) Lit., 'eunuch of man', opp. to natural castration due to a disease etc. V. notes on the Mishnah, infra 79b.

(6) I.e., in what circumstances is the law mentioned applicable.

(7) Lit., 'what they have done is done'; a divorce is required in respect of the ma'amar; no marriage may take place after

the divorce, though no ma'amar preceded it, and the halizah is valid.

(8) Lit., 'they acquired'.

(9) I.e., the maimed persons mentioned, or the old man.

(10) I.e., those that are maimed. The old man is excluded. V. infra.

(11) Deut. XXIII, 2. V. Tosef. Yeb. XI, infra 79b.

(12) Who are crushed or maimed in their privy parts and who are, therefore, forbidden by a negative precept to marry an Israelite's daughter.

(13) This proves that those forbidden by negative precept are subject to levirate marriage no less than to halizah, and thus the question remains, why should an erusin widow be forbidden in levirate marriage to a High Priest?

(14) To a High Priest.

(15) Lev. XXI, 6. This text adds a positive precept to the negative one of ibid. 14, and for this reason an erusin widow is forbidden in levirate marriage to a High Priest.

(16) Marriage with whom is forbidden by a negative precept only and yet may not be superseded by the positive precept of the levirate.

(17) Lev. XI, 44cf. p. 119, n. II.

(18) That Lev. XI, 44 provides a text from which a positive precept may be deduced and added to the negative one.

(19) Raba's answer thus being rebutted, there remains the question, why should an erusin widow be forbidden in levirate marriage to a High Priest.

(20) To a High Priest.

(21) Not because those forbidden by a negative precept may not contract levirate marriage. Pentateuchally, in fact, they may; and this is the reason why marital intercourse with such consummates marriage, as stated supra.

(22) Why are these forbidden levirate marriage?

(23) Such as the precept of the levirate marriage.

(24) Supra 17b, infra 240.

(25) Everybody knows whether the brother is paternal or only maternal.

(26) That there are children, or that there are not. as the case may be.

(27) Levirate marriage.

(28) I.e., that the brothers must be contemporaries. v. supra.

(29) That the levir was, or was not 'dwelling together with the deceased'.

(30) That a woman should be incapable of procreation.

(31) And there is no need to provide against rare cases.

(32) And yet they were forbidden as a preventive measure.

(33) In the levirate marriage, Pentateuchally permissible even in the case of one forbidden by a negative precept, the positive precept overriding the negative.

(34) In the case of an erusin widow.

(35) When only the prohibition under the negative precept remains, the positive precept of the levirate marriage having been fulfilled with the first act of intercourse.

(36) Those who are forbidden marriage by a negative precept.

(37) Sanh. 19a.

(38) That the first act of intercourse is Pentateuchally permitted.

(39) Lit., 'it is nothing'.

(40) Lit., 'if'.

(41) Shab. 133a, Naz. 41a, Men. 56a.

(42) The case of the erusin widow of a brother of a High Priest who died after betrothal and before marriage.

(43) Which shews that Pentateuchally the positive precept of levirate marriage does supersede the prohibition of marrying a widow. Had that not been the case, the levir's Pentateuchal illegitimate intercourse could not have constituted a legal bond of marriage.

(44) Whose deceased husband, the High Priest's brother, died without issue.

(45) From the levirate marriage or halizah.

(46) As well as herself, who would, as a result, require a divorce but no halizah.

Talmud - Mas. Yevamoth 21a

Talmud - Mas. Yevamoth 21a

In the case of a nissu'in widow they both agree¹ that it does not exempt, since no positive precept may override a combination of a positive and a negative precept.² They differ, however, in the case of an erusin widow. He who maintains that it³ exempts [does so because] a positive precept supersedes a negative one; and he who maintains that it³ does not exempt holds that the positive precept here does not supersede the negative one since [in this case] halizah is possible.⁴

An objection was raised: If they⁵ had intercourse [with any of the forbidden women] they acquire [her as wife]!⁶ -This is indeed a refutation. May this⁷ be assumed to provide a refutation of the view of Resh Lakish also?⁸ -Resh Lakish can answer you: I said it only in the case where the precept is fulfilled; here, however, halizah as a substitute for the levirate marriage is not a fulfilment of the precept.⁹

Raba said: Where in the Torah may an allusion be found to [the prohibition of] relations in the second degree?¹⁰ It is said, For all these abominations have the men of the land done;¹¹ the expression, these¹² implies grave abominations, from which it may be inferred that there are milder ones. And what are these? The cases of incest of the second degree. What proof is there that 'these'¹² is an expression of gravity? — Because it is written in the Scriptures, And the mighty¹³ of the land he took away.¹⁴ May it be assumed that this view¹⁵ differs from that of R. Levi? For R. Levi said: The punishments for [false] measures are more rigorous than those for [marrying] forbidden relatives; for in the latter case the word used is El,¹² but in the former Eleh.¹⁶ — El implies rigour, but Eleh implies greater rigour than El.¹⁷ Is not Eleh written also In connection with forbidden relatives?¹⁸ -That [Eleh has been written] to exclude [the sin of false] measures from the penalty of kareth.¹⁹ In what respect, then,²⁰ are they²¹ more rigorous? — In the case of the former,²² repentance is possible; in that of the latter²³ repentance is impossible.²⁴

Rab Judah said: It²⁵ may be derived from the following: Yea he pondered, and sought out, and set in order many proverbs,²⁶ in relation to which 'Ulla said in the name of R. Eleazar, 'Before Solomon appeared, the Torah was like a basket without handles; when²⁷ Solomon came he affixed handles²⁸ to it.

R. Oshaia said: It²⁵ may be derived from the following: Avoid it, pass not by it; turn from it, and pass on.²⁹

Said R. Ashi: R. Oshaia's interpretation may be represented by the simile³⁰ of a man who guards an orchard. If he guards it from without, all of it is protected. If, however, he guards it from within, only that section in front of him is protected but that which is behind him is not protected. This statement of R. Ashi, however, is mere fiction.³¹ There,³² the section in front of him, at least, is protected; while here were it not for the prohibition of incest of the second degree, one would have encroached upon the very domain of incest.

R. Kahana said, it may be derived from here: Therefore shall ye keep My charge,³³ provide a charge to my charge.³⁴

Said Abaye to R. Joseph: This,³⁵ surely, is Pentateuchal!³⁶ — It is Pentateuchal' but the Rabbis have expounded it.³⁷ All the Torah, surely- was expounded by the Rabbis!³⁸ But [the fact is that the prohibition³⁹ is] Rabbinical, while the Scriptural text is [adduced as] a mere prop.⁴⁰

Our Rabbis taught: Who are the forbidden relatives in the second degree?⁴¹ — His mother's mother, his father's mother, his father's father's wife, his mother's father's wife, the wife of his father's maternal brother, the wife of his mother's paternal brother, the daughter-in-law of his son daughter-in-law his daughter. A man is permitted to marry the wife of his father-in-law and the wife

of his step-son but is forbidden to marry the daughter of his step-son. His step-son is permitted to marry his⁴² wife and his⁴² daughter. The wife of his step-son may say to him, 'I am permitted to you though daughter is forbidden to you'.

Is not the daughter of, his step-son forbidden, it being written in the Scriptures, Her son's daughter or her daughters daughter?'³³ — As he wished to state in the latter clause, 'The wife of his step-son may say to him, "I am permitted to you though my daughter is forbidden to you", and though my daughter is forbidden to you Pentateuchally the Rabbis did not forbid me as a preventive measure', he stated in the previous clause also 'the daughter of his step-son'. If so,⁴³ could not the wife of his father-in-law also say, 'I am permitted to you and my daughter is forbidden to you', since she is his wife's sister?⁴⁴ -The prohibition of the one⁴⁵ is permanent;⁴⁶ that of the other is not.⁴⁷

Rab said: Four [categories of] women [forbidden in the second degree] are subject to a limitation.⁴⁸ Of these Rab knew⁴⁹ three: The wife of a mother's⁵⁰ paternal brother, the wife of a father's⁵¹ maternal brother, and one's daughter-in-law.⁵² Ze'iri, however, adds also the wife of his mother's father. Said R. Nahman b. Isaac: Your mnemonic sign is, 'Above that of Rab'.⁵³ Why does not Rab include it?⁵⁴ — Because she⁵⁴ might be mistaken for the wife of one's father's father.⁵⁵ And Ze'iri?-Thither⁵⁶ one usually goes,⁵⁷ but hither⁵⁸ one does not usually go.⁵⁹

Is not the prohibition of one's daughter-in-law

(1) Lit., 'all the world do not differ'.

(2) The levirate marriage is consequently illegal.

(3) The act of intercourse.

(4) Which would not conflict with the negative precept, while the requirements of the positive one would also be complied with.

(5) V. supra p. 121, n. 5.

(6) V. supra p. 121, n. 12.

(7) The Baraitha cited.

(8) Who stated (supra 20b) that whenever it is possible to observe the positive, as well as the negative precept, the rule of the abrogation of the one by the other is not to be applied.

(9) It is only a ritual to be observed where levirate marriage cannot take place. The precept of levirate marriage, however, is not thereby fulfilled.

(10) Lit., 'whence an allusion to seconds from the Torah'.

(11) Lev. XVIII, 27, dealing with incest.

(12) **האף**

(13) **אילי** which is analogous to **האף**

(14) Ezek. XVII, 13. describing the serious and grave position of Judah

(15) Of Raba.

(16) **אלה** Deut. XXV, 16. This implies that the sin of incest is of a milder nature.

(17) El and Eleh have the same meaning, but the additional eh (**הי**) at the end of the latter is taken to imply additional punishment.

(18) Lev. XVIII, 26. **האף**

(19) Since the expression of 'abomination' has been applied in the Pentateuchal text to both false measures and forbidden relations, it might have been assumed that the sin of the former is, like the latter, subject to kareth. Hence the need for the excluding word.

(20) If the penalty of kareth is inflicted for the sin of incest only and not for that of false measures.

(21) The punishments for false measures.

(22) Incest, so long as there was no Issue.

(23) False measures.

(24) V. B.B. 88b. One cannot by mere repentance make amends for robbing. The return of the things robbed must precede penitence. In the case of false measures it is practically impossible to trace all the individual members of the

public that were defrauded.

(25) An allusion to the prohibition of relations in the second degree.

(26) Eccl. XII, 9.

(27) Lit., 'until'.

(28) מַנְיָא, sing. מַנְיָא, 'ear' or 'handle'. The Heb. מַנְיָא (E.V. he pondered) is regarded as denominative of מַנְיָא, 'he made handles', i.e., he added restrictions to the commandments of the Torah, such as the prohibitions of incest of the second degree, which helped to preserve the original precepts of the Torah as handles are an aid to the preservation of the basket.

(29) Prov. IV, 15; an allusion to the Torah. One must add restrictions to its precepts, such as those of incest of the second degree, in order to keep away from any possible infringement of its original precepts.

(30) Lit., 'the parable of R. Oshaia, to what may the thing be compared?'

(31) מַנְיָא v.B.M., Sonc. ed. p.47, n.1.

(32) The orchard.

(33) Lev. XVIII, 30, dealing with incest.

(34) Or 'make a keeping to my keeping', a protection to my protection', i.e., 'add restrictive measures to safeguard my original precept'.

(35) R. Kahana's text.

(36) Why then is this class of incest described as of the 'second' degree?

(37) Hence it must come under the second degree.

(38) And yet no one would describe those laws as of the second degree!

(39) Of incest of the second degree.

(40) Heb., Asmakta, v. Glos.

(41) Of incest.

(42) The step-father's. (13) Lev. XVIII, 17. Why include it among incest of the second degree?

(43) [If this is the reason for including Pentateuchal prohibition in this list].

(44) [And thus let him also include the daughter of his mother-in-law.]

(45) Lit., that', the daughter of his step-son.

(46) Lit., 'it is definite to him'.

(47) The daughter of his mother-in-law is permitted to him after the death of her sister, his wife.

(48) Lit., 'break' i.e., only they themselves are forbidden but not their descendants or ancestors in the descending or ascending line. In the case of the other relatives in the second degree of incest the prohibition extends throughout all generations in the ascending. and descending lines.

(49) Lit., 'held in his hand'.

(50) But not, e.g., of a mother's mother's.

(51) Not of a father's father's.

(52) This case is discussed infra.

(53) Ze'ri's addition to the limitations is one generation above that of Rab. While the latter stops at the second generation (that of father and mother) the former goes as far as the third (mother's father).

(54) Ze'ri's addition, a mother's father's wife.

(55) Who is Pentateuchally forbidden. Were a limit to be set in the case of the former, a similar limit would erroneously be set to the latter.

(56) To the family of one's father.

(57) I.e., there is frequent social intercourse between the members of the family on the paternal side.

(58) One's mother's family.

(59) No mistake, therefore, could occur between a mother's father and a father's father. Hence no preventive measure is necessary.

Talmud - Mas. Yevamoth 21b

Pentateuchal, it being written in the Scriptures, Thou shalt not uncover the nakedness of thy daughter-in-law?¹ — Read, 'the daughter-in-law of his son'. But is there any limitation² for the daughter-in-law of one's son? Surely it was taught: His daughter-in-law is a forbidden relative, and

the daughter-in-law of his son is a forbidden relative of the second degree; and the same principle is to be applied to one's son and son's son to the end of all generations!³ — But read, 'the daughter-in-law of his daughter' for R. Hisda said: I heard from a great man—And who is he? R. Ammi— [the following statement]: 'The daughter-in-law was forbidden only on account of the daughter-in-law'; and when the soothsayers⁴ told me, 'You will be a teacher', I thought, 'If I would be a great man⁵ I would explain it⁶ on my own; and should I be a Scripture teacher of little children I would ask the Rabbis who come to the school house.'⁷ Now I am in a position to explain it on my own: The daughter-in-law of one's daughter was forbidden only on account of the daughter-in-law of one's son.

Said Abaye to Raba: I can explain it to you: Take as an example a daughter-in-law of the house of Bar Zithai.⁸ R. Papa said: As for example a daughter-in-law in the house of R. Papa b. Abba.⁹ R. Ashi said: As for example a daughter-in-law of the house of Mari b. Isak.⁹

An inquiry was made: What [is the law in respect of] the wife of a mother's maternal brother? Did the Rabbis forbid as a preventive measure only the wife of a father's maternal brother and the wife of a mother's paternal brother because in these cases there is a paternal strain,¹⁰ but where there is no paternal strain¹¹ the Rabbis did not pass any preventive measure, or is there no difference? R. Safra replied: She herself¹² is forbidden as a preventive measure; shall we come and superimpose a preventive measure upon a preventive measure! Said Raba: Are not others¹³ forbidden as a preventive measure to a preventive measure? His mother, e.g., is a forbidden relative, his mother's mother is a forbidden relative of the second degree, and yet was his father's mother forbidden as a preventive measure against his mother's mother¹³ And what is the reason? Because they are both called 'grandmother'.¹⁴ His father's wife is a forbidden relative, his father's father's wife is a forbidden relative of the second degree, and yet was his mother's father's wife forbidden as a preventive measure against his father's father's wife! And what is the reason? Because they are both called 'grandfather'.¹⁵ The wife of his father's paternal brother is a forbidden relative, the wife of his father's maternal brother is a forbidden relative of the second degree, and yet was the wife of his mother's paternal brother forbidden as a preventive against the wife of his father's maternal brother! And what is the reason? Because they are both called uncle!¹⁵ What, then, is the law?¹⁶ Come and hear: When R. Judah b. Shila came¹⁷ he stated that In the West¹⁸ the rule was laid down¹⁹ that whenever a female²⁰ is a forbidden relative the wife of the male²¹ is forbidden in the second degree as a preventive measure; and Raba remarked: 'Is this a general rule? Surely one's mother-in-law is a forbidden relative and yet is one's father-in-law's wife permitted, the daughter of his mother-in-law is a forbidden relative and yet is the wife of the son of his mother-in-law permitted, his step-daughter is a forbidden relative and yet is the wife of his step-son permitted, the daughter of his step-daughter is a forbidden relative and yet is the wife of the son of his step-son permitted'; what, then, does R. Judah b. Shila's [reported rule] include? Does it not then include the case of the wife of a mother's maternal brother, since 'wherever a female²² as a forbidden relative²³ the wife of the male²⁴ is forbidden in the second degree as a preventive measure'!²⁵

What is the difference between those²⁶ and this?²⁷ — In this case²⁷ she becomes related to him by one act of betrothal;²⁸ in those cases²⁹ they do not become related to him until two acts of betrothal have taken place.³⁰

R. Mesharsheya of Tusaneya³¹ sent to R. Papi: Will our Master instruct us as to what is the law concerning the wife of the father's father's [paternal]³² brother, and a father's father's sister?³³ Seeing that the degree below is incest,³⁴ has a preventive measure been issued in respect also of the degree above,³⁵ or perhaps [not]. since the relationship has branched off?³⁶ Come and hear: Who are the forbidden relatives of the second degree [etc.];³⁷ and these³⁵ were not enumerated among them!³⁸ — Some might have been mentioned and others omitted.³⁹ What other omissions were made such as to justify this omission also? — The forbidden relatives of the second degree, of the School of R.

Hiyya,⁴⁰ were also omitted.

Amemar permitted the wife of one's father's father's brother and one's father's father's sister. Said R. Hillel to R. Ashi:⁴¹ 'I saw the [list of] forbidden relatives of the second degree of Mar the son of Rabana⁴² and sixteen were written down as forbidden cases. Would they not be the eight of the Baraitha,⁴³ the six of the School of R. Hiyya,⁴⁴ and these two,⁴⁵ in all sixteen?—But according to your view there should be seventeen, since there is also the case of the wife of a mother's maternal brother, who in accordance with our decision is forbidden!' — 'This is no difficulty.

(1) Lev. XVIII, 15; why then did Rab include her among those of the second degree?

(2) V. supra p. 125, n. 6.

(3) Ker. 14b.

(4) כַּלְדָּאִי lit., 'Chaldeans', known for their extensive practice of divination and soothsaying.

(5) I.e., if 'teacher' implied a teacher of scholars at the academy.

(6) R. Ammi's vague statement.

(7) [Lit., 'House of Assembly', the synagogue to which was attached the school for children.]

(8) In that family there were both a daughter-in-law of Bar Zithai's son and a daughter-in-law of his daughter, and permission to marry the latter might easily have led to the erroneous conclusion that the former also was permitted.

(9) Cf. n. 7' mutatis mutandis.

(10) Lit., 'side of father'.

(11) As in the case of the wife of a mother's maternal brother, here under discussion.

(12) The wife of a mother's paternal brother.

(13) Lit., 'all of them'. v. Rashi, a.l.

(14) Lit., 'all of them call her of the house of grandmother'. Hence the necessity for a preventive measure.

(15) Cf. previous note mutatis mutandis. All of which shews that we do superimpose a Preventive measure upon a preventive measure.

(16) With respect to the wife of a mother's maternal brother.

(17) From Palestine to Babylon.

(18) Palestine.

(19) Lit., 'they said'.

(20) In any degree of relationship.

(21) In the same degree of relationship as the female.

(22) In any degree of relationship.

(23) Such as a mother's maternal sister.

(24) In the same degree of relationship as the female.

(25) Hence the wife of a mother's maternal brother must be forbidden as a relative in the second degree.

(26) The cases pointed out by Raba.

(27) The wife of a mother's maternal brother. v. n. 4.

(28) The betrothal of the woman by his mother's maternal brother.

(29) Pointed out by Raba.

(30) In the case of the wife of his father-in-law, for instance, her relationship to him is dependent on (a) his betrothal of his own wife whereby her father becomes his father-in-law, and (b) the betrothal by his father-in-law of his wife; and similarly in all the other cases pointed out by Raba.

(31) [Prob. for Astunia near Pumbeditha (Obermeyer p. 229. n' 1.); cf. Keth., Sonc. ed. p. 715, n. 4.

(32) Cf. Rashi a.l.

(33) Paternal or maternal.

(34) The wife of a father's paternal brother, and a father's paternal or maternal sister.

(35) The cases cited in the inquiry, which are a generation higher.

(36) Lit., 'divided' or 'removed'.

(37) Supra 21a.

(38) Which seems to prove that these were not forbidden.

(39) Lit., 'he taught and left over'; though the others might be equally forbidden.

(40) Infra 22a.

(41) Who held the same opinion as Amemar. V. Tosaf. a.l. s.v. **אממר**.

(42) Or Rabina.

(43) Supra 21a.

(44) Infra 22a.

(45) Those of Amemar, agreed to by R. Ashi. V. supra p. 128. n. 20.

Talmud - Mas. Yevamoth 22a

Those two which resemble one another¹ are reckoned as one, and thus [the total is] sixteen.² 'But, after all, I saw that these were written down as forbidden!' The other said to him: 'Granted that this is so, would you have relied upon that list, if the cases had been written down as permitted? "Has Mar the son of Rabana signed them?" [you would have argued]. Now then that they have been written down as forbidden, [you might also argue]. "Mar the son of Rabana has not signed them".

It was taught at the School of R. Hiyya: The third generation of his son,³ of his daughter.⁴ of the son of his wife⁵ or of the daughter of his wife⁶ [is forbidden as incest of the] second degree; the fourth generation⁷ through his father-in-law⁸ or his mother-in-law⁹ [is forbidden as incest of the] second degree.

Said Rabina to R. Ashi: Why is the wife included in the ascending line¹⁰ and not included in the descending line?¹¹ -In the case of the ascending line, where the prohibition is due to his wife, she is included; in the descending line, where the prohibition is not due to his wife,¹² she is not included. But, surely, there is the case of the son of his wife and the daughter of his wife whose prohibition is due to his wife who is, nevertheless, not included! — As he enumerated three generations in the descending line on his side¹³ and did not include her, he also enumerated three generations in the descending line on her side¹⁴ and did not include her.

Said R. Ashi to R. Kahana: Are the second degrees of incest of the School of R. Hiyya subject to the limitation¹⁵ or not? Come and hear what Rab said: 'Four [categories of forbidden] women are subject to a limitation',¹⁶ but no more. But is it not possible that Rab was only referring to that Baraitha!¹⁷

Come and hear: 'The third' and 'the fourth',¹⁸ which implies the third and fourth generations only but no further. But is it not possible [that this meant] from the third generation onwards¹⁹ and from the fourth generation onwards!¹⁹

Raba said to R. Nahman, 'Has the Master seen the young scholar who came from the West²⁰ and stated: The question was raised in the West whether the second degrees of incest were forbidden as a preventive measure among proselytes or not?' — The other replied: Seeing that even in respect of actual incest 'but for the fear that they might be said to have exchanged a [religion of] stricter for [one of] more easy-going sanctity, the Rabbis would not have imposed upon them any preventive measures,²¹ is there any question [that they should have done so in respect of] the second degrees?

Said R. Nahman: As the subject of proselytes has come up,²² let us say something about them: Maternal brothers may not tender evidence;²³ if, however, they did, their evidence is valid.²⁴ Paternal brothers may tender evidence without challenge.²⁵

Amemar said: Even maternal brothers may tender evidence without challenge. And why is this case different from incest?²⁶ — Matters of incest lie in everybody's hands;²⁷ evidence is entrusted to Beth din, and [they know that] one who has become a proselyte is like a child newly born.²⁸

MISHNAH. IF ONE HAS ANY KIND OF BROTHER,²⁹ [THAT BROTHER] IMPOSES UPON HIS BROTHER'S WIFE THE OBLIGATION OF THE LEVIRATE MARRIAGE AND IS DEEMED TO BE HIS BROTHER IN EVERY RESPECT. FROM THIS IS EXCLUDED A BROTHER BORN FROM A SLAVE OR A HEATHEN.³⁰

IF ONE HAS ANY KIND OF SON, [THAT SON] EXEMPTS HIS FATHER'S WIFE FROM THE LEVIRATE MARRIAGE, IS LIABLE TO PUNISHMENT FOR STRIKING OR CURSING [HIS FATHER]. AND IS DEEMED TO BE HIS SON IN EVERY RESPECT. FROM THIS IS EXCLUDED THE SON OF A SLAVE OR A HEATHEN.³¹ GEMARA. What does the expression ANY KIND include? Rab Judah said: It includes a bastard. Is not this obvious? Surely, he is his brother! — It might have been assumed that 'brotherhood'³² here should be deduced from 'brotherhood' in the case of the sons of Jacob;³³ as there they were all legitimate and untainted, so here also [the brothers must be] legitimate and untainted; hence we were taught [that it is not so]. [Might we still suggest that it is so?] — Since he³⁴ has at any rate the power to confer exemption from the levirate marriage³⁵

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- (1) Amemar's cases, both of whom are related to one through one's father (paternal grandfather's brother's wife, and paternal grandfather's sister) and both are one degree above that of actual incest.
- (2) While according to Amemar and R. Ashi (v. supra p. 128, n. 20) these are permitted! [The text is difficult. Read with MS.M.: But after all I saw (the list) and sixteen were written down as forbidden.]
- (3) I.e., his son's son's daughter, his son's daughter being forbidden as actual incest, v. Lev. XVIII, 10.
- (4) His daughter's son's daughter; his daughter's daughter coming under the prohibition of actual incest. Cf. n. 7.
- (5) Cf. note 7, *mutatis mutandis*.
- (6) Cf. note 8, *mutatis mutandis*.
- (7) From his wife.
- (8) His father-in-law's mother's mother who is the fourth generation from his wife. (A father-in-law's mother comes under the prohibition of actual incest).
- (9) His mother-in-law's mother's mother. Cf. previous note.
- (10) V. previous three notes.
- (11) Regarding, for instance, his son's son's daughter as of the third generation and not of the fourth, as would have been the case had his wife (his son's mother) been included.
- (12) Since, as has been explained supra 40, Lev. XVIII, 10 refers to a son born from a woman whom he had outraged.
- (13) The third generation of his son or daughter born from a woman he had outraged.
- (14) The third generation of the son or daughter of his wife.
- (15) V. supra P. 125, n. 6.
- (16) Supra 21a.
- (17) Which enumerated (supra 1.c.) eight cases only of the second degrees of incest, but none of those of the School of R. Hiyya.
- (18) I.e., the School of R. Hiyya supra included in the second degree only the third generation in the descending, and the fourth generation in the ascending line.
- (19) Are forbidden in the second degree of incest; but those of the nearer generations are forbidden as actual incest.
- (20) Palestine.
- (21) Biblically, the proselyte is regarded as a newborn child and all his previous family ties are severed. It is only Rabbinically that he was subjected to the laws of incest.
- (22) Lit., 'to our hand'.
- (23) Since the family relationship in their case is a certainty, and a relative is ineligible as a witness.
- (24) As, Biblically, the proselyte is deemed to be a newborn child without any relatives. V. supra p. 130, n. 10.
- (25) Lit., 'as from the start', since in their case no brotherly relationship is recognized, the heathens having been known to indulge in promiscuous intercourse.
- (26) Which is applicable to a proselyte also. If he married, for instance, his maternal sister he must divorce her (infra 98a).
- (27) Marriages are not, as a rule, arranged with the aid of the Beth din, and, should a proselyte be permitted to live with

his sister, some people might infer that such a marriage was permitted to an Israelite also. Hence the prohibition.

(28) The Beth din who know this law would not allow a brother of an Israelite to give evidence though this would be allowed to a brother of a proselyte.

(29) This is explained in the Gemara. Lit., 'from any place'.

(30) Such children assume their mother's status of inferiority, and are not regarded as one's paternal brothers.

(31) Cf. n. 9.

(32) Brethren in the context of the levirate relationship, Deut. XXV, 5.

(33) Gen. XLII, 13, twelve brethren.

(34) A bastard.

(35) A woman whose husband died without leaving any issue from their union may, nevertheless, be exempt from the requirements of the levirate marriage if that husband had a bastard son.

Talmud - Mas. Yevamoth 22b

he also has the power to impose the obligation of the levirate marriage.¹

AND IS DEEMED TO BE HIS BROTHER IN EVERY RESPECT. In respect of what, in actual practice?—That he is to be his heir and that he² may defile himself for him. Is not this obvious, he being his brother! — Whereas it is written, Except for his kin, that is near unto him,³ and a Master had said that 'his kin' refers to his wife, while [on the other hand] it is written, A husband among his people shall not defile himself, to profane himself,⁴ [which verses taken together mean],⁵ some kind of husband may defile himself and some kind of husband may not, and how [is this to be understood]? He may defile himself for his lawful wife but may not defile himself for his unlawful wife; and so here it might have been assumed that he may defile himself for a legitimate brother but may not defile himself for an illegitimate brother; hence it was taught [that it is hot so]. Might we still suggest that it is so? In that case she is liable at any moment to be sent away,⁶ but here he is his brother.

FROM THIS IS EXCLUDED A BROTHER BORN FROM A SLAVE OR A HEATHEN. What is the reason? Scripture stated, The wife and her children shall be the master's.⁷

IF ONE HAS ANY KIND OF SON, [THAT SON] EXEMPTS etc. What does ANY KIND include?—Rab Judah said: It includes a bastard. What is the reason? — Because Scripture stated, And have no [en lo] child⁸ which implies 'hold an inquiry⁹ concerning him.'¹⁰

AND IS LIABLE TO PUNISHMENT FOR STRIKING [HIM]. But why? One should apply here the Scriptural text, Nor curse a ruler of thy people.¹¹ only when he practises the deeds of thy people!¹² — As R. Phinehas in the name of R. Papa said [elsewhere] 'When he repented', so here also it is a case where he repented. Is such a persona however, capable of penitence? Surely we learnt: Simeon b. Menasya said, That which is crooked cannot be made straight.¹³ refers to him who had intercourse with a forbidden relative and begot from her a bastard! — Now, at any rate, he is practising 'the deeds of thy people'.¹⁴

Our Rabbis taught: He who has intercourse with his sister who is also the daughter of his father's wife¹⁵ is guilty¹⁶ on account of both his sister and his father's wife's daughter. R. Jose son of R. Judah said: He is only guilty on account of his sister but not of the daughter of his father's wife.

What is the Rabbis' reason? Observe, they would say, it is written, The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother,¹⁷ what need was there for The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister?¹⁸ In order to intimate that he is guilty on account of both his sister and his father's wife's daughter. And R. Jose son of R. Judah? — Scripture stated, She is thy sister,¹⁹ you can hold him guilty on account of his sister, but you cannot

hold him guilty for his father's wife's daughter. And to what do the Rabbis apply the expression, 'She is thy sister'?-They require it [for the deduction] that a man is guilty on account of his sister who is the daughter of his father and the daughter of his mother,²⁰ thus indicating that no prohibition²¹ may be deduced by logical argument.²² And R. Jose son of R. Judah?²³ -If so, the All Merciful should have written 'thy sister', what need was there for 'she is'? To indicate that you may hold him guilty on account of 'thy sister' but you cannot hold him guilty on account of 'his father's wife's daughter'. And the Rabbis? Although 'thy sister' was written, It was also necessary to write 'she is'; in order that no one should suggest that elsewhere a prohibition may be deduced by logical argument and that the All Merciful has written here, 'thy sister'²⁴ because Scripture takes the trouble to write down any law that may be deduced a minori ad majus; hence did the All Merciful write 'she is'.²⁵

And R. Jose son of R. Judah?-If so, the All Merciful should have written [the expression], 'She is thy sister' in the other verse.²⁶

And to what does R. Jose son of R. Judah apply the phrase Thy father's wife's daughter?²⁷ — He requires it for [the deduction]: Only she with whom your father can enter Into marital relationship, but a sister born from a slave or a heathen²⁸ is excluded, since your father cannot enter with her into marital relationship.²⁹

Might it not be said to exclude a sister born from one whom his father had outraged? — You cannot say this owing to Raba's statement. For Raba pointed out a contradiction: It is written In Scripture, The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover,³⁰ thus it follows that her³¹ son's daughter and her daughter's daughter are permitted; but [below] it is written, Thou shalt not uncover the nakedness of a woman and her daughter; [thou shalt not take] her son's daughter or her daughter's daughter.³² How then [are these to be reconciled]? The one³³ refers to a case of outrage,³⁴ the other³² to that of lawful marriage.

(1) Upon the wife of any son of his father. However, since he is debarred from marrying her, he frees her by halizah, v. supra 20a.

(2) Even if he is a priest. Cf. Lev. XXI, 1ff.

(3) Ibid. v. 2.

(4) Ibid. v. 4. The Talmudic rendering of the verse differs slightly from E.V. which render husband בעל as 'chief',

(5) In order to remove the apparent contradiction.

(6) The husband is not allowed to live with her. Hence she cannot be regarded as his wife.

(7) Ex. XXI, 4, referring to a slave. The case of the heathen is explained infra.

(8) Deut. XXV, 5. וְבִן אֵין לוֹ.

(9) עִי 'examine', 'search', 'investigate'. The Aleph (א) of אֵין is interchangeable with the 'Ayin (ע) of עִי

(10) I.e., inquire whether he has been survived by ANY KIND OF SON. Cf. B.B. 115a, Sonc. ed.. p. 474 nn. 6ff.

(11) Ex. XXII, 27.

(12) This father, however, who is guilty of incest did not practise the deeds of his people! Why then should his son be punished for his action against such a man?

(13) Eccl. I, 15.

(14) Though he cannot clear his past he may turn over a new leaf.

(15) I.e., the offspring of a lawful marriage.

(16) V. infra p. 201, n.16. and Mak. 13a.

(17) Lev. XVIII, 9, referring to the offspring of an intercourse, whether as a result of marriage or outrage.

(18) Ibid. v. II. This, surely, is only a petition of one of the cases dealt with in v.9.

(19) Lev. XVIII, 11.

(20) Who was not his father's lawful wife; in the case, for instance, when he and his sister were born from one whom their father had outraged. This case could not be deduced from Lev. XVIII, 9, since the sister born as a result of outrage, spoken of there, is one who is the daughter of the father or of the mother, while the expression Thy father's wife's daughter refers to one born from a lawful marriage.

- (21) Such, e.g., as intercourse with a sister born from the same woman whom their father had outraged.
- (22) If a sister who is the daughter of only one of his parents is forbidden, how much more so a sister who is the daughter of both his parents. V. Mak., Sonc. ed. pp. 18 and 26.
- (23) How does he meet the argument of the Rabbis?
- (24) Lit., 'and if you would say what need was there for "thy sister" what the All Merciful has written'.
- (25) Only she is, i.e., only in this case, where Scripture had explicitly stated it, is the prohibition in force; but elsewhere, where Scripture has not explicitly stated the prohibition, the inference a minori ad majus cannot bring a prohibition into force.
- (26) In Lev. XVIII, 9' which speaks of a sister born from a woman his father had outraged. Since, however, it was inserted in v.11 which speaks of a sister born from a marriage it must have been meant to imply. as R. Jose said supra, that one 'is only guilty of incest with his sister but not with that of the daughter of his father's wife'.
- (27) Lev. XVIII, II.
- (28) The betrothal of either of whom is not considered valid.
- (29) V. Kid. 68a.
- (30) Lev. XVIII, 10.
- (31) One's wife's.
- (32) Lev. XVIII, 17.
- (33) Lit., 'here'; Lev. XVIII. 10.
- (34) In which case a man may not marry the daughter of his own son or the daughter of his own daughter, and may marry the daughter of the son or the daughter of the daughter whom the outraged woman had from another husband; since he himself is not her lawful husband. As in the case of one's own son and one's own daughter, though the offspring of a woman he outraged, they are legally regarded as son and daughter. so is the sisterhood and brotherhood of such children regarded as legal.

Talmud - Mas. Yevamoth 23a

Might it not be suggested that it excludes those who are subject to the penalties of negative precepts?¹ -R. Papa² replied: The betrothal of those forbidden under negative precept is valid,³ for it is written in the Scriptures, If a man have two wives, the one beloved and the other hated;⁴ can it be said that the Omnipresent loves the one⁵ or hates the other?⁶ But 'beloved' means beloved in her marriage;⁷ 'hated' means hated in her marriage;⁸ and yet the All Merciful has said if ... have.⁹ Might it be taken to exclude those who are liable to kareth?¹⁰ — Raba replied: Scripture said, The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother, whether born at home, or born abroad,¹¹ whether your father is told, 'You may keep her' or whether your father is told, 'Let her go',¹² the All Merciful said, 'She is thy sister'.

Will you suggest [that what is meant is]: Whether your father is told, 'You may keep her' or whether your father is told, 'Let her go'. the All Merciful said, 'She is thy sister', to include his sister from a slave and a heathen! — Scripture stated, The father's wife's daughter,¹³ only she with whom your father can enter into marital relationship, but a sister from a slave or a heathen is excluded.¹⁴ And what ground is there for this?¹⁵ — It is logical to include those subject to kareth since generally¹⁶ their betrothal is valid.¹⁷ On the contrary! A slave and a heathen should have been included since on embracing the Jewish faith, betrothal with himself is also valid! — When any of these adopts the Jewish faith she becomes a different person.¹⁸

Whence do the Rabbis deduce the exclusion of a slave and a heathen?-They deduce it from The wife and her children shall be her master's.¹⁹ And R. Jose son of R. Judah?- One text refers to a slave and the other to a heathen. And both are required; for had we been informed [concerning the exclusion of the] slave, it might have been thought [that this was so in her case] because she has no recognized ancestry, but not in that of a heathen who has recognized ancestry. And had we been informed [of the exclusion of the] heathen, it might have been assumed [that this was so in her case] because she stands under no obligation in relationship to the observance of commandments,²⁰ but

not In that of a slave who is [in some respects] attached to the observance of the commandments.²¹ Hence both were required.

With reference to the Rabbis, we have discovered [the reason for the exclusion of a] slave; whence do they derive [the exclusion of the] heathen? And should you suggest that we might derive it by inference from the slave, those²² were surely needed!²³ R. Johanan replied in the name of R. Simeon b. Yohai: Scripture stated, For he will turn away thy son from following Me;²⁴ 'thy son born from an Israelitish woman is called thy son'²⁵ but 'thy son who was born from a heathen is not called thy son'²⁵ but her son.²⁶ Said Rabina: From this it follows²⁷ that the 'son of your daughter' who derives from a heathen is called 'thy son'.²⁸ Does this imply that Rabina is of the opinion that if a heathen or a slave had intercourse with a daughter of Israel the child is considered fit!²⁹ -Though he is admittedly no bastard neither is he considered fit; he is rather regarded³⁰ as a tainted Israelite.³¹

But does not that text³² occur in connection with the seven nations?³³ — For he will turn away³² includes all who turn away. This is satisfactory if we follow R. Simeon who expounds³⁴ his own reasons for Scriptural precepts;³⁵ whence, however, do the Rabbis³⁶ derive it according to their view?³⁷ — Who is the Tanna³⁸ who disputes the opinion of R. Jose son of R. Judah? It is R. Simeon.

(1) If his father, e.g., had married a bastard, who is forbidden by a negative Precept. the daughter from such a union should not be regarded as his legitimate sister.

(2) Aruch reads, 'Raba'.

(3) Hence the sisterhood must also be deemed legal.

(4) Deut. XXI, 15.

(5) Lit., 'is there a loved one before the Omnipresent'.

(6) I.e., the husband's love or hatred could not obviously influence a divine law; why then should his love or hatred be mentioned at all?

(7) I.e., permitted to marry him.

(8) I.e., forbidden to marry.

(9) תהיין (rt. היה 'to be'). i.e., the betrothal is Sc. remains valid.

(10) I.e., a daughter from such a marriage which is legally invalid should not be deemed one's legal sister.

(11) Lev. XVIII, 9.

(12) Whether he is permitted to live with her (בית at home) or not (חוץ abroad).

(13) Lev. XVIII, 11.

(14) Since betrothal or marriage with either is invalid.

(15) Lit., 'and what do you see', to apply the excluding text to a slave and a heathen. and the including one to those subject to kareth. Why not reverse the application?

(16) Lit., 'to the world', to those who are not forbidden relatives.

(17) The betrothal of a slave or a heathen, however, is always invalid.

(18) And is no longer regarded as a heathen or slave.

(19) Ex. XXI, 4.

(20) A heathen is under no obligation to observe the precepts of the Torah.

(21) A slave must observe certain commandments. V. Hag. 40.

(22) The texts speaking of the slave and the heathen, supra.

(23) In connection with their own context. They are not available for any deduction.

(24) Deut. VII, 4. The pronoun he in this clause must, according to Talmudic exposition, refer to the antecedent son in v. 3 'thy daughter thou shalt not give unto his son, and not to son in the clause, nor his daughter shalt thou take unto thy son. Had the reference been to the latter the reading in v. 4 would have been, for SHE (i.e., the heathen woman) will turn away thy son. 'He' must consequently refer to the heathen husband of the Israelitish woman who would turn away the son of his Israelitish wife, the (grand)son of her father. The son of his son born from the heathen. however, is obviously not called his (grand)son since, 'For he will turn etc.' does not apply to him.

(25) במך thy son or grandson.

(26) I.e., he is a heathen like his mother.

- (27) Cf. supra n. 5.
- (28) V. kid., Sonc. ed. p. 345 nn. 5.6.
- (29) This is a question in dispute, infra 450. [Cf. parallel passage in Kid. 68b where the reading is, the child is a mamzer, a reading to which Tosaf. (s.v. קסבר) gives preference.]
- (30) Lit., 'called'.
- (31) For further notes, v. Kid., Sonc. ed. p. 345ff
- (32) Deut. VII, 4, from which deduction has just been made.
- (33) Enumerated in Deut. VII, I. How, then, could the same text be applied to other nations?
- (34) Even where Scripture assigns no reason.
- (35) V. B.M. 115a; the explicit reason, For he will turn etc. given here is consequently superfluous and may be used for the deduction mentioned.
- (36) Who do not assign reasons for Biblical precepts t,unless Scripture itself supplies them.
- (37) The text, For he will turn etc. being required as a reason for the precepts enunciated in that context itself.
- (38) Designated supra as 'the Rabbis'.

Talmud - Mas. Yevamoth 23b

MISHNAH. IF A MAN BETROTHED ONE OF TWO SISTERS AND DOES NOT KNOW WHICH OF THEM HE HAS

BETROTHED, HE MUST GIVE A LETTER OF DIVORCE TO THE ONE AS WELL AS TO THE OTHER.¹ IF HE DIED,² LEAVING A BROTHER,³ THE LATTER MUST PARTICIPATE IN THE HALIZAH WITH BOTH OF THEM.⁴ IF HE HAD TWO BROTHERS,³ ONE IS TO PARTICIPATE IN THE HALIZAH⁵ AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.⁶ IF THEY ANTICIPATED [THE BETH DIN] AND MARRIED THEM⁷ THEY ARE NOT TO BE [PARTED FROM] THEM.⁸

IF TWO MEN BETROTHED TWO SISTERS AND THE ONE DOES NOT KNOW WHOM HE BETROTHED AND THE OTHER DOES NOT KNOW WHOM HE BETROTHED, THE ONE MUST GIVE TWO LETTERS OF DIVORCE AND THE OTHER MUST ALSO GIVE TWO LETTERS OF DIVORCE. IF THEY DIED AND THE ONE LEFT A BROTHER AND THE OTHER ALSO LEFT A BROTHER, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS AND THE OTHER ALSO MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS.⁹ IF ONE¹⁰ LEFT ONE BROTHER AND THE OTHER LEFT TWO, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS¹¹ AND [AS REGARDS] THE TWO, ONE PARTICIPATES IN THE

HALIZAH¹² AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.¹³ IF THEY ANTICIPATED [THE BETH DIN] AND MARRIED THEM,¹⁴ THEY ARE NOT TO BE DEPRIVED OF THEM.¹⁵ IF ONE¹⁰ LEFT TWO BROTHERS AND THE OTHER¹³ ALSO LEFT TWO, ONE BROTHER OF THE ONE PARTICIPATES IN THE HALIZAH WITH ONE WIDOW AND ONE BROTHER OF THE SECOND PARTICIPATES IN THE HALIZAH WITH THE OTHER WIDOW, [AND THEN THE OTHER] BROTHER OF THE FIRST MAY CONTRACT LEVIRATE MARRIAGE WITH THE HALUZH OF THE SECOND¹⁶ AND [THE OTHER] BROTHER OF THE SECOND MAY CONTRACT THE LEVIRATE MARRIAGE WITH THE HALUZH OF THE FIRST. IF BOTH¹⁷ ANTICIPATED [THE BETH DIN] AND PARTICIPATED IN THE HALIZAH,¹⁸ THE [OTHER] TWO MUST NOT BOTH CONTRACT THE LEVIRATE MARRIAGE,¹⁹ BUT ONE MUST PARTICIPATE IN THE HALIZAH²⁰ AND THE OTHER MAY THEN CONTRACT THE LEVIRATE MARRIAGE.²¹ IF BOTH²² ANTICIPATED [THE BETH DIN]²³ AND MARRIED²⁴ THEY ARE NOT TO BE DEPRIVED OF THEM.²⁵

GEMARA. Is it to be inferred from here that even betrothal which cannot culminate in connubial intercourse²⁶ is also valid?²⁷ — Here we are dealing with the case where they were known²⁸ but were later confused. This may also be proved by deduction, since it was stated, AND HE DOES NOT KNOW²⁹ and it was not stated ‘and it was not known’³⁰ This proves it.

What, then, does our Mishnah teach us?³¹ — The second clause was necessary:³² IF HE DIED AND LEFT A BROTHER, THE LATTER MUST PARTICIPATE IN THE HALIZAH WITH BOTH OF THEM. IF HE HAD TWO BROTHERS, ONE IS TO PARTICIPATE IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE, only halizah must be first and the levirate marriage afterwards, but not the levirate marriage first, since, thereby, he might infringe [the interdict against] the sister of her who is connected with him by the levirate bond.³³

IF TWO MEN BETROTHED TWO SISTERS etc. Does this imply that a betrothal which cannot culminate in connubial intercourse is also valid?³⁴ — Here also it is a case where they were known.³⁵ but were subsequently confused. This may also be proved by deduction, since it was stated, AND THE ONE DOES NOT KNOW,³⁶ and it is not stated ‘and it is not known’.³⁷ This proves it.

What, then, does our Mishnah teach us?³⁸ — It was necessary to have the latter clause,³⁹ IF THEY DIED ... AND ONE LEFT ONE BROTHER AND THE OTHER LEFT TWO, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS AND, [AS REGARDS] THE TWO, ONE PARTICIPATES IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.⁴⁰ Is not this obvious, being in the same case as the first clause?⁴¹ -It might have been assumed that [levirate marriage should be forbidden in the case of] two brothers as a preventive measure against the case Of one, hence we were taught [that it was not so], and also that halizah must be first and the levirate marriage afterwards, but the levirate marriage must not take place first, for thereby, one might infringe [the interdict against] a yebamah's marriage to a stranger.

IF ONE LEFT TWO BROTHERS AND THE OTHER ALSO LEFT TWO etc. What need was there again for this statement? It is, surely, the same!⁴² — It might have been assumed that [the marriage should be forbidden] as a preventive measure against marrying without previous (halizah,⁴³ hence we were taught [that no such measure Was enacted].⁴⁴ Wherein does this case differ from the following in which we learned: In the case of four brothers two of whom were married to two sisters, and those who were married to the sisters died, behold their widows may only perform the halizah but may not be taken in levirate marriage [by either of the levirs]?⁴⁵ -What a comparison!⁴⁶

(1) He is forbidden to live with either since each might be ‘his wife's sister’.

(2) Without issue.

(3) Who survived him.

(4) Since it is not known which is his sister-in-law. He may not marry the one and submit to halizah from the other, because the sister of a haluzah (v. Glos.) is Rabbinically forbidden. Even prior to the halizah with the one he may not marry the other; for if she is not his sister-in-law she is still forbidden to him as the sister of his zekukah (v. Glos.)

(5) With one of the widows.

(6) With the other, subsequent to the halizah of the first. This procedure is safe in either case; if the second widow is really his sister-in-law he is legally entitled to marry her. But even if she is not, she is no longer forbidden as the sister of the first who was his zekukah since the halizah has severed the bond.

(7) Each brother married one of the sisters.

(8) Since each of them is entitled to marry one of the widows either as his yebamah (v. Glos.) or as a stranger. The question of the forbidden marriage of the sister of a zekukah does not arise, since both are now married, and the marriage of the zekukah to the one brother has severed her levirate bond with the other.

(9) Neither may marry any of the widows since either might happen to be the sister of his zekukah.

- (10) Of the deceased.
- (11) For the reasons explained supra p. 138, n. 9.
- (12) And thus, in case she is the actual yebamah, severs the levirate bond between her and the brothers. Her sister may then be married by the other brother in any case: If she is the sister-in-law he may rightly marry her; and if not, she is no longer forbidden as the sister of a zekukah in view of the fact that the halizah of the other had severed that bond.
- (13) V. previous note.
- (14) Each brother married one of the sisters.
- (15) V. p. 138. n. 13.
- (16) This Procedure enables both widows to marry. because in the case of each it may be said: If she is his yebamah, he may marry her since his brother did not participate in the halizah with her but with her sister who was a Perfect stranger to him, and the halizah with her is of no legal value. If, on the other hand, she is not his yebamah, he may certainly marry her as a stranger. The question of the 'sister of a zekukah' does not arise, since that bond has in any case been severed by the halizah in which his brother had participated with her sister.
- (17) Brothers of one of the deceased.
- (18) With both widows.
- (19) One brother with the one widow and the other with the other widow; because whichever widow any one of them would desire to marry might be the sister of his .zekukah.
- (20) With one 'of the widows.
- (21) With the other sister. For the reason cf. supra p. 139, n. 4.
- (22) The second two brothers.
- (23) After halizah was performed with the first.
- (24) Each one of them one of the sisters.
- (25) Cf. supra p. 138. n. 13.
- (26) It is now assumed that even at the time of the betrothal it was not known which of the sisters was betrothed; when, for instance, the man said 'I betroth one of you' and both appointed an agent to receive on their behalf the token of betrothal. In such a case the man may have no connubial intercourse with either of the women since each might be his wife's sister.
- (27) Since our Mishnah requires him to give a letter of divorce to each. Why then did this question remain a matter in dispute between Abaye and Raba in Kid. 51a?
- (28) At the time of the betrothal, as to which was, and which was not the betrothed one. Hence it was a betrothal which could culminate in connubial intercourse.
- (29) I.e., now.
- (30) Which would have implied that the identity of the betrothed was never known.
- (31) If the betrothal was valid and the man does not know now whom he betrothed it is self-evident that both women must be divorced!
- (32) And because of the second the first also had to be stated.
- (33) His zekukah. V. supra . 138, n. 11,
- (34) Cf. supra p. 140, n. 11.
- (35) V. p. 140. n. 12.
- (36) I.e., now,
- (37) V. p. 140, n. 14.
- (38) V. p. 140, n. 15.
- (39) And because of the second the first also had to be stated.
- (40) This indicates that halizah must take place first.
- (41) Where it was stated that if there were two brothers one submits to halizah first while the other may subsequently contract the levirate marriage. (10) Lit., 'a yebamah for the street'. A yebamah who is subject to the levirate marriage may not be married by a stranger before the levir has submitted to halizah. For further notes on the whole passage v. Kid., Sonc. ed. pp. 26off.
- (42) As the one already made earlier in our Mishnah: ONE PARTICIPATES IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE. There it is a case of two brothers and here also of two groups of two, one of each participating in halizah and the other contracting levirate marriage.
- (43) And each of the two brothers so marrying would infringe the prohibition against marriage of a doubtful yebamah

and the sister of a zekukah.

(44) This could not have been inferred from the previous clause where only one marriage takes place. The fact that at least one of the sisters may not be married and must perform halizah only, would sufficiently indicate that in the case of the other also halizah by one brother must precede the marriage by the other. Where, however, as here, both sisters are married it might well have been considered likely that the law requiring previous halizah might be overlooked.

(45) 'Ed. V, 5, infra 26a. [According to Rashi (he question is from the concluding part of that Mishnah which reads, 'If they had forestalled (the Beth din) and married them, they must put them away', whereas in our Mishnah it is ruled that they are not to be parted. Aliter: In our Mishnah levirate marriage may take place after halizah had been performed, whereas in the other Mishnah no levirate marriage is allowed at all for fear it is contracted before halizah. v. Tosaf. ha-Rosh.]

(46) Lit., 'thus now'.

Talmud - Mas. Yevamoth 24a

There,¹ if one is to follow the view of him who said that a levirate bond does exist,² a levirate bond exists;³ and if one is to follow him who said⁴ that it is forbidden to annul the precept of levirate marriage,⁵ well, it is forbidden to annul the precept of levirate marriage. Here, however, it is possible to assume that every one will happen to get his own.⁶

IF BOTH ANTICIPATED [THE BETH DIN] AND MARRIED THEY ARE NOT TO BE PARTED FROM THEM etc. Shila recited:

Even if both were priests.⁷ What is the reason?⁸ — Because a haluzah is only Rabbinically forbidden,⁹ and in the case of a doubtful haluzah¹⁰ the Rabbis enacted no preventive measures.¹¹ But is a haluzah only Rabbinically forbidden? Surely it was taught: From Put away¹² one might only infer the prohibition concerning a divorced woman; whence that of a haluzah? Hence it was explicitly stated, And a woman!¹³ The prohibition is really Rabbinical, and the Scriptural text is a mere prop.¹⁴

MISHNAH. THE COMMANDMENT OF THE LEVIRATE MARRIAGE DEVOLVES UPON THE [SURVIVING ELDER BROTHER]. IF A YOUNGER BROTHER, HOWEVER, FORESTALLED HIM, HE IS ENTITLED TO ENJOY THE PRIVILEGE.

allowed to marry one of the widows he would not be able either to contract levirate marriage or to participate in halizah with the other widow (she being forbidden to him as 'his wife's sister'), should the other brother happen to die before he married that widow; and thus the entire precept of levirate marriage would in such a case be annulled. GEMARA. Our Rabbis learned: And it shall be, that the firstborn¹⁵ implies¹⁶ that the commandment of the levirate marriage devolves upon the [surviving elder brother];¹⁷ that she beareth¹⁵ excludes a woman who is incapable of procreation, since she cannot bear children: shall succeed in the name of his brother,¹⁵ in respect of inheritance.¹⁸ You say, 'in respect of inheritance';¹⁹ perhaps it does not [mean that]. but, 'in respect of the name':²⁰ [If the deceased, for Instance, was called] Joseph [the child] shall be called Joseph; If Johanan he shall be called Johanan! — Here it is stated, shall succeed in the name of his brother¹⁵ and elsewhere it is stated, They shall be called after the name of their brethren in their inheritance,²¹ as the 'name' that was mentioned there [has reference to] inheritance, so the 'name' which was mentioned here [has also reference] to inheritance. That his name be not blotted out¹⁵ excludes a eunuch²² whose name is blotted out.

Said Raba: Although throughout the Torah no text²³ loses its ordinary meaning, here the :gezerah shawah²⁴ has come and entirely deprived the text of its ordinary meaning.²⁵

But apart from the gezerah shawah, would it have been thought that 'name' actually signifies 'a

name'? To whom, then, does the All Merciful address the instruction!²⁶ If to the levir, the wording should have been, 'shall succeed in the name of thy brother'; if to the Beth din, the wording should have been, 'shall succeed in the name of his father's brother'!²⁷ — It is possible that the All Merciful thus addressed the Beth din: Tell the levir, 'He²⁸ shall succeed to the name of his²⁹ brother'; but the gezerah shawah has come and deprived the text entirely [of its ordinary meaning].

Now that it has been stated that Scripture speaks of the elder brother only, why not assume that the firstborn must perform the duty of the levirate marriage and that any ordinary brother may not contract a levirate marriage at all!³⁰ — If so, what need³¹ was there for the All Merciful to have excluded the 'wife of his brother who was not his contemporary'?³²

R. Aha objected: Might it not be suggested that the exclusion³³ had reference to a mother's firstborn son!³⁴ -You could not possibly have assumed that,³⁵ since the All Merciful has made levirate marriage dependent on inheritance, and the right of inheritance derives from the father and not from the mother.³⁶ But might It not be suggested that where there is a firstborn the commandment of the levirate marriage shall be observed;³⁷ where, however, there is no firstborn the commandment of the levirate marriage shall not be observed?³⁸ Scripture stated, And one of them died;³⁹ does not this include also the case where the firstborn died,⁴⁰ and so the All Merciful has said that the younger shall perform the duty of the levirate marriage?

But perhaps⁴¹ [the text speaks of a case] where the younger died, and the All Merciful says that the firstborn shall perform the duty of the levirate marriage?-Surely, the All Merciful has excluded the wife of his brother who was not his contemporary!⁴²

May it be suggested that where there is no firstborn the younger brother, if he forestalled [the Beth din],⁴³ is entitled to the privilege,⁴⁴ but that where there is a firstborn the younger brother, even if he forestalled him, is not entitled to the privilege? — Scrip. stated, If brethren dwell together,⁴⁵ the dwelling of one brother was compared to that of the other.⁴⁶ May it be suggested that where there is a firstborn one turns to the eldest⁴⁷ but where there is no firstborn one does not turn to the eldest?⁴⁸ Why, then, did Abaye the Elder teach that the commandment to perform the duty of the levirate marriage is incumbent Upon the elder brother; if he refuses, the younger brother is approached,⁴⁹ if he also refuses,⁵⁰ the elder is approached again!⁵¹ — [Scripture has designated him] as the firstborn;⁵² as with the firstborn the cause is his birthright, so with the elder brother the cause is his Seniority. Might it be said that when the firstborn performs the duty of the levirate marriage he also takes the inheritance⁵³ but when an ordinary brother performs the duty of the levirate marriage, he⁵⁴ does not take the inheritance?⁵⁵ Scripture stated, Shall succeed in the name of his brother⁵⁵ and behold he has succeeded!⁵⁶

But since the All Merciful called him the firstborn;⁵⁷

(1) Where both sisters are bound by the levirate tie.

(2) Between the levir and his deceased brother's widow from the moment death took place.

(3) Consequently both widows are forbidden in levirate marriage, each being in relation to the other a sister of one's zekukah. But such prohibition is never removed even when one of them subsequently performed the halizah with one of the brothers and has thus severed her levirate bond, for once a yebamah is prohibited to her deceased husband's brother for a single moment, she is in the same category as a widow of a brother who died with issue.

(4) The reason why none of the surviving brothers may marry one of the two widows.

(5) Were one brother to be

(6) Now, if the widow whom one of them had married was really his yebamah. the other must be a total stranger to him and to the other brother; and since this might be said in the case of each pair of brothers where the marriage had already taken place. They are not, in the face of such a possibility. to be parted (Rashi). [According to the alternative interpretation (supra p. 142, n. 4.) in face of such a possibility the Rabbis saw no reason for enacting the preventive

measure forbidding levirate marriage after halizah had been performed.]

(7) Who are forbidden to marry a haluzah.

(8) One of them, surely, must inevitably have married a haluzah since, In case she is not his yebamah, she is the betrothed of the stranger with whose brother (v. our Mishnah) she had performed halizah'

(9) To marry a Priest.

(10) As here where each brother can claim that the one he married was his yebamah.

(11) The prohibition consequently does not apply. Hence they may continue to live with the widows they had married.

(12) Lev. XXI, 7, speaking of priests.

(13) Ibid.. which proves that the prohibition is Pentateuchal.

(14) Asmakta, v. Glos.

(15) Deut. XXV, 6.

(16) Lit., 'from here (it is deduced)'.

(17) The text of Deut. XXV, 6. being connected with v. 5 preceding it, thus: Her husband's brother shall ... take her to him to wife (v. 5) and he shall be the firstborn (ibid. v. 6). **והיה הבכור והיה** may be rendered either, and it shall be (as E.V.) or and he (i.e., the levir) shall be as the Talmud here renders it.

(18) Only the brother who marries the widow, and no other brother, is entitled to the inheritance of the deceased.

(19) Taking the 'brother' who marries the widow as the subject of 'shall succeed'. (Cf. supra n. 3)'

(20) The subject of 'shall succeed' being 'the child' that will be born from the levirate union.

(21) Gen. XLVIII, 6.

(22) Since he is Incapable of procreation. his wife is exempt alike from yibbum and halizah.

(23) Though it had been given a Midrashic interpretation.

(24) V. Glos. **גזרה שוה** the word analogy between the expression 'name' in the two cited texts.

(25) So that despite the ordinary meaning of the text, the child born from the levirate union need not be named after the deceased.

(26) About the name.

(27) Consequently. name in this text could not possibly have borne its ordinary meaning, but must have that given to it in the exposition supra. viz., that Beth din are instructed to hand over the inheritance Of the deceased to the levir who married his widow. An objection against Raba!

(28) The child that will be born.

(29) The levir's.

(30) Neither when there is, nor when there is not, a firstborn.

(31) Lit., 'why to me'.

(32) He would in any case have been excluded since he was not the firstborn.

(33) Of the 'wife of a brother who was not his contemporary'.

(34) Who was the paternal brother of the deceased.

(35) That a mother's firstborn should be regarded as the legal firstborn in respect of the levirate marriage.

(36) Hence there was no need to exclude him. The exclusion consequently indicates that by firstborn, in this context, any elder brother was meant.

(37) Either by the firstborn or by any other of the brothers, and that for this reason the exclusion of 'a brother who was not his contemporary' was necessary.

(38) At all; by any brother.

(39) Deut. XXV, 5, which refers to all cases, even to that where there were Only two brothers.

(40) Since the text does not specify any particular case.

(41) Lit., 'and say'.

(42) Were it as suggested this exclusion would be unnecessary. Cf. supra p. 145, nn. 6 and 13.

(43) Married before the Beth din could prevent him.

(44) Of the levirate marriage.

(45) Deut. XXV. 5.

(46) All brothers must be equal in respect of the levirate marriage.

(47) If the other brothers refused to marry the widow it should be his duty to marry her.

(48) Not being the firstborn it is no more his duty to marry the widow than it is that of his brothers.

(49) I.e., all the brothers are approached in the order of seniority. V. Tosaf. s.v. **אֶחָד אֶחָד**, a.l., and cf. Rashi a.l.

(50) I.e., when the youngest of all has also refused to marry the widow.

(51) Now, since the brothers are approached. in the order of seniority. it is obvious that it is always the eldest, not necessarily the firstborn, upon whom the duty of the levirate marriage devolves!

(52) V. supra p. 144, n. 3.

(53) Of his deceased brother.

(54) The ordinary brother.

(55) Deut. XXV, 6.

(56) Hence any brother who marries the widow is entitled to the inheritance of the deceased.

(57) And not merely 'the elder' or 'the eldest'.

Talmud - Mas. Yevamoth 24b

what practical ruling was thereby intended?¹ — To impair his rights; As a firstborn does not take a double portion in his father's prospective property² in the same way as he does in that which is already in his possession,³ so does this one⁴ take no [double]⁵ portion in [his father's] prospective property⁶ as he does in that which is already in his possession.⁷

MISHNAH. IF A MAN IS SUSPECTED OF [INTERCOURSE]⁸ WITH A SLAVE WHO WAS LATER EMANCIPATED, OR WITH A HEATHEN WHO SUBSEQUENTLY BECAME A PROSELYTE, LO, HE MUST NOT MARRY HER.⁹ IF, HOWEVER, HE DID MARRY HER THEY NEED NOT BE PARTED.¹⁰ IF A MAN IS SUSPECTED OF INTERCOURSE⁸ WITH A MARRIED WOMAN¹¹ WHO, [IN CONSEQUENCE,] WAS TAKEN AWAY FROM HER HUSBAND,¹² HE MUST LET HER GO EVEN THOUGH HE HAD MARRIED HER.¹³

GEMARA. This implies that she may become a proper proselyte!¹⁴ But against this a contradiction is raised. Both a man who became a proselyte for the sake of a woman and a woman who became a proselyte for the sake of a man, and, similarly, a man who became a proselyte for the sake of a royal board, or for the sake of joining Solomon's servants,¹⁵ are no proper proselytes. These are the words of R. Nehemiah, for R. Nehemiah used to say: Neither lion-proselytes,¹⁶ nor dream-proselytes¹⁷ nor the proselytes of Mordecai and Esther¹⁸ are proper proselytes unless they become converted at the present time. How can it be said, 'at the present time'?—Say 'as at the present time'!¹⁹—Surely concerning this it was stated that R. Isaac b. Samuel b. Martha said in the name of Rab: The halachah is in accordance with the opinion of him who maintained that they were all proper proselytes. If so, this²⁰ should have been permitted altogether!²¹—On account of [the reason given by] R. Assi. For R. Assi said,²² Put away from thee a froward mouth, and perverse lip's etc.²³

Our Rabbis learnt: No proselytes will be accepted in the days of the Messiah.²⁴ In the same manner no proselytes were accepted in the days of David nor in the days of Solomon.²⁵ Said R. Eleazar: What Scriptural [support is there for this view]?—Behold he shall be a proselyte who is converted for my own sake,²⁶ he who lives with you shall be settled among you,²⁷ he only who 'lives with you' in your poverty shall be settled among you; but no other.

IF A MAN IS SUSPECTED OF INTERCOURSE WITH A MARRIED WOMAN etc. Rab said: [This²⁸ must be confirmed] by witnesses.²⁹ Said R. Shesheth: It seems³⁰ that Rab made this statement while he was sleepy and about to doze off;³¹ for it was taught: 'If a man is suspected of intercourse with a married woman who, in consequence was taken away from her husband³² and was subsequently divorced by another man,³³ he³⁴ need not part with her once he has married her'. Now, how is this to be understood? If it is a case where witnesses³⁵ are available, of what avail is it that another man stepped in and checked the rumour?³⁶ [Must we] not then [conclude that this is a case] where there were no witnesses;³⁵ and the reason³⁷ is because another man stepped in and checked the rumour, but had that not happened she would have been taken away from him?³⁸ — Rab

can answer you: The same law, that where witnesses³⁵ are available she is taken away from him and that where no witnesses are available she is not taken away, applies also to the case where no other man stepped in and checked the rumour, but this it is that was meant: 'Even if another man stepped in and checked the rumour it is not proper for him³⁹ to marry her'.⁴⁰

An objection was raised: This⁴¹ has been said in the case only where she had no children,⁴² but if she has children⁴² she must not be divorced.⁴³ If, however, witnesses to the seduction⁴⁴ presented themselves, she must go away from him⁴⁵ even if she had ever so many children!⁴⁶ -Rab explains our Mishnah as dealing with the case where she has children and witnesses against her are available.

What, however, impels Rab to explain our Mishnah as dealing with a case where she has children and where witnesses against her are available, and to give as the reason why she is to be taken away, because witnesses are available, and [to imply that] if witnesses are not available she is not taken away; let him rather explain [our Mishnah as dealing with the case] where she has no children [and has to be taken away] even though no witnesses are available! Raba replied: Our Mishnah presented a difficulty to him. What point was there [he argued] for using the expression 'WAS TAKEN AWAY'?⁴⁷ It should have been stated 'he parted from her';⁴⁸ but any such expression as 'was taken away' implies 'by the Beth din' and the Beth din take away Only where witnesses are available.⁴⁹

If you prefer I may say that that Baraitha⁵⁰ represents the view of Rabbi;⁵¹ for It was taught: When a pedlar⁵² leaves a house and the woman within is fastening her sinner,⁵³ since the thing is ugly she must, said Rabbi, go.⁵⁴ If spittle is found⁵⁵ on the upper part of the curtained bed, since the thing is ugly,⁵⁶ she must, said Rabbi, go.⁵⁴

(1) For all practical purposes. as it has been shewn, the elder or eldest brother has the same privileges as the firstborn; why, then, was the expression **בכור**, (firstborn) used instead of **גדול** (elder or eldest) which would have included the firstborn?

(2) Property which was not in his father's possession at the time of his death.

(3) At the time he died.

(4) The levir who marries the widow and is given a double share (his and that of the deceased) in the inheritance of their father.

(5) Rashi. [Aliter: the levir inherits only such property of the deceased brother as had been in the latter's possession at the time of his death. Any property that fell into his possession subsequent thereto he shares equally with the other brothers. On this view the levir has no claim to the share which the deceased brother would have been entitled to in the property of their father had he survived the father, v. Nimmuke Joseph and Me'iri.]

(6) V. supra note 3.

(7) V. note 4.

(8) **נטען** lit., 'spoken against' 'having to be a defendant'. Rt. **טען** 'to plead', 'sue'.

(9) Since such a marriage might confirm the rumour.

(10) Lit., 'they do not take out of his hand'.

(11) Lit., 'the wife of a man'.

(12) Lit., 'and they (i.e., Beth din) took her out from under his hand'. He was ordered to divorce her.

(13) Because the woman is Biblically forbidden to both husband and seducer. (V. Sot. 27b).

(14) Even though her conversion was solely due to her desire to contract the marriage.

(15) To enter the king's employ.

(16) **גרי אריות** 'proselytes of lions', those who, like the Samaritans (II Kings XVII, 25), were converted to Judaism by the fear of divine visitation.

(17) **גרי חלומות** 'proselytes of dreams', those who embraced Judaism in response to a dream or the advice of a dreamer.

(18) V. Esth. VIII, 17. Those who from similar motives of expediency adopt the Jewish faith.

(19) In the dire days after the Hadrianic Wars, when the proselyte is not actuated either by motives of fear or of gain. Now, how is this Baraitha to be reconciled with Our Mishnah?

- (20) The marriage of the proselyte spoken of in our Mishnah.
- (21) Lit., 'even as at the start'. Why then was it stated, HE MUST NOT HARRY HER?
- (22) In explaining the reason for the prohibition of marrying the proselyte. (Rashi); v. Keth., Sonc. ed. p. 123. n. 5'
- (23) Prov. IV, 24. Owing to the rumour of Previous Intercourse one should not contract such a marriage. V. supra p. 147, n. 10.
- (24) When Israel will be Prosperous and Prospective proselytes will be attracted by worldly considerations.
- (25) During Israel's heyday. V. previous note.
- (26) Or who is converted while I am not with you (v. Rashi, a.l.) i.e., while Israel is in exile and forsaken by God.
- (27) Isa. LIV, 15, according to the Midrashic interpretation of R. Eleazar. The rt. גור which E.V. renders 'to gather' is here interpreted 'to become a proselyte', 'to be converted'.
- (28) The suspicion.
- (29) Who were present during the misconduct.
- (30) Lit., 'I would say'.
- (31) Lit., 'dozing and lying'.
- (32) V. supra p. 147. nn. 9' 12 and 13.
- (33) To whom she was married after her first husband had divorced her.
- (34) The paramour.
- (35) V. supra note 3.
- (36) By his marriage. The testimony of the witnesses surely caused her to be permanently prohibited to the paramour.
- (37) Why the paramour need not divorce her once he has married her.
- (38) How then could Rab maintain that she is taken away Only where there are witnesses?
- (39) The paramour.
- (40) Only if he already married her may she in this case remain with him.
- (41) That the paramour must divorce her.
- (42) From the first husband.
- (43) A divorce would be regarded as a confirmation of the suspicion, and the children would thereby be tainted as bastards.
- (44) Lit., 'uncleanness'.
- (45) The paramour.
- (46) Which shews, contrary to the Opinion of Rab, that when see has no children 'she is to part from her paramour even where witnesses are not available.
- (47) הוציאה lit., 'they (i.e. Beth din) took her away'.
- (48) הוציאה, lit., 'he (i.e., the husband) brought her out'.
- (49) No wife may be taken away from her husband because of a mere rumour or suspicion.
- (50) Which requires a wife who had no children to leave her husband even where no witnesses are available.
- (51) Who forbids a wife to her husband even on the grounds of a rumour or suspicion. According to the other Rabbis, however, who are the majority, the woman, as Rab said, need not be taken away where no witnesses are available, even if she has no children.
- (52) רוכל Rashi explains rokel as dealer in women's perfumes.
- (53) The סינר was a kind of breech-cloth or petticoat women wore as a matter of chastity (v. Rashi, a.l.).
- (54) Even if there were no witnesses that misconduct took place.
- (55) After the pedlar had left the house.
- (56) Only the woman lying face upwards could have spat on that spot Intercourse may. therefore, be suspected.

Talmud - Mas. Yevamoth 25a

if shoes¹ lie under the bed, since the thing is ugly,² she must, said Rabbi, go.³ 'Shoes'?⁴ One can surely see whose they are! — Say rather the marks⁵ of shoes.⁶

The law is in accordance with the view of Rab,⁷ and the law is in accordance with the view of Rabbi.⁸

This, then, represents a contradiction between one law and the other! — There is no contradiction. One⁹ refers to a rumour that had ceased;¹⁰ the other, to a rumour that had not ceased. Where the rumour has not ceased, though no witnesses are available, [the law is] according to Rabbi; where the rumour has ceased but witnesses are available [the law is] according to Rab.

For how long [must a rumour continue in order to be regarded] as uninterrupted? Abaye replied: Mother¹¹ told me that a town rumour¹² [must remain uncontradicted for] a day and a half. This has been said Only in the case where It was not interrupted in the meantime. If, however, it was interrupted in the meantime, well, it was interrupted.¹³ This, however, is only when the interruption was not due to intimidation, but if it was due to intimidation, well, it was due to intimidation.¹⁴ This,¹⁵ however, has been said only in the case where no enemies are about, but where enemies are about, well, it must have been the enemies who published the rumour.¹³

We learned elsewhere: If a man divorced his wife because of a bad name,¹⁶ he must not remarry her; if on account of a vow he must not remarry her.¹⁷ Rabbah son of R. Huna¹⁸ sent to Rabbah son of R. Nahman: Will our Master Instruct us as to whether he¹⁹ must part with her if he did remarry her? The other replied: We have learnt It: IF A MAN IS SUSPECTED OF INTERCOURSE WITH A MARRIED WOMAN WHO [IN CONSEQUENCE] WAS TAKEN AWAY FROM HER HUSBAND²⁰ HE MUST LET HER GO EVEN THOUGH HE HAS MARRIED HER!²¹ He said to him: Are these two cases at all alike? There²² she was taken away;²³ here he²⁴ had let her go.²⁵

And Rabbah son of R. Nahman?²⁶ — In our Mishnah also we learned, ‘He let her go’.²⁷ But even now, are they at all alike? Here²⁸ it is the husband;²⁹ there³⁰ it is the seducer!³¹ — The other replied: They are indeed alike.³² For here³⁰ the Rabbis said, ‘he³³ must not marry her, and if he did marry he must let her go’ and there²⁷ also the Rabbis would Say, ‘he³⁴ must not remarry her and if he did remarry he must let her go’. This, however, is not [much of an argument]. There³⁰ he lends colour to the rumour,³⁵ while here it might well be assumed that he³⁴ investigated the rumour and found it to be groundless. MISHNAH. A MAN WHO BRINGS A LETTER OF DIVORCE FROM A COUNTRY BEYOND THE SEA³⁶ AND STATES, ‘IT WAS WRITTEN IN MY PRESENCE AND IT WAS SIGNED IN MY PRESENCE’, MUST NOT MARRY THE [DIVORCER'S] WIFE.³⁷ [SIMILARLY, IF HE STATES]. ‘HE DIED’, ‘I KILLED HIM’, OR ‘WE KILLED HIM’, HE MUST NOT MARRY HIS WIFE. R. JUDAH SAID:

[IF THE STATEMENT IS], ‘³⁶ KILLED HIM’, THE WOMAN MAY NOT MARRY [ANY ONE];³⁸ [IF, HOWEVER, IT IS], ‘WE KILLED HIM’,

THE WOMAN MAY MARRY AGAIN.³⁹

GEMARA. The reason then⁴⁰ is because he came FROM A COUNTRY BEYOND THE SEA, in which case we have to entirely upon him;⁴¹ but [had he come] from the Land of Israel, in which case we need not depend upon him,⁴² would he have been allowed to marry the divorcer's wife? But, surely, when the Statement is, ‘HE DIED’, in which case we do not depend entirely upon him since a Master said, ‘a woman⁴³ makes careful inquiry before she marries’⁴⁴ and yet it was stated, HE MUST NOT MARRY HIS WIFE! — There,⁴⁵ no document exists, but here⁴⁶ a document⁴⁷ does exist. For thus we have learned: Wherein lies the difference between [the admissibility of] a letter of divorce and [that of evidence of] death?⁴⁸ In that the document⁴⁷ supplies the proof.⁴⁹

[SIMILARLY, IF HE STATES], ‘HE DIED’, ‘I KILLED HIM’, OR ‘WE KILLED HIM’, HE MUST NOT MARRY HIS WIFE. Only he, then, must not marry his wife, she, however, may be married to another man? But, surely, R. Joseph said: [If a man stated], ‘So-and-so committed pederasty with me against my will’, he and any other witness may be combined⁵⁰ to procure his execution; [if, however, he said], ‘with my consent’,⁵¹ he is a wicked man concerning whom the

Torah said, Put not thy hand with the wicked to be an unrighteous witness!⁵² And were you to reply that matrimonial evidence⁵³ is different because the Rabbis have relaxed the law in its case,⁵⁴ surely, [it may be pointed out], R. Manasseh stated:

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- (1) So MSS. Cur. edd. add. 'overturned'.
 - (2) The shoes indicating the presence of an unknown stranger on the bed.
 - (3) Even if there were no witnesses that misconduct took place.
 - (4) So MSS. Cur. edd. add. 'overturned'.
 - (5) Lit., 'place of', i.e., the shoes have left marks on the floor.
 - (6) Cur. edd. contain the following addition. 'Overturned under the bed, said Rabbi, since the thing is ugly she shall go'. All this with the exception of the first word is enclosed in parentheses. Cf. Rashal.
 - (7) That no rumour or suspicion is to be relied upon in forbidding a wife to her husband. Only the evidence of witnesses may be acted upon.
 - (8) Cf. supra p. 150, n. 7.
 - (9) The law according to Rab.
 - (10) I.e., when a contradictory rumour obtained currency.
 - (11) His foster-mother. V. Kid. 31b.
 - (12) דומי, 'suspicion' or 'gossip'.
 - (13) And it cannot any more be regarded as 'an uninterrupted rumour'.
 - (14) The force of the rumour is not thereby impaired.
 - (15) That an uninterrupted rumour is relied upon.
 - (16) Suspected immorality.
 - (17) V. Git., Sonc. ed. pp. 200ff, q.v. notes.
 - (18) So Emden. Cur. edd: Omit 'R'.
 - (19) Who divorced his wife 'because of a bad name'.
 - (20) [So MS.M. in conformity with the text of our Mishnah. Cur. edd.: and he had let her go.]
 - (21) So also in the case under discussion, though he married her, he must part from her.
 - (22) In our Mishnah.
 - (23) By the Beth din acting on the evidence of witnesses.
 - (24) Her husband at his own discretion.
 - (25) And the prohibition to remarry her is only Rabbinical. Hence it is possible that once he has remarried her he need not part from her.
 - (26) How can he draw a comparison between two dissimilar cases?
 - (27) Though there were no witnesses. Consequently, the woman is forbidden to her paramour Rabbinically only on the ground of suspicion (cf. supra p. 148. n. 10) and yet it was stated that he must part with her, which proves that even where the prohibition to marry is Rabbinical only (cf. supra note 9) the woman must be parted from the man.
 - (28) Rabbah b. R. Huna's enquiry.
 - (29) Whose remarriage of his former wife is obviously not suggestive of any immorality.
 - (30) Our Mishnah.
 - (31) Whose marriage with the woman undoubtedly lends colour to the rumoured suspicion. In such circumstances it is quite reasonable to order their separation. How can this, however, be used as an example for the case in the enquiry? (Cf. supra n. 13).
 - (32) Since the prohibition in both cases is only Rabbinical.
 - (33) Her paramour.
 - (34) The woman's former husband.
 - (35) Lit., 'he enforces the rumour'. Cf. supra n. 15.
 - (36) מדינת הים, lit., 'country of the sea', a term applied to all countries of the world exclusive of Palestine and Babylonia.
 - (37) Since the validity of the divorce is entirely dependent on his word (v. infra n. 6) he may be suspected of giving false evidence with a view to marrying the woman himself. As, however, a woman is permitted to marry even if only a single witness had testified to the death of her husband, she is allowed to marry any other man.
 - (38) Having admitted murder he cannot any longer be regarded as a reliable witness.

- (39) This is explained infra.
- (40) Why the man who brings the letter of divorce may not marry the divorcer's wife.
- (41) The divorce not being valid unless the carrier of the letter of divorce can testify that it was written and signed in his presence. (V. Git. 20).
- (42) Reliance being placed on the qualified scribes of Palestine, there is no need for the carrier of a letter of divorce to declare that he witnessed the writing and the signing of it.
- (43) Ab death of whose husband is attested by one witness Only.
- (44) And for this reason is allowed to remarry. Infra 53 b, 115a. 116b.
- (45) In the case of evidence of death.
- (46) Divorce.
- (47) The letter of divorce.
- (48) I.e., why are certain relatives accepted as legally qualified. carriers of a letter of divorce but not as witnesses to the death of a husband?
- (49) V. Git. 23b, infra 117a.
- (50) The two together forming a pair of witnesses, the minimum required for bringing about a man's condemnation by a court of law.
- (51) Was the crime committed.
- (52) Ex. XXIII, which shews that a man who admitted a criminal offence may not act as a witness at all!
- (53) In allowing a woman to marry on the evidence of the death of her husband.
- (54) In other cases two witnesses are required and in this case one is sufficient.

Talmud - Mas. Yevamoth 25b

'One who is Rabbinically regarded as a robber¹ is eligible to be a witness in matrimonial matters;² one, however, who is Biblically regarded as a robber is ineligible to act as witness in matrimonial matters;³ would it then be necessary to assume that R. Manasseh holds the same opinion as R. Judah?⁴ - R. Manasseh can answer you: My statement may be reconciled even with the view of the Rabbis, but the reason of the Rabbis⁵ here is the same as that of Raba. For Raba said, 'A man is his own relative and consequently⁶ no man may declare himself wicked'.

Must it then be assumed that R. Joseph⁷ is of the same opinion as R. Judah?⁸ — R. Joseph can answer you: 'My Statement may be in agreement even with the view of the Rabbis, but matrimonial evidence⁹ is different, since the Rabbis relaxed the law in its case;¹⁰ and it is R. Manasseh who adopted the view of R. Judah'.

'I KILLED HIM' etc., 'WE KILLED HIM ... MAY MARRY etc. What is the practical difference between 'I killed him' and 'we killed him'?¹¹ — Rab Judah said: [Our Mishnah speaks of the case] where he said, 'I was present together with his murderers' —¹² Has it not, however, been taught: They said to R. Judah, 'It once happened that a robber when led out to his execution in the Cappadocian Pass¹³ said to those present,¹⁴ "Go and tell the wife of Simeon b. Kohen that I killed her husband when I entered Lud" [others Say: When he entered Lud], and his wife was permitted to marry again'¹⁵ He answered them: Is there any proof from there? [It was a case] where he said, 'I was present together with his murderers'.¹² But it was stated, 'a robber'! — He was apprehended on account of robbery.¹⁶ But it was stated, 'led out to his execution'! — [He was sentenced by] a heathen court of law who executed without due investigation.¹⁷

MISHNAH. A SAGE WHO HAS PRONOUNCED A WOMAN FORBIDDEN TO HER HUSBAND BECAUSE OF A VOW¹⁸ MUST NOT MARRY HER HIMSELF.¹⁹ IF, HOWEVER, A WOMAN MADE A DECLARATION OF REFUSAL²⁰ OR PERFORMED HALIZAH IN HIS PRESENCE, HE MAY MARRY HER, SINCE HE [WAS BUT ONE OF THE] BETH DIN.²¹

GEMARA. This implies that if he had disallowed her vow, he would have been permitted to

marry her!²² What then are the circumstances?²³ If [he acted] alone, could one disallow a vow? Surely²⁴ R. Hiyya b. Abin said in the name of R. Amram that it was taught: The disallowance of vows is to be carried out by three! If, however, three were Present, would they be suspected? Surely we learned, IF, HOWEVER, A WOMAN MADE A DECLARATION OF REFUSAL OR PERFORMED HALIZAH IN HIS PRESENCE, HE MAY MARRY HER, SINCE HE [WAS BUT ONE OF THE] BETH DIN!-The fact is that [he acted] alone, and²⁵ as R.

Hisda said in the name of R. Johanan, 'By a fully qualified individual',²⁶ so here also it is a case of one fully qualified individual.²⁶

IF A WOMAN MADE A DECLARATION OF REFUSAL, OR PERFORMED HALIZAH etc. The reason, then,²⁷ is because [he was one of a] Beth din,²⁸ but had he been one of a group of two only. would he not [have been permitted]? Wherein, then, does this case differ from the following concerning which it was taught:²⁹ If witnesses signed on [a document relating to] a purchased field or on a letter of divorce, the Rabbis do not apprehend such collusion!³⁰ — It is this very thing that he taught us,³¹ viz., that the opinion of him who said that a declaration of refusal may be made in the presence of two is to be rejected and that one is to infer³² that a declaration of refusal must be made in the presence of three.³³

The question was raised: If he³⁴ married her³⁵ must he part from her? R. Kahana said: Though he married, he must part from her. R. Ashi said: Once he has married, he need not part from her.

R. Zuti at the School of R. Papa recited [a teaching] in accordance with the opinion of him who said that if he³⁴ married her³⁵ he need not part from her. Said the Rabbis to R. Ashi: Is this³⁶ a tradition or a matter of opinion? He answered them: It is a Mishnah: If a man is suspected of intercourse with a slave who was subsequently emancipated, or with a heathen who subsequently became a proselyte, lo, he must not marry her; if, however, he did marry her the marriage need not be dissolved. Which proves

(1) A gambler, for instance, who is not Biblically forbidden to act as a witness. V. R.H. 220.

(2) V. note 4.

(3) Which proves that even in matrimonial matters a murderer (a man Biblically regarded as wicked) is not eligible as a witness.

(4) Who in our Mishnah rejected the evidence of the man who admitted murder. The halachah being according to the Rabbis who are the majority, would R. Manasseh ignore the majority in favour of a minority?

(5) For admitting the evidence of a man who announced himself as a murderer.

(6) As no relative is admitted as witness.

(7) Who does not admit the evidence of the man who declared himself a murderer, (supra 25a).

(8) V.p. 154, n. 9.

(9) V. p. 154, n. 4.

(10) V. supra p. 154, n. 5. Hence they also admitted the evidence of one who declared himself to be a murderer.

(11) In either case he admitted murder.

(12) But did not himself participate in the crime.

(13) Or 'ford'.

(14) Lit., 'to them'.

(15) Tosef. Yeb. IV; which proves that the evidence of a murderer is accepted.

(16) V. n. 10. He was Only present during the robbery.

(17) The condemned man, however, was not a murderer.

(18) Which the woman made. If she vowed, for instance, to derive no benefit from her husband, and he did not annul her vow; and on consulting the Sage and finding no ground for the remission of her vow (v. Ned. 22b), her vow was not disallowed and her husband was consequently forbidden to her.

(19) To avoid the suspicion that his motive in forbidding the woman was to marry her himself.

(20) V. Glos. s.v. mi'un.

(21) Declarations of refusal and the performance of halizah, unlike the disallowance or confirmation of vows, must always take place in the presence of a court of three; and a court of three would not be suspected.

(22) If her husband subsequently divorced her or died.

(23) Lit., 'in what are we engaged'.

(24) Cur. edd. add in parentheses. 'Rab said'.

(25) As to the difficulty of the implication that one individual should be in a position to disallow vows.

(26) A mumhe (v. Glos.) who, like a lay court of three, is empowered to disallow vows by himself. Ned. 78b, B.B. 120b, 121a.

(27) Why the Sage may marry the woman in question.

(28) Which consists of no less than three members.

(29) Cur. edd., we learned'.

(30) Lit., 'this thing'. They do not, as a precaution against collusion, forbid the witnesses the subsequent purchase of the field from the buyer. or the marriage with the woman in whose divorce they assisted. This obviously shews that even a group of two is not to be suspected!

(31) By mentioning Beth din which implies three members.

(32) From the mention of Beth din in our Mishnah.

(33) And not, as has been assumed, that only three are not to be suspected. Two also are above suspicion.

(34) The Sage referred to in our Mishnah (Rashb. and Asheri). The Sage or the man who delivered a letter of divorce mentioned in the previous Mishnah (Rashi and Maimonides). V. Wilna Gaon, Glosses, a.l.

(35) The woman who was forbidden to her husband or the one divorced (v. previous note).

(36) The statement R. Ashi made.

Talmud - Mas. Yevamoth 26a

that [once a woman was married she] is not taken away because of a mere rumour; and so here also [the woman married] is not to be taken away because of a rumour.

MISHNAH. IF ALL THESE¹ HAD WIVES² WHO [SUBSEQUENTLY] DIED, [THE OTHER WOMEN]³ ARE PERMITTED TO MARRY THEM.⁴ IF THEY³ WERE MARRIED TO OTHERS⁵ AND WERE [SUBSEQUENTLY] DIVORCED,⁶ OR WIDOWED, THEY MAY BE MARRIED TO THESE.⁷ THESE⁸ ARE ALSO PERMITTED TO THEIR⁶ SONS OR BROTHERS.⁹

GEMARA. Only if they¹⁰ died¹¹ but not if they were divorced.¹² Said R. Hillel to R. Ashi: Surely, it was taught: Even if they were divorced! — This is no difficulty: The one¹³ refers to the case where they led¹⁴ a quarrelsome life;¹⁵ the other,¹⁶ where they¹⁷ had no quarrels.¹⁸ If you prefer I might say that the one as well as the other [refers to the case] where there were no quarrels, and yet there is no difficulty: The former¹⁶ is a case where the husband had led on [to the divorce];¹⁹ in the latter,²⁰ she led on to the divorce.

IF THEY WERE MARRIED etc. It was now assumed that death²¹ has reference to the case of death,²² and divorce²³ to that of divorce.²⁴ Must it then be said that our Mishnah²⁵ is in disagreement the delivery of the letter of divorce by the messenger, or the evidence of the man who testified to their husbands' deaths. with the view of Rabbi? For had it been in agreement with Rabbi, [a third marriage would not have been allowed], for he said that two occurrences constitute a hazakah.²⁶ — No;²⁷ death²⁸ [has reference] to divorce,²⁹ and divorce²⁸ to death.³⁰

THESE ARE ALSO PERMITTED TO THEIR SONS OR BROTHERS. Wherein is this different from the following where it was taught:³¹ A man who is suspected of intercourse with a woman is forbidden to marry her mother, her daughter and her sister.³² -It is the usual thing for women to pay frequent visits to other women;³³ it is not usual, however, for men to pay frequent visits to other men.³⁴ Or [this] also:³⁵ Women who do not cause one another to be forbidden by their cohabitation³⁶

do not particularly mind one another;³⁷ men, however, who do cause one another to be forbidden by their cohabitation³⁸ do mind one another.³⁴ If so,³⁹ [the same law⁴⁰ should] also [apply to] one's father!⁴¹ -The meaning is, 'There is no need',⁴² [thus]: There is no need [to state that the law⁴⁰ is applicable to] one's father before whom a son is shy;⁴³ but [in the case of] one's son⁴⁴ before whom a father⁴⁴ is not shy it might have been assumed [that this law was] not [to be applied], hence we were informed [that the same law was applicable to a son also].

CHAPTER III

MISHNAH. [IN THE CASE OF] FOUR BROTHERS, TWO OF WHOM WERE MARRIED TO TWO SISTERS, IF THOSE WHO WERE MARRIED TO THE SISTERS DIED, BEHOLD. THESE⁴⁵ MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE [BY THE BROTHERS].⁴⁶ IF THEY HAD ALREADY⁴⁷ MARRIED THEM, THEY MUST DISMISS THEM. R. ELIEZER SAID: BETH SHAMMAI HOLD THAT THEY MAY RETAIN THEM, AND BETH HILLEL HOLD THAT THEY MUST DISMISS THEM.

IF ONE OF THE SISTERS⁴⁸ WAS FORBIDDEN TO ONE [OF THE BROTHERS] UNDER THE PROHIBITION OF INCEST,⁴⁹ HE IS FORBIDDEN TO MARRY HER BUT MAY MARRY HER SISTER,⁵⁰ WHILE TO THE SECOND BROTHER BOTH ARE FORBIDDEN.

[IF ONE SISTER]⁴⁸ WAS FORBIDDEN BY VIRTUE OF A COMMANDMENT⁵¹ OR BY VIRTUE OF HOLINESS⁵¹ SHE MUST PERFORM THE HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

IF ONE OF THE SISTERS⁴⁸ WAS FORBIDDEN TO ONE BROTHER UNDER THE LAW OF INCEST AND THE OTHER SISTER WAS FORBIDDEN TO THE OTHER UNDER THE LAW OF INCEST, SHE WHO IS FORBIDDEN TO THE ONE IS PERMITTED TO THE OTHER AND SHE WHO IS FORBIDDEN TO THE OTHER IS PERMITTED TO THE FIRST. THIS IS THE CASE CONCERNING WHICH IT HAS BEEN SAID: WHEN HER SISTER IS HER SISTER-IN-LAW⁵² SHE MAY EITHER PERFORM HALIZAH OR BE TAKEN IN LEVIRATE MARRIAGE.⁵³

GEMARA. This then⁵⁴ implies that a levirate bond exists;⁵⁵ for if no levirate bond exists, observe this point: These widows come from two different houses,⁵⁶ let one brother take in levirate marriage the one and the other brother the other!⁵⁷ — As a matter of fact it may still be assumed that no levirate bond exists⁵⁵ [but the levirate marriage is nevertheless forbidden] because he⁵⁸ is of the opinion that it is forbidden to annul the precept of levirate marriage, it being possible that while one of the brothers married [one of the widowed sisters] the other brother would die,⁵⁹ and the precept of levirate marriage would be annulled.⁶⁰ If so,⁶¹ [the same applies to] three [brothers] also!⁶² — This may be regarded as the case of 'There is no need etc.';⁶³ thus: There is no need to state three,⁶⁴ since the precept of levirate marriage would inevitably have to be annulled;⁶⁵ but [in the case of] four⁶⁶ [it might have been assumed that] one need not take precautions against [possible] death,⁶⁷ hence we were informed [that even in such a case levirate marriage is forbidden].⁶⁸ If so,⁶⁹

(1) Lit., 'and all of them'. The Sage, the messenger who brought a letter of divorce and the man who testified to the death of a husband. (V. previous two Mishnahs, supra 250, 25b).

(2) At the time of their action which resulted in enabling the women there mentioned to marry.

(3) I.e. the women concerned in their respective actions. V. previous note.

(4) Having had their own wives at the time they were engaged in the other women's affairs they are not to be suspected of any ulterior motives. Cf. supra p. 153, n. 2 and p. 155. n. 12.

(5) After the decision of the Sage,

(6) By their second husbands.

- (7) Cf. supra p. 157, n. 6.
- (8) V. p. 157, n. 8.
- (9) The prohibition being limited to themselves.
- (10) The wives of the Sage, messenger and witness (cf. supra p. 157, n. 6).
- (11) Lit., 'they died, yes'; only then is it permissible for the husbands to marry the women whom they had helped to obtain permission to marry.
- (12) It being possible that their action in favour of the women and the subsequent divorces were dictated by the same ulterior motive.
- (13) The Baraitha quoted by R. Hillel.
- (14) Before their respective husbands had acted in favour of the other women.
- (15) With their husbands. It is consequently obvious that the divorces were due to the domestic differences, and that the husband's subsequent actions were not dictated by ulterior motives.
- (16) That implied in our Mishnah.
- (17) V. supra note 5.
- (18) As husbands and wives lived in peace until the former had met the other women, there is good reason to suspect that the divorces were due to these meetings.
- (19) Hence there is cause for suspicion.
- (20) V. supra note 8.
- (21) Of the second husbands with whom marriage had taken place In the meanwhile.
- (22) In the second clause of the Previous Mishnah but one (supra 25a), where evidence was given that the woman's first husband had died or was killed.
- (23) Cf. supra n. 16.
- (24) Where a letter of divorce was brought by a messenger, (v. the first clause of the Mishnah supra 25a).
- (25) Which allows a woman to marry a third husband though her first two husbands had died or divorced her.
- (26) V. Glos. An established characteristic or defect in the woman, physical or moral, which confirms her as the cause of the death of her husbands or as the cause of the divorces. Hence, she should not have been permitted ever to marry again.
- (27) Our Mishnah does not differ from Rabbi.
- (28) V. p. 158, n.16. .
- (29) V. p.158,n.19.
- (30) V. supra p. 158. n. 17. Hence no two husbands died or divorced the same woman, and no hazakah could, therefore, have been constituted.
- (31) Cur. edd., 'we learned'.
- (32) Because there is reason to suspect that the marriage was planned by the man as a mere means of bringing him into closer association and intimacy with his paramour. Why, then, is this suspicion disregarded in the case of our Mishnah?
- (33) Misconduct may, therefore, occur and suspicion (v. previous note) is justified.
- (34) And suspicion that any intimate intercourse might take place would, therefore, be groundless.
- (35) May be said in reply.
- (36) With one another's husbands. The husband is not forbidden to his wife if cohabitation occurred between him and another woman.
- (37) V. note 8.
- (38) With one another's wives. The wife of one with whom the other cohabited is forbidden to her husband.
- (39) That men are watchful of one another, and that consequently there is no ground for suspicion.
- (40) Permitting the marriage of any of the women in question.
- (41) Why, then, does our Mishnah mention sons and brothers only?
- (42) Lit., 'it is not required he said'.
- (43) And would not venture to be too intimate with his wife.
- (44) Or brother.
- (45) The sisters.
- (46) The reason is explained in the Gemara, infra.
- (47) Lit., 'anticipated' (the ruling of the court).
- (48) In the case mentioned in the first paragraph of our Mishnah.
- (49) E.g., as a mother-in-law.

- (50) Who is not forbidden on account of her rival since the latter is biblically forbidden to the levir and cannot be regarded as his zekukah (v. Glos.).
- (51) The term is used in the Mishnah supra 20a and discussed in the Gemara loc. cit.
- (52) The wife of her husband's brother.
- (53) V. supra 20a. Cf. supra p. 162, n. 6.
- (54) The first clause of our Mishnah.
- (55) Between the widow of a deceased childless brother and his surviving brothers, in consequence of which each widow being a zekukah (v. Glos.), is forbidden as the sister of a zekukah.
- (56) They are the widows of two different husbands and neither of them stands in any marital relationship with any of the surviving brothers (v. previous note).
- (57) A levirate bond then obviously does exist. That being so, why has the question of the existence of a levirate bond remained a matter of dispute in Ned. 742 and supra 17b?
- (58) The author of our Mishnah.
- (59) And thus be prevented from marrying the other widow.
- (60) Because the surviving brother would then not be able either to marry, or to participate in the halizah with the second widow who by that time will have become his wife's sister. If, however, halizah only is performed with one brother and the death of the other should occur before the second widow had performed halizah with him, no difficulty would arise, since the first brother may then participate in the halizah of the second also.
- (61) That the reason for the prohibition of the levirate marriage with the widowed sisters is not the existence of a levirate bond but the endeavour to prevent the annulment of the precept of levirate marriage.
- (62) If two of them died childless and both their widows become subject to the levirate marriage or halizah of the third. In this case too the third brother must only participate in halizah; for, should he marry one of the sisters, the other would be forbidden, as the sister of his wife, either to marry him or to perform halizah with him.
- (63) Lit., 'it is not required, do we say'.
- (64) That where one of three brothers survived, no levirate marriage must take place.
- (65) Were he to marry one of the widows. Cf. supra p. 162, n. 8.
- (66) Brothers, two of whom survived.
- (67) And that consequently one brother should marry one of the widows and the other brother the other.
- (68) Because provision must always be made against possible death.
- (69) v. previous note.

Talmud - Mas. Yevamoth 26b

the same applies to five brothers also!¹ -The possibility that two might die² need not be taken into consideration.

Rabbah³ son of R. Huna said in the name of Rab: If three sisters who are sisters-in-law fell to the lot of two brothers who are their brothers-in-law, one of the brothers participates in her halizah with one, and the other brother participates in the halizah with the other, but the third,⁴ requires halizah from both. Said Rabbah to him: Since you say that the third widow requires submission to halizah by both brothers, you must be holding the opinion that a levirate bond exists⁵ and that the halizah is of an impaired character,⁶ and that as an impaired halizah it must go the round of all the brothers;⁷ but if so, [the same should apply to] the first [two sisters] also!⁸ — If they⁹ had become subject [to the levirs] at the same time the law would indeed have been so;¹⁰ [the statement of our Mishnah, however,] was required only in the case where they become subject [to the levirs] one after another. When the first sister became subject to the obligation of the levirate marriage. Reuben¹¹ participated in her halizah;¹² when the second came Under the obligation. Simeon¹³ participated in her halizah;¹⁴ when the third came under the obligation.¹⁵ if the one brother participated in her halizah he removed his own levirate bond,¹⁶ and when the other participated in the halizah he likewise removed his own levirate bond. But, surely. Rab said that no levirate bond exists!¹⁷ — This statement¹⁸ he made in accordance with the opinion of him who maintains that a levirate bond does exist.

Samuel, however, stated that one brother participates in the halizah with all of them. But consider: We have heard Samuel say that a proper halizah is required for Samuel said:

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- (1) Two of whom who were married to two sisters died and three survived. In this case also, if provision is to be made against the possibility of death, no levirate marriage should be allowed to any of the three survivors, since it might happen that two of the survivors would also die and the last and only surviving brother would be precluded from levirate marriage and halizah because the widows would then be his wife's sisters.
- (2) Lit., 'for the death of two'.
- (3) So Emden. Cur. edd., 'Raba'.
- (4) Lit., 'the middle one'.
- (5) V. supra p. 162, n. 3'
- (6) Since each brother may only participate in halizah with the widow but may not, as she is the sister of his haluzah (v. Glos.) marry her. Such a halizah is not of the same validity as one which is the alternative of a permitted levirate marriage.
- (7) The levirate bond between the widow and the other brothers cannot be dissolved by such a halizah with one of them. [Me'iri seems to have had a shorter and smoother text: . . . that a levirate bond exists and that an impaired halizah must go the round of all the brothers'.]
- (8) Since they, like the third, are subject to the levirate bond, and with them also only halizah, but not levirate marriage may take place, and their halizah also is consequently of an impaired character.
- (9) All the three sisters.
- (10) Halizah would have had to be performed by every one of them with every brother.
- (11) I.e., the first brother. Reuben was Jacob's first son (Gen. XXIX, 32).
- (12) This was a proper halizah since at that time he could have married her if he wished.
- (13) I.e., the second brother. Simeon was the second son of Jacob. (Cf. Gen. XXIX, 33)'
- (14) This also was a proper halizah since he could marry her if he wished. She is no longer the sister of his zekukah (v. Glos.) since the first brother had already performed with that zekukah proper halizah and had thereby severed the levirate bond between her and Simeon as well as between her and himself.
- (15) Levirate marriage is no more possible since, in the case of each brother, she is the sister of his haluzah, while exemption from !halizah cannot be granted because the prohibition to marry the sister of one's haluzah is only Rabbinical and cannot supersede the Biblical precept which requires halizah where no levirate marriage takes place.
- (16) Which otherwise could not have been severed. V. previous note.
- (17) Supra 17b.
- (18) Reported supra by Rabbah b. R. Huna.

Talmud - Mas. Yevamoth 27a

if he¹ participated in the halizah with the sisters, the rivals are not exempt;² how then should Reuben,³ where the halizah of Simeon⁴ has the force of a valid halizah,⁵ participate in an impaired halizah?⁶ — By saying. 'One brother participates in the halizah with all of them' he also meant 'the third widow'.⁷ But surely, 'All of them' was stated!⁸ -As the majority is on his side⁹ it may be described as 'All of them'. If you prefer I might say: Only in respect of exempting one's rival¹⁰ did Samuel say that proper halizah was required; as regards exempting herself, however, [any halizah]¹¹ sets her free.¹²

[To turn to] the main text,¹³ Samuel said: If he¹⁴ participated in the halizah with the sisters, the rivals are not exempt;¹⁵ ff with the rivals. the sisters are exempt.¹⁶ If he¹⁷ participated in the halizah with the one¹⁸ who had been divorced,¹⁹ her rival is not thereby exempt;²⁰ if with the rival²¹ the divorced woman is exempt —²² If he¹⁷ participated in the halizah with one¹⁸ to whom he addressed a ma'amar, her rival is not thereby exempt;²³ if with the rival,²⁴ the widow to whom the ma'amar had been addressed is exempt.²⁵

In what respect are the sisters different that [by their halizah] the rivals should not be exempted?

Apparently because [each one of them] is 'his wife's sister' through the levirate bond;²⁶ [but for this very reason] the sisters also, if he participated in the halizah with their rivals, should not be exempt, since those are the rivals of 'his wife's sister' through the levirate bond!²⁷ — Samuel holds the opinion that no levirate bond exists. But, surely, Samuel said that a levirate bond did exist!²⁸ -He was here speaking in accordance with the view of him who maintains that a levirate bond does not exist. If so,²⁹ why are not the rivals exempt when he participated in the halizah with the sisters? One can well understand why Rachel's³⁰ rival is not exempt; for, as he had already participated in the halizah of Leah³¹ and only subsequently participated in the halizah of Rachel, Rachel's halizah is a defective one;³² but Leah's rival should be exempt!³³ -When he³⁴ said that 'The rivals are not exempt', he meant indeed the rival of Rachel. But, surely, he used the expression 'rivals'!³⁵ -Rivals generally. If so,³⁶ how could the sisters be exempt if he participated in the halizah with their rivals? Is Rachel exempt by the halizah of her rival!³⁷ Surely we learned: A man is forbidden to marry the rival of the relative of his halizah³⁸ — Samuel also [is of the same opinion] but draws a distinction according to the manner in which³⁹ one began or did not begin: If one began with the sisters⁴⁰ he must not finish with the rivals,⁴¹ for we learned, 'A man is forbidden to marry the rival of the relative of his haluzah';⁴² but if he began with the rivals⁴³ he may finish even with the sisters,⁴⁴ for we learned, 'A man is permitted to marry the relative of the rival of his haluzah'.⁴⁵

R. Ashi said: Your former assumption⁴⁶ may still be upheld, and [yet no difficulty⁴⁷ arises] because the levirate bond is not strong enough to make the rival equal to the forbidden relative herself.⁴⁸

It was taught in agreement with the view of R. Ashi: If the levir participated in the halizah with the sisters, their rivals are not thereby exempt; but if with the rivals, the sisters are thereby exempt. What is the reason? Obviously⁴⁹ because he is of the opinion that a levirate bond exists and that that bond is not strong enough to make the rival equal to the forbidden relative herself.

R. Abba b. Memel said: Who is the author of this?⁵⁰ Beth Shammai; for we learned: Beth Shammai permit the rivals to the [surviving] brothers.⁵¹ If so,⁵² let them⁵³ be taken in levirate marriage also!⁵⁴ [This is] in agreement with R. Johanan b. Nuri who said: Come, let us issue an ordinance that the rivals perform the halizah but do not marry the levir.⁵⁵ But did not a Master say that they had hardly time to conclude the matter before confusion set in?⁵⁶ — R. Nahman b. Isaac replied: After him⁵⁷ they re-ordained it.

The question was raised:

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- (1) A levir whose two deceased childless brothers were survived by two widows who were sisters, each of whom had also a rival.
 - (2) Because the halizah with the sisters is defective, the levir not being in a position to marry either of them. Cf. supra p. 263, n. 11,
 - (3) Cf. supra note 2,
 - (4) cf. note 4.
 - (5) Simeon, having participated in no halizah, the second sister is not the sister of his haluzah.
 - (6) In the case of Reuben who had already participated in the halizah of one sister, the halizah with the second is a halizah performed by the sister of his haluzah, which is not a completely valid operation.
 - (7) I.e., the second brother, after he participated in the halizah with the second widow, also participates in the halizah with the third (who is now the sister of his as well as of his brother's haluzah): and there is no need, according to Samuel, for a defective halizah to go the round of all the surviving brothers.
 - (8) How- then could the expression 'all' refer to the second and third widows only?
 - (9) Simeon having participated in the halizah of two widows out of the three.
 - (10) As he actually said, 'The rivals are not exempt'.
 - (11) Even a defective one.

- (12) In the case of the three widows mentioned above, where there are no rivals, the defective halizah is, therefore, valid even according to Samuel.
- (13) A passage from which was cited supra top of page.
- (14) V.p. 164,n. 10.
- (15) V.p. 164, n.11.
- (16) As the prohibition to marry the rivals is not so severe as that of the sisters, the halizah with the former is of greater validity and force than that with the latter. Cf. supra p. 163,n.11.
- (17) The levir.
- (18) Of two sisters-in-law, widows of the same brother.
- (19) By the levir prior to the halizah.
- (20) A halizah after a divorce is defective, since the levirate bond had already been partially severed by the divorce that preceded it.
- (21) Since no letter of divorce was given to her.
- (22) Infra 51a.
- (23) Since the halizah alone does not in this case exempt the widow; a divorce also, owing to the ma'amar, being required.
- (24) To whom no ma'amar had been addressed.
- (25) infra 53a.
- (26) In consequence of which he may marry neither of them and the halizah in which he participates is for this reason of a defective character.
- (27) A rival taking the place of a forbidden relative, being subject to the same restrictions as the relatives, is also forbidden to be taken in levirate marriage.
- (28) Supra 18b.
- (29) That no levirate bond exists and the halizah with the sisters is consequently perfectly valid.
- (30) I.e., the sister who was second to perform the halizah. Rachel was Jacob's second, Leah his first wife (v. Gen. XXIX, 23-28).
- (31) I.e., the first sister. Cf. previous note.
- (32) Because Rachel cannot any more be married to him owing to her being the sister of his haluzah.
- (33) Leah's halizah having been perfect, since the levir could have married her if he wished.
- (34) Samuel.
- (35) The plural.
- (36) That the expression of 'rivals' refers only to rivals of the sister who was second to perform the halizah and not to those of the first also.
- (37) Would the sister of a haluzah be exempt by the halizah of her rival?
- (38) Infra 40b. As he cannot marry the rival of Rachel who is his haluzah's sister, his halizah with her would be of a defective character which, consequently, could not exempt Rachel.
- (39) Lit., 'he said'.
- (40) Participated in the halizah with one of them.
- (41) By participating in the halizah with the rival of the second sister. Such halizah would not exempt the sister.
- (42) Much more so the relative herself. The halizah, therefore, being defective, would have to be performed by both the second sister and her rival.
- (43) If he participated in the halizah with the rival of the first sister.
- (44) He may participate in halizah not only with the rival of the second sister and thus exempt the sister herself, but also with the second sister and thus exempt her rival.
- (45) Rachel (the second sister), being the relative of Leah (the first sister) who is the 'rival' of the haluzah, is consequently permitted to marry the levir, and her halizah is, therefore, perfectly valid and exempts also her rival.
- (46) That the rivals are not exempted by the halizah of the sisters, owing to its defectiveness which is due to the existence of the levirate bond (cf. supra p. 164, n. 21).
- (47) As to why the halizah of the rival of the relative of a haluzah should be more valid than that of the relative of the haluzah herself (v. supra p. 266, n. 2).
- (48) The Rabbis who forbade the marriage of a zekukah owing to the levirate bond did not extend the prohibition to her rival. The halizah of the latter is, therefore, more valid and exempts also the former.

(49) Lit., 'not'?

(50) The Baraitha quoted.

(51) Supra 132, 'Ed. Iv, 8; as marriage with the rivals is permitted, their halizah also (cf. supra p. 163, n. 11) is perfectly valid.

(52) That the Baraitha quoted represents the view of Beth Shammai.

(53) The rivals.

(54) Why then was only halizah mentioned?

(55) Supra 13b, 14b.

(56) Supra 15a, q.v. notes.

(57) R. Johanan b. Nuri.

Talmud - Mas. Yevamoth 27b

Between the one¹ who was given² a letter of divorce and the other¹ to whom a ma'amar had been addressed² who is to be preferred?³ Is she who was divorced to be preferred.⁴ or is, perhaps, she to whom the ma'amar had been addressed to be preferred since she is nearer to him in respect to intercourse? — R. Ashi replied, Come and hear: R. Gamaliel, however, admits⁵ that a letter of divorce⁶ after a ma'amar,⁷ and a ma'amar⁶ after a letter of divorce⁸ is valid.⁹ Now, if a letter of divorce has the preference.¹⁰ the ma'amar after it should have no validity; and if the ma'amar has the preference, the divorce after it should have no validity. Consequently it must be concluded that they have both equal validity. This proves it.

R. Huna¹¹ said in the name of Rab: If two sisters who were sisters-in-law became subject to one levir, the one is permitted¹² when he¹³ has participated in her halizah; and the other is permitted¹⁴ when he has participated in her halizah. If the first¹⁵ died¹⁶ he¹⁷ is permitted [to marry] the second,¹⁸ and there is no need to state that if the second¹⁹ died¹⁶ the first is permitted,¹⁴ since, as a sister-in-law who was permitted,²⁰ then forbidden²¹ and then again permitted,²² she returns to her former state of permissibility. R. Johanan, however, said: If the second¹⁹ died¹⁶ he¹⁷ is permitted to marry the first,²³ but if the first²⁴ died he is forbidden to marry the second.¹⁹ What is the reason? Because any sister-in-law to whom the injunction. Her husband's brother shall go in unto her²⁵ cannot be applied at the time of her coming under the obligation of the levirate marriage²⁶ is, indeed,²⁷ like the wife of a brother who has children and is, consequently, forbidden. But does not Rab hold the same view?²⁸ Surely Rab said: Any woman to whom the injunction, Her husband's brother should go in unto her²⁵ cannot be applied at the time of her coming under the obligation of the levirate marriage is, indeed, like the wife of a brother who has children and is, consequently, forbidden!²⁹ -That statement³⁰ applies only to the case where the woman is faced with the prohibition of 'a wife's sister', which is Pentateuchal,³¹ here, however, [the prohibition due to] the levirate bond is only Rabbinical.³²

R. Jose b. Hanina raised the following objection against R. Johanan:³³ IN THE CASE OF FOUR BROTHERS, TWO OF WHOM WERE MARRIED TO TWO SISTERS, IF THOSE WHO WERE MARRIED TO THE SISTERS DIED, BEHOLD, THESE MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. But why? Let one of the brothers take on the duty of participating in the halizah with the second widow, and thus place the first widow, in relation to the second, in the category of a deceased brother's wife that was permitted- then forbidden, and then again permitted,³⁴ and thus she would return to her former state of permissibility! — The other replied: I do not know who was the author of the statement concerning the sisters.³⁵ But let him rather reply that the meaning of the expression of MUST PERFORM THE HALIZAH, which had been used, indeed signifies that only one is to perform the halizah!³⁶ -The expression used was THEY MUST PERFORM THE HALIZAH.³⁷ Then let him reply that the expressions THEY MUST PERFORM THE HALIZAH³⁷ refers to women generally³⁸ who perform the halizah!-It was stated, BEHOLD THESE.³⁹ Let him, then, reply that [this is a case] where halizah was already performed

by the first!⁴⁰ -[The expression] THESE MUST PERFORM HALIZAH

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- (1) Of two widows of the same husband who was survived by one brother.
- (2) By the surviving brother.
- (3) In respect of the halizah, if that halizah is to exempt the rival. None of these widows may be taken in levirate marriage: the one, because a letter of divorce was given to her, and the other, because she is the rival of the former. The only question is, which of the two should perform the halizah and which should thereby be exempt.
- (4) I.e., shall she perform the halizah and thus exempt her rival? Cur. edd. add., 'because he began with her with halizah'. Rashal (Glosses. a.l.) reads, 'divorce' for 'halizah'. Both additions are absent in MSS, v. Tosaf. s.v. **בעלה** -
- (5) Though he holds that a divorce to one of the widows of his deceased brothers after a divorce to her rival is invalid (infra 50a).
- (6) To one of the widows of his deceased childless brother.
- (7) That had been first addressed to the other widow, her rival.
- (8) Given first to the other.
- (9) Infra 51a. Lit., 'there is'. If the ma'amar was made first, the subsequent divorce forbids the marriage of the second and also that of the first, the ma'amar to her not being regarded as actual marriage, and if the divorce was first and the ma'amar afterwards, the second widow also requires a divorce, the divorce of the first not having the force of halizah to invalidate the ma'amar addressed to the second.
- (10) Over the ma'amar.
- (11) Asheri: Judah.
- (12) To marry any stranger.
- (13) The levir.
- (14) To marry any stranger.
- (15) Widow; the one whose husband died first, and who became subject to the levirate marriage before the other.
- (16) Before she had performed the halizah with the levir.
- (17) The levir.
- (18) Since death had severed his levirate bond with the first, and the surviving widow is no longer the sister of a zekukah.
- (19) The widow of the brother who died after the first, and who became subject to the levirate marriage after the subjection of the first.
- (20) To the levir. At the time she became subject to him there was no other zekukah.
- (21) When her sister's husband died.
- (22) When her sister died.
- (23) V. note 2, because at the time she became subject to the levirate marriage she was permitted to him.
- (24) V. note 2.
- (25) Deut. XXV, 5.
- (26) As in this case where she was forbidden to the levir, as 'the sister of his zekukah', at the time she came under the obligation of the levirate marriage through her husband's death.
- (27) Lit., 'behold'.
- (28) That had been advanced by R. Johanan.
- (29) Infra 30a, 111b.
- (30) Of Rab, just quoted.
- (31) As in the case of three brothers two of whom were married to two sisters (infra 30a) in connection with which Rab made his statement.
- (32) And is, therefore, removed as soon as one of the sisters dies.
- (33) The same objection applies to Rab also (Rashi). Cf. however, Tosaf. s.v. **איתיביה** a.l.
- (34) V. supra2 p. 169, nn. 7, 11.
- (35) I.e., the Mishnah is not authoritative. —
- (36) Lit., 'she performs the halizah, (namely) one', i.e., the second widow.
- (37) **חולצות** the pr. particip. Plural.
- (38) In similar circumstances.
- (39) Which implies the two spoken of.

(40) So that the other, who is not exempted by that of the first, must also perform halizah.

Talmud - Mas. Yevamoth 28a

is an instruction as to what it is the proper thing to do.¹ Let him reply that it² was a preventive measure against the possibility of the levir's participating first in the halizah of the first!³ — It was stated, BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE, i.e., the law of the levirate marriage is not applicable here at all.⁴ Let him, then, reply that it⁵ was a preventive measure in case he⁶ might die,⁷ it being forbidden to annul the precept of levirate marriage!⁸ — R. Johanan makes no provision against possible death.⁹ Then let him reply that it⁵ is the ruling of R. Eleazar¹⁰ who said that so long as she remained forbidden to him for one moment she is forbidden to him for ever!¹¹ — Since the latter clause [represents the view of] R. Eleazar,¹² the first clause cannot represent his view. Then let him reply that it¹³ is a case where they¹⁴ fell under the obligation¹⁵ at the same time, and that it represents the opinion of R. Jose the Galilean who maintains that it is possible to ascertain simultaneity!¹⁶ — The Tanna would not have recorded an anonymous Mishnah in agreement with the view of R. Jose the Galilean. Let him reply [that it¹³ is a case] where it is not known which¹⁷ came under the obligation¹⁵ first!¹⁸ — If that were the case¹⁹ how could it have been stated,²⁰ EVEN IF THEY HAD ALREADY MARRIED THEM THEY MUST DISMISS THEM! In the case of the first,²¹ at least, one can understand [the reason].²² since he can be told, 'Who permitted her to you'?²³ In the case, however, of the second,²⁴ the levir²⁵ could surely claim, 'My friend²⁶ has taken the second in levirate marriage²⁷ and I take the first' ²⁸ This, then,²⁹ is the reason why he³⁰ said to him,³¹ 'I do not know who was the author of the statement concerning the sisters'.³²

We learned: IF ONE OF THE SISTERS WAS FORBIDDEN TO ONE [OF THE BROTHERS] UNDER THE PROHIBITION OF INCEST,³³ HE IS FORBIDDEN TO MARRY HER BUT MAY MARRY HER SISTER, WHILE TO THE SECOND BROTHER BOTH ARE FORBIDDEN. It was now assumed that his mother-in-law³⁴ came under the obligation³⁵ first.³⁶ Now, why [should both sisters be forbidden]?³⁷ Let the son-in-law undertake the duty of marrying first that sister who is not his mother-in-law,³⁸ and his mother-in-law, in relation to the other levir, would thereby come into the same category as a sister-in-law that was permitted,³⁹ then forbidden,⁴⁰ and then permitted again,⁴¹ who returns to her former state of permissibility! R. Papa replied: [They are forbidden] in a case where she who was not his mother-in-law came under the obligation⁴² first.⁴³

R. ELIEZER SAID: BETH SHAMMAI HOLD etc. The following was taught: R. Eliezer said: Beth Shammai hold that they may retain them, and Beth Hillel hold that they must dismiss them. R. Simeon said: They may retain them. Abba Saul said: Beth Hillel uphold in this matter the milder rule, for it was Beth Shammai who said that the women must be dismissed while Beth Hillel said they may be retained.⁴⁴

Whose view does R. Simeon represent?⁴⁵ If that of Beth Shammai,⁴⁶ he is merely repeating R. Eliezer; if that of Beth Hillel,⁴⁶ he is repeating Abba Saul! It was this that he meant: In this matter there is no dispute at all between Beth Shammai and Beth Hillel.

IF ONE OF THE SISTERS etc. But we have learned this already: When her sister is her sister-in-law she may either perform halizah or be taken in levirate marriage!⁴⁷ — [Both are] necessary. For had the law been stated there⁴⁸ it might have been assumed [to apply to that case alone],⁴⁹ because there is no need to enact a preventive measure against a second brother,⁵⁰ but not [to the case] here where it might be advisable to issue a preventive measure against a second brother.⁵⁰ And had the law been stated here,⁵¹ it might have been assumed [to apply to this case alone] because there is a second brother who proves it⁵² but not [to that case] where no second brother exists.⁵³ [Hence were both] required.

BY VIRTUE OF A COMMANDMENT etc. But we have [already] learned this also:

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- (1) And not as to what is to be done in certain eventualities. Lit., 'for as at the beginning, it was taught'.
- (2) The provision that both widows are to perform halizah and that none may be taken in levirate marriage.
- (3) And then he would marry the second, in his erroneous assumption that, as he may participate in the halizah of the second and marry the first, so he may participate in the halizah of the first and marry the second. This, however, does not imply that if he already did participate in the halizah of the second he may not, after her death, marry the first. In this latter case the reason for the marriage with the first would be obvious and would leave no room for erroneous conclusions.
- (4) Even if halizah was first performed by the second.
- (5) The provision in our Mishnah that both widows must perform halizah and none of them may be taken in levirate marriage.
- (6) One of the surviving brothers who intended to marry one of the widowed sisters.
- (7) After the second brother had married the second widow and had thus become disqualified from marrying or participating in the halizah of the other — who is now forbidden to him as the sister of his wife.
- (8) And this only is the reason for the prohibition of the levirate marriage with either of the sisters. Had this prohibition been due to the levirate bond, as suggested, the first would certainly have been permitted to marry the levir after halizah with the second, which had severed the levirate bond, had taken place. Consequently, in the case discussed by R. Johanan, where the second died, and the preventive measure is not applicable, the first may indeed be taken in levirate marriage!
- (9) The ruling in our Mishnah could not, therefore, be due to a preventive measure.
- (10) Bah a.l. reads, 'Eliezer' throughout the context.
- (11) Infra 1092; while R. Johanan, agreeing with the Rabbis, may disregard this individual opinion.
- (12) His authorship being specifically stated there.
- (13) V. note 2, supra
- (14) Both sisters.
- (15) Of the levirate marriage.
- (16) supra 19a, Bek. 92a
- (17) Of the two widowed sisters.
- (18) So that there is no known 'second' widow with whom to participate in the halizah
- (19) That the prohibition in our Mishnah to marry the two widowed sisters is entirely due to the fact that it is not known which of them was the first to become a widow and which was second; and that, had the fact been known, the first would have been permitted to be taken in the levirate marriage.
- (20) Lit., '(is it) that why it was stated'!
- (21) I.e., the levir who married first, Cf. Bah a.l. Cur. edd. read, ראשון for ראשונה
- (22) Why the woman must be dismissed.
- (23) Before the marital bond between him and her sister was severed she was forbidden to him as the sister of his zekukah. Hence he must rightly dismiss her.
- (24) Levir (v. Bah) who married after his brother had married one of the widows. Cur. edd. שני for שניב.
- (25) When he is ordered to divorce the woman.
- (26) The levir who married first.
- (27) I.e., the sister who became widow second; and naturally no one could disprove his contention.
- (28) Who became permitted to him owing to the previous marriage of her sister who, he claims, was the second widow. The marriage of the second severs the marital bond between the sister and the levirs, and thus liberates the first from the prohibition of 'the sister of one's zekukah' and brings her under the category of 'permitted, forbidden and permitted again'.
- (29) Since this last suggested answer is also untenable.
- (30) R. Johanan, supra 27b.
- (31) R. Jose.
- (32) Cf. supra p. 170. n. 3'
- (33) If she was, for instance, his mother-in-law.
- (34) V. previous note. 'Mother-in-law' is taken as an instance of any forbidden relative.

- (35) Of the levirate marriage.
- (36) I.e., her husband died before the other brother.
- (37) To marry the other levir.
- (38) That widow is permitted to him, because she is neither his forbidden relative nor the sister of his zekukah, since a forbidden relative is not a zekukah.
- (39) Since at the time she became subject to the levirate marriage she was not the sister of a zekukah.
- (40) When her sister became the zekukah of the surviving levirs by the death of her husband.
- (41) 'When his brother had contracted with her the levirate marriage.
- (42) Of the levirate marriage.
- (43) So that his mother-in-law who came under the obligation next was never for one moment permitted even to the other levir.
- (44) Tosef. v.
- (45) Lit., 'R. Simeon like whom'. He could not possibly advance a view of his own, since he is not sufficiently great to disagree either with Beth Shammai or with Beth Hillel.
- (46) I.e., if he maintains that what he said was their view.
- (47) Supra 20a, which implies the law here stated, viz, that he is forbidden to marry the forbidden relative but may marry her sister.
- (48) And not here.
- (49) Where one brother only is involved.
- (50) Who might marry a sister of his zekukah by mistaking the reason for the levirate marriage of his brother.
- (51) And not there.
- (52) That there is a special reason why his brother may marry one of the sisters. The fact that he himself does not marry either of the sisters is sufficient proof that the sister of a zekukah is forbidden.
- (53) And people might erroneously infer that the sister of a zekukah is always permitted.

Talmud - Mas. Yevamoth 28b

If she is forbidden by virtue of a commandment or by virtue of holiness she must perform halizah and may not be taken in levirate marriage!¹ -There¹ it is a question of one forbidden by virtue of a commandment alone,² but here [it is a case of one] forbidden by virtue of a commandment and [by virtue of] her sister.³ Since it might have been assumed that the prohibition by virtue of a commandment shall take the same rank as the prohibition by the law of incest⁴ and [her sister] should, therefore, be taken in levirate marriage, hence we were taught [that the law is not so].

But how could she⁵ possibly be taken in levirate marriage? Since Pentateuchally she⁶ is to submit to him,⁷ he would come in contact with the sister of his zekukah⁸ -It might have been thought that such provision⁹ was made by the Rabbis for the sake of the precept,¹⁰ hence we were taught [that it was not so].

IF ONE OF THE SISTERS etc. What need was there again for this statement? Surely, it is precisely identical [with the one before]!¹¹ For what difference is there whether [a woman is forbidden] to one or to two?- [Both are] required. For had the former only¹² been stated, it might have been assumed [that the law was applicable there only] because there exists a second brother to indicate the cause,¹³ but not here where there is no second brother to indicate it.¹⁴ And if the statement had been made here only it might have been assumed on the contrary that both brothers afford proof in regard to each other,¹⁵ but not in the other case;¹⁶ [hence both were] required.

THIS IS THE CASE CONCERNING WHICH IT HAS BEEN SAID etc. What is the expression, THIS IS intended to exclude?¹⁷ -To exclude the case [where one sister was forbidden by] Virtue of a commandment to the one [brother]. and [the other sister was forbidden] by virtue of a commandment to the other. But what need was there for this [additional statement]? Surely it is precisely identical [with that mentioned before];¹⁸ for what difference is there whether it relates to one or to two! — It

might have been thought that only where there is the necessity of providing for a preventive measure against a second brother do we not say that the prohibition by a commandment takes the same rank as a prohibition by the law of incest,¹⁹ but that where there is no necessity to provide against a second brother we do say that in the case of the one brother the prohibition by a commandment is to be given the same force as the prohibition by the law of incest, and that also in the case of the other brother the prohibition by a commandment is to be given the same force as the prohibition by the law of incest, and that the sisters may consequently be taken in levirate marriage; hence we were taught [that such an assumption is not to be made].

Rab Judah said in the name of Rab and so did R. Hiyya teach: In the case of all these²⁰ it may happen that she who is forbidden to one brother²¹ may be permitted to the other,²² and that her sister who is her sister-in-law may either perform the halizah or be taken in the levirate marriage;²³ and Rab Judah interpreted it²⁴ [as referring to those]²⁵ from one's mother-in-law onward but not to the first six categories. What is the reason? Because this²⁶ is only possible in the case of a daughter born from a woman who had been outraged.²⁷ but not in that of a daughter born from a legal marriage.²⁸ [and the author of that Mishnah]²⁹ deals only with cases of legal matrimony and not with those of outraged women.³⁰

Abaye. however, Interprets it²⁴ as referring also to a daughter from a woman that had been outraged. because, since [the application of Rab's statement]³¹ is quite possible in her case, it matters not whether she was born from a woman who was legally married or from one that had been outraged; but not to the 'wife of a brother who was not his contemporary' since this³¹ is possible only according to the view of R. Simeon³² and not according to that of the Rabbis and he³³ does not deal with any matter which is a subject of controversy. But R. Safra interprets [it³⁴ as referring] also to the 'wife of a brother who was not his contemporary', and this³⁴ is possible in the case of six brothers in accordance with the view of R. Simeon.³⁵ And your mnemonic is, 'died, born, and performed the levirate marriage; died, born, and performed the levirate marriage'.³⁶ [Suppose. for instance]. Reuben and Simeon³⁷ were married to two sisters, and Levi and Judah were married to two strangers. When Reuben died, Issachar was born and Levi took the widow in levirate marriage. When Simeon died, Zebulun was born and Judah took [the second widow] in levirate marriage. When Levi and Judah subsequently died without issue and their widows fell under the obligation of the levirate marriage before Issachar and Zebulun, she³⁸ who is forbidden to the one³⁹ is permitted to the other⁴⁰ while she⁴¹ who is forbidden to the other⁴² is permitted to the first.⁴³

In the example of 'her sister who is her sister-in-law',⁴⁴ what need was there⁴⁵ for Judah to contract the levirate marriage? Even if Judah did not contract any levirate marriage it is also possible!⁴⁶ — Owing to the rival.⁴⁷ This⁴⁸ satisfactorily explains the case of the rival; what can be said, however, in respect of the rival's rival?⁴⁹ — If, for instance, Gad and Asher also subsequently married them.⁵⁰

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS, OR TO A WOMAN AND HER DAUGHTER, OR TO A WOMAN AND HER DAUGHTER'S DAUGHTER, OR TO A WOMAN AND HER SON'S DAUGHTER, BEHOLD, THESE⁵¹ MUST⁵² PERFORM THE HALIZAH⁵³ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.⁵⁴ R. SIMEON, HOWEVER, EXEMPTS THEM.⁵⁵

IF ONE OF THEM⁵⁶ WAS FORBIDDEN TO HIM BY THE LAW OF INCEST, HE IS FORBIDDEN TO MARRY HER BUT IS PERMITTED TO MARRY HER SISTER. IF, HOWEVER, THE PROHIBITION IS DUE TO A COMMANDMENT OR TO HOLINESS, THEY MUST PERFORM THE HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

GEMARA. It was taught: R. Simeon exempts both from the halizah and the levirate marriage. for

it is said in the Scriptures, And thou shalt not take a woman to her sister, to be a rival to her:⁵⁷ when they become rivals to one another,⁵⁸ you may not marry even one of them.

IF ONE OF THEM WAS etc. What need was there again for this statement? Surely it is the same!⁵⁹ -It was necessary because of the opinion of R. Simeon: As it might have been assumed that, since R. Simeon had said that two sisters were neither to perform halizah nor to be taken in levirate marriage. A preventive measure should be enacted⁶⁰ against two sisters generally.⁶¹ hence we were taught⁶² [that it was not so].⁶³

IF, HOWEVER, THE PROHIBITION IS DUE TO A COMMANDMENT etc.

(1) Supra 202, Sanh. 532.

(2) Only one sister-in-law being concerned.

(3) Since two sisters, the widows of the two brothers, are here involved, and one of them is forbidden not only as the sister of his zekukah but also by virtue of a commandment.

(4) As the one is not regarded as a zekukah so neither is the other.

(5) The sister of one forbidden by virtue of a commandment.

(6) The sister-in-law forbidden by virtue of a commandment.

(7) To levirate marriage; her prohibition being only Rabbinical.

(8) Which cannot obviously be permitted. What need, then, was there for a law that is so obvious.

(9) The permission to marry the sister of his zekukah.

(10) Of the levirate marriage. In order that this precept may be fulfilled they may have removed the prohibition of the marital bond, which is only Rabbinical, in cases where the woman is not forbidden by the law of incest but by virtue of a commandment only.

(11) Where one sister-in-law is similarly forbidden to one levir, and he is permitted to marry her sister.

(12) Lit., 'there'.

(13) Since one brother is forbidden to marry either sister it will be obvious that the brother was permitted to marry one of the sisters for a special reason.

(14) Since both brothers marry respectively the two sisters, it might be assumed that any levir may marry the sister of his zekukah.

(15) Since each brother is permitted to marry only one particular sister and not the other, it is obvious that the other is forbidden to him. The law of zekukah could not consequently be mistaken.

(16) Where there is only one brother, and no other brother to indicate that there is a special reason why the sister of his apparent zekukah. should be permitted to be taken in levirate marriage.

(17) THIS IS implies this and no other.

(18) In our Mishnah: [IF ONE SISTER] WAS FORBIDDEN BY VIRTUE OF A COMMANDMENT... SHE MUST PERFORM THE HALIZAH AND MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

(19) V. supra p. 174. n. 6.

(20) The fifteen forbidden categories enumerated in the Mishnah, supra 2af.

(21) As a forbidden relative under the law of incest.

(22) With whom she is not so closely related.

(23) The prohibition of the one under the law of incest removes the marital bond, and her sister who, in consequence, is no longer the 'sister of a zekukah', may, therefore, be married to, or perform the halizah with the levir to whom the former is forbidden.

(24) Rab's statement.

(25) Of the fifteen relatives enumerated in the Mishnah mentioned.

(26) That two sisters shall be the daughters of two brothers, and that the one forbidden to one brother shall be permitted to the other brother. V. n. 8.

(27) If, of four brothers, A, B, C and D, A had a daughter from a woman he had outraged. and B had a daughter from the same woman whom he outraged after A, and these daughters of A and B, who are maternal sisters, married their father's brothers, C and D, who subsequently died without issue, A's daughter is permitted to B (who is her brother-in-law but otherwise a complete stranger) and is forbidden to A her father. For similar reasons A's daughter is permitted to A and

forbidden to B. Thus it is possible for two sisters to marry the two levirs respectively because each one of them is a daughter of the other levir to whom she is forbidden by the law of incest.

(28) Since the mother of such a daughter would be forbidden to marry her husband's brother, even though she had been divorced by her husband after the birth of that daughter.

(29) Supra 2a, which is now under discussion.

(30) And since the case of a daughter could not be included (v. supra nn. 8 and 9), the other five cases which also bear on a daughter had equally to be excluded.

(31) V. supra p. 176. n. 7.

(32) Supra 18b. V. also R. Safra's interpretation and notes, *Infra*.

(33) Rab or R. Hiyya.

(34) Rab's statement.

(35) Who in certain circumstances permits the marriage of the 'widow of a brother who was not his contemporary'. V. supra 18b.

(36) v. *infra*, when (a) death, (b) birth and (c) marriage occurred in this order in the case of both groups of brothers.

(37) Jacob's sons, the sequence of whose births is known (v. Gen. XXIX. 32-XXX, 20), are taken here as an illustration of the possibility of the application of Rab's statement in certain circumstances of birth, death and marriage.

(38) The widow of Levi.

(39) To Issachar, because he was born before the marriage of Levi had removed the levirate bond between Reuben's widow and the other brothers, and thus came under the prohibition of marrying 'the wife of his brother who was not his contemporary'.

(40) To Zebulun who was born after she had married Levi and the levirate bond between her and the other brothers had been removed.

(41) The wife of Judah.

(42) To Zebulun, to whom the widow of Simeon stands in the same relation as the widow of Reuben to Issachar. (V. supra note 9).

(43) Issachar who was Simeon's contemporary.

(44) Supra.

(45) In R. Safra's interpretation.

(46) For one sister to be forbidden to one brother and permitted to the other, and vice versa. Suppose Reuben died, and then Issachar was born, and Levi married the widow; then Simeon died, Zebulun was born, and Levi died; and the widows of Simeon and Levi came under the obligation of the levirate marriage with Issachar and Zebulun. Levi's widow is forbidden to Issachar owing to the levirate bond originating from her first husband, Reuben, (v. supra p. 177, n. 9) and is permitted to Zebulun (v. p. 177, n. 10), while Simeon's widow is forbidden to Zebulun (v. p. 177, n. 12) and permitted to Issachar (v. p. 177. n. 13). Now, since the point may be illustrated by five brothers, why was it necessary to bring in six?

(47) As the Mishnah under discussion (supra 2af) speaks of the rivals it was desired to give an illustration which may be applicable to rivals as well as to the forbidden relatives, and this could only be done by assuming that Judah married Simeon's widow. Had he not married her, the rival would have had to be not Judah's but Simeon's wife who would thus be forbidden to Zebulun not as 'rival' but as 'the wife of his brother who was not his contemporary'.

(48) The illustration with the six brothers.

(49) How is it possible that one rival's rival shall be forbidden to one brother and permitted to the other while the other rival's rival should be forbidden to the other brother and permitted to the first?

(50) The first wives of Levi and Judah (the rivals of their second wives, the widows of Reuben and Simeon). If Gad who married, say. the widow of Judah, and Asher who married, say. the widow of Levi died subsequently without issue and were survived by their wives who are now subject to the levirate marriage with Issachar and Zebulun the surviving brothers, Gad's first wife, the rival of his second wife (the widow of Judah) who was the rival of Simeon's wife, is forbidden to Zebulun as the rival's rival of the wife of Simeon who was not his contemporary, but is permitted to Issachar. Similarly Asher's first wife is forbidden to Issachar and permitted to Zebulun.

(51) The women enumerated.

(52) If their husbands, the two brothers, died without issue.

(53) With the third surviving brother.

(54) By that brother; since both are related to him by the 'levirate bond' and each is forbidden to him as the

consanguineous relative of the woman connected with him by such bond.

(55) Even from the halizah. V. Gemara infra.

(56) The sisters.

(57) Lev. XVIII, 18.

(58) The Ievirate bond which subjects both to the same levir causing them to be rivals.

(59) As that which had been taught in an earlier Mishnah in the case of four brothers, supra 26a.

(60) Forbidding levirate marriage even where the prohibition of one is due to the law of incest.

(61) Lit., 'of the world'. If permission to marry one of the sisters were given where one is forbidden by the law of incest, it might be mistakenly concluded that levirate marriage is allowed even when none was forbidden by the law of incest.

(62) By the statement in our Mishnah that one IS PERMITTED TO MARRY HER SISTER.

(63) The similar statement in the earlier Mishnah (supra 262) does not prove this point as far as R. Simeon is concerned, since it refers to the view of the Rabbis according to whom the marriage of the sister of a zekukah is only Rabbinically forbidden and no preventive measure is obviously required against a possible infringement of such a prohibition. According to R. Simeon, however, who regards the marriage of a sister of a stekukah as incest, a preventive measure might have been expected had not our Mishnah proved the contrary.

Talmud - Mas. Yevamoth 29a

But did not R. Simeon state that two sisters¹ are neither to perform the halizah nor to be taken in levirate marriage!² — This³ is a preventive measure against any other case where the prohibition is due to a commandment —⁴ This is a satisfactory explanation in respect of herself;⁵ what, however, can be said in respect of her sister?⁶ — The provision was made in the case of her sister as a preventive measure against herself.⁷ But, surely, no such preventive measures were made in the case where one was forbidden as incest!⁸ — A case of incest is different because people are well acquainted with it⁹ and it¹⁰ is well known.¹¹

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS UNMARRIED,¹² AND WHEN ONE OF THE SISTERS HUSBANDS DIED, THE UNMARRIED BROTHER ADDRESSED TO HER¹³ A MA'AMAR,¹⁴ AND THEN HIS SECOND BROTHER DIED, BETH SHAMMAI SAY: HIS WIFE¹⁵ [REMAINS] WITH HIM WHILE THE OTHER IS EXEMPT¹⁶ AS BEING HIS WIFE'S SISTER.¹⁷ BETH HILLEL, HOWEVER, MAINTAIN THAT HE MUST DISMISS HIS WIFE¹⁸ BY A LETTER OF DIVORCE¹⁹ AND BY HALIZAH,²⁰ AND HIS BROTHER'S WIFE BY HALIZAH.²¹ THIS IS THE CASE IN REGARD TO WHICH IT WAS SAID: WOE TO HIM BECAUSE OF HIS WIFE, AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE.²²

GEMARA. What was THIS IS meant to exclude?²³ — To exclude the statement²⁴ of R. Joshua,²⁵ [and to indicate] that we do not act in accordance with his view but either in accordance with that of R. Gamaliel or that of R. Eliezer.

R. Eleazar said: It must not be assumed that a ma'amar according to Beth Shammai constitutes a perfect kinyan,²⁶ so that, if he²⁷ wishes to dismiss her, a letter of divorce is sufficient; but rather that, according to Beth Shammai, a ma'amar constitutes a kinyan only so far as to keep out the rival.²⁸ Said R. Abin: We also have learned the same thing: Beth Shammai said, 'They may retain them',²⁹ which implies that they may only retain them³⁰ but [that they may] not [marry them] at the outset.³¹

(1) Who are both subject to Ievirate marriage.

(2) Owing to the levirate bond which Pentateuchally binds both sisters to the levir. Why, then, should halizah be performed here where Pentateuchally both sisters are subject to the levirate marriage and each is, consequently, forbidden as the sister of a zekukah?

(3) The provision that halizah shall be performed.

(4) Were halizah to be discarded in this case, an erroneous conclusion might be formed that it is to be discarded in all

cases where the prohibition is due to a commandment (as if it had been due to the Pentateuchal laws of incest). even if the question of the sister of a zekukah did not arise.

(5) The sister forbidden by a commandment.

(6) Why is she not exempt from the halizah as the sister of a zekukah?

(7) **לְחַלּוּץ** 'her ill-luck'. Others render, 'company'. As the sister who is forbidden by a commandment is subject to halizah (as a preventive measure, for the reason previously stated) so must her sister (so that one case be not mistaken for the other) be also subject to the same measure.

(8) V. our Mishnah: HE IS FORBIDDEN TO MARRY HER BUT IS PERMITTED TO MARRY HER SISTER, and no preventive measure against the sister was enacted.

(9) And would know that one sister was forbidden because of incest.

(10) The cause why the second sister is taken in levirate marriage.

(11) Lit., 'it has a voice'. And no one would in consequence permit elsewhere the marriage of the sister of another zekukah who is not forbidden by the laws of incest.

(12) **מוֹנֵה** 'empty'.

(13) The widow.

(14) V. Glos.

(15) The sister-in-law to whom he addressed the ma'amar though he had not actually married her. A ma'amar, according to Beth Shammai, constitutes legal marriage in this respect. V. infra.

(16) From levirate marriage and halizah.

(17) Since her sister is regarded as legally married she is no more the sister of the levir's zekukah but of his wife.

(18) Cf. supra n. 4.

(19) Since the ma'amar is partially regarded as marriage.

(20) A ma'amar, according to Beth Hillel, does not constitute a proper marriage, and she is now the sister of a zekukah. V. following note.

(21) v. previous note. As the ma'amar did not constitute a proper marriage with her sister she is the sister of a zekukah who may not contract levirate marriage but must perform halizah.

(22) V. infra 109a. The second widow who becomes subject to him through the levirate law is not only herself forbidden to marry him (cf. note 10) but deprives him also of the first widow, his virtual wife. (Cf. note 9)-

(23) THIS IS implying this but not other cases.

(24) Lit., 'that'.

(25) Infra 109a.

(26) V. Glos., i.e., perfect marriage.

(27) The levir.

(28) I.e., her rival who is her sister does not cause her to be forbidden to the levir as the 'sister of a zekukah'.

(29) Supra 26a, in the case where the levirs married the sisters-in-law before consulting the Beth din as to the permissibility of their action.

(30) If they had already married them.

(31) Because each one is the sister of a zekukah. Lit., 'they may retain, yes; for as at the start, not'.

Talmud - Mas. Yevamoth 29b

Now, if it could be assumed that a ma'amar, according to Beth Shammai, constitutes a perfect kinyan, let the one levir address a ma'amar¹ and constitute thereby a kinyan,² and let the other also address a ma'amar¹ and thereby constitute a kinyan.³ What then! [Is it your inference that] it⁴ keeps the rival completely out?⁵ Let then one levir address a ma'amar¹ and keep her out⁶ and let the other levir also address a ma'amar¹ and keep her out!⁷ What, however, may be said in reply? That a permitted ma'amar⁸ does keep the rival out, while a forbidden ma'amar⁹ does not keep her out; so also here, even according to him who maintains that a ma'amar constitutes a perfect kinyan, only a permitted ma'amar¹⁰ constitutes a kinyan. but a forbidden one⁸ does not.

R. Ashi taught it¹¹ in the following manner: R. Eleazar said: It must not be assumed that a ma'amar, according to Beth Shammai, keeps the rival¹² completely out, and that she does not require

even halizah; but rather it¹³ keeps her out¹⁴ and still leaves [a partial bond].¹⁵ Said R. Abin: We also have learned the same thing: Beth Shammai said, 'they may retain them',¹⁶ which implies that they may only retain them¹⁶ but [that they may] not [marry them] at the outset.¹⁷ Now, if it could have been assumed that a ma'amar, according to Beth Shammai, keeps a rival out completely. let the one levir address a ma'amar,¹⁸ and thus keep her out.¹⁹ and let the other also address a ma'amar¹⁸ and so keep her out.²⁰ But. surely. it was taught. BETH SHAMMAI SAY: HIS WIFE [REMAINS] WITH HIM WHILE THE OTHER IS EXEMPT AS HIS WIFE'S SISTER!²¹ — The fact is, a yebamah who is eligible for all²² is also eligible for a part;²³ a yebamah who is not eligible for all²⁴ is not eligible for a part.²⁵

Rabbah inquired: Does a ma'amar, according to Beth Shammai, constitute marriage or betrothal? — Said Abaye to him: On what practical issue [does this question bear]? Shall I say on [the issue] of inheriting from her,²⁶ defiling himself to her²⁷ or annulling her vows?²⁸ surely. [it could be answered that] seeing that in the case of²⁹ ordinary betrothal³⁰ R. Hiyya taught, that where the wife has only been betrothed³¹ [the husband] is neither subject to the laws of onan³² nor may he defile himself for her.²⁷ and she in his case is likewise not subject to the laws of onan³³ nor may she defile herself for him,³⁴ and that if she dies he does not inherit from her though if he dies she collects her kethubah;³⁵ is there any need [to speak of the case where] a ma'amar had been addressed!³⁶ Rather. [the question is] in respect of introduction into the bridal canopy: Does it³⁷ constitute a marriage and, therefore. no introduction into the bridal canopy is required.³⁸ or does it perhaps constitute betrothal and, consequently, introduction into the bridal canopy is required? The other replied: If where he did not address to her any ma'amar it is written [in Scripture]. Her husband's brother shall go in unto her,³⁹ even against her will, is there any need [to speak of the case where] he has addressed to her a ma'amar!⁴⁰ The former retorted: Yes;⁴¹ since I maintain that whenever a levir has addressed a ma'amar to his sister-in-law, the levirate bond disappears and she comes under the bond of betrothal. What [then is the decision]? — Come and hear: In the case of a widow awaiting the decision of the levir.⁴² whether there be one levir or two levirs, R. Eliezer said. he⁴³ may annul [her vows]. R. Joshua said: [Only where she is waiting] for one and not for two.⁴⁴ R. Akiba said: Neither when she [is waiting] for one nor for two.⁴⁵ Now we pondered thereon: One can well understand R. Akiba, since he may hold that no levirate bond exists even in the case of one;⁴⁶ according to R. Joshua, the levirate bond may exist where there is one levir but not where there are two levirs.⁴⁷ According to R. Eliezer, however, granted that a levirate bond exists, one can understand why, in the case of one, he may annul, but why also in the case of two?⁴⁸ And R. Ammi⁴⁹ replied: Here it is a case where he addressed to her a ma'amar, and the statement represents the opinion of Beth Shammai who maintain that a ma'amar constitutes a perfect kinyan.⁵⁰ Now, if it be granted that it⁵¹ constitutes a marriage, it is quite intelligible why he may annul her vows. If. however, it be assumed that it constitutes only a betrothal, how could he annul her vows? Surely we learned: The vows of a betrothed girl may be annulled by her father in conjunction with her husband!⁵² -Said R. Nahman b. Isaac: What is meant by annulment? Jointly.⁵³

According to R. Eleazar, however, who holds that a ma'amar, In the opinion of Beth Shammai, constitutes a kinyan only so far as to keep out the rival, how⁵⁴ could the annulment be effected even jointly?⁵⁵ — R. Eleazar can answer you: When I said that it⁵¹ constitutes a kinyan so far only as to keep out the rival, [I meant to indicate] that a letter of divorce was not sufficient⁵⁶ but that halizah also was required;⁵⁷ did I say anything. however, as regards the annulment of vows! And if you prefer I might say. R. Eleazar can answer you: Is it satisfactorily explained according to R. Nahman b. Isaac?⁵⁸ Surely it was not stated 'they may annul' but 'he may annul'!⁵⁹ Consequently this must be a case where he⁶⁰ appeared before a court⁶¹ and⁶² a specified sum for alimony was decreed for her out of his estate; and [this is to be understood] In accordance with the statement R. Phinehas made in the name of Raba. For R. Phinehas stated in the name of Raba: Any woman that utters a vow does so on condition that her husband will approve of it.⁶³

- (1) To one of the sisters-in-law; since such an action is not forbidden.
- (2) v. Glos. i.e., perfect marriage.
- (3) The prohibition 'as sister of a zekukah' would consequently be removed and both levirs could properly marry the respective sisters-in-law.
- (4) The ma'amar.
- (5) V. supra p. 181, n. 17.
- (6) v. p. 181, n. 17.
- (7) V. supra p. 181, n. 17, and supra n. 6. Why, then, was levirate marriage with the two sisters forbidden!
- (8) One addressed to a sister-in-law in a case where levirate marriage with her was permissible at the time.
- (9) When two sisters were subject to the levirate marriage before the ma'amar had been addressed.
- (10) V. note 11.
- (11) The previous statement of R. Eleazar and R. Abin etc.
- (12) The sister-in-law who, like her sister (the other sister-in-law), is subject to the levirate bond.
- (13) The ma'amar.
- (14) So that she cannot cause the prohibition of the other to whom the ma'amar had been addressed.
- (15) Which necessitates her performing the halizah if she wishes to marry a stranger before he levir had properly married her sister.
- (16) V. supra p. 182, n. 1.
- (17) V. supra p. 182, n. 3.
- (18) v. supra p. 182, n. 4.
- (19) Cf. supra p. 181, n. 17.
- (20) Consequently it must be concluded that a ma'amar still leaves a partial bond, and that before the other sister had performed the halizah the first is forbidden as the sister of one's zekukah.
- (21) Which shews that no halizah at all is required!
- (22) For both levirate marriage and halizah, as in the case of our Mishnah where the ma'amar was addressed to one sister before the death of the husband of the other had subjected that other also to the same levir.
- (23) To the ma'amar which, in such circumstances, completely keeps out the other when she also, through her husband's subsequent death, comes under the obligation.
- (24) As in the Mishnah, supra 26a, where both widows were equally subject to the levirs at the time the ma'amar had been addressed, and none was eligible for both the levirate marriage and the halizah.
- (25) I.e., for the ma'amar which, in such a case, does not keep out the sister.
- (26) As a husband who is the heir of his wife.
- (27) If he is a priest who may defile himself by attending on the dead bodies of certain relatives of whom a wife is one.
- (28) A husband may annul the vows of his wife. v. Num. XXX. 7ff
- (29) Lit.. 'now'.
- (30) Lit., 'a betrothed in the world', i.e., ordinary betrothal which is pentateuchally valid.
- (31) But not yet married.
- (32) A mourner prior to the burial of certain relatives is called onan (v. Glos.) and is subject to a number of restrictions. If his betrothed died he may, unlike one whose married wife died, partake of holy things.
- (33) She also is allowed to partake of holy things.
- (34) During a festival when not only priests but also Israelites and women are forbidden to attend on the corpses of those who are not their near relatives. (V. R.H. 16b). Others render. 'nor need she defile etc'. Cf. Tosaf. a.l., s.v. **ס**
- (35) v. Glos., in a case where such a document was given to her at the betrothal, prior to the marriage (v. Keth. 89b).
- (36) A ma'amar is only a Rabbinical enactment. If Pentateuchal betrothal has not the force of a marriage in respect of the laws mentioned, how much less the Rabbinical ma'amar!
- (37) The ma'amar.
- (38) She being regarded as his wife even if connubial intercourse took place against her will, and should he wish to part with her, a Get will suffice without additional halizah.
- (39) Deut. XXV, 5-
- (40) Where there is, in addition to his claim as levir, the force of the ma'amar.
- (41) So Bah. a.l.
- (42) **שומרת יבם** V. Glos. s.v. shomereth yabam.

- (43) Any one of the levirs.
- (44) In the latter case neither of the levirs is entitled to annul her vows.
- (45) Ned. 74a.
- (46) Hence a levir is never entitled to the privilege of a husband in respect of the annulment of vows.
- (47) Since it is not known to which of them she is really subject, the bond between them and the widow is necessarily a weak one.
- (48) Only both together. but not one only, should be allowed to annul her vows.
- (49) Cur. edd. enclose in parentheses 'b. Ahabah'.
- (50) Ned. loc. cit.
- (51) The ma'amar.
- (52) But not by her husband alone. And, since the levir alone may here annul, a ma'amar must have the force of marriage.
- (53) The levir and her father, as in the case of a betrothal. Hence no proof may be adduced from here as to whether a ma'amar has the force of a marriage or of a betrothal.
- (54) Not having the force even of a betrothal.
- (55) Cf. supra note 8.
- (56) In the case of a yebamah to whom a ma'amar had been addressed.
- (57) If he did not wish to marry her.
- (58) Who holds that the father and husband jointly annul the vows of the widow to whom a ma'amar has been addressed.
- (59) The reading is **יפר** (sing.). not **יפרו** (plur.). How, then, could he state that two jointly annul her vows!
- (60) The levir. So Bah a.l. Cur. edd., 'she'.
- (61) Either before he addressed the ma'amar (according to R. Nahman b. Isaac) or after the ,na'amar (according to R. Ammi).
- (62) As he refused either to marry, or to submit to her halizah.
- (63) Since she is maintained out of his estate he is regarded by her as husband and her vows are subject to his will. Hence he may also annul them. With the whole passage cf. Ned. 74a. Sonc. ed. pp. 233ff, q.v. notes.

Talmud - Mas. Yevamoth 30a

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND ONE OF THE SISTERS' HUSBANDS DIED AND THE BROTHER WHO WAS MARRIED TO THE STRANGER MARRIED HIS WIFE AND THEN DIED HIMSELF, THE FIRST¹ IS EXEMPT² AS BEING A WIFE'S SISTER, AND THE SECOND IS EXEMPT² AS BEING HER RIVAL. IF, HOWEVER, HE HAD ONLY ADDRESSED TO HER³ A MA'AMAR AND DIED, THE STRANGER IS TO PERFORM THE HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.⁴

GEMARA. The reason⁵ is because he had addressed to her³ a ma'amar;⁶ had he, however, not addressed a ma'amar to her,³ the stranger also would have had to be taken in levirate marriage.⁷ This proves, said R. Nahman, that no levirate bond exists⁸ even in the case of one brother.⁹

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND WHEN THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED, ONE OF THE SISTERS' HUSBANDS MARRIED HIS WIFE AND THEN DIED HIMSELF, THE FIRST¹⁰ IS EXEMPT¹¹ IN THAT SHE IS HIS WIFE'S SISTER, AND THE OTHER¹² IS EXEMPT AS HER RIVAL. IF, HOWEVER, HE HAD ONLY ADDRESSED TO HER¹³ A MA'AMAR AND DIED, THE STRANGER MUST PERFORM HALIZAH¹⁴ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

GEMARA. What need was there again [for the law in this Mishnah]? Surely it is the same:¹⁵ If there,¹⁶ where the wife's sister is only a rival to the stranger¹⁷ it has been said that the stranger is forbidden,¹⁸ how much more so¹⁹ here where the stranger is the rival to a wife's sister!²⁰ -The Tanna

had taught first this,²¹ while the other²² was regarded by him as a permissible case, and so he permitted her.²³ Later, however, he came to regard it as a case that was to be forbidden;²⁴ and, as it was dear to him,²⁵ he placed it first; while the other Mishnah²⁶ was allowed to stand in its original form.²⁷

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND WHEN ONE OF THE SISTERS' HUSBANDS DIED THE BROTHER WHO WAS MARRIED TO THE STRANGER MARRIED HIS WIFE, AND THEN THE WIFE OF THE SECOND BROTHER DIED, AND AFTERWARDS THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED ALSO, BEHOLD, SHE²⁸ IS FORBIDDEN TO HIM²⁹ FOR ALL TIME, SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT.³⁰

GEMARA. Rab Judah said in the name of Rab: Any yebamah to whom the instruction Her husband's brother shall go in unto her³¹ cannot be applied at the time she becomes subject to the levirate marriage, is indeed like the wife of a brother who has children, and is consequently forbidden.³² What new thing does he³³ teach us? Surely we have learned, SHE IS FORBIDDEN TO HIM FOR ALL TIME SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT! — It might have been assumed that this³⁴ applies only to the case where she³⁵ was not suitable for him³⁶ at all during the period of her first subjection;³⁷ but that where she³⁸ was at all suitable for him³⁹ during her first subjection⁴⁰ it might have been assumed that she³⁸ should be permitted, hence, he⁴¹ taught us [that It was not so].

But we have learned this also: If two brothers were married to two sisters, and one of the brothers died and afterwards the wife of the second brother died, behold, she⁴² is forbidden to him for all time, since she was forbidden to him for one moment!⁴³ — It might have been assumed [that this law is applicable] only there because she was completely forced out of that house;⁴⁴ but here, where she was not entirely forced out of that house,⁴⁵ it might have been said that as she is suitable for the brother who married the stranger she is also⁴⁶ suitable for the other brother,⁴⁷ hence he⁴¹ taught us [that she was not].

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND ONE OF THE SISTERS' HUSBANDS DIVORCED HIS WIFE, AND WHEN THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED HE WHO HAD DIVORCED HIS WIFE MARRIED HER AND THEN DIED HIMSELF- THIS IS A CASE CONCERNING WHICH IT WAS SAID: AND IF ANY OF THESE DIED OR WERE DIVORCED. THEIR RIVALS ARE PERMITTED.⁴⁸ GEMARA. The reason⁴⁹ is because he⁵⁰ had divorced [his wife first] and [his brother]⁵¹ died afterwards,⁵² but [if the other]⁵¹ had died [first] and he⁵⁰ divorced [his wife] afterwards,⁵³ she⁵⁴ is forbidden.⁵⁵ Said R. Ashi: This proves that a levirate bond exists,⁵⁶ even where two brothers are involved.⁵⁷

But as to R. Ashi's [inference] does not that of R. Nahman⁵⁸ present a difficulty?-R. Ashi can answer you: The same law, that the stranger is to perform the halizah and that she is not to be taken in levirate marriage, is applicable⁵⁹ even to the case where no ma' amar had been addressed; and the only reason why ma'amar was at all mentioned⁶⁰ was in order to exclude the ruling of Beth Shammai. Since they maintain that a ma'amar constitutes

(1) Widow, who is now also the widow of the second deceased brother.

(2) From levirate marriage and halizah with the surviving brother.

(3) The first widow.

(4) With the surviving brother.

(5) Why the stranger is not to be taken in levirate marriage.

- (6) Since our Mishnah makes the stranger's exemption dependent on the ma'amar, whereby she became the first widow's rival.
- (7) Despite the fact that the first widow is also subjected to the levir for the levirate marriage.
- (8) Between the widow of the deceased brother and the levirs.
- (9) As here, where only one brother could possibly marry her, she being forbidden to the other as his wife's sister. Even in such a case the mere subjection of the widow to the levir (to be taken in levirate marriage or to perform the halizah) does not constitute a levirate bond to attach her to him as if she had been his actual wife.
- (10) Wife of the second deceased brother.
- (11) From marriage and halizah with the surviving brother.
- (12) The stranger. whom the second deceased brother had taken in levirate marriage.
- (13) To the stranger.
- (14) With the surviving brother.
- (15) As the law implied in the previous Mishnah.
- (16) In the previous Mishnah.
- (17) Who was the first and proper wife.
- (18) To be taken in levirate marriage.
- (19) Should the stranger be forbidden to be taken in levirate marriage.
- (20) Who was the first and proper wife.
- (21) The second Mishnah.
- (22) Mishnah, which is now the first.
- (23) I.e., allowed the stranger to be taken in levirate marriage by the surviving brother, because the prohibition that arose from her husband's 'wife's sister' was imposed upon her later, after she had been lawfully married to her husband and after a period during which, had he died without issue, she would have been permitted to be taken in levirate marriage by his brother. It was not the Tanna's Intention, therefore, to include this case in a Mishnah at all.
- (24) Since her rival was, after all, the surviving brother's wife's sister.
- (25) Owing to its novelty.
- (26) The second Mishnah.
- (27) Lit., 'did not move from its place'. though in the light of the newly added Mishnah it had obviously become superfluous.
- (28) The wife of the first brother.
- (29) The surviving brother.
- (30) Lit., 'hour'. When her husband died she was forbidden to his brother who was married to her sister as his 'wife's sister'. This prohibition remains permanently in force and is not removed even when her sister subsequently dies and she is no longer the levir's 'wife's sister'.
- (31) Deut. XXV, 5'
- (32) Even later when the cause of the prohibition is removed. Cf. our Mishnah.
- (33) Rab.
- (34) The law in our Mishnah.
- (35) The widow of the first brother.
- (36) The brother who was married to the second sister.
- (37) I.e., if her sister, the wife of the second brother, did not die until after she had married the brother whose wife was the stranger.
- (38) The widow of the first brother.
- (39) The brother who was married to the second sister.
- (40) If her sister died before she (the first widow) had married the other brother.
- (41) Rah.
- (42) The widow of the first brother.
- (43) Infra 32a.
- (44) When her husband died and she was not permitted to marry his only surviving brother whose wife's sister she was, her connection with her husband's family had been completely severed, she remaining free to marry any stranger.
- (45) Since she was still under the obligation of marrying the third brother who was married to the stranger.
- (46) Thanks to the levirate bond with a member of her deceased husband's family.

- (47) Who was the husband of her sister, now that the latter is dead.
- (48) The stranger who was taken in levirate marriage was never the rival of the sister of the wife of the surviving brother, since the sister had been divorced before the levirate marriage with the stranger had taken place.
- (49) Why the stranger who was taken in levirate marriage by one of the husbands of the sisters is permitted to the last surviving brother.
- (50) The brother who divorced his wife.
- (51) The first husband of the stranger.
- (52) So that the stranger was not even for one moment the rival of one of the sisters, either through marriage or through the levirate bond of subjection.
- (53) In which case the stranger came for a certain period under the levirate bond in respect of the husbands of the two sisters.
- (54) The stranger.
- (55) To marry the last surviving brother. Since she was, for a period at least, the rival of one of the sisters, through the levirate bond, she may never be married to the husband of that sister's sister (being forbidden to him as the rival of his wife's sister) even if the sister whose rival she was had been subsequently divorced and ceased to be her rival.
- (56) Between the widow of a deceased childless brother and the levirs.
- (57) Since, in the case under discussion, the widow whose husband died before one of the sisters had been divorced was subject to two levirs and is, nevertheless, regarded as the rival of the divorced sister, in consequence of which she is forbidden to the last surviving brother.
- (58) From a Mishnah supra, that no levirate bond exists even in the case of one brother.
- (59) Contrary to R. Nahman's inference.
- (60) In that Mishnah.

Talmud - Mas. Yevamoth 30b

a perfect kinyan,¹ he taught us² that [the halachah is] not in accordance with Beth Shammai.

But then as to R. Nahman's [inference] does not that of R. Ashi present a difficulty? And should you reply that the same law, that her rival is permitted,³ is also applicable to the case where he⁴ died first and the other brother⁵ divorced his wife afterwards,⁶ what [it could be objected] would THIS IS exclude? It might exclude the case where he⁵ married her⁷ first and then divorced his wife.⁸ This might be a satisfactory explanation if he⁹ holds the view of R. Jeremiah who said, 'Break it up: He who taught the one did not teach the other,'¹⁰ [for, if this is so]. one Tanna may hold the opinion that it is death¹¹ that causes the subjection¹² while the other might be of the opinion that it is the original marriage¹¹ that causes the subjection,¹³ and THIS IS would thus exclude the case where he first married⁷ and then divorced;¹⁴ if, however, he is of the same opinion as Raba who said, 'Both statements may in fact represent the views of one Tanna, it being a case of "this and there is no need to state that"',¹⁵ what does THIS IS exclude?¹⁶ — He⁹ has no alternative but to adopt the view of R. Jeremiah.

And according to Raba,¹⁷ the explanation would be satisfactory if he held the View of R. Ashi,¹⁸ for then, THIS IS would exclude the case of one who died without first divorcing his wife;¹⁹ if, however, he holds the same view as R. Nahman,²⁰ what would THIS IS exclude?²¹ — He²² has no alternative but to accept the view of R. Ashi. MISHNAH. [IF IN THE CASE OF ANY ONE OF] ALL THESE²³ THE BETROTHAL OR DIVORCE²⁴ WAS IN DOUBT, BEHOLD, THESE RIVALS MUST PERFORM THE HALIZAH²⁵ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.²⁶ WHAT IS MEANT BY DOUBTFUL BETROTHAL? IF WHEN HE THREW TO HER A TOKEN OF BETROTHAL²⁷ IT WAS UNCERTAIN WHETHER IT FELL NEARER TO HIM²⁸ OR NEARER TO HER,²⁹ THIS IS A CASE OF DOUBTFUL BETROTHAL. DOUBTFUL DIVORCE? IF HE WROTE A LETTER OF DIVORCE IN HIS OWN HANDWRITING AND IT BORE NO SIGNATURES OF WITNESSES,³⁰ OR³¹ IF IT BORE SIGNATURES BUT NO DATE, OR IF IT BORE A DATE BUT THE SIGNATURE OF ONLY ONE WITNESS, THIS IS A CASE OF

DOUBTFUL DIVORCE.

GEMARA. In the case of divorce, however, It is not stated IT WAS UNCERTAIN WHETHER IT FELL NEARER TO HIM OR NEARER TO HER; what is the reason?³² -Rabbah replied: This woman³³ is in a state of permissibility to all men;³⁴ would you forbid her [marriage] because of a doubt?³⁵ You must not forbid her because of a doubt!³⁶ Said Abaye to him: If so, let us also in the matter of betrothal say: This woman³⁷ is in a state of permissibility to the levir;³⁸ would you forbid her³⁹ because of a doubt? You must not forbid her because of a doubt! — There⁴⁰ [it leads] to a restriction.⁴¹ But it is a restriction which may lead to a relaxation! For, sometimes, he would betroth her sister⁴² by betrothal that was not uncertain, or it might occur that another man would betroth her also by a betrothal that was not uncertain and, as the Master has forbidden her rival to be taken in levirate marriage. it would be assumed that the betrothal of the first⁴³ was valid and that that of the latter was not!⁴⁴

(1) And not even halizah is required.

(2) By stating that halizah must be performed.

(3) To the third surviving brother.

(4) The first husband of the stranger.

(5) The brother who divorced his wife.

(6) The levirate bond with the stranger, prior to the divorce of his wife, not constituting the one woman a rival of the other.

(7) The stranger.

(8) In such a case, since she was actually married, the stranger is regarded as the rival of the third brother's wife's sister, though at the time she becomes subject to him she and his wife's sister have ceased to be rivals.

(9) R. Nahman.

(10) Supra 13a.

(11) Of the childless brother.

(12) Of the widow to the levir.

(13) v. previous note and supra p. 65, n. 7.

(14) His wife.

(15) V. supra p. 65, n. 14 and cf. p. 65, n. 12, so that even if marriage of the stranger took place prior to the divorce of the other, the former, after divorce had taken place, is permitted, even according to the Tanna of our Mishnah.

(16) When the levirate marriage is permitted in both these cases.

(17) Who holds that the subjection to the levirate marriage is caused by the death of the childless brother, and that the rival is permitted to the surviving levir even if the deceased had married her prior to his divorcing his wife, who is the sister of the surviving levir's wife.

(18) That a levirate bond exists.

(19) And without marrying the stranger who would, nevertheless, be forbidden to the surviving third brother on account of the levirate bond.

(20) That no levirate bond exists.

(21) In view of the fact that levirate marriage is permitted in all cases except one, where the second brother took the stranger in levirate marriage and did not divorce his wife, a case which was explicitly stated and required no expression like THIS IS to exclude it.

(22) Raba.

(23) Fifteen relatives enumerated in the first Mishnah of the Tractate, supra 2af.

(24) On the part of the deceased childless brother.

(25) Since it is possible that the betrothal was, or that the divorce was not valid, and they are consequently the rivals of a forbidden relative.

(26) It being possible that the betrothal was not, or that the divorce was valid and they are, therefore, not rivals of a forbidden relative.

(27) While they were both standing in a public domain and a distance of exactly eight cubits intervened between them.

(28) I.e., within the four cubits nearest to him.

- (29) Within her four cubits. The person within whose four cubits the object rested is deemed to be the legal possessor.
- (30) A document in one's own handwriting, even though it is not signed by witnesses, is within certain conditions and limitations deemed to be valid. V. B.B. 175b.
- (31) Where it is not in his own handwriting.
- (32) Why should not even halizah on the part of the rival, be required in such a case?
- (33) The rival.
- (34) Lit., 'to the market', i.e., the public. The rival of a forbidden relative, not being subject to levirate marriage or halizah, is permitted to marry any one she desires.
- (35) The possibility that the forbidden relative's divorce was valid.
- (36) The doubt here being whether the forbidden relative was divorced at all. In the three cases of divorce mentioned in our Mishnah, however, the prohibition is not due to doubtful divorce but to a defect or an irregularity in the document itself.
- (37) The rival.
- (38) Had her husband died childless before he married the forbidden relative.
- (39) To be taken in levirate marriage.
- (40) The case of doubtful betrothal.
- (41) The prohibition to marry the levir.
- (42) The sister of the one whose betrothal was doubtful.
- (43) Since her rival is forbidden.
- (44) Because, in the first case, he betrothed his wife's sister; and, in the second, he betrothed a married woman. In the latter case, the betrothal being regarded as invalid, the woman might illegally marry another man. In the former case, should he die without issue, his maternal brother might illegally marry her, believing her never to have been the wife of his brother.

Talmud - Mas. Yevamoth 31a

— Since she is required to perform halizah it is sufficiently known that it¹ is a mere restriction.² If so, let him, in the case of divorce also,³ state it,⁴ and require her to perform halizah, and it will be sufficiently known that it⁵ was a mere restriction!⁶ — Were you to say that she was to perform halizah it might also be assumed that she may be taken in levirate marriage.⁷ But here also,⁸ were you to say that she is to perform halizah, she might also be taken in levirate marriage!⁷ -Well, let her be taken in levirate marriage and it will not matter at all since thereby she only retains her former status.⁹

Abaye raised the following objection against him:¹⁰ If the house collapsed upon him¹¹ and upon his brother's daughter.¹² and it is not known which of them had died first, her rival must perform halizah¹³ but may not contract the levirate marriage.¹⁴ But why? Here also it may be said, 'This woman finds herself in the status of permissibility to all,¹⁵ would you forbid her [marriage on the basis] of a doubt? You must not forbid her [on the basis] of a doubt'! And should you suggest that here also the prohibition is due to a restriction, [it may be retorted that] it is a restriction which may result in a relaxation, for should you say that she is to perform the halizah she might also be taken in levirate marriage! — In respect of divorce which is of frequent occurrence the Rabbis enacted a preventive measure;¹⁶ in respect of the collapse of a house which is not of frequent occurrence the Rabbis did not enact any preventive measure. Or else:¹⁷ In the case of divorce, where the forbidden relative is demonstrably alive, were her rival to be required to perform halizah, it might have been thought that the Rabbis¹⁸ had ascertained that the letter of divorce was a valid document,¹⁹ and the rival might, therefore, be taken in levirate marriage. In the case of a house that has collapsed, however, could the Rabbis¹⁸ have ascertained [who was first killed] in the ruin!²⁰

Have we not learned a similar law in the case of divorce? Surely we learned: If she²¹ stood in a public domain, and he²² threw it²³ to her, she is divorced if it fell nearer to her; but if nearer to him she is not divorced. If it was equidistant,²⁴ she is divorced and not divorced. And when it was asked,

‘What is the practical effect of this’,²⁵ [the reply was] that if he was a priest she is forbidden to him;²⁶ and if she is a forbidden relative, her rival must perform the halizah.²⁷ We do not say, however, that were you to rule that she must perform halizah she might also be taken in levirate marriage!²⁸ -Concerning this statement, surely, it was said: Both Rabbah and R. Joseph maintain that here we are dealing with two groups of witnesses, one of which declare that it²³ was nearer to her and the other declares that it²³ was nearer to him, which creates a doubt involving a Pentateuchal [prohibition] —²⁹ Our Mishnah, however, speaks of one group.³⁰ where the doubt involved is only Rabbinical.³¹

Whence is it proved that our Mishnah speaks of one group? — On analogy with betrothal:³² As in betrothal only one group is involved so also in divorce³³ one group only could be involved. Whence is it known that in betrothal itself only one group is involved? Is it not possible that it involves two groups of witnesses! — If two groups of witnesses had been involved, she would have been allowed to contract the levirate marriage, and no wrong would have been done.³⁴ Witnesses stand and declare that it³⁵ was nearer to her,³⁶ and you say that she may be taken in levirate marriage and no wrong will be done!³⁷ Furthermore, even where two groups of witnesses are involved the doubt is only Rabbinical, since it might be said ‘Put one pair against the other and let the woman retain her original status’!³⁸ This indeed is similar to [the incident with] the estate of a certain lunatic. For a certain lunatic once sold some property. and a pair of witnesses came and declared that he had effected the sale while in a sound state of mind, and another pair came and declared that the sale was effected while he was in a state of lunacy. And R. Ashi said: Put two against two

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- (1) The prohibition to take her in levirate marriage.
 - (2) And is not due to the fact that the betrothal of the forbidden relative was valid.
 - (3) As in the case of betrothal.
 - (4) The case of uncertainty as to whether the letter of divorce rested nearer to the husband or nearer to the wife (v. our Mishnah).
 - (5) The halizah.
 - (6) Seeing that levirate marriage was forbidden to her.
 - (7) And by marrying the rival of a forbidden relative one might become subject to the penalty of kareth.
 - (8) In the case of doubtful betrothal.
 - (9) Of being permitted to marry the levir.
 - (10) Rabbah.
 - (11) Who was childless.
 - (12) To whom he had been married.
 - (13) With the daughter's father, the brother of the deceased. Though the dead woman was his forbidden relative, since it is possible that she had been killed before the man, her rival becomes subject to the obligation of performing halizah.
 - (14) Infra 67b. Since it is also possible that the man was killed first and the rival remained forbidden to the levir as the rival of his daughter.
 - (15) v. supra p. 192, n. 12.
 - (16) That wherever the divorce is doubtful the rival must not perform halizah in order that this performance might not lead also to levirate marriage.
 - (17) It may be replied.
 - (18) The scholars or experts who dealt with the case.
 - (19) And the forbidden relative was no more the wife of the deceased.
 - (20) It would be obvious, therefore, that the requirement of halizah was a mere restriction.
 - (21) The wife.
 - (22) The husband.
 - (23) The letter of divorce.
 - (24) Lit., ‘half on half’.
 - (25) The statement that she is divorced and not divorced.
 - (26) A priest must not marry or continue to live with a divorced woman.

(27) Git. 78a.

(28) Which shews that even in the case of divorce no preventive measure has been enacted.

(29) As two witnesses declare that the letter of divorce was nearer to the woman, and as evidence of two witnesses is Pentateuchally valid, the possibility that her rival is no more the rival of a forbidden relative must be taken into consideration, and she cannot be permitted to marry a stranger without previous halizah with the levir.

(30) One witness of which is contradicting the other.

(31) Hence, in the matter of betrothal, where the rival enjoyed the status of permissibility to the levir, the law that halizah is required in the case of such contradictory evidence could well be applied, since she cannot be deprived of her status by the evidence of the single witness who states that the token of betrothal was nearer to her. In the case of divorce, however, where the rival has the status of permissibility to marry any stranger, the law that halizah is required in the case of contradictory evidence of two single witnesses could not be applied. since the evidence of one witness is not sufficient to deprive her of that right. particularly as it can also be claimed that were she required to perform halizah she might be taken in levirate marriage also.

(32) Divorce and betrothal being mentioned side by side in this Mishnah.

(33) Had it been included in our Mishnah.

(34) Since the evidence of one pair would have been sufficient to confirm the rival in her status of permissibility to the levir. Hence, as levirate marriage was forbidden it cannot be a case of two groups of witnesses.

(35) The token of betrothal.

(36) Thus presenting a Pentateuchal doubt (cf. supra p. 195. n. 9).

(37) This, surely, might result in the breach of a Pentateuchal law!

(38) Why, then, even in the case of divorce itself, when the two groups of witnesses cancel each other, should the rival, who was hitherto in a state of permissibility to marry anyone, be required to perform halizah!

Talmud - Mas. Yevamoth 31b

and let the land remain in the possession of the lunatic! — Rather, said Abaye. Its friend telleth concerning it:¹ that which was taught in connection with betrothal² is also to be applied to divorce,³ and what was taught in connection with divorce⁴ is also to be applied to betrothal.

Said Raba to him: If its friend telleth concerning it' what was the object of stating THIS IS?⁵ -Rather, said Raba, whatever is applicable to betrothal⁶ is also to be applied to divorce, but certain points are applicable to divorce,⁷ which cannot be applied to betrothal. And THIS IS⁸ which was mentioned in the case of divorce is not to be taken literally. as THIS IS was used in connection with betrothal⁹ only because it was also used in connection with divorce.

What was THIS IS mentioned in connection with betrothal meant to exclude? — To exclude the question of date which is inapplicable to betrothal.¹⁰ And wherefore was no date ordained to be entered in [documents of] betrothal? This¹¹ may well be satisfactorily explained according to him who holds [that the date is required In a letter of divorce]¹² on account of the usufruct,¹³ since a betrothed woman has no [need to reclaim] usufruct —¹⁴ According to him, however, who holds [that it¹⁵ was ordained] on account of one's sister's daughter.¹⁶ the insertion of a date should have been ordained [in the case of betrothal also]!¹⁷ — Since some men betroth with money¹⁸ and others betroth with a document the Rabbis did not ordain the inclusion of a date.

Said R. Aha son of R. Joseph to R. Ashi: What about the case of a slave of whom some acquire possession by means of money and others by means of a deed, yet the inclusion of a date has nevertheless been ordained by the Rabbis! — In that case¹⁹ acquisition is generally by means of a deed; here,²⁰ it is generally by means of money. If you prefer I might say: Because it is impossible.²¹ For how should one proceed? Were it²² to be left with her, she might erase it.²³ Were it²² to be left with him, it might happen that the betrothed might be his sister's daughter and he would shield her.²⁴ Were it to be left with the witnesses-well, if they remember²⁵ they could come and tender their evidence;²⁶ and if they do not,²⁷ they may sometimes consult the document and then come and

tender evidence, while the All Merciful said, 'out of their mouth'²⁸ but not out of their writing. If so, let the same argument²⁹ be applied to divorce also! — There,³⁰ it³¹ comes to save her,³² here,³³ it³¹ comes to condemn her.³⁴

MISHNAH. IN THE CASE WHERE THREE BROTHERS WERE MARRIED TO THREE WOMEN WHO WERE STRANGERS [TO ONE ANOTHER]. AND ONE OF THEM HAVING DIED³⁵ THE SECOND BROTHER ADDRESSED TO HER³⁶ A MA'AMAR³⁷ AND DIED, BEHOLD, THESE³⁸ MUST PERFORM HALIZAH³⁹ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE; FOR IT IS SAID. AND ONE OF THEM DIED [ETC.] HER HUSBAND'S BROTHER SHALL GO IN UNTO HER.⁴⁰ ONLY SHE WHO IS BOUND TO ONE LEVIR⁴¹ BUT NOT SHE WHO IS BOUND TO TWO LEVIRS.⁴² R. SIMEON SAID: HE MAY TAKE IN LEVIRATE MARRIAGE WHICHEVER OF THESE HE WISHES⁴³ AND THEN PARTICIPATE IN THE HALIZAH WITH THE OTHER.⁴⁴

GEMARA. If, however, the levirate bond with two levirs⁴⁵ is Pentateuchal,⁴⁶ even halizah should not be required! — But it⁴⁷ is only Rabbinical,⁴⁸ a preventive measure having been enacted against the possible assumption that two sisters-in-law coming from the same house⁴⁹ may both be taken in levirate marriage. Then let one be taken in levirate marriage and the other be required to perform halizah! — A preventive measure has been enacted against the possible assumption that one house was partially built

(1) Job XXXVI, 33. רִיעוֹ, (E.V., the noise thereof) is here rendered its friend. The text is taken to imply that passages in close proximity are to be compared to one another and what is applicable to one is to be applied to the other also.

(2) The case of uncertainty as to whether the token of betrothal fell nearer to the man or nearer to the woman.

(3) When a similar doubt has arisen with reference to a letter of divorce that had been thrown in, similar circumstances.

(4) IF A MAN WROTE IN HIS OWN HANDWRITING etc. (V. our Mishnah).

(5) Which implies some exclusion.

(6) UNCERTAIN WHETHER IT WAS NEARER TO HIM etc. (V. our Mishnah).

(7) v. infra for further explanation.

(8) Which implies that only that which was specified and no other doubt is applicable, v. supra p. 196, n. 10.

(9) Where THIS IS excludes the question of date, which is not applicable to it but to divorce only.

(10) The date does not matter in a document whereby betrothal is effected. V. infra.

(11) Why no date was required.

(12) v. Git. 26b.

(13) Which the wife is entitled to reclaim from her husband, in respect of her estate, from the date of her letter of divorce, though the document itself may not have been delivered to her until a much later date. v. Git. 17a.

(14) The man who betrothed her having no right whatsoever to the usufruct of her estate until actual marriage has taken place. Cf. Keth. 51a.

(15) The insertion of a date 10 a letter of divorce.

(16) Who was his wife and had committed adultery. Her uncle, in his desire to protect her, might supply her with an undated letter of divorce which would enable her to escape her due punishment by pleading that the offence had been committed after she had been divorced.

(17) Since a betrothed woman also possessing an undated document of betrothal could protect herself against punishment for adultery. by pleading that the offence had been committed prior to the betrothal.

(18) Where a date is, of course, inapplicable.

(19) A slave.

(20) Betrothal.

(21) Usefully to insert a date in a deed of betrothal.

(22) The deed.

(23) The date. V. supra p. 197, n. 12 and cf. p. 197, n. 11.

(24) By erasing the date. V. previous note.

(25) The date of the betrothal.

- (26) Of what use, then, is the deed?
- (27) Remember the date.
- (28) Cf. Deut. XVII, 6, At the mouth of two witnesses etc., which is taken to imply that evidence must be given from memory (the witnesses' own mouth) and not from information obtained from a written document. V. Git. 71a.
- (29) Used in respect of betrothal, that there is no safe or proper place to keep the deed.
- (30) In the case of divorce.
- (31) The document.
- (32) Unless she produced it, were she ever to be accused of adultery. she would certainly be condemned since she was known as a married woman. The letter of divorce being her sole protection, it being the sole proof that her married state had ended, she should in her own interest carefully preserve it intact for fear that should she tamper with it, the deed may be declared invalid. (Cf. Tosaf. s.v. **הצדקה**, a.l.).
- (33) The case of betrothal.
- (34) The document is proof that she had passed out of her unmarried state and that henceforward she is forbidden to all men except her betrothed. She (or any friend of hers) is not anxious to preserve such a document; and, should an accusation of adultery ever be brought against her, she could either destroy it or erase the date and claim her previously confirmed status of an unmarried woman. Hence no date was ordained to be included.
- (35) Without issue.
- (36) The widow of the deceased brother.
- (37) v. Glos.
- (38) The two widows.
- (39) With the surviving brother.
- (40) Deut. xxv, 5.
- (41) Is to be married by him.
- (42) The first to whom she was bound by the levirate tie and the second to whom she is bound by the ma'amar. A ma'amar of a levir, unlike his levirate marriage. cannot sever the bond between the widow and her deceased husband-the levirate tie.
- (43) v. supra 19a. If the ma'amar has the validity of marriage, the surviving levir is marrying his second brother's wife, and if a ma'amar is invalid he is marrying either the wife of his first brother or the wife of the second.
- (44) The levirate marriage of the one cannot exempt the other from the halizah, since it is possible that a ma'amar is invalid and the two widows are consequently of different brothers. He may not marry the two, since a ma'amar may be valid and he would thus be marrying two widows of the same brother.
- (45) According to the Rabbis of our Mishnah.
- (46) Since they forbade the levirate marriage in such a case.
- (47) The levirate bond with two levirs.
- (48) Pentateuchally a ma'amar is not binding. and the two widows consequently are of two different brothers and may both be married.
- (49) I.e., widows of the same brother.

Talmud - Mas. Yevamoth 32a

and partially pulled down.¹ Well, let the assumption be made!² — Had he first contracted the levirate marriage and then participated in the halizah, no objection could be raised —³ The preventive measure, however, has been enacted against the possibility of his participating in the halizah first and contracting the levirate marriage afterwards and thus placing himself under the prohibition of That doth not build up,⁴ the All Merciful having said, 'Since he had not built⁵ he must never again build'.⁶

Raba said: If he⁷ gave a letter of divorce in respect of his ma'amar, her rival⁸ is permitted;⁹ but she herself is forbidden, because she might be mistaken for one who is the holder of a letter of divorce.¹⁰ Others say that Raba said: If he¹¹ gave a letter of divorce in respect of his ma'amar even she herself becomes permitted.¹² What is the reason? — Because what he has done to her he has taken back.¹³

MISHNAH. IF TWO BROTHERS WERE MARRIED TO TWO SISTERS, AND ONE OF THE BROTHERS DIED, AND AFTERWARDS THE WIFE OF THE SECOND BROTHER DIED, BEHOLD, SHE¹⁴ IS FORBIDDEN TO HIM¹⁵ FOREVER, SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT.¹⁶ GEMARA. Is not this obvious? If there,¹⁷ where she¹⁸ was not entirely excluded from that house¹⁹ it has been said, 'No',²⁰ how much more so here²¹ where the widow is completely excluded from that house!²² -The Tanna had taught first this,²¹ while the other²³ was regarded by him as a permissible case,²⁴ and so he permitted it —²⁵ Later, however, he came to regard it as a case that was to be forbidden;²⁶ and, as it was dear to him²⁷ he placed it first; while our Mishnah was allowed to remain in its original form.²⁸

Our Rabbis learned: If he²⁹ had intercourse with her,³⁰ he is guilty on account of both 'his brother's wife'³¹ and 'his wife's sister';³² so R. Jose. R. Simeon said: He is guilty on account of 'his brother's wife' only. But, surely, it was taught that R. Simeon said: He is guilty on account of 'his wife's sister' only! — This is no difficulty: There, it is a case where the surviving brother had married first³³ and the deceased had married afterwards;³⁴ here it is a case where the deceased had married first and the surviving brother afterwards.³⁵ As to R. Simeon, in the case where the deceased had married first and the surviving brother married afterwards, let her, since the prohibition of wife's sister cannot take effect, be permitted even to contract the levirate marriage! — R. Ashi replied: The prohibition of wife's sister remains suspended, and as soon as the prohibition of brother's wife is removed³⁶ the prohibition of wife's sister comes into force; hence It cannot be treated as non-existent.³⁷

Does, then, R. Jose hold the view that one prohibition may be imposed upon another? Surely, it was taught: A man who committed a transgression which involves two death penalties³⁸ is punished by the severer one. R. Jose said: He is to be dealt with in accordance with that prohibition which came into force first.³⁹ And it was taught: How is one to understand R. Jose's statement that sentence must be in accordance with the prohibition which came into force first? [If the woman was first] his mother-in-law⁴⁰ and then became also a married woman, he is to be sentenced for [an offence against] his mother-in-law; if she was first a married woman and then became his mother-in-law, he is to be sentenced for [an offence against] a married woman!⁴¹

(1) And the same procedure would unlawfully be followed in the case of two widows of the same brother.

(2) What objection can be raised against it?

(3) Lit., 'thus also', the assumption would not have mattered.

(4) אִשָּׁר לֹא יִבְנֶה Deut. XXV, 9.

(5) I.e., refused to marry his brother's widow, but participated in her halizah.

(6) Must never marry the other widow. The imperfect יִבְנֶה may be rendered as a past, present or future.

(7) The second brother who had addressed a ma'amar to the first brother's widow. V. our Mishnah.

(8) I.e., his first wife.

- (9) To the third surviving brother if the second also died without issue. The two widows are no longer rivals since the divorce has annulled the ma'amar, and they, being the widows of two different brothers, are now coming from two different houses.
- (10) . That was given to her in respect of the levirate bond as well as of the ma'amar, v. infra 52b. Such a sister-in-law is forbidden under the prohibition of 'That doth not build up (v. supra and notes 3, 4 and 5)' since in her case the levirate bond also had been severed.
- (11) V. note 6.
- (12) And she is thus subject to the third brother as the widow of the first.
- (13) The ma'amar by which he bound her he has himself annulled.
- (14) The widow.
- (15) The surviving brother.
- (16) Prior to his wife's death and after the death of her husband, however short that period may have been, she was forbidden to him as his wife's sister.
- (17) The third Mishnah, on fol. 30a supra, where there were three brothers involved, two of whom were married to two sisters and one to a stranger.
- (18) The widow of the first brother.
- (19) For though she had been forbidden to the second brother, who was married to her sister, she was permitted to the third and she remained in the family.
- (20) I.e., she has been forbidden to the second brother, after the death of the third brother who had married her, owing to the original prohibition which may have lasted one moment only. even after his wife (her sister) had died.
- (21) Our Mishnah where only two brothers are involved.
- (22) When her husband died there was not a single brother whom she was permitted to marry. What need, then, was there for our Mishnah?
- (23) v. note 1.
- (24) Since, there, she was not entirely forced out of the family.
- (25) Hence he did not consider it necessary to enunciate It 10 a Mishnah.
- (26) As, after all, in the case of the second brother, the levirate marriage was for a time forbidden to her.
- (27) Owing to its novelty and its wider range.
- (28) Lit. — 'did not move from its place'. Though in the presence of the other Mishnah it is indeed superfluous.
- (29) The levir.
- (30) The widow (v. our Mishnah), while his wife was still alive.
- (31) Since she is exempt from the levirate marriage she is forbidden to the levir as any widow of a brother who has issue.
- (32) So that if the offence was committed unwittingly he is liable to bring two sin-offerings.
- (33) One of the sisters; and thus the prohibition of 'wife's sister' came into force first.
- (34) The other sister. The added prohibition of 'brother's wife' could not take effect where one prohibition was already in force.
- (35) Cf. previous two notes mutatis mutandis.
- (36) פקע, lit., 'to split', hence removed'.
- (37) Lit., 'it is not removed'. The levirate marriage is consequently forbidden.
- (38) Intercourse, for instance, with a mother-in-law (which is punishable by burning) who was at the time a married woman (the penalty for which is strangulation).
- (39) Tosef. Sanh. XII, Sanh. 81a.
- (40) Having been a widow or divorcee at the time of his marriage.
- (41) Though the penalty in this case (strangulation) is lighter than that for an offence against a mother-in-law (burning). This proves that one prohibition may not be imposed upon another. Had it been otherwise, the severer penalty should have been inflicted though the prohibition which had caused it came into force later.

Talmud - Mas. Yevamoth 32b

— R. Abbahu replied: R. Jose admits¹ where the latter prohibition is of a wider range.²

This is satisfactory in the case where the surviving brother had married³ first and the deceased had

married⁴ afterwards, since the prohibition. having been extended in the case of the brothers, had also been extended in his own case.⁵ What extension of the prohibition is there, however, where the deceased had married³ first⁶ and the surviving brother had married⁴ afterwards?⁷ And were you to reply: Because thereby⁸ he is forbidden to marry all the sisters,⁹ [it may be retorted that] such is only a comprehensive prohibition!¹⁰

The fact is, said Raba, he is deemed¹¹ to have committed two offences,¹² but is liable for one only.¹³

Similarly when Rabin came¹⁴ he stated in the name of R. Johanan: The offender is deemed¹¹ to have committed two offences, but he is only liable for one. What practical difference does this¹⁵ make?- That he must be buried among confirmed sinners.¹⁵

This¹⁶ is a question on which opinions differ. For It was stated: A common man¹⁷ who performed some Temple service on the Sabbath, is. R. Hiyya said, liable for two offences.' Bar Kappara said: He is only liable for one.¹⁸ R. Hiyya jumped up and took an oath. 'By the Temple',¹⁹ [he exclaimed]. 'so have I heard from Rabbi:²⁰ two'! Bar Kappara jumped up and took an oath, 'By the Temple. thus have I heard from Rabbi:²⁰ one'! R. Hiyya began to argue the point thus: Work on the Sabbath was forbidden to all [Israelites,] and when it was permitted in the [Sanctuary], it was permitted to the priests, hence it was permitted to the priests only, but not to common men. Here, therefore, is involved the offence of Temple service by a common man, and that of the desecration of the Sabbath. Bar Kappara began to argue his point thus: Work on the Sabbath was forbidden to all [Israelites]. but when it was permitted in the Sanctuary, it was permitted [to all], hence only the offence of Temple service by a common man is here involved.

A priest having a blemish who performed [some Temple] services²¹ while unclean is. R. Hiyya said, guilty of two offences. Bar Kappara said: He is guilty of one offence only. R. Hiyya jumped up and took an oath, 'By the Temple. thus have I heard from Rabbi: two'! Bar Kappara jumped up and took an oath, 'By the Temple, thus have I heard from Rabbi: one'! R. Hiyya began to reason: [Temple service during one's] uncleanness was forbidden to all; and when it was permitted in the Sanctuary,²² it was permitted to priests who had no blemish — Hence it must have been permitted only to priests who had no blemish, but not to those who had. Consequently. both the offence of service being done by one with a blemish and that of service during one's uncleanness are here involved. Bar Kappara began to reason thus: [Temple service during] uncleanness was forbidden to all. When it was permitted at the Sanctuary.²³ was [universally] permitted.²⁴ Consequently. only one offence, that of service by one who had a blemish, is involved.

A common man who ate melikah²⁵ is. R. Hiyya said, guilty of two offences. Bar Kappara said: He is guilty only of one. R. Hiyya jumped up and took an oath, 'By the Temple. so I heard from Rabbi: two'! Bar Kappara jumped up and took an oath, 'By the Temple. so I heard from Rabbi: one'! R. Hiyya began to reason thus: Nebelah²⁶ was forbidden to all; and when it was permitted in the Sanctuary²⁷ it was permitted in the case of the priests. Hence it must be permitted to priests only and not to common men. Consequently. both the offence of consumption²⁸ by a common man, and that of melikah are here involved. Bar Kappara began to reason: Nebelah²⁶ was forbidden to all; and when it was permitted in the Sanctuary²⁷ it was [universally] permitted — Consequently. only the offence due to consumption²⁸ by a common man is here involved.

(1) That one prohibition may be imposed upon another.

(2) **אסור מוסף** lit., 'a prohibition which adds', i.e., one which causes an object (or a person) to be forbidden to others to whom it was not previously forbidden. Hence he admits the imposition of the prohibition of 'brother's wife' upon that of 'wife's sister', even where the latter prohibition was already in force, because the former, unlike the latter, is applicable not only to him alone but to the other brothers also. In the case, however, of a married woman who became

his mother-in-law where the first prohibition was of a wider range (the woman being forbidden to all men except her husband) and the later one (forbidden to him only) of a restricted range, the second prohibition cannot be imposed upon the first. The reason why in the case of a mother-in-law who became a — married woman the sentence is to be that for an offence against a mother-in-law is not because the latter (which is of a wider range) cannot be imposed upon the former, but because wherever two penalties are to be inflicted the severer one (burning) supersedes the lighter one (strangulation).

(3) One of the sisters.

(4) The other sister.

(5) V. supra p. 202, n. 9.

(6) Bringing Into force the prohibition of brother's wife which is applicable to all brothers.

(7) Adding the prohibition of wife's sister which, being applicable to himself only, is of a more restricted range, and cannot consequently be imposed on that of brother's wife, which preceded it.

(8) By marrying the other sister.

(9) While before this marriage the widow only was forbidden.

(10) **אִיסוּר כּוֹלֵל** lit., 'a prohibition which includes'. The additional prohibition includes the widow in the same manner only as it does the other sisters but, unlike an *issur mosif* (the prohibition of the wider range, v. supra p. 202, n. 9), it does not place any additional restriction as far as the widow herself is concerned upon any other men.

(11) Lit., 'I bring upon him'.

(12) I.e., in this sense only is R. Jose's statement, that he is guilty of two offences (supra 32a), to be understood.

(13) Because R. Jose. in fact, does not admit the imposition of one prohibition upon another.

(14) From Palestine to Babylon. (13) The fact that he is theoretically guilty of two offences.

(15) The Beth din had at its disposal two burial places, and offenders who were executed or died were buried in the one or the other according to the degree of their respective offences. (V. Sanh. 46a). The reference here will consequently be to an intentional transgression.

(16) Whether one act involving two transgressions is deemed to be one offence or two offences.

(17) **זָר** lit., 'a stranger', I.e., a non-priest.

(18) This is explained infra.

(19) Lit., 'the (Temple) service'.

(20) R. Judah the Prince, compiler of the Mishnah.

(21) Such as that connected with the rites of a congregational offering which may be performed in certain circumstances by priests (v. Yoma 6b). even when they are unclean, provided they are physically fit.

(22) Cf. previous note.

(23) v. p. 204, n' 7.

(24) Even to a priest afflicted with a blemish.

(25) **מַלְיָקָה** (rt. **מַלְק** 'to pinch'), applied to the meat, of a fowl whose head was 'pinched off', in accordance with Lev. I, 15.

(26) **נֶבֶלֶה** 'a corpse'. 'carrion', applied also to animals that have not been ritually slaughtered and the consumption of which is forbidden.

(27) Melikah being permitted to the priests.

(28) Of sacrificial meat.

Talmud - Mas. Yevamoth 33a

What is the point at issue between them?¹ -R. Jose's view² with regard to a comprehensive prohibition.³ R. Hiyya is of the opinion that in the case of a comprehensive prohibition R. Jose deems the transgressor guilty of two offences,⁴ while Bar Kappara is of the opinion that he deems him guilty of one offence only.⁵ But what comprehensive prohibition. is here involved? In the case of a common man⁶ this⁷ may well be understood, since at first⁸ he was permitted to do ordinary work though forbidden to perform the Temple service, and when Sabbath came in, as he was now forbidden to do any other work,⁹ so he was also forbidden to perform the Temple service.¹⁰ [Similarly with a priest] who had a blemish,¹¹ since he was at first¹² permitted to eat [of sacrificial meat] though forbidden to perform the Temple service, now that he became defiled, as he was

forbidden to eat of sacrificial meat¹³ so he was also forbidden to perform the Temple service.¹⁴ Mehkah, however, is only an illustration¹⁵ of prohibitions that set in simultaneously¹⁶ but not of a comprehensive prohibition!¹⁷ -Rather, the point at issue between them¹⁸ is that of simultaneous prohibitions' and R. Jose's view¹⁹ regarding them. R. Hiyya is of the opinion that in the case of simultaneous prohibitions R. Jose deems the transgressor guilty of two offences,²⁰ while Bar Kappara is of the opinion that he deems him guilty of one offence only.²¹ But how are here simultaneous prohibitions possible?²² — In the case of a common man who performed the Temple service on the Sabbath, when, for instance, he grew two hairs²³ on the Sabbath, so that the prohibitions of Temple service by a common man and of work on the Sabbath have simultaneously arisen.²⁴ [In the case of a priest] who had a blemish, also, when, for instance, he grew two hairs,²³ while he was unclean, so that [his disability as] a man with a blemish and his uncleanness²⁵ have simultaneously arisen.²⁶ Or else, if a man cut his finger with an unclean knife.²⁷

Now according to [the statement of] R. Hiyya it is quite possible to explain²⁸ that he²⁹ was taught³⁰ in accordance with the view of R. Jose, and that Bar Kappara was taught in accordance with the view of R. Simeon.³¹ According to [the statement of] Bar Kappara, however,³² did R. Hiyya swear falsely?³³ -Rather, the question at issue between them³⁴ is that of simultaneous prohibitions, and the view of R. Simeon³⁵ on the subject.

One can well understand why R. Hiyya took an oath. He did it in order to weaken the force³⁶ of R. Simeon's view.³⁷ What need, however, was there for Bar Kappara to take an oath? — This is a difficulty.

Now according to [the statement of] Bar Kappara, it is possible to explain³⁸ that when Rabbi taught him he was enunciating the opinion of R. Simeon,³⁹ and that when he taught R. Hiyya he was enunciating the opinion of R. Jose.⁴⁰ According to [the statement] of R. Hiyya, however,⁴¹ did Bar Kappara⁴² tell a lie?⁴³ R. Hiyya can answer you:⁴⁴ When Rabbi taught him, he taught him two instances⁴⁵ only where the transgressor is exempt⁴⁶

(1) R. Hiyya and Bar Kappara.

(2) Who maintains supra that in certain circumstances a prohibition may be imposed upon a prohibition which is already in force.

(3) **אִסּוּר כּוֹלֵל** Cf. supra p. 203. n. 8.

(4) Nebelah and melikah. V. supra. no. 3 and 4.

(5) And R. Jose's statement supra that the transgressor is guilty of two offences is, according to Bar Kappara, applicable only where the surviving brother had married one of the sisters before the deceased had married the other. (V. supra p. 203. nn. 1ff and relevant text). R. Simeon's statement, (supra 32a) that 'he is guilty on account of brother's wife only', which has been interpreted as referring to the case where the deceased had married prior to the surviving brother, is according to Bar Kappara, to be deleted from the Baraita.

(6) Who performed some Temple service on the Sabbath.

(7) That a comprehensive prohibition is involved.

(8) Before the Sabbath.

(9) Owing to Sabbath.

(10) The prohibition being 'comprehensive' in that it included both ordinary work and Temple service. It is not a 'prohibition of a wider range' since the prohibition of Temple service itself was in no way extended.

(11) Cf. supra, n. 2.

(12) Prior to his defilement.

(13) Owing to his uncleanness.

(14) The prohibition comprehending the Temple service as well as the consumption of sacrificial meat. Cf. supra. n' 5'

(15) Lit., 'it is found'.

(16) **בְּתִּי אֶחָת** 'at once', 'at the same moment'. Before the head of the fowl was pinched off there was only the prohibition of nebelah (v. Glos.) which included also priests. The two prohibitions of nebelah and melikah as far as

common men are concerned had set in simultaneously at the moment of the pinching off of the fowl's head.

(17) Since both have been simultaneous. How then could the dispute on melikah be dependent on the principle of a 'comprehensive prohibition'?

(18) R. Hiyya and Bar Kappara.

(19) V. supra p. 205. n. 8.

(20) R. Jose's statement (supra 32a). that the transgressor is guilty of the offences of (a) brother's wife and (b) wife's sister, is taken to refer to the case where the two brothers appointed an agent to betroth for them the two sisters, who in turn appointed an agent to act on their behalf. At the moment the agents carried out their mission both prohibitions had set in.

(21) Cf. supra p. 205, n. 11.

(22) As has been shewn, the instances mentioned, with the exception of melikah, are 'comprehensive prohibitions!'

(23) The marks of puberty.

(24) In this particular case, since prior to the manifestation of the marks of puberty he was considered a minor, and not subject to legal penalties.

(25) I.e., his liability to penalties for performing Temple service under such conditions.

(26) Cf. note 4, mutatis mutandis.

(27) Which act caused both the blemish and the uncleanness to set in at the very same instant.

(28) To reconcile the contradictory statements made by R. Hiyya and Bar Kappara both in the name of Rabbi.

(29) R. Hiyya.

(30) By Rabbi. Lit., 'when he taught him (it was)'.

(31) And that Bar Kappara may have misunderstood Rabbi to give him the opinion of R. Jose.

(32) Who asserts that Rabbi recognizes one offence only according to R. Jose.

(33) If R. Jose allows the lighter punishment, how much more so R. Simeon. If R. Hiyya. then, made the statement that Rabbi taught him that a double offence had been committed he could not have spoken the truth since according to Bar Kappara no authority ever held such a view.

(34) R. Hiyya and Bar Kappara.

(35) R. Hiyya maintains that R. Simeon subjected the transgression to one offence only in the case of a 'comprehensive prohibition'; but that in a 'simultaneous prohibition' he admits, like R. Jose, a double offence. Bar Kappara, on the other hand, maintains that R. Simeon disagrees with R. Jose even in regard to simultaneous prohibitions, always admitting one offence only.

(36) By his oath he affirmed that R. Simeon is in favour of the lighter course only in the case of a 'comprehensive prohibition' but not in that of 'simultaneous prohibitions'.

(37) Which is known to favour the lighter penalty.

(38) I.e., to reconcile the contradictory statements. v. supra, p. 207. n. 8.

(39) Favouring the lighter penalty.

(40) Who imposes the heavier penalty; but R. Hiyya mistook him to be reporting R. Simeon and thus the discrepancy arose.

(41) Who submitted that the heavier penalty was imposed even by R. Simeon, much more so by R. Jose.

(42) Who submitted that Rabbi taught him that the lighter penalty only was to be imposed.

(43) He could not have spoken the truth if R. Hiyya's report was at all correct. v. note 6.

(44) Bar Kappara did not tell a lie.

(45) The first two—that of a non-priest who performed the Temple service on the Sabbath and that of a priest who had a blemish and performed the Temple service while he was unclean.

(46) From one of the penalties.

Talmud - Mas. Yevamoth 33b

. and [thereby he, in fact.] taught him the law of comprehensive prohibition¹ in accordance with the view of R. Simeon. Bar Kappara. however, considered the case of a common man who ate melikah and, as it seemed to be similar to the others, he treated it like the others.² When, later, he examined it³ and found it to be possible only as a case of simultaneity of prohibitions. he imagined that as this one³ is a case of simultaneity so are also the others cases of simultaneity;⁴ and as the others are cases

where the transgressor is exempt⁵ so [he assumed] is this also one in which the transgressor is exempt.⁵

An objection was raised: If a common man performed some Temple service on the Sabbath, or if a priest having a blemish performed Temple service while he was levitically unclean, the offences of service by a common man and the desecration of the Sabbath or those of service by a man with a blemish and levitical uncleanness are here respectively involved. These are the words of R. Jose. R. Simeon who said: Only the offence of service by a common man or that of service by a man with a blemish respectively is here involved.⁶ [The case of] melikah, however, is here omitted.⁷ Now, on account of whom was it omitted?⁸ If it be suggested, on account of R. Jose⁹ [it may be retorted], if¹⁰ R. Jose subjects one to two penalties where the prohibition is comprehensive, how much more so¹¹ when it is simultaneous. Consequently It must have been¹² on account of R. Simeon¹³ who thus grants exemption only where the prohibition is comprehensive¹⁴ but imposes both penalties when the prohibitions are simultaneous —¹⁵ This, then, is a refutation against Bar Kappara!¹⁶ This is indeed a refutation.

‘If a common man performed some Temple service on the Sabbath’. Of what nature? If slaughtering, slaughtering is permitted by a common man.¹⁷ If reception¹⁸ or carriage.¹⁹ this involves only a mere movement.²⁰ If burning,²¹ surely R. Jose said, ‘The prohibition of kindling a fire [on the Sabbath]²² was mentioned separately²³ in order to [indicate that its transgression is] a prohibition only’!²⁴ — R. Aha b. Jacob replied: The slaughtering of the bullock of the High Priest,²⁵ and in accordance with the view of him who stated that the slaughtering of the bullock of the High priest on the Day of Atonement by a common man Is Invalid.²⁶ If so, what reason is there for mentioning a common man? Even a common priest would have been equally forbidden!²⁷ -What was meant was one who is a common man as far as It Is concerned.²⁸

R. Ashi demurred: Was any mention made of sin-offerings or of negative precepts?²⁹ Surely, only forbidden acts were spoken of!³⁰ — The point at issue is whether he is to be buried among confirmed sinners.³¹

MISHNAH. IF TWO MEN BETROTHED TWO WOMEN, AND AS THESE WERE ENTERING INTO THE BRIDAL CHAMBER, THEY EXCHANGED THE ONE FOR THE OTHER, BEHOLD, THEY³² ARE GUILTY OF AN OFFENCE AGAINST A MARRIED WOMAN. IF THEY³² WERE BROTHERS THEY ARE GUILTY ALSO OF AN OFFENCE AGAINST A BROTHER'S WIFE. IF [THE BETROTHED WOMEN] WERE SISTERS, THEY³³ ARE GUILTY ALSO ON ACCOUNT OF THE PROHIBITION, [AND THOU SHALT NOT TAKE] A WOMAN TO HER Sister.³⁴ IF THESE³⁵ WERE MENSTRUANTS [THEY³³ ARE GUILTY ALSO] ON ACCOUNT OF [THE LAW OF THE] MENSTRUANT.³⁶

THEY³⁵ MUST BE KEPT APART³⁷ FOR THREE MONTHS, SINCE IT IS POSSIBLE THAT THEY ARE PREGNANT.³⁸ IF THEY³⁵ WERE MINORS INCAPABLE OF BEARING CHILDREN, THEY MAY BE RESTORED³⁹ AT ONCE. IF THEY³⁵ WERE PRIESTLY WOMEN THEY ARE DISQUALIFIED FROM THE PRIESTHOOD.⁴⁰

GEMARA. THEY EXCHANGED?⁴¹ Are we discussing wicked men!⁴² Furthermore, [there is the difficulty] of the statement made by⁴³ R. Hiyya. that⁴⁴ sixteen sin-offerings⁴⁵ are here [involved]. Is any sacrifice brought⁴⁶ where the act⁴⁷ was wilful?⁴⁸ Rab Judah replied: Read THEY WERE EXCHANGED.⁴⁹ This⁵⁰ may also be proved by logical reasoning. For in the latter clause it was stated, IF THEY WERE MINORS INCAPABLE OF BEARING CHILDREN THEY MAY BE RESTORED AT ONCE. Now, if the act⁴⁷ had been wilful, would [this⁵¹ have been] permitted! — This is no difficulty. The seduction of a minor is deemed to be an outrage, and an outraged woman is permitted to an Israelite.⁴² But, then, what of that which is stated, that THEY MUST BE KEPT

APART FOR THREE MONTHS, SINCE IT IS POSSIBLE THAT THEY ARE PREGNANT, implying that if they were not pregnant they would be permitted. Now if the act⁵² had been wilful would she be permitted! Consequently⁵³ the reading must have been⁵⁴ THEY WERE EXCHANGED.⁵⁵ This may be taken as proved.

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- (1) Though when the prohibitions in these cases should happen to be simultaneous, the double penalty would undoubtedly be imposed.
 - (2) Lit., 'mixed it up with them'; as those are cases where the transgressor is exempt from one of the penalties, so' he thought. was that of melikah.
 - (3) Melikah.
 - (4) I.e., the same law is applicable to them whether the case is that of a comprehensive prohibition' or, like melikah, one of 'simultaneous prohibitions'.
 - (5) From one of the penalties.
 - (6) Tosef. Yeb. V.
 - (7) Implying that there is no difference of opinion regarding the case where a common man ate of melikah.
 - (8) I.e., who agrees with whom in this case that it should be excluded from the dispute.
 - (9) I.e., that R. Jose agrees in the case of melikah with R. Simeon.
 - (10) Lit., 'now'.
 - (11) Lit., 'is it required (to be stated)'?
 - (12) Lit., 'but (is it) not'.
 - (13) Who, despite his opinion that in the two cases mentioned only one penalty is involved, agrees with R. Jose that in melikah two penalties are involved.
 - (14) As in the two cases mentioned.
 - (15) As in melikah, v. supra.
 - (16) Who maintained supra that even in simultaneous prohibitions R. Simeon exempts from one of the penalties.
 - (17) Hence no prohibition of 'service by a common man' is here involved.
 - (18) Of the sacrificial blood in a basin for sprinkling purposes.
 - (19) Bringing the blood near the altar.
 - (20) טַלְטוּל 'moving an object from place to place'; and such movement on the Sabbath is no punishable offence.
 - (21) Of the sacrifices.
 - (22) In Ex. XXXV, 3.
 - (23) Lit., 'went out'.
 - (24) Shab. 702, Sanh. 35b, 62a, supra 6b. A 'prohibition', i.e., a negative commandment that does not involve any of the death penalties of stoning or of kareth.
 - (25) On the Day of Atonement (v. Lev. XVI, 3ff) which happened to fall on a Sabbath.
 - (26) V. Yoma 42a. As it is invalid it is also forbidden on the Sabbath under the death penalties of stoning or kareth which are incurred by the performance of certain kinds of manual labour on the Sabbath.
 - (27) Lit., 'also', since the opinion that disqualifies the common man for this service disqualifies also the common priest.
 - (28) Lit., 'who is a stranger to it , i.e., the particular service, including here even a common priest.
 - (29) Which entail flagellation.
 - (30) Since no actual penalty. either of a sin offering or flagellation, is involved, what matters it whether the two offences are regarded as one or as two? V. next note.
 - (31) V. supra p. 204, n. 1. [Aliter: Since no actual penalty is involved the reference might indeed be to 'burning', the practical point at issue being whether he is to be buried among confirmed sinners.]
 - (32) The men if they had intercourse with the women.
 - (33) The men if they had intercourse with the women.
 - (34) Lev. XVIII, 18.
 - (35) The women.
 - (36) Lev. XVIII, 19.
 - (37) Away from their husbands.
 - (38) Children from such a union are bastards and precaution must be taken that they are not allowed to pass as legitimate children.

- (39) To their husbands.
 (40) So Rashal. Cur. edd. 'terumah'.
 (41) **החליפו** Hif., 3rd plural.
 (42) Who had deliberately exchanged their wives.
 (43) Lit., 'that which he taught'.
 (44) Lit., 'behold'.
 (45) Four offerings, (one for each transgression enumerated) by each of the four persons mentioned.
 (46) Lit., 'is there?'
 (47) In this case the exchange.
 (48) V. supra notes 9 and 10. For wilful transgression other penalties are prescribed!
 (49) **הוהלפן** (B.H. **החלפו**), Hof., i.e., accidentally.
 (50) That the exchange was not a wilful act.
 (51) The immediate restoration of the minors to their husbands. (20) Her husband. V. Keth. 51b.
 (52) In this case the exchange.
 (53) Lit., 'but not'.
 (54) Lit., 'infer from this'.
 (55) v. supra p. 211, n. 17.

Talmud - Mas. Yevamoth 34a

And who is this Tanna¹ that admits the force² of a 'comprehensive prohibition', a 'prohibition of a wider range' and 'simultaneous prohibitions'?³ -Rab Judah replied in the name of Rab: It is R. Meir; for we learnt:⁴ A man may sometimes consume one piece of food⁵ and incur thereby the penalty of four sin-offerings and one guilt-offering. [If. e.g., a man levitically] unclean ate suet⁶ that remained over from holy sacrifices,⁷ on the Day of Atonement⁸ R. Meir said: If this happened on⁹ the Sabbath and [the consumer] carried out [the suet] in his mouth, liability is incurred [for this act¹⁰ also].¹¹ They said to him: This¹⁰ is an offence of a different character.¹²

Whose view, however, IS R. Meir¹³ following? If he follows R. Joshua.¹⁴ surely the latter had said that he who made a mistake in respect of a commandment¹⁵ is exonerated!¹⁶ — Rather he follows the view of R. Eliezer.¹⁷ If you prefer I might say: He may, in fact, follow the view of R. Joshua, for R. Joshua's statement, that he who made a mistake in respect of a commandment is exonerated, may only be applicable to the case of the children,¹⁸ where one is pressed for time.¹⁹ but not in such a case as this,²⁰ where time is not pressing.²¹

What about terumah,²² where one is not pressed for time, and he²³ nevertheless exonerates! For we learnt: In the case of a priest who was In the habit of eating terumah and it then transpired that he was the son of a divorced woman or of a haluzah,²² R. Eliezer imposes payment of the principal and of a fifth,²⁴ and R. Joshua exonerates!²⁵ — Surely, in relation to this it was stated that R. Bibi b. Abaye said: We are here speaking of terumah²⁶ on the Eve of Passover when time is pressing.²⁷ If you prefer I might say: [Our Mishnah speaks] of simultaneous prohibitions, and may represent even the View of R. Simeon.²⁸

All these,²⁹ it may well be conceded, may occur [simultaneously] where [the brothers] appointed an agent³⁰ and [the sisters also] appointed an agent³¹ and one agent met the other;³² but how could such [simultaneity] occur with menstruation?³³ - R. Amram in the name of Rab replied: When the women's menstrual discharge continued from [the men's] thirteenth, until after their thirteenth [birthday], when these become subject to legal punishments; and from their own twelfth, until after their twelfth [birthday], when they themselves become subject to punishments.³⁴

THEY MUST BE KEPT APART. Surely, no woman conceives from the first contact.³⁵ R. Nahman replied in the name of Rabbah b. Abuha: Where contact was repeated. Why, then, did R.

Hiyya state, 'Behold sixteen offerings are here involved',³⁶ when, in fact,³⁷ there should be thirty-two?³⁸ And according to your line of reasoning, following the opinion of R. Eliezer who deems they are guilty for every sexual effort, are there not more?³⁹ But [your own answer would be] that he only takes into consideration the first effort. Well, here also, only the first contact is taken into consideration.

Said Raba to R. Nahman:

(1) In our Mishnah.

(2) Lit., 'to whom there is'.

(3) Wherever they can all be applied to the same person. If, e.g., A the brother of B betrothed C the sister of D, C is forbidden to B as 'his brother's wife' and as 'a married woman', both prohibitions having come into force simultaneously. If B subsequently betrothed D, her sister C becomes forbidden to him, by the comprehensive prohibition of 'his wife's sister', (comprehending all the sisters of D inclusive of C). When C becomes a menstruant she is forbidden to B as a menstruant also, this last being a prohibition of a wider range extending as it does the prohibition of the woman to A also.

(4) Cur. edd., 'it was taught'.

(5) Lit., 'there is one eating'.

(6) Forbidden fat.

(7) Nothar, v. Glos.

(8) The four sin-offerings are due for the eating of (a) holy food while the man is levitically unclean, (b) forbidden fat, (c) nothar and (d) food on the Day of Atonement; while the guilt-offering (asham me'iloth) is incurred for the benefit the consumer (even though he were a priest) had from holy things which were to be burnt on the altar.

(9) Lit., 'it was'.

(10) Carrying on the Sabbath.

(11) Thus it is shewn that R. Meir recognizes the validity of the three kinds of prohibition: When the animal was consecrated, the prohibition of having any benefit from any part of it has been added to that of eating its suet (wider range). and when a piece of the suet became nothar (since it is thereby forbidden to be offered up on the altar, which is an added restriction) the prohibition of nothar has also been imposed in respect of its consumption by the priests (again wider range). When the priest becomes unclean and is consequently forbidden to consume any holy meat he is also forbidden to consume the nothar (comprehensive), and with the advent of the Day of Atonement the prohibition of the consumption of food generally on that day falls also on the nothar (again comprehensive). Finally, at the moment Sabbath sets in two more prohibitions are imposed (simultaneous) that of carrying on the Sabbath and that of eating on the Day of Atonement (Rashi) or those of carrying on the Sabbath and on the Day of Atonement (Tosaf., s.v. **והוצתא** a.l.).

(12) Lit., 'it is not from the (same) designation'. Shab. 102a, Shebu. 24b, Ker. 13b.

(13) Who, as has been shown, is represented by the Tanna of our Mishnah who admits the imposition of one prohibition upon another even where the performance of a commandment (e.g., marriage) was intended.

(14) Who is at variance on a similar question with R. Eliezer (Shab. 1370). Both R. Joshua and R. Eliezer were R. Meir's teachers.

(15) I.e., if his intention was to fulfil a precept and, through an error, his act resulted in a transgression. Cf. the case in our Mishnah and v. supra n. 1 —

(16) While our Mishnah declares the men guilty!

(17) v. supra. n. 2.

(18) One of whom had to be circumcised on the Sabbath and by mistake another child was circumcised who was born a day later. Only circumcision which takes place on the eighth day of birth is permitted on the Sabbath. Any other is forbidden like all manual labour.

(19) One is anxious to perform the commandment at its proper time, and one's anxiety that the day shall not pass without its performance may easily result in an error.

(20) Marriage. spoken of in our Mishnah.

(21) One may contract marriage during any time of his life.

(22) V. Glos.

- (23) R. Joshua.
- (24) The disqualified priest, having consumed terumah which was forbidden to him, must pay compensation as any layman, as prescribed in Lev. V, 16.
- (25) Ter. VIII, 1; Pes. 72b, Mak. 11b.
- (26) Containing 'leaven' or any other hamez.
- (27) After a certain hour on that day all hamez, would have to be burnt.
- (28) Who agrees with R. Meir that simultaneous prohibitions do rank as equal in force, and both may be imposed.
- (29) Prohibitions, enumerated in our Mishnah.
- (30) To betroth the women on their behalf.
- (31) To accept on their behalf the tokens of betrothal.
- (32) So that all prohibitions took effect at the very same moment.
- (33) Which would naturally occur either before, and thus prevent the other three prohibitions from coming into force; or after, and thus be prevented itself from coming into force.
- (34) A male becomes legally liable to punishments on the termination of his thirteenth, and a female on that of her twelfth year of age. If the respective agents of the two parties who were of the same age to a day, met sometime prior to the conclusion of the last day of the year (twelfth of the females and thirteenth of the males), and arranged for the betrothals to take effect on the following day when both parties become 'of age' (as otherwise the betrothals would not be valid) the betrothals and the prohibitions simultaneously come into force.
- (35) What, then, is the need for the precaution?
- (36) Supra 33b.
- (37) Since our Mishnah represents the view of R. Eliezer (or Eleazar).
- (38) Sixteen for each contact. V. infra 92a, Ker. 15a.
- (39) Sin-offerings involved.

Talmud - Mas. Yevamoth 34b

Surely Tamar¹ conceived from a first contact! The other answered him: Tamar exercised friction with her finger;² for R. Isaac said: All women of the house of Rabbi who exercise friction³ are designated Tamar. And why are they designated Tamar? — Because Tamar exercised friction with her finger. But were there not Er and Onan?⁴ — Er and Onan indulged in unnatural intercourse.

An objection was raised: During all the twenty-four months⁵ one may thresh within and winnow without;⁶ these are the words of R. Eliezer. The others said to him: Such actions are only like the practice of Er and Onan!⁷ -Like the practice of Er and Onan, and yet not [exactly] like the practice of Er and Onan: 'Like the practice of Er and Onan', for it is written in Scripture, And it came to pass, when he went in unto his brother's wife, that he spilt it on the ground;⁸ and 'not [exactly] like the practice of Er and Onan', for whereas there it was an unnatural act, here it is done in the natural way.

[The source for] Onan's [guilt] may well be traced, for it is written in Scripture, That he spilt it on the ground;⁸ whence however, [that of] Er?—R. Nahman b. Isaac replied: It is written, And He slew him also,⁹ he also died of the same death.¹⁰

[The reason for] Onan's [action] may well be understood, because he knew That the seed would not be his;⁸ but why did Er act in such a manner? — In order that she might not conceive and thus lose some of her beauty.

Our Rabbis taught [The woman also] with whom [a man shall lie],¹¹ excludes a bride;¹² so R. Judah. But the Sages say: This excludes unnatural intercourse.

Said Hon son of R. Nahman to R. Nahman: Does this imply that R. Judah is of the opinion that the Torah had consideration for the bride's make-up?¹³ — The other replied: Because no woman conceives from her first contact —¹⁴ On what principle do they differ? — The Rabbis are of opinion

that 'carnally'¹¹ excludes the first stage of contact, and 'with whom'¹¹ excludes unnatural intercourse; but R. Judah is of the opinion that the exclusion of unnatural intercourse and the first stage of contact may be derived from 'carnally'.¹¹ while 'with whom'¹¹ excludes a bride.

When Rabin came¹⁵ he stated in the name of R. Johanan: A woman who waited ten years after [separation from] her husband, and then remarried, would bear children no more. Said R. Nahman: This was stated only in respect of one who had no Intention of remarrying: if, however, one's intention was to marry again she may conceive.

Raba said to R. Hisda's daughter:¹⁶ The Rabbis are talking about you. She answered him: I had my mind on you.

A woman once appeared before R. Joseph, and said to him: Master, I remained unmarried after [the death of] my husband for ten years and now I gave birth to a child — He said to her: My daughter, do not discredit the words of the Sages. She thereupon confessed, 'I had intercourse with a heathen'.¹⁷

Samuel said: All these women,¹⁸ with the exception of a proselyte and an emancipated slave who were minors, must wait three months.¹⁹ An Israelitish minor, however, must wait three months. But how [was she separated]?²⁰ If by a declaration of refusal,²¹ surely. Samuel said that she²² need not wait!²³ And if by a letter of divorce, surely Samuel has already stated this once! For Samuel said: If she' formally refused him²¹ she need not wait three months; if he gave her a letter of divorce she must wait three months!²⁴ -[It²⁵ was] rather in respect of unlawful intercourse,

(1) V. Gen. XXXVIII, 15, 18, 24ff.

(2) Having thus destroyed her virginity she was capable of conception from a first contact.

(3) To destroy their virginity.

(4) Who were married to Tamar prior to the incident with Judah (v. Gen. XXXVIII, 6ff) and her virginity would presumably have been destroyed then.

(5) After the birth of a child, i.e., during the period in which the mother is expected to breast-feed her child.

(6) Euphemism. This would prevent possible conception which might deprive the young child of the breast feeding of his mother.

(7) Which implies that there was natural contact. Cf. supra note 5.

(8) Gen. XXXVIII, 9.

(9) Ibid. 10.

(10) For the same offence.

(11) Lev. XV, 18.

(12) She does not become unclean by the first contact and does not require, therefore, any ritual bathing.

(13) Which would be spoiled by the water were she required to perform ritual ablution.

(14) Scripture speaking only of intercourse which may result in conception. V. Lev. ibid.

(15) From Palestine to Babylon.

(16) Whom he married after a period of ten years had passed since the death of her husband, Rami b. Hama.

(17) During the ten years.

(18) Enumerated infra 41a, 42b.

(19) Before they marry again.

(20) From her former husband.

(21) Mi'un, v. Glos.

(22) A minor.

(23) Three months.

(24) Keth. 100b; why, then, should he repeat it here?

(25) Samuel's statement.

Talmud - Mas. Yevamoth 35a

the Rabbis having made the provision¹ in the case of a minor² as a precaution against one who is of age.³ But is provision made in the case of a minor as a precaution against one who is of age? Surely we learnt, IF THEY WERE MINORS INCAPABLE OF BEARING CHILDREN THEY MAY BE RESTORED AT ONCE! — R. Giddal replied: This⁴ was a special ruling.⁵ Does this imply that such a case had actually occurred!⁶ — Rather [this is the meaning:] It⁴ was like a special ruling, since the exchange of brides is an unusual occurrence.⁷

[Others adopt] a different reading: Samuel said: All these women,⁸ with the exception of a proselyte and an emancipated slave who were of age. must wait three months.⁹ An Israelitish minor, however, need not wait three months. But how [was she separated]? If by a declaration of refusal, Surely Samuel has already stated this one! And if by a letter of divorce, Samuel surely stated that she' must wait! For Samuel said: If she exercise her right of refusal against him, she need not wait three months; if he gave her a letter of divorce she must wait three months! [It was] rather in respect of harlotry. and harlotry with a minor⁸ an unusual occurrence.⁷

Let, however, a preventive measure¹⁰ be made in respect of a proselyte and an emancipated slave with whom harlotry is not unusual! — He holds the same view as R. Jose. For it was taught: Proselytes,¹¹ captives¹¹ or slaves¹¹ who were redeemed, or embraced the Jewish faith or were emancipated, must wait three months; so R. Judah. R. Jose permits immediate betrothal and marriage.¹² Rabbah said: What is R. Jose's reason? He is of the opinion that a woman who plays the harlot makes use of an absorbent in order to prevent conception.¹²

Said Abaye to him: This¹³ is intelligible in the case of a proselyte; as her intention is to embrace the Jewish faith she is careful¹⁴ in order to know the distinction between the seed that was sown in holiness and the seed that was sown in unholiness. It¹³ is also [intelligible In the case of] a captive and a slave; since on hearing from their masters¹⁵ they exercise care.¹⁶ How is this¹³ to be applied. however, in the case of one who is liberated through the loss of a tooth or an eye?¹⁷ And were you to suggest that wherever something unexpected happens¹⁸ R. Jose admits,¹⁹ surely it was taught:²⁰ A woman who had been outraged or seduced must wait three months; so R. Judah. R. Jose permits immediate betrothal and marriage!²¹ — Rather, said Abaye,²² a woman playing the harlot turns over In order to prevent conception.²³ And the other?²⁴ -There is the apprehension that she might not have turned over properly.²⁵

IF THEY WERE PRIESTLY WOMEN etc. Only²⁶ priestly women but not an Israelitish woman?²⁷ -Read, 'If they were the wives of priests'.²⁸ Only 'priests' wives,²⁹ but not Israelites' wives?³⁰ Surely R. Amram said, 'The following statement was made to us by R. Shesheth who threw light on the subject³¹ from our Mishnah:³² An Israelite's wife³³ who was outraged, though she is permitted to her husband, is disqualified from the priesthood.³⁴ — Raba replied: It is this that was meant:³⁵ IF THEY WERE PRIESTLY WOMEN³⁶ married to Israelites THEY ARE DISQUALIFIED from eating terumah at their parents' home.³⁷ [

(1) That three months must be allowed to pass.

(2) Though she is not capable of conception.

(3) A proselyte and an emancipated slave who were minors are, however, exempt. because, being cases of rare occurrence, no preventive measure is required.

(4) The ordinance in our Mishnah.

(5) **שעה הוראת** lit., 'a ruling of the hour'.

(6) But our Mishnah, 'IF THEY WERE MINORS etc. Obviously speaks of a contingency and not of a fact.

(7) And no preventive measure is. therefore, necessary.

(8) Enumerated infra 41a, 42b.

- (9) Before they are allowed to marry again. (17) That in such circumstances she need not wait three months.
- (10) To avoid conception and the mingling of legitimate with illegitimate children.
- (11) In the original the noun is in the sing.
- (12) Keth. 372.
- (13) Rabbah's explanation.
- (14) Cf. supra note 1; and has always some absorbent in readiness.
- (15) Of their impending liberation.
- (16) Cf. supra notes 1 and 5.
- (17) V. Ex. XXI, 26, where the liberation of the slave comes suddenly. and no previous care would have been exercised by her.
- (18) Lit., 'of itself', when the woman was not likely to have been prepared with an absorbent.
- (19) That a waiting period of three months must be allowed.
- (20) Cur. edd., 'we learned'.
- (21) Which shews that even when the unexpected happens R. Jose requires no waiting period!
- (22) The reading in Keth. 372 is 'Rabbah'. Others, 'Raba' (v. Alfasi).
- (23) Keth. loc. cit. No absorbent is needed. Similarly in the case of a liberated captive or slave. Hence no waiting period is required.
- (24) Why then does he require a waiting period?
- (25) And conception might have taken place. V. Keth. loc. cit.
- (26) Lit., 'yes'.
- (27) The wife of a priest. Surely she also is forbidden to her husband!
- (28) V. previous note.
- (29) Are forbidden to marry priests.
- (30) Who were priests' daughters.
- (31) Lit., 'and lit up our eyes'.
- (32) I.e., the Mishnah infra 53b which was under discussion.
- (33) A priest's daughter who on the death of her husband returns to her father's house and is permitted again to eat terumah. V. Lev. XXII, 12-13.
- (34) Infra 56af. She may not marry a priest even after the death of her husband.
- (35) By our Mishnah.
- (36) I.e., daughters of priests.
- (37) PRIESTHOOD in our Mishnah referring to the right of eating terumah on their return to their parents' home in their widowhood (v. Lev. XXII, 13). V. supra n. 8, and the reading of cur. edd. supra p. 211, n. 8.

Talmud - Mas. Yevamoth 35b

CHAPTER IV

MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE¹ WHO WAS SUBSEQUENTLY FOUND TO BE PREGNANT, AND SHE GAVE BIRTH, HE IS, WHEREVER THE CHILD IS VIABLE,² PERMITTED TO MARRY HER RELATIVES AND SHE IS PERMITTED TO MARRY HIS RELATIVES,³ AND HE DOES NOT RENDER HER UNFIT FOR THE PRIESTHOOD;⁴ BUT WHEREVER THE CHILD IS NOT VIABLE,⁵ THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST.

IF A LEVIR MARRIED HIS DECEASED BROTHER'S WIFE¹ WHO IS FOUND TO HAVE BEEN PREGNANT,⁶ AND SHE GAVE BIRTH, HE, WHEREVER THE CHILD IS VIABLE, MUST⁷ DIVORCE HER. AND BOTH ARE UNDER THE OBLIGATION OF BRINGING AN OFFERING;⁸ BUT IF THE CHILD IS NOT VIABLE, HE MAY RETAIN HER. IF IT IS DOUBTFUL WHETHER IT IS A NINE-MONTHS CHILD OF THE FIRST [HUSBAND] OR A SEVEN-MONTHS CHILD OF THE SECOND [HUSBAND]. SHE MUST BE DIVORCED, AND

THE CHILD IS LEGITIMATE,⁹ BUT THEY ARE UNDER THE OBLIGATION OF AN ASHAM TALUI.¹⁰ GEMARA. It was stated: In the case of a levir who participated in halizah with a pregnant woman who subsequently miscarried, R. Johanan said, She need not perform the halizah with the brothers; and Resh Lakish said: She must perform halizah with the brothers. 'R. Johanan said, She need not perform halizah with the brothers', because the halizah of a pregnant woman¹¹ is deemed to be proper halizah and marital contact with a pregnant woman is deemed to be proper marriage.¹² 'Resh Lakish said: She must perform halizah with the brothers', because the halizah with a pregnant woman is not deemed to be a proper halizah, nor is marital contact with a pregnant woman deemed to be a proper marriage. On what principle do they¹³ differ? — If you wish I might say: In the interpretation of a Scriptural text. And if you prefer I might say: On a logical point. 'If you wish I might say: In the interpretation of a Scriptural text';¹⁴ R. Johanan is of the opinion that the All Merciful said, And have no child,¹⁵ and this man¹⁶ surely has none; while Resh Lakish is of the opinion that And have no [en lo] child¹⁷ implies. 'Hold an inquiry¹⁸ concerning him'.¹⁹ 'And If you prefer I might say: On a logical point'; R. Johanan argues: Had Elijah²⁰ appeared and announced that the woman would miscarry. would she not have been subject to halizah or levirate marriage?²¹ Now also²² the fact is established retrospectively. And Resh Lakish maintains that a fact cannot be said to have been established retrospectively.

R. Johanan raised an objection against Resh Lakish: WHEREVER THE CHILD IS NOT VIABLE THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST. This is quite correct according to my view: Since I maintain that the halizah of a pregnant woman is a proper halizah he, consequently, renders her unfit. According to you, however, who maintain that the halizah of a pregnant woman is not proper halizah, why does he render her unfit to marry a priest? — The other answered him: It²³ is only Rabbinical and it is a mere restriction.²⁴

Others say: Resh Lakish raised an objection against R. Johanan: WHEREVER THE CHILD IS NOT VIABLE THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is not a proper halizah it was justly stated as a restriction,²⁵ that HE RENDERS HER UNFIT TO MARRY A PRIEST but not that 'she requires no halizah from the brothers';²⁶ according to you, however,²⁷ it should have been stated that 'she requires no halizah from the brothers'!²⁸ — The other replied: It should have been indeed;²⁹ only because in the first clause it was stated, HE DOES NOT RENDER HER UNFIT³⁰ it was also³¹ stated in the latter clause, HE RENDERS HER UNFIT.³²

R. Johanan raised an objection against Resh Lakish: IF THE CHILD IS NOT VIABLE, HE MAY RETAIN HER. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is a proper halizah and marital contact³³ with a pregnant woman is a proper marriage. it was rightly stated HE MAY RETAIN HER.³⁴ According to you, however, who maintain that the halizah of a pregnant woman is not a valid halizah and the marital contact³⁵ with a pregnant woman is not a valid marriage, it should have been stated, 'He must repeat contact and only then he may retain her'! — The meaning of HE MAY RETAIN HER is that he must repeat contact and then HE MAY RETAIN HER, but not otherwise.³⁶

Others say: Resh Lakish raised an objection against R. Johanan: IF THE CHILD IS NOT VIABLE HE MAY RETAIN HER. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is not a valid halizah and marital contact with a pregnant woman is not a valid marriage, it was rightly stated HE MAY RETAIN HER, [meaning that] he must repeat contact and then HE MAY RETAIN HER, since otherwise this³⁷ would not have been permitted.³⁸ According to you,³⁹ however, it should have been stated, 'If he wishes he may divorce her and if he prefers he may continue to live with her'! — It should have been indeed;⁴⁰ only because in the

earlier clause it was stated HE MUST DIVORCE HER, it was also stated in the latter clause HE MAY RETAIN HER.

An objection was raised: 'Where a levir married his yebamah who was found to be pregnant, her rival may not be married, since it is possible that the child would be viable'. On the contrary! If the child were viable her rival would be exempt!⁴¹ — But read: Since it is possible that the child would not be viable.⁴² Now, if it could be imagined that marital contact with a pregnant woman is to be regarded as a valid marriage, why may not her rival be married? She should be exempted through the marital contact of her associate! — Abaye replied: Both⁴³ agree that by marital contact she does not exempt [her rival]; they differ only on the question of halizah. R. Johanan is of the opinion that the halizah of a pregnant woman is a valid halizah, though marital contact with a pregnant woman is not a valid marriage, while Resh Lakish is of the opinion that marital contact with a pregnant woman is no valid marriage, nor is halizah with a pregnant woman a valid halizah. Said Raba: Whatever is your opinion? If marital contact with a pregnant woman is a valid marriage, the halizah of a pregnant woman should be a valid halizah; or if marital contact with a pregnant woman is no valid marriage, the halizah of a pregnant woman also should be no proper halizah; for we have an established rule

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- (1) Whose husband died without issue.
 - (2) Although the child died soon after.
 - (3) Since a viable child was born the halizah is rendered void.
 - (4) She, unlike any other haluzah, may marry a priest. V. n. 3 supra.
 - (5) I.e., if it was of a premature birth.
 - (6) Prior to the levirate marriage.
 - (7) Since the levirate marriage should not take place where the deceased brother has had any issue.
 - (8) A sin-offering for their unwitting transgression in contracting a forbidden marriage (one's brother's wife) where the precept of the levirate marriage did not apply. V. supra n. 7.
 - (9) Since in either case he has been born from a lawful union: If he is a nine-months child he is the legitimate offspring of the deceased brother; and if he is a seven-months child of the surviving brother, the deceased had died without issue and the marriage between the widow and the surviving brother was accordingly lawful.
 - (10) The offering prescribed for doubtful trespass. V. Lev. V, 17ff and cf. Ker. 17b.
 - (11) Who miscarried.
 - (12) The miscarriage proved that the previous halizah or marriage were lawful.
 - (13) R. Johanan and Resh Lakish.
 - (14) V. Bah a.l. Cur. edd. reverse the order.
 - (15) Deut. XXV, 5.
 - (16) The deceased whose widow has now miscarried.
 - (17) וְבִין אֵין לֹא.
 - (18) עִיין 'consider', 'investigate'. The 'Ayin (ע) of עִיין is interchanged with the Aleph (א) of אֵין.
 - (19) Inquire whether the deceased has been survived by any kind of child. Even a miscarriage is deemed to be a child. Cf. B.B., Sonc. ed., p. 474. nn. 6ff.
 - (20) The prophet, who could predict the future.
 - (21) Of course she would.
 - (22) That she has actually miscarried, though after the halizah or levirate marriage.
 - (23) The prohibition for the woman to marry a priest.
 - (24) One not knowing the circumstances of this particular case would erroneously assume that any other haluzah may also be married to a priest.
 - (25) V. supra n. 2. Had not this been specifically stated it might have been assumed that, as the halizah is invalid, she is not rendered unfit at all.
 - (26) Because she does.
 - (27) Who regard the halizah as valid.
 - (28) And the prohibition to marry each other's relatives and his rendering her unfit for a priest would be inferred as self-evident.

- (29) Lit., yes, thus also’.
- (30) The ruling concerning halizah not being applicable in this context, since a viable child was born.
- (31) So in old editions. Cur. edd. omit ‘also’.
- (32) Thus, as in the first clause, omitting all reference to halizah.
- (33) Of the levir.
- (34) Emphasis on MAY. No second contact is necessary after the miscarriage, (since the first was valid) and the levir may also, if he wishes, divorce her.
- (35) Of the levir.
- (36) Lit., ‘it is not enough without such’. V. Emden, a.l. Cur. edd. omit the last two words.
- (37) The option of either retaining or divorcing her.
- (38) Cf. n. 3 supra.
- (39) Who deem the marriage to be valid.
- (40) Lit., ‘yes thus also’.
- (41) And free to marry. since her deceased husband is now survived by a living child, and neither she nor the other widow is subject to halizah or levirate marriage.
- (42) So that his mother as well as her rival would be subject to the levir, the former's previous marital contact, during her pregnancy. being invalid.
- (43) R. Johanan and Resh Lakish.

Talmud - Mas. Yevamoth 36a

that whosoever is subject to the obligation of levirate marriage is also subject to halizah, and whosoever is not subject to the obligation of the levirate marriage is not subject to halizah!¹ Rather, said Raba, it is this that was meant:² Where a levir married his yebamah who was found to be pregnant, her rival may not be married, because it is possible that the child would be viable, and marital contact with a pregnant woman is no proper marriage nor is the halizah of a pregnant woman proper halizah, while the child does not bring exemption until he is actually born.³

It was taught in agreement with the view of Raba: Where a levir married his yebamah who was found to be pregnant, her rival may not be married, because it is possible that the child would be viable, and neither marital contact nor halizah but only the child brings exemption; and the child brings exemption only after he is born.

The reason, then,⁴ is because it is possible that the child might be viable, but where the child is not viable her rival is exempt;⁵ does this imply an objection against Resh Lakish?⁶ — Resh Lakish can answer you [that the Baraitha] is thus to be interpreted:⁷ Where a levir married his yebamah who was found to be pregnant, her rival may not be married; since it is possible that the child may not be viable, and the halizah of a pregnant woman is no valid halizah nor is the marital contact with a pregnant woman a proper marriage; and were you to suggest that one should be guided by the majority of women, and the majority of women bear healthy children, [it could be retorted that] a child brings no exemption until he is actually born.⁸

Said R. Eleazar: Is it possible that there should exist [such a ruling as] that of Resh Lakish and that we should not have learnt it in a Mishnah? When he went out he carefully considered the matter and found one. For we learned: If people came to a woman whose husband and rival had gone to a country beyond the sea and told her, ‘Your husband is dead’,⁹ she may neither be married¹⁰ nor be taken in levirate marriage¹¹ until she has ascertained whether her rival¹² is pregnant.¹³ One can well understand why she may not be taken in levirate marriage, since it is possible that the child¹⁴ may be viable and [the levir] would thus¹⁵ infringe the Pentateuchal prohibition against [marrying] a brother's wife: but why should she not perform the halizah? It is possible to understand the reason why she must not perform the halizah within the nine months¹⁶ and also contract a marriage within nine months,¹⁶ since such [procedure would naturally be forbidden on account of the] doubt;¹⁷ but

let her perform the halizah within the nine months¹⁶ and be married after the nine months!¹⁸ — But even in accordance with your view,¹⁹ let her perform the halizah and be married after the nine months!²⁰ The fact, however, is that nothing may be inferred from this;²¹ for both Abaye b. Abin²² and R. Hinena b. Abin²² stated:²³ It is possible that the child²⁴ might be viable²⁵ and you would then subject her to the necessity of an announcement²⁶ in respect of the priesthood.²⁷ — Well, let her be subjected!²⁸ — It may happen that someone would be present at the halizah and not at the announcement,²⁶ and would form the opinion that a haluzah was permitted to a priest.

Said Abaye to him: Was it stated, ‘She shall neither perform halizah nor be taken in levirate marriage’? The statement, surely, was, ‘She shall neither be married nor be taken in levirate marriage’²⁹ without halizah; if halizah, however, had been performed³⁰ she would indeed have been permitted!³¹

It was taught in agreement with Resh Lakish: Where a levir participated in the halizah with a pregnant woman who subsequently miscarried, she is required to perform halizah with the brothers.

Raba said: The law is in accordance with the views of Resh

!!

If on the other hand, a viable child had been born, exemption took effect at his birth, and subsequent marriage would consequently be lawful. As the Mishnah, however, forbids halizah and marriage even after the nine months, unless definite information about the rival had been received, it must be assumed to represent the view of Resh Lakish who deems a halizah invalid wherever the child is not viable and the ceremony took place during pregnancy. Lakish in the following three rulings.³² One is the ruling just spoken of. Another is his ruling in connection with the following Mishnah:³³ If a man³⁴ distributed his property verbally³⁵ and gave to one [son] more and to another less, or if he assigned to the firstborn a share equal to that of his brothers,³⁶ his arrangements are valid.³⁷ If, however, he said, ‘As an inheritance’,³⁸ his instructions are disregarded.³⁹ If he wrote⁴⁰ either at the beginning or the end or the middle, ‘as a gift’,⁴¹ his instructions are valid.⁴²

(1) Supra 3a.

(2) By the Baraita cited.

(3) Lit., ‘he went forth into the air of the world’.

(4) Why the rival is not exempt.

(5) On the strength of the marital contact which took place prior to the miscarriage of the child, no repeated contact being necessary.

(6) Who does not regard the marital contact of a pregnant woman as a valid marriage

(7) Lit., ‘thus he taught’.

(8) Lit., ‘he went forth unto the air of the world’.

(9) And has left no issue.

(10) To a stranger.

(11) By the levir.

(12) Who went together with her husband.

(13) Infra 119a. Only if she learns that her rival is not pregnant may she contract the levirate marriage.

(14) That might be born from the rival.

(15) By marrying the widow of his brother who did not die without issue.

(16) After the death of her husband.

(17) It being uncertain whether the child would be viable or not. Should he be viable, neither the halizah nor the marriage would be valid, while exemption on his account would not come into force until his actual birth.

(18) This should be permitted according to the view of R. Johanan at all events: If the rival had been pregnant and miscarried or had not been pregnant at all, the halizah was, surely, valid.

- (19) That halizah is forbidden because of the possibility that the rival was pregnant at the time halizah took place.
- (20) When all doubt as to pregnancy would have been removed. Why, then, has it been stated that she may not marry until she had ascertained (even though many years have passed), whether her rival had been pregnant.
- (21) Mishnah. Lit., 'but outside of that'. No support to the view of Resh Lakish may be derived from it.
- (22) Cur. ed., 'Abaye'.
- (23) The reason why no halizah may take place.
- (24) Of the rival.
- (25) The birth of a viable child renders the halizah invalid and the woman is consequently permitted to marry a priest.
- (26) That the halizah was unnecessary and therefore invalid.
- (27) V. supra n. 7.
- (28) Lit., 'required'.
- (29) [Rashi apparently omits this and reads: 'She shall neither be married' without halizah].
- (30) Even within nine months.
- (31) To marry at the end of that period; the Baraita will then afford no support to Resh Lakish.
- (32) B.B. 129b, Hul. 77a.
- (33) Lit., 'because we learned'.
- (34) Lying on his death-bed.
- (35) I.e., explicitly intimated his desire and did not die intestate (v. Rashi, a.l.).
- (36) Lit., 'he made the firstborn equal to them', though Biblically he is entitled to a double portion.
- (37) Lit., 'his words stand', because a man is entitled to dispose of his property, as a gift, in any manner that may appeal to him.
- (38) I.e., if he distributed the shares as portions of an inheritance and not as gifts.
- (39) Lit., 'he said nothing'. One has no right to give instructions which are contrary to the law of the Torah which entitled every son to a portion and the firstborn to a double portion in the father's estate.
- (40) In disposing of his property in a written will.
- (41) I.e., used an expression denoting 'gift', even though it was accompanied by one denoting 'inheritance'. If he wrote, for instance, let a certain field (a) be presented to X that he may inherit it (beginning), or (b) inherited by X and be presented to him that he may inherit it (middle), or (c) be inherited by X and be presented to him (end).
- (42) B.B. 126b. V. supra note 6. So long as the expression of 'gift' was used, the other expression of 'inheritance' that may have been coupled with it, does not in any way affect the validity of the testator's instructions.

Talmud - Mas. Yevamoth 36b

And [in connection with this] Resh Lakish stated: No possession is ever acquired,¹ unless the testator had said, 'Let X and Y inherit this and that particular field which I have assigned to them as a gift, so that they may inherit them'.² And the third³ is his ruling in connection with the following Mishnah:⁴ If a man assigned all his estate, in writing, to his son⁵ [to be his]⁶ after his⁷ death, the father may not sell it⁸ because it is assigned to the son, and the son may not sell it because it is in the possession of the father. If the father sold the estate, the sale is valid until his death.⁹ If the son sold it, the buyer has no claim whatsoever upon it until the father's death.¹⁰ And it was stated: If the son sold the estate¹¹ during the lifetime of his father, and died while his father was still alive, R. Johanan said: The buyer does not acquire ownership;¹² and Resh Lakish said: The buyer does acquire ownership.¹³ R. Johanan said that 'the buyer does not acquire ownership', because possession of usufruct is like possession of the capital;¹⁴ and Resh Lakish said that 'the buyer does acquire ownership', because possession of usufruct is not like possession of the capital.¹⁵

BUT IF THE CHILD IS NOT VIABLE etc. A Tanna taught: It has been said in the name of R. Eliezer that¹⁶ he must put her out by means of a letter of divorce.¹⁷

Said Raba: R. Meir and R. Eliezer taught the same law.¹⁸ R. Eliezer, in the ruling just mentioned, R. Meir [in the following Baraita] wherein it was taught: A man shall not marry the pregnant, or nursing wife of another;¹⁹ and if he married, he must put her out and never remarry her; so R. Meir.

But the Sages said: He shall let her go.²⁰ and at the proper time²¹ he may marry her again.²²

Abaye said to him:²³ How do you arrive at such a conclusion which may possibly be wrong?²⁴ R. Eliezer's ruling might extend to the present case²⁵ only because the levir is encroaching²⁶ upon the prohibition of 'brother's wife', which is Pentateuchal,²⁷ but there,²⁸ where the prohibition is only Rabbinical,²⁹ he may hold the same view as the Rabbis. Alternatively, it is possible that R. Meir's ruling extends only to that case because the prohibition is Rabbinical,²⁹ and the Sages have given more force to their provisions than to those which are Pentateuchal,³⁰ but not to the case here,³¹ where the prohibition is Pentateuchal,²⁶ and people as a rule keep away from it.³²

Raba said: Even according to the ruling of the Rabbis³³ he must let her go from him by means of a letter of divorce.³⁴ Said Mar Zutra: This may also be deduced, since the expression used was 'he shall put her out'³⁵ and not 'he shall let her part'.³⁶ This proves it.

R. Ashi said to R. Hoshaia son of R. Idi: 'Elsewhere it was taught.'³⁷ "R. Simeon b. Gamaliel said: Any human child³⁸ that survived for thirty days cannot be regarded as a miscarriage.³⁹ Had he not lived so long,⁴⁰ however, he would have been a doubtful case.⁴¹ But it was also stated: Where he⁴² died within thirty days⁴³ and she⁴⁴ was subsequently⁴⁵ betrothed,⁴⁶ Rabina said in the name of Raba that if she⁴⁴ was the wife of an Israelite⁴⁷ she must perform the halizah⁴⁸ and if she was the wife of a priest⁴⁹ she must not perform the halizah.⁵⁰ R. Mesharsheya⁵¹ said in the name of Raba: The one as well as the other must perform the halizah. Said Rabina to R. Mesharsheya:⁵¹

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- (1) Where two fields were given to two persons and the expression of 'inheritance was used together with that of 'gift'.
 - (2) Both acquire possession of the respective fields because the testator had used the expression, 'which I have assigned to them as a gift', implying that the gift was made before it was assigned as an 'inheritance' (v. R. Gershom, B.B. 129a).
 - (3) Lit., 'and the other', the third ruling of Resh Lakish, which is an accepted halachah.
 - (4) Lit., 'because we learned'.
 - (5) Inserting the formula 'From this day and after my death'. The law that follows applies also to a gift made by any other person.
 - (6) The sons.
 - (7) The testator's.
 - (8) Either the land or its produce.
 - (9) Lit., 'sold until he dies'. Until then only may the buyer enjoy its usufruct.
 - (10) B.K. 88b, B.B. 1362.
 - (11) Assigned to him by his father for possession after his death.
 - (12) Even after the father's death, since the estate has never come into the son's possession.
 - (13) After the death of the father, as the representative of the son, who, were he alive, would have been entitled to the inheritance.
 - (14) Since the usufruct was in the ownership of the father, the capital, i.e., the soil, is also regarded as being in his possession, and the son, therefore, during the lifetime of his father is not entitled to transfer it to the buyer.
 - (15) B.K. l.c., B.B. 136af. The soil, therefore, was the undisputed property of the son who, consequently, was fully entitled to transfer it to the buyer.
 - (16) Contrary to the law of our Mishnah which allows the levir to continue his connubial association with his sister-in-law wherever the child is not viable.
 - (17) Though the death of the child has proved retrospectively that the levirate marriage was lawful, divorce is imposed upon such a union as a penalty for contracting it at a time when, owing to the uncertainty of the result of the pregnancy, it was of doubtful legality.
 - (18) Lit., 'said one word', that the penalty of divorce is imposed upon any union the legality of which was doubtful at the time the marriage was contracted.
 - (19) Though she is now a widow or divorced.
 - (20) V. infra for meaning.
 - (21) Lit., 'and when his time to marry arrives', i.e. at the end of the period of twenty-four months allowed for the nursing

of a child.

(22) Sot. 262.

(23) Raba.

(24) Lit., 'from what? perhaps it is not (so)'.

(25) Lit., 'R. Eliezer did not so far say (his ruling) here'.

(26) It being possible that the child would be viable.

(27) For such a serious offence a penalty is rightly imposed.

(28) Marriage with an expectant. or nursing mother.

(29) Biblically one need not wait twenty-four months before marrying her.

(30) As people might be lax in the observance of a Rabbinical law it was necessary to impose a penalty for its non-observance.

(31) Marriage with an expectant yebamah.

(32) Or 'her', i.e., from marrying an expectant yebamah. No penalty. therefore, need be imposed upon an occasional offender.

(33) Who permit marriage after the period of twenty-four months had elapsed.

(34) Mere separation is not enough.

(35) **יָצִיא** Hif. of **יָצָא** 'to go out'.

(36) **יָפַשׁ** Hif. of **פָּרַשׁ** 'to separate'.

(37) Cf. Tosaf. Hul. 87b, s.v. **תָּנַן** and Bek. 49a s.v. **מֵת**. Cur. edd., 'we learned'.

(38) Of doubtful premature birth. Lit., 'among man', opp. to cattle mentioned in the final clause.

(39) Tosef. Shab. XVI, Shab. 135b, Nid. 44b, infra 80b; and consequently exempts his mother from levirate marriage and halizah. In the case of a mature birth (cf. prev. note) the child exempts his mother on the first day of his birth. (V. Nid. 43b).

(40) [Rashi: By dying a natural death; Tosaf. If he was killed; for if he died a natural death within thirty days even the Rabbis would regard him as a miscarriage, v. Tosaf, s.v. **הָאֵל**].

(41) And his mother would have had to perform halizah only, but would not have been allowed to contract the levirate marriage.

(42) The child of a sister-in-law whose husband had died without having left any other issue.

(43) Of his birth.

(44) His mother, the widow of his deceased father.

(45) Lit., 'stood up.'

(46) To a stranger; believing that the birth of the child was sufficient to exempt her from the obligations of the levirate marriage and the halizah.

(47) I.e., if the man who betrothed her was an Israelite who may marry a haluzah.

(48) With the levir.

(49) Cf. supra 8. A priest may not marry a haluzah.

(50) Were she to perform it. her husband could not subsequently be allowed to live with her. Hence she is granted exemption from halizah by virtue of the child's birth alone.

(51) Var. lec. 'Sherabya', v. Shab. 136b.

Talmud - Mas. Yevamoth 37a

Raba said so¹ in the evening, but on the following morning he retracted.² The other exclaimed, "So you have permitted;³ would that you permitted also abdominal fat!"⁴ Now, what is the law here in respect of the pregnant, or nursing wife of another man who was married to a priest? Did the Rabbis make any provision for a priest⁵ or not?' — The other⁶ replied:⁷ What a comparison!⁸ [The distinction]⁹ is well justified there;¹⁰ since the Rabbis differ from R. Simeon b. Gamaliel in maintaining that the child is deemed to be sound even though he did not live long enough,¹¹ we may, in the case of a priest's wife, where no other course is open,¹² act in accordance with the view of the Rabbis.¹³ Here,¹⁴ however, in accordance with whose view could we act? If in accordance with that of R. Meir, he surely stated that he¹⁵ must put her out and never remarry her! And if in accordance with the view of the Rabbis, they, surely, stated [that she must be sent away] by means of a letter of

divorce!¹⁶

It was stated: [The case of the man who] betrothed a woman¹⁷ within the three [months]¹⁸ and fled, is one concerning which R. Aha and Rafram are at variance. One holds that the man is to be placed under the ban,¹⁹ but the other holds that his flight is sufficient.²⁰ Such an incident once happened, and Rafram ruled,²¹ 'His flight is sufficient'.²⁰

IF IT IS DOUBTFUL WHETHER IT IS A NINE-MONTHS CHILD etc. Said Raba to R. Nahman. Let the ruling be that one is to go by the majority of women, and the majority of women bear at nine months!²² — The other replied: Our women bear at seven months. 'Are your women', the first retorted, 'the majority of the world'! — 'What I mean', the other replied, 'is this: Most women bear at nine months and a minority at seven, and the embryo in the case of every woman who bears at nine is recognizable after a third of the period of her pregnancy;²³ and in the case of this woman, since her embryo was not recognized after a third of the period of her pregnancy²³ [her presumption to belong to] the majority is impaired'.

If in the case of every woman, however, who bears at nine the embryo is recognizable after a third of the period of her pregnancy. it is obvious that with this [woman], since her embryo had not been recognized after a third of the period of her pregnancy, it must be a seven-months child of the second²⁴ husband! — But say rather: When a woman bears at nine months, her embryo in most cases is recognizable after a third of her pregnancy. and with this woman, since her embryo was not recognized after a third of the period of her pregnancy, [her presumption to belong to] the majority is impaired.

Our Rabbis taught: The first [child]²⁵ is fit to be a High priest,²⁶ and the second²⁷ is deemed a bastard owing to his doubtful origin.²⁸ R. Eliezer b. Jacob said: He is not of doubtful bastardy.²⁹ What does he³⁰ mean?³¹ — Abaye replied: It is this that he meant, 'The first child²⁵ is fit to be a High priest²⁶ while the seconds is one of doubtful bastardy²⁹ and is consequently forbidden to marry a bastard.³² R. Eliezer b. Jacob said: He is not one of doubtful bastardy but an assured bastard, and is consequently permitted to marry a bastard'. Raba replied: It is this that was meant: 'The first³³ is fit to be a High priest³⁴ and the second,³⁵ on account of his doubtful origin,³⁶ is deemed to be an assured bastard and is consequently permitted to marry a bastard; but R. Eliezer b. Jacob said: He cannot be deemed an assured bastard on account of his doubtful origin;³⁶ he is, however, regarded as one of doubtful bastardy and is consequently forbidden to marry a bastard.³⁷ And they³⁸ differ in [the interpretation of a ruling] of R. Eleazar. For we learned: 'R. Eleazar said, persons of confirmed illegitimacy may [intermarry] with others of confirmed illegitimacy, but those of confirmed illegitimacy may not intermarry with those of doubtful illegitimacy;³⁹ nor those of doubtful, with those of confirmed illegitimacy; nor those of doubtful, with others of doubtful illegitimacy. And the following are of doubtful legitimacy: The shethuki,⁴⁰ the asufi⁴¹ and the Samaritan.⁴² And [in connection with this] Rab Judah stated in the name of Rab, 'The halachah is in accordance with the ruling of R. Eleazar, but when I stated this in the presence of Samuel⁴³ he said to me, "Hillel taught that the following ten different genealogical classes went up from Babylon:⁴⁴ priests, Levites, Israelites, profaned priests,⁴⁵ proselytes, emancipated slaves, bastards, nethinim,⁴⁶ shetkuki⁴⁰ and asufi,⁴¹ and all these may inter marry",⁴⁷ and you state that the halachah is in accordance with the ruling of R. Eleazar'!⁴⁸ Now Abaye upholds the opinion of Samuel who stated that the halachah is in agreement with the ruling of Hillel and consequently brings the ruling of R. Eliezer b. Jacob into harmony with the halachah so that there may be no contradiction between the one halachah and the other.⁴⁹ Raba, on the other hand, upholds the opinion of Rab who stated that the halachah is in agreement with the ruling of R. Eleazar, and so he brings the ruling of R. Eliezer b. Jacob into harmony with the halachah in order that there may be no contradiction

(1) That halizah must be performed even where the husband is a priest (R. Mesharsheya's version).

- (2) Exempting the widow from halizah where a priest is involved (Rabina's version).
- (3) Var. lec. 'permitted it'.
- (4) Shab. 136af.
- (5) That temporary separation until the twenty-four months had elapsed shall suffice and that, unlike an Israelite, the priest shall not be required to give a divorce. If an Israelite gives a divorce in such circumstances he may remarry the woman after the lapse of the forbidden period. A priest, however, being forbidden to marry a divorced woman, would never again be allowed to remarry her once she had been divorced.
- (6) R. Hoshaia.
- (7) To R. Ashi.
- (8) Lit., 'thus now'.
- (9) Between an Israelite and a priest.
- (10) Where the child died within the first thirty days of his life and his mother was betrothed to a stranger.
- (11) The full thirty days.
- (12) Since a priest is forbidden to marry a divorced woman.
- (13) In regarding the child as viable and thus exempting the mother from the levirate marriage and halizah.
- (14) Where the levir married his sister-in-law while she was an expectant, or nursing mother.
- (15) The levir.
- (16) V. supra 36b and cf. p. 229, nn. 16 and 17.
- (17) An expectant, or nursing mother who was a widow or divorcee.
- (18) After she became a widow or divorcee.
- (19) Until he consents to divorce the woman.
- (20) He need not be compelled to give her a divorce, and no penalty need be imposed upon him, since his flight may be taken as an indication that it was not his intention to live with her before the lapse of a period of twenty-four months after the birth of a child.
- (21) Lit., 'said to them'.
- (22) The child would consequently be deemed to be the son of the first husband, and the marriage of his mother with the levir would be a forbidden union. The levir who thus married unlawfully his brother's wife should bring a sin-offering and not, as stated in our Mishnah, an asham talui.
- (23) Lit., 'her days'.
- (24) Lit., 'last'.
- (25) Born from the levirate marriage, and in respect of whom it is doubtful whether he is a nine-months child of the deceased or a seven-months one of the levir.
- (26) His legitimacy is beyond all doubt. If he is the son of the deceased brother he is legitimate, though the subsequent levirate marriage is a forbidden one; and if he is the son of the levir, the levirate marriage itself is a lawful union.
- (27) Any child after the first, born from the levirate marriage.
- (28) It being possible that the first child was the son of the deceased, and that the levirate marriage was consequently forbidden under the penalty of kareth. Children born from such a union are bastards.
- (29) Cur. edd., 'There is no bastard on account of doubt'.
- (30) R. Eliezer b. Jacob.
- (31) Does he imply that one cannot be described as a bastard unless his illegitimacy is a certainty?
- (32) Since it is equally possible that he himself is not a bastard. (11) So Bah a.l. cur. edd. omit the last two words.
- (33) V. supra p. 232, n. 3.
- (34) V. loc. cit. n. 4.
- (35) V. loc. cit. n. 5.
- (36) V. loc. cit. n. 6.
- (37) Since it is equally possible that he himself is not a bastard.
- (38) Abaye and Raba in their differing explanations of the Baraita cited.
- (39) Since it is possible that a person of doubtful legitimacy may in fact be legitimate, and by marrying one whose illegitimacy is established a bastard, contrary to Pentateuchal law, would be 'admitted into the congregation'. (V. Deut. XXIII, 3).
- (40) שתוקי (rt. שתק 'to be silent'), he who knows his mother but does not know who was his father (v. Kid. 6); who 'keeps silent' about his origin.

- (41) **אֶסּוּפִי** (rt. **אָסַף** 'to gather') a child picked up in the street, and whose fatherhood and motherhood are unknown (v. Kid. l.c.); 'a foundling'.
- (42) Kid. 74a. In all these cases the legitimacy is doubtful: in the first two, because the father is unknown; and in the last, because the Samaritans did not observe all the laws of betrothal, and any Samaritan might be the issue of an illicit union between his father and a woman who had been legally betrothed to another man.
- (43) After Rab's death, where Rab Judah joined Samuel's academy for a short period.
- (44) To Judaea, in the days of Ezra.
- (45) Priests born from a forbidden union (cf. Lev. XXI, 7).
- (46) **נַתִּינִים**, plur. of nathin, v. Glos.
- (47) I.e., each class may intermarry with at least one other class.
- (48) Kid. 75a. How, in view of Hillel's ruling (v. supra n. 1), could the halachah be said to be in agreement with the view of R. Eleazar according to whom certain classes, not being of confirmed illegitimacy, could never intermarry!
- (49) The halachah is always determined by the teachings of R. Eliezer h. Jacob whose information was well sifted and authoritative. (V. Git. 67a).

Talmud - Mas. Yevamoth 37b

between one halachah and the other.

Said Abaye: Whence do I infer that R. Eliezer b. Jacob treats any doubtful case as a certainty? — [From] what was taught: R. Eliezer b. Jacob said, 'Behold, when a man has intercourse with many women and does not know with which particular woman¹ he had intercourse, and, similarly, when a woman with whom many men had intercourse does not know to which particular man her conception is due, the consequences are that a father will be marrying his daughter and a brother his sister, and the whole world will be filled with bastards,² and concerning this it was said, And the land became full of lewdness'.³ And Raba?⁴ — He can answer you: It is this that was meant, 'What might be the result'?⁵

More than that⁶ was said by R. Eliezer b. Jacob: A man shall not marry a wife in one country and then proceed to marry one in another country, since [their children]⁷ might marry one another and the result might be that a brother would marry his sister.⁸

But, surely, this could not be [the accepted ruling], for Rab, whenever he happened to visit Dardeshir,⁹ used to announce, 'Who would be mine¹⁰ for the day'? So also R. Nahman, whenever he happened to visit Shekunzib,¹¹ used to announce, 'Who would be mines for the day'?¹² — The Rabbis came under a special category since they are well known.¹³

But did not Raba say: A woman who had an offer of marriage and accepted must allow a period of seven ritually clean days to pass!¹⁴ — The Rabbis sent their representatives and these presented the announcements to the women.¹⁵ And if you prefer I might say: The Rabbis only had them¹⁶ in their private rooms;¹⁷ for the Master said, 'He who has bread in his basket cannot be compared to him who has no bread in his basket'.¹⁸

A Tanna taught: R. Eliezer b. Jacob said: A man must not marry a woman if it is his intention to divorce her, for it is written, Devise not evil against thy neighbour, seeing he dwelleth securely by thee.¹⁹

If the 'doubtful son'²⁰ and the levir came to claim a share²¹ in the estate of the deceased,²² the 'doubtful son' pleading, 'I am the son of the deceased and the estate is mine', while the levir pleads, 'You are my son and you have no claim whatsoever upon the estate', it is a case of money of doubtful ownership,²³ and money the ownership of which is doubtful must be divided.²⁴

Where the 'doubtful son'²⁰ and the sons of the levir came to claim their share²¹ in the estate of the deceased, the 'doubtful son' pleading, 'I²⁵ am the son of the deceased and the estate is mine while the sons of the levir plead, 'You are our brother and you have only a share equal to ours', it was the intention of the Rabbis to submit to R. Mesharsheya that this was a case [identical with that] of a Mishnah wherein we learned, 'He²⁶ does not inherit from them²⁷ but they inherit from him',²⁸ since here the case is just the reverse:²⁹ There they tell him, 'produce proof and take [your share]'³⁰ while here he tells them, 'produce proof and take your share'.³¹ R. Mesharsheya, however, said to them, 'Are [the two cases] equal? There, their claim is a certainty³² while his is doubtful,³³ while here both are doubtful!³⁴ If, however, a case is to be compared to a Mishnah it is to the following: That of a 'doubtful son'³⁵ and the sons of the levir who came to claim³⁶ shares in the estate of the levir himself, where they can say to him: produce proof that you are our brother and take your share'.³⁷

If a 'doubtful son'³⁵ and the sons of the levir came to claim³⁶ their shares in the estate of the levir after the levir had received his share in the estate of the deceased, the sons of the levir pleading, 'produce proof that you are our brother and you will receive [your share]', the 'doubtful son' can tell them, 'Whatever you wish: If I am your brother, give me a share among you;³⁸ and if I am the son of the deceased, return to me the half which your father received when he shared the estate with me'.

Said R. Abba in the name of Rab: The judgment must stand.³⁹ R. Jeremiah said: The judgment is to be reversed.⁴⁰

May it be suggested that they⁴¹ differ on the same principle as that which underlies the dispute between Admon and the Rabbis? For we learned: If a man went to a country beyond the sea and [in his absence] the path to his field was lost,⁴² he shall, Admon said, use the shortest cut;⁴³ but the Sages said: He must purchase a path even though it will cost him a hundred maneh or else fly in the air.⁴⁴ And in discussing this [Mishnah it was pointed out] against the Rabbis that Admon was perfectly right; and Rab Judah replied in the name of Rab that here it is a case where [the fields of] four persons surrounded it on its four sides.⁴⁵ But [it was asked] what is Admon's reason? And Raba replied: Where four persons⁴⁶ derive their rights of possession from four persons⁴⁷ or where four persons derive it from one⁴⁵ all agree that these⁴⁸ can refuse⁴⁹ him; the dispute only concerns one person who derived his rights from four. Admon is of the opinion that he⁵⁰ can tell him, 'At all events⁵¹ my path is in your fields',⁵² while the Rabbis hold that the other can answer him, 'If you will keep quiet, well and good;⁵³ and if not, I will return the deeds to their original owners whom you will have no chance to call to law'.⁵⁴ May it, then, be suggested that R. Abba⁵⁵ holds the view of the Rabbis⁵⁶ and R. Jeremiah⁵⁷ that of Admon?⁵⁸ R. Abba can tell you: I may even hold the view of Admon; he made his ruling there⁵⁹ only because he⁶⁰ can say to him,⁶¹ 'Whatever you wish to plead,

(1) Among those who had issue from their unlawful connection.

(2) Thus it has been shewn that, according to R. Eliezer b. Jacob, even persons of doubtful illegitimacy are described as 'bastards'.

(3) זמה Lev. XIX, 29, Tosef. Kid. I.

(4) How could he maintain a ruling which is contrary to the statement of R. Eliezer b. Jacob just quoted?

(5) מה היא Lit., 'this, what is it', a play on the word זמה (cf. Ned. 51a), i.e., R. Eliezer b. Jacob implies the possibility that the consequences might be the bringing of bastards into the world; not that all the issue would be deemed confirmed bastards.

(6) I.e., not only did he denounce indiscriminate intercourse, as has just been shewn, but he also forbade lawful marriage wherever its consequences might lead to moral chaos.

(7) Born in different parts of the world and knowing nothing of each other's parentage.

(8) Yoma 18b.

(9) [Ardashir, a town near Mahuza. V. Obermeyer pp. 164ff and 175, n. 1.].

(10) By marriage.

(11) [A town on the eastern bank of the Tigris, v. op. cit. p. 190].

- (12) Yoma l.c. [Rashi: 'for the days' (plur.). He was anxious to establish a home in Shekunzib which he often visited on business affairs and consequently wished to secure a wife to bless his home whenever he would stay there, v. Obermeyer, p. 191].
- (13) Should there be any issue from their marriages, in whatever part of the world this might happen, it will be well known to everybody who the father is.
- (14) Nid. 662; because it is possible that the excitement of the proposal and its acceptance has produced menstrual flow, and the woman has thus become levitically unclean. How, then, could the Rabbis mentioned marry on the very day on which their announcements were made?
- (15) Seven days prior to the Rabbis' arrival.
- (16) The women they married for the day.
- (17) Rt. **תהי** B.H. **תהי**, 'to be alone with one other person'; but no connubial intercourse took place.
- (18) Yoma loc. cit., Keth. 62b. The consciousness of having no bread at all intensifies the pangs of hunger, while the presence of bread in the basket, and the knowledge that it may be enjoyed at any moment, mitigates the craving. Similarly, the consciousness of the presence of one's own wife mitigates the sensual desires.
- (19) Prov. III, 29; v. Git. 90a.
- (20) A son of whom it is not known whether he was a nine-months child of the deceased, or a seven-months one of the levir. (V. our Mishnah).
- (21) Lit., 'to divide', or 'to dispute'.
- (22) Who died without issue and whose expectant wife had married the levir and bore this 'doubtful son'.
- (23) Lit., 'which is thrown into doubt'; none of the disputants has any claim superior to that of the other.
- (24) Between the claimants.
- (25) Lit., 'that man'.
- (26) The son concerning whom it is uncertain whether he was a nine months child of his mother's first, or a seven-months child of her second husband. Cf. supra n. 2.
- (27) Neither from the sons of his mother's first, nor from those of her second husband. As his claim is indefinite, since he cannot possibly know who his father really was, each group of heirs, whose claim to the estate of their respective fathers is definite and certain, can plead that he is not the son of their father.
- (28) Infra 100b. When he dies, the two groups of brothers, since they have exactly equal claims upon his estate, are entitled to equal shares in it.
- (29) While in the Mishnah cited their claim is certain and his is not, in this case his claim is certain while theirs is not. His claim is certain since at all events he is entitled either to all the estate (if he is the son of the deceased) or to a part at least (if he is the son of the levir), their claim, however, is doubtful since it is possible that he is the son of the deceased and they, as the sons of the levir, have no claim whatsoever upon the estate.
- (30) Cf. supra note 9.
- (31) Cf. supra p. 236, n. 11.
- (32) They know exactly whose children they are and by virtue of whose rights they advance their claims.
- (33) He is not sure whose son he is.
- (34) He himself whose claim to heirship is certain is also in doubt as to who exactly his father was and by virtue of whose rights he is entitled to the estate.
- (35) V. supra p. 236, n. 2.
- (36) V. loc. cit. n. 3.
- (37) Here, as in the Mishnah, one claim is a certainty (that of the sons of the levir) while the other (that of the 'doubtful son') is not.
- (38) And the half he already received he would return. This, of course, applies to the case only where one share in the levir's estate exceeds half the estate of the first deceased brother.
- (39) Once the levir received a half of the estate of his deceased brother it cannot again be taken away from his heirs. The second claim of the 'doubtful son' is, therefore, invalid.
- (40) The sons of the levir must either return to the 'doubtful son' the half which their father had received or allow him in their father's estate a share equal to theirs.
- (41) R. Abba and R. Jeremiah.
- (42) It being unknown in which of the surrounding fields it lay.
- (43) He must be allowed a short path through one of the surrounding fields. V. infra for further explanation.

- (44) Keth. 109b.
- (45) So that each person can plead that it was not in his field, but in one of the others, that the lost path lay.
- (46) The respective owners of the four surrounding fields.
- (47) Who presented or sold the fields to them.
- (48) The present four owners.
- (49) Lit., 'reject'.
- (50) Whose path was lost.
- (51) In whichever field it was lost,
- (52) Hence he is entitled to the short cut.
- (53) Lit., 'you will keep quiet'. He will sell him a path at a reasonable price (Rashi). Cf., however, Tosaf. s.v. דאמר.
- (54) Lit., 'and you will not be able to talk law with them'. V. supra note 3.
- (55) Who does not allow the alternative claim of the 'doubtful son'.
- (56) Who also disallow the alternate claim of the loser of the field.
- (57) Who admits the alternative claim of the 'doubtful son'.
- (58) Who also admits the alternative claim in the case of the lost path.
- (59) The case of the lost path.
- (60) The loser of the path.
- (61) The present owner of the fields.

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my only path lies in your fields', but could such a plea be advanced here! And R. Jeremiah can tell you: I may uphold even the view of the Rabbis, for the Rabbis made their ruling there only because he can tell him, 'If you keep silence, well and good, and if not I will return the deeds to their original owners and you will have no chance to call them to law', but could such a plea be advanced here!

Where a 'doubtful son'¹ and a levir came to claim their shares² in the estate of the grandfather,³ the former⁴ pleading, 'I am⁵ the son of the deceased and half of the estate belongs, therefore, to me', while the levir pleads, 'You are my own son and you have, therefore, no share whatsoever', the levir's claim being a certainty⁶ and that of the 'doubtful son' a doubtful one,⁷ doubt may not supersede⁸ a certainty.

Where the 'doubtful son'¹ and the sons of the levir came to claim their shares² in the estate of their grandfather,⁹ the former⁴ pleading, 'I am⁵ the son of the deceased and half of the estate is, therefore, mine'¹⁰ while the sons of the levir plead, 'You are our brother and you have a share like one of us',¹¹ they receive the half which he concedes to them while he receives the third¹² which they concede to him, and thus a sixth¹³ remains,¹⁴ which, being property¹⁵ of uncertain ownership, is to be equally divided.¹⁶

Where the grandfather¹⁷ and the levir [claim their shares] in the estate of the 'doubtful son' or where the grandfather¹⁷ and the 'doubtful son' [claim their shares] in the estate of the levir, the estate is to be regarded as money of uncertain ownership and is to be equally divided.¹⁶ MISHNAH. IF A WOMAN AWAITING [THE DECISION OF] THE LEVIR¹⁸ CAME INTO THE POSSESSION OF¹⁹ PROPERTY,²⁰ BETH SHAMMAI AND BETH HILLEL AGREE THAT SHE MAY SELL IT OR GIVE IT AWAY, AND THAT HER ACT IS LEGALLY VALID. IF SHE²¹ DIED, WHAT SHALL BE DONE WITH HER KETHUBAH²² AND WITH PROPERTY THAT COMES IN AND GOES OUT WITH HER?²³ BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND²⁴ ARE TO SHARE IT²⁵ WITH THE HEIRS OF HER FATHER;²⁶ AND BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS, [HENCE] THE KETHUBAH IS TO REMAIN IN THE POSSESSION OF THE HEIRS OF THE HUSBAND WHILE THE PROPERTY WHICH COMES IN AND GOES OUT WITH HER²³ REMAINS IN THE POSSESSION OF THE HEIRS OF HER FATHER.²⁷ WHERE HE MARRIED HER,¹⁸ SHE IS

DEEMED TO BE HIS WIFE IN EVERY RESPECT SAVE THAT HER KETHUBAH REMAINS A CHARGE ON HER FIRST HUSBAND'S ESTATE.

GEMARA. Wherein does the first clause²⁸ in which there is no dispute between them²⁹ differ from the final clause³⁰ in which they²⁹ do dispute?³¹ 'Ulla replied: The first clause deals with a woman who became subject to the levirate marriage³² while betrothed, and the final clause with one who became subject to the levirate marriage³² while married. And 'Ulla is of the opinion that the levirate bond³³ of a betrothed woman renders her 'doubtfully betrothed'³⁴

(1) V. supra p. 236, n. 2.

(2) V. loc. cit. n. 3.

(3) Of the 'doubtful son', the father of the levir and the deceased.

(4) Lit., 'the doubtful'.

(5) Lit., 'that man'.

(6) He knows exactly by virtue of whose, and by virtue of what rights he advances his claim, and he may consequently be regarded as being in actual possession of the estate.

(7) He cannot in any way be sure whose son he is and by virtue of whose rights his claim is advanced.

(8) Lit., 'take out'.

(9) Cf. supra note 3.

(10) Since it is to be divided into two equal shares between the two sons of the deceased.

(11) If for instance, the total number of brothers was three, he is entitled, they claim, to a third of the estate only, and not to a half,

(12) V. note 13 supra.

(13) דַּנְקָא, a sixth of a denar, hence a 'sixth' generally.

(14) $1 - (1/2 + 1/3) = 1/6$.

(15) Lit., 'money'.

(16) Between the claimants.

(17) V. supra note 3.

(18) שְׂוִמְרַת יָבָם the widow of a deceased brother during the period intervening between the death of her husband and the halizah or marriage with the levir.

(19) Lit., 'there fell to her'. The assumption now is that this occurred during her 'waiting period'. v. supra n. 1,

(20) Bequeathed to her by her father or presented to her as a gift

(21) V. supra note 1.

(22) V. Glos.

(23) Her melog property. v. Glos.

(24) Who is heir to his wife. Husband in this context _ levir.

(25) In the Gemara it is explained that this refers to the melog property only. In respect to the kethubah Beth Shammai agree with Beth Hillel.

(26) It being a matter of doubt whether the levirate bond with the levir constitutes such a close relationship as that of an actual marriage, the right of heirship as between her husband's heirs and hers cannot be definitely determined and the property must, therefore, be equally divided between them.

(27) For further notes v. Keth., Sonc. ed. pp. 507 ff.

(28) The case where the widow is alive.

(29) Beth Shammai and Beth Hillel.

(30) Where the widow had died.

(31) Why is the widow in the first case regarded as the confirmed possessor of the property and allowed to dispose of it in any manner she desires, while in the second case her right of possession is in dispute, her rightful heirs not being regarded as the lawful and undisputed successors to her property?

(32) Lit., 'when she fell'.

(33) Between the widow and the levir, due to the obligations of the levirate.

(34) The levirate bond not carrying the same force as actual betrothal.

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and the levirate bond of a married woman renders her 'doubtfully married'.¹ 'The levirate bond of a betrothed woman renders her doubtfully betrothed', for were we to assume that she is regarded as definitely betrothed, [how could both] BETH SHAMMAI AND BETH HILLEL AGREE THAT SHE MAY SELL IT OR GIVE IT AWAY AND THAT HER ACT IS LEGALLY VALID when we learned: If she came into the possession of property while she was betrothed, Beth Shammai said, she may sell it, and Beth Hillel said, she may not sell it, but both agree that if she had sold or had given it away her act is legally valid!² Consequently³ it must be inferred that the levirate bond of a betrothed woman renders her 'doubtfully betrothed'.⁴ 'The levirate bond of a married woman renders her doubtfully married', for had it been possible to assume that she is regarded as definitely married, [how could] Beth Shammai state that THE HEIRS OF HER HUSBAND ARE TO SHARE IT WITH THE HEIRS OF HER FATHER when we learned: If she came into the possession of property while she was married, both⁵ agree that, if she had sold or given it away, her husband may seize it from the hand of the buyers!⁶ Consequently it must be inferred that the levirate bond of a married woman renders her 'doubtfully married'.⁷

Said Rabbah to him:⁸ Why, then, do they⁹ dispute on [the question of the estate] itself after the death [of the widow]? Let them rather dispute on the question of the usufruct while she is alive! No, said Rabbah, both clauses deal with property which came into her possession while she was married; and the levirate bond of a married woman stamps her as doubtfully married. In the first clause, therefore, where she is alive, she is the certain possessor¹⁰ while they are only doubtful possessors, and doubt cannot override a certainty.¹¹ In the final clause, however, where she is dead, both groups come equally as heirs¹² and are, therefore,¹³ to take equal shares.¹⁴

Abaye pointed out an objection against him:¹⁵ Cannot a doubt, in accordance with the view of Beth Shammai, override a certainty? Surely we learned: [In the case where] a¹⁶ house collapsed upon a man¹⁷ and his father or upon a man¹⁷ and those whose heir he was,¹⁸ and that man had against him the claim of his wife's kethubah¹⁹ or that of a creditor,²⁰ [and in the first case], the heirs of the father plead that the son died first and the father afterwards,²¹ while the creditor pleads that the father died first and the son afterwards,²² Beth Shammai hold [that the amount in dispute is] to be divided,²³ and Beth Hillel hold that the estate is to remain in its former status.²⁴ Now here, surely, [the claim of] the heirs of the father is a certainty²⁵ and that of the creditor is only a doubt²⁵ and yet²⁶ the doubtful claim overrides the certainty!²⁷ — Beth Shammai are of the opinion that a bond of indebtedness which is due for repayment is regarded as [already] repaid!²⁸

And whence do you derive this?²⁹ — [From] what we learned: If their husbands³⁰ died before they drank,³¹ Beth Shammai rule that they are to receive their kethuboth³² and that they need not drink,³³ and Beth Hillel rule that they either drink³³ or they do not receive their kethuboth.³⁴ [But how can it be ruled,] 'They either drink', when the All Merciful said, Then shall the man bring his wife³⁵ and he is not there! Consequently [the meaning must be that] as they do not drink they are not to receive their kethuboth.³² Now here, surely, it is a matter of doubt, it being uncertain whether she did play the harlot³⁶ or not,³⁷ and yet the doubt overrides the certainty.³⁸ Consequently³⁹ it must be inferred that a bond of indebtedness which is due for repayment is regarded as already repaid.⁴⁰

Abaye,⁴¹ then,⁴² should have raised his objection from this!⁴³ — [The law of] a wife's kethubah might be different owing to considerations of courtesy.⁴⁴

Then let him⁴⁵ raise his objection from the law of the kethubah in our Mishnah!⁴⁶ They⁴⁷ do not dispute this point.⁴⁸

But do they not? Surely we learned,⁴⁹ IF SHE DIED, WHAT SHALL BE DONE WITH HER

KETHUBAH AND WITH PROPERTY THAT COMES IN AND GOES OUT WITH HER? BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND ARE TO SHARE IT WITH THE HEIRS OF HER FATHER; BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS! — It is this that was meant: IF SHE DIED, WHAT SHALL BE DONE WITH HER KETHUBAH? and then [the enquiry] was abandoned. As to PROPERTY THAT COMES IN AND GOES OUT WITH HER, BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND ARE TO SHARE WITH THE HEIRS OF HER FATHER AND BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS.

Said R. Ashi: The inference from the expressions in our Mishnah leads to the same conclusion;⁵⁰ for it was stated, THE HEIRS OF HER HUSBAND ARE TO SHARE WITH THE HEIRS OF HER FATHER⁵¹ and it was not stated ‘the heirs of the father [are to share it] with the heirs of the husband’.⁵² This proves it.

[Reverting to the previous question,]⁵³ Abaye replied: The first clause [deals with property] that came into her possession while she was awaiting [the decision of] the levir,⁵⁴ and the latter clause [with such] as came into her possession while she was still with her husband.

(1) Cf. supra n. 3.

(2) Keth. 78a., Sonc. ed. pp. 490ff q.v.

(3) Since in the case of a definite betrothal Beth Hillel, contrary to the opinion of Beth Shammai do not allow the widow the right of sale or gift, while in the first clause of our Mishnah they do.

(4) Hence Beth Shammai, who concede to the widow the right to sell and to give away even where her betrothal was certain, with all the more reason concede such rights to the widow spoken of in the first clause of our Mishnah where her betrothal is only doubtful. Beth Hillel, too, since in the case of a definite betrothal they agree that a sale or gift that had already taken place is valid, may rightly concede to the widow in the case of doubtful betrothal the full rights of selling and giving away.

(5) Beth Shammai and Beth Hillel.

(6) Keth. loc. cit.

(7) And so both Beth Shammai and Beth Hillel, who in the case of a definite marriage recognize the husband's right to seize from the buyers even property that his wife had already sold, agree that in the case of our Mishnah, the status of marriage being a matter of doubt, the husband's rights are also a matter of doubt. Hence Beth Shammai might well maintain that the property which is of doubtful ownership should be equally divided between the rival claimants, while Beth Hillel may maintain that the widow's right of possession is to be given priority since she came into the possession of the property at a time when her married status was a matter of uncertainty.

(8) ‘Ulla.

(9) Beth Shammai and Beth Hillel.

(10) Since the property is in any case hers.

(11) Hence Beth Shammai as well as Beth Hillel agree that she is fully entitled to sell the property or to give it away.

(12) Lit., ‘those come to inherit’ (bis). Had the levirate bond borne the same force as marriage the estate would undoubtedly have become the property of the levir only. Had it not borne the same force as marriage the estate would have been given to her father's heirs only, and the levir would have had no claim whatsoever. The claims of either group are consequently evenly balanced.

(13) Since the claim of either is equally doubtful.

(14) According to Beth Shammai. Beth Hillel's view, on the other hand, may be justified on the ground that the widow's father's heirs are her certain relatives and are, therefore, entitled to inherit that which was in her possession. No such claim, however, could be advanced by the husband's relatives since the husband himself was never for one moment in definite and undisputed possession of the property in question.

(15) Rabbah.

(16) Lit., ‘the’.

(17) Lit., ‘upon him’.

(18) Brothers, for instance, or other relatives, who had no other heirs but him.

(19) V. Glos.

(20) And he left no other money or possessions wherewith to meet his obligations, while those whose heir he was did leave possessions.

(21) The son did not consequently inherit from his father whose estate would, therefore, belong to the surviving heirs.

(22) And the son had, therefore, inherited his father's estate which may consequently be seized in payment of the son's debts.

(23) Between the creditor and the heirs, their respective claims being regarded by Beth Shammai as of equal force.

(24) B.B. 157a; With the heirs of the father. The claim of the heirs is regarded by Beth Hillel as a certainty, since they are in possession of the estate either as heirs of the father or as heirs of the son, while the claim of the creditor, being dependent on his being put into possession of the estate by the court, is of doubtful validity, and 'doubt cannot override a certainty'.

(25) v. supra n. 8.

(26) According to Beth Shammai.

(27) Lit., 'and doubt comes and takes away from the hands of certainty'. V. supra n. 8.

(28) Sot. 25a. The amount of the debt is deemed to be in the virtual possession of the creditor. The claims respectively of the heirs and the creditor are, consequently, of equal force. If the father died first his son inherited his estate and the creditor had immediately come into the legal possession of a share of the estate equal to the amount of his debt. If the son died first the heirs come into possession of the entire estate. As it is not known who died first the claims of the two parties are equally doubtful and of equal validity.

(29) That Beth Shammai hold the opinion just attributed to them.

(30) Of women suspected of illicit intercourse with strangers after they had been warned by their husbands. V. Glos. s.v. sotah.

(31) The water of bitterness. V. Num. V, 24.

(32) Pl. of kethubah, v. Glos.

(33) The water of bitterness. V. Num. V, 24.

(34) Sot. 24a, Keth. 81a.

(35) Num. V, 15; emphasis on man.

(36) And has, therefore, lost the right to her kethubah.

(37) And is consequently entitled to receive it.

(38) Cf. supra p. 243, n. 12. Despite the doubt as to whether she is entitled to her kethubah she receives it, according to Beth Shammai; and she thus takes away the amount of her kethubah from the heirs of her husband who are the undoubted successors to his property.

(39) Since the rule is that 'doubt cannot override certainty's

(40) The kethubah is, therefore, deemed to have been collected as soon as the husband died, and the widow is consequently deemed to be the virtual possessor of such a portion of his estate as would cover the amount of her kethubah.

(41) Whose objection to Rabbah, supra, was based on a Mishnah from Baba Bathra.

(42) Since the principle of virtual possession did not occur to him as the reason for allowing a doubtful claim in face of certain one.

(43) The Mishnah just cited which is embodied in the Tractates of Sotah and Kethuboth both of which belong to the same order as our Tractate. Since the principles in both Mishnahs are identical, why did Abaye resort to a Mishnah in another order when one was available in our order of Nashim.

(44) **חינה** 'gracefulness', 'loveliness'. It is possible that in order that pleasant and cordial relations may exist between husband and wife the law has been enacted that, despite the general rule that 'doubt cannot override a certainty', a woman shall be privileged to collect her kethubah even when her own claim is of a doubtful character and that of her litigants is a certain one. No objection could, therefore, be put forward from such a special case; and Abaye had consequently to resort to a Mishnah in Nezikin. Other explanations of **משום חינה** (v. Jast.): 'In order to make her attractive', 'that women may be willing to marry'.

(45) Abaye.

(46) Where, according to Beth Shammai, the heirs of the father (by virtue of his being heir to his daughter, the widow), though their claim is of a doubtful nature, share the amount of the kethubah with the heirs of the husband whose rights to the amount of the kethubah (as the heirs of the husband) are certain. At the moment it is assumed that Beth Shammai's

disagreement with Beth Hillel extends to the KETHUBAH as well as to the PROPERTY THAT COMES IN AND GOES OUT WITH HER; and 'considerations of courtesy' could not, of course, apply when the woman is dead and the claimants are her male heirs. Cf. Keth. 97b.

(47) Beth Shammai.

(48) They agree with Beth Hillel that the KETHUBAH IS TO RETAIN IN THE POSSESSION OF THE HEIRS OF THE HUSBAND. V. supra p. 240, n. 8.

(49) So MS.M. Cur. edd. 'it was taught'.

(50) That Beth Shammai's disagreement with Beth Hillel does not extend to the question of the kethubah.

(51) I.e., the former take a share in that which is virtually in the possession of the latter, viz., the melog property which belongs to the heirs of the wife's father.

(52) Which would have referred to the kethubah which is in the virtual possession of the husband's heirs,

(53) Supra 38a, 'Whereby does the first clause etc.

(54) As the levirate bond is not strong enough to give the levir any right over that property, it is generally agreed that she and, in case of her death, her heirs also are entitled to dispose of it in any manner they like.

Talmud - Mas. Yevamoth 39a

And Abaye¹ maintains that a husband's rights² have the same force as his wife's.³ Said Raba to him:⁴ If she came into possession of property while she was still With her husband, no one⁵ would dispute the view that his rights are superior to hers.⁶ Both [clauses of our Mishnah], however, [deal with property] which came into her possession while she was awaiting [the decision of] the levir; the first clause speaking of one to whom a ma'amar had not been addressed,⁷ and the final clause, of one to whom a ma'amar had been addressed.⁸ And Raba is of the opinion that a ma'amar, according to Beth Shammai, renders [the widow] definitely betrothed and doubtfully married. She is deemed to be definitely betrothed in respect of excluding her rival;⁹ and she is deemed to be doubtfully married in respect of taking a share in the property.¹⁰

A statement was made in the name of R. Eleazar in agreement with Raba and a statement was made in the name of R. Jose son of R. Hanina in agreement with Abaye. Could R. Eleazar, however, have made such a statement? Surely R. Eleazar said: A ma'amar, according to Beth Shammai, constitutes a kinyan in so far only as to keep out the rival!¹¹ — Reverse [the statements]. If you prefer I might say: There is really no need to reverse [them, for] R. Eleazar can tell you, 'What I said [amounted to this]: that a letter of divorce alone is not enough¹² but that she requires also halizah; did I state, however, that the ma'amar constitutes no kinyan even in respect of taking a share in her property'!¹³

Said R. Papa: The inference from our Mishnah is in agreement with the opinion of Abaye,¹⁴ although 'IF SHE DIED' presents a difficulty.¹⁵ Seeing that it was stated PROPERTY THAT COMES IN AND GOES OUT WITH HER, what is meant by COMES IN and what by GOES OUT? Obviously,¹⁶ 'COMES INTO the possession of her husband'¹⁷ and 'GOES OUT from the possession of her husband into the possession of her father'.¹⁸

'Although IF SHE DIED presents a difficulty': Why should they¹⁹ dispute [on the question of the property] itself, which can arise only in the event of the woman's death²⁰, let them rather dispute on the question of the usufruct which arises even when the woman is still alive!²¹ The fact is that no further objection [can be raised].²²

WHERE HE MARRIED HER, SHE IS DEEMED etc. For what practical law [was this statement needed]? — R. Jose b. Hanina replied: To indicate that he may divorce her by means of a letter of divorce²³ and that he may remarry her.

'He may divorce her by means of a letter of divorce'; Is not this obvious?²⁴ — It might have been

assumed that, since the All Merciful said²⁵ And perform the duty of a husband's brother unto her,²⁶ she retains the obligation of the first levirate relationship²⁷ and so may be set free²⁸ only through halizah but not through a letter of divorce, hence it was necessary to teach us [that the law is not so].

‘He may remarry her’; Is not this obvious?²⁹ — It might have been assumed that since he³⁰ has already performed³¹ the commandment which the All Merciful has imposed upon him, she shall now be forbidden to him as the wife of his brother, hence it was necessary to teach us [that he may nevertheless remarry her]. Might it not be suggested that the law is so indeed?³² — Scripture stated, And take her to him to wife;³³ as soon as he has taken her she is deemed to be his wife in every respect.

SAVE THAT HER KETHUBAH etc. What is the reason? — A wife has been given³⁴ to him³⁵ from heaven.³⁶ If, however, she is unable nothing more’. The inference from our Mishnah is undoubtedly in agreement with the view of Abaye, the only difficulty being the one mentioned. to obtain her kethubah from her first [husband], provision was made that she [is to receive it] from the second³⁷ in order that it may not be easy for him to divorce her.³⁸

MISHNAH. THE DUTY OF THE LEVIRATE MARRIAGE IS INCUMBENT UPON THE ELDEST [OF THE SURVIVING BROTHERS].³⁹ IF HE DECLINES, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN.⁴⁰ IF THEY ALL DECLINE, THE ELDEST IS AGAIN APPROACHED AND HE IS TOLD, ‘THE DUTY IS INCUMBENT UPON YOU; EITHER SUBMIT TO HALIZAH OR PERFORM THE LEVIRATE MARRIAGE.

IF HE⁴¹ WISHED TO SUSPEND ACTION⁴² UNTIL A MINOR⁴³ BECOMES OF AGE, OR UNTIL THE ELDEST⁴³ RETURNS FROM A COUNTRY BEYOND THE SEA OR [UNTIL A BROTHER WHO WAS] DEAF⁴⁴ OR AN IMBECILE [SHOULD RECOVER],⁴⁵ HE IS NOT TO BE LISTENED TO, BUT IS TOLD, ‘THE DUTY IS INCUMBENT UPON YOU; EITHER SUBMIT TO HALIZAH OR PERFORM THE LEVIRATE MARRIAGE.

GEMARA. It was stated: [On the relative importance of] the intercourse of a younger, and the halizah of an elder brother there is a difference of opinion between R. Johanan and R. Joshua b. Levi. One holds that the intercourse of the younger is preferable and the other holds that the halizah of the elder is preferable. ‘One⁴⁶ holds that the intercourse of the younger is preferable,’ because the commandment, surely, is to perform the levirate marriage;⁴⁷ and ‘the other⁴⁶ holds that the halizah of the elder is preferable’, because in the presence of an elder brother the intercourse of the younger is valueless.⁴⁸

We learned, IF HE DECLINED, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN. Does not this mean that he declined to contract the levirate marriage but [was willing] to submit to the halizah? And yet it was stated, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN, which proves⁴⁹ that the intercourse of a younger brother is preferred! — No; he wished neither to submit to halizah nor to perform the levirate marriage. Similarly, then, in the case of the other brothers, [the meaning is that] they declined both halizah and levirate marriage;⁵⁰ why, then, is THE ELDEST AGAIN APPROACHED with the object of bringing pressure upon him? Let pressure be brought to bear upon them!⁵¹ — As the duty⁵² is incumbent upon him, pressure also must be used against him.

We learned, IF HE WISHED TO SUSPEND ACTION UNTIL A MINOR BECOMES OF AGE ... HE IS NOT TO BE LISTENED TO. But if the intercourse of a minor is to be preferred, why IS HE NOT TO BE LISTENED TO? Let us rather wait, since on becoming of age he might contract the levirate marriage! — Following your view [it might similarly be objected], why [if he wished to wait] UNTIL THE ELDEST RETURNS FROM A COUNTRY BEYOND THE SEA . . . HE IS

NOT TO BE LISTENED TO? Let us rather wait, since on his return he might contract the levirate marriage!⁵³ The fact is that the performance of a commandment must not be delayed.⁵⁴

(1) Since he explains the latter clause to be dealing with property that came into the wife's possession while her husband was still alive.

(2) To his wife's melog property.

(3) Lit., 'his hand is like her hand'. The husband's rights, according to Beth Hillel, he maintains, are in no way superior to those of his wife. Hence, when he dies and the widow comes only under the levirate bond, the levir's rights, which cannot have the same force as those of a husband, are inevitably inferior to those of the widow. The property, therefore, must remain in the possession of herself or her heirs. Beth Shammai, on the other hand, maintain that a husband's rights have more force than those of his wife. When he dies and the levir steps in by virtue of the levirate bond, the latter's rights, though inferior to those of the husband, are of equal force with those of the widow whose rights also are inferior to those of her husband.

(4) Abaye.

(5) Lit., all the world', even Beth Hillel.

(6) Lit., 'his hand is better than her hand', and the husband's heirs would consequently have been entitled to the property.

(7) By the levir, before the property came into her possession. The levirate bond alone is not sufficient to effect a transfer of the property to the levir.

(8) And after that the property came into her possession. As the ma'amar, according to Beth Shammai, is regarded as virtual marriage (v. supra 29a), the levir also is entitled to the property. Hence it must be divided. Beth Hillel, on the other hand, not regarding a ma'amar as marriage, deny the levir all rights upon the property which is, therefore, to remain with the heirs of the woman.

(9) Her sister who does not cause her to be forbidden to the levir as 'his zekukah's sister'. V. supra 29a.

(10) The levir is not entitled to all the property as if he had actually married the widow, but only to a share of it.

(11) Supra 29a, Ned. 74a.

(12) When a ma'amar had been addressed to the widow.

(13) Certainly not. Consequently his statement in agreement with the view of Raba may be perfectly authentic.

(14) That the final clause deals with property that came into the woman's possession while she was still living with her husband.

(15) This is explained infra.

(16) Lit., 'not?'

(17) At the time they came into her possession.

(18) When she dies. The property must consequently have come into her possession when she was still living with her husband, as Abaye maintains.

(19) Beth Shammai and Beth Hillel.

(20) Lit., 'and after death'.

(21) Lit., 'in her life and concerning the fruit'.

(22) Lit., 'and

(23) And no halizah is required.

(24) Since with the levirate marriage she assumes the status of a married woman.

(25) So MS.M. Cur. edd., add, 'It is written, And take her to wife'.

(26) Deut. XXV, 5; although it was already stated in the same verse, and take her to wife.

(27) So MS.M., cur. edd., 'the levirate relationship of the first'.

(28) Lit., 'yes'.

(29) Cf. supra n. 2.

(30) The levir.

(31) By his first marriage.

(32) That a brother's widow with whom levirate marriage was performed still requires halizah and may not be remarried by the levir after he had divorced her.

(33) Deut. XXV, 5; where only the latter part of the verse, And perform the duty of a husband's brother unto her would have been sufficient. V. supra 8a.

(34) Lit., 'they caused him to acquire'.

- (35) The levir.
- (36) He has neither chosen her nor has he undertaken any obligations towards her. She was imposed upon him by the divine law of the levirate marriage. The claim of her kethubah must, therefore, be a charge upon the estate of her first husband whose choice she had been.
- (37) The levir.
- (38) Lit., 'that she may not be easy in his eyes to cause her to go out'.
- (39) V. supra 24a.
- (40) In the descending order of age.
- (41) The eldest brother present on the spot. (Rashi).
- (42) Lit., 'he hung' or 'suspended'. [Aliter. He referred (the action) to; v. n. 9].
- (43) Brother.
- (44) in Rabbinic literature usually signifies one who is deaf from birth. Hence 'a deaf-mute'.
- (45) [Tosaf.: He referred her to a deaf brother etc.].
- (46) Lit., 'he who'.
- (47) Halizah being merely a substitute for it.
- (48) Since the duty is, in the first instance, incumbent upon the elder.
- (49) Since the younger brothers are asked to contract the levirate marriage when the elder expressed his willingness to submit to halizah.
- (50) Since the same expression of unwillingness is used.
- (51) If the eldest had only refused marriage but was willing to submit to halizah, as has first been assumed, one could explain our Mishnah to mean that 'THE ELDEST IS AGAIN APPROACHED with a view to halizah'; he being the eldest, halizah also is first offered to him. If, however, he refused both halizah and marriage, as has now been explained, and the object of approaching him is coercion, why should the Beth din be troubled to summon him again in order to coerce him when any of the brothers who happens to be near at hand might just as well be coerced?
- (52) Of the levirate marriage. V. our Mishnah.
- (53) So marginal gloss. Cur. edd., 'and submits to halizah'.
- (54) And this is the only reason why his request is not granted.

Talmud - Mas. Yevamoth 39b

Some say: As regards intercourse all agree that the intercourse of a younger brother is preferred.¹ They only differ on the halizah of a younger brother. And the statement² ran thus: [On the relative importance of] the halizah of a younger, and the halizah of an elder brother there is a difference of opinion between R. Johanan and R. Joshua b. Levi. One holds that the halizah of the elder is preferable, and the other holds that both are of equal importance. 'One³ holds that the halizah of the elder is preferable'⁴ because the commandment surely, is incumbent upon the elder. And the other [maintains that] the statement, 'the commandment is incumbent upon the elder', [was made] in respect of the levirate marriage; in respect of the halizah, however, they are both of equal importance.

We learned, IF THEY ALSO DECLINE, THE ELDEST IS AGAIN APPROACHED. Does not this mean that they declined to contract the levirate marriage but [were willing] to submit to halizah? And yet it was stated, THE ELDEST IS AGAIN APPROACHED, which proves that the halizah of the elder is preferred! — No; they declined the halizah as well as the levirate marriage.

Similarly, in the case of the eldest brother, he declined the halizah as well as the levirate marriage;⁵ why, then, IS THE ELDEST AGAIN APPROACHED with the object of coercing him? Let coercion be used against them!⁶ — As the duty⁷ is incumbent upon him, coercion also must be used against him.

Come and hear: IF HE WISHES TO SUSPEND ACTION . . . UNTIL THE ELDEST RETURNS FROM A COUNTRY BEYOND THE SEA . . . HE IS NOT TO BE LISTENED TO. But if the

halizah of the eldest is preferable why IS HE NOT TO BE LISTENED TO? Let us rather wait, since it is possible that when he returns he will submit to halizah! — Following your view [it might similarly be objected], why [if he wishes to postpone action] UNTIL A MINOR BECOMES OF AGE . . . HE IS NOT TO BE LISTENED TO? Let us rather wait, since, on becoming of age, he might contract the levirate marriage!⁸ The fact is that the performance of a commandment must not be delayed.⁹

We learned elsewhere: At first, when the object was the fulfilment¹⁰ of the commandment, the precept of the levirate marriage was preferable to that of halizah; now, however, when the object is not the fulfilment of the commandment, the precept of halizah, it was laid down, is preferable to that of the levirate marriage.¹¹ Rab said: But no coercion¹² may be used.¹³

When they¹⁴ came before Rab he addressed them thus: 'If you¹⁵ wish, submit to halizah; if you prefer, contract the levirate marriage; the All Merciful has given you the choice:¹⁶ And if the man like not to take his brother's wife,¹⁷ implying, if he likes he may, whenever he wishes, submit to halizah or, if he prefers, contract the levirate marriage.'

Rab Judah also is of the opinion that no coercion may be applied; since Rab Judah has ordained [the following formula] for a deed of halizah: '[We certify] that So-and-so daughter of So-and-so brought before us into court her brother-in-law So-and-so, and we have ascertained him to be the paternal brother of the deceased. We told him, "If you wish to contract the levirate marriage, contract it, and if not, incline¹⁸ towards her your right foot". He inclined¹⁹ towards her his right foot and she removed his shoe from off his foot and spat out before him, a spittle which has been seen by the court upon the ground'.

R. Hiyya b. Iwya in the name of Rab Judah concluded²⁰ as follows: 'And we read before them [the relevant passage] that is written in the Book of the Law of Moses'.

'We ascertained him'. On this, R. Aha and Rabina are in dispute. One says: Through [qualified] witnesses. The other says: Even a relative and even a woman²¹ [may tender the evidence].

The law is that it²² is a mere intimation, and that even a relative and even a woman [may tender the evidence].

'At first, when the object was the fulfilment of the commandment, the precept of the levirate marriage was preferable to that of halizah; now, however, when the object is not the fulfilment of the commandment, the precept of halizah, it was laid down, is preferable to that of the levirate marriage'. Said Rami b. Hama in the name of R. Isaac: It was re-enacted that the precept of the levirate marriage is preferable to that of halizah.

Said R. Nahman b. Isaac to him: Have the generations improved in their morals? — At first they held the opinion of Abba Saul, and finally they adopted that of the Rabbis. For it was taught: Abba Saul said, 'If a levir marries his sister-in-law on account of her beauty, or in order to gratify his sexual desires or with any other ulterior motive, it is as if he has infringed the law of incest; and I am even inclined to think that the child [of such a union] is a bastard'. But the Sages said, 'Her husband's brother shall go in unto her,²³ whatever the motive'.²⁴

Who is the Tanna of the following statement which our Rabbis taught: 'Her husband's brother shall go in unto her,²³ is a commandment; for originally²⁵ she stood in relation to him in the status of permissibility, then²⁶ she was forbidden to him, and then again²⁷ permitted; consequently it might have been assumed that she reverts to her original status of permissibility, hence it was specifically stated, Her husband's brother shall go in unto her,²³ it is a commandment'. — Who, now, is the

Tanna? — R. Isaac b. Abdimi replied. It is [the statement of] Abba Saul, and it is this that he meant: Her husband's brother shall go in unto her,²³ is a commandment; for originally²⁵ she stood in relation to him in the status of permissibility; he could have married her, if he wished, on account of her beauty and he could have married her, if he wished, in order to gratify his sexual desires; then²⁸ she was forbidden to him, and then again²⁹ permitted; consequently it might have been assumed that she reverts to her original status of permissibility,³⁰ hence it was specifically stated, Her husband's brother shall go in unto her³¹ only with the intention of performing the commandment.³²

Raba said: You may even say [that the authorship³³ is that of] the Rabbis,³⁴ and it is this that was meant: Her husband's brother shall go in unto her,³¹ is a commandment; for originally³⁵ she was in the status of permissibility; he could have married her if he wished and, if he preferred, he could have abstained from marrying her; then²⁸ she was forbidden to him, and then again²⁹ permitted; consequently it might have been assumed that she was to revert to her original status of permissibility, so that, if he wished, he might marry her and, if he preferred, he could abstain from marrying her. [You say,] 'If he preferred he could abstain from marrying her'? Surely she is tied to him;³⁶ can she be set free by no act whatever! — Say rather: [It might have been assumed that] if he wished he might marry her, and, if he preferred, he might submit to halizah, hence it was specifically stated her husband's brother shall go in unto her,³¹ it is a commandment.³⁷

Read, then,³⁸ the first clause: 'It shall be eaten without leaven in a holy place,³⁹ is a commandment;

(1) To the halizah of an elder brother.

(2) Of the dispute supra 39a.

(3) Lit., 'he who'.

(4) To the halizah of a younger one.

(5) V. p. 250, n. 3. supra.

(6) V. p. 250, n. 4.

(7) Of the levirate marriage. V. our Mishnah.

(8) Cur. edd. enclose the following in parentheses. 'Or also he might come and contract with her the levirate marriage'.

(9) V. supra p. 250, n. 7.

(10) Lit., 'they had the intention for the name etc.'

(11) Bek. 13a. Keth. 64a.

(12) To perform or to submit to halizah.

(13) If both parties consent to contract the levirate marriage.

(14) Levirate cases.

(15) Speaking to the levir.

(16) Lit., 'hung upon you'.

(17) Deut. XXV, 7.

(18) Af. of **טלע**, 'to halt' (Heb. **צלע**). hence 'incline'. Others: Ethp. of **טלע** = **שלף** and **חליץ** (cf. Targ. Ruth IV, 7, 8; Lam. IV, 3) hence 'allow . . . to be removed or untied'. 'Turn thy right foot towards her' (Jast.). 'Allow the shoe of your right foot to be removed by her' (Aruk.).

(19) Cf. supra n. 11.

(20) The formula of the certificate of halizah.

(21) Who are, as a rule, ineligible as witnesses.

(22) The insertion of 'we ascertained him'.

(23) Deut. XXV, 5.

(24) Tosef. Yeb. VI,

(25) Before she married his brother.

(26) When she married his brother.

(27) When his brother died childless.

(28) When she married his brother.

- (29) When his brother died childless.
- (30) So that he may marry her with any ulterior motive.
- (31) Deut. XXV, 5.
- (32) **לְמִצְוָה** lit., 'for the commandment', i.e., the fulfilment of the Scriptural text.
- (33) Of the above cited teaching.
- (34) The Sages who oppose Abba Saul, supra.
- (35) Before she married his brother.
- (36) By the levirate bond.
- (37) **לְמִצְוָה**, a mere commandment, no intention at the performance thereof being particularly essential (cf. n. 5). The duty to contract the levirate marriage far exceeds that of halizah which is only a substitute to be resorted to as a last expedient.
- (38) If the interpretation of R. Isaac b. Abdimi of the final clause of the Baraita cited is tenable.
- (39) Lev. VI, 9, dealing with the laws of the meal-offering and the consumption thereof by the priest who performed the rite.

Talmud - Mas. Yevamoth 40a

for originally¹ its status in relation to him was one of permissibility; then² it was forbidden, and again³ permitted; consequently one might assume that it reverts to its first status of permissibility, hence it was specifically stated, 'It shall be eaten without leaven in a holy place,⁴ it is a commandment'. Now, according to Raba who said that it⁵ represents the view of⁶ the Rabbis, one could well explain that what is meant here⁷ is this: It shall be eaten without leaven in a holy place⁴ is a commandment, for at first⁸ its status in relation to him was one of permissibility since, if he desired, he could eat it and, if he preferred, he could abstain from eating it; then⁹ it was forbidden, and again³ permitted; consequently it might be assumed that it reverts to its first status of permissibility¹⁰ so that, if he wished, he could eat it and, if he preferred, he could abstain from eating it. — [You say,] 'If he preferred he could abstain from eating it'? Surely it is written in the Scriptures, 'And they shall eat those things wherewith atonement was made'¹¹ which teaches that the priests must eat them, and that the owner attains thereby atonement! Say rather: [it might be assumed that] if he wished, he¹² may eat it¹³ himself and, if he preferred, another priest may eat it, hence it was specifically stated, 'It shall be eaten' without leaven in a holy place,¹⁴ it is a commandment.¹⁵ According to R. Isaac b. Abdimi, however, who said that it¹⁶ [represents the view of] Abba Saul, what two alternatives¹⁷ exist here?¹⁸ And were you to suggest¹⁹ that if he wished he could eat it¹³ to appease his appetite and, if he preferred, he could devour it gluttonously [can eating gluttonously] [it may be retorted] be described as proper eating? Surely Resh Lakish said, 'He who eats gluttonously on the Day of Atonement²⁰ is exempt [from kareth],²¹ since [Scripture has stated], 'Shall not be afflicted'!²² [Were you to suggest], however,²³ that if he wished he could eat it²⁴ unleavened and, if he preferred, he could eat it leavened, surely [it might be retorted] it is written in Scripture, 'It shall not be baked with leaven their portion'²⁵ from which Resh Lakish inferred that even their portion²⁶ must not be baked with leaven! Again [Were you, to suggest,]²³ that if he wished he could eat it²⁴ unleavened and, if he preferred, he could eat it as a dumpling,²⁷ how [it could be retorted] is one to imagine [such a dumpling]? If it is unleavened, well, then it is unleavened;²⁸ and if it is not unleavened, the All Merciful, surely, has said without leaven!²⁹ — No;³⁰ it³¹ may indeed be assumed to be unleavened; but the object of the exposition of the Scriptural text³² was to forbid it.³³ In respect of what practical issue, then,³⁴ has it been stated that a dumpling may be regarded as unleavened bread? — [The statement was made] to indicate that a man may perform with it³¹ his duty³⁵ on the Passover. Though he made it first into a dumpling, it is nevertheless designated the 'bread of affliction', since he subsequently baked it in an oven. Consequently a man may perform with it his duty³⁵ on the Passover. MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE HE IS REGARDED AS ONE OF THE OTHER BROTHERS IN RESPECT OF INHERITANCE.³⁶ IF, HOWEVER, THE FATHER³⁷ WAS LIVING,³⁸ THE ESTATE BELONGS TO THE FATHER.³⁹

HE WHO MARRIES HIS DECEASED BROTHER'S WIFE GAINS POSSESSION OF HIS BROTHER'S³⁷ ESTATE. R. JUDAH SAID: IN EITHER CASE,⁴⁰ IF THE FATHER³⁷ WAS LIVING³⁸ THE ESTATE BELONGS TO THE FATHER.

GEMARA. Is not this⁴¹ obvious? — It might have been presumed that halizah takes the place of the levirate marriage and he receives, therefore, all the estate, hence it was taught [that he does not].⁴² If so,⁴³ why was it stated that HE IS REGARDED AS ONE OF THE OTHER BROTHERS when it should have been stated, he is to be regarded only as one of the brothers! — In truth [this is the purpose of our Mishnah]: It might have been assumed that because he deprived her [of levirate marriage]⁴⁴ he shall be penalized,⁴⁵ hence we were taught [that he does receive a share].

IF, HOWEVER, THE FATHER WAS LIVING, [THE ESTATE BELONGS TO HIM], for a Master said that a father takes precedence over all his lineal descendants.⁴⁶

HE WHO MARRIES HIS DECEASED BROTHER'S WIFE etc. What is the reason? — The All Merciful said, Shall succeed in the name of his brother,⁴⁷ and behold he⁴⁸ has succeeded.

R. JUDAH SAID etc. Said 'Ulla: The halachah is in agreement with R. Judah, and R. Isaac Nappaha likewise said: The halachah is in agreement with R. Judah.

'Ulla, furthermore, (others say, R. Isaac Nappaha) said: What is R. Judah's reason? — Because it is written in Scripture, And it shall be, that the firstborn that he beareth,⁴⁹ [he is] like the firstborn; as the firstborn has nothing while his father is alive, so has this one⁵⁰ also nothing while his father is alive. If [one were to suggest that] as the firstborn receives a double portion after his father's death so shall this one also receive a double portion⁵¹ after his father's death, [it might be retorted]: Is it written, 'Shall succeed in the name of his father'? It is written, surely, Shall succeed in the name of his brother,⁵² not 'in the name of his father'.⁵³ Might it be suggested that, where the father is not alive to receive the inheritance,⁵⁴ the law of the levirate marriage should be carried out, but where the father is alive [and the levir] does not receive the inheritance the law of the levirate marriage shall not be carried out? — Has the All Merciful in any way made the levirate marriage dependent on the inheritance? The levir must contract the levirate marriage in any case, and if any inheritance is available he receives it; if not, he does not receive it.

The Bible teacher, R. Hanina, once sat before R. Jannai, and as he sat there he stated: The halachah is in agreement with R. Judah. The other called out to him: Go out, read Biblical verses outside,⁵⁵ the halachah is not in agreement with R. Judah.

A tanna recited in the presence of R. Nahman: The halachah is not in agreement with R. Judah. The other said to him: In agreement with whom, then? In agreement with the Rabbis? This is surely obvious, [since in a dispute between] one individual and a majority the halachah is in agreement with the majority! — 'Shall I', the first asked him, 'reject it'?⁵⁶ 'No', the other replied, 'you were taught [that] the halachah is [in agreement with R. Judah] which, presenting to you a difficulty,⁵⁷ you reversed;⁵⁸ and in so far as you reversed it your wording is well justified.'⁵⁹

MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE HE IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES.⁶⁰

(1) Before its ingredients were consecrated.

(2) When its ingredients were consecrated as a meal-offering,

(3) When the 'handful' (v. Lev. VI, 8) had been offered up upon the altar.

- (4) V. p. 254, n. 1 2.
- (5) The first clause of the Baraitha cited.
- (6) Lit., 'this, whose'.
- (7) In the second clause which presumably represents the views of the same authors.
- (8) Before its ingredients were consecrated.
- (9) When its ingredients were consecrated as a meal-offering.
- (10) Cur. edd. enclose 'then it was forbidden . . . permissibility' in parentheses.
- (11) Ex. XXIX, 33.
- (12) The priest who performed the ceremonial.
- (13) The meal-offering.
- (14) Lev. VI, 9, dealing with the laws of the meal-offering.
- (15) מִצֻּרָה That the first priest (v. supra n. 10) shall eat it.
- (16) The first clause of the Baraitha cited.
- (17) Analogous to those in the first clause.
- (18) Acting (a) with, and (b) without the intention of fulfilling the commandment, which are the alternatives in the case of the levirate marriage in the first clause, are obviously inapplicable here, since whatever be the motive of one's eating, no prohibition, such as is the case with levirate marriages, is thereby infringed.
- (19) As the two alternatives.
- (20) When eating is prohibited.
- (21) V. Glos.
- (22) And whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people (Lev. XXIII, 29). An excessive meal being injurious to the body is deemed to be an affliction. Now, since such a meal is not regarded as eating in the case of the Day of Atonement, how could it be regarded as proper eating in the case of a meal offering?
- (23) As the two alternatives.
- (24) The meal-offering.
- (25) Lev. VI, 20.
- (26) That of the priests, the remnants of the meal-offering.
- (27) מִלֵּחַ (rt. to mix'), a paste prepared by stirring flour in hot water.
- (28) And is not forbidden at all.
- (29) Take the meal-offering . . . and eat it without leaven (Lev. X, 12); what need then was there for repeating the same prohibition in Lev. VI, 9?
- (30) The eating of the meal-offering with leaven is not one of the alternatives.
- (31) The dumpling.
- (32) In the first clause of the Baraitha cited.
- (33) Lit., 'to prevent'. A meal-offering may not be prepared in the form of a dumpling even though that paste is unleavened.
- (34) Since a meal-offering which must be unleavened may not be prepared in the form of a dumpling.
- (35) Of eating unleavened bread. Cf. Ex. XII, 18.
- (36) Of the estate of the deceased brother.
- (37) Of the deceased brother.
- (38) Lit., 'if there is'.
- (39) A father takes precedence over a brother in respect of inheritance. V. B.B. 115a and infra.
- (40) Whether the levir married, or submitted to the halizah from his sister-in-law.
- (41) That participation in the halizah does not deprive the levir of his share in his brother's estate.
- (42) The object of our Mishnah is not to state that the levir is entitled to a share but that he is not entitled to all the estate.
- (43) That the object of our Mishnah is to indicate his disadvantage. V. supra n. 7.
- (44) Halizah with him has placed the widow under the prohibition of marrying any of the brothers.
- (45) And shall receive no share at all.
- (46) B.B. 115a. V. supra note 4.
- (47) Deut. XXV, 6.
- (48) The levir who, according to Rabbinic interpretation (v. supra 24a), is the subject of shall succeed.

(49) Deut. XXV, 6.

(50) The levir.

(51) His own and his brother's.

(52) Ibid.

(53) And since he is not entitled to a double portion at the time he steps into the place of his brother he cannot subsequently claim such a portion when he ultimately becomes entitled to a share in the same estate only by virtue of his succession to his father.

(54) Which consequently passes over into the possession of the levir.

(55) V. Keth., Sonc. ed. p. 328, n. 7.

(56) As a superfluous addition.

(57) How could the halachah be in agreement with an individual against the rule of a majority?

(58) Stating, 'the halachah is not in agreement with R. Judah.

(59) Lit., 'you reversed well'. [He, however, forgot that he had reversed it; cf, supra 33b, v. Strashun].

(60) All relatives that are Biblically forbidden to husband and wife respectively are Rabbinically forbidden to levir and haluzah respectively.

Talmud - Mas. Yevamoth 40b

HE IS FORBIDDEN TO MARRY HER MOTHER, HER MOTHER'S MOTHER AND HER FATHER'S MOTHER; HER DAUGHTER, HER DAUGHTER'S DAUGHTER AND HER SON'S DAUGHTER; AND ALSO HER SISTER WHILE SHE¹ IS ALIVE. THE OTHER BROTHERS, HOWEVER, ARE PERMITTED.² SHE¹ IS FORBIDDEN TO MARRY HIS FATHER AND HIS FATHER'S FATHER;³ HIS SON AND HIS SON'S SON; HIS BROTHER AND HIS BROTHER'S SON.

A MAN IS PERMITTED TO MARRY THE RELATIVE OF THE RIVAL OF HIS HALUZAH BUT IS FORBIDDEN TO MARRY THE RIVAL OF THE RELATIVE OF HIS HALUZAH.

GEMARA. The question was raised: Were relatives of the second degree⁴ forbidden⁵ in the case of a haluzah as a preventive measure,⁶ or not? Did the Rabbis forbid marriage with relatives of the second degree, as a preventive measure,⁶ only in respect of a relative who is pentateuchally forbidden,⁷ but in respect of a haluzah⁸ the Rabbis did not forbid relatives of the second degree as a preventive measure, or is there perhaps no difference?⁹ — Come and hear: HE IS FORBIDDEN TO MARRY HER MOTHER AND HER MOTHER'S MOTHER, but 'her mother's mother's mother' is not mentioned!¹⁰ [No.] It is possible that the reason why this relative was omitted¹¹ is because it was desired to state in the final clause, THE OTHER BROTHERS, HOWEVER, ARE PERMITTED, and, were 'her mother's mother's mother' also mentioned it might have been presumed that the brothers are permitted [to marry] her mother's mother's mother only¹² but not her mother's mother or her mother.¹³ Then let 'her mother's mother's mother' be mentioned, and let it also be stated: The brothers are permitted to marry all of them!¹⁴ — This is a difficulty.

Come and hear: SHE IS FORBIDDEN TO MARRY HIS FATHER AND HIS FATHER'S FATHER. 'His father's father,' at any rate, was mentioned. Is not this¹⁵ due to¹⁶ the levir who participated in the halizah, through whom she is the daughter-in-law of his¹⁷ son?¹⁸ — No; this¹⁹ is due to the deceased through whom she is the daughter-in-law of his²⁰ son.²¹

Come and hear: AND HIS SON'S SON, Is not this¹⁹ due to the levir who participated in the halizah through whom she is the wife of his²² father's father?¹⁸ — No; it¹⁹ is due to the deceased through whom she is his²² father's father's brother's wife.²¹ But, surely, Amemar permitted the marriage of one's father's father's brother's wife!²³ — Amemar interprets that²⁴ to refer to the son of the grandfather.²⁵ If so, [HIS SON, AND SON'S SON] are the same as HIS BROTHER AND HIS BROTHER'S SON!²⁶ — Both his paternal brother and his maternal brother were specified.²⁷

Come and hear what R. Hiyya taught:²⁸ Four [categories of relatives are forbidden]²⁹ Pentateuchally³⁰ and four Rabbinically.³¹ His³² father and his³³ son, his³⁴ brother and his³⁵ brother's son are Pentateuchally forbidden;³⁰ his father's father³⁶ and his mother's father,³⁷ his son's son³⁸ and his daughter's son³⁹ are forbidden Rabbinically.⁴⁰ 'His father's father', at any rate, is mentioned here. Is not this⁴¹ due to the levir who participated in the halizah through whom she is his son's daughter-in-law?⁴² — No; it⁴¹ is due to the deceased⁴³ whose son's daughter-in-law she is.

Come and hear: 'His mother's father'.⁴⁴ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his⁴⁵ daughter's daughter-in-law?⁴⁶ — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his⁴⁵ daughter's daughter-in-law.

Come and hear: 'And his son's son'.⁴⁸ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his father's father's wife?⁴² — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his father's father's brother's wife. But, surely, Amemar permitted the marriage of one's father's father's brother's wife!⁴⁹ — Amemar explains that⁵⁰ to be due to the levir who participated in the halizah,⁵¹ but is of the opinion that relatives of the second degree were forbidden as a preventive measure even in respect of a haluzah.⁵²

Come and hear: 'And the son of his daughter'.⁴⁸ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his mother's father's wife?⁴² — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his mother's father's brother's wife. But, surely, no prohibition as a preventive measure was made in respect of the second degrees of incest!⁵³ Consequently⁵⁴ it must be due to the levir who participated in the halizah,⁵⁵ and thus it may be inferred that relatives of the second degree were forbidden as a preventive measure even in the case of a haluzah. This proves it.

A MAN IS PERMITTED etc. R. Tobi b. Kisna said in the name of Samuel: Where a man had intercourse with the rival of his haluzah the child [born from such a union] is a bastard. What is the reason? — Because she⁵⁶ remains under her original prohibition.⁵⁷

Said R. Joseph: We also have learned [to the same effect]: A MAN IS PERMITTED TO MARRY THE RELATIVE OF THE RIVAL OF HIS HALUZAH. Now, if you grant that the rival is excluded⁵⁸ one can well understand why the man is permitted to marry her sister.⁵⁹ If it be maintained, however, that the rival has the same status as the haluzah, why [should her sister] be permitted [to him]?⁶⁰

May it be suggested that this⁶¹ furnishes an objection against R. Johanan who stated: Neither he⁶² nor the other brothers are subject to kareth either for [the betrothal of] a haluzah or for [the betrothal of] her rival?⁶³ — R. Johanan can answer you: Do you understand it!⁶⁴ Is the sister of a haluzah Pentateuchally forbidden?⁶⁵ Surely Resh Lakish said: Here⁶⁶ it was taught by Rabbi that the prohibition to marry the sister of a divorced wife is Pentateuchal and that that of the sister of a haluzah is Rabbinical!⁶⁷

Why is there a difference [in the law] between the one and the other?⁶⁸

(1) The haluzah (v. Glos.).

(2) To marry the enumerated relatives of the haluzah.

(3) Bomberg ed. adds, 'and his mother's father'.

(4) E.g., the haluzah's mother's mother's mother or her father's mother's mother (Rashi). Cf. supra 21a.

(5) Rabbinically.

(6) Against marriage with relatives of the first degree.

(7) I.e. 'a wife's relatives whose prohibition is specifically stated in the Pentateuch.

- (8) Whose relatives, even of the first degree, are only Rabbinically forbidden.
- (9) In respect of the law of incest, between the relatives of a wife who are Pentateuchally forbidden and those of a haluzah who are only Rabbinically forbidden.
- (10) V. supra p. 259, n. 9.
- (11) Lit., 'that he did not teach'.
- (12) Because even in the case of one's wife she is not Biblically forbidden.
- (13) Who, in the case of one's wife, are Pentateuchally prohibited.
- (14) And the possible misinterpretation would thus be avoided.
- (15) Prohibition to marry a father's father.
- (16) Lit., 'what not, owing to'.
- (17) The father's father.
- (18) I.e., a relative of the second degree, which proves that even such relatives were forbidden in respect of a haluzah.
- (19) V. supra note 9.
- (20) V. supra n. 20.
- (21) In whose case the prohibition is Pentateuchal and provides no answer to our enquiry.
- (22) The son's son.
- (23) Supra 21b. How, then, according to Amemar, could this case be included among forbidden relatives?
- (24) The SON'S SON in our Mishnah.
- (25) The father of both the deceased and of the levir who submitted to the halizah. Our Mishnah is thus interpreted: HIS FATHER is the father of the deceased and of the levir who participated in the halizah; HIS SON, i.e., the son of the FATHER mentioned, who is the brother of the deceased and of the levir who participated in the halizah; and HIS SON'S SON is the son of the son of the father mentioned, to whom the haluzah is forbidden as the wife of his father's brother.
- (26) V. supra n. 1.
- (27) The former by HIS SON AND HIS SON'S SON (v. supra n. 1) and the latter by HIS BROTHER AND HIS BROTHER'S SON, the prohibitions being Pentateuchal since they are due to the woman's relationship with the deceased as his wife, and not to her relationship with the levir as haluzah, the prohibitions resulting from which could only be Rabbinical.
- (28) In respect of a haluzah.
- (29) To marry her.
- (30) Lit., 'from the words of the Torah', i.e., owing to their relationship to the haluzah as the wife of the deceased, and the prohibition to marry whom is specifically mentioned in the Pentateuch.
- (31) Lit., 'from the words of the Scribes'.
- (32) The levir's (who participated in the halizah). The prohibition is Pentateuchal, it being due to his brother, the deceased, whose wife and whose father's daughter-in-law the haluzah was.
- (33) The levir's (v. supra n. 8). The haluzah is forbidden to him Pentateuchally as the wife of his father's brother.
- (34) The levir's (v. supra n. 8), who is also the brother of the deceased, and the haluzah is forbidden to him Pentateuchally.
- (35) The levir's (v supra n. 8), the deceased also having been his father's brother, and the prohibition is consequently Pentateuchal.
- (36) To whom the haluzah is forbidden as his son's daughter-in-law.
- (37) The prohibition being that of one's daughter's daughter-in-law.
- (38) It is now assumed that the prohibition to marry this relative is due to the levir who participated in the halizah through whom she is his father's father's wife.
- (39) Whose mother's father's wife she was.
- (40) Cf. supra note 7, all being cases of the second degree, forbidden by a provision of the Rabbis only.
- (41) The prohibition to marry this relative.
- (42) Which proves that, even in respect of a haluzah, relatives of the second degree are prohibited.
- (43) In whose case the prohibition is Pentateuchal, and supplies no answer to our enquiry.
- (44) This is a citation from R. Hiyya's Baraita supra.
- (45) His mother's father's.
- (46) V. supra n. 2.
- (47) The prohibition being a preventive measure against the infringement of a Pentateuchal law. Consequently it supplies

no proof in respect of our enquiry which is concerned with a preventive measure against an infringement of a Rabbinical law.

(48) V. supra n. 4.

(49) How then could such a case be included among forbidden relatives?

(50) 'Son's son' in R. Hiyya's Baraitha.

(51) The prohibition being that of 'his father's father's wife', as first assumed.

(52) According to those, however, who, contrary to the opinion of Amemar, forbid marriage with a father's father's brother's wife, the prohibition in R. Hiyya's Baraitha might still be attributed to the deceased (v. supra n. 7), and the original enquiry as to whether relatives of the second degree were forbidden in the case of a haluzah still remains unanswered.

(53) How then could it be suggested that the prohibition is due to the fact that the haluzah is the 'wife of the mother's father's brother' of the deceased?

(54) Lit., 'what, not'?

(55) The prohibition being that of 'his mother's father's wife' who is a relative of the second degree.

(56) The rival.

(57) Of 'brother's wife', which is subject to the penalty of kareth. Children born from a union that is forbidden under such a penalty are deemed to be bastards.

(58) [Lit., 'outside'. Rashi reads: 'Stands outside'.] From the restrictions of the haluzah, the latter not being regarded as her agent or representative.

(59) Since she herself remains forbidden to the levir as 'brother's wife', her sister is not the 'sister of a haluzah'.

(60) She should be forbidden as the sister of a haluzah! As she is permitted, however, it must be granted that the rival of a haluzah remains under the original prohibition of 'brother's wife', which entails the penalty of kareth. (V. supra n. 5).

(61) The inference from our Mishnah. (V. supra n. 8 second clause).

(62) The levir who submitted to halizah.

(63) Supra 10b; while from the inference of our Mishnah, as has been proved, the penalty for contracting a union with the rival of a haluzah is kareth!

(64) R. Joseph's argument.

(65) As R. Joseph implies by his assumption that if the rival had the same status as the haluzah her sister would be forbidden.

(66) In the following Mishnah to which he refers.

(67) The reason why the sister of a rival of a haluzah is permitted is not that assumed by R. Joseph. but the following: As the prohibition of the sister of a haluzah herself is only Rabbinical, the prohibition was not extended to the sister of the rival of the haluzah also.

(68) The first and second case of the final clause of our Mishnah. THE RIVAL OF THE RELATIVE OF HIS HALUZAH is surely as much of a stranger to him as THE RELATIVE OF THE RIVAL OF HIS HALUZAH.

Talmud - Mas. Yevamoth 41a

— The Rabbis have enacted a preventive measure¹ in respect of her who accompanies the haluzah to court;² in the case, however, of her who does not accompany her to court³ the Rabbis enacted no preventive measure.⁴

MISHNAH. WHERE HE PARTICIPATED IN A HALIZAH WITH HIS DECEASED BROTHER'S WIFE, AND HIS BROTHER MARRIED HER SISTER AND DIED,⁵ THE WIDOW⁶ MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.⁷

SIMILARLY⁸ WHERE A MAN DIVORCED HIS WIFE AND HIS BROTHER MARRIED HER SISTER AND DIED⁵ THE WIDOW IS EXEMPT.⁹

IF A BROTHER OF THE LEVIR HAD BETROTHED THE SISTER OF THE WIDOW WHO WAS AWAITING THE LEVIR'S DECISION, HE IS TOLD, SO IT HAS BEEN STATED IN THE NAME OF R. JUDAH B. BATHYRA, WAIT¹⁰ UNTIL YOUR BROTHER HAS ACTED'.¹¹ IF

HIS BROTHER HAS PARTICIPATED WITH THE WIDOW IN THE HALIZAH OR CONTRACTED WITH HER THE LEVIRATE MARRIAGE, HE MAY MARRY HIS [BETROTHED] WIFE. IF THE SISTER-IN-LAW DIED HE MAY ALSO MARRY HIS [BETROTHED] WIFE. BUT IF THE LEVIR DIED, HE¹² MUST RELEASE HIS [BETROTHED] WIFE BY A LETTER OF DIVORCE AND HIS BROTHER'S WIFE BY HALIZAH.¹³

GEMARA. What [is meant by] SIMILARLY?¹⁴ — Read: BUT WHERE A MAN DIVORCED.

Resh Lakish said: Here¹⁵ it was taught by Rabbi¹⁶ that [the prohibition to marry the] sister of a divorced wife is pentateuchal [and that of] the sister of a haluzah is Rabbinical.

HAD BETROTHED [THE SISTER OF THE] WIDOW WHO WAS AWAITING THE LEVIR'S DECISION etc. Samuel said: The halachah is in agreement with the view of R. Judah b. Bathyra.¹⁷

The question was raised: If his wife¹⁸ died may he marry his sister-in-law?¹⁹ — Both Rab and R. Hanina stated: If his wife died he is permitted to marry his sister-in-law. But both Samuel and R. Assi stated: If his wife died he is forbidden to marry his sister-in-law. Said Raba: What is Rab's reason? — Because she is a deceased brother's wife who was permitted²⁰ then forbidden²¹ and then again permitted²² and who consequently reverts to her first state of permissibility.

R. Hamnuna raised an objection: If two of three brothers were married to two sisters and the third was unmarried, and when one of the sisters' husbands died the unmarried brother addressed to the widow a ma'amar, and then the second brother²³ died,²⁴ and after him his wife also died,²⁵ that sister-in-law must perform halizah but may not be taken in levirate marriage.²⁶ But why?²⁷ Let her be regarded²⁸ as a deceased brother's wife who was permitted²⁹ then forbidden,³⁰ and then again permitted²² who reverts to her former state of permissibility!³¹ He remained silent. After the other went out he said: I should have told³² him that it³³ represents the view of R. Eleazar who maintains that once she has been forbidden to him for one moment she is forbidden to him for ever! Subsequently he remarked: It might be contended that R. Eleazar held that view only where she was not fit³⁴ at the time she became subject to the levirate marriage;³⁵ did he express such an opinion, however, in the case where she was fit³⁴ at the time she became subject to the levirate marriage?³⁶ Subsequently however, he said: Yes,³⁷ for, surely, it was taught: R. Eleazar said: If his³⁸ yebamah died, his wife is permitted to him; if his wife died, that yebamah must perform halizah but may not be taken in levirate marriage.

Must it then be assumed that Samuel and R. Assi are of the same opinion as R. Eleazar?³⁹ — The may be said to be in agreement even with the Rabbis. For the Rabbis differed from R. Eleazar⁴⁰ only because from the time she became subject to the levirate marriage and onward she was no longer forbidden to him.⁴¹ Here,⁴² however, where she was so forbidden⁴³ even the Rabbis agree.⁴⁴

MISHNAH. THE DECEASED BROTHER'S WIFE⁴⁵ SHALL NEITHER PERFORM THE HALIZAH NOR CONTRACT LEVIRATE MARRIAGE BEFORE THREE MONTHS HAVE PASSED.⁴⁶ SIMILARLY ALL OTHER WOMEN⁴⁷ SHALL BE NEITHER BETROTHED NOR MARRIED BEFORE THREE MONTHS HAVE PASSED⁴⁶ WHETHER THEY WERE VIRGINS OR NON-VIRGINS, WHETHER DIVORCEES OR WIDOWS,⁴⁸ WHETHER MARRIED OR BETROTHED.

R. JUDAH SAID: THOSE WHO WERE MARRIED MAY BE BETROTHED [FORTHWITH], AND THOSE WHO WERE BETROTHED MAY EVEN BE MARRIED [FORTHWITH], WITH THE EXCEPTION OF THE BETROTHED WOMEN IN JUDEA, BECAUSE THERE THE BRIDEGROOM WAS TOO INTIMATE⁴⁹ WITH HIS BRIDE.⁵⁰

R. JOSE SAID: ALL [MARRIED] WOMEN⁵¹ MAY BE BETROTHED [FORTHWITH] EXCEPTING THE WIDOW⁵²

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- (1) The prohibition to marry the rival of the relative of one's Haluzah.
- (2) I.e., her sister whom she takes with her to court when she goes to perform the halizah. The public, not being aware which of the sisters is the haluzah, might subsequently mistake the one for the other. Hence the rival of the sister was forbidden to the levir who participated in the halizah in order that people might not think that he married the rival of the haluzah herself.
- (3) The widow does not take her rival with her when she goes to court to perform halizah.
- (4) Since no one is likely to mistake the rival for the haluzah. Hence the law that the relative of the rival is permitted.
- (5) Without issue.
- (6) Being the sister of a haluzah.
- (7) The sister of a haluzah is (a) Pentateuchally permitted but (b) Rabbinically forbidden. Because of (a) she is subjected to the levirate bond and requires halizah, and because of (b) she is forbidden to contract the levirate marriage.
- (8) This expression is discussed in the Gemara infra.
- (9) From the halizah as well as from the levirate marriage. The sister of a divorced wife is Pentateuchally forbidden to the divorcee.
- (10) With the consummation of the marriage.
- (11) I.e., until he had either contracted the levirate marriage or submitted to halizah. Before such action the sister of the widow is forbidden to him, as to all the other brothers, as the sister of their zekukah.
- (12) Being the only surviving brother and, consequently, the only one to whom the widow is subject.
- (13) Being the sister of his divorced wife she is not permitted to contract with him the levirate marriage. (Cf. supra p. 264, n. 11.
- (14) Seeing that the clause introduced by this expression is not at all similar to the previous one.
- (15) In the first two clauses of our Mishnah,
- (16) R. Judah the Prince, Redactor of the Mishnah.
- (17) That the levirate bond between the widow and all the surviving brothers remains in force until one of the brothers has contracted the levirate marriage or has submitted to halizah.
- (18) The sister of the widow of his deceased brother.
- (19) I.e., the widow whose deceased sister is now no more his wife.
- (20) When her husband died without issue.
- (21) When the brother had betrothed her sister.
- (22) When her sister died.
- (23) Of the two who married the two sisters.
- (24) And his widow, the sister of the first widow to whom the ma'amar had been addressed by the third brother, had thus come under the levirate bond and consequently caused her sister's prohibition to the third brother as 'the sister of his zekukah'.
- (25) When the first widow, the surviving sister, is no more the 'sister of his zekukah'.
- (26) Cf. supra 29a.
- (27) If Rab's reason as given by Raba is to be accepted, why should not the widow, now that her sister had died, be permitted to enter into levirate marriage?
- (28) On the analogy of Rab's reasoning.
- (29) When her husband died and the unmarried brother addressed a ma'amar to her.
- (30) When the second brother, the husband of the other sister, died.
- (31) Why then was it stated that she may not contract the levirate marriage and that she is restricted to halizah only?
- (32) Lit., 'why did I not tell'.
- (33) The Baraitha cited by R. Hamnuna.
- (34) To be married by the levir.
- (35) R. Eleazar's view was expressed in connection with a woman who had been divorced (and had thus become forbidden to the levir as the 'divorcee of his brother'), and then was remarried, and finally, on the death of her husband, became subject to the levir as the wife of his deceased childless brother (v. infra 108bf). In this case, when the widow became subject to the levirate obligations, she had been already, for a time, forbidden to the levir as the 'divorcee of his

brother'.

(36) As is the case in the Baraita cited by R. Hamnuna. The prohibition there arose after she had become subject to the obligations of the levirate.

(37) I.e., R. Eleazar forbids levirate marriage for ever, if the widow was unfit for such a marriage for one single moment, even if at the time when she became subject to the levirate obligations she (the widow) was quite fit to contract the marriage.

(38) The levir's, who betrothed the sister of his yebamah.

(39) Who is in a minority, against that of the Rabbis. Would they agree with a minority against the ruling of the majority?

(40) In the case of a woman who had been divorced and then remarried and then became subject to the levirate obligation, *infra* 108b. Cf. *supra* p. 266, n. 16.

(41) The prohibition having ceased with the death of her husband when the obligation of the levirate had arisen.

(42) The case cited by R. Hamnuna.

(43) Because after she became subject to the levirate obligations he was for a time, owing to the death of his second brother, forbidden to him as the sister of his zekukah.

(44) That only halizah must be performed, levirate marriage being forbidden.

(45) Whose husband died without issue, and who became subject to the levirate obligations.

(46) From the date of her husband's death. The reasons are discussed in the Gemara *infra*.

(47) Whose husbands have died.

(48) The distinctions between these classes are discussed in the Gemara.

(49) Lit., 'his heart is bold', and cohabitation might have taken place.

(50) Cf. Keth. 12a,

(51) Whose husbands have died.

(52) Who must allow a period of thirty days to pass.

Talmud - Mas. Yevamoth 41b

OWING TO HER MOURNING.¹

GEMARA. It is quite reasonable that she² shall not be taken [forthwith] in levirate marriage, since the child [whom she might bear] may be viable,³ and the levir would thus infringe the prohibition of marrying a brother's wife, which is Pentateuchal; but why should she not [forthwith] perform the halizah?⁴ Does this,⁵ then, present an objection against R. Johanan who said that the halizah of a pregnant woman is deemed to be a valid halizah?⁶ But has not an objection against R. Johanan once been raised?⁷ — [The question is whether] it may be assumed that an objection arises from here also?⁸ — No; here, the reason⁹ is this: The child might be viable;¹⁰ and you would in consequence subject her to the need for an announcement¹¹ in respect of the priesthood.¹² Well, let her be subjected!¹³ — It may happen that some people would be present at the halizah but would not be present at the announcement, and they would consider her ineligible to marry a priest.

This quite satisfactorily explains the case of a widow; what can be said, however, in respect of a divorced woman?¹⁴ — Because she would thereby¹⁵ lose her maintenance.¹⁶ This provides a quite satisfactory explanation in the case of a married woman; what can be said, however, in respect of a betrothed divorcee?¹⁷ — The reason¹⁸ is rather the ruling of¹⁹ R. Jose. For it was taught: A man once appeared before R. Jose and said to him; 'May halizah be performed within three months'? The master replied, 'She must not perform the halizah'. — 'Let her perform the halizah! What would she lose'?²⁰ Thereupon he recited for him this Scriptural text: If the man like not,²¹ [implying] that if he likes he may contract the levirate marriage; whosoever may go up²² to contract the levirate marriage may also go up to perform the halizah etc.²³

R. Hinena raised an objection: In doubtful cases halizah is performed and no levirate marriage may be contracted. Now, what is meant by 'doubtful cases'? If it be assumed to mean doubtful

betrothal;²⁴ why, indeed, should no levirate marriage be contracted? Let the widow be taken in levirate marriage since no objection could possibly be raised!²⁵ Consequently,²⁶ the doubt must consist in the betrothal of two sisters when the man is uncertain which of them he betrothed;²⁷ and yet it was stated that halizah was to be performed!²⁸ — How now! There,²⁹ if Elijah were to come and point out the sister that was betrothed, she would be eligible for both halizah and levirate marriage;³⁰ here,³¹ however, were Elijah to come and declare that the widow was not pregnant, would anyone heed him and allow her to contract the levirate marriage? Surely even a minor who is incapable of pregnancy must wait three months!³²

Our Rabbis taught: A yebamah³³ is maintained during the first three months out of the estate of her husband. Subsequently³⁴ she is not to be maintained either out of the estate of her husband or out of that of the levir. If, however, the levir appeared in court³⁵ and then absconded, she is maintained out of the estate of the levir. If she became subject to a levir who was a minor she receives nothing from the levir. Does she, however, [receive her maintenance] from her husband's estate? — On this question, R. Aha and Rabina are in dispute. One holds that she receives and the other holds that she does not. And the law is that she receives nothing; for her penalty comes from heaven.

Our Rabbis learned: A yebamah,³⁶ with whom the brothers had participated in halizah within the three months, must wait three months.³⁷

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- (1) Which terminates on the thirtieth day.
 - (2) The deceased brother's wife spoken of in our Mishnah.
 - (3) And the levirate obligations would thereby be removed.
 - (4) Marriage with an outsider could thus take place after three months, if she is found to be without child or if she miscarried.
 - (5) The implication that halizah is forbidden because it is possible that the woman will miscarry after the ceremony and, believing the halizah to have been valid, would remarry without performing the ceremony again while, in fact, the law is that the halizah of a pregnant woman is not valid.
 - (6) Supra 35b.
 - (7) V. n. 11; why then doubt it?
 - (8) So that if the first objection should ever be removed the second would still remain.
 - (9) Why halizah also must be postponed until three months have passed.
 - (10) And his birth would render the halizah invalid, and his mother would consequently be permitted to marry a priest whom, as a haluzah, she would not have been allowed to marry.
 - (11) That the halizah was invalid and that the widow is eligible to marry a priest.
 - (12) V. p. 268 n. 15.
 - (13) To the necessary announcement. What loss could such an announcement cause her?
 - (14) I.e., who had been a divorcee prior to her marriage with the deceased brother. Having been divorced once, she is forever ineligible to marry a priest, even though she were no haluzah. Why, then, should she be forbidden to perform the halizah forthwith?
 - (15) By performing the halizah before the three months have passed.
 - (16) Which she receives from her deceased husband's estate for a period of three months. This would cease with the performance of the halizah. [On this view the Mishnah does not state a prohibition but a piece of sound advice (Tosaf.)]
 - (17) A woman who has been betrothed whilst she was a divorcee and became a widow before the marriage took place. As a betrothed she is not entitled to maintenance from the dead man's estate, and as a divorcee she is not eligible to marry a priest. Why, then, should she not be allowed forthwith to perform the halizah?
 - (18) V. supra p. 268, n. 14.
 - (19) Lit., 'because of'.
 - (20) Lit., 'and what in it'.
 - (21) Deut. XXV, 7.
 - (22) Sc. to the gate (cf. loc. cit.) i.e., to court.
 - (23) 'And whosoever may not go up to contract the levirate marriage may not go up to perform the halizah' (v. supra

20a, 36a, infra 44a). Since the widow may not contract levirate marriage within three months, she may not perform halizah either. This, however, presents no objection to R. Johanan's ruling since, though it is improper to arrange a halizah within the three months, if halizah had actually taken place it is valid.

(24) Such as are dealt with in the Mishnah and subsequent Gemara supra 30b.

(25) Lit., 'and there is nothing in it'. If the widow's betrothal by the deceased was valid, the levirate marriage is also valid; and if it was not valid, the so-called widow is in reality an unmarried woman and may be married as a stranger.

(26) Lit., 'but not?'

(27) And he died without issue.

(28) Though no levirate marriage may be contracted owing to the doubt in the case of each sister that she might be the 'sister of a zekukah'. How, then, could it be said that halizah may be performed only where levirate marriage also is possible?

(29) Where it is uncertain which sister was betrothed.

(30) Each sister may consequently be regarded as virtually fit for the levirate marriage.

(31) A widow within the first three months after her husband's death.

(32) As levirate marriage is thus absolutely forbidden for the time being, the halizah also must be postponed until the time when levirate marriage would be permitted. [Where, however, the prohibition to contract levirate marriage is absolute, as, for example, in the case of a sister of a haluzah (supra 41a) halizah may be performed (Rashi).]

(33) Who awaits halizah or levirate marriage which is not to take place before three months have passed.

(34) Lit., 'from now and onwards'.

(35) In response to the widow's claim that he should contract levirate marriage or submit to halizah.

(36) V. p. 270, n. 10.

(37) Dating from her husband's death, and may contract marriage after that period.

Talmud - Mas. Yevamoth 42a

If [the halizah was performed] after the three months, she need not wait three months.¹ Thus it may be inferred that the three months spoken of are [to be dated] from the time of the husband's death and not from the time of the levir's halizah.

Why [is the law here]² different from that of a letter of divorce where Rab maintains [that the waiting period is to date] from the time of the delivery³ and Samuel maintains [that it is to date] from the time of writing?⁴ — Raba replied: A minori ad majus, if you permitted marriage⁵ where a prohibition under the penalty of kareth is involved,⁶ how much more so [should marriage be permitted⁵ where only] an ordinary prohibition⁷ [is involved]!⁸

SIMILARLY ALL OTHER WOMEN. The case of a sister-in-law⁹ one can well understand, as has just been explained,¹⁰ but why ALL OTHER WOMEN?¹¹ — R. Nahman replied in the name of Samuel: Because Scripture said, To be a God unto thee and unto thy seed after thee,¹² a distinction must be made between the seed of the first husband and the seed of the second.

Raba raised an objection: Hence must a male proselyte and a female proselyte¹³ wait three months.¹⁴ Now, what distinction is there to be made here? — Here also there is the distinction to be made between seed that was sown in holiness and seed that was not sown in holiness.

Raba said: This¹⁵ is a preventive measure against the possibility of his¹⁶ marrying his paternal sister,¹⁷ contracting levirate marriage with the wife of his maternal brother,¹⁸ setting his mother free to marry anybody¹⁹ and releasing his sister-in-law to all the world.²⁰

R. Hanania raised an objection: In all these²¹ I read a provision against incest, but here²² it is a provision in favour of the child.²³ Now, if this²⁴ is tenable, all²⁵ would be due to a provision against incest! — The meaning of 'a provision in favour of the child' is that the child might not infringe a prohibition of incest'.²⁶

It is easy to understand why [a divorcee or widow] shall not marry after waiting a period of just two months because that would create a doubt as to whether the child is a nine-months one of the first²⁷ or a seven-months one of the second.²⁷ Let her wait, however, one month only and then marry, so that, should she give birth at seven months, the child would be a seven-months one of the last husband;²⁸ and should she give birth at eight months the child would obviously be a nine-months one of the first!²⁷ — Even if she gave birth at eight months it might still be assumed to be the child of the last husband since it may be that her conception was delayed one month.²⁹

Let her, then, wait two months and a half and marry, so that, were she to give birth at seven months, the child would obviously be a seven-months one of the last,²⁷ and were she to give birth at six months and a half, the child would naturally be a nine-months one of the first;³⁰ for had he been the son of the last he would not be viable as a six-and-a-half-months child. — Even if she gave birth at six and a half months it is still possible to assume the child to be that of the last husband, for Mar Zutra stated: Even according to him who said that a woman who bears at nine months does not give birth before the full number of months had been completed,³⁰ a woman who bears at seven months ‘does give birth before the full number of months has been completed;³⁰ for it is stated in Scripture, And it came to pass, after the cycles of days,’³¹ the minimum of ‘cycles’³² is two, and the minimum of ‘days’ is two.³³ Let her, then, wait a little³⁴ and marry, and when the three months³⁵ will have been fulfilled she might be examined!³⁶ — R. Safra replied: Married women are not examined, in order that they may not become repulsive to their husbands. Then let her be examined by her walk!³⁷ — Rami b. Mama replied: A woman conceals the fact³⁸ in order that her child may inherit his share in her [second] husband's estate. Where, however, it has been ascertained that she³⁹ was pregnant, let her be permitted to marry! Why then was it taught: A man shall not marry the pregnant, or nursing wife of another;⁴⁰ and if he married, he must divorce her and never again remarry her! — This⁴¹ is a preventive measure against the possibility of turning the foetus into a sandal.⁴² If so, [this should apply in the case] of one's own wife also!⁴³ — If according to him who said, ‘With an absorbent’,⁴⁴ she uses⁴⁵ an absorbent; and if according to him who said, ‘Mercy will be shewn from heaven’,⁴⁶ mercy will be shewn from heaven. Here also⁴⁷ [it could be argued]: If according to him who said, ‘With an absorbent’, she uses an absorbent; if according to him who said, ‘Mercy will be shewn from heaven’, mercy will be shewn from heaven! — [The prohibition]⁴⁸ is due, rather, to [the danger of abdominal] pressure.⁴⁹ If so, [this⁵⁰ applies in the case] of one's own wife also!⁵¹ — A man has consideration for his own.⁵² Here also⁵³ one would have consideration for the child!⁵⁴ — [The reason is]⁵⁵ rather because a pregnant woman is usually expected to breast-feed her child [and were she to marry during pregnancy] she

(1) From the date of the halizah.

(2) Halizah.

(3) Of the letter of divorce to the woman.

(4) Git. 18a. Why, then, should not here also a period of three months after halizah be required to pass before the widow is allowed to remarry?

(5) Three months after the death of the husband.

(6) The marriage with the levir, where the widow gives birth to a viable child, is an act of incest which is punishable by kareth.

(7) Marriage by the widow with a stranger during pregnancy.

(8) Hence, whenever the halizah was performed three months after the husband's death, the widow may forthwith be permitted to marry.

(9) The reason why she must not marry before three months from the date of her husband's death have passed

(10) Supra 41b.

(11) Why must they also wait three months?

(12) Gen. XVII, 7 emphasis on ‘thy’.

(13) Husband and wife (Rashi). Cf. however, Tosaf. s.v. **וְהָיָה** a.l.

- (14) After their conversion, before resuming connubial relations.
- (15) That any widow or divorced woman shall not marry before three months have passed after her husband's death or divorce respectively.
- (16) The son born from a widow or divorcee who married within the three months, and who is a nine-months child of her first husband but is assumed to be a seven-months child of the second.
- (17) A daughter of the first husband from another wife, believing her to be a stranger.
- (18) He, if his mother bore a son to her second husband, and that son died childless, would be contracting levirate marriage with his widow in the belief that he is the paternal brother while in fact he is his maternal brother whose wife is, therefore, forbidden to him under the penalty of kareth.
- (19) Lit., 'to the market'. Should his mother's second husband die without having had any other children his mother would be deemed to be free from the levirate obligations on the assumption that he was the son of the second husband.
- (20) Lit., 'to the market'. If his brother (the son of his mother's first husband from another wife) dies childless and is survived by no other known brother his widow would be released to marry any stranger on the assumption that he had no surviving brother, while in reality the widow is bound to him by the levirate bond.
- (21) prohibitions to marry or to contract levirate marriage.
- (22) The law of a three months' period of waiting before any widow or divorcee is permitted to marry.
- (23) This is assumed to mean: In order that it be known whose child he is.
- (24) Raba's explanation.
- (25) Prohibitions to marry or to contract levirate marriage.
- (26) In the other cases the man and the woman themselves might encroach on the prohibition of incest.
- (27) Husband.
- (28) Had he been an eight-months child of the first husband he would not have been viable.
- (29) And the child is one of seven months.
- (30) לִמְקִיטֵיין (rt. קטע 'lop off') 'incomplete number of months'.
- (31) I Sam. I, 20. E.V., When the time was come about.
- (32) תְּקוּפוֹת pl. of תְּקוּפָה. The year is divided in four cycles (tekufoth), each consisting of three months. The pl. תְּקוּפוֹת represents no less than two, hence six months.
- (33) The text, speaking of Hannah's conception and the birth of Samuel, implies that a viable child may be born after a pregnancy of six months and two days.
- (34) A week or two.
- (35) Dating from the time of her first husband's death or divorce.
- (36) If she is found to be pregnant it will be obvious that the child's father was the first husband; if not, the father of the child born subsequently will be the second husband. After three months of conception the marks of pregnancy may be distinguished.
- (37) A pregnant woman, walking on soft soil or loose earth, leaves a deeper impression than a non-pregnant woman (Responsa of the Geonim, Cf. Rashi a.l.).
- (38) Lit., 'covers herself'. She makes every effort to conceal all signs of pregnancy which might lead to the discovery that the child's father was her first husband.
- (39) A divorced woman or a widow.
- (40) Though she had been divorced or widowed.
- (41) The reason why no expectant mother may be married.
- (42) סַנְדֵּף 'a flat fish', hence an abortion that has the shape of a flat fish, assumed to be caused by intercourse during pregnancy.
- (43) During pregnancy. V. supra n. 7.
- (44) That a woman during pregnancy may use an absorbent to prevent a second conception. V. supra 12b.
- (45) Lit., 'with'.
- (46) No artificial means of contraception may be used. The woman must have implicit confidence in divine protection.
- (47) A divorced woman or a widow.
- (48) To marry an expectant mother.
- (49) Which may cause the death of the foetus.
- (50) The reason why no expectant mother may be married.
- (51) During pregnancy. V. supra note 7.

- (52) And takes every possible precaution to-avert danger.
(53) With a divorced woman or a widow.
(54) A man would surely take care not to destroy any life.
(55) The reason why no expectant mother may be married.

Talmud - Mas. Yevamoth 42b

might conceive again, her milk would become turbid, and she might thereby¹ cause the death of the child. If so, [this applies in the case] of the man's own child also! — His own child she would sustain with eggs and milk. Would she not sustain her own child also with eggs and with milk? — Her husband would not give her the means. Let her claim it² from the heirs!³ — Abaye replied: A woman would shrink from going to court⁴ and would rather let her child die.

WHETHER THEY WERE VIRGINS OR NON-VIRGINS. Who are the VIRGINS and who are the BETROTHED?⁵ Who are NON-VIRGINS and who are MARRIED women?⁶ — Rab Judah replied, It is this that was meant: WHETHER VIRGINS OR NON-VIRGINS who became widows or were divorced⁷ either after betrothal or after marriage.⁸

R. Eleazar did not go one day⁹ to the Beth Hamidrash. On meeting R. Assi he asked him, 'What did the Rabbis discourse at the Beth Hamidrash?' The other replied 'Thus said R. Johanan: The halachah is in agreement with R. Jose'.¹⁰ — Does this, then, imply that only individual opinion¹¹ is against him?¹² — Yes; and so it was taught: A [married woman] who was always anxious¹³ to spend her time¹⁴ at her paternal home,¹⁵ or who had some angry quarrel at her husband's home,¹⁶ or whose husband was in prison¹⁷ or was old or infirm,¹⁶ or who was herself infirm,¹⁸ or had miscarried after the death of her husband, or was barren, old, a minor, incapable of conception or in any other way incapacitated from procreation, must¹⁹ wait three months.²⁰ These are the words of R. Meir. R. Judah²¹ permits immediate betrothal and marriage.²²

R. Hiyya b. Abba said: R. Johanan retracted.²³ Said R. Joseph: If he retracted, he did so on account of what has been taught at the Vineyard.²⁴ For it was taught: R. Ishmael son of R. Johanan b. Beroka said: I heard from the mouth of the Sages in the Vineyard of Jabneh that all women must wait three months.²⁵

Said R. Jeremiah to R. Zerika: When you visit R. Abbahu point out to him the following contradiction: Could R. Johanan have said, 'The halachah is in agreement with R. Jose' seeing that he stated elsewhere 'the halachah is in agreement with the anonymous Mishnah',²⁶ and we learned, ALL OTHER WOMEN SHALL BE NEITHER MARRIED NOR BETROTHED BEFORE THREE MONTHS HAVE PASSED, WHETHER THEY WERE VIRGINS OR NON-VIRGINS!²⁷ The other replied, 'The one who pointed out to you this contradiction did not care much for [the quality of] flour.'²⁸ This is an anonymous Mishnah that was followed by a dispute,²⁹ where the halachah does not agree with the anonymous Mishnah; for R. Papa or, some say, R. Johanan stated: When a disputed ruling is followed by an anonymous one,³⁰ the halachah is in agreement with the anonymous ruling; when, however, an anonymous ruling is followed by a dispute,³¹ the halachah is not in agreement with the anonymous ruling.

R. Abbahu once walked leaning upon the shoulder of his attendant,³² R. Nahum, whilst gathering from him information as to traditional rulings.³³ He inquired of him: What [is the halachah] where a dispute is followed by an anonymous statement? The other replied: The halachah is in agreement with the anonymous statement, 'What [is the halachah]', the first enquired, 'when] an anonymous statement is followed by a dispute'? The other replied: The halachah is not in agreement with the anonymous statement. 'What if the anonymous statement occurs in a Mishnah and the dispute in a Baraitha'? The other replied: The halachah is in agreement with the anonymous statement. 'What if

the dispute is in the Mishnah and the anonymous statement in the Baraitha'? The other replied:

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- (1) Since she would either feed him with contaminated milk or deprive him altogether of her breast milk.
- (2) The extra cost of the maintenance.
- (3) Of her first husband.
- (4) To litigate with the heirs.
- (5) Both are identical. No virgin can possibly be subject to the levirate obligations unless she has been previously betrothed!
- (6) Cf. supra n. 9, mutatis mutandis.
- (7) This is the meaning of WHETHER DIVORCEES OR WIDOWS.
- (8) This has been expressed by WHETHER MARRIED OR BETROTHED. The last four terms are interpretations of the first two.
- (9) Lit., 'enter'.
- (10) That women who were married may be betrothed forthwith, and those who were betrothed may even be married forthwith, with the exception of the betrothed in Judaea (as R. Judah, with whom R. Jose is in agreement, has stated in our Mishnah) and with the exception of married women that became widows who must allow the period of thirty days of mourning to pass before remarriage or betrothal (v. our Mishnah).
- (11) That of the first Tanna in our Mishnah, SIMILARLY ALL OTHER WOMEN etc.
- (12) Otherwise the halachah should be in agreement with the view of the majority.
- (13) Pas. particip. of רדף 'to pursue', 'be anxious'.
- (14) Lit., 'to go'.
- (15) And was there when her husband died.
- (16) At the time of his death.
- (17) Tosef. J. and Babli in Keth. 60b add, 'or if her husband had gone to a country beyond the sea'. Cf. Wilna Gaon, Glosses, a.l.
- (18) When her husband's death occurred.
- (19) Though in all these cases it is obvious that the woman is not pregnant.
- (20) Before remarriage or betrothal, as a precaution against such marriage or betrothal on the part of a normal woman who might be pregnant.
- (21) So in Tosef. In 'Er. 47a, Keth. (v. n. 12) and She'iltoth, however, the reading is R. Jose.
- (22) Tosef. VI, 6; 'Er. 47a, Keth. 60b. Thus it has been shewn that the opinion of the first Tanna who disagrees with R. Jose (or R. Judah) is that of R. Meir alone, and is, therefore, only that of an individual.
- (23) And ruled that the halachah is not in agreement with R. Jose.
- (24) כרמא, designation of the academy at Jabneh or Jamnia where the students' seats on the ground were arranged in rows like vines in a vineyard.
- (25) After their divorce or the death of their husbands, before they may remarry or accept betrothal (v. supra note 10). Tosef. VI.
- (26) Shab. 46a.
- (27) And this Mishnah is anonymous!
- (28) 'What kind of flour he grinds'. He was careless in his arguments.
- (29) The anonymous statement of the first Tanna in our Mishnah is immediately followed by the dispute of R. Judah and of R. Jose.
- (30) Either in the same Tractate or in the same Order.
- (31) As in our Mishnah.
- (32) שמהי Many of the Rabbis had a שמעא, sham'a, who was both attendant and disciple of the Master and himself a scholar.
- (33) Or halachoth.

Talmud - Mas. Yevamoth 43a

If Rabbi¹ has not taught it,² whence would R. Hiyya³ know it! The first said to him: Surely we learned: A hackle for flax, whose teeth were broken off and two remained, is [susceptible to

levitical] uncleanness, but [if only] one [tooth remained,⁴ it is levitically] clean.⁵ All the teeth, however, if they were removed one by one are individually [susceptible to levitical] uncleanness.⁶ A wool [comb] whose alternate teeth⁷ are broken off is levitically clean.⁸ If three consecutive⁹ teeth, however, remained, it is susceptible to levitical uncleanness. If one of these was a side tooth,¹⁰ [the comb] is levitically clean.¹¹ If two [teeth] were removed and someone used them as pincers, they are susceptible to levitical uncleanness. One [tooth also] that was adopted for [snuffing] the light,¹² or as a spool,¹³ is susceptible to levitical uncleanness.¹⁴ And we have it as a traditional ruling that the halachah is not in agreement with this Mishnah!¹⁵ — The other replied, ‘With the exception of this;¹⁶ for both R. Johanan and Resh Lakish stated: This is not [an authoritative] Mishnah’.

What is the reason? — R. Huna b. Manoah replied in the name of R. Idi son of R. Ika: Because the first clause is in contradiction to the second one. For at first it was stated that ‘a wool comb whose alternate teeth are missing is levitically clean’ from which it follows that if two consecutive teeth did remain it would be susceptible to uncleanness, while immediately afterwards it was stated, ‘If three consecutive teeth, however, remained it is susceptible to levitical uncleanness’ from which it follows that only three but not two! — What difficulty is this? It is possible that one¹⁷ refers to the internal,¹⁸ and the other¹⁹ the external teeth!²⁰

The contradiction, however, arises from the following:²¹ It was taught first, ‘all the teeth, however, if they were removed one by one are individually susceptible to levitical uncleanness’ [implying], even though each tooth was not adapted [for the purpose] . Now read the final clause: ‘One tooth that was adapted for snuffing the light, or as a spool, is susceptible to levitical uncleanness’, [implying,] only when he adapted it but not when he did not adapt it! — Abaye replied: What is the difficulty? It is possible that the one [refers to a tooth] with a handle²² and the other [to a tooth] without a handle! R. Papa replied: What is the difficulty? It is possible that the one refers to small,²³ and the other to thick teeth.²⁴ [The reason]²⁵ is rather because accurate scholars add this conclusion: ‘These are the words of R. Simeon’.²⁶

R. Hiyya b. Abin sent the following message: Betrothal may take place within the three months, and the practice [of the Sages]²⁷ is also in accordance with this ruling. And R. Eleazar, too, taught us the same law in the name of R. Hanina the Great: The greater part of the first month, the greater part of the third one, and the full middle month.²⁸

Amemar permitted betrothal on the ninetieth day.²⁹ Said R. Ashi to Amemar: But, surely, both Rab and Samuel stated that the widow must wait three months exclusive of the day on which her husband died and exclusive of the day of her betrothal! — This ruling was stated in connection with a nursing mother; for both Rab and Samuel stated: She must wait twenty-four exclusive of the day on which the child was born and exclusive of the day of her betrothal.³⁰ Did not, however, a man once arrange a betrothal feast on the ninetieth days³¹ and Raba spoilt his feast!³² — That was a wedding feast.

The law is that [a nursing mother] must wait twenty-four months, exclusive of the day on which the child was born and exclusive of the day on which she is to be betrothed. Similarly. One [who is not a nursing mother] must wait three months, exclusive of the day on which her husband died and exclusive of the day on which she is to be betrothed.

EXCEPTING THE WIDOW etc. R. Hisda said: [Cannot the law³³ be deduced by inference] from major to minor?³⁴ If when washing of clothes is forbidden,³⁵ betrothal is permitted, how much more should betrothal be permitted when the washing of clothes is permitted!³⁶ What is it?³⁷ — We learned: During the week in which the Ninth of Ab occurs it is forbidden to cut the hair and to wash clothes. On the Thursday, however, this is permitted in honour of the Sabbath.³⁸ And [in connection with this Mishnah] it was taught: Before this time³⁹ the public must restrict their activities in

commerce, building and plantings but it is permissible to betroth though not to marry, nor may any betrothal feast be held!⁴⁰ — That was taught in respect of the period before that time.⁴¹ Said Raba, Even in respect of the ‘period before that time’⁴² [the law might be arrived at by inference from] major to minor: If where it is forbidden to trade it is permitted to betroth, how much more should betrothal be permitted where trade also is permitted! — Do not read, R. JOSE SAID: ALL [MARRIED] WOMEN⁴³ MAY BE BETROTHED but read, ‘ALL MARRIED WOMEN⁴³ may be married’.⁴⁴

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- (1) The Redactor of the Mishnah and teacher of R. Hiyya.
 - (2) As an anonymous ruling which is to represent the established halachah.
 - (3) Rabbi's disciple, who compiled Baraithas and the reputed author of the Tosefta. (11) Since the hackle can still be used even though only two teeth remained. כְּלִים ‘vessels’ (v. Lev. XI, 32ff) by which all kinds of implements and instruments are understood, are susceptible to levitical uncleanness so long only as they are useable. Broken ‘vessels’ which cannot be put to any further use are always levitically clean.
 - (4) The hackle thus becoming unusable.
 - (5) V. supra p. 277. n. 11 last clause.
 - (6) Since each single broken tooth can be used for some purpose. V. infra.
 - (7) Lit., ‘one from between’, i.e., one tooth between every three.
 - (8) Its teeth are far apart. and the absence of every alternate tooth renders the instrument useless.
 - (9) Lit., ‘in one place’.
 - (10) Which serves as a protection for the other teeth but is in itself useless for combing purposes.
 - (11) V. supra p. 277. n. 11.
 - (12) V. Jast.; or ‘for picking a candlestick’, v. Rashi a.l.
 - (13) Lit., ‘for stretching’. V. Jast.
 - (14) Kelim XIII, 8.
 - (15) Though it is anonymous.
 - (16) Only here has the anonymous Mishnah been disregarded.
 - (17) The first clause which implies that if only two teeth remained the comb is still susceptible to uncleanness.
 - (18) With two teeth of which the comb may still be used.
 - (19) The final clause, implying that if only two teeth remained the comb is no more susceptible to uncleanness.
 - (20) Two of which are useless. A wool comb had two sets of teeth, external and internal. The former were used for the main work, and no less than three were required. The latter served only the purpose of holding up the wool, and two of these were quite sufficient for that purpose. It should be noted that the ‘side tooth’ mentioned in the Baraitha does not refer to these but to the first or last tooth of the row (v. supra p. 278, n. 7).
 - (21) Lit., ‘but from here’.
 - (22) When a part of the wooden base of the comb was broken off together with the tooth. In this case no adaptation is necessary.
 - (23) Small teeth require a handle without which they cannot be used.
 - (24) Which can be used without any adaptation.
 - (25) Why the halachah is not in agreement with that Mishnah.
 - (26) The Mishnah thus is not at all anonymous.
 - (27) Which he witnessed (v. Rashi a.l.).
 - (28) Constitute the required period of three months. Three full months are not necessary.
 - (29) After divorce or husband's death.
 - (30) Keth. 60b.
 - (31) After divorce or husband's death.
 - (32) By forbidding the betrothal on that day.
 - (33) On a widow's betrothal within the period of the thirty days of mourning.
 - (34) In a way contrary to the ruling of R. Jose.
 - (35) During the week in which the fast of the Ninth of Ab occurs.
 - (36) A mourner may wash his clothes before the period of the thirty days of mourning has passed- the prohibition extending to the first week of mourning only.

(37) I.e., where does the law concerning washing and betrothal occur.

(38) Ta'an. 26b.

(39) This is now assumed to mean, before the Ninth of Ab and during the week in which the fast occurs.

(40) Which shews that betrothal is permitted even when washing of clothes is forbidden. How, then, could R. Jose forbid betrothal where even washing was permitted? (V. supra note 7).

(41) Lit., 'before of before', prior to the week in which the fast occurs, when washing also is permitted. During the week itself, however, betrothal as well as washing is forbidden.

(42) V. supra p. 280, n. 12.

(43) Whose husbands died.

(44) R. Jose's disagreement with R. Judah has no bearing on the question of marriage during mourning on which R. Judah and R. Jose are in agreement, the former also admitting that no marriage may be celebrated during the mourning period. R. Jose's disagreement relates to the general question of the remarriage of a married woman within three months after her husband died (or divorced her). While R. Judah permits a married woman within three months betrothal only, but not marriage, R. Jose permits marriage also.

Talmud - Mas. Yevamoth 43b

Does not R. Jose, then, hold the view that it is necessary to make a distinction?¹ — If you wish I might say² that he does not. And if you prefer I might say that he does, in fact, hold [this view],³ but read, 'R. Jose said: All betrothed women who were divorced may be married'.⁴ If so, it⁵ is the same view as that of R. Judah!⁶ — The point at issue between them is the question of the betrothal⁷ of a married woman. R. Judah maintains that a married woman may be betrothed,⁷ while R. Jose maintains that a married woman may not be betrothed.⁷ But is R. Jose of the opinion that a married woman is forbidden betrothal?⁷ Surely it was taught, 'R. Jose said: All women⁸ may be betrothed,⁷ excepting the widow, owing to her mourning. And how long does her mourning continue? Thirty days. And all these must not marry before three months have passed'! — What an objection is this!⁹ If it be argued: Because it was stated, 'R. Jose said: All women may be betrothed', is this [it may be retorted] of greater force than our Mishnah? As that was interpreted to mean that 'betrothed women who were divorced may be married' so here also [it might be interpreted to mean], 'All betrothed women who were divorced may be married'! — [The objection,] however, [arises from] the final clause where it was stated, 'And all these must not marry before three months have passed', [implying that] only marriage is forbidden to them but they may well be betrothed!¹⁰ — Raba replied: Explain and reconstruct it¹¹ as follows:¹² R. Jose said: Betrothed women who were divorced may be married, excepting the widow owing to her mourning. And how long does her mourning continue? Thirty days. And married women may not be betrothed before three months have passed.¹³ But is any mourning to be observed by an erusin¹⁴ widow? Surely R. Hiyya b. Ammi taught: In the case of a betrothed wife,¹⁵ the husband is neither subject to the laws of onan¹⁶ nor may he defile himself¹⁷ for her;¹⁸ and she, [in his case,] is likewise not subject to the laws of onan¹⁶ nor may she defile herself for him;¹⁹ if she dies he does not inherit from her, though if he dies she collects her kethubah!²⁰ — The fact, however, is that this²¹ is a question in dispute between²² Tannaim. For it was taught: From the first day of the month²³ until the fast,²⁴ the public must restrict their activities in trade, building and planting, and no betrothals or marriages may take place.²⁵ During the week in which the Ninth of Ab occurs it is forbidden to cut the hair, to wash clothes;²⁶ and others say that this is forbidden during the entire month.²⁷ R. Ashi demurred: Whence is it proved that betrothal means actual betrothal! Is it not possible that it is only forbidden to give²⁸ a betrothal feast but that betrothal itself is permitted?²⁹ — If so, does 'no marriage may take place' also mean that the giving of a wedding feast is forbidden but marriage itself is permitted! — How now! In the case of a marriage without a feast there is still sufficient rejoicing;³⁰ in the case of betrothal, however, is there any rejoicing when no feast is held?³¹ The fact is, said R. Ashi, that recent mourning³² is different from ancient mourning,³³ and public mourning³³ is different from private mourning.³⁴ MISHNAH. WHERE FOUR BROTHERS WHO WERE MARRIED TO FOUR WOMEN DIED, THE ELDEST³⁵ MAY, IF HE DESIRES, CONTRACT LEVIRATE MARRIAGE WITH ALL OF

THEM.

WHERE A MAN WHO WAS MARRIED TO TWO WOMEN DIED, COHABITATION OR HALIZAH WITH ONE OF THEM EXEMPTS HER RIVAL.

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- (1) Between a child of the first, and one of the second husband. (V. supra 42a). If he does, how could he permit marriage within the three months?
- (2) V. Bah a.l. Wanting in cur. edd.
- (3) He admits the necessity for a distinction between the children of the two husbands.
- (4) Forthwith. In such cases the question of pregnancy does not arise. Hence, immediate marriage is permitted except in the case of mourning (v. our Mishnah final clause).
- (5) R. Jose's view.
- (6) Who stated, **THOSE WHO WERE BETROTHED MAY EVEN BE MARRIED FORTHWITH.**
- (7) Forthwith.
- (8) Even married women.
- (9) The point of the objection is explained infra.
- (10) How, then, could R. Jose say here that betrothal is forbidden.
- (11) The second Baraitha cited.
- (12) Lit., 'and say thus'.
- (13) R. Jose in the Baraitha, in thus forbidding betrothal, advances the same opinion as R. Jose in our Mishnah in accordance with the interpretation supra.
- (14) V. Glos.
- (15) Before her marriage has taken place.
- (16) A mourner for certain relatives prior to their burial (v. Glos.) who is subject to a number of restrictions.
- (17) If he is a priest who is forbidden to come in contact with dead bodies except those of very near relatives among whom a wife is included. Aliter: 'nor need he defile himself'; v. supra 29b.
- (18) A 'betrothed wife' not being regarded as being as near of kin as a married wife.
- (19) During a festival when Israelites and women (and not only priests) are forbidden to attend on a dead body (unless they are engaged in its burial) if they are not near relatives (cf. R.H. 16b). Others render, 'nor need she . . . him'. (V. Rashi a.l. and Tosaf. supra 29b s.v.).
- (20) V. Glos. in a case where the document was given to her at the betrothal. Supra 29b, B.M. 18a, Keth. 53a. The reference in the Mishnah hence cannot be to an erusin widow but to the prohibition of the betrothal of a widow within thirty days, which brings us back to the original question of R. Hisda.
- (21) Whether betrothal is forbidden or permitted before the Fast of Ab.
- (22) Lit., 'but it'.
- (23) Of Ab.
- (24) On the ninth of the month.
- (25) Ta'an. 26b.
- (26) Cut. edd. insert in parentheses, 'and it is forbidden to betroth'.
- (27) Ta'an. 29b. The Tanna of this Baraitha thus forbids betrothal before the Ninth of Ab though the Tanna of the Baraitha previously cited (supra 43a) permits it. The objection against R. Jose raised by R. Hisda from the first Baraitha is, therefore, untenable, since R. Jose may disagree with that Tanna and follow the view of the one in the second Baraitha, who forbids betrothal. R. Jose's statement in our Mishnah may consequently be read and interpreted as originally assumed, viz., that **ALL (MARRIED) WOMEN MAY BE BETROTHED**, the point at issue between him and R. Judah being the question of mourning during which in the opinion of the first betrothal is, and in the opinion of the latter is not forbidden.
- (28) Lit., 'to make'.
- (29) Cf. infra note 10.
- (30) Hence it is quite conceivable that marriage, even though no wedding feast is held, should be forbidden.
- (31) It is quite possible, therefore, that the 'betrothal' forbidden is only one celebrated with the holding of a festive meal, while betrothal alone is permitted. The second Baraitha would thus be in agreement with the first. How, then, could R. Jose, contrary to the rulings of the two Baraithas maintain that betrothal during mourning is forbidden?

(32) After a personal bereavement.

(33) That before the Fast of Ab in commemoration of historical events.

(34) Personal and recent grief is more poignant, and is subject to more stringent regulations than those of public mourning which is less rigid. Hence there need be no contradiction between R. Jose's ruling concerning the prohibition of betrothal during the widow's personal mourning and the permission of betrothal in the Baraithas which speak of public mourning. Consequently the assumption that the two Baraithas are in disagreement and that R. Jose follows the latter is no longer necessary. Both Baraithas, in fact, may permit betrothal before the Fast of Ab, and R. Jose also may share the same view.

(35) Surviving brother; v. Gemara.

Talmud - Mas. Yevamoth 44a

IF ONE OF THESE, HOWEVER, WAS ELIGIBLE¹ AND THE OTHER INELIGIBLE,¹ THEN IF HE² SUBMITS TO HALIZAH IT MUST BE FROM HER WHO IS INELIGIBLE,³ AND IF HE CONTRACTS LEVIRATE MARRIAGE IT MAY BE EVEN WITH HER WHO IS ELIGIBLE.

GEMARA. FOUR BROTHERS? Is this conceivable!⁴ — Read, FOUR of the BROTHERS.

MAY. And is he allowed?⁵ Surely it was taught: Then the elder's of his city shall call him,⁶ 'they' but not their representative; 'and speak unto him'⁶ teaches that he is given suitable advice. If he,² for instance, was young and she⁷ old, or if he was old and she was young, he is told, 'What would you with⁸ a young woman'? or 'What would you with an old woman'? 'Go to one who is [of the same age] as yourself and create no strife in your house'⁹ — This is applicable to that case only where he can afford it.¹⁰ If so, even more wives also!¹¹ — Sound advice was given: Only four but no more, so that each may receive one marital visit a month.¹²

WHERE A MAN WHO WAS MARRIED etc. Let him contract levirate marriage with both! — R. Hiyya b. Abba replied in the name of R. Johanan: Scripture stated, That doth not build up his brother's house,¹³ he builds one house¹⁴ but does not build two houses. Then let him submit to halizah from both of them! — Mar Zutra b. Tobia replied: Scripture stated, The house of him who had his shoe drawn off,¹⁵ he submits to the drawing off of the shoe in respect of one house but must not submit to the drawing off of the shoe in respect of two houses. Then let him submit to halizah¹⁶ from one and contract levirate marriage with the other! — Scripture stated, That doth not build,¹⁷ as he has not built¹⁸ he must never again build. Then let him contract levirate marriage with one and submit to halizah from the other! — Scripture states, If he like not,¹⁹ if, however, he liked, he may contract levirate marriage; whosoever may go up²⁰ to contract levirate marriage, may also go up to perform halizah and whosoever may not go up¹⁷ to contract levirate marriage²¹ may not go up to perform halizah. Furthermore, in order that it be not said that the same house²² is partially 'built' and partially 'drawn off'. But let them say! — If he had first contracted levirate marriage and then submitted to halizah this would have been so indeed;²³ it is possible, however, that he may submit to halizah and subsequently contract levirate marriage and thus place himself under the prohibition of that doth not build.²⁴

Might it be suggested that where there is only one,²⁵ the law of the levirate marriage shall be observed, but that where there are two, the law of levirate marriage shall not be observed! — If so, what need was there for the All Merciful to prohibit marriage with the rival of a forbidden relative? If any two rivals, it has been said, are not both subject to halizah and the levirate marriage, was there any need [to mention the exemption of] a rival of a forbidden relative! Why not? It is certainly needed! For it might have been assumed that the forbidden relative stands excluded, and her rival may, therefore, be taken in levirate marriage, hence it was taught that she also was forbidden! — But in fact [this is the proper explanation:] The repetition of his brother's wife²⁶ widened the scope.²⁷

IF ONE OF THEM, HOWEVER, WAS ELIGIBLE. Said R. Joseph: Here²⁸ it was taught by Rabbi²⁹ that a man should not pour the water out of his cistern while others may require it.³⁰

MISHNAH. A MAN WHO REMARRIED HIS DIVORCED WIFE,³¹ OR MARRIED HIS HALUZH, OR MARRIED THE RELATIVE OF HIS HALUZH MUST DIVORCE HER, AND THE CHILD³² IS A BASTARD; THESE ARE THE WORDS OF R. AKIBA. BUT THE SAGES SAID: THE CHILD IS NOT A BASTARD. THEY AGREE, HOWEVER, THAT WHERE A MAN MARRIED THE RELATIVE OF HIS DIVORCEE THE CHILD³² IS A BASTARD.

GEMARA. Does R. Akiba hold the view that the child of a man who MARRIED THE RELATIVE OF HIS HALUZH is a bastard? Surely Resh Lakish stated: Here³³ it was taught by Rabbi³⁴ [that the prohibition to marry] the sister of a divorced wife is Pentateuchal and that that of the sister of a haluzah is Rabbinical!³⁵ — Read,³⁶ THE RELATIVE OF HIS divorcee. This view may also logically be supported. For it was stated in the final clause, THEY AGREE, HOWEVER, THAT WHEN A MAN MARRIED THE RELATIVE OF HIS DIVORCEE THE CHILD IS A BASTARD. Now, if you grant that her case³⁷ was under discussion one can well see the reason why the expression of THEY AGREE had been used; if you contend, however, that her case³⁷ was not under discussion what is the purport of THEY AGREE?³⁸

Is it not possible that we were informed³⁹ that the [offspring of a union] of those who are subject to the penalty of kareth is a bastard?⁴⁰ — This surely is taught below: ‘Who is a bastard? [The offspring of a union with] any consanguineous relative with whom cohabitation is forbidden; so R. Akiba. Simeon⁴¹ the Temanite said: [The offspring of any union] the penalty for which is kareth at the hands of heaven. And the halachah is in agreement with his view.⁴² But is it not possible that the Tanna⁴³ intended to indicate by his anonymous statement that the halachah is according to Simeon⁴¹ the Temanite?⁴⁴ — If so, he should have stated, ‘Others who are subject to the penalty of kareth’, why then [specify] THE RELATIVE OF HIS DIVORCEE? Consequently it must be inferred that this case⁴⁵ was under discussion. But is it not indeed possible to maintain that it⁴⁵ was not under discussion, but because THE MAN WHO REMARRIED HIS DIVORCED WIFE OR MARRIED HIS HALUZH OR THE RELATIVE OF HIS HALUZH was spoken of,⁴⁶ he also introduced THE RELATIVE OF his divorcee’?⁴⁷

Would consequently [the offspring of a union with] the RELATIVE OF HIS HALUZH, according to R. Akiba,⁴⁸ be a bastard!⁴⁹ — R. Hiyya b. Abba replied in the name of R. Johanan, This is R. Akiba's reason: Because Scripture stated, The house of him that had his shoe drawn off,⁵⁰ Scripture thus called it his house.⁵¹

R. Joseph stated in the name of R. Simeon b. Rabbi: All agree that, where a man remarried his divorced wife,

(1) To marry a priest. V. Lev. XXI, 7.

(2) The levir.

(3) So that the halizah shall not disqualify the eligible widow from marrying a priest.

(4) If there were only four brothers and all of them died, how could levirate marriage take place?

(5) To marry four wives.

(6) Deut. XXV, 8.

(7) The widow, his sister-in-law.

(8) Lit., ‘what to thee at’.

(9) Infra 101b. Similarly in the case of our Mishnah also the levir should have been advised not to undertake the responsibility of maintaining four wives.

(10) When he possesses the means.

(11) Should be allowed. Why then were FOUR only mentioned.

- (12) Once a week, on Friday evenings, is the time when scholars in moderate health should pay their marital visits (Keth 62b). More than four wives would reduce each one's visits to less than one per month.
- (13) Deut. XXV, 9: emphasis on 'house' (sing.).
- (14) I.e., marries one widow.
- (15) E.V., loosed, ibid. 10, emphasis on 'house'.
- (16) For this insertion v. Bah a.l.
- (17) Ibid. 9, emphasis on 'not build'.
- (18) I.e., did not contract levirate marriage.
- (19) Ibid. 7.
- (20) Sc. to the gale (ibid.), i.e., the court.
- (21) As is the case with the rival who may not contract levirate marriage, for the reason given supra, 'he builds one house but does not build two houses'.
- (22) Of the one brother.
- (23) What people might say about 'partially built' etc. would not have mattered.
- (24) V. supra note 5, 'as he has not built he must never again build'.
- (25) Widow.
- (26) Deut. XXV, 7.
- (27) Indicating that even where there are two rivals the precept of levirate marriage is to be observed.
- (28) By the instruction that halizah is to be performed by the ineligible, and not by the eligible widow.
- (29) R. Judah the Prince, Redactor of the Mishnah.
- (30) Though the levir himself would lose nothing by disqualifying the widow from marriage with a priest, he must not be the cause of her disqualification out of consideration for a priest who might wish to marry her.
- (31) After she had been married to another man.
- (32) The offspring of any such union.
- (33) In the Mishnah supra 41a to which Resh Lakish refers.
- (34) The Redactor of the Mishnah.
- (35) Supra 40b, 41a. The offspring of a union that is only Rabbinically forbidden would not be a bastard.
- (36) In R. Akiba's statement in our Mishnah.
- (37) That of the relative of a divorcee.
- (38) One does not AGREE in respect of a case that never was in dispute!
- (39) By the use of the expression AGREE.
- (40) I.e., the Rabbis AGREE in this case because it involves kareth, though they maintain that the offspring of those who are subject to the penalty of flogging only is not a bastard, AGREE would consequently provide no proof that R. Akiba spoke of the relative of a divorcee!
- (41) Cur. edd. add 'R'.
- (42) Infra 49a. The halachah must obviously be in agreement with the Rabbis who form the majority. Consequently there was no need for the Rabbis to state the same halachah in our Mishnah also. THEY AGREE must, therefore, imply that R. Akiba also spoke of the relative of a divorcee.
- (43) Of our Mishnah.
- (44) Hence the repetition in Our Mishnah of the one infra 49a. Cf. supra n. 5 second clause.
- (45) The case of the relative of one's divorcee.
- (46) And on which the Rabbis disagreed with R. Akiba. In the case of the RELATIVE OF HIS HALUZAH, however, R. Akiba, it might still be contended, regards the child as a bastard.
- (47) In whose case the Rabbis agree with R. Akiba.
- (48) Since the expression RELATIVE OF HIS HALUZAH in R. Akiba's statement is not amended to 'RELATIVE OF HIS divorcee'.
- (49) On what ground could R. Akiba maintain such an opinion?
- (50) Deut. XXV, 10.
- (51) The relative of a haluzah, according to R. Akiba, is consequently, like that of a divorcee, forbidden Pentateuchally. The offspring of a union with such a relative is, therefore, a bastard.

the child¹ is tainted in respect of the priesthood.² Who [is meant by] 'All agree'? — Simeon the Temanite. For although Simeon the Temanite stated that the offspring of a union forbidden under the penalty of flogging is not a bastard, he agrees that, though he is not a bastard, he is nevertheless tainted.³ This is deduced a *minori ad majus* from the case of a widow: If in the case of a widow married to a High Priest, the prohibition of whom is not applicable to all,⁴ her son¹ is tainted,³ how much more should the son of a divorcee be tainted, whose prohibition is equally applicable to all.⁵ [This argument, however], may be refuted: A widow's case may well be different⁶ because she herself becomes profaned and;⁷ and, furthermore, it is written in Scripture, She is an abomination,⁸ 'she'⁹ only is an abomination but her children are not an abomination. — Furthermore, it was taught: Where a man remarried his divorced wife, or married his haluzah, or married the relative of his haluzah, R. Akiba said, his betrothal of her is not valid,¹⁰ she requires no divorce from him, she is disqualified,¹¹ her child is disqualified,¹² and the man is compelled to divorce her. And the Sages said: His betrothal of her is valid, she requires a divorce from the man, she is fit, and her child is fit. Now, in respect of what?¹³ Obviously in respect of the priesthood!¹⁴ — No; in respect of entering the congregation.¹³

If so, in respect of whom is she¹⁵ fit? If it be suggested 'in respect of entering the congregation', is not this [it may be retorted] obvious? Has she become ineligible to enter the congregation because she played the harlot!¹⁶ Consequently it must mean in respect of the priesthood. Now, since she is [untainted] in respect of the priesthood, her child also must be [untainted] in respect of the priesthood!¹⁴ — Is this an argument? The same term may bear different interpretations in harmony with its respective subjects.¹⁷ This¹⁸ is also logically sound. For in the first clause¹⁹ it was stated, 'She is disqualified and her child is disqualified'. Now, in respect of what is 'she disqualified'? If it be suggested, 'in respect of entry into the congregation', does she [it may be retorted] become disqualified for entry into the congregation because she played the harlot!²⁰ Consequently it must mean 'in respect of the priesthood!' Now, again, in respect of what is 'her child disqualified'? If it be suggested, 'in respect of the priesthood' thus implying that he is permitted to enter the congregation, surely [it may be objected] R. Akiba stated that the child is a bastard!²¹ Obviously then 'in respect of entry into the congregation'.²² And, as in the first clause the same term bears different interpretations in harmony with its respective subjects, so may the same term in the final clause bear different interpretations in agreement with its respective subjects.²³ Also as to the expression²⁴, This is an abomination it [may be interpreted]: 'She is an abomination but her rival is no abomination'.²⁵ Her children, however, are an abomination.²⁶

The objection, however, from the 'widow' [still remains, thus]: 'A widow's case may well be different²⁷ because she herself becomes²⁸ profaned'²⁹ — But [the fact is that] if any statement was made³⁰ it was as follows:³¹ R. Joseph stated in the name of R. Simeon b. Rabbi, 'All agree that where a man cohabited with any of those who are subject to the penalty of kareth³² the child³³ is tainted'.³⁴ Who [is referred to by] 'All agree'? — R. Joshua. For although R. Joshua stated that the offspring of a union forbidden under the penalty of kareth is not a bastard, he agrees that, though he is no bastard, he is nevertheless tainted.³⁵ This is deduced a *minori ad majus* from the case of a widow: If in the case of a widow married to a High Priest, the prohibition of whom is not applicable to all,³⁶ her son³⁷ is tainted,³⁵ how much more should the son of this woman be tainted whose prohibition is equally applicable to all.³⁸

And were you to object: A widow's case may be different³⁹ because she herself becomes profaned,⁴⁰ [it may be retorted that], here also, as soon as the man had any connubial relations with her he stamped her as a harlot.⁴¹

Rabbah b. Bar Hana said in the name of R. Johanan: All agree that where a slave or an idolater had intercourse with a daughter of an Israelite the child is a bastard. Who is meant by 'All agree'? —

Simeon the Temanite. For although Simeon the Temanite stated that the offspring of a union forbidden under the penalty of flogging is not a bastard, his statement applies only

(1) The offspring of such a union.

(2) פגום defective, inferior (in status). If a male he is disqualified from the priesthood: and if a female she is ineligible to marry a priest. [Rashi reads simply: 'the child is tainted', so MS.M.]

(3) And disqualified for the priesthood.

(4) A widow is forbidden to a High Priest only, but not to an ordinary priest or an Israelite.

(5) No one, priest or Israelite, may remarry his divorced wife after she had been married to another man.

(6) I.e., her son may indeed be tainted.

(7) Having once married a High Priest unlawfully, she may not marry after his death even an ordinary priest (v. Kid. 77a), and if she is a priest's daughter she loses her privilege to eat terumah (v. infra 68a). In the case of a remarried divorcee these restrictions do not apply, since she is permitted to eat terumah if she is a priest's daughter (v. infra 69a) while her prohibition to marry a priest is not due to her remarriage, but to her previous divorce.

(8) Deut. XXIV, 4.

(9) ה"י rendered by E.V., it; lit, 'she', is taken to refer to the woman. The Talmudic text here is not very clear. (V. supra 11b for a smoother text and further notes, and cf. Bah a.l.).

(10) Unions subject to the penalty of flogging are in his opinion invalid.

(11) May not marry a priest.

(12) Being deemed a bastard.

(13) Is the child regarded as fit. I.e. fit to marry a proper Israelite; v, Deut. XXIII, 1ff.

(14) Which is contrary to the conclusion arrived at by the argument a minori ad majus!

(15) The remarried divorcee.

(16) I.e., contracted a forbidden marriage.

(17) Lit., 'that as it is and that etc.'. The term 'untainted' in the case of the woman may have reference to priesthood, but in the case of the child it may refer to entry into the congregation; while in respect of the priesthood the child may well be regarded as tainted.

(18) The thesis that the interpretation of the same term may vary in harmony with its respective subjects though both appear in the same context.

(19) Of the cited Baraita.

(20) I.e., contracted a forbidden marriage.

(21) Who may not enter into the congregation. (V. Deut. XXIII, 3).

(22) Although the same term, in the same context, when applied to the mother, referred to the priesthood.

(23) V. supra p. 289. n. 10, for lit. meaning.

(24) From which it has been sought to prove supra that the inference from the case of a widow married to a High Priest cannot be upheld.

(25) I.e., the exclusion refers to her rival who may contract levirate marriage.

(26) I.e., disqualified from the priesthood. as has been inferred supra.

(27) I.e., her son may indeed be tainted.

(28) V. supra p. 288, n. 13.

(29) Which leads to the conclusion that no inference a minori ad majus may be drawn from the case of the widow. How, then, could R. Joseph state in the name of R. Simeon, supra, that all agree that the child is disqualified?

(30) By R. Joseph in the name of R. Simeon, on the subject under discussion.

(31) Lit., 'thus it was said'.

(32) For that cohabitation.

(33) The offspring of such a union.

(34) V. supra p. 282, no. 8ff.

(35) And disqualified for the priesthood.

(36) A widow is forbidden to a High Priest only, but not to an ordinary priest or Israelite.

(37) The offspring of such a union.

(38) No one, priest or Israelite, may remarry his divorced wife after she had been married to another man.

(39) I.e., her son may indeed be tainted.

(40) V. supra p. 288, n. 13.

(41) Because of the forbidden union, and she, like the widow who was married to a High Priest, is in consequence forbidden to marry even a common priest.

Talmud - Mas. Yevamoth 45a

to the offspring of a union forbidden under the penalty of flogging, since the betrothal in such a case is valid¹ but here, in the case of an idolater and a slave, since betrothal in their case is invalid,² they are like those whose union is subject to the penalty of kareth.³

An objection was raised: If a slave or an idolater had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard. R. Simeon b. Judah said: A bastard is only he who [is the offspring of a union which] is forbidden as incest and is punishable by kareth!⁴ — No, said R. Joseph, who [is referred to by] 'all cable only according to the view of R. Akiba who regards a haluzah as a forbidden relative',⁵ while he himself does not share the same view,⁶ he agrees⁷ in the case of an idolater and a slave. For when R. Dimi came⁸ he stated in the name of R. Isaac b. Abudimi in the name of our Master,⁹ 'If an idolater or a slave had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard'.

R. Aha, the governor of the castle,¹⁰ and R. Tanhum son of R. Hiyya of Kefar Acco¹¹ once redeemed some captives who were brought from Armon to Tiberias,¹² [Among these] was one who had become pregnant from an idolater. When they came before R. Ammi he told them: It was R. Johanan and R. Eleazar and R. Hanina who stated that if an idolater or a slave had intercourse with the daughter of an Israelite the child born is a bastard.

Said R. Joseph: Is it a great thing to enumerate persons?¹³ Surely it was Rab and Samuel in Babylon and R. Joshua b. Levi and Bar Kappara in the Land of Israel — (others say, 'Bar Kappara' is to be altered to¹⁴ the 'Elders of the South')¹⁵ — who stated that if an idolater or a slave had intercourse with a daughter of an Israelite, the child born is untainted! — No, said R. Joseph, it¹⁶ is [the opinion of] Rabbi.¹⁷ For when R. Dimi came⁸ he stated in the name of R. Isaac b. Abudimi that it was reported in the name of our Masters that if an idolater or a slave had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard.

R. Joshua b. Levi said: The child¹⁸ is tainted. In respect of what?¹⁹ If it be suggested in respect of entry into the congregation, surely [it may be retorted] R. Joshua b. Levi stated that the child was fit! It must be then in respect of the priesthood;¹⁹ for all Amoraim who declare the child¹⁸ fit admit that he is ineligible for the priesthood.²⁰ This is inferred by deduction from the case of a widow a minori ad majus. If in the case of a widow who was married to a High priest whose prohibition is not equally applicable to all²¹ her son²² is tainted,²³ how much more should the son of this woman²⁴ be tainted whose prohibition is equally applicable to all.²⁵ The case of a widow who was married to a High Priest may be different, since she herself becomes profaned!²⁶ — Here also,²⁷ as soon as cohabitation occurred the woman is disqualified;²⁸ for R. Johanan stated in the name of R. Simeon:²⁹ Whence is it inferred that if an idolater or a slave had intercourse with the daughter of a priest, of a Levite or of an Israelite, he disqualified her?³⁰ It was stated But if a priest's daughter be a widow, or divorcee;³¹ Only in the case of a man in relation to whom widowhood or divorce is applicable;³² an idolater and a slave are consequently excluded since in relation to them no widowhood or divorce is applicable.³³

Said Abaye to him:³⁴ What reason do you see for relying upon R. Dimi?³⁵ Rely rather on Rabin!³⁶ For when Rabin came³⁷ he reported that R. Nathan and R. Judah the Prince ruled that such a child is legitimate;³⁸ and³⁹ R. Judah the Prince is, of course, Rabbi!

And Rab also ruled that the child is legitimate.⁴⁰ For once a man⁴¹ appeared before Rab and asked him, 'What [is the legal position of the child] where an idolater or a slave had intercourse with the daughter of an Israelite?' 'The child is legitimate', the Master replied. 'Give me then your daughter' said the man. 'I will not give her to you' [was the Master's reply]. Said Shimi b. Hiyya to Rab. 'People say that in Media⁴² a camel can dance on a kab;⁴³ here is the kab, here is the camel and here is Media, but there is no dancing'!⁴⁴ 'Had he been⁴⁵ equal to Joshua the son of Nun I would not have given him my daughter', the Master replied. 'Had he been like Joshua the son of Nun', the other retorted, 'others would have given him their daughters, if the Master had not given him his; but with this man, if the Master will not give him, others also will not give him'.⁴⁶ As the man refused to go away he fixed his eye upon him and he died. R. Mattena also ruled that the child is legitimate.⁴⁷ Rab Judah also ruled that the child is legitimate.⁴⁷ For when one⁴⁸ came before Rab Judah, the latter told him, 'Go and conceal your identity⁴⁹ or marry one of your own kind'.⁵⁰ When such a man⁵¹ appeared before Raba he told him, 'Either go abroad or marry one of your own kind'.⁵²

The men of Be-Mikse⁵³ sent [the following enquiry] to Rabbah: What [is the law in respect of the legitimacy of the child of] one who is a half slave and half freed man⁵⁴ who cohabited with the daughter of an Israelite? — He replied: If [the child of] one who is fully a slave has been declared legitimate, is there any need [to question the case of the child of one who is only] a half slave!

R. Joseph said: The author of this traditional ruling⁵⁵

(1) V. supra 23a.

(2) V. Kid. 68b.

(3) The offspring from which is a bastard.

(4) Now this Tanna, whose view is exactly the same as that of Simeon the Temanite, indicates quite clearly that the offspring of a union with an idolater or slave is not a bastard! (V. supra n. 10). (12) That cohabitation with a deceased brother's wife after halizah with her rival has not the force of marriage and no divorce is required. The child from such a union would consequently be deemed a bastard.

(5) Infra 52b.

(6) But maintains that the child of such a union is no bastard.

(7) With R. Akiba; and the child is consequently a bastard.

(8) From Palestine to Babylon.

(9) Rabbi, R. Judah the Prince.

(10) Cf. Neh. VII, 2.

(11) כפר עכו in lower Galilee, v. Sanh., Sonc. ed. p. 484, n. 7.

(12) [Rashi reads: Antioch. Armon has not been identified. V. Horowitz I.S. Palestine, s.v.].

(13) Just as a string of names could be quoted in support of the view that the child is a bastard, an equally imposing number could be quoted in opposition.

(14) Lit., 'and bring in'.

(15) [With particular reference to the scholars of Lydda among whom Bar Kappara and R. Joshua b. Levi were included.]

(16) The ruling that the child is a bastard.

(17) And it is Rabbi's fame and position, and not the number of comparatively minor authorities (v. supra n. 9), that imparted the force of law to this view.

(18) Born from a union between a Jewish woman and an idolater or a slave.

(19) Is the child deemed tainted. This applies to a female child who is disqualified from marrying a priest. A male child, being the son of an idolater or slave, cannot obviously ever be himself a priest.

(20) V. supra note 2.

(21) A widow is only forbidden to marry a High Priest but not an Israelite or an ordinary priest.

(22) Born from her union with the High Priest.

(23) If a male; and if a female she is ineligible to marry a priest.

(24) Who had intercourse with an idolater or a slave.

- (25) The daughters of priests, of Levites and of Israelites are all equally forbidden to marry an idolater or a slave.
- (26) V. supra p. 288, n. 23.
- (27) Where intercourse took place between a Jewess and an idolater or a slave.
- (28) From ever marrying a priest.
- (29) Others, 'Ishmael'. V. Bah. a.l.; and Tosaf., infra 68b, s.v. **כְּמֵאֵל**.
- (30) From eating terumah if she is the daughter of a priest. If the daughter of a Levite or an Israelite who was married to a priest and left with children after her husband's death, she loses her right to the eating of terumah (to which she was entitled by virtue of her children) and, of course, becomes ineligible to marry a priest, as soon as Intercourse with the idolater or slave had taken place.
- (31) Lev. XXII, 13. The conclusion of the verse reads, And is returned unto her father's house . . . she shall eat of her father's bread (i.e., terumah),
- (32) I.e., an Israelite. Only then does she regain her right of eating her father's bread. V. n. 14.
- (33) Their very betrothal and marriage having no validity.
- (34) R. Joseph.
- (35) Who, on the authority of Rabbi supra, declared the child to be a bastard.
- (36) Who, also on the authority of Rabbi, does not regard such a child as a bastard.
- (37) From Palestine to Babylon.
- (38) Lit., 'rule concerning it towards permissibility'.
- (39) Lit., 'and who'.
- (40) Cf. supra n. 6.
- (41) The offspring of union between a Jewess and an idolater.
- (42) I.e., in foreign lands where wonders occur, (Golds.).
- (43) The kab is a small measure of capacity equal to four log or a sixth of a se'ah.
- (44) I.e., Rab had displayed originality and marvelous courage by his ruling, and yet stops short of carrying it into practice.
- (45) V. Bah a.l.
- (46) They would regard the Master's refusal as an indication that the man is really illegitimate.
- (47) Lit., 'rule concerning it towards permissibility'.
- (48) The issue of a union between a Jewess and an idolater.
- (49) I.e., 'go to a place where you are unknown and where you might in consequence pass as a legitimate Israelite and be allowed to marry a Jewess'. Since Rab Judah counselled him to marry a Jewess if he could, by concealing his origin, it is obvious that in his opinion the man was legitimate. A bastard would not have been allowed marriage with a Jewess under any circumstances.
- (50) V. infra n. 3.
- (51) Cf. supra p. 294, n. 7.
- (52) I.e., a woman born from a similar union. Raba did not allow him, however, to marry a bastard or a slave; which proves that in his opinion the man was legitimate and therefore forbidden to marry either a bastard or a slave,
- (53) [A frontier town between Babylon and Arabia, v. Obermeyer, p. 334].
- (54) V. Git., Sonc. ed. pp, 175ff.
- (55) That the offspring of a union between a Jewess and an idolater or slave is legitimate.

Talmud - Mas. Yevamoth 45b

is, of course,¹ Rab Judah.² But surely Rab Judah had explicitly stated: Where one who is a half slave and half freed man cohabited with the daughter of an Israelite the child born from such a union can have no redress!³ — Rab Judah's ruling⁴ was made only in the case where he⁵ betrothed⁶ the daughter of an Israelite,⁷ in consequence of which his partial slavery cohabits with a married woman.⁸

But did not the Nehardeans state in the name of R. Jacob that according to him who regards [the offspring]⁹ as illegitimate, the child is so regarded even [where cohabitation had taken place] with an unmarried woman; and according to him who regards [the child] as legitimate, the child is so

regarded even [if the cohabitation had taken place] with a married woman! And the deduction by both¹⁰ was made from none other than the wife of one's father.¹¹ He who regards the child⁹ as illegitimate is of the opinion that as with the wife of one's father, betrothal with whom is invalid, the child is a bastard. So is the child a bastard in the case of all those¹² betrothal with whom is invalid. And he who regards the child as legitimate is of the opinion [that the comparison is]: As with the wife of one's father, betrothal with whom is invalid in the case of the son only,¹³ but is valid in the case of others;¹⁴ an idolater and a slave betrothal with whom is in all cases invalid are consequently excluded!¹⁵

Hence the statement of R. Judah¹⁶ must have been made in respect of one¹⁷ who had intercourse with a married woman, so that his emancipated side¹⁸ cohabits with a married woman.¹⁹

Rabina said: R. Gaza told me, 'R. Jose b. Abin happened to be at our place when an incident²⁰ occurred with an unmarried woman and declared the child to be legitimate: [and when it occurred] with a married woman he declared the child to be illegitimate'.

R. Shesheth said: R. Gaza told me that it was not R. Jose b. Abin but R. Jose son of R. Zebida, and that he declared the child to be legitimate, both in the case of the married, as well as in that of the unmarried woman.²¹

R. Aha son of Raba²² said to Rabina: Amemar once happened to be in our place and he declared the child²³ to be legitimate in the case of a married, as well as in that of an unmarried woman.

And the law is that if an idolater or a slave had cohabited with the daughter of an Israelite the child [born from such a union] is legitimate, both in the case of a married, and in that of an unmarried woman.²¹

Raba declared R. Mari b. Rache²⁴ to be a legitimate Israelite and appointed him among the pursers²⁵ of Babylon. And although a Master said: Thou shalt in any wise set him king over thee . . . one from among thy brethren,²⁶ all appointments which you make must be made only 'from among thy brethren', [means that] such a man,²⁷ since his mother was a descendant of Israel, may well 'be regarded as 'one from among thy brethren'.

The slave of R. Hiyya b. Ammi once made a certain idolatress bathe for a matrimonial purpose.²⁸ Said R. Joseph: I could declare her to be a legitimate Jewess²⁹ and her daughter³⁰ to be of legitimate birth.³¹ In her case, in accordance with the view of R. Assi; for R. Assi said, 'Did she not bathe for the purpose of her menstruation'?³² In the case of her daughter, because when an idolater or a slave has intercourse with a daughter of an Israelite, the child [born of such a union] is legitimate.³³

A certain person was once named 'son of the female heathen'.³⁴ Said R. Assi, 'Did she not bathe for the purpose of her menstruation'?

A certain person was once named 'son of the male heathen'.³⁵ Said R. Joshua b. Levi, 'Did he³⁶ not bathe in connection with any mishap³⁷ of his'?³⁸

R. Hama b. Guria said in the name of Rab: If a man bought a slave from an idolater and [that slave] forestalled him and performed ritual ablution with the object of acquiring the status of a freed man, he acquires thereby his emancipation. What is the reason?

(1) Lit., 'who is it'?

(2) So that Rabbah's decision in the case of the half slave is based on a ruling of Rab Judah.

(3) I.e., he is a bastard, and may never marry a Jewess, How, then, could Rabbah regard the child of such a union as

legitimate?

(4) That he can have no redress.

(5) The half slave,

(6) Not merely cohabited without betrothal.

(7) The betrothal, as far as his partial status of a slave is concerned, is invalid, while in respect of his partial state of emancipation it is valid. The Jewess is consequently his legal wife.

(8) The slave in him having cohabited with the woman who is legally betrothed to the emancipated part of him causes the offspring of the union to be deemed a bastard, as is the case with the offspring of any union between a betrothed or married woman and a stranger, be the latter Israelite, idolater or slave. If, however, cohabitation only between the half slave and a Jewess took place, 'without previous betrothal, the woman is not the legal wife of the 'half freed man' and the child born from the union is the child of an unmarried woman and is consequently legitimate, as Rabbah ruled. In the case of a full slave the question of betrothal does not arise since even if betrothal did take place it is invalid and the woman is legally deemed to be unmarried.

(9) Of a union between a Jewess and an idolater or a slave.

(10) He who regards the child as legitimate and the other who regards him as illegitimate.

(11) Betrothal of whom by the son is invalid and the offspring of any union between them is a bastard.

(12) Such as an idolater or a slave,

(13) Lit., 'to him'.

(14) So in all such cases, A child born from such unions only is illegitimate.

(15) The cases of these being different from that of 'father's wife', the child born from a union between a Jewess and any of these must be deemed to be legitimate. The father is entirely eliminated and the child is ascribed to the mother. Now, since the statement of the Nehardeans proves that there is no difference between an unmarried and a married (or betrothed) woman, the distinction drawn supra between cohabitation after a betrothal and one in the absence of betrothal is obviously untenable. The objection then against Rabbah's ruling remains!

(16) That the child has no redress.

(17) The half slave and half freed man spoken of.

(18) Which has the same status as that of an Israelite,

(19) Cf. supra p. 295, n. 14. As the offspring of a union between an Israelite and a married woman is a bastard, so is that of the union between the semi-emancipated (cf. supra n. 10) and a married woman.

(20) A child was born from a union between a slave and a Jewess.

(21) For the reason given supra Cf. supra p. 296, nn. 6. 7 and text.

(22) So Emden a.l, Cur. edd., 'Rabbah'.

(23) Cf. supra n. 1.

(24) Rachel was one of Mar Samuel's captive daughters, who, while in captivity, was married to an idolater and gave birth to Mari, Issur, the father of the child, embraced Judaism while Rachel was still in her pregnancy, and he is several times referred to in the Talmud as Issur the proselyte. (V. Keth. 23a; B.B. 149a. Sonc. ed. p. 644, and notes a.l.).

(25) פורסי, sing. פורסא cf. Gr. **, 'supervisor', 'purser' or 'collector'. The appointment gave its holder authority over the Jews under its jurisdiction.

(26) Deut. XVII, 15. Cf. Bah a.l.

(27) R. Mari.

(28) The slave wished to take her as wife. Lit., 'wife', or 'wifeness'. He made her take a ritual bath in accordance with the requirements prescribed for the menstruant before she can be permitted connubial intercourse.

(29) Though the bath was taken for menstrual purification yet since an idolatress takes no such baths, it may be regarded as one for the purpose of her conversion also. Usually, before he may be admitted as a legitimate proselyte, the convert must both be circumcised and bathe in a ritual bath for the specific purpose of the conversion. V, infra 46b.

(30) Born from the slave and herself,

(31) Though she is the offspring of a union between a slave and a woman who, at the time of giving birth to her, had already enjoyed the status of a Jewess.

(32) So long as she bathed for one purpose she may be deemed to have bathed for the other also. (V. infra).

(33) For the reason given supra. Cf. supra p. 296. on. 6, 7 and text.

(34) Because his mother did not take a ritual bath at the time of her conversion to Judaism.

(35) Cf. note 6 mutatis mutandis.

(36) The father.

(37) Keri, the emission of semen,

(38) V. supra note 4.

Talmud - Mas. Yevamoth 46a

— The idolater has no title to the person [of the slave]¹ and he can transfer to the Israelite only that which is his. And [the slave], since he forestalled him and performed ritual ablution for the purpose of acquiring the status of a freed man, has thereby cancelled the obligations of his servitude, in accordance with the ruling of Raba. For Raba stated: Consecration,² leavened food³ and manumission⁴ cancel a mortgage.⁵

R. Hisda raised an objection: It happened with the proselyte Valeria⁶ that her slaves forestalled her and performed ritual ablutions⁷ before her. And when the matter came before the Sages they decided that the slaves had acquired the status of freed men.⁸ [From here it follows that] only if they performed ablution before her,⁹ but not if after her!¹⁰ — Raba replied: ‘Before her’ they acquire their emancipation whether the object of their bathing had, or had not been specified;¹¹ ‘after her’ emancipation is acquired only when the object had been specified,¹² but not when it had not been specified.¹³

R. Iwya said: What has been taught¹⁴ applies only to one¹⁵ who buys¹⁶ from an idolater; but the idolater himself¹⁷ may well be acquired;¹⁸ for it is written in Scripture, Moreover from the children of the strangers that do sojourn among you, of them may ye buy:¹⁹ you may buy of them but they may not buy of you, nor may they buy of one another.²⁰ ‘But they may not buy of you’. — What can this refer to? If it be suggested [that it refers] to one's manual labour, may not an idolater, [it may be asked,] buy an Israelite to do manual labour? Surely it is written, Or to the offshoot of a stranger's family,²¹ and a Master said that by ‘stranger's family’ an idolater was meant?²² Consequently it must refer to his person;²³ and the All Merciful said, ‘You may buy of them,²⁴ even their persons’. R. Aha objected: It²⁵ might be said [to refer to acquisition] by means of money and ritual ablution!²⁶ — This is a difficulty.

Samuel said: He²⁷ must be firmly held²⁸ while he is in the water;²⁹ as [was done with] Menjamin, the slave of R. Ashi who wished to perform ritual ablution,³⁰ and was entrusted to Rabina and R. Aha son of Raba. ‘Note’, [R. Ashi] said to them, ‘that I shall claim him from you’.³¹ They put a chain³² round his neck, and loosened it and again tightened it. They loosened it in order that there might be no interposition.³³ They then tightened it again in order that he might not forestall them and declare,³⁴ ‘I perform the ablution in order to procure thereby the status of a freed man’. While he was raising his head from the water they placed upon it a bucket full of clay and told him, ‘Go, carry it to your master's house.

R. Papa said to Raba: The master must have observed the men of Papa b. Abba's house who advance sums of money on people's accounts in respect of their capitation taxes,³⁵ and then force them into their service. Do they,³⁶ when set free, require a deed of emancipation or not? He replied: Were I now dead I could not have told you of this ruling. Thus said R. Shesheth: The surety for these people³⁷ is deposited in the king's archive, and the king has ordained that whosoever does not pay his capitation tax shall be made the slave of him who pays it for him.³⁸

R. Hiyya b. Abba once came to Gabla³⁹ where he observed Jewish women who conceived from proselytes who were circumcised but had not performed the required ritual ablution;⁴⁰ he also noticed that idolaters were serving⁴¹ Jewish wine and Israelites were drinking it,⁴² and he also saw that idolaters were cooking lupines and Israelites ate them;⁴³ but he did not speak to them on the matter at all. He called, however, upon R. Johanan who instructed him: Go and announce that their

children are bastards; that their wine is forbidden as nesek wine;⁴⁴ and that their lupines are forbidden as food cooked by idolaters, because⁴⁵ they⁴⁶ are ignorant of the Torah.

‘That their children are bastards’, R. Johanan ruling in accordance with his view. For R. Hiyya b. Abba stated in the name of R. Johanan: A man cannot become a proper proselyte unless he has been circumcised and has also performed ritual ablution; when, therefore, no ablution has been performed he is regarded as an idolater; and Rabbah b. Bar Hana stated in the name of R. Johanan that if an idolater or a slave cohabited with the daughter of an Israelite the child [born from such a union] is a bastard.

‘That their wine is forbidden as nesek wine’, because a nazirite⁴⁷ is told, ‘Keep away; go round about; approach not the vineyard’.⁴⁸

‘That their lupines are forbidden as food cooked by idolaters, because they are ignorant of the Torah’. [Would their lupines have been] permitted if the men had been acquainted with the Torah? Surely R. Samuel b. R. Isaac stated in the name of Rab, ‘Any foodstuff that may be eaten raw does not come under the prohibition of food cooked by idolaters’, and since lupines cannot be eaten raw the prohibition of food cooked by idolaters should apply!⁴⁹ — R. Johanan holds the view as expressed in a second version. For R. Samuel b. R. Isaac stated in the name of Rab, ‘Whatever is not served on a royal table as a dish to be eaten with bread is not subject to the prohibition of food cooked by idolaters. The reason, therefore,⁵⁰ is because they were ignorant of the Torah;⁵¹ for had they been acquainted with the Torah [their lupines would have been] permitted.

Our Rabbis taught: ‘If a proselyte was circumcised but had not performed the prescribed ritual ablution, R. Eliezer said, ‘Behold he is a proper proselyte; for so we find that our forefathers⁵² were circumcised and had not performed ritual ablution’. If he performed the prescribed ablution but had not been circumcised, R. Joshua said, ‘Behold he is a proper proselyte; for so we find that the mothers⁵³ had performed ritual ablution but had not been circumcised’. The Sages, however, said, ‘Whether he had performed ritual ablution but had not been circumcised or whether he had been circumcised but had not performed the prescribed ritual ablution, he is not a proper proselyte, unless he has been circumcised and has also performed the prescribed ritual ablution.

Let R. Joshua also infer from the forefathers, and let R. Eliezer also infer from the mothers! And should you reply⁵⁴ that a possibility⁵⁵ may not be inferred from an impossibility,⁵⁶ surely [it may be retorted] it was taught: R. Eliezer said, ‘whence is it deduced that the paschal lamb⁵⁷ of later generations⁵⁸ may be brought from hullin⁵⁹ only? Those in Egypt were commanded to bring⁶⁰ a Paschal lamb and those of later generations were commanded to bring a Paschal lamb; as the Paschal lamb spoken of in Egypt could be brought from hullin⁵⁹ only, so may also the paschal lamb which had been commanded to later generations be brought from hullin only’. Said R. Akiba to him, ‘may a possibility be inferred from an impossibility!’⁶¹ The other replied. ‘Although an impossibility, it is nevertheless a proof of importance and deduction from it may be made’!⁶² — But

(1) As will be explained infra, no idolater may acquire the person of another idolater.

(2) For the altar, of a pledged animal,

(3) Which is pledged to a non-Israelite but kept in the possession of an Israelite when the time for its destruction on the Passover Eve arrived. No leavened food may be kept in Jewish possession (though pledged to a non-Jew) from midday of Passover Eve until the conclusion of the Passover festival.

(4) Of a mortgaged slave, v. Git. 40b.

(5) Similarly here, the ritual ablution of the slave, for the purpose of procuring his manumission, cancelled his obligations to his idolatrous master, and ipso facto to his Jewish master who is only the representative of the former and can lay no greater claim to the slave than he.

(6) Heb. **בְּלִיטָא**.

- (7) For the purpose of conversion to Judaism, and thereby procuring their manumission.
- (8) *Infra* 66b, *Keth.* 59b, *Git.* 40b, *Ned.* 86b, *B.K.* 89b.
- (9) Are they manumitted; because, in that case, they were already proselytes while she was still an idolatress with no title to them.
- (10) *Lit.*, 'before her, yes: after her, no'. Thus it has been shewn that if the owner is an Israelite, ritual ablution does not procure the slave's manumission, which is in contradiction to what R. Hama stated in the name of Rab!
- (11) *Lit.*, 'whether specified or unspecified'.
- (12) When the slave specifically stated that his ablution was performed for the purpose of procuring his manumission: cf. the statement of R. Hama b. Guria.
- (13) *Lit.*, 'by specified, yes: by unspecified. no'.
- (14) That by ritual ablution a slave procures his emancipation.
- (15) *Lit.*, 'they did not teach but'.
- (16) A slave.
- (17) If he sold his own person.
- (18) And a ritual ablution does not procure his liberation.
- (19) *Lev.* XXV, 45.
- (20) *Git.* 37b.
- (21) *Lev.* XXV, 47.
- (22) How then could it be suggested that an Israelite may not sell his manual labour to an idolater!
- (23) An idolater cannot acquire the person of an Israelite,
- (24) Of then, may ye by, *Lev.* XXV, 45.
- (25) The authorization to buy the person of an idolater.
- (26) As a slave of a Jew. A heathen, bought as a slave by a Jew, had to submit to circumcision and ritual ablution and thereby acquired partly the status of a Jew: in respect of observances he was on the same footing as Jewish women and minor sons. What proof, however, is there that an idolater does not acquire his freedom if he performed ritual ablution with the specific object of procuring thereby his manumission?
- (27) An idolatrous slave who is performing his ablution on his initiation into Judaism as a slave of a Jew.
- (28) To indicate that he is performing his ablution as a slave.
- (29) Unless some outward mark of slavery accompanied the ablution the slave can procure his manumission by making a declaration, while he is still in, the water, that he performs his ablution for the purpose of procuring thereby his freedom.
- (30) On his initiation as the slave of a Jew.
- (31) If, while in the water, he will declare that his ablution was performed for the purpose of procuring his emancipation.
- (32) **אָרײַסאַ** 'chain' (*Aruk*): — Persian *arvis*, 'rope' (*Perles*, *Ety. Stud.*); 'halter' (*Jast.*); v. *Levy*.
- (33) Between his body and the water. In all cases of ritual ablution the water must come in direct contact with every external part of the body.
- (34) So *Bah. Cur. edd.*, add, 'to them'.
- (35) Which they themselves are unable to pay to the government when due.
- (36) These temporary slaves who were heathens.
- (37) **מוֹהַרְקֵי** v. *Jast* **מוֹהַרְקֵי** 'signatures' (*Rashi*) or 'registers of tax payers' (*V. Aruk*), 'written document V. *Levy*.'
- (38) The temporary service is consequently regarded as proper slavery, and a deed of emancipation is necessary should such slaves ever desire to embrace Judaism and to be permitted to marry a Jewess.
- (39) *Gabal* of *Ps.* LXXXIII, 8. i.e. , the northern part of Mt. Seir.
- (40) Ritual ablution is an essential part of the ceremonial of initiation into Judaism.
- (41) The verb **בִּזְג** (cf. *Gr.* ** *Lat.* *misceo*). *lit.*, 'to mix', sc. wine with water or spices, also signifies 'to fill the cup, 'to serve'.
- (42) Wine that has been touched by an idolater suspected of dedicating it to idolatrous purposes is forbidden to an Israelite.
- (43) Although an Israelite is forbidden to eat of the food which an idolater has cooked.
- (44) **יַיִן נִסְךְ** 'wine of libation', applied to wine that has been, or is suspected of having been dedicated as a 'drink offering' to an idol or idolatrous purpose.
- (45) The reason applies to the prohibition of the lupines. v. *infra*.

- (46) The men of Gabla.
- (47) V. Num. VI, 2ff.
- (48) I.e., a man must be so careful in the observance of a commandment that he must not only keep away from a prohibition itself but also from that which is permitted but might lead to an infringement of a prohibition, A nazirite who is forbidden to drink wine must not even approach a vineyard. Similarly nesek wine is forbidden only when an idolater has actually touched it; but as a preventive measure it has been forbidden, as here, even when contact was indirect.
- (49) What need then was there to give as a reason, 'because they are ignorant of the Torah'?
- (50) Why the lupines of the men of Gabla were forbidden,
- (51) The restriction having been imposed upon them as a preventive measure against their possible laxity in the general laws concerning food cooked by idolaters; cf. parallel passage 'A.Z. 59a.
- (52) Those who departed from Egypt as heathens and received the Torah on Mount Sinai when they were, so to speak, converted to Judaism.
- (53) V. supra p. 302, n. 6.
- (54) To the second query.
- (55) It is possible to circumcise a male proselyte.
- (56) The mothers who left Egypt may have been admitted to Judaism by ritual ablution only because the other rite was in their case an impossibility.
- (57) V. Ex. XII, 3ff.
- (58) Subsequent to the generation that brought the first Paschal lamb in Egypt.
- (59) חולין 'profane', animals that had not previously been consecrated. In the case of the Paschal lamb consecrated animals could only be such as had been set aside as 'second tithe' the law of which had not been promulgated till after the Exodus.
- (60) Lit., 'it was said'.
- (61) The Paschal lamb in Egypt could not possibly have been brought from consecrated animals. V. supra n. 7, second clause.
- (62) Men. 82a, which proves that even from an impossibility an inference may be drawn. The difficulty, therefore, remains, why does not R. Eliezer, like R. Joshua, infer from the mothers?

Talmud - Mas. Yevamoth 46b

all agree¹ that ritual ablution without circumcision is effective; and they differ only on circumcision without ablution. R. Eliezer infers from the forefathers,² while R. Joshua [maintains that] in the case of the forefathers also ritual ablution was performed. Whence does he³ deduce it?⁴ If it be suggested, 'From that which is written, Go unto the people, and sanctify them to-day and to-morrow, and let them wash their garments,⁵ if where washing of the garments is not required⁶ ablution is required,⁷ how much more should ablution be required where washing of the garments is required',⁸ [it may be retorted that] that⁹ might have been a mere matter of cleanliness.¹⁰ — It is rather from here:¹¹ And Moses took the blood, and sprinkled it on the people,¹² and we have a tradition that there must be no sprinkling without ritual ablution.¹³

Whence does R. Joshua infer that the mothers performed ritual ablution? — It is a logical conclusion, for, otherwise,¹⁴ whereby did they enter under the wings of the Shechinah!¹⁵

R. Hiyya b. Abba stated in the name of R. Johanan: A man can never become a proselyte unless he has been circumcised and has also performed the prescribed ritual ablution.¹⁶ Is not this obvious? [In a dispute between] an individual and a majority the halachah is, surely, in agreement with the majority!¹⁷ — The expression 'Sages' is in fact meant for¹⁸ 'R. Jose'. For it was taught: If [a proselyte] came and stated, 'I have been circumcised but have not performed ritual ablution' he is 'permitted to perform the ablution'¹⁹ and [the proper performance of the previous circumcision] does not matter;²⁰ so R. Judah.

R. Jose said: He is not to be allowed ablution,²¹ Hence²² it is permissible for a proselyte²³ to

perform the prescribed ablution on the Sabbath;²⁴ so R. Judah. R. Jose, however, said: He is not to be allowed to perform the ablution.²⁵

The Master said, 'Hence it is permissible for a proselyte to perform the prescribed ablution on the Sabbath; so R. Judah'.²⁶ Seeing that R. Judah stated that one²⁷ suffices is it not obvious that, if circumcision has been performed in our presence, he is permitted to perform ablution! Why then, 'Hence'?²⁸ — It might have been assumed that in the opinion of R. Judah, ablution forms the principal [part of the initiation],²⁹ and that ablution is not to take place on the Sabbath because, thereby, a man is improved;³⁰ hence we were taught³¹ that R. Judah requires either the one or the other.³²

'R. Jose, however, said: He is not to be allowed to perform the ablution'. Is not this obvious? Since R. Jose said that both³³ are required [ablution must be forbidden as] the improvement of a man³⁴ may not be effected on the Sabbath! — It might have been assumed that in the opinion of R. Jose circumcision forms the principal [part of the initiation] and that the reason there³⁵ is because the circumcision had not been performed in our presence³⁶ but where the circumcision had taken place in our presence³⁷ it might have been assumed that a proselyte in such circumstances³⁸ may perform the prescribed ablution even on the Sabbath, hence we were taught³⁹ that R. Jose requires both.³³

Rabbah stated: It happened at the court of R. Hiyya b. Rabbi (and R. Joseph taught: R. Oshaia b.⁴⁰ Rabbi;⁴¹ and R. Safra taught: R. Oshaia b. Hiyya)⁴¹ — that there came before him a proselyte who had been circumcised but had not performed the ablution.⁴² The Rabbi told him, 'Wait here until tomorrow⁴³ when we shall arrange for your ablution'. From this incident three rulings may be deduced. It may be inferred that the initiation of a proselyte requires the presence of three men;⁴⁴ and it may be inferred that a man is not a proper proselyte unless he had been circumcised and had also performed the prescribed ablution; and it may also be inferred⁴⁵ that the ablution of a proselyte may not take place during the night.

Let it be said that from this incident it may also be inferred that qualified scholars are required!⁴⁶ — Their presence might have been a mere coincidence.⁴⁷

R. Hiyya b. Abba stated in the name of R. Johanan: The initiation of a proselyte requires the presence of three men; for law⁴⁸ has been written in his case.⁴⁹

Our Rabbis taught: As it might have been assumed that if a man came and said, 'I am a proselyte' he is to be accepted,⁵⁰ hence it was specifically stated in the Scriptures With thee,⁵¹ only when he is well known to thee. Whence is it inferred that if he came, and had his witnesses with him, [that his word is accepted]? — It was specifically stated in Scripture, And if a proselyte sojourn . . . in your land.⁵²

(1) Even R. Eliezer.

(2) Who, he maintains, did not perform any ritual ablution when they were admitted to Judaism.

(3) R. Joshua.

(4) That the forefathers had performed ritual ablution.

(5) Ex. XIX, 20,

(6) E.g., after nocturnal pollution; *keri. v. Glos.*

(7) V. Lev. XV, 26,

(8) As was the case when Israel received the Torah and were thus admitted into Judaism. (V. Ex, XIX, 10).

(9) The washing of the garments.

(10) And had no reference to Levitical purity. Such washing, therefore, can have no bearing on the question of the ritual ablution of proselytes.

(11) Is R. Joshua's deduction made.

- (12) Ex. XXIV, 8.
- (13) Ker, 9a.
- (14) Lit., 'for if so', if even ablution was not performed.
- (15) V. Glos. They could not have been initiated without any ceremonial whatsoever.
- (16) Ber. 47b.
- (17) And this view is held (supra 46a) by the Sages who obviously form a majority against the individual or joint opinions of R. Eliezer and R. Joshua.
- (18) Lit., 'who are the Sages'?
- (19) And by this act alone he is admitted as a proper proselyte.
- (20) Lit., 'and what is there in it'. Whether the circumcision had been valid, having been performed for the specific ritual purpose of the proselyte's initiation into Judaism, or whether it had been invalid because it was carried out as a mere surgical operation or as a non-Jewish sectarian rite, is of no consequence, since the present performance of the ritual ablution is alone sufficient for the initiation.
- (21) Because both circumcision and ablution are required. As the validity of the former is in doubt (v. supra note 1) the latter must not be allowed unless some act of circumcision (causing a few drops of blood to flow) had again been carried out specifically for the purpose of the initiation.
- (22) Since according to R. Akiba one act, either ablution or circumcision, suffices.
- (23) Who had been circumcised on Sabbath Eve in the ritually prescribed manner.
- (24) The ablution being of no consequence (v. supra on. 3 and 4), the proselyte's person in no way being improved by it, it is an act which is permitted on the Sabbath.
- (25) The ablution completes the initiation and thus effects the proselyte's improvement, which is an act forbidden on the Sabbath. Thus it has been shewn that the author of the view that both ablution and circumcision are required, given supra as the opinion of 'the Sages', is in fact R. Jose.
- (26) V, Bah. Cur. edd. omit the last three words.
- (27) Either circumcision or ablution.
- (28) — Hence etc.'. There is no need, surely, to state the obvious.
- (29) Since circumcision he stated supra does not matter.
- (30) V. supra note 6.
- (31) By the addition of 'Hence etc.'.
- (32) Either circumcision or ablution.
- (33) Circumcision and ablution,
- (34) Which is completed by the ablution (v. supra p. 305, n. 6).
- (35) Supra. Where a proselyte who declared, 'I have been circumcised but have not performed ritual ablution' is not to be allowed ablution.
- (36) And may be presumed to have been invalid.
- (37) And is known to us to have been carried out in accordance with the requirements of the law.
- (38) Lit., 'this'.
- (39) By R. Jose's apparently superfluous statement,
- (40) Alfasi: Berabbi, v. Nazir Sonc. ed. p. 64, n. 1.
- (41) Was also present.
- (42) Requesting that he be allowed to perform the prescribed ablution, so as to complete his initiation.
- (43) The incident having occurred during the night.
- (44) Since R. Safra insisted that three scholars (R. Hiyya and the two R. Oshaias) were present at the time the proselyte's request for his initiation was dealt with.
- (45) Since the ablution was postponed till the following morning.
- (46) To witness the initiation of a proselyte, as was the case here where all the three were qualified men, v, Glos. s.v. Mumhe.
- (47) And provides no proof that in all other cases the presence of qualified scholars is essential.
- (48) Num, XV, 16, One law . . . for the proselyte גֵּר (E.V. 'Stranger').
- (49) As no point of law can be authoritatively decided by a court of less than three men who constitute a Beth din, so may no initiation of a proselyte take place unless it is witnessed by three men.
- (50) As a legitimate proselyte, and he should require no [initiation ceremonial].

(51) Lev. XIX, 33. And if a proselyte (גר E.V., 'stranger') sojourn with thee.

(52) Ibid., i.e., as long as he is in your land even if he is not well known to you. Cf. n. 4, supra. Cur. edd. include here 'with thee' which should be omitted since the phrase has been previously employed as proof to the contrary that the proselyte must be well known.

Talmud - Mas. Yevamoth 47a

From this I only know [that the law is applicable] within the Land of Israel, whence is it inferred [that it is also applicable] within the countries outside the Land? — It was specifically stated in Scripture, With thee, i.e., ‘wherever he is with thee’.¹ If so, why was the Land of Israel specified? — In the Land of Israel² proof must be produced;³ outside the Land of Israel⁴ no such proof need be produced; these are the words of R. Judah. But the Sages said: Proof must be produced both within the Land of Israel and outside the Land.

‘If he came and had witnesses with him,’ what need is there for a Scriptural text?⁵ R. Shesheth replied: Where they⁶ state, ‘We heard that he be came a proselyte at a certain particular court’. As It might have been taught that we are not to believe them,⁷ we were taught [that we do believe them].

‘In your land,’⁸ from this I only know [that the law is applicable] within the Land of Israel, whence is it inferred [that it is also applicable] within the countries outside the Land? — It was specifically stated in Scripture, With thee, i.e., wherever he is with thee’. But this,⁹ surely, had been expounded already!¹⁰ — One is derived from With thee¹¹ and the other from With you.¹²

‘But the Sages said: Proof must be produced both within the Land of Israel and outside the Land’. But, it is written, surely, in your land!¹³ — That expression is required [for the deduction] that proselytes may be accepted even in the Land of Israel. As it might have been assumed that there they become proselytes only on account of the prosperity of the Land of Israel, and at the present time also, when there is no prosperity, they might still be attracted¹⁴ by the Gleanings,¹⁵ the Forgotten Sheaf,¹⁶ the Corner¹⁷ and the Poor Man's Tithe,¹⁸ hence we were taught [that they may nevertheless be accepted].

R. Hiyya b. Abba stated in the name of R. Johanan, ‘The halachah is that proof must be produced¹⁹ both in the Land of Israel and outside the Land’. Is this not obvious? [In a dispute between] an individual and a majority the halachah is, of course, in agreement with the majority!²⁰ — It might have been suggested that R. Judah's view is more acceptable since he is supported by Scriptural texts, ‘A hence we were taught [that the halachah is in agreement with the Sages].

Our Rabbis taught: And judge righteously between a man and his brother, and the proselyte that is with him;²¹ from this text²² did R. Judah deduce that a man who becomes a proselyte²³ in the presence of a Beth din is deemed to be a proper proselyte; but he who does so privately is no proselyte.²⁴

It once happened that a man came before R. Judah and told him, ‘I have become a proselyte privately’. ‘Have you witnesses?’ R. Judah asked. ‘No’, the man replied. ‘Have you children?’ — ‘Yes’, the man replied. ‘You are trusted’, the Master said to him, ‘as far as your own disqualification is concerned but you cannot be relied upon to disqualify your children.’²⁵

Did R. Judah, however, state that a proselyte is not trusted in respect of his children? Surely it was taught: He shall acknowledge²⁶ implies, ‘he shall be entitled to acknowledge him before others?’²⁷ From this did R. Judah deduce that a man is believed when he declares, ‘This son of mine is firstborn’,²⁸ And as a man is believed when he declares, ‘This son of mine is firstborn’ so is he believed when he declares, ‘This son of mine is the son of a divorced woman’ or ‘the son of a haluzah’.²⁹ But the Sages say: He³⁰ is not believed!³¹ — R. Nahman b. Isaac replied: It is this that he³² really told him,³³ ‘According to your own statement you are an idolater, and no idolater is eligible to tender evidence’.³⁴

Rabina said: It is this that he³⁵ really told him,³⁶ ‘Have you children?’ [And when the other

replied] ‘Yes’ [he asked] ‘Have you grandchildren’. [The reply being again] ‘Yes’, he told him ‘You are trusted so far as to disqualify your own children³⁷ but you cannot be trusted so far as to disqualify your grandchildren’.

Thus it was also taught elsewhere: R. Judah said, ‘A man is trusted in respect [of the status of] his young son but not in respect of that of his grown-up son; and R. Hiyya b. Abba explained in the name of R. Johanan that ‘young’ does not mean actually a minor and ‘grown-up’ does not mean one who is actually ‘of age’, but any young son who has children is regarded as of age while any grown-up son who has no children is deemed to be a minor. And the law is in agreement with R. Nahman b. Isaac.³⁸ But, surely, [a Baraita] was taught in agreement with Rabina!³⁹ — That statement was made with reference to the law of acknowledgement.⁴⁰

Our Rabbis taught: If at the present time a man desires⁴¹ to become a proselyte, he is to be addressed as follows: ‘What reason have you for desiring⁴² to become a proselyte; do you not know that Israel at the present time are persecuted and oppressed, despised, harassed and overcome by afflictions’? If he replies, ‘I know and yet am unworthy’,⁴³ he is accepted forthwith, and is given instruction in some of the minor and some of the major commandments. He is informed of the sin [of the neglect of the commandments of] Gleanings,⁴⁴ the Forgotten Sheaf,⁴⁵ the Corner⁴⁶ and the Poor Man’s Tithe.⁴⁷ He is also told of the punishment for the transgression of the commandments. Furthermore, he is addressed thus: ‘Be it known to you that before you came to this condition, if you had eaten suet⁴⁸ you would not have been punishable with kareth, if you had profaned the Sabbath you would not have been punishable with stoning; but now were you to eat suet⁴⁸ you would be punished with kareth; were you to profane the Sabbath you would be punished with stoning’. And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfilment. He is told, ‘Be it known to you that the world to come was made only for the righteous, and that Israel at the present time are unable to bear

(1) Even outside the Land of Israel. This exposition is discussed infra.

(2) Where it is an advantage to be a proselyte.

(3) By the proselyte, that his circumcision was duly performed at the Beth din for the specific purpose of his initiation. Otherwise he is not to be trusted.

(4) Where no material advantage is to be gained in claiming to be a proselyte.

(5) To prove that the proselyte is accepted.

(6) The witnesses.

(7) Since they were not eye witnesses.

(8) V. Bah. Cur. edd., ‘in the land’.

(9) The Scriptural expression, with thee.

(10) Lit., ‘thou hast brought it out’, supra, to exclude the acceptance of a proselyte when not well known. How then could the same phrase be used for two different expositions?

(11) אתך Lev. XIX, 33.

(12) אתכם ibid. 34. V. א. הגות הגר a.l. and Torath Kohanim. Cur. edd. read, מעמך ‘from with thee’ which occurs in Lev, XXV, 47.

(13) Lev. XIX, 33. (Cf. Bah. Cur. edd., ‘in the land’) which excludes other countries.

(14) Lit., ‘there is’.

(15) לקט ‘gleaning’: the gleanings of the harvest which must be left for the poor. V. Lev. XIX, 9, XXIII, 22, Peah IV, 10f.

(16) שכחה ‘forgetting’; any sheaf forgotten when a field is reaped belongs to the poor. V. Deut. XXIV, 19, Peah V, 7f, VI f.

(17) פאה, ‘corner’, sc. of the field, the produce of which must not be harvested by the owner, it being the portion of the poor. V. Lev. XIX, 9, XXIII, 22, Peah 1ff.

(18) מעשר עני given to the poor in the third and sixth years of the septennial cycle.

(19) By a man who claims to have been properly initiated as a proselyte.

- (20) In the law under discussion the Sages are in the majority against R. Judah's individual opinion. (14) With thee' and 'In your land'. V. supra.
- (21) Deut. I, 16. גֵּר 'proselyte' (E.V. 'stranger').
- (22) Since 'proselyte' was mentioned in the same context as 'judge'.
- (23) I.e., who had been circumcised and performed the prescribed ablution.
- (24) As a judicial matter requires a Beth din so does the initiation of a proselyte.
- (25) [As children of a heathen father they would be disqualified, even if the mother was a Jewess, R. Judah being of the opinion that the offspring of the union of a heathen with a Jewess is mamzer, v. Tosaf. s.v. נאמן].
- (26) Sc. the firstborn (Deut. XXI, 17).
- (27) יָכִיר E.V., he shall acknowledge, being a Hif., may also be rendered as here, 'he shall make known', viz., to others.
- (28) Though another was hitherto reputed to be his firstborn son.
- (29) V. Glos.
- (30) If another son of his was reputed to be the firstborn.
- (31) Kid. 74a. 78b, B.B. 127b. Thus it has been shown that, according to R. Judah, a father's word is accepted in respect of the status of his children. How, then, could it be stated here that the word of a proselyte was not to be relied upon as far as the eligibility of his children is concerned?
- (32) R. Judah.
- (33) The proselyte.
- (34) As his children have hitherto been reputed to be legitimate, his ineligible evidence cannot disqualify them.
- (35) R. Judah.
- (36) The proselyte.
- (37) In accordance with the deduction from 'He shall acknowledge' in the Baraita cited from Kid. and B.B. supra.
- (38) Who regarded the proselyte, on the strength of his own testimony, as an idolater whose evidence is inadmissible even in the case of his own children.
- (39) That a father is to be trusted in respect of a son of his who has no children. The assumption at the moment is that this referred to the case of a proselyte.
- (40) Lit., 'he shall acknowledge' (Deut. XXI, 17), i.e., the reference is not to a proselyte but to an Israelite whose word is accepted when he testifies that his son is either a firstborn, or the son of a divorced woman or the son of a haluzah. It is in connection with this only that it was stated that the father, being believed in respect of his children, but not his grandchildren, is trusted in the case of his son who has no children, but not in the case of one who has children.
- (41) Lit., 'who comes'.
- (42) Lit., 'what have you seen that you came'.
- (43) Of the privilege of membership of Israel.
- (44) V. supra p. 308. n. 8.
- (45) V. loc. cit. n. 9.
- (46) V. loc. cit. n. 10.
- (47) V. loc. cit. n. 11.
- (48) I.e., forbidden fat.

Talmud - Mas. Yevamoth 47b

either too much prosperity. or too much suffering'. He is not, however, to be persuaded or dissuaded too much.¹ If he accepted,² he is circumcised forthwith. Should any shreds³ which render the circumcision invalid remain, he is to be circumcised a second time. As soon as he is healed arrangements are made for his immediate ablution, when two learned men must stand by his side and acquaint him with some of the minor commandments and with some of the major ones.⁴ When he comes up after his ablution he is deemed to be an Israelite in all respects.

In the case of a woman proselyte, women make her sit in the water up to her neck, while two learned men stand outside and give her instruction in some of the minor commandments and some of the major ones.

The same law⁵ applies to a proselyte and to an emancipated slave; and only where a menstruant may perform her ablution⁶ may a proselyte and an emancipated slave perform this ablution;⁷ and whatever is deemed an interception in ritual bathing⁸ is also deemed to be an interception in the ablutions of a proselyte, an emancipated slave and a menstruant.⁹

The Master said, 'If a man desires to become a proselyte . . . he is to be addressed as follows: "What reason have you for desiring to become a proselyte . . ." and he is made acquainted with some of the minor, and with some of the major commandments'. What is the reason? — In order that if he desire to withdraw let him do so;¹⁰ for R. Helbo said: Proselytes are as hard for Israel [to endure] as a sore,¹¹ because it is written in Scripture. And the proselyte¹² shall join himself with them, and they shall cleave¹³ to the house of Jacob.¹⁴

'He is informed of the sin [of the neglect of the commandment of] Gleanings, the Forgotten Sheaf, the Corner and the Poor Man's Tithe'. What is the reason? — R. Hiyya b. Abba replied in the name of R. Johanan: Because a Noahide¹⁵ would rather be killed than spend so much as a perutah¹⁶ which is not returnable.¹⁷

'He¹⁸ is not, however, to be persuaded, or dissuaded too much'. R. Eleazar said: What is the Scriptural proof? — It is written, And when she saw that she was steadfastly minded to go with her, she left off speaking unto her.¹⁹ 'We are forbidden', she²⁰ told her,²¹ '[to move on the Sabbath beyond the] Sabbath boundaries'!²² — 'Whither thou goest' [the other replied] 'I will go'.²³

'We are forbidden private meeting between man and woman'!²⁴ — 'Where thou lodgest. I will lodge'.²³

'We have been commanded six hundred and thirteen commandments'! — 'Thy people shall be my people'.²³

'We are forbidden idolatry'! — 'And thy God my God'.²³

'Four modes of death²⁵ were entrusted to Beth din'!²⁶ — 'Where thou diest, will I die'.²⁷

'Two graveyards²⁸ were placed at the disposal of the Beth din'! — 'And there will I be buried'.²⁷ Presently she saw that she was steadfastly minded etc.¹⁹

'If he accepted, he is circumcised forthwith'. What is the reason? — The performance of a commandment must not in any way be delayed.

'Should any shreds which render the circumcision invalid remain etc.', as we learned: These are the shreds which render the circumcision invalid: Flesh which covers the greater part of the corona,²⁹ [a priest having been so circumcised] is not permitted to eat terumah; and R. Jeremiah b. Abba explained in the name of Rab: Flesh which covers the greater part of the height of the corona.³⁰

'As soon as he is healed arrangements are made for his immediate ablution'. Only after he is healed but not before!³¹ What is the reason? — Because the water might irritate the wound.

'When two learned men must stand by his side'. Did not R. Hiyya, however, state in the name of R. Johanan that the initiation of a proselyte requires the presence of three? — But, surely. R. Johanan told the tanna:³² Read, 'three'.

'When he comes up after his ablution he is deemed to be an Israelite in all respects'. In respect of

what practical issue? — In that if he retracted and then betrothed the daughter of an Israelite he is regarded as a non-conforming Israelite and his betrothal is valid.³³

‘The same law applies to a proselyte and to an emancipated slave’. Assuming this³⁴ to apply to the acceptance of the yoke of the commandments,³⁵ the following contradiction may be pointed out: This³⁶ applies only to a proselyte. but an emancipated slave need not accept!³⁷ — R. Shesheth replied: This is no contradiction, One statement is that of R. Simeon; the other, that of the Rabbis. For it was taught: And bewail her father and her mother etc.³⁸ This only applies when she did not accept,³⁹ but if she did accept,³⁹ her ablution may be arranged, and he is permitted to marry her forthwith. R. Simeon b. Eleazar said: Even though she did not accept³⁹ he may force her to perform one ablution as a mark of her slavery and a second ablution as a mark of her emancipation, and having liberated her

(1) Lit., ‘and they do not increase upon him nor do they enter with him in details’.

(2) All the restrictions and disabilities pointed out to him.

(3) Round the corona of the membrum virile.

(4) With the ablution the proselyte completes his ritual initiation. Hence it is necessary that at that moment he shall submit to the ‘yoke of the commandments’.

(5) This is explained infra.

(6) I.e. — a ritual bath containing no less than forty se'ah of water.

(7) Though the ablutions of the latter are not in connection with levitical uncleanness.

(8) The water must come in direct contact with the bather. Should any foreign matter intervene between his body and the water the ablution is thereby rendered invalid.

(9) Although the purpose of these ablutions is not, like that of the usual ablutions, to qualify for the eating, or the handling of, levitically clean things. The ablutions of the proselyte and the slave are only a part of their initiation ceremonial, while that of the menstruant has for its object the woman's permissibility to her husband.

(10) Lit., ‘that if he separates let him separate’.

(11) **ספחת** cf. Lev. XIII, 2.

(12) **הגֵּר** (E.V., ‘stranger’).

(13) **וְנִסְפְּחוּ** of the same rt. as **ספחת** (v. supra note 7), ‘they will be like a sure’.

(14) 15a. XIV, 1. Cf. Kid. 70b, Nid. 13a. infra 109b. An influx of proselytes tends to lower the moral standards of Judaism.

(15) A descendant of Noah, i.e., all idolaters.

(16) The smallest coin.

(17) Hence he is informed of the laws of the yearly gifts to the poor. On learning of the Israelite's financial obligations to the causes of charity he would either resign himself to the inevitable or withdraw altogether from his intended conversion. For another interpretation of this dictum, v. ‘A.Z. Sonc. ed. p. 343.

(18) V. Rashal a.l. Cur. edd. contain in parentheses: ‘And he is informed of the sin of the Forgotten Sheaf and the Corner’.

(19) Ruth I, 18.

(20) Naomi.

(21) Ruth.

(22) **תְּחוֹם שַׁבָּת** a distance of two thousand cubits in every direction from one's town, abode or resting place, within which alone one is permitted to move on the Sabbath.

(23) Ruth I, 16.

(24) **יְחֻד** lit., ‘uniting’. Unless married, man and woman may not remain in privacy with one another for any length of time.

(25) Penalties for various offences.

(26) V. Sanh. 49b.

(27) Ruth I, 17.

(28) One for the gravest offenders who suffered the death penalties of stoning or burning, and another for such as were executed by decapitation or strangulation.

- (29) Of the membrum virile.
- (30) I.e., even if only on a minor portion of the circumference.
- (31) Lit., 'he was healed, yes; he was not healed, no'.
- (32) Who recited before him the Baraitha under discussion.
- (33) Separation cannot be effected except by means of a letter of divorce. The betrothal of an idolater is of no validity at all and no divorce is required.
- (34) The comparison between the proselyte and the slave.
- (35) As the proselyte who must at the time of his ablution accept the yoke of the commandments is made acquainted with some of them so must an emancipated slave when he performs ablution on the occasion of his emancipation.
- (36) That at the ablution a declaration of acceptance must be made.
- (37) His duty to observe the commandments having commenced at the moment he had performed his first ablution on the occasion of his initiation as the slave of an Israelite.
- (38) Deut. XXI, 13.
- (39) The obligations of a proselyte.

Talmud - Mas. Yevamoth 48a

he is permitted to marry her forthwith.¹

Raba said: What is R. Simeon b. Eleazar's reason?² — Because it is written, Every man's slave that is bought for money;³ [could it mean] the slave of a man and not the slave of a woman?⁴ But [this is the implication]: The slave⁵ of a man may be forcibly circumcised but no son of a man⁶ may be forcibly circumcised. And the Rabbis?⁷ — 'Ulla replied: As you, admittedly, may not by force circumcise the son of a man⁸ so you may not forcibly circumcise the slave of a man. But, surely, there is the Scriptural text, Every man's slave!⁹ — That text is required for a deduction made by Samuel. For Samuel stated: If a man declared his slave to be ownerless that slave acquires thereby his freedom and requires no deed of emancipation; for it is stated in Scripture. Every man's slave that is bought for money,³ [could it mean] the slave of a man and not the slave of a woman?¹⁰ But [the meaning is that] a slave who is under his master's control is a proper¹¹ slave but he who is not under his master's control is not a proper¹¹ slave.¹²

R. Papa demurred: It might be suggested that the Rabbis were heard¹³ in respect of a woman of goodly form¹⁴ only,¹⁵ because she¹⁶ is under no obligation to observe the commandments; but that in respect of a slave,¹⁷ who is under the obligation of observing commandments, even the Rabbis agree!¹⁸ For it was indeed taught. 'Both a proselyte and a slave bought from an idolater must make¹⁹ a declaration of acceptance'.²⁰ Thus it follows²¹ that a slave bought from an Israelite need not make a declaration of acceptance.²⁰ Now, whose view is this? If that of R. Simeon b. Eleazar, he, surely, had stated that even a slave bought from an idolater need make no declaration of acceptance!²² Consequently it must be the view of the Rabbis; and so it may be inferred that only a slave bought from an idolater is required to make a declaration of acceptance²⁰ but a slave bought from an Israelite is not required to make a declaration of acceptance.²³ But then the contradiction from the statement 'The same law applies to a proselyte and to an emancipated slave'²⁴ remains! — That²⁵ was taught only with reference to the ablution.²⁶

Our Rabbis taught: And she shall shave her head, and do²⁷ her nails,²⁸ R. Eliezer said, 'She shall cut them'.²⁹ R. Akiba said, 'She shall let them grow'. R. Eliezer said:³⁰ An act³¹ was mentioned in respect of the head, and an act was mentioned in respect of the nails;³² as the former signifies removal, so does the latter also signify removal. R. Akiba said:³⁰ An act³¹ was mentioned in respect of the head and an act was mentioned in respect of the nails;³² as disfigurement is the purpose of the former so is disfigurement the purpose of the latter. The following, however, supports the view of R. Eliezer: And Mephibosheth the son of Saul came down to meet the king, and he had neither dressed his feet, nor had he done³³ 'his beard,'³⁴ by 'doing,'³⁵ removal was meant.

Our Rabbis taught: And bewail her father and her mother;³⁶

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- (1) Thus it has been shown that while the first Tanna requires the slave's acceptance of the obligation of Judaism, R. Simeon maintains that acceptance is not required, the ablution for the purpose of the emancipation is alone sufficient, even though its performance had been forced upon the slave.
- (2) That compulsion is permitted. Cf. p. 324, n. 10.
- (3) Ex. XII. 44.
- (4) Is not a woman's slave subject to the same laws!
- (5) The emphasis in man's slave is not on 'man' but on slave.
- (6) The son of an idolater who is not a slave, or the son of a proselyte if he is of age.
- (7) How could they oppose R. Simeon b. Eleazar's view which has Scriptural support!
- (8) V. supra n. 6 since there is no Biblical authority for such force.
- (9) From which forcible circumcision has been deduced supra.
- (10) Is not a woman's slave subject to the same laws!
- (11) Lit., 'called'.
- (12) V. Git. 38a.
- (13) To forbid forcible conversion to Judaism.
- (14) V. Deut. XXI, 11.
- (15) The text from Deut. XXI, 23. cited supra deals with such a woman.
- (16) Prior to conversion.
- (17) Who has been with an Israelite for some time and has in consequence become subject to the commandments that are incumbent upon such a slave.
- (18) That no acceptance is needed, and that the slave may be forced into observance of the commandments.
- (19) At the time of his ablution as proselyte or slave respectively.
- (20) Of the observance of the commandments.
- (21) Since 'slave' is qualified by the condition of 'bought from an idolater'.
- (22) He can be forced into the observance of the commandments.
- (23) Having previously served an Israelite he has even without any declaration on his part become subject to the laws of Judaism. (Cf. supra p. 315, n. 16). This confirms R. Papa's contention that the Rabbis' view had reference only to the woman spoken of in Deut. XXI, 11ff, but not to the slave of an Israelite.
- (24) Supra 47b.
- (25) The comparison between the proselyte and the slave. Lit., when that was taught'.
- (26) Both require ablution on their admission as a proselyte and as a slave of an Israelite respectively. In respect of acceptance of the laws of Judaism, however, they come under different categories. While the former's initiation is not complete without his formal acceptance of the laws of Judaism, that of the latter (v. supra p. 323. n. 16) requires no acceptance at all on his part, the ablution alone being sufficient.
- (27) ועשתה. E.V. 'pare'.
- (28) Deut. XXI, 22.
- (29) Her nails.
- (30) In explanation of his view.
- (31) She shall shave, ibid.
- (32) And do, v. supra note 8.
- (33) עשה E.V. 'trimmed'.
- (34) II Sam. XIX, 25.
- (35) עשיה v. supra n. 1.
- (36) Deut. XXI, 23.

Talmud - Mas. Yevamoth 48b

R. Eliezer said: 'Her father' means her actual father; 'Her mother', her actual mother. R. Akiba said: 'Her father and her mother' refer to idolatry; for so Scripture says, Who say to a stock;¹ 'Thou art

my father', etc.² A full month, 'month' means thirty days. R. Simeon b. Eleazar said: Ninety days. For 'month' means thirty days; 'full',³ thirty days; 'and after that' thirty days. Rabina demurred: Might it not be suggested that 'month' means thirty days; 'full', thirty days; 'and after that' as many again!⁴ — This is a difficulty.

Our Rabbis taught: Uncircumcised slaves may be retained; this is the opinion of R. Ishmael. R. Akiba said: They may not be retained.⁵ Said R. Ishmael to him: Behold it is written, And the son of thy handmaid may be refreshed!⁶ 'This text', the other replied. speaks of a slave that has been bought at twilight,⁷ when there was not time enough to circumcise him.⁸

All at any rate agree that And the son of thy handmaid may be refreshed⁶ was written in respect of an uncircumcised slave; whence may this be inferred? — From what has been taught: And the son of thy handmaid may be refreshed,⁶ Scripture speaks of an uncircumcised slave. You say. 'Of an uncircumcised slave'; perhaps it is not so⁹ but of a circumcised slave? Since it has been stated 'That thy man-servant and thy maid-servant may rest as well as thou,'¹⁰ the circumcised slave has already been spoken of; to what then is one to apply 'And the son of thy handmaid may be refreshed?'¹¹ Obviously to an uncircumcised slave. And the stranger¹² refers to a domiciled proselyte.¹³ You say. 'It refers to a domiciled proselyte'; perhaps it is not so,¹⁴ but to a true proselyte?¹⁵ Since it was stated, No' thy strange' that is with its thy gates,¹⁰ the true proselyte has already been mentioned; to what then is one to apply, and the stranger?¹² Obviously, to the domiciled proselyte.

R. Joshua b. Levi said: If a man bought a slave from an idolater, and the slave refused to be circumcised, he may bear with him for twelve months. [If by that time he had] not been circumcised, he must re-sell him to idolaters.

The following was said by the Rabbis in the presence of R. Papa: In accordance with whose view?¹⁶ Obviously not in accordance with that of R. Akiba, since he¹⁷ stated [that uncircumcised slaves] may not be retained.¹⁸ R. Papa answered them: It may be said to be the view even of R. Akiba; for this¹⁹ applies when no definite consent has ever been given,²⁰ but where definite consent²¹ had once been given,²² his original decision is taken into consideration.²³

R. Kahana stated: I mentioned this reported discussion in the presence of R. Zebid of Nehardea and he said to me: If so, instead of R. Akiba replying²⁴ that '[the text speaks] of a slave that has been bought at twilight'. he should rather have given this reply!²⁵ — He gave him one of the two available solutions.

Rabin sent a message in the name of R. Il'ai, [adding]. 'All my masters have so reported in his name': Who is an uncircumcised slave that may be retained? He who was bought by his master with the intention of not having him circumcised.

The Rabbis argued the following in the presence of R. Papa; In accordance with whose view?²⁶ Obviously not in accordance with that of R. Akiba, since he²⁷ stated that [uncircumcised slaves] may not be retained! R. Papa answered: It may be said to be the view even of R. Akiba, for this²⁸ applies where he had made no stipulation with him,²⁹ but where a stipulation²⁹ was made, that stipulation must be taken into consideration.³⁰

R. Kahana said: When I mentioned the reported discussion in the presence of R. Zebid of Nehardea, he said to me: If so, instead of R. Akiba having recourse to the answer³¹ [that 'the text speaks] of a slave who has been bought at twilight when there was not time enough to circumcise him' he should rather have given this reply!³²

But even if your argument is admitted he should rather have given that reply!³³ But [the fact is],

he mentioned one of two or three solutions.

R. Hanina b. Papi. R. Ammi, and R. Isaac Nappaha once sat in the ante-chamber³⁴ of R. Isaac Nappaha, and while there, they related: There was a certain town in the Land of Israel where slaves refused to be circumcised, and after bearing with them for twelve months they re-sold them to idolaters. In accordance with whose view? — In accordance with that of the following Tanna. For it was taught: If one bought a slave from an idolater, and the slave refused to be circumcised, he bears with him for twelve months. [If by that time] he has not been circumcised, he re-sells him to idolaters. R. Simeon b. Eleazar said: In the Land of Israel he must not be kept owing to [possible] damage to levitically clean foodstuffs,³⁵ and in a town which is near the frontier³⁶ he must not be kept at all, since he might overhear some secret and proceed to report it to a fellow idolater.³⁷

It was taught: R. Hanania son of R. Simeon b. Gamaliel said: Why are proselytes at the present time oppressed and visited with afflictions? Because they had not observed the seven Noahide³⁸ commandments.³⁹

R. Jose said: One who has become a proselyte is like a child newly born.⁴⁰ Why then are proselytes oppressed? — Because they are not so well acquainted with the details of the commandments as the Israelites.⁴¹

Abba Hanan said in the name of R. Eleazar: Because they do not do it⁴² out of love⁴³ but out of fear.⁴⁴ Others said: Because they delayed their entry under the wings of the Shechinah. Said R. Abbahu, or it might be said R. Hanina: What is the Scriptural proof?⁴⁵ — The Lord recompense thy work, and be thy reward complete from the Lord, the God of Israel, under whose etc. thou art come to take refuge.⁴⁶

(1) The idol.

(2) Jer. II, 27.

(3) **ימים** lit., 'days'.

(4) Lit., 'like these', i.e., equal to the sum of these two numbers, sixty: the meaning of the text being: And after another one like that, i.e., after the completion of another period equal in duration to the former (a total of a hundred and twenty days) thou mayest go in unto her etc. (Deut. XXI, 23).

(5) Even for one day.

(6) Ex. XXIII, 12. This text, as will be explained infra, deals with an uncircumcised slave.

(7) On the Sabbath Eve.

(8) Circumcision in such a case being forbidden on the Sabbath. Only a circumcision which takes place on the eighth day of a child's birth, **מילה מזמנה** may be performed on the Sabbath. Since circumcision of the slave could not be performed until after the Sabbath, Scripture indicated by the injunction And the son of thy handmaid may be refreshed that oven on the first Sabbath on which he is still uncircumcised he must observe the Sabbath rest.

(9) Lit., 'or it is not'.

(10) Deut. V, 24.

(11) V. p. 317, n. 10.

(12) Ex. XXIII, 22, **והגר**.

(13) Or, resident alien. **גר תושב**, a non Israelite domiciled in Palestine who renounces idolatry and observes also the other six of the seven Noahide commandments (V. Sanh. 56a). Opp. to **גר צדק** infra. Working on the Sabbath while in the employ of an Israelite (v. Tosaf. s.v. **זה** a.l.) is regarded as idolatry (Rashi a.l.); hence it is forbidden even to the domiciled proselyte.

(14) Lit., 'or it is not'.

(15) **גר צדק** 'the proselyte of righteousness' who accepts all the obligations of an Israelite.

(16) Was R. Joshua b. Levi's statement made,

(17) Lit., 'for if R. Akiba, surely'.

(18) Even for one day.

- (19) R. Akiba's ruling that an uncircumcised slave may not be kept at all.
- (20) By the slave. He never agreed to the circumcision and to the adoption of the obligations of an Israelite slave.
- (21) Cf. supra n. 22.
- (22) Lit., 'the thing was not definitely decided'. If at the time he was bought he consented, though he subsequently retracted,
- (23) Lit., it was definitely decided'. Once he has consented he may be kept for twelve months in the expectation that he will consent again. (Cf. Rashi and Tosaf. s.v. **היכא** and **תוספות ישנים** a.l. for other interpretations).
- (24) To R. Ishmael's objection supra.
- (25) That the text speaks of a slave who has once consented. (V. p. 328, n. 23).
- (26) Was the ruling in the name of R. Il'ai made.
- (27) Lit., 'for if R. Akiba surely'.
- (28) V. supra p. 318, n. 20.
- (29) That he would not circumcise him.
- (30) Lit., 'surely he had made a stipulation.'
- (31) To R. Ishmael's objection supra.
- (32) That the text refers to a slave with whom his master had stipulated not to circumcise him.
- (33) The first answer of R. Papa. V. supra note 2.
- (34) **קילעא** 'curtained enclosure' (Jast.). 'door' (Golds.).
- (35) E.g., terumah which would be defied by the touch of the idolater who is always deemed to be levitically unclean.
- (36) Of the Land of Israel.
- (37) Across the frontier.
- (38) V. Sanh. 56a.
- (39) While they were still idolaters. Though they have now embraced Judaism they have yet to atone by their sufferings for their sins of the past.
- (40) All his previous sins are forgiven.
- (41) And cannot properly observe them.
- (42) The performance of the commandments.
- (43) Of the faith and the commandments.
- (44) Of divine punishment.
- (45) For the opinion advanced by the 'Others'.
- (46) Ruth II, 22. 'Thou art come' before 'to take refuge' implies haste. Ruth was given credit for the haste she made in entering under the divine wings. Delay in such action is culpable.

Talmud - Mas. Yevamoth 49a

MISHNAH. WHO IS DEEMED TO BE A BASTARD?¹ [THE OFFSPRING OF A UNION WITH] ANY CONSANGUINEOUS RELATIVE WITH WHOM COHABITATION IS FORBIDDEN;² THIS IS THE RULING OF R. AKIBA. SIMEON THE TEMANITE SAID: [THE OFFSPRING OF ANY UNION] THE PENALTY FOR WHICH IS KARETH AT THE HANDS OF HEAVEN; AND THE HALACHAH IS IN AGREEMENT WITH HIS VIEW, AND R. JOSHUA SAID: [THE OFFSPRING OF ANY UNION]. THE PENALTY FOR WHICH IS DEATH AT THE HANDS OF BETH DIN.

SAID R. SIMEON B. 'AZZAI: I FOUND A ROLL OF GENEALOGICAL RECORDS IN JERUSALEM, AND THEREIN WAS WRITTEN, SO-AND-SO IS A BASTARD [HAVING BEEN BORN] FROM [A FORBIDDEN UNION WITH] A MARRIED WOMAN',³ WHICH CONFIRMS THE VIEW OF R. JOSHUA.

IF A MAN'S WIFE DIED, HE IS PERMITTED TO MARRY HER SISTER. IF HE DIVORCED HER AND THEN SHE DIED HE IS PERMITTED TO MARRY HER SISTER. IF SHE WAS⁴ MARRIED TO ANOTHER MAN AND DIED, HE IS PERMITTED TO MARRY HER SISTER.

IF A MAN'S SISTER-IN-LAW⁵ DIED, HE MAY MARRY HER SISTER. IF HE SUBMITTED TO HER HALIZAH AND THEN SHE DIED, HE IS PERMITTED TO MARRY HER SISTER. IF SHE WAS MARRIED⁶ TO ANOTHER MAN AND THEN DIED HE IS PERMITTED TO MARRY HER SISTER.

GEMARA. What is R. Akiba's reason? — Because it is written A man shall not take his father's wife and shall not uncover his father's skirt,⁷ he shall not uncover the skirt which his father saw; and he⁸ holds the same opinion as R. Judah who said that this Scriptural text⁷ speaks of a woman whom his father had outraged,⁹ and who is classed among those forbidden to him under the penalty for a negative precept;¹⁰ and since close to this [text occurs the commandment], A bastard shall not enter the assembly of the Lord,¹¹ it is obvious that the offspring of any such union¹² is deemed to be a bastard. According to R. Simai also who includes¹³ [the offspring of] any other union that is forbidden by a negative precept even though [the offenders are] not consanguineous relatives,¹⁴ and according to R. Yeshebab who includes¹³ even the offspring of a union forbidden under a positive commandment,¹⁵ the deduction¹⁶ is made from And . . . not.¹⁷

And Simeon the Temanite?¹⁸ — He holds the same opinion as the Rabbis who stated that the text¹⁷ speaks of a woman¹⁹ awaiting the levirate decision of his father,²⁰ the union with such a woman²¹ being forbidden under the penalty of kareth; and since close to this text appears. A bastard shall not enter,¹¹ it proves that the offspring of a union forbidden under the penalty of kareth is deemed to be a bastard.

And R. Joshua?²² — The All Merciful should have written²³ 'Shall not uncover' only!²⁴ What need was there for 'Shall not take'?²⁵ Must it not, consequently, be concluded that it is this that was meant?²⁶ [The offspring] of [a union with her who is explicitly mentioned between] 'Shall not take' and 'Shall not uncover'²⁷ is deemed to be a bastard, but no others²⁸ are to be regarded as bastards.²⁹

Abaye said: All agree that if one cohabited with a menstruant

(1) V. Deut. XXIII, 2.

(2) Under the penalty of flogging (incurred for the infringement of a negative precept).

(3) Such a union is punishable by death at the hands of Beth din,

(4) After her divorce.

(5) The widow of his brother who died without issue.

(6) After the halizah.

(7) Deut. XXIII, 1.

(8) R. Akiba.

(9) Not his lawful wife. *Infra* 97a.

(10) Flogging (v. *supra* note 1).

(11) Deut. XXIII, 3.

(12) Forbidden under the penalty for a negative precept (v. *supra* p. 321, n. 1).

(13) In R. Akiba's category of bastards.

(14) *Keth*, 29b, *Kid.* 68a, the marriage, e.g., with one's divorced wife.

(15) The union, e.g., with an Edomite or an Egyptian (v. Deut. XXIII, 8-9) the prohibition of which is derived from the positive precept. The third generation that are born unto then, may enter into the assembly of the Lord (*ibid.* 9) from which it follows that only the third generation may enter; but not the first, or the second generation. Any prohibition that is derived from a positive precept has only the force of a positive precept and does not involve the penalty of flogging, much less that of kareth. V. *Keth.* 29b.

(16) That these categories are also classed as bastards.

(17) Deut. XXIII, 1b.

(18) Whence, in view of R. Akiba's deduction, does he derive his ruling in our Mishnah?

(19) Whose husband died without issue.

- (20) Who most decide whether to contract with her the levirate marriage or to submit to halizah from her.
- (21) As one's father's brother's wife.
- (22) Whence does he derive his ruling in our Mishnah?
- (23) If the text of Deut. XXIII, 1b speaks of a woman outraged by one's father (as R. Judah maintains) or of a widow awaiting the decision of the levir (as Simeon the Temanite asserts).
- (24) From which text alone R. Judah and the Rabbis could have deduced their respective rulings, while the case of one's father's wife would follow logically by inference a minori ad majus.
- (25) Cf. Rashal. Cur. edd. insert in parentheses, 'And shall not uncover.'
- (26) By the addition of the text Shall not take.
- (27) I.e., one's father's wife, forbidden under the death penalty at the hands of Beth din.
- (28) The offspring of unions which are forbidden under the penalty of kareth or flogging.
- (29) The proximity of Deut. XXIII, 3 (the text relating to the bastard) to that of v. 1, according to R. Joshua, beats on the case of a father's wife only (v. 2a). The mention of 'shall not uncover' (v. 1b) implies, if it refers to one's father's brother's widow awaiting the levir's decision (the view of the Rabbis and Simeon the Temanite), that cohabitation with her is forbidden to the levir's son by two negative precepts, those of Lev. XVIII, 24 and Deut. XXIII, 1b; and if it refers to a woman whom one's father has outraged (the view of R. Akiba and R. Judah). the text is required to lay down this very prohibition.

Talmud - Mas. Yevamoth 49b

or with a sotah,¹ the child [born from either union] is no bastard.² 'A menstruant', since betrothal with her is valid because it is said, And her impurity be upon him,³ even at the time of her menstruation betrothal with her is valid.⁴ 'A sotah' also, since her betrothal is valid.⁵ It has been taught likewise: All agree that if one cohabited with a menstruant or with a sotah or with a widow awaiting the decision of a levir, the child [born from any such union] is no bastard.⁶ And Abaye?⁷ — He was in doubt in the case of a widow awaiting the decision of the levir as to whether [the law⁸ is] in agreement with Rab or with Samuel.⁹

SAID R. SIMEON B. AZZAI etc. [A tanna] recited: Simeon b. 'Azzai said, 'I found a roll of genealogical records in Jerusalem and therein was written "So-and-so is a bastard [having been born] from a forbidden union with] a married woman" and therein was also written "The teaching of R. Eliezer b. Jacob is small in quantity¹⁰ but thoroughly sifted".¹¹ And in it was also written, "Manasseh slew Isaiah"'.¹²

Raba said: He¹² brought him to trial and then slew him. He¹² said to him: Your teacher Moses said, 'For men shall not see Me and live'¹³ and you said, 'I saw the Lord sitting on a throne, high and lifted up'.¹⁴ Your teacher Moses said, 'For what [great nation is there, that hath God so nigh unto them], as the Lord our God is whosoever we call upon him',¹⁵ and you said, 'Seek ye the Lord when he may be found'.¹⁶ Your teacher Moses said, 'The number of thy days I will fulfil'¹⁷ but you said, 'And I will add on to your days fifteen years'.¹⁸ 'I know', thought Isaiah, 'that whatever I may tell him he will not accept; and should I reply at all, I would only cause him to be a wilful [homicide]'. He thereupon pronounced [the Divine] Name and was swallowed up by a cedar. The cedar, however, was brought and sawn asunder. When the saw reached his month he died. [And this was his penalty] for having said, 'And I dwell in the midst of a people of unclean lips'.¹⁹

[Do not] the contradictions between the Scriptural texts, however, still remain? — 'I saw the Lord',²⁰ [is to be understood] in accordance with what was taught: All the prophets looked into a dim glass,²¹ but Moses looked through a clear glass.²² As to 'Seek ye the Lord when he may be found [etc.] one [verse]¹⁶ applies to an individual,²³ the other²⁴ to a congregation. When [is the time for] an individual? — R. Nahman replied in the name of Rabbah b. Abbuha: The ten days between the New Year²⁵ and the Day of Atonement.²⁵ Concerning the number of thy days I will fulfil,²⁶ Tannaim are in disagreement. For it was taught: The number of thy days I will fulfil²⁶

- (1) **סוטה** a woman known to be, or suspected of being faithless to her husband. V. Num. V, 22ff. Such a woman is forbidden to her husband under the penalty of flogging. (V. supra 11b).
- (2) Even R. Akiba admits in the latter case though the penalty is flogging (v. supra n. 5), and even Simeon the Temanite admits in the former case though the penalty is kareth.
- (3) Lev. XV, 24; emphasis on him.
- (4) The offspring of a forbidden but valid union cannot be considered a bastard.
- (5) Her certain or suspected adultery does not annul her original betrothal to her husband (Rashi) or alternatively, the betrothal of a sotah by her husband after he had divorced her is valid (Tosaf. s.v. **סוטה** a.l.).
- (6) Kid. 68a.
- (7) Why did he omit the mention of the third case?
- (8) As to the validity of her betrothal by a stranger.
- (9) The former regards such betrothal as in. valid and maintains that no divorce is required, while the latter holds that a divorce is necessary (infra 92b). Being uncertain of the validity of such betrothal Abaye could not determine the legitimacy of the child,
- (10) **קב** a small measure of capacity (v. Glos.). His rulings in the Mishnah and Baraitha ate only few.
- (11) **נקי** lit., 'clean', 'pure'. The halachah is always in agreement with R. Eliezer b. Jacob's rulings.
- (12) Manasseh.
- (13) Ex. XXXIII, 20.
- (14) Isa. VI, 1.
- (15) Deut. IV, 7, implying 'at all time'.
- (16) Isa. LV, 6 which implies 'but not always'.
- (17) Ex. XXIII, 26, but will not make any additions.
- (18) II Kings XX, 6.
- (19) Isa. VI. 5.
- (20) Isa. VI, 2.
- (21) In their prophetic visions they, like Isaiah, only imagined that they saw the deity. In reality they did not (v. Rashi).
- (22) In his prophetic insight he knew that the deity could not be seen with mortal eye.
- (23) Who may seek the Lord at stated periods only.
- (24) Deut. IV, 7, implying 'at all time'.
- (25) V. Glos.
- (26) Ex. XXIII, 26, but will not make any additions.

Talmud - Mas. Yevamoth 50a

refers to the years of the generations.¹ If one is worthy one is allowed to complete the full period; if unworthy. the number is reduced; so R. Akiba. But the Sages said: If one is worthy years are added to one's life;² if unworthy, the years of his life are reduced. They said to R. Akiba: Behold, Scripture says,³ And I will add unto your days fifteen years!⁴ He replied: The addition was made of his own,⁵ You may know [that this is so]⁶ since the prophet⁷ stood up and prophesied: Behold, a son shall be born to the house of David, Josiah by name,⁸ while Manasseh⁹ had not yet been born.¹⁰ And the Rabbis!¹¹ — Is it written 'from Hezekiah'? It is surely written, 'To the house of David';⁸ he¹² might be born either from Hezekiah or from any other person.¹³

IF A MAN'S WIFE DIED etc. IF A MAN'S SISTER-IN-LAW DIED etc. R. Joseph said: Here Rabbi taught an unnecessary Mishnah.¹⁴

CHAPTER V

MISHNAH. R. GAMALIEL SAID: THERE IS NO [VALIDITY IN A] LETTER OF DIVORCE AFTER ANOTHER LETTER OF DIVORCE,¹⁵ NOR IN A MA'AMAR AFTER ANOTHER MA'AMAR¹⁶ NOR IN AN ACT OF COHABITATION AFTER ANOTHER ACT OF

COHABITATION,¹⁷ NOR IN A HALIZAH AFTER ANOTHER HALIZAH.¹⁸ THE SAGES, HOWEVER, SAID: A LETTER OF DIVORCE HAS VALIDITY AFTER ANOTHER LETTER OF DIVORCE,¹⁹ AND A MA'AMAR AFTER ANOTHER MA'AMAR;²⁰ BUT THERE IS NO VALIDITY IN ANY ACT AFTER COHABITATION OR HALIZAH.²¹

HOW [IS THE RELEASE FROM THE LEVIRATE BOND²² EFFECTED]? — IF A LEVIR ADDRESSED A MA'AMAR TO HIS SISTER-IN-LAW AND SUBSEQUENTLY GAVE HER A LETTER OF DIVORCE, IT IS NECESSARY FOR HER TO PERFORM THE HALIZAH WITH HIM.²³ IF HE ADDRESSED TO HER A MA'AMAR AND PARTICIPATED IN THE HALIZAH, IT IS NECESSARY FOR HER TO OBTAIN FROM HIM A LETTER OF DIVORCE.²⁴ IF HE ADDRESSED TO HER A MA'AMAR AND THEN COHABITED WITH HER, BEHOLD THIS IS IN ACCORDANCE WITH THE PRESCRIBED PRECEPT.²⁵

IF THE LEVIR GAVE HER A LETTER OF DIVORCE AND THEN ADDRESSED TO HER A MA'AMAR, IT IS NECESSARY FOR HER TO OBTAIN [A SECOND] LETTER OF DIVORCE²⁶ AND TO PERFORM THE HALIZAH.²⁷ IF HE GAVE HER A LETTER OF DIVORCE AND THEN COHABITED WITH HER, IT IS NECESSARY FOR HER TO OBTAIN A LETTER OF DIVORCE AND TO PERFORM THE HALIZAH.²⁸ IF HE GAVE HER A LETTER OF DIVORCE AND THEN SUBMITTED TO HALIZAH, THERE IS NO VALIDITY IN ANY ACT²⁹ AFTER HALIZAH HAD BEEN PERFORMED.

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HER HALIZAH, NO ACT IS VALID AFTER HALIZAH³⁰

(1) The span of life allotted to every human being at his birth.

(2) The meaning of fulfil is addition to the allotted span of life.

(3) II Kings XX, 6.

(4) Emphasis on add.

(5) Years which were originally allotted to him and then curtailed.

(6) That the years added were only those allotted to Hezekiah at his birth and reduced at his illness.

(7) In the days of Jeroboam, long before the birth of Hezekiah.

(8) I Kings XIII, 2.

(9) From whom Josiah descended.

(10) At the time of Hezekiah's illness. Manasseh, in fact, was born three years after his father's illness (v. II Kings XXI, 2); and since the birth of his son Josiah was prophetically announced long before the birth of his father Hezekiah, it is obvious that the years allotted to Hezekiah at his birth extended beyond the year of his illness (to include the year of Manasseh's birth). Consequently, the original number must have been reduced at his illness; and, at his recovery, only that was added which was first reduced.

(11) How could they, in view of the argument advanced, maintain that view years were added to Hezekiah's life?

(12) Josiah.

(13) Of the house of David.

(14) Since the laws therein enumerated are self-evident. Lev. XVIII, 18, from where the prohibition of marrying the sister of one's wife originates, distinctly limits the prohibition to the wife's life-time: And thou shalt not take a woman to her sister . . . in her life-time. V. Rashi a.l. According to Tosaf (s.v. שנה a.l. q.v.) the unnecessary Mishnah is only that portion which relates to the sister-in-law whose case could be inferred from that of the wife a minori ad majus.

(15) Given in succession by one levir to two sisters-in-law, i.e., the widows of a deceased childless brother, or by two levirs to one sister-in-law. (The term sister-in-law used throughout this chapter is to be understood in the sense defined). The second divorce is invalid and the relatives of the second widow are, therefore, permitted to the levir, and so are the relatives of the one widow to the second levir. Whether the first divorce is valid or not, the second is at all events

valueless. For if the first is valid the levirate bond with both the widows is thereby severed and the second widow (in the case of one levir) or the one widow (in the case of two Levirs) when receiving the second letter of divorce, is a complete stranger to the levir. If, on the other hand, the first divorce was invalid, the second also, for the same reason, is invalid.

(16) Addressed in succession (a) by one levir to two sisters-in-law or (b) by two levirs to one sister-in-law. The first ma'amar has satisfied all the requirements of the levirate obligations and, consequently, (a) the second widow, or (b) the one widow to whom the second ma'amar was addressed, requires no letter of divorce from (a) the one levir or (b) the second levir respectively. The second widow, moreover, does not cause the prohibition to the levir of the first widow, and her relatives also are permitted to the levir as are those of the one widow to the second levir.

(17) The second act by the one levir with the second widow or by the second levir with the one widow respectively, is deemed to be one of mere adultery and has no matrimonial validity to cause the prohibition of her relatives to the levir.

(18) Cf. supra n. 2. The first halizah has finally severed the levirate bond between the levir or the levirs and the widow or the widows. The second halizah is, therefore, valueless.

(19) The relatives of the second widow are, therefore, forbidden to the levir (as relatives of his legal divorcee), and the relatives of the one widow are similarly forbidden to the second levir. The first letter of divorce, the Sages maintain, is only partially valid since halizah also is required. The levirate bond consequently is not thereby completely severed and the second divorce brings the widow under the category of a divorced woman. Cf supra 327 n. 1.

(20) The first ma'amar effected only partial matrimony and the levirate obligations were not fully satisfied before the consummation of the marriage took place. The second ma'amar, since it was made before consummation had taken place, is, therefore, valid.

(21) Either of these acts satisfies fully all the requirements of the levirate obligations. The former effected complete union; the latter final severance. No act in connection with the levirate obligations that follows either of these can, therefore, have any validity.

(22) Between one levir and one sister-in-law. This section has no reference to the dispute in the previous section. V. Gemara infra.

(23) But no levirate marriage may now be contracted. The ma'amar alone has not completely satisfied the requirements of the levirate obligations (cf. supra n. 1), hence the need for halizah. Since, however, a divorce had been given the levir had placed himself under the prohibition of Deut. XXV, 9 'That doth not build': if he once refused to build he must never again build (v. supra 10b), hence the prohibition of the levirate marriage.

(24) To annul the ma'amar which, in some respects, has the force of a betrothal. The halizah alone is not enough since it only severs a levirate bond but does not annul a ma'amar.

(25) This is discussed in the Gemara infra.

(26) Even according to R. Gamaliel. The divorce is required to annul the ma'amar since it is possible that the first divorce was invalid and the ma'amar had, therefore, been valid. According to the Sages, who regard the divorce as partially valid, the ma'amar also is partially valid and a divorce is required to annul that part.

(27) In order to sever thereby the levirate bond. Levirate marriage, however, must not take place now after the delivery of the first letter of divorce (v. supra p. 325, n. 4 final clause).

(28) Levirate marriage is forbidden owing to the first divorce (v. supra p. 325, n. 4, final clause), a letter of divorce is required owing to the act of cohabitation, while halizah is necessary to sever the levirate bond.

(29) Whether it be the addressing of a ma'amar or cohabitation. The levirate bond has completely disappeared.

(30) Cf. supra n. 3. This refers to the cases where halizah was performed first. With reference to the last three cases, where cohabitation took place first, the expression should be 'no act is valid after cohabitation'. V. Gemara infra.

Talmud - Mas. Yevamoth 50b

AND THE LAW IS THE SAME WHETHER THERE IS ONE SISTER-IN-LAW TO ONE LEVIR OR TWO SISTERS-IN-LAW TO ONE LEVIR.

HOW?¹ — IF THE LEVIR ADDRESSED A MA'AMAR TO THE ONE² AND A MA'AMAR TO THE OTHER,² TWO LETTERS OF DIVORCE³ AND ONE HALIZAH⁴ ARE REQUIRED.⁵ IF HE ADDRESSED A MA'AMAR TO ONE AND GAVE A LETTER OF DIVORCE TO THE OTHER, [THE ONE] REQUIRES A LETTER OF DIVORCE⁶ AND [THE OTHER MUST PERFORM] THE HALIZAH.⁷ IF HE ADDRESSED A MA'AMAR TO ONE AND COHABITED WITH THE

OTHER, BOTH REQUIRE LETTERS OF DIVORCE⁸ AND [ONE MUST PERFORM] THE HALIZAH.⁹ IF HE ADDRESSED A MA'AMAR TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER, IT IS NECESSARY FOR THE FIRST TO OBTAIN A LETTER OF DIVORCE.¹⁰

IF THE LEVIR GAVE A LETTER OF DIVORCE TO ONE AS WELL AS TO THE OTHER, HALIZAH IS NECESSARY FOR BOTH.¹¹ IF HE GAVE A LETTER OF DIVORCE TO ONE AND COHABITED WITH THE OTHER, [THE SECOND] REQUIRES A LETTER OF DIVORCE¹² AND MUST ALSO PERFORM THE HALIZAH.¹³ [IF HE GAVE] A LETTER OF DIVORCE TO ONE AND ADDRESSED A MA'AMAR TO THE OTHER, [THE SECOND] REQUIRES A LETTER OF DIVORCE AND [ONE OF THEM MUST PERFORM] THE HALIZAH. [IF HE GAVE] A LETTER OF DIVORCE TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS THE HALIZAH.¹⁴

IF THE LEVIR SUBMITTED TO HALIZAH FROM THE ONE AND FROM THE OTHER, OR SUBMITTED TO HALIZAH [FROM ONE] AND ADDRESSED [TO THE OTHER] A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH THE ONE AND WITH THE OTHER, OR COHABITED [WITH THE ONE] AND ADDRESSED [TO THE OTHER] A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HER HALIZAH, NO ACT IS VALID AFTER THE HALIZAH.¹⁵ [THERE IS NO DIFFERENCE IN THE LAW] WHETHER THERE WAS ONE LEVIR TO TWO SISTERS-IN-LAW OR TWO LEVIRS TO ONE SISTER-IN-LAW.¹⁶

[IF THE LEVIR]¹⁷ SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER¹⁸ A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HALIZAH, NO ACT IS VALID AFTER THE HALIZAH, WHETHER [IT WAS PERFORMED] IN THE BEGINNING, IN THE MIDDLE,¹⁹ OR AT THE END.²⁰ IN THE CASE OF COHABITATION, IF IT TOOK PLACE FIRST NO ACT THAT FOLLOWS IT HAS ANY VALIDITY; IF IT OCCURRED, HOWEVER, IN THE MIDDLE²¹ OR AT THE END²² SOMETHING VALID²³ STILL REMAINS.²⁴ R. NEHEMIAH SAID: WITH COHABITATION AS WITH HALIZAH, WHETHER IT TOOK PLACE IN THE BEGINNING, IN THE MIDDLE, OR AT THE END, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT.²⁵

GEMARA. Their difference²⁶ concerns only a letter of divorce after another letter of divorce and a ma'amar after another ma'amar, but one letter of divorce to one sister-in-law or one ma'amar to one sister-in-law is valid.²⁷

Why did the Rabbis say that a letter of divorce to one sister-in-law is valid?²⁸ — Because it is also valid elsewhere.²⁹ For should you suggest that it is not valid,³⁰ it might be argued that since a letter of divorce serves to release a woman and halizah serves to release a woman, as the letter of divorce is of no effect,³¹ so is the halizah also of no effect, and thus one would come to consummate marriage after halizah.³²

And why did the Rabbis say that a ma'amar with one sister-in-law is valid?³³ — Because it is valid elsewhere.³⁴ For should you say that it is not valid,³⁵ it might be argued that since a ma'amar serves the purpose of acquisition³⁴ and cohabitation serves the purpose of acquisition,³⁶ as a ma'amar is of no effect,³⁷ so is cohabitation also of no effect³⁸ and one would thus consummate marriage³⁹ after an act of cohabitation.⁴⁰

And why did the Rabbis say that after an invalid cohabitation something⁴¹ lingers?⁴² — It might be replied that if it is a cohabitation⁴³ after a letter of divorce,⁴⁴ a preventive measure was made⁴⁵ against cohabitation after halizah;⁴⁶ and if it is a cohabitation⁴³ after a ma'amar⁴⁴ a preventive measure had to be made⁴⁷ against cohabitation after cohabitation.⁴⁸

And why did the Rabbis say that after the invalid halizah⁴⁹ nothing lingers?⁵⁰ — It may be replied: What kind of preventive measure could have been enacted! Should halizah after a letter of divorce be forbidden as a preventive measure against halizah after halizah?⁵¹ Under such circumstances, surely, halizah might well be indefinitely continued!⁵² And should halizah after a ma'amar be forbidden as a preventive measure against halizah after cohabitation?⁵³ Surely [it may be replied] is not in the case of halizah after a ma'amar, a letter of divorce required in respect of one's ma'amar? So also in the case of halizah after cohabitation, a letter of divorce is required in respect of one's cohabitation.⁵⁴

Raba said:

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- (1) How are the obligations of the levirate carried out where there is one levir and two sisters-in-law?
 - (2) Sister-in-law.
 - (3) One for each woman, in accordance with the view of the Sages in our Mishnah that a ma'amar after a ma'amar is valid.
 - (4) With either. The halizah with one exempts her rival.
 - (5) Levirate marriage, however, is now forbidden since one must not build two houses'. V. supra.
 - (6) Marriage with her must not be consummated on account of the divorce of the second; hence the necessity for a divorce to annul the ma'amar which the halizah cannot do.
 - (7) To sever thereby the levirate bond which a letter of divorce cannot do.
 - (8) On account of the ma'amar and the cohabitation respectively. The second widow may not be retained in matrimony owing to the bond of the ma'amar with the first.
 - (9) The other becoming thereby exempt from the levirate obligations. The divorce alone does not set the second free because the cohabitation with her was not the performance of a legal commandment but an unlawful act.
 - (10) The halizah of this second cannot annul the force of the ma'amar of the first.
 - (11) The halizah is performed by one who thereby exempts the other. V. Gemara infra.
 - (12) She is forbidden to the levir on account of the divorce of the first.
 - (13) Divorce alone is not enough since the cohabitation was unlawful (cf. supra note 3).
 - (14) The halizah of the second sets both widows free; and the divorce of the first is of no consequence.
 - (15) Cf p. 329, n. 4. The relatives of the second widow are permitted to him as if he had not acted at all after the first halizah.
 - (16) And the two levirs performed the above mentioned acts with the same widow.
 - (17) Where there was only one levir and one sister-in-law.
 - (18) The same sister-in-law.
 - (19) Between a ma'amar and a divorce. If, e.g., he gave a letter of divorce to one, submitted to halizah from the other and then addressed a ma'amar to one of them.
 - (20) After a ma'amar and a divorce. The halizah is invariably valid, and any ma'amar addressed subsequently has no validity at all, and the widow requires no divorce.
 - (21) If, e.g., he divorced one, cohabited with the other and addressed a ma'amar to a third, in which case the cohabitation, owing to the previous divorce, was unlawful.
 - (22) If he divorced one, addressed a ma'amar to the other, and then cohabited with one of them. V. supra n. 7.
 - (23) Of the levirate bond.
 - (24) Hence, in the first case (v. supra n. 7), the relatives of the last widow are forbidden to him, and in the second case (v. supra n. 8), halizah is required, since the levirate bond cannot be severed by a letter of divorce.
 - (25) After cohabitation a letter of divorce without halizah is enough, and betrothal of the other after cohabitation with the first is invalid.
 - (26) That of R. Gamaliel and the Sages in our Mishnah.

- (27) The divorce prevents subsequent levirate marriage under the prohibition of 'that doth not build' etc. (v. supra p. 328, n. 4, second clause); and the ma'amar prevents the levirate marriage of a rival under the injunction, 'a levir may build one house but not two houses', and necessitates also a letter of divorce should it be desired to cancel the ma'amar.
- (28) In the Pentateuch, surely, only halizah was prescribed and the prohibition under 'that doth not build' should apply to the prescribed ceremony only!
- (29) In the release of all married women.
- (30) And that the levir may marry the widow even after he gave her a letter of divorce.
- (31) v. supra n. 4.
- (32) And thus infringe a Pentateuchal prohibition.
- (33) Forbidding levirate marriage with her rival. Since, according to the Pentateuch, acquisition of the sister-in-law is effected by the consummation of the levirate marriage, that consummation only should have had the force of forbidding marriage with the rival.
- (34) The usual betrothal between man and woman, which is as binding as the consummation of marriage.
- (35) And that after a ma'amar had been addressed to a sister-in-law her rival may be married.
- (36) Cf. supra n. 7.
- (37) Without subsequent cohabitation.
- (38) Unless there was also a ma'amar.
- (39) With a rival.
- (40) With one of the widows. Such a marriage, however, would infringe (v. supra note 1) a Pentateuchal prohibition.
- (41) Of the levirate bond.
- (42) Halizah being required in the case of the second widow in addition to the letter of divorce. V. supra p. 330, nn. 6 and 7.
- (43) With one sister-in-law.
- (44) To the other.
- (45) V. p. 332. n. 16.
- (46) Were a letter of divorce alone, without halizah, permitted, it might have been assumed that as unlawful cohabitation is so effective it might also be effective enough to annul a previous halizah.
- (47) Cf. p. 332, n. 26, and p. 330, nn. 2 and 3.
- (48) It might have been assumed that as unlawful cohabitation has the force of validity even after a ma'amar which is a legal kinyan, it has also the same force after a kinyan that had been effected through lawful cohabitation. Acting on this argument one would infringe the prohibition of marriage with one's brother's wife.
- (49) Performed after a divorce or a ma'amar.
- (50) Should the levir subsequent to such a halizah address a ma'amar or give a letter of divorce to a third sister-in-law his act would have no validity whatsoever.
- (51) So that a levir does not submit to the halizah of two sisters-in-law in succession, and two levirs do not submit in succession to the halizah of one sister-in-law.
- (52) And none will be the worse for it.
- (53) That it be not assumed that halizah without a letter of divorce is sufficient after an act of cohabitation.
- (54) The implication of 'nothing lingers after an unlawful halizah' is the invalidity of all subsequent acts. Any previous act such as ma'amar or cohabitation is valid, and a letter of divorce to annul it is certainly required.

Talmud - Mas. Yevamoth 51a

What is R. Gamaliel's reason?¹ — Because he was in doubt whether a letter of divorce does, or does not set aside [the levirate bond, and whether] a ma'amar does, or does not effect a kinyan.² 'Whether a letter of divorce does, or does not set aside the levirate bond': If the first³ does set aside [the levirate bond], what purpose could the latter serve?⁴ If the first³ does not set aside [the levirate bond], the latter also does not set it aside. 'Whether a ma'amar does, or does not effect a kinyan': if the first⁵ does effect a kinyan, what purpose could the latter serve?⁴ And if the first⁵ effects no kinyan, the latter also does not.

Abaye raised the following objection against him: R. Gamaliel, however, admits that 'there is

[validity in] a letter of divorce after a ma'amar,⁶ in a ma'amar after a letter of divorce,⁷ in a letter of divorce after cohabitation and a ma'amar,⁸ and in a ma'amar after cohabitation and a letter of divorce'.⁹ Now, if R. Gamaliel was in doubt,¹⁰ the cohabitation¹¹ should be regarded as if it had taken place at the beginning,¹² and thus constitute a kinyan; for surely we have learnt, IN THE CASE OF COHABITATION, IF IT TOOK PLACE FIRST, NO ACT THAT FOLLOWS IT HAS ANY VALIDITY!

But, said Abaye, though obvious to R. Gamaliel that a letter of divorce does set aside the levirate bond and that a ma'amar does effect a kinyan,¹³ the Rabbis have nevertheless ruled that with the sister-in-law a letter of divorce is partially valid and a ma'amar is partially valid. Consequently, a letter of divorce after another letter of divorce does not set aside the levirate bond since this¹⁴ was already set aside by the first,¹⁵ and a ma'amar after a ma'amar does not constitute a kinyan since this kinyan¹⁶ has already been constituted by the first,¹⁵ with a letter of divorce after a ma'amar, and a ma'amar after a letter of divorce, however, the one act¹⁷ sets aside¹⁸ while the other¹⁹ effects a kinyan.²⁰ (And the Rabbis?²¹ — [They hold that] the Rabbis have instituted for every levir a letter of divorce and a ma'amar in respect of every sister-in-law.)²²

But as to an invalid cohabitation²³ [according to R. Gamaliel]²⁴ it is [in one respect] of superior force to a ma'amar and [in another respect] of inferior force to a ma'amar. It is superior to a ma'amar, since whereas a ma'amar after another ma'amar is not effective,²⁵ an act of cohabitation after a ma'amar is effective.²⁶ It is inferior to a ma'amar, for whereas a ma'amar after a letter of divorce constitutes a kinyan of all that the letter of divorce has left,²⁷ cohabitation after a letter of divorce does not constitute a kinyan of all that the divorce has left.²⁸

Our Rabbis taught; How [are we to understand] R. Gamaliel's statement that there is [no validity in] a letter of divorce after another letter of divorce? If two sisters-in-law have fallen to the lot of one levir, and he gave a letter of divorce to one as well as to the other, he submits, in accordance with R. Gamaliel's statement, to halizah from the first,²⁹ and is forbidden to marry her relatives,³⁰ though the relatives of the second one are permitted to him.³¹ But the Sages said: If he gave a letter of divorce to one and to the other, he is forbidden to marry the relatives of both³² and he submits to halizah from either of them. And the same law applies where there are two levirs³³ and one sister-in-law.

What did R. Gamaliel mean by his statement that³⁴ there is no [validity in] a ma'amar after another ma'amar'? If two sisters-in-law have fallen to the lot of one levir, and he addressed a ma'amar to the one as well as to the other, he gives, according to R. Gamaliel, a letter of divorce to the first, submits also to her halizah, and is in consequence forbidden to marry her relatives,³⁵ though the relatives of the second are permitted to him.³⁶ The Sages, however, said: He gives letters of divorce to both, and the relatives of both are forbidden to him,³² while he submits to halizah from one of them. And the same law is to be applied where there are two levirs and one sister-in-law.³⁷

The Master said, 'If he gave³⁸ a letter of divorce to one as well as to the other, he submits, according to R. Gamaliel's statement, to halizah from the first and is forbidden to marry her relatives, though the relatives of the second are permitted to him'. Must this be assumed to present an objection against a ruling of Samuel, since Samuel stated, 'If he submitted to halizah from the one³⁹ who had been divorced,⁴⁰ her rival⁴¹ is not thereby exempt'!⁴² — Samuel can answer you: What I said was in agreement with him who maintains that a levirate bond exists,⁴³ while R. Gamaliel holds the opinion that no levirate bond exists.⁴⁴

Since R. Gamaliel, however, is of the opinion that no levirate bond exists,

(1) In our Mishnah, v. supra p. 327, nn. 1 and 2.

(2) To constitute a legal marriage.

- (3) Letter of divorce.
- (4) Obviously none. Consequently it is valueless.
- (5) Ma'amar.
- (6) If the ma'amar was addressed to one of the widows and the letter of divorce was subsequently given to the other, the first also is forbidden levirate marriage, while the relatives of both are forbidden to the levir.
- (7) If a letter of divorce was given to one of the widows first, and a ma'amar was subsequently addressed to the second, a letter of divorce must also be given to the second in order to annul thereby the force of the ma'amar.
- (8) Which was addressed to one of the widows prior to the cohabitation with the second that preceded the letter of divorce to the third. The validity of the letter of divorce causes the prohibition to the levir of the relatives of the third widow.
- (9) Given to one of the widows prior to the cohabitation with the second that preceded the ma'amar addressed to the third. The ma'amar constitutes a kinyan, and the relatives of the third widow are forbidden to the levir, while she herself can be released by a letter of divorce only.
- (10) As to the validity of a letter of divorce and a ma'amar given or addressed respectively to a sister-in-law.
- (11) Which took place between the other two acts.
- (12) And the act that follows it, whether it be the delivery of a letter of divorce or the addressing of a ma'amar, should in any case be invalid: In the case of a ma'amar, cohabitation, and divorce, if the ma'amar with the first was valid and effected kinyan, the cohabitation with the second was obviously invalid and much more so the letter of divorce that was given to the third. If, on the other hand, the ma'amar to the first was invalid, the cohabitation with the second widow that followed was obviously valid and there could consequently be no validity in the letter of divorce that was subsequently given to the third. Similarly in the case of divorce, cohabitation and ma'amar, if the letter of divorce given to the first widow was valid the cohabitation that followed had no validity and much more so the ma'amar that came last. If, on the other hand, the letter of divorce given to the first widow was invalid, the cohabitation with the second widow that followed was obviously valid and consequently there could be no validity in the ma'amar that was subsequently addressed to the third widow. In both cases, then, cohabitation which took place between the other two acts should be as valid as if it had taken place at the beginning.
- (13) Cohabitation, therefore, that follows either of these acts cannot have the same force as cohabitation that takes place first.
- (14) Whatever part of the levirate bond a divorce can set aside.
- (15) And the second can add nothing to it.
- (16) As far as a ma'amar has the force of constituting it.
- (17) The divorce.
- (18) Partially.
- (19) The ma'amar.
- (20) V. supra n. 4. In the case of a divorce after a ma'amar, that part of the levirate bond with the first widow which the ma'amar did not effect is set aside by the letter of divorce that was given to the second. Similarly, where there are two levirs and one widow, whatever was not covered by the kinyan of the ma'amar of the first levir is set aside by the letter of divorce of the second. So also in the case of a ma'amar after a letter of divorce, whatever part of the levirate bond remained after the letter of divorce had been given to the first widow (or to one widow by the first levir) is brought under the kinyan constituted by the ma'amar that has been addressed to the second widow (or to the one widow by the second levir).
- (21) The Sages in our Mishnah. How, in view of what has just been explained — can they maintain that A LETTER OF DIVORCE HAS VALIDITY AFTER ANOTHER LETTER OF DIVORCE, AND A MA'AMAR AFTER ANOTHER MA'AMAR?
- (22) The divorce or ma'amar of one levir does not in any way affect the validity of that of any other levir, nor does any of these acts, performed by a levir in respect of one sister-in-law, affect his performance of these acts in respect of another sister-in-law. The divorce or ma'amar in respect of the first sister-in-law does not, therefore, affect that of the second, and the performance of the same acts by the first levir in respect of one sister-in-law does not invalidate the performance of these acts in respect of the same sister-in-law by the other levir. Hence the opinion of the Rabbis in our Mishnah.
- (23) That which was preceded by divorce or ma'amar.
- (24) Who stated that a letter of divorce following a cohabitation which followed a ma'amar, and a ma'amar following a

cohabitation which followed a letter of divorce are valid.

(25) As has been stated supra.

(26) As may be inferred from the ruling concerning 'a letter of divorce after cohabitation and a ma'amar', which implies that cohabitation after a ma'amar is valid (Rashi). Cf. Tosaf. s.v. **עדיפא**, and **תוספות ישנים** a.l.

(27) For should a ma'amar, subsequent to the first, be addressed to a third widow it would be altogether invalid, R. Gamaliel invariably admitting no ma'amar after another ma'amar whether the first one was, or was not preceded by a letter of divorce.

(28) A ma'amar being valid even if it was addressed after an act of cohabitation that followed a letter of divorce.

(29) Though he could certainly submit to halizah from the second, the letter of divorce to whom is invalid, and thereby exempt the first also. He is advised, however, to submit to halizah from the first because by so doing he averts the prohibition to him of the second widow's relatives who, had he submitted to her halizah, would have become forbidden to him as the 'relatives of his haluzah'. The prohibition to him of the relatives of the first as 'relatives of his haluzah' is of no practical consequence since they are already, owing to the divorce he had given her forbidden to him as the 'relatives of his divorcee'.

(30) They being the relatives of both his divorcee and his haluzah. Cf. supra p. 336, n. 7.

(31) Because she is neither his haluzah nor his divorcee, the halizah not having been performed by her and the letter of divorce that was given to her being invalid.

(32) Both divorces being valid.

(33) And each of them gave a letter of divorce to the one sister-in-law. According to R. Gamaliel, halizah is performed with the first levir and the second levir is permitted to marry her relatives; while according to the Rabbis her relatives are forbidden to both levirs and the halizah is performed with either of them.

(34) Lit., 'how'.

(35) As the 'relatives of his haluzah'.

(36) Since she is neither his wife nor his haluzah nor his divorcee.

(37) Cf. supra n. 4.

(38) The Heb. uses here the present participle instead of the perfect used supra in the original.

(39) Of two sisters-in-law, the widows of his deceased childless brother.

(40) By him, prior to the performance of the halizah.

(41) Who had not been divorced and whose levirate bond has consequently still its full force.

(42) Supra 27a. A halizah performed by one whose levirate bond had been weakened by divorce cannot sever the levirate bond of the other which had never been weakened by divorce and had retained therefore its full force (v. supra n. 2). This is contradictory to R. Gamaliel's view according to which the halizah of the first, though it followed her divorce which had weakened her levirate bond, is effective enough to exempt her rival whose levirate bond retained its full force, since her divorce was invalid and might be regarded as never having taken place.

(43) Between the levir and the sister-in-law. This levirate bond can only be severed by a halizah which is free from all objection.

(44) v. infra 109a. Hence, even a halizah which is not free from objection is effective enough to sever it.

Talmud - Mas. Yevamoth 51b

the Rabbis are presumably of the opinion that a levirate bond does exist,¹ and yet it was stated in the final clause, 'And the same law applies where there are two levirs and one sister-in-law'!² Must it then be said that this represents an objection to a statement made by Rabbah son of R. Huna in the name of Rab? For Rabbah son of R. Huna stated in the name of Rab: A halizah of an impaired character must go the round of all the brothers!³ — Rabbah son of R. Huna can answer you: Both according to the view of R. Gamaliel and that of the Rabbis no levirate bond exists,⁴ and their difference here extends only to the question of a divorce that followed another divorce and a ma'amar that followed another ma'amar.

The Master said, 'If he addressed a ma'amar to the one as well as to the other, he gives, according to R. Gamaliel, a letter of divorce to the first, submits also to her halizah, and is in consequence forbidden to marry her relatives, though the relatives of the second are permitted to him'. Now,

consider! Since R. Gamaliel holds that there is no [validity in a] ma'amar that follows another ma'amar, the first [sister-in-law] should even be permitted to contract the levirate marriage!⁵ — A preventive ordinance had to be made⁶ against the possibility of the levir's marrying the second.

R. Johanan said: R. Gamaliel, Beth Shammai, R. Simeon b. 'Azzai and R. Nehemiah are all of the opinion that a ma'amar constitutes a [fairly]⁷ perfect kinyan:⁸

As to R. Gamaliel, there is the statement already mentioned.⁹

Beth Shammai? — For we learned: If two of three brothers were married to two sisters and the third was unmarried, and when one of the sisters' husbands died, the unmarried brother addressed to her a ma'amar and then his second brother died, Beth Shammai say: His wife¹⁰ [remains] with him¹¹ while the other is exempt¹² as being his wife's sister.¹³ cannot have any validity¹⁴ if, however, the cohabitation of the first has no validity, then that of the second also has no validity.¹⁵ Now, the cohabitation of one who is nine years of age has been given by the Rabbis¹⁵ the same force as that of a ma'amar¹⁶ and yet R. Simeon stated that such cohabitation¹⁷ has no validity.¹⁸

Ben 'Azzai? — For it was taught: Ben 'Azzai stated, 'A ma'amar is valid after another ma'amar where it concerns two levirs¹⁹ and one sister-in-law,²⁰ but no ma'amar is valid after a ma'amar where it concerns two sisters-in-law and one levir'.²¹

R. Nehemiah? — For we learned, R. NEHEMIAH SAID: WITH COHABITATION AS WITH HALIZAH WHETHER IT TOOK PLACE AT THE BEGINNING, IN THE MIDDLE, OR AT THE END, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT. Now, an invalid cohabitation has been given by the Rabbis the same force as a ma'amar,²² and yet it was stated, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT.²³

HOW . . . IF A LEVIR ADDRESSED A MA'AMAR etc.

(1) It is now assumed that, as the Rabbis disagreed with R. Gamaliel on the question of a divorce that followed another divorce, they disagreed also on that of the levirate bond.

(2) According to which the Rabbis maintain that either levir may submit to the halizah (v. supra p. 337, n. 4) and the performance of this impaired halizah exempts the other brother,

(3) V. supra 26b. The performance of it by one brother does not exempt any of the others!

(4) While Rabbah son of R. Huna himself does not follow this view but that of the authority who maintains that a levirate bond does exist.

(5) Since the ma'amar to the second had no validity at all.

(6) That levirate marriage shall not be contracted with the first.

(7) V. Rashi, a.l.

(8) I.e., it is regarded as a perfect kinyan in some, though not in all respects. Cf. Tosaf. s.v. **דְּתַנִּי** supra 19a.

(9) Supra, that a ma'amar is invalid after another ma'amar, because the first had already constituted an kinyan.

(10) I.e., the widow to whom he had addressed the ma'amar.

(11) Because the ma'amar he had addressed to her constituted a kinyan and she is regarded as his wife. Her sister, when she subsequently became subject to the levirate marriage through the death of her husband, could no more be married to him since at that time she was already 'his wife's sister'.

(12) Even from halizah.

(13) 'Ed. IV, 9, supra 29a. (10) Of two young levirs of the ages of nine years and one day. According to the Rabbis, if two levirs of such an age cohabited successively with their sister-in-law, the widow of their deceased brother, their acts have the same force as that of a ma'amar that followed a ma'amar. As with a ma'amar the second has also the validity of a betrothal and causes the prohibition of the sister-in-law to the first, so with cohabitation, the act of the second levir causes the sister-in-law to be forbidden to the first levir also. R. Simeon, however, regards the first act only as a valid kinyan. The other consequently is invalid. V. infra 96b. (11) Effecting a kinyan.

(14) The kinyan of the first would not admit it.

(15) *Infra* 96b.

(16) *V. supra* p. 339, n. 10.

(17) By the second levir.

(18) Obviously because the kinyan had been effected by the cohabitation of the first. Thus it follows that a ma'amar also (cohabitation and ma'amar having equal validity) effects kinyan.

(19) Each one of whom had addressed to the widow only one ma'amar.

(20) Since each levir is entitled to a ma'amar. *V. supra* 51a.

(21) The second ma'amar has no validity, because by the first ma'amar the levir had already effected the kinyan of the sister-in-law to whom he had addressed it.

(22) Since in both cases, divorce alone is not enough to sever the levirate bond, halizah also being required.

(23) Obviously because the cohabitation like a ma'amar had constituted a kinyan.

Talmud - Mas. Yevamoth 52a

Is this an illustration of a letter of divorce after a letter of divorce?¹ Rab Judah replied it is this that was meant: [The illustration of] A LETTER OF DIVORCE AFTER ANOTHER LETTER OF DIVORCE and OF A MA'AMAR AFTER AN OTHER MA'AMAR is as stated;² but³ HOW IS THE RELEASE [FROM THE LEVIRATE BOND EFFECTED] where there is one levir and one sister-in-law? — IF A LEVIR ADDRESSED A MA'AMAR TO HIS SISTER-IN-LAW AND SUBSEQUENTLY GAVE HER A LETTER OF DIVORCE, IT IS NECESSARY FOR HER TO PERFORM THE HALIZAH WITH HIM.⁴

IF HE ADDRESSED TO HER A MA'AMAR AND THEN COHABITED WITH HER, BEHOLD THIS IS IN ACCORDANCE WITH THE PRESCRIBED PRECEPT. Might it be suggested that this provides support for R. Huna? For R. Huna stated: The precept of marriage with a sister-in-law is properly performed when the levir first betroths, and then cohabits with her.⁵ — One might read,⁶ THIS IS also IN ACCORDANCE WITH THE PRESCRIBED PRECEPT. Is not this obvious? — It might have been presumed that since a Master stated, 'If the levir addressed a ma'amar to his sister-in-law, the levirate bond disappears, and he comes under the bond of betrothal and marriage',⁷ he⁸ is not performing the commandment,⁹ hence we were taught [that he does].

[To turn to] the main text. 'R. Huna said: The precept of marriage with a sister-in-law is properly performed when the levir first betroths and then cohabits with her. If he cohabited with her, and then addressed to her a ma'amar a kinyan is nevertheless constituted.' 'If he cohabited with her and then addressed to her a ma'amar is so obvious,¹⁰ since he had acquired her by the cohabitation!¹¹ — Read, rather, 'If he cohabited with her without previously addressing to her a ma'amar a kinyan is nevertheless constituted'. But was it not taught that the penalty of flogging¹² is inflicted upon him?¹³ — Chastisement¹⁴ was meant, which is a Rabbinical penalty.¹⁵ For Rab ordered the chastisement¹⁶ of any person who betrothed by cohabitation,¹⁷ who betrothed in the open street,¹⁸ or who betrothed without previous negotiation;¹⁹ who annulled a letter of divorce,²⁰ or who made a declaration against a letter of divorce;²¹ who was insolent²² towards the representative of the Rabbis,²³ or who allowed a Rabbinical ban upon him to remain for thirty days and did not come to the Beth din to request the removal of that ban; and of a son-in-law who lives in his father-in-law's house. [You say,] only if he lives,²⁴ but not if he only passes by? Surely, a man once passed by the door of his father-in-law's house, and R. Shesheth ordered his chastisement! — That man was suspected of immoral relations with his mother-in-law. The Nehardeans stated: Rab ordered the chastisement of none of these²⁵ except him who betrothed by cohabitation without preliminary negotiation. Others say: Even with preliminary negotiation; because [such a practice is sheer] licentiousness. Our Rabbis taught: How is betrothal effected with a ma'amar? — If he gave her²⁶ some money or anything of value.²⁷ And how is it effected by a deed? — 'How is it effected by a deed'? Surely as has been stated:²⁸ If he wrote for her on a piece of paper or on a sherd, although it was not worth even a perutah,²⁹ 'Behold thou

art be trothed unto me'!³⁰ Abaye replied, It is this that was meant: How is the deed of the kethubah³¹ in a levirate marriage [to be drawn up]? He writes for her. 'I, So-and-so, son of So-and-so, undertake to feed and maintain in a suitable manner my sister-in-law So-and-so, provided that her kethubah remains a charge upon the estate of her first husband'.³² If, however, she is unable to obtain it from her first husband, provision was made by the Rabbis [that she is to receive it] from the second,³³ in order that it may not be easy for him to divorce her.³⁴

Abaye enquired of Rabbah: What is the law if he gave her³⁵ a letter of divorce and said, 'Behold thou art divorced from me, but thou art not permitted to any other man'?³⁶ The divorce of a sister-in-law being Rabbinically valid, [shall I say that] only a divorce which is valid in the case of a married woman is valid in the case of a sister-in-law, but a divorce which is invalid in the case of a married woman is also invalid in the case of a sister-in-law,³⁷ or [had provision to be made here³⁸ against] the possibility of mistaking it for an unqualified divorce?³⁹ — The other replied: Provision has to be made against the possibility of mistaking it for an unqualified divorce.³⁴ Rabbah b. Hanan demurred: Now then,⁴⁰ had he given her a mere scrap of paper would he also have disqualified her?⁴¹ The other replied: There [the scrap of paper] does not cause the woman to be unfit for a priest;⁴² here, however, [the qualified divorce] does cause the woman to become unfit for a priest⁴³, for it was taught, Neither shall they take a woman put away from her husband,⁴⁴ even if she was only divorced from her husband⁴⁵ they may not take her,⁴⁶ and that is what was meant by the 'scent of the divorce' that causes a woman's unfitness for a priest.⁴⁷

Rami b. Hama said: It has been definitely⁴⁸ stated that if a man said to a scribe, 'Write a letter of divorce for my betrothed so that when I have married her I may divorce her' the letter of divorce is valid,⁴⁹ because it was in his power⁵⁰ to divorce her;⁵¹

(1) The Sages speak of a letter of divorce another letter of divorce, while the illustration which follows describes a ma'amar that was followed by a letter of divorce!

(2) In the Baraitha supra 51a, 'Our Rabbis taught: How . . . R. Gamaliel's statement etc.' The Mishnah, however, provides no explanation of illustration of these cases, and proceeds to another point.

(3) This is the meaning of what follows.

(4) V. supra p. 325, n. 4.

(5) And ma'amar and betrothal are essentially the same form of kinyan

(6) In our Mishnah.

(7) Supra 29b. It will be noted that the text there slightly differs from the text here.

(8) Because of the ma'amar he had addressed.

(9) Of the levirate marriage, even though cohabitation had taken place subsequently.

(10) That a kinyan had been effected.

(11) What need then was there to state the obvious?

(12) Malkoth (v. Glos.) inflicted for the transgression of Pentateuchal negative precepts.

(13) For the omission of the ma'amar, prior to his cohabitation, A ma'amar is consequently (v. supra n. 9) a Pentateuchal requirement. How, then, could it be said that a kinyan may be constituted though the ma'amar had been omitted!

(14) Makkath marduth, v. Glos.

(15) For offences that are not Pentateuchal.

(16) Makkath marduth, v. Glos.

(17) Regarding such a practice as immoral.

(18) V. supra note 3, even if in a legal manner,

(19) Regarding such a practice as immoral.

(20) Such an act might lead a divorced woman, who was unaware of the annulment, to an illegal marriage.

(21) That it was invalid. If he stated, e.g., that he gave it under compulsion.

(22) Cf. Rashi a.l. Or, 'who offends'. V. Tosaf. s.v. דמתפקר a.l.

(23) A messenger (a) of the Beth din (Rashi); (b) of any Rabbi (Tosaf.).

(24) At his father-in-law's.

- (25) Cases, enumerated supra.
- (26) The levir to the sister-in-law.
- (27) And addressed to her the ma'amar in the prescribed form: 'Be thou betrothed unto me by this levirate ma'amar. Though betrothal with money in the case of an ordinary union constitutes perfect kinyan, in the case of betrothal by a levir (to whom a sister-in-law is ordinarily forbidden, and betrothal with whom is consequently invalid) betrothal alone, even when it concerns a levirate union, is not sufficient to constitute a kinyan until consummation of the marriage has taken place.
- (28) In the case of any other betrothal that is effected by means of a deed.
- (29) V. Glos.
- (30) Kid. 9a. As betrothal by money in the case of a levirate union takes the same form as that of an ordinary betrothal so should betrothal by deed!
- (31) By 'deed' the kethubah (v. Glos.) was meant and not the 'deed of the ma'amar'.
- (32) The deceased brother (supra 38a) because 'a wife has been given to him from heaven' (v. supra 39a and notes).
- (33) The levir who married her.
- (34) Cf. supra 39a.
- (35) The levir to the sister-in-law.
- (36) Does such a qualified divorce effect the prohibition of the widow to the levir and to his brother as if an unqualified divorce had been given to her? In the case of a married woman no divorce can release her unless it was free from all qualifying conditions.
- (37) Hence there is no validity in this divorce, and the sister-in-law remains permitted to the levirs as if no divorce had ever been given.
- (38) That the divorce is valid despite its qualification (v. supra n. 7).
- (39) Were the widow to be permitted to the levir after a qualified divorce she might erroneously be permitted even after an unqualified, and valid, divorce.
- (40) If provision has to be made against mistaking a valid, for an invalid document.
- (41) From subsequently marrying the levir.
- (42) Having no validity whatsoever it could never be mistaken for a proper divorce.
- (43) A priest causes his wife to be forbidden to him even if the divorce he gave her was only a qualified one.
- (44) Lev. XXI, 7.
- (45) I.e., if she was given a qualified divorce which does not set her free to marry any other man.
- (46) Since such a divorce has the validity of causing the woman's prohibition to her husband who is a priest it might easily be mistaken for a valid divorce. Hence the provision mentioned.
- (47) Git. 82b, infra 94a.
- (48) Lit., 'behold'.
- (49) If he gave it to her after marriage.
- (50) At the time the letter of divorce was written.
- (51) As his betrothed.

Talmud - Mas. Yevamoth 52b

if¹ for any other woman, the letter of divorce has no validity,² because it was not in his power to divorce her.³ Rami b. Hama inquired, however, what is the law if⁴ for one's sister-in-law?⁵ Is she, because she is bound to him,⁶ regarded as his betrothed⁷ or perhaps, since he addressed no ma'amar to her, she is not so regarded. This is undecided.⁸

R. Hanania inquired: What is the law if he⁹ wrote a letter of divorce in respect of his levirate bond but not in respect of his ma'amar, or in respect of his ma'amar and not in respect of his levirate bond?¹⁰ Is the ma'amar imposed upon the levirate bond,¹¹ so that the levir's action¹² is like that of divorcing half a woman,¹³ and when a man divorces half a woman his action, surely, has no validity at all; or do they remain independent of one another?¹⁴ — Might not this enquiry be solved by reference to Raba's ruling? For Raba ruled: If he¹⁵ gave her a letter of divorce in respect of his ma'amar, her rival¹⁶ is permitted!¹⁷ — This was obvious to Raba; to R. Hanania, however, it was a

matter of doubt. What, then, is the decision? — This remains undecided.¹⁸

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR. Rab Judah said in the name of Rab: This¹⁹ is the view of R. Akiba who holds that betrothal with those whose intercourse involves the penalties of a negative precept is of no validity; the Sages, however, maintain that there is some validity in acts after halizah. But how can you ascribe it²⁰ to R. Akiba? In the first section, surely, it was stated, IF THE LEVIR GAVE HER A LETTER OF DIVORCE AND THEN ADDRESSED TO HER A MA'AMAR, IT IS NECESSARY FOR HER TO OBTAIN [A SECOND] LETTER OF DIVORCE AND TO PERFORM THE HALIZAH, while if [this Mishnah represented the view of] R. Akiba would a ma'amar to her be valid after a letter of divorce had already been given to her? Surely it was taught: R. Akiba said, 'Whence is it deduced that if a man gives a letter of divorce to his sister-in-law she is thereby forbidden to him for ever? Because it was stated Her former husband, who sent her away, may not [take her again to be his wife],²¹ [i.e., immediately] after sending her away'!²² R. Ashi replied: A divorce given by levirs is only Rabbinically valid,²³ and the Scriptural text is a mere prop.²⁴ Likewise it was also taught: Rabbi said, this statement²⁵ was made only in accordance with the view of R. Akiba who treated a haluzah as a forbidden relative;²⁶ the Sages, however, maintain that there is some validity in acts after halizah; and I say, 'When [is betrothal after halizah valid]? Only when he betrothed her as in ordinary matrimony,²⁷ but if he betrothed her for levirate union,²⁸ there is no validity in any such act after the halizah.²⁹ It was taught elsewhere: If a man submitted to halizah from his sister-in-law and then betrothed her, Rabbi said, 'If he betrothed her as in ordinary matrimony it is necessary for her to obtain from him a letter of divorce, but if as for a levirate union there is no need for her to obtain from him a letter of divorce'. The Sages, however, said: 'Whether he betrothed her as in ordinary matrimony or as for the levirate union it is necessary for her to obtain from him a letter of divorce'.

Said R. Joseph: What is Rabbi's reason?³⁰ — It was given the same legal force as that of the action of a person digging in the estate of a proselyte³¹ believing it to be his own,³² which constitutes no kinyan.³³ Said Abaye to him:³⁴ Are the two cases alike? There³⁵ he³⁶ had no intention at all of acquiring possession,³⁷ but here³⁸ his intention, surely, was to acquire possession!³⁹ This, indeed, could only be compared to the case of a person who digs in the estate of one proselyte and believes it to be that of another, where he does acquire possession!⁴⁰ No, explained Abaye, here we are dealing with a case where the levir said to her, 'Be thou betrothed to me by the ma'amar of the levirate union'. Rabbi is of the opinion that the ma'amar can only be imposed upon the levirate bond,⁴¹ but here⁴² the halizah had already previously removed the levirate bond.⁴³ The Rabbis, however, are of the opinion that the one is independent of the other.⁴⁴ If, then, the levir had said to her at first,⁴⁵ 'Be thou betrothed unto me by this ma'amar of the levirate union', would not his kinyan have been valid?⁴⁶ Consequently it is now also valid.

Raba said: Had he said to her,⁴⁷ 'By the ma'amar of the levirate union', there would be no disagreement [among the authorities] that it is valid; but here⁴⁸ we are dealing with a case where the levir said, 'Be thou betrothed unto me by the bond of the levirate'. Rabbi is of the opinion

(1) The scribe was asked to write the letter of divorce.

(2) Even if it was given to the woman after he had married her.

(3) Since at that time she was to him a complete stranger.

(4) The scribe was asked to wrote the letter of divorce.

(5) The letter of divorce having been written before the levirate marriage, and delivered to the widow after it had taken place.

(6) By the levirate bond.

(7) And the divorce is consequently valid.

(8) Teku, v. Glos.

- (9) A levir after he addressed a ma'amar to his sister-in-law.
- (10) Is she thereby forbidden to him as if a valid divorce had been given to her?
- (11) And becomes united with, and inseparable from it.
- (12) In severing the bond or annulling the ma'amar.
- (13) Since the divorce in respect of his one connection with the woman has no validity in respect of his other connection which forms together with the first one complete whole.
- (14) Lit., 'that stands alone' (bis). The ma'amar and the levirate bond constitute separate and independent connections between the levir and the widow. Hence, if the divorce was for the levirate bond alone, the widow is forbidden to the levir who gave her the divorce (under the prohibition 'that doth not build etc.') as well as to his brothers (the levirate bond having been severed); and if the divorce was for the ma'amar only, the widow, though forbidden to the levir who gave her the divorce (for the reason stated), is nevertheless permitted to his brothers, since the levirate bond has never been severed.
- (15) The second of three brothers who had addressed a ma'amar to the first brother's widow. V. Mishnah supra 31b.
- (16) The second brother's first wife who, while the ma'amar remained in force, was forbidden to the third brother.
- (17) To the third surviving brother if the second brother also died without issue. The two widows, owing to the divorce which had annulled the ma'amar, are no longer rivals; and being now the widows of two different brothers, are in fact both permitted to the third brother. The widow to whom the divorce had been given is forbidden only as a preventive measure (v. supra 32b). From the fact, however, that the second brother's first wife is permitted to the third surviving brother it follows that the divorce (a) annuls the ma'amar and (b) does not sever the levirate bond. Had it not annulled the ma'amar, the widow would have been forbidden owing to the levirate bond emanating from two levirs; while if the levirate bond also had been severed she would have been forbidden to the third brother as 'brother's wife'. Why then was R. Hanania doubtful on the point?
- (18) Teku, v. Glos.
- (19) That no act is valid after halizah.
- (20) The quoted section of our Mishnah, and presumably all our Mishnah.
- (21) Deut. XXIV, 4.
- (22) Even before she had been married to a second husband. (V. Deut, XXIV, 2-4). The superfluous expression 'who sent her away' implies that divorce in a certain case, viz., in that of a sister-in-law, causes the permanent prohibition of the divorced woman to the man who divorced her immediately after divorce had taken place. Now, since betrothal of a sister-in-law by a levir who divorced her is forbidden by the negative precept of Deut. XXIV, 4, how could a ma'amar addressed to her after divorce have any validity?
- (23) Pentateuchally it has no validity at all.
- (24) Since the prohibition is not Pentateuchal the ma'amar is obviously valid.
- (25) That no act is valid after halizah.
- (26) As no act of betrothal is valid in the case of the latter so is no such act valid in that of the former.
- (27) By a form of betrothal prescribed in ordinary cases other than those of a levir. Such betrothal is valid even where it involves the transgression of a negative precept.
- (28) By addressing to her a ma'amar.
- (29) The halizah having severed the levirate bond, there is no room any more for the levirate betrothal. The action of any levir using it is consequently null and void.
- (30) For regarding as invalid a betrothal for a levirate union, when ordinary betrothal with the same woman would have been valid.
- (31) Who was survived by no Jewish heirs. Anyone digging in such ownerless property with the intention of acquiring it gains thereby full legal title thereto.
- (32) It having been situated in close proximity to his own estate.
- (33) As the digging (though a legal form of kinyan) is invalid because there was no intention to constitute a kinyan thereby, so also betrothal (though a legal kinyan) is invalid because the levir's intention was not to constitute an ordinary betrothal (which would indeed have been valid) but a levirate betrothal which after a halizah has no validity.
- (34) R. Joseph.
- (35) Digging in the estate of a proselyte.
- (36) The digger.
- (37) Since he believed the field to be his own.

- (38) Betrothal by the levirate formula.
 (39) Of his sister-in-law as his legal wife.
 (40) Since his intention was to execute by his act a legal kinyan, the mistake he made as to its owner is of no consequence. Similarly, here, the mistake in the nature of the union he was contracting should not affect the legality of the kinyan which he at all events intended.
 (41) Only where the levirate bond is still in force has the ma'amar the required validity.
 (42) Where halizah had been performed.
 (43) Hence the invalidity of the ma'amar.
 (44) A ma'amar is consequently valid even where no levirate bond exists.
 (45) Before the performance of the halizah.
 (46) Certainly it would. The force of the ma'amar irrespective of the levirate bond (v. supra n. 2) would have executed the kinyan.
 (47) After the introductory formula, 'Be thou betrothed unto me'.
 (48) The dispute between Rabbi and the Rabbis.

Talmud - Mas. Yevamoth 53a

that a levirate bond does exist¹ but the halizah had previously removed that [levirate] bond.² The Rabbis, however, hold that no levirate bond exists.³ If, then, he had said to her at first,⁴ 'Be thou betrothed unto me by the bond of the levirate' would not his word have been valid?⁵ Consequently it is now also valid.

R. Sherabia said: Had a proper halizah been performed all would agree that if he said to her,⁶ 'Be thou betrothed unto me by the bond of the levirate', there is no validity in his betrothal. Here, however, the dispute relates to a halizah of an impaired character. One Master⁷ holds that a halizah of an impaired character provides [all the necessary] exemption,² and the Masters hold that a halizah of an impaired character provides no exemption.⁸

R. Ashi said: [No;] All agree that a halizah of an impaired character provides no exemption. Here,⁹ however, the dispute centres round the question whether a condition¹⁰ may affect the validity of halizah.¹¹ The Masters hold that a condition¹¹ does affect the validity of a halizah¹² and the Master¹³ holds that no condition may affect the validity of a halizah.¹⁴

Rabina said: [No;] All agree that a condition does affect a halizah. Here,⁹ however, the dispute is dependent on the question of the doubled condition.¹⁵ The Master¹³ holds that a doubled condition is essential¹⁶ and the Masters hold the opinion that a doubled condition is unnecessary.¹⁷

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER etc. It should also have been stated, 'No act is valid after cohabitation'!¹⁸ — Both Abaye and Raba replied: Read,¹⁹ 'NO ACT IS VALID AFTER cohabitation'. But our Tanna?²⁰ — [The statement regarding] the permissibility of the sister-in-law to marry anyone²¹ was preferred by him.²²

THE LAW IS THE SAME WHETHER THERE IS ONE SISTER-IN LAW . . . OR TWO SISTERS-IN-LAW. Our Mishnah²³ is not in agreement with the ruling of Ben 'Azzai. For it was taught: Ben 'Azzai stated: A ma'amar is valid after another ma'amar where it concerns two levirs²⁴ and one sister-in-law,²⁵ but no ma'amar is valid after a ma'amar where it concerns two sisters-in-law and one levir.²⁶ HOW? . . . A MA'AMAR TO THE ONE etc. May it be suggested that this²⁷ provides support to a ruling of Samuel, Samuel having stated that if the levir had participated in the halizah with her to whom he addressed a ma'amar, her rival was not thereby exempt; and an objection to the ruling of R. Joseph?²⁸ — Does it state: He may participate in the halizah? What it states is 'had participated', implying a fait accompli.²⁹

A LETTER OF DIVORCE TO THE ONE AS WELL AS TO THE OTHER etc. May it be suggested that this³⁰ provides support to Rabbah son of R. Huna. For Rabbah son of R. Huna stated, 'A halizah of an impaired character must go the round of all the brothers'?³¹ — By IT IS NECESSARY FOR BOTH, widows generally³² were meant.³³

IF HE GAVE A LETTER OF DIVORCE TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER. May it be suggested that this³⁴ provides support to the ruling of Samuel³⁵ and presents an objection against the ruling of R. Joseph?³⁶ — Does it state: He may participate in the halizah? What it states is 'had participated', implying a fait accompli.³⁷

IF THE LEVIR SUBMITTED TO HALIZAH FROM THE ONE AND FROM THE OTHER, OR SUBMITTED TO HALIZAH etc. It should also have been stated, 'No act is valid after cohabitation'!³⁸ Both Abaye and Raba replied: Read,³⁹ 'no act is valid after cohabitation'.

But our Tanna?⁴⁰ — [The statement on] the permissibility of the sister-in-law marrying anyone⁴¹ was preferred by him.⁴²

THERE IS NO DIFFERENCE IN THE LAW WHETHER THERE WAS ONE LEVIR TO TWO SISTERS-IN-LAW etc. According to R. Johanan who ruled that the whole house⁴³ stands under the prohibition of a negative precept,⁴⁴ it is intelligible why it was necessary to inform us⁴⁵ that betrothal with those whose intercourse involves the penalties of a negative precept is invalid;⁴⁶ according to Resh Lakish, however, who ruled that all the house⁴⁷ is subject to the penalty of kareth,⁴⁸ was there any need to inform us that betrothal with those whose intercourse involves kareth is invalid?⁴⁹ — Resh Lakish can answer you: And even according to your conception was it necessary to tell us in the final clause, which speaks of the case where the LEVIR COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, that there was no validity in a betrothal with a married woman?⁴⁹ But the fact is that as he taught concerning the permissibility⁵⁰ of one levir and one sister-in-law,⁵¹ he also taught concerning two sisters-in-law and one levir. And since he taught concerning two sisters-in-law and one levir, he also taught concerning two levirs and one sister-in-law.

(1) I.e., the validity of such a formula elsewhere is absolutely dependent on the existence of the levirate bond.

(2) Hence the invalidity of the formula that followed it.

(3) The levirate bond does not in any way add to, or subtract from the force of the formula.

(4) Before the performance of the halizah.

(5) V. supra note 4.

(6) After the halizah, for instance, which has been performed after a divorce.

(7) Rabbi.

(8) The original bond remains and the halizah is altogether disregarded. Hence the validity of the formula after an improper halizah.

(9) The dispute between Rabbi and the Rabbis.

(10) Made by the levir. If, e.g., he submitted to the halizah on the understanding that the widow would give him a certain sum of money or render him some service.

(11) Where the condition had not been fulfilled.

(12) As the halizah is invalid (v. supra n. 3) the original bond remains and the formula is consequently valid.

(13) Rabbi.

(14) Even if the condition was not fulfilled the halizah remains valid. Hence there could be no force in the formula that follows it.

(15) **תנאי כפול** a stipulation and its alternative. The classical example is the condition made by Moses with the children of Gad and Reuben: If they passed the Jordan, the land of Gilead would be given to them; if they did not pass the Jordan, they would take their share in the land of Canaan. V. Num. XXXII, 29f.

- (16) As the levir's condition was not a 'doubled one' it has no validity. The halizah is consequently valid and the formula following it is invalid.
- (17) The condition being valid, the halizah depending on it, where it is unfulfilled, is invalid. Hence the validity of the levirate formula.
- (18) Since that section of our Mishnah deals not only with (a) certain acts after halizah but also with (b) certain acts after cohabitation.
- (19) [Var. lec., 'Both Abaye and Raba read'. The reading that follows actually occurs in Tosef. Yeb. VII. Cf. **תוספות ישנים**]
- (20) Why did he omit the mention of cohabitation?
- (21) I.e., the permissibility though halizah.
- (22) Hence halizah only was mentioned. After cohabitation the sister-in-law is permitted to one man (the levir) only. As the Tanna preferred the case of halizah to that of cohabitation and as the invalidity of any acts after cohabitation may be inferred from the invalidity of those after halizah, the Tanna did not consider it necessary to mention cohabitation at all.
- (23) Which admits the validity of a ma'amar after another ma'amar in the case of two sisters-in-law and one levir,
- (24) Each one of whom in turn addressed a ma'amar to the sister-in-law.
- (25) Each levir being entitled to a ma'amar. V. supra 51a.
- (26) The second ma'amar, contrary to the ruling of our Mishnah, has no validity because by the first ma'amar, in the opinion of Ben 'Azzai, the levir had exhausted all his rights.
- (27) The statement, THE ONE REQUIRES A LETTER OF DIVORCE AND THE OTHER, but not the first to whom the ma'amar had been addressed, MUST PERFORM THE HALIZAH because, obviously, halizah with the first does not exempt the second, her rival.
- (28) 'Who stated, supra 44a, 'A man should not pour the water out of his cistern while others may require it', i.e., a levir shall not cause the disqualification, by halizah, of the widow who is not otherwise disqualified, when the halizah could well be performed by the other widow who was in any case disqualified. In our Mishnah, contrary to R. Joseph's ruling, halizah is performed by the second who would in consequence be disqualified from marrying a priest, and not by the first who is already disqualified by the divorce she had been given.
- (29) The proper procedure, however, might still be for the halizah to be performed by the widow to whom the ma'amar had been addressed.
- (30) The statement in our Mishnah that HALIZAH IS NECESSARY FOR BOTH, which seems to imply that each widow must perform halizah where there is only one levir and, since the Mishnah also stated THAT THERE IS NO DIFFERENCE IN THE LAW WHETHER THERE WAS ONE LEVIR AND TWO SISTERS-IN-LAW OR TWO LEVIRS AND ONE Sister-IN-LAW, that where there are two levirs and one sister-in-law halizah must be performed with both levirs.
- (31) Supra 26b, 51a.
- (32) In similar circumstances,
- (33) But in every case the halizah is performed by one widow only and the other is thereby exempt. V. supra p. 330, n. 5.
- (34) The ruling that halizah is performed by the second widow and not by the first to whom the divorce had been given.
- (35) Who stated, supra 27a, that if the levir had participated in the halizah with her whom he had divorced, her rival is not thereby exempt. Consequently, as was stated in our Mishnah, the halizah is to be performed by the second.
- (36) V. p. 350, n. 6.
- (37) Cf. supra p. 350, n. 7.
- (38) Cf. p. 350, n. 6.
- (39) Cf. p. 349, n. 11.
- (40) Cf. p. 349, n. 12.
- (41) Cf. p. 349, n. 13.
- (42) Cf. p. 349, n. 14.
- (43) I.e., all the brothers of the deceased including the levir who submitted to the halizah.
- (44) Both the levir and the other brothers (v. supra n. 13) are forbidden by the negative precept 'that doth not build' to marry the halizah or her rival. V. supra 10b.
- (45) By the statement that a ma'amar is invalid after halizah.
- (46) Had not this been indicated it might have been assumed that a betrothal of a woman forbidden only by a mere negative precept is legally valid.

(47) V. supra p. 351, n. 13.

(48) If any one of the brothers married the rival of the haluzah, or if any of them (other than the levir who participated in the halizah) married the haluzah herself; the prohibition in all these cases being that of marriage with 'a brother's wife' which is punishable by kareth. The prohibition of the levir who participated in the halizah to marry the haluzah herself is, of course, even according to Resh Lakish, only that of a negative precept (v. supra 10b).

(49) Such a ruling is surely obvious!

(50) I.e., that there is no validity in the betrothal.

(51) A ruling which was necessary, even according to Resh Lakish, since he also, like R. Johanan, subjects the marriage between the levir who submitted to the halizah and the haluzah to the penalty of a negative precept only (v. supra n. 3).

Talmud - Mas. Yevamoth 53b

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR [and] GAVE etc. One can well understand why it was necessary [to lay down a rule¹ where] THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR; since it might have been assumed that provision was to be made² for a ma'amar that followed halizah³ as a preventive measure against a ma'amar that preceded halizah,⁴ it was consequently necessary to tell us that no such preventive measure was to be made. What need, however, was there for the ruling⁵ where THE LEVIR SUBMITTED TO HALIZAH AND THEN GAVE HER A LETTER OF DIVORCE?⁶ — Read, then, according to your own view, the final clause, IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR or if he cohabited with her and then GAVE HER A LETTER OF DIVORCE. One can well understand [it might be argued here also] why it was necessary [to lay down a ruling⁷ where] the levir cohabited with her and then GAVE HER A LETTER OF DIVORCE; since it might have been assumed that provision was to be made for a divorce that followed cohabitation⁸ as a preventive measure against a divorce that preceded cohabitation,⁹ it was consequently necessary to tell us that no such preventive measure was required. But what need was there [for the ruling¹⁰ where] HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR?¹¹ But [the fact is that] as he taught, IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR,¹² he also taught: IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR. And since he desired to teach the rule where 'he cohabited with her and then GAVE HER A LETTER OF DIVORCE' he also taught, IF THE LEVIR SUBMITTED TO HALIZAH and then GAVE HER A LETTER OF DIVORCE.

IF IT TOOK PLACE¹³ etc. Our Mishnah cannot be reconciled with the opinion of the following Tanna: For it was taught: Abba Jose b. Johanan of Jerusalem reported in the name of R. Meir, 'Alike in the case of cohabitation or of halizah, [if it took place] first,¹⁴ no act that follows has any validity; but if it occurred in the middle¹⁴ or at the end,¹⁴ something valid still remains'. On this question, in fact, three different views have been expressed. The first Tanna is of the opinion that in the case of cohabitation, where a preventive measure is required,¹⁵ a preventive measure was made,¹⁶ but in the case of halizah where no preventive measure is called for¹⁷ no preventive measure was made. R. Nehemiah, on the other hand, is of the opinion that in the case of cohabitation also no preventive measure is called for.¹⁸ And as to your possible objection that provision should be made where cohabitation followed a letter of divorce as a preventive measure against cohabitation that followed a halizah,¹⁹ [it may be replied that] as halizah is a Pentateuchal law it is well known.²⁰ And as to your objection that provision should be made where cohabitation followed a ma'amar as a preventive measure against cohabitation that followed another cohabitation, [it may also be replied that] as kinyan by cohabitation is a Pentateuchal law it is certainly well known.²⁰ And Abba Jose b. Hanan,²¹ again, holds the same view as the Rabbis²² who ordained a preventive measure in the case of cohabitation,²³ and he made similar provision in the case of halizah as a preventive measure against cohabitation.

CHAPTER VI

MISHNAH. IF A MAN COHABITED WITH HIS DECEASED BROTHER'S WIFE²⁴ WHETHER IN ERROR²⁵ OR IN PRESUMPTION,²⁶ WHETHER UNDER COMPULSION OR OF HIS OWN FREE WILL, EVEN IF HE ACTED IN ERROR AND SHE IN PRESUMPTION, OR HE IN PRESUMPTION AND SHE IN ERROR, OR HE UNDER COMPULSION AND SHE NOT UNDER COMPULSION, OR SHE UNDER COMPULSION AND HE NOT UNDER COMPULSION, WHETHER HE PASSED ONLY THE FIRST, OR ALSO THE FINAL STAGE OF CONTACT, HE CONSTITUTES THEREBY A KINYAN,²⁷ IRRESPECTIVE OF THE NATURE²⁸ OF THE INTERCOURSE.²⁹

SIMILARLY, IF A MAN HAD INTERCOURSE³⁰ WITH ANY OF THE FORBIDDEN RELATIVES ENUMERATED IN THE TORAH, OR WITH ANY OF THOSE WHO ARE INELIGIBLE TO MARRY HIM AS, FOR INSTANCE, A WIDOW WITH A HIGH PRIEST, A DIVORCED WOMAN OR A HALUZAH WITH A COMMON PRIEST, A BASTARD OR A NETHINAH³¹ WITH AN ISRAELITE OR THE DAUGHTER OF AN ISRAELITE WITH A BASTARD OR A NATHIN, HE HAS THEREBY RENDERED HER INELIGIBLE,³² IRRESPECTIVE OF THE NATURE OF THE INTERCOURSE.²⁹ GEMARA. What is the purport of EVEN? — [The formula of] 'It is not necessary' is thereby to be understood: It is not necessary [to state that a kinyan is constituted where] he acted in error³³ and her intention was the performance of the commandment³⁴ or where he acted in presumption and her intention was the performance of the commandment,³⁵ but even if he acted in error and she in presumption,³⁶ or³⁷ he in presumption and she in error, so that the intention of neither of them was the fulfilment of the commandment,³⁸ a kinyan is nevertheless effected.

R. Hiyya taught: Even if both acted in error, both in presumption, or both under compulsion.³⁹ How is one to understand the action UNDER COMPULSION in our Mishnah? If it be suggested [that] idolaters compelled him to cohabit with her, surely [it may be pointed out] Raba stated: There can be no compulsion in sexual intercourse since erection depends entirely on the will! But when he slept?⁴⁰ Surely Rab Judah ruled

(1) That there is no validity in the ma'amar.

(2) Even according to R. Akiba.

(3) By giving to the ma'amar the force of a valid betrothal and by subjecting the sister-in-law, in consequence, to the necessity of a divorce.

(4) Were the former to be regarded as invalid, the latter also might erroneously be so regarded.

(5) That there is no validity in the divorce where there is only one levir and one sister-in-law. (V. supra p. 331, n. 3).

(6) What possible consequences could ensue from the presumed validity of such a divorce that are not already in force as a result of the halizah? The halizah, like a divorce, causes the prohibition of the widow to the levir, and her relatives also are thereby forbidden as the relatives of his haluzah'!

(7) That nothing of the levirate bond remains after cohabitation and that, consequently, the divorce alone is a valid act and there is no need for halizah also.

(8) By requiring halizah in addition to the divorce.

(9) Were halizah to be dispensed with in the former case it might erroneously be presumed that as a letter of divorce alone is valid enough in this case it is also valid in the latter case, and thus divorce might be allowed to supersede the halizah of any sister-in-law.

(10) That there is no validity in the ma'amar.

(11) Of what consequence could the ma'amar be after cohabitation whereby the woman had become the levir's proper wife?

(12) Which was certainly necessary, as has just been explained.

(13) Lit., 'in the time when it is'.

(14) For an explanation of this term v. notes on our Mishnah supra.

- (15) Since something of the levirate bond remains after an improper cohabitation.
- (16) Hence he ruled that only when cohabitation had taken place at the beginning (but not when in the middle or at the end) does the levirate bond completely disappear.
- (17) Because in his opinion even an improper halizah is valid in all respects.
- (18) Maintaining as he does that nothing of validity remains either after halizah or after cohabitation.
- (19) Were the former to be regarded as valid the latter also might be so regarded.
- (20) And no one would draw comparisons between the two.
- (21) Abbreviation of 'Johanan'.
- (22) In our Mishnah.
- (23) V. supra 50b.
- (24) The widow of his deceased childless brother.
- (25) Not knowing that she was his sister-in-law.
- (26) To gratify his passions and with no intention of fulfilling the precept of the levirate marriage.
- (27) Lit., 'he acquires her'. The widow is deemed to be his legal wife. He is entitled to the heirship of her estate; and she can be released only by a letter of divorce.
- (28) Lit., 'and he made no distinction'.
- (29) Whether it was natural or unnatural.
- (30) In any of the circumstances mentioned.
- (31) Fem. of nathin, v. Glos.
- (32) To marry a priest, and to eat terumah even if she had previously been eligible to eat of it. This, of course, does not apply to the bastard and nethinah who are from birth ineligible either to marry a priest or to eat terumah. Their inclusion among the others merely serves the purpose of indicating that in their case also the penalty for illicit intercourse is imposed whether it was ONLY IN THE FIRST, OR ALSO IN THE FINAL STAGE.
- (33) Not knowing that she was his sister-in-law.
- (34) Of the levirate marriage.
- (35) In such cases the validity of the kinyan is obvious.
- (36) Cf. supra p. 355, n. 3.
- (37) So Bah a.l. Cur. edd. omit 'or he . . . error'.
- (38) Of the levirate marriage.
- (39) Kinyan is nevertheless constituted.
- (40) COMPULSION implying unconsciousness of action.

Talmud - Mas. Yevamoth 54a

that one in sleep cannot acquire his sister-in-law!¹ But when accidental insertion occurred?² Surely Rabbah stated: One who fell from a roof and his fall resulted in accidental insertion, is liable to pay an indemnity³, for four things,⁴ and if the woman was his sister-in-law no kinyan is thereby constituted!⁵ — It is⁶ when, for instance, his intention was intercourse with his wife and⁷ his sister-in-law seized him and he cohabited with her.

How is one to understand, 'Both under compulsion', taught at the School of R. Hiyya? — When, for instance, his intention was intercourse with his wife and idolaters seized him,⁸ brought him and her⁹ into close contact and he cohabited with her.

Whence these words?¹⁰ — From what our Rabbis taught: Her husband's brother shall go in unto her¹¹ is a commandment.¹² Another interpretation: Her husband's brother shall go in unto her whether in error or in presumption, whether under compulsion or of his own free will.¹³ But, surely, deduction has already been made from this text that it¹⁴ is a commandment!¹⁵ — That it¹⁴ is a commandment¹⁶ may be inferred from And if the man like not¹⁷ which implies that if he likes he contracts the levirate marriage;¹⁶ so that the other text¹¹ may serve the purpose of deducing,¹⁸ 'whether in error or in presumption, whether under compulsion or of his own free will'.¹⁹

Another [Baraita] taught: Her husband's brother shall go in unto her,¹¹ in the natural way; and take her,¹¹ even though in an unnatural way;²⁰ and perform the duty of a husband's brother unto²¹ her,¹¹ only the cohabitation consummates her marriage, but neither money²² nor deed²² can consummate her marriage; and perform the duty of a husband's brother unto her,¹¹ even against her will.²³

The Master said:²⁴ 'Another interpretation: Her husband's brother shall go in unto her whether in error etc.' But, surely, deduction has been made from this text¹¹ that it²⁵ must be in the natural way! — This may be deduced from To raise up unto his brother a name,¹⁷ [i.e.,] only where a name is raised up;²⁶ so that the other text¹¹ may be employed for the deduction,²⁷ 'whether in error or in presumption, whether under compulsion or of his own free will.'²⁸

[To turn to] the main text. 'Rab Judah ruled that one in sleep cannot acquire his sister-in-law, for Scripture stated, Her husband's brother shall go in unto her,²⁹ only when the cohabitation was intentional'.³⁰ But, surely, it was taught: Whether he was awake or asleep! — Read: Whether she was awake or asleep. But, surely, it was taught: Whether he was awake or asleep; or whether she was awake or asleep! — This statement refers to one who was in a state of drowsiness. What state of drowsiness is hereby to be understood? R. Ashi replied: When a man is half asleep and half awake³¹ as, for instance, when he answers on being addressed but is unable to give any sensible reply, and when he is reminded of anything he can recall it.

[To turn to] the main text. Rabbah stated: One who fell from a roof, and his fall resulted in accidental insertion, is liable to pay an indemnity for four things, and if the woman was his sister-in-law no kinyan is thereby constituted. [He must pay her for] bodily injury, for pain inflicted, for enforced unemployment, and for medical expenses; but he is not liable to indemnify her for indignity, for a Master said, 'One is not liable to pay any indemnity for indignity unless it was intentionally caused'.³²

Raba said: If a levir's intention was to shoot³³ against a wall and he accidentally shot at his sister-in-law, no kinyan is thereby constituted;³⁴ if he intended, however, to shoot at a beast and he accidentally shot at his sister-in-law, kinyan is thereby constituted, since some sort of intercourse had been intended.

WHETHER HE PASSED ONLY THE FIRST . . . STAGE. 'Ulla stated: Whence is it proved that the first stage of contact is pentateuchally forbidden?³⁵ — It is said, And if a man shall lie with a menstruant woman,³⁶ and shall uncover her nakedness, he hath made naked her fountain³⁷ it is deduced from this text that the first stage of contact³⁸ is pentateuchally forbidden. Thus the case of a menstruant has been arrived at; whence that of other forbidden unions?³⁹ And were you to suggest that [their case] might be inferred from that of the menstruant, [it might be retorted] the menstruant is different since she causes the defilement of the man who cohabited with her.⁴⁰ — Rather the deduction³⁹ is made from 'a brother's wife' concerning whom it is written, And if a man shall take his brother's wife, she is a menstruant.⁴¹ Now is a brother's wife always menstruant?⁴² But [the meaning is] 'like a menstruant as with a menstruant the first stage constitutes the offence, so does the first stage constitute an offence with a brother's wife. But a brother's wife [it may be objected] is different since it is in his⁴³ power to increase the number, for should he wish, he could go on betrothing as many as a thousand!⁴⁴ — The deduction⁴⁵ is rather made from the 'father's sister' and 'the mother's sister'. For it is written in Scriptures And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister, for he hath made naked his near kin.⁴⁶ But it may be objected that a father's sister and a mother's sister come under a different category, since the prohibition in their case is natural.⁴⁷ — If it⁴⁵ cannot be deduced from one category⁴⁸ then let it⁴⁹ be deduced from the two categories.⁵⁰

From which⁵¹ however shall deduction be made? Were it made from a brother's wife⁵² and a father's sister⁵³ and a mother's sister,⁵³ [it might be objected that] those stand in a different category, since the prohibition of these is due to relationship!⁵⁴ — Deduction is rather made⁵⁵ from the menstruant⁵⁶ and a father's sister and a mother's sister. Those however [it may be objected] are in a different category since the prohibition is natural!⁵⁷ — The deduction⁵⁵ is rather made from the menstruant and a brother's wife; since no⁵⁸ objection can be raised [against the two].⁵⁹

R. Aha son of R. Ika demurred: A menstruant and a brother's wife are different,⁶⁰ since marriage with them cannot be permitted during the lifetime of the man who caused their prohibition! Would you, then, apply [their restrictions] to a married woman who might be permitted to marry even during the lifetime of the man who caused her prohibition?⁶¹

Said K. Aha of Difti to Rabina: Are a menstruant and a brother's wife forbidden to marry only during the lifetime of the man who caused their prohibition but permitted after that?⁶² With a menstruant, surely,

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- (1) An unconscious act having no legal validity.
 - (2) When in a state of erection the levir fell from a raised bench upon his sister-in-law who happened to be below (v. Rashi).
 - (3) To the woman with whom the accidental contact had taken place.
 - (4) Bodily injury, pain, medical expenses and unemployment during illness. The damages or indemnity must be paid even if the injury was inflicted accidentally or under compulsion (v. B.K. 85b). An indemnity for the indignity caused by the injury is payable only when the act was wilful. V. infra.
 - (5) By the accidental contact. She does not thereby become his lawful wife.
 - (6) Intercourse under compulsion is possible.
 - (7) While he was in the state of erection.
 - (8) While he was in the state of erection.
 - (9) His sister-in-law'.
 - (10) The statement in the first clause of our Mishnah.
 - (11) Deut. XXV, 5.
 - (12) Halizah is a substitute only, and preference must always be given to levirate marriage.
 - (13) Whatever the circumstances the kinyan is valid.
 - (14) The levirate marriage. v. supra note 5.
 - (15) How then may a second deduction be made from the same text?
 - (16) V. supra note 5.
 - (17) Deut. XXV, 7.
 - (18) Lit., 'comes'.
 - (19) Whatever the circumstances the kinyan is valid.
 - (20) Whatever the nature of the intercourse the sister-in-law is thereby acquired by the levir as his lawful wife.
 - (21) v. Emden, a.l. and cf. M.T.
 - (22) Whereby kinyan of betrothal is usually executed.
 - (23) V. Kid. 14a.
 - (24) So Bah a.l. Cur. edd. omit.
 - (25) The cohabitation.
 - (26) From unnatural intercourse there is no issue and no name, of course, can be raised.
 - (27) Lit., 'comes'.
 - (28) Whatever the circumstances the kinyan is valid.
 - (29) Deut. XXV, 5.
 - (30) Emphasis on 'shall go in'.
 - (31) Lit., 'asleep and not asleep, awake and not awake'.
 - (32) Which was not the case here.
 - (33) A euphemism.

- (34) The act of the intercourse having been accidental and unintentional.
- (35) In the case of forbidden unions.
- (36) **דָּוָה** rendered by E.V. *ibid.*, having her sickness.
- (37) Lev. XX, 18.
- (38) **הַעֲרָאָה** (first stage) is of the same rt. as **הֵעֲרָה** he hath made naked (*ibid.*).
- (39) That with the other relatives also, or with any woman one is forbidden to marry, the first stage constitutes the offence.
- (40) He, like herself, remains levitically unclean for seven days (v. Lev. XV, 24). As the restrictions of the menstruant are more rigid in respect of the defilement of the man they may also be more rigid in respect of the first stage of contact. What proofs however, is this that prohibition of the first stage of contact extends to other forbidden unions?
- (41) Lev. X, 21. **נִדָּה** E.V., it is impurity.
- (42) Surely not. Why then was she so described?
- (43) The brother's.
- (44) The number of relatives forbidden through marriage may be indefinitely increased. Hence only such relatives (e.g., a father's wife, daughter-in-law, mother-in-law) may be inferred from a brother's wife who also is a relative forbidden through marriage. What proof, however, does this provide that restrictions applicable to these are also applicable to relatives forbidden from birth (e.g. a mother, sister, daughter) whose number it is not in one's power to increase?
- (45) v. *supra* note 3.
- (46) Lev. XX, 19.
- (47) I.e., they are relatives forbidden from birth. What proof, however, does this supply in the case of relatives by marriage? (Cf. *supra* p. 359, n. 8).
- (48) Either from that of relatives from birth or from that of relatives by marriage.
- (49) Cur. edd. insert in square brackets 'one'.
- (50) Any objection that might be raised against the one could not possibly apply to the other. (Cf. p. 359, nn. 8 and 11).
- (51) Particular case or cases in the categories mentioned.
- (52) A relative by marriage.
- (53) A relative from birth.
- (54) No proof would consequently be available that the same restriction is applicable to intercourse, for instance, with any married woman who is neither a relative from birth nor by marriage.
- (55) V. *supra* p. 359, n. 3.
- (56) Who may be a stranger.
- (57) It is not due to any human act.
- (58) Lit., 'for what'.
- (59) A brother's wife is a relative forbidden through marriage and consequently the second objection (v. *supra* p. 359. n. 1) cannot be advanced; while the first objection (v. *supra* p. 359, n. 8) and the third objection (v. *supra* n. 7) cannot be raised in view of the law of the menstruant.
- (60) From the other women one is forbidden to marry.
- (61) I.e., her husband, if he divorced her.
- (62) When the man died.

Talmud - Mas. Yevamoth 54b

the prohibition depends on the number of days,¹ and with a brother's wife the All Merciful made her prohibition dependent on the birth of children!² — But the objection may be raised thus: A menstruant and a brother's wife are different,³ since the man who caused them to be forbidden cannot cause them to be permitted.⁴ Would you [then] apply their restrictions to a married woman whose permissibility is brought about⁵ by the man who caused her to be forbidden? But, said R. Johanan, or as some say, R. Huna son of R. Joshua, Scripture stated, For whosoever shall do any of these abominations, even the souls that do them shall be cut off,⁶ all forbidden unions were compared to the menstruant;⁷ as the first stage constitutes the offence with the menstruant so does the first stage constitute the offence with all the others.

What need, then, was there⁸ to mention the menstruant in the context of brother's wife?⁹ — For an inference like that of R. Huna. For R. Huna stated: Whence in the Torah may an allusion to the sister-in-law¹⁰ be traced? [You ask,] 'Whence'? Surely it is written in Scripture, Her husband's brother shall go in unto her!¹¹ — [The query is] rather, whence the allusion that a sister-in-law is forbidden¹² during the lifetime of her husband?¹³ But surely this is a logical inference: Since the All Merciful said that she¹⁴ is permitted to marry after the death of her husband, it may be inferred that during the lifetime of her husband¹³ she is forbidden! — [No] for is it not possible [to maintain] that after the death of her husband it¹⁵ is a commandment, and during the lifetime of her husband it¹⁵ is only optional? Or else, [though] indeed,¹⁶ only after the death of the husband,¹⁷ and not during the lifetime of her husband; yet being a negative commandment¹⁸ that is derived from a positive one¹⁹ it has only the force of a positive commandment!²⁰ — Scripture stated: And if a man shall take his brother's wife, she is a menstruant.²¹ Now is a brother's wife always a menstruant?²² But the meaning is, 'like a menstruant': as a menstruant, although permitted afterwards,²³ is forbidden under the penalty of kareth during the period of her prohibition, so also a brother's wife, though permitted afterwards,²⁴ is forbidden under the penalty of kareth during the lifetime of her husband.

What need, however, was there to mention the first stage in connection with a father's sister or a mother's sister?²⁵ — For an inference like that mentioned in the following question which Rabina addressed to Raba: What is the law if a man passed the first stage in pederasty? [You ask,] 'What is the law in pederasty'? Surely it is written, As with womankind!²⁶ — But [the query is] what is the law when one passed the first stage with a beast? The other replied: No purpose is served by the text²⁷ in [forbidding] the first stage in the case of a father's sister and a mother's sister, since in their case the prohibition is arrived at by the comparison of R. Jonah, apply that text to the first stage with a beast.

Observe! Intercourse with a beast is among the offences subject to the death penalties of a Beth din; why then was the first stage in relation to it enumerated among offences that are subject to the penalty of kareth?²⁸ It should rather have been written among those which are subject to the death penalty of the Beth din,²⁹ and thus one offence that is subject to the death penalty of a court would be inferred³⁰ from a similar offence that is subject to the death penalty of a court! — Since the entire context³¹ was to serve the purpose of exposition,³² this thing³³ was also included that it may serve the purpose of exposition.

What is the exposition?³⁴ — It was taught, Thou shalt not uncover the nakedness of thy father's sister,³⁵ whether she is paternal or maternal. You say, 'Whether she is paternal or maternal', perhaps it is not so, but only when she is paternal and not when maternal? — This³⁶ is only logical: A man is subject to a penalty³⁷ in this case and he is also subject to penalty³⁷ in the case of his sister; as with his sister it is the same whether she is paternal or maternal, so here also³⁸ it is the same whether she is paternal or maternal. But might it not be argued³⁹ in this way: A man is subject to a penalty³⁷ in this case and is also subject to a penalty³⁷ in the case of his aunt;⁴⁰ as his aunt is forbidden only when she is paternal⁴¹ but not when maternal,⁴² so here also³⁸ when she is paternal and not when maternal! — Let us consider whom it more closely resembles. A prohibition which is natural⁴³ ought to be inferred from a prohibition which is also natural⁴⁴ but let no proof be adduced from an aunt whose prohibition is not natural.⁴⁵ But might it not be argued⁴⁶ thus: The relatives of a father⁴⁷ should be inferred from the relatives of a father⁴⁰ but let no proof be adduced from a sister who is one's own relative! Hence it was stated,⁴⁸ Thou shalt not uncover the nakedness of thy father's sister,⁴⁹ implying⁵⁰ whether paternal or maternal, and Thou shalt not uncover the nakedness of thy mother's sister,⁵¹ implying also whether paternal or maternal.

What need was there to write it⁵² in respect of a father's sister and also in respect of a mother's sister?⁵³ — R. Abbahu replied: Both are required. For had the All Merciful written it⁵² in respect of a father's sister [it might have been assumed to apply to her alone] because her relationship is legally

recognized,⁵⁴ but not to a mother's sister.⁵⁵ And had the All Merciful written it⁵⁶ in respect of a mother's sister [it might have been assumed to apply to her alone] because her relationship is certain, but not to her father's sister.⁵⁷ [Hence both were] required.

As to one's aunt concerning whom the Tanna had no doubt that she must be paternal⁵⁸ and not maternal, whence does he derive it? Raba replied: It is arrived at by a comparison between the words 'His uncle' [in two passages]: Here it is written, He hath uncovered his uncle's nakedness,⁵⁹ and there it is written, Or his uncle or his uncle's son may redeem him,⁶⁰ as there he must be paternal and not [necessarily] maternal⁶¹ so here also, he⁶² must be paternal⁶³ and not [necessarily] maternal. And whence is it⁶⁴ proved there? — Scripture stated, Of his family may redeem him,⁶⁰ and only a father's family may be called the proper family, but the mother's family cannot be called the proper family.⁶⁵

But surely we learned: If a man was told, 'Your wife is dead', and he married her paternal sister; [and when he was told] 'She⁶⁶ also is dead', he married her maternal sister; 'She⁶⁷ too is dead', and he married her paternal sister; 'She⁶⁸ also is dead', and he married her maternal sister, he is permitted⁶⁹ to live with the first,⁷⁰ third⁷¹ and fifth⁷² who also exempt their rivals;⁷³ but he is forbidden to live with the second and the fourth,⁷⁴ and cohabitation with one of these does not exempt her rival. If, however, he cohabited with the second after the death of the first, he is permitted to live with the second⁷⁵ and with the fourth⁷⁶ who also exempt their rivals,⁷³ but he is forbidden to live⁷⁷ with the third and with the fifth.⁷⁸

(1) Even after the death of her husband she remains forbidden to marry anyone until the prescribed number of seven unclean days has passed.

(2) If she gave birth to any child she remains forbidden to her husband's brothers even after his death.

(3) From the other women one is forbidden to marry.

(4) The former is dependent on the prescribed number of days and the latter on the absence of any issue. And thus the original question remains: Whence is deduced the prohibition of the first stage of contact in the ease of all forbidden unions?

(5) Through divorce.

(6) Lev. XVIII, 29.

(7) who also was mentioned in the same Scriptural section.

(8) If all forbidden unions are compared with one another and are consequently equal in their restrictions.

(9) From which it was inferred supra that these two were to be compared with one another in respect of the first stage.

(10) The brother's wife.

(11) Deut. XXV, 5.

(12) To marry her husband's brother.

(13) Even if he had divorced her.

(14) The sister-in-law.

(15) Marriage by the levir.

(16) Lit., yes.

(17) May the levir marry her.

(18) Not to marry one's sister-in-law during the lifetime of her husband, his brother.

(19) Her husband's brother shall go in unto her after the death of his brother.

(20) The penalty for the transgression of which is not that of kareth. Whence therefore can he traced in the Bible that the penalty involved is kareth?

(21) V. supra p. 359, n. 5.

(22) V. supra p. 359, n. 6.

(23) When the days of her uncleanness are over.

(24) After her husband's death.

(25) Who also are included among the others and subject, therefore, to the same restrictions and penalties. Cf. supra p. 362, n. 8.

(26) Lev. XVIII, 22. Since pederasty is compared to natural intercourse it is obviously subject to the same restrictions

and penalties, including that of the first stage!

(27) Lev. XX, 19.

(28) Such as intercourse with a father's sister or a mother's sister.

(29) As, for instance, intercourse with a mother and a mother-in-law.

(30) As supra by R. Jonah's comparison.

(31) In which the cases of father's sister and mother's sister were enumerated.

(32) As will be shewn infra.

(33) The text from which the first stage with a beast is inferred.

(34) Just referred to.

(35) Lev. XVIII, 12.

(36) That a maternal sister is subject to the same restrictions as a paternal one.

(37) For intercourse.

(38) With one's father's sister.

(39) כלה == נלה 'cease and go', similar to apage, GR.**.

(40) The wife of his father's brother.

(41) When her husband is his father's paternal brother.

(42) If her husband was his father's maternal brother she is not forbidden under this category.

(43) Due to birth. A father's sister is forbidden from birth.

(44) One's own sister, whose prohibition also begins at birth.

(45) Her prohibition being due to the marriage with his father's brother.

(46) Cf. supra note 11.

(47) A father's sister, for instance.

(48) In addition to the prohibition in Lev. XX, 19, And thou shalt not uncover the nakedness of thy mother's sister nor of thy father's sister.

(49) Lev. XVIII, 12.

(50) By the repetition.

(51) Ibid. 13.

(52) The repetition.

(53) Even if one only had been repeated, the other could have been inferred from it.

(54) Children are legally ascribed to their paternal ancestry.

(55) Whose relationship is not legally recognized. V. supra note 7.

(56) The repetition.

(57) Who might not be his sister at all. There is no absolute proof that his father is also her father.

(58) The wife of his father's paternal brother.

(59) Lev. X, 20.

(60) Ibid. XXV, 49.

(61) As will be shewn anon.

(62) The husband of his aunt.

(63) His father's paternal brother.

(64) That the relationship must be paternal.

(65) V. supra note 7.

(66) His second wife.

(67) His third wife.

(68) The fourth.

(69) If it is found that all these are alive.

(70) Since the marriage with her was valid.

(71) As the union with the second was unlawful, on account of her being his wife's sister, the marriage with her had no validity. As she is not his wife, her sister is a perfect stranger to the man who married them both in succession. The marriage with her sister (his third wife) is consequently valid.

(72) The union with the fourth being unlawful, owing to the legal marriage with her sister (the third wife) the marriage with the fifth is consequently legal. Cf. note 5.

(73) If he died without issue, and one of his brothers submitted to halizah from one of them.

(74) Because the legality of his marriage with the first and third renders them respectively forbidden as 'his wife's sister'. Cf. note 5.

(75) As the death of the first has removed from her the prohibition of 'wife's sister', the marriage with her is legal.

(76) As the marriage with the second was legally valid, that with the third (as wife's sister) was invalid. The fourth (sister of the third) being in consequence a mere stranger is therefore permitted to be married. Cf. *supra* note 5.

(77) Cf. previous notes *mutatis mutandis*.

(78) *Infra* 96a.

Talmud - Mas. Yevamoth 55a

From this it clearly follows that a wife's sister, whether she is paternal or maternal, is forbidden.¹ Whence, however, is this derived? — Deduction is made from one's sister; as a sister [is forbidden] whether she is paternal or maternal, so here also² whether she is paternal or maternal. But let the deduction³ be made from one's aunt; as one's aunt [is forbidden only when she is] paternal⁴ and not when maternal, so here³ also [the prohibition should apply when she is] paternal and not when maternal! — It stands to reason that the deduction should be made from one's sister, since [laws concerning] his own relatives⁵ [should be inferred] from [laws concerning others of] his own relatives.⁶ On the contrary! Deduction⁷ should have been made from one's aunt, since a relationship effected through betrothal⁸ [should be inferred] from one effected through betrothal!⁹ — The deduction⁷ is rather made from a brother's wife, since her relationship¹⁰ is through betrothal, and she is of his own relatives.

Whence, however, is [the law concerning] a brother's wife herself derived? — From what was taught: Thou shalt not uncover the nakedness of thy brother's wife,¹¹ whether he is paternal or maternal. You say, 'Whether he is paternal or maternal', perhaps it is not so, but only when paternal and not when maternal? This is a matter of logical argument: He is subject to a penalty here¹² and he is also subject to penalty [for intercourse] with his sister; as [the prohibition of] his sister applies whether she is paternal or maternal, so here also¹² [the prohibition applies] whether he¹³ was paternal or maternal. But might it not be argued¹⁴ thus: He is subject to a penalty here¹² and he is also subject to penalty [for intercourse] with his aunt. As therefore [the prohibition of] his aunt applies only when she is paternal¹⁵ and not when only maternal, so here¹² also [the prohibition applies only when he¹³ is] paternal and not when only maternal! Let us observe whom the case¹⁶ more closely resembles. Deduction concerning one's own relatives should be made from one's own relatives, and let no proof be adduced from one's aunt whose relationship is due to his father. But might it not be argued as follows:¹⁴ Deduction should be made concerning a relationship which is due to betrothal¹⁶ from a relationship that is due to betrothal,¹⁷ but let no proof be adduced from a sister the prohibition of whom is natural!¹⁸ — For this reason¹⁹ it was specifically stated in Scriptures, It is thy brother's nakedness,²⁰ implying²¹ whether he is paternal or only maternal.

Might it not be suggested that the one as well as the other²² speaks of the wife of a paternal brother, the one referring to a brother's wife who had children during the lifetime of her husband,²³ while the other refers to a brother's wife who had no children during the lifetime of her husband! — The case of one who had no children during the lifetime of her husband may be deduced from the statement of R. Huna.²⁴

Might not both²⁵ still speak of the wife of a paternal brother, the one referring to a brother's wife who had children during the lifetime of her husband and the other to one who had children after the death of her husband! — The case of one who had children after the death of her husband requires no Scriptural text; for since the All Merciful said that she who had no children was permitted, it is obvious that if she had children she is forbidden.

Is it not possible that she who has no children is forbidden to all men but permitted to the levir

while she who has children is permitted both to all men and to the levir! Or else: If she has no children it is a commandment²⁶ but if she has children it is optional! Or else: [Though indeed] the levir may marry her if²⁷ she has no children but he may not if she has children, yet [as the prohibition²⁸ is] a negative commandment that is derived from a positive one²⁹ it has only the force of a positive commandment!³⁰ — For this reason Scripture wrote another text,³¹ He hath uncovered his brother's nakedness.³² But might it be said that the wife of a maternal brother is like the wife of a paternal brother, and that as the wife of a paternal brother is permitted³³ after the death of her husband, so is also the wife of a maternal brother³⁴ permitted after the death of her husband! — Scripture said, She is,³⁵ she retains her status.³⁶

What need was there to specify the penalty of kareth for intercourse with one's sister?³⁷ — To infer a ruling like that of R. Johanan. For R. Johanan stated: If one committed all these offences³⁸ in one state of unawareness, he is liable for every one of them.³⁹ According to R. Isaac, however, who stated, 'All those who are subject to the penalty of kareth were included in the general rule; and why was the penalty of kareth for [intercourse with] a sister stated separately? In order to indicate that his⁴⁰ penalty is kareth and not flogging',⁴¹ whence is the division⁴² deduced? — It is deduced from, And unto a woman . . . as long as she is impure by her uncleanness,⁴³ that guilt is incurred for every single woman.⁴⁴

For what purpose did the All Merciful write, They shall be child less⁴⁵ in the case of one's aunt?⁴⁶ — It is required for an exposition like that of Rabbah. For Rabbah pointed out the following contradiction: It is written, They shall be childless,⁴⁵ and it is also written, They shall die childless!⁴⁷ How [are these two versions to be reconciled]? If he has children he will bury them; if he has no children, he will be childless.⁴⁸

And it was necessary to write They shall be childless,⁴⁵ and it was also necessary to write, They shall die childless.⁴⁷ For had the All Merciful written only, They shall be childless,⁴⁵ it might have been assumed to refer to children born before the offence⁴⁹ but not to those born subsequent to the offence,⁵⁰ hence the All Merciful wrote, They shall die childless.⁴⁷ And had the All Merciful written, They shall die childless,⁴⁷ it might have been assumed to refer to those born subsequent to the offence,⁵¹ but not to those who were born previously,⁵⁰ [hence both texts were] required.

Whence [is the prohibition of] the first stage among those who are subject to the penalty of negative commandments⁵² to be inferred? — As the All Merciful specified carnally⁵³ in the case of a designated⁵⁴ bondmaid,⁵⁵ it may be inferred that among all the others who are subject to the penalty of negative commandments,⁵⁶ the first stage by itself constitutes the offence.⁵⁷ On the contrary! As the All Merciful specified the first stage in the case of those who are subject to the penalty of kareth,⁵⁸ it may be inferred that among those who are subject to the penalty of negative commandments consummation only constitutes the offence! — R. Ashi replied: If so,⁵⁹ Scripture should have omitted [the reference]⁶⁰ in the case of the designated handmaid.⁶¹

Whence [is the prohibition of] the first stage inferred in the case of offences for which priests alone are subject to the penalty of negative commandments?⁶² — This is arrived at by an analogy between the expressions of 'taking'.⁶³

Whence [is the prohibition⁶⁴ in respect of] those who are subject⁶⁵ to the penalty of a positive commandment⁶⁶ inferred?

(1) Since the third, the maternal sister of the second, is permitted only on account of the illegality of the marriage of the second, but is forbidden where the marriage with the second is legal.

(2) A wife's sister is forbidden.

(3) In respect of a wife's sister.

- (4) When her husband is his father's paternal brother.
- (5) A wife's sister whose relationship to him is due to his own (and not his father's) act of marriage with her sister.
- (6) His sister. An aunt's relationship, however, is due not to his own, but his father's relationship with her husband. V. supra.
- (7) In respect of a wife's sister.
- (8) A man's wife's sister is related to him through betrothal of her sister (his wife).
- (9) The aunt whose relationship to him is due to her betrothal by his uncle.
- (10) Like that of his wife's sister.
- (11) Lev. XVIII, 16.
- (12) For intercourse with a brother's wife.
- (13) The brother.
- (14) V. supra p. 363, n. 11.
- (15) When her husband is his father's paternal brother.
- (16) A brother's wife.
- (17) V. supra note 5.
- (18) It is due to vicissitudes of birth and not to any act of his.
- (19) To exclude this argument.
- (20) Lev. XVIII, 16b.
- (21) Since, in view of Lev. XVIII, 16a, it is superfluous.
- (22) The two sections of the verse cited.
- (23) Who divorced her.
- (24) Supra 54b; and no special text is needed for the purpose.
- (25) The two sections of the verse cited.
- (26) That the levir marries her.
- (27) Lit., 'yes'.
- (28) Not to marry a wife of a deceased brother if she has children.
- (29) Her husband's brother shall go in unto her if she has no children.
- (30) The penalty for the transgression of which is not that of kareth!
- (31) Which, in view of the texts from Lev. XVIII, 16a and b, is superfluous.
- (32) Lev. XX, 21, to indicate that the prohibition is to apply to all cases whether that of a paternal or only that of a maternal brother.
- (33) To marry the levir if her husband died without issue.
- (34) Who died childless.
- (35) E.V. 'it is'. Lev. XVIII, 16, which speaks also, as deduced supra, of the wife of a maternal brother.
- (36) As she was forbidden to the levir during the lifetime of her husband she remains so after his death.
- (37) Her case, surely, is included in Lev. XVIII, 29, among all the others with whom intercourse is forbidden under the penalty of kareth!
- (38) Of forbidden intercourse.
- (39) Mak. 14a, Ker. 2b. Because the penalty of kareth was specifically mentioned in the case of intercourse with a sister who is taken as an example for all the others included in the general statement in Lev. XVIII, 29. This is in accordance with the principle that if any case is included in a general rule and is then made the subject of a special statement, that which is predicated of it is to be applied to the whole of the general rule. Had not the sister been mentioned separately it might have been assumed that as all the offences were included in the general prohibition, and as they were all committed in one state of unawareness, one liability only is incurred for all.
- (40) The brother's.
- (41) Even though he had been duly warned.
- (42) That liability is incurred for every single offence even though all were committed in one state of unawareness.
- (43) Lev. XVIII, 19, emphasis on woman. Since, instead of the longer expression 'A woman . . . as long as she is impure by her uncleanness', the shorter one, 'a menstruant could have been used.
- (44) With whom intercourse took place; v. Mak. Sonc. ed. pp. 97ff.
- (45) Lev. XX, 21.
- (46) By childless ערירים the penalty of kareth is understood: Not only the offender but his children also are thereby

cut off.

(47) Ibid. 20.

(48) V. infra nn. 5ff.

(49) The expression shall be childless would have been taken to imply that the children born prior to the offence would die as a result of the offence. The parents, however, would not die childless because the children born after the offence would live.

(50) Who would live. V. supra note 5.

(51) Shall die childless, being preceded by They shall bear their sin (Lev. XX, 20), implying that the penalty would affect only those children who were born after the sin had been committed.

(52) I.e., to flogging but not to kareth.

(53) Lev. XIX, 20, implying the second stage of consummation.

(54) חרופה This form of the kinyan by a Jewish slave of a Canaanitish bondwoman takes the place of the ordinary betrothal of a free woman.

(55) Intercourse with whom is forbidden by a negative commandment and is consequently subject to the penalty of flogging, in addition to the prescribed guilt-offering (v. Lev. XIX, 21f).

(56) Such as a bastard and an undesignated bondmaid.

(57) As only the designated bondmaid must pass the second stage in order to constitute an offence for which liability to a guilt-offering is incurred, it follows that in all the other cases, where no guilt-offering is ever incurred, the offence is constituted with the first stage alone.

(58) In Lev. XVIII, 29.

(59) That with all the others who are subject to the penalty of negative commandments the offence is not constituted unless, as with the designated bondmaid, the second stage was passed.

(60) 'Carnally'. Lit., 'let the text keep silence.'

(61) Since, however, the second stage was specifically postulated in her case, it follows that with all the others the first stage by itself constitutes the offence.

(62) From the designated maid supra only such prohibitions may be inferred as are applicable to all and not to priests only.

(63) The expression of 'taking' is used in the case of intercourse with a sister (Lev. XX, 17) which is punishable by kareth, and a similar expression is used in the case of marriages forbidden to priests under the penalty of a negative commandment (Lev. XXI, 7).

(64) Of the first stage.

(65) For intercourse with an Israelite's daughter.

(66) An Egyptian or an Edomite, for instance, (v. Deut. XXIII, 8, 9) whose prohibition to marry an Israelite's daughter is based on the positive precept, The third generation . . . shall (E.V. may) enter into the assembly of the Lord, which implies that the first and second generations must not. A negative precept derived from a positive one has the force of a positive precept.

Talmud - Mas. Yevamoth 55b

— It is arrived at by an analogy between the two expressions of 'coming'.¹

Whence [the prohibition of a yebamah]² to a stranger?³ — If [one follows] him who holds that it⁴ is a negative precept,⁵ [it would be subject to the same restrictions as any other] negative precept;⁶ if [one follows] him who holds that it⁷ is a positive precept,⁸ [it would be subject to the same restrictions as any other] positive precept.⁶ Whence, however, [its⁹ force¹⁰ in respect of] the yebamah and the levir? — It is arrived at by the analogy between the two expressions of 'coming'.¹¹

Whence [its⁹ force¹² in respect of the kinyan], between husband and wife? — It is arrived at by comparison between the expressions of 'taking'.¹³

Raba said: For what purpose did the All Merciful write 'carnally' in connection with the designated bondmaid,¹⁴ a married woman,¹⁵ and a sotah?¹⁶ That in connection with the designated

bondmaid [is required] as has just been explained.¹⁷ That in connection with a married woman excludes intercourse with a relaxed membrum.¹⁸ This is a satisfactory interpretation in accordance with the view of him who maintains that if one cohabited with forbidden relatives with relaxed membrum he is exonerated;¹⁹ what, however, can be said, according to him who maintains [that for such an act one is] guilty? — The exclusion is rather that of intercourse with a dead woman.²⁰ Since it might have been assumed that, as [a wife], even after her death, is described as his kin,²¹ one should be guilty for [intercourse with] her [as for that] with a married woman, hence we were taught [that one is exonerated]. What was the object of that²² of the sotah? — Such as was taught: Carnally²² excludes [the case where the husband's warning was] concerning something else. What is meant by 'something else'? R. Shesheth replied: The exclusion is the case where he warned her concerning unnatural intercourse. Said Raba to him: The text reads, As with womankind!²³ — Rather, said Raba, the exclusion is the case where the husband's warning concerned lecherous contact of her limbs. Said Abaye to him: Has the All Merciful forbidden [a wife to her husband] because of obscenity?²⁴ — Rather, said Abaye, the exclusion is the case where the husband's warning was concerning superficial contact.²⁵ This is a satisfactory explanation according to him who maintains that the first stage of contact²⁶ is the insertion of the corona;²⁷ what can be said, however, according to him who maintains that it²⁸ is the superficial contact!²⁹ — The exclusion is rather the case where he warned her concerning lecherous contact of her limbs; but³⁰ it was necessary [to state it, because] it might have been assumed that, as the All Merciful has made the prohibition³¹ dependent on the objection of the husband,³² [the woman should here be forbidden] since he objected,³³ hence we were taught [that such a case is excluded].

Samuel stated: The first stage is constituted by superficial contact.²⁵ This may be compared to a man who puts his finger to his mouth; it is impossible for him not to press down the flesh. When Rabbah b. Bar Hana came³⁴ he stated in the name of R. Johanan: Consummation in the case of a designated bondmaid is constituted by the insertion of the corona.

R. Shesheth raised an objection: 'Carnally³⁵ implies that guilt is incurred only when intercourse was accompanied by friction';³⁶ does not this refer to friction of the membrum! — No; friction of the corona.

When R. Dimi came³⁴ he stated in the name of R. Johanan: The first stage is constituted by the insertion of the corona. They said to him: But, surely, Rabbah b. Bar Hana did not say so! — He replied: Then either he is the story-teller³⁷ or I.³⁸

When Rabin came³⁴ he stated in the name of R. Johanan, 'The first stage is constituted by the insertion of the corona'. He is certainly in disagreement with the report of Rabbah b. Bar Hana.³⁹ Must it be said, however, that he differs also from Samuel?⁴⁰ — No; [the entire process] from the superficial contact until the insertion of the corona is described as the first stage.⁴¹

When R. Samuel b. Judah came³⁴ he stated in the name of R. Johanan, 'The first stage is constituted by the insertion of the corona; and the final stage, by actual consummation.

(1) The expression of 'coming' is used with a case that is forbidden by a negative precept (Deut. XXIII, 3) as well as with those whose prohibition is derived from a positive precept (ibid. 9) and whose penalty is kareth. Cf. note 9 supra.

(2) Prior to halizah.

(3) Lit., 'to the street'.

(4) The marriage with a stranger before halizah had been performed.

(5) Derived from Deut. XXV, 5, Shall not be married abroad.

(6) And, as has been shewn supra, the first stage is included in the restrictions.

(7) The marriage with a stranger before halizah had been performed.

(8) From Deut. XXV, 5, it follows that the levir shall marry her (positive); hence no other (negative); and a negative

precept derived from a positive one has the force of the positive.

(9) Of the first stage.

(10) To constitute levirate marriage as if actual cohabitation had taken place.

(11) Cf. supra p. 370, n. 10. The expression of 'coming' is also used in respect of the levir (v. Deut. XXV, 5).

(12) Cf. supra note 5.

(13) Used in the case of husband and wife (Deut. XXIV, 1) as well as in that of those whose penalty is kareth. Cf. supra p. 370, n. 10.

(14) Lev. XIX, 20.

(15) Ibid. XVIII, 20.

(16) Num. V, 13.

(17) Supra 55a.

(18) Since no fertilisation can possibly result.

(19) Shebu. 18a, Sanh. 55a.

(20) Even though she died as a married woman.

(21) In Lev. XXI, 2, where the text enumerates the dead relatives for whom a priest may defile himself. As was explained, supra 22b, his kin refers to one's wife.

(22) The expression 'carnally' in Num. V, 13.

(23) Lev. XVIII, 22, in which natural and unnatural intercourse are regarded as analogous (v. Sanh. 54a). What matters it then for which she was warned!

(24) Surely not. For mere laxity, in the absence of adultery, a wife would not have been subjected to such a severe penalty. What need then was there to state the obvious?

(25) Lit., 'kissing'.

(26) Which is forbidden.

(27) Infra. As this stage only constitutes cohabitation and causes the prohibition of the woman to her husband, it is possible to exclude from such prohibition the earlier stage of superficial contact.

(28) The 'first stage' that is forbidden.

(29) How can this be excluded from the prohibition in view of the ruling that the first stage does constitute cohabitation!

(30) Despite Abaye's objection (v. supra note 3).

(31) Of a sotah to her husband.

(32) The laws of the sotah apply only where such an objection or warning has been expressed.

(33) By his warning.

(34) From Palestine to Babylon.

(35) Lev. XIX, 20, dealing with a designated bondmaid.

(36) מִירוֹק 'friction', Syr.-Aram. rt. מִרְק So Golds. against Levy's (III, p. 260) Ergiessung which he regards as an error based on a misunderstanding of Rashi.

(37) Lit., 'liar'. Rabbah h. Bar Hana was a well known teller of hair-raising stories (Cf. B.B. 73aff). and sometimes made self-contradictory statements on questions of halachah also (cf. Hul. 97a, Kid. 75b).

(38) Lit., 'I lied', i.e., they had his word against Rabbah b. Bar Hana's, and it was for them to decide the report of which of them was the more reliable.

(39) Who regards this act as consummation.

(40) Who reported that superficial contact alone constitutes the first stage.

(41) On this both Samuel and Rabin agree; the one mentioning the beginning of the process and the other the conclusion.

Talmud - Mas. Yevamoth 56a

Beyond this, the act is no more than superficial contact and one is exonerated in regard to it'. He thus differs from Samuel.

WHETHER HE PASSED ONLY THE FIRST, OR ALSO THE FINAL STAGE OF CONTACT HE CONSTITUTES THEREBY A KINYAN. In what respect is kinyan constituted? — Rab replied: Kinyan is constituted in all respects;¹ and Samuel replied: Kinyan is constituted only in respect of the things specified in the section,² viz., to inherit the estate of his brother³ and to exempt her⁴ from

the levirate marriage.⁵ If [she⁶ became subject to the levir] after her marriage⁷ she may, according to the view of all,⁸ eat [terumah],⁹ since she has been eating it before.¹⁰ They differ only [where she became subject to the levir] after betrothal.⁷ Rab maintains that she may eat, since the All Merciful has included cohabitation in error, [giving it the same validity] as when done presumptuously. But Samuel maintains that the All Merciful has included it¹¹ in so far only as to put him¹² in the same position as the husband,¹³ but not to confer upon him more power than upon the husband.¹⁴ And [in giving this ruling] Samuel is consistent with his own view, for R. Nahman stated in the name of Samuel: wherever the husband entitles her to eat, the levir also entitles her to eat; and wherever the husband does not entitle her to eat the levir also¹⁵ does not entitle her to eat.

An objection was raised: 'If the daughter of an Israelite, capable of bearing, was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].¹⁶ If he died¹⁷ and she became subject to a deaf levir, she may eat;¹⁸ and in this respect the power of the levir is superior to that of the husband'. Now, according to Rab, this statement is perfectly satisfactory.¹⁹ According to Samuel, however, a difficulty arises!²⁰ Samuel can answer you: Read thus . . . who became deaf before he had time to marry her, she may not eat [terumah]; if, however, he married her and then became deaf she may eat it; if he died and she became subject to a deaf levir, she may eat it'.²¹ 'Then what is meant by 'in this respect'?²² — While if the husband had been deaf before,²³ she would not have been entitled to eat, if the levir had been deaf before²³ she may eat.

Others say: If [she²⁴ became subject to the levir] after her betrothal²⁵ all²⁶ agree that she may not eat [terumah], since 'she was not allowed to eat it during the lifetime of her husband. They differ only [when she became subject to the levir] after her marriage.²⁵ Rab maintains that she may eat, since she has been eating before; but Samuel maintains that she may not eat, because the All Merciful has included cohabitation in error, [giving it the same force] as cohabitation in presumption, only in respect of the things that were enumerated in the section,²⁷ but not in all other respects. But surely R. Nahman stated in the name of Samuel, 'Wherever the husband entitles her to eat the levir also entitles her to eat'!²⁸ — Read: Every cohabitation whereby a husband entitles her to eat also entitles her to eat if performed by the levir, and every cohabitation whereby the husband does not entitle her to eat, does not entitle her to eat if performed by the levir.

An objection was raised: 'If the daughter of an Israelite capable of hearing was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].²⁹ If he died³⁰ and she became subject to a deaf levir she may eat;³¹ and in this respect the power of the levir is superior to that of the husband'. Now, according to Rab,³² this³³ might well be explained as was explained above,³⁴ according to Samuel, however, a difficulty arises!³⁵ — This is indeed a difficulty.

Our Rabbis taught: If the daughter of an Israelite capable of hearing was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].³⁶ If a son was born to her she may eat.³⁷ If the son died,³⁸ R. Nathan said, she may eat;³⁹ but the Sages said: She may not eat. What is R. Nathan's reason?⁴⁰ Rabbah replied: Because she was eating⁴¹ before. Said Abaye to him: What now? would the daughter of an Israelite who was married to a priest who subsequently died⁴² be entitled to eat [terumah] because she was eating it before? But⁴³ [the fact is that] as soon as [her husband] died his sanctity is withdrawn from her; so here also as soon as [the son] died his sanctity is withdrawn from her!⁴⁴ — Rather, said R. Joseph, R. Nathan holds that marriage with a deaf [priest]⁴⁵ does entitle the woman to eat terumah,⁴⁶ and that no prohibition⁴⁷ is to be made in respect of the marriage of a deaf priest⁴⁸ as a preventive measure against the betrothal of a deaf priest.⁴⁹ Said Abaye to him: If so,⁵⁰ what need was there [to state] 'If a son was born to her'? — Because of the Rabbis.⁵¹ Then⁵² R. Nathan should have expressed his disagreement with the Rabbis in the first clause!⁵³ — He allowed the Rabbis to finish their statement

and then expressed his disagreement with them.⁵⁴ If so,⁵⁵ the statement should have read, 'If the son died she may not eat';⁵⁶ R. Nathan said: She may eat'?⁵⁷ — This is a difficulty.

SIMILARLY, IF A MAN HAD INTERCOURSE WITH ANY OF THE FORBIDDEN RELATIVES. R. Amram said: The following statement was made to us by R. Shesheth

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- (1) The yebamah may even eat of terumah if the levir was a priest.
 - (2) Deut. XXV, 5ff, which deals with the obligations and privileges of the levir and the yebamah.
 - (3) Inferred from v. 6 in the section.
 - (4) If he died without issue from her but had children from another wife, or if he divorced her.
 - (5) The first stage having the same validity as actual marriage.
 - (6) The sister-in-law upon whom one of the forms of kinyan, including cohabitation in error, spoken of in our Mishnah had been executed.
 - (7) With her husband, the levir's deceased brother.
 - (8) Rab and Samuel.
 - (9) If the levir was a priest.
 - (10) While she was still with her husband.
 - (11) Cohabitation in error.
 - (12) The levir.
 - (13) He is entitled to confer upon his sister-in-law the same rights that had been conferred upon her by her husband. Hence, if she was married and entitled to eat terumah the levir also may confer upon her this privilege.
 - (14) As her husband's priesthood did not entitle her to eat terumah during the period of their betrothal, since only actual marriage can confer this privilege, the levir also cannot now confer this privilege upon her.
 - (15) If the kinyan was in one of the imperfect forms spoken of in our Mishnah.
 - (16) Even after their marriage. The reason will be explained infra.
 - (17) After the marriage.
 - (18) After the levirate marriage. The cohabitation of a deaf levir is considered to be no less valid to constitute a kinyan than the imperfect forms of kinyan mentioned in our Mishnah which constitute kinyan in the case of any levir.
 - (19) Because he regards an imperfect cohabitation which in ordinary cases constitutes no kinyan as valid in the case of the levir.
 - (20) According to him, imperfect cohabitation confers no more rights through the levir than through the husband; and here it is stated that the levir entitles her to eat terumah though her husband could not confer this privilege upon her!
 - (21) Because she was entitled to the same privilege during the lifetime of her husband,
 - (22) If she is only entitled to the privilege she enjoyed during the lifetime of her husband, in what respect is 'the power of the levir superior to that of the husband'?
 - (23) He married her.
 - (24) V. supra p. 374, n. 6.
 - (25) V. loc. cit., n. 7.
 - (26) V. loc. cit., n. 8.
 - (27) V. loc. cit., n. 2.
 - (28) How then could Samuel maintain that 'she may not eat' even though she had enjoyed that privilege while her husband was alive?
 - (29) V. supra p. 374, n. 16.
 - (30) V. loc. cit., n. 17.
 - (31) V. p. 375, n. 1.
 - (32) Though he maintains (according to the second version) that the levir does not confer any privileges that were not previously conferred by the husband.
 - (33) The statement just cited that she may eat terumah if the levir is deaf though she was not permitted to eat it while her husband was alive.
 - (34) I.e., the explanation given supra, in reply to the objection raised against Samuel, may now be given as a reply to the objection against Rab, viz., that the clause, 'If however, he married her and then became deaf she may eat it', is to be inserted before 'If he died and she became subject to a deaf levir, she may eat', the last clause thus referring to a married

woman that was permitted to eat terumah during the lifetime of her husband.

(35) Since, in his opinion (according to the second version), the deaf levir (whose kinyan has the same validity as that effected through the imperfect forms mentioned in our Mishnah) does not confer the privilege of eating terumah even if the woman had enjoyed the privilege while her husband was alive.

(36) V. supra p. 374. n. 16.

(37) The terumah; by virtue of her son, as deduced from Lev. XXII, 11, infra 67a.

(38) But was survived by his father.

(39) By virtue of her husband.

(40) Why may she eat now by virtue of her husband while in the previous case, where she never had a son, her husband could not confer that privilege upon her?

(41) V. supra note 9.

(42) Not being survived by any son.

(43) Since the law is that she may not.

(44) How, then, could R. Nathan allow her to continue to eat terumah?

(45) Where the betrothal took place while he was still capable of hearing.

(46) Because Pentateuchally the betrothal confers the privilege upon her. Its postponement until after the marriage is merely a preventive measure Rabbinically instituted (v. Keth. 57b). which is, of course, not applicable here where marriage with the deaf man had already taken place.

(47) Against the woman's eating of terumah.

(48) V. supra note 3.

(49) There is no need to provide against the possibility of mistaking betrothal for marriage and for thus allowing a woman to eat terumah immediately after betrothal, since it is well known that the betrothal of a deaf man has no validity. The Rabbis who forbid the woman to eat terumah even after the marriage, it may be explained, provided against the possibility of mistaking such a marriage which followed a betrothal that took place while the priest was still capable of hearing (which Pentateuchally entitles the woman to the privilege) for one which followed a betrothal that took place when he was already deaf and which is Pentateuchally invalid.

(50) If according to R. Nathan it is the marriage, even though there was no son, that entitles the woman to the terumah.

(51) Who in such a case only agree with R. Nathan that the woman may eat terumah.

(52) Since he maintains that after the marriage, though there was no son, the woman is entitled to the privilege.

(53) Where the woman is prohibited to eat terumah even after the marriage.

(54) With their views in both the first and the final clause.

(55) That R. Nathan reserved his opinion until the Rabbis had finished their full statement.

(56) Which would have concluded the statement of the Rabbis.

(57) I.e., R. Nathan's view would thus have come at the very end. As, however, his opinion is inserted before 'she may not eat' which is the statement of the Rabbis, it cannot be maintained any more that he was waiting until they had concluded their full statement, and the original difficulty consequently arises again.

Talmud - Mas. Yevamoth 56b

who enlightened us on the subject¹ from our Mishnah. 'An Israelite's wife who was outraged, though she is permitted to her husband, is disqualified from the priesthood;² and so it was taught by our Tanna:³ SIMILARLY, IF A MAN HAD INTERCOURSE WITH ANY OF THE FORBIDDEN RELATIVES ENUMERATED IN THE TORAH, OR WITH ANY OF THOSE WHO ARE INELIGIBLE TO MARRY HIM; now, what is the purport of SIMILARLY? Does it not mean, WHETHER IN ERROR OR IN PRESUMPTION, WHETHER UNDER COMPULSION OR OF HIS OWN FREE WILL? And yet it was stated, HE HAS THEREBY RENDERED HER INELIGIBLE'.⁴ — No; SIMILARLY might refer⁵ to the FIRST STAGE.⁶ 'To the first stage' with whom? If it be suggested, 'With one of the forbidden relatives', does this then imply [it might be retorted] that the case of the forbidden relatives is derived from that of the sister-in-law?⁷ On the contrary, the case of the sister-in-law was derived from the forbidden relatives, since the original prohibition of the first stage was written in connection with the forbidden relatives! — Rather, SIMILARLY refers⁸ to Unnatural intercourse with forbidden relatives.⁹ On the contrary; the original

prohibition of the various forms of intercourse with a woman was written in connection with the forbidden relatives!¹⁰ — Rather, SIMILARLY refers⁸ to unnatural intercourse with those [cohabitation with whom is] subject to the penalty of negative precepts.¹¹

Rabbah¹² stated: If the wife of a priest had been outraged, her husband suffers the penalty of flogging on her account¹³ for [cohabiting with] a harlot.¹⁴ Only for [cohabiting with] a harlot, but not for ‘defilement’?¹⁵ — Read, ‘Also for [cohabitation with] a harlot’.¹⁶

R. Zera raised an objection: And she be not seized,¹⁷ she is forbidden; if, however, she was seized¹⁸ she is permitted.¹⁹ But there is another woman who is forbidden¹⁹ even though she was seized.¹⁸ And who is that? The wife of a priest. Now, a negative precept²⁰ that is derived from a positive one²¹ has only the force of a positive precept!²² — Rabbah replied: All²³ were included in the category of harlot.²⁴ When, therefore, Scripture specified in the case of the wife of an Israelite that only if she be not seized¹⁷ she is forbidden but if she was seized¹⁸ she is permitted, it may be inferred that the wife of a priest retains her forbidden status.²⁵

Others say: Rabbah stated, If the wife of a priest had been outraged, her husband suffers for her the penalty of flogging²⁶ on account of ‘defilement’.²⁷ Only on account of ‘defilement’ but not for [connubial relationship with] a harlot. Thus it is obvious that [when the woman acted] under compulsion she is not to be regarded as a harlot. R. Zera raised an objection: ‘And she be not seized,²⁸ she is forbidden; if, however, she was seized²⁹ she is permitted. But there is another woman who is forbidden³⁰ even though she was seized.²⁹ And who is that? The wife of a priest’. Now, a negative precept³¹ that is derived from a positive one³² has only the force of a positive precept!³³ — Rabbah³⁴ replied: All³⁵ were included in [the prohibition to live with her] after that she is defiled.³⁶ When, therefore, Scripture specified in the case of the wife of an Israelite that only when she be not seized³⁷ she is forbidden, but if she was seized³⁸ she is permitted, it may be inferred that the wife of a priest retains her forbidden status.³⁹

MISHNAH. THE BETROTHAL OF A WIDOW TO A HIGH PRIEST AND OF A DIVORCED WOMAN OR A HALIZAH TO A COMMON PRIEST⁴⁰ DOES NOT CONFER UPON THEM THE RIGHT TO EAT TERUMAH.⁴¹ R. ELEAZAR AND R. SIMEON, HOWEVER, DECLARE THEM ELIGIBLE.⁴² IF THEY BECAME WIDOWS OR WERE DIVORCED AFTER MARRIAGE THEY REMAIN INELIGIBLE;⁴³ IF AFTER BETROTHAL THEY BECOME ELIGIBLE.⁴⁴

GEMARA. It was taught: R. Meir said, [this⁴⁵ may be arrived at by an inference] a minori ad majus: If permissible betrothal⁴⁶ does not confer the right of eating terumah, how much less forbidden betrothal.⁴⁷ They, however, replied: No; if you have said it⁴⁸ in respect of permissible betrothal⁴⁶ where the man may never confer the right of eating,⁴⁹ would you also say it⁴⁸ in respect of sinful betrothal⁴⁷ where the [priest], in other circumstances,⁵⁰ is entitled to confer the right of eating?⁵¹

R. Eleazar stated in the name of R. Oshaia: In the case where a priest who was wounded in the stones⁵² betrothed a daughter of an Israelite,⁵³ we have a difference of opinion between R. Meir and R. Eleazar and R. Simeon. According to R. Meir who holds that a woman awaiting a pentateuchally forbidden cohabitation⁵⁴ may not eat terumah, this woman also⁵⁵ may not eat; but according to R. Eleazar and R. Simeon who maintain that a woman awaiting a pentateuchally forbidden cohabitation⁵⁴ may eat

(1) Lit., ‘and lit up our eyes’.

(2) Supra 35a. She may not marry a priest even after the death of her husband.

(3) In our Mishnah תנא == our Tanna (Rashi). ותנא תנא == and our Tanna also taught so. Others render תנא ‘confirmation: ותנא תנא == and the Tanna is (or provides) confirmation (v. Jast.). [Or, ותנא תנא

'The Tanna teaches', v. Epstein, Schwarz-Festschrift pp. 319ff].

(4) To marry a priest. Since a married woman is subject to the same restrictions as the 'forbidden relatives', she being included in the penalty of incestuous unions in Lev. XVIII (v. verse 20), it follows that whatever renders the forbidden relatives in our Mishnah ineligible to marry a priest renders a married woman also ineligible. As 'outrage' or 'intercourse under compulsion' is included, our Mishnah must be in agreement with the ruling of R. Shesheth.

(5) Lit., 'what'.

(6) I.e., as in the previously mentioned cases so in the following, the first stage has the same force as consummation. The ineligibility of an outraged woman, therefore, does not at all come within the purview of our Mishnah.

(7) Since the law in the latter is made to apply by comparison also to the former.

(8) Lit., 'what'.

(9) The meaning being that as with the sister-in-law so with the other forbidden relatives kinyan is constituted IRRESPECTIVE OF THE NATURE OF THE INTERCOURSE, even if it was unnatural. Cf. supra p. 378, n. 6 second clause.

(10) The case of the sister-in-law is derived from them; not theirs from hers.

(11) Cf. supra p. 378, n. 6 and supra n. 2 mutatis mutandis.

(12) Cur. edd., 'Raba'.

(13) If he has intercourse with her.

(14) Who is forbidden to a priest (v. Lev. XXI, 7) whether her adultery was committed willingly or under compulsion. It is in the case of an Israelite only that a distinction is made between a woman's voluntary and compulsory adultery.

(15) If to an Israelite she is forbidden on account of her defilement when her act was voluntary (v. supra 11b), she should be forbidden to a priest on the same account even when her act was under compulsion!

(16) He suffers for both.

(17) Num. V, 13. E.V., neither she be taken in the act.

(18) I.e., if she acted under compulsion.

(19) To her husband.

(20) That a priest must not live with his outraged wife.

(21) An Israelite only may live with such a wife.

(22) It is not punishable by flogging. How then could Rabbah subject the husband to such a penalty?

(23) Married women who played the harlot whether willingly or under compulsion.

(24) Who is forbidden to her husband by a negative precept.

(25) Her prohibition to the priest, even if she acted under compulsion, is consequently derived from the original negative precept, and not, as had been assumed, from the positive precept relating to an Israelite.

(26) If he has intercourse with her.

(27) V. supra p. 379, n.8.

(28) Num. V, 13. E.V., neither she be taken in the act.

(29) I.e., if she acted under compulsion.

(30) To her husband.

(31) Cf. supra p. 379, n. 13 mutatis mutandis.

(32) An Israelite only may live with such a wife.

(33) V. supra p. 379, n. 15.

(34) So Bah. Cur. edd., 'Raba'.

(35) V. supra p. 379, n. 16.

(36) Deut. XXIV, 4.

(37) Num. V, 13, E.V., neither she be taken in the act.

(38) I.e., if she acted under compulsion.

(39) Cf. supra note 1.

(40) Since such betrothal is unlawful.

(41) If they were the daughters of Israelites. If they were the daughters of priests, their right to the eating of terumah which they enjoyed prior to their betrothal, ceases with the forbidden betrothal. (V. Rashi s.v. לשון אחר a.l.) According to Tosaf. (s.v. בין a.l.) the Mishnah refers to the daughters of priests only. Cf. also תוספות ישנים a.l.

(42) During the period of betrothal, so long as actual marriage has not taken place.

(43) Since, in the case of priests' daughters, marriage caused their permanent profanation, and in that of others the

privilege had never been conferred upon them.

(44) Even according to the first Tanna. Priests' daughters lose the privilege only during the period of betrothal. As soon as the betrothal period ends either through death or divorce they may again eat terumah; and in the case of widowhood they may also marry a common priest. Daughters of Israelites are entitled to the same privileges except that of eating of terumah to which, of course, they had never been entitled.

(45) The ruling that the betrothals spoken of in our Mishnah do not confer upon the daughter of an Israelite the privilege of eating terumah (v. Rashi, second explanation).

(46) When an Israelite betroths the daughter of an Israelite.

(47) Of which our Mishnah speaks. [Var. lec.: 'If permissible betrothal renders her ineligible (a priest's daughter is not allowed to eat terumah after her betrothal to an Israelite), how much more forbidden betrothal'. This reading — a reading which it must be confessed appears more feasible — is adopted by Tosaf. in view of their interpretation (v. supra p. 380, n. 17) that the Mishnah refers only to daughters of priests].

(48) That betrothal does not confer the privilege of eating terumah.

(49) An Israelite is neither himself entitled to the eating of terumah nor can he confer the right upon others.

(50) If he married a woman permitted to him.

(51) Obviously not. Hence the ruling in our Mishnah that the betrothals confer the privilege.

(52) One so incapacitated is not permitted to marry even the daughter of an Israelite, v. Deut. XXIII, 2.

(53) [Var. lec.: 'a daughter of a priest'. A reading adopted by Tosaf. on their interpretation (cf. n. 6)].

(54) I.e., if she was betrothed to a man whom she is forbidden to marry.

(55) Who married the incapacitated priest.

Talmud - Mas. Yevamoth 57a

this woman also may eat.¹

Whence [is this² proved]? Is it not possible that R. Eleazar and R. Simeon maintain [their opinion] only there because in other circumstances³ he is entitled to confer the right of eating, but not here where he is never entitled to confer the right of eating!⁴ And were you to reply that here also he⁵ is entitled to confer upon the daughter of proselytes⁶ the right of eating, surely [it may be retorted] this very question was addressed by R. Johanan to R. Oshaia⁷ who gave him no answer!⁸

It was stated:⁹ Abaye said,¹⁰ Because¹¹ he is entitled to confer upon [his wife]¹² the right to eat [terumah] so long as he does not cohabit with her.¹³ Raba said,¹⁰ Because¹¹ he may confer the right of eating¹⁴ [terumah] upon his Canaanitish bondmen and bondwomen.¹⁵

Abaye did not give the same explanation as Raba because matrimonial kinyan may be inferred from matrimonial kinyan, but matrimonial kinyan may not be inferred from the kinyan of slaves. And Raba does not give the same explanation as Abaye because there¹⁶ it is different, since she has already been eating it previously.¹⁷ And Abaye?¹⁸ — [The argument], 'since she has already been eating' cannot be upheld;¹⁹ for should you not admit this,²⁰ a daughter of an Israelite who was married to a priest who subsequently died should also be allowed to eat terumah since she has already been eating it!²¹

And Raba?²² — There,²³ his kinyan had completely ceased;²⁴ here, however, his kinyan did not cease.²⁵

[To turn to] the main text. R. Johanan enquired of R. Oshaia: If a priest who was wounded in the stones married the daughter of proselytes does he confer upon her the right of eating terumah? The other remained silent and made no reply at all. Later, another great man came and asked him a different question which he answered. And who was that man? Resh Lakish. Said R. Judah the Prince to R. Oshaia: Is not R. Johanan a great man?²⁶ The other replied: [No reply could be given] since he submitted a problem which has no solution.

In accordance with whose view?²⁷ If according to R. Judah,²⁸ she is not entitled to eat terumah whether he²⁹ does or does not retain his holiness. For if he retains his holiness she may not eat since the Master said³⁰, 'The daughter of a male proselyte is like the daughter of a male who is unfit for the priesthood';³¹ and if he does not retain his holiness,³² she may not eat either, since it has been said that the assembly of proselytes is called an 'assembly'!³³ If, however, according to R. Jose,³⁴ she is entitled to eat terumah whether he does or does not retain his holiness. For if he retains his holiness she may eat, since he³⁵ stated that even when a proselyte married a proselyte his daughter is eligible to marry a priest;³⁶ and if he does not retain his holiness, she may also eat since he³⁵ said that the assembly of proselytes is not called an 'assembly'!³⁷ It must rather be³⁸ in accordance with the view of the following Tanna. For we learned: R. Eliezer b. Jacob said, 'A woman who is the daughter of a proselyte must not be married to a priest unless her mother was of Israel',³⁹ And it is this that his question amounts to: Has only her eligibility⁴⁰ increased⁴¹ and consequently she is entitled to eat terumah⁴² or has perhaps her sanctity also increased⁴³ and consequently she is not permitted to eat?⁴⁴

Come and hear: When R. Aha b Hinena arrived from the South, he came and brought a Baraitha with him: Whence is it deduced that if a priest, who is wounded in the stones, married the daughter of proselytes, he confers upon her the right to eat terumah? For it was stated, But if a priest buy any soul, the purchase of his money⁴⁵ etc.,⁴⁶ he may eat of it. Now, in accordance with whose view?⁴⁷ If it be suggested, 'according to R. Judah', surely [it may be retorted] he stated that whether he⁴⁸ does or does not retain his holiness she⁴⁹ is not permitted to eat.⁵⁰ And if⁵¹ 'in accordance with the view of R. Jose', what need [it may be asked] was there for a Scriptural text? Surely, he⁵² stated that whether he⁴⁸ does or does not retain his holiness she⁴⁹ is permitted to eat! Must it not [consequently be assumed that it⁵³ is] in accordance with the view of R. Eliezer b. Jacob? And so it may be inferred that only her eligibility⁵⁴ had been increased and that she is consequently permitted to eat. This proves it.

It was stated: Rab said,

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- (1) Since through the kinyan of the betrothal the woman becomes the priest's acquisition and is, therefore, like himself, entitled to eat terumah so long as she does not become profaned (a halalah) through actual marriage.
 - (2) The ruling according to R. Eleazar and R. Simeon just deduced.
 - (3) If he married a woman permitted to him.
 - (4) Since he is not permitted to marry any woman.
 - (5) The incapacitated priest, since he is only forbidden to enter into the assembly of the Lord (Deut. XXIII, 2), i.e., to marry a Jewess, but he is permitted to marry a proselyte.
 - (6) Who is not included in the assembly of the Lord. V. supra n. 7.
 - (7) Infra.
 - (8) As to whether such an incapacitated priest may confer upon the daughter of a proselyte the right of eating terumah. Since no answer was given, there is no proof that the right may be conferred at all. The difficulty consequently remains: How could the case of the incapacitated priest who can never confer the right upon others be inferred from the case of one who is, in certain circumstances, entitled to confer such a right?
 - (9) In reply to the difficulty raised. V. supra n. 10.
 - (10) The incapacitated priest is entitled to confer upon the woman he betrothed the right to eat terumah.
 - (11) In certain other circumstances.
 - (12) Whom he married before he had been incapacitated.
 - (13) After becoming incapacitated (v. infra 70a). Since he may confer the privilege of eating terumah in this case he may also confer it where the betrothal was unlawful, so long as the woman had not been profaned by him through marriage.
 - (14) מאכיל so MS.M. (Cur. edd מאכילה 'enables her to eat').
 - (15) As he may confer the privilege in that case he may also confer it upon the woman he betrothed.
 - (16) Where the incapacity occurred after marriage.

- (17) Prior to the man's incapacity. This, therefore, provides no proof that a man who is already incapacitated can also confer the privilege.
- (18) How does he reconcile the difference in two cases?
- (19) Lit., 'we do not say'.
- (20) But insist on upholding Raba's distinction.
- (21) Prior to her husband's death. As in this case the argument is obviously untenable so it is untenable in the case of the incapacitated priest.
- (22) How can he advance an argument that is untenable in the case cited?
- (23) Where the priest died.
- (24) As soon as the priest died, leaving no sons, their marital relationship was completely severed.
- (25) He is still her husband.
- (26) And so entitled to a reply.
- (27) Did R. Johanan ask his question.
- (28) Who, in Kid. 77a, differs from R. Jose on the question of the daughter of a proselyte.
- (29) The incapacitated Priest.
- (30) R. Judah.
- (31) **ההוא** halal. As he may not consequently marry a proselyte's daughter she is obviously forbidden to eat of the terumah.
- (32) And the priestly sanctity is consequently no reason for her prohibition to marry a halal.
- (33) An 'assembly of the Lord' into which an incapacitated person may not enter. (Cf. supra p. 382, nn. 7 and 8). The marriage is consequently forbidden and, therefore, confers upon the woman no right to the eating of terumah.
- (34) Did R. Johanan ask his question.
- (35) R. Jose. [So MS.M. cur. edd., 'a Master said'].
- (36) Kid. 77a. Hence she is not inferior in this respect to the daughter of an Israelite.
- (37) The marriage with her being consequently permissible, the right of eating terumah should obviously be conferred upon her.
- (38) R. Johanan raised his question.
- (39) Bik. I,5.
- (40) Where her mother was of Israel.
- (41) I.e., is she, if her mother was of Israel, thereby only enabled to marry a priests but is not regarded as a proper daughter of Israel to be included in the 'assembly of the Lord', so as to be forbidden to one incapacitated.
- (42) In any case. Even if the incapacitated priest is holy he may marry her. And, as she is not included in the 'assembly' (v. supra n. 13), she is not forbidden to marry him.
- (43) And she is thus included in the 'assembly' and hence forbidden to marry one incapacitated.
- (44) Since the marriage was a forbidden one.
- (45) Lev. XXII, 11.
- (46) The Heb. **הוא** in the original seems to be a mistake for **הוא** which is the only word omitted from the Scriptural quotation.
- (47) Was R. Aha's Baraitha necessary.
- (48) A priest suffering from the incapacity mentioned in the Baraitha.
- (49) The woman who married him.
- (50) Which is contrary to the Baraitha which permits it.
- (51) Cf. supra n. 3.
- (52) R. Jose.
- (53) R. Aha's Baraitha,
- (54) V. supra p. 384, nn 13 and 14.

Talmud - Mas. Yevamoth 57b

'The bridal chamber¹ constitutes kinyan² with ineligible women'³ and Samuel said, 'The bridal chamber⁴ does not constitute kinyan² with ineligible women'.³ Said Samuel: Abba⁵ agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her

constitutes no kinyan,⁶ the bridal chamber⁷ also constitutes no kinyan.⁶

Raba said, We also learned a similar Baraitha:⁸ A girl who is three years of age and one day may be betrothed by cohabitation; if a levir cohabited with her, he has thereby acquired her;⁹ one incurs through her the guilt of intercourse with a married woman; she¹⁰ defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;¹¹ if she was married to a priest she may eat terumah, and anyone ineligible¹² who cohabited with her causes her ineligibility.¹³ Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.¹⁴ This proves it.

Rami b. Hama stated: [In regard to the question whether] the bridal chamber¹⁵ constitutes kinyan¹⁶ with ineligible women,¹⁷ we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon.

(1) Lit., 'there is huppah' (v. Glos.), even if it was unaccompanied by any other form of betrothal such as money, deed, or cohabitation (Rashi). On huppah v. Kid., Sonc. ed. p. 5, n. 7,

(2) To deprive the woman of her right to eat terumah where, as the daughter of a priest, she had previously been entitled to this privilege.

(3) Whom one is not permitted to marry; a widow, e.g., to a High Priest or a divorcee to a common priest. [On Rashi's interpretation which is followed here, both Rab and Samuel hold with R. Huna (v. Kid. 3a) that huppah by itself constitutes kinyan. They differ, however, in the case of ineligible women, Samuel being of the opinion that huppah with them constitutes no kinyan, since it does not allow them to enter into marital union. Rabbenu Tam, on the other hand, explains huppah here as having been preceded by kiddushin and with reference to the last clause of our Mishnah, the point at issue being whether with ineligible women it is considered nissu'in disqualifying the widow, or erusin; v. Tosaf s.v. כִּדּוּשִׁין].

(4) If unaccompanied by any other forms of matrimonial kinyan. V. supra n. 11.

(5) I.e., Rab, whose proper name was Abba. The former name (Rab == Master) was a title of honour conferred upon him as the Master par excellence of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab.

(6) V. supra p. 385, n. 12.

(7) Which constitutes kinyan only where cohabitation is possible, but which is not the case with a child under the age mentioned.

(8) From which the ruling on which Rab and Samuel are in agreement may be inferred.

(9) She is deemed to be his legal wife,

(10) During her period of menstruation.

(11) If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only.

(12) A bastard, for instance,

(13) V. supra p. 385, n. 12. Cf. Kid. 10af, v. Sanh. Sonc. ed. p. 376, n. 2.

(14) Cf. supra note 3.

(15) V. p. 385, n. 11.

(16) V. loc. cit., n. 12.

(17) V. loc. cit., n. 13.

Talmud - Mas. Yevamoth 58a

According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber¹ also causes ineligibility, while according to R. Eleazar and R. Simeon who maintain that betrothal causes no ineligibility the bridal chamber also causes no ineligibility. But whence [is this proved]? Is it not possible that R. Meir advanced his view only there, in respect of betrothal, whereby kinyan is

effected, but not in respect of the bridal chamber whereby no kinyan is effected!² Or else: R. Eleazar and R. Simeon may have advanced their view there only, in respect of betrothal, since it is not close to the act of intercourse; but the bridal chamber which is close to the act of intercourse, may well cause ineligibility.

But if anything can be said³ [it is, that the question⁴ depends] on the dispute between the following Tannaim: For it was taught, 'This class or that, [viz.,] eligible or ineligible women, who were married [to a priest], or who only entered [with him] into the bridal chamber without any intercourse having taken place, are entitled to sustenance from his estate and are also permitted to eat terumah'. 'Who only entered [etc.]' implies that 'were married' means that they were actually married!⁵ Must it not [consequently be concluded that the meaning is], 'as, for instance,⁶ when they entered the bridal chamber without any intercourse having taken place'? And yet it was stated that 'they are entitled to sustenance from his estate and are also permitted to eat terumah'.⁷ R. Ishmael son of R. Johanan b. Beroka said: Any woman whose cohabitation entitles her to the eating of terumah is also entitled to the eating of it through her entry into the bridal chamber, and any woman upon whom cohabitation does not confer the right to eat terumah is not entitled through her entry into the bridal chamber also to the eating of it.⁸

Whence, [however, the proof]? Is it not possible that R. Ishmael son of R. Johanan b. Beroka is of the same opinion as R. Meir, who maintains that through betrothal alone a woman is not entitled to eat! — Instead, then, of the statement 'Any woman upon whom cohabitation does not confer the right to eat terumah is not entitled through her entry into the bridal chamber also to the eating of it', the statement should have run, 'Any woman upon whom cohabitation does not confer the right to eat terumah, is not entitled through her money⁹ also to the eating of terumah'. But is it not possible that as the first Tanna spoke of the bridal chamber he also spoke of the bridal chamber!

R. Amram stated, The following ruling was given to us by R. Shesheth and he threw light on the subject¹⁰ from a Mishnah: The bridal chamber constitutes kinyan with ineligible women.¹¹ And the following Tanna taught the same thing:¹² 'Amen¹³ that I¹⁴ have not gone aside¹⁵ as a betrothed, as a married woman, as one awaiting the decision of the levir or as one taken [by the levir]'.¹⁶ Now, how is one to imagine the case of the 'betrothed'? If it be suggested that she was one who was warned¹⁷ while she was betrothed, and then she secluded herself¹⁸ and is now made to drink¹⁹ while she is still only betrothed; is a betrothed [it may be asked] subject to the drinking? Surely we learned: A betrothed or one awaiting the decision of a levir neither drinks²⁰ nor receives a kethubah!²¹ Should it, however, [be suggested that she is one] who was warned while she was betrothed, and then she secluded herself,²² and is now made to drink when she is already married; do the waters [it may be asked] test her? Surely it was taught: And the man shall be clear from iniquity,²³ only when the man is 'clear from iniquity' do the waters test his wife; when, however, the man is not 'clear from iniquity'²⁴ the waters do not test his wife!²⁵ Consequently [she²⁶ must be one] who was warned while she was betrothed and then she secluded herself,²² and subsequently entered the bridal chamber but there was no cohabitation. Thus²⁷ it may be inferred that the bridal chamber alone constitutes kinyan²⁸ with ineligible women.²⁹ Said Raba: Do you think that this³⁰ is an authenticated statement?³¹ Surely when R. Aha b. Hanina³² arrived from the South, he came and brought a Baraitha with him: Besides thy husband,³³ only when the cohabitation of the husband preceded that of the adulterer, but not when the cohabitation of the adulterer preceded that of the husband! Rami b. Hama replied: This³⁴ is possible where, for instance, he³⁵ cohabited with her while she was only betrothed and still in the house of her father. Similarly in respect of the woman awaiting the decision of the levir³⁶ [it must obviously be a case] where the man cohabited with her in the house of her father-in-law!³⁷

(1) Even in the absence of betrothal.

(2) The bridal chamber alone without the additional kinyan of money, deed, or cohabitation is of no validity. V. Kid. 5a.

- (3) On the lines of Rami b. Hama's statement.
- (4) Whether the bridal chamber constitutes kinyan with ineligible women. (Cf. supra p. 385, nn. 11 and 13).
- (5) Otherwise both expressions would have meant exactly the same classes. But this meaning is impossible in view of the fact that after actual marriage it is unanimously agreed that the woman is ineligible to eat terumah!
- (6) I.e., the expression 'or', **וְ** is to be understood as the equivalent of 'as for instance' **כְּגוֹן**, and the clause following is an illustration of the preceding one.
- (7) Which proves that, even where the union was a forbidden one, the entry into the bridal chamber alone does not deprive a woman of the right of eating terumah if she was previously entitled to it.
- (8) If she was the daughter of an Israelite (v. Keth. 57a). As the bridal chamber and cohabitation are in this case placed on the same level, it follows that in the case of the daughter of a priest also, if she loses her right to the terumah by cohabitation, she also loses it by entry into the bridal chamber. Thus it has been shewn that the question referred to by Rami b. Hama is a matter of dispute between the first Tanna and R. Ishmael son of R. Johanan b. Broka.
- (9) The token of betrothal.
- (10) Lit., 'and he lit up our eyes'.
- (11) Cf. supra p. 385, nn. 11 and 13.
- (12) **וְתִנָּא תוֹנָא** v. supra p. 378, n. 3.
- (13) As the term was repeated (v. Num. V, 22) it includes all the following.
- (14) I.e., the sotah who confirms the declaration (v. Num. V, 19).
- (15) 'Have not been faithless'. Cf. ibid. vv. 19, 20.
- (16) Where the levir suspects her of infidelity, v. Sotah 18a, Kid. 27b.
- (17) That she must not hold secret meetings with a certain man.
- (18) With the man. V. Bah. Cur. edd. omit, 'and then . . . herself'.
- (19) The 'water of bitterness' (cf. Num. V, 18 and ibid. 17).
- (20) The 'water of bitterness' (cf. Num. V, 18 and ibid. 17).
- (21) If she secluded herself with the suspected man and if, in consequence of this, she is divorced by her husband. V. Sotah 23b, Kid. 27b, Sifre, Nasso,
- (22) With the suspected man, during the period of her betrothal.
- (23) Num. V, 31.
- (24) As in this case where he married her, despite her intimacy with the suspected man during her betrothal which had caused her prohibition to him.
- (25) Sotah 28a, 47b, Shebu. 5a, Kid. 27b.
- (26) The betrothed spoken of,
- (27) Since the woman is subjected to the test of the water though no cohabitation had taken place.
- (28) In the absence of cohabitation. Had not the bridal chamber constituted the kinyan, which brought the woman within the category of marriage, she would not have been subject to the test to which a married woman only must submit. (Cf. Num. V, 19, being under thy husband).
- (29) Among whom the Sotah is, of course, included. Cf. supra n. 5.
- (30) The Mishnah cited by R. Shesheth.
- (31) **מִתְרַצָּתָא** (rt. **תְּרִין**, 'to be right'), a version the correctness of which has been upheld by refuting all objections raised against it.
- (32) Cf. supra 57a where the reading is 'Hinena'.
- (33) Num. V, 20.
- (34) The Mishnah cited by R. Shesheth.
- (35) The husband.
- (36) Since in her case also the cohabitation of the levir must precede that of the adulterer. Alternatively: Since she also is not subject to the test of the water.
- (37) So that his cohabitation took place prior to that of the suspected adulterer, which was also preceded by the warning of the levir and followed by the bridal chamber but by no cohabitation; and the woman is submitted to the test of the water of bitterness in respect of her suspected act during her betrothal! Alternatively: Since in her case, unlike that of the betrothed, the kinyan of the bridal chamber is not applicable.

Talmud - Mas. Yevamoth 58b

Why then, do you call her 'a woman awaiting the decision of the levir' [when such a woman] is in fact his proper wife, since Rab had stated, 'kinyan is constituted in all respects'?¹ — [The Mishnah is] in accordance with the view of Samuel who stated, 'Kinyan is constituted only in respect of the things specified in the section'.²

Is not this³ adduced only as a reason and support for the opinion of Rab?⁴ And Rab, surely, had said that 'Kinyan is constituted in all respects'!⁵ — Here we are concerned with a case where for instance he⁶ addressed to her a ma'amar,⁷ and it³ represents the view of Beth Shammai who maintain that a ma'amar constitutes a perfect kinyan.⁸ If so, she would be identical with the 'betrothed woman'!⁹ — And according to your view, has not a 'married woman' and 'one taken [by the levir]' the same status?¹⁰ But [the explanation must be that] 'a married woman' refers to one's own wife, and 'one taken [by the levir]' refers to that of another man.¹¹ So here also 'betrothed' means his own and 'a woman awaiting the decision of the levir', that of another.¹¹

R. Papa said: It¹² represents the view of the following Tanna.¹³ For it was taught: It is not permissible to warn a betrothed woman in order that she may be made to drink¹⁴ while she is betrothed. She may, however, be warned in order that she may be made to drink when she is already married.¹⁵ R. Nahman b. Isaac explained: By implication.¹⁶

R. Hanina sent [an instruction] in the name of R. Johanan: A levir who addressed a ma'amar to his yebamah, while he has a living brother, causes her disqualification from the eating of terumah¹⁷ even if he is a priest and she the daughter of a priest.¹⁸ According to whom?¹⁹ If it be suggested, according to R. Meir, it is possible [it might be objected that] R. Meir said that one that is subject to an illegitimate cohabitation²⁰ is not permitted to eat terumah [only when the cohabitation is] Pentateuchally forbidden;²¹ did he, however, say [that the same law holds when the prohibition is only] Rabbinical? [Is it], however, [suggested that it was made] according to R. Eleazar and R. Simeon? [It may be objected]: If the eating of terumah is permitted to one who is subject to a cohabitation which is pentateuchally forbidden, is there any need to speak of one which is only Rabbinically forbidden! When Rabin, however, came²² he stated: Where a levir addressed a ma'amar to his yebamah, all²³ agree that she is permitted to eat terumah. If he has a profaned brother,²⁴ all²³ agree that she is not permitted to eat.²⁵ They only differ where he²⁶ gave her²⁷ a letter of divorce.²⁸ R. Johanan maintains that she may eat, and Resh Lakish maintains that she may not eat. 'R. Johanan maintains that she may eat', for even the statement of R. Meir who holds that she may not eat applies only to one subject of a Pentateuchally forbidden cohabitation; where, however, it is only Rabbinically forbidden she may eat. 'And Resh Lakish maintains that she may not eat' for even the statement of R. Eleazar and R. Simeon, who hold that she may eat, applies only to one who has elsewhere the right²⁹ to confer the privilege of eating, but not in this case,³⁰ since he has no right³¹ to confer the privilege elsewhere. And should you suggest that here also he has the right³¹ to confer the privilege of eating in the case where she returns,³² [it may be retorted that] one who returns³² severs her connection with him and resumes her relationship with her father's house;³³ but this woman³⁴ remains bound to him.³⁵

IF THEY BECAME WIDOWS OR WERE DIVORCED etc. R. Hiyya b. Joseph enquired of Samuel: If a High priest betrothed a minor, who became adolescent³⁶ during her betrothal with him,³⁷

(1) Supra 56a, and the woman is regarded as his wife even if the cohabitation was not intended to serve as a legal matrimonial kinyan.

(2) Cf. loc. cit. and notes.

(3) The Mishnah cited by R. Shesheth.

(4) Who, contrary to the opinion of Samuel, maintains that the bridal chamber does constitute kinyan with ineligible

women (supra 57b).

(5) V. supra note 3.

(6) The levir.

(7) And then cohabited with her adulterously in her father-in-law's house, with no intention of effecting a legal kinyan. Alternatively: Only a ma'amar was addressed to her but no cohabitation at all took place. The cohabitation of the adulterer which, according to this interpretation, precedes that of the levir does not affect the legality of the water test since in any case the cohabitation of the first husband (the deceased brother) preceded.

(8) Supra 29b. The sister-in-law thus loses entirely her former status of 'widow of a deceased brother' and assumes that of a 'betrothed woman'. Subsequent intercourse with her unless accompanied by the entry into the bridal chamber does not, therefore, change her status, as is the case where no ma'amar had been addressed, to that of a married woman. Her description, consequently, can only be that of 'one awaiting the decision of the levir'.

(9) Whose case had been specifically mentioned. Why should the same law be mentioned twice?

(10) And both were nevertheless specified.

(11) I.e., his brother's widow whom he married.

(12) The Mishnah cited by R. Shesheth.

(13) It being a case where the warning was given during betrothal, and the seclusion with the man took place after marriage and cohabitation. The water test is applied on the basis of that warning. Alternatively: The warning was given during betrothal and it was followed by the seclusion with the man, the test being applied after marriage. The previously cited deduction, that when the husband is not clear from iniquity the test is not admissible, is not accepted by this authority.

(14) The water of bitterness.

(15) Sotah 25a. The man in such a case is clear from iniquity. No proof may consequently be adduced from the Mishnah cited by R. Shesheth that the bridal chamber constitutes kinyan. Alternatively: This Tanna does not accept the deduction in respect of the husband's clearness from iniquity. (V. supra n. 4, end).

(16) ג'ג'ג'ג' , v. Kid. 27b. The oath the woman is made to take at the drinking of the water of bitterness in respect of the days of her betrothal is not a direct oath but one added to that which she takes in connection with a suspected act after her marriage.

(17) Until marriage had been consummated.

(18) Because (v. infra) his brother might cohabit with her and thus cause her prohibition to marry either of them (v. supra 50b).

(19) Was R. Johanan's statement made.

(20) As, e.g., in this case, where either brother might marry her, while the cohabitation of one of them is Rabbinically forbidden.

(21) E.g., a widow to a High Priest.

(22) From Palestine to Babylon.

(23) R. Johanan as well as Resh Lakish.

(24) Halal (v. Glos.) whose cohabitation would disqualify her.

(25) Even though she is the daughter of a priest and even where the ma'amar had been addressed to her by a qualified priest, she is forbidden to eat terumah, owing to her being subject at least to one Pentateuchally forbidden cohabitation. Even R. Eleazar and R. Simeon who allow terumah in the case of a widow to a High priest do not allow it here since, unlike the High Priest who in cases other than that of the widow and the like is entitled to confer the right, the halal can never confer such a privilege upon anyone.

(26) A levir who was a priest.

(27) His yebamah who was the daughter of a priest.

(28) Which Rabbinically causes her prohibition to the levir, while Pentateuchally she is still awaiting cohabitation with him. She is thus awaiting a cohabitation which is Rabbinically forbidden.

(29) Through a similar act of betrothal.

(30) Where a letter of divorce was given.

(31) By means of a similar act of divorce.

(32) To the house of her father, if she was the daughter of a priest. Cf. Lev. XXII, 13.

(33) Her regaining the privilege of eating terumah is due to her relationship not with him but with her father's family.

(34) To whom the letter of divorce was given.

(35) Since a letter of divorce does not sever the levirate bond.

(36) בגרה v. infra p. 394 n. 7; perhaps of advanced age, when she is no more in possession of her full virgin powers (cf. Golds. a.l.). Such a woman is forbidden to a High priest by deduction from Lev. XXI, 13 And he shall take a wife in her virginity.

(37) Lit., 'under him'.

Talmud - Mas. Yevamoth 59a

what [is the law]:¹ Are we guided by the marriage² or by the betrothal?³ — The other replied to him: You have learned it: IF THEY BECAME WIDOWS OR WERE DIVORCED AFTER MARRIAGE THEY REMAIN INELIGIBLE; IF AFTER BETROTHAL THEY BECOME ELIGIBLE.⁴ The first said to him: With reference to rendering her a halalah,⁵ I have no doubt that it is the forbidden cohabitation⁶ that causes her to be a halalah. My question is only: What is implied by, And he shall take a wife in her virginity:⁷ Is the 'taking' of betrothal required,⁸ or is it the 'taking' of marriage that is required?⁹ The other replied, You have learned this also: [A priest who] betrothed a widow, and was subsequently appointed to be a High Priest, may consummate the marriage!¹⁰ — There it is different because it is written, Shall he take to wife.¹¹ Here also it is written wife!¹² — Only one¹³ but not two. And what is the reason?¹⁴ — In the case of the one,¹⁵ her body has undergone a change;¹⁶ in that of the other her body underwent no change.

MISHNAH. A HIGH PRIEST SHALL NOT MARRY A WIDOW¹⁷ WHETHER SHE BECAME A WIDOW AFTER A BETROTHAL OR AFTER A MARRIAGE. HE SHALL NOT MARRY ONE WHO IS ADOLESCENT.¹⁸ R. ELEAZAR AND R. SIMEON PERMIT HIM TO MARRY ONE WHO IS ADOLESCENT,¹⁸ BUT HE MAY NOT MARRY ONE WHO IS WOUNDED.¹⁹

GEMARA. Our Rabbis taught: A widow . . . shall he not take,¹⁷ whether she became a widow after a betrothal or after a marriage. Is not this obvious?²⁰ — It might have been assumed that [the meaning of] widow²¹ is to be inferred from widow²² in the case of Tamar; as there²² it was one after marriage, so here²¹ also it is one after marriage; hence we were taught [that any widow was meant]. But might it not be suggested that it is indeed so?²³ — [It is compared] to a divorced woman:²⁴ As 'divorced woman'²⁴ [includes any divorcee] whether after betrothal or after marriage,²⁵ so also 'widow'²⁴ [includes any widow] whether after betrothal or after marriage.

HE SHALL NOT MARRY ONE WHO IS ADOLESCENT. Our Rabbis taught: And he shall take a wife in her virginity²⁶ excludes one who is adolescent, whose virginity is ended; so R. Meir. R. Eleazar and R. Simeon permit the marriage of one who is adolescent. On what principle do they differ? — R. Meir is of the opinion that virgin²⁷ implies even [one who retains] some of her virginity; her virginity²⁸ implies only one who retains all her virginity;²⁹ in her virginity³⁰ implies only [when previous intercourse with her took place] in the natural manner,³¹ but not when in an unnatural manner.³² R. Eleazar and R. Simeon, however, are of the opinion that virgin would have implied a perfect virgin; her virginity implies even [one who retains] only part of her virginity;³³ in her virginity implies only one whose entire virginity is intact,³⁴ irrespective of whether [previous intercourse with her was] of a natural or unnatural character.³⁵

Rab Judah stated in the name of Rab: A woman who was subjected to unnatural intercourse is disqualified from marrying a priest.³⁶ Raba raised an objection: And she shall be his wife,³⁷ applies to a woman eligible to marry him. This excludes [the marriage of] a widow³⁸ to a High Priest,³⁹ of a divorced woman³⁸ and a haluzah³⁸ to a common priest. Now, how is one to understand [the outrage]?⁴⁰ If it be suggested that it was one of natural intercourse, what [it may be asked] was the object of pointing to her widowhood⁴¹ when [her prohibition] could be inferred from the fact that she had had carnal intercourse with a man?⁴² Must it not consequently [be assumed to be] a case of unnatural intercourse; and the only reason⁴³ [why the woman is forbidden⁴⁴ is] because she is a

widow, and not because she had had carnal intercourse!⁴⁵

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- (1) May he marry her despite her advanced age?
- (2) When she was already of age and consequently forbidden to him.
- (3) When she was still permitted.
- (4) From which it appears that, in respect of those who are ineligible to marry priests, marriage is the main factor. Had not the marriage to be taken into consideration a widow, for instance, who was betrothed to a High Priest would also be ineligible after his death.
- (5) 'Profaned' and forbidden to a priest.
- (6) I.e., the consummation of marriage.
- (7) Lev. XXI, 13.
- (8) And as at that time she was eligible he may now marry her.
- (9) As by that time she is already forbidden, he may not marry her, despite their permitted betrothal.
- (10) Infra 61a, which proves that betrothal is the main factor.
- (11) Lev. XXI, 14. From the superfluous word wife it is deduced (v. infra 61a) that in the case mentioned the High Priest may consummate the marriage. This, however, supplies no answer to the question under consideration.
- (12) Lev. XXI, 13.
- (13) Deduction may be made from the term 'wife'.
- (14) Lit., 'what do you see'? Why should the deduction be made to permit the marriage of the widow to a High Priest and not that of the minor who became adolescent?
- (15) The minor who became of age.
- (16) And she may, therefore, be regarded as a different person.
- (17) V. Lev. XXI, 14.
- (18) **בגורת**, one over twelve years and six months of age. Cf. supra p. 393, n. 5.
- (19) **מוכת עץ** lit., 'struck by wood', one who lost her hymen as the result of a blow.
- (20) The expression widow surely does not imply any distinction between the one and the other!
- (21) Spoken of in connection with a High Priest (Lev. XXI, 14).
- (22) Gen. XXXVIII, 11.
- (23) That only one after marriage was meant, as in the case of Tamar.
- (24) Spoken of in the same context in connection with a High Priest (Lev. XXI, 14).
- (25) So Yalkut. Cur. edd. reverse the order.
- (26) Lev. XXI, 13.
- (27) **בתולה**.
- (28) **בתוליה**.
- (29) Which excludes the one who is adolescent, whose virginity has ended.
- (30) **בבתוליה**, (Lev. XXI, 13).
- (31) Is she forbidden to a High Priest.
- (32) The superfluous **ב** (= in), in **בבתוליה** excludes unnatural intercourse, whereby 'virginity' is not affected.
- (33) Which includes the one who is adolescent.
- (34) Is permitted to be married by a High priest.
- (35) Even if it was unnatural she is forbidden, unless her virginity remained completely intact. Cf. supra n. 7. As, according to R. Eleazar and R. Simeon, one who is adolescent is permitted it was necessary to have the Scriptural text to exclude this case. According to R. Meir, however, who excludes one who is adolescent, there is no need any more to exclude this case which is easily inferred a minori ad majus from the former.
- (36) I.e., a High Priest who is permitted to marry a virgin only.
- (37) Deut. XXII, 29, referring to a virgin who had been outraged.
- (38) After her betrothal.
- (39) If it was he who committed the outrage.
- (40) If committed by a High Priest.
- (41) Lit., 'on account of widow'.
- (42) With the High Priest himself, who is forbidden to marry an outraged or seduced woman even if he himself had committed the offence.

(43) Lit., 'yes'.

(44) To the High Priest.

(45) Which proves that unnatural intercourse does not cause a woman to be forbidden to marry a High Priest. How then could Rab state that a woman in such circumstances is forbidden?

Talmud - Mas. Yevamoth 59b

— This¹ represents the view of² R. Meir,³ while Rab holds the same view as R. Eleazar.⁴ If [Rab holds the same view] as R. Eleazar, what was the object of pointing to her previous carnal intercourse⁵ when [her prohibition] could have been inferred from the fact that she was a harlot,⁶ R. Eleazar having stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot!⁷ — R. Joseph replied:⁸ When, for instance, the woman was subjected to intercourse with a beast, where the reason of 'previous carnal intercourse may be applied but not that of harlot.'⁹ Said Abaye to him: Whatever you prefer [your reply cannot be upheld], If she is a be'ulah¹⁰ she must also be a harlot; and if she is not a harlot¹¹ she cannot be a be'ulah either! And were you to reply: This case is similar to that of a wounded woman,¹² [it may be pointed out] that if [the disqualification should be extended to] unnatural intercourse also,¹³ you will find no woman eligible to marry a [High Priest [since there is not one] who has not been in some way wounded¹⁴ by a splinter! No, said R. Zera,¹⁵ in respect of a minor who made a declaration of refusal.¹⁶

R. Shimi b. Hiyya stated: A woman who had intercourse with a beast is eligible to marry a priest.¹⁷ Likewise it was taught: A woman who had intercourse with that which is no human being,¹⁸ though she is in consequence subject to the penalty of stoning,¹⁹ is nevertheless permitted to marry a priest.²⁰

When R. Dimi came²¹ he related: It once happened at Haitalu²² that while a young woman was sweeping the floor²³ a village dog²⁴ covered her from the rear,²⁵ and Rabbi permitted her to marry a priest. Samuel said: Even a High Priest. But was there a High Priest in the days of Rabbi?²⁶ — Rather, [Samuel meant]: Fit for a High Priest.

Raba of Parzakaia²⁷ said to R. Ashi: Whence is derived the following statement which the Rabbis made: Harlotry is not applicable to bestial intercourse? — It is written, Thou shalt not bring the hire of a harlot, or the price of a dog,²⁸ and yet we learned that the hire of a dog²⁹ and the price of a harlot³⁰ are permitted³¹ because it is said, Even both these,²⁸ two only but not four.

Our Rabbis taught: [A High Priest] shall not marry the woman he himself has outraged or seduced.³² If, however, he married her, the marriage is valid.³³ He shall not marry a woman whom another man has outraged or seduced. If he did marry her, the child, said R. Eliezer b. Jacob, is profaned:³⁴ but the Sages said: The child is legitimate.³⁵

'If, however, he married her, the marriage is valid'. Said R. Huna in the name of Rab: But he must put her aside by a letter of divorce. What, then, [is the explanation] of the statement 'If, however, he married her, the marriage is valid'? — R. Aha b. Jacob replied: It was meant to imply

(1) The Baraita cited by Raba.

(2) Lit., 'this, according to whom'?

(3) Cf. supra p. 395, n. 7.

(4) Cf. supra p. 395, n. 10.

(5) As a reason for prohibition.

(6) Who is forbidden not only to a High Priest but also to a common priest (v. Lev. XXI, 7). Why, then, did Rab refer to a High Priest only?

- (7) Infra 61b, 76a, Sanh. 51a, Tem. 30a.
- (8) Rab's reason of 'previous carnal intercourse was necessary.
- (9) A term which is not applicable to bestial intercourse. V. infra.
- (10) בעולה one who had experienced carnal intercourse.
- (11) Presumably because her act cannot be regarded as 'sexual intercourse'.
- (12) V. supra p. 394, n. 8. As in her case marriage with a High Priest is forbidden (v. our Mishnah), though she is no harlot, so also in the case of bestial intercourse.
- (13) I.e., if injury to the anus is to be subject to the same restrictions as injury to the hymen.
- (14) Cf. supra p. 394, n. 8.
- (15) Rab's reason of 'previous carnal intercourse' was necessary.
- (16) Mema'eneth, v. Glos. Unnatural intercourse with her by her husband places the minor in the status of be'ulah (v. Glos.) but not in that of harlot, while her refusal to live with him does not give her the status of divorcee or widow but that of mema'eneth. Hence the necessity for Rab's statement that such a minor also is forbidden to marry a High Priest.
- (17) Even a High Priest, The result of such intercourse being regarded as a mere wound, and the opinion that does not regard an accidentally injured hymen as a disqualification does not so regard such an intercourse either.
- (18) A beast.
- (19) If the offence was committed in the presence of witnesses after due warning.
- (20) In the absence of witnesses and warning.
- (21) From Palestine to Babylon.
- (22) [Babylonian form for Aitalu, modern Aiterun N.W. of Kadesh, v, S. Klein, Beitrage p. 47].
- (23) Lit., 'house'.
- (24) Or 'big hunting dog' (Rashi), 'ferocious dog' (Jast.), 'small wild dog' (Aruk).
- (25) A case of unnatural intercourse.
- (26) Judah ha-nasi (the Prince or Patriarch) I, who flourished 170-217 C.E., above a hundred years after the destruction of the second Temple.
- (27) So Bomberg ed.; MS.M., 'Parazika' (cf. Golds.); Cur. edd., 'Parkin'.
- (28) Deut. XXIII, 19.
- (29) The beast which a harlot receives for her intercourse with a dog.
- (30) A beast received as the price of a harlot who has been sold.
- (31) To be consecrated to the altar.
- (32) Cf. Lev. XXI, 14: But a virgin . . . shall he take, i.e., she must be a virgin at the time he marries her.
- (33) Lit., 'he is married'.
- (34) Halal, v. Glos.
- (35) He is not subject to any disabilities, religious or civil,

Talmud - Mas. Yevamoth 60a

that he pays no fine¹ in the case of a seduced woman.²

R. Gebiha of Be Kathi³ came and repeated the reported ruling⁴ in the presence of R. Ashi, whereupon the other said to him: Surely both Rab and R. Johanan stated '[a High Priest] must not marry a woman who is adolescent⁵ or "wounded",⁶ but if he married her, the marriage is valid', which clearly proves [that he may continue to live with the woman because in any case] she would ultimately have become adolescent and would ultimately have been 'wounded' by living with⁷ him; here also⁸ [she should be permitted to live with him because] ultimately she would have become a be'ulah by living with⁷ him! — This is a difficulty.

'He shall not marry a woman whom another man has outraged or seduced. If he did marry her, the child, said R. Eliezer⁹ b. Jacob, is profaned; but the Sages said: The child is fit'.¹⁰ Said R. Huna in the name of Rab: The halachah is in agreement with R. Eliezer b. Jacob; and so said R. Giddal in the name of Rab: The halachah is in agreement with R. Eliezer b. Jacob. Others say: R. Huna stated in the name of Rab. What is R. Eliezer b. Jacob's reason?¹¹ — He is of the same opinion as R.

Eleazar.¹² But is the former of the same opinion as the latter? Surely we have an established tradition that 'the teaching of R. Eliezer b. Jacob is small in quantity, but select',¹³ while in this case R. Amram¹⁴ stated that the halachah is not in accordance with R. Eleazar!¹⁵ — This is a difficulty.

R. Ashi explained: They¹⁶ differ [on the question whether the offspring] of a union forbidden by a positive commandment¹⁷ is deemed to be a halal. R. Eliezer b. Jacob is of the opinion [that the offspring] of a union forbidden by a positive commandment is deemed to be a halal while the Rabbis are of the opinion that the offspring of a union forbidden by a positive commandment is no halal. What is R. Eliezer b. Jacob's reason? — Because it is written, 'A widow, or one divorced, or a profaned woman, or a harlot, these shall he not take,' but a virgin etc.,¹⁸ and this is followed by the Scriptural injunction, 'And he shall not profane¹⁹ his seed among his people,'²⁰ which refers to all.²¹ And the Rabbis?²² — [By the expression] these¹⁸ the context is broken up.²³ But R. Eliezer b. Jacob maintains that the expression, these,¹⁸ serves the purpose of excluding the menstruant.²⁴

Whose view is represented in the following statement wherein it was taught: [Only the offspring] of these²⁵ is to be regarded a halal but no offspring of a menstruant is to be deemed a halal.²⁶ — Whose view? That of R. Eliezer b. Jacob. But on the view of R. Eliezer b. Jacob, the expression these²⁶ should have been written at the end!²⁷ — This is a difficulty.²⁸

Our Rabbis taught: For a betrothed sister,²⁹ R. Meir and R. Judah said, [a common priest]³⁰ may defile himself.³¹ R. Jose and R. Simeon said: He may not defile himself for her. For [a sister who was] outraged or seduced, all agree that he may not defile himself.³¹ As to one 'wounded',³² R. Simeon says he may not defile himself for her; for R. Simeon maintains that he may defile himself for one who is fit for a High Priest,³³ but he may not defile himself for one who is not fit for a High Priest.³⁴ For one who is adolescent, all agree³⁵ that he may defile himself.³⁶

What is R. Meir's and R. Judah's reason? — They make the following exposition: And for his sister a virgin,³⁷ excludes one who had been outraged or seduced.³⁸ It might be assumed that one who was 'wounded' is also to be excluded.³⁹ Hence it was specifically stated, 'That hath had no husband,'³⁷ only she whose condition is due to a man [is excluded]³⁹ but not one⁴⁰ whose condition is not due to a man. That is near,³⁷ includes a betrothed [sister]; unto him,³⁷ includes a sister who is adolescent.

What need was there for a Scriptural text in this case?⁴¹ Surely R. Meir stated, 'virgin implies even [one who retains] some of her virginity'!⁴² — It was required, because it might have been assumed that the expression of virgin⁴³ shall be deduced from virgin elsewhere;⁴⁴ as there it refers to a na'arah⁴⁵ only, so here also it refers to a na'arah⁴⁵ only, hence we were taught [that the case here is different]. And what are the reasons of R. Jose and R. Simeon? — They make the following exposition: And for his sister a virgin,⁴³ excludes one who has been outraged, seduced or wounded;⁴⁶ that hath had no,⁴³ excludes one who is betrothed; that is near,⁴³ includes a betrothed who had been divorced; unto him,⁴³ includes one who is adolescent. 'That is near, includes a betrothed who had been divorced';

(1) Prescribed in Ex. XXII, 16.

(2) The marriage exempts him from the fine (v. *ibid.* 15-16).

(3) [On the Tigris N. of Bagdad, v. Obermeyer, pp. 143 ff].

(4) That of R. Huna in the name of Rab, *supra* 59b ad fin.

(5) Bogereth, v. Glos.

(6) V. our Mishnah.

(7) Lit., 'under'.

(8) Cf. *supra* note 8.

(9) Cur. edd., 'Eleazar' is apparently a misprint.

- (10) Supra 59b.
- (11) For declaring the child to be a halal.
- (12) Who stated, infra 61b, that intercourse for a non-matrimonial purpose between an unmarried man and an unmarried woman renders the latter a harlot, cohabitation with whom is forbidden by a negative commandment, and any issue therefrom is deemed to be a halal.
- (13) Supra 49b, q.v. for notes.
- (14) V. Bah. Cur. edd. add, 'in the name of Rab'.
- (15) V. infra 61b.
- (16) R. Eliezer b. Jacob (who in fact is in disagreement with R. Eleazar), and the Rabbis.
- (17) Such as that between a High Priest and a be'ulah which is forbidden owing to the positive commandment that he must marry a virgin.
- (18) Lev. XXI, 14.
- (19) I.e., cause the child to be a halal.
- (20) Ibid. 15.
- (21) That were previously enumerated, including the prohibition to marry a be'ulah, which is derived from the positive commandment a virgin . . ' shall he take to wife'.
- (22) Why, in view of this Scriptural proof do they not regard such offspring as a halal?
- (23) Thus separating those subject to the penalty of a negative commandment from those who are subject to the penalty of a positive commandment. The reference to profanation (halal) applies only to the former.
- (24) If a priest cohabited with his wife while she was in such a condition, the child is not to be regarded as a halal.
- (25) Those enumerated in Lev. XXI, 14.
- (26) Lev. XXI, 14.
- (27) Of Lev, XXI, 14, since in his opinion it was not meant to break up the text. Cf. supra p. 399, n. 13.
- (28) According to R. Ashi who explained the dispute to be dependent on the interpretation of Lev. XXI. 14, 15.
- (29) Who died,
- (30) Who is forbidden to defile himself for his married sister. V. Lev. XXI, 3,
- (31) The reason is given infra.
- (32) V. our Mishnah,
- (33) I.e., a virgin.
- (34) Since virgin was mentioned in both cases (v. Lev. XXI, 3 and 14). As the 'wounded' is not permitted to a High Priest she is obviously not deemed to be a virgin. Hence she can no longer be regarded as a virgin in the matter of a priest's defilement either.
- (35) Even R. Meir who forbids a High Priest to marry her.
- (36) The reason is given infra.
- (37) Lev. XXI, 3.
- (38) Who cannot be regarded as a virgin.
- (39) From the term of virgin. Since she also has lost her virginity.
- (40) Lit., 'this went out'.
- (41) To include one who is adolescent.
- (42) Supra 59a and notes. Since virgin includes one who is adolescent, what need was there again for the text of 'unto him' to include her?
- (43) Lev. XXI, 3.
- (44) Deut, XXII, 28, dealing with a case of outrage.
- (45) נערה one of the age of twelve to twelve and a half years.
- (46) V. our Mishnah.

Talmud - Mas. Yevamoth 60b

but, surely, R. Simeon said, 'He may defile himself for one who is fit for a High Priest, but may not defile himself for one who is not fit for a High Priest'!¹ — There² it is different, because the All Merciful has included her [by the expression] near.³ If so, the 'wounded' also should be included! — Near³ implies one and not two. And what [reason for this]⁴ do you see? — To the body of the one

something had been done while to that of the other nothing had been done.

As to R. Jose, since his colleague⁵ had left him,⁶ it may be inferred that in respect of the 'wounded', he himself is of the same opinion as R. Meir.⁷ Whence, however, does he derive it? — From That hath had no man. But deduction,⁸ surely, had already been made⁹ from this text! — One⁸ is deduced from That hath had no and the other¹⁰ from man.¹¹

"Unto him", includes one who is adolescent'. But surely R. Simeon stated that 'virgin' implied a perfect virgin!¹² — His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], 'unto him', was required to include one who is adolescent, it is to be inferred that 'virgin' implies a perfect virgin.

It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest,¹³ for it is said, But all the women children that have not known man by lying with him, keep alive for yourselves¹⁴, and Phinehas¹⁵ surely was with them. And the Rabbis?¹⁶ — [These were kept alive] as bondmen and bondwomen.¹⁷ If so,¹⁸ a proselyte whose age is three years and one day¹⁹ should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, Kill every woman that hath known man by lying with him,²⁰ but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, But all the women children, that have not known man by lying with him, keep alive for yourselves,¹⁴ but do not spare them if they have known. Consequently²¹ it must be said that Scripture speaks of one who is fit²² for cohabitation.²³

It was also taught likewise: And every woman that hath known man,²⁰ Scripture speaks of one who is fit²³ for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse? — As Scripture stated, But all women children, that have not known man by lying with him,²⁴ it must be concluded that Scripture speaks of one who is fit for cohabitation.²³

Whence did they know?²⁵ — R. Hana²⁶ b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the frontplate.²⁷ If the face of anyone turned pale²⁸ it was known that she was fit for cohabitation; if it did not turn pale²⁸ it was known that she was unfit for cohabitation.

R. Nahman said: Dropsy is a manifestation of lewdness.

Similarly, it is said, And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him;²⁹ whence did they know it?³⁰ R. Kahana replied: They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the frontplate!³¹ — R. Kahana son of R. Nathan replied: It is written, for acceptance,³² for acceptance but not for punishment. If so, the same should have applied at Midian also!³³ R. Ashi replied: It is written, 'unto them', implying unto them³⁴ for acceptance but not for punishment; unto idolaters,³⁵ however, even for punishment.³⁶

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The halachah is in agreement with R. Simeon b. Yohai.³⁷ Said R. Zera to R. Jacob b. Idi: Did you hear this³⁷ explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day,³⁸ and Rabbi declared her eligible to live with a priest.³⁹ The other⁴⁰ replied:⁴¹ I heard it explicitly. And what [matters it] if it⁴² was learned by deduction?⁴³ — It is

possible that there⁴⁴ it was different; since the marriage had already taken place he sanctioned it; for, indeed, both Rab and R. Johanan stated: A priest may not marry one who is adolescent or 'wounded', but if already married, he may continue to live with her. How now! There it is quite correct [to sanction the marriage since in any case] she would ultimately become adolescent while she⁴⁵ will be with him,⁴⁶ and she would also ultimately become a be'ulah while with him;⁴⁶ but here, would she ultimately become a harlot⁴⁷ while with him?⁴⁸ R. Safra taught [that he⁴⁰ arrived at it]⁴² by deduction, and, having raised the difficulty,⁴⁹ answered it in the same way.⁵⁰

A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this?⁵¹ — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the halachah is in agreement with R. Simeon b. Yohai.⁵² 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'.⁵³

It was taught: And so did R. Simeon b. Yohai state

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- (1) One divorced is not fit for a High Priest!
 - (2) Defilement by a common priest.
 - (3) קרובה sing.
 - (4) To exclude the one and include the other.
 - (5) R. Simeon who, in respect of the betrothed, expressed the same opinion as R. Jose (supra 60a).
 - (6) So Bah. Cur. edd., 'since he left his colleague'. R. Simeon only is mentioned in the case of the wounded.
 - (7) That the priest may defile himself for her.
 - (8) The exclusion of the betrothed.
 - (9) By R. Jose.
 - (10) Permission to marry the wounded.
 - (11) Only when her condition was due to the action of a man is she forbidden.
 - (12) Supra 59a. One who is adolescent is no more a perfect virgin.
 - (13) She is not regarded as a harlot.
 - (14) Num. XXXI, 18.
 - (15) Who was a priest.
 - (16) How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?
 - (17) Not for matrimony.
 - (18) That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.
 - (19) So long as she has 'not known man'.
 - (20) Num. XXXI, 17.
 - (21) To reconcile the contradiction.
 - (22) I.e., one who had attained the age of three years and one day.
 - (23) Not one who had actually experienced it.
 - (24) Implying that any grown-up woman is not to be spared, even if she hath not known man.
 - (25) Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation.
 - (26) Cur. edd., 'Huna'.
 - (27) יָיִן the gold plate which was worn by the High Priest on his forehead. V, Ex. XXVIII, 36ff.
 - (28) Lit., '(sickly) green'.
 - (29) Judges XXI, 12.
 - (30) Cf. supra n. 1 mutatis mutandis.
 - (31) As was done in the case of the Midianites (v. supra).
 - (32) Ex. XXVIII, 38, referring to the front-plate.
 - (33) Why then was the test there performed before the plate?
 - (34) Israelites, as were the inhabitants of Jabesh-gilead.
 - (35) As were the Midianites.

- (36) By the front-plate.
- (37) That a proselyte under the age of three years and one day may be married by a priest.
- (38) And was married to a priest.
- (39) I.e., permitted her to continue to live with her husband.
- (40) R. Jacob b. Idi.
- (41) To R. Zera.
- (42) V. supra p. 403. n. 13.
- (43) From the incident in the Palestinian city. Why then was R. Zera anxious to ascertain the manner whereby the ruling was obtained?
- (44) The incident in Palestine.
- (45) Even if she were now *virgo intacta*.
- (46) The union is consequently allowed to remain.
- (47) Which is the prohibition under which a priest may not marry the proselyte mentioned.
- (48) Obviously not. Hence, it may well be concluded that were she not allowed to marry a priest, the union would have had to be dissolved even after marriage had taken place.
- (49) Mentioned supra. that an *ex post facto* may be different.
- (50) Had it not been permitted originally the marriage would have had to be annulled even *ex post facto*.
- (51) I.e., on what authority did you contract the marriage.
- (52) V. supra p. 403. n. 13.
- (53) He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

Talmud - Mas. Yevamoth 61a

that the graves of idolaters do not impart levitical uncleanness by an *ohel*,¹ for it is said, And ye My sheep the sheep of My pasture, are men;² you are called men³ but the idolaters are not called men.³

An objection was raised: And the persons were sixteen thousand!⁴ — This is due to [the mention of] cattle.⁵ Wherein are more than six-score thousand persons that cannot discern between their right and their left hand!⁶ — This is due [to the mention of] cattle.⁷ Whosoever hath killed any person, and whosoever hath touched any slain, purify yourselves!⁸ — One of the Israelites might have been slain. And the Rabbis?⁹ — [Scripture states]. There lacketh not one man of us.¹⁰ And R. Simeon b. Yohai? — There lacketh not one man of us, through indulgence in sin.

Rabina replied: Granted that Scripture excluded them¹¹ from imparting uncleanness through an *ohel*,¹² because of the written text, When a man dieth in the tent,¹³ did Scripture also exclude them from [imparting uncleanness by] touch and carriage?¹⁴

MISHNAH. [A PRIEST WHO] BETROTHED A WIDOW, AND WAS SUBSEQUENTLY APPOINTED HIGH PRIEST, MAY CONSUMMATE THE MARRIAGE. IT ONCE HAPPENED WITH JOSHUA B. GAMALA THAT HE BETROTHED MARTHA THE DAUGHTER OF BOETHUS, AND THE KING APPOINTED HIM HIGH PRIEST, AND HE, NEVERTHELESS, CONSUMMATED THE MARRIAGE.

IF ONE AWAITING THE DECISION OF THE LEVIR¹⁵ BECAME SUBJECT TO A COMMON PRIEST WHO WAS SUBSEQUENTLY APPOINTED HIGH PRIEST, [THE LATTER], THOUGH HE ALREADY ADDRESSED TO HER A MA'AMAR, MUST NOT CONSUMMATE THE MARRIAGE.

GEMARA. Our Rabbis taught: Whence is it deduced that [a priest] who betrothed a widow and was afterwards appointed High Priest may consummate the marriage? It is specifically stated in Scripture, Shall he take to wife.¹⁶ If so, [the same law should apply to] a *yebamah* awaiting the

decision of the levir also! — A 'wife' but not a yebamah.

IT ONCE HAPPENED TO JOSHUA etc. He APPOINTED HIM¹⁷ but he was not elected!¹⁸ Said R. Joseph: I see here a conspiracy;¹⁹ for R. Assi, in fact, related that Martha the daughter of Boethus brought to King Jannai²⁰ a tarkab²¹ of denarii before he gave an appointment to Joshua b. Gamala among the High Priests.²²

MISHNAH. A HIGH PRIEST WHOSE BROTHER DIED²³ MUST SUBMIT TO HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.²⁴

GEMARA. He lays down a general rule implying²⁵ that there is no difference whether [the yebamah became a widow] after betrothal or after marriage! One can well understand [the case of the widow] after marriage, [since marriage with her is forbidden by] a positive²⁶ as well as by a negative commandment,²⁷ and no positive commandment²⁸ may override a negative and a positive commandment;²⁹ but [in the case of a widow] after betrothal, the positives should override the negative commandment!³⁰ — The first act of cohabitation³¹ was forbidden as a preventive measure against the second act of cohabitation.³²

MISHNAH. A COMMON PRIEST SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION,³³ UNLESS HE HAD ALREADY A WIFE³⁴ OR CHILDREN.³⁵ R. JUDAH SAID: EVEN THOUGH HE HAS HAD A WIFE AND CHILDREN HE SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION, SINCE SUCH³⁶ [IS INCLUDED IN THE TERM OF] HARLOT MENTIONED IN THE TORAH.³⁷ BUT THE SAGES SAID: THE TERM HARLOT IMPLIES ONLY A FEMALE PROSELYTE,³⁸ FREED BONDMAID³⁸ AND ONE WHO HAS BEEN SUBJECTED TO MERETRICIOUS INTERCOURSE. GEMARA. Said the Exilarch³⁹ to R. Huna: What is the reason?⁴⁰ Obviously because of the duty of the propagation of the race; are, then, only priests commanded concerning the propagation of the race while Israelites are not commanded?⁴¹ The other replied:⁴² Because it was desired to state in the final clause, R. JUDAH SAID: EVEN THOUGH HE HAS HAD A WIFE

(1) אהל, lit., 'tent', i.e., on the man who stands on, or bends over such a grave, constituting his body, as it were, a tent.

(2) Ezek. XXXIV, 31.

(3) אדם (Adam), in respect of levitical uncleanness by ohel. The expression אדם is also used in the Pentateuchal text dealing with the laws of the uncleanness of objects found in a tent in which lay a corpse. V. Num, XIX, 14ff. [This is held by R. Simeon b. Yohai to denote, as distinct from the other terms for 'man' (איש, גבר, אנוש), only an Israelite who, as a worshipper of the true God, can be said to have been like Adam created in the image of God. (Cf. Gen. I, 27 and V, I, where the Heb. text has in each case Adam for 'man'). Idol worshippers having marred the Divine image forfeit all claim to this appellation. V. also B.M. Sonc. ed. p. 651, n. 6].

(4) Num. XXXI, 40. Here also the Heb. equivalent for persons is אדם though it refers to the Midianites who were idolaters.

(5) V, ibid. 37ff. In contrast to cattle, idolaters also may be described as Adam (men).

(6) Jonah IV, 11. Cur. edd. add in parentheses 'and much cattle', Here also אדם is the original word rendered persons, though it refers to the idolaters of Nineveh.

(7) The conclusion of the verse reads, and also much cattle. Cf, supra n. 4.

(8) Num. XXXI, 19, speaking of the slain Midianites; which proves that the corpses of idolaters also impart levitical uncleanness!

(9) How could they infer from this text that idolaters also impart levitical uncleanness?

(10) Num. XXXI, 49, so that the verse cannot refer to the corpses of Israelites.

(11) Idolaters.

(12) V. Glos.

(13) Num. XIX, 14. V. supra note 2.

(14) Of a corpse. Certainly not. Hence no objection may be raised from texts which may refer to uncleanness through

carriage or touch.

(15) Shomereth yabam, v. Glos.

(16) Lev. XXI, 14. The word 'wife' is superfluous; hence the deduction.

(17) מוהו Piel of מנה is the form of the verb used for an appointment by the State without previous nomination by the religious authorities. Such appointments were not made on the merits of the candidates but were procured by bribe or political intrigue.

(18) נתמוה Nithpael of מנה is the form of the verb usually used for the appointment of High Priests who were duly nominated by the priests and the Sanhedrin.

(19) Political intrigue against the wishes of the religious authorities.

(20) [Jannai is often employed in the Talmud as a general patronym for Hasmonean and Herodian rulers. Here it stands for Agrippa II, v. Josephus Antiquities XX, 9, 4, and Derenbourg, Essai, pp. 248ff].

(21) A measure of capacity. V, Glos.

(22) Yoma 18a.

(23) Without issue,

(24) His sister-in-law, being a widow, is forbidden to him.

(25) Lit., 'he cuts off (decides) and teaches'.

(26) And he shall take a wife in her virginity, Lev. XXI, 13.

(27) A widow . . . shall he not take, ibid. 14.

(28) That of the levirate marriage, v. Deut, XXV, 5.

(29) V. supra nn. 3 and 4.

(30) V. supra n. 4. The positive commandment that 'he must marry a virgin' (v. supra n. 3) is not thereby infringed!

(31) Which is indeed Pentateuchally permitted. Cf. supra n. 5.

(32) Which is not required for the fulfillment of the precept of the levirate marriage.

(33) אילנית v. Glos. s.v. Ilonith.

(34) So Maimonides. Rashi seems to omit 'wife'.

(35) Because it is one's duty to propagate the race. V. Gemara infra.

(36) A woman one marries for the gratification of one's passions and not for the propagation of the race.

(37) V. Lev. XXI, 7.

(38) Who is disqualified through her presumed intercourse with idolaters and slaves.

(39) ריש גלותא .

(40) Why a priest may not marry a woman incapable of procreation?

(41) Why then was only the priest mentioned?

(42) Priest only had to be mentioned.

Talmud - Mas. Yevamoth 61b

AND CHILDREN HE SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION, SINCE SUCH [IS INCLUDED IN THE TERM OF] HARLOT MENTIONED IN THE TORAH. Since priests only were commanded concerning the harlot while Israelites were not so commanded, therefore PRIEST only was mentioned.

Said R. Huna: What is R. Judah's reason? — Since it is written, And they shall eat, and not have enough, they shall commit harlotry and shall not increase,¹ any cohabitation which results in no increase is nothing but meretricious intercourse.

It was taught: R. Eliezer stated, A priest shall not marry a minor. Said R. Hisda to Rabbah: Go and consider this matter,² for in the evening R. Huna will question you on the subject. When he went out he considered the point [and came to the conclusion that] R. Eliezer was of the same opinion as R. Meir and also of the same Opinion as R. Judah. 'He is of the same opinion as R. Meir' who takes exceptional cases³ into consideration;⁴ and 'also of the same opinion as R. Judah', who holds that a woman incapable of procreation is regarded as a harlot.⁵ But does he⁶ hold the same opinion as R. Meir? Surely it was taught: A minor, whether male or female, may neither perform, nor submit to

halizah, nor contract levirate marriage; so R; Meir. They said to R. Meir: You spoke well [when you ruled], may neither perform, nor submit to halizah', since in the Pentateuchal section⁷ man was written,⁸ and we also draw a comparison between woman and man.⁹ What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;¹⁰ a minor female might be found to be incapable of procreation; and thus the law of incest would be violated.¹¹ And it was also taught: A minor female may contract the levirate marriage¹² but may not perform halizah;¹³ so R. Eliezer!¹⁴

And does he hold the same opinion as R. Judah? Surely it was taught: Zonah¹⁵ implies, as her name [indicates, a faithless wife];¹⁶ so R. Eliezer. R. Akiba said: Zonah implies one who is a prostitute.¹⁷ R. Mathia b. Heresh said: Even a woman whose husband, while going¹⁸ to arrange for her drinking,¹⁹ cohabited with her on the way,²⁰ is rendered a zonah. R. Judah said: Zonah implies one who is incapable of procreation.²¹ And the Sages said: Zonah is none other than a female proselyte, a freed bondwoman, and one who has been subjected to any meretricious intercourse. R. Eleazar²² said: An unmarried man who had intercourse with an unmarried woman, with no matrimonial intent, renders her thereby a zonah!²³ No, said R. Adda b. Ahabah, the reference here²⁴ is to²⁵ a High Priest. For when does he acquire her [as his lawful wife]? Only when she grows up,²⁶ but, then, she is already a be'ulah.²⁷ Said Raba:²⁸ What thoughtlessness!²⁹ If her father had arranged her betrothal, then [the High Priest] would have acquired her from that very moment,³⁰ and if she herself had accepted the betrothal, is this³¹ then the view of R. Eliezer only³² and not that of the Rabbis!³³ No, explained Raba, it³⁴ refers indeed to a common priest, but [the prohibition to marry the minor] is a precaution against the possibility of her seduction³⁵ while living with him. If so, [the same should apply to] an Israelite also! — The seduction of a minor is regarded as an outrage, and an outraged woman is permitted in the case of an Israelite.³⁶ R. Papa replied: [It³⁴ speaks] of a High Priest, and it represents the opinion of the following Tanna. For it was taught: A virgin;³⁷ as one might assume it to mean a minor, it was explicitly stated wife. If only 'wife' [had been written], it might have been assumed to mean one who is adolescent,³⁸ hence it was explicitly stated, 'a virgin'. How, then [is the text to be understood]? One who has emerged from her minority but has not yet attained adolescence.³⁹

R. Nahman b. Isaac explained.⁴⁰ It is the opinion of the following Tanna. For it was taught: A virgin;³⁷ the only meaning of 'virgin' is damsel;⁴¹ and so it is said in Scripture, And the damsel⁴² was very fair to look upon, a virgin.⁴³ 'R. Eleazar said: An unmarried man who had intercourse with an unmarried woman, with no matrimonial intent, renders her thereby a zonah.' R. Amram said: The halachah is not in agreement with the opinion of R. Eleazar.

MISHNAH. A MAN SHALL NOT ABSTAIN FROM THE PERFORMANCE OF THE DUTY OF THE PROPAGATION OF THE RACE⁴⁴ UNLESS HE ALREADY HAS CHILDREN. [AS TO THE NUMBER]. BETH SHAMMAI RULED: TWO MALES, AND BETH HILLEL RULED: MALE AND A FEMALE, FOR IT IS STATED IN SCRIPTURE, MALE AND FEMALE CREATED HE THEM.⁴⁵

GEMARA. [This implies] if he has children, he may abstain from performing the duty of propagation but not from that of living with a wife.⁴⁶ This provides support for a statement R. Nahman made in the name of Samuel who ruled that although a man may have many children he must not remain without a wife, for it is said in the Scriptures, It is not good that the man should be alone.⁴⁷

Others read: [This⁴⁸ implies] if he has children he may abstain from performing the duty of propagation and also from that of living with a wife. May it, then, be said that this presents an objection against the statement R. Nahman made in the name of Samuel?⁴⁹ — No; if he has no children he must marry a woman capable of procreation; and if he has children he may marry a

woman who is incapable of procreation. What is the practical difference?⁵⁰ — In respect of selling a Scroll of the Law for the sake of children.⁵¹ BETH SHAMMAI RULED: TWO MALES. What is Beth Shammai's reason? We make an inference from Moses, in connection with whom it is written, The sons of Moses: Gershom and Eliezer.⁵² And Beth Hillel? — We infer from the creation of the world. Let Beth Shammai also infer from the creation of the world! — The possible cannot be inferred

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- (1) Hos. IV, 10.
 - (2) Why R. Eliezer ruled a priest shall not marry a minor.
 - (3) Lit., 'minority'.
 - (4) It is possible, though not usual, that the minor would be found to be sterile.
 - (5) If she marries. Cf. supra p.407, n.13, and text.
 - (6) R. Eliezer.
 - (7) Dealing with halizah.
 - (8) V. Deut. XXV, 7.
 - (9) As the male must be a grown-up man and not a minor so must the female be a grown-up woman.
 - (10) Wanting in generative powers. V. Glos.
 - (11) Bek. 19b, infra 119a; they not being capable of procreation, there would be no offspring to succeed to the name of the deceased brother. The woman, therefore, is forbidden to the man as 'his brother's wife'.
 - (12) Though the act of a minor has no validity, she may contract the marriage, since the commandment of the levirate marriage will be fulfilled as soon as she becomes of age.
 - (13) Since her action has no validity and cannot, therefore, set her free to marry a stranger.
 - (14) How then, could R. Eliezer be said to hold the same view as R. Meir?
 - (15) E.V. harlot (Lev. XXI, 7) who is forbidden to marry a priest (ibid.).
 - (16) V. Rashi. זונה from rt. זנה 'to go astray', 'to run away' sc. from her husband.
 - (17) Though unmarried.
 - (18) To the supreme court in Jerusalem.
 - (19) Of the water of bitterness; v. Num. V, 8.
 - (20) When she is forbidden to him. From the moment of her seclusion with a stranger, after her husband had warned her to hold no secret meetings with that man, until after the test of the water, cohabitation between husband and wife is forbidden.
 - (21) If she marries. Cf. supra p. 407, n. 13 and text.
 - (22) Cur. edd. 'Eliezer'.
 - (23) How, then, could it be said that R. Eliezer is of the same opinion as R. Judah?
 - (24) The statement of R. Eliezer supra.
 - (25) Lit., 'here we are engaged in'.
 - (26) While she is a minor, her betrothal has no validity.
 - (27) V. Glos. Owing to his own cohabitation which had no lawful sanction and was in the nature of an outrage or seduction.
 - (28) With reference to R. Adda b. Ahabah's reply.
 - (29) מכלי לב == מכלי לב (v. Rashi) without heart. מכלי לב may perhaps mean 'consumption of the heart', i.e., 'what annoyance' to hear such an illogical explanation!
 - (30) A father is fully entitled to arrange the betrothal of his minor daughter (v. Kid. 3b).
 - (31) The ruling that a High Priest may not marry her.
 - (32) As seems to be implied by the statement supra where only R. Eliezer is mentioned as if the Rabbis differed from him.
 - (33) In such a case, surely, even the Rabbis agree.
 - (34) The statement of R. Eliezer supra.
 - (35) Owing to her youth and inexperience.
 - (36) To a priest, however, she is forbidden. Hence R. Eliezer's restriction of his ruling to the priest only:
 - (37) Lev. XXI, 4.
 - (38) A bogereth (v. Glos.).

- (39) A minor is thus forbidden, and R. Eliezer's ruling is based on a Pentateuchal deduction.
- (40) Following the line of R. Papa.
- (41) נערה , one between twelve and twelve and a half years of age.
- (42) והנערה.
- (43) בתולה , Gen. XXIV, 16.
- (44) פריה ורבה . V, Gen. I, 28: פרו ורבו , be fruitful and multiply.
- (45) Gen. V, 2.
- (46) Since our Mishnah mentions only the exemption from the former and not from that of the latter.
- (47) Gen. II, 18.
- (48) [Since the Mishnah does not state, A man shall not marry a woman who is incapable of bearing children unless he already has children (Tosaf.)].
- (49) Supra, that a man must never remain unmarried.
- (50) As regards the duty of marriage. In either case one must not remain single.
- (51) Only a man who has no children must sell even such a precious object if thereby he is enabled to marry a woman capable of procreation. If he has children such a sale is forbidden, and he must contract a less expensive marriage with an old or sterile woman.
- (52) I Chron. XXIII, 15.

Talmud - Mas. Yevamoth 62a

from the impossible.¹ Let Beth Hillel, then, make the inference from Moses! — They can answer you: Moses did it with His consent.² For it was taught: Moses did three things on his own initiative and his opinion coincided with that of the Omnipresent. He separated himself from his wife,³ broke the Tables of Testimony⁴ and added one day.⁵

‘He separated himself from his wife’; what exposition did he make?⁶ — He said, ‘If to the Israelites, with whom the Shechinah spoke only for a while and for whom a definite time was fixed, the Torah nevertheless said, Come not near a woman,⁷ how much more so to me, who am liable to be spoken to at any moment and for whom no definite time has been fixed’. And his view coincided with that of the Omnipresent; for it is said, Go say to them: Return ye to your tents; but as for thee, stand thou here by Me.⁸

‘He broke the Tables of Testimony’; what exposition did he make?⁶ — He said, ‘If of the Paschal lamb, which is only one of the six hundred and thirteen commandments, the Torah said, There shall no alien eat thereof,⁹ how much more should this apply to the entire Torah when all Israel are apostates’. And his view coincided with that of the Omnipresent; for it is written, Which thou didst break¹⁰ and Resh Lakish explained: The Holy One, blessed be He, said to Moses, ‘I thank you for breaking them’.¹¹

‘He added one day’ on his own initiative. What exposition did he make?¹² — ‘As it is written, And sanctify them to-day and to-morrow¹³ [It implies that] to-day shall be the same as to-morrow; as to-morrow includes the previous night¹⁴ so to-day must include the previous night. As, however, to-day's previous night has already passed away,¹⁵ it must be inferred that two days exclusive of to-day must be observed’. And his view coincided with that of the Omnipresent, for the Revelation did not take place¹⁶ before the Sabbath.¹⁷

It was taught: R. Nathan stated: Beth Shammai ruled: Two males and two females;¹⁸ and Beth Hillel ruled: A male and a female.¹⁸ Said R. Huna: What is the reason which R. Nathan assigns for the opinion of Beth Shammai? Because it is written, And again she bore his brother Abel¹⁹ [which²⁰ implies:] Abel and his sister; Cain and his sister.²¹ And it is also written, For God hath appointed me another seed instead of Abel;²² for Cain slew him.²³ And the Rabbis? She was merely expressing her gratitude.²⁴

Elsewhere it was taught: R. Nathan stated that Beth Shammai ruled: A male and a female;²⁵ and Beth Hillel ruled: Either a male or a female.²⁵

Said Raba: What is the reason which R. Nathan assigns for the view of Beth Hillel? — Because it is said, He created it not a waste, He formed it to be inhabited,²⁶ and he²⁷ has obviously helped it to be inhabited.

It was stated: If a man had children while he was an idolater and then he became a proselyte, he has fulfilled, R. Johanan said, the duty of propagation of the race; and Resh Lakish said: He has not fulfilled the duty of propagation of the race. ‘R. Johanan said: He has fulfilled the duty of propagation’, since he had children. ‘And Resh Lakish said: He has not fulfilled the duty of propagation’ because one who became a proselyte is like a child newly born.

And they²⁸ follow their views.²⁹ For it was stated: If a man had children while he was an idolater and then he became a proselyte, he has, R. Johanan said, no firstborn in respect of inheritance,³⁰ since he already had³¹ the first-fruits of his strength.³² Resh Lakish, however, said: He has a firstborn son in respect of inheritance, for a man who became a proselyte is like a child newly born.

And [both statements³³ were] necessary. For if the first only had been stated [it might have been assumed that] only in that state- ment did R. Johanan maintain his view, since formerly he³⁴ was also subject to the obligation of propagation,³⁵ but in respect of inherit- ance, since [the proselyte's former children] are not entitled to heirship, it might have been presumed that he agrees with Resh Lakish. And were only the second stated [it might have been assumed that] only in that did Resh Lakish maintain his view but that in the former he agrees with R. Johanan. [Hence both were] necessary.

R. Johanan raised an objection against Resh Lakish. At that time Berodach-baladan the son of Baladan, King of Babylon etc.³⁶ — The other replied: While they are idolaters they have legally recognized ancestry, but when they become proselytes they have no longer any legally recognized ancestry.

Rab³⁷ said: All agree that a slave has no legally recognized relatives, since it is written, Abide ye here with³⁸ the ass,³⁹ people who are like the ass.⁴⁰

An objection was raised: Now Ziba had fifteen sons and twenty servants!⁴¹ — R. Aba b. Jacob replied: Like a young bullock.⁴² If so, [the same reply could be given] there also!⁴³ — There it is different, since Scripture mentioned his⁴⁴ own name as well as his father's⁴⁵ name, while here⁴⁶ [the son's names] were not specified. If you prefer I might say: They⁴⁷ were elsewhere ascribed to their father and their father's father; as it is written, And King Asa sent them to Ben-hadad, the son of Tabrimmon, the son of Hezion, the King of Aram, that dwelt at Damascus, saying.⁴⁸

It was stated: If a man had children and they died, he has fulfilled, said R. Huna, the duty of propagation. R. Johanan said: He has not fulfilled it. 'R. Huna said: He fulfilled' because [he follows the tradition] of R. Assi. For R. Assi⁴⁹ stated: The Son of David⁵⁰ will not come before all the souls in Guf⁵¹ will have been disposed of, since it is said, For the spirit that unwrappeth itself is from Me etc.⁵² And 'R. Johanan said: He has not fulfilled the duty of propagation' because we require [the fulfilment of the text] He formed it to be inhabited,⁵³ which is not the case here.⁵⁴ An objection was raised:

(1) It would have been impossible for the human race to propagate had not one of each sex been created. For the preservation of the race, however, it is not necessary for every man to have children of both sexes.

(2) God approved of Moses' action. No inference for other people may be drawn from an exceptional case.

(3) Though no daughter had been born from their union.

(4) When, on descending from the mountain, he found the people worshipping the golden calf (v. Ex. XXXII, 19).

(5) To the prescribed period of sanctification that preceded the revelation on Sinai (v. Ex. XIX, 10 and 15).

(6) In support of his action.

(7) Ex. XIX, 15.

(8) Deut. V, 27f.

(9) Ex. XII, 43.

(10) Ibid. XXXIV, 1, אשר שברת .

(11) יישר כחך , lit., 'may thy strength be firm'. יישר and אשר are regarded as coming from the same rt. אשר .

(12) In support of his action.

(13) Ex. XIX, 10.

(14) The day always beginning after the sunset of the previous day.

(15) At the time Moses received his instructions.

(16) Lit., 'the Shechinah did not dwell'.

(17) The sanctification began on Wednesday. They observed all Thursday and Friday; and the Shechinah descended on the Sabbath which was the third of the two complete days (V. Shab. 86a), thus, as Moses expected, disregarding the first

day which was incomplete.

(18) Are the minimum required to fulfil the duty of the propagation of the race. V. Tosef. Yeb. VIII.

(19) Gen. IV, 2.

(20) **אָ**, (the sign of the defined accusative) which could be omitted (as in many other instances), appearing both before brother and before Abel.

(21) Two males and two females.

(22) Obviously to make up the minimum.

(23) Gen. IV, 25.

(24) The duty of propagation, however, would have been fulfilled without the additional birth.

(25) V. supra note 8.

(26) Isa. XLV, 18. It is the duty of man to assist in making the world inhabited.

(27) The man who has even only one son or one daughter.

(28) R. Johanan and Resh Lakish.

(29) Expressed elsewhere.

(30) The first son born after his conversion is not entitled to the double portion of the firstborn.

(31) Before his conversion.

(32) V. Deut. XXI, 17.

(33) That relating to the duty of propagation and that in respect of the firstborn.

(34) Lit., 'they', sc. idolaters.

(35) It being one of the seven Noahide commandments. V. Gen. IX, 7.

(36) II Kings, XX, 12; which shews that an offspring of an idolater is also described as a son!

(37) Others, 'R. Abba', v. Alfasi and **רַאשׁ**.

(38) **עַם**, the same consonants as **עַם** 'a people'.

(39) Gen. XXII, 5.

(40) With reference to Abraham's slaves v. Gen. ibid. The slave, like the ass, is considered the chattel of the master.

(41) II Sam. IX, 10. Ziba was a slave (v. ibid. 9) and yet he is described as having sons.

(42) **פֶּרֶךְ בֶּן בִּקְרָה**, lit., 'a bullock the son of a herd'. The expression of son in the case of the slave Ziba had no greater significance than the expression of 'son' in the case of cattle.

(43) In the description of Berodach in II Kings XX, 12.

(44) Cf. supra p. 414, n. 9.

(45) Which may indeed be taken as proof that idolaters' children are legal descendants and may be described as 'sons'.

(46) Ziba's descendants.

(47) Idolaters.

(48) I Kings XV, 18. Cf. supra n. 9.

(49) Others, 'Jose'. V. 'A.Z. 5a, Nid. 13b.

(50) The Messiah.

(51) Lit., 'body', the region inhabited by the souls of the unborn.

(52) Isa. LVII, 16. This being the reason for the duty of propagation, the duty is fulfilled as soon as a child is born, i.e., as soon as his soul has left the region of Guf irrespective of whether he survives or not.

(53) Isa. XLV, 18.

(54) The children being dead.

Talmud - Mas. Yevamoth 62b

Grandchildren are like children!¹ — This was taught only in respect of supplementing.²

An objection was raised: Grandchildren are like children. If one of them died or was found to be a saris³ the father has not fulfilled the duty of propagation.⁴ Is not this a refutation against R. Huna?⁵ — It is indeed a refutation.

'Grandchildren are like children'. Abaye intended to say: A grandson for a son and a granddaughter for a daughter, and certainly a grandson for a daughter; but not a granddaughter for a

son.⁶ But Raba said to him: We only require [the fulfilment of the text] He formed it to be inhabited,⁷ which is the case here.

All, at any rate, agree⁸ that two children of one⁹ are not sufficient. But [are they] not? The Rabbis surely said to R. Shesheth,¹⁰ 'Marry a wife and beget children', and he answered them, 'My daughters' children are mine'! — There he was merely putting them off, because R. Shesheth became impotent owing to the long discourses of R. Huna.¹¹

Said Rabbah to Raba b. Mari: Whence the statement made by the Rabbis that grandchildren are like children? If it be suggested that it is deduced from the Scriptural text, The daughters are my daughters and the children are my children,¹² would then [it may be objected] the same [meaning be given to the text] And the flocks are my flocks?¹² But [the meaning there is obviously] 'which you have acquired from me', so here also [the meaning may be], 'which you have acquired from me'! The deduction is rather made from the following:¹³ And afterwards Hezron went to the daughter of Machir the father of Gilead; . . . and she bore him Segub,¹⁴ and it is also written, Out of Machir came down lawgivers,¹⁵ and furthermore it is written, Judah is my lawgiver.¹⁶

Our Mishnah¹⁷ cannot represent the opinion of R. Joshua. For it was taught: R. Joshua said, If a man married in his youth, he should marry again in his old age; if he had children in his youth, he should also have children in his old age; for it said, In the morning¹⁸ sow thy seed and in the evening¹⁹ withhold not thine hand; for thou knowest not which shall prosper, whether this or that, or whether they shall both be alike good.²⁰ R. Akiba said: If a man studied Torah in his youth, he should also study it in his old age; if he had disciples in his youth, he should also have disciples in his old age. For it is said, In the morning sow thy seed etc.²⁰

It was said that R. Akiba had twelve thousand pairs of disciples, from Gabbatha²¹ to Antipatris;²² and all of them died at the same time because they did not treat each other with respect. The world remained desolate²³ until R. Akiba came to our Masters in the South and taught the Torah to them. These were R. Meir, R. Judah, R. Jose, R. Simeon and R. Eleazar b. Shammua; and it was they who revived the Torah at that time. A Tanna taught: All of them²⁴ died between Passover and Pentecost. R. Hama b. Abba or, it might be said, R. Hiyya b. Abin said: All of them died a cruel death. What was it?—R. Nahman replied: Croup.²⁵

R. Mattena stated: The halachah is in agreement with R. Joshua.²⁶

R. Tanhum stated in the name of R. Hanilai: Any man who has no wife lives without joy, without blessing, and without goodness. 'Without joy'. for it is written. And thou shalt rejoice, thou and thy house.²⁷ 'Without blessing', for it is written, To cause a blessing to rest on thy house.²⁸ 'Without goodness', for it is written, It is not good that the man should be alone.²⁹

In the West³⁰ it was stated:³¹ Without Torah and without a [protecting] wall. 'Without Torah', for it is written. Is it that I have no help³² in me, and that sound wisdom³³ is driven quite from me.³⁴ 'Without a [protecting] wall', for it is written, A woman shall encompass a man.³⁵

Raba b. 'Ulla said:³¹ Without peace, for it is written, And thou shalt know that thy tent³⁶ is in peace; and thou shalt visit thy habitation and shalt miss nothing.³⁷

R. Joshua b. Levi said: Whosoever knows his wife to be a God-fearing woman and does not duly visit her is called a sinner; for it is said, And thou shalt know that thy tent is in peace³⁸ etc.³⁹

R. Joshua b. Levi further stated: It is a man's duty to pay a visit to his wife when he starts on a journey; for it is said, And thou shalt know that thy tent is in peace etc.³⁷ Is this⁴⁰ deduced from

here? Surely it is deduced from the following:⁴¹ And thy desire shall be to thy husband⁴² teaches that a woman yearns for her husband when he sets out on a journey! — R. Joseph replied: This⁴³ was required only in the case where her menstruation period was near.⁴⁴ And how near? Rabbah⁴⁵ replied: Twelve hours.⁴⁶ And this⁴⁷ applies only [when the journey is] for a secular purpose, but when for a religious purpose [it does not apply, since then] people are in a state of anxiety.⁴⁸ Our Rabbis taught: Concerning a man who loves his wife as himself, who honours her more than himself, who guides his sons and daughters in the right path and arranges for them to be married near the period of their puberty, Scripture says, And thou shalt know that thy tent is in peace.⁴⁹ Concerning him who loves his neighbours, who befriends his relatives, marries his sister's⁵⁰ daughter,

(1) Infra 70a. It is now assumed that whenever one's own child died the grandchild may take his place in exempting his grandfather from the duty of propagation. From this it follows that only living children or grandchildren exempt a man from the duty of further propagation. How then could R. Huna maintain that dead children also exempt one from this duty?

(2) If a man had only one son he is exempt from the duty of propagation if his son had a daughter. If, however, he once had a male and a female who subsequently died he is in any case exempt.

(3) V. Glos.

(4) Tosef. Yeb. VIII.

(5) Cf. supra note 1, final clause.

(6) I.e., a granddaughter cannot take the place of a son to exempt one from the duty of further propagation.

(7) Isa. XLV, 18.

(8) Lit., 'all the world', i.e., Abaye and Raba.

(9) Son or daughter.

(10) Others, 'Abba b. Zabda'. V. She'iltot. Sec. ha-Berakah.

(11) The discourses being long, R. Shesheth, in his desire not to interrupt them, suppressed his needs and thus impaired his generative organs. V. Bek. 44b.

(12) Gen. XXXI, 43.

(13) Lit., 'from here'.

(14) I Chron. II, 21.

(15) Judges V, 14.

(16) Ps. LX, 9. As this text implies that the lawgivers were descendants of Judah, Machir (Judges V, 14), a descendant of Manasseh, could not have been the paternal, but only the maternal ancestor of the lawgivers that descended from him. The lawgivers were thus the offspring of the union mentioned in I Chron. II, 21, between Hezron, a descendant of Judah, and a daughter of Machir. This then proves that the sons of one's daughter are also regarded as one's own sons.

(17) Which permits abstention from further propagation after the birth of the prescribed number of children.

(18) I.e., 'the morning of life', youth.

(19) I.e., 'old age'. V. supra n. 5.

(20) Eccl. XI, 6.

(21) Gibbethon, in the territory of Dan.

(22) N.N.W. of Jerusalem.

(23) Through lack of learning.

(24) The disciples of R. Akiba.

(25) אִסְכְּרָה (rt. סָכַר, 'stop', 'choke').

(26) Supra, that the duty of propagation never ceases.

(27) Deut. XIV, 26. House, בֵּית, refers to one's wife. Cf. Yoma 2a.

(28) Ezek. XLIV, 30. Cf. supra n. 3.

(29) Gen. II, 18.

(30) Palestine.

(31) Concerning the unmarried man.

(32) I.e., 'a wife'. Cf. A help meet for him, Gen. II, 18.

(33) תּוֹשִׁיָּה, the Torah.

(34) Job VI, 13.

- (35) Jer. XXXI, 22. Cf. R.V.
- (36) I.e., wife. Cf. M.K. and supra note 3.
- (37) Job V, 24.
- (38) I.e., 'that thy wife is in peace with God' sc. 'chaste', or. reading שלום as שלם, 'perfect'.
- (39) Ibid., then thou shalt visit etc.
- (40) The duty of visiting prior to setting out on a journey.
- (41) Lit., 'from there'.
- (42) Gen. III, 16.
- (43) The statement as to the duty of visiting.
- (44) At the time he sets out on his journey. When no journey is contemplated one must keep away from his wife when the menstruation period is near. V. Shebu. 18b.
- (45) Cur. edd., 'Raba'.
- (46) עונה lit., 'period'. i.e., a whole day or a whole night. If the menstruation occurs during the day, he must keep away throughout that day, and if during the night, he must keep away during all that night.
- (47) The duty of visiting prior to setting out on a journey.
- (48) Or, 'they might be preoccupied' and thus delay the journey and neglect the performance of the religious act.
- (49) Job V, 24.
- (50) This is a meritorious act, because the affection a man has for his sister will be extended to her daughter, his wife.

Talmud - Mas. Yevamoth 63a

and lends a sela'¹ to a poor man in the hour of his need, Scripture says, Then shalt thou call, and the Lord will answer; thou shalt cry and He will say: 'Here I am'.²

(Mnemonic: Woman and land help this two shoots, tradesmen inferior.)³

R. Eleazar said: Any man who has no wife is no proper man; for it is said, Male and female created He them and called their name Adam.⁴

R. Eleazar further stated: Any man who owns no land is not a proper man; for it is said, The heavens are the heavens of the Lord; but the earth hath he given to the children of men.⁵

R. Eleazar further stated: What is the meaning of the Scriptural text, I will make him a help meet for him?⁶ If he was worthy she is a help to him;⁷ if he was not worthy she is against him.⁸ Others say: R. Eleazar pointed out a contradiction: It is written kenegedo⁹ but we read kenegedo!¹⁰ — If he was worthy she is meet for him;¹⁰ if he was not worthy she chastises him.⁹

R. Jose met Elijah and asked him: It is written, I will make him a help;¹¹ how does a woman help a man? The other replied: If a man brings wheat, does he chew the wheat? If flax, does he put on the flax?¹² Does she not, then, bring light to his eyes and put him on his feet!

R. Eleazar further stated: What is meant by the Scriptural text, This is now bone of my bones, and flesh of my flesh?¹³ This teaches that Adam had intercourse with every beast and animal but found no satisfaction until he cohabited with Eve.

R. Eleazar further stated: What is meant by the text, And in thee shall the families of the earth be blessed?¹⁴ The Holy One, blessed be He, said to Abraham, 'I have two goodly shoots to engraft¹⁵ on you: Ruth the Moabitess and Naamah the Ammonitess'.¹⁶ All the families of the earth,¹⁴ even the other families who live on the earth are blessed only for Israel's sake. All the nations of the earth,¹⁷ even the ships that go from Gaul to Spain are blessed only for Israel's sake.

R. Eleazar further stated: There will be a time when all craftsmen will take up agriculture;¹⁸ for it

is said, And all that handle the oar, the mariners, and all the pilots of the sea, shall come down from their ships; they shall stand upon the land.¹⁹

R. Eleazar further stated: No²⁰ occupation is inferior to that of agricultural labour; for it is said, And they shall come down.²¹

R. Eleazar once saw a plot of land that was ploughed across its width.²² 'Wert thou to be ploughed along thy length also',²³ he remarked, 'engaging in business would still be more profitable'. Rab once entered among growing ears of corn. Seeing that they were swaying²⁴ he called out to them, 'Swing as you will,²⁵ engaging in business brings more profit than you can do'.

Raba said: A hundred zuz²⁶ in business means meat and wine every day; a hundred zuz in land, only salt and vegetables.²⁷ Furthermore it causes him to sleep on the ground²⁸ and embroils him in strife.²⁹

R. Papa said, 'Sow³⁰ but do not buy,³¹ even if the cost is the same; there is a blessing in the former. Sell out³² to avoid disgrace;³³ but only mattresses, [not] however, a cloak, [since one] might not always again obtain [a suitable one].³⁴ Stop up³⁵ and you will need no repair;³⁶ repair³⁷ and you will not need to rebuild; for whosoever engages in building grows poor. Be quick in buying land; be deliberate in taking a wife. Come down a step in choosing your wife;³⁸ go up a step in selecting your shoshbin.³⁹

R. Eleazar b. Abina⁴⁰ said: Punishment comes into the world only on Israel's account; for it is said, I have cut off nations, their corners are desolate; I have made their streets waste,⁴¹ and this is followed by the text, 'I said: Surely thou wilt fear Me, thou wilt receive correction'.⁴²

Rab was once taking leave of R. Hiyya. The latter said to him, 'May the All Merciful deliver you from that which is worse than death'. 'But is there' [Rab wondered] 'anything that is worse than death'? When he went out he considered the matter and found [the following text]: And I find more bitter than death the woman etc.⁴³

Rab was constantly tormented by his wife. If he told her, 'Prepare me lentils', she would prepare him small peas; [and if he asked for] small peas, she prepared him lentils. When his son Hiyya grew up he gave her [his father's instruction] in the reverse order.⁴⁴ 'Your mother', Rab once remarked to him, 'has improved'!⁴⁵ 'It was I', the other replied, 'who reversed [your orders] to her'. 'This is what people say', the first said to him, 'Thine own offspring teaches thee reason';⁴⁶ you, however, must not continue to do so' for it is said, They have taught their tongue to speak lies, they weary themselves etc'.⁴⁷

R. Hiyya was constantly tormented by his wife. He, nevertheless, whenever he obtained anything suitable wrapped it up in his scarf and brought it to her. Said Rab to him, 'But, surely, she is tormenting the Master!' — 'It is sufficient for us', the other replied, 'that they rear up our children and deliver us

(1) A coin. V. Glos.

(2) Isa. LVIII, 9. This refers to the preceding text: If then thou seest the naked, that thou cover him (ibid. 7), i.e., helping the poor at the hour of his need; and that thou hide not thyself from thine own flesh (ibid.) implies benefiting relatives including the marriage of a sister's daughter and loving one's neighbours who are regarded as relatives.

(3) The words in the mnemonic correspond to terms outstanding in the respective statements of R. Eleazar, that follow.

(4) Gen. V, 2. Adam == man. Only when the male and female were united were they called Adam.

(5) Ps. CXV, 16, emphasis on man and earth.

(6) Gen. II, 18.

- (7) עֵזֶר , 'help'.
- (8) כִּנְגְדוֹ , meet for him may also be rendered 'against him'.
- (9) כִּנְגְדוֹ (rt. נָגַד , 'to strike').
- (10) כִּנְגְדוֹ meet for him.
- (11) Gen. II, 18.
- (12) Obviously not. His wife grinds the wheat and spins the flax.
- (13) Gen. II, 23, emphasis on This is now.
- (14) Ibid. XII, 3, וְנִבְרְכוּ.
- (15) לְהַבְרִיךְ in Hif. is of the same rt. (בָּרַךְ) as וְנִבְרְכוּ in Nif.
- (16) Both belonged to idolatrous nations and were 'grafted' upon the stock of Israel. The former was the ancestress of David (V. Ruth IV, 13ff), and the latter the mother of Rehoboam (v. I Kings XIV, 31) and his distinguished descendants Asa, Jehoshaphat and Hezekiah.
- (17) Gen. XVIII, 18.
- (18) Lit., 'they shall stand upon the land'.
- (19) Ezek. XXVII, 29.
- (20) Lit., 'not to thee'.
- (21) V. supra note 11, emphasis on down.
- (22) Apparently as a measure of economy.
- (23) I.e., were it to be ploughed ever so many times.
- (24) Suggestive of a swaggering motion; pride.
- (25) Other readings and interpretations: 'Eh! thou desirest to be winnowed with the fan'; 'Thou swingest thyself like a swing'; 'Swing thyself' i.e., 'be as proud as thou wilt' (v. Aruk and Jast.).
- (26) A coin. V. Glos.
- (27) חֲפֹרֶה may be compared with Arab. hafire 'the beginning of a thing', hence the first stage in the ripening of the corn (cf. Levy), 'unripe ears' (v. Rashi); 'grass' (Golds.); 'common vegetables' (Jast.).
- (28) Since he must remain in his field during the night to watch the crops.
- (29) With the owners of adjoining fields.
- (30) Crops for the requirements of one's household.
- (31) Corn in the market.
- (32) Possessions or household goods.
- (33) Of starvation or begging (v. Rashi). Other readings and interpretations: 'Buy ready-made cloth and do not wind skeins' (read תִּיזוֹל for תִּדּוּל); 'Buy etc. and do not spin' (v. Jast. and Aruk).
- (34) V. Bah. a.l.
- (35) A small hole in a building.
- (36) Cf., 'a stitch in time saves nine' (Eng. prov.).
- (37) If it is too late to stop up the cracks.
- (38) A wife of superior position or rank might put on airs. or not be contented with her husband's social or financial position.
- (39) The bridegroom's best man. By associating with superior men one has a good example to emulate.
- (40) The last two words are missing in Yalkut.
- (41) Zeph. III, 6.
- (42) Ibid, 7.
- (43) Eccl. VII, 26.
- (44) So that when his mother, as usual, did the reverse of what she was requested by Hiyya in the name of his father, Rab had exactly what he had wished for.
- (45) Lit., 'improved for you', (dative of advantage).
- (46) The expedient had not occurred to him before his son had thought of it.
- (47) Jer. IX, 4.

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from sin'.

Rab Judah was reading with his son R. Isaac the Scriptural text, And I find more bitter than death the woman. When the latter asked him, 'Who, for instance'? — 'For instance, your mother'. But,¹ surely, Rab Judah taught his son R. Isaac, 'A man finds happiness² only with his first wife; for it is said, Let thy fountain be blessed and have joy of the wife of thy youth';³ and when the latter asked him, 'Who for instance?' [he answered:] 'For instance, your mother'!⁴ — She was indeed irascible but could be easily appeased with a kindly word.⁵

How is one to understand the term a 'bad wife'? Abaye said: One who prepares for him⁶ a tray⁷ and has her tongue⁸ also ready for him. Raba said: One who prepares for him⁶ the tray and turns her back upon him.⁹

R. Hama b. Hanina stated: As soon as a man takes a wife his sins are buried;¹⁰ for it is said: Whoso findeth a wife findeth a great good and obtaineth¹¹ favour of the Lord.¹²

In the West,¹³ they used to ask a man who married, 'findeth or find?'¹⁴ Findeth, because it is written, Whoso findeth a wife, findeth a great good;¹² Find, because it is written, And I find more bitter than death the woman.¹⁵

Raba said: [If one has] a bad wife it is a meritorious act to divorce her,¹⁶ for it is said, Cast out¹⁷ the scoffer, and contention will go out; yea, strife and shame will cease.¹⁸

Raba further stated: A bad wife, the amount of whose kethubah¹⁹ is large,²⁰ [should be given] a rival at her side; as people say, 'By her partner rather than by a thorn'.²¹

Raba further stated: A bad wife is as troublesome as a very rainy day; for it is said, A continual dropping in a very rainy day and a contentious woman are alike.²²

Raba further stated: Come and see how precious is a good wife and how baneful is a bad wife. 'How precious is a good wife', for it is written: Whoso findeth a wife findeth a great good.¹² Now, if Scripture speaks of the woman herself, then how precious is a good wife whom Scripture praises. If Scripture speaks of the Torah, then how precious is a good wife with whom the Torah is compared. 'How baneful is a bad wife', for it is written, And I find more bitter than death the woman.²³ Now, if Scripture speaks of herself, then how baneful is a bad wife whom Scripture censures. If Scripture speaks of Gehenna, then how baneful is a bad wife with whom Gehenna is compared.

Behold I will bring evil upon them, which they shall not be able to escape.²⁴ R. Nahman said in the name of Rabbah b. Abbuha: This refers to a bad wife, the amount of whose kethubah²⁵ is large.²⁶

The Lord has delivered me into their hands against whom I am not able to stand.²⁷ R. Hisda said in the name of Mar 'Ukba b. Hiyya: This refers to a bad wife the amount of whose kethubah²⁵ is large.²⁶ In the West²⁸ it was said: This refers to one whose maintenance depends on his money.²⁹

Thy sons and thy daughter's shall be given unto another people.³⁰ R. Hanan b. Raba stated in the name of Rab: This refers to one's father's wife.³¹

I will provoke them with a vile³² nation.³³ R. Hanan b. Raba stated in the name of Rab: This refers to a bad wife the amount of whose kethubah²⁵ is large.³⁴ R. Eliezer stated: This refers to the Sadducees;³⁵ for so it is said, The fool³² has said in his heart: 'There is no God' etc.³⁶ In a Baraitha it was taught: This refers to the people of Barbaria³⁷ and the people of Mauretania³⁸ who go naked in the streets; for there is nothing more objectionable and abominable to the Omnipresent than the man who goes naked in the streets. R. Johanan said: This refers to the Parsees.³⁹

When R. Johanan was informed that the Parsees⁴⁰ had come to Babylon, he reeled and fell.⁴¹ When however he was told that they accepted bribes he recovered⁴² and sat down again.⁴³

They⁴⁴ issued three decrees as a punishment for three [transgressions]:⁴⁵ They decreed against [ritually prepared] meat,⁴⁶ because the priestly gifts⁴⁷ [were neglected]. They decreed against the use of baths, because ritual bathing [was not observed]. They exhumed the dead,⁴⁸ because rejoicings were held on the days of their⁴⁹ festivals; as it is said, Then shall the hand of the Lord be against you, and against your fathers,⁵⁰ and Rabbah b. Samuel said that that⁵¹ referred to the exhumation of the dead, for the Master said, 'For the sins of the living the dead are exhumed'.

Said Raba to Rabbah b. Mari: It is written, They shall not be gathered, nor be buried, they shall be for dung upon the face of the earth,⁵² but it is also written,⁵³ And death shall be chosen rather than life!⁵⁴ — The other replied: 'Death shall be chosen' for the wicked, in order that they may not live in this world and thus sin and fall into Gehenna.⁵⁵ It is written in the book of Ben Sira: —⁵⁶

A good wife is a precious gift;⁵⁷ she will be put in the bosom of the God-fearing man.⁵⁸ A bad wife is a plague to her husband. What remedy has he? — Let him give her a letter of divorce and be healed of his plague.

A beautiful wife is a joy to her husband;⁵⁹ the number of his days shall be double.⁶⁰

Turn away thy eyes from [thy neighbour's] charming wife lest thou be caught in her net. Do not turn in to her husband to mingle with him wine and strong drink; for, through the form of a beautiful woman, many were destroyed and a mighty host are all her slain.⁶¹

Many were the wounds of the spice-peddler,⁶² which lead him on to lewdness like a spark that lights the coal.⁶³

As a cage is full of birds so are [the harlots'] houses full of deceit .⁶⁴

Do not worry about to-morrow's trouble, for thou knowest not what the day may beget. To-morrow may come and thou⁶⁵ wilt be no more and so thou hast worried about a world which is not thine.⁶⁶

Keep away many from thy house; and do not bring everyone into thy house.

Many be they that seek thy welfare; reveal thy secret only to one of a thousand.

R. Assi stated: The son of David⁶⁷ will not come before all the souls in Guf⁶⁸ are disposed of; since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.⁶⁹

It was taught: R. Eliezer stated, He who does not engage in propagation of the race is as though he sheds blood; for it is said, Whoso sheddeth man's blood by man shall his blood be shed,⁷⁰ and this is immediately followed by the text, And you, be ye fruitful and multiply.⁷¹ R. Jacob said: As though he has diminished the Divine Image; since it is said, For in the image of God made he man,⁷² and this is immediately followed by, And you, be ye fruitful etc.⁷¹ Ben 'Azzai said: As though he sheds blood and diminishes the Divine Image; since it is said,⁷³ And you, be ye fruitful and multiply.⁷¹

They said to Ben 'Azzai: Some preach well and act well, others act well but do not preach well; you, however, preach well but do not act well!⁷⁴ Ben 'Azzai replied: But what shall I do, seeing that my soul is in love with the Torah; the world can be carried on by others.

Another [Baraita] taught : R. Eliezer said, Anyone who does not engage in the propagation of the race is as though he sheds blood; For it is said, Whoso sheddeth mans's blood,⁷² and close upon it follows, And you, be ye fruitful etc.⁷¹ R. Eleazar b. Azariah said: As though he diminished the Divine Image. Ben 'Azzai said etc.⁷⁵ They said to Ben 'Azzai: Some preach well etc.⁷⁵

Our Rabbis taught: And when it rested, he said: 'Return O Lord unto the ten thousands and⁷⁶ thousands of Israel',⁷⁷

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- (1) Bah inserts, 'it is not so'.
 (2) Or 'satisfaction', 'contentment'.
 (3) Prov. V, 18.
 (4) Sanh. 22b. Which is apparently contradictory to the former character attributed to her!
 (5) Cf. Jast. and Golds.
 (6) Her husband.
 (7) His meal.
 (8) Lit., 'mouth'.
 (9) Euphemism.
 (10) **מתפקקין** lit., 'stopped up'.
 (11) **ויפק** regarded to have the same meaning as **מתפקקין** supra n. 7.
 (12) Prov, XVIII, 22.
 (13) Palestine.
 (14) Hebr. Moze or Maza.
 (15) Eccl. VII, 26.
 (16) **לגרשה** rt. **גרש** v. infra.
 (17) **גרש** of the same rt. as supra n. 13.
 (18) Prov. XXII, 10.
 (19) V. Glos.
 (20) Which the husband, should he desire to divorce her, cannot afford to pay.
 (21) I.e., a bad wife is more easily corrected by subjecting her to the unpleasantness of a rival than by chastising her with thorns.
 (22) Prov. XXVII, 15.
 (23) Eccl, VII, 26.
 (24) Jer. XI, 11.
 (25) V. Glos.
 (26) Which the husband, should he desire to divorce her, cannot afford to pay.
 (27) Lam, I, 14.
 (28) Palestine.
 (29) Having no land of his own from which to obtain his food, he is subject to the extortionate prices of unscrupulous dealers upon whom he must depend for the supply of his daily food.
 (30) Deut. XXVIII, 32.
 (31) A stepmother.
 (32) **נבל**.
 (33) Deut. XXXII, 21.
 (34) Which the husband, should he desire to divorce her, cannot afford to pay.
 (35) Bomberg ed., Minim, 'heretics'.
 (36) Ps. XIV, 1.
 (37) Tunis.
 (38) Britannia? v. Jast.
 (39) The followers of an expanded Zoroastrian ritual who, under the guidance of the Magians, in the reign of Ardashir I (226-241), severely oppressed the adherents of other creeds.
 (40) V. p. 424, n. 17.

- (41) Knowing as he did their intolerance and cruel religious fanaticism.
- (42) Lit., 'made (himself) straight'.
- (43) All hope, he felt, was not lost when concessions might be obtained by paying for them.
- (44) The Parsees who were accepted by Israel as a visitation sent by the divine will for their neglect of the Torah and its commandments.
- (45) Of Israel in Babylon.
- (46) Under a decree that any animal killed for human consumption must not be eaten unless certain parts of it were first offered on the Parsee altars, Jews were practically excluded from the eating of meat.
- (47) Prescribed in Deut. XVIII, 3.
- (48) One of the religious laws of the Parsees forbade the pollution of the earth by the burial of corpses. As a result, the graves in the Jewish cemeteries were broken open, and the dead exhumed and thrown to the beasts and birds of prey.
- (49) The idolaters'.
- (50) I Sam, XII, 15.
- (51) The hand of the Lord against the fathers who were no more alive.
- (52) Jer. VIII, 2.
- (53) Immediately following this text.
- (54) Jer. VIII, 3. How could it be said that such an ignominious death as described (ibid. 2) would be chosen rather than life?
- (55) The choice of death will not be made, as was assumed, by the sufferers. It is the prophet's oracle on the destiny of the wicked.
- (56) Ecclesiasticus,
- (57) So Bah. Cur. edd. add, 'to her husband; and it is written, good'.
- (58) Cf. Ecclesiasticus XXVI, 3.
- (59) Lit., 'happy is her husband'. Cf. Ps. I, 1.
- (60) Cf. Ecclesiasticus XXVI, 1. Every happy day is as good as two (v. Rashi).
- (61) Cf. Ben Sira (Ben Zeeb ed.) IX, 8, 10, 11.
- (62) His business of selling spices and perfumes to women leads him to much temptation.
- (63) Cf. Ben Sira (Ben Zeeb ed.) IX suppl. to v. 12.
- (64) Cf. Jer. V, 27 and op. cit., second suppl. loc. cit,
- (65) Lit., 'he'.
- (66) Lit., 'his'. Cf. Ben Sira, op. cit., XXX, 23. 24.
- (67) The Messiah,
- (68) Lit., 'body', the region inhabited by the unborn souls.
- (69) Isa LVII, 16. The previous section of the verse speaks of the redemption (Rashi). Hence the deduction that the redemption that is to come through the Messiah will not take place before all the unborn souls have been made, i.e., passed through the life of this world.
- (70) Gen. IX, 6.
- (71) Gen. IX, 7.
- (72) Ibid. 6.
- (73) After both Whoso sheddeth man's blood and In the image of God made he man. (Gen. IX, 6).
- (74) He remained a bachelor.
- (75) V. supra.
- (76) E.V. 'of the'.
- (77) Num. X, 36.

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teaches that the Divine Presence does not rest on less than two thousand and two myriads of Israelites.¹ Should the number of Israelites happen to be two thousand and two myriads less one, and any particular person has not engaged in the propagation of the race, does he not thereby cause the Divine Presence to depart From Israel! Abba Hanan said in the name of R. Eliezer: He deserves the penalty of death; for it is said, And they had no children,² but if they had children they would not

have died. Others say: He causes the Divine Presence to depart from Israel; for it is said, To be a God unto thee and to thy seed after thee;³ where there exists 'seed after thee' the Divine Presence dwells [among them]; but where no 'seed after thee' exists, among whom should it dwell! Among the trees⁴ or among the stones? MISHNAH. IF A MAN TOOK A WIFE AND LIVED WITH HER FOR TEN YEARS AND SHE BORE NO CHILD, HE MAY NOT ABSTAIN [ANY LONGER FROM THE DUTY OF PROPAGATION].⁵ IF HE DIVORCED HER SHE IS PERMITTED TO MARRY ANOTHER, AND THE SECOND HUSBAND MAY ALSO LIVE WITH HER [NO MORE THAN] TEN YEARS.⁶ IF SHE MISCARRIED [THE PERIOD OF TEN YEARS] IS RECKONED FROM THE TIME OF HER MISCARRIAGE.

GEMARA. Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her and give her her kethubah,⁷ since it is possible that it was he who was unworthy to have children from her.⁸ Although there is no definite proof for this statement⁹ there is nevertheless a [Scriptural] allusion to it: After Abram had dwelt ten years in the land of Canaan.¹⁰ This¹¹ teaches you that the years of his stay outside the Land¹² were not included in the number.¹³ Hence, if the man or the woman was ill, or if both were in prison, [these years] are not included in the number.¹⁴

Said Raba to R. Nahman: Let deduction be made from Isaac, concerning whom it is written, And Isaac was forty years old when he took Rebecca etc.¹⁵ and it is also written, And Isaac was threescore years old when she bore them!¹⁶ — The other replied: Isaac was barren.¹⁷ If so,¹⁸ Abraham also was barren!¹⁹ — That text²⁰ is required For a deduction in accordance with the statement of R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: Why were the years of Ishmael counted? In order to determine thereby the years of Jacob.²¹

R. Isaac stated: Our father Isaac was barren; for it is said, And Isaac entreated the Lord opposite²² his wife.²³ It does not say 'for his wife' but opposite. This teaches that both were barren.²⁴ If so, And the Lord let Himself be entreated of him²⁵ should have read, And the Lord let Himself be entreated of them!²⁵ — Because the prayer of a righteous man the son of a righteous man is not like the prayer of a righteous man the son of a wicked man.²⁶

R. Isaac stated: Why were our ancestors barren? — Because the Holy One, blessed be He, longs to hear the prayer of the righteous.

R. Isaac further stated: Why is the prayer of the righteous compared to a pitchfork?²⁷ As a pitchfork turns the sheaves of grain from one position to another, so does the prayer of the righteous turn the dispensations of the Holy One, blessed be He, from the attribute of anger to the attribute of mercy.

R. Ammi stated: Abraham and Sarah were originally of doubtful sex;²⁸ for it is said, Look unto to the rock

(1) The pl. number, רבבות (myriads) and אלפי (thousands), having been used in both cases. The pl. signifies not less than two.

(2) Num. III, 4, referring to the deaths of Nadab and Abihu.

(3) Gen. XVII,7.

(4) Or 'wood'.

(5) He must take another wife.

(6) If she had no issue from him also.

(7) V. Glos.

(8) She, therefore, must not be deprived of her kethubah,

(9) As to the period of ten years.

- (10) Gen. XVI, 3, with reference to Abram's marriage to Hagar.
- (11) The explicit statement, dwelt...in the land.
- (12) Palestine.
- (13) Living outside Palestine being a sin, it is presumed that this might have been the cause of 'their childlessness.
- (14) Since no propagation was possible in such circumstances.
- (15) Gen. XXV, 20.
- (16) Ibid. 26, which shews that he waited (60 — 40 ==) twenty years!
- (17) Knowing that the disability was due to his weakness he waited ten years longer than Abraham.
- (18) V. supra n. 13.
- (19) Why then did he not wait more than ten years?
- (20) The age of Isaac, Gen, XXV, 20.
- (21) And for the same reason was it necessary to give the age of Isaac. V. Meg. 17a. As the text is required for this purpose, no other deduction may be made from it. The text of the ten years of Abraham's waiting, however, as it is required for no other deduction, rightly serves the purpose of the allusion mentioned.
- (22) So lit., E.V. 'for'.
- (23) Gen. XXV, 21.
- (24) He had to pray not only for her but for himself also.
- (25) Since Isaac's prayer was not on behalf of his wife only but on behalf of himself as well.
- (26) Rebekah's father, Bethuel, was a wicked man. The implication of 'him' in 'entreated of him' is that Isaac's prayer was accepted before Rebekah's.
- (27) עֵתָר or עֵתָר of the same rt. as וַיֵּעָתַר and he entreated.
- (28) טוּמְטוּמִין v, Glos, s.v. tumtum.

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whence you were hewn¹ and to the hole of the pit² whence you were digged,³ and this is followed by the text, Look unto Abraham your father, and unto Sarah that bore you.⁴

R. Nahman stated in the name of Rabbah b. Abbuha: Our mother Sarah was incapable of procreation; for it is said, And Sarai was barren; she had no child,⁵ she had not even a womb.⁶

Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: That⁷ was taught only in respect of the early generations who lived many years. In respect of the later generations, however, whose years of life are few, only two years and a half, corresponding to three periods of pregnancy⁸ [are allowed].⁹

Rabbah stated in the name of R. Nahman: Three years [must elapse],⁹ corresponding to three remembrances;¹⁰ For a Master said: Sarah, Rachel and Hannah¹¹ were remembered on New Year's Day.¹²

Rabbah ruled: These general principles¹³ are to be disregarded.¹⁴ For consider: Who compiled our Mishnah? Rabbi, of course; but the years of life were already reduced in the days of David. For it is written, The days of our years are threescore years and ten.¹⁵

With regard to the assumption that 'it is possible that it was he who was unworthy to have children from her',¹⁶ is it not possible that it was she who was unworthy?¹⁷ — Since she is not commanded to fulfil the duty of propagation she is not so punished.¹⁸ But surely it is not so!¹⁹ For the Rabbis once said to R. Abba b. Zabda, 'Take a wife and beget children', and he answered them, 'Had I been worthy I would have had them from my first wife'! — There he was merely evading the Rabbis; for, in fact, R. Abba b. Zabda became impotent through the long discourses of R. Huna.²⁰

R. Giddal became impotent through the discourses of R. Huna,²⁰ R. Helbo became impotent

through the discourses of R. Huna,²⁰ and R. Shesheth also became impotent through the discourses of R. Huna.²⁰

R. Aha b. Jacob was once attacked by dysuria,²¹ and when he was supported on the college cedar tree a discharge issued like a green palm shoot.

R. Aha b. Jacob stated: We were a group of sixty scholars, and all became impotent through the long discourses of R. Huna,²⁰ with the exception of myself who followed the principle, Wisdom preserveth the life of him that hath it.²²

IF HE DIVORCED HER SHE IS PERMITTED etc. Only a second husband²³ but not a third,²⁴ whose view, then, is represented by our Mishnah? — It is that of Rabbi. For it was taught: If she circumcised her first child and he died,²⁵ and a second one who also died,²⁵ she must not circumcise her third child; so Rabbi. R. Simeon b. Gamaliel, however, said: She circumcises the third, but must not circumcise the fourth child. But, surely, the reverse was taught,²⁶ now which of these is the latter?²⁷ — Come and hear what R. Hiyya b. Abba stated in the name of R. Johanan: It once happened with four sisters at Sepphoris that when the first had circumcised her child he died; when the second [circumcised her child] he also died, and when the third [circumcised her child] he also died. The fourth came before R. Simeon b. Gamaliel who told her, 'You must not circumcise [the child]'.²⁸ But is it not possible that if the third sister had come he would also have told her the same!²⁹ — If so,³⁰ what could have been the purpose of the evidence of R. Hiyya b. Abba? [No]. It is possible that he meant to teach us the following: That sisters also establish a presumption!³¹

Raba said: Now that it has been stated that sisters also establish a presumption, a man should not take a wife either from a family of epileptics, or from a family of lepers. This applies, however, only when the fact had been established by the occurrence of three cases.³²

What is the decision?³³ — When R. Isaac b. Joseph came he related: Such a case was once submitted to R. Johanan in the Synagogue of Ma'on³⁴ on the Day of Atonement which fell on a Sabbath. A woman, it happened, had circumcised her child³⁵ who died; her second [sister circumcised her child] and he also died, and her third sister appeared before him. He said to her, 'Go and circumcise him'. Said Abaye to him:³⁶ See, you have permitted³⁷ a forbidden³⁸ and a dangerous³⁹ act.

Abaye, however, relying upon this statement⁴⁰ married Homa the daughter of Isi son of R. Isaac the son of Rab Judah, although Rehaba of Pumbeditha had married her and died, and R. Isaac son of Rabbah b. Hana had subsequently married her and also died. And after he had married her, he himself died also.

Said Raba: Would any one else have exposed himself to such danger? Surely he himself had said that Abin was reliable⁴¹ but that Isaac the Red was not a person to be relied upon;⁴¹ that Abin was well acquainted with any change⁴² [in the views of R. Johanan] but Isaac the Red was not acquainted with any such changes! Furthermore, it might be said that their dispute⁴³ extended only to the case of circumcision; do they, however, differ also in the case of marriage? — Yes; for so it was taught: If a woman was married to one husband⁴⁴ who died, and to a second one who also died, she must not be married to a third; so Rabbi. R. Simeon b. Gamaliel said: She may be married to a third, but she may not be married to a fourth.⁴⁵

In the case of circumcision, one can well understand [why the operation is dangerous with some children and not with others] since the members of one family may bleed profusely⁴⁶ while those of another family may bleed little;⁴⁷ what, however, is the reason in the case of marriage?⁴⁸ — R. Mordecai answered R. Ashi: Thus said Abimi from Hagronia in the name of R. Huna, 'The source⁴⁹

is the cause'.⁵⁰ But R. Ashi stated: '[The woman's] ill luck is the cause'.⁵⁰ What practical difference is there between them?⁵¹ — The difference between them is the case where the man only betrothed her and died,⁵² or also when he fell off a palm-tree and died.⁵²

SAID R. JOSEPH SON OF RABA to Raba: I enquired of R. Joseph whether the halachah is in agreement with Rabbi, and he replied in the affirmative. [I asked] whether the halachah is in agreement with R. Simeon b. Gamaliel, and he again replied in the affirmative. Was he thereby merely ridiculing me?' — The other replied: No; there are several anonymous statements [in the Mishnah] and he informed⁵³ you [that in the matter of] marriage and flogging [the anonymous Mishnah]⁵⁴ agrees with Rabbi, and that in the matter of menstrual periods and the ox [whose owner has been] fore-warned⁵⁵ [the anonymous Mishnah] agrees with R. Simeon b. Gamaliel.

As to marriage, there is the statement just discussed.⁵⁶ 'Flogging'? — As we learned: A man upon whom the penalty of flogging had been repeatedly inflicted is to be placed⁵⁷ under confinement⁵⁸ and fed on barley, until his stomach bursts.⁵⁹

'The menstrual periods'? — As we learned: A woman may not

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- (1) Allusion to the male organ. It was hewn but was not there originally.
- (2) Allusion to that of the female. Cf supra n. 9. Here the deduction is from digged.
- (3) Isa. LI, 1.
- (4) Ibid. 2. This verse explains to whom v. 1 alludes.
- (5) Gen. XI, 30.
- (6) As the second section of the verse is superfluous, child, **ולד** is taken to imply **בית ולד** the uterus or womb.
- (7) The period of ten years spoken of in our Mishnah,
- (8) Each period extending over nine months with the addition of one month after each period to cover the days of levitical uncleanness to which a woman after a confinement is subjected.
- (9) Before the husband must take another wife.
- (10) Three Rosh Hashanah festivals. The first two days of the new year are a time of prayer on which God remembers the childless women. The festival is also known as the Day of Memorial **יום הזכרון**
- (11) Who were originally barren. (Cf. Gen. XI, 30, XXIX, 31, I Sam. I, 2, 5).
- (12) R.H. 11b, Ber. 29a.
- (13) Which reduce the period of ten years in the case of later generations.
- (14) Lit., 'are not'.
- (15) Ps, XC, 10.
- (16) Supra 64a.
- (17) Why then is she entitled to receive her kethubah?
- (18) By barrenness,
- (19) This refers to the implication of the statement, supra, that the husband must take another wife, because it is possible that he was unworthy to have children from the first but may have them from the second.
- (20) V. supra p. 416, n. 11.
- (21) **סוסכינתא** a painful or difficult discharge of the urine, occasioned by his suppression of his needs. Aruk reads, **ססגוניתא** 'uratic stone'. Cf. Jast.
- (22) Eccl. VII, 12.
- (23) Lit., 'second, yes'.
- (24) Because, having remained barren after living with two husbands for a period of twenty years, her sterility is regarded as established.
- (25) As a result of the operation.
- (26) Rabbi's opinion was attributed to R. Simeon and vice versa.
- (27) The latter version of a statement is regarded as the more reliable, since the author may have recognized his error and changed his view.
- (28) This incident must have occurred in the latter days of R. Simeon b. Gamaliel, since it was witnessed by R. Johanan

who already belonged to the first generation of Amoraim. As the ruling in this incident clearly shews, R. Simeon b. Gamaliel held at that time the view attributed to him in the first cited Baraitha which must consequently be regarded as representing the later, and the more reliable version.

(29) And, consequently, the second Baraitha might represent the later version!

(30) That R. Hiyya b. Abba's statement was not intended to testify that a presumption can only be established by the threefold repetition of an act.

(31) I.e., not only is presumption established when the act or incident is repeated three times in the case of one woman, but also when it is so repeated in the case of three sisters (women).

(32) Lit., 'three times',

(33) Lit., 'what about it'.

(34) [Tell Ma'un, west of Tiberias, v, Klein, S. Beitrage, p. 60].

(35) Lit., 'and the first circumcised'.

(36) To R. Isaac b. Joseph.

(37) [I.e., by reporting R. Johanan's ruling. Var. lec., 'the Master permits a forbidden' etc., referring probably to R. Johanan].

(38) As the third child was not permitted to be circumcised, the operation constituted manual labour which is forbidden on the Sabbath.

(39) The child might have died as a result of the operation as did the other two.

(40) Of R. Isaac in the name of R. Johanan, that a presumption can only be established when an incident has occurred three times.

(41) In the reports he made in the name of R. Johanan. Both Abin and R. Isaac the Red reported rulings in the name of R. Johanan.

(42) חזרה lit., 'retraction'. חזרה may also signify repetition', i.e., Abin is reliable 'because he repeated and revised what he heard' while R. Isaac the Red did not. [Hyman, Toledoth p.794 explains it as: 'return'. Abin had proved reliable and hence entrusted by Babylonian scholars with traditional teachings for him to repeat on his 'return' to Palestine, which was not the case with R. Isaac].

(43) That of Rabbi and R. Simeon b. Gamaliel.

(44) Lit., 'to the first'.

(45) Nid. 64a.

(46) Lit., 'the blood is loose'.

(47) Lit., the blood is held fast'.

(48) Why is marriage with certain women a danger?

(49) Some malignant disease in the womb.

(50) Of the death of successive husbands.

(51) R. Ashi and Abimi.

(52) Here the source cannot have been the cause and the deaths can only be attributed to ill luck. According to the former view, therefore, no presumption would thereby be constituted.

(53) Lit., 'solved', 'made clear'.

(54) The halachah is always in agreement with the anonymous Mishnah.

(55) Mu'ad (מועד) v. Glos.

(56) Supra. Since our Mishnah permits the woman to marry a second husband but not a third, it must obviously represent the view of Rabbi.

(57) If he commits an offence for the third time.

(58) Lit., 'they bring him into a vaulted chamber'.

(59) Sanh. 81b.

Talmud - Mas. Yevamoth 65a

regard her menstrual periods as regular¹ unless the recurrence had been regular three times. Nor is she released from the restrictions of an established regular period unless it has varied three² times.³

'And the ox [whose owner has been] forewarned'? — As we learned: An ox is not deemed a

mu'ad unless [its owner] has been forewarned three times.⁴ Our Rabbis taught: A woman who had been married to one husband and had no children and to a second husband and again had no children, may marry a third man only if he has children. If she married one who has had no children she must be divorced without receiving her kethubah.

The question was raised: Where she married a third husband and bore no children, may her first two husbands reclaim [the respective amounts of her kethubah]?⁵ Can they plead, 'It has now been proved that you were the cause',⁶ or can she retort, 'It is only now that I have deteriorated'? — It stands to reason that she may plead, 'It is only now that I have deteriorated'.

The question was raised: If she married a fourth husband and gave birth to children, may she claim her kethubah from her third husband? — We advise her: 'Your silence is better than your speech'; for⁷ he⁸ could tell her, 'I would not have divorced you in such circumstances'.⁹ R. Papa demurred: Even if she keeps silence, should we remain silent? The divorce, surely,¹⁰ is annulled,¹¹ and her children are bastards! In truth,¹² the fact is,¹³ that it is assumed that she has now been restored to health.¹⁴

If the husband¹⁵ pleads, 'The fault is hers',¹⁶ and the wife pleads, 'The fault is his',¹⁷ R. Ammi ruled: In private matrimonial affairs¹⁸ the wife is believed. And what is the reason? — She is in a position to know whether emission is forceful,¹⁹ but he is not in a position to know it.

If the husband states that he intends taking another wife to test his potency.²⁰ R. Ammi ruled: 'He must in this case also divorce [his present wife] and pay her the amount of her kethubah; for I maintain that whosoever takes in addition to his present wife another one must divorce the former and pay her the amount of her kethubah.'

Raba said: A man may marry wives in addition to his first wife; provided only that he possesses the means to maintain them.

(1) To be deemed levitically clean until that period actually arrives. A woman of irregular periods is regarded as unclean for twenty-four hours prior to the monthly date on which her previous discharge occurred (v. Nid. 2a). Should a woman, the regularity of whose periods had been established omit to examine her body when menstruation is due, and subsequently find a discharge, we assume her retrospectively to have become unclean at the beginning of her period, while a woman whose periods are irregular cannot, of course, be subject to such restriction.

(2) If the change of date occurred no more than twice the restrictions remain in force (v. supra n. 8 last clause).

(3) Nid. 63b.

(4) B.K. 23b.

(5) Which each of them paid her when their respective divorces had taken place.

(6) Of the absence of any issue.

(7) Should she persist in her claim.

(8) Her third husband.

(9) That she was not really barren. By advancing such a plea the husband might retrospectively annul the divorce altogether.

(10) If the third husband's plea is tenable.

(11) Since it was given under a misapprehension.

(12) The third husband's plea is really untenable. Once he has determined to divorce her, at a time when her sterility was a matter of doubt, he cannot again retract.

(13) The reason why she cannot claim her kethubah.

(14) But was incapable of conception at the time of her divorce; and this is the reason why she has no claim for her kethubah upon the third man.

(15) Refusing to pay his wife's kethubah.

(16) That their union had produced no issue. Lit., from her'.

(17) Lit., 'from him' (cf. supra n. 12).

(18) Lit., 'things which are between him and her'.

(19) Lit., 'shoots like an arrow', which is an essential in fertilization. V. Hag. 15a.

(20) To beget children.

Talmud - Mas. Yevamoth 65b

If the husband pleads¹ that his wife had miscarried within the ten years.² and she states, 'I had no miscarriage', ³ R. Ammi ruled: She is believed in this case also; for if she had really miscarried she would not herself have sought to acquire the reputation of a barren woman.

A woman who miscarried, and then miscarried a second, and a third time, is confirmed as one subject to abortions.⁴

If he⁵ said, 'She miscarried two'⁶ and she said, 'three'?⁷ — R. Isaac b. Eleazar stated: Such a case was dealt with at the college, and it was ruled that she was to be believed; for if she had not miscarried⁸ she would not herself have sought to acquire the reputation of producing only miscarriages.

MISHNAH. A MAN IS COMMANDED CONCERNING THE DUTY OF PROPAGATION BUT NOT A WOMAN. R. JOHANAN B. BEROKA, HOWEVER. SAID: CONCERNING BOTH OF THEM⁹ IT IS SAID, AND GOD BLESSED THEM; AND GOD SAID UNTO THEM: 'BE FRUITFUL, AND MULTIPLY.'¹⁰ GEMARA. Whence is this¹¹ deduced? R. Ile'a replied in the name of R. Eleazar son of R. Simeon: Scripture stated, And replenish the earth, and subdue it;¹² it is the nature of a man to subdue but it is not the nature of a woman to subdue. On the contrary! And subdue it¹³ implies two!¹⁴ R. Nahman b. Isaac replied: It is written, And thou subdue it.¹⁵

R. Joseph said: Deduction¹⁶ is made from the following. I am God Almighty, be thou fruitful and multiply,¹⁷ and it is not stated, 'Be ye fruitful and multiply'.¹⁸

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: As one is commanded to say that which will be obeyed,¹⁹ so is one commanded not to say that which will not be obeyed.²⁰ R. Abba stated: It²⁰ is a duty; for it is said in Scripture, Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.²¹

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: One may modify a statement in the interests of peace; for it is said in Scripture, Thy father did command etc. so shall ye say unto Joseph: Forgive, I pray thee now, etc.²² R. Nathan said: It²³ is a commandment; for it is stated in Scripture, And Samuel said: 'How can I go? If Saul hear it, he will kill me', etc.²⁴

At the School of R. Ishmael it was taught: Great is the cause of peace. Seeing that for its sake even the Holy One, blessed be He, modified a statement; for at first it is written, My lord being old,²⁵ while afterwards it is written, And I am old.²⁶

R. JOHANAN B. BEROKA, HOWEVER, SAID. It was stated: R. Johanan and R. Joshua b. Levi [are at variance]. One stated that the halachah is in agreement with R. Johanan b. Beroka, and the other stated that the halachah is not in agreement with R. Johanan b. Beroka. It may be proved that it was R. Johanan who stated that the halachah is not [in agreement etc.]. For R. Abbahu was once sitting [at the college] and reported in the name of R. Johanan that the halachah [was in agreement etc.], and R. Ammi and R. Assi turned away their faces.²⁷ Others say: R. Hiyya b. Abba made the report,²⁸ and R. Ammi and R. Assi turned away their faces. Said R. Papa: According to him who maintains that R. Abbahu made the statement²⁸ it is easy to understand that it was out of respect for

the royal house that they²⁹ said nothing to him.³⁰ According to him, however, who maintains that R. Hiyya b. Abba made the statement,²⁸ they²⁹ should have told him that R. Johanan did not say so!

Now, what is the decision?³¹ — Come and hear what R. Aha b. Hanina stated in the name of R. Abbahu in the name of R. Assi: Such a case³² once came before R. Johanan at the Synagogue of Caesarea, and he decided that the husband must divorce her and also pay her the amount of her kethubah. Now, if it be suggested that a woman is not subject to the commandment,³³ how could she have any claim to a kethubah? — It is possible that this was a case where she submitted a special plea; as was the case with a certain woman who once came to R. Ammi and asked him to order the payment of her³⁴ kethubah. When he replied, 'Go away, the commandment³⁵ does not apply to you',³⁶ she exclaimed, 'What shall become of a woman like myself³⁷ in her old age!'³⁸ 'In such a case', the Master said, 'we certainly compel [the husband]'.³⁹

A woman once came [with a similar plea]⁴⁰ before R. Nahman. When he told her, 'The commandment³⁵ does not apply to you', she replied, 'Does not a woman like myself³⁷ require a staff in her hand and a hoe for digging her grave'!⁴¹ 'In such a case', the Master said, 'we certainly compel [the husband]',³⁹

Judah and Hezekiah were twins. The features of the one were developed at the end of nine months, and those of the other were developed at the beginning of the seventh month.⁴² Judith,⁴³ the wife of R. Hiyya, having suffered in consequence agonizing pains of childbirth, changed her clothes [on recovery] and appeared⁴⁴ before R. Hiyya. 'Is a woman', she asked, 'commanded to propagate the race'? — 'No', he replied. And relying on this decision,⁴⁵ she drank a sterilizing potion. When her action finally became known, he exclaimed, 'Would that you bore unto me only one more issue of the womb!'⁴⁶ For a Master stated: Judah and Hezekiah were twin brothers and Pazi and Tawi

(1) When, having lived with his wife for ten years without begetting any issue, he is ordered to divorce her and to pay her the amount of her kethubah. V. supra.

(2) And, consequently, he claims the right to continue to live with her until a period of ten years has passed from the date of the miscarriage (v. our Mishnah).

(3) I.e., she was always sterile.

(4) And, consequently, she must be divorced; but is entitled to her kethubah.

(5) Refusing to pay her kethubah.

(6) And, consequently, her proneness to miscarry is not established.

(7) I.e., that she miscarried three times and has thus established a reputation for miscarriage.

(8) Three times, as she pleaded.

(9) Adam and Eve, i.e., man and woman.

(10) Gen. I, 28.

(11) That only the man, and not the woman, is subject to the duty of propagation.

(12) Gen. I, 28.

(13) **וכבשה** *ibid.*

(14) Since **וכבשה** is the plural of the sec. person imperative.

(15) The written form is **וכבשה** which, without the M.T. vowels, may also be read **וכבשה** the imper. sing. with pron. suffix.

(16) V. supra note 1.

(17) Gen. XXXV, 11 **פרה ורבה** (sing.).

(18) **פרו ורבו** the sec. masc. pl.

(19) Cf. Lev. XIX, 17, Thou shalt surely rebuke thy neighbour. **הוכח תוכיח** the repetition of the vb. implies 'rebuke only where rebuke will be effective'. (V. Rashi).

(20) No rebuke should be addressed to one who is sure to ignore it.

(21) Prov. IX, 8.

(22) Gen. L, 16f. It is nowhere found that Jacob commanded it; but the brothers attributed the request to him for the sake

of preserving the peace between themselves and Joseph.

(23) Modification of a statement in the interests of peace.

(24) I Sam. XVI, 2. In response to this, Samuel was advised by God to say that he came to sacrifice to the Lord (ibid.) though his mission, in fact, was the anointing of David (v. ibid. 1 and 13).

(25) Gen. XVIII, 12, a slight on Abraham,

(26) Ibid. 13. Thus God, when speaking to Abraham, modified Sarah's expression concerning him, which he might have resented, to one in which the slight of 'crabbed old age' was directed towards Sarah herself; v. B.M. Sonc. ed. p. 502, n. 4.

(27) Because they knew that R. Johanan said the reverse. Out of respect, however, for the Master they refrained from a direct contradiction.

(28) In the name of R. Johanan.

(29) R. Ammi and R. Assi.

(30) R. Abbahu. He was one of the most prominent men of his time and persona grata with the government. Cf. Hag. 14a, Keth. 17a, Sanh. 14a.

(31) Lit., 'what was (the decision) about it'. V. following note.

(32) Where a woman desired to be divorced on the ground that she had borne no issue from her husband.

(33) Of the propagation of the race.

(34) Lit., 'give me'.

(35) Of the propagation of the race.

(36) Hence divorce in her case was unnecessary and consequently she can lay no claim to her kethubah.

(37) Lit., 'this'.

(38) If there will be no children to provide for her.

(39) To give a divorce and to pay also the kethubah.

(40) V. supra p. 438. n. 8.

(41) I.e., children who would maintain her during her lifetime and provide for her burial when she died.

(42) The former was born three months before the latter. Cf. Nid. 27a.

(43) Their mother.

(44) In her disguise.

(45) Lit., 'she went'.

(46) One other pair of twin sons at least.

Talmud - Mas. Yevamoth 66a

twin sisters.¹

But does not the commandment apply to women? Surely, R. Aha b. R. Kattina related in the name of R. Isaac: It once happened in the case of a woman who was half slave and half free, that her master was compelled to emancipate her!² R. Nahman b. Isaac replied: People were taking liberties with her.³

CHAPTER VII

MISHNAH. IF A WIDOW [WHO MARRIED] A HIGH PRIEST,⁴ OR IF A DIVORCED WOMAN OR A HALUZA [WHO MARRIED] A COMMON PRIEST BROUGHT IN TO HER HUSBAND MELOG⁵ SLAVES AND ZON BARZEL⁵ SLAVES. THE MELOG SLAVES MAY NOT EAT TERUMAH BUT THE ZON BARZEL SLAVES MAY EAT OF IT.⁶

THE FOLLOWING ARE MELOG SLAVES: THOSE WHO, IF THEY DIE, ARE THE WIFE'S⁷ LOSS AND, IF THEIR VALUE INCREASES, ARE HER PROFIT. THOUGH IT IS THE HUSBAND'S DUTY TO MAINTAIN THEM, THEY MAY NOT EAT TERUMAH.⁶

THE FOLLOWING ARE ZON BARZEL SLAVES: IF THEY DIE, THEY ARE THE LOSS OF

THE HUSBAND AND, IF THEIR VALUE INCREASES, ARE A PROFIT TO HIM. SINCE HE IS RESPONSIBLE FOR THEM,⁸ THEY ARE PERMITTED TO EAT TERUMAH.

IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST, AND SHE BROUGHT HIM IN SLAVES, THEY ARE PERMITTED TO EAT TERUMAH WHETHER THEY ARE MELOG SLAVES, OR ZON BARZEL SLAVES.⁶ IF THE DAUGHTER OF A PRIEST, HOWEVER, WAS MARRIED TO AN ISRAELITE AND SHE BROUGHT HIM IN SLAVES, THEY MAY NOT EAT TERUMAH WHETHER THEY ARE MELOG SLAVES OR ZON BARZEL SLAVES.⁶

GEMARA. And MELOG SLAVES MAY NOT EAT TERUMAH! What is the reason? Let them rather be regarded as a possession that was acquired by one in his possession [who is permitted to eat terumah]. for it was taught: Whence is it deduced that the wife whom a priest married or the slaves which he purchased may eat terumah.? It is said, But if a priest buy any soul the purchase of his money, he may eat of it.⁹ And whence is it deduced that if a woman¹⁰ purchased slaves¹¹ or if a priest's slaves purchased¹² other slaves, these may eat terumah? It is said, But if a priest buy any soul, the purchase of his money, he may eat of it;⁹ a possession which his possession has acquired may eat!¹³ — Whosoever may himself eat may confer the right of eating upon others but whosoever may not himself eat may not confer the right of eating upon others.¹⁴ May he not, indeed?¹⁵ There is, surely, the case of¹⁶ an uncircumcised man and that of all levitically unclean persons who may not themselves eat terumah and yet confer the right of eating it upon others!¹⁷ — In those cases¹⁸ they are merely suffering pain in their mouths.¹⁹ But there is, surely, the case of¹⁶ the bastard²⁰ Who may not eat terumah himself²¹ and yet may confer the right of eating it upon others!²² — Rabina replied. He speaks of an acquisition²³ that is permitted to eat: Any acquisition that may eat may confer the right of eating upon others, and any acquisition that may not eat may not confer the right upon others.

Raba, however, stated²⁴ that pentateuchally they²³ may in fact eat terumah; but it is the Rabbis who instituted the prohibition in order that the woman might complain, 'I am not allowed to eat; my slaves are not allowed to eat; I am only his mistress!', in consequence of which he would be likely to divorce her. R. Ashi stated:²⁴ The prohibition is a preventive measure against the possibility of her feeding them²⁵ with terumah after the death [of her husband].²⁶ Now, then,²⁷ a daughter of an Israelite who was married to a priest should also be forbidden to feed [her melog slaves with terumah] as a preventive measure against her feeding them after [her husband's] death!²⁸ — But, said R. Ashi, [our Mishnah refers to] a priestly widow²⁹ who³⁰ might draw the following conclusion:³¹ 'At first³² they³³ ate terumah at my paternal home;³⁴ and when I married this man³⁵ they³³ ate³⁶ of the terumah of my husband; they³³ should now,³⁷ therefore, revert to their former condition',³⁸ and she would not know that at first³⁹ she had not made of herself a profaned woman⁴⁰ while now⁴¹ she has made herself a profaned woman.⁴⁰ This explanation is quite satisfactory in the case of a priestly widow;⁴² what explanations however, is there in the case of a widow who is the daughter of an Israelite?⁴³

The Rabbis made no distinction between one widow and another.⁴⁴

It was stated: If a wife: who brought to her husband⁴⁵ appraised goods,⁴⁶ demands,⁴⁷ 'I will accept only my own goods',⁴⁸ and he replies 'I am only paying their value'⁴⁹ — in whose favour is judgment to be given? Rab Judah said:

(1) The two pairs of twins were children of R. Hiyya from Judith.

(2) So that she might be permitted to marry a free man, As a half slave she was not allowed to contract such a marriage. Now, since her master was compelled to give her the opportunity of marrying, it is obvious that the commandment of propagation applies to women also!

- (3) And marriage was her only protection; and this was the reason why her master was compelled to emancipate her.
- (4) Contracting thereby a forbidden union.
- (5) V. infra and Glos.
- (6) The reason is given in the Gemara.
- (7) Lit., 'died for her'.
- (8) He or his heirs must restore them to his wife in a healthy condition should he divorce her or die.
- (9) Lev. XXII, 11.
- (10) The daughter of an Israelite, who married a priest.
- (11) Out of her melog property the principal of which is hers.
- (12) With a sum of money that was given to them as their absolute property. on the condition that their master was to have no claim whatsoever upon it.
- (13) The expression, 'the purchase of his money is superfluous' and the text is, therefore, expounded thus: If the purchase of his money, i.e., a priest's wife or slave (who is the priest's acquisition) buy any soul, he (i.e., the one purchased) 'may eat of it'. Why then are not melog slaves, being an acquisition of the priest's wife, permitted to eat terumah?
- (14) The priest's wife in this case is not herself permitted to eat terumah, since her union with this priest is a forbidden one. V. Lev. XXI, 7,13 and supra p. 441, n. 1.
- (15) Lit., 'and not'?
- (16) Lit., 'and behold'.
- (17) Their slaves, e.g., are permitted to eat terumah. Cf. infra 70a.
- (18) Lit., 'there'.
- (19) I.e., their disability is restricted to their mouth alone. They are only temporarily forbidden to eat the terumah. At the moment their unclean period is over or circumcision is performed their rights are fully restored. In the case of the priest's wife in our Mishnah, however, the disability is permanent, since by her forbidden marriage she remains for ever a profaned woman.
- (20) I.e., mamzer, (v. Glos.) the issue of a union between a slave or idolater and a woman who was the issue of a marriage between a priest and the daughter of an Israelite.
- (21) Since he is neither priest nor even a legitimate Israelite.
- (22) His grandmother, the wife of the priest, may continue to eat terumah even after the death of her husband so long as the bastard (being a descendant of her husband through their daughter) is alive. As the widow of a priest she would have lost the privilege of eating terumah on her husband's death had there been no surviving descendants. V. infra 69b.
- (23) Not of a descendant.
- (24) In explaining the reason why MELOG SLAVES MAY NOT EAT TERUMAH.
- (25) The melog slaves.
- (26) Believing that, as she was allowed to feed them with terumah during the lifetime of her husband though they were her property, she may continue to do so even after his death. In the case of zon barzel slaves, however, no such error need be feared since the slaves are not hers, but his absolute property until the moment when it is surrendered to her by her husband or heir, v. infra.
- (27) If such an error as suggested is to be feared.
- (28) But our Mishnah distinctly states that her melog slaves also may eat terumah!
- (29) The daughter of a priest who, as a widow, married a High Priest, and thus became profaned through their forbidden marriage.
- (30) If her melog slaves were permitted to eat terumah while she lived with the High Priest.
- (31) After the High Priest's death.
- (32) During her first widowhood.
- (33) The melog slaves.
- (34) As a widow she then returned to her father's priestly house and was again entitled to eat terumah herself and to feed her slaves with it.
- (35) The High Priest.
- (36) Cf. supra n. 8.
- (37) When the High Priest died, though she remained a profaned widow who is, in fact, forbidden to eat terumah.
- (38) To be allowed again. as before, to eat terumah.

- (39) During her first widowhood.
- (40) Halachah (v. Glos.) through her forbidden marriage.
- (41) Having married a High Priest to whom a widow is forbidden.
- (42) V. supra p. 443, n. 7.
- (43) The error mentioned cannot occur in her case; but as our Mishnah draws no distinction between the two, the question remains: Why should not her melog slaves be permitted to eat terumah?
- (44) Lit., 'in her widowhood'. Were the feeding permitted in the case of the one, the other might erroneously be presumed to come under the same law.
- (45) As zon barzel property (v. Glos.).
- (46) Shum (v. Glos.). V. Ket. Sonc. ed. p 401. n. 11. In consideration of which he guarantees her a specified sum in her kethubah, which is recoverable by her at his death, or earlier if she is divorced.
- (47) When she claims her kethubah. v. supra n. 9.
- (48) I.e., the actual objects she had brought to her husband.
- (49) In accordance with the appraisement in the kethubah.

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Judgment is to be given in her favour;¹ and R. Ammi said: Judgment is to be given in his favour. 'Rab Judah said: Judgment is to be given in her favour because [they represent] assets of her paternal property [which] belong to her. R. Ammi said: Judgment is to be given in his favour' for, as the Master said, [THE FOLLOWING ARE ZON BARZEL SLAVES:] IF THEY DIE, THEY ARE THE LOSS OF THE HUSBAND AND, IF THEIR VALUE INCREASES- ARE A PROFIT TO HIM; [AND] SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT TERUMAH [they are therefore obviously regarded as his own].² R. Safra said: Was it stated, 'and they belong to him? The statements surely only reads, SINCE HE IS RESPONSIBLE FOR THEM! In fact, then, they may not belong to him at all. But [is it a fact that] those for whom he³ is responsible invariably eat terumah? Surely we learned: An Israelite who hired a cow from a priest may feed her on vetches of terumah. A priest, however, who hired a cow from an Israelite, though it is his duty to supply her with food,⁴ must not feed her on vetches of terumah!⁵ — How could you understand it thus! Granted that he is liable for theft or loss, is he also liable for accidents, emaciation or reduction in value!⁶ [The case⁷ in our Mishnah], surely, can only be compared to that in the final clause:⁸ An Israelite who hired a cow from a priest, guaranteeing him its appraised value,⁹ may not feed it on vetches of terumah. A priest, however, who hired a cow from an Israelite, guaranteeing him its appraised value,⁹ may feed it on vetches of terumah.¹⁰

Rabbah and R. Joseph were sitting at their studies at the conclusion of R. Nahman's school session, and in the course of their sitting they made the following statement: [A Baraitha] was taught in agreement with Rab Judah; and [another Baraitha] was taught in agreement with R. Ammi. ['A Baraitha] was taught in agreement with Rab Ammi': Zon barzel slaves procure their freedom when the man,¹¹ but not when the woman [struck out] a tooth or an eye.¹² ['A Baraitha] was taught in agreement with Rab Judah': If a wife brought in to her husband appraised goods,¹³ the husband may not sell them even if it is his desire to do so.¹⁴ Furthermore, even if he brought in to her appraised goods of his own,¹⁵ he may not sell them even if he desired to do so. If either¹⁶ of them sold [any of the appraised goods] for their maintenance. Such an incident was once dealt with by R. Simeon b. Gamaliel, who ruled that the husband¹⁷ may seize them from the buyers.¹⁸

Raba¹⁹ stated in the name of R. Nahman: The law is in agreement with Rab Judah. Said Raba to R. Nahman: But surely [a Baraitha] was taught in agreement with R. Ammi! Although [a Baraitha] was taught in agreement with R. Ammi, Rab Judah's view is more logical, since any asset of a woman's paternal property [should rightly belong to her].

A woman once brought²⁰ in to her husband a robe of fine wool [which was appraised and

included] in her kethubah. When the man died it was taken by the orphans and spread over the corpse. Raba ruled that the corpse had acquired it.²¹

Said Nanai son of R. Joseph son of Raba to R. Kahana: But, surely, Raba²² stated in the name of R. Nahman that the law is in agreement with Rab Judah!²³ The other replied: Does not Rab Judah admit that the robe had still to be collected [by the wife]?²⁴ Since it had still to be collected it remained in the husband's possession.²⁵ [In this ruling] Raba acted in accordance with his view [elsewhere expressed]. For Raba stated:²⁶ Consecration,²⁶ leavened food²⁶, and

(1) Her own objects must be returned to her.

(2) Cf. Bomberg ed. where an amplified version of this text is given including the clause enclosed here in square brackets.

(3) A priest.

(4) And though he is also responsible for the loss, or theft of the animal.

(5) 'A.Z. 15a; which shews that even an animal for which a priest is responsible (v. supra n. 2) is not permitted to eat terumah. How, then, could it be said, SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT?

(6) Certainly not. Such a restricted responsibility, therefore, is incomplete and does not confer the right to terumah.

(7) Of zon barzel.

(8) Of the Baraitha cited.

(9) Lit., 'if an Israelite appraised a cow from'. I.e., he undertook to make good to the owner any loss in the value of the animal between the date of hire and the date of the return.

(10) The animal being regarded as the priest's own property, in respect of its feeding on terumah, owing to his responsibility for the return of its full value. Thus it follows that, though an animal would be returned in body, should its value on the day of its return be equal to that of its appraised value, it is nevertheless, owing to the priest's complete responsibility, deemed to be the priest's property so long as it remains in his possession; so also in the case of zon barzel slaves: though they would ultimately be returned to the woman in body, they are regarded, in respect of terumah, as the property of the priest, who accepted full responsibility for them, so long as they remain with him.

(11) The husband, who is regarded, in agreement with R. Ammi, as the owner of the slaves.

(12) Cf. Ex. XXI, 26.

(13) Which the husband includes in her kethubah, and undertakes to return to her at their appraised value should he divorce her or die.

(14) It is his duty to keep them intact so that the objects themselves, not merely their value, may be returned to the woman in due course.

(15) Included them in the amount of her kethubah.

(16) Lit., 'both'. V. Rashi a.l.

(17) I.e., even he.

(18) If the woman died; the sale being deemed invalid. That the woman, when her husband dies or divorces her, may seize such property, in the event of a sale by him, is obvious.

(19) Wanting in MSS. which read 'R. Nahman stated'.

(20) In her dowry, as zon barzel.

(21) The shroud, wraps. or any article of dress that has covered the body of a corpse is deemed to be the dead man's property, and no living person may derive any benefit from it. V. Sanh. 47b.

(22) Cf. supra n. 7.

(23) That zon barzel property, such as the robe was, belongs to the wife'!

(24) Of course he does. The robe does not come into the actual possession of the woman until her claim is proved and the robe surrendered to her by the husband or his heirs.

(25) The orphans were, therefore, entitled to use it as part of the dead man's shroud. The woman's claim upon it is undoubtedly valid, but has not any greater force than that of the holder of a mortgage. V. infra note 3.

(26) Supra 46a q.v. for notes. V. also Keth. 59b, Git. 40b, B.K. 89b.

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manumission cancel a mortgage.¹

Rab Judah stated: If a wife brought to her husband² two articles worth a thousand zuz, and their value increased to two thousand, she receives one³ in settlement of her kethubah;⁴ and for the other⁵ she pays its price and receives it, since it represents assets of her paternal property.⁶

What are we taught by this⁷ statement! That assets of her paternal property belong to her? This, surely, has already been stated by Rab Judah!⁸ — It might have been assumed that that statement⁸ applied only where she came to claim [paternal property] as part of her kethubah, but not where she desired to take it in return for payment of its value, hence we were taught [that she may also pay its price and receive it].

MISHNAH. IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST WHO DIED AND LEFT HER PREGNANT, HER SLAVES MAY NOT EAT TERUMAH⁹ IN VIRTUE OF THE SHARE OF THE EMBRYO,¹⁰ SINCE AN EMBRYO MAY DEPRIVE¹¹ [ITS MOTHER]¹² OF THE PRIVILEGE [OF EATING TERUMAH]¹³ BUT HAS NO POWER TO BESTOW IT UPON HER;¹⁴ SO R. JOSE. THEY¹⁵ SAID TO HIM: SINCE YOU HAVE TESTIFIED TO US IN RESPECT OF THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A PRIEST,¹⁶ THE SLAVES OF THE DAUGHTER OF A PRIEST, WHO A MARRIED TO A PRIEST WHO DIED AND LEFT HER WITH CHILD, SHOULD ALSO BE FORBIDDEN TO EAT TERUMAH ON ACCOUNT OF THE SHARE OF THE EMBRYO!¹⁷

GEMARA. A question was raised: Is R. Jose's reason¹⁸ because he is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a nonpriest,²⁰ or is his reason because only the born may bestow the right of eating but the unborn may not? — In what respect could this difference matter?²¹ — In respect of an embryo in the womb of a priest's daughter.²² Now, what is the reason? Rabbah replied: R. Jose's reason is this. He is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a non-priest.²⁰ R. Joseph replied: The born may bestow the privilege of eating while the unborn may not.

An objection was raised: They said to R. Jose: Since you have testified to us in respect of the daughter of an Israelite who was married to a priest, what is the law in respect of the daughter of a priest who was married to a priest? 'The first',²³ he replied, 'I heard;²⁴ but the other²⁵ I have not heard'.²⁶ Now, if you agree [that R. Jose's reason is because] an embryo in the womb of a lay woman²⁷ is regarded as a non-priest,²⁸ it was correct for him to say, 'The first I heard, but the other I did not'. If you maintain, however, [that R. Jose's reason is because] the born may bestow the right of eating and the unborn may not, what [could he have meant by] 'The first I have heard but the other I have not heard', when the principle is the same! — This is indeed a difficulty.

Said Rab Judah in the name of Samuel: This²⁹ is the opinion of R. Jose; but the Sages said: If he³⁰ has children,³¹ they³² may eat [terumah] by virtue of his children;³³ if he has no children, they³² may eat by virtue of his³⁴ brothers, and if he has no brothers they³² may eat by virtue of the entire family.³⁵ 'This',³⁶ would imply that he³⁷ himself does not share the view;³⁸ but, surely, Samuel said to R. Hana of Bagdad, 'Go bring me a group of ten men that I may tell you in their presence³⁹ that if title is conferred upon an embryo [through the agency of a third party], it does acquire ownership'!⁴⁰ The fact is that 'this' here denotes that he⁴¹ also holds the same opinion. What, then, does he⁴¹ teach us?⁴² That the Rabbis disagree with R. Jose! But do they, in fact, disagree? Surely R. Zakkai stated:⁴³ This evidence⁴⁴ was submitted by R. Jose in the name of Shemaiah and Abtalion and they⁴⁵ agreed with him! — R. Ashi replied: Does it read, 'and they accepted'? It was only said, 'and they agreed', [which may only mean] that his view is logical.⁴⁶

Our Rabbis taught: If he⁴⁷ left children,⁴⁸ both these and the others⁴⁹ may eat terumah.⁵⁰ If he⁵¹

left his widow with child,⁵² neither these nor the others⁴⁹ may eat it.⁵³ If he left children and also left his widow with child, the melog slaves may eat as she may eat;⁵⁴ but the zon barzel slaves may not eat, on account of the share of the embryo which may deprive [its mother]⁵⁵ of the privilege [of eating terumah] but has no power to bestow it;⁵⁶ so R. Jose. R. Ishmael son of R. Jose stated in the name of his father: A daughter may bestow the right of eating; a son may not.⁵⁷ R. Simeon b. Yohai said: [If the children⁵⁸ are] males, all [the slaves] may eat.⁵⁹ [If however they are] females, [the slaves] are not permitted to eat, since it is possible that the embryo might be a male;⁶⁰ and daughters, where there is a son, have no share at all.⁶¹ What need was there to point⁶² to the possibility that the embryo might be a male when this⁶³ might be equally deduced [from the fact] that [even when the embryo is] a female it deprives them of the privilege!⁶⁴ — He meant to say: There is one reason and also an additional one. ‘There is the one reason’ that a female embryo also deprives [the slaves] of the privilege; and, furthermore,⁶⁵ ‘it is possible that the embryo might be a male and daughters, where there is a son, have no share at all’.

‘[If the children are] males, [the slaves] may eat’. But, surely, there is an embryo in existence!⁶⁶ — He is of the opinion

(1) The prohibition against the use of a dead man's shroud has the same force as that of consecrated objects and invalidates, therefore, the legal force of the wife's mortgage. V. supra note 1.

(2) In her dowry as zon barzel.

(3) Which is now worth one thousand zuz.

(4) Which entitles her only to the one thousand zuz which was the sum at which the two articles were appraised at the time she transferred them to her husband.

(5) The value of the second article, now belonging to the husband since the appreciation took place while the articles were in his possession.

(6) Which property belongs to her.

(7) R. Judah's.

(8) Supra 66b, top.

(9) Even if she had other children by virtue of whom she herself is entitled to the eating of terumah.

(10) A portion of each slave belonging to the embryo who is one of the heirs.

(11) The reasons are explained infra.

(12) If she is the daughter of a priest who was married to an Israelite who died.

(13) Even though there are no other children from that union to deprive her of the right of returning to the priestly house of her father and to enjoy the privilege again.

(14) If she is an Israelite's daughter married to a priest who died leaving her with no children but the embryo. As it cannot bestow such right upon its mother so it cannot bestow it upon its slaves.

(15) The Sages who disagreed with him.

(16) That an embryo does not entitle one (either its mother or slaves) to the privilege of eating terumah.

(17) V. p. 447, n. 12.

(18) In forbidding in our Mishnah the eating of terumah by zon barzel slaves.

(19) The daughter of an Israelite, belonging to no priestly family.

(20) Even if his father was a priest.

(21) Since, whatever the reason, the embryo does not bestow the privilege.

(22) Who had been married to a priest. The first reason does not apply, while the second, does

(23) Lit., ‘this’.

(24) That the slaves are forbidden to eat terumah.

(25) Lit., ‘this’.

(26) V. supra p. 448, n. 13. Consequently they are allowed to eat terumah.

(27) V. p. 448, n. 8.

(28) V. p. 448, n. 9.

(29) The ruling in our Mishnah.

(30) The deceased priest.

- (31) Besides the embryo.
- (32) The zon barzel slaves.
- (33) The embryo is entirely disregarded.
- (34) The deceased priest's.
- (35) Among the entire family of the priest there must be at least one who is entitled to be his heir; and so long as the embryo is unborn, that born heir, as the owner of the slaves, is fully entitled to confer upon them the right of eating terumah.
- (36) The expression, 'This is the opinion of R. Jose'.
- (37) Samuel.
- (38) That an embryo acquires ownership.
- (39) Thus giving the matter due publicity.
- (40) B.B. 142b, Keth. 7b, Zeb. 95a.
- (41) Samuel.
- (42) By pointing out that the statement is that of R. Jose.
- (43) V. Bah. Cur. edd., 'R. Zakkai raised an objection'.
- (44) Recorded in our Mishnah.
- (45) The Rabbis.
- (46) They, however, did not accept it.
- (47) A deceased priest.
- (48) And his widow was not pregnant.
- (49) The melog and the zon barzel slaves.
- (50) The melog slaves are entitled to the privilege by virtue of the rights of the widow who is entitled to it by virtue of her surviving children; and the son barzel slaves are entitled to the privilege by virtue of the priest's living children who are now their owners.
- (51) The deceased priest.
- (52) And he is not survived by any other children.
- (53) Since the embryo cannot bestow the privilege (cf. supra n. 4) either upon his mother or upon the slaves.
- (54) The melog's slaves being the property of the widow and the embryo having no share in them. As by virtue of her living sons the widow is herself entitled to eat terumah she may also feed her slaves on it, Cf. supra n' 4.
- (55) V, supra p. 448, n. 1.
- (56) v. supra p. 448, n. 3.
- (57) This is explained infra.
- (58) Who survived the deceased priest.
- (59) On their account because the chances that the embryo will be a viable male and thus have a share in the slaves are so uneven that they may be disregarded. For, in the first instance, it is likely that the embryo will be a female and thus have no share at all in the slaves. And secondly, were it to be a male, it might yet be a miscarriage, which again would have no share in the slaves (v. infra).
- (60) Who, when born, will become the owner of the slaves.
- (61) The slaves, therefore, would be the property of the embryo which cannot bestow upon them the right of eating terumah.
- (62) As a reason why the slaves are forbidden to eat terumah in the latter case.
- (63) The prohibition upon the slaves.
- (64) Since the female embryo, when born, would be entitled to a share among the other daughters and now, therefore, as an embryo, deprives the slaves of the privilege.
- (65) Which is the other reason.
- (66) And it, owing to its share in them, should deprive the slaves of the privilege.

Talmud - Mas. Yevamoth 67b

that no provision need be made against the less usual cases.¹ Or if you prefer I might say that he² is of the opinion that provision in fact must be made against the less usual cases also, [but here] a special arrangement might be made³ in accordance with a ruling of R. Nahman in the name of

Samuel. For R. Nahman stated in the name of Samuel: Where orphans⁴ wish to divide the property of their [deceased] father, Beth din appoint a guardian for [every one of] them, and [each guardian] chooses for his ward a suitable portion. As soon, however, as they reach their majority they are entitled to enter a protest.⁵ In his own name, however, R. Nahman stated: Even when they reach majority they are not entitled to protest, for otherwise what validity is there in the authority of a Beth din!⁶

Must it be assumed that R. Nahman's ruling is a matter of dispute between Tannaim!⁷ — No; all accept R. Nahman's [arrangement],⁸ but the dispute here⁹ centres on the question whether¹⁰ provision was to be made against the less usual cases.¹¹

‘R. Ishmael], son of R. Jose, stated in the name of his father: A daughter may bestow the right of eating; a son may not.¹² Wherein lies the difference [between the son and the daughter]? If a son may not bestow the right of eating on account of the share of the embryo, a daughter also should not be entitled to bestow the right of eating on account of the share of the embryo! — Abaye replied: Here¹³ we are dealing with a small estate¹⁴ and in a case where there is a son¹⁵ as well as a daughter, [so that the slaves may eat the terumah] whatever be the assumption [as to the sex of the embryo]. If the embryo is a son then he is not better than the one who is already born.¹⁶ And if it is a daughter, then why does a daughter eat at all?¹⁷ Surely by virtue of an ordinance of the Rabbis.¹⁸ But so long as she has not seen the light¹⁹ no provision for her has been made by the Rabbis.²⁰ If you take it²¹ to refer²² to a small estate, [how will you] explain the final clause,²³ ‘since it is possible that the embryo might be a male, and daughters, where there is a son, have no share at all’? On the contrary; a small estate belongs to the daughters! — The final clause refers to a large estate. But does a small estate belong to the daughters? Surely, R. Assi stated in the name of R. Johanan: Where male orphans forestalled [the ruling of Beth din] and sold a small estate, their sale is valid!²⁴ — But the fact is that by the mention of daughter ‘the mother’ is to be understood.²⁵ If so, this is exactly the same statement as that of R. Jose! — The entire statement was made by R. Ishmael son of R. Jose.

MISHNAH. AN EMBRYO,²⁶ A LEVIR,²⁷ BETROTHAL,²⁸ A DEAF-MUTE,²⁹ AND A BOY WHO IS NINE YEARS AND ONE DAY OLD,³⁰ DEPRIVE [A WOMAN]³¹ OF THE RIGHT [OF EATING TERUMAH], BUT CANNOT BESTOW THE PRIVILEGE UPON HER,³² [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD OR NOT,³³ OR WHETHER HE³⁴ HAS PRODUCED TWO HAIRS³⁵ OR NOT.

IF A HOUSE COLLAPSED UPON A MAN AND UPON HIS BROTHER'S DAUGHTER,³⁶ AND IT IS NOT KNOWN WHICH OF THEM DIED FIRST, HER RIVAL MUST PERFORM HALIZAH³⁷ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.³⁸

GEMARA. AN EMBRYO, for if [its mother] is the daughter of a priest [who was married] to an Israelite [the embryo] deprives her of the privilege,³⁹ [for it is written]. As in her youth,⁴⁰ which excludes one who is with child.⁴¹ And if she is the daughter of an Israelite [who was married] to a priest, the embryo does not bestow the privilege³⁹ upon her, because the living child does bestow the privileged but not the unborn.⁴²

A LEVIR, for if [his yebamah] is the daughter of a priest who was married to an Israelite, [the levir] deprives her of the privileged [for it is written], And is returned unto her father's house,⁴⁰ which excludes one who is awaiting the decision of the levir;⁴³ and if she is the daughter of an Israelite [who was married] to a priest [the levir] does not bestow the privilege upon her, because the All Merciful said, The purchase of his money.⁴⁴ while she is the purchase of his brother. BETROTHAL, for if [the woman] is the daughter of a priest [who was betrothed] to an Israelite, [betrothal] deprives her of the privilege,

- (1) Lit., 'a minority'. I.e., against the possibility that the embryo might be born a viable male. Against the possibility of male births there is the equal possibility of female births, and by adding the minority of miscarrying women to the half of female births, the male births are found to form only a minority.
- (2) R. Simeon.
- (3) The embryo is allotted as his share a portion of the estate exclusive of the slaves, who consequently form a portion of the shares of the living brothers, who, as their owners, bestow upon the slaves the right of eating terumah. Where, however, there are only daughters, such an arrangement cannot be made, since in such a case the embryo, in case he is born a viable male, is the sole heir and owner.
- (4) Who are minors.
- (5) Against the original division, and to demand a new one. The validity of acceptance of the shares by the guardians extends only to the produce or yield of the estate up to the date of the protest.
- (6) V. Kid. Sonc. ed., p. 210, notes.
- (7) That R. Simeon, who permits the slaves to eat, in the case of sons, by adopting the arrangement mentioned, is of the same opinion as R. Nahman; while R. Jose, who forbids terumah to the slaves, maintaining as he evidently does that the arrangement is of no avail and that the division must be postponed until the heirs reach majority, is in disagreement with R. Nahman.
- (8) Wherever such had been made,
- (9) Between R. Jose and R. Simeon, supra 6a.
- (10) Where R. Nahman's arrangement had not been made,
- (11) R. Simeon permits the slaves to eat terumah, because he holds that no provision has to be made against the less usual cases (v. supra p. 451, n. 3) while R. Jose forbids them to eat it, because he maintains that provision must be made even against the less usual case.
- (12) This is now assumed to mean that where there is a daughter but no son, she bestows the right of eating terumah upon the slaves, but where there is a son, the slaves are not permitted to eat the terumah.
- (13) R. Ishmael's statement.
- (14) Which, by an ordinance of the Rabbis, must be handed over to the daughters for their maintenance while the sons receive nothing. v. B.B., 139b.
- (15) To whom the estate belongs in accordance with the Pentateuchal law.
- (16) Lit., 'exists', 'stands'. Since the Rabbis deprived the living son of his share and gave it to the daughters. they have, even more so, deprived the embryo of its share.
- (17) From her father's estate, though he is also survived by sons'
- (18) Pentateuchally she has no claim at all in the presence of a son.
- (19) Lit., 'came out into the air of the world'.
- (20) The embryo, consequently, cannot possibly have a share in the slaves, who may, therefore, eat terumah by virtue of the rights of the living children. Had there been a daughter only and no son, the slaves would not have been permitted to eat terumah on account of the embryo, which, were it a female, would have had in the slaves an equal share with their sister.
- (21) R. Ishmael's statement.
- (22) Lit., 'in what did you place it'.
- (23) Which presumably deals with a similar case.
- (24) Keth. 103a, Sotah 21b, B.B. 140a. Which proves that the estate, even when small, belongs to the sons also. How then could the slaves be permitted to eat terumah?
- (25) I.e., the mother of the embryo may feed her melog slaves with terumah as she herself is permitted to eat it by virtue of her living sons. A son, however, may not feed the zon barzel slaves with terumah owing to the share of the embryo.
- (26) Whose mother was (a) the daughter of a priest married to an Israelite, or (b) the daughter of an Israelite married to a priest, and whose father died before he (the embryo) was born.
- (27) The widow of whose deceased brother was (a) the daughter of a priest (he and his brother being Israelites), or (b) the daughter of an Israelite (he and his brother being priests).
- (28) Of (a) the daughter of a priest to an Israelite, or (b) the daughter of an Israelite to a priest.
- (29) Who is (a) an Israelite married to the daughter of a priest, or (b) a priest married to the daughter of an Israelite.
- (30) This is explained in the Gemara, infra.
- (31) If she is (a) the daughter of a priest (cf. last four notes).

- (32) If she is (b) the daughter of an Israelite (cf. supra notes 6-9).
- (33) This has no reference to what follows and is explained in the Gemara.
- (34) Who betrothed the woman.
- (35) Which are the marks of puberty, when he becomes legally entitled to contract a marriage.
- (36) To whom he had been married and who, like himself, died childless.
- (37) With the daughter's father, the brother of the deceased. Though the dead woman was his forbidden relative, her rival becomes subject to the halizah because it is possible that the woman had been killed before the man, and when the man died her former rival was no longer related to her. V. infra note 6.
- (38) Because it is also possible that the man was killed first and that the rival consequently remained forbidden to the levir as the rival of his daughter.
- (39) Of eating terumah.
- (40) Lev. XXII, 13.
- (41) Only when she returned unto her father's house as in her youth (v. ibid.), i.e., if, like a virgin, she has no child at all, not even an embryo, may she eat of her father's bread (ibid.) i.e., terumah.
- (42) This is deduced from Such as are born in his house etc. (Lev. XXII, 11) by taking the Kal יאכל in the sense of Hif. יאכל V Torath Kohanim, a.l., (v. Rashi).
- (43) Being dependent on the levir's will she cannot without his release, return to her father's house.
- (44) Lev. XXII, 11 emphasis on 'his.'

Talmud - Mas. Yevamoth 68a

since he acquires her by the betrothal;¹ and if she is the daughter of an Israelite [who was betrothed] to a priest, the betrothal cannot bestow the privilege upon her, owing to the ruling of 'Ulla.²

A DEAF-MUTE, for if [the woman] is the daughter of a priest [who was married] to [him³ who is] an Israelite, he deprives her of the privilege, since he⁴ acquired her by virtue of a Rabbinical enactment;⁵ and if she is the daughter of an Israelite [who was married] to [him³ who is] a priest, he cannot bestow the privilege upon her, because the All Merciful said, The purchase of his money,⁶ while he³ is not eligible to execute any kinyan.

AND A BOY WHO IS NINE YEARS etc. This was assumed⁷ to refer to the case of a yebamah who was awaiting the decision of a levir who was nine years and one day old.⁸ Now, in what respect?⁹ If in respect of depriving her¹⁰ of the privilege,¹¹ a younger child would also equally deprive her of the privilege! And if in respect of bestowing the privilege,¹² a grownup levir also cannot bestow this privilege!¹³ — Abaye replied: We are dealing here with a levir of the age of nine years and one day, who cohabited with his yebamah¹⁴ who, according to Pentateuchal law, becomes his kinyan. Since it might have been assumed that, as Pentateuchally she becomes his kinyan, and his cohabitation also is legal, he should be entitled to bestow the privilege upon her, hence we were taught that the cohabitation of a boy who is nine years and one day old has been given the same validity only as that of a ma'amar by an adult.¹⁵ Said Raba to him: If so,¹⁶ [why] is it stated in the final clause, [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD, OR NOT? If a boy who is certainly of the age of nine cannot bestow the privilege, is there any need to speak of a boy whose age is in doubt! — No, said Raba, [the Mishnah] deals with a boy of the age of nine years and one day belonging to one of the classes of disqualified persons who, by their cohabitation, deprive a woman¹⁷ of the privilege of eating terumah;¹⁸ as it was taught: An Ammonite,¹⁹ a Moabite,¹⁹ an Egyptian,²⁰ or an Idumean²⁰ proselyte, a Cuthean²¹, a nathin,²¹ a halal²¹ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priests of a Levite or of an Israelite, disqualifies her.²² But since it is stated in the final clause,²³ 'If they are not fit to enter the assembly of Israel they render [a woman] unfit', it may be inferred that the first clause does not deal with such disqualified persons! — The first clause speaks of those who are disqualified to enter the assembly, while the latter clause speaks of those who are disqualified to marry the daughter of a priest.²⁴

[To turn to] the main text:²⁵ An Ammonite,²⁶ a Moabite,²⁶ an Egyptian or an Idumean²⁷ proselyte, a Cuthean,²⁸ a nathin,²⁸ a halal²⁸ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priest, of a Levite or of an Israelite disqualifies her.²⁹ R. Jose said: Anyone whose children are disqualified causes disqualification;³⁰ he whose children are not disqualified does not cause disqualification.³⁰ R. Simeon b. Gamaliel said: Whenever you may marry his daughter you may marry his widow,³⁰ and whenever you may not marry his daughter you may not marry his widow.³¹

Whence are these rulings³² deduced? — Rab Judah replied in the name of Rab: Scripture stated, And if a priest's daughter be married unto to a strange man,³³ as soon as she has had connubial relations with a disqualified person³⁴ the latter disqualified her. But the text cited is surely required [for another] purpose, viz., that the All Merciful ordained that the daughter of a priest who was married to a layman³⁵ may not eat terumah! — That³⁶ may be deduced from the text, And is returned unto her father's house, as in her youth, she may eat of her father's bread.³⁷ Since the All Merciful ordained, And is returned unto her father's house . . . she may eat,³⁷ it follows that prior to that³⁸ she was not permitted to eat. But if [deduction were to be made] from that text,³⁷ [it may be objected] one might have assumed that as a negative precept³⁹ which is derived from a positive one⁴⁰ it has only the force of a positive precept,⁴¹ hence did the All Merciful write the other text⁴² to [indicate that it is] a negative precept! — [That it is] a negative precept may be deduced from, There shall no strange man⁴³ eat⁴⁴ of the holy things.⁴⁵

(1) And being, therefore, deemed to be his legal wife she is forbidden to eat terumah. V. Lev. XXII, 12.

(2) Though Pentateuchally a woman who is betrothed to a priest is entitled to the privilege of eating terumah, she has been forbidden to eat it during the period of betrothal, when she is still in her father's house, as a preventive measure against the possibility of her treating to it a brother or a sister of hers. V. Keth. 57b.

(3) The deaf-mute.

(4) Though mentally defective and, therefore, Pentateuchally ineligible to execute any kinyan.

(5) V. infra 112b.

(6) Lev. XXII, 11, emphasis on purchase (kinyan).

(7) By him who raised the following objection.

(8) And with whom no connubial intercourse had taken place.

(9) Is the age mentioned of any consequence.

(10) If she is the daughter of a priest, and the levir is an Israelite.

(11) Of the eating of terumah; the purpose of the ruling being to indicate that the levirate bond comes into force simultaneously with the levir's capability of cohabitation.

(12) When he is a priest and she is the daughter of an Israelite; the purpose being to indicate that, though he is capable of cohabitation, his levirate bond is not powerful enough to bestow upon his yebamah the privilege of eating terumah.

(13) As was explicitly stated earlier in our Mishnah.

(14) An act which in the case of a levir who is of age is valid.

(15) Which does not constitute complete kinyan (cf. supra 50a). The boy of the age of nine years and one day CANNOT consequently BESTOW THE PRIVILEGE any more than the others enumerated in our Mishnah. The ruling as to 'depriving a woman of the privilege' applies only to the cases of the EMBRYO, THE LEVIR, BETROTHAL AND THE DEAF-MUTE but not to that of the boy of the age mentioned.

(16) That the boy of the age of nine years and one day was included only because of the ruling that he CANNOT BESTOW THE PRIVILEGE, and that the ruling of 'depriving a woman of the privilege' does not apply to him, cf. supra n. 2.

(17) If she is the daughter of a priest.

(18) The boy of the age of nine years and one day accordingly deprives a woman of the privilege; and it is because of this ruling that the case of the boy was included in our Mishnah. The second ruling that certain persons CANNOT BESTOW THE PRIVILEGE is not, of course, necessary in his case and applies only to the others enumerated, vi., THE EMBRYO, THE LEVIR, BETROTHAL AND A DEAF-MUTE.

- (19) Who is forbidden to enter the congregation of the Lord. Cf. Deut. XXIII, 4.
- (20) Who, to the third generation, is forbidden to enter the congregation of the Lord. Cf. *ibid.* 9f.
- (21) V. Glos.
- (22) Kid. 74b. If the woman is the daughter of a Levite or an Israelite she is forbidden to marry a priest, and if she is the daughter of a priest she may neither marry a priest nor may she continue to eat terumah.
- (23) In the continuation of our Mishnah *infra* 6.
- (24) As e.g., a *halal* who is permitted to enter the assembly (i.e., to marry the daughter of an Israelite), but is forbidden to marry the daughter of a priest. (Cf. *supra* 37a). Though the expression 'not fit to enter the assembly of Israel' was used in the final clause also, it only implies marriage with the daughter of a priest, since otherwise this part of the Mishnah would have been a mere repetition of the first and, consequently, superfluous.
- (25) The full text of the previous citation.
- (26) V. *supra* p. 456, n. 6.
- (27) V. *loc. cit.* n. 7.
- (28) V. Glos.
- (29) V. p. 456, n. 9.
- (30) For explanation v. Gemara *infra*.
- (31) Tosef. Nid. VI.
- (32) Concerning the disqualifications enumerated in the cited Baraitha.
- (33) So literally. (a) 'one who is not a priest'; (b) 'one strange to her', 'a disqualified person', E. V. a common man'. Lev. XXII, 12.
- (34) 'Strange man' is taken in sense (b).
- (35) Non-priest, an Israelite. V. *supra* n. 11.
- (36) That a priest's daughter who was married to an Israelite loses the privilege of eating terumah.
- (37) Lev. XXII, 13.
- (38) Before she returned to her father's house, i.e., while she was still a married woman, 'living with her husband.
- (39) Not to eat terumah.
- (40) 'When she returned to her father's house she may eat terumah'.
- (41) Which is not punishable by flogging.
- (42) Lev. XXII, 12.
- (43) Non-priest, an Israelite. V. *supra* p. 457. n. 11.
- (44) It is now presumed that as the woman married a stranger she assumes his status and is consequently, like her husband, forbidden to eat terumah.
- (45) Lev. XXII, 10.

Talmud - Mas. Yevamoth 68b

But that text is required for its own purpose!¹ The expression, 'There shall no strange man', is written twice.² But still is not this³ required for the exposition of R. Jose b. Hanina? For R. Jose b. Hanina stated: There shall no strange man³ implies, 'I have imposed upon you a prohibition concerning non-priests only but not concerning onan'⁴ — R. Jose b. Hanina's exposition may be deduced from the Scriptural use of the longer expression 'And there shall no strange man' instead of 'strange man'.⁵

But still is not this,⁶ required for the following which was taught:⁷ When she⁸ returns,⁹ she returns only to [the privilege of eating] terumah, but does not return to [the privilege of eating] the breast and shoulder.¹⁰ And¹¹ R. Hisda stated in the name of Rabina b. R. Shila, 'What Scriptural text proves this? It is written, but if a priest's daughter be married unto a strange man, she shall not eat of the terumah of the holy things,¹² she must not eat of that which is set apart¹³ from the holy things'¹⁴ — If so,¹⁵ Scripture should have written. She shall not eat of the holy things'. why [then the longer expression], of the terumah of the holy things? Two deductions¹⁶ may, consequently be made.

We have now deduced¹⁷ [the law relating to] a priest's daughter;¹⁸ whence, however, is this

deduced in respect of the daughter of a Levite or an Israelite? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] ‘But a daughter’ [where only] ‘daughter’ [could have been used].¹⁹ so here also [deduction is made from the use of] ‘and a daughter’ [where only] ‘daughter’ [could have been used].²⁰ In accordance with whose view?²¹ Is it Only in accordance with that of R. Akiba who bases expositions on [superfluous] Wawin!²² — It²³ may be said to have been made even according to the view of the Rabbis, because the entire Scriptural expression, And a daughter²⁴ is superfluous.²⁵ [Thus the disqualification] in respect of terumah has been proved;²⁶ whence, [however, is it deduced that the disqualification extends also] to the prohibition of marrying a priest?²⁷ — Has not the daughter of a Levite or of an Israelite been included²⁸ in respect of priestly marriage only? For, as regards terumah, neither of them is ever eligible to eat it.²⁹

Are they never eligible?³⁰ Such eligibility surely occurs when [a mother]³¹ eats terumah³² by virtue of the rights of her son!³³ — [The case of a mother, who eats terumah] by virtue of the rights of her son, may be deduced by inference a minori ad majus: If the daughter of a priest who eats the terumah by virtue of her own sanctity becomes disqualified³⁴ how much more so the daughter of a Levite or of an Israelite who eats it only by virtue of the rights of her son.³⁵ [On the contrary], this [very point]³⁶ provides the reason.³⁷ A priest's daughter whose body is sacred is rightly disqualified,³⁴ this woman, however, whose own body is not sacred might not become disqualified!³⁸ — The fact is rather, that the prohibition³⁹ to marry a priest may be deduced a minori ad majus from a divorced woman: If a divorced woman who is permitted to eat terumah is nevertheless forbidden to marry a priest, how much more reason is there that such a woman⁴⁰ who is forbidden to eat terumah should be disqualified from marrying a priest.³⁵

May a prohibition, however, be deduced by logical argument!⁴¹

This⁴² is a mere elucidation [of the law].⁴³

Might it not be suggested [that the statement,] ‘she had connubial relations with a disqualified person’⁴⁴ [refers to persons cohabitation with whom is] subject to the penalty of kareth!⁴⁵ — The All Merciful said, If. . . be married,⁴⁶ only those with whom marriage is valid,⁴⁷ with those who are subject to the penalty of kareth marriage is not valid.⁴⁸ If so,⁴⁹ no idolater or slave should cause disqualification!⁵⁰ — These cause disqualification in accordance with a ruling of R. Ishmael. For R. Johanan stated in the name of R. Ishmael: Whence is it deduced that if an idolater or a slave cohabits with the daughter of an Israelite, of a priest or of a Levite, he disqualifies her?⁵¹ — It was stated in, But if a priest's daughter be a widow or divorced etc.,⁵²

(1) For the law concerning a non-priest. What proof then is there that a priest's daughter who married such a man is also subject to the same law?

(2) Once in Lev. XXII, 10, which refers to any non-priest; and a second time, ibid. 13. which speaks of the daughter of a priest who returns to her father's house, and concludes with the expression, There shall no strange etc. referring to the priest's daughter who is married to such a man.

(3) The second text, Lev. XXII, 13.

(4) Infra 70b, 71a. **אֲנִיּוֹת** the mourning of an onan, v. Glos.

(5) The superfluous and serves the purpose of R. Jose's deduction, and the remainder of the clause, therefore, indicates the negative precept.

(6) The text of Lev. XXII, 12.

(7) Infra 87a.

(8) The daughter of a priest who was divorced or became a widow and had no child.

(9) To her father's house.

(10) Which are also among the priestly gifts. Cf. Ex. XXIX, 27. Lev. VII, 34. X, 14.

(11) In explanation of the Baraitha.

(12) Lev. XXII, 12. **תרומת הקדשים**

(13) **מורם** of the same rt. as **צרות**. V. supra n. 3.

(14) From the sacrifices, i.e., the breast and the shoulder. V. supra n. 1.

(15) That only one of the deductions mentioned is to be made from this text.

(16) That (a) a disqualified person disqualifies a priest's daughter with whom he cohabited (supra 68a), and (b) that when a priest's daughter returns as a widow or a divorcee to her father's house she is not permitted to eat of the breast and the shoulder of the peace-offerings.

(17) Lit., 'we found'.

(18) V. supra n. 7 (a).

(19) Infra 6a, 87a.

(20) The superfluous 'and' indicates a comparison between the daughter of the priest and the daughter of a Levite or of an Israelite.

(21) Is the deduction made (v. n. 11).

(22) Plur. of waw 'and'. And not in accordance with the Rabbis who are in the majority? V. Sanh. 51b.

(23) The deduction from 'and a daughter'.

(24) Not only the jaw.

(25) Since the context, But if a priest . . . and such as are born in his house (Lev. XXII, 11) speaks of the relatives of a priest, it would have been obvious to whom v. 12 referred even if a priest's daughter were omitted, reading only. If she be married etc.

(26) Since Scripture mentions it. Lit., 'we found'.

(27) If a disqualified person cohabited with her. V. supra 68a.

(28) In the prohibition.

(29) Lit., 'for if for terumah, are they subjects of eating terumah?' As they are never allowed to eat terumah there is obviously no need to forbid it to them.

(30) To eat terumah. Lit., 'why not'.

(31) The daughter of a Levite or of an Israelite.

(32) After the death of her husband who was a priest.

(33) Who survived his father. A Scriptural text might consequently have been required to forbid a woman in such circumstances from eating terumah if she cohabited with a disqualified person!

(34) Lit., 'he (i.e., the disqualified man who cohabited with her) disqualifies her'.

(35) Hence no Scriptural text was needed to exclude her.

(36) The sacredness of the body of the priest's daughter.

(37) Why a priest's daughter only should be disqualified.

(38) Cf. supra notes 7 and 8 second clause.

(39) On the part of the daughter of a priest who cohabited with one of the disqualified persons mentioned.

(40) Cf. supra n. 13.

(41) A prohibition, which involves the penalty of flogging. must be derived from an explicit Scriptural text. V. Mak. 17b.

(42) The inference a fortiori mentioned.

(43) The actual prohibition, how ever, is based on the fact that she is forbidden to eat terumah; as she is forbidden to eat it owing to the loss of her sanctity, so is she forbidden to marry a priest.

(44) Who, as has been inferred, supra 68a, from a Scriptural text, causes her disqualification.

(45) A brother, for instance, betrothal with whom is invalid. What proof, however, is there that persons, such as a Cuthean, a nathin or a bastard, cohabitation with whom is subject to flogging only and betrothal with whom is valid, also disqualify a priest's daughter from marrying a priest?

(46) Lev. XXII, 12.

(47) Cause disqualification.

(48) Hence there was no need for a Scriptural text to exclude them. The text consequently refers to those who are subject to the penalty of flogging.

(49) That Scripture refers only to those with whom marriage is valid.

(50) But, as stated infra 69b, a slave does cause disqualification.

(51) From (a) marrying a priest; and (b) eating terumah in the case of the daughter of a priest, or in the case of the

daughter of a Levite or an Israelite who was married to a priest who left her with children by virtue of whom she was entitled to the privilege of eating terumah.

(52) Lev. XXII, 13 which concludes, and is returned unto her father's house . . . she may eat of her father's bread, i.e., terumah.

Talmud - Mas. Yevamoth 69a

only in the case of a man in relation to whom widowhood or divorce is applicable;¹ an idolater and a slave, however, are excluded, since in relation to them no widowhood or divorce is applicable.²

Thus we have found [the law concerning] the daughter of a priest;³ whence, however, [is the law concerning] the daughter of a Levite and of an Israelite to be inferred? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] ‘And a daughter’, [where only] ‘daughter’ [could have been used],⁴ so here also [deduction is made from the use of] ‘And a daughter’, [where only] ‘daughter’ could have been used.⁵ In accordance with whose view?⁶ Is it only in accordance with that of R. Akiba, who bases expositions on [superfluous] Wawin!⁷ — It⁸ may be said to have been made even according to the view of the Rabbis, because the entire [Scriptural expression] And a daughter⁹ is a superfluous text.¹⁰ But might it be suggested that in the case of a man in relation to whom widowhood and divorce is possible,¹¹ [the woman]¹² may eat terumah if she¹³ has no children,¹⁴ and may not eat if she has children, but in the case of a man in relation to whom widowhood and divorce are not possible¹⁵ she may eat terumah even if she¹³ has children?¹⁶ — If so,¹⁷ what need was there to include the daughter of a Levite and of an Israelite!¹⁸

According to R. Akiba, however, who stated that betrothal with those whose intercourse involves the penalty of a negative commandment has no validity and that the meaning of¹⁹ If . . . be married²⁰ to a strange man²¹ is ‘if she cohabits’,²² what need was there²³ [for] ‘widow or divorced’?²⁴ — The widow was stated²⁵ in order to restrict her privilege;²⁶ and the divorced woman, in order to relax her restrictions.²⁷ And [both²⁸ were] required. For had only the widow been mentioned it might have been assumed that only a widow may eat terumah if she has no children because she is eligible to marry a priests but, a divorced woman who is ineligible to marry a priest may not eat it even if she has no children. And had the divorced woman only been mentioned it might have been suggested that only a divorced woman may not eat terumah if she has children because she is ineligible to marry a priest, but a widow who is eligible to marry a priest may eat it even if she has children. [Hence both were] necessary.

Might it not be suggested [that the statement], ‘She had connubial relations with a disqualified person’²⁹ refers also to one who remarried his divorced wife!³⁰ — The All Merciful said, To a strange man, only one who was formerly a stranger to her.³¹ Her former husband³² is excluded since he was not formerly a stranger to her.

If so, a halal,³³ who is not a stranger³⁴ to her,³⁵ should not cause her disqualification! Scripture stated, He shall not profane his seed among his people;³⁶ ‘his seed’³⁷ is compared to himself, as he disqualifies³⁸ so does his seed disqualify.³⁹

Might it be suggested [that the disqualification⁴⁰ is effected] from the moment of betrothal?⁴¹ — [His case⁴² must be] similar to that of a High Priest with a widow. As a High Priest, in the case of a widow, [causes her disqualification] by cohabitation only,⁴³ so does this [person⁴⁴ cause disqualification] by cohabitation only.

Might it be suggested [that disqualification⁴⁰ is effected] only where there was betrothal as well as cohabitation? — His case⁴² must be similar to that of a High Priest with a widow. As the High Priest, [when he marries] a widow, [causes her disqualification] by cohabitation alone⁴⁵ so does this

[person⁴⁶ cause disqualification] by cohabitation alone.

‘R. Jose however said: ‘Anyone whose children are disqualified causes disqualification, but he whose children are not disqualified does not cause disqualification’. What is the practical difference between the first Tanna and R. Jose? — R. Johanan replied: The difference between them is the case of an Egyptian proselyte of the second generation and an Idumean proselyte of the second generation.⁴⁷ And both of them⁴⁸ deduced their respective views from none other than [the disqualification] of a widow by a High Priest. The first Tanna reasons: As a High Priest whose cohabitation with a widow is forbidden causes her disqualification, so does this person⁴⁹ also cause disqualification. R. Jose, however, reasons thus: Like a High Priest. As a High Priest whose seed is disqualified causes disqualification, so does any other person cause disqualification only when his seed is disqualified; an Egyptian proselyte of the second generation is thus excluded, since his children are not disqualified, for it is written, The children of the third generation that are born unto them may enter into the assembly of the Lord.⁵⁰

‘R. Simeon b. Gamaliel said: Whenever you may marry his daughter, you may marry his widow etc.’ What is the practical difference between R. Jose and R. Simeon b. Gamaliel? ‘Ullah replied: The difference between them is the case of an Ammonite and a Moabite proselyte.⁵¹ And both of them⁵² derived their respective views from none other than [the disqualification] of a widow by a High Priest. R. Jose reasons thus: As with a High Priest who married a widow, his seed is disqualified and he himself causes disqualification, so does any other person cause disqualification only when his seed is disqualified. R. Simeon b. Gamaliel, however, reasons thus: As with a High Priest who married a widow, all his seed⁵³ is disqualified and he himself causes disqualification, so does only such a person cause disqualification, all whose seed is disqualified; an Ammonite and a Moabite are, therefore, excluded since not all their seed are disqualified.⁵⁴ For a Master said: An Ammonite,⁵⁵ but not an Ammonitess; a Moabite,⁵⁵ but not a Moabitess.⁵⁶ MISHNAH. THE VIOLATOR, THE SEDUCER AND THE IMBECILE⁵⁷ CAN NEITHER DEPRIVE A WOMAN⁵⁸ OF THE RIGHT OF EATING TERUMAH NOR CAN THEY BESTOW THE RIGHT UPON HER.⁵⁹ IF THEY ARE, HOWEVER, UNFIT TO ENTER INTO THE ASSEMBLY OF ISRAEL⁶⁰ THEY DO DEPRIVE A WOMAN⁵⁸ OF HER RIGHT TO THE EATING OF TERUMAH.⁶¹ HOW? IF⁶² AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST⁶³ SHE MAY STILL CONTINUE TO EAT TERUMAH.

(1) Viz., a legitimate Israelite. Only in such a case does the widow or divorced woman regain her right of eating terumah.

(2) Their betrothal and marriage having no validity.

(3) That intercourse with a slave or an idolater causes her disqualification.

(4) Supra 68b, infra 87b.

(5) Supra 68b, p. 459, n. 11.

(6) Was the deduction made.

(7) V. supra p 459, O. 13.

(8) The deduction from ‘And a daughter.’

(9) Lev. XXII, 13.

(10) As Lev. XXII, 13 follows v. 12 which deals with the daughter of a priest, the subject, ‘a priest's daughter’, of v. 13, could have been omitted as self-evident.’

(11) A legitimate Israelite or Levite.

(12) A priest's daughter after she had been divorced by her husband or become a widow.

(13) Cf. Rashi, Cur. edd., ‘to him’.

(14) From that husband. V. supra n. 8.

(15) An idolater, for instance, or a slave.

(16) The cohabitation with such a person having no legal effect whatsoever.

(17) That from the Scriptural text mentioned a relaxation of the law is to be deduced, its purpose being the indication that

a priest's daughter is not disqualified even where she has issue from an idolater or a slave.

(18) If a priest's daughter is not disqualified, how much less the daughter of a Levite or of an Israelite. The purpose of the Scriptural text, therefore, must be taken to be the disqualification of the daughter of a priest. The inclusion of the daughter of a Levite and of an Israelite was, therefore, necessary to indicate that even if either of those was enjoying the privilege of eating terumah, by virtue of the rights of the children she had from a priest, she loses that privilege if she cohabited with an idolater or a slave even though the act resulted in no issue.

(19) Lit., 'and what'.

(20) תהיה lit., 'shall be'.

(21) Lev. XXII, 12.

(22) Since no legal marriage with any of the disqualified persons is at all possible.

(23) When cohabitation with an idolater or a slave had taken place.

(24) To exclude, as stated supra an idolater and slave, in relation to whom no widowhood or divorce is possible since they are surely included among the other disqualified persons betrothal or marriage with whom is invalid!

(25) Not for the purpose of the deduction made by R. Ishmael.

(26) To indicate that a priest's daughter who was the widow of an Israelite may not eat terumah if she has children, even after the death of her husband. Had no Scriptural text indicated this law it might have been assumed that she may eat terumah even if she had children from the Israelite.

(27) To allow her (cf. supra n. 4) to eat terumah where she has no issue from the Israelite. Had not Scripture indicated this law it might have been assumed that as the divorcee was forbidden to marry a priest so she was forbidden to eat terumah even if her union with the Israelite produced no issue.

(28) Widow and divorcee.

(29) Who, as deduced from a Scriptural text, supra 68a, causes the disqualification of the woman with whom he cohabited.

(30) After she had been married to another man. Such a marriage being forbidden (v. Deut. XXIV, 4), the first husband should be regarded as a 'strange man' (Lev. XXII, 12) and consequently included among the persons who cause a woman's disqualification. Why, then, was it stated (supra 44b) that a woman so remarried to her first husband is permitted to marry a priest and, all the more, to eat terumah! (V. Rashi a.l. Cf., however, Tosaf s.v. הויה supra 44b).

(31) Who was never allowed to marry her.

(32) Lit., that'.

(33) V. Glos.

(34) V. Rash and Bah. Cut. edd. insert, 'formerly'.

(35) He may marry' a priest's daughter.

(36) Lev. XXI, 15, referring to a High Priest.

(37) I.e., a halal

(38) A widow whom he married from the eating of terumah (v. Kid. 77a).

(39) Any woman he marries.

(40) Of a woman by marrying a 'strange man', a disqualified person.

(41) הויה havayah as implied in the expression תהיה tihyeh '(she shall) be' Lev. XXII, 12 (of the same rt. הויה), the woman remaining disqualified even if, owing to the death of the disqualified person no cohabitation took place.

(42) That of the disqualified person. deduced from the text mentioned.

(43) Since the text specifically mentions his seed (Lev. XXI, 15). V. also supra 56b.

(44) The disqualified person, V. supra n. 10.

(45) Since the disqualification is effected even if there was no betrothal.

(46) V. supra note 10.

(47) Who are themselves forbidden to marry into the congregation (v. Deut. XXIII, 8) but their children, being of the third generation, are permitted. (Ibid. 9). According to the first Tanna one of the second generation causes the disqualification of the woman he marries; while according to R. Jose he does not, because his children are not disqualified.

(48) R. Jose and the first Tanna.

(49) An Ammonite or a Moabite proselyte of the second generation, cohabitation with whom is forbidden. Cf. p. 464, n. 15.

(50) Deut. XXIII, 9.

- (51) According to R. Jose such a proselyte causes disqualification; according to R. Simeon b. Gamaliel he does not. V. Gemara infra.
- (52) R. Simeon b. Gamaliel and R. Jose.
- (53) Daughters as well as sons.
- (54) Their daughters being permitted to marry into the congregation.
- (55) Shall not enter into the assembly of the Lord. Deut. XXIII, 4.
- (56) Infra 76b, Kid. 67b, Keth. 7b, Hul. 62b.
- (57) Even if betrothal took place. The action of an imbecile has no legal force.
- (58) If she is a priest's daughter entitled to eat terumah.
- (59) If they are priests and she is the daughter of an Israelite.
- (60) Those, e.g., who are enumerated in Deut. XXIII, 2ff.
- (61) Since she becomes profaned through their intercourse with her.
- (62) Cur. edd. insert in parenthesis, 'he was'. Bah reads instead, 'behold'.
- (63) Against her will or with her consent, but with no matrimonial intention.

Talmud - Mas. Yevamoth 69b

IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT TERUMAH.¹ IF THE EMBRYO WAS CUT IN HER WOMB SHE MAY EAT.² IF³ A PRIEST HAD INTERCOURSE WITH THE DAUGHTER OF AN ISRAELITE, SHE MAY NOT EAT TERUMAH. [EVEN IF] SHE BECOMES PREGNANT SHE MAY NOT EAT.⁴ IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT.⁵ THE POWER OF THE SON IS THUS GREATER THAN THAT OF THE FATHER.⁶

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN⁷ OF THE PRIVILEGE OF EATING TERUMAH⁸ BUT NOT AS HER OFFSPRING.⁹ HOW? — IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST OR THE DAUGHTER OF A PRIEST WAS MARRIED TO AN ISRAELITE, AND SHE BORE A SON BY HIM, AND THE SON WENT AND VIOLATED A BONDWOMAN WHO BORE A SON BY HIM, SUCH A SON IS A SLAVE;¹⁰ AND IF HIS FATHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY NOT EAT TERUMAH;¹¹ BUT IF SHE WAS A PRIEST'S DAUGHTER AND MARRIED TO AN ISRAELITE SHE MAY EAT TERUMAH.¹²

A BASTARD DEPRIVES A WOMAN¹³ OF THE PRIVILEGE OF EATING TERUMAH AND ALSO BESTOWS THE PRIVILEGE UPON HER.¹⁴ HOW? IF AN ISRAELITE'S DAUGHTER WAS MARRIED TO A PRIEST OR A PRIEST'S DAUGHTER WAS MARRIED TO AN ISRAELITE, AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A SLAVE OR AN IDOLATER AND BORE A SON BY HIM, SUCH A SON IS A BASTARD; AND IF HIS MOTHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH; BUT IF SHE WAS A PRIEST'S DAUGHTER WHO WAS MARRIED TO AN ISRAELITE SHE MAY NOT EAT TERUMAH.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN¹³ OF HER RIGHT TO EAT TERUMAH. HOW? IF A PRIEST'S DAUGHTER WAS MARRIED TO AN ISRAELITE AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A PRIEST AND BORE A SON BY HIM, SUCH A SON IS FIT TO BE A HIGH PRIEST, TO STAND AND MINISTER AT THE ALTAR. HE ALSO BESTOWS UPON HIS MOTHER¹⁵, THE PRIVILEGE OF EATING TERUMAH, BUT DEPRIVES¹⁶ HIS MOTHER'S MOTHER¹⁷ OF THIS PRIVILEGE. THE LATTER¹⁸ CAN RIGHTLY SAY, '[MAY THERE] NOT [BE ANOTHER] LIKE MY GRANDSON THE HIGH PRIEST WHO DEPRIVES ME OF THE PRIVILEGE OF EATING TERUMAH.

GEMARA. [Here]¹⁹ we learn what the Rabbis taught: If an imbecile or a minor married and died, their wives are exempt from halizah and from levirate marriage.²⁰

IF AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST SHE MAY STILL CONTINUE TO EAT TERUMAH. IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT. Since she may not eat when she is definitely with child, precaution should be taken against the possibility that she might be with child!²¹ Did we not learn, 'They²² must be kept apart²³ for three months, since it is possible that they are pregnant'?²⁴ Rabbah son of R. Huna replied: In respect of genealogy²⁵ precautions were taken;²⁶ in respect of terumah no such precautions were considered necessary. But was no such precaution considered necessary in respect of terumah? Surely, it was taught: [If a priest said]²⁷ 'Here is your letter of divorce [which shall become effective] one hour before my death', she is forbidden to eat terumah at once!²⁸ — In fact,²⁹ said Rabbah son of R. Huna, precautions were taken in respect of legitimate marriage,³⁰ but in respect of illegitimate intercourse³¹ no such precaution was considered necessary.³² But was such precaution, taken in respect of legitimate marriage? Surely, it was taught: If a priest's daughter was married to an Israelite who died,³³ she may perform her ritual immersion³⁴ and eat terumah the same evening!³⁵ — R. Hisda replied: She performs the immersion but may eat terumah only until the fortieth day. For if she is not found pregnant³⁶ she never was pregnant;³⁷ and if she is found pregnant,³⁸ the semen, until the fortieth day, is only a mere fluid.³⁹ Said Abaye to him: If so,⁴⁰ read the final clause: If the embryo in her womb can be distinguished she is considered to have committed an offence⁴¹ retrospectively!⁴² — The meaning is that⁴³ she is considered to have committed an offence⁴¹ retrospectively⁴⁴ to the fortieth day.⁴⁵

It was stated: Where a man cohabited with his betrothed in the house of his [future] father-in-law, Rab said: The child is a bastard; and Samuel said: The child is a shethuki.⁴⁶ Raba said: Rab's view is reasonable in the case where the betrothed woman was suspected of illicit relations with strangers.⁴⁷ Where, however, she is not suspected of illicit relations with strangers the child is ascribed to him.⁴⁸ Said Raba: Whence do I infer this? From the statement, IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT. For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with strangers, why should she be allowed to eat terumah when she bore a child!⁴⁹ Consequently it must refer to a woman⁵⁰ who was suspected of illicit relations with him only but not with strangers. Now, if there⁵¹ where she is forbidden to the one as well as to the other,⁵² the child is regarded as his⁵³ how much more so⁵⁴ here⁵⁵ where she is forbidden to all other men and permitted to him. Said Abaye to him: It may still be maintained that Rab is of the opinion that wherever she is suspected of illicit relations with him,⁵⁶ the child is deemed to be a bastard even where she is not suspected of such relations with others. What is the reason? Because it is assumed that as she exposed herself to the man who betrothed her so she exposed herself to others also; but our Mishnah⁵⁷ deals with the case where both of them⁵⁸ were imprisoned in the same gaol.⁵⁹

Others say: Where he⁵⁶ cohabited with her, no one disputes that the child is regarded as his; but the statement made was in the following form. Where a betrothed woman became pregnant, Rab ruled: Such a child is a bastard; and Samuel ruled: The child is a shethuki.⁶⁰ Raba said: Rab's view is reasonable where the woman was not suspected of illicit relations with him,⁵⁶ but was suspected of such relations with others,⁶¹

(1) The embryo causes its mother's disqualification. V. supra 67b.

(2) Immediately. And the same law applies where the embryo was born dead.

(3) Cur. edd., 'he was'; Bah, 'behold'.

(4) An embryo in the womb cannot confer upon its mother the privilege of eating terumah, as deduced from born in his house (Lev. XXII. 11). V. supra 67b.

(5) By virtue of the existence of a son, though he is illegitimate.

- (6) While the latter, as a violator or seducer, cannot confer the privilege, the son can.
- (7) If she is a priest's daughter entitled to eat terumah.
- (8) As explained supra 68b.
- (9) If the slave is the offspring of a priest's daughter who was married to an Israelite now dead, he does not deprive her of the right of returning to the house of her father again to eat terumah. V. infra for further explanation.
- (10) The child of a bondwoman, though of an Israelite father, is deemed a slave, as deduced from Ex. XXI, 4.
- (11) If her husband and her son (the father of the slave) are dead. Though the son of a son (like a son) confers upon his grandmother the right of eating terumah (v. infra 70a), the offspring of a union between an Israelite and a bondwoman is not regarded as the legitimate son of his father but as the child of his mother.
- (12) The slave not being regarded as legitimate offspring (cf. supra n. 2) to deprive her of the privilege.
- (13) If she is a priest's daughter entitled to eat terumah.
- (14) If she was the daughter of an Israelite who was married to a priest now dead.
- (15) Even after the death of his father.
- (16) As the living offspring of an Israelite.
- (17) Though his own mother is dead. Were it not for his existence, his grandmother would have regained her original right of eating terumah on the death of her daughter. V. infra 87a.
- (18) Lit., 'this'.
- (19) In the statement that an imbecile's betrothal neither confers upon a woman, nor deprives her of the right of eating terumah (v. our Mishnah), thus affirming that an imbecile's kinyan has no validity.
- (20) Tosef. Yeb. XI, infra 96b, 2b; because there is no validity whatsoever in the kinyan of his marriage.
- (21) And should, in consequence, be forbidden to eat terumah immediately after intercourse had taken place. Why then was it stated, IF AN ISRAELITE HAD INTERCOURSE. . . SHE MAY STILL CONTINUE TO EAT TERUMAH?
- (22) Women who have been exchanged for one another. (V. the Mishnah, supra 33b).
- (23) I.e., they are forbidden to cohabit with their husbands.
- (24) Supra 33b. Similar precaution, then, should have been taken here also!
- (25) The Mishnah cited is concerned with safeguarding the status of a legitimate child by taking the necessary precautions to distinguish him from the illegitimate.
- (26) In the interests of the purity of family life special precautions were necessary.
- (27) To his wife, the daughter of an Israelite.
- (28) Suk. 23b, Git. 28a, Ned. 3b; since the priest might die at any moment while the woman was indulging in the consumption of terumah. This proves that in respect of terumah also precautions were taken.
- (29) Withdrawing from his first reply.
- (30) Of which the Mishnah (supra 33a) cited speaks.
- (31) The subject of the section of our Mishnah under consideration.
- (32) V. supra 35a.
- (33) On the same day, after one act of cohabitation.
- (34) Prescribed in Lev. XV, 18.
- (35) No precaution being taken against the possibility that the woman may have conceived and thereby remained forbidden to eat terumah.
- (36) On the fortieth day.
- (37) And is allowed to eat terumah after that day also.
- (38) On the fortieth day.
- (39) And cannot be regarded as a child.
- (40) That prior to the fortieth day the woman is not regarded as pregnant.
- (41) Lit., 'injured'.
- (42) She pays compensation for any terumah she may have consumed by returning to the priest the principal plus a fifth. V. Lev. XXII, 14.
- (43) Lit., 'what'.
- (44) If she ate terumah at any time after the fortieth day.
- (45) But not earlier. She pays no compensation for any terumah she may have consumed prior to the fortieth day.
- (46) Only a doubtful bastard. V. Glos. and Kid. 6.
- (47) Lit., 'when she is spoken of in a low voice from (by) the world'.

- (48) The man who betrothed her.
- (49) There is no proof that the priest was the child's father.
- (50) Lit., 'but no'.
- (51) In our Mishnah.
- (52) To the violator and seducer as well as to any other man, for it is forbidden to have intercourse with a woman without betrothal.
- (53) The violator's or seducer's.
- (54) Should the child be regarded as the son of the man who betrothed her.
- (55) The case where the man cohabited with his betrothed.
- (56) The man who betrothed her.
- (57) Which regards the child as the son of the violator or seducer.
- (58) The man and the woman.
- (59) Where no intercourse with any other man was possible.
- (60) Only a doubtful bastard. V. Glos. and Kid. 6.
- (61) These being in the majority, the child is deemed to be the son of one of the strangers.

Talmud - Mas. Yevamoth 70a

, but where she is suspected of illicit relations with him, the child is regarded as his, although she is also suspected of such relations with others. Said Raba: Whence do I derive this? From the Statement, IF, HOWEVER, SHE GAVE BIRTH TO A CHILD, SHE MAY EAT. For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with him but not with strangers, was it at all necessary to state that she may eat terumah?¹ Consequently it must refer to a woman² who was suspected of illicit relations with strangers also. Now, if there,³ where she is forbidden to the one as well as to the other,⁴ the child is regarded as his,⁵ how much more so⁶ here⁷ where she is forbidden to any other man and is permitted to him.⁸ Said Abaye to him: It may still be maintained that Rab is of the opinion that wherever she is suspected of illicit relations with strangers the child is deemed to be a bastard even if she is also suspected of such relations with him; and our Mishnah deals with one who had not been suspected at all.⁹

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING TERUMAH etc. What is the reason?¹⁰ — Scripture stated, The wife and her¹¹ children shall be etc.¹²

A BASTARD DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING TERUMAH AND ALSO BESTOWS THE PRIVILEGE UPON HER. Our Rabbis taught: And have no child.¹³ So far I only know¹⁴ of her own child; whence her child's child? It was consequently stated, And have no child,¹³ implying 'any child whatsoever'.¹⁵ So far I only know of a legitimate child; whence the illegitimate child? It was stated, And have no [en lah]¹⁶ child,¹³ which implies, 'hold an enquiry'¹⁷ concerning her.'¹⁸ But from this text,¹³ surely, the deduction concerning a child's child was made! — No Scriptural text is really required for the inclusion of one's child's child, since children's children are like children;¹⁹ if a text is at all required it is for the inclusion of an illegitimate child.

Said Resh Lakish to R. Johanan: In accordance with whose view?²⁰ Is it only in accordance with that of R. Akiba who maintains that the offspring of a union between such whose intercourse involves them in the penalty of a negative precept is regarded as a bastard!²¹ — It may even be said to represent the view of the Rabbis, since in respect of an idolater and a slave they agree.²² For when R. Dimi came²³ he stated in the name of R. Isaac b. Abdimi in the name of our Master:²⁴ If an idolater or a slave cohabited with the daughter of an Israelite, the child born from such a union is deemed a bastard.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN OF HER RIGHT. Our Rabbis taught:

[The grandmother might justly say], 'I would [willingly] be an atonement²⁵ for my grandson, the little cruse²⁶ who bestows upon me the privilege of eating terumah,²⁷ but would not be an atonement for my grandson, the big jar²⁸ who deprives me of the privilege of eating terumah.²⁷

CHAPTER VIII

MISHNAH. AN UNCIRCUMCISED [PRIEST]²⁹ AND ALL LEVITICALLY UNCLEAN PERSONS MAY NOT EAT TERUMAH. THEIR WIVES AND SLAVES, HOWEVER, MAY EAT TERUMAH.³⁰ [A PRIEST WHO IS] WOUNDED IN HIS STONES³¹ AND ONE WHOSE MEMBRUM IS CUT OFF,³² AS WELL AS THEIR SLAVES, MAY EAT TERUMAH, BUT THEIR WIVES MAY NOT.³³ IF, HOWEVER, NO COHABITATION TOOK PLACE AFTER THE MAN WAS WOUNDED OR HAD HIS MEMBRUM CUT OFF, THE WIVES³⁴ ARE PERMITTED TO EAT.³⁵

WHO IS TERMED A PEZU' A DAKKAH?³¹ A MAN WHO IS WOUNDED EITHER IN BOTH HIS STONES, OR EVEN ONLY IN ONE OF THEM. AND A KERUTH SHOFEKAH ? A MAN WHOSE MEMBRUM IS CUT OFF. IF, HOWEVER, [ANY PART] OF THE CORONA REMAINED, EVEN SO MUCH AS A HAIR'S BREADTH, THE MAN IS REGARDED AS FIT.

GEMARA. It was taught: R. Eliezer³⁶ stated, Whence is it deduced that an uncircumcised [priest] may not eat terumah? A sojourner and a hired servant were mentioned in connection with the paschal lamb,³⁷ and A sojourner and a hired servant were also mentioned in respect of terumah,³⁸ as the paschal lamb, in connection with which 'A sojourner and a hired servant' were mentioned, is forbidden to the uncircumcised,³⁹ so is terumah, in respect of which 'A sojourner and a hired servant' were mentioned, forbidden to the uncircumcised. R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁴⁰ the uncircumcised also is included.⁴¹

The Master said, 'R. Eliezer stated, "A sojourner and a hired servant were mentioned in connection with the paschal lamb, and "A sojourner and a hired servant" were also mentioned in respect of terumah,'⁴² as the paschal lamb, in connection with which "A sojourner and a hired servant" were mentioned, is forbidden to the uncircumcised, so is terumah, in respect of which "A sojourner and a hired servant were mentioned, forbidden to the uncircumcised'. Is it⁴³ free for deduction?⁴⁴ For if it is not free, the objection might be raised⁴⁵ that the paschal lamb may be different⁴⁶ since in connection with it one may also incur penalties⁴⁷ for pigul,⁴⁸ nothar⁴⁸ and uncleanness!⁴⁹ — It is certainly free for the deduction. Which expression⁵⁰ is free? Is it that of terumah? Surely it is required for its own purpose. For it was taught: A sojourner⁵¹ means one who is acquired for life⁵² and a hired servant⁵¹ means one who is acquired for a number of years.⁵³ But let 'sojourner' only be mentioned and a 'hired servant' be omitted and one would infer: If one who is acquired for life⁵⁴ is not permitted to eat terumah how much less one who is acquired only for a number of years! If so,⁵⁵ it might have been assumed that 'a sojourner' means one who is acquired for a number of years [and that only he may not eat terumah],⁵⁶ but that one who is acquired for life may eat,⁵⁷ hence the insertion of the expression, 'a hired servant', which explains the meaning of sojourner,⁵⁸ [viz.,] that it signifies one who, though acquired for life, may not eat!⁵⁹ — But [in fact] the one⁶⁰ mentioned in respect of the paschal lamb is free for deduction. For what could be the meaning of 'A sojourner and a hired servant' which the All Merciful wrote in connection with the paschal lamb?⁶¹ If it be suggested that it means the actual sojourner and hired servant,⁶² [could it have been imagined] that [an Israelite]⁶³ is exempt from the Paschal lamb because he is a sojourner or a hired servant? Surely, we have it as an established law in regard to terumah that such a person is not permitted to eat it,⁶⁴

(1) Certainly not; since the child is obviously the son of the priest.

(2) Lit., 'but no'.

- (3) In our Mishnah.
- (4) To the violator and seducer as well as to any other man.
- (5) The violator's or seducer's.
- (6) Should the child be regarded as the son of the man who betrothed her.
- (7) The case of the betrothed.
- (8) The man who betrothed her.
- (9) Either in respect of the violator or seducer on the one hand or in respect of any others. All that our Mishnah teaches is that if cohabitation with the former took place, even if only once, the child is regarded as his.
- (10) Why is he not regarded as the offspring of the priest? V. our Mishnah and supra p. 466, n. 16.
- (11) Emphasis on her.
- (12) Shall be her master's (Ex. XXI, 4), i.e., they are regarded (a) as slaves, and (b) as the offspring of the bondwoman. Hence they cannot be regarded as the offspring of the priest.
- (13) **וּזְרַע אֵין לָהּ** Lev. XXII, 13.
- (14) Had **לָהּ** been omitted.
- (15) Lit., 'from all (any) place'.
- (16) **אֵין לָהּ**.
- (17) **עֵיִן** ayayn 'examine', 'investigate'. The Aleph of **אֵין** is interchangeable with the 'Ayin of **עֵיִן**.
- (18) An enquiry is to be made whether she has any kind of son, i.e., even if only a bastard. Thus a bastard also is deemed to be her child. Cf. supra 22b.
- (19) Supra 62b.
- (20) Was it stated in our Mishnah that the offspring of a union between the daughter of an Israelite and an idolater or a slave (a union which is forbidden by a negative precept only, no kareth being involved, cf. supra 45a) is regarded as a bastard.
- (21) Does our Mishnah, then, represent the view of an individual, which is contrary to the expressed view of the majority.
- (22) With R. Akiba.
- (23) From Palestine.
- (24) Rabbi, Judah the Prince, the Master par excellence of his time. Cf. supra 45a.
- (25) **הָרִינִי כְּפֶרֶת** an expression of respect or affection. Cf. Kid. 31b.
- (26) Metaph. for bastard. **כּוֹזֵה** cf. **כּוֹס**.
- (27) As stated in our Mishnah.
- (28) The High Priest. Cf. the colloquial expres. 'big pot'.
- (29) Though the uncircumcision was not due to any fault of his. If, e.g., he was forbidden circumcision because his brothers died as a result of such an operation. Cf. supra 64b.
- (30) By virtue of the rights of their husband and master. Uncircumcision and uncleanness are only temporary disqualifications which prevent the priest from eating terumah, while they continue. His sanctity and privileges, however, remain in force.
- (31) **פְּצוּעַ דָּכָה**
- (32) **כְּרוֹת שִׁפְכָה**
- (33) Because the cohabitation with these maimed priests causes the profanation of the women.
- (34) Who were married to them before they were maimed.
- (35) Terumah.
- (36) Cur. edd. 'Eleazar'. Cf. Tosaf. Sotah 240 s.v. **וּרְבִי**, and Men. 17b s.v. **בְּזֵאִי**.
- (37) Ex. XII, 45.
- (38) Lev. XXII, 10.
- (39) Ex. XII, 48.
- (40) Lev. XXII, 4.
- (41) In the prohibition; the text, according to Rabbinical interpretation, referring to the prohibition of eating terumah.
- (42) V. supra p. 473 notes.
- (43) The expression. 'A sojourner and a hired servant'.
- (44) I.e., is not the expression required in connection with the subject spoken of in the context.
- (45) Against deducing terumah from the Paschal lamb.

- (46) From terumah, i.e., subject to greater restrictions.
- (47) Kareth if the transgression was wilful, and a sin-offering if unwitting.
- (48) V. Glos.
- (49) How then could terumah which is not surrounded by such restrictions be deduced from it?
- (50) Of the two expressions, 'A sojourner and a hired servant'.
- (51) Lev. XXII, 20.
- (52) Lit., 'an everlasting possession', i.e., a Hebrew servant who, on refusing to go out free, has had his ear bored. (Cf. Ex. XXI, 5f).
- (53) The ordinary Hebrew servant who remains the property of his master for six years only, after which he goes out free for nothing (v. Ex. XXI, 2).
- (54) Who is in fact his master's absolute property.
- (55) If only the sojourner had been mentioned.
- (56) Since he is not his master's absolute possession.
- (57) Since he is the absolute property of his master.
- (58) Since a hired servant implies one who is acquired for a period, the other expression cannot refer to the same class of servant, but to one acquired for life. תושב E.V. a sojourner (rt. ישב 'to abide') implies longer service than that of the שכיר E.V., hired servant.
- (59) How, then, since the expression is required for the laws of terumah, could it be suggested that the expression, 'a sojourner and a hired servant', mentioned in connection with terumah, is free for deduction?
- (60) The expression 'A sojourner and a hired servant'.
- (61) Ex. XII, 45, a sojourner . . . shall not eat thereof.
- (62) I.e., a Hebrew servant who (a) serves his master for life or (b) for a period of years. Cf. supra p. 474, nn. 14 and 15.
- (63) Who is subject to the fulfilment of the commandments.
- (64) Though his master is a priest.

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which proves¹ that his master does not acquire his person² so that here also³ his master does not acquire his person!⁴ [The expression]⁵ must consequently [have been written] for the purpose of the deduction.⁶

But is it⁷ not free in one direction only,⁸ while R. Eliezer⁹ was heard to state [that an analogy between expressions of which only] one¹⁰ is free¹¹ may be drawn, but may also be refuted!¹² — Since [the expressions]¹³ are not required [for their own context]¹⁴ one of them is allotted to the law¹⁵ in respect of which the inference is made¹⁶ and the other is allotted to the law from which the inference is made,¹⁷ so that a word analogy is obtained which is free in both directions.

Might¹⁸ [not the deduction be made:]¹⁹ As the paschal lamb is forbidden to an onan²⁰ so is terumah forbidden to an onan²¹ — R. Jose son of R. Hanina replied: Scripture stated, 'There shall no common man,²² I commanded you concerning its prohibition to the common man²³ but not concerning that of the onan. But might it be suggested: But not the uncircumcised!²⁴ Surely 'A sojourner and a hired servant'²⁵ was written.²⁶ And what reason do you see?²⁷ — It is logical to infer that the case of the uncircumcised is to be included, since²⁸ it involves the absence of an act²⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by kareth;³⁰ the law²⁹ was in force before the Revelation;³¹ and the [non]-circumcision of one's male children and slaves debars [one from eating of the paschal lamb].³² On the contrary; the case of the onan should have been included,³³ since mourning is an ever-present possibility,³⁴ is common to men as well as to women, and no man has the power to cure himself of it!³⁵ — Those³⁶ are more in number.

Raba said: Even if those³⁶ were not more in number, you could not suggest that uncircumcision, which is actually mentioned in respect of the Paschal lamb, should be excluded³⁷ while the mourning of an onan, which in the case of the paschal lamb itself was deduced from that of the tithe,³⁸ should

be deduced from it.

Might³⁹ [it not be said:]⁴⁰ As the [non]-circumcision of one's male children and slaves debar one from the eating of the paschal lamb, so should the [non]-circumcision of one's male children and slaves debar one from the eating of terumah! — Scripture stated, When thou hast circumcised him, then shall he eat thereof,⁴¹ the [non]-circumcision of one's male children and slaves debar one from the eating thereof, of the Paschal lamb only; the [non]-circumcision of one's male children and slaves does not, however, debar one from the eating of terumah. If so,⁴² [why not] say, But no uncircumcised person shall eat thereof⁴³ [also implies:] He may not eat 'thereof' only but may eat terumah!⁴⁴ — Surely it was written A sojourner and a hired servant.⁴⁵ And what reason do you see?⁴⁶ — It is only logical to include a man's own circumcision, since the act is performed on his own person and its neglect is punishable by kareth. On the contrary; the circumcision of one's male children and slaves should have been excluded because it may occur at any time! — The former restrictions are more in number. And if you prefer I might say that even if those were not more in number your suggestion could not be entertained; for is there anything which is not debarred by his own state of uncircumcision but is debarred by that of the other!

Now that it has been said that the expression. 'Thereof,' was introduced for expository purposes. what⁴⁷ was the purpose of the text, There shall no alien eat of it?⁴⁸ — Only with regard to it⁴⁹

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- (1) Since a Canaanite slave, whose body is acquired by the master, may eat of his terumah.
 - (2) The Hebrew servant sells only his labour, while he himself remains a free man.
 - (3) In respect of the Paschal lamb.
 - (4) As he is thus a free man, it is obviously his duty to observe the commandment of the Paschal lamb. What need then was there for the specification of A sojourner and hired servant?
 - (5) A sojourner and a hired servant. Ex. XII, 45.
 - (6) [The verse would then be referring to a non-jew, 'a sojourner' denoting a resident alien and 'a hired servant' an idolater. This, however, would be included in uncircumcised' (Ex. Xli, 48) and 'alien' (verse 43). Consequently the verse must have been written for deduction (Tosaf.)].
 - (7) The expression. A sojourner and a hired servant.
 - (8) That of the Paschal lamb.
 - (9) Cur. edd. 'Eleazar'.
 - (10) Lit., 'from one side'.
 - (11) For interpretation or deduction.
 - (12) Infra 104a. The analogy in the present instance might be refuted by the objection raised supra 70a.
 - (13) (a) sojourner and (b) hired servant.
 - (14) Both being superfluous and free for deduction.
 - (15) That of terumah.
 - (16) That terumah may not be eaten by the uncircumcised.
 - (17) Paschal lamb.
 - (18) Lit., 'if (you say)'.
 - (19) Since a word analogy has been established.
 - (20) V. Glos.
 - (21) If the two are compared as regards the uncircumcised they should also be compared in respect of the onan!
 - (22) Lev. XXII, 10.
 - (23) The non-priest.
 - (24) I.e., the uncircumcised might have been excluded by the text cited, not the onan.
 - (25) Ex. XII, 45.
 - (26) Which includes the uncircumcised in the prohibition.
 - (27) For excluding onan and including the uncircumcised.
 - (28) Cur. edd. insert in parenthesis the following mnemonic as an aid to the recollection of the characteristics which distinguish the uncircumcised from the onan: Acts cut (kareth) in the Word (Revelation) of the servant.

- (29) Circumcision.
- (30) If he wilfully neglects the fulfilment of the precept.
- (31) On Sinai. Lit., 'and it is before (divine) speech'. The commandment concerning circumcision was given to Abraham. V. Gen. XVII, 9ff.
- (32) A man is forbidden to participate in the eating of the Paschal lamb if any of his sons or slaves who are liable to circumcision remain uncircumcised. Cf. Ex. XII, 44, 48.
- (33) In the prohibition to eat terumah.
- (34) Lit., 'it is at all hours'; one may have more than one bereavement in his lifetime, but can be circumcised once only.
- (35) The cause of an onan's mourning is not controlled by human action. To make oneself fit by circumcision is within man's own power.
- (36) The restrictions of circumcision.
- (37) Lit., 'leave out' from the prohibition.
- (38) v. infra 73a.
- (39) Lit., 'if (you say)'.
- (40) Since a word analogy has been established.
- (41) Ex. XII, 44, emphasis on thereof.
- (42) Since the expression 'thereof' is made the basis of an exposition.
- (43) Ibid. 48.
- (44) Which, of course, would be contrary to the deduction supra.
- (45) From which deduction was made that an uncircumcised person may not eat terumah.
- (46) For including in the prohibition one's own circumcision and excluding that of one's sons and slaves.
- (47) Bah emends the following version by some transpositions and additions.
- (48) Ex. XII, 43. emphasis on the last word, **בּוֹ** of it (E.V. thereof).
- (49) **בּוֹ** (cf. supra n. 2). the Paschal lamb.

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does apostasy disqualify,¹ but in respect of tithe, apostasy does not disqualify.

What was the purpose of, But no uncircumcised person shall eat thereof?² — 'Thereof'³ only may he not eat, but he may eat of the unleavened bread and bitter herbs.⁴ And it was necessary for Scripture to specify⁵ both 'Uncircumcised' and 'There shall no alien.' For had the All Merciful mentioned the 'uncircumcised' only it might have been assumed [that the prohibition applies only to him], because he is repulsive. but not to an alien who is not repulsive. And had the All Merciful written only 'There shall no alien' it might have been assumed [that only he is subject to the prohibition]. because his heart is not directed towards heaven, but not the uncircumcised whose heart is directed towards heaven. [Hence both were] required.

What⁶ was the purpose of repeating the expression. 'Of it',⁷ twice? — As expounded by Rabbah in the name of R. Isaac.⁸

The Master said, 'R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁹ the uncircumcised also was included'.¹⁰ Might it be suggested that it¹¹ includes the onan?¹² R. Jose b. Hanina replied: Scripture stated, There shall no common man,¹³ I commanded you concerning its prohibition to a common man¹⁴ but not concerning that of an onan.¹² Might it be suggested: But not the uncircumcised?¹⁵ — Surely, what man soever' was written.¹⁶ And what reason do you see?¹⁷ — It is logical that the case of the uncircumcised should be included, since¹⁸ it involves the absence of an act¹⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by kareth;²⁰ the law²¹ was in force before the Revelation;²² and the [non]-circumcision of one's male children and slaves debar[s] [one from eating the paschal lamb].²³ On the contrary; the case of the onan should have been included,²⁴ since mourning is an ever-present possibility,²⁵ is common to men as well as women, and no man has the power to cure himself of It!²⁶

— Those²⁷ are more in number. Raba said: Even if those²⁷ were not more in number, you could not make your suggestion.²⁸ For Scripture stated, What man soever.²⁹ Now what disability is it that is applicable to a man and not to a woman? You must, of course, say that it is uncircumcision.

What expository use does R. Akiba³⁰ make of the expression A sojourner and a hired servant?¹³ R. Shemaia replied: To include³¹ a circumcised Arab and a circumcised Gibeonite.³² Are these, however, regarded as circumcised at all? Surely we learned: [If a man said]. ‘Konam³³, if I benefit from the uncircumcised’, he may benefit from uncircumcised Israelites³⁴ but is forbidden to benefit from circumcised idolaters.³⁵ [If he said]. ‘Konam’, if I benefit from the circumcised’, he is permitted to benefit from circumcised idolaters but is forbidden to benefit from uncircumcised Israelites!³⁶ — But In truth [the text referred to] includes³⁷ a proselyte who had been circumcised but did not perform the prescribed ritual immersion,³⁸ and a child who was born circumcised,³⁹ he⁴⁰ holding that it is necessary to provide for a few drops of the blood of the covenant⁴¹ to flow;⁴² while R. Eliezer⁴³ follows his own view, he having stated that ‘A proselyte who has been circumcised, though he has not performed his ritual immersion, is regarded as a proper proselyte’.⁴⁴ and he is also of the opinion that it is not necessary to provide for any drops of the blood of the covenant⁴¹ to flow where a child was born circumcised.³⁹

What expository use, however, does R. Eliezer make of the expression. What man soever?⁴⁵ — The Torah, [he maintains], speaks in the language of [ordinary] men.⁴⁶

R. Hama b. Ukba inquired: May an uncircumcised child⁴⁷ be anointed with the oil of terumah?⁴⁸ Does non-circumcision in the pre-circumcision period⁴⁹ constitute a bar⁵⁰ or not? — R. Zera replied: Come and hear: I only know [of the command]⁵¹ concerning the circumcision of the male children [which he has] at the time of the preparation⁵² [of the paschal lamb].⁵³ and concerning the slaves [which he has] at the time of the eating thereof;⁵⁴ whence, however, is it deduced that the restriction mentioned in respect of this category is to be applied to the other, and that of the other to this one?⁵⁵ Then⁵⁶ was specifically stated in both categories⁵⁷ so that an analogy between the two might be drawn.⁵⁸ Now, it is quite possible to imagine a man's slaves as being with him at the time of the eating of the paschal lamb but not at the time of its preparation,⁵⁹ when, for instance, he bought them in the meantime.⁶⁰ How is it possible, however, that a person's male children should be in existence during the eating and not during the preparation? Obviously only when birth occurred in the interval between the preparation and the eating.⁶¹ Thus it may be inferred that uncircumcision in the pre-circumcision period⁶² constitutes a legal status of uncircumcision.⁶³ Said Rabbah:⁶⁴ Do you understand this? The All Merciful said, Let all his males be circumcised, and then let him come near and keep⁶⁵ it; but such a child is not fit to be circumcised!⁶⁶ But what are we dealing with here? With a child⁶⁷ who recovered from a fever.⁶⁸ Then⁶⁹ let him be granted [a period of convalescence of] full seven days.⁷⁰ for⁷¹ Samuel said that a child who recovered from a fever must be allowed a period of convalescence of full seven days!⁷² — Where he was already granted the seven days' period.⁷³ He should, then,⁷⁴ have been circumcised in the morning!⁷⁵ — We require

(1) An apostate may not participate in the eating of the Paschal lamb.

(2) Ex. XII, 48, emphasis on ‘3. Cf. supra note 2.

(3) כֹּהֵן (cf. note 2) the Paschal lamb.

(4) Which were served with the Paschal lamb. V. Ex. XII, 8.

(5) Lit., ‘to write’, in regard to the prohibition of eating the Paschal lamb.

(6) Since the expression. ‘Thereof’. is made the basis of an exposition.

(7) Ex. XII, 9, 10; also mentioned in respect of the Paschal lamb.

(8) Infra 74a. Pes. 96a.

(9) Lev. XXII, 4.

(10) In the prohibition against eating terumah, supra 70a, q.v. for notes.

(11) The Scriptural text cited.

- (12) V. Glos.
- (13) Lev. XXII, 10.
- (14) The non-priest.
- (15) Cf. supra p. 476. n. 18.
- (16) Which includes the uncircumcised in the prohibition.
- (17) For including the uncircumcised and excluding the onan.
- (18) V. supra p. 476. n. 22, where the mnemonic also is explained.
- (19) The circumcision.
- (20) V. supra p. 476. n. 24.
- (21) Of circumcision.
- (22) V. supra p. 476. n. 25.
- (23) V. supra p. 477. n. 1.
- (24) In the prohibition of eating terumah.
- (25) V. supra p. 477. n. 3.
- (26) V. supra p. 477, n. 4.
- (27) The restrictions of circumcision.
- (28) To include the onan and exclude the uncircumcised.
- (29) Lev. XXII, 4, **אִישׁ אִישׁ** (lit., 'man man'). emphasis on man.
- (30) Who deduces the prohibition of the uncircumcised, in respect of terumah, from What man soever.
- (31) In the prohibition to eat of the Paschal lamb.
- (32) **גִּבְעוֹנִי** (Cf. Josh. IX, 3ff); synonymous with nathin (v. Glos.). Aruk and MSS. read **גִּבְעוֹנִי** 'highlander'. Cf. 'A.Z. 27a. The circumcision of these men was not performed in fulfilment of the Pentateuchal commandment and had, therefore, no religious value.
- (33) **קוֹנֵם** an expression used in a vow of abstinence. V. Ned. 3lb.
- (34) In ordinary speech (the usages of which are the determining factor in vows), even such Israelites are never described as uncircumcised'.
- (35) Since such idolaters also are in ordinary speech described as 'uncircumcised'.
- (36) V. supra note 2. Now, since circumcised idolaters are never regarded as 'circumcised', they are obviously forbidden to eat of the Paschal lamb; what need then was there for a special text to include them in the prohibition?
- (37) In the prohibition to eat of the Paschal lamb.
- (38) He may not eat of the Paschal lamb before he has performed the immersion.
- (39) I.e., without his foreskin.
- (40) R. Akiba.
- (41) **בְּרִית**. V. Gen. XVII, 10.
- (42) Though no proper circumcision is necessary. Cf. supra n. 6.
- (43) Who does not include these in the prohibition to eat the Paschal lamb.
- (44) Supra 46a.
- (45) V. supra p. 479. n. 21.
- (46) In ordinary speech people repeat certain words. The repetition of the term man (v. supra p. 479. n. 21) has, therefore, no expository significance.
- (47) During the days preceding the child's circumcision which is normally due on the eighth day of his birth, v. Gen. XVII, 12.
- (48) Anointing with the oil of terumah is forbidden wherever its consumption is forbidden. V. Shab. 86a.
- (49) v. p. 480. n: 15.
- (50) Against the consumption etc. (v. supra n. 1) of terumah.
- (51) In regard to the eating of the Paschal lamb.
- (52) Its ritual slaying.
- (53) Scripture states, Let all his males (i.e.. his children) be circumcised, and then let him (i.e.. the master) . . . keep it (Ex. XII, 48); one's own keeping (v. supra n. 5) is thus made dependent on the circumcision of one's children.
- (54) Since Scripture stated, Every man's servant...when...circumcised. then shall he (i.e., his master) eat (Ex. XII, 44); one's own eating of the lamb is thus dependent on the circumcision of one's slaves.
- (55) I.e., that the non-circumcision of a person's children born to him subsequent to the preparation of the Paschal lamb

debars him from the eating of it, and that the non-circumcision of his slave debars him not only from the eating of it but also from its preparation.

(56) **י**

(57) In Ex. XII, 44. and *ibid.* 48.

(58) V. *supra* note 8.

(59) Its ritual slaying.

(60) Between the preparation and the consumption.

(61) I.e., on the same day. viz., on the fourteenth of Nisan, the Passover Eve.

(62) The child being only one day old (v. *supra* n. 24).

(63) The answer to R. Hama's enquiry is consequently in the negative.

(64) *Cur. edd.*, 'Raba'.

(65) Ex XII, 48, i.e., in order that a man shall be enabled to observe the commandment of the Paschal lamb he is advised, or instructed, to circumcise all his males.

(66) How, then, could the text possibly have referred to his case!

(67) Over the age of eight days (cf. *supra* p. 480, n. 15).

(68) Lit., 'fever released him'. The fever from which he suffered during the time of the preparation of the Paschal lamb. While in his fever he was physically unfit for, and hence exempt from circumcision. Now that he has recovered he is, at the time of consumption of the Paschal lamb, physically fit, and consequently subject to circumcision.

(69) If the child recovered from an illness.

(70) Before circumcision is allowed.

(71) *Cur. edd.* encloses in parenthesis 'for . . . seven days'.

(72) Before the seven days are passed the child remains unfit for circumcision. How, then, could his state of lawful uncircumcision debar his father from the consumption of the Paschal lamb?

(73) And it expired on the Passover Eve.

(74) V. *supra* n. 9.

(75) I.e., before the time of the preparation of the Paschal lamb; and, since that was not done, the child was in a legal state of uncircumcision not only during the time of eating, but also during the time of the preparation. The difficulty then arises again: What need was there for a Scriptural text to include the prohibition of eating the Paschal lamb while such a child remained uncircumcised, when the preparation that must precede the eating is already forbidden!

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a full period of seven days.¹

But, surely, Luda'ah learned, 'The day of a child's recovery is like the day of his birth'.² Does not this mean that as in respect of the day of his birth no full period is required³ so is no full period required in respect of the day of his recovery? — No; the day of his recovery is superior to the day of his birth. For, whereas in respect of the day of his birth no full period is required,³ in respect of the day of his recovery a full period is required.¹ R. Papa replied:⁴ Where, for instance, the child had a pain in his eye and recovered⁵ in the meantime.⁶ Raba replied:⁷ Where, for instance, his father and mother were confined in prison.⁸ R. Kahana son of R. Nehemiah replied:⁷ Where, for instance, the child was a *tumtum*⁹ who in the meantime¹⁰ was operated upon and was found to be a male. R. Sherabia replied:⁷ 'Where, for instance, the child put forth his head out of the forechamber [of the uterus]'.¹¹ But can such a child survive? Surely it was taught: As soon as the child emerges into the air of the world the closed organ¹² is opened and the opened¹³ is closed,¹⁴ for otherwise he could not survive even for one hour!¹⁵ — Here we deal with a case where the heat of the fever sustained him. Whose fever? If 'his own fever' be suggested, he should, if such was the case, be allowed a full period of seven days!¹⁶ — It means, where the fever of his mother sustained him. And if you prefer I might say that the statement¹⁷ applies only when the child does not cry. When, however, it cries it undoubtedly survives.

R. Johanan stated in the name of R. Bana'ah: An uncircumcised [Israelite] is eligible to receive

sprinkling;¹⁸ for so we find that our ancestors¹⁹ received sprinkling²⁰ while they were still uncircumcised, since it is said, And the people came up out of the Jordan on the tenth day of the first month,²¹ but on the tenth they were not circumcised owing to the fatigue of the journey; when, then, [could the sprinkling] have been performed?²² Obviously²³ while they were still uncircumcised.²⁴ But is it not possible that they prepared no Paschal lamb at all? — This suggestion cannot be entertained at all, since it is written, And they kept the Passover.²⁵ Mar Zutra demurred: It is possible that it²⁶ was a paschal lamb that was prepared in uncleanness!²⁷ — R. Ashi retorted: It was explicitly taught: They were circumcised, they performed their ritual ablutions, and they prepared their paschal lambs in a state of cleanness.

Rabbah b. Isaac stated in the name of Rab: The commandment of uncovering the corona at circumcision²⁸ was not given to Abraham; for it is said, At that time the Lord said unto Joshua: 'Make thee knives of flint etc.' [¹⁹ But is it not possible [that this applied to] those who were not previously circumcised; for it is written, For all the people that came out were circumcised,²⁹ but all the people that were born etc.?²⁹ — If so,³⁰ why the expression. 'Again!' Consequently³¹ it must apply to the uncovering of the corona.³² Why, then,³³ the expression, 'A second time?'³⁴ — To compare the termination of the circumcision with its commencement; as the commencement of the circumcision is essential³⁵ so is the termination of circumcision³⁶ essential;³⁷ for we learned, 'These are the shreds which render circumcision invalid: Flesh which covers the greater part of the corona; and [a priest whose circumcision was so defective] is not permitted to eat terumah'; and Rabina, or it might be said, R. Jeremiah b. Abba, stated in the name of Rab: Flesh which covers the greater part of the height of the corona.³⁸

Why were they not circumcised in the wilderness? — If you wish I might say: Because of the fatigue of the journey;

(1) Lit., 'from time to time. If the child, for instance, recovered in the afternoon, circumcision may not be performed before the same hour on the afternoon of the eighth day. If this day happens to be the Passover Eve, the child is not fit for circumcision at the time of the preparation though he may be fit at the time of eating.

(2) Shab. 137a.

(3) Circumcision may be performed at any hour on the eighth day of a child's birth without any regard to the hour at which he was born.

(4) It is possible for a child to be unfit for circumcision at the time of the preparation of the Paschal lamb and yet be fit at the time of eating.

(5) On the Passover Eve.

(6) Between the preparation and the eating. At the preparation the child was still unfit for circumcision; at the eating, however, he was fit, since no period of seven days' convalescence is allowed after recovery from such a minor ailment.

(7) V. supra note 1.

(8) At the time the Paschal lamb was prepared for them by an agent. At the time of eating, however, they were free. While in prison they were unable to perform, and consequently were exempt from the duty of circumcising their child. When they were set free they came under the obligation.

(9) V. Glos.

(10) Between the preparation and the eating of the Paschal lamb.

(11) Seven days prior to the Passover Eve; while birth was completed on the Passover Eve between the time of the preparation and the time of the eating. As the protrusion of the head constitutes birth in respect of circumcision (v. Nid. 29a) the operation must be performed as soon as birth is completed.

(12) The mouth.

(13) The navel.

(14) In the embryonic state the mouth is closed and the navel, by means of which it draws sustenance, open.

(15) Nid. 30b. Since it has no means whereby to draw sustenance.

(16) Like any other child recovering from a serious illness.

(17) That the child cannot survive.

- (18) Of the water of purification (cf. Num. XIX. 2f) if he was levitically unclean. He is, thereby, enabled to eat holy food, immediately after the circumcision, no other sprinkling being required.
- (19) Who were born in the wilderness and were not circumcised until they entered Canaan (cf. Josh. V. 4ff).
- (20) To enable them to eat of the Paschal lamb. They were all levitically unclean owing to contact with the dead in the wilderness. Such persons remain unclean for seven days and, before they are allowed to eat of the Paschal lamb, must, on the third and the seventh day, be sprinkled upon with the water of purification.
- (21) Josh. IV. 19.
- (22) It could not have been performed on the eleventh, since that would not allow a period of four days (v. supra n. 3) between the first and the second sprinkling if they were to participate in the meal of the Paschal lamb which is prescribed for the fourteenth.
- (23) Lit., 'not'?
- (24) I.e., either on the tenth, when they were still uncircumcised, or earlier. In either case it follows that the sprinkling which was performed while they were still uncircumcised enabled them to eat of the Paschal lamb.
- (25) Josh. V, 10.
- (26) The Paschal lamb spoken of in the text cited.
- (27) As is permitted when the majority of the congregation is in a state of uncleanness; v. Yoma 6b.
- (28) **פריעת מילה** uncovering the corona of the membrum by splitting the membrane that covers it and drawing it towards its base. (12) And circumcise again (Josh. V. 2). Since a second circumcision was necessary (emphasis on 'again') it is assumed that the previous circumcisions performed in accordance with the law given to Abraham, without uncovering the corona, were made invalid in the days of Joshua.
- (29) In the wilderness . . . had not been circumcised, Josh. V, 5.
- (30) If the instruction to circumcise applied to the non-circumcised only.
- (31) Lit., 'but not'?
- (32) I.e., a second circumcision for those who were already, but not properly, circumcised.
- (33) Since the expression, 'Again', is used for the purpose of an exposition.
- (34) Josh. V, 2. As 'Again', so should 'A second time' also be expounded.
- (35) Lit., 'prevents'; unless circumcision was performed the Paschal lamb may not be eaten.
- (36) The uncovering of the corona.
- (37) Cf. supra n. 7.
- (38) Shab. 137a and supra 47b q.v. for notes.

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and if you prefer I might say: Because the North wind¹ did not blow upon them. For it was taught: In all the forty years during which Israel was in the wilderness the North wind did not blow upon them. What was the reason? — If you wish I might say: Because they were under divine displeasure.² And if you prefer I might say: In order that the clouds of glory³ might not be scattered.

R. Papa said: Hence, no circumcision may be performed on a cloudy day or on a day when the South wind⁴ blows; nor may one be bled⁵ on such a day. At the present time, however, since many people are in the habit of disregarding these precautions,⁶ The Lord preserveth the simple.⁷

Our Rabbis taught: In all the forty years during which Israel was in the wilderness⁸ there was not a day on which the North wind⁹ did not blow at the midnight hour; for it is said, And it came to pass at midnight, that the Lord smote all the firstborn etc.¹⁰ How is the deduction arrived at? — By this we were taught that an acceptable time¹¹ is an essential.¹²

R. Huna said: A mashuk¹³ is Pentateuchally permitted to eat terumah but has been forbidden to do so by Rabbinical ordinance, because he appears to be like one uncircumcised.

An objection was raised: The mashuk requires to be [re-] circumcised!¹⁴ — Only by Rabbinical ordinance.

But he who raised the objection on what ground did he raise it, when it was definitely stated 'requires'!¹⁵ — He misunderstood the final clause: R. Judah said, He¹⁶ should not be circumcised because such an operation is dangerous in his case.¹⁷ They said to him: 'Surely many were circumcised in the days of Ben Koziba¹⁸ and yet gave birth to sons and daughters, [such circumcision being lawful] as, in fact, it is said in Scripture, Must needs be circumcised,¹⁹ even a hundred times. And, furthermore, it is said, He hath broken My covenant,²⁰ which includes the mashuk'.²¹ What need was there for the additional text? — In case you might argue that Must needs be circumcised²² includes only the shreds which render a circumcision invalid²³ [so he added]. Come and hear, He hath broken My covenant²⁰ which includes the mashuk.²⁴ He²⁵ consequently thought that, as the Talmud²⁶ made use of a Scriptural text, the law²⁷ must be pentateuchal; but the fact is that it is only²⁸ Rabbinical, and the Scriptural text is a mere prop.

An objection was raised: A tumtum²⁹ may not eat terumah,³⁰ but his women³¹ and slaves may eat of it. A mashuk³² and one born circumcised³³ may eat of it. The hermaphrodite³⁴ may eat terumah but not holy food³⁵ while the tumtum may eat neither terumah nor holy food.³⁶ At all events, it was taught here that the mashuk and one born circumcised may eat terumah; is not this a refutation against R. Huna!³⁷ — It is indeed a refutation.³⁸

The Master said, 'A tumtum may not eat terumah, but his women³⁹ and slaves may eat of it'. By what legal act could a tumtum acquire his wives?⁴⁰ If it be suggested, by betrothing them; for it was taught. 'If a tumtum betrothed a woman, his betrothal is valid and if he was betrothed by a man his betrothal is also valid',⁴¹ it might be retorted that the validity was intended only as a restrictive measure;⁴² was it, however, intended also as a relaxation of a law?⁴³ He⁴⁴ is possibly a woman, and no woman, surely, may betroth a woman! — Abaye replied: Where his testes can be distinguished externally. Raba replied: 'What is the meaning of "his women"? — His mother'. But [is not the case of his mother] self-evident? It might have been presumed that only one capable of procreation bestows the privilege of eating terumah, but one who is incapable does not bestow it, hence we were taught [that even a tumtum may bestow the privilege].

Come and hear: A tumtum may eat neither terumah nor holy food.⁴⁵ According to Abaye, this⁴⁶ is quite correct, since the first clause speaks of the certainly non-circumcised person⁴⁷ while the final clause speaks of the doubtful one; according to Raba, however, what need was there for the mention of the tumtum in the final clause? — The meaning of⁴⁸ tumtum⁴⁹ is 'the uncircumcised'.⁵⁰ If, however, one whose status as a non-circumcised person is in doubt is not permitted to eat terumah,⁵¹ would any one who is definitely an uncircumcised person be permitted to eat it?⁵² — The final clause is an interpretation of the first.⁵³ Why may not 'a tumtum eat terumah'? Because he might have the status of an uncircumcised person,⁵⁴ and a man who is uncircumcised 'may eat neither terumah nor holy food'.

May it be assumed that this⁵⁵ is a question in dispute among Tannaim: A mashuk,⁵⁶ and⁵⁷ a proselyte whose conversion took place while he was already circumcised,⁵⁸ and a child, the proper time of whose circumcision had passed,⁵⁹ and all other circumcised persons, this means to include one who has two foreskins, may be circumcised in the daytime only. R. Eleazar b. Simeon, however, said: At the proper time⁶⁰

(1) Which in that part of the world brings fine, mild and wholesome weather.

(2) On account of the sin of the golden calf (Rashi). v. Ex. XXXII; or that of the spies (Tosaf. a.l. s.v. **נֹזֶפִין**), v. Num. XIII.

(3) Which surrounded Israel. Cf. Ex. XIII. 21f.

(4) Which brings unwholesome weather.

(5) By blood-letting.

- (6) Lit., 'they tread in it'.
- (7) .Ps. CXVI, 6. Providence protects those who are unable to protect themselves.
- (8) Though they were in disgrace. (Cf. supra p. 485. n. 22).
- (9) Which in that part of the world brings fine, mild, and wholesome weather.
- (10) Ex. XII, 29.
- (11) Midnight.
- (12) In respect of the plague of the firstborn which brought deliverance to the oppressed; and so also in respect of the blessings of the North wind without which life would be intolerable. Cf. Rashi, a.l.
- (13) מִשּׁוּךְ (rt. מִשַּׁךְ 'to draw'). a circumcised person whose prepuce has been drawn forward to cover up the corona. V. Glos.
- (14) Tosef. Shah. XVI; presumably in accordance with Pentateuchal law.
- (15) Which implies a Rabbinical provision only. A Pentateuchal law would have read, 'the mashuk is regarded as an uncircumcised person'.
- (16) The mashuk.
- (17) It might fatally injure him.
- (18) Or Bar Kokeba, the leader of the Judean revolt against Rome in 132 C.E. In the course of the persecutions that preceded the revolt, many had their prepuces forcibly drawn in order to obliterate the sign of the Abrahamic covenant, and when liberation came they were again circumcised.
- (19) Gen. XVII, 13, הַמּוֹל יִמּוֹל, repetition of the verb.
- (20) Gen. XVII. 14.
- (21) V. supra p. 486. n. 8.
- (22) Gen. XVII. 13. הַמּוֹל יִמּוֹל repetition of the verb.
- (23) A second circumcision being required only when such shreds remained.
- (24) Since the former case is covered already by the previous text.
- (25) The student who raised the objection against R. Huna, supra.
- (26) [So MS. M. Cur. edd. (שֵׁשׁ הַסְּדָרִים) 'Six orders'. The term Talmud here denotes the discussion of a halachic statement with a view to elucidating the basis on which it is based. V. Strack. Introduction, p. 5].
- (27) In respect of the mashuk.
- (28) Lit., 'and it is not (so)'.
- (29) One whose sex is uncertain. V. Glos.
- (30) Though he is a priest. It is possible that an operation would reveal him to be a male who, prior to his circumcision, is forbidden to eat terumah.
- (31) At present this is assumed to mean wives .
- (32) V. supra p. 486, n. 8.
- (33) I.e., without a prepuce.
- (34) If he is a circumcised priest.
- (35) This refers to the highest grade of holy food such, for instance, as the sin, and guilt-offerings which may be eaten by priestly males only. The hermaphrodite cannot be regarded as a male.
- (36) Tosef. Yeb. X.
- (37) Who stated that these are, at least Rabbinically, forbidden to eat of it.
- (38) According to another reading (v. Rashi). the Baraita is cited in support for R. Huna's view, it being interpreted that 'the mashuk etc. may eat by Pentateuchal law only' but is Rabbinically forbidden.
- (39) At present assumed to mean wives.
- (40) Lit., 'whence to him, to the tumtum, his wives'?
- (41) In the latter case the man is forbidden to marry the tumtum's mother or sister; and in either case the betrothal may be annulled by a letter of divorce only. Tosef. Yeb. XI. Bek. 42b.
- (42) To require, for instance, a letter of divorce. Cf. supra note 1.
- (43) To allow an Israelite woman to eat terumah by virtue of the tumtum's doubtful manhood.
- (44) The tumtum.
- (45) Tosef. Yeb. X.
- (46) The mention of the tumtum in this, as well as in the first clause.
- (47) Where the testes may be externally distinguished.

- (48) Lit., 'what is'.
- (49) In the final clause.
- (50) The rt. of tumtum, **תומטום** also signifies 'stop up'. 'closing up'. sc the foreskin.
- (51) The case referred to in the first clause.
- (52) Obviously not. What need then was there for the final clause!
- (53) Lit., 'what is the reason, he said'.
- (54) Lit., 'doubtfully uncircumcised'.
- (55) The law concerning the mashuk in R. Huna's statement supra.
- (56) V. Glos.
- (57) V. Rashal. Cur. edd. insert here in parenthesis. 'and one born circumcised'.
- (58) While he was still an idolater, the operation having been performed with no religious motive.
- (59) I.e., after the eighth day of his birth. V. Gen. XVII, 12.
- (60) On the eighth day. Cf. supra note 4.

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children may be circumcised in the daytime only; and if not at the proper time they may be circumcised both by day and by night,¹ Do they not differ on the following principle: While one Master² is of the opinion that the circumcision of a mashuk is a pentateuchal law, the other Master³ is of the opinion that the circumcision of the mashuk is only a Rabbinical ordinance?⁴ — And can you understand this?⁵ Is there any authority who maintains that the duty to circumcise a child whose proper time of circumcision had passed⁶ is only Rabbinical!⁷ But the fact is that both⁸ agree that the circumcision of a mashuk is a Rabbinical ordinance,⁹ and that the duty to circumcise a child whose proper time of circumcision had passed, is Pentateuchal. Here,¹⁰ however, their difference depends on the following principle: One Master¹¹ holds that [the conjunctive in the expression]. And in the day¹² is to be expounded;¹³ and the other Master³ is of the opinion that [the conjunctive in] And in the day¹² is not to be expounded.¹⁴ [The exposition here is of the same nature] as the following:¹⁵ When R. Johanan was once sitting [at his studies] and expounding that 'nothar¹⁶ at its proper time¹⁷ may be burned in the daytime only,¹⁸ and if not at its proper time,¹⁹ it may be burned either in the day or in the night'. R. Eleazar raised an objection: I only know that a child whose circumcision takes place on the eighth day must be circumcised in the daytime only; whence, however, is it deduced that the case of a child whose circumcision takes place on the ninth, tenth, eleventh or twelfth²⁰ is also included? Because it was expressly stated, 'And in the day';²¹ and even he²² who bases no expositions on a Waw does base his exposition on the basis of a Waw and a He!²³ The other remained silent. After he went out, R. Johanan said to Resh Lakish: I observed that the son of Pedath²⁴ was sitting and making expositions like Moses in the name of the Almighty. 'Was this his'? Resh Lakish replied. 'It is really a Baraita'. 'Where', the first asked. 'was it taught'? — 'In Torath Kohanim'.²⁵ He went out and learned it²⁶ in three days; and was engaged in making deductions and drawing conclusions from it for a period of three months.

R. Eleazar stated: The sprinkling²⁷ performed²⁸ by an uncircumcised person is valid, for his status is similar to that of a tebul yom²⁹ who, though forbidden to eat terumah, is permitted to prepare³⁰ the red heifer.³¹

The case of the tebul yom,²⁹ however, might be different, since he is also permitted to eat tithe!³² — Are we speaking of eating?³³ We speak only of touching: If a tebul yom who is forbidden to touch terumah is permitted [to occupy himself] with the red heifer,³⁰ how much more so the uncircumcised who is permitted to touch terumah!

The same [law] was also taught [elsewhere]: The sprinkling³⁴ performed³⁵ by an uncircumcised man is valid; and such an incident once happened, and the Sages declared his sprinkling to be valid.

An objection was raised: If a tumtum³⁶ performed sanctification,³⁷ his sanctification is invalid, because he [has the status of the person whose uncircumcision is a matter of] doubt, and such a person is forbidden to perform sanctification.³⁷ If an hermaphrodite,³⁸ however, performed sanctification,³⁷ his sanctification is valid. R. Judah said: Even if an hermaphrodite performed sanctification his act has no validity, because [his sex might] possibly be that of a woman, and a woman is ineligible to perform sanctification.³⁹ At all events it was taught here that the uncircumcised or the person whose uncircumcision is a matter of doubt is forbidden to perform sanctification!³⁹ R. Joseph replied: This Tanna is one of the school of R. Akiba who include the uncircumcised in the same prohibition as that of the unclean; as it was taught: R. Akiba said, 'What man soever⁴⁰ includes also the uncircumcised'.⁴¹

Raba related: I was once sitting before R. Joseph when I raised the following difficulty: Then⁴² the Tanna⁴³ should not have omitted to state.⁴⁴ 'The uncircumcised and the unclean', and one would at once suggest that the author was R. Akiba!⁴⁵ — But does he not?⁴⁶ Surely it was taught: The uncircumcised and the unclean are exempt from appearing at the Festivals!⁴⁷ — There [the case is different], because he is a repulsive person.⁴⁸

They⁴⁹ follow their own respective views. For it was taught: All⁵⁰ are permitted to perform sanctification,⁵¹ with the exception of the deaf, the imbecile and the minor. R. Judah permits in the case of the minor but regards a woman and an hermaphrodite as unfit.⁵² What is the Rabbi's reason? — Because it is written, And for the unclean they shall take of the ashes of the burning of the purification from sin,⁵³ those who are ineligible⁵⁴ for the gathering⁵⁵ are also ineligible for the sanctification,⁵⁶ but those who are eligible⁵⁷ for the gathering⁵⁵ are also eligible for the sanctification.⁵⁸ And R. Judah?⁵⁹ — He can answer you: If so,⁶⁰ Scripture should have used⁶¹ the expression 'He shall take',⁶² why then, And they shall take?⁶³ To indicate that even those who are ineligible there⁶⁴ are eligible here. If so, a woman also should be eligible!⁶⁵ Shall he put⁶⁶ but not 'Shall she put'. And the Rabbis? — Had it been written, 'He shall take'⁶⁷ and 'Shall he put'.⁶⁷ it might have been assumed that only one individual must take⁶⁸ and only one must put,⁶⁹ hence did the All Merciful write, And they shall take.⁷⁰ And had the All Merciful written, 'And they shall take' and also 'Shall they put'.⁷⁰ it might have been assumed that two must take⁶⁸ and two must put,⁶⁹ hence did the All Merciful write, And they shall take⁶⁷ and Shall he put.⁶⁷ [to indicate that the rites are duly performed] even if two take⁶⁸ and one put.⁶⁹

(1) Tosef. Shab. XVI.

(2) The first Tanna who restricts the time of the circumcision to the day only.

(3) R. Eleazar b. Simeon.

(4) Hence he permits its performance during the night also. Would then R. Huna's ruling agree with the view of one Tanna only!

(5) That the point at issue should be the one suggested.

(6) V. supra note 4.

(7) Certainly not. Being obviously a Pentateuchal law, the point at issue in the Baraita cited cannot be the one suggested.

(8) Lit., 'but, that all the world', i.e., the first Tanna and R. Eleazar b. Simeon.

(9) In agreement with R. Huna's ruling.

(10) In the Baraita cited.

(11) V. supra note 7.

(12) The Waw (and) in **וּבַיּוֹם** Lev. XII, 3.

(13) Since the statement, In the eighth day the flesh of his foreskin shall be circumcised (ibid.) would have sufficiently indicated that circumcision must be performed in the daytime, the addition of the conjunction waw is regarded as an indication that even a circumcision that takes place after its proper time must be performed in the daytime only. And the case of the mashuk was, by Rabbinical ordinance, given the same force as that of the child.

(14) Nothing may be inferred from the use of the conjunctive Waw, not even the case of the child whose proper time of

- circumcision had passed, much less that of the circumcision of the mashuk, which is altogether a Rabbinical enactment. The circumcision of either may consequently be performed in the night also.
- (15) In the objection raised by R. Eleazar infra.
- (16) V. Glos.
- (17) On the third day. V. Lev. VII. 17.
- (18) Since the expression day was explicitly used.
- (19) After the third day. V. supra n. 5.
- (20) Day of its birth. V. Shab. 137a.
- (21) Lev. XII. 3.
- (22) R. Eleazar b. Simeon. supra.
- (23) Both these letters are found in the word **וְהִנֹּתָר** And that which remaineth (ibid. VII. 17), and both are superfluous; which proves that even when burning takes place after the proper time it must be done in the daytime. How then could R. Johanan state that nothar, after its proper time, may be burned either in the day or in the night?
- (24) R. Eleazar's father was Pedath.
- (25) **תורת כהנים** 'the law of the priests'. an halachic commentary on Leviticus. sometimes designated Sifra.
- (26) The book, Torath Kohanim.
- (27) Of the waters of purification. V. Num. XIX. 2ff.
- (28) V. ibid. 19.
- (29) **טבול יום**, one who has performed his ritual ablution and is awaiting sunset, when his purification will be completed. V. Glos.
- (30) And also to sprinkle the waters of purification. (V. Rashi).
- (31) From which the water of purification (p. 490. n. 14) is prepared.
- (32) As the law in his case was relaxed in respect of the tithe it might also have been relaxed in respect of purification. How, then, could the uncircumcised, whose case is more restricted, be compared to him?
- (33) Of the red heifer. In such a case the objection might be justified.
- (34) Of the waters of purification. V. Num. XIX. 2ff.
- (35) V. ibid. 19.
- (36) V. Glos.
- (37) Of the water of purification by mixing the water with the ashes of the red heifer. V. Num. XIX. 27.
- (38) Who had been duly circumcised.
- (39) Tosef. Parah IV. (12) How then could R. Eleazar maintain that the uncircumcised may touch terumah?
- (40) Lev. XXII, 4, lit., 'man man'.
- (41) Supra 70a. As he is included there, so he is also included in the prohibition to touch terumah. R. Eleazar need not adopt this view, since the Rabbis are in disagreement with it.
- (42) If R. Akiba regards the uncircumcised and the unclean as having the same status in all respects.
- (43) Whenever he deals with uncleanness caused by touch.
- (44) Lit., 'and (he) should teach'.
- (45) Since, however, the uncircumcised is always omitted, it follows that, with the exception of the case of the red heifer, he does not have the same status as the unclean. How then could it be said that according to R. Akiba the uncircumcised may not touch terumah?
- (46) Mention the two side by side.
- (47) Hag. 4b. Three times a year, on the occasion of the Festivals of Passover, Pentecost and Tabernacles, all males had to appear before the Lord in the Temple at Jerusalem. V. Ex. XXIII. 17 and cf. Hag. 20.
- (48) It is revolting to have an uncircumcised man in the Temple. Hence the prohibition. This, however, supplies no proof that in all other respects also the uncircumcised has the same status as the unclean.
- (49) R. Judah and the Rabbis, in their difference on the question of the hermaphrodite.
- (50) Levitically clean persons, including a woman.
- (51) V. supra p. 491. n. 9.
- (52) Parah V, 4.
- (53) Num. XIX, 17.
- (54) Minors.
- (55) Of the ashes of the red heifer.

- (56) Since the mention of the latter rite, in Num. XIX, follows that of the former, no other rite in respect of the red heifer being mentioned in between.
- (57) Women. V. Yoma 43a.
- (58) V. p. 492. n. 17.
- (59) How, in view of this deduction made by the Rabbis, can he maintain that an hermaphrodite is ineligible?
- (60) That sanctification is to be compared to gathering.
- (61) In Num. XIX, 17.
- (62) The sing., as was done in the case of the verb referring to the gathering. V. ibid. 9.
- (63) The plural.
- (64) Minors.
- (65) Since she is eligible for the gathering.
- (66) And running water shall he put. Num. XIX, 17.
- (67) In Num. XIX. 17. V. infra nn. 11 and 12.
- (68) The ashes.
- (69) The water.
- (70) The plural.

Talmud - Mas. Yevamoth 73a

And the clean person shall sprinkle upon the unclean,¹ [since] clean [was mentioned]² the implication must be that he is [somewhat unclean].³ Thus it was taught that a tebul yom⁴ is permitted to prepare the red heifer.

R. Shesheth was asked: Is an uncircumcised person permitted to eat tithe?⁵ Is tithe deduced from the paschal lamb in the case of circumcision⁶ as the paschal lamb is deduced from tithe in the case of the mourning of an onan,⁷ or may only the major [sanctity] be deduced from the minor but not the minor from the major [sanctity]? He replied. You have learned this: In respect of terumah and the first ripe fruits⁸ one may incur the penalties of death⁹ and a fifth;¹⁰ these furthermore are forbidden to non-priests, they are the [undisputed] property of the priest,¹¹ they are neutralized¹² in one hundred and one,¹³ and they require washing of the hands,¹⁴ and sunset,¹⁵ All these restrictions apply to terumah and bikkurim only but not to tithe.¹⁶ Now, if that were so,¹⁷ it should have been stated here, 'The uncircumcised is forbidden to eat of them, which prohibition is not applicable to tithe'!¹⁸ — He might have taught some¹⁹ and omitted others.²⁰

What else did he omit that he should have omitted this?²¹ — He omitted the following. In the final clause while it was stated: 'Some restrictions apply to tithe and the first ripe fruits, but not to terumah, since tithe and the first ripe fruits must be brought to the appointed place,²² they require confession²³ and are forbidden to an onan, and R. Simeon permits [the bikkurim to an onan]; they are,²⁴ furthermore, subject to removal;²⁵ but R. Simeon exempts them',²⁶ [the laws that] they may not be burned²⁷ even when levitically unclean,²⁸

(1) Num. XIX. 19.

(2) Which was unnecessary. it being self-evident that the rite of purification should be performed by a clean person.

(3) The object of the text being to indicate that though he is not clean in all respects he may nevertheless perform the rite of sprinkling.

(4) V. Glos. The tebul yom is in one respect regarded as clean, since he has already performed his ritual ablution (v. Lev. XIV. 9), while in another respect (the eating of holy food), he is still regarded as unclean until sunset.

(5) The 'second tithe' which is permitted to Israelites under certain restrictions. V. Deut. XIV, 22-27.

(6) As the Paschal lamb is forbidden to the uncircumcised so is also the second tithe.

(7) V. Glos. The prohibition of the second tithe to the onan is specifically referred to in Deut. XXVI, 14, while the prohibition to him of the Paschal lamb is arrived at by deduction from the former.

(8) Bikkurim v. Glos.

- (9) For unlawfully eating of them (v. Lev. XXII, 9 and Mak. 17a).
- (10) Of the value of the food, in addition to its actual cost, which a non-priest must pay if he consumed unwittingly any quantity of terumah or bikkurim. V. Lev. XXII. 24.
- (11) He may purchase with them any objects and may also use them as a token of betrothal.
- (12) Lit., 'go up' i.e., lose their sanctity.
- (13) If the ratio of the ordinary food to that of the terumah of bikkurim is that of a hundred to one. The priest is then given 1/101 of the mixed quantity and the rest is permitted to be eaten by any person.
- (14) On the part of the man who wishes to eat of them, even if they consist of fruit only, which, unlike bread, if not consecrated requires no washing of the hands.
- (15) Before an unclean person, though he has performed his ablution, is permitted to eat of them.
- (16) Bik. II. 1; B.M. 52b.
- (17) That the uncircumcised is permitted to eat the second tithe.
- (18) Since, however, this was omitted, it follows that tithe also is forbidden to the uncircumcised.
- (19) Of the restrictions that do not apply to tithe.
- (20) The uncircumcised among them.
- (21) If nothing else was omitted it is unlikely that one single case only should have been omitted.
- (22) Jerusalem. V. Deut. XIV, 22ff and XXVI, 2ff.
- (23) V. Deut. XXVI, 10 (bikkurim); ibid. 13 (tithe).
- (24) Cf. Pes. 36b.
- (25) From the house, by the third, and the sixth year of the Septennial cycle. Cf. I have put away the hallowed things out of my house (Deut. XXVI, 13) and v. Maas. V, 6.
- (26) From the law of removal. Bik. II, 2.
- (27) Oil, for instance, for lighting purposes.
- (28) And not fit to be eaten.

Talmud - Mas. Yevamoth 73b

and that the man¹ who eats of them while they themselves are levitically unclean is to be flogged,² and that these laws do not apply to terumah, were not stated.³ This proves clearly that only some were taught and others were omitted.⁴

The Master said,⁵ 'And are forbidden to an onan, and R. Simeon permits [the bikkurim to an onan]'.⁶ Whence do they derive their views? — From the Scriptural text, Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thine oil or the firstlings of thy herd⁵ etc. nor the offering of thy hand,² and a Master said that 'the offering of thy hand' refers to bikkurim;⁷ and bikkurim were compared to tithe: As tithe is forbidden to the onan so are bikkurim also forbidden to the onan. And R. Simeon?⁸ — The All Merciful called them terumah: As terumah is permitted to the onan⁹ so are bikkurim permitted to the onan.

'They are, furthermore, subject to removal; but R. Simeon permits them'. One Master¹⁰ compares [bikkurim to tithe]¹¹ and the other Master does not.

'They may not be burned when levitically unclean, and the man who eats of them while they themselves are levitically unclean is to be flogged'. Whence is this derived? — From what was taught: R. Simeon said, Neither have I burned¹² thereof, being unclean,¹³ whether I was unclean and it was clean or I was clean and it was unclean. I do not know, however, where one was forbidden to eat it'.¹⁴ (But, surely, in relation to it, the uncleanness of the body was specifically stated: The soul that touches any such shall be unclean until the even, and shall not eat of the holy things,¹⁵ unless he bathe his flesh in waters — This is the question: Whence the prohibition [to eat it] where the thing itself is unclean?¹⁶ It was expressly stated,¹⁷ Thou mayest not eat within thy gates the tithe of thy corn¹⁸ but further on¹⁹ it was stated. Thou shalt eat it within thy gates; the unclean and the clean may eat it alike as the gazelle, and as the hart,²⁰ and at the school of R. Ishmael it was taught that the

unclean and the clean may eat together even on the same table, and the same plate, and no precautions need be taken. Thus the All Merciful stated, 'That, concerning which I told you there, Thou shalt eat it within thy gates,²⁰ you may not eat here'.²¹

'That these laws do not apply to terumah'. Whence do we derive this? — R. Abbahu replied in the name of R. Johanan: Scripture stated, Neither have I burnt thereof, being unclean,²² you may not burn 'thereof', but you may burn the oil of terumah if it has become unclean.²³ Might it not be suggested: You may not burn any 'thereof'. but you may burn holy²⁴ oil that became unclean? — This, surely, may be inferred a minori ad majus: If in respect of the tithe, the sanctity of which is of a minor character, the Torah stated, Neither have I burnt thereof, being unclean,²² how much more so in respect of holy food the Sanctity of which is of a major character. If so, terumah also might be inferred a minori ad majus! — Surely 'thereof' was written. And what reason do you see?²⁵ It is logical that holy food should not be excluded, since²⁶ [the following restrictions also apply to it:] piggul,²⁷ nothar,²⁷ sacrifice, me'ilah,²⁷ kareth,²⁷ and it is also forbidden to an onan.²⁷ On the contrary; terumah should not be excluded since [to it apply the restrictions of]²⁸ death.²⁹ a fifth,³⁰ it cannot be redeemed³¹ and it is forbidden to non-priests!³² — Those³³ are more in number. And if you prefer I might say: Kareth³⁴ is regarded as being of greater importance.

'The man that eats of them while they themselves are levitically unclean is to be flogged, and that these laws do not apply to terumah'. He is apparently³⁵ exempt only from flogging, but a prohibition³⁶ remains. Whence is this derived? — Scripture stated. Thou shalt eat it within thy gates.³⁷ only 'it'³⁸ but not any other;³⁹ and a negative precept that is derived from a positive one [has only the force of] a positive.⁴⁰

R. Ashi said.⁴¹ From the first clause also⁴² you may infer that the Tanna taught some⁴³ and omitted others,⁴⁴ since he did not state

(1) Himself levitically clean.

(2) V. infra.

(3) Though, according to the first Tanna who compares bikkurim and tithe in all respects, these laws also should have been included in his statement.

(4) The uncircumcised among them.

(5) V. Bah. Cur. edd. omit.

(6) Supra 73a.

(7) In reference to which 'hand' was mentioned. V. Deut. XXVI. 4. (Tosaf. s.v. תרומת a.l.).

(8) Why does he permit it?.

(9) As shewn supra 70a.

(10) The first Tanna.

(11) In respect of which the prohibition was stated in Deut. XXVI. 13. Cf. supra p 494. n. 18.

(12) E.V. 'put away'.

(13) Deut. XXVI, 14.

(14) The prohibition referring to burning only. The question is assumed to refer to the uncleanness of either the tithe or the one who eats it.

(15) Which, as shewn infra 74b, refers to tithe.

(16) Lev. XXII, 6.

(17) In respect of the 'second tithe'.

(18) Deut. XII, 17.

(19) In reference to dedicated animals which are permitted to a non-priest if they were redeemed after having become blemished.

(20) Deut. XV, 22.

(21) Only there may the clean eat though the unclean had touched the plate and caused the defilement of the food, but not here in the case of the second tithe.

- (22) Deut. XXVI, 24.
- (23) Which proves that no prohibition is attached to terumah.
- (24) Dedicated, for instance, as a meal-offering.
- (25) For inferring holy food a minori ad majus, and for excluding terumah by the expression thereof?
- (26) The mnemonic **פנקעכס** represents the initials, or striking letters of Piggul. Nothar, Korban (sacrifice). me'ilah (the 'Ayin). Kareth. asur (forbidden).
- (27) V. Glos.
- (28) The mnemonic **מהפ"ז** (cf. supra n. 1) represents the initials of **מיתה** 'death', **חומש** fifth', **פדיון** 'redemption', **זר** 'non-priest'.
- (29) For the person who eats it while he is in a state of uncleanness.
- (30) Payable by a non-priest who eats terumah unwittingly even at a time when it is permitted to priests. The fifth is not payable in respect of holy food when its consumption is permitted to priests.
- (31) Holy food, however, may be redeemed in certain circumstances.
- (32) Holy food of the minor degree is permissible to non-priests.
- (33) The restrictions in respect of terumah.
- (34) Which is incurred in connection with holy food and not in connection with terumah.
- (35) Since flogging was mentioned.
- (36) To eat unclean terumah.
- (37) Deut. XV, 22.
- (38) May be eaten.
- (39) Terumah.
- (40) Transgression of which is not punishable by flogging.
- (41) With reference to the question supra p. 494. n. 14.
- (42) Not only from the second.
- (43) Of the restrictions that do not apply to tithe.
- (44) The uncircumcised among them.

Talmud - Mas. Yevamoth 74a

'And they¹ apply in all² the years of the septennial cycle³ and cannot be redeemed', and that 'this does not apply to the [second] tithe'. This proves it.

Come and hear: 'If shreds⁴ which render the circumcision invalid remain, he may not eat terumah, nor the paschal lamb, nor holy food, nor tithe'. Does not tithe refer to the tithe of the corn? — No; the tithe of cattle.⁵ But is not the tithe of cattle the same as holy food?⁶ — Even on your view are we not told here of the paschal lamb and yet 'holy food' also is mentioned! — One can well understand why it was necessary to mention both the paschal lamb and holy food; for if the paschal lamb only had been stated it might have been assumed that it only is forbidden, because uncircumcision was written in Scripture in connection with the paschal lamb, but not holy food. And if holy food only had been stated it might have been assumed that what was meant by holy food was the paschal lamb.⁷ What need, however, was there for the mention here of the tithe of cattle!⁸ — [No, say,] rather, tithe refers to the first tithe; and this [teaching] is that of R. Meir who holds that the first tithe is forbidden to non-priests.⁹

Come and hear: Since R. Hiyya b. Rab of Difti has learned, 'An uncircumcised is forbidden to eat of both tithes', is not one the tithe of the corn and the other the tithe of the cattle! — Here also the first tithe was meant and the ruling is that of R. Meir.

Come and hear: 'An onan is forbidden to eat of tithe but is permitted to eat terumah, and [to engage] in the [preparation of] the red heifer;¹⁰ a tebul yom¹¹ is forbidden to eat terumah, but is permitted [to engage] in [the preparation of] the red heifer, and to eat tithe; and he who was still short of atonement¹² is forbidden [to engage] in [the preparation of] the red heifer, but is permitted to

eat terumah and tithe'. Now, if it were so,¹³ it should have been stated, 'The uncircumcised is forbidden to eat terumah but is permitted [to engage] in [the preparation of] the red heifer¹⁴ and to eat tithe'!¹⁵ — This represents the view of a Tanna of the school of R. Akiba, who includes the uncircumcised, like the unclean, in the prohibition.¹⁶ As it was taught: Any man soever¹⁷ includes the uncircumcised.

Who is the Tanna who differs from R. Akiba?¹⁸ — It is the Tanna who [is in disagreement with] R. Joseph the Babylonian. For it was taught: The burning¹⁹ by an onan or by one who is still short of atonement is valid; but R. Joseph the Babylonian said: That of the onan is valid but that of him who is short of atonement is not valid.²⁰

R. Isaac also is of the opinion that the uncircumcised is forbidden to eat [second] tithe. For R. Isaac stated: Whence is it deduced that the uncircumcised is forbidden to eat [second] tithe? 'Thereof' was stated in respect of [the] tithe,²¹ and 'thereof' was also stated in respect of the paschal lamb;²¹ as the paschal lamb, in respect of which 'thereof' was used, is forbidden to the uncircumcised, so is [the] tithe, in respect of which 'thereof' was used, forbidden to the uncircumcised. Is it²² free for deduction? For if it is not free, it could be objected: The Paschal lamb is rightly subject to the restriction²³ since one may incur in respect of it the penalties for piggul,²⁴ nothar²⁵ and levitical uncleanness!²⁵ — It is indeed free for the deduction. Which²⁶ is free? Raba replied in the name of R. Isaac: 'Thereof' is written three times in connection with the paschal lamb.²⁷ One is required for the paschal lamb itself;²⁸ one for the analogy;²⁹ and as to the third, according to him who maintains that Scripture intended³⁰ a positive precept to follow a negative³¹ one,³² 'thereof' was written [a second time],³³ because nothar was written [a second time];³³ and according to him who maintains [that the repetition of until the morning³⁴ was intended] to allow a second morning for its burning,³⁵ 'thereof' was written [a second time],³⁶ because until the morning³⁴ had to be written [a second time]. Also, in connection with tithe, 'thereof' was written three times. One is required for its own purpose;³⁷ one is required for the deduction which R. Abbahu made in the name of R. Johanan;³⁸ and the third is required for the exposition made by Resh Lakish. For Resh Lakish stated in the name of R. Simya: Whence is it deduced that second tithe which has become levitically unclean may be used for anointing? It is said, Nor have I given thereof for the dead,³⁹ only for a dead man have I not given, but I have given for a living man in the same manner as for the dead. Now, what is it that may be equally applied to the living and to the dead? You must say that it is anointing.⁴⁰ Mar Zutra demurred: It³⁹ might be suggested to refer to the purchase for the dead of a coffin and shrouds!⁴¹ — R. Huna son of R. Joshua replied: 'Thereof' means of the tithe itself.⁴² R. Ashi replied: Nor have I given³⁹ must be analogous to I have not eaten,³⁹ as there⁴³ it refers to the tithe itself so here also⁴⁴ it must refer to the tithe itself. But still it⁴⁵ is free, however, in one direction only!⁴⁶ [The analogy is] quite satisfactory according to him who maintains that deduction may be made [even in such a case]. and may not be refuted.⁴⁷ According to him, however, who is of the opinion that deduction may be made but also refuted, what can be said?⁴⁸ — R. Abbahu's deduction⁴⁹ may be inferred from the text cited in the statement which R. Nahman made in the name of Rabbah b. Abbuha. For R. Nahman stated in the name of Rabbah b. Abbuha: What was meant by the Scriptural text, And I, behold, I have given thee⁵⁰ the charge of My heave-offerings?⁵¹ Scripture speaks of two kinds of terumah. One, clean terumah, and the other, unclean terumah; and concerning these the All Merciful said, 'It shall be thine,⁵⁰ even for burning under your dish.'⁵²

AND ALL LEVITICALLY UNCLEAN PERSONS etc. Whence is this deduced? — R. Johanan replied in the name of R. Ishmael: Scripture stated, What man soever of the seed of Aaron is a leper, or hath an issue etc.⁵³ Now, what is it that is equally

(1) Terumah and bikkurim.

(2) Lit., 'other', i.e., even in the third and sixth. V. next note.

- (3) And not only, like the second tithe, in the first, second, fourth and fifth years of the cycle.
- (4) Of the corona.
- (5) Which solves the question put to R. Shesheth.
- (6) Which is already mentioned.
- (7) Both were therefore necessary.
- (8) Which is included in 'holy food'. V. supra n. 2. Hence 'tithe' must mean second tithe, which solves the question put to R. Shesheth.
- (9) And owing to its sanctity it was also forbidden to the uncircumcised.
- (10) Since it is not offered on the altar, its sanctity is of a lesser degree.
- (11) V. Glos.
- (12) An unclean person the requirements of whose purification have, with the exception of the sacrifice prescribed for the unclean, been satisfied.
- (13) That the uncircumcised is permitted to eat second tithe.
- (14) As stated supra 72b.
- (15) Since this, however, was omitted it must be assumed that the omission was due to the fact that tithe is permitted to the uncircumcised!
- (16) To engage even in the preparation of the red heifer (supra 72b).
- (17) Lev. XXII, 4; lit., 'man man'.
- (18) And maintains (v. supra 72b) that the uncircumcised may deal with the red heifer.
- (19) Of the red heifer. V. Num. XIX, 5.
- (20) As the first Tanna differs from R. Joseph in respect of the man who was short of atonement, he presumably differs also in respect of the uncircumcised.
- (21) V. infra for further explanation.
- (22) The expression 'thereof' used in the analogy.
- (23) Its prohibition to the uncircumcised.
- (24) V. Glos.
- (25) Hence no analogy between it and tithe would be justified.
- (26) Of the expressions, 'thereof'.
- (27) Ex. XII, 9,10.
- (28) [In 'Ye shall not eat thereof raw' (verse 9) 'thereof' is required as otherwise it might have been assumed to refer to the unleavened bread and bitter herbs mentioned in the preceding verse (Tosaf)].
- (29) With second tithe.
- (30) By the text, Ye shall burn (that which remains) with fire (Ex. Xli, 10).
- (31) Ye shall let nothing thereof remain (ibid.).
- (32) In order to exempt the transgressor from the penalty of flogging. v. Mak. 4b.
- (33) In Ex. XII, 20., cf. previous note.
- (34) Ibid. Earlier in the text it was already stated, And ye shall let nothing thereof remain until the morning.
- (35) The morning after the first day of the Passover. V. Pes. 83b.
- (36) In Ex. XII. 10.
- (37) [The first 'thereof' to exclude the first tithe from the restriction in regard to onan (v. Glos) תום ישנים].
- (38) Permitting the burning of unclean oil of terumah for lighting purposes. V. supra 73b.
- (39) Deut. XXVI, 24.
- (40) It cannot refer to eating which is, of course, inapplicable to the dead.
- (41) And not to anointing. The deduction, consequently, would be that though unclean tithe may not be exchanged for money wherewith to buy the requirements of the dead, it being unfit as food, it may be exchanged for the purpose of buying anything for the living.
- (42) Not with the money for which it was exchanged.
- (43) In respect of eating.
- (44) The 'giving'.
- (45) The expression. 'Thereof'.
- (46) In that of the Paschal lamb; those occurring in the section of tithe being required for other deductions.
- (47) Nid. 22b.

(48) In view of the objection that the Paschal lamb is subject to restrictions which are inapplicable to the second tithe.

(49) From one of the expressions of 'thereof'.

(50) **ת**⁵.

(51) Num. XVIII, 8.

(52) Since R. Abbahu's deduction may be made from this text, one of the expressions of 'thereof' remains free for the purpose of the analogy.

(53) Lev. XXII, 4.

Talmud - Mas. Yevamoth 74b

applicable to all the seed¹ of Aaron? You must say that it is terumah.² But might it not be assumed to refer to the breast and the shoulder?³ — [These are] not [permitted] to [a woman] who returns.⁴ But terumah also is not permitted to a halalah!⁵ — A halalah is not regarded as of the seed of Aaron.⁶ And whence is it inferred that until he be clean⁷ means 'until sunset',⁸ perhaps it means, 'until the atonement is brought'? — This cannot be entertained. For a Tanna of the school of R. Ishmael [taught] that Scripture⁷ speaks of a zab⁹ who noticed only two issues, and of a leper while under observation,¹⁰ both being cases similar to that of one who is unclean by the dead;⁷ as he who is unclean by the dead⁷ is not liable to bring an atonement so are these¹¹ such as are not liable to bring an atonement.¹² Let it be said, then, that this¹³ applies only to those who are not liable to bring an atonement, but that for those who are liable to an atonement,¹⁴ purification is incomplete until the atonement has been brought! Furthermore, in respect of what we learned, 'If he performed the prescribed ablution and came up from his bathing he may eat of the [second] tithe; after sunset he may eat terumah; and after he has brought his atonement he may also eat of the holy food',¹⁵ whence, it may also be asked, are these laws derived? — Raba replied in the name of R. Hisda: Three Scriptural texts are recorded: It is written, And shall not eat of the holy things, unless he bathe his flesh in water,¹⁶ implying if he bathed, however, he is clean. It is also written, And when the sun is down, he shall be clean, and afterwards he may eat of the holy things.¹⁷ And finally, it is written, And the priest shall make atonement for her, and she shall be clean.¹⁸ How, [then, are these contradictory conditions¹⁹ to be reconciled]?²⁰ The first refers to [second] tithe; the second to terumah, and the third to holy food. Might not these be reversed?²¹ It is reasonable that terumah should be subject to the greater restriction, since²² it is also subject to the restrictions of the death penalty,²³ the fifth,²⁴ it cannot be redeemed,²⁵ and is also forbidden to the non-priest.²⁶ On the contrary; [second] tithe might be regarded as subject to the greater restriction, since it²⁷ has to be brought to the appointed place,²⁸ requires confession,²⁹ is forbidden to an onan, must not be burned³⁰ [even] when unclean, the penalty of flogging is incurred for eating it when it is unclean,³¹ and it is also subject to the law of removal!³² — The penalty of death, nevertheless, is of the greatest severity. Raba said: Apart from the fact that the death penalty is of the greatest severity it could not be said so;³³ for Scripture stated, soul.³⁴ Now, what is it that is equally [permitted] to every soul? You must admit that it is tithe.³⁵ Still, this³⁶ might apply only to one who is not liable to bring an atonement;³⁷ but where a man is liable to an atonement it might be said that [purification is not complete] until he has brought the atonement! — Abaye replied: Two Scriptural texts are recorded in the case of a woman in childbirth.³⁸ It is written, Until the days of her purification be fulfilled,³⁹ as soon as her days are fulfilled she is clean; and it is also written, And the priest shall make atonement for her, and she shall be clean,⁴⁰ how, [then, are the two to be reconciled]?⁴¹ The former applies to terumah, the latter to holy food.⁴²

But might not these be reversed?⁴³ — It stands to reason that holy food should be subject to the greater restriction,⁴⁴ since it is also subject to the restrictions of⁴⁵ piggul⁴⁶ nothar,⁴⁶ sacrifice, me'ilah,⁴⁶ kareth,⁴⁶ and is also forbidden to an onan.⁴⁶ On the contrary, terumah should be subject to the greater restriction,⁴⁷ since it is also subject to the restrictions⁴⁸ of⁴⁵ the death penalty,⁴⁹ the fifth,⁵⁰ it cannot be redeemed,⁵¹ and is also forbidden to the non-priest!⁵² — Those⁵³ are more in number.

Raba said: Apart from the fact that those⁵³ are more in number this⁵⁴ could not be maintained. For Scripture stated, And the priest shall make atonement for her, and she shall be clean,⁵⁵ which implies that [until that moment] she was unclean. Now, were it to be assumed that this text⁵⁶ speaks of holy food,⁵⁷ the text, And the flesh that toucheth any unclean thing shall not be eaten⁵⁸ should apply to it!⁵⁹ It must, therefore, be concluded that the text⁶⁰ speaks of terumah.

R. Shisha son of R. Idi demurred: How could it be said that the law of terumah was prescribed in this text?⁶⁰ Surely it was taught: [From the text]. Speak unto the children of Israel.⁶¹ one would only learn [that these laws⁶² are applicable to] the children of Israel; whence, however, is one to infer that they also apply to a proselyte or an emancipated slave? Scripture consequently stated,⁶³ Woman.⁶⁴ Now, if it were to be assumed that the text speaks of terumah, are a proselyte and an emancipated slave, [it may be asked,] permitted to eat terumah!⁶⁵ Said Raba: But does it⁶⁶ not?⁶⁷

(1) Males and females.

(2) It cannot refer to holy food of the higher degree of sanctity which is permitted to male priests only.

(3) Of the peace-offerings which belong to the class of holy food of a minor degree of sanctity, and are permitted to the priestly males and females. (V. Lev. X, 14).

(4) From the home of her husband who was an Israelite and died without issue, to that of her father who is a priest (v. supra 68b). Terumah, however, is permitted in such a case.

(5) V. Glos., though she is the daughter of a priest.

(6) Having been born of a forbidden marriage.

(7) Lev. XXII, 4.

(8) And on the basis of this interpretation the unclean is permitted to eat terumah even before he has brought his atonement.

(9) V. Glos.

(10) Lit., 'a locked-up leper'. V. Lev. XIII, 4ff.

(11) The zab and leper spoken of in this text.

(12) Only a confirmed leper, and a zab who has had three attacks of gonorrhoea are, on recovery and purification, liable to bring sacrifices. Cf. Meg. 8a.

(13) That sunset alone, though no sacrifice had yet been brought, completes the purification of the unclean as far as the consumption of terumah is concerned.

(14) The confirmed leper, and a zab who had three attacks.

(15) Neg. XIV, 3, Pes. 35a, Nid. 71b.

(16) Lev. XXII, 6.

(17) Ibid. 7.

(18) Ibid. XII, 8.

(19) Bathing, sunset and sacrifice.

(20) Each text obviously pointing to a different condition as the essential, or completion of purification!

(21) For terumah bathing alone should suffice; while for tithe, waiting until sunset should be required.

(22) V. supra p 497. n. 3.

(23) V. supra p. 497. n. 4

(24) V. supra p. 497 n. 5.

(25) While tithe may be redeemed.

(26) Tithe is not.

(27) The mnemonic **הד"ם ט"ב** lit., 'a good myrtle', represents distinctive letters occurring in prominent words describing the following restrictions **ה**=**הבאה**=**ה** confession; **ם**=**אסור** prohibition sc. to an onan; **ט**=**טומאה** uncleanness; **ב**=**בעור** removal.

(28) Jerusalem. V. Deut. XIV, 22ff.

(29) V. Deut. XXVI, 13.

(30) For lighting purposes, if, for instance, it consisted of oil.

(31) While the man is clean.

- (32) V. supra p. 494 n. 18.
- (33) V. supra p. 502, n. 15.
- (34) Lev. XXII, 6.
- (35) This verse then must refer to tithe, and it requires ablution only and no waiting for sunset.
- (36) That purification in respect of terumah is complete even before the sacrifice had been brought.
- (37) As, for instance, the case of the leper under observation, and that of the zab who had no more than two attacks, of whom the text mentioned speaks.
- (38) Who is liable to bring a sacrifice.
- (39) Lev. XII, 4.
- (40) Ibid. 8.
- (41) According to the former text, cleanness is complete at the conclusion of the prescribed period, while according to the latter the woman cannot be clean before her sacrifices are offered.
- (42) Thus it follows that even when a sacrifice has been prescribed (cf. p. 505, n. 17) terumah may be eaten before that sacrifice has been brought.
- (43) The first text applying to holy food, and the second to terumah.
- (44) That its consumption be not permitted before the prescribed sacrifice had been offered.
- (45) For explanation of the mnemonics v. supra p. 497 nn. 1 and 3.
- (46) V. Glos.
- (47) V. supra note 2.
- (48) V. supra p. 497, n. 3.
- (49) V. supra p. 497 n. 4.
- (50) V. supra p. 497 n. 5.
- (51) Holy food may be redeemed.
- (52) Holy food is not.
- (53) The restrictions in connection with holy food.
- (54) That the first text, Lev. XII, 4. which permits consumption before the sacrifice is brought, should refer to holy food.
- (55) Lev. XII. 8.
- (56) V. supra note 12.
- (57) Which would accordingly be permitted to be eaten even before the prescribed sacrifice had been offered.
- (58) Lev. VII, 29.
- (59) Since the person who has not brought the prescribed sacrifice is still regarded as unclean. How then could the consumption of holy food be permitted to him?
- (60) Lev. XII. 4.
- (61) Ibid. 2.
- (62) Relating to uncleanness after childbirth. V. Lev. XII, 2ff.
- (63) Lev. XII, 2.
- (64) Cf. Ker. 7b.
- (65) Certainly not. The text must consequently refer not to terumah but to holy food!
- (66) The text cited.
- (67) Speak of terumah?

Talmud - Mas. Yevamoth 75a

Surely it is written,¹ She shall touch no hallowed thing² [which] includes terumah!³ The fact, however, is that Scripture enumerated a number of distinct subjects.⁴ Now what need was there for three distinct texts⁵ in respect of terumah! — They are all required. For were terumah to be deduced from Until he be clean,⁶ it would not be known whereby,⁷ hence did the All Merciful write, And when the sun is down, he shall be clean.⁸ And if the All Merciful had written only And when the sun is down,⁸ it might have been assumed [to apply to such a person] as is not liable to bring a sacrifice, but in the case of one who is liable it might have been presumed that cleanness is not effected before he has brought his atonement, hence the All Merciful wrote, Until. . . be fulfilled.⁹ And had the All Merciful written only, Until . . . be fulfilled,¹⁰ it might have been presumed that cleanness may be

effected even without ablution, hence did the All Merciful write, Until he be clean.⁶

According. however, to that Tanna who disagrees with the Tanna of the school of R. Ishmael, maintaining that the text⁶ speaks of a zab who had three attacks of gonorrhoea and of a confirmed leper,¹¹ and that the deduction from Until he be clean⁶ is 'until he brings his atonement,'¹² what need was there for two texts¹³ in respect of holy food? — [They are both] required. For had the All Merciful written about the woman after childbirth only,¹⁴ the law¹⁵ might have been said to apply to her only because her uncleanness is of long duration,¹⁶ but not to a zab. And had the All Merciful written the law¹⁷ in connection with a zab only,¹⁸ it might have been assumed to apply to him only since his uncleanness does not automatically cease,¹⁹ but not to a woman after childbirth.²⁰ [Hence both texts were] necessary.

What was the need²¹ for the text, It must be put into water, and it shall be unclean until the even?²² — R. Zera replied: In respect of touch,²³ as it was taught: And it shall be unclean²⁴ might have been taken to refer to all cases,²⁵ hence it was stated, Then shall it be clean.²⁶ And if only Then shall it be clean²⁶ had been stated it might have been assumed to refer to all cases,²⁷ hence it was stated, And it shall be unclean.²⁸ How then [are the two to be reconciled]? The one²⁹ refers to [second] tithe and the other³⁰ to terumah. But might not the deduction be reversed? — It stands to reason that as the eating of terumah is more restricted than the eating of tithe, so shall the touching of terumah be more restricted than the touching of tithe.

If you prefer I might say that the prohibition against the touching of terumah³¹ is deduced from the following. It was taught:³² She shall touch no hallowed thing,³³ is a warning against its consumption.³⁴ Perhaps it is not so, but against touching it? It was stated, She shall touch no hallowed thing, nor come into the sanctuary;³³ the hallowed thing is thus compared to the sanctuary; as [an offence against] the sanctuary involves loss of life,³⁵ so [must the offence against] the hallowed thing be such as involves loss of life, while in respect of touch no loss of life is involved; and the reason [why eating] was expressed by a term denoting touch is to indicate that touching and eating are equally [forbidden].³⁶

[A PRIEST WHO IS] WOUNDED IN HIS STONES etc. Who is it that taught: A woman subject to a pentateuchally forbidden cohabitation³⁷ may eat terumah?³⁸ — R. Eleazar replied: This question is the subject of a dispute, and the ruling here is that of R. Eleazar and R. Simeon.³⁹ R. Johanan said: [The ruling here] may even be that of R. Meir,³⁹ the circumstances here being different, since the woman has already been eating.⁴⁰ And R. Eleazar? — The argument, 'since she has already been eating' cannot be entertained; for should you not admit this,⁴¹ a daughter of an Israelite who was married to a priest and whose husband subsequently died, should also be permitted to eat terumah since she has already been eating it.⁴² And R. Johanan? — There,⁴³ his kinyan had completely lapsed;⁴⁴ here, however, his kinyan did not lapse.⁴⁵

WHAT IS TERMED A PEZU'A? Our Rabbis taught: What is termed a pezu'a dakkah? A man both of whose stones were wounded or even only one of them; even though they were only punctured, crushed, or simply defective. Said R. Ishmael son of R. Johanan b. Beroka: I heard from the mouth of the Sages at the Vineyard⁴⁶ at Jabneh that one having only one stone is a natural born eunuch⁴⁷ and is, therefore, a fit person. How could it be said that such a person is a natural born eunuch!⁴⁸ — Say rather, he is like a natural born eunuch and is, therefore, fit.⁴⁹

Is [a man whose stones are] punctured incapable of procreation? Surely, a man once climbed up a palm tree

(1) In the same section.

(2) Lev. XII, 4.

- (3) V. Mak. 14b. The proselyte and emancipated slave are also included in such a prohibition.
- (4) One may be applicable to one class of persons. and another to others.
- (5) Lev. XXII, 4. ibid. 7, and ibid. XII, 4, which , as explained supra. refer to terumah.
- (6) Lev. XXII, 4.
- (7) Cleanness is effected.
- (8) Ibid. 7.
- (9) Ibid. XII, 4. which speaks of a woman after childbirth, who is liable to bring a sacrifice and is, nevertheless, regarded as clean in respect of terumah immediately after the sunset of the last day of the prescribed period.
- (10) V. supra n. 24.
- (11) Both of whom are liable to bring sacrifices.
- (12) The text referring to holy food, terumah having been deduced by him from Lev. XXII, 7.
- (13) Lev. XII, 8 and ibid. XXII, 4.
- (14) I.e., Lev. XII, 8.
- (15) That the prescribed sacrifice must be brought before cleanness is effected.
- (16) Eighty days must elapse in the case of the birth of a daughter (v. Lev. XII. 5) before the mother is permitted to eat of terumah or of holy food.
- (17) V. supra note 3.
- (18) I.e., Lev, XXII, 4.
- (19) He remains unclean however long his affliction may last.
- (20) Who, in respect of connubial relations, is regarded as clean on the termination of the prescribed period, though the flow may still continue.
- (21) In view of Lev. XXII, 7 which makes the consummation of cleanness dependent on sunset.
- (22) Lev. XI, 32, which, also making the consummation of cleanness dependent on sunset, must, like Lev. XXII, 7 refer to terumah.
- (23) Before sunset on the day of purification no terumah may come in contact with the unclean vessel; and the same restriction applies to the tebul yom (v. Glos.). This could not have been deduced from Lev. XXII, 7 which does not speak of touch or contact but of eating.
- (24) Lev. XI, 32, even after it had been put in water.
- (25) I.e., that the uncleanness remains in respect of both terumah and [second] tithe.
- (26) Ibid. טָהַר. The use of this form of the verb (which may also represent the present participle), instead of the imperfect, implies a state of cleanness even before the sun had set. (V. Rashi).
- (27) That the state of cleanness arises, as soon as ablution had taken place, in respect of both tithe and terumah.
- (28) Lev. XI, 32.
- (29) The latter, Be clean.
- (30) The former, Be unclean.
- (31) On the part of a tebul yom. V. Glos.
- (32) So Bah. Cur. edd. omit.
- (33) Lev. XII, 4.
- (34) Before the sunset of the last day of the prescribed period, the woman being regarded until then as a tebul yom, the 'day' (yom) being a 'long one' embracing all the days of the prescribed period.
- (35) The penalty for entering the sanctuary while one is unclean is kareth. Cf. Num. XIX, 20.
- (36) To the unclean or the tebul yom.
- (37) As is the case in our Mishnah with the wife of the mutilated priest with whom no cohabitation has yet taken place after his mutilation, though such cohabitation may still take place at any moment.
- (38) V. our Mishnah.
- (39) V. supra 57b.
- (40) Before her husband was disabled. She is not deprived of a privilege she had been enjoying though she may not be entitled to new privileges.
- (41) That the argument is untenable.
- (42) Which is absurd. The argument is consequently untenable.
- (43) The case of a priest who married the daughter of an Israelite and died.
- (44) When he died. Hence the woman's loss of her privilege.

(45) Since the marriage had not been annulled.

(46) The College. So called because the students were sitting in rows arranged like the vines in a vineyard.

(47) סְרִים חֲמֵה lit., 'a eunuch through heat', i.e., fever, illness (v. Golds.) or 'a eunuch of the sun', i.e., from birth when the child first saw the sun (v. Jast.).

(48) The former surely might be the result of an accident!

(49) The prohibition being restricted to the wounded or crushed.

Talmud - Mas. Yevamoth 75b

and a thorn pierced his stones, [his semen] issued like a thread of pus, and, [despite the accident], he begat children! — In that case, as a matter of fact, Samuel sent word to Rab, telling him, 'Institute enquiries respecting the parentage of his children'.

Rab Judah stated in the name of Samuel: A man whose stones have been injured by a supernatural agency¹ is regarded as a fit person.² Said Raba: This is the reason why the Scriptural text reads, Who is wounded³ and not 'the wounded'.⁴

In a Baraita it was taught: It was said in Scripture. He who is wounded . . . shall not enter³ and it was also said, A bastard shall not enter,⁵ as the latter is the result of human action, so is the former the result of human action.⁶

Raba stated: Wounded³ applies to all,⁷ crushed³ applies to all,⁷ and cut off⁸ applies to all.⁹ 'Wounded applies to all': Whether the membrum, the stones or the spermatic cords of the stones were injured. 'Crushed applies to all': Whether the membrum, the stones or the spermatic cords were crushed. 'Cut off applies to all': Whether the membrum, the stones or the spermatic cords were cut off.

A certain Rabbi asked Raba: Whence is it inferred that the expression pezu'a dakkah⁸ refers to an injury in the privy parts; might it not be said to refer to the head? The other replied: As no number of generations is mentioned,¹⁰ it may be inferred that the reference is to the privy parts.¹¹ But is it not possible that the reason why no number of generations is given in this case is because only he himself¹² is forbidden,¹³ while his son and the son of his son are permitted! — [This must be] similar to the case of him whose membrum is cut off; as the latter involves the privy parts, so must the former involve those parts.

And whence is it inferred that the injury of the keruth shafekah¹⁴ himself involves his privy parts? Might it not be one involving his lips!¹⁵ — Shafekah¹⁶ is written, implying, 'at the spot where it discharges',¹⁷ But might it not refer to one's nose? — It is not written, '[Cut] at the organ that discharges', but 'a cut organ that discharges'; thus implying that organ which in consequence of a cut discharges, and in the absence of a cut does not discharge but flows out. This excludes the nose which in either case¹⁸ emits a discharge.¹⁹

In a Baraita it was taught: It was said in Scripture. He who is wounded in his stones shall not enter,⁸ and it was also said. A bastard shall not enter,²⁰ as the latter refers to the privy parts, so does the former refer to the privy parts.

In a case where a puncture beginning below the corona terminated²¹ at the other end of it above the corona, R. Hiyya b. Abba desired to declare the sufferer as fit.²² Said R. Assi to him: Thus ruled R. Joshua b. Levi, '[A perforation of] any size in the corona constitutes a bar [against fitness]'.

IF, HOWEVER, ANY PART OF THE CORONA REMAINED etc. Rabina, while sitting [at his studies], raised the following question: Must the HAIR'S BREADTH of which they spoke extend

over the entire circumference thereof or only over its greater part? — ‘The HAIR'S BREADTH’, said Rabbah²³ Tosfa'ah to Rabina, must extend over the greater part of it and towards its upper section'.²⁴

R. Huna ruled: If it²⁵ is cut away like a reed pen it constitutes no disqualification; if like a gutter²⁶ it causes disqualification. For in the latter case the air penetrates;²⁷ in the former it does not. R. Hisda, however, ruled: [If the cut was] in the shape of a gutter no disqualification is constituted; if it had the shape of a reed pen disqualification is constituted. For in the first case friction may be produced; in the latter it cannot.

Raba said: It is reasonable to adopt the view of R. Huna that in the latter case the air penetrates while in the former it does not. For in regard to friction it is only like a bung in a cask.²⁸

Said Rabina to Meremar: Thus said Mar Zutra in the name of R. Papa, ‘The law is that no disqualification is constituted whether the corona was cut away like a reed pen or like a gutter. He raised, however, the question. [whether such a cut must be] below the corona or may even be above it?²⁴ — It is obvious that it may even be above it; for were it to be below the corona, the man would be regarded as fit even if the entire membrum there had been cut off. Rabina, however,²⁹ only desired to test Meremar.

Such an incident³⁰ once occurred at Matha Mehasia, and R. Ashi arranged for the corona to be cut into the shape of a reed pen, and then declared the man to be fit. It once happened at Pumbeditha that a man had his semen duct blocked, and the discharge of the semen made its way through the urinal duct. R. Bibi b. Abaye intended to declare the man fit. R. Papi, however, said to him, ‘Because you are yourselves

(1) Lit., ‘by the hands of heaven’, through lightning, for instance, or from birth.

(2) He is not included in the prohibition to enter the congregation of the Lord. V. infra n. 9.

(3) Deut. XXIII. 2.

(4) The definite article would have implied that the incapacity was of long standing. (Cf. supra note 7).

(5) Deut. XXIII, 3.

(6) Not that of a supernatural force. (Cf. supra note 7).

(7) The organs of procreation.

(8) Deut. XXIII. 2.

(9) The organs of procreation.

(10) Forbidding them to enter into the assembly of the Lord, as is the case with a bastard, an Ammonite, a Moabite etc. V. Deut. XXIII, 2ff.

(11) An injury which deprives one of the power of procreation.

(12) Who is wounded.

(13) To enter into the assembly of the Lord. V. ibid. 2.

(14) Here rendered, ‘one whose membrum is cut off’.

(15) From which spittle may be emitted. Shafekah, from rt. שפך ‘to pour out’, emit’.

(16) Cf. supra n. 8.

(17) Spittle does not flow out of the mouth.

(18) Even when it is not cut.

(19) But does not ejaculate.

(20) Deut. XXIII. 3.

(21) By sloping upwards towards the body.

(22) Since one end of the perforation is below the corona.

(23) So Emden. Cur. edd. ‘Raba’.

(24) Which is nearer to the body.

(25) The corona.

- (26) The cut running across the centre and leaving the sides intact.
- (27) Cooling the membrum and preventing the flow of the semen.
- (28) Though the bung is cut away at its lower end it nevertheless closes the hole with its upper part which comes in contact with the sides of the bung hole. The contact produced by the upper part of the membrum is sufficient for the generation of the heat required for fertilization.
- (29) In raising a question the answer to which was, so obvious.
- (30) The cut having taken the shape of a gutter.

Talmud - Mas. Yevamoth 76a

frail beings you speak frail words;¹ through its proper duct it fertilizes but when not passing through its proper duct it does not fertilize.'

Rab Judah stated in the name of Samuel: If it had a small perforation which was closed up, the man is deemed to be unfit if the wound re-opens when semen is emitted, but if it does not re-open the man is regarded as fit.

In respect of this ruling Raba raised the question: Where? If the perforation is below the corona,² [the man should remain fit] even if it were cut off! — It means, in the corona itself. So it was also stated elsewhere: R. Mari b. Mar said in the name of Mar Ukba in the name of Samuel: If a hole that has been made in the corona itself is closed, the man is disqualified if it re-opens when semen is emitted; but if it does not [re-open the man is deemed to be] fit.

Raba the son of Rabbah sent to R. Joseph: Will our Master instruct us how to proceed.³ The other replied: Warm barley bread is procured, and placed upon the man's anus. Thereby the flow of semen sets in, and the effect can be observed. Said Abaye: Is everybody like our father Jacob concerning whom it is written, My might, and the first-fruits of my strength,⁴ because he never before experienced the emission of semen!⁵ — No, said Abaye, coloured garments⁶ are dangled before him.⁷ Said Raba: Is everybody then like Barzillai the Gileadite!⁸ — In fact it is obvious that the original answer is to be maintained.

Our Rabbis taught: If i⁹ was punctured [the man is regarded as] unfit, because the flow is sluggish.¹⁰ If it was closed up [he is deemed to be] fit, because he is then capable of production. And this is a case where the unfit may return to his former state of fitness. What does the expression 'this' exclude? — It excludes the case where a membrane was formed on the lungs in consequence of a wound; since such cannot be regarded as a proper membrane.¹¹

R. Idi b. Abin sent the following question to Abaye: How are we to proceed?¹² — A grain of barley is to be procured wherewith the spot¹³ is lacerated.¹⁴ Tallow is rubbed in, and a big ant, procured for the purpose, is allowed to bite in, and its head is severed.¹⁵ It must be a grain of barley; an iron instrument would cause inflammation. This procedure, furthermore, applies only to a small perforation; a large one would peel off.

Rabbah son of R. Huna stated: A man who urinates at two points is an unfit person.¹⁶

Said Raba: The law is in agreement neither with the view of the son nor with that of the father. As to the son, there is the statement just mentioned. As to the father? — Since R. Huna said: Women who practise lewdness with one another are disqualified from marrying a priest.¹⁷ And even according to R. Eleazar, who stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot, this disqualification ensues only in the case of a man;¹⁸ but when it is that of a woman¹⁹ the action is regarded as mere obscenity.

MISHNAH. A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE. THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY,²⁰ AS IT IS SAID IN SCRIPTURE, HE THAT IS WOUNDED IN HIS STONES OR HATH HIS PRIVY MEMBRUM CUT OFF SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD.²¹

GEMARA. R. Shesheth was asked: May a priest who is wounded in his stones marry a proselyte or an emancipated slave;²² does he²³ remain in his state of holiness and is consequently forbidden²⁴ or does he not remain in his state of holiness and is consequently permitted?²⁴ — R. Shesheth replied: You have learned this [law in the following]. ‘An Israelite who is wounded in his stones is permitted to marry a nethinah’.²⁵ Now, were it to be assumed that he²⁶ retains his holiness, the text, Neither shalt thou make marriages with them²⁷ should be applicable here.²⁸ Said Raba: Is the law there²⁹ due at all to sanctity or non-sanctity? [It is merely due to] the possibility that he³⁰ might beget a child who³¹ would proceed to worship idols. This, then, is applicable only when they³² are still idol worshippers. When, however, they are converted, they are undoubtedly permitted,³³ and it was only the Rabbis who placed them³⁴ under a prohibition as a preventive measure.³⁵ But such a preventive measure was instituted by the Rabbis in respect of those only who are capable of procreation, not in respect of those who are incapable of procreation.³⁶

Now, then,³⁷ a bastard also, since he is capable of procreation,³⁸ should also be forbidden,³⁹ while in fact, we have learned, ‘Bastards and nethinim may intermarry with one another’!⁴⁰ — In fact [this is the explanation:] the Rabbis instituted a preventive measure only in the case of the fit but not in that of the unfit.⁴¹

Subsequently Raba stated: What I said⁴² is of no consequence. For while they are still idolaters their marriages are invalid; only when they are converted are their marriages valid.⁴³

R. Joseph raised an objection: And Solomon became allied to Pharaoh King of Egypt by marriage, and took Pharaoh's daughter!⁴⁴ — He caused her to be converted. But, surely, no proselytes were accepted either in the days of David or in the days of Solomon!⁴⁵ — Was there any reason for it⁴⁶ but [that the motive of the proselytes might be the benefits] of the royal table?

(1) מוֹלִיתָא = מוֹלָאִי ‘frail things’, applied to the speaker's clan as well as to his rulings. דָּאֲתוּ, ‘because you’. מוֹלָאִי may also mean ‘short lived people’ and דָּאֲתוּ according to Bah, should read דָּאֲתִיתוּ מוֹלָאִי משום דָּאֲתִיתוּ מוֹלָאִי ‘because you are descendants of short lived people’. R. Bibi was a descendant of the house of Eli who were condemned to die young (v. I Sam. II, 32f). The expression may also, like a similar root in Arabic, bear the meaning of ‘foolishness’. (Cf. B.B. Sonc. ed. p. 582, n. 6).

(2) Away from the body.

(3) With the test, when it is desired to ascertain whether the semen will re-open a closed up perforation.

(4) Gen. XLIX, 3, referring to Reuben, Jacob's firstborn son.

(5) Other people are not so saintly. Why then should the elaborate test described be necessary in ordinary cases?

(6) Peculiar to women.

(7) Exciting his passions and thus causing a discharge.

(8) Known for his indulgence in carnal gratification (v. Shab. 152a).

(9) The duct of the semen.

(10) And does not fertilize.

(11) It may easily burst. The lungs are, therefore, regarded as wounded, and the animal from which they were taken is unfit for consumption. Cf. Hul. 42a.

(12) In healing a perforated membrum.

(13) Round the perforation.

(14) The shreds thus formed ultimately join and aid in closing up the perforation.

(15) Thus remaining in the cavity and assisting in the closing up and healing.

- (16) He is similar to the disabled persons spoken of in Deut. XXIII, 2.
- (17) Shab. 65a.
- (18) Who cohabited with a woman.
- (19) Indulging in lewdness with another.
- (20) They may not marry the daughter of an Israelite.
- (21) Deut. XXIII. 2.
- (22) I.e., women whom a priest is forbidden to marry.
- (23) The disabled priest.
- (24) To marry the women mentioned (Cf supra n. 6).
- (25) Fem. of nathin for which v. Glos.
- (26) A disabled man.
- (27) Deut. VII, 3.
- (28) How, then, is an Israelite permitted to marry a nethinah! Since, however, the law does permit him to marry such a woman it is obvious that a disabled man loses his sanctity. As the disabled Israelite loses his sanctity so does the disabled priest lose his.
- (29) In the case of marriage between a fit or disabled Israelite and an idolatress or a nethinah.
- (30) The man who marries an idolatress.
- (31) Through the influence of his mother.
- (32) The women spoken of in Deut. VII, 3.
- (33) Pentateuchally. Cur. edd., 'In Israel' should be omitted with the 1509 Pesaro ed. (cf. Golds.).
- (34) The nethinah as well as the idolatress.
- (35) V. infra 78b.
- (36) This is the reason why a disabled Israelite is permitted to marry a nethinah. No inference, therefore, may be drawn from this in respect of a disabled priest.
- (37) Since in respect of those who are capable of procreation the Rabbis did institute a preventive measure.
- (38) And is Pentateuchally forbidden to marry an idolatress.
- (39) To marry a nethinah, as a preventive measure of the Rabbis.
- (40) Kid. 6.
- (41) Those, e.g., spoken of in Deut. XXIII, 2f.
- (42) V. Bah. That Deut. VII, 3 refers to idolaters only and not to proselytes.
- (43) Deut. VII, 3, must consequently refer to proselytes, the prohibition being due to the Israelite's sanctity. As the nethinah was not forbidden to the disabled Israelite it follows that a disabled man, be he priest or Israelite, loses his sanctity; as at first suggested supra.
- (44) I Kings III. 1. The term וִיתַחֲתֶנּוּ 'allied . . . by marriage' implies recognition of validity of marriage. The Talmudic text of the verse seems to represent an abbreviation of M.T.
- (45) Cf. supra 24b.
- (46) For the refusal to admit proselytes.

Talmud - Mas. Yevamoth 76b

Such a woman¹ obviously was in no need of it.² But let the inference³ be drawn from the fact that she¹ was an Egyptian of the first generation!⁴ And were you to reply that those⁵ had already departed, and these⁶ are others;⁷ surely, it may be pointed out, it was taught: R. Judah stated, 'Menjamin, an Egyptian proselyte, was one of my colleagues among the disciples of R. Akiba, and he told me: I am an Egyptian of the first generation and married an Egyptian woman of the first generation; I shall arrange for my son to marry an Egyptian of the second generation in order that my grandson may be enabled to enter into the congregation of Israel!'⁸ R. Papa replied: Are we to take our directions from Solomon! Solomon did not marry at all,⁹ for it is written, Of the nations concerning which the Lord said unto the Children of Israel: 'Ye shall not go among them, neither shall they come among you; for surely they will turn away your heart after their gods'; Solomon did cleave unto them in love.¹⁰ The expression. And he become allied. . . in marriage,¹¹ however, presents a difficulty!¹² — On account of his excessive love for her. Scripture regards him as if he

had become allied by marriage to her. Said Rabina to R. Ashi: Surely we learned A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM VIRILE IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE, [from which it follows] that they are forbidden to marry a nethinah!¹³ — The other replied: According to your view,¹⁴ read the final clause, THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY, [from which it follows] that they are permitted to marry a nethinah! But [the fact is that] no inference may be drawn from this Mishnah.

MISHNAH. AN AMMONITE AND A MOABITE ARE FORBIDDEN¹⁵ AND THEIR PROHIBITION IS FOR EVER¹⁶, THEIR WOMEN, HOWEVER, ARE PERMITTED AT ONCE.¹⁷ AN EGYPTIAN AND AN EDOMITE ARE FORBIDDEN¹⁸ ONLY UNTIL THE THIRD GENERATION.¹⁹ WHETHER THEY ARE MALES OR FEMALES. R. SIMEON, HOWEVER, PERMITS THEIR WOMEN FORTHWITH.¹⁷ SAID R. SIMEON: THIS LAW²⁰ MIGHT BE INFERRED A MINORI AD MAJUS: IF WHERE THE MALES ARE FORBIDDEN FOR ALL TIME²¹ THE FEMALES ARE PERMITTED FORTHWITH,²² HOW MUCH MORE SHOULD THE FEMALES BE PERMITTED FORTHWITH WHERE THE MALES ARE FORBIDDEN UNTIL THE THIRD GENERATION ONLY.²³ THEY REPLIED: IF THIS²⁰ IS AN HALACHAH,²⁴ WE SHALL ACCEPT IT; BUT IF IT IS ONLY AN INFERENCE,²⁵ AN OBJECTION CAN BE POINTED OUT. HE REPLIED: NOT SO.²⁶ [BUT IN FACT] IT IS AN HALACHAH THAT I AM REPORTING.

GEMARA. Whence are these laws inferred? — R. Johanan replied: Scripture stated, And when Saul saw David go forth against the Philistine, he said into Abner, the captain of the host: ‘Abner, whose son is this youth?’ And Abner said: ‘As thy soul liveth, O King, I cannot tell’.²⁷ But did he²⁸ not know him? Surely it is written, And he loved him greatly; and he became his armour bearer!²⁹ — He rather made the inquiry concerning his father. But did he not know his father? Surely it is written, And the man was an old man in the days of Saul, stricken in years among them;³⁰ and Rab or, it might be said, R. Abba, stated that this referred to the father of David, Jesse. who came in with an army³¹ and went out with an army!³¹ — It is this that Saul meant: Whether he descended from Perez,³² or from Zerah.³³ If he descended from Perez he would be king, for a king breaks³⁴ for himself a way and no one can hinder him. If, however, he is descended from Zerah he would only be an important man.³⁵ What is the reason why he gave instructions that enquiry be made concerning him? — Because it is written, And Saul clad David with his apparel.³⁶ being of the same size as his,³⁷ and about Saul it is written, From his shoulders and upward he was higher than any of the people.³⁸ Doeg the Edomite then said to him,³⁹ ‘Instead of enquiring whether he is fit to be king or not, enquire rather whether he is permitted to enter the assembly or not!’ ‘What is the reason’?⁴⁰ ‘Because he is descended from Ruth the Moabitess’. Said Abner to him,⁴¹ ‘We learned: An Ammonite,⁴² but not an Ammonitess; A Moabite,⁴² but not a Moabitess!⁴³ But in that case⁴⁴ a bastard⁴⁵ would’ imply: But not a female bastard?’ — ‘It is written mamzer [Which implies] anyone objectionable’.⁴⁶ ‘Does then⁴⁷ Egyptian⁴⁸ exclude the Egyptian woman’? — ‘Here⁴⁹ it is different, since the reason for the Scriptural text is explicitly stated: Because they met you not with bread and with water;⁵⁰ it is customary for a man to meet [wayfarers]; It is not, however, customary for a woman to meet [them]’.⁵¹

‘The men should have met the men and the women the women!’

He⁵² remained silent, Thereupon. the King said.⁵³ ‘Inquire thou whose son the stripling is’.⁵⁴ Elsewhere he calls him youth,⁵⁵ and here⁵⁴ he calls him, stripling!⁵⁶ — It is this that he implied, ‘You have overlooked⁵⁷ an halachah,’ go and enquire at the college!’ On enquiry, he was told: An Ammonite,⁵⁸ but not an Ammonitess; A Moabite,⁵⁸ but not a Moabitess.

(1) Pharaoh's daughter.

- (2) Hence she could be accepted.
- (3) That marriage with a forbidden woman is valid.
- (4) Who is forbidden to marry into the congregation of Israel. The third generation only is permitted. (V. Deut. XXIII. 9).
- (5) The old Egyptians spoken of in the text cited (supra n. 4).
- (6) The Egyptians of later times.
- (7) Other nations superseded them. Hence the prohibition does not apply to them.
- (8) Which shews that even after the days of Solomon the Egyptians were still regarded as the descendants of the ancient inhabitants of Egypt.
- (9) His marriage with Pharaoh's daughter was an invalid one, and she could only be regarded as his mistress.
- (10) I Kings XI. 2, emphasis on love, sc. he did not marry them.
- (11) V. supra p. 514, n. 15.
- (12) Here the union is actually described as a marriage!
- (13) Had they been permitted to marry such a woman, this should have been stated; and the permission to marry a proselyte and an emancipated slave would be inferred a minori ad majus. How then could it be stated, supra 76a. that a nethinah is permitted to be married to a man wounded in his stones?
- (14) That a nethinah is forbidden to marry disabled men.
- (15) To enter the assembly of the Lord (v. Deut. XXIII. 4ff).
- (16) V. ibid.
- (17) Immediately after conversion.
- (18) Cf. supra n. 2 and v. Deut. ibid. 8f.
- (19) Exclusive. The third generation is permitted.
- (20) That Egyptian and Edomite women are permitted to marry an Israelite immediately after their conversion.
- (21) Ammonites and Moabites. for instance.
- (22) Immediately after conversion.
- (23) Egyptians and Edomites.
- (24) I.e., a tradition R. Simeon received from his teachers.
- (25) Of R. Simeon's own reasoning.
- (26) Even though the ruling were based on an inference no valid objection could be advanced against it. V. Gemara infra.
- (27) I Sam. XVII, 55.
- (28) Saul.
- (29) I Sam. XVI, 21.
- (30) Ibid. XVII, 12.
- (31) He was chief over six hundred thousand men (Rashi).
- (32) The son of Judah. (V. Gen. XXXVIII. 29. Ruth, IV. 18ff).
- (33) V. Gen. ibid. 30.
- (34) Heb. פָּרַץ 'to break', a play upon the rt. of Perez פֶּרֶץ.
- (35) Zerah of the rt. זָרַח 'to shine'.
- (36) I Sam. XVII, 38, his apparel — מְדִי.
- (37) כְּמִדָּתוֹ 'like his size', play upon מְדִי of the same rt. מִדָּה.
- (38) Ibid. IX, 2. His unusual stature impressed him.
- (39) To Saul.
- (40) That his eligibility to enter the congregation should be questioned.
- (41) To Doeg.
- (42) Deut. XXIII, 4.
- (43) Supra 6a. The prohibition to enter into the congregation (v. ibid.). since the masculine gender was used in the text, applies to the males only
- (44) If the masculine gender excludes the women.
- (45) Deut XXIII, 3 מְמוּזָר masc.
- (46) Man or woman. מִזֵּם lit., 'anything strange', play upon מְמוּזָר.
- (47) If the masculine gender excludes the women.

- (48) Deut. XXIII, 8 **מצרי** masc.
- (49) In the case of the Ammonite and Moabite.
- (50) Ibid. 5.
- (51) The women were, therefore, excluded from the prohibition.
- (52) Abner.
- (53) To Doeg. V. infra.
- (54) 1 Sam. XVII, 56.
- (55) **נער** ibid. 55.
- (56) **עלם**.
- (57) Lit., 'it was concealed'; rt. **עלם** the same as that of **עלם** (v. supra n. 9).
- (58) Deut. XXIII. 4.

Talmud - Mas. Yevamoth 77a

As, however, Doeg submitted to them all those objections¹ and they eventually remained silent, he desired to make a public announcement against him.² Presently [an incident occurred]: Now Amasa was the son of a man, whose name was Ithna the Israelite, that went in to Abigail³ the daughter of Nahash,⁴ but elsewhere it is written, Jether the Ishmaelite!⁵ This teaches, Raba explained, that he girded on his sword like an Ishmaelite and exclaimed, 'Whosoever will not obey the following halachah will be stabbed with the sword; I have this tradition from the Beth din of Samuel the Ramathite: An Ammonite but not an Ammonitess; A Moabite, but not a Moabitess'!⁶ Could he, however, be trusted?⁷ Surely R. Abba stated in the name of Rab: Whenever a learned man gives directions⁸ on a point of law, and such a point comes up [for a practical decision], he is obeyed if his statement was made⁹ before the event;¹⁰ but if it was not so made he is not obeyed! Here the case was different, since Samuel and his Beth din were still living.¹¹

The difficulty,¹² however, still remains! — The following¹³ interpretation was given: All glorious is the king's daughter within.¹⁴ In the West¹⁵ it was explained. others quote it in the name of R. Isaac: Scripture said, And they said unto him: 'Where is Sarah thy wife?' etc.¹⁶

The question¹⁷ is a matter in dispute between Tannaim: An Ammonite,¹⁸ but not an Ammonitess; A Moabite,¹⁸ but not a Moabitess. So R. Judah. R. Simeon, however, said: Because they met you not with bread and with water;¹⁹ it is customary for a man to meet etc.²⁰

Raba made the following exposition: What was meant by, Thou hast loosed my bonds!²¹ David said to the Holy One, blessed be He, 'O Master of the world! Two bonds were fastened on me,²² and you loosed them: Ruth the Moabitess²³ and Naamah the Ammonitess.²⁴

Raba made the following exposition: What was meant by the Scriptural text, Many things hast Thou done, O Lord my God, even Thy wondrous works, and Thy thoughts toward us?²⁵ It is not written, 'toward me', but toward us. This teaches that Rehoboam²⁶ sat on the lap of David when the latter said to him. 'Those two Scriptural verses²⁷ were said concerning me and you.'²⁸

Raba made the following exposition: What was meant by the Scriptural text, Then said I: 'Lo, I am come with the roll of a book which is prescribed for me'?²⁹ David said,³⁰ 'I thought I have come³¹ only now; but I did not know that in the Roll of the Book³² it was already³³ written about me'. For there it is written, That are found,³⁴ and here it is written. I have found³⁵ David My servant; with My holy oil have I anointed him.³⁶

'Ulla said in the name of R. Johanan: The daughter of an Ammonite proselyte³⁷ is eligible to marry a priest. Said Raba b. 'Ulla to 'Ulla: In accordance with [whose view is your statement made]? If in accordance with that of R. Judah, he surely had stated that the daughter of a male proselyte is like the daughter of a male halal!³⁸ And if in accordance with the view of R. Jose, your statement is self-evident, for surely he had stated: Even where a male proselyte had married a female proselyte his daughter is eligible to marry a priest!³⁹ And were you to reply that this⁴⁰ applies to such as are fit to enter the assembly⁴¹ but not to this man who⁴² is not fit to enter the assembly⁴³ whence [it may be asked] is this distinction [inferred]? — It is inferred from the case of a High Priest who married a widow.⁴⁴ [But it may be objected] the marriage between a High Priest and a widow is different, since his cohabitation constitutes a transgression!⁴⁵ — [Then the case of the] halal proves it?⁴⁶ [But it may be objected that] a halal is different since his formation was in sin!⁴⁷ — [Then the case of the] High Priest⁴⁸ proves it; and thus the argument will go round,⁴⁹ though the aspect of the one is unlike that of the other and the aspect of the other is unlike that of the first, their common characteristic is that either of them is unlike the majority of the assembly⁵⁰ and his daughter⁵¹ is ineligible,⁵² so here also since he⁵³ is unlike the majority of the assembly,⁵⁴ his daughter should be ineligible.⁵² [But it may

again be objected] their common characteristic⁵⁵ is different, since it also involves an aspect of sin!⁵⁶ Did you possibly⁵⁷ speak of an Ammonite who married the daughter of an Israelite,⁵⁸ [informing us that], though his cohabitation is an act of transgression, his daughter is nevertheless eligible? — The other replied: Yes; for when Rabin came⁵⁹ he reported in the name of R. Johanan on the daughter of an Ammonite proselyte⁶⁰ and the daughter of an Egyptian of the second generation⁶⁰ that R. Johanan declared her eligible⁶¹ while Resh Lakish maintained that she was ineligible.⁶¹

‘Resh Lakish maintained that she was ineligible’, for he infers this case from that of a High Priest who married a widow. ‘R. Johanan declared her eligible’.

(1) Addressed to Abner supra.

(2) To brand David publicly as a descendant of a Moabitess, and unfit to enter the congregation of Israel in accordance with Deut. XXIII, 4.

(3) Cur. ed., ‘Abigail’, is apparently a printer's error (cf. M.T.). V., however, I Chron. II, 17.

(4) II Sam. XVII, 25.

(5) I Chron. II, 17. Some MSS, read Ishmaelite in the [text of Sam. also. How then are the two readings to be reconciled?

(6) V. supra p. 517, n. 17. [On the political issues involved in this controversy v. Aptowitz, *Parteipolitik der Hasmonaerzeit* pp. 31ff. He regards the attack on the legitimacy of David as a movement inspired by the Sadducees to support the Hasmoneans' right to the throne against the challenge of their opponents. V. Kid. Sonc. ed. pp. 332ff].

(7) In such circumstances.

(8) Basing his ruling on traditional law which he claims to have received from his teachers.

(9) In the course of his discourses and studies.

(10) Before the point of law assumed practical importance.

(11) Had not the statement been a true one, he would not have ventured to make it when its validity could be so easily tested.

(12) Raised by Doeg (supra 76b) to which no reply was forthcoming

(13) Cf. Bah. a.l.

(14) Ps. XLV, 14. Respectable women remain at home and do not go into the open road even to meet members of their own sex. No blame, therefore, is attached to the Ammonite and Moabite women for not meeting the Israelites with bread and with water. Cf. Deut. XXIII, 5.

(15) Palestine.

(16) Gen XVIII, 9, and he answered, ‘Behold in the tent’. Sarah remained indoors attending to the duties of her household, though there were visitors whom Abraham was entertaining in the open under the tree (ibid. 4).

(17) As to the Scriptural text from which the admission of Ammonite and Moabite women is deduced.

(18) Deut. XXIII, 4.

(19) Ibid. 5.

(20) V. supra 76b.

(21) Ps. CXVI, 16.

(22) Upon David's dynasty.

(23) From whom David himself descended. V. Ruth IV. 13. 17ff.

(24) The wife of Solomon and mother of Rehoboam, David's grandson. V. I Kings XIV, 21, 31.

(25) Ps. XL, 6.

(26) V. supra p. 519. n. 17.

(27) Gen. XVIII. 9 and Ps. XLV. 14, from which the permissibility of admitting Ammonite and Moabite women into the congregation of Israel was deduced.

(28) Divine providence which permitted Ammonite and Moabite women to enter the assembly has saved them from being excluded from the congregation of Israel.

(29) Ps. XL. 8.

(30) When he was anointed king.

(31) To the kingship.

(32) The Scroll of the Law, the Pentateuch.

(33) Since the days of Abraham.

- (34) Gen. XIX. 1, (rt. **מצא**) referring to the two daughters of Lot. from whom descended Ammon and Moab respectively.
- (35) Rt. **מצא**.
- (36) Ps. LXXXIX. 21.
- (37) It is now assumed that the daughter was born from an Ammonite father and mother after their conversion.
- (38) Who is forbidden to marry a priest! Kid. 77a. For halal v. Glos.
- (39) Kid. loc. cit.
- (40) The dispute between 'R. Judah and R. Jose.
- (41) Those of the nations who are not forbidden by the prohibitions prescribed in Deut. XXIII.
- (42) As an Ammonite.
- (43) In accordance with the prohibition in Deut. XXIII. 4. (20) Between an Ammonite's daughter who, as a female, is not included in the prohibition, and the daughter of any other people. What proof is there that a father's status deprives a daughter of her rights?
- (44) As the daughter of a High Priest who is forbidden to marry a widow, is ineligible to marry a priest, so is the daughter of an Ammonite proselyte.
- (45) The marriage between an Ammonite and an Ammonitess, however, is no transgression.
- (46) The marriage by a halal (v. Glos.) of the daughter of an Israelite constituting no transgression, and yet his daughter is ineligible to marry a priest.
- (47) A halal is the offspring of a forbidden union; the Ammonite proselyte is not. How, then, could the latter be inferred from the former?
- (48) Whose formation was not in sin, and yet his daughter is forbidden.
- (49) If objection is raised against the case of the High Priest. that of the halal will be adduced as proof; and if objection is raised against that of the halal, the case of the High Priest will be adduced as proof.
- (50) As to the High Priest his cohabitation is forbidden, and as to the halal his formation was in sin.
- (51) The High Priest's and the halal's.
- (52) To marry a priest.
- (53) The Ammonite proselyte.
- (54) He is forbidden to enter the assembly of the Lord (Deut. XXIII. 4).
- (55) That of the High Priest and the halal.
- (56) The daughter of the High Priest was born in sin, since the marriage of her parents was a forbidden one, and in the case of the daughter of the halal, the birth of the father was in sin. In the case of the Ammonite proselyte, however, neither the daughter nor her father was born in sin. How, then, could this case be inferred from the two former? And thus the question remains, what need was there for R. Johanan to teach the evident case of the daughter of an Ammonite proselyte?
- (57) 'Certainly' is to be deleted. V. Bah.
- (58) Not as previously assumed (v. supra p. 520, n. 13)
- (59) From Palestine to Babylon.
- (60) Who married the daughter of an Israelite and thus contracted a forbidden union.
- (61) To marry a priest.

Talmud - Mas. Yevamoth 77b

as R. Zakkai recited¹ in the presence of R. Johanan, '[The expression,] But a virgin of his own people shall he take to wife,² includes a woman who is fundamentally a proselyte³ who is eligible to marry a priest', and the other said to him, 'I learn: ["Since. instead of] 'His people'. Of his people [was written]. a virgin who descended from two peoples⁴ is also included", and you mention only a fundamental proselyte and no other!'] Now. what is meant by 'two peoples'? If it be suggested that it refers to the case of an Ammonite who married an Ammonitess. and that these are described as of 'two peoples' because the males are forbidden and the females are permitted, such a case [it may be objected] is the same as that of a fundamental proselyte! Consequently it must refer to an Ammonite who married the daughter of an Israelite.⁵

Others say: He said to him,⁶ 'I learn: ["Since, instead of] 'His people'. Of his people² [was written], a virgin who is descended from two peoples⁷ and from a people consisting of two groups of people⁸ is included", and you mention only a fundamental proselyte and no other!'⁹

According to this latter version, however,¹⁰ whence is it inferred that the daughter of an Egyptian of the second generation¹¹ is eligible to marry a priest? And should you suggest that this might be inferred from the case of an Ammonite who married the daughter of an Israelite, [it may be objected that] the case of the Ammonite who married the daughter of an Israelite is different since the Ammonite females are eligible.¹² — An Egyptian of the second generation who married an Egyptian woman of the second generation might prove it.¹³ But [it may be objected that the case] of an Egyptian of the second generation who married an Egyptian woman of the second generation is different since his cohabitation constitutes no transgression? — An Ammonite who married the daughter of an Israelite might prove it,¹⁴ and thus the argument would go round etc.¹⁵

Said R. Joseph: This¹⁶ then it is that I heard Rab Judah expounding on 'His people. Of his people' and I did not [at the time] understand what he meant.¹⁷

When R. Samuel b. Judah came, he stated: Thus he¹⁸ recited in his¹⁹ presence: An Ammonite woman is eligible;²⁰ her son that is born from an Ammonite is ineligible; and her daughter that is born from an Ammonite is eligible. This, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible. [On hearing this] the other said to him, 'Go recite this outside. For your statement that "an Ammonite woman is eligible" [is quite acceptable, since] Ammonite²¹ excludes the Ammonitess. That "her son that is born from an Ammonite is ineligible" [is also correct] since he is in fact an Ammonite. In what respect, however, is "her daughter that was born from an Ammonite eligible"? If in respect of entering the assembly, is there, now that her mother is eligible, any need to mention her! The eligibility must consequently be in respect of marrying a priest. [But then what of the statement], "this, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible"? What is meant by "her daughter that was born of an Ammonite"? If it be suggested that it refers to an Ammonite who married an Ammonitess,²² then this is the same case as that of a fundamental proselyte!²³ Consequently it must refer to an Ammonite who married the daughter of an Israelite'.²⁴ [Concerning this] he told him. 'Go recite this outside'.²⁵

AN EGYPTIAN AND AN EDOMITE ARE FORBIDDEN ONLY etc. What is the OBJECTION?²⁶ — Raba b. Bar Hana replied in the name of R. Johanan: Because it may be said that the case of forbidden relatives proves it,²⁷ since in respect of them the prohibition extends to the third generation only²⁸ [and is nevertheless applicable to] both males and females.²⁹ [But can it not be argued that the case] of forbidden relatives is different.³⁰ since in their case the penalty of kareth is involved?³¹ — [The case of the] bastard³² proves it. [But can it not be suggested that the case] of the bastard is different³³ since he is forever ineligible to enter the congregation?³⁴ — [The case of] forbidden relatives³⁵ proves it. Thus the argument could go round.³⁶ The aspects of one are unlike those of the other and the aspects of the other are unlike those of the first. Their common characteristic, however, is that both males and females are equally forbidden; so might one also include the Egyptian man and the Egyptian woman so that in their case also both males and females should be equally forbidden.³⁷ This common characteristic, however, [it may be retorted,] is different.³³ since in one respect it also involves kareth.³⁸ And the Rabbis?³⁹ They infer it⁴⁰ from the halal⁴¹ who is the offspring of a union between those who through it, are guilty of transgressing a positive commandment;⁴² and in accordance with the view of R. Eliezer b. Jacob.⁴³ Then what is meant by, NOT SO?⁴⁴ — It is this that he said to them: As far as I am concerned, I do not accept the view of R. Eliezer b. Jacob;⁴⁵ but according to you, since your view is that of R. Eliezer b. Jacob,⁴⁶ [my reply is that] IT IS AN HALACHAH THAT I AM REPORTING.⁴⁷

It was taught: R. Simeon said to them,⁴⁸ 'I am reporting an halachah and, moreover, a Scriptural text supports my view, [it having been written] sons⁴⁹ but not daughters'.

Our Rabbis taught: Sons,⁴⁹ but not daughters; so R. Simeon. R. Judah, however, said: Behold it is said in Scripture. The sons of the third generation that are born unto them;⁵⁰ Scripture has made them dependent on birth.⁵¹

R. Johanan said: Had not R. Judah declared, 'Scripture made them dependent on birth',⁵² he would not have found his hands and feet at the house of study.⁵³ For as a Master said that a congregation of proselytes is also called an assembly.⁵⁴

(1) I.e., from this statement it is deduced what was R. Johanan's view.

(2) Lev. XXI, 14.

(3) Or 'a proselyte of her own status' (Jast.). who was a proselyte from her birth, i.e., when her father and mother were converted after their marriage and before her birth. Where an Ammonite proselyte marries the daughter of an Israelite, the offspring of such a union is not fundamentally a proselyte and is ineligible to marry a priest since the union was a forbidden one.

(4) This is explained presently

(5) Thus it is proved (v. supra n. 4) that, in the opinion of R. Johanan, such a case is eligible.

(6) R. Johanan to R. Zakkai.

(7) From the daughter of an Israelite who married an Ammonite proselyte.

(8) I.e., whose father is the Ammonite proselyte, a descendant of a people whose males are forbidden and whose females are permitted.

(9) According to this version, unlike the former where it was arrived at by inference. R. Johanan's view is explicitly stated.

(10) Since the case of the Ammonite only was mentioned. (Cf. supra n. 2).

(11) Who married the daughter of an Israelite and thus contracted a forbidden union.

(12) While the Egyptian females, like the man, are forbidden for three generations.

(13) His daughter is permitted since she belongs to the third generation, although she also belongs to the Egyptian people whose males and females are equally forbidden. As this latter restriction is no bar in this case it should form no bar in the case of an Egyptian of the second generation who married the daughter of an Israelite.

(14) His daughter is eligible though his marriage constitutes a transgression.

(15) Continued as supra 77a.

(16) The ruling permitting the daughter of an Ammonite proselyte who married the daughter of an Israelite.

(17) R. Joseph, as a result of a serious illness, lost his memory and only dimly recollected some of the rulings and expositions of his teachers.

(18) R. Zakkai. V. supra.

(19) R. Johanan's.

(20) This is explained presently.

(21) Deut. XXIII, 4.

(22) Who were converted prior to the birth of their daughter.

(23) Who, as stated in the first clause, is eligible!

(24) The daughter being ineligible because of the forbidden marriage of her parents.

(25) In such a case also the daughter is eligible as deduced supra from the expression, Of his people (Lev. XXI. 14) instead of 'his people'.

(26) That can be advanced, according to the Rabbis, against R. Simeon's argument in our Mishnah.

(27) That R. Simeon's argument is untenable.

(28) Both in the ascending and the descending line.

(29) Similarly in the case of the Egyptian and the Edomite.

(30) I.e., it is more restricted than that of marriage with an Egyptian etc.

(31) Since they are subject to the one restriction (kareth) they are also subject to the other (equal prohibition of males

and females). The case of the Egyptian and the Edomite, however, which does not involve kareth might not include the females either!

(32) Cohabitation with whom is not subject to the penalty of kareth, and both males and females are nevertheless equally subject to the prohibition.

(33) I.e., it is more restricted than that of marriage with an Egyptian etc.

(34) As he is subject to this restriction he is also subject to the other (cf. supra n. 1).

(35) Who are only forbidden to intermarry with each other, but are severally permitted to all the other members of the congregation.

(36) Should objection be raised against the case of the forbidden relatives, that of the bastard could be adduced as proof; and should objection be raised against that of the bastard, that of the forbidden relatives might be adduced as proof.

(37) This then, is the objection which the Rabbis could raise against R. Simeon's a minori argument.

(38) Even in the case of the bastard, kareth is involved as the penalty of his parents for the action which was the origin of his birth. In the case of the Egyptian and Edomite, however, there is no aspect whatsoever involving this penalty. The latter, therefore, cannot be deduced from the others.

(39) How could they still maintain their objection against R. Simeon's argument.

(40) The prohibition of the females.

(41) And not, as has previously been assumed, from the bastard.

(42) When, e.g., a High Priest married a seduced woman (cf. supra 60a) who is forbidden to him by virtue of the positive precept of Lev. XXI. 13.

(43) Who, contrary to the view of the Sages, regards such a child as halal (supra 59b and 60a). Thus it has been proved that even where no kareth is involved, both males and females (the halalah like the halal) are included in the prohibition. Similarly in the case of the Egyptians and the Edomites.

(44) The objection of the Rabbis is strong enough!

(45) Cf. supra p. 523. n. 13. ab. init., R. Simeon being of the opinion that the offspring of a union between those who are thereby guilty of transgressing a positive precept only is not regarded as a halal.

(46) And consequently you might derive the prohibition of the females from the law of the halal.

(47) And an objection is of no validity in the face of a definite tradition.

(48) The Rabbis of our Mishnah.

(49) **בני** Deut. XXIII, 9.

(50) Ibid. emphasis on are born.

(51) Irrespective of sex. Had the law applied to males only the clause 'that are born etc,' should have been omitted.

(52) I.e., that the females also are forbidden.

(53) His position would have been untenable.

(54) The assembly of the Lord (cf. Deut. XXIII, 2, 3, 4, 9. and Kid. 73a.).

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how¹ could an Egyptian of the second generation ever attain purity!² But is not this possible when he transgressed and did marry one?³ — Scripture⁴ would not have written of a case of 'when'.⁵ Behold the case of the bastard which is one of 'when'⁶ and yet Scripture did write it!⁷ — It wrote of a 'when' [leading] to a prohibition;⁸ it would not have written of a 'when' [if it led] to permissibility.⁹ Behold the case of the man who remarried his divorced wife,¹⁰ which involves a 'when' [leading] to a permitted act¹¹ and yet did Scripture write of it! — In that case it was written mainly for the purpose of the original prohibition.¹²

Our Rabbis taught: If the expression of sons¹³ was used, why was also that of generations¹³ used; and if that of generations was used, why also that of sons?¹⁴ If the expression of 'sons' had been used and not that of 'generations'¹⁵ it might have been assumed that only the first and second son is forbidden but that the third¹⁶ is permitted, the expression of 'generations'¹⁷ was, therefore, used. And had the expression of 'generations' only been used and not that of sons,¹⁸ it might have been assumed that the precept was given only to those who stood at Mount Sinai,¹⁹ the expression of sons' was therefore used.²⁰ Unto them,²¹ Count from them.²² Unto them.²³ Be guided by the status

of the ineligible among them.²⁴

It was necessary [for Scripture] to write unto them,²⁵ and it was also necessary for it to write, That are born.²⁵ For had the All Merciful written only. 'That are born', it might have been presumed that the counting must begin from their children,²⁶ hence did the All Merciful write 'Unto them'.²⁷ And had the All Merciful written only 'Unto them',²⁸ it might have been presumed that, where a pregnant Egyptian woman became a proselyte, she and her child are regarded as one generation. hence did the All Merciful write. 'That are born'.²⁹

It was, furthermore. necessary to write unto them²⁸ in this case,³⁰ and Unto him³¹ in respect of the bastard. For had the All Merciful used the expression here only,³⁰ [the restriction³² might have been assumed to apply to this case only], because the child descended from a tainted origin.³³ but not to a bastard, since he is descended from an untainted origin.³⁴ And had the All Merciful written the expression in respect of the bastard, [the restriction³² might have been presumed to apply to him only]. because he is for all time unfit to enter into the assembly, but not in this case.³⁵ [Both texts were, therefore,] required.

Rabbah b. Bar Hana stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian woman of the first generation, her son is [regarded as belonging to the] third generation. From this it is obvious that he³⁶ is of the opinion that the child is ascribed to him.³⁷

R. Joseph raised an objection: R. Tarfon said, 'Bastards may attain to purity. How? If a bastard married a female slave, their child is a slave. When, however, he³⁸ is emancipated he becomes a free man'.³⁹ This⁴⁰ clearly proves that the child is ascribed to her! — There it is different, because Scripture said, The wife and her children shall be her master's.⁴¹

Raba raised an objection: R. Judah related, 'Menjamin, an Egyptian proselyte. was one of my colleagues among the disciples of R. Akiba, and he once told me: I am an Egyptian of the first generation and married an Egyptian wife of the first generation; and I shall arrange for my son to marry an Egyptian wife of the second generation in order that my grandson shall be eligible to enter the congregation'.⁴² Now, if it could be assumed that the child is ascribed to his father, [he could have married a wife] even of the first generation!⁴³ — The fact is that⁴⁴ R. Johanan said to the Tanna:⁴⁵ Read, '[a woman of the] first generation'.

When R. Dimi came⁴⁶ he stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian wife of the first generation. her son is [regarded as belonging to the] second generation. From this it is obvious that a child is ascribed to his mother.

Said Abaye to him: What then of the following statement of R. Johanan. 'If a man set aside a pregnant beast as a sin-offering and it then gave birth, his atonement may be made, if he desires, with the beast itself, and, if he prefers, his atonement may be made with her young'.⁴⁷ This law would be intelligible if you admit that an embryo is not regarded as a part⁴⁸ of its mother, since this case would be similar to that of one who set aside as a security two sin-offerings,⁴⁹ in respect of which R. Oshaia had stated that a man who set aside two sin-offerings as a security⁴⁹ is to be atoned for with either of them, while the other goes to the pasture.⁵⁰ If you maintain, however, that an embryo is a part⁵¹ of its mother, the former is like the young of a sin-offering,⁵² and the young of a sin-offering is sent to die!⁵³ The other remained silent. 'Is it not possible', the first said to him, 'that there⁵⁴ it is different.⁵⁵ since it is written That are born,⁵⁶ Scripture made it dependent on birth'?⁵⁷ — 'Clever man',⁵⁸ the other replied, 'I saw your chief⁵⁹ between the pillars⁶⁰ when R. Johanan gave the following traditional ruling: The reason⁶¹ here is because it was written, That are born,⁵⁶ elsewhere, however, the child is ascribed to the father'.⁶²

What, however, of the following statement of Raba. 'If a pregnant gentile woman was converted, there is no need for her son to perform ritual immersion'.⁶³ Why⁶⁴ is there no need for him to perform immersion? Should you reply that it⁶⁵ is due to a ruling of R. Isaac; for R. Isaac stated: Pentateuchally [a covering of] the greater part,⁶⁶ if one objects to it,⁶⁷ constitutes legally an interposition,⁶⁸ and if one does not object to,⁶⁹ no legal interposition is constituted;⁷⁰

- (1) If Egyptian women were not included in the prohibition to enter the assembly.
- (2) Entry into the assembly. Egyptian women proselytes being regarded, like Israelites, as an assembly (v. supra n. 12), no Egyptian male proselyte of the first or second generations would ever be permitted to marry them. How then, since he can marry neither a woman of Israel nor a proselyte of his own people, would he ever produce a third generation (v. Deut. XXIII, 9) that would be fit to enter the assembly?
- (3) A woman in Israel or an Egyptian woman proselyte.
- (4) In permitting the third generation (v. Deut. XXIII, 9).
- (5) I.e., of a possibility that a person might transgress and thus produce a generation that will be fit.
- (6) The assumption of a bastard's birth is dependent on the possibility that someone will commit an offence.
- (7) Ibid. 3.
- (8) The case of the bastard was stated in order to forbid his entry into the assembly.
- (9) The third generation may enter (ibid.).
- (10) After she had been married to another man (v. Deut. XXIV, 1ff).
- (11) The children of such a marriage, as deduced from Deut. XXIV, 4, are eligible. (Kid. 77a and supra 11b).
- (12) The ineligibility of the woman herself. The eligibility of her children is only indirectly arrived at by a deduction.
- (13) Cf. Deut. XXIII, 9: The sons (E.V., children) that are born . . . the third generation.
- (14) Either the one expression or the other should have been used throughout the context.
- (15) The text reading the 'third son' instead of third generation.
- (16) Though the son of a proselyte of the first generation.
- (17) Indicating all the sons of the same generation.
- (18) Reading 'generations that are born'.
- (19) And that Egyptians born three generations later than the date of the promulgation of the Law shall no more be subject to its restrictions.
- (20) Indicating respectively individual sons in all subsequent generations.
- (21) **וְהָיָה** Deut. XXIII, 9.
- (22) From the generation of the proselyte. He represents the first generation; his son, the second; and his grandson, being of the third, is permitted to enter the congregation.
- (23) A second **וְהָיָה** (v. p. 527. n. 18) not translated in E.V.
- (24) Whether the father is an Egyptian proselyte and the mother is of Israel, or whether the mother is an Egyptian and the father is an Israelite. the children are in either case ineligible until the third generation.
- (25) Deut. XXIII. 9.
- (26) The proselytes themselves not being counted at all in the generations.
- (27) To indicate that the proselytes themselves are regarded as the first generation.
- (28) Deut. XXIII, 9.
- (29) That birth constitutes a new generation:
- (30) In respect of the Egyptian.
- (31) Ibid. 3.
- (32) That the ineligibility of any one of the parents causes the ineligibility of the child. Cf. supra note 2.
- (33) Lit., 'drop'. One of his parents at least was ineligible.
- (34) His father and mother may have been proper Israelites.
- (35) Since an Egyptian is permitted after the third generation.
- (36) R. Johanan.
- (37) Had he been ascribed to her he should have been regarded as belonging to the second generation.
- (38) The child.
- (39) V. Kid. 69a.
- (40) Since the child, prior to emancipation, is regarded as a slave.

- (41) Ex. XXI, 4, indicating that in this particular case, (that of the children of a female slave), the children are ascribed to their mother. This is no proof, however, that in other cases also children are to be ascribed to their mother.
- (42) Tosef. Kid. V; Sotah 9a; supra 76b.
- (43) And the child would have been eligible by virtue of his father.
- (44) Lit., 'surely'.
- (45) Who recited the Baraita mentioned.
- (46) From Palestine to Babylon.
- (47) Tem. 25a.
- (48) Lit., 'thigh'.
- (49) In case one should be lost, the other would take its place.
- (50) Until it contracts a blemish, when it is redeemed. As the young and its mother spoken of in R. Johanan's statement are regarded as separate beasts, they also would be subject to the same law, and atonement may be made by either.
- (51) Lit., 'thigh'.
- (52) Which was without child at the time of its dedication.
- (53) How', then, could R. Johanan state that atonement may be made with either?
- (54) The ruling about the ascription of the Egyptian child to its mother, reported in the name of R. Johanan.
- (55) From other cases. While elsewhere the child may be ascribed to its father, in the case spoken of by R. Johanan it is ascribed to the mother.
- (56) Deut. XXIII, 9.
- (57) I.e., on its mother.
- (58) קרקפנא (adj. of קרקף or קרקפא 'head') 'mann von Kopf'. 'Geistreicher' v. Levy.
- (59) Rabbah who was Abaye's teacher (v. Tosaf. s.v. חזיתיה a.l., and cf. Tosaf. 'Er. 22b, s.v. קרקפנא).
- (60) Of the college.
- (61) Why the children are ascribed to the mother.
- (62) The suggestion was consequently not the result of Abaye's own ingenuity but a mere repetition of what he heard from his Master, Rabbah.
- (63) Which forms a part of the conversion ceremonial. The immersion that had been performed by his mother exempts him also.
- (64) If the child is elsewhere not regarded as part of its mother.
- (65) The exemption of the child from the immersion.
- (66) Of a hair (v. Rashi, Suk. 6b); that prevents it from coming in direct contact with the water.
- (67) To the object or substance that causes the interposition.
- (68) And invalidates the immersion.
- (69) The presence of the interposition, when, e.g., it is necessary for it to remain there.
- (70) 'Er. 4b, Nid. 67b. As the embryo must necessarily remain within its mother's body during the period of conception, it cannot possibly object, so to speak, to its mother's interposition.

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surely [it may be retorted] R. Kahana stated: This applies only in respect of its greater part, but when the whole of it is effected a legal interposition is constituted!¹ — The case of the embryo is different since its position² is that of its natural growth.³

When Rabina⁴ came, he stated in the name of R. Johanan: Among the other nations follow the male.⁵ If they are converted⁶ follow the more tainted of the two.⁷

'Among the other nations follow the male, as it was taught: Whence is it deduced that if one of the other nations⁸ cohabited with a Canaanitish⁹ woman and begat a son, that son may be purchased as a slave?¹⁰ It is said, Moreover of the children of the strangers¹¹ that do sojourn among you, of them may ye buy.¹² As it might have been assumed that even if one of the Canaanites⁹ had cohabited with one of the women of the other [gentile] nations⁸ and begat a son, you may buy that son as a slave, it was explicitly stated, That they have begotten in your land;¹² only from those who were begotten¹³

in your land, but not from those who dwell in your land.¹⁴

‘If they are converted, follow the more tainted of the two’. In what case? If it be suggested that it refers to an Egyptian¹⁵ who married an Ammonitess,¹⁶ how could the expression ‘the more tainted of the two’, be applicable when Scripture explicitly said, An Ammonite,¹⁷ but not an Ammonitess?¹⁸ — Rather, the reference is to an Ammonite¹⁹ who married an Egyptian wife.²⁰ If [the child of such a marriage] is a male, he is ascribed to the Ammonite;²¹ if it is a female, she is ascribed to the Egyptian.²²

MISHNAH. BASTARDS AND NETHINIM²³ ARE INELIGIBLE,²⁴ AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES.

GEMARA. Resh Lakish said: A woman bastard is eligible²⁵ after ten generations. This is derived from an analogy between tenth,²⁶ and tenth²⁷ mentioned in respect of the Ammonite and the Moabite; as in the latter case the females are permitted²⁷ so are they permitted in the former case.²⁸ Should you suggest that as in the latter case eligibility begins forthwith so it does in the former case, [it may be replied] that the analogy can only be effective in respect of the generations after the tenth.²⁹ But, surely, we learned, **BASTARDS AND NETHINIM ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES!**³⁰ — This is no difficulty: One statement³¹ is in agreement with him who holds³² that a deduction is carried through in all respects,³³ while the other³⁴ is in agreement with him who maintains³² that a deduction is restricted by its original basis.³⁵

R. Eliezer was asked: What [is the legal position³⁶ of] a female bastard after ten generations? ‘Were anyone to present to me’, he replied, ‘a third generation. I would declare it pure!’ He is obviously of the opinion [that the stock of] a bastard does not survive.³⁷ So also did R. Huna state: A bastard's stock does not survive. Did we not learn, however, **BASTARDS ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME?** — R. Zera replied: It was explained to me by Rab Judah that those who are known³⁸ survive,³⁹ those who are not known³⁸ do not survive; and those who are partly known and partly unknown survive for three generations but no longer.

A certain man once lived in the neighbourhood of R. Ammi. and the latter made a public announcement that he was a bastard. As the other was bewailing the action,⁴⁰ [the Master] said to him: I have given you life.⁴¹

R. Hana b. Adda stated: David issued the decree of prohibition⁴² against the nethinim,⁴³ for it is said, And the king called the Gibeonites,⁴⁴ and said unto them-now the Gibeonites were not of the children of Israel etc.⁴⁵

Why did he issue the decree against them? — Because it is written. And there was a famine in the days of David three years. year after year.⁴⁶ In the first year he said to them, ‘It is possible that there are idolaters among you, for it is written, And serve other gods, and worship them . . . and he will shut up the heaven, so that there shall be no rain etc.’⁴⁷ They instituted enquiries but could not discover any idolaters. In the second year he said to them, ‘There may be transgressors among you, for it is written, Therefore the showers have been withheld and there hath been no latter rain; yet thou hadst a harlot's forehead etc.’⁴⁸ Enquiries were made but none was found. In the third year he said to them, ‘There might be among you men who announce specified sums for charity in public but do not give them, as it is written, As vapours and wind without rain, so is he that boasteth himself of a false gift’.⁴⁹ Enquiries were made and none was found. ‘The matter’, he concluded, ‘depends entirely upon me; Immediately, he sought the face of the Lord.’⁴⁶ What does this mean? — Resh Lakish explained: He enquired of the Urim and Tummim.⁵⁰ How is this inferred? R. Eleazar replied: It is arrived at by an analogy between two occurrences of the expression of ‘countenance of’; for

here it is written, And David sought the countenance of the Lord,⁴⁶ and elsewhere it is written, Who shall enquire for him by the judgment of the Urim before the countenance of the Lord.⁵¹ And the Lord said: 'It is for Saul and his bloody house, because he put to death the Gibeonites'.⁵² 'For Saul', because he was not mourned for in a proper manner; 'and his bloody house, because he put to death the Gibeonites'. Where, however, do we find that Saul 'put to death the Gibeonites'?! The truth is that, as he killed the inhabitants of Nob, the city of the priests who were supplying them⁵³ with water and food, Scripture regards it as if he himself had killed them.

Justice is demanded for Saul because he was not properly mourned for, and justice is demanded because he put to death the Gibeonites?⁵⁴ — Yes; for Resh Lakish stated: What is meant by the Scriptural text, Seek ye the Lord, all ye humble of the earth, that have executed His ordinance?⁵⁵ Where there is his ordinance,⁵⁶ there are also his executions.⁵⁷

David said: As to Saul, there have already elapsed

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- (1) Even if the person does not mind the interposition. In the case of the embryo, surely, all its body remains untouched by the water. Why, then, should the child be exempt from the immersion!
 - (2) In utero, during pregnancy.
 - (3) The mother's body is inseparable from it and cannot, therefore, be regarded as an interposition.
 - (4) [Read R. Abin, v. Kid 67a].
 - (5) The child is ascribed to its father; though the mother may belong to a different gentile nation. V. infra.
 - (6) To Judaism.
 - (7) V. infra.
 - (8) Other than the seven enumerated in Deut. VII, 1.
 - (9) General designation of the seven nations, (v. supra n. 11) the males of which were to be exterminated (ibid. XX, 16).
 - (10) And, being ascribed to his father, is not subject to the law of extermination. V. supra n. 12.
 - (11) I.e., not of the seven nations who were the inhabitants of Canaan (v. supra n. 12).
 - (12) Lev. XXV, 45.
 - (13) I.e., whose mother that bore him, not his father, was a native of the land of Canaan.
 - (14) Whose father belonged to one of the seven nations of Canaan (v. supra n. 22). Thus it has been shewn that among the gentile nations also the child is ascribed to its father.
 - (15) Who until the third generation is ineligible to enter the congregation.
 - (16) Who is eligible immediately after conversion.
 - (17) Deut. XXIII. 4.
 - (18) She is not tainted at all!
 - (19) Who is ineligible for all time. (Ibid.).
 - (20) Eligible only after three generations.
 - (21) His father, and is consequently forbidden for all time to enter the congregation. Had he been ascribed to his mother he would have been eligible after the third generation.
 - (22) Her mother (cf. supra n. 6). Had she been ascribed to her father she would have been eligible forthwith (cf. supra n. 4).
 - (23) Pl. of nathin, v. Glos.
 - (24) To marry the daughter of an Israelite.
 - (25) To enter the congregation (cf. Deut. XXIII, 3), i.e., to marry an Israelite.
 - (26) In respect of the bastard (ibid.).
 - (27) V. supra 69a.
 - (28) [Rashi gives the fuller version. The Sifre: Just as 'tenth' stated with an Ammonite means for ever' (v. Deut. XXIII, 4). so does 'tenth' stated with mamzer mean 'for ever'. Consequently. as in the former. males (are forbidden) and not females, so in the latter].
 - (29) Since in the case of the bastard the prohibition of the first ten generations was explicitly stated and includes, as the term mamzer connotes (v. supra 76b), both men and women, whereas the prohibition after ten generations in the case of bastards is not stated explicitly but derived on the basis of analogy from an Ammonite, in respect of whom 'for ever' is

explicitly stated. V. p. 532, n. 14.

(30) How, then, could Resh Lakish maintain that the bastard is permitted after the tenth generation?

(31) The statement of Resh Lakish.

(32) V. Hul. 120b.

(33) Lit., 'judge from it and from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced. As the case of the bastard is deduced from that of the Ammonite in one respect, it must also agree with it in all other respects, including eligibility of the females after the tenth generation, as Resh Lakish ruled. It is only in respect of the first ten generations which are explicitly forbidden in Scripture that deduction could not be made (cf. supra p. 532, n. 15).

(34) The ruling in our Mishnah.

(35) Lit., 'judge from it and set it in its (original) place', i.e., the rules of the case deduced limit the scope of the deduction. Though the case of the bastard is deduced from that of the Ammonite in respect of forbidding the former, like the latter, for all time, the exclusion of the females, though applicable to the latter, does not apply to the former, and female bastards (cf. supra p. 532, n. 15) remain, therefore, forbidden for all time.

(36) As regards entry into the congregation.

(37) A third generation would never come into existence.

(38) As bastards.

(39) There being no danger of intermarriage with them or their descendants.

(40) Lit., 'and wept'.

(41) Cf. supra. text and p. 533, nn. 9 and 10.

(42) To enter the assembly.

(43) Pl. of nathin. V. Glos.

(44) I.e., nethinim. Cf. supra n. 4.

(45) II Sam. XXI, 2, the last six words implying that they were excluded from the congregation.

(46) Ibid. 1.

(47) Deut. XI. 16f.

(48) Jer. III, 3.

(49) Prov. XXV, 14.

(50) V. Glos.

(51) Num. XXVII. 21.

(52) II Sam. XXI, 1.

(53) The Gibeonites who, as hewers of wood and drawers of water for the altar (v. Josh. IX, 23, 27), were maintained by the priests.

(54) A simultaneous claim in his favour and against him!

(55) Zeph. II, 3. **משפטו בעליו**.

(56) **משפטו** lit., 'his judgment', for Saul's guilt.

(57) Read **פעלו** his work, sc. Saul's good deeds.

Talmud - Mas. Yevamoth 79a

the twelve months of the [first] year¹ and it would be unusual to arrange for his mourning now. As to the nethinim,² however, let them be summoned and we shall pacify them. Immediately³ the king called the Gibeonites, and said unto them . . . 'What shall I do for you? and wherewith should I make atonement, that ye may bless the inheritance of the Lord'? And the Gibeonites said to him: 'It is no matter of silver or gold between us and Saul, or his house,' neither is it for us [to put] any man etc. . . . Let seven men of his sons be delivered unto us and we will hang them up unto the Lord etc.'⁴ . He tried to pacify them but they would not be pacified. Thereupon he said to them: This nation⁵ is distinguished by three characteristics: They are merciful, bashful and benevolent. 'Merciful', for is written, And shew thee mercy, and have compassion upon thee, and multiply thee.⁶ 'Bashful', for it is written, That His fear may be before you.⁷ 'Benevolent', for it is written, That he may command his children and his household etc.⁸ Only he who cultivates these three characteristics is fit to join this nation.⁹

But the king took the two sons of Rizpah the daughter of Aiah, whom she bore into Saul, Armoni and Mephibosheth; and the five sons of Michal the daughter of Saul, whom she bore to Adriel the son of Barzillai the Meholathite.¹⁰ Why just these? — R. Huna replied: They¹¹ were made to pass before the Holy Ark. He whom the Ark retained [was condemned] to death and he whom the Ark did not retain was saved alive.

R. Hana b. Kattina raised an objection: But the king spared Mephibosheth, the son of Jonathan the son of Saul!¹² — He did not allow him to pass.¹³ Was there favouritism then! — In fact he did let him pass and it retained him, but he invoked on his behalf divine mercy and it released him. But here, too, favouritism is involved!¹⁴ — The fact, however, is that he invoked divine mercy that the Ark should not retain him. But, surely, it is written, The fathers shall not be pit to death for the children etc.¹⁵ — R. Hiyya b. Abba replied in the name of R. Johanan: It is better that a letter be rooted out of the Torah than that the Divine name shall be publicly profaned.¹⁶

And Rizpah the daughter of Aiah took sackcloth, and spread it for her upon the rock, from the beginning of harvest until water was poured upon them from heaven; and she suffered neither the birds of the air to rest on then by day, nor the beast of the field by night.¹⁷ But, surely, it is written, His body shall not remain all night upon the tree!¹⁸ — R. Johanan replied in the name of R. Simeon b. Jehozadak: It is proper that a letter be rooted out of the Torah so that thereby the heavenly name shall be publicly hallowed. For passers-by were enquiring, ‘What kind of men are these?’ — ‘These are royal princes’ — ‘And what have they done?’ — ‘They laid their hands upon unattached¹⁹ strangers’ — Then they exclaimed: ‘There is no nation in existence which one ought to join as much as this one. If [the punishment of] royal princes was so great. how much more that of common people; and if such [was the justice done for] unattached proselytes, how much more so for Israelites

A hundred and fifty thousand men immediately joined Israel; as it is said, And Solomon had threescore and ten thousand that bore burdens, and fourscore thousand that were hewers in the mountain.²⁰ Might not these have been Israelites? — This cannot be assumed, for it is written, But of the children of Israel did Solomon make no bondservants.²¹ But that²² might have represented mere public service!²³ — [The deduction,] however, [is made] from the following: And Solomon numbered all the strangers that were in the Land of Israel, etc. And they were found a hundred and fifty thousand etc. And he set threescore and ten thousand of them to bear burdens, and fourscore thousand to be hewers in the mountains.²⁴

Was it David, however, who issued the decree of prohibition against the nethinim? Moses, surely, issued that decree, for it is written, from the hewer of thy wood to the drawer of thy water!²⁵ — Moses issued a decree against that generation only²⁶ while David issued a decree against all generations.

But Joshua, in fact, issued the decree against them, for it is written, And Joshua made them that day hewers of wood and drawers of water for the congregation, and for the altar of the Lord!²⁷ — Joshua made his decree for the period during which the Sanctuary was in existence²⁸ while David made his decree for the time during which the Sanctuary was not in existence.

(1) Of mourning. A year is regarded as the maximum period for mourning after the dead. Cf. M.K. 21b.

(2) Pl. of nathin. V. Glos.

(3) V. Bah.

(4) II Sam. XXI, 2-4, 6.

(5) Israel.

(6) Deut. XIII, 18.

(7) Ex. XX, 17.

- (8) To be benevolent, לעשות צדקה lit. 'to practise charity' (E.V. righteousness) Gen. XVIII. 19.
- (9) Israel. As the Gibeonites displayed a spirit of revenge and vindictiveness they were excluded from, and forbidden even to enter, the assembly of Israel.
- (10) II Sam. XXI, 8.
- (11) All the surviving descendants of Saul.
- (12) Ibid. 7. Had the selection been made by the Ark, what need was there for David to spare him?
- (13) To avoid the risk of being retained.
- (14) If he who was retained was released another would have to die in his place!
- (15) Neither shall the children be put to death for the fathers (Deut. XXIV, 16). Why then were Saul's descendants made to suffer for the sin of Saul?
- (16) Which would have been the case had the crime against the Gibeonites been allowed to go unpunished.
- (17) II Sam. XXI, 10.
- (18) Deut. XXI, 23.
- (19) גרורים lit., 'dragged in'; proselytes who have not been admitted into the congregation, [or, 'self-made proselytes', a class of converts who Judaize in mass under the impulsion of fear. V. Moore, G. F. Judaism I, 337].
- (20) I Kings V, 29.
- (21) Ibid. IX. 22.
- (22) The labour spoken of in I Kings V, 29.
- (23) Not the labour of slaves. דונוגר perhaps a corruption of the Persian רוזגר 'day labourer'. Cf. Golds. a.l. and Jast. s.v. רונוגר.
- (24) II Chron. II, 16f.
- (25) Deut. XXIX, 10. Since these were specially singled out they obviously did not form a part of the congregation of Israel, while their services were exactly those which were peculiar to the nethinim or the Gibeonites.
- (26) Of his own time.
- (27) Josh. IX, 27.
- (28) As it was specifically stated, For the altar (ibid.).

Talmud - Mas. Yevamoth 79b

In the days of Rabbi there was a desire to permit the nethinim.¹ Said Rabbi to them, 'We could very well surrender our portion; who could surrender the portion of the altar?'² He³ is thus in disagreement with R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: The portion of the congregation is forbidden for ever,⁴ and the portion of the altar is forbidden only when the Sanctuary is in existence, but when the Sanctuary is not in existence it is permitted.

MISHNAH. R. JOSHUA STATED: I HAVE HEARD⁵ THAT A SARIS⁶ SUBMITS TO HALIZAH⁶ AND THAT HALIZAH IS ARRANGED FOR HIS WIFE, AND ALSO THAT A SARIS⁶ DOES NOT SUBMIT TO HALIZAH AND THAT NO HALIZAH IS TO BE ARRANGED FOR HIS WIFE, AND I AM UNABLE TO EXPLAIN THIS.⁷ R. AKIBA SAID, I WILL EXPLAIN IT: A MAN-MADE SARIS⁸ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE THERE WAS A TIME WHEN HE WAS IN A STATE OF FITNESS. A SARIS BY NATURE⁹ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE THERE NEVER WAS A TIME WHEN HE WAS FIT. R. ELIEZER SAID: NOT SO, BUT A SARIS BY NATURE⁹ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE HE MAY BE CURED. A MAN-MADE SARIS¹⁰ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE HE CANNOT BE CURED. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM. THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR, THUS CONFIRMING THE OPINION OF R. AKIBA.

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE

MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION MUST NEITHER PERFORM HALIZAH NOR BE TAKEN IN LEVIRATE MARRIAGE.

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹⁰ IF, HOWEVER, HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED.¹¹ SINCE HIS ACT IS SHEER PROSTITUTION.¹² SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION, THEY DO NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹¹ IF, HOWEVER, THEY COHABITED WITH HER, THEY CAUSE HER TO BE DISQUALIFIED.¹¹ SINCE COHABITATION WITH HER IS AN ACT OF PROSTITUTION.¹³

GEMARA. Observe! R. Akiba was heard to state that ‘Those who are subject to the penalty of negative precepts¹⁴ are on a par with those who are subject to the penalties of kareth’;¹⁵ but those who are subject to the penalty of kareth are not eligible for halizah or levirate marriage!¹⁶ — R. Ammi replied: ‘What we are dealing with here is with a case, for instance, where his brother¹⁷ had married a proselyte; and R. Akiba is of the same opinion as R. Jose, who stated that an assembly of proselytes is not regarded as an assembly.’¹⁸ If so,¹⁹ he should also be permitted to contract levirate marriage!²⁰ — The law is so indeed; only because R. Joshua used the expression ‘SUBMITS TO HALIZAH’²¹ he [R. Akiba] also used the expression ‘SUBMITS TO HALIZAH’. This²² may also be proved by inference; for it was stated, R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM, THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR,²³ THUS CONFIRMING THE OPINION OF R. AKIBA. This proves it.²²

Rabbah raised an objection: He who is wounded in the stones or has his privy member cut off, a man-made saris, and an old man, may either participate in halizah or contract levirate marriage. How?²⁴ If these died²⁵ and were survived by wives and brothers, and those brothers addressed a ma'amar to the wives, or gave them letters of divorce, or participated with them in halizah, their actions are legally valid;²⁶ if they cohabited with them, the widows become their lawful wives.²⁷ If the brothers died and they²⁸ addressed a ma'amar to their²⁹ wives, or gave them divorce, or participated with them in halizah, their actions are valid;³⁰ and if they cohabited with them the widows become their lawful wives, but they³¹ may not retain them, because it is said in Scripture. He that is wounded in the stones or hath his privy member cut off shall not enter into the assembly of the Lord.³² This clearly proves that we are dealing³³ with members of the assembly!³⁴ — The fact is, said Rabbah, that this³⁵ is a case where the widow became subject to him³⁶ first and he was subsequently maimed.³⁷ Said Abaye to him: Let the prohibition against the maimed man override the positive precept of the levirate marriage! Did we not learn [of a similar case]: R. Gamaliel said, If she³⁸ made a declaration of refusal³⁹ well and good;⁴⁰ and if not, let [the elder sister] wait until the minor grows up and she will then be exempt as his wife's sister.⁴¹ Thus it follows that the prohibition against a wife's sister has the force of overriding [that of the levirate marriage]; here also, then, let the prohibition against the maimed man have the force of overriding it! — But, said R. Joseph. this Tanna⁴² represents the view of the Tanna of the school of R. Akiba, who maintains that [the issue] of a union which is subject to the penalty of negative precepts owing to consanguinity⁴³ is regarded as a bastard, but [the issue] of a union that is merely subject to the penalty of negative precepts is not a bastard.⁴⁴

The text, ‘To raise up unto his brother a name’⁴⁵ should be applicable to this case⁴⁶ also, but he,⁴⁷ surely, is incapable of raising it!⁴⁸ — Raba replied: If so,⁴⁹ there exists no woman who is eligible for the levirate marriage whose husband was not a saris by nature⁵⁰ for a short time, at least, prior to his death.⁵¹

Against R. Eliezer,⁵² however, Raba's reply⁵³ presents a [valid] objection! — There⁵⁴ it is only a

general state of debility⁵⁵ that had set in.⁵⁶

What are we to understand by A SARIS BY NATURE? — R. Isaac b. Joseph replied in the name of R. Johanan: Any man

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- (1) To enter into the congregation.
 - (2) Both the congregation and the altar have shares in them (cf. Josh. *ibid.*).
 - (3) Rabbi, who forbade the portion of the altar in his time though the Sanctuary was no more in existence.
 - (4) Until a properly constituted authority should allow it.
 - (5) A tradition from his teachers.
 - (6) V. Glos.
 - (7) In what case of saris halizah is, and what case it is not applicable.
 - (8) **סָרִיס אָדָם** lit., a 'eunuch of man', one whose emasculation was the result of human action. (Cf. *infra* n. 12).
 - (9) **סָרִיס חֶמֶה** lit., a 'eunuch of the sun', one who was a eunuch from the time he first saw the sun, i.e., a congenital eunuch.
 - (10) V. p. 538, n. 10.
 - (11) To marry a priest.
 - (12) The woman being forbidden to him as 'his brother's wife'.
 - (13) Cf. *supra* n. 3.
 - (14) A man-made saris is one of these, since cohabitation with him is forbidden by a negative precept in Deut. XXIII, 2.
 - (15) V. *supra* 49a.
 - (16) How then could R. Akiba maintain in our Mishnah that A MAN-MADE SARIS SUBMITS TO HALIZAH.
 - (17) The deceased brother of the saris.
 - (18) A proselyte, not being included in the term assembly (v. Deut. XXIII. 2) she is permitted to the saris. Hence he submits to her halizah.
 - (19) V. *supra* n. 1.
 - (20) Why then was only halizah mentioned?
 - (21) According to R. Joshua, who regards an assembly of proselytes as a congregation, marriage is in fact forbidden. Only halizah is permitted because in his opinion it is applicable in the case of those a union between whom is subject to the penalty of a negative precept.
 - (22) That according to R. Akiba even the levirate marriage is permitted.
 - (23) Levirate marriage. V. *supra* n. 5.
 - (24) I.e., in what connection is this law applicable?
 - (25) Without issue.
 - (26) Lit., 'what they did they have done'; after their ma'amar, a divorce is required; after their divorce, no marriage may take place; and their halizah is valid.
 - (27) Lit., 'they acquired'.
 - (28) The maimed mentioned or the old man.
 - (29) Brothers'.
 - (30) V. *supra* note 9.
 - (31) Those that are maimed. The old man is excluded. V. *infra*.
 - (32) Deut. XXIII, 2. V. Tosef. XI.
 - (33) In regarding the halizah and marriage with an impotent person as valid.
 - (34) How then could it be suggested that R. Akiba speaks of women proselytes who are not included in the term 'assembly'?
 - (35) R. Akiba's statement in our Mishnah.
 - (36) As his deceased brother's wife.
 - (37) Since the obligation arose while the man was still in a state of potency, halizah with him is both necessary and valid.
 - (38) A minor who was given away in marriage by her mother or brothers after the death of her father and whose elder sister has now become subject to the levirate marriage of her husband.
 - (39) Mi'un (v. Glos.). No divorce is needed in the case of such a minor's marriage.
 - (40) Lit., 'she refused'. Her marriage becomes null and void retrospectively, and, as she has thus never been the legal

wife of the levir, her sister (who is now no more the levir's wife's sister) may well contract with him the levirate marriage.

(41) Supra 18a, infra 109a.

(42) Who, in fact, deals with a case where the impotency had set in prior to the obligation and yet permits the halizah.

(43) Of the contracting parties.

(44) This Tanna, like the Tanna of our Mishnah, thus draws a distinction between two classes of trespass that are subject to the penalty of negative precepts: (a) cases due to consanguinity and (b) other cases. While the former are subject to the restrictions of those who are liable to kareth, the latter are not. Maimed persons belong to the latter class and are consequently subject to the levirate law. Cf. supra 49a.

(45) Deut. XXV, 7.

(46) The maimed levir.

(47) Owing to his impotency at the time of the halizah.

(48) Though at some earlier period he might have been; why then should he be subject to halizah?

(49) If his former potency is not to be taken into consideration.

(50) Approaching death deprives a person of his generating powers, and he may then be regarded virtually as a saris.

(51) The widow of such a saris should consequently be exempt from halizah (v. our Mishnah). How, then, would a widow ever be subject to halizah? It must, therefore, be admitted that a person's former capacity for propagation is taken into consideration even though that capacity was subsequently lost.

(52) Who maintains that a manmade saris does not submit to halizah, though prior to his incapacitation he was capable of propagation.

(53) Which proves the contrary of R. Eliezer's statement (cf. supra n. 6).

(54) Where the power of propagation is lost on approaching death.

(55) Which precedes death.

(56) And this cannot at all be compared with the case of an actual saris whose incapacity is due to a definite defect in his generative organs.

Talmud - Mas. Yevamoth 80a

who has not experienced a moment [of life] in a state of fitness.¹ How could this² be ascertained? — Abaye replied: [By observing whether] when he urinates no arch is formed. What are the causes?³ — That the child's mother baked at noon⁴ and drank strong⁵ beer.

R. Joseph said: It must have been such a saris⁶ of whom I heard Ammi saying. 'He who is afflicted from birth',⁷ and I did not know [at the time] to whom he was referring. But should we not take into consideration the possibility that he might have recovered in the meantime!⁸ — Since he suffered from affliction in his early as well as in his later life, no [possible interval of recovery] need be taken into consideration

R. Mari raised an objection: R. Hanina b. Antigonus stated, 'It⁹ is to be examined¹⁰ three times in eighty days'¹¹ — Precautions are to be taken in respect of one limb;¹² in respect of the entire body¹³ no such precautions need be taken.¹⁴

R. ELIEZER SAID: NOT SO etc. A contradiction may be pointed out: If at the age of twenty he¹⁵ did not produce two hairs,¹⁶ they¹⁷ must bring evidence that he is twenty years of age and he, being confirmed as a saris,¹⁸ neither submits to halizah nor performs the levirate marriage. If the woman¹⁹ at the age of twenty did not produce two hairs,²⁰ they²¹ must bring evidence that she is twenty years of age and she, being confirmed as a woman who is incapable of procreation neither performs halizah nor is taken in levirate marriage; so Beth Hillel. But Beth Shammai maintain that with the one as well as with the other [this takes place at] the age of eighteen. R. Eliezer said. In the case of the male, the law is in accordance with Beth Hillel and in the case Of the female, the law is in accordance with Beth Shammai because a woman matures earlier than a man!²² Rami b. Dikuli replied in the name Of Samuel: R. Eliezer changed his view.²³

The question was raised: From which statement did he withdraw? — Come and hear what was taught: R. Eliezer said. A congenital saris²⁴ submits to halizah, and halizah is arranged for his wife, because cases of such a nature are cured in Alexandria in Egypt.²⁵

R. Eleazar said: As a matter of fact he²⁶ did not change his view at all, but that statement²⁷ was taught in respect [of the age of] punishment.²⁸

It was stated: If a person²⁹ between the age of twelve years and one day³⁰ and that of eighteen years³¹ ate forbidden fat,³² and after the marks of a saris had appeared, he grew two hairs.³³ Rab ruled that the person is deemed to be a saris retrospectively.³⁴ But Samuel ruled [that the person is regarded as] having been a minor at that time.³⁵

R. Joseph demurred against Rab.³⁶ According to R. Meir,³⁷ a woman who is incapable of procreation³⁸ should be entitled to a fine!³⁹ — Abaye replied: She passes from her minority [directly] into adolescence.⁴⁰ The other said to him: May all such fine sayings be reported in my name. For so it was taught: A saris is not tried as a stubborn and rebellious son,⁴¹ because no stubborn and rebellious son is tried unless he bears the mark of the pubic hair.⁴² Nor is a woman who is incapable of procreation tried as a betrothed damsel⁴³ because from her minority she passes [directly] into adolescence.⁴⁴

R. Abbahu stated: On [the basis of] the marks of a saris, of a woman incapable of procreation, and of an eight-[month] child⁴⁵ no decision is made⁴⁶ until they attain the age of twenty.⁴⁷ Is, however, an eight-[month] child viable? Surely it was taught: An eight-month child is like a stone,⁴⁸ and it is forbidden to move him;⁴⁹ only his mother may bend over him and nurse him

(1) I.e., who was born with defective organs.

(2) That a child was a saris from birth.

(3) Of congenital impotency.

(4) The heat of the oven combined with the heat of the day obviously affected the generative organs of the embryo.

(5) Others, 'pale', 'diluted'.

(6) The congenital eunuch or 'saris by nature' spoken of in our Mishnah.

(7) Lit., 'from his mother's bowels'.

(8) Between the periods of his early and present impotency. And since he was possessed of his manly powers even if only for a short time, how could he (v. our Mishnah) be regarded as a 'saris by nature'?

(9) The firstborn of a beast afflicted with a serious blemish which renders it unfit for the altar.

(10) To ascertain whether the blemish is a permanent one. If it was only a passing affliction it does not affect the legal fitness of the animal.

(11) At the beginning, middle and end of the period. Only where the blemish remained for the full eighty days is it regarded as permanent. If no examination was made in the middle of the period mentioned, the blemish cannot be deemed to be a permanent since it is possible that it had disappeared for some time and reappeared again V. Bek. 38b. Why, then, is the middle period disregarded in the case of the saris?

(12) The eye, for instance, which was the limb affected in the case cited.

(13) The impotency of the saris is an affliction affecting his body as a whole.

(14) It is unlikely that such a defect should appear, disappear and reappear again.

(15) A levir whose duty it is to contract levirate marriage or to submit to halizah.

(16) The marks of puberty.

(17) The relatives of the widow who wish to exempt her from the halizah and the marriage.

(18) By a display of the required symptoms.

(19) The widow whose husband had died without issue.

(20) The marks of puberty.

(21) The levir's relatives. Cf. supra note 9, mutatis mutandis.

- (22) Nid. 47b. Now, the case spoken of here is that of a congenital saris and yet R. Eliezer stated that he is subject neither to halizah nor to the levirate marriage, which is in direct contradiction to his statement in our Mishnah!
- (23) The two statements were made at an earlier and later period respectively.
- (24) V. supra p. 538. n. 11.
- (25) As this Baraitha agrees with our Mishnah and, in addition, contains also a reason for its statement, based on actual experience. it is reasonable to assume that R. Eliezer withdrew from his other view contained in the Baraitha of Niddah.
- (26) R. Eliezer.
- (27) Supra, that the age of a male is twenty, in agreement with Beth Hillel, and that that of a female is eighteen, in agreement with Beth Shammai.
- (28) At the ages stated males and females respectively, emerging from their state of minority and entering that of majority, become subject to all legal obligations and penalties. The statement has no reference at all to halizah or the levirate marriage.
- (29) The reference is to a female though the masc. gender 'saris' is used. The age of twelve years and one day is applicable to females only.
- (30) Below this age a girl is regarded as a minor.
- (31) This will be according to R. Eliezer, supra.
- (32) Or committed any other transgression. The eating of forbidden fat, חֵלֵב is invariably taken as the example of a punishable offence. Cf. Golds. a.l.
- (33) The marks of puberty.
- (34) From the age of twelve years and one day. Despite the absence of the hairs until after the age of eighteen. and their subsequent appearance. the girl is regarded as having passed into her majority at the earlier age of twelve years and one day. and consequently subject from that time to all legal penalties, the delay in the emergence of her marks of puberty being attributed to her mere impotence.
- (35) Between the ages of twelve and eighteen. Samuel holds that majority sets in at the latter age only when the girl's impotency is definitely established.
- (36) Who regards a girl, who was only subsequently found to be a saris, as having been a saris and consequently also of age from the moment she was twelve years and one day old.
- (37) Who exempts the seducer of a minor from the payment of the fine prescribed in Deut. XXII, 29.
- (38) The seducer of whom is also exempt from the fine mentioned (supra note 2) on the ground that, as she did not produce the required hairs, she was regarded at the time as a minor. V. Keth. 35b.
- (39) Because, since it was later established that she was sterile, she should be regarded (cf. supra note 1) as having been sterile, and so also of age, retrospectively.
- (40) The former age is twelve years and one day; the latter is twelve and a half plus one day. In the intervening age a girl is described as נַעֲרָה damsel or maiden; and it is during this period (נַעֲרוּת) that she is entitled to the fine mentioned. The sterile woman does in fact become of age retrospectively, as Rab laid down, but she assumes the status of the adolescent woman who is not entitled to the fine.
- (41) Cf. Deut. XXI, 18ff.
- (42) Lit., 'lower beard'.
- (43) Who has been outraged (v. Deut. XXII, 23ff).
- (44) Cf. supra n. 5.
- (45) Born in the eighth month of conception. who, as a rule, is not viable.
- (46) As to whether in the case of the former they are impotent and of age, and in the case of the latter whether he is viable.
- (47) Between the age of twelve and this age the former are regarded as minors until they have produced two pubic hairs, if these appear before they were twenty; and if these were not produced at twenty their majority begins from the age of twelve. In the case of the child he cannot be regarded as viable before he has completed the twentieth year of his life.
- (48) Obviously because he is not viable.
- (49) On the Sabbath when only such objects may be moved as were intended to be used on that day. The moving of a stone is forbidden.

in order to avert danger!¹ — Here² we are dealing with one whose marks³ have not⁴ been developed.⁵ For it was taught: Who is an eight-month child? He whose months [of conception] have not been completed. Rabbi said: The marks, his hair and nails which were not developed, would indicate it.⁶ The reason then is because they were not developed, but had they been developed it would have been assumed that the child was a seven-month one⁷ only his [birth] was somewhat delayed.⁸

With reference, however, to the practical decision which Raba Tosfa'ah gave in the case of a woman whose husband had gone to a country beyond the sea and remained there for a full year of twelve months, where he declared the child legitimate,⁹ in accordance with whose [view did he act]? [Was it] in accordance with that of Rabbi who maintains that [birth] may be delayed!¹⁰ — Since R. Simeon b. Gamaliel also maintains that [birth may] be delayed, he acted in agreement with a majority. For it was taught: R. Simeon b. Gamaliel said: Any human¹¹ child that lingers for thirty days can not be regarded as a miscarriage.¹²

Our Rabbis taught: Who is a congenital saris?¹³ Any person who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if he produced them afterwards he is deemed to be a saris in all respects. And these are his characteristics: He has no beard, his hair is lank, and his skin is smooth. R. Simeon b. Gamaliel said in the name of R. Judah b. Jair:¹⁵ Any person whose urine produces no froth; some say: He who urinates without forming an arch; some say: He whose semen is watery; and some say: He whose urine does not ferment. Others say: He whose body does not steam after bathing in the winter season. R. Simeon b. Eleazar said:¹⁵ He whose voice is abnormal so that one cannot distinguish whether it is that of a man or of a woman.

What woman is deemed to be incapable of procreation? — Any woman who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if she produces them afterwards she is deemed to be a woman incapable of procreation in all respects. And these are her characteristics: She has no breasts and suffers pain during copulation. R. Simeon b. Gamaliel said:¹⁵ One who has no mons veneris like other women. R. Simeon b. Eleazar said: One whose voice is deep so that one cannot distinguish whether it is that of a man or of a woman.

It was stated: As to the characteristics of a saris, R. Huna stated, [Impotency cannot be established] unless they are all present. R. Johanan, however, stated: Even if only one of them is present.¹⁶ Where two hairs were produced¹⁷ all agree that impotency cannot be established unless all characteristics¹⁸ are displayed. They only differ in the case where these were not produced. With reference, however, to what Rabbah b. Abbuha said to the Rabbis, 'Examine R. Nahman. and if his body steams I will allow him to marry my daughter'; in accordance with whose view [was he acting]? [Was it] according to R. Huna!¹⁹ — No; R. Nahman had some stray hairs.²⁰

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION etc. The saris was mentioned in the same way as the woman who is incapable of procreation; as the woman's incapacity is due to an act of²¹ heaven so must that of the saris be an act²¹ of heaven; and this anonymous [Mishnah] is in agreement with R. Akiba who stated [that halizah applies] only to a man-made [saris but] not [to one afflicted] by the hand of heaven.²²

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED etc. The reason then [why when HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED] is because he²³ cohabited with her; another man, however, does not;²⁴

(1) To the mother and the child. The latter might otherwise die of starvation before his time, and the former might

contract serious illness through the accumulation of superfluous milk in her breasts. V. Tosef. Shab. XVI. Now, since the child, because he is not viable, is regarded as a stone (v. p. 545. n. 13), how could he ever attain the age of twenty?

(2) In the cited Baraitha.

(3) Of viability. such as hair and nails.

(4) So Alfasi, Bah and some MSS. Cur. edd. omit, 'not' referring to R. Abbahu's statement.

(5) Where the marks, however, are developed. as is the case in the Baraitha cited, the child may be viable.

(6) Tosef. Shab. XVI. Lit., 'concerning him', whether he is an eight-month child.

(7) A child whose development is completed in the seventh month is viable.

(8) R. Abbahu, supra, referring to such a case, teaches that, even according to Rabbi, no definite decision can be arrived at before the child has grown up and attained the age of twenty.

(9) Assuming, as he did, that it remained in utero three months after the nine-monthly period.

(10) Would he agree with an individual, against the opinion of a majority?

(11) In the case of an animal the period is eight days.

(12) Supra 36b, Shab. 135b, Nid. 44b. The child is assumed to be a seven-month one whose birth had been delayed and who is consequently viable.

(13) V. supra p. 538, n. 11.

(14) The usual marks of puberty.

(15) In reply to the question 'who is a saris?'

(16) Lit., 'by one of them'.

(17) Elijah Wilna deletes 'In the beard' of cur. edd. [The reference will be accordingly to an emergence of hairs after the age of twenty, for had they appeared earlier, he would no longer be regarded as a saris even in the face of all other characteristics of a saris, v. supra p. 543. Tosaf., however, retains the reading of our text and consequently draws a distinction between hairs of the beard and on any other part of the body. The former in themselves, unlike the latter, are not sufficient to establish potency. V. Tosaf. s.v. **דְּהָבִיא**].

(18) Of a saris.

(19) Since the absence of one characteristic satisfied him, contrary to the opinion of R. Johanan supra.

(20) V. supra p. 547, n. 5. **מִיכָא** pl. of **מִיכָי**.

(21) Lit., 'by the hands of'.

(22) The congenital eunuch or the saris by nature. Cf. supra p. 538. n. 11.

(23) The levir to whom, as his brother's wife, she is forbidden under the penalty of kareth.

(24) Cause her to be disqualified.

Talmud - Mas. Yevamoth 81a

is this, then, an objection to the view of R. Hamnuna who stated that a widow awaiting the decision of her levir who committed adultery¹ is disqualified [from marrying her] brother-in-law!² — No; the same law³ is applicable to [the case of cohabitation with] another man also; Only because the first clause was taught in respect of himself,⁴ the latter clause also was taught in respect of himself.

SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION etc. The reason then [why when THEY COHABITED WITH HER THEY CAUSE HER TO BE DISQUALIFIED] is because they cohabited with her, but had they not cohabited with her they would not;⁵ in accordance with whose view [is this statement made]? — Not in accordance with that of R. Judah; for should it [be suggested that it is in agreement with] R. Judah, he, surely, [it might be objected,] stated that a woman incapable of procreation is regarded as a harlot.⁶

MISHNAH. IF A PRIEST WHO WAS A SARIS BY NATURE⁷ MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT OF EATING TERUMAH. R. JOSE AND R. SIMEON STATED: IF A PRIEST WHO WAS AN HERMAPHRODITE MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT TO EAT TERUMAH.

R. JUDAH STATED: IF A TUMTUM,⁸ WAS OPERATED UPON⁹ AND HE WAS FOUND TO BE A MALE, HE MUST NOT PARTICIPATE IN HALIZAH,¹⁰ BECAUSE HE HAS THE SAME STATUS AS A SARIS. THE HERMAPHRODITE MAY MARRY [A WIFE] BUT MAY NOT BE MARRIED [BY A MAN].¹¹ R. ELIEZER¹² STATED: [FOR COPULATION] WITH AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.¹³

GEMARA. [Is not this]¹⁴ obvious!¹⁵ — It might have been assumed that only one who is capable of propagation is entitled to bestow the right of eating¹⁶ and that he who is not capable of propagating is not entitled to bestow the right of eating; hence we were taught [that even the saris may bestow the right].

R. JOSE AND R. SIMEON STATED . . . HERMAPHRODITE. Resh Lakish said: He CONFERS UPON HER THE RIGHT OF EATING TERUMAH but does not confer upon her the right to eat of the breast and the shoulder.¹⁷ R. Johanan, however, said: He also confers upon her the right to eat of the breast and shoulder.¹⁷

According to Resh Lakish,¹⁸ why is the breast and the shoulder different?¹⁹ [Obviously] because [it was] Pentateuchally [ordained].²⁰ [Was not] terumah, [however]. also Pentateuchally [ordained]? — We are dealing here with terumah at the present time,²¹ which [is only a] Rabbinical [ordinance].²² What is the law, however, when the Sanctuary is in existence?²³ [Obviously that terumah may] not [be eaten]!²⁴ Why, then, did he state, ‘But does not confer the right of eating the breast and the shoulder’?²⁵ He should rather have drawn the distinction in respect of the terumah itself, thus: This²⁶ applies only to Rabbinical terumah,²⁷ but not to terumah that has been Pentateuchally ordained!²⁸ — It is this, in fact, that he meant: When he²⁹ confers upon her³⁰ the right of eating, he enables her to eat terumah at the present time²⁷ only when it is a Rabbinical ordinance;³¹ he is not entitled, however, to confer upon her the right of eating terumah at the time when the law of the breast and the shoulder is in force,³² even if the terumah is only Rabbinical,³³ for she might in consequence also come to eat of Pentateuchal terumah.³⁴

‘R. Johanan, however, said: He also confers upon her the right to eat of the breast and the shoulder’. Said R. Johanan to Resh Lakish: Do you³⁵ maintain that terumah at the present time is only a Rabbinical ordinance? — ‘Yes’, the other replied, ‘for I read:³⁶ A cake of figs³⁷ among cakes of figs is neutralised’.³⁸ ‘But I’, said the first, ‘read, “A piece³⁹ among pieces⁴⁰ is neutralized”;⁴¹ you obviously believe that the reading⁴² is, “Whatsoever⁴³ one is wont to count”,⁴⁴ the reading in fact is, “That which one is wont to count”’.⁴⁵

What [Mishnah⁴⁶ is] it? — That wherein we learned: If a man had bundles of fenugrec of kil'ayim⁴⁷ of the vineyard⁴⁸ they must be burned.⁴⁹ If these were mixed up with others,⁵⁰

(1) With any man.

(2) As any harlot. Consequently she would also be forbidden to marry a priest. But according to the implication of our Mishnah she is not disqualified from marrying a priest!

(3) Of our Mishnah, that cohabitation with the widow causes her disqualification.

(4) The levir.

(5) Cause her to be disqualified.

(6) Supra 61a. Cf. supra p. 548, n. 8, mutatis mutandis.

(7) This excludes the man-made saris who stands under the prohibition of Deut. XXIII, 2, and cannot consequently confer upon his wife the right of eating.

(8) V. Glos.

(9) Lit., ‘was torn asunder’.

(10) If he has a brother who could participate in the ceremony instead of him.

- (11) He has the status of a male rather than that of a female, and his cohabitation with a male would be an act of sodomy.
- (12) 'Eleazar' according to תוספות יום טוב. Cf. however, Tosaf. s.v. רבי infra 84a.
- (13) On the difference between R. Eliezer and R. Judah. v. Gemara infra.
- (14) That the congenital saris bestows the right of eating terumah upon his wife.
- (15) His marriage being lawful; since he is not subject to the prohibition in Deut. XXIII, 2 (cf. supra note 3), he is obviously entitled to bestow the right.
- (16) Cf. Lev. XXII, 11. And such as are born in his house, they may eat of his bread, emphasis on born in his house. Cf. Rashi, a.l.
- (17) The priest's due from certain sacrifices. Cf. Lev. VII, 34.
- (18) Who forbids the breast and the shoulder to the wife of the hermaphrodite.
- (19) From terumah which may be eaten by her.
- (20) Cf. supra n. 1.
- (21) After the destruction of the Temple.
- (22) Pentateuchally it is only due while the Temple is in existence.
- (23) Cf. supra note 6.
- (24) By the wife of an hermaphrodite.
- (25) Drawing a distinction between terumah and other priestly gifts.
- (26) That the hermaphrodite confers upon his wife the right of eating.
- (27) After the destruction of the Temple.
- (28) Cf. supra note 6.
- (29) The hermaphrodite.
- (30) His wife.
- (31) Pentateuchally it is only due while the Temple is in existence.
- (32) When the Temple is in existence.
- (33) Such as that given from the fruit of the trees, which is at all times a Rabbinical ordinance only.
- (34) That which is given from corn, wine and oil.
- (35) Since you restrict the right of consumption to terumah and exclude that of the breast and the shoulder.
- (36) In a Baraitha. Cf. the Mishnah cited infra and note 11.
- (37) A number of figs pressed together.
- (38) If such a cake of terumah was mixed up with a hundred non-consecrated cakes of the same size, or if a cake of terumah that was levitically unclean was mixed up with a hundred such cakes of clean terumah, the entire quantity is permitted. in the latter case, to clean priests and, in the former case, to Israelites also. This proves that terumah at the present time is only a Rabbinical ordinance, since such neutralization, had the ordinance been Pentateuchal, would not, owing to its comparative importance (its high commercial value, v. infra), have been permitted. Though the terumah of figs, like that of all other fruit of trees, is at all times a Rabbinical ordinance only, its neutralization would not have been permitted at the present time had there been any Pentateuchal terumah in existence at the same time. The neutralization of the former would have been forbidden as a preventive measure against the possible assumption that the 'latter also might be neutralized.
- (39) Of an unclean sin-offering which is Pentateuchally forbidden. V. the Baraitha infra 81b.
- (40) Of clean meat.
- (41) And is permitted to be eaten. As a piece of meat which is Pentateuchally forbidden (v. supra n. 5) may be neutralized, even though its importance, owing to its commercial value, may be as high as that of a cake of figs, so may any food be neutralized even though its prohibition is Pentateuchal.
- (42) Cf. the Mishnah cited infra.
- (43) Any objects which any person whatsoever sells by counting the units. V. infra n. 11.
- (44) Cannot be neutralized.
- (45) 'Whatsoever' is more comprehensive than 'that'. According to the former reading, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold not in bulk but in units. According to the latter reading, neutralization is permitted in all cases except those where the units are of such a high value that they are not sold save by counting single units. Now, since cakes of figs are not invariably sold in units they may of course be neutralized even though they consist of Pentateuchal terumah (cf. supra n. 7). Resh Lakish, therefore, remains with no proof whatsoever that terumah at the present time is a mere Rabbinical ordinance. [This interpretation

which follows Rashi does not account for the phrase 'one is wont etc', mentioned also with the latter reading. Me'iri explains the former as including whatever is being sold as a rule by counting among the poor, whereas the latter requires the sale by counting to be the general practice among the rich as well as the poor. On either reading it is the general practice rather than the invariable rule which is the determining factor].

(46) Referred to by R. Johanan (cf. p. 551. n. 8).

(47) V. Glos.

(48) Cf. Deut. XXII, 9.

(49) This is deduced from the expression **תקדש** (ibid. R.V., forfeited; R.V. marg., consecrated), read as **תוקדש** 'shall be burned with fire'.

(50) Permitted bundles of fenugrec.

Talmud - Mas. Yevamoth 81b

they must all be burned;¹ so R. Meir. The Sages, however, stated: They are neutralized in [a mixture of] two hundred and one.² R. Meir, [in his ruling,] is of the opinion that whatever³ might be counted causes forfeiture,⁴ while the Sages are of the opinion that only six things cause forfeiture.⁵ R. Akiba said: Seven. They are the following: Crack-nuts,⁶ the pomegranates of Badan,⁷ sealed jugs [of wine], young shoots of beet,⁸ cabbage roots and the Grecian gourd. R. Akiba adds also home made⁹ bread.¹⁰ Those which are subject to the law of 'orlah¹¹ [impart the prohibition of] 'orlah¹² [and those which are subject] to the law of kil'ayim of the vineyard¹³ [impart¹² that of the] kil'ayim of the vineyard.¹⁴ R. Johanan holds the view that the reading¹⁵ was, 'That which one is wont to count'¹⁶ while Resh Lakish holds the view that the reading was 'Whatsoever one is wont to count'.¹⁷

What [is the Baraita about the] piece?¹⁸ — It was taught: A piece of a levitically unclean sin-offering that was mixed up with a hundred pieces of clean sin-offerings and, similarly, a piece of levitically unclean shewbread¹⁹ that was mixed up with a hundred pieces of clean shewbread is neutralized.²⁰ R. Judah said: It is not neutralized.²¹ If, however, a piece of a levitically clean sin offering was mixed up with a hundred pieces of clean and unconsecrated meat, and similarly if a piece of levitically clean shewbread was mixed up with a hundred pieces of clean unconsecrated bread, all agree that neutralization cannot take place.²² Now in the first clause, at any rate, it was stated that it 'is neutralized'!²³ — R. Hiyya son of R. Huna replied: In [the case where it was] crushed.²⁴ If so,²⁴ what is R. Judah's reason?²⁵

(1) The forbidden kil'ayim cannot be neutralized. The reason is given infra.

(2) I.e., if the permitted food is two hundred times the quantity of the forbidden kil'ayim.

(3) V. supra p. 551. n. 9.

(4) Lit., consecrates'. (Cf. R.V. and J.T., Deut. XXII, 9, be forfeited). All the mixture is forbidden on account of the importance (cf. supra p. 551, n. 11) of the forbidden object it contained, which can never be neutralized.

(5) Cf. supra n. 9.

(6) **אגוזי פרך** (cf. Jast. and Golds.). Rashi regards Perek as a place name. Parka (Perek) is situated in Samaria in the vicinity of Shechem.

(7) A Samaritan town north-east of Shechem lying in the valley Wadi Baidan.

(8) Or 'tomatoes'.

(9) Lit., 'of the master of the house'.

(10) Lit., 'loaves'.

(11) V. Glos. The nuts, pomegranates and jugs of wine.

(12) Upon the entire mixture.

(13) The beet, cabbage and gourd.

(14) 'Orlah III, 6, Bezah 3b. Zeb. 72a.

(15) In the Mishnah cited.

(16) Cf. supra p. 551, n. 11. Only such objects cannot be neutralized. Cakes of figs and pieces of meat, however, since some people do not always sell them singly but in bulk, are of less commercial importance and may, therefore, be

neutralized.

(17) Cf. supra p. 551, nn. 7 and 8. As cakes of figs are sometimes sold by being counted singly, they are regarded as commercially important objects which, were they Pentateuchally forbidden, could never be neutralized. As it was stated, however, that a cake of figs of *terumah* may be neutralized, it follows, according to Resh Lakish, that *terumah* at the present time is only a Rabbinical, and not a Pentateuchal ordinance.

(18) Mentioned by R. Johanan. Cf. supra p. 551. n. 5.

(19) Cf. Ex. XXV, 30.

(20) The entire mixture is regarded as clean sin-offering meat and clean shewbread respectively.

(21) The reason is discussed *infra*.

(22) Neutralization would have removed a Pentateuchal prohibition (that of eating consecrated food by a non-priest) from the piece of the sin-offering or from that of the shewbread. As, however, the entire mixture, which consists of pieces that are sometimes sold by number, may be eaten even without recourse to neutralization by a priest to whom it could be sold, though this might have to be done at a reduced cost, the law of neutralization, which is applied even in such circumstances whenever the prohibition is Rabbinical, as in the case of the cake of figs (*supra*), is not applied here where it is Pentateuchal.

(23) Though these objects are sometimes sold in units. This obviously proves that the reading was, as R. Johanan stated, 'That which one is wont to count'. How, then, could Resh Lakish maintain that the reading was 'Whatsoever one is wont to count'?

(24) When it is no longer sold in units but in bulk.

(25) Why does he in such a case object to neutralization?

Talmud - Mas. Yevamoth 82a

— R. Judah follows his own view; for he stated:¹ The law of neutralization takes no effect in homogeneous objects.² [Had the piece] not been crushed, however, what [would have been the law]? Assumingly that it could not be neutralized! Why, then, was it taught. 'If, however, a piece of a levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat . . . neutralization cannot take place'?³ Let the distinction be drawn in [the case of consecrated meat] itself, thus: This⁴ applies only where it⁵ was crushed; but when it was not crushed it may not be neutralized! — He preferred [to speak of] a mixture of clean with clean.⁶

According to Resh Lakish,⁷ wherein lies the difference between the first clause and the final clause?⁸ — R. Shisha the son of R. Idi replied: The first clause deals with uncleanness that was due to liquids,⁹ which is only Rabbinical,¹⁰ while the final clause [deals with a prohibition]¹¹ which is Pentateuchal.¹² What, however, [would be the law in the case of] uncleanness through a reptile?¹³ Assumingly that no neutralization is permitted! Why, then, did he state in the final clause, 'If, however, a piece of levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat . . . neutralization cannot take place'?¹⁴ Let the distinction rather be drawn in [respect of consecrated meat] itself, thus: This¹⁵ applies only to uncleanness due to liquids, but when it is due to a reptile it may not be neutralized! — He preferred [to speak] of a mixture of clean with clean.¹⁶

Rabbah replied:¹⁷ The first clause [deals with] a prohibition under a negative precept¹⁸ while the final clause [deals with] one that involves the penalty of *kareth*.¹⁹ But surely was it not Rabbah who stated that in all Pentateuchal prohibitions there is no difference²⁰ between a prohibition that is due to a negative precept and one that involves *kareth*!²¹ — This is a difficulty.

R. Ashi replied:¹⁷ [The law²² in the] final clause is due to the fact that [the consecrated food] is an object which may be made²³ permissible,²⁴ and any object which [in certain circumstances] becomes permitted²⁴ cannot be neutralized even in a thousand.²⁵ This statement of R. Ashi, however, is mere fiction.²⁶ For to whom [would the mixture become permitted]!²⁷ To²⁸ the priest it is permitted [all the time];²⁹ to the Israelite²⁸ it is for ever forbidden!³⁰ The statement of R. Ashi must consequently

be regarded as mere fiction. But is R. Johanan of the opinion that terumah at the present time³¹ is Pentateuchal?³² Surely it was taught: If in front of two baskets, one of which contained unconsecrated fruit and the other that of terumah, were two se'ah measures, one containing unconsecrated fruit and the other that of terumah, and the latter fell into the former, behold these are permitted,³³ for it is assumed that the terumah fell into the terumah and the unconsecrated fruit fell into the unconsecrated fruit.³⁴ And [in reference to this ruling] Resh Lakish stated: 'Only if the unconsecrated fruit³⁵ was more than that of the terumah',³⁶ while R. Johanan stated, 'Even if the unconsecrated fruit were no more than the terumah'.³⁷ Now, according to Resh Lakish³⁸ the ruling³⁹ may well be justified since he may hold the opinion that with Rabbinically [forbidden food] also it is necessary⁴⁰ to have a larger quantity [of the permitted food]. According to R. Johanan.⁴¹ however, a difficulty arises!⁴² 'This'⁴³ [R. Johanan may reply] 'is the view of⁴⁴ the Rabbis,⁴⁵

(1) Zeb. 79a, Men. 22b.

(2) Lit., 'a kind in its kind does not cease to exist'.

(3) Thus drawing a distinction between a mixture of consecrated and unconsecrated meat.

(4) That neutralization takes place.

(5) The piece of the sin-offering.

(6) To indicate that even in such a case, where the law of neutralization might have been expected to apply (cf. Ter. V. 3-4), the mixture remains forbidden.

(7) Who explained the Baraita under discussion to refer to a crushed piece.

(8) In either case the piece is Pentateuchally forbidden. As neutralization takes place in the case of the first clause owing to the insignificant value of the piece, neutralization should also take place, for the same reason, in the case of the final clause! According to R. Johanan, the reason for the difference between the two clauses has been explained supra p. 553, n. 6.

(9) If the crushed mixture was contained, for instance, in a vessel that had been in contact with unclean liquids.

(10) Pentateuchally no unclean liquid can impart uncleanness to a vessel.

(11) The consumption of consecrated food by a non-priest.

(12) Food Pentateuchally forbidden, if mixed with other food of the same kind, cannot be neutralized, according to this opinion, even if it is sold in bulk.

(13) Pentateuchal uncleanness.

(14) V. supra note 2.

(15) That neutralization takes place.

(16) V. supra p. 554, n. 5.

(17) To the objection raised against Resh Lakish.

(18) That of eating consecrated meat which is unclean. V. Lev. VII, 19.

(19) Were the crushed mixture which contained a piece of consecrated meat to be regarded as neutralized and treated like unconsecrated meat, it might be eaten by an unclean person who would thus incur the penalty of kareth for eating consecrated meat during his uncleanness. Cf. Lev. VII, 20.

(20) In respect of preventive measures enacted by the Rabbis.

(21) Infra 219a, where, however, the reading is 'Raba'.

(22) Disallowing neutralization.

(23) If the consumer is, for instance, a priest.

(24) Even though no neutralization were to take place.

(25) Times its quantity.

(26) **בדוּתָא** v. B. M., Sonc. ed., p. 47. n. 1.

(27) The law which rules out neutralization in the case of objects which may attain to a state of permissibility without this process, is applicable only to such objects as become permissible, i.e., which emerge from a state of prohibition into one of permissibility. Cf. Bezah 3b.

(28) Lit., 'if to'.

(29) He may eat the piece of consecrated food even if it were never mixed up with the unconsecrated food.

(30) If no neutralization were to be allowed.

(31) After the destruction of the Temple.

- (32) As stated supra 81a.
- (33) Even an Israelite may eat from the basket that contained the unconsecrated fruit.
- (34) Tosef. Ter. VI end; Pes. 9b, 44a; Naz. 36b.
- (35) In the basket.
- (36) In the se'ah measure. Only in such a case is the assumption mentioned made, because the terumah representing the smaller quantity might be regarded as neutralized even if it had fallen into the basket of the unconsecrated fruit.
- (37) No excess of unconsecrated fruit is necessary since the assumption mentioned is alone sufficient to establish the permissibility of the unconsecrated fruit.
- (38) Who, as stated supra, regards terumah at the present time as Rabbinical.
- (39) In the Baraitha cited.
- (40) To make the mentioned assumption.
- (41) In whose opinion terumah is Pentateuchal at the present time also.
- (42) How could the assumption mentioned be made in the case of a prohibition which is Pentateuchal!
- (43) The ruling in the Baraitha cited.
- (44) Lit., 'this according to whom?'
- (45) Who hold that terumah at the present time is only Rabbinical.

Talmud - Mas. Yevamoth 82b

while I maintain the view of R. Jose'.¹ For it was taught in Seder 'Olam:² Which thy fathers possessed, and thou shalt possess it,³ they had a first,⁴ and a second⁵ possession,⁶ but they had no third one;⁷ and R. Johanan stated, 'Who is the author of Seder 'Olam? R. Jose'.⁸

But is R. Johanan of the opinion that in respect of a Rabbinically forbidden object no excess is required?⁹ Surely we learned: A ritual bath containing exactly forty se'ah [of water]¹⁰ to which one se'ah¹¹ was added and from which one se'ah¹² was taken off, is deemed to be ritually fit.¹³ And R. Judah b. Shila stated in the name of R. Assi in the name of R. Johanan. 'As much as its greater part'.¹⁴ Does not this mean that the greater part must remain?¹⁵ — No; that the greater part must not be removed.¹⁶ And if you prefer I might say: Here¹⁷ it is different,¹⁸ since it may be said, 'For it is assumed'.¹⁹

We learned, THE HERMAPHRODITE MAY MARRY [A WIFE]!²⁰ — Read, 'If he married',²¹ But, surely, it was stated MAY MARRY!²² — And even in accordance with your view what is the meaning of BUT MAY NOT BE MARRIED [BY A MAN]?²³ Consequently it must be granted that as MAY . . . BE MARRIED²³ implies an act that had already been performed, so also MAY MARRY implies an act that had already been performed. It may still be urged: No;²⁴ MAY MARRY implies that the act is permissible; but MAY NOT BE MARRIED²³ implies, not even if the act had already been performed.²⁵ But surely since it was taught in the final clause, R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE, it is to be inferred that the first Tanna was doubtful on the point!²⁶ — The law²⁷ was clear to the one Master as well as to the other Master; the only difference between them was the question of stoning for copulation through either of his two organs. One Master²⁸ was of the opinion that the penalty of stoning is incurred by copulation through either of the two organs,²⁹ while the other Master³⁰ was of the opinion [that it is incurred through the male organ only] AS [IF HE WERE] A MALE.

Rab said:

(1) Who stated in our Mishnah that the hermaphrodite may confer upon his wife the right of eating terumah. It was in reference to this that R. Johanan had stated that the hermaphrodite may also confer upon his wife the right of eating the breast and the shoulder, which are Pentateuchally ordained, since terumah also according to R. Jose is even at the present time a Pentateuchal ordinance.

- (2) Lit., 'Order of the World', a chronological work compiled in the first half of the second century by R. Jose b. Halafta.
- (3) Deut. XXX. 5, **וְרִשְׁתָּהּ**, the rt. of **רִשׁ** is repeated.
- (4) After the conquest in the days of Joshua
- (5) In the days of Ezra.
- (6) The sanctity of Eretz Israel having ceased with the destruction of the first Temple and the Babylonian exile, a second 'possession was necessary to restore to the land its sanctity.
- (7) Which was not necessary, the second sanctification having remained for all time. As the land thus remained sacred the Pentateuchal obligation of terumah also remained in force.
- (8) V. Nid. 46b.
- (9) To effect neutralization. It is now assumed that the reason why R. Johanan maintains that 'even if the unconsecrated fruit were no more than the terumah' it is permitted is because, in the case of a Rabbinical prohibition, neutralization is effected by the mere accident of the mixing of consecrated with unconsecrated fruit even though the latter did not form the larger part and not because he relies on the above mentioned assumption.
- (10) The minimum quantity of water that constitutes a ritual bath.
- (11) Of unsuitable liquid.
- (12) Of the entire quantity of forty-one se'ah.
- (13) Mik. VII, 2. The se'ah of unsuitable liquid is regarded as having been neutralized in the forty se'ah of water, so that when one se'ah of the mixture was subsequently removed, the minimum of forty se'ah of suitable liquid still remained in the bath.
- (14) Zeb. 22a. This is explained presently.
- (15) I.e., se'ah after se'ah of unsuitable liquid may be added and an equal quantity of the mixture may be successively removed only until a minimum of twenty-one se'ah of suitable water remains in the bath. Should there remain less, so that the suitable liquid no longer represents the greater part of the mixture, the bath would become ritually unfit. This (the unsuitability of certain liquids in a ritual bath being only a Rabbinical provision) proves that according to R. Johanan an excess is required even in the case of Rabbinical ordinances!
- (16) If only half of the suitable water remained the unsuitable liquid is neutralized, no excess being required.
- (17) The case in the Baraitha of Terumoth.
- (18) From the case of the ritual bath or other Rabbinical ordinances where an excess may in fact be required.
- (19) 'That the terumah fell into the terumah and the unconsecrated fruit etc.' (v. supra), so that no forbidden food had ever entered the basket of the unconsecrated fruit. Such an assumption is obviously inapplicable in the case of the bath.
- (20) **נִשֵּׂא**. This shews that he is regarded as a proper male. As such he should confer upon his wife the right to eat of the breast and the shoulder. How then could Resh Lakish maintain supra that he does not?
- (21) **נִשֵּׂא** i.e., if marriage had already taken place it is valid in so far as to require a letter of divorce for its dissolution since it is possible that he is a male. Originally, however, no such marriage is permitted owing to the equal possibility that he is not a male but a female.
- (22) Implying that marriage may be contracted in the first instance. CF. supra n.1.
- (23) **נִשֵּׂא**. Perfect. Surely this cannot refer to marriage in the first instance but to a marriage already performed?
- (24) The two expressions are not identical.
- (25) The difficulty against the view of Resh Lakish consequently remains, while the opinion of R. Johanan receives confirmation.
- (26) Whether the hermaphrodite is to be regarded as a male. This, then, presents an objection against the view of R. Johanan.
- (27) That the hermaphrodite is regarded as a male.
- (28) The first Tanna.
- (29) Even if it was effected through his female organ.
- (30) R. Eliezer.

Talmud - Mas. Yevamoth 83a

Our Mishnah¹ cannot be maintained in the presence of the following Baraitha. For it was taught: R. Jose stated, 'The hermaphrodite is a creature sui generis, and the Sages did not determine whether he is a male or a female'.² On the contrary; the Baraitha² cannot be maintained in the face of our

Mishnah!³ — As R. Jose left his colleague⁴ it may be inferred that he changed his opinion.⁵

Samuel, however, said: The Baraitha² cannot be maintained in the face of our Mishnah.³ On the contrary; our Mishnah³ cannot be maintained in the face of the Baraitha,² since Samuel was heard to take note of an individual opinion!⁶ — This⁷ applies only to a case where the Mishnah is not thereby uprooted; when the Mishnah, however, is thereby uprooted it need not be taken into consideration.

At the school of Rab it was stated in the name of Rab that the halachah is in agreement with R. Jose in respect of the hermaphrodite and grafting; and Samuel stated: In respect of protracted labour and forfeiture.

As to the 'hermaphrodite', there is the ruling just mentioned.⁸ 'Grafting'? — As we have learned: There must be no planting, no sinking⁹ and no grafting on the eve of the Sabbatical Year¹⁰ within thirty days before the new year; and if one planted or sank or grafted, the tree must be uprooted.¹¹ R. Judah said: Any grafting¹² which takes no root within three days will never take root. R. Jose and R. Simeon stated: [Within] two weeks.¹³ And, [in reference to this.] R. Nahman stated in the name of Rabbah b. Abbuha that according to him who stated, 'thirty days', thirty and thirty are required; according to him who stated 'three days', three and thirty are required;¹⁴ and according to him who stated 'two weeks', two weeks and thirty days are required.¹⁴

'And Samuel stated: In respect of protracted labour and forfeiture'. 'Protracted labour'? — As we learned: How long does the period of protracted labour¹⁵ continue? R. Meir said: Forty or fifty days.¹⁶ R. Judah said: Her [ninth] month is sufficient.¹⁷ R. Jose and R. Simeon said: Protracted labour cannot extend beyond two weeks.¹⁸ 'Forfeiture'? As we have learned: If one causes his vine to overhang¹⁹ above the crops of his neighbour, behold he causes thereby their forfeiture,²⁰ and he is liable to make compensation; so R. Meir. R. Jose and R. Simeon said:

(1) Which attributes to R. Jose the opinion that the hermaphrodite bestows upon his wife the right of eating terumah.

(2) Tosef. Bik. II. Since his sex is a matter of doubt he cannot obviously bestow the right(v. p. 558, n. 12) upon his wife.

(3) V. p. 558. n. 12.

(4) In his statement in the Baraitha where he alone appears as the author. In the Mishnah both R. Jose and R. Simeon appear as the authors.

(5) Which he first expressed in our Mishnah.

(6) If that opinion is more rigid. (Cf. supra 41a Meg. 18b). Here too R. Jose's opinion in the Baraitha is more restrictive than his opinion in our Mishnah and should therefore be taken into consideration!

(7) That an individual opinion is to be taken into consideration.

(8) In our Mishnah (cf. Rashi a.l.).

(9) The sinking of a branch under the ground while one end of it remains attached to the tree and the other end is made to protrude from the ground so that in due course it may develop into an independent tree.

(10) Cf. Lev. XXV, 4ff.

(11) A tree does not take root according to this view, before thirty days from the day of its planting have elapsed, and by that time the Sabbatical Year has already begun where all such agricultural activities are forbidden.

(12) And similarly any planting or sinking.

(13) Sheb. II, 6.

(14) Since the last thirty days of the eve of the Sabbatical Year are regarded as part of the next Sabbatical Year (v. M.K. 3b). the plant, in order that it may be permitted, must have taken root prior to these last thirty days.

(15) During this period a woman is not subject to the restrictions of a zabah (v. Glos.), if the flow occurred during the eleven days that intervene between her menstrual periods, even if the discharge continued for three consecutive days. Such a continuous discharge at any other time, when it cannot be attributed to labour, subjects a woman to the uncleanness of a zabah. As in this case, however, the discharge may be regarded as that attendant on labour, the woman must observe only the days prescribed for one after childbirth (cf. Lev. XII, 2ff) and not those prescribed for a zabah (cf. ibid. XV, 25ff). V. Nid. 36b.

(16) Prior to the birth of the child.

(17) Should the flow begin prior to the ninth month and continue for three consecutive days she is regarded as a zabah.

(18) Nid. 36b.

(19) Lit., 'to cover'. 'to make a shadow'.

(20) Cf. Deut. XXII, 9.

Talmud - Mas. Yevamoth 83b

No man can impose a prohibition upon that which is not his.¹

The question was raised: What would Samuel² have said with regard to the hermaphrodite?³ — Come and hear what Samuel said to R. Anan: The Baraita cannot be maintained in the face of our Mishnah.⁴

What would Samuel have said in respect of grafting?⁵ — Come and hear what Samuel said to R. Anan: Teach in accordance with the view of him who stated 'three and thirty'.

What is the opinion of Rab⁵ in respect of protracted labour?⁶ — This is undecided.⁷

What is Rab's Opinion in respect of forfeiture?⁶ R. Joseph replied. Come and hear what R. Huna stated in the name of Rab: The halachah is not in agreement with R. Jose.

Said Abaye to him:⁸ What reason do you see for relying upon this statement?⁹ Rely rather on that which R. Adda made in the name of Rab: The halachah is in agreement with R. Jose! — Who is it [that is referred to by the phrase] 'At the school of Rab it was stated'?¹⁰ R. Huna [of course];¹¹ and R. Huna it was who stated that the halachah is not in agreement [with R. Jose].¹²

R. JUDAH STATED: A TUMTUM etc. R. Ammi remarked: What would R. Judah¹³ have done with a case like that of the tumtum of Bairi,¹⁴ who, after having been placed upon the operating table¹⁵ and operated upon, begat seven children!¹⁶ And R. Judah?¹⁷ — He could tell you:¹⁸ An enquiry should be made as to the origin of his children.

It was taught: R. Jose son of R. Judah stated that a tumtum must not participate in halizah, since it is possible that on being operated upon he may be found to be a congenital saris.¹⁹ Is everyone then,²⁰ who is operated upon a male! — It is this that he meant: It is possible that on being operated upon he may be found to be a female; and were he found to be a male, it is even then possible that he might be found to be a congenital saris. What is the practical difference between them?²¹ — Raba replied: The practical difference between them is the question of disqualification²² where other brothers are in existence,²³ and that of halizah where no other brothers exist.²⁴

R. Samuel son of R. Judah said in the name of R. Abba, the brother of R. Judah b. Zabdi, in the name of Rab Judah in the name of Rab: In respect of the hermaphrodite the penalty of stoning is incurred through either of his organs.

An objection was raised: R. Eliezer stated, 'In respect of the hermaphrodite the penalty of stoning is incurred as in the case of a male. This, however, applies only to his male organ; but in respect of his female organ no penalty is incurred'.²⁵ — He²⁶ holds the same opinion as the following Tanna. For it was taught: R. Simai stated that in respect of the hermaphrodite the penalty of stoning is incurred through either of his organs. What is R. Simai's reason? — Raba replied: Bar Hamduri has explained it to me as follows: And thou shalt not lie with a male, as well as with womankind;²⁷ what male is it that is capable of two manners of lying?²⁸ Obviously²⁹ the hermaphrodite. And the Rabbis? — Though he is capable of two manners of lying it is nevertheless written in Scripture.

With a male.³⁰ Whence, however, do the Rabbis³¹ derive the law concerning an ordinary male? — From And.³² Whence³³ the prohibition in respect of unnatural intercourse with a woman? — From Woman.³⁴

R. Shezbi stated in the name of R. Hisda: It is not in all respects that R. Eliezer maintains that the hermaphrodite is a proper male. Since, were you to say so, [such an animal]³⁵ would be fit for consecration.³⁶ And whence is it derived that it³⁷ may not be consecrated? — From what the Rabbis taught: [A bird] that was covered,³⁸ set aside [for idolatrous purposes], or worshipped, that was the hire of a harlot³⁹ or the price of a dog,³⁹ a tumtum or hermaphrodite, causes the defilement of one's clothes⁴⁰ by [contact with one's] oesophagus.⁴¹ R. Eliezer said: [A bird that was] a tumtum or hermaphrodite does not impart the defilement of clothes through contact with one's oesophagus; for R. Eliezer maintained that wherever male and female were mentioned,⁴² the tumtum and hermaphrodite are to be excluded; but [in the case of the sacrifice of a] bird, since in respect of it no mention was made of male or female, the tumtum and hermaphrodite are not to be excluded.⁴³

R. Nahman b. Isaac said: We also learned [a similar Baraitha]: R. Eliezer stated:

(1) Kil. VII, 4; B.K. 100a.

(2) Who only mentioned protracted labour and forfeiture.

(3) Does he agree that here also the halachah is in agreement with R. Jose?

(4) V. supra 83a and cf. supra p. 558. n. 2 and p. 559, n. 1.

(5) Whose school reported in his name (supra 83a) on the hermaphrodite and grafting only.

(6) V. supra p. 560. n. 10.

(7) Teku **תיקן** v.Glos.

(8) R. Joseph.

(9) That of R. Huna.

(10) Supra 38a where only the hermaphrodite and grafting were mentioned.

(11) V. Sanh. 17b. Wherever it is reported that 'At the school of Rab it was stated' the author of the statement was R. Huna. When, however, R. Huna himself reports 'At the school etc.' the author of the statement is R. Hamnuna. V. Rashi a.l. and cf. Tosaf. s.v. **אמר**.

(12) In respect of forfeiture, supra.

(13) Who regards the tumtum as a saris even if after an operation he is found to be a male.

(14) A mountain village north of Safed in Palestine, once a famous town.

(15) Lit., 'his (sc. the operator's) chair'.

(16) Which proves, contrary to the opinion of R. Judah, that such a tumtum is no saris.

(17) How could he maintain his opinion in view of this incident?

(18) **אמר לך** so MS.M.]

(19) Tosef. Yeb. XI. Bek. 42b. A congenital saris (v. Glos.) is, of course, exempt from halizah.

(20) Since R. Jose mentions only the possibility of being a saris and not that of being a female.

(21) Between R. Jose and his father R. Judah. Whether such a tumtum is a doubtful or a certain saris he is, in either case, exempt from halizah.

(22) From the levirate marriage.

(23) Besides the tumtum. According to R. Judah, who regards him as definitely a saris, the widow, if the tumtum submitted to her halizah, is not thereby disqualified from subsequently marrying any of the other brothers, since the halizah of a saris is null and void. According to R. Jose, however, the widow is disqualified, since the tumtum might possibly be a male and his halizah might be valid.

(24) According to R. Judah no halizah takes place; while according to R. Jose halizah must be performed owing to the possibility of his being a male.

(25) Tosef. Yeb. X.

(26) Rab.

(27) Lev. XVIII, 22. **משכביו** pl., lit., 'lyings'.

(28) V. n. 7.

- (29) Lit., 'be saying'.
- (30) זכר sing. masc. ibid., which excludes copulation through his female organ.
- (31) Who employ the expression With a male (ibid.) in relation to the hermaphrodite.
- (32) Lev. XVIII, 22. זנות, the superfluous particle of the defined accusative. Cur. edd. read, 'from woman'. For the reading adopted here, v. Bah, a.l.
- (33) According to both the Rabbis and R. Simai.
- (34) Ibid. cf. Bah.
- (35) An hermaphrodite.
- (36) As a sacrifice for the altar.
- (37) The hermaphrodite.
- (38) Used for bestiality.
- (39) Cf. Deut. XXIII. 19.
- (40) If the bird was offered up as a sacrifice in consequence of which its head is pinched off (cf. Lev. I, 15). As for the reasons stated, the bird is unfit for the altar, pinching (which is not the ritual mode of slaughter for unconsecrated birds) renders the bird nebelah (v. Glos.) which imparts uncleanness to one's clothes. V. infra n. 10.
- (41) I.e., through eating it. It is in this manner, and not by touch, that the nebelah of a clean bird (cf. Deut. XIV, 11) imparts uncleanness to a person.
- (42) In the Torah.
- (43) Bek. 42a, Zeb. 85b. Since in the case of sacrifices of beasts, male and female were mentioned, it is obvious that, according to R. Eliezer, no tumtum or hermaphrodite is suitable.

Talmud - Mas. Yevamoth 84a

A hybrid, terefah,¹ one that was extracted through the abdominal wall,² the tumtum and the hermaphrodite can neither become sacred nor can they impart sanctity to others; is and Samuel explained: They neither become sacred by means of exchange,³ nor do they impart sanctity [to any other beast]⁴ by causing it to become an exchange.⁵ This proves [what has been said].

R. ELIEZER STATED . . . THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE. It was taught: Rabbi related, 'When I went to learn Torah at [the school of] R. Eleazar b. Shammu'a, his disciples combined against me like the cocks of Beth Bukya⁶ and did not let me learn more than this single thing in our Mishnah: R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.

CHAPTER IX

MISHNAH. SOME WOMEN ARE PERMITTED⁷ TO THEIR HUSBANDS AND FORBIDDEN⁷ TO THEIR LEVIRS,⁸ OTHERS ARE PERMITTED⁷ TO THEIR LEVIRS AND FORBIDDEN⁷ TO THEIR HUSBANDS, OTHERS ARE PERMITTED TO BOTH THE FORMER AND THE LATTER, WHILE OTHERS ARE FORBIDDEN TO THE FORMER AS WELL AS TO THE LATTER. IN THE FOLLOWING CASES THE WOMEN⁹ ARE PERMITTED TO THEIR HUSBANDS AND FORBIDDEN TO THEIR LEVIRS: IF A COMMON PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST; IF A HALAL¹⁰ WHO MARRIED A WOMAN OF LEGITIMATE STATUS¹¹ HAD A BROTHER OF LEGITIMATE STATUS;¹² IF AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, 'OR IF A BASTARD WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED⁷ TO THEIR HUSBANDS AND FORBIDDEN⁷ TO THEIR LEVIRS.

THE FOLLOWING⁹ ARE PERMITTED⁷ TO THEIR LEVIRS AND FORBIDDEN⁷ TO THEIR HUSBANDS: IF A HIGH PRIEST WHO BETROTHED A WIDOW¹³ HAD A BROTHER A

COMMON PRIEST; IF ONE OF LEGITIMATE STATUS¹² WHO MARRIED A HALALAH¹⁰ HAD A BROTHER A HALAL;¹⁰ IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER A BASTARD, OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED TO THEIR LEVIRS AND FORBIDDEN TO THEIR HUSBANDS.

THE FOLLOWING¹⁴ ARE FORBIDDEN¹⁵ TO BOTH THE FORMER AND THE LATTER;¹⁶ IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST, OR IF A COMMON PRIEST OF LEGITIMATE STATUS¹⁷ WHO MARRIED A HALALAH¹⁸ HAD A BROTHER OF LEGITIMATE STATUS,¹⁷ OR IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE, OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, [IN ALL THESE CASES THE WOMEN] ARE FORBIDDEN¹⁵ BOTH TO THE FORMER AND THE LATTER.¹⁶ ALL OTHER WOMEN ARE PERMITTED¹⁵ TO BOTH THEIR HUSBANDS AND THEIR LEVIRS.

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE, [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES,¹⁹ A WOMAN WHO IS WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE LEVIR,²⁰ IS FORBIDDEN TO THE HUSBAND AND PERMITTED TO THE LEVIR; [A WOMAN WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE LEVIR BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND IS FORBIDDEN TO THE LEVIR AND PERMITTED TO THE HUSBAND; [WHILE ONE WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE ONE AND TO THE OTHER IS FORBIDDEN TO THE ONE AS WELL AS TO THE OTHER. SHE CANNOT CLAIM EITHER KETHUBAH,¹⁸ OR USUFRUCT,²¹ OR ALIMONY, OR HER WORN CLOTHES.²² [SHOULD A] CHILD [BE BORN HE] IS ELIGIBLE [FOR THE PRIESTHOOD]; BUT THE HUSBAND MUST BE COMPELLED TO DIVORCE HER. A WIDOW, HOWEVER, WHO WAS MARRIED TO A HIGH PRIEST, A DIVORCEE OR HALUZAH WHO WAS MARRIED TO A COMMON PRIEST, A BASTARD OR A NETHINAH²³ WHO WAS MARRIED TO AN ISRAELITE, OR THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A NATHIN²³ OR A BASTARD IS ENTITLED TO HER KETHUBAH.

GEMARA. What was the point in teaching MARRIED?²⁴ He could have taught: ‘Betrothed’!²⁵ And were you to reply that the reason [for the prohibition²⁶ is only] because he MARRIED, since [in that case]²⁷ a positive²⁸ as well as a negative²⁹ precept is involved,³⁰ but where betrothal only took place the positive precept²⁶ does override the negative;³¹ but [it could be retorted] the whole of our section deals with a positive,³² versus a negative precept.³³ and the positive nevertheless does not override the negative! — As it was desired to state in the final clause, A HIGH PRIEST WHO MARRIED A WIDOW, [who is forbidden]³⁴ only where [the High Priest] MARRIED her, since in that case he caused her to be a halalah, but [not where he only] betrothed [her in which case] she is permitted [to his brother],³⁵ he taught in the first clause also: MARRIED.

But why should the expression³⁶ be determined by³⁷ the final clause? Let it be determined by³⁸ the middle clause: IF A HIGH PRIEST WHO BETROTHED A WIDOW HAD A BROTHER A COMMON PRIEST!³⁹ — The determining factor,⁴⁰ rather, is the case immediately following in the same context.⁴¹ As it was desired to teach, IF A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS, where the reason [for her prohibition⁴² is] because [the halal] MARRIED her and thus caused her to become a halalah, but where he had only betrothed her she would have been permitted to him; MARRIED was, therefore, taught [here also].⁴³

What point, however, was there in teaching, A widow? He should have taught: ‘A virgin’!⁴⁴

- (1) V. Glos.
- (2) By means of the 'Caesarean operation'. (15) Tem. 17a. V. also op. cit. 11a and Bek. 42a.
- (3) If any of these was exchanged for a consecrated beast. (Cf. Lev. XXVII, 10). That these cannot be directly consecrated is obvious. Cf. Bek. 14a.
- (4) If they themselves were sacred. In the case of the hybrid, tumtum and hermaphrodite their sanctity is possible only where they were born from a consecrated beast. In the case of the terefah and the one extracted by means of the Caesarean operation sanctity is possible if the former was consecrated before it became terefah and the latter while it was still in its embryonic state.
- (5) Cf. Lev. XXVII, 10.
- (6) A town in Upper Galilee notorious for its fierce cocks who do not allow the intrusion of a strange cock among them (Rashi).
- (7) In marriage.
- (8) If their husbands died without issue when, in ordinary cases, it is the duty of the levir to marry his deceased brother's widow.
- (9) Lit., 'and these'.
- (10) V. Glos.
- (11) Eligible to marry a priest.
- (12) Of pure priestly stock.
- (13) But did not marry her. If marriage took place the woman would in consequence be ineligible to marry even a common priest.
- (14) Lit., 'and these'.
- (15) In marriage.
- (16) Lit., 'to these and to these'.
- (17) Of pure priestly stock.
- (18) v. Glos.
- (19) Cf. supra 201, 211.
- (20) If, for instance, the woman was the husband's mother's mother and the levir was his paternal, but not his maternal brother.
- (21) Which the husband had consumed. The reason is given infra 89a.
- (22) Which she brought to her husband at their marriage. She has no claim upon such clothes even if they were still available (Rashi). According to Tosaf. (infra 85a, s.v. בלאות) she is entitled to such clothes, and the ruling here applies to compensation for clothes which have been completely worn out. Cf Keth. 201a.
- (23) V. Glos.
- (24) In the first section of our Mishnah.
- (25) Even if only betrothal had taken place the woman would be permitted to her husband and forbidden to the levir.
- (26) Of the levirate marriage.
- (27) Where the levir is a High Priest.
- (28) A virgin . . . shall (positive) he take (Lev. XXI, 14) but not a widow (negative). A negative derived from a positive has only the force of a positive.
- (29) A widow . . . shall he not (negative) take (ibid.).
- (30) Were the levirate marriage to take place two precepts would have been overridden by the single positive precept of the levirate marriage.
- (31) V. supra n. 7. The positive precept. A virgin . . . shall he take (v. supra note 6) is not in this case infringed, since a widow after a betrothal is still in her virginity.
- (32) Of the levirate marriage.
- (33) A bastard, for instance, to an Israelite.
- (34) To his brother who is a common priest.
- (35) Lit., 'to him'.
- (36) In the first section of our Mishnah.
- (37) Lit., 'and instead of teaching on account of'.
- (38) Lit., 'let him teach on account of'.
- (39) Where the expression used was BETROTHED, and not 'married'.

(40) In the use of the expression of MARRIED.

(41) Lit. , 'but because of the daughter of the (same) valley'.

(42) To his brother.

(43) In the first case, that of the common priest who married a widow.

(44) Who, becoming a widow after her husband's death, is, like one who was married as a widow, forbidden to a High Priest.

Talmud - Mas. Yevamoth 84b

And should you reply that this Tanna holds the opinion that the original marriage¹ causes the subjection;² behold, [it may be pointed out, the case of] the HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS³ where it is not said that 'the original marriage causes the subjection'!⁴ — This⁵ is certainly due to the final clause. As it was desired to teach in the final clause, IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST OR A COMMON PRIEST, where [the prohibition⁶ applies to] a WIDOW only⁷ but [not to] a virgin who is eligible to marry him,⁸ therefore, WIDOW was taught [here also].⁹

R. Papa demurred: If the law is in agreement with the following ruling¹⁰ which R. Dimi, when he came,¹¹ reported in the name of R. Johanan, viz., that if an Egyptian of the second generation married an Egyptian woman of the first generation her son is regarded as belonging to the second generation,¹² [our Mishnah] should also have taught: If an Egyptian of the second generation married two Egyptian women, one of the first, and the other of the second generation, and he had sons from the first and from the second, [the wives of these sons], if they¹³ married in the proper manner,¹⁴ are permitted to their husbands but forbidden to their levirs,¹⁵ and if they married in the reverse order¹⁶ [the wives] are permitted to their levirs¹⁷ and forbidden to their husbands;¹⁸ proselyte women¹⁹ are permitted to the one as well as to the other,²⁰ and women who are incapable of procreation are forbidden to the one as well as the other!²¹ — He taught some cases and omitted others. What else did he omit that he should have omitted this also? — He omitted [the case of the man] wounded in the stones.²² If this is all that can be pointed out,²³ the case of the man wounded in the stones cannot be regarded as an instance of an omission, since those that are subject to the penalty of negative precepts were [already] mentioned!²⁴ — Were not several specific cases mentioned²⁵ of those that are subject to the penalty of negative precepts? Surely it was stated, IF A COMMON PRIEST MARRIED A WIDOW and then again IF A HALAL MARRIED A WOMAN OF LEGITIMATE STATUS!²⁶ That case²⁷ was required [for the specific purpose] of informing us [that the law is] in agreement with [the ruling] Rab Judah reported in the name of Rab. For Rab Judah reported in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth.²⁸

But, surely, he taught regarding A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS and then again regarding AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE AND HE HAD A BROTHER A BASTARD!²⁹ — This also is not a repetition of what was already taught, since thereby he taught us [first] regarding a negative precept which is not applicable to all³⁰ and then he taught us regarding a negative precept which is applicable to all. But did he not teach³¹ IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE!³² Consequently³³ it must be concluded that he taught some cases while others he omitted. This proves it.

[Reverting to] the main text, 'Rab Judah reported in the name Of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth'. Might it be suggested that the following provides support for his view? [It was stated], A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS; does not [this refer to] a priestess (who was fitting unto him),³⁴ and is not the meaning of³⁵ LEGITIMATE STATUS eligible for priesthood!³⁶ — No; [it

might refer to] the daughter of an Israelite, and LEGITIMATE STATUS means³⁵ eligible for the assembly.³⁷ If so, HAD A BROTHER OF LEGITIMATE STATUS would also [mean] 'eligible for the assembly', from which it would follow that he himself is ineligible for the assembly!³⁸ Consequently it must refer to a priest; and since he is a priest she also must be a priestess.³⁹ What an argument! Each phrase may bear its own peculiar interpretation.⁴⁰

Rabin b. Nahman raised an objection: They shall not take . . . they shall not take⁴¹ teaches⁴² that the prohibition was addressed to the woman through the man!⁴³ — Raba replied, [This is the meaning]: Where the prohibition is applicable to him it is also applicable to her, but where it is not applicable to him it is also inapplicable to her.⁴⁴ Is this,⁴⁵ however, deduced from this text? Surely it was deduced from a text which Rab Judah expounded in the name of Rab! For Rab Judah stated in the name of Rab and so it was taught at the school of R. Ishmael: When a man or woman shall commit any sin that men commit;⁴⁶ Scripture compared the woman to the man in respect of all the punishments in the Torah!⁴⁷ — If deduction had been made from that [text]⁴⁸ it might have been assumed [to apply only to] a prohibition that is equally applicable to all, but not to a prohibition that is not equally applicable to all.⁴⁸

(1) Of the deceased brother.

(2) Of the woman to the levirate marriage, i.e. , the widow's status at the time of her husband's death is determined by the status in which she found herself when he married her, not by that in which his death placed her, consequently if at the time of the marriage she was a virgin she would not have been regarded as a widow and would, therefore, have been permitted to marry a priest.

(3) Who becomes, thereby. disqualified from marrying his brother.

(4) Had this been the case, his brother should have been permitted to marry her, owing to the fact that at the time of her marriage with the deceased (when she presumably became subject to the levirate marriage) she was no halalah.

(5) The mention of WIDOW rather than 'virgin'.

(6) To her husband who was a High Priest. and to the levir who was a common priest.

(7) Who becomes a halalah through such a forbidden marriage.

(8) The High Priest, (her first husband) and, after his death, also his brother if he was a common priest.

(9) In the first case, that of the common priest who married a widow.

(10) Lit., 'if there is that'.

(11) From Palestine to Babylon.

(12) Supra 78a.

(13) The sons.

(14) I.e., if the son of the Egyptian of the second generation, who thus belongs to the third and is permitted to enter the assembly (v. Deut. XXIII, 9), married the daughter of an Israelite; while the other who belongs to the second generation married an Egyptian of the second generation.

(15) Should one of the brothers die without issue. The son of the third generation is forbidden to marry the Egyptian of the second generation, while the son of the second generation is forbidden to marry the daughter of an Israelite.

(16) I.e., if the son of the second generation married the daughter of an Israelite, while the son of the third generation married an Egyptian of the second generation.

(17) Cf. supra n. 5 mutandis mutandis.

(18) Cf. supra. 6 mutatis mutandis.

(19) Who are not included in the term 'assembly of the Lord' (v. Deut. XXIII, 9).

(20) Both the Israelite and (for the reason indicated in n. 10) the Egyptian of the second generation may marry a proselyte.

(21) The son of the second generation may not marry her because she is the daughter of an Israelite, while after his death she is forbidden to his brother because a woman who is incapable of procreation is not subject to the levirate marriage and is consequently forbidden to him as his brother's wife.

(22) In respect of such a maimed person, prohibition and permission similar to those in our Mishnah could be stated: If he is maimed and his brother is fit the woman is forbidden to him (v. Deut. XXIII, 2) and permitted to his brother; if he is fit and his brother maimed she is permitted to him and forbidden to his brother; if both are maimed etc. proselyte

women are permitted to both.

(23) Lit., 'if because of'.

(24) And among these, this case also is included. What proof, then, is there that any cases other than that of R. Dimi were omitted?

(25) Lit., 'did he not teach and then taught again'.

(26) Which proves that the Mishnah did not avoid giving more than one example of the same type of prohibition.

(27) Of a halal who married a woman of legitimate status.

(28) Kid. 731, 76a, infra 85a. The purpose of our Mishnah in giving the law of the halal was not to teach the prohibition of the woman to the levir (which, of course, as pointed out supra, was unnecessary) but her permission to marry a husband though he is a halal and she is of legitimate status or of pure priestly stock. The prohibition to marry one of impure stock is incumbent upon the man and not upon the woman.

(29) Which shews that the Mishnah did not avoid giving more than one example of the same type of prohibition.

(30) The case of the halal is applicable to priests only, not to Israelites.

(31) Lit., 'surely he taught'.

(32) Also a case of a negative precept! (cf. n. 7). Cur. edd. insert in parenthesis 'and a bastard who married a bastard and he has a brother an Israelite', which Rashal omits.

(33) Lit., 'but not'?

(34) Though he may marry the daughter of an Israelite he should preferably marry the daughter of a priest. Cf. Pes. 49a. [The bracketed words are rightly omitted in MS.M].

(35) Lit., 'and what'.

(36) To marry a priest. Which is in agreement with the opinion of Rab.

(37) I.e. 'to marry an Israelite.

(38) Surely not!

(39) I.e., since the term 'legitimate status in the case of the man has reference to a priest, so the reference in the case of the woman must be to a priestess which shews that a priestess may marry one of tainted birth.

(40) Lit., 'that as it is and that as it is'.

(41) Lev. XXI, 7.

(42) Since the expression was repeated.

(43) This is now assumed to mean that as the untainted priest may not marry a halalah so may not the untainted priestess marry a halal. An objection against the opinion of Rab.

(44) The halalah whom an untainted priest is forbidden to marry is herself forbidden to marry such a priest. The untainted priestess however, whom a halal is not forbidden to marry, may also marry the halal.

(45) The equality of men and women in respect of prohibitions

(46) Num. v, 6.

(47) Whether flogging or kareth.

(48) That of the priesthood does not apply to Israelites. Hence it was necessary to have the text of Lev. XXI, 7.

Talmud - Mas. Yevamoth 85a

Behold, however, [the prohibition against] defilement¹ which is a prohibition that is not equally applicable to all² and [yet the sole] reason [why it is inapplicable to woman is] because the All Merciful wrote The sons of Aaron³ and not the daughters of Aaron; had, however, no such text been available⁴ it would have been assumed that women also come under the same obligation. What is the reason? Obviously⁵ because of the deduction Rab Judah reported in the name of Rab!⁶ — No; this might have been deduced from They shall not take.⁷

Others Say:⁸ [The prohibition in regard] to marrying had to be specified.⁹ Since it might have been assumed that it¹⁰ should be inferred from [that relating to] defilement,¹¹ therefore he taught us¹² [that women are subject to the same prohibition as men].

R. Papa and R. Huna son of R. Joshua once happened to be at Hinzebu,¹³ the town of R. Idi b. Abin, when the following question was asked of them: Were women of legitimate [priestly] status

forbidden to be married to men of tainted birth or not? R. Papa replied, 'You have learned it [in the following]. Ten different genealogical classes went up from Babylon:¹⁴ Priests, Levites, Israelites, halalim,¹⁵ proselytes, emancipated slaves, bastards, nethinim,¹⁶ shethuki¹⁷ and asufi.¹⁷ Priests, Levites and Israelites may intermarry with one another. Levites, Israelites, halalim, proselytes and emancipated slaves may intermarry with one another. Proselytes, emancipated slaves, bastards, nethinim,¹⁶ shethuki¹⁷ and asufi¹⁷ are permitted to intermarry with one another.'¹⁸ That daughters of priests, however, [may be married to a] halal was not mentioned.¹⁹ Said R. Huna son of R. Joshua to him: Only cases where the women may marry the men, and the men may marry the women were enumerated;²⁰ the case of the Priest, however,²¹ was not mentioned, because a halalah, should he even desire to marry one, is forbidden to him.²² When they came before R. Idi b. Abin he said to them, 'O, school-children! Thus said Rab Judah in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of illegitimate Status'.²³

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES etc. The men of Bairi²⁴ enquired of R. Shesheth: Is a woman who is of the second grade of kinship to her husband but not to her levir entitled to claim her kethubah from the levir or not? [Do we say that] since a Master said that her kethubah²⁵ is a charge on the estate of her first husband²⁶ she has no [claim upon the levir];²⁷ or, possibly, since the Rabbis have ordained that wherever she is unable to obtain it from her first husband²⁸ [she may collect it] from the second, she²⁹ is entitled to claim it³⁰ [from the levir]? R. Shesheth replied, 'You have learned this: Her kethubah²⁵ is a charge upon the estate of her first husband, but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

Does [the expression,³¹ however,] imply that some [widows] do receive their³⁰ kethubah from the levir!³² — There is a lacuna, and thus it is the correct reading.³³ Her kethubah²⁵ is a charge upon the estate of her first husband; and if she obtains nothing from the first, the Rabbis have ordained [that she is to receive it] from the second; but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

R. Eleazar enquired of R. Johanan: Is a widow [who was married] to a High Priest, or a divorcee or a haluzah [who was married] to a common priest entitled to maintenance or not? How is this question to be understood? If [it is a case] where she still lives with him,³⁴ would she, when it is his duty to divorce her,³⁵ be entitled to receive maintenance!³⁶ — This question was necessary in the case³⁷ where he went to a country beyond the sea and she borrowed money wherewith to maintain herself;³⁸ it being desired to ascertain³⁹ whether, [owing to the fact that] maintenance³⁹ among the conditions of the kethubah, she is entitled to maintenance just as she is entitled to the kethubah, or is she entitled to the kethubah only because she receives it and goes, but not to maintenance which might induce her to remain with him? — The other replied: She is not entitled to maintenance.⁴⁰ But, surely, it was taught: She is entitled to maintenance.⁴¹ — That was taught In respect of [alimony] after [her husband's] death.⁴²

Another reading:⁴³ He said to him, 'It was taught: She is entitled to maintenance'.⁴¹ 'Surely', [the other asked], 'it is his duty to divorce her!'⁴⁴ 'But then', [the first retorted], 'it was taught: She is entitled to maintenance'!⁴¹ — 'That', [the other replied], 'was taught in respect of [alimony] after his death'.⁴²

Our Rabbis taught: A widow [who was married] to a High Priest, or a divorcee or haluzah [who was married] to a common priest is entitled to her kethubah, usufruct,⁴⁵ alimony and worn clothes,⁴⁶ but she becomes thereby unfit, and her child is unfit, and [the husband] is compelled to divorce her. Relatives of the second grade of kinship [who are forbidden] by the ordinances of scribes are entitled neither to kethubah, nor to usufruct,⁴⁵ nor to alimony⁴⁶ nor to worn clothes;⁴⁶ the woman remains fit and her child is fit; but [the husband] is compelled to divorce her. R. Simeon b. Eleazar said, 'Why

was it ordained that a widow married to a High Priest is entitled to her kethubah? Because he becomes unfit⁴⁷ and she becomes unfit and wherever he becomes unfit and she becomes unfit⁴⁸

(1) For the dead.

(2) Having been given to priests only. v. Lev. XXI, 1ff.

(3) Ibid. 2.

(4) Lit., 'but (if) not so'.

(5) Lit., 'not?'

(6) Which shews that even a prohibition which is not applicable to all would be assumed to be applicable to women by deduction from Rab's text!

(7) Lev. XXI, 7, from which it has been deduced (supra 84b, end) that women are subject to the same prohibitions as men even where the prohibitions are not applicable to all. Hence the necessity for the text of Lev. XXI, 1, which excludes women. From Num. v, 6, however, it may still be maintained, deduction could be made only in respect of a prohibition that is applicable to all.

(8) Although the equality of men and women in respect of prohibitions could be deduced from the text cited by Rab Judah in the name of Rab.

(9) Lit., 'taking was necessary for him', with reference to the verse, 'They shall not take'.

(10) The prohibition of the marriage of the halalah to a halal.

(11) Which, as has just been shewn, applies only to men and not to women.

(12) In the case of marriage by the text of Lev. XXI, 7.

(13) Or 'Shekanzebu' (Bah). The reading 'Shekanzib' (cf. supra 37b) is quoted by Golds., a.l., and rejected in favour of the reading in our text.

(14) In the days of Ezra.

(15) Pl. of halal, profaned priests. V. Glos.

(16) Pl. of nathin, v. Glos.

(17) For notes v. supra 37a.

(18) Kid. 69a.

(19) The answer to their question is, therefore, in the affirmative.

(20) Lit., 'wherever these take from those and those take from these he taught'.

(21) Though, were he a halal, he would not have been forbidden to marry a priest's daughter.

(22) So that the Mishnah of Kid. is not conclusive.

(23) V. supra 84b.

(24) V. supra p. 561, n. 10. [Here probably Be Bari, south of Sura (v. Obermeyer, p. 308)].

(25) Of a widow subject to the levirate marriage.

(26) Supra 381, Keth. 80b.

(27) Though in this particular case she can have no claim upon the estate of her husband.

(28) If, for instance, he is without means.

(29) Since here also she receives nothing from the estate of her first husband.

(30) Lit., 'there is to her'.

(31) 'She receives nothing even from the levir'.

(32) Which is contrary to the ruling supra that the kethubah remains a charge upon the estate of the first husband.

(33) Lit., 'and thus he taught'.

(34) Lit., 'sits under him', her forbidden husband.

(35) Lit., 'He stands under (the charge) to get up and make her go out'.

(36) Obviously not. What need, then, was there to ask a question the answer to which is so obvious?

(37) Lit., 'it is not required (but)'.

(38) Lit., 'and she ate'.

(39) Lit., 'what'.

(40) Lit., 'there is not to her'.

(41) Lit., 'there is to her'.

(42) If her husband died before she was divorced. Since in such a case there is no cause to apprehend that she will be induced to remain with him, she is entitled to alimony.

(43) Lit., 'there is one who says'.

(44) Cf. supra p. 574 n. 11. How, then, could he be expected to maintain her?

(45) Consumed by the husband from her melog (v. Glos.) property.

(46) Cf. nn. on our Mishnah.

(47) He is not permitted to perform the Temple service as long as he refuses to part with her. V. Bek. 45b and Git. 35b.

(48) [Tosaf.: 'Wherever he becomes unfit or she becomes unfit'. The resulting unfitness of either of them is sufficient to act as a deterrent to the woman in view of the effect it has on the child's fitness. R. Tam, on the other hand, whilst agreeing with this rendering, takes 'he' as referring to the child].

Talmud - Mas. Yevamoth 85b

[the Rabbis] have penalized him [by ordering him to pay her] kethubah.¹ And why was it ordained that relatives of the second grade of kinship, [who are forbidden] by the ordinances of the Rabbis, are not to receive their kethubah? Because the man remains fit and the woman remains fit, and wherever he as well as she remains fit [the Rabbis] have penalized her [by depriving her of her] kethubah.² Rabbi said, 'The former³ are prohibitions⁴ of the Torah, and prohibitions of the Torah require no reinforcement;⁵ while the latter⁶ are prohibitions of the scribes, and the prohibitions of the scribes require reinforcement.⁷ Another reason⁸ is: In the former case the man induces the woman⁹ [into the marriage];¹⁰ in the latter case she induces him.¹¹ Who stated the 'other reason'? One opinion asserts¹² that it was R. Simeon b. Eleazar who stated it; and he gave an answer¹³ [to the question] 'what is the reason'. 'What is the reason', [he said in effect,] 'why it was ordained that when the man is unfit and the woman is unfit the man is penalized by having to pay the kethubah? Because he induces the woman into the marriage.¹⁴ And what is the reason why when he remains fit and she remains fit she is penalized by losing her kethubah? Because she induces him, [into the marriage]'.¹⁵ Another opinion asserts¹² that it was Rabbi¹⁶ who stated it, because the case of the haluzah presented to him the following difficulty: A haluzah, surely, is only Rabbinically [forbidden to be married to a common priest]¹⁷ and yet she receives her kethubah.¹⁸ Thereupon he stated: Since the man disqualifies her by Rabbinical law¹⁹ it is he, [who in the former case], induces²⁰ her [into marriage]²¹ but in the latter case it is she that induces him [into marriage].²²

What practical difference is there between [the reason given by] Rabbi and [that given by] R. Simeon b. Eleazar? — R. Hisda replied: The practical difference between them is the case of a bastard or a nethinah [who was married] to an Israelite. According to him who gave the reason²³ that [the prohibitions were] Pentateuchal, then this case²⁴ also is Pentateuchal;²⁵ but according to him who gave as the reason,²³ that the man induces the woman²⁶ then here, it is she that induces him [into the marriage].²⁷ According to R. Eliezer, however, who²⁸ stated, 'Behold he²⁹ is both a slave and a bastard',³⁰ the woman, surely, would not induce the man at all!³¹ — Rather, said R. Joseph, the practical difference between them³² is the case of the man who remarried his divorced wife after she had been married.³³ According to him who gave the reason³⁴ that [the prohibitions were] Pentateuchal, then this case³⁵ also is Pentateuchal;³⁶ but according to him who gave as the reason³⁴ that the man induces the woman³⁷ then here, surely, she induces him.³⁸

But according to R. Akiba who stated that the offspring of a union forbidden under the penalty of a negative precept is deemed to be a bastard,³⁹ she,⁴⁰ surely, would not induce the man at all!⁴¹

Rather, said R. Papai the practical difference between them⁴² is the case of a be'ulah⁴³ [who was married] to a High Priest.⁴⁴ According to him who gave as the reason³⁴ that [the prohibitions were] Pentateuchal, then this case also is Pentateuchal;⁴⁵ but according to him who gave as the reason³⁴ that the man induces the woman,³⁷ then here, surely, it is she that induces him.⁴⁶

According to R. Eliezer b. Jacob, however, who stated that the offspring of a union that is forbidden under a positive precept is deemed a halal,⁴⁷ she,⁴⁸ surely, would not at all induce him!⁴⁹

Rather, said R. Ashi, the practical difference between them⁴² is the case of the man who cohabits again with his doubtful sotah.⁵⁰ According to him who stated that the reason³⁴ is that [the prohibition is] Pentateuchal, then this case also is Pentateucha⁴⁶ but according to him who stated that the reason³⁴ is that the man induces the woman³⁷ here it is she that induces him.⁴⁶

And according to R. Mathia b. Heresh who stated that even a woman whose husband, while going to arrange for her drinking [of the water of bitterness]⁵¹ cohabited with her on the way, is rendered a harlot, she,⁵² surely, would not at all induce him [to such a marriage]!⁵³ Rather, said Mar b. R. Ashi, the practical difference between them⁵⁴ is the case of a confirmed sotah⁵⁵.

MISHNAH. THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE, MAY NOT EAT TERUMAH.⁵⁶ THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, WAS PREGNANT FROM A LEVITE, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A LEVITE; AND, SIMILARLY, THE DAUGHTER OF A LEVITE [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE MAY NOT EAT TITHE.⁵⁷ THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP TO A LEVITE, MAY EAT NEITHER TERUMAH NOR TITHE.

GEMARA. And granted that she⁵⁸ is [no more than] an ordinary woman,⁵⁹ is not any ordinary woman permitted to eat tithe?⁶⁰ R. Nahman replied in the name of Samuel: This ruling represents the view of R. Meir⁶¹ who stated: The first tithe is forbidden to common people.⁶² For it was taught:

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- (1) The woman is already penalized by a marriage which taints both herself and her husband and which is naturally followed by an unhappy family life. In such circumstances the woman would either not consent to marriage or would be anxious to have such a union severed at the earliest possible moment. The penalty was, therefore, imposed upon the husband.
- (2) In order that she might, in consequence, be deterred from contracting such a marriage or, if contracted, be anxious to have it severed.
- (3) Lit., 'those', the marriage of a widow to a High Priest and that of a divorcee or haluzah to a common priest.
- (4) Lit., 'words'.
- (5) Hence there was no need to deprive the woman of her kethubah. Cf. supra n. 1.
- (6) Marriages with relatives of the second grade of kinship.
- (7) Cf. supra n. 1.
- (8) Why in the former case the man is to pay the kethubah while in the latter the woman loses her kethubah.
- (9) Lit., '(in) this he leads her'. מרגילה denom. of רגל 'foot' (cf. Jast.). Colds. (a.l.) renders 'befleckt er sie'.
- (10) The woman is reluctant to contract a marriage which taints her and her children.
- (11) As the marriage subjects neither the woman nor her children to any disability, it is assumed that she, as a woman, is more anxious than the man to marry.
- (12) Lit., 'there is (one) who said'.
- (13) Lit., 'he said'.
- (14) V. supra notes 8 and 9.
- (15) V. supra note 10.
- (16) Who had previously explained that the reason why the woman was deprived of her kethubah was because prohibitions of the scribes require reinforcement.
- (17) Cf. Kid. 78a.
- (18) If Rabbinical prohibitions require reinforcement the haluzah should not have been entitled to her kethubah. (Cf. supra p. 576, n. 2).

- (19) [(a) According to Rashi: from eating terumah; (b) MS. M. reads: 'he disqualifies her seed by rabbinic law'. Cf. also Me'iri].
- (20) V. supra p. 576, n. 8.
- (21) The woman is reluctant to contract such a union.
- (22) V. supra p. 576, n. 10.
- (23) Why in the former case, supra, the woman is entitled to her kethubah.
- (24) Of the bastard or the nethinah.
- (25) And the woman is, therefore, entitled to her kethubah.
- (26) Into the marriage.
- (27) She, being in any case forbidden to marry an Israelite, has nothing to lose by her marriage which, under certain conditions, may even be advantageous to her, since according to R. Tarfon (cf. Kid. 69a, supra 78a), it may enable her descendants to become proper Israelites. The woman, therefore, loses her kethubah.
- (28) Disagreeing with the view of R. Tarfon. (Cf. supra n. 11).
- (29) The son of a union between a bastard and a slave.
- (30) And can never become a legitimate Israelite. Cf. Kid. 69a.
- (31) Why then should she lose her kethubah?
- (32) Rabbi and R. Simeon b Eleazar.
- (33) After she had been married to another man. V. Rashi and cf. Bah a.l. Cur. edd. read, 'a divorced woman after she had been married'.
- (34) V. supra p. 57, n. 7.
- (35) The remarriage of one's divorcee.
- (36) It is pentateuchally forbidden to marry such a woman. (V. Deut. XXIV, 4). Cf. supra p. 57, n. 9.
- (37) Into the marriage.
- (38) Since the prohibition was addressed to the man; and neither the woman nor her children are subject to any disability in consequence of such a marriage.
- (39) V. supra 49a.
- (40) The divorced woman who has been married to another man and whose remarriage with her first husband is forbidden by a negative precept.
- (41) She would not be anxious to contract a union the issue from which would be bastards.
- (42) Rabbi and R. Simeon b. Eleazar.
- (43) A woman who has lost her virginity. v. Glos.
- (44) Such a union is forbidden under the positive precept. A virgin . . . shall he take (Lev. XXI, 14), and not by a negative one. A negative precept derived from a positive has only the force of a positive. The offspring therefore, would be no bastard even according to R. Akiba.
- (45) Cf. supra n. 11 and supra p. 57, n. 9.
- (46) V. supra note 5.
- (47) V. supra 600.
- (48) A be'ulah.
- (49) Since such a marriage would render her child a halal.
- (50) V. Glos. Such a woman is pentateuchally forbidden to her husband though the offspring of the union is not regarded as a bastard. V. supra 49b.
- (51) V. Num. V, 18f.
- (52) The doubtful sotah.
- (53) Which would render her a harlot and her children bastards.
- (54) Rabbi and R. Eleazar b. Simeon.
- (55) Who is Pentateuchally forbidden to her husband though their offspring is not deemed to be a bastard. As she herself is in any case forbidden to marry a priest she has nothing to lose by cohabiting with her husband, and she would consequently persuade him to live with her again. Hence the ordinance that in such a case she loses the rights to her kethubah.
- (56) As explained supra 67b.
- (57) Which is the due of the Levites. V. Num. XVIII, 24.
- (58) The daughter of the Israelite or the Levite who was betrothed etc. to a Levite and an Israelite respectively.

(59) זָרָה (masc. זָר), lit., 'a stranger', not of priestly, or levitical stock.

(60) Of course she is. Why, then, does our Mishnah forbid it?

(61) Lit., 'this, who is it? It is R. Meir'.

(62) Supra 74a. Cf. supra note 1 and p. 579, n. 7.

Talmud - Mas. Yevamoth 86a

Terumah to the priest and the first tithe to the Levite;¹ so R. Meir. R. Eleazar b. Azariah permits it to the priest,² 'Permits it'!³ Does this then imply that some authority forbids it?⁴ Read, therefore, 'He may give it to the priest also'. What is R. Meir's reason? R. Aha son of Rabbah replied on the authority of a traditional statement:⁵ For the tithe of the children of Israel, which they set apart as terumah unto the Lord,⁶ as terumah is forbidden to common people so is the first tithe forbidden to common people. May it be assumed that⁷ as in the case of terumah the penalties of death and of a fifth⁸ are incurred, so are the penalties of death and of a fifth incurred in the case of tithe? — Scripture stated, And die therein if they profane it⁹ . . . then he shall put the fifth part thereof unto it;¹⁰ 'therein',¹¹ but not in the tithe; 'Into it'¹² but not unto tithe. And the Rabbis?¹³ — As terumah is a cause of tebel¹⁴ so is the first tithe a cause of tebel;¹⁵ and this is in agreement with what was taught: R. Jose said, It might have been presumed that guilt is incurred only for tebel from which nothing whatsoever¹⁶ had been set apart; whence is it deduced [that guilt is also incurred when] terumah gedolah¹⁷ had been set apart but not the first tithe,¹⁸ first tithe but not the second tithe¹⁹ or even if the poor man's tithe²⁰ [only had not been set apart]? Scripture stated, Thou mayest not eat within thy gates²¹ and further on it was stated, That they may eat within thy gates, and be satisfied;²² as 'Thy gates' which was stated below²² refers to the poor man's tithe,²³ so 'Thy gates' which was stated here²¹ refers to the poor man's tithe, and [concerning it] the All Merciful has said, Thou mayest not.²⁴ And if the deduction had been made from that text²⁵ only²⁶ it might have been assumed [to imply the penalty] of a negative precept²⁷ but not [the penalty of] death; hence we were taught [the earlier text²⁸ also].²⁹

Another reading: That the first tithe is a cause of tebel³⁰ may surely be deduced from the text cited by R. Jose!³¹ — If [deduction had been made] from that text²⁵ only³² it might have been assumed [to imply the penalty] of a negative precept²⁷ but not the penalty of death; hence we were taught [the earlier text²⁸ also].²⁹

How did you explain it?³³ In accordance with the view of R. Meir! Explain, then, the final clause: THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST and THE DAUGHTER OF A PRIEST . . . TO A LEVITE MAY EAT NEITHER TERUMAH NOR TITHE; what [bearing has the question of] non-priestly stock in this case?³⁴ — R. Shesheth replied: The meaning of³⁵ the expression,³⁶ SHE MAY NOT EAT is that she may not give permission to one to set apart³⁷ the tithe.³⁸ Does this³⁹ then imply that a married woman may give such permission? — Yes; and so it was taught: And ye may eat it in every place, ye and your household⁴⁰ teaches that a married daughter of an Israelite⁴¹ may give permission for terumah⁴² to be set apart.⁴³ You say: Permission for terumah⁴³ to be set apart; perhaps it is not so, but to eat it?⁴⁴ It can be replied: If she⁴⁵ may eat terumah which is subject to greater restrictions, how much more may she⁴⁶ eat tithe which is subject to lesser restrictions.⁴⁷ The text⁴⁸ must consequently⁴⁹ have taught that a married daughter of an Israelite may give permission for terumah⁴² to be set apart.⁴³

Mar the son of Rabana⁵⁰ stated: This⁵¹ teaches that she is not given a share in the tithe in the threshing- floors.⁵² This is a satisfactory explanation according to him who holds that this⁵³ is due to considerations of privacy governing the sexes;⁵⁴ according to him, however, who holds that this⁵³ is due to [possible abuse by] a divorced woman,⁵⁵ may not a divorced woman who is the daughter of a Levite⁵⁶ eat tithe?⁵⁷ — And according to your argument, may not a divorced woman who is the daughter of a priest eat terumah!⁵⁸ But [the fact is that the ordinance⁵⁹ is] a preventive measure

against [abuse by] a divorced woman who was the daughter of an Israelite.⁶⁰ If so,⁶¹ what was the point in mentioning BETROTHED? [The same rule should be applied] even to one who was married! — As in the first clause BETROTHED was taught,⁶² BETROTHED was also taught in the final clause.⁶³

Our Rabbis taught: Terumah gedolah⁶⁴ belongs to the priest, and the first tithe belongs to the Levite; so R. Akiba. R. Eleazar b. Azariah said:

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- (1) As the terumah must be given to the priest and may be eaten by priests only and not by common people so must the first tithe also be given to Levites and be eaten by Levites only and not by common people (v. Rashi).
- (2) Keth. 26a.
- (3) The eating of tithe by a priest.
- (4) Which is absurd. A priest, surely, is not included among the 'common' people to whom tithe should be forbidden!
- (5) Attributed to R. Meir himself.
- (6) Num. XVIII, 24; terumah (E.V. gift) and tithe having been mentioned in juxtaposition.
- (7) Lit., 'if'.
- (8) Cf. Lev. XXII. 14.
- (9) Ibid. 9.
- (10) Ibid. 14.
- (11) Shall the penalty of death be incurred.
- (12) Shall a fifth be added.
- (13) How do they explain the comparison between the terumah and tithe to which Scripture points?
- (14) טָבֵל v. Glos. The penalty for eating tebel is death.
- (15) V. supra n. 18, though for the eating of the tithe itself no death penalty is incurred.
- (16) Neither the priestly, nor the levitical dues.
- (17) V. Glos.
- (18) Which is not so sacred as terumah, being permitted to Levites.
- (19) Which even common people are permitted to eat. Cf. Deut. XIV, 22-27.
- (20) Which is not even sacred, it being regarded as mere alms.
- (21) Deut. XII, 17, speaking of tithe.
- (22) Ibid. XXVI, 12, speaking of the tithe of the poor man.
- (23) The text speaking of the third year, (ibid.). The third and the sixth year of the Septennial cycle are the years in which the poor man's, instead of the second tithe is given to all who are in need of it.
- (24) Eat, (ibid. XII, 17), before it is set apart from the produce.
- (25) Deut. XII, 17, speaking of tithe.
- (26) Lit., 'and if from there'.
- (27) For the eating of the tithe, since the prohibition only was stated, but no death penalty was mentioned.
- (28) Num. XVIII, 24.
- (29) From which a comparison is made between the tithe and terumah. Cf. supra p. 580. n. 10.
- (30) V. Glos.
- (31) In the Baraita just discussed. What need, then, was there for the comparison deduced from Num. XVIII, 24?
- (32) Lit., 'if from that'.
- (33) The reference to tithe in the case of THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, and THE DAUGHTER OF A LEVITE... TO AN ISRAELITE.
- (34) Lit., 'what strangeness is there here'; neither the daughter of a priest nor the daughters of a Levite are 'strangers' or 'common' women to whom tithe is forbidden.
- (35) Lit., 'what'.
- (36) Lit., 'that was taught'.
- (37) From the produce of her betrothed, or of the levir whose decision she is awaiting.
- (38) And the terumah of this tithe (cf. Num. XVIII, 26) so that she might be enabled to eat of the tithe. The reason for the prohibition is not because the tithe is forbidden to her, but because she is not entitled to appoint an agent for the setting apart of terumah without the owner's knowledge.

- (39) Since BETROTHED was mentioned.
- (40) Num. XVIII, 31. The husband (ye) was compared to his wife (household; **בית** term for 'wife').
- (41) I.e., one married to a Levite.
- (42) From her husband's produce.
- (43) Cf. supra note 5.
- (44) The tithe.
- (45) The wife of a priest, because she is entitled to the same rights as her husband.
- (46) The wife of a Levite who also, like the wife of the priest, is entitled to her husband's rights.
- (47) As this law is so obvious there was no need to have a Scriptural text from which to deduce it.
- (48) V. supra n. 7.
- (49) Lit., 'but'. Since it is available for a comparison between husband and wife.
- (50) Or 'Rabina' (v. Rashi).
- (51) The final clause in our Mishnah, THE DAUGHTER OF A LEVITE TO A PRIEST and THE DAUGHTER OF A PRIEST TO A LEVITE.
- (52) If she comes unaccompanied by her husband. The first clause will, however, refer to eating and is in accordance with R. Meir's view.
- (53) The prohibition to give a share in the terumah or tithe to a woman when she comes alone to the threshing-floor.
- (54) **יחוד** v. Glos. s.v. yihud and cf. infra 100a.
- (55) Who might continue to collect tithe at the threshing-floors even after her divorce from her husband when she returns to her former status of an ordinary woman and forbidden to share in the priestly dues and, according to R. Meir, also in the levitical tithe.
- (56) Another reading, 'May not the daughter of a priest eat terumah? — And according to your argument may not a divorced woman who is the daughter of a Levite eat tithe?' Cur. edd. enclose the reading of our text in parenthesis.
- (57) Of course she may. Why, then, should she be refused a share in the tithe even in the absence of her husband!
- (58) She undoubtedly may. Why then is the wife of a priest refused a share in terumah in the absence of her husband (cf. infra 100a) irrespective of whether she is the daughter of a priest or of an Israelite?
- (59) V. p. 582, n. 20.
- (60) Such a preventive measure is, of course, applicable to the daughter of a Levite in respect of tithe in the same way as to the daughter of a priest in respect of terumah.
- (61) That the prohibition is merely a preventive measure.
- (62) In the first clauses the expression BETROTHED was essential, since the object of the Mishnah was to state that betrothal alone does not confer upon the daughter of an Israelite the right of eating terumah and tithe, and upon the daughter of a Levite the right to terumah, if the former was betrothed to a priest or a Levite and the latter to a priest; and that even betrothal, and not only marriage, deprives the daughter of a priest and the daughter of a Levite of the right of eating terumah and tithe respectively if the man was in the former case an Israelite or a Levite and in the latter case an Israelite.
- (63) Where the reference is to the woman's eligibility to call for a share in the tithe; though in this case the woman, whether betrothed or married, is subject to the same restriction.
- (64) V. Glos.

Talmud - Mas. Yevamoth 86b

To the priest.¹ 'To the priest', but not to the Levite!² — Read: To the priest also.

What is R. Akiba's reason? — Because it is written, Moreover thou shalt speak unto the Levites, and say unto them;³ Scripture thus refers specifically to the Levites. And the other?⁴ — His view follows that of R. Joshua b. Levi. For R. Joshua b. Levi stated: In twenty-four passages were the priests described as Levites, and the following is one of them: But the priests the Levites, the sons of Zadok.⁵ And R. Akiba? You cannot say so⁶ here; for it is written, And ye may eat it in every place,⁷ [it is to be given to him only] who 'may eat it in every place'; a priest, however, is excluded since he may not eat it in a graveyard.⁸ And the other? — [The meaning⁹ is] wherever he wishes: Neither is it required [to eat it within the] wall¹⁰ nor is a man subject to flogging for eating it while his body

is levitically unclean.

There was a certain garden from which R. Eleazar b. Azariah¹¹ used to receive the first tithe. R. Akiba went and transferred its gate so that it faced a graveyard.¹² 'Akiba with his bag',¹³ the other remarked, 'and I have to live'!

It was stated: Why were the Levites penalized [by being deprived of the] tithe?¹⁴ — R. Jonathan and Sabia [are in dispute on the matter]. One holds: Because they did not go up¹⁵ in the days of Ezra;¹⁶ and the other holds: In order that the priests might depend upon it¹⁷ during the days of their uncleanness.¹⁸

According to him who holds [that the Levites were deprived of the tithe] because 'they did not go up', one can well understand why they were penalized. According to him, however, who gave as the reason, 'In order that the priests may depend upon it during the days of their uncleanness', were the Levites penalized for the sake of the priests! Rather, all agree¹⁹ that the penalization was due to their not going up in the days of Ezra; they differ, however, on the following point: One is of the opinion that their forfeit belonged to the poor, while the other is of the opinion that priests, during the days of their uncleanness, are also regarded as poor.

Why, then,²⁰ did R. Akiba²¹ transfer the gate so that it faced a graveyard?²² — It was this that he²³ said to him:²⁴ If you come [to claim it] as a forfeit, you are entitled to it; but if you come [to demand it] as your share, you have no [claim upon it].

Whence is it deduced that they²⁵ did not go up in the days of Ezra? — It is written, And I gathered them together to the river that runneth to Ahava; and there we encamped three days,' and I viewed the people and the priests, and found there none of the sons of Levi.²⁶

R. Hisda stated: At first, officers were appointed from the Levites only, for it is said, And the officers of the Levites before you;²⁷ but now, officers are appointed from the Israelites only, for it is said, 'And officers over you shall come from the majority'.²⁸ MISHNAH. THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A PRIEST MAY EAT TERUMAH. IF HE DIED AND SHE HAS A SON BY HIM SHE MAY CONTINUE TO EAT TERUMAH. IF SHE WAS [SUBSEQUENTLY]²⁹ MARRIED TO A LEVITE, SHE MAY EAT OF THE TITHE.³⁰ IF THE LATTER DIED AND SHE HAD A SON BY HIM, SHE MAY CONTINUE TO EAT OF THE TITHE. IF SHE WAS [SUBSEQUENTLY] MARRIED TO AN ISRAELITE SHE MAY EAT NEITHER TERUMAH NOR TITHE. IF THE LATTER DIED AND SHE HAS A SON BY HIM, SHE MAY EAT NEITHER TERUMAH NOR TITHE. IF HER SON BY THE ISRAELITE DIED, SHE MAY AGAIN EAT OF THE TITHE. IF HER SON BY THE LEVITE DIED SHE MAY AGAIN EAT TERUMAH. IF HER SON BY THE PRIEST DIED, SHE MAY EAT NEITHER TERUMAH NOR TITHE.

(1) Belongs the first tithe. B.B. 81b, Keth. 261, Hul. 13 lb.

(2) Scripture, surely, assigned the tithe to the Levite!

(3) Num. XVIII, 26, referring to tithe.

(4) R. Eleazar b. Azariah. How could he include the priests?

(5) Ezek. XLIV, 15.

(6) That by Levites the priests also were meant.

(7) Num. XVIII, 31.

(8) Which he may not enter owing to the prohibition of defiling himself for the dead. Cf. Lev. XXI, 1ff.

(9) Of In every place (Num. XVIII, 31).

(10) Of Jerusalem, outside of which the eating of certain consecrated foodstuffs was forbidden.

(11) Who was a priest, cf. Ber. 27b.

- (12) So that R. Eleazar b. Azariah (v. supra n. 9) was prevented from entering it (cf. supra n. 6).
- (13) Reference to the shepherd's wallet. R. Akiba was a herdsman in his early life (cf. Keth. 62b). [Me'iri: Though R. Akiba may have to return to his shepherd's wallet, I can manage to live without his tithe].
- (14) A provision was made at some time (v. infra) that tithe shall not be given to the Levites in accordance with the Pentateuchal law but to the priests (cf. Sot. 47b, Hul. 131b).
- (15) To Judaea.
- (16) Who led some forty thousand exiles from Babylon to Jerusalem. [On the Levites' deprivation of their right to tithe v. Tchernowitz. H. Jewish Studies in Memory of George Alexander Kohut (Hebrew section) p. 47].
- (17) The tithe.
- (18) When terumah is forbidden to them.
- (19) Lit., 'all the world', R. Jonathan and Sabia.
- (20) According to the opinion which maintains that the tithe was allotted to the priests in the days of Ezra.
- (21) Who lived after Ezra.
- (22) R. Eleazar b. Azariah as a priest was surely then entitled to it. Cur. edd. contain in parenthesis, 'According to him who said that the forfeit belonged to the poor, it can well be understood why R. Akiba transferred the entrance so that it faced a graveyard; according to him, however, who stated that it belonged to the priests, why did he transfer the entrance so that it faced a graveyard'. The reading adopted is given in the margin of cur. edd.
- (23) R. Akiba.
- (24) R. Eleazar b. Azariah.
- (25) The Levites.
- (26) Ezra VIII, 15. [This is apparently contradicted by the many verses in Ezra and Nehemiah which mention the Levites side by side with the priests, and as Tosaf. already points out (s.v. 'מבני') is against the Mishnah in Kid. 69a which includes the Levites among the ten family stocks that came up from Babylon, unless it is to be assumed that the penalty was inflicted on the Levites because they were not among the first to join Ezra].
- (27) II Chron. XIX, 11.
- (28) Such a text cannot be traced in our Bible and may represent a verse from a lost apocryphal text. Some commentators regard it as a quotation from memory, based on Deut. I, 13, 15; but the respective dates of Ezra and Deut. would create chronological difficulties. (v. Golds.).
- (29) After having had a child from the priest.
- (30) But not of terumah. Her priestly status is lost.

Talmud - Mas. Yevamoth 87a

THE DAUGHTER OF A PRIEST WHO WAS MARRIED TO AN ISRAELITE MAY NOT EAT TERUMAH.¹ IF HE DIED AND SHE HAD A SON BY HIM SHE MAY NOT EAT TERUMAH. IF SHE WAS [SUBSEQUENTLY] MARRIED TO A LEVITE SHE MAY EAT TITHE. IF THE LATTER DIED AND SHE HAD A SON BY HIM SHE MAY EAT TITHE. IF SHE WAS [SUBSEQUENTLY] MARRIED TO A PRIEST SHE MAY EAT TERUMAH. IF THE LATTER DIED AND SHE HAD A SON BY HIM SHE MAY EAT TERUMAH. IF HER SON BY THE PRIEST DIED SHE MAY NOT EAT TERUMAH. IF HER SON BY THE LEVITE DIED SHE MAY NOT EAT TITHE. IF HER SON BY THE ISRAELITE DIED SHE RETURNS TO THE HOUSE OF HER FATHER; AND IT IS CONCERNING SUCH A WOMAN THAT IT WAS SAID, AND IS RETURNED UNTO HER FATHER'S HOUSE, AS IN HER YOUTH, SHE MAY EAT OF HER FATHER'S BREAD.²

GEMARA. IF HER SON BY THE LEVITE DIED SHE MAY AGAIN EAT TERUMAH, because she is again entitled to eat it by virtue of her son;³ whence is this⁴ derived? — R. Abba replied in the name of Rab: [From the use of the expression,] But a daughter⁵ [instead of] 'a daughter'.⁶ In accordance with whose view?⁷ Is it in accordance with that of R. Akiba who bases expositions on Wawin!⁸ — It may be said [to be in agreement] even [with the view of the] Rabbis, since the entire expression But a daughter⁵ is superfluous.⁹

Our Rabbis taught: When she¹⁰ returns,¹¹ she returns only to [the privilege of eating] terumah, but does not return to [the privilege of eating] the breast and the shoulder.¹² Said R. Hisda in the name of Rabina b. Shila, 'What Scriptural text proves this?'¹³ — She shall not eat of the terumah of the holy things,¹⁴ she must not eat of that which is set apart¹⁵ from the holy things'.¹⁶ R. Nahman replied¹⁷ in the name of Rabbah b. Abbuha: Of [her father's] bread,⁵ but not all [her father's] bread;¹⁸ this excludes the breast and the shoulder.¹² Rami b. Hama demurred: Might it not be suggested that this¹⁹ excludes the invalidation of vows!²⁰ Raba replied: A Tanna of the school of R. Ishmael has long ago settled this difficulty. For a Tanna of the School of R. Ishmael taught: What need was there for Scripture to state, But the vow of a widow, or of her that is divorced . . . shall stand against her?²¹ Is she not free from the authority of her father and also from that of her husband!²² The fact is that where the father had entrusted [his daughter] to the representatives of the husband, or where the representatives of the father had entrusted her to the representatives of the husband, and on the way²³ she became a widow or was divorced, [it would not have been known] whether she was to be described as of²⁴ the house of her father²⁵ or as of the house of her husband;²⁶ hence the need for the text²⁷ to tell you that as soon as she had left her father's authority, even if only for a short while, he may no more invalidate her vows.²⁸

R. Safra replied:²⁹ She may eat of her father's bread,³⁰ only bread but no flesh.³¹ R. Papa replied:²⁹ She may eat of her father's bread,³⁰ only the bread which is the property of her father;³² excluding however, the breast and the shoulder which [priests] obtain from the table of the Most High.³³

Raba, however, replied:²⁹ And the breast of the waving and the thigh of heaving shall ye eat . . . thou, and thy daughters with thee,³⁴ only when they are with thee.³⁵

R. Adda b. Ahabah stated that a Tanna taught: When she³⁶ returns to her father's house, she returns [only to the privilege of eating] terumah, but does not return to [the privilege of eating] the breast and the shoulders. [If she³⁷ returns, however,] by virtue of her son,³⁸ she returns also to [the privilege of eating] the breast and the shoulder.³⁹ R. Mordecai went and recited this traditional statement in the presence of R. Ashi, when the latter said to him, 'Whence [has this case]⁴⁰ been included?⁴¹ From "But a daughter".⁴² Should she, then, be more important than the other!'⁴³ — There,⁴³ the excluding texts were written;⁴⁴ but here⁴⁰ no excluding texts were written.

THE DAUGHTER OF A PRIEST WHO WAS MARRIED TO AN ISRAELITE etc. Our Rabbis taught: And is returned unto her father's house,⁴² excludes one who is awaiting the decision of the levir;⁴⁵ as in her youth,⁴² excludes a pregnant woman.⁴⁶ But could not this [law,⁴⁷ however, be arrived at by] logical argument: If where a child by a first husband is not regarded as the child by the second husband, in respect of exempting the woman from the levirate marriage,⁴⁸ the embryo is nevertheless regarded as a born child,⁴⁹ how much more should the embryo be regarded as a born child where a child by the first husband is regarded as the child of the second, in respect of depriving a woman of her right to terumah!⁵⁰ No; this is no argument.⁵¹ If an embryo was regarded as a born child in respect of the levirate marriage, where the dead were given the same status as the living,⁵² should an embryo be regarded as a born child in respect of terumah, where the dead were not given the same status as the living?⁵³ Consequently Scripture expressly stated, As in her youth,⁵⁴ to exclude a pregnant woman.

And it was necessary for Scripture to write, As⁵⁵ in her youth, to exclude the pregnant woman; and also⁵⁶ And have no child,⁵⁴ to⁵⁷ exclude one who has a born child. For had the All Merciful written only And have no child,⁵⁴ it might have been assumed [that only a woman who has a born child is forbidden to eat terumah, because] at first⁵⁸ there was one body and now there are two bodies,⁵⁹ but that a pregnant woman, who formed at first⁵⁸ one body and is now also one body only, may eat, [hence the second text⁶⁰ was] required. And had the All Merciful written of the pregnant woman only it might have been assumed [that only she is forbidden to eat terumah] because at first⁵⁸

her body

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- (1) She loses through her marriage the right she enjoyed as the daughter of a priest while she was still unmarried.
- (2) Lev. XXII, 13.
- (3) By the priest.
- (4) That her son by the priest enables her again to eat terumah even though she was deprived of that right during the period she lived with the Levite and the Israelite.
- (5) Lev. XXII, 13.
- (6) From the superfluous Waw in **ובת**.
- (7) Is this deduction made.
- (8) And not in accordance with the view of the Rabbis (cf. Sanh. 51b) who are in the majority and differ from R. Akiba. V. supra 68b.
- (9) The previous verse (Lev. XXII, 12) also speaking of the priest's daughter it would have been quite sufficient for v. 13 to begin with the personal pronoun, 'But if she be'.
- (10) The priest's daughter who was a widow or divorced and have no child. (V. Lev. XXII, 13).
- (11) Unto her father's house (v. *ibid.*).
- (12) Which are also among the priestly gifts. Cf. Ex. XXIX, 27, Lev. VII, 34 X, 14.
- (13) That the breast and shoulder remain forbidden to her even after she returns to her father's house.
- (14) Lev. XXII, 12, where instead of **בתרומת הקדשים** only **בקדשים** could have been written.
- (15) **במורם** from the same rt as **תרומת** (v. supra n. 12).
- (16) The sacrifices; reference v to the breast and shoulder. (V. supra n. 10). These are forbidden to her even after she returns to her father's house. (V. supra 68b).
- (17) To the enquiry of R. Hisda.
- (18) **לחם** here taken in its wider signification of 'food' (cf. Dan. V, 1). The Mem of **מלחם** (of but not all food) indicates limitation.
- (19) The limitation implied by the Mem. V. supra n. 16.
- (20) By her father; even when his daughter returns to his house and resumes her right to eat terumah. Before marriage, a daughter's vows may be invalidated by her father. Cf. Num. XXX, 4ff.
- (21) Num. XXX, 10.
- (22) And since none of them could in consequence annul her vows, it is obvious that such vows stand against her. What need, then, was there for the text of Num. XXX, 10?
- (23) To her husband's home.
- (24) Lit., 'how I read about her'.
- (25) Since she has not reached the house of her husband and has consequently not yet passed entirely out of her father's authority. Hence her father would still have the power of invalidating her vows.
- (26) And her vows, like those of any other widow, could not be invalidated by her father.
- (27) Lit., 'but'.
- (28) V. Keth. 49a.
- (29) To the enquiry of R. Hisda.
- (30) Lev. XXII, 13.
- (31) The breast and the shoulder.
- (32) Terumah which is regarded as the property of the priests.
- (33) These are only the remains of certain sacrifices which do not belong to the priests but to the altar, 'the table of the Most High', and are given to the priests as the leavings of His meal.
- (34) Lev. X, 14.
- (35) I.e., before their marriage to non-priests, may the breast and the shoulder be eaten by them.
- (36) A priest's daughter.
- (37) V. p. 588, n. 16; or the daughter of an Israelite. (V. next note).
- (38) If she was married, for instance, to an Israelite and after his death resumed her right to eat terumah by virtue of a son whom she previously had by a priest.
- (39) Since the exclusion of the right to the breast and the shoulder was mentioned in the former case only.
- (40) That of the woman who derives her right to terumah from her son.

- (41) Among those entitled to eat terumah.
- (42) V. Lev. XXII, 13.
- (43) The daughter who derives her right to terumah from her father.
- (44) V. supra n. 3.
- (45) Who is not eligible to eat terumah, because she is not completely returned to her father's house, being still bound to the levir.
- (46) Who, being with child, does not return as in her youth.
- (47) That a pregnant woman, like one who has a born child, does not regain her right to eat terumah.
- (48) A woman whose husband died without issue is not exempt from the levirate marriage, though she may have a son by a former husband.
- (49) A pregnant woman is not subject to the levirate marriage.
- (50) A priest's daughter whose Israelite husband died without issue is forbidden to eat terumah, just as if she had had a son by him, if she had a son by any former Israelite husband of hers. Now, since the law could be arrived at by inference a minori ad majus, the Scriptural text stating the same law is, surely, superfluous!
- (51) Lit., 'what (reasoning) for me'!
- (52) A child whose death occurred after the death of his father exempts his mother from the levirate marriage as if he were still alive.
- (53) Only a live child deprives his mother, the daughter of a priest who married an Israelite, from her right to eat terumah after the death of her husband. As soon as the child dies his mother regains her lost right.
- (54) Lev. XXII, 13.
- (55) Cf. Bah. Cur. edd. omit 'As . . . exclude'.
- (56) Lit., 'and it was necessary to write'.
- (57) So Bah. Cur. edd. omit, 'To exclude . . . child'.
- (58) Before her marriage.
- (59) Mother and born child.
- (60) As in her youth.

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was empty and now it is full, but not [a woman whose child was already born],¹ whose body was at first empty and is now also empty, [hence was the first text² also] required.³

(Mnemonic.⁴ He said to him: Let us not make⁵ and make⁶ in death; let us make and not make in the child of the levir and terumah.)⁷

Said Rab Judah of Diskarta⁸ to Raba: The dead should not be given⁹ the same status as the living, in respect of the levirate marriage, by inference a minori ad majus: If where a child by the first husband is regarded as the child of the second husband, in respect of disqualifying the woman from the eating of terumah,¹⁰ the dead were not given the same status as the living,¹¹ how much less should the dead be given the same status as the living¹² where the child of the first husband is not regarded as the son of the second, in respect of exempting the woman from the levirate marriage!¹³ It was expressly stated, Her ways are ways of pleasantness, and all her paths are peace.¹⁴

Then let the dead be given¹⁵ the same status as the living in respect of terumah by inference a minori ad majus: If where a child by the first husband is not regarded as the child of the second In respect of exempting the woman from the levirate marriage,¹³ the dead were given the same status as the living,¹⁶ how much more so should the dead be given the same status as the living¹⁷ where a child of the first husband is regarded as the son of the second, in respect of disqualifying the woman from terumah!¹⁸ It was expressly stated, And [she] have no child¹⁹ and she, surely, has none.²⁰

Let the child of the first husband be regarded as the child of the second husband in respect of the levirate marriage by inference a minori ad majus: If where the dead were not given the same status as

the living, in respect of terumah²¹ the child of the first husband is regarded as the son of the second,²² how much more should the child of the first husband be regarded as the child of the second²³ where the dead were given the status of the living in respect of the levirate marriage!²¹ — It was expressly stated, And [he] have no child,²⁴ and this man, surely, has none.

Then let the child of the first husband not be regarded as the child of the second husband, in respect of terumah, by inference a *minori ad majus*: If where the dead were given the same status as the living, in respect of exempting her from the levirate marriage, the child of the first husband was not regarded as the child of the second,²² how much less should the child of the first husband be regarded as the child of the second, where the dead were not regarded as the living in respect of eating terumah!²¹ — It was specifically stated, And [she] have none,²⁵ but she surely has [one].

CHAPTER X

MISHNAH. A WOMAN WHOSE HUSBAND HAD GONE TO A COUNTRY BEYOND THE SEA AND ON BEING TOLD,²⁶ ‘YOUR HUSBAND IS DEAD’, MARRIED, MUST, IF HER HUSBAND SUBSEQUENTLY RETURNED, LEAVE THE ONE AS WELL AS THE OTHER, AND SHE ALSO REQUIRES²⁷ A LETTER OF DIVORCE FROM THE ONE AS WELL AS FROM THE OTHER. SHE HAS NO [CLAIM TO HER] KETHUBAH, USUFRUCT, MAINTENANCE²⁸ OR WORN CLOTHES²⁹ EITHER AGAINST THE FIRST HUSBAND OR AGAINST THE SECOND. IF SHE HAS TAKEN ANYTHING FROM THE ONE OR FROM THE OTHER, SHE MUST RETURN IT. THE CHILD BEGOTTEN BY THE ONE HUSBAND OR BY THE OTHER IS A BASTARD;³⁰ NEITHER OF THEM³¹ MAY DEFILE HIMSELF FOR HER;³² NEITHER OF THEM HAS A CLAIM TO WHATEVER SHE MAY FIND³³ OR MAKE WITH HER HANDS;³⁴ AND NEITHER HAS THE RIGHT OF INVALIDATING HER VOWS.³⁵ IF SHE WAS THE DAUGHTER OF AN ISRAELITE, SHE BECOMES DISQUALIFIED FROM MARRYING A PRIEST; IF THE DAUGHTER OF A LEVITE, FROM THE EATING OF TITHE; AND IF THE DAUGHTER OF A PRIEST, FROM THE EATING OF TERUMAH. NEITHER THE HEIRS OF THE ONE HUSBAND NOR THE HEIRS OF THE OTHER ARE ENTITLED TO INHERIT HER KETHUBAH, AND IF [THE HUSBANDS] DIE, THE BROTHER OF THE ONE AND THE BROTHER OF THE OTHER MUST SUBMIT TO HALIZAH, BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE. R. JOSE SAID: HER KETHUBAH REMAINS A CHARGE UPON THE ESTATE OF HER FIRST HUSBAND. R. ELEAZAR SAID: THE FIRST HUSBAND IS ENTITLED TO WHATEVER SHE MAY FIND, OR MAKE WITH HER HANDS, AND ALSO HAS THE RIGHT OF INVALIDATING HER VOWS. R. SIMEON SAID: HER COHABITATION OR HALIZAH WITH THE BROTHER OF THE FIRST HUSBAND EXEMPTS HER RIVAL,³⁶ AND A CHILD BEGOTTEN BY HIM³⁷ IS NOT A BASTARD. IF SHE MARRIED WITHOUT AN AUTHORIZATION³⁸ SHE MAY RETURN TO HIM.³⁷ IF³⁹ SHE MARRIED WITH THE AUTHORIZATION OF THE BETH DIN,⁴⁰ SHE MUST LEAVE,⁴¹ BUT IS EXEMPT FROM AN OFFERING.⁴² IF SHE MARRIED, HOWEVER, WITHOUT THE AUTHORIZATION OF THE BETH DIN, SHE MUST LEAVE⁴¹ AND IS ALSO LIABLE TO AN OFFERING. THE AUTHORITY OF THE BETH DIN IS THUS MORE EFFECTIVE IN THAT IT EXEMPTS HER FROM THE OFFERING. IF THE BETH DIN RULED⁴³ THAT SHE MAY BE MARRIED AGAIN AND SHE WENT AND DISGRACED HERSELF⁴⁴ SHE⁴⁵ MUST BRING AN OFFERING, BECAUSE THE BETH DIN PERMITTED HER ONLY TO MARRY.⁴⁶

GEMARA. Since in the final clause it was stated, IF SHE MARRIES WITHOUT PERMISSION SHE MAY RETURN TO HIM, [which means obviously], without the authorization of the Beth din but [in reliance on the evidence] of witnesses, the first clause, it is to be inferred, [speaks of a woman who married] with the permission of the Beth din and on the evidence of a single witness.⁴⁷ Thus it clearly follows that one witness is trusted. Furthermore, we learned: The practice was adopted of allowing a marriage on the evidence of one witness reporting⁴⁸ another single witness, and of a

woman reporting another woman, and of a woman reporting a bondman or a bondwoman;⁴⁹ from which it is obvious that one witness is trusted. Furthermore we learned: [The man to whom] one witness said, ‘You have eaten⁵⁰ suet’,⁵¹ and who replied, ‘I have not eaten’, is exempt.⁵² Now the reason [for his exemption is] because he said, ‘I have not eaten’; had he, however, remained silent [the witness] would have been trusted.⁵³ From this it is clearly evident that one witness is trusted in accordance with Pentateuchal law;⁵⁴ whence is this⁵⁵ deduced? From what was taught: If his sin... be known to him,⁵⁶ but not when others have made it known to him. As it might have been assumed that even where he does not contradict the evidence he is exempt, it was expressly stated, If. . . be known to him,⁵⁷ in any manner.⁵⁸ Now, how is this statement to be understood? If it be suggested [that it refers to a case] where two witnesses appeared, and he does not contradict them, what need then was there for a Scriptural text!⁵⁹ Must it not then refer to the case of⁶⁰ one witness, and yet [we see that] when the accused does not contradict him he is trusted.⁶¹ From this, then, it maybe inferred that one witness is to be trusted.⁵⁴ But whence is it inferred that [the reason⁶² is] because he is trusted? Is it not possible that it is due to the fact that the other had remained silent, silence being regarded as an admission! You can have proof that this is so,⁶³ since in the final clause it was stated: [A man to whom] two witnesses said, ‘You have eaten⁶⁴ suet,’⁶⁵ and who replied. ‘I have not eaten’, is exempt; but R. Meir declares him guilty. Said R. Meir: This⁶⁶ may be inferred a *minori ad majus*. If two witnesses may bring upon a man the severe penalty of death, should they not be able to bring upon him the minor penalty of a sacrifice! The others replied: What if he desired to say, ‘I have acted presumptuously’!⁶⁷ Now, in the first clause,⁶⁸

(1) Lit., ‘have no child’ (Lev. XXII, 13) i.e., a woman who has a born child and whose case was deduced from this text.

(2) And have no child.

(3) To indicate that a born child also deprives his mother of her right to *terumah*.

(4) An aid to the memorisation of the following four arguments.

(5) The verb ‘to make’, עשה is rendered in the following discussions by various equivalents in accordance with the requirements of English idiom.

(6) Cur. edd. ‘her deeds’, מעשיה, is ap patently a substitute for this reading, ונעשה, which agrees with MS.M.

(7) Cur. edd. repeat, ‘levirate marriage and *terumah*’. MS.M. gives it only once.

(8) [Deskarah, N.E. of Bagdad. Obermeyer. p. 146].

(9) Lit., ‘let us not make’. Cf. mnemonic *supra*.

(10) V. *supra* p. 589, n. 14.

(11) V. *supra* p. 590, n. 2.

(12) And consequently not exempt his mother from the levirate marriage.

(13) V. *supra* p. 589. n. 12.

(14) Prov. III, 17. Were a woman, whose child died after its father, to be subjected to the obligations of the levirate marriage, the peace and the pleasantness of family life might be disturbed where the woman, for instance, happened to have married after the death of her husband and the child died subsequently.

(15) Cf. *supra* note 3.

(16) Cf. *supra* p. 590, n. 1.

(17) And consequently disqualify his mother from the right of eating of *terumah*.

(18) Cf. *supra* p. 589. n. 14.

(19) Lev. XXII, 13.

(20) Hence the permission to eat *terumah*.

(21) Cf. *supra* p. 590, n. 2.

(22) Cf. *supra* p. 589, n. 12.

(23) And consequently exempt his mother from the levirate marriage.

(24) Deut. XXV, 5.

(25) Lev. XXII, 13.

(26) Lit., ‘and they came and said to her’. This, as will be explained *infra*, refers to evidence given by a single witness.

(27) If she desires to marry again.

(28) Even for the period during which she lived with him.

- (29) Neither compensation for those that were entirely destroyed nor the clothes themselves should the tatters still be in existence.
- (30) Pentateuchally if begotten by the second husband; Rabbinically if by the first who resumed living with her.
- (31) If a priest.
- (32) If she died. Cf. Lev. XXI, 1ff.
- (33) A woman's find belongs to her lawful husband. Cf. B.M. 12a.
- (34) To which a lawful husband is entitled in return for her maintenance.
- (35) V. Num. XXX. 7ff.
- (36) From the levirate marriage and halizah.
- (37) Her first husband, after his return.
- (38) Of the Beth din; i.e., if she married on the strength of the evidence of two witnesses who testified to her husband's death, in which case no authorization by a court is required.
- (39) When only one witness testified to the death of her husband.
- (40) And her first husband subsequently returned.
- (41) Her second husband.
- (42) Since she has acted on a ruling of the Beth din. Cf. Hor. 2a.
- (43) Lit., 'they taught her' or 'directed her'.
- (44) By immoral conduct. V. infra 922 for fuller explanation.
- (45) If her first husband subsequently returns.
- (46) I.e., to contract a lawful marriage, not a forbidden one.
- (47) Cf. supra p. 593, n. 1.
- (48) Lit., 'from the mouth'.
- (49) Infra 122a, Shab. 145a, Bek. 46b.
- (50) Unwittingly.
- (51) חֵלֵב forbidden fat.
- (52) From bringing a sin-offering (cf. Lev. IV, 27ff), Kid. 65b, Ker. 11b.
- (53) And a beast would have been offered as a sin-offering though its sanctity was entirely dependent on one man's word.
- (54) Had such evidence been Pentateuchally inadmissible, the sin-offering would consist of a Pentateuchally unconsecrated beast which must not be offered on the altar and is also forbidden to be eaten by the priests.
- (55) The admissibility of one man's evidence.
- (56) Lev. IV, 28; only then must he bring a sin-offering.
- (57) Ibid.
- (58) Cf. Ker. 11b.
- (59) Two witnesses are, surely, always relied upon.
- (60) Lit., 'but not'.
- (61) And an offering is brought upon the altar on the basis of his word. Cf. supra n. 7.
- (62) For the obligation of an offering.
- (63) Lit., 'you may know' that the reason is because silence is regarded as an admission.
- (64) Unwittingly.
- (65) חֵלֵב forbidden fat.
- (66) That the evidence of the two witnesses is accepted despite the denial of the accused.
- (67) For a presumptuous sin no sin-offering is brought. In such a case the evidence of the witnesses would be of no value. They can only testify to one's action but not to one's motive or state of mind. Since the accused could annul the evidence by such a plea he is also believed when he simply contradicts the evidence.
- (68) Where the accusation comes from one witness.

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on what grounds do the Rabbis declare the man liable?¹ If it be suggested: Because he² is believed; surely [here it may be objected], even in the case of two witnesses, who in all other cases are trusted though the accused contradicts them, the Rabbis have exempted him!³ The reason⁴ must

consequently be⁵ because the accused remained silent, and silence is regarded as admission!⁶

[The fact], however, [is that this⁷ is arrived at] by⁸ a logical inference, this case being analogous to that of a piece of fat⁹ concerning which there is doubt as to whether it was of the forbidden,¹⁰ or of the permitted kind; if a single witness came and declared, 'I am certain that it was permitted fat', he is trusted.¹¹ Are [the two cases] similar? There¹² the prohibition¹³ was not established; here¹⁴ the prohibition of a married woman is established,¹⁵ and no question of sexual relationship [may be decided on the evidence of] less than two witnesses! This¹⁶ is rather analogous¹⁷ to the case of a piece that was definitely forbidden fat;¹⁸ if a single witness came and declared, 'I am certain that it was permitted fat,' he is not believed.¹⁹ But are these cases, similar? In that case,²⁰ should even a hundred witnesses come they would not be believed; in this case,¹⁶ however, since should two witnesses come they would be trusted, one witness also should be trusted! This¹⁶ is rather analogous to the cases of *tebel*,²¹ and consecrated and *konam*²¹ objects.²²

Whose *tebel*²¹ is here to be understood? If his own,²³ [he would naturally be trusted] since it is in his power to make it fit for use;²⁴ if, however, it is that of another person, [the question may still be urged], what view is here adopted: If it is maintained that a man who sets apart priestly dues for his neighbours' produce out of his own does not require the owner's consent [it is quite obvious why the witness is here trusted] since it is in his power to make it fit for use;²⁴ and if it is maintained that the owner's consent is required and that the witness declares, 'I know that he has made it fit for use', whence is this very law²⁵ derived? As regards consecrated objects also, if it was a consecration of the value of an object [it is obvious why one witness is trusted] since it is in his power to redeem it;²⁶ but if an object has been consecrated,²⁷ [the objection may still be raised]: If it were his own²³ [he would naturally be trusted] since it is within his right to ask for the disallowance of his vow;²⁸ if, however, it belonged to another man, and the witness declared, 'I know that its owner has asked for the disallowance of his vow', whence is this very law²⁹ derived? With reference to *konam*³⁰ objects also, if it is maintained that the law of trespass³¹ is applicable to *konam* objects and that the sanctity of their value³² descends upon them [it is obvious why one witness is trusted] since it is within his power to redeem them;³³ and if it is maintained that the law of trespass³¹ is not applicable to *konam* objects³⁴ and that it is only a mere prohibition with which he is saddled³⁵ [the question may be urged]: If any such object was his own [it is natural that he should be trusted] since it is within his power to ask for the disallowance of his vow;³⁶ if, however, it belonged to another man, and the witness declared, 'I know that its owner has asked for the disallowance of his vow, whence is this very law³⁷ derived?

R. Zera replied:³⁸ Owing to the rigidity of the disabilities³⁹ that were later⁴⁰ imposed upon her the law was relaxed in her favour at the beginning.⁴¹ Let there be, however, neither rigid disabilities nor a relaxation of the law! — In order [to avoid] perpetual desertion⁴² the Rabbis have relaxed the law in her favour.⁴³

MUST . . . LEAVE THE ONE AS WELL AS THE OTHER etc. Rab stated: This was taught only in respect [of a woman] who married on the evidence of a single witness, but if she married on the strength of the evidence of two witnesses, she need not leave.⁴⁴ In the West⁴⁵ they laughed at him. 'Her husband' [they remarked] comes, and there he stands, and you say: She need not leave!' — This⁴⁶ [it may be replied] was required only in the case when the man⁴⁷ was not known.⁴⁸ If he⁴⁹ is unknown, why is she to leave [her second husband] even where she only married on the evidence of a single witness? This is required only in the case where two witnesses came and stated, 'We were with him⁴⁹ from the moment he left until now, but you it is who are unable to recognize him';⁵⁰ as it is written, And Joseph knew his brethren but they knew him not,⁵¹ on which R. Hisda remarked: This teaches that he went forth without any marks⁵² of a beard and now he appeared with a full⁵² beard. But, after all, there are two⁵³ against two

- (1) To an offering, if he did not contradict the evidence.
- (2) The one witness.
- (3) Because his word is more than the evidence of two witnesses. How much more then should he be trusted when the evidence is only that of one witness!
- (4) For the obligation of a sin-offering in the first clause.
- (5) Lit., 'but not'.
- (6) The original question then arises again: Whence is it proved that the evidence of one witness is admissible?
- (7) Cf. supra n. 12.
- (8) Lit., 'but'.
- (9) Which someone has eaten.
- (10) For the unwitting eating of which a sin-offering is incurred.
- (11) Cf. Git. 2b.
- (12) Where the nature of the fat is in doubt.
- (13) Of the piece.
- (14) The case of the woman spoken of in our Mishnah.
- (15) The doubt extending only to the question as to whether by the death of the husband this prohibition had been removed.
- (16) The case of the woman spoken of in our Mishnah
- (17) Lit., 'this is not like, but'.
- (18) Which someone has eaten.
- (19) The question, therefore, remains whence is it inferred that the evidence of one witness is admissible.
- (20) Where the forbidden nature of the fat is established.
- (21) V. Glos.
- (22) Where the evidence of a single witness is accepted though the prohibitions were established. From such a case that of the woman in our Mishnah may reasonably be inferred.
- (23) That of the witness.
- (24) He can at any moment set apart the priestly dues and thus render the produce fit for everybody's consumption. Such an argument is, of course, inapplicable to the case in our Mishnah.
- (25) That the evidence of a single witness is accepted in such a case.
- (26) Objects of which the value only has been consecrated **קדושת דמים**, completely lose their sanctity on redemption. Cf. supra n. 9.
- (27) **קדושת הגוף**, consecrated for the altar. Such cannot be redeemed.
- (28) A learned man may under certain conditions disallow the vow, and the object would consequently lose its sanctity. Cf. supra p. 597, n. 9.
- (29) That the evidence of a single witness is accepted in such a case.
- (30) V. Glos.
- (31) Me'ilah, v. Glos.
- (32) Which is consecrated for Temple purposes.
- (33) Cf. supra p. 597, n. 9.
- (34) Konam being regarded as a vow only, which the man has to fulfil by paying to the Temple treasury the value of the object which itself remains unconsecrated.
- (35) Lit. , 'that rides upon his shoulder'.
- (36) V. supra note 2.
- (37) V. supra note 2.
- (38) To the question raised supra to the admissibility of the evidence of a single witness in the case of the woman in our Mishnah.
- (39) Loss of kethubah, usufruct, etc.
- (40) If her husband returns.
- (41) By permitting her to marry on the evidence of a single witness. Knowing the disabilities to which she would be subject should her first husband return, she takes every precaution to verify the evidence of the one witness.
- (42) **עִינוּנָה** lit. , 'holding fast', description of a deserted woman who remains tied to her absent husband.
- (43) And allowed her to marry on the strength of the evidence of one witness.

- (44) It is now assumed that Rab referred to the second husband,
 (45) Palestine.
 (46) Rab's ruling.
 (47) Her first husband.
 (48) To have been her husband.
 (49) The first husband.
 (50) Because he left while still young and now he has attained to manhood. Such evidence is accepted if the evidence of the husband's death was given by one witness only. It is not accepted, however, where it is contradictory to the evidence of two witnesses on the basis of whose testimony the woman had married her second husband.
 (51) Gen. XLII, 8.
 (52) Construct of חתִּימָה 'mark' or 'stamp'. חתִּימַת זָקֵן 'The mature manly expression which the beard gives, full manhood' (Jast.).
 (53) Witnesses.

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and he who cohabits with her¹ is liable to bring an asham talui!² R. Shesheth replied:³ When she was married, for instance, to one of her witnesses.⁴ But she herself is liable to an asham talui!⁵ — Where³ she states, 'I am certain',⁶ If so, what need was there to state [such an obvious ruling], when even R. Menahem son of R. Jose⁷ maintained his view only where the witnesses⁸ came first and the woman married afterwards, but not⁹ where she married first and the witnesses came afterwards! For it was taught: If two witnesses state that he¹⁰ was dead and two state that he was not dead, or if two state that the woman was divorced and two state that she was not divorced, the woman must not marry again, but if she married she need not leave;¹¹ R. Menahem, son of R. Jose, however, ruled that she must leave.¹⁰ Said R. Menahem son of R. Jose, 'When do I rule that she must leave? Only when witnesses came first and she married afterwards, but where she married first and the witnesses came afterwards, she need not leave!' ¹² — Rab also spoke of the case where witnesses came first and the woman married afterwards, [his object being] to exclude the ruling of R. Menahem son of R. Jose.

Another reading: The reason ther¹³ is because she married first and the witnesses came afterwards,¹⁴ but where witnesses came first and the woman married afterwards, she must leave. In accordance with whose [view is this ruling]? — In accordance with that of R. Menahem son of R. Jose.

Raba raised an objection: Whence is it deduced that if [a priest] refused¹⁵ he is to be compelled?¹⁶ It was expressly stated, And thou shalt sanctify him,¹⁷ even against his will. Now, how is this¹⁸ to be understood?¹⁹ If it be suggested [that it is a case] where she was not married to one of her witnesses²⁰ and she does not plead 'I am certain',²¹ is there any need to state that he is to be compelled?²² Consequently it must refer to a case²³ where she was married to one of her witnesses²⁴ and she pleads, 'I am certain'; I and yet it was stated that he was to be compelled;²⁵ from which it clearly follows that she is to be taken away from him!²⁶ — A priestly prohibition is different.²⁷ If you prefer I might say,²⁸ 'What is the meaning of "he is to be compelled"? He is to be compelled by means of witnesses'.²⁹ And if you prefer I might say:²⁸ [It is a case] where witnesses came first and she married afterwards, and this represents the view of R. Menahem son of R. Jose.³⁰ R. Ashi replied. What is meant by the expression, 'She need not leave' which Rab used? She is not to depart from her first state of permissibility.³¹ But surely Rab has said this once! For we learned, IF SHE MARRIED WITHOUT AN AUTHORIZATION SHE MAY RETURN TO HIM, and Rab Huna stated in the name of Rab: This is the established law!³² — One was stated as an inference from, the other.³³

Samuel said: This³⁴ was taught only in the case where she does not contradict him,³⁵ but where she contradicts him she need not leave.

What [are the circumstances] spoken of? If it be suggested that there are two witnesses³⁶, of what avail is her denial?³⁷ [It must then deal with the case] of one witness, and the reason³⁸ is because she contradicts him;³⁹ had she, however, remained silent, she would have been obliged to leave. But, surely, 'Ulla stated that 'wherever the Torah allows credence to one witness⁴⁰ he is regarded as two witnesses, and the evidence of one man⁴¹ against that of two men has no validity!'⁴² — Here it is a case of evidence by ineligible witnesses,⁴³ and [Samuel's statement is] in accordance with the view of R. Nehemiah. For it was taught: R. Nehemiah stated, 'Wherever the Torah allows credence to one witness⁴⁰ the majority of opinions is to be followed,⁴⁴ and [the evidence of] two women against that of one man is given the same validity as that of two men against one man'.⁴⁵

And if you prefer I might reply: Wherever one eligible witness came first,⁴⁶ even a hundred women⁴⁷ are regarded as one witness;⁴⁸ here, however, we are dealing with a case where a woman witness came in the first instance;⁴⁹ and the statement of R. Nehemiah is to be explained thus: R. Nehemiah stated, 'Wherever the Torah allows credence to one witness, the majority of opinions is to be followed, and [the evidence of] two women against that of one woman is given the same validity as that of two men against one man, but that of two women against that of one man is regarded only as that of a half and a half'.⁵⁰

SHE ALSO REQUIRES A LETTER OF DIVORCE FROM ONE AS WELL AS FROM THE OTHER. It is quite intelligible that she should require a divorce from the first husband; but why also from the second [when their union was a] mere act of adultery?⁵¹ — R. Huna replied: This⁵² is a preventive measure against the possibility of assuming that the first had divorced her and the second had [lawfully] married her, and that consequently⁵³ a married woman⁵⁴ may leave her husband without a letter of divorce. If so⁵⁵, in the latter clause also, where it was stated, 'If she was told "your husband is dead", and she was betrothed, and afterwards her husband came, she is permitted to return to him',⁵⁶ might it not be assumed there also that the first husband had divorced her and the other had [lawfully] betrothed her and that consequently a betrothed woman may be released without a letter of divorce! — As a matter of fact she does require a letter of divorce.⁵⁷ If so,⁵⁸ [it might there also be assumed that] the first had again married his divorced wife after she had been betrothed!⁵⁹ — [This statement is in] accordance with R. Jose b. Kiper who stated [that remarrying one's divorced wife] after a marriage⁶⁰ is forbidden but after a betrothal⁶⁰ is permitted.⁶¹ Since, however, it was stated in the final clause, 'Although

(1) And thus commits a doubtful sin, it being uncertain which pair of witnesses is to be trusted.

(2) V. Glos. Such an offering is brought for the commission of a doubtful sin. How, then, could Rab maintain that she may continue to live with her second husband?

(3) Rab's ruling is applicable.

(4) Who well knows that her first husband is dead.

(5) Since as far as she is concerned her first husband's death is still a matter of doubt.

(6) That the man who claims to be her first husband is a stranger. An *asham talui* is brought only in cases where a person is himself in doubt as to the propriety of an act he has committed; v. Keth. Sonc. ed., p. 122 notes.

(7) Who in a similar case maintained (v. infra) that the woman must leave her second husband.

(8) Who testified that the first husband was alive.

(9) Lit., 'he did not say'.

(10) The woman's first husband.

(11) Her second husband

(12) V. Keth. 22b. What need, then, was there for Rab's ruling?

(13) Why Rab allowed the woman to remain with her second husband though two witnesses stated that her first husband was still alive.

(14) As in the case in our Mishnah in connection with which Rab's statement was made.

(15) To observe the rules of levitical uncleanness and matrimony prescribed in Lev. XXI, 1ff.

(16) דפן rt. דפן 'to strike on the side' (cf. דופן 'side', 'wall').

(17) Ibid. 8.

(18) Case of coercion.

(19) Since a Scriptural text was required for the purpose, it could not apply to established or even doubtful prohibitions which a priest must undoubtedly obey and the observance of which is obviously to be enforced.

(20) Who was a priest.

(21) Cf. supra p. 599, n. 16.

(22) V. supra p. 600, n. 13.

(23) Lit., 'but not?'

(24) Who was a priest.

(25) To separate from her if witnesses subsequently came and declared that the first husband was still alive at the time this second marriage with the priest took place.

(26) How then could Rab rule that in the case of contradictory evidence between two pairs of witnesses the second union is not to be severed if it took place prior to the appearance of the second pair.

(27) A priest is subject to greater restrictions which do not apply to others.

(28) In reply to Raba's objection.

(29) Before marriage with the priest is allowed, the court makes every effort to ascertain whether witnesses are available who could contradict the evidence of the first witnesses and thus prevent the marriage. If, however, no such witnesses are available and the marriage has taken place, the union need not be severed though such witnesses subsequently appeared.

(30) With which Rab is in agreement.

(31) She may return to her first husband, because in her second marriage she is a victim of circumstances, It having been contracted on misleading evidence.

(32) Infra 91a; why should the same ruling be stated twice?

(33) Rab, however, gave his ruling only once.

(34) That the woman must . . . LEAVE THE ONE AS WELL AS THE OTHER. (V. our Mishnah).

(35) The man who claims to be her husband.

(36) Who testify to the veracity of the statement of the man who claims to be the first husband.

(37) Lit., 'when she contradicts him, what is?; her word would obviously not be accepted against the word of two witnesses.

(38) Why the woman may continue to live with her second husband.

(39) The evidence that her first husband was alive.

(40) In certain cases of marriage and divorce, testifying, for instance, that a husband was dead.

(41) Who now states that the first husband was not dead.

(42) The previous evidence of the one witness being consequently valid, why should the woman have to leave even when she does not contradict the latter evidence?

(43) Relatives, women or slaves, for instance, two of whom testify that the first husband is alive.

(44) Since one witness is trusted, the accepted law of valid evidence is superseded in such cases and the evidence of any ineligible witnesses (cf. supra n. 8) is equally admissible.

(45) Infra 117b, Sot. 31b. When, therefore, the wife does not contradict the evidence, these otherwise ineligible witnesses are trusted. Where, however, she contradicts them, her evidence is added to that of the one witness who had originally testified that her husband was dead, and the evidence of the second pair of witnesses, being thus contradicted by two, is disregarded. Cf. Maimonides cited by Wilna Gaon, glosses.

(46) And testified that the first husband was dead.

(47) I.e., ineligible witnesses who, after the woman had married, testified that her first husband was alive.

(48) And their evidence, being opposed to that of the first witness, is disregarded, as is the case with all evidence of a single witness, which is opposed to that of a previous witness. The woman need not, therefore, leave her second husband even if she does not contradict the second set of witnesses.

(49) V. supra p. 602, n. 11, and two women subsequently testified that the first husband was alive. If the wife keeps silent, there remains a majority of two against one; if she contradicts the two the majority disappears.

(50) The two together representing one; so that the evidence of the first eligible witness remains unaffected by it, provided the woman remarried, even where she remained silent.

- (51) The first husband having been alive when it was contracted.
- (52) The requirement of a divorce from the second husband.
- (53) Lit., 'and it is found'.
- (54) The marriage with the second being assumed to have been valid.
- (55) That provision was made against erroneous assumptions.
- (56) Infra 92a.
- (57) From the second, to whom she was betrothed.
- (58) That a letter of divorce is required.
- (59) Cf. supra note 6 mutatis mutandis.
- (60) With a second husband.
- (61) Cf. supra 11b.

Talmud - Mas. Yevamoth 89a

the latter¹ gave her a letter of divorce he has not thereby disqualified her from marrying a priest',² it may be inferred that she requires no divorce;³ for should she require a divorce, why does he not disqualify her from marrying a priest!⁴ — Rather,⁵ in the final clause it will be assumed⁶ that the betrothal was an erroneous one.⁷ In the first clause also [let it be said that] it would be assumed that the marriage was an erroneous one!⁸ The Rabbis have penalized her.⁹ Then let them penalize her in the final clause also! — In the first clause where she committed a forbidden act¹⁰ they penalized her; in the final clause where she did not commit a forbidden act, the Rabbis did not penalize her.

SHE HAS NO [CLAIM TO HER] KETHUBAH, [because] what is the reason why the Rabbis have provided a kethubah for a woman? In order that it may not be easy for the husband¹¹ to divorce her!¹² But in this case let it be easy for him, to divorce her.¹³

SHE HAS NO [CLAIM TO] . . . USUFRUCT, MAINTENANCE OR EVEN WORN CLOTHES, [because] the conditions¹⁴ entered in the kethubah¹⁵ are subject to the same laws as the kethubah¹⁶ itself. IF SHE HAD TAKEN ANYTHING FROM THE ONE OR FROM THE OTHER,[SHE MUST RETURN IT]. Is this not obvious! — As it might have been assumed that since she has already seized it, it is not to be taken from her, hence we were taught [that SHE MUST RETURN IT]. THE CHILD . . . IS A BASTARD. Elsewhere we learned: Terumah¹⁷ from levitically unclean produce may not be set apart for that which is levitically clean¹⁸. If, however, such terumah has been set apart it is valid if the act was done in error, but if it was done wilfully it is null and void¹⁹. Now what is meant by 'it is null and void'? — R. Hisda replied: The act is absolutely null and void, even that griva²⁰ [which has been designated as terumah] returns to its former state of tebel.²¹ R. Nathan son of R. Oshaia replied: It is null and void in respect of making the remainder²² fit for use, but [that which has been set apart] becomes terumah.²³ R. Hisda does not give the same explanation as R. Nathan son of R. Oshaia, for, should it be said [that the portion set apart] is lawful terumah, it might sometimes happen that one would wilfully neglect to set apart the terumah [from the remainder].²⁴

But why should this be different from, [the following case concerning] which we learned: If a man has set apart as terumah a cucumber which was found to be bitter, or a melon which turned out to be decayed²⁵ [the fruit becomes] terumah; but [from the remainder] terumah must again be set apart!²⁶ Do you raise an objection from a case where one has acted unwittingly²⁷ against a case where one has acted wilfully?²⁷ Where one has acted unwittingly,²⁸ no forbidden act has been committed; when, however, one has acted wilfully,²⁹ a forbidden act has been committed.

A contradiction, however, was pointed out between two acts committed unwittingly: Here³⁰ it is stated, 'It is lawful terumah if the act was done unwittingly',³¹ while there it was stated, 'Terumah,' but [from the remainder] terumah must again be set apart'! — There,³² it is an erroneous act

amounting almost³³ to a wilful one, since he should have tasted it .³⁴

A contradiction was also pointed out between two cases of wilful action: Here³⁵ it is stated, 'but if it was done wilfully, it is null and void', while elsewhere we learned: If a man has set apart as terumah [the produce] of an unperforated plant-pot³⁶ for [the produce of] a perforated pot,³⁷ [the former becomes] terumah but [from the latter] terumah must again be separated!³⁸ — In [the case of produce grown in] two different vessels³⁹ a man would obey;⁴⁰ in [that of] one vessel⁴¹ he would not obey.⁴²

Now according to R. Nathan, son of R. Oshaia, who explained that 'the act is null and void in respect of making the remainder fit for use but [that that which has been set apart] becomes terumah.'⁴³ [

(1) Who betrothed her.

(2) Infra 92a.

(3) Even Rabbinically; and that, therefore, the letter of divorce given is null and void.

(4) A divorced woman, even if the divorce was given to her in accordance with a Rabbinical and not a Pentateuchal ordinance. is forbidden to be married to a priest. Cf. infra 94a.

(5) The fact is that no divorce is required, as had been first assumed.

(6) Seeing that she is released without any letter of divorce.

(7) Release from which requires no divorce. Hence there is no need to provide against the assumption that 'the first husband had divorced her and the other had lawfully betrothed her etc.', suggested supra.

(8) Cf. supra n. 8. Why then was a letter of divorce required?

(9) For contracting a marriage without first making the necessary enquiries.

(10) Unlawful marriage.

(11) Lit., 'in his eyes'.

(12) Cf. Keth. 11a.

(13) And thus sever a forbidden union.

(14) Such as the undertaking of maintenance etc. which, like the specified amount of the kethubah are entered in the marriage contract.

(15) I.e., the contract. This is one of the meanings of 'kethubah', v. n. 18.

(16) I.e., the specified sum due to the woman on the husband's death or on her divorce.

(17) V. Glos.

(18) Since the former is forbidden to be eaten the priest would thereby suffer a loss.

(19) Lit., 'he did not do, even anything'. Ter. II, 2, Pes. 33a, Men. 25b.

(20) A measure of capacity. V. Glos.

(21) And forbidden to all.

(22) The levitically clean produce (Rashi).

(23) And the priest may use it for the purposes for which it is fit such as, for instance, fuel.

(24) V. supra note 6, believing that the portion he had set apart. and which had assumed the name of terumah, had exempted it.

(25) Lit., 'having an offensive smell'.

(26) Ter. III, 1, Kid. 46b; which proves that the possibility of neglecting this second separation of terumah does not render null and void the whole act.

(27) The case of the cucumber or the melon where the man believed it to be in good condition. (12) The second case in the first Mishnah cited.

(28) The case of the cucumber or the melon where the man believed it to be in good condition.

(29) The second case in the first Mishnah cited.

(30) In the first cited Mishnah.

(31) Implying that no further terumah for the remainder need be set apart.

(32) In the second Mishnah quoted.

(33) Lit., 'near'.

(34) The fruit, before setting it apart as terumah.

(35) V. supra note 3.

(36) Which is not subject to terumah, since it has not grown directly from the ground.

(37) Which is subject to terumah. A plant in a perforated pot is deemed to be growing from the ground since it derives its nourishment through the holes of the pot from the ground itself.

(38) Dem. V, 10; Kid. 46a, Men. 70a. Why is the terumah in this case valid, while in the other it becomes tebel again?

(39) As in the last cited Mishnah where the produce designated as terumah grew in one kind of pot while the other produce grew in another kind of pot.

(40) To give terumah again, though the portion he has set apart is also allowed to remain terumah.

(41) Where the clean and the unclean grew in the same kind of pot or soil.

(42) To give terumah again, were the portion he has set aside allowed to retain the name of terumah. He would argue that, in view of the validity of his act, no further terumah need be given to the priest, whom he would consequently present with unclean terumah. Hence it was ordained that his act is void and that the quantity he has set aside is not to be regarded as terumah.

(43) And the priest may use it for the purposes for which it is fit, such, for instance, as burning.

Talmud - Mas. Yevamoth 89b

, why is this case different from [the following] where we learned [that if a man has set apart as terumah the produce] of a perforated plant-pot¹ for that of an unperforated one,² the terumah is valid, but³ may not be eaten⁴ before terumah and tithe from other produce⁵ has been set aside for it!⁶ — Here⁷ it is different, since Pentateuchally the terumah is valid, in accordance with the view of R. Elai; for R. Elai stated: Whence is it inferred that if one separates terumah from an inferior quality for a superior quality, his terumah is valid? It is written, And ye shall bear no sin by reason of it, seeing that ye have set apart from it the best thereof.⁸ [Now, this implies that if you do not set apart from the best but of the worst you shall bear sin]; if, [however, the inferior quality] does not become consecrated, why [should there be any] bearing of sin?⁹ Hence it may be inferred¹⁰ that if one sets apart terumah from an inferior quality for a superior quality, his terumah is valid.¹¹

Said Rabbah to R. Hisda: According to you who maintain that ‘the act is absolutely null and void’ so that ‘even that griva [which has been designated as terumah] returns to its former state of tebel’, the reason being¹² that this is a preventive measure against the possibility ‘that one might wilfully neglect to set apart [the terumah from the remainder]’; is there anywhere [I may ask] a law that terumah which is Pentateuchally valid should, owing to the possibility that one might wilfully neglect his duty, be turned into¹³ unconsecrated produce?¹⁴ Could, then, a Beth din lay down a condition that would cause a law of the Torah to be uprooted! — The other replied: And do you not yourself agree with such a ruling? Have we not learned, THE CHILD BY THE ONE HUSBAND OR THE OTHER IS A BASTARD. Now, it is reasonable [that the child] by the second [should be deemed] a bastard,¹⁵ but why [should the child] by the first [be a bastard]? She is, surely, his wife¹⁶ and [the child is consequently] a proper Israelite whom [by regarding him as a bastard] we permit to marry a bastard!¹⁷ The first retorted: Thus said Samuel, ‘He is forbidden to marry a bastard’. And so said Rabin, when he came,¹⁸ in the name of R. Johanan. ‘He is forbidden to marry a bastard’. Why, then,¹⁹ is he called a bastard? — In respect of forbidding him to marry the daughter of an Israelite.²⁰

R. Hisda sent to Rabbah through R. Aha son of R. Huna [the following enquiry]: Cannot the Beth din lay down a condition which would cause the abrogation of a law of the Torah? Surely it was taught: ‘At what period of her age²¹ is a husband entitled to be the heir of his wife [if she dies while still] a minor?’²² Beth Shammai stated: When she attains to womanhood;²³ and Beth Hillel said: When she enters into the bridal chamber.²⁴ R. Eliezer said: When connubial intercourse has taken place. Then he is entitled to be her heir, he may defile himself for her,²⁵ and she may eat terumah by virtue of his rights’. (Beth Shammai said, ‘When she attains to womanhood’,²⁶ even though she has not entered the bridal chamber!²⁷ — Read, ‘When she attains to womanhood and enters the bridal

chamber', and it is this that Beth Shammai said to Beth Hillel: In respect of your statement, 'When she enters the bridal chamber', it is only when she has attained womanhood that the bridal chamber is effective, but otherwise the bridal chamber alone is of no avail. 'R. Eliezer said: When connubial intercourse has taken place'. But, surely, R. Eliezer said that the act of a minor has no legal force!²⁸ — Read, 'After she has grown up and connubial intercourse has taken place'. At all events it was here stated, 'He²⁹ is entitled to be her heir'; but, surely, by Pentateuchal law it is her father³⁰ who should here be her legal heir, and yet it is the husband who is heir in accordance with a Rabbinical ordinance!³¹ — Hefker³² by Beth din is legal hefker.³³ for R. Isaac stated: Whence is it deduced that hefker by Beth din is legal hefker? It is said, Whosoever came not within three days, according to the counsel of the princes and the elders, all his substance should be forfeited, and himself separated from the congregation of the captivity.³⁴ R. Eleazar stated [that the deduction³⁵ is made] from here: These are the inheritances, which Eleazar the priest, and Joshua the son of Nun, and the heads of the fathers' houses of the tribes of the children of Israel, distributed for inheritance.³⁶ Now, what relation is there between Heads and Fathers? But [this has the purpose] of telling you that as fathers may distribute as an inheritance to their children whatever they wish, so may the heads distribute as an inheritance to the people whatever they wish.

'He may defile himself for her'. But, surely, by Pentateuchal law it is her father who may here defile himself for her, and yet it is the husband who by a Rabbinical law was allowed to defile himself for her!³⁷ — [This was allowed] because she is a meth mizwah.³⁸ Is she, however, a meth mizwah?³⁸ Surely, it was taught. 'Who may he regarded as a meth mizwah? He who has no [relatives] to bury him'. [If, however, he has relatives upon whom] he [could] call and they³⁹ would answer him, he is not regarded as a meth mizwah!⁴⁰ — Here also, since they are not her heirs, they would not answer even if she were to call upon them.

(1) V. supra p. 606, n. 10.

(2) V. supra p. 606, n. 9.

(3) Since it was given for produce which is not subject to terumah, it cannot assume the sanctity of terumah and remains tebel.

(4) Even by a priest.

(5) Lit., 'place'.

(6) Dem. V, 10; Kid. 46b. Why, then, was the terumah in the former case, which is virtually tebel, and is forbidden to be burnt (cf. Shab. 26a), allowed to be used by the priest (v. supra p. 606, n. 16) even though no terumah and tithe have been given for it from other produce?

(7) Where unclean produce was used as terumah for clean.

(8) Num. XVIII, 32.

(9) Surely no wrong has been done where one's action is null and void and other terumah has to be given!

(10) Lit., 'from here'.

(11) Tem. 5a, B.M. 56a, B.B. 84b, 143a, Kid. 46b.

(12) Lit., 'what is the reason'.

(13) Lit., 'they brought it out',

(14) Hullin v. Glos.

(15) Since, owing to the fact that the first husband was still alive, the marriage was unlawful.

(16) The marriage with the second having had no validity at all.

(17) Who is forbidden to an Israelite. As this, however, is permitted it follows that even a law of the Torah may be superseded by an ordinance of the Rabbis.

(18) From Palestine to Babylon.

(19) Since he is accordingly regarded as a proper Israelite.

(20) Such a restriction is no abrogation of a law of the Torah but a reinforcement of it.

(21) Lit., 'from when'.

(22) I.e., at what age may it be definitely assumed that the minor is no longer likely to make a declaration of refusal (v. Glos. s.v. mi'un) and may, consequently, be regarded as one's proper wife.

- (23) Lit., 'when she stands in her height', the age of puberty.
- (24) Huppah (v. Glos.), which is the preliminary to matrimonial cohabitation.
- (25) If she died, though he is a priest. V. Lev. XXI, 1f.
- (26) The husband may defile himself by her corpse and is also entitled to be her heir.
- (27) When she is not yet regarded as his lawful wife (cf. supra 29b) and. according to law, he is entitled to be her heir. This consequently proves that the Beth din does possess the power to abrogate Pentateuchal laws!
- (28) Infra 107b, 108a, Keth. 101b.
- (29) The husband.
- (30) (That is his legal heir (Rashi). Since the reference here is to a fatherless girl who was given in marriage by her mother or brothers. Such a marriage is not valid by Pentateuchal law which vests the right of giving a minor girl in marriage only in the father].
- (31) How then could it be maintained that Beth din has no authority to abrogate Pentateuchal laws?
- (32) **הפקר** a declaration that the property of a certain person is ownerless. V. Glos.
- (33) The Rabbis have consequently full authority to transfer the property of the minor from her father's heirs to her husband, and such transfer cannot be regarded as an abrogation of the Pentateuchal law. The reading **היה** 'was' for the usual **הוה** 'is' may be a censorial alteration. Cf. Gols. a.l.
- (34) Ezra X, 8.
- (35) That Beth din is empowered to dispose of an individual's property in accordance with its legal decisions.
- (36) Josh. XIX, 51.
- (37) How then could it be maintained that Beth din has no authority to abrogate Pentateuchal laws?
- (38) Lit., 'dead of the commandment', a corpse in which no one is interested and the burial of which is obligatory upon any person who discovers it.
- (39) Lit., 'and others'.
- (40) 'Er. 17b, Naz. 43b. As there are available the heirs of her father upon whom she could call, why is she regarded as a meth mizwah?

Talmud - Mas. Yevamoth 90a

'And she may eat terumah by virtue of his rights'!¹ — Only Rabbinical terumah.²

Come and hear: If a man ate³ levitically unclean terumah, he must pay compensation in clean unconsecrated produce.⁴ If he paid unconsecrated produce that was levitically unclean, his compensation, said Symmachus in the name of R. Meir, is valid⁵ if it was paid in error,⁶ and invalid if paid wilfully.⁷ The Sages, however, said: Whether in one case or in the other⁸ his compensation is valid, but he must again pay compensation in clean unconsecrated produce.⁹ And when, in considering this ruling, the objection was raised, 'Why should not his compensation be valid if he paid it wilfully? A blessing should come upon him! For he has eaten such of the priest's produce¹⁰ as is not fit for him in the days of his uncleanness¹¹ and paid him compensation in something¹² that is fit for him in the days of his uncleanness',¹³ Raba, others say, Kadi, replied: [Some words are] missing from the text, the correct reading being the following: 'If a man ate levitically unclean terumah he may pay compensation in any produce;¹⁴ if he ate levitically clean terumah, he must pay compensation in clean unconsecrated produce; if, however, he made compensation in unconsecrated produce that was levitically unclean, his compensation, said Symmachus in the name of R. Meir, is valid if it was made in error,¹⁵ and his compensation is invalid if it was made wilfully. But the Sages said: His compensation is valid whether he has acted in error or wilfully, but he must again pay compensation in clean unconsecrated produce'. Now here, surely, the compensation is Pentateuchally valid,¹⁶ for were a priest to betroth a wife¹⁷ with it her betrothal would be valid, and yet the Rabbis¹⁸ ruled that 'his compensation is invalid',¹⁹ and thus²⁰ a married woman²¹ is permitted to [marry any one in] the world!²² — This was meant by the expression,²³ 'his compensation is invalid' which R. Meir used: That he must pay compensation again in clean unconsecrated produce.²⁴ If so, then Symmachus²⁵ holds the same view as the Rabbis! — R. Aha son of R. Ika replied: The difference between them is on the question whether one who has acted

unwittingly is to be penalized as a preventive measure against one acting wilfully.²⁶

Come and hear: If [sacrificial] blood became levitically unclean and was then sprinkled [upon the altar], it is accepted²⁷ if [the sprinkling was performed] unwittingly, but it is not accepted [if it was performed] wilfully.²⁸ Now, according to Pentateuchal law, it is here undoubtedly accepted, for it was taught. 'In respect of what [errors] does the High Priest's front-plate²⁹ procure acceptance?'³⁰ In respect of the sacrificial blood, flesh or fat that became unclean whether [this was brought about] by one acting in error or wilfully, under compulsion or willingly, and whether [this occurred with the sacrifice] of an individual or with [that of the] congregation',³¹ and yet the Rabbis ruled that 'it is not accepted'³² so that an unconsecrated beast is brought³³ into the Temple court!³⁴ — R. Jose b. Hanina replied: The expression, 'it is not accepted' was used³⁵ in respect of permitting the flesh to be eaten;³⁶ the owner, however, obtains atonement through it.³⁷

After all, however, the law of eating the flesh [of the sacrifice] would be uprooted, whereas it is written in the Scriptures. And they shall eat those things wherewith atonement was made³⁸ which teaches that the priests eat [the sacrificial meat] and the owner obtains thereby atonement! — The other replied: With an abstention from the performance of an act³⁹ it is different.⁴⁰

(1) Though Pentateuchally she is forbidden to eat terumah! V. supra p. 609. n. 5.

(2) That which is given from fruits of the trees, which is Pentateuchally permitted to non-priests. since the law of terumah is Pentateuchally applicable to corn only.

(3) Unwittingly.

(4) The reason is explained in Pes. 32a.

(5) Assumes the name of terumah.

(6) I.e., if he was unaware that the produce he gave as compensation was levitically unclean.

(7) Since he knew it to be unclean and yet paid it as compensation he is penalized.

(8) Whether the compensation was made in error or wilfully.

(9) Git. 54a.

(10) Lit., 'from him something'.

(11) Levitically unclean terumah may not be eaten by a priest even when he is himself also unclean.

(12) Unconsecrated produce.

(13) Even though it is levitically unclean.

(14) Even unconsecrated produce which is unclean.

(15) V. supra p. 610, n. 10.

(16) Since unconsecrated foodstuffs, though levitically unclean, may be consecrated (cf. supra 89b).

(17) Giving it to her as the token of betrothal (cf. Kid. 2a).

(18) I.e., R. Meir.

(19) If it was made wilfully.

(20) By ruling that the compensation is invalid and, in consequence, is not the property of the priest.

(21) Pentateuchally she should assume this status.

(22) As the compensation is Rabbinically invalid (v. supra n. 11) the betrothal also would be Rabbinically invalid. V. supra p. 609, n. 5.

(23) Lit., 'what'.

(24) The first payment, however, is also valid.

(25) Who reported R. Meir.

(26) According to the Rabbis, an unwitting sin is made punishable in order to prevent thereby a wilful one; hence their ruling that whether the payment of the compensation mentioned was made unwittingly or wilfully a second payment of compensation must be made. According to R. Meir, however, the inadvertent sinner is not to suffer for the sake of the wilful one; hence his ruling that a second payment of compensation is due only in the case of a wilful action.

(27) I.e., the owner obtains atonement and the flesh of the sacrifice may be eaten. הורצה of the same rt. רצה as that of ונרצה and it shall be accepted in Lev. I, 4, q.v.

(28) Pes. 16b.

(29) צ"י v. Ex. XXVIII, 36ff.

(30) Cf. supra n. 2.

(31) Pes. 80b, Yoma 7a, Men. 25b, Zeb. 45a, Git. 54a.

(32) In case of wilful action.

(33) Lit., 'brought again', i.e., the second sacrifice which the Rabbis ordained to be brought in addition to the first whose blood became unclean, remains Pentateuchally an unconsecrated beast, since, according to Pentateuchal law, no second sacrifice is required.

(34) V. supra p. 609, n. 5.

(35) Lit., 'what . . . which he said'.

(36) Only in this respect 'is it not accepted'; and the priest may not eat of such flesh.

(37) And no second sacrifice is required.

(38) Ex. XXIX, 33.

(39) ש"ב ואל תעשה lit., 'sit and do not act', as is the case with the prohibition against eating the sacrificial meat mentioned.

(40) From the case of turning consecrated terumah into unconsecrated produce. The former (v. supra n. 1) involving no action may well be within the jurisdiction of the Rabbis, but not the latter which involves an act uprooting a Pentateuchal law.

Talmud - Mas. Yevamoth 90b

He,¹ [on hearing the last reply] said to him:² It was my intention to raise objections against your view³ from [the Rabbinical laws which relate to] the uncircumcised,⁴ sprinkling,⁵ the knife [of circumcision],⁶ the linen cloak with zizith,⁷ the lambs of Pentecost,⁸ the shofar⁹ and the lulab;¹⁰ now, however, that you taught us that abstention from the performance of an act¹¹ is not regarded as an abrogation [of the law, I have nothing to say since] all these are also cases of abstention.¹²

Come and hear: Unto him ye shall hearken,¹³ even if he tells you. 'Transgress any of all the commandments of the Torah' as in the case, for instance, of Elijah on Mount Carmel,¹⁴ obey him in every respect in accordance with the needs of the hour!¹⁵ — There it is different,¹⁶ for it is written, 'Unto him shall ye hearken'. Then let [Rabbinic law] be deduced from it! — The safeguarding¹⁷ of a cause is different.¹⁸

Come and hear: If he¹⁹ annulled [his letter of divorce]²⁰ it is annulled: so Rabbi. R. Simeon b. Gamaliel, however, said: He may neither annul it nor add a single condition to it,²¹ since, otherwise,²² of what avail is the authority²³ of the Beth din.²⁴ Now, though here, the letter of divorce may be annulled²⁵ in accordance with Pentateuchal law, we allow a married woman,²⁶ owing to the power²⁷ of Beth din,²⁴ to marry anyone in the world!²⁸ — Anyone who betroths [a woman] does so in implicit compliance with the ordinances²⁹ of the Rabbis,³⁰ and the Rabbis have [in this case]³¹ cancelled the [original] betrothal.³²

Said Rabina to R. Ashi: This³³ is a quite satisfactory explanation where betrothal was effected by means of money;³⁴ what, however, can be said [in a case where betrothal was effected] by cohabitation! — The Rabbis³⁵ have assigned³⁶ to such a cohabitation the character of mere prostitution.³⁷

Come and hear: R. Eleazar b. Jacob stated, 'I heard that even without any Pentateuchal [authority for their rulings]. Beth din may administer flogging and [death] penalties; not, however, for the purpose of transgressing the words of the Torah but in order to make a fence for the Torah. And it once happened that a man rode on horseback on the Sabbath in the days of the Greeks,³⁸ and he was brought before Beth din and was stoned; not because he deserved this penalty, but because the exigencies of the hour demanded it. And another incident occurred with a man who had intercourse with³⁹ his wife under a fig tree, and he was brought before Beth din and flogged; not because he

deserved such a penalty, but because the exigencies of the hour demanded it!⁴⁰ To safeguard a cause is different.⁴¹

NEITHER OF THEM MAY DEFILE HIMSELF FOR HER. Whence is this derived? — From what is written in Scripture. Except for his kin that is near unto him,⁴² and a Master stated that 'his kin' means his wife;⁴³ while it was also written, The husband shall not defile himself, among his people, to profane himself;⁴⁴ [implying that] there is a husband, then, who may, and there is a husband who may not defile himself; how, then [are these contradictory laws to be reconciled]? He may defile himself for his lawful wife but he may not defile himself for his unlawful wife.⁴⁵

NEITHER OF THEM HAS A CLAIM UPON ANYTHING SHE MAY FIND etc. [because] what is the reason why the Rabbis ruled that a wife's finds belong to her husband? In order that he may bear no hatred against her; but, here, let him bear against her ever so much hatred!⁴⁶

OR MAKE WITH HER HANDS, [because] for what reason did the Rabbis rule that the work of her hands belonged to her husband? Because she receives from him her maintenance;⁴⁷ but here, since she receives no maintenance, her handiwork does not belong to him.

OR TO THE RIGHT OF INVALIDATING HER VOWS, [since] what is the reason why the All Merciful said that a husband may annul [his wife's vows]? In order that she may not become repulsive; here, however, let her become ever so repulsive!⁴⁸

IF SHE WAS THE DAUGHTER OF AN ISRAELITE, SHE BECOMES DISQUALIFIED FROM MARRYING A PRIEST etc.

(1) R. Hisda.

(2) Rabbah who maintained (supra 89b) that the Rabbis have no power to abrogate a pentateuchal law.

(3) V. supra note 4.

(4) Proselyte, whose circumcision is performed on the Passover Eve and who, by Rabbinic law, is forbidden to participate in the Paschal lamb, though Pentateuchally it is his duty to celebrate the Passover as an Israelite. Cf. Pes. 92a.

(5) On an unclean person, on the Sabbath day, is Rabbinically forbidden (cf. Pes. 66a) though Pentateuchally permitted. Should the Sabbath on which such sprinkling is due happen to be a Passover Eve, the person affected would, owing to the Rabbinical prohibition, remain unclean on that day and would, in consequence, be deprived of participation in the Paschal lamb, which is a Pentateuchal precept.

(6) The carrying of which on the Sabbath is Rabbinically forbidden even along roofs, an act which is Pentateuchally permitted (cf. Shab. 130b). By observing this Rabbinical law it is sometimes necessary to postpone circumcision which is a Pentateuchal commandment.

(7) V. Glos. Pentateuchally it is permitted to insert woollen fringes (v. Num. XV, 38) in a linen garment, despite the prohibition in Deut. XXII, 11 against wearing wool and linen together. Owing, however, to a Rabbinic prohibition, fringes of wool in a linen garment are forbidden, and this prohibition sometimes results in the abrogation of the Pentateuchal commandment of *zizith*. Cf. Men. 40a.

(8) V. Num. XXVIII, 26ff. If Pentecost fell on a Sabbath day, and these lambs were not offered for the purpose for which they were designated, the sacrificial blood may not, in accordance with a Rabbinical prohibition, be sprinkled upon the altar, though such sprinkling is Pentateuchally permitted. Thus, the Pentateuchal law of the sprinkling of the sacrificial blood, and other laws which are dependent on its performance, are suspended by a Rabbinical ordinance. Cf. Bezah 20b.

(9) The ram's horn used on the New Year festival (cf. Lev. XXIII, 24). If New Year's Day falls on a Sabbath, the Pentateuchal law of Shofar is abrogated by the Rabbis for fear it might be carried from one Sabbatical domain into another. Cf. R.H. 32a.

(10) The branches of palm-trees (Lev. XXIII, 40) which are taken during the Feast of Tabernacles. This Pentateuchal law is abrogated on the Sabbath day, for the same reason as in the case of the Shofar. (Cf. p. 613, n. 1 t).

(11) Cf. supra p. 613. n. 1.

- (12) V. last note.
- (13) Deut. XVIII, 15, referring to a true prophet.
- (14) Where he offered a sacrifice on an improvised altar (v. I Kings XVIII, 31ff) despite the prohibition against offering sacrifices outside the Temple.
- (15) Which shews that the word of a prophet, as also that of the Rabbis, may abrogate a Pentateuchal law.
- (16) From the teaching of the Rabbis.
- (17) Lit., 'making a wall round'.
- (18) From an ordinary measure. Elijah, by his act, saved Israel from idolatry and brought them back to the worship of Cod.
- (19) A husband who sent a letter of divorce to his wife by the hand of an agent. Cf. Git. 32a.
- (20) In the presence of any Beth din, even though the woman was unaware of the fact.
- (21) Cf. supra n. 10.
- (22) Lit., 'if so were such annulment to be permitted.
- (23) Lit., 'power'.
- (24) I.e., R. Gamaliel the Elder, who ordained that such an annulment must not be made, since the woman in her ignorance of it might marry again and thus unconsciously give birth to illegitimate children. V. Git. 33a.
- (25) So long as it did not reach the woman's hand.
- (26) Since the letter of divorce was duly annulled the woman obviously still retains the status of a married woman.
- (27) Lit., 'what power', quotation from R. Simeon's exclamation.
- (28) Which shews that a Pentateuchal law of marriage is abrogated by a Rabbinic measure!
- (29) Lit., 'opinion', 'view'.
- (30) The formula being. 'According to the law of Moses and of Israel' (cf. P.B. p. 298), i.e., the Pentateuchal and Rabbinic law.
- (31) Where the divorce was annulled.
- (32) Transforming retrospectively the money of the betrothal (cf. Kid. 2a) given to the woman at her first marriage into an ordinary gift. Since the hefker of money comes within the power of a legal tribunal the Beth din is thus fully empowered to cancel the original betrothal, and the divorcee assumes, in consequence, the status of an unmarried woman who is permitted to marry any stranger.
- (33) The explanation of the retrospective cancellation of the original marriage. V. supra note 3.
- (34) A woman may be betrothed by means of money, deed or cohabitation. V. Kid. 2a.
- (35) In compliance with whose laws and ordinances all betrothals are implicitly effected.
- (36) Lit 'made'.
- (37) From the moment a divorce is annulled in such a manner, the cohabitation, it was ordained, must assume retrospectively the character of mere prostitution, and since her original betrothal is thus invalidated the woman resumes the status of the unmarried and is free to marry whomsoever she desires.
- (38) While the Greeks were the rulers of the country.
- (39) Lit., 'ejaculate in'.
- (40) Cf. Sanh. 46a; which shows that the Rabbis may carry out decisions contrary to Pentateuchal law.
- (41) Cf. supra p. 614, nn. 7 and 8. The incidents referred to occurred in times of religious laxity when rigid measures were necessary, v Sanh., Sonc. ed., p. 303. n. 8.
- (42) Lev. XXI, 2.
- (43) Consequently it is permitted for a priest to defile himself for his wife.
- (44) Ibid. 4. which, contrary to the interpretation of v. 2, shews that a husband may not defile himself for its wife., 'a husband'. (E.V. chief man).
- (45) Who is the subject of our Mishnah, v. supra 22b.
- (46) The more he will hate her the sooner will he sever the unlawful union.
- (47) Lit., 'eats foods'.
- (48) Cf. supra n. 5.

Talmud - Mas. Yevamoth 91a

Is not this obvious!¹ — [The statement] IF THE DAUGHTER OF A LEVITE [she becomes

disqualified] FROM THE EATING OF TITHE was required.² Does, however, the daughter of a Levite become disqualified by prostitution from the eating of tithe? Surely, it was taught: If the daughter of a Levite was taken into captivity³ or was subjected to an act of prostitution,⁴ she may nevertheless be given tithe and she may eat it!⁵ — R. Shesheth replied: This⁶ is a punitive measure.⁷

IF THE DAUGHTER OF A PRIEST, [she becomes disqualified] FROM THE EATING OF TERUMAH, even Rabbinical terumah.

NEITHER THE HEIRS OF THE ONE HUSBAND NOR THE HEIRS OF THE OTHER ARE ENTITLED TO INHERIT HER KETHUBAH etc. How does the question of kethubah arise here?⁸ R. Papa replied: The kethubah of the male children.⁹ [Is not this also] obvious!¹⁰ — It might have been assumed that the Rabbis had penalized only her, since she had committed the forbidden act, but not her children, hence we were informed [that they also lose the kethubah].

THE BROTHER OF THE ONE AND THE BROTHER OF THE OTHER MUST SUBMIT TO HALIZAH, BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE. The brother of the first husband submits to halizah in accordance with the Pentateuchal law,¹¹ and may not contract the levirate marriage in accordance with Rabbinic law;¹² the brother of the second, however, submits to halizah in accordance with Rabbinical law,¹³ and may not contract the levirate marriage either in accordance with Pentateuchal, or in accordance with Rabbinical law.¹⁴

R. JOSE SAID: HER KETHUBAH [REMAINS A CHARGE] UPON THE ESTATE OF HER FIRST HUSBAND etc. Said R. Huna: The latter agree with the former,¹⁵ but the former do not agree with the latter: R. Simeon agrees with R. Eleazar;¹⁶ since he¹⁷ does not penalize [the woman¹⁸ in the case of] cohabitation which constitutes the main prohibition. how much less [would he do so in respect of] what she finds and what she makes with her hands, which are only monetary matters. R. Eleazar, however, does not agree with R. Simeon; [since it is only in respect of] what the woman finds and what she makes with her hands, which are monetary matters, that he does not penalize her, but in respect of cohabitation which is a religious prohibition he does penalize her. And both of them agree with R. Jose; [since they] do not penalize [the woman in respect of] those matters which are applicable while she continues to live with her husband,¹⁹ how much less [would they do so in respect of] the kethubah the purpose of which is²⁰ [for the woman] to take it and depart.²¹ R. Jose, on the other hand, does not agree with them; [since it is only in respect of] the kethubah [the purpose of which is for the woman] to take it and depart,²¹ that he does not penalize her, but in respect of those matters which are applicable while she continues to live with her husband,¹⁹ he does penalize her.

R. Johanan stated: The former agree with the latter, but the latter do not agree with the former: R. Jose agrees with R. Eleazar; since he does not penalize [the woman in respect of] the kethubah which has to be taken from the husband and given to the wife,²² how much less [would he do so in respect of] what she finds and what she makes with her hands which have to be taken from her and given to him.²³ R. Eleazar, however, does not agree with him; [since it is only in respect of] what she finds and what she makes with her hands which have to be taken from the woman and given to the husband,²³ that he does not penalize her, but in respect of the kethubah which has to be taken from him and given to her,²² he does penalize her. And both of them agree with R. Simeon; since they do not penalize her in respect of matters which [are applicable] while [her first husband] is alive, how much less [would they do so in respect of] cohabitation which takes place after his death. R. Simeon, however, does not agree with them; [since it is only in respect of] cohabitation which [takes place] after [her husband's] death, that he does not penalize her, but [in respect of] those matters which [are applicable] while [he is] alive, he does penalize her.

IF SHE MARRIED WITHOUT AN AUTHORIZATION etc. Said R. Huna in the name of Rab: This is the accepted law.²⁴ R. Nahman said to him: Why should you indulge in circumlocution!²⁵ If

you hold the same view as R. Simeon, say. 'The halachah is in agreement with R. Simeon' for, indeed, your traditional statement runs on the same lines as that of R. Simeon! And should you reply. 'If I were to say "the halachah is in agreement with R. Simeon", it might be assumed to apply even to his first statement',²⁶ then say. 'The halachah is in agreement with R. Simeon in his latter statement'!²⁷ — This is a difficulty.

R. Shesheth said: It occurs to me²⁸ that Rab made this reported statement while he was sleepy and about to doze off.²⁹ [His statement] 'This is the accepted law' implies that³⁰ [the Rabbis] differ,³¹ but what could she do? She was but the victim of circumstances!³² Furthermore, it was taught: 'None of the women in incestuous marriages forbidden in the Torah, requires a letter of divorce from the man who married her,³³ except a married woman who married again in accordance with a decision of a Beth din'. Only [where she married again] 'in accordance with a decision of a Beth din'³⁴ does she require a letter of divorce, but where [the marriage took place] in accordance with the evidence of two witnesses she requires no letter of divorce.³⁵ Now, whose view is here represented?³⁶ If it be suggested [that it is the view of] R. Simeon, does she [it may be retorted] require a letter of divorce [even where her marriage took place] in accordance with a decision of the Beth din? Surely it was taught: R. Simeon stated, 'If the Beth din acted³⁷ on their own judgment³⁴ [the marriage is regarded] as a wilful [act of adultery between] a man and a [married] woman;³⁸ [if, however, they acted],³⁰ in accordance with the evidence of [two] witnesses, [the marriage is regarded] as [intercourse between] a man and a woman that was due to error'.³⁹ In both cases, however,⁴⁰ no letter of divorce is thus⁴¹ required.⁴² Consequently it must represent the view of the Rabbis!⁴³ The fact is [that it⁴⁴ represents the view of] R. Simeon, and you may interpret it as follows. R. Simeon stated: If the Beth din acted⁴⁵ on their own judgment, [the marriage is regarded] as intentional [intercourse⁴⁶ between] a man and an [unmarried] woman and [the latter]⁴⁷ consequently requires a letter of divorce; [If, however, they acted],⁴⁵ in accordance with the evidence of [two] witnesses [the marriage is regarded] as wanton [intercourse between] a man and an [unmarried] woman⁴⁸ and [the latter consequently] requires no letter of divorce.

R. Ashi replied: The statement⁴⁹ was mainly concerned with the question of the prohibition,⁵⁰ and is to be understood as follows:⁵¹ If the Beth din acted⁵² on their own judgment, [the marriage is regarded] as a wilful [act of adultery between] a man and a [married] woman, and [the latter is consequently] forbidden to her [first] husband; [if, however, they acted]⁴⁹ in accordance with the evidence of [two] witnesses, [the marriage is regarded] as [intercourse between] a man and a woman that was due to error, and [the latter is consequently] not forbidden to her [first] husband.

(1) Having the status of a harlot she is obviously forbidden to marry a priest. Cf. Lev. XXI, 7.

(2) As this ruling had to be mentioned the other also was included.

(3) Where she is exposed to the dangers of gentiles' outrage.

(4) Cohabitation with a slave, for instance, or a halal. Cf. supra 68a.

(5) Bek. 47a.

(6) The disqualification of the Levite's daughter in our Mishnah.

(7) For not instituting the necessary enquiries before she married her second husband.

(8) Where the woman herself, as stated earlier in our Mishnah, is not entitled to it.

(9) Of the woman. By the insertion of the prescribed clause (v. Keth. 52b), her sons are entitled to receive her kethubah from their father's estate when he dies, even if their mother died first and their father married again and had sons with his second wife. They receive her kethubah in addition to their shares in their father's estate to which the sons of both the first and the second wife are equally entitled. In the case spoken of in our Mishnah, however, the sons of the first wife lose their claim to her kethubah.

(10) If their mother herself is not entitled to it, how much less her sons whose claim is entirely derived from hers.

(11) Since according to Pentateuchal law he is the brother of the proper husband.

(12) As a punitive measure against the woman who did not make sufficient enquiries before contracting her second marriage.

- (13) Pentateuchally the widow is not subject to him at all, since her marriage with his brother was invalid. Cf. supra p. 617, n. 11.
- (14) Cf. previous two notes.
- (15) That in respect of the points they mentioned the woman is regarded as the wife of the first husband.
- (16) V. our Mishnah.
- (17) Having stated that, HER COHABITATION . . . WITH THE BROTHER OF THE FIRST HUSBAND EXEMPTS HER RIVAL.
- (18) In regard to her relationship to her first husband.
- (19) Lit., 'when she sits under him', when there is reason to apprehend that she would never be divorced in consequence.
- (20) Lit., 'stands'.
- (21) Thus actually beginning the process of separation and final divorce.
- (22) Lit., 'which from his to hers'.
- (23) Lit., 'which from hers to his'.
- (24) Cf. supra 88b.
- (25) לך גנבא גנובי חמה (rt. גמב, in Pael 'to go round about'). 'O thou cunning man, what is the use of thy going round about?' (Jast.).
- (26) That of cohabitation with the brother of the first husband where her second marriage was contracted on the evidence of one witness only.
- (27) IF SHE MARRIED WITHOUT AUTHORIZATION.
- (28) Lit., 'I would say'.
- (29) Lit., 'dozing and lying down'.
- (30) In the final clause, where the woman married on the evidence of two witnesses.
- (31) Maintaining that the woman is to be penalized.
- (32) מֵאֵינֶם אֵינֶם from rt. אֵינֶם 'to be compelled'. What better proof could she have had than the testimony of two qualified witnesses.
- (33) Lit., 'from him'.
- (34) I.e., where the evidence as to her first husband's death has been given by one witness only.
- (35) Since she was but an unfortunate victim of circumstances.
- (36) Lit., 'who is it'.
- (37) Permitted the remarriage of a woman whose husband's death has been reported.
- (38) And the woman becomes thereby forbidden to her first husband if he returns.
- (39) And the return of the woman to her first husband is consequently permitted.
- (40) Whether the marriage was on the decision of Beth din or on the evidence of two witnesses.
- (41) Since the comparison was made with acts of presumption and error while divorce was not mentioned at all.
- (42) The first Baraitha cited, which required a divorce in a case where the woman married in accordance with a decision of the Beth din, cannot therefore represent the view of R. Simeon.
- (43) Which proves that they also admit that no divorce is necessary where the marriage was contracted in reliance on two witnesses. Who is it, then, that differs from R. Simeon that it should have been necessary for Rab to declare the halachah to be in agreement with his view?
- (44) The first Baraitha under discussion. V. p. 620. n. 13.
- (45) V. supra p. 620, n. 8.
- (46) For the purpose of betrothal. Cf. Kid. 2a.
- (47) Since her marriage was legal.
- (48) Which constitutes no legal union.
- (49) V. supra note 15.
- (50) Lit., 'he taught in respect of prohibition'.
- (51) Lit., 'and thus be said'.
- (52) V. supra p. 620, n. 8.

Talmud - Mas. Yevamoth 91b

Rabina replied: The statement was mainly dealing with the question of sacrifice,¹ and is to be

understood as follows.² If the Beth din acted on their own judgment, [the marriage is regarded] as a wilful [act of adultery between] a man and a [married] woman, and [the latter] does not bring a sacrifice;³ if, however, they acted] in accordance with the evidence of [two] witnesses, [the marriage is regarded] as [intercourse between] a man and a woman that was due to error and [the latter] has to bring a sacrifice.⁴

If you prefer, however, I might say that the first [Baraita]⁵ represents [the view of] the Rabbis, and you may explain it as follows: 'Except a married woman'⁶ and one 'who married again in accordance with a decision of a Beth din'.⁷

'Ulla raised an objection: Do we accept the plea⁸ 'what could she have done'?⁹ Surely we learned: [If a letter of divorce] was dated¹⁰ according to¹¹ an era that was inappropriate,¹² according to¹¹ the Median era, or according to¹¹ the Greek era, according to [the era of] the building of the Temple, or the destruction of the Temple, or if he¹³ was in the East and wrote, 'In the West', [or he was] in the West and wrote, 'In the East', she¹⁴ must leave her first and her second husband,¹⁵ and all the disabilities¹⁶ [enumerated,¹⁷ are applicable] to her.¹⁸ But why?¹⁹ Let it be argued. 'What could she have done'?²⁰ — She should have arranged for the letter of divorce to be read.²¹

R. Shimi b. Ashi said, Come and hear: If a levir married his sister-in-law²² and her rival went and married [another man]²³ and then the former²⁴ was found to be incapable of procreation,²⁵ [the latter]²⁶ must leave the one and the other²⁷ and all the disabilities¹⁶ [mentioned²⁸ apply] to her.²⁹ But why?³⁰ Let it be argued. 'What could she have done'?³¹ — She should have waited.

Said Abaye: Come and hear: If the rivals [of] any of the forbidden relatives concerning whom it has been said³² that they exempt their rivals went and married, and any such forbidden relatives³³ were found to be incapable of procreation,³⁴ [every rival] must leave the one and the other,³⁵ and all the disabilities³⁶ [mentioned³⁷ apply] to her.³⁸ But why?³⁹ Let it be argued. 'What could she have done'? — She should have waited.

Said Raba. Come and hear: If a scribe wrote a letter of divorce for the husband and a quittance⁴⁰ for the wife, and then made a mistake and handed the letter of divorce to the wife and the quittance to the husband, and they⁴¹ gave them to one another,⁴² and after a time⁴³ the letter of divorce was discovered⁴⁴ in the possession of the husband and the quittance in the possession of the wife, [the latter]⁴⁵ must leave the one as well as the other,⁴⁶ and all the disabilities³⁶ [mentioned⁴⁷ apply] to her.³⁸ But why?⁴⁸ Let It be argued. 'What could she have done'? — She could have arranged for the letter of divorce to be read.⁴⁹

Said R. Ashi, Come and hear: If he⁵⁰ changed⁵¹ his name or her name, the name of his town or the name of her town, she must depart from the one and from the other,⁵² and all the disabilities³⁶ [mentioned³⁷ apply] to her.³⁸ But why?⁴⁸ Let it be argued. 'What could she have done'? — She should have arranged for the letter of divorce to be read.⁵³

Said Rabina, Come and hear: If a man married a woman⁵⁴ on [the strength of] a bald⁵⁵ letter of divorce she must depart from the one and from the other,⁵⁶ etc.! — She should have arranged for the letter of divorce to be read.⁵⁷

R. Papa desired to decide a case on [the principle of] 'What could she have done',⁵⁸ Said R. Huna Son of R. Joshua to R. Papa: But surely all those⁵⁹ Baraitoth were taught?⁶⁰ The other answered him: Were they not explained?⁶¹ 'Shall we then',⁶² the former retorted, 'rely on explanations'?⁶³

R. Ashi said: No regard need be paid⁶⁴ to a rumour.⁶⁵ What kind of rumour [is here meant]? If it be suggested [that it means] a rumour after marriage.⁶⁶ Surely [it may be objected] R. Ashi has said

this once; for R. Ashi stated:

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- (1) Cf. supra n. 6, mutatis mutandis.
 - (2) So Bah. Cf. supra n. 7. Cur. edd. omit, 'and is . . . follows'.
 - (3) Since her wilful act was performed in reliance on the ruling of Beth din. V. Hor. 2b.
 - (4) As for any other similar sin committed in error.
 - (5) V. supra note 15.
 - (6) Who married again in accordance with the evidence of two witnesses.
 - (7) On the evidence of one witness. According to this interpretation, a marriage on the evidence of two witnesses is not excluded (as was originally suggested supra 91a) and it also requires a letter of divorce.
 - (8) Lit 'do we say'.
 - (9) R. Shesheth's objection, supra 91a.
 - (10) Lit., 'he wrote'.
 - (11) Lit., 'for the name'.
 - (12) For the place in which, or the time when the document was written.
 - (13) The scribe (Rashi). It is assumed that the witnesses are from the same place as the scribe. (Cf. Tosaf s.v. **היה** a.l.)
 - (14) The woman who married again after receiving such a defective document from her husband.
 - (15) Lit 'from this and from this'.
 - (16) Lit., 'these ways'.
 - (17) Supra 87b and in the Mishnah cited from Gittin (v. infra n. 13), such as the loss of kethubah etc.
 - (18) Cf. Git., Sonc. ed., p. 282, q. v. notes.
 - (19) Should the woman be penalized.
 - (20) She honestly believed the document to be valid.
 - (21) By an expert who would have detected the irregularities and warned her in good time.
 - (22) The widow of his brother who died without issue.
 - (23) Which she is permitted to do, since the levirate marriage of one widow exempts all her rivals from both halizah and the levirate marriage.
 - (24) Lit 'this', the widow who married the levir.
 - (25) And consequently unable to exempt her rival (cf. supra 12a).
 - (26) The rival mentioned.
 - (27) Lit., 'from this and from this'. She may neither live with the husband she married nor with the levir.
 - (28) V. supra n. 12.
 - (29) Git. 80a.
 - (30) Cf supra n. 14.
 - (31) She surely could not have anticipated the other's incapability.
 - (32) Supra 2a.
 - (33) Lit., 'these'.
 - (34) Cf. supra p. 622, n. 20.
 - (35) V. supra p. 622, n. 22.
 - (36) Lit., these ways'.
 - (37) Supra 87b and in the Mishnah cited from Gittin (cf. Git. 79b) such as the loss of kethubah etc.
 - (38) Git. 80a.
 - (39) Should the woman be penalized.
 - (40) Which the wife gives to the husband on the receipt of her kethubah.
 - (41) Without examining the documents.
 - (42) Lit., 'this to this and this to this'; both of them believing that the husband gave to his wife the letter of divorce, and that the wife gave to her husband the quittance.
 - (43) When the woman had married another man.
 - (44) Lit., 'goes out'.
 - (45) Since her divorce was invalid, the document having been given to her not by her husband as the law requires but by the scribe.
 - (46) Her second and her first husband.

- (47) V. supra note 7.
- (48) Should she be subject to the disabilities.
- (49) When she would immediately have discovered the scribe's error.
- (50) The husband.
- (51) In the letter of divorce which he gave to his wife.
- (52) Lit., 'from this and from this': from her first, and from her second husband.
- (53) And the change of name would have been discovered at once.
- (54) Lit., 'he married her'.
- (55) פקד i.e., a 'folded document' (cf. B.B. 160a) on one of whose folds a signature is wanting. A valid deed of such a character must bear the signature of a witness on each fold and must be signed by no less than three witnesses. V. Git., Sonc. ed., p. 391.
- (56) V. supra p. 623, n. 22.
- (57) And the defect would have been discovered forthwith.
- (58) It was his intention to allow a woman, whose second marriage was contracted on the evidence of two witnesses who had testified that her first husband was dead, to go back to him when he returned.
- (59) Above mentioned.
- (60) And in none was the principle of 'what could she have done' acted upon.
- (61) Special reasons were given why the principle mentioned was not acted upon. In all other cases, however, it should be taken into consideration.
- (62) Lit., 'shall we rise'.
- (63) Despite the explanations, the original objections may still be urged. Cur. edd. insert in parenthesis 'and he desisted'. i.e., R. Papa abandoned his contemplated decision.
- (64) If a woman was authorized by the Beth din to contract a second marriage.
- (65) That her first husband was still alive.
- (66) Of the woman with her second husband.

Talmud - Mas. Yevamoth 92a

No regard need be paid to a rumour that originated after marriage!¹ — It might have been assumed that since she was to appear before the Beth din to obtain the authorization² [for her marriage].³ the rumour is regarded as one [that arose] before marriage⁴ and she should in consequence be forbidden,⁵ we were, therefore, taught [that even in such circumstances a rumour is disregarded].

IF SHE MARRIED WITH THE AUTHORIZATION OF THE BETH DIN SHE MUST LEAVE etc. Ze'iri said: Our Mishnah cannot be authentic⁶ owing to a Baraitha that was recited at the academy. For it was recited at the academy: If the Beth din ruled⁷ that the sun had set,⁸ and later it appeared, [such a decision] is no ruling⁹ but a mere error.¹⁰

R. Nahman. however, stated: [Such an authorization]¹¹ is [to be regarded as] a ruling.¹² Said R. Nahman: You can have proof¹³ that it [is to be regarded as] a ruling. For throughout the Torah a single witness is never believed while in this case he is believed. But why? Obviously¹⁴ because [such an authorization is regarded as] a ruling.¹⁵ Raba said: You can have proof¹³ that it¹¹ is [to be regarded as a mere] error.¹⁶ For were Beth din to issue a ruling in a case of some forbidden fat or blood that it is permitted, and then find a [strong] reason for forbidding it, [their subsequent ruling], should they retract and rule again that it is permitted,¹⁷ would be completely disregarded;¹⁸ whereas here,¹⁹ it should one witness present himself,²⁰ the woman would be permitted to marry again,²¹ and should two witnesses [afterwards] appear²² the woman would be forbidden to marry again,²³ but should another witness subsequently appear²⁴ the woman would again be permitted to marry. But why?²⁵ Obviously²⁶ because it¹⁹ [is regarded as a mere] error.²⁷

R. Eliezer also is of the opinion that it¹⁹ is [to be regarded as a mere] error. For it was taught: R. Eliezer said: Let the law pierce through the mountain²⁸ and let her²⁹ bring a fat sin-offering.³⁰ Now, if it be granted that it¹⁹ is [to be treated as] an error one can well see the reason why she is to bring an offering.³¹ If, however, it be contended that it¹⁹ is [to be regarded as] a ruling, why should she bring an offering!³² But is it not possible that R. Eliezer holds the opinion that an individual who committed a sin in reliance on a ruling of the Beth din is liable?³³ — If so, what [could have been meant by] 'Let the law pierce through the mountain'!³⁴

IF THE BETH DIN DECIDED THAT SHE MAY MARRY AGAIN etc. What is meant by DISGRACED HERSELF? — R. Eliezer³⁵ replied: She played the harlot. R. Johanan replied: [If being] a widow [she was married] to a High Priest, [or if] a divorcee or a haluzah [she was married] to a common priest. He who stated, 'She played the harlot',³⁶ would, even more so, [subject the woman to a sin-offering. if as] a widow [she was married] to a High Priest.³⁷ He, however, who stated, '[If being] a widow [she was married] to a High Priest' does not³⁸ [subject her to a sin-offering if] she played the harlot. What is the reason? — Because she might plead, 'It is you who granted me the status of an unmarried woman'.³⁹

It was taught in agreement with the opinion of R. Johanan: If Beth din directed that she may be married again. and she went and disgraced herself, so that, for instance, [being] a widow [she was married] to a High Priest, [or being] a divorcee or a haluzah [she was married] to a common priest. she is liable to bring an offering for every single act of cohabitation;⁴⁰ so R. Eleazar. But the Sages said: One offering for all. The Sages, however, agree with R. Eleazar that, If she was married to five men, she is liable to bring an offering for every one, since [here it is a case of] separate bodies.

MISHNAH. IF A WOMAN WHOSE HUSBAND AND SON WENT TO COUNTRY BEYOND THE SEA WAS TOLD,⁴¹ 'YOUR HUSBAND DIED AND YOUR SON DIED AFTERWARDS',⁴² AND SHE MARRIED AGAIN,⁴³ AND LATER SHE WAS TOLD, 'IT WAS OTHERWISE'.⁴⁴ SHE MUST DEPART;⁴⁵ AND ANY CHILD BORN BEFORE OR AFTER⁴⁶ IS A BASTARD.⁴⁷ IF

SHE WAS TOLD. 'YOUR SON DIED AND YOUR HUSBAND DIED AFTERWARDS',⁴⁸ AND SHE CONTRACTED THE LEVIRATE MARRIAGE, AND AFTERWARDS SHE WAS TOLD, 'IT WAS OTHERWISE'⁴⁹ SHE MUST DEPART;⁵⁰ AND ANY CHILD BORN BEFORE OR AFTER⁴⁶ IS A BASTARD.⁴⁷

IF SHE WAS TOLD, 'YOUR HUSBAND IS DEAD, AND SHE MARRIED, AND AFTERWARDS SHE WAS TOLD, 'HE WAS ALIVE'⁵¹ BUT IS NOW DEAD', SHE MUST DEPART,⁵² AND ANY CHILD BORN BEFORE [THE DEATH OF HER FIRST HUSBAND]⁵³ IS A BASTARD, BUT ONE BORN AFTER IT⁵⁴ IS NO BASTARD. IF SHE WAS TOLD, 'YOUR HUSBAND IS DEAD AND SHE WAS BETROTHED, AND AFTERWARDS HER HUSBAND APPEARED, SHE IS PERMITTED TO RETURN TO HIM. ALTHOUGH THE OTHER⁵⁵ GAVE HER A LETTER OF DIVORCE HE HAS NOT THEREBY DISQUALIFIED HER FROM MARRYING A PRIEST. THIS R. ELEAZAR B. MATHIA DERIVED BY MEANS OF THE FOLLOWING EXPOSITION: NEITHER [SHALL THEY⁵⁶ TAKE] A WOMAN PUT AWAY FROM HER HUSBAND,⁵⁷ EXCLUDES ONE PUT AWAY⁵⁸ FROM A MAN WHO IS NOT HER HUSBAND.⁵⁹

GEMARA. What is meant by BEFORE⁶⁰ and what is meant by AFTER?⁶¹ If it be suggested that BEFORE means before the [second] report and that AFTER means after that report, it should have been stated: The child is a bastard!⁶² Because it was desired to state in the final clause, IF SHE WAS TOLD, 'YOUR HUSBAND IS DEAD', AND SHE MARRIED, AND AFTERWARDS SHE WAS TOLD, 'HE WAS ALIVE BUT IS NOW DEAD . . . ANY CHILD BORN BEFORE⁶³ [THE DEATH OF HER FIRST HUSBAND] IS A BASTARD, BUT ONE BORN AFTER IT⁶⁴ IS NO BASTARD, the expressions BORN BEFORE OR AFTER IS A BASTARD were used in the first clause also.

Our Rabbis taught: This⁶⁵ is the view of R. Akiba who stated: Betrothal with those who are subject [on intercourse] to the penalties of a negative commandment is invalid.⁶⁶ The Sages, however, said that [the child] of a sister-in-law⁶⁷ is no bastard.⁶⁸ Let it be said: The child of a union between those who are subject [on intercourse] to the penalties of a negative precept is no bastard!⁶⁹ — This Tanna⁷⁰ is the following Tanna of the school of R. Akiba, who stated that [only a child] of a union that is subject to the penalties of a negative precept owing to consanguinity is a bastard, but one born from a union that is subject to the penalties of a mere negative precept⁷¹ is no bastard.

Rab Judah stated

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- (1) If, for instance, after a priest had married, a rumour arose that before her marriage with him his wife was a divorcee or a harlot. Git. 81a, 88b, 89a.
 - (2) Lit., 'and we permitted'.
 - (3) Before it had taken place.
 - (4) Her appearance before the court implying that, already at that time, the possibility that her husband was still alive was being considered.
 - (5) To her second husband, as if the rumour had been current before her marriage.
 - (6) Lit., 'our Mishnah is not'.
 - (7) On a cloudy day which happened to be the Sabbath day.
 - (8) And permitted the people to commence their week-day labours which are forbidden on the Sabbath.
 - (9) Which exempts the individual who acted upon it from a sin-offering and affects the nature of the sin-offering which the congregation who acted upon it has to bring.
 - (10) Since the erroneous ruling of the Beth din was not due to an oversight on their part of a point of law but to a false assumption of a matter of fact. They assumed that the sun had set, while in fact, it had not. Similarly here, They assumed that the woman's husband was dead when as a matter of fact he was alive. Our Mishnah, therefore, which exempts the woman from a sin-offering cannot be authentic.

- (11) The permission to the woman to marry again, spoken of in our Mishnah.
- (12) Subject to the same laws as all erroneous rulings issued by a Beth din. Cf. supra 11. 6. and Hor. 2aff.
- (13) Lit., 'thou shalt know'.
- (14) Lit., 'not?'
- (15) The woman did not act on the evidence of the witness which, as is now apparent, was due to an error, but on the ruling of the Beth din who accepted the evidence of this witness. Whatever their reason may have been it was their ruling that was the cause of the woman's marriage.
- (16) [They assumed that every woman makes careful investigations before she marries (v. supra 25a) and it has been found that this was not the case].
- (17) [Rashi: For a reason not as strong as that which prompted them to prohibit It. Me'iri: For the very same reason which made them permit it at the very first].
- (18) Lit., 'we do not look to them'. Once it has been found that their first ruling was erroneous it cannot again be adopted.
- (19) v. supra p. 625, n.8.
- (20) Testifying that the woman's husband was dead.
- (21) Lit., 'we permit'.
- (22) Declaring that the husband was still alive.
- (23) Lit., 'we forbid'.
- (24) Stating that the husband has died since.
- (25) If the first authorization is to be regarded as a ruling it should not again be adopted (cf. supra n. 2), once it has been proved (by the testimony of the two witnesses) that it was erroneous.
- (26) Lit., 'not'?
- (27) It is assumed that though the first witness misled the court the last is speaking the truth.
- (28) I.e., one should delve deeper into the subject (cf. Rashi a.l.) 'Justice under all circumstances' (Jast.).
- (29) The woman who married by permission of the court on the evidence of one witness.
- (30) Cf. Sanh. 6b. Though, if viewed superficially, it would appear that the woman, since she had acted on the decision of a court, is not liable to a sin-offering (cf. Hor. 2a). careful consideration of the case would reveal that she is liable, since the decision was based on the error of the witness and not on a legal oversight of the court. Cf. supra p. 625, n. 7.
- (31) Cf. supra note 14, second section.
- (32) Cf. loc. cit. first section.
- (33) To a sin-offering.
- (34) Cf. supra note 12 (first interpretation) and supra note 14.
- (35) Marg. note, 'Eleazar'.
- (36) That even in such a case a sin-offering must be brought.
- (37) Since it is obvious that the court's permission did not extend to a marriage which is in any case forbidden to the woman, even if her husband is dead.
- (38) Lit., 'but not'.
- (39) And since she acted on a ruling of a court, she is not liable to a sin-offering.
- (40) This is further explained in Ker. 15a.
- (41) Lit., 'and they came and said to her'.
- (42) As the son was alive when his father died the widow is not subject to the levirate marriage or halizah.
- (43) A stranger.
- (44) Lit., 'the matter was reversed', the son died first, so that when his father died afterwards the widow was subject to halizah or levirate marriage.
- (45) From her second husband, since he married her before she had performed the required halizah.
- (46) The second report. Lit 'and the first and last child'.
- (47) Being the issue of a union forbidden by a negative precept. V. Gemara infra.
- (48) V. p. 627. n. 10.
- (49) V. supra p. 627, n. 8.
- (50) From the levir, to whom, (her husband having had issue from her at the time he died) she is forbidden as 'his brother's wife'.
- (51) At the time she married her second husband.

- (52) From her second husband who married her while, as a married woman, she was forbidden to him.
- (53) Lit., 'and the first child'.
- (54) Lit., 'and the last'.
- (55) Lit., 'the last, the man who betrothed her.'
- (56) Priests.
- (57) Lev. XXI, 7-
- (58) Lit., 'and not'.
- (59) The divorce being unnecessary it has no effect on the status of the woman.
- (60) In the first clauses of our Mishnah.
- (61) Lit., 'what is first and what is last'.
- (62) Since the child's legitimacy is not determined by the date of the report but by the facts.
- (63) Lit., 'the first'.
- (64) Lit., 'and the last'.
- (65) The statement in the first clause of our Mishnah that the child is a bastard.
- (66) V. supra 10b. And no divorce is consequently required.
- (67) Who married a stranger before she had performed halizah with the levir.
- (68) Tosef. XI. Since such marriage is forbidden by a negative precept only, and is not subject to kareth.
- (69) This more general statement would have also included the particular case of the sister-in-law mentioned.
- (70) Referred to in the Baraitha cited as 'the Sages'.
- (71) The marriage, for instance, of the sister-in-law to a stranger. The general statement (v. supra note 7) was consequently inadmissible.

Talmud - Mas. Yevamoth 92b

in the name of Rab: Whence is it deduced that betrothal with a sister-in-law¹ is of no validity?² — From the Scriptural text,³ The wife of the dead shall not be married⁴ outside unto one who is not of his kin,⁵ there shall be no validity in the betrothal⁶ of her by a stranger.⁷ Samuel, however, stated: Owing to our [intellectual] poverty⁸ it is necessary [that she be given] a letter of divorce; Samuel having been in doubt as to whether the expression,⁹ The wife of the dead shall not be,¹⁰ served the purpose of¹¹ a negative precept¹² or rather indicated¹¹ that betrothal with such a woman is invalid.

R. Mari b. Rachel said to R. Ashi: Thus said Amemar, 'The law is in agreement with Samuel'. Said R. Ashi: Now that Amemar has said that the law is in agreement with Samuel, her levir,¹³ if he was a priest,¹⁴ submits to her halizah and she is permitted to her second husband.¹⁵ He¹⁶ surely benefits¹⁷ thereby.¹⁸ and thus the sinner¹⁹ is at an advantage!²⁰ — Rather [this is the reading]: If her levir²¹ was an Israelite, the other²² gives her a letter of divorce and she is permitted to the levir.²³

R. Giddal stated in the name of R. Hiyya b. Joseph in the name of Rab: While betrothal with a sister-in-law²⁴ is invalid, marriage with her is valid.²⁵ If betrothal, however, is invalid, marriage also should be invalid! — Read: Both betrothal and marriage with her are invalid. And if you prefer I might say. What is meant by 'marriage with her is valid'? — It constitutes an act of²⁶ harlotry²⁷ in accordance with the ruling of R. Hamnuna. For R. Hamnuna stated: A woman who, while awaiting the decision of the levir, played the harlot, is forbidden to marry the levir. And if you prefer I might say: [The reading is]. in fact, as has been originally stated, that betrothal with her is invalid but marriage with her is valid,²⁸ since her case might be mistaken for that of a woman whose husband went to a country beyond the sea.²⁹

R. Jannai said: A vote was taken at the college and it was decided that betrothal with a sister-in-law³⁰ has no validity. Said R. Johanan to him: O Master, is not this [law contained in] a³¹ Mishnah? For we have learnt: If a man said to a woman, 'Be thou³² betrothed unto me after I shall have become a proselyte'. 'after thou shalt have been a proselyte'. 'after I shall have been emancipated'. 'after thou shalt have been emancipated'. 'after thy husband shall have died' , 'after

thy sister shall have died' or 'after thy brother-in-law shall have submitted to thy halizah', the betrothal is invalid!³³ — The other replied: Had I not lifted up the sherd, would you have found the pearl beneath it?³⁴

Resh Lakish said to him:³⁵ Had not a great man praised you. I would have told you that the Mishnah [you cited represents the view] of R. Akiba who maintains that betrothal with those who are subject to the penalties of a negative precept is invalid.³⁶

If [this Mishnah, however, represents the view of] R. Akiba, betrothal [with the sister-in-law]³⁷ should be valid where [the stranger] said to her, 'after thy brother-in-law shall have submitted to thy halizah', since R. Akiba has been heard to state that one may transfer possession of that which is not yet in existence;³⁸ for we learned:

(1) V. supra note 5.

(2) And no divorce is consequently required.

(3) Lit., 'because it is said'.

(4) Lit., 'she shall not be', **הא תהיה**.

(5) Deut. XXV,5.

(6) Lit., 'being'. **הויה**, i.e., 'betrothal'.

(7) Lit., 'a stranger shall have no being in her'. **הויה** (supra n. 15) is of the same rt. **היה**, as that of **תהיה** (supra. 13).

(8) Inability to understand the meaning of the Scriptural text mentioned.

(9) Lit., 'that'.

(10) Deut. xxv. .5.

(11) Lit., 'that it came'.

(12) And, as is the case with other unions that are forbidden by negative precepts, the betrothal is valid.

(13) The brother-in-law of the widow, spoken of in the first case of our Mishnah, who married a stranger and from whom, according to Samuel, she requires a divorce.

(14) To whom the sister-in-law would thus be forbidden even after she had been divorced by the stranger. A priest is forbidden to marry a divorced woman. V. Lev. XXI, 7.

(15) Lit., 'to him', the stranger whom she married.

(16) The second husband. v. supra n. 7.

(17) He is permitted to continue to live with his wife.

(18) By the halizah of the levir.

(19) Who contracted a union before instituting the necessary enquiries as to the circumstances of his wife's first husband's death.

(20) Lit., 'gains'.

(21) Cf. supra note 5.

(22) The second husband. Cf. supra note 7.

(23) Lit., 'to him'.

(24) Who, before she performed halizah with the levir had married a stranger.

(25) This validity, it is at present assumed, subjects the woman to the necessity of a letter of divorce.

(26) Lit., 'In'.

(27) By such a marriage she becomes forbidden to marry the levir as if she had played the harlot; but no letter of divorce is required.

(28) In the sense that she requires a letter of divorce. Cf. p. 630, n. 17. and the following note.

(29) And she married in accordance with the decision of a court on the evidence of one witness who testified that her first husband was dead. As the woman in this case requires a letter of divorce, it was ordained, as a preventive measure, that in the case spoken of in our Mishnah also a letter of divorce shall be required. the validity spoken of extending, however, to this requirement and no further. In the case of betrothal no preventive measure was enacted since in this case also no letter of divorce is required.

(30) V. p. 630, n. 16.

(31) Lit., 'our'.

(32) Lit., 'behold thou art'. Cf. P.B. p. 298.

(33) Kid. 62a, Keth. 58b. B.M. 16b. Betrothal cannot take effect at once owing to his stipulation and it cannot take place in the future because that which is not yet in existence may not be acquired. From this it follows that before the levir has submitted to halizah betrothal by a stranger is invalid, which is in effect the law reported by R. Jannai.

(34) I.e., had not R. Jannai stated his ruling it might never have occurred to R. Johanan that the reason for the invalidity of the betrothal in the case of the sister-in-law was the law that betrothal with a sister-in-law by a stranger is never valid before the levir has submitted to halizah. He might have assumed the invalidity in this particular case also to be due to the fact that the man distinctly desired it to take place in the future, and no one can acquire that which is not yet in existence.

(35) R. Johanan.

(36) Marriage of a sister-in-law by a stranger before she has performed halizah with the levir is forbidden by such a negative precept. This Mishnah, therefore, provides no proof, like the statement of R. Jannai, that the Rabbis also admit invalidity in such a case.

(37) Lit 'with', or 'in her'.

(38) Consequently, the betrothal here, though it was dependent on a future event which had not yet taken place, should also be valid.

Talmud - Mas. Yevamoth 93a

[If a woman said to her husband]. 'Konam,¹ I do aught for your mouth',² he³ need not annul [her vow].⁴ R. Akiba, however, said: He³ must annul it, since she might do more [work] than is due⁵ to him!⁶ Surely in connection with this it was stated: R. Huna son of R. Joshua said, [This law⁷ applies only] where she said, 'My hands⁸ shall be consecrated to Him who made them', since her hands are in existence.⁹

This¹⁰ differs [from the opinion] of R. Nahman b. Isaac. For R. Nahman b. Isaac stated: R. Huna [holds the same opinion] as Rab,¹¹ Rab as R. Jannai, R. Jannai as R. Hiyya. R. Hiyya as Rabbi,¹² Rabbi as R. Meir, R. Meir as R. Eliezer b. Jacob. and R. Eliezer b. Jacob as R. Akiba, who stated that a man may transfer possession of a thing that is not yet in existence.

What statement is it [that records the opinion of] R. Huna? It was stated: He who sold the fruit of a date-tree¹³ to another may, said R. Huna, withdraw from the sale before they come into existence; but after they have come into existence he may no longer withdraw.¹⁴ R. Nahman, however, stated: He may withdraw even after they have come into existence.¹⁵ Said R. Nahman: I admit, that if he¹⁶ had already plucked and ate them, [compensation] is not to be extracted from him.¹⁷

As to Rab?¹⁸ — [In that] which R. Huna stated in the name of Rab: If a man said to another, 'let this field which I am about to buy be yours as from now the moment I buy it', [the latter] acquires it.¹⁹

'R. Jannai [is of the same opinion] as R. Hiyya'; for R. Jannai had a tenant²⁰ who used to bring him a basket of fruit every Sabbath Eve. Once as it was growing dark, and [the tenant] did not come, [R. Jannai] took²¹ tithe²² from the fruit which [he had] at home for [the redemption of] those.²³ When he subsequently came before R. Hiyya [the latter] said to him, 'You have acted well; for it was taught: That thou mayest learn to fear the Lord thy God always²⁴ refers to Sabbaths and festivals'.²⁵ Now, in 'respect of what law?²⁶ If in respect of giving tithe²⁷ so that one may be allowed to eat,²⁸ was it necessary [it may be asked] for a Scriptural text to permit moving,²⁹ [the prohibition of which is only] Rabbinical!³⁰

(1) This is one of the expressions of a vow. V. Glos.

(2) I.e., that her husband be forbidden to eat anything made by her or purchased from the proceeds of her work.

- (3) The husband who is empowered to annul his wife's vow. Cf. Num. XXX, 7ff.
- (4) A wife's work belongs to her husband and she has, therefore, no right to dispose of it by vow or otherwise. Her vow is consequently null and void and requires on invalidation.
- (5) A husband is entitled only to a certain amount of his wife's work (v. Keth. 64b). Any work in excess of that maximum is at the disposal of the wife who, in the opinion of R. Akiba, is entitled to forbid it to her husband by a vow, though that work has not yet been done.
- (6) Keth. 59a, 66a, Ned. 85a, Kid. 63a. V. supra note 3.
- (7) That a wife may by her vow cause her future work to be forbidden.
- (8) And through them the work they will produce.
- (9) At the time she made her vow.
- (10) The view presented by R. Huna, according to which R. Akiba maintains that a thing that is not yet in existence may not be legally transferred.
- (11) From whom he received it as a tradition from his master, R. Jannai. who in turn, received it from his master, R. Hiyya, and so on to R. Akiba.
- (12) R. Judah I, the Patriarch or Prince, compiler of the Mishnah.
- (13) During the winter, before they blossomed.
- (14) Because, according to R. Huna, the kinyan that was arranged before they come into existence takes effect as soon as they come into existence.
- (15) In his opinion no kinyan is effective unless the object sold is actually in existence at the time of the sale.
- (16) The buyer.
- (17) B.M. 66b.
- (18) Where was his view expressed?
- (19) B.M. 16b; which proves that, in the opinion of Rab, one may transfer possession of a field which one does not yet possess. obviously because he holds that one may transfer possession of that which is not yet in existence.
- (20) אֲרִיִּם cf Gr.**, a tenant of a field who in return for his labour receives a share of the field's produce.
- (21) Before the Sabbath commenced.
- (22) An act which In Rabbinic law it is forbidden to perform on the Sabbath.
- (23) The fruit which he expected from the tenant, though at the time the tithe was taken they were still the property of the tenant (v. Tosaf. s.v. מִיֵּיתִי a.l.) and not that of R. Jannai.
- (24) Deut. XIV, 23, speaking of the levitical and priestly gifts.
- (25) On which enjoyment should not be marred by failure to set apart the prescribed gifts.
- (26) Was the Scriptural warning necessary.
- (27) On Sabbath or festivals.
- (28) Of his produce from which tithe was not taken before the holy day set in.
- (29) טַחְטוּחַ moving the fruit before being tithed. The prohibition to set aside on holy days any of the priestly or levitical gifts is due to the Rabbinical ordinance which is in the same category as the moving from its place, on such days, of articles that are unfit for use. (Cf. Beza 36b).
- (30) Scripture, surely. could not be referring to a prohibition which was not ordained before the Rabbinical period.

Talmud - Mas. Yevamoth 93b

Consequently¹ [it must refer to] an instance like this one.² Said the first to him, 'But in my dream³ they read to me a Scriptural text on the "bruised reed";⁴ did they not mean to tell me: Behold, thou trustest upon the staff of this bruised reed'?⁵ 'No'. [the other replied], 'It is this that they meant: A bruised reed shall he not break, and the dimly burning wick shall he not quench'.⁶

Rabbi?⁷ — Where it was taught: Thou shalt not deliver unto his master a bondman,⁸ Rabbi explained that Scripture speaks here of a man who bought a slave on the condition that he would set him free.⁹ How is this¹⁰ to be understood?¹¹ R. Nahman b. Isaac replied: In the case where [the buyer] gave him¹² a written declaration, 'Your person shall become yours as from now as soon as I have bought you'.¹³

R. Meir?¹⁴ — Where it was taught:¹⁵ If a man said to a woman, ‘Be thou betrothed to me after I shall have become a proselyte’. ‘after thou shalt have become a proselyte’. ‘after I shall have been emancipated’. ‘after thou shalt have been emancipated’. ‘after thy husband shall have died’, ‘after thy sister shall have died’, or ‘after thy brother-in-law shall have submitted to thy halizah’, the betrothal is invalid; but R. Meir said that her betrothal is valid.¹⁶

R. Eliezer b. Jacob?¹⁴ — Where it was taught: More than this did R. Eliezer b. Jacob say: Even if a man said, ‘The plucked fruit of this bed shall be terumah for the attached fruit of that¹⁷ other bed’, or ‘The attached fruit of this¹⁷ bed [shall be terumah] for the plucked fruit of that other bed,¹⁷ when it shall have grown¹⁶ to a third [of its maturity] and been plucked’. his words are valid if the fruit has grown to¹⁸ a third [of its maturity] and has been plucked.¹⁹

R. Akiba?²⁰ — Where we learned: [If a woman said to her husband]. ‘Konam,²¹ if I do aught for your mouth’,²² he²³ need not annul [her vow].²⁴ R. Akiba, however, said: He²³ must annul It, since she might do more [work] than is due²⁵ to him.²⁶

An enquiry was addressed to R. Shesheth: What is [the law in respect of] one witness²⁷ in the case of a sister-in-law?²⁸ Is the reason why one witness [is sometimes believed elsewhere]²⁹ because no one would tell a lie which is likely to be exposed. and consequently here also [the witness] would tell no lie;³⁰ or is the reason why one witness [is believed elsewhere]³¹ because the woman herself makes careful enquiries and [only then] marries, and consequently here, since she may sometimes be in love with [her brother-in-law]. she might marry him without proper enquiry?³² — R. Shesheth answered them: You have learned it, IF SHE WAS TOLD, ‘YOUR SON DIED AND YOUR HUSBAND DIED AFTERWARDS’, AND SHE CONTRACTED THE LEVIRATE MARRIAGE, AND LATER SHE WAS TOLD, ‘IT WAS OTHERWISE, SHE MUST DEPART; AND ANY CHILD BORN BEFORE OR AFTER IS A BASTARD.’³³ Now, how is this to be understood? If it be suggested [that there were] two witnesses against two,³⁴ what reason do you see [it may be asked] for relying on the latter? Rely rather on the former! Furthermore. [how could the child be described as] BASTARD [when he is only] an uncertain bastard! And should you reply that he³⁵ was not exact in his expression. surely [it may be pointed out] since in the final clause he³⁵ stated, ANY CHILD BORN BEFORE [THE DEATH OF HER FIRST HUSBAND] IS A BASTARD, BUT ONE BORN AFTER IT IS NO BASTARD,³³ it may well be inferred that he was exact In his expressions, Consequently³⁶ it must be concluded [that the first report was that of] one witness, and that the reason [why he is not believed is] because two witnesses came and contradicted his evidence, but had this not been the case³⁷ he would have been believed.³⁸

Another reading: This question³⁹ does not arise, since even the woman herself is believed.⁴⁰ For we learned: A woman who stated, ‘My husband is dead’ may be married again.⁴¹ and she may similarly contract levirate marriage [if she stated] ‘My husband is dead’.⁴² The question arises only in respect of permitting a sister-in-law to marry a stranger.⁴³ Is the reason why one witness [is elsewhere sometimes believed]⁴⁴ because no one would tell a lie which is likely to be exposed, and consequently, here also [the witness] would tell no lie;⁴⁵ or is the reason why one witness [is elsewhere believed]⁴⁴ because [the woman] herself makes careful enquiries and [only then] marries, and consequently here she might marry without proper enquiry. since she might fiercely

(1) Lit. , ‘but not’.

(2) That of R. Jannai; the text indicating that tithe may be given for the redemption of fruit which has not yet come into one's possession, in order that thereby a man's enjoyment on Sabbaths and festivals might not be disturbed by his inability to partake of untithed fruit that arrived too late. Thus it follows that R. Jannai received the tradition from R. Hiyya that a man may legally dispose of that which is not yet in existence.

(3) On the evening of the incident with his tithe.

(4) Mentioned in II Kings XVIII, 21 and Isa. XLII, 3.

- (5) II Kings XVIII, 21, implying that his action was blameworthy.
- (6) Isa. XLII, 3, concluding, He shall make the right to go forth according to the truth, a text suggesting approval.
- (7) Where was the view attributed to him, supra 93a, expressed?
- (8) Deut. XXIII, 16.
- (9) Such a slave shall not be delivered to the bondage of the man who bought him, but must be given his emancipation.
- (10) The buyer's undertaking.
- (11) It cannot refer to an undertaking given at, or after the time of purchase. Such an undertaking is obviously binding and the ruling of Rabbi in such a case would be superfluous.
- (12) The slave.
- (13) Kid. 63a, Git. 45a, which shews that, according to Rabbi, one may dispose of what is not yet his
- (14) Where was the view attributed to him, supra 93a, expressed?
- (15) Cur. edd., 'we learned'.
- (16) Kid. 63a, Keth. 58b, B.M. 16b, and supra 92b, q.v. for notes. Though at the time of the stipulation the conditions were not yet fulfilled, R. Meir regards the betrothal as valid. Thus it has been shewn that, according to him, one may effect a kinyan of that which is not yet in existence.
- (17) V. Bah., a.l.
- (18) Lit., 'brought'.
- (19) Tosef. Ter. II, Kid. 62a, which clearly proves that according to R. Eliezer b. Jacob one may legally dispose of things which are not yet in existence.
- (20) V. supra note 1.
- (21) Cf. supra p. 632, n. 4.
- (22) Cf. supra p. 632 n. 8.
- (23) Cf. supra p. 632, n. 6.
- (24) Cf. supra p. 632, n. 7.
- (25) Cf. supra p. 632, n. 8.
- (26) Cf. supra p. 632. n. 9. This proves that, according to R. Akiba, one may legally dispose of work even if It is not yet in existence, and the same naturally applies to other things also.
- (27) Who testifies that the husband of the woman is dead.
- (28) Whose husband died without issue, and who is in consequence subject to the levirate marriage. Is the witness in such a case believed?
- (29) In respect of allowing a woman to marry again if he testified that her husband was dead.
- (30) And his evidence is, therefore, accepted.
- (31) v. p. 635. n. 16.
- (32) And the one witness, therefore, is not to be relied upon.
- (33) Supra 92a.
- (34) One pair testifying to the veracity of the first report and the other to that of the second.
- (35) The author of our Mishnah.
- (36) Lit., 'but not'.
- (37) Lit., 'not thus'.
- (38) Which proves that the evidence of one witness is relied upon in permitting a sister-in-law to marry a levir.
- (39) In the case just proved. V. supra note 9.
- (40) Much more so a witness.
- (41) Where she is not otherwise subject to the levirate marriage.
- (42) And was survived by no issue. 'Ed. I, 12, Sheb. 32b, infra 114b. V. p. 636. n. II.
- (43) Where one witness testified that her brother-in-law' was dead or that her husband died first and her son died after him.
- (44) V. supra p. 635, n. 16.
- (45) V. supra p. 636, n.I.

Talmud - Mas. Yevamoth 94a

hate her brother-inlaw?¹ — R. Shesheth answered them: You have learned it, IF A WOMAN.. WAS

TOLD, YOUR HUSBAND DIED AND YOUR SON DIED AFTERWARDS', AND SHE MARRIED AGAIN, AND LATER SHE WAS TOLD, 'IT WAS OTHERWISE', SHE MUST DEPART; AND ANY CHILD BORN BEFORE OR AFTER IS A BASTARD.² Now, how is this to be understood? If it be suggested [that there were] two witnesses against two,³ what reason do you see [it may be asked] for relying on the latter? Rely rather on the former! Furthermore, [how could the child be described as a] BASTARD, [when he is only] an uncertain bastard! And should you reply that he⁴ was not exact in his expression. Surely [it may be pointed out] since in the final clause he⁴ stated, ANY CHILD BORN BEFORE [THE DEATH OF HER FIRST HUSBAND] IS A BASTARD, BUT ONE BORN AFTER IT IS NO BASTARD,² it may be inferred that he was exact in his expressions! Consequently⁵ [it must be concluded that the first report was that of] one witness, and that the reason [why he is not believed is] because two witnesses came and contradicted his evidence, but had this not been the case⁶ he would have been believed! [No]. In fact [it may be retorted, there may have been] two witnesses against two, and [this is the explanation]: As R. Aha b. Manyumi stated, 'Where the witnesses have proved an alibi',⁷ so here also [It is a case where the second pair of] witnesses have proved an alibi.⁸

Said R. Mordecai to R. Ashi, — others Say. R. Aha said to R. Ashi: Come and hear: A woman is not believed if she says. 'My brother-in-law is dead, and so I may marry again', or, 'My sister is dead, and so I may enter⁹ her house'.¹⁰ Only she is not believed but one witness is believed!¹¹ According to your argument, however, [it may be retorted] read the final clause: A man is not believed when he says. 'My brother is dead, and so I may contract the levirate marriage with his wife', or, 'My own wife is dead, and so I may marry her sister' —¹⁰ Is it only he who is not believed, but one witness is believed? In the case of a woman¹² one can well understand that in order to prevent her perpetual desertion the Rabbis have relaxed the law in her favour.¹³ What, however, can be said in the case of a man! [This statement]¹⁴ then [it must be explained] was required in accordance with the view of R. Akiba.¹⁵ It might have been assumed that, since R. Akiba stated that the offspring of a union between those who are subject to the penalty of negative commandments is a bastard, she¹⁶ may be presumed to be desirous of avoiding injury¹⁷ and to institute, therefore, careful enquiries.¹⁸ hence we were taught¹⁹ [that she is not to be believed].²⁰ Raba said:²¹ That one witness is believed in the case of a sister-in-law²² [may be inferred] a minori ad majus: If you have permitted [a woman to marry again]²³ in face of a prohibition involving kareth²⁴ how much more so in face of a mere prohibitory law.²⁵ Said one of the Rabbis to Raba: Her own case proves [the contrary]: In face of a prohibition involving kareth²⁴ you have permitted her [to marry again]²⁶ while in face of a mere prohibitory law²⁵ you have not permitted her!²⁷ The fact, however, is this:²⁸ Why is she not believed?²⁷ Because, as she may sometimes hate the levir, she might marry a stranger without first instituting careful enquiries;²⁹ so also in the case of one witness, since she may sometimes hate the levir, she might marry [a stranger] without first instituting the necessary enquiries.²⁹

THIS DID R. ELEAZAR B. MATHIA DERIVE BY MEANS OF THE FOLLOWING EXPOSITION etc. Said Rab Judah in the name of Rab:³⁰ R. Eleazar could have produced³¹ a pearl and produced but a potsherd. What is meant by 'pearl'? — That which was taught: Neither [shall they take] a woman put away from her husband.³² even if she was divorced from her husband alone³³ she³⁴ is disqualified from marrying a priest.³⁵ And it is this [that was meant by] the 'scent of the divorce'³⁶ which disqualifies a woman from marrying a priest. MISHNAH. IF A MAN'S WIFE HAD GONE TO A COUNTRY BEYOND THE SEA AND HE WAS TOLD,³⁷ YOUR WIFE IS DEAD', AND, AFTER HE MARRIED HER SISTER, HIS WIFE CAME BACK, [THE LATTER] IS PERMITTED TO RETURN

(1) V. supra p. 636. n. 3.

(2) V. supra p. 636, n. 4.

(3) V. supra p. 636, 0. 5.

(4) V. supra p. 636, 0. 6.

- (5) Lit., 'but not'.
- (6) Lit., 'not thus'. (11) From which it follows that the evidence of one witness is accepted in permitting a sister-in-law to marry a stranger. (12) Why the evidence of the second pair is regarded as more reliable than that of the first pair.
- (7) **הזמה** (rt. **זמם**, cf. Deut. XIX, 19) 'causing witnesses to be subjected to the law of retaliation' by disproving their evidence. This is effected when a second pair of witnesses testify that the first pair were with them at a certain place at the time when according to their evidence an act had been committed or an event had occurred at another place.
- (8) They testified that the former were with them at the time they alleged the death of the husband or that of the son to have occurred. Cf. Mak. 5a. In such a case, the second report is accepted.
- (9) To marry her husband. A sister's husband is forbidden while the sister is alive.
- (10) V. Infra 118b with slight variants.
- (11) Could not then this Mishnah supply the answer to the enquiry addressed to R. Shesheth?
- (12) Who is permitted to marry again on the evidence of one witness.
- (13) supra n. 6.
- (14) In the Mishnah cited, that a woman is not believed.
- (15) It is for this purpose only that was recorded; and no inference, such as those suggested, may be drawn from it.
- (16) A woman who is subject to a levir, and marriage with whom by a stranger is forbidden by a negative commandment.
- (17) To her person and status. Should the report prove to have been false, she is penalized as stated supra. 'Of the child', In cur. edd. is deleted by Bah.
- (18) Before she definitely asserts that her brother-in-law is dead.
- (19) Cur. edd. insert in parenthesis: 'That she apprehends her own injury; she does not apprehend the injury of the child' (v. Rashi).
- (20) For fear she might hate her levir, v. supra 93b.
- (21) In reply to the enquiry addressed to R. Shesheth. supra.
- (22) V. supra p. 637, n. 2.
- (23) On the evidence of one witness who testified that her husband was dead.
- (24) One of the major penalties for connubial intercourse with a married woman.
- (25) Marriage of a sister-in-law by a stranger in the circumstances postulated in the enquiry.
- (26) If she herself declared that her husband was dead.
- (27) To marry a stranger, though she declared that her brother-in-law was dead.
- (28) Lit., 'and but'.
- (29) As to whether the levir had really died.
- (30) Alfasi and Asheri read, 'Rab said'.
- (31) Lit., 'expounded'.
- (32) Lev. XXI, 7.
- (33) If the husband inserted in the letter of divorce a clause forbidding her to marry anyone else, v. Git., 82b.
- (34) Though her letter of divorce is, owing to its restrictive clause, of no validity.
- (35) Even if her husband died, and she remained a widow.
- (36) I.e., even the mere semblance of a divorce, though the document is invalid.
- (37) Lit., 'they came and said to him'.

Talmud - Mas. Yevamoth 94b

TO HIM;¹ AND HE IS PERMITTED TO MARRY THE RELATIVES OF THE SECOND WOMAN;² AND THE SECOND WOMAN IS PERMITTED TO MARRY HIS RELATIVES. IF THE FIRST DIED HE IS PERMITTED TO MARRY THE SECOND.

IF HE WAS TOLD, HOWEVER, THAT HIS WIFE WAS DEAD, AND HE MARRIED HER SISTER, AND THEN HE WAS TOLD THAT SHE WAS THEN³ ALIVE BUT HAD SINCE DIED, ANY CHILD BORN BEFORE⁴ [HIS FIRST WIFE'S DEATH] IS A BASTARD, BUT ANYONE BORN AFTER THAT⁵ IS NO BASTARD.

R. JOSE STATED:⁶ WHOSOEVER DISQUALIFIES FOR OTHERS DISQUALIFIES FOR HIMSELF AND WHOSOEVER DOES NOT DISQUALIFY FOR OTHERS DOES NOT DISQUALIFY FOR HIMSELF.

GEMARA. Even though his wife and his brother-in-law⁷ went to a country beyond the sea,⁸ so that such marriage⁹ had the effect of causing the prohibition of the wife of his brother-in-law to his brother-in-law, it is nevertheless the wife of his brother-in-law that is forbidden,¹⁰ while his own wife is permitted.¹¹ and we do not say that, since the wife of his brother-in-law is forbidden to his brother-in-law, his Own wife also should be forbidden to him.¹²

Are we to assume that our Mishnah does not represent the view of R. Akiba? For if [it be in agreement with] R. Akiba [his wife]¹³ would be the sister of his divorcee!¹⁴ For it was taught: None of the women In incestuous marriages forbidden in the Torah require a letter of divorce,¹⁵ except a married woman¹⁶ who remarried in accordance with the decision of the Beth din.¹⁷ R. Akiba, however, adds¹⁸ also a brother's wife¹⁹ and a wife's sister.²⁰ Now, since R. Akiba ruled that she²¹ requires a letter of divorce, [his first wife] becomes ipso facto forbidden to him because she is the sister of his divorcee!²²

Was not, however, the following statement made in connection with this²³ ruling: R. Giddal said in the name of R. Hiyya b. Joseph in the name of Rab, 'How is one to understand this "brother's wife"?²⁴ Where a man's brother, for instance, betrothed a woman and went to a country beyond the sea, and he,²⁵ on hearing that his brother was dead, married his wife;²⁶ since people might say²⁷ that the first²⁸ had attached a certain condition to the betrothal²⁹ and that the latter²⁵ had lawfully married her.³⁰ And how is one to understand a "wife's sister"?²⁴ Where a man, for instance, betrothed a woman and she went to a country beyond the sea, and he, on hearing that she died, married her sister;²⁶ since people might say³¹ that he had attached a certain condition to the betrothal³² of the first³³ and that he, therefore, legally married the other'.³⁴ In respect of marriage,³⁵ however, can it be said that one had attached a condition to marriage!³⁶

Said R. Ashi to R. Kahana: If [our Mishnah represents the view of] R. Akiba, one's mother-in-law³⁷ should also be mentioned,³⁸ since R. Akiba was heard to state: [The marriage of] a man's mother-in-law after the death [of his wife] is not punishable by burning!³⁹ For it was taught: They shall be burnt with fire. both he and they,⁴⁰ he and one of them;⁴¹ so R. Ishmael. R. Akiba said: He and both of them.⁴² This presents no difficulty according to Abaye who explained that the difference between them⁴³ lies in the interpretation of the text,⁴⁰ R. Ishmael maintaining that the text mentioned only one⁴⁴ while R. Akiba maintains that the text spoke of two.⁴⁵ According to Raba, however, who explained that the difference between them⁴³ is [the case of marriage of] a man's mother-in-law after the death [of his wife].⁴⁶ his mother-in-law should also have been mentioned!⁴⁷ — The other replied: Granted that Scripture has excluded her⁴⁸ from the penalty of burning. has Scripture. however, excluded her from the prohibition?⁴⁹

Let her,⁵⁰ however, be forbidden [to her husband] through his cohabitation with her sister, her case being similar to that of a woman whose husband went to a country beyond the sea!⁵¹ — [The two cases are] not alike: His wife who, [if she had acted] presumptuously,⁵² is forbidden to him by Pentateuchal law, has been forbidden to him, when [she acted] unwittingly, by a preventive measure of the Rabbis;

(1) Since the marriage with the second was invalid V. infra 95a.

(2) V. infra 97a.

(3) At the time he married her sister.

(4) Lit., 'the first child'.

(5) Lit., 'and the last'.

- (6) His statement is explained infra.
- (7) The husband of his wife's sister.
- (8) And on the evidence of one witness, who testified that both were dead, the man married his wife's sister; and subsequently both travellers returned.
- (9) Of the man with his sister-in-law.
- (10) To her husband.
- (11) To him
- (12) So that the same marriage which results in a prohibition of the one woman does not effect the permissibility of the other.
- (13) Who comes back and who, according to our Mishnah, is permitted to return to him.
- (14) With whom marital relationship is forbidden. The second wife, according to R. Akiba, as will tentatively be shown anon, must be divorced.
- (15) If they were married, such an unlawful marriage being regarded as mere harlotry.
- (16) Whose husband is reported, by one witness, to be dead.
- (17) Who accepted the evidence; and later the husband returned. In such a case the woman requires a divorce from her second husband also. V. infra 88b.
- (18) To the women who require a letter of divorce.
- (19) Whom a man married on the evidence that her husband (his brother) was dead, and her husband subsequently returned.
- (20) Cf. the first case in our Mishnah.
- (21) His wife's sister. V. supra n. 8.
- (22) How, then, could it be said in our Mishnah that his first wife is PERMITTED TO RETURN TO HIM?
- (23) R. Akiba's.
- (24) In whose case a letter of divorce is required.
- (25) The brother at home.
- (26) In such a case a divorce was necessary.
- (27) Should the brother return, and the brother at home not give his wife a letter of divorce.
- (28) The brother who came back from a country beyond the sea.
- (29) A condition which had not been fulfilled and had thus rendered the betrothal invalid.
- (30) And so, in order that it be not suspected that a lawful marriage had been dissolved without a letter of divorce, It was enacted, as a preventive measure, that a letter of divorce was in such a case necessary.
- (31) Should the woman return, and her sister not be given a letter of divorce.
- (32) V. p.641. n.17.
- (33) The woman who now returned.
- (34) The sister who remained at home. Cf. supra p. 641, n. 18.
- (35) The case spoken of in our Mishnah.
- (36) [Surely no condition is attachable to marriage; and even on the view that marriage may be contracted conditionally, it is unusual for a person to invalidate a marriage because of the non-fulfilment of a condition attached to it (v. Tosaf. s.v. **סוף**)]. All would consequently know that the first marriage was a valid one and that the second was, therefore, invalid. No letter of divorce was, therefore, necessary even according to R. Akiba, whose view, contrary to the previous assumption, may well be represented in our Mishnah.
- (37) Whom one married on receiving a report that his wife (her daughter) was dead.
- (38) In our Mishnah.
- (39) And is presumably permitted.
- (40) Lev. XX. 14, speaking of a man who take with his wife also her mother (ibid.).
- (41) The one whom the man was forbidden to marry, viz., the woman he married last.
- (42) Sanh. 76b.
- (43) R. Ishmael and R. Akiba.
- (44) Forbidden woman (v. supra n. 10). the first having been lawfully married.
- (45) Women that were both forbidden to the man; where, for instance, he married his mother-in-law and her mother. According to this explanation of Abaye the question of marrying a mother-in-law after the death of one's lawful wife did not arise in the dispute, and R. Akiba's opinion on the subject cannot, therefore, be inferred from it.

- (46) R. Ishmael maintaining that even when a man had married his mother-in-law after the death of his wife he is to be burned, while R. Akiba maintains that he is burned only if both women were alive.(Cf. Sanh. 76b).
- (47) In our Mishnah; since, as has been shewn, according to Raba's explanation, marriage of a mother-in-law after the death of her daughter is, according to R. Akiba, permitted
- (48) A mother-in-law that was married by her son-in-law.
- (49) Evidently not. Her case, therefore, could not have been mentioned in our Mishnah.
- (50) The first wife spoken of in our Mishnah, who IS PERMITTED TO RETURN TO HIM.
- (51) And she married a second husband. In both cases the women acted unwittingly. As in the latter case the woman is forbidden to her husband, so should the woman in the case in our Mishnah.
- (52) In marrying a second husband.

Talmud - Mas. Yevamoth 95a

with his wife's sister, however, presumptuous [marriage with whom does] not [cause his first wife to be] forbidden [to him] by Pentateuchal law, no preventive measure has been instituted by the Rabbis in her case where [he acted] unwittingly.¹ Whence, however, is it deduced that she² is not forbidden?³ — [From that] which was taught: With her;⁴ only cohabitation⁵ with her causes her to be prohibited;³ cohabitation⁶ with her sister, however, does not cause her to be prohibited. [This, Scriptural text was required] since [otherwise] It might have been argued [as follows]: If where a man cohabited with [a woman forbidden by] a lighter prohibition.⁷ [the person]⁸ who caused the prohibition [itself]⁹ is forbidden [to her],¹⁰ how much more should [the person]¹¹ who caused the prohibition become forbidden in the case of cohabiting with [one¹² forbidden by] a heavier prohibition.¹³

R. Judah stated: Beth Shammai and Beth Hillel are agreed¹⁴ that a man who cohabited with his mother-in-law renders his wife unfit [to live with him]; they only differ where a man cohabited with his wife's sister, in which case Beth Shammai maintain that thereby he causes [his wife] to be unfit for him, while Beth Hillel maintain that he does not thereby cause her to be unfit for him.

R. Jose stated: Beth Shammai and Beth Hillel are agreed¹⁴ that a man who cohabits with his wife's sister does not thereby render his wife unfit for him; they differ only where a man cohabited with his mother-in-law, in which case Beth Shammai maintain that thereby he causes [his wife] to be unfit for him, while Beth Hillel maintain that he does not thereby cause her to be unfit for him. [Both agree]¹⁵ for the following reason:¹⁶ Originally all the women of the world were permitted to him,¹⁷ and all the men of the world were permitted to her;¹⁸ but when he betrothed her he imposed a prohibition upon her and she imposed a prohibition upon him; the prohibition, however, which he imposed upon her is greater than the prohibition which she imposes upon him, since he caused all the men of the world to be forbidden to her, while she caused her relatives only to be forbidden to him. This,¹⁹ then, may be arrived at by an inference: If she, to whom he²⁰ caused²¹ all the men in the world to be prohibited, is, if she cohabited unwittingly with one who was forbidden to her,²² not forbidden to the man²³ who was permitted to her,²⁴ how much more reason is there why he²³ to whom she²⁵ caused²⁶ the prohibition of her relatives only, should, if he cohabited unwittingly with one who was forbidden to him,²⁷ not be forbidden²⁸ to her²⁵ who was permitted to him. This argument is applicable to one who acted unwittingly. Whence is it deduced [that the same law²⁹ is applicable] to one who acted wilfully? It was expressly stated With her,³⁰ cohabitation³¹ with her only causes her to be prohibited;³² cohabitation³³ with her sister, however, does not cause her to be prohibited.³²

Said R. Ammi in the name of Resh Lakish: What is R. Judah's reason?³⁴ — Because it is written, They shall be burnt with fire. both he and they;³⁵ is the whole household to be burned!³⁶ If this, then, is not a case for burning³⁶ regard the text as indicating a prohibition.³⁷

Rab Judah stated in the name of Samuel: The law is not in agreement with R. Judah.³⁷

A man once committed incest with his mother-in-law, and Rab Judah summoned him and ordered him to receive a flogging. 'Had Samuel not stated', he said to him, 'that the law was not in agreement with R. Judah. I would have forbidden [your wife] to you for all time'.

What was meant by a 'lighter prohibition'?³⁸ — R. Hisda replied: Remarrying one's divorced wife after her marriage to another man —³⁹ When that man⁴⁰ cohabited with her, he caused her to be prohibited to the other,⁴¹ and when the other⁴¹ cohabited with her⁴² he caused her to be prohibited to the former.⁴³ [But, it may be argued,] remarrying one's divorced wife after her marriage to another man is different⁴⁴ since her body⁴⁵ was defiled and she is⁴⁶ prohibited for all time!⁴⁷ — Rather, said Resh Lakish, [it means] a yebamah.⁴⁸

A yebamah with whom?⁴⁹ If it be suggested: With a stranger,⁵⁰ [the ruling] being in accordance with R. Hamnuna who ruled⁵¹ that a woman awaiting the decision of the levir who played the harlot is forbidden to the levir,⁵² [it may be objected that] a yebamah is different,⁴⁴ since her body was defiled and she is prohibited to the majority of men.⁵³ If, however, [it be suggested that it refers⁵⁴ to] a yebamah in relation to [her deceased husband's] brothers: Where one [brother, for instance] addressed to her a ma'amar he caused her to be prohibited to the other,⁵⁵ and when the other cohabited with her he caused her to be prohibited to the former.⁵⁶ [But in this case] what point is there, [it may be retorted, in stating]⁵⁷ that the second cohabited with her,⁵⁸ [when the same law is applicable] also even where he⁵⁹ only addressed to her a ma'amar!⁶⁰ — This is no difficulty; [a ma'amar could not be postulated], in accordance with R. Gamaliel who ruled: There is no validity in a ma'amar that was addressed after a previous ma'amar.⁶¹ But [still the objection is that the same law is applicable] even if he⁵⁹ gave her a letter of divorce and even if he submitted to her halizah! — Rather, said R. Johanan, [it means] a sotah.⁶²

A sotah, with whom?⁶³ If it be suggested: With her husband who, if he cohabited with her,⁶⁴ caused her to be prohibited to her seducer,⁶⁵ what point is there, [it may be objected, in stating] that he cohabited with her? Even if he⁶⁶ only gave her a letter of divorce and even if he only said, 'I am not allowing her to drink',⁶⁷ [the same law is applicable]!⁶⁸ [If it be suggested] however: The sotah with the seducer;⁶⁹ is this⁷⁰ [it may be objected] a 'lighter prohibition'? It is surely a grave prohibition, since she is a married woman!

(1) As is the case in our Mishnah.

(2) A wife whose husband has had connubial intercourse with her sister.

(3) To her husband, in accordance with Pentateuchal law.

(4) And a man lie with her, Num. V, 13.

(5) Of a stranger.

(6) Of her husband.

(7) This, as will be explained infra, refers to a married woman, intercourse with whom is regarded as a comparatively lighter prohibition than that of a wife's sister (v. p. 644, n. 5), since it may at any time be raised by means of a letter of divorce severing the relationship between the husband and the wife.

(8) The husband.

(9) The husband causes the prohibition of his wife to all men. It is owing to his marriage with her that she is forbidden to marry any other man.

(10) One must not retain a faithless wife.

(11) I.e., the wife who caused the prohibition of her sister to her husband.

(12) His wife's sister.

(13) Since his wife causes her sister to be forbidden to him during the whole of her lifetime. Hence It was necessary to have a Scriptural text to shew that the law is not so.

(14) Lit., 'did not dispute'.

(15) That cohabitation with his wife's sister does not render his wife unfit to live with him.

- (16) Lit., 'because'.
- (17) The husband, before he married his wife.
- (18) The wife, before she married her husband.
- (19) V. supra n.7.
- (20) Her husband.
- (21) By marrying her.
- (22) If, for instance, she was outraged.
- (23) Her husband.
- (24) Her husband. Cf. supra 56b.
- (25) His wife.
- (26) By marrying him.
- (27) His wife's sister.
- (28) 'To him' in cur. edd. is deleted with Bah.
- (29) V. supra p. 644, n. 7.
- (30) Num. V, 13. V. supra p. 643. n. 10.
- (31) Of a stranger.
- (32) To her husband.
- (33) Of her husband.
- (34) For maintaining that both Beth Shammai and Beth Hillel agree that a man's cohabitation with his mother-in-law causes his wife to be prohibited to him.
- (35) Lev. XX, 14. Cf. supra p. 642, n. 9.
- (36) His first wife, surely, who was lawfully married, should not suffer because her husband had subsequently contracted an unlawful marriage!
- (37) V. supra note 13.
- (38) Spoken of supra.
- (39) Which is a 'lighter prohibition'. being only a prohibitory law which involves no kareth. V. infra p. 646, n. I.
- (40) Her second husband.
- (41) Her first husband.
- (42) After her second husband had divorced her.
- (43) V. supra p. 645, n. 18, the prohibition being due to the prohibitory law in Deut. XXIV, 4. Thus the second husband 'who caused the prohibition of his wife is thereby himself forbidden to her'.
- (44) From a marriage with one's wife's sister.
- (45) That of the divorced woman.
- (46) Cur. edd., insert, 'and she is prohibited to the majority' which (cf. Rashi a.l.) is to be deleted.
- (47) To both husbands. A wife's sister, however, is forbidden only during the lifetime of one's wife but permitted after her death, while furthermore the marriage of a wife's sister does not cause the defilement of the wife's body. The latter case cannot, therefore, be compared to the former. What, then, was meant by the 'lighter prohibition'?
- (48) Marriage with her by a stranger is regarded as a 'lighter prohibition'.
- (49) I.e., with whom did she cohabit that her act should have the result that he 'who caused the prohibition is thereby himself forbidden to her'?
- (50) The prohibition to marry whom, before she had performed the halizah, is only a prohibitory law involving no kareth.
- (51) Supra 81a, 92b, Cit. 80b, Sot. 18b.
- (52) Thus the levir 'who caused the prohibition' of his sister-in-law to others is 'himself forbidden to her' by the cohabitation of the stranger.
- (53) I.e., to everybody except the levir or levirs. A wife's sister, however, is forbidden to him (her sister's husband) alone, and his wife's body is not defiled by his marriage with her sister. The two cases, therefore, cannot be compared.
- (54) Cf. supra note 6.
- (55) Brother, this being regarded as a 'lighter prohibition', since it is due to a Rabbinic measure only.
- (56) Cf. supra note so, mutatis mutandis.
- (57) Supra.
- (58) I.e., that he prohibits her to the first only because he cohabited with her.

- (59) The second brother.
- (60) He should still thereby prohibit her to the first brother, in view of the ruling supra 50a that a ma'amar is effective after a ma'amar.
- (61) Supra 50a.
- (62) V. Glos. Cohabitation with a sotah is regarded as the 'lighter prohibition'.
- (63) V. supra p. 646, n. 7.
- (64) After she had been warned by him against intimacy with a stranger, and after she had met that stranger privately, when all connubial intercourse between the woman and her husband is forbidden.
- (65) Even after his own death or after he had divorced her. Thus, the seducer 'who caused the prohibition' of the woman to her husband becomes 'himself forbidden' to her for all time.
- (66) Her husband.
- (67) The water of bitterness (cf. Num. V, 18). V. supra n. 6.
- (68) She becomes forbidden to the seducer for all time. Cf. supra n' 7.
- (69) By his cohabitation the woman becomes prohibited to her husband who was the cause of her prohibition to others.
- (70) Cohabitation with a married woman.

Talmud - Mas. Yevamoth 95b

— Rather, said Raba, it means a married woman. Similarly when Rabin came¹ he stated in the name of R. Johanan: A married woman. But why should this² be described as 'a lighter prohibition'? — Because [her husband] who causes her to be prohibited [to other men] does not cause her to be so prohibited during the whole of his lifetime.³

It⁴ was taught likewise: Abba Hanan stated in the name of R. Eleazar: [It means] a married man. [And the argument runs thus:] If where a man cohabits with [a woman forbidden by] a lighter prohibition,⁵ in which case he⁶ who caused the prohibition of her does not cause her to be prohibited during the whole of his lifetime,⁷ [it is nevertheless ruled] that the very person who causes the prohibition becomes prohibited,⁸ then, in a case of cohabiting with [one forbidden] by a graver prohibition,⁹ where the person, who causes the prohibition of her,¹⁰ prohibits her during the whole of her lifetime,¹¹ how much more should we rule that the very person who causes the prohibition should become prohibited;¹² hence it was expressly stated, With her,¹³ only cohabitation¹⁴ with her¹⁵ causes her to be prohibited¹⁶ but cohabitation¹⁷ with her sister does not cause her¹⁸ to be prohibited.¹⁶

R. JOSE STATED: WHOSOEVER DISQUALIFIES etc. What does R. Jose mean?¹⁹ If it be suggested that while the first Tanna implied that 'Where a man's wife and his brother-in-law²⁰ went to a country beyond the sea,²¹ the wife of his brother- in-law is forbidden,²² though his own wife is permitted',²³ R. Jose said to him, 'As his own wife is permitted²³ so is the wife of his brother-in-law also permitted';²² if so, [it may be objected, why the expression] WHOSOEVER DOES NOT DISQUALIFY FOR OTHERS DOES NOT DISQUALIFY FOR HIMSELF²⁴ where it should have been. 'Whosoever does not disqualify²⁵ for himself, does not disqualify for others'!²⁶

If, however, [it be suggested that R. Jose implied]. 'As the wife of his brother-in-law is forbidden,²⁷ so is his wife also forbidden',²⁸ [the expression,] WHOSOEVER DISQUALIFIES would be satisfactorily explained; what, however, would be the purport of WHOSOEVER DOES NOT DISQUALIFY?²⁴ — R. Ammi replied: [He²⁹ refers] to an earlier clause:³⁰ 'If she married with the authorization of the Beth din, she must leave, but is exempt from an offering. If she married, however, without the authorization of the Beth din, she must leave and is also liable to an offering, the authorization of the Beth din is thus more effective in that it exempts her from the offering.³¹ Concerning this, the first Tanna stated [that his wife may return to him]³² 'irrespective of whether [the marriage³³ took place] on the evidence of two witnesses,³⁴ where the wife of his brother-in-law is permitted,³⁵ or whether [it took place] in accordance with a decision of the Beth din,³⁶ where the

wife of his brother-in-law is forbidden',³⁵ and [to this] R. Jose replied. '[If the marriage took place] in accordance with a decision of the Beth din,³⁶ where he DISQUALIFIES FOR OTHERS³⁷ he DISQUALIFIES FOR HIMSELF;³⁸ [if, however, it took place] on the basis of the evidence of two witnesses,³⁴ where he DOES NOT DISQUALIFY FOR OTHERS³⁹ he DOES NOT DISQUALIFY FOR HIMSELF.⁴⁰

R. Isaac Nappaha replied: [R. Jose may], in fact, refer to the latter clause,⁴¹ one⁴² [of his rulings applying] where [the persons who] had gone [were] the man's wife⁴³ and his brother-in-law. and the other [applying] where his betrothed and brother-in-law had gone. The first Tanna having ruled that 'irrespective of whether it was his wife and his brother-in-law or whether it was his betrothed and his brother-in-law, the wife of his brother-in-law is forbidden⁴⁴ while his wife is permitted,'⁴⁵ R. Jose said to him, 'In the case of his wife and brother-in-law where no one would assume that he had attached some condition to his marriage⁴⁶ and where consequently he does not cause [his sister-in-law] to be prohibited to the other,⁴⁷ he does not cause [his first wife] to be prohibited to him either; in the case of his betrothed and his brother-in-law, however, where someone might assume that he had attached some condition to his betrothal⁴⁸ and where, in consequence, he causes [his sister-in-law] to be prohibited to the other,⁴⁹ he causes [his first wife] also to be prohibited to him.

Rab Judah Stated in the name of Samuel: The halachah is in agreement with R. Jose.

R. Joseph demurred: Could Samuel have said this?⁵⁰ Surely it was stated: A yebamah,⁵¹ Rab said, has the status of a married woman; and Samuel said: She has not the status of a married woman. And R. Huna said: Where, for instance, a man's brother betrothed a woman⁵² and then went to a country beyond the sea, and he,⁵³ on hearing that his brother was dead, married his wife. [It is in such a case] that Rab ruled that 'she has the status of a married woman' and is consequently forbidden to the brother-in-law;⁵⁴ and Samuel ruled that 'she has not the status of a married woman' and is, therefore, permitted to him!⁵⁵ Said Abaye to him:⁵⁶ Whence [do you infer] that when Samuel stated that 'the halachah is in agreement with R. Jose', he was referring to R. Isaac Nappaha's interpretation? Is it not possible that he was referring to that of R. Ammi!⁵⁷ And even if he refers to that of R. Isaac Nappaha, whence the proof that [he referred to the ruling] 'DISQUALIFIED'?⁵⁸

(1) From Palestine to Babylon.

(2) Illicit intercourse with a married woman.

(3) As soon as he divorces her she is free again. A prohibition of this nature, which may terminate at any time, is regarded as 'lighter' than the prohibition of a man's wife's sister, which remains in force throughout the whole of the lifetime of his wife.

(4) The lighter prohibition referred to.

(5) A married woman. The prohibition is considered light for the reason that follows.

(6) The husband.

(7) The prohibition of a married woman terminates with divorce by her husband.

(8) The woman becomes forbidden to her own husband through illicit intercourse.

(9) His wife's sister.

(10) I.e., the wife who causes her sister to be prohibited to her husband.

(11) The prohibition [if a man's wife's sister remains in force throughout the whole of the lifetime of his wife.

(12) To her own husband.

(13) Num. V, 13.

(14) Of a stranger

(15) His wife.

(16) To her husband.

(17) Of her husband.

(18) The wife.

(19) His statement seems to have no apparent connection with the preceding clause.

- (20) His wife's sister's husband.
- (21) And they both returned after he had married his wife's sister on the strength of the evidence of one witness who testified that they were both dead.
- (22) To her husband, his brother-in-law.
- (23) To him.
- (24) Cases about which R. Jose, according to this suggestion, did not speak.
- (25) His own wife.
- (26) His wife's sister to her husband. These last mentioned cases being those of which R. Jose presumably spoke.
- (27) To her husband, his brother-in-law.
- (28) To him.
- (29) R. Jose.
- (30) In a previous Mishnah.
- (31) V. supra 87b.
- (32) V. our Mishnah, first clause.
- (33) Of the husband (whose wife had gone away) with his wife's sister (whose husband also had gone away).
- (34) Who testified that both his wife and brother-in-law were dead.
- (35) To her husband, if he returned.
- (36) On the evidence of one witness. V. supra n. 11.
- (37) He causes his wife's sister to be forbidden to return to her husband owing to his illicit marriage with her.
- (38) His first wife is forbidden to him also.
- (39) His wife's sister being in this case permitted to her husband.
- (40) And his first wife may return to him.
- (41) I.e., our Mishnah which speaks of a marriage permitted on the evidence of one witness.
- (42) Lit., 'that'. Cur. edd. insert in parenthesis 'that, where he married the wife of his brother-in-law; and that, where he married the betrothed of his brother-in-law.'
- (43) This is the reading of Rashi (a.l. s.v. ג"ה). Cur. edd., transpose 'wife' and 'betrothed'.
- (44) To her husband, if he returned.
- (45) To him.
- (46) With his first wife; since no condition is admissible in a marriage contract. (V., however, supra p. 642, n. 5).
- (47) Her husband, his brother-in-law. His own first marriage being known to be valid it should be obvious to all that his subsequent marriage with his sister-in-law was invalid. Were it even assumed that his brother-in-law had divorced her, the invalidity of his marriage with his sister-in-law would not thereby be affected since even after her divorce she still remains forbidden to him as his wife's sister. This being the case no one will suspect his brother-in-law when his wife returns to him of having remarried his divorcee. Hence R. Jose's ruling that she is not forbidden to her husband.
- (48) Which, on non-fulfilment, had rendered the betrothal invalid and thus enabled him lawfully to contract his subsequent marriage; his presumed sister-in-law being to him (owing to the invalidity of her sister's betrothal) no more than a mere stranger.
- (49) Her former husband. Were she permitted to return to him it might be assumed that he had divorced her prior to her marriage with her brother-in-law and that the latter had now divorced her; and so it would be concluded that (contrary to Deut. XXIV, 4) a man married again the woman he had once divorced though she had in the meantime been married to another man.
- (50) Lit., 'thus', that the halachah is in agreement with the full statement of R. Jose, including the part relating to the marriage with the sister of one's betrothed, it being necessary in case of betrothal to provide against the erroneous assumption that the betrothal was invalid and that consequently a man's divorcee had been married again by him. Cf. p. 650, nn. 8 and 9.
- (51) This is explained anon.
- (52) Had he married her there would have been no question that she may return to him. Cf. supra p. 650, n. 7.
- (53) The brother at home.
- (54) I.e., to the man who first betrothed her and then left her and now returned, and who, owing to his brother's marriage with her, has become her brother-in-law. Were she to be permitted to return to him it might be assumed that his original betrothal was invalid owing to some disqualifying condition, that his brother's marriage was, therefore, valid, and that he now married his brother's wife.

(55) Because, in the opinion of Samuel, no provision need be made against the erroneous assumption that the betrothal was invalid (cf. supra n. 5). How, then, could it be said that Samuel adopted the complete statement of R. Jose.

(56) R. Joseph.

(57) So that the question of the assumption of a disqualifying condition in a betrothal would not at all arise.

(58) The case of one's betrothed and brother-in-law.

Talmud - Mas. Yevamoth 96a

Is it not possible [that he referred] to the ruling 'DOES NOT DISQUALIFY'!¹ Or else [it might be argued], whence is it proved that R. Huna's explanation² is tenable? Is it not possible that R. Huna's explanation is altogether untenable and that they³ differ on the ruling of R. Hamnuna who stated that 'A woman awaiting the decision of the levir, who played the harlot, is forbidden to her levir';⁴ Rab maintaining that she 'has the status of a married woman' and is consequently prohibited⁵ by reason of her immoral act,⁶ while Samuel maintains that 'she has not the status of a married woman' and does not therefore, become prohibited⁵ by reason of her immoral act? Or else [it might be replied] that they³ differ on the question whether betrothal of a sister-in-law⁷ is valid, Rab maintaining that she 'has the status of a married woman' and betrothal⁷ with her is, in consequence, invalid, while Samuel maintains that 'she has not the status of a married woman' and betrothal⁷ with her is, therefore, valid. But on this question⁸ they³ had already disputed once!⁹ — The one was stated as an inference from the other.¹⁰

MISHNAH. IF A MAN WAS TOLD 'YOUR WIFE IS DEAD AND HE MARRIED HER PATERNAL SISTER; [AND WHEN HE WAS TOLD] 'SHE¹¹ ALSO IS DEAD', HE MARRIED HER MATERNAL SISTER;¹² SHE¹³ TOO IS DEAD, AND HE MARRIED HER PATERNAL SISTER;¹⁴ 'SHE¹⁵ ALSO IS DEAD, AND HE MARRIED HER MATERNAL SISTER;¹⁶ AND LATER IT WAS FOUND THAT THEY WERE ALL ALIVE, HE IS PERMITTED TO LIVE WITH THE FIRST,¹⁷ THIRD¹⁸ AND FIFTH,¹⁹ WHO ALSO EXEMPT THEIR RIVALS;²⁰ BUT HE IS FORBIDDEN TO LIVE WITH THE SECOND OR THE FOURTH,²¹ AND COHABITATION²² WITH ONE OF THESE DOES NOT EXEMPT HER RIVAL. IF, HOWEVER, HE²³ COHABITED WITH THE SECOND AFTER THE DEATH OF THE FIRST,²⁴ HE IS PERMITTED TO LIVE WITH THE SECOND²⁵ AND FOURTH,²⁶ WHO ALSO EXEMPT THEIR RIVALS;²⁷ BUT HE²³ IS FORBIDDEN TO LIVE²⁸ WITH THE THIRD AND WITH THE FIFTH, AND COHABITATION²² WITH ONE OF THESE DOES NOT EXEMPT HER RIVAL.

A BOY OF THE AGE OF NINE YEARS AND ONE DAY RENDERS²⁹ [HIS SISTER-IN-LAW] UNFIT [FOR MARRIAGE] WITH HIS BROTHERS, AND HIS BROTHERS RENDER HER UNFIT FOR HIM, BUT WHILE HE RENDERS HER UNFIT FROM THE OUTSET ONLY, THE BROTHERS RENDER HER UNFIT BOTH FROM THE OUTSET AND AT THE END. IN WHAT MANNER?²⁹ A BOY OF THE AGE OF NINE YEARS AND ONE DAY WHO COHABITED WITH HIS SISTER-IN-LAW RENDERS HER UNFIT [FOR MARRIAGE] WITH HIS BROTHERS; THE BROTHERS, HOWEVER, RENDER HER UNFIT FOR HIM WHETHER THEY COHABITED WITH HER, ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE OR SUBMITTED TO HER HALIZAH.

GEMARA. Did not all those [marriages³⁰ take place] after the death of the first wife!³¹ — R. Shesheth replied: [By this³² was meant]. AFTER THE ASCERTAINED³³ DEATH OF THE FIRST WIFE.

A BOY OF THE AGE OF NINE YEARS etc. Does a boy of the age of nine years and one day cause unfitness³⁴ [only where his act took place] at the outset,³⁵ but if at the end³⁶ he causes no unfitness? Surely R. Zebid son of R. Oshaia learnt: If [a brother]³⁷ addressed a ma'amar to his sister-in-law, his brother of the age of nine years and one day, cohabiting with her afterwards, causes

her to be unfit [for marriage with him]!³⁸ — It may be replied: Cohabitation causes unfitness³² even [if it took place] at the end,³⁶ while a ma'amar causes unfitness [only if it was addressed] at the outset,³⁵ but if at the end,³⁶ it causes no unfitness. But does cohabitation³⁹ cause unfitness even [if it took place] at the end? Surely it was taught: BUT WHILE HE RENDERS HER UNFIT FROM THE OUTSET ONLY, THEY [RENDER HER UNFIT] BOTH FROM THE OUTSET AND AT THE END. IN WHAT MANNER? A BOY OF THE AGE OF NINE YEARS AND ONE DAY WHO COHABITED WITH HIS SISTER-IN-LAW etc!⁴⁰ — Something, indeed, is here missing, and this is the proper reading: 'A BOY OF THE AGE OF NINE YEARS AND ONE DAY RENDERS [HIS SISTER-IN-LAW] UNFIT [FOR MARRIAGE WITH HIS BROTHERS, if his action took place] AT THE OUTSET, but they RENDER HER UNFIT FOR HIM BOTH AT THE OUTSET AND AT THE END. This is applicable only in the case of a ma'amar, but cohabitation⁴¹ causes unfitness even [if it took place] at the end. IN WHAT MANNER? A BOY OF THE AGE OF NINE YEARS AND ONE DAY WHO COHABITED WITH HIS SISTER-IN-LAW⁴² RENDERS HER UNFIT FOR MARRIAGE WITH HIS BROTHERS.

His his ma'amar, however, any validity⁴³ at all?⁴⁴ Surely it was taught: A boy of the age of nine years and one day renders [his sister-in-law] unfit for his brothers⁴⁵ by one kind of act only, while the brothers render her unfit for him by four kinds of acts. He renders her unfit for the brothers by cohabitation,⁴⁶ while the brothers render her unfit for him by cohabitation, by a ma'amar, by a letter of divorce and by halizah!⁴⁷ — Cohabitation, which causes unfitness both from the outset and at the end, presented to him a definite law,⁴⁸ [the law of the] ma'amar, however, which causes unfitness front the outset only but not at the end, could not be regarded by him as definite.⁴⁹

So it was also stated: Rab Judah said in the name of Samuel: He⁵⁰ has [the power to give] a letter of divorce.⁵¹ And so said R. Tahlifa b. Abimi: He⁵⁰ has [the power to address] a ma'amar.⁵¹

It was taught likewise: He⁵⁰ has [the right to give] a letter of divorce⁵¹ and he has [the right to address] a ma'amar;⁵¹ so R. Meir.

Could R. Meir, however, hold the view [that such a boy] has [the power to give] a letter of divorce?⁵¹ Surely it was taught: Cohabitation with a boy of the age of nine years [and one day] was given the same validity as that of a ma'amar by an adult; and R. Meir said: The halizah of a boy of the age of nine years was given the same validity as that of a letter of divorce by an adult.⁵² Now, if that were so,⁵³ it should have been stated, 'As that of his own letter of divorce'! — R. Huna son of R. Joshua replied: He⁵⁴ has [the right],⁵⁵ but [his divorce is of a] lesser validity.⁵⁶ For according to R. Gamaliel who ruled that there is no [validity in a] letter of divorce after another letter of divorce, his ruling is applicable only [in the case of a divorce] by an adult after that of an adult, or one by a minor after that of a minor, but [a divorce] by an adult after that of a minor is effective,⁵⁷ while according to the Rabbis who ruled that a letter of divorce given after another letter of divorce is valid, the ruling applies only to [a divorce] by adult after that of an adult, or one by a minor after that of a minor, but [a divorce by] a minor after [that of] an adult is not effective.⁵⁷

(1) The case of one's wife and brother-in-law-; Samuel indicating that in this case, and in this case alone, the halachah is in agreement with R. Jose that the sister-in-law is permitted to her first husband contrary to the view of the first Tanna who forbids her.

(2) Supra 95b.

(3) Rab and Samuel.

(4) Cit. 80b, Sot 18b, supra 95a.

(5) To the levir.

(6) As a married woman is prohibited to her husband if she has committed such an act.

(7) To a stranger before she had performed halizah.

(8) The validity of betrothal of a sister- in-law. V. supra n. 7.

- (9) Supra 92b. Why should they dispute the same point twice.
- (10) By disciples. Rab and Samuel, however disputed the point only once.
- (11) His second wife.
- (12) Who was thus a perfect stranger to the first wife.
- (13) His third wife.
- (14) A perfect stranger to the second.
- (15) The fourth.
- (16) A stranger to the third.
- (17) Since his marriage with her was valid.
- (18) Who was a complete stranger to him when he married her (V. supra p. 652. n. 12). His previous marriage with her maternal sister (his second wife) had no validity because the latter was a sister of his first wife and was forbidden to him as 'his wife's sister'.
- (19) Marriage with whom was valid since the marriage with her sister (the fourth) was invalid. Cf. supra n. 2, *mutatis mutandis*.
- (20) If the man died without issue and one of his surviving brothers contracted the levirate marriage with or submitted to halizah from one of these widows.
- (21) The validity of his marriage with the first and third causes the second and the fourth to be prohibited to him as his wives' respective sisters. Cf. supra note 2.
- (22) By one of the levirs. Cf. supra note 4.
- (23) The husband.
- (24) I.e., it was proved that the first report of her death was true (Rashi).
- (25) The death of the first wife has removed from the second the prohibition of wife's sister (since a wife's sister is prohibited only during the lifetime of the wife) marriage with whom becomes valid.
- (26) The marriage with the second having become valid (v. supra n. 9), that with the third (being now the man's wife's sister) becomes invalid and, consequently, the marriage with the fourth who is now a perfect stranger becomes valid.
- (27) V. supra note 4.
- (28) Cf. previous notes, *mutatis mutandis*.
- (29) This will be explained in the Gemara infra.
- (30) That were enumerated in the first clause of our Mishnah.
- (31) Why then was 'AFTER THE DEATH OF THE FIRST' mentioned only in the second clause in the case where HE COHABITED WITH THE SECOND?
- (32) V. supra n. 2.
- (33) In the other cases death was only reported.
- (34) Of his sister-in-law for his brothers.
- (35) Before any of the adult brothers had addressed a ma'amar to the widow.
- (36) After an elder brother had addressed to her a ma'amar.
- (37) Of a deceased husband who died without issue.
- (38) Which shows that a boy of this age may cause unfitness even 'at the end'.
- (39) On the part of the boy of the age of nine years and one day.
- (40) Emphasis on COHABITED. Since the illustration is limited to an act of cohabitation only the general statement that the boy RENDERS HER UNFIT FROM THE OUTSET ONLY, on which the illustration apparently hangs must also be limited to cohabitation.
- (41) On the part of the boy of the age of nine years and one day.
- (42) Even at the end, i.e., after his brothers had addressed to her a ma'amar.
- (43) Lit., 'has he a ma'amar'?
- (44) Cur. edd. insert 'for the brothers', which, with MS.M. and Pesaro ed. 1509, should be omitted. V. infra n. 5.
- (45) The last three words are wanting in cur. edd., but are rightly included in the Pesaro ed. V. supra n. 4.
- (46) And by no other act.
- (47) How then could it be said that the boy's ma'amar has any validity at all.
- (48) פסיקא rt. פסק 'to cut', 'to decide', i.e., the law relating to cohabitation is definite and absolute. The act is always valid. Hence he mentioned it.
- (49) And being undesirous of entering into details of the law he preferred to omit it.

- (50) A boy of the age of nine years and one day.
 (51) His act is effective and causes his sister-in-law to be unfit for marriage to his brothers.
 (52) Cf. Nid. 45a, supra 68a.
 (53) That according to R. Meir the letter of divorce of a boy of the age of nine years and one day is valid.
 (54) A boy the age of nine years and one day.
 (55) To give a letter of divorce. V. supra p. 655. n. 11.
 (56) Lit., 'and small'. Hence no comparison could be made between his halizah which is as valid as that of a divorce by an adult, and his own divorce which is not so valid.
 (57) Since the divorce of the minor is of lesser validity.

Talmud - Mas. Yevamoth 96b

MISHNAH. IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS SISTER-IN-LAW¹ AND THEN HIS BROTHER WHO WAS OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HER, [THE LATTER] RENDERS HER UNFIT² FOR [THE FORMER].³ R. SIMEON SAID: HE DOES NOT RENDER HER UNFIT.⁴

IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS SISTER-IN-LAW⁵ AND AFTERWARDS HE COHABITED WITH HER RIVAL, HE HAS RENDERED [THEREBY THE FIRST AS WELL AS THE SECOND] UNFIT FOR MARRIAGE WITH HIMSELF.⁶ R. SIMEON SAID: HE DOES NOT RENDER [THEM] UNFIT.⁷

GEMARA. It was taught: R. Simeon said to the Sages, 'If the first cohabitation⁸ was a valid act,⁹ the second cohabitation¹⁰ cannot have any validity;¹¹ if, the first cohabitation, however, has no validity,¹² the second cohabitation also should have no validity'.¹³

Our Mishnah¹⁴ cannot represent the view of Ben 'Azzai; for it was taught: Ben 'Azzai stated, 'A ma'amar is valid after another ma'amar where it concerns two levirs¹⁵ and one sister-in-law,¹⁶ but no ma'amar is valid after a ma'amar where it concerns two sisters-in-law and one levir.'¹⁷

MISHNAH. IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS SISTER-IN-LAW¹⁸ AND THEN DIED, SHE MUST PERFORM HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.¹⁹ IF HE HAD MARRIED [ANY OTHER] WOMAN AND SUBSEQUENTLY DIED, SHE IS EXEMPT [FROM BOTH].²⁰

IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS SISTER-IN-LAW, AND AFTER HE HAD COME OF AGE HE MARRIED ANOTHER WOMAN AND SUBSEQUENTLY DIED, IF HE HAD NOT [CARNALLY] KNOWN THE FIRST WOMAN AFTER HE HAD BECOME OF AGE, THE FIRST ONE MUST PERFORM HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE,²¹ WHILE THE SECOND²² MAY EITHER PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE. R. SIMEON SAID: [THE SURVIVING LEVIR] MAY CONTRACT LEVIRATE MARRIAGE WITH WHICHEVER OF THEM HE MAY DESIRE²³ AND SUBMITS TO HALIZAH FROM THE OTHER.²⁴ [THE SAME LAW APPLIES] WHETHER HE IS OF THE AGE OF NINE YEARS AND ONE DAY, OR WHETHER HE IS OF THE AGE OF TWENTY YEARS BUT HAD NOT PRODUCED TWO PUBIC HAIRS.²⁵ GEMARA. Raba stated: With reference to the statement of the Rabbis that in the case of the levirate bond originating from two levirs [the sister-in-law] must perform halizah only but may not contract levirate marriage, it must not be assumed that this is applicable only where there is a rival, because [in that case] a preventive measure was necessary on account of the rival;²⁶ for here²⁷ there is no rival and yet [the sister-in-law] must perform halizah only but may not contract the levirate marriage.²⁸

IF HE HAD MARRIED [ANY OTHER] WOMAN AND SUBSEQUENTLY DIED etc. Here²⁷ we learned what the Rabbis taught: If an imbecile or a minor married and then died, their wives are exempt from halizah and from the levirate marriage.²⁹

A BOY OF THE AGE OF NINE YEARS etc. AND AFTER HE HAD COME OF AGE etc. Let the cohabitation of the boy of nine²⁷ be given the same validity as that of a ma'amar by an adult,³⁰ and so let the rival [here]²⁷ be debarred from the levirate marriage!³¹ — Now said Rab: The cohabitation of a boy of nine was not given the same validity as that of a ma'amar by an adult. Samuel, however, said: It was certainly given the same validity:³² and so said R. Johanan: It certainly was given the same validity. Then³³ let the same validity be given here also!³⁴ — This [question is a matter of dispute between] Tannaim. That Tanna [whose ruling is contained in the chapter] of the 'Four Brothers'³⁵ enacted a preventive measure on account of the rival;³⁶ and though he stated the law in respect of an adult the same law is applicable to a minor, the reason why he mentioned the adult being only because he was engaged on the question of³⁷ the adult. The Tanna here³⁸ however, is of the opinion that they³⁹ were given the same validity,⁴⁰ and he enacted no preventive measure on account of the rival; and though he spoke of the minor the same law applies to an adult, the reason why he spoke of the minor being only because he was dealing with the minor.³⁷

R. Eleazar came and reported this statement at the schoolhouse but did not report it in the name of R. Johanan. When R. Johanan heard this he was annoyed.⁴¹ Thereupon R. Ammi and R. Assi came in and said to him: Did it not happen at the Synagogue of Tiberias that R. Eleazar and R. Jose disputed [so hotly] concerning a door bolt which had a knob⁴² at one end⁴³ that they tore a Scroll of the Law in their excitement. 'They tore?'⁴⁴ Could this be imagined! Say rather 'That a Scroll of the Law was torn⁴⁵ in their excitement'. R. Jose b. Kisma who was then present exclaimed, 'I shall be surprised if this Synagogue⁴⁶ is not turned into a house of idolatry', and so it happened. [On hearing this] he was annoyed all the more. 'Comradeship too' he exclaimed.⁴⁷

Thereupon R. Jacob b. Idi came in and said to him: 'As the Lord commanded Moses his servant, so did Moses command Joshua, and so did Joshua; he left nothing undone of all that the Lord commanded Moses;⁴⁸ did Joshua, then, concerning every word which he said, tell them, "Thus did Moses tell me"? But, the fact is that Joshua was sitting and delivering his discourse without mentioning names, and all knew that it was the Torah of Moses. So did your disciple R. Eleazar sit and deliver his discourse without mentioning names and all knew that it was yours'. 'Why', he⁴⁹ chided them,⁵⁰ are you not capable of conciliating like the son of Idi our friend?'

Why was R. Johanan so annoyed? — [For the following reason]. For Rab Judah stated in the name of Rab: What is the meaning of the Scriptural text, I will dwell in Thy tent for ever?⁵¹ Is it possible for a man to dwell in two worlds! But [in fact it is this that] David said to the Holy One, blessed be He, 'Lord of the Universe, May it be Thy will

(1) The widow of his brother who died without issue.

(2) For the levirate marriage.

(3) Because, as in the case of a ma'amar after a ma'amar, the act of either levir is valid and, as no two levirs may marry the same sister-in-law, the latter must divorce her; and a sister-in-law divorced by one of the levirs may never again be married by any of them.

(4) His reason is given in the Gemara, *infra*.

(5) The widow of his brother who died without issue.

(6) Since levirate marriage may be contracted with one sister-in-law only. The first cohabitation constituting an imperfect kinyan, the second is effective to the extent of necessitating a divorce, and with a sister-in-law that was divorced by a levir, none of the levirs may subsequently contract levirate marriage. Cf. *supra* p. 656, n. 9.

(7) His reason is given in the Gemara, *infra*.

- (8) Of the first young levir.
- (9) Constituting a kinyan of the sister-in-law.
- (10) That of the second young levir.
- (11) Since there is no validity in an act of cohabitation that follows an act of cohabitation (v. supra 50a), the second act is regarded as irregular intercourse with a stranger; and since it was committed unwittingly, the woman remains permitted to the first levir.
- (12) Owing to the levir's tender age.
- (13) V. supra n. 8 and cf. supra 51b.
- (14) Which regards the cohabitation of a young levir as having the same validity as a ma'amar (cf. supra p. 656, n. 9), and yet rules that an act of cohabitation after another act of cohabitation is legally effective whether in the case of two levirs and one sister-in-law (first case) or two sisters-in-law and one levir (second case).
- (15) The one as well as the other having addressed to the widow one ma'amar only.
- (16) Because each levir (v. supra 51a) has equally the power to address such a ma'amar.
- (17) The second ma'amar having no validity owing to the first ma'amar which had completely effected the kinyan of the first sister-in-law; and no levir is permitted to contract levirate marriage with more than one of the widows of his deceased childless brother.
- (18) The widow of his brother who died childless.
- (19) The act of the minor, while it is valid enough to subject his sister-in-law to the levirate bond of his surviving brothers, does not sever the first levirate bond which is due to her union with the first deceased brother. Being now subject to the levirate bond originating from two levirs, she is deprived (cf. supra 31b) of her right to the levirate marriage, and must perform halizah only.
- (20) Levirate marriage and halizah. The betrothal of a minor having no validity, the woman is not regarded as his wife in respect of the levirate. It is only in the case of a sister-in-law (v. supra n. 2) that his cohabitation is valid enough to subject the woman to the levirate bond.
- (21) Because, as the minor did not cohabit with her since he became of age, she remained subject to the levirate bond originating from two levirs (cf. supra note 2).
- (22) Being the deceased's lawful wife.
- (23) R. Simeon does not admit the ineligibility for levirate marriage of a sister-in-law who is subject to the levirate bond originating from two levirs, V. supra 31b.
- (24) Since they cannot be regarded as rivals, the marriage of the one does not exempt the other, Both, however, may not be taken in levirate marriage, as a preventive measure against erroneous comparisons with two sisters-in-law who were lawfully married.
- (25) The marks of maturity. So long as these have not appeared he retains the legal status of a minor.
- (26) V. supra 31b and cf. supra p. 658, n. 7 end.
- (27) In our Mishnah.
- (28) Cf. supra p. 658, n. 2.
- (29) Supra 69b, infra 112b. A minor and an imbecile have the same legal status, and our Mishnah, speaking of the minor confirms this ruling.
- (30) Which (as stated supra 31b) debars the rival of the widow to whom the [ma'amar had been addressed, from the levirate marriage, though the rival's marriage with the deceased was in every respect a lawful union.
- (31) Why then was it stated that THE SECOND MAY EITHER PERFORM HALIZAH OR CONTRACT THE LEVIRATE MARRIAGE?
- (32) Lit., 'they made and they made'.
- (33) According to Samuel and R. Johanan.
- (34) Lit., 'and let them make'. Cf. supra n. 6.
- (35) The chapter which contains the Mishnah referred to is named after the first two words with which it begins. V. supra 260.
- (36) Cf. supra 31b.
- (37) Lit., 'stood'.
- (38) In our Mishnah.
- (39) The cohabitation of a minor and the ma'amar of an adult.
- (40) Lit., 'they made'.

(41) Perhaps because R. Eleazar did not act in accordance with Aboth VI, 6, 'Whosoever reports a thing in the name of him who said it brings deliverance into the world'. V., however, the Gemara's explanation infra.

(42) Or, 'a fastening contrivance' (Jast.).

(43) R. Eleazar forbids its use on the Sabbath because it cannot be regarded as a 'vessel' and is consequently forbidden to be moved from its place; while R. Jose maintains that the knob at its end, whereby the bolt may occasionally be used as a pestle for crushing foodstuffs, imports to it the character of a vessel and it may, therefore, be used and moved on the Sabbath. V. 'Er. 101b.

(44) The active form, קרעו, implies intentionally.

(45) The Niph'al. accidentally.

(46) Which permitted strife among its scholars.

(47) They compared his resentment against his disciple R. Eleazar to a dispute between colleagues, as if he and his disciple were school companions. 'The fellows (my pupils) too, are quoted against me?' (Jast.)

(48) Josh. XI, 15.

(49) R. Johanan.

(50) R. Ammi and R. Assi.

(51) Ps. LXI, 5; עולמים lit., 'worlds'.

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that a traditional statement may be reported in my name in this world'; for R. Johanan¹ stated in the name of R. Simeon b. Yohai: The lips of a [deceased] scholar, in whose name a traditional statement is reported in this world, move gently in the grave. Said R. Isaac b. Ze'ira, or it might be said, Simeon the Nazirite: What is the Scriptural proof of this? And the roof of thy mouth like the best wine that glideth down smoothly for my beloved, moving gently the lips of those who are asleep,² like a heated mass of grapes. As a heated mass of grapes, as soon as a man places his finger upon it, exudes³ immediately so with the scholars as soon as a traditional statement is made in their name in this world, their lips move gently⁴ in the grave.

WHETHER HE IS OF THE AGE OF NINE YEARS etc. A contradiction was pointed out: If at the age of twenty he⁵ did not produce two [pubic] hairs,⁶ they⁷ must bring evidence that he is twenty years of age, and he [is then confirmed as a] saris;⁸ he may neither submit to halizah nor may he perform the levirate marriage. If a woman⁹ at the age of twenty did not produce two [pubic] hairs, they¹⁰ must bring evidence that she is twenty years of age, and she [is then confirmed as a] woman who is incapable of procreation; she may neither perform halizah nor contract levirate marriage!¹¹ — Surely in connection with this Mishnah it was stated: R. Samuel b. Isaac said in the name of Rab that this¹² applies only to the case where [other] symptoms¹³ of a saris also appeared on him.¹⁴

Said Raba: This¹⁵ may also be arrived at by deduction. For it was taught, 'And he [is confirmed as a] saris',¹⁶ from which this¹⁵ may well be deduced.

And where no symptoms of a saris developed, how long [is one regarded as a minor]?¹⁷ — It was taught at the school of R. Hiyya: Until he has passed middle age.¹⁸

Whenever people came [with such a case]¹⁹ before Raba,²⁰ he used to tell them, if [the youth was] emaciated, 'Let him first be fattened'; and if he was stout, he used to tell them, 'Let him first be made to lose weight'; for these symptoms disappear²¹ sometimes as a result of emaciation and sometimes they disappear²¹ as a result of stoutness.

CHAPTER XI

MISHNAH. A MAN IS PERMITTED TO MARRY [THE NEAR RELATIVE] OF A WOMAN [WHOM HE HAS] OUTRAGED OR SEDUCED.²² HE, HOWEVER, WHO OUTRAGED OR

SEDUCED [A RELATIVE] OF HIS MARRIED WIFE, IS GUILTY.²³ A MAN MAY MARRY THE WOMAN WHOM HIS FATHER HAS OUTRAGED OR SEDUCED OR THE WOMAN WHOM HIS SON HAS OUTRAGED OR SEDUCED. R. JUDAH FORBIDS [MARRIAGE] WITH THE WOMAN WHOM ONE'S FATHER HAS OUTRAGED OR SEDUCED.

GEMARA. Here²⁴ we learn what the Rabbis taught: 'A man who has outraged a woman²⁵ is permitted to marry her daughter; if, however, he married the woman, he is forbidden to marry her daughter'. A contradiction, however, may be pointed out: A man who is suspected of intercourse with a woman is forbidden to marry her mother, her daughter and her sister!²⁶ — This [prohibition²⁷ is only] Rabbinical.²⁸

Would it be stated, however, where a Rabbinical prohibition exists, that A MAN IS PERMITTED TO MARRY even from the outset! — Our Mishnah refers only to [a marriage] after [the suspected woman's] death.²⁹

Whence is this ruling deduced? — From what the Rabbis taught: In the case of all those [illicit relationships]³⁰ Scripture used the expression of 'lying',³¹ but here³² it made use of the expression of 'taking',³³ in order to tell you [that only when intercourse with a woman was in] the manner of 'taking',³⁴ did the Torah forbid [marriage with her relatives].³⁵

Said R. Papa to Abaye: If that is so,³⁶ then in respect of one's sister, concerning whom it is written, And if a man shall take his sister, his father's daughter, or his mother's daughter;³⁷ is [intercourse] here also forbidden only [if it is in] the manner of 'taking',³⁴ but permitted [if it is in] the manner of 'lying'!³⁸ — The other replied: The word 'taking' is used in the Torah without being defined, [so that a text] to which 'taking' is applicable,³⁹ [signifies] 'taking'⁴⁰ while one to which only 'lying' is applicable,⁴¹ [signifies] 'lying'.⁴²

Raba stated: [That a man who] outraged a woman is permitted to marry her daughter, [is deduced] from here: It is written, The nakedness of thy son's daughter, or of thy daughter's daughter, thou shalt not uncover;⁴³ from which it follows⁴⁴ that the daughter of her⁴⁵ son and the daughter of her⁴⁵ daughter may be uncovered; but it is also written in Scripture, Thou shalt not uncover the nakedness of a woman and her daughter; thou shalt not take her son's daughter, or her daughter's daughter!⁴⁶ How then [are these to be reconciled]? The former⁴⁷ refers to cases of outrage and the latter to those of marriage. Might not [the application]⁴⁸ be reversed? — In respect of forbidden relatives the expression kin⁴⁹ is written, and kinship exists only by means of marriage; but no kinship exists by means of outrage.

R. JUDAH FORBIDS MARRIAGE WITH THE WOMAN WHOM ONE'S FATHER HAD OUTRAGED etc. R. Giddal stated in the name of Rab: What is R. Judah's reason? Because it is written, A man shall not take his father's wife, and shall not uncover his father's skirt;⁵⁰ the skirt which his father saw⁵¹ he shall not uncover. Whence, however, is it inferred that Scripture speaks of an outraged woman? — From the preceding section of the text where it is written, Then the man that lay with her shall give unto the damsels father fifty shekels of silver.⁵² And the Rabbis?⁵³ — If one text had occurred in close proximity to the other your exposition would have been justified;⁵⁴ now, however, that it does not occur in close proximity, the text is required for [an exposition] like that of R. Anan. For R. Anan stated in the name of Samuel that the Scriptural text⁵⁰ speaks of a woman awaiting the levirate decision of his father; and the meaning of⁵⁵ his father's skirt⁵⁰ is: He⁵⁶ shall not uncover the skirt which is designated for his father.⁵⁷

[This prohibition,⁵⁸ however], might be deduced from the fact that she is his aunt!⁵⁹ — [The text⁵⁰ was necessary] to make him⁶⁰ guilty of the transgression of two negative commandments.⁶¹ [The prohibition,⁶² however] might be inferred from the fact [that the widow as a] sister-in-law⁶³ [is

forbidden] to marry any stranger!⁶⁴ — [The text⁵⁰ was necessary] to make him guilty of the transgression of three negative commandments.⁶⁵ And if you prefer I might say:⁶⁶ After [his father's] death.⁶⁷

(1) Or Jehozadak (cf. Sanh. 90b).

(2) Cant. VII. 10. **דֹּבֵב** moving gently.

(3) **דֹּבֵב**.

(4) V. supra n. 5. The rt. **דֹּבֵב** signifies both 'to exude' and 'to whisper'.

(5) A levir whose brother died without issue and whose duty it is to marry the widow of the deceased or to submit to her halizah.

(6) The legal signs of maturity.

(7) The relatives of the widow, who are desirous of procuring her exemption from the levirate marriage and the halizah.

(8) One incapable of procreation. V. Glos. He is no longer regarded as a minor for whose maturity the widow must wait.

(9) A widow whose husband died childless. Cf. supra p. 661, n. 8.

(10) The levir's relatives, cf. supra p. 661, n. 10 mutatis mutandis.

(11) Supra 80a, Ned. 57b, Cf. B.B. 155b. From this (cf. p. 661, n. 11) it follows that at the age of twenty a person is considered to have attained legal majority, though his body has not developed any signs of maturity, contrary to our Mishnah which gives such a person the status of a minor.

(12) The law that he is regarded as a saris,

(13) Described supra 80b.

(14) If, however, these additional symptoms of a saris did not appear, he is as stated in our Mishnah regarded as a minor so long as he has not produced two pubic hairs.

(15) That a boy is not regarded as a saris unless apart from the absence of pubic hairs, he has developed also other symptoms of a saris.

(16) Implying that he had already other symptoms of a saris.

(17) If two pubic hairs did not appear.

(18) Lit., 'most of his years', i.e., until he is thirty-six years of age. Man's span of life is taken to be seventy years (cf. Ps. XC, 10).

(19) Of one who reached the age of twenty without having produced two hairs.

(20) Or, 'R. Hiyya'. Cf. B.B. 155b and Nid. 47b.

(21) **דַּנְתָּרִי** (rt. **נָתַר**, Pi'el, 'to fall off'). MS.M. reads, **דַּאֲתוּ** (rt. **אָתָּא** 'come', 'appear') a reading adopted by Tosaf. in B.B. 155b, s.v. **הָכִי**.

(22) Only relatives of a married wife are subject to the law of incest.

(23) And must suffer the prescribed penalties.

(24) In our Mishnah.

(25) By immoral intercourse, whether without, or with her consent.

(26) Tosef. Yeb. IV and supra 262 q.v. for notes.

(27) In the Tosefta cited.

(28) In order that illicit intercourse with the suspected woman may not be facilitated through a marriage with one of her near relatives.

(29) If the woman outraged or seduced is dead the marriage with any one of her relatives would obviously provide no further facilities for illicit intercourse with her (cf. supra n. 7). Hence no preventive measure was instituted.

(30) Such as, e.g., a father's wife, a daughter-in-law and an aunt (v. Lev. XX, 11ff).

(31) E.g., lieth (Lev. XX, 11), lie (ibid. 12).

(32) In respect of a woman and her mother, and similar relatives that are forbidden through one's wife.

(33) E.g., take (Lev. XVIII, 17, 18, ibid. XX, 14, 17).

(34) I.e., when the man contracted with her a lawful marriage; cf. Deut. XXIV, 1: 'When a man taketh a wife'.

(35) The relatives of a woman with whom he had illicit intercourse are, therefore permitted.

(36) Lit., 'but now'.

(37) Lev. XX, 17 emphasis on take. Cf. supra n. 6.

(38) This would be absurd.

(39) As in the case of a woman and her mother or two sisters, where marriage with the first is lawful.

- (40) Lawful marriage. Only when legal marriage took place with the first is marriage with the second forbidden.
- (41) Intercourse, for instance, with one's sister.
- (42) Even illicit intercourse.
- (43) Lev. XVIII, 10.
- (44) Lit., 'thus'.
- (45) A wife's.
- (46) Lev. XVIII, 17.
- (47) Lit., 'here'.
- (48) I.e., applying the first text to cases of marriage and the second to those of outrage.
- (49) V. Lev. XVIII, 6.
- (50) Deut. XXIII, 1.
- (51) Even through outrage.
- (52) Deut. XXII, 29. a case of outrage.
- (53) How can they maintain their view in our Mishnah against the Scriptural text.
- (54) Lit., 'as you said'.
- (55) Lit., 'and what'.
- (56) A son.
- (57) Such a woman, unless she has performed halizah with his father, is permitted to marry no one but his father.
- (58) To marry the widow who was subject to his father's levirate marriage. Cf. supra n. 9.
- (59) Having been the wife of his father's brother. V. Lev. XX, 20. What need then was there for the additional text of Deut. XXIII, 1?
- (60) The son. v. supra note 10.
- (61) Prescribed in (1) Lev. XX, 20 and (2) Deut. XXIII, 1.
- (62) V. supra note 10.
- (63) Cf. supra note 9.
- (64) Lit., 'to the market', i.e., any man other than the levir. Cf. supra n. 11 second clause.
- (65) The two referred to supra p. 665, n. 13 as well as the one last mentioned.
- (66) In reply to the last objection.
- (67) When marriage with the widow is not subject to the last mentioned prohibition (that of a sister-in-law to a stranger) and only two prohibitions (v. supra p. 665, n. 13) remain.

Talmud - Mas. Yevamoth 97b

'My¹ paternal, but not my maternal brother; and he is the husband of my mother and I am the daughter of his wife'!² — Rami b. Hama said: Such [a relationship is] not [legally possible] according to the ruling of R. Judah in our Mishnah.³

'He⁴ whom I carry on my shoulder is my brother and my son and I am his sister'? — This is possible when an idolater cohabited with his daughter'.⁵

'Greetings⁴ to you my son; I am the daughter of your sister'? — This is possible where an idolater cohabited with his daughter's daughter.⁶

'Ye⁴ water-drawers,⁷ we shall ask you⁸ a riddle that defies solution: He whom I carry is my son and I am the daughter of his brother'? — This is possible where an idolater cohabited with the daughter of his son.⁹

'Woe,⁴ woe, for my brother who is my father; he is my husband and the son of my husband; he is the husband of my mother and I am the daughter of his wife; and he provides no food for his orphan brothers, the children of his daughter'? — This is possible when an idolater cohabited with his mother and begot from her a daughter; then he cohabited with that daughter; and then the grandfather¹⁰ cohabited with her¹¹ and begot from her sons.¹²

‘I¹³ and you are brother and sister,¹⁴ I and your father are brother and sister, and I and your mother are sisters’? — This is possible where an idolater cohabited with his mother and from her begot two daughters, and then he cohabited with one of these and begot from her a son. When the son's mother's sister¹⁵ carries¹⁶ him¹⁷ she addresses him thus.¹⁸

‘I¹³ and you are the children of sisters,¹⁴ I and your father are the children of brothers, and I and your mother are the children of brothers’? — This indeed is possible also in the case of a lawful marriage; where, for instance, Reuben had two daughters, and Simeon¹⁹ came and married one of them, and then came the son of Levi¹⁹ and married the other.

The son of Simeon can thus²⁰ address the son of the son of Levi.²¹

MISHNAH. THE SONS OF A FEMALE PROSELYTE WHO BECOME PROSELYTES TOGETHER WITH HER NEITHER²² PARTICIPATE IN HALIZAH NOR CONTRACT LEVIRATE MARRIAGE, EVEN IF THE ONE WAS NOT CONCEIVED IN HOLINESS.²³ BUT WAS BORN IN HOLINESS,²⁴ AND THE OTHER WAS BOTH CONCEIVED AND BORN IN HOLINESS. SO ALSO [IS THE LAW] WHERE THE SONS OF A BONDWOMAN WERE EMANCIPATED TOGETHER WITH HER.

GEMARA. When the sons of the bondwoman Yudan were emancipated. R. Aha b. Jacob permitted them to marry one another's wives.²⁵ Said Raba to him: But R. Shesheth forbade [such marriages]. The other replied: He forbade, but I allow.

[In respect of proselyte brothers] from the same father and not from the same mother, there is no difference of opinion²⁶ that this²⁷ is permitted;²⁸ [in respect of brothers] from the same mother and not from the same father, there is no difference of opinion²⁶ that this²⁷ is forbidden.²⁹ They differ only [in respect of proselytes whose brotherhood is] both paternal and maternal. He³⁰ who permits it²⁷ [does so because children are] ascribed to their father, since they are spoken of as ‘the children of such and such a man’.³¹ R. Shesheth, however, [holds that they] are also spoken of as ‘the children of such and such a woman’.²⁹

Another reading: R. Aha b. Jacob disputed [the illegality of marriage]²⁷ even in respect of maternal brothers. And what is his reason? — Because a man who has become a proselyte is like a child newly born.³²

We learned, THE SONS OF A FEMALE PROSELYTE WHO BECAME PROSELYTES TOGETHER WITH HER NEITHER PARTICIPATE IN HALIZAH NOR CONTRACT THE LEVIRATE MARRIAGE, is not the reason³³ because they are forbidden [to marry a brother's wife]³⁴ — No; it is because [the widow] is not subject to the law of halizah and levirate marriage.³⁵ She is permitted, however, to strangers.³⁶ and the brothers also are permitted[to marry her]. But, surely, it was stated EVEN! Now were you to admit that [the brothers] are forbidden.³⁷ one could well justify the expression of EVEN: EVEN IF THE ONE WAS NOT CONCEIVED IN HOLINESS BUT WAS BORN IN HOLINESS. AND THE OTHER WAS BOTH CONCEIVED AND BORN IN HOLINESS, [so that the two might well be regarded] as [the sons of] two mothers,³⁸ they are nevertheless forbidden; if you maintain, however, that they are permitted,³⁹ what [can be the purport of] EVEN!⁴⁰ — Even though the birth of both was in holiness, and people might mistake⁴¹ them for Israelites,⁴² [the widow] is nevertheless permitted [to marry a stranger].⁴³

Others read: Logical reasoning also supports the view that they are permitted,³⁹ since the expression EVEN was used. For, if you grant that they are permitted³⁹ it is quite correct to say EVEN: Even though the birth of both was in holiness and people might mistake⁴¹ them for

Israelites.⁴² they are nevertheless permitted;⁴³ if, however, you maintain that they are forbidden⁴⁴ what [can be the purport of] EVEN!⁴⁵ — EVEN IF THE ONE WAS NOT CONCEIVED IN HOLINESS BUT WAS BORN IN HOLINESS, AND THE OTHER WAS BOTH CONCEIVED AND BORN IN HOLINESS [so that they might well be regarded] as [the sons of] two mothers,⁴⁶ they are nevertheless forbidden.

Come and hear: Twin brothers who were proselytes, and similarly if they were emancipated slaves,⁴⁷ may neither participate in halizah nor contract levirate marriage, nor are they guilty [of a punishable offence] for [marrying] a brother's wife.⁴⁸ If however, they were not conceived in holiness but were born in holiness, they neither participate in halizah nor contract levirate marriage⁴⁹ but are guilty [of a punishable offence]⁵⁰ for [marrying] a brother's wife.⁵¹ If they were both conceived and born in holiness, they are regarded as Israelites in all respects. At all events, it was stated that they are not 'guilty [of a punishable offence] for [marrying] a brother's wife'; [from which it follows that] no punishable offence is incurred

(1) This and the following unlikely propositions are merely riddles on the possible complications of consanguinity.

(2) Such a riddle may be put by a daughter who was born as a result of outrage by his father where the son of the man by another wife has subsequently married her mother.

(3) Since, according to R. Judah, marriage is forbidden with a woman one's father had outraged.

(4) V. supra n. 4.

(5) And a son was born from the union. The mother of the child might put such a riddle.

(6) The son born from such a union, since he is the paternal brother of his mother's mother, might be addressed by his mother in the terms of this riddle.

(7) Lit., 'drawers who draw the bucket'. Men engaged in the irrigation of fields (cf. Rashi and last.); scholars drawing from the fountains of wisdom (cf. Aruk. and Tosaf. s.v. **לִּשְׁתֵּי**).

(8) So Aruk. Cur. edd., 'let it fall among you'.

(9) The son born from this union is the paternal brother of his mother's father.

(10) The idolater's father.

(11) The daughter.

(12) The daughter may describe the idolater as her maternal brother, her natural father and her actual husband. Owing to her cohabitation with his father (the grandfather) he is the son of her husband, while through his cohabitation with her mother he is her mother's husband and she is, of course, the daughter of his wife. The children resulting from the union between her and the grandfather are his (the idolater's) paternal brothers and, of course, the children of his daughter.

(13) V. supra p. 666, n. 4.

(14) **אֶחָיו** may be rendered 'brothers', 'brother and sister' and 'sisters'. It sometimes signifies 'relatives' or mere 'friends'.

(15) [MS.M. 'when his sister'].

(16) So MS.M. Cur. edd., 'calls'.

(17) The son.

(18) She and the son are brother and sister, being the offspring of the same father. She and his father are brother and sister from the same mother, while she and his mother are sisters both paternally and maternally.

(19) His brother, Reuben, Simeon and Levi, the sons of Jacob and Leah (v. Gen. XXIX, 32ff) are chosen as an illustration of brotherly relationship.

(20) So Bah a.l. wanting in cur. edd.

(21) He and Levi's grandson are the children of two sisters (Reuben's daughters); he and Levi's son (the grandson's father) are children of two brothers (Simeon and Levi), while he and the grandson's mother are children of the two brothers Reuben and Simeon.

(22) Should one of the brothers die without issue.

(23) I.e., before his mother became a proselyte.

(24) After his mother became a proselyte.

(25) A proselyte having the status of a newly born child, all his previous family relationships are dissolved. The prohibition against marriage with a brother's wife does not, therefore, apply.

- (26) Between R. Aba and R. Shesheth.
- (27) Marriage of a brother's wife in the case of proselytes.
- (28) It is well known that their father was no Israelite, and that it is for this reason that the marriage was permitted. No one would assume that they were the sons of the same father, since idolaters' wives were known to be faithless, and, consequently, no one would erroneously infer that proper Israelites may also marry their brother's wives.
- (29) Their mother being known, they might be assumed to be lawful brothers and, should marriage of a brother's wife be permitted in their case, an erroneous conclusion (v. supra note 6) might be formed.
- (30) R. Aba.
- (31) Cf. supra note 6.
- (32) V. supra 22a and cf supra note 3.
- (33) Of the prohibition. Lit., 'what is the reason'.
- (34) The law of the levirate marriage being inapplicable in their case, the prohibition against marrying a brother's wife remains in force. An objection against R. Aha
- (35) The Mishnah implying that the brothers are not obliged to perform the religious rites.
- (36) Lit., 'to the world'.
- (37) Marriage of a brother's wife in the case of proselytes.
- (38) Who may marry one another's wives.
- (39) To marry each other's wives.
- (40) On the contrary; this should be an additional reason for permissibility.
- (41) Lit., 'exchange'.
- (42) And so permit a deceased brother's wife to marry a stranger without previous halizah.
- (43) Because (cf. Rashi) it is known that the duty of levirate marriage and halizah is determined by paternal brotherhood which is inapplicable in the case of a father who was an idolater (cf. supra p. 668, n. 6.) [They, themselves, would however be forbidden to marry each other's widows where they were both born in holiness. It is only with reference to the first clause of our Mishnah that R. Aha stated supra that they were permitted (Rashi)].
- (44) To marry each other's wives.
- (45) The fact that they were both born in holiness should be an additional reason for the prohibition.
- (46) Who may marry one another's wives.
- (47) Though, in the case of twins, paternal brotherhood is certain (cf. infra 89a).
- (48) V. supra p. 668, n. 3.
- (49) Since the duty of levirate marriage and halizah is dependent on paternal brotherhood. Cf. supra p. 669, n. 3.
- (50) Kareth.
- (51) Whom even a maternal brother is forbidden to marry.

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but that a [Rabbinical] prohibition is 'nevertheless involved!¹ — The law, in fact, is that even a [Rabbinical] prohibition is not involved; only, because it was desired to state in the final clause, 'but are guilty [of a punishable offence]', it was stated in the first clause also, 'they are not guilty [of a punishable offence]'.

Raba stated: With reference to the Rabbinical statement that [legally] an Egyptian has no father,² it must not be imagined that this is due to [the Egyptians'] excessive indulgence in carnal gratification, owing to which it is not known [who the father was], but that if this were known³ it is to be taken into consideration;⁴ but [the fact is] that even if this is known it is not taken into consideration. For, surely, in respect of twin brothers, who originated in one drop that divided itself into two, it was nevertheless stated in the final clause,⁵ that they 'neither participate in halizah nor perform levirate marriage'.⁶ Thus it may be inferred that the All Merciful declared their children to be legally fatherless,⁷ for [so indeed it is also] written, Whose flesh is as the flesh of asses, and whose issue is like the issue of horses.⁸

Come and hear what R. Jose related: It once happened with the proselyte Niphates⁹ that he

married the wife of his [deceased]¹⁰ maternal brother,¹¹ and when the case was submitted to the Sages their verdict was that the law of matrimony does not apply to a proselyte. But then, should a proselyte betroth a woman, would also the betrothal be invalid? — Say then rather: The prohibition of a brother's wife does not apply to a proselyte. Now does not [this refer to the case] where his brother¹¹ had married her while he was a proselyte!¹² — No; where he married her while he was still an idolater.¹³ But if [betrothal took place] while he was still an idolater, what [need is there] to state it?¹⁴ — It might have been assumed that [in the case of a brother's betrothal] while he is still an idolater a preventive measure should be enacted lest [erroneous conclusions be drawn in the case] where he is a proselyte, hence we were taught [that no such measure was enacted].

Come and hear what Ben Yasyan¹⁵ related: When I went to the coastal towns¹⁶ I came across a certain proselyte who had married the wife of his maternal brother. 'Who, my son', I said to him, 'permitted you [this marriage]?' 'Behold', he replied. 'the woman and her seven children';¹⁷ on this bench sat R. Akiba when he made two statements: "A proselyte may marry the wife of his maternal brother", and he also stated, "And the word of the Lord came unto Jonah the second time, saying,¹⁸ only a second time did the Shechinah speak to him; a third time the Shechinah did not speak to him."¹⁹ At any rate, it was stated here that 'a proselyte may marry the wife of his maternal brother'. Does not [this refer to a case] where his brother married her while he was a proselyte! — No; where he married her while he was still an idolater.²⁰ What [need then was there] to state [such an obvious law]? — It might have been assumed that [in the case of a brother's betrothal] while he is still an idolater a preventive measure should be enacted lest [erroneous conclusions be drawn in the case] where he is a proselyte. hence we were taught [that no such measure was enacted].

Is he,²¹ however, believed? Surely R. Abba stated in the name of R. Huna in the name of Rab: Wherever a scholar gives directions²² on a point of law and such a point comes up for a practical decision, he is obeyed if he made the statement²³ before the event;²⁴ but if it was not so made, he is not obeyed!²⁵ — If you wish I might say: The incident occurred after he made his statement. If you prefer, I might say: Because he stated, 'Behold the woman and her seven children'.²⁶ And if you prefer I might say: Here it is different²⁷ because with it he related another incident.²⁸

The Master said, 'And the word of the Lord came to Jonah a second time, saying,²⁹ only a second time did the Shechinah speak unto him, a third time the Shechinah did not speak to him'. But surely it is written in Scripture, He restored the border of Israel from the entrance of Hamath unto the sea of the Arabah, according to the word of the Lord, which He spoke by the hand of His servant Jonah the son of Amittai, the prophet!³⁰ — Rabina replied: He³¹ referred to the affairs of Nineveh.

R. Nahman b. Isaac replied, It is this that was meant:³² According to the word of the Lord . . . which He spoke by the hand of his servant, the prophet,³³ as his intention towards Nineveh was turned from evil to good, so was his intention towards Israel, in the days of Jeroboam the son of Joash, turned from evil to good.

Come and hear: A proselyte who was born in holiness³⁴ but was not conceived in holiness³⁵ has [legally] maternal consanguinity but no paternal consanguinity. For instance:³⁶ If he married his maternal sister,³⁷ he must divorce her;³⁸ if his paternal one, he may retain her.³⁹ His father's maternal sister he must divorce;⁴⁰

(1) Lit., 'guilt there is not but a prohibition there is'. The Rabbis had instituted a preventive measure against the possibility of taking such a marriage as a precedent for allowing similar marriages to proper Israelites. Objection then against R. Aha!

(2) Not only where he became a proselyte himself in which case he is regarded as newly born (v. supra), but even where he was only conceived before his mother became a proselyte and was born subsequently.

(3) If, for instance, his father and mother were confined under lock and key, where it was impossible for any other man

to have had intercourse with the woman.

(4) And, if the child was born after his mother had become a proselyte (v. supra p. 670, n. 10), he is to be regarded legally as having a father.

(5) Which speaks of proselytes who were born after their mother had become a proselyte.

(6) Supra 97b end.

(7) Lit., 'made them free', 'ownerless'.

(8) Ezek. XXIII, 20.

(9) Gr. ** So MS.M. Cur. edd. 'Niphatem'. The suggestion to read Gr.** is rejected by Golds.

(10) V. Rashi, a.l. s.v. **נִפְתֵּם**.

(11) Who was a proselyte.

(12) And yet it was stated that the prohibition of 'brother's wife' does not apply.

(13) When his betrothal has no validity; and after he had become a proselyte he no longer cohabited with her.

(14) The law being self-evident.

(15) MS.M., 'R. Jose b. Yasin'.

(16) Mercantile ports (Jast.).

(17) Proselytes. whom R. Akiba (v. infra) permitted to marry brothers' wives.

(18) Jonah III, 1.

(19) Mekilta, Bo.

(20) V. supra p. 671, n. 11.

(21) A proselyte in the circumstances of the one who reported R. Akiba's ruling.

(22) Basing his ruling on a tradition he received from his teachers.

(23) In the course of his discourses.

(24) Before the law was required in connection with a practical issue.

(25) Much less should an ordinary proselyte be relied upon in a case in which he himself is involved. v. supra 770.

(26) An incident which had obviously occurred 'before he made his statement.

(27) From the case of the scholar's ruling spoken of by Rab.

(28) R. Akiba's discourse on Jonah III, 1 while he was sitting on a certain bench. As the one statement could be safely accepted, the other also was accepted.

(29) Jonah III, 1.

(30) II Kings XIV, 25, which shews that He spoke a third time.

(31) R. Akiba, in stating that the Shechinah spoke to him only twice.

(32) By the text of II Kings cited.

(33) Ibid.

(34) I.e., after his mother became a proselyte.

(35) I.e., before his mother became a proselyte.

(36) Lit., 'how'.

(37) Though she was born while their mother was still an idolatress, and though he, as a proselyte, is regarded as a newly born child.

(38) As a preventive measure against the possibility of marrying a sister, who like himself was born after their mother's conversion. Such a marriage, since brother and sister were born 'in holiness', is punishable by kareth.

(39) No preventive measure in this case is necessary, since, a proselyte having legally no father, any daughter that may be begotten by his father, even after his conversion, would not be legally his sister.

(40) A preventive measure against marriage with his own maternal sister. Cf. supra n. 13.

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his paternal one he may retain. His mother's maternal sister he must divorce. As to her paternal sister, R. Meir said: He must divorce her,¹ and the Sages said: He may retain her;² R. Meir maintaining that any woman forbidden on account of maternal consanguinity must be divorced, but if on account of paternal consanguinity he may retain her. He is also permitted [to marry] his brother's wife,³ and the wife of his father's brother. All other forbidden relatives are also permitted to him, including his father's wife. If [a proselyte]⁴ married a woman and her daughter⁵ she may⁶

retain⁷ one, but must release the other.⁸ In the first instance he may not marry⁷ her.⁹ If his wife died, he is permitted to marry his mother-in-law. Another opinion is that he is forbidden to marry his mother-in-law.¹⁰ At all events, it was here stated that he is 'permitted [to marry] his brother's wife'; does not [this apply to a woman] whom his brother had married while he was a proselyte! — No; where he married her while he was still an idolater. What [need was there] to state it?¹¹ — It might have been assumed that [in the case of a brother's marriage] while he was still an idolater a preventive measure¹² should be enacted to preclude [the same thing being done] where he is already a proselyte, hence were we taught [that in such a case a brother's wife was permitted].

The Master stated, 'If [a proselyte] married a woman and her daughter, he may retain one but must release the other; in the first instance he may not marry her'. Now, if he must even release her, is there any need [to speak of a prohibition to marry her] from the outset?¹³ — It refers to a previous clause,¹⁴ and the meaning is this: That [woman], concerning whom the Rabbis ruled that he¹⁵ may retain her,¹⁶ may nevertheless not be married by him from the outset.

'If his wife died he is permitted to marry his mother-in-law. Another opinion is that he is forbidden to marry his mother-in-law'. One is in agreement with R. Ishmael and the other is in agreement with R. Akiba. He who forbade the marriage agrees with R. Ishmael who stated: A man's mother-in-law after [his wife's] death retains the former prohibitions;¹⁷ and in respect of a proselyte a preventive measure was enacted.¹⁸ He, however, who permits the marriage follows R. Akiba who stated that the prohibition [to marry] one's mother-in-law is weakened after [one's wife's] death;¹⁹ and, consequently, no preventive measure has been enacted by the Rabbis in respect of a proselyte.

MISHNAH. IF THE [MALE] CHILDREN OF FIVE WOMEN WERE MIXED UP²⁰ AND, WHEN THESE INTERCHANGED CHILDREN GREW UP, THEY TOOK WIVES AND THEN DIED, FOUR²¹ SUBMIT TO HALIZAH FROM ONE [OF THE WIDOWS]²² AND ONE²³ CONTRACTS WITH HER THE LEVIRATE MARRIAGE.²⁴ [THEN] HE²⁵ AND THREE [BROTHERS]²¹ SUBMIT TO HALIZAH FROM ONE [OTHER OF THE WIDOWS]. AND ONE²⁶ CONTRACTS WITH HER²⁷ THE LEVIRATE MARRIAGE.²⁸ THUS²⁹ EVERY ONE [OF THE WIDOWS] PERFORMS HALIZAH FOUR TIMES AND CONTRACTS THE LEVIRATE MARRIAGE ONCE.

GEMARA. Only the halizah [must take place³⁰ first] and the levirate marriage afterwards; the levirate marriage, however, must not take place first, since, thereby, one³¹ might infringe the prohibition against a sister-in-law's marriage with a stranger.³²

What [was the object of the statement], HE AND THREE [BROTHERS] SUBMIT TO HALIZAH FROM ONE [OTHER OF THE WIDOWS]?³³ — That it be not suggested that one brother only should contract levirate marriage with all of them. Rather let every brother contract levirate marriage with only one [of the widows], when it is possible his own [sister-in-law] might happen to fall to his lot.

Our Rabbis taught:³⁴ 'If some of them³⁵ were brothers³⁶ and some were no brothers,³⁶ the brothers submit to halizah while those who are no brothers contract the levirate marriage.' What does this exactly mean? — R. Safra replied. It is this that is meant: If some of them³⁵ were paternal brothers³⁶ and some were [also] maternal brothers,³⁷ the maternal brothers submit to halizah³⁸ and the paternal brothers may [also] contract levirate marriage.³⁹ 'If some of them⁴⁰ were priests and some were non-priests, the priests submit to halizah⁴¹ and those who are non-priests may [also] contract levirate marriage. If some of them⁴² were priests and some maternal brothers, the former as well as the latter submit to halizah but may not contract levirate marriage.'⁴³

(1) The reason is given presently.

- (2) No preventive measure being necessary in such a case which is quite unlike that of a maternal sister.
- (3) Cur. edd. insert 'from his mother' which is to be deleted with Bah a.l. The proselyte is, in fact, permitted to marry the wife of his paternal brother as well as the wife of his maternal brother if the latter was born before the conversion. A preventive measure (cf. supra p. 673, n. 13) was not instituted in the case of a relationship which is not due to consanguinity but is dependent on betrothal.
- (4) Before his conversion. One born 'in holiness' is forbidden to marry a mother and her daughter.
- (5) Who were also converted.
- (6) After his conversion.
- (7) Lit., 'bring in', sc. to his home.
- (8) This is a preventive measure against marriage with an Israelitish mother and daughter.
- (9) This sentence is explained infra.
- (10) V. Sanh., Sonc. ed., p. 394. notes.
- (11) The law being so obvious.
- (12) Forbidding his wife to his brother.
- (13) Why, then, was the superfluous clause, 'In the first instance he may not marry her', inserted.
- (14) Lit., 'there he stands'.
- (15) The proselyte.
- (16) E.g., his paternal sister.
- (17) V. supra 94b, Sanh. 76b.
- (18) To prevent such a marriage in the case of an Israelite.
- (19) It is no longer punishable by the severe penalty of burning. v. supra 94b.
- (20) And each woman had also another son who was not involved in the confusion.
- (21) Of the five brothers who were not mixed up with these. V. supra note 6.
- (22) Since everyone of them might be her brother-in-law.
- (23) Of the five brothers (v. supra n. 7) i.e., the fifth who had not submitted to halizah.
- (24) As four brothers have, by their halizah, severed their levirate bond with the widow mentioned, the fifth may marry her either as her brother-in-law (in case it was his brother who was her husband) or as a stranger (if her husband was a brother of one of the four who had now set her free).
- (25) The brother who contracted the levirate marriage.
- (26) Of the brothers (v. supra n. 7) who had submitted to halizah from the first widow.
- (27) The second widow.
- (28) For reasons similar to those explained supra n. 10.
- (29) Lit., 'it is found'. The same procedure being followed in respect of all the five widows.
- (30) In our Mishnah, in respect of every widow.
- (31) Should a brother happen to marry the widow who was not the wife of his deceased brother.
- (32) Lit., 'for he met a sister-in-law for the market'.
- (33) The same brother who contracted the first levirate marriage is, surely, entitled to contract similar marriages with all the widows, as soon as the other four brothers had submitted to their halizah.
- (34) So Bah. Cur. edd. omit.
- (35) Of the brothers who were not involved in the confusion.
- (36) Of those who were mixed up and are now dead.
- (37) I.e., paternal brother to one and maternal brother to another.
- (38) Thereby setting free the widows of their paternal brothers. They may not contract levirate marriage even after the widows had performed halizah with all the other brothers, since, should one of them happen to marry the widow of his maternal brother, he would thereby incur the penalty of kareth.
- (39) With any of the widow's, after each of the other brothers had submitted to her halizah.
- (40) of the brothers who were not involved in the confusion.
- (41) The levirate marriage is forbidden to them because any one of them might happen to marry the widow who was not a sister-in-law to him but to one of the other brothers. and who, by the halizah with her brother-in-law, has become a haluzah whom a priest is forbidden to marry.
- (42) Of the brothers who were not involved in the confusion.
- (43) Tosef. Yeb. XII. Cf. supra p. 676. n. 9 (re maternal brothers) and supra n. 1 (re priests).

Talmud - Mas. Yevamoth 99a

Our Rabbis taught: A man must sometimes submit to halizah from his mother¹ owing to an uncertainty; from his sister, owing to an uncertainty; and from his daughter, owing to an uncertainty'. For instance?² If his mother and another woman had two male children, and then gave birth to two male children³ in a hiding place;⁴ and a son⁵ of the one mother⁶ married the mother⁷ of the other son while the son⁸ of the other mother⁶ married the mother of the first, and both⁹ died without issue, the one¹⁰ must submit to halizah from both women¹¹ and the other¹⁰ must submit to halizah from both women.¹¹ Thus it follows that each submits to halizah from his mother owing to an uncertainty. 'From his sister, owing to an uncertainty'; for instance?² When his mother and another woman gave birth to two female children¹² In a hiding place,¹³ and their brothers¹⁴ who were not from the same mother¹⁵ married them¹⁶ and died without issue, he¹⁷ must submit to halizah from both widows.¹⁸ Thus it follows that a man submits to halizah from his sister owing to an uncertainty. 'From his daughter, owing to an uncertainty'; for instance?¹⁹ When his wife and another woman gave birth to two female children²⁰ in a hiding place,²¹ and their²² [husbands'] brothers²³ married them¹⁶ and died without issue, the one [father]²⁴ submits to halizah from his daughter²⁵ owing to the uncertainty and the other [father]²⁴ submits to halizah from his daughter²⁵ owing to the uncertainty.²⁶

It was taught: R. Meir said, A husband and wife may sometimes produce five different castes.²⁷ How? If an Israelite bought a bondman and a bondwoman in the market, and these had two sons²⁸ one of whom became a proselyte, the result is that one is a proselyte and the other is an idolater.²⁹ If [subsequently] he made them³⁰ perform the prescribed immersion for the purpose of slavery and then they cohabited with one another [and bore a son], behold here we have a proselyte, an idolater and a slave.³¹ If he subsequently emancipated the bondwoman³² and the slave cohabited with her [and had another son], behold here³³ we have a proselyte, an idolater, a slave and a bastard.³⁴ If he then emancipated both of them³⁰ and made them marry one another, behold here³⁵ we have a proselyte, an idolater, a slave, a bastard and an Israelite.³⁶ What does this teach us? — That when an idolater or a slave cohabits with an Israelitish woman their child is a bastard.³⁷

Our Rabbis taught: Sometimes a man sells his father to enable his mother to collect her kethubah. How? If an Israelite bought in the market a bondman and a bondwoman who had a son,³⁸ and having emancipated the bondwoman he married her and bequeathed, in writing, all his estate to her son, the result is that this son³⁹ sells his father⁴⁰ in order to enable his mother⁴¹ to collect her kethubah.⁴² What does this teach us? — That all this [Baraitha⁴³ represents the views of] R. Meir. and that a slave [is regarded as] movable property, such property being mortgaged for a kethubah!⁴⁴

And if you prefer I might say. It is this that we were taught: A slave [is on the same footing as] real estate.⁴⁵

MISHNAH. IF THE CHILD OF A WOMAN WAS INTERCHANGED WITH THE CHILD OF HER DAUGHTER-IN-LAW. AND WHEN THE INTERCHANGED CHILDREN GREW UP THEY TOOK WIVES AND THEN DIED,⁴⁶ THE [OTHER] SONS OF THE DAUGHTER-IN-LAW⁴⁷ SUBMIT TO HALIZAH⁴⁸ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.⁴⁹ FOR [IN THE CASE OF EACH WIDOW AND BROTHER] IT IS UNCERTAIN WHETHER SHE IS THE WIFE OF HIS BROTHER⁵⁰ OF THE WIFE OF HIS FATHER'S BROTHER.⁵¹ THE [OTHER] SONS OF THE GRANDMOTHER⁵² EITHER SUBMIT TO HALIZAH⁵³ OR CONTRACT LEVIRATE MARRIAGE,⁵⁴ SINCE [IN THE CASE OF EACH WIDOW AND BROTHER] THE ONLY DOUBT IS WHETHER SHE IS THE WIFE OF HIS BROTHER⁵⁵ OR THE WIFE OF HIS BROTHER'S SON.⁵⁵ IF THE UNTAINTED SONS⁵⁶ DIED,⁵⁷ THEN THE INTERCHANGED SONS SUBMIT [IN RESPECT OF THE WIDOWS] OF

THE SONS OF THE GRANDMOTHER TO HALIZAH BUT MUST NOT CONTRACT⁵⁴ THE LEVIRATE MARRIAGE. SINCE [IN THE CASE OF EACH WIDOW AND BROTHER] IT IS UNCERTAIN WHETHER SHE IS THE WIFE OF HIS BROTHER⁵⁵ OR THE WIFE OF HIS FATHER'S BROTHER;⁵⁸ [WHILE IN RESPECT OF THE WIDOWS] OF THE SONS OF THE DAUGHTER-IN- LAW ONE⁵⁹ SUBMITS TO HALIZAH⁶⁰ AND THE OTHER⁵⁹ [MAY ALSO] CONTRACT THE LEVIRATE MARRIAGE.⁶¹

IF THE CHILD OF A PRIEST'S WIFE WAS INTERCHANGED WITH THE CHILD OF HER BONDWOMAN, BEHOLD BOTH MAY EAT TERUMAH⁶² AND RECEIVE ONE SHARE AT THE THRESHINGFLOOR⁶³

(1) Though she belongs to one of the fifteen classes of relatives (supra 2a) who are themselves exempt from the levirate marriage and halizah and who also exempt their rivals from these obligations.

(2) Lit., 'how'.

(3) One child each, he being one of them.

(4) Where the women were sheltering from some enemy and where, owing to the confusion or the darkness of the place, the children were interchanged and it was impossible for either mother to ascertain which was her own child.

(5) Concerning whose motherhood no doubt existed.

(6) And her 'first husband.

(7) Her husband having died.

(8) Concerning whose motherhood no doubt existed.

(9) These sons, each of whom is paternal as well as maternal brother of one of the interchanged sons.

(10) Of the interchanged, as brother to one of the deceased. V. supra n. 12.

(11) It being unknown which of them is [his mother who is exempt from halizah, he must submit to halizah from the two, one of whom is certainly a stranger to him and subject to his halizah.

(12) Each woman to one child.

(13) V. supra note 7.

(14) The paternal brothers of each of the girls' maternal brothers. [Rashi, basing himself on the Tosef. (Yeb. XII) from where the passage is taken, reads: And (his) two paternal brothers married them].

(15) But from a former wife of their father, and who are consequently perfect strangers to the girls and their mothers.

(16) The girls.

(17) The maternal brother of one of the girls, who is the paternal brother of both the deceased.

(18) V. supra p. 677. n. 14, mutatis mutandis.

(19) Lit., 'how'.

(20) Each woman to one child.

(21) V. supra p. 677, n. 7.

(22) The mothers'.

(23) Two brothers, of the one husband or two of the other. An uncle is permitted to marry his niece.

(24) If the interchanged girls were married by his brothers.

(25) V. supra p. 677. n. 14. mutatis mutandis

(26) Tosef. Yeb. XII.

(27) Lit., 'nations'.

(28) Who are regarded as idolaters but not as slaves. Cf. supra 46a.

(29) Though the sons of the same father and mother.

(30) The slaves he bought.

(31) The son of the slave of an Israelite has the status of a slave. Cf. supra 462.

(32) Who thereby gains the status of an Israelitish woman.

(33) Though sons of the same father and mother.

(34) Being the result of a union between an Israelitish woman (v. supra n. 18) and a slave.

(35) Though sons of the same father and mother.

(36) Tosef. Kid. V; the issue of a union between emancipated slaves has the status of an Israelite.

(37) Cf. supra 16b. 450. Kid. 70a.

- (38) Whom he did not buy.
- (39) When the Israelite dies.
- (40) The slave who forms a part of the Israelite's estate.
- (41) Who claims her kethubah from the estate of her deceased husband.
- (42) Tosef. Kid. V.
- (43) The section dealing with the sale of one's father just cited, as well as the section relating to the five castes cited above.
- (44) A view expressed by R. Meir in Keth. 80b.
- (45) Which, all agree, is mortgaged for the kethubah.
- (46) Without issue.
- (47) In respect of whom her motherhood was never in doubt.
- (48) From the widows of the deceased.
- (49) With the widows.
- (50) With whom either halizah or levirate marriage is permitted.
- (51) Whom one is forbidden to marry.
- (52) In respect of whom her motherhood was never in doubt.
- (53) From the widows of the deceased.
- (54) With the widows.
- (55) With whom either halizah or levirate marriage is permitted.
- (56) I.e., those who were never involved in the interchange.
- (57) Without issue.
- (58) Whom one is forbidden to marry.
- (59) Of the two interchanged sons.
- (60) From either of the widows. He may not, however, contract levirate marriage since in respect of each widow it might be assumed that she was not his, but the other's brother's wife, and that she is consequently forbidden to him or to anyone else before the other had submitted to her halizah.
- (61) For if the widow was his brother's wife he is obviously entitled to marry her, and if she was his brother's son's wife he may also marry her since her deceased husband's brother had already submitted to her halizah and had thereby set her free to marry even a stranger.
- (62) A priest's slave also being allowed to eat terumah.
- (63) This is explained infra.

Talmud - Mas. Yevamoth 99b

THEY MAY NOT DEFILE THEMSELVES FOR THE DEAD¹ NOR MAY THEY MARRY ANY WOMEN WHETHER THESE ARE ELIGIBLE [FOR MARRIAGE WITH A PRIEST]² OR INELIGIBLE.³ IF WHEN THEY⁴ GREW UP, THE INTERCHANGED CHILDREN EMANCIPATED ONE ANOTHER THEY MAY MARRY WOMEN WHO ARE ELIGIBLE FOR MARRIAGE WITH A PRIEST⁵ AND THEY MAY NOT DEFILE THEMSELVES FOR THE DEAD.⁶ IF, HOWEVER, THEY DEFILED THEMSELVES, THE PENALTY OF FORTY STRIPES⁷ IS NOT INFLICTED UPON THEM.⁸ THEY MAY NOT EAT TERUMAH,⁹ BUT IF THEY DID EAT THEY NEED NOT PAY COMPENSATION EITHER FOR THE PRINCIPAL OR [THE ADDITIONAL] FIFTH.¹⁰ THEY ARE NOT TO RECEIVE A SHARE¹¹ AT THE THRESHING-FLOOR, BUT THEY MAY SELL [THEIR OWN] TERUMAH¹² AND THE PROCEEDS ARE THEIRS.¹³ THEY RECEIVE NO SHARE IN THE CONSECRATED THINGS OF THE TEMPLE,¹⁴ AND NO CONSECRATED THINGS¹⁵ ARE GIVEN TO THEM. BUT THEY ARE NOT DEPRIVED OF THEIR OWN.¹³ THEY ARE EXEMPT FROM [GIVING TO ANY PRIEST] THE SHOULDER, THE CHEEKS AND THE MAW,¹⁶ WHILE THE FIRSTLING OF EITHER OF THEM MUST REMAIN IN THE PASTURE¹³ UNTIL IT CONTRACTS A BLEMISH.¹⁷ THE RESTRICTIONS RELATING TO PRIESTS AND THE RESTRICTIONS RELATING TO ISRAELITES ARE BOTH IMPOSED UPON THEM.¹⁸

GEMARA. IF THE UNTAINTED SONS DIED etc.; are, then, the others,¹⁹ because they were mixed up, tainted! — R. Papa replied: Read, 'If those [whose parentage was] certain died'.

[IN RESPECT, HOWEVER, OF THE WIDOWS] OF THE SONS OF THE DAUGHTER-IN-LAW ONE SUBMITS TO HALIZAH etc. Only halizah [must take place first] and the levirate marriage afterwards. The levirate marriage, however, must not take place first; since thereby one might infringe the prohibition against a sister-in-law's marriage with a stranger.²⁰

[IF THE CHILD OF] A PRIEST'S WIFE WAS INTERCHANGED etc. Obviously only ONE SHARE!²¹ — Read 'ONE SHARE together'.²² Here we learn [a thing] which is in agreement with him who ruled that no share of terumah is given to a slave unless his master is with him.²³ For it was taught: No share in terumah is given to a slave unless his master is with him; so R. Judah. R. Jose, however, ruled: The slave²⁴ may claim, 'If I am a priest, give me for my own sake; and if I am a priest's slave, give me for the sake of my master'. In the place of R. Judah, [men of doubtful status] were raised to the status of priesthood²⁵ [on the evidence that they received a share] of terumah.²⁶ In the place of R. Jose, however, no one was raised to the status of priesthood [on the evidence of having received a share] of terumah.²⁷

It was taught: R. Eleazar b. Zadok said, 'During the whole of my lifetime I have given evidence but once, and through my statement they raised a slave to the priesthood'. 'They raised'? Is [such an error] conceivable! If through the beasts of the righteous the Holy One, blessed be He, does not cause an offence to be committed, how much less through the righteous themselves! — Rather, read. 'They desired to raise a slave to the priesthood, through my statement'. He witnessed [the occurrence]²⁸ in the place of R. Jose. but went and tendered his evidence in the place of R. Judah.²⁹

Our Rabbis taught: Ten [classes of people] must not be given a share of terumah at the threshing-floors. They are the following: The deaf,³⁰ the imbecile, the minor, the tumtum,³¹ the hermaphrodite the slave, the woman,³² the uncircumcised,³³ the levitically unclean, and he who married a woman who is unsuitable for him.³⁴ In the case of all these, however, [terumah] may be sent to their houses, with the exception³⁵ of the one who is levitically unclean and one who married a woman who is unsuitable for him.³⁶ Now, one can well understand [the prohibition³⁷ in respect of] the deaf, the imbecile and the minor, since they lack intelligence;³⁸ [in respect of] the tumtum and the hermaphrodite also,³⁹

(1) Since either of them might be assumed to be the priest (cf. Lev. XXI, 1).

(2) Since such women are forbidden to the slave.

(3) A bondswoman, for instance, who is forbidden to the priest.

(4) The son of the priest and the slave who were interchanged.

(5) Any freed man may marry such a woman.

(6) V. p. 680, n. 13.

(7) 'Forty' is a round number for the penalty of flogging which in fact consisted of thirty-nine stripes only.

(8) Because each of them can plead that he is not the priest.

(9) On account of the slave who, being now a freed man, is, like any Israelite, forbidden to eat terumah.

(10) Which an Israelite must pay (cf. Lev. XXII, 14). Each one of them can plead that he is the priest.

(11) In terumah. Cf supra n. 5'

(12) Of their own produce.

(13) No priest can claim it from either of them since each can reply that it is he who is the priest.

(14) Not even a share in the skins of the sacrifices.

(15) Firstlings, for instance, or herem (v. Glos.). Cf. Num. XVIII, 14f.

(16) Priestly gifts prescribed in Deut. XVIII, 3.

(17) When it is unfit for the altar, and may be eaten by its owner. The reason why an Israelite owner may not eat of the flesh of his firstling, even after it has contracted a blemish, is not because of its sanctity but because its consumption by a

non-priest is regarded as robbing the priests. No such consideration arises in a case where the owner can claim that he himself is a priest. (Cf. *supra* note 9).

(18) MS.M. and cur. edd. *infra* 100a. The reading here is 'upon him'.

(19) Lit., 'those'.

(20) Lit., 'because he met a sister-in-law for the market'.

(21) Since no more than one of them can lay claim to the priesthood. Why then was the obvious stated?

(22) Only when the two come together do they receive one share. One without the other receives nothing. The reason is given *infra*.

(23) As one of the two is obviously a slave neither of them can claim a share unless the other is with him.

(24) In circumstances like those spoken of in our Mishnah, where it is uncertain whether he is a slave or a priest.

(25) Lit., 'genealogical (priestly) records', enabling them to marry women of unblemished and priestly descent. V. Keth., Sonc. ed., p. 233, n. 4.

(26) Hence no *terumah* must be given to a slave in the absence of his master.

(27) Tosef. Yeb. Xli, Keth. 28b.

(28) That a slave received a share of *terumah*.

(29) Cf. Keth., Sonc., ed., p. 156. notes.

(30) Deaf-mute.

(31) V. Glos.

(32) A priest's wife.

(33) A priest whose brothers died as a result of their circumcision, and who, owing to the fatal effect of such an operation on members of his family, is himself exempt from circumcision.

(34) I.e., one whom a priest is forbidden to marry.

(35) The uncircumcised priest is not excluded since his wives and slaves, though not he himself, are permitted to eat *terumah*.

(36) Tosef. Ter. X end.

(37) To give him a share of *terumah* at the threshing-floor.

(38) It would be a mark of disrespect were the sacred *terumah* to be entrusted to the care of persons who are mentally defective, or undeveloped, or in any other way below the normal standard of intellectual or physical fitness.

(39) One can understand the reason for the prohibition.

Talmud - Mas. Yevamoth 100a

since either of them is a peculiar creature; the slave, too, because owing to the *terumah*¹ he might be raised to the priesthood;² the uncircumcised and the unclean also, owing to their repulsiveness; and the priest who married a woman unsuitable for him, as a penalty. But why should not a woman [be given a share of *terumah*]? — On this question R. Papa and R. Huna son of R. Joshua differ. One explains: Owing [to possible abuse by] a divorced woman;³ and the other explains: Owing to [the necessity of avoiding] privacy between the sexes.⁴ What is the practical difference between them? — The practical difference between them is the case of a threshing-floor that is near a town but is unfrequented by people,⁵ or one that is distant [from a town] but frequented by people.⁶

'In the case of all these, however, [*terumah*] may be sent to their houses, with the exception of the one who is levitically unclean and one who married a woman who is unsuitable for him'. [May *terumah*], then, be sent to the uncircumcised?⁷ What is the reason! [Is it] because he is a victim of circumstances? The man who is levitically unclean is also a victim of circumstances!⁸ — The force of circumstances in the former case is great;⁹ in the latter, the force is not so great.¹⁰

Our Rabbis taught: Neither to a slave nor to a woman may a share in *terumah* be given at the threshing-floors. In places, however, where a share is given. It is to be given to the woman first, and she is immediately dismissed. What can this mean?¹¹ — It is this that was meant: The¹² poor man's tithe which is distributed at home¹³ is to be given to the woman first.¹⁴ What is the reason? — That the degradation [of the woman may be avoided].¹⁵

Raba said: Formerly, when a man and a woman¹⁶ came before me for a legal decision, I used to dispose of the man's lawsuit first, because I thought a man is subject to the fulfilment of all the commandments;¹⁷ since, however, I heard this,¹⁸ I dispose of a woman's lawsuit first. Why? In order [to save her from] degradation.¹⁹

IF WHEN THEY GREW UP, THE INTERCHANGED CHILDREN etc. [It states] THEY EMANCIPATED. [Implying] only²⁰ if they wished, but if they did not wish they need not [emancipate one another]! But why? Neither of them could marry either a bondwoman²¹ or a free woman!²² Raba replied: Read: Pressure is brought to bear upon them so that they emancipate one another.

THE RESTRICTIONS . . . ARE IMPOSED UPON THEM. In what respect?²³ — R. Papa replied: In respect of their meal-offering. A handful²⁴ must be taken from it,²⁵ as of a meal-offering of an Israelite, but it may not be eaten,²⁶ as is the case with a meal-offering of the priests.²⁷ But how [is one to proceed]? The handful is offered up separately and the remnants are also offered up separately. But [surely] there is to be applied here the Scriptural deduction that any offering a portion of which had been put on the fire of the altar²⁸ is subject to the prohibition you shall not burn!²⁹ — R. Judah son of R. Simeon b. Pazzi replied: They are burned as wood,³⁰ in accordance with a ruling of R. Eleazar. For it was taught: R. Eleazar said, For it sweet savour³¹ you may not offer them;³² you may offer them, however, as mere³⁰ wood.³³ This is satisfactory according to R. Eleazar, what, however, can be said according to the Rabbis?³⁴ — One proceeds in accordance with a ruling of R. Eleazar son of R. Simeon. For it was taught: R. Eleazar son of R. Simeon said: The handful is offered up separately and the remnants are scattered over the enclosure of the sacrificial ashes.³⁵ And even the Rabbis differ from R. Eleazar only in respect of a priestly sinner's meal-offering which is suitable for offering up;³⁶ but here,³⁷ even the Rabbis agree.³⁸

MISHNAH. IF A WOMAN DID NOT WAIT THREE MONTHS AFTER [SEPARATION³⁹ FROM] HER HUSBAND, AND MARRIED AGAIN AND GAVE BIRTH [TO A SON], AND IT IS UNKNOWN WHETHER IT IS A NINE-MONTHS CHILD BY THE FIRST HUSBAND OR A SEVEN-MONTHS CHILD BY THE SECOND, IF SHE HAD OTHER SONS BY THE FIRST HUSBAND AND OTHER SONS BY THE SECOND, THESE MUST SUBMIT TO HALIZAH⁴⁰ BUT MAY NOT CONTRACT WITH HER LEVIRATE MARRIAGE.⁴¹ AND HE, IN RESPECT OF THEIR WIDOWS,⁴² LIKEWISE, SUBMITS TO HALIZAH⁴³ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.⁴⁴

(1) Which he receives.

(2) As was explained supra.

(3) Who might, after her divorce when she is no more permitted to eat terumah. continue to collect it.

(4) Yihud, v. Glos. Cf. supra 86a.

(5) No preventive measure against (a) abuse by a divorced woman is here necessary, since the proximity of the threshing-floor to the town enables its owner to keep in touch with social events in the town. The precautions, however, against (b) privacy, owing to the loneliness of the floor, cannot be neglected.

(6) Cf. supra note 1 mutatis mutandis; (b) has to, but (a) need not be disregarded.

(7) Since he is not included in the exceptions. Cf. supra p. 683, n. 8.

(8) If the latter was not excluded why then was the former?

(9) The uncircumcised cannot help the infirmity of the constitution of the members of his family. It is not through any fault of his that he must remain uncircumcised (v. supra p. 683, n. 6).

(10) By the exercise of due care uncleanness might be avoided.

(11) In the first sentence it was stated that a woman receives no share; and in the following it is tacitly assumed that in certain places she does receive a share!

(12) C;f. Bah. Cur. edd. read, 'Where the poor man's tithe is distributed'.

- (13) In town.
- (14) Though privacy between the sexes need not be apprehended there.
- (15) It is degrading for a woman to have to wait her turn in a crowd of men.
- (16) With different law suits.
- (17) While a woman is exempt from certain commandments. Hence it is the man that should receive precedence.
- (18) The reason why a woman should be given her share of the poor man's tithe first.
- (19) Cf. supra p. 684. n. 11.
- (20) Lit., 'yes'.
- (21) Owing to the priest.
- (22) Since one of them is a slave. How, then, could they ever fulfil the religious duty of propagation which is incumbent upon all?
- (23) Lit., for what law'.
- (24) V. Lev. II, 2.
- (25) Since he might be the Israelite.
- (26) As he might also be the priest.
- (27) V. Lev. VI, 16.
- (28) As was the case here where the handful was offered up.
- (29) Lev. II. Once the prescribed portion of an offering had been duly offered up on the altar the remnants of that offering may no longer be burned in the altar. Cf. Zeb 77a. How then could the remnants of the meal-offering be offered up when a portion of the offering (the handful) is also offered up.
- (30) Not as an offering.
- (31) Lev II, 12.
- (32) V. supra note 13.
- (33) Yoma 47b, Sot. 23a, Zeb. 76b, Men. 106b.
- (34) Who do not permit the offering of the remnants on the altar even as wood.
- (35) **בֵּית הַדֶּשֶׁן** Sot. 23a, Men. 74a. A place near the altar, where a certain portion of the ashes of the altar was deposited.
- (36) In its entirety, as is the case with a priest's voluntary meal-offering.
- (37) Where there is the possibility that it is not the offering of a priest at all.
- (38) That the remnants are to be scattered in the enclosure of the ashes. V. Sot., Sonc ed., p. 116, notes.
- (39) By her husband's death or by divorce.
- (40) From the widow of the son whose father is unknown, if he died childless.
- (41) Since it is possible that they are only the maternal brothers of the deceased, whose widow is forbidden to them under the penalty of kareth.
- (42) Lit., 'to them'.
- (43) From their widows, if they died without issue.
- (44) Cf. supra n. 8 mutatis mutandis.

Talmud - Mas. Yevamoth 100b

IF HE¹ HAD BROTHERS BY THE FIRST² AND ALSO BROTHERS BY THE SECOND,² BUT NOT BY THE SAME MOTHER, HE¹ MAY EITHER SUBMIT TO HALIZAH OR CONTRACT THE LEVIRATE MARRIAGE,³ BUT AS FOR THEM, ONE⁴ SUBMITS TO HALIZAH⁵ AND THE OTHER MAY [THEN] CONTRACT LEVIRATE MARRIAGE.⁶

IF ONE OF [THE TWO HUSBANDS] WAS AN ISRAELITE AND THE OTHER A PRIEST, HE⁷ MAY ONLY MARRY A WOMAN WHO IS ELIGIBLE TO MARRY A PRIEST.⁸ HE⁷ MAY NOT DEFILE HIMSELF FOR THE DEAD,⁸ BUT IF HE DID DEFILE HIMSELF HE DOES NOT SUFFER THE PENALTY OF FORTY STRIPES.⁹ HE MAY NOT EAT TERUMAH,⁹ BUT IF HE DID EAT HE NEED NOT PAY COMPENSATION EITHER FOR THE PRINCIPAL OR [FOR THE ADDITIONAL] FIFTH.¹⁰ HE DOES NOT RECEIVE A SHARE¹¹ AT THE THRESHING-FLOOR, BUT HE MAY SELL [HIS OWN] TERUMAH¹² AND THE PROCEEDS

ARE HIS.¹³ HE RECEIVES NO SHARE IN THE CONSECRATED THINGS OF THE TEMPLE,¹⁴ NO CONSECRATED THINGS ARE GIVEN TO HIM,¹⁵ BUT HE IS NOT DEPRIVED OF HIS OWN.¹³ HE IS EXEMPT FROM [GIVING TO ANY PRIEST] THE SHOULDER, THE CHEEKS AND THE MAW,¹⁶ WHILE HIS FIRSTLING MUST REMAIN IN THE PASTURE¹⁷ UNTIL IT CONTRACTS A BLEMISH.¹⁸ THE RESTRICTIONS RELATING TO PRIESTS AND THE RESTRICTIONS RELATING TO ISRAELITES ARE IMPOSED UPON HIM.

IF THE TWO [HUSBANDS] WERE PRIESTS, HE⁷ MUST MOURN AS ONAN¹⁹ FOR THEM²⁰ AND THEY MUST MOURN AS ONENIM²¹ FOR HIM,²² BUT HE MAY NOT DEFILE HIMSELF FOR THEM,²³ NOR MAY THEY DEFILE THEMSELVES FOR HIM.²³ HE MAY NOT INHERIT FROM THEM,²⁴ BUT THEY MAY INHERIT FROM HIM.²⁵ HE IS EXONERATED²⁶ IF HE STRIKES OR CURSES²⁷ THE ONE OR THE OTHER. HE GOES UP [TO SERVE] IN THE MISHMAR²⁸ OF THE ONE AS WELL AS OF THE OTHER,²⁹ BUT HE DOES NOT RECEIVE A SHARE [IN THE OFFERINGS].³⁰ IF, HOWEVER BOTH SERVED IN THE SAME MISHMAR,²⁸ HE RECEIVES A SINGLE PORTION.³¹

GEMARA. Only the halizah [must take place first]³² and the levirate marriage afterwards; the levirate marriage, however, must not take place first, since, thereby, one³³ might infringe the prohibition against the marriage of a sister-in-law with a stranger.³⁴

Samuel said: If ten priests stood together and one of them separated [from the company] and cohabited [with a feme sole]. the child [that may result from the union]³⁵ is a shethuki.²⁸ In what [respect is he] a shethuki? If it be suggested that he is silenced³⁶ [when he claims a share] of his father's estate, [is not this, it may be retorted] self-evident? Do we know who is his father! — Rather,³⁷ he is silenced [if he claims any] of the rights of priesthood.³⁸ What is the reason? — Scripture stated, And it shall be unto him, and to his seed after him,³⁹ it is, therefore, required that 'his seed' shall be traced to 'him',⁴⁰ but this is not the case here.⁴¹

R. Papa demurred: If that is so in the case of Abraham where it is written, To be a God to thee and to thy seed after thee,⁴² what does the All Merciful exhort him thereby!⁴³ — It is this that he said to him: Marry not an idolatress or a bondwoman so that your seed shall not be ascribed to her.⁴⁴

An objection was raised: The first⁴⁵ is fit to be a High Priest.⁴⁶ But, surely, it is required that a priest's child shall be traced to his father,⁴⁷ which is not the case here!⁴⁸ — [The requirement that] a priest's child shall be traced to his father⁴⁹ is a Rabbinical provision. while the Scriptural text is a mere prop;⁵⁰ and it is only in respect of prostitution that the Rabbis have made their preventive measure; in respect of marriage, however, no such measure was enacted by them. But did the Rabbis introduce such a preventive measure in the case of prostitution? Surely we learned: IF A WOMAN DID NOT WAIT THREE MONTHS AFTER [SEPARATION FROM] HER HUSBAND, AND MARRIED AGAIN AND GAVE BIRTH [TO A SON]; now, what is meant by AFTER [SEPARATION FROM] HER HUSBAND? If it be suggested: AFTER the death OF HER HUSBAND, read the final clause: HE MUST MOURN AS ONAN FOR THEM AND THEY MUST MOURN AS ONENIM FOR HIM; one can well understand [the circumstances in which] HE MOURNS AS ONAN FOR THEM, such mourning being possible [even in the case] of marriage with the second [husband, on the occasion of the] collecting of the bones of the first.⁵¹ But how is it possible that they MOURN AS ONENIM FOR HIM, when the first husband is dead!⁵² If, however, [it be suggested that our Mishnah speaks] of a divorced woman, and that the meaning of AFTER [SEPARATION FROM] HER HUSBAND is AFTER the divorce OF HER HUSBAND, then read the final clause: HE MAY NOT DEFILE HIMSELF FOR THEM, NOR MAY THEY DEFILE THEMSELVES FOR HIM; now, one can understand that THEY MAY NOT DEFILE THEMSELVES FOR HIM as a restrictive measure, [since in respect of every one of them it may be assumed that] he is possibly not his son; but why MAY HE NOT DEFILE HIMSELF FOR THEM?

Granted that he must not defile himself for the second;⁵³ for the first, however, he should be allowed to defile himself in any case! For if he is his son, then he may justly defile himself for him; and if he is the son of the second⁵⁴ he may legitimately defile himself for him since he is a halal!⁵⁵ Consequently [our Mishnah must refer to a case] of prostitution,⁵⁶ and the meaning of AFTER [SEPARATION FROM] HER HUSBAND must be, AFTER [SEPARATION FROM] THE MAN WHO IRREGULARLY COHABITED WITH HER;⁵⁷ and yet it was stated in the final clause, HE MAY GO UP [TO SERVE] IN THE MISHMAR OF THE ONE AS WELL AS OF THE OTHER. This, then, presents an objection against the ruling of Samuel!⁵⁸ — R. Shemaia replied: [Our Mishnah refers] to a minor who made a declaration of refusal.⁵⁹ But is a minor⁶⁰ capable of propagation? Surely R. Bebai recited before R. Nahman: Three categories of women may use an absorbent in their marital intercourse:⁶¹ A minor, an expectant mother, and a nursing wife. The minor,⁶² because she⁶³ might become pregnant and, as a result, she might die. An expectant mother,⁶² because she⁶³ might cause her foetus to degenerate into a sandal.⁶⁴ A nursing wife,⁶² because she⁶³ might have to wean her child [prematurely]⁶⁵ and this would result in his death. And what is the age of such a minor?⁶⁶ From the age of eleven years and one day until the age of twelve years and one day. One who is under,⁶⁷ or over this age⁶⁸ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, said: The one as well as the other carries on her marital intercourse in the usual manner. and mercy will be vouchsafed from heaven,⁶⁹ for it is said in the Scriptures, The Lord preserveth the simple!⁷⁰ — [The case of our Mishnah] is possible with a mistaken betrothal,⁷¹ and on the basis of a ruling of Rab Judah in the name of Samuel. For Rab Judah stated in the name of Samuel in the name of R. Ishmael: And she be not seized⁷² [only then⁷³ is she] forbidden;⁷⁴ if, however, she was seized⁷⁵ she is permitted;⁷⁴ there is, however, another kind of woman who is permitted⁷⁴ even if she was not seized.⁷⁶ And who is she? — A woman whose betrothal was a mistaken one,⁷⁷ who may, even if her son sits riding on her shoulder, make a declaration of refusal [against her husband] and go away.⁷⁸

(1) The son whose father is unknown.

(2) Husband of his mother.

(3) If there were no other surviving brothers. The widow is either his sister-in-law with whom levirate marriage is lawful, or a stranger with whom he may contract an ordinary marriage.

(4) Either a son of the first, or a son of the second husband.

(5) From the widow of the son whose father is unknown, if he died childless.

(6) Since the widow is either his sister-in-law and the levirate marriage with her is lawful, or she is a stranger and permitted to marry him because her brother-in-law had submitted to her halizah.

(7) The son whose father is unknown.

(8) It being possible that he is the son of the priest.

(9) Since it is possible that he is the son of the Israelite, Cf. also supra p. 681, n. 3.

(10) V. supra p. 681, n. 6 mutatis mutandis.

(11) In terumah.

(12) Separated from his own produce.

(13) V. supra p. 681, n. 9, mutatis mutandis.

(14) V. loc. cit. n. 10. This reading is that of MSS. and the separate editions of the Mishnah. Cur. edd., 'in the holy of holies'.

(15) V. supra p. 681, n. 11.

(16) Cf. Deut. XVIII, 3.

(17) V. supra p. 681, n. 9.

(18) V. loc. cit. n. 13.

(19) V. Glos.

(20) On the day of their death; since either of them might have been his father.

(21) Plur. of onan.

(22) Cf. supra n. 16 mutatis mutandis.

(23) Since, in the case of either of them, it is not certain that he is the son of the person concerned. V. Lev XXI, 2.

- (24) The heirs of the one husband may refer him to those of the other while the heirs of the other may refer him back to the first, since in either case he has no proof that the deceased in question was his father.
- (25) If he has no other heirs. As there is no one to dispute their claim, and since the claim of the one is of equal validity with that of the other, the inheritance is divided between the two groups of brothers.
- (26) From the death penalty.
- (27) V. Ex XXI. 15, 17 and cf. supra p. 687, n. 19.
- (28) V. Glos.
- (29) And the other priests of the mishmar have no right to prevent him.
- (30) Each mishmar may send him to the others.
- (31) Since one of the two is certainly his father.
- (32) Where HE HAD BROTHERS IN THE FIRST AND . . . SECOND, BUT NOT BY THE SAME MOTHER . . . ONE SUBMITS TO HALIZAH AND THE OTHER MAY [THEN] CONTRACT LEVIRATE MARRIAGE.
- (33) Should that brother not be the son of the father of the deceased.
- (34) Lit., 'for he met a sister-in-law for the market'.
- (35) Though, as his mother was feme sole, he is no bastard.
- (36) Shethuki is derived from שִׁתְּקוּ which in Pi'el signifies 'to make silent'.
- (37) Though he is undoubtedly a priest, since his father, whoever he may have been, was certainly one of the group of priests.
- (38) He is not allowed to take part in the Temple service though eligible to marry a woman of pure stock.
- (39) Num. XXV, 13, speaking of the priesthood.
- (40) Only such a priest can transmit the rights of priesthood to his seed.
- (41) Lit. 'and it is not'. Since the father of the shethuki is unknown he cannot transmit the rights of priesthood to him.
- (42) Gen. XVII, 7.
- (43) By the expression. Thy seed after thee, which is analogous to that of Num. XXV, 23. but, referring to Israelites and not to priests. could not bear the same exposition,
- (44) The child of any such woman is ascribed to his mother and not to his father. Cf. Kid. 68b.
- (45) Child born from a levirate marriage that took place within three months after the death of the deceased brother, when it is doubtful whether the child is the offspring of the deceased or of the levir.
- (46) Supra 37a.
- (47) Lit., 'that "his seed" shall be traced "to him"'. .
- (48) Cf. supra n. 7 end.
- (49) To be eligible for the rights of priesthood.
- (50) Not actual proof.
- (51) For the purpose of re-burial. Whenever such collecting takes place, even many years after death, the son must on that day observe the laws relating to an onan (cf. Pes. 91b). Such mourning, therefore, is possible even after the marriage of his mother with her second husband.
- (52) Having died, according to the present assumption, before the birth of the son.
- (53) Owing to the possibility that he is the son of the first and, consequently, a legitimate priest who is forbidden to defile himself for the corpses of strangers.
- (54) Who married his mother while she was a divorced woman.
- (55) V. Glos. The child of a union between a priest and a divorced woman is disqualified for the priesthood and may defile himself for the dead.
- (56) Where neither of the men had contracted legal marriage with her. Her son, since she has the status of feme sole, has also the status of a legitimate priest who must observe the laws of priestly sanctity, and must not, therefore, defile himself for either of the men. Death and divorce being excluded as factors in the separation of the woman from the first man, it is also possible that the son should be in the position of onan for them and that they should be onenim for him.
- (57) בועלה. The consonants בעלה are the same as those of 'her husband', בעלה.
- (58) Who disqualified such a child for the priesthood. Cf. supra p. 688, n. 15.
- (59) V. Glos. s.v. mi'un. Such a minor requires no letter of divorce. It is, therefore, possible for her to be separated from her first husband and yet remain permitted to marry a priest. Her son would consequently be subject to the restrictions spoken of in our Mishnah. Cf. supra p. 690. n. 6.
- (60) Lit., 'a female who refused'.

- (61) To prevent conception.
- (62) Is permitted the use of an absorbent.
- (63) Were she not to use one.
- (64) A flat, fish-shaped abortion. V. n. on סנדל supra 12b.
- (65) Owing to her second conception.
- (66) Who, though capable of conception, is exposed to the danger of death.
- (67) When no conception is possible.
- (68) When no fatal consequences are involved in conception or birth.
- (69) Divine mercy will safeguard her from danger.
- (70) Ps. CXVI, 6, those who are incapable of preserving themselves. Tosef. Nid. II. supra 12b q. v. notes. Now, since a minor may not make a declaration of refusal unless she is under the age of twelve years and one day, and since a minor under that age either dies if she conceives, or does not conceive at all if she is younger, how could our Mishnah speak of a minor who made a declaration of refusal and who also had a child?
- (71) When a condition which remained unfulfilled was attached to it. In such a case, the woman may leave her husband without a letter of divorce and is, consequently, permitted to marry a priest. Her son who is, therefore, a legitimate priest may well be subject to the restrictions enumerated in our Mishnah. Cf. supra p. 690. n. 6.
- (72) Num. V. 13. (E.V., Neither she be taken in the act), referring to a woman who was defiled secretly and there were no witnesses against her.
- (73) Only if she was not seized, i.e., she did not act under compulsion but willingly. Cf. supra 56b.
- (74) To her husband.
- (75) Violated.
- (76) Cf. supra n. 2.
- (77) Cf. supra p. 691, n. 14.
- (78) In any subsequent intercourse, whether lawful or illicit, her status is that of feme sole who had never before been married; v. Keth. Sonc. ed. p. 298, notes.

Talmud - Mas. Yevamoth 101a

IF THE TWO [HUSBANDS] WERE PRIESTS etc. Our Rabbis taught: If he¹ struck one² and then struck the other, or if he cursed one² and then cursed the other, or cursed them both simultaneously or struck them both simultaneously, he is guilty.³ R. Judah, however, said: If⁴ simultaneously, he is guilty;⁵ if⁴ successively he is exonerated.⁶ But, surely, it was taught: R. Judah stated that he⁷ is exonerated [even if his offences were] simultaneous! — Two Tannaim differ as to what was the opinion of R. Judah.

What is the reason of him who exonerated?⁸ R. Hanina replied: 'Blessing'⁹ is spoken of in Scripture [in respect of parents] on earth¹⁰ and blessing⁹ is spoken of [in respect of God] above.¹¹ As there is no association above so must there be no association below;¹² and striking has been compared to cursing.¹³

HE MAY GO UP [TO SERVE] IN THE MISHMAR etc. Since, however, HE DOES NOT RECEIVE A SHARE why should he go up? — [You ask] 'Why should he go up'; surely, he might say: I wish to perform a commandment!¹⁴ — But [this is the difficulty]: It does not say. '[If] he went up'¹⁵ but HE GOES up, implying even against his will!¹⁶ — R. Aha b. Hanina in the name of Abaye in the name of R. Assi in the name of R. Johanan replied: In order [to avert any possible] reflection on his family.¹⁷

IF, HOWEVER, BOTH SERVED IN THE SAME MISHMAR etc. In what respect do two mishmaroth¹⁸ differ [from one] that [in the former case] he should not [receive a share]? [Is it] because when he comes to the one mishmar he is driven away and when he comes to the other mishmar he is again driven away?¹⁹ Then, even in the case of one mishmar also, when he comes to one beth ab²⁰ he is driven away and²¹ when he comes to the other beth ab he is also driven away! —

R. Papa replied: It is this that was meant: IF, HOWEVER, BOTH SERVED IN THE SAME MISHMAR and in the same beth ab, HE RECEIVES A SINGLE PORTION.

CHAPTER XII

MISHNAH. THE COMMANDMENT OF HALIZAH MUST BE PERFORMED IN THE PRESENCE OF THREE JUDGES, EVEN THOUGH ALL THE THREE ARE LAYMEN.²² IF THE WOMAN PERFORMED THE HALIZAH WITH A SHOE,²³ HER HALIZAH IS VALID,²⁴ [BUT IF] WITH A SOCK²⁵ IT IS INVALID; IF WITH A SANDAL²⁶ TO WHICH A HEEL IS ATTACHED IT IS VALID, BUT [IF WITH ONE] THAT HAS NO HEEL IT IS INVALID. [IF THE SHOE WAS WORN]²⁷ BELOW THE KNEE²⁸ THE HALIZAH IS VALID, BUT IF ABOVE THE KNEE²⁸ IT IS INVALID. IF THE WOMAN PERFORMED THE HALIZAH WITH A SANDAL²⁶ THAT DID NOT BELONG TO HIM,²⁹ OR WITH A WOODEN SANDAL, OR WITH THE ONE OF THE LEFT FOOT [WHICH HE²⁹ WAS WEARING] ON HIS RIGHT FOOT, THE HALIZAH IS VALID.

IF SHE PERFORMED THE HALIZAH WITH A SANDAL TOO LARGE [FOR HIM],²⁹ IN WHICH, HOWEVER, HE IS ABLE TO WALK, OR WITH ONE TOO SMALL WHICH, HOWEVER, COVERS THE GREATER PART OF HIS FOOT, HER HALIZAH IS VALID.

GEMARA. Since even THREE LAYMEN [are sufficient],³⁰ what need is there for JUDGES? — It is this that we were taught: That three men are required, who are capable of dictating [the prescribed texts]³¹ like judges.³² Thus we have learned here what the Rabbis taught: The commandment of halizah is performed in the presence of three men who are able to dictate [the prescribed texts]³¹ like judges.³² R. Judah said: In the presence of five.³³

What is the first Tanna's reason? — Because it was taught: Elders³⁴ [implies] two; but as no court may be evenly balanced,³⁵ one man more is added to them; behold here three. And R. Judah?³⁶ — The elders of³⁷ [implies] two; and elders³⁸ [implies another] two; but since no court may be evenly balanced,³⁵ one man more is added to them; behold here five.

As to the first Tanna, what deduction does he make [from the expression] the elders of?³⁷ — He requires it for the purpose of including³⁹ even three laymen. Whence, then, does R. Judah deduce the eligibility of laymen?³⁹ — He deduces it from Before the eyes of;⁴⁰ a Master having said: 'Before the eyes of', excludes blind men. Now, since the expression 'Before the eyes of' is required to exclude blind men it follows that even laymen [are eligible]. For should it be suggested [that only members of] the Sanhedrin⁴¹ are required. what need was there to exclude blind men, [an exclusion which could have been] deduced from that which R. Joseph learnt! For R. Joseph learnt: As the Beth din⁴² must be clean⁴³ in respect of righteousness so must they be clear from all physical defects,⁴⁴

(1) The son concerning whom it is unknown, as in our Mishnah, which of his mother's two husbands was his father.

(2) Lit., 'this', one of his mother's two husbands.

(3) Since one of the two is certainly his father. As to the necessary caution v. infra nn. 12 and 13.

(4) He struck or cursed.

(5) The specific caution that must precede any forbidden act that is punishable by a court is here effected when the witnesses cautioned the offender by one statement against the striking or the cursing of the two, e.g., 'do not strike them'.

(6) Though he may have been duly cautioned in each particular case, no penalty can be imposed upon him by any court, since each caution was of a doubtful character, it being unknown in each case whether the particular man he was about to strike or curse was his father or not. A caution of a doubtful character is, in the opinion of R. Judah, of no validity. while in the opinion of the first Tanna it is valid.

(7) V. supra note 8.

- (8) If the offender struck or cursed simultaneously. One of the victims must surely have been his father!
- (9) Euph. for 'cursing'.
- (10) Lit., 'below'. V. Ex. XXI. 17.
- (11) V. Lev. XXIV, 15.
- (12) Only when the curse referred to a single individual is the offender subject to punishment.
- (13) Since both acts, in the case of parents. appear in Ex. XXI, in close proximity. vv. 15 (striking) and 17 (cursing). Such proximity, according to the opinion here expressed, serves the purpose of an analogy. According to another opinion, the analogy is disturbed by the intervening v. 16. Cf. Sanh. 85a.
- (14) To take part in the Temple service, even though he derives no material benefit from it.
- (15) The past tense, implying contingency.
- (16) Why should he be compelled?
- (17) Should he abstain from the Temple service, rumour might attribute his abstention to some serious disqualification which would bring discredit upon all his family. Its members, therefore, may compel him to join in the service.
- (18) Plur. of mishmar.
- (19) Each mishmar asserting that he does not belong to them.
- (20) V. Glos. A mishmar consisted of six families each of which was described as beth ab, performing service on a different day in the week.
- (21) Cf. MS.M. and Bah. Cur. edd. omit to the end of the sentence.
- (22) Not professional judges.
- (23) Made of soft leather and covering the upper part of the foot (cf. Rashi and Jast.) opp. to sandal (v. infra n. 3).
- (24) Though the shoe required for halizah purposes should properly be a sandal made of hard leather and consisting of a sole with straps attached for fastening it to the foot.
- (25) **אנפיהיא** Cf. infilia, shoes or socks made of felt.
- (26) **סנדה**.
- (27) Cf. Rashi. According to others the law refers not to the shoe itself but to the sandal straps.
- (28) Where, for instance, the levir (according to Rashi) had his foot amputated. According to the other interpretation 'below', and 'above' the knee refers to the position of the straps on the leg.
- (29) The levir.
- (30) To constitute a tribunal for halizah.
- (31) Deut. XXV, 7-9.
- (32) The appropriate texts in the original Hebrew are dictated by members of the court to the levir and his sister-in-law, respectively, who must repeat them precisely as they hear them. Cf. Sot. 32a.
- (33) Tosef. Yeb. XII. Our Mishnah is in agreement with the first Tanna of this Baraita.
- (34) Deut. XXV, 7.
- (35) An even number of judges might, when a difference of opinion arose, be equally divided and this would make a decision by majority impossible.
- (36) Why does he require five?
- (37) Deut. XXV, 8.
- (38) Ibid. 9.
- (39) As eligible members of the tribunal.
- (40) Deut. XXV, 9 (E.V., In the presence of).
- (41) I.e., professional judges.
- (42) **בית דין**, lit, 'house of law' 'court', applied also to the members of the Sanhedrin or of any court engaged in legal decisions or in the administration of the law.
- (43) In their character, free from all possible suspicion.
- (44) Heb, mum, 'blemish'.

Talmud - Mas. Yevamoth 101b

for it is said in Scripture, Thou art all fair, my love; and there is no spot in thee.¹

As to the former,² however, what deduction does he make from the expression. 'Before the eyes

of' ? — That expression serves the purpose of a deduction like that of Raba, Raba having stated: The judges must see the spittle issuing from the mouth of the sister-in-law, because it is written in Scripture, Before the eyes of the elders . . . and spit.³ But does not the other⁴ also require the text⁵ for a deduction like that of Raba! — This is so indeed. Whence, then,⁶ does he deduce [the eligibility of] laymen?⁷ — He deduces it from in Israel⁸ [implying] any Israelite whatsoever. As to the former,⁹ however, what deduction does he make from 'In Israel'?¹⁰ — He requires it for a deduction like that which R. Samuel b. Judah taught: 'In Israel' [implies that halizah must be performed] at a Beth din of Israelites but not at a Beth din of proselytes.¹¹ And the other?⁴ — 'In Israel' is written a second time.¹² And the former?⁹ — He requires it¹³ for another deduction in accordance with what was taught: R. Judah stated, 'We were once sitting before R. Tarfon when a sister-in-law came to perform halizah, and he said to us, "Exclaim all of you: The man that had his shoe drawn off"'.¹⁴ And the other? — This is deduced from And [his name] shall be called.¹⁴ If this is so,¹⁵ And they shall call¹⁶ [implies] two;¹⁷ And they shall speak¹⁶ [also implies] two,¹⁷ [so that] here also [one might deduce]: According to R. Judah,¹⁸ behold there are here nine; and according to the Rabbis,¹⁹ behold there are here seven! — That text¹⁶ is required for a deduction in accordance with what was taught: And they²⁰ shall call him¹⁶ but not their representative; And they shall speak unto him¹⁶ teaches that they give him suitable advice. If he,²¹ for instance, was young and she²² old, or if he was old and she was young, he is told, 'What would you with²³ a young woman?' Or 'What would you²³ with an old woman? Go to one who [is of the same age] as yourself, and introduce no quarrels into your home'.²⁴

Raba stated in the name of R. Nahman: The halachah is that halizah is to be performed in the presence of three men, since the Tanna²⁵ has taught us so²⁶ anonymously.²⁷ Said Raba to R. Nahman: If so [the same ruling should apply to] mi'un²⁸ also, for we learned:²⁹ Mi'un and halizah [must be witnessed] by three men!³⁰ And should you reply [that the halachah] is so indeed, surely [It may be retorted] it was taught: Mi'un,³¹ Beth Shammai ruled, [must be declared before] a Beth din of experts;³² and Beth Hillel ruled: [It may be performed] either before a Beth din or not before a Beth din. Both, however, agree that a quorum of three is required. R. Jose son of R. Judah and R. Eleazar son of R. Jose³³ ruled: [The mi'un is] valid [even if it was declared] before two.³⁴ And R. Joseph b. Manyumi reported in the name of R. Nahman³⁴ that the halachah is in agreement with this pair!³⁵ — There,³⁶ only one anonymous [teaching] is available while here³⁷ two anonymous [teachings]³⁸ are available.

There³⁶ also two anonymous [teachings] are available! For we learned: If, however, a woman made a declaration of refusal³⁹ or performed halizah in his presence, he⁴⁰ may marry her,⁴¹ since he [was but one of the] Beth din!⁴² — But, [the fact is that while] there,⁴³ only two anonymous [teachings] are available; here,⁴⁴ three anonymous [teachings] are available.⁴⁵

Consider! The one⁴³ is an anonymous [teaching], and the other⁴⁴ is an anonymous [teaching]; what difference does it make to me whether the anonymous [teachings] are one, two or three? — Rather, said R. Nahman b. Isaac, [the reason⁴⁶ is] because the anonymity⁴⁷ occurs in a passage recording a dispute.⁴⁸ For we learned: 'The laying on of hands by the elders,⁴⁹ and the breaking of the heifer's neck⁵⁰ is performed by three elders; so R. Jose,⁵¹ while R. Judah stated: By five elders. Halizah and declarations of mi'un, [however, are witnessed] by three men',⁵² and since R. Judah does not express disagreement,⁵³ it may be inferred that R. Judah changed his opinion.⁵⁴ This proves it.

Raba stated: The judges must appoint a place,⁵⁵ for it is written, Then his brother's wife shall go up to the gate⁵⁶ unto the elders.⁵⁷

R. Papa and R. Huna son of R. Joshua arranged a halizah⁴⁸ in the presence of five. In accordance with whose view?⁵⁸ Was it in accordance with that of R. Judah? He, surely, had changed his

opinion!⁵⁹ [Their object⁶⁰ was] to give the matter due publicity.⁶¹

R. Ashi once happened to be at R. Kahana's, when the latter said to him, 'The Master has come up to us [at an opportune moment] to complete a quorum of five'.⁶²

R. Kahana stated: I was once standing in the presence of Rab Judah, when he said to me, 'Come, get on to this bundle of reeds⁶³ that you may be included in a quorum of five'.⁶² On being asked, 'What need is there for five?' he replied, 'In order that the matter be given due publicity'.⁶¹

R. Samuel b. Judah once stood before Rab Judah when the latter said to him, 'Come, get on to this bundle of reeds⁶³ to be included in a quorum of five,⁶² in order that the matter be thereby given due publicity'.⁶¹ 'We learned', the first remarked, 'In Israel [implies that halizah must be performed] at a Beth din of Israelites but not at a Beth din of proselytes⁶⁴ while I am, in fact, a proselyte'. 'On the word⁶⁵ [of a man] like R. Samuel b. Judah', Rab Judah said, 'I would withdraw money [from its possessor]'.⁶⁶ [You say] 'Withdraw'! Could this be imagined? Surely the All Merciful said, At the mouth of two witnesses!⁶⁷ — Rather [it is this that he meant]. 'I would on his word⁶⁵ impair the validity of a note of indebtedness'.⁶⁸

Raba stated:

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- (1) Cant. IV, 7.
 - (2) The first Tanna.
 - (3) Deut. XXV, 9. Cf. infra 106b.
 - (4) R. Judah.
 - (5) Deut. XXV, 9, (E.V., In the presence of).
 - (6) Since the text of Deut. XXV, 9 is required for Rab's deduction.
 - (7) As eligible members of the tribunal.
 - (8) Deut. XXV, 7 (Rash). or ibid. 10 (Golds.).
 - (9) The first Tanna.
 - (10) Cf. Bah and supra n. 7.
 - (11) Cf. Kid. 14a.
 - (12) Cf. supra n. 7.
 - (13) The second expression, In Israel.
 - (14) V. Deut. XXV, 10.
 - (15) Since deduction has been made from the expression of elders etc.
 - (16) Deut. XXV, 9.
 - (17) The plural representing no less than two.
 - (18) Who deduced from the other texts the number of five judges.
 - (19) Limiting the number of judges, as deduced supra, to three.
 - (20) Emphasis on they.
 - (21) The levir.
 - (22) The sister-in-law.
 - (23) Lit., 'what to thee at'.
 - (24) Supra 44a.
 - (25) Of our Mishnah.
 - (26) Lit., 'like him', sc. like the first Tanna of the Baraita cited, supra 101a.
 - (27) The halachah is, as a rule, in agreement with the anonymous statements in a Mishnah.
 - (28) A declaration of refusal to live with her husband made by a minor. V. Glos.
 - (29) Anonymously.
 - (30) Sanh. 2a. Cf. infra 107b.
 - (31) V. supra note 6.
 - (32) Mumhin, plur. of mumhe. v. Glos.

- (33) Or 'Simeon' (cf. marg. note in cur. edd. and infra 107b).
- (34) Sanh. 2a. Cf. infra 107b.
- (35) Who require a quorum of two only, contrary to the anonymous teachings supra which require a quorum of three!
- (36) Concerning mi'un.
- (37) On halizah.
- (38) One here (our Mishnah) and the other in Sanh. 2a.
- (39) Mi'un, v. Glos.
- (40) A Sage who, if he had previously pronounced the woman forbidden to her husband owing to a vow she had made, would not have been allowed to marry her in order to avoid any suspicion that his motive in forbidding her to her husband was his intention to marry her himself.
- (41) In these circumstances.
- (42) Bek. 31a, supra 25b. Mi'un and halizah, unlike disallowance and confirmation of vows, must be witnessed by a court, or quorum of three, and three persons would not be suspected of ulterior motives even though one of them subsequently married the woman concerned. This Mishnah, then, adds a second anonymous statement to the one previously mentioned, both requiring a quorum of three for mi'un.
- (43) Concerning mi'un.
- (44) On halizah.
- (45) The Mishnah cited last, which adds one anonymous teaching to the single one of mi'un, also adds one to the two anonymous teachings concerning halizah.
- (46) Why the halachah is in agreement with the anonymous teaching in respect of halizah and not with that in respect of mi'un.
- (47) In respect of halizah.
- (48) In which R. Judah participated.
- (49) On the head of a sin-offering of the congregation. V. Lev. IV, 15.
- (50) V. Deut. XXI, 4.
- (51) 'Simeon', according to a marg. note and Sanh. 2a.
- (52) Sanh. loc. cit.
- (53) With the ruling that a quorum of three only is required for halizah, though in a previous discussion (supra 102a) he maintained that a quorum of five was required.
- (54) And agreed with the anonymous teaching. Hence R. Nahman's ruling that as regards the quorum for halizah the halachah agrees with the anonymous teaching. In respect of mi'un, however, the anonymous teaching has not been mentioned in connection with a dispute in which R. Jose and R. Eleazar participated. Hence it must be assumed that they adhered to their first opinions contrary to the anonymous teaching, which consequently does not represent the halachah.
- (55) For the performance of the rite of halizah.
- (56) I.e., a specified place.
- (57) Deut. XXV, 7. (16) Lit., performed an act'.
- (58) Did they insist on a quorum of five.
- (59) Agreeing that only three are required for a halizah quorum.
- (60) In adding to the prescribed quorum.
- (61) That it should be widely known that the woman was a haluzah and so no priest would marry her; while prospective husbands, on hearing that she had been freed by halizah from her levirate bond, might begin to woo her (cf. Rashi). The question of R. Judah's first opinion did not at all enter into consideration.
- (62) At a halizah ceremonial.
- (63) The spot appointed for the performance of the halizah (cf. Raba's ruling supra).
- (64) V. supra p. 696.
- (65) Lit., 'mouth'.
- (66) Though in such lawsuits the evidence of two witnesses is required.
- (67) Deut. XIX, 15. The evidence of one witness is not sufficient. Cf. supra note 9. The numeral 'two' which in cur. edd. and some MSS. is given in the absolute form, שנים, appears in M.T. in the construct, שני Cf. ibid. XVII, 6, which, however, refers to evidence in capital cases.
- (68) Should he declare that the note was already redeemed the debtor would not be ordered to pay the debt, though the creditor also could not be compelled to destroy the note (cf. Rashi, Keth. 85a). According to some of the Tosafists the

debt may not be collected unless the creditor takes the prescribed oath, as is the case wherever one witness declares a debt recorded on a note of indebtedness to have been paid, v. Keth. 8a. R. Samuel's superiority over the ordinary witness is limited to the following only: While the latter, if a relative, is not believed, to enforce an oath on the creditor, R. Samuel would always be believed (v. Tosaf. s.v. **מרענא**).

Talmud - Mas. Yevamoth 102a

A proselyte may, according to Pentateuchal law, sit in judgment¹ on a fellow proselyte, for it is said in the Scriptures, Thou shalt in any wise set him king over thee, whom the Lord thy God shall choose; one from among thy brethren shalt thou set king over thee;² only when set over thee² is he required to be one from among thy brethren;² when, however, he is to judge his fellow proselyte he may himself be a proselyte.³ If his⁴ mother was an Israelitish woman he may sit in judgment even on an Israelite.⁵ In respect of halizah, however, [no man is eligible as judge] unless both his father and his mother were Israelites for it is said, And his name shall be called in Israel.⁶

Rabbah stated in the name of R. Kahana in the name of Rab: If Elijah should come and declare that halizah may be performed with a foot-covering shoe,⁷ he would be obeyed; [were he, however, to declare that] halizah may not be performed with a sandal,⁸ he would not be obeyed, for the people have long ago adopted the practice [of performing it] with a sandal.

R. Joseph, however, reported in the name of R. Kahana in the name of Rab: If Elijah should come and declare that halizah may not be performed with a foot-covering shoe,⁷ he would be obeyed; [were he, however, to declare that] halizah may not be performed with a sandal,⁸ he would not be obeyed, for the people have long ago adopted the practice [of performing it] with a sandal.

What is the practical difference between them?⁹ — The practical difference between them is [the propriety of using] a foot-covering shoe ab initio.¹⁰

According to him, however, who stated [that it was proper to use¹¹ it] even ab initio, surely, [it may be objected] we learned: IF A WOMAN PERFORMED THE HALIZAH WITH A FOOT-COVERING SHOE, HER HALIZAH IS VALID [which¹² implies validity only] after the action had been performed but not ab initio. — The same law¹³ is applicable even [where the shoe was used] ab initio. As, however, it was desired to state in the final clause: BUT IF WITH A SOCK IT IS INVALID, [a law] which applies even after the action had been performed, a similar expression¹⁴ was also used in the first clause.

[On the question of] using a foot-covering shoe¹⁵ ab initio Tannaim differ. For it was taught: R. Jose¹⁶ related, 'I once went to Nesibis where I met an old man whom I asked, "Are you perchance acquainted with R. Judah b. Bathyra?" and he replied, "Yes; and he in fact always sits at my table". "Have you ever seen him arranging a halizah ceremony for a sister-in-law?" [I asked]. "I saw him arranging halizah ceremonies many a time", he replied. "With a foot-covering shoe [I asked] or with a sandal?" — "May halizah be performed", he asked me "with a foot-covering shoe?" I¹⁷ replied: Were that [not] so, what could have caused¹⁸ R. Meir to state that halizah if performed with a foot-covering shoe is valid, while R. Jacob reported in his¹⁹ name that it was quite proper to perform [even] halizah ab initio with a foot-covering shoe!'

With reference to him who ruled that it was not proper ab initio [to perform halizah with a foot-covering shoe] what could be the reason? If it be suggested: Because [the loosening of] the upper²⁰ [may be described as] from off²¹ and [the loosening of the] thong²² as 'from off of the from off', [a performance which is not in accordance with] the Torah which said, from off²¹ but not 'from off of the from off'; [it could well be retorted that] if such were the reason [the halizah should be invalid] even when actually performed. — This²³ is a preventive measure against the possible use of

a flabby²⁴ shoe or even half a shoe.²⁵

Said Rab: Had I not seen my uncle²⁶ arranging a halizah with a sandal that had laces I would have allowed a halizah only with an Arabian sandal which can be more firmly fastened. And in respect of our [kind of sandal] though it has a knot,²⁷ a strap also should be tied to it,²⁸ so that the halizah may be properly performed.²⁹

(Mnemonic: You permitted a sister-in-law a sandal.)³⁰ Rab Judah reported in the name of Rab: The permissibility of a sister-in-law to marry a stranger takes effect as soon as the greater part of the heel³¹ is released.³²

An objection was raised: If the straps of a foot-covering shoe or of a sandal were untied³³ or if [the levir] slipped [it off from] the greater part of his foot,³⁴ the halizah is invalid.³⁵ The reason then³⁶ is because it was he that slipped it off; had she, however, slipped it off, her halizah would have been valid; [and, furthermore this applies to] the greater part of the foot only³⁷ but not to the greater part of the heel!³⁸ — The ‘greater part of the foot’ has the same meaning as ‘the greater part of the heel’; [and the reason] why he calls it ‘the greater part of the foot’ [is] because all the weight of the foot rests on it.

This³⁹ provides support for R. Jannai. For R. Jannai stated: Whether [the levir] untied [the straps] and she slipped off [the sandal] or whether she untied the straps and he slipped off the sandal, her halizah remains invalid, unless she unties the straps and she slips off the sandal.

R. Jannai enquired: What is the law if she tore it?⁴⁰ What if she burnt it?⁴⁰ Is the exposure of the foot necessary,⁴¹ and this has here been effected,⁴² or is ‘taking off’ necessary, which has not taken place here?⁴³ — This remains undecided.⁴⁴

R. Nehemiah enquired of Rabbah: What is the law in the case of two shoes one above the other? — How is this enquiry to be understood? If it be suggested: That she⁴⁵ drew off the upper one and the lower one remained, surely, the All Merciful said: From off⁴⁶ but not ‘from off of the from off’! — Such enquiry is necessary only where she tore the upper one and removed the lower one while the upper one remained [on the levir's foot], the question being whether⁴⁷ the requirement is the ‘taking off’ which has been done⁴², or whether the exposure of the foot is necessary which was not effected here?⁴⁸

(1) Even in capital cases. In civil matters a proselyte judge has equal rights with an Israelite.

(2) Deut. XVII, 15. The term ‘king’ is taken to embrace that of judge’. Cf. Prov. XXIX. 4.

(3) Lit., ‘but a proselyte judges his fellow a proselyte’.

(4) The proselyte's.

(5) Cf. supra n. 1.

(6) Deut. XXV, 10, emphasis on the last word.

(7) V. supra p. 694, n. 2.

(8) V. supra p. 694. no. 3 and 5.

(9) Rabbah and R. Joseph. According to either of their reports the practice of using a sandal is not to be altered.

(10) According to Rabbah it is improper to use a foot-covering shoe. Its use would be permitted only if Elijah came and declared it to be permissible. According to R. Joseph, however, its use is and remains permitted unless Elijah should come and declare it to be inadmissible.

(11) A foot-covering shoe.

(12) Since the Perfect in a conditional clause was used.

(13) That the halizah is valid.

(14) Lit., ‘which has been done’.

(15) For halizah.

(16) Or 'Simeon'. V. Tosef. Yeb. XII.

(17) Cut. edd. insert in parenthesis: 'And the Torah said his shoe נעלה but not his foot-covering shoe מנעל [This is deleted by Rashi since the term מנעל is post-Biblical, occurring nowhere in the Bible in the sense of shoe. v. Rashi].

(18) Lit., 'he saw'.

(19) R. Meir's.

(20) Of the shoe.

(21) Cf. Deut. XXV, 9. And loose his shoe from off his foot.

(22) Which binds the upper to the foot and rests above it.

(23) The impropriety of using a foot-covering shoe ab initio.

(24) Cf. Jast.; or 'burst' (cf. Rashi).

(25) Such are not permitted at all for halizah purposes. Were any foot-covering shoe permitted for use in halizah one might erroneously use such a shoe even when it was burst or when it was flabby or even when half of it was torn away. Hence its entire prohibition. No such measure was necessary in the case of the sandal which, when burst or broken in halves cannot be worn at all.

(26) R. Hiyya.

(27) Which prevents the sandal from falling off the foot.

(28) Round the sandal and the foot, prior to the halizah.

(29) By untying the strap first and then releasing the foot from the shoe, the woman carries out completely the prescribed requirements of the halizah. The rt. חליץ may signify both (a) loosing or untying sc. of the shoe strap, and (b) releasing sc. of the foot from the shoe.

(30) A prominent verb and two prominent nouns in the following three rulings reported by Rab Judah in the name of Rab.

(31) Of the levir.

(32) From the sandal.

(33) By the levir or by themselves, but not by the woman.

(34) And the woman completed the removal.

(35) Tosef. Yeb. XII.

(36) Why the halizah is invalid.

(37) Lit., 'yes'.

(38) How then could Rab state that permissibility to marry a stranger comes into effect as soon as the greater part of the heel had been released.

(39) The Baraitha cited.

(40) The sandal while on the levir's foot.

(41) For a valid halizah.

(42) Lit., 'there is'.

(43) Lit., 'and there is not'. Since she did not take off the sandal.

(44) Teku, v. Glos.

(45) The sister-in-law.

(46) V. supra p. 702, n. 2.

(47) Lit., 'what'.

(48) Where the upper sandal still remains on the levir's foot.

Talmud - Mas. Yevamoth 102b

Does this, however, ever happen? — Yes; for the Rabbis once saw Rab Judah going out into the street in five pairs of felt socks.

Rab Judah reported in the name of Rab: A sister-in-law who was brought up together with the brothers¹ is permitted to marry any one of the brothers and there is no need to consider the possibility that she² might have taken off the sandal [from the foot] of one of them.³ The reason, then⁴ is because we did not actually observe it,⁵ had we, however, observed it⁵ the possibility [that her halizah was valid] would have had to be taken into consideration.⁶ But, surely, it was taught:

Whether he⁷ had the intention⁸ [of performing the commandment of halizah] and she had no such intention, or whether she had such intention and he did not, halizah is invalid, it being necessary⁹ that both shall at the same time have such intention!¹⁰ It is this that was meant : Although we observed it⁵ there is no need to consider the possibility that they might have intended [to give their action the character of a valid halizah].

Others read: The reason⁴ is because we did not see it,⁵ had we, however, seen it, the possibility [of a valid halizah] would have had to be considered,⁶ the statement that¹¹ intention¹² is necessary¹³ applying only to the permissibility [of the woman] to strangers,¹⁴ but to the brothers she does become forbidden.¹⁵

Rab Judah stated in the name of Rab: No halizah may be performed with a sandal that was sewn with flax,¹⁶ for it is said in Scripture, And I shod thee with tahash.¹⁷ Might it be suggested that [the skill of] a tahash¹⁸ is admissible¹⁹ but not any other material? — The mention of ‘shoe’ twice²⁰ indicates the inclusion [of all kinds of leather]. If the repeated mention of ‘shoe’ indicates the inclusion [of all kinds of leather] all other materials should also be included! — If that were so,²¹ for what purpose was the term tahash used?

R. Eleazar enquired of Rab: [What is the law where] the sandal was made of leather and its straps of [animal] hair? — The other replied: Could we not apply to it, And I shod thee with tahash!²² If so, a shoe all made of hair²³ should also be admissible! — Such is called a slipper.²⁴

Said R. Kahana to Samuel: Whence is it derived that the verb in²⁵ we-halezah²⁶ his shoe from off his foot²⁷ signifies taking off? — Because it is written, That they shall take out²⁸ the stones in which the plague is.²⁹ But I might suggest that the meaning³⁰ is that of arming;³¹ for it is written in Scripture, Arm³² ye men from among you for the war!³³ — There also,³³ [the underlying meaning is] the slipping out from the house to go to war. But, surely, it is also written in Scripture, He girds³⁴ the afflicted in his affliction!³⁵ — [The meaning is that] as a reward for his affliction He will deliver³⁶ him from the judgment of Gehenna. What, however, is the explanation of the Scriptural text,³⁷ The angel of the Lord encampeth round about them that fear him, and He girds them?³⁸ — [The meaning is that] as a reward for those who fear him He will deliver them from the judgment of Gehenna.

What explanation is there, however, for the Scriptural text,³⁹ And He will make strong⁴⁰ thy bones,⁴¹ of which R. Eleazar said that this was the best of the blessings,⁴² and Raba explained that the meaning⁴³ was the strengthening of the bones!⁴⁴ — Yes, it may bear the one meaning and it may also bear the other; but were the meaning here⁴⁵ intended to be that of ‘tying on’,⁴⁶ the All Merciful should have written: ‘We-halezah his shoe upon his foot’.⁴⁷ But [it might be still objected], had the All Merciful written, ‘upon his foot’ it might have been suggested: Only upon his foot, but not upon his leg;⁴⁸ hence the All Merciful wrote From off⁴⁹ his foot, [to indicate] that [halizah may be performed] even on the [levir's] leg! — If so, the All Merciful should have written: ‘Upon [what is] above his foot’. Why [then did He use the expression] From off his foot? Consequently it must be inferred that the meaning⁵⁰ is ‘to take off’.

A certain Min⁵¹ once said to R. Gamaliel:⁵² You are a people with whom its God has performed halizah,⁵³ for it is said in Scripture, with their flocks and with their herds they shall go to seek the Lord, but they shall not find him; He hath drawn off⁵⁴ [the shoe] from them.⁵⁵ The other replied: Fool, is it written: ‘He hath drawn off [the shoe] for them’? It is written, ‘He hath drawn off [the shoe] from them’; now in the case of a sister-in-law from whom the brother drew off [the shoe] could there be any validity in the act?⁵⁶

BUT IF WITH A SOCK IT IS INVALID etc. This then teaches that a sock is not regarded as a shoe; and so it was also taught: The man who removes [the monies] from the Temple treasury⁵⁷ must

not enter with a bordered tunic or with a sock,⁵⁸ and there is no need to state [that he must not enter] with a shoe or with a sandal, since no one⁵⁹ may enter the Temple court with a shoe or a sandal,⁶⁰ but elsewhere the contrary was taught: One must not walk⁶¹ with a shoe, a sandal or a sock either from one house to another or even from one bed to another bed!⁶² — Abaye replied: [This refers to a sock] which is furnished with pads, [the prohibition] being due to the pleasure [its wearing affords].⁶³ Said Raba to him: Is [all footwear] forbidden on the Day of Atonement because of the pleasure it affords, even though it cannot be regarded as a shoe? Surely, Rabbah son of R. Huna used to wrap a scarf round his foot and so went out!⁶¹ — But [in fact], said Raba,⁶⁴ there is no difficulty: The one Baraitha⁶⁵ refers to a leather sock; the other⁶⁶ to a felt sock. This explanation is indeed reasonable. For were you not to say so, a contradiction [would arise between one statement dealing with] the Day of Atonement and [another statement which also deals with] the Day of Atonement. For it was taught: No man may walk about in slippers in his house,⁶¹ but he may walk about in his house in socks.⁶⁷ Consequently⁶⁸ it must be inferred that one statement refers to a leather sock and the other to a felt sock. This proves It.

It was taught in agreement with Raba.⁶⁹ [If a sister-in-law] performed halizah with a torn shoe which covered the greater part of the [levir's] foot, with a broken sandal which contained the greater part of his foot, with a sandal of cork⁷⁰ or of bast, with an artificial foot,⁷¹ with a felt sock, with a support of the feet,⁷² or with a leather sock, and also where she performed halizah with an adult

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- (1) Of her deceased husband.
 - (2) In the course of the years they were together.
 - (3) As a friendly service. It is now assumed that had such an act been performed the removal of the sandal would have been regarded as a valid halizah which would cause the sister-in-law to become forbidden to marry the brothers.
 - (4) Why halizah is not apprehended.
 - (5) That she drew off the sandal from the foot of any brother.
 - (6) And the sister-in-law would be forbidden to marry any of the brothers.
 - (7) The levir.
 - (8) Where halizah was performed.
 - (9) Lit., 'until'.
 - (10) Tosef. Yeb. XII, infra 106a. Why then should the removal of a sandal as a mere friendly act ever be regarded as a valid halizah?
 - (11) Lit 'and what he taught'.
 - (12) To perform the commandment of halizah.
 - (13) On the part of the levir and the sister-in-law.
 - (14) Lit., 'to the world'. Only for this purpose is intention a *sine qua non*.
 - (15) Even where there was no intention but mere action.
 - (16) I.e., provided with a flax lining or, according to another interpretation, stitched with a flaxen thread (cf. Rashi).
 - (17) Ezek. XVI, 10, E.V. sealskin. The tahash, the skin of which was used for one of the coverings of the roof of the Tabernacle made by Moses in the wilderness, formed a class of its own, and the Sages could not determine whether it belonged to the class of wild or of domestic animals (cf. Shab. 28b). The mention in the context of shoeing of tahash, the use of the skin of which only was recorded in the Scriptures, is taken to imply that the shoe spoken of in the Scriptures was invariably made of a material similar to that of the skin of tahash, viz., leather. Hence the inadmissibility in halizah of any shoe that was not wholly made of leather.
 - (18) Since this animal only was mentioned.
 - (19) Lit., 'yes'.
 - (20) Lit., 'shoe' (bis). V. Deut. XXV, 9 and 10.
 - (21) That all materials are admissible.
 - (22) Ezek. XVI, 10.
 - (23) The tahash also had hair on its skin,.
 - (24) And is not included in the term of 'shoe'.
 - (25) Lit., 'that that'.

- (26) חלצה (rt. חליץ), E.V. and loose.
- (27) Deut. XXV, 9.
- (28) וחלצו (rt. חליץ), v. supra n. 9.
- (29) Lev. XIV, 40.
- (30) Of והחצה in Deut. XXV, 9.
- (31) I.e., the tying on and not the taking off of the shoe.
- (32) ההלצו (rt. חליץ) v. supra note 9.
- (33) Num. XXXI, 3.
- (34) יחליץ, (rt. חליץ). V. supra note 9.
- (35) Job XXXVI, 15, which shews that the rt. חליץ also signifies 'putting on', 'tying on'.
- (36) יחלצו cf. E.V. He delivereth the afflicted by His affliction.
- (37) Lit., 'but that which it is written'.
- (38) Ps. XXXIV, 8. ויחלצם (rt. חליץ), v. supra p. 705, nn. 9 and 18.
- (39) Lit., 'but that which it is written'.
- (40) יחליץ (rt. חליץ).
- (41) Isa. LVIII, 11.
- (42) That were enumerated in the context. Cf. ibid. 8-14.
- (43) Of יחליץ.
- (44) Which shews that the rt. חליץ signifies also 'strengthening', 'equipping', 'arming', and thus also 'tying on'.
- (45) Deut. XXV, 9.
- (46) Lit., 'strengthening', 'arming'.
- (47) Instead of 'from off'.
- (48) And in case his foot was amputated, no halizah would be possible.
- (49) מעל lit., 'from above', i.e., even from that part which is above his foot.
- (50) Of וחלצה in Deut. XXV, 9.
- (51) V. Glos.
- (52) [Probably R. Gamaliel of Jabneh, after the destruction of the Temple in 70 C.E. V. Herford, Christianity in the Talmud p. 355].
- (53) I.e., severed his connection with them.
- (54) חליץ.
- (55) E.V. 'He hath withdrawn Himself from them'. Hos. V, 6.
- (56) Certainly not. It is the sister-in-law that performs the halizah while the brother-in-law only submits to it. God, in the image of the text quoted, standing towards Israel in the relationship of a levir to his sister-in-law, cannot perform the halizah, and his action is, so to speak, invalid, the bond between him and His people remaining in force.
- (57) Cur. edd. 'we learned'. Cf. marg. note a.l. and Shek. III, 2.
- (58) In order that he may be free from the suspicion that he concealed some money in his socks or in the border of his tunic.
- (59) Even when suspicion is out of the question.
- (60) Out of respect for the place. Now, since a sock is permitted in the Temple court where a shoe is forbidden it is obvious that a sock is not included in the category of shoe.
- (61) On the Day of Atonement, when as a part of the affliction (cf. Lev. XVI, 29) the wearing of shoes is forbidden.
- (62) Which shows that a sock is also regarded as a shoe.
- (63) Cf. supra n. 6.
- (64) In reply to the contradiction that was pointed out.
- (65) Which forbids the wearing of a sock on the Day of Atonement.
- (66) That dealing with entry into the Temple court.
- (67) Which is contradictory to the Baraitha previously cited there the wearing of socks was forbidden even where one only walked from one bed to another.
- (68) Lit., 'but not'?
- (69) That a difference is drawn between a sock of felt or cloth and one of leather. While the former is not regarded as a shoe the latter is.
- (70) Or, according to others, 'bamboo'.

(71) Of the levir. Lit., 'the hollowed stump of the cripple'.

(72) One of the cushions which a cripple ties to his feet.

Talmud - Mas. Yevamoth 103a

whether he was standing, sitting or reclining, and also if her halizah was performed with a blind man, her halizah is valid. [If her halizah] however, [was performed] with a torn shoe that did not cover the greater part of the [levir's] foot, with a broken sandal which does not hold the greater part of his foot, with a support of the hands,¹ or with a cloth sock, and also where her halizah was performed with a minor, her halizah is invalid.²

Whose [view is represented in the first statement mentioning] the artificial foot?³ — [Obviously that of] R. Meir, for we learned: A cripple may go out [on the Sabbath]⁴ with his artificial foot;⁵ so R. Meir, and R. Jose forbids it;⁶ [but the latter statement]: 'With a cloth-sock'⁷ can only represent the view of the Rabbis!⁸ — Abaye replied: Since the latter statement [represents the opinion of] the Rabbis, the first also [must represent the opinion of] the Rabbis, the first [dealing with an artificial foot that was] covered with leather.⁹

Said Raba to him:¹⁰ What, however, [is the law if it¹¹ was] not covered with leather? Is it then unfit!¹² If so, instead of teaching in the latter statement, 'With a cloth sock',¹³ a distinction should have been drawn in [respect of the artificial foot] itself: This¹⁴ applies only where it was covered with leather, but if it was not covered with leather it is unfit!¹² Rather, said Raba, since the first statement represents the view of R. Meir, the latter also represents the view of R. Meir, the one¹¹ affording protection¹⁵ while the other¹⁶ affords no protection.¹⁷

Amemar stated: When a levir submits to halizah he must press down his foot [to the ground]. Said R. Ashi to Amemar: Was it not taught [that the halizah was valid] 'whether he¹⁸ was standing, sitting or reclining'? — Read: And in all these cases, only if he pressed his foot [to the ground].

Amemar further stated: A man who walks on the upper side of his foot¹⁹ must not submit to halizah. Said R. Ashi to Amemar: But, surely, it was taught: 'Supports of the feet',²⁰ does not [this signify] that such [a cripple]²¹ may submit to halizah with a support! No; [the meaning is] that he may give it to another person²² who is allowed to submit to halizah [with it].

Said R. Ashi: According to Amemar's ruling neither Bar Oba nor Bar Kipof²³ could submit to halizah.

[IF THE SHOE WAS WORN] BELOW THE KNEE etc. A contradiction was pointed out: Regalim,²⁴ excludes²⁵ stump-legged cripples!²⁶ — Here²⁷ it is different since it was written in Scripture, From off his foot.²⁸ If so, [halizah should be permissible] above the knee also! — From off but not 'from off the from off'.²⁹

Said R. Papa: From this³⁰ it may be inferred that the istewira³¹ reaches down to the ground;³² for were it to be imagined that it is disconnected,³³ it [would be situated] above [the foot], while the leg [would be] above that which is above [the foot].³⁴ R. Ashi, however, said: It may even be said that it is disconnected, but any part adjacent to the foot is legally regarded as the foot itself.³⁵

ABOVE THE KNEE. R. Kahana raised an objection: And against her afterbirth that cometh out from between her feet!³⁶ — Abaye replied: When a woman kneels down to give birth she presses her heels against her thighs and thus gives birth. Come and hear: He had neither dressed his feet nor trimmed his beard!³⁷ — This is a euphemistic expression. Come and hear: And Saul went in to cover his feet!³⁸ — This is a euphemistic expression. Come and hear: Surely he is covering his feet in the

cabinet of the cool chamber!³⁹ — This is a euphemistic expression. Between her feet etc.!⁴⁰ — This is a euphemistic expression.

R. Johanan Said: That profligate⁴¹ had seven sexual connections on that day;⁴² for it is said, Between her feet he sunk, he fell, he lay; at her feet he sunk, he fell; where he sunk there he fell down dead.⁴³ But, surely she⁴⁴ derived gratification from the transgression! R. Johanan replied in the name of R. Simeon b. Yohai: All the favours of the wicked⁴⁵

(1) Cf. supra n. 6, one of the cushions tied to a cripple's hands.

(2) Thus it has been shown that in respect of halizah a legal distinction is made between the two kinds of sock. Cf. supra n. 3.

(3) Regarding it as a proper shoe. Cf. supra n. 5.

(4) When carrying from one domain into another is forbidden.

(5) Because it is regarded as a shoe which one may wear on the Sabbath.

(6) Shab. 65b, Yoma 78b.

(7) That halizah with it is invalid.

(8) Who differ from R. Meir in regarding neither the artificial foot nor the cloth sock as a shoe. According to R. Meir a cloth sock, like an artificial foot, is regarded as a shoe. Does then the Baraita represent the contradictory views of R. Meir and the Rabbis!

(9) Hence its admissibility as a shoe for halizah.

(10) Abaye.

(11) The artificial foot.

(12) For halizah.

(13) That halizah with it is invalid.

(14) The admissibility of the artificial foot for halizah.

(15) For the leg. Hence it is regarded as a shoe that is admissible for halizah.

(16) A cloth sock.

(17) Hence its unfitness for halizah. It is not the material of which it is made but its unsuitability as a covering of the foot that causes its unfitness.

(18) The levir.

(19) Owing to a deformity in his foot (cf. Rashi). לִיהָתָא the 'fibula', 'splint-bone's 'his feet being turned outward so as to form an obtuse angle' (Jast.).

(20) Are among the objects that may be used as shoes for the purpose of halizah.

(21) In the conditions just described.

(22) Whose foot is not deformed.

(23) These were men with deformed feet. Cf. M.K. 25b.

(24) רגלים Ex. XXIII, 14 (E.V., times) referring to the Festival pilgrimages to Jerusalem.

(25) Since רגלים may also be taken as the plural of רגל foot.

(26) Hag. 3a. בְּעַלֵּי קַבִּין v. Glos. s.v. kab. As these cripples are deprived of their feet they (v. supra n. 2) are exempt from the duty of the pilgrimages (v. supra n. 1). Thus it follows that the leg is not regarded as a 'foot', which is contrary to our Mishnah!

(27) The case of halizah.

(28) Deut. XXV, 9, מֵעַל רֵגְלוֹ, lit., 'from above his foot', i.e., any part of the leg.

(29) V. supra n. 5. The part of the leg between the knee and the foot is 'above the foot'; and the part above the knee is 'above the above'.

(30) Our Mishnah which permits halizah on any part of the leg below the knee.

(31) [The ankle-bone (talus) v. Katzenelsohn, Talmud und Medizin, p. 384.]

(32) There is legally no division between the foot and this bone.

(33) From the foot.

(34) And halizah on that part would be invalid.

(35) Hence any part between it and the knee may be legally regarded as directly above the foot.

(36) Deut. XXVIII, 57; which shews that the region of the thighs is also included in the term of feet.

(37) II Sam. XIX, 25. Cf. supra n. 13.

(38) I Sam. XXIV, 4, expression for urination.

(39) Judges III, 24. Cf. supra n. 15.

(40) Ibid. V, 27. Cf. supra nn. 13 and 15.

(41) Sisera.

(42) When he fled from Barak and Deborah.

(43) Judges V, 27. Each of the expression he sunk כרע and he fell נפך occurs three times, and he lay שכב occurs once.

(44) Jael.

(45) Which they do for the righteous.

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are evil for the righteous;¹ For it is said, Take heed to thyself that thou speak not to Jacob either good or evil.² Now, as regards evil, one can perfectly well understand [the meaning]³ but why not good? From here then it may be inferred that the favour of the wicked is evil for the righteous.

There,⁴ one can well see the reason,⁵ since he⁶ might possibly mention to him the name of his idol;⁷ what evil, however, could be involved here?⁸ — That of infusing her with sensual lust. For R. Johanan stated: When the serpent copulated with Eve,⁹ he infused her¹⁰ with lust. The lust of the Israelites who stood at Mount Sinai,¹¹ came to an end, the lust of the idolaters who did not stand at Mount Sinai did not come to an end.

IF THE WOMAN PERFORMED THE HALIZAH WITH A SANDAL THAT DID NOT BELONG TO HIM etc. Our Rabbis taught: [From the expression] His shoe¹² I would only know that his own¹³ shoe [is suitable];¹⁴ whence, however, is it deduced that anybody's shoe is suitable?¹⁵ Hence was the term 'shoe' repeated,¹⁶ thus indicating the suitability of anyone's shoe.¹⁷ If so, why was the expression, 'His shoe', at all used? — 'His shoe implies one which he can wear, excluding a large one in which he cannot walk, excluding a small one which does not cover the greater part of his foot, and excluding also a sandal which consists of a sole but has no heel.

Abaye once stood in the presence of R. Joseph when a sister-in-law came to perform halizah. 'Give him',¹⁸ he¹⁹ said to him,²⁰ your sandal', and [Abaye] gave him' his left sandal. 'It might be suggested', he¹⁹ said to him,²⁰ 'that the Rabbis spoke²¹ only of a fait accompli; did they, however, speak also of what is permissible ab initio?' The other²⁰ replied: If so, in respect of a sandal that is not the levir's own, it might also be suggested that the Rabbis spoke²² only of a fait accompli; did they, however, speak also of what is permissible ab initio! 'I', the first¹⁹ answered him, 'meant to tell you this: Give it to him and transfer possession to him'.²³

A WOODEN SANDAL. Who is the Tanna [whose view is expressed in this ruling]?²⁴ — Samuel replied: The view is that of R. Meir. For we learned: A cripple may go out [on the Sabbath]²⁵ with his wooden stump; so R. Meir,²⁶ while R. Jose forbids it.²⁷ Samuel's father explained:²⁸ With one that is covered with leather, [the ruling representing] the general opinion.²⁹

R. Papi stated in the name of Raba: No halizah may be performed with a sandal that is under observation;³⁰ a halizah, however, that has been performed [with it] is valid. No halizah may be performed with a sandal, the leprous condition of which has been confirmed;³¹ and even a halizah that had already been performed [with it] is invalid.³² R. Papa, however, stated in the name of Raba: No halizah may be performed either with a sandal under observation³⁰ or with one the leprous condition of which had been confirmed;³¹ a halizah, however, that had been performed [with either] is valid.

An objection was raised: A house locked up³³ imparts uncleanness from within,³⁴ [and a house] confirmed in its leprous condition [imparts uncleanness]³⁴ both within and without. The one as well as the other imparts uncleanness to anyone entering.³⁵ Now, if it is to be assumed [that an object doomed to destruction is regarded] as already crushed to dust,³⁶ surely [it may be objected] the requirement [there]³⁷ is that He goeth into the house;³⁸ but [such a house] is not in existence!³⁹ — There³⁷ it is different, because Scripture said, And he shall break down the house,⁴⁰ even at the time of breaking down it is still called 'house'.

Come and hear: A [leprous] strip of cloth⁴¹ measuring three [finger-breadths] by three,⁴² even if [in volume] it does not amount to the size of an olive,⁴³ causes, as soon as the greater part of it has entered a clean house, the defilement of that house.⁴⁴ Does not [this refer to a strip of cloth the uncleanness of which] had been confirmed!⁴⁵ No; [it refers to] one under observation.⁴⁶ But if so, read the final clause: If in volume⁴⁷ it constituted the size of many olives⁴⁸, as soon as a portion of it of the size of an olive⁴⁹ enters a clean house, it causes the uncleanness of that house.⁵⁰ Now, if you grant [that the reference is to a strip] of confirmed leprosy one can well understand why it was compared⁵¹ to a corpse;⁵² if, however, you maintain [that the reference is to a strip] under observation⁵³ why [it may be objected] was it compared to a corpse! — There⁵⁴ it is different,⁵⁵ for Scripture said, And he shall burn the garment,⁵⁶ even at the time of burning it is still called 'garment.'⁵⁷ Then let [halizah] be deduced from it!⁵⁸ — A prohibition cannot be deduced from [the laws of] uncleanness.⁵⁹

Raba stated: The law is that [a sister-in-law] may not perform halizah either with a sandal under observation,⁶⁰ or with a sandal of confirmed leprosy, or with a sandal belonging to an idol;⁶¹ if, however, she has performed halizah [with either of these], her halizah is valid.⁶² [With a sandal] that was offered to an idol⁶³

(1) Cf. Hor. 10b, Naz. 23b.

(2) Gen. XXXI, 24.

(3) **וְיִי** adv. or interr. (lit., 'for life'), 'very well'.

(4) In the warning to Laban.

(5) Why even good should not be spoken.

(6) Laban.

(7) Cf. Gen. XXXI, 30.

(8) In the incident with Jael.

(9) In the Garden of Eden, according to a tradition.

(10) I.e., the human species.

(11) And experienced the purifying influence of divine Revelation.

(12) Deut. XXV, 9.

(13) The levir's.

(14) For his own halizah.

(15) For the halizah of any other person.

(16) Lit., 'it was stated shoe (bis)'.

(17) Lit., 'from any place'.

(18) The levir.

(19) R. Joseph.

(20) Abaye.

(21) In ruling that halizah with a left-foot sandal is valid. V. our Mishnah.

(22) Cf. supra n. 4, mutatis mutandis.

(23) As a gift, so that the shoe might become the levir's property.

(24) Permitting halizah with a wooden sandal.

(25) When carrying from one domain into another is forbidden.

(26) Who regards the cripple's wooden stump as a proper shoe.

- (27) Shab. 25b. As in respect of the Sabbath R. Meir regards the stump as a shoe, so also in respect of halizah does he regard it as a shoe.
- (28) Our Mishnah. Cf. supra n. 7.
- (29) All agree that a wooden stump that is furnished with a leather covering is admissible for halizah.
- (30) מוסגר, lit., 'locked up', a sandal that, in accordance with Lev. XIII, 50, is shut up for a certain period so that it may be ascertained whether the plague-spot that appeared on it is of the clean or unclean type. Cf. ibid. 47ff.
- (31) מוחלט, rt. חלט, 'to tie up' (Jast.).
- (32) Such a sandal, being doomed to destruction by burning (Lev. XIII, 55), is legally regarded as non-existent.
- (33) For the purpose of observation. Cf. p. 712, n. 13 and Lev. XIV, 34ff.
- (34) By contact.
- (35) Neg. XIII, 4 though no contact took place.
- (36) And, consequently, as legally non-existent. Cf. supra note 15.
- (37) In the case of a leprous house.
- (38) Lev. XIV, 46, emphasis on house. Only then is the person unclean.
- (39) Since it is condemned to be broken down. V. supra n. 4. How, then, could uncleanness be imparted by that which does not exist?
- (40) Lev. XIV, 45.
- (41) Cf. ibid. XIII, 47.
- (42) These are the minimum measurements required for a piece of cloth to be termed garment.
- (43) Which in the case of a corpse is the minimum that may impart uncleanness.
- (44) Tosef. Neg. VII. A leprous garment, like a leper, imparts uncleanness to all objects in a house as soon as it is brought into that house, though none of the objects have come in actual contact with it.
- (45) In consequence of which it is doomed to destruction by burning. Now, if what is doomed to destruction is legally regarded as non-existent, how could such a strip impart uncleanness?
- (46) Cf. supra p. 712, n. 13.
- (47) That of a strip of cloth of the size mentioned.
- (48) If the material, for instance, was very thick.
- (49) Though its measurements were less than the greater part of three finger-breadths by three.
- (50) Neg. XIII, 4.
- (51) In the fixing of its minimum, in respect of imparting uncleanness, to be that of the size of an olive.
- (52) Which also imparts uncleanness if a small part of it of the size of an olive only remained. Confirmed leprosy may well be compared to a corpse. Cf. Num. XII, 22: Let her not . . . be as one dead. The reference is to Miriam who was at the time leprous (v. ibid. 10) and Aaron requested Moses that she may not be confirmed in her leprosy and thus become like a corpse.
- (53) V. supra p. 712, n. 13 mutatis mutandis.
- (54) The law of uncleanness in respect of the strip of leprous cloth.
- (55) From the law of halizah where an object doomed to destruction is regarded as non-existent.
- (56) Lev. XIII, 52, emphasis on burn and garment.
- (57) Hence it may impart uncleanness even where it is doomed to destruction.
- (58) And a sandal of confirmed leprosy should also be admissible for halizah.
- (59) Which form a peculiar class of their own.
- (60) Cf. supra p. 712, n. 13.
- (61) Which is put on the idol when it is moved from place to place (Rashi).
- (62) Because the sandal under observation is not doomed to destruction; the sandal of confirmed leprosy is regarded as a garment despite its doom, (as deduced supra from Lev. XIII, 52); while the sandal of the idol, being only an accessory to it, is not doomed to burning. Though no benefit may be derived therefrom it is admissible for halizah, because the fulfilment of a precept is not regarded as a 'benefit'.
- (63) As part of its worship, and which must consequently be destroyed.

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or [with one] that belonged to a condemned city¹ or [with one] that was made² in honour of a [dead]

elder,³ no halizah may be performed; and even a halizah that has been performed with it is invalid.

Said Rabina to R. Ashi: In what respect is [the sandal] that was made in honour of a [dead] elder different [from an ordinary sandal]? Is it because it was not made for walking? That of the Beth din also⁴ was not made for walking! — The other replied: Should the attendant of the Beth din use it for walking, would the Beth din object!⁵

MISHNAH. IF [A SISTER-IN-LAW] PERFORMED THE HALIZAH AT NIGHT, HER HALIZAH IS VALID. R. ELEAZAR, HOWEVER, REGARDS IT AS INVALID. [IF SHE PERFORMED IT] WITH [THE LEVIR'S] LEFT SHOE, HER HALIZAH IS INVALID, BUT R. ELEAZAR DECLARES IT TO BE VALID.

GEMARA. May it be suggested that they⁶ differ on the following principle: The one Master⁷ holds the opinion that lawsuits are to be compared to plagues,⁸ while the other Master⁹ holds the opinion that lawsuits cannot be compared to plagues?¹⁰ — No; all agree that lawsuits cannot be compared to plagues; for should they be compared, even the close of a legal process could not have been allowed at night.¹¹ Here, however, they¹² differ on the following principle: One Master⁹ holds that halizah is like the commencement of legal proceedings¹³ and the other Master¹⁴ holds that halizah is like the close of the proceedings.¹⁵

Rabbah¹⁶ b. Hiyya of Ktesifon¹⁷ carried out a halizah with a felt sock, with no other men present, at night. Said Samuel: How great is his authority¹⁸ in acting on the view of one individual!¹⁹ What [however, could be his] objection?²⁰ If [against the use of the] felt sock, an anonymous Baraitha²¹ [permits it]!²² If [against his acting at] night, our anonymous Mishnah²³ [permits this]!²⁴ — His objection, however, is [that Rabbah acted] alone. How [he objected] could he act alone when it was only one individual who expressed approval of such a procedure!²⁵ For we learned: If [a sister-in-law] performed halizah in the presence of two or three men, and one of them. was discovered to be a relative or in any other way unfit [to act as judge], her halizah is invalid; but R. Simeon and R. Johanan ha-Sandalar declare it valid. Furthermore, it once happened that a man submitted to halizah with none present but himself and herself in a prison, and when the case came before R. Akiba he declared the halizah valid.²⁶

And²⁷ if you prefer I might say: All these [rulings] also are the views of²⁸ an individual. For it was taught: R. Ishmael son of R. Jose stated, 'I saw R. Ishmael b. Elisha carry out a halizah with a felt sock, with no other men present, and [this occurred] at night'.

WITH [THE LEVIR'S] LEFT SHOE HER HALIZAH etc. What is the Rabbis' reason? 'Ulla replied: [The meaning of] 'foot' [here]²⁹ is deduced from that of foot³⁰ in the context of the leper. As there³¹ it is the right³² so here³³ also it must be the right. Does not R. Eleazar, then, deduce [the meaning of] foot [here]³³ from that of foot³⁴ in the context of the leper? Surely, it was taught: R. Eleazar stated, Whence is it deduced that the boring [of the ear of a Hebrew slave]³⁵ must be performed on his right ear? — For the term ear was used here³⁶ and the term 'ear' was also used elsewhere;³⁷ as there³⁷ it is the right ear³⁸ so here also it is the right ear!³⁹ — R. Isaac b. Joseph replied in the name of R. Johanan: The statement is to be reversed.⁴⁰

Raba said: There is, in fact, no need to reverse [the statement,³⁶ the reply to the objection⁴¹ being that] the terms 'ear'⁴² [are both] free [for the deduction];⁴³ the terms of 'foot,'⁴⁴ however, are not free for deduction.⁴⁵ But even if [one of the texts] is not free for deduction, what objection can be raised [against the deduction]?⁴⁶ — It may be objected: The case of the leper is different,⁴⁷ since he is also required [to bring] cedar-wood and hyssop and scarlet.⁴⁸ MISHNAH. [IF A SISTER-IN-LAW] DREW OFF [THE LEVIR'S SHOE] AND SPAT,⁴⁹ BUT DID NOT RECITE [THE FORMULAE],⁵⁰ HER HALIZAH IS VALID.⁵¹ IF SHE RECITED [THE FORMULAE] AND

SPAT, BUT DID NOT DRAW OFF THE SHOE, HER HALIZAH IS INVALID.⁵² IF SHE DREW OFF THE SHOE AND RECITED [THE FORMULAE] BUT DID NOT SPIT, HER HALIZAH, R. ELIEZER⁵³ STATED, IS INVALID; AND R. AKIBA STATED: HER HALIZAH IS VALID.

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- (1) All the spoil of which was to be burned. Cf. Deut. XIII, 13ff.
 - (2) As a part of his shroud.
 - (3) Not being used for walking it cannot be regarded as a shoe.
 - (4) The approved sandal kept by a Beth din for the special purpose of halizah ceremonials.
 - (5) Presumably not. Hence it may well be regarded as a shoe made for the purpose of walking.
 - (6) The first Tanna and R. Eleazar in our Mishnah.
 - (7) The first Tanna.
 - (8) Both having been mentioned in the same Scriptural verse (Deut. XXI, 5). As plagues may be examined by the priest in the daytime only (based on Lev. XIII, 24: 'On the day when raw flesh is seen in him',) so may lawsuits also be dealt with by the court in the daytime only. Halizah involving as it does the question of the widow's kethubah is regarded as coming under the category of lawsuits.
 - (9) R. Eleazar.
 - (10) Cf. Sanh. 34b, Nid. 500
 - (11) But, as a matter of fact, this was explicitly allowed. Cf. Sanh. 32a.
 - (12) The first Tanna and R. Eleazar in our Mishnah.
 - (13) Which must take place in the daytime only. Cf. Sanh. 34b.
 - (14) The first Tanna.
 - (15) Which is allowed even in the night-time. Cf. p. 715, n. 8.
 - (16) Others, 'Raba'. Cf. Alfasi and ש"ס.
 - (17) On the eastern bank of the Tigris in the south of Assyria.
 - (18) Ironical exclamation.
 - (19) The ruling of the majority being against this opinion.
 - (20) Against Rabbah's action.
 - (21) Lit., 'it was taught'.
 - (22) Supra 102b. And the halachah, as a rule, is in agreement with the anonymous ruling.
 - (23) Cf. Rashi, s.v. ת"ל a.l. Cur. edd., it was taught'.
 - (24) Cf. supra n. 9.
 - (25) Lit., 'taught it'.
 - (26) Thus it is proved that it is an individual opinion, that of R. Akiba, that permits halizah in the absence of witnesses.
 - (27) Cf. Bah. Cur. edd. insert: 'And R. Joseph b. Manyumi stated in the name of R. Nahman that the halachah is not in agreement with that pair.' This occurs infra 105b, but is irrelevant here.
 - (28) Lit., 'taught them'.
 - (29) Deut. XXV, 9, dealing with halizah.
 - (30) Lev. XIV, 14.
 - (31) In the case of the leper.
 - (32) Since the text explicitly mentions it.
 - (33) In halizah.
 - (34) Lev. XIV, 14.
 - (35) Who refuses to go out free. V. Ex. XXI, 5f.
 - (36) V. previous note.
 - (37) With the leper. Lev. XIV, 14.
 - (38) Since the text explicitly mentions it.
 - (39) Kid. 15a, which shews that R. Eleazar does make deduction from the terms used in the context of the leper.
 - (40) In our Mishnah. It is R. Eleazar, and not the first Tanna, who ruled that halizah with the left shoe is invalid.
 - (41) As to why R. Eleazar draws an analogy between the terms of ear and not between those of foot.
 - (42) Lit., 'ear, ear'.
 - (43) Both in the case of leper (Lev. XIV, 14 and 17) and in that of the slave (Ex. XXI, 6 and Deut. XV, 17) one of the terms is superfluous and, therefore, free for the deduction that the boring must be performed on the right ear.

(44) Lit., 'foot, foot'.

(45) Though in the context of the leper the term foot occurs twice (Lev. XIV. 14 and 17), in that of halizah it appears only once (Deut. XXV, 9). As in the latter text it is required for the context itself no deduction can be made from such an analogy unless it is one that is free from all possible objection.

(46) Cf. supra n. 14 final clause. Since no refutation can be advanced, the deduction, though based on texts of which one only is free for the purpose, should hold!

(47) From that of halizah.

(48) On the day of his cleansing. (Cf. Lev. XIV, 4). The laws of the leper, being in this respect more rigid than those of halizah, may also be more rigid in respect of the requirement of the right shoe. Hence R. Eleazar's opinion that no deduction is to be made from the analogous words, and that halizah with the left shoe is, therefore, valid.

(49) Cf. Deut. XXV, 9.

(50) Prior to the halizah she declares (a) 'My husband's brother refuseth to raise up unto his brother a name in Israel; he will not perform the duty of a husband's brother unto me' (ibid. 7). After the halizah she exclaims, (b) 'So shall it be done unto the man that doth not build up his brother's house' (ibid. 9).

(51) The omission of an act, but not that of a formula, renders a halizah invalid. V. infra.

(52) Cf. supra n. 3.

(53) Cf. marg. note. Cur. edd., 'Eleazar'.

Talmud - Mas. Yevamoth 104b

SAID R. ELIEZER TO HIM: [SCRIPTURE STATED], SO SHALL BE DONE,¹ ANYTHING WHICH IS A DEED² IS A SINE QUA NON.³ R. AKIBA, HOWEVER, SAID TO HIM, FROM THIS VERY TEXT⁴ PROOF [MAY BE ADDUCED FOR MY VIEW]: SO SHALL BE DONE UNTO THE MAN,⁵ ONLY THAT WHICH IS TO BE DONE UNTO THE MAN.⁶

IF A DEAF⁷ LEVIR SUBMITTED TO HALIZAH, OR IF A DEAF⁷ SISTER-IN-LAW PERFORMED HALIZAH, OR IF A HALIZAH WAS PERFORMED ON A MINOR, THE HALIZAH IS INVALID.

[A SISTER-IN-LAW] WHO PERFORMED HALIZAH WHILE SHE WAS A MINOR MUST AGAIN PERFORM HALIZAH WHEN SHE BECOMES OF AGE; AND IF SHE DOES NOT AGAIN PERFORM IT, THE HALIZAH IS INVALID.

IF [A SISTER-IN-LAW] PERFORMED HALIZAH IN THE PRESENCE OF TWO OR THREE MEN AND ONE OF THEM WAS DISCOVERED TO BE A RELATIVE OR ONE IN ANY OTHER WAY UNFIT [TO ACT AS JUDGE], HER HALIZAH IS INVALID; BUT R. SIMEON AND R. JOHANAN HA-SANDELAR DECLARE IT VALID. FURTHERMORE,⁸ IT ONCE HAPPENED THAT A MAN SUBMITTED TO HALIZAH PRIVATELY BETWEEN HIMSELF AND HERSELF IN A PRISON, AND WHEN THE CASE CAME BEFORE R. AKIBA HE DECLARED THE HALIZAH VALID.

GEMARA. Raba said: Now that you have stated⁹ that the recital [of the formulae]¹⁰ is not a sine qua non, the halizah of a dumb man and a dumb woman is valid.

We learned: IF A DEAF LEVIR SUBMITTED TO HALIZAH, OR IF A DEAF SISTER-IN-LAW PERFORMED HALIZAH, OR IF A HALIZAH WAS PERFORMED ON A MINOR, THE HALIZAH IS INVALID. Now, what is the reason?¹¹ is it not because these are unable to recite [the formulae]?¹² — No; because they are not in complete possession of their mental faculties.¹³ If so, [the same applies] also to a dumb man and to a dumb woman!¹⁴ — Raba replied: A dumb man and a dumb woman are in full possession of their mental faculties, and it is only their mouth that troubles¹⁵ them. But, surely, at the school of R. Jannai it was explained [that the reason why a deaf-mute is unfit for halizah is] because [the Scriptural instruction], He shall say¹⁶ or She shall say¹⁷ is

inapplicable to such a case!¹⁸ — [Say] rather, if Raba's statement was ever made it was made in connection with the final clause: IF A DEAF LEVIR SUBMITTED TO HALIZAH, OR IF A DEAF SISTER-IN-LAW PERFORMED HALIZAH, OR IF A HALIZAH WAS PERFORMED ON A MINOR, THE HALIZAH IS INVALID. [It is in connection with this that] Raba said: Now that you have stated that the recital of [the formulae]¹⁹ is a sine qua non, the halizah of a dumb man or a dumb woman is invalid. And our Mishnah²⁰ [is based on the same principle] as [that propounded by] R. Zera; for R. Zera stated: Wherever proper mingling²¹ is possible actual mingling is not essential,²² but where proper mingling is not possible²³ the actual mingling is a sine qua non.²⁴

[The following ruling] was sent to Samuel's father: A sister-inlaw who spat²⁵ must perform the halizah.²⁶ This implies that she is rendered unfit for the brothers;²⁷ but whose view is this?²⁸ If it be suggested [that it is that of] R. Akiba, it may be objected:²⁹ If R. Akiba said that it³⁰ was not indispensable³¹ even where the actual commandment [of halizah is being performed, in which case] it could be argued that it could be given the same force as [the burning] of the altar portions of the sacrifices. which is not an essential [rite] when [the portions] are not available,³² and yet is a sine qua non when they are available,³³ [would he regard it³⁰ as a reason for the woman] to become thereby unfit for the brothers! [Should it be suggested], however, [that the view³⁴ is that] of R. Eliezer,³⁵ surely [it may be retorted] are two acts which jointly effect permissibility,³⁶ and any two acts that jointly effect permissibility are ineffective one without the other!³⁷ — Rather, the view³⁸ is in agreement with that of Rabbi. For it was taught: The Pentecostal lambs³⁹ cause the consecration of the bread⁴⁰ only by their slaughter.⁴¹ In what manner?⁴² If they were slaughtered for the purpose of the festival sacrifices⁴³ and their blood also was sprinkled with such intention,⁴³ the bread becomes consecrated. If they were not slaughtered for the purpose of the festival sacrifices,⁴⁴ though their blood was sprinkled for the proper purpose,⁴³ the bread does not become consecrated. If they were slaughtered for the purpose of the festival sacrifices⁴³ and their blood was sprinkled for another purpose,⁴⁵ [the bread] is partly consecrated and partly unconsecrated;⁴⁶ so Rabbi. R. Eleazar son of R. Simeon, however, stated: [The bread] is never consecrated unless the slaughtering [of the lambs] and the sprinkling of their blood were both intended for the proper purpose of the festival.⁴⁷

Did R. Akiba, however, hold that the act of spitting does not render the woman unfit?⁴⁸ Surely it was taught: If she drew off [the levir's shoe] but did not

(1) Deut. XXV, 9, emphasis on done. יעשה (rt. עשה). V. infra n. 7.

(2) מעשה (rt. עשה). Cf. supra n. 6.

(3) The omission of any act, therefore, renders the halizah invalid.

(4) Lit., 'from there'.

(5) Deut. ibid., emphasis on man.

(6) As, e.g., drawing off the shoe which is an act on the body of the levir. Spitting, therefore, is excluded.

(7) The 'deaf' spoken of in the Talmud literature is always to be understood as a deaf-mute. Cf. Ter. I, 2.

(8) I.e., not only in a case where there were at least two judges but even where no one beside the levir and the sister-in-law 'was present.

(9) In the first clause of our Mishnah.

(10) V. supra p. 718, n. 2.

(11) For the invalidity.

(12) Cf. supra p. 718, n. 12. How then could it be said that recital of the formulae is not an indispensable condition?

(13) The minor because of his immature age, and the deaf and dumb because of his physical defects which adversely affect his mental powers.

(14) Why then is their halizah valid?

(15) Lit., 'pains

(16) Cf. Deut. XXV, 8.

(17) Cf. ibid. 7 and 9.

(18) How then can halizah of a dumb person be regarded as valid!

- (19) V. supra p. 718, n. 2.
- (20) Which stated that if she did not recite the formulae the halizah is valid
- (21) Of the flour and the oil of a meal-offering. With one log of oil for sixty 'esronim (v. Glos.) of flour, and a maximum of sixty 'esronim in one pan, perfect mingling is possible.
- (22) Even if no mingling has taken place the meal-offering is acceptable.
- (23) Where, e.g., the proportions of the mixture were less than a log for sixty 'esronim or where more than sixty 'esronim were placed in one pan.
- (24) Men. 18b, 103b. With halizah also, though in the case of persons who are able to recite the prescribed formulae, the omission does not invalidate the halizah, in the case of dumb persons for whom it is physically impossible ever to recite the formulae, the omission of it does render the halizah invalid.
- (25) In the presence of the Beth din.
- (26) Though her act was not a part of a formal halizah ceremony, she forfeits thereby her right ever to contract levirate marriage with any of the levirs.
- (27) V. supra n. 7.
- (28) That an informal act of spitting renders the woman unfit for marriage with the brothers.
- (29) Lit., 'now'.
- (30) The act of spitting.
- (31) Which shews what little significance R. Akiba attaches to this part of the ceremony.
- (32) If, for instance, they were lost or became unfit for the altar owing to uncleanness. Cf. Pes. 59b.
- (33) So in the case of halizah, R. Akiba might have been expected to regard the spitting, which is an act that can be performed, as an essential.
- (34) V. supra note 9.
- (35) Cur. ed., 'Eleazar' (cf. supra p 718, n. 5); who stated in our Mishnah that the act of spitting was indispensable. (17) Drawing off the shoe and spitting.
- (36) Of the sister-in-law to marry a stranger.
- (37) Cf. Men. 89a.
- (38) V. supra p. 720, n. 9.
- (39) V. Num. XXVIII, 26-31.
- (40) The two loaves that were also brought to the Temple on Pentecost. V. Lev. XXIII, 17.
- (41) The waving of the loaves and the lambs together, which precedes the slaughter of the latter, does not effect the proper consecration of the bread.
- (42) Is consecration effected even after slaughtering of the lambs.
- (43) Lit., 'for their name'.
- (44) Lit., not for their name'; i.e., if they were intended to be merely sacrifices, not specifically those prescribed for the Pentecost festival.
- (45) Cf. supra n. 9.
- (46) I.e., it is subject to some, but not to all, of the restrictions of properly consecrated bread.
- (47) Cf. supra note 8. Pes. 13b, Men. 47a. Thus it has been shewn that according to Rabbi, where two acts such as proper slaughtering and proper sprinkling are required, consecration is partially effected even though the former act alone was properly performed. Similarly, in respect of halizah, one of the prescribed acts is sufficient to render the woman unfit for the levirate marriage.
- (48) For the levirate marriage.

Talmud - Mas. Yevamoth 105a

spit nor recite,¹ her halizah is valid. If she spat but did not draw off the shoe nor recite,² her halizah is invalid³ if she recited² but did not spit nor draw off the shoe, there is here no reason whatsoever for apprehension.⁴ Now, whose [view is here represented]? If it be suggested [it is that of] R. Eliezer, [how could it be stated that] 'if she drew off [the levir's shoe] but did not spit nor recite, her halizah is valid' when, surely, R. Eliezer said: SO SHALL BE DONE, ANYTHING WHICH IS A DEED IS A SINE QUA NON? It is consequently obvious [that it is the view of] R. Akiba; and yet it was stated that 'if she spat but did not draw off the shoe nor recite, her halizah is invalid'. To whom,

[however, does the invalidity cause her to be forbidden]?⁵ If it be suggested, 'To strangers';⁶ is not this [it may be retorted] self-evident? Is it a halizah [like this that would enable the sister-in-law] to become free to marry a stranger!⁷ It must therefore, be admitted⁸ [that the validity refers to her state of prohibition] to the brothers.⁹ Thus you have our contention proved.

According to R. Akiba, wherein lies the legal difference between the act of spitting and that of reciting?¹⁰ — Recital¹¹ that must take place both at the commencement¹² [of the halizah ceremony] and at its conclusion¹³ cannot be mistaken;¹⁴ spitting, however, which does not take place at the beginning but only at the end, might be mistaken [for a proper halizah],¹⁵ and thus¹⁶ a proper halizah also would be permitted to marry the brothers.¹⁷

Others say that the following ruling was sent to him:¹⁸ A sister-in-law who spat¹⁹ may afterwards perform halizah and need not spit a second time.²⁰ So, in fact, it once happened that a sister-in-law²¹ who came before R. Ammi, while R. Abba b. Memel was sitting in his presence, spat prior to her drawing off the shoe. 'Arrange the halizah for her', said R. Ammi to him,²² 'and dismiss her case'.²³ 'But surely'. said R. Abba to him, 'spitting is a requirement!' — 'She has spat indeed!' 'But let her spit [again]; what could be the objection?' — 'The issue might [morally and religiously] be disastrous; for should you rule that she is to spit again, people might assume that her first spitting was ineffective²⁴ and thus²⁵ a proper haluzah also would be permitted to marry the brothers!'²⁶ 'But is it not necessary. [that the various parts of the halizah] should follow in the prescribed order?' — 'The order of the performances is not essential'. He²² thought [at the time] that the other²⁷ was merely shaking him off. When, however, he went out he carefully considered the point and discovered that it was taught: Whether drawing off the shoe preceded the spitting or whether spitting preceded the drawing off, the action performed is valid.²⁸

Levi once went out [to visit] the country towns,²⁹ when he was asked: 'May a woman whose hand was amputated perform halizah?³⁰ What is the legal position where a sister-in-law spat blood? [It is stated in Scripture]: Howbeit I will declare unto thee that which is inscribed in the Writing of Truth;³¹ does this³² then imply that there exists a [divine] Writing that is not of truth?' He was unable to answer.³³ When he came and asked these questions at the academy. they answered him: Is it written, 'And she shall draw off with her hand'?³⁴ Is it written, 'And spit spittle'?³⁴ [As to the question] 'Howbeit I will declare unto thee that which is inscribed in the Writing of Truth,³¹ does this then imply that there exists a [divine] Writing that is not of truth'? There is really no difficulty. For the former³⁵ refers to a [divine] decree that was accompanied by an oath while the latter³⁶ refers to one that was not accompanied by an oath. [This is] in accordance with a statement of R. Samuel b. Ammi. For R. Samuel b. Ammi stated in the name of R. Jonathan: Whence is it deduced that a decree which is accompanied by an oath is never annulled?³⁷ — From the Scriptural text, Therefore I have sworn unto the House of Eli, that the iniquity of Eli's house shall not be expiated with sacrifice nor offering for ever.³⁸ Rabbah said: It will not be expiated 'with sacrifice nor offering', but it will be expiated with the words of the Torah.

Abaye said: It will not be expiated 'with sacrifice nor offering' but it will be expiated with the practice of lovingkindness.

Rabbah and Abaye were both descendants of the house of Eli. Rabbah who engaged in the study of the Torah lived forty years. Abaye, however, who engaged in the study of the Torah and the practice of lovingkindness, lived sixty years.

Our Rabbis taught: There was a certain family in Jerusalem whose members used to die when they were about the age of eighteen. When they came and acquainted R. Johanan b. Zakkai [with the fact,] he said to them: 'perchance you are descendants of the family of Eli concerning whom it is written in Scripture. And all the increase of thy house shall die young men;³⁹ go and engage in the

study of the Torah, and you will live'. They went and engaged in the study of the Torah and lived [longer lives]. They were consequently called 'The family of Johanan', after him.

R. Samuel b. Unia stated in the name of Rab: Whence is it deduced that a [divine] dispensation against a congregation is not sealed? — [You say] 'Is not sealed'! Surely it is written, For though thou wash thee with nitre, and take thee much soap, yet thine iniquity is marked before Me!⁴⁰ — But [this is the question]: Whence is it deduced that even if it has been sealed it is torn up? — From the Scriptural text, What . . . as the Lord our God is whensoever we call upon him.⁴¹ But, surely, it is written, Seek ye the Lord while He may be found!⁴² — This is no contradiction. The latter applies to an individual, the former to a congregation. And⁴³ when may an individual [find him]? R. Nahman replied in the name of Rabbah b. Abbuha: In⁴⁴ the ten days between the New Year and the Day of Atonement.⁴⁵

[The following ruling] was sent to Samuel's father: A sister-in-law who spat blood shall perform halizah,⁴⁶ because it is impossible that blood should not contain some diluted particles of spittle.

An objection was raised: It might have been assumed that blood that issues from his⁴⁷ mouth or membrum virile is unclean,⁴⁸ hence it was explicitly stated, His issue is unclean,⁴⁹ but the blood which issues from his mouth or from his membrum virile is not unclean, but clean!⁵⁰ — This is no contradiction: The former⁵¹ is a case⁵² where she sucks in;⁵³ the latter,⁵⁴ where [the blood] flows gently.

IF A DEAF LEVIR SUBMITTED TO HALIZAH etc.

(1) The prescribed formulae. V. supra p. 718. n. 2.

(2) V. p. 721, n. 14.

(3) But the woman is rendered unfit for the levirate marriage. V. infra.

(4) I.e., even levirate marriage is permitted.

(5) The expression פסולה, here rendered 'invalid', bears in the original a double meaning: (a) the halizah itself is invalid and (b) the woman becomes invalid, i.e., unfit to contract a marriage. V. infra note 8.

(6) Lit., 'to the world', i.e., as the halizah is invalid the woman still remains forbidden to all men except the levirs.

(7) Obviously not. Mere spitting could not possibly be regarded as a proper halizah.

(8) Lit., 'but not'.

(9) The second meaning of פסולה (v. supra note 4. (b) being that the woman is forbidden to contract the levirate marriage with any of the brothers. Cf. Git. 24b.

(10) Since both acts are not indispensable, why does the former act according to R. Akiba cause the sister-in-law to be forbidden to the brothers (as has just been proved), while the latter does not (R. Akiba having stated supra that there was 'no reason whatsoever for apprehension')?

(11) Of the prescribed formulae.

(12) V. supra p. 718, n. 2 (a).

(13) V. loc. cit. n. 2 (b).

(14) For a proper halizah. Where the sister-in-law is allowed to marry a levir it is obvious to all who know of the recital that it was only the first formula that was recited and that no halizah had followed it.

(15) Anyone witnessing the spitting would form the opinion that the other parts of the halizah ceremonial had preceded it.

(16) Were she subsequently permitted to marry a levir.

(17) Hence R. Akiba's prohibition. Cf. supra p. 722. n. 9.

(18) To Samuel's father. Cf. supra 104b.

(19) Before Beth din, though her act did not form a part of the formal halizah ceremony.

(20) At the proper time when the formal ceremony is carried out.

(21) Cf. Bah. a.l. wanting in cur. edd.

(22) R. Abba.

- (23) I.e., there is no need for her to spit again.
- (24) And the woman would consequently be allowed to marry a levir even after she had spat:
- (25) By allowing her to contract levirate marriage.
- (26) Cf. supra note 1.
- (27) R. Ammi.
- (28) Cf. infra 106b, Sanh. 49b.
- (29) In the course of a lecture tour. According to the Palestinian Talmud and the Midrash Rabbah, Levi was sent by R. Judah the Prince to take up an appointment as teacher and judge in a provincial town. In his excitement and pride he grew so bewildered that he was unable to answer the following three questions.
- (30) With her teeth.
- (31) Dan. X, 21, taken to refer to divine dispensation.
- (32) The adjectival phrase 'of truth'.
- (33) Lit., 'it was not in his hand'.
- (34) Certainly not.
- (35) 'Writing of truth', i.e., 'permanent', 'unalterable'.
- (36) The 'writing that is not of truth', i.e., which may be altered or recalled.
- (37) Lit 'torn up'.
- (38) I Sam. III, 14, emphasis on 'sworn' and 'for ever'.
- (39) I Sam. II, 33.
- (40) Jer. II, 22, emphasis on 'marked' 'sealed'. The Hebrew equivalent of the former is נכתם which is similar in sound to that of the letters *נחתם.
- (41) Deut. IV, 7.
- (42) Isa. LV, 6, emphasis on while he may be found, implying that there are times when he may not be found!
- (43) Cf. Bah.
- (44) Lit., 'these are'.
- (45) Known as the 'ten days of penitence', עשרת ימי תשובה ע.
- (46) As in the case of ordinary spitting. she may not subsequently contract levirate marriage.
- (47) A man who hath an issue, cf. Lev. XV, 2.
- (48) As his spittle or issue respectively is unclean.
- (49) Ibid., emphasis on issue.
- (50) Nid. 56a. Apparently because the blood contains no particle of spittle (cf. supra n. 10), which is contradictory to the previous statement that all blood contains some particles of spittle.
- (51) The ruling sent to Samuel's father.
- (52) Lit., 'here'.
- (53) When it is inevitable that some spittle should be mingled with the blood.
- (54) Lit., 'here'.

Talmud - Mas. Yevamoth 105b

Rab Judah stated in the name of Rab:¹ This² is the view of R. Meir;³ but the Sages maintain that the halizah of a minor has no effect at all.⁴

[A SISTER-IN-LAW] WHO PERFORMED HALIZAH WHILE SHE WAS A MINOR etc. Rab Judah stated in the name of Rab: This⁵ is the view of R. Meir who stated, 'In the Pentateuchal section [of halizah] the expression man⁶ is used,⁷ and the woman is to be compared to the man'.⁸ The Sages, however, maintain that in the Pentateuchal section 'man' was written;⁷ [and as to] a woman, whether she is of age or a minor [her halizah is valid].

Who [is the Tanna here described as the] Sages? — It is R. Jose. For R. Hiyya and R. Simeon b. Rabbi once sat together, when one of them began as follows:⁹ A man who offers up his prayers must direct his eyes towards [the Temple]¹⁰ below,¹¹ for it is said, And Mine eyes and Mine heart shall be there perpetually.¹² And the other said: The eyes of him who offers up prayers shall be directed¹³

towards [the heavens] above, for it is said Let us lift up our heart with our hand.¹⁴ In the meanwhile they were joined by R. Ishmael son of R. Jose. 'On what subject are you engaged?' he asked them. 'On the subject of prayer', they replied. 'My father', he said to them, 'ruled thus: A man who offers up his prayers must direct his eyes to the [Sanctuary] below and his heart towards [the heavens] above so that these two Scriptural texts may be complied with.' While this was going on, Rabbi entered the academy.¹⁵ They, being nimble, got into their places quickly. R. Ishmael son of R. Jose, however, owing to his corpulence¹⁶ could only move to his place with slow steps. 'Who is this man, cried Abdan¹⁷ out to him, 'who strides over the heads¹⁸ of the holy people!' The other replied. 'I am Ishmael son of R. Jose who have come to learn Torah from Rabbi'.¹⁹ 'Are you, forsooth, fit', the first said to him, 'to learn Torah from Rabbi?' — 'Was Moses fit', the other retorted, 'to learn Torah from the lips of the Omnipotent!' 'Are you Moses indeed!' the first exclaimed. — 'Is then your Master a god!' the other retorted. R. Jose remarked: Rabbi got what he merited when the one²⁰ said to the other²¹ 'Your Master' and not 'my Master'.²² While this was proceeding a sister-in-law came before Rabbi.²³ 'Go out', said Rabbi to Abdan, 'and have her examined'.²⁴ After the latter went out, R. Ishmael said to him:²⁵ Thus said my father, 'In the Pentateuchal section man²⁶ is written;²⁷ [but as to] a woman, whether she is of age or a minor [her halizah is valid]'. 'Come back', he¹⁵, cried after him,²¹ 'you need not [arrange for any examination]; the grand old man²⁸ has already given his decision [on the subject]'.

Abdan now came back picking his steps,²⁹ when R. Ishmael son of R. Jose exclaimed, 'He of whom the holy people is in need may well stride over the heads of the holy people; but how dare he of whom the holy people has no need stride over the heads of the holy people!' 'Remain in your place', said Rabbi to Abdan.

It was taught: At that instant Abdan became leprous, his two sons were drowned and his two daughters-in-law made declarations of refusal.³⁰ 'Blessed be the All Merciful', said R. Nahman b. Isaac, 'who has put Abdan to shame in this world'.³¹

'We may learn from the words of this eminent scholar',³² said R. Ammi, 'that [a sister-in-law who is] a minor may perform halizah while she is still in her childhood'.³³ Raba said: [She must wait with halizah] until she has reached the age of [valid] vows.³⁴ The law however, is [that she must not perform halizah] until she has produced two [pubic] hairs.

IF [A SISTER-IN-LAW] PERFORMED HALIZAH IN THE PRESENCE OF TWO etc. R. Joseph b. Manyumi stated in the name of R. Nahman: The halachah is not in agreement with this pair.³⁵ But, surely. R. Nahman had once stated this; for R. Joseph b. Manyumi stated in the name of R. Nahman: The halachah is that³⁶ halizah [must be performed] in the presence of three [judges].³⁷ — [Both are] required: For if the first only had been stated, it might have been assumed [that three judges are required] ab initio only. but that ex post facto even two [judges are enough] hence we were taught that 'the halachah is not in agreement with this pair'.³⁸ And if we had been taught that 'the halachah is not in agreement with this pair' but in accordance with the ruling of the first Tanna, it might have been assumed [that this applies only] ex post facto,³⁹ but that ab initio five [judges] are required,⁴⁰ [hence the former statement was also] required.⁴¹

IT ONCE HAPPENED THAT A MAN SUBMITTED TO HALIZAH⁴² etc. PRIVATELY BETWEEN HIMSELF AND HERSELF! How, then, can we know it? — Rab Judah replied in the name of Samuel: When witnesses observed it from without.

The question was raised:⁴³ Did it happen that the HALIZAH was performed privately BETWEEN HIMSELF AND HERSELF outside, AND THE CASE WAS BROUGHT BEFORE R. AKIBA IN PRISON,⁴⁴ or perhaps it happened that the HALIZAH was performed BETWEEN HIMSELF AND HERSELF in prison? — Rab Judah replied in the name of Rab: The incident occurred in prison and

the case also came up for decision in prison.⁴⁵ [

(1) Others, 'Samuel'. Cf. Tosaf. supra 96a, s.v. **רבי**.

(2) That the halizah of a minor is invalid and that it consequently prohibits the woman from contracting levirate marriage with any of the older brothers.

(3) Who stated (supra 96a) that the halizah of a minor has the same force as that of a divorce by a levir who is of age.

(4) His act is legally null and void. She is not thereby forbidden even to himself.

(5) That a sister-in-law who was a minor may not perform halizah.

(6) V. Deut. XXV, 7.

(7) Which excludes the male minor.

(8) Since both man and sister-in-law (woman) were mentioned in the same verse (ibid.). As the male minor is excluded so is the female minor excluded.

(9) Lit., 'and said'.

(10) In Jerusalem. Cf. Ber. 28b, 30a.

(11) I.e., on this earth, opp. to 'heaven' above.

(12) I Kings IX, 3. Hence it must always form the centre of attraction for all engaged in prayer.

(13) Cf. Bah. Wanting in cur. edd.

(14) Lam. III, 41, emphasis on lift up.

(15) When everyone present was expected to take his usual seat.

(16) Cf. B.M. 84a.

(17) One of Rabbi's disciples. 'Abdan' is a contraction of 'Abba Judan' by which name he is known in the Palestinian Talmud. (Cf. Tosaf. s.v. **אבא** a.l.).

(18) During the discourses of the Master the disciples were seated on the ground in Eastern fashion; and R. Ishmael, in making his way towards his seat in the front rows, was compelled to stride over the heads of the assembly.

(19) Lit., 'my master', a designation applied to R. Judah the prince who was in his time the Master par excellence.

(20) R. Ishmael.

(21) Abdan.

(22) A slight upon Rabbi's recognized high position but one he well deserved for allowing Abdan publicly to annoy R. Ishmael.

(23) Desiring him to arrange for her a halizah ceremony.

(24) To ascertain whether she has developed the marks of puberty and is consequently eligible to perform halizah.

(25) Rabbi.

(26) Which excludes the male minor.

(27) Deut. XXV, 7.

(28) R. Jose. Thus it is proved that it is R. Jose's view that was presented supra as that of 'the Sages'.

(29) Cf. supra note 4.

(30) V. Glos. s.v. Mi'un. The Talmudic text may imply that the two daughters-in-law, as minors, refused to contract levirate marriage with the brothers of their dead husband, so that the names of the deceased were 'blotted out of Israel' (cf. Golds.). Accordingly the rendering of the text should be 'two (of) his (several) sons were drowned'. The text, however, might also be rendered: 'His two sons were drowned (after) his two daughters-in-law had made declarations of refusal (against them)'.

(31) As an atonement for his ill-treatment of R. Ishmael; thus enabling him to enter the hereafter free from all sin.

(32) R. Jose **ברבי רבי** lit., 'of the school of my master', or 'of Rabbi', was a title of scholastic distinction given to many eminent scholars who were Rabbi's disciples or contemporaries, and similarly also to predecessors as well as to immediate successors among the early Amoraim. V. Nazir, Sonc., ed., p. 64, n. 1.

(33) **פגומות** (cf. **פגמ פוט**, 'to babble') 'talkers', children of six or seven years of age, who may legally purchase or sell movable property. A child at this age, being regarded as sufficiently developed to understand certain commercial transactions, is also regarded as sufficiently developed to perform a halizah.

(34) One year prior to puberty, or the age of eleven years and one day, when her vows and consecrations are valid if on examination she is found to understand their significance and purpose. (Cf. Nid. 45b).

(35) R. Simeon and R. Johanan ha-Sandalar, the halachah being in agreement with the first Tanna who maintains that three judges are required for a halizah.

(36) V. Bah. Cur. edd. omit.

(37) Cf. supra 101b.

(38) Even ex post facto, which is the case spoken of in our Mishnah, halizah is invalid if no three eligible judges were present.

(39) Of which our Mishnah speaks (cf. supra n. 3).

(40) In agreement with R. Judah (cf. supra 101a).

(41) To indicate that even in the dispute between the first Tanna and R. Judah the halachah is in agreement with the former.

(42) Cf. our Mishnah. Cur. edd. read here 'they performed halizah'.

(43) The ambiguity in our Mishnah is due to a reading which omits the Waw in וַאֲבִי so that it is possible to join 'in prison' either to the previous, or to the following clause (cf. Tosaf. s.v. וַאֲבִי).

(44) During the revolt of Bar Kokeba (132-135 C.E.) R. Akiba was for a time held by the Romans as a prisoner and was subsequently martyred.

(45) [Tosaf.: Rab Judah had it on tradition that it was so, even as it is related in T.J.: R. Johanan ha-Sandalar passed outside the prison wherein R. Akiba was incarcerated, calling out, 'Who requires needles?', 'Who requires forks?' . . . 'How is it where the halizah was performed between himself and herself?' R. Akiba thereupon looked out through the window and replied: 'Hast thou of needles (kushin)? Hast thou kasher?', thus intimating that it is legal. V. Tosef. quoted in יְשׁוּעָה for a slightly different version].

Talmud - Mas. Yevamoth 106a

Our Rabbis taught: A halizah under a false assumption¹ is valid.² What is meant by 'a halizah under a false assumption'? Resh Lakish explained: Where a levir is told, 'Submit to halizah and you will thereby wed her'. Said R. Johanan to him:³ I am in the habit of repeating a Baraita, 'Whether he⁴ had the intention⁵ [of performing the commandment of halizah] and she had no such intention, or whether she had such intention and he had not, her halizah is invalid, it being necessary⁶ that both shall at the same time have such intention',⁷ and you say that her halizah is valid!⁸ But [in fact this is the meaning]:⁹ When a levir is told, 'Submit to her halizah on the condition that she gives you two hundred zuz'.¹⁰

So it was also taught [elsewhere]: A halizah under a false assumption is valid; and what is meant by a halizah under a false assumption? One in which the levir is told 'Submit to her halizah on condition that she gives you two hundred zuz'. Such an incident, in fact, occurred with a woman who fell to the lot of an unworthy levir who was told, 'Submit to her halizah on condition that she gives you two hundred zuz'. When this case came before R. Hiyya he ruled that the halizah was valid.

A woman¹¹ once came before R. Hiyya b. Abba.¹² 'Stand up,¹³ my daughter', the Rabbi said to her. 'Her sitting is her standing',¹⁴ replied her mother.¹⁵ 'Do you know this man?'¹⁶ the Rabbi asked. 'Yes', she answered him, 'it is her money that he saw and he would like to it'.¹⁷ 'Do you not like him then?' he asked the woman.¹⁸ 'No', she replied. 'Submit to her halizah', [the Rabbi] said to [the levir], 'and you will thereby wed her'. After the latter had submitted to halizah at her hands he said to him, 'Now she is ineligible to marry you; submit again to a proper halizah that she may be permitted to marry a stranger'.

A daughter of R. Papa's father-in-law fell to the lot of a levir who was unworthy of her.¹⁹ When [the levir] came before Abaye the latter said to him, 'Submit to her halizah and you will thereby wed her'. Said R. Papa to him, 'Does not the Master accept the [relevant] ruling of R. Johanan?'²⁰ — 'What then could I tell him?' [the other asked]. 'Tell him', the first replied, "'submit to her halizah on condition that she gives you two hundred zuz.'" After [the levir] had submitted to halizah at her hand [Abaye] said to her,¹⁸ 'Go and give him [the stipulated sum]'.²¹ 'She', R. Papa replied, 'was merely fooling him';²² was it not, in fact taught: If a man escaping from prison beheld a ferry boat and said [to the ferryman], 'Take a denar and lead me across',²³ [the latter] can only claim his

ordinary fare.²⁴ From this then it is evident that the one can say to the other, 'I was merely fooling you'; so here also²⁵ [the woman may say], 'I was merely fooling you'. 'Where is your father?'²⁶ [Abaye] asked him. — 'In town', the other replied. 'Where is your mother?'²⁶ — 'In town', the other again replied. He set his eyes upon them and they died.

Our Rabbis taught:²⁷ A halizah under a false assumption is valid; a letter of divorce [given] under a false assumption is invalid.²⁸ A halizah under coercion is invalid; a letter of divorce [given] under compulsion is valid. How is this²⁹ to be understood? If it is a case where the man [ultimately]³⁰ says, 'I am willing', the halizah also [should be valid]; and if he does not say, 'I am willing', a letter of divorce also should not [be valid]! — It is this that was meant: A halizah under a false assumption is always valid, and a letter of divorce [given] on a false assumption is always invalid; but a halizah under coercion and a letter of divorce [given] under coercion are sometimes valid and sometimes invalid, the former when the man [ultimately]³⁰ declared, 'I am willing', and the latter, when he did not declare, 'I am willing'. For it was taught: He shall offer it³¹ teaches that the man is coerced.³² It might [be assumed that the sacrifice may be offered up] against his will, it was, therefore, expressly stated, In accordance with his will.³³ How then [are the two texts to be reconciled]? He is subjected to pressure until he says, 'I am willing'. And so you find in the case of letters of divorce for women: The man³⁴ is subjected to pressure until he says, 'I am willing'.³⁵

Raba reported in the name of R. Sehora in the name of R. Huna: Halizah may be arranged even though [the parties]³⁶ are unknown³⁷ A declaration of refusal³⁸ may be arranged even though the parties³⁹ are unknown.³⁷ For this reason⁴⁰ no certificate of halizah may be written⁴¹ unless the parties are known,⁴² and no certificate of mi'un⁴³ may be written⁴¹ unless the parties are known,⁴² for fear of an erring Beth din.⁴⁴

Raba in his own name, however, stated: halizah must not be arranged unless the parties⁴⁵ are known,⁴⁶ nor may a declaration of refusal⁴³ be heard unless the parties⁴⁷ are known.⁴⁶ For this reason⁴⁸ it is permissible⁴⁹ to write a certificate of halizah⁵⁰ even though the parties are not known,⁵¹ and it is also permissible⁴⁹ to write a certificate of mi'un⁵² even though the parties are not known,⁵¹ and we are not afraid of an erring Beth din.⁵³

(1) מוטעת (rt. טעה Hof.) lit., 'misled'.

(2) Tosef. Yeb. XII, Keth. 74a.

(3) Resh Lakish.

(4) The levir.

(5) When he submitted to halizah.

(6) Lit., 'until'.

(7) Tosef. Yeb. XII, supra 102b.

(8) Even when the levir was misled into thinking that he was performing an act of marriage!

(9) Of 'halizah under a false assumption'.

(10) V. Glos. Even if the promised sum was not forthcoming, the halizah is valid. Any condition in connection with an act which, like halizah, cannot be performed through an agent is illegal and void. Cf. Keth. 74a.

(11) A sister-in-law who fell to the lot of an undesirable levir. (V. infra).

(12) To meet the levir.

(13) I.e., to contract the levirate marriage.

(14) She was lame or suffered from some other chronic disease which disabled her from standing up. Another interpretation: Her 'sitting', i.e., her abstention from the marriage is her 'standing', i.e., salvation.

(15) Cf. Bah.

(16) I.e., did she know why he insisted on marrying a disabled woman? According to the second interpretation the question was whether she knew anything against his character.

(17) After which he would get rid of her. Lit., 'and he desires to eat it from her'.

(18) The sister-in-law.

- (19) But who insisted on contracting with her the levirate marriage.
- (20) Requiring both the man and the woman to be of the unanimous intention, during the ceremony, of fulfilling the commandment of halizah. V. supra.
- (21) Though the halizah was in any case valid, Abaye held that the condition must be complied with.
- (22) Lit., '(the trick of) "I fooled with you", she did to him'. Since the halizah is valid, and since it is the levir's duty to perform it, no legal obligation is incurred by promising him an excessive sum for doing that which it was his duty to do.
- (23) An excessive fee for crossing a river.
- (24) B.K. 116a.
- (25) In the case of halizah under discussion.
- (26) Abaye's query implied that R. Papa seemed to have all his needs provided for by his parents and that this left him leisure enough to indulge in fine dialectics.
- (27) Others read, 'Raba said' (She'iltot section Ki Theze).
- (28) If the condition on which it was given was not fulfilled. A condition in the case of divorce has legal validity, since a divorce may be effected through the agency of witnesses. V. Keth. 74a and cf. supra p. 730, n. 10, final clause.
- (29) The second ruling relating to coercion.
- (30) After Beth din had brought pressure to bear upon him.
- (31) Lev. I, 3.
- (32) To carry out his vow if he undertook to bring an offering.
- (33) לרצונו ibid., E.V., 'that he may be accepted'.
- (34) Who refuses to give a divorce.
- (35) Cf. Kid. 50a, B.B. 48a, Ar. 21a.
- (36) The levir and his sister-in-law who apply for a halizah to be arranged for them.
- (37) To the Beth din.
- (38) Mi'un. V. Glos.
- (39) The husband and the minor.
- (40) Since halizah or mi'un may be arranged even for unknown persons whose declarations might be false.
- (41) For a woman who applied for such a certificate to enable her to marry again. even if the usual declaration, that the parties were known to the writers, is omitted. V. infra n. 4.
- (42) To the writers who witnessed the ceremony.
- (43) Mi'un. V. Glos.
- (44) I.e., a second Beth din who might be called upon to deal with the question of the remarriage of the parties and who might be unaware of the law that halizah and mi'un may be arranged even for unknown persons, and who, in their reliance on the written certificate, might permit the woman to marry again; overlooking the fact that the usual declaration that the parties were known to the writers (cf. supra note 1) was wanting from the certificate.
- (45) V. supra p. 732, n. 10.
- (46) To the Beth din.
- (47) The husband and the minor.
- (48) Since no Beth din would allow halizah and mi'un unless the parties are known to them.
- (49) For witnesses who were present during one or other, as the case may be, of such ceremonies.
- (50) To enable the woman to marry again.
- (51) To the writers who witnessed the ceremony.
- (52) Cf. supra notes 3 and 10.
- (53) Cf. supra note 4 mutatis mutandis. Since the first Beth din must know the parties the question of mistaken identity does not arise.

Talmud - Mas. Yevamoth 106b

MISHNAH. [THIS IS THE PROCEDURE IN THE PERFORMANCE OF] THE COMMANDMENT OF HALIZAH: HE¹ AND HIS DECEASED BROTHER'S WIFE COME UNTO THE BETH DIN, AND [THE LATTER] OFFER HIM SUCH ADVICE AS IS SUITABLE TO HIS CONDITION,² FOR IT IS SAID IN THE SCRIPTURES, THEN THE ELDERS OF HIS CITY SHALL CALL HIM AND SPEAK UNTO HIM.³ SHE THEN ANNOUNCES: MY

HUSBAND'S BROTHER REFUSETH TO RAISE UP UNTO HIS BROTHER A NAME IN ISRAEL; HE WILL NOT PERFORM THE DUTY OF A HUSBAND'S BROTHER UNTO ME.⁴ THEN HE MAKES THE DECLARATION: I LIKE NOT TO TAKE HER.⁵ [THESE FORMULAE] WERE ALWAYS SPOKEN IN THE HOLY TONGUE.⁶ THEN SHALL HIS BROTHER'S WIFE DRAW NIGH UNTO HIM IN THE PRESENCE OF THE THE ELDERS AND DRAW⁷ HIS SHOE FROM OFF HIS FOOT, AND SPIT BEFORE⁸ HIS FACE,⁹ SUCH SPITTLE AS THE JUDGES CAN SEE, AND SHE RAISES HER VOICE AND SAYS:¹⁰ SO SHALL IT BE DONE UNTO THE MAN THAT DOTHT NOT BUILD UP HIS BROTHER'S HOUSE,¹¹ THUS FAR¹² USED THEY TO RECITE.¹³ WHEN, HOWEVER, R. HYRKANUS, UNDER THE TEREBINTH AT KEFAR ETAM,¹⁴ ONCE DICTATED THE READING AND COMPLETED THE ENTIRE SECTION,¹⁵ THE PRACTICE WAS ESTABLISHED TO COMPLETE THE ENTIRE SECTION.

[THAT] HIS NAME SHALL BE CALLED IN ISRAEL, 'THE HOUSE OF HIM THAT HAD HIS SHOE DRAWN¹⁶ OFF',¹⁷ IS A COMMANDMENT [TO BE PERFORMED] BY THE JUDGES AND NOT BY THE DISCIPLES.¹⁸ R. JUDAH, HOWEVER, RULED: IT IS A DUTY INCUMBENT UPON ALL PRESENT TO CRY '[THE MAN]¹⁹ THAT HAD HIS SHOE DRAWN¹⁶ OFF'.¹⁷

GEMARA. Rab Judah stated: [This is the procedure in the performance of] the commandment of halizah: She recites;²⁰ he recites;²¹ she draws off his shoe, spits and recites.²² What does he teach us [by this statement]? This is our very Mishnah! — It is this that he teaches us: The prescribed procedure is such, but if the order was reversed, it does not matter. So it was also taught: Whether the drawing off of the shoe preceded the spitting or whether the spitting preceded the drawing off, the act is valid.²³

Abaye ruled: The man who dictates the halizah formulae²⁴ shall not read for the woman [the word] not²⁵ separately and [the clause] he will perform the duty of a husband's brother unto me²⁶ separately, since this²⁷ would convey the meaning, 'He desires to perform the duty of a husband's brother to me'; but [should read without a pause]. He will not perform the duty of a husband's brother unto me. Nor shall he read for the levir [the word] not²⁸ separately and [the clause] I like²⁸ separately; for this²⁷ would convey the meaning. 'I like to take her'; but [he should read without a pause], I like not to take her.²⁹ Raba, however, stated: This³⁰ is only the conclusion³¹ of a sentence, and in a concluding clause [a pause] is of no consequence.³²

R. Ashi found R. Kahana making a painful effort to read out for a woman,³³ He will not perform the duty of a husband's brother unto me,³⁴ [without a pause]. 'Does not the Master,' he asked him, 'accept the ruling of Raba?'³⁵ — 'Raba', the other replied, 'admits in [the case of the formula] He will not perform the duty of a husband's brother unto me³⁴ [that no pause is permitted].³⁶

Abaye stated: The person who writes a certificate of halizah shall word it as follows: 'We read out for her³⁷ from My husband's brother refuseth³⁸ to³⁹ will perform the duty of a husband's brother unto me;⁴⁰ and we read out for him⁴¹ from not⁴² to³⁹ to take her;⁴³ and we read out for her from So⁴⁴ to⁴⁵ him that had his shoe drawn off.⁴⁶

Mar Zutra ruled [the paper]⁴⁷ and copied the full text.⁴⁸ Mar b. Idi⁴⁹ demurred: But, surely, [a section only of the Pentateuch] is not permitted to be written!⁵⁰ The law, however, is in agreement with the ruling of Mar Zutra.⁵¹

Abaye stated: If, when she spat, the wind carried the spittle away,⁵² her act is invalid.⁵³ What is the reason? — It is necessary that she shall spit before⁵⁴ his face.⁴⁴ If, therefore, he was tall and she was short, and the wind carried the spittle away,⁵⁵ her act is deemed to have been⁵⁶ before his face.⁵⁷ If, however, she was tall and he was short, it is necessary that [the spittle] shall drop to the level of

his face before⁵⁸ it disappears.

Raba stated: If she ate garlic and then spat⁵⁹ or if she ate a clod of earth and then spat,⁵⁹ her act is invalid.⁵³ What is the reason? — Because it is necessary that she shall spit⁴⁴ of her own free will, which is not the case here.⁶⁰

Raba further stated: The judges must see the spittle issuing from the mouth of the sister-in-law, because it is written in Scripture Before the eyes of the elders . . . and spit.⁶¹

[THAT] HIS NAME SHALL BE CALLED IN ISRAEL, 'THE HOUSE OF HIM THAT HAD HIS SHOE DRAWN OFF' IS A COMMANDMENT [TO BE PERFORMED] BY THE JUDGES AND NOT BY THE DISCIPLES. It was taught: R. Judah stated: We were once sitting before R. Tarfon when a sister-in-law came to perform halizah, and he said to us, 'Exclaim all of you: Haluz ha-na'al,⁶² haluz ha-na'al, haluz ha-na'al!' [

(1) The levir.

(2) As, for instance, whether the respective ages or characters of the parties are likely to be conducive to a happy union. Cf. supra 44a, 101b.

(3) Deut. XXV, 8.

(4) Deut. XXV, 7.

(5) Ibid. 8.

(6) The classical Hebrew in which the formulae appear in the Scripture. Cf. Sot. 32a.

(7) E.V., loose.

(8) E.V., in.

(9) Deut. XXV, 9.

(10) E.V. 'And she shall answer and say.

(11) Ibid.

(12) I.e., to the end of v. 9.

(13) Or 'dictate'. The judges dictated and the parties recited.

(14) [Var. lec. **אבום**, Cambridge Mishnah M.S. **עכו**. Krauss MGWf 1907, p. 332 reads **כפר עכום**, Capphare Accho in lower Galilee. Etam is mentioned in Judges XV, 8 and 11, I Chron. IV, 32 and II Chron. XI, 6].

(15) To the end of v. 10.

(16) E.V., loosed.

(17) Deut. XXV, 10.

(18) Who happen to be present when the halizah ceremony is being performed.

(19) E.V., him.

(20) The formula prescribed in Deut. XXV, 7.

(21) The formula, *ibid.* 8.

(22) *Ibid.* 9. Cf. Sanh. 49b.

(23) Lit., 'what he did is done'. Sanh. 49b, supra 105a.

(24) Lit., 'document', 'deed'.

(25) it:'. (Deut. XXV, 7) which is the first word of the formula.

(26) **אבה יבמי** *ibid.*

(27) The severance of the latter clause from the negative particle.

(28) Deut. XXV, 8, cf. supra n. 3.

(29) *Ibid.*

(30) Each of the clauses mentioned by Abaye.

(31) **אפסוקי**. This is the reading of Alfasi, Asheri and Bah. Cur. edd., **אפסוקי** 'breaking' . . . pausing'.

(32) Hence it is permitted to make a break between 'not' and the rest of the formula.

(33) A sister-in-law for whom he was arranging a halizah.

(34) The prescribed formula in Deut. XXV, 7.

(35) Supra, that a pause after 'not' is immaterial.

- (36) It is only in the formula of the levir, in which the negative particle, 'not', forms the first word and cannot consequently be misunderstood as being connected with any previous word, that a pause does not matter. In the woman's formula, however, where the negative particle occurs in the middle of a clause, a pause after it might imply the connection of the negative with the preceding words, so that the clause following it would assume the meaning of an affirmative statement.
- (37) The sister-in-law.
- (38) The prescribed formula in Deut. XXV, 7.
- (39) The middle portion of the formula is omitted, since it is forbidden to write down more than three consecutive words of the Pentateuch on unruled paper (cf. Git. 6b). The words permitted to be written according to Abaye represent in the Hebrew no more than two consecutive words.
- (40) V. supra p. 735, n. 4.
- (41) The levir.
- (42) **ס**⁵, the beginning of the levir's first formula.
- (43) Ibid.
- (44) Deut. XXV, 9.
- (45) V. supra note 3.
- (46) Ibid. 10, E.V., loosed.
- (47) For the halizah certificate, cf. Git. 6b.
- (48) Of each formula, not merely, as Abaye taught, its first and last words.
- (49) Others, 'Mar b. R. Ashi'. V. Alfasi and Asheri.
- (50) The Pentateuch in its entirety only may be copied. Cf. Git. 60a.
- (51) The prohibition against copying a section of the Pentateuch being limited to one that is to be used for teaching purposes. One, however, that is to be used as a mere record, as in the case of the Halizah certificate, does not come under the prohibition.
- (52) Lit., 'received', 'clutched', 'absorbed'.
- (53) Lit., 'she did not do anything'.
- (54) E.V., in.
- (55) V. supra note 16.
- (56) Lit., 'there is'.
- (57) Ibid., since at the moment the spittle left her mouth it was before the levir's face.
- (58) Lit., 'and then'.
- (59) Impulsively owing to the unpleasant taste in her mouth.
- (60) The garlic or the clod of earth having been the cause of her involuntary or instinctive action.
- (61) Deut. XXV, 9.
- (62) '(The man) that had his shoe drawn off'. V. Deut. XXV, 10.

CHAPTER XIII

MISHNAH. BETH SHAMMAI RULED: ONLY THOSE¹ WHO ARE BETROTHED² MAY EXERCISE THE RIGHT OF REFUSAL;³ BUT BETH HILLEL RULED: BOTH THOSE WHO ARE BETROTHED AND THOSE WHO ARE MARRIED. BETH SHAMMAI RULED: [A DECLARATION OF REFUSAL³ MAY BE MADE] AGAINST A HUSBAND BUT NOT AGAINST A LEVIR;⁴ BUT BETH HILLEL RULED: EITHER AGAINST A HUSBAND OR AGAINST A LEVIR. BETH SHAMMAI RULED: [THE DECLARATION]⁵ MUST BE MADE IN HIS PRESENCE, BUT BETH HILLEL RULED: EITHER IN HIS PRESENCE OR NOT IN HIS PRESENCE. BETH SHAMMAI RULED: [THE DECLARATION⁵ MUST BE MADE] BEFORE BETH DIN, BUT BETH HILLEL RULED: EITHER BEFORE BETH DIN OR NOT BEFORE BETH DIN.

BETH HILLEL SAID TO BETH SHAMMAI: [A GIRL] MAY EXERCISE THE RIGHT OF REFUSAL WHILE SHE IS A MINOR EVEN FOUR OR FIVE TIMES.⁶ BETH SHAMMAI, HOWEVER, ANSWERED THEM: THE DAUGHTERS OF ISRAEL ARE NOT OWNERLESS PROPERTY,⁷ BUT, [IF ONE] MAKES A DECLARATION OF REFUSAL, SHE MUST WAIT TILL SHE IS OF AGE, AND DECLARE HER REFUSAL⁸ AND MARRY AGAIN.

GEMARA. Rab Judah stated in the name of Samuel: What is Beth Shammai's reason?⁹ Because no stipulation is attachable to a marriage;¹⁰ and were a married minor to be allowed to exercise the right of refusal, it would come to be assumed¹¹ that a stipulation is attachable to a marriage.¹² What reason, however, could be advanced¹³ where she only entered the bridal chamber¹⁴ and no cohabitation had taken place?¹⁵ Because no condition is attachable to an entry into the bridal chamber.¹⁶ What reason, however, could be advanced¹³ where the father¹⁷ entrusted her to the representatives of the husband?¹⁸ — The Rabbis made no distinction.¹⁹ And Beth Hillel?²⁰ — It is well known that the marriage of a minor is only Rabbinically valid.²¹

Both Rabbah and R. Joseph declared: The reason of Beth Shammai²² is that no man wishes to treat his cohabitation as mere fornication.²³ What, however, can be the reason²² where she only entered the bridal chamber and no cohabitation took place?²⁴ No man would like his bridal chamber to be [an introduction to] a forbidden act.²⁵ What reason,²² then, could be advanced where the father²⁶ had entrusted her to the representatives of the husband?²⁷ — The Rabbis made no distinction.²⁸ And Beth Hillel?²⁹ — Since [a minor's marriage] involves³⁰ betrothal and kethubah no one would suggest that her husband's cohabitation was an act of fornication.

R. Papa explained: Beth Shammai's reason³¹ is because of the usufruct,³² and Beth Hillel's reason also is because of the usufruct.³² 'Beth Shammai's reason is because of the usufruct', for should you say that a married minor may exercise the right of refusal, [her husband]³³ might [indiscriminately] pluck [the fruit] and consume it, [knowing as he does] that she might leave him at any moment.³⁴ Beth Hillel, however, [say]: On the contrary; since it is laid down that she may exercise the right of refusal, [her husband] would make every effort to improve her property, fearing that if [he should] not [do this], her relatives might give her their advice [against him] and thus take her away from him.

Raba stated: The real reason³¹ of Beth Shammai is because no man would take the trouble to prepare a meal³⁵ and then spoil it.³⁶ And Beth Hillel?³⁷ — Both are pleased [to be married to each other]³⁸ in order that they may be known as married people.³⁹

BETH SHAMMAI RULED . . . AGAINST A HUSBAND etc. R. Oshaia stated: She may⁴⁰ make a declaration of refusal in respect of his ma'amar⁴¹ but she has no right to make a declaration of

refusal in respect of his levirate bond.⁴²

Said R. Hisda: What is R. Oshaia's reason? — She has the power to annul a ma'amar which is effected with her consent; she has no power, however, to sever the levirate bond since it is binding on her against her will.⁴³ But, surely, [levirate marriage by] cohabitation may be effected against her will⁴⁴

(1) Young girls who are minors and whose fathers are dead. v. infra n. 2.

(2) With the permission of their mother or brothers into whose charge they pass after the death of their fathers.

(3) Mi'un (v. Glos.) and no divorce is required.

(4) The levirate bond with whom can he severed by halizah only. Bah deletes 'but not . . . levir'.

(5) Cf. supra n. 3.

(6) And may marry again after each refusal.

(7) To be taken up by man after man without receiving proper divorce from the one before being betrothed or married to the other

(8) This is explained in the Gemara infra.

(9) For ruling that ONLY BETROTHED WOMEN MAY EXERCISE THE RIGHT OF REFUSAL and that consequently a married minor may not exercise the right.

(10) And the validity of the marriage is not in any way impaired even if the condition that was attached to it was not fulfilled. The law assumes that the man tacitly renounces, on cohabitation, the condition.

(11) The invalidity of her marriage being assumed to be due, not to her minority, but to some unfulfilled stipulation that was attached to her marriage.

(12) Even in the case of one who is of age. Hence Beth Shammai's ruling in our Mishnah. Cf. supra note 1.

(13) For the prohibition of mi'un. V. Glos.

(14) Huppah, v. Glos.

(15) In such a case, since consummation of marriage has not taken place, there is, surely, no need to provide against the erroneous assumption of the validity of a stipulation in consummated marriage!

(16) If a minor at such a stage in her marriage were allowed mi'un it might be assumed that the reason why her union was severed without a divorce was not because of her minority but owing to an unfulfilled condition that was attached to her entry into the bridal chamber, and so it would be concluded erroneously that even in the case of one who is of age a condition attached is valid.

(17) I.e., his successors in authority over the minor, after his death, viz., his wife and sons. (Cf. supra p. 738, n. 2). Where a father is alive the law of mi'un (with the exception of the case mentioned supra p. 2, n. 6) does not apply, since he has the right to give her away in perfect and proper marriage while she is a minor.

(18) An act which, though regarded as marriage, is a stage preceding that of entry into the bridal chamber, where a condition is valid, even in the case of a bride who is of age.

(19) Between a marriage fully consummated and one in its earlier stage. Since both are cases of marriage, permissibility of mi'un in the latter might lead to an erroneous conclusion concerning the former.

(20) Why do they not provide against the possibility of erroneous conclusions.

(21) No one would draw comparisons between a marriage the validity of which is only Rabbinical and one which is Pentateuchally binding.

(22) V. Supra p. 739, n. 1.

(23) Which would be the case were a married minor to be allowed to leave her husband by mi'un only without a proper divorce. Mi'un was, therefore, forbidden in order to encourage the marriage of orphan minors who, if they remain unmarried, are subject to the dangers of immorality and prostitution. Cf. infra 112b.

(24) In which case the reason given is inapplicable.

(25) Retrospective prostitution.

(26) V. Supra p. 739, n. 9.

(27) Though such an act on the part of the minor's mother or brothers constitutes marriage in accordance with Rabbinic law, as does such an act on the part of the father even in the case of one who is of age (cf. Keth. 48b), nevertheless the question of fornication does not in such a case arise. Why, then, do Beth Shammai forbid mi'un even at this stage of marriage?

- (28) Cf. supra p. 739, n. 11.
- (29) How, in view of the reason advanced, could they allow mi'un even in marriage!
- (30) Lit., 'there is'.
- (31) V. supra p. 739, n. 1.
- (32) Of the minor's melog (v. Glos.) property.
- (33) Who after marriage is entitled to the usufruct of his wife's melog property.
- (34) Lit., 'for in the end she stands to go out'.
- (35) The wedding feast.
- (36) Had mi'un been allowed after a marriage no one would, for this reason, ever marry a minor; and this might lead to immoral consequences. Cf. supra p. 740, n. 2.
- (37) v. p. 740, n. 8.
- (38) Despite the objections pointed out by Beth Shammai.
- (39) The possible loss does not, therefore, prevent a man from marrying a minor.
- (40) According to Beth Hillel who allow the right of refusal even against a levir.
- (41) If the levir made a ma'amar, she can annul it by mi'un, and no divorce is required.
- (42) Only halizah can sever the levirate bond. In ordinary cases where the levir addressed to the yebamah a ma'amar, she requires for her freedom both a divorce to annul the effect of the ma'amar, and halizah to sever the levirate bond.
- (43) Because it is due to her marriage with the deceased brother, which, since she did not exercise her right of refusal against him, remained valid.
- (44) Cf. supra 53b, 54a.

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and yet she may annul it! — [This,] however, [is really the reason]: She may annul [a kinyan by] cohabitation or by a ma'amar, because it is the levir who effects it; she cannot, however, annul the levirate bond which the All Merciful has imposed upon her.

'Ulla said: She may exercise her right of refusal even in respect of his levirate bond. What is the reason?¹ [By her refusal] she annuls the marriage of her first husband.²

Raba raised an objection against 'Ulla: The rival of anyone, entitled to make a declaration of refusal,³ who did not exercise her right, must perform the ceremony of halizah⁴ [if her husband died childless] but may not contract levirate marriage.⁵ But why? Let her exercise her right of refusal now and thereby annul the marriage of her first husband, and then let her rival⁶ contract the levirate marriage!⁷ — The rival of a forbidden relative is different.⁸ For Rami b. Ezekiel learnt: If a minor made a declaration of refusal against her husband she is permitted to marry his father,⁹ but if against the levir¹⁰ she is forbidden to marry his father. It is thus evident¹¹ that at the time she became subject to the levirate marriage she is looked upon as his¹² daughter-in-law;¹³ similarly here also¹⁴ [marriage of the rival is forbidden because] at the time of her subjection to the levirate marriage she is looked upon as his daughter's rival.¹⁵ Rab stated: If she¹⁶ made a declaration of refusal against one¹⁷ [of the levirs] she is forbidden [to marry] the others¹⁷ also; her case being analogous to that of the recipient of a letter of divorce.¹⁸ As¹⁹ the recipient of a letter of divorce is forbidden to all [the brothers] as soon as she is forbidden to one²⁰ so is there no difference here also.²¹

Samuel, however, stated: If she¹⁶ exercised her right of refusal against one²⁰ [of the levirs] she is permitted [to marry] the others;¹⁷ her case being unlike that of the recipient of a letter of divorce.¹⁸ For with the recipient of a letter of divorce¹⁸ it is he²⁰ who took the initiative against her;²² but here it is she who took the initiative against him, declaring, 'I do not like you and I do not want you; it is you whom I dislike but I do like your fellow'.

R. Assi ruled: If she¹⁶ made a declaration of refusal against one [levir] she is permitted [to marry] even him. May it be assumed that he is of the same opinion as R. Oshaia who maintains that a minor

has no right to make a declaration of refusal in respect of his levirate bond?²³ — In respect of one levir she may well be entitled to annul [the levirate bond]; here, however, we are dealing with two levirs [the reason²⁴ being] that no declaration of refusal is valid against half a levirate bond.²⁵

When Rabin came²⁶ he reported in the name of R. Johanan: If she¹⁶ exercised her right of refusal against one¹⁷ [of the levirs] she is permitted to marry the other brothers. [They], however did not agree with him. Who [are they who] did not agree with him?

Abaye said: Rab;²⁷ Raba said: R. Oshaia;²⁸ and others said: [Even] R. Assi.²⁹

BETH SHAMMAI RULED . . . IN HIS PRESENCE etc. It was taught: Beth Hillel said to Beth Shammai, 'Did not the wife of Pishon the camel driver make her declaration of refusal in his absence?' 'Pishon the camel driver', answered Beth Shammai to Beth Hillel, 'used a reversible measure;³⁰ they, therefore, used against him also a reversible measure'.³¹ Since, however, he was eating the usufruct³² it is obvious that [the minor] was married to him;³³ but [if this was the case] did not Beth Shammai rule [it may be asked] that a married minor may not exercise the right of refusal!³⁴ They bound him with two bonds.³⁵

BETH SHAMMAI RULED: . . . BEFORE BETH DIN etc. Elsewhere we learned: Halizah and declarations of mi'un [must be witnessed by] three men.³⁶ Who is the Tanna?³⁷ — Rabbah replied: This [ruling is that of] Beth Shammai.³⁸ Abaye said: You may even say [that it is the ruling of] Beth Hillel. All that³⁹ Beth Hillel really stated was that no experts⁴⁰ are required; three men, however, are indeed required. As it was, in fact, taught: Beth Shammai ruled [that mi'un must be declared] before Beth din,⁴¹ and Beth Hillel ruled: Either before a Beth din or not before a Beth din. Both, however, agree that a quorum of three is required.⁴² R. Jose son of R.⁴³ Judah and R. Eleazar son of R. Simeon⁴⁴ ruled: [Mi'un is] valid [even if It was declared] before two.⁴⁵ R. Joseph b. Manyumi reported in the name of R. Nahman that the halachah is in agreement with this pair.⁴⁶

BETH SHAMMAI, HOWEVER, ANSWERED . . . AND SHE DECLARES HER REFUSAL etc. But, surely, she has already made a declaration of refusal!⁴⁷ — Samuel replied: [The meaning is] TILL SHE IS OF AGE and states, 'I am willing to abide by the first declaration of refusal'.⁴⁸ 'Ulla replied: Two [different statements] are here made: Either she declares her refusal 'and is betrothed after she is of age,⁴⁹ or she declares her refusal, and is married forthwith.⁵⁰

According to 'Ulla one can well understand why the expression, TILL SHE IS OF AGE OR DECLARES HER REFUSAL⁵¹ AND MARRIES AGAIN, was used. According to Samuel, however, it should have been stated 'TILL SHE IS OF AGE and states'.⁵² — This is a difficulty. MISHNAH. WHICH MINOR MUST MAKE THE DECLARATION OF REFUSAL?⁵³ ANY WHOSE MOTHER OR BROTHERS HAVE GIVEN HER IN MARRIAGE WITH HER CONSENT. IF, HOWEVER, THEY GAVE HER IN MARRIAGE WITHOUT HER CONSENT SHE NEED NOT MAKE ANY DECLARATION OF REFUSAL.⁵⁴

R. HANINA B. ANTIGONUS RULED: ANY CHILD WHO IS UNABLE TO TAKE CARE OF HER TOKEN OF BETROTHAL⁵⁵ NEED NOT MAKE ANY DECLARATION OF REFUSAL.⁵⁴

R. ELIEZER⁵⁶ RULED: THE ACT OF A MINOR HAS NO VALIDITY AT ALL, BUT [SHE⁵⁷ IS TO BE REGARDED] AS ONE SEDUCED. IF, THEREFORE, SHE IS THE DAUGHTER OF AN ISRAELITE [AND WAS MARRIED] TO A PRIEST SHE MAY NOT EAT TERUMAH,⁵⁸ AND IF SHE IS THE DAUGHTER OF A PRIEST [AND WAS MARRIED] TO AN ISRAELITE SHE MAY EAT TERUMAH.⁵⁹

R. ELIEZER B. JACOB RULED: IN THE CASE OF ANY HINDRANCE [IN

REMARRYING]⁶⁰ THAT WAS DUE TO THE HUSBAND, [THE MINOR] IS DEEMED TO HAVE BEEN⁶¹ HIS WIFE; BUT IN THE CASE OF ANY HINDRANCE [IN REMARRYING] THAT WAS NOT DUE TO THE HUSBAND SHE IS NOT DEEMED TO HAVE BEEN⁶² HIS WIFE.

GEMARA. Rab Judah stated, and others say that it was taught In a Baraitha: Originally, a certificate of mi'un was drafted [as follows]: 'I do not like him and I do not want him and I do not desire to be married to him'. When, however, it was observed that the formula was too long and it was feared that

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- (1) How could she annul a bond which the 'All Merciful has imposed upon her'?
 - (2) The deceased; so that the levirate bond ceases to exist retrospectively as if it had never been in existence.
 - (3) I.e., a girl who married while she was a minor and whose father did not receive the token of her betrothal. This may occur even during the lifetime of her father if she marries a second time after she had been divorced by her first husband to whom she had been given in marriage by her father. After a divorce the father's right to give his 'minor' daughter in marriage ceases.
 - (4) With the levir, though he is the father or any other forbidden relative of the minor. It is only the rival of a woman whose marriage is Pentateuchally valid who is exempt from both levirate marriage and halizah with the forbidden relative of that woman. The marriage of a minor, who could exercise her right of refusal at any moment, is only Rabbinically valid.
 - (5) Supra 2b. Since after all the minor did not exercise her right of refusal her marriage is valid enough to forbid her rival's levirate marriage, as is the case with a Pentateuchally valid marriage.
 - (6) Who, by the declaration of refusal of the minor, ceases to be her rival.
 - (7) With the minor's forbidden relative.
 - (8) From a minor who becomes subject to halizah. While the minor may, by annulling her marriage retrospectively by the exercise of the right of mi'un, procure exemption from the halizah, her rival cannot, through the minor's exercise of this right, obtain the freedom to marry the minor's forbidden relative.
 - (9) Who, owing to her retrospective annulling by mi'un of her marriage with his son, is to him now a mere stranger.
 - (10) To whom she has become bound by the levirate obligation when her husband, against whom she did not exercise her right of mi'un, died childless.
 - (11) Since she is forbidden to marry the levir's father.
 - (12) The levir's father's.
 - (13) A status which she retains despite the mi'un.
 - (14) Though her mi'un which annulled her marriage retrospectively exempted her from halizah.
 - (15) Her subsequent estrangement, effected by the minor's mi'un, cannot remove her known status of forbidden relative's rival. Cf. supra note 10.
 - (16) A minor.
 - (17) Lit., 'this'.
 - (18) From one of the levirs.
 - (19) Lit., 'not?'
 - (20) The levir who gave her the letter of divorce.
 - (21) The mi'un which causes her to be forbidden to marry one of the brothers causes her, as in the case of divorce, to be equally forbidden to all the other brothers.
 - (22) And he is presumed to have acted on behalf of all his brothers.
 - (23) And if she did exercise It she still remains permitted to the levir, v. supra p. 741, n. 8.
 - (24) For the invalidity of the mi'un.
 - (25) She is equally bound to the two levirs, and her refusal was declared against one of them only.
 - (26) From Palestine to Babylon.
 - (27) Who stated supra that if a minor made a declaration of refusal against one of the brothers she is forbidden to all.
 - (28) R. Johanan permitted her to marry the brothers only where there were several of them (the reason being the same as that of R. Assi that a part of a levirate bond cannot be severed); where, however, there was only one brother R. Johanan forbids him to marry the minor who made a declaration of refusal against him. This ruling is contrary to that of R.

Oshaia who in all cases regards mi'un against a levirate bond as invalid.

(29) Much more so R. Oshaia (v. supra n. 13). Even R. Assi who, unlike R. Oshaia agrees with R. Johanan in permitting the marriage of a minor, after her mi'un, only where the number of levirs is more than one, differs, nevertheless, from him in allowing the minor to marry the very levir against whom her declaration of refusal was made.

(30) כפֹּשֶׁה (rt. כפֹּשׁ 'to bend'cf. מִדֵּה כפֹּשֶׁה, a measure of capacity having a deep receptacle at one end and a shallow one at the other, to defraud thereby sellers and buyers; 'a false measure'. This is a metaphor expressing Pishon's double dealing with his wife in pretending merely to eat the fruit of her melog property, to which he was in fact entitled, while in reality he was encroaching upon the property itself which belonged to her.

(31) He was paid 'measure for measure', 'tit for tat'. In other cases, however, mi'un must be declared before Beth din only.

(32) Of the minor's melog property.

(33) Not merely betrothed. Before marriage, even if betrothal had taken place, a husband is not entitled to the usufruct of his wife's melog property.

(34) How then could she here at all make such a declaration !

(35) Metaph. He was subjected to two penalties. קִטְרָא sing. קִטְרִי (Heb. קֶשֶׁר) 'knot', 'bond'.

(36) Supra 101b, Sanh. 2a.

(37) Whose ruling this statement represents.

(38) Who require the presence of a Beth din (v. our Mishnah) which consists of three men.

(39) Lit., 'until here'.

(40) Mumhin, plur. of mumhe, v. Glos.

(41) 'Of experts'. This is the reading supra 101b.

(42) Which confirms Abaye's opinion.

(43) Cur. edd., בֶּר ('son'), is apparently a misprint for בֶּר ('son of R.'), which is the reading supra, loc. cit.

(44) Cf. loc. cit. where the reading is 'Jose'.

(45) Sanh. 2a, supra loc. cit.

(46) Who require a quorum of two only, v. supra loc. cit.

(47) When she was a minor. Why then does our Mishnah speak of a second declaration of refusal after she has become of age?

(48) By the second refusal (cf. supra n. 8) only the confirmation of the first was intended. Without such confirmation it might be possible to assume that she had changed her opinion and withdrawn her first declaration.

(49) When she may no more exercise the right of mi'un even after a betrothal only.

(50) While still a minor. Since, according to Beth Shammai, mi'un after a marriage is invalid she would not be able, once she was married, to exercise that right again. The word וְתִבְאֵן translated AND DECLARES etc. should be rendered OR DECLARES etc.

(51) 'OR . . . REFUSAL is wanting in cur. edd., but is to be added (cf. our Mishnah).

(52) That she abides by her declaration.

(53) If she desires to leave her husband.

(54) She may leave her husband without any legal formality, and may marry any other man.

(55) The money or object whereby the kinyan of betrothal is effected. Cf. Kid. 2af.

(56) Cf. Bah, Bomb. ed. and separate edd. of the Mishnah; Cur. edd., 'Eleazar'.

(57) If she was given away in marriage.

(58) Her marriage being invalid, she remains in her father's control, and, like any other daughter of an Israelite who never married a priest, is forbidden to eat terumah.

(59) As the daughter of a priest who never married an Israelite. Cf. supra n. 6.

(60) Lit., 'retention (in the house of her husband)'.

(61) Lit., 'as if she was'.

(62) Lit., 'as if she was not'.

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people might mistake it for a letter of divorce,¹ the following formula was instituted: 'On the Nth day, So-and-so the daughter of So-and-so made a declaration of refusal in our presence'.

Our Rabbis taught: What is regarded as mi'un? — If she² said, 'I do not want So-and-so my husband', or 'I do not want the betrothal which my mother or my brothers have arranged for me'.³ R. Judah said even more than this:⁴ Even if while sitting in the bridal litter,⁵ and being carried⁶ from her father's house to the home of her husband, she said, 'I do not want So-and-so my husband', her statement⁷ is regarded as⁸ a declaration of refusal. R. Judah said more than this:⁹ Even if, while the wedding guests were reclining [on their dining couches] in her husband's house and she was standing and waiting¹⁰ upon them, she said to them, 'I do not want my husband So-and-so', her statement¹¹ is regarded as¹² a declaration of refusal. R. Jose b. Judah said more than this: Even if, while her husband sent her to a shopkeeper to bring him something for himself,¹³ she said, 'I do not want So-and-so my husband', you can have no mi'un more valid than this one.¹⁴

R. HANINA B. ANTIGONUS RULED: ANY CHILD etc. Rab Judah reported in the name of Samuel: The halachah is in agreement with R. Hanina b. Antigonus.

A Tanna taught: If a minor who did not make a declaration of refusal married herself again, her marriage, it was stated in the name of R. Judah b. Bathyra, is to be regarded as her declaration of refusal.

It was asked: What is the law where she¹⁵ was only betrothed?¹⁶ — Come and hear: If a minor who did not make a declaration of refusal betrothed herself [to another man], her betrothal, it was stated in the name of R. Judah b. Bathyra, is regarded as her declaration of refusal.

The question was raised: Do the Rabbis differ from R. Judah b. Bathyra or not? If you can find some ground for holding that they differ, [it may be asked whether only] in respect of betrothal,¹⁷ or even in respect of marriage? And should you find some reason for holding that they differ even in respect of marriage [the question arises whether] the halachah is in agreement with him¹⁸ or not? And if you can find some ground for holding that the halachah is in agreement with him [it may be asked whether only] in respect of marriage or also in respect of betrothal? — Come and hear: Rab Judah stated in the name of Samuel that the halachah is in agreement with R. Judah b. Bathyra;¹⁹ [since it had to be stated that] the halachah [is so] it may be inferred that they differ.²⁰

The question, however, still remains [whether the minor spoken of]²¹ is one who was married in the first instance²² or perhaps she is one who was only betrothed?²³ — Come and hear: Abdan's²⁴ daughters-in-law²⁵ rebelled [against their husbands].²⁶ When Rabbi sent a pair of Rabbis to interrogate them,²⁷ some women said to them, 'See your husbands are coming'. 'May they', they replied, 'be your husbands!'²⁸ and 'Rabbi decided: 'No more significant mi'un than this is required'. Was not this a case of marriage?²⁹ — No, one of betrothal only. The halachah, however, is in agreement with R. Judah b. Bathyra, even where marriage with the first husband has taken place.

R. ELIEZER³⁰ RULED etc. Rab Judah stated in the name of Samuel: I have surveyed [the rulings] of the Sages from all aspects and found no man who was so consistent in his treatment of the minor as R. Eliezer.³⁰ For R. Eliezer³⁰ regarded her as one taking a walk with [her husband] in his courtyard who, when she rises from his bosom, performs her ritual immersion³¹ and is permitted to eat terumah in the evening.³²

It was taught: R. Eliezer stated: There is no validity whatsoever in the act of a minor, and her husband is entitled neither to anything she may find,³³ nor to the work of her hands,³³ nor may he annul her vows,³⁴ he is not her heir³³ and he may not defile himself for her.³⁵ This is the general rule: She is in no respect regarded as his wife, except that it is necessary for her to make a declaration of refusal.³⁶ R. Joshua stated: Her husband has the right to anything she finds³⁷ and to the work of her hands,³⁷ to annul her vows,³⁴ to be her heir,³⁷ and to defile himself for her;³⁸ the

general principle being that she is regarded as his wife in every respect, except that she may leave him³⁶ by a declaration of refusal.³⁹ Said Rabbi: The views of R. Eliezer are more acceptable than those of R. Joshua; for R. Eliezer is consistent throughout in his treatment of the minor while R. Joshua makes distinctions. What [unreasonable] distinctions does he make? — If she is regarded as his wife, she should also require a letter of divorce.⁴⁰ But according to R. Eliezer also [it may be argued] if she is not regarded as his wife, she should require no mi'un either! — Should she then depart without any formality whatever?⁴¹

R. ELIEZER B. JACOB RULED: etc. What is to be understood by a HINDRANCE THAT WAS DUE TO THE HUSBAND and a HINDRANCE THAT WAS NOT DUE TO THE HUSBAND? — Rab Judah replied in the name of Samuel: If when she was asked to marry⁴² she replied, '[I must refuse the offer] owing to So-and-so my husband'; such a HINDRANCE is one THAT WAS DUE TO THE HUSBAND.⁴³ [If, however, she refused the offer] 'because', [she said] 'the men [who proposed] are not suitable for me'; such a HINDRANCE is one THAT WAS NOT DUE TO THE HUSBAND.

Both Abaye b. Abin and R. Hanina b. Abin gave the following explanation: If he gave her a letter of divorce, the HINDRANCE IS one THAT WAS DUE TO THE HUSBAND⁴⁴ and, therefore, he is forbidden to marry her relatives and she is forbidden to marry his relatives, and he also disqualifies her from marrying a priest.⁴⁵ If, however, she exercised her right of refusal against him, the HINDRANCE is one THAT WAS NOT DUE TO THE HUSBAND and, therefore, he is permitted to marry her relatives and she is permitted to marry his relatives, and he does not disqualify her from marrying a priest.⁴⁶

But surely, this⁴⁷ was specifically stated below: If a minor made a declaration of refusal against a man, he is permitted to marry her relatives and she is permitted to marry his relatives, and he does not disqualify her from marrying a priest; but if he gave her a letter of divorce he is forbidden to marry her relatives and she is forbidden to marry his relatives, and he also disqualifies her from marrying a priest!⁴⁸ — The latter⁴⁹ is merely an explanation [of the former].⁵⁰

MISHNAH. IF A MINOR MADE A DECLARATION OF REFUSAL AGAINST A MAN, HE IS PERMITTED [TO MARRY] HER RELATIVES AND SHE IS PERMITTED TO [MARRY] HIS RELATIVES, AND HE DOES NOT DISQUALIFY HER FROM [MARRYING] A PRIEST;⁵¹ BUT IF HE GAVE HER A LETTER OF DIVORCE, HE IS FORBIDDEN TO [MARRY] HER RELATIVES AND SHE IS FORBIDDEN TO [MARRY] HIS RELATIVES, AND HE ALSO DISQUALIFIES HER FROM [MARRYING] A PRIEST.⁵² IF HE GAVE HER A LETTER OF DIVORCE AND REMARRIED HER AND, AFTER SHE HAD EXERCISED HER RIGHT OF REFUSAL AGAINST HIM, SHE WAS MARRIED TO ANOTHER MAN AND BECAME A WIDOW OR WAS DIVORCED, SHE IS PERMITTED TO RETURN TO HIM.⁵³ IF, HOWEVER, SHE EXERCISED HER RIGHT OF REFUSAL AGAINST HIM⁵⁴ AND HE REMARRIED HER, AND SUBSEQUENTLY GAVE HER A LETTER OF DIVORCE AND THEN SHE WAS MARRIED TO ANOTHER MAN AND BECAME A WIDOW OR WAS DIVORCED, SHE IS FORBIDDEN TO RETURN TO HIM.⁵⁵

(1) And might consequently include the formula in letters of divorce also.

(2) The minor.

(3) Lit., 'with which they have consecrated me'.

(4) I.e., extended the scope of mi'un still further.

(5) אַפֶּרְיוֹן.

(6) Lit., 'and goes

(7) Though it might be objected that, had she really meant what she said, she would have refused to be carried to her husband.

- (8) Lit., 'it is'.
- (9) V. supra note 3.
- (10) Lit., 'and giving drink'.
- (11) Though her waiting upon the guests might seem to contradict her declaration, and though no proper Beth din is present.
- (12) Lit., 'behold it'.
- (13) Lit., 'an object of his'.
- (14) Tosef. Yeb. XIII. Though her statement might possibly be the result of a mere outburst against her husband for troubling her with his errand, and though no one but the shopkeeper was present when she made the statement.
- (15) A minor who did not make her declaration of refusal.
- (16) Not married. Has betrothal the same validity as marriage?
- (17) Do they require separate mi'un, but not in the case of marriage, where they agree with R. Judah.
- (18) R. Judah; though he is in the minority.
- (19) In respect of marriage as well as in that of betrothal.
- (20) Had they all been of the same opinion there would have been no need to make the statement that the halachah agrees with him.
- (21) Concerning whom it was ruled that no mi'un is required.
- (22) I.e., to her first husband.
- (23) But if married, specific mi'un is required.
- (24) Abdan was one of Rabbi's disciples, who, after an incident with R. Ishmael, lost his two sons the husbands of the young women here mentioned. Cf. supra 105b.
- (25) Who were minors.
- (26) Refusing to perform their marital obligations.
- (27) To ascertain whether their refusal was in earnest.
- (28) I.e., you are welcome to them.
- (29) Lit 'what not (but) that she was married', i.e., each of them was married to her husband, and, since a mere casual remark was nevertheless accepted by Rabbi as mi'un, it may be inferred that an actual marriage with, or a betrothal to another man may even more so be regarded as mi'un.
- (30) Cf. supra p. 746, n. 4.
- (31) Necessitated by their connubial intercourse.
- (32) If her father is a priest, though her husband is an Israelite. R. Eliezer does not regard the minor as a wife either in respect of the requirement of mi'un or in respect of any other restrictions or privileges such as those relating to terumah.
- (33) To which a lawful husband is entitled.
- (34) Which is the privilege of a husband. Cf. Num. XXX. 71f.
- (35) If he is a priest. Only a lawful husband may. Cf. Lev. XXI, 2.
- (36) If she wishes to marry another man.
- (37) Rabbinic law has conferred upon him the same rights as those of a lawful husband. Cf. supra n. 4.
- (38) Even if he is a priest (cf. supra n. 6). She is regarded as a meth mizwah (v. Glos.), hence he may defile himself for her though Pentateuchally she is not his proper wife.
- (39) And no letter of divorce is required.
- (40) Mi'un should not have been allowed.
- (41) Certainly not. Hence the requirement of mi'un.
- (42) While she was still living with her first husband.
- (43) Since the minor has shewn by her declaration that it was her desire to continue to live with him.
- (44) Since she did not exercise her right of refusal it is obvious that as far as she was concerned the union would never have been broken.
- (45) Like any other divorced woman.
- (46) Since she is not regarded as his wife.
- (47) Our Mishnah according to the explanation of Abaye and R. Hanina.
- (48) V. Mishnah intro. Why then should the same ruling be recorded twice?
- (49) The Mishnah cited.
- (50) R. Eliezer b. Jacob's ruling in our Mishnah.

(51) Since she is not regarded as his wife.

(52) Like any other divorced woman.

(53) It is only a divorced woman that must not be remarried by her first husband after she had been married to another (v. Deut. XXIV, 2-4) but not a minor who left her husband by mi'un which even cancels her status of divorcee in which she may find herself after a previous separation from her husband.

(54) Her first husband.

(55) Since her second separation from her first husband was by means of a letter of divorce, she retains the status of a divorcee. Cf. supra n. 6.

Talmud - Mas. Yevamoth 108b

THIS IS THE GENERAL RULE: IF DIVORCE FOLLOWED MI'UN¹ SHE IS FORBIDDEN TO RETURN TO HIM,² AND IF MI'UN FOLLOWED DIVORCE¹ SHE IS PERMITTED TO RETURN TO HIM.³

IF A MINOR EXERCISED HER RIGHT OF REFUSAL AGAINST A MAN, AND THEN SHE WAS MARRIED TO ANOTHER MAN WHO DIVORCED HER, AND AFTERWARDS TO ANOTHER MAN AGAINST WHOM SHE MADE A DECLARATION OF REFUSAL, AND THEN TO ANOTHER MAN WHO DIVORCED HER,⁴ SHE⁵ IS FORBIDDEN TO RETURN TO THE MAN FROM WHOM SHE WAS SEPARATED BY A LETTER OF DIVORCE, BUT IS PERMITTED TO RETURN TO HIM FROM WHOM SHE WAS SEPARATED BY HER EXERCISE OF THE RIGHT OF MI'UN.

GEMARA. It is thus⁶ evident that mi'un has the power to cancel⁷ divorce; but this, surely, is contradicted by the following: IF A MINOR EXERCISED THE RIGHT OF REFUSAL AGAINST A MAN AND THEN WAS MARRIED TO ANOTHER MAN WHO DIVORCED HER, AND AFTERWARDS TO ANOTHER MAN AGAINST WHOM SHE MADE A DECLARATION OF REFUSAL, AND THEN TO ANOTHER MAN WHO DIVORCED HER,⁸ SHE⁵ IS FORBIDDEN TO RETURN TO THE MAN FROM WHOM SHE WAS SEPARATED BY A LETTER OF DIVORCE, BUT IS PERMITTED TO RETURN TO HIM FROM WHOM SHE WAS SEPARATED BY HER EXERCISE OF THE RIGHT OF MI'UN, from which it is evident that mi'un against his fellow has no power to cancel⁷ his own divorce!⁹ — Rab Judah replied in the name of Samuel: There is a break¹⁰ [in our Mishnah], the one who taught the former¹¹ did not teach the latter.¹¹ Raba¹² said: But what contradiction is this? It is possible that mi'un¹³ cancels his own divorce, but that the mi'un against his fellow¹⁴ does not cancel his own letter of divorce! But in what way is the mi'un against his fellow different from one against himself] that it should not cancel his own¹⁵ divorce? [Obviously for the reason that] as she is familiar with his¹⁵ hints and gesticulations he¹⁵ might allure her and marry her again.¹⁶ [But if this is the case] mi'un against himself also should not cancel his divorce, [for the same reason] that as she is familiar with his hints and gesticulations he might allure her and marry her again! Surely, he¹⁵ had already tried to allure¹⁷ her but she did not succumb.¹⁸

If a contradiction, however, [exists it is that between one ruling] concerning his fellow against [another ruling] concerning his fellow: IF, HOWEVER, SHE EXERCISED HER RIGHT OF REFUSAL AGAINST HIM AND HE REMARRIED HER, AND HAVING SUBSEQUENTLY GIVEN HER A LETTER OF DIVORCE SHE MARRIED ANOTHER MAN AND BECAME A WIDOW OR WAS DIVORCED, SHE IS FORBIDDEN TO RETURN TO HIM. The reason [then why she is forbidden to return to him is] because she BECAME A WIDOW OR WAS DIVORCED, but had she exercised her right of refusal¹⁹ she would have been permitted to return to him,²⁰ from which it is evident that the mi'un against his fellow has the power to cancel²¹ his own divorce; but this view is contradictory to the following: IF A MINOR EXERCISED THE RIGHT OF REFUSAL AGAINST HER HUSBAND AND THEN WAS MARRIED TO ANOTHER MAN WHO

DIVORCED HER, AND AFTERWARDS TO AN OTHER MAN AGAINST WHOM SHE MADE A DECLARATION OF REFUSAL, SHE²² IS FORBIDDEN TO RETURN TO THE MAN FROM WHOM SHE WAS SEPARATED BY A LETTER OF DIVORCE, BUT IS PERMITTED TO RETURN TO HIM FROM WHOM SHE WAS SEPARATED BY HER EXERCISE OF THE RIGHT OF MI'UN. From this, then, it is evident that the mi'un against his fellow has no power to cancel²³ his own divorce! R. Eleazar replied: There is a break²⁴ [in our Mishnah]; the one who taught the former²⁵ did not teach the latter.²⁵ 'Ulla replied: [The latter statement refers to a case where], for instance, she was thrice divorced, so that she appears like a grown up.²⁶

Who taught [the two respective statements of our Mishnah]?²⁷ Rab Judah replied in the name of Rab: To this may be applied the Scriptural text,²⁸ We have drunk our water for money; our wood cometh to us for price.²⁹ In the time of proscription³⁰ the following halachah was inquired for: If a minor left her first husband with a letter of divorce and her second husband through mi'un, may she return to her first husband? They hired a man for four hundred zuz,³¹ and [through him] they addressed the enquiry to R. Akiba in prison,³² and he stated that she was forbidden.³³ R. Judah b. Bathyra [also was asked] at Nesibis and he too forbade her.³³ Said R. Ishmael son of R. Jose: There was no need for us to [ascertain] such [an halachah],³⁴ For if in a prohibition involving the penalty of kareth³⁵ he has been permitted³⁶ how much more so³⁷ in one [involving only the penalty of] a negative commandment.³⁸ But the enquiry was in this manner: If [a minor] was the wife of his mother's brother, and consequently forbidden to him as a relative of the second degree,³⁹ and his paternal brother [subsequently] married her⁴⁰ and died,⁴¹ may she now exercise her right of mi'un,⁴² and thus annul her first marriage⁴³ and so be permitted to contract the levirate marriage?⁴⁴ Is⁴⁵ mi'un valid after [a husband's] death where a religious performance⁴⁶ is involved, or not? Two men were hired for four hundred zuz⁴⁷ and when they came and asked R. Akiba in prison he ruled [that such levirate marriage was] forbidden; and when R. Judah b. Bathyra [was asked] at Nesibis he also decided that it was forbidden.

R. Isaac b. Ashian stated: Rab, however, admits that she⁴⁸ is permitted to marry the brother⁴⁹ of the man whom she is forbidden [to remarry].⁵⁰ Is not this obvious? For it is only he with whose hints and gesticulations she is familiar but not his brother!⁵¹ — It might have been assumed that [marriage with] the one⁵² should be forbidden as a preventive measure against the other⁵² hence we were taught [that his brother may marry her]. Another reading: R. Isaac b. Ashian stated: As she⁵³ is forbidden to him⁵⁴ so is she forbidden to his brothers. But, surely, she is not familiar with their hints and gesticulations!⁵⁵ — His brothers were forbidden [marriage with her] as a preventive measure against [marriage] with him.

(1) Irrespective of the number of times the man married and divorced her and the number of times she exercised the right of mi'un.

(2) Because her last separation was by means of a letter of divorce. Cf. supra. n. 8.

(3) Cf. supra n. 6.

(4) Others insert here, 'to another against whom she exercised her right of refusal' (cf. separate edd. of the Mishnah, Alfasi and Bah).

(5) Cur. edd., 'this is the general rule' is here omitted in accordance with the reading of the separate edd. of the Mishnah and Alfasi.

(6) Since it was ruled that IF MI'UN FOLLOWED DIVORCE SHE IS PERMITTED TO RETURN to her husband, despite the divorce that preceded it. Cf. supra p. 751, 15, 6.

(7) Lit., 'comes . . . and cancels'.

(8) V. supra note 1.

(9) That preceded the mi'un.

(10) תברא (rt. תבר 'to break'). Others 'contradiction' (cf. Rashi, Levy and Jast).

(11) Lit., 'this'.

(12) Others, 'Rabbah'. Cf. Bah.

- (13) The case spoken of in the first statement of our Mishnah.
- (14) Spoken of in the second statement.
- (15) The first husband.
- (16) Lit., 'entangle and bring her', i.e., he might take advantage of their earlier familiarity and insidiously ingratiate himself with her, creating dislike between her and her second husband so that she might be led to exercise her right of mi'un against the latter and return to him.
- (17) Cf. supra n. 3.
- (18) Lit., 'she was not entangled', 'confused'. The fact that she exercised the right of refusal against him after he had married her a second time and presumably made every effort to retain her, may be regarded as proof that she would not be induced to marry him a third time. When the mi'un, however, concerns a second husband. It is quite likely that, as her separation from her first husband was not due to her mi'un but to his divorcing her, she might readily consent to return to him and thus allow him to induce her to exercise her right of mi'un against her second husband.
- (19) Against her second husband.
- (20) Her first husband.
- (21) Lit., 'comes . . . and cancels'.
- (22) V. supra p. 752, n. 2.
- (23) Lit., 'comes...and cancels'.
- (24) V. supra p. 752, n. 7.
- (25) Lit., 'this'.
- (26) It is in such a case only that she may not be remarried to any of the men, even though her separation from her last husband was by mi'un. If, however, she was divorced once or twice only, the mi'un against her last husband confirms her in the state of her minority, and she may be married again by either of the men who had previously divorced her.
- (27) Concerning which it was said supra that they represent the views of different authors.
- (28) Lit., 'what (is the meaning) of that which was written'.
- (29) Lam. v, 4.
- (30) Lit., 'danger': the times of the suppression of the Bar Kokeba revolt in 135 C.E. when the study of the Torah and Rabbinic or oral law was forbidden by the Roman authorities under pain of death,
- (31) V. Glos.
- (32) The payment of the exorbitant sum of four hundred zuz for obtaining the required ruling recalled to Rab's mind the text of Lamentations quoted.
- (33) To return to her first husband.
- (34) Since, as is shewn presently, it is obvious that the minor is permitted to marry her first husband again after she has been separated from her second husband by mi'un.
- (35) Marriage with a married woman.
- (36) In the case of a minor who has exercised the right of mi'un.
- (37) Should one be permitted to marry her.
- (38) That of again marrying one's divorced wife. Thus it has been shewn that the author of the first statement in our Mishnah was Rab and that the author of the second statement was R. Ishmael son of R. Jose. Rab, though he belonged to the first generation of Amoraim, was also among the last of the Tannaim. Hence he was sometimes described as Tanna.
- (39) Forbidden by Rabbinic law. Cf. supra 21a.
- (40) After the death of her first husband.
- (41) Without issue, so that she became subject to levirate marriage with his paternal brother.
- (42) Against her first husband, through marriage with whom she became forbidden to the levir, the man in question.
- (43) And remove thereby her forbidden relationship with the levir.
- (44) With the levir between whom and herself no forbidden relationship any longer exists owing to her mi'un. Cf. supra notes 7 and 8.
- (45) Cur. edd. insert in parenthesis 'her rival'.
- (46) That of the levirate marriage (Deut. XXV, 5).
- (47) V. Glos.
- (48) A divorced minor who may not be married again by the husband who divorced her though she was separated from her second husband by mi'un.
- (49) She is not regarded as his brother's divorcee.

(50) Though her mi'un does not alter her status of divorcee in respect of her former husband himself (for the reason stated supra) it does remove it as far as marriage with his brother is concerned. She is, as a result of her mi'un, no longer regarded as his brother's divorcee.

(51) And since it is only this familiarity that is the cause of the prohibition, it is obvious that where it does not apply there should be no prohibition.

(52) Lit., 'this'.

(53) V. p. 755, n. 13.

(54) The husband who divorced her.

(55) Cf. supra p. 755, n. 16. Why then should she be forbidden to marry them?

Talmud - Mas. Yevamoth 109a

MISHNAH. IF A MAN DIVORCED HIS WIFE AND REMARRIED HER, SHE IS PERMITTED TO MARRY THE LEVIR;¹ R. ELEAZAR². HOWEVER, FORBIDS.³ SIMILARLY, IF A MAN DIVORCED AN ORPHAN⁴ AND REMARRIED HER,⁵ SHE IS PERMITTED TO MARRY THE LEVIR;⁶ R. ELEAZAR, HOWEVER, FORBIDS.

IF A MINOR WAS GIVEN IN MARRIAGE BY HER FATHER AND WAS DIVORCED,⁷ [SO THAT SHE IS REGARDED] AS AN 'ORPHAN' IN HER FATHER'S LIFETIME,⁸ AND THEN HER HUSBAND REMARRIED HER,⁹ ALL AGREE THAT SHE IS FORBIDDEN TO MARRY THE LEVIR.¹⁰

GEMARA. 'Efa stated: What is R. Eleazar's reason?¹¹ Because there was a period when she was forbidden to him.¹² Said the Rabbis to 'Efa: If so, halizah also should not be required!¹³ And should you reply that the law is so indeed; surely [it may be pointed out] it was taught: In the name of R. Eleazar it was stated that she does perform halizah! — In truth, said 'Efa, the reason of R. Eleazar is unknown to me.

Abaye said, This is the reason of R. Eleazar.¹⁴ He was in doubt whether it was death¹⁴ that subjects [the widow to the levirate marriage] or whether it was the marriage that preceded it¹⁵ that subjects her to it. If it is death that subjects her to it, she should be subject to the¹⁶ levirate marriage; and if it is the marriage preceding it¹⁵ that subjects her to it, then there was a period when she was forbidden to him.¹⁷

Raba said: It was in fact obvious to R. Eleazar that it is death¹⁴ that subjects [the widow to the levirate marriage], but while all well know of the divorce, not all are aware of the remarriage.¹⁸ On the contrary! Remarriage gets noised abroad since the woman dwells with him! — Do we not, however, deal here [even with such a case as] where he remarried her in the evening and died in the morning?¹⁹

R. Ashi said, This is the reason of R. Eleazar:²⁰ He forbade [the levirate marriage of] these²¹ as a preventive measure against the remarriage of an 'orphan' [minor] in her father's lifetime.²² This²³ may also be logically supported; for in the final clause it was stated, IF A MINOR WAS GIVEN IN MARRIAGE BY HER FATHER AND SHE WAS DIVORCED [SO THAT SHE IS REGARDED] AS AN 'ORPHAN' IN HER FATHER'S LIFETIME, AND THEN REMARRIED HER HUSBAND, ALL AGREE THAT SHE IS FORBIDDEN TO MARRY THE LEVIR. Now what [need was there] to state [this when it is so] obvious!²⁴ Consequently it must be²⁵ this that was taught: R. Eleazar's reason²⁰ is because he forbade [the levirate marriages of] those as a preventive measure against [the levirate marriage of] this one. Thus our case has been proved.

It was taught in agreement with R. Ashi: The Sages agree with R. Eleazar in respect of a minor whom her father had given in marriage and who was divorced [so that she is regarded] as an

‘orphan’ in her father's lifetime, and who then remarried [her husband], that she is forbidden to [contract the levirate marriage with] the levir, because her divorce was a perfectly legal divorce, whereas her remarriage was not a perfectly legal remarriage. This,²⁶ however, applies only where he²⁷ divorced her while she was a minor²⁸ and remarried her while she was still a minor;²⁹ but if he²⁷ divorced her while she was a minor and remarried her when she was of age, and also if he remarried her while she was still a minor and she became of age while she was with him, and then he died,³⁰ she may either perform halizah or contract the levirate marriage.³¹ In the name of R. Eleazar, however, it was stated: She must perform halizah but may not contract the levirate marriage.³²

Raba enquired of R. Nahman: What is [the law³³ in respect of] her³⁴ rival?³⁵ — The other replied: [The prohibition against] herself is a preventive measure;³⁶ shall we then go so far³⁷ as to enact a preventive measure³⁸ against a preventive measure?³⁹ But, surely, it was taught: It was stated in the name of R. Eleazar, ‘She and her rival perform halizah’; Now can it possibly be imagined that she and her rival [are to perform halizah]? Consequently it must mean,⁴⁰ ‘either she or her rival performs halizah’!⁴¹ — Are you not [in any case obliged to] offer an explanation?⁴² Explain, then,⁴² as follows: She performs halizah while her rival may either perform halizah or contract the levirate marriage.

MISHNAH. WHERE TWO BROTHERS WERE MARRIED TO TWO SISTERS WHO WERE MINORS⁴³ AND ORPHANS,⁴⁴ AND THE HUSBAND OF ONE OF THEM DIED,⁴⁵ [THE WIDOW]⁴⁶ IS FREE⁴⁷ AS BEING [THE LEVIR'S] WIFE'S SISTER. SIMILARLY IN THE CASE OF TWO DEAF⁴⁸ [SISTERS ONE OF WHOM WAS] OF AGE AND [THE OTHER] A MINOR, IF THE HUSBAND OF THE MINOR DIED, THE MINOR IS FREE⁴⁷ AS BEING [THE LEVIR'S] WIFE'S SISTER. IF THE HUSBAND OF THE ELDER SISTER DIED, THE MINOR IS TO BE INSTRUCTED, R. ELIEZER⁴⁹ STATED, TO EXERCISE HER RIGHT OF MI'UN AGAINST HIM.⁵⁰ R. GAMALIEL SAID: IF SHE⁵¹ EXERCISED HER RIGHT OF MI'UN WELL AND GOOD;⁵² BUT IF [SHE DID] NOT, LET HER WAIT⁵³ UNTIL SHE IS OF AGE⁵⁴ WHEN THE OTHER BECOMES FREE⁴⁷ AS BEING [THE LEVIR'S] WIFE'S SISTER. R. JOSHUA SAID: WOE TO HIM⁵⁵ BECAUSE OF HIS WIFE AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE! HE MUST ALLOW HIS WIFE TO GO⁵⁶ BY [GIVING HER] A LETTER OF DIVORCE,⁵⁷ AND HIS BROTHER'S WIFE⁵⁸ BY [SUBMITTING TO HER] HALIZAH.

GEMARA. But is this is permitted? Surely. Bar Kappara taught: A man should always cling to three things and keep away from three things. ‘A man should cling to the following three things’: Halizah, the making of peace and the annulment of vows; ‘and keep away from three things’: — From mi'un, from [receiving] deposits and from acting as surety!⁵⁹ Mi'un [involving the fulfilment] of a commandment⁶⁰ is different.⁶¹

[Reverting to our] previous text, ‘Bar Kappara taught: A man should always cling to three things . . . Halizah’, in accordance with [a statement of] Abba Saul. For it was taught: Abba Saul said, ‘If [a levir] married his sister-in-law on account of her beauty, or in order to gratify his sexual desires ‘or with any other ulterior motive, it is as if he has infringed [the law of] incest; and I am even inclined to think that the child [from such a union] is a bastard’.⁶²

‘The making of peace’, for it is written, Seek peace and pursue it⁶³

(1) Though at the time his brother had divorced her she was forbidden to him as ‘his brother's divorcee’.

(2) Mishnah edd.: R. Eliezer.

(3) The reason is given infra.

(4) A minor who was given to him in marriage by her mother or brothers, and who is entitled, therefore, to exercise mi'un.

(5) Whether during her minority or after she had attained her majority.

- (6) It is the death of her husband, not his marriage with her, that subjects her to the levir; and at the hour of his death she was no longer his divorcee but his wife.
- (7) While she was still in her minority, the letter of divorce having been accepted on her behalf by her father (Rashi). (Cf. Keth. 46b) Rashi s.v. **ומקבל** and Sonc. ed. p. 266, n. 6.
- (8) A father, in accordance with Pentateuchal law, is entitled to give his minor daughter in marriage only once. After she has been divorced, therefore, a father has no more right to give her away in marriage than her mother or brothers in the case where the father is dead. As in the latter case mi'un cancels marriage so it does in the former. The minor thus assumes the status of 'orphan' while her father is still alive.
- (9) During her minority.
- (10) If her husband died during her minority. She has the status of a divorcee because her letter of divorce, having been accepted by her father, is valid. Her subsequent marriage has no validity since her father can no longer act for her (cf. supra p. 756, n. 12) and her own act has no legal force.
- (11) For forbidding to the levir his brother's divorced wife despite the fact that at the time of his brother's death she was married to him again.
- (12) Lit., 'she stood for him one hour in prohibition'; i.e., at the time she was divorced she was forbidden to him under the penalty of kareth as his 'brother's divorcee'. Her subsequent remarriage does not alter her status.
- (13) As any other 'brother's divorcee'.
- (14) Of the childless husband,
- (15) Lit., 'the first'.
- (16) Lit., 'behold she is thrust before him'.
- (17) Cf. supra n. 4. Hence levirate marriage is forbidden (owing to the second possibility), and halizah is necessary (owing to the first).
- (18) Should the levir, therefore, be permitted to contract with her the levirate marriage, it might be assumed by those who knew of the divorce and not of the remarriage that he married his brother's divorcee. Hence R. Eleazar's prohibition.
- (19) Certainly we do, since the Mishnah applies to all possible cases. In such a case as the one mentioned the remarriage remains unknown.
- (20) v. supra p. 757, n. 3.
- (21) The remarried women spoken of in our Mishnah.
- (22) Who, as stated in our Mishnah, may not be married by the levir because she retains the status of a divorcee.
- (23) R. Ashi's explanation.
- (24) As her father has no legal authority to give her in marriage, and as the remarriage that has been contracted by herself (a minor) has no validity, it is obvious that her previous legal status of divorcee remains in force and that she is, therefore, forbidden to the levir as 'his brother's divorcee'.
- (25) Lit. 'but not'?
- (26) That the Sages admit that the minor may not contract the levirate marriage.
- (27) Her first husband.
- (28) Her father having accepted on her behalf the letter of divorce which is thus valid.
- (29) When neither she nor her father had the right to contract the marriage (cf. supra p. 756, n. 12); and where the death of the husband occurred while she was still in her minority, so that there was no cohabitation at all when she was of age.
- (30) So that cohabitation between them could take place while she was of age.
- (31) Since the final act of cohabitation after she becomes of age constitutes a legal kinyan of marriage.
- (32) Keth. 73bf. Since it was stated that 'the Sages agree with R. Eleazar in respect of a minor . . . in her father's lifetime', it is obvious that R. Eleazar himself spoke of this case and presumably made it the cause of the prohibition of the levirate marriages with the others mentioned.
- (33) According to R. Eleazar.
- (34) A divorced minor whom the husband remarried when she was of age.
- (35) Is her rival permitted levirate marriage?
- (36) Against the possibility of contracting levirate marriage with an 'orphan' in her father's lifetime.
- (37) Lit., 'rise'.
- (38) Prohibition of the levirate marriage of the rival.
- (39) Cf. supra note 5. Obviously not.
- (40) Lit., 'but no?'

- (41) How then could it be said supra that, according to R. Eleazar, the rival may contract the levirate marriage?
- (42) The statement being obscure, and an explanation being required in any case.
- (43) And given in marriage by their mother or brothers.
- (44) So in accordance with the separate edd. of the Mishnah, The last two words are wanting in cur. edd.
- (45) Without issue.
- (46) Cur. edd., **וְהָיָה** 'that', is here omitted, in accordance with the reading of the separate edd. of the Mishnah, and the Palestinian Talmud, Cf. Wilna Gaon.
- (47) From levirate marriage and halizah.
- (48) Deaf and dumb, whose marriage is valid according to Rabbinic law only.
- (49) Others, 'Eleazar'.
- (50) Her husband. His marriage with her (a minor) being only Rabbinically valid, his levirate bond with the elder sister renders her forbidden to him. By the mi'un of the minor the levir is able to perform the Pentateuchal law.
- (51) The minor.
- (52) Lit., 'she refused' and the elder sister is then enabled to contract the levirate marriage.
- (53) I.e., she is not forbidden to her husband, despite his levirate bond with her elder sister which his brother's death had created, (Cf. supra 51a).
- (54) And her marriage with her husband becomes Pentateuchally binding.
- (55) The surviving brother,
- (56) He may not retain her owing to the levirate bond (cf. supra note); R. Joshua, contrary to the opinion of R. Gamaliel, holding the view that a levirate bond does cause the prohibition of the widow's minor sister; and since the levirate bond is the result of a Pentateuchally binding marriage, the marriage with the minor, which is only Rabbinically valid, must be dissolved,
- (57) Not by mi'un for the reason given in the Gemara infra.
- (58) Who is forbidden as the sister of his divorcee. (15) To instruct a minor to exercise her right of refusal.
- (59) The reasons are given infra. From this then it is obvious that mi'un is not to be encouraged. Why then is THE MINOR TO BE INSTRUCTED TO EXERCISE HER RIGHT OF MI'UN?
- (60) As is the case in our Mishnah, where the exercise of mi'un enables the levir to observe the Pentateuchal commandment of the levirate marriage.
- (61) From ordinary mi'un; while the latter is to be avoided the former is to be encouraged.
- (62) Supra 39b.
- (63) Ps. XXXIV, 15. Pursue it **רדפהו** (rt. **רדף**).

Talmud - Mas. Yevamoth 109b

and [in connection with this] R. Abbahu stated that deduction is made¹ by a comparison between the two expressions of 'pursuit':² Here it is written, Seek peace and pursue it and elsewhere it is written, He that pursueth³ after righteousness and mercy findeth life, prosperity and honour.⁴

'The annulment of vows', in accordance with [a statement of] R. Nathan. For it was taught: R. Nathan said, 'If a man makes a vow it is as if he has built a high place⁵ and if he fulfils it,⁶ it is as if he has offered up a sacrifice upon it'.⁷

'And keep away from three things: From mi'un', since it is possible that when she becomes of age she will change her mind.

'From [receiving] deposits' [applies to deposits made by] his fellow townsman who [regards] his house as his own house.⁸

'From acting as surety [refers to would-be] sureties in Shalzion.⁹ For R. Isaac said, 'What was meant by the Scriptural text, He that is surety for a stranger shall smart for it?¹⁰ Evil after evil¹¹ comes upon those who receive proselytes,¹² and upon the sureties¹³ of Shalzion and upon him who rivets¹⁴ himself to the word of the halachah.¹⁵

That 'those who receive proselytes', [bring evil upon themselves, is deduced] in accordance with [a statement of] R. Helbo. For R. Helbo stated: Proselytes are hurtful to Israel as a sore on the skin.¹⁶

'The sureties of Shalzion [bring evil upon themselves]' because [in that place] they practice 'pull out and thrust in'.¹⁷

'Who rivets himself to the word of the halachah', [brings evil upon himself], for it was taught: R. Jose said, 'Whosoever says that he has no [desire to study the] Torah, has no [reward for the study of the] Torah'. Is not this obvious? — But [this must be the meaning]: 'Whosoever says that he has only [an interest in the study of the] Torah¹⁸ has only [reward for the study of the] Torah'. This, however, is also obvious! — But [the meaning really is] that he has no [reward] even [for the study of the] Torah. What is the reason? — R. Papa replied: Scripture said, That ye may learn them and observe to do them,¹⁹ whosoever is [engaged] in observance²⁰ is [also regarded as engaged] in study, but whosoever is not [engaged] in observance is not [regarded as engaged] in study. And if you wish I may say: [The reading is] in fact, as was said before: 'Whosoever says that he has only [an interest in the study of the] Torah has only [reward for the study of the] Torah', yet [the statement] was necessary [in the case] where he teaches others and these go and do observe [the laws of the Torah]. Since it might have been assumed that he also receives reward,²¹ hence we were taught [that he does not]. And if you wish I may say [that the statement] 'who rivets himself to the word of the halachah' [applies] to a judge who, when a lawsuit is brought before him, and he knows of an halachah [relating to a similar case], compares one case with the other²² and, though he has a teacher, he does not go to him to inquire.²³ [Such a judge brings evil upon himself] for R. Samuel b. Nahmani stated in the name of R. Jonathan: A judge should always imagine himself as if [he had] a sword lying between his thighs, and Gehenna was open beneath him; as it is said in Scripture, Behold, it is the couch²⁴ of Solomon; threescore mighty men²⁵ are about it, of the mighty men of Israel etc. because of the dread in the night:²⁶ 'because of the dread of' Gehenna²⁷ which is like 'the night'.

R. GAMALIEL SAID: IF SHE EXERCISED HER RIGHT OF MI'UN etc. R. Eleazar inquired of Rab: What is R. Gamaliel's reason?²⁸ Is it because he holds the opinion that the betrothal of a minor remains in a suspended condition²⁹ and as she grows up it grows with her³⁰ even though no cohabitation has taken place;³¹ or is the reason because he is of the opinion that when a man betroths the sister of his sister-in-law the latter procures her exemption thereby, but thereby only,³² [and consequently] only if cohabitation has taken place is the elder sister exempt,³³ but if no cohabitation has taken place she is not? — The other replied, This is R. Gamaliel's reason: Because he is of the opinion that when a man betroths the sister of his sister-in-law the latter procures her exemption thereby but thereby only³² [and consequently] only if cohabitation has taken place is the elder sister exempt,³³ but if no cohabitation has taken place she is not.

Said R. Shesheth: It seems³⁴ that Rab made this statement while he was sleepy and about to doze off;³⁵ for it was taught: If a man betrothed a minor, her betrothal remains in a suspended condition. Now, what [is meant by] 'a suspended condition' ? Obviously³⁶ that as she grows up it grows up with her³⁷ even though there was no cohabitation.³⁸ Said Rabin the son of R. Nahman to him: The matter of the betrothal of a minor³⁹ remains in a suspended condition. If cohabitation had taken place⁴⁰ it is valid, but if no cohabitation had taken place⁴⁰ it is not; for [in the absence of such cohabitation] she thinks 'He has an advantage over me'⁴¹ and I have an advantage over him'.⁴²

Is Rab, however, of the opinion that only if cohabitation had taken place is the betrothal valid,⁴³ but if there was no cohabitation it is not? Surely it was stated: Where a minor did not exercise her right of mi'un and, when she became of age, actually⁴⁴ married [another man], Rab ruled: She requires no letter of divorce from her second husband, and Samuel ruled: She requires a letter of divorce from her second husband.⁴⁵

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- (1) As to the greatness of the reward for the propagation of peace. Lit., 'comes'.
- (2) Lit., 'pursuing' (bis) rt. **רדף**.
- (3) **רודף** (rt. **רדף**), E.V., 'followeth'.
- (4) Prov. XXI, 21; the reward for the pursuit of the latter will also be enjoyed by him who pursues the former. Cf. Kid. 40a.
- (5) At the time when the erection of such was forbidden; i.e., after the setting up of the Central Sanctuary in Palestine.
- (6) I.e., he does not go to the expert Sage to have it annulled.
- (7) Git. 46b, Ned. 22a.
- (8) Being a constant visitor at his house he may sometimes help himself to the deposited object and, losing or forgetting about it, would claim it again.
- (9) Where debts were collected from the guarantors and not from the creditors. **שלציון** is a place name (Rashi); perhaps Seleucia, or an abbreviation of **שלום דוין** v. note 10.
- (10) Prov. XI, 15.
- (11) The inference is based on the expression **רע ירוע** (in which the rt. **רעע** which is also that of **רעה** 'evil' is repeated).
- (12) The original for He that . . . stranger (ibid.) is **ערב זר** which is interpreted as the mixing of proselytes with Israel. The rt. **ערב** may bear both meanings.
- (13) The E.V. reading of the text.
- (14) I.e., to the word but not to its practice.
- (15) This is deduced from **תוקעים** (E.V., that strike hands) in the concluding clause of the verse cited. **תקע** may also bear the meaning of 'stick to', 'nail oneself to'. This will be further explained anon.
- (16) In speaking of proselytes (Isa. XIV, 1) the word used is that of **ונספחו** (E.V., shall join) which is of the same rt. as **ספחת** (a sore). V. supra 47b.
- (17) They 'pull out' the debtor from his obligation and 'thrust in' the creditor.
- (18) Not in its observance.
- (19) Deut. V, 1.
- (20) Of the laws of the Torah.
- (21) As if he had himself observed the laws of the Torah.
- (22) Following his own conclusions.
- (23) In order to obtain definite guidance on the case under consideration. It is a judge of such a character who is described as one 'who rivets himself to the word of the halachah'.
- (24) E.V., litter, the seat from which he dispensed justice.
- (25) Judges.
- (26) Cant. III, 7f.
- (27) Should justice be perverted.
- (28) For allowing the exemption of the elder when the minor becomes of age.
- (29) During her minority.
- (30) I.e., becomes retrospectively effective as soon as she attains her majority.
- (31) After her majority. As the validity of the original betrothal is thus made retrospective, the provisional levirate bond between the levir and the elder sister may be regarded as never having existed.
- (32) Lit., 'and she goes for herself'. Only by the 'betrothal' (i.e., the cohabitation) that took place when the minor had attained her majority does the elder procure her exemptions not by the original betrothal of the minor which is ineffective.
- (33) Lit., 'yes'. Because it is the 'betrothal' that severs the levirate bond which existed between the levir and the elder sister from the moment his brother died.
- (34) Lit., 'I would say'.
- (35) Lit., 'while dozing and lying'.
- (36) Lit., 'not?'
- (37) V. supra p. 763 n, 12.
- (38) V. supra p. 63, n. 13.
- (39) Lit., 'this matter of a minor'.

(40) After her majority was attained.

(41) He can divorce her at any time against her will.

(42) She may, according to Pentateuchal law, exercise against him her right of mi'un at any moment. Though she cannot do so according to-Rabbinic law after she produces two pubic hairs, (cf. Mid. 52a and Tosaf. s.v. **סני** a.l.), the uncertainty in her mind as to the durability of the union causes it to remain in a suspended condition until kinyan by cohabitation, after she becomes of age, has been effected.

(43) Lit., 'yes'.

(44) Lit., 'and stood up'.

(45) Keth. 73a.

Talmud - Mas. Yevamoth 110a

Does not [this refer to a case] where he¹ did not cohabit [with her]?² — No; where he¹ did cohabit with her.³ If, however, he¹ cohabited [with her] what is Samuel's reason?⁴ — He holds the view that one Who performs cohabitation does so in reliance on his first betrothal.⁵ But surely they⁶ once disputed this point! For it was stated: If a man betrothed a woman conditionally,⁷ and unconditionally, Rab ruled: She⁸ requires from him a letter of divorce; and Samuel ruled: She requires no letter of divorce from him. 'Rab ruled: She requires from him a letter of divorce', because as soon as he marries her he undoubtedly dispenses with his condition.⁹ 'And Samuel ruled: She requires no letter of divorce from him', because one who performs cohabitation does so in reliance on his first betrothal!¹⁰ — [Both disputes were] necessary. For if the former¹¹ only had been stated, it might have been assumed that Rab adheres to his opinion there only because no condition¹² was attached [to the betrothal]¹³ but in the latter case,¹⁴ where a condition was attached to it, he agrees with Samuel.¹⁵ And if the latter case¹⁴ only had been stated, it might have been assumed that there only¹⁶ does Samuel maintain his view¹⁷ but in the former¹⁸ he agrees with Rab.¹⁹ [Hence both were] required.

Did Rab, however, state that only where [the husband] cohabited with her²⁰ does she require a letter of divorce²¹ but that if he did not cohabit with her none is required?²² Surely it once happened at Naresh that a man betrothed a girl while she was a minor, and, when she attained her majority and he placed her upon the bridal chair,²³ another man came and snatched her away from him; and, though Rab's disciples, R. Beruna and R. Hananel, were present on the occasion, they did not require the girl to obtain a letter of divorce from the second man!²⁴ — R. Papa replied: At Naresh they married²⁵ first and then placed [the bride] upon the bridal chair.²⁶ R. Ashi replied: He²⁷ acted improperly²⁸ they, therefore, treated him also improperly, and deprived him of the right of valid betrothal.²⁹ Said Rabina to R. Ashi: [Your explanation is] satisfactory where the man betrothed [her] with money;³⁰ what [however, can be said where] he betrothed her by cohabitation? — The Rabbis have declared his cohabitation to be an act of mere fornication.³¹

Rab Judah stated in the name of Samuel: The halachah is in agreement with R. Eliezer;³² and so did R. Eleazar state: The halachah is in agreement with R. Eliezer.³²

MISHNAH. IF A MAN WAS MARRIED TO TWO ORPHANS WHO WERE MINORS³³ AND DIED, COHABITATION³⁴ OR HALIZAH³⁵ WITH ONE OF THEM EXEMPTS HER RIVAL.³⁶ AND THE SAME LAW IS APPLICABLE TO³⁷ TWO DEAF³⁸ WOMEN.³⁹

[IF A MAN WAS MARRIED TO] A MINOR AND TO A DEAF³⁸ WOMAN,⁴⁰ COHABITATION WITH ONE OF THEM DOES NOT EXEMPT HER RIVAL.⁴¹ [IF ONE WAS] POSSESSED OF HER FACULTIES AND THE OTHER WAS DEAF,⁴² COHABITATION WITH THE FORMER EXEMPTS THE LATTER, BUT COHABITATION WITH THE LATTER DOES NOT EXEMPT THE FORMER. [IF ONE WAS] OF AGE AND THE OTHER A MINOR, COHABITATION WITH THE FORMER EXEMPTS THE LATTER, BUT COHABITATION

WITH THE LATTER DOES NOT EXEMPT THE FORMER.

GEMARA. Is, however, a deaf⁴² woman permitted to perform halizah? Surely, we learned: If a deaf levir submitted to halizah or a deaf sister-in-law performed halizah, or if halizah was performed on a minor, the halizah is invalid!⁴³ — R. Giddal replied in the name of Rab: [This⁴⁴ applies] to COHABITATION.⁴⁵ Raba⁴⁶ replied: It⁴⁷ may be said to apply even to halizah; one⁴⁸ referring to a woman who was originally deaf,⁴⁹ and the other⁵⁰ referring to a woman who was possessed of hearing⁵¹ and became deaf afterwards. The ‘woman who was originally deaf’, leaves⁵² as she entered,⁵³ but the ‘woman who was possessed of hearing and became deaf afterwards’ cannot do so, since her inability to recite [the prescribed formulae]⁵⁴ acts as an obstacle.⁵⁵

Abaye raised an objection against him: Is, however, one who was originally deaf permitted to perform halizah? Surely, we learned: If two brothers, one of whom was in possession of his faculties and the other deaf,⁴⁵ were [respectively] married to two strangers,⁵⁶ one of whom was in the possession of her faculties and the other deaf,⁵⁷ and the deaf [brother] who was the husband of the deaf woman died, what should [his brother who was] in possession of his faculties, the husband of the woman in possession of her faculties, do? He marries her⁵⁸ and if he wishes to send her away,⁵⁹ he may do so.⁶⁰ If the [brother] who was in possession of his faculties, the husband of the woman who was in possession of her faculties, died, what should the deaf brother, the husband of the deaf woman do? He marries [the widow] and may never divorce her.⁶¹ Does not this apply to a woman who was originally deaf?⁶² And yet it was stated that he may only marry

(1) Her first husband.

(2) After she had attained her majority. And since Rab nevertheless rules that no divorce from the second husband is required it is obvious that he regards her first marriage as valid!

(3) And it is this cohabitation, not their first betrothal, that constitutes the kinyan of the first marriage.

(4) Since cohabitation renders the betrothal of the first husband valid, that of the second must be invalid; why then did Samuel require the woman to be divorced from her second husband!

(5) Which was invalid. The marriage with the second husband is therefore valid and can be annulled by divorce only.

(6) Rab and Samuel.

(7) Stipulating, for instance, that she must have no bodily defect or that she must not be subject to any restrictions due to a vow she may have made.

(8) If it was discovered that she had a defect or that she was subject to the restrictions due to a vow.

(9) And valid kinyan is effected by their first cohabitation.

(10) Which was invalid; v. Keth. 72b. Why then should they dispute the same point again?

(11) Lit., ‘that’; the dispute concerning a minor who did not exercise her right of mi’un, cited from Keth. 73a.

(12) This is the reading of Rashi, following the version in Keth. 73a. The reading of cur. edd. is given infra p. 766, n. 6.

(13) And the husband was obviously anxious to give the union all the necessary validity. Being well aware that the betrothal of a minor is Pentateuchally invalid he naturally ‘betroths’ her again by cohabitation as soon as she becomes of age.

(14) Lit., ‘that’; cited from Keth. 72b.

(15) That the original condition remains in force even after consummation of the marriage.

(16) Since the condition was attached to the original betrothal,

(17) That the marriage remains dependent on the original condition and is, therefore, invalid.

(18) v. supra p. 765, n. 13.

(19) Cur. edd. read, ‘For if that had been stated, (it might have been assumed that) in that case only did Rab maintain his view, because there existed a condition and as soon as (the man) cohabited with her he dispensed with his condition; but in this case it might have been assumed that he agrees with Samuel; and if this had been stated (it might have been assumed that) in this case only did Samuel maintain his view; but in that, it might have been said, he agrees with Rab’. [Rashi rejects this reading in view of the passage in Keth. 72a which states distinctly that Rab’s ruling was not because he held that the man dispenses with the condition on intercourse, but because he renews betrothal at the time to avoid intercourse degenerating into mere fornication. Tosaf. s.v. **בההיא** retains the reading of cur. edd., and explains that it

is because no man would render his intercourse mere fornication that we assume that he dispensed with the condition, since he made no mention of the condition at the time. Had he, however, repeated the condition at intercourse, the condition would stand].

(20) The minor who has attained majority.

(21) Lit., 'yes'.

(22) Lit., 'not'.

(23) It is assumed that this was a ceremony similar to ordinary huppah (v. Glos.).

(24) Obviously because they regarded the first marriage. though no cohabitation had taken place (v. supra n. 10), as valid, As the disciples presumably acted in accordance with the ruling of their Master, Rab, how could it be said that Rab requires a divorce only where cohabitation had taken place?

(25) Cohabitation.

(26) And this is the reason why Rab's disciples regarded the marriage with the first husband as valid and, therefore, required no divorce from the second man.

(27) The second man.

(28) In snatching away another man's wife.

(29) All betrothals are made 'in accordance with the law of Moses and Israel' (cf. P.B. p. 298) i.e.. the Pentateuchal, as well as Rabbinic law; hence it is within the power of the Rabbinical authorities to declare certain betrothals, such, for instance, as the present one where the girl was improperly snatched away, to be invalid.

(30) One of the forms of kinyan in marriage (cf. Kid. 2a). Since the Rabbis are empowered to confiscate a man's property they might well dispose of the money of the betrothal by treating it as a mere gift to the girl.

(31) Which has no legal validity to effect a kinyan.

(32) That THE MINOR IS TO BE INSTRUCTED TO EXERCISE HER RIGHT OF MI'UN.

(33) Marriage with whom is only Rabbinically valid.

(34) By the levir, even during her minority, for the purpose of the levirate marriage.

(35) After she has attained her majority.

(36) From levirate marriage and halizah.

(37) Lit., 'and so'.

(38) I.e., deaf-mute.

(39) Marriage with whom, like marriage with a minor, is only Rabbinically valid.

(40) Though the marriage with either, according to Rabbinic law, is of equal validity.

(41) Since it is uncertain, owing to the difference in their physical condition and age, which of them he preferred and which of them has consequently the greater claim to be regarded as his wife.

(42) I.e., deaf-mute.

(43) Supra 104b. How then could it be said in our Mishnah. AND THE SAME LAW IS APPLICABLE TO TWO DEAF WOMEN?

(44) The law in our Mishnah concerning two deaf women. V. supra n. 3.

(45) Not to halizah.

(46) Others, 'Rabbah'. Cf. infra p. 772, n. 8.

(47) V. supra note 4.

(48) Lit. , 'here'; our Mishnah which allows halizah in respect of a deaf woman.

(49) Even before her marriage.

(50) The Mishnah supra 104b which rules the halizah of a deaf woman to be invalid.

(51) At the time she married.

(52) The levir by means of halizah.

(53) The marriage with her husband. As the marriage was performed by means of signs and gestures so also is the halizah.

(54) Cf. supra 106b.

(55) As a deaf-mute she is unable to recite them and is consequently precluded from the performance of halizah.

(56) I.e., women who were not related to one another.

(57) I.e., deaf-mute.

(58) I.e., contracts the levirate marriage by means of signs and gestures. No halizah is permitted since the woman is incapable of reciting the prescribed formulae.

(59) After he has married her.

(60) Divorcing her, as he married her, by the use of signs and gestures.

(61) *Infra* 112b. The divorce of a man who is not in the possession of all his faculties cannot annul the marriage of his brother who was in the possession of all his faculties and whose marriage, therefore, subjects him to a levirate marriage that can never be annulled.

(62) Probably it does.

Talmud - Mas. Yevamoth 110b

but not submit to halizah!¹ — No, this refers to a woman who was capable of hearing² and became deaf afterwards.³

Come and hear: If two brothers of sound senses were married to two strangers⁴ one of whom was of sound senses and the other deaf, and [the brother who was] of sound senses, the husband of the deaf woman, died, what should the [brother who was] of sound senses, the husband of the woman who was of sound senses, do? He marries [the deaf widow], and if he wishes to divorce her he may do so.⁵ If [the brother who was] of sound senses, the husband of the woman who was of sound senses, died, what should the [brother who was] of sound senses, the husband of the woman who was deaf, do? He may either submit to halizah or contract levirate marriage.⁶ Are we not to assume that⁷ as the man was originally⁸ of sound senses so was she originally⁸ deaf, and nevertheless it was stated that he may only⁹ marry her but may not submit to her halizah!¹⁰ — Is this an argument? Each one may bear its own meaning.¹¹

An objection was raised against him:¹² If two brothers, one of whom was of sound senses and the other deaf, were married to two sisters, one of whom was of sound senses and the other deaf, and the deaf brother, the husband of the deaf sister, died, what should [the brother who was] of sound senses, the husband of [the sister who was] of sound senses, do? — [Nothing, since] the widow is released¹³ by virtue of her being [the levir's] wife's sister. If [the brother who was] of sound senses, the husband of [the sister who was] of sound senses, died, what should the deaf brother, the husband of the deaf sister, do? He releases his wife by means of a letter of divorce,¹⁴ while his brother's wife is for ever forbidden [to marry again].¹⁵ And should you reply that here also [it is a case of a man] who was of sound senses and who became afterwards deaf, is [such a man, it may be retorted], in a position to divorce [his wife]? Surely, we learned: If she¹⁶ became deaf, he may divorce her; if she became insane, he may not divorce her.¹⁷ If he became deaf or insane he may never divorce her.¹⁸ Consequently it must be a case of a man¹⁹ who was originally²⁰ deaf. And since [the man spoken of] is one who was originally deaf, the woman [spoken of in the same context must] also be one who was originally deaf; and, as the sisters were such as were originally deaf, the strangers also [must be such as were] originally deaf; but in the case of the strangers we learned that [the levir] may only marry²¹ but may not submit to halizah!²² The other²³ remained silent.

When he²⁴ visited R. Joseph, the latter said to him: Why did you raise your objections against him²³ from [teachings] which he could parry by replying that the sisters [spoken of are such as were] originally deaf, and that the strangers [are such as were originally] of sound senses who became deaf afterwards? You should rather have raised your objection against him from the following: If two deaf brothers were married to two sisters who were of sound senses, or to two deaf sisters or to two sisters one of whom was of sound senses and the other deaf; and so also if two deaf sisters were married to two brothers who were of sound senses, or to two deaf brothers, or to two brothers one of whom was of sound senses and the other deaf, behold these women²⁵ are exempt from levirate marriage and from halizah.²⁶ If [however the women] were strangers²⁷ [the respective levirs] must marry them,²⁸ and if they wish to divorce them, they may do so.²⁹ Now, how [is this ruling]³⁰ to be understood? If it be suggested [that it refers to brothers who were first]³¹ of sound senses and who became deaf afterwards,³² could they [it may be asked] divorce [their wives]? Surely, we learned: If

he³³ became deaf or insane he may never divorce her!³⁴ This ruling must consequently refer³⁵ to [brothers who were] originally³¹ deaf; and since they [are such as were] originally deaf, the women [referred to must] also be [such as were] originally³¹ deaf; and it was nevertheless taught: 'If [the women, however], Were strangers [the respective levirs] must marry them',³⁶ they may thus only³⁷ marry them but may not submit to their halizah. This, then, presents a refutation of Rabbah!³⁸ — This is indeed a refutation.

A MINOR AND A DEAF WOMAN etc. R. Nahman related: I once found R. Adda b. Ahabah and his son-in-law R. Hana sitting in the market place of Pumbeditha and bandying arguments³⁹ and [in the course of these they] stated: The ruling,⁴⁰ [IF A MAN WAS MARRIED TO] A MINOR AND TO A DEAF WOMAN, COHABITATION WITH ONE OF THEM DOES NOT EXEMPT HER RIVAL applies only to a case⁴¹ where [the widows] became subject to him⁴² through a brother of his who was of sound senses, since it is not known to us whether he⁴³ was more pleased with the minor or whether he was more pleased with the deaf woman; 'whether he was more pleased with the minor' because she would [in due course] reach the age of intelligence or 'whether he was more pleased with the deaf woman' because she was fully grown and in a marriageable condition; if [the widows], however, became subject to him⁴² through a deaf brother of his, there is no doubt that he⁴⁴ was more pleased with the deaf woman, because she was of matrimonial age and of his kind. But I told them: Even if [the widows] became subject to him⁴⁵ through a deaf brother of his [the question of his preference still remains] a matter of doubt.

How do they⁴⁶ obtain redress?⁴⁷ — R. Hisda replied in the name of Rab: [The levir] marries the deaf widow and then releases her by a letter of divorce,⁴⁸ while the minor waits until she is of age, when she performs halizah.⁴⁹

From this, said R. Hisda, it may be inferred that Rab is of the opinion that a deaf wife is partially acquired,⁵⁰ [while concerning] a minor [it is a matter of doubt whether] she is [properly] acquired,⁵¹ or not acquired [at all];⁵² for were it to be suggested that concerning a deaf wife [it is uncertain whether] she is acquired⁵¹ or not acquired [at all and that] a minor is partially acquired,⁵⁰ [the question would arise] why [should the levir] marry [the deaf widow] and release her by a letter of divorce?

(1) Owing to the woman's incapability of reciting the prescribed formulae. How, then, could Raba (or Rabbah) state that in such a case halizah is permissible?

(2) At the time she married.

(3) After he has married her.

(4) I.e., women who were not related to one another.

(5) V. supra n. 5.

(6) Infra 112b.

(7) Lit., 'what not?'

(8) Even before marriage.

(9) Lit., 'yes'.

(10) V. p. 769, n. 8.

(11) Lit., 'that as it is, and that etc.'

(12) Raba (or Rabbah).

(13) From levirate marriage and halizah.

(14) He must not continue to live with her because she is the sister of his zekukah (v. Glos.) the levirate bond with whom is, as was her marriage with her husband, Pentateuchally valid, while his own marriage with his deaf wife, though valid in Rabbinic law, is invalid in Pentateuchal law. A Rabbinically valid marriage cannot override a levirate bond which is Pentateuchal.

(15) Infra 112b. She is forbidden to her brother-in-law since she is (in Rabbinic law) his wife's (or divorcee's) sister, and she is forbidden to other men since, as a deaf-mute who is unable to recite the prescribed formulae, her brother-in-law is

precluded from submitting to halizah from her, and, in consequence, she remains attached to him by the levirate bond. Now, as the levir's deafness is, in this case, an affliction from which he suffered prior to his marriage, the deafness spoken of in the two previously cited cases (since all these appear in the same contexts) must similarly refer to afflictions commenced prior to the marriage. This then presents an objection against Raba (cf. supra p. 769, n. 8)!

(16) One's wife.

(17) In accordance with a Rabbinical provision safeguarding the position of the woman who, were she to be divorced and thus remain unprotected by a husband, would be subject, owing to her mental condition, to serious moral and physical danger.

(18) Infra 112b; because his marriage which took place when he was in full possession of his senses was Pentateuchally valid, while a divorce given by him while deaf or insane would have no Pentateuchal validity.

(19) Lit., 'but not?'

(20) Prior to the marriage.

(21) Lit., 'yes'.

(22) V. supra p. 769, n. 8.

(23) Raba (or Rabbah).

(24) Abaye.

(25) If their husbands died without issue.

(26) Because all these marriages having been contracted by signs and gestures, are of equal validity. Each widow is, therefore, forbidden to the respective levir as his wife's sister.

(27) To one another.

(28) Halizah is forbidden, since either the levir or the sister-in-law (or both), as the case may be, is unable to recite the prescribed formulae.

(29) Cit. 71b, infra 112b.

(30) Concerning the deaf people spoken of in this context.

(31) Prior to the marriage.

(32) After the marriage.

(33) Cf. Bah. Cur. edd. insert: 'If she became insane he may not divorce'.

(34) Git. 71 b. infra 112b. Cf. supra p. 771, n. 1. How, then, could it be said to be a case of deafness acquired after marriage!

(35) Lit., 'but not?'

(36) Git. 71 b, infra 112b.

(37) Lit., 'yes'.

(38) Or 'Raba'. Cf. supra p. 768, n. 6 and supra p. 769, n. 8.

(39) So Tosaf. and one of Rashi's explanations. **וּקְמָקוּ אִקּוּתָא** (vb. **קָהַי** 'to blunt' and noun **אִקּוּתָא** or **אִקְהָא** 'refutation'). Jastrow renders, 'They were sitting and raising arguments'. Another interpretation of Rashi derives the expression from the rt **קוּדָה** 'to gather'; 'they were gathering round them an assembly of students'.

(40) Lit., 'that which we learned'.

(41) Lit., 'these words'.

(42) Lit., 'she fell'.

(43) The deceased brother.

(44) The deceased brother.

(45) Lit., 'she fell'.

(46) The minor and the deaf wife whose husband died childless and who became subject to a levir.

(47) Since one does not exempt the other (v. our Mishnah) and the deaf woman is incapable of performing halizah. Were the levir to marry the deaf widow and submit to halizah from the minor after she had attained her majority, the former would become forbidden to him by the halizah of her rival ('If a man did not build he must never build', supra), the marriage of the deaf not being Pentateuchally valid to sever the levirate bond with the minor.

(48) Cf. supra n. 4.

(49) Both widows are thus released from the levir.

(50) By her husband. Lit., 'acquired and left over'; only in a part of her person is she legally regarded as wife, Cf. infra n. 9.

(51) Completely; and she is consequently regarded as the deceased brother's proper wife.

(52) And consequently she is legally no more than a stranger. That the legal condition of relationship between the minor and her husband is different from that between the deaf wife and her husband is fairly obvious. For if they were both regarded as partially acquired, or if the acquisition of either was regarded as doubtful, their legal position would in no way differ from that of two minors or two deaf women, while, in fact, it does. (Cf. our Mishnah and the following one). From Rab's ruling, however, it is inferred that it is the deaf wife who is partially acquired and that it is the minor concerning whom it is uncertain whether she is wholly acquired or not acquired at all.

Talmud - Mas. Yevamoth 111a

Let her¹ continue to live with him in any case. For if [a deaf woman] is acquired² then she is of course acquired,³ and if she is not acquired,⁴ then she is a mere stranger.⁵ And should you argue, 'why should the minor wait until she grows up and then performs halizah? Let her⁶ continue to live with him [for the same reason⁷ that] if she is [properly] acquired⁴ then she is of course acquired,⁸ and if she is not acquired,⁴ then she is a mere stranger';⁹ if so [it could be retorted] whereby should the deaf [widow] be released!¹⁰

R. Shesheth said: Logical deduction leads also to the interpretation R. Hisda imparted to Rab's ruling.¹¹ For it was taught: If two brothers were married to two orphan sisters,¹² a minor and a deaf woman, and the husband of the minor died, the deaf widow is released by means of a letter of divorce¹³ while the minor waits until she is of age, when she performs halizah.¹⁴ If the husband of the deaf woman dies, the minor is released by a letter of divorce¹⁵ while the deaf widow is forever forbidden [to marry again].¹⁶ If, however, he cohabited with the deaf widow¹⁷ he must give her a letter of divorce and she¹⁸ becomes permitted [to marry any other man].¹⁹ Now, if you grant that a deaf wife is partially acquired²⁰ [and that concerning] a minor [it is doubtful whether] she is [fully] acquired²¹ or not acquired [at all], one can well see the reason why when he cohabited with the deaf widow he gives her a letter of divorce and she becomes permitted [to marry any other man]. For you may rightly claim that in any case [she becomes permitted]. If the minor is acquired,²¹ [the deaf widow] is rightly released as his wife's sister;²² and if she is not acquired [at all] he has quite lawfully contracted with her²³ the levirate marriage.²⁴ If you contend, however, [that concerning] a deaf woman [it is doubtful whether] she is acquired¹⁹ or not acquired [at all], and that a minor is partially acquired,²⁰ [the difficulty arises] why should the deaf widow, if he cohabited with her and gave her a letter of divorce, be permitted [to marry again] when the cohabitation with her was unlawful,²⁵ and an unlawful cohabitation does not release a woman?²⁶ — It is possible that this statement represents the view of²⁷ R. Nehemiah who ruled that an unlawful cohabitation exempts [a widow] from halizah.²⁸

If [this statement represents the view of] R. Nehemiah read the final clause: 'If a man was married to two orphans,²⁹ one of whom was a minor and the other deaf, and died 'and the levir cohabited with the minor and then cohabited with the deaf widow, or a brother of his cohabited with the deaf widow,³⁰ both are forbidden to him.'³¹ How do they obtain redress? The deaf woman is released by a letter of divorce³¹ while the minor waits until she is of age 'when she performs halizah'.³² Now, if you grant³³ that a deaf wife is partially acquired [and that concerning] a minor [it is doubtful whether she is fully] acquired or not acquired [at all],³⁴ and [that the opinion in this statement] is that of the Rabbis,³⁵ one can well understand the reason why³⁶ 'the minor³⁷ waits until she is of age, when she performs halizah', since [otherwise]³⁸ he might cohabit with the deaf widow first,³⁹ and the [subsequent] cohabitation with the minor would [thereby] be rendered an unlawful cohabitation.⁴⁰ If you contend, however, [that the opinion in the statement is that of] R. Nehemiah,⁴¹ surely he [it may be objected] ruled that an unlawful cohabitation does exempt!⁴² Consequently it must be concluded [that the opinion in the statement is that of] the Rabbis. Our point is thus proved.

R. Ashi said: From the first clause⁴³ also it may be inferred that [the opinion expressed] is that of the Rabbis. For it was stated, 'If,⁴⁴ however, he cohabited with the deaf widow he must give her a

letter of divorce and she becomes permitted [to marry any other man]', but it was not stated,⁴⁵ 'If he cohabited with the minor, he must give her a letter of divorce and she becomes permitted'!⁴⁶ — If this is all, there is not much force in the argument; since in respect of the deaf widow for whom no lawful redress is possible⁴⁷ mention had to be made of redress obtained through a forbidden act,⁴⁸ but concerning a minor, for whom lawful redress is possible,⁴⁹ no redress obtainable through a forbidden act was mentioned.

MISHNAH. IF A MAN WHO WAS MARRIED TO TWO ORPHANS WHO WERE MINORS DIED, AND THE LEVIR COHABITED WITH ONE,⁵⁰ AND THEN HE ALSO COHABITED WITH THE OTHER,⁵¹ OR A BROTHER OF HIS COHABITED WITH THE OTHER,⁵¹

-
- (1) Once the levir married her.
 - (2) As the legal wife of her husband.
 - (3) And having been the proper wife of the deceased, her marriage with the levir severs the levirate bond with the minor, the subsequent halizah with whom is null and void and in no way affects the validity of her marriage.
 - (4) As the legal wife of her husband.
 - (5) To the minor, halizah with whom does not concern her at all. Consequently it must be inferred that it is the deaf wife who is partially acquired, and that the doubt as to complete acquisition or none exists in the case of the minor.
 - (6) Once the levir married her.
 - (7) Given in the case of the deaf woman.
 - (8) Cf. supra n. 1 mutatis mutandis.
 - (9) To the deaf woman, marriage with whom does not consequently affect the validity of her marriage.
 - (10) Of halizah she is incapable, owing to her inability to recite the prescribed formulae; and marriage with her after a marriage had been contracted with the minor is forbidden. Hence the necessity for Rab's ruling which provides redress for the minor as well as the deaf widow.
 - (11) That a deaf wife is partially acquired and the legality of the acquisition of a minor is altogether doubtful.
 - (12) Orphan is mentioned on account of the minor.
 - (13) She is forbidden to live with her husband as the sister of the minor who is now his zekukah (v. Glos.), since she, as a deaf woman, is only partially acquired as wife, while the minor's acquisition by her husband (and consequently her levirate bond with the levir) might possibly have been completely valid.
 - (14) And is then free to marry any other man.
 - (15) As it is possible that the minor is not acquired at all as a wife, while the levirate bond with the deaf widow is at all events partially valid, the former is forbidden to her husband as the sister of his zekukah. (V. Glos. and cf. supra n. 11).
 - (16) She is forbidden to the levir as the sister of his divorcee (it being possible that the minor was completely acquired as his wife), and she is forbidden to any other man since, owing to her inability to recite the required formulae, the levir cannot release her by halizah. Even when the minor dies, and the prohibition of 'divorcee's sister' is lifted, she remains forbidden to the levir as 'brother's wife'. Since at the time she became subject to the levir as his deceased brother's wife she was for some reason unfit to contract the levirate marriage, the prohibition of 'brother's wife' comes again into force.
 - (17) After he had divorced the minor.
 - (18) Though the cohabitation was forbidden.
 - (19) Because (a) if the minor was to be regarded as his legal wife, the deaf woman was all the time permitted to marry a stranger since, as his wife's sister, she was never subject to the levirate obligations; and if (b) the minor was not to be regarded as his legal wife, his marriage with the deaf widow, who accordingly was not his wife's sister, was a valid levirate marriage which was duly and lawfully annulled by the letter of divorce which set her free.
 - (20) V. supra p. 773, n. 7.
 - (21) Cf. supra p. 773, n. 8.
 - (22) Cf. supra n. 3 (a).
 - (23) The deaf widow.
 - (24) Cf. supra n. 3 (b).
 - (25) Since the minor is at least partially his wife and the deaf widow is forbidden to him as his wife's sister.
 - (26) From the levirate obligations. Since it is possible that the deaf woman was completely acquired as wife by the deceased brother, the levirate bond between her and the levir is also fully valid, and as the partial acquisition of the

minor by her husband (the levir) cannot annul such a possibly fully valid bond, the deaf widow is precluded from marrying either the levir whose partial wife's sister she is (cf. supra n. 9) or from marrying any other man to whom she can be permitted only through halizah with the levir, which she, as a deaf person, is incapable of performing. Had she been permitted to marry the levir, his cohabitation with her would have released her from any further levirate obligation, while his divorce would have set her free to marry any other man. Since, however, cohabitation with the levir is unlawful, she cannot thereby be released from her levirate obligation and should consequently remain forbidden to all men forever!

(27) Lit., 'this, who?'

(28) V. supra 50b. Hence the permissibility for the deaf widow to marry again after she had been divorced.

(29) V. supra p. 774 n. 10.

(30) After the former had cohabited with the minor.

(31) The reason is given infra.

(32) And she is free at all events: If the minor was a lawfully acquired wife the deaf widow is exempt from the levirate marriage by the former's levirate marriage; and if the minor was not a lawfully acquired wife, the deaf widow had performed the levirate obligation by her own cohabitation with the levir through whose divorce she is now free to marry again.

(33) In respect of the two sisters spoken of in the first clause cited.

(34) Cf. supra p. 775, n. 3.

(35) Who maintain that an unlawful cohabitation does not exempt a deceased brother's widow from the levirate marriage and halizah.

(36) In the final clause, relating to a marriage with orphans who were strangers to each other.

(37) Though marriage with her by the levir should in any case be permitted. For if she was fully acquired by her husband the subsequent cohabitation by the levir with the deaf widow who was only partially acquired can have no validity to cause the minor's prohibition to him; and if she was not acquired at all she, as a stranger, should also be permitted to the levir; and in either case her divorce should set her free without the performance of halizah.

(38) If halizah were not imposed upon the minor when she attains her majority.

(39) And the minor, since it is possible that she was fully acquired, would not be exempt by the levir's cohabitation with the deaf widow who was only partially acquired.

(40) Since it followed that of the deaf widow who, having been at least partially acquired, is the minor's rival, and two rivals may not be married. As in such a case the minor could not be free before she became of age and performed halizah, a similar restriction has been imposed in the former case also.

(41) That the minor is partially acquired and that concerning the deaf woman the validity of her acquisition as a wife is in doubt.

(42) Why then should the minor have to wait until she is of age? If the deaf woman is not acquired at all the minor's cohabitation with the levir is, surely, permitted. But even if the deaf woman is acquired, and her levirate bond causes the minor to be forbidden to the levir, there should be no need for the minor to wait until she is of age and able to perform the halizah, while according to R. Nehemiah, an unlawful cohabitation also exempts a woman from the levirate marriage and halizah!

(43) Which deals with the marriage of two sisters.

(44) When the husband of the deaf sister died.

(45) In the case where the husband of the minor died.

(46) Which would be the law according to R. Nehemiah, who ruled that an unlawful cohabitation exempts the woman from the levirate obligations. The statement, consequently, must represent the view of the Rabbis, and the reason why the minor cannot be released by a letter of divorce is because cohabitation with her is unlawful since she is the sister of the levir's partially acquired wife; while she herself, in case she was fully acquired, is subject to the levirate bond, from which the marriage with her deaf sister, whose kinyan was only partial, cannot exempt her.

(47) As she is forbidden to all men including the levir, as shewn supra.

(48) It being the only possible means whereby she could marry again.

(49) She has only to wait until she is of age, when she can lawfully perform halizah and thereby obtain her freedom.

(50) Lit., 'the first'.

(51) Lit., 'the second'.

Talmud - Mas. Yevamoth 111b

HE HAS NOT THEREBY RENDERED THE FIRST INELIGIBLE [FOR HIM];¹ AND THE SAME LAW IS APPLICABLE TO TWO DEAF WOMEN.

[IF ONE WAS] A MINOR AND THE OTHER DEAF, AND THE LEVIR COHABITED WITH THE MINOR AND THEN HE ALSO COHABITED WITH THE DEAF WIDOW, OR A BROTHER OF HIS COHABITED WITH THE DEAF WIDOW, HE HAS RENDERED THE MINOR INELIGIBLE [FOR HIM].² IF THE LEVIR COHABITED WITH THE DEAF WIDOW AND THEN HE ALSO COHABITED WITH THE MINOR, OR A BROTHER OF HIS COHABITED WITH THE MINOR, HE HAS RENDERED THE DEAF WIDOW INELIGIBLE [FOR HIM].³

[IF ONE WAS] OF SOUND SENSES AND THE OTHER DEAF, AND THE LEVIR COHABITED WITH THE FORMER AND THEN HE ALSO COHABITED WITH THE LATTER, OR A BROTHER OF HIS COHABITED WITH THE LATTER, HE DOES NOT RENDER THE FORMER INELIGIBLE [FOR HIM]. IF THE LEVIR COHABITED WITH THE LATTER, AND THEN HE ALSO COHABITED WITH THE FORMER, OR A BROTHER OF HIS COHABITED WITH THE FORMER, HE RENDERS THE LATTER INELIGIBLE [FOR HIM].

[IF ONE WAS] OF AGE AND THE OTHER A MINOR, AND THE LEVIR COHABITED WITH [THE WIDOW] WHO WAS OF AGE, AND THEN HE ALSO COHABITED WITH THE MINOR, OR A BROTHER OF HIS COHABITED WITH THE MINOR, HE DOES NOT RENDER THE ELDER INELIGIBLE FOR HIM. IF THE LEVIR COHABITED WITH THE MINOR, AND THEN HE ALSO COHABITED WITH [THE WIDOW WHO WAS] OF AGE, OR A BROTHER OF HIS COHABITED WITH [THE WIDOW WHO WAS] OF AGE, HE RENDERS THE MINOR INELIGIBLE [FOR HIM].

R. ELEAZAR RULED: THE MINOR IS TO BE INSTRUCTED TO EXERCISE HER RIGHT OF MI'UN AGAINST HIM.⁴

GEMARA. Rab Judah stated in the name of Samuel: The halachah is in agreement with R. Eliezer⁵. So also did R. Eleazar⁶ state: The halachah is in agreement with R. Eleazar.⁷ And [both statements⁸ were] required. For if the statement had been made on the first [Mishnah] only⁵ [it might have been assumed that] in that case alone did Samuel hold that the halachah is in agreement With R. Eliezer,⁹ since [the levir there] had not fulfilled the commandment of the levirate marriage,¹⁰ but in this case¹¹ where¹² the commandment of the levirate marriage has been fulfilled, it might have been assumed that both must be released by a letter of divorce.¹³ And if the information¹⁴ had been given on the latter¹¹ only, [it might have been suggested that] only in this case [is the halachah in agreement with him], because the elder is subject to levirate marriage¹⁵ with him, but not¹⁶ in the other case.¹⁷ [Hence both statements were] required.

MISHNAH. IF A LEVIR WHO WAS A MINOR COHABITED WITH A SISTER-IN-LAW WHO WAS A MINOR, THEY SHOULD BE BROUGHT UP TOGETHER.¹⁸ IF HE COHABITED WITH A SISTER-IN-LAW WHO WAS OF AGE, SHE SHOULD BRING HIM UP UNTIL HE IS OF AGE.¹⁹

IF A SISTER-IN-LAW DECLARED WITHIN THIRTY DAYS [AFTER HER LEVIRATE MARRIAGE], 'HE HAS NOT COHABITED WITH ME',²⁰ [THE LEVIR] IS COMPELLED TO SUBMIT TO HER HALIZAH,²¹ BUT [IF HER DECLARATION WAS MADE] AFTER THIRTY DAYS, HE IS ONLY REQUESTED TO SUBMIT TO HER HALIZAH.²² WHEN, HOWEVER, HE ADMITS [HER ASSERTION], HE IS COMPELLED, EVEN AFTER TWELVE MONTHS, TO

SUBMIT TO HER HALIZAH.

IF A WOMAN VOWED TO HAVE NO BENEFIT FROM HER BROTHER-IN-LAW, THE LATTER IS COMPELLED TO SUBMIT TO HER HALIZAH, [IF HER VOW WAS MADE] DURING THE LIFETIME OF HER HUSBAND,²³ BUT IF AFTER THE DEATH OF HER HUSBAND,²⁴ THE LEVIR MAY ONLY BE REQUESTED²⁵ TO SUBMIT TO HER HALIZAH. IF THIS,²⁶ HOWEVER, WAS IN HER MIND [EVEN IF HER VOW WAS MADE] DURING THE LIFETIME OF HER HUSBAND, THE LEVIR MAY ONLY BE REQUESTED TO SUBMIT TO HER HALIZAH.²⁷

GEMARA. Must it be assumed that our Mishnah²⁸ is not in agreement with R. Meir? For it was taught: A boy minor and a girl minor may neither perform halizah nor contract levirate marriage;²⁹ so R. Meir!³⁰ — It may even be said to agree with R. Meir, for R. Meir spoke only [of the levirate marriage of a sister-in-law] who was of age to a minor, and [of one who was] a minor to [a levir that was] of age, since one of these³¹ [may possibly be performing] forbidden cohabitation.³² He did not speak, however, of a boy minor who cohabited with a girl minor, in which case both are in the same position.³³ But, surely, it was stated, IF HE COHABITED WITH A SISTER-IN-LAW WHO WAS OF AGE SHE SHOULD BRING HIM UP UNTIL HE IS OF AGE!³⁴ — R. Hanina of Hozaah replied: If he had already cohabited [the law] is different.³⁵ But was it not stated: SHE SHOULD BRING HIM UP UNTIL HE IS OF AGE,³⁶ though each act of cohabitation is a forbidden one!³⁷ — The truth is clearly that our Mishnah cannot be in agreement with R. Meir.

Should not the text, To raise up unto his brother a name,³⁸ be applied here? And this minor,³⁹ Surely, is not capable of it!⁴⁰ — Abaye replied: Scripture said, Her husband's brother shall go in unto her,⁴¹ whoever he may be.⁴² Raba⁴³ replied: Without this [text] also you could not say [that a minor may not contract levirate marriage]. For is there any act [in connection with the levirate marriage] which is at one time⁴⁴ forbidden and after a time⁴⁵ permitted? Surely, Rab Judah stated in the name of Rab: Any sister-in-law to whom the instruction, Her husband's brother shall go in unto her,⁴¹ cannot be applied at the time when she becomes subject to the levirate marriage, is indeed like the wife of a brother who has children, and is consequently forbidden!⁴⁶ But then might it not be suggested that this same [principle is applicable here] also?⁴⁷ — Scripture said, If brethren dwell together,⁴⁸ even if [one brother is only] one day old.⁴⁹

IF A SISTER-IN-LAW DECLARED WITHIN THIRTY DAYS etc. Who is it that taught that up to thirty days⁵⁰ a man may restrain himself?⁵¹ -R. Johanan replied: It is R. Meir; for it was taught: A complaint in respect of virginity⁵² [may be brought] during the first⁵³ thirty days;⁵⁴ so R. Meir. R. Jose said: If [the woman] was shut up [with him, the complaint must be made] forthwith; if she was not shut up [with him], it may be made even after many years.⁵⁵ Rabbah stated: It⁵⁶ may even be said [to represent the opinion of] R. Jose,⁵⁷ for R. Jose spoke there⁵⁵ only of one's betrothed with whom one is familiar,⁵⁸ but [not of] the wife of one's brother

(1) As the kinyan of both is of equal validity or invalidity, if the levir's kinyan of the first was valid, that of the other, coming as it does after it, is ineffective, while if his kinyan of the first was invalid, that of the other was equally invalid and both have the same status as strangers whom he never married. He may, therefore, retain the first who is in any case permitted to him, while the second must be released, since it is possible that the kinyan of a minor is valid and both were, therefore, the lawful wives of the deceased brother, who, as rivals, cannot both be married by the levir.

(2) This is a preventive measure against the possibility of marrying the deaf woman first. Cf. Gemara supra 111a — Rashi. Cf. infra p. 779, n. 1. [Mishnayoth edd.: 'he does not render the minor ineligible', the reason being if the minor is fully acquired, the act of cohabitation with the deaf-mute that followed has no validity. Should, on the other hand, the kinyan in regard to a minor be of no effect whatsoever, then she could not be considered the wife of the deceased brother, v. Bertinoro a.l.].

(3) Since it is possible that the minor is fully acquired, while in the case of the other it is certain that, as a deaf person,

she is only partially acquired.

(4) Thus annulling her marriage and enabling the levir to retain the elder woman.

(5) With reference to Mishnah 109a which deals with the levirate marriage of two sisters, cf. however supra p. 760, n. 5.

(6) R. Eleazar b. Pedath, one of the Amoraim.

(7) R. Eleazar b. Shammua', the Tanna in our Mishnah.

(8) That (a) the halachah is in agreement with R. Eleazar in our Mishnah and that (b) it is also in agreement with R. Eliezer's view in the Mishnah supra 109a, as stated in the Gemara supra 110a.

(9) V. supra p. 779, n. 3.

(10) There only it is permissible to teach the minor to exercise her right of mi'un, in order that the levir may be enabled to perform the commandment with the elder.

(11) Our Mishnah.

(12) The levir having cohabited with both widows.

(13) And that the minor is not to be taught to exercise her right of mi'un.

(14) That the halachah is in agreement with R. Eleazar.

(15) V. supra note 2.

(16) Cf. supra note 5.

(17) Cf. supra p. 779, n. 3, where, should the minor fail to exercise her right of mi'un, the elder widow would, as his wife's sister, be altogether exempt from the levirate marriage.

(18) Lit., 'this with this'. As the divorce of a minor is invalid, they cannot be separated by a letter of divorce, should they desire to do so, before both have attained their majority.

(19) During his minority he cannot divorce her (cf. supra note 10).

(20) And he denies her statement.

(21) It being assumed that a period of thirty days sometimes elapses before a marriage is consummated, her word is accepted; v. Gemara.

(22) He cannot be compelled, because it is assumed that no one postpones consummation of marriage for a longer period than thirty days. His word is, therefore, accepted. As the woman, however, by her statement, declared herself to be still bound to him by the levirate bond it is necessary that she should perform halizah, to submit to which, however, the levir can only be asked, not compelled.

(23) When she is not likely to have had in her mind the possibility of ever marrying the levir. The vow is, therefore, presumed to have been due to some quarrel or misunderstanding between her and the levir and to be in no way due to a desire on her part to evade the precept of the levirate marriage.

(24) When her intention may have been to avoid marrying the levir.

(25) But may not be compelled.

(26) Avoidance of the levirate marriage.

(27) And if he refuses, the widow, who is alone to blame for the fact that the levirate marriage cannot be contracted with her, is forbidden to marry again; nor is she entitled to her kethubah.

(28) Which allows levirate marriage to a minor.

(29) Since it is possible that on attaining majority they may be found wanting in procreative powers, in consequence of which they will be unfit for the performance of the levirate obligations. As the Pentateuchal law is thus incapable of fulfilment, the sister-in-law remains forbidden to the levir as his brother's wife'.

(30) Supra 61b. (Cf. supra n. 6).

(31) I.e., the party that is of age.

(32) Cf. supra p. 781, n. 7.

(33) Both are not subject to punishment, even if their cohabitation is found to be a forbidden act and consequently may be allowed in a doubtful case such as this; cf. infra 114a.

(34) Which is not a case concerning two minors.

(35) Though the levirate marriage of a minor with one who is of age is forbidden, it is nevertheless valid ex post facto.

(36) Implying permissibility to continue to live with him.

(37) Which proves that our Mishnah permits directly, not only ex post facto, the levirate marriage of a minor.

(38) Deut. XXV, 7.

(39) As he is incapable of procreation.

(40) To raise up unto his brother a name. Why then is he allowed, the levirate marriage?

- (41) Deut. XXV. 5.
- (42) Even one who is incapable of fulfilling the commandment in its entirety.
- (43) Others, 'Rabbah' (cf. Tosaf. supra 20 s.v. **ואהות**).
- (44) Lit., 'now', while one of the parties is a minor.
- (45) When majority is attained.
- (46) Supra 30a; for all time, even when the cause of her prohibition had ceased to exist. Were not the minor then permitted the levirate marriage, this prohibition would not have been removed even after he had attained majority.
- (47) I.e., that a levir who was a minor at the time his brother died may never contract levirate marriage.
- (48) Deut. XXV, 5.
- (49) Must the levirate marriage he contracted, cf. *ibid*.
- (50) After his marriage.
- (51) From cohabitation. This being evidently the reason why in our Mishnah the woman's statement is accepted as true.
- (52) A husband's assertion that he found no tokens of virginity (cf. Deut. XXII, 13ff), and that, consequently, his wife is not entitled to her kethubah.
- (53) Lit., 'all'.
- (54) After marriage; and the husband is believed when he states that he had only just then discovered her defect. If his complaint is made after thirty days, he cannot deprive his wife of her kethubah, it being assumed that her defect, if any, had been discovered by him long ago and that he had acquiesced. His present complaint is regarded as a mere pretext to penalize the woman because of some new quarrel that may have arisen between them.
- (55) V. Tosef. Keth. I.
- (56) The statement in our Mishnah, which implies that for thirty days after marriage a man may restrain himself. (Cf. supra note 5).
- (57) Not only that of R. Meir.
- (58) And since he met her in privacy consummation of marriage might well be assumed.

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towards whom one is rather reserved.¹

Now, instead of being compelled to submit to halizah, let [the levir] be compelled to take [his sister-in-law] in levirate marriage! — Rab replied: [This is a case] where her letter of divorce was produced by her.²

An objection was raised: If within thirty days³ a sister-in-law declared, 'He has not cohabited with me,' he is compelled to submit to halizah from her, whether he says 'I have cohabited' or whether he admits 'I have not cohabited'; if after thirty days, he may only be requested⁴ to submit to halizah from her. If she declares,⁵ 'He cohabited with me,' and he states, 'I did not cohabit', behold, he may⁶ release her by a letter of divorce.⁷ If he declares, 'I have cohabited' and she states, 'He has not cohabited with me,' It is necessary for him, even if he withdrew his statement and admitted, 'I have not cohabited', [to give her] a letter of divorce⁸ and [to submit to her] halizah!⁹ — R. Ammi replied: [The meaning is that] she requires halizah together with her letter of divorce.¹⁰

R. Ashi replied: There¹¹ the letter of divorce [was given] in respect of his levirate bond;¹² while here¹³ the letter of divorce [is required in respect] of his cohabitation.¹⁴

[A couple] both of whom admitted¹⁵ [that there was no consummation of the levirate marriage] once came before Raba. 'Arrange the halizah for her', said Raba to his disciples, 'and dismiss her case'. 'But, surely', said R. Sherebya to Raba, 'it was taught: She requires¹⁵ both a letter of divorce and halizah!' 'If it was so taught', the other replied, 'well, then it was taught'.

Hon son of R. Nahman enquired of R. Nahman: What [is the law in respect of] her¹⁶ rival?¹⁷ — The other replied: Shall the rival be forbidden [to marry again] because we compel or request [the

IF A WOMAN VOWED TO HAVE NO BENEFIT etc. We learned elsewhere: At first it was held that [the following] three [classes of] women must be divorced¹⁹ and they also receive their kethubah: One²⁰ who declares, 'I am unclean for you',²¹ or 'heaven is between me and you',²² or 'May I be kept away from the Jews'.²³ This ruling was afterwards withdrawn²⁴ in order that a wife might not cast eyes upon another man²⁵ and thus disgrace her husband;²⁶ but [instead it was ordained that] one²⁰ who declared, 'I am unclean for you',²¹ must bring evidence in support of her statement;²⁷ [in respect of a woman who tells her husband] 'heaven is between me and you',²² [peace] is made between them by way of a request [addressed to the husband]; [and if a woman vowed], 'May I be kept away from the Jews' [the husband] invalidates his part [of the vow]²⁸ and she may continue connubial intercourse with him, though she remains removed from [other] Jews.²⁹ The question was raised: What [is her relation] to the levir [if a woman had vowed],³⁰ 'May I be kept from the Jews?' Is [it assumed that]³¹ it occurred to her that her husband may possibly die³² and that she might become subject to the levir³³ or not?³⁴ — Rab replied: The levir has not the same status as the husband;³⁵ and Samuel replied: The levir has the same status as the husband.

Said Abaye: Logical deduction is in agreement with Rab. For we learned, IF A WOMAN VOWED TO HAVE NO BENEFIT FROM HER BROTHER-IN-LAW, THE LATTER IS COMPELLED TO SUBMIT TO HER HALIZAH [IF HER VOW WAS MADE] DURING THE LIFETIME OF HER HUSBAND. Now, if it is [to be assumed] that it occurred to her³⁶

(1) Though he was alone with her no cohabitation may have taken place. **בזיו מ'בזו** rt. **בזו** 'to be shy', 'bashful'. Cf. **גזו בזו**.

(2) Lit., 'from under her hand'. After a divorce by the levir, the levirate marriage is forbidden. It is now assumed that the letter of divorce spoken of is one by which the levir had severed their union after the consummation of their marriage.

(3) After contracting levirate marriage.

(4) He cannot be compelled.

(5) After thirty days from their marriage.

(6) If they desire their union to be severed.

(7) No halizah is necessary, the woman being believed, since more than thirty days have elapsed after their marriage.

(8) Since after thirty days it is assumed that cohabitation had taken place.

(9) Because she herself by her declaration that no cohabitation had taken place and that the levirate bond was consequently still in force has caused her own prohibition to all other men until she has performed the halizah. Now, as in this case it is specifically mentioned that a letter of divorce is required, it is to be presumed that in all cases spoken of in this Baraitha the woman had no divorce; why then in the absence of a divorce, is the levir in the first case, compelled to submit to halizah and not rather to the performance of the levirate marriage?

(10) Which is already in her possession. The clause 'even if he withdrew' his statement etc., does not emphasize the necessity of giving a letter of divorce but the ruling that where the levir first declared after thirty days that he consummated the marriage he may only be requested and not compelled to submit to halizah even though he later asserted that no cohabitation had taken place.

(11) In the first clause of the Baraitha under discussion.

(12) And this has caused the woman to be forbidden to the levir, in consequence of which halizah only but no levirate marriage is possible.

(13) In the final clause.

(14) The purport of the clause 'even if he withdrew' his statement etc., being that although the levir admitted later that no cohabitation had taken place, in consequence of which it might have been presumed that halizah alone is sufficient, a letter of divorce is nevertheless required, because, more than thirty days having elapsed after the marriage, his first statement admitting cohabitation is accepted as the true one.

(15) After the levir had first declared that consummation of marriage had taken place.

(16) A sister-in-law who declared that the levirate marriage had not been consummated.

(17) Is the rival also forbidden to marry again before the other had performed the halizah?

- (18) Obviously not. The sister-in-law in question may indeed have placed herself under a prohibition as a result of her own declaration. The rival, however, since every levirate marriage is usually consummated, remains free.
- (19) Even if the husband is reluctant.
- (20) The wife of a priest.
- (21) Through outrage. A priest is forbidden to live with a wife in such circumstances.
- (22) A declaration that may be made by a woman whom her husband deprives of her connubial rights. The meaning might be: 'The distance of the heavens lies between us' or 'heaven knows (if no man does) our miserable relationship'.
- (23) I.e., a vow to have no sexual intercourse with any of them. Such a vow is assumed to be the result of the pain that connubial intercourse may cause her, and therefore justified.
- (24) Lit., 'they returned to say'.
- (25) Whom she would arrange to marry in a place where they are unknown.
- (26) By inventing the disabilities mentioned.
- (27) Otherwise her assertion is disregarded.
- (28) That part of the prohibition that concerns himself.
- (29) For fuller notes v. Ned., Sonc, ed., pp. 279ff.
- (30) During the lifetime of her husband.
- (31) Though her husband is alive.
- (32) Without issue.
- (33) Her vow was consequently meant to include the levir; and, since her husband can only invalidate his own share, she remains forbidden to the levir.
- (34) Her vow may have applied to those men only who are otherwise allowed to marry her if her husband divorced her, her object being to convince him that she had no intention of marrying any other man even after she had left him. As the levir remains in any case forbidden to her after her husband had divorced her she could not have had him in mind. Hence he should be permitted to contract levirate marriage with her.
- (35) He is excluded from the vow.
- (36) Even while her husband was alive, that he might die without issue and that she would, therefore, be subject to the levir.

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it should have been [stated that he is only] to be requested!¹ — What we are dealing with here is the case of a woman who has children, so that such a remote possibility² does not occur to her.

What, however, [would be the law if] she had no children? [Would the levir in that case have] to be requested! Instead, then, of stating, IF THIS, HOWEVER, WAS IN HER MIND [EVEN IF HER VOW WAS MADE] DURING THE LIFETIME OF HER HUSBAND, THE LEVIR MAY ONLY BE REQUESTED TO SUBMIT TO HER HALIZAH,³ a distinction should have been made in the very same case:⁴ This⁵ is applicable only where she has children, but where she has no children he may only be requested!' Consequently⁶ it must be inferred that whether⁷ she has children or not, the levir is compelled [to submit to halizah], in accordance with the opinion of Rab. Thus our contention is proved.

CHAPTER XIV

MISHNAH. A DEAF⁸ MAN WHO MARRIED A WOMAN OF SOUND SENSES OR A MAN OF SOUND SENSES WHO MARRIED A DEAF WOMAN MAY, IF HE WISHES TO RELEASE HER, DO SO;⁹ AND IF HE WISHES TO RETAIN HER HE MAY ALSO DO SO. AS HE MARRIES [THE WOMAN] BY GESTURES¹⁰ SO HE DIVORCES HER BY GESTURES.

IF A MAN OF SOUND SENSES MARRIED A WOMAN OF SOUND SENSES AND SHE BECAME DEAF, HE MAY,¹¹ IF HE WISHES, RELEASE HER;¹² AND IF HE WISHES HE MAY RETAIN HER. IF SHE BECAME AN IMBECILE HE MAY NOT DIVORCE HER.¹³ IF HE,

HOWEVER, BECAME DEAF OR INSANE, HE MAY NEVER DIVORCE HER.¹⁴

R. JOHANAN B. NURI ASKED: WHY MAY A WOMAN WHO BECAME DEAF BE DIVORCED WHILE A MAN WHO BECAME DEAF MAY NOT DIVORCE [HIS WIFE]? THEY¹⁵ ANSWERED HIM: A MAN WHO GIVES DIVORCE IS NOT LIKE A WOMAN WHO IS DIVORCED. FOR WHILE A WOMAN MAY BE DIVORCED WITH HER CONSENT AS WELL AS WITHOUT IT, A MAN CAN GIVE DIVORCE ONLY WITH HIS FULL CONSENT.

R. JOHANAN B. GUDGADA TESTIFIED CONCERNING A DEAF [MINOR] WHO WAS GIVEN IN MARRIAGE BY HER FATHER¹⁶ THAT SHE MAY BE RELEASED BY A LETTER OF DIVORCE.¹⁷ THEY¹⁸ SAID TO HIM:¹⁹ THE OTHER²⁰ ALSO IS IN A SIMILAR POSITION²¹.

IF TWO DEAF BROTHERS WERE MARRIED TO TWO DEAF SISTERS, OR TO TWO SISTERS WHO WERE OF SOUND SENSES, OR TO TWO SISTERS ONE OF WHOM WAS DEAF AND THE OTHER WAS OF SOUND SENSES; AND SO ALSO IF TWO DEAF SISTERS WERE MARRIED TO TWO BROTHERS WHO WERE OF SOUND SENSES, OR TO TWO DEAF BROTHERS, OR TO TWO BROTHERS ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, BEHOLD THESE [WOMEN] ARE EXEMPT FROM HALIZAH AND FROM LEVIRATE MARRIAGE.²² IF [THE WOMEN, HOWEVER], WERE STRANGERS²³ [THE RESPECTIVE LEVIRS] MUST MARRY THEM,²⁴ AND IF THEY WISH TO DIVORCE THEM,²⁵ THEY MAY DO SO.²⁶

IF TWO BROTHERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, WERE MARRIED TO TWO SISTERS WHO WERE OF SOUND SENSES, AND THE DEAF BROTHER, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE SISTER OF SOUND SENSES, DO? [NOTHING; SINCE HIS SISTER-IN-LAW] IS EXEMPT²⁷, AS BEING HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? HE MUST RELEASE HIS WIFE BY A LETTER OF DIVORCE²⁸ WHILE HIS BROTHER'S WIFE IS FORBIDDEN FOREVER [TO MARRY AGAIN].²⁹

IF TWO BROTHERS OF SOUND SENSES WERE MARRIED TO TWO SISTERS ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, AND THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF SISTER, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? [NOTHING; SINCE HIS SISTER-IN-LAW] IS EXEMPT³⁰ AS HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF SISTER, DO? HE MUST DIVORCE HIS WIFE BY A LETTER OF DIVORCE³¹ AND [HE RELEASES] HIS BROTHER'S WIFE BY HALIZAH.³²

IF TWO BROTHERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, WERE MARRIED TO TWO SISTERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, AND THE DEAF BROTHER, THE HUSBAND OF THE DEAF SISTER, DIED, WHAT SHOULD [THE BROTHER WHO WAS] OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? [NOTHING; SINCE THE WIDOW] IS RELEASED BY VIRTUE OF HER BEING HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF THE DEAF SISTER, DO? HE

RELEASES HIS WIFE BY A LETTER OF DIVORCE. WHILE HIS BROTHER'S WIFE IS FOREVER FORBIDDEN [TO MARRY AGAIN].³³

IF TWO BROTHERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, WERE MARRIED TO TWO STRANGERS WHO WERE OF SOUND SENSES, AND THE DEAF BROTHER, THE HUSBAND OF [THE WOMAN WHO WAS] OF SOUND SENSES DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE WOMAN OF SOUND SENSES, DO? — HE EITHER SUBMITS TO HALIZAH OR CONTRACTS LEVIRATE MARRIAGE. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE WOMAN WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF THE WOMAN WHO WAS OF SOUND SENSES, DO? HE MUST MARRY HER AND HE MAY NEVER DIVORCE HER.³⁴

IF TWO BROTHERS OF SOUND SENSES WERE MARRIED TO TWO STRANGERS,³⁵ ONE OF WHOM WAS OF SOUND SENSES AND THE OTHER DEAF, AND THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF WOMAN DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE WOMAN OF SOUND SENSES, DO? HE MARRIES [THE WIDOW] AND IF HE WISHES TO DIVORCE HER HE MAY DO SO. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE WOMAN OF SOUND SENSES, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF WOMAN, DO? HE MAY EITHER SUBMIT TO HALIZAH OR CONTRACT LEVIRATE MARRIAGE.

IF TWO BROTHERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, WERE MARRIED TO TWO STRANGERS,³⁵ ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, AND THE DEAF BROTHER, THE HUSBAND OF THE DEAF WOMAN, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE WOMAN OF SOUND SENSES. DO? HE MUST MARRY [THE WIDOW], BUT IF HE WISHES TO DIVORCE HER HE MAY DO SO.³⁶ IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE WOMAN OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF THE DEAF WOMAN, DO? HE MUST MARRY [THE WIDOW] AND HE MAY NEVER DIVORCE HER.

GEMARA. Rami b. Hama stated: Wherein lies the difference between a deaf man or a deaf woman [and an imbecile] that the marriage of the former should have been legalized by the Rabbis³⁷ while that of the male imbecile or female imbecile was not legalized by the Rabbis? For it was taught: If an imbecile or a minor married, and then died, their wives are exempt from halizah and from the levirate marriage!³⁸ — [In the case of] a deaf man or a deaf woman, where the Rabbinical ordinance could be carried into practice,³⁹ the marriage was legalized by the Rabbis; [in that of] a male, or female imbecile, where the Rabbinical ordinance cannot be carried into practice, since no one could live with a serpent in the same basket,⁴⁰ the marriage was not legalized by the Rabbis.

And wherein lies the difference between a minor [and a deaf person] that the marriage of the former should not have been legalized⁴¹ by the Rabbis while that of the deaf person was legalized by the Rabbis? — The Rabbis have legalized the marriage of a deaf person since [Pentateuchally] he would never be able to contract a marriage;⁴² they did not legalize the marriage of a minor since in due course he would be able to contract [a Pentateuchally valid] marriage. But, surely, [in the case of] a girl minor, who would in due course be able to contract [a Pentateuchally valid] marriage, the Rabbis did legalize her marriage.⁴³ — There⁴⁴ [it was legalized] in order that people might not treat her as ownerless property.⁴⁵ And why is there a difference⁴⁶ between a minor [and a deaf woman] that the former should be permitted to exercise the right of *mi'un* while the deaf woman should not be permitted to exercise the right of *mi'un*? — Because, if [the latter also were allowed to do] so,

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- (1) And not compelled; since it is the woman's fault that the levirate marriage cannot be contracted.
- (2) Lit., 'that all this', i.e., that all her children as well as her husband would die, and that the death of the former would precede that of the latter.
- (3) Which, referring to a case where the woman's intention was known, is altogether different from the previous one.
- (4) Spoken of, where it is not definitely known whether the levirate marriage was or was not in her mind.
- (5) That the levir is compelled to submit to halizah.
- (6) Since no such distinction was drawn.
- (7) Lit., 'there is no difference'.
- (8) 'Deaf and dumb', as is to be understood throughout by the term 'deaf'. Marriages contracted by parties of whom one is a deaf-mute are only Rabbinically valid.
- (9) By a letter of divorce.
- (10) Which in the case of a deaf person take the place of the prescribed formulae.
- (11) Though her marriage was Pentateuchally valid.
- (12) By a letter of divorce, for the reason to be explained infra.
- (13) This is a Rabbinic provision, and the reason is given in the Gemara.
- (14) Because his marriage was Pentateuchally valid while his divorce, being that of a deaf person, has no such validity.
- (15) The Sages. divorce, being that of a deaf person, has no such validity. (8) The Sages.
- (16) Such a marriage is Pentateuchally valid since her father is empowered to act on her behalf.
- (17) Even after attaining her majority when she is no longer under her father's control.
- (18) The Sages.
- (19) R. Johanan b. Nuri.
- (20) Lit., 'this', one of sound senses that became deaf, who formed the subject of R. Johanan b. Nuri's enquiry in the preceding paragraph.
- (21) V. Git. 55a.
- (22) As the marriages of both sisters are of equal invalidity in Pentateuchal, and of equal validity in Rabbinic law, their levirate obligations and degree of relationship are also on the same legal level. Each sister, therefore, exempts the other, as in the case of marriages between normal brothers and sisters, from both the levirate marriage and halizah.
- (23) To one another; i.e., if they were not sisters or near of kin in any other way.
- (24) Since no halizah is possible with a deaf-mute (v. supra p.788, n. 1) who cannot recite the formulae.
- (25) After marriage.
- (26) By gestures, as they did in the case of the marriages.
- (27) From levirate marriage and halizah.
- (28) Because the levirate bond with his sister-in-law, whose marriage (as one between normal persons) was Pentateuchally valid, causes his wife whose marriage with him (a deaf person) was only Rabbinically valid, to be forbidden to him as the sister of his zekukah (v. Glos.).
- (29) Since, as a deaf man (cf. supra p.789. n. 8), he is incapable of participating in her halizah, while levirate marriage cannot be contracted because she is his wife's, or divorcee's sister.
- (30) From levirate marriage and halizah.
- (31) Cf. supra n. 1 mutatis mutandis.
- (32) Since both he and his sister-in-law are normal persons.
- (33) V. supra p.790. 2.
- (34) His divorce, which has only Rabbinical, but not Pentateuchal validity, cannot sever the levirate bond between him and his sister-in-law, which arose out of the pentateuchally valid marriage of his brother.
- (35) Cf. supra p.789. n. 10.
- (36) Cf. supra p.789. n. 10.
- (37) As is evident from our Mishnah. Since halizah was required it is obvious that the preceding marriage, without which the question of halizah could never have arisen, is recognized as valid despite the fact that a deaf-mute (cf. supra p.788. n. 1), owing to his inferior intelligence, is elsewhere ineligible to effect a kinyan.
- (38) Supra 69b, 96b.
- (39) Deaf-mutes might well lead a happy matrimonial life, not only when the husband or wife is deaf, but even where both are afflicted with deafness.

- (40) proverb. There can be no happy or enduring matrimonial union between an imbecile and a sane person or between two imbeciles.
- (41) As has been stated in the Baraita just cited.
- (42) And were not his marriage recognized as valid, at least in Rabbinic law, marriage for him would have become an impossibility.
- (43) Wherein does she differ from the boy minor that she should be subject to a different law?
- (44) The case of the girl minor.
- (45) Take liberties with her.
- (46) Since in the case of either, marriage is Pentateuchally invalid.

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men would abstain from marrying her.¹

And why is there a difference between a minor [and a deaf woman] that the former should be permitted to eat terumah² while a deaf woman³ may not? For we learned, 'R. Johanan b. Gudgada testified concerning a deaf girl whom her father gave in marriage⁴ that she may be dismissed by a letter of divorce,⁵ and concerning a minor, the daughter of an Israelite, who was married⁶ to a priest, that she may eat [Rabbinical]⁷ terumah',⁸ while the deaf woman may not eat!⁹ This¹⁰ is a preventive measure against the possibility that a deaf man might feed a deaf woman [with such terumah]. Well, let him feed her, [since she is only in the same position] as a minor who eats nebelah!¹¹ This¹² is a preventive measure against the possibility that a deaf [husband] might feed a wife of sound senses [with it]. But even a deaf husband might well feed his wife who was of sound senses with Rabbinical terumah!¹³ — A preventive measure was made against the possibility of his feeding her with Pentateuchal terumah.

And why is the minor different [from the deaf woman] that the former should be entitled to her kethubah while the deaf woman is not entitled to her kethubah? — Because if [the latter also were] so [entitled] men would abstain from marrying her.¹⁴

Whence, however, is it inferred that a minor is entitled to a kethubah? — From what we learned: A minor who exercised the right of mi'un, a forbidden relative of the second degree,¹⁵ and a woman who is incapable of procreation, are not entitled to a kethubah;¹⁶ but [it follows¹⁷ that one] released by a letter of divorce,¹⁸ though a minor, is entitled to receive her kethubah.

And whence is it inferred that a deaf woman is not entitled to her kethubah? — From what was taught: If a man who was deaf or an imbecile married women of sound senses [the latter], even though the deaf man recovered his faculties or the imbecile regained his intelligence, have no claim whatsoever on [either of] them.¹⁹ But if [the men] wished to retain them [the latter] are entitled to a kethubah of the value of²⁰ a maneh.²¹ If, however, a man of sound senses married a woman who was deaf or an imbecile, her kethubah is valid, even if he undertook in writing to give her a hundred maneh,²² since he himself had consented to suffer the loss.²³ The reason, then,²⁴ is because he himself consented; had he not consented, however, she would receive no kethubah,²⁵ since otherwise²⁶ men would abstain from marrying her.²⁷

If so,²⁸ a kethubah should have been provided for a woman of sound senses who married a deaf man, since otherwise²⁹ [women] would abstain from marrying [deaf men]! — More than the man desires to marry does the woman desire to be taken in marriage.³⁰

A deaf man once lived in the neighbourhood of R. Malkiu [and the latter] allowed him to take a wife to whom he had assigned in writing a sum of four hundred zuz out of his³¹ estate. Raba remarked: Who is so wise as R. Malkiu who is indeed a great man. He³² held the view: Had he

wished to have a maid to wait upon him, would we not have allowed one to be bought for him?³³ How much more, [then, should his desire be fulfilled] here where there are two [reasons for complying with his request]!³⁴

R. Hiyya b. Ashi stated in the name of Samuel: For [unwitting intercourse with] the wife of a deaf man³⁵ no asham talui²² is incurred.³⁶ It might be suggested that the following provides support to his³⁷ view: There are five who may not set apart terumah, and if they did so their terumah is not valid. These are they: A deaf man, an imbecile, a minor, he who gives terumah³⁸ from that which is not his own, and an idolater who gave terumah from that which belonged to an Israelite; and even [if the latter gave it] with the consent of the Israelite his terumah is invalid!³⁹ — He⁴⁰ holds⁴¹ the same view is R. Eleazar. For it was taught : R. Isaac stated in the name of R. Eleazar that the terumah of a deaf man must not be treated⁴² as profane, because its validity is a matter of doubt.⁴³ If he⁴⁰ is of the same opinion as R. Eleazar,⁴⁴ an asham talui also should be incurred!⁴⁵ — It is necessary⁴⁶ [that the offence should be similar to that of eating] one of two available pieces [of meat].⁴⁷ But does R. Eleazar require [a condition similar to that of eating] one of two pieces? Surely, it was taught : R. Eleazar stated: For [eating] the suet of a koy⁴⁸ one incurs the obligation of an asham talui!⁴⁹ — Samuel is of the same opinion as R. Eleazar in one case⁵⁰ but differs from him in the other.⁵¹

Others read: R. Hiyya b. Ashi stated in the name of Samuel: For [unwitting intercourse with] the wife of a deaf man the obligation of an asham talui is incurred.⁵² An objection was raised: There are five who may not set apart terumah!⁵³ — He⁵⁴ holds the same view as R. Eleazar.⁵⁵

R. Ashi asked: What is R. Eleazar's reason? Is he positive that the mind of a deaf man is feeble but in doubt whether that mind is clear?⁵⁶

(1) Because at any time throughout her life she could leave her husband by merely making her declaration of refusal. This does not apply to a minor who loses her right to mi'un as soon as she becomes of age.

(2) Even if only her mother or brother gave her in marriage to a priest.

(3) Who was not given in marriage by her father. V. infra.

(4) While she was in her minority.

(5) Even after she became of age, when it is she and not her father that receives it.

(6) By her mother or brothers after the death of her father.

(7) Cf. supra 902.

(8) 'Ed. VII, 9, Git. 53b. Though such marriage is not Pentateuchally valid.

(9) Since only the minor, and not the deaf woman of whom the first clause speaks, was mentioned in this, the second clause.

(10) The prohibition against the eating of terumah by a deaf woman.

(11) V. Glos. Neither he nor she is subject to any punishment for the eating of forbidden food, v. infra 114a.

(12) The prohibition against the eating of terumah by the deaf woman.

(13) Since their marriage is at least Rabbinically valid.

(14) Cf. supra p.793, n. 5, mutatis mutandis. While deafness, as a rule, is an affliction for life, a minor does not forever remain in her minority.

(15) Who is forbidden in Rabbinic, though not in Pentateuchal law. Cf. supra 21a.

(16) Keth. 100b, B.M. 67a. The first mentioned, because her separation from her husband is effected even against his will; the second was penalized for contracting an unlawful marriage (cf. supra 85b); while in the case of the last the marriage is regarded as a contract under false pretenses.

(17) Since the Mishnah cited speaks only of a minor who has exercised the right of mi'un, and whose separation was, therefore, effected even without the husband's consent.

(18) Which is valid only if the husband had consented to the separation.

(19) Because, at the time the marriage had been contracted, the men were not in the possession of all their senses or faculties and were, in consequence, incapable of undertaking any monetary obligations.

(20) V. Bah. Cur. edd. omit to the end of the clause.

- (21) V. Glos. [Their marriage is deemed to have taken place when the husband recovers his faculties, and at that time they were no longer virgins. Beth Joseph, Eben ha-Ezer LXVII].
- (22) V. Glos.
- (23) **לִזְוֹק בְּנַכְסָיו**, lit., 'to be damaged in his estate'. Bomb. ed. and others (cf. Bah) read **לִזְוֹק** 'to be maintained'.
- (24) Why the deaf woman is entitled to her kethubah.
- (25) Even according to Rabbinic law.
- (26) Lit., 'for if so', i.e., if the Rabbis had entitled her to receive a kethubah.
- (27) Cf. supra p.793, n. 5 mutatis mutandis.
- (28) That eligibility to receive a kethubah is determined by the likelihood of the consent to marry the deaf person.
- (29) Cf. supra n. 5, mutatis mutandis.
- (30) The lack of a kethubah would not prevent a woman from marrying a man even if he was deaf.
- (31) The deaf man's.
- (32) R. Malkiu, in allowing the deaf man to accept responsibility for the sum mentioned.
- (33) The answer is, of course, in the affirmative.
- (34) Matrimony and service.
- (35) Though it might be argued that, since the degree of her husband's intelligence or mental capacity cannot be accurately gauged — the validity of her marriage should be deemed doubtful.
- (36) Such an offering is due only when the offence is a matter of doubt (cf. infra p.796. n. 10). In this case, however, as the marriage is valid in Rabbinic law only but remains definitely invalid in Pentateuchal law, no offering could be incurred.
- (37) Samuel's.
- (38) Without the authority of its owner.
- (39) Ter. I, 1 Shab. 153b. From this Mishnah, then, it follows, since the terumah of a deaf man is regarded as definitely invalid, that the incapacity of a deaf man is not a matter of doubt; and this apparently provides support to Samuel's view.
- (40) Samuel.
- (41) In regard to terumah.
- (42) Lit., 'go out'.
- (43) Shab. 153a. The invalidity of the terumah spoken of in the Mishnah cited may consequently be due to a similar reason. Hence no support for Samuel's view concerning a deaf man's wife may be adduced from it.
- (44) That the validity of the deaf man's action, and consequently also his capacity, is a matter of doubt.
- (45) In a case of intercourse with his wife. Cf. supra p.795, n. 15, mutatis mutandis.
- (46) If an asham talui is to be incurred.
- (47) One of which was definitely forbidden and the other definitely permitted, and it is unknown whether a person ate the one or the other. Only in such a case, where the doubt is due to the existence of two objects, is an asham talui incurred. Similarly in the case of intercourse with one of two women, when it is unknown whether the woman affected was his own wife or a forbidden stranger, an asham talui is incurred. If the doubt, however, relates to one object, it being unknown, for instance, whether a piece of fat one has eaten was of the permitted or forbidden kind, no asham talui is involved. Similarly, in the case of the deaf man's marriage, where the doubt relates to one woman, it being uncertain whether she has the status of a married woman or not, no asham talui is incurred.
- (48) A kind of antelope, Gr. **, concerning which it was unknown whether it belonged to the genus of cattle whose suet is forbidden or to that of the beast of chase whose suet is permitted. Cf. Hul. 80a.
- (49) Though the doubt relates to one object only.
- (50) In regard to terumah.
- (51) In regard to the liability of an asham talui.
- (52) Cf. supra p.795. n. 14 mutatis mutandis.
- (53) Cf. supra p.796. n. 2 mutatis mutandis.
- (54) Samuel.
- (55) V. supra p.796. n.7(mutatis mutandis) and text.
- (56) And whatever little his feebleness enables him to do he can do well at all times.

Talmud - Mas. Yevamoth 113b

or not clear,¹ though [in either case] it is always in the same condition,² or is it possible that he has no doubt that the [deaf man's] mind is feeble and that it is not clear,¹ but [his doubt] here is due to this reason: Because [the deaf man] may sometimes be in a normal state³ and sometimes in a state of imbecility? In what respect would this constitute any practical difference? — In respect of releasing his wife⁴ by a letter of divorce.⁵ If you grant that his mind is always in the same condition,⁶ his divorce [would have the same validity] as his betrothal.⁷ If, however, you contend that sometimes he is in a normal state³ and sometimes he is in a state of imbecility, he would indeed be capable of betrothal; in no way, however, would he be capable of giving divorce.⁸ What then is the decision? — This remains undecided.⁹

IF SHE BECAME AN IMBECILE etc. R. Isaac stated: According to the word of the Torah, an imbecile may be divorced,¹⁰ since her case is similar to that of a woman of sound senses [who may be divorced] without her consent. What then is the reason why it was stated that she may not be divorced? — In order that people should not treat her as a piece of ownerless property.¹¹

What kind [of imbecile, however, is here] to be understood? If it be suggested [that it is one] who is capable of taking care of her letter of divorce and who is also capable of taking care of herself, would people [it may be asked] treat her as if she were ownerless property! If, however, [she is one] who is unable to take care either of her letter of divorce or of herself, [how could it be said that] in accordance with the word of the Torah she may be divorced? Surely, it was stated at the school of R. Jannai, And giveth it in her hand¹² [only to her] who is capable of accepting her divorce,¹³ but this one¹⁴ is excluded since she is incapable of accepting her divorce; and, furthermore, it was taught at the school of R. Ishmael, And sendeth her out of his house,¹⁵ only one who, when he sends her out, does not return, but this one¹⁴ is excluded since she returns even if he sends her out! — This¹⁶ was necessary¹⁷ in respect of one who is capable of preserving her letter of divorce but is unable to take proper care of herself. Hence, in accordance with the word of the Torah, such an imbecile may well be divorced for, surely, she is capable of preserving her letter of divorce; the Rabbis, however, ruled that she shall not be dismissed in order that people might not treat her as a piece of ownerless property.

Abaye remarked: This¹⁸ may also be supported by deduction. For in respect of her¹⁴ it was stated, IF SHE BECAME AN IMBECILE HE MAY NOT DIVORCE HER, while in respect of him¹⁹ [the statement was]. HE MAY NEVER DIVORCE HER. In what respect [it may be asked] does he²⁰ differ [from her] that the statement [concerning him] is NEVER while in respect of her 'NEVER' is not mentioned?²¹ The inference, then, must be that the one is Pentateuchal, the other Rabbinical.

R. JOHANAN B. NURI ASKED etc. The question was raised: Was R. Johanan b. Nuri certain [of the law concerning] the man²² and his question related to that of the woman, or is it possible that he was certain concerning that of the woman²³ and his question related to that of the man? — Come and hear: Since they answered him: A MAN WHO GIVES A DIVORCE IS NOT LIKE A WOMAN WHO IS DIVORCED. FOR WHILE A WOMAN MAY BE DIVORCED WITH HER CONSENT AS WELL AS WITHOUT IT, A MAN CAN GIVE A DIVORCE ONLY WITH HIS FULL CONSENT, it may be inferred²⁴ that his question related to the man.²⁵ On the contrary; since they said to him: THE OTHER ALSO IS IN A SIMILAR POSITION,²⁶ it may be inferred that his question related to the woman! — But [the fact is this]: R. Johanan b. Nuri was addressing [them²⁷ in the light] of their own statement. 'According to my view', [he argued], 'as well as a man²⁸ is incapable of giving a divorce, so also is a woman²⁵ incapable of receiving a divorce;²⁹ but according to your view,³⁰ why should there be a difference between a man and a woman?'³¹ [To this] they replied: A MAN WHO GIVES A DIVORCE IS NOT LIKE A WOMAN WHO IS DIVORCED.

R. JOHANAN . . . TESTIFIED etc. Raba stated: From the testimony of R. Johanan b. Gudgada³² [it may be inferred that if a husband] said to witnesses, 'See this letter of divorce which I am giving

[to my wife]', and to her he said,³³ 'Take this bill of indebtedness', she is nevertheless divorced. For did not R. Johanan b. Gudgada imply that [the woman's] consent was not required?³⁴ Here also, then, her consent is not required. Is not this obvious!³⁵ — It might have been assumed that since he said to her, 'Take this bill of indebtedness'³⁶ he has thereby cancelled [the letter of divorce], hence we were taught [that it remains valid, for] had he in fact cancelled it, he would have made his statement to the witnesses. Since, however, he did not make the statement to the witnesses he did not cancel it at all; and the only reason why he made that statement to her was³⁷ to conceal [his] shame.³⁸

R. Isaac b. Bisna once lost the keys of the school house in a public domain³⁹ on a Sabbath.⁴⁰ When he came to R. Pedath⁴¹ the latter said to him, 'Go and

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- (1) He cannot do anything rational.
 - (2) Either always clear or always not clear.
 - (3) Lit. , 'sound'.
 - (4) Whom he married when he was already suffering from his infirmity.
 - (5) This question applies only to the view of R. Eleazar. (Cf. supra p.796. n. 7). According to the Rabbis, as has been stated (supra 112b), a deaf man may divorce his wife, as he marries her, by gestures.
 - (6) Either always clear or always not clear.
 - (7) Since his mental powers do not change, he is as capable of giving divorce as contracting a marriage. He was either capable of both transactions or of neither.
 - (8) It being possible that at the time of the betrothal or marriage he happened to be in a normal state, and his act was consequently valid, while at the time of the divorce he may happen to relapse into imbecility, in consequence of which his act can have no validity.
 - (9) Teku, v. Glos.
 - (10) Though it is impossible to ascertain whether she realizes the significance of her action.
 - (11) Were she left unprotected by a husband, unscrupulous men might take undue advantage of her.
 - (12) Deut. XXIV, 1 (hand = **י**). V. infra note 4).
 - (13) Lit., 'who has a hand' (v. supra note 3).
 - (14) The imbecile.
 - (15) Deut. XXIV, 1 .
 - (16) The statement of R. Isaac concerning the imbecile.
 - (17) Lit., 'not required (but)'.
 - (18) That the divorce of an imbecile is only Rabbinically forbidden but Pentateuchally permitted.
 - (19) The man who became an imbecile.
 - (20) Lit., 'here'.
 - (21) Lit., 'and what is different there that it was not taught forever'.
 - (22) That if he was deaf he may not divorce his wife.
 - (23) That if she was deaf she may be divorced.
 - (24) Since the expression used in the reply was, A MAN . . . IS NOT LIKE A WOMAN.
 - (25) Had it referred to the woman, the expression in the reply would have been, 'A woman . . . is not like a man'.
 - (26) The man not having been mentioned at all.
 - (27) The Rabbis.
 - (28) Who is deaf.
 - (29) It was to this statement that the Rabbis replied, THE OTHER ALSO IS IN A SIMILAR POSITION.
 - (30) Which allows a deaf woman to be divorced.
 - (31) Why should not a deaf man also be allowed to divorce his wife?
 - (32) According to which a woman may be divorced without her consent even though her betrothal was Pentateuchally valid.
 - (33) When handing the letter of divorce to her.
 - (34) Cf. supra p.799, n. 13.
 - (35) According to R. Johanan. What need, then, was there for Raba to state the obvious?
 - (36) Thus describing the document as one which has no relation whatsoever to divorce.

(37) Lit., 'and that which he said thus, owing to'.

(38) At divorcing her. Or, to save her from the shame of being divorced in public.

(39) Reshuth harabbim רשות הרבים. Glos. [Though the question arose on Sabbath they could not have been lost in a public domain on that day. Bah., therefore, rightly omits 'on a Sabbath'; nor did Rashi seem to have it, v. 114a s. v. דבר, v.n. 9].

(40) I.e., in a place where, and on a day when carrying of objects is forbidden.

(41) On Sabbath (Rashi). To consult him on the best way of getting the keys to the school house.

Talmud - Mas. Yevamoth 114a

lead forth some boys and girls [to the spot] and let them take a walk¹ there, for if they find [the keys] they will bring them back'. [From this] it is clearly evident that he² is of the opinion that if a minor eats nebelah,³ it is not the duty of the Beth din to take it away from him.⁴ May it be suggested that the following provides support for his view? A man must not say to a child, 'Bring me⁵ a key', or 'bring me⁵ a seal'; but he may allow him to pluck or to throw!⁶ Abaye replied: 'To pluck' [may refer] to a non-perforated plant-pot,⁷ and 'to throw' [may refer] to a neutral domain,⁸ [acts which are no more than prohibitions] of the Rabbis.⁹

Come and hear: If an idolater came to extinguish [a fire],¹⁰ he is not to be told either. 'Put it out' or 'Do not put it out', because it is not the duty of the Israelites present¹¹ to enforce his Sabbath rest. If a minor [Israelite], however, came to extinguish [the fire], he must be told, 'Do not put it out', since it is the duty of the Israelites present¹¹ to enforce his Sabbath rest!¹² R. Johanan replied: [The child is inhibited only] where he [appears to] act with his father's approval.¹³

Similarly, then, in respect of the idolater,¹⁴ [it is a case] where he acts with the approval of an Israelite? Is this, however, permitted!¹⁵ — An idolater acts on his own initiative.¹⁶

Come and hear: If the child of haber¹⁷ was in the habit of visiting his mother's father who was an 'am ha-rez,¹⁸ there is no need to apprehend that [the latter] might feed him with [levitically] unprepared foodstuffs;¹⁹ and if fruit²⁰ was found in his²¹ possession, it is not necessary [to take it from] him!²² — R. Johanan replied: The law was relaxed in respect of demai.²³

The reason, then,²⁴ is because [the fruit was] demai,²³ but [had its prohibition been] certain²⁵ it would have been necessary to tithe it;²⁶ but, surely [it may be objected] R. Johanan said²⁷ that [a child is inhibited only] where he [appears to] act with his father's approval²⁸ — But [the fact is that] R. Johanan was in doubt. When, therefore, he dealt with the one subject²⁹ he rebutted the argument³⁰ and when he dealt with the other²⁹ he [again] rebutted the argument.³⁰

Come and hear: If the child of a haber³¹ who was a priest was in the habit of visiting his mother's father who was a priest and an 'am ha-arez,³² there is no need to apprehend that [the latter] might feed him with unclean terumah; and if fruit was found in his³³ possession it is not necessary [to take it away from] him!³⁴ — [This refers only] to Rabbinical terumah.³⁵

Come and hear: An [Israelite] child may be regularly³⁶ breast fed by an idolatress or an unclean beast, and there is no need to have scruples about his sucking from a detestable thing;³⁷ but he must not be directly fed with nebeloth,³⁸ terefoth,³⁹ detestable creatures or reptiles. From all these, however, he may suck, even on the Sabbath,⁴⁰ though this is forbidden to an adult.⁴¹ Abba Saul stated: It was our practice to suck from a clean beast on a festival.⁴² At any rate it was here stated that 'there is no need to have scruples about his sucking from a detestable thing'!⁴³ — [The permissibility] there is due to [the presence of] danger.⁴⁴

If so, an adult also [should be permitted].⁴⁵ — [Permissibility for] an adult is dependent on

medical opinion.⁴⁶ [Permissibility for] a child also should be made dependent on medical opinion!⁴⁷ — R. Huna son of R. Joshua replied: The ordinary child is in danger when deprived of his⁴⁸ milk.

‘Abba Saul stated: It was our practice to suck from a clean beast on a festival’. How is one to understand this?⁴⁹ If danger was involved, [the sucking should be permitted] even on the Sabbath also; and if no danger was involved, it should be forbidden even on a festival! — This can only be understood as a case where⁵⁰ pain⁵¹ was involved, [Abba Saul] being of the opinion [that sucking]⁵² is an act of indirect⁵³ detaching.⁵⁴ [In respect of the] Sabbath, therefore, where the prohibition⁵⁵ [is one involving the penalty] of stoning, the Rabbis have instituted a preventive measure;⁵⁶ [in respect of] a festival, however, where the prohibition⁵⁵ [is only that of] a negative precept,⁵⁷ the Rabbis have not instituted any preventive measure.

Come and hear: These ye shall not eat,⁵⁸ for they are a detestable thing⁵⁹ [is to be understood⁶⁰ as] ‘you shall not allow them to eat’,⁶¹ this being a warning⁶² to the older men concerning the young children. Does not this imply⁶³ that [minors] must be ordered, you shall not eat [such things’]!⁶⁴ — No; that [adults] may not give them⁶⁵ with their own hands.⁶⁶

Come and hear: No soul of you shall eat blood⁶⁷ implies⁶⁸ a warning⁶² to the older men concerning the young children. Does not this signify⁶³ that [minors] must be told,⁶⁹ ‘Do not eat [blood]’!⁷⁰ — No; that [adults] must not give them with their own hands.⁶⁶

Come and hear: Speak . . . and say⁷¹ conveys a warning⁶² to the older [Priests] concerning the [priests who are] minors. Does not this imply that minors must be ordered not to defile themselves!⁷² — No; that [adults] must not defile them with their own hands.⁶⁶

And [all the Scriptural texts cited are] required. For if we had been informed concerning detestable things only,

(1) Or, ‘let them play’ (Rashi).

(2) R. Pedath, who saw no objection to the children's desecration of the Sabbath.

(3) V. Glos. Symbolic of any religious transgression.

(4) Lit., ‘to separate him’.

(5) On the Sabbath, from a public domain.

(6) If he does that of his own accord. Which proves that though a child may not be ordered to break a religious law he need not be interfered with if he does it on his own account.

(7) The plants in which draw no nourishment from the ground and cannot consequently be regarded as attached to it.

(8) Karmelith **כרמלית**, neither a public nor a private domain. V. Glos.

(9) In the case of Pentateuchal prohibitions, however, a child must be stopped even if he acts quite innocently.

(10) On the Sabbath when labour is forbidden to an Israelite.

(11) Lit., ‘upon them’.

(12) Shab. 121a. Which shews, contrary to the opinion of R. Pedath, that even where a child acts in pure innocence, he must be prevented from transgressing a law.

(13) I.e., if his father is present at the time he commits the transgression. The father's silence is interpreted as approval and encouragement of the child to continue his forbidden act. Hence the rule that he must be prevented from the desecration of the Sabbath. When, however, the child acts in the absence of his father it is no one's duty to restrain him.

(14) Mentioned in the same context (Shab 121a).

(15) Surely not. Whatever an Israelite is forbidden to do on the Sabbath he must not ask an idolater to do for him.

(16) He does not wait for the Israelite's encouragement, since he well knows that after the Sabbath he will be duly rewarded for his labour. Hence it is not necessary for any Israelite to prevent him from acting as he desires.

(17) **חבר**, lit., ‘associate’ (v. Glos). One who observes all religious laws including those relating to the priestly and Levitical gifts, which were occasionally neglected by the ‘am ha-arez.

(18) **עפ הארץ**, lit., ‘people of the land’ (v. supra n. 12).

- (19) Produce of the land on which the levitical dues have not been given.
- (20) I.e., any land produce, liable to levitical dues.
- (21) The child's.
- (22) I.e., he may eat of it, though, as the fruit of an 'am ha-arez, on which the necessary dues may not have been given, it is forbidden for consumption. From this it follows that there is no need to prevent a child from transgression. An objection against those who hold the contrary view!
- (23) דמאי, land produce belonging to an 'am ha-arez (v. Glos.), since the prohibition of such produce is due to suspicion only. It is not certain that the prescribed dues were not given by the 'am ha-arez.
- (24) Why the child is not prevented from the consumption of the fruit mentioned.
- (25) If, for instance, it had been definitely known that it had not been tithed.
- (26) Before the child could be allowed to eat of it.
- (27) Supra, in explanation of the citation from Shab. 121a.
- (28) Why, then, should the child, where he acts in all innocence and where his father's approval is not in question, be prevented from eating of the levitically unprepared fruit?
- (29) Lit., 'standing here'.
- (30) Lit., 'thrusts', thus preventing his disciples from drawing any definite, and possibly erroneous, conclusion,
- (31) V. supra p. 801, n. 12.
- (32) V. loc. cit. n. 13.
- (33) The child's.
- (34) Cf. supra note ., mutatis mutandis. The consumption of unclean terumah is forbidden Pentateuchally (cf. supra 73b)!
- (35) That which is given from the fruit of the trees (apart from vine and olive trees) which is Pentateuchally exempt.
- (36) Lit., 'and goes'.
- (37) Which is forbidden to adults. Cf. Lev. XI, 10ff.
- (38) Plural of nebelah (v. Glos.).
- (39) The sing. is terefah q.v. Glos.
- (40) When sucking is under certain conditions forbidden, as explained infra.
- (41) The milk of an unclean beast is for adults Pentateuchally forbidden. Cf. Bek. 6b.
- (42) When the restrictions on work are not as rigid as those of the Sabbath.
- (43) Though he is eating a Pentateuchally forbidden food (v. supra n. 6 and cf. supra p. 802, n. 4)!
- (44) Without food the child's life is endangered.
- (45) When life is in danger any religious law may be infringed.
- (46) Lit., 'requires an estimate'. Before he is allowed to eat of the forbidden food it is necessary to obtain medical opinion that delay until the conclusion of the Sabbath, for instance, would involve him in danger.
- (47) Cf. supra n. 11.
- (48) Lit., 'at'.
- (49) The circumstances in which Abba Saul and his friends were permitted to commit an apparently forbidden act.
- (50) Lit., 'not necessary (but)'.
- (51) Not danger to life.
- (52) From the breast.
- (53) Or 'unusual'. יד כלאחר יד lit., 'as if by the back of the hand'.
- (54) מפרק (rt. פרק in Pi'el, 'break down', 'detach') Milking an animal with one's hands is regarded as direct detaching which on the Sabbath is Pentateuchally forbidden (cf. Shab. 95a); releasing the milk by sucking is an unusual, or indirect unloading and is only Rabbinically forbidden.
- (55) For actual unloading.
- (56) Forbidding also sucking which is indirect unloading.
- (57) Involving no death penalty.
- (58) לאכתאכלים (Kal of אכל). V. infra n. 7.
- (59) Lev. XI, 42.
- (60) Since the prohibition of such food for adults has already been mentioned elsewhere.
- (61) לא תאכילום (Hif. of אכל).
- (62) Lit., 'to warn', 'caution', 'admonish'.
- (63) Lit., 'what not?'

(64) Even if they act on their own. An objection against R. Pedath (cf. supra p. 801, n. 7)!

(65) Bah. Cur. edd., 'him'.

(66) Cf. supra. 801, n. 8, final clause.

(67) Lev. XVII, 12.

(68) V. supra note 6

(69) Lit., 'they say to them'.

(70) Cf. supra p. 801, n. 7.

(71) Lev. XXI, 1, a repetition of the rt. **אמר**.

(72) Lit., 'he tells them, Do not be defiled'. An objection against R. Pedath (cf. supra p. 801, n. 7)!

Talmud - Mas. Yevamoth 114b

it might have been assumed [that the law¹ applies to them], because their prohibition applies² to even the minutest [objectionable creature]³ but not to blood the minimum quantity of which⁴ must be no less than⁵ a quarter [of a log].⁶ And if we had been informed concerning blood only, it might have been assumed [that the law⁷ applies to this] because [the eating of it] involves the penalty of kareth, but not to reptiles. And if we had been informed concerning these two,⁸ it might have been assumed [that the law⁷ applies to these] because their prohibition applies equally to all but not to uncleanness.⁹ And had we been informed concerning uncleanness it might have been assumed [that the law⁷ applies only here because] priests are different [from other people], since more commandments have been imposed upon them,¹⁰ but not to these.⁸ [Hence the three Scriptural texts were] required.

Come and hear: IF TWO BROTHERS ONE OF WHOM WAS OF SOUND SENSES¹¹ AND THE OTHER DEAF WERE MARRIED TO TWO SISTERS WHO WERE OF SOUND SENSES, AND THE DEAF BROTHER, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE SISTER OF SOUND SENSES, DO? — [NOTHING; SINCE HIS SISTER-IN-LAW] IS EXEMPT AS BEING HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? HE MUST RELEASE HIS WIFE BY A LETTER OF DIVORCE WHILE HIS BROTHER'S WIFE IS FORBIDDEN FOREVER [TO MARRY AGAIN]. Now, why should he RELEASE HIS WIFE BY A LETTER OF DIVORCE? Let her continue to live with him [since he is only like] a minor who eats nebelah.¹² — On account of the prohibition imposed upon her.

Come and hear: IF TWO BROTHERS OF SOUND SENSES WERE MARRIED TO TWO SISTERS ONE OF WHOM WAS OF SOUND SENSES¹³ AND THE OTHER DEAF, AND THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF SISTER. DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? [NOTHING; SINCE HIS SISTER-IN-LAW] IS EXEMPT AS HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES. DIED, WHAT SHOULD THE BROTHER OF SOUND SENSES, THE HUSBAND OF THE DEAF SISTER, DO? — HE MUST DIVORCE HIS WIFE BY A LETTER OF DIVORCE, AND [RELEASE] HIS BROTHER'S WIFE BY HALIZAH. But why MUST HE DIVORCE HIS WIFE BY A LETTER OF DIVORCE? Let her continue to live With him [since she is only like] a minor who eats nebelah!¹⁴ — Owing to the prohibition that is imposed upon him.

Raba said, Come and hear: IF TWO BROTHERS, ONE OF WHOM WAS DEAF AND THE OTHER OF SOUND SENSES, WERE MARRIED TO TWO SISTERS, ONE OF WHOM WAS OF SOUND SENSES¹³ AND THE OTHER DEAF, AND THE DEAF BROTHER, THE HUSBAND

OF THE DEAF SISTER, DIED, WHAT SHOULD [THE BROTHER WHO WAS] OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DO? [NOTHING; SINCE THE WIDOW] IS RELEASED BY VIRTUE OF HER BEING HIS WIFE'S SISTER. IF THE BROTHER OF SOUND SENSES, THE HUSBAND OF [THE SISTER WHO WAS] OF SOUND SENSES, DIED, WHAT SHOULD THE DEAF BROTHER, THE HUSBAND OF THE DEAF SISTER, DO? HE RELEASES HIS WIFE BY A LETTER OF DIVORCE, WHILE HIS BROTHER'S WIFE IS FOREVER FORBIDDEN [TO MARRY AGAIN]. Now here, surely, no prohibition is involved either for him or for her, and yet it was stated, HE RELEASES HIS WIFE BY A LETTER OF DIVORCE!¹⁴ — R. Shemaia replied: This is a preventive measure against the possibility of allowing a sister-in-law to marry a stranger.¹⁵

CHAPTER XV

MISHNAH. IF A WOMAN AND HER HUSBAND WENT TO A COUNTRY BEYOND THE SEA [AT A TIME WHEN THERE WAS] PEACE BETWEEN HIM AND HER AND [WHEN THERE WAS ALSO] PEACE IN THE WORLD, AND SHE CAME BACK AND SAID, 'MY HUSBAND IS DEAD', SHE MAY MARRY AGAIN; AND IF SHE SAID, 'MY HUSBAND IS DEAD [AND HAS LEFT NO ISSUE]' SHE MAY CONTRACT THE LEVIRATE MARRIAGE. [IF, HOWEVER, THERE WAS] PEACE BETWEEN HIM AND HER, BUT WAR IN THE WORLD, [OR IF THERE WAS] DISCORD BETWEEN HIM AND HER, BUT PEACE IN THE WORLD, AND SHE CAME BACK AND SAID, 'MY HUSBAND IS DEAD', SHE IS NOT BELIEVED.¹⁶ R. JUDAH SAID: SHE IS NEVER BELIEVED UNLESS SHE COMES WEEPING AND HER GARMENTS ARE RENT. THEY,¹⁷ HOWEVER, SAID TO HIM: SHE MAY MARRY IN EITHER CASE.¹⁸

GEMARA. Mention was made of¹⁹ PEACE BETWEEN HIM AND HER²⁰ because it was desired to speak of²¹ DISCORD BETWEEN HIM AND HER, and PEACE IN THE WORLD was mentioned²² because it was desired to mention²¹ WAR IN THE WORLD.

Raba stated: What is the reason [why a wife is not believed in a time] of war? Because she speaks from conjecture. 'Could it be imagined' [she thinks]²³ 'that among all those who were killed he alone escaped!' And should it be contended that since there was peace between him and her she would wait until she saw [what had actually happened to him]. it may sometimes happen [It may be retorted] that he was struck by an arrow or spear and she would think that he was certainly dead, while in fact someone might have applied an emollient²⁴ [to his wound] and he might have recovered

Raba was [at first] of the opinion²⁵ that famine is not like war, since [in the former case] she does not speak from conjecture. [Later. however]. Raba changed his opinion. stating that famine is like war. For a woman once appeared before Raba and said to him, 'My husband died during a famine'. 'You have acted well', he remarked to her.²⁶ 'in that you saved your own life,²⁷ since it could hardly be imagined that he would survive on the little remnant of flour that you left for him'. 'The Master then'. she replied. 'also understands that in such circumstances he could not survive'.²⁸ After this²⁹ Raba ruled: Famine²⁵ is worse than war; for whereas in the case of war it is only when the wife states, 'My husband died in the war', that she is not believed, but [if her statement is that]. 'He died in his bed', she is believed, in the case of famine she is not believed unless she states, 'He died and I buried him'.

A ruin²⁵ is regarded as war, for [in this case also] she speaks from conjecture. A visitation of serpents or scorpions²⁵ is regarded as war, for [here also a wife] speaks from conjecture. As to pestilence. some hold that it is like war, while others hold that it is not like war. 'Some hold that it is like war', because a wife, they maintain. speaks from conjecture; while 'others hold that it is not like war' because, they maintain, a wife relies upon the common saying.³⁰ 'A pestilence may rage for

seven years but none dies before his time' ,³¹

The question was raised:³² What is the law if it was she who established that there was a war in the world?³³ Do we apply the argument. 'What motive could she have for telling a lie?'³⁴

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- (1) Which included minors in the prohibition.
- (2) To adults.
- (3) So according to Tosaf. (s.v. **משום** a.l.) contrary to Rashi.
- (4) Involving a penalty.
- (5) Lit., 'until there is'.
- (6) V. Glos.
- (7) Which included minors in the prohibition.
- (8) Reptiles and blood.
- (9) Which applies to priests only. Cf. Lev. XXI, 1ff.
- (10) As their adults were more restricted than others, greater restriction may have been imposed upon their minors also.
- (11) The order in our Mishnah is slightly different.
- (12) V. Glos. A deaf-mute is no more responsible for his actions than a minor, and no more punishable than a minor. An objection against R. Pedath (cf. supra p. 801, n. 7)! (10) His wife who, as a woman in the possession of her senses and faculties, is subject to punishment if she continues to live with him.
- (13) The order in our Mishnah is slightly different.
- (14) Cf. supra p. 805. n. 9. (3) He is of sound senses and in possession of his faculties. Cf. supra p. 805, n. 10, *mutatis mutandis*.
- (15) Were the deaf man and deaf woman allowed to continue living together, those who were unacquainted with the law that deaf-mutes are no more responsible for their actions than minors, might assume that their marriage was a valid one and that the sister-in-law, as the deaf levir's wife's sister, is exempt from the levirate marriage and halizah and, consequently, free to marry again.
- (16) The reason why she is not believed in a time of war is given by Raba in the Gemara infra, while in a case of discord between herself and her husband she is suspected of a desire to get rid of him.
- (17) The Sages.
- (18) Lit., 'whether this or this', whether she shows signs of distress and mourning or not.
- (19) Lit., 'he taught'. sc. in our Mishnah.
- (20) Though this is superfluous. It being obvious that if a husband and wife lived in peace, her declaration that he is dead should be relied upon.
- (21) Lit., 'to teach'.
- (22) Cf. supra nn. 4 and 5 *mutatis mutandis*.
- (23) Wanting in cur. edd., and inserted by Bah.
- (24) Cf. Jast. 'A plaster'. or 'bandage.' (Rashi).
- (25) In respect of accepting a wife's evidence as to the death of her husband in a country beyond the sea.
- (26) Desiring to probe whether she had actually witnessed her husband's death or spoke from conjecture only.
- (27) Leaving him to his fate in the famine-stricken area.
- (28) She thus admitted that she had not actually witnessed her husband's death.
- (29) Lit., 'he returned'. Finding that even in the case of famine a wife speaks from conjecture.
- (30) Lit., 'on what men say'.
- (31) Lit., and a man without (his full tale of) years does not depart'.
- (32) [Rashi v. 215b s.v. **שם** reads, He (Raba) raised the question].
- (33) [And she stated, 'He died in war' v. Rashi loc. cit.].
- (34) Where a person has no benefit from a lie he may obviously be presumed to be speaking the truth.

Talmud - Mas. Yevamoth 115a

since, if she wished, she could have said that there was peace in the world;¹ or, perhaps. since a war was established [by her] she speaks² from conjecture.³ and the argument. 'What motive could she

have for telling a lie'⁴ cannot come and impair an established principle? — Come and hear: [If a woman states]. 'They'⁵ set our house on fire',⁶ or 'They filled the cave wherein we sheltered'⁷ with smoke, and he⁸ died while I escaped'. she is not believed!⁹ There it is different since she can be told,¹⁰ 'As a miracle happened to you. so may a miracle have happened to him'⁸ also'.¹¹

Come and hear: [If a woman states]. 'Idolaters fell upon us , or, 'robbers fell upon us',¹² and he⁸ died while I escaped'. she is believed!¹³ -There¹⁴ [her statement is believed] in accordance with the view of R. Idi. For R. Idi stated: A woman [carries] her weapons about her.¹⁵ There was once a man whose bridal chamber caught fire at the close of his wedding feast, and his wife cried, 'Look at my husband, look at my husband!' When they came near they saw a charred body¹⁶ that was prostrate [on the ground] and the hand [of a man]¹⁷ lying [by it]. R. Hiyya b. Abin intended to give his decision [that the law in this case] is the same as [that where a woman stated]. 'They set our house on fire', or 'they filled the cave wherein we sheltered with smoke'. Raba, however, said: Are [the two cases at all] similar? There, she did not say. 'Look at my husband, look at my husband'!¹⁸ while¹⁹ here [those present actually saw] the charred body that was prostrate [on the ground] and the hand that was lying by it. And R. Hiyya b. Abin?²⁰ — As to the charred body¹⁶ that was prostrate [on the ground]. it may be suggested that a stranger²¹ came to the rescue of [the burning man] and was himself burned,²² while the hand which was lying [nearby, might be that of the bridegroom who] having been caught by the fire was mutilated;²³ and²⁴ in order [to hide his] shame he may have left the place and fled into the wide world.

A question was raised: What is the law in respect of one witness²⁵ In time of war?²⁶ Is the reason why one witness is [elsewhere]²⁷ believed because no one would tell a lie which is likely to be exposed²⁸ and, consequently. here also [the witness] would not tell a lie;²⁹ or is it possible that the reason why one witness [is believed]²⁷ is because [the woman] herself makes careful enquiries and [only then] marries again. here. therefore.³⁰ [he would not be believed since a woman]³¹ does not make sufficient enquiries before she marries again?

Rami b. Hama replied. Come and hear: R. Akiba stated: When I went down to Nehardea to intercalate the year. I met Nehemiah of Beth Deli who said to me, 'I heard that in the Land of Israel³² no one with the exception of R. Judah b. Baba permits a [married] woman to marry again on the evidence of one witness'. 'That is so', I told him 'Tell them', he said to me. 'in my name: You know that this country is infested³³ with raiders; I have this tradition from R. Gamaliel the Elder: That a [married] woman may be allowed to marry again on the evidence of one witness'.³⁴ Now, what was meant by 'This country is infested with raiders'? Obviously that³⁵ 'although this country is in a state of confusion.³⁶ I have this tradition: That a [married woman] may be allowed to marry again on the evidence of one witness'! Thus it is evident that one witness is believed.³⁷ Said Raba: If so,³⁸ why should 'this country'³⁹ be different?⁴⁰ He should [have said]. 'Wherever raiders exist'!-Rather, said Raba, it is this that was meant: 'You know that this country is infested⁴¹ with raiders and it is impossible for me to leave my family and to come before the Rabbis; I have this tradition from R. Gamaliel: That a [married] woman may be allowed to marry again on the evidence of one witness

Come and hear: Two learned men⁴² once travelled with Abba Jose b. Simai on board a ship. which sank. And on the evidence of women, Rabbi⁴³ allowed their wives to marry again. [Now, evidence of death by] water is. surely. like [that of death in] war, and women, even a hundred of them, are legally equal to one witness,⁴⁴ and yet it was stated [that Rabbi] 'Allowed . . . ' to marry'!⁴⁵ — And do you understand this?⁴⁶ Those⁴⁷ were waters without [a visible] end,⁴⁸ and [when a man is drowned in] waters without [a visible] end his wife is forbidden [to marry again]!⁴⁹ How, then, is this to be understood? [Obviously] that they⁵⁰ stated, '[The drowned men] were cast up in our presence

(1) And as no one could have contradicted her, she would have been believed in saying that her husband was dead and

she would have obtained her object; hence she is believed even when she reported that there was a war.

(2) Alfasi: 'Since it was established that (in time of war) she speaks.....the argument etc.'.

(3) When her husband was involved in a war.

(4) Cf. supra n. 3.

(5) Brigands. in a time of war.

(6) Lit., 'they caused a house to smoke upon us'.

(7) Lit., upon us'.

(8) Her husband.

(9) This proves that her statement that her husband is dead is not accepted although it was through her that it became known that there ever was a state of war.

(10) As she has not actually seen his death.

(11) It is for this reason, and not because she is suspected of lying. that her evidence is not regarded as sufficient proof for establishing the death of her husband. In the case of a war, however, it may well be assumed that she had actually seen the death of her husband, since, had she desired to deceive, she need not have disclosed the fact that there ever was a war.

(12) Circumstances similar to those of a war.

(13) Which proves that a wife is believed when she states that her husband died in circumstances akin to war if these become known solely through her own evidence.

(14) Since the incident did not happen in war time but only in analogous circumstances.

(15) 'A.Z 25b; i.e., her sex is her protection against murder. When, therefore, her husband is attacked, unless there was actually a state of war, she does not flee to save her own life, but remains on the spot to the very end. Her evidence that her husband is dead may consequently be accepted as that of an eye witness. This, therefore, provides no proof that a wife is also believed if an actual state of war existed when her husband's death presumably occurred.

(16) Lit., 'man'.

(17) Who apparently attempted to rescue the bridegroom.

(18) Hence it is possible that her husband did not die at all.

(19) Cf. MS.M. Cur. edd. read 'and furthermore'.

(20) How could he possibly compare the two cases?

(21) Lit., 'another man'.

(22) Lit., 'and the fire consumed him'.

(23) Lit., 'a blemish was born or produced on him'. He lost his hand.

(24) In explanation of his disappearance.

(25) Whose evidence is relied upon in allowing a married woman to marry again if he testified that her husband was dead.

(26) Is his evidence accepted?

(27) Cf. supra note 10.

(28) Lit., concerning a thing which is likely to be revealed, he does not lie'.

(29) And he is believed.

(30) Cur. edd. insert in square brackets. 'since she sometimes hates him'. Cf. readings cited by Wilna Gaon, Glosses.

(31) Speaking in time of war from mere conjecture (cf. Rashal's emendation).

(32) Palestine.

(33) Lit., 'entangled'. confused'.

(34) V. infra 122a.

(35) Lit., 'not'.

(36) In a condition similar to a state of war.

(37) Even in a time of war.

(38) If one witness is believed even when any part of the world is in actual state of war.

(39) The expression used by R. Nehemiah.

(40) From other countries.

(41) Lit., 'entangled'. confused'.

(42) V. Glos. s.v. Talmid Hakam.

(43) R. Judah the Prince.

(44) Cf supra 88b.

(45) From which it follows that one witness is believed (cf. supra p. 811, n. 10) even in a time of war.

(46) Rabbi's ruling in the case of the wives of the drowned scholars.

(47) I.e., the sea.

(48) I.e., all the limits cannot be seen from any one point on the shore. Cf. infra 121a.

(49) Even if fully qualified men had witnessed the accident, because it is possible that the man may have swum to, or the waters have cast him upon another part of the shore where he was rescued. As all the shore line cannot be seen from the point where he fell into the waters (v. supra n. 5) his rescue may have been effected, though none of the men of the locality have observed it

(50) The women who gave evidence.

Talmud - Mas. Yevamoth 115b

and we saw then, immediately [afterwards]',¹ and they also mention [his identification] marks. so that we do not rely upon them² but on the marks.³

A man once deposited some sesame with another, [and when in due course] he asked him, 'Return to me my sesame, the other replied. 'You have already taken it'. 'But, surely'. [the depositor remonstrated, 'the quantity] was such and such and it is [in fact still] lying [intact] in your jar'.⁴ 'Yours', the other replied. 'you have taken back and this is different'. R. Hisda at first intended to give his decision [that the law in this case is] the same as that of the two learned men,⁵ where we do not assume that those have gone elsewhere and these are others.⁶ Raba, however, said to him: Are [the two cases] alike? There, the identification marks were given; but here, what identification marks can sesame have! And in regard to [the depositor's] statement [that their quantity] was such and such, it might be said that the similarity of quantities is a mere coincidence.

Said Mar Kashisha b. R. Hisda to R. Ashi: Do we ever [in such circumstances]⁷ take into consideration the possibility that [the contents of a vessel] may have been removed?⁸ Surely we learned: If a man found a vessel on which was inscribed a Kof it is korban;⁹ if a Mem, it is ma'aser;¹⁰ 'if a Daleth it is demu'a'a';¹¹ if a Teth, it is Tebel;¹² and if a Taw, It is terumah;¹³ for in the period of danger¹⁴ they used to write a Taw for terumah!¹⁵ — Said Rabina to R. Ashi: Do we not [in such circumstances]¹⁶ heed the possibility that [the contents of a vessel] may have been removed? Read, then, the final clause: R. Jose said, Even if a man found a jar on which 'terumah' was inscribed [the contents] are nevertheless regarded as unconsecrated, for it is assumed¹⁷ that though it was in the previous year full of terumah it has subsequently been emptied!¹⁸ But the fact is, all agree that the possibility of [the contents] having been removed must be taken into consideration. Here, however, they differ only on the following principle: One Master is of the opinion that had the owner removed [the contents from the jar] he would undoubtedly have wiped [the mark] off, while the other [maintains that] it might be assumed that he may have forgotten [to remove the mark] or he may also intentionally have left it as a safeguard¹⁹.

Resh Galutha Isaac,²⁰ a son of R. Bebai's sister, once went from Cordova to Spain²¹ and died there. A message was sent from there [in the following terms]. 'Resh Galutha Isaac, a son of R. Bebai's sister, went from Cordova to Spain and died there. [The question thus arose] whether [the possibility that there might have been] two [men of the name of] Isaac is to be taken into consideration²² or not? — Abaye said: It is to be taken into consideration:²² but Raba said: It is not to be taken into consideration.²³

Said Abaye: How²⁴ do I arrive at my assertion? — Because in²⁵ a letter of divorce that was once found in Nehardea it was written, 'Near the town of Kolonia,²⁶ I, David son of Nehilais,²⁷ a Nehardean, released and divorced my wife So-and-so', and when Samuel's father sent it to R. Judah Nesiah²⁸ the latter replied: 'Let all Nehardea be searched'.²⁹ Raba, however, said: If that were so³⁰

he³¹ should [have ordered] the whole world to be searched!³² The truth is that it was only out of respect for Samuel's father³³ that he sent that message. Raba said: How³⁴ do I arrive at my assertion? Because in two notes of indebtedness that were once produced in court at Mahuza [the names of the parties] were written as Habi son of Nanai and Nanai son of Habi. and Rabbah³⁵ b. Abbuha ordered the collection of the debts on these bills. But, surely, there are many [men bearing the names of] Habi son of Nanai and Nanai son of Habi at Mahuza!³⁶ And Abaye?³⁷

(1) After their emerging from the water (cf. Tosaf. s.v. **וְחִינְהוּ**, a.l.).

(2) On their evidence of the men's death.

(3) (If which the judges were well aware independently of the woman's evidence.

(4) Which should prove that the sesame had not been returned to its owner.

(5) Whose wives Rabbi permitted to marry on the assumption that the discovered bodies were theirs.

(6) Who have the same identification marks. Similarly with the sesame in the jar, since it is of the same quantity as that of the deposited sesame it should be assumed to belong to the depositor and should, therefore, be returned to him.

(7) When an identification mark exists, such as a letter on a cask or, as in the case of the sesame, the identity of quantities.

(8) And replaced by similar contents.

(9) Lit, 'sacrifice', i.e., consecrated.

(10) Tithe.

(11) A 'mixture' of terumah and unconsecrated produce. Others read, **דְּמַאי** demai, produce concerning which it is uncertain whether it had been tithed.

(12) V. Glos. Produce of. which it is certain that the priestly and Levitical dues have not been given for it.

(13) V. Glos.

(14) During the Hadrianic persecutions that followed the Bar Kokeba revolt when the practice of Jewish laws was forbidden (cf supra p. 754. n. 9).

(15) M.Sh IV, 11. This proves that a mark is regarded as sufficient proof that the original contents were not removed and replaced by others!

(16) v. supra note 1.

(17) Since most of the world's produce is unconsecrated.

(18) And replaced by unconsecrated produce Much more so when a single letter only appears on the jar! V. M.Sh., loc. cit.

(19) **פְּנֵהִיא** (cf. Pers. panah) 'protection'. People who might perhaps have no scruples about clandestinely consuming other peoples produce would nevertheless be afraid of meddling with sacred commodities.

(20) [Term denotes elsewhere 'Exilarch'; here it is a proper name. V. Obermeyer, p. 183, n.1.].

(21) **מְקוֹרֵטְבָּא לְאַסְפְּמִיָּא**. So Golds. against Rappaport in **עֵרֶךְ מִלִּין** p. 156ff. Cordova at that time, as during the Moorish reign and other periods of spanish history, may have formed an independent state. [Obermeyer p. 183 identifies the former with Kurdafad near Ktesifon on the left bank of tigris, and the latter with Apamea, a frontier town of Babylon on the right bank of the Tigris].

(22) Even when it was not definitely known that there were two such persons in the same place.

(23) Unless it was known that two such persons lived there. (Cf. infra 116a).

(24) Lit., 'whence'.

(25) Cf. Bah.

(26) [Me'iri: By side of the town Nehardea, which had been declared a free (Roman) colony and exempt from taxation, cf. A.Z., Sonc. ed. p. 50, n.5.].

(27) So Rosh and **הַנְּהוּת אֲשֶׁר־י**. Cur. edd., 'Androlinai'.

(28) To decide whether the document may be given to the woman who claimed it as a valid one. [The reference must be to R. Judah I the prince, since the father of Samuel was no longer alive during the patriarchate of R. Judah II (v. Obermeyer, p. 261, n. 4)].

(29) To ascertain whether there is no other person of the same name in that town. This obviously proves the soundness of Abaye's ruling.

(30) As Abaye ruled.

(31) R. Judah Nesi'ah.

(32) Any Nehardean of that name might have left Nehardea for another town after giving the letter of divorce in question.

(33) That he might not be chagrined by hearing that his enquiry was really futile and that there was in fact nothing for him to do but to accept the document as valid.

(34) Lit., 'whence'.

(35) So Bah.Cur. edd., 'Raba'.

(36) And yet it was not doubted that the persons who held the notes were the men named, which proves that even the definite existence of other men of the same name in the same place need not be taken into consideration. This being the rule in monetary matters, it may be inferred that in religious matters, the uncertain existence at least of men of the same name need not be taken into consideration.

(37) How' can he maintain his ruling in view' of the decision of Rabbah b. Abbuha.

Talmud - Mas. Yevamoth 116a

What possibility can be taken into consideration!¹ If that of loss,² one is surely careful with [a note of indebtedness];³ if that of a deposit,⁴ since the name of the one is like that of the other the former does not entrust the latter with such a deposit;⁵ what then can be said?⁶ That he⁷ may only have delivered [the note] to him!⁸ 'Letters'⁹ [it may be replied] are acquired by mesirah.¹⁰

A letter of divorce was once found at Sura, and in it appeared this entry: 'In the town of Sura, I, Anan son of Hiyya. a Nehardean, released and divorced my wife So-and-so.' Now when the Rabbis searched from Sura to Nehardea [they found that] there was no other Anan son of Hiyya save one Anan son of Hiyya of Hagra¹¹ who was at that time at Nehardea, and witnesses came and declared that on the day on which the letter of divorce was written Anan son of Hiyya of Hagra was with them.¹² Said Abaye: Even according to me who hold that [the possibility of the existence of other men of the same name] is to be taken into consideration. no such possibility need be considered here,¹³ for [even in respect of the only other man known to have that name] witnesses declared that he was at Nehardea;¹⁴ how then could he [on the same day,] have been¹⁵ at Sura!¹⁶ Raba said: Even according to me who hold that [the possibility of the existence of other men of the same name] is not to be taken into consideration. [such possibility] must be considered here,¹⁷ since [the man in question] may have gone [to Sura] on a flying camel,¹⁸ or¹⁹ [got there] by a miraculous leap,²⁰ or¹⁹ he may have given verbal instructions²¹ [for the letter of divorce to be written²² on his behalf], as, [in fact] Rab said to his scribes, and R. Huna, similarly, said to his scribes: When you are at Shili²³ write [in any deed] 'At Shili', although the instructions were given to you at Hini,²⁴ and when you are at Hini,²³ write, 'At Hini', although the instructions Were given to you at Shili.²⁵

What is [the decision] in respect of the sesame?²⁶ — R. Yemar ruled: [The possibility that it was removed and replaced by another lot] is not to be taken into consideration; Rabina ruled: It is to be taken into consideration; and the law is that it is to be taken into consideration.

DISCORD BETWEEN HIM AND HER etc. What is to be understood by DISCORD BETWEEN HIM AND HER? Rab Judah replied in the name of Samuel: When [a wife] says to her husband. 'Divorce me!' Do not all women²⁷ say this?²⁸ Rather [this is the meaning]: When she says to her husband. 'You have divorced me!' Then let her be believed on the strength of R. Hamnuna's ruling; for R. Hamnuna ruled: If a woman said to her husband, 'You have divorced me'. she is believed, for it is an established principle that no woman would dare [to make such a false assertion] in the presence of her husband! — [Here it is a case] where she said. 'You have divorced me in the presence Of So-and-so and So-and-so', who. when asked, stated that this had never happened.²⁹

What is the reason in case Of DISCORD?³⁰ — R Hanina explained: Because she is likely to tell a lie.³¹ R. Shimi b. Ashi explained: Because she speaks from conjecture.³² What is the practical difference between them?³³

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- (1) In deciding the ownership of a note of indebtedness of the nature if the notes mentioned.
- (2) That the actual creditor had lost the note and that the man who produced it, whose name is the same as that of the creditor, had found it.
- (3) The remote and unlikely possibility of loss may, therefore, be completely disregarded.
- (4) That the holder of the note is not its owner, but only keeper or trustee for another man of the same name as his.
- (5) Since he knows full well that the keeper might at any moment claim to be the creditor.
- (6) In justification of the assumption that the man producing the note is not the real creditor.
- (7) The creditor when selling the note to the man who now utters it.
- (8) But did not transfer its possession by the usual *kinyan*. And, since the seller may withdraw from the sale before legal transfer had taken place, it might be assumed that the creditor named in the note withdrew from the sale and that the man of the same name who now produces the note is not its owner even through purchase.
- (9) I.e., a note of indebtedness.
- (10) V. Glos. The delivery of the note completes the legal transfer after which the seller can no longer withdraw. Cf Kid. 47b. p BB 76a. 77a.
- (11) [Hagronia, a suburb of Nehardea (Obermeyer p. 266)].
- (12) In Nehardea; while the letter of divorce was written at Sura. Owing to the distance between the two towns it was impossible for him to have been in the one as well as in the other on the same day.
- (13) Where a search revealed that only one such person lived throughout that region.
- (14) V. supra n. 2.
- (15) Lit., 'what did he require'.
- (16) [The distance between Nehardea and Sura was about twenty parasangs, a travelling journey of two days. v. Obermeyer P. 251].
- (17) Where it was definitely established that another man of such a name existed.
- (18) Dromedary(?) V. Mak., Sonc. ed., P. 21, n. 4.
- (19) Lit., 'or also'.
- (20) And so it was possible for him to be in both towns on the same day.
- (21) At Nehardea.
- (22) In Sura.
- (23) Shili and Hini were situated near each other (cf. Beza 25b) on the South of Sura; v. B.B., Sonc. ed., p. 753' n. 6.
- (24) The place name entered in a legal document is not that of the locality where the transaction which it records took place or the instructions concerning its writing were given, but that of the locality where the document was written.
- (25) Which proves that it was customary for scribes to write legal documents in one place for people who gave them the necessary instruction in another.
- (26) Discussed supra 115b.
- (27) Lit., 'all of them also'.
- (28) When they are angry. They do not mean it seriously. Why, then, should a woman, because of a momentary outburst, be suspected of inventing a tale about her husband's death?
- (29) **לֹא הָיוּ דְּבָרִים מְעוּלָם** (abr. **לֹא הָיוּ דְּבָרִים**), lit., 'the things never were.
- (30) Why is not a wife in such a case believed if she states that her husband is dead?
- (31) Out of hatred she might deliberately invent the tale that her husband was dead so that by marrying again she might become forbidden to him forever.
- (32) Though she might not deliberately tell an untruth, her hatred would prevent her from finding out what exactly happened to her husband if ever he was placed in a position of danger. The likelihood of his death would be regarded by her as a certainty.
- (33) R. Hanina and R. Shimi. Is not her word mistrusted in either case?

Talmud - Mas. Yevamoth 116b

— The practical difference between them arises in the case where [the husband] created¹ the discord.²

The question was raised: What [is the law in respect of] one witness in a case of discord? Is the reason why one witness is [elsewhere]³ believed⁴ that he would not tell a lie which is likely to be exposed.⁵ and consequently he would here also tell no lie;⁶ or is it possible that the reason why one witness is believed elsewhere⁷ is that [the woman] herself makes careful enquiries and [only then] marries again; here, therefore, [his evidence should not be accepted] since, as there was discord between husband and wife,⁸ she would not make careful enquiries and yet would marry again? — This remains undecided.⁹

R. JUDAH SAID: SHE IS NEVER etc. It was taught: They¹⁰ said to R. Judah: According to your statement, only a woman of sound senses¹¹ would be allowed to marry again while an imbecile¹² would never be allowed to marry again! But the fact is that¹³ the one as well as the other may be allowed to marry again.

A woman¹⁴ once came to Rab¹⁵ Judah's Beth din. 'Mourn', they said to her, 'for your husband, rend your garments and loosen your hair'. Did they teach her to simulate!¹⁶ — They themselves held the same view as the Rabbis,¹⁷ but in order that he¹⁸ also should allow her to marry they advised her to do so. MISHNAH. BETH HILLEL STATED: WE HAVE HEARD SUCH A TRADITION¹⁹ ONLY IN RESPECT OF A WOMAN WHO CAME FROM THE HARVEST²⁰ AND [WHOSE HUSBAND DIED] IN THE SAME COUNTRY,²¹ [THE CIRCUMSTANCES BEING THE SAME] AS THOSE OF A CASE THAT ONCE ACTUALLY HAPPENED. SAID BETH SHAMMAI TO THEM: [THE LAW IS] THE SAME WHETHER THE WOMAN CAME FROM THE HARVEST OR FROM THE OLIVE PICKING, OR FROM THE VINTAGE, OR FROM ONE COUNTRY TO ANOTHER, FOR THE SAGES SPOKE OF THE HARVEST ONLY [BECAUSE THE INCIDENT TO WHICH THEY REFERRED] OCCURRED THEN.²² BETH HILLEL, THEREFORE, CHANGED THEIR VIEW [THENCEFORWARD] TO RULE IN ACCORDANCE WITH THE OPINION OF BETH SHAMMAI.

GEMARA. It was taught: Beth Shammai said to Beth Hillel, According to your View,²³ one would only know the law concerning²⁴ the wheat harvest,²⁵ whence, however, [the law concerning] the barley harvest? And, furthermore, one would only know the law in the case where²⁴ one harvested; whence, however, [the law in the case where] one held a vintage, picked olives, harvested dates, or picked figs? But [you must admit] it is only the original incident that occurred at harvest time and that the same law is applicable to all [the other seasons]. So here also [we maintain that] the incident occurred with [a husband who died] in the same country. and the same law is applicable to all [other countries]. And Beth Hillel?²⁶ — In the case of the same country. where people freely [move about].²⁷ she is afraid;²⁸ [coming, however]. from one country to another, since people do not freely [move about].²⁹ she is not afraid.³⁰ And Beth Shammai?³¹ — Here³² also caravans frequently [move about].³³

What was the original incident?³⁴ -[It was that of] which Rab Judah spoke in the name of Samuel: It was the end of the wheat harvest when ten men went to reap their wheat and a serpent bit one of them and he died [of the wound]. His wife, thereupon, came and reported the incident to Beth din, who, having sent [to investigate]. found her statement to be true. At that time it was ordained: If a woman stated, 'My husband is dead', she may marry again; [if she said] 'My husband is dead [and left no issue]', she may contract the levirate marriage.

Must it be suggested that R. Hanania b. Akabia³⁵ and the Rabbis differ on the same principle as that on which Beth Shammai and Beth Hillel differ? For it was taught: No man shall carry water of purification³⁶ and ashes of purification³⁶ across the Jordan on board a ship, nor may one stand on [the bank on] one side and throw them across to the other side, nor may one float them upon water nor may one carry them while riding³⁷ on a beast or on the back of another man unless his [own] feet were touching the [river] bed. He may, however, convey them across a bridge. [These laws are

applicable] as well to the Jordan as to other rivers. R. Hanania b. Akabia³⁵ said: They³⁸ spoke³⁹ only of the Jordan and of [transport] on board a ship, as was the case in the original incident.⁴⁰ Must it, then, be assumed that the Rabbis⁴¹ hold the same view as Beth Shammai⁴² while R. Hanania b. Akabia holds the same view as Beth Hillel?⁴³ — The Rabbis can answer you: Our ruling agrees with the view⁴⁴ of Beth Hillel also; for Beth Hillel maintained their opinion⁴⁵ only there,⁴⁶ since [the woman is believed only because] she fears [to tell an untruth, and it is only] in a place that is near that she fears while in a distant one she does not fear. Here,⁴⁷ however, what matters it whether it is on the Jordan or on other rivers!⁴⁸ R. Hanania b. Akabia can also answer you: I may uphold my view even according to Beth Shammai; for Beth Shammai maintained their opinion⁴⁹ only there⁴⁶ because [a woman] makes careful enquiries⁵⁰ and [only then] marries again. Hence, what matters it whether the locality was near or far. Here,⁵¹ however, [the prohibition] is due to an actual incident; hence it is only [against transport] on the Jordan and on board a ship, where the incident occurred, that the Rabbis enacted their preventive measure, but against other rivers where the incident did not occur the Rabbis enacted no preventive measure.

What was the incident?⁵² — [It was that] which Rab Judah related in the name of Rab: A man was once transporting Water of purification⁵³ and ashes of purification⁵³ across the Jordan on board a ship, and a piece of a corpse, of the size of an olive,⁵⁴ was found stuck in the bottom of the ship. At that time It was ordained: No man shall carry Water of purification and ashes of purification across the Jordan on board a ship.

MISHNAH. BETH SHAMMAI RULED: SHE⁵⁵ IS PERMITTED TO MARRY AGAIN AND SHE RECEIVES HER KETHUBAH. BETH HILLEL, HOWEVER, RULED: SHE IS PERMITTED TO MARRY AGAIN BUT SHE DOES NOT RECEIVE HER KETHUBAH. SAID BETH SHAMMAI TO THEM: YOU HAVE PERMITTED [WHAT MIGHT BE] THE GRAVE OFFENCE OF ILLICIT INTERCOURSE,⁵⁶ SHALL WE NOT PERMIT [THE TAKING OF HER HUSBAND'S] MONEY WHICH IS OF LESS IMPORTANCE!⁵⁷ BETH HILLEL ANSWERED THEM: WE FIND

(1) Lit., 'accustomed', i.e., introduced.

(2) While the wife shewed no hatred towards him. As she does not hate him she would not invent a lie in order to get rid of him but would nevertheless readily believe that he was dead should he ever have found himself in a position of danger. She would not take the trouble to ascertain whether her conjecture was not groundless.

(3) When he gives evidence that a husband died in normal circumstances.

(4) And the widow is allowed to marry again.

(5) V. supra p. 811, n. 13.

(6) Hence he is believed.

(7) V. supra note 3.

(8) Lit., 'to him'.

(9) Teku, v. Glos.

(10) The Sages.,

(11) Who feels her loss and gives expression to it by her weeping and her torn garments. Others render 'sly'. 'one able to simulate' (cf. Golds.).

(12) Who is unconscious of her loss and consequently gives no outward expression to any grief. שוטה may also be rendered 'foolish', 'silly', 'simpleton'. Cf. supra n. 11, second rendering.

(13) Lit., 'but'.

(14) Stating that her husband died in a country beyond the sea.

(15) Cur. edd 'R'

(16) Since she did not manifest any signs of grief her remarriage should, according to R. Judah's ruling, have been forbidden!

(17) The Sages in our Mishnah and in the quoted Baraita.

(18) Rab Judah.

- (19) That a wife is believed when she states that her husband is dead,
- (20) The reason is explained infra.
- (21) It being thus possible to verify the woman's statement.
- (22) **בהווה** Lit., 'in what is', The ruling of the Sages was given in connection with a particular case where it so happened that the woman returned from a harvest. The same ruling, however, is applicable in all circumstances. [The term generally denotes 'what usually happens'. It is in this sense that it seems to be taken by the T. J. quoted by Tosaf. (s.v. **ס**): Why should the harvest (be different)? Said A. Mana: It is different in that an accident usually happens there on account of the scorching sun].
- (23) That a wife's evidence regarding the death of her husband may be accepted only in circumstances similar to those of the original incident. (Cf. supra n. 4).
- (24) Lit., 'I have but'.
- (25) The incident (cf. supra note 4) having occurred during the wheat harvest.
- (26) Why do they draw a distinction between a husband's death in the same, and in another country.
- (27) From place to place. Another interpretation: Many people knew the husband.
- (28) To bring a false report which could be easily disproved by one of (a) the travellers or (b) the men who knew the husband, Cf. n. 2.
- (29) Cf. supra note 2 mutatis mutandis.
- (30) Cf. supra n. 3 mutatis mutandis.
- (31) Do they not provide against the possibility of a wife's mendacity!
- (32) From one country to another.
- (33) Cf. supra note 2 and note 3 mutatis mutandis.
- (34) Spoken of supra.
- (35) So MS.M. Cur. edd., 'Akiba'.
- (36) Cf. Num. XIX, 1ff.
- (37) Lit., 'cause them to ride'.
- (38) The Sages.
- (39) When enacting the prohibitions mentioned.
- (40) Tosef. Parah VIII, v. supra.
- (41) The authors of the first ruling in the Baraitha cited.
- (42) Since both hold that the restrictions apply not only to conditions which are exactly the same as those of the original incident but to any other condition also.
- (43) Cf. supra n. 3 mutatis mutandis, Is it likely, however, that the Rabbis and R. Hanania would differ from Beth Hillel and Beth Shammai respectively!
- (44) Lit., 'we (as to) what we said'.
- (45) Restricting the law to conditions exactly similar to those of the original incident.
- (46) In the case of a wife's evidence on the death of her husband.
- (47) Transporting the water and ashes of purification.
- (48) Of course it does not matter.
- (49) Trusting the evidence of the wife in all cases, even where the conditions differ from those of the original incident.
- (50) Whether her husband was dead.
- (51) V. supra note 8.
- (52) Spoken of supra.
- (53) Cf. Num. XIX, 1ff.
- (54) The minimum that causes defilement of objects that come in contact with it or that are placed in the same ohel (v. Glos.).
- (55) A woman who reports her husband's death.
- (56) If the woman were not telling the truth she would still be a married woman and her second marriage would be illicit,
- (57) Lit., 'that is light'.

Talmud - Mas. Yevamoth 117a

THAT ON HER EVIDENCE, THE BROTHERS MAY NOT ENTER INTO THEIR

INHERITANCE.¹ SAID BETH SHAMMAI TO THEM: DO WE NOT LEARN THIS² FROM HER KETHUBAH SCROLL WHEREIN [HER HUSBAND] PRESCRIBES FOR HER, 'IF THOU BE MARRIED TO ANOTHER MAN, THOU WILT RECEIVE WHAT IS PRESCRIBED FOR THEE'! THEREUPON BETH HILLEL WITHDREW THIS OPINION, THENCEFORTH TO RULE IN ACCORDANCE WITH THE VIEW OF BETH SHAMMAI.

GEMARA. R. Hisda stated: If she³ is taken in levirate marriage the levir enters into the inheritance⁴ on her evidence. If they⁵ made an exposition on the kethubah, shall we not make an exposition on the Torah? The All Merciful said, Shall succeed in the name of his brother,⁶ and he has surely succeeded.⁷ R. Nahman ruled: If [a woman] came before Beth din and stated, 'My husband is dead; permit me to marry again'. permission must be granted her to marry again. and she is given her kethubah. [If she demanded]. 'Give me my kethubah', she must not be permitted even to marry. What is the reason? Because she came with her mind intent on the kethubah.⁸

The question was raised: What is the ruling [where she said], 'Permit me to marry and give me my kethubah'? Has she come with her mind intent on the kethubah, since she specified her kethubah⁹ or [is it assumed that] a person [naturally] lays before the Beth din all the claims he has!¹⁰ And¹¹ should you find [a reason for deciding in her favour because] a person submits whatever claim he has to the Beth din, [the question still remains as to] what [is the law where she stated]. 'Give me my kethubah and permit me to marry'? [Is it assumed that] in this case¹² she has undoubtedly come with her mind bent on the kethubah. or is it possible [that she mentioned her kethubah] because¹³ she did not know by what means she becomes permitted [to marry again].¹³ — This is undecided.¹⁴

MISHNAH. ALL ARE REGARDED AS TRUSTWORTHY TO GIVE EVIDENCE¹⁵ FOR HER¹⁶ EXCEPTING HER MOTHER-IN-LAW. THE DAUGHTER OF HER MOTHER-IN-LAW, HER RIVAL, HER SISTER-IN-LAW¹⁷ AND HER HUSBAND'S DAUGHTER.¹⁸ WHEREIN LIES THE DIFFERENCE BETWEEN [THE ADMISSIBILITY OF] A LETTER OF DIVORCE AND [THAT OF THE EVIDENCE OF] DEATH?¹⁹ IN THAT THE WRITTEN DOCUMENT²⁰ PROVIDES THE PROOF.²¹

GEMARA. The question was raised: What [is the law in regard to the eligibility²² of] the daughter of her father-in-law?²³ Is the reason [for the ineligibility] of the daughter of her mother-in-law because there is a mother²⁴ who hates her she²⁵ also hates her; here,²⁶ however, there is no mother who hates her?²⁷ Or is it possible that the reason [for the ineligibility] of the daughter of her mother-in-law is because she²⁸ believes that the other squanders²⁹ the savings of her mother; there,²⁶ then, she also believes that she squanders²⁹ the savings of her father-in-law?³⁰ Come and hear: 'All are regarded as trustworthy to give evidence for her³¹ excepting five women'; but if that were so³² [the number should] be six!³³ — It is possible that the reason [for the ineligibility] of the daughter of her mother-in-law is because she³⁴ believes that the other squanders the savings of her mother³⁵ [and, therefore] there is no difference between the daughter of her mother-in-law and the daughter of her father-in-law.³⁶ But, surely. it was taught.³⁷ 'Excepting seven women'!³⁸ — This is the view of R. Judah. For it was taught:³⁹ R. Judah adds⁴⁰ also a father's wife⁴¹ and a daughter-in-law. They⁴² said to him: A father's wife⁴¹ is, in fact, included in the expression 'a husband's daughter',⁴³ and a daughter-in-law is obviously included in the expression 'her mother-in-law'.⁴⁴

And R. Judah:⁴⁵ - Because one can well understand why a mother-in-law should hate her daughter-in-law, since the former believes that the latter squanders her Savings,⁴⁶ but why should a daughter-in-law hate her mother-in-law!⁴⁷ Similarly one may well understand why a husband's daughter hates her father's wife, since the former believes that she is squandering her mother's savings, but why should a father's wife hate her husband's daughter!⁴⁷

Why, then, does he⁴⁸ add the two?⁴⁹ — But [this is the true explanation]: Why does a

daughter-in-law hate her mother-in-law? Because the latter reports⁵⁰ to her son all that she⁵¹ does. [Similarly] a father's wife also hates her husband's daughter because the latter reports⁵⁰ to her father all that she⁵² does. And the Rabbis?⁵³ — As in water face answereth to face, so the heart of man to man.⁵⁴ And R. Judah? — The text⁵⁵ applies⁵⁶ to [the study of] the words of the Torah.⁵⁷

R. Aha b. 'Awya said: In the West⁵⁸ they asked: What is the ruling in respect of a potential⁵⁹ mother-in-law?⁶⁰ Does it occur to her that [this woman's]⁶¹ husband might die [without issue] and she⁶² would thereby be subject to the levir, and therefore. she⁶² hates her,⁶³ or does it not?

(1) Though inheritance is a monetary affair, Only in order to save her from a life-long widowhood was a woman allowed on her own evidence to marry again. In monetary matters, however, the evidence of two eligible witnesses (cf. Deut. XIX. 15) is a sine qua non.

(2) That she is entitled to her kethubah.

(3) A woman who reported the death of her husband.

(4) Of the deceased. Cf. supra 40a.

(5) Beth Shammai, and later also Beth Hillel, in our Mishnah.

(6) Deut. XXV, 6, explained Rabbinically to refer to the levir.

(7) Hence he is also entitled to the inheritance.

(8) She probably knows that her husband is alive and she has no intention of marrying again. All she aims at is the acquisition of the money.

(9) And even marriage should, therefore, be forbidden to her,

(10) But her main purpose was matrimony. Hence both her requests should be granted.

(11) Reading of Rashal, inserted in cur. edd, within square brackets.

(12) Since she mentioned her kethubah first,

(13) She may have thought that it was the kethubah that releases her from her dead husband and it is for this reason that she mentioned it first. Cf. supra note 3'

(14) Teku. v. Glos,

(15) That her husband died.

(16) Any woman.

(17) The wife of her husband's brother, who becomes her rival if levirate marriage is contracted.

(18) All these are assumed to be, for one reason or another, hostile to her and are therefore suspected of giving false evidence (cf. supra n. 8) in the expectation that she will marry again and thereby become forever forbidden to their relative, her first husband.

(19) I.e., why are the relatives mentioned accepted as qualified bearers of her letter of divorce, (v. Git, 23b) and not as eligible witnesses to testify to the death of her husband?

(20) The letter of divorce,

(21) It is mainly the document itself that constitutes the validity of the divorce and not the eligibility of its bearer.

(22) To give evidence that her husband was dead,

(23) From another wife who is not her mother-in-law.

(24) I.e., her mother-in-law.

(25) The daughter of that mother-in-law.

(26) In the case of the daughter of her father-in-law,

(27) The daughter of her father-in-law is therefore eligible as a witness.

(28) The daughter.

(29) Lit., 'eats'.

(30) Lit., 'wife's family'. In consequence of which she hates her and is, therefore, ineligible to be her witness.

(31) Cf. supra p. 824. nn. 8 and 9.

(32) That the daughter of a father-in-law is also ineligible as witness.

(33) Since our Mishnah had enumerated five others. From this then it may be inferred that the daughter of a father-in-law is eligible.

(34) The daughter.

(35) So Bah. Cur. edd., 'of the father-in-law'.

- (36) Both, therefore, may be regarded as one. Hence the number five,
- (37) Cur. edd., 'we learned'.
- (38) While our Mishnah enumerates only five.
- (39) Cur. edd., 'we learned'.
- (40) To the number of women who are ineligible to testify to the death of another woman's husband.
- (41) The stepmother of the woman in question.
- (42) The Sages.
- (43) Since a husband's daughter is ineligible as witness for a husband's wife it is obvious that the latter also, since both stand in the same relationship to one another, is equally ineligible as witness for the former. V. infra n. 6.
- (44) As a mother-in-law is precluded from giving evidence for her daughter-in-law so, it is obvious, is the latter (cf. supra n. 5) precluded from giving evidence for the former. There was no need, therefore, to enumerate all the four. The mention of two of these embraces the four.
- (45) Why in view of the explanation of the Rabbis does he enumerate seven?
- (46) As the wife of her son and heir she would in due course become mistress of her possessions.
- (47) Her ineligibility, therefore, cannot be inferred from the other. Hence it was necessary specifically to mention her.
- (48) R. Judah.
- (49) Who, as was just explained, are not hostile to the others, and should, therefore, be eligible to give evidence for them!
- (50) Lit., 'reveals', 'discloses'.
- (51) Her daughter-in-law.
- (52) Her father's wife; her stepmother.
- (53) Why, in view of R. Judah's explanation, do they omit the two from their list?
- (54) prov. XXVII, 19. Hatred is mutual. As a husband's daughter hates her father's wife so does the latter hate the former; and the same reciprocity exists between a mother-in-law and her daughter-in-law. There was no need, therefore, to mention them all. The four are covered by the two.
- (55) Lit., 'this'.
- (56) Lit., 'is written'.
- (57) Effort and success are interdependent as in water face answereth face. Or: The successful achievement of the student is dependent on the sympathy and understanding (the cheerful countenance) of the Master.
- (58) Palestine, which lay on the West of Babylon.
- (59) Lit., 'that comes afterwards'. i.e., the mother of the levir and stepmother of the husband of the woman in question, who might become her mother-in-law if her husband died childless and she had to contract the levirate marriage with the levir.
- (60) Is she eligible as witness if she testifies that her stepson is dead in consequence of which the wife of the deceased must either marry her son or perform halizah with him and marry a stranger (Rashi). [R. Hananel (v. Lewin B. M. Ozar ha-Geonim, Yebamoth p. 334) explains the problem differently. viz., can a woman give evidence on behalf of her potential mother-in-law? Where, for instance, Jacob had two wives, Leah and Rachel, the former of whom bore him a son, Reuben, and the latter, Joseph; and the question arises whether the wife of Reuben may testify as to the death of Jacob, her father-in-law, permitting the remarriage of Rachel, her potential mother-in-law. For should her own husband Reuben die, she would have to contract levirate marriage with his brother Joseph. Rachel thus becoming her mother-in-law].
- (61) For whom she tenders evidence.
- (62) As her future mother-in-law.
- (63) Hence she is ineligible as a witness for her.

Talmud - Mas. Yevamoth 117b

Come and hear: If a woman stated. 'My husband died first and my father-in-law died after him'. she may marry again and she also receives her kethubah. but her mother-in-law is forbidden.¹ Now, why is her² mother-in-law forbidden? Is it not because it is assumed that neither her² husband died nor did her father-in-law die³ and that by her statement⁴ she intended to damage the position of her mother-in-law.⁵ hoping that [as a result]⁶ she⁷ would not in the future⁸ come to torment her!⁹ —

There¹⁰ it may be different because she¹¹ has experienced her annoyance.¹²

MISHNAH. IF ONE WITNESS STATED, [‘THE HUSBAND¹³ IS] DEAD’, AND THEREUPON HIS WIFE MARRIED AGAIN, AND ANOTHER CAME AND STATED ‘HE IS NOT DEAD’. SHE NEED NOT BE DIVORCED. IF ONE WITNESS SAID. ‘HE¹³ IS DEAD AND TWO WITNESSES SAID. ‘HE IS NOT DEAD’, SHE MUST, EVEN IF SHE MARRIED AGAIN, BE DIVORCED. IF TWO WITNESSES STATED, ‘HE¹³ IS DEAD’, AND ONE WITNESS STATED, HE IS NOT DEAD’, SHE MAY, EVEN IF SHE HAD NOT YET DONE SO,¹⁴ MARRY AGAIN.¹⁵

GEMARA. The reason¹⁶ then is because [the woman]¹⁷ MARRIED AGAIN; had she, however, not married would she¹⁸ not have been permitted to marry? But Surely. ‘Ulla stated: Wherever the Torah declared one witness credible,¹⁹ he is regarded²⁰ as two witnesses, and the evidence of one man²¹ against that²² of two men²³ has no Validity!²⁴ — It is this that was meant: IF ONE WITNESS STATED [‘THE HUSBAND IS] DEAD’ and after his wife had been permitted to marry again ANOTHER CAME AND STATED ‘HE IS NOT DEAD’, she is not to be deprived of²⁵ her former status of permissibility.²⁶

IF ONE WITNESS SAID, ‘HE IS DEAD’, Is this not obvious?²⁷ For the evidence of one man against that Of²⁸ two men²⁹ has no validity! — [This ruling’ is] required only in the case of ineligible witnesses³⁰ [this being] in accordance with the view of R. Nehemiah. For it was taught: R. Nehemiah stated, ‘Wherever the Torah declares one witness credible,³¹ the majority of statements is to be followed,³² and [the evidence of] two women against that of one man is given the same validity as that of two men against one man’.³³

And if you prefer I might reply: Wherever one eligible witness came first, even a hundred women³⁴ are regarded as one witness.³⁵ But [here it is such a case] as, for example, where a woman witness came in the first instance;³⁶ and [the statement] of R. Nehemiah is to be explained thus: R. Nehemiah stated, ‘Wherever the Torah declares one witness credible, the majority of statements is to be followed, and [the evidence of] two women against one woman is given the same validity as that of two men against one man; but [the evidence of] two women against that of one man is regarded as half³⁷ and half³⁸ .

IF TWO WITNESSES STATED, ‘HE IS DEAD’ etc. What does this teach us?³⁹ [A ruling] in respect of ineligible witnesses, [the principle being the same] as that of R. Nehemiah who follows the majority of statements⁴⁰ . But is not this exactly the same [as the previous clause]!⁴¹ — It might have been assumed that the majority is followed only when the law is thereby made more stringent,⁴² but not [where it leads] to a relaxation of the law;⁴³ hence we were taught [the final clause] ,⁴⁴

MISHNAH. IF ONE WIFE⁴⁵ SAID [‘HER HUSBAND IS] DEAD’ AND THE OTHER WIFE⁴⁶ SAID, ‘HE IS NOT DEAD’, THE ONE WHO SAID, ‘HE IS DEAD’ MAY MARRY AGAIN AND SHE ALSO RECEIVES HER KETHUBAH, WHILE THE ONE WHO SAID, ‘HE IS NOT DEAD, MAY NEITHER MARRY AGAIN NOR IS SHE TO RECEIVE HER KETHUBAH. IF ONE WIFE⁴⁷ STATED, ‘HE IS DEAD’ AND THE OTHER STATED. ‘HE WAS KILLED’, R. MEIR RULED: SINCE THEY CONTRADICT ONE ANOTHER THEY MAY NOT MARRY AGAIN. R. JUDAH AND R. SIMEON RULED: SINCE BOTH⁴⁸ ADMIT THAT HE⁴⁹ IS NOT ALIVE, BOTH MAY MARRY AGAIN.

IF ONE WITNESS STATED, ‘HE⁵⁰ IS DEAD’, AND ANOTHER WITNESS STATED.⁵¹ ‘HE IS NOT DEAD’,

(1) To marry again; infra 118a. The evidence as to the death of her husband is not admissible though the witness. since her own husband was dead at the time she gave her evidence, was no longer her daughter.in.law.

- (2) The witness's.
- (3) And both women are still related to one another as mother-in-law and daughter-in-law.
- (4) Lit., 'and what she said thus'.
- (5) Who if she married again would not any longer be able to live with her first husband, the father-in-law of the witness.
- (6) Cf. supra p. 827. n. 14.
- (7) Her mother-in-law.
- (8) When her husband and son returned from their foreign travels.
- (9) By reporting to her son all the doings of his wife. It is thus obvious that a daughter-in-law is not believed as a witness for her mother-in-law, though the cause of her hatred (the return of her husband and his mother's gossip) is still a thing of the future and at the time her evidence is given, potential only. From this it follows that a potential mother-in-law also is equally ineligible as a witness for her potential daughter. in-law.
- (10) Since in that case the woman for whom evidence is given was already her mother-in-law.
- (11) The daughter-in-law.
- (12) This case, therefore, provides no proof that a woman hates one who had never been her mother-in-law and whose annoyances she had never experienced.
- (13) Who had gone to a country beyond the sea.
- (14) prior to the appearance of the one witness.
- (15) Even after he tendered his evidence.
- (16) Why the woman in the first clause of our Mishnah may live with the man she married.
- (17) Whose husband's death was reported by the first witness.
- (18) Since our Mishnah only states that SHE NEED NOT BE DIVORCED and does not state that she may marry again.
- (19) As is the case here, where one witness testifies to the death of a husband (cf. supra 88b).
- (20) Lit., 'behold here'.
- (21) In our case, that of the second witness.
- (22) Lit., 'in the place of'.
- (23) In the first instance, the first witness whose evidence had been accepted as valid as that of two.
- (24) Sot. 31b, Keth. 22b, supra 88b. Why then should not the woman be directly permitted to marry again?
- (25) The original **לֹא תֵצֵא** lit., 'she shall (or need) not go out', may bear this meaning as well as that given in our Mishnah.
- (26) Because the decision of Beth din had been issued before the second witness appeared. Had he arrived prior to the issue of the decision, the evidence of the first witness, as it had not yet been accepted. would have had no greater validity than his,
- (27) That the woman MUST ... BE DIVORCED,
- (28) Lit., 'in the place of',
- (29) As is the case in the second clause of our Mishnah.
- (30) Where the two witnesses were, e.g.. relatives or slaves.
- (31) As in the case, e.g.. spoken of in the first clause of our Mishnah.
- (32) As the accepted law of valid evidence is in such cases suspended, the evidence of any ineligible witnesses (cf. supra n. 7) is admitted,
- (33) Hence the necessity for the ruling of our Mishnah. In the absence of such a ruling it would have been assumed that the evidence of ineligible witnesses is here also inadmissible.
- (34) I.e., ineligible witnesses who, after the woman had married again, stated that her husband was not dead,
- (35) As the evidence of a single witness when it is opposed to that of a previous witness whose evidence had already been accepted (cf. supra p. 828, n. 18) is completely disregarded, so is the evidence of the hundred women if it conflicts with that of the first eligible witnesses.
- (36) And, on her evidence, the widow was permitted to marry again. As two women subsequently opposed the statement of the one, the marriage must be annulled by a letter of divorce.
- (37) Of a valid evidence, i.e., as that of one witness.
- (38) The evidence of two women against that of one man would, therefore, have the same validity as that of one witness against another, spoken of in the first clause of our Mishnah. and the widow would have retained her first status of permissibility. v. supra 88b.
- (39) Is it not obvious that two witnesses are relied upon when they are opposed by one witness only!

- (40) Though the two witnesses are ineligible. their evidence against that of the one witness, since they form the majority, is accepted, and the widow is permitted to marry again.
- (41) The ruling in the second clause of our Mishnah which, as has just been explained, teaches this very principle.
- (42) As in the second clause where, owing to the majority principle, the woman is forbidden to marry again.
- (43) As in the final clause under discussion, where, by following the majority. the woman is allowed to marry again.
- (44) Of our Mishnah, to indicate that in all cases the majority is to be followed.
- (45) Of a man who has gone to a country beyond the sea.
- (46) Her rival.
- (47) V. p. 830. n. 9'
- (48) Lit.. 'this and this'.
- (49) Their husband.
- (50) V. p. 830. n. 9'
- (51) Before the Beth din, on the evidence of the first witness, had allowed the woman to marry again.

Talmud - Mas. Yevamoth 118a

OR IF ONE WOMAN STATED. 'HE¹ IS DEAD', AND ANOTHER WOMAN² STATED,³ 'HE IS NOT DEAD', SHE⁴ MAY NOT MARRY AGAIN.

GEMARA. The reason. then,⁵ is because she said, 'HE IS NOT DEAD'; had she, however, kept silent she would presumably have been allowed to marry again; but [it may be objected], no rival may give evidence on behalf of her associate!⁶ — It was necessary [to teach the case where the OTHER WIFE SAID], 'HE IS NOT DEAD.'⁷ Since it might have been assumed that [their husband] was really dead and that by stating⁸ 'HE IS NOT DEAD' she evidently⁹ intended to inflict injury upon her rival in the spirit of¹⁰ Let me¹¹ die with the Philistines,¹² we are informed [that she is nevertheless forbidden to marry again].

IF ONE WIFE STATED, 'HE IS DEAD' etc. R. Meir should have expressed his disagreement in the first clause also!¹³ R. Eleazar replied: [The first clause] is a subject¹⁴ in dispute and it¹⁵ represents the opinion of R. Judah and R. Simeon.¹⁶ R. Johanan. however. stated that it¹⁷ may be said [to represent even the view of] R. Meir, for in such a case even R. Meir agrees,¹⁸ since in the case of testimony relating to a woman¹⁹ the evidence [of the nature of] 'He is not dead' is not [regarded as a valid] contradiction,²⁰

We learned: IF ONE WITNESS STATED, 'HE IS DEAD' AND ANOTHER WITNESS STATED, 'HE IS NOT DEAD', OR IF ONE WOMAN STATED, 'HE IS DEAD AND ANOTHER WOMAN STATED, 'HE IS NOT DEAD', SHE MAY NOT MARRY AGAIN. Now according to R. Eleazar²¹ it may well be explained that the anonymous statement [in the final clause]²² is in agreement with R. Meir. According to R. Johanan,²³ however, there is a difficulty! — This is a difficulty.

MISHNAH. IF A WOMAN AND HER HUSBAND WENT TO A COUNTRY BEYOND THE SEA, AND SHE RETURNED AND STATED, 'MY HUSBAND IS DEAD'. SHE MAY BE MARRIED AGAIN AND SHE ALSO RECEIVES HER KETHUBAH. HER RIVAL, HOWEVER, IS FORBIDDEN.²⁴ IF [HER RIVAL] WAS THE DAUGHTER OF AN ISRAELITE [WHO WAS MARRIED] TO A PRIEST, SHE IS PERMITTED TO EAT TERUMAH,²⁵ SO R. TARFON. R. AKIBA, HOWEVER, SAID: THIS²⁶ IS NOT A WAY THAT WOULD LEAD HER OUT OF THE POWER OF TRANSGRESSION, UNLESS [IT BE ENACTED THAT] SHE SHALL BE FORBIDDEN BOTH TO MARRY AND TO EAT TERUMAH.

IF SHE STATED, 'MY HUSBAND DIED FIRST AND MY FATHER-IN-LAW DIED AFTER HIM, SHE MAY MARRY AGAIN AND SHE ALSO RECEIVES HER KETHUBAH, BUT HER

MOTHER-IN-LAWS²⁷ IS FORBIDDEN.²⁸ IF [THE LATTER] WAS THE DAUGHTER OF AN ISRAELITE [WHO WAS MARRIED] TO A PRIEST, SHE IS PERMITTED TO EAT TERUMAH; SO R. TARFON. R. AKIBA, HOWEVER, SAID.. THIS²⁹ IS NOT A WAY THAT WOULD LEAD HER OUT OF THE POWER OF TRANSGRESSION, UNLESS [IT BE ENACTED THAT] SHE SHALL BE FORBIDDEN BOTH TO MARRY AGAIN AND TO EAT TERUMAH.

GEMARA. And [both statements³⁰ were] necessary. For If the first only had been stated, it might have been assumed that only in that did N. Tarfon maintain [his view],³¹ since the grievance is personal.³² but that in respect of a mother-in-law, the grievance against whom is merely general,³³ he agrees with N. Akiba.³⁴ And had the latter only been stated it might have been assumed that R. Akiba maintained [his view] there only, but that in the former case he agrees with R. Tarfon. [Hence both statements were] necessary.

Rab Judah stated in the name of Samuel: The halachah is in agreement with R. Tarfon. Said Abaye: We also learned the same: [If a woman³⁵ states],³⁶ 'A son was given to me in a country beyond the sea, and my son died first while my husband died after him', she is believed.³⁷ [If, however, she states]. 'My husband [died first] and my son died after him', she is not believed,³⁸ though note must be taken of her statement, and she must, therefore, perform halizah³⁹ but may not⁴⁰ contract the levirate marriage.⁴¹ [From which it follows that] 'note must be taken of her statement', but that no note need be taken of the statement of a rival. Thus our point is proved.

(1) V. supra p. 830. n. 9.

(2) Even if she is the rival of the woman concerned.

(3) V. supra note 5.

(4) Even the first.

(5) Why the second wife MAY NEITHER MARRY AGAIN.

(6) Her rival.

(7) There was no need to mention the case where she remained silent, which is obvious.

(8) Lit., 'and that which she said'.

(9) Since she went out of her way to contradict her rival and was not content to remain silent.

(10) Lit., 'she said'.

(11) נפשי v. marg. note. Cur. edd.. נפשה

(12) Judges XVI, 30. She is prepared herself to lose the right of marrying again in order that her rival also may thereby be deprived of her right.

(13) Where. as in the second clause, one woman contradicts the other.

(14) Lit., 'it was taught'.

(15) The view expressed in the first clause.

(16) [According to R. Eleazar. R. Meir would forbid in the second clause remarriage to both women, because he admits a rival's contradictory evidence, whereas R. Judah and Simeon hold that a rival's contradiction is not admitted and hence they rule that both are permitted to marry. Similarly in the first clause, on R. Meir's view the first woman would not be allowed to marry, regard being had to the contradiction of her rival. On this assumption, the reason stated in the second clause for R. Judah's and R. Simeon's ruling, that neither denied the fact of the man's death, will have been advanced by them as an argument on the hypothesis that R. Meir's view, admitting the rival's contradiction, is accepted. תוס' ישנים].

(17) The view expressed in the first clause.

(18) That the assertion of the second wife is not regarded as valid contradiction of the evidence of the first.

(19) [In connection with the death of her husband in regard to which the laws of evidence have been considerably relaxed. Var. lec. 'the testimony of a rival'].

(20) But as a mere outburst of malice, intended to injure her rival. The first evidence is, therefore, accepted.

(21) Who explained that the first clause represents the view of those who differ from R. Meir, while R. Meir maintains that the first wife also is forbidden to marry again, because a rival's contradiction is admitted, v. p. 831, n. 21.

(22) Which forbids remarriage, even where the contradictory evidence was given by the rival (v. supra p. 831. n. 7.)

- (23) Who stated that R. Meir agrees with the ruling in the first clause that a rival's contradiction is admitted.
- (24) To marry again; since a woman may not tender evidence for her rival.
- (25) As during the lifetime of her husband. The evidence of the other which is regarded as invalid to enable the rival to marry again (v. supra n. 1) is equally invalid to deprive her of her right to the eating of terumah.
- (26) To forbid the rival to marry and to allow her to eat terumah.
- (27) For whom a daughter-in-law is ineligible to tender evidence.
- (28) To marry; though, at the time the evidence in her favour was given, the witness, according to whose evidence her husband died before her father-in-law, was no longer her daughter-in-law. The reason is explained supra 117b.
- (29) Cf. supra n. 3 *mutatis mutandis*.
- (30) The first (relating to a rival) and the second (relating to a mother-in-law).
- (31) That the evidence of a rival is not accepted.
- (32) The deprivation of marital intercourse caused by a rival. Only 10 such circumstances, it is possible, did R. Tarfon discredit the evidence of a rival who might indeed be actuated by malice.
- (33) Lit., 'things in the world'.
- (34) That a daughter-in-law need not be suspected of deliberate lying because of some general grievance against her mother-in-law; and that consequently, though her evidence is not accepted in respect of relaxing the laws of marriage, it may be accepted in respect of enforcing the laws of terumah.
- (35) Who went to a country beyond the sea with her husband before any issue was born from their union.
- (36) On her return.
- (37) And may contract levirate marriage. Her evidence merely confirms the status in which she was already at the time of her departure. At that time as well as now she had no children to exempt her from the levirate obligations.
- (38) To be permitted to marry a stranger without previous halizah with the levir. The evidence of a woman is accepted only in respect of the death of her husband, where it is assumed that she takes all possible care to ascertain the fact of his death. It is not, however, accepted in respect of liberating her from a levir against whom she might have been nursing a personal hatred, so that she would, without making the necessary enquiries, be ready on the flimsiest of proofs to testify anything which enables her to get rid of him.
- (39) Owing to the status in which she has been confirmed.
- (40) Since note must be taken of her allegation.
- (41) *Infra* 118b, 119b.

Talmud - Mas. Yevamoth 118b

MISHNAH. IF A MAN BETROTHED ONE OF FIVE WOMEN AND HE DOES NOT KNOW WHICH OF THEM HE HAS BETROTHED, AND EACH STATES, 'HE HAS BETROTHED ME. HE GIVES A LETTER OF DIVORCE TO EVERY ONE OF THEM,¹ AND, LEAVING THE KETHUBAH² AMONG THEM, WITHDRAWS;³ SO R. TARFON. R. AKIBA, HOWEVER, SAID: THIS IS NOT A WAY THAT WOULD TAKE ONE OUT OF THE POWER OF TRANSGRESSION, UNLESS ONE GIVES TO EACH OF THEM BOTH A LETTER OF DIVORCE AND HER KETHUBAH.²

IF A MAN ROBBED ONE OF FIVE PERSONS AND DOES NOT KNOW WHICH OF THEM HE HAS ROBBED, AND EACH ONE STATES. 'HE HAS ROBBED ME', HE LEAVES THE [AMOUNT OF] THE ROBBERY AMONG THEM AND WITHDRAWS;⁴ SO R. TARFON. R. AKIBA, HOWEVER, STATED: THIS IS NOT A WAY THAT WOULD LEAD ONE OUT OF THE POWER OF SIN, UNLESS ONE PAYS [THE FULL AMOUNT OF THE ROBBERY] TO EVERY ONE [OF THE PERSONS INVOLVED].

GEMARA. Since BETROTHED was stated. and not⁵ 'cohabited'. and since ROBBED was stated and not 'bought'. whose [view, it may be asked, is represented in] our Mishnah? Neither. [apparently. that of] the first Tanna⁶ nor that of R. Simeon b. Eleazar!⁶ For it was taught: R. Simeon b. Eleazar stated that R. Tarfon and R. Akiba did not differ [on the ruling that] where a man betrothed one of five women, and he does not know which of them he betrothed, he leaves the

kethubah² among them and withdraws;³ they differ only in the case where cohabitation occurred, R. Tarfon ruling that the man leaves the kethubah² among them and withdraws, while R. Akiba ruled [that the man is not exempt from transgression] unless he pays⁷ everyone of them. R. Tarfon and R. Akiba. furthermore, did not differ on [the ruling that] where a person bought something from five men and does not know from which of them he bought, he may leave the price of the purchase among them and depart; they differ only in the case where a person robbed one of five men, R. Tarfon ruling that the man must deposit the amount of the robbery among them and may then depart, while R. Akiba ruled [that the man is not exonerated] unless he pays [the amount of the] robbery to everyone.⁸ Now, since R. Simeon b. Eleazar said that they⁹ do not differ in the case where a man betrothed or purchased, it may be inferred that the first Tanna is of the opinion that they⁹ did differ. Whose [view then, is presented in our Mishnah]? If it is that of the first Tanna 'betrothal' and purchase should have been mentioned,¹⁰ and if [it is that of] R. Simeon b. Eleazar cohabitation and 'robbery' should have been mentioned!¹¹ — [Our Mishnah represents] in fact [the view of] N. Simeon b. Eleazar, but the meaning of¹² BETROTHED is betrothal through cohabitation'. BETROTHED was used in order to acquaint you how far R. Akiba is prepared to go¹³, as he imposes a penalty¹⁴ even where one transgressed a Rabbinic prohibition¹⁵ only; and ROBBED was taught in order to acquaint you how far N. Tarfon is prepared to go, as he imposes no penalties¹⁶ even where one had transgressed a Pentateuchal prohibition.¹⁷

MISHNAH. A WOMAN WHO WENT WITH HER HUSBAND TO A COUNTRY BEYOND THE SEA, HER SON ALSO [GOING] WITH THEM, AND WHO CAME BACK AND STATED, 'MY HUSBAND DIED AND AFTERWARDS MY SON DIED', IS BELIEVED.¹⁸ [IF, HOWEVER, SHE STATED.] 'MY SON DIED AND AFTERWARDS MY HUSBAND DIED',¹⁹ SHE IS NOT BELIEVED,²⁰ BUT NOTE IS TAKEN OF HER ASSERTION²¹ AND SHE MUST, THEREFORE, PERFORM HALIZAH²² AND MAY NOT CONTRACT THE LEVIRATE MARRIAGE.²³

[IF A WOMAN²⁴ STATES].²⁵ 'A SON WAS GIVEN TO ME [WHILE I WAS] IN A COUNTRY BEYOND THE SEA' AND SHE ALSO ASSERTS, 'MY SON DIED AND AFTERWARDS MY HUSBAND DIED', SHE IS BELIEVED.²⁶ [IF, HOWEVER, SHE STATES]. 'MY HUSBAND DIED AND AFTERWARDS MY SON DIED'.²⁷ SHE IS NOT BELIEVED,²⁸ BUT NOTE IS TAKEN OF HER ASSERTION²⁹ AND SHE MUST, THEREFORE, PERFORM HALIZAH³⁰ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.³¹

[¹⁹ IF A WOMAN³² STATES]. 'A BROTHER-IN-LAW WAS GIVEN TO ME [WHILE I WAS] IN A COUNTRY BEYOND THE SEA',³³ AND SHE ALSO STATES, 'MY HUSBAND DIED AND AFTERWARDS MY BROTHER-IN-LAW DIED OR 'MY BROTHER-IN-LAW DIED AND AFTERWARDS MY HUSBAND DIED', SHE IS BELIEVED.³⁴ IF A WOMAN AND HER HUSBAND AND HER BROTHER-IN-LAW WENT TO A COUNTRY BEYOND THE SEA, AND SHE [ON RETURNING HOME] STATED, 'MY HUSBAND DIED AND AFTERWARDS MY BROTHER-IN-LAW [DIED]' OR 'MY BROTHER-IN-LAW [DIED] AND AFTERWARDS MY HUSBAND [DIED]'. SHE IS NOT BELIEVED; FOR A WOMAN IS NOT TO BE BELIEVED WHEN SHE ASSERTS 'MY BROTHER-IN-LAW IS DEAD', IN ORDER THAT SHE MAY MARRY AGAIN. NOR [WHEN SHE STATES THAT] HER SISTER IS DEAD. IN ORDER THAT SHE MAY ENTER HIS³⁵ HOUSE.³⁶ A MAN ALSO IS NOT BELIEVED WHEN HE ASSERTS 'MY BROTHER IS DEAD', SO THAT HE MAY CONTRACT LEVIR' ATE MARRIAGE WITH HIS WIFE, NOR [WHEN HE ASSERTS THAT] HIS WIFE IS DEAD, IN ORDER THAT HE MAY MARRY HER SISTER.³⁷

GEMARA. Raba enquired of R. Nahman: What [is the legal position] if a husband transferred to his wife [through an agent]³⁸ the possession of a letter of divorce, where a brother-in-law³⁹ is in existence?⁴⁰ [Is the divorce], since she [usually] hates her brother. in-law, an advantage to her and

[consequently valid, because] a privilege may be conferred upon a person in his absence; or is it possible [that the divorce], since she sometimes loves her brother-in-law, is a disadvantage to her and [consequently invalid because] no disadvantage may be imposed upon a person in his absence? The other replied. We have learned this: NOTE IS TAKEN OF HER ASSERTION AND SHE MUST, THEREFORE, PERFORM HALIZAH. BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.⁴¹ Said Rabina to Raba: What [is the legal decision] if a husband transferred to his wife [through an agent]⁴² the possession of a letter of divorce at a time⁴³ when a quarrel [raged between them]? [is the divorce], since she has a quarrel with her husband, an advantage to her or [is it a disadvantage, since] the gratification of bodily desires is possibly preferred by her?⁴⁴ — Come and hear what Resh Lakish said: ‘It is preferable to live in grief⁴⁵ than to dwell in widowhood’.⁴⁶

Abaye said: ‘With a husband [of the size of an] ant her seat is placed among the great’.⁴⁷

R. Papa said: Though her husband be a carder⁴⁸ she calls him to the threshold and sits down [at his side].⁴⁹

R. Ashi said: If her husband is only a cabbage-head⁵⁰ she requires no lentils⁵¹ for her pot.⁵²

A Tanna taught: All such women⁵³ play the harlot and attribute the results⁵⁴ to their husbands. [

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- (1) If he has no desire to marry any of them.
 - (2) I.e., the sum due to a woman on being divorced. (V. Glos.).
 - (3) He need not give them more than the amount of one kethubah since he had betrothed no more than one woman. It is for the women themselves to come to an agreement on the disposal of that sum.
 - (4) Cf. supra n. 2 mutatis mutandis.
 - (5) Lit., was not stated’.
 - (6) Of the Baraitha cited infra.
 - (7) The full amount of her kethubah.
 - (8) Tosef. Yeb. XIV.
 - (9) R. Tarfon and R. Akiba.
 - (10) And not those of ‘betrothal’ and robbery
 - (11) Not those if betrothal and ‘robbery’.
 - (12) Lit , and what’.
 - (13) Lit ‘with the power’.
 - (14) That the man must pay the amount if her kethubah to each one of the five women.
 - (15) It is only Rabbinically that betrothal through cohabitation is forbidden. Pentateuchally it constitutes a proper kinyan.
 - (16) Maintaining as he does that one single sum equal to the amount of the robbery exonerates the robber from all further liability.
 - (17) Prohibition of robbery was specifically mentioned in the Pentateuch,
 - (18) And is exempt from levirate marriage and halizah. Her statement is accepted since thereby she is merely confirming the status in which she found herself before her departure. At that time she had a son who exempted her from the levirate bond; and now that her husband died before that son she is still entitled to the same exemption. Her admission of her son's death does not affect her status, since she is the only source of the information, and as her word is accepted in respect of the death it must be similarly accepted in respect of its date.
 - (19) So that she is in consequence subject to the levirate bond.
 - (20) Because her assertion would alter the status in which she was confirmed prior to her departure. Such alteration cannot be authorized in view of the possibility that her report might be due to a desire to marry the levir.
 - (21) Since, at any rate, her statement has impaired her former status.
 - (22) Before she may be permitted to marry a stranger.
 - (23) She herself having testified that she was forbidden to the levir.
 - (24) Who had no children at the time she left her home town.
 - (25) On returning from across the sea.

- (26) And remains subject to the levirate bond and may perform halizah or contract levirate marriage. Her statement is accepted because it confirms the status in which she was established prior to her departure. Cf. supra p. 836. n. 11 mutatis mutandis.
- (27) So that, were her statement to be accepted, she would be exempt from the levirate bond to which, in virtue of her former status, she is still subject.
- (28) Cf. supra note 2 mutatis mutandis. As a rule, a woman is supposed to hate her brother-in-law.
- (29) V. supra n. 3.
- (30) V. supra n. 4.
- (31) V. supra n. 5.
- (32) Who was known to have no brother-in-law.
- (33) I.e., her mother-in-law, who was with her overseas, gave birth to a son during their stay there.
- (34) Since in either case she only confirms her former status. Cf. supra p. 836. n. 11 mutatis mutandis.
- (35) Her sister's husband's.
- (36) I.e., to marry him, which she is forbidden to do during the lifetime of her sister.
- (37) Cf. supra note 2 mutatis mutandis.
- (38) Whom the childless husband had asked to act on behalf of his wife, his intention being to spare her from the levirate obligations on his death. Elsewhere a divorce is invalid unless it had actually been delivered into the woman's hands or into those of an agent who was duly appointed by her.
- (39) To whom she would be subject in the absence of a letter of divorce.
- (40) Lit., 'in the place of'.
- (41) Since this is the ruling in our Mishnah both in the case where It is assumed that she loves the levir (cf. supra p. 837, n. 2) and in that where she is assumed to hate him (cf. supra p. 837. n. 10). it is obvious that it is uncertain whether a divorce given in the circumstance described by Raba is an advantage or a disadvantage to the woman. The legal position in such a case would consequently be that the woman would have to perform halizah but would not be permitted levirate marriage.
- (42) V. p. 838. n' 4.
- (43) Lit., 'in the place of'.
- (44) She might prefer a married life in quarrels to a peaceful life of separation.
- (45) Or 'together', 'as husband and wife'. V. following note.
- (46) A woman's maxim. She prefers an unhappy life in a married state to a happy one in solitude. טן דו 'with a load of grief', 'in trouble' (last.). According to Rashi, טן דו = 'two bodies' (cf. supra n. 4). Levy compares it with the Pers., tandu, 'two persons'.
- (47) A proverb. חרתא a free woman,
- (48) נפסא 'flax-beater'; Aruk, נפסא 'a watchman of vegetables'; a very poor and humble occupation.
- (49) To show her friends that she is a married woman. She is proud of her husband despite his lowly social status.
- (50) קולסא 'dull', or 'ugly' (cf. last.); 'of a tainted family' (Rashi).
- (51) Regarded as a cheap food.
- (52) For the sake of a married life, a woman willingly renounces all other pleasures. even the enjoyment of the poorest meal.
- (53) Lit., 'and all of them', those married to the unlovely types of husband mentioned.
- (54) Lit , 'and hang (it) on'.

Talmud - Mas. Yevamoth 119a

CHAPTER XVI

MISHNAH. A WOMAN WHOSE HUSBAND AND RIVAL WENT TO A COUNTRY BEYOND THE SEA, AND TO WHOM PEOPLE CAME AND SAID, 'YOUR HUSBAND IS DEAD', MUST NEITHER MARRY AGAIN¹ NOR CONTRACT LEVIRATE MARRIAGE² UNTIL SHE HAS ASCERTAINED WHETHER HER RIVAL IS PREGNANT.³ IF SHE HAD⁴ A MOTHER-IN-LAW⁵ SHE NEED NOT APPREHEND [THE POSSIBILITY OF THE BIRTH OF ANOTHER SON];⁶ BUT IF SHE DEPARTED WHILE PREGNANT [SUCH POSSIBILITY]

MUST BE TAKEN INTO CONSIDERATION.⁷ R. JOSHUA RULED; SHE NEED NOT APPREHEND [SUCH A POSSIBILITY].⁸

GEMARA. What is implied by⁹ ‘HER RIVAL’?¹⁰ — It is this that we are told: {The possibility of a birth in respect} of that rival¹¹ need be apprehended; in respect of another rival, however, it need not be apprehended.¹²

MUST NEITHER MARRY AGAIN NOR CONTRACT LEVIRATE MARRIAGE etc. It is quite proper that she shall not contract levirate marriage since it is possible that [her rival] is pregnant and that she would in consequence cause an infringement¹³ [of the prohibition against marriage] of a brother's wife, which is Pentateuchal; but why should she not marry [a stranger]? The majority of women should be taken as a criterion¹⁴ and the majority of women conceive and bear children! Must it then¹⁵ be assumed that [the ruling is that of] R. Meir who takes a minority also into consideration?¹⁶ — It may even be said [to represent the view of] the Rabbis; for the Rabbis follow¹⁷ the majority principle only where the majority is actually present¹⁸ as, for instance, in the case of ‘nine shops’¹⁹ and ‘Sanhedrin’²⁰ but in respect of a majority that is not actually present²¹ the Rabbis were not guided by the majority principle.

Behold the case of a minor boy and a minor girl, where the majority is one that is not actually present and the Rabbis nevertheless follow the majority principle; for it was taught: A minor, whether male or female, may neither perform nor submit to halizah, nor may he contract levirate marriage; so R. Meir. They said to R. Meir: You spoke well [when you ruled] that ‘He may neither perform nor submit to halizah’, since in the Pentateuchal section²² man was written,²³ and we draw a comparison between ‘woman’ and man.²⁴ What, however, is the reason why he may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;²⁵ a minor female might be found to be incapable of procreation; and thus the law of incest would be violated. The Rabbis, however, maintain, ‘Follow the majority of male minors’; and the majority of male minors are not sarisin;²⁶ ‘Follow the majority of female minors’ and the majority of female minors are not incapable of procreation!²⁷ — But, clearly, [it must be admitted], our Mishnah represents the view of R. Meir.

How have you explained it?²⁸ That it is in agreement with the view of²⁹ R. Meir? Read, then, the final clause: IF SHE HAD A MOTHER-IN-LAW SHE NEED NOT APPREHEND [THE POSSIBILITY OF THE BIRTH OF ANOTHER SON]; but why? One should be guided by the majority of women, and the majority of women conceive and bear while a minority miscarry, and, since all those who bear [produce] a half of males and a half of females, the minority of those who miscarry should be added to the half [of those who bear] females, and so the males would constitute a minority which³⁰ should be taken into consideration!³¹ — It is possible that since the woman was confirmed³² in her status of permissibility to strangers³³ [the possibility of the birth of a levir] was not taken by him³⁴ into consideration. In the first clause, then,³⁵ where she was confirmed in the status of eligibility for the levirate marriage,³⁶ let her contract the levirate marriage! — R. Nahman replied in the name of Rabbah b. Abbuha: In the first clause where a prohibition which is subject to the penalty of kareth [is involved, the possibility of the birth of a son]³⁷ had to be provided against; in the final clause, however, where a prohibitory law [only is involved]³⁸ no [such possibility]³⁹ was taken into consideration. Said Raba: Consider: The one [prohibition] is Pentateuchal and the other also is Pentateuchal;⁴⁰ what matters it, then, whether the prohibition is one involving kareth or whether it is only a mere prohibitory law? — Rather, said Raba;

(1) Since her husband, when he departed, was known to have had no issue.

(2) It being possible that her rival had a child from their husband.

(3) If the rival is found to be pregnant the woman is free to marry again; and if she is not pregnant, levirate marriage or halizah must be performed.

- (4) Overseas.
- (5) Who, at the time of her departure, had no other son but the one who is now dead.
- (6) To her mother-in-law. It is only in respect of a rival that the possibility of a birth must be taken notice of, since a child, whatever its sex, exempts the woman from the levirate obligations. In the case of a mother-in-law, however, the birth of a female would not affect the woman's freedom to marry again, since it is only a male that subjects her to the levirate obligations. There is no need to apprehend that the mother-in-law had not only (a) given birth to a child but also (b) that that child was not a female but a male.
- (7) Since the only doubt is whether the child was a male. Cf. supra n. 6.
- (8) Because here also two possibilities must be postulated: (a) that the mother-in-law did not miscarry and (b) that the child born was not a female but a male.
- (9) Lit., 'she' or 'it'.
- (10) Emphasis on HER.
- (11) Who went with her husband to a country beyond the sea.
- (12) If witnesses testified that the known rival (v. supra n. 11) was not pregnant there is no need to apprehend the possibility of a marriage with another wife who may have given birth to a child.
- (13) Lit., 'meet'.
- (14) Lit., 'go'.
- (15) Since the majority principle is not followed.
- (16) Hul. 6a; and since some women do not conceive and bear, the possibility that the rival belonged to this minority must be provided against by forbidding levirate marriage. Would then our anonymous Mishnah represent the view of an individual!
- (17) Lit., 'when do they go'.
- (18) Lit., 'which is before us'.
- (19) Which were selling permitted meat, while one shop in their vicinity was selling forbidden meat. If between these shops a piece of meat was found and it is not known from which shop it came, it is assumed to be permitted meat, since the majority of the shops were selling meat of such a character. V. Hul. 95a.
- (20) A majority of whom (twelve against eleven) are in favour of a certain decision. V. Sanh. 40a.
- (21) The majority of women in general who are assumed to conceive and bear.
- (22) Dealing with halizah.
- (23) V. Deut. XXV, 7.
- (24) As the male must be of mature age and not a minor, so must also be the female.
- (25) V. Glos.
- (26) Pl. of saris, v. Glos.
- (27) Bek. 19b. Cf. supra 61b, 105b. The majority spoken of here is, surely, one which is not actually present, and the Rabbis are nevertheless guided by it!
- (28) Lit., 'in what did you place it', sc. the first clause of our Mishnah.
- (29) Lit., 'like'.
- (30) According to R. Meir.
- (31) And, contrary to the ruling in our Mishnah, the woman should, as in the first clause, be forbidden marriage.
- (32) When her mother-in-law departed.
- (33) Lit., 'to the market'; because there was no known levir.
- (34) R. Meir.
- (35) If a woman's confirmed status at a certain period is a determining factor.
- (36) Since her husband when he departed, had no issue.
- (37) By the rival.
- (38) The marriage of a yebamah to a stranger.
- (39) That a son was born by the mother-in-law.
- (40) Neither is a mere Rabbinically preventive measure.

Talmud - Mas. Yevamoth 119b

in the first clause the woman's confirmed status¹ [would subject her] to the levirate marriage while

the majority principle² [would enable her] to marry any stranger;³ and, though ‘confirmed status’ is not as important a factor as a majority, the minority of women who miscarry must be added to the ‘confirmed status’ so that the factors on either side are equally balanced;⁴ hence⁵ she MUST NEITHER MARRY AGAIN NOR CONTRACT LEVIRATE MARRIAGE. In the final clause, however, the woman's confirmed status⁶ as well as the majority principle⁷ [points] to [the permissibility of marriage with] any stranger,³ so that [viable] males⁸ constitute a minority of a minority;⁹ and a minority of a minority is not taken into consideration even by R. Meir.

MUST NEITHER MARRY AGAIN NOR CONTRACT LEVIRATE MARRIAGE etc. For ever?¹⁰ — Ze'iri replied: [She waits] on account of herself three months¹¹ and on account of her associate nine,¹² and then she may, at all events,¹³ perform halizah. R. Hanina said: On account of herself [she must wait] three months, but on account of her associate¹⁴ for ever.¹⁵ But let her perform halizah¹⁶ at all events!¹⁷ — Both Abaye b. Abin and R. Hanina b. Abin replied: This¹⁸ is a preventive measure against the possibility that the child¹⁹ might be viable²⁰ as a result of which²¹ you would have to subject her to the necessity of a public announcement²² in respect of the priesthood.²³ Well, let her be subjected to the necessity! — It may happen that someone would be present at the halizah and not at the announcement,²⁴ and he would form the opinion²⁵ that a haluzah was permitted to a priest.

We learned: [If a woman states], ‘A son was given to me [while I was] in a country beyond the sea’ and she also asserts, ‘My son died and afterwards my husband died’, she is believed. [If she states, however], ‘My husband died and afterwards my son died’, she is not believed, but note is taken of her assertion and she must, therefore, perform halizah but may not contract levirate marriage.²⁶ Let it, however, be apprehended that witnesses might come and confirm her statement and that, as a result, you would subject her to the necessity of an announcement in respect of the priesthood! — R. Papa replied: [This refers to] a woman divorced.²⁷ R. Hiyya son of R. Huna replied: [It refers to one] who stated ‘I and he²⁸ were hidden in a cave’.²⁹ MISHNAH. [IN THE CASE OF] TWO SISTERS-IN-LAW³⁰ ONE OF WHOM³¹ STATED, ‘MY HUSBAND IS DEAD’, AND THE OTHER ALSO STATED, ‘MY HUSBAND IS DEAD’, THE FORMER³¹ IS FORBIDDEN³² ON ACCOUNT OF THE HUSBAND OF THE LATTER,³³ AND THE LATTER IS FORBIDDEN³⁴ ON ACCOUNT OF THE HUSBAND OF THE FORMER.³³ IF THE ONE HAD WITNESSES³⁵ AND THE OTHER HAD NO WITNESSES,³⁵ SHE WHO HAD THE WITNESSES IS FORBIDDEN,³⁶ WHILE SHE WHO HAD NO WITNESSES IS PERMITTED.³⁷ IF THE ONE HAD CHILDREN AND THE OTHER HAD NO CHILDREN,³⁸ SHE WHO HAD CHILDREN³⁹ IS PERMITTED³⁴ AND SHE WHO HAD NO CHILDREN⁴⁰ IS FORBIDDEN.³⁴ IF THEY⁴¹ CONTRACTED LEVIRATE MARRIAGES,⁴² AND THE LEVIRS DIED, THEY⁴³ ARE FORBIDDEN [TO MARRY AGAIN].⁴⁴ R. ELEAZAR⁴⁵ RULED: SINCE THEY WERE ONCE PERMITTED TO MARRY THE LEVIRS⁴⁶ THEY ARE PERMITTED TO MARRY ANY MAN.

GEMARA. A Tanna taught: If the one⁴⁷ had witnesses⁴⁸ and also children, and the other had neither witnesses nor children, both are permitted [to marry again].⁴⁹

IF⁵⁰ THEY CONTRACTED LEVIRATE MARRIAGES, AND THE LEVIRS DIED, THEY ARE FORBIDDEN [TO MARRY AGAIN]. R. ELEAZAR RULED: SINCE THEY WERE ONCE PERMITTED TO THE LEVIRS THEY ARE PERMITTED TO MARRY ANY MAN. Raba inquired: What is R. Eleazar's reason? Is it because he is of the opinion that a rival⁵¹ is eligible to tender evidence in favour of her associate or is it because [he holds that] she would not⁵¹ cause injury to herself?⁵² What practical difference is there [between the two assumptions]?

(1) It was an established fact that her husband had no issue and that a levir was in existence.

(2) Most women bear viable children and her rival's child would exempt her from the levirate obligations.

(3) Lit., ‘to the market’.

- (4) Lit., 'and it is a half and a half', 'confirmed status' plus minority pointing to the levirate marriage while the majority principle points to permissibility to marry any stranger.
- (5) Since neither consideration can be regarded as more weighty than the other.
- (6) As one who had no brother-in-law.
- (7) Miscarriages and the births of females constitute a majority against the minority of births of viable males.
- (8) Only a viable male child exempts a woman from the levirate obligations.
- (9) I.e., besides the fact that viable males are in a minority (v. supra n. 10) the possibility of the birth of a viable male is still less to be taken note of in view of the confirmed status of the woman (v. supra note 9).
- (10) But why! Let her perform halizah and thus at all events procure her freedom. V. infra p. 844, n. 5.
- (11) As any other woman whose husband died. V. supra 42b.
- (12) Since should her rival be pregnant, her levirate bond could not be severed by halizah but by the actual birth of a viable child.
- (13) Whether the rival gave birth to a child or not. V. infra note 5.
- (14) Her rival who might be pregnant.
- (15) Until it is definitely ascertained whether her rival had given birth to a viable child.
- (16) After a period of nine months (v. supra p. 843, n. 15), and so procure her freedom to marry again.
- (17) Since either she is exempted altogether from the levirate obligations by the birth of her rival's child (if one was horn) or (if no viable child was born) she gains her freedom by the halizah.
- (18) That no halizah must be performed; v. supra n. 3.
- (19) Of the rival.
- (20) In consequence of which the halizah would become null and void as if it had never taken place.
- (21) Lit., 'it is found'.
- (22) That the halizah was unnecessary and consequently null and void.
- (23) I.e., that she is permitted to marry a priest.
- (24) V. supra note 10.
- (25) Should she eventually be married to a priest.
- (26) Supra 118b, q.v. for notes.
- (27) From a former husband; before she was married to the one now deceased. As a divorcee she remains forbidden to marry a priest even if the halizah is subsequently found to have no validity.
- (28) She and her husband together with their son.
- (29) When death occurred. Since no one was present there is no need to provide against the possibility of the appearance of witnesses.
- (30) The wives of two brothers.
- (31) Lit., 'this'.
- (32) To marry a stranger.
- (33) Who might, in fact, be alive and with whom halizah or levirate marriage must be performed. A woman is eligible to tender evidence on the death of her husband in so far only as to enable herself to marry again. She is ineligible, however, to give evidence enabling her sister-in-law to marry again.
- (34) To marry again.
- (35) That her husband was dead.
- (36) To marry a stranger; since there are no witnesses to testify to the death of the levir. The evidence of his wife alone (cf. supra n. 4) is not sufficient for the purpose.
- (37) To marry any stranger; since she herself is believed in respect of the death of her husband while in respect of the death of the levir the evidence of the witnesses is available.
- (38) And neither had witnesses.
- (39) Who exempt their mother from the levirate bond.
- (40) And who is consequently subject to the levirate bond of a man whose death is attested only by her sister-in-law whose word cannot be accepted (cf. supra n. 4).
- (41) The two sisters-in-law spoken of in the first clause of our Mishnah, neither of whom had children nor was able to produce witnesses to attest her husband's death.
- (42) With the levirs other than the absent husbands.
- (43) V. supra note 12.

(44) Any stranger. Though the evidence of each woman was valid to enable herself to contract levirate marriage, it is not valid to exempt her sister-in-law- from the levirate bond (cf. supra note 4), and the possibility that their absent levirs (the first husbands) were still alive must be taken into consideration.

(45) Var. lec. R. Eliezer.

(46) On the assumption that their husbands were dead.

(47) Of two sisters-inlaw who stated that their husbands were dead.

(48) To confirm her statement.

(49) The former because of her children who exempt her from the levirate bond; and the latter, because witnesses had testified to the death of her levir while she herself is believed in respect of the death of her husband.

(50) Cur. edd. do not indicate by the usual stops that this passage is derived from our Mishnah. Cf. however, Bomb. ed.

(51) By a statement whereby she injures her associate.

(52) Her evidence here would injure herself as it would her associate. Where, however, her associate alone would be the sufferer a rival's evidence is not accepted.

Talmud - Mas. Yevamoth 120a

That of allowing¹ her rival to marry before herself. If it is granted that a rival may give evidence in favour of her associate, her rival may be permitted to marry even if she herself did not remarry. If, however, it be maintained that the reason is because she would not cause injury to herself, the rival would be permitted to marry only if she herself had married again, but if she herself did not remarry, her rival also would not be permitted to remarry. Now, what [is the decision]? — Come and hear: R. ELEAZAR RULED: SINCE THEY WERE ONCE PERMITTED TO THE LEVIR THEY ARE PERMITTED TO MARRY ANY MAN. Now, if it be granted that [the reason is because] she would not cause injury to herself one can well see the reason why only when the one married again is the other permitted to remarry. If it be maintained, however, that the reason is because a rival is eligible to tender evidence in favour of her associate, [the associate should be permitted to marry again] even if the rival did not remarry. Consequently it must be concluded² that R. Eleazar's reason is: Because she³ herself had married again and she would not cause injury to herself! — R. Eleazar may have argued on the basis of the view of the Rabbis.⁴ 'According to my view [he may have said in effect] a rival is eligible to tender evidence in favour of her associate, and even if she herself did not remarry the other may be allowed to marry again. According to your view, however, you must at least agree with me that where she herself' remarried the other also should be allowed to marry again, since she³ would naturally not injure herself!' And the Rabbis?⁵ — She might be acting [in the spirit of] let me die with the Philistines.⁶

Come and hear: If a woman and her husband went to a country beyond the sea, and she returned and stated, 'My husband is dead', she may be married again and she also receives her kethubah. Her rival, however, is forbidden. R. Eleazar⁷ ruled: Since she becomes permitted her rival also becomes permitted!⁸ — Read: Since she was permitted and she married again. Let it, however,⁹ be apprehended that she³ may have returned with a letter of divorce and that the reason why she made her statement¹⁰ is because it was her intention to injure her rival!¹¹ — If she was married to an Israelite, this would be so indeed;¹² but here we are dealing with one who married a priest.¹³

MISHNAH. EVIDENCE [OF IDENTITY]¹⁴ MAY BE LEGALLY TENDERED¹⁵ ONLY ON [PROOF AFFORDED BY] THE FULL FACE¹⁶ WITH THE NOSE, THOUGH THERE WERE ALSO MARKS ON THE MAN'S BODY OR CLOTHING. NO EVIDENCE [OF A MAN'S DEATH]¹⁵ MAY BE TENDERED BEFORE HIS SOUL HAS DEPARTED; EVEN THOUGH THE WITNESSES HAVE SEEN HIM WITH HIS ARTERIES CUT¹⁷ OR CRUCIFIED OR BEING DEVoured BY A WILD BEAST.¹⁸ EVIDENCE [OF IDENTIFICATION] MAY BE TENDERED [BY THOSE] ONLY [WHO SAW THE CORPSE] WITHIN¹⁹ THREE DAYS [AFTER DEATH].²⁰ R. JUDAH B. BABA, HOWEVER, SAID: NEITHER ALL MEN, NOR ALL PLACES, NOR ALL SEASONS²¹ ARE ALIKE.²²

GEMARA. Our Rabbis taught: Evidence [of identification]²³ may be tendered²⁴ only on [proof afforded by] the forehead without the face²⁵ or the face without the forehead — Both together with the nose must¹⁹ be present.²⁶

Abaye, or it might be said, R. Kahana, stated: What is the Scriptural proof?²⁷ — The shew of their countenance²⁸ doth witness against them.²⁹

Abba b. Martha, otherwise³⁰ Abba b. Manyumi, was being pressed for the payment of some money by the people of the Exilarch's house. Taking some wax he smeared it on a piece of rag and stuck it upon his forehead. He passed before them and they did not recognize him.³¹

THOUGH THERE WERE ALSO MARKS etc. Does this imply that identification marks are not valid Pentateuchally? A contradiction, surely, may be pointed out: If he³² found it³³ tied to a bag, a purse or a seal-ring³⁴ or if it was found among his furniture,³⁵ even after a long time, it³³ is valid!³⁶ — Abaye replied: This is no difficulty. The one is the view of³⁷ R. Eliezer³⁸ b. Mahebai while the other is that of³⁷ the Rabbis. For it was taught: No evidence [of identification] by a mole may be legally tendered. R. Eliezer³⁸ h. Mahebai ruled: Such evidence may be legally tendered. Do they not differ on the following principle,³⁹ that one Master⁴⁰ is of the opinion that identification marks are valid Pentateuchally⁴¹ while the other Master⁴² is of the opinion that identification marks are only Rabbinically valid? — Said Raba: All⁴³ agree that identification marks are valid Pentateuchally; but here they differ on the question whether it is common for the same kind of mole to be found on persons of simultaneous birth.⁴⁴ One Master⁴² is of the opinion that it is common for the same kind of mole to be found on persons of simultaneous birth,⁴⁵ and the other Master⁴⁶ is of the opinion that it is not common for the same kind of mole to be found on persons of simultaneous birth.⁴⁷

Others say: Their⁴⁸ point of difference here is whether a mole usually undergoes a change after one's death — One Master⁴⁹ is of the opinion that it usually undergoes a change after one's death⁵⁰ and the other Master⁴⁶ is of the opinion that it does not usually undergo a change after one's death.

Others maintain that Raba said: All⁵¹ agree that identification marks are only Rabbinically valid; but here [it is on the question] whether a mole

(1) Where a woman who went overseas with her husband leaving her rival in the home town returned and stated that her husband was dead.

(2) Lit., 'but infer from it'.

(3) The woman who reported the death of her husband.

(4) Lit., 'according to their words he said to them'.

(5) Why do they not allow the associate to marry even in the latter case?

(6) Judges XVI, 30. In order to inflict injury upon her associate she is willing to suffer injury herself.

(7) Var. Sec. R. Eliezer cf. supra p. 845, n. 16.

(8) Cf. supra 118a. This proves that, on the evidence of a rival, an associate is always permitted to marry again whether the rival who gave the evidence did or did not herself marry again.

(9) If the reason why a rival is believed in respect of her associate is not because she is eligible to tender evidence but because she would not injure herself.

(10) Lit., 'that which she said thus'. That her husband was dead.

(11) She herself would thereby suffer no disability since she herself is in any case divorced from her husband.

(12) There would be ground for suspecting that she was divorced.

(13) Who may not marry a divorcee (v. Lev. XXI, 7). Had she been a divorced woman she would not have ventured to contract such a marriage for fear lest her former husband might return and expose her.

(14) In respect of a dead man.

(15) To enable the widow to marry again.

(16) **פרצוף פנים** cf. Gr.**.

(17) Or 'mortally wounded' (v. Rashi). **מגוייד** rt. **גיייד**, to cut an artery', a mode of execution practised among certain peoples (cf. Jast.).

(18) Since it is possible to recover life even in such precarious conditions.

(19) Lit., 'until'.

(20) After this period, the decay of the corpse would hinder identification.

(21) Lit., 'hours', 'times'.

(22) Decomposition in one case may be much more rapid than in another. The period of THREE DAYS mentioned must, therefore, be varied according to physical and climatic conditions.

(23) In respect of a dead man.

(24) To enable the widow to marry again.

(25) V. supra note 5.

(26) If the evidence of identification is to be valid.

(27) That the full face is essential for identification.

(28) Emphasis on countenance; not any other part of the body.

(29) Isa. III, 9.

(30) Lit., 'which he', 'who was'.

(31) Lit., 'they did not discover it'. **בשקר** (cf. **בקר**) 'to examine', 'to discover'.

(32) A man who was carrying a letter of divorce from a husband to his wife.

(33) The letter of divorce after it had been lost for a time.

(34) Cf. infra 120b. **טבעת** 'ring'.

(35) Cf. Rashi.

(36) B.M. 27b; provided he is able to identify the bag, or any of the other objects mentioned, as the original object to which the letter of divorce had been tied. Though the assumed validity of the document affects a Pentateuchal law (permitting a married woman to marry a stranger) it is nevertheless permitted to rely upon the identification marks, contrary to the implication of our Mishnah.

(37) Lit., 'that'.

(38) Pesaro ed. and MSS. read 'Eleazar'.

(39) Of course they do.

(40) R. Eliezer.

(41) Cf. B.M. 27a.,

(42) The first Tanna.

(43) Both the first Tanna as well as R. Eliezer.

(44) **בן גילו**, lit., 'son of his circle', ('circle' referring to the sphere of the zodiac). Persons born at the same hour of the day are assumed to be physically and morally subject to the same planetary influences for good and for evil.

(45) As the corpse and the man in question might have been such persons, all marks, other than those afforded by those of the full face, are no reliable proof of identity.

(46) R. Eliezer.

(47) A mole, therefore, is a valid identification mark.

(48) Cf. supra p. 849, n. 14.

(49) The first Tanna.

(50) Hence it cannot be regarded as a valid mark of identification.

(51) V. supra p. 849, n. 14.

Talmud - Mas. Yevamoth 120b

constitutes a distinct¹ identification mark² that they differ. One Master is of the opinion that it constitutes a distinct identification mark,² and the other Master is of the opinion that it does not constitute a distinct identification mark.

With reference to the version according to which Raba stated that 'identification marks are valid Pentateuchally' [the objection might be raised:] Surely it was taught, **THOUGH THERE WERE**

ALSO MARKS ON THE MAN'S BODY OR CLOTHING!³ — As to the BODY [the marks indicated by the witnesses were only that the corpse was] long or short;⁴ and as to one's CLOTHING [no reliability can be placed upon their identification] since borrowing might be apprehended.⁵ If, however, borrowing is to be apprehended how could we allow the return of an ass⁶ on [the strength of] the identification marks of a saddle!⁷ — People do not borrow a saddle because it makes the back of the ass sore.⁸ Where one 'found it tied to a bag, a purse or a seal-ring',⁹ how do we allow its return!¹⁰ — As to a seal-ring one is afraid of forgery;¹¹ as to one's bag and purse, people are superstitious¹² and do not lend such objects.¹³ And if you prefer I might say [that the identification marks of one's] CLOTHING [consisted in a statement] that they were white or red.¹⁴

EVEN THOUGH THE WITNESSES HAVE SEEN HIM WITH HIS ARTERIES CUT etc. This then implies that a man whose arteries have been cut may live; but this is inconsistent with the following: A person does not cause defilement¹⁵ before his soul has departed, even though his arteries had been cut and even though he is in a dying condition.¹⁶ [Thus it follows that] it is only defilement that he does not cause but that it is impossible for him to live!¹⁷ — Abaye replied: This is no difficulty. The one represents the view of¹⁸ R. Simeon b. Eleazar; the other that of¹⁸ the Rabbis. For it was taught: Evidence may be legally tendered on [the death of a person] whose arteries were cut,¹⁹ but no such evidence may be tendered concerning one crucified. R. Simeon b. Eleazar ruled: No such evidence may be legally tendered even concerning one whose arteries were cut, because [the wounds] might be cauterized and [the man] may survive.²⁰ Can this,²¹ however, be reconciled²² with the views of R. Simeon b. Eleazar? Surely in the final clause²³ it was taught: It once happened at Asia that a man²⁴ was lowered into the sea and Only his leg was brought up,²⁵ and the Sages ruled: [If the recovered leg contained the part] above the knee [the man's wife] may marry again,²⁶ [but if it contained only the part] below the knee she may not remarry!²⁷ — Waters are different since they irritate the wound.²⁸ But, surely, Rabbah b. Bar Hana related: I myself have seen an Arab merchant who took hold of a sword and cut open the arteries of his camel, but this did not cause it to cease its cry!²⁹ — Abaye replied: That [camel] was a lean animal.³⁰

Raba replied: [The operation was performed] with a glowing hot knife,³¹ and this is in agreement with the opinion of all.³²

OR BEING DEVOURED BY A WILD BEAST etc. Rab Judah stated In the name of Samuel: This has been taught only in the case [where the attack was] not on a vital organ,³³ but where it was on a vital organ, evidence may be legally tendered.

Rab Judah further stated in the name of Samuel: If a person whose two organs³⁴ or the greater part of them were cut³⁵ escaped, evidence [of his death] may be legally tendered.³⁶ But this cannot be! For, surely, Rab Judah stated in the name of Samuel: If a man whose two [organs]³⁴ or the greater part of them were cut³⁵ indicated by gestures, 'Write a letter of divorce for my wife', [such document] is to be written and delivered [to his wife]!³⁷ — He is alive³⁸ but will eventually die.³⁹ If this is so⁴⁰ one⁴¹ should go into exile⁴² on account of him; while, in fact,⁴³ it was taught: If a man cut [unwittingly] the two, or the greater part of the two [organs⁴⁴ of another man] he is not to go into exile! — Surely in connection with this it was stated that R. Hoshia explained: The possibility must be taken into consideration that the wind might have aggravated the wound⁴⁵ or that he himself⁴⁶ also may

(1) מוֹבֵהָק rt. בִּהָק 'to shine', 'glisten'.

(2) And may consequently serve as proof even in pentateuchal prohibitions.

(3) If identification marks have pentateuchal validity these should have been regarded as reliable.

(4) Which cannot be regarded as reliable marks of identification.

(5) There is no proof that the dead man was wearing his own clothes. V. supra note 5.

(6) That was found.

- (7) V. B.M. 27a.
- (8) The saddle of one ass does not fit another. A saddle, therefore, is a proper mark of identification.
- (9) Supra 120a.
- (10) It is possible, surely, that the objects were borrowed from another man and that the document tied to them was not the lost original.
- (11) Of the seal; and does not lend it to anyone. Hence it may justly be presumed to belong the person on whose body it is found.
- (12) The lending of such an object is supposed to effect a transfer of the lender's luck to the borrower.
- (13) Cf. supra n. 3.
- (14) Many persons wear garments of red and white, and the colours therefore, cannot be regarded as a reliable mark of identification.
- (15) As a corpse.
- (16) Ohal. 1, 6.
- (17) Which is contradictory to the implication in our Mishnah.
- (18) Lit., 'that'.
- (19) The evidence being accepted as valid to enable the man's wife to remarry.
- (20) Lit., 'he is able to burn and to live'. Our Mishnah would thus represent the view of R. Simeon b. Eleazar.
- (21) V. supra n. 8.
- (22) Lit., 'be set up'.
- (23) V. infra 121a, the continuation of our Mishnah.
- (24) A diver.
- (25) L1t., 'and it did not go up in their hands but his leg'.
- (26) Since after the loss of so much of the limb the man cannot survive.
- (27) Because a man may survive even in such circumstances. The drowning also cannot be regarded as a certainty since the waters may have thrown the body up on another shore where the man's life may have been saved. Now, if our Mishnah represents the view of R. Simeon b. Eleazar, remarriage should be forbidden even in the case where 'the part above the knee' was also torn away!
- (28) And this makes survival in the first case (cf, supra n.2 final clause) impossible.
- (29) Till the actual moment of death, which shows that even after the cutting of its arteries an animal may still live.
- (30) And the wound was not deep.
- (31) Which cauterized the wound.
- (32) Since all agree that a cauterized wound is not fatal.
- (33) Lit., 'from a place from which his soul does not depart'.
- (34) The oesophagus and the trachea.
- (35) L1t., 'he cut on him two or the greater part of two'.
- (36) His wife being permitted to marry again. 621. 70b.
- (37) Lit., 'behold these shall write and give'; which shows that one in such a condition is still regarded as a living man. How, then, could it be said that Rab Judah in the name of Samuel accepted the legality of the evidence of death in similar circumstances!
- (38) Hence the validity of his letter of divorce.
- (39) And the evidence of his — death is consequently also valid.
- (40) If eventual death is regarded as a certainty.
- (41) The man who unwittingly inflicted the wounds mentioned.
- (42) Cf. Deut. XIX, 2f
- (43) Lit., 'wherefore'.
- (44) The oesophagus and the trachea.
- (45) Or 'made him senseless' (cf. Jast.).
- (46) By excessive struggling.

Talmud - Mas. Yevamoth 121a

have brought on his death,¹ What is the practical difference between these [two explanations]? —

The case where one cut [another man's organs] in a house of marble² and the latter made some convulsive movements,³ or also where he cut his organs out of doors and the latter made no convulsive movements.⁴

R. JUDAH . . . SAID: NOT ALL etc. The question was raised: Does R. Judah b. Baba differ [from the first Tanna] in relaxing the law⁵ or does he differ from him in imposing a greater restriction?⁶ — Come and hear: A man was once drowned at Karmi and after three days he was hauled up at Be Hedyā, and R. Dimi of Nehardea allowed his wife to remarry. And again, it happened that a man was drowned in the Tigris⁷ and after five days he was hauled up to the Shebistana bridge⁸ and, on the evidence of the shoshbinim,⁹ Raba permitted his wife to marry again — Now, if you grant that he¹⁰ differs [from the first Tanna] in relaxing the law, they¹¹ might well have acted in accordance with the ruling of R. Judah b. Baba. If you should contend, however, that he¹⁰ differed in imposing a greater restriction, in accordance with whose view [it may be asked] did they¹¹ act? — Waters are different because they cause contraction.¹² But, surely, you said that ‘waters [are different since they] irritate the wound’! — That applies only where a wound exists, but where no wound exists waters cause contraction. This, furthermore, applies only where the witnesses saw the body as soon as it was brought up, but if it remains some time, it swells.¹³

MISHNAH. IF A MAN FELL INTO THE WATER, WHETHER IT HAD [A VISIBLE] END¹⁴ OR NOT, HIS WIFE IS FORBIDDEN [TO MARRY AGAIN].¹⁵ SAID R. MEIR: IT ONCE HAPPENED THAT A MAN FELL INTO A LARGE CISTERN AND ROSE TO THE SURFACE¹⁶ AFTER THREE DAYS.¹⁷ SAID R. JOSE: IT ONCE HAPPENED THAT A BLIND MAN DESCENDED INTO A CAVE.¹⁸ TO PERFORM RITUAL ABLUTION WHILE HIS GUIDE WENT DOWN AFTER HIM; AND AFTER WAITING LONG ENOUGH FOR THEIR SOULS TO DEPART, PERMISSION WAS GIVEN TO THEIR WIVES TO MARRY AGAIN.¹⁹ ANOTHER INCIDENT OCCURRED AT ASIA²⁰ WHERE A MAN WAS LOWERED INTO THE SEA, AND ONLY HIS LEG WAS BROUGHT UP,²¹ AND THE SAGES RULED: [IF THE RECOVERED LEG CONTAINED THE PART] ABOVE THE KNEE [THE MAN'S WIFE] MAY MARRY AGAIN,²² [BUT IF IT CONTAINED ONLY THE PART] BELOW THE KNEE, SHE MAY NOT MARRY AGAIN.²³

GEMARA. Our Rabbis taught: If a man fell into water, whether it had [a visible] end²⁴ or not, his wife is forbidden [to marry again];²⁵ so R. Meir. But the Sages ruled: [If he fell into] water that has [a visible] end,²⁴ his wife is permitted [to marry again],²⁶ but [if into water] that has no [visible] end²⁷ his wife is forbidden [to marry again].²⁸

What is to be understood by ‘has [a visible] end’? — Abaye replied: [An area all the boundaries of which] a person standing [on the edge] is able to see in all directions.²⁹

Once a man was drowned in the swamp of Samki, and R. Shila permitted his wife to marry again. Said Rab to Samuel: ‘Come, let us place him under the ban’.³⁰ ‘Let us first’, [the other replied,] ‘send to [ask] him [for an explanation]’. On their sending to him the enquiry: ‘[If a man has fallen into] water which has no [visible] end. is his wife forbidden or permitted [to marry again]’? he sent to them [in reply], ‘His wife is forbidden’ — ‘And [they again enquired] is the swamp of Samki regarded as water that has [a visible] end or as water that has no [visible] end?’ — ‘It is’, he sent them his reply, ‘a water that has no [visible] end’. ‘Why then did the Master [they asked] act in such a manner?’³¹ — ‘I was really mistaken’, [he replied]; ‘I was of the opinion that as the water was gathered and stationary it was to be regarded as “water which has [a visible] end”, but the law is in fact not so; for owing to the prevailing waves it might well be assumed that the waves carried [the body] away’.³² Samuel thereupon applied to Rab the Scriptural text, There shall no mischief befall the righteous,³³ while Rab applied to Samuel the following text: But in the multitude of counsellors there is safety.³⁴

It was taught: Rabbi related how it once happened that while two men were casting nets in the Jordan one of them entered a subterranean fish pond³⁵ and when the sun had set he could not find the entrance of the cave. His companion, after waiting long enough for his soul to depart, returned and reported the accident to his household. On the following day when the sun rose [the first man] discovered the entrance of the cave, and on returning he found his household in deep mourning³⁶ 'How great', exclaimed Rabbi, 'are the words of the Sages who ruled [that if a man fell into] water which has [a visible] end his wife is permitted [to marry again, but if into water] which has no [visible] end, his wife is forbidden'. If so,³⁷ then also in the case of water which has [a visible] end the possibility of having remained in a subterranean fish pond should be taken into consideration! — It is not usual for a subterranean fish pond to be found with water which has [a visible] end.³⁸

R. Ashi said: The ruling of the Rabbis [that where a man has fallen into] water which has no [visible] end his wife is forbidden [to marry again]. applies only to an ordinary person but not to a learned man for, should he be rescued.³⁹ the fact would become known.⁴⁰ This, however, is not correct; for there is no difference between an ordinary man and a learned man. Ex post facto, the marriage⁴¹ is valid; ab initio, it is forbidden.

It was taught: R. Gamaliel related, 'I was once travelling on board a ship when I observed a shipwreck and was sorely grieved for [the apparent loss of] a scholar⁴² who had been travelling on board that ship. (And who was he? — R. Akiba.) When I subsequently landed, he⁴³ came to me and sat down and discussed matters of halachah. "My son", I asked him, "who rescued you?" "The plank of a ship", he answered me, "came my way, and to every wave that approached me I bent my head" —⁴⁴ Hence the Sages said that if wicked persons attack a man let him bend his head to them.⁴⁵ At that hour I exclaimed: How significant are the words of the Sages who ruled [that if a man fell into] water which has [a visible] end, [his wife] is permitted [to marry again; but if into] water which has no [visible] end, she is forbidden'.

It was taught: R. Akiba related, 'I was once travelling on board a ship when I observed a ship in distress,⁴⁶ and was much grieved on account of a scholar who was on it. (And who was it? — R. Meir.) When I subsequently landed in the province of Cappadocia⁴⁷ he came to me and sat down and discussed matters of halachah. "My son", I said to him, "who rescued you?" — "One wave" he answered me, "tossed me to another, and the other to yet another until [the sea] cast me⁴⁸ on the dry land". At that hour I exclaimed: How significant are the words of the Sages who ruled [that if a man fell into] water which has [a visible] end, [his wife] is permitted [to marry again; but if into] water which has no [visible] end, she is forbidden'. Our Rabbis taught: If a man fell into a lion's den, no evidence⁴⁹ may be legally tendered concerning him;⁵⁰ but if into a pit full of serpents and scorpions, evidence⁴⁹ may legally be tendered concerning him.⁵⁰ R. Judah b. Bathyra ruled: Even [if he fell] into a pit full of serpents and scorpions, no evidence⁴⁹ may legally be tendered concerning him,⁵⁰ since the possibility must be taken into consideration

(1) So that the man who inflicted the wounds was not the direct cause of death. Hence he is not to be exiled, though the wife of the victim may well be allowed to marry again on the evidence of the infliction of such mortal wounds.

(2) Where no wind can penetrate.

(3) According to the first explanation. since no aggravation could have resulted from wind, the offender must be condemned to exile. According to the second explanation he is exonerated, since it is possible that the convulsive movements of the victim brought on his death.

(4) Aggravation by wind is possible, while the bringing on of death by the victim himself cannot be assumed.

(5) While the first Tanna requires the evidence to be based on an examination of the corpse within three days of death, R. Judah allows it, in certain circumstances, even after three days.

(6) Disregarding the evidence under certain conditions even within three days.

(7) דִּיגְלַת, Heb הֶדְקֶל cf. Targum on Gen. II, 14.

- (8) [The bridge on the Southern Tigris connecting the great trading route between Khuzistan and Babylon during the persian period; v. Obermeyer pp. 68ff].
- (9) Pl. of shoshbin, groomsman'. The shoshbin acted as best men or companions of the groom, to whom they also brought wedding gifts (shoshbinuth).
- (10) R. Judah b. Baba.
- (11) R. Dimi and Raba.
- (12) Of the corpse, the decay of which consequently sets in later than in the case of a corpse on dry land. Hence it is possible in such circumstances to identify a person even after three days from the time of his death.
- (13) And changes appearance.
- (14) This is explained by Abaye infra.
- (15) It being possible that the man was thrown up by the water after a day or two; and that he was restored to life. V. infra n. 8.
- (16) Lit., 'and he went up'.
- (17) In R. Meir's opinion it is possible for one to live in water for a day or two; and the first clause of our Mishnah is in agreement with this view.
- (18) I.e., to waters 'that had a visible end' (cf. supra note 5).
- (19) R. Jose is of the opinion that no human being can survive so long (v. p. 854, n. 8) in water, and death may, therefore, be regarded as a certainty. In the case of water 'that has no visible end', however, he agrees with R. Meir, since it is possible that the body was thrown up on a distant shore where it was restored to life.
- (20) V. Sanh., Sonc. ed. p. 151, n. 1.
- (21) V. supra p. 851, n. 17.
- (22) V. p. 852, n. 1.
- (23) V. p. 852, 11. 2.
- (24) This is explained by Abaye infra.
- (25) V. p. 854, n. 6.
- (26) It being assumed that the man was not rescued from the water. Any rescue, had it been effected, since all the shores are visible, would have been observed from the point where the drowning occurred.
- (27) This is explained by Abaye infra.
- (28) Since the man might have been rescued on another shore which was not visible from the point where the drowning occurred.
- (29) Lit., 'four winds'. A person observing a drowning accident would not depart as long as there was any hope of rescue, and, as all the shores were visible and no rescue was observed, it may be regarded as a certainty that the drowned man was dead, and his wife may, therefore, be permitted to marry again.
- (30) For permitting a married woman to remarry.
- (31) V. p.855 n. 12.
- (32) Lit., 'they lowered', and the man was rescued.
- (33) Prov. XII, 21. Rab was spared the injustice of placing the innocent R. Shila under the ban.
- (34) Ibid. XI, 24. The counsel of Samuel saved Rab from a wrong action.
- (35) [Constructed on the shore to retain the fish washed into it by the overflowing river].
- (36) Lit 'a great mourning in his house'.
- (37) If such an incident as that related by Rabbi is possible.
- (38) [There is not sufficient fish to warrant the construction of a pond (Me'iri)].
- (39) Lit., 'that he went up'
- (40) Lit, 'he has a voice'.
- (41) Of his wife to another man.
- (42) Talmud Hakam, v. Glos.
- (43) R. Akiba.
- (44) Thus avoiding its force.
- (45) Cf. supra n. 6
- (46) Lit., 'that was tossed in the sea'.
- (47) Gr.** in Asia Minor.
- (48) lit., 'vomited me out'.

(49) That he is dead.

(50) To enable his wife to marry again.

Talmud - Mas. Yevamoth 121b

that he might be a charmer.¹ But the first Tanna?² — Owing to the pressure³ they⁴ injure him.⁵

Our Rabbis taught: [If a man] fell into a burning furnace, evidence may be legally tendered concerning him, [and also if he fell] into a boiler that was full of [boiling]⁶ wine or oil, evidence may be legally tendered concerning him. In the name of R. Aha It was stated: [If the man fell into a hot boiler] of oil, evidence may legally be tendered concerning him, because it⁷ adds fuel to the fire;⁸ [but if into one] of wine, no evidence may legally be tendered concerning him, because it⁹ extinguishes [the fire].¹⁰ They,¹¹ however, said to him: At first it⁹ extinguishes [the fire to a certain extent] but eventually it causes it to burn [with greater vehemence].¹²

SAID R. MEIR: IT ONCE HAPPENED THAT A MAN FELL INTO A LARGE CISTERN etc. It was taught: They said to R. Meir, 'Miracles cannot be mentioned [as proof]'.¹³ What [did they mean by] 'miracles'?¹⁴ If it be suggested because he neither eats nor drinks, surely [it may be pointed out], It is written in Scripture, And fast ye for me, and neither eat nor drink [three days]!¹⁵ — Rather because he does not sleep. For R. Johanan stated: [A man who said]. 'I take an oath that I will not sleep for three days' is to be flogged¹⁶ and he may sleep at once.¹⁷ What then is R. Meir's reason?¹⁸ — R. Kahana replied: There were¹⁹ arches above arches.²⁰ And the Rabbis?²¹ — They²² were of marble.²³

And R. Meir? — It is hardly possible that the man did not hang²⁴ on to [the arches] and doze a while.

Our Rabbis taught: It once happened that the daughter of Nehonia the well²⁵-digger²⁶ fell into a large cistern, and people went and reported [the accident] to R. Hanina b. Dosa.²⁷ During the first hour he said to them, 'All is well'.²⁸ In the second hour he again said, 'All is well'.²⁸ In the third he said to them, 'She is saved'.²⁹ 'My daughter', he asked her, 'who saved you?' — 'A ram³⁰ came to my help³¹ with an aged man³² leading it'. 'Are you', the people asked him, 'a prophet?' — 'I am', he replied, 'neither prophet nor the Son of a prophet; but should the [beneficent] work in which the righteous is engaged³³ be the cause of disaster³⁴ to his seed!' R. Abba stated: His³⁵ son nevertheless died of thirst; for it is said in Scripture, And round about Him it stormeth mightily,³⁶ which teaches that the Holy One, blessed be He, deals strictly with those round about Him even to a hair's³⁷ breadth. R. Hanina said, [Proof³⁸ may be adduced] from here: A God dreaded in the great council of the holy ones, and feared of all them that are round about Him.³⁹

MISHNAH. EVEN [A MAN ONLY] HEARD WOMEN SAYING, 'SO-AND-SO IS DEAD', THIS SHOULD SUFFICE FOR HIM.⁴⁰ R. JUDAH SAID: EVEN IF HE ONLY HEARD CHILDREN SAY, 'BEHOLD WE ARE GOING TO MOURN FOR A MAN NAMED SO-AND-SO AND TO BURY HIM' [IT IS SUFFICIENT].⁴⁰ WHETHER [SUCH STATEMENT WAS MADE] WITH THE INTENTION [OF TENDERING EVIDENCE] OR WAS MADE WITH NO SUCH INTENTION [IT IS VALID]. R. JUDAH B. BABA SAID: WITH AN ISRAELITE [THE EVIDENCE IS VALID] EVEN IF THE MAN HAD THE INTENTION [OF ACTING AS WITNESS]. IN THE CASE OF AN IDOLATER, HOWEVER, THE EVIDENCE IS INVALID IF HIS INTENTION WAS [TO ACT AS WITNESS].

GEMARA. Is it not possible that they⁴¹ did not go?⁴² — Rab Judah replied in the name of Samuel: [Our Mishnah deals with a case] where they⁴¹ Say, 'Behold we are returning from the mourning for, and the burial of So-and-so'. Is it not possible that a mere ant⁴³ had died and that the

children gave it the man's name?⁴⁴ — [It is a case] where they⁴⁵ say, 'Such and such Rabbis were there' or 'such and such funeral orators were there'.

IN THE CASE OF AN IDOLATER, HOWEVER . . . IF HIS INTENTION WAS etc. Said Rab Judah in the name of Samuel: This⁴⁶ was taught only in the case where it was his⁴⁷ intention to enable [the woman] to be permitted,⁴⁸ but if his intention was merely to give evidence his testimony is valid. How could this⁴⁹ be ascertained? — R. Joseph replied: If he came to Beth din and stated, 'So-and-so is dead, allow his wife to marry again', such evidence is one where his intention was to enable [the woman] to be permitted,⁴⁸ [but if he stated], 'He is dead', and nothing more, his intention was merely to give evidence.

So It was also stated:⁵⁰ Resh Lakish said, This⁴⁶ was taught only in the case where it was his intention to enable [the woman] to be permitted,⁴⁸ but if his intention was merely to give evidence his testimony is valid.

Said R. Johanan to him:⁵¹ Did it not happen with Oshaia Berabbi,⁵² that he opposed⁵³ eighty-five elders saying to them that, 'This⁴⁶ was taught Only in the case where it was his intention to enable [the woman] to be permitted⁴⁸ but if his intention was merely to give evidence his testimony is valid', but the Sages did not agree with him!⁵⁴

But according to the ruling in our Mishnah, tha⁵⁵ IN THE CASE OF AN IDOLATER, HOWEVER, THE EVIDENCE IS INVALID IF HIS INTENTION WAS [TO ACT AS WITNESS],⁵⁶ how is it possible [for the idolater's testimony ever to be accepted]?⁵⁷ — Where he makes a statement at random,⁵⁸ as was the case where one went about saying, 'Who of the family of Hiwai is here? Who is here of the family of Hiwai? Hiwai is dead!', and R. Joseph allowed his⁵⁹ wife to marry again.

A man⁶⁰ once went about saying, 'Alas for the valiant rider who was at Pumbeditha, for he is dead'; and R. Joseph, or it might be said, Raba, allowed his wife to marry again.

A man once went about saying, 'Who of the family of Hasa is here? Hasa is drowned!' [On hearing this] R. Nahman exclaimed, 'By God, the fish must have eaten Hasa up!' Relying on R. Nahman's exclamation, Hasa's wife went and married again, and no objection was raised against her action.⁶¹

Said R. Ashi: From this⁶² it may be inferred that the ruling of the Rabbis⁶³ that [if a man had fallen into] water which had no [visible] end, his wife is forbidden [to marry again] applies only ab initio, but if someone had already married her, she is not to be taken away from him.

Others read: R. Nahman allowed his⁶⁴ wife to marry again; for he said, 'Hasa was a great man, and had he come up [out of the water] his rescue would have become known'. The law, however, is not so. For there is no difference between a great man and one who is not great — [In either case] it is permitted⁶⁵ ex post facto and forbidden⁶⁶ ab initio.

A certain idolater 'once said to an Israelite, 'Cut some grass⁶⁷ and throw it to my cattle on the Sabbath; if not, I will kill you as I have killed So-and-so, that son of an Israelite, to whom I said, "Cook for me a dish on the Sabbath", and whom, as he did not cook for me, I killed'. His wife⁶⁸ heard this and came to Abaye.⁶⁹ As he kept her waiting

(1) Tosef. Yeb. XIV.

(2) Why, in view of R. Judah b. Bathyra's reason, does he admit evidence of death in the latter case?

(3) Of the falling body.

- (4) The serpents and scorpions.
- (5) In a lion's den, however, there is much more space, and the body might sometimes fall to one side and the animals, if they happened to be full, would leave it untouched.
- (6) Standing over the fire.
- (7) The oil when, owing to the fall of the body, it flows over the sides of the boiler into the fire beneath it.
- (8) Lit., 'it causes to burn'.
- (9) The wine (cf. supra n. 9).
- (10) And, owing to the cooling caused by the liquid, the man might be saved from actual death.
- (11) The Rabbis, represented by the view of the first Tanna.
- (12) Hence the ruling that evidence of death may be accepted in the case of a fall into a hot boiler whether the contents be oil or wine.
- (13) In the natural course of events the man could not survive long in a cistern. If his death were not caused by the water, some other causes would inevitably bring it about. V. infra.
- (14) I.e., why should not the man be able to survive if he could keep his head above the water?
- (15) Esth. IV, 16, which shews that it is possible to live for a considerable time without food or drink.
- (16) Malkoth (v. Glos.); for taking a false oath, It is impossible for a human being to live for three days without sleep.
- (17) In three days' time, accordingly, a man who had fallen into a cistern would inevitably succumb to fatigue and the physical necessity for sleep, and would in the natural course of events be drowned.
- (18) If no one can withstand the necessity for sleep. why does not R. Meir, in the circumstances mentioned, admit the evidence?
- (19) In the cistern mentioned in our Mishnah.
- (20) Where the man might have slept in comparative safety.
- (21) Why do they, in such circumstances, admit the evidence?
- (22) The arches.
- (23) Too slippery for anyone to sleep upon them in safety.
- (24) **מסריך** rt. **סרך** 'to clutch', 'to twist'.
- (25) **שחיין** 'wells' or 'ditches'. Cf. Rashi and Jast.
- (26) He was engaged in the benevolent occupation of digging wells for the benefit of the pilgrims to Jerusalem who visited the Temple on the occasion of the three major Festivals of the year. The ordinary wells did not suffice for the large influx of men and cattle on these festive occasions.
- (27) Famous for his miraculous powers of cure and rescue through the efficacy of his prayers. Cf. Ber. 34b, Ta'an. 24b. V. B.K., Sonc. ed. p. 287, n. 11.
- (28) **שלום**, lit., 'peace'.
- (29) Lit., 'she went up'.
- (30) Lit., 'a male of ewes'. — The ram of Isaac (Rashi).
- (31) Lit., 'was appointed for me'.
- (32) Abraham (Rashi).
- (33) Well-digging. V. supra p. 859, n. 13.
- (34) Lit., 'shall stumble', 'come to grief'.
- (35) Nehonia's.
- (36) P5. L, 3, stormeth = **נשערה** rt. **שער** 'hair'. V. next note.
- (37) Lit., 'like a thread of a hair', **כחוט השערה** (v. supra n. 4).
- (38) Of God's strict dealing with the righteous.
- (39) Ps. LXXXIX, 8; cf. parallel passage B.K. 50a.
- (40) To tender evidence of death, and to enable the widow to marry again.
- (41) The children spoken of in our Mishnah.
- (42) To carry out what they said they were going to do, and that the man in question was in fact not dead. How then could such unreliable evidence be acted upon!
- (43) Or 'locust'.
- (44) For fun. Cf. supra n. 10.
- (45) The children spoken of in our Mishnah.
- (46) That the evidence is invalid.

- (47) The idolater's.
- (48) To marry again.
- (49) The motive of the witness.
- (50) By Amoraim.
- (51) Resh Lakish.
- (52) Cf. n. on **ברבי** supra 105b.
- (53) **שהתרים**, so Aruk and Beth Joseph in Eben ha-Ezer XVII. Cur. edd., 'he permitted them with'.
- (54) Maintaining that even in the latter case the evidence is invalid.
- (55) Lit., 'our Mishnah wherein it was taught'.
- (56) From which it follows that if his Intention was not to act as witness his testimony is accepted.
- (57) How can one make a statement the object of which is not even to affirm (i.e., to give evidence) that a certain thing had happened, and such a statement nevertheless be accepted as legally reliable?
- (58) **מסיח לפי תומו** lit., 'speaks according to his innocence'; he is merely reporting what he had seen.
- (59) Hiwa's.
- (60) An idolater.
- (61) Lit., 'and they did not say anything to her'.
- (62) The acquiescence in the action of Hasa's wife.
- (63) Lit., 'that which the Rabbis said'.
- (64) Hasa's
- (65) Lit., 'yes'.
- (66) Lit., 'not'.
- (67) **אספסתא**, grass used as fodder for cattle.
- (68) The wife of the Israelite whom the idolater claimed to have killed.
- (69) To obtain his ruling as to whether she may marry again.

Talmud - Mas. Yevamoth 122a

for three festivals,¹ R. Adda b. Ahabah said to her, 'Apply² to R. Joseph, whose knife is sharp'.³ When she came to him he decided⁴ [her case by deduction] from the following Baraitha:⁵ If an idolater who was selling fruit in the market declared, 'These fruits are of 'orlah,⁶ of a newly broken field,⁷ or of a plantation in its fourth year',⁸ his statement is disregarded,⁹ for his intention was merely to raise the value¹⁰ of his fruit.¹¹

Abba Judah of Zaidar¹² related: It once happened that an Israelite and an idolater went on a journey together and when the idolater returned he said, 'Alas for the Jew who was with me on the journey, for he died on the way and I buried him', and [the Israelite's] wife [on this evidence] was allowed to marry again. And, again it happened that a group¹³ of men were going to Antiochia¹⁴ and an idolater came and stated, 'Alas for that group¹³ of men, for they died and I buried them', and [on this evidence] their wives were permitted to marry again. Moreover, it happened that sixty men were going to the camp¹⁵ of Bether,¹⁶ and an idolater came and stated, 'Alas for sixty men who were on the way to Bether, for they died and I buried them', and [on the basis of this statement] their wives were permitted to marry again.

MISHNAH. EVIDENCE¹⁷ MAY BE TENDERED [EVEN IF THE CORPSE WAS SEEN BY THE WITNESSES] IN CANDLE LIGHT OR IN MOONLIGHT; AND A WOMAN MAY BE GIVEN PERMISSION TO MARRY AGAIN ON THE EVIDENCE OF A MERE VOICE.¹⁸ IT ONCE HAPPENED THAT A MAN WAS STANDING ON THE TOP OF A HILL AND CRIED, SO-AND-SO SON OF SO-AND-SO OF SUCH-AND-SUCH A PLACE IS DEAD', BUT WHEN THEY WENT [TO THE TOP OF THE HILL] THEY FOUND NO ONE THERE. HIS WIFE, HOWEVER, WAS PERMITTED TO REMARRY.¹⁹ AGAIN, IT HAPPENED AT ZALMON²⁰ THAT A MAN DECLARED, 'I AM SO-AND-SO SON OF SO-AND-SO; A SERPENT HAS BITTEN ME, AND I AM DYING'; AND THOUGH WHEN THEY WENT [TO EXAMINE THE CORPSE] THEY DID NOT RECOGNIZE HIM, THEY NEVERTHELESS PERMITTED HIS WIFE TO REMARRY.

GEMARA. Rabbah b. Samuel stated: A Tanna taught that Beth Shammai ruled that a woman may not be permitted to marry again on the evidence of a mere voice¹⁹ and Beth Hillel ruled that she may be permitted to marry again on the evidence of a mere voice.²¹ What does he²² teach us?²³ This,²⁴ surely, is the ruling in our Mishnah!²⁵ — It is this that he teaches us: Should an anonymous statement be found that a woman [in such circumstances] is not permitted to marry again, that [statement would represent the view of] Beth Shammai.

BUT WHEN THEY WENT . . . THEY FOUND NO ONE. Is it not possible that it was a demon [that cried]?²⁶ — Rab Judah replied in the name of Rab: [This is a case] where they²⁷ saw in him the likeness of a man! But they²⁸ also are in the likeness of men! — They²⁷ saw his shadow. But these²⁸ also have a shadow! They²⁹ saw a shadow of his shadow. Is it not possible that these²⁸ also cast a shadow of a shadow? — R. Hanina replied: The demon Jonathan²⁹ told me that they²⁸ have a shadow but not a shadow of a shadow. Is it not possible that it was a rival [that cried]?³⁰ — A Tanna at the school of R. Ishmael taught that at a time of danger³¹ [a letter of divorce] may be written and delivered [to the woman]³² even if [the husband who gave the instructions]³³ is unknown [to the witnesses].³⁴

MISHNAH. R. AKIBA STATED: WHEN I WENT DOWN TO NEHARDEA TO INTERCALATE³⁵ THE YEAR, I MET NEHEMIAH OF BETH DELI³⁶ WHO SAID TO ME, 'I HEARD THAT IN THE LAND OF ISRAEL NO ONE, WITH THE EXCEPTION OF R.³⁷ JUDAH B. BABA, PERMITS A [MARRIED] WOMAN TO MARRY AGAIN ON THE EVIDENCE OF ONE WITNESS'. 'THAT IS SO', I TOLD HIM. TELL THEM', HE SAID TO ME, 'IN MY

NAME: (YOU KNOW THAT THIS COUNTRY³⁸ IS IN CONFUSION BY REASON OF RAIDERS);³⁹ I HAVE THIS⁴⁰ TRADITION FROM R. GAMALIEL THE ELDER: THAT A [MARRIED] WOMAN MAY BE ALLOWED TO MARRY AGAIN ON THE EVIDENCE OF ONE WITNESS'.⁴¹ AND WHEN I CAME AND RECOUNTED THE CONVERSATION IN THE PRESENCE OF R. GAMALIEL⁴² HE REJOICED AT MY INFORMATION AND EXCLAIMED, 'WE HAVE FOUND A COLLEAGUE⁴³ FOR R. JUDAH B. BABA!' AS A RESULT OF THIS TALK⁴⁴ R. GAMALIEL RECOLLECTED THAT SOME MEN WERE ONCE KILLED AT TEL ARZA,⁴⁵ AND THAT R. GAMALIEL [THE ELDER] HAD ALLOWED THEIR WIVES TO MARRY AGAIN ON THE EVIDENCE OF ONE WITNESS.⁴⁶ AND THE LAW WAS ESTABLISHED THAT [A WOMAN] SHALL BE ALLOWED TO MARRY AGAIN [ON THE EVIDENCE OF ONE] WITNESS [WHO STATES THAT HE HAS HEARD THE REPORT] FROM⁴⁷ ANOTHER WITNESS, FROM⁴⁷ A SLAVE, FROM⁴⁷ A WOMAN OR FROM⁴⁷ A BONDWOMAN. R. ELIEZER AND R. JOSHUA RULED: A WOMAN MAY NOT BE ALLOWED TO MARRY AGAIN ON THE EVIDENCE OF ONE WITNESS.⁴⁸ R. AKIBA RULED: [A WOMAN IS NOT ALLOWED TO MARRY AGAIN] ON THE EVIDENCE OF⁴⁹ A WOMAN, ON THAT OF⁵⁰ A SLAVE, ON THAT⁵⁰ OF A BONDWOMAN OR ON THAT OF RELATIVES.

GEMARA. Is R. Akiba then⁵¹ of the opinion that on the evidence of⁵⁰ a woman,⁵² [a wife is] not [permitted to marry again]? Surely, It was taught: R. Simeon b. Eleazar stated in the name of R. Akiba, '[That] a woman is eligible⁵³ to bring her own letter of divorce⁵⁴ is Inferred a minori ad majus: If those women concerning whom the Rabbis ruled that they⁵⁵ are not believed when they state, "Her husband⁵⁶ is dead"⁵⁷ are nevertheless eligible⁵³ to bring⁵⁸ her a letter of divorce,⁵⁹ how much more reasonable is it that this woman, who is believed when she states that her own husband is dead, should be eligible⁵³ to bring her own letter of divorce.' [Thus it follows that only] those women of whom the Rabbis have spoken⁵⁷ are not believed⁶⁰ but any other⁶¹ woman is believed!⁶² — This is no difficulty. One ruling⁶³ was made⁶⁴ before the law,⁶⁵ had been established; the other,⁶⁴ after the law⁶⁵ had been established.

MISHNAH. THEY⁶⁶ SAID TO HIM:⁶⁷ 'IT ONCE HAPPENED THAT A NUMBER OF LEVITES WENT TO ZOAR,⁶⁸ THE CITY OF PALMS, AND ONE OF THEM WHO FELL. ILL WAS TAKEN BY THEM INTO AN INN. WHEN THEY RETURNED THEY ASKED THE INNKEEPER⁶⁹ WHERE IS OUR FRIEND?' AND SHE REPLIED, HE IS DEAD AND I BURIED HIM". [AND IT WAS ON THIS EVIDENCE THAT] HIS WIFE WAS PERMITTED TO MARRY AGAIN. SHOULD NOT THEN A PRIEST'S WIFE⁷⁰ [BE BELIEVED AT LEAST AS MUCH] AS THE INNKEEPER!⁷¹ HE ANSWERED THEM, WHEN SHE WILL BE [GIVING SUCH EVIDENCE] AS THE INNKEEPER SHE WILL BE BELIEVED. THE INNKEEPER [AS A MATTER OF FACT] HAD BROUGHT OUT TO THEM HIS⁷² STAFF, HIS BAG⁷³ AND THE SCROLL OF THE LAW WHICH HE HAD WITH HIM.⁷⁴

(1) ריגלי, when the scholars and students who were assembled for the purpose of listening to the festival discourses, were also asked to decide difficult points of law that had arisen during the preceding months. During these gatherings the woman had an opportunity of making enquiries about her vanished husband. According to תשובות בגאונים cited by Rashi, the ריגלי were the anniversaries of the deaths of distinguished men, when scholars from the surrounding localities as well as the general public assembled round the respective graves for study and for discussions of matters of law.

(2) Lit., 'go before'.

(3) Metaph., he is capable of acute logical reasoning and deduction. Cf. Rashi, Hul 77a.

(4) Lit., 'solved'.

(5) Cur. edd., 'Mishnah'.

(6) ערלה (v. Glos.). which are forbidden for consumption, though they may be superior in quality to those which come from old trees.

- (7) **עזיקה** (cf. Jast. s.v. **עזקה** and Me'iri a.l.); such fruits being forbidden on the Sabbatical year though they may be of a high quality (v. previous note). 'Azeka may have been, according to Rashi (a.l. s.v. **לא אמר כלום**) a town in Judaea (cf. Josh. X, 10), that was famous for its choice fruit, the point in doubt being whether the fruit had originally belonged to an Israelite and whether It had been tithed. If this interpretation is to be followed the sale of the fruit mentioned presumably took place outside Palestine, where locally grown produce is free from tithe. For other interpretations cf. Tosaf. a.l. s.v. **של** and Levy, s.v. **עזק**
- (8) **נטע רבעי** which is holy for giving praise unto the Lord (Lev. XIX, 24), forbidden to be consumed though they may be of a superior quality. Cf. supra note 5.
- (9) Lit., 'he did not say anything'.
- (10) **להשביח**, lit., 'to improve'.
- (11) Tosef. Dem. IV. Lit 'purchase'. It is assumed that he merely lied, in order to praise his fruit, so that it might fetch a higher price. Similarly in the case under consideration, the idolater's statement that he killed the Israelite is regarded as an idle boast intended as a mere threat.
- (12) The Biblical **צידון** Sidon, on the Western coast of Phoenicia, [or, Bethsaida in Galilee].
- (13) **קולר** lit., 'chain'.
- (14) Gr.*** Antioch, on the Orontes in Syria; or Antiochene, the region round Antioch.
- (15) **כרכום**, a battleground, cf. castra.
- (16) The town where in 135 C.E. Bar Kokeba fought his last battle against the Romans.
- (17) That a man is dead.
- (18) **בת קול**, 'daughter of the voice', 'echo', even if the person who uttered it was not seen, as in the case given infra.
- (19) Cf. supra n. 4.
- (20) [Identified with Selamin (Selame) in Galilee (v. Josephus Wars II, 20, 6), the modern Hirbet Selame, N.E of the El Battauf valley 20 km from Sepphoris, v. Klein S, MGWJ, 1927, p. 266].
- (21) Tosef. Naz. I.
- (22) Rabbah b. Samuel.
- (23) By his statement that according to Beth Hillel, whose ruling is accepted as the established law, a mere voice is sufficient evidence.
- (24) That such evidence is accepted.
- (25) Which, being anonymous, is regarded as the established law.
- (26) [Demons were believed to deceive men, causing divorces and other evils; v. Angus the Religious Quests of the Graeco-Roman World, p. 38; cf. Git. 66a].
- (27) Who heard the voice.
- (28) Demons.
- (29) [Name of (a) a demon; (b) a man (Rashi). MS. M. and Git. 66a have, 'Jonathan my son'].
- (30) Whom the man had married in another town, and who came for the specific purpose of misleading the woman to marry another man so that she might thereby become forbidden to her present husband. A rival is usually suspected of malice against her associate.
- (31) When a man, for instance, was cast into a pit and his fate is in the balance.
- (32) In order to release her thereby from perpetual doubt as to the ultimate fate of her husband and from the perpetual prohibition of marrying again.
- (33) Calling them out, in the case presumed, from the bottom of the pit.
- (34) Who have to execute the mission, v. Git. 66a. Similarly in the case dealt with in our Mishnah. Were not the voice to be relied upon the woman might have to remain all her life bereft of her own husband and unable ever to marry another man.
- (35) To add another month. The Hebrew leap year contains thirteen, instead of the usual twelve months.
- (36) [Dili, a village in Galilee, Horowitz, I, Palestine, p. 131].
- (37) Wanting in cur. edd. Cf., however 115a and infra.
- (38) Palestine.
- (39) So that it is unsafe for one to undertake a journey to Palestine and to report the traditional ruling that follows, [or, in view of the unsettled conditions, it is difficult to obtain in every case two reliable witnesses].
- (40) V. Bah.

- (41) Who testifies that her husband is dead.
- (42) Of Yabneh, a grandson of R. Gamaliel the Elder.
- (43) One who is of the same opinion as he.
- (44) Lit., 'from the midst of the thing'.
- (45) תל ארזא (lit., 'cedar hill'). It is probably identical with the Biblical תל חרשא mentioned in Ezra II, 59 and Neh. VII, 61 for which the Septuagint reads, Gr.**.
- (46) Who testified that their husbands were dead. [Some texts add: 'And the law was established that (a woman) shall be allowed to marry on the evidence if one witness'].
- (47) Lit., 'from the mouth of'.
- (48) Cf. supra n. 11.
- (49) Lit., 'by the mouth of'.
- (50) Lit., 'by the mouth of'.
- (51) As is evident from the final clause of our Mishnah.
- (52) Cf. p. 866, n. 11.
- (53) Lit., 'believed'.
- (54) From a foreign country, though she, like any other messenger who brings a letter of divorce from foreign parts, would have to make the declaration that the document was written and signed in her presence.
- (55) Being suspected of hatred towards the woman in whose favour they pretend to give their evidence.
- (56) The husband of the woman whom they are suspected of hating.
- (57) Supra 117a.
- (58) Cf. supra note 5.
- (59) Lit., 'their letters of divorce', i.e., any such letters wherewith they might have been entrusted. V. Git. 23b.
- (60) V. supra note 6.
- (61) Lit., 'in the world'.
- (62) How, then, could it be implied that R. Akiba does not allow the evidence of any woman who testifies to the death of another woman's husband?
- (63) Of R. Akiba.
- (64) Lit., 'here'.
- (65) That a woman's evidence on a man's death shall be relied upon in permitting that man's wife to marry again.
- (66) The Rabbis.
- (67) R. Akiba. V. previous Mishnah.
- (68) On the East or S.E. of the Dead Sea. Zoar is mentioned several times in the Bible. Cf., e.g., Gel. XIV, 2, 8 and XIX, 22.
- (69) פונדקית (fem.) 'woman innkeeper'.
- (70) כהנת V. n. 3.
- (71) I.e., since a woman's evidence is ineligible, even that of a priest's wife would be ineligible. Is it then conceivable that the latter should be regarded as less trustworthy than an innkeeper! כהנת might perhaps be rendered 'princess', 'lady' as כהן is interpreted by the Targumim (cf. e.g., Gen. XLI, 45, ps. CX, 4) as רבא 'great man', 'prince'. 'Should not the lady enjoy the status of the innkeeper!' Another interpretation applies כהנת to all Jewish women since any of them might become a כהנת by marrying a priest. Cf. Golds.
- (72) The dead man's.
- (73) [Some texts add, 'his shoes'].
- (74) It was on this proof, and not on the evidence of the innkeeper, that they acted.

Talmud - Mas. Yevamoth 122b

GEMARA. What was the inferiority of the innkeeper?¹ R. Kahana replied: She was an innkeeper who was an idolatress and she said at random,² 'This is his staff, and this is his bag and this is the grave wherein I buried him'. So it was also recited by Abba the son of R. Manyumi b. Hiyya: She was an innkeeper who was an idolatress and she said at random,² 'This is his staff, and this is his bag and this is the grave wherein I buried him'. But, surely, they had asked her, 'Where is our friend?'³ — When she saw them she began to cry, and when they asked her, 'Where is our friend?' she

replied, 'He died and I buried him',⁴

Our Rabbis taught: It once occurred that a man came to give evidence on behalf of a woman⁵ before R. Tarfon. 'My son', [the Master] said to him, 'what⁶ do you know concerning the evidence for this woman?' — 'I and he', the other replied, 'were going on the same road and when a raiding gang pursued us he grasped⁷ the branch of an olive tree, pulled it down, and made the gang turn back. "Lion", I said to him, "I thank you".⁸ "Whence did you know [he asked] that my name was Lion? So in fact I am called in my home town: Johanan son of R. Jonathan, the Lion of Kefar Shihaya",⁹ and after some time he fell ill and died'. And [on this evidence] R. Tarfon permitted his¹⁰ wife to marry again.

Does not R. Tarfon, however, hold that inquiry and examination¹¹ are necessary? Surely it was taught: It once happened that a man came before R. Tarfon to give evidence on behalf of a woman.⁵ My son', he said to him, 'What⁶ do you know concerning this evidence?' 'I and he', the other replied, 'were going on the same road, and when a raiding gang pursued us he grasped the branch of a fig tree, pulled it down, and drove¹² the gang back. "I thank you,¹³ Lion", I said to him, and he replied, "You have correctly guessed my name, for so I am called in my home town: Johanan son of Jonathan, the Lion of Kefar Shihaya", and after some time he died'. The Master said to him: Did you not tell me thus, 'Johanan son of Jonathan of Kefar Shihaya the Lion'?¹⁴ — 'No', the other replied, 'but it is this that I told you: Johanan son of Jonathan, the Lion of Kefar Shihaya'. Having examined him closely¹⁵ two or three times and the man's replies invariably agreeing, R. Tarfon permitted his¹⁶ wife to marry again!¹⁷ — This [is a point in dispute between] Tannaim. For it was taught: Witnesses on matrimonial matters¹⁸ are not to be subjected¹⁹ to enquiry and examination.²⁰ These are the words of R. Akiba;²¹ R. Tarfon, however, ruled: They are to be subjected.²² And they²³ differ [in respect of a ruling] of R. Hanina. For R. Hanina stated: Pentateuchally both monetary, and capital cases must be conducted with enquiry and examination,²⁰ for it is said, Ye shall have one manner of law,²⁴ what then is the reason why they have ordained that monetary cases do not require enquiry and examination?²⁰ In order that you should not lock the door in the face of borrowers —²⁵ And it is on this principle that²⁶ they²³ differ: One Master is of the opinion that since the woman has²⁷ a kethubah to receive²⁸ [such cases²⁹ are] on a par with those of monetary matters,³⁰ while the other Master is of the opinion that since we are thereby permitting a married woman to marry a stranger³¹ [such cases³² are] on a par with capital cases.³³

R. Eleazar said in the name of R. Hanna: Scholars³⁴ increase peace in the world, for it is said in the Scriptures, And all thy children shall be to taught of the Lord; and great shall be the peace of thy children.³⁵

(1) Implied by the argument of the Sages, 'SHOULD NOT THEN A PRIEST'S WIFE etc.'

(2) V. supra p. 861, n. 14.

(3) How then could it be said that she spoke at random?

(4) It was thus obvious that she had no ulterior motive in making her statement and that she was merely answering their enquiry. Such evidence may be regarded as given in all innocence (cf. supra p. 861, n. 14) and may be relied upon.

(5) Testifying that her husband was dead.

(6) Lit., 'how'.

(7) Lit., 'and suspended himself'.

(8) **יִישָׁר כֹּחֲךָ** lit., 'may thy strength be right (or firm)'.

(9) **שִׁיחַיָּא**, Klein S. (v. E.J. Col. 1139) reads **שִׁיחַלַיִם** Kefar Shihlayim, a village in Idumaea, Saallis (Chalis) mentioned in Joseph. Wars III, 2.2].

(10) The dead man's.

(11) **וְדַרְשָׁתָּ וְחִקְרָתָּ**. Cf. Deut. XIII, 15: Then shalt thou inquire and make search (**וְדַרְשָׁתָּ וְחִקְרָתָּ**). Before the evidence is accepted, witnesses are to be questioned and cross-examined as to the day, hour, and attendant circumstances, in order to test thereby the veracity of their statements. V. Sanh. 32a and 40a.

- (12) Lit., 'and caused to return'.
- (13) V. supra note 4.
- (14) R. Tarfon changed the order of the words to test the man's accuracy.
- (15) דקדק rt. דקק (Pilpel) 'to crush'.
- (16) The dead man's.
- (17) Which shows that R. Tarfon holds that 'inquiry and examination' are necessary!
- (18) I.e., evidence on the death of a husband.
- (19) אין בודקין rt. בדק Kal., 'to search', investigate'.
- (20) V. supra p. 869, n. 7.
- (21) Eben ha-Ezer XVIII, 79, Wilna Gaon Glosses and others read: 'R. Akiba and p. Tarfon however etc'.
- (22) Cf. supra note 5.
- (23) R. Akiba and R. Tarfon.
- (24) Lev. XXIV, 22. As capital cases are subject to such enquiry (v. Deut. XIII, is) so are also monetary cases.
- (25) Sanh. 2b, 32a. Were difficulties to be placed in the way of creditors they would altogether decline to advance any loans.
- (26) Lit., 'and in what'.
- (27) Lit., 'there is'.
- (28) From the estate of her dead husband. The terms of the marriage contract entitle a woman to her kethubah when she lawfully marries again.
- (29) I.e., evidence on the death of a husband.
- (30) Hence his opinion that no enquiry and examination of the witnesses is necessary.
- (31) Lit., 'to the world'.
- (32) Since intercourse with a married woman is punishable by strangulation.
- (33) Where full enquiry and examination is required.
- (34) תלמידי חכמים v. Glos s.v. Talmid Hakam.
- (35) Isa. LIV, 13. children = בניך (rt. בנה 'to build'). The conclusion of the passage in Ber. 64a is as follows: Read not, thy children (banayik) but thy builders (bonayik). Scholars are the builders of the world and it is their dissemination of true knowledge and enlightenment that preserves and promotes the ideals and blessings of peace.

CHAPTER I

MISHNAH. SEVEN DAYS BEFORE THE DAY OF ATONEMENT THE HIGH PRIEST WAS REMOVED FROM HIS HOUSE TO THE CELL OF THE COUNSELLORS¹ AND ANOTHER PRIEST WAS PREPARED TO TAKE HIS PLACE IN CASE ANYTHING² HAPPENED TO HIM [THE HIGH PRIEST] THAT WOULD UNFIT HIM [FOR THE SERVICE]. R. JUDAH SAID: ALSO ANOTHER WIFE WAS PREPARED FOR HIM IN CASE HIS WIFE SHOULD DIE. FOR IT IS WRITTEN,³ AND HE SHALL MAKE ATONEMENT FOR HIMSELF AND FOR HIS HOUSE. 'HIS HOUSE THAT MEANS 'HIS WIFE'. THEY SAID TO HIM: IF SO THERE WOULD BE NO END TO THE MATTER.⁴

GEMARA. We learned elsewhere: Seven days before the burning of the [red] heifer⁵ the priest who was to burn the heifer was removed from his house to the cell in the north-eastern corner before the Birah.⁶ It was called the cell of the stone chamber.⁷ And why was it called the cell of the stone chamber? Because all its functions [in connection with the red heifer] had to be performed only in vessels made of either cobble-stones,⁸ stone or earthenware. What was the reason [for that restriction]? Since a tebul-yom⁹ was permitted to [perform the ceremony of] the heifer, as we have learnt:¹⁰ They [deliberately] rendered the priest ritually impure to remove [a false notion] from the minds of the Sadducees, who used to say: 'Only by those on whom the sun has set could it be performed', the Rabbis ordained that only vessels made of cobble-stones, stone, or earthenware which are immune to impurity — should be used in connection with the heifer, lest the ceremony thereof be treated slightly.¹¹

Why [was the ceremony performed] in the north-eastern corner? — Since the heifer was a sin-offering¹² and a sin-offering had to be sacrificed in the northern corner, whereas, on the other hand, it is written about the heifer,¹³ Towards the front of the tent of meeting,¹⁴ the Rabbis ordained [for the heifer] a cell in the northeastern corner, so that [the special importance of this ceremony] be clearly recognized.

What is Birah? — Rabbah b. Bar Hana in the name of R. Johanan said: There was a place on the Temple mount called Birah. Resh Lakish said: The whole sanctuary is called Birah, as it is written, And to build the Birah for which I have made provision.¹⁵

Whence is it proved¹⁶ that it is necessary to remove the priest [from his house]? — R. Minyumi b. Hilkiah in the name of R. Mahsiah b. Idi, in the name of R. Johanan said: The text reads:¹⁷ As hath been done this day, so the Lord hath commanded to do, to make atonement for you;¹⁸ the work la'asoth [to do] refers to the matter of the [red] heifer, the words lekapper 'alekem [to make atonement for you] refer to the work of the Day of Atonement. It is obvious that the whole of this text could not be taken as referring to the heifer, because of the words 'to atone' and the heifer has nothing to do with atonement. But let us assume that the whole text¹⁹ refers to the Day of Atonement? — They said [in answer to this suggestion]: One may infer from, the fact that the identical expression ziwwah [he commanded] is used.²⁰ Here²¹ it is written: The Lord ziwwah [commanded] to do,²² and there²³ it is written: This is the statute of the law which the Lord ziwwah [has commanded]:²⁴ just as in the latter [passage ziwwah] refers to the heifer, so does it in the former refer to the heifer, and just as the removal [of the priest is enjoined] in the one, so must the removal [of the priest apply] to the other.

(1) Parhedrin (Gr. **), assessors, counselors. V. infra 8b. [According to Abba Saul (Mid. V, 4 cf. Bertinoro a.l.) it was identical with the wood chamber on the south of the Temple Court. It has also been identified with the Chamber of Hewn Stones, the seat of the Sanhedrin. V. Buchler, Das Synedrion, p. 23ff]

- (2) Impurity.
- (3) Lev. XVI, 6.
- (4) His second wife too might die.
- (5) Num. XIX, 2.
- (6) The Temple. V. I Chron. XXIX, 1. J. Pes. 35a; Zeb. 119a.
- (7) [Mishnah Parah omits 'cell'.]
- (8) Or 'vessels made of dung'.
- (9) Lit., 'one who has bathed in the daytime (but must wait for sunset to be perfectly clean)'. The Sadducees would exclude him from service at either ceremony until after sunset.
- (10) Parah III, 7.
- (11) Due to the feeling that since a tebul-yom was admitted, its degree of sanctity may not be too high.
- (12) It is a 'hattath', this word meaning here purification, may also be translated as 'sin-offering'. Num. XIX, 9
- (13) Ibid. XIX, 4.
- (14) Lying east.
- (15) I Chron. XXIX, 19.
- (16) Both for the service of the Day of Atonement and the red heifer ceremony.
- (17) With reference to the seven days of the consecration of the Tabernacle in the wilderness.
- (18) Lev. VIII, 34.
- (19) Ibid.
- (20) On the Rabbinic inference from analogy, gezerah shawah, v. Glos.
- (21) In connection with the consecration ceremonies.
- (22) Lev. VIII, 34.
- (23) In connection with the red heifer.
- (24) Num. XIX, 2.

Talmud - Mas. Yoma 2b

But perhaps say that [the word] *ziwwah*¹ [he commanded] has reference to [the word] *ziwwah* which occurs in connection with the Day of Atonement,² since the verse reads,³ And he did as the Lord *ziwwah* [commanded] Moses?⁴ — One may infer from [the word] *ziwwah* used before conformity⁵ for another case in which *ziwwah* is used also before conformity,⁶ but one may not infer *ziwwah* is used before conformity⁵ for *ziwwah* used after conformity.⁷ Perhaps *ziwwah*¹ has reference to sacrifices,⁸ for it is written, On the day when the Lord *zawwotho*⁹ [commanded] the children of Israel?¹⁰ — One may fitly infer *ziwwah*⁶ from *ziwwah*,⁵ but one may not infer *zawwotho*¹¹ from *ziwwah*.¹² But what does it matter? Did not the school of R. Ishmael teach that [in the verse], The priest shall return or the priest shall come in,¹³ 'returning' and 'coming in' mean one and the same thing?¹⁴ — These words [of the school of R. Ishmael] apply only when there is no identical word,¹⁵ but where such a similar word is used, the inference may be made only on the basis of absolute identity of expression. — [We stated above that the word] '*lekapper*' [to atone] has reference to the Day of Atonement. May it not refer [also]¹⁶ to the atonement resulting from a sacrifice?¹⁷ — How could we know which priest would happen to perform the sacrifice so that he would have to be removed [from his house]?¹⁸ But why should we not really have to postulate such separation for the whole priestly division?¹⁹ — It is proper to make inference from something for which a definite time is appointed²⁰ for something which similarly is fixed for a definite time.²¹ That excludes any inference [from the consecration of the priest, an annual event] to sacrifices which are offered up every day.²² Perhaps [the reference is to] the [three] festivals?²³ — One may infer something which takes place but once a year²⁴ from something else which took place but once a year, but inference for these festivals is excluded since they do not take place but once a year. Perhaps [the reference is] to one festival.²⁵ And if you would answer [by saying], We would not know to which [it has reference], [it would be] either the festival of Passover, which Scripture always mentions²⁶ [as the first of the three], or the feast of Sukkoth, because a great number of commandments apply to it!²⁷ — The point is, however, that you may infer the [law of the priest's] removal [from his house] for seven days before

the service which he is to perform on one day²⁸ from [another case in which the priest is] removed also for seven days for the service of one day;²⁹ but one may not fitly infer that [a priest must be] removed for seven days for the service of seven³⁰ days from the fact that a law exists obliging [the priest's] removal for seven days for the service of one day.²⁹ Yet perhaps [the reference is to] the Eighth Day³¹ because there would be a service of only one day? — One may infer [laws concerning] a day which is not immediately preceded by another [festival] sanctity²⁸ from another day,²⁹ which similarly is not preceded by other [festival] sanctity,²⁹ but one may not infer for a day preceded by [festival] Sanctity³² from a day unpreceded by such.

But [even if the inference by analogy be unjustified] is there no legitimate conclusion a minori ad majus, viz., if a day unpreceded by another [festival] sanctity requires [for the officiating priest] a seven day removal [from his family], how much more should a day preceded by another [festival] sanctity require it!³³ — R. Mesharsheya answered: Scripture expressly states this day,³⁴ that means on a day like this.³⁵ R. Ashi said:³⁶ Could there be any festival the major³⁷ part of which would require no removal [of the priest], while its attachment³⁸ would require it. And even according to the one who holds that the eighth day is [not a mere attachment to Sukkoth, but] an independent festival day, that applies only to

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- (1) Written in connection with the consecrations.
 - (2) So that the whole passage of Lev. VIII, 34 refers to that day.
 - (3) Lev. XVI, 34.
 - (4) To justify inference from identity of phrase or word, there must be in the two texts a certain identity of circumstance.
 - (5) As in Lev. VIII, 34 where the phrase is, 'He commanded to do'.
 - (6) As in the case of the red heifer where too it is, 'He commanded to do'.
 - (7) As in the case with the Day of Atonement, where the text is, 'and he did as the Lord commanded'.
 - (8) So that every priest should require separation before offering a public sacrifice.
 - (9) From the same root as *ziwwah*. Lit., 'His commanding'.
 - (10) Ibid. VII, 38.
 - (11) V. nn. 14 and 15.
 - (12) To justify inference by *gezerah shawah* there must be exact identity of expression.
 - (13) Ibid. Xlv, 39.
 - (14) For the purposes of inference v. Hor., Sonc. ed., p. 57, n. 11. So that such literalness as the insistence on differentiation between *ziwwah* and *zawwotho* is not justified.
 - (15) From the congruity of which an analogy may be inferred.
 - (16) V. Tosaf. Yesh.
 - (17) Offered by an individual for atonement (Rashi); so that every priest would need such removal before sacrificing.
 - (18) The priests were assigned their service by means of a lot. V. infra 22a.
 - (19) Because the task may come to anyone by the allotment. And thus the question remains, perhaps the word '*lekapper*' applies also to the atonement of a sacrifice, cf. n. 3.
 - (20) The consecration of the priests.
 - (21) The Day of Atonement.
 - (22) There are many sacrifices offered up by the individuals.
 - (23) [Since the sacrifices offered on festivals serve for atonement, v. Shebu. 2a-b.]
 - (24) [The consecration of the priests 'once a year' is not to be taken literally; it means once in that particular year in which the consecration was held.]
 - (25) Which is an annual event.
 - (26) Ex. XXIII, 15; Lev. XXIII, 5; Num. XXVIII, 16; Deut. XVI, 1.
 - (27) The laws touching the booths, the citron, myrtle, palm-branch and willow of the brook; the ceremony of the libation, etc.
 - (28) The Day of Atonement.
 - (29) I.e., the eighth day of the Consecration, v. Lev. IX, 1ff.
 - (30) Passover or Sukkoth.


- (31) Shemini 'Azereth. The Eighth Day of the Solemn Assembly celebrated after the seventh day of the Festival of Booths (Sukkoth), in which case the inference would appear legitimate.
- (32) Shemini Azereth is preceded by the seven days of Sukkoth.
- (33) Shemini 'Azereth, which is preceded by the seven days of Sukkoth.
- (34) Lev. VIII, 34.
- (35) Confirming the earlier differentiation.
- (36) Countering the suggestion that the reference is to Shemini 'Azereth.
- (37) Sukkoth has seven days preceding the one day of 'Azereth.
- (38) Shemini 'Azereth.

Talmud - Mas. Yoma 3a

Pe'Z'R'K'Sh'B,¹ but in matters of complementing the sacrifice of the festival, the eighth day is but a continuation of the first day, as we have learned: He who failed to offer up the festival sacrifice² on the first day of the feast [of Sukkoth], may do so during the entire festive season including the last day of the feast.³

[Perhaps] say [that the reference is to] Pentecost,⁴ because that would also mean removal of the priest for seven days preceding a one-day service?⁵ — R. Abba said: One may fitly infer a case⁶ in which one ox and one ram are offered from another⁷ case in which one ox and one ram are offered, this excludes, however, Pentecost, on which two⁸ rams are to be sacrificed. This would be right according to the opinion that on the Day of Atonement only one ram is being offered up,⁹ but what could be said according to the view that on the Day of Atonement too, two rams were to be offered up?¹⁰ For it has been taught: Rabbi¹¹ said, The ram mentioned here [in Leviticus] is the same as the one mentioned in the Book of Numbers;¹² R. Eliezer son of R. Simeon said: Two rams are here [involved], the one mentioned here and the other mentioned in the Book of Numbers!¹³ — It may be in accord even with the opinion of R. Eliezer son of R. Simeon. Because there¹⁴ one [of the rams] is offered up in fulfilment of the regular sacrifices for that day, and the other as one of the additional sacrifices, whereas in the case of Pentecost both are the regular sacrifices of that day.¹⁵ [Perhaps] say that [the reference is to] New Year¹⁶ which should also imply the removal of the priest for seven days preceding a one-day service? — R. Abbahu said, One may infer a case in which the priest offers up an ox and a ram from his own means¹⁷ from another case in which he offers up an ox and a ram from¹⁸ his own means, that excludes Pentecost¹⁹ and Rosh hashanah²⁰ on which both are offered up from public [congregational] funds. This would be right according to the opinion which holds that the words kah leka²¹ ['take thee'] mean 'take from thy own means' and

(1) This is a mnemonical acrostic for: P (payyis allotment, by counting, of the work to be done by the priests in the sanctuary. No such counting took place during the Sukkoth festival, but it was the rule on Shemini 'Azereth); Z (zeman — the blessing on the entrance of a festival referring to the return of the festive season. This benediction was repeated on the eve of Shemini 'Azereth, thus constituting it an independent holy day); R (regel-festival with its own name); K (korban — having its own number of sacrifices); Sh (shir — song — Shemini 'Azereth having its own psalm in the liturgy); B (berakah-blessing — on Shemini 'Azereth a special prayer was offered up for the life of the king.) V. R.H. 4b. In all these respects Shemini 'Azereth might be considered an independent festival.

(2)  means (Jastrow): To turn, to celebrate an anniversary, to observe a festival, to make a periodical pilgrimage, to offer the pilgrim's festive sacrifice.

(3) The conclusion, i.e., Shemini 'Azereth, v. Hag. 17a.

(4) 'Azereth means detention, gathering, concluding feast. 'Azereth in general designates 'Azereth Pesah', i.e., Shabuoth (the Feast of Weeks, Pentecost) to be distinguished from Shemini 'Azereth, the concluding festival of Sukkoth.

(5) The biblical Pentecost has one day only.

(6) The Day of Atonement, Lev. XVI, 5.

(7) The eighth day of the priest's consecration, Lev. IX, 2.

(8) Lev. XXIII, 18.

- (9) The question being whether the ram demanded in Lev. XVI, 5 is identical with the one mentioned in Num. XXIX, 8, or whether two different sacrifices are implied.
- (10) That would put the Day of Atonement into the same class as Pentecost and would thus preclude inference from the eighth day of the consecration of the priest for the former.
- (11) R. Judah ha-Nasi, the Prince, redactor of the Mishnah.
- (12) Lit., 'one fifth of (dealing with) Numbers'. Homesh applies to one of the five books of the Torah, as well as to one of the five books of the Psalms. 'Hamisha Homshe Torah' — the five books of the Torah.
- (13) V. infra 75b.
- (14) On the Day of Atonement, Lev. XVI,3 does not call the ram a 'musaf' or 'additional' sacrifice, as in all other cases, where the phrase 'apart from the morning burnt-offering' occurs, to indicate that the sacrifice in question is 'apart' or 'additional' as throughout Num. XXVIII and XXIX.
- (15) So that Pentecost, having different laws, may not fitly be inferred from the eighth day of the priest's consecration.
- (16) Rosh ha-Shanah, the Jewish New Year, originally one day only, v. Bez. 5a.
- (17) Lev. XVI, 3, Herewith shall Aaron come into the holy place, i.e., he shall bring it along from his own.
- (18) At the consecration, Lev. IX, 2, Take thee, i.e., from thy own means.
- (19) Lev. XXIII, 18, And ye shall present, i.e., the community.
- (20) 'And ye shall present' also occurs in connection with the Rosh ha-Shanah sacrifices, ibid. XXIII, 25.
- (21) Lev. IX, 2.

Talmud - Mas. Yoma 3b

'aseh leka¹ ['make thee'] mean 'make from thy own means', but what could be said [in the argument above] according to the opinion [that kah leka² means 'take for thyself'] from the community funds', for we have been taught:³ The expression 'kah leka' means 'mi-sheleka [from thy own] and 'aseh leka means mi-sheleka [taken from thy own funds], but we-yikehu eleka⁴ means [they shall take for them] from community funds; these are the words of R. Josiah; R. Jonathan said, Both 'kah leka' and 'we-yikehu eleka' mean from community funds, and what is intimated by saying 'kah leka' [take thee]? As it were,⁵ 'I prefer your own [private means expended on this work] to the community's [expenditure]'. (Abba Hanan said in the name of R. Eleazar: One verse reads, Make thee an ark of wood,⁶ and another,⁷ And they shall make an ark of acacia-wood,⁸ how is that?⁹ Here it refers to a time when Israel act in accordance with His will,¹⁰ there it deals with a time when they do not act in accordance with His will) — They¹¹ are disputing only as to the general meaning [of the word 'leka'] in connection with the command to 'take' or to 'do', as e.g., Take thou also unto thee the chief spices,¹² or Make thee two trumpets of silver,¹³ but in the above cases¹⁴ it is clearly indicated in the text that it is from thine own.¹⁵ For consider in [the portion of the Bible dealing with the] consecration of the priests, it is written: And unto the children of Israel thou shalt speak, saying: Take ye a he-goat for a sin-offering,¹⁶ why then the passage: And he said to Aaron: Take thee a bull-calf for a sin-offering?¹⁷ Conclude from this 'kah leka' means 'mi-sheleka', from your own. [Similarly] in connection with the Day of Atonement it reads: Herewith shall Aaron come into the holy place: with a young bullock for a sin-offering,¹⁸ etc. Why then the passage, And he shall take of the congregation of the children of Israel¹⁹ and And Aaron shall present the bullock of the sin-offering which is lo [for himself]?²⁰ Conclude from this that the word 'lo' implies it is to be brought from his own means.

R. Ashi²¹ said: It is legitimate to infer a case in which an ox is offered up as sin-offering and a ram as burnt-offering²² from another case in which an ox is offered up as sin-offering and a ram as a burnt-offering;²³ this excludes from analogy New Year²⁴ and Pentecost,²⁵ [as] in both cases both animals are offered up as burnt-offerings only.

Rabina said: One may infer a service performed by the high priest²⁶ from another service performed by the high priest²⁷ that excludes [the occasions mentioned] in all the questions [raised], because the services mentioned therein are not performed by the high priest.²⁸ Others have this

version of Rabina's reply: One may infer [certain rules for] a service held for the first time from a service held for the first time. This excludes all the other cases [referred to above], because none of them took place for the first time. What does this 'first time' mean? — Does it mean that the high priest had first performed service there?²⁹ That would be [the argument of Rabina's in] the first version. No, it means the first service of its kind held in its place, which may fitly be inferred from another service³⁰ held for the first time in its place. When R. Dimi came³¹ [from Palestine], he said: R. Johanan taught one thing, R. Joshua b. Levi two. R. Johanan taught one thing the words 'la'asoth', 'lekapper'³² refer to the service of the Day of Atonement. R. Joshua b. Levi taught two things: 'la'asoth' means the ceremony of the [red] heifer, 'lekapper' refers to the service of the Day of Atonement. How could [you say that] R. Johanan taught [only] one thing? Have we not learnt in our Mishnah: SEVEN DAYS BEFORE THE DAY OF ATONEMENT, and in another Seven days before the burning of the heifer?³³ — That³⁴ is only a special provision.³⁵ But did not R. Minyumi b. Hilkiah in the name of R. Mahsiah b. Idi, [and the latter] in the name of R. Johanan report the [interpretation of the text], 'As hath been done this day, so hath the Lord commanded la'asoth [to do] lekapper 'alekem [to make atonement for you]'. 'La'asoth' refers to the ceremony of the heifer and 'lekapper' to the service of the Day of Atonement?³⁶ This interpretation was that of his teacher.³⁷ For when Rabina came [from Palestine]³⁸ he said: R. Johanan reported in the name of R. Ishmael that 'la'asoth' referred to the ceremony of the heifer, and 'lekapper' to the work of the Day of Atonement.

Said Resh Lakish to R. Johanan: Whence do you infer this interpretation? From the Consecration Service?³⁹ Hence, just as with the Consecration Service, the omission of any prescribed form would render the service invalid [would you say that] here too⁴⁰ the omission of anything prescribed [by inference from congruity of text] for that service, would render it invalid? And if you said: Yes, indeed, surely we learnt: ANOTHER PRIEST IS PREPARED TO TAKE HIS PLACE, not another priest is removed from his house!⁴¹ And if you would say MATHKININ [one prepares] and MAFRISHIN [one removes] mean the same thing, then the Mishnah ought to use in both passages either mathkinin or mafrishin!⁴² — [R. Johanan] said to him: And whence do you, Sir, infer it?⁴³ — He answered: From [the account concerning] Sinai. For the Scriptural text reads, And the glory of the Lord abode upon Mount Sinai, and the cloud covered him⁴⁴ six days, and He called unto Moses on the seventh day.⁴⁵ Now consider: Since it is written 'and He called unto Moses on the seventh day', what do the 'six days' mean? They establish a rule⁴⁶ for anyone who enters the camp of the Shechinah⁴⁷ that he must remove himself from his house for six days. But we have learnt SEVEN?⁴⁸ — Our Mishnah conforms to the opinion of R. Judah b. Bathyra who considers the possibility of the high priest's

(1) Num. X, 2.

(2) Must not be taken literally.

(3) Men. 28b.

(4) Ex. XXVII, 20.

(5) If it were possible to assume such intimation from God.

(6) Deut. X, 1.

(7) Ex. XXV, 10.

(8) In one verse the making is demanded of Moses, in the other of the children of Israel.

(9) Contradiction to be explained.

(10) When Israel fulfil God's will, it is they who get the credit for enabling Moses to perform His will. Otherwise all the credit is given to Moses.

(11) I.e., R. Josiah and R. Jonathan. Here follows the reply to the question, how meet the above argument in the view of R. Jonathan who holds that 'kah leka' means 'take for them from community funds'.

(12) Ex. XXX 34.

(13) Num. X, 2.

(14) In connection with the offerings of the high priest on the Day of Atonement and the eighth day of the Consecration.

- (15) The private means of the high priest.
- (16) Lev. IX, 3.
- (17) Ibid. IX, 2.
- (18) Lev. XVI, 3.
- (19) Ibid. XVI, 5.
- (20) Ibid. XVI, 6.
- (21) He and Rabina deal with the questions raised as to why the analogy may not include other festivals besides the Day of Atonement.
- (22) On the Day of Atonement the high priest offers up as his private sacrifice an ox for the sin-offering and a ram for a burnt-offering.
- (23) On the eighth day of the consecration a young ox is offered up as sin-offering and a ram as burnt-offering.
- (24) On Rosh ha-Shanah no ox is offered up as sin-offering, Num. XXIX, 1-6.
- (25) On 'Azereth (Shabuoth) no ox is offered up as sin-offering, *ibid.* XXVIII, 26-31.
- (26) The Day of Atonement.
- (27) The Consecration.
- (28) That answers all the questions raised.
- (29) The first service ever performed by a high priest was that on the eighth day of the Consecration, hence it would be right to infer therefrom the service on the Day of Atonement, when the high priest for the first time offered up the community's sacrifice, on the first Day of Atonement.
- (30) The service of the Day of Atonement took place in the Holy of Holies, which had never been entered before the first service on the first Day of Atonement, just as the Consecration Service included the first sacrifice on the outer altar, in priestly garments.
- (31) Atha 'came' is the technical term for the return of scholars from Babylonia to Palestine and vice versa.
- (32) Lekapper being the explanation of la'asoth.
- (33) The priest in question was removed from his house, *v. supra* 2a.
- (34) The rule in connection with the burning of the red heifer.
- (35) Because in some other respects there is latitude in connection with the heifer service (*v. supra* p. 1, n. 7), some more stringent ordinances were decided upon, not, however as a matter of traditional law, but rather as an *ad hoc* regulation.
- (36) This tradition in the name of R. Johanan is in evident conflict with the statement reported by R. Dimi.
- (37) He reported only his teacher's decision, but did not surrender his own opinion.
- (38) *V. p.* 9, n. 10.
- (39) *V. supra* 2a and notes.
- (40) With regard to the ceremony of the red heifer.
- (41) So that, if the high priest were prevented from officiating the substitute priest would perform the service without the necessary previous separation, which would render his service invalid and the ceremony unprovided with a priest.
- (42) Since the Mishnah deliberately uses two terms, their meaning must be different, hence Resh Lakish's question remains.
- (43) The obligation to remove the priest from his house.
- (44) I.e., Moses, R.V. 'it' referring to the mountain; *v. infra* 4a.
- (45) Ex. XXIV, 16.
- (46) Lit., 'build a father', a precedent, i.e., justify the conclusion from this specifically stated law to other cases.
- (47) Lit., 'royal residence', then Divine Presence, here the Divine Camp, the Sanctuary.
- (48) The Mishnah here speaks of a removal for seven days.

Talmud - Mas. Yoma 4a

becoming ritually impure through family contact.¹ R. Johanan said to Resh Lakish: It is right according to me who infer² from the Consecration; for this agrees with what we are taught: 'On both of them [the Priests]³ we sprinkle throughout the seven days[water] from all the sin-offerings⁴ that were there';⁵ but according to you who infer from Sinai, was there any sprinkling done on Sinai? — But⁶ according to your own reasoning, it would not be right either, for in the consecration [ceremony the sprinkling was done with] blood, whereas here with water? — That⁷ is no difficulty. For R.

Hiyya taught: 'The water takes the place of blood', but according to you, was there any sprinkling on Sinai? — He answered: It was a mere additional provision.⁸

We have a teaching in accord with R. Johanan,⁹ and we have a teaching in accord with Resh Lakish.¹⁰ 'In accord with R. Johanan we have a teaching'; Scripture reads: Herewith [bezoth] shall Aaron come into the holy place,¹¹ i.e., with that mentioned in that section, the section of the Consecration. And what is mentioned in the section about the Consecration? Aaron was removed for seven days and then officiated for one day, and Moses handed over to him¹² throughout the seven days to train him in this service. Also for the future the high priest is to be removed for seven days and to officiate for one day, and two scholars of the disciples of Moses¹³ [this excludes Sadducees]¹⁴ transmitted to him throughout the seven days to train him in the service. Hence [the Rabbis] ruled that seven days before the Day of Atonement the high priest was removed from his house to the cell of the counsellors. And just as the high priest was removed, so was the priest burning the heifer removed to the cell lying in the north-eastern corner before the Temple and each of them was throughout the seven days sprinkled [with water] from all the sin-offerings that were there. And if you should ask: But during the Consecration the sprinkling was done with blood and here water, [remember] that the water takes the place of the blood. And it further says: 'As hath been done this day so the Lord hath commanded la'asoth [to do], lekapper [to make atonement] for you'.¹⁵ 'La'asoth' refers to the ceremony of the heifer, 'lekapper' means the service of the Day of Atonement.¹⁶ But the word 'be-zoth' is required for the verse itself,¹⁷ i.e., with a young bullock for a sin-offering and a ram for a burnt-offering? — Answer:¹⁸ If 'be-zoth' were meant to refer only to the sacrifices, the text should have said ba-zeh [with this] or ba-eleh [with these], why [was] 'be-zoth' [chosen]? So that you may learn both things from it.¹⁹ Why was it necessary to cite the other verse?²⁰ — You might have said only the first Day of Atonement requires that the high priest be removed at the Consecration, but on all future Days of Atonement no such removal is necessary; or [you might say] only the first²¹ high priest needed such removal but all future high priests do not require it; come and hear:²² 'As hath been done this day etc.'²³

'We have a teaching in accord with Resh Lakish': Moses went up in a cloud, was covered by the cloud, and was sanctified by the cloud in order that he might receive the Torah for Israel in sanctity, as it is written: And the glory of the Lord abode upon Mount Sinai,²⁴ this took place after the Ten Commandments, which were at the beginning of the forty days,²⁵ this is the view of R. Jose the Galilean. R. Akiba said [with reference to] 'And the glory of the Lord abode' from the beginning of the [third] month, and the cloud wa-yekasehu [covered it],²⁶ i.e., the mountain,²⁷

(1) Lit., 'the uncleanness of his house'. His wife might become menstruant during congress, he as one having had congress with a menstruant would be levitically impure for seven days, thus prevented from officiating on the Day of Atonement.

(2) The obligation to remove the priest.

(3) The one officiating on the Day of Atonement and the one engaged with the red heifer.

(4) Name by which the red heifer ashes are known, v. Num. XIX, 9.

(5) V. infra 8a. A reserve of ashes was kept in the sanctuary for sprinklings. V. Parah 111, 11.

(6) This is Resh Lakish's rejoinder.

(7) This is R. Johanan's reply.

(8) To emphasize the importance of the ceremony of the heifer, and to signify the entrance upon the sanctuary on the Day of Atonement.

(9) Who inferred the removal from consecration. A Baraita — a tradition or opinion of a Tanna not reported in the Mishnah.

(10) Who inferred it from Sinai.

(11) Lev. XVI, 3.

(12) The eighth day of the Consecration was ministered to by Aaron, Lev. IX, 2.

(13) The detailed laws for the service.

- (14) Who held divergent views as to the service and changed its order from the prescribed form.
- (15) Lev. VIII, 34.
- (16) This cited Baraita is thus in support of R. Johanan.
- (17) It cannot be torn from the text, where it has obvious and important meaning, to be used for ad hoc interpretation.
- (18) Lit., 'they say', or 'I will say'.
- (19) Zoth is feminine, the words for bullock and ram are masc., hence ba-zeh or ba-eleh would have been more correct. The choice of be-zoth indicates that something else is implied.
- (20) The citing of an additional verse, where the first or first ones seemed to convey sufficient information, is an indication that erroneous inference might be made, which the additional verse, through its information, prevents.
- (21) Aaron, Lev. VIII.
- (22) 'Come and hear', a technical term for refuting a wrong opinion or repelling an attack.
- (23) 'So the Lord commanded you', i.e., for all the future.
- (24) Ex. XXIV, 16.
- (25) Ex. XXIV, 18. Cf. ibid. XIX, 3,9,25.
- (26) Wa-yekasehu may be translated 'covered him' or 'covered it', Moses or the mountain, the Hebrew word har (mountain) being also masculine.
- (27) Moses came down to speak to Israel (Ex. XIX, 3f), hence it would be wrong to say that the cloud covered him six days before the Revelation.

Talmud - Mas. Yoma 4b

then 'He called unto Moses on the seventh day'. Moses and all Israel were standing there,¹ but the purpose of Scripture was to honour Moses.² R. Nathan says: The purpose of Scripture was that he [Moses] might be purged of all food and drink in his bowels so as to make him equal to the ministering angels.³ R. Mattiah b. Heresh⁴ says, The purpose of Scripture here was to inspire him with awe, so that the Torah be given⁵ with awe, with dread, with trembling, as it is said: Serve the Lord with fear and rejoice with trembling.⁶ What is the meaning of 'And rejoice with trembling'?⁷ — R. Adda b. Mattena says in the name of Rab: Where there will be joy, there shall be trembling.⁸

In what do R. Jose the Galilean and R. Akiba differ? — In the controversy of these Tannaim. For we have been taught:⁹ On the sixth day of the month¹⁰ was the Torah given to Israel. R. Jose says on the seventh. He who says that the Torah was given on the sixth day holds that on the sixth it was given and on the seventh Moses ascended the mountain;¹¹ he who holds that the Torah was given on the seventh assumes that on the seventh both the Torah was given and Moses ascended, as it is written, And He called unto Moses on the seventh day.¹² Now R. Jose the Galilean is of the same opinion as the first Tanna,¹³ who held that the Torah was given on the sixth of the month, therefore this¹⁴ happened after the giving of the Ten Commandments: 'The glory of the Lord abode on mount Sinai and the cloud covered him six days' 'him' meaning Moses- 'And He called unto Moses on the seventh day' to receive the remainder of the Torah.¹⁵ For if the thought should come to you that 'And the glory of the Lord abode' from the New Moon [of Sivan], so that 'And the cloud covered him' referred to the mountain, and 'The Lord called unto Moses on the seventh day' to receive the Ten Commandments, surely they had received the Torah on the sixth day already and also the cloud had departed on the sixth day! — R. Akiba, however, held with R. Jose that the Torah was given to Israel on the seventh.¹⁶ Quite in accord with R. Akiba's teaching is the statement¹⁷ that the Tablets were broken on the seventeenth of Tammuz, for the twenty-four days of Sivan¹⁸ and the sixteen of Tammuz make up the forty days he was on the mountain, and on the seventeenth of Tammuz he went down and came¹⁹ to break the Tablets. But according to R. Jose the Galilean who holds that there were six days of the separation²⁰ in addition to forty days [spent] on the mountain, the Tablets could not have been broken before the twenty-third of Tammuz? — R. Jose the Galilean will answer you: The six days of the separation are included in the forty days on the mountain.

The Master said: "'And He called Moses", whilst Moses and all Israel were standing' there'. This

interpretation supports the view of R. Eleazar, for R. Eleazar said: ‘And He called unto Moses’ whilst Moses and all Israel were standing there; the only purpose of Scripture is to do honour to Moses. They²¹ raised the following objection: [He heard the voice speaking] elaw [unto him] not lo [to him];²² hence we know that Moses heard, but all Israel did not hear?²³ - This is no difficulty. The one passage speaks of Sinai, the other of the tent of meeting.²⁴ Or, you might say, the one statement refers to the call, the other to the speech.²⁵ R. Zerika asked a question concerning the contradiction of scriptural passages in the presence of R. Eleazar, or, according to another version, he asked the question in the name of R. Eleazar. One passage reads: And Moses was not able to enter into the tent of meeting because the cloud abode thereon,²⁶ whereas another verse says: And Moses entered into the midst of the cloud?²⁷ It teaches us that the Holy One, blessed be He, took hold of Moses and brought him into the cloud. The school of R. Ishmael taught: Here²⁸ the word be-thok [in the midst] appears and it also appears elsewhere: And the children of Israel went into the midst of the sea,²⁹ just as there [the word be-thok] implies a path, as it is written: And the waters were a wall³⁰ unto them,²⁹ so here too there was a path, [for Moses through the cloud].

And the Lord called unto Moses, and spoke unto him,³¹ why does Scripture mention the call before the speech? — The Torah teaches us good manners: a man should not address his neighbour without having first called him. This supports the view of R. Hanina, for R. Hanina said: No man shall speak to his neighbour unless he calls him first to speak to him. Rabbah said: Whence do we know that if a man had said something to his neighbour the latter must not spread the news without the informant's telling him ‘Go and say it’? From the scriptural text: The Lord spoke to him out of the tent of meeting, lemor [saying] .³² At any rate it is to be inferred³³ that both hold that the omission of any detail mentioned in connection with the priest's Consecration renders the ceremony invalid, for it was said: With regard to the ceremony of Consecration R. Johanan and R. Hanina are disputing; one says: The omission of any form prescribed in connection with the ceremony renders it invalid, whilst the other holds only such matter as is indispensable on any future occasion is indispensable now, whereas such detail as is dispensable in future generations, is dispensable even the first time. One may conclude that it is R. Johanan who holds that the omission of any detail whatsoever that is mentioned in connection with the Consecration ceremony renders such ceremony invalid, because R. Simeon b. Lakish said to R. Johanan³⁴ [in the course of the argument]: ‘And just as with the ceremony of Consecration the omission of any prescribed detail renders the ceremony invalid. And R. Johanan did not retort at all’. That proof is conclusive.³⁵

What is the [practical] difference between the opinions?

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- (1) Moses did not ascend the mountain nor did he separate from his circle till after the Revelation.
 - (2) All Israel were present, why then does Scripture report that the word of God came to Moses alone? — The answer is: To show him special regard.
 - (3) R. Nathan is of the opinion of R. Jose the Galilean that the call to Moses referred to in the verses was for separation after the Revelation, yet this offers no basis for necessitating separation before entering into the Sanctuary, as the object of Moses' separation was that he might be like the ministering angels.
 - (4) He too shares the opinion of R. Jose the Galilean.
 - (5) To Moses and through him to Israel.
 - (6) Ps. II, 11.
 - (7) The terms seem contradictory.
 - (8) The Torah is a source of joy. The precepts of the Lord are right, rejoicing the heart, Ps. XIX, 9, cited by Rashi. But there shall also be awe, reverence for the numen, the Lord, the Lawgiver. Tosaf. cites I Chron. XVI, 27 Strength and gladness are in His Place.
 - (9) Shah. 86b.
 - (10) Of Sivan, the first day of Shabuoth.
 - (11) Sinai.
 - (12) Ex. XXIV, 16.

- (13) The anonymous Tanna of the Baraita
- (14) Moses' ascent on the mount.
- (15) The other laws (beside the Ten Commandments) and the Oral Law.
- (16) So that the 'Seventh day' refers to the seventh day on which the Torah was given.
- (17) V. Ta'an. 26a.
- (18) From the seventh to the thirtieth.
- (19) Either 'came to the camp of Israel, saw the dances and broke' or paraphrastic for 'broke'.
- (20) After the Revelation.
- (21) The teachers (students) in the academy.
- (22) The passage, Num. VII, 89 reads: Moses . . . heard the voice speaking elaw (to him, which is the longer form, lo being the normal one) from above the ark-cover etc. The use, in this passage, of the longer form, seemed to suggest a closer or exclusive communication. According to Hayyug, quoted Otzar ha-Geonim VI, 1, n. 4, there is a difference of meaning derivable in accord with grammatical principles, in 'lo' and 'elaw' respectively.
- (23) So that all Israel, indeed, did not hear God's message. If so, then the only purpose of the statement ' . . . Scripture is to honour Moses' is unjustified. For Scripture does not change the fact. It was Moses alone whom the message reached.
- (24) In the tent of meeting only Moses could hear the voice. On Mount Sinai all Israel heard it, but to honour Moses, Scripture mentions him only as having done so.
- (25) The call proper, the honour of the individual call, was vouchsafed to Moses alone, the speech following was heard by all.
- (26) Ex. XL, 35.
- (27) Ibid. XXIV, 18.
- (28) The apparent contradiction is removed by the suggestion that he entered the cloud on this occasion with divine help.
- (29) Ex. XIV, 22.
- (30) The water being piled up like a wall, Israel walked along a path. The inference is from similarity of expression.
- (31) Lev. I, 1.
- (32) Lemor here is taken to mean 'to say it (to others)', or else the next few words are illustratively, not logically implied: Speak (unto the children of Israel).
- (33) From Resh Lakish's question to R. Johanan: '... just as with the Consecration service the omission of any prescribed form would render the service invalid' and R. Johanan's tacit acceptance of this view, supra 3b.
- (34) Supra 3b.
- (35) Had he held a different view, he would surely not have permitted his opponent's statement to go unchallenged.

Talmud - Mas. Yoma 5a

R. Joseph says the putting¹ of the hands [upon the head of the sacrifice] is the difference. According to the one who holds that the omission of any detail renders the ceremony invalid, [failure] to lay the hand upon the head of the sacrifice would render the ceremony invalid. According to him who holds that only the omission of what is indispensable in the future renders the ceremony invalid, [omission of] the putting of the hand on the animal's head did not render the ceremony invalid. Whence do we know that in the future [the omission of] the putting of the hands [on the animal's head] is not indispensable?— For it has been taught: And he shall lay his hand . . . and it shall be accepted for him [to make atonement for him].² Does the laying on of the hand make atonement for one? Does not atonement come through the blood, as it is said: For it is the blood that maketh atonement by reason of the life!³ Why, then, is it written: 'And he shall lay his hand on . . . and it shall be accepted for him to make atonement for him'? To say that if he performed the laying on of the hands as an unimportant part⁴ of the commandment, Scripture would account it to him as if he had not obtained proper atonement.⁵ R. Nahman b. Isaac said: The waving⁶ is the difference. According to him who holds whatever detail is prescribed for the ceremony is indispensable, the waving is indispensable; according to him who holds that only what is indispensable for all the future is indispensable now, the waving is not indispensable. Whence do we know that for all time to come the waving is not indispensable? — For we have been taught:⁷ To be waved, to make atonement for him.⁸ Does the waving make atonement? Is it not the blood which makes atonement, as it is written, 'For it is the

blood that maketh atonement by reason of the life'? Then why does Scripture say, 'To be waved, to make atonement for him'? To say that if he treats the waving as an unimportant part of the ceremony, Scripture accounts it to him as if he had not obtained proper atonement.

R. Papa said: The separation for seven days is the [practical] difference between the two opinions. According to the opinion that whatsoever is prescribed for the ceremony is indispensable, the separation, too, is indispensable; according to him who holds that only what is indispensable for all time to come is indispensable now, the separation is not indispensable. Whence do we know that the separation is not indispensable for all time to come? Because the Mishnah reads, [another priest] IS MADE READY FOR HIM, instead of is 'separated for him'.⁹ Rabina said: The difference lies in the increase [in the number of garments]¹⁰ and of the anointments¹¹ necessary during the seven days. According to the opinion that whatever is prescribed in connection therewith is indispensable, the increase [in the number of garments] and anointments during the seven days, too, is indispensable. According to him who holds that only what is indispensable for all time to come, is indispensable now, these things too are not indispensable. Whence do we know that they are not indispensable for all time to come? — For it was taught: And the priest who shall be anointed and who shall be consecrated to be priest in his father's stead, shall make the atonement.¹² What does the passage come to teach?¹³ From the text: Seven days shall the son that is priest in his stead put them on [etc.],¹⁴ I would know that a priest who had put on the required larger number of garments and who had been anointed on each of the seven days¹⁵ was permitted to ['minister in the holy place']¹⁶ at the Consecration. Whence would I know that if he had put on the larger number of garments for but one day, and had been anointed on each of the seven days; or, if he had been anointed but one day, but has put on the larger number of garments for seven days, [he would also be permitted]? To convey that teaching, Scripture says, 'Who shall be anointed and who shall be consecrated', that means anointed and consecrated in whatever way.¹⁷ We have now found evidence that the larger number of garments is necessary in the first instance for the seven days. Whence do we know that anointment on each of the seven days is in the first instance required? You may infer that either from the fact that a special statement of the Torah was necessary to exclude it; or, if you wish, from the scriptural text itself, And the holy garments of Aaron shall be for his sons after him, to be anointed in them, and to be consecrated in them.¹⁸ In this passage the anointing and the donning of the larger number of garments are put on the same level. Hence, just as the donning of the larger number of garments is required for the seven days, so is the anointing obligatory for the seven days.

What is the reason of the man who holds that the forms prescribed for the ceremonies are indispensable?— R. Isaac b. Bisna said: Scripture reads And *kaka* [thus] shalt thou do to Aaron and his sons, — 'thus means indispensableness'.¹⁹

You may be right with regard to any

(1) Lev. I, 4; VIII, 18.

(2) Lev. I, 4.

(3) Lev. XVII, 11.

(4) Lit., 'a remnant'.

(5) Lit., 'as it did not atone for him and it did'. Technically the ceremony had achieved its purpose, because essentially it is the blood which makes atonement, but since laying the hands on the animal's head is part of the ceremony (although not essential to it) and he has been negligent about it, he has obtained atonement for himself, but has not attained re-atonement with his creator, whose command he has treated slightly.

(6) Of part of the sacrifice, Lev. VIII, 27.

(7) Men. 93b.

(8) Lev. XIV, 21.

(9) If the separation of the priest were an indispensable part of the ceremony, the proposed substitute for the high priest would have to be separated too, so that in case of any mishap to the high priest he would enter upon the service properly

prepared by separation. Since the Mishnah reads 'prepared' only, the separation obviously is not deemed indispensable.

(10) The eight garments of the high priest as against the four of the ordinary priest.

(11) Every one of the seven days the head and the eye-lids of the high priest were anointed with oil.

(12) Lev. XVI, 32.

(13) Obviously the service was to be performed by the high priest, why then this apparently superfluous passage?

(14) Ex. XXIX, 30.

(15) Of his consecration as high priest, v. infra.

(16) That is on the Day of Atonement.

(17) As long as he has been consecrated, even if some detail of the ceremony has been omitted.

(18) Ex. XXIX, 29.

(19) The emphatic expression 'thus' intimates the indispensableness of the prescribed forms, 'thus' and 'not otherwise'.

Talmud - Mas. Yoma 5b

form prescribed in this context. Whence do we know that forms not prescribed¹ here in this context are also indispensable? — R. Nahman b. Isaac said: We infer that from [the fact that in both contexts the same word] *petah* [is used].² R. Mesharsheya said: And keep the charge of the Lord³ indicates the indispensableness [of the prescribed forms]. R. Ashi said: For so am I commanded⁴ indicates indispensableness.

Our Rabbis taught:⁵ For so am I commanded,⁶ As I commanded,⁷ As the Lord commanded.⁸ [Of these passages], 'For so am I commanded' that they eat⁹ it whilst in mourning; 'As I commanded' [this] he said to them at the time¹⁰ of the occurrence;¹¹ 'As the Lord commanded', and not on my own authority.

R. Jose b. Hanina said: Breeches are not mentioned in the section.¹² But when it says, And this is the thing that thou shalt do unto them to hallow them, to minister,¹³ it includes the breeches and the tenth part of an ephah.¹⁴ It may rightly be said that breeches are included in the general term 'garments',¹⁵ but whence do we know about the tenth of an ephah? — [This we know] by inferring [the meaning of the word] *zeh* [used here]¹⁶ from *zeh* [in the verse], *Zeh* [this] is the offering of Aaron and his sons which they shall offer unto the Lord . . . the tenth part of an ephah.¹⁷

R. Johanan in the name of R. Simeon b. Yohai said: Whence do we know that also the reading of the portion¹⁸ was indispensable? To teach us that it is said, This is the *dabar* [thing] which the Lord has commanded to be done,¹⁹ i.e., the speaking²⁰ thereof is indispensable. — In what order did he put the garments on them? — What is past, is past!²¹ Rather, [the question is] in what order will he put the garments on them in the future?²² — In the future, too,²³ when Aaron and his sons will come, Moses will come with them. But [the question is] how did he put the clothes on them [if we are] to understand the scriptural account?²⁴ — The sons of R. Hiyya and R. Johanan held different opinions about it. One said: Aaron was first clothed and afterwards his sons; whilst the other said: Aaron and his sons were clothed simultaneously. Said Abaye: With regard to the tunic and the mitre none disputes the fact that Aaron came first and his sons afterwards,²⁵ for both in the [text containing] the command and [the account of the] actual performance Aaron is mentioned first. What they are disputing is [the order of] the girdle.²⁶ He who says Aaron [came first] and then his sons [is of this opinion] because it is written, And he girded him with the girdle,²⁷ and only after this is it written, And he girded them with a girdle,²⁸ whereas he who holds that the girding took place without any interruption, [is of this opinion] because It is written, And thou shalt gird them with girdles, Aaron and his sons.²⁹ According to the opinion that Aaron and his sons were girded at the same time, does not Scripture first say, 'And he girded him with a girdle' and then only later is it written, 'And he girded them with a girdle'?³⁰ —

(1) In Ex. XXIX, 5, there are Instructions relative to the Consecration, such as putting on Aaron the tunic, the robe of the

ephod and the ephod, the breastplate, the mitre on his head, the holy crown on the mitre. These are not mentioned in the ceremony described in Lev. VIII.

(2) Ex. XXIX, 4 and Lev. VIII, 33.

(3) Lev. VIII, 35.

(4) Ibid. VIII, 35.

(5) Zeb. 101b.

(6) Lev. X, 13.

(7) Ibid. X, 18.

(8) Lev. X, 15

(9) Lev. X, 13: Take the meal-offering and eat it, this command contradicts Deut. XXVI, 14, I have not eaten thereof in my mourning. The answer is, 'So am I commanded', i.e., a special decision from God.

(10) The death of Nadab and Abihu, Lev. X, 2.

(11) When he found that the goat of the sin-offering had been burnt, he said to them, You should have eaten it 'as I commanded you' in regard to the meal-offering.

(12) Chapters VIII and IX of Lev. which deal with the Consecration.

(13) Ex. XXIX, 1.

(14) Which the priests are obliged to offer up on the day of their Consecration. V. Men. 51b.

(15) Ex. XXIX, 5: And thou shalt take the garments and put upon Aaron.

(16) Ex. XXIX, 1.

(17) Lev. VI, 13. The inference from similarity of expression is never used 'for the purpose of deducing a new law from Scripture, but merely as an attempt to find a scriptural support for an opinion expressed by one of the authorities in the Mishnah'. Mielziner, Intro. 148.

(18) The section on the Consecration. It was to be read as part of the ceremony.

(19) Lev. VIII, 5' Dabar may mean both 'word' and 'thing'. No further reference to the ceremony being necessary, the suggestion is made that dabar, the word, the reading of the word is commanded. Support may be found in the fact that the preceding verse speaks of The congregation assembled at the door of the tent of meeting, such 'assembly' for the purpose of hearing scriptural reading being expressly enjoined in Deut. XXXI, 28 and esp. at the Sukkoth festival in the year of release.

(20) The word, i.e., the section read.

(21) There is no relevance in archaeological research.

(22) I.e., in the Messianic future.

(23) There is no need for speculation. Moses will be in charge and he knows the law.

(24) There are apparent contradictions between the command as given in Ex. XXIX and the account of the ceremony in Lev. VIII respectively. In Ex. XXIX, 9: And thou shalt gird them with a girdle, Aaron and his sons intimates that this girding of father and sons took place in close succession to one another. I.e., he girded Aaron only after he had first clothed the sons with the other garments apart from the girdle, so that the girding of Aaron and his sons were, so to speak, at the same time (v. infra); whereas in Lev. VIII, 7: And girded him with the girdle and clothed him with the robe . . . and placed the breastplate upon him and set the mitre upon his head to be followed by ibid. v. 13: And Moses brought Aaron's sons and clothed them with tunics and girded them with girdles shows the girding of Aaron took place before the clothing of the sons had even begun.

(25) [Moses clothed Aaron with the tunic and the mitre before he began to clothe the sons with these garments. These would also include the breeches, as these were always to come first, v. infra 23b.]

(26) Whether Aaron was girded before or after the sons were clothed with the tunic and mitre.

(27) Lev. VIII, 7.

(28) Ibid. 13. I.e., after having first clothed them with the other garments.

(29) Ex. XXIX, 9.

(30) Cf. n. 4.

Talmud - Mas. Yoma 6a

He will tell you: This is to teach you that the girdle of the high priest was not the same [material] as that of the average priest.¹ According to the opinion that Aaron was girded and afterwards his sons,²

does not Scripture say, 'And thou shalt gird them with a girdle'?- He will tell you this³ informs us that the girdle of the high priest was of the same [material] as the average priest. Was it then necessary to state: 'And he girded him with a girdle' and [then] 'And he girded them'? From that we infer that Aaron came first and then his sons. But how could it have been possible simultaneously?⁴ — This only means to indicate that [Aaron] came first.⁵

THE HIGH PRIEST WAS REMOVED. Why was he removed?[You ask] why was he removed!⁶ [Is it not] as you have said, either according to the derivation of R. Johanan, or to that of Resh Lakish? — No, this is⁷ the question: Why was he separated from his house? — It was taught: R. Judah b. Bathyra said: Let his wife be found under doubt of being a menstruant and he have congress with her.⁸ Do we speak of wicked people?⁹ — Rather, perhaps he will have congress with his wife and she will then be found to be doubtfully a menstruant.¹⁰ [The Rabbis] were discussing the decision before R. Hisda: According to whom was it made?-Obviously according to R. Akiba, who said: A menstruant makes him who had congress with her impure [retrospectively].¹¹ For, according to the Rabbis, behold they say: A menstruant does not render impure him who had congress with her [retrospectively]. R. Hisda said to them: It may be in accord even with the Rabbis. For they conflict with R. Akiba only in the case in which [the blood stains are found] much later¹² [than the congress], but, [if they be found] very soon afterwards,¹³ they agree with him. R. Zera said: Hence it is evident that to one who had congress with a menstruant do not apply the same restrictions as do to the menstruant herself and he may bathe [for purification] in day time.¹⁴ For, if you were to say that to one who had congress with a menstruant applied the same laws that apply to her, when could he bathe? Only at night. How could he, then, officiate on the morrow,¹⁵ since he would have to await sunset for becoming ritually pure? Hence it must be [clear] that one who had intercourse with a menstruant is not subject to the same restrictions as the menstruant herself. Said R. Shimi of Nehardea: You might even say [that the above decision is in accord with the view] that one who has intercourse with a menstruant is like the menstruant, yet [would the high priest be able to officiate at the service] for we would separate him from his house an hour before sunset.¹⁶ An objection was raised: All those who are obliged to take the ritual bath must take the bath at night.¹⁷ A menstruant and a woman after confinement immerse during the day. A menstruant, then, only, but not one who had intercourse with her?¹⁸ — [No, it means], A menstruant and all whom one may include in that term.¹⁹ Another objection was raised: One to whom pollution has happened is like one who touched an unclean [dead] reptile. One who had intercourse with a menstruating woman is like one who was made unclean through a corpse.²⁰ Is it not concerning the bath?²¹ — No, it is concerning [the conditions of] their uncleanness.²² But [surely] concerning their uncleanness²³ there are direct statements in Scripture! In the first case it is written that it lasts for seven days,²⁴ and in the second case also the seven days' duration is prescribed.²⁵

(1) The girdle as described in Ex. XXXIX, 29 was to be made of fine twined linen, and blue and purple and scarlet, the work of the weaver in colours. The separate mention made of Aaron's girdle and that of his sons serves to indicate that they were not alike and that this description referred to the girdle of the high priest alone: the girdle of other priests was made of lesser material.

(2) From which one may infer that they are to be girded simultaneously, 'them', i.e., together.

(3) The answer is: The emphasis is not on the time or interval, but on the fact that father and son shall be girded with the same girdle, no distinction being allowed between the girdles worn by high priest and ordinary priest respectively.

(4) Taking the word simultaneously literally (cf. p. 21, n. 13), the question is, How could Moses have girded five men simultaneously?

(5) The Torah does not command any simultaneity. Aaron is mentioned in one passage and his sons in another, in order to emphasize that he must come first-whether in the clothing of the garments or in the girding.

(6) The first question was misunderstood. The answer implies that the source of the commandment to remove the priest was being sought.

(7) What was really intended was the practical motive of the enactment.

(8) Tosef. Yoma I.

(9) No good Jew (v. Sheb. 18b; Shulhan Aruk, Yoreh Deah 184, 2) would approach his wife unless her ritual purity were beyond doubt, how much less a high priest. Hence such contingency is unthinkable. Dealing with high priests, are we dealing with wicked men?

(10) Bloodstains may be found on the bed after congress and the doubt would arise, whether the discharge occurred before or after congress. Such a doubt would render her husband impure for seven days and ritually unfit to enter the sanctuary.

(11) [For twenty-four hours, so that should the stain be found after congress, the husband would be considered unclean for seven days, v. Nid. 14a.]

(12) Lit., 'after after', v. next note.

(13) [Lit., 'one after' this interval is defined in Nid. 12b as time enough to get down from the bed and rinse her face (euphemistically).]

(14) A menstruant is not permitted to bathe during the seventh day of her menstrual impurity, but only at night, after sunset, the beginning of the eighth day. But he who had congress with her would be permitted to bathe during the seventh day, without having to await the sunset of the seventh day. Hence he needs to be separated for but seven days. And if on the day of the separation he had congress and the doubt of her being a menstruant arose, he would count from the day of the separation until the day before the Day of Atonement, when he would take the bath during the day, await the sunset, and then be fit to enter the sanctuary on the Day of Atonement (Rashi).

(15) He would ritually be impure at the night of the Day of Atonement, hence there would have been no sunset before the Day of Atonement when he was pure and he would be unfit to officiate on the following day; thus the whole separation would be futile.

(16) That is, on the even before the eighth day before the Day of Atonement. One hour is a very short period and unimportant, hence the separation would still be called 'one of seven days'. He could bathe on the evening before the eve of the Day of Atonement (the seventh day after having become ritually impure) and be fit to officiate on the Day of Atonement, having awaited the sunset on the day before his bath.

(17) Meg. 20a, based on Num. XIX, 19, for the law that all may bathe during the day: And on the seventh day he shall purify him and bathe himself in water and be clean at even. — That a menstruant must not bathe before the night of the seventh day is inferred from Lev. XV,19: And if a woman have an issue, she shall be in her impurity seven days. A woman after confinement is compared to a menstruant in Lev. XII, 2: If a woman be delivered . . . , then she shall be unclean for seven days; as in the days of the impurity of her sickness shall she be unclean.; v. infra 88a

(18) Here would be a Tannaitic text invalidating an Amora's inference.

(19) Since the menstruant by contact communicates her impurity, it is logical to assume that the conditions of purification would be identical. Hence the implicit statement is sufficient.

(20) Zab. V, 11.

(21) That the bath could be taken in day-time.

(22) One to whom defilement has happened is like one who touched a dead reptile in that both become clean in the evening, and are unclean in the first degree of uncleanness; and he who had intercourse with a menstruant is afflicted with uncleanness for seven days and is one of the original causes of uncleanness like him who was made unclean through a corpse.

(23) I.e., that of one who has intercourse with a menstruant.

(24) Lev. XV, 24. Her impurity be upon him, he shall be unclean seven days.

(25) Num. XIX, 11: He that toucheth the dead, even any man's dead body, shall be unclean seven days.

Talmud - Mas. Yoma 6b

Must one not hence assume that the comparison concerns their bath?¹ No, indeed it refers only to [the conditions of] their uncleanness, and it was necessary to mention that only because of the latter clause [of that Mishnah, viz.,] that one who had intercourse with a menstruant is afflicted with a graver form of impurity than he [who has become unclean through a corpse] in that he causes uncleanness of couch and seat² [such uncleanness being of a lighter nature] so as to affect only foods and liquids.³

Come and hear:⁴ For R. Hiyya taught: A man or a woman afflicted with gonorrhoea or with

leprosy, one who had intercourse with a menstruant, and one made unclean through a corpse, may take the bath during the day; a menstruant and a woman after confinement take their bath at night.⁵ This is [indeed] a refutation.⁶ Now whilst removing him from the [possible] impurity due to his house,⁷ remove him from the [possibility of] uncleanness through a corpse!⁸ R. Tahlifa, father of R. Huna, said in the name of Raba: This teaches that in the case of a community [the law of] corpse uncleanness is inoperative.⁹ Rabina said: You might also say that [the law of] corpse uncleanness is only suspended in case of a community,¹⁰ yet uncleanness due to contact with a corpse is infrequent,¹¹ whereas uncleanness due to marital life happens often. It has been said: As [to the law of] corpse-uncleanness R. Nahman said: It is inoperative in case of a community. R. Shesheth said: It is only suspended in case of an entire community. Whenever there are in the same priestly family-division¹² men, both clean and unclean ones, nobody disputes the fact that the clean ones do the service and the unclean ones forego it. The dispute concerns only the question as to whether one is obliged to make an endeavour to obtain, clean ones from another family-division. R. Nahman said: [The law of] corpse-uncleanness is inoperative in case of a community, hence we need make no such effort. R. Shesheth says: That law is only suspended in case of a community and hence we must endeavour [to find clean priests for the service].

Some hold that even in a case in which there are both clean and unclean priests in the same family-division, R. Nahman insists that even the unclean ones may officiate

(1) Since a statement as to the duration of their uncleanness, from its express form in the Torah, seems superfluous. But such repetition is illogical and hence the interpretation that it applies to the bathing is justified which proves that he who has intercourse with the menstruant may immerse by day.

(2) [As many couches as are under him become unclean although they had not been in direct contact with him, which is not the case with one who suffers corpse-uncleanness. He defiles only those couches which his body actually touches.]

(3) All original causes of uncleanness (**אבות הטומאה**) render, by touch, man and vessels unclean, whereas the derived first and second and third causes affect only foods and liquids, but neither human beings nor 'vessels' (apparel, etc.).

(4) This phrase in our case introduces a refutation.

(5) *Infra* 88a.

(6) This Tannaitic tradition is beyond the argument of any Amora. The refutation is complete.

(7) i.e., his wife.

(8) Keep away from him every company, lest someone die whilst in the same room with the high priest and render him unclean for seven days.

(9) Lit., 'permissible'.

(10) It is only suspended as by emergency and every effort is due to effect a proper service in its stead.

(11) Hence no precautionary measures, such as, so to speak, quarantining the priest, are necessary.

(12) Beth-Ab. V. Glos.

Talmud - Mas. Yoma 7a

because the Torah has rendered all levitical impurity caused through a corpse inoperative in case of a community.¹

R. Shesheth said: Whence do I know that?² Because it has been taught: If the priest was standing and offering up the sheaf of the 'Omer³ and it became unclean in his hands⁴ let him tell and another one is brought in its place. And if there be none but this, one would say to him: 'Be clever and keep quiet'.⁵ At all events he teaches, He should tell about it and another one is brought in its place!⁶ — R. Nahman said: I admit⁷ that where there is a remnant to be eaten [one would have to make an effort to procure a substitute sacrifice].⁸ Another objection was raised: If he was offering up the meal-offering of the bullocks or rams or sheep, and it became unclean in his hand, he should say so and one brings another one in its place; but if there be none [available] but the first, one tells him,

‘Be wise and keep quiet’.⁹ Does this not refer to the bullocks, rams and sheep offered up on the feast [of Sukkoth]?¹⁰ — R. Nahman will answer you: No, the word ‘bullock’ refers to the bullock offered up in expiation of idolatry,¹¹ and although it is a community sacrifice, since there is no definite time fixed for it, one endeavours [to find a substitute offering]; the word ‘rams’ refers to the ram of Aaron¹² and although it is appointed to be sacrificed at a definite time, yet, since it is the offering of an individual, one endeavours [to procure a substitute]; the word ‘lambs’ refers to the lamb offered up together with the ‘Omer-sheaf, of which¹³ there are remnants to be eaten. — Another objection was raised:¹⁴ If [sacrificial] blood became unclean and one sprinkled it, if by mistake, it is accepted;¹⁵ if wilfully, it is not accepted!¹⁶ — This teaching refers to the sacrifice of an individual. Come and hear: For what [mistake at sacrifice] does the priest’s plate¹⁷ effect pardon?¹⁸ Concerning blood, flesh, fat, which become unclean, whether by mistake or wilfully, whether by accident or voluntarily,¹⁹ whether [the sacrifice] was offered up by an individual or by the entire community.²⁰ Now if it enter your mind that the law of uncleanness is inoperative in case of a community, what need is there for [the priest’s plate] to effect pardon? — R. Nahman will answer you: What has been taught about the plate’s effecting pardon, refers only to the sacrifice of an individual. Or, if you like, one might say, it refers also to such community sacrifices for which no definite time has been set. — Another objection was raised:²⁰ [Touching on] And Aaron shall bear the iniquity committed in the holy things. Does he bear any kind of iniquity? If you mean the iniquity of *piggul* [— a sacrifice rejectable²¹ because of the intended disposal beyond the legal limits of space], concerning this Scripture has said already, It will not be accepted.²² If you mean the iniquity of *nothar*,²³ concerning that Scripture has said already, It shall not be imputed!²⁴

(1) The source is Num. IX, 10: If any person . . . shall be unclean by reason of a dead body or be in a journey afar off, he could postpone the offering up of his paschal lamb until the fourteenth of the month of Iyar. From this R. Shesheth infers that a person (an individual) is suspended (postpones the celebration of Passover), but not a community. Pes. 66b.

(2) That the law is only suspended, not inoperative.

(3) V. Glos.

(4) The rendering in our text seems defective. In Men. 72a it reads: If he was standing and offering up the flour-offering of the ‘Omer and it became unclean, if there is another (available), he may say to him, — bring the other’ in its place. And if not he says to him — ‘Be clever and keep quiet’. The Tosef. reads: If he offered up the ‘Omer and it became unclean he tells it and one brings another one in its place. If there be none besides the first, one says to him, ‘Be clever and keep quiet about it’.

(5) Since no substitute is available, silence is wisdom, for the priest’s frontplate procures forgiveness for such mishap. V. infra.

(6) Hence it is clear that even in the case of a community the law concerning corpse-uncleanness is but suspended, not rendered inoperative, which contradicts R. Nahman.

(7) Although a communal sacrifice may indeed be offered up also in a state of congregational impurity, it may not be eaten in a state of impurity. V. Pes. 77b.

(8) In the case of an ‘Omer offering, where the priest takes a fistful, I admit that remnants to be consumed must be consumed in cleanliness.

(9) This text is apparently taken from the Tosef. Men. II, yet in that text the word for ‘rams’ is omitted.

(10) V. Num. XXIX, 12ff. These are community sacrifices, with a definite time appointed for them, yet the law of impurity is only suspended, for ‘one brings another one in its place’.

(11) The passage in Num. XV, 22f: And when ye shall err and not observe all these commandments, then it shall be, if done in error by the congregation . . . that all the congregation shall offer up one bullock for a burnt-offering, is assumed to refer to the main and most potent error: idolatry.

(12) Offered up on the Day of Atonement.

(13) The meal-offering brought with the ‘Omer lamb, of which a fistful was taken by the priest and the remnants eaten.

(14) V. Pes. 16b.

(15) And the flesh thereof may be eaten.

(16) [In so far that the flesh may not be eaten, though pardon is effected by means of the priest’s plate (v. infra). This proves that the law of uncleanness does operate in the case of a community (which is apparently included in the general

terms of this teaching).]

(17) The source is Ex. XXVIII, 36-38: And thou shalt make a plate of pure gold and engrave upon it, like the engravings of a signet: HOLY OF THE LORD. And thou shalt put it on a thread of blue, and it shall be upon the mitre: upon the forefront of the mitre it shall be. And it shall be upon Aaron's forehead and Aaron shall bear the iniquity committed in the holy things which the children of Israel hallow.

(18) Lit., 'Make (the sacrifice) acceptable.'

(19) The word רצון (free-will) after מזיד (wilfully) is tautologous, but it is a matter of Talmudic style, since אונס (accident) is mentioned, its opposite is also included, illustratively rather than logically.

(20) Men. 25b.

(21) Lev. VII, 18: And if any of the flesh of the sacrifice of his peace-offerings (which according to the preceding verse may be eaten only in the day that it is offered on and on the morrow) be at all eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it: it shall be an abhorred thing (piggul) and the soul that eateth of it shall bear his iniquity. The term piggul although generally denoting the intention in the mind of the officiating priest to dispose of the sacrifice beyond the proper time (חוי' לזמנה) signifies here according to Rashi the intended disposal thereof beyond the legal limits of space, (חוי' למקומו). V. Zeb. 28a. Tosaf. explains differently.

(22) V. note 5.

(23) [Lit., 'left over', generally portions of sacrifice left over beyond the legal time and here with the special meaning of the intended disposal of the sacrifice beyond the legal time, so Rashi.]

(24) Lev. VII, 18.

Talmud - Mas. Yoma 7b

Is it not hence that there is no iniquity which he bears except that concerning levitical uncleanness which has been declared inoperative in its general rule whenever a community sacrifice is involved, and the difficulty remains for R. Shesheth?¹ Concerning this matter the Tannaim differ,² for it has been taught:³ The front plate effects pardon⁴ whether it be on the high priest's forehead or not; these are the words of R. Simeon. R. Judah said: As long as it is on his forehead it effects pardon, if it is not on his forehead, it does not effect pardon. R. Simeon said to him: The case of the high priest on the Day of Atonement proves [your contention wrong], for the plate⁵ is then not on his forehead and yet it effects pardon — R. Judah answered him: Leave the case of the high priest on the Day of Atonement alone, for to him, because the community is concerned,⁶ the law of uncleanness has been rendered inoperative. Hence it is to be inferred that according to R. Simeon⁷ the law of uncleanness is only suspended in case of a community.⁸

Abaye said: If the front plate was broken there is no conflicting opinion, all agreeing that it effects no pardon. The dispute concerns only the case when it is hung up on a peg, R. Judah holding, And it shall be upon the forehead [of Aaron] and he shall bear,⁹ whilst R. Simeon bases his opinion on, And it shall be continually upon his forehead, that they may be accepted before the Lord.¹⁰ Now what does 'continually' mean? Shall I say that it shall indeed be continually on his forehead? How is that possible? Must he not enter the privy¹¹ occasionally, must he not sleep at times?¹¹ Rather must it all imply that [the front plate] 'continually'¹² effects pardon. According to R. Judah,¹³ does not Scripture say 'continually'?¹⁴ — That word implies that he should never dismiss it from his mind;¹⁵ this is in agreement with Rabbah son of Huna, for Rabbah son of Huna said: A man is obliged to touch his tefillin¹⁶ every hour. This may be learned by inference ad majus from the front plate.

(1) Who holds that that law is only suspended, not abrogated, where a community sacrifice is involved.

(2) So that R. Shesheth may have the benefit of the support of the Tanna whose opinion he held.

(3) Pes. 77a.

(4) For uncleanness of a sacrifice.

(5) On that day, when the high priest enters the Holy of Holies, he doffs his golden garments, including the front plate, and wears simple linen.

- (6) He offers up the sacrifice to make atonement for the whole congregation.
- (7) Who opposes the view of R. Judah.
- (8) And it is the front plate that effects the pardon. This is the dispute of the Tannaim.
- (9) Ex. XXVII, 38.
- (10) Ibid., the pardon dependent upon the high priest's bearing the plate.
- (11) Respect for the holy garment would necessitate its removal at that time.
- (12) The evidence of the text seems to favour R. Simeon's interpretation.
- (13) Not only does his own interpretation appear wrong when confronted with R. Simeon's argument.
- (14) The word 'continually', which cannot be referred to the wearing of the plate, needs must be applied to its efficacy.
- (15) Not the outward efficacy of the plate; the attitude of the high priest towards its function is what the Torah prescribes here.
- (16) Originally the tefillin were worn all day. V. Shab. 130a.

Talmud - Mas. Yoma 8a

If touching the front plate, on which the mention [of God] is but inscribed once,¹ the Torah prescribes 'And it shall be continually upon his forehead,' i.e., he shall not dismiss it from his mind, how much more does this apply to the tefillin which contain the mention [of God] many a time!² But according to R. Simeon who says the front plate effects pardon always, does not Scripture intimate [in the passage], 'On the forehead [of Aaron] and he shall bear' [that the effecting of pardon depends on his bearing the plate]?- No, that passage merely serves to indicate the place of the plate. Whence does R. Judah know that there is a definite place prescribed for the front plate?³ He infers that from 'On his forehead'. Why should not R. Simeon infer it from the passage too?⁴ -Indeed he does. Then how does he interpret 'On the forehead [of Aaron] and he shall bear'?- He will tell you: [It means to say that] whatsoever is fit to rest 'on the forehead', can effect pardon, whatsoever is not fit to rest on the forehead cannot effect it. This excludes a broken plate, which, indeed, cannot effect a pardon. Whence now does R. Judah infer the law concerning a broken plate? — He derives it from the [fact that instead of] 'the forehead' the text has 'his forehead'.⁵ R. Simeon, however, does not attach any significance to [the words] 'the forehead', [and] 'his forehead'.⁶

Are the above Tannaim disputing the principle of the following Tannaim? For it has been taught: On both of them⁷ throughout the seven days they would sprinkle from all the sin-offerings⁸ that were there;⁹ these are the words of R. Meir. R. Jose said: They sprinkled him only on the third and seventh days. R. Hanina, the deputy high priest¹⁰ said: The priest that was to burn the red heifer they sprinkled on each of the seven days, but the high priest that was to officiate on the Day of Atonement was sprinkled only on the third and seventh day.¹¹ Is it not that their difference rests on this principle: R. Meir holds the law concerning ritual uncleanness to be only suspended in the case of community, whilst R. Jose considers it inoperative in that case.¹² But how can you understand the case of a community?¹³ If R. Jose holds that the law concerning ritual uncleanness is inoperative in case of a community, why is any sprinkling necessary? — Rather, you must assume that all agree that these Tannaim hold that law to be only suspended in case of a community and the point of issue here between them is this: R. Meir holds that we say that it is obligatory¹⁴ for the ritual immersion to be taken in its proper time,¹⁵ and R. Jose holds we do not say that it is obligatory for the ritual immersion to be taken in its proper time.¹⁵ But does R. Jose hold that we do not maintain that it is obligatory for the ritual immersion to take place in its proper time? Surely, it has been taught: One who has the name [of God] inscribed on his flesh must not bathe¹⁶ nor anoint himself nor stand at a place of filth. If he happens to have an obligatory ritual bath, he should place reed grass on that part and thus bathe.¹⁷ R. Jose says: He may go down to bathe as usual, provided he does not rub that part.¹⁸ And it is established that they are disputing the question as to whether it is obligatory for a ritual immersion to take place in its proper time; the first Tanna holding we do not say that it is obligatory for a ritual immersion to be taken in its proper time, and R. Jose affirming that we do say that it is obligatory for a ritual immersion to be taken in its proper place.¹⁹ — Rather: Everybody

agrees that those two Tannaim²⁰ both hold we do say that it is obligatory for a ritual immersion to be taken in its proper time, and their dispute above concerns the following principle: R. Meir is of the opinion that we compare²¹ the [law concerning] ‘sprinkling’ to [that concerning] the immersion²² and R. Jose holds we do not compare ‘sprinkling’ to immersion’. What about R. Hanina, the deputy high priest? If he compares ‘sprinkling’ to ‘immersion’, the high priest on the Day of Atonement too [should be sprinkled on every day]. And if he does not compare ‘sprinkling’ to ‘immersion’ the priest who burns the heifer [should] neither [be sprinkled on every day]? — In truth he does not make that comparison, the enactment²³ touching the priest who burns the heifer being a mere special stringency.²⁴

According to whose opinion is the following teaching: There is no difference between the priest who burns the heifer and the high priest on the Day of Atonement except

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- (1) In the inscription ‘HOLY UNTO THE LORD’.
 - (2) In the four excerpts from the Torah, which they contain. Hence the obligation to touch tefillin all the time, as a reminder of the lessons they convey.
 - (3) Since he interprets ‘On the forehead and he shall bear’ as indicating interdependence of pardon and plate, whence does he know the place of the plate?— Perhaps it may be worn elsewhere too.
 - (4) The passage is simple and direct enough and untouched by the controversy.
 - (5) In the phrase ‘On his forehead continually’, R. Judah derives the law of the broken plate from the use of the possessive.
 - (6) There is nothing abnormal calling for special attention in the use of the possessive.
 - (7) V. supra p. 12 notes.
 - (8) With water from the ashes.
 - (9) Which remained from red heifers from the time of Moses until that period (Bertinoro). V. also Parah III, 5. From the ashes of every heifer some part was kept for future use.
 - (10) Segan. V. Sanh., Sonc. ed. p. 91, n. 1.
 - (11) Cf. Num. XIX, 19.
 - (12) Which shows that R. Jose and R. Meir differ on the same principle as R. Judah and R. Simeon.
 - (13) Lit., ‘Can you hold that opinion?’
 - (14) Mizwah may mean ‘commandment’, ‘good deed’, ‘ought’, ‘is obligatory’.
 - (15) [On the day prescribed by the law, and the same applies to the sprinkling which for the reason explained infra must take place every day.]
 - (16) Lest he blot out the name of God.
 - (17) Lest he blot out ‘the name of God.’
 - (18) V. Shab. 120b.
 - (19) From here it would appear that R. Jose held the ritual bath should be taken as soon as it is due.
 - (20) R. Meir and R. Jose.
 - (21) Lit., ‘analogy’, ‘comparison’, usually based on the close connection of two subjects in one and the same passage of the Torah. Arguments from Hekkesch are, in general, regarded as being more conclusive than those from Gezerah Shawah, the former not admitting of refutation. Both could be applied only for the purpose of supporting a traditional law. Mielziner, l.c.
 - (22) Cf. supra p. 12.
 - (23) That he be sprinkled on the third and fifth days.
 - (24) As to the stringency v. p. 10, n. 2, but even so the sprinkling was not indispensable on any definite day; all that was prohibited was too long an interval between the first and the second sprinkling (Rashi).

Talmud - Mas. Yoma 8b

that the latter is removed for the purpose of sanctity,¹ and his fellow priests were permitted to touch him, whilst the former is removed for purposes of ritual and his colleagues forbidden to touch him. According to whom [is this teaching]? According to the opinion either of R. Meir or of R. Jose. For

if it were in accord with the opinion of R. Hanina, deputy high priest, there would be one more point of difference.²

R. Jose, the son of R. Hanina demurred to this: It is quite right that we sprinkle him on the first day,³ because that may be the third of his impurity; similarly on the second, because that may be the third day of his impurity; on the third, because that may be the third day of his impurity; on the fifth, because that may be the seventh day of his impurity; on the sixth, because that may be the seventh day of his impurity; on the seventh, because that may be the seventh day of his impurity. But on the fourth day why should there be any sprinkling at all? That day could not be in doubt as being either the third day⁴ or the seventh day⁵ of his impurity? — But, according to your own point of view, how can there be sprinkling throughout the seven days? For have we not an established rule that the sprinkling is forbidden as shebuth⁶ and as such cannot override the Sabbath?⁷ — But you must then needs say: ‘Seven days with the exception of the Sabbath’, similarly here, ‘Seven⁸ with the exception of the fourth day.’ Rabah said: For that reason since the matter of the high priest on the Day of Atonement does not depend on us but on the fixing of the calendar,⁹ he ought to be separated on the third of Tishri, and on whatever day the third of Tishri falls, we would remove him; but as to the priest who burns the heifer, since the matter depends on us,¹⁰ we should remove him on the fourth of the week, so that his fourth day would fall on the Sabbath.

TO THE CELL OF THE COUNSELLORS etc. R. Judah said, Was it the ‘cell of the parhedrin [counsellors], was it not rather the ‘cell of the buleute¹¹ [senators]’? Originally, indeed, it was called the ‘cell of the buleute’ but because money¹² was being paid¹³ for the purpose of obtaining the position of high priest and the [high priests] were changed every twelve¹⁴ months, like those counsellors, who are changed every twelve months,¹⁵ therefore it came to be called ‘the cell of the counsellors’.

We learnt elsewhere: upon the bakers¹⁶ the Sages imposed only the duty of setting apart¹⁷ enough for the heave-offering of tithe¹⁸ and hallah.¹⁹ Now, it is quite right [that they did not impose] the great heave-offering, because it has been taught:

(1) As the high priest was about to enter the sanctuary, he was removed from all, in order that he may, in solitude, take upon himself the holiness of the day, shed all pride of office and concentrate on his great responsibility viz., to obtain forgiveness of sin for Israel. As for the priest of the heifer, v. p. 2, n. 2.

(2) For according to R. Hanina, there is this additional difference that the high priest is sprinkled on the third and seventh day only, whereas the priest who is to burn the heifer is sprinkled on each of the seven days.

(3) Of the priest's separation, Num. XIX, 19: And the clean person shall sprinkle upon the unclean person on the third day, and on the seventh day; and on the seventh day shall he purify him. Ibid. 12: But if he purify himself not on the third day and on the seventh day, he shall not be clean.

(4) For, since he became separated he did not touch a corpse.

(5) For if the fourth day of his separation were the seventh day of his impurity, then the day before his separation would needs have been the third day of his impurity, and not having been sprinkled on that day, he could not be sprinkled on the seventh day of his impurity (the fourth day of his separation) for a first sprinkling on the third day of the impurity is indispensable for the second sprinkling on the seventh day.

(6) Lit., ‘rest’, work forbidden by the Rabbis on the Sabbath and festivals as being out of spirit with the ceremony of the day.

(7) I.e., the prohibition of work on the Sabbath. Pes. 65a.

(8) ‘Seven’ must be understood to mean *exceptis excipiendis*, with the exception of those days on which the sprinkling is not lawful or not necessary.

(9) Lit., ‘month’. His entering the sanctuary on the Day of Atonement on the tenth of Tishri depends only on the fixing of the new moon by the Sanhedrin (Cf. Sanh. 2a), from which the tenth would be counted.

(10) There is no definite time prescribed for the burning of the red heifer.

(11) [**, the members of the **, the administrative body of the city of Jerusalem. V. Buchler, *Synedrion* p. 232.]

(12) To the Hasmonean kings and their satellites.

(13) [So Rashi cur. ed. (lit.), 'they gave money for it' etc. The phrase 'for it' (לִּי) is obscure.]

(14) This is not to be taken literally. On an average, as the Talmud tells later on, these high priests lasted twelve months, no longer. [MS.M. reads: 'They were changed by Heaven'. I.e., they did not survive the twelve months. Others: 'They were removed by the king when a higher price was offered him for the priesthood.' Rashi reads: 'They changed it,' 'it' referring to the chamber. Each new priest on his accession would set up a new chamber for himself.]

(15) Rashi: The king removed his counsellors annually.

(16) Bakers who were 'Fellows' of the pharisaic order. As such they had to undertake scrupulous observance especially of the laws of levitical purity. The haberim (fellows) were distinguished from the great mass of the 'amme ha-arez, the untrained multitude, who were suspects as to levitical purity and also as to the payment of tithe. V. infra.

(17) From the doubtfully tithed fruit which they had brought of the 'amme ha-aretz.

(18) Terumath Ma'aser. V. Glos. s.v. terumah. Terumah Gedolah. V. Glos. s.v. terumah.

(19) The priest's share of the dough. V. Demai II, 4.

Talmud - Mas. Yoma 9a

Because he¹ sent into all the districts of Israel and he found that they² were separating only the great heave-offering;³ [it is also right that the Sages did not impose upon these bakers] the first tithe and the poor man's tithe,⁴ because [of the principle that] the claimant must produce evidence;⁵ but the second tithe, let then [the baker] separate, take it up to Jerusalem and eat it there! 'Ulla said: Because these parhedrin⁶ were beating them all the twelve months⁷ and telling them 'sell cheap, sell cheap,' the Sages did not burden them [to set apart the second tithe and take it up to Jerusalem].⁸ What does parhedrin mean? — Porase [managers].⁹ Rabbah b. Bar Hana said: What is the meaning of the passage, The fear of the Lord prolongeth days,' but the years of the wicked shall be shortened?¹⁰ 'The fear of the Lord prolongeth days' refers to the first Sanctuary, which remained standing for four hundred and ten years and in which there served only eighteen¹¹ high priests. 'But the years of the wicked shall be shortened'¹⁰ refers to the second Sanctuary, which abided for four hundred and twenty years and at which more than three hundred [high] priests served. Take off therefrom the forty years which Simeon the Righteous served,¹² eighty years which Johanan the high priest served,¹³ ten, which Ishmael b. Fabi¹⁴ served, or, as some say, the eleven years of R. Eleazar b. Harsum.¹⁵ Count [the number of high priests] from then on and you will find that none of them completed his year [in office].¹⁶ R. Johanan b. Torta¹⁷ said: Why was Shiloh¹⁸ destroyed? Because of two [evil] things that prevailed there, immorality and contemptuous treatment of sanctified objects. [Proof that] immorality prevailed because it is written, Now Eli was very old, and he heard all that his sons did unto Israel, and how that they lay with the women that did service at the door of the tent of meeting. Notwithstanding R. Samuel b. Nahmani who said in the name of R. Johanan: Whosoever says, The sons of Eli sinned¹⁹ is but mistaken; it is

(1) Johanan, the high priest.

(2) The great mass of the people, exclusive of the Haberim. V. Glos. s.v. haber.

(3) V. Sot. 48a.

(4) The first tithe belonged to the Levite and was due annually; the second tithe was to be consumed by the owner in Jerusalem, annually; the third tithe was due every third year—it was the poor man's tithe.

(5) The heave-offering of the tithe, like the terumah (v. Glos.) itself, was, on penalty of death through divine action, forbidden to be eaten by a non-priest. With regard to the poor man's tithe, the baker could say: If you want to assert legal claim thereto, you will have to prove that the 'am ha-arez, from whom I bought it, has failed to give tithe thereof before he sold it to me. Unless such proof was forthcoming, there was no legal claim on the part of the Levite on the non-Levite poor to its possession.

(6) Paredroi-assessors, counsellors. The Mishnah J. reads paredroi. The Tosef. paredroi. These assessors had a bad reputation from their oppressive measures at the market places, over which, as commissioners, they had jurisdiction. So that, apart from the fact that the high priests, during the second Temple, were changed as often as these officials, the fact that they were dubbed paredroi indicates that there must have been more than one point of contact between these

officials and the priests.

(7) Usually their office was of twelve months' duration. As the next line shows, these officials made full use of their twelve months' opportunity for abuse of power.

(8) The Sages preferred to give the baker haberim the benefit of the doubt that the 'amme ha-arez, as a rule, do give the tithe.

(9) Cf. "*, supervisor, purser, collector, which is logical rather than etymological.

(10) Prov. X, 27.

(11) [Var. lec., eight priests. Cf. I Chron. V, 36ff. Jehozadak who was taken to exile not being counted. V. Tosaf. s.v. **סש**] and Rashi I Chron. V, 36.]

(12) Simeon the Just, High Priest Simon I, c. 300 b.c.e. ' v. Aboth, Sonc. ed., p. 2.

(13) John Hyrcanus, the Hasmonean high priest (Jastrow). V. Ber. He succeeded Simeon the Righteous as high priest (Bertinoro, Ma'as. Sh., 5, end). After eighty years serving as high priest he became a Sadducee (Ber. 29a). That makes it difficult to identify him with John Hyrcanus.

(14) V. Tosef. cf. Yoma 1. [High priest in the days of Agrippa II. He is not to be confused with the high priest of the same name who is reported by Josephus (Wars VI 2, 2) to have been executed in Cyrene after the destruction of the Temple. V. Buchler. op. cit. p. 98.]

(15) V. ibid. I. The Tosef. reads Harsoth. In Yoma 35b he is described as a model rich man who forsook his financial interests to devote himself to the Torah.

(16) Bah, in his marginal notes, inserts on the basis of text on parallel passages the following interpolation here: R. Johanan b. Torta said: 'And why all that? Because they bought the priestly office for money, for R. Assi reported that Martha, the daughter of Boethus, brought King Jannai two kabful of denars to nominate Joshua b. Gamala as one of the high priests. And R. Johanan b. Torta said (further). The same statement is made, infra 18a, in the name of R. Assi.

(17) An interesting account of Torta is given in the Pesik. Rab. XIV: (tortah being taken as the feminine of tora, hence cow. It occurs in this form in the Targum Num. XIX, 2.) He said: If a cow that has no speech and no mind, recognized her Creator, should I, whom my Maker created in His image, not go and acknowledge Him. He became a Jew, studied, grew efficient in the Torah and they named him Johanan b. Torta.

(18) The seat of the Tabernacle after the conquest.

(19) As the text indicates. The same apologetics are elsewhere used to defend Reuben, the sons of Samuel, David, Solomon. (Shab. 55b).

Talmud - Mas. Yoma 9b

because they delayed offering up their sacrificial¹ birds Scripture accounts it to them as if they had lain with them. The [sacred] offerings were treated contemptuously, as it is written,² Yea, before the fat was made to smoke, the priest's servant came and said to the man that sacrificed: ' Give flesh to roast for the priest,' for he will not have sodden flesh of thee, but raw.' And if the man said unto him: 'Let the fat be made to smoke first of all, and then take as much as thy soul desireth': then he would say: 'Nay, but thou shalt give it me now, and if not, I will take it by force. ' And the sin of the young men was very great before the Lord, — for the men dealt contemptuously with the offering of the Lord.

Why was the first Sanctuary destroyed? Because of three [evil] things which prevailed there: idolatry, immorality, bloodshed. Idolatry, as it is written: For the bed is too short for a man to stretch himself and the covering too narrow when he gathereth himself up.³ What is the meaning of 'For the bed is too short for a man to stretch himself'? R. Jonathan said: It is: This bed⁴ is too short for two neighbours to stretch themselves. And [what is the meaning of] 'the covering too narrow when he gathereth himself up'? — R. Samuel b. Nahmani said: When R. Jonathan [in his reading] came to this passage, he would cry and say: To Him , concerning Whom it is written, He gathereth the waters of the sea together like a heap,⁵ the cover became too narrow! Immorality [prevailed] as it is written: Moreover the Lord said: Because the daughters of Zion are haughty, and walk with stretched-forth necks and wanton eyes, walking and mincing as they go, and make a tinkling with their feet.⁶ 'Because the daughters of Zion are haughty', i.e., they used to walk with proud carriage. 'And

wanton eyes' i.e., they filled their eyes with kohl.⁷ 'Walking and mincing as they go', i.e. , they used to walk with the heel touching the toe. 'And make a tinkling with their feet', R. Isaac said: They would take myrrh and balsam and place it in their shoes⁸ and when they came near the young men of Israel they would kick, causing the balsam to squirt at them and would thus cause the evil desire to enter them like an adder's poison.

Bloodshed [prevailed] as it is written: Moreover Manaseh shed innocent blood very much, till he had filled Jerusalem from one end to another.⁹ They were wicked, but they placed their trust in the Holy One, blessed be He.¹⁰ For it is written, The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets thereof divine for money; yet will they lean upon the Lord and say 'Is not the Lord in the midst of us? No evil shall come upon us'.¹¹ Therefore the Holy One, blessed be He, brought them three evil decrees as against the three evils which were their own:¹² Therefore shall Zion for your sake be plowed as a field, and Jerusalem shall become heaps and the mountain of the house as the high places of a forest. But why was the second Sanctuary destroyed, seeing that in its time they were occupying themselves with Torah, [observance of] precepts, and the practice of charity? Because therein prevailed hatred without cause. That teaches you that groundless hatred is considered as of even gravity with the three sins of idolatry, immorality, and bloodshed together . And [during the time of] the first Sanctuary did no groundless hatred prevail? Surely it is written: They are thrust down to the sword with my people; smite therefore upon my thigh,¹³ and R. Eleazar said: This refers to people who eat and drink together and then thrust each other through with the daggers of their tongue! — That [passage] speaks of the princes in Israel, for it is written , Cry and wail, son of man; for it is upon my people,¹³ etc. [The text reads] 'Cry and wail, son of man'. One might have assumed [it is upon] all [Israel], therefore it goes on, Upon all the princes of Israel.

R. Johanan and R. Eleazar both say: The former ones whose iniquity was revealed¹⁴ had their end¹⁵ revealed, the latter ones whose iniquity was not revealed have their end still unrevealed.

R. Johanan said: The fingernail of the earlier generations¹⁶ is better than the whole¹⁷ body of the later generations. Said Resh Lakish to him: On the contrary, the latter generations are better,¹⁸ although they are oppressed by the governments, they are occupying themselves with the Torah .- He [R. Johanan] replied: The Sanctuary will prove [my point] for it came back to the former generations, but not to the latter ones.

The question was put to R. Eleazar: Were the earlier generations better, or the later ones? — He answered: Look upon the Sanctuary! Some say he answered: The Sanctuary is your witness [in this matter].¹⁹

Resh Lakish was swimming in the Jordan. Thereupon Rabbah b. Bar Hana came and gave him the hand:²⁰ Said [Resh Lakish] to him: By God! I hate you. For it is written: If she be a wall, we will build upon her a turret of silver; if she be a door, we will enclose her with boards of cedar.²¹ Had you made yourself like a wall and had all come up in the days of Ezra, you would have been compared to silver, which no rottenness can ever affect. Now that you have come up like doors,²² you are like cedarwood, which rottenness prevails over. What is erez ['cedar']?- 'Ulla said: It is sasmagor.²³ What is 'sasmagor'?-R. Abba says it is the divine²⁴ voice as it has been taught: After the later prophets Haggai, Zechariah, and Malachi had died, the Holy Spirit²⁵ departed from Israel, but they still availed themselves of the Bath Kol.²⁶ — But did Resh Lakish talk with Rabbah b. Bar Hana?²⁷ Even with R. Eleazar, who was the master of the land of Israel, Resh Lakish did not converse²⁸ [for anyone with whom Resh Lakish conversed in the street could get merchandise without witnesses]²⁹ would he engage in conversation with Rabbah b. Bar Hana?-R. Papa said: 'Throw a man between them'.³⁰ It was either Resh Lakish and Ze'iri or Rabbah b. Bar Hana and R. Eleazar.³¹ When he [Resh Lakish] came before R. Johanan , he said to him: This is not the reason.³² Even if they had all

come up in the time of Ezra, the Divine Presence would not have rested over the second Sanctuary, for it is written:³³ God shall enlarge Japheth, and he shall dwell in the tents of Shem, [that means],

(1) Lev. XII, 8.

(2) I Sam. li, 15-17.

(3) Isa. XXVIII, 20.

(4) Manasseh the faithless king, introduced idols into the very Sanctuary. There was no room for the God of Israel, together with an idol, in his one Sanctuary.

(5) Ps. XXXIII, 7. The ad hoc exposition here is either: 'On his cover (the idol) became His rival,' or 'The cover itself, used for idolatrous purposes, thus became His rival,' the cover here standing for the Sanctuary.

(6) Isa. III, 16.

(7) A powder used for painting the eyelids, stibium (Jastrow).

(8) Bah interpolates here: and walking around in the streets of Jerusalem and when they came near etc., v. D.S.

(9) II Kings XXI, 16.

(10) The text as it stands is in need of correction. The present rearrangement based on text in parallel passages (v. D.S.) is adopted by Bah. [Cur. edd. insert: 'This refers to the first Sanctuary'. This, on the rearrangement of the text adopted (v. n. 5), is evidently superfluous. V. D.S.]

(11) Micah III, 11.

(12) Ibid. 12.

(13) Ezek. XXI, 17.

(14) 'Who did not hide their misdeeds' (Rashi).

(15) I.e., the end of their captivity. Jer. XXIX, 10: For thus saith the Lord: After seventy years are accomplished in Babylon, I will remember you and perform My good word to you, in causing you to return to this place.

(16) The earlier generations are, of course, those of the first Temple, the later ones Israel since the second destruction.

(17) Lit. , 'the belly'.

(18) Or 'better off'. There is a slight shift in the argument. R. Johanan had referred to their value, Resh Lakish to their political and moral condition.

(19) It came back to them after the first destruction, it has not come back to us as yet. There is only a slight difference in Hebrew between the two versions עִינִיכֶם and עִידיכֶם.

(20) [To help Resh Lakish out of the water. V. D.S. a.l. n. 100.]

(21) Cant. VIII, 9.

(22) A wall is of one piece, a door, a gate at least of two. Had Israel come from Babylon, not in parts, but at once, Jewry in Palestine may have been found worthy of a restoration of the Sanctuary.

(23) Perhaps a comp. of sass and magor-magerah i.e. , a sawing worm. Bah reads: The worm destroys and saws it off from within.

(24) Bath Kol (v. Glos.). Just as some part of the cedar is unaffected by the worm, surviving the ruin, so was the gift of the divine voice a remnant of God's grace, even after the destruction. V., however, Cant. Rab. VIII, 11

(25) Of prophecy.

(26) V. Sot. 48b.

(27) [In the street, v. infra.]

(28) Tosaf. a.l. suggests that he would not address R. Eleazar, but would, of course, offer him the courtesy of a reply, when addressed by him; an example is cited from Zeb. 5a.

(29) One would trust the honesty of a man whom Resh Lakish honoured by engaging him in public conversation.

(30) Change the account by substituting one other man for one of the persons mentioned in the original account.

(31) 'If Resh Lakish was the swimmer, make Ze'iri the other man; or Rabbah b. Bar Hana offered the hand and R. Eleazar was the swimmer' (Rashi). [Aliter: Or Rabbah b. Bar Hana (who was a Palestinian) was the swimmer, and R. Eleazar (who was a Babylonian) offered the hand, v. Hyman, Toledoth, p.3 1076.]

(32) Your complaint was unjustified.

(33) Gen. IX, 27.

although God has enlarged Japheth,¹ the Divine Presence rests only in the tents of Shem.² Whence do we know that the Persians are derived from Japheth? — Because It is written: The sons of Japheth: Gomer, and Magog, and Madai and Javan, and Tubal, and Meshek, and Tiras.³ ‘Gomer’, i.e. Germania;⁴ ‘Magog’, i.e. Kandia;⁵ ‘Madai’, i.e. Macedonia; ‘Javan’,⁶ in its literal sense; ‘Tubal’, i.e. Beth-Unyaki;⁷ ‘Meshek’, i.e. Mysia;⁸ ‘Tiras’ — its identification is a matter of dispute between R. Simai and the Rabbis, or, according to another report, between R. Simon and the Rabbis, one holding that it is to be identified with Beth Tiryaka,⁹ and the other [authorities] declaring it is Persia. R. Joseph learnt: ‘Tiras’ is Persia, Sabtah and Raamah, and Sabteca.¹⁰ R. Joseph learnt: I.e. the inner Sakistan and the outer Sakistan.¹¹ Between the two there is [a distance] of one hundred parasangs and its circumference one thousand parasangs.¹² And the beginning of his kingdom was Babel and Erech, and Accad, and Calneh in the land of Shinar.¹³ ‘Babel’ in its usual sense; ‘Erech’ ‘i.e. Urikath;¹⁴ ‘Accad’, i.e. Baskar;¹⁵ ‘Calneh’, i.e. Nupar —¹⁶ Ninpi. Out of that land went Ashur.¹⁷ R. Joseph learnt: ‘Ashur’, i.e. Silok.¹⁸ And builded Nineveh and Rehoboth-ir, and Calah.¹⁹ ‘Nineveh in its usual Sense; ‘Rehoboth-ir’, i.e. Perath of Meshan.²⁰ ‘Calah’ i.e., Perath de Borsif.²¹ And Resen between Nineveh and Calah — the same is the great city.²² ‘Resen’, i.e., Ctesiphon.²³ ‘The same is the great city’. [From here] I do not know yet whether by ‘the great city’ Nineveh or Resen is meant. But, as Scripture says, Now Nineveh was an exceeding great city unto God, of three days’ journey,²⁴ say that by ‘the great city’ Nineveh is meant.

An²⁵ Ahiman, Sheshai, and Talmai the children of Anak, were there.²⁶ A Tanna taught: ‘Ahiman’, i.e., the most skilful²⁷ of the brethren; ‘Sheshai’,²⁸ i.e., he made the ground [he stepped on] like pits; ‘Talmai’, i.e., he made the ground full of ridges. Another comment:²⁹ Ahiman built Anath, Sheshai built Alush; Talmai built Talbush.³⁰ [They were called] ‘the children of Anak’, because they lorded it over the sun by reason of their height.³¹

R. Joshua b. Levi in the name of Rabbi said: Rome is designed to fall into the hand of Persia, as it was said: Therefore hear ye the counsel of the Lord, that He hath taken against Edom; and His purposes that He hath purposed against the inhabitants of Teman: surely the least of the flock shall drag them away, surely their habitation shall be appalled to them.³² Rabbah b. ‘Ullah demurred to this: What intimation is there that ‘the last of the flock’ refers to Persia? [Presumably] because Scripture reads: The ram which thou sawest having two horns, they are the kings of Media and Persia.³³ But say [perhaps] it is Greece, for it is written, And the rough he-goat is the king of Greece?³⁴ — When R. Habiba b. Surmaki came up,³⁵ he reported this interpretation before a certain scholar. The latter said: One who does not understand the meaning of the passage asks a question against Rabbi. What does, indeed, ‘the least of the flock’ mean? The youngest of his brethren, for R. Joseph learnt that Tiras is Persia.³⁶

Rabbah b. Bar Hana in the name of R. Johanan, on the authority of R. Judah b. Ila'i, said: Rome is designed to fall into the hands of Persia, that may be concluded by inference a minori ad majus: If in the case of the first Sanctuary, which the sons of Shem [Solomon] built and the Chaldeans destroyed, the Chaldeans fell into the hands of the Persians,³⁷ then how much more should this be so with the second Sanctuary, which the Persians built and the Romans destroyed, that the Romans should fall into the hands of the Persians.³⁸ Rab said: Persia will fall into the hands of Rome. Thereupon R. Kahana and R. Assi asked of Rab: [Shall] the builders fall into the hands of the destroyers? — He said to them: Yes, it is the decree of the King.³⁹ Others say: He replied to them: They too are guilty for they destroyed the synagogues. It has also been taught in accord with the above, Persia will fall into the hands of Rome, first because they destroyed the synagogues, and then because it is the King's decree that the builders fall into the hands of the destroyers. Rab also said: The son of David will not come until the wicked kingdom of Rome will have spread [its sway] over the whole world for nine months, as it is said: Therefore will He give them up, until the time that she who travaileth hath brought forth; then the residue of his brethren shall return with the children of Israel.⁴⁰

Our Rabbis taught: All the cells in the Sanctuary were without a mezuzah⁴¹ with the exception of the cell of the counsellors, for therein there was a residence for the high priest. R. Judah said: Were there not a number of cells in the Sanctuary which had a compartment for a dwelling, yet had no mezuzah? Rather, the [reason for the] mezuzah on the cell of the counsellors was due to a preventive measure, What was the reason for R. Judah's statement? — Rabbah said, R. Judah is of the opinion, any house which is not made to serve both as a summer-home and a winter-home, is not a house.⁴² Abaye raised an objection: But it is written: And I will smite the winter-house with the summer-house!⁴³ — He answered: They are called summer-house or winter-house, but not by the general name house. Abaye raised the following objection: 'The sukkah⁴⁴ used at the Feast [of Tabernacles] according to R. Judah renders [the fruit brought during the Feast] liable to tithe, whereas the Sages exempt it [from such duty]';⁴⁵ and it has been learnt in connection with it: R. Judah considers [a sukkah] liable to 'erub,⁴⁶ a mezuzah to tithe.⁴⁷ And if you should say he considers it liable to these duties only on rabbinic enactment, that could apply to 'erub and mezuzah, but as regards tithe, can one say that it is but a rabbinic enactment, [should we not fear]

(1) Japheth here stands for Persia, as the following account endeavours to show.

(2) [I.e. , the Divine Presence rests only in the Temple built by Solomon, a descendant of Shem and not in that built by the Persians, the descendants of Japheth.]

(3) Gen. X, 2.

(4) Germania, the land of the Cimmerii. [Rieger, P. (MGWJ, 1936 p. 455) identifies it with the modern Kerman in South Persia.]

(5) Usually identified with Crete. [J. Meg. I, 11 reads: Gothia, the land of the Goths.]

(6) [J.T.loc. cit. reads, 'Madai in its literal sense, Javan is Ephesus'. Golds. accordingly reads Madai in its literal sense, Javan is Macedonia.]

(7) Bithynia in Asia Minor.

(8) Mysia, a district in Asia Minor.

(9) Thrace.

(10) Gen. X, 7.

(11) Drangania, a district in Persia (Jast.). [Golds. Scythia.]

(12) Rashi: They are a district surrounded by mountains. The outer S. includes the inner S., the inner which is one hundred parasangs' distance from the outer, while the circumference of the outer one is one thousand parasangs.

(13) Gen. X, 10.

(14) Warka, S.E. of Babylon (Jast.).

(15) Jast. reads כשכר Cashkar, Cascara in Babylonia (v. Payne-Smith 1843).

(16) Ass. Nippur, modern Niffer. [Ninpi was probably an additional name by which Nippur was known and which is probably derived from the planet-god Ninib, Obermeyer p. 336.]

(17) Gen. X, 11.

(18) In Keth. 10b the reading is מליקא Selucia, on the border of Babylonia and Assyria.

(19) Gen. X, 11 .

(20) Perath, according to Jastrow seems to be the general name of certain districts, thus in connection with Meshan, Messene, the island formed by the Euphrates, the Tigris and the royal canal. Berliner, Beitr. z. Geogr. 44.

(21) A city near the site of Babel, Borsippa.

(22) Gen. X, 12.

(23) A town on the eastern bank of the Tigris.

(24) Jonah III, 3.

(25) The Talmud continues with aggadic interpretation of other names.

(26) Num. XIII, 22.

(27) Root ימין (denominative of ימין 'right'). 'To endow with skill', 'distinguish'.

(28) According to Rashi the name is to be connected with the root meaning 'desolation', Lam. III, 47.

(29) Rashi omits, 'Another comment', and just adds the information as to the building activity of the giant en passant.

(30) [Identified by Obermeyer with 'Anah, Alusa and Telbeth, three fortified island-towns on the Northern Euphrates.]

(31) So Jast. Rashi: "With their height reaching up to the sun it surrounded their neck as a necklace does the neck.

- (32) Jer. XLIX, 20.
 (33) Dan. VIII, 20.
 (34) Dan. VIII, 21.
 (35) From Babylon to Palestine.
 (36) Tiras is mentioned last in Gen. X, 2, hence the 'youngest of the brethren'.
 (37) The destroyers fell into the hands of their enemies. Belshazzar into the hands of Darius (Rashi).
 (38) It seems logical that the destroyers fall into the hands of the builders.
 (39) The Supreme King of Kings.
 (40) Micah V, 2, interpreting the verse that the duration of the people's abandonment will be 'until the time etc.', i.e. nine months, the period of pregnancy.
 (41) The inscription of Deut. VI, 4-9, XI, 13-21 on a slip of parchment.
 (42) Only a 'house' (cf. Deut. VI, 9) requires a mezuzah, not a temporary residence.
 (43) Amos III, 15.
 (44) The booth covered with twigs for the seven days of Sukkoth (Tabernacles). Lev. XXIII, 33-44.
 (45) V. Ma'as. VII, 3. The liability to tithes begins only from the moment the produce is brought into the house, v. Ma'as. I, 3 and the point at issue between R. Judah and the Sages is whether a sukkah is considered a house in what concerns tithes.
 (46) For the purpose of regulating Sabbath limits of movement a legal community or continuity is symbolically established for the inhabitants of a city, a court etc. If the sukkah opens out into a court in which there are other dwellings too, the inhabitants of all these dwellings will contribute their share towards a dish to be deposited in one of the dwellings, by which act the dwellings are considered as common to all, and the carrying of objects across the court and from one dwelling to another will be permitted.
 (47) Only a house needs 'erub and mezuzah.

Talmud - Mas. Yoma 10b

that he may come to set aside tithe from where it is obligatory for where it is exempt and from where it is exempt for where it is obligatory?¹ -Rather, said Abaye, there is no dispute concerning the seven days [of the separation], all agreeing that [the cell] is liable [to have a mezuzah];² what the dispute is concerned with is the other days of the year; the Rabbis would institute it as a precautionary measure on account of the seven days, whilst R. Judah does not see the need for such a measure. Raba said to him: But the teaching [of the Mishnah]³ reads, 'The sukkah of the Feast during the Feast'! Therefore says Raba: On all other days of the year they all agree that there is no obligation [for a mezuzah at the sukkah and cell], the dispute touches only the seven days, and there is a special ground in the case of the sukkah and there is a special reason in the case of the cell. There is a special reason in the case of the sukkah: R. Judah, holding in accordance with his own principle, that the sukkah must have the character of a permanent residence, hence considers [the sukkah] is liable to a mezuzah, whilst the Rabbis, following their own principle, hold that the sukkah must have the character of an incidental residence, and hence requires no mezuzah. There is also a special reason for the dispute in the case of the cell [of the counsellors]; the Rabbis hold that a dwelling not freely chosen is called a dwelling whilst R. Judah is of the opinion that such dwelling is not included in the term dwelling; only rabbinically it was arranged that a mezuzah be affixed at the cell lest the people say the high priest is being kept in prison.⁴

Who has taught the following which our Rabbis have taught:

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- (1) He might take off the tithe from something that is liable to tithe only by rabbinic enactment for some other heap (of produce), which is liable by the law of the Torah, and vice versa, thus invalidating the former and the latter.
 (2) Even as at the sukkah.
 (3) V. supra p. 45, n. 5. And yet it is said: 'The Sages exempt it from tithe', hence even during the seven days, according to one view, there would be exemption from the duty.
 (4) Since only a dwelling not freely chosen does not need a mezuzah.

Talmud - Mas. Yoma 11a

All the gates that were there¹ had no mezuzah, with the exception of the gate of Nicanor,² within which the cell of the counsellors was situated. Apparently this teaching is in agreement with the Rabbis³ and not with R. Judah. For, if it were to be R. Judah's opinion [surely] he holds that [the mezuzah at the cell] itself is only a rabbinical enactment, shall we enact a preventive measure⁴ to guard another preventive measure?⁵ — You might even say it is in accord with R. Judah. [They are not two separate enactments, rather] the whole is but one measure.⁶

Our Rabbis taught: And upon thy gates:⁷ alike upon the gates of houses, upon the gates of courts, upon the gates of provinces, upon the gates of cities rests the dutiful obligation⁸ to the Omnipresent, as it is said, 'Upon the doorposts of thy house and upon thy gates'. Said Abaye to R. Safra: Why did the Rabbis not affix a mezuzah on the city gateways of Mahoza?⁹ — He answered: They serve only as supports for the Fort of Turrets [of that city].¹⁰ But the Fort of Turrets itself should have a mezuzah, for it contains a residence-compartment for the keeper of the prison! For it has been taught: A synagogue, which contains a dwelling-place for the synagogue attendant¹¹ must have a mezuzah! Rather, said Abaye, it¹² is due to a fear of danger.¹³ For it has been taught: The mezuzah of an individual's [house] should be examined¹⁴ twice every seven years, and of public buildings twice every fifty years. It happened to an Artaban¹⁵ who was examining mezuzoth in the upper market of Sepphoris¹⁶ that a quaestor found him and took from him a thousand zuz.¹⁷ But R. Eleazar said: Messengers engaged in a mizwah do not come to harm? — Where danger is to be expected, it is different, for it is written: And Samuel said: How can I go? If Saul hear it, he will kill me. And the Lord said: Take a heifer with thee, and say: I am come to sacrifice unto the Lord.¹⁸ R. Kahana recited before Rab Judah: The straw-magazine, the stable, the wood-shed, and the store-house are exempt from the mezuzah, because the women make use of them.¹⁹ What does 'they make use [of them]' mean? — They bathe [therein].²⁰ Rab Judah said to him: The reason for the exemption is that they bathe [therein], but [had they been restricted to their] ordinary use, these places are liable to a mezuzah. But has it not been taught that an ox-stable is exempt from a mezuzah? Rather we must say that 'they make use [of them]' means they adorn themselves therein and this is what it teaches: Although the women adorn themselves therein, they are exempt from mezuzah.²¹ Said R. Kahana to him: But are the [places] wherein women adorn themselves exempt [from a mezuzah]? Surely it has been taught: An ox-stable is exempt from mezuzah, and [places] where women adorn themselves are liable to a mezuzah — What then remains now for you to say [is that] the case of [dwellings] wherein women adorn themselves is being disputed by Tannaim,²² and so on my view too²³ concerning these places [when limited to their] ordinary use, there is a dispute of Tannaim — For it has been taught: 'Thy house'²⁴ means 'a house appointed for thee', thus excluding the straw-magazine, the ox-stable, the wood-shed, and the store-house which are exempt from the mezuzah. Some however declare them liable [to have a mezuzah]. In truth, they said, the privy, the tannery, the bathhouse, the house for ritual immersion are exempt from a mezuzah. Now R. Kahana explains [this teaching] according to his view, and Rab Judah explains it according to his view. 'R. Kahana explains it according to his view' thus: 'Thy house' means 'the house appointed for thee', thus excluding a straw-magazine, ox-stable, woodshed and store-house which are exempt from a mezuzah. Some however declare them liable. In truth, they said, the privy, the tannery, the bath-house, the house for ritual immersion and the rooms which the women make use of to adorn themselves are exempt from the mezuzah. But if this is so, it is the same as merhaz? — We are informed about public and about private bath-houses. For the thought may have occurred that only public bath-houses are exempt because they are full of uncleanness, but private bathhouses, where there is less thereof, are liable to a mezuzah, therefore he lets us know [that even private bath-houses are exempt]. 'Rab Judah explains it in accord with his view': This is how it is taught: 'Thy house' means 'a house appointed for thee', that excludes the straw-magazine, ox-stable, wood-shed, and store-house as exempt from mezuzah, even though women adorn themselves [therein].²⁵ Some

consider houses wherein the women adorn themselves obliged to have a mezuzah. But [when restricted to their] ordinary use, all agree that they are exempt. In truth they said: The privy, the tannery, the private or public bathhouse, even though the women adorn themselves therein, are exempt from mezuzah, because they contain a great deal of uncleanness. But would, according to Rab Judah, all agree that [these places when restricted to their] ordinary use are exempt? Surely it has been taught: 'In your gates',²⁶ that implies alike the gates of houses, of courts, of provinces, of cities, cattle-sheds, hen-roosts, shed for straw, store-house for wine, store-house for oil — they all are liable to a mezuzah — One might assume this includes also

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- (1) All the gates in the eastern part of the Temple Court.
 - (2) Nicanor imported Corinthian bronze doors for the Temple gate called after him.
 - (3) I.e., the opponents of R. Judah in the Baraitha supra 10a.
 - (4) Making the Nicanor Gate liable to a mezuzah.
 - (5) V. Bez. 2b.
 - (6) Result of one enactment.
 - (7) Deut. VI, 9.
 - (8) Of affixing a mezuzah.
 - (9) A large Jewish trading town on the Tigris.
 - (10) [So Jast. Obermeyer p. 168: The fort of Be Koke, a fortress adjoining Mahoza.]
 - (11) Hazzan, v. Ta'an., Sonc. ed., p. 77, n. 2.
 - (12) The absence of a mezuzah at the Fort of Turrets.
 - (13) Rashi: Lest the king say: You are engaging in some witchcraft at the gate of my city. Perhaps because in examining the mezuzah from time to time one may find such an unpleasant quaestor as the Artaban did.
 - (14) It may have deteriorated by rotting or through worms, or it may have been stolen.
 - (15) A corruption or Judaization of 'tribune'.
 - (16) In Upper Galilee.
 - (17) A silver coin, one fourth of a shekel, one denar.
 - (18) I Sam. XVI, 2.
 - (19) Lit., 'are deriving benefit therein'.
 - (20) In the nude, hence it would be disrespectful to affix a mezuzah.
 - (21) [Rab Judah does not correct the Baraitha in stating that these places are exempt because the women make use of them. The Baraitha, in his view, means that although they make use of them, since, however, it is only for the purpose of adorning themselves and not as permanent dwellings, these places are exempt. Tosaf. s.v. נס]
 - (22) Whether they are liable to a mezuzah.
 - (23) Explaining the phrase as meaning 'they bathe'.
 - (24) Deut. VI, 9.
 - (25) And which therefore might be considered dwellings.
 - (26) Deut. VI, 9.

Talmud - Mas. Yoma 11b

the porter's lodge,¹ a veranda² and a balcony, therefore the text reads, 'house' — [meaning] just as 'house' means a building appointed for a dwelling it thus excludes all other buildings not appointed for a dwelling. One might have wanted to include also the privy, the tannery, the bath-house and the house for ritual immersion, therefore the text says, 'house': just as a 'house is made for dignity, so only all such are implied, which also are made for dignity, to the exclusion of these, which are not made for dignity. One might have wanted to include the mountain of the Sanctuary,³ the cells and the courts.⁴ Therefore the text says 'house': just as a 'house' is for common use so are only such [houses] as are for common use [liable] to a mezuzah — to the exclusion of these which are sacred!⁵ This is a refutation.

R. Samuel son of Rab Judah recited before Raba: Six gates are exempt from the mezuzah.- [the

gates of] the straw-shed, the stable, the wood-house, the store-house, the Median⁶ gate, a gate without beams and a gate that is not ten handbreadths high. He [Raba] said to him: You started by saying six and you ended up with seven?—He replied: There is Tannaitic division of opinion concerning the Median gate, for it has been taught: An arched doorway⁷ — R. Meir declares it liable to the mezuzah, while the Sages exempt it.⁸ All agree, however, that, if the posts are ten handbreadths⁹ [high], it is liable to the mezuzah.¹⁰ Said Abaye: All agree that if the [whole] doorway is ten handbreadths in height, but the post is not even three¹¹ it is considered nothing;¹² again, if the post is three handbreadths in height, but the [whole] doorway not even ten, it is also considered nothing.¹² They are disputing only concerning doorways the [whole] height of which is ten, with the posts three in height, but with a width less than four handbreadths, space however being left to extend it to four handbreadths.¹³ R. Meir holds one may extend¹⁴ it by digging [to the required minimum of four handbreadths], whilst the Sages hold that we do not extend it by digging it. Our Rabbis taught: The synagogue, the women's apartment, and the house belonging to partners are liable to mezuzah — Is that not self-evident? — You might have said [the scriptural] ‘Thy house’¹⁵ [means] her — but not [the woman's] house; ‘thy house’ but not their [partners’] house, hence we are taught [that they are included in the law of mezuzah]. But would you expound similarly: That your days may be multiplied and the days of your sons?¹⁶ Do only their [sons] need life, not the others [women and their daughters]? What then is the significance of ‘Thy house’? — It is as Raba said: For Raba said: The way thou enterest [thy house], and when a man moves, he moves with the right foot first.¹⁷

Another [Baraitha] taught:¹⁸ The synagogue, the house belonging to partners, and the women's compartment are subject to uncleanness from house plagues. Is that not self-evident? You might have said: Then shall come he who has the house to him;¹⁹ to him’ [implies] but not ‘to her’ [woman], ‘to him’ but not ‘to them’ [partners], therefore we are told [that this is not so]. Perhaps it is really so? — Scripture says, In a house of the land of your possession,²⁰ [which includes both] — Why then ‘to him’? [That means to say that] if one devotes his house to himself exclusively, refusing to lend his belongings by pretending he did not own them, the Holy One, blessed be He, exposes him as he removes his belongings.²¹ Thus ‘to him’ excludes [from the infliction of the house plague] him who lends his belongings to others.²²

But is a synagogue subject to uncleanness from house plagues? Has it not been taught: One might assume that synagogues and houses of learning are subject to uncleanness from house plagues, therefore Scripture says: ‘He who has the house to him’, i.e., he to whom alone the house belongs, that excludes those [houses] which do not belong to him alone? — This is no difficulty: The first teaching is in accord with R. Meir, the second with Rabba, for it has been taught: A synagogue which contains a dwelling for the synagogue attendant²³ is liable to a mezuzah, but one which has no dwelling apartment, R. Meir declares it liable but the Sages exempt it. Or, if you wish, you might say: Both teachings are in accord with the Rabbis. In the one case the synagogue referred to has a dwelling [apartment], in the other it has no dwelling apartment. Or, if you wish, you might say [in accounting for the discrepancy] that in both cases the synagogue has no dwelling apartment

(1) Lit., ‘a gate-house’.

(2) Exedra.

(3) The Temple mount.

(4) In the singular: The Temple court. In the plural the various compartments there, as the men's compartment, the women's compartment.

(5) [This proves that the places enumerated in the teaching of R. Kahana, even when restricted to their ordinary use, are also subject to a difference of opinion of Tannaim whether or not they are liable to a mezuzah, which contradicts Rab Judah.]

(6) The Median gate was usually made with an arched doorway, hence gates with such doorways came to be called Median.

- (7) Which is the same as a Median gate.
- (8) [Since it narrows down at the arch to less than four handbreadths, the required minimum of a gate, v. n. 10.]
- (9) Before the entrance began to narrow down at the arch.
- (10) 'Er. 11b.
- (11) It began to narrow down at less than three handbreadths from the ground.
- (12) And requires no mezuzah, for the minimum for any doorway is ten in height for the whole doorway, four in width, three for the posts; below it is but 'solid' earth.
- (13) Within the ten handbreadths, the minimum required height of the doorway.
- (14) By legal fiction. As long as the doorway starts on a breadth of four by three, allowing space for continued dimension up to ten, we look upon it as continuing in the same size, hence as entitled to the designation 'door', with the implication of being subject to the law of mezuzah
- (15) The possessive suffix in the Hebrew is masc. sing.
- (16) Deut. XI, 21. If you press the text so hard, excluding woman because the possessive is in the masculine form, then you should consistently expound: In order that your days, may be, where the possessive suffix, too, is masculine, that God holds out no promise for the prolongation of women's life. Perhaps *benekem*, which literally means 'your sons', although it is understood to include 'daughters', being usually translated as 'children' might render the consequence of such pedantic interpretation more absurd still.
- (17) Read ad hoc: instead of *betheka*, *bi'atheka*, i.e., 'thy coming in' instead of 'Thy house', to infer thence that the mezuzah should be affixed on the door-post at the right hand of him who enters. In this manner, indeed, the mezuzah is affixed, in the upper third of the post.
- (18) Men. 34a.
- (19) Lev. XIV, 35. So lit., E.V. 'he that owneth the house shall come',
- (20) Ibid. 34.
- (21) In accord with the priest's command, as prescribed: And the priest shall command that they empty the house before the priest go in to see the plague. Lev. XIV, 36.
- (22) The plague is thus seen as a punishment for niggardliness.
- (23) V. supra p. 47 n. 8.

Talmud - Mas. Yoma 12a

, the first teaching referring to big cities, the second to villages.¹ But are synagogues in big cities really not subject to uncleanness from house plagues? Has it not been taught: 'In the house of the land of your possession,'² i.e., the house of the land of your possession could become defiled through leprosy, but Jerusalem³ could not become defiled through leprosy. R. Judah said: I have heard that only the place of the Sanctuary is unaffected by the law of leprosy?⁴ Now does not that imply that synagogues and houses of learning are subject to the law of leprosy even though they be in large cities? — Read R. Judah said: I have heard that only sacred places⁵ are not subject to the law of leprosy. What principle are they disputing? — The first Tanna holds Jerusalem was not divided amongst the tribes⁶ and R. Judah holds Jerusalem was divided among the tribes, the basis of their difference being the principle on which these Tannaim differ, for it has been taught: What lay in the lot of Judah? The Temple mount, the cells, the courts. And what lay in the lot of Benjamin? The Hall,⁷ the Temple⁸ and the Holy of Holies. And a strip of land went forth from Judah's lot and went into Benjamin's territory, and on this the Temple was built — Benjamin the Righteous was longing to swallow it every day as it is written: He coveteth him all day,⁹ therefore he obtained the privilege of becoming the host of the Omnipotent,¹⁰ as it is said: And He dwelleth between his shoulders¹¹.

The following Tanna holds that Jerusalem was not divided amongst the tribes, for it has been taught: One does not rent houses in Jerusalem, because it [the city] does not belong to them, [the inhabitants]. R. Eleazar son of R. Zadok said: Nor any beds. Therefore the innkeepers take the skin of the sacrificial animals by force.¹² Abaye said: We may learn from this that it is usual for a man to leave to his host the empty wine pitcher and the hide.¹³

But are the synagogues of the villages subject to the laws of leprosy? Has it not been taught: As a possession,¹⁴ i.e., until they conquer it. If they have conquered but not yet divided it among the tribes, or even divided it among the tribes but not divided it among the families, or even divided it among the families but before each man knows where his lot is, whence do we know [that the laws of leprosy do not apply yet]? To teach us that Scripture says: 'Then he who has the house to him' i.e., he to whom alone the house is belonging, excluding these [houses] which do not belong to him [the owner] alone.¹⁵ — It is more correct as we have answered at first.¹⁶

AND ANOTHER PRIEST IS PREPARED FOR HIM: It is obvious that if any disqualifying mishap occurred to the high priest before the morning [daily] offering, that one¹⁷ initiates the other priest with the morning burnt-offering. But if the mishap should have occurred after the morning sacrifice, how could he be initiated?¹⁸ — R. Adda b. Ahabah said: With the girdle.¹⁹ That will be in accord with him who holds that the girdle of the high priest is identical with that of the common priest,²⁰ but according to the opinion that the girdle of the high priest was not the same as that of the common priest,²¹ what can be said?²² — Abaye said: He would put on the eight garments and turn²³ with the hook, in accordance with what R. Huna said. For R. Huna said: If a non-priest turns with the hook, he incurs penalty of death.²⁴ R. Papa said:

(1) In the metropolis people from many cities assemble in the synagogue, it therefore seems to belong to everybody, i.e., to nobody, whilst in the villages those who attend are known to all, being like partners in the synagogue (Rashi).

(2) Lev. XIV, 34.

(3) Jerusalem was not divided among the tribes, but was kept in trust for all Israel and could therefore not be subject to a law applying to privately owned houses only.

(4) Meg. 26a.

(5) Instead of 'Sanctuary'. 'Sacred places' include synagogues and houses of learning.

(6) V. supra p. 52, n. 6.

(7) Ulam, leading to the interior of the Temple.

(8) The Hall containing the golden altar, Mid. IV, 1.

(9) Deut. XXXIII, 12. The ad hoc translation, lit., 'to bend over', thus to be anxious, hence (Rashi): he scratched himself in despair, was anxious to conquer it.

(10) The Ark stood in his lot.

(11) Ibid.

(12) I Tosef. Ma'as. Sh. I.

(13) Of the animal which he slaughters and consumes in the house of his host (Rashi).

(14) Lev. XIV, 34.

(15) Obviously then the synagogues in the villages are not subject to levitical uncleanness, hence the alternate answer above, 'One speaks of' synagogues in metropolises, the other of synagogues in villages', is unsatisfactory.

(16) The distinction is rather between synagogues with a dwelling for the synagogue attendant and those without it.

(17) He should officiate at the morning burnt-offering in the eight garments of the high priest.

(18) The rest of the service of the Day of Atonement is performed in four garments, how will his office of high priestly function be indicated?

(19) The high priest's girdle, which on the Day of Atonement is of fine linen (Lev. XVI, 4).

(20) [I.e. the material for the girdle prescribed for the high priest in Ex. XXXIX, 29 was also intended to be used for the girdle of the common priests, so that the girding of a linen girdle by the priest on the Day of Atonement would serve to indicate his high priestly function.]

(21) [I.e., the girdle of the common priest was of linen, the material of the girdle described in Ex. XXXIX, 29 being restricted to the high priest, so that the girding by the priest of a linen girdle on the Day of Atonement would indicate no particular high priestly function.]

(22) How would it be recognizable that he is initiated into performing the high priest's service?

(23) Rashi: Before starting on the service of the day, he puts on the eight garments, and turns on the outer altar one of the limbs of the daily burnt-offering with an iron hook. By reason of such turning that limb is more speedily consumed. He has thus done the initiative work for the office of high priest which he is to assume anon.

(24) This is only preparatory work, but since a non-priest, performing it in accord with R. Huna's opinion incurs the penalty of death, it is obviously considered as of even importance with the service proper, hence serving to initiate the newcomer into the high priest's office.

Talmud - Mas. Yoma 12b

His service¹ initiates him — Has it not been taught: All the vessels which Moses made became sanctified through being anointed. From then on they become sanctified through being used at a service.² Similarly here his service initiates him.

When R. Dimi came [from Palestine] he reported: Concerning the girdle of the common priest there is a dispute between Rabbi and R. Eleazar b. Simeon, one said it was of kil'ayim [wool and linen in the same web],³ the other said it was of fine linen.⁴ It may be ascertained that it was Rabbi who said the girdle was made of kil'ayim, for it has been taught: There is no difference between the high priest and the common priest except in the girdle, this is the opinion of Rabbi. R. Eleazar b. R. Simeon said: Not even in the girdle is there any distinction. Of what time [does this teaching speak]? If during the rest of the year, there are many points of difference, [as e.g.] the high priest [officiates] in eight garments, the common priest in four; you must say, then, that [the time discussed is] the Day of Atonement.⁵ We can tell you: In fact the discussion deals with the other days of the year, and it refers to such garments which both wear alike⁶ [the only difference being the girdle].

When Rabin came [from Palestine] he reported: Everybody agrees that the girdle of the high priest on the Day of Atonement was made of fine linen, and during the rest of the year of kil'ayim. The discussion concerned only the common priest's girdle, both on the Day of Atonement and during the rest of the year; concerning that Rabbi said it was made of kil'ayim and R. Eleazar b. Simeon of fine linen. R. Nahman b. Isaac said: We also have: Upon his flesh.⁷ Why the repetition of 'he shall put on'? To include the mitre and the girdle for the removal of the ashes, this is the opinion of R. Judah. R. Dosa said: It is to include the provision that the [four] garments of the high priest on the Day of Atonement may be used by the common priest [during the rest of the year]. Rabbi says: There are two valid objections to this: First, that the girdle of the high priest on the Day of Atonement is different from that of the common priest; secondly, shall the garments worn for the service of most solemn sanctity be worn for ministration of lesser holiness? Rather 'he shall put on' [was repeated] to include worn-out garments.⁸ R. Dosa adheres to his principle, for it has been taught: And shall leave them there,⁹ that teaches that they must be hidden.¹⁰ R. Dosa said: [It means that] he [the high priest] shall not use them on another Day of Atonement.¹¹ Our Rabbis have taught: If a disqualifying accident occurred to him, and another was appointed in his place then the former returns [afterwards] to his office, whilst the latter has upon himself all the obligations touching the high priesthood,¹² this is the opinion of R. Meir. R. Jose says: The first returns to his office, the second becomes unfit for the office of either high priest or common priest.¹³ R. Jose said: It happened to Joseph b. Elam¹⁴ of Sepphoris that after a disqualifying accident had happened to the high priest, he was appointed in the former's place, and the Sages said: The former returns to his office, the latter is unfit to be either common priest or high priest. He cannot be high priest for the sake of preventing ill-feeling,¹⁵ nor can he any more be a common priest, for 'we may promote in [a matter] of sanctity, but not degrade'.¹⁶ Rabbah b. Bar Hana said in the name of R. Johanan:

(1) His officiating, without other initiation, in itself is initiating.

(2) Sanh. 16b.

(3) V. Ex. XXXIX, 29, cf. supra p. 54, n. 6.

(4) Byssus.

(5) [When the high priest too has only four garments like a common priest, the difference between them being only as regards the girdle. Whereas the high priest's girdle was on that day of linen, that of the common priests was of kil'ayim, the same as during the whole year.]

- (6) The tunic, the breeches, mitre and girdle, the only difference being in the girdle.
- (7) Lev. VI, 3: And the priest shall put on his linen garment, and his breeches shall he put upon his flesh.
- (8) These may be used for the removal of the altar ashes. V. infra 23b.
- (9) Lev. XVI, 23: And Aaron shall come into the tent of meeting, and shall put off the linen garments, which he put on when he went into the holy place, and shall leave them there.
- (10) To prevent their being used again, or their being used for any less sacred purpose.
- (11) But they may be used by a common priest.
- (12) Rashi: He must not let his hair grow long nor rend the clothes, nor contract ritual impurity because of a near relative's death; nor marry a widow; but he must officiate in eight garments.
- (13) V. infra.
- (14) Tosef. Yoma I, 4. The reading there is corrupt, and to be corrected in accord with the reading in Tosef. s.v. **כה** and in J.Yoma 38a: It happened to Joseph ben Ulam of Sepphoris (not 'in Sepphoris', for it could have happened only in Jerusalem) who served for an hour (or: little while) as high priest and as he went out he said to the King: My lord and King: Whose were the bullock and the goat which were offered up to-day, did they come from me or from the high priest? The King understood (the trend) of his question and he replied: What is this, ben Ulam? Are you not satisfied with having served in the high priest's place for one hour before Him Who spoke and the world was created, so that you seek to obtain the high priest's office for yourself? In that moment ben Ulam understood that he was deposed from the high priesthood. V. Hor., Sonc., ed. p. 89 notes, and Meg. p. 59, n. 2.
- (15) Acc. to Tosef. *ibid.* the ill-feeling may also attack the King and the other priests.
- (16) V. infra 20b.

Talmud - Mas. Yoma 13a

The halachah is in accord with R. Jose, but R. Jose admits that if [the substitute high priest] transgressed that injunction and officiated, his service is valid. Rab Judah said in the name of Rab: The halachah is in accord with R. Jose, but R. Jose admits that if the first [high priest] dies, the second [the substitute] returns to his service. Is that not self-evident?¹ — You might have said: This would involve for him a rivalry in his lifetime,² hence he informs us³ [that this is not so].

R. JUDAH SAYS: ONE PROVIDES FOR HIM ALSO ANOTHER WIFE. But the Rabbis, too, are considering a possibility!⁴ — The Rabbis will tell you: Levitical impurity is frequent,⁵ death is infrequent.

THEY SAID TO HIM: IF SO THERE IS NO END TO THE MATTER. They gave a good answer to R. Judah! What then about R. Judah? — He will tell you: One may consider the possibility of one death, but one would not [go so far as to] consider the possibility of two [successive wives'] deaths. And the Rabbis? — [They hold that] if enactment [on the basis of consideration of the possibility] of death is justified, such [possibility] should be considered to include also two.⁶ But the Rabbis ought to apply that consideration to themselves!⁷ The Rabbis will answer you: The high priest is careful. If he be careful, why was another priest prepared [to take his place in case of accidental impurity]? — Since 'ye make the latter his rival, he will be all the more careful.

But is this arrangement⁸ sufficient? The Divine Law said: His house⁹ and that [substitute wife] is not 'his house'.¹⁰ -He betroths her [unto himself]. — But [still] as long as he does not marry her,¹¹ she is not 'his house'? — He marries her. — But then he has 'two houses' and the Divine Law said: And make atonement for himself and for his house,¹² but not for 'two houses'? — He divorces her again. If he divorces her, our question reverts to its place?¹³ — No, the provision applies to the case that he divorces her on condition; [namely], he says to her: Behold this thy letter of divorce¹⁴ [to be valid] in case thou diest.¹⁵ But perhaps she dies and he will have 'two houses'? — Rather, the case is that he says to her: Behold this thy letter of divorce [to be valid] if thou diest. If she does not die, then she is divorced;¹⁶ and if she does die, there is [still] the other one alive. But perhaps she will not die, so that her letter of divorce is valid and the other [the first] one die, and he will stay without a

‘house’? Say rather: He says to her: Behold this thy letter of divorce [to be valid] if one of you die, so that if the one dies there is [still] the other one alive, and if the other one dies there is [still] this one alive. But perhaps neither of them will die and he will have ‘two houses’? Furthermore on such a condition¹⁷ it, [the divorce,] is really not valid; has not Raba said: If he said: Behold this thy letter of divorce to be valid if thou drinkest no wine all the days of my life and thy life, it is not valid;¹⁸ but if he said: ‘All the days of the life of So-and-so’, then it is valid?¹⁹ — Rather say that he said to her: Behold this thy letter of divorce [to be valid] if thy fellow [wife] does not die. If her fellow does not die, she [the second wife] is divorced, and if she does die, then there is still the other [the second wife] alive [to be his house’]. — But perhaps her fellow wife will die in the middle of the service and it will become

(1) Since the only reason for his disqualification was the ill-will engendered in the heart of the original high priest.

(2) Lit., ‘from life’. When the substitute might be said to have awaited jealously the death of his predecessor.

(3) We do not go so far in endeavour to prevent ill-feeling.

(4) Since they agree to the provision of a substitute high priest.

(5) It may be due to pollution, to unexpected contact with the saliva of an ‘am ha-arez, (Rashi).

(6) The death of one within a day is a rather infrequent occurrence. The only reason for considering it would be a principle, according to which we must consider possibilities, even remote. On such basis the death of two successive wives may not be said to be outside the sphere of possibility, hence: ‘IF SO, THERE IS NO END.

(7) With even logic the Sages ought to admit that, since we are considering the possibility of accidental impurity disqualifying the incumbent high priest, it is perfectly within the sphere of possibility that the substitute, too, may suffer such accidental disqualification, hence, here too there is no end to it!

(8) Of preparing a substitute wife.

(9) Lev. XVI, 6.

(10) If the first wife dies, whilst the second is not yet married to him, he has no ‘house’ to obtain atonement for.

(11) Lit., ‘takes her (to his home)’.

(12) Ibid. The Mishnah interprets ‘his house’ as his wife, v. supra 2a.

(13) In its original force. V. supra.

(14) Get. v. Glos.

(15) On the Day of Atonement. If she die on that day, her letter of divorce is retroactively valid, there is one ‘house’ only: and if she does not die but her fellow die, then she remains as the ‘house’, her letter of divorce being invalid. Rashi makes this significant observation: These arguments are not valid, they are answers to hypothetical questions preparing the ground for the last, satisfactory answer.

(16) And the first woman is his only ‘house’,

(17) Where the condition attached refers to her life.

(18) The purpose of the divorce is complete divorcement, whereas by the term of this letter she would remain ‘connected’ with him all her life.

(19) Git. 83b.

Talmud - Mas. Yoma 13b

retrospectively revealed that the letter of divorce of the other one was not valid and he would then have been officiating¹ at the service with ‘two houses’? — Rather assume, then, that he says to her: Behold this thy letter of divorce [to be valid] if thy fellow dies. — But perhaps the fellow wife will die and the letter of divorce of the first wife will be valid and he will stand there without a ‘house’? — Rather [say that] we speak of the case that he divorced them both, to the one he said: Behold this thy letter of divorce [to be valid] in case thy fellow wife does not die; and to the other one he said: Behold this thy letter of divorce [to be valid] if thou dost not enter the synagogue.² But perhaps her fellow will not die and she will not enter the synagogue, and the letter of divorce of both will be valid and he will stand without a ‘house’? — Rather: To the one he says: Behold this thy letter of divorce [to be valid] in case thy fellow does not die; and to the other one: Behold this thy letter of divorce [to be valid] if I enter the Synagogue, so that if the one die, the second be available, and if

the second die the first be available. What will you say in the case that her fellow wife dies in the midst of the service and retrospectively he will have officiated at the service with two 'houses'? If he saw that she was about to die, he would at once enter the synagogue and would render the divorce retroactively valid. — R. Assi or, as some say, R. 'Awira, demurred to this: Consequently, if this be so, two widows of one brother should not be married by the brother-in-law?³ — Scripture repeats 'his sister-in-law' twice, to intimate [that even in the case of] two sisters-in-law the law of levirate marriage applies. But then a woman betrothed⁴ should not be married to her levir?⁵ — [By emphasizing] 'abroad'⁶ the betrothed woman is meant to be included.

Our Rabbis taught: The high priest may offer up a sacrifice as a mourner,⁷ but may not eat thereof. R. Judah said: Throughout the day.⁸ What does 'throughout the day' signify? — Said Raba: It means to indicate that he should be brought from his house.⁹ Abaye said to him: But now, according to R. Judah we even remove him¹⁰ [from the Sanctuary], for it has been taught: If he was standing and offering up a sacrifice on the altar, and he hears that one [of his close relatives]¹¹ died, he should leave the service and go out. This is the opinion of R. Judah; R. Jose says: He should complete his service.¹² How can you then say that we bring him from his house?¹³ — Rather, says Raba, 'throughout the day'

(1) I.e., the first part of the service.

(2) On the Day of Atonement.

(3) So shall it be done unto the man that doth not build up his brother's house. Deut. XXV, 9. Here also the word 'house' is used for 'wife' and since 'house' is taken to mean but one wife, no brother would be able to perform the levirate marriage where his dead brother had left two wives.

(4) 'Arusah', betrothed, engaged, but not 'brought home'. The betrothal carries with it almost all the legal consequences of marriage. V. Glos. s.v. Erusin.

(5) If 'house' is to be taken to refer to wife, why should a betrothed sister-in-law be subject to levirate marriage?

(6) If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not be married abroad unto one not of his kin. The word 'abroad' here is superfluous and is taken to indicate that even one who was 'still outside', not having been married properly, but only betrothed, is included in the law of the levirate marriage, v. Yeb. 13b.

(7) 'Onen' is a mourner before the burial of his kinsman, to be distinguished from 'abel', a mourner during the seven days after burial. With regard to the high priest, Lev. XXI, 11 reads: Neither shall he go into any dead body, nor defile himself for his father or for his mother; neither shall he go out of the sanctuary, nor profane the sanctuary of his God. Scripture thus permits his officiating but he is forbidden to eat of any sacred meat whilst in mourning. This is inferred ad majus from Deut. XXVI, 14 which, referring to tithe, is of lesser sanctity than the meat of sacrifices, as the Israelites say: I have not eaten thereof in my mourning.

(8) V. Hor. 12b.

(9) He should be deliberately brought to the Sanctuary from his house, so that his pre-occupation with the sacrifices may help to lessen his grief.

(10) This refers to the common priest.

(11) Father or mother or son or daughter or brother or unmarried sister. Rabbinical enactment includes the married sister.

(12) V. Hor. loc. cit.

(13) If in the case of the common priest R. Judah would have him removed if he became a mourner, would he in the case of the high priest consider it a good deed to bring him to the Sanctuary?

Talmud - Mas. Yoma 14a

means to say that he does not officiate all that day,¹ as a preventive measure lest he eat.² Said R. Adda b. Ahabah to Raba: But did R. Judah enact a preventive measure lest he eat? Have we not learnt, R. Judah said: WE ALSO PROVIDE ANOTHER WIFE FOR HIM, LEST HIS WIFE DIE? Now when his wife dies he may perform the service [on the same day] without R. Judah becoming apprehensive lest he eat?—He replied: Now is this so?³ There, because it is the Day of Atonement, on

which all the world does not eat, he, too, would not be likely to eat, but here [on any day] when all the world is eating, he would also be ready to eat — But under such conditions⁴ what mourning would be coming upon him because of her, since she is divorced from him? — Granted that no mourning would be obligatory, but he would surely be distracted.⁵ MISHNAH. THROUGHOUT THE SEVEN DAYS HE SPRINKLES THE BLOOD⁶ AND BURNS THE INCENSE⁷ AND TRIMS THE LAMPS⁸ AND OFFERS THE HEAD AND THE HIND LEG;⁹ ON ALL OTHER DAYS HE OFFERS ONLY IF HE SO DESIRES; FOR THE HIGH PRIEST IS FIRST IN OFFERING A PORTION¹⁰ AND HAS FIRST PLACE IN TAKING A PORTION.¹¹

GEMARA. Who is the authority [for our Mishnah]? — R. Hisda said: It is not in accord with R. Akiba, for if it were, R. Akiba Surely holds that if some of the sprinkling¹² fell upon a clean person, it rendered him unclean! How could he then officiate at the service?¹³ — For it has been taught: And the clean person shall sprinkle upon the unclean,¹⁴ i.e., [if sprinkled] ‘upon the unclean’, [he becomes] clean, [if sprinkled] upon the clean [he becomes] unclean, this is the opinion of R. Akiba. But the Sages hold that these matters [concerning sprinkling]¹⁵ apply only to such things as are susceptible to uncleanness. I What is it about? — As we have learnt: If he intended sprinkling an animal and [happened to] sprinkle a man, then, if there be sufficient water on the hyssop, he may repeat [the sprinkling].¹⁶ If he intended sprinkling a man and he [happened to] sprinkle an animal, then, if there be enough water on the hyssop, he may not repeat [the sprinkling].¹⁷ What is the reason for R. Akiba's view? — Let the Divine Law write ‘And the clean person shall sprinkle upon him’, what is the meaning of ‘upon the unclean,’? Infer from this that [if sprinkled] the unclean becomes clean, and [if sprinkled] the clean becomes unclean. And [what is the reason for the view of] the Rabbis? — These words emphasize that [sprinkling is right] only upon matter susceptible to uncleanness. But this¹⁸ case can be deduced a minori ad majus: If sprinkling upon an unclean makes clean, how much more shall sprinkling upon a clean [keep or make more] clean! And R. Akiba? — It is with reference to this that Solomon said: I said, I will get wisdom, but it is far from me.¹⁹ — And the Sages? [They explain] this [passage to refer] to [the fact that] he who sprinkles and he who is sprinkled are clean, whereas he who touches them [the waters of purification] is rendered unclean.²⁰ — But is he who sprinkles clean? Surely it is written, And he that sprinkleth the water of sprinkling shall wash his clothes?²¹ — ‘Sprinkleth’ here means ‘toucheth’. — But the text reads ‘sprinkleth’ and also mentions ‘toucheth’;²¹ furthermore, he who ‘sprinkleth’ must wash his clothes, whereas he who ‘toucheth’ need not wash his clothes? — Rather ‘sprinkleth’ here means ‘carrieth’ — Then let the Divine Law write ‘carrieth’, why is ‘sprinkleth’ written? — That [is meant] to let us know that there must be a quantity sufficient for the sprinkling.²² That will be right according to him who holds that a definite minimum is necessary in the sprinkling,²³ but according to him who holds there is no required minimum in the sprinkling,²³ what is there to be said? Even according to him who holds there is no required minimum [it will be right], for that refers only to the back of the man,²⁴ but in the vessels there must be a definite quantity, as we have learnt: How much water is necessary to be sufficient for the sprinkling? Enough for dipping

(1) Until the evening.

(2) During the day he is forbidden by the Torah to eat, in the evening after burial the prohibition is only Rabbinical (Rashi).

(3) This analogy is incorrect.

(4) Since he would rush to the synagogue during her coma so that she would be divorced from him as soon as he entered it (v. infra), hence how could he be considered a mourner for his divorced wife. It is interesting to observe that sudden death does not enter among the many possibilities considered in this discussion. It would invalidate the suggestion of his leaving for the synagogue as soon as his wife was near death.

(5) upset by reminiscent tenderness, unable, as Rashi says, to be in the prescribed happy mood for eating sacrificial meat. [V. Hul. 132b, so that but for the fact that the apprehension lest he may eat does not arise on the Day of Atonement, he would not have been allowed to perform under such conditions the Temple service lest he eat of the sacrifices, Tosaf. Yesh.]

- (6) Of the daily morning and evening sacrifices on the outer altar. Ex. XXIX, 38-42.
- (7) Mornings and evenings on the golden inner altar, *ibid.* XXX, 1-8.
- (8) Of the seven-branched candlestick, *ibid.* XXVII, 20-21; also XXX, 7-8. The trimming consisted of the following: Every evening the lamps were kindled by a priest, every morning cleaned, filled with oil, and provided with fresh wick. All this work during the seven days was performed by the high priest.
- (9) According to Tam. IV, 2-3, the sacrificial lamb, after being slaughtered, was divided into certain parts, which, as a rule, were brought on the altar by the priests chosen by the count. Head and hind leg always were offered up first.
- (10) The high priest had the prerogative to offer up at any time any portion of any sacrifice he desires, other priests could do so only during their particular week of service, *v. Glos. s.v. Mishmar.*
- (11) Of the flesh of the sacrifice which was distributed among the priests: he could choose any part he preferred.
- (12) Of the ashes of the red heifer mixed with running water. Num. XIX, 17.
- (13) During the seven days of his separation, since he was to be sprinkled each day.
- (14) Num. XIX, 19: And the clean person shall sprinkle upon the unclean, the words 'upon the unclean' seem superfluous, 'upon him' would have been clear enough. From this R. Akiba infers that only upon the unclean has the sprinkling a cleaning effect, with opposite effect on the clean.
- (15) The Sages also consider the words superfluous, but they find in them the intimation that sprinkling has its effect only upon things susceptible to uncleanness, hence, if sprinkled upon things unsusceptible to uncleanness it has been misused, and whatever is left of the water is invalid and may no more be used for sprinkling and cleansing.
- (16) (I.e., he can use the water left on the hyssop for a second sprinkling without necessarily dipping it again (Rash).]
- (17) V. Par. XIII, 3. [The hyssop must be dipped anew if the priest desires to perform with it another sprinkling. In having been sprinkled on the animal the water on the hyssop became disqualified as water of purification with which work has been done, and can no longer be used for ritual sprinkling. Thus the Sages infer from the superfluous words 'upon the unclean' that the water of purification may be used only for such things as are susceptible to uncleanness, and by being sprinkled on things not so susceptible it becomes invalid (Rashi). R. Hananel on the basis of another reading explains differently.]
- (18) The contention of the Sages that sprinkling could never have the effect of rendering unclean.
- (19) Eccl. VII, 23. This matter is beyond logic, it is a law which has puzzled others already.
- (20) Num. XIX, 21.
- (21) Num. XIX, 21.
- (22) For rendering the one who carries the water unclean; that is indicated by expressing 'carrying' in terms of 'sprinkling'.
- (23) V. Nid. 9a.
- (24) However small the quantity of the water that reaches him from the hyssop bundle, the cleansing is achieved.

Talmud - Mas. Yoma 14b

the buds therein and for the water to be sprinkled.¹ Abaye said: [The Mishnah] may be in accord even with R. Akiba: He [the high priest] officiates all day, [and] in the evening is he sprinkled, then he takes the immersion and awaits the sunset.²

AND BURNS THE INCENSE AND TRIMS THE LAMPS. Hence [you may infer that] the incense came first and the lamps afterwards. A contradiction is raised against this:³ He to whom it fell to clear the inner altar of ashes . . . he to whom it fell to clean the candlesticks . . . he to whom it fell to burn the incense?⁴ R. Huna said: Who is the Tanna of [the Tractate] Tamid?⁵ R. Simeon of Mizpah.⁶ But surely we have learnt exactly the opposite.⁷ For we have learnt:⁸ As he⁹ came to the north-eastern corner [of the altar], he sprinkled to the east and north;¹⁰ then he came to the south-western corner and sprinkled it to the west and south. And with reference to this [Mishnaic statement] it was taught: Rabbi Simeon of Mizpah has this change in Tamid.¹¹ As he came to the north-eastern corner he sprinkled it to the east and to the north; then he came to the south-western corner, and sprinkled it to the west and afterwards to the south.¹² — Rather, said R. Johanan: Who is the authority for the order [given] in [the Tractate] Yoma? R. Simeon of Mizpah. But here is a contradiction between the order [given] in [the Tractate] Yoma and the order [given] in another

passage therein: The second count decided who should slaughter, who should sprinkle [the blood], who should remove the ashes from the inner altar, who should remove the ashes from the candlestick, who should take up the limbs [of the burnt-offering] to the ramp [of the altar]. The third count: 'Fresh ones, come and be counted for the incense!'¹³ -Abaye said: This is no difficulty. The one case speaks of the trimming of the five lamps, the other of the trimming of the two lamps.¹⁴ Shall we say that the incense interrupted the trimming of the lamps? But Abaye was recounting the order [of the daily Temple service] in the name of a tradition¹⁵ and he has the trimming of the lamps interrupted by the blood of the regular daily offering?¹⁶ — I will tell you: This is no difficulty, the one refers to the [order of the daily Temple service] in accord with Abba Saul, the other in accord with the Sages, for it has been taught: He should not trim the lamps and after that burn the incense, but he should offer the incense first and then trim the lamps. Abba Saul says: He should first trim and then offer [the incense] — What is the reason for Abba Saul's view? — For it is written: Every morning, when he dresseth the lamps,¹⁷ and afterwards [it says], he shall burn it?¹⁸ — And the Sages?¹⁹ What the Divine Law intends here is

(1) Par. XIII, 5.

(2) Thus he would be clean at night and able to officiate again on the morrow. Next day exactly the same procedure will follow. V. infra 19a.

(3) The quotation is from two Mishnahs, Tam. III, 9 and ibid. V, 4.

(4) Here the trimming of lamps is mentioned as coming before the incense.

(5) [Ginzberg, *Journal of Jewish Lore and Philosophy* I, p. 200 takes this phrase to denote that the Tractate Tamid did not go through the hands of Rabbi as Redactor, but that it has come down to us in the original form with R. Simeon of Mizpah, a contemporary of R. Gamaliel II, as its compiler.]

(6) V. Pe'ah II. He was either of Mizpah or 'Governor of the Watch-tower of the Temple' (Jastrow).

(7) R. Simeon of Mizpah opposes the teaching reported in Tamid.

(8) Tam. IV, 1.

(9) The priest who sprinkled the blood.

(10) The sprinkling had to be made in such a manner that one constituted two, it was done in form of a Greek 'gamma', from the two corners. '.

(11) **משנה בתמיד** a difficult phrase. Rashi: 'To change the order in connection with the Tamid, the daily regular offerings'. R. Hananel: He differs with the view laid down in Tamid. Ginzberg, op. cit., p. 285 n. 1 takes it as corresponding to **תמני**, 'teaches', used in introducing 'variants': R. Simeon's version of Tamid is . . .]

(12) R. Simeon insists that two separate applications had to be made from the south-western corner, one to the west and another to the south, and thus opposes the order given in Tamid, v. infra 15a, hence he could not be an authority for the Tractate.

(13) From here it is seen that incense was offered after the lamps, which contradicts our Mishnah here.

(14) There were seven lamps, the trimming of which, according to this answer, was interrupted by the offering of the incense, so that five lamps were trimmed, then the incense offered, after which the last two lamps of the seven-branched candlestick were trimmed, v. infra 33a.

(15) **משמיה דגמרא**. This expression seems to mean that Abaye could not give the precise source of his authority but referred it to 'tradition' in general, v. Bacher HUCA, 1924, p. 31.]

(16) His account thus varies from the statement he makes here.

(17) Ex. XXX, 7.

(18) Ibid. in the same passage.

(19) How do they explain this verse?

Talmud - Mas. Yoma 15a

that at the time the lamps are being trimmed there shall — [still] be a burning of the incense. For, if you would not interpret thus, [how will you account for 'at dusk'], as it is written: And when Aaron lighteth the lamps at dusk, he shall burn it.¹ Would you say here too that he shall first light the lamps and afterwards offer up the incense due at dusk? And if you will say, 'Indeed, so it is,' but has it not

been taught:² From evening to morning,³ i.e., provide a sufficient quantity [of oil] that it may burn all night from evening to morning; or, according to another interpretation: 'From evening to morning', i.e., there is no service which is proper [to be performed] 'from evening to morning' except this.⁴ What then the Divine Law intends is that at the time of the lighting there shall [still] be a burning of the incense. Here also: at the time of the trimming there shall [still] be a burning of the incense. And Abba Saul?⁵ It is different there, because Scripture Says: otho [it].⁶ R. Papa said: This⁷ is no difficulty. The one account agrees with the Sages, the other with Abba Saul.⁸ How do you place the matter now: Our Mishnah in accord with the Sages, and [the Mishnah of] the count in accord with Abba Saul? Then consider the second part:⁹ They brought to him the daily sacrifice. He made the incision and another finished the slaughtering for him. He entered to burn the incense and to trim the lamps.¹⁰ That is in accord with the Sages. The beginning and the end [is then] in accord with the Sages and the middle in accord with Abba Saul?¹¹ — R. Papa will tell you: Yes, the beginning and end are in accord with the Sages and the middle with Abba Saul.¹² It is clear why Abaye does not agree with [the interpretation of] R. Papa: because he will not explain the first and last part [of the Mishnah] as being in accord with the Sages, whilst the middle with Abba Saul. But why does not R. Papa take Abaye's point of view? He will tell you: Would he [the Tanna] teach first¹³ of the trimming of two lamps and only afterwards¹⁴ of the trimming of five lamps? And Abaye? — He will tell you: First he teaches in a general fashion [of the obligation of the high priest to be occupied during the seven days],¹⁵ and afterwards he describes the order [of the service].¹⁶

The text [above states]: He came to the north-eastern corner, and sprinkled the east and the north; then [as he came to] the south-western corner, he sprinkled the west and south, and in connection with that it was taught that R. Simeon of Mizpah had this changed in Tamid. As he came to the north-eastern corner he sprinkled the east and north; then as he came to the south-western corner he sprinkled the west and afterwards the south.¹⁷ What is the reason of R. Simeon of Mizpah? — R. Johanan in the name of one of the school of R. Jannai said: Scripture said, And one he-goat for a sin-offering unto the Lord: it shall be offered beside the continual burnt-offering, and the drink-offering thereof.¹⁸ It¹⁹ is a burnt-offering and the Divine Law²⁰ says, Deal with it as with a sin-offering — How is that to be done? He sprinkles one in such a manner as to constitute two [sprinklings], as is prescribed for a burnt-offering and he sprinkles two separate ones as is prescribed for the sin-offering. But let him make two sprinklings in such a manner as to constitute four, as is prescribed for a burnt-offering, and four full sprinklings as is prescribed for a sin-offering? — We do not find anywhere that blood brings atonement and then brings atonement again. But we do find blood, half of which is sprinkled after the manner of a sin-offering, and the other half after the manner of a burnt-offering? What you must of needs [say is] that Scripture has brought them under the same category! Here too one might say 'of needs Scripture has brought them under one category'? — Here it is a case of merely 'splitting' the sprinkling.²¹ But let him sprinkle one so as to constitute two below, as is prescribed for a burnt-offering and two separate sprinklings above as is prescribed for sin-offerings?²² — We do not find that any blood is sprinkled, half above, and half below. Not indeed? Have we not learnt: He sprinkled thereof once upwards, and seven times downwards? That was done *ke-mazlif* [like the movement of swinging a whip]. What does '*ke-mazlif*' mean? Rab Judah showed it by [imitating the movements of] a lasher.²³ But [do we] not [find any blood sprinkled half above and half below]? surely we have learnt: He sprinkled thereof upon the tohar of the altar seven times.²⁴ Don't you think it means upon the middle [of the front] of the altar, as people say 'the noon-light' shines, meaning by '*tihara*' the middle of the day? — Rabbah b. Shila said: No, it refers

(1) Ibid. 8.

(2) Pes. 59a.

(3) Ex. XXVII, 21.

(4) The lighting of the lamps. There is no other service that is proper from the time they have been lit in the evening till the following morning (Rashi).

(5) How does he meet this argument?

(6) Ex. XXVII, 21. Only this ('it') may be done from evening to morning and no other work, so that you are compelled to give this interpretation to the text, but with regard to the verse dealing with the trimming, no such necessity arises.

(7) He refers to the question from the apparent contradiction of the two Mishnahs in Yoma — our Mishnah and the one infra 25a.

(8) Where incense is mentioned as coming first, the teaching is in accord with the Sages, the other passage where the lamps are first in order is in agreement with Abba Saul.

(9) Of the Mishnah of the count, infra.

(10) V. infra 31b. [This must refer to the two lamps as there is general agreement that the trimming of the five lamps must precede the incense.]

(11) That is unlikely.

(12) This is not impossible.

(13) In our Mishnah.

(14) [In the Mishnah infra 25a. Surely the trimming of the five lamps was before that of the two!]

(15) Without being concerned as to the order.

(16) [And thus infra 25a speaks of the trimming of the five lamps and infra 31b of the trimming of the two.]

(17) V. supra p. 65 notes.

(18) Num. XXVIII, 15.

(19) [The continual burnt-offering.]

(20) [By placing it in juxtaposition to a sin-offering, v. infra.]

(21) Without any evidence that this is made after the manner of a sin-offering, since both are made in one corner.

(22) The blood of the burnt-offering was sprinkled below the red line, round the middle of the altar, that of the sin-offering above the red line. V. Mid. III, 1.

(23) Above and below is not said here with regard to some line in the middle of the thickness, but it means that of the mercy seat was upwards, the seven all downwards, as one who swings a whip will make similar movements, v. Tosaf. s.v. כמציף.

(24) [The Aramaic tohar is taken to mean 'shining' like the Hebrew zohar, infra].

Talmud - Mas. Yoma 15b

to the top of the altar itself,¹ for it is written: And the like of the very heaven for clearness.² Why does he just sprinkle first as due with the burnt-offering, and afterwards as due with the sin-offering? Let him first sprinkle as due in case of a sin-offering and after that as due with a burnt-offering! — Because it³ is a burnt-offering, it comes first.⁴ And why does he just sprinkle north-east and south-west. Let him sprinkle south-east and then north-west? — I will tell you: The burnt-offering requires the [projecting] base⁵ [of the altar], and the south-eastern corner has no [projecting] base. — Why does he sprinkle first north-east and then south-west, let him sprinkle south-west and then northeast? — Since a master said:⁶ All the turns you make in the Temple must be to the right, the east, he comes first to that [north-east].⁷ Whence do you know that it is with the burnt-offering that the Divine Law states that it should be offered up in the manner due to a sin-offering? May it not be that it is with regard to the sin-offering⁸ that the Torah says: Offer it up after the manner of the burnt-offerings? — Let not that thought arise in you. For it is written: Beside the continual burnt-offering and the drink-offering thereof.⁹ What does the Divine Law mean by this? Apply the measures [forms] of the sin-offering to the burnt-offering.

We have learnt there: The memuneh¹⁰ said to them: Go and bring a lamb from the Cell of the Lambs.¹¹ Now the Cell of the Lambs was in the north-western corner. Four cells were there: one was the Cell of the Lambs; one the Cell of the Seals;¹² one the Cell of the Fireplace,¹³ and one cell, in which the shewbread was made.¹⁴

They raised an objection: There were four rooms in the Cell of the Fireplace, like small rooms opening into a reception room; two on holy ground, two outside of holy ground; and the ends of the

flagstones [in the pavement] indicated the mark between the sacred and the secular grounds. What was their use? The south-western was the Cell of the Lambs for offerings;

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- (1) The word tohar may mean 'pure', 'clear', and thus here the ashes on the top of the altar were shoved aside and the clear place in the middle sprinkled.
- (2) Ex. XXIV, 10.
- (3) The continual daily offering.
- (4) Mid. III, 1.
- (5) Zeb. 51a, based on Lev. IV, 18: the blood must be sprinkled to a place on the altar below which there is a projecting base.
- (6) V. infra 45a.
- (7) In the case of a sin-offering (the blood of which is applied to the corner of the altar), as he goes up to the ramp of the altar and turns right, he comes to the south-eastern corner first, but he may not sprinkle the blood there, because that corner has no projecting base. He therefore goes on to the north-eastern corner, where he sprinkles. The same order is also followed with a burnt-offering, although there is no ascent of the ramp since the blood thereof was sprinkled below the line round the middle of the altar. He approaches the front of the altar from the south, then turns to the right. [The words 'the east' do not apply here, as the first sprinkling is made, as stated, in the north-east. They are mentioned as a current phraseology arising from the context in which the phrase 'all the turns you make etc.' is first used. V. infra 58b.]
- (8) [The he-goat of the New Moon.]
- (9) Translate ad hoc: 'upon the burnt-offering', instead of 'beside the burnt-offering', cf. supra p. 68.
- (10) Temple Superintendent, v. infra p. 97' n. 4.
- (11) In which lambs were kept, which had been passed as fit for sacrifices, in accord with Lev. I, 11.
- (12) Shek. V, 3, 5. There were four seals in the Temple and on them was inscribed 'Calf', 'Ram', 'Kid', 'Sinner'; 'Calf' signifying drink-offerings for (sacrifices from) the herd... 'Kid' signifying drink-offerings for (sacrifices from) the flocks . . . 'Ram' signifying drink-offerings for rams, 'Sinner' signifying drink-offerings for the three beasts offered up by the lepers. Anyone who wished to obtain drink-offerings would go to Johanan who was in charge of the seals, give him money and receive from him a seal, go from him to Ahiyah who was in charge of the drink-offerings, give him the seal and receive from him the drink-offering. V. Num. XV, 1-12.
- (13) In which the fire was perpetually maintained, v. Tam. I, 1.
- (14) Tam. 30a.

Talmud - Mas. Yoma 16a

the south-eastern was the cell wherein they made shewbread; in the north-eastern the Hasmoneans hid the stones of the altar, which the Greek kings had defiled;¹ through the north-western they went down to the chamber of immersion!² — R. Huna said: Who is the authority for [the anonymous Mishnahs in] Middoth? R. Eliezer b. Jacob, for we have learnt: The court of the women was one hundred and thirty-five cubits long and one hundred and thirty-five cubits wide. At its four corners there were four cells. What was their use? The south-eastern was the Cell of the Nazirites, where the Nazirites cooked their peace-offerings, and cut off their hair and cast it under the pot;³ the north-eastern was the Cell of the Wood-shed, wherein priests afflicted with a blemish were standing to examine the wood for worms-for any wood wherein a worm was found is unfit for the altar; the north-western was the Cell of the Lepers; as to the south-western, R. Eliezer b. Jacob said: I forget what its use was, whilst Abba Saul said: There they put wine and oil and it used to be called the Cell of the House of Oils.⁴ It may also be proved by reasoning that the authority for [the anonymous Mishnahs in] Middoth is R. Eliezer b. Jacob, for we have learnt: All the walls that were there [in the Temple] were high with the exception of the eastern wall, because the priest who burns the heifer stands on the Mount of Olives and looks towards the entrance of the Temple at the time the blood [of the heifer] is sprinkled.⁵

And we have learnt: All the entrances that were there; were twenty cubits high and ten cubits wide.⁶ And we have learnt: Inside this⁷ was the Soreg [a railing of lattice work].⁸ And we have

learnt: Inside this was the Hel [rampart],⁹ ten cubits broad. There were twelve steps there,¹⁰ the height of each step was half a cubit and the depth of each step was half a cubit. [Furthermore]: Fifteen steps which led from the Court of the Israelites to the Court of the Women, the height and depth of each step being half a cubit.¹¹ [Furthermore we learnt]: Between the Hall¹² and the altar there were twenty-two cubits, there were twelve steps, the height and depth of each half a cubit;¹³ and we have learnt: R. Eliezer b. Jacob said: There¹⁴ was a step one cubit high and the platform¹⁵ was set thereon and on it were three steps half a cubit high each.¹⁶ Now, if you can say that the authority for the anonymous¹⁷ [Mishnahs in Tamid] is R. Eliezer b. Jacob then it will be quite right, because according to him the door is concealed;¹⁸ but if you should say that it is in accord with [the other] Rabbis, there would be left half a cubit through which the door would be visible!¹⁹ — R. Adda b. Ahaba said: It is R. Judah, for it has been taught:²⁰ R. Judah said: The altar was placed exactly in the centre of the Temple Court, measuring thirty-two cubits;

(1) The Hellenized Syrians under Antiochus Epiphanes, I Macc. IV, 44f.

(2) Mid. I, 6. An obvious contradiction of the first account above.

(3) Num. VI, 18: And the Nazirite shall shave his consecrated head at the door of the tent of meeting, and shall take the hair of his consecrated head, and put it on the fire which is under the sacrifice of peace-offerings.

(4) Mid. II, 5. R. Eliezer b. Jacob's statement, 'I forget what its use was indicates that he was the authority of the anonymous Mishnah.

(5) V. Mid. II, 4. (5) The following statement should make what follows clear. All the entrances of the buildings on the Temple mount were twenty cubits high. Inside the Hel were twelve steps, each half a cubit high. From the Court of the Women to the Court of Israel led fifteen steps, and twelve from the Hall to the Temple. Together thirty-nine steps, each half a cubit high, making nineteen and one half cubits in toto. According to this Tanna one need not assume that the eastern wall was lower, for since the height of the entrance is twenty cubits, there would still remain one half cubit of the door, which the steps (being only nineteen and one half cubits high) could not hide, so that the priest burning the heifer could look directly from the top of the Mount of Olives into the entrance to the Temple through the various entrances which were all exactly one against the other. But since we learnt that the eastern wall was lower, the Mishnah must be in accord with Eliezer b. Jacob, according to whom two and one half cubits were added to the height of the steps, for we have learnt in his name: There was a step, one cubit high, on which stood the platform with three steps of half a cubit height each. If we add that to the nineteen and a half cubits of the combined heights of the steps, we get twenty-two cubits (v. Tosaf. Jesh.) and that height would hide from view the entrance which was only twenty cubits high. The high priest burning the heifer looked westwards from the Mount of Olives, i.e. towards the eastern wall of the Temple, that is why, according to R. Eliezer b. Jacob, the eastern wall had to be lower, and that is the conclusive evidence that the anonymous Mishnah of Tamid is in accord with R. Eliezer.

(6) Mid. II, 3.

(7) Inside the entrance of the Temple Mount around the inner parts containing the Court of the Women and the Court of the Temple.

(8) [Or 'a stone wall', Mid. II, 3. The Soreg was the barrier beyond which heathens were not permitted to approach the Temple area, cf. Josephus, Wars, v. 5, 2.]

(9) [A raised platform going around the inner precincts.]

(10) In those ten cubits of the Hel leading up to the Court of the Women.

(11) Ibid.

(12) Ulam, leading to the interior of the Temple.

(13) Mid. III, 6.

(14) Between the Court of the Israelites and the Court of the Priests.

(15) It is the platform of the Levites, on which they stood, when singing or teaching, and from which the priests pronounced the benediction, V. Mid. II, 6.

(16) Mid. II, 2.

(17) Whenever no teacher is mentioned in the Mishnah of Middoth it is R. Eliezer b. Jacob, or whenever a Tanna is mentioned as opposing the anonymous Mishnah, he opposes R. Eliezer b. Jacob.

(18) By the height of the steps.

(19) To the priest looking across from the Mount of Olives; what necessity then was there for the eastern wall to be

lower?

(20) The Tanna who said that the eastern Temple wall was lower.

Talmud - Mas. Yoma 16b

ten cubits opposite the door of the Temple, eleven cubits toward the north, and eleven cubits toward the south. With the result that the altar was exactly opposite the Temple and its walls.¹ But, if you should consider that the authority for Middoth is in accord with R. Judah, how could the altar possibly have stood in the centre of the Temple? Surely we have learnt: The Temple Court in all had a length of a hundred and eighty-seven cubits and a width of a hundred and thirty-five cubits. From east to west it extended over a hundred and eighty-seven cubits; the space which [lay] Israelites trod was eleven cubits; eleven cubits was the space which the priests trod; the altar occupied thirty-two; between Hall and altar were twenty-two cubits; the Sanctuary a hundred cubits and eleven cubits behind the place of the mercy seat.² From north to south was a hundred and thirty-five cubits; the ramp and the altar occupying sixty-two cubits, from the altar to the rings³ eight cubits; the place of the rings twenty-four; from the rings to the tables four; from the tables to the columns four;⁴ from the columns to the walls of the Temple Court eight cubits and the remainder lay between the ramp and the wall and the place of the columns.⁵ Now if you were to consider that the authority for Middoth is R. Judah, how is it possible that the altar be in the centre of the Temple, since the bigger part of the altar lies towards the south?⁶

(1) The inside of the Temple was twenty cubits, the walls were six cubits in depth, and the height of the altar was nine cubits to which must be added the thirteen and a half cubits rise in the level of the Court of the Israelites where the altar stood making a total of twenty-two and a half cubits; thus the altar would hide the Temple door, hence the lower eastern wall. V. Zeb. 58b.

(2) [An empty space beyond the Holy of Holies, the purpose of which is not stated anywhere.]

(3) They were set in the ground in the slaughter-house, north of the altar, and the necks of the animals were placed in them. The most holy sacrifices were slain on the north side of the altar, Zeb. 47a.

(4) Low columns placed in the ground, to which iron hooks were attached, on which the animals were hung for flaying.

(5) Mid. V, 1, 2.

(6) [The figures given here as from south to north make a total of a hundred and ten cubits. To this must be added the space of four cubits occupied by the table, which is not mentioned here, then leaving a remainder of twenty-one cubits which lay equally between the ramp and the wall and the place of columns. This allows for ten and a half cubits for the space between the ramp (which was on the south of the altar) and the southern wall of the court. Deducting this from sixty-seven and a half cubits which was half the breadth of the court from south to north, we are left with fifty-seven cubits within which lay the ramp, thirty cubits in length, and twenty-seven out of the thirty-cubits of the altar proper, with the result that the larger part of the altar lay in the southern half of the court. V. Rashi.]

Talmud - Mas. Yoma 17a

Must one not rather infer that the authority [for Middoth] is R. Eliezer b. Jacob?¹ That is the right inference.

R. Adda,² the son of R. Isaac said: That cell³ was removed [from both] corners;⁴ to him that came from the north it appeared to be in the south and to him who came from the south it appeared to be in the north — It is to be proved by inference that it lay more in the south-west. Whence [can this be proved]? From a contradiction from [one statement about the] Cell of the Shewbread to [another statement about the] Cell of the Shewbread and the answer given by R. Huna, the son of R. Joshua: 'One teacher considers it as lying to the right, and the other as lying to the left'.⁵

(1) [And the entrance of the Sanctuary was covered from the sight of the priest, who burnt the heifer on the Mount of Olives, by the extra step and not by the altar, for according to him the whole altar lay in the southern half of the court. V. infra 37b.]

(2) R. Adda wishes to reconcile the two contradictory Mishnahs in regard to the position of the Cell of the Lambs.

(3) The Cell of the Lambs.

(4) [Situated on the west side it extended from north to south, though removed from both extremities.]

(5) The Tanna in Tamid (supra 15b) mentions the Cell of the Lambs in the north-west, and assuming that he is counting towards the right, the Cell of the Seals would be in the south-west, the Cell of the Fireplace in the south-east, and the Cell of the Shewbread in the north-east. Against that the objection was raised, viz., the Mishnah in Middoth places the Cell of the Shewbread in the south-east. Whereupon R. Huna said: The Tanna of Middoth counts from the right, whereas the Tanna of Tamid counts from the left. Now, if we say that the Tanna of Tamid, who says that the Cell of the Lambs lay in the north-western corner, admits that it lay more to the south-west, but that it appeared (as the Gemara above has it) to the north-west, and he started in reality counting from the south-west, that will explain the contradictory statements in Tamid and Middoth; but if you say that his statement, the Cell of Lambs lay in the north-western corner, is to be taken literally, there is no sense in the answer, for even if one counted towards the left, that cell would be lying in the south-western corner.

Talmud - Mas. Yoma 17b

Now, if you say that it lay in the south-western corner, it will be right that he answers the objection raised from [one statement about] shewbread to [another statement about] shewbread; but if you say it lay in the north-western corner, what sense is there in the answer about the shewbread? Must one not hence infer that it lay in the south-western corner? That is the right inference. But the Master has said: All the turns you make must be to the right, i.e., towards the east?¹ — That [rule] applies to the Temple service, but here it is merely on account of measurement.

FOR THE HIGH PRIEST IS FIRST IN OFFERING A PORTION AND FIRST IN TAKING A PORTION [OF THE SACRIFICES]. Our Rabbis taught: How is he first in offering a portion? He can say: This burnt-offering I shall offer up, this meal-offering I shall offer up. How has he first right in taking a portion? He can say: This sin-offering I am eating, this guilt-offering I am eating. He can take one of the two loaves,² four or five of the shewbread loaves. Rabbi says: Always five, for it is written: And it shall be for Aaron and his sons³ i.e., half for Aaron and half for his sons. This [statement in] itself is difficult. You have said: 'He takes one of the two loaves'. That is in accord with Rabbi, who says: He can take one half. Now say the middle portion: 'Four or five of the shewbread loaves', that is in accord with the Sages who say that he does not take one half. Now say the last portion: Rabbi says: 'Always [he takes] five'. Does, then, the first and last part agree with Rabbi and the middle with the Sages?—Abaye said: The first and the second parts agree with the Sages, and the Sages admit that it is not a proper thing to give the high priest a piece of bread.⁴

(1) V. supra p. 69.

(2) Of Pentecost, v. Lev. XXIII, 17.

(3) Lev. XXIV, 9.

(4) Hence he may take one of the two loaves of Pentecost.

Talmud - Mas. Yoma 18a

How is 'four or five' to be taken? — According to the Sages who say:¹ The incoming Mishmar² took six and the outgoing group took six, and there is no fee for the locking of the Temple gates,³ the division is in respect of the twelve loaves. Deduct one from a half, that makes five. Whereas according to R. Judah who says: The incoming Mishmar takes seven, of which two are the fee for locking the Temple gates, and the outgoing division takes five; the division is in respect of ten⁴ loaves, take one off the half, thus he takes four. Raba said: The whole teaching is in accord with Rabbi, but he is of the opinion of R. Judah.⁵ How then does 'four' come in? He should take five? That is no difficulty: In the one case there is a Mishmar which⁶ delayed in the Sanctuary, in the other there is no such Mishmar. If there be a Mishmar which delayed,⁷ so that he would take four of them, the division is in respect of eight loaves; if there is no Mishmar which had delayed, one ought to divide ten, so that the division is in respect of ten loaves, he would take five loaves. If so, then, can Rabbi say: Always five? — That is, indeed, a difficulty. MISHNAH. THEY DELIVERED TO HIM ELDERS FROM THE ELDERS OF THE COURT AND THEY READ BEFORE HIM [THROUGHOUT THE SEVEN DAYS] OUT OF THE ORDER OF THE DAY.⁸ THEY SAID TO HIM, SIR HIGH PRIEST, READ YOU YOURSELF WITH YOUR OWN MOUTH, PERCHANCE YOU HAVE FORGOTTEN OR PERCHANCE YOU HAVE NEVER LEARNT. ON THE EVE OF THE DAY OF ATONEMENT IN THE MORNING THEY PLACE HIM AT THE EASTERN GATE AND PASS BEFORE HIM OXEN, RAMS AND SHEEP, THAT HE MAY LEARN TO KNOW AND BECOME FAMILIAR WITH THE SERVICE. THROUGHOUT THE SEVEN DAYS THEY DID NOT WITHHOLD FOOD OR DRINK FROM HIM. BUT ON THE EVE OF THE DAY OF ATONEMENT NEAR NIGHTFALL THEY WOULD NOT LET HIM EAT MUCH BECAUSE FOOD BRINGS ABOUT SLEEP.

GEMARA. It is quite right that [they assume] perchance he has forgotten, but that he never learnt, do we ever appoint men of that type? Surely it has been taught: And the priest that is highest among his brethren,⁹ that means he should be highest among his brethren in strength, in beauty, in wisdom, and in riches. Others¹⁰ say: Whence do we know that if he does not possess [any wealth], his brethren, the priests, endow him?¹¹ To teach us that it says: 'And the priest who is great by reason of his brethren',¹² i.e., make him great from what his brethren have?¹³ -R. Joseph said: That is no difficulty. One refers to the first Temple, the other to the second, for R. Assi said: A tarkabful¹⁴ of denars did Martha,¹⁵ the daughter of Boethus give to King Jannai¹⁶ to nominate¹⁷ Joshua ben Gamala as one of the high priests.¹⁸

ON THE EVE OF THE DAY OF ATONEMENT IN THE MORNING: A Tanna taught: Also the he-goats. Why has our Tanna not taught he-goats? — Since they are meant for sin[-offerings], he might feel discouraged. If it be so: does not a bullock,¹⁹ too, come for a sin[-offering]? — Since that comes for himself and his brethren the priests, [there is this advantage] that if there be one among his brethren the priests with whom there is something the matter, he would know it and bring him back to repentance, but would he know that with all Israel? Rabina said: This is what the popular proverb means: If your sister's son has been appointed a constable, look out that you pass not before him in the street.²⁰

THROUGHOUT THE SEVEN DAYS THEY DID NOT WITHHOLD etc. It has been taught: R. Judah b. Nakussa said: One fed him [cakes] of fine flour and eggs in order to produce [speedy] elimination. They answered him: Thus you will induce the more excitement.²¹

It has been taught: Symmachus said in the name of R. Meir: One does not feed him either A'B'Y,²² and some say, neither A'B'B'Y,²² and some say neither white wine. Neither A'B'Y, i.e., neither Ethrog [citron], nor Bezim [eggs], nor Yayin yashan [old wine]. And, according to others, no A'B'B'Y, i.e., neither Ethrog, nor Bezim, nor Bassar shamen [fat meat], nor Yayin yashan, some say neither white wine because white wine induces levitical impurity in man.²³ — Our Rabbis taught: To one afflicted with gonorrhoea one assigns food or too many kinds of food as the cause²⁴ of an attack of gonorrhoea. Eleazar b. Phinehas says in the name of R. Judah b. Bathyra: One does not feed him²⁵ either H'G'B'Y or G'B'M, or any other thing that induces impurity. Neither H'G'B'Y, i.e., neither Halab [milk], nor Gebinah [cheese], nor Bezah, nor Yayin: nor G'B'M, i.e., neither megrisen shel pul [soup of pounded beans], nor Basar shamen,, nor Muries²⁶. 'Nor any other matters [foods] that induce impurity' — What is that meant to include? — It is meant to include what our Rabbis taught: Five things induce impurity in man, they are as follows: garlic,

(1) Suk. 56a.

(2) A division of priests, v. Glos. s.v. These divisions changed every Sabbath.

(3) [On Saturday evening, though the gates had been opened on that day by the outgoing division.]

(4) Not the half, as Rabbi would have it.

(5) That the two loaves are never divided.

(6) On festivals all priests irrespective of division came up for service in the Temple and shared in the shewbread. If the festival starts on a Sunday, the guest priests would have to arrive in Jerusalem on the Friday before, since travel on the Sabbath is forbidden. Similarly, if the festival closes on Friday, the priests would have to stay over the Sabbath in Jerusalem. Hence, in either case, they share equally in the shewbread with the priests of the division in service in that particular week. If however, the festival started on a Monday, so that the guest priests might have arrived on Sunday, but instead came on Friday already; or, if the festival closed on Thursday, so that the priests might have returned on Friday, but stayed in Jerusalem until Sunday, such 'delaying' divisions (or guest divisions) were allotted only two loaves whilst the remaining ten loaves were divided between the incoming and outgoing weekly divisions.

(7) And which obtained two loaves, Only eight remain for division — two having paid for the locking of the doors-and the high priest would receive but four.

(8) As prescribed in Lev. XVI.

(9) Lev. XXI, 10.

(10) Either: anonymous authorities, differing with the first Tanna of the Mishnah; or R. Meir, v. Hor. 13b.

(11) Raise him to independence by a collection taken up by all the priests.

(12) This is an ad hoc translation: (a) who is highest among his brethren (b) who is high because (of what) his brethren (do for him).

(13) V. Hul. 134b.

(14) [(a) **קב תרי קב** = **ברקב** two kabs; (b) ** = 2 1/2 kabs.]

(15) [His wife, v. Yeb. 61a.]

(16) [Jannai is often employed in the Talmud as a general patronymic for Hasmonean and Herodian rulers. Here it stands for Agrippa II, v. Josephus Ant. XX, 9, 4, and Derenbourg, Essai, 248ff.]

(17) The text has **על** 'because (he had nominated him)'. D.S. reads, correctly, **עד** 'so that'.

(18) To be, 'the elected by the electors'.

(19) Lev. XVI, 6, 11.

(20) Because he knows all your affairs and he may blackmail you.

(21) With the danger of pollution, which would unfit him for the service on the Day of Atonement, on the morrow.

(22) Mnemonic signs, explained below.

(23) Causing sex excitement and thus possible pollution.

(24) That benefit of the doubt will have this advantage for him: If it were due to his usual illness, he would have to count seven days from the day it happened before he would be pure again, but now he can continue his original count.

(25) During the time when he examines himself to make sure there has been no recurrent attack of gonorrhoea.

(26) A brine or pickle containing fish-hash and sometimes wine (Jast.).

Talmud - Mas. Yoma 18b

pepperwort, purslane, eggs, and garden-rocket.

And one went out into the field to gather oroth [herbs]¹ — A Tanna taught in the name of R. Meir: That refers to garden-rocket. R. Johanan said: Why are they called 'oroth'? because they enlighten the eyes.² R. Huna said: If one finds a garden-rocket he should eat it, if he can, and if not he should pass it over his eyes. R. Papa said: That refers to rocket growing on the balk. R. Giddal said in the name of Rab: A guest should not eat eggs nor sleep in the garment of his host.³ Whenever Rab came to Darshis,⁴ he would announce: Who would be mine for a day?⁵ Whenever R. Nahman would come to Shekunzib⁶ he would have it announced: Who will be mine for a day? But has it not been taught:⁷ No man should marry a woman in one country and then go and marry a woman in another country lest they [their children]⁸ might marry one another with the result that a brother would marry his sister or a father his daughter, and one fill all the world with bastardy to which the scriptural passage refers: And the land become full of lewdness?⁹ — I will tell you: [The affairs of] the Rabbis are well-known.¹⁰ But did not Raba say: If one has proposed marriage to a woman and she has consented then she must await seven clean¹¹ days? — The Rabbis informed them before by sending their messenger earlier. Or, if you like, say: They only arranged for private meetings with them, because 'You cannot compare one who has bread in his basket with one who has no bread in his basket'.¹²

MISHNAH. THE ELDERS OF THE COURT HANDED HIM OVER TO THE ELDERS OF THE PRIESTHOOD AND THEY TOOK HIM UP TO THE UPPER CHAMBER TO THE HOUSE OF ABTINAS.¹³ THEY ADJURED HIM, TOOK THEIR LEAVE, AS THEY SAID TO HIM: SIR HIGH PRIEST, WE ARE MESSENGERS OF THE BETH DIN AND YOU ARE OUR MESSENGER AND THE MESSENGER OF THE COURT. WE ADJURE YOU BY HIM THAT MADE HIS NAME TO DWELL IN THIS HOUSE THAT YOU DO NOT CHANGE ANYTHING OF WHAT WE SAID TO YOU.¹⁴ HE TURNED ASIDE AND WEPT AND THEY TURNED ASIDE AND WEPT.¹⁵ IF HE WAS A SAGE HE WOULD EXPOUND, AND IF NOT, THE DISCIPLES OF THE SAGES WOULD EXPOUND BEFORE HIM. IF HE WAS FAMILIAR WITH READING [THE SCRIPTURES] HE WOULD READ. IF NOT THEY WOULD READ BEFORE HIM. FROM WHAT WOULD THEY READ BEFORE HIM? FROM JOB, EZRA AND CHRONICLES.¹⁶ ZECHARIAH BEN KUBETAL SAID: OFTEN HAVE I READ BEFORE HIM FROM DANIEL.

(1) II Kings, IV, 39.

(2) This is a play on 'oroth', as if it were derived from the root 'or', light, thus 'enlightening'.

(3) Eggs might induce pollution. He might suffer pollution in the host's garment, which would be a doubly unpleasant occurrence.

(4) Be-Ardashir near Mahuza.

(5) Who would marry me for one day. 'This strange statement, completely contradicted by the saintly character of both Rab (v. 'Er. 100a, Hag. 5a, Keth. 48b, Sanh. 76a) and R. Nahman, has been explained through an account in Babli 76b. King Shapur entertained two guests, Bati b. Toba and Mar Judah. In accordance with Persian custom, he "honoured" them by sending to each a concubine. This gift was rejected by Mar Judah, but accepted by Bar Toba. Rab and R. Nahman, as leaders of their people would find themselves similarly embarrassed by such attention, on the occasion of their official visits to Persian cities. Some princes are known to have taken the refusal of their "gift" as a serious affront. In order to avoid complications, these Rabbis hit upon the device of declaring themselves married, i.e., provided with a wife in the city they visited, going to the length of marrying "for a day" the local wife, thus helping them to escape the royal "gift".' For another explanation v. Yeb., Sonc. ed., p. 235 n. 7.

(6) On the eastern bank of the Tigris.

(7) Yeb. 37b

(8) 'They' may mean either the children of that man, son and daughter, may meet as strangers; or he might meet his own daughter. The assumption being that he divorces his wife and so loses interest in her child.

(9) Lev. XIX, 29.

(10) Their children, their wives. They would boast of their descent, or of having once been married to a Sage.

(11) The assumption being that because of the excitement involved she has become a menstruant.

(12) The craving of him who lacks the opportunity of gratifying it is much more intense than that of him who has the opportunity.

(13) There the family of Abtinah prepared the incense, there the high priest was taught the skillful manipulation that would enable him to take up the incense without spilling one grain.

(14) That he would not act in the manner of the Sadducees. V. Gemara.

(15) The elders, because they had to utter such suspicion, he, because they had done so.

(16) These books, less known, might arouse his interest and keep him awake. Sleep was to be prevented, because of the risk of pollution.

Talmud - Mas. Yoma 19a

GEMARA. A Tanna taught: To teach him¹ the manipulation of hafinah.² R. Papa said: The high priest had two cells. One, the Cell of the Counsellors,³ the other, the Cell of the House of Abtinah;⁴ one to the north, the other to the south. 'One to the north', as we have learnt: Six cells were in the Temple Court, three to the north, three to the south.⁵ Those to the north were the Cell of the Salt, the Cell of Parwah,⁶ the Rinsing Cell. Into the Cell of the Salt the salt for the sacrifice was put; 'The Cell of Parwah', there the hides of the animal-offerings were salted and on its roof was the place of immersion for the high priest on the Day of Atonement; 'The Rinsing Cell': there the inwards of the animal-offerings were rinsed and an incline led from it to the roof of the Parwah Cell. The three to the north were: The Wood-Cell, the Exile Cell,⁷ and the Cell of Hewn Stone. Concerning the Wood-Cell R. Eliezer b. Jacob said: I have forgotten what it was used for, but Abba Saul said: It was the Cell of the high priest and it lay behind the two and the roof of all the three was of the same height. 'The Exile Cell'; there was the Exile cistern, and a wheel was placed above it and from there they drew water for the whole Temple Court. 'The Cell of Hewn Stone'; there the Sanhedrin of Israel was sitting and judging the priests and whosoever was found unfit would put on a black dress and wrap himself in black, go out and go his way. And one in whom no blemish was found would put on a white garment, wrap himself in white, enter the Sanctuary and officiate with his brethren. 'One cell was to the south', as we have learnt.⁸ There were seven gates in the Temple Court, three to the north, three to the south and one to the east. To the south: The Gate of Kindling, next to it the Gate of the Firstlings, the third being the Gate of the Water.⁹ To the east the Nicanor Gate,¹⁰ beside which were two cells, one to the right and the other to the left; the former the Cell of Phinehas, the keeper of the garments and the latter the Cell of the Makers of the Griddle Cakes. To the north: The Gate of the Spark:¹¹ it was a kind of portico with an upper chamber built on top of it, and the priests kept watch above and the Levites below. It had a doorway to the Hel;¹² next to it was the Gate of the offering¹³ and the third was the Gate of the Cell of the Fireplace. And it was further taught: The high priest immersed himself five times and performed ten sanctifications¹⁴ on that day, all of them on holy ground on the roof of the Parwah house, with the exception of this one,¹⁵ which was on profane ground, on top of the Gate¹⁶ which latter was beside his own cell. But, [continues R. Papa], I do not know whether the Cell of the Counsellors was to the north and the Cell of the house of Abtinah to the south, or the Cell of the house of Abtinah to the north and the Cell of the Counsellors to the south. But it could be proven that the Counsellors' Cell was to the south. How? He would get up,¹⁷ relieve nature, immerse himself,¹⁸ turn northward to learn his hafinah practice,¹⁹ enter the Sanctuary and officiate all day at the service; towards evening he would be sprinkled,²⁰ return southward, immerse himself²¹ and rest. But if you were to say that the Counsellors' Cell is to the north, he would then get up, relieve nature,²² turn to the south, immerse himself and learn the hafinah, enter the Sanctuary, perform the service all day, be sprinkled towards evening, return to the south and immerse himself, and then he would have to turn and go to the north to rest. Would we trouble him so much?²³ Why should we not put him to much trouble so that if he be a Sadducee, he will give up; or in order that he become not too overbearing; for if you do not say so, let us place the two [cells] next to each

other; or, let one be enough for him.

THEY SAID TO HIM: SIR HIGH PRIEST etc. Shall we say that this²⁴ will be a refutation of R. Huna, the son of R. Joshua, for R. Huna, the son of R. Joshua said: These priests are messengers of the All Merciful God. For if you were to say they are our own messengers,

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- (1) The high priest, in that chamber.
 - (2) The taking of handfuls of incense.
 - (3) Where he slept.
 - (4) Where he would learn hafinah.
 - (5) Mid. V, 3.
 - (6) Named after a Persian builder of that name.
 - (7) [So called because it was constructed by the returned exiles from Babylon.]
 - (8) Mid. I, 4.
 - (9) Into which a bottle of water was brought for the water libation on the Sukkoth festival, v. Shek. 9a.
 - (10) Named after its designer or donor.
 - (11) A perpetual flame was kept up in its upper chamber to rekindle the fire in the Cell of the Fire-place.
 - (12) V. supra p. 72, n. 4.
 - (13) Animals destined for most holy sacrifices were brought there, because they had to be slaughtered on the north side of the altar.
 - (14) Washing his hands and feet; that is the traditional interpretation of Lev. XVI, 24.
 - (15) The first immersion, obligatory on any day, to anyone desiring to enter the Temple, v. infra 30b.
 - (16) V. infra 30a. This proves R. Papa's statement that the high priest had a private cell on the south side where the Water Gate was situated.
 - (17) Every morning of the seven days.
 - (18) [Assuming that the Counsellor's Cell where he slept was in the south, all this would take place in the south. The place for the first immersion was as first stated on top of the Water Gate which was no the south.]
 - (19) [That is in the cell of Abtinah.]
 - (20) The sprinkling made the clean unclean, hence the necessity of immediate immersion so as to fit him for to-morrow's service.
 - (21) V. supra 4b.
 - (22) [This would, on this assumption, take place in the north.]
 - (23) Hence it seemed reasonable to assume that the Counsellors' Cell lay to the south.
 - (24) Our Mishnah, according to which he is addressed as 'Our Messenger'.

Talmud - Mas. Yoma 19b

is there anything that we ourselves are unable to perform¹ and our messengers can perform?² — Rather this is what they said to him: We adjure you according to our mind and in the mind of the Beth din.³

HE TURNED ASIDE AND WEPT AND THEY TURNED ASIDE AND WEPT. He turned aside and wept because they suspected him of being a Sadducee,⁴ and they turned aside and wept, for R. Joshua b. Levi said: Whosoever suspects good folks will suffer [for it] on his own body.⁵ Why was all this [solemn adjuration] necessary? Lest he arrange the incense outside and thus bring it in, in the manner of the Sadducees.⁶

Our Rabbis taught: There was a Sadducee who had arranged the incense without, and then brought it inside.⁷ As he left he was exceedingly glad. On his coming out his father met him and said to him: My son, although we are Sadducees, we are afraid of the Pharisees. He replied: All my life was I aggrieved because of this scriptural verse: For I appear in the cloud upon the ark-cover.⁸ I would say: When shall the opportunity come to my hand so that I might fulfil it.⁹ Now that such

opportunity has come to my hand, should I not have fulfilled it? It is reported that it took only a few days until he died and was thrown on the dunghheap and worms came forth from his nose. Some say: He was smitten as he came out [of the Holy of Holies]. For R. Hiyya taught: Some sort of a noise was heard in the Temple Court, for an angel had come and struck him down on his face [to the ground] and his brethren the priests came in and they found the trace as of a calf's foot on his shoulder,¹⁰ as it is written: And their feet were straight feet, and the sole of their feet was like the sole of a calf's foot.¹¹

R. ZECHARIAH, THE SON OF KEBUTAL, SAID etc.: R. Hanan, the son of Raba, repeated to Hiyya, the son of Rab in the presence of Rab: R. Zechariah the son of Kefutal, whereupon Rab indicated to him with [a gesture of] the hand: [that it should be] Kebutal. Why did he not speak to him? — He was reading the Shema'.¹² But is such [interruption] permitted, has not R. Isaac b. Samuel b. Martha said: He who reads the Shema' may neither blink with his eyes, nor gesticulate with his lips, nor point with his fingers; and it has also been taught: R. Eleazar Hisma said concerning him who whilst reading the Shema' blinks with his eyes, gesticulates with his lips or points with his fingers, Scripture has said: Thou hast not called upon me, O Jacob?¹³ — There is no difficulty; one view refers to the first portion of the Shema', the other to the second portion.¹⁴

Our Rabbis have taught: And thou shalt speak of them,¹⁵ 'of them', but not during prayer;¹⁶ of them thou mayest speak, but not of other things.¹⁷ R. Aha said: 'And thou shalt speak of them', i.e. make them a regular programme, and not a casual topic. Raba said: One who engages in profane talk transgresses a positive command, for it is written: 'And thou shalt speak of them', 'of them', but not of other matters. R. Aha b. Jacob said: He transgresses against a prohibition, for it is said: All things toil to weariness; man cannot utter it.¹⁸

MISHNAH. IF HE SOUGHT TO SLUMBER, YOUNG¹⁹ PRIESTS WOULD SNAP THEIR MIDDLE FINGER²⁰ BEFORE HIM AND SAY: SIR HIGH PRIEST, ARISE AND DRIVE THE SLEEP AWAY²¹ THIS ONCE ON THE PAVEMENT. THEY WOULD KEEP HIM AMUSED UNTIL THE TIME FOR THE SLAUGHTERING [OF THE DAILY MORNING OFFERING] WOULD APPROACH.

GEMARA. What is 'zeredah?' — Rab Judah said: The rival of this one, which is it? the thumb.²² R. Huna demonstrated it and its sound could be heard in the whole academy.

AND THEY WOULD SAY: SIR HIGH PRIEST, ARISE AND DRIVE THE SLEEP AWAY THIS ONCE. R. Isaac said: [Show us] something new.²³ What was that? — They said to him: Show us the kidah.²⁴

AND THEY WOULD KEEP HIM AMUSED UNTIL THE TIME FOR THE SLAUGHTERING WOULD APPROACH. A Tanna taught: They kept him amused neither with the harp nor with the lyre, but with the mouth. What were they singing? Except the Lord build a house, they labour in vain that build it.²⁵ Some of the worthiest of Jerusalem²⁶ did not go to sleep all the night in order that the high priest might hear the reverberating noise,²⁷ so that sleep should not overcome him suddenly. It has been taught: Abba Saul said: Also in the country²⁸ they used to do so²⁹ in memory of the Temple, but they used to commit sin.³⁰ Abaye, or, as some say, R. Nahman b. Isaac, interpreted that to refer to Nehardea. For Elijah said to Rab Judah, the brother of R. Sila the Pious: You have said: Why has not Messiah come? Now to-day is the Day of Atonement and yet how many virgins were embraced in Nehardea! He answered: What did the Holy One, blessed be He, say? — He answered:

(1) V. Ned. 35a. Prohibiting the making of gestures whilst reading the Shema'.

(2) Permitting the making of gestures.

(3) [He is addressed as 'Our Messenger' only in respect of this adjuration, i.e., to impress on him that he must take the

oath in the sense as understood by them. (V. Ned. 24b-25a).]

(4) The Sadducees held that the high priest should prepare the incense on the fire pan before entering the Holy of Holies so that he would enter it with the pan as smoke. Many priests were suspected of adhering to that sect, hence the necessity of that solemn adjuration that the high priest would make no change.

(5) The text for this teaching is Ex. IV, I and 6. Moses had 'suspected' Israel of disbelieving the message of the Lord, when he would bring it to them, hence he was smitten with leprosy. But the leprosy there was neither meant as punishment, nor abiding, the verses are used illustratively rather than logically for the present purpose.

(6) V. infra 53a.

(7) Into the Holy 'of Holies.

(8) Lev. XVI, 2.

(9) The Sadducees interpreted the passage: For I appear in the cloud, as if it said: For I am to be seen only with the cloud (of the incense) upon the ark-cover. The whole verse, according to them is to mean: Let him not come into the holy place except with the cloud (of incense), for only thus, with the cloud, am I to be seen on the ark-cover. Hence the Sadducees' effort to enter the Holy of Holies with the fire pan as smoke, prepared and lit outside.

(10) [The high priest, in coming out of the Holy of Holies, walked backward so as not to turn his back on the Holy of Holies (v. infra 52b). When he reached the threshold and his back first emerged behind the curtain, the angel who was outside the curtain struck him on his back between the shoulders and threw him down, making him fall forward into the Holy of Holies with his face to the ground. There he lay till his brother priests came and threw him out. Cf. J. Yoma, I, 5. Lauterbach J.Z. HUCA IV, p. 193.]

(11) Ezek. I, 7. That trace is the 'evidence' that an angel had struck him, kicked him with his foot. The 'four living creatures' are identified with angels.

(12) V. Glos.

(13) Isa. XLIII, 22.

(14) In the first portion occur the words 'And these words shall be on thy heart', indicating that special devotion is necessary for such prayer to be properly read. Deut. VI, 6. The second portion, ibid XI, 13-22, contains no such special emphasis, hence no such restriction applies.

(15) Deut. VI, 7.

(16) Prayer should be silent.

(17) Loose talk, prattle.

(18) Eccl. I, 8. 'Cannot', i.e., 'ought not', i.e., 'must not',

(19) Lit., 'flowers' then 'young men' fig., in Job XXX, 12 the word is used contemptuously: Upon my right hand rises the brood.

(20) Zeredah is the middle finger, Tosef. Men, 35b as against Rashi a.l. Jastrow would derive it from zarad (be rough, in sound), thus 'the snapping finger'. Baneth (Mo'ed, a.l.) would connect it with 'strideo' (Engl. a 'strident' note). But since 'makkeh' is used for playing on a musical instrument, it may be that 'they played before him with the snapping finger', to keep him amused: or, cf. the Roman 'crepitus digitorum', it may have been a sign of command: Arise!

(21) 'Pug' means to stop. Lam. II, 18 thus 'remove', thus 'remove sleep'. The pavement was cool for his naked feet.

(22) Phonetic play: the match to this (the middle finger) or the nearest to this (the index finger), what is it? The thumb, i.e., the sound is produced with these two fingers (Jast.).

(23) על חדת lit., 'for something new explaining אחת' this once' in the Mishnah.

(24) Pressing both big toes against the floor, bowing and kissing the pavement, and rising without moving the feet — this difficult performance was called the kidah-the bowing to the ground.

(25) Ps. CXXVII, 1. By implication: Except your service will be motivated by reverence for God, it will be in vain.

(26) נקיי-הדעת שבירושלים 'the nobility of Jerusalem' designated also יקירי ירושלים v. Klein מדעי היהדות I (1926) p. 74ff.]

(27) Of the people awake around him, singing and amusing him.

(28) Lit., 'border-towns', then: the country outside Jerusalem.

(29) Stay up all night before the Day of Atonement.

(30) Intimacy developed between men and women.

Talmud - Mas. Yoma 20a

Sin coucheth at the door.¹ — What about Satan? — He answered: Satan has no permission to act as accuser on the Day of Atonement. Whence [is that derived]? — Rama b. Hama said: Hasatan² in numerical value is three hundred and sixty-four, that means: on three hundred and sixty-four days he has permission to act as accuser, but on the Day of Atonement he has no permission to act as accuser.

MISHNAH. EVERY DAY ONE WOULD REMOVE³ [THE ASHES FROM] THE ALTAR AT KERI'ATH HA-GE'BER OR ABOUT THAT TIME, EITHER BEFORE OR AFTER. BUT ON THE DAY OF ATONEMENT AT MIDNIGHT,⁴ AND ON THE FEASTS AT THE FIRST WATCH,⁵ AND BEFORE THE COCKCROW APPROACHED THE TEMPLE COURT WAS FULL OF ISRAELITES. GEMARA. We have learnt elsewhere: If limbs [of animal offerings] burst off from upon the altar before midnight, they must be put back and the law of Me'ilah⁶ applies to them; if they sprang off the altar after midnight, they need not be put back and the law of Me'ilah does not apply to them.⁷ Whence do we know that?⁸ — Rab said: One scriptural verse says: All night and . . . he shall make smoke⁹ and another passage says: All night . . . and he shall take up [the ashes],¹⁰ how is that? Divide [the night] half of it for smoking and the other half for taking up [of the ashes].¹¹

R. Kahana raised an objection: EVERY DAY ONE WOULD REMOVE THE ASHES FROM THE ALTAR AT COCKCROW OR ABOUT THAT TIME, EITHER BEFORE OR AFTER. BUT ON THE DAY OF ATONEMENT AT MIDNIGHT AND ON THE FEASTS AT THE FIRST WATCH: Now

(1) Gen. IV, 7. Overcoming people against their better intentions.

(2) The Satan.

(3) Lev. VI, 3: And the priest . . . shall take up the ashes whereto the fire hath consumed the burnt-offering on the altar, and he shall put them beside the altar. In reality one did not remove all the ashes, but a handful. The rest was swept together on top of the altar and formed gradually a cone or 'apple', (tapuah ha-mizbeah) which was considered an ornament. It was removed only when it occupied too much room: And he . . . shall carry forth the ashes without the camp unto a clean place (ibid. 4).

(4) To keep the high priest busy. This part of the work need not have been done by him, as Tosaf. Zeb. 86b proves.

(5) As to the watch, there is a diversity of opinion in Ber. 3a, some dividing the night into three, others into four such watches.

(6) Me'ilah is the law concerning the unlawful use of sacred property; ma'al means 'commit a trespass' and refers to the use or appropriation of anything that belongs to the altar, to the Sanctuary, to God. If me'ilah has been committed by error, there is reparation and a guilt-offering: If one commit a trespass and sin through error, then he shall bring his forfeit to the Lord, a ram without blemish . . . for a guilt-offering, and he shall make restitution for that which he hath done amiss . . . and shall add the fifth part thereto (Lev. V, 15-16).

(7) Zeb. 86a.

(8) That by midnight the limbs are considered consumed and treated as ashes.

(9) Lev. VI, 2-5. It is a loose combination of passages.

(10) In reality the smoking, mentioned at the end, might be assumed to take place at the end. The argument here is from the facts back to some support in the text.

(11) Any limb bursting off after midnight is regarded as consumed and can be removed as ashes.

Talmud - Mas. Yoma 20b

if the thought should arise in you that midnight is a time fixed by the Torah, how could it be anticipated [or postponed]?¹ — Rather said R. Johanan: By mere logical conclusion from the text 'All the night' would I not know that it means until the morning, why then the teaching 'until the morning'? Add another morning to the 'morning of the night',² Hence every day one would remove the ashes at cockcrow, either before or after being ample [time]. On the Day of Atonement, when the high priest is weak, we do it about midnight and on the Feasts when many Israelites are present and

many sacrifices³ are offered we do it from the first watch, as indeed the reason therefore is indicated: BEFORE THE COCKCROW APPROACHED, THE TEMPLE COURT WAS FULL OF ISRAELITES. What does 'keri'ath ha-geber'⁴ mean? — Rab said: The call of a man,⁵ R. Shila: The call of the cock. Rab came to the place of R. Shila, when there happened to be no interpreter⁶ to stand next to R. Shila, so Rab took the stand next to him and interpreted 'keriath hageber' as 'the call of the man'. R. Shila said to him: Would you, Sir, interpret it as: Cockcrow! Rab replied: 'A flute is musical to nobles, but give it to weavers, they will not accept it'.⁷ When I stood before R. Hiyya and interpreted 'keriath ha-geber' as the 'call of the man' he did not object to it and you say to me: Say, perhaps, the cock's crow! He said: Sir, you are Rab, would you sit down, Sir!⁸ He replied: People say: If you have hired yourself away [to someone] pull his wool!⁹ Some say: Thus did he reply to him: One may promote a man in holy things, but not demote¹⁰ him. There is a teaching in accordance with Rab, and there is also a teaching in accord with R. Shila. There is a teaching in accord with Rab: What does Gebini the Temple crier call out: Arise, ye priests for your service, Levites for your platform, Israel for your post! And his voice was audible for three parasangs. It happened that King Agrippa who came along travelling, heard his voice from three parasangs, and as he came home, he sent gifts to him. Nevertheless, the high priest is more excellent than even he, for the Master said:¹¹ It has happened already that when he prayed 'Oh Lord' that his voice was heard in Jericho, and Rabbah b. Bar Hana said in the name of R. Johanan: From Jerusalem to Jericho is a distance of ten parasangs:¹² and although here there is weakness,¹³ and there none, and here it is day and there night;¹⁴ for R. Levi said: Why is the voice of man not heard by day as it is heard by night? Because of the revolution¹⁵ of the sun which saws in the sky like a carpenter sawing cedars. Those sunmotes are called 'la',¹⁶ and with reference to them Nebuchadnezzar said:¹⁷ And all the inhabitants of the world are considered as 'la'. Our Rabbis taught: Were it not for the revolution of the sun, the sound of the tumult of Rome would be heard: and were it not for the sound of the tumult of Rome, the sound of the revolution of the sun would be heard.

Our Rabbis taught : There are three voices¹⁸ going from one end of the world to the other: The sound of the revolution of the sun; the sound of the tumult of Rome, and the sound of the soul as it leaves the body. Some say also the sound of childbirth

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- (1) [Since before midnight it is not considered consumed. Rashi omits 'or postponed' which is bracketed in cur. edd. Tosaf. retains it explaining it on the principle that 'the zealous perform a religious duty as early as possible'.]
- (2) The morning of the night' is the dawn. The additional morning is the margin of before and after the cockcrow.
- (3) Since there were many ashes and they had all to be removed for the 'apple' to be imposing, they started earlier on these days.
- (4) The call of 'geber'. That word means in Hebrew both 'man' and 'cock'. Hence it may mean that the work started at cockcrow or as soon as the man (officer) called them in the morning.
- (5) The officer summoned all, priests, Levites, and Israelites, to their respective duties.
- (6) Amora (v. Glos.). The Rabbi taught in Hebrew, which he spoke to the interpreter. The latter translated the lecture into Aramaic, the language of the people, as against Hebrew, more and more the language of the scholars (Rashi).
- (7) I.e., fools would criticize, where men of taste admire.
- (8) Do not continue as my interpreter. You are too big to serve me.
- (9) Having undertaken the task, I will complete it, unconcerned about questions of dignity.
- (10) The next interpreter may know very little and it would be a sort of disgrace for you to have to put up with an ignoramus after my service, The emphasis is on the ignoramus, not on any implied self-praise.
- (11) Infra 39b.
- (12) V. Glos.
- (13) The weakness due to the Fast.
- (14) The high priest prayed during the day, when his voice would be less audible because of the revolution of the sun.
- (15) Lit., 'the wheel', V. Otzar ha-Geonim, a.l.: 'There is a voice heard now in Babylon, sounding from pools, and connected trenches, a harsh voice, which is ascribed to Ridya. Thus also do the Ishmaelites (Muslim Arabs) call it. It sounds from the month of Iyar through the harvest'. V. Ginzberg, Geonica, I, 345

(16) Nothing, to which is equal a mere mote, a particle.

(17) Ran. IV, 32. And 'in the inhabitants of the world are reputed as nothing is ad hoc translated 'as sun-motes'.

(18) Aliter: reputation.

Talmud - Mas. Yoma 21a

and some say also the sound of Ridya.¹ The Sages prayed for the soul as it leaves the body and achieved the stopping [of that cry].

We have learnt in accord with R. Shila: If one starts out on a journey before kerith ha-geber, his blood comes upon his own head!² R. Josiah says: [He should wait] until he has crowed twice, some say: Until he has crowed thrice. What kind of cock? The average type.³

Rab Judah said in the name of Rab: When the Israelites come up to the festivals, they stand pressed together,⁴ but they prostrate themselves, with wide spaces [between them], and they extend eleven cubits behind the back wall of the Holy of Holies.⁵ What does that mean? — It means that although they extended eleven cubits behind the back wall of the Holy of Holies, standing pressed together, yet when they prostrated themselves, they prostrated themselves with wide spaces [between them]. This is one of the ten miracles which were wrought in the Temple, for we have learnt: Ten miracles were wrought in the Temple:⁶ no woman miscarried from the scent of the holy flesh; the holy flesh never became putrid; no fly was seen in the slaughter house; no pollution ever befell the high priest on the Day of Atonement; no rain ever quenched the fire of the wood-pile on the altar; neither did the wind overcome the column of smoke that arose therefrom; nor was there ever found any disqualifying defect in the 'Omer⁷ or in the two loaves,⁸ or in the shewbread; though the people stood closely pressed together, they still found wide spaces between them to prostrate themselves; never did serpent or scorpion injure anyone in Jerusalem, nor did any man ever say to his fellow: The place is too narrow for me to stay overnight in Jerusalem.⁹ — He started with [miracles in] the Temple and concludes with [those wrought] in Jerusalem! — There are two more [miracles wrought] in the Temple. For it has been taught: Never did rains quench the fire of the pile of wood on the altar; and as for the smoke arising from the pile of wood, even if all the winds of the world came blowing, they could not divert it from its wonted place. But are there no more? Has not R. Shemaya of Kalnebo¹⁰ taught that the fragments of earthenware¹¹ were swallowed up in the very place [where they were broken];¹² and Abaye said: The crop, the feathers, the ashes removed from the inner altar and from the candlestick were swallowed up in the very place [where they were taken off]? — The three¹³ [referring to] disqualifications were included under one head, hence take off two and add two! But then all [cases of] things swallowed up ought also to be included under one¹⁴ head, so that the count would be one short? — There are also other [miracles], for R. Joshua b. Levi said:¹⁵ A great miracle was wrought with the shewbread, viz., when it was removed it was as fresh as when it was put on, as it was said: To put hot bread in the day it was taken away.¹⁶ But are there no more? Has not R. Levi said: This matter has been handed down as a tradition to us from our forefathers: The place on which the ark stands is not included in the measurement;¹⁷ and has not Rabbanai in the name of Samuel said: The Cherubs¹⁴ were standing by sheer miracle? — The count refers to miracles wrought outside [the Temple], miracles wrought inside are not mentioned. If that be so, what of the shewbread which is also a miracle that happened inside the Temple? — No, that miracle happened outside, for Resh Lakish said: What is the meaning of the passage: Upon the pure table before the Lord;¹⁸ the statement that it is pure implies that it was susceptible to uncleanness.

(1) רַדִּיָּא: name of the angel of rain. In Ta'an. 25b his figure is said to be that of a calf, and according to Rashi it is from this fact that it derives its name, רַדִּיָּא being the Aramaic equivalent of חֹרֶשׁ a ploughing (ox).

(2) Which proves the phrase to mean, cockcrow.

(3) One that crows neither too early nor too late.

(4) Pressed, squeezed together in the Temple. Rashi would have it as a simile of a 'floating mass', immovable in a

swaying mob.

(5) Lit., 'House of the Mercy Seat', v. supra p. 73, n. 5.

(6) Another reading has 'unto our forefathers in etc.'

(7) Of new barley offered on the second day of Passover, Lev. XXIII, 10f.

(8) The first fruits of the wheat harvest offered on Pentecost, ibid. 17.

(9) V. Aboth, Sonc. ed., p. 62 notes,

(10) [Kar-nebo, the city of Nebo. Probably Borsippa, v. Funk, Monumenta I p. 299.]

(11) In which flesh of sin-offerings was boiled, and which according to Lev. had to be broken, v. Lev. VI, 21.

(12) Zeb. 96a.

(13) Of the 'Omer, the two loaves and the shewbread.

(14) Broken earthenware, crop, feathers, ashes. Broken earthenware was counted as one and all the other things swallowed up came as under one head, so that if they were all to be placed on one count, there would be one miracle short of the number.

(15) Hag. 26b.

(16) I Sam. XXI, 7

(17) The Cherubim which Solomon made stood on the floor next to the ark, on the right and left, The spread of their wings was twenty cubits, Since the whole room had no more than twenty cubits, the body of the Cherubs, as separate from the wings, was in the room by miraculous provision. The same applies to the ark.

(18) Lev. XXIV, 6.

Talmud - Mas. Yoma 21b

[But surely] it was a wooden vessel, intended for resting, and every wooden vessel intended for resting is not susceptible to uncleanness and sets up a barrier¹ against uncleanness?² Rather does this teach us that the table would be lifted³ up for the gaze of those who came up to the Festivals, with the mark: Behold how beloved you are of God, for it is as fresh when it is taken off as it was when put on, as it was said: 'To put hot bread in the day it was taken away'.⁴

But were there no more [miracles]? Did not R. Oshaia say?⁵ When King Solomon built the Sanctuary, he planted therein all kinds of [trees of] golden delights, which were bringing forth their fruits in their season and as the winds blew at them, they would fall off, as it is written: May his fruits rustle like Lebanon,⁶ and when the foreigners entered the Temple they withered, as it is written: And the flower of Lebanon languishes;⁷ and the Holy One, blessed be He, will in the future restore them, as it is said: It shall blossom abundantly and rejoice, even with joy and singing; the glory of Lebanon shall be given unto it?⁸ -Permanent miracles he does not include in his count. And now that we have come to this [conclusion], the ark and the Cherubim are also permanent miracles.⁹

The Master said: 'And the [smoke arising from the] pile of wood on the altar'. But was there smoke arising from the pile of wood? Has it not been taught: Five things were reported about the fire of the pile of wood: It¹⁰ was lying like a lion, it was as clear as sunlight, its flame was of solid substance, it devoured wet wood like dry wood, and it caused no smoke to arise from it? — What we said [about the smoke] referred to the wood from outside [of the Sanctuary].¹¹ For it has been taught: And the sons of Aaron the priest shall put fire upon the altar¹² — although the fire comes down from heaven, it is a proper thing to bring fire from outside too.¹³

'Lying like a lion'. But has it not been taught: R. Hanina, deputy high priest, said: I myself have seen it and it was lying like a dog? — This is no contradiction: The first statement refers to the first Temple, the second to the second Temple.¹⁴ But was the fire present at the second Temple?-Surely R. Samuel b. Inia said: What is the meaning of the scriptural verse: And I will take pleasure in it [we-ikabed] and I will be glorified?¹⁵ The traditional reading is 'we-ikabedah', then why is the [letter] 'he' omitted [in the text]? To indicate that in five¹⁶ things the first Sanctuary differed from the second: in the ark, the ark-cover, the Cherubim,¹⁷ the fire, the Shechinah, the Holy Spirit [of

Prophecy], and the Urim-we-Thummim [the Oracle Plate]? — I will tell you, They were present, but they were not as helpful [as before].

Our Rabbis taught: There are six different kinds of fire: Fire which eats but does not drink; fire which drinks but does not eat; fire which eats and drinks; fire which consumes dry matter as well as moist matter; and fire which pushes fire away; fire which eats fire. 'Fire which eats but does not drink': that is our fire [water quenches it]; 'which drinks but does not eat': the fever of the sick; 'eats and drinks': that of Elijah, for it is written: And licked up the water that was in the trench;¹⁸ 'eats both dry and moist matter': the fire of the pile of wood; 'fire which pushes other fire away': that of Gabriel;¹⁹ and 'fire which eats fire': that of the Shechinah, for a Master said: He put forth His finger among them and burned them.²⁰ [It is stated above], 'But the smoke arising from the pile of wood, even all the winds of the world could not move it from its place'. But [did not] R. Isaac b. Abdimi Say: 'On the night following²¹ the last day of the [Sukkoth] Festival all were gazing upon the smoke arising from the pile of wood. If it inclined northward, the poor rejoiced and the people of means were sad, because the rains of the coming year would be abundant and their fruits would rot.²² If it inclined southward, the poor were depressed and the men of means rejoiced, for there would be little rain that year and the fruit could be preserved. If it inclined eastwards, all rejoiced;²³ if westwards all were depressed'²⁴ — It merely means that it swayed hither and thither like a tree, but it was not scattered. The Master said: [If it inclined] eastward all rejoiced: westward — all were depressed. There is a contradiction against it: The east wind is always good ' the west wind always bad, the north wind benefits wheat when it has grown to one third [of its usual height], and is bad for olives when they are budding; the south wind is bad for wheat which has grown one third [of its normal size] and good for olives when they are budding and R. Joseph or Mar Zutra said, in connection therewith, as a sign: The table was in the north, and the candlestick in the south,²⁵ i.e., the one [north wind] grows what is good for the table,²⁶ and the other [south wind] what is good for the candlestick?²⁷ — This is no contradiction: the former statement refers to us,²⁸ the latter to them.²⁹ [

(1) חוצץ. The root 'hazaz' means to cut off, to divide, to serve as an intervening object.

(2) Wooden utensils which are not intended to be moved (as e.g., a table) are not only not susceptible to uncleanness, but they form a barrier against uncleanness, effectively preventing its spread. This is inferred from the passage: And upon whatsoever any of them, when they are dead, doth fall, it shall be unclean; whether it be any vessel of wood, or raiment, or skin, or sack (Lev. XI, 32). In this passage sack and vessel of wood are cited together, hence our Sages infer that just as a sack is movable and moved, so uncleanness can befall only such wooden vessels as are movable and moved; whereas a wooden vessel meant to rest (or have things placed thereon) is different and hence unsusceptible.

(3) The table being taken out periodically to be shown to the pilgrims was no longer considered an immovable object and became susceptible to uncleanness, and the miracle consisted in the fact that nevertheless it never actually became unclean,

(4) I Sam. XXI, 7.

(5) Infra 39b.

(6) Ps. LXXII, 16. Hence there are fruits in Lebanon. But Lebanon was identified with the Sanctuary (Git. 56b), thus the paraphrase of the trees and the winds to create the rustling.

(7) Nahum I, 4.

(8) Isa, XXXV, 2.

(9) And therefore not included.

(10) Either as the simple text suggests, the fire, majestically, quietly; or, as Rashi has it: 'It' refers to a great lump of coal which fell from heaven in the days of Solomon and stayed there until the time of Manasseh; that lump having the form of a lion.

(11) Lit., 'private (man)' — not part of the altar wood, but wood which was brought in addition and unaffected by the special property of the holy fire.

(12) Lev, I, 7.

(13) Infra 53a.

(14) The first Sanctuary was held in great reverence, itself, its priests, its influence. The second came to be held in

disrespect. The above tradition may well reflect the attitude towards both, as crystallized in the Aggada. Therefore the very pile of wood 'was lying like a lion' in David's Temple, and appeared 'lying like a dog' in the second.

(15) Hag. I, 8: Go up to the hill-country and bring wood, and build the house; and I will take pleasure in it and I will be glorified, saith the Lord.

(16) The numerical value of **ה** is five.

(17) The first three form one unit.

(18) I Kings XVIII, 38: Then the fire of the Lord fell and consumed . . . and licked up.

(19) Pes. 118a, ref. to Dan.III, 27.

(20) The angels objecting to the creation of man. The angels are of fire, v. Sanh. 38b.

(21) V. R. H. 16a: At the Feast of Tabernacles the World is judged through water. V. Ta'an. 2a. Hence the anxiety to watch for the decision from the direction of the wind.

(22) Hence they would have to sell them fast, i.e., cheaply.

(23) Because it meant average rain, plenty of fruit, without danger of rotting so that the merchants could charge moderate prices.

(24) Because it dries up the seeds, and causes famine, v. B.B. 147a. At any rate the smoke moved, which contradicts the statement above.

(25) Sc. in the Sanctuary.

(26) Wheat for the shewbread.

(27) Oil of the olive.

(28) For Babylonia, which is always full of moisture, the east wind is good.

(29) For Palestine, which is dry, full of mountains and hills, it is bad.

Talmud - Mas. Yoma 22a

CHAPTER II

MISHNAH. ORIGINALLY WHOSOEVER¹ DESIRED TO REMOVE [THE ASHES FROM] THE ALTAR DID SO. IF THEY WERE MANY, THEY WOULD RUN AND MOUNT THE RAMP² [OF THE ALTAR] AND HE THAT CAME FIRST WITHIN FOUR CUBITS³ OBTAINED THE PRIVILEGE. IF TWO WERE EVEN, THE OFFICER⁴ WOULD SAY TO THEM [ALL:]⁵ RAISE THE FINGER!⁶ AND HOW MANY DID THEY PUT FORTH? ONE OR⁷ TWO BUT ONE DID NOT PUT FORTH THE THUMB IN THE TEMPLE.⁸ IT ONCE HAPPENED THAT TWO WERE EVEN AS THEY RAN TO MOUNT THE RAMP. ONE OF THEM PUSHED HIS FELLOW WHO FELL AND BROKE HIS LEG. WHEN THE COURT SAW THAT THEY INCURRED DANGER, THEY ORDAINED THAT THE ALTAR BE CLEARED ONLY BY COUNT. THERE WERE FOUR COUNTS. THIS IS THE FIRST COUNT.

GEMARA. But why did our Rabbis not establish the count for this service from the beginning? They thought, Since it was a night service, it would not be considered so precious and they [many priests] would not come. But when they saw that [many] were coming and incurred danger,⁹ they arranged the count. But the burning on the altar of the limbs and fat-pieces is also a night service, and yet our Rabbis arranged a count for it? — It is rather the end of the service of the day.¹⁰ But the other¹¹ too is the beginning of the service of the day, for R. Johanan said: If he sanctified his hands [by washing]¹² for clearing the ashes off the altar he need not in the morning sanctify them again,¹³ because he has sanctified them already from the beginning of the service?¹⁴ — Say: Because he has from the beginning¹⁵ sanctified his hands for the service. Some say:¹⁶ First they [the Rabbis] believed that since [many of them] are overcome by sleep, they would not come [to this night service], but when they saw they were coming and incurring danger, our Rabbis arranged for the count. But with the burning of the limbs and fat-pieces, [taking also place at a time when] they are also overcome by sleep and yet our Rabbis arranged for a count? There is a difference between going to sleep and rising from sleep.¹⁷

But was the arrangement due to that consideration, was it not rather due to another consideration, for it has been taught:¹⁸ He who obtained the task of clearing the altar of the ashes thereby also obtained the ordering of the pile of wood on the altar and of the two pieces of wood?¹⁹ — R. Ashi said: There were two arrangements. First they [the Rabbis] opined that they would not come [at night], but when they saw that the priests did come and incurred danger, they arranged for the count. When the count had been arranged, they did not come, for they said: ‘Who can tell whether the lot will fall on me’ [therefore] they [the Rabbis] arranged that he who had obtained the task of clearing the ashes off the altar, should thereby also obtain the task of arranging the piles of wood and the two pieces of wood, in order that they might come and submit to the count.

IF THEY WERE MANY etc.: R. Papa said: It is obvious to me [that within four cubits does] not [refer to] the four cubits on the floor,²⁰ because we learnt: THEY WOULD RUN AND MOUNT THE RAMP; neither does it mean the first²¹ [four cubits], because we learnt: THEY WOULD RUN AND MOUNT THE RAMP, and after that: HE THAT CAME FIRST WITHIN FOUR CUBITS; neither does it mean [four cubits] in the middle because this is not clearly indicated; hence it is self-evident that it means [four cubits] off the altar. But R. Papa asked: Do these four cubits, of which we have spoken, include the one cubit of the [projecting] base and the one cubit of the gallery,²²

(1) There were twenty-four divisions (Mishmaroth) of the priests, each division (Mishmar, v. Glos.) consisting of four to nine families (Bate Aboth). Every week another division did service in the Sanctuary, being relieved on the Sabbath. During the week they distributed the service among the families. (V. Tosef. Ta'an. II.) Any one among the family (Beth-Ab, v. Glos.) whose turn came on that day, could originally, if he so desired, remove the ashes from the altar.

(2) The ramp, at the south of the altar, led up to it. Its length was thirty-two cubits.

(3) Off the altar.

(4) Memuneh. Lit., ‘the appointed one’ general term for temple official of high rank. Here the officer in charge of the count; v. Shek. V, 1.

(5) Not to the two alone, but to all that were present.

(6) So that the decision would be reached by the count. The officer would place them in a (circular) queue, take the mitre off one of them, and after having named a number, would start counting from that man by the fingers put forth. The priest with whom the number was reached, secured the task.

(7) There may be some older, weaker, or sick priests for whom it was inconvenient to put one finger forth and hold it aloft until the count was over. Whenever one such handicapped priest was present, the officer would require all to put forth two fingers, which is less of an effort.

(8) A trickster foreseeing where the count would end, might place his index-finger at some distance from the thumb, so that the officer would count his two fingers as belonging to two people, with the result that the count would be wrong and designed to serve the trickster's end.

(9) By racing together, they might push one another down.

(10) And so considered important by the priests.

(11) The removal of the ashes.

(12) V. Ex. XXX, 19.

(13) Unless he should leave the Temple, when another sanctification by washing would be due.

(14) Hence it is the beginning of the service, and the argument is void.

(15) Interpret R. Johanan's word to mean: He sanctified himself from the beginning (during the night) for the service.

(16) In answer to the question: why was this count not arranged from the very first?

(17) A man will find it easier to postpone the hour of sleep than to rise from sleep early in the morning (for the purpose of clearing the altar of the ashes).

(18) Infra 28a.

(19) Two logs of wood, placed above the pile of wood on the altar. V. infra 26b. These being considered an important service would require a count.

(20) Before reaching the ramp.

(21) At the foot of the ramp.

(22) Sobeb. Lit., 'a ring', or 'hoop'; here a gallery round the altar for the priest to walk on.

Talmud - Mas. Yoma 22b

or does it mean exclusive of the one cubit base and one cubit gallery?¹ — [The question] stands.

IF TWO WERE EVEN, THE OFFICER WOULD SAY TO THEM: RAISE THE FINGER, etc.

A Tanna taught: Put forth your fingers for the count. But let him count them?² — That supports the statement of R. Isaac, for R. Isaac said: It is forbidden to count Israel even for [the purpose of fulfilling] a commandment, as it is written: And he numbered them be-bezek [with pebbles].³ R. Ashi demurred to this: Whence do you know that the word 'bezek' is here used in the sense of being broken [i.e., pebbles], perhaps it is the name of a place, as it is written: And they found Adoni-Bezek in Bezek?⁴ — Rather it is from here: And Saul summoned the people and numbered them with telaim⁵ [sheep].

R. Eleazar said: Whosoever counts Israel, transgresses a [biblical] prohibition, as it is said: Yet the number of the children of Israel shall be as the sand of the sea, which cannot be measured.⁶ R. Nahman b. Isaac said: He would transgress two prohibitions, for it is written: 'Which cannot be measured nor numbered'. R. Samuel b. Nahmani said: R. Jonathan raised an objection: It is written: 'Yet the number of the children of Israel shall be as the sand of the sea,' and it is also written: 'Which cannot be numbered?'⁷ This is no contradiction: Here⁸ it speaks of the time when Israel fulfils the will of the Lord, there of the time when they do not fulfil His will. Rabbi,⁹ on behalf of Abba Jose son of Dosthai, said: This is no contradiction: Here it speaks of [counting done] by human beings, there of counting by Heaven.¹⁰ R. Nehilai b. Idi said in the name of Samuel: As soon as a man is appointed administrator of a community, he becomes rich — First it was written: 'And he counted them by means of pebbles,' and, in the end, 'And he counted them by means of sheep'. But perhaps these sheep were of their own? — Then what is remarkable about it?¹¹

And he strove in the valley.¹² R. Mani said: Because of what happens 'in the valley': When the Holy One, blessed be He, said to Saul: Now go and smite Amalek,¹³ he said: If on account of one person the Torah said: Perform the ceremony of the heifer whose neck is to be broken,¹⁴ how much more [ought consideration to be given] to all these persons! And if human beings sinned, what has the cattle committed; and if the adults have sinned, what have the little ones done?¹⁵ A divine voice came forth and said: Be not righteous overmuch.¹⁶ And when Saul said to Doeg: Turn thou and fall upon the priests,¹⁷ a heavenly voice came forth to say: Be not overmuch wicked.¹⁸

R. Huna said: How little does he whom the Lord supports need to grieve or trouble himself! Saul sinned once and it brought [calamity] upon him, David sinned twice and it did not bring evil upon him — What was the one sin of Saul? The affair with Agag.¹⁹ But there was also the matter with Nob,²⁰ the city of the priests? — [Still] it was because of what happened with Agag that Scripture says: It repenteth Me that I have set up Saul to be king.²¹ What were the two sins of David? — The sin against Uriah²² and that [of counting the people to which] he was enticed.²³ But there was also the matter of Bathsheba?²⁴ — For that he was punished, as it is written, And he shall restore the lamb fourfold:²⁵ the child, Amnon, Tamar and Absalom.²⁶ But for the other sin he was also punished as it is written: So the Lord sent a pestilence upon Israel from the morning even to the time appointed?²⁷ — There his own body was not punished — But in the former case, too, his own body was not punished either?²⁸ Not indeed? He was punished on his own body, for Rab Judah said in the name of Rab: For six months David was smitten with leprosy, the Sanhedrin removed from him, and the Shechinah departed from him, as it is written: Let those that fear Thee return unto me, and they that know Thy testimonies,²⁹ and it is also written: Restore unto me the joy of Thy salvation.³⁰ But Rab said that David also listened to evil talk?³¹ — We hold like Samuel [who says] that David did

not do so. And even according to Rab, who says that David listened to calumny, was he not punished for it? For Rab Judah said in the name of Rab. At the time when David said to Mephibosheth: I say: Thou and Ziba divide the land,³² a heavenly voice came forth to say to him: Rehoboam and Jeroboam will divide the Kingdom.

Saul³³ was a year old³⁴ when he began to reign. R. Huna said: Like an infant of one year, who had not tasted the taste of sin. R. Nahman b. Isaac demurred to this: Say perhaps: Like an infant of one year old that is filthy with mud and excrement?³⁵ R. Nahman thereupon was shown a frightening vision in his dream, whereupon he said: I beg your pardon,³⁶ bones of Saul, son of Kish. But he saw again a frightening vision in his dream, whereupon he said: I beg your pardon, bones of Saul, son of Kish,³⁷ King in Israel.

Rab Judah said in the name of Samuel: Why did the kingdom of Saul not endure? Because no reproach rested on him,³⁸ for R. Johanan had said in the name of R. Simeon b. Jehozadak: One should not appoint any one administrator of a community, unless he carries a basket of reptiles on his back, so that if he became arrogant, one could tell him: Turn around!³⁹

Rab Judah said in the name of Rab: Why was Saul punished? Because he forewent the honour due to himself, as it is said: But certain base fellows said: 'How shall this man save us?' And they despised him and brought him no present. But he was as one that held his peace,⁴⁰ and it is written [immediately following that]: Then Nahash the Ammonite came up and encamped against Jabesh-gilead.⁴¹ R. Johanan further said in the name of R. Simeon b. Jehozadak: Any scholar,

(1) [The altar was constructed with two rebatements of two cubits, one cubit at the base and another at the Sobeb; and R. Papa's query is whether these two cubits are to be included in the four cubits distance, so that the real distance measured in a straight line from the main structure of the altar would be six cubits.]

(2) By heads.

(3) I Sam. XI, 8.

(4) Judg. I, 5.

(5) I Sam. XV, 4.

(6) Hosea II, 1. 'Cannot be numbered' is interpreted-and grammatically there is no solid objection as 'should not, must not be numbered', thus a positive statement becomes a prohibition. The assumption is justified that here again the ultimate basis of the prohibition is not this passage, but the passage is a peg on which to hang the idea. There are more obvious sources of the prohibition known to the disputants.

(7) Ibid. The sand of the sea, however tremendous the number of grains, yet could be counted. Why then the second part of the passage which cannot be numbered'? It is true this verse is divested of its simple meaning, which does not permit this dichotomy. But again the major purpose of the questioner is to drive home a moral.

(8) When Israel fulfils the Lord's commands, it will become infinite, beyond the possibility of a count: if it does not live up to His law, it may, nevertheless, be great in number, but it will be countable.

(9) Another reading: R. Assi. There is no valid objection to the text here.

(10) Maharsha: Human beings would weary of counting, because of the great number.

(11) That Scripture mentions it especially. E.V. takes 'Telaim' to be the name of a place.

(12) I Sam. XV, 5. E.V.: 'And he lay in wait'. Saul was thus 'striving because of what happens in the valley', i.e., he argued from that ceremony against the slaying of the Amalekites. V. Gruenberg, s. Exeg. Beitrage, III, index.

(13) I Sam. XV, 3.

(14) Deut. XXI, 1-9.

(15) I Sam. XV, 3: Slay both man and woman, infant and suckling, ox and sheep, camel and ass.

(16) Eccl. VII, 16.

(17) I Sam. XXII, 18.

(18) Eccl. VII, 17.

(19) I Sam. XV, 2ff

(20) Ibid. XXII, 19.

- (21) Ibid. XV, 11.
- (22) II Sam. XI, 2-27.
- (23) Ibid. XXIV, 1.
- (24) He had committed adultery in addition to having instigated murder.
- (25) II Sam. XII, 6. He had unconsciously prophesied his own punishment.
- (26) All of whom died during his lifetime; thus he paid four of his 'lambs' for the one he had unrighteously taken from its master.
- (27) II Sam. XXIV, 15.
- (28) Just as here the people died and not he, so was it his children, but not he, who were afflicted because of his sin.
- (29) Ps. CXIX, 79.
- (30) Ibid. LI, 14.
- (31) The evil reports of Ziba against Mephibosheth. So that he committed a third sin.
- (32) II Sam. XIX, 30.
- (33) I Sam. XIII, 1.
- (34) The literal interpretation being impossible because of earlier texts, the Rabbis endeavour to find therein homiletical suggestion.
- (35) R. Nahman was not actuated by any animus against Saul. He objected primarily to the too ready way of moralizing in advance of textual equivocality. With even justice one could illustrate an opposite aspect of infancy, and an analogy would thus throw evil light on King Saul.
- (36) His conscience smote him afterwards, for in his eagerness to demonstrate the error of hasty interpretation, he had offended the memory of Saul.
- (37) His conscience was not at rest, until he had fully realized that he had offended the King of Israel. His dreams reflected his thoughts by day, and only after his second apology did he feel relieved.
- (38) On Saul's descent. None could therefore prevent his arrogance by pointing to a family skeleton, saying: Turn around and your basket of reptiles (family ignominy) will stand revealed.
- (39) V. preceding note.
- (40) I Sam. X, 27.
- (41) Ibid. XI, 1, hence, because immediately following, viewed as consequence of his too great humility.

Talmud - Mas. Yoma 23a

who does not avenge himself and retain anger like a serpent, is no [real] scholar.¹ But is it not written: Thou shalt not take vengeance nor bear any grudge?² — That refers to monetary affairs, for it has been taught: What is revenge and what is bearing a grudge? If one said to his fellow: 'Lend me your sickle', and he replied 'No', and to-morrow the second comes [to the first] and says: 'Lend me your axe'! and he replies: 'I will not lend it to you, just as you would not lend me your sickle' — that is revenge. And what is bearing a grudge? If one says to his fellow: 'Lend me your axe', he replies 'No', and on the morrow the second asks: 'Lend me your garment', and he answers: 'Here it is. I am not like you who would not lend me [what I asked for]' — that is bearing a grudge. But [does] not [this prohibition apply to] personal affliction? Has it not been taught: Concerning those who are insulted but do not insult others [in revenge], who hear themselves reproached without replying, who [perform good] work out of love of the Lord and rejoice in their sufferings,³ Scripture says: But they that love Him be as the sun when he goeth forth in his might?⁴ — [That means,] indeed, that he keeps it in his heart [though without taking action]. But Raba said: He who passes over his retaliations has all his transgressions passed over?⁵ — [That speaks of the case] that an endeavour was made to obtain his reconciliation, and his consent is obtained.

AND HOW MANY DID THEY PUT FORTH? ONE OR TWO. If they may put forth two, why is it necessary to mention that they may put forth one? — R. Hisda said: This is no difficulty: The one speaks of healthy persons, the other of sick ones.⁶ Thus has it been taught: One finger is put forth, but not two. To whom does this rule apply? To a healthy person, but a sick one may put forth even two. But the 'Yehidim'⁷ put forward two and one counts only one thereof.⁸ But has it not been

taught: One does not put forth either the third finger or the thumb because of tricksters, and if one had put forth the third finger, it would be counted,⁹ but if one had put forth the thumb it would not be counted, and not alone that but the officer strikes him with the pekia'?'¹⁰ — What does 'it would be counted' mean? Only one. What is pekia'? — Rab said: A madra [chastising whip]. What is madra? R. Papa said: The whip of the Arabs, the head [sting] of which is taken off. — Abaye said: Originally I believed that which we have learnt: Ben Bibai was in charge of "pekia"¹¹ meant, in charge of the wicks, as we have learnt: From the outworn breeches and belts of the priests they used to make 'peki'in' and light them¹² Now that I hear that it was taught: Not that alone, but the officer would strike him with the 'pekia' I understand that 'pekia' means lash.¹³

IT ONCE HAPPENED THAT TWO WERE EVEN AS THEY RAN TO MOUNT THE RAMP. Our Rabbis taught: It once happened that two priests were equal as they ran to mount the ramp and when one of them came first within four cubits of the altar, the other took a knife and thrust it into his heart. R. Zadok stood on the steps of the Hall¹⁴ and said: Our brethren of the house of Israel, hear ye! Behold it says: If one be found slain in the land... then thy elders and judges shall come forth . . .¹⁵ On whose behalf shall we offer the heifer whose neck is to be broken, on behalf of the city or on behalf of the Temple Courts? All the people burst out weeping. The father of the young man came and found him still in convulsions. He said: 'May he be an atonement for you. My son is still in convulsions and the knife has not become unclean.' [His remark] comes to teach you that the cleanness of their vessels was of greater concern to them even than the shedding of blood. Thus is it also said: Moreover Manasseh shed innocent blood very much, till he had filled Jerusalem from one end to the other.¹⁶

Which event took place first?¹⁷ Would you say that of the bloodshed took place first? Now, if in spite of the bloodshed they did not establish the count, would they have arranged it because of the [incident of the] broken leg? Rather, the [incident of the] broken leg came first — But since they had already arranged a count how was [the affair of the bloodshed] within the four cubits possible? — Rather, the incident of the bloodshed came first, but at first [the Rabbis] thought it was a mere accident; but when however they saw that even without [such unfortunate accidents] they incurred danger, they enacted the count.

'R. Zadok stood upon the steps of the Hall and called out: Our brethren of the House of Israel, hear ye! Behold it says: If one be found slain in the land.¹⁸ On whose behalf shall we bring the heifer whose neck is to be broken, on behalf of the city or of the Temple Courts?' But does [the community of] Jerusalem bring a heifer whose neck is to be broken? Surely it has been taught: Ten things were said concerning Jerusalem and this is one of them —

(1) Maharsha interprets this statement by reference to Gen. III, 15: And I will put enmity between thee and the woman, and between thy seed and her seed; they shall bruise thy head and thou shalt bruise their heel. The man will endeavour to crush the serpent so as to deprive it of its life: whereas the serpent retaliates by bruising only the heel, a non-vital part of the human body. Thus, 'serpent-like' the scholar should retaliate most moderately even when great wrong was done to him. — This proverb may also be a reaction to too humble a scholar, who by reason of his extreme forbearance seemingly encourages impudent and cruel people in their nefarious conduct. — Another suggested interpretation: just as great serpents swallowing their prey, moisten it with so much saliva as to be deprived of a sense of what, subjectively, they are eating, knowing only, objectively, that they are eating something, so should the scholar, against whom a wrong was committed, not endeavour to avenge himself subjectively, but to avenge objectively the wrong that was perpetrated. [Bacher (ZDMG, 1874, p. 6) relates this dictum to the one preceding: Any scholar who does not avenge himself like Nahash (which is the Hebrew for serpent) is no scholar. The reference is to a tradition preserved in a fragment of the Jerusalem Targum on Isa. XI, 2 that the condition made by Nahash for the offered covenant was that the Gileadites remove the injunction from the Torah barring the Ammonites from the congregation of Israel — an injunction which he considered an affront.]

(2) Lev. XIX, 18.

(3) Because imposed by the Lord, either to test their faith or to punish them in this world for their sins, rewarding their virtues in the world to come, cf. Git. 68b: 'In order that he may enjoy his world here whence the theory that the wicked who prosper are rewarded here for their good deeds and punished for their evil doings in the hereafter, with the opposite method applied to the virtuous.

(4) Judg. V, 31.

(5) He who forbears to retaliate will find forbearance for his own failings.

(6) V. supra p. 97, n. 7.

(7) Certain individuals, i.e., scholars, v. Ta'an 10a. They would, out of respect for their learning, be permitted a convenience, which sick persons are granted out of consideration for their health.

(8) Tosef. Yoma I, 10.

(9) No trickiness is involved here, because the distance between these fingers is too small to mislead the officer into assuming that he saw the fingers of two different persons in the count, but with the thumb a dishonest motive seems obvious, hence both, the disregard and the punishment.

(10) Pekia' — may mean: strip, shreds of garments, hence either wick or whip.

(11) Shek. V, 1.

(12) Suk. 51a.

(13) Abaye does not absolutely exclude two compatible meanings of the word.

(14) Ulam, the hall leading to the interior of the Temple.

(15) Deut. XXI, 1.

(16) II Kings XXI, 16.

(17) The bloodshed or the breaking of the leg.

(18) Deut. XXI, 1.

Talmud - Mas. Yoma 23b

it does not have to bring a heifer whose neck is to be broken.¹ Furthermore: And it be not known who hath smitten him but here it is known who has smitten him?—Rather [he put his question rhetorically] to increase the weeping.²

'The father of the young man came and found the boy in convulsions. He said: "May he be an atonement for you."³ My son is still in convulsions, etc.'" To teach you that they looked upon the purity of their vessels as a graver matter than bloodshed!' [The Scholars in the Academy] asked this question: Was it that bloodshed became a minor matter to them, whereas the purity of their vessels remained in its original importance, or did bloodshed concern them as before but the purity of the vessels became for them of a still graver concern? Come and hear: Because the Talmud adduces 'And also innocent blood did Manasseh shed' that indicates that bloodshed had become a matter of smaller concern to them whilst the purity of the vessels retained its original importance.

Our Rabbis taught: And he shall put off his garments and put on other garments and carry forth the ashes⁴ — from this I might learn even as on the Day of Atonement,⁵ [so] that he put off his holy garments and put on profane garments.⁶ To teach us [the true law] it says: 'And he shall put off his garments and put on other garments, thus comparing the garments he put on with the garments he put off; just as the former are holy garments, so are the latter holy garments. If so, what does [the word] 'other' teach?⁷ [They shall be] inferior to the former. R. Eliezer said: [The words] 'other' and 'he shall carry forth' indicate that priests afflicted with a blemish⁸ are permitted to carry forth the ashes.

The Master said: "'Other garments", i.e. inferior to the former', as the school of R. Ishmael taught: For the school of R. Ishmael taught: One should not offer a cup of wine to one's teacher while wearing the garment wherein one has cooked a dish⁹ for him.

Resh Lakish said: Just as there is diversity of opinion about the carrying forth of the ashes,¹⁰ so there is about clearing them off the altar.¹¹ R. Johanan said: The diversity of opinion applies only to

the carrying forth, but as to clearing them off the altar, all agree that this is [regular] service.¹² What is the reason for Resh Lakish's view? He will tell you: If it should enter your mind that this [the clearing of the ashes off the altar] is considered a [regular] service — then you would have a service legitimate in two garments.¹³ And R. Johanan?¹⁴ — The Divine Law revealed the regulation for tunic and breeches, but it includes also mitre and girdle.¹⁵ Then why are these [two specially mentioned]? — ‘Middo bad’ [‘linen garments’] is written [here to indicate] proper measure,¹⁶ ‘miknese bad’ [‘linen breeches’] to teach us in accord with what has been taught:¹⁷ Whence is it known that nothing may be put on before the breeches? Because it is said: ‘And he shall have the linen breeches upon his flesh.’ And Resh Lakish? — That the garment must have the proper measure [he infers] from the fact that the Divine Law employs [the word] ‘middo’ [garment, not tunic]; that nothing may be put on before the breeches, he infers from the words: ‘on his flesh’. Shall we say that the point at issue is the same as between the following Tannaim: ‘[And his linen breeches shall he put] on his flesh.’ Why does Scripture say: ‘Shall he put on?’¹⁸ That is meant to include the [obligation of wearing] mitre and girdle for the clearing off of the ashes — this is the opinion of R. Judah. R. Dosa says: That means to include [the rule] that the [four white] garments worn by the high priest on the Day of Atonement may be worn by the common priest [during the remainder of the year].¹⁹ Rabbi said: There are two refutations to this matter. One: the girdle of the high priest²⁰ is different from that of the common priest.²¹ Two: shall garments used at a service of solemn holiness be worn at a service of lesser holiness? — But what, rather, is the significance of ‘yilbash’?

(1) Sot. 45a.

(2) To make them conscious of the horrible nature of the deed perpetrated.

(3) Maharsha explains that since Jerusalem is deprived of the heifer ceremony, which would normally obtain forgiveness for them, the generous father prayed for atonement by the grace of God.

(4) Lev. VI, 4.

(5) When the high priest changed his garments with every different service, cf. infra 70a.

(6) In the case of the high priest he changes from golden garments into linen garments and vice versa. With the ordinary priest however who has no alternate holy garments, the change would be from holy garments into profane ones.

(7) The word ‘other’ is connected with ‘and he shall carry forth’ to which it is placed in juxtaposition in the Hebrew text, thus referring to the priest.

(8) And thus designated ‘other’, i.e., than those who are usually fit for service.

(9) Similarly there should be different garments worn for the service proper and for the removal of the ashes respectively.

(10) As to whether blemished priests may remove them.

(11) That matter depends on the answer to the question, as to whether the removal of the ashes is considered a service or not.

(12) Requiring the putting on of four garments and the ministration of unblemished priests.

(13) Scripture says: He shall put on his linen garments and his linen breeches shall he put upon his flesh. (Lev. VI, 3.) If the removal of the ashes, whereof this passage speaks, were a service, how could Scripture demand only ‘the linen garment’ and the ‘linen breeches i.e., two garments, when a service proper requires four? Since only two garments are required, evidently the removal of the ashes is not considered a service and hence may be performed even by blemished priests, who would not be admissible to service proper!

(14) R. Johanan who considers this a proper service, requiring unblemished priests, how will he account for the contradictory fact that Scripture insists on two garments only.

(15) He explains that in reality four garments are required here, as may be inferred from the parallel passage in Lev. XVI, 4, where as a matter of course ‘mitre and girdle’ are added, the one passage supplementing implicates the other.

(16) He connects ‘middo’ which comes from a root meaning garment, with ‘madad’, which means to measure, i.e., the garment must be of proper measure, for the priest's figure. Resh Lakish infers from the fact that ‘middo’ (garment) is used instead of the usual ‘kethoneth’ (tunic) that a properly fitting garment is required.

(17) Zeb. 35a.

(18) Lev. XVI, 4: The text could have stated ‘He shall put on the holy tunic and the linen breeches on his flesh’. The word ‘yilbash’ (‘he shall put on’) is superfluous. The word ‘yilbash’ is a sort of terminus technicus for complete dress,

i.e., the four garments.

(19) [He utilizes yilbash, written here, for the purpose of a gezerah shawah with yilbash mentioned in connection with the four garments put on by the high priest on the Day of Atonement. V. Lev. XVI, 4 to teach this rule.]

(20) Included in the four garments worn by the high priest on the Day of Atonement.

(21) V. supra p. 55, n. 6. So that the ordinary priests could not wear the four garments of the high priests.

Talmud - Mas. Yoma 24a

It includes worn-out garments.¹ And he shall leave them there,² that teaches that they must be hidden away. R. Dosa says: They are fit for use by a common priest. What does 'And he shall leave them there' intimate? That he [the high priest] must not use them on another Day of Atonement.³ Now would you not say that this is the subject of their dispute: that one⁴ holds it [the removal of the ashes] to be a service⁵ and the other⁶ does not consider it such?⁷ — No. Everybody agrees it is a service; the point of dispute here is this: One says another scriptural passage is necessary⁸ to include also for this service [the four garments]; the other: no such passage is necessary.⁹

R. Abin asked: How much of the ashes of the altar is to be removed? Shall we infer [the quantity] from the taking off of the tithe,¹⁰ or from what was taken off from the [spoil of] Midian?¹¹ — Come and hear: For R. Hiyya taught: Here¹² the word 'herim' ['he shall take up'] is used and there¹³ the expression 'we-herim' ['and he shall take up'] is used. Just as in the latter case it means taking a handful, so in the former case it means taking a handful.¹⁴

Rab said:¹⁵ There are four services for the performance of which a non-priest [stranger] incurs penalty of death:¹⁶ sprinkling, smoking [the fat],¹⁷ the water libation, and the libation of wine. Levi says: also the removal of the ashes. Thus did Levi also teach us in his Baraitha: Also the removal of the ashes. What is the reason for Rab's view? It is written: And thou and thy sons with thee shall keep the priesthood in everything that pertaineth to the altar, and to that within the veil; and ye shall serve; I give you the priesthood as a service of gift; and the common man that draweth nigh shall be put to death.¹⁸ 'A service of gift', but not a service of removal;¹⁹ 'and you shall serve, i.e., a complete service, not a service followed by another.'²⁰ And Levi?²¹ — The Divine Law included it²² in saying: 'In every thing that pertaineth to the altar.' And Rab?²³ — That is meant to include the seven sprinklings within,²⁴ and those concerning the leper.²⁵

And Levi?²⁶ — He infers [these] from [the fact that instead of] 'the thing', [is written] 'every thing', [that pertaineth]. And Rab?²⁷ — He does not infer aught from 'every thing'.²⁸ But say this: 'In everything that pertaineth to the altar' is a general proposition; 'service of gift' is a specification.²⁹ Now: if a general proposition is followed by a specification, the scope of the proposition is limited by the specification,³⁰ hence the 'service of gift' would be included, but a service of removal would be excluded? — The scriptural text reads:

(1) They may be worn for any service as long as they are wearable, i.e., whole.

(2) Lev. XVI, 23. With reference to the garments worn by the high priest on the Day of Atonement.

(3) This is the end of the Baraitha, 46a.

(4) R. Judah.

(5) And therefore it requires for it all the four garments.

(6) R. Dosa.

(7) And therefore holds that the linen tunic and breeches are sufficient without the mitre and girdle.

(8) Lest one assume that the verse is to be taken literally, that only two garments are required, hence that this is no service proper.

(9) Since Scripture insists on the tunic and breeches it is evidently considered a service, requiring all the four garments.

(10) Num. XVIII, 25, where about one per cent is taken off.

(11) Ibid. XXXI, 28-40, where it is but one-fifth of one per cent.

- (12) Lev. VI, 3.
- (13) Ibid. 8.
- (14) [It is not inferred either from tithe or from the spoil of Midian, but from the handful taken by the priest. This however applies only to the minimum, which may however be exceeded at will (Rashi).]
- (15) Zeb. 112b.
- (16) Although the common man is forbidden to perform any service in the sanctuary, he does not incur the penalty of death in any but the following cases.
- (17) Or 'the handful of the meal-offering'.
- (18) Num. XVIII, 7.
- (19) E.g., the removal of the ashes.
- (20) The Hebrew word עבודת תמה is divided into עבודת תמה so as to read: perfect service, i.e., one complete, without additional functions such as the four services mentioned by Rab. This excludes a service such as slaughtering which is not complete without the rites connected with the sprinkling of the blood that follow it.
- (21) Rab's inferences excluding the removal of the ashes seem to be right?
- (22) The removal of the ashes for the performance of which a non-priest incurs penalty of death.
- (23) Everything that pertaineth obviously includes something else. Unless some other service is intended, Levi proves his case.
- (24) Lev. IV, 6: And sprinkle of the blood seven times before the Lord; ibid. 17. also ibid. XVI, 14.
- (25) Lev. XIV, 51: And he shall take the cedar-wood . . . and sprinkle the house seven times, which may not be considered as part of 'the altar' service; the same applies to the functions referred to in the preceding note.
- (26) Whence does he infer these?
- (27) What does 'everything' suggest to him.
- (28) Lit., 'he does not expound the thing' as everything'.
- (29) Already comprehended in the general proposition.
- (30) This is one of the principles of hermeneutics (kelal u-ferat) according to R. Ishmael, v. Shebu., Sonc. ed., p. 12, n. 9.

Talmud - Mas. Yoma 24b

'And to that within the veil . . . and you shall serve',¹ [i.e.] Only within the veil is 'the service of gift'² [included] but not the 'service of removal away',³ but outside [the Temple] even a 'service of removal'⁴ [is included].⁵ But [one could] similarly [argue with regard to the exposition of] 'you shall serve' only within the veil, is a complete service⁶ [included] but not one service which is followed by another service,⁷ but outside, even a service followed by another [is also included]?⁸ — [Scripture, by saying] 'And ye shall serve' has reconnected them.⁹

Raba asked: What is the law regarding [a service of] removal within the Temple?¹⁰ Do we compare it with [a service of removal] within¹¹ [the veil] or with [one] outside [the Temple]? Then he answered the question himself: It is to be compared to [a removal service] within [the veil]. [For Scripture instead of] 'within' [says:] 'And to that within [the veil]'.¹² But then¹³ should the common man who arranged the [shewbread] table be guilty? — There is the arrangement of the censer of frankincense.¹⁴ — Then if he arranges the censers let him incur the penalty!¹⁵ — There is the removal of the censers¹⁶ and the smoking of the incense. Let the common man who put the candlestick in order incur the penalty! — That is to be followed by the putting in of the wick. Then if he put the wick in let him incur that penalty! — There is the adding¹⁶ of the oil. Then if he puts the oil in let him incur that penalty? There is the lighting.¹⁶ Then if he lights it let him incur that penalty! — Lighting is not considered a service. Is it, indeed, not [considered a service]? But it has been taught:¹⁷ And the sons of Aaron the priest shall put fire upon the altar, and lay wood in order upon the fire¹⁸ — this teaches that the kindling of the wood of the fig-tree¹⁹ must be performed by a priest who is fit [for service] and with garments of ministration.²⁰ The kindling of the fig-wood is considered service, but not the lighting of the candlestick. Then let the common man who puts the pile of wood [on the altar] in order, incur that penalty! — There is the arrangement of the two logs of wood.²¹ — Then if he arranged the two logs of wood, let him incur that penalty? — It is followed by

the arranging of the limbs.²² But R. Assi had said in the name of R. Johanan: A common man who arranged the two logs of wood incurred the penalty of death? — In this indeed there is division of opinion,²³ one holding [the arrangement of the two logs of wood] is a complete service, the other holding that it is not a complete service.

There is a teaching in accord with Rab, and there is a teaching in accord with Levi. 'There is the teaching in accord with Rab': These are the services for the performance of which a common man incurs penalty of death: the sprinkling of the blood, both within [the Temple] and within the Holy of Holies: and he who sprinkles the blood of a bird offered as a sin-offering;²⁴ and he who wrings out the blood, and who smokes the bird offered up as a burnt-offering;²⁵ and he who makes the libation of three logs of water or of wine.²⁶ 'There is a teaching in accord with Levi': The services for the performance of which a common man incurs penalty of death are: the removal of the ashes, the seven sprinklings within [the Holy of Holies] and he who offers up on the altar a sacrifice whether fit or unfit. THERE WERE FOUR COUNTS etc.²⁷ Why do they decide by count? [You ask,] 'Why?' As we have explained. Rather: Why did they decide by count once and again?²⁸ — R. Johanan said: To stir up the whole Temple Court, as it is said: We took sweet counsel together, in the house of God we walked be-ragesh [with tumult].²⁹

What garments do they wear when taking the count? R. Nahman said: Common garments, R. Shesheth said: Sacred garments. 'R. Nahman said: Common garments'. For if you were to say these garments were sacred there would be violent men who would serve by force.³⁰ 'R. Shesheth said: Sacred garments'. For if you were to say common garments, it would happen that, out of sheer love [of the service] they would perform it in common clothes.³¹ R. Nahman said: On what ground do I hold my view? Because we have learnt: They delivered them to the Temple sextons, who stripped them of their garments and left them with their breeches only.³²

(1) These words separate the general proposition from the specification, and thus sever the connection with them and render any inference as from one to the other invalid.

(2) [E.g., the sprinkling of the blood and the burning of incense in the Holy of Holies on the Day of Atonement, v. Lev. XVI, 13-14.]

(3) E.g., the taking out of the censer on the Day of Atonement from the Holy of Holies.

(4) [E.g., the removal of the ashes.]

(5) In the services for his performance of which a non-priest incurs the penalty of death.

(6) [E.g., the putting of incense on the fire in the Holy of Holies.]

(7) E.g., the bringing in of the spoon and the censer in the Holy of Holies which must be followed by the burning of the incense.

(8) E.g., the removal of the ashes.

(9) [The waw of עֲבַדְתֶּם connects the general statement and particularization as far as the deduction made from the word itself is concerned, but it does not affect the exposition based as 'a service of gift' which is still governed by the words 'within the veil'.]

(10) E.g., the removal of the ashes of the golden altar and candlestick.

(11) According to Rab there is no difference between service within the veil or outside: a common man becomes guilty of death only if he performs a service of gift, not of removal. But according to Levi he becomes guilty also in case of a service of removal. Hence Raba's question addresses itself to Levi: Do we compare it to the service within the veil, so that the common man performing it would not incur penalty of death, or to service without, when he would incur it?

(12) The letter 'waw is superfluous. It includes also the Temple, hence in case of a gift service, he would incur that penalty there too, and with a removal service he would be exempt as within the veil.

(13) If a common man who performs in the Temple a Service of gift incurs the penalty of death.

(14) After the shewbread is arranged. V. Lev. XXIV, 7. Hence the former is not a complete service, for the performance of which a commoner incurs the penalty of death.

(15) Assuming this to be a 'complete' service, not followed by anything else.

(16) On the following Sabbath, which forms a completion of this service. V. *ibid*, 8.

- (17) Infra 45a.
 (18) Lev. I, 7.
 (19) Used as kindling wood on the altar, V. Tam. II, 4.
 (20) Hence it is considered a proper service and the commoner performing it should incur the penalty.
 (21) v. infra, 33a.
 (22) Of the Daily continual offering.
 (23) Between Rab who limits the liability to the four he enumerates and R. Johanan who includes the arrangement of the two logs of wood.
 (24) V. Lev. V, 9.
 (25) V. Ibid. I, 15.
 (26) Suk. 48a.
 (27) The text here is corrected in accordance with Bah.
 (28) The Mishnah speaks of four counts.
 (29) Ps. LV, 15. The word, **כְּרֹנֶשׁ**, usually translated as 'multitude' is here connected with **רָנָה**, meaning 'to stir up', thus, 'enthusiasm', 'love'.
 (30) Even without having been chosen by count, his being fitly dressed encouraging such forwardness.
 (31) If the lot fell on them.
 (32) Tam. V, 3.

Talmud - Mas. Yoma 25a

Don't [you agree] that this refers to those who had obtained part in the day's services by the count?¹ — R. Shesheth said: No, it refers to those who had not obtained part in the day's service by the count.² Thus also does it appear provable by logic. For, if it were to refer to those who were allotted part in the service by count, how could it be stated that they left them the breeches only; surely it has been taught: Whence do we know that nothing may be put on before the breeches? To teach us that it says:³ And breeches of linen shall be on his flesh.⁴ — And the other?⁵ — This is no difficulty: This is what it teaches: Whilst they still wore the common clothes, they put on the holy breeches, after that they removed the common clothes and left them with the [holy] breeches.

Said R. Shesheth: Whence do I hold my view? From what has been taught: The Cell of the Hewn Stone⁶ was [built] in the style of a large basilica. The count took place in the eastern side, with the elder⁷ sitting in the west, and the priests in the form of a spiral figure. The officer came and took the mitre from the head of one of them. One would know then that the count would start from him.⁸ Now, if the thought should arise that the priests [came to the count] in common garment — is there a mitre in common dress? — Yes, there is, as Rab Judah or, as some say, R. Samuel b. Judah reported: A priest for whom his mother made a tunic, could officiate therein at an individual [not community] service.⁹ Abaye said: We can infer from this the Cell of Hewn Stone was [situated] half on holy ground, half on non-holy ground; that the Cell had two doors, one opening on holy ground, the other opening on non — holy ground. For, if the thought should arise in you that the whole of it was on holy ground — how could the elder sit to the west; has not a Master¹⁰ said: Nobody could sit in the Temple Court except the kings of the House of David.¹¹ Furthermore, if you could think that the whole cell was outside holy ground, how could the count take place on its eastern side, is it not required: 'In the house of God we walked with the throng'¹² and this would not be [the house of God]! Hence [the inference is valid]: It is half on holy ground, half on non-holy ground. And if the thought should arise in you that the Cell has but one door opening on holy ground, how could the elder sit to the west, and we have learnt: If the cells are built on non-holy ground and open on holy ground the space within them is holy.¹³ And if the thought should arise in you that it opened into unholy ground how could the count take place in the eastern part [of the Cell];¹⁴ have we not learnt: If they are built on holy ground and open out on non-holy ground, their space within is non-holy, hence you must needs say: the Cell had two doors, one opening on holy ground, the other on non-holy ground.

MISHNAH. THE SECOND COUNT!¹⁵ WHO SHOULD SLAUGHTER [THE DAILY REGULAR OFFERING],¹⁶ WHO SHOULD SPRINKLE THE BLOOD, WHO SHOULD REMOVE THE ASHES FROM THE INNER ALTAR,¹⁷ WHO SHOULD REMOVE THE ASHES FROM THE CANDLESTICK,¹⁸ WHO SHOULD TAKE UP TO THE RAMP THE LIMBS [OF THE OFFERING], THE HEAD AND THE [RIGHT]¹⁹ HIND-LEG, THE TWO FORELEGS, THE TAIL AND THE [LEFT]¹⁹ HIND-LEG, THE BREAST AND THE THROAT,²⁰ THE TWO FLANKS,²¹ THE INWARDS, FINE FLOUR,²² THE CAKES²³ AND THE WINE.²⁴ ALTOGETHER THIRTEEN PRIESTS OBTAINED A TASK.²⁵ BEN AZZAI SAID BEFORE R. AKIBA IN THE NAME OF JOSHUA: IT [THE DAILY OFFERING] WAS OFFERED UP IN THE WAY IT WALKS.²⁶

GEMARA. The question was asked: When they take the count, do they do so for one service or for each individual task? — Come and hear: Four counts were there.²⁷ Now if the thought should arise in you that there was a separate count for each task, there would be need of many counts! — R. Nahman b. Isaac said: This is what [the Mishnah] means: Four times they went in for counting, and on each occasion there were many counts.

(1) And they were stripped of the common garments which they wore during the count.

(2) They were stripped of the sacred garments which they wore during the count.

(3) V. supra 23b.

(4) Lev. XVI, 4.

(5) R. Nahman.

(6) [The Hall wherein the great Sanhedrin used to sit. Schurer II, p. 264 identifies it with the chamber 'close to the xystus' on the western border of the Temple mount. For the refutation of this view, V. Krauss. J.E. XII, 576.]

(7) Of the Beth din supervising the count (Rashi).

(8) Tosef. Suk. IV, 6.

(9) V. infra 35b.

(10) Infra 69b.

(11) In Deut. XVIII, 5: The Lord hath chosen him out of all thy tribes to stand to minister in the name of the Lord, against which II Sam. VII, 18: Then David the king went in and sat before the Lord.

(12) And this enthusiasm, as explained before, was created by the count.

(13) Ma'as Sh. III, 8.

(14) The count had to take place on holy ground.

(15) V. Mishnah, supra 22a.

(16) The priest with whom the count ended slaughtered the daily regular sacrifice. His right hand neighbour had the next task, his neighbour's right hand neighbour the third, etc.

(17) On the inner altar, every morning and evening, the incense was offered. The glowing coals for that purpose were obtained from the outer altar. The ashes which remained were removed next day. They could be removed by a common priest even on the Day of Atonement.

(18) This too could be performed by any common priest, the high priest had but to do the lighting of the lamps.

(19) The right hindleg. V. Tamid IV, 3.

(20) Larynx with windpipe, lungs and heart.

(21) With milt and liver.

(22) For the meal-offering which accompanied the daily regular sacrifice. Num. XXVIII, 5.

(23) Made on the **מחבת** (pan). V. Men. 96a. It was the daily sacrifice of the high priest which accompanied the daily regular sacrifice. Lev. VI, 13; Shek. VII, 6.

(24) Num. XXVIII, 7.

(25) Two, that of slaughtering and sprinkling; two, clearing the golden altar and the candlestick; six, taking up the limbs and inwards, three, taking up the flour and wine-offerings.

(26) Lit., 'according to the manner of its gait', i.e., in order of the parts of the body active in the movements; first head and right hind-leg, then breast and neck, then the two fore-legs, then the two flanks, the tail and the left hind-leg.

Talmud - Mas. Yoma 25b

Come and hear: R. Judah said: There was no count for the coal-pan, but the priest who had obtained the task of [smoking] the incense said to his assistant: Obtain with me the privilege of serving the coal-pan.¹ — It is different with incense and coal-pan, because they form together one service. Some argue thus: This is the case only with coal-pan and incense, because they form one service, but all other tasks require individual count!² — [No.] With regard to the coal-pan it is necessary to inform us [that no separate count is required] for the thought could have arisen that because it takes place rarely and enriches,³ therefore a special count should be arranged for it, hence we are taught [that it is not so].

Come and hear: R. Hiyya taught: There was no count for each individual task, the priest who secured the task of [the killing of] the daily burnt-offering drew twelve priests to himself [for the tasks involved]. This proves it.

THE SECOND COUNT: The question was asked: Who receives the blood?⁴ [Do we say that] he who killed? For if you were to say that the one who sprinkles the blood receives it, perhaps in his enthusiasm⁵ he may not receive the whole blood; or does the sprinkler receive it, for if you were to say that he who kills the animal receives the blood, occasionally a non-priest kills [the animal]?⁶ — Come and hear: Ben Katin made twelve spigots for the laver so that his twelve brethren, the priests, who are occupied with the daily regular sacrifice, may simultaneously wash their hands and feet.⁷ Now, if you were to think that he who kills [the animal] also receives its blood there would be thirteen.⁸ Must we not therefore infer therefrom that he who sprinkles receives the blood? This proves it.

R. Aha, the son of Raba said to R. Ashi: We have also learnt thus: He whose lot it was to slaughter it, slaughtered it; he whose lot it was to receive the blood, received it — and then he came to sprinkle it.⁹ This proves it.

BEN 'AZZAI SAID BEFORE R. AKIBA, etc.: Our Rabbis taught: What is 'THE WAY OF ITS WALKING'? The head, right hind-leg, breast and neck, the two fore-legs, the two flanks, the tail and the left hind-leg. R. Jose says: It was offered up in the order in which it is flayed. Which is the order of its being flayed? The head, the right hind-leg, the tail, the left hind-leg, the two flanks, the two fore-legs, the breast, and the neck. R. Akiba says: It was offered up in the order in which it was dissected. Which is the order of the dissection? The head, the right hind-leg, the two forelegs, the breast and the neck, the two flanks, the tail and the left hind-leg. R. Jose the Galilean says: It was offered up in the order of its best parts. Which is the order of its best parts? The head, the [right] hind-leg, the breast and neck, the two flanks, the tail and the [left] hind-leg and the two fore-legs. But is it not written: Even every good piece, the thigh and the shoulder?¹⁰ — That refers to a lean animal:¹¹ Raba said: Both our Tanna¹² and R. Jose the Galilean follow the order of quality of the meat, but one takes into consideration the size [of the limbs], the other the fatness.

Why does the head go together with the [right] hind-leg?¹³ Because the head has many bones; one attaches the [meaty] hindleg to it.

All¹⁴ agree at any rate that the head is offered up first. Whence do we derive this rule? Because it has been taught: Whence do we know that the head and the suet come before all other parts [of the animal]? To teach us that, it says: He shall lay it in order with its head and its suet.¹⁵ And as to the other 'suet',¹⁶

- (1) The incense required two priests: one who carried the incense into the Temple and smoked it, the other who took out the coals from the outer altar, brought them into the Temple, and put them on the inner altar to smoke the incense upon them. V. infra 26a. From here it appears that not every task required a count.
- (2) Which proves that every task requires a count.
- (3) V. infra 26a.
- (4) In a basin for sprinkling purposes.
- (5) Lit., 'his love (for the service)'.
- (6) As deduced from Lev. I, 5; a non-priest may kill the animal, as the priestly functions in connection with an animal-sacrifice begin with the receiving of the blood.
- (7) Infra 37a.
- (8) There were thirteen tasks according to the Mishnah. The slaughtering, however, since even a commoner might perform it, did not require washing of hands and feet even if performed by a priest. But if he who slaughtered it should also receive its blood, he would have to wash his hands too because of the subsequent receiving of the blood.
- (9) Tamid IV, 1.
- (10) Ezek. XXIV, 4. [This shows that the thigh (the hind-leg) and the shoulder (the foreleg) are among the best pieces whereas here they are mentioned last (תֹּם יְשָׁנִים); v. however p. 119, n. 2.]
- (11) [The verse speaks of the wicked in Israel who plunder the poor and consume the good pieces of their animals which at best could only be lean, whereas the daily sacrifices were offered from the best, Ibid.]
- (12) The Tanna of our Mishnah.
- (13) [Var. lec. transfer here both the question from Ezek. XXIV, 4 and the answer that follows. In this reading these refer to 'our Tanna' who mentions 'the fore-legs' before the hind-legs whereas in Ezekiel the thigh (hind-leg) is given preference, v. Bah.]
- (14) Ben 'Azzai, R Jose, R. Akiba, R. Jose the Galilean, whilst basing their order on different considerations, all have the head offered up first.
- (15) Lev. I, 12. Infra 26a.
- (16) Ibid. I, 8: The pieces, and the head, and the suet. It was included in the other pieces.

Talmud - Mas. Yoma 26a

what does it signify? [It has its meaning] in accordance with what has been taught: How did he do it? He placed the suet upon the open throat and offered it up thus, that being done as a sign of respect for heaven.¹

MISHNAH. THE THIRD COUNT: NOVICES² COME UP AND SUBMIT TO THE COUNT FOR THE INCENSE. THE FOURTH COUNT: NOVICES AND OLD PRIESTS, WHO WILL TAKE UP THE LIMBS³ FROM THE RAMP TO THE ALTAR.

GEMARA. A Tanna taught: Never did a man repeat that,⁴ What is the reason? — Because it enriches. R. Papa said to Abaye: Why [does the incense enrich]? Would one say because Scripture says: They shall put incense before Thee,⁵ and soon after: Bless, Lord, his substance?⁶ If so, then a burnt-offering should also enrich, for there it is written also: And whole burnt-offering upon Thine altar?⁷ He answered: The second is frequent,⁸ the first not. Raba said: You will not find any rabbinical scholar giving decision who is not a descendant from the tribe of Levi or Issachar. 'Of Levi', as it is written: They shall teach Jacob Thine ordinances,⁵ 'of Issachar', as it is written: And of the children of Issachar, men that had understanding of the times, to know what Israel ought to do.⁹ But mention Judah too, for it is written: Judah is my law-giver?¹⁰ — I am speaking [only] of those [who make conclusions] in accordance with the adopted practice.¹¹

R. Johanan said: No count is arranged for the daily continual evening¹² sacrifice, but the priest who secured the task of offering the continual morning sacrifice also obtains the task of the evening sacrifice. An objection was raised: Just as one arranges a count for it in the morning so is a count arranged for it in the evening? — That was taught in application to the incense.¹³ — But it has been

taught: Just as one arranges a count for it¹⁴ [masc.], in the morning, so does one arrange for it, a count in the evening. Read:¹⁵ for it [fem.] — But it has been taught: Just as one arranges a count for it [masc.] in the morning, so is a count arranged for it [masc.] in the evening, and just as one arranges a count for it [fem.] in the morning, so is a count arranged for it¹⁶ [fem.] in the evening! — R. Samuel b. Isaac said: Here we refer to the Sabbath, on which the divisions of the priests are relieved.¹⁷ But on the original assumption¹⁸ there was a larger number of counts? — All came in the morning [for the count]; to some it was allotted for the morning to others, for the evening.

THE FOURTH COUNT: NOVICES AND OLDER PRIESTS etc.: Our Mishnah does not agree with the view of R. Eliezer b. Jacob, for we have learnt: He who brings the limbs up to the ramp also brings them up to the altar.¹⁹ What principle are they disputing? One holds: In the multitude of the people is the king's glory,²⁰ whereas the other is of the opinion that [the distribution of duties among too many] is not good form in the abode of the Shechinah.²¹ Raba said: R. Eliezer b. Jacob does not agree with the view of R. Judah, nor does the latter agree with the view of the former, for, if that were the case there would be too few counts.²² And if you find a teacher who teaches 'five [counts]',

(1) Because the throat is smeared with blood, it would not look respectful enough to offer it up in such condition. Hul. 27b.

(2) Nothing was more desired than the privilege of offering up incense. Hence priests who had already enjoyed that function were excluded from repetition until all their colleagues had the same task bestowed upon them. Hence the officer calls on novices to present themselves for the count.

(3) The limbs of the sacrifice were first placed on the lower part of the ramp, after having been dissected, (Tamid IV, 1, 2) then later carried thence to the altar and burnt there.

(4) The offering up of incense.

(5) Deut. XXXIII, 10.

(6) Ibid. 11.

(7) Ibid. 10.

(8) Sacrifices may be either private or public, hence very frequent. Incense was a community offering, hence limited by law.

(9) I Chron. XII, 33.

(10) E.V. 'sceptre'.

(11) i.e. of practical interpreters and scholars, not of law-makers.

(12) Strictly speaking 'afternoon'.

(13) Because nobody was permitted to repeat that function until all candidates had that privilege bestowed upon them once.

(14) Ketoreth (incense) is of fem. gender, hence the question asked from a text where the word 'lo' (masculine 'for him', 'to his') is used.

(15) Assume that the personal pronoun may be used loosely, or that the text misreported. 'lah' ('to her', 'to it', fem. instead of 'lo', the masculine) being intended.

(16) So that there is a special text for the incense.

(17) The division (Mishmar, v. Glos.) officiating at the continual offering of morning had left by the time the continual offering of dusk was to be attended to.

(18) That there was a special count for the evening sacrifice.

(19) Tamid V, 2.

(20) Prov. XIV, 28.

(21) It might appear as if the service was considered a burden, so that its function had to be distributed among many.

(22) R. Judah omits the count for the coal-pan; according to R. Eliezer there was no special count for the service of carrying the limbs up to the altar, hence, had both accepted each other's view, there would be only three counts. He who taught there were five counts, contradicted both of these Tannaim, each of whom omitted one, though not the same count.

he is in accord with neither R. Eliezer b. Jacob, nor with R. Judah.

MISHNAH. THE CONTInual¹ OFFERING WAS OFFERED UP BY NINE, TEN, ELEVEN OR TWELVE [PRIESTS], NEITHER BY MORE [THAN TWELVE], NOR BY LESS [THAN NINE]. HOW THAT? [THE OFFERING] ITSELF [WAS BROUGHT] UP BY NINE;² AT THE FEAST [OF SUKKOTH] WHEN ONE CARRIED A BOTTLE OF WATER,³ THERE WERE TEN. AT DUSK⁴ BY ELEVEN: [THE OFFERING] ITSELF BY NINE AND TWO MEN WHO CARRIED TWO LOGS⁵ OF WOOD. ON THE SABBATH BY ELEVEN: [THE OFFERING] ITSELF BY NINE WITH TWO MEN HOLDING IN THEIR HAND THE TWO CENSERS OF FRANKINCENSE FOR THE SHEWBREAD.⁶ AND ON THE SABBATH WHICH FELL DURING THE FEAST OF SUKKOTH ONE MAN CARRIED IN HIS HAND A BOTTLE OF WATER.

GEMARA. R. Abba, or as some say Rami b. Hama or again as some say R. Johanan, said:⁷ The water libation on the Feast of Sukkoth is offered up only at the continual sacrifice of the morning. Whence is this to be inferred? Because [the Mishnah] teaches: AND ON THE SABBATH WHICH FELL DURING THE FEAST OF SUKKOTH ONE MAN CARRIED IN HIS HAND A BOTTLE OF WATER. Now if the thought could arise in you that [also] at the continual offering at dusk is the water of libation offered up,⁸ then it would also happen during the weekday.⁹ R. Ashi said: We also have learned thus:¹⁰ One said to the priest offering the libation: Hold your hands up! For it happened once that he poured it upon his feet and all the people stoned him with their citrons.¹¹ This proves it. It was taught: R. Simeon b. Yohai said: Whence do we know that at the continual offering of dusk two logs of wood were to be brought up by two priests? Because it is said: And [the sons of Aaron the priest shall] lay wood in order upon the fire.¹² If it has no bearing on the morning sacrifice because it is written: And the priest shall kindle wood on it every morning, and he shall lay the burnt-offering in order upon it,¹³ make it bear on the dusk sacrifice! — But perhaps, say: Both refer to the morning sacrifice, the Divine Law enjoining: Do it! And do it! again.¹⁴ — If that [were intended] the Divine Law should have said: ‘And he shall kindle wood.’ ‘And he shall kindle wood.’¹⁵ But if the Divine Law had stated: ‘And he shall kindle [wood]’ I would have assumed it may be done by one only, not by two, therefore we are taught that both one and two shall do so?¹⁶ — If that were intended the Divine Law should have stated: ‘He shall kindle [wood]’¹⁷ . . . and ‘they shall kindle wood,’ or ‘He shall lay [wood] in order’ and ‘they shall lay [wood] in order.’¹⁸ Why the words ‘He shall kindle’ and ‘They shall lay in order’?¹⁹ That we infer from it as we have said above.

R. Hiyya taught: The [second] count at times [affects] thirteen²⁰ priests, at times fourteen,²¹ fifteen, or sixteen. But has it not been taught: [At times] seventeen?²² — That teaching is in accord not with R. Eliezer b. Jacob, but with R. Judah.²³ **M I S H N A H.** A RAM WAS OFFERED BY ELEVEN: THE FLESH BY FIVE, THE INWARDS,²⁴ THE FINE FLOUR,²⁵ AND THE WINE BY TWO EACH. A BULLOCK WAS OFFERED BY TWENTY-FOUR: THE HEAD AND [RIGHT] HIND-LEG²⁶ — THE HEAD BY ONE AND THE [RIGHT] HIND-LEG BY TWO [PRIESTS]. THE TAIL AND [LEFT] HIND-LEG — THE TAIL BY TWO AND THE [LEFT] HIND-LEG BY TWO. THE BREAST AND NECK — THE BREAST BY ONE AND THE NECK BY THREE. THE TWO FORE-LEGS BY TWO, THE TWO FLANKS BY TWO. THE INWARDS, THE FINE FLOUR,²⁷ AND THE WINE²⁸ BY THREE EACH. THIS APPLIES ONLY TO OFFERINGS OF THE COMMUNITY. IN PRIVATE OFFERINGS, HOWEVER, IF A SINGLE PRIEST²⁹ WANTS TO OFFER [ALL], HE MAY DO SO. BUT AS TO THE FLAYING AND DISMEMBERING OF BOTH COMMUNAL, AND PRIVATE OFFERINGS THE SAME REGULATIONS APPLY.³⁰ **GEMARA.** A Tanna taught: The law regarding the flaying and the dismembering is alike in both [communal and private sacrifices] in that they may be done by a non-priest. Hezekiah said: Whence do we know that the law regarding flaying and dismembering is alike [with all sacrifices] in that they may be done by a non-priest? Because it is written: And the sons of Aaron the high priest shall put

fire upon the altar,³¹ i.e., priesthood is required for the putting of the fire upon the altar, but not for the flaying and dismembering.

(1) Beginning with the taking up of the limbs to the ramp.

(2) In the same manner in which the parts of the sacrificial animal were brought up to the ramp, so were they thence carried to the altar, thus six priests were required to carry the lamb's parts, and three to convey the flour and wine-offerings to the altar.

(3) For the water libation, v. Suk. 48a.

(4) Strictly speaking 'in the afternoon'.

(5) They were added to the pile of wood on the altar.

(6) Lev. XXIV, 7-8: And thou shalt put pure frankincense with each row, that it may be to the bread for a memorial-part, even all offering made by the fire unto the Lord. Every Sabbath day he shall set it before the Lord continually, it is from the children of Israel, an everlasting covenant.

(7) The report came in the name of these three, without preponderance of evidence as to the real author.

(8) The Mishnah states that only on the Sabbath of the Feast of Sukkoth was the continual offering offered up by twelve priests. But if the water libation were offered up in connection with the continual dusk offering too, twelve priests would then too be necessary: nine for the lamb itself, two for the logs of wood, one for the bottle of water.

(9) So that on a week-day too, twelve priests would be required for the offering, which contradicts the Mishnah.

(10) V. Suk. 48b.

(11) The Sadducees rejected the water libation, hence, when in charge, they would invalidate the ceremony. The people observant of such sabotage, punished the hypocrite by pelting him with their citrons (ethrog). But these citrons were used only at the morning prayer. The Mishnah in Sukkoth mentions the citrons to indicate that the libation of the water took place only at the time citrons were part of the service, i.e., in the morning. The first proof was textual, the second factual.

(12) Lev. I, 7.

(13) Ibid. VI, 5.

(14) Hence there would be no repetition and the inference as to the dusk sacrifice would be invalid.

(15) In both instances why the change of expression? That has definite significance.

(16) The double form, singular and plural, was thus necessary.

(17) For the water libation, v. Suk. 48a.

(18) In the same manner in which the parts of the sacrificial animal were brought up to the ramp, so were they thence carried to the altar, thus six priests were required to carry the lamb's parts, and three to convey the flour and wine-offerings, to the altar.

(19) But what it is meant to convey, could have been conveyed without change of phrase.

(20) V. Mishnah supra 25a.

(21) On the Sukkoth Festival; on the Sabbath; and on the Sabbath of the Sukkoth Festival, respectively.

(22) [On Sabbath of Sukkoth, cf. Rashi and MS. M. Tosaf. however refers this to ordinary days omitting the words 'at times'. The number 17 can only be arrived at by adding to the 13 priests an additional four: (1) for removal of ashes; (2) for bringing up the limbs from the ramp to the altar; (3) for smoking the incense; (4) for bringing the coal-pan. This would not be in accordance with R. Eliezer b. Jacob; v. R. Hananel's reacting in next note.]

(23) Who as stated supra 26a requests an extra priest for carrying the limbs from the ramp to the altar. Rabbenu Hananel (v. p. 123, n. 11) reads: Neither with R. Eliezer b. Jacob, nor with R. Judah. For R. Judah holds there was
no count for the coal-pan, the priest

who had secured the task of the incense inviting his assistant to share the function of the coal-pan. Nor with R. Eliezer b. Jacob, who omits the count of the function of the limbs being brought to the altar from the ramp; according to him the priest who carried them up to the ramp, also brought them thence to the altar. V. Rashi, Tosaf. and **סוֹת יִשְׁנִים**.

(24) The lamb for the continual offering must not be older than one year. The ram could be between one and two years of age, hence its inwards were much heavier.

(25) The wine-offering with the ram was heavier by one fourth, the flour-offering was twice as heavy as that of the lamb.

(26) Lit., 'as far as head and hind-leg are concerned', which usually were offered by one person here etc.

(27) Num. XV, 9.

(28) Ibid. 10.

(29) Of the division ministering that week, whom the owner of the sacrifice entrusted with the task.

(30) Non-priests, too, might either flay or dissect the sacrifices. Hence there were no counts for them. The sacrifices of the community, however, although even they could be slaughtered by non-priests, were welcome to, and sought after by priests, whence the necessity of a count in connection with them.

(31) Lev. I, 7.

Talmud - Mas. Yoma 27a

But that passage is required for its own information?¹ — R. Shimi b. Ashi said: I found Abaye explaining it to his son: [It was taught]: ‘One shall kill,’² hence we infer that even a non-priest may kill [the sacrificial animal]. But whence are you coming?³ — Because Scripture says: And thou and thy sons with thee shall keep your priesthood, [in everything that pertaineth to the altar].⁴ I might have learned that even the killing [must be done by priests alone], therefore it is written: And he shall kill the bullock before the Lord,⁵ and Aaron's sons, the priests, shall present the blood,⁶ i.e., the work of the priesthood is commanded only from the receiving [‘presenting’] of the blood and so on.⁶ And he shall lay his hand . . . and he shall kill,⁷ hence we are taught that the killing [of the sacrificial animal] is permissible even to a non-priest. Now, [Abaye went on explaining to his son] since the work obligatory on the priests starts only with the receiving of the blood, what is the purpose of: And the sons of Aaron . . . shall put the fire?⁸ To exclude flaying and dismembering.⁹ But still that was necessary. For one might have thought since [the putting on of the fire] is not a kind of service, the omission of which prevents atonement, it did not require priesthood, hence we are taught [from this passage] that it requires priesthood? — Rather do we infer it from here: And Aaron's sons, the priests, shall lay it, order the pieces, and the head, and the suet.¹⁰ Now, since the work obligatory upon priests starts with the receiving of the blood, why was the passage: ‘And they shall lay in order’ [etc.] necessary? It meant to exclude the flaying and the dismemberment.¹¹ But say perhaps that it means to exclude the arranging of the two logs of wood? — It seems logical that the passage excludes [a service relating to the sacrifice itself] which is of the type referred to. On the contrary: [it seems logical that] it excludes the ‘putting in order’ of [wood], which is analogous [to the ‘laying in order’ of the pieces referred to].¹² This thought should not arise in your mind, for a Master taught: ‘And the priest shall offer the whole . . . upon the altar.’ This refers to the bringing up of the limbs to the ramp. Now only the bringing of the limbs to the ramp requires a priest, but not the bringing of the logs of wood, implying that the putting in order of the two logs of wood requires a priest.¹³ Why, then, is it necessary to state ‘And they [the priests] shall lay [the pieces] in order’? to exclude flaying and dismembering.¹⁴ But say, perhaps, that this text is necessary for its own meaning?¹⁵ --[In reality so.] What then is the purpose of [the passage], ‘And the priest shall make the whole smoke upon the altar’?¹⁶ To exclude flaying and dismembering. [So that] ‘And the priest shall offer the whole’ refers to the bringing up of the limbs to the ramp; only the bringing up of the limbs to the ramp requires a priest, but not the bringing of the two logs of wood to the ramp. Implying that the putting in order of the two logs of wood that does require the services of a priest and the words: ‘And they shall put’¹⁷ have immediate text meaning;¹⁸ the words ‘And they shall lay in order [the pieces]’¹⁹ indicate it must be two; the words: ‘The sons of Aaron’¹⁹ also indicate two; the words: ‘The priests’¹⁹ also indicate two, together we learn from them that the [offering up of the] lamb requires the services of six priests. R. Hamnuna said: To R. Eleazar it seems difficult, for this passage¹⁹ refers to the young bullock, the service in connection with which required twenty-four priests! But he found it right again, for Scripture says: Upon the wood that is on the fire which is upon the altar¹⁹; now what thing is it in connection with which ‘wood’, ‘fire’ and ‘altar’ are mentioned?

(1) That a priest is required for the putting on of the fire. An inference for other matter is justified only when the text itself, or part of it, appears superfluous.

(2) ‘We-shahat’ Lev. I, 5, may mean ‘and he shall kill’, the most obvious meaning in the context; or ‘one shall kill’, ‘one’ being a term general enough to include a commoner.

(3) On what are you basing your argument, that it is necessary to bring proof that a non-priest may kill the animal; what

basis is there for the assumption that he may not do so?

(4) Num. XVIII, 7. The bracketed portion is interpolated by Bah. and rightly so, for upon it rests the argument.

(5) Lev. I, 5.

(6) [Since the priests are mentioned only in connection with the presenting of the blood and not with the killing.]

(7) Ibid. 4,5. ['He shall kill' has for the subject the same person as 'he shall lay his hand' — the owner of the sacrifice (a non-priest).]

(8) Since the putting on of the fire followed the presenting of the blood, the latter signifying the commencement of the priestly function, why was it necessary to mention that the 'Sons of Aaron' perform it?

(9) That these may be performed by non-priests.

(10) Lev. I, 8.

(11) I.e., flaying and dismembering.

(12) That the putting on of the two logs of wood did not require a priest.

(13) Since the fetching of the wood is especially stated to need no priest, the inference is — obvious that the putting in order of the two logs requires a priest's service.

(14) [V. supra, note 2. The passage that follows up, ' . . . text meaning' is difficult and is omitted by Wilna Gaon. The interpretation attempted here involves no change in the text of cur. edd.]

(15) [To show that the arrangement of the pieces required a priest, as it might have been assumed that 'even a non-priest may perform it since it is not a service' indispensable for effecting an atonement.]

(16) Lev. I, 9.

(17) Ibid. 7.

(18) That a priest is required for putting on the fire, v. supra p. 126.

(19) Lev. I, 8.

Talmud - Mas. Yoma 27b

Say it is the lamb.¹

R. Assi said in the name of R. Johanan: A non-priest who laid the pile of wood in order [on the altar] incurs the penalty [of death]. What should he do [post facto]? — Let him break it up and then put it in order again. What is the good of that? — Rather: Let the non-priest break it up again and let a priest put it in order afterwards. R. Ze'ira demurred to this: But is there not a service which may be performed also at night and which a non-priest would render invalid? Surely, there is the smoking of the limbs and the fat-pieces.² That is but the conclusion of the service of the day. But there is the removing of the ashes? That is the beginning of the work of the day, as R. Assi has reported in the name of R. Johanan: If he has sanctified his hands [by washing] in the morning for the removal of the ashes, he need not sanctify [them] on the morrow, for he has already sanctified them from the beginning of the service.³ But the difficulty remains!⁴ If this statement was made, it was stated thus: R. Assi said in the name of R. Johanan: A non-priest who laid the two logs of wood in order incurs the penalty [of death] because this is a day service. Raba demurred to this: If so, a count should be required for it! — It escaped him what had been taught: He who secured the task of clearing the ashes off the altar, [thereby also] secured the task of putting in order the pile of wood and the two logs of wood.³ Shall we, then, say that only service performed during the day requires the count but service performed during the night does not require the count? Surely there is the [smoking of the] members and the fat-pieces?⁵ — That is the end of the service of the day. But there is the removal of the ashes? — That is due to a certain event.⁶ Shall we say that only for service performed during the day and for participation in which a non-priest incurs the penalty of death, a count is required, but that wherever a non-priest does not incur penalty of death for performance of a service, no count is required? But then what of the killing [of the animal]?⁷ — It is different with the killing because that is the beginning of the service.

Mar Zutra or R. Ashi said: But we have learned otherwise: The officer said to them: Go forth and see if the time for the killing [of the continual morning sacrifice] has arrived,⁸ but he is not teaching

about the laying in order of the two logs of wood?⁹ It speaks only of such things as cannot be remedied¹⁰ again, but not such for which there is a remedy.¹¹ Some say¹² this is what R. Ze'ira asked: Is there any service followed by another service, which would be invalidated if performed by a non-priest?¹³

(1) The passage 'Upon the wood that is on the fire which is upon the altar' is superfluous, for v. 7 contains that information already, hence the inference is right that the six priests are suggested here.

(2) V. supra 24a.

(3) V. supra 22a.

(4) Where do we find a service which may be performed at night and which a non-priest renders invalid?

(5) For which a count has been arranged.

(6) Mentioned in Mishnah supra.

(7) Which may be performed by a non-priest and yet requires a count.

(8) Infra 28a.

(9) Hence it took place during the night.

(10) The continual morning offering must not be offered before daybreak; de facto it was invalid, had to be replaced by another and be burnt in a place far from the altar like any invalidated sacrifice.

(11) If the logs of wood had been put in order before daybreak, one could break them up and put them back in order again after daybreak.

(12) [The text from this point to the end of the chapter is in disorder, consisting, according to Rashi and others, of several interpolations. The interpretation that follows is that of Tosaf. on the basis of curr. edd.]

(13) [R. Ze'ira's question has reference to R. Johanan's ruling, that a non-priest who arranges the wood pile on the altar is liable to death. Against this R. Ze'ira raises the objection that since it is followed by another service, i.e., the arranging of the two logs of wood, a non-priest should incur no penalty nor invalidate it by his performance of it. V. Tosaf. s.v. **אֵיכָא**.]

Talmud - Mas. Yoma 28a

Surely there is [the smoking of] the limbs and fat-pieces?¹ — That is the end of the service of the day.² But what of the removal of the ashes?³ — It is the beginning of the service of the day,⁴ for R. Johanan said: If he sanctified his hands by washing for the removal of the ashes, in the morning he need not sanctify [his hands] since he had already sanctified them at the beginning of the service. If so the difficulty⁵ remains? — Rather if this statement was made it was made thus: R. Assi said in the name of R. Johanan: If a non-priest arranged in order two logs of wood [on the altar] he incurs the penalty of death, because it is a complete service.⁶ To this Raba demurred: If this is so let it require a count. But it requires no count? Surely it was taught, He who secures the privilege in respect of the removal of the ashes, secures also the privilege in respect of the arranging of the two logs of wood? This is what he means. It should have a separate count for itself? The [reason is] as we have already stated.

Are we to say that for a service which is complete, and for the performance of which a non-priest incurs the penalty of death, a count is required, but for one, for performance of which a non-priest does not incur such penalty, no count is required — but there is the killing [of the sacrificial animal]? — It is different with that killing, because it is the beginning of the service of the day. Shall we say that only a complete service requires the count, but a service followed by another does not require it — but there is the smoking of the members and the fat-pieces? — That is the end of the service of the day. — But there is the removal of the ashes? — Here [the count is due] because of what happened.

Mar Zutra or R. Ashi said: We too have learnt thus:⁷ The officer said to them: GO FORTH AND SET WHETHER THE TIME FOR THE KILLING OF THE MORNING SACRIFICE HAS ARRIVED. But he does not teach anything about the time for the laying in order of the two logs of

wood?⁸ — He teaches only concerning such things as cannot be remedied again, but not concerning such for which there is a remedy.⁹

CHAPTER III

MISHNAH. THE¹⁰ OFFICER SAID TO THEM: GO FORTH AND SEE WHETHER THE TIME FOR KILLING [OF THE MORNING SACRIFICE] HAS ARRIVED. IF IT HAD ARRIVED THEN HE WHO SAW IT SAID: IT IS DAYLIGHT!¹¹ MATHIA B. SAMUEL SAID: THE WHOLE EAST IS ALIGHT.¹² EVEN UNTO HEBRON?¹³ AND HE ANSWERED ‘YES’. AND WHY WAS THAT [CONSIDERED] NECESSARY? BECAUSE ONCE WHEN THE LIGHT OF THE MOON¹⁴ ROSE THEY THOUGHT THAT THE EAST WAS ALIGHT¹⁵ AND SLAUGHTERED THE CONTINUAL OFFERING, WHICH AFTERWARDS THEY HAD TO TAKE AWAY INTO THE PLACE OF BURNING.¹⁶

THE HIGH PRIEST¹⁷ WAS LED DOWN TO THE PLACE OF IMMERSION. THIS WAS THE RULE IN THE TEMPLE: WHOSOEVER CROSSED HIS FEET¹⁸ REQUIRED AN IMMERSION, AND WHOSOEVER MADE WATER REQUIRED SANCTIFICATION BY WASHING¹⁹ HIS HANDS AND FEET.

GEMARA.

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- (1) [This service, it is now assumed, receives its completion only with the removal of the ashes, and yet must not be performed by a non-priest under the penalty of death (Tosaf.).]
- (2) [The original assumption n. 3. is rejected. The smoking of the limbs is in itself regarded as the completion of the day service (Tosaf.).]
- (3) [Which must be followed by the taking of the ashes outside the camp, v. Lev. VI, 4' and yet is considered a complete service, v. supra 24a (Tosaf.).]
- (4) [Whereas the taking of the ashes outside the camp is not performed daily (v. Tamid II, 2) and consequently it cannot be regarded as completing the removal of the ashes (Tosaf.).]
- (5) Of R. Ze'ira.
- (6) [V. supra 22a. For the reason that no special count has been arranged for the two logs of wood. R. Hananel.]
- (7) That the laying of the two logs of wood is a complete service.
- (8) [Because it is considered a night service completing the arranging of the wood pile on the altar (Rashi), v. also Tosaf.]
- (9) V. supra, p. 128, nn. 8, 9.
- (10) The Mishnah continues the account of the procedure, where it had been interrupted, 26a. This Mishnah refers not only to the Day of Atonement, but to the continual sacrifice on every morning of the year.
- (11) The Mishnaic **בִּרְקָאִי** 'barkai' may be a contraction of 'barka hi', i.e. there is a shining. Or: the shining one, i.e., the morning star.
- (12) [Rashi (Men. 100a) regards these words not as reporting the view of Mathia b. Samuel, but as a historical narrative. The passage is consequently to be translated: Mathia b. Samuel (who was a Temple officer v. infra), used to say (in announcing the time in question) The whole east is alight, **תּוֹם יְשָׁנִים** a.l.]
- (13) V. Gemara. For the choice of Hebron, which is too far from Jerusalem to permit one in Jerusalem to see its towers, the Yerushalmi has a plausible suggestion, viz., that that city was mentioned for its historical importance; because of the cave of Machpelah, in which the patriarchs and matriarchs of Israel are buried.
- (14) This could not have happened on a Day of Atonement, because on that day the moon has gone down long before dawn, but on one of the last days of a month, in which the moon, to the west of the sun, rises before dawn.
- (15) When the sky is clouded the light coming from the moon may be confused with that of the sun. But it never reaches as far as the latter, hence the question of the officer whether the horizon is alight even unto Hebron. The officer may have been Mathia. V. Shek. V, 1.
- (16) Possibly a room in the Temple, V. Baneth, Pes. IX, note 49.
- (17) The account of the service on the Day of Atonement is here continued, immediately interrupted again, and

re-continued on 30a.

(18) A euphemism for: to ease oneself, to relieve nature.

(19) In the water of the holy laver. Ex. XXX, 18.

Talmud - Mas. Yoma 28b

It was taught: R. Ishmael said: The morning [star] shines. R. Akiba said the morning [star] rose.¹ Nahuma b. Afkashion said: The morning [star] is already in Hebron. Mathia b. Samuel, the officer in charge of the counts, said: The whole east even unto Hebron is alight. R. Judah b. Bathyra said: The whole east even unto Hebron is alight and all the people have gone forth, each to his work. If that were the case, it would be [too much of the day] too late! — Rather: each to hire working men.²

R. Safra said: The [afternoon] prayer of Abraham³ is due when the walls begin to grow dark.⁴ R. Joseph said: Shall we indeed learn [our laws] from Abraham?⁵ — Raba answered: A Tanna learned from Abraham and we should not learn from him! For it has been taught: And in the eighth day the flesh of his foreskin shall be circumcised,⁶ this passage teaches that the whole of the [eighth] day is proper for the circumcision, but the zealots perform their religious duty as early as possible as it is said: And Abraham rose early in the morning and saddled his ass.⁷ — Rather, said Raba, is it this that appeared difficult to R. Joseph: For we have learnt: If the eve of Passover falls on the eve of Sabbath, the paschal lamb is to be slaughtered at one half after the sixth hour,⁸ and offered up at one half after the seventh hour.⁹ — But let it be slaughtered when the walls begin to grow dark!¹⁰ — What is the difficulty? Perhaps the walls of the Sanctuary begin to grow dark half an hour after the sixth hour because they were not exactly straight.¹¹ Or [one might say]: It was different with Abraham whose heart [mind] knew great astronomical speculation.¹² Or: Because he was an elder [zaken] who had a seat at the scholar's council,¹² for R. Hama b. Hanina said: Our ancestors were never left without the scholars' council. In Egypt they had the scholars' council, as it is said: Go and gather the elders of Israel together;¹³ in the wilderness they had the scholars' council, as it is said: Gather unto Me seventy men of the elders of Israel;¹⁴ our father Abraham was an elder and a member of the scholars' council, as it is said: And Abraham was [zaken] an elder well stricken in age;¹⁵ our father Isaac was an elder and a member of the scholars' council, as it is said: And it came to pass when Isaac was an elder [zaken];¹⁶ our father Jacob was an elder and a member of the scholars' council, as it is said: Now the eyes of Israel were dim with age [zoken];¹⁷ [even] Eliezer, the servant of Abraham was an elder and a member of the scholars' council, as it is said: And Abraham said unto his servant, the elder of his house, that ruled over all he had,¹⁸ which R. Eleazar explained to mean that he ruled over [knew, controlled] the Torah of his master.¹⁹ Eliezer of Damascus': R. Eleazar said, He was so called because he drew²⁰ and gave drink to others of his master's teachings.

Rab said: Our father Abraham kept the whole Torah, as it is said: Because that Abraham hearkened to My voice [kept My charge, My commandments, My statutes, and My laws].²¹ R. Shimi b. Hiyya said to Rab: Say, perhaps, that this refers to the seven laws?²² — Surely there was also that of circumcision!²³ Then say that it refers to the seven laws and circumcision [and not to the whole Torah]? — If that were so, why does Scripture say: 'My commandments and My laws'?

Raba or R. Ashi said: Abraham, our father, kept even the law concerning the 'erub of the dishes,'²⁴ as it is said: 'My Torahs':²⁵ one being the written Torah, the other the oral Torah.²⁶

MATHIA B. SAMUEL SAID etc. . . . AND HE ANSWERED 'YES'. Who was it that said 'yes'? the man standing on the roof! Is he the dreamer and the interpreter?²⁷ Should it, then, be he who is standing on the ground, whence would he know?²⁸ — If you like say it is he who stands on the roof, and if you like say it is he who stands on the ground. If you want to say it is he who stands on the roof; he says: THE WHOLE EAST IS ALIGHT, the one standing on the ground answering: EVEN

UNTO HEBRON? whereupon the former says: 'YES'. If you like say that it is he who stands on the ground: He says: THE WHOLE EAST IS ALIGHT? whereupon the other responds: EVEN UNTO HEBRON?²⁹ and the former answers: 'YES'.³⁰

AND WHY WAS THAT CONSIDERED NECESSARY etc. But can it be confused?³¹ Has it not been taught: Rabbi says: The rising column of the moon is different from that of the sun. The light column of the moon rises straight like a stick, the light column of the sun [the dawn] irradiates in all directions? — The school of Ishmael taught: It was a cloudy day and the light was scattered in all directions.³² R. Papa said: We can infer therefrom that on a cloudy day the sun is felt all over. What is the practical difference?³³ — In the spreading³⁴ of skins, or, as Raba expounded: A woman should not knead³⁵ either in the sun or in the heat of the sun. R. Nahman said: The sultry air of the sun³⁶ is more intense than that of direct sunlight, your analogy³⁷ being: a jar of vinegar;³⁸ the dazzling sun-light³⁹ is worse than the uncovered sun, your analogy being drippings [from the roof].⁴⁰

(1) A later time.

(2) All the people have gone forth, each to his work, refers not to the workingmen who leave for work at a later hour, but to the contractors, who early in the morning hire their men for the day's work.

(3) The afternoon prayer is by tradition ascribed to Isaac, but since he learned it from his father, Abraham receives here the credit for it. Or, as Tosaf. Ber. 26b s.v. **יצחק** has it, after Isaac had instituted the prayer, Abraham fixed the time for it.

(4) Are no longer shone upon by the sun, that is after the middle of the day.

(5) For Abraham lived before the Torah was given and Israelites should follow the conduct of the prophets, who knew and practised the Torah rather than that of Abraham who, whilst living in its spirit, could not have known all the laws thereof. There are, of course, also views according to which Abraham practised the oral and the written law, v. below. v. Tosaf. Moed Katon, 20a, s.v. **מה חג**.

(6) Lev. XII, 3.

(7) Gen. XXII, 3, the reference may also be ibid. XIX, 27, v. Meg. 20a.

(8) The day was divided into twelve hours of varying duration, in winter an hour may be as short as forty minutes, in summer as long as ninety.

(9) Pes. 58a.

(10) I.e., after the beginning of the seventh hour-after midday.

(11) It was narrower above than below and thus did not cast a shadow till later in the afternoon.

(12) And could hence foretell the exact hour; V. B.B., Sonc. ed., p. 83, n. II.

(13) Ex. III, 16.

(14) Num. XI, 16.

(15) Gen. XXIV, I. E.V. 'was old'.

(16) Ibid. XXVII, 1.

(17) Ibid. XLVIII, 10.

(18) Ibid. XXIV, 2.

(19) Ibid. XV, 2. In all these cases the word zaken (elder) is interpreted in accord with Sifra, Kedoshim. III, 7: (**חכמה**) **קִזְן זֶה שֶׁקָּנָה** a zaken is he who has acquired wisdom (through study).

(20) This is a play on **דמשק**, as if it were a compositum of **דולף** (one who draws) and **משקה**, (one who gives drink).

(21) Gen. XXVI, 5.

(22) Obligatory upon 'The sons of Noah', i.e., upon all civilized nations and individuals. They include the commandment to promote justice, and the prohibitions of idolatry, immorality, blasphemy, murder, cruelty to animals, and theft.

(23) Which Abraham observed.

(24) Lit., 'mixing of dishes'. One may not prepare food on a holy day, which falls on Friday, for the Sabbath immediately following it. But one may start on the eve of the holy day to prepare such food for the Sabbath, the cooking on the holy day being but a continuation of this weekday work. This provision is not Biblical.

(25) Taking the word Torah in its sense as the sum-total of Jewish Law.

- (26) The written Law, i.e., the Five Books of Moses; the Oral Law, which Moses received on Sinai, handing it down to Joshua, the latter handing it down to the elders, the latter to the prophets, these to the Men of the Great Synod (Aboth I, 1).
- (27) It seems strange that one man should both ask the question and answer it.
- (28) He could not observe it from where he stood.
- (29) ['Is this what you want to know'.]
- (30) ['Indeed this is just what I ask'. The mention of Hebron is to recall the memory of the patriarchs who lie buried there. T. J. Yoma III, 1. V. Rashi. Var. lec.: He (who stands on the roof) says THE WHOLE EAST IS ALIGHT AS EAR AS HEBRON, and the other (who stands on the ground) says 'YES?' i.e., 'Indeed? are you sure it is so?' V. R. Hananel and D.S. a.l.]
- (31) Can the light of the moon be confused with that of the sun?
- (32) On a cloudy day the rising column of the sun is invisible because of the heavy clouds and it is only where the clouds are somewhat scattered that it is visible, hence the confusion is possible.
- (33) That this inference is mentioned here.
- (34) To be dried.
- (35) The dough on the Passover to prepare unleavened cakes. R. Papa's maxim would make the rule more stringent.
- (36) Produced by the passage of the sun-rays through a cloudy atmosphere.
- (37) Lit., 'your sign'.
- (38) Which emits a stronger smell through a small opening than when quite open.
- (39) Coming through cracks or breaks in the clouds.
- (40) It is more agreeable to enter completely (a bath or rainy place) than to get continual drippings on one's body.

Talmud - Mas. Yoma 29a

Unchaste imagination is more injurious¹ than the sin itself, your analogy being the odour of meat.² The end of the summer is more trying than the summer itself, your analogy being a hot oven.³ A fever in winter is severer than in summer, your analogy being a cold oven.⁴ It is harder to remember well something old than to commit to memory a fresh thing, your analogy being a cement made out of old cement.⁵ R. Abbahu said: What is the reason of Rabbi's opinion?⁶ — It is written:⁷ For the Leader, upon Aijelet ha-Shahar⁸ — just as the antlers of the hind branch off this way and that way, so the light of the dawn is scattered in all directions. — R. Zera said: Why was Esther compared to a hind?⁹ To tell you that just as a hind has a narrow womb and is desirable to her mate at all times as at the first time, so was Esther precious to King Ahasuerus at all times as at the first time. R. Assi said: Why was Esther compared to the dawn?¹⁰ To tell you that just as the dawn is the end of the whole night, so is the story of Esther the end of all the miracles. But there is Hanukkah? — We refer to those included in Scripture. That will be right according to the opinion that Esther was meant to be written,¹¹ but what can be said according to him who held that it was not meant to be written? — He could bring it in accord with what R. Benjamin b. Japheth said, for R. Eleazar said in the name of R. Benjamin b. Japheth: Why is the prayer of the righteous compared to a hind? To tell you that just as with the hind, as long as it grows, its antlers form additional branches every year, so with the righteous, the longer they abide in prayer, the more will their prayer be heard.

THEY SLAUGHTERED THE CONTINUAL OFFERING: When?¹² Would you say on one of the remaining days of the year? Had it then to be offered up? Hence [you will say that it happened] on the Day of Atonement, but is there any moon-light visible then?¹³ — This is what it means: On the Day of Atonement, when the observer said: It is daylight, they would take the high priest down to the place of immersion.¹⁴ The father of R. Abin learnt:¹⁵ Not only concerning this¹⁶ was it said,¹⁷ but also concerning the pinching of a bird's head and the taking of a fistful of the meal-offering, [was it said] that if it was done during the night, it had to be burnt. That is quite right with regard to the bird designated for a burnt-offering, since the fact can no more be undone, but touching the fistful of the meal offering,

- (1) To health, physical and moral.
- (2) The odour of roast meat is more injurious to the digestive apparatus even than the eating thereof.
- (3) It is easy to kindle a fresh fire in a hot oven, the ground being dry. By the end of summer the atmosphere is very hot so that any additional hot weather makes it well nigh intolerable.
- (4) It requires a great deal of wood and effort to warm up the cold oven in the cold days of winter. Thus must a fever be very severe to afflict one on a cold day.
- (5) That has been used before. It is hard to dissolve it and re-make it.
- (6) Who says that the light column of the sun (dawn) is scattered.
- (7) Ps. XXII, 1.
- (8) Lit., 'The Hind of the Dawn. That may have been a well-known melody, according to which the psalm was to be sung, the direction being meant for the choir-leader. V. the comm. of Delitzsch, Cheyne and Koenig.
- (9) In Meg. 15b, Queen Esther is reported to have sung this psalm as she came before Ahasuerus, hence the comparison.
- (10) 'Er. 54b.
- (11) Meg. 7a. To protect the books of the Bible, they were declared unclean, so that after touching them, one had to wash one's hands. The question hence, as to whether any book defiled the hands, implies the question as to whether it was included in the Canon and has inspiration ascribed to its contents. About the Book of Esther there is a dispute in Meg. 7a, one of the Rabbis ascribing inspiration to it, whence it was to be written and included in the Canon, the other denying it inspiration, hence declaring its touch did not defile the hands. V. Yadaim III, 5.
- (12) Did this error happen, on the basis of which the high priest was taken down to the place of immersion. The questioner takes the second incident reported in the Mishnah as a sequel to the first.
- (13) At dawn.
- (14) The answer indicates that these two incidents are not to be connected. The error happened on an ordinary day. The second passage refers to the Day of Atonement and states that when the observer had said 'It is daylight', then, on a Day of Atonement, the high priest would be taken down, etc.
- (15) Men. 100a.
- (16) Not only a sacrifice that was offered up during the night (instead of in its proper time, after day-break).
- (17) That it is to be burnt.

Talmud - Mas. Yoma 29b

let him put it back and take it again when it is day? — He learnt and explained it: The vessels of ministration render what is in them sacred even outside of the proper time.¹ An objection was raised: This is the rule: Whatsoever is offered² up during the day, becomes sanctified by day and whatsoever is offered up during the night becomes sanctified both by day and by night.³ At any rate it is taught that whatsoever is offered up during the day becomes sanctified by day only, and not by night?⁴ — It may not become sanctified [enough] to be offered up, but it may become sanctified enough to be invalidated.⁵

R. Zera raised an objection: If he put in order the shewbread and the [frankincense] clip after the Sabbath and smokes the [contents of] the cups on the [following] Sabbath it is invalid.⁶ What should he do? He should leave it for the coming Sabbath, for even if it stayed for many days on the table, that does not matter. But why? It should be sanctified and invalidated?⁷ — Raba said: He who raised the objection, raised a valid one, and the father of R. Abin is also quoting a Baraita,⁸ but it is of the opinion that the night is not considered a wanting⁹ time, the day however is so considered. But when the night of Sabbath approaches, let it then become at once sanctified and invalidated?¹⁰ — Rabina said: We assume that he removed it before then. Mar Zutra, or as some say, R. Ashi said: You may set the case even if he had not removed it before [Sabbath eve], since, however, he had put it in order at variance with the regulation¹¹ it is as if a monkey had laid it there.¹²

THIS WAS THE RULE IN THE TEMPLE etc.: It is quite right that the feet must be washed because of squirts,¹³ but why must the hands be washed? — R. Abba said: This teaches us that it is

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- (1) Hence it can no more be put back. Since the vessel has sanctified it for the altar, it must not be put back among the remaining part of the meal-offering.
- (2) E.g., the meal-offerings, the incense.
- (3) The text here corrected in accord with Bah. V. Tem. 14a. [Cur. ed. inserts 'and whatsoever is offered up during the night becomes sanctified by night, and whatsoever is offered up both during the day and during the night becomes sanctified both by day and by night.' As the former can refer only to drink-offerings (V. Ta'an. 2b) which however are offered up also during the day, this passage is omitted and the text corrected accordingly.]
- (4) Which means that there is no sanctification but in the proper time.
- (5) [If it carries overnight without having been offered (V. Zeb. 87a). The fistful accordingly having been placed in the vessel of ministration at night becomes invalidated with daybreak, and can no longer be put back among the remaining part of the meal-offering.]
- (6) [Because it had not been left on the table for seven days as prescribed, v. Lev. XXIV, 5ff. Var. lec. rightly omit: it is invalid, V. Rashi.]
- (7) Through having been set on the table in its proper time.
- (8) It is not the case of all Amoraic opinion, which can be refuted by argument. It is an authoritative Tannaitic teaching and a way must be found to bring the present argument in accord with it.
- (9) The day goes after the night, hence it is part of the night, hence the fistful put into the vessel at night is regarded as having been put therein in the proper time and consequently is sanctified properly. Since, however, it is a day-offering it must be burned with the shewbread; however, where there is a whole day wanting, the bread does not become sanctified.
- (10) Since the night is not considered as 'wanting time', whereas everything that is due during the day and was placed into the sacred vessels in the preceding night, becomes sanctified and invalidated, then, when the eve of second Sabbath comes, let the table sanctify the bread and invalidate it?
- (11) When it was wanting time.
- (12) Without any intention, hence the table does not sanctify it, for we consider that since it was placed there without intention, it was technically not placed there at all, hence it becomes neither sanctified nor invalidated.
- (13) Of urine.

Talmud - Mas. Yoma 30a

the right thing to wipe off [squirtings]. This supports the view of R. Ammi who says: A man must not go out with squirtings on his feet, because he may appear as one that has his privy member cut off and he may thus cause evil talk against his children that they are bastards.¹

R. Papa said: If there be excrement in its place,² he must not read the Shema'.³ How shall we imagine this case? If to say that it is invisible, that is self-evident; if to say that it is not seen surely⁴ 'The Torah was not given to the ministering angels!' This has but reference to a situation in which it is obvious when he sits and invisible when he stands. But what is the difference between this and one who has filth on his body, for it has been stated: Where one who has filth on his body, or whose hands are in a privy,⁵ R. Huna permits the reading of the Shema' and R. Hisda forbids it?⁶ — In its place filth is most execrable, away from it, it is less so. Our Rabbis taught: This is the halachah with regard to meal-time:⁷ If a man goes forth to make water, he washes his one⁸ hand and re-enters. If he conversed with his neighbour and waited [diverting himself], he washes both his hands [again] and re-enters. When he washes his hands, he should not wash them outside and enter, because of the suspicion,⁹ but he should enter, sit at his accustomed place and wash his two hands there, then pass the pitcher¹⁰ around the guests.¹¹ — R. Hisda said: What we said refers to drinking,¹² but as to eating he may wash his hands outside and re-enter, people know that he is fastidious of taste.¹³ R. Nahman b. Isaac said: I would do the same¹⁴ before drinking as people know me to be fastidious.

MISHNAH. NO MAN EVEN IF HE WERE CLEAN COULD ENTER THE TEMPLE COURT WITHOUT HAVING IMMERSED HIMSELF. FIVE IMMERSIONS AND TEN SANCTIFICATIONS DID THE HIGH PRIEST UNDERGO ON THAT DAY. AND ALL ON

HOLY GROUND IN THE PARWAH¹⁵ CELL WITH THE EXCEPTION OF THIS ONE¹⁶ ALONE.
— A LINEN SHEET WAS SPREAD BETWEEN HIM AND THE PEOPLE.

GEMARA. Ben Zoma was asked: What is the purpose of this immersion?¹⁷ He answered: If one¹⁸ who moves from one holy place to another and from one place [the entering of] which [in uncleanness] involves kareth¹⁹ to another place [the entering of] which [in uncleanness] involves kareth, requires immersion, how much more shall he require immersion who moves from profane ground into holy ground, and from a place [the entering of] which [in uncleanness] does not involve kareth, to a place [the entering of] which [in uncleanness] involves kareth! R. Judah said: It is only an immersion required for the sake of uniformity,²⁰ so that he may remember if there is any uncleanness on him and abstain.²¹ In what principle do they differ?

(1) Men afflicted with such blemish are incapable of reproduction, hence people, mistaking him for a man thus afflicted and hearing that he has children, will spread the rumour that they are begotten in adultery.

(2) In the anus.

(3) V. Glos.

(4) Ber. 25b.

(5) He happens to have his hands still in the space of the privy, between its door and the wall which separates it from the next room.

(6) Because the whole body ought to be attuned to prayer, as the psalmist has it: All my bones shall say: Lord, who is like unto Thee, Ps. XXXV, 10.

(7) Hands have to be washed before taking a meal.

(8) The one which may have been touched by the squirts of urine.

(9) That he failed to wash his hands outside.

(10) Which he had used for washing his hands.

(11) V. Tosef. Ber. IV.

(12) [That he does not intend eating any more, but drinking, in which case the washing of the hands a second time is but a matter of precaution in case he does partake of some bread (Rashi).]

(13) The average man is assumed to be fastidious enough not to eat without his fingers having been washed before, esp. since eating with the fingers (rather than with fork and knife) was the general custom. V.T.A. III, p. 43.

(14) And wash my hands outside.

(15) In the southern part of the Temple Court, v. Mid. V, 3.

(16) The first one (mentioned in preceding Mishnah 28a) which he performed on profane ground at the Water-Gate.

(17) For every man who wishes to enter the Temple Court.

(18) The high priest, in the course of his five services on the Day of Atonement, moved from the inner to the outer court, both being sacred and having the special restriction attached, viz., that one who entered them in uncleanness incurred divine penalty of death.

(19) V. Glos.

(20) Lit., 'an attached immersion'. There is no Biblical obligation, but a Rabbinic 'fence' to assure a consciousness of any uncleanness attaching to him who entered the Temple Court.

(21) From entering the Temple Court.

Talmud - Mas. Yoma 30b

As to whether the service is profaned.¹ According to Ben Zoma² he profanes the service, according to R. Judah he does not. But does he, in accordance with Ben Zoma's view, profane the service? Has it not been taught: If a high priest did not immerse or sanctify himself between garment and garment or between service and service, his service remains valid.³ But if either a high priest or a common priest has not washed his hands and feet in the morning and then had officiated at a service, that service is invalidated? — Rather does the dispute concern the question as to whether he transgresses a positive command or not,¹ Ben Zoma holding he transgresses a positive command, R. Judah that he does not. But does R. Judah hold this view? Has it not been taught: A leper⁴ immerses himself and

stands in the Nicanor Gate. R. Judah said: He does not need to immerse himself, for he has done so already on the evening before! This has its own reason, as it was taught: 'Because he had immersed himself on the eve before'.⁵ What does he ask who asks this?⁶ — Because he wants to raise another objection, viz., [why was it called] the cell of the lepers, because lepers immerse themselves therein.⁷ R. Judah says: Not only of the lepers did they say [this] but of every man [who enters the Temple Court]?⁸ — That is no difficulty. One statement refers to the case that he immersed himself, the other to the case that he did not. But, if he did not immerse himself, he must await the setting of the sun? — Rather: In both cases he is presumed to have immersed himself, but in the one case he is presumed to have ceased to have his mind [on the necessity of preventing defilement],⁹ in the other he is presumed to have had his mind thereon all the time. But if he ceased to have his mind on it, he would need to be sprinkled on the third and the seventh day, for R. Dosthai b. Mattun said in the name of R. Johanan: Wherever attention¹⁰ [from the need to prevent uncleanness] is diverted, sprinkling on the third and the seventh day is required?¹¹ — Rather: In both cases he is presumed not to have diverted the attention, yet there is no contradiction, for in the one case he is presumed to have immersed himself for the purpose of entering the Sanctuary, in the other he is assumed to have done so without that purpose in mind.¹² Or, if you like, say: Read not of lepers did they say [this]¹³ but of every man. Rabina said: R. Judah makes his statement only on behalf [of the view] of the Rabbis: As far as my view is concerned, no leper needs [another] immersion. But according to your opinion, admit at least that this was said not of lepers alone but of all people. And the Rabbis?¹⁴ — The leper is accustomed to [his] impurity, all others are unaccustomed to it.¹⁵

Shall we say that the Rabbis who dispute with R. Judah¹⁶ are of the opinion of Ben Zoma,¹⁷ notwithstanding which they make reference to the leper,¹⁸ to inform you of the far-reaching consequences of R. Judah's opinion; or perhaps the difference in the case of the leper lies in the fact that he is accustomed to the uncleanness?¹⁹ — He answered: It is different with the leper, because he is accustomed to his uncleanness.

Said Abaye to R. Joseph:²⁰ Would an intervening object

(1) By officiating without immersing first.

(2) Who infers it from an argument a minori which has the force of Biblical law.

(3) Zeb. 19b. [Since a high priest does not profane the service by failing to take the intermediary immersions, there could be no profanation of the service in the absence of the first immersion, since on the view of Ben Zoma the latter is inferred from the former.]

(4) On the eighth day of his affliction, although he had immersed himself on the seventh, Lev. XIV, 9: And it shall be on the seventh...he shall bathe his flesh in water, and he shall be clean. Yet, when he offers up the prescribed sacrifices on the eighth day, he shall immerse himself again.

(5) R. Judah holds the purpose of the immersion of those who enter the Sanctuary in the morning is just to remind them of their former uncleanness, whereas the leper, who by reason of last night's immersion got rid of his uncleanness, is not in need of another reminder, in form of a second immersion.

(6) I.e., why ask an apparently unnecessary question? The answer is obvious. Mielziner (Introduction p. 238) cites Frankel MGWJ 1861 for a tradition according to which all passages in the Talmud introduced by this phrase belong to the additions made by the Saboraim.

(7) [Before they entered the Temple Court on the eighth day in the morning; when standing at the Nicanor Gate they thrust their thumb and toe into the Temple Court, there to receive an application of the blood of the guilt-offering and of oil; v. Lev. XIV, 14ff and supra 16a and infra p. 143, n. 10.]

(8) 'Not only of the lepers' implies the lepers at any rate, hence he would consider a re-immersion necessary, which contradicts his earlier statement.

(9) By consistent guarding of his body against touch by agents of ritual uncleanness.

(10) For he may have entered the tent in which a corpse lay.

(11) For entering the Temple.

(12) He therefore requires a second immersion in the morning.

(13) Requiring immersion on entering the Sanctuary.

(14) How would they meet R. Judah's argument?

(15) Hence he will no more pay attention to the dangers of defilement, whereas all others, unaccustomed to uncleanness and not reconciled to it, will be anxious to avoid such risk.

(16) And hold that a leper needs re-immersion on the eighth day.

(17) Who requires no morning immersion even in the case of a leper who is accustomed to uncleanness.

(18) Although they hold with Ben Zoma that every one entering the Sanctuary is by the law of the Torah obliged to immerse himself.

(19) That of leprosy, hence is accustomed to touch things unclean, whence the assumption that even after his immersion he may have done so; but other men require no morning immersion Biblically before entering the Sanctuary.

(20) Text in accord with Maharsha.

Talmud - Mas. Yoma 31a

render this immersion¹ invalid or not? — He replied: 'Whatever the Rabbis ordained, they endowed with the authority of a law of the Torah'.²

Said Abaye to R. Joseph: Is a partial entrance of the Sanctuary considered an entrance or not? — He answered: The thumb³ and toe will prove that, for there but a partial entrance is involved, and it was taught: A leper immerses himself and stands in the Nicanor Gate! — The question was asked: What about making for himself a long knife for slaughtering?⁴ This question is asked in accord with the view of both Ben Zoma and the Rabbis who oppose R. Judah. This question is asked on the view of Ben Zoma: Perhaps Ben Zoma does not consider the immersion obligatory except in the case of one who actually enters, but not for one who stands outside; or perhaps even for the latter, because he might gradually enter. The question is also asked according to the view of the Rabbis who oppose R. Judah: Perhaps the Rabbis hold their view only there⁵ because he does not perform a service,⁶ but where he officiates at a service they would agree,⁷ or do they make no difference? — The question remains unanswered.

FIVE IMMERSIONS AND TEN SANCTIFICATIONS: Our Rabbis taught: The high priest underwent five immersions and ten sanctifications on that day, all of them on holy ground, in the Parwah Cell, with the exception of the first, which took place on profane ground, on top of the Water Gate, lying at the side of his [private] cell.⁸ Abaye said: We infer therefrom that the Etam well was [at least] twenty-three cubits above the ground of the Temple Court.⁹ For we have learnt: All the doorways there were twenty cubits in height, ten cubits in breadth, with the exception of that of the Hall¹⁰ and it was taught: And he shall bathe all his flesh in water,¹¹ I.e., in the waters of a mikweh,¹² in water which covers his whole body. What 'is its quantity? One cubit square, three cubits high, and the Sages have calculated that the required quantity for [the contents of] a mikweh is forty se'ah.¹³

(1) An immersion, to be valid, requires utterly undisturbed touch of the water on the body of the person immersing himself, any intervening object rendering the immersion invalid. This, however, in the questioner's mind applies only to such immersion as is commanded by the Torah. R. Judah, who considers it only an immersion for the sake of uniformity, might hence hold that in this case an intervening object might not be considered sufficiently disturbing to render the immersion invalid.

(2) Pes. 30b.

(3) Lev. XIV, 14: And the priest shall take the blood of the guilt-offering and... shall put it upon the thumb of his right hand, and upon the great toe of his right foot. Ibid. 17: And of the rest of the oil . . . the priest shall put . . . upon the thumb of his right hand and upon the great toe of his right foot. It is to receive of the blood and the oil that the leper stands at the Nicanor Gate and puts his hands and feet inside, v. 11 indicating that: And the priest that cleanseth him shall set the man that is to be cleansed . . . at the door of the tent of meeting.

(4) To escape the obligation of an immersion, which is due on entering. With a knife long enough he might slay the sacrificial animal from without.

- (5) In the case of an ordinary man entering the Sanctuary.
 (6) Hence they free him from the obligations of an immersion.
 (7) That such is necessary.
 (8) V. supra.
 (9) From the Etam well was the water supply for the pool on top of the Water Gate, v. Zeb. 55b.
 (10) V. supra 15a.
 (11) [The reference is to Lev. XV, 16 and the text is to be corrected accordingly. The verse in cur. edd. is from Lev. XV, 13.]
 (12) Lit., 'gathering (of water)' then the term. techn. for the pool for ritual immersion. The water therein must not be drawn, i.e., through a vessel, but must come directly from spring, river, sea or rain.
 (13) 'Er. 4b. Forty se'ah correspond roughly to two hundred and sixty-four quarts of water. [The water in the pool on top of the Water Gate had thus to rise to a height of twenty-three cubits above the level of the Temple Court twenty cubits for the height of the doorway and three cubits for the height of the pool, which would have been impossible unless the Etam well was situated on at least a corresponding height.]

Talmud - Mas. Yoma 31b

But there is also one cubit of the ceiling and one cubit of the flooring?¹ — Since the gates of the Sanctuary are made of marble these were made of a small [thickness]. But there is some [additional thickness] however small? — Since it is not even as much as a cubit, he does not count it.

A LINEN SHEET WAS SPREAD BETWEEN HIM AND THE PEOPLE. Why of linen? — As R. Kahana said [elsewhere]:² So that he may perceive that the service of the day is to be performed in garments of linen. Thus here too it is that he might perceive that the service of the day is to be performed in garments of linen.

MISHNAH. HE STRIPPED OFF [HIS GARMENTS]³ WENT DOWN AND IMMERSSED HIMSELF, CAME UP AND DRIED HIMSELF.⁴ THEY BROUGHT HIM THE GOLDEN⁵ GARMENTS, HE PUT THEM ON AND SANCTIFIED HIS HANDS AND FEET. THEY BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT AND SOME ONE ELSE FINISHED IT FOR HIM.⁶ HE RECEIVED THE BLOOD AND SPRINKLED IT. HE WENT INSIDE⁷ TO SMOKE THE INCENSE OF THE MORNING⁸ AND TO TRIM THE LAMPS;⁹ [AFTERWARDS] TO OFFER UP THE HEAD AND THE LIMBS AND THE PANCAKES AND THE WINE-OFFERING. THE MORNING INCENSE WAS OFFERED UP BETWEEN THE BLOOD AND THE LIMBS, THE AFTERNOON [INCENSE] BETWEEN THE LIMBS AND THE DRINK-OFFERINGS. IF THE HIGH PRIEST WAS EITHER OLD OR OF DELICATE HEALTH WARM WATER WOULD BE PREPARED FOR HIM AND POURED INTO THE COLD, TO MITIGATE ITS COLDNESS.

GEMARA. The scholars said in the presence of R. Papa:¹⁰ This [Mishnah]¹¹ is not in accord with R. Meir, for if it were in accord with him,¹² behold he said: There must be two sanctifications for the putting on of the garments, hence there ought to be here, too,¹³ two sanctifications for the putting on of the garments!¹⁴ R. Papa said unto then,: Whether on the view of the Sages or of R. Meir, one sanctification is for the stripping off of the holy garments,¹⁵ and one for the putting on¹⁵ and the reason of their dispute is [the interpretation of these words]: He shall put off, he shall bathe and he shall put on.¹⁶ R. Meir holds that Scripture compares the stripping to the putting on [of the garments], i.e., just as in the case of the putting on of the garments he first puts them on and only afterwards sanctifies himself, so also with the stripping off of the garments, he first strips off and then sanctifies himself; whereas the Rabbis hold that [Scripture] compares the stripping off to the putting on, i.e., just as with the putting on he sanctifies himself whilst dressed in the garments, so with the stripping off, he sanctifies himself whilst the garments are yet on him. Said the scholars to R. Papa: How can you say so, has it not been taught: A sheet of linen was spread between him and

the people, he stripped off [his garments], went down, immersed himself, came up and dried himself. One brought the golden garments before him, he put them on, and sanctified his hands and his feet. R. Meir said: He stripped off [his garments] and sanctified his hands and his feet, went down and immersed himself, came up and dried himself. One brought the golden garments before him, he put them on and sanctified his hands and feet!¹⁷ — He answered them: If there is such teaching, it is a teaching [to be recognized]. According to R. Meir it is right, because we thus account for the

(1) [I.e., there must have been an additional cubit for the ceiling of the doorway and one for the flooring of the pool on top?]

(2) Infra 35a.

(3) His non-holy garments.

(4) Lit., 'sponged himself'.

(5) The eight garments, which the high priest puts on for service. They are: tunic, breeches, mitre, girdle, breast-plate, ephod, robe and plate. V. Ex. XXVIII, 2ff.

(6) To enable the high priest to put the knife aside and to take hold of the holy bowl in which he receives the blood. On other days one priest would slaughter, and another receive the blood. Both functions were to be performed by the high priest on the Day of Atonement.

(7) **נכנס** Lit., 'entered'. The word 'entered', however, does not fit the whole of what follows, as Baneth remarks. For whereas he entered the Sanctuary (Hekal) to smoke the incense and trim the lamps, he cannot be said to have 'entered' to offer up the head etc. which took place outside. Baneth therefore suggests with considerable justification that, as elsewhere, **נכנס** be translated 'prepared to', 'went on to'. But this change is unnecessary as one could translate: He went in to . . . trim the lamps, (afterwards) to offer up the head . . .

(8) Ex. XXX, 7.

(9) I.e., clean them, provide them with wick and oil, according to Maimonides, also light them.

(10) V. Rashi.

(11) [Which prescribes only one sanctification in connection with the first immersion when he changes from his non-holy garments into the garments of gold.]

(12) [Who teaches infra 34b that in connection with the second immersion, when he changes from the garments of gold into linen garments, he disrobes himself first and then sanctifies himself, in contradistinction to the Rabbis who place the sanctification before the disrobing.]

(13) [It is assumed that the reason of R. Meir for prescribing the disrobing before the sanctification is that he holds that the two sanctifications required on the change of garments are for the putting on of holy vestments. Whereas the Rabbis ascribe one for the stripping of holy garments and the other for the putting on of holy garments.]

(14) [On the other hand, in the view of the Rabbis, there would be no need for more than one sanctification, since the garments of which he strips himself at the first immersion are non-holy.]

(15) So that our Mishnah can be also in accord with R. Meir.

(16) Lev. XVI, 23, 24.

(17) [This shows that R. Meir requires two sanctifications also in connection with the first immersion.]

Talmud - Mas. Yoma 32a

ten sanctifications, but according to the Rabbis, they are only nine? — The Rabbis will answer you: The last sanctification is made when he strips off the holy garments and puts on the profane¹ ones.

Our Rabbis taught: And Aaron shall come into the tent of meeting² For what purpose does he enter? For no other purpose than that of taking out the censer and the coal-pan, the whole portion being reported in right order with the exception of this passage.³ For what reason?⁴ — R. Hisda said: There is a tradition: Five immersions and ten sanctifications did the high priest undergo on that day. If he had performed them in the order mentioned in the scriptures there could have been no more than three immersions and six sanctifications.⁵

It was taught: R. Judah said: Whence do we know of the five immersions and ten sanctifications which the high priest had to undergo on that day? To teach us that it is said: And Aaron shall come into the tent of meeting, and shall put off the linen garments . . . and he shall wash his flesh in water in a holy place and put on his other vestments and come forth and offer [his burnt-offering].⁶ Thus you infer that whenever one changes from one service to another,⁷ an immersion is required. Rabbi said: Whence do we know that the high priest had to undergo five immersions and ten sanctifications on that day? Because it is said: He shall put on the holy linen tunic, and he shall have the linen breeches upon his flesh, and shall be girded with the linen girdle, and with the linen mitre shall he be attired; they are the holy garments; and he shall bathe his flesh in water, and put them on.⁸ Hence you learn that whosoever changes from service to service requires an immersion. Moreover, it says, 'They are the holy garments', thus putting all the garments on the same level. Now there are five services;⁹ The continual offering of dawn, [performed] in the golden garments: the service of the day [the Day of Atonement], in linen garments; of his [the high priest's] and the people's ram, in the golden garments; [the taking out] of the censer and coal-pan, in white garments; the continual evening offering in the golden garments — Whence do we know that every immersion required two sanctifications? For it is written: And he shall put off . . . and he shall wash; and he shall wash and he shall put on.¹⁰ — R. Eliezer b. Simeon said: This can be inferred a *minori ad majus*: If in a case where no immersion is required,¹¹ sanctification is yet required,¹² how much more, in a place in which immersion is required,¹³ is sanctification also required — But [perhaps let us also infer] that as there only one sanctification is required, here, too, one only would be necessary? Therefore Scripture says: And Aaron shall come into the tent of meeting, and shall put off the linen garments which he put on — what is the meaning of 'which he put on'? Does not a man put off but that which he did put on? Rather [are these superfluous words written] to put the putting off on the same level with the putting on of the garments; just as the putting on of the garments requires sanctification,¹⁴ so does the putting off of the garments require it.

[The master said].¹⁵ 'R. Judah said: Whence do we know of the five immersions and ten sanctifications which the high priest had to undergo on that Day? To teach us that Scripture says: "And Aaron shall come into the tent of meeting . . . and shall wash his flesh in water in a holy place." Thus you infer that whenever one changes from one service to another, an immersion is required.' We found [this rule] for the change from the white garments to the golden ones.¹⁶ Whence do we know [that it also applies] for the change from the golden to the linen ones?

(1) At the end of the service of the Day of Atonement, as he strips off the holy garments to don profane ones.

(2) Lev. XVI, 23.

(3) *Infra* 70b.

(4) Did Aaron, have to interrupt the service, interpolating the offering up of his and the people's ram, between the incense and the bringing out of censer and coal-pan?

(5) One immersion each for the continual offering of the morning, for the service of the day, which includes censer — and coal-pan — function, and one between that and the offering up of the rams, which includes the additional, and the

continual afternoon offering. Thus there would be three immersions only as against the five traditionally reported. Hence the necessity of a change in the programme, hence the interpolation of the offering of the rams between the service within (the day's service) and the bringing out of censer and coal-pan. So that the censer — and coal-pan — function now interrupts between the offerings of the rams and the continual afternoon-offering, with the result that there are now five immersions necessary; one for the morning's continual offering, in the golden garments; one for the service of the day in white garments; one for the offering of the two rams on the outer altar in the golden garments; one for the taking out of censer and coal-pan in white garments; and the fifth for the additional, and the continual afternoon offering in the golden garments. Thus tradition and text are harmonized, the five immersions implying ten sanctifications, one each, before each putting off, and before each putting on, of the garments required for each service.

(6) Lev. XVI, 23, 24.

(7) I.e., from a service performed within the Tent of Meeting to one performed outside and vice versa.

(8) Ibid. 4.

(9) Whether on the view of Rabbi or of R. Judah.

(10) [This is the continuation of Rabbi's statement and the reference is to Lev. XVI, 23, 24. The words 'he shall wash', being placed between 'he shall put off' and 'he shall put on', are taken by Rabbi as referring both to stripping and the robing, each requiring a separate washing (sanctification), this in contradistinction to R. Judah who derives from it supra the need of all immersion between every change of service v. infra 32b.]

(11) During the rest of the days of the year (as against the Day of Atonement) the law of the Torah does not require immersion before each service, only by Rabbinic ordinance, the purpose of which is to keep the priest conscious of risks to his cleanliness, is such immersion necessary. (V. supra 30a.)

(12) V. Ex. XL, 32.

(13) On the Day of Atonement, at every change of garment.

(14) As is inferred a minori.

(15) [To be inserted with some MSS. V. D.S.]

(16) The verses in question (Lev. XVI, 23, 24) occurring in connection with the stripping of the white garments.

Talmud - Mas. Yoma 32b

The school of R. Ishmael taught: That can be inferred a minori: If the golden garments in which the high priest does not enter the Holy of Holies require immersion, how much more do the linen garments, in which he enters the Holy of Holies, require it? But this argument can be demolished: The case of the golden garments is different, because much atonement is obtained in them.¹ Rather, he infers it from what Rabbi said.²

[The Master said]³ 'Rabbi said, Whence do we know of the five immersions and the ten sanctifications which the high priest had to undergo on that day? To teach us that it is said: "He shall put on the holy linen tunic . . ." Hence you learn that whosoever changes from service to service requires an immersion.' We have found that [required for a change] from the golden,⁴ to the white garments. Whence do we know that [the same rule obtains for a change] from the white to the golden garments? The school of R. Ishmael taught: That can be inferred a minori: If the white garments, in which but little atonement is obtained, require an immersion, how much more will the golden garments, in which much atonement is obtained, require it? This argument can be demolished: The case of the white garments is different, because the high priest, dressed in them, enters the Holy of Holies? It is for this reason that he [Rabbi, in his statement] teaches: And it also says: 'They are the holy garments, and he shall bathe his flesh in water, and put them on'.⁵

'Now there are five services'. That of the continual afternoon offering [performed] in the golden garments; the service of the day in white garments; [the offering up of] his, and the people's ram in the golden garments; the [taking out of] the censer and coal-pan in white garments; and the continual offering at dusk, in the golden garments — And whence do we know that every immersion requires two sanctifications? To teach us that Scripture says: 'And he shall put off . . . and he shall wash . . . and he shall wash . . . and he shall put on'. But this [passage] refers to the immersions?⁶ — Since it

has no reference to the immersion [the requirement of] which we infer from ‘They are the holy garments,’⁷ apply it to the sanctifications. Then the Divine Law should have written the term of ‘sanctification’?⁸ — [Scripture chooses that term] to let us know that immersion is even as sanctification, i.e., just as immersion must take place on holy ground, so must sanctification take place on holy ground. Whence does R. Judah⁹ infer [that] the sanctification [must take place on holy ground]? — He infers it from the teaching of R. Eleazar son of R. Simeon.

R. Hisda said: Rabbi's view excludes that of R. Meir and that of the Rabbis.¹⁰ It excludes that of the Rabbis, for according to them he sanctifies himself [first] while he is still dressed, whereas Rabbi holds that he sanctifies himself after he is stripped; and it also excludes the view of R. Meir, for R. Meir holds that the second sanctification takes place when he is [already] dressed, whereas, according to Rabbi, he sanctifies himself whilst still stripped of the garments.¹¹ R. Aha b. Jacob said: All agree that at the second sanctification he first dons [the garments] and then sanctifies himself. What is the reason? Because Scripture said: Or when they come near to the altar,¹² i.e., only he who lacks nothing but the approach,¹³ that excludes him who lacks both dressing and approach. R. Aha, the son of Raba, said to R. Ashi: R. Hisda does not agree with R. Aha, nor does R. Aha agree with R. Hisda, for else there would be fifteen sanctifications required according to Rabbi.¹⁴

ONE BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT etc. What does ‘KERAZO’¹⁵ mean? ‘Ulla said: It is a synonym for ‘slaying’ — R. Nahman b. Isaac said: What is the scriptural evidence? Egypt is a very fair heifer. But the kerez [gadfly] out of the north is come, it is come.¹⁶ What is the intimation?¹⁷ — As R. Joseph interpreted it: A fair kingdom is Egypt but murderous nations from the north will come upon it.¹⁸

How far shall he cut? — ‘Ulla said: The bigger part of both organs.¹⁹ Thus also said R. Johanan: The bigger part of the two organs. Resh Lakish also holds that he cuts through the bigger part of the two organs, for Resh Lakish said:²⁰ Since we have learned that the cutting through of the bigger part of an organ is as good as the cutting through the whole of it, why did we learn that ‘the bigger part of one organ [is required to be cut through] in case of a fowl ‘and the bigger part of the two organs [are required to be cut through] in case of an animal? Because we have learned: ONE BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT AND SOMEONE ELSE FINISHED IT FOR HIM, HE RECEIVED THE BLOOD AND SPRINKLED IT—one might assume, if another one did not complete the killing for him, it would be invalid. — [You say that] ‘one could assume that if the other did not complete the killing for him, it would be invalid,’ then it would mean that the service is performed by someone²¹ else and we have learnt: All the services of the Day of Atonement are valid only if performed by him [the high priest]?²² — Rather: This is what he says: One might have assumed that it shall be considered invalidated by Rabbinic ordinance,²³

(1) They are used every day for services, whereas the white garments are used only for the service in the Holy of Holies on the Day of Atonement and obtain atonement for the Sanctuary and its sacred things, if defilement had occurred there; v. Shebu. 7b.

(2) From Lev. XVI, 4.

(3) [Inserted by one MS. cf. Rashi.]

(4) The verse in question occurring in connection with the changing from the gold garments into the linen ones.

(5) The additional passage adduced by Rabbi intimates that Scripture makes the fact that they are the holy garments the reason for the need of immersion, so that one shall infer that all changes of holy garments on the Day of Atonement require immersion, thus also the golden garments.

(6) Since it says ‘his flesh’.

(7) Cf. n. 1.

(8) [I.e., it should have been written ‘he shall wash his hands and feet’, R. Hananel.]

(9) Who interprets the above passage differently, who therefore lacks a source for this information.

(10) Mentioned supra p.146, n. 6.

- (11) [Rabbi holds that both sanctifications are performed whilst he is stripped, one before the immersion and the other after the immersion.]
- (12) Ex. XXX, 20.
- (13) May perform the sanctification.
- (14) According to R. Hisda, Rabbi requires two sanctifications between stripping and dressing; and according to R. Aha, Rabbi requires the sanctification after being dressed before the service, for if their views were not incompatible, Rabbi would be found to require fifteen sanctifications.
- (15) Why a change of the usual wording? ‘Shehato’ would have been the normal way of putting it.
- (16) Jer. XLVI, 20.
- (17) The word ‘kerez’ here, meaning ‘gadfly’, does not suggest explanation of the incision.
- (18) The question has the Hebrew text in mind, the answer the Aramaic paraphrase. Since ‘kerez’ is interpreted as ‘murderous’, ‘karaz’ may fitly be used for ‘shahat’, to kill.
- (19) The windpipe and the gullet.
- (20) Hul. 29b.
- (21) That would render the service of the other essential, hence would mean someone else's participation in the service of the Day of Atonement, which is against the law.
- (22) Infra 73a.
- (23) Making a distinction between profane slaughter, where the bigger part of an organ is on the same level as the whole organ, i.e., the cutting through of the bigger part completes the slaughtering effectively, as against sacred animals, which would have their organ (or organs) completely cut through.

Talmud - Mas. Yoma 33a

therefore we have learnt: The bigger part of an organ with a fowl, the bigger part of two organs with an animal — But since, even by Rabbinic ordinance, it would be considered not invalidated,¹ why does he [the other one] have to finish it? — It is the proper thing [a command] to finish it.²

Abaye related the order of the [daily] priestly functions in the name of tradition and in accordance with Abba Saul:³ The large pile comes before the second pile for the incense; the second pile for the incense comes before the laying in order of the two logs of wood; the laying in order of the two logs of wood precedes the removing of the ashes from the inner altar; the removing of the ashes from the inner altar precedes the trimming of the five lamps; the trimming of the five lamps precedes the blood⁴ of the continual offering; the blood of the continual offering precedes the trimming of the two lamps; the trimming of the two lamps precedes the incense; the incense precedes the limbs;⁵ the limbs come before the meal-offering; the meal-offering precedes the pancakes; the pancakes come before the drink-offerings; the drink-offerings precede the additional offerings; the additional offerings come before the [frankincense] censers, and the [frankincense] censers precede the continual afternoon-offering, as it is said: And he shall make smoke thereon the fat of the peace-offerings,⁶ i.e., herewith all the offerings are completed —⁷ The Master said: ‘The great pile precedes the second pile for the incense.’ Whence do we know that? Because it has been taught:⁸ This is the law of the burnt-offering: it is that which goeth up on its fire-wood upon the altar all night⁹ — this passage refers to the great pile. And the fire of the altar shall be kept burning thereby¹⁰ — this refers to the second pile for the incense.¹¹ But perhaps I should reverse it?¹² — It seems more logical that the great pile have preference because it brings more¹³ atonement — On the contrary: the second pile is of greater value, for it is introduced within [the Sanctuary].¹⁴ — Nevertheless, the one which causes more atonement is of greater value. And, if you like, say: If there be no wood found for the second pile, would one not bring it into [the Sanctuary] from the great pile?¹⁵

‘The second pile for the incense precedes the laying in order of the two logs of wood.’ Whence do we know that? — Because it is written: And the priest shall kindle wood¹⁶ upon it every morning,¹⁷ i.e., ‘upon it’,¹⁸ but not upon the other pile,¹⁹ hence we can infer that the other pile is arranged already. But the word ‘upon it’ has its own text meaning? — ‘Upon it’ is written twice.²⁰ ‘The laying

in order of the two logs of wood precedes the removing of the ashes from the inner altar.’ Although touching the one it is written: ‘In the morning, in the morning’²¹ and touching the other it is also written: ‘In the morning, in the morning’²² nevertheless that which is preparatory [to the incense burning] has preference,²³ What would be preparatory [according to their reply], are the two logs of wood, but surely you said that the two logs of wood belong to the great pile!²⁴ — R. Jeremiah said: It is the laying in order of the wood.²⁵ — Rabina said:²⁶ Since he started with the laying in order [of the wood], he completes it also. R. Ashi said:²⁶ If he found no wood in the second pile, would he not bring it in from the great pile?

‘And the removal of the ashes from the inner altar precedes the trimming of the five lamps.’ Why? — Abaye said: I know it²⁷ by tradition, but I do not know the reason. Raba said: it is in accord with Resh Lakish, for Resh Lakish said: ‘One must not forego the occasion of performing a religious command’²⁸

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- (1) If the other priest did not finish the cutting of the organs.
 - (2) In order to obtain a proper supply of blood for the services of the day.
 - (3) V. supra 14b.
 - (4) Actually: the slaying of the animal and the receiving of the blood.
 - (5) Smoking of the limbs of the continual morning-offering.
 - (6) Lev. VI, 5.
 - (7) Connecting ad hoc שלמים peace-offerings’ with the root שלם meaning to be complete, thus: And he shall make smoke thereon the fat of the peace-offerings is made to mean: And he shall . . . the complete sacrifice, the conclusion of the sacrifices.
 - (8) Infra 45a.
 - (9) Lev. VI, 2.
 - (10) Ibid.
 - (11) A special pile of wood, away from the main great pile, was kindled to provide embers for the daily burning of incense on the golden altar; v. Tam. 29a.
 - (12) So that the pile for the incense should come first.
 - (13) Because every smoking, with the exception of that of the incense, smoked on the inner altar, is performed thereon.
 - (14) For incense burning.
 - (15) So that some of the great pile, too, may be introduced within the Sanctuary.
 - (16) This is taken to refer to the two logs of wood.
 - (17) Lev. VI, 5.
 - (18) I.e., the large pile.
 - (19) The second pile for incense.
 - (20) Ibid. In this very same verse, once it has its text meaning, the surplus word intimates the inference.
 - (21) Ex. XXX, 7, E. V., ‘every morning’. [With reference to the smoking of incense, which also includes the removal of the ashes from the inner altar which must precede the incense offering.]
 - (22) Lev. VI, 5.
 - (23) The embers of the wood are essential, for without them no incense can be smoked.
 - (24) And are thus not preparatory to the incense.
 - (25) Lit., ‘the name of’ is wood, and wood is essential for the incense, even though not this wood.
 - (26) The reason why the laying of the two logs precedes the removal of the ashes from the inner altar.
 - (27) That this was the order according to Abba Saul.
 - (28) Infra 58b.

Talmud - Mas. Yoma 33b

and as he [the priest] enters the Hekal [Sanctuary], he comes first upon the altar.¹ For it was taught: The table was to the north two and one half cubits away from the wall, the candlestick was to the south, two and one half cubits away from the wall, the altar stood in the exact middle, extending

somewhat outward.² But let it stand with them?³ — Since it is written: And the candlestick over against the table,⁴ it is required that they⁵ see each other. Said Raba: From what Resh Lakish said we infer that it is forbidden to forego the arm in favour of the forehead.⁶ How shall he do it? From the arm [he shall] proceed to the forehead.⁷

‘And the trimming of the five lamps is to precede the blood of the continual offering, and the blood of the continual offering is to come before the trimming of the two lamps.’ What is the reason? — Abaye said: [The phrases] ‘In the morning, in the morning’, [written] in connection with the two logs of wood,⁸ which are not necessary [there]:⁹ one¹⁰ applies to the trimming of the five lamps which shall precede the blood of the continual offering; the other applies to the blood of the continual offering which is to come before the trimming of the two lamps.¹¹ ‘One applies to the trimming of the five lamps which should precede the blood of the continual offering’, for here¹² are three¹³ [words], there only two. ‘And the other applies to the blood of the continual offering which should come before the trimming of the two lamps’, for, although in each case there are two,¹⁴ yet, that which obtains atonement¹⁵ has preference.

R. Papa said to Abaye: But say, perhaps, that one is to be applied to the removing of the ashes of the inner altar, which is to precede the blood of the continual offering, for here are three words,¹⁶ there but two; and one applies to the blood of the continual offering that should come before the trimming of the five lamps, for, although in both cases there are but two, the one that obtains atonement is to have preference? — If so, what shall he interrupt it with?¹⁷ It would be quite right according to Resh Lakish who said: The lamps were trimmed and [after interruption] trimmed again.¹⁸ in order to keep the whole Temple Court animated, but according to R. Johanan who interprets ‘In the morning, in the morning’,¹⁹ i.e., divide it into two mornings,²⁰ what could be said?²¹ Said Rabina to R. Ashi: Are the words ‘In the morning, in the morning’ in connection with the wood at all superfluous? Surely they are really necessary for their text meaning, the Divine Law saying that they should precede the second pile for the incense? He replied: Have we not explained: ‘Upon it’ but not upon the other pile, which indicated that the other must have been there already!²²

Why does he trim the five lamps first, let him trim the two lamps first! — Having started already, let him do the bigger part. Then let him trim six? — Scripture says: When he dresseth the lamps, he shall burn it,¹⁹ and ‘lamps’ is no less than two. — ‘And the trimming of the lamps is to come before the incense’, for Scripture says: ‘When he dresseth the lamps’, and afterwards [it says]. ‘He shall burn it’ [the incense].¹⁹

‘And the incense [shall precede] the limbs’ — For it was taught: Let that, in connection with which it is said ‘In the morning, in the morning’, precede that, in connection with which Scripture said only, ‘In the morning’ [once].²³

‘And the limbs [come before] the meal-offering’, for it was taught:²⁴ Whence do we know that nothing may precede²⁵ the continual offering of the dawn?

(1) Before he reaches the candlestick.

(2) Men. 99a. Eastward towards the entrance into the Hekal,

(3) Between them, i.e., in the exact middle.

(4) Ex. XXVI, 35.

(5) The candlestick and table.

(6) To reverse the order of putting on the tefillin (v. Glos.).

(7) In Deut. VI, 8 it reads: And thou shalt bind them for a sign upon thy hand, and they shall be for frontlets between thy eyes. Tosaf. s.v. **עבורי** would have Raba's remark apply to the obligation to touch the tefillin as a preventive of diversion from a prayerful mood.

(8) Lev. VI, 5, v. supra p. 156, n. 2.

- (9) For as preparatory they have preference and come every morning first; v. supra.
- (10) 'In the morning'.
- (11) On the principle that if a certain expression is superfluous in its own context it is applied for hermeneutical purposes to another (אם אינו ענין).
- (12) With reference to the trimming of the lamps.
- (13) I.e., three times 'in the morning': twice in Ex. XXX, 7, and one which we apply as above, whereas the continual offering has but once 'in the morning', Ex. XXIX, 39, to which the one applied from the two logs of wood is to be added.
- (14) Twice in Ex. XXX, 7, which apply to the two lamps equally as to the five, and twice in connection with the continual offering as explained in n. 8.
- (15) V. infra 36a.
- (16) The applied and the two in their own passage. Lev. VI, 5.
- (17) The trimming of the lamps, which according to Abba Saul had to take place before the incense-offering. Since the order would be: the blood of the continual offering, the trimming of the lamps, the incense.
- (18) First five lamps were trimmed and two after a break.
- (19) Ex. XXX, 7.
- (20) By interrupting it through the interpolation of another service in the midst of the original order.
- (21) Hence R. Papa's supposition cannot be admitted.
- (22) V. supra p. 154. nn. 13, 14.
- (23) Ex. XXIX, 39. [Although it has been stated supra that one 'in the morning' is applied to the continual offering from elsewhere, this is only as far as the blood rituals are concerned, but does not apply to the smoking of the limbs (Rashi).]
- (24) Tamid 28b.
- (25) I.e., may be burnt on the main pile of the altar.

Talmud - Mas. Yoma 34a

To teach us that it said: And he shall lay the burnt-offering in order upon it,¹ and Raba said 'the burnt-offering' [means] this is the first burnt-offering.²

'And the meal-offering [shall precede] the pancakes' — [For Scripture reads]: Burnt-offering and meal-offering.³

'And the pancakes precede the drink-offerings', they, too, are considered a species of a meal-offering.

'And the drink-offerings [come before] the additional offerings as is written: A sacrifice and drink-offerings.⁴

'And the additional sacrifices [come before] the [frankincense] censers' — But has it not been taught: The [frankincense] censers come before the additional sacrifices? — This is a matter concerning which Tannaim are disputing.⁵ Abaye said: The view that the additional offerings precede the [frankincense] censers seems more logical, for did you not say that the words 'In the morning, in the morning' imply that it is to receive preference before all, thus do the words 'on the day . . . on the day'⁶ indicate that it is to be [offered up] last [in the day]. What is the reason of him who holds that the [frankincense] censers come before the additional offerings? — He infers it from the identical expression 'statute'⁷ which occurs with the pancakes. If he infers it hence, let him do so complete?⁸ — Here [the words] 'on the day . . . on the day' come in to intimate that they [the frankincense censers] are offered up last [in the day].

THE INCENSE OF THE MORNING WAS OFFERED UP BETWEEN THE LIMBS AND THE DRINK-OFFERINGS. According to whom [is this teaching]? If according to the Rabbis,⁹ it should come between the blood and the lamps;¹⁰ if according to Abba Saul, it should come between the

lamps and the limbs?¹¹ — In truth it is in accord with the Rabbis, but he does not treat of the order here.¹²

THE INCENSE OF THE AFTERNOON WAS OFFERED UP BETWEEN THE [SMOKING OF THE] LIMBS AND THE DRINK-OFFERINGS. Whence do we know these things? — R. Johanan said: Because Scripture said: As the meal-offering of the morning, and as the drink-offering thereof, thou shalt present it,¹³ i.e., just as with the meal-offering of the morning the incense precedes the drink-offerings, so also here the incense shall come before the drink-offerings. But then, just as there the incense precedes the [smoking] of the limbs, here too the incense should come before the limbs? Is it written: 'As the limbs of the morning'? It is written: 'As the meal-offering of the morning', which means: As the meal-offering of the morning, but not as the [smoking of the] limbs of the morning.

Our Rabbis taught: And the drink-offering thereof shall be the fourth part of a hin:¹⁴ let him infer [the need of a drink-offering] for the morning sacrifice from the evening sacrifice.

(1) Lev. VI, 5.

(2) Cf. Hor. 12a.

(3) Lev. XXIII, 37: These are the appointed seasons of the Lord, which ye shall proclaim to be holy convocations, to bring an offering made by fire unto the Lord, a burnt-offering, and a meal-offering, a sacrifice, and drink-offerings, each on its own day. This is the prescribed order, not to be interfered with.

(4) Ibid.

(5) Pes. 58a.

(6) Ibid. XXIV, 8: on the day of the Sabbath, on the day of the Sabbath, shall he set it in order before the Lord, continually. Just as 'In the morning, in the morning' was accepted as an intimation that it shall be early in the morning, so 'On the day, on the day' may fitly be assumed to be an indication that it is to be offered last in the day.

(7) Concerning the pancakes, the word 'statute' is used in Lev. VI, 15, as in connection with the frankincense censers, ibid. XXIV, 9. Just as pancakes take precedence over additional offerings, so do the frankincense censers.

(8) That the frankincense censers should have precedence over the drink-offerings too.

(9) [That the incense was offered between the trimming of the five lamps and the two lamps, v. supra 15a.]

(10) [I.e., before completing the trimming of the lamps.]

(11) V. supra 33a.

(12) [He was not too particular in regard to the details of the order (Rashi). On this view it could be also in accord with Abba Saul, but it is preferable to make the Mishnah in agreement with the majority of Rabbis (Rashi).]

(13) Num. XXVIII, 8.

(14) Ibid. 7.

Talmud - Mas. Yoma 34b

Rabbi said: For the evening sacrifice from the morning sacrifice!¹ It is quite right according to the Rabbis, for that is written [specifically] in connection with the continual offering of the evening,² but what is the ground of Rabbi's statement? — Rabbah b. 'Ulla said: Scripture said: 'For the one lamb'.³ Now which is the lamb in connection with which the word *ehad* [one] is used? Say: It is the lamb of the continual offering of the morning.⁴ And what do the Rabbis [reply]? — 'Ehad', i.e., the unique, the best of the flock. And [what is] Rabbi's [answer]? — He infers that⁵ from: And all your choice vows.⁶ And the Rabbis? — One speaks of freewill-[offerings], the other of obligatory [offerings] and both need special mention.⁷

IF THE HIGH PRIEST WAS OLD OR OF DELICATE HEALTH etc. It was taught: R. Judah said: Lumps of wrought iron were heated on the eve of the Day of Atonement and were cast into the cold water to mitigate the coldness. But was [one] not thereby hardening them?⁸ — R. Bibi said: [The heat] did not reach the hardening point. Abaye said: Even assume it did reach the hardening

point, [a forbidden] act⁹ which was produced without intent, is permitted. But did Abaye say that? Has it not been taught:¹⁰ The flesh of his foreskin¹¹ — even though a white spot¹² is there may he cut it off,¹³ these are the words of R. Josiah. And we asked investigatively concerning it: Why is a Scriptural statement necessary for that,¹⁴ and Abaye said: This was in accord with R. Judah who said: A forbidden act produced without intent, remains forbidden!¹⁵ That applies only to forbidden things in the whole Torah,¹⁶ but here¹⁷ hardening is [forbidden] only by Rabbinic ordination. MISHNAH. THEY BROUGHT HIM TO THE PARWAH CELL-WHICH WAS ON HOLY GROUND.¹⁸ THEY SPREAD A SHEET OF BYSSUS [LINEN] BETWEEN HIM AND THE PEOPLE. HE SANCTIFIED HIS HANDS AND HIS FEET AND STRIPPED. R. MEIR SAID: HE STRIPPED, SANCTIFIED HIS HANDS AND HIS FEET. HE WENT DOWN AND IMMERSED HIMSELF, CAME UP AND DRIED HIMSELF. AFTERWARDS THEY BROUGHT HIM WHITE GARMENTS.¹⁹ HE PUT THEM ON AND SANCTIFIED HIS HANDS AND HIS FEET. IN THE MORNING HE PUT ON PELUSIUM LINEN WORTH TWELVE MINAS,²⁰ IN THE AFTERNOON INDIAN LINEN WORTH EIGHT HUNDRED ZUZ. THESE ARE THE WORDS OF R. MEIR. THE SAGES SAY: IN THE MORNING HE PUT ON [GARMENTS] WORTH EIGHTEEN MINAS AND IN THE AFTERNOON [GARMENTS] WORTH TWELVE MINAS, ALTOGETHER THIRTY MINAS.²¹ ALL THAT AT THE CHARGE OF THE COMMUNITY²² AND IF HE WANTED TO SPEND MORE OF HIS OWN HE COULD DO SO.

(1) Just as the one requires drink-offering, so does the other. The practical difference: The case of a community who had enough for only one drink-offering. According to the opinion that one must infer the regulation for the afternoon-offering from the morning-offering, the latter is more important and the drink-offering would have to be allotted to the morning-offering. (Tosaf. s.v. 'ברי'.) The basis of the discussion: To which of the two continual offerings does the phrase 'for the one lamb' (Num. XXVIII, 7) refer? The Sages hold it refers to the last named, the afternoon-offering, whereas Rabbi holds that it recalls the morning-offering, where the same phrase ('one') is used (verse 4).

(2) The last named of the two.

(3) Num. XXVIII, 7.

(4) V. Ibid. 4.

(5) That particular meaning of 'ehad', as applied to the continual offering.

(6) Deut. XII, 11.

(7) As arguments may be advanced in favour of each requiring to be of the best, to the exclusion of the other.

(8) Which is forbidden on any holy day, how much more on the solemn Day of Atonement.

(9) Shab. 41b.

(10) Shab. 133a.

(11) Lev. XII, 3.

(12) Of leprosy, which normally must not be removed by surgery.

(13) The word 'flesh' here is superfluous, hence we infer therefrom that no matter how the flesh be (even leprous) he may circumcise it.

(14) Since it was a forbidden act produced without intent, it seems self-evident that it would be permitted. Why, then, was the Scriptural intimation necessary?

(15) Abaye, who held that this intimation supported the view of R. Judah, evidently agrees with him.

(16) By the Torah proper, the Five Books of Moses, as against the Torah in general, the sum total of the Jewish law and tradition. Prohibitions of the Torah are more serious, hence even unintended transgression remains forbidden.

(17) The prohibition dealt with here.

(18) The first immersion, on top of the Water Gate, took place on profane ground; this, however, had to be performed on holy ground, as part of the service of the Day of Atonement.

(19) The four garments prescribed for the special service of the Day of Atonement: the tunic, the breeches, the girdle and the mitre, Lev. XVI, 4.

(20) One mina is worth about £ 3.

(21) As long as one spends more for the morning garments than for the evening garments, there is no regulation to enforce the exact sum mentioned in the Mishnah. V. infra. The evening garment was put on by the high priest for the

sole purpose of removing spoon and coal-pan from the Holy of Holies, whereas the rest of the special service of the Day of Atonement was performed by him in the morning garment, hence it has to be the better of the two.

(22) Var. lec.: So much he received from the Temple treasury. V. Bah.

Talmud - Mas. Yoma 35a

GEMARA. What does 'Parwah' mean? — R. Joseph said: Parwah is [the name of] a [Persian] Magus.¹

THEY SPREAD A SHEET OF BYSSUS [LINEN] BETWEEN HIM AND THE PEOPLE. Why was it of Byssus [linen]? R. Kahana said: That he may perceive that the service of the day was [to be performed] in garments of Byssus [linen].

IN THE MORNING HE PUT ON PELUSIUM LINEN WORTH EIGHTEEN MINAS: Does the Tanna wish to teach us summing up?² — This is what he teaches us: One should spend neither more nor less than the sum total, but it does not matter whether one spends less for the one or more for the other. Now everybody, at any rate, agrees that the garments for the morning are more important, whence do we know that? — R. Huna, the son of R. Elai said: Scripture said: Linen . . . linen . . . linen . . . linen,³ i.e., the choicest linen.

(1) Rabbenu Hananel reported that according to some scholars, Parwah had dug a cave under the ground of the Sanctuary, so that he might be able to watch the high priest at the service of the Day of Atonement. The Sages, noticing the digging, sought and found the cave, and hence called the cell after him.

(2) The summing up seems superfluous, it is too simple to warrant the statement by the Tanna.

(3) Lev. XVI, 4, in connection with the putting on of the garments in the morning. Four times, as if to indicate the best of all possible linen.

Talmud - Mas. Yoma 35b

An objection was raised: And they shall put on other garments and they shall not sanctify the people with their garments.¹ Would you not say that 'other' implies better garments? — No, 'other' implies inferior ones.

R. Huna b. Judah, or, as some say, R. Samuel b. Judah learnt: After the community service is over, a priest for whom his mother made a tunic, may put it on and perform therein private service,² provided he hands it over to the community. Is that not self-evident?³ You might have said: Let us fear he may not hand it over properly,⁴ therefore he teaches us that we have no such fear.

They told about R. Ishmael b. Phabi⁵ that his mother made him a tunic worth one hundred minas which he put on to officiate at a 'private' service and then handed it over to the community. They told about R. Eleazar b. Harsom⁶ that his mother made him a tunic worth twenty thousand minas and his brethren, the priests, would not suffer him to put it on because he looked like one naked. But how could it be transparent, did not a Master say the thread [of the priestly garments] was six times twisted? — Abaye said: [It was visible] even as wine shines through a [glass] cup.⁷

Our Rabbis taught: The poor, the rich, the sensual⁸ come before the [heavenly] court — They say to the poor: Why have you not occupied yourself with the Torah? If he says: I was poor and worried about my sustenance, they would say to him: Were you poorer than Hillel? It was reported about Hillel the Elder that every day he used to work and earn one tropaik,⁹ half of which he would give to the guard at the House of Learning, the other half being spent for his food and for that of his family. One day he found nothing to earn and the guard at the House of Learning would not permit him to enter. He climbed up and sat upon the window,¹⁰ to hear the words of the living God from the mouth

of Shemayah and Abtalion — They say, that day was the eve of Sabbath in the winter solstice and snow fell down upon him from heaven. When the dawn rose,¹¹ Shemayah said to Abtalion: Brother Abtalion, on every day this house is light and to-day it is dark, is it perhaps a cloudy day. They looked up and saw the figure of a man in the window. They went up and found him covered by three cubits of snow. They removed him, bathed and anointed him and placed him opposite the fire and they said: This man deserves that the Sabbath be profaned on his behalf.

To the rich man they said: Why have you not occupied yourself with the Torah? If he said: I was rich and occupied with my possessions, they would say to him: Were you perchance richer than R. Eleazar? It was reported about R. Eleazar b. Harsom that his father left him a thousand cities on the continent and over against that one thousand boats on the sea. Every day he would take a sack of flour on his shoulder and go from city to city and from province to province to study the Torah. One day his servants found him¹² and seized him for public service. He said to them: I beg of you, let me go to study the Torah. They said: By the life of R. Eleazar b. Harsom, we shall not let you go. [He gave them much money so that they let him go].¹³ He had never seen them, for he was sitting all day and night, occupying himself with the Torah. To the sensual person they would say: Why have you not occupied yourself with the Torah? If he said: I was beautiful and upset by sensual passion, they would say to him: Were you perchance more beautiful than Joseph? It was told of Joseph the virtuous that the wife of Potiphar every day endeavoured to entice him with words — The garments she put on for him in the morning, she did not wear in the evening, those she had put on in the evening, she did not wear in the morning. She said to him: Yield to me! He said: No. She said: I shall have you imprisoned. He said: The Lord releases the bound.¹⁴ She said: I shall bend thy proud stature.¹⁵ He replied: The Lord raises those who are bowed down.¹⁶ She said: I shall blind your eyes. He replied: The Lord opens the eyes of the blind.¹⁶ She offered him a thousand talents of silver to make him yield to her, to lie with her, to be near her,¹⁷ but he would not listen to her; not to 'lie with her' in this world, not 'to be with her' in the world to come. — Thus [the example of] Hillel condemns the poor, [the example of] R. Eleazar b. Harsom condemns the rich, and Joseph the virtuous condemns the sensual.

MISHNAH. HE CAME TO HIS¹⁸ BULLOCK AND HIS BULLOCK WAS STANDING BETWEEN THE HALL¹⁹ AND THE ALTAR,²⁰ ITS HEAD TO THE SOUTH AND ITS FACE TO THE WEST.²¹ AND THE PRIEST STOOD IN THE EAST WITH HIS FACE TO THE WEST.²² AND HE PRESSED BOTH HIS HANDS UPON IT²³ AND MADE Confession. AND THUS HE WOULD SAY: O LORD!²⁴ I HAVE DONE WRONG, I HAVE TRANSGRESSED, I HAVE SINNED BEFORE THEE, I AND MY HOUSE. O LORD! FORGIVE THE WRONGDOINGS, THE TRANSGRESSIONS, THE SINS WHICH I HAVE COMMITTED AND TRANSGRESSED AND SINNED BEFORE THEE, I AND MY HOUSE, AS IT IS WRITTEN IN THE TORAH OF MOSES THY SERVANT: FOR ON THIS DAY SHALL ATONEMENT BE MADE FOR YOU [TO CLEANSE YOU; FROM ALL YOUR SINS SHALL YE BE CLEAN BEFORE THE LORD].²⁵ AND THEY²⁶ ANSWERED AFTER HIM: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER!

(1) Ezek. XLIV, 19. [The prohibition of the use of woolen garments in verse 17 shows that the reference is to the Day of Atonement, as on other days some of the priestly garments were made of wool; further, the words 'and they shall put on other garments' are taken as applying to their return in the afternoon into the inner court after they had gone forth into the outer court to put off their garments with which they ministered in the morning, and the words 'they shall not sanctify the people with their garments' are taken as a separate command forbidding the use by the priests of the garments of ministry when not in actual service (Rashi).]

(2) The removal of the spoon and coal-pan, which may be done even when the community is absent, hence is called 'individual or private service.

(3) That he may perform therein a 'private' service once he hands it over to the community.

(4) I.e., without reservation.

- (5) V. supra p. 37, n. 5.
- (6) V. supra p. 37, n. 5.
- (7) Be it ever so thick. Thus was the flax of his garments transparent and his body visible.
- (8) Lit., 'wicked'.
- (9) Corresponding to ** (Victoriatu) — Quinarius, half a denar, Jast.
- (10) An aperture in the roof looking down to the ground floor.
- (11) Lit., 'the pillar of the morning'.
- (12) Not knowing who he was.
- (13) This is a marginal addition.
- (14) Ps. CXLVI, 7.
- (15) I.e., humiliate you with a slave's labour.
- (16) Ibid. 8.
- (17) Gen. XXXIX, 10.
- (18) Two bullocks were offered up on that day, one from community funds at the additional sacrifice (Num. XXIX, 8), the other from the high priest's means; the latter, here dealt with, is therefore called 'his' bullock.
- (19) The Ulam leading to the interior of the Temple connecting the Hekal with the Temple court.
- (20) The outer altar in the Temple court.
- (21) The priest turned its head in the direction of the Hekal, so that the horns, between which the priest pressed his hands on its head, faced the Hekal, v. Gemara.
- (22) The priest thus stood at the side of his bullock, his back to the altar, his face towards the Holy of Holies.
- (23) I.e., upon its head, between the horns.
- (24) Lit., 'O, the Name'.
- (25) Lev. XVI, 30.
- (26) The priests and the people who stood in the Temple court and who, on hearing him pronounce the ineffable Name of God, prostrated themselves.

Talmud - Mas. Yoma 36a

GEMARA. Whom did you hear saying that the place between Hall and altar was [considered] north?¹ R. Eleazar son of R. Simeon, for it was taught: What is [considered] north? From the northern wall of the altar up to the [northern] wall of the Temple court and opposite the whole altar on the north,² this is the opinion of R. Jose son of R. Judah. R. Eleazar son of R. Simeon adds also the space between the Hall and the altar.³ Rabbi adds also the space for the treading of the priests and the place for the treading of the Israelites within,⁴ and all agree that from the inside of the knives' cell⁵ it was illegitimate.⁶ Shall we [then] say that the Mishnah is in accord with R. Eleazar son of R. Simeon, but not with Rabbi? — You can even say that it is in accord with Rabbi, for if he adds even⁷ to what R. Jose son of R. Judah says, will he not add to [the space defined by] R. Eleazar b. R. Simeon!⁸ This is what we mean: If it were in accord with Rabbi, it⁹ could be placed anywhere in the whole Temple court! What, then [would you maintain] that [the Mishnah] is in accord with R. Eleazar b. R. Simeon! But then it ought to be placed anywhere between altar and wall?¹⁰ You must consequently say that the reason¹¹ is to avoid the high priest getting tired;¹² thus also, on the view of Rabbi, the reason¹¹ is to avoid the high priest getting tired.

ITS HEAD TO THE SOUTH, AND ITS FACE TO THE WEST. How is that possible?— Rab answered: The priest turns its head — But let him place it straight?¹³ — Abaye said: We are afraid it might drop excrements. Our Rabbis taught:¹⁴ How does one press [the hands on the head of the sacrifice]?¹⁵ The sacrifice stands to the north,¹⁶ with its face to the west, and he who presses¹⁷ [the hands] stands to the east, with his face to the west, and lays his two hands between the two horns of the sacrifice, that nothing may intervene between him and the sacrifice¹⁸ — and he makes confession. With a sin-offering [he makes confession] of the sin [committed]; with a guilt-offering, of the guilt incurred; with a burnt-offering, of the transgressions in connection with gleanings,¹⁹ the forgotten sheaf,²⁰ the corner of the field,¹⁹ and the poor tithe²¹ — these are the words of R. Jose the

Galilean. R. Akiba said: A burnt-offering is offered up exclusively for transgression of a positive command or of a prohibition transformed into a command.²² In what do they differ? R. Jeremiah said:

(1) [For the purposes of slaughtering the sacrifice of the high priest, which, as belonging to the highest grade of sanctity had to be slaughtered on the north side. Such must be the view of the Mishnah which states that the bullock was placed between the Hall and the altar for confession as well as for slaughtering purposes, v. infra 41b: 'At the place where the confession was made there it was slaughtered'.]

(2) Only the thirty-two cubits to the north and facing the altar are considered part of the north, where the slaughtering of sacrifices of the highest grade of sanctity is legitimate, but not the space east and west of the altar, although lying to the north of the Temple court, for the biblical command states: And he shall kill it on the side of the altar northward before the Lord. (Lev. I, 11), for though these parts are to the north of the Temple court, they are not to the north of the altar.

(3) [He includes the space on the north side of the Temple court extending westwards, although not exactly facing the northern wall of the altar.]

(4) Eleven cubits each. He includes the whole north of the Temple court, even to the eastern wall.

(5) V. Mid. IV, 7, to the north and south of the Temple court. This cell, fifteen cubits to the north, fifteen to the south, ten from east to west, had twenty-four apertures where the twenty-four divisions of priests kept their knives.

(6) From the knives' cell within it was impossible to see the wall altar, hence it was forbidden to slaughter it there, Zeb. 20a.

(7) Surely when he declares that space which, is further away is legitimate he will not declare forbidden that which is nearer!

(8) [The text is difficult. MS. M. omits 'You can even say it is in accord with Rabbi'.]

(9) The high priest's bullock.

(10) On the north of the Temple court.

(11) For placing it between the Hall and the altar.

(12) To prevent his becoming over-tired by carrying the bowl with the blood a long distance.

(13) With its back to the altar and its face to the Hekal.

(14) Tosef. Men. X, 12.

(15) Of the highest grade of sanctity.

(16) The side on which it is to be slain.

(17) The owner of the sacrifice.

(18) Men. 93b, the text in the Tosef. differs somewhat.

(19) Lev. XIX, 9: Neither shalt thou gather the gleanings of thy harvest.

(20) Deut. XXIV, 19.

(21) Ibid. XXVI, 12.

(22) I.e., a prohibition the transgression of which must be repaired by a succeeding act, as e.g., Ex. XII, 10: You shall let nothing of it remain until the morning (prohibition); But that which remaineth... you shall burn in fire (remedial action).

Talmud - Mas. Yoma 36b

They differ concerning the prohibition of carrion,¹ R. Akiba holding it to be a proper prohibition,² whilst R. Jose the Galilean does not consider it a proper prohibition.³ Abaye said: Everybody agrees that the prohibition of carrion is a proper prohibition, what they differ in is the laws touching 'Thou shalt leave',⁴ R. Akiba holding 'Thou shalt leave' means from the very beginning,⁵ whilst R. Jose the Galilean holds it means 'now'.⁶ Our Rabbis taught:⁷ How does he make confession: I have done wrong, I have transgressed I have sinned — Similarly, in connection with the he-goat to be sent away Scripture says: And he shall confess over him all the iniquities of the children of Israel, and all their transgressions even in their sins.⁸ Similarly, with Moses, it says: Forgiving iniquity and transgression and sin⁹ — these are the words of R. Meir. The Sages, however, say: 'Wrongs' are deliberate misdeeds, thus also does Scripture say: That soul shall be utterly cut off, his wrong shall be upon him,¹⁰ 'transgressions' are rebellious deeds, as it is said: The King of Moab hath transgressed against me;¹¹ furthermore: Then did Libnah transgress at the same time; 'sins'¹² are

inadvertent omissions, as it is said: If any one shall sin through error.¹³ — Should he then, after having confessed the deliberate misdeeds and the rebellious deeds, turn back and confess inadvertent omissions?¹⁴ Rather, thus did he make confession: I have sinned, I have done wrong, I have transgressed before Thee, I and my house etc. Thus also does Scripture say in connection with David: We have sinned with our fathers, we have done wrong, we have dealt wickedly.¹⁵ Thus also with Solomon: We have sinned, and have done wrong, we have dealt wickedly.¹⁶ Thus also with Daniel: We have sinned, and have dealt wrong, and have done wickedly.¹⁷ — What is the meaning, then, of Moses' saying: 'Forgiving iniquity and transgression and sin'?¹⁸ Moses said before the Holy One, blessed be He: Lord of the Universe, when Israel sin before Thee and then do penance, account their premeditated sins as errors! Rabbah b. Samuel said in the name of Rab: The halachah is in accord with the Sages. But [that is] self-evident, for 'Where the opinion of one individual is opposed to the opinion of a majority, the law follows the majority'.¹⁹ — You might have said: The reason of R. Meir appears more logical because the scriptural verse of Moses²⁰ supports it, therefore we are taught [as above].

Once a man went down²¹ before Rabbah and arranged his prayer in accord with R. Meir's view. He said to him: Do you forsake the Sages and act like R. Meir? — He answered: I hold as R. Meir, for thus it is written in the Torah of Moses.

Our Rabbis taught.²² And shall make atonement²³ — Scripture speaks of atonement through words.²⁴ You say it refers to atonement through words. But perhaps it refers to atonement [obtained] through [sacrificial] blood? I infer it thus: Here 'atonement is mentioned and there²⁵ 'atonement' is mentioned — Just as the atonement mentioned in connection with the he-goat is one through words, so the atonement mentioned with the bullock is one obtained through words. And if you wish to argue against it, then [learn from]: And Aaron shall present the bullock for the sin-offering, which is for himself and shall make atonement for himself and for his house,²³ yet the bullock has not been slaughtered!²⁶ What does 'And if you wish to argue against it' imply? — This: And if you would say: Let us infer from the he-goat prepared within the Temple, the atonement of which is obtained through blood, behold [against that argument] Scripture says: 'And he shall make atonement', and the bullock has not been slaughtered yet!

(1) Carrion-an animal that has died a natural death; also whatever has become unfit through faulty slaughtering.

(2) [For which lashes are inflicted, and for which a burnt-offering does not atone.]

(3) Because once one has eaten the carrion, it is no more possible to sell it to the stranger or give it to the sojourner as prescribed in Deut. XIV, 21, R. Akiba holding it a proper prohibition, for the transgression of which one would be punished with the prescribed thirty-nine lashes, the fact that one cannot repair the transgression notwithstanding. According to R. Jose no such punishment would here be inflicted, hence it is not a proper prohibition.

(4) Thou shalt not glean thy vineyard, neither gather the fallen fruit of thy vineyard. Thou shalt leave them for the poor and for the stranger. (Lev. XIX, 9.)

(5) V. next note.

(6) Here is another instance of a prohibition transformed into a command: Thou shalt not glean . . . thou shalt leave them. R. Akiba holds the positive commandment is enjoined from the very first, that is, thus: do not glean but leave; hence it is not a prohibition transformed into a command, but a command from the beginning; whilst R. Jose assumes that it is a de facto command: Don't glean, but having gleaned, undo your transgression by leaving it etc.

(7) Tosef. Yoma, II, 1.

(8) Lev. XVI, 21.

(9) Ex. XXXIV, 7.

(10) Num. XV, 31.

(11) II Kings III, 7.

(12) Ibid. VIII, 22.

(13) Lev. IV, 2.

(14) It is illogical to ask forgiveness for the gravest offences first and then for the lighter ones.

- (15) Ps. CVI, 6.
 (16) I Kings VIII, 47.
 (17) Dan. IX, 5. In all these cases the logical order is maintained, forgiveness being asked, first, for the sins due to inadvertence, then for those deliberate misdeeds, at last for rebellious acts.
 (18) Where the order appears reversed.
 (19) Ber. 9".
 (20) Which agrees, as to the order, with R. Meir.
 (21) To the prayer desk.
 (22) Meg. 20b.
 (23) Lev. XVI, 11.
 (24) I.e., confession.
 (25) In connection with the he-goat that is sent away. Lev. XVI, 10.
 (26) How then is atonement possible? It can be obtained through confession.

Talmud - Mas. Yoma 37a

— Whence do we know that [the confession] starts with 'O'? — Here the expression 'atonement' is used and there, in connection with Mount Horeb,¹ the expression 'atonement' is used, [hence the inference that] just as it started there with 'O' so must it start here with 'O' Whence do we know that the Name³ is to be pronounced here?—Here the word 'atonement' is used and in connection with the heifer whose neck is to be broken⁴ the word 'atonement' is used, [hence the inference that] just as there the Name is pronounced, so is it to be pronounced here. Abaye said: It is quite right that we cannot make inference for Horeb from the heifer whose neck is to be broken,⁵ because that is a past affair, but why should one not infer for the heifer whose neck is to be broken from what happened at [Mount] Horeb?⁶ — And if you will say 'indeed so', but have we not learned:⁷ 'The priests say: Forgive Thy people Israel',⁸ but they mention nothing about 'O!'— This is a difficulty.

AND THEY ANSWERED AFTER HIM: It was taught: Rabbi said, [commenting on]: For I will proclaim the name of the Lord; Ascribe ye greatness unto our God:⁹ Moses said to Israel: When I mention the name of the Holy One, blessed be He, ascribe greatness [unto Him]; Hananyah, the son of the brother of R. Joshua said [commenting on]: The memory of the righteous shall be for a blessing:¹⁰ The prophet said to Israel: When I make reference to the Righteous One of all the Worlds, say a blessing!

MISHNAH. HE THEN WENT BACK TO THE EAST OF THE TEMPLE COURT, TO THE NORTH OF THE ALTAR, THE DEPUTY HIGH PRIEST¹¹ AT HIS RIGHT AND THE HEAD OF THE FAMILY¹² [MINISTERING THAT WEEK] AT HIS LEFT. THERE WERE TWO HE-GOATS¹³ AND AN URN¹⁴ CONTAINING TWO LOTS. THEY WERE OF BOX-WOOD. BEN GAMALA MADE THEM OF GOLD AND THEREFORE HE WAS PRAISED. BEN KATIN MADE TWELVE SPIGOTS FOR THE LAVER,¹⁵ FOR THERE HAD BEEN BEFORE BUT TWO. HE ALSO MADE A MACHINE FOR THE LAVER, IN ORDER THAT ITS WATER SHOULD NOT BECOME UNFIT BY REMAINING OVERNIGHT.¹⁶ KING MONOBAZ¹⁷ HAD ALL THE HANDLES OF ALL THE VESSELS USED ON THE DAY OF ATONEMENT MADE OF GOLD. HIS MOTHER HELENA¹⁸ HAD A GOLDEN CANDLESTICK MADE OVER THE DOOR OF THE HEKAL. SHE ALSO HAD A GOLDEN TABLET MADE, ON WHICH THE PORTION TOUCHING THE SUSPECTED ADULTERESS¹⁹ WAS INSCRIBED. NICANOR²⁰ EXPERIENCED MIRACLES WITH HIS GATES AND HIS MONEY WAS PRAISED.

GEMARA. Since [the Mishnah] reads: TO THE NORTH OF THE ALTAR, one infers that the altar was not standing in the north.²¹ Whose opinion represents our Mishnah? The opinion of R. Eliezer b. Jacob, for it was taught: Northward before the Lord,²² i.e., the north must be fully unoccupied — this is the opinion of R. Eliezer b. Jacob.²³ But the first part of the Mishnah is in

accord with R. Eleazar son of R. Simeon? — The whole of the Mishnah is in accord with R. Eliezer b. Jacob,²⁴ but read there: In the space between Hall and altar.

THE DEPUTY HIGH PRIEST AT HIS RIGHT AND THE HEAD OF THE FAMILY AT HIS LEFT: Rab Judah said:²⁵ One who walks at his master's right hand is a boor. [But] we have learnt: THE DEPUTY HIGH PRIEST AT HIS RIGHT AND THE HEAD OF THE [MINISTERING] FAMILY AT HIS LEFT; and furthermore, it was taught:²⁶ Of three walking along, the teacher should walk in the middle, the greater of his disciples to his right, the smaller one at his left, and thus do we find that of the three angels who came to visit Abraham, Michael went in the middle, Gabriel at his right,²⁷ Raphael at his left? — R. Samuel b. Papa interpreted [the first saying] before R. Adda: [It is wrong only, if] he [the teacher] be hidden by him — But has it not been taught: One who walks in front of his teacher is a boor, one who walks behind him is arrogant? — [It is assumed here] that he turns sideways.

AND THERE WAS A CASKET WHEREIN THERE WERE TWO LOTS: Our Rabbis taught: [with reference to] And Aaron shall cast lots upon the two goats²⁸ — ‘lots’, i.e., made of any material. One might have assumed that he should cast two lots on the head of each,²⁹ therefore [Scripture repeats]: One lot for the Lord and the other lot for Azazel,²⁸ i.e., there is but one lot ‘for the Lord’, and there is but one lot ‘for Azazel’ — One might have assumed that he shall give upon the head of each²⁹ a lot each ‘for the Lord’ and ‘for Azazel’, therefore Scripture says: ‘One lot for the Lord’, i.e., there is but one lot ‘for the Lord’ and but one lot ‘for Azazel’ — Why then does Scripture say: [he shall cast] ‘lots’? [That means to say] that they must be alike: he must not make one of gold and the other of silver, one large, the other small; ‘lots’ [means they may be made] of any material. But that is self-evident? — No, it is necessary [to state that], as it was taught: Since we find that the [high priest's] front-plate had the name of the Lord inscribed thereon and was made of gold, I might have assumed that this too must be made of gold, hence it says [twice] ‘lot’ . . . ‘lot’, to include [permission to make it of] olive-wood, nut-wood or box-wood.³⁰ BEN KATIN MADE TWELVE SPIGOTS FOR THE LAVER: A Tanna taught: In order that his twelve brethren, the priests, who were occupied with the continual offering, may be able to sanctify their hands and feet simultaneously.³¹

A Tanna taught:³² In the morning, when the laver was full, he sanctified his hands and feet from the upper spigot; in the evening, when [the water] was low, he sanctified his hands and feet from the lower spigot.

HE ALSO MADE A MACHINE FOR THE LAVER: What machine was that? — Abaye said: A wheel which let it go down [to the pit].

KING MONOBAZ MADE ALL THE HANDLES FOR THE VESSELS etc.: He should have made [the vessels] them[selves] of gold?

(1) Ex. XXXII, 30. The similarity of expression indicates some similarity of procedure, hence the inference is legitimate. Thus also below.

(2) Ibid. v. 31.

(3) The ineffable name of God. ‘𐤂’ may be ‘B essentiae’.

(4) Deut. XXI, 8.

(5) To pronounce the Name also here.

(6) To start with ‘O’.

(7) Sot. 47b.

(8) Deut. XXI, 8.

(9) Deut. XXXII, 3.

(10) Prov. X, 7.

- (11) Segan. V. Glos.
 (12) Beth Ab. V. Glos.
 (13) Lev. XVI, 5,7.
 (14) The Greek **.
 (15) The priests washed (sanctified) their hands and feet with the water of that laver, before entering the Sanctuary or preparing a service. They turned the spigots and the water came over their hands and feet.
 (16) The sacred vessels sanctify everything that comes in contact with them (Zeb. 86a), and whatever has thus been sanctified becomes invalid by remaining overnight. Ben Katin's machine (**) connected the laver with the well, thus retaining for it the undisturbable freshness of the well, hence, when drawn up in the morning, by means of the wheel, it remained valid for sacred use. The heavy laver, until then, had to be filled every morning afresh, after being emptied of last night's water — a laborious, time-wasting effort.
 (17) He was king of Adiabene in the last years before the destruction of the second Temple.
 (18) She was queen of Adiabene.
 (19) Num. V, 11-31. V. Git. 60a.
 (20) V. Tosef. II, 4, and with slight modifications, the account infra 38a.
 (21) [I.e., that no part of the altar extended to the north half of the Temple court, so that on retracing his steps from the Temple proper to the Temple court, and reaching the altar, he was on the north of it.]
 (22) Lev. I, 11.
 (23) Zeb. 59a.
 (24) Who said: Part of the altar extended to the north, whence he permitted the bullock to be slaughtered between Hall and altar. V. supra 36a and note. (10) In the preceding Mishnah: The bullock was standing near the place between Hall and altar, about the northern corner of the latter, not in the north exactly'.
 (25) Hul. 91a.
 (26) 'Er. 54b.
 (27) To the right, somewhat behind him, not next to him, because in the latter case he would cover him and that is unseemly.
 (28) Lev. XVI, 8.
 (29) Since Scripture says 'lots' instead of 'a lot each'.
 (30) [Since the repetition of 'lot' intimates that they can be made of any material, the word 'lots' must likewise mean of any material, Tosef. s.v. יבול
 (31) V. supra 25b.
 (32) [What follows gives the reason why formerly there had been, as stated in the Mishnah, two spigots; v. D.S. a.l.]

Talmud - Mas. Yoma 37b

— Abaye said: [Reference here is made to] the handles of the knives.

The following objection was raised: He also made of gold the base of the vessels, the rims of the vessels, the handles of the vessels and the handles of the knives [used on the Day of Atonement]? — Abaye explained: These are the helms of axes and adzes.

HIS MOTHER HELENA MADE A CANDLESTICK OF GOLD etc.: A Tanna taught:¹ When the sun was shining, sparkling rays proceeded from it and all knew then that the time had arrived for the reading of the [morning] Shema'.² An objection was raised: One who reads the Shema' in the morning together with the linen of the [priestly] Mishmar or the [laymen] Ma'amad,³ has not fulfilled his duty, because the men of the Mishmar read it early and the men of the Ma'amad read it too late.⁴ — Abaye said: It was for the rest of the people of Jerusalem.

SHE ALSO MADE A TABLET: Do you not conclude from this that one may write a scroll for a child for practising purposes?⁵ — Resh Lakish said in the name of R. Jannai: Alphabetically.⁶ An objection was raised: Whilst writing he⁷ looks unto the tablet and copies what is written on the tablet?⁸ — Say: He looks and writes as it is written on the tablet.⁹ He raised this objection: When he

writes he looks and copies what is written on the tablet, and what is written thereon? And if some man have lain with thee . . . if no man have lain with thee; if thou hast gone aside . . . and if thou hast not gone aside!¹⁰ — There it was written

(1) Tosef. II, 3.

(2) V. Ber. 26a.

(3) V. Glos.

(4) They postponed the reading of the Shema' until their service in connection with the continual offering had been completed. How then did the sparks inform them when this information for practical purposes was useless?

(5) In Git. 60a there is a discussion on this matter, one view permitting the writing of individual portions, the other holding only the whole Torah may be written out. Our Mishnah might settle the dispute there.

(6) What is involved here is not the real copying of a chapter of the Torah, but a kind of mnemotechnic device, with the initial letters only written out, the complete text to be supplied by memory, with the guidance of these hints.

(7) The priest who writes the scroll which the suspected adulteress must drink up.

(8) Indicating that the complete text was contained thereon.

(9) I.e., the initial letters serve him as guide.

(10) Num. V, 19, 20.

Talmud - Mas. Yoma 38a

by sections.¹

NICANOR EXPERIENCED MIRACLES WITH HIS DOORS: Our Rabbis taught: What miracles happened to his doors? It was reported that when Nicanor had gone to fetch doors² from Alexandria of Egypt, on his return a gale arose in the sea to drown him. Thereupon they took one of his doors and cast it into the sea and yet the sea would not stop its rage. When, thereupon, they prepared to cast the other into the sea, he rose and clung to it, saying: 'Cast me in with it!' [They did so, and] the sea stopped Immediately its raging. He was deeply grieved about the other [door]. As he arrived at the harbour of Acco, it broke through and came up from under the sides of the boat. — Others say: A monster of the sea swallowed it and spat it out on the dry land Touching this, Solomon said: The beams of our houses are cedars, and our panels are berothim [cypresses].³ Do not read 'berothim [cypresses] but 'brith yam',⁴ I.e., covenant of the sea'. — Therefore all the gates in the Sanctuary were changed for golden ones with the exception of the Nicanor gates because of the miracles wrought with them. But some say: Because the bronze of which they were made had a golden hue.⁵ R. Eliezer b. Jacob said: It was Corinthian bronze,⁶ which shone like gold.

MISHNAH. AND THESE WERE MENTIONED TO THEIR SHAME: THEY OF THE HOUSE OF GARMU WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE SHEWBREAD;⁷ THEY OF THE HOUSE OF ABTINAS WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE INCENSE; HYGROS, SON [OF THE TRIBE] OF LEVI KNEW A CADENCE⁸ IN SONG BUT WOULD NOT TEACH IT; BEN KAMZAR WOULD NOT TEACH ANYONE HIS ART OF WRITING.⁹ CONCERNING THE FORMER IT IS SAID: THE MEMORY OF THE RIGHTEOUS SHALL BE FOR A BLESSING;¹⁰ CONCERNING THE OTHERS IT IS SAID: BUT THE NAME OF THE WICKED SHALL ROT.

GEMARA. Our Rabbis taught: The house of Garmu was expert in preparing the shewbread, but would not teach it — The Sages sent for specialists from Alexandria of Egypt, who knew how to bake as well as they, but they did not know how to take [the loaves] down [from the oven] as well as the former, for they were heating the oven from without and baked from within, whereas the latter heated the oven from within and baked from within [with the result] that the bread of the latter became mouldy, whereas the bread of the former did not grow mouldy. When the Sages heard that, they quoted: Everyone that is called by My name [and whom] I have created for My glory,¹¹ and

said: Let the house of Garmu return to their office. The Sages sent for them, but they would not come. Then they doubled their hire and they came. [Until now] they used to get twelve minas for the day, [from] that day, twenty-four minas. R. Judah said: [Until then] they received twenty-four minas per day, [from] that day they received forty-eight minas. The Sages said to them: What ground did you see for refusing to teach [your art]? They said to them: In our father's house they knew that this House will be destroyed, and perhaps an unworthy man would learn it and then proceed to serve an idol with it. — For the following was their memory honoured: Never was fine bread to be found in their children's hand, lest people say: These feed from the [preparation of]¹² the shewbread — Thus [they endeavoured] to fulfil [the command]: Ye shall be clear before the Lord and before Israel.¹³

THEY OF THE HOUSE OF ABTINAS WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE INCENSE. Our Rabbis taught: The house of Abtinah were expert in preparing the incense but would not teach [their art]. The Sages sent for specialists from Alexandria of Egypt, who knew how to compound incense as well as they, but did not know how to make the smoke ascend as well as they. The smoke of the former ascended [as straight] as a stick, whereas the smoke of the latter was scattered in every direction. When the Sages heard thereof, they quoted: 'Everyone that is called by My name, I have created for My glory',¹⁴ as it is said: The Lord hath made everything for His own purpose,¹⁵ and [said]: The house of Abtinah may return to their [wonted] place. The Sages sent for them, but they would not come. Then they doubled their hire and they came. Every day [thitherto] they would receive twelve minas, [from] that day twenty-four. The Sages said to them: What reason did you have for not teaching [your art]? They said: They knew in our father's house that this House is going to be destroyed and they said: Perhaps an unworthy man will learn [this art] and will serve an idol therewith. — And for the following reason was their memory kept in honour: Never did a bride of their house go forth perfumed and when they married a woman from elsewhere they expressly forbade her to do so lest people say: From [the preparation of] the incense they are perfuming themselves. [They did so] to fulfil the command: 'Ye shall be clear before the Lord and before Israel.'¹⁶

It was taught: R. Ishmael said: Once I was walking on the way and I came upon one of their children's children and I said to him: Your forefathers sought to increase their glory and to reduce the glory of the Creator, now the glory of the Creator is at its wonted place, and He has reduced their glory. R. Akiba said: R. Ishmael b. Luga related to me: One day I and one of their descendants went to the field to gather herbs and I saw him crying and laughing. I said to him: 'Why did you cry?' He answered: 'I recalled the glory of my ancestors' — 'And why did you laugh happily?' He replied: 'Because the Holy One, blessed be He, will restore it to us' — 'And what caused you to remember?' He said: 'There is smoke-raiser¹⁷ before me'. 'Show it to me!' He said to me: 'We are bound by oath not to show it to any person' — R. Johanan b. Nuri said: Once I came upon an old man, who had a scroll [containing prescriptions] for frankincense in his hand. I asked him: 'Whence are you [derived]?' He said: 'I come from the house of Abtinah' — 'What have you in your hand?' He replied: 'A scroll [containing prescriptions] for frankincense.' 'Show it to me!' He said: 'As long as my father's house was alive they would not surrender it to any one, but now here it is, but be very careful about it — When I came and told thereof to R. Akiba he said: 'Henceforth it is forbidden to speak of them in dispraise' — Referring to this¹⁸ Ben 'Azzai said: By your name you will be called, to your place you will be restored

(1) Not the initial letters of the words, but the initial words of the verses: The headings of sections were written out, the rest intimated by initial letters.

(2) The doors for the great eastern gate of the Temple Court.

(3) Cant. I, 17.

(4) Without any radical change of the text, except the division of the words, which in the original was hardly noticeable. V. Blau, *Einleitung in die Schrift*, p. 119f. [Aliter: Do not read 'berothim' (ברותים) but berithim (בריתים), 'covenants', the doors having made a covenant with each other to be together. V. Rashi and D.S. a.l.]

(5) Mid. II, 3.

(6) Corinthian bronze was refined, hence the light weight, hence the golden hue, as against the duller tone of the heavier bronze.

(7) The twelve shewbread loaves, resting in the Hekal on the golden table from Sabbath to Sabbath (Ex. XXV, 30 and Lev. XXIV, 5-9) were very thin and fragile. Made of some four quarts of flour, they were about one half inch in thickness, some twenty-eight inches in length, some twelve inches in breadth. There were some artistic devices at the corners, which made the preparation a highly difficult art. They would be baked on Friday, often on Wednesday, to be eaten on the Sabbath of the following week, and extraordinary skill was required to keep them fresh and well-tasting. The secret of the baking and removing them, from the oven without breaking them was kept by the house of Garmu, for failure to reveal which they are branded here. The Talmud, however, adduces some mitigating reasons for this apparent niggardliness.

(8) A somewhat difficult phrase. Evidently in connection with the Temple songs. It may have been a specially composed finale, allowing for individual margins of musical ingenuity (Baneth).

(9) V. Gemara.

(10) Prov. X, 17.

(11) Isa. XLIII, 7; hence the best should be available for the Sanctuary, even if cost is involved.

(12) Profits, remainders, at any rate not from their own. One must avoid giving the appearance of unrighteous action, even when acting rightly.

(13) Num. XXXII, 22.

(14) V. p. 176, n. 1.

(15) Prov. XVI, 4; thus that skill must not be allowed to remain unused.

(16) Num. XXXII, 22.

(17) The name of a plant whose identity had to be hidden from all but the members of the house of Abtinas.

(18) Their re-instatement into the original office.

Talmud - Mas. Yoma 38b

and from what belongs¹ to you will you be given. No man can touch what is prepared for his fellow and 'One kingdom does not interfere with the other² even to the extent of one hair's breadth'.³

HYGROS OF THE TRIBE OF LEVI etc. It was taught: When he tuned his voice to a trill, he would put his thumb into his mouth and place his finger [on the division line] between the two parts of the moustache, so that his brethren, the priests, staggered backward with a sudden movement.⁴

Our Rabbis taught: Ben Kamzar would not teach anything about [his art of] writing. It was said about him that he would take four pens between his fingers and if there was a word of four letters⁵ he would write it at once. They said to him: 'What reason have you for refusing to teach it?' All found an answer for their matter [attitude]. Ben Kamzar could not find one. Concerning [all] former ones it is said: 'The memory of the righteous shall be for a blessing', with regard to Ben Kamzar and his like it is said: 'But the name of the wicked shall rot' — What is the meaning of 'But the name of the wicked shall rot'? — R. Eleazar said: Rottenness enters their names, none name their children after them.

Rabina raised an objection: The story of Doeg b. Joseph whom his father left to his mother when he was a young child: Every day his mother would measure him by handbreadths⁶ and would give his [extra] weight in gold to the Sanctuary. And when the enemy prevailed, she slaughtered him and ate him, and concerning her Jeremiah lamented: Shall the women eat their fruit, their children that are handled in the hands?⁷ Whereupon the Holy Spirit replied: Shall the priest and the prophet be slain in the Sanctuary of the Lord?⁸ — See what happened to him!⁹

R. Eleazar said: The righteous man is remembered by his own [good deeds], the wicked [also] by those of his fellow. [Proof that] the righteous [is remembered] by his own [good deeds], for it is

written: 'The memory of the righteous shall be for a blessing'. The wicked [is remembered also] by his associate['s wickedness], for it is written: 'But the name of the wicked [pl.] shall rot.' — Rabina said to one of the Rabbis who expounded Aggada before him: Whence is this statement, which the Rabbis mention: The memory of the righteous shall be for a blessing? — He replied: It is a scriptural verse: 'The memory of the righteous shall be for a blessing.' Whence, in the Torah, may that teaching be derived? — From what is written: Shall I hide from Abraham that which I am doing?¹⁰ And it is [there] also written: Seeing that Abraham shall surely become a great and mighty nation.¹¹ [He asked further]: Whence do we know this matter, which the Rabbis mention: But the name of the wicked shall rot? — He replied: It is a scriptural verse: 'But the name of the wicked shall rot'. Whence, in the Torah, may this teaching be derived? — From what is written: And he moved his tent as far as Sodom,¹² and it is written: Now the men of Sodom were wicked and sinners against the Lord exceedingly.¹³

R. Eleazar said: A righteous man once lived between two wicked men and did not learn from their deeds, a wicked man lived between two righteous men and did not learn from their ways — The righteous who lived between two wicked men and did not learn from their wicked ways was Obadiah.¹⁴ The wicked man living between two righteous men and not learning from their ways was Esau.

R. Eleazar [also] said: From the blessing of the righteous you can infer the curse for the wicked and from the curse of the wicked you may infer the blessing for the righteous — From the blessing of the righteous you can infer the curse for the wicked, as it is written: For I have known him, to the end that he may command,¹⁵ and [soon] after that it is written: And the Lord said: Verily the cry of Sodom and Gomorrah is great.¹⁶ From the curse of the wicked you can infer the blessing for the righteous, for it is written: Now the men of Sodom were wicked and sinners against the Lord exceedingly.¹⁷ And the Lord said unto Abram, after that Lot was separated from him . . . [all the land, which thou seest, to thee will I give . . .]¹⁸

R. Eleazar further said: Even for the sake of a single righteous man would this world have been created for it is said: And God saw the light that it was [for one who is] good,¹⁹ and 'good' means but the righteous, as it is said: Say ye of the righteous that he is the good one.²⁰

R. Eleazar said also: Whoever forgets [through neglect] any part of his study, causes his children to go into exile, as it is said: Seeing that thou hast forgotten the law of thy God, I also will forget thy children.²¹ R. Abbahu said: Such a one is deprived of his greatness, as it is said: Because thou hast rejected knowledge, I will also reject thee, that thou shalt be no priest to me.²²

R. Hiyya b. Abba said in the name of R. Johanan: No righteous man dies out of this world, before another, like himself, is created,²³ as it is said: The sun also ariseth, and the sun goeth down²⁴ , — before the sun of Eli set, the sun of Samuel of Ramathaim rose. R. Hiyya b. Abba also said in the name of R. Johanan: The Holy One, blessed be He, saw that the righteous are but few, therefore He planted them throughout all generations, as it is said: For the pillars of the earth are the Lord's, and He hath set the world upon them.²⁵

R. Hiyya b. Abba said also in the name of R. Johanan: Even for the sake of a single righteous man does the world endure, as it is said: But the righteous is the foundation of the world.²⁶ R. Hiyya himself infers this from here: He will keep the feet of His holy ones²⁷ 'Holy ones' means many? — R. Nahman b. Isaac said: It is written: His holy' one.²⁷

R. Hiyya b. Abba said further in the name of R. Johanan: When the majority of a man's years have passed without sin, he will no more sin, as it is said: 'He will keep the feet of His holy ones'. In the school of Shila it was taught that if the opportunity for sin has come to a man the first and the second

time and he resisted, he will never sin, as it is said: 'He will keep the feet of His holy ones'.²⁸

Resh Lakish said: What is the meaning of: If it concerneth the scorers He scorneth them, but unto the humble He giveth grace?²⁹ i.e., if a man comes to defile himself, the doors are opened to him, but if he comes to purify himself, he is helped. In the school of R. Ishmael it was taught: It is as when a man sells naphtha and balm

(1) What is predestined as your lawful source of income.

(2) In either time or place.

(3) Ber. 48b.

(4) Enchanted with the beauty of the music, or startled by the power of his voice.

(5) [The Tetragrammaton. V. Rashi on the Mishnah.]

(6) With her handbreadth, on her hand, to know how much he had gained since yesterday.

(7) Lam. II, 20.

(8) The reference is to the Prophet Zechariah b. Jehoiadah, the priest. The text in Lam. may refer to that as well; its original meaning, not unknown to the answerer, lamented the destruction by the enemy, of priest and prophet alike. At any rate someone was called Doeg in spite of the first Doeg's bad reputation (I Sam. XXI, 8.)

(9) Normally, none would do that, because of a bad omen, or because one should help the name of the wicked to 'rot' by being forgotten. Look what this deviation from custom brought upon the child.

(10) Gen. XVIII, 17.

(11) Ibid. XVIII, 18.

(12) Ibid. XIII, 12.

(13) Ibid. 13.

(14) Who lived between Ahab and Jezebel. V. Sanh. 12b.

(15) Gen. XVIII, 19.

(16) Ibid. 20.

(17) Ibid. XIII, 13.

(18) Ibid. 15.

(19) Ibid. I, 4.

(20) Isa. III, 10. E.V., 'Say ye of the righteous, that it shall be well with him.' V. Hag. 12b.

(21) Hosea IV, 6.

(22) Ibid.

(23) Kid. 72b.

(24) Eccl. I, 5.

(25) I Sam. II, 8.

(26) Prov. X, 25. E.V., 'Is an everlasting foundation'.

(27) I Sam. II, 9. Although the kere (the traditional reading) is in the plural the kethib (חֲסִידִים), (the written form) חֲסִידוֹ is in the singular.

(28) [Taking לְרַגְלֵי in the sense of רַגְלֵי, cf. Gen. XXX, 30, 'at the foot of', 'at the guidance of', 'on account of', he renders the verse, He preserves (the world) on account of His holy ones (Rashi).]

(29) Prov. III, 34.

Talmud - Mas. Yoma 39a

: If [a purchaser] comes to measure naphtha, he [the shopkeeper] says to him: Measure it out for yourself; but to one who would measure out balm he says: Wait, till I measure together with you, so that both I and you, may become perfumed.

The school of R. Ishmael taught: Sin dulls the heart of man, as it is said: Neither shall ye make yourselves unclean with them, that ye should be defiled thereby.¹ Read not we-nitmethem [that you should be defiled], but u-netamothem [that you should become dullhearted].² Our Rabbis taught: 'Neither shall you make yourselves unclean that you should be defiled thereby.' If a man defiles

himself a little, he becomes much defiled: [if he defile himself] below, he becomes defiled from above; if he defile himself in this world, he becomes defiled in the world to come. Our Rabbis taught: Sanctify yourselves, therefore, and be ye holy:³ If a man sanctify himself a little, he becomes much sanctified. [If he sanctify himself] below, he becomes sanctified from above; if he sanctify himself in this world, he becomes sanctified in the world to come.

CHAPTER IV

MISHNAH. HE SHOOK⁴ THE URN AND BROUGHT UP THE TWO LOTS. ON ONE WAS INSCRIBED: 'FOR THE LORD', AND ON THE OTHER: 'FOR AZAZEL'. THE DEPUTY HIGH PRIEST WAS AT HIS RIGHT HAND, THE HEAD OF THE [MINISTERING] FAMILY AT HIS LEFT. IF THE LOT [HAVING] 'FOR THE LORD' [INSCRIBED THEREON] CAME UP IN HIS RIGHT HAND, THE DEPUTY HIGH PRIEST WOULD SAY TO HIM: SIR HIGH PRIEST, RAISE THY RIGHT HAND! AND IF THE LOT [WITH THE INSCRIPTION] 'FOR THE LORD' CAME UP IN HIS LEFT HAND, THE HEAD OF THE FAMILY WOULD SAY: SIR HIGH PRIEST, RAISE THY LEFT HAND! THEN HE PLACED THEM ON THE TWO HE-GOATS AND SAID: A SIN-OFFERING 'UNTO THE LORD!' R. ISHMAEL SAID: HE DID NOT NEED TO SAY: A SIN-OFFERING, BUT 'UNTO THE LORD'. AND THEY ANSWERED AFTER HIM: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER!⁵

GEMARA. Why was it necessary to shake the urn? — Lest he take one intentionally.⁶ Raba said: The urn was of wood and profane and could hold no more than the two hands [at its mouth]. — Rabina demurred to this: It is quite right that [its mouth] could contain no more than his two hands, i.e., to prevent his taking one intentionally [through manipulation] but why should it be profane? Let it be sanctified? — That would result in our having a ministering vessel of wood, and we do not make ministering vessels of wood. Then let it be made of silver, or of gold? — 'The Torah has consideration for the money of Israel'.⁷

Our Mishnah is not in accordance with the following Tanna, for it was taught: R. Judah said in the name of R. Eliezer: The deputy high priest and the high priest put their hand into the urn. If the lot ['For the Lord'] comes up in the hand of the high priest, the deputy high priest said to him: Sir high priest, raise thy hand! And if it came up in the right hand of the deputy high priest, the head of the [ministering] family says to him: Say your word!⁸ -Let the deputy high priest address him? — Since it did not come up in his hand, he might feel discouraged.⁹ In what [principle] do they¹⁰ differ? — One holds, the right hand of the deputy high priest is better than the left hand of the high priest, the other holding, they are of even importance. Who is the Tanna disputing R. Judah? — It is R. Hanina, deputy high priest. For it was taught: R. Hanina, deputy high priest, says: Why does the deputy high priest stand at the right? In order that if an invalidating accident should happen to the high priest, the deputy high priest may enter [the Sanctuary] and officiate in his stead.¹¹

Our Rabbis taught: Throughout the forty years that Simeon the Righteous ministered, the lot ['For the Lord'] would always come up in the right hand; from that time on, it would come up now in the right hand, now in the left. And [during the same time] the crimson-coloured strap¹² would become white. From that time on it would at times become white, at others not. Also: Throughout those forty years the westernmost light¹³ was shining, from that time on, it was now shining, now failing; also the fire of the pile of wood kept burning strong,¹⁴ so that the priests did not have to bring to the pile any other wood besides the two logs,¹⁵ in order to fulfil the command about providing the wood unintermittently; from that time on, it would occasionally keep burning strongly, at other times not, so that the priests could not do without bringing throughout the day wood for the pile [on the altar]. [During the whole period] a blessing was bestowed upon the 'omer,¹⁶ the two breads,¹⁷ and the shewbread, so that every priest, who obtained a piece thereof as big as an olive, ate it and became satisfied with some eating thereof and even leaving something over. From that time on a curse was

sent upon 'omer, two breads, and shewbread, so that every priest received a piece as small as a bean: the well-bred¹⁸ ones withdrew their hands from it, whilst voracious folk took and devoured it. Once one [of the latter] grabbed his portion as well as that of his fellow, wherefore they would call him 'ben

(1) Lev. XI, 43.

(2) וְנִטְמָטָם for וְנִטְמָטָם MS.M. cur. ed. וְנִטְמָטָם.

(3) Lev. XVI, 44.

(4) Continuing the account of Mishnah (supra 37a); or 'shook hastily' (because of eagerness, anxiety).

(5) The J.T. states that when the high priest pronounced the Ineffable Name those near prostrated themselves, those afar responding with 'Blessed be the name of His glorious kingdom for ever and ever'.

(6) It was considered a happy omen when it came up in the right hand, and the temptation was as great as near to improve upon chance by dexterous manipulation.

(7) V. infra 44b.

(8) Viz., 'A sin-offering unto the Lord'.

(9) If the deputy high priest, in whose hand it came up, gave him the command, he might easily read into his words the arrogance of the successful.

(10) R. Judah and the Tanna of our Mishnah.

(11) Nazir 47b, which implies that as long as the high priest is fit for service the deputy high priest performs no priestly service whatsoever, in opposition to R. Judah.

(12) Which was tied between the horns of the bullock. If that became white, it signified that the Holy One, blessed be He, had forgiven Israel's sin. Cf. Though your sins be as scarlet, they shall be as white as snow (Isa. I, 18, Rashi).

(13) The westernmost light on the candlestick in the Temple, into which as much oil was put as into the others. Although all the other lights were extinguished, that light buried oil, in spite of the fact that it had been kindled first. This miracle was taken as a sign that the Shechinah rested over Israel. V. Shab. 22b and Men. 86b.

(14) On the altar, on which it was kindled in the morning.

(15) V. supra 26b.

(16) V. Glos.

(17) V. Lev. XXIII, 17ff

(18) Lit., 'modest', 'decorous'.

Talmud - Mas. Yoma 39b

hamzan' [grasper] until his dying day. Rabbah b. R. Shela said: What Scriptural basis [is there for this appellation]? — O my God, rescue me out of the hand of the wicked, out of the grasp of the unrighteous and homez [ruthless] man.¹ Raba said, From here [is the basis obtained]: Learn to do well, seek justice, strengthen hamoz [the oppressed]² i.e., strengthen him hamoz [who is oppressed], but strengthen not homez [the oppressor].³

Our Rabbis taught: In the year in which Simeon the Righteous died, he foretold them that he would die. They said: Whence do you know that? He replied: On every Day of Atonement an old man, dressed in white, wrapped in white, would join me, entering [the Holy of Holies] and leaving [it] with me, but today I was joined by an old man, dressed in black, wrapped in black, who entered, but did not leave, with me. After the festival [of Sukkoth] he was sick for seven days and [then] died. His brethren [that year] the priests forbore to mention the Ineffable Name in pronouncing the [priestly] blessing.⁴ Our Rabbis taught: During the last forty years before the destruction of the Temple the lot ['For the Lord'] did not come up in the right hand; nor did the crimson-coloured strap become white; nor did the westernmost light shine; and the doors of the Hekal would open by themselves, until R. Johanan b. Zakkai rebuked them, saying: Hekal, Hekal, why wilt thou be the alarmer thyself?⁵ I know about thee that thou wilt be destroyed, for Zechariah ben Ido has already prophesied concerning thee:⁶ Open thy doors, O Lebanon, that the fire may devour thy cedars.⁷

R. Isaac b. Tablai said: Why is its⁸ name called Lebanon? Because it makes white the sins of Israel. R. Zutra b. Tobiah said: Why is it called 'Forest', as it is written: The house of the forest of Lebanon?⁹ To tell you that just as a forest produces sprouts, so does the Temple. For R. Hosea said:¹⁰ When Solomon built the Sanctuary, he planted therein all sorts of precious golden trees, which brought forth fruit in their season. When the wind blew against them, their fruits would fall down, as it is said: May his fruit rustle like Lebanon.¹¹ They were a source of income for the priesthood. But as soon as the idolaters entered the Hekal, they dried up, as it is said: And the flower of Lebanon languisheth.¹² And the Holy One, blessed be He, will restore it to us, as it is said: It shall blossom abundantly, and rejoice, even with joy and singing, the glory of Lebanon shall be given to it.¹³ Our Rabbis taught:¹⁴ Ten times did the high priest pronounce the [Ineffable] Name on that day: Three times at the first confession, thrice at the second confession, thrice in connection with the he-goat to be sent away, and once in connection with the lots. And it already happened that when he pronounced the Name, his voice was heard even unto Jericho.¹⁵ Rabbah b. Bar Hana said: From Jerusalem to Jericho it is a distance of ten parasangs. The turning hinges of the Temple doors were heard throughout eight Sabbath limits.¹⁶ The goats in Jericho used to sneeze because of the odour of the incense. The women in Jericho did not have to perfume themselves, because of the odour of the incense. The bride in Jerusalem did not have to perfume herself because of the odour of the incense. R. Jose b. Diglai said: My father had goats on the mountains of Mikwar¹⁷ and they used to sneeze because of the odour of the incense. R. Hiyya b. Abin said in the name of R. Joshua b. Karhah: An old man told me: Once I walked towards Shiloh¹⁸ and I could smell the odour of the incense [coming] from its walls.

R. Jannai said: To bring the lot up out of the casket is indispensable,¹⁹ but to place [it on the bullock's head] is not.²⁰ R. Johanan said: Even to bring up the lot is not indispensable.²¹ On the opinion of R. Judah who said that services performed in the white garments outside the Holy of Holies are not indispensable there is no dispute, [all agreeing] that [the bringing up of lots] is not indispensable; they dispute only the opinion of R. Nehemiah:²² He who says it is indispensable, holds even as R. Nehemiah [does]; whereas the other who holds it is dispensable, explains [R. Nehemiah to refer to] an actual service, whereas the casting of the lots is no service. — Others say: On the opinion of R. Nehemiah, who says it is indispensable, there is no dispute, [all agreeing that] it is indispensable; the dispute touches only the opinion of R. Judah: he who holds it is dispensable, agrees with R. Judah; whereas he who holds it is indispensable [explains] that it is different here because Scripture repeats twice: On which [the lot] fell.²³ — An objection: was raised 'It is a command to cast the lots but if he has failed to do so, [the service] is, nevertheless, valid. Now that will be quite right according to the version that none disputes that on R. Judah's view it is dispensable, so that this [teaching]²⁴ is in accordance with R. Judah

(1) Ps. LXXI, 4.

(2) Isa. 1, 17.

(3) V. Sanh. 35a.

(4) Men. 109b. Tosaf Sotah 38a suggests that the Ineffable Name could be pronounced only when there was some indication that the Shechinah rested on the Sanctuary. When Simeon the Righteous died, with many indications that such glory was no more enjoyed, his brethren no more dared utter the Ineffable Name.

(5) Predict thy own destruction.

(6) I.e., concerning this significant omen of the destruction of the Temple.

(7) Zech. XI, 1. Ido was his grandfather, but it occurs occasionally that a man is called 'the son after a distinguished ancestor.

(8) The Sanctuary. A play on **לְבָנוֹן**, connected with **לֵבָן**.

(9) I Kings X, 21.

(10) V. supra 21b.

(11) Ps. LXXII, 16.

(12) Nahum I, 4.

(13) Isa. XXXV, 2.

(14) Tosef. Yoma II, 2.

(15) V. supra 20b.

(16) The marked-off area around a town or place within which it is permitted to move on the Sabbath. Sabbath limits i.e., two thousand cubits in every direction. The turning hinges, then, created a sound, according to this scholar, audible beyond sixteen thousand cubits.

(17) The name varies: Mikmar, Mikwar, Makvar (a district of Peraea). One version omits reference to a place, and reads 'on the mountains', which may have appropriated the מ from the next word and omitted it for want of clarity. It should be reasonably near Jerusalem to suit the context. See D.S., p. 110.

(18) The place of the tent of meeting. In the mind of the narrator the odour of incense must have been well-nigh imperishable.

(19) Without the casting of the lots no choice could be made as to the destination of the two he-goats, i.e., the service could not go on.

(20) This view considers the service of the high priest dependent on the decision of the lots, the decisive factor being the lots and not the formal putting of the lot on the animal's head.

(21) R. Johanan considers the action of the high priest the determining factor, independent of his having either had lots or having placed them on the head. His declaration as to which animal is for the Lord and for Azazel resp., validates the service.

(22) Infra 60a contains the dispute between R. Judah and R. Nehemiah as to whether any change in the prescribed order renders the service invalid. It hinges on the question as to whether the word 'hukkah' (statute) i.e., binding order, applies to the service in the Holy of Holies only, independent as to the garments wherein they are performed (R. Judah) or whether it applies to any service in the white garments, performed either in the Holy of Holies or elsewhere (R. Nehemiah). A sub-question would be whether anything in connection with the Day of Atonement, or only a service proper is covered by R. Nehemiah's view. If e.g., the casting of the lots is not considered a service, though an action in connection with it, it may not be indispensable since it is performed outside the Holy of Holies, although in white garments.

(23) Lev. XVI, 9,10 which repetition emphasizes the indispensable nature of this service.

(24) That it is a command to cast the lots, but that failure to do so does not invalidate the service.

Talmud - Mas. Yoma 40a

. But according to the version that they are disputing on R. Judah's view it would again be quite right according to him who holds it is dispensable, for then [the authority for this teaching] would be R. Judah; but according to him who considers it indispensable [the question is asked]: Who [will be the authority] for this [teaching]? Read: It is a command to place [the lots on the bullock's head].¹

Come and hear: It is a command to cast the lots and to make confession. But if he had not cast the lots² or made confession, [the service is] valid.³ And should you reply that here, too' [you would read] 'to place [the lot on the bullock's head]', say then the second part: R. Simeon said: If he has not cast the lots, the service is still valid, but if he has failed to make confession, it is invalidated. Now what does 'If he has not cast the lots' mean? Would you say it means, 'He has not placed the lots',⁴ this would imply [would it not] that R. Simeon holds the casting of the lots is indispensable? But surely it was taught: If one of the two [bullocks] died, he brings the other without [new] casting of lots — these are the words of R. Simeon?⁵ — R. Simeon did not know what the Sages meant [with the Phrase 'lo higril']⁶ and thus he said to them: If by 'hagralah' you mean casting of the lots itself, I dispute with you on one matter, but if by 'hagralah' you mean the placing of the lots then I disagree with you on two counts.⁷

Come and hear: With regard to the sprinkling of the blood within the veil, [the regular service of] the bullock is indispensable for the service of the he-goat [to be valid]; but the regular service of the he-goat is not indispensable for the service of the bullock to be valid.⁸ Now, it is quite right that the regular service of the bullock is indispensable for the he-goat, e.g., if he performed the rites of the

he-goat before those of the bullock, he has done nothing.⁹ But that [the regular service of] the he-goat is not indispensable to the bullock, what does it mean? Would you say [it means] that if he sprinkled the blood of the bullock in the Hekal before the sprinkling of the he-goat within [the veil]?¹⁰ But surely Scripture says 'statute'!¹¹ Rather must you say [it means that] if he sprinkled the blood of the bullock within, before the casting of the lots¹² [it is valid]. Now since the order is not indispensable [is it not to be inferred that] the casting of the lots itself is not indispensable!¹³ — No, [it means that] he made the sprinkling of the blood of the bullock on the altar before sprinkling the blood of the he-goat in the Hekal¹⁴ and this [teaching] is in accord with R. Judah, who says that anything done in the white garments outside [the Holy of Holies] is dispensable. But does it not state 'with regard to the sprinklings within'?¹⁵ Rather: It is in accord with R. Simeon who holds the casting of the lots is dispensable. Or, if you like, say: Still I say it is in accord with R. Judah,¹⁶ and although the order of the service is not indispensable, the casting of the lots is indispensable. And they follow their own principle.¹⁷ For it was taught:

(1) This ruling is generally accepted: Dejure the placing of the lots is obligatory. De facto failure to do so does not render the ceremony invalid, Scripture repeating twice 'on which the lot fell', thus creating a precedent for the casting of the lots, but it refers only once to the placing of the lots on the bullock's head.

(2) **לֹא הִגְרִיל** infra n. 6.

(3) Hence the casting of the lots is dispensable — a refutation of R. Jannai.

(4) Only the placing of the lots does R. Simeon consider dispensable, but the casting he considers indispensable.

(5) Infra 63b.

(6) Lit., 'He did not perform the hagrah' and rendered supra 'he has not cast lots' cf. n. 3. 'Hagrah', 'acting with lots' may mean causing lots 'to be cast' or 'to be placed', hence grammatically either application is justified: 'lo higril' he did not cause the lots 'to be cast' or 'to be placed' (on the head etc.). R. Simeon did not know which interpretation had been offered by the Sages. He knew however that both are possible.

(7) If you mean by 'hagrah' the casting of the lots, I dispute only your stand touching confession, agreeing with you that the casting of the lots is not indispensable, but if you mean by 'hagrah' the placing of the lots on the head etc. but the casting itself you consider indispensable, then I disagree with you on two counts: you hold casting indispensable, I do not; you hold confession not indispensable, I consider it indispensable.

(8) [The order of the service prescribed in Lev. XVI for the bullock and the he-goat which is offered within is as follows: (i) First confession over the bullock; (ii) Casting lots over the he-goats; (iii) second confession over the bullock; (iv) Slaughtering of the bullock; (v) Bringing the spoon and fire pan into the Holy of Holies; (vi) Burning of incense; (vii) Sprinkling of blood of the bullock on the mercy-seat; (viii) Confession over and slaughtering of the he-goat; (ix) Sprinkling of the he-goat's blood on the mercy-seat; (x) Sprinkling of the blood of the bullock on the Veil, separating the Holy, the Hekal, from the Holy of Holies; (xi) Sprinkling of the blood of the he-goat on the Veil; (xii) Mixing together the blood of the he-goat and the bullock and applying the mixture on the golden altar. Here the rule is laid down that if he performed any one of the rites in connection with the he-goat before such of the bullock as should have preceded it, that rite is invalid and must be performed again in its proper order. If, however, he performed any of the rites in connection with the bullock before such of the he-goat as should have preceded it, that rite is not invalid.]

(9) It has no validity.

(10) [I.e., he performed rite (x) before rite (ix), v. n. 1].

(11) Which has reference to the rites performed within the Veil, and which implies an inflexible rule invalidating the irregularity of the service.

(12) [I.e., he performed rite (vii) before (ii).]

(13) Hence there is one who holds that the casting of the lots is not indispensable. That contradicts the above statement that even R. Judah (and all the more R. Nehemiah) considers it indispensable.

(14) [I.e., he performed rite (xii) before rite (xi). The blood of the bullock here means that which he mixed with the blood of the he-goat.]

(15) Whereas this irregularity in connection with the bullock concerned a service performed outside the Holy of Holies.

(16) [And the irregularity consequently concerned rites (vii) and (ii), v. p. 190, n. 5.]

(17) This refers to the dispute of R. Judah and R. Simeon where he failed to make confession.

Talmud - Mas. Yoma 40b

[With reference to] It shall be set alive before the Lord, to make atonement over him¹ — how long must it stay alive? Until the blood of its fellow-sacrifice is sprinkled, this is the opinion of R. Judah.² R. Simeon holds: Until the confession [of sin].³ Wherein do they differ? — As it was taught: ‘To make atonement over him’ — Scripture speaks of atonement through blood, thus does it also say: And when he hath made an end to atoning for the holy place,⁴ just as there it refers to atonement by blood, so does it refer here to atonement by blood this is the opinion of R. Judah. R. Simeon says: ‘To make atonement over him’ — Scripture speaks of atonement by words [confession].

Come and hear:⁵ The disciples of R. Akiba asked him: If it [the lot ‘for the Lord’] came up in the left hand, may he turn it to the right? He replied: Do not give all occasion for the Sadducees to rebel!⁶ The reason, then, [of his negative answer] is so as not to give an occasion for the Sadducees to rebel, but, without that, we would turn it, yet you said that the casting of the lots is indispensable, and since the left hand has determined its destination,⁷ how can we turn it? — Raba answered: This is what they said: If the lot had come up in the left hand, may one change it and the he-goat to the right?⁸ Whereupon he answered: Give no occasion to the Sadducees to rebel.

Come and hear: If [Scripture] has said: The goat, ‘upon which it [the lot] is’⁹ I would have said he must place it thereon. Therefore it says: ‘[on which it] fell’, i.e., once it has fallen upon it, he no more need [place it on its head]. Now in respect of what [was this said]?¹⁰ Would you say: In respect of a command,¹¹ which would imply that the placing of the lots is not even a command!¹² Rather must you say it means that it is in respect of indispensability;¹³ hence we learn that the casting is indispensable, and the placing of the lot [upon the head] is dispensable.¹⁴ Raba said: This is what he means: If it had said: ‘Upon which it is’, I would have said: let him leave it there until the time for the slaughtering; therefore it says: [upon which it] fell, to intimate that once it had fallen upon it, it needs nothing else.¹⁵

Come and hear: And offer him for a sin-offering¹⁶ i.e., the lot designates it for the sin-offering, but the naming¹⁷ [alone] does not designate it a sin-offering. For I might have assumed, this could be inferred a minori: If in a case where the lot does not sanctify,¹⁸ the naming does sanctify, how much more will the naming sanctify where the lot also does so sanctify? Therefore [Scripture] says: ‘And offer him for a sin-offering’ [to intimate] it is the lot which designates it a sin-offering, but the naming does not make it a sin-offering.

(1) With reference to the he-goat that is to be sent away. Lev. XVI, 10.

(2) [In accordance with his view that confession is not indispensable so that if the he-goat died after the sprinkling of the blood of the bullock (rite vii) before the confession over the he-goat (rite viii) the service is valid.]

(3) Infra 65a.

(4) Ibid. 20.

(5) Tosef. III, 2, the version in the Talmud is somewhat modified.

(6) The substitution of Sadducees for ‘Minim’ (Judeo-Christian heretics) is undoubtedly due to the censors’ dislike of any word that may appear as even an implied attack on the Church. The heretics will claim this manipulation an ‘additional proof’ of the Pharisees’ doing with the law whatever pleased them. Thus they would be helped to rebel, arguing at once in favour of their heresy and against the Pharisees.

(7) For the Lord, even before the lot was actually placed on the he-goat.

(8) If the lot ‘For the Lord’ came up in the left hand so that the he-goat standing opposite the priest at his left hand was thereby designated a sin-offering for the Lord, that on the right being designated for Azazel, may he exchange the he-goats and the lots so that whereas the lot decided which is which, the manipulation will have afforded him the comfort of knowing that without formally changing the lots, the ‘right one’ will be designated for the Lord.

(9) Intimating that it lies there for a considerable time.

(10) That once the lots are cast nothing more is necessary.

(11) I.e., there is no longer any command to be fulfilled after the casting of the lots.

(12) Surely this is impossible!

(13) I.e., that once the lots are cast there is nothing else deemed indispensable for determining the destination of the he-goats.

(14) A refutation of R. Johanan.

(15) The verse serves to indicate that once it 'fell upon it' there is not even a command to be placed there, as a sign or assurance that it will be offered up for the purpose designated.

(16) Lev. XVI, 9: And Aaron shall present the goat upon which the lot fell for the Lord, and offer it for a sin-offering.

(17) By the high priest. The above verse, in which the offering-up follows immediately 'upon which the lot fell' indicates that the coming up of the lot decides the matter, not the naming by the priest.

(18) As with the sacrificial couples of birds, where either owner or priest by verbal statement makes the designation, where, however, the casting of lots would be useless.

Talmud - Mas. Yoma 41a

Now whose is the anonymous opinion in the Sifra?¹ R. Judah's, and he teaches: The lot designates the sin-offering and the naming does not make it a sin-offering. Hence we see that the casting of the lots is indispensable. This will be a refutation of the opinion that it is not indispensable. It is a refutation.

R. Hisda said: The special designation of the couples² is made either by the owner³ or by the priest's action.⁴ R. Shimi b. Ashi said: What is the basis of R. Hisda's dictum? Because it is written: She shall take [. . . for a burnt-offering]⁵ and And the priest shall offer one [as a sin-offering]⁶ i.e., [the designation is made] either at the [owner's] taking [purchasing] or at the offering-up [by the priest].

They raised the following objection: 'And make it a sin-offering'⁷ -i.e., the lot makes it a sin-offering, but the naming [alone] does not make it a sin-offering. For I might have assumed, this could be inferred a minori: If in a case where a lot does not sanctify, the naming does, how much more should the naming sanctify, where the lot does? Therefore [Scripture] says: 'And make it for a sin-offering' [to intimate] it is the lot which makes it a sin-offering, but the naming does not make it a sin-offering. Here it is neither the time⁸ of its purchase, nor of its being offered, and yet he states that it should designate? — Raba said: This is what he said: If in a case where the lot does not sanctify even at the time of the purchase and even at the time of the offering, the naming does sanctify it at the time of either purchase or offering, how much more shall the naming, at either the time of purchase or of offering, sanctify it in a case where the lot sanctifies outside the time of either purchase or offering? Therefore [Scripture] says: 'And make it a sin-offering', i.e., the lot makes it a sin-offering but the naming does not make it a sin-offering.

Come and hear: If someone defiled the Sanctuary⁹ whilst poor and put aside money for his bird-couple-offering, and afterwards became rich,¹⁰ and said thereupon: This [money] be for the sin-offering and that for the burnt-offering he adds to the money for the sin-offering to bring his obligatory offering, but he may not add to his burnt¹¹ -offering to bring his obligatory offering. Now here¹² it is neither the time of the purchase, nor the time of the offering and yet he teaches that it is designated?¹³ — R. Shesheth said: How do you reason?¹⁴ Surely R.. Eleazar said in the name of R. Hoshaia: If someone defiled the Sanctuary whilst rich, and brought the offering of a poor person, he has not done his duty. Now, since he has not done his duty, how could he have designated¹⁵ it? Must you not, rather, say that he had designated it when already poor? Thus here,¹⁶ too, the case is that he said it from the time when he set [the money] aside.¹⁷ But according to R. Hagga in the name of R. Josiah who said: He has done his duty¹⁸ —

(1) A Tannaitic commentary (Midrash) on Leviticus.

- (2) Of sacrificial birds (Lev. XII, 8 and XV, 30), as to which is to be the burnt-offering and which the sin-offering.
- (3) At the purchase the owner can decide which is to serve for either sacrifice.
- (4) If not designated by the owner, the priest has the right to name each bird for the sacrifice he chooses, i.e., either sin-, or burnt-offering.
- (5) Lev. XII, 8.
- (6) Ibid. XV, 30.
- (7) Lev. XVI, 9. So literally. E.V. 'offer it for a sin-offering'.
- (8) The designation by naming, which now is assumed to take place at the time of the sanctification by the lot, i.e., neither at the time of the purchase, nor at that of the offering.
- (9) By entering it in uncleanness, Lev. V, 2.
- (10) With the consequence that he must offer the contingent sacrifice of a rich person: a lamb as a sin-offering, whereas a poor person had to offer up two turtledoves or two young pigeons as sin- and burnt-offering resp. (Lev. V, 6 and 11.)
- (11) Ker. 28a. He may add to the original money designated for the poor man's sin-offering for his new sin-offering, but he may not use the money designated for the poor man's burnt-offering to add thereto the sum necessary for the purchase of the rich man's sin-offering (his lamb). The latter is forbidden, because once he had designated, the money for the burnt-offering, it may no more be changed for any other offering.
- (12) After the designation.
- (13) And that he may no more change it.
- (14) Do you consider the Baraitha to be in order?
- (15) The poor man's sin-offering no more applies to him, how could he have designated it a burnt-offering after becoming rich, since he does not have to bring a burnt-offering at all (only the poor man brings a burnt- and sin-offering, one pigeon each, the rich man's lamb serving as sin-offering only).
- (16) In reply to the objection raised against R. Hisda.
- (17) Correct the Baraitha to read: If someone defiled the Sanctuary whilst poor and put aside money for his couple and said at the time when he set the money aside 'This be etc.' and afterwards became rich.
- (18) So that the Baraitha as it stands need not be corrected.

Talmud - Mas. Yoma 41b

what is there to be said?¹ — Do not read: 'And said thereupon', but 'And thereupon he bought and said'.²

But if 'thereupon he bought' [then it states] 'he may add and bring his obligatory sacrifice', it must mean³ that he redeems⁴ [the bird-offering]? But surely a bird-offering may not be redeemed?⁵ — R. Papa said: For instance, if he bought one single pigeon. If he bought it as the burnt-offering, then he adds to the money for his sin-offering the money for his [new] obligatory sacrifice, the burnt-offering [of the bird] becoming a freewill-offering; if he bought it as the sin-offering he may not add to the money for the burnt-offering for the purchase of his [new] obligatory sacrifice and that sin-offering is left to perish.

The text [above] states: R. Eleazar said in the name of R. Hoshai: 'If one defiled the Sanctuary whilst being rich and brought the offering prescribed for a poor person, he has not done his duty, R. Haggai in the name of R. Josiah says: He did perform it.' The following objection was raised: If a poor leper brought the offering prescribed for a rich person, he has performed his duty; if a rich person brought the offering prescribed for a poor one, he has not performed his duty?⁶ — There it is different because it is written: This [shall be the law of the leper].⁷ If that is so, then [let it apply] in the first part [of the Mishnah] too? — Surely the Divine Law includes that case through the word Torath ['law']!⁸ As it was taught: the word Torath ['the law']⁷ includes a poor leper, who brought a rich [leper's] sacrifice. One might have assumed that even a rich leper who brought a poor leper's sacrifice [might be included so as to have performed his duty], therefore it says: 'This'. Let us infer from it [for one who defiled the Sanctuary]? — The Divine Law [by saying]: And if he be poor,⁹ excludes [all but the leper].¹⁰

MISHNAH. HE BOUND¹¹ A THREAD OF CRIMSON WOOL ON THE HEAD OF THE HE-GOAT WHICH WAS TO BE SENT AWAY,¹² AND [MEANTIME] HE PLACED IT [AT THE GATE] WHENCE IT WAS TO BE SENT AWAY; AND THE HE-GOAT THAT WAS TO BE SLAUGHTERED, AT THE PLACE OF THE SLAUGHTERING.¹³ HE CAME TO HIS BULLOCK A SECOND¹⁴ TIME, PRESSED HIS TWO HANDS UPON IT AND MADE CONFESSION. AND THUS HE WOULD SAY: O LORD, I HAVE DEALT WRONGFULLY, I HAVE TRANSGRESSED, I HAVE SINNED BEFORE THEE, I AND MY HOUSE, AND THE CHILDREN OF AARON, THY HOLY PEOPLE, O LORD, PRAY FORGIVE THE WRONGDOINGS, THE TRANSGRESSION, AND THE SINS, WHICH I HAVE COMMITTED, TRANSGRESSED, AND SINNED BEFORE THEE, I AND MY HOUSE, AND THE CHILDREN OF AARON, THY HOLY PEOPLE. AS IT IS WRITTEN IN THE TORAH OF MOSES, THY SERVANT: FOR ON THIS DAY ATONEMENT BE MADE FOR YOU, TO CLEANSE YOU; FROM ALL THE SINS SHALL YE BE CLEAN BEFORE THE LORD. AND THEY RESPONDED: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER.

GEMARA. They raised the question: AND THE HE-GOAT THAT WAS TO BE SLAUGHTERED AT THE PLACE OF THE SLAUGHTERING — does this refer to the tying [of the strap]¹⁵ or to the placing [of the animal]?¹⁶ Come and hear: For R. Joseph learned: He bound a crimson-coloured strap on the head of the he-goat which was to be sent away and placed it against the gate whence it was to be sent away; and the he-goat which was to be slaughtered at the place where it was to be slaughtered, lest they become mixed up one with the other, or with others. It will be quite right if you say it refers to the binding [of the strap], but If you say it refers to the placing [of the animal], granted that it would not be mixed up with its fellow [he-goat] because the one had a strap, whilst the other had none, but it could surely be mixed up with other he-goats?¹⁷ Hence we learn from here that It refers to the tying [of the strap]. This proves it. R. Isaac said: I have heard of two straps, one in connection with the [red] heifer,¹⁸ the other with the he-goat-to-be-sent-away, one requiring a definite size, the other not requiring it, but I do not know which [requires the size]. R. Joseph said: Let us see: The strap of the he-goat which required division,¹⁹ hence also required a definite size, whereas that of the heifer which does not need to be divided, does not require a definite size, either. Rami b. Hama demurred to this: That of the heifer also requires weight?²⁰ — Raba said: The matter of this weight is disputed by Tannaim.²¹ But does the strap of the heifer not have to be divided? [Against this] Abaye raised the following objection: How does he do it?²² He wraps them²³ together with the remnants²⁴ of the strips [of scarlet wool]! Say: with the tail²⁵ of the strip.

R. Hanin said in the name of Rab: If the cedar-wood and the scarlet thread were [merely] caught by the flame,²⁶ they are usable [for the ceremony]. — They raised the following objection: If the strap caught fire, another strap is brought and the water of lustration prepared.²⁷ Abaye said: This is no contradiction; one speaks of a flame which blazes²⁸ up, the other of one which is subdued.²⁹

Raba said: Concerning the weight of [the heifer's strap] there is a division of opinion among Tannaim, for it was taught: Why does he wrap them³⁰ together? In order that they form together one bunch — this is the opinion of Rabbi. R. Eleazar son of R. Simeon says: In order that they have [sufficient] weight to fall into the midst of the burning heifer. — When R. Dimi came [from Palestine] he said in the name of R. Johanan: I heard of: three [different] straps, one, that of the [red] heifer, the other, that of the he-goat-to-be-sent-away, the third of the leper; one having a weight of ten zuz,³¹ the other a weight of two sela's,³¹ the third a weight of one shekel,³¹ and I do not know how to specify it. When Rabin came, he specified it in the name of R. Jonathan:

(1) How will R. Hisda meet the objection raised against him from the Baraita?

(2) The change implies only that one word had been omitted. Thus the question against R. Hisda is answered.

- (3) Lit., 'what is it?'
- (4) Divesting it of its sacred character by changing its purpose and adding thereto the money required for the lamb.
- (5) Tem. 23b.
- (6) Neg. XIV, 12. An objection against R. Hagga.
- (7) Lev. XIV, 2 indicating there must be no duration.
- (8) Indicating that there is ultimately one Torah, one law governing all lepers.
- (9) Ibid. 21.
- (10) 'If he be poor'; the 'he' is emphatic, indicating that this law applies only to a leper; but any other person, obliged to bring an offering of higher or lesser value, according to pecuniary condition, may bring the 'poor man's offering' and yet have its duty performed although he be rich himself.
- (11) To prevent any confusion between the he-goats, or between them and the third he-goat, to be offered up at the additional service (Num. XXIX, 11).
- (12) Destined for Azazel, in the wilderness, whence it was hurled to its death from a rock. The word Azazel has been variously interpreted, but it seems to be the name of a place (a rough rock) rather than that of a demon.
- (13) To be explained in the Gemara.
- (14) V. supra 35b: HE CAME TO HIS BULLOCK, that was the first time.
- (15) I.e., he tied the strap about its neck, the place of the slaughtering.
- (16) I.e., he placed it where it had to be slaughtered.
- (17) At the place where sacrifices were slaughtered, since it had no distinguishing mark.
- (18) v. Num. XIX, 1ff
- (19) Infra 67a: What did he (who sent the he-goat away) do. He divided the strap of crimson wool, tying one half to the rock, the other half between his horns.
- (20) To fall right into the midst of the burning heifer' as Scripture (Num. XIX, 6) requires it.
- (21) V. infra.
- (22) With reference to the red heifer v. Parah III, 13.
- (23) The hyssop and cedar-wood.
- (24) There are, then, remnants of strips, hence there must have been division here, too.
- (25) Simply the end of the strap, thinned out like a tail, hence no evidence of a division.
- (26) Cf. supra n. 1.
- (27) Lit., 'and he sanctifies'.
- (28) A fire which unexpectedly rises and spreads; a fire diverted from its course. Or: a fire which unexpectedly rises and spreads;
- (29) In the former case another strap is to be brought since it did not come in contact with the fire itself; but not in the latter case.
- (30) Cedar-wood, hyssop and scarlet, Num. XIX, 6.
- (31) Zuz — the smallest silver coin corresponds to either one quarter or one half of a shekel. Sela' — is either five or ten zuzim. The shekel weighs about twelve grams. V. Krauss, T.A. II, 404.

Talmud - Mas. Yoma 42a

That of the heifer had the weight of ten zuz, that of the he-goat-to-be-sent-away had the weight of two sela's, and that of the leper weighed one shekel. R. Johanan said: About the [strap used in connection with] the heifer R. Simeon b. Halafta and the Sages are disputing, one saying it weighed ten shekels, the other it weighed but one shekel. As a mnemotechnic [sign use]:¹ 'Whether one gives much, or one gives little'.² — R. Jeremiah of Difti said to Rabina: They are not disputing in regard to [the strap of] the heifer, but in regard [to that of] the he-goat-to-be-sent-away; and on the day [of their dispute] died Rabia b. Kisi, and as a sign to remember this coincidence they uttered: [The death of the righteous], Rabia b. Kisi, obtains atonement, even as the he-goat-to-be-sent-away. — R. Isaac said: I heard of two slaughterings, one of the [red] heifer, the other of his bullock,³ one being permissible to a lay Israelite,⁴ the other being invalidated if performed by a lay Israelite, and I do not know which is which. It is reported: Concerning the slaughtering of the heifer and of his bullock [there is a dispute between] Rab and Samuel, one holding the heifer to be invalidated [if killed by a

lay Israelite], but that his bullock [so slaughtered] is fit, while the other holds that his bullock is invalidated [if a commoner killed], but [so killed] the heifer is fit. It may be ascertained that it is Rab who holds that [the slaughtering of] the heifer [by a lay Israelite] renders it invalid. For R. Zei'ra⁵ said: The slaughtering of the heifer by a lay Israelite is invalid and Rab said thereupon: 'Eleazar' and 'Statute'⁶ we learned in connection therewith. — But as for Rab, wherefore the difference between [the law] in the case of the heifer, because 'Eleazar' and 'Statute' is written in connection therewith, when also in connection with 'his' bullock 'Aaron'⁷ and 'Statute' is written? The slaughtering is not [regarded as a Temple] service.⁸ Then this ought to apply to the heifer as well? — It is different with the heifer, because it is [in the category of] offerings for Temple repair.⁹ — So much the more then!¹⁰ -R. Shisha son of R. Idi said: It is the same as with the [inspection of] appearances of leprosy,¹¹ which is not a service, yet requires a priest's service. Now according to Samuel, who holds the killing of 'his' bullock by a lay Israelite is invalid, wherefore the difference [in law] in the case of 'his' bullock, in connection with which 'Aaron' and 'Statute' are written, when also in connection with the heifer 'Eleazar' and 'Statute' are written? — It is different there, because it is written: And he shall slay it before him,¹² which means that a lay Israelite may slaughter and Eleazar should watch it.¹³ And [how does] Rab [explain this]? — [It means] he¹⁴ must not divert his attention from it. Whence does Samuel know that he must not divert his attention from it? — He infers that from And the heifer shall be burnt in his sight.¹⁵ And [why the repetition according to] Rab? — One refers to the slaughtering, the other to the burning;¹⁶ and it was necessary to mention both. For if the Divine Law had written it concerning the slaughtering [alone, I would have said]: There [attention is necessary] because it is the beginning of the service, but with the burning [one could] say: 'No [attention is necessary]' therefore it was necessary [for the Divine Law] to mention [it also touching burning]. And if the Divine Law had written it [only] touching the burning, one would have said [attention is necessary there], because just now the heifer is being made ready,¹⁷ but [during] slaughtering no [attention is necessary]. Therefore it was necessary [for the Divine Law] to mention [that too]. — What does this exclude?¹⁸ Is it to say to exclude the gathering of its ashes and the drawing of the water for the putting in of the ashes?

(1) Ber. 5b.

(2) The usual meaning: Whether one gives much or little, the main matter is that he direct his heart to our Father who is in heaven, is irrelevant here, the accent being put, for mnemotechnic reasons, on: the one (stands for) much, the other for little, i.e., one of the disputants ascribes the maximum, the other the minimum weight.

(3) The bullock which the high priest had to bring for himself on the Day of Atonement.

(4) I.e., a non-priest.

(5) Var. lec. 'Rab'.

(6) Num. XIX, 3: And ye shall give her to Eleazar the priest i.e., it requires a priest's service; ibid. 21: And it shall be a perpetual statute i.e., it is indispensable that the priest do so, as prescribed.

(7) Lev. XVI, 3: Herewith shall Aaron come . . . with a young bullock; and ibid. 34: And this shall be an everlasting statute unto you.

(8) Since a lay Israelite may perform it, the word 'statute', mentioned in connection with his bullock, does not refer to the slaughtering.

(9) The heifer is not offered up on the altar, as any other sacrifice, hence there is no distinction as to the services to be performed in connection with it, and all alike require a priest.

(10) On the contrary, how much more ought a lay Israelite to be permitted to slay the red heifer.

(11) Lev. XIII, 2.

(12) Num. XIX, 3.

(13) 'He' referring to a lay Israelite; 'before him' (lit., 'before his face'), to Eleazar.

(14) 'He' refers to Eleazar i.e., he shall slaughter it and keep his mind on this important ceremony.

(15) Num. XIX, 5.

(16) That is that both rites require attention.

(17) The burning for the purposes of the ashes is the central part of the ceremony, to 'prepare' the heifer for her cleansing purpose.

(18) I.e., with regard to what function is no attention essential.

Talmud - Mas. Yoma 42b

Surely Scripture says: [And it shall be kept for the congregation of the children of Israel] for a water of sprinkling?¹ — Rather it excludes the casting in of cedarwood, hyssop, and scarlet, because they are not part of the heifer itself.

It was reported: If the heifer was slaughtered by a lay Israelite, R. Ammi said it is valid. R. Isaac, the Smith, said it was invalid. ‘Ulla said it is valid, whilst some there are who say [that he said] it was invalid.

R. Joshua b. Abba raised an objection in support of Rab: I know only that the sprinkling of its water is not valid if performed by a woman, as [when done] by a man; and that it is valid only [if done] by day.² Whence do I know that the slaughtering of the heifer, the reception of its blood, the sprinkling of its blood, the burning of the heifer, and the casting into the burning heifer of cedar-wood, hyssop, and scarlet [may not be done by night]?³ To teach us that Scripture said: [This is the statute of] the law.⁴ I might have assumed that this should include also the gathering of its ashes and the drawing of the water for the putting-in of the ashes, to teach us that Scripture said: ‘This’.⁵ — What causes you to include those, and to exclude these? — Since Scripture both extends and limits, say, we shall infer everything from the [regulations touching] the sprinkling of its water: Just as the sprinkling of its water is not proper if done by a woman, as it is [if performed] by a man, and not valid except if done by day, thus⁶ include also the slaughtering of the heifer, the reception of its blood, the sprinkling of its blood, the burning of the heifer, and the casting into the burning heifer of cedar-wood, hyssop, and scarlet. Since these [functions] may not be performed by a woman, so may they be performed only by day; but I exclude the gathering of its ashes and the drawing of the water for the putting-in of its ashes, which, since they may be performed by either man or woman, hence may also be performed by night. But how is this a refutation?⁶ Will you say that because [the slaughtering is stated to be] invalid [if performed] by a woman, it must be invalid, also, if performed by a lay Israelite,⁷ there would be as counterproof the sprinkling of its waters, which, whilst invalid [if performed] by a woman, yet may be done by a lay Israelite! Said Abaye: This is the refutation: Why is the woman excluded [from the slaughtering], because [Scripture said]: ‘Eleazar’, [implying] but not a woman; that [must be applied to] the lay Israelite also, for [the analogue inference]: ‘Eleazar’ [the priest], [implies] but not a lay Israelite.

‘Ulla said: In that whole section [of the red heifer] there are [texts] implying an exception from a preceding implication, and [texts] independent [of preceding or following] implications: And ye shall give her unto Eleazar the priest⁸ [implies] only this one to Eleazar, but not [the heifers] in later generations to Eleazar;⁹ some say: In later generations [you shall give it] to the high priest, others: In later generations to a common priest. It is quite right according to him who holds that in later generations [the heifer is to be handed over] to a common priest,¹⁰ but whence does he infer who holds that in later generations [it is to be given] to the high priest? — He infers it from [the identical word] ‘Statute’, ‘Statute’, used [also]¹¹ in connection with the Day of Atonement.¹²

And he shall bring it forth¹³ [implies] that he must not bring forth another one with her, as we have learnt:¹⁴ If the heifer refused to go forth, one may not send a black one with her, lest people say: They slaughtered a black [heifer], nor may another red heifer be brought forth with her, lest people say: They slaughtered two. — R. Jose said: This comes not under this title,¹⁵ but because it is written: [And he shall¹⁶ bring it forth]; ‘it’, [implies] by itself. And the [anonymous] first Tanna [surely wrote] ‘it’.¹⁷ — Who is this first Tanna? It is R. Simeon who ‘interprets’¹⁸ the reason of biblical law’. What is the difference between them? — There is a difference

- (1) Num. XIX,9 which implies that special watch must be kept with these till the sprinkling.
- (2) Because day is stated specifically, Num. XIX, 12.
- (3) No special verse is required that these may not be performed by a woman since 'Eleazar' or 'priest' is written throughout the section (Rashi).
- (4) Ibid 2, 'law' implying uniform regulations for the whole ceremony.
- (5) I.e., 'Do what is written here, but do not add to these regulations' (Rashi).
- (6) Of Samuel, 42a, who holds that a lay Israelite may slaughter the heifer, for since the objection was raised in support of Rab, it must needs be an attack on Samuel's view.
- (7) Whereas Samuel is said supra to declare it valid.
- (8) Num. XIX, 3.
- (9) Eleazar at that time was deputy high priest, and that heifer, by express statement of Scripture, was entrusted to him. In future, however, it would be given either to the high priest, or to a common priest (R. Hananel).
- (10) For, since Scripture did not expressly state that it be handed over to the high priest, or his deputy, but merely by implication, the assumption seems justified that any priest could officiate at the ceremony.
- (11) Lev. XVI, 29 and Num. XIX, 21, on which this analogy is based.
- (12) Where the service is to be performed by the high priest.
- (13) Num. XIX, 3.
- (14) Parah III, 7.
- (15) I.e., this is not the real reason, rather etc.
- (16) The bracketed portion is omitted in the Talmud and supplied from the Mishnah, Parah III, 7.
- (17) Which seemingly justified the excluding interpretation.
- (18) Kid. 68b: Such interpretation will accordingly modify the law, extending or limiting it.

Talmud - Mas. Yoma 43a

if one should bring forth an ass with her.¹

And he shall slay it [implies] that one must not slaughter any other [heifer] with it. Before him¹ [implies] according to Rab that he must not divert his attention from her; according to Samuel, that a lay Israelite may slaughter, and Eleazar look on.² And Eleazar the priest shall take of its blood with his finger³ [is written] according to Samuel in order to refer it [the rite] back to Eleazar;⁴ according to Rab:⁵ this is a limitation following a limitation and a double limitation serves to widen the scope, viz., that even a common priest may do it. And the priest shall take cedar-wood, and hyssop, and scarlet,⁶ [is written] according to Samuel, that even a common priest [may take and cast it] according to Rab:⁷ it is necessary [to mention it], for you might have thought and said: Since these things do not belong to the heifer itself, they do not require any priest's service, therefore Scripture informs us [that they do]. Then the priest shall wash his clothes,⁸ [implies] in his priestly⁹ garments. And the priest shall be unclean until the even,⁸ [implies] that he shall be in his priestly garments¹⁰ even in future generations. That will be quite right according to him who holds that [the heifer ceremony] will in future generations be performed by a common priest,¹¹ but according to him who holds that in future generations [the heifer ceremony will be performed by] the high priest, now, since a high priest is required, is it necessary to state that he must be in his priestly garments? — Yes, Scripture does [occasionally] take the trouble to mention things which might have been inferred a minori.

And a man that is clean shall gather up the ashes of the heifer and lay them up¹² — 'a man,' [is written] to declare fit a lay Israelite;¹³ 'that is clean' — to declare fit a woman; and 'lay them up' [implies] one who has understanding how to lay them up, that excludes one deaf and dumb, an idiot, and a minor, who have not the understanding of how to lay them up. We learned elsewhere:¹⁴ All are fit to prepare [the waters of lustration]¹⁵ with the exception of the deaf and dumb, the idiot, and the minor. R. Judah declares fit a minor and disqualifies a woman and an hermaphrodite. What is the reason for the Rabbis' view? — Because it is written: And for the unclean they shall take of the ashes of the burning of the purification from sin [and put upon them running water in a vessel],¹⁶ i.e.,

they¹⁷ whom I declared unto thee unfit for the gathering [of the ashes] I also declared unto thee unfit for the preparation [of the waters of lustration], but they whom I declared fit to thee for the gathering, I have also declared unto thee fit for the preparation. And [what does] R. Judah [say]? — If that were so,¹⁸ Scripture should have said: ‘He shall take [we-lakah]’;¹⁹ what is the meaning of they shall take’? To intimate that even a minor whom I declared unto thee unfit there, is fit to act here.²⁰ — Whence does he know that a woman is unfit? — Because Scripture says: [‘he shall put’] i.e., he, but not she, shall put. — And the Rabbis? — If the Divine Law had written ‘He shall take’, ‘he shall put’, one might have assumed the same man must both give and put, therefore Scripture wrote ‘and they shall take’. And if the Divine Law had stated ‘they shall take’ and [also] ‘they shall put’, one might have assumed that there must be two to take and put, therefore Scripture wrote: ‘they shall take’ and ‘he shall put’, to indicate that even if [it is right] two take [the ashes] and one puts [the running water in a vessel]. — And a clean man shall take hyssop, and cup it in the water [and sprinkle],²¹ according to the Rabbis:²² ‘A man’ [implies] but not a woman; ‘clean’ is [written] to declare fit²³ even a minor; according to R. Judah:²⁴ ‘a man’ [implies] but not a minor; ‘clean’ to declare fit a woman.

An objection²⁵ was raised: ‘All are qualified to sprinkle except one whose sex is unknown, an hermaphrodite and a woman; but a child that is without²⁶ understanding, a woman may aid in sprinkling’

(1) According to the first Tanna that would be permitted, because the presence of the ass could not mislead people into the assumption that it was he who is sacrificed; according to Rabbi, it would be forbidden, for ‘it’ excludes permission for any other animal to be brought forth together with her.

(2) V. supra 42a.

(3) Ibid. 4.

(4) Since ‘he shall slay’ refers, according to Samuel, to the lay Israelite, it was necessary to emphasize that the sprinkling had to be done by ‘Eleazar’, otherwise it might have been assumed that it could be performed by the lay Israelite who did the slaughtering.

(5) Who refers ‘he shall slay’ to the priest, the repetition of ‘Eleazar’ here is apparently superfluous.

(6) The repetition indicating that no limitation is intended, but only exemplification.

(7) Who permits a common priest to receive the blood, this passage being independent of the preceding implication.

(8) Lev. XIX, 7.

(9) It was superfluous to state ‘the priest’ again, since we are dealing but with him, the implication therefore is that he must do it in his priestly garments.

(10) When performing the red heifer ritual.

(11) Who does not draw an analogy from the identical words ‘statute’, occurring both in connection with the Day of Atonement and with the heifer; hence it is necessary to state that in the future, nonetheless, he must then wear his official garb.

(12) Num. XIX, 9.

(13) For gathering up the ashes.

(14) Parah V, 4.

(15) I.e., to put water over the ashes.

(16) Num. XIX, 17.

(17) ‘They’ referring to such as were declared fit for the immediately preceding rite of gathering the ashes mentioned in verse 9.

(18) That ‘they’ refers to such as are mentioned in verse 9.

(19) Just as in verse 9 the singular is used.

(20) A minor is not permitted to gather the ashes, but he may put the water in the ashes.

(21) Num. XIX, 18.

(22) Who hold that the mixing of the ashes and water may be done only by such as are fit to gather the ashes, thus excluding a minor.

(23) Had the same regulation implied in verse 9 applied also to sprinkling, the phrase ‘a clean man’ would have been

superfluous here.

(24) Who disqualifies a woman and declares fit a minor for the mixing of the ashes with the water.

(25) Parah XII, 10.

(26) Corrected according to the Mishnah. The Talmud here reads: a child that has understanding.

Talmud - Mas. Yoma 43b

and here R. Judah does not dispute?¹ — Abaye said: Since the Master said that this chapter contains [texts] implying an exception from a preceding implication, and [texts] independent of preceding or following implications he surely disputes.

And the clean person shall sprinkle upon the unclean,² ‘clean’ implies that he was unclean before,³ that informs us that a tebul-yom is qualified [to officiate] at the heifer [ceremony]. R. Assi said: When R. Johanan and Resh Lakish engaged in investigating questions about the heifer, they were unable to produce more than what a fox can bring up from a ploughed field, but they said this chapter contains [texts] implying an exception from a preceding implication, and [texts] independent of preceding or following implications.⁴

A tanna⁵ recited before R. Johanan: All the slaughterings may be performed by a lay Israelite with the exception of that of the [red] heifer. R. Johanan said to him: Go out and teach it in the street!⁶ We do not find that slaughtering is disqualified [if performed] by a lay Israelite. Nor would R. Johanan not listen only to a tanna [in this matter] he would not even listen to his own master, for, whereas R. Johanan said in the name of R. Simeon b. Jehozadak: The slaughtering of the heifer by a lay Israelite is invalid [he added]: But I say, it is valid, for we do not find that slaughtering [of sacrifices] by a lay Israelite is invalid.

HE CAME TO HIS SECOND BULLOCK: Why is it that in the first confession he does not say ‘And the children of Aaron, Thy holy people’ and in the second confession he mentions: ‘The children of Aaron, Thy holy people’? — The school of R. Ishmael taught: Common sense dictates⁷ this: It is better that one innocent⁸ obtain atonement for the guilty, than that one guilty obtain atonement for the guilty.

MISHNAH. HE KILLED IT [THE BULLOCK] AND RECEIVED ITS BLOOD IN A BOWL. AND HE GAVE IT TO THE ONE WHO SHOULD STIR IT UP ON THE FOURTH TERRACE WITHIN THE SANCTUARY⁹ LEST IT CONGEAL.¹⁰ HE TOOK THE COAL-PAN AND WENT UP TO THE TOP OF THE ALTAR, CLEARING THE COALS TO BOTH SIDES, TOOK A PANFUL OF THE GLOWING CINDERS FROM BELOW, CAME DOWN AND PLACED THE COAL-PAN ON THE FOURTH TERRACE IN THE TEMPLE COURT.¹¹ ON OTHER DAYS HE WOULD TAKE OUT [THE CINDERS] WITH A SILVER COAL-PAN, AND EMPTY IT INTO ONE OF GOLD, BUT THIS DAY HE TOOK THEM OUT WITH A GOLDEN [COAL-PAN] IN WHICH HE WAS TO BRING THEM. IN [THE INNER SANCTUARY] ON OTHER DAYS¹² HE WOULD TAKE THEM UP WITH A COAL-PAN CONTAINING FOUR KABS, AND EMPTY IT INTO ONE CONTAINING THREE KABS,¹³ THIS DAY HE TOOK THEM OUT WITH ONE CONTAINING THREE KABS, IN WHICH HE BRINGS OUGHT [THE CINDERS] IN, TOO. R. JOSE SAID: ON OTHER DAYS HE WOULD TAKE THEM OUT WITH ONE CONTAINING ONE SE'AH, AND EMPTY IT INTO ONE CONTAINING THREE KABS, THIS DAY HE TOOK THEM OUT WITH ONE CONTAINING THREE KABS, IN WHICH HE ALSO BRINGS IN [THE CINDERS]. ON OTHER DAYS THE PAN WAS HEAVY, TODAY IT WAS LIGHT.¹⁴ ON OTHER DAYS ITS HANDLE WAS SHORT, TODAY IT WAS LONG.¹⁴ ON OTHER DAYS IT WAS OF YELLOWISH GOLD, TODAY OF RED GOLD. THIS IS THE STATEMENT OF R. MENAHEM. ON OTHER DAYS HE WOULD OFFER HALF A MINA [OF INCENSE] IN THE MORNING AND HALF A MINA IN THE AFTERNOON, TODAY HE ADDS ALSO HIS TWO

HANDS FULL.¹⁵ EVERY DAY IT WAS FINE, BUT TODAY THE FINEST POSSIBLE.¹⁶ ON OTHER DAYS THE PRIESTS WOULD GO UP ON THE EAST SIDE OF THE RAMP¹⁷ AND COME DOWN ON THE WEST SIDE, TODAY THE HIGH PRIEST GOES¹⁸ UP IN THE MIDDLE AND COMES DOWN IN THE MIDDLE. R. JUDAH SAYS: THE HIGH PRIEST ALWAYS GOES UP IN THE MIDDLE AND COMES DOWN IN THE MIDDLE. ON OTHER DAYS THE HIGH PRIEST SANCTIFIED HIS HANDS AND FEET FROM THE LAVER, THIS DAY FROM A GOLDEN LADLE. R. JUDAH SAYS: THE HIGH PRIEST ALWAYS SANCTIFIES HIS HANDS AND FEET FROM A GOLDEN LADLE. ON OTHER DAYS THERE WERE FOUR WOOD-PILES THERE,¹⁹ TODAY FIVE, THUS SAYS R. MEIR. R. JOSE SAYS: ON OTHER DAYS THREE, TODAY FOUR. R. JUDAH SAYS: ON OTHER DAYS TWO, TODAY THREE. GEMARA. But it is written: And there shall be no man in the tent of meeting?²⁰ R. Judah said: Read: Of the Hekal.²¹

Our Rabbis taught: ‘And there shall be no man in the tent of meeting’²²

(1) Tosaf s.v. Velo expresses amazement at the fact that the questioner overlooks the Tosefta, in which R. Judah actually does dispute the anonymous Mishnah. It is to be found in Parah XII, 8, which, as Tosaf suggests, the questioner may not have known the Mishnah containing no such dispute of R. Judah's.

(2) Num. XIX, 19.

(3) The word ‘tahir’ (a clean person) is superfluous, since Scripture just speaks of him, hence it must mean one who is clean again, hence was unclean before. The inference for a tebul-yom (v. Glos.) thus appears justified.

(4) Hence it is impossible to explain them on one schema, because of the particular condition of this chapter, but for the tradition, the inferences would appear incompatible.

(5) V. Glos. s.v. (b).

(6) I.e., it is not fit for the Academy, we cannot accept your report.

(7) Lit., ‘the norm of justice’.

(8) The high priest is adjudged innocent, after having besought and obtained forgiveness for himself.

(9) V. Gemara, loc. cit.

(10) Through being kept there until the time of the smoking of the incense.

(11) Now he would take the incense with his hands and place it in the golden pan.

(12) Tamid V, 5.

(13) This list will prove’ helpful: 1 log=6 eggs; 1 kab =4 logs; 1 se'ah =6 kabs.

(14) The lighter pan and the longer handle were to assist the high priest in his heavy labour on the Day of Atonement.

(15) Both the daily incense on the golden altar in the inner Sanctuary. and the special incense for the day — the latter on a golden pan — were on the Day of Atonement, offered up by the high priest alone.

(16) I.e., ground very thin, thus of finest quality. Ex. XXX, 36.

(17) To the outer altar there were no steps, but the ramp, built ‘In the south of the altar, covering nine cubits of height. The priests went up to the right and down to the left.

(18) Var. lec., ‘Today they went up etc.’ V. Gemara.

(19) Explanation in the Gemara.

(20) Lev. XVI, 17. How then could the priest stir the blood on the fourth terrace in the Sanctuary?

(21) I.e., the fourth terrace leading from the Sanctuary to the Court. v. Mid. III, 6.

(22) Lev. XVI, 17.

Talmud - Mas. Yoma 44a

— one could assume, not even in the Temple Court, therefore it says: ‘in the tent of meeting’. I know [this prohibition] only for the tent of meeting in the wilderness. Whence do we know thereof for Shiloh and the everlasting Sanctuary? To teach us that [Scripture] says in the holy place. I know [the prohibition] only during the time of [the smoking of] the incense, whence [do I know that it applies also] during the time of the sprinkling of the blood? To teach us that, Scripture says: until he come out and have made atonement for himself. — I know it only at the [time of] his entering.

Whence do I learn at his coming forth? To teach us that it says: until he come out. And he shall have made atonement for himself, and for his household, and for all the assembly of the house of Israel, i.e., the atonement for himself precedes that for his household, and the atonement for his household precedes that for his brethren, the priests and the atonement for his brethren, the priests, precedes that for all the assembly of Israel.

The Master said: I know [of the prohibition] only for the time of [the smoking of] the incense. How is this implied? — Raba, and thus also R. Isaac b. Abdimi, and thus also R. Eleazar said: Scripture says: ‘And he shall have made atonement for himself, and for his household, and for all the assembly of the house of Israel’. What atonement is there which obtains evenly for himself, his household, his brethren, the priests, and the whole assembly of the house of Israel? It is the smoking of the incense. But does the incense obtain atonement? — Indeed, for R. Hananiah cited:¹ We learn that the incense obtains atonement for what was said: And he put on the incense and made atonement for the people.² And the School of R. Ishmael taught: Why does incense obtain atonement for [the sin] of the evil tongue [evil speech]? Let that which is [performed] in secret³ come and obtain atonement for what is committed in secret!

We have learnt elsewhere:⁴ People must keep away from the place between Ulam⁵ and altar at the time of the smoking of the incense. R. Eleazar said: This was taught only during the time of the smoking of the incense in the Sanctuary, but during the time the incense was smoked in the Holy of Holies, people had to keep away from the Hekal, but not from the place between the Ulam and the altar.

A. Adda b. Ahabah, or as some say, Kadi,⁶ raised the following objection: R. Jose says: ‘Just as they keep away from the place between Ulam and altar during the [smoking of] the incense, so do they keep away at the time of the sprinkling of the blood of the anointed priest's bullock,⁷ and of the bullock offered up because of an error of the congregation,⁸ and of the he-goats [offered up] because of idolatry.⁹ What gradation of sanctity is there, then, between the Hekal and the space between Ulam and altar? [None] except that from the Hekal men keep away both during the time of the smoking of the incense, and outside of the time of the smoking of the incense, but from the space between Ulam and altar people keep away only in the time of the incense. At any rate, at the time of the smoking of the incense, they do keep away.¹⁰ Would you not say [it means] during the time of the smoking [of the incense] in the Holy of Holies?¹¹ — No, [the reference is to the time of smoking] in the Hekal.¹² If so, [how explain] ‘what then is the gradation between the two places’ etc.? Is the above the only difference in gradation?¹³ Is there not also this difference: that from the Hekal they keep away during the time both of the smoking of the incense in the Hekal itself, and of the smoking of the incense in the Holy of Holies, whereas from the place between Ulam and altar they keep away only during the time of the smoking of the incense in the Hekal itself? — This [exactly] is what he teaches: ‘Except that from the Hekal men keep away, both during the time of the smoking of incense [in the Hekal] and outside of the time of the smoking of the incense [in the Hekal],¹⁴ but from the place between Ulam and altar they keep away

(1) ‘Ar. 16a.

(2) Num. XVII, 12.

(3) In the Holy of Holies, hence — since none but the high priest could enter it — ‘in secret’.

(4) Kel. I, 9.

(5) The hall leading to the interior of the Temple.

(6) Either the name of an otherwise unknown Amora, or ‘As the case may be’; or an anonymous Amora; or ‘a fictitious one’, cf. B.M. 2a.

(7) V. Lev. IV, 3ff.

(8) Lev. IV, 13ff.

(9) Num. XV, 24; traditionally interpreted as the sin of idolatry.

(10) Even from the space between the [Ulam and the altar.

(11) Which refutes R. Eleazar.

(12) But at the time of the incense smoking in the Holy of Holies they separate only from the Hekal but not from the space between Ulam and the altar.

(13) Lit., 'and no more'.

(14) I.e., when incense is offered in the Holy of Holies.

Talmud - Mas. Yoma 44b

only in the time of the smoking of the incense [in the Hekal]. — But there is also this gradations that they keep away from the Hekal both during its own sanctification¹ and that of the Holy of Holies, whereas from the space between Ulam and altar they do not keep away except when the Hekal is being sanctified? — Raba said: The term 'keep away' includes it all in one.²

The Master said: So do they keep away at the time of the sprinkling of the blood of the anointed priest's bullock, and of the bullock offered up because of an error of the congregation, and of the he-goats offered up because of idolatry. Whence do we know that? — R. Pedath said: We infer that from the identity of the word 'atonement' [occurring also] with reference to the Day of Atonement.

R. Aha b. Ahabah said: Conclude from this that the gradations of sanctity³ are Biblical, and thus they have learnt them by tradition, for if it should enter your mind that they are only Rabbinical enactment, then what [in law] is the difference in the space between Ulam and altar [from which they must keep away] for fear that they might enter by accident, they should [analogically] keep away from the whole Temple Court out of fear that they might accidentally enter? — The space between Ulam and altar, since it is not marked off in any fashion, is not recognizable sufficiently, whereas the Temple Court, since there is the outer altar to mark it off, is sufficiently recognizable.⁴ Raba said: Conclude from this that the holiness of Ulam and Hekal is the same. For if it should enter your mind that they are of two different degrees of sanctity, then the sanctity of the Ulam itself is due only to rabbinic enactment; shall we then enact a preventive measure to prevent the violation of another preventive measure?⁵ — No, the Ulam and the space between Ulam and altar are of one degree of sanctity, the Hekal and the Ulam, however, are of two degrees of sanctity.

ON OTHER DAYS HE WOULD TAKE THEM OUT WITH A SILVER COAL-PAN: What is the reason? The Torah has consideration for the money of Israel.⁶

TODAY HE TOOK THEM OUT WITH A GOLDEN PAN IN WHICH HE WAS TO BRING THEM IN: Why? [To prevent] weakness of the high priest.⁷

ON OTHER DAYS HE WOULD TAKE THEM UP WITH A COAL-PAN CONTAINING FOUR KABS: A Tanna taught:⁸ One kab of the embers became scattered,⁹ and he swept it into the channel.¹⁰ One [Baraita] teaches one kab, and another two kabs? It is quite right according to the one which teaches 'one kab', for it is in accord with what the Rabbis said, but the one that taught 'two kabs' is in accord neither with the Rabbis nor with R. Jose?¹¹ — R. Hisda said: It is R. Ishmael, the son of R. Johanan b. Beroka, for it was taught: R. Ishmael, son of R. Johanan b. Beroka said: He brought [the cinders] in a pan containing two kabs. — R. Ashi said: You can also say that it is in accord with R. Jose and he said it thus: On other days he would take them up with a pan containing a se'ah of the wilderness,¹² and pour it into one containing three Jerusalem kabs.

ON OTHER DAYS THE PAN WAS HEAVY, TODAY IT WAS LIGHT: A Tanna taught: On other days it was of thick size, but this day it was thin.

ON OTHER DAYS ITS HANDLE WAS SHORT, TODAY LONG: Why that? So that the arm of

the high priest may support it. A Tanna taught: On other days it had no covering,¹³ today it had one — this is the statement of the son of the Segan.¹⁴

ON OTHER DAYS ITS GOLD WAS YELLOWISH: R. Hisda said: There are seven kinds of gold:¹⁵ gold; good gold; gold of Ophir;¹⁶ fine¹⁷ gold; spun¹⁸ gold; locked¹⁹ gold; Parwayim²⁰ gold. Gold and good gold, as it is written:²¹ And the gold of that land is good. Ophir gold: [so called] because it derives from Ophir. Fine [mupaz] gold

(1) I.e., which would include also the sprinkling of blood.

(2) They both come under one head, independent of the particular rite which is the cause for the keeping away.

(3) Enumerated in Mishnah Kelim 1, 6 — 9.

(4) So as to prevent their entering by mistake, or accident.

(5) In Bez. 3a.

(6) Supra 39a.

(7) That is why he did not have to pour it into another pan. Having the whole heavy programme of the Day of Atonement on his shoulders, all legitimate relief is provided.

(8) V. Tamid 33a.

(9) When he emptied the coal-pan containing four kabs into one containing only three.

(10) V. Shek. IV, 2.

(11) According to whom three kabs would be scattered.

(12) Corresponding to six 'desert' or five Jerusalem kabs, the difference between the two being one sixth. The desert se'ah has five Jerusalem kabs and when the priest pours out three, two remain.

(13) A difficult word, obscure in etymology: variously translated as case, covering. v. Otzar ha-Geonim, ed. B.M. Lewin VI, 21: 'attachment', a contrivance to prevent the handle of the coal-pan from getting too hot. J.T. נִרְתִּיק, 'case', 'casket'.

(14) Perhaps the son of R. Hanina the Segan; perhaps also the last to hold this title, v. Bacher. Agada I, 55.

(15) Mentioned in the Bible.

(16) I Kings X, 11.

(17) Ibid. 18. Tosaf cites the J.T. explaining it to be gold without dross or alloy.

(18) Ibid. 16.

(19) Ibid. 21. The AJP Bible translates it 'pure' gold. 'Closed' to all dross, hence 'solid' would suit it as well.

(20) II Chron. III, 6, obviously the name of a place. The explanation here is homiletical.

(21) Gen. II, 12.

Talmud - Mas. Yoma 45a

, because it resembles [the shining jewel] paz. Spun gold, because it is spun like a thread. Locked [rare] gold, because when its sale is opened, all other shops are being locked up.¹ Gold of Parwayim, because it looked like the blood of a bullock [par]. R. Ashi said: There are but five [varieties], each having gold and good gold. Thus was it also taught:² 'On other days the gold was yellowish, this day it was red and that was the Parwayim gold, which looks like the blood of a bullock.'

ON OTHER DAYS HE WOULD OFFER UP HALF [A MINA] ETC., ON OTHER DAYS IT WAS FINE, TODAY MOST FINE: Our Rabbis taught: Why was it necessary to state 'beaten small'³ since it is written already: And thou shalt beat some of it very small?⁴ It is but to intimate that it must be most fine. ON OTHER DAYS THE PRIESTS WOULD COME UP ON THE EASTERN SIDE OF THE RAMP: Because a master said: Any turn you make shall be but to the right, i.e., toward the east.⁵

BUT TODAY HE COMES UP IN THE MIDDLE, AND GOES DOWN IN THE MIDDLE: Why? To honour the high priest.⁶

ON ALL DAYS THE HIGH PRIEST SANCTIFIED HIS HANDS AND FEET FROM THE LAVER etc.: Why? To honour the high priest.

ON OTHER DAYS THERE WERE FOUR WOOD-PILES THERE: Our Rabbis taught:⁷ On other days there were two wood-piles, today three; one for the big wood-pile; one for the second pile for the incense, and one which is added for this day;⁸ this is the opinion of R. Judah. R. Jose said: On other days three, today four: one for the big wood-pile, one for the second pile of the incense, one to keep up the fire,⁹ and one which was added for this day. R. Meir said: On all days four and today five; one for the big wood-pile, one for the second pile for the incense, one to keep up the fire, and one for [the burning of] limbs and fat-pieces which had not been consumed on the eve, and one which was added on this day. At any rate all are agreed about two, whence do they know it? — Scripture says: It is that which goeth up on its firewood upon the altar all night,¹⁰ i.e., the big pile. And the fire of the altar shall be kept burning thereby,¹⁰ i.e., the second pile for the incense. Whence does R. Jose infer the [pile for] keeping up the fire? He infers that from: And the fire of the altar shall be kept burning thereby.¹⁰ And R. Judah? This [verse] refers to the kindling of the [splinters of] fig-wood,¹¹ for it was taught: R. Judah used to say: Whence do we know that the kindling of the fig-tree splinters must take place only on the top of the altar? To teach us that, it says: ‘And the fire of the altar shall be kept burning thereby’. R. Jose said: Whence do we know that a [special] pile is made up to keep the fire burning? To teach us that it says: ‘And the fire of the altar shall be kept burning thereby.’ But whence does R. Jose infer that the fig-tree splinters must be kindled [on the top of the altar]? — He infers it from whence R. Simeon infers it. For it was taught:¹² And the sons of Aaron the priest shall put fire on the altar¹³ — that teaches that the kindling of the fig-tree wood must be done by a priest and in a ministering vessel;¹⁴ thus, R. Judah. R. Simeon said to him: How could it enter your mind that a lay Israelite could come up to the altar? Rather does [this passage] teach that the kindling of the fig-wood must take place on the top of the altar. And R. Judah? If we had to infer it from there, we might assume he may stay on the ground and kindle it with bellows, therefore he informs us [as above]. Whence does R. Meir know about limbs and fat-pieces unconsumed from the eve before [requiring a special pile]?¹⁵ — He infers it from ‘And the fire’. And the Rabbis? — They do not interpret the ‘And’ [waw]. But, what, according to the Rabbis, does he do with the limbs and fat-pieces unconsumed from the eve before? — He returns them to the big pile, for it was taught: Whence do we know of limbs and fat-pieces unconsumed from the eve before

(1) For as long as such gold was obtainable in one shop, none would go to buy in any other.

(2) In support of the explanation of ‘Parwayim’.

(3) Lev. XVI, 12.

(4) Ex. XXX, 36, for all days of the year, therefore a minori for the Day of Atonement.

(5) [The ramp being on the southern side of the altar, by ascending on the eastern side of the ramp, the east of the altar, towards which he has turned is immediately on his right, thus obviating unnecessary movement in the Temple.]

(6) [As a mark of distinction he has the privilege of walking about freely in the Temple without restricting his movements to the minimum. Var. lec.: ‘They’ i.e., the high priest and those who accompany him as a mark of honour].

(7) V. Tosef. Yoma III.

(8) To take thence embers for the incense to be smoked in the Holy of Holies.

(9) In case the fire of the great pile did not keep up strong, one added fire from here.

(10) Lev. VI, 2.

(11) Whereby the big pile was lit,

(12) Supra 24b.

(13) Lev. I, 7.

(14) I.e., the priest must perform this in his priestly vestments.

(15) Since he uses the above passage for his own interpretation.

that he lays them in order on the altar, and if the latter cannot hold them, that he lays them on the ramp, or on the gallery,¹ until the great pile is made? To teach us that, Scripture says: Whereto the fire hath consumed the burnt-offering on the altar.² And R. Meir?³ — [This is to teach] you may place back [there] unconsumed parts of the ‘burnt-offering’, but you may not place there unconsumed parts of the incense, for R. Hanania b. Minumai, of the school of R. Eliezer b. Jacob, said [with reference to]: ‘whereto the fire hath consumed the burnt-offering on the altar’ — you place back unconsumed parts of the burnt-offering, but you do not place back unconsumed parts of the incense. At any rate all agree that one adds [an additional pile] on that day; whence do they infer that? — They infer that from: ‘And the fire’, for even he who does not expound a ‘waw’, expounds ‘waw he’ [and the].⁴ What does ‘Fire shall be kept burning upon the altar continually’⁵ mean? — It is required as it was taught: ‘Fire shall be kept burning on the altar continually’; it shall not go out — that teaches concerning the second pile for the incense that it shall be laid in order only on the outer altar.⁶ Whence do we know that about fire, for the coal-pan, [on the Day of Atonement] and for the candlestick?⁷ That can be inferred as follows: The word *esh* [fire] is mentioned in connection with the incense,⁸ and the same word is mentioned in connection with coal-pan and candlestick; hence just as the former comes upon the outer altar, so do the latter come upon the outer altar. Or turn this way⁹ [perhaps]: the word *esh* [fire] is mentioned in connection with incense and is also mentioned in connection with coal-pan and candlestick; just as for the former it comes [for the altar] ‘near to it’,¹⁰ so for the latter it comes [from the altar] near to it.¹¹ To teach us [the right law] Scripture says: ‘Fire shall be kept burning on the altar,’ it shall not go out i.e., the continual fire whereof I spoke¹² to you must be nowhere else but on the top of the outer altar. We thus learned it for the fire of the candlestick, whence do we know it for the fire of the coal-pan? This can be inferred: [The word] ‘*esh*’ [fire] is stated in connection with the coal-pan, and ‘*esh*’ is used in connection with the candlestick, hence just as the former comes from the outer altar, so does the latter come from the outer altar. But, perhaps turn this way: [the word] ‘*esh*’ is mentioned in reference to the incense, and ‘*esh*’ is used in connection with the coal-pan; hence just as the former comes from [the altar] near to it, so the latter too comes from [the altar] near to it. Therefore it says: And he shall take a censer full of coals of fire from off the altar before the Lord¹³ Now which altar is [only] partly before the Lord, but not wholly before the Lord? You must say it is the outer altar.¹⁴

Now it was necessary [for Scripture] to mention both ‘from off the altar’ and from ‘before the Lord’. For if the Divine Law had written only ‘from off the altar’ I might have said: That ‘altar’ means the inner altar, hence the Divine Law said: ‘from before the Lord.’¹⁵ And if the Divine Law had written: ‘From before the Lord’ [alone], I might have said it must be exactly before the Lord,¹⁶

(1) The *sobeb* v. *Glos*.

(2) Lev. VI, 3. This is superfluous in view of the preceding ‘it is that which goeth up on its firewood’, hence the derivation.

(3) How does he explain this verse.

(4) As in this case where it is written ‘and the fire’ a superfluous letter may have some intimation, two unnecessary ones must have it.

(5) Lev. VI, 6.

(6) ‘The altar’ in the cited verse referring to the outer altar.

(7) I.e., that they are to be fetched from the other altar.

(8) According to Rashi the word ‘*esh*’ is not really mentioned, but implied: he shall smoke it ‘and there can be no smoke without fire’; but Tosaf. cites Num. XVI, 18, where the word fire is actually explicit in connection with incense.

(9) I.e., argue thus; a suggestion opposed to the preceding one is occasionally introduced by this composite word.

(10) The inner altar is in the neighbourhood of the outer altar.

(11) I.e., the inner altar which is nearest to the candlestick and the Holy of Holies.

(12) I.e., the perpetual light of the candlestick, v. Ex. XXVII, 20.

(13) Lev. XVI, 12.

(14) Since the inner altar is entirely facing the inner Sanctuary.

(15) 'Mi-lifne' — 'from before' is taken to mean 'only part of the altar is before the Lord.'

(16) I.e., just opposite the entrance of the Sanctuary.

Talmud - Mas. Yoma 46a

but not to one side or to the other,¹ therefore it was necessary [to have both phrases].

R. Eleazar said in the name of Bar Kappara: R. Meir used to say: For any of the limbs of the [daily] burnt-offering which remained over,² a special pile is to be arranged, even on the Sabbath. What is he teaching us? Have we not learnt: Every day there were four piles of wood there?³ — R. Abin said: It was necessary [to state it] for those which became [somewhat] invalidated.⁴ [This however] is only when the fire has already touched them, but not when the fire has not taken hold of them. Some there are who say: Whether they were valid or invalid⁴ [the same rule applies]: If the fire had touched them, a special pile is needed but if not, not. [You say] 'Even on the Sabbath'. [Surely] we have learnt thus: AND TODAY FIVE [PILES OF WOOD]!⁵ — R. Aha b. Jacob said: It was necessary [to mention that]. The thought might have arisen in you that this applied only when the Day of Atonement fell [immediately] after Sabbath, because the fat-pieces of the Sabbath may be offered up on the Day of Atonement, but not [if it fell] in the middle of the week, therefore he informs us [that it applies then too].

Raba said: Who is it that does not care what flour he grinds?⁶ Have we not learnt: On all other days?⁷ [These were four]-This is a real difficulty. Now he [Bar Kappara] disputes with R. Huna who holds: The continual offering suspends the Sabbath only at its beginning, but not at its end.⁸

[To turn to] the main text: The continual offering suspends the Sabbath only at its beginnings not at its end. What does it not suspend? — R. Hisda says: It suspends the Sabbath, but not the law of levitical impurity. Rabbah said: It suspends the law of levitical impurity,⁹ but not the Sabbath. Said Abaye to Rabbah: There is a difficulty on your view as well as on the view of R. Hisda. According to you, there is a difficulty: Why does it suspend the law of levitical impurity? Because Scripture said: In its due season¹⁰ i.e., even in levitical uncleanness, [it should suspend also] the Sabbath, [since] 'in its due season' [implies] even on the Sabbath? — And according to R. Hisda there is a difficulty. Wherefore the difference [in law in the case of] Sabbath touching which it is written: 'In its due season' [i.e.] even on the Sabbath; the same should apply to levitical impurity, since 'In its due season' [implies] even in levitical uncleanness.¹¹ He answered: There is no difficulty according to my view, nor is there any difficulty according to R. Hisda. There is no difficulty on my view; for the beginning is like the end

(1) Though it is on the western side of the altar.

(2) I.e., the limbs had been only partly consumed.

(3) One of which was meant for the limbs of the burnt-offering of the Temple, which remained over.

(4) I.e., Only in so far that they were not to be offered at the altar at the outset, though once they had been brought upon the altar they could be allowed to remain there to be consumed.

(5) And the same regulation governs both the Sabbath and the Day of Atonement, and it was taught that for the limbs of the continual dusk-offering a special pile was established on the Day of Atonement.

(6) I.e., does not care what argument he offers. Just as one who does not care what flour he grinds, will hurt his body through indigestible food, so will one who is not sensitive to careless thinking in his study, hurt his mind. V. Lewin, Otzar VI, 55, 170.-D.S. adduces a reading from the Aruk, 'he does not care what comes before him', i.e., he ignores texts in theorizing.

(7) Which includes the Sabbath.

(8) This offering is sacrificed on the Sabbath day, notwithstanding the fact that the labour involved many kinds of work expressly forbidden on that day. But only at the beginning. i.e., if the beginning of that sacrifice has to be made on the Sabbath. Of the Friday dusk-offering, however, the limbs must be smoked before the Sabbath. Since it belongs to Friday

it would be desecration to continue it on the Sabbath.

(9) Cf. supra 6b.

(10) Num. XXVIII, 2.

(11) For if no clean priest is present to sprinkle the blood, even one in the state of levitical uncleanness is permitted to do so.

Talmud - Mas. Yoma 46b

[consequently] in the case of the law of levitical impurity, since it is suspended at the beginning it is also suspended at the end, but with regard to the Sabbath, since it is not suspended at the beginning¹ it is also not suspended at the end. Nor is there any difficulty according to R. Hisda: He does not hold that the end is like the beginning: [consequently] with regard to the Sabbath, since it is inoperative when a community sacrifice is concerned, it is suspended also at the end of the sacrifice, whereas as regards the law of levitical uncleanness, since in the face of a community sacrifice it is only suspended,² it is suspended only at the beginning which is essential for [the obtainment of] atonement, but not at the end, which is not essential for atonement.

It was stated: If one puts out the fire of the coal-pan or of the candlestick, Abaye holds him guilty,³ Raba holds him not guilty. If he put it out on the top of the altar, all agree that he is guilty, they dispute it only if he brought it down to the ground and put it out there. Abaye holds him guilty 'because it is fire of the altar'; whereas Raba holds him guilty, 'since he snatched it away, he has snatched it'.⁴ According to whose opinion will be, then, what R. Nahman said in the name of Rabbah b. Abbuha: 'One who takes an ember down from the altar and puts it out is guilty' shall we say it will be in accord with Abaye?⁵ — You may also say that it is in accord with Raba, for in the one case it was not snatched away' for its ordained use,⁶ in the other case it was snatched away' from the altar for its ordained use.

Some there are who say: None disputes the case where he took it down to the floor and put it out there, [all agreeing] that he is not guilty, the dispute concerns but the case where he put it out on the top of the altar. Abaye holds he is guilty 'because it is the top of the altar', whereas Raba holds him guilty, 'since he snatched it away, he has snatched it'. According to whose opinion, then, will be the teaching of R. Nahman in the name of Rabbah b. Abbuha viz.: 'One who brings an ember down from the altar and puts it out is guilty', — will you not say it will be in accord with neither Abaye nor Raba? — [No], there it was not snatched away for its ordained use, here it was snatched away' for its ordained use. [

(1) The Friday dusk-offering must be offered before Sabbath since the blood of the offering would become useless, invalidated, if not sprinkled before sunset.

(2) Only 'with difficulty' but never imperative, every attempt must be made to prepare the sacrifice in levitical cleanness. V. Supra 7b.

(3) Of having transgressed the prohibition: 'It shall not go out' i.e., it must not be put out, Lev. VI, 6.

(4) And it has lost its sacred character, hence what he put out on the floor was no more a coal sanctified on the altar whence he does not become guilty of transgressing the prohibition.

(5) The adopted opinion in disputes between Abaye and Raba is in the overwhelming majority in accord with Raba, whence the question as to the meaning of his teaching an invalid opinion. V. B.M. 22b.

(6) To place it in the coal-pan.

CHAPTER V

MISHNAH. THEY BROUGHT OUT TO HIM THE LADLE AND THE PAN. [FROM THE LATTER] HE TOOK HIS TWO HANDS FULL [OF INCENSE] AND PUT IT INTO THE LADLE, A TALL [HIGH PRIEST] ACCORDING TO HIS SIZE, A SHORT ONE ACCORDING TO HIS SIZE AND THUS WAS ITS MEASURE. HE TOOK THE PAN¹ IN HIS RIGHT [HAND] AND THE LADLE IN HIS LEFT [HAND].

GEMARA. THE PAN? But was it not taught:² He took the pan and went up to the top of the altar, took out the burning coals, and went down? — There the reference is to the pan of burning coals, here to the pan of the incense. For it was taught:³ One brought out for him the empty ladle from the Cell of Vessels, and the heaped pan of incense from the Cell of the House of Abtinas.⁴

HE TOOK HIS TWO HANDS FULL AND PUT IT INTO THE LADLE, A TALL [HIGH PRIEST] ACCORDING TO HIS SIZE, A SHORT ONE ACCORDING TO HIS SIZE AND THUS WAS ITS MEASURE: For what purpose was the ladle on the Day of Atonement necessary? Surely the Divine Law said: [And he shall take] his hands full and bring it⁵ — Because [otherwise] it is impossible.⁶ For how shall he do it? Shall he bring in [the pan of burning coals] and then again bring in [the incense]?⁷ The Divine Law refers to one 'bringing in', not to two 'bringings in'. — Shall he take the incense in his handfuls and place the pan⁸ [of burning coals] on top of it, entering thus? Then when he comes [within the veil] how shall he act? Shall he take it between his teeth and set the pan [of burning coals] down? Now, if such procedure is unseemly in the presence of a mortal king, how much less seemly is it before the Supreme King of Kings, the Holy One, blessed be He? — Thus it is impossible and since it is impossible, we do it as we find it in connection with the [offerings of the] princes.⁹

He took the pan¹⁰ in his right hand and the censer into his left hand.¹¹ 'The native below and the alien in the heavens above'? This one [the ladle] is small, the other [coal-pan] large,¹² and even where both are alike, as with R. Ishmael b. Kimhith, the one is hot and the other cold. It was reported about R. Ishmael b. Kimhith that he was able to take four kabs in his two handfuls, saying: All women are valiant but the valour of my mother exceeded them all.¹³ Some interpret it¹⁴ as referring to the crumb-dough,¹⁵ in accord with Rabbah b. Jonathan who said in the name of R. Yehiel that crumb-dough is very helpful to a sick person. Others say it refers to the [healthy] semen [she received], in accordance with what R. Abbuha asked. For he raised a contradiction: It is written: For thou hast sifted¹⁶ me with strength unto the battle¹⁷ but it is also written, Who has girded me with valour [for the battle]¹⁸ [to interpret the divergence thus]: David said before the Holy One, blessed be He: Lord of the Universe, Thou hast [first] 'carefully sifted' and then strengthened me. It was told of R. Ishmael b. Kimhith¹⁹ that one day he talked in the street to an Arab, and spittle from his mouth flew on his garments,²⁰ whereupon his brother Jeshebab entered and ministered in his stead. Thus their mother saw²¹ two high priests on one day. Furthermore, it is told of R. Ishmael b. Kimhith that he went out and talked with a certain lord²² in the street, and spittle from his mouth squirted on his garments, whereupon Joseph his brother entered and ministered in his stead so that their mother saw two high priests²¹ on one day. The Sages said unto her: What hast thou done to merit such [glory]? She said: Throughout the days of my life the beams of my house have not seen the plaits of my hair.²³ They said to her: There were many who did likewise and yet did not succeed.²⁴

Our Rabbis taught: with his fists²⁵, that means that he must not make a measure for his fistful.²⁶ The question was: How about making a measure for his handfuls? Is it only there²⁵ since it is written, 'With his fist',²⁷ whereas here²⁸ where it is not written 'With his handfuls' but 'his hand full of fine incense,' [it matters] not,²⁹ or does he derive [the meaning of] 'full' from [the word], full?

[occurring in connection with] his fist?³⁰ — Come and hear: AND THUS WAS ITS MEASURE'. Would you not say that it means: If he wishes to make a measure he may do so?³¹ — No, this is what it means: In the same manner would he take the hands full within the Holy of Holies.³² May not you then conclude from this that he takes the handfuls [outside] and repeats it inside again! — [No], perhaps it means that if he wants to have a measure made, he may do so;³³ or, that he must take neither less nor more.³⁴

Our Rabbis taught: His fistfull.³⁵ One might have assumed that it may come forth on both sides, therefore Scripture says: 'With his fist'.³⁶ From 'With his fist' I might have inferred that he should just take some with his finger-tips hence Scripture says: His fistful', i.e., in the manner in which people take a fistful. How so? He bends three of his fingers³⁷ up to his wrist and takes a fistful.

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- (1) V. Gemara.
 - (2) Infra 48b.
 - (3) Ibid.
 - (4) V. supra.
 - (5) Lev. XVI, 12.
 - (6) To perform the rite without the ladle.
 - (7) In his handfuls.
 - (8) Shall he put the pan on the incense and enter.
 - (9) Num. VII, 14; One ladle . . . full of incense.
 - (10) This refers to the pan of burning coal.
 - (11) This is illogical for the ladle with the incense should be in his right hand and the less important pan in the left.
 - (12) Hence the heavier of the two, and therefore carried in the right hand.
 - (13) Lit., 'has ascended to the roof'. She has taken exceedingly good care of her children. The phrase is reminiscent of Prov. XXXI, 29. נָרָה may be interpreted as valour (Jast.); as vine (Aruch) or bundles of green (R. Han.) i.e., children.
 - (14) The mother's valour or the children's power.
 - (15) Which she ate during her pregnancy or on which she fed her children.
 - (16) With reference to his inner constitution. E.V. 'girded me'.
 - (17) II Sam. XXII, 40.
 - (18) Ps. XVIII, 33. The texts of II Sam. XXII and Ps. XVIII are almost identical, hence changes or deviations must have a definite idea underlying each. 'Sifted' is an ad hoc interpretation. The words 'for the battle' are not found in Ps. XVIII, 33.
 - (19) Tosaf. Yoma III.
 - (20) It was on the day of Atonement, he was to minister as high priest and the spittle defiled and thus prevented him from officiating.
 - (21) Both her sons.
 - (22) In the Tosaf. the reading is 'a king' and the incident reported to have occurred on the eve of the Day of Atonement.
 - (23) Especially a married woman would always cover her hair, as a sign of modesty. [Buchler (JQR. 1926) p. 8 identifies this high priest with Simeon (Ishmael) the son of Kamithos who was appointed by Gratus in the year 17-18.] The sight of a married woman's hair is an impropriety. Git. 90a.
 - (24) In obtaining such distinction. Your suggestion is insufficient.
 - (25) Lev. VI, 8.
 - (26) I.e., he must not use a measure instead of his fist.
 - (27) I.e., with his fist only, not with a measure.
 - (28) Lev. XVI, 12.
 - (29) Does the prohibition of using a measure not apply here.
 - (30) V. Lev. II, 2; the word 'full' written thus implies prohibition of an artificial measure. By inference from the identity of phrase the same may be assumed to apply here.
 - (31) This may be explained to refer to the ladle, to mean that one could have a measure made in accord with the high priest's size of hand.
 - (32) The Mishnah here means: And this was the method of measurement within; i.e., the priest would empty incense

from the ladle into his hands and then put it over the burning coals in the pan.

(33) I.e., one cannot conclude from the Mishnah either way.

(34) Thus was the measure-two exact hands full-rigidly so.

(35) Lev. II, 2.

(36) Lev. VI, 8. No more, just as much as the closed fist will contain.

(37) Grasping with them.

Talmud - Mas. Yoma 47b

In the case of the [meal-offering baked in a] griddle and the [meal-offering of the] stewing-pan¹ he makes it even with his thumb from above and with his small finger from below. And this was the most difficult service in the Sanctuary. [You say] 'this is'; and nothing else? Was there not the pinching of the bird's head² and was there not the taking of the fistfuls?³ - But say, rather, this was one of the difficult priestly functions in the Sanctuary. — R. Johanan said: R. Joshua b. Uza'ah asked: How about that which is between [the fingers of the fist]?⁴ -R. Papa answered: That which is inside needs no question for it surely belongs to the fistful. Concerning that which is on the outside, too, there is no doubt, it surely is considered a remainder.⁵ The question attaches only to such portions as are in between [the fingers]. How about these? — Said R. Johanan: R. Joshua b. Uza'ah had subsequently solved [the question] viz., concerning [the portion] in between, uncertainty prevails.⁶ How then shall he act?-R. Hanina said: He shall burn [as an offering] first the fistful and then the portions in between [the fingers]. For, if we were to burn up [the 'in between' portions] first, perhaps they are considered remainders, and it would thus be a case where the remainders became reduced between the taking of the fistful and the burning [of it on the altar], whereas the Master has said⁷ that if remainders became reduced between the taking of the fistful and the burning thereof no more fistfuls may be burnt up on their account! If that be so, then even now apply thereto the rule:⁸ Whatever had partly been used in fire offering must no more be burnt [as an offering]?⁹ Said R. Judah, son of R. Simeon b. Pazzi: He burns them [the remainders] up as wood, in accord with R. Eliezer, for it was taught:¹⁰ R. Eliezer said: For a sweet savour,¹¹ for this you must not bring them up but you may bring them up as fuel. This will be in accord with R. Eliezer, but what is there to be said in accord with the Sages?¹² R. Mari said: Fat priests¹³ take the fistful. Now that you have come to this answer, according to R. Eliezer, too, [there is a procedure which may be adopted] at the outset,¹⁴ viz., fat priests should take the fistful. R. Papa inquired: How about the middle [portions] 'in between' connection with the [two] hands full?¹⁵ — What is he inquiring about? If he derives [the meaning of the word] 'full' from 'full' [occurring] there¹⁶ it is the same [as the first question].¹⁷ — This is what R. Papa asks: [Should we say that] we require that 'he shall bring it his hands full',¹⁸ which is the case here, or is it required that he take...bring in, which is not the case here?¹⁹ — The question remains unanswered.

R. Papa said: It is obvious to me that 'his fistful' means: In the manner in which people usually take a fistful, but R. Papa asked: If he had taken the 'fistful' with his finger-tips, what is the law then, or [if he took it] from below upward, or from the sides, what then? — The questions remain unanswered.

R. Papa said: It is obvious to me that the 'handfuls' are to be taken as men usually take them, but he asked: If he took the 'handfuls' with his finger-tips, what then? or from below upward, or from the side; or if he swept it with one hand and with the other and then brought the hands together? — The questions remain unanswered.

(1) V. Lev. II, 5 and 7.

(2) Zeb. 64b, based on Lev. V, 8.

(3) The priest's taking of the handfuls of incense, Lev. XVI, 12, v. infra 49b.

(4) Is it considered part of the fistful to be offered on the altar, or the remnant which went to the priests?

- (5) Belonging to the priests.
- (6) As to where they are to belong.
- (7) Men. 9a.
- (8) Men. 58a.
- (9) An interpretation of Lev. II, 12. And since he first burns up the fistful he should not be permitted to burn up after that the remainders as an offering.
- (10) Zeb. 77b.
- (11) Lev. II, 12, on which the rule cited last is based.
- (12) Who extend the prohibition even against burning them as fuel (v. Zeb. 77b). What is one therefore to do with the portions 'in between'.
- (13) Whose fingers are fat without any space between them for any quantity to get in.
- (14) The proposal to burn it as fuel is even according to R. Eliezer not one which is to be adopted at the outset, v. Zeb. ibid.
- (15) Sc. of incense offered on the Day of Atonement.
- (16) I.e., in connection with the fistful; just as with the fistful any heaping is not burnt up as offering, the same would apply to heapings of the two hands full. The analogy based on the use of the word 'full' in both Lev. II, 2, which refers to the first, as in ibid. XVI, 12, which deals with the two hands full.
- (17) Asked supra, whether a measure may be made for the hands full.
- (18) Lit., 'his hands full... and he shall bring' v. Lev. XVI, 12.
- (19) For he has not placed it between his fingers, it having entered there by itself, hence the required personal effort-and he shall take it-was absent.

Talmud - Mas. Yoma 48a

R. Papa asked: If he stuck the fistful on to the side of the vessel, what then? Does the law require that it be put into the middle of the vessel, which is the case here, or must it be placed inside the vessel properly, and this was not done in our case? — The question remains unanswered.

Mar, the son of R. Ashi asked: If he overturned the vessel and placed the fistful on the bottom of the vessel, how then? Does the law require placing it in the vessel, which was done here, or is it to be placed properly, which has not been done? The question remains unanswered.

R. Papa asked: With regard to the 'handfuls' are they to be heaped or levelled?—R. Abba said to R. Ashi: Come and hear: The 'handfuls' whereof they spoke are to be neither levelled, nor heaped, but liberally measured. — We learned elsewhere:¹ If the blood was poured out on the pavement² and he gathered it up, it is invalidated. But if it was poured out of the vessel on the pavement and he gathered it up, it is usable. Whence do we know this?³ — For the Rabbis taught: And [the anointed priest] shall take of the blood of the bullock,⁴ i.e., from the blood of life⁵ and not from the blood of the skin, nor from the last blood oozing out.⁶ 'From the blood of the bullock' i.e., the blood from the bullock shall he receive [straight]. For if you were to interpret from the blood of the bullock' [as meaning] 'from the blood⁷ i.e.' even if only part of the blood, has not Rab Judah said: He who receives the blood must receive the whole of the bullock's blood, as it is said: And all the remaining blood of the bullock shall he pour out at the base of the altar,⁸ hence it is evident from here that from the blood of the bullock' must be interpreted as 'blood from the bullock [straight]';⁹ he¹⁰ holding the view: One may remove [a letter] and add [one] and thus interpret.¹¹

R. Papa asked: If the incense was scattered from his handfuls, how then? Is his hand to be compared to the neck of the animal¹² so that the incense would be invalidated, or is it to be compared to a ministering vessel and thus is not invalidated? — The question remains unanswered.

R. Papa asked further: If, in taking the handfuls of the incense, he had an [unlawful] intention,¹³ what then? Do we say that we infer [the meaning] of 'full' [by analogy of] 'full' occurring with the

meal-offering,¹⁴ [viz.,] as in that case an [unlawful] intention effects an invalidation, so here too, an unlawful intention will effect an invalidation, or is it not so?—R. Shimi b. Ashi said to R. Papa: Come and hear: R. Akiba added [the cases of]¹⁵ the fine flour, the incense, the balm, and the embers [of the sanctuary]. that if a tebul yom¹⁶ had touched part of them, he invalidated all of them.¹⁷ Now the assumption is that since a tebul yom invalidates them¹⁸ so does their being kept overnight,¹⁹ and since their being kept overnight invalidates them, so does unlawful intention.²⁰

R. Papa asked:

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- (1) Zeb. 25a.
 - (2) Before having been received into a vessel, as prescribed.
 - (3) That it is necessary for the blood to flow from the neck of the animal straight into a vessel.
 - (4) Lev. IV, 5.
 - (5) The blood coming forth in a jet, with which life leaves the body of the animal.
 - (6) Of the vein which was cut.
 - (7) The Hebrew words are Mi-dam ha-par, 'From the blood of the bullock'. The 'mi' has partitive meaning-'from the blood', part of it, not all of it.
 - (8) Lev. IV, 7.
 - (9) Meaning not from the skin, the vein, but that which is the bullock's life, with the jetting away of which his life too is gone.
 - (10) The Tanna of the cited Baraitha.
 - (11) In order to remove a contradiction. This interpretation involves a change in the Hebrew text. Instead of **מִדָּם הַפָּר** the ad hoc reading is: **דָּם מִהַפָּר** Involving a removal of one letter from the first word and its addition to the second word.
 - (12) When the blood flows from the neck of the animal to the pavement, instead of being received in a vessel, it is invalidated. Does the same law apply when the incense is scattered?
 - (13) An intention at the moment of slaying to eat of the flesh beyond the allotted time renders the animal in question 'a vile thing' (Zeb. 25a). If the priest has similar intention, i.e., to offer up the incense tomorrow instead of today, would the same consequence ensue for the incense?
 - (14) V. supra p. 223.
 - (15) V. Hag. 23b, Sonc. ed., for notes.
 - (16) One who has bathed in daytime but must await the sunset to be perfectly clean. V. Lev. XXII, 7.
 - (17) The vessel of ministry combining the various constituent parts of the flour etc., as one. V. Hag., Sonc. ed., 23b for notes.
 - (18) Through the union effected by the vessel of ministry.
 - (19) In virtue of the fact that they were contained in a vessel of ministry. V Me'il. 10a.
 - (20) I.e., since the incense by being placed in a vessel of ministry received a holy character in respect of contact with a tebul yom, and being kept overnight, it becomes invalidated through unlawful intention.

Talmud - Mas. Yoma 48b

If he, in removing the coals [for the incense], had an unlawful intention — what then? Are preliminary¹ means of a religious act to be considered as the act itself or not? — The question remains unsolved.

The question was asked of R. Shesheth: If the blood was carried [to the altar] in the left hand, what is the law?² R. Shesheth answered: You have learnt it: He took the pan of burning coals in his right hand and the ladle in his left.³ But he could have settled that point to them from what we have learnt:⁴ [He carried] the right hind-leg in the left hand with the inside of the skin outward?⁵ — If the argument were based on that I might have assumed this applies only to a carrying [of such things] which are not indispensable to atonement,⁵ but in the case of a carrying [of things] which are indispensable to atonement,⁶ [it would] not [apply], therefore he has to bring [the above reference].⁷

(1) So that his unlawful thought in connection with the preliminary act would have the same effect as such thought in connection with the religious act in itself and so the incense is rendered invalidated. Another interpretation would limit the effects of his unlawful intention to the preliminary act, here to the embers.

(2) All the other rites in connection with the blood sprinkling must be performed with the right. V. Zeb. 16b and 24a.

(3) Whence we may infer that even in this case he is within the law.

(4) Tam. IV, 3.

(5) I.e., the carrying of the limbs.

(6) E.g., the carrying of the blood to the place of sprinkling.

(7) Referring to the incense which is indispensable to atonement.

Talmud - Mas. Yoma 49a

They raised the following objection:¹ A lay Israelite, an onen,² one inebriate or one with a blemish are invalidated for the receiving, the carrying, and the sprinkling of the blood, and so is one seated, and the left hand. This is a refutation. — But R. Shesheth himself has asked this question in refutation!³ For R. Shesheth said to the Amora⁴ of R. Hisda who asked of R. Hisda: May the blood be carried by a lay Israelite? He answered: It is proper and a scriptural verse supports me: And they killed the passover lamb, and the priests dashed⁵ of their hand, and the Levites flayed them.⁶ And R. Shesheth raised this question: A lay Israelite, a mourner, an inebriate, or one blemished are invalidated for the receiving, the carrying, or the sprinkling of the blood, and so is one seated and the left hand!⁷ -After having heard it, he raised it in objection [against R. Hisda]. But R. Hisda had cited a scriptural passage [in support]? — They served only the purpose of a portico.⁸

R. Papa asked: If another⁹ [priest] took his hands full and put it into his [the high priest's] hands — how then? Is what we require that it be 'his hands full' which we have here, or is it required that he both 'take [his hands full] and bring it in', which was not the case here? — The question remains unsolved. R. Joshua b. Levi asked: If he had taken his hands full and then died, what about someone else entering [within the Holy of Holies] with his [the first one's] handfuls? — Said R. Hanina: This is a question of the older generation!¹⁰ Shall we say that R. Joshua b. Levi was older?¹¹ But R. Joshua b. Levi had said: R. Hanina permitted me to drink a cress-dish¹² on the Sabbath? [You say] to drink? That is self-evident, for we have learnt:¹³ One may eat all kinds of food for a remedy, and one may drink every kind of drink as a medicine? — Rather to grind and to drink cress-dish on the Sabbath. What case do you mean? If it be a case of danger, surely it is allowed;¹⁴ and if the case be without danger, it surely is forbidden!¹⁵ -In truth the case referred to is one dangerous and this is how the question ran: Does it cure so that one may for this purpose desecrate the Sabbath, or does it not effect a cure so that one may not desecrate the Sabbath in connection with it? And why was it R. Hanina?¹⁶ — Because he was familiar with medicine, for R. Hanina said:¹⁷ Never did a man consult me concerning a wound inflicted by a white mule and recover. But we see that people recover? -Say: And it was cured.¹⁸ -But we see them cured? -The reference here is to red mules, the end of whose feet is white. — At any rate we learn from here that R. Hanina was the older one?¹⁹ -Rather, this is what he said: Our question is like one of the former generation.²⁰ But did R. Hanina express such a view?²¹ Did not R. Hanina say: With a bullock,²² i.e., but not with the blood of a bullock;²³ and, furthermore, was it not R. Hanina who said: If he took the hands full of the incense before the slaying of the of the bullock, he has done nothing?²⁴ — This is what he [R. Hanina] said: Since he²⁵ asks the question, the inference is justified that he holds 'With a bullock' includes also 'with the bullock's blood'; now, according to [this] his view, his question is like the question of an older generation. — What about that?²⁶ — R. Papa said: If [we say that] he takes the handful first and then must take it again,²⁷ then his fellow may enter with his hafinah,²⁸ because the hafinah is still the same; but if [we say] that he takes the handfuls once but does not take them again, then your question arises. Said R. Huna son of R. Joshua to R. Papa: On the contrary! If [we say that he] performs the hafinah twice, none else should enter with his hafinah, because it is impossible that the

second take not either a bit less [than the handfuls of the first]²⁹ or a bit more; but [if we say that] he performs only one hafinah, does your question arise. For the question had been raised: Must he perform the hafinah twice?- Come and hear: AND SUCH WAS ITS MEASURE. Now does not that mean that as the measure in the outside hafinah, so was it in the hafinah within the Holy of Holies? — No, perhaps the meaning here is that if he wanted to make a measure he could do so, or, that he must not take either more or less in the one case than in the other.³⁰ Come and hear:

(1) Zeb. 16a.

(2) V. Glos.

(3) Hence he obviously knew the Mishnah, how then could he have given the wrong answer!

(4) V. Glos. s.v. (b).

(5) II Chron. XXXV, 11.

(6) I.e., the blood which they received at the altar side from those who killed the passover, namely, lay Israelites who are fit for slaughtering sacrifices, v. Supra 43a.

(7) Which shows that R. Shesheth knew of the Mishnah disqualifying the carrying with the left hand, how then did he solve the question put to him contrariwise.

(8) The laymen served only the purpose of a portico, holding the bowls up to view, but not handing them to the altar.

(9) Lit., 'his fellow'.

(10) The fact that this question asked by a teacher of the older generation has been also put by myself is an implicit compliment to our learning; R. Joshua b. Levi being of the older generation.

(11) The older of the two scholars. Hence Hanina's remark about the 'older generation'.

(12) 'Drink' because usually mixed with wine or oil.

(13) Shab. 109b.

(14) And is not in need of any special argument for dispensation.

(15) And no effort to permit it would be legitimate.

(16) Of whom the question was asked.

(17) Hul. 7a.

(18) The first interpretation referred to the person injured by the mule,' the second to the wound.

(19) Since R. Joshua refers to Hanina as 'R. Hanina', one must assume that the former cannot have been older, for in that case he would have called him by his first name, Instead of saying 'R. Hanina etc.'

(20) He said to his pupils: This question of yours has been already asked by older scholars than you, viz., R. Joshua b. Levi, and it remained unsolved.

(21) Did he himself doubt as to whether the high priest may enter the Holy of Holies with the handfuls of incense that had been taken by someone else.

(22) Lev. XVI, 3.

(23) I.e., one priest must both slay the bullock and enter the Holy of Holies with its blood. This interpretation excludes the possibility of one's entering with the blood of a bullock slain by someone else.

(24) The ministration is invalid and must be repeated in proper form and order, infra 60b. As the taking of the hands full must not be performed before, but after the slaying of the bullock, the first high priest must have slain his bullock and the one who takes his place must slay another bullock, it is evident that he cannot use the handfuls taken by the first high priest, which took place before the slaying of the second bullock. Hence it seems impossible that R. Hanina could have asked the question attributed to him here.

(25) Since R. Joshua asked the question, he must hold that the second priest need not bring another bullock, for if that were his view, the taking of the handful of the incense before the slaying of the bullock would have been invalidated. Hence the apposite remark that others of an earlier generation who, in opposition to him hold that 'with a bullock' includes even 'with the blood of his bullock' have already asked the question.

(26) The original question: If a priest had taken the hands full of incense and thereupon had died, may another enter with his 'handfuls'?

(27) Within the Holy of Holies, v. infra and supra 47a.

(28) The handfuls taken by the high priest. V. Glos.

(29) As not all handfuls of people are of the same capacity.

(30) v. supra 47a and notes.

Talmud - Mas. Yoma 49b

How does he do it?¹ He takes hold of the dish² with his finger-tips according to some with his teeth — and pulls it with his thumb until it reaches his elbows, then he turns it over in his hands and heaps up the incense in order that its smoke may come up slowly; some say he scatters it in order that its smoke may come up fast; and this is the most difficult ministration in the Sanctuary. This alone? None other? But is there not the pinching of the bird's head? And the taking of [an exact] fistful of the incense? — Rather [say] this is one of the more difficult ministrations in the Sanctuary.³ [At any rate] infer from here that he had to perform the hafinah twice. — The inference is right.

The question was raised: If the priest slew [the animal] and died, may someone else enter with its blood? Do we say 'With a bullock' [includes] even 'with the blood of the bullock', or 'With a bullock' only but not with its blood?⁴ — R. Hanina said: 'With a bullock', but not with its blood. R. Lakish said: 'With a bullock', and even with its blood. R. Ammi said: 'With a bullock', but not with the blood of the bullock. R. Isaac the Smith said: 'With a bullock' and even with its blood. R. Ammi raised the following objection: One⁵ may be counted in⁶ for the paschal lamb, or one may withdraw from being counted in it until it be slaughtered. Now, if that view were correct,⁷ this should read: Until he sprinkles [the blood]. — There [is a special situation], because It is written: *miheyoth misseh*, i.e., as long as the lamb is alive.⁸

Mar Zutra raised the following objection: One must not redeem⁹ with a calf or with a beast of chase, or with what had been slaughtered or with a cross-bred, or with a koy,¹⁰ only with a lamb?¹¹ There is a different case, because [the meaning of] lamb [here] is inferred from 'lamb'¹² [mentioned in connection] with the paschal lamb. Then just as that must be male, without blemish, and one year old,¹³ this too ought to be male, without blemish, and one year old? — [To prevent such interpretation], Scripture states: Thou shalt redeem . . . thou shalt redeem,¹⁴ to include both. If [repetition of] 'Thou shalt redeem' means to include, then all ought to be included? — What value would the word 'lamb' have in that case!

(1) The second hafinah, in the Holy of Holies.

(2) I.e., the ladle when containing the handfuls.

(3) Supra 47b and notes.

(4) V. supra 49a and notes.

(5) Pes. 60b.

(6) V. Ex. Xli, 4.

(7) That the blood, in the service, takes the place of the bullock itself.

(8) E.V. And if (the household) be too little for a lamb', here the ad hoc interpretation is: as long as it is itself — read *מהיות* i.e., as long as the animal is whole, before it is slaughtered, as long as it is alive.

(9) A firstling of an ass, Ex. XIII, 12, 13.

(10) A kind of bearded deer or antelope (Jastrow), which belongs either to the genus of cattle or of beast of chase.

(11) V. Bek. 12a. Since the emphasis is on 'lamb' (Ex. XIII, 13) and a slaughtered lamb is excluded, the inference appears justified, that a slaughtered lamb is no more considered to be a lamb. Hence a refutation of the view that blood can be considered as of equal ritual value with the animal itself.

(12) Ex. XII, 3ff

(13) Ibid. 5.

(14) Ibid. XIII, 13.

Talmud - Mas. Yoma 50a

R. Isaac the Smith raised the following objection to R. Ammi's view: 'Even the whole bullock shall he carry forth'.¹ — [It means]: he shall take it out in its completeness.² And the bullock of the

sin-offering and the he-goat of the sin-offering?³ — R. Papa answered: Nobody disputes with regard to skin, flesh, and excrement, the dispute applies only to the blood,⁴ one holding blood to be designated ‘bullock’, the other holding that blood is not designated ‘bullock’. R. Ashi said: It seems reasonable to hold with the view that blood is designated ‘bullock’, for it is written: Herewith shall Aaron come into the holy place; with a young bullock.⁵ Now does he bring it in with its horns? [Is it not] rather, with its blood, and yet it is called ‘bullock’. And the other?⁶ [It means this:] ‘How⁷ is Aaron legally permitted to enter the Sanctuary? With a young bullock for a sin-offering’. — But derive it⁸ from the fact that it is a sin-offering whose owners have died and ‘a⁹ sin-offering whose owners have died is left to die’?¹⁰ -Said Rabin the son of R. Ada to Raba: Your own disciples said in the name of R. Amram: This¹¹ is a community sin-offering and the sin-offering of the community is not left. For we learned:¹² R. Meir said: ‘Are not the bullock of ‘the Day of Atonement and the pancakes of the high priest and the paschal lamb¹³ each offerings of an individual and yet they suspend the law of Sabbath and the laws touching levitical impurity?’ Would you not infer therefrom that there must be a view according to which these are considered offerings of the congregation?¹⁴ But according to your own arguments when it states:¹⁵ R. Jacob said to him:¹⁶ But are there not the bullock to be offered for an error of the congregation, and the he-goats to be offered up for idolatry and the festive offering,¹⁷ all of which are community-offerings, and yet they suspend neither the laws of the Sabbath, nor those of levitical impurity? Would you infer from this that there must be a view that they are sacrifices of an individual?¹⁸ Rather [what you must therefore say is] he answered the first Tanna whom he heard saying that a community-sacrifice suspends the laws both of the Sabbath and those touching levitical impurity, whilst the sacrifice of an individual suspends neither the laws of the Sabbath nor those affecting levitical uncleanness, whereupon R. Meir said: ‘Is [the law concerning] the offering of an individual a general rule, is there not the bullock of the Day of Atonement? Are there not the pancakes of the high priest and the paschal lamb, all of which are private offerings, and yet they suspend both the Sabbath and the impurity laws?’ And also R. Jacob said: ‘Is the law concerning the offering of the community a rule, are there not the bullock for an error of the community, and the he-goats for idolatry, and the festive offering, all of which are community-offerings yet suspend neither the laws of the Sabbath, nor those touching levitical impurity?’ Rather accept this principle: Whatsoever has a fixed time,¹⁹ suspends both the laws of the Sabbath and those touching levitical impurity, even [though the sacrifice concerned be that] of an individual; and whatsoever has no definite time fixed suspends neither the Sabbath laws nor those affecting levitical uncleanness even if a community-offering [were involved].²⁰

Abaye raised the following objection:²¹ If the bullock and the he-goat of the Day of Atonement had been lost and other [animals] had been set aside in their stead,²² then they must all be left to die; similarly, if the he-goats [offered in expiation] for idolatry had been lost and others had been set aside in their stead,²² they must all be left to die; this is the view of R. Judah. R. Eleazar and R. Simeon hold: They should be left to go to pasture until they become unfit for sacrifice,²³ whereupon they should be sold and the money realized should go to the fund for [providing] freewill-offerings. because ‘a community-sacrifice is not left to die’.²⁴ Bullock here refers to the bullock offered up for an error of the community. — But the text reads ‘of the Day of Atonement’? — This refers to the he-goat. But it was stated: If the bullock of the Day of Atonement and the he-goat of the Day of Atonement had been lost and others were set aside in their stead,²² they must all be left to die, this is the view of R. Judah. R. Eleazar and R. Simeon hold: They should be left to go to pasture until they become unfit for sacrifice, whereupon they should be sold and the money realized for them should go to the fund for providing freewill-offerings. because a community-offering is not left to die’? — Do not read:²⁵ ‘For a community-sacrifice is not left to die’, read rather, for ‘a sacrifice belonging to partners is not left to die’.²⁶ What is the practical difference?²⁷ — That the priests will not have to bring a sacrifice for an error in a legal decision.²⁸ — Come and hear: For R. Eleazar asked:

(1) Lev. IV, 12. The animal is slain already and yet Scripture calls it a ‘bullock’.

(2) I.e., all that is left of it the emphasis being on ‘the whole’.

- (3) Ibid. XVI, 27. This shows that the body of the bullock itself after it is slain is still designated 'bullock'.
- (4) Whether blood by itself is equivalent to the whole animal so that the terms may be used indiscriminately or not?
- (5) Lev. XVI, 3.
- (6) How will he explain this verse?
- (7) with such ministrations in view is Aaron permitted to enter the sanctuary, to perform all details in connection with the bullock.
- (8) That another priest may not enter with the blood of a bullock slain by the first priest who died.
- (9) Tem. 15a.
- (10) Hence no further ministration is possible with it.
- (11) Bullock of the Day of Atonement.
- (12) V. Tem. 14a (Mishnah); v. next note.
- (13) This is omitted in Mishnah Tem. hence var. lec. 'it has been taught' instead of 'we have learnt', v. note 2.
- (14) In accord with the view of the first Tanna, whom R. Meir opposes, that only community-offerings can suspend these laws.
- (15) Tosef. Tem. I.
- (16) To the same first Tanna whom R. Meir opposes.
- (17) Brought by the pilgrims to the Temple on the occasion of a festival (Ex. XXIII, 14).
- (18) The assumption being that only thus could they fail to suspend either of the laws.
- (19) The Pancakes of the high priest are to be offered at a definite time every day, whereas the festive offering may be brought for seven days following the festival, hence having no definite time.
- (20) Hence we have no proof that any Tanna is of the opinion that the bullock of the Day of Atonement is a community-sacrifice.
- (21) Infra 65a.
- (22) When they are found again, they are deprived of food until they die.
- (23) Because of a blemish or their repulsive appearance.
- (24) Hence we see that these Tannaim consider the bullock of the Day of Atonement a community-offering, in clear contradiction of the statement above.
- (25) In the cited Baraitas.
- (26) The bullock brought by the high priest on the Day of Atonement being considered a sacrifice belonging to partners because all the priests share in the atonement effected by it.
- (27) Since in either case the animal is not left to die, whether we call it a community sacrifice or one belonging to partners?
- (28) If the Beth din by error had wrongly advised the priests, such error would not be considered 'error of the community', as when a whole tribe by mistake transgresses the law, but would be considered a sacrifice of partners, which is not left to die. Herein lies the practical difference, hence the justification of the distinction.

Talmud - Mas. Yoma 50b

According to him who holds that the bullock of the Day of Atonement is a private sacrifice, is a substitute made for it valid¹ or not? Does not this imply that there is one who considers it a community-offering?² - No, the inference is that there is one who considered it an offering of partners.³

[To turn to] the main text: R. Eleazar asked: According to him who holds that the bullock of the Day of Atonement is an offering of an individual, is a substitute made for it valid or not?¹ What is his question? [Shall we say, as to] whether [the validity of a substitute] is dependent on him who consecrated it, or on him who attains atonement thereby?⁴ Obviously [it may be objected] we make it dependent on him who obtains atonement thereby.⁴ for R. Abbuha said in the name of R. Johanan: He who consecrates must add the fifth to and he who obtains atonement thereby can render valid a substitute,¹ and one who separates the priestly gift from his own produce for that of his neighbour has the benefit of the pleasure!⁵ In truth it is obvious that the matter depends on him who obtains atonement, and this is what he asked: Have his fellow-priests a definite share in the atonement⁶ or do

they receive their forgiveness merely by implication?⁷ Come and hear: There are some aspects of the original sacrificial animal severer than those of a substitute animal, there are some aspects in which the substitute animal has more rigid rules than the original sacrificial animal. More severe are the regulations touching the original inasmuch as it applies both to an individual and to a community, suspends the Sabbath law, and the law concerning levitical impurity, and renders a substitute [valid,] all these things not applying to the substitute animal.⁸ More severe are the regulations touching a substitute animal than those of the original sacrificial animal, inasmuch as a substitute is effected⁹ even if it have a permanent blemish, and it cannot be made available [on redemption] for profane use, either to be shorn, or put to work,¹⁰ all these things not applying to the original animal.¹¹ Now what kind of sacrifice is meant here? If we are to assume an individual's sacrifice [is meant]. how could it suspend the laws of either Sabbath or those touching levitical impurity; if, again, the reference be to a community sacrifice, how could it be replaced? Hence the reference here must be to the [high priest's] bullock, and [it is stated that] 'it suspends both Sabbath and impurity laws' because it has a definite time; and 'renders its substitute [valid]' — because It is the offering of an individual!¹² -Said R. Shesheth: No, the reference here is to the ram of Aaron.¹³ Thus, indeed, does it also appear logical. For if we were to assume the reference is to the bullock, [the question would arise, Is it] that the substitute of the bullock does not suspend the Sabbath or the laws of impurity, but on a week-day it can be offered; surely is it not the substitute of a sin-offering,¹⁴ and 'the substitute of a sin-offering is left to die'?-No! in truth, [the reference here is to] his bullock, and what does substitute mean here? [That which goes by] the name of substitute.¹⁵ — But, if so, sacrifice here, too, should mean [that which goes by the name of] an original sacrifice?¹⁶ — No, he does not deal with [whatever goes by the name of] an original sacrifice. Whence that?-Since it states: 'There are restrictions In the law regarding substitute animals, in that even a permanently blemished animal is affected, and it cannot be made available for profane use either to be shorn or put to work'. Now if the thought should arise in you that the word 'sacrifice' here meant [whatever goes by] the name of an original sacrificial animal, surely there is

(1) V. Lev. XXVII, 10.

(2) A substitute for a congregational sacrifice is not valid. V. Tem. 13a.

(3) A substitute for a sacrifice of partners is not valid, 13a.

(4) This is the problem: If it is determined by the one who consecrated then in his case the substitute would be valid, since it is the high priest, from whose possession it comes, who consecrated it. If, however, it depends on those who obtain forgiveness, then no such substitution would be possible. There are many. i.e., his fellow-priests, who obtain forgiveness with the bullock, and no substitute can be made in the case of a sacrifice of partners. (9) If someone consecrates an animal for his fellow, whose duty is thereby to be fulfilled, and it suffers a blemish and he wishes to redeem it, the one who consecrated it is considered its owner and must add a fifth to its value (v. Lev. XXVII, 19). whereas he who is to obtain atonement thereby, would not have to add the fifth, because Scripture insists (ibid.): And he that sanctified...will redeem it, then he shall add the fifth part of the valuation.

(5) He has the privilege of bestowing it upon whatever priest he chooses. This shows that there is no question that the validity of a substitute is determined by the one who consecrated the original sacrifice. What point then was there in R. Eleazar's question?

(6) Through the bullock of the high priest, i.e., are they to be considered partners in the sacrifice from the time of its dedication.

(7) Jast.: circuit, transference in direction. Rashi: floating, unsettled condition. Goldschmidt: from Syriac: the bearer (of atonement). i.e., the high priest.

(8) No substitute for a substitute is valid.

(9) The animal itself, even though it be blemished, partakes of sacrificial holiness, although unfit for the altar.

(10) I.e., even after redemption the substitute may neither be shorn nor put to work, though its flesh may be consumed as non-holy meat.

(11) If the original sacrificial animal had been blemished the owner who consecrated it could consecrate only its value, hence the animal on redemption was made available for profane use without any reservation.

(12) Which solves the question of R. Eleazar.

(13) I.e., the ram brought by the high priest for his own atonement on the Day of Atonement, v. Lev. XVI, 3.

(14) V. Lev. *ibid.*

(15) The teaching speaks here of a substitute in general, not of a substitute of any particular original sacrificial animal. The restriction concerning substitutes lies in the fact that no substitute ever suspends the law of the Sabbath, even though the substitute be offered up.

(16) Without referring to any original sacrifice in particular; why then refer the term either to his bullock or the ram of Aaron?

Talmud - Mas. Yoma 51a

the first-born and the tithe of cattle, the laws of which affect even a permanently blemished animal, and which are not available [on redemption] for profane use to be subjected to shearing or work. Hence [you must say] he does not deal with [whatever goes by] the name of an original sacrifice.¹ Why is it different with substitute animals? — The substitutes all have uniform rules, whereas the original sacrificial animal includes first-born and tithe for cattle. Now, as to R. Shesheth, why does he refer the teaching to the ram of Aaron, let him rather refer to the paschal lamb, which suspends the laws of the Sabbath and of levitical uncleanness and can have a substitute because it is an individual's sacrifice?—He holds that a paschal lamb is never offered for one individual.² Then let him put the case as dealing with the second paschal lamb? — Is that able to suspend the laws of levitical impurity?

Said R. Huna the son of R. Joshua to Raba: Why does the Tanna³ designate the paschal lamb an individual's sacrifice and the festal offering a community sacrifice? Would you say because the latter is offered up by large crowds?⁴ So is the paschal lamb offered up by large crowds. — There is the second paschal lamb, which is not offered up by large crowds. Said he to him: If so, it ought to suspend the laws of Sabbath and those of levitical impurity.⁵ — He answered: Yes, he holds in accord with him who says that it suspends [them]. For it was taught: The second paschal lamb suspends the Sabbath, but not the laws of levitical impurity.⁶ R. Judah says: It suspends also the laws of levitical impurity. What is the reason for the view of the first Tanna? He will tell you: 'You have postponed it'⁷ only because of levitical impurity, how then shall it suspend the laws of levitical impurity!' And R. Judah?—He will tell you: Scripture says: According to all the statute of the passover shall they keep it,⁸ i.e., even in levitical impurity. The Torah gave him an opportunity to do it in levitical purity, but if he was not privileged to do so, let him do it even in impurity. [

(1) But with one particular type of original sacrifice.

(2) This is the view of R. Judah (Pes. 91a), there being always more than one to subscribe to the cost of the paschal lamb, which must be eaten up within its prescribed limited time, Ex. XII, 10.

(3) Supra 50a.

(4) I.e., on festivals when there are many pilgrims in the Temple.

(5) Since the reference is to the second paschal lamb. MS.M.: '(how state that) it suspends the law of Sabbath!'

(6) Pes. 95b.

(7) The offering of the paschal lamb, v. Num. IX, 11.

(8) *Ibid.* IX, 12.

Talmud - Mas. Yoma 51b

But let him infer it¹ from the words of the Divine Law: 'which is of himself',² i.e., he shall bring it from what belongs to him, for it was taught 'which is of himself', that means he must bring it of his own possession, not from community funds. One might have assumed he must not bring it from community funds, because the congregation obtains no atonement therefrom, but he may bring it from the funds of his fellow-priests, because they do obtain atonement therefrom, therefore Scripture says: 'which is of himself'. One might have assumed he must [de jure] not bring it from funds beside

his own, but that if he [de facto] had done so, it would be valid, therefore Scripture says again: 'which is of himself', repeating the condition in order to render conformity with it indispensable.³ — But according to your own view: If his fellow-priests have no part in it, how can they obtain atonement, [even by implication]?⁴ Rather must you say it is different with regard to the private treasury of Aaron⁵ for the Divine Law has declared it free to his fellow-priests, thus also with regard to the [question of a] substitute sacrifice [we say] the private treasury of Aaron is different since the Divine Law has made it free for his fellow-priests.

MISHNAH. HE WENT THROUGH THE HEKAL⁶ UNTIL HE CAME TO THE PLACE BETWEEN THE TWO CURTAINS WHICH SEPARATED THE HOLY FROM THE HOLY OF HOLIES AND BETWEEN WHICH THERE WAS [A SPACE OF] ONE CUBIT. R. JOSE SAID: THERE WAS BUT ONE CURTAIN, AS IT IS SAID: AND THE VEIL SHALL DIVIDE UNTO YOU BETWEEN THE HOLY PLACE AND THE MOST HOLY.⁷ GEMARA. R. Jose gave a proper rejoinder to the Rabbis. What about the Rabbis? — They will tell you: Those things⁸ applied at the Mishkan,⁹ but in the Second Temple, because there was lacking the partition wall¹⁰ which had been in the first Temple — and the Sages were doubtful as to whether its sacredness partook of the character of the Holy or the Holy of Holies, they made two curtains.¹¹

Our Rabbis taught: He was walking between altar and candlestick.¹² This is the view of R. Judah. R. Meir says: Between the table¹³ and the altar. Some there are who say: Between the table and the wall.¹⁴ Who are the 'some'? — R. Hisda said: It is R. Jose. who said: The entrance was to the north.¹⁵ And R. Judah? — He will tell you that the entrance was to the south. According to whose view was that of R. Meir? If it agreed with R. Judah's, let him enter as R. Judah states,¹⁶ if it agreed with R. Jose, let him enter as R. Jose states! In truth he agrees with R. Jose, but he will tell you the tables¹⁷ were placed between north and south, hence they would interrupt his walk, preventing him from getting himself in.¹⁸ Or, if you like you might say: In truth, the tables were placed from east to west, but it does not seem proper

(1) The answer to the question above of R. Eleazar concerning the relation of the fellow-priests to the high priest's Day of Atonement bullock.

(2) Lev. XVI, 6 with reference to his bullock.

(3) Lev. XVI, 11 surely indicates that they have no share in the bullock, but receive atonement only by implication through the high priest's atonement, although the bullock is his own private property.

(4) So Bah.

(5) I.e., in respect of the bullock of the Day of Atonement.

(6) V. Glos.

(7) Ex. XXVI, 33.

(8) The one curtain referred to in Exodus.

(9) The Sanctuary in the wilderness.

(10) I Kings VI, 16 refers to the two cedar-covered partitions, with a vacant space between them, which separated the Holy Place from the Holy of Holies, occupying the space of one cubit, but the text: And he built twenty cubits on the hinder part of the house with boards of cedar from the floor unto the joists, leaves it undecided from which of the two holy areas the space of one cubit was to be deducted.

(11) In the second Temple that partition was replaced by two curtains with a space between them.

(12) As he entered, he moved southward between the inner altar and candlestick, which was to the south, walking toward the curtain.

(13) The table was placed next to the northern wall, the candlestick next to the southern wall, the golden altar between them. According to R. Judah the high priest walked toward the Holy of Holies between altar and candlestick, that is on the southern side. According to R. Meir between table and altar, i.e., on the northern side.

(14) According to R. Jose between table and wall, on the northern side.

(15) R. Jose held that there was but one curtain, clasped on the north side, and since the entrance was on the north side, the high priest of necessity was walking along the northern wall.

(16) R. Judah also agreed that the immediate entrance into the Holy of Holies had to be on the northern side but he held that there were two curtains, with the outer one clasped to the southern side, through which he first entered, hence the high priest was walking along the southern wall till he reached the outer entrance, then walking along between the two curtains towards the north till he reached the second entrance leading immediately into the Holy of Holies.

(17) Solomon had made ten tables arranged in two rows of five tables, to the left and right of the table of shewbread. The Sages discuss if these tables were placed lengthwise from south to north or from east to west. R. Meir held the former view, so that all the tables were placed in the northern half of the Sanctuary (Ex. XXVI, 35): And thou shalt put the table on the north side. Now the breadth of the Sanctuary was twenty cubits, its northern half ten cubits; the length of a table two cubits, so that each row of five tables filled the northern half of the Temple hall, without any free space between tables and wall. If any space were left free, then the row of the tables would to that extent encroach upon the southern half. Thus the tables would block the high priest on his walk between the table and the wall.

(18) Between the table and the wall.

Talmud - Mas. Yoma 52a

to go straight ahead [towards the seat of the Divine Presence].¹ And R. Jose? — Israel is so beloved that Scripture does not wish to burden their messenger.² As to R. Judah, let him enter between the candlestick and the wall! — His garments would become blackened.³ R. Nathan said: Concerning the 'cubit of partition', the Sages did not decide as to whether its sanctity was that of the Holy of Holies or of the Holy Place outside of it. To this Rabina demurred: What was their reason? Shall we say because it is written: And the house which King Solomon built for the Lord, the length thereof was three score cubits, and the breadth thereof twenty cubits, and the height thereof thirty cubits.⁴ [Also] it is written: And the house, that is, the Temple before [the Sanctuary], was forty cubits long⁵ and it is further written: And before the Sanctuary which was twenty cubits in length, and twenty cubits in breadth, and twenty cubits in the height thereof⁶ — so that we do not know whether the [space of] a cubit of the partition was to be deducted from the twenty or the forty, — perhaps it is to be deducted from neither the twenty nor the forty, the account referring only to the free spaces, not to the walls. As a proof [is the fact] that whenever the walls are mentioned, they are mentioned separately, for we have learnt: The Sanctuary was a hundred cubits square and a hundred cubits in height. The wall of the Ulam⁷ was five [cubits thick] and the Ulam eleven. The wall of the Sanctuary six, and its interior forty cubits, the partition one cubit and the Holy of Holies twenty cubits, the wall of the Sanctuary six, the cell six and the wall of the cell five!⁸ — Rather, the question is whether the sanctity of the partition is as that of the inner part [the Holy of Holies], or the outer part, and this is as R. Johanan reported: Joseph of Huzal asked: [It is written], And a debir⁹ in the midst of the house from within he prepared to set there the ark of the covenant of the Lord.¹⁰ The question was asked [in the Academy]: What does Scripture mean to say? [Does it mean] 'a debir in the midst of the house; from within he prepared to place the ark there'; or 'a debir in the midst of the house from within'?¹¹ — But could they have any doubt? Surely it was taught: Issi b. Judah said: There are five verses in the Torah [the grammatical construction of] which is undecided:

(1) on the assumption that they were placed between east and west, so that he could walk unhandicapped along the north wall towards the Holy of Holies, the suggestion is offered that it would not be in accord with the reverence due to that sacred place for the high priest to walk straight towards it, 'feasting his eyes all the time on that most awe-inspiring place, through the opening through which he was to enter, hence R. Meir's view.

(2) The high priest, as representative of Israel, is permitted to avoid the weary detour between table and altar and to proceed straight along the north wall towards the Holy of Holies.

(3) From the smoke (soot) of the candlestick on the wall.

(4) I Kings VI, 2.

(5) Ibid. 17.

(6) I Kings VI, 20.

(7) The hall leading into the interior of the Temple.

(8) V. Mid. IV. 6 and 7. Hence the question above is answered.

(9) E.V. 'Sanctuary:' here taken to denote the space between the partition dividing the Holy from the Holy of Holies.

(10) I Kings VI, 19.

(11) According to the first interpretation the cubit partition would be excluded then from the Holy of Holies. Does the 'from within' belong to the first part of the verse, referring to the debir or to the second interpretation and refer to the Holy of Holies?

Talmud - Mas. Yoma 52b

'lifted up',¹ 'like almond-blossoms';² 'tomorrow',³ 'cursed'⁴ and 'rise up'.⁵ It was also taught:⁶ Joseph of Huzal is the same as Joseph the Babylonian, and is identical⁷ with Issi b. Judah, also with Issi b. Gur Aryeh,⁸ also with Issi b. Gamliel, also with Issi b. Mahalalel. What was his real name? Issi b. Akiba!⁹ — In the Torah there is no other,¹⁰ but in the Prophets there is. But is there in the Torah no other; surely there is for R. Hisda asked:¹¹ [It is written], And he sent the young men of the children of Israel, who offered burnt-offerings,¹² [does it mean] of lambs; and sacrificed peace-offerings unto the Lord [namely of oxen]; or [does the word] 'oxen' refer to all [sacrifices]?¹³ — R. Hisda had indeed his doubts about it, but to Issi b. Judah it was obvious.

MISHNAH. THE OUTER CURTAIN WAS HELD BACK BY A CLASP ON THE SOUTH SIDE AND THE INNER CURTAIN ON THE NORTH SIDE. HE WALKED ALONG BETWEEN THEM UNTIL HE REACHED THE NORTH SIDE. WHEN HE REACHED THE NORTH SIDE HE TURNED ROUND TO THE SOUTH AND WENT ON ALONG THE CURTAIN, TO HIS LEFT, UNTIL HE REACHED THE ARK. WHEN HE REACHED THE ARK HE PUT THE PAN OF BURNING COALS BETWEEN THE TWO BARS.¹⁴ HE HEAPED UP THE INCENSE UPON THE COALS AND THE WHOLE HOUSE BECAME FULL WITH SMOKE. HE CAME OUT BY THE WAY HE ENTERED¹⁵ AND IN THE OUTER HOUSE¹⁶ HE UTTERED A SHORT PRAYER. HE DID NOT MAKE THE PRAYER LONG SO AS NOT TO FRIGHTEN ISRAEL.

GEMARA. To what are we referring here? If it be the first Sanctuary, was there then a curtain?¹⁷ Again, if it is to the second Sanctuary, was there then an Ark? Surely it has been taught: When the Ark was hidden, there was hidden with it the bottle containing the Manna,¹⁸ and that containing the sprinkling water,¹⁹ the staff of Aaron,²⁰ with its almonds and blossoms, and the chest which the Philistines had sent as a gift to the God of Israel, as it is said: And put the jewels of gold which you return to Him for a guilt-offering in a coffer by the side thereof and send it away that it may go.²¹ Who hid it? — Josiah hid it. What was his reason for hiding it? — He saw the Scriptural passage: The Lord will bring thee and thy King whom thou shalt set over thee,²² therefore he hid it, as it is said: And he said to the Levites, that taught all Israel, that were holy unto the Lord: Put the holy ark into the house which Solomon, the son of David, King of Israel did build. There shall no more be a burden upon your shoulders now. Serve now the Lord your God and His people Israel.²³ And R. Eleazar said: We derive by analogy²⁴ between the words 'there', 'generations' and 'to be kept' occurring in these passages!²⁵ In truth we refer to the second Sanctuary and what does 'He came to the Ark' mean? I.e., he came to the place of the Ark. But the text reads: HE PLACED THE PAN OF BURNING COALS BETWEEN THE TWO BARS?²⁶ — Read [it to mean]: 'as if it were between the two bars'.

HE HEAPED THE INCENSE UPON THE COALS. We learn here in accordance with the view that he heaped it [the incense]²⁷ up. One [Baraita] taught: He begins to heap it up on the inner side, which is to him the outer side,²⁸ whereas another taught: he begins to heap it up on the outer side which is to him the inner side. Abaye said: It is a matter of dispute among Tannaim. Further said Abaye: The view of him who holds he begins to heap it on the inner side, which is to him the outer side, seems logical, for we have learnt:²⁹ One teaches him: Be careful

(1) Gen. IV, 7: The meaning could be: If thou doest well (good!) — but thou must bear the sin, if thou doest not well; or

the usual interpretation: If thou doest well, there will be forgiving (or lifting up of face); and if thou doest not well, sin coucheth at the door.

(2) Ex. XXV, 33: Three cups, made like almond-blossoms in one branch, a knop and a flower, or: Three cups, like almond-blossoms . . . a knop and a flower.

(3) Ex. XVII, 9: Go out and fight with Amalek tomorrow; I will stand on the top of the hill, etc.

(4) Gen. XLIX, 6, 7: And in their self-will they houghed oxen. Cursed be their anger, for it was fierce. Or: And in their self-will they houghed the cursed oxen. Their anger was fierce. (The cursed oxen would thus be an uncomplimentary reference to Shechem, a descendant of Canaan cursed in Gen. IX, 25).

(5) Deut. XXXI, 16: Behold thou art about to sleep with thy fathers; and (this people) will rise up. Or: Behold thou art about to sleep with thy fathers and (wilt in future) rise up. This people will go astray after the foreign gods. — Tosaf. s.v. endeavours to account for the curious order of the sentences quoted.

(6) Pes. 113b.

(7) Issi as an abbreviation of Joseph is perfectly possible. Tosaf.

(8) Judah is called Gur Aryeh (a lion's whelp) in the blessing of Jacob, hence the substitution here, v. Gen. XLIX, 9.

(9) V. Pes., Sonc. ed., p. 585. n. 6.

(10) Now Joseph of Huzal is here identified with Issi b. Judah and yet among the ambiguous passages here enumerated, the passage which aroused his question (I Kings VI, 20) is not mentioned!

(11) Hag. 6b.

(12) Ex. XXIV, 5.

(13) I.e., also to burnt-offerings, the meaning depending on the pause: If we pronounce 'oloth' (burnt-offerings) at the end of the middle pause, or read on without such pause in the middle.

(14) V. Ex. XXV, 13f.

(15) Just as, on entering, he turned southwards until he reached the Ark, thus as he left, he did not turn his face, but went backwards, with his face toward the Ark (Rashi).

(16) In the Sanctuary.

(17) V. supra 51b.

(18) Ex. XVI, 33.

(19) Num. XIX, 9.

(20) Num. XVII, 25.

(21) I Sam. VI, 8. Hence it is evident that it was placed together with the Ark and the fear was justified that together with the latter these things might be exiled and lost.

(22) Deut. XXVIII, 36.

(23) II Chron. XXXV, 3.

(24) That the other objects enumerated were hidden at the same time as the Ark.

(25) Ex. XXX, 6 and *ibid.* XVI, 33, the word 'there' occurs, justifying the inference that something must occur in both the Ark and the manna; in the passage referring to the latter, Ex. XVI, 33, as well as in the passage referring to the oil for anointing (*ibid.* XXX, 31) the priests the word 'generations' occurs, again indicating some justified inference of something in common; finally, in connection with the manna as well as in the passage about the staff of Aaron the word 'to be kept' occurs (Ex. XVI, 33 and Num. XVII, 25). From all these word analogies the inference is drawn that what manna, bottle, oil, staff of Aaron and Ark had in common is that having been placed in or near the Ark, they also were hidden together. Hence the reference in the Mishnah could not be to the second Sanctuary either.

(26) He placed it just where the two staves had been in the first Sanctuary.

(27) V. supra 49b.

(28) I.e., he commences to heap up the incense from the inside part of the coal-pan in relation to the Holy of Holies, working outwardly towards his arm. I.e., he commenced to heap up the incense on the outer side of the pan in relation to the Holy of Holies, working towards the inside, away from his arm, with the precaution suggested below.

(29) Tamid 33a.

Talmud - Mas. Yoma 53a

not to start in front of thee lest thou be burnt.¹

Our Rabbis taught: And he shall put the incense upon the fire before the Lord:² i.e., he must not put it in order outside and thus bring it in. [This is] to remove the error from the minds of the Sadducees who said: He must prepare it without, and bring it in. What is their interpretation? — For I appear in the cloud upon the ark-cover³ 'that teaches us that he prepares it outside and brings it in'. The Sages said to them: But it is said already 'And he shall put the incense upon the fire before the Lord'.⁴ If so for what purpose then is it stated 'For I appear in the cloud upon the ark-cover'? It comes to teach us that he puts into it a smoke-raiser.⁵ — Whence do we know that he must put a smoke-raiser into it? — Because it is said: So that the cloud of the incense may cover the ark-cover.⁶ But if he did not put a smoke-raiser into it, or that he omitted one of its spices he is liable to death. But [why not] infer this⁷ from the fact that he effected an entrance for no purpose.⁸ R. Shesheth said: We speak here of the case that he was in error about the entrance,⁹ but deliberate in omitting the spice. R. Ashi said: You might even set the case when he was deliberate with regard to both but [here we deal with the case] where he brought in two incenses, one incomplete, the other defective, so that he is not guilty because of the purposeless entrance because he had offered up a perfect incense, but he is guilty in regard to the incense because he had offered up one defective incense.

The Master had said: 'Whence is it known that he must place a smoke-raiser into it? To teach us that, it is said: "So that [the cloud] may cover etc."¹⁰ [What need of] one scriptural verse added to another?¹¹ — Said R. Joseph: This is what is meant: From here I know only about the leaf of the smoke-raiser, whence do I know about the root?¹² To teach us that Scripture said: 'So that it may cover [etc.]'.¹³ Said Abaye to him: But the opposite has been taught; for it was taught: If when he put in the root of the smoke-raiser, it would rise up straight like a stick until it reached the ceiling beams; as soon as it reached the beams of the ceiling it would come slowly down the walls until the house became full of smoke, as it is said: And the house was filled with smoke?¹⁴ — Rather, said Abaye, this is what it means: Now I know only about the root of the smoke-raiser, whence do I know also about its leaf? To teach us that Scripture said: 'So that it may cover [etc.]'.

R. Shesheth said: I know only about the Tent of Meeting in the wilderness; whence do I know about Shiloh and the eternal Sanctuary? To teach us that Scripture said: 'So that it may cover [etc.]'. But that we infer from, And so shall he do for the Tent of Meeting, that dwelleth with them?¹⁵ — Rather is this meant: Now I know about the Day of Atonement,¹⁶ whence do I know about the other days of the year? To teach us that, Scripture said: 'So that it may cover [etc.]'. R. Ashi said: One [passage] refers to the commandment, the other to its indispensableness.¹⁷ Raba said: One refers to the penalty incurred, the other to the prohibition.¹⁸ It was taught: R. Eliezer said: That he die not,¹⁹ i.e., the penalty, For I appear in the cloud, i.e., the prohibition. I might have assumed that both were stated before the death of the sons of Aaron,²⁰ to teach us [the true fact] it is written: After the death of the two sons of Aaron.²¹ One might assume that both were said after the death of the two sons of Aaron; to teach us [the true fact] it is written: 'For I will appear in the cloud upon the ark-cover.'²² How is that [to be explained]? The prohibition [was stated] before the death, the penalty after the death. — How is this inference made? Raba said: 'For I will appear in the cloud' — but He had not appeared²³ yet. Then why were they punished? — As it was taught: R. Eliezer said: The sons of Aaron died only because they decided a question of law in the presence of Moses their Master. What was it they decided? — And the sons of Aaron the priest shall put fire upon the altar²⁴ [means] although the fire was coming down from heaven²⁵ yet was it obligatory to bring private²⁶ fire.

HE CAME OUT BY THE WAY HE ENTERED: Whence is this known? — Said R. Samuel b. Nahmani in the name of R. Jonathan: Scripture said: So Solomon came to the high place that was at Gibeon, [unto] Jerusalem.²⁷ What has Gibeon to do with Jerusalem?²⁸ Rather, [Scripture] compares his departure from Gibeon towards Jerusalem with his entrance from Jerusalem into Gibeon, i.e., just as when he entered Gibeon from Jerusalem his face was directed towards the high place, in the same way as he had come in; in the same manner as he left Gibeon for Jerusalem his face was turned toward the high place even in the same way as when he had come in.²⁹ In similar manner the priests

as they ministered, the Levites on their service, the Israelites on their posts³⁰ — as they left they would not turn their face back, to go out, but would turn their face sideways to leave. Thus also a disciple taking leave of his master, must not turn his face back to go away, but must turn sideways to depart. As was the case with R. Eleazar, whenever he took leave of R. Johanan: if R. Johanan wanted to leave, R. Eleazar would stand on his place, the head bowed, until R. Johanan disappeared from his sight but when R. Eleazar wished to take leave he would walk backwards until he disappeared from the sight of R. Johanan. When Raba was about to take leave of R. Joseph he would go backwards, so that his feet were bruised and the threshold of the house of R. Joseph was stained with blood.

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- (1) The incense which he had heaped up towards his end and which burns continually may touch his arm and burn it whilst he is working it towards the other side.
- (2) Lev. XVI, 13.
- (3) The Sadduceans in literal translation have this interpretation: 'I, the Lord, am to be visited', i.e., seen, in the Holy of Holies, in the cloud of the smoke of incense, which must be a cloud, i.e., prepared outside, so that when, in the Holy of Holies I am seen, it is in the cloud of incense, all ready and rising up, as the high priest enters.
- (4) Which clearly shows that the incense is put in the fire inside.
- (5) The name of a plant used as an ingredient of the incense and whose effect lay in achieving a straight rising smoke.
- (6) Lev. XVI, 13.
- (7) That he is culpable if he omitted one of its ingredients.
- (8) That is indicated already by the passage in Lev. XVI,2: That he come not at all times ... lest he die, which indicates that a fruitless entrance incurs such penalty, hence no additional source of that law is necessary.
- (9) To which no penalty of death is attached.
- (10) The incense without the smoke-raiser could not possibly effect such 'covering'.
- (11) From the passage 'For in the cloud, etc.' we inferred the necessity of the smokeraiser, why then an additional verse?
- (12) Whether the roots or the leaf achieved the straight smoke. R. Joseph holds that the leaves had such property, Abaye attributed that quality to the root.
- (13) 'Cover' may refer to the capacity to just cover the ark-cover, but not to rise above it.
- (14) Isa. VI, 4. This proves that the root is more effective for producing the straight smoke.
- (15) Lev. XVI, 16, i.e., wherever he shall dwell with them, shall they do this.
- (16) The portion of the Torah refers to the Day of Atonement.
- (17) 'So that it may cover' is the command. He shall not come at all times ... for in a cloud shall I appear — and not otherwise is the prohibition that the incense is indispensable.
- (18) Lit., 'warning'.
- (19) Lev. XVI, 13.
- (20) Who died in expiation of their sin; and thus assumed it was their neglect to put the smoke-raiser into the incense.
- (21) Lev. XVI, 1.
- (22) This is the literal rendering.
- (23) I.e., when this scriptural verse was uttered the Lord had not appeared yet. But if the reference were to a time after the death of the two sons of Aaron, He would have appeared already, namely on exactly that day, as it is said: And the glory of the Lord appeared unto all the people. (Lev. IX, 23).
- (24) Lev. I, 7.
- (25) V. supra 21b.
- (26) Although their decision was correct, they incurred penalty for their presumptuousness in rendering a decision before their master, instead of requesting him to render it for them.
- (27) II Chron. I, 13.
- (28) The indeterminate 'Jerusalem' in the text is ambiguous and therefore invites ad hoc interpretation.
- (29) So that the text means: In the same manner as Solomon journeyed to Gibeon, so did he proceed on his return journey from Gibeon to Jerusalem.
- (30) V. Ta'an. 24a.

The people told R. Joseph that Raba did that, whereupon he said to him: May it be the will [of God] that you raise your head above the whole city.¹ R. Alexandri said in the name of R. Joshua b. Levi: One who prays [the 'Amidah]² should go three steps backwards, and then recite 'peace'.³ R. Mordecai said to him: Having taken the three steps backwards, he ought to remain standing, as should a disciple who takes leave of his master; for if he returns at once, it is as with a dog who goes back to his vomit. It has also been taught thus: One who prays shall take three steps backwards and then pronounce 'peace'. And if he did not do so, it would have been better for him not to have prayed at all. In the name of R. Shemaya they said: He should pronounce 'peace' towards the right, then towards the left, as it is said: At His right hand was a fiery law unto them,⁴ and it is also said: A thousand may fall at thy side and ten thousand at thy right hand.⁵ For what reason 'and it is also said'? — You might have said it is the usual thing to take a thing with the right hand,⁶ come therefore and hear: 'A thousand may fall at thy side and ten thousand at thy right hand'.⁷

Raba saw Abaye pronouncing 'peace' first towards the right and he said to him: Do you mean that your right hand is meant? It is your left hand, which is the right of the Holy One, blessed be He. R. Hiyya the son of R. Huna said: I saw Abaye and Raba who were taking all three steps with one genuflexion.

AND HE UTTERED A SHORT PRAYER IN THE OUTER HOUSE: What did he pray? Raba son of R. Adda and Rabin son of R. Adda both reported in the name of Rab: 'May it be Thy will, O Lord our God, that this year be full of heavy rains and hot'. But is a hot year an advantage? — Rather: If it be a hot one, let it be rich in rain. — R. Aha the son of Raba concluded the prayer in the name of R. Judah [thus]: May there not depart a ruler from the house of Judah, and may the house of Israel not require that they sustain one another, and permit not the prayers of travellers⁸ to find entrance before you. R. Hanina b. Dosa was walking along a road when rain came down upon him. He said: 'Lord of the Universe! All the world is comfortable and Hanina is afflicted!' The rain stopped. As he came home, he said: 'Lord of the Universe! All the world is afflicted and Hanina is comfortable!'⁹ The rain came again. R. Joseph said: Of what use is the prayer of the high priest against R. Hanina b. Dosa!

Our Rabbis taught:¹⁰ It happened with one high priest that he prolonged his prayer. His fellow priests undertook to enter after him. As they began to enter he came forth. They said to him: Why did you prolong your prayer? — He said: Is it disagreeable to you that I prayed for you, for the Sanctuary, that it be not destroyed? — They said to him: Do not make a habit of doing so, for thus have we learnt: He would not pray long lest he terrify Israel.¹¹

MISHNAH. AFTER THE ARK HAD BEEN TAKEN AWAY, THERE WAS A STONE FROM THE DAYS OF THE EARLIER PROPHETS,¹² CALLED THE SHETHIYAH,¹³ THREE FINGERS ABOVE THE GROUND, ON WHICH HE WOULD PLACE [THE PAN OF BURNING COALS]. HE WOULD TAKE THE BLOOD FROM HIM WHO WAS STIRRING IT, AND ENTER [AGAIN] INTO THE PLACE WHERE HE HAD ENTERED,¹⁴ AND STAND [AGAIN] ON THE PLACE ON WHICH HE HAD STOOD,¹⁵ AND SPRINKLE THEREOF ONCE UPWARDS¹⁶ AND SEVEN TIMES DOWNWARDS, AIMING TO SPRINKLE NEITHER UPWARDS NOR DOWNWARDS BUT KEMAZLIF [MAKING THE MOVEMENT OF SWINGING A WHIP]. AND THUS WOULD HE COUNT: ONE, ONE AND ONE, ONE AND TWO, ONE AND THREE, ONE AND FOUR, ONE AND FIVE, ONE AND SIX, ONE AND SEVEN. THEN HE WOULD GO OUT AND PUT IT ON THE GOLDEN STAND IN THE SANCTUARY. ONE WOULD BRING HIM THE HE-GOAT, HE WOULD SLAY IT, RECEIVE ITS BLOOD IN A BASIN, ENTER [AGAIN] THE PLACE HE HAD ENTERED BEFORE, STAND [AGAIN] ON THE PLACE HE HAD STOOD ON BEFORE AND WOULD SPRINKLE THEREFROM ONCE UPWARDS AND SEVEN TIMES DOWNWARDS. THUS WOULD HE COUNT; ONE, ONE AND TWO, ETC. THEN HE WOULD GO OUT AND PLACE IT ON THE SECOND GOLDEN STAND IN THE

SANCTUARY. R. JUDAH SAID: THERE WAS NO MORE THAN ONE GOLDEN STAND. HE WOULD¹⁷ TAKE THE BLOOD OF THE BULLOCK AND PUT DOWN THE BLOOD OF THE HE-GOAT, SPRINKLE THEREOF UPON THE CURTAINS FACING THE ARK OUTSIDE, ONCE UPWARDS, SEVEN TIMES DOWNWARD, AIMING TO SPRINKLE NEITHER UPWARDS NOR DOWNWARDS, BUT KE-MAZLIF [MAKING THE MOVEMENT OF SWINGING A WHIP]. THUS WOULD HE COUNT [AS ABOVE]. THEN HE WOULD TAKE THE BLOOD OF THE HE-GOAT, DEPOSITING THE BLOOD OF THE BULLOCK, AND SPRINKLE THEREOF UPON THE CURTAIN FACING THE ARK OUTSIDE ONCE UPWARDS, SEVEN TIMES DOWNWARDS [AS ABOVE]. THEN HE WOULD POUR THE BLOOD OF THE BULLOCK INTO THE BLOOD OF THE HE-GOAT EMPTYING THE FULL VESSEL INTO THE EMPTY ONE. GEMARA. [The Mishnah] does not teach ‘After the Ark has been hidden away’, but ‘After the Ark had been taken away’, this is in accord with him who holds that the Ark went into exile to Babylonia, for it was taught: R. Eliezer said: The Ark went into exile to Babylonia, as it was said: In the following year King Nebuchadnezzar sent and had him brought to Babel together with the precious vessels of the house of the Lord.¹⁸ R. Simeon b. Yohai said: The Ark went into exile to Babylonia, as it was said: Nothing shall be left, saith the Lord,¹⁹ i.e., the Ten Commandments contained therein R. Judah b. Ilai²⁰ said: The Ark was hidden [buried] in its own place, as it was said: And the staves were so long that the ends of the staves were seen from the holy place, even before the Sanctuary; but they could not be seen without; and there they are unto this day.²¹ Now he²² disputes ‘Ulla for ‘Ulla said: R. Matthiah b. Heresh asked R. Simeon b. Yohai in Rome:²³ Now since R. Eliezer had taught us on the first and second occasion that the Ark went into exile to Babylonia (the first was the one which we said just now: ‘And he had him brought to Babel together with the precious vessels of the house of the Lord’, but what is the second one? — Because it is written: And gone is from the daughter of Zion

(1) R. Joseph being blind would not have noticed this reverent conduct of his pupil. On learning it he pronounced a prayerful hope, which was fulfilled. For Raba did become head of the Academies of both Sura and Pumbeditha.

(2) Lit., ‘(prayer read) standing’. The prayer par excellence, v. P.B. p. 44ff.

(3) At the end of that prayer one says: May He who maketh peace in His high places, make peace for us and for all Israel. This is the pronouncement of ‘peace’.

(4) Deut. XXXIII, 2.

(5) Ps. XCI, 7.

(6) People would usually use their right hand, but there is no particular importance attached to it to bestow ceremonial preference upon it.

(7) Which suggests that the right hand is granted greater victory, hence is more significant than the left.

(8) Who would pray for dry weather, as better for their comfort on the road.

(9) As he had no fields and thus no need of rain.

(10) Tosef. Yoma II.

(11) By his delay, attributable either to his failure to obtain forgiveness or to personal mishap.

(12) According to Sot. 48b this term includes Samuel, David and Solomon.

(13) Root: shatha — to lay a foundation, thus foundation stone. From it, as the Gemara says, the world was founded or started.

(14) Into the Holy of Holies.

(15) Between the two staves.

(16) In the direction of the ‘ark-cover’.

(17) This continues R. Judah’s account. (5) V. Gemara. (6) Lev. XVI, 18: And he shall take the blood of the bullock and the blood of the goat and put it upon the horns of the altar round about. The inference is that since but one act of ‘putting’ is mentioned the two were mixed, by pouring the first into the second.

(18) II Chron. XXXVI, 10.

(19) Isa. XXXIX, 6, dabar, ‘thing’, here taken as ‘word’, i.e., the word(s) i.e., the ten commandments.

(20) Corrected according to Jer. Shek. VI; cur. edd. b. Lakish.

(21) I Kings VIII, 8.

(22) The one who reports in this Baraitha the view of R. Simeon b. Yohai.

(23) Who had gone there to plead with the Emperor on behalf of the people of Israel afflicted by emergency decrees of the Governor, see Graetz II, 443 (Engl. ed.).

Talmud - Mas. Yoma 54a

all her splendour.¹ What does 'all her splendour' mean? All that is enclosed within her.²) What do you say now? — He answered: I say that the Ark was hidden in its place, as it is said: 'And the staves were so long, etc.' Rabbah said to 'Ulla: How does it follow from this?³ — Because it is written: 'Unto this day'. But does the term 'Unto this day' mean everywhere 'forever'? Is it not written: And they [the children of Benjamin] did not drive out the Jebusites that inhabited Jerusalem; but the Israelites dwelt with the children of Benjamin in Jerusalem, unto this day.⁴ Would you say here too that they did not go into exile? Surely it was taught:⁵ R. Judah said: For fifty-two years no human being passed as it is said: For the mountains will I take up a weeping and wailing, and for the pastures of the wilderness a lamentation; because they are burned up, so that none passeth through, and they hear not the voice of the cattle; both the fowl of the heavens and the beast are fled and gone,⁶ and the numerical⁷ value of Behemah is fifty-two. Furthermore, R. Jose said: For seven years sulphur and salt prevailed in the land of Israel, and R. Johanan said: What is the basis of R. Jose's view? He infers it from the analogy of the words 'covenant', 'covenant'. Here Scripture reads: And he shall make a firm covenant with many for one week;⁸ and in another place it is written: Then men shall say: Because they forsook the covenant of the Lord, the God of their fathers.⁹ — He answered: Here the word 'there' is used, there this expression¹⁰ is not used. — Would you say that wherever the word 'there' is used, it implies 'forever', but the following objection can be raised: And some of them, even of the sons of Simeon, five hundred men, went to Mount Seir, having for their captains Pelatiah, and Neariah, and Rephaiah, and Uzziel, the sons of Ishi. And they smote the remnants of the Amalekites that escaped, and dwelt there unto this day.¹¹ But Sennacherib, King of Assyria, had come up already and confused all the lands as it is said: I have removed the bounds of the peoples, and have robbed their treasures?¹² This is a refutation.

R. Nahman said: It was taught that the Ark was hidden away in the Chamber of the wood-shed. R. Nahman b. Isaac said: Thus were we also taught.¹³ It happened to a certain priest who was whiling away his time that he saw a block of pavement that was different from the others. He came and informed his fellow, but before he could complete his account, his soul departed. Thus they knew definitely that the Ark was hidden there. What had he been doing?¹⁴ R. Helbo said: He was playing with his axe. The school of R. Ishmael taught: Two priests, afflicted with a blemish, were sorting the woods when the axe of one of them slipped from his hand and fell on that place, whereupon a flame burst forth and consumed him.¹⁵

R. Judah contrasted the following passages: And the ends of the staves were seen¹⁶ and it is written but they could not be seen without¹⁶ — how is that possible? — They could be observed, but not actually seen. Thus was it also taught: 'And the ends of the staves were seen One might have assumed that they did not protrude from their place. To teach us [the fact] Scripture says: 'And the staves were so long'. One might assume that they tore the curtain and showed forth; to teach us [the fact] Scripture says: 'They could not be seen without'. How then? They pressed forth and protruded as the two breasts of a woman, as it is said: My beloved is unto me as a bag of myrrh, that lieth betwixt my breasts.¹⁷

R. Kattina said: Whenever Israel came up to the Festival, the curtain would be removed for them and the Cherubim were shown to them, whose bodies were intertwined with one another, and they would be thus addressed: Look! You are beloved before God as the love between man and woman.

R. Hisda raised the following objection: But they shall not go in to see the holy things as they are

being covered,¹⁸ in connection with which Rab Judah in the name of Rab said: It means at the time when the vessels are being put into their cases?¹⁹ — R. Nahman answered: That may be compared to a bride: As long as she is in her father's house, she is reserved in regard to her husband, but when she comes to her father-in-law's house, she is no more so reserved in regard to him.²⁰

R. Hana son of R. Kattina raised the following objection: It happened with a priest who was whiling away his time²¹ etc. — He was answered: You speak of a woman, who has been divorced. When she is divorced, she goes back to her earlier love.²²

Of what circumstances are we treating here?²³ If we were to say the reference is to the first Sanctuary — but there was no curtain!²⁴ If, again, the reference be to the second Sanctuary, but there were no Cherubim? — In truth the reference is to the first Sanctuary and as to 'curtain' the reference here means the curtain at the entrances, for R. Zera said in the name of Rab: There were thirteen curtains in the Sanctuary, seven facing the seven gates, two [more], one of which was at the entrance to the Hekal,²⁵ the other at the entrance to the Ulam;²⁶ two to the debir; two, corresponding to them, in the loft.²⁷ R. Aha b. Jacob said: In truth the reference here is to the second Sanctuary, but it had painted Cherubim, as it is written: And he carved all the walls of the house round about with carved figures of Cherubim and palm-trees and open flowers, within and without,²⁸ and he overlaid them with gold fitted upon the graven work.²⁹ And it is written also: According to the space of each, with loyoth [wreaths round about].³⁰ What does 'according to the space of each with loyoth' mean? Rabbah son of R. Shilah said:

(1) Lam. I, 6.

(2) Hadarah (her inner chamber); i.e., all that is enclosed within Zion, in its Sanctuary, the Ark, etc.

(3) The inference that the Ark etc. was hidden in its place.

(4) Judg. I, 21.

(5) Shab. 145b.

(6) Jer. IX, 9.

(7) The numerical value serves only as 'asmakta' or intimation. Rashi goes through a closely reasoned argument to account for the fifty-two years.

(8) Dan. IX, 27.

(9) Deut. XXIX, 24; before that statement there is the reference to brimstone and salt: And that the whole land is brimstone and salt (v. 22). Thus the severe punishment for the forsaking of the covenant is that sulphur and salt cover the land. 'One week' in Dan. IX means a week of years.

(10) In the case of the Ark Scripture reads: 'There unto this day', implying for ever, whilst in the absence of 'there' in Judges I, 21, no such claim is made.

(11) I Chron. IV, 42-3.

(12) Isa. X, 13. The King of Babylon boasts of his achievements. Hence the sons of Simeon could not have dwelt there 'forever.

(13) Mish. Shek. VI, 2.

(14) To incur such punishment. The answer being that, unmindful of the reverence due to the Sanctuary, he had been playing around with his axe.

(15) or 'it.'

(16) I Kings VIII, 8.

(17) Cant. I, 13.

(18) Num. IV, 20.

(19) This is said of the Levites in the wilderness, who, whilst carrying the vessels on their shoulders, were not permitted to look at them before they were covered. How much less would the Holy of Holies be profaned by being shown to the masses who had come to celebrate the Festival; the Cherubim being above the mercy-seat in the Holy of Holies.

(20) Before marriage there is reserve, which is given up in marriage, to be assumed again when divorce has taken place. Israel in the wilderness is comparable to the bride in her father's home; in the Temple to the bride in her husband's care.

(21) Which shews that the same reserve still obtains in the Temple.

- (22) I.e., to the reserve of original prenuptial state.
 (23) Of what time speaks this account of the curtain being unrolled and the Cherubim shown to the pilgrims.
 (24) I.e., between the Holy and the Holy of Holies, but a partition; v. supra 52b.
 (25) V. Glos.
 (26) I.e., in the cubit space of partition between the Holy and the Holy of Holies.
 (27) Just above the entrance to the Holy of Holies.
 (28) I Kings VI, 29.
 (29) Ibid. 35.
 (30) Ibid. VII, 36.

Talmud - Mas. Yoma 54b

Even as a man embracing his companion.¹ Resh Lakish said: When the heathens entered the Temple and saw the Cherubim whose bodies were intertwined with one another, they carried them out and said: These Israelites, whose blessing is a blessing, and whose curse is a curse, occupy themselves with such things! And immediately they despised them, as it is said: All that honored her, despised her, because they have seen her nakedness.²

AND IT WAS CALLED SHETHIYAH: A Tanna taught: [It was so called] because from it the world was founded.³ We were taught in accord with the view that the world was started [created] from Zion on. For it was taught: R. Eliezer says: The world was created from its centre, as it is said: When the dust runneth into a mass, and the clods keep fast together.⁴ R. Joshua said: The world was created from its sides on, as it is said: For He saith to the snow: 'Fall thou on the earth'; likewise to the shower of rain, and to the showers of His mighty rain.⁵ R. Isaac the Smith said: The Holy One, blessed be He, cast a stone into the ocean, from which the world then was founded as it is said: Whereupon were the foundations thereof fastened, or who laid the corner-stone thereof?⁶ But the Sages said: The world was [started] created from Zion, as it is said: A Psalm of Asaph, God, God, the Lord [hath spoken],⁷ whereupon it reads on: Out of Zion, the perfection of the world,⁸ that means from Zion was the beauty of the world perfected.

It was taught: R. Eliezer the Great said: These are the generations of the heavens and of the earth, in the day that the Lord God made earth and heaven.⁹ The generations [the creations] of heaven¹⁰ were made from the heaven and the generations of the earth were made from the earth. But the Sages said: Both were created from Zion, as it is said: 'A Psalm of Asaph: God, God, the Lord, hath spoken, and called the earth from the rising of the sun to the going down thereof.' And Scripture further says: 'Out of Zion, the perfection of beauty, God hath shined forth', that means from it the beauty of the world was perfected.

HE TOOK THE BLOOD FROM HIM THAT WAS STIRRING IT: etc. What does 'KE-MAZLIF' mean? — R. Judah showed it to mean

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- (1) 'Loyoth' is connected with the root signifying 'attach', hence 'companions'.
 (2) Lam. I, 8.
 (3) Tosef. II. The suggestion is that Zion was created first, and around it other clods, rocks, formations, continents, were formed until the earth was completed.
 (4) Job XXXVIII, 38.
 (5) Ibid. XXXVII, 6. The picture here (Rashi) is that of a skeleton or frame, which filled in, gradually solidifying from all sides towards the centre, which is last in foundation. All Scriptural verses here are used as intimation not logically but illustratively. Here is an amazing anticipation of the modern theory that the world was founded by the solidification of vapours, the Talmudic account ascribing this gradual creation to the will of God.
 (6) Job XXXVIII, 6.
 (7) Ps. L, 1.

(8) Ibid. v. 2.

(9) Gen. 11, 4.

(10) All things of heaven, the stars, sun and moon.

Talmud - Mas. Yoma 55a

‘as one swinging a whip’. — A Tanna taught: As he sprinkled, he did so not upon the ark-cover,¹ but against its thickness. And when he is to sprinkle upwards he first turns his hand down, and when he is to sprinkle downwards he first turns his hand up. — Whence do we infer this?² R. Aha b. Jacob said in the name of R. Zera: Scripture says: And sprinkle it upon the ark-cover and before the ark-cover.³ Now with regard to the he-goat it need not be said [that he should sprinkle] downwards,⁴ for that can be inferred from [the procedure with] the bullock where [the sprinkling] downwards⁵ [is made], when then is it mentioned here too? To compare [the sprinkling] ‘upon’ [the ark-cover with the sprinkling] ‘before’ [it]: Just as [the sprinkling] ‘before’ does not mean ‘before’ actually,⁶ so does sprinkling ‘upon’ [here] not mean really ‘upon’.⁷ On the contrary! It was not necessary to state with regard to the bullock [that the sprinkling should be done] ‘upon’ [the ark-cover], for that could be inferred from the fact that the he-goat's blood was sprinkled upon [it], why then was it mentioned to compare the sprinkling ‘before’ [it], to the sprinkling ‘upon’ [it], viz. just as ‘upon’ means exactly, so shall ‘before’ here mean ‘upon exactly’?⁸ How can you say this? Granted, if you say that the ‘downward’ sprinkling in the case of the he-goat is mentioned for the purpose of comparison,⁹ then [sprinkling] ‘upward’ written in connection with the bullock is necessary in accord with the school of R. Eliezer b. Jacob; for the school of R. Eliezer b. Jacob taught: Upon the face of the ark-cover on the east,¹⁰ this [special case] establishes a general rule viz., that wherever Scripture says ‘before’ [‘face’] it means ‘on the east’; but if you say that the ‘upwards’ in connection with the bullock is mentioned for the purpose of comparison, then for what purpose is the ‘downward’ in connection with the he-goat mentioned?

Our Rabbis taught: ‘And he shall sprinkle it upon the ark-cover and before the ark-cover’. From this we know how often the he-goat's blood is to be sprinkled upwards, viz., once; I do not know, though, how often ‘downwards’, so that I infer that thus: The word ‘blood’ is used in connection with the downward [sprinkling] of the bullock's blood, and the same word ‘blood’ is used about the downward [sprinkling] of the goat's blood: hence just as ‘downwards’ with the bullock means seven times, so does ‘downwards’ with the goat mean ‘seven times’. Or argue it this way: The word ‘blood’ is used in connection with the ‘upward’ [sprinkling] of the goat's blood, and the word ‘blood’ is used in connection with the downward [sprinkling] of the he-goat's blood; hence just as ‘upwards’ with the he-goat means once, thus also shall ‘downwards’ with the he-goat mean ‘once’? Let us see what comparison is legitimate: One may infer ‘downwards’ from ‘downwards’; but one may not infer ‘downwards’ from ‘upwards’. On the contrary: It is legitimate to infer [one aspect of] one matter from [another aspect of] the same matter, but one may not infer one matter from an extraneous one!¹¹ To teach [the true facts] Scripture says: And [he shall] do with its blood¹² as he did with the blood of the bullock.¹³ Now it was not necessary¹⁴ to say ‘as he did’, why then was it said? To show that all the ‘doings’ of them should be alike; as there were seven sprinklings downward with the bullock, so shall there be seven sprinklings downward with the goat. We learn thus how many [sprinklings] downwards there are to be both with bullock and he-goat. But I do not know how many [sprinklings] upwards are to be made with the bullock's blood. And so I infer: The word ‘blood’ is used for the upward [sprinkling] in the case of the he-goat, and the word ‘blood’ is used for the upward [sprinkling] in the case of the bullock. Hence, [the inference that] just as the upward sprinkling in the case of the he-goat has to be made once,¹⁵ so shall the upward [sprinkling] in the case of the bullock be made once. Or argue it this way: The word ‘blood’ is used for the downward [sprinkling] in the case of the bullock, and the word ‘blood’ is used in the case of the upward [sprinkling] of the bullock: hence just as seven downward sprinklings have to be made with the bullock's blood, so must seven upward sprinklings be made with the bullock's blood! Let us see

what comparison is legitimate: One may fitly infer [something about] upward [sprinklings] from [other] upward [sprinklings], but one may not infer [something about] upward [sprinklings] from downward [sprinklings]. On the contrary: It is legitimate to infer one [aspect of one] matter from [another aspect of the same] matter, but one may not fitly infer one matter from an extraneous one.¹⁶ Scripture therefore teaches: ‘And he shall do with his blood as he did with the blood of the bullock’! It was not necessary to say ‘with his blood’, why then was it said? To intimate that all the ‘doings’ of them should be alike: just as seven sprinklings downward were made in the case of the bullock, so shall seven sprinklings downward be made in the case of the goat; and just as only one upward sprinkling was made with the he-goat, so only one sprinkling upward had to be made in the case of the bullock.

ONE, ONE AND ONE, ONE AND TWO: Our Rabbis taught: [He counted] One, one and one, one and two, one and three, one and four, one and five, one and six, one and seven¹⁷ — this is the view of R. Meir. R. Judah says: One, one and one, two and one, three and one, four and one, five and one, six and one, seven and one. Yet they are not conflicting,¹⁸ each counting as is customary in his place. At any rate, both agree that the first sprinklings must be counted with each of the following. What is the reason thereof? — R. Eleazar said: In order that he make no mistake in the count.¹⁹ — R. Johanan said: Scripture said: ‘And before the ark-cover shall he sprinkle’. Now it was not necessary to say ‘shall he sprinkle’. [For what teaching purpose] why then was it said, ‘He shall sprinkle’? — To indicate that the first sprinkling shall be counted with each subsequent one. — What is the [practical] difference between the two? — In case he had not counted, but also had made no mistake.²⁰ HE WENT OUT AND PLACED IT ON THE GOLDEN STAND IN THE SANCTUARY: We have learned there:²¹ There were no money chests²² [provided] for obligatory bird-offerings, to prevent confusion. What does ‘to prevent confusion’ mean? — R. Joseph said: To prevent confusion between freewill and obligatory offerings.²³ — Abaye said to him: Let him make two and inscribe on them: This is a freewill-offering, the other obligatory. — R. Judah

(1) I.e., not on the top surface thereof.

(2) That the two upward sprinklings are not made actually upon the ark-cover.

(3) Lev. XVI, 15, with reference to the he-goat.

(4) I.e., ‘before the ark-cover’.

(5) V. infra.

(6) The blood in the downward sprinkling fell on the ground not on the ark-cover. V. Rashi. Cur. edd.: ‘does not mean upon’.

(7) Not only not exactly upwards, but really downwards.

(8) So that in his downward sprinkling the blood is to touch the thickness of the ark-cover, whilst in his upward sprinkling it should touch its upper surface.

(9) As is stated at first.

(10) So lit., Lev. XVI, 14.

(11) I.e., the he-goat from the bullock.

(12) Sc. of the he-goat.

(13) Lev. XVI, 15.

(14) Since the sprinkling ‘upon’ or ‘before’ has been expressly mentioned in connection with the he-goat. Any apparently superfluous word or words were chosen for intimation or indication.

(15) As the Scriptural text indicates.

(16) The assumption that different parts of the same procedure are governed by similar rules seems more justified than that similar aspects of altogether different matters have such regulations.

(17) Tosef. II.

(18) In the place of R. Meir the tens were counted first, the singles following, whilst the opposite way of counting prevailed in the city of R. Judah.

(19) And include the one sprinkled upward among the seven which he has to sprinkle downwards (Bertinoro).

(20) If counting is obligatory, he had failed to do it properly. If the only purpose is the prevention of error and he has

managed to avoid it, then de facto all is right.

(21) J. Shek. VI, 6.

(22) These were special money chests into which persons who had a freewill-offering of a bird to offer would put in money in payment of the offerings which the priests would make on their behalf. No such chests were however available for obligatory offerings of a bird.

(23) There were different regulations governing the ritual of the freewill and obligatory offerings respectively, for of the obligatory birds one was offered up as a burnt-offering, the other as a sin-offering, whereas all freewill-offerings were burnt-offerings, these differences implying distinctions in the ritual. Now if one of the money chests were confused with another, so that the priest would offer a freewill-offering from the money meant for obligatory offerings and vice versa, the offering would be rendered invalid.

Talmud - Mas. Yoma 55b

does not consider such inscriptions [of any value]. For we have learnt: R. JUDAH SAID: THERE WAS NO MORE THAN ONE STAND. Now why not two? Evidently because they might be mixed up! But then let him provide two and write upon them: This is for the bullock and this for the he-goat? Hence you must¹ assume that R. Judah does not consider such inscriptions [of any value]. An objection was raised in the Academy: There were thirteen money chests in the Temple, on which were inscribed: 'new shekels', 'old shekels', 'bird-offerings', 'young birds for the whole offering', 'wood', 'frankincense', 'gold for the mercy-seat', and on six of them: 'freewill-offerings'. 'New shekels': [i.e.] those shekels due each year; 'old shekels': [i.e.] one who had not paid his shekel last year must pay it the next year. 'Bird-offerings', these are turtle-doves. 'Young birds for the whole offerings', these are young pigeons; and both of these are for whole offerings. This is the view of R. Judah.² — When R. Dimi came [from Palestine] he said: In the West³ they said: It is a preventive measure against the case of a sin-offering whose owner has died.⁴ But do we indeed take that into consideration? Have we not learnt: If someone sends his sin-offering from a far-away province,⁵ it is offered up in the assumption that he is alive?⁶ — Rather [the preventive measure is] against the case of a sin-offering whose owner has assuredly died.⁷ But in that case let us separate four zuz⁸ and cast them into the sea,⁹ so that the rest will be available for use! R. Judah rejects the principle of Bererah.¹⁰ Whence do we know this? Would you say from what we have learnt:¹¹ If a man buys wine from the Cutheans¹² on the eve of Sabbath, as it is getting dark,¹³ he may say: Let the two logs¹⁴ which I am about to set apart¹⁵ be heave-offering

(1) Because the priest might overlook them.

(2) Shek VI, 6; for notes v. Sonc. ed. a.l. Hence R. Judah apparently did consider inscriptions of value.

(3) Palestine.

(4) A sin-offering, the owner of which died, must not be sacrificed but must be left to die, v. supra 50a. Now if the owner died, then the money for the value of the sin-offering which he may have put in one of the chests must be thrown into the sea. That money, being unusable and confused with other monies in the chest, would render them all useless. This is the confusion referred to above, hence the non-provision of money chests for obligatory offerings of a bird.

(5) Lit., 'province of the sea'.

(6) V. Git. 28a.

(7) It is known that he died after having deposited his money in the chest for the bird-offerings before having offered it up.

(8) The usual price of one dove.

(9) And thus free the rest of the monies for their designated purposes, on the assumption that these four zuz represented the money for the sin-offering of a bird and was that deposited by the deceased.

(10) Lit., 'choosing', 'choice', then subsequent selection, retrospective designation, i.e. , the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose (Jast.).

(11) Demai VI, 4.

(12) Before the prohibition against their wines had been decreed. As the Cutheans (Samaritans) were suspected of neglecting the laws of terumah and tithe the buyer must himself set these aside before he can be permitted to drink any of

the wine.

(13) If the purchase took place on the Sabbath eve immediately before dusk (when there is no time to remove these priestly and levitical dues from the wine) and he requires the wine for the Sabbath. It is prohibited to separate priestly or levitical dues on the Sabbath, v. Bez. 36b.

(14) A log (v. Glos.) is c. 549 cubic centimetres.

(15) For the hundred logs contained in the cask he bought.

Talmud - Mas. Yoma 56a

ten¹ tithe-offering, and nine second tithe, and after he sets aside the redemption² money for the second tithe he may drink it at once. These are the words of R. Meir.

(1) 'Logs which I am about to set aside'.

(2) Lit., 'to profane'. 'to desecrate'; to cause the loss of priestly status or of sacred use, to make available for private use. With money (cf. Deut. XIV, 25) that he has at home or anywhere else.

Talmud - Mas. Yoma 56b

R. Judah, R. Jose and R. Simeon prohibit it. Hence we see that he rejects the principle of Bererah! — How does that follow? Perhaps the matter is different there, as the motive is taught there: They said to R. Meir: Don't you admit that if the bottle burst he would be found retrospectively to have drunk untithed wine? He said to them: If it bursts.¹ — Rather is it to be derived from what Ayo taught: for he taught: R. Judah said: No man may stipulate two possibilities at the same time. But if the Sage comes from the east, his 'Erub² applies eastwards alone; if he comes from the west, his 'Erub applies westwards alone, but never in both directions. And we asked concerning it: What is the difference touching both directions that it cannot apply, it is only because the principle of Bererah is rejected,³ the same ought to apply even [where the condition was 'if the Sage comes] from the east or west'? Thereupon R. Johanan said: In this case the Sage has arrived already.⁴ But now that we maintain that R. Judah rejects the principle of Bererah whilst upholding the value of inscriptions [notices],⁵ also for the Day of Atonement let there be prepared two stands with such inscriptions! Because the high priest is fatigued, he would not pay attention to them. For should you not agree to this consideration, he could really do without any such inscriptions, for one [contains] more [blood], and the other less.⁶ And if you were to say, he does not receive the whole of it,⁷ but R. Judah said: He who slays the animal, must receive the whole blood, as it is said: The whole blood of the bullock he shall pour upon the base of the altar.⁸ And if you were to say some thereof might be spilled; — still, one [blood] is lighter [in colour], the other darker. Hence you must needs explain that the high priest, because of his fatigue, could not pay sufficient attention [to the difference in the blood]; thus is it here: because of his fatigue the high priest could not pay sufficient attention [to the inscriptions].

Once a man went down [to the praying desk] in the presence of Raba⁹ and read: Then he came forth, and placed it upon the second stand in the Temple. He took the blood of the bullock and deposited the blood of the he-goat. He said to him: In one point in accord with the Sages,¹⁰ in another with R. Judah?¹¹ Rather say: He deposited the blood of the he-goat and took the blood of the bullock.

AND HE SPRINKLED THEREOF UPON THE CURTAIN OUTSIDE OPPOSITE THE ARK: Our Rabbis taught: And so shall he do for the tent of meeting.¹² What does that come to teach? That as he sprinkles in the Holy of Holies, thus must he sprinkle in the Hekal, i.e., just as in the Holy of Holies he sprinkles once upward and seven times downward, from the blood of the bullock, thus shall he sprinkle in the Hekal. That dwelleth with them in the midst of their uncleanness¹³ i.e., even when they are unclean, the Divine Presence is among them.

A certain Sadducee¹⁴ said to R. Hanina:

- (1) This is a contingency that need not be reckoned with, since a guard may be appointed to watch out for such theoretical situations.
- (2) The word 'erub' means interweaving, mixture, confusion, conjunction. It signifies also a symbolical act, by which the legal fiction of community or continuity is established. With reference to the Sabbath limits: a person deposits, before the Sabbath (or the Holy Day), certain eatables to remain in their place over the next day, by which act he transfers his abode to that place and his movements on the Sabbath are measured from it as the centre. On the Sabbath in the area around a town or place the limits are two thousand cubits in every direction. The case here discussed is that of one who expects a scholar outside his city and is desirous of meeting him. He deposits the 'erub for this purpose. V. 'Er., Sonc. ed., pp. 252f. notes.
- (3) It being held that the choice the man made between the two Sages on the following day may not have been his choice at twilight on the previous day when the validity of the 'erub must take effect.
- (4) Sc. at twilight of the Sabbath eve he was already within the permitted Sabbath limit of that man's town though the latter was unaware of the fact. As the validity of the 'erub was made dependent on an event that, though unknown to the speaker, had actually taken place before twilight of the Sabbath eve there can be no question as to the 'erub's effectiveness. It is not the speaker's subsequent knowledge of the fact that renders the 'erub valid retrospectively, but the presence of the Sage at the crucial moment. The question of bererah, therefore, does not at all arise.
- (5) As so proved from Shek. VI, 5.
- (6) One contains the blood of the bullock which is of a larger quantity than that of the he-goat.
- (7) Sc. the blood of the bullock.
- (8) Lev. IV, 7.
- (9) He acted as deputy of the congregation (public reader) and read the order of the service of the Day of Atonement.
- (10) The reference to the second stand.
- (11) Stating that he took first the blood of the bullock and then deposited the blood of the he-goat.
- (12) Lev. XVI, 16.
- (13) Ibid.
- (14) A censorial corruption of Min (v. Glos.). A Sadducean would not have spoken of Israel as 'you'.

Talmud - Mas. Yoma 57a

Now you are surely unclean, for it is written: Her filthiness was in her skirts.¹ -He answered: Come and see what is written concerning them: 'That dwelleth with them in the midst of their uncleanness', i.e., even at the time when they are unclean, the Divine Presence is among them. — But may something inferred by analogy be used as basis of another by analogy?² — The inference here came from the subject itself for which inference was made, together with another, thus cannot be considered inference by analogy.³ This will be well in accord with the view that such inference is not inference by analogy, but what can be said according to the view that even that is inference by analogy? — Only the localities are inferred here from one another.⁴ Or, if you like, say: He infers the outside [sprinklings] from the inside ones simultaneously.⁵ It was taught: When he sprinkled, he did not sprinkle directly upon the curtain, but towards it. R. Eliezer b. Jose said: I saw it⁶ in Rome and there were upon it many drops of blood both of the bullock and the he-goat of the Day of Atonement. — Perhaps these stains were those from the [blood of] the bullock [offered up] for an error of the community,⁷ or of the goats [offered in expiation] for idolatry? — He saw that they were in their regular order.⁸ It has also been taught⁹ in connection with the bullock offered up for an error of the community: When he sprinkled the drops were not to reach the curtain, but if they did, they just did.¹⁰ And R. Eleazar b. Jose said: I saw it in Rome and there were upon it many drops of blood from the bullock offered up for an error of the congregation and from the he-goats offered up for idolatry. But perhaps they came from the bullock and he-goat of the Day of Atonement? — He saw that they were not in their regular order.

If the blood [of the one] was mixed up with the blood [of the other],¹¹ — Raba holds, he sprinkles

once upwards and seven times downwards, and it serves for both. When this was reported before R. Jeremiah, he said: Those foolish Babylonians, because they live in a dark country, they utter dark teachings.¹² Surely he would be giving the upward sprinkling [of the blood] of the he-goat before the downward sprinkling [of the blood] of the bullock, whereas the Torah said: And when he hath made an end of atoning for the holy place,¹³ [implying] he must complete [the sprinkling of] the blood of the bullock, then complete [the sprinkling of] the blood of the he-goat. Rather, said R. Jeremiah: He sprinkles once upward and seven times downward in the name of the bullock, and then he sprinkles once upward and seven times downward in the name of the he-goat.

If the blood of one was mixed up with the blood of the other in the midst¹⁴ of the last sprinklings, then R. Papa wanted to say before Raba, he makes seven downward sprinklings in the name of the bullock and he-goat, then makes one upward in the name of the he-goat. Said Raba to him: Now they had just called us foolish, now they might call us the most foolish of the foolish for we teach them but they learn not. Surely now he would be making the downward sprinkling [of the blood] of the he-goat before the upward sprinkling [of the blood] of the he-goat, whereas the Torah said: Sprinkle first upward, then downward.

(1) Lam. I, 9.

(2) Above (55a) we inferred the number of upward and downward sprinklings with the blood of the bullock and the he-goat respectively. Here again an attempt is made to infer through analogy the number of upward and downward sprinklings in the Sanctuary from the sprinklings in the Holy of Holies. The rule is that in the laws appertaining to sacrifices something obtained by analogy may not become the basis or source of new inference by analogy; such inference is legitimate only when based upon the Biblical text itself.

(3) In the primary analogy the main law prescribing upward and downward sprinklings is definitely taught in the Biblical text, both in the case of the bullock and the he-goat, it is only their number that is inferred from one another. In such a case the primary analogy may be made the basis for a further analogy. It is only when the very law itself is mentioned in one case only and then inferred through analogy for the other that no further inference by analogy may be made. If e.g., no reference had been made in the Biblical text to any upward or downward sprinkling, such regulation being based on inference from one to the other, it would then be wrong to endeavour to derive another law by analogy from the first law inferred by analogy.

(4) I.e., whereas in the first analogy the inference was made from one animal for the other, the second is concerned in the localities — i.e., the Holy of Holies and the Temple, extending the sprinkling regulations from the former to the latter.

(5) The second inference is not made via the animals but directly from the sprinklings within the Holy of Holies to those outside, in the Temple Proper.

(6) V. Me'il. 17b: R. Eliezer was in Rome and had occasion to see the holy vessels in the royal treasury, among them the curtain of the Holy of Holies.

(7) Lev. IV, 13 and Num. XV, 24.

(8) One on top of the other, as the result of the motion of the priest, in the manner of one swinging a whip.

(9) V. D.S. Cur. edd. 'We also learnt'.

(10) De facto it did not matter: even if the drops reached the curtain there was no cancellation of the service.

(11) The blood of the bullock with the blood of the he-goat.

(12) V. Pes., Sonc. ed., 60b.

(13) Lev. XVI, 20.

(14) I.e., after he had made the upward sprinkling with the blood of the bullock.

Talmud - Mas. Yoma 57b

Rather, said Raba, he makes seven downward sprinklings in the name of the bullock, then makes one upward and seven downward sprinklings in the name of the he-goat.

If the cups [of blood] have become confused,¹ then he sprinkles, and sprinkles again, and sprinkles once more, three times.² If part³ of the blood became mixed up and part not, then obviously when he

makes the sprinklings he makes them from that part which is definitely known [to be unmixed]; but as for the other,⁴ is it to be considered a remainder and must thus be poured out at the base⁵ of the altar, or is it to be considered 'rejected' [from sacred use] and must be poured into the canal?⁶ — R. Papa said: Even according to the view that one cup renders the other a remainder,⁷ that applies only where he could make the sprinklings if he wanted to do so but in this case,⁸ even if he so desired, he would be unable to make the sprinkling. R. Huna the son of R. Joshua said to R. Papa: On the contrary! Even according to the view that one cup renders the other 'rejected', that applies only if he rejected it with his hands [deliberately], but where he had not rejected it with his hands it would not apply? For it has been taught: Above it is said: And the remaining blood thereof shall he pour out,⁹ and below: And all the remaining blood thereof shall he pour out.¹⁰ Whence do we know that, in the case of a sin-offering, if he had received the blood in four cups and sprinkled from each one cup thereof¹¹ one sprinkling, all the remaining blood must be poured out at the base? To teach us that Scripture said: 'And all the remaining blood thereof shall he pour out'. One might have assumed that even if he made the four sprinklings from one of the [cups], to teach us correctly, Scripture said: 'And the remaining blood thereof shall he pour out' i.e., only this is to be poured out at the base but they [the rest] are to be poured into the canal. R. Eliezer son of R. Simeon said: Whence do we know that if he received the blood of a sin-offering in four cups and made the four sprinklings from one of them, that they must all be poured out at the base? To teach us that Scripture said: 'And all the remaining blood thereof shall he pour out'.¹² But according to R. Eliezer son of R. Simeon is it not written: 'And the remaining blood thereof shall he pour out'? — R. Ashi said: This is meant to exclude the [blood that] remains in the neck of the animal.

HE POURED THE BLOOD OF THE BULLOCK INTO THE BLOOD OF THE HE-GOAT: We were taught in accordance with the view that one mixed [the blood] to sprinkle upon the horns [of the inner altar], for it has been said: R. Josaia and R. Jonathan [were disputing], one said: One mixed [the bloods], the other one did not do so. It may be ascertained that it is R. Josaia who held that one mixed [the bloods]; for he said: Although Scripture does not state: 'together',¹³ is it not written: it is as if 'together' were written. You might also say that it is R. Jonathan, but here it is different, because Scripture states 'once'.¹⁴ It has been taught contrary to this, our reply: 'And he shall take of the blood of the bullock and of the blood of the goat'¹⁵ i.e., that they are to be mixed. This is the view of R. Josaia.

(1) The priest not knowing which of the cups contained the blood of the bullock and which the blood of the he-goat.

(2) In each case he makes one sprinkling upward and seven downward from one cup then again from the second cup, finally again from the first cup, so that in any case the blood of the bullock would have been sprinkled before that of the he-goat. For, if the first cup was actually that containing the bullock's blood, and the second that containing the he-goat's blood, he has fulfilled his duty properly, with the first and second series of sprinklings. If, however, the first cup happened to be that of the he-goat, then such sprinkling was of no avail, and the second cup being that containing the bullock's blood and the third again the one containing the he-goat's blood, are in order and the service is performed in accord with the regulations which postulate that the sprinklings made with the bullock's blood came first.

(3) As e.g., when the blood contained in two cups was poured into a third, so that each of the two cups contained a quantity of blood.

(4) The mixed blood in the third cup.

(5) V. Zeb. 47a: the remaining blood was poured over the western base of the outer altar.

(6) I.e., since the sprinklings did not come from it, shall the blood be relegated, together with all waste of the Temple Court, through the canal, to the brook of Kidron.

(7) Whenever the priest has received the blood in two cups but has sprinkled from one only, the blood in the other cup is poured out over the base of the altar.

(8) Where part of the blood of the two cups was poured into a third.

(9) Lev. IV, 25.

(10) Ibid. v, 34.

(11) The blood of the sin-offering was sprinkled upon the four corners of the altar.

(12) Thus we see that the first Tanna treats the blood in the cup or cups from which no sprinkling has been made as rejected, to be poured out in the canal, whereas R. Eliezer b. R. Simeon treats it as the remainder, to be poured out over the base.

(13) In Sanh. 66a these two Sages debate the question as to whether literal direction is necessary to indicate that a prohibition does not refer to two persons together where the contrary might be assumed, R. Judah holding that such direction is necessary while R. Jonathan holds it is not. Thus, on the view of R. Josaia, even though no definite instruction is to be found in the text, the inference that the blood of the bullock and he-goat be sprinkled together, appears legitimate according to the analogous consistence of the view.

(14) Ex. XXX, 10. And Aaron shall make atonement upon the horns of it once (a year). The word is here interpreted to mean that one sprinkling is to be made of the blood of both animals.

(15) Lev. XVI, 18.

Talmud - Mas. Yoma 58a

R. Jonathan said: [He sprinkled] separately from the one and from the other. Said R. Josaia to him: But was it not said already: 'Once'? To this R. Jonathan replied: But was it not said already: 'From the blood of the bullock and the blood of the he-goat'? Why then was the word 'once' stated? To tell you, [sprinkle] once, but not twice from the blood of the bullock; once and not twice from the blood of the he-goat. Another [Baraitha] taught: 'And he shall take from the blood of the bullock and from the blood of the he-goat' i.e., that the two shall be mixed together. You say that they shall be mixed together! but perhaps he should sprinkle separately from the one and from the other? To teach us the right thing, Scripture says: 'once' and the anonymous [Baraitha] is in agreement with the view of R. Joshua.

HE POURED THE [CONTENTS OF] THE FULL VESSEL INTO THE EMPTY ONE: Rami b. Hama asked of R. Hisda: If he placed one bowl into another and this received the blood, what then? Is homogeneous matter considered an interposition or not?¹ He answered: You have learnt that already: HE POURED [THE CONTENTS OF] THE FULL VESSEL INTO THE EMPTY ONE. Does this mean that he placed the full bowl into the empty one?² — No, it means that he poured the full vessel into the empty one.³ But the first part states already: HE POURED THE BLOOD OF THE BULLOCK INTO THE BLOOD OF THE HE-GOAT? — [It is repeated] in order [to make sure] that he will mix it very well indeed.

Come and hear: If he stood upon any vessel, or upon his fellow's foot, it is invalid!⁴ — It is different with his neighbour's foot, because he [his fellow] does not abandon it.⁵ Some there are who say: This is how he asked of him: Is such the manner of ministration or not? Come and hear: For the school of R. Ishmael taught:[And they shall take] all the vessels of ministry, wherewith they minister in the sanctuary,⁶ i.e., two⁷ vessels, but one ministry [service].

Rami b. Hama asked of R. Hisda: If he deposited bast in the bowl and he received the blood therewith, what then? Is heterogeneous matter considered an interposition⁸ or not? Is it not considered an interposition, since it penetrates [the blood], or is there no difference? — He replied to him: We have learnt that: He empties out the water until the sponge is reached.⁹ — It is different with water because it is very weak. Some there are who say: This is how he answered him: In the case of the blood¹⁰ it is permitted, but in the case of the fistful it is invalid.¹¹

(1) The priest is to receive the blood. If one bowl is considered an interposition, then the priest, whose hand does not hold the bowl containing the blood, is not really receiving the blood, the ministration then should be cancelled as invalid. (This discussion refers, as Rashi explains, not just to the Day of Atonement, but to the service on any day of the year). The two bowls are homogeneous and if they be considered as interposition, then the above question follows. With regard to heterogeneous matter, there is no doubt; it surely is considered an interposition, v. Tosaf. s.v. **בין**.

(2) That would indicate that homogeneous matter is not considered an interposition and would thus settle the above

question in the affirmative.

(3) So that the situation is entirely different and no inference as to the interposition of homogeneous matter is possible.

(4) If the priest, in receiving the blood, stood upon a vessel, then that vessel was interposing between the floor of the Sanctuary and the priest, therefore invalidating the service. (Zeb. 24a). Similarly, if he stood upon his fellow's foot. The foot, however, is homogeneous and the fact that the service is cancelled, would seem to indicate that homogeneous matter is considered an interposition, so that the question above would appear to be answered.

(5) Homogeneous matter is not considered an interposition, but a human foot is an undeniable entity.

(6) Num. IV, 12.

(7) I.e., vessels in the plural means at least two (although the plural is indefinite as to the maximum, there is the undeniable minimum of two); whereas the word ministry refers to one ministration only.

(8) The bast is heterogeneous to the bowl, hence should be considered an interposition. But since the blood penetrates the bast and reaches the bowl, does it cancel the interposing bast, so that, as it were, the priest had received the blood in the bowl proper, as viewed retroactively, or not?

(9) Parah VI, 3: If someone was mixing the ashes (of the red heifer) in the water of a trough of stone, and there was a sponge in the trough then the water in the sponge is invalid, as a sponge is not a vessel. What should he do? The water in the trough should be poured out until the sponge is reached and the water is valid. Hence we see that a sponge is not considered interposing so as to invalidate the whole water, and similarly here, the bast should not be considered as interposing between the bowl and the blood.

(10) Because it is thin.

(11) For the fistful of the flour-offering was required to be received in the vessel after having first been taken, analogous to the receiving of the blood, hence any interposing object would render the ministration invalid.

Talmud - Mas. Yoma 58b

MISHNAH. AND HE SHALL GO OUT UNTO THE ALTAR THAT IS BEFORE THE LORD,¹ — THAT IS THE GOLDEN ALTAR.² THEN HE BEGINS TO SPRINKLE³ DOWNWARD.⁴ WHENCE DOES HE COMMENCE? FROM THE NORTH-EAST HORN [OF THE ALTAR], THEN THE NORTH-WEST, THEN THE SOUTH-WEST, THEN THE SOUTH-EAST. WHERE HE COMMENCES [SPRINKLING] ON THE OUTER ALTAR,⁵ THERE HE COMPLETES [SPRINKLING] ON THE INNER ALTAR. R. ELIEZER SAID: HE REMAINED IN HIS PLACE AND SPRINKLED. AND HE WOULD SPRINKLE EVERY HORN FROM BELOW UPWARDS, WITH THE EXCEPTION OF THE HORN AT WHICH HE WAS STANDING, WHICH HE WOULD SPRINKLE FROM ABOVE DOWNWARDS. THEN HE SPRINKLED THE TOP⁶ OF THE ALTAR SEVEN TIMES AND POURED OUT THE REMAINDER OF THE BLOOD AT THE WESTERN BASE OF THE OUTER ALTAR. AND [THE REMAINDER OF THE BLOOD SPRINKLED] ON THE OUTER ALTAR HE POURED OUT AT THE SOUTHERN BASE. BOTH MINGLED IN THE CANAL⁷ AND FLOWED INTO THE BROOK KIDRON AND THEY WERE SOLD TO GARDENERS AS MANURE AND BY USING THEM ONE TRANSGRESSES THE LAW OF TRESPASS.⁸ GEMARA. Our Rabbis taught: 'And he shall go out unto the altar', what does that mean to teach? R. Nehemiah said: Since we find that, in connection with the bullock offered up for [the transgression in error of] 'any of the commandments',⁹ the priest stands outside the altar and sprinkles towards the curtain,¹⁰ one might have assumed that here the same would take place, therefore Scripture said: 'And he shall go out unto the altar', hence he must have been found before on the inner side of the altar.¹¹ — Another [Baraitha] taught: 'Before the Lord'. What does that mean to teach? R. Nehemiah said: Since we find with the bullock and he-goat of the Day of Atonement that the priest stands on the inner side of the altar and sprinkles upon the curtain, as he sprinkles one might have assumed here the same would be the case, therefore Scripture has come to teach us: The altar of sweet incense before the Lord, which is in the tent of meeting,¹² that implies: the altar before the Lord, but not the priest before the Lord. How that? He stands outside the altar and sprinkles.

HE BEGAN TO SPRINKLE DOWNWARD: Our Rabbis taught: He began to sprinkle downward.

Whence did he commence? From the south-eastern horn, [proceeding to] the south-western, north-western and north-eastern horns respectively. This is the view of R. Akiba, — R. Jose the Galilean says: [He started from] the north-eastern, [proceeding to] the north-western, southwestern and south-eastern horns respectively.¹³ At the place where, according to R. Jose the Galilean, he commenced, there according to R. Akiba, he stopped. At the place where R. Akiba would have him start, there R. Jose the Galilean would have him stop. All agree at any rate that he does not start at the point he first comes to.¹⁴ What is the reason? Said Samuel: Scripture said: And he shall go out unto the altar, i.e., only after he has gone over the whole altar. But according to R. Akiba he ought to go around it to the right.¹⁵ Shall we say [then] that they are disputing a teaching of Rami b. Ezekiel? For Rami b. Ezekiel said: Concerning the sea¹⁶ which Solomon made, [Scripture states]: It stood upon twelve oxen, three looking toward the north, and three looking toward the west, and three looking toward the south, and three looking toward the east; and the sea was set upon them, and all their hinder parts were inward.¹⁷ Hence you are taught that all the turns you make [in the Temple] must be to the right, i.e., eastward;¹⁸ one Master [R. Jose the Galilean] agreeing with Rami b. Ezekiel, the other Master [R. Akiba] disagreeing? — No, all agree with the view of Rami b. Ezekiel and the matter of dispute here is, rather, this: One Master holds that [the regulations] within¹⁹ are inferred from [those] without,²⁰ the other Master holding we do not infer [the regulations] ‘within’ from [those] ‘without’. But according to R. Akiba, granted that he does not infer ‘within’ from ‘without’, let him be permitted to do it one way if he so chooses, or the other way if he so chooses?²¹ — R. Akiba will tell you: As far as de jure regulation is concerned he ought to start at the horn to which he had come first, for Resh Lakish has said: One must not forego the occasion for performing a religious act;²² and the reason why he does not do so is because Scripture said: ‘And he shall go out unto the altar,’ i.e., until he has gone outside the whole altar. Therefore as soon as he has sprinkled the blood on this horn, he returns to the horn with which he should have started from the beginning.²³

(1) Lev. XVI, 18.

(2) Ex. XXX, I.

(3) Lit., ‘to cleanse from sin’.

(4) Lit., ‘he goes down’ i.e., he applies the blood to the horn of the altar beginning at the top and leading his finger downward.

(5) Zeb. 53a.

(6) This word is variously interpreted in the Gemara. It may mean ‘back’, i.e., top; it has been claimed as ‘the pure, real surface’ (of gold) i.e., free from coals or ashes; as the centre of the altar front.

(7) V. Shek. IV, 2.

(8) Lev. V, 15.

(9) Lev. IV, 1ff.

(10) V. infra.

(11) The text should have read: ‘He shall make atonement on the altar that is before the Lord’. ‘And he shall go out unto the altar’ has no special significance. But since we find that on the occasion of other sacrifices he was standing outside, the words ‘and he shall go out’ here indicate that in this case he was on the inner side.

(12) Lev. IV, 7. The words ‘before the Lord’ are in themselves superfluous — for obviously the altar was ‘before the Lord’ — but are to indicate that only the altar was ‘before the Lord’ but not the priest. The latter stood outside and did not interpose between the altar and the curtain either when he sprinkled the blood on the corners or against the curtains.

(13) The dispute hinges on the question as to whether there were one or two curtains before the Holy of Holies. R. Akiba holds there were two, the outer one clasped on the south side. As the priest came from the Holy of Holies from the south in order to proceed with the sprinkling against the curtain, the first horn of the altar he meets is the south-western, however, he did not sprinkle, because of the interpretation of ‘And he shall go out unto the altar’ (v. infra) so that he begins the sprinkling on the south-eastern side and then turning to the left continues with the outer corners. R. Jose the Galilean holds, in accord with R. Jose, that there was but one curtain, clasped on the north side, so that as the priest came forth from the north he reached first the north-western horn of the altar, where, however, he did not sprinkle but at the north-eastern horn, and then turning to the right he returned to the north-western horn to continue his sprinkling.

- (14) Coming from the west, he first reaches one of the western horns of the altar (v. previous note), yet does not commence with it.
- (15) V. p. 273, n. 5.
- (16) The water reservoir in the Temple of Solomon.
- (17) I Kings VII, 25.
- (18) This is derived from the order in which the sides are enumerated; the phrase 'eastward' does not apply here but is taken from the passage where this principle is originally quoted in connection with the ramp. v. supra 45a and Zeb. 62b.
- (19) The inner altar.
- (20) The Sea of Solomon.
- (21) Either to the right or to the left.
- (22) V. supra 33a.
- (23) V. p. 273. n. 5.

Talmud - Mas. Yoma 59a

Or if you like, say: If we hold that the sprinkling [on the inner altar] was done in walking around,¹ there would be general agreement that we infer 'within' from 'without', but the dispute here rests on this: one Master holds the sprinkling was done by circular movements of the hand, the other Master holding the sprinkling was done in walking around. Or if you like, say: All agree that the sprinkling [on the inner altar] was done by circular movements of the hand, the point of dispute here is: one Master holds, we may infer [the regulations touching] the hand from [those governing] the foot, the other Master holding that we do not infer the 'hand' from the 'foot'. But does R. Jose the Galilean hold that the sprinkling was done by circular movement of the hand? Surely, since the second part reads: R. Eliezer said: HE REMAINED IN HIS PLACE AND SPRINKLED,² it follows that the first Tanna did not hold so?³ Hence it is obvious, as we have answered before: One Master holds the sprinkling was done by circular movement of the hand, whereas the other Master holds it was done by walking around. And if you like to say: The dispute lies therein: that one Master holds that the [phrase] 'round about' [mentioned in connection] with the inner altar signifies the same as 'round about' [mentioned in connection] with the outer altar,⁴ whereas the other Master holds that the whole of the inner altar occupied as much space as one horn of the outer altar.⁵

It was taught: R. Ishmael said: Two high priests had survived the First Sanctuary. One said: I had done the sprinkling [in the inner altar] by circular movement of my hand; the other said: I had done the sprinkling by walking around the altar. The first advanced a reason for his procedure, so did the second. The first said: The 'round about' of the inner altar had to be as the round about' of the outer altar; the other stating: The whole of the inner altar occupied as much space as one horn of the outer altar.

R. ELIEZER SAID: HE REMAINED IN HIS PLACE AND SPRINKLED. With whom does our Mishnah agree? — With R. Judah. For it was taught: R. Meir said, R. Eliezer said: He remained in his place and sprinkled. And all the sprinklings he made from above downward with the exception of the one athwart, which he made from below upward. R. Judah said, R. Eliezer said: He remained in his place and sprinkled. All the sprinklings he made from below upward with the exception of this one right before him which he made from above downward, to prevent his garments from becoming sullied.⁶

THEN HE SPRINKLED THE TOP [TIHARO] OF THE ALTAR: What does 'TIHARO' mean? — Rabbah son of R. Shila said: The centre of the altar-front, as people say: 'The moon-light [tiharo] shines,' meaning thereby the middle of the day. An objection was raised: As he sprinkles, he sprinkles neither upon the ashes, nor upon the embers, but he removes the coal to both sides and sprinkles?⁷ — Rather, said Rabbah son of R. Shila: [It means] the cleared surface⁸ of the altar, as it is written: And the like of the very heaven for [tohar] clearness.⁹

It was taught: Hanania said: He would sprinkle¹⁰ standing on the north side.¹¹ — R. Jose said: He would sprinkle standing on the south side.¹¹ Wherein are they disputing? — One [Hanania] holds the entrance was through the curtain on the south, whereas the other [R. Jose] holds it was on the north side.¹² At any rate all agree that on the place where he completed the sprinkling on the horns there he would sprinkle on the top thereof. What is the reason? — Scripture says: And he shall cleanse it...and hallow it,¹³ i.e., where he hallows it,¹⁴ there shall he cleanse it [we-tiharo].¹⁵

AND THE REMAINDER OF THE BLOOD HE SPRINKLED UPON THE WESTERN BASE OF THE OUTER ALTAR: For Scripture said: And all the remaining blood of the bullock shall he pour out [etc.],¹⁶ and as he comes forth [from the Sanctuary] he meets this [side of the altar base] first.

AND THAT OF THE OUTER ALTAR HE POURED ON THE SOUTHERN BASE: Our Rabbis taught: ‘The base of the altar’¹⁷ i.e., the southern base. You say it is the southern base. But perhaps it is not so, but rather the western base? I will tell you: Let his coming down from the ramp be inferred from his going out of the Sanctuary: Just as when he goes out of the Sanctuary [he pours out the remainder of the blood] at [the point] nearest to him, and which is it? — the western base, so when he comes down from the ramp [he pours out the remainder of the blood] at the point nearest to him, and which is it? — the southern base.

It was taught: R. Ishmael said: Both times [blood was poured out] at the western base. — R. Simeon b. Yohai: No, [it was] at the southern base. — It is quite right, according to R. Ishmael: He holds that one may infer that concerning which no details are given from that which is thus described,¹⁸ but what is the reason of R. Simeon b. Yohai? — R. Ashi said: He holds the entrance [to the Sanctuary] was at the south.¹⁹ The teaching of the school of R. Ishmael was taught in the school of R. Simeon b. Yohai:²⁰ In both cases it was the southern base. As a mnemotechnic sign remember: The men won over the man.²¹

BOTH MINGLED IN THE CANAL AND FLOWED etc.: Our Rabbis taught: One transgresses the law of trespass with [sacrificial] blood. These are the words of R. Meir. R. Simeon and the Sages hold: One does not commit such trespass.

(1) As was the case with the sprinkling on the outer altar.

(2) So that the sprinkling was done by the circular movement of his hand.

(3) The first Tanna (anonymous) of our Mishnah is R. Jose the Galilean, in accordance with his view in the Baraita cited. Now since R. Eliezer, in disputing, states that the sprinkling was made by circular movements of the hand, it is obvious that R. Jose did not think so. Hence the statement ‘All agree that the sprinkling was done by circular movement of the hand’ is wrong.

(4) V. Lev. XVI, 18. And...he shall put it upon the horns of the altar round about. In the case of the outer altar, the sprinkling was done by walking around, the analogy would render the same procedure proper with the inner altar.

(5) One cubit square.

(6) The purpose of this procedure was practical, beyond any ritualistic significance: he sprinkled upon the horn before him from above downward, lest some blood drip into his sleeve.

(7) The first interpretation of the word ‘tiharo’ would identify it with the middle of the side of the altar. But the passage just adduced indicates it must be the top. Cf. supra, p. 69, n. 2.

(8) Lit., ‘exposed (part)’.

(9) Ex. XXIV, 10.

(10) The seven sprinklings on the top of the altar, as explained supra.

(11) I.e., on the side where he completed the round of sprinkling on the altar.

(12) V. supra p. 274, n. 1, 5.

(13) Lev. XVI, 19.

(14) On the horns, i.e., on the horn where he completes the hallowing.

(15) By means of the seven sprinklings.

(16) Lev. IV, 7.

(17) Lev. IV, 30 with reference to an individual sin-offering.

(18) With regard to blood-offerings which are sprinkled on the inner altar there is the Biblical statement: Upon the base of the altar . . . which is at the entrance to the tent of meeting (Lev. IV, 7 and 18), this being the western base; there being no such statement concerning those offerings of which the blood is on the outer altar, the inference is legitimate.

(19) [The whole of the outer altar being on the northern half of the court so that when the priest came out of the Sanctuary the first base he met was the southern, v. supra 16b.]

(20) [I.e., R. Ishmael had retracted his view so that the disciples of R. Simeon b. Yohai could report the teaching in the name of R. Ishmael (Rashi).]

(21) 'The men drew nigh', i.e., won over the man, viz., the disciples of R. Simeon prevailed upon R. Ishmael to agree with them.

Talmud - Mas. Yoma 59b

Now the dispute touches only the question as to whether [there is a trespass] Rabbinically;¹ according to Biblical law, however, there is no trespass.² When [do we know] these things? — 'Ulla said: Scripture said: 'To you'³ i.e., it belongs to you. The school of R. Simeon taught: To make atonement⁴ i.e., I have given it for atonement, but not for [the law of] trespass [to apply]. R. Johanan said: Scripture said: 'It' i.e., [implying that] it is before atonement: just as after atonement one cannot be guilty of trespass concerning it,⁵ thus can one before atonement not be guilty of trespass concerning it. But perhaps say: It is after the atonement as before the atonement: just as before the atonement one may become guilty of trespass concerning it, so also after atonement may one become guilty of trespass concerning it? — There is nothing concerning which one can become guilty of trespass, once the atonement touching it has been fulfilled.⁶ But there is the removal of the ashes [from the altar]?⁷

(1) Making the offender liable to pay the capital value of the blood.

(2) And the offender is exempt from the extra payment of the fifth, v. Lev. V, 16.

(3) Lev. XVII, 11. I have given it (the blood) to you.

(4) Ibid. 'To make atonement', implies but for no other ritual purpose, such as the application of the law of trespass.

(5) Once atonement has been effected with any sacrifice the law of trespass does not apply to it, v. infra.

(6) Once it has served its purpose it is no longer considered the property of the Sanctuary for laws of trespass to apply to it.

(7) V. Lev. VI, 3. The Biblical regulation And he shall put them (the ashes) beside the altar, (ibid.), indicates that they must be hid away, are not available for private use, and are hence still the property of the Sanctuary, to which the laws of trespass apply though the commandment concerning it has already been fulfilled.

Talmud - Mas. Yoma 60a

— That is because referring to the removal of the ashes and the priestly garments¹ there are two verses [written] for the same purpose² and wherever two verses have the same purpose no deduction can be made from them [for other precepts].³ That will be right according to the Rabbis who hold: 'And he shall put them there'⁴ signifies that they must be hidden away but what can be said according to R. Dosa who holds that the garments of the [high] priest may be used for a common priest? — That is because concerning the removal of the ashes and the heifer⁵ whose neck is to be broken are two verses written for the same purpose, and wherever two verses are written for the same purpose no deduction can be made from them. That will be right according to the view that holds from two identical Scriptural statements no deduction can be made; but what can be said in accordance with the view that such deduction is permissible? — There are two limiting qualifications: And he shall put them⁶ and the one whose neck was broken.⁷ For what purpose are

three Scriptural verses necessary in connection with the blood?⁸ — One is to exclude [blood] from [the rule touching] left-overs,⁹ one to exclude it from the rule touching trespass,¹⁰ and one to exclude it from the rule touching ritual uncleanness.¹¹ But no verse is necessary to exclude it from the rule touching piggul¹² for we have learnt: Whatever has that which renders [the offering] permissible, whether for human beings¹³ or for service on the altar¹⁴ can make one liable on its account for piggul. And blood itself is a thing which renders the offering permissible.¹⁵

MISHNAH. CONCERNING EVERY MINISTRATION OF THE DAY OF ATONEMENT MENTIONED¹⁶ IN THE PRESCRIBED ORDER IF ONE SERVICE WAS DONE OUT OF ORDER BEFORE ANOTHER ONE, IT IS AS IF IT HAD NOT BEEN DONE AT ALL. IF HE SPRINKLED THE BLOOD OF THE HE-GOAT BEFORE THE BLOOD OF THE BULLOCK, HE MUST START OVER AGAIN, SPRINKLING THE BLOOD OF THE HE-GOAT AFTER THE BLOOD OF THE BULLOCK. IF BEFORE HE HAD FINISHED THE SPRINKLINGS WITHIN [THE HOLY OF HOLIES] THE BLOOD WAS POURED AWAY, HE MUST BRING OTHER BLOOD, STARTING OVER AGAIN AND SPRINKLING AGAIN WITHIN [THE HOLY OF HOLIES]. LIKEWISE, IN MATTERS OF THE SANCTUARY AND THE GOLDEN ALTAR, SINCE THEY ARE EACH A SEPARATE ACT OF ATONEMENT.¹⁷ R. ELEAZAR AND R. SIMEON SAY: WHEREVER HE STOPPED, THERE HE MUST BEGIN AGAIN.¹⁸

GEMARA. Our Rabbis taught: Concerning every ministration of the Day of Atonement mentioned in the prescribed order, if one service was done [out of order] before another one, it is as if one had not done it at all. R. Judah said: When does this apply? Only with regard to service performed in white garments, within [the Holy of Holies], but any service performed in white garments without, if in connection with them he performed one out of order before the other one, then what he has done is done [valid]. R. Nehemiah said: These things apply only to service performed in white garments, whether performed within [the Holy of Holies] or without, but in case of services performed in golden garments outside, what has been done, is done. Said R. Johanan: And both expounded it on the basis of one Scriptural passage: And this shall be an everlasting statute unto you . . . once in the year.¹⁹

(1) I.e., the garments with which the high priest performed the service of the Day of Atonement, v. Lev. XVI, 23.

(2) Lit., 'that come as one', i.e., in both there is a special verse stating that the same law applies.

(3) In both cases the Biblical law stipulates that they must not be used; Lev. XVI, 23 and VI, 3 (v.infra). The Torah should have stated the law in one case, for the other to be inferred in the usual manner. The identical statement in both cases — thus ruling out the usual analogy — indicates that both deal with unusual cases, from which no deduction would be legitimate.

(4) Lev. XVI, 23.

(5) Deut. XXI, 1f. 'There' (in the valley) indicates that it shall be buried there.

(6) Lev. VI, 3.

(7) Deut. XXI, 6. The definite article (ha-'arufah) is interpreted as implying limitation. The limitation excludes other things from the operation of this law.

(8) On 59b three Amoraim had inferred that the law of trespass does not apply to blood from three special, otherwise superfluous phrases. The Gemara now suggests that since three such special phrases appear, with but one of them necessary according to each Amora, they must each serve a limiting purpose.

(9) Portions of sacrifices left over beyond the legal time must be burnt. But blood of such left-overs is not included in the principle of left-overs, and, therefore, if one ate such blood, the penalty incurred derives only from the fact that he ate blood, not any additional penalty because he has eaten of left-overs.

(10) The law of trespass does not apply to blood.

(11) If someone ate of holy sacrifices in a state of levitical impurity, the penalty, if unwittingly, is a sin-offering, as it is for eating blood. The law does not apply to the blood of sacrifices, which if eaten in a state of levitical impurity involves only one sin-offering, viz., for eating blood.

(12) Piggul i.e., vile (ness) is the term used for a sacrifice that is rejected because of an improper intention in the mind of

the officiating priest at the time of the sacrificing. Such improper intention includes his intention to dispose of the same beyond its legal space or time. (Lev. VII, 18 and *ibid.* XIX, 7.)

(13) The priests or owners by whom portions of the offering are consumed.

(14) On which the prescribed sacrificial portions are burnt.

(15) Zeb. 43a. The sprinkling of the blood makes parts of sacrifices permissible to the owner or priests; just as it makes certain portions of the animal fit to be offered up on the altar.

(16) In our Mishnah.

(17) Therefore every act of atonement completed, even if out of order is valid, without any repetition necessary.

(18) Even if the individual act of atonement has not been completed. These Rabbis hold that one may continue, or start again, even in the midst of a service, even though this service had been started out of order.

(19) Lev. XVI, 34.

Talmud - Mas. Yoma 60b

R. Judah holds: [This means] the place on which once a year atonement is obtained: whereas R. Nehemiah holds that it refers to the objects through which once a year atonement is obtained.¹ But according to R. Judah, is then 'place' written here?² — Rather is this the reason for R. Judah's view: It is written 'This', and it is written 'Once', one excludes [services performed in] white garments, the other [those performed in] golden garments.³ And R. Nehemiah?⁴ — One excludes the golden garments, the other the remaining blood,⁵ which [if done out of order] do not impair [the service]. And R. Judah? — If [an act performed in white garments out of order] impairs the service,⁶ it impairs it here too, and if it does not impair [the service] it does not impair it here either;⁷ as it was taught:⁸ And when he hath made an end of atoning for the holy place,⁹ i.e., if he has obtained atonement he has completed it, if not, not. This is the opinion of R. Akiba. R. Judah said to him: Why should we not interpret thus: If he has completed it, he has obtained atonement, if not, not, to say, that if one of the sprinklings is missing, he has done nothing? And we inquired: What is the difference between them and R. Johanan and R. Joshua b. Levi, each gave an answer: One said: They differ only as to the interpretation of the text, while the other said: The remaining blood¹⁰ is what they differ in. But did R. Johanan hold thus?¹¹ Surely R. Johanan said: R. Nehemiah taught in accordance with the view that the remaining blood [offered not as prescribed] impairs [the service].¹² This is a refutation.

R. Hanina said: If he took the handfuls of the incense before the slaying of the bullock, he has done nothing. According to whom is this? [Presumably] not according to the view of R. Judah. Surely he said that the word 'statute' was written only in connection with ministrations performed in white garments within [the Holy of Holies]! — [No], you may say that it is even in agreement with R. Judah's view, inasmuch as what is necessary for a service performed within is considered as a service within.

We learned: IF BEFORE HE HAD FINISHED THE SPRINKLINGS WITHIN [THE HOLY OF HOLIES] THE BLOOD WAS POURED AWAY, HE MUST BRING OTHER BLOOD, STARTING OVER AGAIN AND SPRINKLING WITHIN AGAIN. Now, if this view were right [it] should read: 'He should start again with the taking of the handfuls'.¹³ —

(1) The word 'statute' denotes that the order for this day is statutory, hence any disregard would render a service out of order invalid. R. Judah holds that this 'statute'- limitation has reference to the place whence once a year atonement is obtained, i.e., the Holy of Holies, whereas R. Nehemiah assumes it refers to the objects, by means of which, or in which, once a year atonement is obtained, i.e., both place and garments. Hence according to R. Judah the order is indispensable within the Holy of Holies, but not in the rest of the Sanctuary in which atonement is obtained frequently, and not but once in the course of the year. According to R. Nehemiah both place and garments, in which atonement must be obtained, have indispensable order of regulations.

(2) That the term 'statute' should refer to it?

- (3) 'This' and 'Once' being limitations.
- (4) How does he explain these two limitations?
- (5) Even if the pouring out had been delayed beyond the order, services performed meantime remain valid. The fact that this is done in white garments has no effect on the enforcement of the order in which it is to be done.
- (6) I.e., those parts of the service that were to follow it, but which were performed before it.
- (7) And there is no reason to exclude the remainder of the blood.
- (8) [That according to R. Judah the omission of the rite in connection with the remainder of the blood impairs the service, and consequently the term 'statute' should apply to it equally with the other acts performed in white garments.]
- (9) Lev. XVI, 20.
- (10) R. Akiba holds: the omission of the rite connected with it does not impair the atonement, as the main sprinklings had been made and the atonement is complete, even if the remaining blood has not been poured away; whereas R. Judah holds: If all is completed, then he has obtained atonement, if not (and failure to pour away the remaining blood would be included in this indispensable programme) not.
- (11) That according to R. Nehemiah the remaining blood presents no handicap. Since above R. Johanan said that both used one Scriptural passage as their text and R. Nehemiah was consequently held to infer that the disposal of the remaining blood according to order was not indispensable.
- (12) V. Zeb. 11a.
- (13) Since R. Hanina holds that taking the handfuls of the incense before the slaughtering of the bullock is invalid, he would have to take afresh a new handful before slaughtering the second bullock.

Talmud - Mas. Yoma 61a

He does not treat of the incense.¹

'Ulla said: If he slew the he-goat before sprinkling the blood of the bullock, he has done nothing. We learned: IF HE SPRINKLED THE BLOOD OF THE HE-GOAT BEFORE THE BLOOD OF THE BULLOCK, HE MUST START OVER AGAIN, SPRINKLING THE BLOOD OF THE HE-GOAT AFTER THE BLOOD OF THE BULLOCK. Now, if this view were right, [it] should read: 'He shall start over again' and slaughter?² — 'Ulla explained this to refer to the sprinklings in the Sanctuary;³ and thus also R. Afes explained it to refer to the sprinklings in the Sanctuary. LIKEWISE IN MATTERS OF THE SANCTUARY AND THE GOLDEN ALTAR: Our Rabbis taught: And he shall make atonement for the most holy place,⁴ i.e., the Holy of Holies [for] The tent of meeting, i.e., the Sanctuary;⁵ [for] the altar⁶ in the literal sense. 'He shall make atonement' — this [refers to] the courts; 'the priests' in the literal sense; 'the people', i.e., Israel; 'He shall make atonement', this refers to the Levites. Then they are all declared alike in respect of one atonement, for all other sins they⁷ obtain atonement through the he-goat-that-is-to-be-sent-away,⁸ this is the view of R. Judah. R. Simeon said: Just as the blood of the he-goat [the rites of which are] performed within obtains atonement for Israel in all matters of impurity touching the Sanctuary and its holy things,⁹ thus also does the blood of the bullock obtain atonement for the priests in all matters of impurity touching the Sanctuary and its holy things; and just as the confession over the he-goat-to-be-sent-away obtains atonement for Israel with regard to all other transgressions, so does the confession over the bullock obtain atonement for the priest for all other transgressions.¹⁰

Our Rabbis taught: 'And when he hath made an end of atoning for the holy place', this refers to the Holy of Holies; 'The tent of meeting', i.e., the Sanctuary; the altar, in its literal sense — this teaches that for all of these special [independent] atonements must be obtained. Hence they said: If he sprinkled some of the sprinklings made within, and the blood was poured away, he shall bring other blood and start again from the beginning with the sprinklings within. R. Eleazar and R. Simeon say: He shall start but from the place where he stopped. If he has completed the sprinkling due within and the blood was poured away, then he shall bring other blood and he shall start from the beginning with the sprinklings in the Sanctuary. If he had sprinkled some of the sprinklings due in the Sanctuary and the blood was poured away, he shall bring other blood and start again from the

beginning with the sprinklings due in the Sanctuary. R. Eleazar and R. Simeon say: He need start but from the place where he had stopped. If he had completed the sprinklings due in the Sanctuary and the blood was poured away, he shall bring other blood and start again from the beginning with the sprinkling due on the altar. If he had made some of the sprinklings due on the altar and the blood was poured away, he shall bring other blood and he shall start again from the beginning with the sprinklings due on the altar. R. Eliezer and R. Simeon said: He shall not start except from the place where he had stopped. If he had completed the sprinklings due on the altar and the blood was poured all agree that this is no handicap. Said R. Johanan: Both¹¹ infer it from one scriptural passage: With the blood of the sin-offering of atonement . . . once a year.¹² R. Meir holds: I have spoken to thee of one sin-offering [whereby to obtain one atonement], not of two sin-offerings; R. Eleazar and R. Simeon holding, I have spoken of one sprinkling, not of two sprinklings.¹³

It was taught: Rabbi said: R. Jacob taught me a difference with regard to the logs.¹⁴ But is there no [dispute]? Surely it has been taught: If he made some of the sprinklings within [the Sanctuary],¹⁵ and the blood was poured away, he must bring another log [of oil] and start again from the beginning with the sprinklings due within. R. Eleazar and R. Simeon hold: He starts again from the place he had stopped at. If he had completed the sprinklings due within [the Sanctuary] and the log was spilt, he shall bring another log and start again from the beginning with the application on the thumbs¹⁶ and toes.¹⁶ If he had made some of the applications on the thumbs and toes and the log was spilt, he shall bring another log and start over again from the beginning with the applications on the thumbs and toes. R. Eleazar and R. Simeon hold: He shall start where he had stopped before. If he had completed the applications due on the thumbs and toes and the log was spilt, then all agree that the applications on the head are not a handicap.¹⁷ Say rather: R. Jacob taught me also [the difference of opinion] concerning the log.¹⁸

The Master had said: The applications on the head are no handicap. Why that? Shall I say because Scripture says: And what remaineth over of the oil,¹⁹ but then [when it says]: But that which is left of the meal-offering etc.,²⁰ would you say that there, too, it constitutes no handicap?²¹ — It is different there because it is written: ‘And the rest’²² and what remaineth over etc’²³

(1) He would certainly have to take anew the handfuls.

(2) [It is assumed that the reference is to the sprinklings within the Holy of Holies, with the result that the he-goat was slaughtered before the sprinkling of the blood of the bullock.]

(3) But the slaying of the he-goat took place in its proper place, after the blood of the bullock had been sprinkled within.

(4) Lev. XVI, 33.

(5) These sprinklings atone for any impurity that occurred in the Holy of Holies or the Sanctuary, if any person should have entered there unwittingly in a state of impurity. V. Shebu. 7b.

(6) If any impurity occurred to any person at the altar, he staying there for a period co-extensive with the time of one prostration.

(7) Priest, Levites and Israelites.

(8) Besides those of impurity. In the case of other transgressions the he-goat-to-be-sent-away obtains forgiveness for both priests and commoners. But for the sin implied in any impurity in the Temple, it is the bullock which obtains forgiveness for the priests, and the he-goat which brings it to Israel.

(9) Without confession. As there was no confession with that he-goat.

(10) V. Sheb. 13b.

(11) The anonymous authority who is R. Meir on the one hand, and R. Eleazar and R. Simeon on the other.

(12) Ex. XXX, 10.

(13) The word **זָטַח** rendered ‘sin-offering’ means also ‘purge from sin’, hence sprinkle.

(14) With regard to the log of oil used for the purification of the leper (v. Lev. XIV, 21) R. Jacob had taught that unlike the sprinklings of the Day of Atonement, there was no dispute concerning the question here where one must start again after a service had been performed out of order.

(15) This refers to the purification rite of a leper, v. Lev. XIV, 16.

(16) Lev. XIV, verse 17.

(17) Hence the dispute between the Rabbis did affect the log of oil as well.

(18) The report had been originally misread. As R. Hananel suggests, it read: 'R. Jacob had not made any difference with regard to the log'. In its original interpretation it implied: There was no difference of opinion among the Rabbis touching the log. But, since that report was now refuted, the meaning must have been: R. Jacob taught me that there was no difference between the log and the other case; in both the Rabbis are of divergent opinion.

(19) Lev. XIV, 29 which indicates that the oil used for the head is but a remainder and not an essential part of the rite.

(20) Ibid. II, 10.

(21) In reality it does, v. Men. 9a.

(22) Ibid. XIV, 17 with reference to the oil applied to the thumbs and toes.

(23) The oil applied on the thumbs and toes is thus designated 'remainder' and that applied on the head 'remainder of remainder' and therefore constitutes no handicap.

Talmud - Mas. Yoma 61b

R. Johanan said: If the guilt-offering of a leper had been slaughtered not for its own purpose,¹ — therein we find a dispute between [on the one hand] R. Meir, and R. Eleazar and R. Simeon [on the other]. R. Meir, who said he must bring another one and start all over from the beginning, would here consistently hold that he must bring another [animal as] guilt-offering and slay it, whereas R. Eleazar and R. Simeon, who say: He shall start at the place he had left off before, would hold that here there is no redress.²

R. Hisda demurred to them: Surely it is written: 'It³ — This is a refutation. It was taught in accord with R. Johanan: If the guilt-offering of a leper had been slaughtered not for its own purpose, or if one had not sprinkled of its blood upon the thumbs and toes, it is considered a burnt-offering in regard to the altar and requires the [prescribed]⁴ libations and he requires another guilt-offering to render him right again.⁵ — And R. Hisda? — He will answer you: What means, he requires? — He requires, but he has no remedy [to get it]. But would a Tanna teach: 'He requires' when he has no remedy [of getting it]? Indeed, as it was also taught: [Concerning] a baldheaded nazirite Beth Shammai taught he requires to pass through a razor [over his head],⁶ whereas Beth Hillel said: He need not pass through a razor [over his head]. And R. Abina said: When Beth Shammai say: It is necessary, [they mean] he requires to [do so] but he has no remedy.⁷ He thus contradicts R. Pedath, for R. Pedath said: Beth Shammai and R. Eleazar say one and the same thing. 'Beth Shammai', as we have stated above, and 'R. Eleazar' as we have learnt.⁸ If he⁹ have no thumb or toe, he⁹ can never obtain purity. R. Eleazar said: One should place it on the place due, and thereby the duty is done. R. Simeon said: If he placed it on [the thumb and toe of] the right, he has done his duty.

Our Rabbis taught: And the priest shall take [receive] of the blood of the guilt-offering¹⁰ — one might have assumed that is to be done with a vessel, therefore the text reads: 'And he shall put it' i.e., just as the 'putting' must be done by the priest himself, so must the 'taking' be by the priest himself. One might have assumed the same applied to the blood which is to be used for [sprinkling upon] the altar, therefore the text reads: For as the sin-offering . . . so is the guilt-offering.¹¹ Just as a vessel is necessary [for receiving the blood of a] sin-offering,¹² so is a vessel necessary [for the blood of] the guilt-offering. You thus find yourself stating that in the case of the guilt-offering of the leper two priests receive the blood thereof, one in his hand,¹³ the other in a vessel.¹⁴ The first who receives it in the vessel proceeds to the altar, whereas the other who receives it in his hand goes to the leper.

We have learnt there: All of them¹⁵ render the garments levitically impure and are to be burnt in the place where the ashes are deposited. This is the opinion of R. Eleazar and R. Simeon. The Sages say: They do not render the garments ritually unclean and they are not to be burnt in the place where the ashes are deposited, except the last one because with that he completed the atonement. — Raba

asked the following question of R. Nahman: How many he-goats is he to send away?¹⁶ — He answered: Should he perhaps send his flock away?¹⁷ — He said to him:

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- (1) [I.e., he offered it in the name of some other sacrifice. In such a case the sacrifice is valid but is not accounted to the owner in fulfillment of his duty and the owner must consequently bring anew the offering which was due from him.]
- (2) [R. Meir, who holds that part of a service that has not been completed is of no account, would similarly regard this incomplete guilt-offering as not offered and would require another guilt-offering; whereas R. Eleazar and R. Simeon, who do not disregard that part of the service which had been performed, would hold that he cannot bring a new guilt-offering as Scripture explicitly states 'One lamb for a guilt offering' (Lev. XIV, 12) and not two.]
- (3) Lev. XIV, 12: 'And offer it as a guilt-offering', i.e., only the one which has been waved together with the oil. This unequivocal statement of the Torah R. Meir too must accept, hence the interpretation just offered is to be rejected.
- (4) V. Num. XV, 1ff.
- (5) I.e., the leper becomes pure, normal again, so that he may eat holy things (sacrificial meat). This shews that there is a view that he can bring a new guilt-offering, which supports R. Johanan.
- (6) Num. VI, 5: All the days of his vow of the Naziriteship there shall no razor come upon his head, until the days be fulfilled, i.e., but when the days are fulfilled he shall have his hair cut.
- (7) This bald-pate cannot do so. Yet it is stated 'he requires'.
- (8) Naz. 46b.
- (9) The leper.
- (10) Lev. XIV, 14.
- (11) Ibid. XIV, 13.
- (12) V. Zeb. 97b.
- (13) For sprinkling on the leper himself.
- (14) For the sprinkling on the altar.
- (15) All the bullocks and he-goats mentioned in our Mishnah, in connection with blood poured away before the completion of the individual atonement or the whole service in question, and for which substitutes are obligatory, must be burnt outside the three camps (that of the priests, the Levites, and of Israel) and they render the garments of those occupied with burning impure. Lev. XVI, 27-28.
- (16) [Where, for instance, the blood of the he-goat was poured away after the sprinklings in the Holy of Holies in which case he has to bring anew two goats and cast lots afresh.]
- (17) Obviously only one he-goat-to-be-sent-away is dealt with in Lev. XVI.

Talmud - Mas. Yoma 62a

Does he not burn¹ his flock? — How compare these two? With regard to this, it is written 'it',² touching the other it is not written 'it'.

It was stated: R. Papi said in the name of Raba: He sends away the first. — R. Shimi said in the name of Raba: He sends away the last. It is quite right according to R. Shimi in the name of Raba, who said he sends the last away: that is because with him he completes the atonement, but what is the view of R. Papi in the name of Raba? — He holds with R. Jose who says: The commandment is properly fulfilled with the first one. Which view of R. Jose is referred to here? Shall I say it is R. Jose's view in the case of the baskets — for we learned: There were three baskets, each of three se'ahs, in which they took up terumah out of the [shekel] chamber³ and on them were inscribed [the letters] Alef, Beth, Gimel. And it was taught: R. Jose said: Why were Alef, Beth, Gimel inscribed upon them? So that one may know which of them was taken up first [out of the shekel chamber], so as to use it first, for the commandment properly applies to the first! But perhaps it is because at the time when the first is to be used, the others are not ready for use?⁴ Rather [do we refer to the view of] R. Jose touching the paschal sacrifice, for it has been taught:⁵ If one set aside his passover sacrifice and it was lost [went astray] and he set aside another one in his place and then the first was found again, so that both are before him, then he may offer up whichever he wants. This is the view of the Sages. R. Jose says: The commandment attaches properly to the first, but if the second be better than [the first] then he may offer it.

CHAPTER VI

MISHNAH. THE TWO HE-GOATS OF THE DAY OF ATONEMENT ARE REQUIRED TO BE ALIKE IN APPEARANCE, IN SIZE, IN VALUE, TO HAVE BEEN BOUGHT AT THE SAME TIME. BUT EVEN IF THEY ARE NOT ALIKE THEY ARE VALID. IF ONE WAS BOUGHT ONE DAY AND THE OTHER THE FOLLOWING DAY, THEY ARE VALID. IF ONE OF THEM DIED BEFORE THE LOT WAS CAST ANOTHER ONE IS BOUGHT FOR THE SECOND ONE. BUT [IF IT DIED] AFTER THE LOT WAS CAST ANOTHER PAIR MUST BE BOUGHT AND THE LOTS CAST FOR THEM OVER AGAIN. AND IF THE ONE THAT WAS CAST FOR THE LORD DIED, HE [THE HIGH PRIEST] SHOULD SAY: LET THIS ON WHICH THE LOT FOR THE LORD HAS FALLEN STAND IN ITS STEAD. AND IF THE ONE THAT WAS CAST FOR AZAZEL DIED HE SHOULD SAY: 'LET THIS ON WHICH THE LOT FOR AZAZEL HAS FALLEN STAND IN ITS STEAD. THE OTHER ONE IS LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED WHEN IT IS TO BE SOLD AND ITS VALUE GOES TO THE TEMPLE FUND. FOR THE SIN-OFFERING OF THE CONGREGATION MUST NOT BE LEFT TO DIE.⁶ R. JUDAH SAYS: IT IS LEFT TO DIE. FURTHERMORE SAID R. JUDAH: IF THE BLOOD WAS POURED AWAY, THE GOAT-TO-BE-SENT-AWAY WAS LEFT TO DIE. IF THE GOAT-TO-BE-SENT-AWAY DIED THE BLOOD IS POURED AWAY.

GEMARA.

(1) And yet it states that 'all of them are burnt on the place where the ashes are deposited'.

(2) Lev. XVI, 10, with reference to the he-goat-to-be-sent-away. 'It' implies only 'one'.

(3) Into which the shekels were thrown in the month of Adar, with which the priests filled the three baskets for the communal offerings. V. Shek. III, 2.

(4) When one basketful is taken up first one would obviously use that first, but the goat of the first pair could not be sent away before all the sprinklings of blood had been made, when the second is as fitting to be sent away as the first.

(5) Infra 64a.

(6) V. Tem. IV, 3.

Talmud - Mas. Yoma 62b

Talmud - Mas. Yoma 62b

Our Rabbis taught: And he shall take. . . two he-goats,¹ now the minimum of he-goats is two; why then is 'two' mentioned? To indicate that the two be alike. Whence do we know that even if the two are not alike they are valid? Therefore the text reads: 'He-goat', 'he-goat',² which is inclusive [widens the scope]. Now the reason, then, is only that the Divine Law expressly includes it, but had the Divine Law not done so, one would have assumed that they are invalid. Whence do we derive this indispensability? — You might have thought that we say: 'Two' is written three times.³ But now that the Divine Law has twice written 'he-goat' what is the purpose of 'two' written three times? — One applies to appearance, the other to size, the third to value. It has been similarly taught in connection with the lambs of the leper: And he shall take two lambs.⁴ Now the minimum of lambs is two, then why does the text say: 'Two'? To indicate that the two be alike. Whence do we know that even if the two be not alike, they are valid? Therefore the text reads: 'Lamb', 'lamb',⁵ which is inclusive [widens the scope]. Now the reason is only that the Divine Law expressly includes it, but had the Divine Law not done so, one would have assumed that they are invalid, whence do we assume this indispensability? — You might have thought we say: It is written: [This] shall be [the law].⁶ But now that the Divine Law has said: 'Lamb', 'lamb', what purpose serves 'shall be'? — That refers to the rest of the status of the leper.⁷

It was similarly taught in connection with the [birds of] the leper: Birds;⁸ now the minimum of birds is two. Why then is 'two' mentioned? To indicate that the two be alike. Whence do we know that even if they be not alike, they are valid? Therefore the text reads: 'Birds', 'birds',⁹ which is inclusive. Now the reason then is that the Divine Law expressly includes it, but had the Divine Law not included it, one would have assumed that they are invalid. Whence do we derive this indispensability? — You might have thought that we say that it is written 'shall be'. But now that the Divine Law through 'birds', ['birds'] includes it, what purpose serves 'shall be'? — Because of the rest of the status of the leper.

If so, in the case of the daily burnt-offerings let us make a similar deduction: 'Lambs', 'lambs',¹⁰ since the minimum of lambs is two, why does the text read: 'Two'? To indicate that they shall be alike. And whence do we know that even if they are not alike they are valid? Therefore the text reads: 'Lamb', 'lamb',¹¹ which is inclusive.¹² But as far as proper performance of the precept is concerned is it indeed required¹³ [that the lambs shall be alike]? — Here we need it for what has been taught: Two for the day¹⁰ i.e., against the day.¹⁴ You say: Against the day, but perhaps it really means, the daily duty? When it says: The one lamb shalt thou offer in the morning, and the other lamb shalt thou offer at even,¹¹ behold the daily duty is already stated, hence how do I apply the words: 'Two for the day'? I.e., against the day. How is that? The continual morning offering was being slain on the north-western corner, on the second ring,¹⁵ whereas that of the even was slain on the north-eastern corner on the second ring.¹⁵ But the additional sacrifices of the Sabbath certainly must be alike.¹⁶

Our Rabbis taught: If he [the high priest] slew two he-goats of the Day of Atonement outside [the Temple court] before the lots were cast, then he is guilty in respect of both; if, however, after the lot was cast, then he is guilty¹⁷ in respect of the one cast 'for the Lord', but free in respect of the one cast 'for Azazel'.¹⁸ If before he has cast the lots, he is guilty in respect of both of them. But what [sacrifice] are they fit for?¹⁹ — Said R. Hisda: Since [each] is fit to be offered up as the he-goat [the rites of which are] performed without.²⁰ But why is it impossible to offer it up as the he-goat [of which rites are] performed within [the Holy of Holies]? presumably because it still lacks the casting of the lot? But then it ought to be unfit to be used as the he-goat [of which rites are performed] without, for the reason that it still lacks the other ministrations of the Day?²¹ — R. Hisda holds: One may not call the absence of any functions due on the same day a lack of time.²²

Said Rabina: Now that R. Hisda said that the absence of the casting of the lot has the same significance as the absence of a [direct] action,²³ then in view of what Rab Judah said in the name of Samuel: 'Peace-offerings which have been slain before the doors of the Temple have been opened are invalid, as it is said: And he shall slay it at the gate of the tent of meeting,²⁴ i.e., at the time when it is open, but not when it is closed';

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- (1) Lev. XVI, 5.
 - (2) Ibid. 9, 10.
 - (3) Lev. XVI, 5, 7, 8 and thus indicates indispensability.
 - (4) Ibid. XIV, 10.
 - (5) Ibid. 12, 13.
 - (6) Ibid. 2. 'Shall be' implies precise instructions from which there may be no deviation.
 - (7) I.e., to the other regulations relating to the purification of the leper.
 - (8) Lev. XIV, 4.
 - (9) Ibid. 5, 6.
 - (10) Num, XXVIII, 3.
 - (11) Ibid. 4.
 - (12) It is inclusive, i.e., as long as it is a lamb, even if not exactly like the other, it is included in the terms of the commandment.
 - (13) This, however, is nowhere stated.
 - (14) I.e., the morning sacrifice is to be offered up against (opposite) the sun-rise, viz., on the western side of the altar, and the evening sacrifice on the opposite, namely, the eastern side (R. Han.).
 - (15) To the north of the altar were rings, twenty four, six rows of four each, at which they slaughtered the animal offerings. (V. Mid. III, 5.). On these rings the animals were securely tied before slaying. When the morning sacrifice was slain on the western side the light of the sun poured freely in, just as in the eve, when the sacrifice was slain on the eastern side, the rays of the sinking sun were unimpeded. Always in the direction opposite to the light of the day. Tosaf. suggests that the second ring rather than the first was used to prevent the animal from polluting the altar with excrements.
 - (16) [Since in connection with this only 'two lambs' is stated (V. Num. XXVIII, 9) but not the inclusive 'one lamb'. V, Rashi and R. Han.]
 - (17) On the score of Lev. XVI, 3ff:
 - (18) The he-goat destined for Azazel would in any case be killed outside the Sanctuary hence nothing illegitimate took place, no change of place.
 - (19) That he should be liable for slaughtering them outside the Temple court.
 - (20) I.e., in the Sanctuary proper, without the Holy of Holies. The additional sacrifice for the Day of Atonement, a he-goat, is offered up, its blood sprinkled without (Num. XXIX, 11).
 - (21) i.e., the sprinkling of the blood of the bullock and he-goat and the taking and offering of the handfuls of incense, all of which must take place before the additional sacrifice is offered up.
 - (22) The absence of the ministrations of the day mentioned in n. 3 does not affect the validity of the he-goat offered as an additional offering, as these do not constitute a defect in the he-goat itself, but are absent because the time for them had not yet arrived. Whatsoever is bound to come within the day, may not be considered wanting on that day. [This distinguishes it from the casting of lots, the absence of which constitutes a lack in the very he-goat which consequently renders it unfit for use within].
 - (23) In the offering itself, rendering it unfit for Temple use.
 - (24) Lev. III, 2.

Talmud - Mas. Yoma 63a

if someone had slain them outside before the doors of the Temple had been open, he would be free, because the lack of opening is like the lack of a [direct] action.¹ But does R. Hisda adopt the principle of 'since'?² Surely R. Hisda said: If someone had slaughtered the Passover sacrifice outside on any of the other³ days of the year, then, if he did it in its own name, he is free, but if he did it not

in its own name, he is culpable.⁴ The reason [that he is culpable] lies in his having slaughtered it not in its own name. But if he had slaughtered it without any indication it is [as if — slaughtered] in its name, and he would be free? Why that? Let us say: Since it would be fit for a sacrifice not in its own name, within the Temple⁵ [he should be liable]? Now, how compare? There a removal is necessary,⁶ whereas this needs no such removal. Rabbah b. Shimi taught these [two statements of R. Hisda] as [emanating] from Rabbah. He then raises a difficulty from [the one view of] Rabbah against [the other given by] Rabbah; but answers [the difficulty] as we have answered. When R. Dimi [came from Palestine] he said in the name of R. Jeremiah, who said it in the name of R. Johanan: If one slaughtered a Paschal sacrifice outside on any of the other days of the year, whether in its name or not in its name, he is exempt. Said R. Dimi: I have reported this statement in the presence of R. Jeremiah [and queried]: It is all correct [in the case where it was slaughtered] in its name, since it is not fit [for the Temple], but [where it was] not in its name [why should it be exempt]? Surely it would be fit as a sacrifice not in its own name within the Temple? And he said this [in reply]: The removal [of the name of a sacrifice] outside [the Temple] is not deemed [an effective] removal.⁷ — When Rabin came [from Palestine], [he said that] R. Jeremiah said in the name of R. Johanan: If one had slain a Passover sacrifice outside on any of the other days of the year, whether in its own name or not in its own name, he is culpable. Even ‘in its own name’? But have we not learnt: A sacrifice whose time has not yet come [may be such] either because of itself or because of its owner. Which is a sacrifice whose time has not yet come because of its owner? If the owner, either man or woman, was afflicted with gonorrhoea, or was a woman after child-birth or a leper and had offered up their sin-offering or their guilt-offering outside [before the appointed time], they are free.⁸ But if they offered up their whole-offerings or their peace-offerings outside, they are culpable.⁹ And R. Hilkiyah b. Tobi said: They did not teach thus only if they were offered up in their own name, but if they were not offered up in their own name, they were not culpable.¹⁰ Now at any rate, then, when offered up in their own name, the owners are culpable. But why that? Let us say, Since they are fit to be offered up in their own name within [they should be culpable]? — How compare? There a removal is necessary, but here Passover sacrifice during the rest of the days of the year is a peace-offering.¹¹

R. Ashi taught:¹² the owner is culpable, as we had stated above. R. Jeremiah of Difti taught he is not culpable, because he is of the opinion that the Passover sacrifice during the rest of the days of the year requires a removal,¹³ and the removal outside [the Temple] is not [effective]. Therein he disputes with R. Hilkiyah b. Tobi.¹⁴

The Master said: ‘When the lot has been cast, he is culpable in respect of the one [he-goat] cast ‘for the Lord’, and free with respect to the one cast ‘for Azazel’. Our Rabbis taught: What man soever there be of the house of Israel that killeth an ox or lamb, or goat, in the camp, or that killeth it without the camp, and hath not brought it unto the entrance of the tent of meeting to present it as an offering unto the Lord.’¹⁵

(1) So that the offerings were not fit for Temple use, and thus involve no guilt when offered outside.

(2) הוּאֵיל either derived from יַעַל — עַל and אֵל interchange frequently — thus: it helps — and followed by — ‘because’ since; or אֵל + הָאֵל ‘look now, if’, i.e., once this is so, that also may be granted; or from the Biblical אֵל ‘accepted, agreed that this is so, that also ought to be accepted’, implying that because something is permitted in one case, the permission should be extended to all analogous cases.

(3) Besides the eve of Passover, the fourteenth of Nisan, which is the proper date for this sacrifice.

(4) Because in this case it is a peace-offering, which should have been slain within the Temple.

(5) It could be used within as a peace-offering.

(6) [It could not be used within as a peace-offering unless it had been expressly removed at the time of slaughtering from its original purpose as Passover sacrifice, and consequently as long as no such removal had been made it cannot be said to be fit for use within the Temple.] The he-goat offered within as well as the one without are sin-offerings in either situation.

(7) [Although a paschal lamb on any other days in the year can be removed from its original purpose and offered as a

peace-offering, such a removal is effective only when it is offered within the Temple, but where it is offered outside, the paschal lamb retains its original name and purpose and consequently involves no guilt for having been slaughtered outside.]

(8) V. Lev. XV, 14, 29; XII, 6, XIV, 10.

(9) In the case of sin-offerings or guilt-offerings, which were offered up outside before they were due, no culpability is involved, because they are not acceptable within before their time has come, neither as obligatory nor as freewill-offerings. But burnt-offerings or/and peace-offerings, which are accepted even when not obligatory, are fit to be offered up within even before the appointed time, hence they involve culpability when offered up without. V. Zeb. 112b.

(10) This exemption applies only when the guilt-offering was offered up in its own name outside, in which case being before its appointed time it would be unfit for the Temple. But if it was offered up for another purpose than that originally designated, e.g., for a burnt — or peace-offering, where it would be acceptable within at any time, there is culpability when offered up without.

(11) Without the need of an express removal from its original purpose.

(12) With reference to the statement reported by Rabin.

(13) Before it can be offered as a peace-offering.

(14) Who holds that a removal outside the Temple is an effective removal.

(15) Lev. XVII, 3, 4.

Talmud - Mas. Yoma 63b

From [the word] ‘offering’ I might have assumed that even offerings for the temple repair [are included], which are also called ‘offerings’, in accord with the Scriptural words: And we have brought the Lord's offering,¹ therefore the text reads: ‘And hath not brought it unto the entrance of the tent of meeting’, i.e., whatsoever is fit to be brought to the tent of meeting, if offered up outside, involves culpability; but whatsoever is fit to be brought to the entrance of the tent of meeting, if offered up outside, does not involve culpability. Thus I would exclude only those which are not fit to be offered up at the entrance of the tent of meeting, but I would not exclude [the cow for the sin-offering² and] the he-goat-to-be-sent-away, which are fit to be brought to the entrance of the tent of meeting, therefore the text reads: ‘Unto the Lord’ i.e., only those assigned to the Lord, to the exclusion of such as are not assigned to the Lord.

But do the words ‘Unto the Lord’ imply exclusion? I shall raise a contradiction: It may be accepted for an offering made by fire unto the Lord,³ i.e., the fire-offerings.⁴ Whence do we know that one may not dedicate it before its time has come?⁵ Therefore the text reads: ‘As an offering’. ‘Unto the Lord’, includes the he-goat-to-be-sent-away!⁶ Said Raba: There [the meaning is determined] by the context, and here too [its meaning is determined] by the context: There ‘Unto the entrance implies inclusion, therefore ‘Unto the Lord’ implies exclusion; here ‘An offering made by fire’ implies exclusion, hence ‘Unto the Lord’ has inclusive⁷ meaning. Now the only reason then is that the Divine Law included it, but if it had not done so I would have assumed that the he-goat-to-be-sent-away could be dedicated before its time.⁸ But⁹ the lot does not determine except such [an animal] as is fit ‘for the Lord’?¹⁰ — Said R. Joseph: This is in accord with Hanan the Egyptian, for it was taught:¹¹ Hanan the Egyptian says: Even if the blood is in the cup, may he bring its mate and pair them.¹² But admitted that Hanan does not accept the opinion concerning ‘rejection’¹³ you surely did not hear that Hanan does not accept the opinion as to the necessity of casting the lots? Perhaps he [the high priest] would have to bring [two] and cast lots [afresh]?¹⁴ — Rather, said R. Joseph, this [Baraita]¹⁵ is in accord with R. Simeon, for it was taught: If one of them died, he brings another one without casting lots, this is the view of R. Simeon! Rabina said: The reference [in the Baraita] is to a case in which one of them became blemished and was redeemed with another one.¹⁶ But whence will you say that a blemish renders it [the scapegoat] invalid? As it was taught: Nor make an offering by fire of them,¹⁷ this refers to the pieces of fat. From here I could infer only as to all the pieces. Whence do we know that it applies also to parts thereof? Therefore the text reads: ‘Of them’. ‘The altar’¹⁷ i.e., the sprinkling of the blood. Unto the Lord,¹⁷ that includes the

he-goat-to-be-sent-away.

Now it was necessary [for the Scripture] to write [disqualifying a scapegoat], the blemished animal and one whose time has not yet come. For if the Divine Law had written only about the animal whose time has not yet come, I would have assumed there [it is disqualified] applies because its time has not yet come, but in the case of one blemished whose time had come, I might have assumed that [the disqualification does] not [apply]. And if the Divine Law had written about the blemished animal alone, I might have assumed the reason [for its being disqualified] there lies in repulsiveness, but with the animal whose time has not yet come, and where there is no repulsive feature, one might have assumed [the law] does [not] apply, hence it was necessary [to write about both].

(1) Num. XXXI, 50.

(2) The red heifer. Tosaf. supports Rashi's elimination of this reference to the red heifer, because the latter was not brought to the entrance of the tent of meeting, hence is logically excluded from the present discussion.

(3) Lev. XXII, 27.

(4) Only from the eighth day are they acceptable as offerings.

(5) I.e., that an offering cannot be dedicated before the eighth day.

(6) This shows that 'Unto the Lord' implies inclusion.

(7) The he-goat-to-be-sent-away is not 'for the Lord', but fit to be brought unto the entrance of the tent of meeting. So 'Unto the Lord' excludes whatsoever is not assigned for the Lord. In the other passage 'An offering made by fire' excludes, of course, the goat, which is to be hurled from the precipice, whereas 'Unto the Lord' is complementarily inclusive, hence the goat must not be offered up before it is eight days.

(8) I.e., before it is eight days old.

(9) V. Tem.6b.

(10) And that implies a minimum age, hence invalidation before its time.

(11) Zeb. 34b.

(12) Even if the blood of the he-goat to be sprinkled up within is in the cup, when the he goat-to-be-sent-away dies, no new casting of the lots is necessary according to Hanan, but, as is assumed at present, one may simply bring another he-goat from outside and pair it and appoint it for Azazel even without lots. Thus we see that Hanan does not hold the principle that the lot does not determine etc.; and consequently the he-goat-to-be-sent-away need not necessarily have reached its proper time hence a scriptural verse is necessary to teach that it must do so.

(13) He does not accept the view of R. Judah in our Mishnah that the scapegoat is to be rejected as unfit on account of the mishap to the other.

(14) Leaving the one, upon whom the lot 'for the Lord' now falls, to pasture until it acquires a blemish, whilst obtaining atonement through the blood of the first. At any rate, however, casting the lots is necessary, hence one whose time had not yet come would be invalidated, because the lot determines only what is 'fit for the Lord', i.e. whose time has come.

(15) Which requires a special text to teach that the he-goat-to-be-sent-away must be of minimum age.

(16) Where the he-goat-to-be-sent-away suddenly became blemished, its successor obtained by means of redemption needs no lot to determine its purpose, and, since no list was required, there is no implied obligation as to proper minimum age.

(17) With reference to blemished animals. Lev. XXII, 22.

Talmud - Mas. Yoma 64a

Raba said: [It¹ was necessary] for the case that he² had a sick person in the house, for whom he killed the mother-animal on the Day of Atonement.³ But is it forbidden in such a case?⁴ Does not the Divine Law say: Ye shall not kill it⁵ and this is not killing?⁶ — In the West [Palestine] they said: Hurling it down from the [mountain] peak, that is its killing.

IF THAT 'FOR THE LORD' DIED, etc.: Rab said: The second of the first pair is to be offered up, the second of the second pair should be left to pasture.⁷ - R. Johanan said: The second of the first

pair should be left to pasture, the second pair should be offered up. In what principle do they differ? — Rab holds: Living animals⁸ are not rejected [forever], whereas R. Johanan holds: Living animals are rejected [forever]. What is the reason for Rab's view? He infers it from those whose time has not yet come: An animal whose time has not yet come, although it is as yet unfit, when it later becomes fit again, will be quite in order. Thus also here. How can this be compared? There⁹ it was never fit at all. Here it was once fit and then rejected? — Rather is this the reason of Rab's view: He infers it from an animal afflicted with a passing blemish: An animal afflicted with a passing blemish surely although now unfit, yet when it is fit again, is quite in order. Thus also here. But whence do we know if touching the former? Because it is written: Because their corruption is in them, there is a blemish in them¹⁰ i.e., only as long as a blemish is in them are they not acceptable, but when their blemish passes they are acceptable. And R. Johanan? — The Divine Law stated 'in them'¹⁰ i.e., only these are acceptable after the blemish has passed, but all other animals rejected [through temporary unfitness] once they have been rejected, stay rejected. And Rab? — The words 'in them' signify that only as long as they are in their natural form are they not acceptable, but as soon as they are mixed up with others, they are acceptable; as we have learnt,¹¹ if the members of unblemished [whole-offerings] were mixed up with the members of blemished [animals], R. Eliezer says: If the head of one of them had been offered,¹² the heads of all may be offered; if the legs of one of them had been offered, the legs of all may be offered. The Sages, however, say: Even if all the members with exception of one have been offered, this one must go forth to the place of burning. And the other one [R. Johanan]? He infers that from [the fact that instead of] 'bam' [is written] 'bahem'.¹³ — And the other one [Rab]? — He does not expound from 'bahem' instead of 'bam'. But according to Rab, granted that animals cannot be rejected for ever, if he wishes let him offer this, and if he wishes let him offer the other?¹⁴ — Raba said: Rab holds to the view of R. Jose, who said: The command attaches properly to the first. — Which [view of] R. Jose are you referring to? Shall I say, You say [the view of] R. Jose concerning the baskets, for we have been taught:¹⁵ There were three baskets each of three se'ahs,¹⁶ in which they took up terumah out of the shekel-chamber, and on each of them was inscribed: Alef, Beth, Gimel. And we have been taught: R. Jose said: Why is Alef, Beth, Gimel inscribed upon them? So that one may know out of which of them the terumah was taken up [out of the shekel-chamber] first, to use it first, for the command properly applies to the first! — But perhaps it is different there because at the time when the first is to be used, the others are not ready for use yet?¹⁷ — Rather is it R. Jose['s view] concerning the Passover sacrifice, for it was taught: If someone has separated his Passover sacrifice and it is lost, and he thereupon puts aside another one in its place, and afterwards the first one is found again, so that both are standing [ready to be used], then he can offer up whichever he prefers; this is the view of the Sages. R. Jose holds the commandment attaches properly to the first,¹⁸

(1) The verse disqualifying a scapegoat that has not reached its proper time.

(2) Who was the purveyor to the community of these animals.

(3) In case of a dangerously ill person the slaying of an animal for food or remedial purpose is permitted. Raba suggests the case that the purveyor of the he-goat had, on the Day of Atonement, slain its mother for the patient. But in view of the prohibition (Lev. XXII, 28:) Whether it be cow or ewe, ye shall not kill it and its young both in one day, the he-goat would thus become an animal that was wanting in time all the Day of Atonement, after the lot had been cast.

(4) To use the young as scapegoat.

(5) Lev. XXII, 28.

(6) The prohibition is now interpreted to refer to the technical ritual slaying, whereas the scapegoat is being hurled down the precipice.

(7) Until it acquires a blemish.

(8) If they are temporarily invalidated, they can still be used by means of the substitution of another animal as pair.

(9) Because it was wanting in time and thus was never rejected.

(10) Lev. XXII, 25.

(11) Zeb. 77b.

(12) Before the confusion of the other members with the members of the whole-offerings had been noticed.

(13) From the fact that the Divine Law used the longer word 'bahem' instead of the shorter 'bam', which has the identical meaning, this inference is attempted. The rival view ignores this variation as not intended for additional inferences.

(14) Whereas the law here is stated to require only the first.

(15) V. supra 59b and notes.

(16) I.e., 144 eggs.

(17) But here although the lots had been cast, the goat could not be slain until after the blood of the bullock had been sprinkled. In the interim the he-goat with it had died, two others were brought in, and when the time for slaying the goat had come, the latter was already in readiness.

(18) For notes v. supra 59b.

Talmud - Mas. Yoma 64b

but if the second one be very much better, he shall offer it up.

Raba said: Our Mishnah points to be in accord with Rab, whereas the Baraitha is in accord with R. Johanan. Our Mishnah is in accord with Rab for it reads: IF THE ONE THAT WAS CAST FOR THE LORD DIED, HE [THE HIGH PRIEST] SHOULD SAY: LET THIS ON WHICH THE LOT FOR THE LORD HAS FALLEN STAND IN ITS STEAD' [implying] that the other remains as it is.¹ The Baraitha is in accord with R. Johanan, for it reads: As to the second.² I do not know whether [it means] the second of the first pair, or the second of the second pair. But from the words 'shall be set alive'³ [I infer: only this one] but not one whose pair has died.⁴ How does that follow? — 'It shall now be set alive', [and] not the one that has been set [alive] before [but whose pair has died].

We learned: FURTHERMORE DOES R. JUDAH SAY: IF THE BLOOD WAS POURED AWAY, THE SCAPEGOAT IS LEFT TO DIE; IF THE SCAPEGOAT DIED, THE BLOOD IS POURED AWAY. Now that is quite right according to R. Johanan, who holds living animals are rejected [permanently], — therefore the scapegoat is left to die. But according to Rab, who holds that living animals are not rejected [permanently], why should the scapegoat be left to die? — Rab will answer you: What I say, I say in accordance with the view, not of R. Judah, but of the Sages.⁵ It is quite right according to Rab: Therein lies the difference between the Sages and R. Judah; but according to R. Johanan, wherein lies the difference?⁶ — Raba said: That is what we have said [above]: The Mishnah points to be in accord with Rab.

We learned: FOR A COMMUNITY SIN-OFFERING IS NOT LEFT TO DIE. This [implies] that one of an individual, in such a case, would be left to die. Now that will be right according to R. Johanan,⁷ following R. Abba in the name of Rab, for R. Abba said In the name of Rab:

(1) In the state of holiness, without being rejected.

(2) The second mentioned in the Mishnah, that it is left to pasture.

(3) Lev. XVI, 10. One that 'shall be set alive', not one which had been set alive again, a second time.

(4) Hence the second in the Mishnah must refer to the second of the first pair.

(5) [Who, as is to be inferred from the words of R. Judah, held that the second in the first pair is to be offered, because in their view living animals are not rejected permanently].

(6) R. Johanan holds that the Sages insist that the second of the first pair must not be offered. Wherein then does R. Judah, in his additional remark ('Furthermore') differ from the Sages.

(7) Who holds that the second of the first pair is left to pasture.

Talmud - Mas. Yoma 65a

All agree that if he had obtained atonement through [the animal that] had not been lost, [the animal that] had been lost must be left to die;¹ but according to Rab it would be as if someone has set aside

two sin-offerings as a guarantee [that one of them should be available if the other be lost],² and R. Oshaia said: If someone had set aside two sinofferings for the purpose of guarantee, he gains atonement through one of them and leaves the other to pasture? — Since Raba said that Rab followed the view of R. Jose,³ who holds the commandment properly attached to the first, it is as if it⁴ had from the very beginning been set aside [in substitution] for the one that was lost. We learned: R. JUDAH SAYS: IT SHALL BE LEFT TO DIE. It is quite right in the view of R. Johanan who said that the second of the first pair must be left to pasture [that is, according to the Rabbis]⁵ and [it is this one which] according to R. Judah be left to die,⁶ so that he obtains atonement through the second one of the second pair; but if the view of Rab who said that the second of the second pair must be left to pasture, and [it is this one which] according to R. Judah must be left to die, then according to R. Judah⁷ through which can he obtain atonement? — Do you understand that R. Judah refers to the second of the second pair? R. Judah refers to the second of the first pair.⁸ Others framed the [above] question [against Rab]⁹ in the following manner: Furthermore did R. Judah say: If the blood was poured away, the scapegoat is left to die; if the scapegoat died the blood is poured away.

Now it is in order according to Rab: In the first part [of the Mishnah] they are disputing about the sin-offering of the community, and in the latter part about [the rejection of] living animals,¹⁰ but according to R. Johanan: What does 'Furthermore signify?'¹¹ — This difficulty remains.¹²

FURTHERMORE SAID R. JUDAH: IF THE BLOOD WAS POURED AWAY, THE SCAPEGOAT IS LEFT TO DIE. It is quite right that when the blood was poured away the scapegoat must die, because the command with it had not been fulfilled, but when the scapegoat died, why should the blood be poured away; surely the commandment therewith had been fulfilled? — The School of R. Jannai said: Scripture said: [The goat] shall be set alive before the Lord, to make atonement,¹³ i.e., how long must he stay alive? Until the time that his fellow's blood is sprinkled.

We have learnt elsewhere: If the inhabitants of a town sent their shekels¹⁴ and they were stolen or lost, then, if terumah¹⁵ has been taken up already, they¹⁶ swear an oath before the Temple treasurers; and if not they swear an oath before the people of the town; and the people of the town must pay the shekels anew. If they were found again or the thieves restored them, then both are taken as shekels¹⁷ and they do not count as prepayment for the dues of the next year. R. Judah says: They count for the next year.¹⁸ What is the reason of R. Judah's view? — Raba said: R. Judah holds that obligatory offerings of one year may be brought up in the following year. Abaye raised the following objection against him:¹⁹ If the bullock or the he-goat of the Day of Atonement were lost and he had set aside others in their place, also, if the goats offered up for idolatry [were lost] and others were set aside for them, then they must all be left to die, this is the opinion of R. Judah. R. Eliezer and R. Simeon hold: They shall be left to pasture until they become blemished, when they should be sold and the money realized for them should go for freewill-offerings, for the sin-offerings of the community must not be left to die.²⁰ — He [Raba] answered:

(1) [If one had set aside an animal as sin-offering and the animal got lost, and after setting aside another in its stead, the lost animal was found, then according to Rabbi he obtains atonement with whichever he chooses and the other is left to die. The Sages, however, hold that it is left to pasture, as the law which requires that a sin-offering, the owner of which has obtained atonement by another, is to be left to die applies only if it was found after the atonement rites had been performed, but not if found before the atonement (V. Tem. 23a). Now in connection with this R. Abba said that there is no disagreement between Rabbi and the Sages where the atonement was obtained through the one which had not been lost, i.e., through the second, all agreeing in such a case that the first one is left to die. (In accordance with the established old law that if a sin-offering had been lost and the owner obtained atonement through another, when it is found again it is left to die). The dispute concerns a case where atonement was obtained through the first, after it had been lost and found again, Rabbi holding that what is set aside in substitution for that which had been lost is subject to the same law as the lost animal itself and hence must be left to die, whereas the Sages do not share the view. Now in our

Mishnah on the view of R. Johanan, who holds that the second of the first pair is left to pasture, it rightly gives as reason 'For no community sin-offering is left to die'; for had it been of an individual it would be left to die, since the atonement is being obtained through the one which had suffered no mishap, and had never been rejected.]

(2) [According to Rab who rules that the atonement is being obtained through the second of the first pair which had been rejected, how could the Mishnah state by implication that if it had been the sin-offering of an individual it would under similar circumstances be left to die? Not only would this not be the case according to the Sages, who rule that whatever is set aside in substitution for that which had been lost is not subject to the same law as the lost animal itself (v. previous note), seeing that he has obtained atonement through the one that had been rejected; but even according to Rabbi (v. ibid) it would not have to be left to die, since the second of the second pair has never been set aside as substitution for the one that had been lost, seeing that its predecessor is still alive. It was merely set aside as a companion to the other which had to be brought in place of the one (the first goat cast for Azazel) that had died. But since living animals cannot be permanently rejected, he should in such a case be able to offer either, just as in the case where one sets aside two offerings as a guarantee for each other.]

(3) V. supra 64a.

(4) [I.e., the second of the second pair, and hence but for the fact that it was a public sacrifice it would have been left to die.]

(5) The authority of the first view reported anonymously in the Mishnah.

(6) [It is now assumed that R. Judah's rule that it must be left to die has reference to the one which, according to the Rabbis, is left to pasture, since R. Judah perforce is of the opinion that living animals are permanently rejected as has been established, supra 64b.]

(7) [He surely cannot obtain atonement by means of the first, seeing that he holds that living animals are permanently rejected.]

(8) [For in the view of Rab, R. Judah differs from the Rabbis also on the question of the fitness of the second of the first pair for sacrifice; whilst the Rabbis hold that it is offered, R. Judah holds that it is left to die.]

(9) Raised supra 64b.

(10) The Rabbis holding that they are not permanently rejected, hence atonement is obtained through the second of the first pair, whereas R. Judah (as has just been explained) holds that the second in the first pair is left to die and the second in the second pair is offered up.

(11) The Rabbis, too, agree that the second in the first pair remains rejected.

(12) Even as stated supra 64b that the Mishnah is in support of Rab.

(13) Lev. XVI, 10.

(14) Through messengers to Jerusalem to pay their Temple dues.

(15) Lit., 'heave-offering', here denoting the contribution of Shekels taken up at stated times from out of the shekel-chamber in the Temple from which public sacrifices were bought, v. Shek. III, 1ff

(16) The messengers take the oath of bailees in accord with Ex. XXII, 10.

(17) For the current year.

(18) For notes v. Shek., Sonc. ed., II, 1.

(19) Shebu. 11a.

(20) Hence we see that R. Judah does not permit the obligation of one year to be kept in order to be brought up the following year, otherwise he would not have ruled that this should be left to die, which contradicts the view just expressed.

Talmud - Mas. Yoma 65b

You speak about community sacrifices? It is different with community sacrifices, even as R. Tabi said, in the name of R. Josiah. For R. Tabi said in the name of R. Josiah: Scripture said: This is the burnt-offering of every new moon throughout the months of the year.¹ The Torah indicates: Renew and bring Me an offering of the new terumah.² That will be right concerning the he-goat.³ But can it be said in the case of the bullock? Preventive measure attaches to the bullock because of the he-goat. And because of preventive measure shall they be left to die?⁴ And, furthermore, the statement of R. Tabi in the name of R. Josiah characterizes the action as merely a meritorious deed, for R. Judah said in the name of Samuel: It is a meritorious deed to offer the community sacrifices, which are due in

Nisan, from the new terumah. If he had offered them from the old, he has fulfilled his duty, but has omitted a meritorious deed! — Rather, said R. Zeira: [The reason why they cannot be offered in the following year is] because the lot of one year cannot determine for the following year. But let us cast lots again? — There is the fear that people might say the lots do determine from one year for the next. That will be reasonable as far as the he-goat is concerned, but what can be said about the bullock? — The prohibition attaches to the bullock because of the he-goat. And because of a preventive measure shall they be left to die? — The Rabbis before Abaye said that to be a preventive measure on account of a sin-offering whose owner had died.⁵ That will be right in the case of the he-goat, but what of the case of the bullock? — The restriction in the case of the bullock derives from the he-goat. And because of a preventive measure shall they be left to die? — Rather is it a restriction because of a sin-offering whose year is past.⁶ Is that [but] a preventive measure? This is itself a sin-offering whose year is past.⁷ This is no difficulty, in accord with the view of Rabbi. For it was taught:⁸ A full year,⁹ one counts three hundred and sixty-five days according to the year of the sun, this is the view of Rabbi. The Sages say: One counts twelve months from day to day.

(1) Num. XXVIII, 14.

(2) V. R.H., Sonc. ed., p. 25, nn. 8 — 9.

(3) Which was provided from the funds of the shekel-chamber.

(4) It would seem sufficient that they be left to pasture.

(5) If the priest should die that year.

(6) I.e., the fear that by the next Day of Atonement it may be more than a year old. All the he-goats offered up as sin-offerings are invalidated after they have reached the age of one year.

(7) Obviously this sin-offering will be past one year this time next year.

(8) R. H. 6b.

(9) Lev. XXV, 30. The reference here is to the time (one year) during which the seller of a dwelling house in a walled city may redeem the property sold by cancellation of contract.

Talmud - Mas. Yoma 66a

And if the year be a prolonged year, the advantage belongs to the seller.¹ That is right as far as the he-goat is concerned. But what can be said in the case of the bullock? — The preventive measure attaches to the bullock because of the he-goat. And because of a preventive measure shall he be left to die? And, furthermore, a sin-offering, whose [first] year is past, is left to pasture,² for Resh Lakish³ said: As to a sin-offering which has passed its year, we look upon it as if it were standing on the cemetery⁴ and it is left to pasture? — Rather, said Raba, is the restriction due to the fear of an offence,⁵ for it was taught:⁶ One may neither consecrate anything, nor vow any 'valuation',⁷ nor declare anything as devoted⁸ nowadays.⁹ And if one had consecrated or vowed a 'valuation', or declared anything as devoted, if an animal, it should be uprooted;¹⁰ if fruits, vessels or covers, one should let them rot; if money or metal vessels, they are to be taken to the Salt [Dead] Sea.¹¹ And what does 'uprooting' mean? Locking the door before it, so that it die of itself. What kind of offence [is here contemplated]? If an offence in connection with the offering up, that ought then to apply to other cases of pasturing animals also?¹² If an offence in connection with shearing or working it, then that ought to apply to other pasturing animals too? In truth the offence contemplated is one in connection with the offering-up, but with those which are not to be offered up¹³ one is not pre-occupied, whereas with this one, since it is to be offered up, he would be pre-occupied. Now as to the question itself whether we fear the possibility of an offence, Tannas are disputing. For it was taught in one [Baraitha]: A Paschal lamb which was not offered up on the first Passover may be offered up on the second,¹⁴ and if not offered up on the second, may be offered up in the following year. And another [Baraitha] taught: It must not be offered up. Is it not then that they dispute touching [the fear of] an offence? — No, all agree we are not apprehensive as to a possible offence; but here they are disputing in the matter at issue between Rabbi and the Sages,¹⁵ and there is no contradiction [between the two Baraithas]; the one is in accord with Rabbi, the other with the Rabbis

[Sages].¹⁶ — But was it not taught: The same applies to the money?¹⁷ Hence rather infer from here that they are disputing in regard to the fear of the offence. — That inference is accepted.

MISHNAH. HE THEN CAME TO THE SCAPEGOAT AND LAID HIS TWO HANDS UPON IT AND HE MADE CONFESSION. AND THUS WOULD HE SAY: I BESEECH THEE, O LORD, THY PEOPLE THE HOUSE OF ISRAEL HAVE FAILED, COMMITTED INIQUITY AND TRANSGRESSED BEFORE THEE. I BESEECH THEE, O LORD, ATONE¹⁸ THE FAILURES, THE INIQUITIES AND THE TRANSGRESSIONS WHICH THY PEOPLE, THE HOUSE OF ISRAEL, HAVE FAILED, COMMITTED AND TRANSGRESSED BEFORE THEE, AS IT IS WRITTEN IN THE TORAH OF MOSES, THY SERVANT, TO SAY: FOR ON THIS DAY SHALL ATONEMENT BE MADE FOR YOU, TO CLEANSE YOU; FROM ALL YOUR SINS SHALL YE BE CLEAN BEFORE THE LORD. AND WHEN THE PRIESTS AND THE PEOPLE STANDING IN THE TEMPLE COURT HEARD THE FULLY-PRONOUNCED NAME COME FORTH FROM THE MOUTH OF THE HIGH PRIEST, THEY BENT THEIR KNEES, BOWED DOWN, FELL ON THEIR FACES AND CALLED OUT: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM 'FOR EVER AND EVER. THEY HANDED IT OVER TO HIM WHO WAS TO LEAD IT AWAY. ALL WERE PERMITTED TO LEAD IT AWAY,¹⁹ BUT THE PRIESTS MADE IT A DEFINITE RULE NOT TO PERMIT AN ISRAELITE²⁰ TO LEAD IT AWAY. R. JOSE SAID: IT ONCE HAPPENED THAT ARSELA OF SEPPHORIS LED IT AWAY, ALTHOUGH HE WAS AN ISRAELITE. AND THEY MADE A CAUSEWAY FOR HIM BECAUSE OF THE BABYLONIANS, WHO WOULD PULL ITS HAIR, SHOUTING TO IT: 'TAKE²¹ AND GO FORTH, TAKE AND GO FORTH'.

GEMARA. But he did not say: 'The sons of Aaron, thy holy people'; which Tanna is of this opinion? — R. Jeremiah said: This is not in accord with R. Judah, for if it were in accord with R. Judah, surely he said: They, too, obtain atonement from the scapegoat?²² Abaye said: You might even say that it is in accord with R. Judah: Are the priests not included in 'Thy people Israel'? Our Rabbis taught: A man²³ [means] to declare a non-priest eligible;²⁴ appointed²³

(1) According to Rabbi, the count always goes according to the number of the days of the solar year, independent as to intercalation or non-intercalation of the extra month, so that the sin-offering need not necessarily have passed its first year by the next Day of Atonement.

(2) And not to die.

(3) Pes. 97a.

(4) Which no priest is permitted to enter, i.e., the animal must not be slaughtered.

(5) Lit., 'stumbling-block'.

(6) That the fear of an offence is taken into consideration.

(7) V. Lev. XXVII, 3.

(8) Ibid. 28.

(9) After the destruction of the Temple, things consecrated, valued or devoted in favour of it, since not available for the Sanctuary to which they are properly assigned, must be destroyed.

(10) This is soon explained.

(11) [So MS.M. Cur. edd.: he should take the value of the benefit derived from them to the Salt Sea.]

(12) If the offence lies in the possibility that it may be offered up instead of being left to pasture until it acquires a blemish, the same apprehension would be justified with regard to any other animal which is ruled to be left to pasture.

(13) In other cases where animals are ruled to be left to pasture, these animals themselves will never become fit for offering, since they are left to pasture till they become blemished, when they are sold and with the proceeds another animal is bought for offering. Hence he would not be preoccupied with the thought of offering them, as in the case of the animal which is to be offered up on the next Day of Atonement and which he might thus offer up before.

(14) The second Passover for those who were far away or ritually unclean on the fourteenth of Nisan. To some such person this lamb may be sold .V. Num. IX,9.

(15) As supra 65b, whether a complete year denotes a solar year or exactly twelve months.

(16) [According to Rabbi it would perforce be past its first year on the following Passover, when it would be disqualified for a Paschal lamb, hence it cannot be offered in the coming year; whereas, according to the Sages, it might still be under a year, hence it may be retained for the coming year.]

(17) [I.e., the same dispute which is found in connection with the Paschal lamb applies also to money which had been set aside for one year's Paschal lamb, whether it may be used for the next year. Now in the case of money, surely the point at issue between Rabbi and the Sages does not apply.]

(18) Lit., 'wipe off'.

(19) Var. lec., high priests.

(20) I.e., a non-priest.

(21) Sc. our sins.

(22) V. supra 61a.

(23) V. Lev. XVI, 21.

(24) For taking away the scapegoat into the wilderness.

Talmud - Mas. Yoma 66b

[means] that he must be prepared [from the previous day]; 'appointed' [means] that [it is to send away]; even on the Sabbath 'appointed', even if in a state of uncleanness.¹ [You say]: 'Man [means] to declare a non-priest eligible', but that is obvious? — You might have thought that since [the term] Kapparah [atonement] is written in connection therewith,² therefore he informs us [as above]. — 'Appointed', i.e., even on the Sabbath. What does this teach?³ — R. Shesheth said: It is to say that if it is sick, he may make it ride on his shoulder. According to whose view is this? Not according to R. Nathan, for R. Nathan said: A living being carries itself!⁴ — You may even say that this is in accord with R. Nathan: when it is sick it is different,⁵ however.

Rafram said: This is to say that [the laws of] 'erub⁶ and carrying out⁷ apply on Sabbath, but do not apply on the Day of Atonement.⁸ 'Appointed', i.e., even in a state of uncleanness.⁹ What does that teach? — R. Shesheth said: It is to say that if he who is to carry it away became unclean, he may enter in impurity the Temple Court¹⁰ and carry it away.

R. Eliezer was asked: What about his carrying it on his shoulder? — He said: He could carry you and me.¹¹ If he who is to take it away became sick, may he send it away through someone else? — He said: I wish to keep well, I and you!¹² If he pushed it down and it did not die, must he go down after it and kill it? — He said to them: So perish all Thine enemies, O Lord.¹³ But the Sages say: If it became sick, he may load it on his shoulder; if he pushed it down and it did not die, he shall go down and kill it. They asked R. Eliezer: 'What about So-and-so¹⁴ in the world to come'? — He replied, 'Have you asked me only about this one'?¹⁵ 'May one save the lamb from the lion'? — He said to them: 'Have you asked me only about the lamb'?¹⁵ 'May one save the shepherd from the lion'? — He said to them: 'Have you asked me only about the shepherd'?¹⁶ 'May a mamzer¹⁷ inherit'? — [He replied]: 'May he marry the wife of his brother who died without issue'?¹⁸ 'May one whitewash his house'?¹⁹ — [He replied]: 'May one whitewash his grave'? — [His evasion was due] not to his desire to divert them with words [counter-questions], but because he never said anything that he had not heard from his teacher.²⁰

A wise woman asked R. Eliezer: Since with regard to the offence with the golden calf all were evenly associated, why was not the penalty of death the same?²¹ — He answered her: There is no wisdom in woman except with the distaff. Thus also does Scripture say: And all the women that were wise-hearted did spin with their hands.²² It is stated: Rab and Levi are disputing in the matter. One said: Whosoever sacrificed and burned incense died by the sword; whosoever embraced and kissed [the calf] died the death [at the hands of Heaven];²³ whosoever rejoiced in his heart died of dropsy. The other said: He who had sinned before witnesses and after receiving warning,²⁴ died by the sword; he who sinned before witnesses but without previous warning, by death; and he who

sinned without witnesses and without previous warning, died of dropsy.

Rab Judah said: The tribe of Levi did not participate in the idolatry, as it is said: Then Moses stood in the gate of the camp.²⁵ Rabina was sitting and reporting this teaching, whereupon the sons of R. Papa b. Abba objected to Rabina: Who said of his father and of his mother: 'I have not seen him, etc.'?²⁶ — 'His father', that is the father of his mother, an Israelite; 'brother', the brother of his mother, an Israelite; 'sons', that means the sons of his daughter [which she had] from an Israelite.

AND THEY MADE A CAUSEWAY FOR HIM etc. Rabbah b. Bar Hana said: These were not Babylonians but Alexandrians, and because they [the Palestinians] hated the Babylonians,²⁷ they called them [the Alexandrians] by their [the Babylonians'] name. It was taught: R. Judah said, They were not Babylonians, but Alexandrians. — R. Jose said to him: May your mind be relieved even as you have relieved my mind!²⁸

MISHNAH. SOME OF THE NOBILITY OF JERUSALEM USED TO GO WITH HIM UP TO THE FIRST BOOTH. THERE WERE TEN BOOTHS FROM JERUSALEM TO THE ZOK²⁹

(1) This is soon explained.

(2) And this term as a rule occurs only in connection with a rite performed by priests.

(3) What Sabbath desecration could the taking of the scapegoat to the wilderness involve?

(4) V. Shab. 90a. Hence no transgression would be involved in carrying it.

(5) A sick being, unable to 'carry itself', might logically be assumed to be an exception to R. Nathan's rule.

(6) v. Glos.

(7) I.e., transferring an object from public to private grounds and vice versa, both of which were prohibited on the Sabbath.

(8) Since the word 'anointed' is here interpreted as referring to the suspension of the Sabbath law, the inference is justified that no such prohibition existed on the Day of Atonement, or else it would be illogical to say that a special statement permits the suspension of these laws on the Day of Atonement which fell on a Sabbath, since they would be operative on any Day of Atonement, even if it fell on a weekday. The laws of 'carrying out' and 'erub belong together, hence strictly speaking, the Gemara need not have mentioned both; when one is applied, the other automatically applies too.

(9) How should the laws on levitical uncleanness apply to the taking of the scapegoat to the wilderness?

(10) When he receives it from the high priest.

(11) R. Eliezer made a point of not answering any question concerning which he had not received a definite tradition or interpretation from his teachers.

(12) This, too, is an evasive answer: You and I are well, hope to keep well, why trouble about such hypothetical situations?

(13) Judg. V, 31.

(14) Peloni. It may have been a general question concerning 'John Doe', or it may refer to Solomon's (Rashi), or to Absalom's (R. Han.) regard for the Davidic Dynasty being responsible for the substitution of the vague Peloni. [Some see in Peloni a reference to Jesus, Finkelstein L. to Philo. Bokser, B.Z. Pharisaism in Transition pp. 18ff, rightly regards these identifications as hardly supported by any facts.]

(15) Ali his answers are evasive.

(16) Some see in the question about the shepherd a reference to David, who as lion (King) or as shepherd had taken the lamb (Bathsheba) from her husband. Others see the lamb in Uriah, Bathsheba's husband, whom the lion (David) sent to his death.

(17) May a bastard (the issue of a union forbidden under the penalty of extinction) inherit his father?

(18) Why don't you ask the whole question: How far does he participate in the rights and duties of normal Jews?

(19) May one whitewash one's house in spite of the fact that one ought to remain conscious all the time of the destruction of the Temple, etc.

(20) [V. Suk., Sonc. ed., p. 122. Bokser, op. cit. pp. 108f sees in these questions differences of opinion on important points of law. The question about sheep concerned the ban against cattle-raising which the Rabbis wished to enforce (v.

B.M. 84b) and which R. Eliezer opposed as having no precedent in tradition. The questions relating to the mamzer involved the imposition of certain discriminations against the mamzer of which R. Eliezer did not approve, and similarly he refused to accept the prohibition of the other Rabbis of plastering one's house in sad remembrance of the destruction of the Temple, not finding any support for it in tradition].

(21) Scripture mentions three forms of penalties: Some died by the sword (Ex. XXXII, 27), others by the plague (ibid. 35), the rest by dropsy as the result of their drinking the water containing the gold dust, which Moses had offered them in expiation (ibid. 20).

(22) Ex. XXXV, 25.

(23) I.e., died by the plague.

(24) Penalty could be imposed only when the offence had been committed in the presence of two witnesses who accuse the defendant, after he had been warned as to the consequences of his offence.

(25) Ex. XXXII, 26. (cont.) and said: 'Whoso is on the Lord's side, let him come unto me'. And all the sons of Levi gathered themselves together unto him.

(26) Deut. XXXIII, 9. Here seems scriptural proof that the Levites, in punishing the guilty, ignored relationships, such as father or mother, but executed punishment on all. Thus their relatives, other Levites, must have been guilty.

(27) This hatred caused them to look down upon the Babylonians as remiss in their religious duties, and to father upon them other people's wrongs.

(28) R. Jose was a Babylonian. He welcomes the interpretation, which freed his fellow-countrymen from the charge of such boorish conduct.

(29) Lit., 'the peak', the mountain top from which the scapegoat was precipitated. Also used to denote the precipice itself.

Talmud - Mas. Yoma 67a

[A DISTANCE OF] NINETY RIS, SEVEN AND A HALF OF WHICH MAKE A MIL.¹ AT EVERY BOOTH THEY WOULD SAY TO HIM: HERE IS FOOD AND HERE IS WATER. THEY WENT WITH HIM FROM BOOTH TO BOOTH, EXCEPT THE LAST ONE.² FOR HE WOULD NOT GO WITH HIM UP TO THE ZOK,³ BUT STAND FROM AFAR, AND BEHOLD WHAT HE WAS DOING.

WHAT DID HE DO? HE DIVIDED THE THREAD OF CRIMSON WOOL, AND TIED ONE HALF TO THE ROCK, THE OTHER HALF BETWEEN ITS HORNS, AND PUSHED IT FROM BEHIND. AND IT WENT ROLLING DOWN AND BEFORE IT HAD REACHED HALF ITS WAY DOWN HILL IT WAS DASHED TO PIECES. HE CAME BACK AND SAT DOWN UNDER THE LAST BOOTH UNTIL IT GREW DARK. AND FROM WHEN ON DOES IT RENDER HIS GARMENTS UNCLEAN?⁴ FROM THE MOMENT HE HAS GONE OUTSIDE THE WALL OF JERUSALEM. R. SIMEON SAYS: FROM THE MOMENT HE PUSHES IT INTO THE ZOK.⁵

GEMARA. Our Rabbis taught: There were ten booths and twelve mils⁶ [distance] — this is the view of R. Meir. R. Judah says Nine booths and ten mils; R. Jose says: Five booths and ten mils. And they are all available by means of an 'erub.⁷ R. Jose said: My son Eliezer suggested to me: As long as I have an 'erub, two booths would do even for ten mils.⁸ With whose view will agree what was taught: But not from the last booth, for nobody would go with him up to the Zok, but standing afar, would behold what he was doing? According to whom [is this]? According to R. Meir.⁹

AT EVERY BOOTH THEY WOULD SAY TO HIM: HERE IS FOOD AND WATER: A Tanna taught: Never did any one [who carried the goat away] find it necessary to use it, but¹⁰ [the reason of this provision is because] you cannot compare one who has bread in his basket with one who has no bread in his basket.¹¹

WHAT DID HE DO? HE DIVIDED THE THREAD OF CRIMSON WOOL: But let him tie the

whole [thread] to the rock? — Since it is his duty [to complete his work with] the he-goat, perhaps the thread might become fast white, and he would be satisfied.¹² But let him tie the whole thread between its horns? — At times its head [in falling] is bent and he would not pay attention.¹³ Our Rabbis taught:¹⁴ In the beginning they would tie the thread of crimson wool on the entrance of the Ulam¹⁵ without: if it became white they rejoiced; if it did not become white, they were sad and ashamed. Thereupon they arranged to tie it to the entrance of the Ulam within. But they were still peeping through and if it became white, they rejoiced, whereas, if it did not become white, they grew sad and ashamed. Thereupon they arranged to tie one half to the rock and the other half between its horns. R. Nahum b. Papa said in the name of R. Eleazar ha-Kappar: Originally they used to tie the thread of crimson wool to the entrance of the Ulam within, and as soon as the he-goat reached the wilderness, it turned white. Then they knew that the commandment concerning it had been fulfilled, as it is said: If your sins be as scarlet, they shall be as white wool.¹⁶

BEFORE IT HAD REACHED HALF ITS WAY DOWN HILL: The question was raised: As to those limbs [pieces] are they permitted for general use?¹⁷ Rab and Samuel are in dispute on this point, one saying: They are permitted, the other they are forbidden. The one who holds they are permitted [argues thus]:

(1) [So that ninety ris is the equivalent of twelve mils.]

(2) I.e., the one who accompanied him to the last booth, the one before the Zok.

(3) [Because according to calculation there was a distance of two mils between the last booth and the Zok which was beyond the walking limits of the Sabbath or Festivals.]

(4) V. Lev. XVI, 26.

(5) Cf. p. 312, n. 6.

(6) [V. n. 1. This allowed for one mil(=2000 cubits) the permissible walking distance between one booth and another and two mils from the last booth to the Zok].

(7) This 'erub signified the transferring of one's abode to the place where certain foods were deposited, with the consequence that his movements on the Sabbath would be assumed to start from that abode and were permitted within 2000 cubits in every direction.

(8) Suppose some Jerusalemites deposited on the eve of the Day of Atonement some eatables at the end of the 2000 cubits which are the legal maximum for walking out of the city on the Sabbath. Then they are permitted to accompany the man appointed to take away the scapegoat a distance of 2000 more cubits (the maximum as from the present fictitious abode). The guard of other booths eight and four mils off Jerusalem could do the same, in every direction. Now one may go 2000 cubits with him from Jerusalem, where guards from the first booth join him up to the second and so on, until his destination is reached.

(9) According to R. Jose and R. 'Judah even the last reaches the Zok.

(10) V. supra 18b.

(11) The craving of him who lacks the opportunity to gratify it is much more intense than the craving of him who has such opportunity.

(12) If the thread should turn white suddenly before the goat had yet been hurled down, the appointed man might be so happy with the sign of forgiveness obtained as to neglect going through with the prescribed ceremony of pushing the he-goat downward, thus leaving the command unfulfilled.

(13) To the change in colour, since the thread would be out of his sight.

(14) V. R.H. 31b.

(15) The Hall leading to the interior of the Temple.

(16) Isa. I, 18.

(17) I.e., may they e.g., be sold so that the profit therefrom be enjoyed. Hana'ah (general use) stands for any enjoyment except akilah, eating for human consumption, therefore using it for profit, as a gift, etc.

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For it is written: 'in the wilderness';¹ the one who holds they are forbidden [argues]: Because

Scripture says: cut off.² But as for him who considers them forbidden, for what purpose does he use the word 'wilderness'? He needs it in accord with what was taught: 'Into the wilderness', 'to the wilderness', 'in the wilderness',³ that means to include Nob, Gibeon, and Shiloh and the Permanent House.⁴ And what does the other [teacher] do with 'cut off'? — He needs it, in accord with what was taught: Gezerah,⁵ [the term] 'gezerah' means something that is 'cut off';⁶ another explanation: Gezerah means something that goes to pieces as it goes down; another interpretation: 'gezerah'⁷ — perhaps you might say this is a vain thing? Therefore the text reads: I am the Lord, I have decreed⁷ it and you are not permitted to criticize it.

Raba said: The view of him who says they are permitted is more reasonable, for the Torah did not say 'Send away'! to create [possibility of] offence.⁸ Our Rabbis taught: Azazel — it should be hard and rough.⁹ One might have assumed that it is to be in inhabited land, therefore the text reads: 'In the wilderness'. But whence do we know that it [is to be in] a Zok?¹⁰ — Therefore the text reads: 'Cut off'.¹¹ Another [Baraita] taught: Azazel, i.e., the hardest of mountains, thus also does it say: And the mighty [ele] of the land he took away.¹² The School of R. Ishmael taught: Azazel — [it was so called] because it obtains atonement for the affair of Uza and¹³ Aza'el.-

Our Rabbis taught: Mine ordinances shall ye do,¹⁴ i.e., such commandments which, if they were not written [in Scripture], they should by right have been written and these are they: [the laws concerning] idolatry [star-worship], immorality and bloodshed, robbery and blasphemy. And My statutes shall ye keep,¹⁴ i.e., such commandments to which Satan objects, they are [those relating to] the putting on of sha'atnez,¹⁵ the halizah¹⁶ [performed] by a sister-in-law, the purification of the leper, and the he-goat-to-be-sent-away. And perhaps you might think these are vain things, therefore Scripture says: I am the Lord,¹⁴ i.e., I, the Lord have made it a statute and you have no right to criticize it.

FROM WHEN ON DOES IT RENDER HIS GARMENTS UNCLEAN? Our Rabbis taught: Only he who is to take the goat away renders his garments unclean, but he who sends the appointed man away¹⁷ does not render his garments unclean. One might have assumed that [he does so] as soon as he goes forth outside from the wall of the Temple court, therefore the text reads: He that letteth go.¹⁸ If [you derive from] 'he that letteth go' [one might infer that] only when he reaches Zok, therefore the text reads: 'And he that letteth go'.¹⁹ How then is it? R. Judah says: As soon as he goes out of the walls of Jerusalem. R. Jose says: Azazel and wash [are written in close proximity] i.e., only when he reaches the Zok. R. Simeon says: And he that letteth go the goat for Azazel shall wash his clothes, i.e., he flings it down headlong and his garments become then unclean.

MISHNAH. HE [THE HIGH PRIEST] CAME TO THE BULLOCK AND THE HE-GOAT THAT WERE TO BE BURNT,²⁰ HE CUT THEM OPEN AND TOOK OUT THE SACRIFICIAL PORTIONS²¹ AND PUT THEM ON A TRAY, AND BURNT THEM UPON THE ALTAR. HE TWISTED THEM [THE BEASTS] AROUND CARRYING POLES AND BROUGHT THEM OUT TO THE PLACE OF BURNING. FROM WHAT TIME DO THEY RENDER GARMENTS UNCLEAN?²² AFTER THEY HAVE GONE OUTSIDE THE WALL OF THE TEMPLE COURT. R. SIMEON SAYS: FROM THE MOMENT THE FIRE HAS TAKEN HOLD OF MOST OF THEM.

GEMARA. And he burnt them up? How could that thought arise in you?²³ — Rather say: To burn them [later] on the altar.

HE TWISTED THEM AROUND CARRYING POLES: R. Johanan said: So in the form of a net-work. — A Tanna taught: He did not cut them up as one cuts up the flesh of a burnt-offering, but [he left] the skin on the flesh. Whence do we know this? Because It was taught:²⁴ Rabbi said: It is said here: skin . . . flesh . . . and dung²⁵ and it is said there: skin . . . flesh . . . and dung²⁶

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- (1) Lev. XVI, 22. This phrase is superfluous and comes to teach that just as the wilderness belongs to all so are the broken limbs of the he-goat it contains free for the use of all.
- (2) Ibid. i.e., cut off from use, forbidden.
- (3) Ibid. vv. 10, 21, 22.
- (4) I.e., The Jerusalem Temple. The law applies to all these places.
- (5) The Hebrew for the 'cut off'.
- (6) I.e., something that rises steep, and not in a slope.
- (7) The root meaning of the word is: cut off, guard. Thus: to institute a preventive measure, to enact a prohibition, to decree. All these root-meanings are here brought into play: It is 'cut off', hence descending precipitately. — It is cut, 'split', hence dashed in pieces. — It is a decree, divine, hence no criticism is allowed.
- (8) It would be an offence for an unwary man who found them to make use of these animals, and the Torah would place no such stumbling-block in the way of the average person. Hence the assumption that the members of the goat's body are free to be used.
- (9) Az and el mean strong, irresistible, impudent.
- (10) Zok means a mountain peak; it may be the special name of the mountain whence the he-goat was flung down.
- (11) V. Supra p. 315, n. 7.
- (12) Ezek. XVII, 13.
- (13) This is a reference to the legend of fallen angels, based partly on Gen. VI, 4 and also on foreign lore. V. Jung, L. 'Fallen Angels in Jewish, Christian and Mohammedan literature'.
- (14) Lev. XVIII, 4.
- (15) A web of wool and linen, v. Deut. XXII, 11. All the laws mentioned in this group cannot be explained rationally; they are to be taken on faith, as the decree of God.
- (16) The ceremony of taking off the brother-in-law's shoe, v. Deut. XXV, 5ff.
- (17) I.e., those who accompany him.
- (18) Lev. XVI, 26.
- (19) [This argument is not clear. v. Rashi. Tosef. (Yoma III) reads: One might have assumed as soon as he goes forth outside the wall of the Temple court, therefore the text reads: 'For Azazel shall wash his clothes'. If 'for Azazel shall wash his clothes', I might [infer] only when he reaches Zok etc.]
- (20) Ibid. 27: And they shall burn in the fire their skin, and their flesh.
- (21) Lev. IV, 8-10.
- (22) V. Lev. XVI, 28.
- (23) That took place much later.
- (24) Zeb. 50a.
- (25) Lev. XVI, 27.
- (26) With reference to the bullock brought by an anointed priest for a sin-offering. Ibid. IV, 11.

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just as above it is [carried forth] by means of cutting up and not by flaying, so here also it is by means of cutting up and not by flaying. Whence do we know it there? — For it was taught: 'And its inwards, and its dung, and he shall carry forth',¹ that teaches that he must carry it forth complete.² One might have assumed that he must also burn it complete, therefore it is said here: 'with its head and with its legs' and there also it is said: its head and its legs,³ hence just as there it is [offered] by means of cutting up, so here also it is [carried forth] by means of cutting up. One might assume that just as there it is by means of flaying, so here too, therefore the text reads: 'And its inwards and its dung'. How is this implied [in the Scriptural text]? — R. Papa answered: Just as the dung is enclosed in the inwards, so shall the flesh be enclosed in the skin.⁴

FROM WHAT TIME DO THEY RENDER GARMENTS UNCLEAN? [etc.] Our Rabbis taught:⁵ [And the bullock and . . . the he-goat] he shall carry forth without the camp and they shall burn. There⁶ you allot them three⁷ camps and here only one camp?⁸ Then, why does it read: 'without the

camp'? To tell you: As soon as he goes outside the one camp, the garments are rendered unclean. Whence do we know it there?⁹ — For it was taught:¹⁰ Even the whole bullock shall he carry forth without the camp,¹¹ i.e., without the three camps. — You say: Without the three camps, but perhaps it means [only] 'without one camp'? When Scripture says, in connection with the bullock of the congregation: 'without the camp', whereas no such statement [of the text] is necessary, for it is said already: And he shall burn it as he burned the first bullock,¹² why then was 'without the camp' stated? To allot it another camp; and when Scripture says, Without the camp', in connection with the removal of the ashes whereas no such statement is necessary,¹³ since it is said already: Where the ashes are poured out,¹¹ this means to allot it a third camp. What does R. Simeon¹⁴ do 'Without the camp'?¹⁵ He needs it, as it was taught: R. Eliezer says: It is said here: 'Without the camp', and it is said there: Without the camp.¹⁶ Just as here it means outside the three camps, so does it mean there outside the three camps; and just as there it means to the east of Jerusalem,¹⁷ so does it mean here to the east of Jerusalem. But according to the view of the Sages where were they burnt? In accordance with what was taught: Where were they burnt?

(1) Lev. IV, 11-12.

(2) But the skin of the bullock, and all its flesh, with its head, and with its legs, and its inwards, and its dung, omitting no part of the animal's anatomy, hence justifies the statement that 'shall he carry forth', in the following verse, means he shall carry it forth complete.

(3) Lev. I, 8, 9. With reference to a burnt-offering of the flock.

(4) The skin of the bullock and all its flesh, occurring in the same passage with and its dung justifies the analogy: as the dung is enclosed, etc.

(5) Zeb. 105b.

(6) In connection with the bullock which the congregation or the anointed priest had to offer up as a sin-offering for an offence committed in error.

(7) Three camps, outside of which it is to be burnt, are 'allotted', designated in connection with it: the priestly camp, the camp of the Levites, the camp (the city) of Israel as shown infra.

(8) This bullock would apparently be burnt outside of the first camp (as 'without the camp' is mentioned only once). What difference justifies such discrimination? The difference would lie in the nature of the sacrifice, but there is practically no such difference, both being offered up inside and having the same regulation with regard to their burning and to their defiling of the garments.

(9) V. p. 318, n. 8.

(10) Sanh. 42b.

(11) Lev. IV, 12.

(12) Ibid. v. 21.

(13) V. ibid. VI, 4.

(14) Who, in our Mishnah, says: The garments are rendered unclean only from the moment the fire has taken hold of most parts of the sacrifice.

(15) Lev. XVI, 27.

(16) Num. XIX, 4. With reference to the red heifer.

(17) As indicated in the words towards the face of the tent of meeting, that is, he stands in the east facing the entrance of the Tabernacle to the west.

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to the north¹ of Jerusalem, and without the three camps. R. Jose says: They were burnt in the place² where the ashes of the sacrifices were deposited.

Raba said: Who is the Tanna disputing with R. Jose. It is R. Eliezer b. Jacob, for it was taught: [The bullock shall he carry forth to] where the ashes are poured out, and burn it, i.e., there shall be ashes [from before].³ R. Eliezer b. Jacob says: It means that its place shall be sloping. Said Abaye: Perhaps they are disputing as to whether the place shall be sloping!⁴ — Our Rabbis taught: And he

that burneth them⁵ i.e., he that burneth renders his garments unclean, but not he who kindles the fire, nor he who puts the wood in order. And who is 'He that burneth'? He who assists at the time of the burning. One might have assumed that even after they have become ashes, they shall still defile the garments, therefore Scripture says: 'them, i.e., only as long as they [are 'they'] do they defile the garments, but not once they have become ashes. R. Eliezer son of R. Simeon says: The bullock [itself] defiles the garments, but when the flesh is burnt to hard lumps it no more defiles the garments. What is the difference between the two views? — If it has been reduced to lumps of charred flesh.⁶

MISHNAH. THEY SAID TO THE HIGH PRIEST: THE HE-GOAT HAS REACHED THE WILDERNESS. AND WHENCE DID THEY KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS? THEY USED TO SET UP GUARDS AT STATIONS⁷ AND FROM THESE TOWELS WOULD BE WAVED, THUS WOULD THEY KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS. R. JUDAH SAID: BUT DID THEY NOT HAVE A GREAT SIGN? FROM JERUSALEM TO BETH HIDODO⁸ WAS THREE MILS. THEY COULD WALK A MIL, RETURN THE MIL, THEN TARRY THE TIME IT TAKES TO WALK A MIL, AND THUS KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS. — R. ISHMAEL SAID: BUT THEY HAD ANOTHER SIGN TOO: A THREAD OF CRIMSON WOOL WAS TIED TO THE DOOR OF THE TEMPLE, AND WHEN THE HE-GOAT REACHED THE WILDERNESS THE THREAD TURNED WHITE, AS IT IS WRITTEN: THOUGH YOUR SINS BE AS SCARLET THEY SHALL BE AS WHITE AS SNOW.⁹

GEMARA. Abaye said: One may infer from here that Beth Hidodo is in the wilderness and this is what he [the Tanna of the Mishnah] informs us: that R. Judah holds: As soon as the he-goat has reached the wilderness the commandment concerning it is fulfilled.

CHAPTER VII

MISHNAH. THE HIGH PRIEST [THEN] CAME TO READ. IF HE WISHED TO READ IN LINEN GARMENTS HE COULD DO SO, OTHERWISE HE WOULD READ IN HIS OWN WHITE VESTMENTS. THE SYNAGOGUE ATTENDANT¹⁰ WOULD TAKE A SCROLL OF THE LAW AND GIVE IT TO THE HEAD OF THE SYNAGOGUE,¹¹ AND THE HEAD OF THE SYNAGOGUE GAVE IT TO THE SEGAN,¹² AND THE SEGAN GAVE IT TO THE HIGH PRIEST, AND THE HIGH PRIEST STANDS AND RECEIVES IT, AND READS [THE SECTION] BEGINNING] 'AFTER THE DEATH . . .'¹³ AND 'HOWBEIT ON THE TENTH. . .'¹⁴ THEN HE WOULD ROLL UP THE SCROLL OF THE LAW AND PUT IT IN HIS BOSOM AND SAY, 'MORE THAN WHAT I HAVE READ OUT BEFORE YOU IS WRITTEN HERE. AND ON THE TENTH . . .'¹⁵ WHICH IS IN THE BOOK OF NUMBERS HE RECITES BY HEART. THEN HE RECITES IN CONNECTION THEREWITH EIGHT BENEDICTIONS: FOR THE LAW, FOR THE TEMPLE SERVICE, FOR THE THANKSGIVING, FOR THE FORGIVENESS OF SINS AND FOR THE TEMPLE SEPARATELY,¹⁶ AND FOR ISRAEL SEPARATELY AND FOR JERUSALEM SEPARATELY,¹⁷ FOR THE PRIESTS SEPARATELY AND FOR THE REST OF THE PRAYER.¹⁸ HE WHO SEES THE HIGH PRIEST WHEN HE READS DOES NOT SEE THE BULLOCK AND THE HE-GOAT THAT ARE BEING BURNT, AND HE THAT SEES THE BULLOCK AND THE HE-GOAT THAT ARE BEING BURNT DOES NOT SEE THE HIGH PRIEST WHEN HE READS: NOT THAT HE WAS NOT PERMITTED BUT BECAUSE THE DISTANCE APART WAS GREAT AND BOTH RITES WERE PERFORMED AT THE SAME TIME.

GEMARA. Since it states: IN HIS OWN WHITE VESTMENT,¹⁹ the inference is that reading is not a [Temple] service, and then it states: IF HE WISHED TO READ IN THE LINEN GARMENTS HE COULD DO SO, from which one may learn that priestly garments may be enjoyed for private

use!²⁰ Perhaps it is different with reading, because it is a necessity for the [Temple] service. For the question was raised: Are the priestly garments allowed for private use or not allowed! — Come and hear: They would not sleep in the holy garments.²¹ Now they could not sleep in them, but they could eat in them!²² — Perhaps it is different with the eating, because it is necessary for the service, for it was taught: And they shall eat those things wherewith atonement was made;²³ this teaches that the priests eat and the owner obtains atonement. ‘They could not sleep in them’, but could they walk around in them? — In truth they might not walk around in them either

(1) For all the ceremony in connection with the sin-offering took place in the north.

(2) Before Beth ha-Deshen; when ashes have been deposited there it is Beth ha-Deshen. After they have been deposited it is Shefek ha-Deshen, the place where ashes have been poured out. (v. Rashi).

(3) V. Lev. IV, 12.

(4) I.e., the discussion may concern only the question as to whether the place must be sloping, and not whether ashes must have been deposited there first, R. Eliezer b. Jacob agreeing that ashes must have been deposited there before.

(5) Lev. XVI, 28.

(6) In this case the flesh has been dissolved without having become ashes. According to the first Tanna they render the garments unclean as long as they are not ashes, hence, in this case would still have this defiling effect. According to R. Eliezer son of R. Simeon it is only as long as they are bullocks, i.e., whole, that they render garments impure, whereas as charred flesh they are no more bullocks, hence do not affect the garments any more.

(7) Jastr. from Grk. Diadoche — relays, guard at stations, corrupted into dirchaot.

(8) Not definitely identified. J.T. Beth Horon, var. lec. Haroro, Beth Hadure.

(9) Isa. I, 18.

(10) [Hazzan. There is no certainty in regard either to the origin or rank of the Hazzan. Here he appears a second in rank to the Head of the Synagogue].

(11) **רֹאשׁ הַכְּנִסְתָּ** Identified with the **, the officer who administered the external affairs of the synagogue, v. Krauss, Synagogaletum, p. 116ff. and J.E. II, 86.]

(12) V. Glos.

(13) Lev. XVI.

(14) Lev. XXIII, 26-32.

(15) Num. XXIX, 7-11.

(16) What ‘separately’ means is not clear. Some texts including, J.T. omit. V. also Sotah 40b.

(17) [J.T. and separate editions of the Mishnah omit ‘for Jerusalem’, which makes the number exactly eight].

(18) V. Gemara.

(19) Robe, garment; either the Greek stole, or a derivation of talal, cf. talith — Jast, and does not necessitate sacred priestly vestments.

(20) For private clean use, as against the possibility of impurity in sleep.

(21) Tamid 25b.

(22) Although eating is not part of the service, it is permissible for priests to eat in their official garments.

(23) Ex. XXIX, 23.

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but it is necessary [to make special mention of sleep] on account of the last clause:¹ they may take them off, fold them, and put them under the head.

‘They may take them off, fold them, and put them under the head’! You may infer, then, hence that priestly garments may be enjoyed for private use? — R. Papa said: Do not say, ‘Under their heads’, but rather say, ‘Next to their heads’. R. Mesharsheya said: You may infer, thence, that one may keep the tefillin next to oneself whilst asleep. It is also logical that [the meaning here is] next to their heads’. For if the thought should arise in you that [it means] ‘under their heads’, surely you ought to derive [the prohibition of that] on account of the mixed texture [of wool and linen], for among [the garments which consisted of a mixed texture] is also the girdle, so that even if the private

enjoyment [of priestly garments] is permitted, surely here he is deriving benefit from a mixed texture! — That will be right according to the view that the girdle of the high priest [on the Day of Atonement] is identical with the girdle of the common priest during the rest of the year; but what can be said according to the view that the girdle of the high priest is not identical with that of the commoner?² — And if you were to say mixed textures are forbidden only for wearing and putting on, but not for lying on, surely was it not taught: Neither shall there come upon thee,³ i.e., but you may spread it under you; but the Sages declare that this too is forbidden, because a fringe [of the mattress etc.] might wind itself round the flesh. And if you were to say: Something was placed in between, but did not R. Simeon b. Pazzi in the name of R. Joshua b. Levi say on the authority of Rabbi, in the name of the Holy Community of Jerusalem: Even if there were ten mattress covers, one on top of the other, with mixed textures under them, it would still be forbidden to sleep on them. Rather, therefore, must you say [the meaning is]: ‘Next to their heads’. This is conclusive. R. Ashi said: In reality, read: ‘Under their heads’. [And as to the question]² But he would enjoy mixed textures? [the answer is], Priestly garments are stiff, for even so did R. Huna, son of R. Joshua say: The shrunk felt-cloth of Naresh⁴ is permitted.⁵

Come and hear: As to priestly garments, it is forbidden to go out in them in the province,⁶ but in the Sanctuary whether during or outside the time of the service, it is permitted to wear them, because priestly garments are permitted for private use. This is conclusive. But in the province [it is] not [permitted]? Surely it was taught: The twenty-fifth of Tebeth is the day of Mount Gerizim,⁷ on which no mourning is permitted. It is the day on which the Cutheans demanded the House of our God from Alexander the Macedonian so as to destroy it, and he had given them the permission, whereupon some people came and informed Simeon the Just.⁸ What did the latter do? He put on his priestly garments, robed himself in priestly garments, some of the noblemen of Israel went with him carrying fiery torches in their hands, they walked all the night, some walking on one side and others on the other side, until the dawn rose. When the dawn rose he [Alexander] said to them: Who are these [the Samaritans]? They answered: The Jews who rebelled against you. As he reached Antipatris,⁹ the sun having shone forth, they met. When he saw Simeon the Just, he descended from his carriage and bowed down before him. They said to him: A great king like yourself should bow down before this Jew? He answered: His image it is which wins for me in all my battles. He said to them: What have you come for? They said: Is it possible that star-worshippers should mislead you to destroy the House wherein prayers are said for you and your kingdom that it be never destroyed! He said to them: Who are these? They said to him: These are Cutheans who stand before you. He said: They are delivered into your hand. At once they perforated their heels, tied them to the tails of their horses and dragged them over thorns and thistles, until they came to Mount Gerizim, which they ploughed and planted with vetch, even as they had planned to do with the House of God. And that day they made a festive day.¹⁰ If you like say: They were fit to be priestly garments, or, if you like, say: It is time to work for the Lord: they have made void Thy law.¹¹

THE SYNAGOGUE ATTENDANT WOULD TAKE A SCROLL OF THE LAW. One may infer from here that one may shew honour to the disciple in the presence of his master?¹² — Abaye said: It is all done for the sake of the high priest.¹³

AND THE HIGH PRIEST STANDS. From this you can infer that he was sitting before, but surely we have learnt:¹⁴

(1) Which permits the sleeping on them, independent of any fear that impurity may occur in the sleep, since the garments were taken off the body.

(2) According to the first view both are of linen, without any mixture, hence may be worn. But according to the second view, the commoner did wear a different kind of belt, made up of mixed texture, v. supra 6a notes, hence the difficulty.

(3) Lev. XIX, 19.

(4) Near Sura.

- (5) That felt-cloth was so hard that one could not have worn a garment of that material. The prohibition of mixed texture, however, applies only to such material as may be worn as garments and warm the body.
- (6) I.e., outside the Temple.
- (7) On which the Samaritans (Cutheans) had their Temple.
- (8) One of the surviving members of the Great Synod, v. Aboth, Sonc. ed., p. 2, n. 1.
- (9) Antipatris, in Judah, on the way from Jerusalem to Caesarea, was built by King Herod and called after his father, Antipater.
- (10) Prohibiting every public mourning. This shews that Simeon wore the priestly garments outside Jerusalem.
- (11) Ps. CXIX, 126. [In Megillath Ta'anith the day of the destruction of the Temple on Mount Gerizim is 21st Kislev. According to Josephus it was destroyed by Hyrcanus in the year 128 B.C.E. For the literature on the subject v. Lichtenstein, H., HUCA, vol. VIII-IX, p. 288].
- (12) The question is, shall we consider this an answer to the problem propounded elsewhere and not answered (B.B. 119b; Sotah 40b) as to whether it is legitimate to shew honour to a subordinate in the presence of his superior, (disciple in presence of master). The solution, inferred from here, would be the affirmative.
- (13) I.e., what happens here serves but to indicate how many subordinates the high priest has, i.e., how exalted his position is. The problem is still unsolved as to a situation in which the honour would be intended exclusively for the benefit of the disciple or subordinate.
- (14) [Read with var. lec.: 'A Master said', as what follows is no Mishnah].

Talmud - Mas. Yoma 69b

Nobody may sit down in the [Temple] Court except the kings of the house of David alone, as it is said: Then David the king went in and sat before the Lord?¹ — It is as R. Hisda had explained [elsewhere]: In the women's court, so also here. 'In the women's court'. — Where was R. Hisda's statement made? — In connection with the following: An objection was raised, it was taught: Where did they read therein?² In the Temple. R. Eliezer b. Jacob said: On the Temple Mount, as it is said: And he read therein before the broad place that was before the water gate;³ and R. Hisda said: In the women's court.⁴ And Ezra blessed the Lord, the great God.⁵ What does 'great' imply? — R. Joseph said in the name of Rab: He magnified Him by [pronouncing] the Ineffable Name.⁶ R. Giddal said: [He recited], Blessed be the Lord, the God of Israel, from everlasting even to everlasting.⁷ Said Abaye to R. Dimi: But perhaps it means that he magnified Him by [pronouncing] the Ineffable Name? — He answered: One does not pronounce the Ineffable Name outside [the limits of the Temple]. But may one not? Is it not written: And Ezra the scribe stood upon a pulpit of wood, which they had made for the purpose. [. . . and Ezra praised the great God].⁸ And R. Giddal [commenting thereupon] said: He magnified Him by [pronouncing] the Ineffable Name?—That was a decision in an emergency.⁹ And [they] cried with a great [loud] voice unto the Lord, their God.¹⁰ What did they cry? — Woe, woe, it is he¹¹ who has destroyed the Sanctuary, burnt the Temple, killed all the righteous, driven all Israel into exile, and is still dancing around among us! Thou hast surely given him to us so that we may receive reward through him.¹² We want neither him, nor reward through him! Thereupon a tablet fell down from heaven for them, whereupon the word 'truth'¹³ was inscribed. (R. Hanina said: One may learn therefrom that the seal of the Holy One, blessed be He, is truth). They ordered a fast of three days and three nights, whereupon he¹¹ was surrendered to them. He came forth from the Holy of Holies like a young fiery lion. Thereupon the Prophet said to Israel: This is the evil desire of idolatry, as it is said: And he said: This is wickedness.¹⁴ As they took hold of him a hair of his beard fell out, he raised his voice and it went [was audible] four hundred parasangs. Thereupon they said: How shall we act? Perhaps, God forbid, they might have mercy upon him from heaven! — The prophet said unto them: Cast him into a leaden pot, closing its opening with lead. Because lead absorbs the voice, as it is said: And he said: This is wickedness. And he cast her down into the midst of the measure, and he cast the weight of lead upon the mouth thereof.¹⁴ They said: Since this is a time of Grace, let us pray for mercy for the Tempter to evil.¹⁵ They prayed for mercy, and he was handed over to them. He said to them: Realize that if you kill him, the world goes down. They imprisoned him for three days, then looked in the whole land of

Israel for a fresh egg and could not find it.¹⁶ Thereupon they said: What shall we do now? Shall we kill him? The world would then go down. Shall we beg for half-mercy?¹⁷ They do not grant 'halves' in heaven.¹⁷ They put out his eyes and let him go. It helped inasmuch as he no more entices men to commit incest.¹⁸ In the West [Palestine] they taught it thus: R. Giddal said: [And Ezra praised...the] great [God]:¹⁹ i.e., he magnified Him by pronouncing the Ineffable Name. R. Mattena said: He said: The great, the mighty, and the awful God.²⁰ The interpretation of R. Mattena seems to agree with what R. Joshua b. Levi said: For R. Joshua b. Levi said: Why were they called men of the Great Synod? Because they restored the crown of the divine attributes to its ancient completeness.²¹ [For] Moses had come and said: The great God, the mighty, and the awful.²² Then Jeremiah came and said: Aliens are destroying²³ His Temple. Where are, then, His awful deeds? Hence he omitted²⁴ [the attribute] the 'awful'. Daniel came and said: Aliens are enslaving his sons. Where are His mighty deeds? Hence he omitted the word²⁵ 'mighty'. But they came and said: On the contrary! Therein lie His mighty deeds that He suppresses His wrath,²⁶ that He extends long-suffering to the wicked. Therein lie His awful powers: For but for the fear of Him, how could one [single] nation persist among the [many] nations! But how could [the earlier] Rabbis²⁷ abolish something established by Moses? R. Eleazar said: Since they knew that the Holy One, blessed be He, insists on truth, they would not ascribe false [things] to Him.²⁸

AND HE READ: AFTER THE DEATH' AND 'HOWBEIT ON THE TENTH DAY': A question was raised: One may skip in reading from the Prophets, but one may not skip in reading from the Torah!²⁹ — That is no difficulty: The one [prohibition] applies where [the passage skipped is] sufficiently long to interrupt the interpreter, the other where it is not sufficiently long to interrupt the interpreter.³⁰ — But surely it is in connection therewith that it was taught: One may skip in reading from the Prophets, but one may not skip in reading from the Torah; and how much may be skipped [in the Prophets]? So much as is not sufficiently long to interrupt the interpreter. This implies that in reading from the Torah one may not skip at all? — Said Abaye: There is no difficulty: [The permission applies] here, where one theme is concerned, [the prohibition] there, where two themes are concerned.³¹ Thus also it was taught: One may skip in the reading from the Torah, if the theme be one and same, in reading from the Prophets, even if two themes be involved; in each case, however, only when it is not sufficiently long to interrupt the interpreter. Nor may one skip from one Prophetic Book to another, but in case of one of the twelve Minor Prophets one may skip even [from one Book to another],

(1) I Chron. XVII, 16. Only the descendants of David who, through his son, built the Temple, are permitted to feel sufficiently at home there to be permitted to sit down in the Temple Court, as Scripture indicates.

(2) I.e., when any public reading took place in the Temple.

(3) Neh. VIII, 3. Ezra read the Law 'in the presence of the men and the women'.

(4) [The text from 'it is as R. Hisda explained' to this point is in disorder. MS.M. reads: 'Said R. Hisda, In the women's court. An objection was raised: Where did they read therein? In the (Temple) Court . . . water-gate? — Said R. Hisda, In the women's court'. Ronsburg (Glosses) deletes 'An objection was raised'. In any case our present text seems to be a conflation of two readings].

(5) Neh. VIII, 6.

(6) [Shem ha-Meforash. Lit., 'the Distinguished Name' synonymous with the Shem ha-Meyuhad 'the Unique Name', and generally held identical with the Tetragrammaton uttered as written, v. Sanh., Sonc. ed., p. 408, n. I].

(7) I Chron. XVI, 36.

(8) Neh. VIII, 4-6.

(9) Not to be taken as precedent. Lit. 'a decision for the moment'.

(10) Ibid. IX, 4. [Here too the text is in disorder as the verse has no connection with the preceding verse to which it is adduced in explanation of the emergency referred to, the incident in the first verse having taken place on the first of the seventh month, whilst that of the second verse on the twenty-fourth. Var. lec. accordingly omit the first quotations from ibid. VIII, 4 and substitute in its place the second verse ibid. IX, 4; v. Bah.]

(11) The evil desire, tempter of idolatry.

- (12) For resisting him successfully Israel would be rewarded.
- (13) I.e., I agree with you: you spoke the truth.
- (14) Zech. V, 8.
- (15) The evil desire, for idolatry is also the evil desire for immorality. The two were found to go hand in hand.
- (16) Whereas there is no good in idolatry there is at least some good in the desire for sex indulgence. Perpetuation of the race depends upon it. So does human food. The people who found themselves with the opportunity to destroy the temptation of flesh-love discovered that, when the genius of sex-love is cancelled, no eggs are available.
- (17) To ask that temptation or the tempter should live, but not tempt, is to ask a thing that Heaven will not grant. The tempter lives to tempt. But by depriving its flame of its major glare, by keeping it within lawful limits, one promotes domesticity and prevents depravity.
- (18) Lit., 'against relatives'.
- (19) [On the variant given supra p. 327. n. 6, the reference is to 'great' mentioned in Neh. IX, 4.]
- (20) Ibid. 32.
- (21) The crown, I.e., the praise of the Lord. By re-embodiment the attributes, which Jeremiah and Daniel had omitted.
- (22) Deut. X, 17.
- (23) Or, revel in.
- (24) In his prayer, Jer. XXXII, 17f.
- (25) In his prayer, Dan. IX, 4ff.
- (26) So MS.M. cur. edd. He subdues his inclination.
- (27) Jeremiah, Daniel.
- (28) Since to them the circumstances indicated that He desired to hide His mighty or awful deeds.
- (29) Meg. 24a.
- (30) The interpreter would follow immediately the reader. If the rolling did not involve so much time that, at the end of his interpretation of the passage just read, the interpreter would have to stop to await the reading of the new Hebrew passage, well and good. For to keep the congregation waiting for the continuation of the service is unseemly. But 'Howbeit on the tenth day' is so near Lev. XVI, that before the interpreter would have concluded his Aramaic interpretation of the last Hebrew passage, the new passage would have been started and read, for him to interpret without loss of time.
- (31) This distinction is not technical, but pedagogical. If both passages although near — so that the interpreter need not keep the congregation waiting — deal with two subjects, one shall not skip from one to another, because closer attention is necessary for an understanding of the laws of the Torah. But where one subject only is involved, as in the reading on the Day of Atonement, such skipping is permitted. Meg. 24a.

Talmud - Mas. Yoma 70a

provided one does not skip from the end of the Book to its beginning.

THEN HE WOULD ROLL UP THE SCROLL OF THE LAW etc.: Why all that?¹ — So as not to discredit the scroll of the Law.²

AND ON THE TENTH, WHICH IS IN THE BOOK OF NUMBERS, HE RECITED BY HEART: Why that? Let him roll up [the scroll] and read from it [again]? — R. Huna the son of R. Joshua said in the name of R. Shesheth: Because it is not proper to roll up a scroll of the Law before the community, because of respect for the community.³ Then one should bring another scroll and read therefrom? — R. Huna, son of R. Judah said: Because it would discredit the first [scroll]. Resh Lakish said: Because of an unnecessary blessing.⁴ But we do take into consideration [the reason that it would] discredit [the first scroll]? Has not R. Isaac, the Smith, said: If the beginning of the month of Tebeth falls on the Sabbath, one brings three scrolls of the Torah, and reads from one about the affairs of the day,⁵ in the second about the new moon, in the third about Hanukkah?⁶ — Three men [reading] from three scrolls do not imply a discredit [for the first and second scroll], one man reading from two scrolls does.⁷

THEREUPON HE PRONOUNCED EIGHT BLESSINGS: Our Rabbis taught: For the Torah, as one pronounces it in the Synagogue;⁸ for the Temple service; for the thanksgiving;⁹ for the forgiving of iniquity, as usual;¹⁰ for the Sanctuary separately; for the priest separately; for Israel separately; and for the rest of the prayer.

Our Rabbis taught: The rest of the prayer: [Accept my] song, petition, supplication before Thee for Thy people Israel, which are in need of salvation.' He would conclude with: '[Blessed art Thou, O Lord] who hearkenest unto prayer.' Thereupon each would bring a scroll of the Torah from his house and read therefrom, in order to shew the multitude its beauty.¹¹ HE WHO SEES THE HIGH PRIEST . . . NOT THAT IT WAS NOT PERMITTED etc.: That is self-evident? — You might have thought as Resh Lakish does: For Resh Lakish said: One must not permit a mizwah to pass by unnoticed; and what mizwah is there here? In the multitude of the people is the king's glory.¹² Therefore we are informed¹³ [that it was permitted].

MISHNAH. IF HE READ IN THE GARMENTS OF LINEN, HE WOULD THEN SANCTIFY HIS HANDS AND FEET, STRIP OFF HIS CLOTHES, GO DOWN AND IMMERSE HIMSELF, COME UP AND DRY HIMSELF. THE GOLDEN VESTMENTS WOULD BE BROUGHT TO HIM, HE PUT THEM ON, SANCTIFIED HIS HANDS AND FEET, WENT OUT, OFFERED UP HIS OWN RAM AND THE RAM OF THE PEOPLE,¹⁴ AND THE SEVEN UNBLEMISHED, ONE-YEAR-OLD-LAMBS.¹⁵ THIS IS THE VIEW OF R. ELIEZER. R. AKIBA SAID: THESE WERE OFFERED UP TOGETHER WITH THE DAILY WHOLE-OFFERING OF THE MORNING, WHEREAS THE BULLOCK FOR THE WHOLE-OFFERING¹⁵ AND THE HE-GOAT WHICH IS OFFERED UP OUTSIDE¹⁶ WERE OFFERED UP TOGETHER WITH THE DAILY WHOLE-OFFERING OF THE AFTERNOON. HE THEN SANCTIFIED HIS HANDS AND FEET, STRIPPED OFF HIS CLOTHES, WENT DOWN AND IMMERSED HIMSELF, CAME UP AND DRIED HIMSELF. THE WHITE VESTMENTS WOULD BE BROUGHT TO HIM, HE PUT THEM ON AND SANCTIFIED HIS HANDS AND HIS FEET. THEN HE WOULD GO IN TO BRING OUT THE LADLE AND THE FIRE-PAN. HE WOULD SANCTIFY HIS HANDS AND FEET, STRIP OFF HIS CLOTHES, GO DOWN AND IMMERSE HIMSELF, COME UP AND DRY HIMSELF. THE GOLDEN GARMENTS WOULD BE BROUGHT TO HIM. HE PUT THEM ON, SANCTIFIED HIS HANDS AND FEET, AND WENT IN TO BURN UP THE AFTERNOON INCENSE, AND TO TRIM THE LAMPS. HE SANCTIFIED HIS HANDS AND FEET AND STRIPPED. THEN HE WENT DOWN, IMMERSED HIMSELF, CAME UP AND DRIED HIMSELF. THEY WOULD THEN BRING TO HIM HIS OWN GARMENTS, HE PUT THEM ON. THEY WOULD ACCOMPANY HIM TO HIS HOUSE. HE WOULD ARRANGE FOR A DAY OF FESTIVITY FOR HIS FRIENDS WHENEVER HE HAD COME FORTH FROM THE SANCTUARY IN PEACE.

GEMARA. The question was raised: How does he [R. Akiba] mean: They [the seven lambs] were offered up together with the daily whole-offering of the morning, whereas the bullock for the whole-offering and the he-goat which is offered up outside were offered up together with the daily whole-offering of the afternoon; or did he mean, perhaps, this: they were offered up together with the daily whole-offering of the morning and together also with them the bullock for the whole-offering, whereas the he-goat which is offered up outside is offered up together with the daily whole-offering of the afternoon?¹⁷ Furthermore, when, according to R. Eliezer who omits reference to him, is the bullock for the whole-offering being sacrificed? Furthermore, according to both R. Eliezer and R. Akiba, when are the sacrificial portions of the sin-offering¹⁸ smoked? — Raba said: You have no properly arranged order [of the service] except you adopt either the view of R. Eliezer, as taught in the School of Samuel, or the view of R. Akiba as reported in the Tosefta. For the School of Samuel taught: R. Eliezer said, He went forth, prepared his own ram, and the ram of the people and the sacrificial portions of the sin-offering, but the bullock for the whole-offering and the seven lambs, and the he-goat that was offered up outside were offered up together with the daily whole-offering of

the afternoon. What is the teaching of R. Akiba as recorded in the Tosefta?¹⁹ — For it was taught: R. Akiba said, The bullock for the whole-offering, and the seven lambs were offered up together with the Daily whole-offering of the morning, as it is said: [Ye shall offer these] beside the burnt-offering of the morning which is for a continual burnt-offering.²⁰ After that the service of the day

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- (1) Why was it necessary for him to say: More than I have read before you is written here?
- (2) His reciting by heart may suggest to the congregation that the passage in question is missing from the scroll.
- (3) Whom one should not keep waiting for the continuation of the service.
- (4) Any unnecessary mention of His name is a transgression of the third command, wherefore in doubtful circumstances a blessing should rather be unpronounced than repeated. A new scroll would require a new blessing and is therefore to be avoided, as leading to an unnecessary, i.e., unlawful mention of His name.
- (5) The portion of the Torah, due to be read on that Sabbath, one of the fifty-two Sabbaths of the year, to each of which is apportioned a Sidrah from the Pentateuch.
- (6) V. Meg. 29b.
- (7) The suggestion that one of the scrolls is defective is more reasonable in the case of one and the same person reading from two, than in the case of three different persons, each of whom reads his portion from one special scroll.
- (8) V. P.B. p. 147.
- (9) Op. cit. p. 50ff.
- (10) As we have it in the Day of Atonement Liturgy.
- (11) To 'adorn oneself' before Him in the performance of His commandments, i.e., to perform them in a manner aesthetically satisfactory is a duty which our Rabbis derived from Ex. XV, 2: He is my God and I will glorify Him. In pursuit of that ideal, a pious Jew would build his tabernacle in most careful and beautiful form, would have his scroll written by excellent scribes, would have his prayer shawl adorned, or made from costly wool or silk. To shew his scroll to the people would be an exhibition of his natural pride in that precious possession.
- (12) Prov. XIV, 28. Consequently it might be thought that one must not depart from witnessing one rite in favour of the other.
- (13) That it is permitted to pass by a mizwah unnoticed, if one is engaged in the performance of another. The prohibition to ignore the opportunity of performing a mizwah applies only when one is not engaged, or about to be engaged, in another good deed.
- (14) Lev. XVI, 24.
- (15) Num. XXIX, 8.
- (16) I.e., its blood was sprinkled on the outer altar. Ibid. v. 11.
- (17) R. Akiba's statement is not clear enough. Either of the two interpretations are possible, dependent on where the end of the clause is placed.
- (18) Mentioned in the Mishnah Supra 67b.
- (19) A collection of oral laws, outside of the Mishnah, but considered authoritative. Several such collections are mentioned and ascribed to various Sages.
- (20) Num. XXVIII, 23.

Talmud - Mas. Yoma 70b

and after that the he-goat which is to be offered outside, as it is said: One he-goat for a sin-offering, beside the sin-offering of atonement;¹ and after that his own ram and the ram of the people, after that the sacrificial portions of the sin-offering, and after that the Daily whole-offering of the afternoon.

What is the reason for R. Eliezer's view? — He [the high priest] performs [the service] in accord with the order written [in Scripture's text]: first he performs what Leviticus enjoins and then he performs what Numbers prescribes.² And R. Akiba? — It is in accord with the reason he himself states: Beside the burnt-offering of the morning, which is for a continual burnt-offering which shews that the additional sacrifices were offered up together with the Daily whole-offering of the morning. What does R. Eliezer do with the passage: Beside the sin-offering of atonement?³ He uses it [for the teaching]: Both⁴ atone for similar kinds of sins.⁵ R. Judah said in his [R. Akiba's] name: One⁶ is

offered up together with the Daily whole-offering of the morning, and six⁶ with the Daily whole-offering of the afternoon. R. Eleazar son of R. Simeon said in his name: Six were offered up with the Daily whole-offering of the morning and one together with the Daily whole-offering of the evening. What is [the reason] of the Rabbis? — There are two verses written: It is written: ‘Beside the burnt-offering of the morning’⁷ and it is written: ‘And he come forth and offer his burnt-offering’.⁸ He therefore prepares one part with the one, and the other with the other. Wherein are they disputing? — R. Judah holds: He offered one first, as it is written: ‘Beside the burnt-offering of the morning’, and then he performed the service of the day, because of a [possible] weakness of the high priest. R. Simeon b. Eleazar holds: Since he once started, he performs the service of the six, lest he be negligent [and will not offer them after the service of the day]. But as to the service due that day, he is zealous.⁹

All, at any rate, agree that it was but one ram;¹⁰ according to whose view is that? — In accord with Rabbi. For it was taught: Rabbi says:¹¹ [The] ‘one ram’¹² spoken of here is the same ram which is mentioned in the Book of Numbers.¹³ R. Eleazar son of R. Simeon says: Two rams are involved, one mentioned here, the other in the Book of Numbers. What is the ground of Rabbi's view? Because Scripture says: ‘One’. — And R. Eleazar son of R. Simeon: ‘One’ here means, the [unique] outstanding one of his flock. And Rabbi? — He infers that from, and all your choice vows.¹⁴ And R. Eleazar son of R. Simeon? — One refers to obligatory offerings, the other to voluntary ones and [a statement concerning both] is necessary.¹⁵

HE WOULD SANCTIFY HIS HANDS AND FEET. Our Rabbis taught: And Aaron shall come in to the tent of meeting.¹⁶ For what purpose does he enter? To fetch ladle and fire-pan

(1) Ibid. XXIX, 11.

(2) [Hence the additional offerings and the Daily afternoon whole-offering prescribed in Numbers are offered last].

(3) [Which implies that the he-goat offered outside is offered before his own ram and the ram of the people].

(4) [The he-goat whose blood is sprinkled outside and the he-goat, the sin-offering of the atonement, whose blood is sprinkled within].

(5) Sheb. 2a. Atonement is made by the he-goat whose blood is sprinkled outside, as well as by: Beside the sin-offering of atonement.

(6) Of the seven lambs.

(7) Which shews that the additional offerings were offered in conjunction with the Daily offering of the morning.

(8) Lev. XVI, 24. [How this implies that the additional offerings were to be offered in conjunction with the Daily offering of the evening is not clear. V. Strashun Glosses].

(9) His zeal for the service of the Day of Atonement will enable him to overcome any weakness that may supervene.

(10) Which is offered up on the Day of Atonement on behalf of the congregation.

(11) V. supra 3a.

(12) Lev. XVI, 5.

(13) Num. XXIX, 8.

(14) Deut. XII, 11.

(15) One could not have inferred the law that the choicest of animals have to be brought in the case of voluntary offerings from the obligatory ones, or vice versa, because to one view the former is preferable, more pleasing because spontaneous, whereas to the other the performance of one's duty takes preference. Hence two texts are necessary to include both kinds of offerings.

(16) Lev. XVI, 23.

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for the whole portion here follows the order with the exception of this verse.¹ Why? — R. Hisda said: We have it on tradition² that the high priest underwent five immersions and ten sanctifications on that day. And if you were to say that they are recorded in their normal order, you would find but

three immersions and six Sanctifications.³ To this R. Zera demurred: But perhaps⁴ he interrupted [the service of the day] with the he-goat that was to be offered up outside? — Abaye replied: Scripture said, ‘He come forth and offer his burnt-offering’⁵ i.e., on his first coming forth he is to offer his burnt-offering, and that of the people.⁵ Raba said: Scripture said, And shall put off the linen garments [etc.].⁶ . Now it was necessary [to add] ‘which he put on’, for can a man put off except what he had put on before? What then is the purpose of stating ‘which he put on’? I.e., which he had put on before.⁷ — To this Rabba son of R. Shila demurred: But perhaps he interrupted with the he-goat to be offered up outside? — Surely it is written: ‘He come forth and offer, etc.’ — But is the rest of the section written in accord with the actual order? Surely the verses say: And the fat of the sin-offering shall he make smoke on the altar,⁸ and then: And the bullock of the sin-offering and the goat of the sin-offering,⁹ whereas we learned: HE WHO SEES THE HIGH PRIEST WHEN HE READS DOES NOT SEE THE BULLOCK AND THE HE-GOAT THAT ARE BURNT,¹⁰ whereas the sacrificial portions of the sin-offering were smoked up afterwards?¹¹ — Read: From this passage on.¹² But what makes you find fault¹³ with the verses, why don't you find fault with the Mishnah rather? — Said Abaye: Scripture states: And he that letteth go... and he that burneth,¹⁴ i.e., just as the letting go takes place before, so does the burning.¹⁵ — On the contrary! [Say:] Just as the burning takes place now,¹⁶ so does the letting go take place now!¹⁷ — ‘And he that letteth go’ implies [to that which was referred to] before.¹⁸ Raba said, Scripture says: [But the goat . . . for Azazel] shall be set alive.¹⁹ How long must it needs be set alive? Until the time of Atonement — Now when is the time of Atonement? At the time when the blood is sprinkled, not beyond it.²⁰

When he who was to take [the he-goat] away came back and met the high priest in the street, he would say to him: Sir high priest, we have fulfilled your request. If he met him in his house, he would say to him: We have fulfilled the request of Him Who grants life to all who live.

Rabbah said: When Rabbis in Pumbeditha would take leave of each other, they would say: May He Who grants life to all who live, grant you a long, happy, and right life! — I shall walk before the Lord in the lands of the living.²¹ Rab Judah said: That means the place of markets [public thoroughfare].²² For length of days, and years of life, and peace, will they add to you.²³ But are there years, which are years of life, and years, which are not years of life? — R. Eleazar said: These are such years of man as have changed from evil to good.²⁴

Unto you, O men, I call.²⁵ R. Berekiah said: They are the disciples of the wise, who resemble women, and do mighty deeds like man.²⁶

R. Berekiah also said: If a man wishes to offer a libation upon the altar, let him fill the throat of the disciples of the wise with wine, as it is said: ‘Unto you, O men, [ishim]²⁷ I call’. Furthermore did R. Berekiah say: If a man sees that Torah ceases from his seed, let him marry the daughter of a disciple of the wise, as it is said: Though the root thereof wax old in the earth, and the stock thereof die in the ground

(1) The whole of chapter XVI of Leviticus describes the service of the Day of Atonement, as it actually took place, with the exception of v. 23 which, followed by the statement, And he shall bathe . . . and come forth, and offer his burnt-offering and the burnt-offering of his people (v. 24), would cause one to infer that the high priest had first entered to fetch the ladle and the fire-pan, and afterwards had offered up his burnt-offering and that of his people; whereas actually he fetched ladle and fire-pan after having offered up these burnt-offerings. V. Supra 32b notes.

(2) The Mishnah cites the traditional number of immersions and sanctifications, supra 19a, 30a and 31a. Every change of garments necessitated two sanctifications and one immersion.

(3) And if one were to assume that the order is exactly described also in vv. 23-24 i.e., that the offering of the two burnt-offerings did not interrupt the service of the Day of Atonement by taking place before the fetching of ladle and fire-pan, then only three changes of garments would be involved, viz., the offering of the continual sacrifice of the morning, performed in the golden garments, the service of the day including the fetching of ladle and fire-pan, in white

garments, and the offering up of the two burnt-offerings and the rest of the service, in golden garments again, thus three changes involving but three immersions and six sanctifications. The Biblical account would thus contradict, or render impossible, the tradition as preserved in the Mishnah. To harmonize the two the interpretation is offered that in reality the offering of the burnt-offerings came between the service of the day and the fetching of censer and fire-pan, implying two more changes of garments; for the high priest would offer the two burnt-offerings in white garments, into which and from which he would change from and into the golden garments, so that the five traditional changes and immersions as well as the ten sanctifications traditionally reported are thus established: the continual offering of the morning, due in the golden garments, the service of the day in white ones, the offering up of the two burnt-offerings in the golden garments, the fetching of censer and fire-pan in the white ones, and finally, the additional sacrifices and the continual offering of the evening, in the golden ones.

(4) Since all that is required is harmony between the Mishnaic statement as to five immersions and six sanctifications, it is not necessarily the last suggestion that must be adopted. The he-goat to be offered up outside, prescribed in Num. XXIX, 11 ('the sin-offering of the atonement') too, required two immersions and four sanctifications, hence the number of sanctifications and immersions could be harmonized on this assumption too. The interruption of the service of the day with the he-goat of which no mention is made in the service of the day prescribed in Leviticus, would involve no rearrangement of the Biblical text, such as the first suggestion implied.

(5) Lev. XVI, 24 states that he offers up the two rams, his own and the people's, as soon as he has left the Holy of Holies. Whereas, if he were to have fetched the ladle and the coal-pan first, he would have offered them after his second coming forth from the Holy of Holies.

(6) Lev. XVI, 23. Raba does not endeavour to answer the question propounded by R. Zera, he endeavours to explain the Baraitha, which would emend the Scriptural account by having the order of the service interrupted as above.

(7) That was thus the second stripping off of the garments. Hence there must have been a change of garments between the service of the day and the fetching of the censer and coal-pan, whence it follows that this verse refers to the second stripping off of garments, and comes after the offering up of the two rams by the high priest.

(8) Lev. XVI, 25.

(9) Ibid. v. 27.

(10) Because the burning and the reading took place at the same time, which is when the priest is still wearing the white garments, in which as the Mishnah states he reads.

(11) I.e., at the third immersion when he offers the two rams, i.e., after changing into the golden garments (v. Mishnah supra 70a). This clearly contradicts the order of Biblical verses.

(12) Read, instead of 'except this verse', 'except from this verse on', when the Scriptural verses no more take into account the actual order.

(13) Why don't you rather emend the Mishnah and say that the burning of bullock and he-goat did not take place at the time the high priest read the portion from the Torah, but after the portions of the sin-offering had been smoked, as the Scriptural verses have it.

(14) Lev. XVI, 26 and 28.

(15) Scripture here uses the same participial form in referring to him that letteth go and to him that burneth. That implies a certain analogy. In both passages follows the statement: And the fat of the sin-offering shall he make smoke on the altar. (Ibid. v. 25.) Now the sending away of the he-goat for Azazel preceded that, as v. 21 reads: And he shall send him away by the hand of an appointed man into the wilderness. Of necessity 'He that letteth go' refers to previous passages, as to say: With reference to the letting go of which you were commanded before, i.e., before the smoking of the sacrificial portions of the sin-offering (he that letteth go defiles the garments). The above-mentioned analogy justifies the inference that 'he that burneth' similarly refers to the burning done before.

(16) I.e., after the smoking of his sacrificial portions.

(17) One could also argue just to the contrary, for the analogy could be made in either way: just as the burning takes place after the sacrificial pieces of the sin-offering have been smoked, thus is the reference to him that letteth go, for now. The statement in v. 21 'And he shall send it away' then means, now that the time for this has arrived.

(18) As explained in n. 3.

(19) Lev. XVI, 10: alive, to make atonement for him.

(20) Hence it could not be maintained that the he-goat was to be sent away after the portions of the sacrifice were smoked. That disposes of the last question.

(21) Ps. CXVI, 9.

(22) Markets may be lands of life, because there is much life in them, or because they furnish 'a living' to many.

(23) Prov. III, 2.

(24) When sunshine comes again, the memory of evil days is so obliterated that they do not seem to have been experienced, lived at all.

(25) Prov. VIII, 4.

(26) Study makes them weak, like women. But in the fields of halachah they are mighty heroes. This maxim is included here, because the word 'ish' (Sir high priest) recalls a homiletical interpretation of the same word elsewhere.

(27) Connecting ishim with ishe, fire-offerings.

Talmud - Mas. Yoma 71b

yet through the scent of water it will bud, and put forth boughs like a plant.¹

AND A FESTIVE DAY HE WOULD ARRANGE FOR HIS FRIENDS: Our Rabbis taught: It happened with a high priest that as he came forth from the Sanctuary, all the people² followed him, but when they saw Shemayah³ and Abtalion, they forsook him and went after Shemayah and Abtalion. Eventually Shemayah and Abtalion visited him, to take their leave of the high priest. He said to them: May the descendants of the heathen come in peace!⁴ — They answered him: May the descendants of the heathen, who do the work of Aaron, arrive in peace, but the descendant of Aaron, who does not do the work of Aaron, he shall not come in peace!⁵

MISHNAH. THE HIGH PRIEST PERFORMS THE SERVICE IN EIGHT PIECES OF GARMENTS, AND THE COMMON PRIEST IN FOUR: IN TUNIC, DRAWERS, MITRE, AND GIRDLE. THE HIGH PRIEST ADDS THERETO THE BREASTPLATE, THE APRON, THE ROBE AND THE FRONTLET. IN THESE WERE THE URIM AND THUMMIM⁶ INQUIRED OF. BUT THEY WERE NOT INQUIRED OF EXCEPT FOR THE KING, FOR THE AB BETH DIN⁷ OR FOR ONE WHOM THE COMMUNITY NEEDS.⁸

GEMARA. Our Rabbis taught: [All] things, in connection with which the word shesh ['fine linen'] is said, had their threads sixfold: 'twined' [denotes] eightfold [threads]; the robe [had its threads] twelvefold; the curtain,⁹ twenty-four-fold; the breastplate and apron twenty-eight-fold. Whence do we know that they had their threads sixfold? — Scripture said: And they made the tunics of fine linen, the mitre of fine linen and the goodly headtires of fine linen, and the linen breeches of fine twined linen.¹⁰ Here are five Scriptural references: One is necessary for the subject itself, that they must be made of flax; one, that their thread shall be sixfold; one to indicate that they must be twisted; one, that this applies also to other garments in connection with which the term 'shesh' is not used, and once, that it is indispensable. What indicates that the word 'shesh' means flax? — R. Jose b. Hanina said: Scripture says: Bad [linen] i.e., whatever comes out of the soil singly.¹¹ But say, perhaps, it is wool? — Wool splits off.¹² But flax also splits? Flax splits into branches through beating.¹³ Rabina said: [I infer it] from this. They shall have linen tires upon their heads, and shall have linen breeches upon their loins.¹⁴ Said R. Ashi to him: But whence did they know that before Ezekiel came? — But, according to your argument, what of R. Hisda's statement: This matter¹⁵ we have learnt not from the Torah of Moses, but from the words of Ezekiel b. Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My sanctuary?¹⁶ Who taught this before Ezekiel came? Rather must you say that it was traditionally handed down and when Ezekiel came he strengthened it by attaching it to Scripture; in our case [here] too it was a traditional teaching and Ezekiel strengthened it by attaching it to Scripture.

Whence do we know that 'twined' [denotes] eightfold [threads]? — Scripture says: And they made upon the skirts of the robe pomegranates of blue, and purple, and scarlet, twined.¹⁷ One may infer from the analogy of 'twined' used in connection with the curtain: just as there [each twined thread] was twenty-four-fold,¹⁸ so also here was it twenty-four-fold, the thread of each kind of

material being eightfold.¹⁹ - But one should infer from breast-plate and apron: just as there it was twenty-eightfold, so also here twenty-eight-fold?²⁰ — One may infer a thing in connection with which gold is not mentioned from another thing, in connection with which gold is not mentioned;²¹ that excludes the breast-plate and apron in connection with which gold is mentioned. On the contrary! One should, rather, infer concerning one garment from another garment, which would exclude the curtain, because that [in a sense] is a tent! — Rather, if it is inferred from the girdle,²² thus inferring concerning a garment, in connection with which gold is not mentioned from another garment, in connection with which gold is not mentioned; but not inferring concerning anything, in connection with which gold is mentioned from something in connection with which gold is mentioned. R. Mari said: Scripture said: Thou shalt make it,²³ i.e., only, nothing else.²⁴ R. Ashi said: And thou shalt make,²⁵ i.e., all the work in connection therewith must be the same. Now how is that possible? If he were to make the three kinds tenfold each, there would be thirty [threads]. And if one made two ninefold and one tenfold, but Scripture said: ‘And thou shalt make’, i.e., all the work in connection therewith must be alike.

Whence do we know that the robe [had its threads] twelvefold? Because Scripture said: And thou shalt make the robe of the ephod

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- (1) Job XIV, 8, 9. The Torah is compared to water. Such fragrant water the children of the disciples of the wise will bring with them into the new home.
- (2) Lit., ‘world’.
- (3) They were the famous teachers of Hillel and Shammai of the Mishnah, v. Aboth I. Descendants of non-Jews, according to one tradition (Git. 57b), scions of Sennacherib's.
- (4) In this manner this graceless high priest gave vent to his jealous anger at the honour which the people had bestowed upon these masters of the Law.
- (5) Aaron pursued peace; his disciples, too, were very peaceful. So were Shemayah and Abtalion increasing peace in the world, but this high priest, whose arrogance caused strife, was not a worthy descendant of Aaron.
- (6) v. Ex. XXVIII, 30.
- (7) Lit., ‘Father of the Court’. V. Glos.
- (8) v. Mak. 11b.
- (9) V. Ex. XXVI, 31.
- (10) Ex. XXXIX, 27-8.
- (11) Bad from badad means single, single stalk. Bad also means linen; hence the interpretation using both homonyms. Similarly, shesh means both ‘fine linen’ and ‘six’, whence support for the teaching that it must be sixfold. Flax has no branches, but leaves, the flax coming from the middle stem.
- (12) On the sheep; does not grow in single threads like stalks.
- (13) Whilst normally it grows in single stalks.
- (14) Ezek. XLIV, 18, whilst in the Pentateuch these tires are prescribed to be of shesh which proves shesh to be flax.
- (15) That an uncircumcised priest (no matter whether uncircumcised because of disobedience to the Torah, which would render him also uncircumcised in heart, whose actions ‘alienate’ him from the Lord, or because his brethren had died as the result of circumcision, which circumstances would free him from the obligation of the circumcised) may not enter the Sanctuary.
- (16) Ezek. XLIV, 9.
- (17) Ex. XXXIX, 24.
- (18) [The curtain had four kinds of material, each having its thread sixfold, since the word shesh is mentioned in connection therewith, v. Ex. XXVI, 31. Thus each twined thread which consisted of the four materials was twenty-fourfold].
- (19) I.e., with the robe where only three kinds of materials were used, the threads of each strand had to be eightfold to make each twined thread of all the material twenty-eightfold].
- (20) As shewn infra.
- (21) I.e., the robe from the curtain neither of which had gold.
- (22) [Which also had four kinds of material each of sixfold threads, since shesh is written in connection therewith, v. Ex.

XXXIX, 29].

(23) Ex. XXVIII, 15 is with reference to the breast-plate.

(24) Only breast-plate and apron, 'it', hence no precedence for any other garment, taking 'it' to indicate 'it' exclusively.

(25) Ex. XXVIII, 33, repeated in connection with the pomegranates, indicates that all the material used there must have been made alike. Hence it is impossible for the twined thread in the robe to be of a twenty-eightfold, as he goes on to explain.

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plaited of blue.¹ And one may infer from the analogy of 'blue', used also in connection with the curtain, just as there [each of the materials had its threads]² sixfold, so also sixfold here.³ But let us infer from the skirt and the pomegranates, just as there it was eightfold thus also here eightfold? — One may infer for one garment from another, but one may not infer for a garment from an adornment to a garment. On the contrary! One may infer concerning a matter from the matter itself,⁴ but one may not infer for a thing from something outside thereof. For that reason we said:⁵ One, to inform us concerning other garments in connection with which 'shesh' is not used. The curtain twenty-fourfold. Four [strands of material] each of sixfold [threads], there being here neither controversy nor decision.⁶

Whence do we know that [each twined thread of] breast-plate and apron was twenty-eightfold? Because it is written: And thou shalt make a breast-plate of judgment, the work of the skillful workman; like the work of the ephod thou shalt make it; of gold, of blue and purple, and scarlet and fine twined linen⁷ — four kinds of material, each sixfold, amount to twenty-four threads, and of the gold, one thread to each of the sixfold threads of the four materials, four [threads], together twenty-eightfold [twine]. Perhaps the gold too was sixfold? — R. Aha b. Jacob said: Scripture said: And they [did beat the gold into thin plates and] cut it into threads — that means four.⁸ R. Ashi said: Scripture states: To work it in the blue and in the purple.⁹ How should that be done? Shall one make [the gold] four times in twofold, that would amount to eight [fold gold threads]! Shall one make it twice twofold and twice a one single thread? — Surely the word 'make' indicates that all the work in connection therewith must be alike!

Rehaba said in the name of R. Judah: One who makes a tear in priestly garments is to be punished with lashes, for Scripture said: That it be not rent.¹⁰ R. Aha b. Jacob demurred to this: Perhaps this is what the Divine Law Says: Make a hem lest it be torn?¹¹ — But is it written: Lest it be torn?

R. Eleazar said: One who removes the breast-plate from the apron, or who removes the staves of the ark receives the punishment of lashes, because it was said: That it be not loosed from the ephod,¹² and [the staves] they shall not be removed from it.¹³ — To this R. Aha b. Jacob demurred: But perhaps this is what the Divine Law says: Fasten them and arrange them properly [by forcing the chords through the ring], so that they 'be not loosed', or that they 'be not removed'? — Is it written: 'that they be not loosed' or 'that they be not removed'?

R. Jose b. Hanina pointed out a contradiction. It is written: The staves shall be in the rings of the ark: they shall not be taken from it,¹² and it is also written: The staves thereof shall be put into the rings.¹⁴ How is that possible? They were movable, but could not slip off.¹⁵ Thus also was it taught: 'The staves shall be in the rings of the ark'. One might have assumed that they could not be moved from their place. Therefore the text reads: 'And the staves thereof shall be put into the rings'. If I had this verse [to go by] one might have assumed that they could be taken out and put in again. Therefore the text says: 'the staves shall be in the rings of the ark'. How that now? They were movable but could not slip off.

R. Hama b. Hanina said: What is the meaning of the verse: [Thou shalt make the boards of the

tabernacle] of acacia wood, standing up,¹⁶ i.e., they should stand up, even as they grow.¹⁷ Another interpretation: 'Standing up — i.e., they kept up [the gold] they were overlaid with.'¹⁸ Another interpretation: 'Standing up' — one might assume; Their hope [of restoration] is gone,¹⁹ their expectation is frustrated, therefore the text says: 'Standing up, i.e., standing up for ever and ever.

Rabbi Hama b. Hanina said: What is the meaning of the text: The plaited

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- (1) E.V. 'all of blue', *ibid.* 31.
(2) V. *supra* p. 341, n. 8.
(3) [And the term plaited' implies at least another strand of six threads, hence twelvefold].
(4) Skirt and pomegranates are part of the upper garment, hence an inference from them appears more legitimate.
(5) V. *supra* p. 340.
(6) That is too simple for any dispute, requires no case, and no judge to sit upon it.
(7) Ex. XXVIII, 15.
(8) *Ibid.* XXXIX, 3. Threads being plural means at least two. When these are cut, at least, or—since there is no qualifying suggestion—four.
(9) *Ibid.* [This implies that there must be an admixture of gold with every kind of material].
(10) *Ibid.* XXVIII, 32. Since a precaution is prescribed to prevent a rent, obviously the rending thereof is prohibited and transgressions as with any other not otherwise specified offence, incur punishment of lashes.
(11) It is a precautionary command but its significance is not that of a prohibition, the transgression of which implies punishment by lashing.
(12) Ex. XXVIII, 28.
(13) *Ibid.* XXV, 15.
(14) *Ibid.* XXVII, 7. (Rashi quotes *Ibid.* XXV, 14). The first passage indicated immovability, the other adjustment, which implies contradiction.
(15) The staves at their ends were thicker than the rings, hence could be moved, but not removed entirely.
(16) *Ibid.* XXVI, 15.
(17) The top on top.
(18) [I.e., without the need of nails. V. D.S. a.l.].
(19) The hope for restoration is found buttressed by the implication of the text.

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garments for ministering in the holy place.¹ But for the priestly garments, there would not have remained of the haters² of Israel one to remain or to escape.³ R. Samuel b. Nahmani said: In the school of R. Simeon it was taught: [They were] webs which they cut off the looms in the shape required, leaving a small portion of the unwoven thread.⁴ What was that? — Resh Lakish said: It was needle-work.⁵

An objection was raised⁶ 'All priestly garments must not be made by needle-work, but by weaving', as it is said: woven work!⁷ — Abaye said: This applies only to their sleeves, as it was taught: The sleeves of the priestly garments were woven apparently and then attached to the garment.⁸ They reached up to the wrist.

Rehaba said in the name of Rab Judah: Three arks did Bezalel make: the middle one of wood, nine [handbreadths] high; the inner one of gold, eight high, the outer one of gold,⁹ a little more than ten high. But it was taught: A little more than eleven [high]?— That is no contradiction: the one opinion agrees with the view that the thickness thereof¹⁰ was one handbreadth, the other was in accord with the view that the thickness thereof was not one handbreadth.¹¹ And what purpose served the 'little more'?¹² — It is the space of the crown.¹³

R. Johanan said: There were three crowns: that of the altar, that of the ark, and that of the table.

The one of the altar Aaron deserved and he received it. The one of the ark, David deserved and received. The one of the ark is still lying and whosoever wants to take it, may come and take it.¹⁴ Perhaps you might think it is of little account, therefore the text reads: By me kings reign.¹⁵

R. Johanan pointed out a contradiction. It is written: Zar [alien] and we read it: zir? i.e., [crown] — If he deserves it, it becomes a wreath unto him; if not it remains alien to him.¹⁶ R. Johanan pointed out another contradiction. It is written: Make thee an ark of wood,¹⁷ and it is also written: And they shall make an ark of acacia wood?¹⁸ Hence one learns that the inhabitants of his city are obliged to do the work of the scholar for him.

Within and without shalt thou overlay it.¹⁹ Raba said: Any scholar whose inside is not like his outside, is no scholar.²⁰ Abaye, or, as some say, Rabbah b. 'Ulla said: He is called abominable, as it is said: How much less one that is abominable and impure, man who drinketh iniquity like water.²¹ R. Samuel b. Nahmani, in the name of R. Jonathan: What is the meaning of the scriptural statement: Wherefore is there a price in the hand of a fool, to buy wisdom, seeing he hath no understanding,²² i.e., woe unto the enemies of the scholars,²³ who occupy themselves with the Torah, but have no fear of heaven! R. Jannai proclaimed: Woe unto him who has no court, but makes a gateway for his court!²⁴ Raba said to the Sages: I beseech you, do not inherit a double Gehinnom!²⁵

R. Joshua b. Levi said: What is the meaning of the Scriptural verse: And this is the law which Moses set [before the children of Israel]?²⁶ — If he is meritorious it becomes for him a medicine of life, if not, a deadly poison. That is what Raba [meant when he] said: If he uses it the right way it is a medicine of life unto him; he who does not use it the right way, it is a deadly poison.

R. Samuel b. Nahmani said: R. Jonathan pointed out the following contradiction: it is written: The precepts of the Lord are right, rejoicing the heart,²⁷ but it is also written: The word of the Lord is tried?²⁸ If he is meritorious, it rejoices him; if not, it tries him.²⁹ Resh Lakish said: From the body of the same passage this can be derived: If he is meritorious, it tests him unto life; if not, it tests him unto death.³⁰ The fear of the Lord is pure, enduring forever.³¹ R. Hanina said: This refers to one who studies the Torah in purity. What does that mean? — He marries a woman and afterwards studies the Torah.³²

The testimony of the Lord is sure, making wise the simple.³³ R. Hiyya b. Abba said: It [the Torah] may be entrusted to testify as to those who study it. 'The work of the skillful workman³⁴ . . . the work of the skillful embroiderer.³⁵ R. Eleazar said: Those embroidered over what they had traced. It was taught in the name of R. Nehemiah: The embroiderer's is needle-work, therefore it has only one [visible] figure. The designer's is weaving work, therefore it has two different figures.³⁶

IN THESE WERE THE URIM AND THUMMIM INQUIRED OF. When R. Dimi came [from Palestine] he said: In the garments wherein the high priest officiates, the [priest] Anointed for Battle officiates, as it is said: And the holy garments of Aaron shall be for his sons after him,³⁷ i.e., for him who comes after him in greatness [of office]. R. Adda b. Ahabah, some say Kadi, raised an objection: One might have assumed that the son of the Anointed for Battle succeeds him in service, even as the son of the high priest succeeds him in service,

(1) Ex. XXXV, 19.

(2) Euphemistic for Israel — a calamity is foreshadowed only in indirect fashion.

(3) The root sarad (to plant) also means 'leaving over', hence the interpretation: the garments of escape, because they brought atonement for Israel, thereby preventing their extinction.

(4) Here the term is explained as the garments, one part of which was left over unwoven, or unmade.

(5) [This is difficult, nor is the text apparently quite in order. According to Rashi the meaning is, what is done with the unwoven remnant? And the answer is that it is cut off, woven separately and then sewn on to the main garment].

- (6) Zeb. 88a.
- (7) Ex. XXVIII, 32.
- (8) According to Resh Lakish, then, the unwoven remnant would be used in connection with the sleeves.
- (9) Reading with Bah.
- (10) Of the outer ark.
- (11) [In order to understand the distinction thus drawn, it is well to remember that the three arks were open at the top; consequently if the thickness of the outer one was less than one handbreadth, a height of ten handbreadths and a little more would suffice: nine handbreadths corresponding to the height of the middle ark (when measured from without) and a fraction of a handbreadth to allow for the thickness of the outer ark at the bottom, while one extra handbreadth was necessary for the mercy seat which was inserted between the two side boards of the outer ark to rest upon the thickness of the sides of the two smaller arks. If, however, the thickness of the outer ark was one handbreadth, its height, measured from outside would then have to be at least ten handbreadths whilst for the purpose of the mercy seat an extra handbreadth would be necessary, making a total of eleven. As to the need of the 'little more' this will be explained soon. V. Rashi].
- (12) Mentioned in the Baraitha, v. supra n. 1.
- (13) [V. Ex. XXV, 11. The side boards of the outer ark projected beyond the mercy seat that was inserted between them (cf. n. 1), a kind of rim (crown)].
- (14) Aaron, the first high priest, obtained the crown of priesthood, symbolized by the altar; David, the crown of kingdom; but there is no hereditary crown of learning, it must be acquired by each individual. The aspirants, however, are not many, hence it is still lying unclaimed.
- (15) Prov. VIII, 15. Wisdom is identified with Torah, through which it is acquired.
- (16) The Hebrew spelling of wreath may include the letter 'yod', without it the word might be read 'zar', stranger, hence the illustrative suggestion.
- (17) Deut. X, 1.
- (18) Ex. XXV, 10.
- (19) Ibid. II.
- (20) Inside and outside there should be the same golden character.
- (21) Job XV, 16; rendered, one who drinketh the water of the Torah and yet has iniquity in him.
- (22) Prov. XVII, 16. Wisdom is knowledge of the Torah, understanding is moral rightness, based on fear of heaven. Hence this interpretation.
- (23) Euphemism for 'scholars'.
- (24) Fear of the Lord is the court, the goal. Learning should lead to it. Learning (the gateway) without reverence (the goal) is wasteful, sinful.
- (25) The Mishnah, Aboth VI, indicates that acquisition of the Torah depends upon a frugal way of living, a reduction of the margin of joy to a minimum. The reward is to come in after-life. Such reward depends upon reaching the goal of study; fear of heaven. One who now engages in Torah-study without possessing fear of heaven, suffers in this world, wherein he denies himself pleasure for the sake of his study, as well as in the other world, where because he had no fear of heaven, reward will be denied, punishment inflicted.
- (26) Deut. IV, 44.
- (27) Ps. XIX, 9.
- (28) Ibid. XVIII, 31.
- (29) Here the part. passive is interpreted as active, 'tested' becomes 'testing'.
- (30) It tries and refines him, so that he lives a finer life. It tries him by suffering, which ultimately destroys him.
- (31) Ps. XIX, 10.
- (32) So that he is undisturbed by impure thoughts.
- (33) Ibid. 8.
- (34) Ex. XXVI, 31.
- (35) Ibid. v. 1.
- (36) On the two sides of the cloth.
- (37) Ibid. XXIX, 29.

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therefore the text reads: Seven days shall the son that is priest in his stead put them on, even he who cometh into the tent of meeting [etc.],¹ i.e., he who is worthy of entering the tent of meeting. Now if this were the case,² then he too would be fit [to enter the tent of meeting]? — R. Nahman b. Isaac said: This is what it means: Whosoever was mainly anointed for the [purpose of] the tent of meeting, that excludes him who was anointed mainly for Battle.

The following objection was raised: The Anointed for Battle officiates neither in four garments, like a common priest, nor in eight like a high priest? — Abaye said: Would you render him then a common man?³ Rather: Neither like a high priest, for the sake of preventing ill-feeling;⁴ nor like a common priest, because one promotes to a higher degree of sanctity, but one must not degrade'. R. Adda b. Ahabah said to Raba: But there is a Tanna who pays no attention to the prevention of ill-feeling, yet according to him, he does not officiate?⁵ For it was taught:⁶ In the following points a high priest differs from a common priest: the bullock of the priest anointed;⁷ and the bullock due in case of [unwitting] transgression of any commandment;⁸ the bullock of the Day of Atonement; the tenth of the ephah;⁹ he does not unbind his hair, nor rend his clothes.¹⁰ But he [the high priest] tears his garments from below, and the common priest tears his from above; he must not defile himself for his [deceased] relatives;¹¹ he is under obligation to marry only a virgin;¹² is prohibited from marrying a widow;¹³ causes the slayer to return;¹⁴ as onen [mourner]¹⁵ he may offer up a sacrifice but may not eat or take a share thereof; he receives his portion first and takes first part in the offering [of the sacrifice]; he officiates in eight garments; is exempt¹⁶ [from a sacrifice] for [an unwitting transgression of] defilement relating to the Sanctuary and its hallowed thing, and the whole service of the Day of Atonement is legitimate only when performed by him. All these [laws] apply also to priests consecrated by a larger number of official garments, with the exception of the bullock to be offered up for the transgression of any commandment. All these apply to the high priest who has passed from his high priesthood,¹⁷ with the exception of the bullock of the Day of Atonement and the tenth of the ephah. All these things do not apply to the priest Anointed for Battle, with the exception of five matters mentioned in that portion of the section: he does not unbind his hair, nor rend his clothes; nor defile himself with any [deceased] relative; is obliged to marry a virgin; forbidden to marry a widow; and causes the slayer to return-according to R. Judah; whereas, according to the Sages, he does not cause him to return.¹⁸ Whence does he [the Tanna] consider [the question of] enmity [to arise]? Only with regard to one of similar rank.¹⁹ But with one of inferior rank he does consider it.²⁰

R. Abbahu was sitting and reporting this teaching in the name of R. Johanan, whereupon R. Ammi and R. Assi averted their faces.²¹ (Some say it was R. Hiyya b. Abba who reported this teaching, whereupon R. Ammi and R. Assi averted their faces). To this R. Papa demurred: Granted [that they could not say anything against] R. Abbahu, because of the high regard the Imperial house had for him, but as for R. Hiyya b. Abba, they should have told him explicitly that R. Johanan had not said so!

When Rabin came, he said: This²² was stated with reference to the time when he is consulted.²³ Thus also was it taught: The garments which the high priest wears when he officiates the Anointed for Battle wears when he is consulted.

Our Rabbis taught: How were [the Urim and Thummim] inquired of? — The inquirer had his face directed to him who was consulted, and the latter directed himself to the Divine Presence. The inquirer said: Shall I pursue after this troop?²⁴ He who was consulted answered: 'Thus saith the Lord: Go up and succeed'! R. Judah said: He need not say, 'This saith the Lord' but only 'Go up and succeed' — One does not inquire in a loud voice, as it is said: Who shall inquire for him;²⁵ neither shall one but think thereof in one's heart, as it is said: 'Who shall inquire for him';²⁵ but rather in the manner in which Hannah spoke in her prayer, as it is said: Now Hannah, she spoke in her heart.²⁶

One should not put two questions at the same time; if one has done so, only one [question] is answered; and only the first [question] is answered, as it is said: Will the men of Keilah deliver me up into his hand? Will Saul come down,²⁷ etc. . . . and the Lord said.' He will come down.²⁷ But you said: Only the first [question] is answered? — David had asked

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- (1) I.e., on the Day of Atonement. Ibid. v. 30.
(2) That the Anointed for Battle officiates in eight garments.
(3) I.e., a non-priest.
(4) It is only Rabbinic enactment that interferes therewith, because of the desire of the Sages to prevent ill-feeling. By the law of the Torah, the Anointed for Battle could officiate.
(5) In the eight garments.
(6) Mishnah Hor. III, 4,5.
(7) Rashi and others omit, as this is the same as the item that follows.
(8) V. Lev. IV, 3.
(9) Ibid. VI, 13: This is the offering of Aaron and his sons . . . in the day when he is anointed: the tenth part of an ephah of fine flour for a meal-offering.
(10) In the case of mourning.
(11) Lev. XXI, 11. These relatives include father, mother, wife, son and daughter, brother or sister.
(12) Ibid. v. 13.
(13) Ibid. v. 14.
(14) When the priest dies, the slayer without intent returns from the city of refuge. Num. XXXV, 10ff.
(15) For (Lev. XXI, 12): Neither shall he go out of the Sanctuary. He is called 'onen', whilst his dead lie unburied on the day of death.
(16) V. Hor. 12b.
(17) Who acted as substitute for the high priest, v. supra 12b.
(18) Though this Tanna does not consider here the question of ill-feeling, since he rules that the high priest who passed from his high priesthood continues to officiate with eight garments, and yet the Anointed for Battle he permits the use only of four garments.
(19) The substitute enjoyed the same rank as the high priest.
(20) The Anointed for Battle is of inferior rank to the high priest, and the donning of eight garments would arouse ill-feeling in the high priest.
(21) Refusing to accept the report that R. Johanan had said this.
(22) The statement that the Anointed for Battle wears the same eight garments which are the high priest's official garb.
(23) By means of the Urim and Thummim.
(24) I Sam. XXX, 8.
(25) Num. XXVII, 21.
(26) I Sam. I, 13.
(27) Ibid. XXIII, 11.

Talmud - Mas. Yoma 73b

in wrong order and received his answer in right order.¹ And as soon as he knew that he had asked in wrong order, he asked again in right order, as it is said: Will the men of Keilah deliver up me and my men in to the hand of Saul? And the Lord said.' They will deliver thee up.² But if the occasion required both questions, both were answered, as it is said: And David inquired of the Lord, saying: Shall I pursue after this troop? Shall I overtake them? And He answered him: pursue; for thou shalt surely overtake them and shalt without fail recover all.³ And although the decree of a prophet could be revoked, the decree of the 'Urim and Thummim' could not be revoked, as it is said: By the judgment of the Urim. Why were they called 'Urim and Thummim'? 'Urim' because they made their words enlightening.⁴ 'Thummim' because they fulfil their words. And if you should ask: Why did they not fulfil their words in Gibeah Benjamin?⁵ It is because they did not inquire⁶ [whether the result would be] victory or defeat.⁷ But at last, when conquered, they [the Urim and Thummim]

approved their action, as it is said: And Phinehas, the son of Eleazar, the son of Aaron, stood before it in those days, saying: 'Shall I yet again go out to battle against the children of Benjamin my brother, or shall I cease?' and the Lord said: Go up, for tomorrow I will deliver him into thy hand.⁸

How was it effected? — R. Johanan said: [The letters] stood forth.⁹ Resh Lakish said: They joined each other. But the 'Zade' was missing?¹⁰ R. Samuel b. Isaac said: They contained also the names of Abraham, Isaac and Jacob. But the 'Teth', too, was missing? — R. Aha b. Jacob said: They contained also the words: The 'tribes'¹¹ of Jeshurun.

An objection was raised: No priest was inquired of who does not speak by means of the Holy Spirit and upon whom the Divine Presence does not rest, for Zadok inquired and succeeded, whilst Abiathar inquired and failed, as it is said: But Abiathar went up until all the people had done passing out of the city?¹² — He helped along.¹³

AND ONE INQUIRED ONLY FOR A KING. Whence do we know these things? — R. Abbahu said: Scripture said, And he shall stand before Eleazar the priest, who shall inquire for him by the judgment of the Urim;¹⁴ 'he' i.e., the king, 'and all the children of Israel with him', i.e., the [priest] Anointed for Battle, 'even all the congregation', that is the Sanhedrin.

CHAPTER VIII

MISHNAH. ON THE DAY OF ATONEMENT IT IS FORBIDDEN TO EAT, TO DRINK, TO WASH, TO ANOINT ONESELF, TO PUT ON SANDALS,¹⁵ OR TO HAVE MARITAL INTERCOURSE.¹⁶ A KING OR BRIDE¹⁷ MAY WASH THE FACE, AND A WOMAN AFTER CHILDBIRTH¹⁸ MAY PUT ON SANDALS. THIS IS THE VIEW OF R. ELIEZER. THE SAGES, HOWEVER, FORBID IT. IF ONE EATS THE BULK OF A LARGE DATE, THE LIKE THEREOF, WITH ITS STONE INCLUDED, OR IF HE DRANK A MOUTHFUL, HE IS CULPABLE.¹⁹ ANY FOODS COMPLEMENT ONE ANOTHER IN MAKING UP THE BULK OF A DATE, AND ALL THE LIQUIDS COMPLEMENT ONE ANOTHER IN MAKING UP A MOUTHFUL, BUT WHAT A MAN EATS AND DRINKS DOES NOT GO TOGETHER.²⁰

GEMARA. [Merely] FORBIDDEN? But surely punished with extirpation?²¹ — R. Ela, or as some say, R. Jeremiah, said: This refers only to less than the legal quantity.²² That will be right according to the view that even less than legal quantity is for — bidden by the law of the Torah, but what can be said according to the view that less than the legal quantity is permitted by the law of the Torah? For it was said: As for less than the legal quantity, R. Johanan holds it forbidden by the law of the Torah, but Resh Lakish considers it permitted by the law of the Torah. Now [the above answer] would be right according to R. Johanan, but what can be said according to Resh Lakish? — Resh Lakish would agree that [less than the legal quantity] is forbidden by [decree of] the Rabbis.²³ If that be the case, one should not be liable on account thereof to offer a sacrifice for an oath,²⁴ why then did we learn:²⁵ [If one had sworn] an oath not to eat carrion, trefah things,²⁶ abominable²⁷ or creeping things, and then had eaten thereof, he is culpable? R. Simeon holds him not culpable. And we raised the point in connection therewith: Why should he be culpable? Surely he stands committed to the oath²⁸ from Mount Sinai on! [And] Rab, Samuel and R. Johanan [in reply] said [it is a case] when he includes things permitted in the oath touching foods forbidden,²⁹ whereas Resh Lakish said: This cannot be explained except where he either expressly refers to less than the legal quantity, and that in accord with the view of the Sages,³⁰ or that he made a general statement

(1) He should have asked first: Will Saul come down? Then, Will they deliver me up?

(2) I Sam. XXIII, 12.

(3) Ibid. XXX, 8.

(4) Etym. 'Urim' - lights. 'Thummim' - tam-to be complete, perfect; here true, fulfilled.

- (5) Judg. XX.
- (6) [The text of cur. edd. is not clear and the rendering follows the reading of MS.M. Rashi, on the basis of the present text, explains: They (the Urim and Thummim) did not state clearly, etc.].
- (7) The single question was who should lead them.
- (8) Judg. XX, 28.
- (9) The names of the twelve sons of Jacob were inscribed on the Urim and Thummim. The answer always came through the letters which stood in relief.
- (10) The names of the twelve sons did not include that letter.
- (11) The Hebrew of which includes a teth.
- (12) II Sam. XV, 24. [This is explained, that he retired from the priesthood because he received no reply from the Urim and Thummim. This in turn would indicate that it is the Holy Spirit resting on the priest that gives that reply and not the letters of the Oracle].
- (13) By the priests' merit the oracle came forth.
- (14) Num. XXVII, 21.
- (15) Or any shoes of leather. Tosef. Yoma IV: 'Even cloth-shoes'.
- (16) The term literally means 'use of the bed'.
- (17) Within the first month after the wedding.
- (18) Lit., 'one reconvalescing', whose health is still delicate and to whom a cold may prove dangerous. Leather shoes will protect her against such contingency.
- (19) V. Lev. XXIII, 29.
- (20) To make up the culpable quantity.
- (21) The term forbidden may mean: either unlawful but, de facto, unpunished; or normally: punished with lashes. But transgression by eating would be punished with extirpation, kareth (v. Glos.).
- (22) Lit., 'half the standard'. The usual legal quantity of forbidden foods is the bulk of an olive; on the Day of Atonement, the bulk of a big date. Any less than that, though the eating thereof does not involve one in the prescribed punishment, nevertheless constitutes a transgression. That is what the Mishnah indicates by the term 'forbidden' i.e., in any quantity.
- (23) Even though less than the legal minimum does not involve punishment according to Biblical law, or indeed, may not be forbidden at all, Rabbinical law, as a fence around the laws of the Torah, may declare less than a minimum forbidden, or punishable, too. The dispute between R. Johanan and Resh Lakish would hinge on the question as to whether forbidden foods are so considered in any quantity, however small, or whether the term 'eating' etc. implies a definite minimum below which no transgression at all can be said to have taken place.
- (24) I.e., if someone has sworn that he would not eat less than the legal quantity of a forbidden food. Since that food is forbidden, he has, as it were, already sworn on Mount Sinai, not to eat it; the present oath, therefore, has no force, for the transgression of which no sin-offering is necessary (v. Shebu. 27a).
- (25) Shebu. 21a.
- (26) The word trefah. lit., 'torn', means any kind of abnormal, irregular, ritually inadmissible food. Nebelah 'carion' refers to the flesh of animals which had died a natural death, or in connection with the ritual slaughtering of which a basic mistake or irregularity had been committed.
- (27) Lev. XI, 11, 31, 42, 46.
- (28) Israel swore their allegiance to the Torah, and that oath binds every Israelite.
- (29) Had he sworn not to eat forbidden things, such oaths would imply his non-culpability in case of transgression, i.e., as far as the oath is concerned. But, by including things permitted, he swears an oath, the effect of which is to prohibit for him the eating of otherwise permissible foods. Hence the transgression implies the obligation of sacrifice.
- (30) The Sages hold that an oath 'I will not eat a certain thing' implies 'I will not eat as much as the legal minimum', hence he could be guilty in the case of having eaten less than that only if he had expressly stated: I shall not eat anything at all of that food, his special declaration investing his oath with validity in the case of an infinitesimal amount of the food now forbidden to himself.

Talmud - Mas. Yoma 74a

and in accord with R. Akiba, who said that a man may prohibit to himself anything in any quantity,¹

however small.² And if you would say that since it is permitted by the Torah, [the law relating to the] sacrifice for an oath is operative,³ surely we learned: An 'oath of testimony'⁴ applies only to those qualified to bear witness;⁵ and we raised the point: what does that mean to exclude, whereupon R. Papa said: This excludes a king, and R. Aha b. Jacob said: This excludes a professional dice-gambler.⁶ Now a dice-player, as far as Biblical law is concerned, is qualified to bear witness and only the Rabbis declared him unfit, and yet an oath does not apply to him?⁷ There it is different, for Scripture said: If he do not utter it,⁸ and this man cannot make a [valid] utterance.⁹

Now would you say that wherever the punishment is extirpation the term 'forbidden' is not used?¹⁰ Surely it was taught: Although the term 'forbidden' was used in connection with all of them,¹¹ the punishment of extirpation applies only to him who eats or drinks, or engages in labour? — This is what is said: When the term 'forbidden' is used, it is applied but to less than the legal minimum, but where the legal minimum has been transgressed the punishment involved is extirpation; and also extirpation is the penalty, that is the case only with him who eats or drinks or engages in labour. Or, if you like, say: When [the Mishnah] uses the term 'forbidden', it refers to the rest [of the transgressions],¹² for Rabbah and R. Joseph taught in the other books of the School of Rab:¹³ Whence do we know that it is forbidden on the Day of Atonement to anoint oneself, to wash, to put on shoes, and to have marital intercourse? Therefore the text reads: [It] is a Sabbath of solemn rest [unto you].¹⁴ [To turn to] the main text: As for the matter of less than the legal minimum, R. Johanan said: It is forbidden by Biblical law, whilst Resh Lakish said: It is permitted by Biblical law. R. Johanan said, It is forbidden by Biblical law; since it could be joined [to form a minimum] it is forbidden food that he is eating. Resh Lakish said: It is permitted by Biblical law, for the Divine Law speaks of eating and this is not [eating].¹⁵ — R. Johanan raised the following objection against Resh Lakish: I know only that whatsoever involves punishment is subject to a prohibition; but in the case of the koy,¹⁶ and what is less than the legal minimum, since they do not involve punishment, I might say that they are not subject to a prohibition either, therefore the text reads: No fat.¹⁷ — This is only Rabbinical and the text [adduced] is but a mere support. And that is also logical. For if one should assume that the prohibition is Biblical, surely [the status of] the koy is doubtful and no Scriptural text is necessary to cover a doubtful¹⁸ case! — Were it only for this there would be no argument, they would hold

(1) R. Akiba, on the other hand, holds that a legal minimum exists only in the case of foods etc. forbidden by the Torah, whereas a man who forbids himself by oath any kind of permitted food, implies that he would not partake of any quantity, however small, thereof.

(2) Now, if Resh Lakish held that even less than the legal minimum is forbidden by Rabbinical decree, then how could he endeavour to explain the case of the man taking the oath as applying to one eating less than the legal minimum? For, since he is interdicted to eat by the law of Deut. XVII, 11: According to the law which they shall teach thee ... thou shalt do . . . thou shalt not turn aside... to the right hand or to the left, from eating food Rabbinically forbidden, his oath is inoperative, hence does not oblige him to offer a sacrifice for his transgression thereof.

(3) Shebu. 30a. The answer of Resh Lakish would endeavour to make a distinction between things forbidden by the Torah, the oath re-forbidding the same to oneself would be considered inoperative and would free the swearer, in the case of transgression, from the obligation to offer up a sacrifice — and things permitted by the Torah, to which the oath could apply, so that if one swore not to eat less than the legal minimum which, because below the legal quantity, would be permitted by the law of the Torah and forbidden only by Rabbinic decree, the oath would operate, and in the case of transgression he would have to bring a sacrifice.

(4) Lev. V, 1f.

(5) V. Shebu. 30a.

(6) The king can neither testify, nor be testified against, because of his exalted position; the gambler cannot testify, because his profession renders him, hence his statements or pledges, untrustworthy.

(7) By Biblical law one is considered a robber only if one actually robs from one's hand, as in II Sam. XXIII, 21 where the technical term 'gazal', rob, is used: He (plucked — lit., 'robbed') the spear out of his hand; v. also B.K. 79b. So that, if the oath does not apply to a gambler, although by Biblical law, he is not prevented from testifying, the proposed

distinction is unjustified.

(8) Lev. V, 1.

(9) It means: One whose utterance not merely means speech, but words of meaning, words to be trusted, whereas this gambler's words, since he is untrustworthy, are, legally speaking, no utterance at all.

(10) As insufficient, hence misleading; this being the reason for the first question here in the Gemara.

(11) All the things forbidden, as enumerated in our Mishnah.

(12) Not eating and drinking.

(13) From the School of Rab emanated halachical commentaries not only on Leviticus, but on Numbers and Deuteronomy as well.

(14) Lev. XVI,31 interpreted here as solemn rest not only from work, but from the usual occupations, such as eating, drinking, washing, anointing and having marital intercourse. Just as the term 'solemn day of rest' in connection with the Sabbath is, by the Sages, interpreted as including all manner of work, even not employed in connection with the building of the Sanctuary, so does that term here imply affliction by rest, as above.

(15) Since below the minimum it may be nibbling, but it is eating that is forbidden.

(16) A kind of bearded deer or antelope (Jast.). It is left undecided as to whether it belongs to the genus of cattle, the tallow of which is forbidden, or to beasts of chase, the tallow of which is permitted.

(17) Lev. VII, 23. This proves that less than a legal minimum is prohibited by the Torah.

(18) Since there is no doubt before the Divine Lawgiver, no Scriptural text would be necessary to cover a doubtful situation.

Talmud - Mas. Yoma 74b

the koy is a creature by itself. For if you were not to say so, how could R. Idi b. Abin say: 'Also all' includes the koy,¹ since the koy is a doubtful case and surely no Scriptural text is necessary to cover doubtful cases. Hence [what you must say is] a 'creature by itself' is a different case, thus also here [say] 'a creature by itself' is a different case.

Our Rabbis taught: Ye shall afflict your souls.² One might assume that one must sit in heat or cold in order to afflict oneself, therefore the text reads: And ye shall do no manner of work;² just as the [prohibition of] labour [means]: sit and do nothing, so does [the enjoinder of] affliction [signify]: sit and do nothing.³ But say perhaps: If one sit in the sun and is warm, one may not say unto him: rise and sit in the shade; or, when he sits in the shade and is cool, one may not tell him: rise and sit in the sun?⁴ — It is as with labour: Just as you have made no distinction with regard to labour, so in connection with the [prescribed] affliction⁵ is no distinction to be made. Another [Baraita] taught: 'Ye shall afflict your souls'. One might assume that one must sit in heat or cold to afflict oneself, therefore Scripture said: 'And ye shall do no manner of work'. Just as in connection with work [the reference is to] something for which one may become culpable also in another connection,⁶ so with affliction it is to something for which one might become culpable in another connection, and what is that? 'An abhorred thing',⁷ or that which remaineth.⁸ I shall then include only 'the abhorred thing' or that which remaineth, because the penalty there is extirpation but not include tebel,⁹ since the penalty involved therein is not extirpation, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls',¹⁰ which is inclusive. I might then include tebel, the punishment in connection with which is death,¹¹ but not include carrion, the penalty for eating which is not death, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include the [eating of] carrion, which involves a [transgression of a] prohibition, but not profane food, [the eating of] which is not prohibited at all, therefore Scripture said: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include profane food, the eating of which is not commanded, but exclude terumah,¹² the eating of which is commanded, therefore Scripture said: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include terumah, which is not subject to the law concerning remaining over, but exclude holy sacrifices, in connection with which the law concerning remaining over applies, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. And if you should have any remark [in objection

thereto], [I can reply], Behold Scripture said: And I will destroy that soul,¹³ i.e., an affliction which causes a destruction of life, and what is that but [the denial of] eating and drinking? What is [meant by]: And if you should have any remark [in objection thereto]? — One might have said Scripture speaks here of marital intercourse,¹⁴ therefore the text reads: ‘And I will destroy that soul’, i.e., an affliction which causes the destruction of life, and that is [the abstention from] eating and drinking. The School of R. Ishmael taught: Here the phrase ‘affliction’ is used, and there¹⁵ the term ‘affliction’ is used; just as there an affliction through hunger is meant, so is here an affliction through hunger meant. But let us infer from: ‘If thou shalt afflict my daughters’?¹⁶ — One should infer concerning the affliction of a community from another affliction of a community, but not for the affliction of a community from the affliction of an individual. But let us infer it from the ‘affliction’ in Egypt, as it is said: And [the Lord] saw our affliction,¹⁷ and in connection with which we said: This is the enforced abstinence from marital intercourse? — Rather [answer thus]: One infers for a heavenly affliction from another heavenly affliction, but one should not infer concerning a heavenly affliction from an affliction through human beings.¹⁸

Who fed thee in the wilderness with manna . . . that He might afflict thee.¹⁹ R. Ammi and R. Assi [are disputing], one said, You cannot compare one who has bread in his basket with one who has none,²⁰ the other said: You cannot compare one who sees what he eats with one who does not see what he is eating.²¹ R. Joseph said: This is an allusion to [the reason] why blind people eat on without becoming satisfied. Abaye said: Therefore let him who has a meal eat only in daylight. R. Zera said: What Scriptural verse intimates that? Better is the seeing of the eyes than the wandering of the desire.²² Resh Lakish said: Better is the pleasure of looking at a woman than the act itself as it is said: ‘Better is the seeing of the eyes than the wandering of the desire’.

When it giveth its colour in the cup, when it glideth down smoothly.²³ R. Ammi and R. Assi [dispute concerning it], one said: Whosoever fixes

(1) V. Hul. 21a with reference to the blood of the koy.

(2) Lev. XVI, 29.

(3) The affliction enjoined is negative; deny to yourself certain things, abstain from them. It does not demand self-affliction by specific activity, such as sitting in the sun on a hot day.

(4) In this case affliction would take the negative form of abstaining from comfort, in accord with the proposition suggested.

(5) Labour, in any form, is prohibited. Just as one is not obliged to engage in positive work of affliction, the negative form of abstention from getting comfort. Hence, just as one need not go out of comfortable shade into the sun for the purpose of afflicting oneself, so need one not abstain from a change into shade in order to be afflicted in the sun.

(6) Namely on the Sabbath.

(7) A sacrifice rejected in consequence of an improper intention in the mind of the sacrificing priest, v. Lev. VII, 18.

(8) Portions of sacrifices left over beyond the legal time.

(9) Produce forbidden until the priestly gifts have been separated.

(10) Lev. XVI, 31.

(11) At the hands of heaven.

(12) The priest's share of the crop, one fiftieth of the dough, Num. XVIII, 8, 25.

(13) Lev. XXIII, 30.

(14) The term ‘affliction’ is used for the abstention therefrom, as well as for rape, in the Talmud (infra 77a) as well as in the Bible, Deut. XXII, 24 and elsewhere.

(15) Ibid. VIII, 3.

(16) Gen. XXXI, 50.

(17) Deut. XXVI, 7.

(18) It was God who afflicted Israel in the wilderness, Who bids them afflict themselves — thus may be said to afflict them Himself- on the Day of Atonement, whereas in Egypt it was Pharaoh who afflicted them.

(19) Deut. VIII, 16.

(20) V. Supra 18b.

(21) The taste of the manna according to tradition varied according to one's liking (v. infra), so that he who ate it did not see actually the thing which he was tasting].

(22) Eccl. VI, 9.

(23) Prov. XXIII, 31.

Talmud - Mas. Yoma 75a

his eye in the cup,¹ all incestual intercourse appears to him like a plain;² the other said: One who indulges in his cup, the entire world appears to him like a plain.³

Care in the heart, boweth it down.⁴ R. Ammi and R. Assi [explained it differently], one said: One should force it down,⁵ the other said: One should tell thereof to others.⁵

And dust shall be the serpent's food.⁶ R. Ammi and R. Assi [disputed its meaning], one said: Even if the serpent were to eat all the delicacies of the world, he would feel therein but the taste of dust; the other said: Even though he ate all the delicacies of the world, his mind would not be at ease until he had eaten dust.

It was taught: R. Jose said, Come and see how different the action of human beings is from that of the Holy One, blessed be He. If one of flesh and blood is angry with his neighbour he persecutes him as far as depriving him of his livelihood, but it is different with the Holy One, blessed be He. Although He cursed the serpent, yet when he goes up to the roof, there is his food; if he goes down, there is his food. He cursed Canaan:⁷ yet he eats what his master eats, drinks what his master drinks. He cursed the woman,⁸ all are running after her. He cursed the earth,⁹ all are feeding from it.

We remember the fish which we were wont to eat in Egypt for nought.¹⁰ Rab and Samuel [were disputing its meaning], one said: [Fish here means] real fish; the other said: Illicit intercourse.¹¹ One who said it means real fish [explains it so because of] 'which we were wont to eat'; the other who interprets it as 'illicit intercourse', does so because the term 'for nought' is used.¹² But according to him who said it means 'intercourse', does not Scripture read: 'Which we were wont to eat'? — Scripture uses an euphemism, as it is written: She eateth and wipeth her mouth and saith: I have done no wickedness.¹³ What does 'for nought' mean according to him who says they were real fish? — They were brought to them from public property, for a Master taught: When the Israelites were drawing water, the Holy One, blessed be He, prepared for them in the water little fish for their pitchers. According to him who said 'real fish', but with regard to illicit intercourse [he holds] they were not dissolute, it will be quite right that Scripture said: A garden shut up is my sister, etc.¹⁴ but according to the view that fishes mean 'illicit intercourse', what 'fountain sealed' is here? — They were not dissolute with regard to forbidden relations.¹⁵ It will be right according to him who interprets it as 'illicit intercourse', hence Scripture said: And Moses heard the people weeping for their families,¹⁶ i.e., because of the families [relations] with whom they were forbidden to have intercourse; but according to him who interprets it as 'fish', what does 'weeping for their families' mean? — Both¹⁷ are implied.

The cucumbers and the melons.¹⁸ R. Ammi and R. Assi [were disputing its meaning], one said: They found in the manna the taste of every kind of food, but not the taste of these five;¹⁹ the other said: Of all kinds of food they felt both taste and substance, but of these the taste only without the substance.

Now the manna was like gad [coriander] seed.²⁰ R. Assi said [it was] round like a seed [of coriander] and white like a pearl.

Our Rabbis taught: ‘Gad’ i.e., the manna resembled the seed of flax in its capsules. Others say: ‘Gad’ i.e., it was like a tale, which draws the heart of man, even like water.²¹ Another [Baraita] taught: ‘Gad’, because it revealed to Israel whether the child was one of nine months’ pregnancy from the first husband, or of seven months’ [pregnancy] from the second.²² ‘White’,²³ because it makes white [cleanses] the sins of Israel.

It was taught: R. Jose said: Even as the prophet would tell Israel what is to be found in clefts or holes so would the manna reveal to Israel what is to ‘be found in clefts or holes’. How that? If, e.g., two men came before Moses with a law-suit, one saying: You have stolen my servant, the other saying: You have sold him to me, Moses would say to them: To-morrow judgment will be pronounced. To-morrow, then: If his [the slave's] ‘omer was found in the house of his first master, it was evidence that the other one had stolen him; if it was found in the house of his second master, that was proof that the former had sold him to the latter. Similarly, if a man and a woman came before Moses with a suit, he saying: She acted offensively against me, and she asserting: He acted offensively against me, Moses would say to them: To-morrow judgment will be pronounced. On the morrow: If her ‘omer was found in her husband's house, that was proof that she had acted offensively, but if it was found in her father's house, that was evidence that he had acted offensively towards her.²⁴

It is written: And when the dew fell upon the camp in the night, the manna fell upon it,²⁵ and it is also written: And the people shall go out and gather,²⁶ and it is written too: The people went about and gathered it.²⁷ How all that?²⁸ — Unto the righteous it fell in front of their homes; the average folk went out and gathered, whereas the wicked ones had to go about to gather it. It is written: ‘bread’,²⁶ and it is written, [dough of] ‘cakes’,²⁹ and it is written, ‘they ground it’.²⁹ How that? — The righteous received it as bread, the average Israelites as [dough of] cakes, and the wicked ones had to grind it in the handmill. Or beat it in mortars.³⁰ Rab Judah said in the name of Rab, or as some say, R. Hama b. Hanina: That teaches that there came down to Israel with the manna the cosmetics for women, i.e., a thing that is ground in a mortar. And seethed it in pots.³⁰ R. Hama said: This intimates that with the manna there came down to Israel the ingredients for pudding.

And they brought yet unto him freewill-offerings every morning.³¹ What does ‘every morning’ mean? — R. Samuel b. Nahmani, in the name of R. Jonathan said: [This:] Of those things which came down every morning intimates that, together with the manna, there came down to Israel precious stones and pearls, as it is said: And hanesi'im brought the onyx stones;³² [and] it was taught: [nesi'im here means]: clouds literally, as it is said also: As clouds [nesi'im] and winds, without rain.³³ And the taste of it was as the taste of a cake baked with oil.³⁰ R. Abbuha said: [Do not read le-shad (cake), but shad (breast)]³⁴ viz: Just as the infant finds very many a flavour in the breast, so also did Israel find many a taste in the manna as long as they were eating it. Some there are who say: [‘Le-shad’ means] a real demon; even as the demon changes into many colours, so did the manna change into many tastes.³⁵

And Moses said: This shall be when the Lord shall give you in the evening flesh to eat, and in the morning bread to the full.³⁶ A Tanna [taught] in the name of R. Joshua b. Karhah: The flesh for which they asked improperly was given to them at an improper time;³⁷

(1) The Talmud takes the passage in this sense: When he puts his eye i.e., devotes his attention to the cup, when he is drunk.

(2) ‘Mesharim’ (‘smoothly’) is connected with meshor, ‘a plain’.

(3) In his drunken state the man overlooks all handicaps to his desire, be they directed against illicit intercourse or against his neighbour's property.

(4) Prov. XII, 25.

(5) One connects the word yashhenna (boweth it down) with the Hebrew nassah, ‘to remove’; the other with the Hebrew

suh, 'to speak'.

(6) Isa. LXV, 25.

(7) Gen. IX, 26. God did not really curse him, it was Noah who did so. But by decreeing that Canaan be a slave, He seems to confirm Noah's curse.

(8) Here, too, God did not really curse the woman, unless the punishment He meted out to her may imply a curse. All the passages here adduced are connected either by the fact that R. Ammi and R. Assi discussed them or by association of ideas.

(9) Gen. III, 17.

(10) Num. XI, 5.

(11) [I.e., they chafed under the new restrictions in matters of intercourse that had been imposed on them.]

(12) The suggestion is that whereas regular marriage implied widowhood (kethubah), before that mohar (dowry, Ex. XXII, 16), no such financial responsibility is necessary in the case of illicit intercourse.

(13) Prov. XXX, 20, referring to an unchaste woman.

(14) Cant. IV, 12.

(15) [I.e., those that had been already forbidden to the sons of Noah, v. Sanh. 57b].

(16) Num. XI, 10: E.V. 'family by family'; because of its families, family affairs, prohibitions of family life.

(17) The one (fish) is obvious, the other (illicit intercourse) is suggested.

(18) V. p. 361, n. 4.

(19) The Israelites remembered sadly these foods, cucumbers, melons, leeks, onions, garlic. which they had enjoyed in Egypt and which they now missed. Evidently the manna substituted for all other foods, but these five. The latter were 'absent' because these foods do not agree with women in pregnancy.

(20) Num. XI, 7.

(21) Connecting it with rt. negad, draw, pull, attract.

(22) The 'omer per head in each household (v. Ex. XVI, 16) being arranged miraculously in accord with the true state of affairs, would be found in the house of the true father and thus would reveal whose child the infant was. Gad is thus connected with the causative of nagad, meaning to 'reveal', 'tell'.

(23) Being dependent for their daily food on God's bounty, the children of Israel would reflect on their conduct and continually improve it in order to deserve God's food.

(24) In either situation the 'omer would be found in the home of him who deserved it. The master of the slave would have an additional 'omer bestowed upon himself; the husband whom his wife had offended would have the measure in his house, where she belonged; if the husband had ill-treated her, so that her father's house was a legitimate refuge, her 'omer would be found there. Thus would the gad (to which the manna was compared) reveal the true state of affairs. In the case of the slave he would be restored, on the evidence of the 'omer, to his master; in the case of the wife, either the husband would have to pay her her marriage settlement (kethubah) or, if she had been guilty, she would forfeit it.

(25) Num. XI, 9.

(26) Ex. XVI, 4.

(27) Num. XI, 8.

(28) These three statements seem incompatible with one another; according to Num. XI, 9 the manna fell into the camp; according to Ex. XVI, 4 outside thereof, whereas according to Num. XI, 8 it was so far away from the camp that the people had to go far to find it.

(29) עוגות, Num. XI, 8; this denotes cakes while yet unbaked (Rashi).

(30) Num. XI, 8.

(31) Ex. XXXVI, 3.

(32) The word nesi'im, from the root nasa, 'to lift up'; thus things lifted up, elevated, may mean either princes or clouds.

(33) Prov. XXV, 14.

(34) Supplemented from Bah.

(35) The word le-shad may mean cake, as the simple text has it. It may also be connected with shad, 'breast', or with shed, 'demon'. Thus the two following interpretations. The different tastes of the milk depend on the food the mother has eaten.

(36) Ex. XVI, 8.

(37) They had enough cattle to feed their lust for flesh, their importune prayers for flesh, hence, were improper, and they would in punishment receive the flesh at night when, because of the need for preparation, it came too late, 'at an

improper time', because usable only the next day.

Talmud - Mas. Yoma 75b

whereas the bread for which they asked properly was given to them in its proper time.¹ Here the Torah intimates a matter of good form; that one should eat meat but at night. But surely Abaye said: One who has a meal should eat it only during the day? — We mean: as in day-light.²

R. Aha b. Jacob said: At first Israel were like hens picking in the dunghill, until Moses came and fixed for them a definite meal-time.³

While the flesh was yet between their teeth,⁴ yet it is also written: But a whole month,⁵ how is that? — The average people [died] at once, the wicked ones continued to suffer a whole month. And they spread them all abroad.⁶ Resh Lakish said: Do not read 'wayishtehu' [they spread abroad], but 'wa-yishahtu' [they were slaughtered], which [reading] intimates that the enemies of Israel had incurred the punishment of being slaughtered.⁷ 'Spread abroad'; it was taught in the name of R. Joshua b. Karhah: Do not read 'shatoah', but 'shahut' [ritually killed], which would intimate that there came down to Israel together with the manna something requiring ritual killing.⁸ Rabbi replied: So must you infer it from here. Was it not stated before: He caused flesh also to rain upon them as the dust, and winged fowl as the sand of the sea?⁹ And was it not taught: Rabbi said, Then thou shalt kill [of thy herd and of thy flock]. . . as I have commanded thee.¹⁰ This teaches that Moses received commandments concerning the gullet, and the windpipe, and concerning the larger part of one [organ] in the case of a fowl, and the larger part of two in the case of cattle?¹¹ What then does 'shatoah' [read, shahut] intimate? — That they [the quails] came down so as to form layers.

It is written: 'bread', but it is also written, 'oil' and it is also written, 'honey'?¹² — R. Jose b. Hanina said: Bread for the youths, oil for the aged, honey for the infants. It is written 'shlaw' and we read: slaw?¹³ — R. Hanina said: The righteous eat it at ease,¹⁴ whereas when the wicked eat it, it is unto them like thorns.¹⁵ R. Hanan b. Abba said: There are four kinds of slaw [quails]: thrush, partridge, pheasant and quail proper; the best of all is the thrush, the worst of all is the quail proper, which is like a small bird. [One stuffs it],¹⁶ places it in the oven, and it swells up, and becomes so big that it fills the oven. Thereupon one places it on top of twelve loaves of bread, and [even] the lowest one of them cannot be eaten without [some other food] in combination.¹⁷ Rab Judah would find them among his jars; R. Hisda among the twigs. Unto Raba his field labourer used to bring them from the meadow¹⁸ every day. One day he did not bring them. He wondered: Why this? He went up to the roof and heard a child which read: When I heard, my inward parts trembled.¹⁹ Thereupon he said: One knows from this that R. Hisda is dead.²⁰ It is for this reason that people say: By the merit of his master eats the pupil. It is written: And when the layer of dew was gone up,²¹ but it is also written: And when the dew fell?²² — R. Jose b. Hanina said: There was dew above, and dew below it; it resembled something placed in a box. A fine scale-like thing [mehuspas];²³ Resh Lakish said: It is something that melts on the wrist [palm] of the hand.²³ R. Johanan said: [It means] something which is absorbed by the two hundred and forty-eight parts [of the human body].²⁴ But [the numerical value] of mehuspas is much more?²⁵ — R. Nahman b. Isaac said: The word is written defective. Our Rabbis taught: Man did eat the bread of the mighty,²⁶ i.e., bread which ministering angels eat. This was the interpretation of R. Akiba. When these words were reported to R. Ishmael he said to them: Go forth and tell Akiba: Akiba, thou hast erred. For do, indeed, the ministering angels eat bread? Was it not said long ago: I did neither eat bread, nor drink water?²⁷ How, then, do I interpret 'the bread abbirum [of the mighty]'? I.e., bread which was absorbed by the two hundred and forty-eight parts [ebarim]. Then how do I apply: And thou shalt have a paddle among thy weapons?²⁸ That refers to what [foods] the foreign merchants were selling unto them. R. Eleazar b. Perata said: Even of the foodstuff which merchants of other nations sold them, the manna would counteract the effect. What then is the meaning of 'And thou shalt have a paddle among thy weapons'? — That applied to

the time after their offence.²⁹ The Holy One, blessed be He, said: I thought they shall be like ministering angels, but now I shall burden them with the walk of three parasangs³⁰ as it is written: And they pitched by the Jordan, from Beth-jeshimoth even unto Abel-shittim.³¹ And Rabbah b. Hana had said: I have seen this place, it is three parasangs in extension.³² And furthermore it was taught when they went to relieve nature they went neither forward, nor sideways, but rearwards.³³

But now our soul is dried away: there is nothing at all.³⁴ They said: This manna will swell up their bowels, for is there one born of woman who absorbs food without eliminating it too? But when these words were reported before R. Ishmael he said to them: Do not read *abbirim* [mighty] but *ebirim* [parts of the body], i.e., something which is absorbed by the two hundred and forty-eight parts. But how do I then interpret: 'And thou shalt have a paddle among thy weapons'? — That refers to food that came to them from the distant parts.³⁵ Another interpretation of: Man did eat the bread of the mighty:

(1) Nobody can live without bread, hence that prayer was proper.

(2) By the light of torch, or candle.

(3) Morning and evening, the manna and the quails respectively.

(4) Num. XI, 33.

(5) Ibid. v. 20.

(6) Ibid. v. 32. This suggestion, although aggadic, is not ungrammatical, metathesis being frequent, as in *kesseb*, *kebess* (sheep).

(7) Perhaps because of their unrighteous clamour for flesh, when they had cattle of their own. 'Enemies of Israel' is an euphemism for 'Israel'.

(8) Hence we infer that quails were of a species that require ritual killing.

(9) Ps. LXXVIII, 27. 'Before' means, before this indirect inference there was a clear text to convey this teaching.

(10) Deut. XII, 21.

(11) The windpipe and the gullet, one in the case of fowl, both in the case of cattle, must be cut according to the ritual. There is no commandment anywhere in the Pentateuch as to the details of ritual slaughtering of animals or birds, called *shechitah*. Hence 'as I have commanded thee' must needs refer to another source of law: the unwritten or oral one.

(12) In reference to the manna. Ex. XVI, 29, 31 and Num. XI, 8. Three different tastes are ascribed to this food.

(13) The spelling is **ש**, the pronunciation **ש**. The deviation indicates another aspect.

(14) The Hebrew word (with **ש**) may be traced to a root meaning 'ease'. Thus the homiletical interpretation.

(15) The Aramaic equivalent of the reading means 'thorn', hence the suggestion that *slaw* in addition to the simple text meaning, has also other implications.

(16) Supplemented from Bah.

(17) It is so greasy that without some other dry food added it would be indigestible.

(18) Bah.

(19) Hab. III, 16.

(20) This story is very satisfactorily explained in Schatzkes' *Mafteah I*, Warsaw, 1866. R. Hisda, in spite of his great riches, was very frugal in his habits and so economical that he would not entrust even the management of wood to any servant, but himself every day handed wood to the cooks (Git. 56a). Although he would find the quails among his twigs, he would prevent anyone from laying his hands upon these delicacies. His son-in-law Raba, therefore, arranged with a tenant-farmer to bring them. His failure to bring them one day Raba rightly attributed to the thought that something had happened which rendered such service unnecessary. To this inference he added, according to widespread custom, the additional reliance on the implications of a text the first child he met would be studying. When that text suggested evil news the 'evidence was complete'.

(21) Ex. XVI, 14.

(22) Num. XI, 9. The passage in Ex. suggests that the dew covered the manna, whereas the verse in Num. indicates that the dew was below the manna.

(23) There is a play on 'mah', 'melt', and 'pas', 'palm'.

(24) The numerical value of 'Mehuspas': Mem = 40, heth = 8, samek = 60, pe = 80 and samek = 60, together 248. V. Mak., Sonc. ed., p. 169, n. 5.

(25) The part. pass. is usually spelt with a waw, which makes its numerical value plus 6 =254; whereas the reading is plene, the text is without the waw מַחֲסַפִּים, hence 248; and the inference as to the 248 parts of the body is supported.

(26) Ps. LXXXVIII, 25.

(27) Deut. IX, 18.

(28) Ibid. XXIII, 14. The paddle is to serve thus: And it shall be, when thou sittest down abroad, thou shalt dig therewith, and shalt turn back, and cover that which cometh from thee. But, if the manna was completely absorbed, there was nothing 'coming from the Israelite', hence no need for the paddle.

(29) In complaining of the manna as Num. XXI, 5; Our soul loatheth this light bread.

(30) To get outside the confines of the camp for the call of nature.

(31) Num. XXXIII, 49.

(32) 'Er. 55b.

(33) None would turn backwards, therefore there was no offence against common decency involved.

(34) Num. XI, 6.

(35) Lit., 'province of the sea'.

Talmud - Mas. Yoma 76a

That is Joshua for whom manna [specially] fell down as it did to¹ all Israel, [for] it is written: here, 'man',² and also there it is written: Take thee Joshua, the son of Nun, a man in whom is spirit.³ But perhaps it is Moses, of whom it is said: Now the man Moses was very meek?⁴ — One may infer ish from ish, but not ish from we-ha-ish.⁵

R. Simon b. Yohai was asked by his disciples: Why did not the manna come down unto Israel once annually? He replied: I shall give a parable: This thing may be compared to a king of flesh and blood who had one son, whom he provided with maintenance once a year, so that he would visit his father once a year only. Thereupon he provided for his maintenance every day, so that he called on him every day. The same with Israel. One who had four or five children would worry, saying: Perhaps no manna will come down to-morrow, and all will die of hunger. Thus they were found to turn their attention to their Father in Heaven. Another interpretation: They ate it whilst it was yet warm.⁶ Another interpretation: Because of the burden of the way.⁷

And it long ago happened that R. Tarfon, R. Ishmael and the Elders were seated and occupied with the portion referring to the manna, and also R. Eleazar of Modiim was seated among them. R. Eleazar of Modim commenced [to expound] and said: The manna which came down unto Israel was sixty cubits high! R. Tarfon said to him: Modite! How long will you rake words together and bring them up against us?⁸ — He answered: My master! I am expounding a Scriptural verse.

Fifteen cubits upward did the waters prevail; and the mountains were covered.⁹ Were there indeed fifteen cubits [high] in the valley, [fifteen cubits in the lowlands],¹⁰ fifteen cubits on the mountains?¹¹ Were the waters standing like a series of walls? And, furthermore, how could the ark come to the top [of the mountains]? Rather, all the fountains of the great deep came up first until the water was even with the mountains, then the water rose fifteen more cubits. Now which measure is larger, that of reward or punishment? You must needs agree that the measure of goodness [reward] is larger. Now with the measure of punishment it is written: The windows of heaven were opened,¹² with the measure of goodness, however, it is said: And he commanded the skies above, and opened the doors of heaven; and caused manna to rain upon them for food, and gave them of the corn of heaven.¹³ [And a Tanna taught]:¹⁴ Now how many windows has a door? Four; hence 'doors' [imply] eight.¹⁵ Thus it is found that the manna which fell upon Israel was sixty cubits. It was taught: Issi b. Judah says: The manna which fell down for Israel rose so high that all the kings of the east and the west could see it, as it is said: [Thou preparest a table before me in the presence of my enemies. . .] my cup runneth over.¹⁶ (Abaye said: It is evident from this that the cup of King David in the future world will hold two hundred and twenty-one logs, as it is said: My cup is rewayah [overflowing],

and this is the numerical value of rewayah).¹⁷ But there is no comparison: there it took forty days, here only one hour;¹⁸ or there for all the world, here for Israel alone;¹⁹ and it should have been higher still! — [Rather]: R. Eleazar of Modim infers it from the analogy of ‘opened’, ‘opened’.²⁰

[ON YOM KIPPUR] EATING IS FORBIDDEN. To what do the five afflictions correspond? — R. Hisda said: To the five afflictions mentioned in the Torah: And on the tenth day:²¹ howbeit on the tenth day;²² a sabbath of solemn rest;²³ it is a sabbath of solemn rest,²⁴ and it shall be unto you.²⁵ But these are only five, whereas [in our Mishnah] we learned of six [afflictions]? — Drinking is included in eating. For Resh Lakish said: When do we know that drinking is included in eating? Because Scripture said: And thou shalt eat before the Lord thy God . . . the tithe of thy corn, of thy [tirosh] wine, and of thine oil;²⁶ ‘tirosh’ is wine and yet Scripture reads: ‘And thou shalt eat’. Whence this proof? Perhaps it means that he used it as all admixture to elaiogarum?²⁷ For Rabbah b. Samuel said: Elaiogarum contains the juice of beets; oxygarum the sauce of all kinds of boiled vegetables? — Rather, said R. Aha b. Jacob, is that inferred from here: And thou shalt bestow thy money for whatever thy soul desireth, for oxen, for sheep, or for wine, or for strong drink.²⁸ [To] wine and strong drink [applies the term] drinking and yet the Divine Law reads: ‘And thou shalt eat’. How is that [conclusive]? — Perhaps here, too, the implication is that he uses it as an admixture to elaiogarum?— Scripture says ‘Strong drink’, i.e., something which intoxicates.²⁹ But perhaps the reference here is to preserved figs from Keilah, for it was taught: If one [a priest] ate preserved figs from Keilah,³⁰ and drank honey and milk, and thus entered the Sanctuary

(1) Corresponding to.

(2) Num. XXVII, 18.

(3) Ex. XXIV, 13. Joshua went up with Moses to Mount Sinai, Moses did not eat, but Joshua did, hence the manna must have come to him there.

(4) Num. XII, 3.

(5) Analogy should be built upon exact similarity, almost identity, not on relative similarity of expression; according to this rigid rule no analogy from ‘ish’ to ‘ha-ish’ or vice versa could be argued.

(6) Its taste or flavour was preserved, but if gathered once for the whole year, it would become stale, cold, tasteless.

(7) It would greatly hamper them on their journeys.

(8) Try to impress us with unsubstantiated statements.

(9) Gen. VII, 20.

(10) [Var. lec. rightly omit as unnecessary repetition].

(11) The phrase fifteen cubits upward surely could not be taken to mean that the fifteen cubits were measured from different levels.

(12) Ibid. v. 11.

(13) Ps. LXXVIII, 23, 24.

(14) Supplied from MS.M. V. also Rashi.

(15) At least two are implied in ‘doors’ hence at least eight windows. But the measure of goodness surpasses the measure of punishment (as e.g., Ex. II, 6, 7). There were at least two ‘windows’ of heaven at the flood, as implied in ‘windows’ which poured forth fifteen cubits of rain; the eight windows (of the two doors of heaven) must have produced at least no less, i.e., sixty cubits of manna, since the measure of goodness is surely no smaller than that of punishment. So that ‘sixty’ here is to be taken as minimum.

(16) Ps. XXIII, 5, 6. This reckoning is stimulated by the preceding one.

(17) The psalm is taken as prophetic of restoration — either in this world (then ‘in the future’ at the time of the Messiah) or in the world to come (usual interpretation).

(18) Between the flood and manna.

(19) Here the argument is in favour of a higher measure for the manna. For since the space wherein it fell was limited, whilst the windows of heaven presumably were capable of pouring out the same quantity, the manna confined to a small area should have risen very much higher than the waters, which covered all the earth.

(20) Gen. VII, 11 and Ps. LXXVIII, 23; he does not employ the argument of a greater measure in store for reward than for punishment; but merely from the fact that in each case two windows produced a height of fifteen cubits — whether

of manna or water.

(21) Num. XXIX, 7.

(22) Lev. XXIII, 27.

(23) Ibid. 32.

(24) Ibid. XVI, 31.

(25) Ibid. v. 29.

(26) Deut. XIV, 23.

(27) Greek; a sauce of oil and garum, to which wine is sometimes added.

(28) Deut. XIV, 26.

(29) And no intoxication results from eating.

(30) A town in the lowlands of Judea, cf. Josh. XV, 44; v. Sanh., Sonc. ed., p. 481, n. 6.

Talmud - Mas. Yoma 76b

he is culpable?¹ — Rather, he infers it by analogy of ‘strong drink’ from the Nazirite.² Just as there it means wine, so here too is wine involved. But is ‘tirosh’ wine? Was it not taught: One who takes a vow to abstain from ‘tirosh’ is forbidden to use any sweet drink but may use wine? — But is [‘tirosh’] not wine? Surely it is written: And tirosh makes the maids flourish!³ The thing which is derived from ‘tirosh’ makes maids flourish.⁴ But it is written: And thy vats shall overflow with tirosh?⁵ — Thy vats shall overflow with what is derived from ‘tirosh’. But it is written: Harlotry, wine and tirosh take away the heart?⁶ — Rather, everybody agrees that ‘tirosh’ is wine, but with regard to vows we go after common parlance.⁷

Why is it [wine] called ‘yayin’ and ‘tirosh’? — It is called ‘yayin’ because it brings lamentation into the world, and ‘tirosh’ ‘because he who indulges in it becomes poor.’⁸

R. Kahana pointed out a contradiction: It is written ‘tirash’ and we read ‘tirosh’! — If he is meritorious he becomes a head [rosh] through it; if not, he becomes poor [rash] through it.⁹ Raba pointed out this contradiction: The text reads, ‘yeshammah’, whilst we read ‘yesammah’?¹⁰ — If he is meritorious it makes him happy, if not, it makes him desolate. That is why Raba said: Wine and odorous spices made me wise.¹¹

Whence do we know that [abstention from] bathing and from anointing oneself is considered an affliction? — Because it is written: I ate no pleasant bread, neither came flesh nor wine in my mouth, neither did I anoint myself at all.¹² What does ‘I ate no pleasant bread’ mean? — Rab Judah, in the name of R. Samuel b. Shilath said: He ate not even bread made of pure wheat. Whence do we know that [the abstention from anointing] was considered an affliction? Because it is written: Then he said unto me: Fear not, Daniel, for from the first day that thou didst set thy heart to understand, and to afflict¹³ thyself before thy God, thy words were heard; and I am come because of thy words.¹⁴ We have found it now with regard to [abstention from] anointing oneself. Whence do we know it about [abstention from] washing? — R. Zutra, son of R. Tobiah said: Scripture reads: And it is come into his inward parts like water, and like oil into his bones.¹⁵ But perhaps that applies to drinking it? — It is compared to oil; just as the oil is applied externally, so also the water [is such as is applied] externally. But a Tanna teaches just the reverse, for we learned: Whence do we know that anointing oneself is like drinking on the Day of Atonement? Although there is no conclusive evidence for this, there is some intimation, for it is said: ‘And it is come into his inward parts like water, and like oil into his bones’?¹⁶ — Rather, said R. Ashi: [That abstention from] washing [is considered an affliction] is evident from the verse itself, for it is written: ‘Neither did I anoint myself at all’.¹⁷ What does: ‘And I am come because of thy words’ mean?¹⁸ — It is written: And there stood before them seventy men of the elders of the House of Israel, and in the midst of them stood Jazaniah, the son of Shapan, every man with his censer in his hand; and a thick cloud of incense went up.¹⁹ [Furthermore]: And the form of a hand was put forth, and I was taken by a lock of my head; and a

spirit lifted me up between the earth and the heaven, and brought me into the visions of God to Jerusalem, to the door of the gate of the inner court that looketh toward the north; where

(1) Lev. X, 9.

(2) Num. VI, 3.

(3) Zech. IX, 17.

(4) The argument is not too obvious. According to Rashi the point under consideration is whether 'tirosh' is the name for wine (new wine) or for the grapes themselves. If the latter is accepted wine is 'that which is derived from tirosh (berries)'.

(5) Prov. III, 10 and into vats the wine is poured, not the berries!

(6) Hos. IV, II. Surely grapes would not fit into this context.

(7) And in common parlance 'tirosh' and 'yayin' are separated.

(8) The first is a play on 'ya, ya' exclamation of woe, the second on the second syllable of 'tirosh', which is connected with 'rash', to become poor, as if 'tirosh' meant, You will become poor.

(9) The text connected with the root meaning 'poor', the reading with the noun 'rosh', head.

(10) Ps. CIV, 15. Again a difference between text and pronunciation with a significance attached to both; samah means 'rejoicing', 'shammah' is connected with 'shammah', desolation, the 'he' and 'heth' interchanging.

(11) Stimulated my intellect.

(12) Dan. X, 3.

(13) E.V. 'to humble'.

(14) Ibid. V. 12.

(15) Ps. CIX, 18.

(16) Here water in the verse is taken to refer to 'drinking' from which 'anointing' is derived, contrary to the conclusion just arrived at whereby the meaning of 'water' is derived from its juxtaposition to 'oil'.

(17) Lit., '(as to) anointing I did not anoint myself at all'. 'At all' means, not even washing, which may be preparatory.

(18) When was he driven out, so that he had to re-enter? The reference is to 'the man clothed in linen', (v. ibid. verse 5) identified infra with Gabriel.

(19) Ezek. VIII, 11.

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there was the seat of the image of jealousy, which provoketh to jealousy.¹ [Furthermore]: And he brought me into the inner court of the Lord's house, and, behold, at the door of the temple of the Lord, between the porch and the altar, were about five and twenty men, with their backs toward the temple of the Lord, and their faces toward the east; and they worshipped the sun toward the east.² Now from the implication of the text: 'And their faces toward the east', do I not know that their backs were toward the temple of the Lord? Why then does the text state: 'With their backs toward the temple of the Lord'? It teaches that they uncovered themselves and committed a nuisance toward that which is below.³ The Holy One, blessed be He, said to Michael:⁴ Michael, your nation has committed sin. Michael answered: Lord of the Universe! Let the good ones among them be considered sufficient! He replied: I shall burn both them and the good ones among them! Immediately then: And he spoke unto the man clothed in linen, and said: Go in between the wheelwork, even under the cherub, and fill both thy hands with coals of fire from between the cherubim, and dash them against the city. And he went in my sight.⁵ Thereupon: And the cherub stretched forth his hand between the cherubim unto the fire that was between the cherubim, and took thereof and put it into the hands of him that was clothed in linen, who took it and went out.⁶ R. Hana b. Bizna said in the name of R. Simeon the Pious: Were it not for the fact that the coals of the hand of the cherub became cold [in the process of coming] into the hands of Gabriel,⁷ there would not have been left over from the 'enemies of Israel'⁸ one to remain or one to escape, for it is written: And behold the man clothed in linen, who had the inkhorn on his side, reported, saying: 'I have done according to all that Thou hast commanded me'.⁹ R. Johanan¹⁰ said: In that hour Gabriel was led out behind the curtain and received forty fiery strokes, he being told: If you had not executed the command at all, well, you simply would not have executed it.¹¹ But since you did execute it, why did you not do as you were commanded?¹² Furthermore: Don't you know that:¹³ 'One brings no report about mischief'?¹⁴ Thereupon Dubiel,¹⁵ the guardian angel of the Persians, was brought in and placed in his stead, and he officiated for twenty-one days. This is what is written: But the prince of the kingdom of Persia withstood me one and twenty days; but lo, Michael, one of the chief princes, came to help me; and I was left over there beside the kings of Persia.¹⁶ Twenty-one provinces and the port of Mashmahig¹⁷ were given to him. Thereupon he said: Put down for me Israel for the polltax! They did so. Put down the Sages for the poll-tax! They did so. When they were about to sign, Gabriel came forth from behind the curtain and said: It is vain for you that ye rise early, and sit up late, ye that eat the bread of toil; so He giveth unto His beloved in sleep.¹⁸ (What does 'So He giveth unto His beloved in sleep' signify? R. Isaac said: This refers to the wives of the scholars who deny themselves sleep in this world, and acquire the world to come).¹⁹ No attention was paid to him. He said before Him: Lord of the Universe, if all the wise men of other nations were in one scale of the balance, and Daniel, the man of pleasant parts, in the other, would he not be found to outweigh them all? — The Holy One, blessed be He, said: Who is it that pleads the merit of my children? They replied: Lord of the Universe, it is Gabriel. He said: Let him come in, as it is written: 'And I am come [in] because of thy words'. Having commanded that they bring him in, they brought him in. He noticed that Dubiel held the document in his hand, and he wanted to take it from him, but the former swallowed it. Some say: [The document] was written out, but not signed. Others say: It was also signed, but as he swallowed it, the signature was blotted out. Hence there are some people in the kingdom of Persia who are obliged to pay poll-tax, while others are free from it. And when I go forth, lo, the prince of Greece shall come.²⁰ He cried and cried and none minded him.

Or, if you like, that [abstention from] washing is considered an affliction is deducible from here. For it is written: And unto Abiathar the priest said the king: 'Get thee to Anathoth, unto thine own fields; for thou art deserving of death; but I will not at this time put thee to death, because thou didst bear the ark of the Lord God before David my father, and because thou wast afflicted in all wherein my father was afflicted'.²¹ And concerning David it is written: For they said: 'The people is hungry, and faint and thirsty in the wilderness'.²² 'Hungry' because of no bread; 'thirsty' because of no

water; 'faint' because of what? Would you not say: Because of no washing?²³ — But perhaps 'faint' [means] because of no sandals? — Rather said R. Isaac, [it is to be deducted] from this: As cold water to a faint soul.²⁴ But perhaps it means: [Faint] from [lack of] drink? — Does Scripture read: 'Into a faint soul'? Upon a faint soul is written! And whence is to be inferred that [abstention from wearing] sandals [is considered an affliction]? Because it is written: And David went up by the ascent of the Mount of Olives and wept as he went up; and he had his head covered, and went bare.²⁵ 'Bare' of what? Obviously 'of shoes'. Perhaps it means bare because without horse and whip? — Rather, said R. Nahman b. Isaac, the inference comes from: Go and loose the sack-cloth from off thy loins, and put thy shoe from off thy foot,²⁶ and it is written: And he did so, walking naked and bare.²⁶ 'Bare' of what? Obviously bare of sandals. But perhaps [it means he went] in patched shoes. For, if you were not to interpret thus, 'naked' would also have to be explained as stark naked? Rather, must you here too explain: [naked] i.e., in shabby garments, thus also 'bare' in patched sandals! — Rather, said R. Nahman b. Isaac: [It is derived] from here: Withhold thy foot from being unshod, and thy throat from thirst,²⁷ i.e., withhold thyself from sin lest thy foot become unshod; withhold thy tongue from idle speech, lest thy throat become dry [faint with thirst].

Whence do we know that [abstention from] marital intercourse is considered an affliction? — Because it is written: If thou shalt afflict my daughters, and if thou shalt take wives beside my daughters,²⁸ [i.e.,]

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- (1) Ibid. v. 3.
 - (2) Ibid. v. 16.
 - (3) A euphemism for heaven.
 - (4) Who is the guardian angel of Israel.
 - (5) Ezek. X, 2.
 - (6) Ibid. 7.
 - (7) Alluded to in 'the man clothed in linen'.
 - (8) Euphemistic for Israel.
 - (9) Ibid. IX, 11.
 - (10) Var. lec. remove the whole account that follows from here.
 - (11) He may have assumed that God's mercy would postpone or suspend punishment.
 - (12) You were commanded to fetch the coals yourself, you sinned in appointing someone else to do so.
 - (13) Meg. 15a. For the same reason one need not report to children the death even of their parents.
 - (14) With reference to his reporting back, 'I have done according to all that Thou hast commanded me'.
 - (15) Lit., 'bear-god'. In Daniel VII, 5 Persia appears as 'a bear', hence their angel is bear-god. V. Kid. 72a. A.Z. 2a.
 - (16) Dan. X, 13. This verse is ingeniously used to build up the present Aggadah.
 - (17) A place on an island of the Persian Gulf, famous for pearl fisheries. V. R. H., Sonc. ed., p. 99, n. 5. V. D. S. as to the MSS. which omit this whole passage.
 - (18) Ps. CXXXVII, 2.
 - (19) The nations of the world should not be able to subdue or tax these, for they are the beloved of the Lord, and their own wives, in denying sleep to themselves in this world (taking 'yedid' ad hoc as if derived from 'nadad', flee, avoid i.e., sleep) earn eternal salvation. God thus protects them. When this argument proved unavailing, they made another attempt by comparing Daniel with all non-Jewish scholars, and this was accepted by the Lord.
 - (20) Dan. X, 20. Gabriel's protest was of no avail against the time when Greece was given rule over Israel.
 - (21) I Kings II, 26.
 - (22) II Sam. XVII, 29.
 - (23) Thus would abstention from bathing be proved to be considered an affliction.
 - (24) Prov. XXV, 25.
 - (25) II Sam. XV, 30.
 - (26) Isa. XX, 2.
 - (27) Jer. II, 25.
 - (28) Gen. XXXI, 50.

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'if thou shalt afflict' by denying conjugal duty, 'if thou shalt take' refers to rivals. But say [perhaps]: Both [afflictions due] to rival women? — Does Scripture say: 'If thou shalt take',¹ it reads: 'And if thou shalt take'. But perhaps both refer to affliction through rivals; one through rivalries among them, the other through rivalries of new wives, so that ['if thou shalt afflict'] would be the same as 'if thou shalt take'.² Does Scripture say: 'If thou wilt take and afflict'? It reads: If thou shalt afflict and thou shalt take.³ R. Papa said to Abaye: But intercourse in itself is described as affliction, for it is written: And he lay with her and afflicted her?⁴ He answered: He afflicted her through other [forms of] intercourse.

Our Rabbis taught: It is forbidden to wash part of the body [on the Day of Atonement], as [it is forbidden to wash] the whole body. But if one was soiled with mud or excrement, he may wash in his usual way without any fear.⁵ It is forbidden to anoint part of the body [as it is forbidden to anoint] the whole body. If, however, one was sick or had scabs on his head, he may anoint himself in his usual way without any fear. The School of R. Menasseh taught: R. Simeon b. Gamaliel said: A woman may wash one of her hands in water to give bread to an infant without any fear. It was reported about the older Shammai⁶ that he would not [hand food] to be eaten even with one hand, whereupon the Rabbis decreed that he must do so with both hands.⁷ Why that? Abaye said: Because of Shibta.⁸

Our Rabbis taught: One who goes to visit his father or his teacher, or his superior,⁹ may walk through water up to his neck without any fear. They asked: How about a master who visits his disciple? — Come and hear: For R. Isaac b. Bar Hana said: I saw Ze'iri who went to R. Ashi, his disciple. R. Ashi said: That was R. Hiyya b. Ashi, who went to Ze'iri, his master. Raba permitted the people of 'Ibar Jemina¹⁰ to walk through water for the purpose of guarding [fruits] the crop.¹¹ Abaye said to Raba: I know a teaching that supports you [your decision]: Those who guard the crop may walk up to the neck through water without any fear. R. Joseph permitted the people of Be Tarbu¹² to walk through the water in order to go to the lecture [of the Day of Atonement] but he did not permit them to return [in the same fashion]. Abaye said to him: If so, you will put a stumbling-block in their way for the future.¹³ Some say: He permitted them to go and to return [through water], whereupon Abaye said: Quite right [to permit them] to do so on the way to the lecture, but why the permission on their return? — Lest you put a stumbling-block in their way for the future.

Rab Judah and R. Samuel son of R. Judah were standing at the bank of Nehar Papa,¹⁴ at the ford of Hazdad, and Rami b. Papa was standing on the other bank. He shouted across: How about going over to you to inquire about a decision of the Law? Rab Judah answered; Rab and Samuel both agree: One may come over, provided one take not one's hand out of the bosom of his shirt.¹⁵ Some say: It was R. Samuel, son of Rab Judah who said: We were taught, He may come over, provided he take not his hand out of the bosom of his shirt.

R. Joseph demurred: But, even on a weekday is such action permitted?¹⁶ Does not Scripture say: He measured a thousand cubits and he caused me to pass through the waters, waters that were to the ankles;¹⁷ hence we infer that it is permitted to pass through water up to the ankles. Again he measured a thousand, and caused me to pass through the waters, waters that were up to the knees;¹⁸ hence we learn that it is permitted to pass through waters up to the knees. Again he measured a thousand, and caused me to pass through waters that were to the loins;¹⁸ hence we know that it is permissible to pass through water up to the loins. Henceforth: Afterward he measured a thousand, and it was a river that I would not pass through.¹⁹ Abaye said: It is different with a river whose waters run rapidly.²⁰ One might have assumed that it is permissible to swim across such a river, therefore the text reads: For the waters were risen, waters to swim in.¹⁹ What does 'sahu' mean? —

‘Swim’, for a swimmer is called ‘sayaha’. One might have assumed that it is permissible to pass through such [river] in a small Liburnian boat, therefore the text reads: Wherein, shall go no galley with oars.²¹ One might have assumed that one may cross it in a big Liburnian ship, therefore Scripture says: Neither shall gallant ship pass thereby.²⁰ How does that follow from the text? — As R. Joseph interprets it: No fisher's boat goes thereon, no big boat traverses it.²² R. Judah b. Pazzi said: Even the Angel of Death has no permission to cross it, for here it is said: ‘Wherein shall go no galley with oars [shayit].’²³ and there it reads: From going [shut] to and fro in the earth.²³ R. Phinehas in the name of R. Huna of Sepphoris said: The spring that issues from the Holy of Holies in its beginning resembles the antennae of locusts; as it reaches the entrance to the Sanctuary it becomes as the thread of the warp; as it reaches the Ulam,²⁴ it becomes as the thread of the woof; as it reaches the entrance to the [Temple] court, it becomes as large as the mouth of a small flask, that is meant by what we learned: R. Eliezer b. Jacob said: [Hence] go forth the waters

(1) So that the second part of the verse would state explicitly what the first implies.

(2) Thus the question as to the meaning of ‘and’ would be disposed of.

(3) The lesser evil would be mentioned first, whereas the marrying of Jacob of other additional women would constitute the larger wrong.

(4) Gen. XXXIV, 2.

(5) Of transgressing the prohibition of washing on the Day of Atonement.

(6) The colleague of Hillel in the Sanhedrin under King Herod.

(7) Shammai did not wish to allow himself the concession made by the Rabbis, since he always took the severer view for himself, when two interpretations of ritual obligations were involved. But the Rabbis decided that their permission to wash one's hand was a matter of safeguarding the child's health, and Shammai's unwillingness to accept their rule was unjustified. To emphasize that they imposed upon him the obligation to wash both his hands before handing food to his infant.

(8) An evil spirit, or odour, that endangers the health of those that eat food touched with unwashed hands.

(9) On the day of Atonement and in order to reach him must wade through a river. ‘His superior’ is one to whom one owes obeisance either by Biblical or Rabbinic law or by the exigencies of political situation.

(10) [Lit., ‘the right (= south) side’, the district south of Mahoza on the Tigris, where lay the orchards of Mahoza and which could not be reached except across some canal, v. Obermeyer p. 181.]

(11) [Apparently the people of Ibar Jemina came up to Mahoza for the service of the Day of Atonement and Raba permitted them to return home by wading through water in order to guard their produce, v. loc. cit.].

(12) [Near Pumbeditha, v. Obermeyer. p. 230].

(13) They will abstain from attending the lecture on future occasions because of the discomfort involved in having to wait until the end of the Day of Atonement for their return home.

(14) [A canal that passed through Pumbeditha, v. Obermeyer. p. 227].

(15) I.e., to throw his cloak over his shoulder, it would look as if he were carrying it, rather than wearing it.

(16) To walk through water up to one's neck.

(17) Ezek. XLVII, 3.

(18) Ibid. 4.

(19) Ibid. v. 5.

(20) As with the river, coming from the Holy of Holies; but this is no precedent.

(21) Isa. XXXIII, 21.

(22) V. Targum on Prophets a.l.

(23) Job I, 7. The argument is based on the analogy of expression. The conditions attaching to the ‘shayit’ in Isaiah inferred from Ezekiel apply also to shut in Job. Hence, just as there it is forbidden, by inference, to cross the river, so may the Angel of Death, as another shayit not do so either.

(24) The Main Hall leading into the interior of the Sanctuary.

Talmud - Mas. Yoma 78a

which will bubble forth from under the threshold of the Sanctuary.¹ From there onwards it becomes

bigger, rising higher and higher, until it reaches the entrance to the House of David.² As soon as it reaches the entrance to the house of David, it becomes even as a swiftly running brook, in which men and women afflicted with gonorrhoea, menstruating women, and women after childbirth bathe, as it is said: In that day there shall be a fountain opened to the house of David and to the inhabitants of Jerusalem, for purification and for sprinkling.³ Said R. Joseph: Hence there is an intimation that a menstruating woman [at her purification] must sit in water [that reaches in height] up to the neck. But the law is not in accord with him.

(That will be right on the Day of Atonement, on which no sandal is worn). But what about the Sabbath on which sandals are worn?⁴ — R. Nehemiah, the son-in-law of the Prince,⁵ said: I saw R. Ammi and R. Assi who reached a pool of water and crossed it dressed.⁶ That is all right in shoes, but what can be said in the case of sandals?⁷ R. Rihumi said: I saw Rabina, who crossed it in sandals. R. Ashi said: One must not do so at the outset in sandals. The Exilarch once came to Hagronia to the house of R. Nathan. Rafram and all the Rabbis attended his lecture, Rabina did not. Next day Rafram wanted to remove Rabina from the mind of the Exilarch,⁸ so he said to him: 'Why did you not come to the lecture, Sir?' He answered: 'My foot hurt me'. 'You should have put shoes on!' 'It was the back of the foot'. 'You should have put sandals on'. He answered: 'A pool of water was in the way'. 'You should have crossed it in them,'. He replied: 'Don't you hold, Sir, the view of R. Ashi, that one must not at the outset do so in sandals'!

Judah b. Gerogeroth taught: It is forbidden to sit on moist muddy ground on the Day of Atonement. R. Joshua b. Levi said: This refers to mud which makes wet [those sitting on it]. Abaye said: If it is moist enough to moisten other subjects.

Rab Judah said: It is permitted to cool off [by sitting] on fruit on the Day of Atonement. Rab Judah would cool off through squash, Raba through fresh twigs, Rabbah through a silver cup. R. Papa said:⁹ On a silver vessel one may not cool oneself if it is full; it is permissible only when it is not full. On an earthen vessel it is forbidden in either case, because [the unglazed vessel] lets the moisture ooze through. R. Papa¹⁰ said: A silver vessel, if not full, is also forbidden for use as a cooler-off, because it may be upset.¹¹ Ze'iri b. Hama was the host of R. Ammi and R. Assi, and R. Joshua b. Levi, and of all the Rabbis of Caesarea. He said to R. Joseph the son of R. Joshua b. Levi: O, son of a great man,¹² come and let me tell you a fine custom that your father had. He had a towel from the eve of the Day of Atonement, which he soaked in water, made it into a kind of dry vessel, and on the morrow would wipe his face, hands and feet with it. On the eve of the ninth of Ab he would soak it in water and on the morrow he would stroke his eyes with it. Similarly¹³ when Rabbah b. Mari came he reported: On the eve of the ninth of Ab a towel was brought to him, he soaked it in water, and put it under his head. On the morrow he would therewith wipe his face, hands and feet. On the eve of the Day of Atonement one brought him a towel, which he soaked in water and made it into a kind of dry vessel, and on the morrow he stroked his eyes with it. Said R. Jacob to R. Jeremiah b. Tahlifa: You had told us the matter in just the opposite fashion and we refuted you by reference to prohibition of wringing out.¹⁴

R. Menashiah b. Tahlifa, in the name of R. Amram, on the authority of Rabbah b. Bar Hanah said: The following question was propounded to R. Eleazar: Must a scholar, who is a member of an Academy, obtain special permission to declare a firstborn animal allowed,¹⁵ or does he not need that special permission? What was it that appeared doubtful to them? — This is what they wanted to know: In accord with the statement of R. Iddi b. Abin that 'this matter was left in the hands of the Prince as a special distinction for himself', the question is: Must [the elder] receive permission, or, since he is an elder and a member of an Academy, he need not? R. Zadok b. Haloka thereupon stood up and said: I saw R. Jose b. Zimra who was both an elder and a member of an Academy, and indeed was superior to the grandfather of this our Prince,¹⁶ yet obtained permission to declare firstborn animals for profane use! — R. Abba replied to him: It was not like this, but rather, this was the fact:

R. Jose b. Zimra was a priest, and this was his problem: Is the halachah in accord with R. Meir, who said: One who is suspected concerning a matter¹⁷ may neither judge nor offer testimony in connection therewith; or is the halachah in accord with R. Simeon b. Gamaliel who said: Such a one would be trustworthy in a case concerning his neighbour, but not in a case concerning himself? The answer given was: The halachah is in accord with the view of R. Simeon b. Gamaliel. Furthermore did they ask [R. Eleazar]: How about

(1) Mid. III, 6. A play on pakh (pitcher) as if derived from pakhakh (to bubble forth).

(2) I.e., Zion, outside Jerusalem, the fortress in the wall of the Holy City.

(3) All of which need a ritual immersion to regain their purity. Zech. XIII, 1.

(4) Some commentators, among them Rashi, omit the bracketed portion. The question taken up again is: Whether, as apart from the prohibition to wear shoes, which applies on the Day of Atonement as a form of affliction, on a Sabbath such crossing would be permissible, since the possibility of their falling off, and being carried, should involve a preventive prohibition of such crossing. They might slide off easily, and thus lead the wearer to carrying them.

(5) Perhaps R. Judah II.

(6) I.e., with their feet dressed in shoes.

(7) The difference between the two lies in this: that shoes, as a rule, are laced or worn tight, whence the danger of their falling off is minimized. Therefore the Rabbis above were seen wearing shoes. But sandals which are but lightly attached, might slide off.

(8) I.e., to find out from Rabina the reason for his absence and thereby remove the suspicion of deliberate negligence in his friend's part from the mind of the Exilarch.

(9) Asheri: Rab.

(10) Alfasi and Asheri: R. Ashi.

(11) The silver vessel, being smooth, may be upset and the liquid spilt, thus offering unlawful flow.

(12) Lit., 'son of a lion'.

(13) [Wilna Gaon Glosses deletes 'Similarly'].

(14) Wringing out is forbidden on the Day of Atonement; the towel had therefore to be dried on the eve of the Day of Atonement. Abba Mari was wrong and rejected this important detail, hence the version reported by R. Jeremiah b. Tahlifa.

(15) According to Sanh. 5a no Sage was permitted to declare a firstborn animal free, i.e., defective and hence permitted for profane use, unless he had received special authorization from the Prince in Palestine. The question here posed is whether a member of an Academy may be considered a privileged person in this respect or not. This problem is not germane to the present discussion and is introduced only because it leads to another (the next) question, touching the Day of Atonement, which was submitted at the same time.

(16) [R. Judah II, whose grandfather was R. Judah I, the Prince].

(17) Since the destruction of the Temple a firstborn animal must be left to pasture under priestly control until it acquired a blemish. To avoid such inconvenience many a priest felt tempted to discover a blemish before its actual appearance, hence the priests were suspected of undue laxity in this matter. V. Bek. 35a.

Talmud - Mas. Yoma 78b

going forth [on the Day of Atonement] in sandals of bamboo? — Thereupon R. Isaac b. Nahmani stood up and said: I saw myself R. Joshua b. Levi going forth in sandals of bamboo on the Day of Atonement. I asked him: How about [on public rain] fast?¹ He answered: There is no difference. Rabbah b. Bar Hanah said: I saw R. Eleazar of Niniveh² who was going forth in sandals of bamboo on a public [rain] fast, and I asked him: How about the Day of Atonement? He answered: There is no difference. Rab Judah went forth in [sandals made of] reeds; Abaye in [such made of] palm-branches; Raba in [such made of] twisted reeds; Rabbah b. Bar Hanah tied a piece of cloth around his legs and went thus forth.

Rami b. Hama raised an objection: 'A cripple may go forth with his artificial foot', according to R. Meir, whilst R. Jose forbids it. Both agree, however, that he must not go forth with it on the Day of

Atonement.³ Said Abaye: There, the reference is where it [the wooden leg] has pads, and [the prohibition to go out with them on the Day of Atonement is] due to the comfort [they bring]. Said Raba to him: But if it be no object of wear [without them], would the pads make it one? And, furthermore, is any comfort not coming from shoes forbidden on the Day of Atonement? Did not Rabbah b. Bar Hanah tie a cloth around his legs and thus go forth? Furthermore, since the conclusion [of that teaching] reads: 'If it [the artificial leg] has a receptacle made of pads, it is capable of acquiring ritual uncleanness',⁴ it follows that the first portion deals with a wooden leg without such pads? — Rather, said Raba: In truth, all agree that an artificial leg is not considered a shoe, but in the case of the Sabbath they differ on the following point: One Master holds, We decree [the prohibition for fear] it may fall off and cause him to carry it four cubits in a public thoroughfare;⁵ whereas the other Master holds, We do not decree [any prohibition because of such fear].

Our Rabbis taught: Children are permitted all these [matters],⁶ with the exception of the putting on of shoes. Wherein is the putting on of shoes different? [Presumably] because people might say: Adults made them [wear them]. In all other cases, too, they might say: Adults made them for them? Bathing and anointing can be performed on the preceding day. But sandals, too, may be assumed to have been put on yesterday? It is impossible for sandals to have been put on yesterday, for Samuel said: Let one who would experience a taste of death put on shoes and sleep in them! But it is stated that [the other matters] are permitted [implying] for them at the very outset? — Rather, those things which have nothing to do with their natural growth,⁷ the Rabbis have interdicted, these however, which are needed for their health,⁸ the Rabbis have not forbidden. For Abaye said: Mother⁹ told me the proper treatment for a child consists in [bathing in] warm water and [rubbing with] oil. If he has grown a bit, in egg with kutah;¹⁰ if he grows up still more, the breaking of clay vessels.¹¹ Thus did Rabbah buy clay vessels in damaged condition for his children who would break them.¹²

THE KING AND THE BRIDE MAY WASH THEIR FACES. According to whom is our Mishnah? According to R. Hananiah b. Tradion. For it was taught: [Even] the king and the bride may not wash their faces. R. Hananiah b. Tradion said in the name of R. Eliezer: The king and the bride may wash their faces. The woman after childbirth may not put on a sandal. R. Hananiah b. Tradion said in the name of R. Eliezer: A woman after childbirth may put on a sandal. Why [may] a king [wash his face]?—Because Scripture said: Thine eyes shall see the king in his beauty.¹³ Why [may] a bride [wash her face]? — Lest she become unattractive to her husband. Rab said to R. Hiyya: How long [does] a bride [enjoy this privilege]? He replied: As it was taught: One must not withhold her adornment from the bride during the full thirty days [after the wedding].¹⁴ The woman after childbirth may put on shoes to avoid a cold. Samuel said: If there is danger of a scorpion it is permitted [for all to wear shoes].

ONE WHO EATS AS MUCH AS THE BULK OF A BIG DATE. R. Papa asked:

(1) V. Ta'an. 12b.

(2) [Probably Nawa in the Golan Province (Transjordan). V. Klein JQR (NS) II, 550ff]

(3) Shab. 65b. It is assumed at present that although the artificial leg is not considered a shoe, it is yet forbidden to walk out with it on the Day of Atonement. Hence sandals of bamboo should also be forbidden on that day.

(4) V. loc. cit.

(5) The minimum constituting a transgression of the prohibition to carry anything in a public thoroughfare. No minimum is necessary for transferring an object from a private to public thoroughfare and vice versa.

(6) Prohibited in our Mishnah on the Day of Atonement.

(7) As wearing shoes.

(8) As washing and anointing.

(9) V. Kid. 31b.

(10) A preserve consisting of sour milk, bread-crusts and salt.

(11) The breaking of the glass is not a concession to their youthful fury, but an excellent outlet for emotional surplus

energies, cheaper than anything else on which they might wreak themselves.

(12) V. Kid. 31b.

(13) Isa. XXXIII, 17.

(14) The bride or young matron retains her privilege for thirty days, even if she becomes a mourner after father or mother, her ornaments would be left to her (v. Keth. 4a). Similar consideration is lawful for the weak mother after childbirth, and for any person in danger of contracting a disease. Hence the 'menace of a scorpion' applies to all, even healthy persons.

Talmud - Mas. Yoma 79a

Does the [size of] the date spoken of include the kernel or does it not?¹ R. Ashi asked: Does 'a bone as big as a barley-corn' include the husk or does it not?² [Is the reference to] a moist one or to a dry one? — R. Ashi did not ask the question posed by R. Papa: For 'a big date' was said, which means a date in its complete size.³ R. Papa did not ask the question propounded by R. Ashi, because a moist one would be called 'shiboleth' and one without its husk 'ushla'.⁴

Rabbah said in the name of Rab Judah: The big date spoken of is bigger than an egg, and our Rabbis had established the fact that with such a quantity [a hungry person] becomes satisfied,⁵ but with less than that he does not become satisfied.

An objection was raised: Once they brought to R. Johanan b. Zakkai a dish to taste and to Rabban Gamaliel two dates and a bucket of water, whereupon they said: Take them up to the Sukkah.⁶ (In connection therewith it was taught:)⁷ [They ordered so], not because that was the legal decision, but because they desired to take a severer view for themselves. And⁸ when someone gave R. Zadok a piece of food smaller than an egg, he would take it with a towel, eat it outside the Sukkah, and pronounce no blessing after it.⁹

(1) The Mishnaic text 'kamoha u-kegarinatha' may mean either, date and its kernel; or, date or its kernel (Rashi). Cf. Ex. XXI, 6 where the word 'o' also means 'either' and/or 'or'. V. Mecklenburg, *ha-kethab we-hakabbalah* a.l. [The question is nevertheless not clear. Var. lec., however, read: Does the size of the date (spoken of) with its kernel (refer to) a dry or moist one, v. D. S. a. l. Cf. the next question].

(2) Ber. 41a. The reference is to a bone as small as a barley-corn, of a corpse which renders him who touches it ritually unclean.

(3) I.e., including the kernel.

(4) And not 'se'orah'.

(5) Comes to himself.

(6) This happened on a Sukkoth day, when meals are to be taken in the booth (sukkah).

(7) The bracketed portion is omitted in some texts.

(8) Hul. 107a.

(9) R. Zadok showed a less severe attitude in three things: (a) He did not wash his hands but would take the food with a towel — only because of his fastidiousness. (b) He ate it outside the Sukkah. (c) He did not pronounce the customary blessing after it (Rashi).

Talmud - Mas. Yoma 79b

This [implies that] if it were as big as an egg it would require [to be eaten] in the Sukkah, and if the thought should occur to you that the big date referred to is larger in size than an egg — now if two dates¹ without kernels are not even as large as one egg, how could a large date with its kernel be bigger in size than an egg? — R. Jeremiah said: Yes, two dates without their kernel are not as large as an egg, but a large date with its kernel is bigger than an egg. R. Papa said: Therefore do people say: Two kabs of dates contain as much as one kab of kernels, with a bit left over.² Raba said: The reason there was that they were fruits, and fruits do not require [to be eaten in] a Sukkah.³ An

objection was raised: Rabbi said, 'When we were studying the Torah with R. Eleazar b. Shammua,' figs and wine-berries were brought before us and we ate them outside the Sukkah as an incidental meal'. That means only as an incidental meal [is it permitted to eat fruit] outside the Sukkah, but as a proper meal not?⁴ — Say: 'We ate them as [if we had partaken of] an incidental meal outside the Sukkah'.⁵ Or, if you like say: 'We ate them for a regular meal and we ate bread with them outside the Sukkah [in a quantity small enough to be considered only for] an incidental meal'. Shall we say that the following supports his view: 'Therefore if he made up the number [of meals] by means of delicacies, he has done his duty'.⁶ Now if you should think that fruits must be eaten in the Sukkah, he should have stated 'fruits' [instead of 'delicacies']? What does he mean by 'delicacies'? 'Fruits'. Or, if you like, say: [The reference is to] a place wherein fruits are not to be found.

R. Zebid said: The big date whereof they spoke is smaller in size than an egg, for we learned: Beth Shammai say: 'Of leaven as much as an olive, or leavened bread as much as a date'.⁷ And thereon we were debating; what is the reason of Beth Shammai? [And were given this]: Let the Divine Law write about hamez [leavened bread] alone, without needing a reference to leaven, and I would say: If the eating of an olive-size of hamez the leaven whereof is not so intensive is forbidden, how much more is such size forbidden in the case of leaven which is so much more leaven! But since the Divine Law nevertheless mentioned them separately, it teaches you that the minimum size of the one is not the same as of the other, viz., in the case of leaven it is that of an olive, in the case of hamez that of a date. Now if you should think that the big date mentioned is bigger than an egg, since Beth Shammai are looking for a quantity bigger than an olive, let them teach that of an egg; and even if the two be of the same size let them teach 'that of an egg'. Hence one must infer therefrom that the date spoken of is smaller than an egg! How does that follow? In truth I may say to you, perhaps, that the big date referred to is bigger than an egg, but the normal one is as big as an egg, and (even though they be of the same size)⁸ Beth Shammai just mentions one of the two! Rather, may one infer it⁹ from here: 'How much must one have eaten to be obliged to make an appointment for common [saying of] grace [after meals]? The size of an olive, according to R. Meir. According to R. Judah: The size of an egg'.¹⁰ [And in connection therewith it was said:] Wherein are they differing? R. Meir holds: And thou shalt eat,¹¹ refers to eating. 'And be satisfied',¹¹ refers to drinking. And the minimum of 'eating' is the size of an olive whereas R. Judah holds: 'And thou shalt eat and be satisfied', i.e., an eating which brings satisfaction, and that is [at least as much] as an egg. And if you should think that the big date referred to is bigger than an egg — how if the quantity of an egg even satisfied one, would it not help one to come to? Thence the inference is proper that the big date referred to is smaller than an egg: the quantity of an egg will satisfy one, the size of a big date will help one to come to. It was taught: Rabbi says,

(1) Which R. Gamaliel had eaten in the Sukkah and in connection with which it was stated 'not that the law required it', which means they were less than the legal minimum — one egg.

(2) Because the kernels are larger in bulk than the dates.

(3) The argument from the Sukkah is misleading, because fruits, no matter what their quantity, are not required to be eaten in the Sukkah.

(4) Which would signify, as against R. Papa, that fruits in proper quantity would have to be eaten in the Sukkah.

(5) Because they were fruits, no matter how many of them, they would be considered a mere incidental meal, permissible to be had outside the Sukkah.

(6) V. Suk. 28a. R. Eliezer holds fourteen to be the required minimum number of meals that must be taken in the Sukkah during the feast of Tabernacles. If someone now made up the number of prescribed meals by means of delicacies etc.

(7) The minimum, the possession of which during Passover causes one to transgress the prohibition. Ex. XII, 19: Seven days shall there be no leaven found in your houses, and XIII, 7: And there shall be no leavened bread seen with thee, neither shall there be leaven seen with thee, in all thy borders. V. Bez. 2a.

(8) [The bracketed words are best left out with var. lec.].

(9) That the big date spoken of is less than an egg.

(10) Ber. 45a.

(11) Deut. VIII, 10.

Talmud - Mas. Yoma 80a

All the legal standards [for foods] are the size of an olive, with the exception of that of the ritual defilement of foods, because there Scripture has used a different expression and the Sages accordingly have altered the standard. The proof for this view is furnished by the Day of Atonement.¹ What is the change in the usual expression in connection therewith? — [It follows] from: [For whatsoever soul it be that] shall not be afflicted.² And what is the change in the usual quantity the Sages have decreed here? — ‘As much as a date’. And what constitutes the proof from the Day of Atonement?³ One could have replied: Here it is the usual Scriptural expression.⁴

Whence do we know that the minimum for the ritual uncleanness of foods is the size of an egg? — Said R. Abbahu in the name of R. Eleazar: Scripture says, All food therein which may be eaten,⁵ i.e., food⁶ derived from food, and that is an egg of a hen. But say it is a kid? That still requires slaughtering.⁷ But say it is an animal taken alive out of the slaughtered mother's womb?⁸ — That still requires cutting open.⁹ Then say: the egg of bar-yokani?¹⁰ — If you take hold of too large a thing, you may lose your hold, but if you take hold of the lesser thing, you will retain your hold.¹¹ But say: the egg of a little bird, that is very small? — R. Abbahu said in his own name: ‘All food there in which may be eaten’, i.e., food which you may eat in one swallowing; and the Sages measured that the esophagus cannot hold more than the size of a hen's egg.

R. Eleazar said: If one has eaten tallow in these times,¹² he must put down [make a note of] the quantity, because another Rabbinical Court may come and increase the measures.¹³ What does increase the measures mean? Would say you that they would declare one obliged to bring a sin-offering for having eaten the size of a small olive, but it was taught: When a ruler sinneth, and doeth through error any one of all the things [which the Lord his God hath commanded] not to be done, and is guilty.¹⁴ i.e., only he who repents when he finds out his transgression must bring a sacrifice, because of his error, but he who does not repent when he finds out his transgression, does not bring a sacrifice for his error.¹⁵ Rather, therefore, must [‘increase the measures’] signify that they would declare a sacrifice obligatory only when he had eaten a quantity as large as a large olive. But according to the first view, viz., that they could impose a sacrifice even for the quantity of a small olive, what does ‘increase the measure’ mean? — It might mean increase the number of sacrifices’ required because of the reduced minimum of the quantities. R. Johanan said: Standard measures and penalties are fixed by laws [communicated] to Moses on Sinai. But the penalties are written out in Scripture? — Rather: The minimum required for penalties is fixed by laws [communicated] to Moses on Sinai. It was also taught thus: The minima required for penalties are fixed by laws [communicated] to Moses on Sinai. Others say: The Court of Jabetz¹⁶ fixed them. But Scripture said: These are the commandments,¹⁷ which means that no prophet is permitted to introduce any new law from then on? — Rather: They were forgotten and then they established them anew.

OR IF HE DRANK A MOUTHFUL. Rab Judah said in the name of Samuel: Not really a mouthful, but so much that if he moves it to one side it looks like a mouthful. But we learned: A MOUTHFUL. — Say: ‘As much as A MOUTHFUL’!

An objection was raised: ‘How much must one have drunk to become culpable? Beth Shammai say: One fourth [of a log], Beth Hillel say: One mouthful. R. Judah in the name of R. Eliezer says: As much as a mouthful. R. Judah b. Bathyra says: As much as can be swallowed at a time! Is this one better than our Mishnah which we explained as meaning: ‘That it look like a mouthful’, and this, too, we can explain: That it look like a mouthful. But if so, it is the same opinion as that of R. Eliezer? — There is a difference in the case of an exact mouthful.¹⁸

R. Hoshaiah demurred to this: If so, there would be a [another] case in which Beth Shammai took the more lenient view, and Beth Hillel the severer one?¹⁹ — He replied to him:

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- (1) Where a change in expression on the part of the Bible involved a change in the fixed minimum standard.
- (2) Lev. XXIII, 29. The usual expression would be: Whosoever eateth on the day. The Rabbis, then, would have applied the normal measure, the olive, the legal minimum with every forbidden food.
- (3) There seems to be no difference between the law touching ritual impurity of foods and that covering the prohibition of food on the Day of Atonement. In both cases change in expression is responsible for change in measure. Wherein, then, lies the reason for the Day of Atonement text being chosen as a proof?
- (4) In the text relating to the uncleanness of foods the expression 'All foods therein which may be eaten' (which is the change in the usual expression alluded to, v. infra) would not appear an unusual expression. But 'that shall not be afflicted' for 'that shall eat' is indeed, unusual and thus accounts best for the change in measure determined by the Rabbis.
- (5) Lev. XI, 34.
- (6) Interpreted: that (coming) from food, which is also eatable.
- (7) Before it can be designated food.
- (8) Lit., 'the young one of an animal which is ripped open'. Such a young animal, where the mother in whose womb it still was, was slaughtered in accord with the rite, is considered ready food, since it does not require ritual slaughtering.
- (9) It is not considered ready food since it requires not, indeed, the ritual slaughter, but cutting open and removal of the blood.
- (10) A bird of fabulous size, the eggs of which are very large, v. Bek. 57b.
- (11) A proverb: v. R.H. 4b. In the case of two possible interpretations, always choose the smaller as the more likely one.
- (12) I.e., when the Temple is no longer in existence.
- (13) R. Eleazar suggested that if the Sanctuary be rebuilt in his days and a new Rabbinical Court were in session, they might render such decision. Hence one who is conscious of having eaten tallow may well take the precaution of putting down the exact quantity so as to be sure that his transgression does, or does not, involve the obligation of a sin-offering, in accord with the new enactment of the revived court.
- (14) Lev. IV, 22.
- (15) As he became conscious of his transgression, the new enactment was still unknown, the quantity of a small olive to him, hence, was below the minimum required for a transgression to be constituted, hence he has not 'found out his transgression', and is not required to offer up a sacrifice in atonement of his sin.
- (16) Identified with Othniel, the son of Kenaz; after the death of Moses he revived the forgotten portions of the law, v. Tem. 16a.
- (17) Lev. XXVII, 34: These are the laws, i.e., no others may ever be offered.
- (18) According to the Hillelites who insist: a mouthful, it is enough if it looks like a generous mouthful when moved to one cheek; according to R. Eliezer the appearance of an exact mouthful is required.
- (19) In the fourth chapter of 'Ed. all cases are enumerated in which, as against the usual norm, Beth Shammai take the more lenient, and Beth Hillel the more severe, view. If our text were right it should have been enumerated as an additional exception, because here too the usual attitudes of these two conflicting schools of learning are reversed, since Beth Hillel make him liable for what appears like a mouthful, which is less than the minimum required by Beth Shammai.

Talmud - Mas. Yoma 80b

When this came up for discussion, it came up in connection with 'Og, king of Bashan',¹ so that Beth Shammai will be found to take the severer view. — R. Zera asked a strong question: To what difference is it due that, with regard to eating, the minimum of a date was fixed for every one, whereas in the case of drinking each has [his minimum] in accord with his own [mouthful]? — Abaye replied to him: Regarding² food the Rabbis established that with [the quantity of] a date a person may come to, but with a smaller quantity he will not come to; but with regard to drinking [they have found] that a man will come to with the quantity of his own [mouthful], but not with less

than that. — R. Zera then asked another strong question: ‘All the world’ with a date and Og, the king of Bashan, also with a date? — Abaye replied: The Rabbis have ascertained that [touching food] the quantity [of a date] helps one to come to, but with a smaller quantity he will not come to; but, whereas all the world [can come to] more so, Og, king of Bashan, [only] somewhat so. R. Zera again asked another strong question: Fat meat in the quantity of one date and wine-branches also in the quantity of one date? — Abaye replied: The Rabbis have ascertained that one comes to with so much, but not with less; with [this quantity of] fat meat one becomes, however, more satisfied, whilst with the same quantity of wine-branches one becomes less so. Raba asked a strong question: The quantity of an olive, during the time one could eat a peras,³ — and the quantity of a date during the time required for eating a peras!⁴ — Abaye replied: The Rabbis have ascertained that if it [the eating of the quantity of a date] takes so long [as one could eat a peras] a person will come to, but if longer he will not come to. Raba asked another strong question: The quantity of a date, during the time required for the eating of a peras, and half a peras during the time required for the eating of a peras?⁵ — R. Papa answered: Leave alone the uncleanness of the body, which is not determined by Biblical law.⁶ But could R. Papa have answered thus? Is it not written: Neither shall ye make yourselves unclean with them, that ye should be defiled thereby.⁷ and R. Papa said that from here is derived the Biblical origin of the [laws concerning] the body's becoming defiled [through unclean foods]? — It is really Rabbinical, and Scripture is quoted only as mere [mnemotechnical] aid.⁸

ALL FOODS COMPLEMENT ONE ANOTHER IN MAKING UP THE BULK OF A DATE. R. Papa said: If one ate a piece of raw meat with salt, they are joined;⁹ and although [salt] in itself is no food, since people eat [the two] together, they are joined. Resh Lakish said: The juice on the green [vegetables] joins so as to make up [with the vegetable] the [quantity of a] date in connection with the Day of Atonement. But that is self-evident? You might have said: It is drink,¹⁰ therefore he informs us that whatever is used for seasoning food is considered as food. Resh Lakish said: If one eats an excessive meal on the Day of Atonement, he is free from punishment. Why? Scripture said: That shall not be afflicted,¹¹ and that excludes whatever causes harm.¹² R. Jeremiah said in the name of Resh Lakish: If a non-priest eats excessively of terumah,¹³ he need pay but the principal, but not the [fine of the] additional fifth, for Scripture says: And if a man eat,¹⁴ which excluded one causing harm.¹⁵ R. Jeremiah said in the name of R. Johanan: A non-priest

(1) I.e., this teaching refers to the case of men as gigantic as Og, king of Bashan (Ber. 54b); in such cases Beth Shammai will be found to have taken, as usual, the severer view. For according to that school the minimum incurring penalty for any man is a fourth of a log, whereas according to the Hillelites it is for each according to his mouthful. According to Beth Shammai, therefore, an ‘Og, king of Bashan’ would become culpable on drinking, what to him would be less than a drop, whereas according to Beth Hillel he would incur penalty only when drinking the generous measure of his own mouthful.

(2) Corrected according to Bah.

(3) Peras, lit., ‘a piece (of bread)’ is in the Tosef. Neg. VII, 10 defined as half a loaf, three of which make a kab. The time it takes to eat such a quantity is the maximum within which morsels of food smaller than the minimum measure are considered to join in order to make up the minimum incurring penalty.

(4) Ought not a longer period to be allowed for the quantity of a date?

(5) If one has eaten half a peras of ritually unclean food during the time it takes to eat a peras of food, one is considered unclean and may not partake of sacred foods. Half a peras is (‘Er. 83a) as two ‘friendly’ (generous sized) eggs, equal in size to three ordinary eggs.

(6) And consequently is not governed by such strict standards.

(7) Lev. XI, 43.

(8) As far as Biblical law is concerned, a person could become defiled by food only by swallowing the meat of a ritually clean fowl that has died a natural death. The reference to this verse is used by R. Papa only to lend support to the more severe rabbinic law.

(9) To make up together the legally required minimum of the big date.

(10) And, according to the Mishnah, foods and drinks do not combine to make up the required minimum.

(11) Lev. XXIII, 29.

(12) The man causes harm to himself by excessive eating and thus is also afflicting himself, or at least not enjoying himself. Rashi suggests that since Jews eat lavishly on the eve of the Day of Atonement, a meal taken immediately thereupon, i.e. after the incidence of the fast, would constitute excessive eating.

(13) V. Glos.

(14) Lev, XXII, 14.

(15) The offence here was committed in error, whence the capital and the fifth as fine is to be repaid by the offender. Such fine would be dispensed with in case this food was taken as an excessive meal, where the eating is but sheer waste of the terumah.

Talmud - Mas. Yoma 81a

who chews¹ barley-corns of terumah must pay the principal, but not the additional fifth, for Scripture said: 'If a man eat', that excludes one causing harm. R. Shezbi said in the name of R. Johanan: If a non-priest swallowed jujubes of terumah, and spat them out, and another one ate them, then the first pays the principal, and the fifth, whereas the second does not pay more than their wood [fuel] value.²

BUT WHAT A MAN EATS AND DRINKS DOES NOT GO TOGETHER. Who is the Tanna [of this part of the Mishnah]? — R. Hisda said: This has been taught under a controversy of opinion, and it is in accord with R. Joshua, for we learned: R. Joshua pronounced with principle: All foods are equal regarding the [duration of] their uncleanness and the quantity of them [required to convey uncleanness] combine; if they be equal only concerning the [duration of] their uncleanness, but not concerning the quantity of them [required to convey uncleanness]; or only regarding quantity, but not in the duration of uncleanness; or if they be equal neither in respect of [duration of] uncleanness nor quantity, they do not combine [to make up the minimum quantity which constitutes the transgression].³ R. Nahman said: You may even say that [this part of our Mishnah is] in accord with the Rabbis. For the Rabbis [opposing R. Joshua] hold their view only touching uncleanness, because all are designated as 'uncleanness', but here the point involved is 'coming to', and this⁴ does not enable one to come to. Thus also did Resh Lakish say: This has been taught under the controversy of an opinion and our Mishnah is in accord with R. Joshua, for we were taught: R. Joshua pronounced a principle etc. but R. Johanan said: You may even say that our Mishnah is in accord with the Rabbis: There the Rabbis present their view only in connection with uncleanness, but here 'coming to' is the point, and this⁴ does not enable one to come to.

MISHNAH. IF A MAN ATE AND DRANK IN ONE STATE OF UNAWARENESS, HE IS NOT OBLIGED TO BRING MORE THAN ONE⁵ SIN-OFFERING, BUT IF HE ATE AND PERFORMED LABOUR WHILE IN ONE STATE OF UNAWARENESS HE⁶ MUST OFFER UP TWO SIN-OFFERINGS. IF HE ATE FOODS UNFIT FOR FOOD, OR DRANK LIQUIDS UNFIT FOR DRINKING, OR DRANK BRINE OR FISH-BRINE, HE IS NOT CULPABLE.

GEMARA. Resh Lakish said: Why is no explicit warning⁷ mentioned in connection with the commandment to afflict oneself? — Because it is impossible. For how shall the Divine Law word it? Were the Divine Law to write: 'He shall not eat'? But 'eating' implies [the minimum size of] an olive.⁸ Shall the Divine Law write: 'He shall not afflict himself'?⁹ That would mean: Go and eat! — R. Hoshaiah asked a strong question: Let the Divine Law write: 'Take heed, lest thou dost not afflict thyself'! — That would mean several prohibitions.¹⁰ To this R. Bibi b. Abaye demurred: Let the Divine Law write: Take heed concerning the commandment of affliction! 'Take heed' implies a command, if attached to a command, and a prohibition, if attached to a prohibition.¹¹ R. Ashi asked a strong question: Let the Divine Law write: Do not depart from affliction! — This is a difficulty.

The following Tanna derives it [the prohibition relating to affliction] from here: And ye shall afflict your souls: ye shall do no manner of work.¹² One might have assumed that the punishment¹³

[of extirpation] is involved for one who disregarded the addition¹⁴ by doing a labour, therefore Scripture said: For whatsoever soul it be that doeth any manner of work in that same day he shall be cut off,¹⁵ i.e., only for the [disregard of] that day itself is one punished with extirpation, but for labour performed during the additional time one is not punished with extirpation. One might have assumed that one does not incur punishment of extirpation by doing labour during the additional time, but that one does incur punishment of extirpation for failure to afflict oneself during the additional time, therefore the text reads: For whatsoever soul it be that shall not be afflicted in that same day he shall be cut off;¹⁶ that means for [failure of] afflicting [oneself on] the day itself does the penalty of extirpation come, but the penalty of extirpation does not result from failure to afflict oneself during the additional time. One might have assumed that one is not included in the penalty, but that one is under a warning against performing work during the additional time, therefore the text reads: And ye shall do no manner of work in that same day,¹⁷ i.e., one is warned concerning the day itself but not concerning [work done] during the additional time. One might have assumed that one is not under a warning concerning labour performed during the additional time, but one is under a warning concerning [failure of] affliction during the additional time; but a logical inference cancels that. For if in the case of labour, the prohibition of which applies on Sabbath and festival days, one is not under a warning [concerning additional time] then with regard to [the commandment of] affliction, which does not apply on Sabbath and festival days, how much more should one not be under a warning against it [during the additional time]! But we have not learnt [so far] of any explicit warning with regard to the [obligation to] affliction on the day itself, whence then do we derive [that required 'warning']? [From the following]: There was no necessity for stating the penalty resulting from the performance of labour, for that is inferable from the [commandment of] affliction. If [for failure of] affliction, which is not commanded on the Sabbath and festival days, one is punished with extirpation, then for the performance of labour [the prohibition of] which does apply on Sabbath and festival days, how much more shall [one be punished with extirpation]! Why then was [the penalty] stated? It is free¹⁸ for interpretation, hence it serves for comparison, to derive thence an inference from analogy of expression: the penalty is stated in connection with [the commandment of] affliction, and the penalty is stated in connection with the [prohibition of] labour, hence just as the performance of labour was punished only after warning,¹⁹ so also is [failure of] affliction punished only after warning. But against this it may be objected:²⁰ The specific condition with affliction [which attaches a penalty to it] lies in the fact that no exception against the general rule was made here; but would you apply [the same] to the performance of labour seeing that in its case exceptions from the general rule were made?²¹ Rather [argue thus]: Let Scripture not mention any penalty in connection with [failure of] affliction, inferring it from the [prohibition of] labour. If [the performance of] labour, from the general prohibition of which some exceptions were made, involves the penalty of extirpation, how much more must [failure of] affliction, from the general prohibition of which no exception was made, involve such penalty? Then why does Scripture mention it? It is free for interpretation, hence it serves for comparison, to derive thence an inference from analogy of expression: the penalty is mentioned in connection with [failure of] affliction, and the same penalty is mentioned in connection with [the performance of] labour, hence just as [performance of] labour is punished only after warning, so is [the failure of] affliction punished only after warning. Against this may be objected: There is a specific condition in connection with labour [to which a penalty is attached] in that it is forbidden on Sabbath and festival days, but would you apply the same to [the commandment of] affliction seeing that does not apply on Sabbath and festival days? Rabina said: This Tanna infers it from the word 'self-same'.²² Now it must be free,²³ for if it were not free, the objection as above could be raised against it. Hence it indeed must be free.

[Consider] there are²⁴ five Scriptural verses written in connection with labour:²⁵ one indicating the prohibition for the day, one the prohibition for the night, one the warning for the day, one the warning for the night, one remains free for inference from [the prohibition of] labour for [the commandment of] affliction, touching both day and night.

The School of R. Ishmael taught: Here the word 'affliction' is used and there the word 'affliction'²⁶ is used; hence just as there the penalty is incurred only after warning, so here too the penalty is incurred only after warning. R. Aha b. Jacob said: One can infer that from the phrase 'Shabbath Shabbathon' ['solemn day of rest']²⁷ which occurs in connection with the ordinary Sabbath,²⁸ and just as there penalty is incurred only after warning, so here too, penalty is incurred only after warning. R. Papa said:

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- (1) 'Chewing' which is the term. techn. for irregular eating.
 - (2) The first, having eaten them, must pay both principal and fine, a complete offence having been committed by him; but not the second, who ate something which could have been used only as fuel.
 - (3) Two half olives from two corpses, or two pieces of the size each of one half of a lentil, coming from a dead creeping thing, share the duration of uncleanness and the minimum quantity; a creeping thing and the carcase of an animal that died a natural death, are alike with regard to duration of the uncleanness they cause (in each case up to the evening of the day), but differ as to the minimum quantity which causes defilement; the former has the standard of an olive, the latter that of a lentil. A human corpse and the carcase of an animal again are alike in the minimum required for defiling a person, viz., an olive, but are different with regard to the duration of the uncleanness caused: the former causing one lasting seven days, the latter one lasting up to the evening only; v. Me'il. 17a.
 - (4) The quantity of a big date, composed of food and drink does not enable one to come to, whereas food alone of that quantity would. The only matter in connection with the minimum required on the Day of Atonement is that it enables one to come to, hence the Rabbis could agree here, whilst disputing R. Joshua in the matter of the combination of various unclean foods.
 - (5) He did not know all the time that it was the Day of Atonement. Because whereas two offences took place, both belong to one head: eating includes drinking.
 - (6) But eating and working are two different forms of activities prohibited on the Day of Atonement, derived from two Scriptural verses, Num. XXIX, 7 and Lev. XXIII, 29.
 - (7) The usual form of which is: 'Thou shalt not'.
 - (8) The usual minimum (to render one culpable of having eaten forbidden food) is the quantity of an olive. Had the Torah therefore used the phrase 'He shall not eat', the inference would have been that one who ate the quantity of an olive had thereby transgressed the law; whereas the quantity on the Day of Atonement is dependent on one's coming to, which is the result of having eaten as much as the size of a big date.
 - (9) The form would be negative, but the meaning just the opposite of what is required!
 - (10) 'Take heed' and 'lest' are phrases each implying a separate negative command, v. 'Er. 96a.
 - (11) Deut. XXIV, 8: 'Take heed in the plague of leprosy' implies the prohibition of cutting off the bright spot (Lev. XIII, 2) whereas 'Take heed that you do a certain thing', i.e., not neglect it, has affirmative exhortatory meaning. The phrase here would therefore imply a positive command.
 - (12) Num. XXIX, 7.
 - (13) Reading with Bah.
 - (14) The prohibitions and positive commandments in connection with the Day of Atonement become valid some time before the actual commencement of the day — before the night of the tenth of Tishri, and extend for some minutes after the end of the Day of Atonement — the night of the eleventh day. The validity for this additional time of the laws governing the Day of Atonement is Biblical, v. infra 81b.
 - (15) Lev. XXIII, 30.
 - (16) Lev. XXIII, 29.
 - (17) Ibid. v. 28.
 - (18) Lit., 'being free', or 'vacated', here unnecessary for the context, hence available for hermeneutical purposes.
 - (19) Lev. XXIII, 28.
 - (20) The comparison is superficial, because in spite of similarity of expression, basic difference of prevailing conditions render the comparison unjustified, and but for an explicit statement of penalty in the case of 'labour' one would not be able to derive it from 'affliction'.
 - (21) None is exempted from the affliction, whereas as regards labour the priests in the Sanctuary were permitted to perform all work in connection with the ceremonial of the Day of Atonement.
 - (22) This word occurs both with the prohibition of labour in Lev. XXIII, 30 and with the commandment of affliction in

v. 29 *ibid.*, hence appears available for inference from analogy of expression.

(23) V. p. 397. n. 3.

(24) So Bah.

(25) Lev. XVI, 29; XXIII, 28, 29, 30 and Num. XXIX, 7.

(26) In connection with the rape of a betrothed maiden, Deut. XXII, 24.

(27) Lev. XXIII, 32.

(28) Lit., 'with the Sabbath of creation', i.e., the Sabbath, the observance of which is due to the first Sabbath, a tech. term. for any ordinary seventh day Sabbath, as against other days of rest, viz., the Holy Days.

Talmud - Mas. Yoma 81b

This day itself is also called Sabbath, for Scripture said: [In the ninth day of the month, from even to even], shall ye keep your Sabbath. R. Papa did not [well] interpret as R. Aha b. Jacob, because it is preferable to use a Scriptural text mentioned in connection with the subject itself. But why did not R. Aha b. Jacob expound as R. Papa did? — That¹ is necessary for the following teaching: And ye shall afflict your souls, in the ninth day of the month. One might have assumed that such affliction commences on the ninth of the month already. Therefore the text reads: 'At even'. If from 'at even', one might have inferred that one must afflict oneself only after it gets dark, therefore the text reads: 'In the ninth'. How is [this to be explained]? He should commence to afflict himself whilst it is yet day. From here we learn that we add from the profane time to the sacred one. Thus I know it only at its beginning. Whence do I know it at its end? Therefore Scripture said: 'From even unto even'. Thus I know it only for the Days of Atonement, whence do I learn the same for the Sabbath days? Therefore the text reads: 'Your Sabbath'. How is that? Wherever the word 'shebuth' [rest] is mentioned, we add from the profane time to the sacred one.

How does the Tanna who infers from the word-analogy of 'self-same',² 'self-same' interpret the words: 'In the ninth of the month'? — He uses it in accord with what Hiyya, the son of Rab, of Difti taught, for Hiyya, the son of Rab, of Difti learned: 'And you shall afflict your souls in the ninth [day of the month]'. But is one fasting on the ninth? Do we not fast on the tenth? Rather, it comes to indicate that, if one eats and drinks on the ninth, Scripture accounts it to him as if he had fasted on the ninth and the tenth.³

IF HE ATE FOODS UNFIT FOR FOOD. Raba said: If one chewed pepper on the Day of Atonement, he is not culpable. If one chewed ginger on the Day of Atonement, he is not culpable. An objection was raised: R. Meir used to say: By mere implication from the text: Then you shall count the fruit thereof as forbidden.⁴ I could understand that fruit trees are meant. Why then does Scripture say: 'trees for food'? It means a tree the taste of whose wood and fruit are alike. Say: This is pepper. That teaches you that the plant of pepper is subject to the law of 'orlah',⁵ and that the land of Israel lacks nothing, as it is said: Thou shalt not lack anything in it.⁶ — That is no difficulty; The one case deals with green pepper, the other with dry pepper.⁶ Rabina said to Meremar: But R. Nahman has said that preserved ginger coming from India is permitted,⁷ and the blessing . . . Who createst the fruit of the ground' is obligatory [before eating it].⁷ — This is no difficulty: The one case deals with fresh one, the other with dry one.

Our Rabbis have taught: If one ate the leaves of calamus, he is culpable. If he ate the leaves of vine, he is culpable. What vines are meant here? — R. Isaac of Magdala said: Such as sprouted forth between New Year and the Day of Atonement.⁸ R. Kahana said: During the first thirty days,⁹ it was taught in accord with R. Isaac of Magdala: If one ate the leaves of calamus, he is not culpable. If he ate the leaves of vines, he is culpable. The vines meant here are those that sprouted forth between New Year and the Day of Atonement.

IF HE DRANK BRINE OR FISH-BRINE HE IS NOT CULPABLE. But [if he drank] vinegar, he

is culpable — according to whom is our Mishnah? — According to Rabbi. For it was taught: Rabbi said, Vinegar restores the soul.¹⁰ R. Giddal b. Menasseh of Bari of Naresh¹¹ reported that the halachah is not in accord with Rabbi, whereupon in the following year all went forth to drink [on the Day of Atonement] vinegar [mixed with water]. When R. Giddal heard that he became angry and said: I spoke only of a de facto case, did I say at all that one may do so at the outset? I referred only to a small quantity, did I speak at all of a large one? I spoke only of raw vinegar, did I refer at all to [vinegar] mixed [with water]? [

(1) The Scriptural text adduced by R. Papa.

(2) Who infers the additional time from the words of the text, which are free for interpretation (v. supra). To him the words ‘And ye shall afflict yourself on the ninth’, which to us suggest the additional time, must convey a different meaning.

(3) The feasting on the ninth of Tishri helps to emphasize the solemnity and the self-affliction due on the morrow, indeed, starting at the eve of the same day. The more feasting on the eve of the Day of Atonement, the more pronounced the affliction on the day itself.

(4) Lev. XIX, 23.

(5) Which forbids for the first three years the fruit of trees, v. ibid.

(6) Deut. VIII, 9. Hence pepper is considered fruit, and as such should involve the eater thereof on the Day of Atonement in the penalty of extirpation, whereas Raba had taught that one who ate thereof is not culpable. R. Meir speaks of green pepper which can be eaten, hence subject to the law of ‘orlah, whereas Raba speaks of dry pepper, which cannot be considered a food, hence one who has eaten thereof, in the best case has not partaken of eatables, in the worst case has harmed himself, in either case is not culpable.

(7) Preserved ginger therefore is considered a food. The blessing due emphasizes that it is considered such.

(8) But if they sprouted forth before the New Year, they are considered stale and ‘even as wood’, i.e., no food.

(9) The same principle, though in different terms.

(10) I.e., has the effect of satisfying one, of helping one to come to, on the Day of Atonement.

(11) I.e., Bari, which was near Naresh, north of Sura. V. Obermeyer, p.308.

Talmud - Mas. Yoma 82a

MISHNAH. ONE SHOULD NOT AFFLICT¹ CHILDREN AT ALL ON THE DAY OF ATONEMENT. BUT ONE TRAINS THEM A YEAR OR TWO BEFORE² IN ORDER THAT THEY BECOME USED TO RELIGIOUS OBSERVANCES.

GEMARA. Since [the Mishnah has taught already that] two years before [their attaining majority] they must be trained, is it necessary to state that one must do so a year before that time? R. Hisda said: This is no difficulty: the one refers to a healthy³ child, the other to a sickly one. R. Huna said: At the age of eight and nine years one trains them by hours,⁴ at the age of ten and eleven they must fast to the end of the day, by Rabbinic ordinance. At the age of twelve they must fast to the end of the day by Biblical law, [all this] referring to girls. R. Nahman said: At the age of nine and ten one trains them by hours, at the age of eleven and twelve they must fast to the end of the day by Rabbinic ordinance, at the age of thirteen they must fast to the end of the day by Biblical law, [all this] referring to boys. R. Johanan said: There is no Rabbinic ordinance about the obligation of children to fast to the end of the day. But, at the age of ten and eleven one trains them by hours, at the age of twelve they must fast to the end of the day by Biblical law.

We learned: ONE SHOULD NOT AFFLICT THE CHILDREN AT ALL ON THE DAY OF ATONEMENT, BUT ONE TRAINS THEM A YEAR OR TWO BEFORE. That will be right according to R. Huna and R. Nahman: A YEAR OR TWO BEFORE [means] a year before, according to Rabbinic law, or two years before, according to Biblical law.⁵ But according to R. Johanan, there is a difficulty!⁶ R. Johanan will tell you: ‘One or two years before means: before their reaching maturity.’⁷

Come and hear: For Rabbah b. Samuel taught: One does not afflict children on the Day of Atonement, but one trains them a year, or two, before their attaining maturity. That will be right according to R. Johanan, but according to R. Huna and R. Nahman this presents a difficulty. — [These] Rabbis will tell you: ‘Training’ here means ‘fasting to the end of the day’. But has ‘training’ the meaning of ‘fasting to the end of the day’? Was it not taught: What is training? If he was accustomed to eat at the second hour [eight o'clock],⁸ one feeds him now at the third hour [nine o'clock]; if he was accustomed to eat at the third hour, one feeds him now at the fourth.⁹ Raba b. ‘Ulla said, There are two kinds of training.¹⁰

MISHNAH. IF A WOMAN WITH CHILD SMELT,¹¹ SHE MUST BE GIVEN TO EAT UNTIL SHE FEELS RESTORED. A SICK PERSON IS FED AT THE WORD OF EXPERTS.¹² AND IF NO EXPERTS ARE THERE, ONE FEEDS HIM AT HIS OWN WISH UNTIL HE SAYS: ENOUGH.

GEMARA. Our Rabbis taught: If a woman with child smelt the flesh of holy flesh, or of pork, we put for her a reed into the juice and place it upon her mouth. If thereupon she feels that her craving has been satisfied, it is well. If not, one feeds her with the juice itself. If thereupon her craving is satisfied it is well; if not one feeds her with the fat meat itself, for there is nothing that can stand before [the duty of] saving life, with the exception of idolatry, incest¹³ and bloodshed [which are prohibited in all situations]. Whence do we know that about idolatry? For it was taught: R. Eliezer said: Since it is said, With all thy soul,¹⁴ why is it said: With all thy might?¹⁴ And since it is said: ‘With all thy might’, why is it said: ‘With all thy soul’? [It but comes to tell you that]¹⁵ if there be a man whose life is more cherished by him than his money, for him it is said: ‘With all thy soul’; and if there be a person to whom his money is dearer than his life, for him it is said: ‘With all thy might’.¹⁶ Whence do we know it about incest and bloodshed? — Because it was taught: Rabbi said, For as when a man rises against his neighbor, and slayeth him, even so is this matter.¹⁷ What matter do we infer for [the rape of] a betrothed maiden from a murderer? — Rather: What was meant to teach, learns itself.¹⁸ Just as in the case of a betrothed maiden it is lawful to save her at the expense of his [the would-be raper's] life, thus also in the case of a murderer. And just as in the case of [an order to] shed blood one should rather be killed oneself than transgress [the prohibition of murder], thus also in the case of a [command to rape a] betrothed maiden, one should rather be killed than transgress [the prohibition of violating her].

(1) To make them fast, to deny them food. Concerning other afflictions, v. supra 78b.

(2) The connotation of this is discussed in the Gemara.

(3) With a healthy child the training may be started at an earlier year than with a sick or sickly one.

(4) Extending the hours of fasting from one hour to another.

(5) So Rashi, v. Bah; v. next note. Cur. edd. according to rabbinic law. On interpretation of this reading v. Wilna Gaon, Glosses.

(6) Whereas R. Huna and R. Nahman could explain ‘BEFORE’ as meaning ‘before they are obliged by Rabbinic law’ to fast to the end of the day. R. Johanan holds there is no Rabbinic ordinance compelling children to fast to the end of the day, and would be unable to account for this text.

(7) His answer is simple; ‘before’ means ‘before maturity’, when yet the obligation to fast to the end of the day does not apply.

(8) According to the Jewish calculation for ritual purposes, every day, summer and winter, has twelve hours, every night twelve hours. The hours, however, vary in duration. In December an hour may consist of forty minutes, in June of ninety minutes. In Tishri (usually September) an hour would have about sixty minutes. The first hour of the day would be from six to seven, the second from seven to eight. ‘At the second hour’ would thus correspond to ‘about eight o'clock’.

(9) This indicates, at any rate, that ‘training’ means ‘training by the extension of hours’, not ‘fasting to the end of the day’.

(10) Raba replies that the term ‘training’ is being used in both senses.

(11) Smelt a dish on the Day of Atonement and has a morbid desire for it.

(12) Physicians.

(13) Including adultery.

(14) Deut. VI, 5. The word 'meod', usually translated as 'might', is here interpreted as 'economic might', money.

(15) Life is more important than 'money' or 'might'. Why then the mention of both? If one is commanded to love the Lord even with all one's soul, viz., so that one would surrender life in the service of Him, it is self-evident and therefore superfluous to mention the obligation to love Him with all one's money, viz., to be willing to surrender one's possessions to Him.

(16) Scripture takes account of people's idiosyncrasies, the Lord, Who gave the Torah to Moses, knoweth the heart of man.

(17) Deut. XXII, 26 referring to the rape of a betrothed maiden.

(18) Lit., 'Behold this one comes to teach and turns out a learner'. This passage is intended to throw light on another one, whereas it receives light therefrom.

Talmud - Mas. Yoma 82b

Rut whence do we know that this principle applies in the case of a murder? — This is reasonable. For there was a man who came before Raba and said to him: The lord of my village told me: Kill so-and-so, and if you will not, I shall kill you! — He [Raba] answered: Let him kill you, but do not kill! What makes you see that your blood is redder than his? Perhaps the blood of that man is redder than yours?¹

There was a woman with child who had smelt [a dish]. People came before Rabbi [questioning him what should be done]. He said to them: Go and whisper to her that it is the Day of Atonement. They whispered to her and she accepted the whispered suggestion, whereupon he [Rabbi] cited about her the verse: Before I formed thee in the belly I knew thee.² From her came forth R. Johanan. [Again] there was a woman with child who smelt [a dish]. The people came to R. Hanina, who said to them: Whisper to her [that it is the Day of Atonement]. She did not accept the whispered suggestion. He cited with regard to her:

(1) The Lord wants you to save your own life, because the life of any one of His children is clear to Him. But your neighbour's life is as clear to Him as your own; and no blood is 'redder than the other'. Hence you must not kill someone else, in order to save life. But if someone comes to murder you, self-defence is not only permissible, but mandatory.

(2) Jer. I, 5.

Talmud - Mas. Yoma 83a

The wicked are estranged from the womb.¹ From her came forth Shabbatai, the hoarder of provisions² [for speculation].

A SICK PERSON IS FED AT THE WORD OF EXPERTS. R. Jannai said: If the patient says, I need [food], whilst the physician says: He does not need it, we hearken to the patient. What is the reason? The heart knoweth its own bitterness.³ But that is self-evident? You might have said: The physician's knowledge is more established; therefore the information [that we prefer the patient's opinion]. If the physician says: He needs it, whilst the patient says that he does not need it, we listen to the physician. Why? Stupor seized him.⁴

We learned: A SICK PERSON IS FED AT THE WORD OF EXPERTS. [That implies]: Only upon the order of experts, but not upon his own order? [Further it implies]: Only upon the order of 'experts,' but not upon the order of a single expert?⁵ — This refers to the case that he says: I do not need it. But one should feed him upon the order of one expert? — This refers to the case when someone else is present who agrees that he does not need it. [If so, wherefore state that he] is FED

AT THE WORD OF EXPERTS. Surely that is self-evident, for it is a possibility of danger to human life and ‘in the case of the possibility of danger to human life we take a more lenient view’!⁶ — It refers to a case in which two more people are present who say that he does not need it.⁷ And although R. Safra said that ‘Two are as a hundred and a hundred are as two’⁸ applies only to witnesses, but with regard to opinion we go according to the number of opinions, all that applies only to opinions concerning money matters, but here it is a case where there is a possibility of danger to human life. But since in the second part [of the Mishnah] it states: AND IF NO EXPERTS ARE THERE, ONE FEEDS HIM AT HIS OWN WISH, it is to be inferred that in the first part we deal with the case that he said he needed it? There is something missing [in the Mishnah] and this is how it reads: These things are said only for the case that he says: I do not need it; but if he says: I need it, then if two experts are not there, but one who says: He does not need it, then ONE FEEDS HIM AT HIS OWN WISH.

Mar son of R. Ashi said: Whenever he says. ‘I need [food]’, even if there be a hundred who say, ‘He does not need it’, we accept his statement, as it is said: ‘The heart knoweth its own bitterness’. We learned in the Mishnah: If no experts are there one feeds him at his own wish. That means only if no experts are there, but not if such experts were there? — This is what is meant: These things are said only for the case that he says, ‘I do not need it’, but if he says, ‘I need it’, then there are no experts⁹ there at all, [and] one feeds him at his own wish, as it is said: ‘The heart knoweth its own bitterness’.

MISHNAH. IF ONE IS SEIZED BY A RAVENOUS HUNGER,¹⁰ HE MAY BE GIVEN TO EAT EVEN UNCLEAN THINGS UNTIL HIS EYES ARE ENLIGHTENED.¹¹ IF ONE WAS BIT BY A MAD DOG, HE MAY NOT GIVE HIM TO EAT THE LOBE OF ITS LIVER, BUT R. MATTHIA B. HERESH PERMITS IT.¹² FURTHERMORE DID R. MATTHIA B. HERESH SAY: IF ONE HAS PAIN IN HIS THROAT, HE MAY POUR MEDICINE INTO HIS MOUTH ON THE SABBATH,¹³ BECAUSE IT IS A POSSIBILITY OF DANGER TO HUMAN LIFE AND EVERY DANGER TO HUMAN LIFE SUSPENDS THE [LAWS OF THE] SABBATH. IF DEBRIS FALL ON SOMEONE, AND IT IS DOUBTFUL WHETHER OR NOT HE IS THERE, OR WHETHER HE IS ALIVE OR DEAD, OR WHETHER HE BE AN ISRAELITE OR A HEATHEN, ONE SHOULD OPEN [EVEN ON SABBATH] THE HEAP OF DEBRIS FOR HIS SAKE. IF ONE FINDS HIM ALIVE ONE SHOULD REMOVE THE DEBRIS, AND IF HE BE DEAD ONE SHOULD LEAVE HIM THERE [UNTIL THE SABBATH DAY IS OVER].

GEMARA. Our Rabbis taught: How did they know that his eyes are enlightened again? When he distinguishes between good and bad [food]. — Abaye said: In the taste thereof. Our Rabbis taught: If one was seized by a ravenous hunger, one feeds him with the less forbidden things first; as between *tebel* [untithed food] and carrion,¹⁴ one should feed him carrion first; between *tebel* and fruit of the seventh year, one should give him the fruit of the seventh year first.¹⁵ As between *terumah*¹⁶ and *tebel*, Tannaim are of divided opinion. For it was taught: One should feed him *tebel*, but not *terumah*. Ben Tema holds: *Terumah*, but not *tebel*. Rabbah said: If it is possible [to feed him] with common food,¹⁷ there is general agreement that one should prepare it¹⁸ for him and feed him with it; the dispute concerns the case when it is not possible [to feed him] with common food; one holds that [the prohibition of] *tebel* is more severe, the other assuming that the prohibition¹⁹ of *terumah* is the more severe. The one holds that [the prohibition of] eating *tebel* is more severe because *terumah* is permissible to priests. the other holding [the prohibition of] *terumah* more severe, whereas *tebel* may be rendered right [by tithing].

(1) Ps. LVIII, 4.

(2) The suggestion throughout the page of a woman with child who smells a dish and develops a morbid longing for it, is that it is the embryo, and not the mother, who has the desire. If the mother accepted the whispered suggestion, it was due to the noble piety of the unborn child, hence, R. Johanan as the child of the first woman. None is more contemptible than

the speculator in foodstuffs who corners the markets for his sordid gain and who causes great affliction among the poor. Such a person, even in the embryonic stage, would not be influenced by the information that it is the Day of Atonement. He would crave his food, unresponsive to any law or sentiment.

(3) Prov. XIV, 10.

(4) So that he does not feel the lack of food.

(5) Which refutes R. Jannai.

(6) V. Shab. 129a.

(7) Two witnesses are considered sufficient evidence (Deut. XIX, 15) and no increase of their number either strengthens, or if they were counter-witnesses, by reason of superior numbers, weakens their original testimony.

(8) And yet on the strength of the two experts who say 'he needs it', he is fed.

(9) Such experts, opposing the patient's own view, would be ignored: 'They are not present at all'.

(10) **, bulimy, ox-hunger.

(11) Cf. I Sam. XIV, 27. Such ravenous hunger renders the eyes dull.

(12) That was considered a cure: a fore-runner of modern homeopathics. The Tanna who forbids it denies its curative value, hence its use is forbidden. Matthia b. Heresh believed in this cure, hence permitted it.

(13) The dispute here concerns not the principle, but the efficacy, of the proposed medicines.

(14) Whenever the permitted and forbidden food alone are insufficient to restore the patient, one should proceed by eliminating as far as possible the more forbidden foods. Untithed food involves punishment of death by divine hand, whereas the eating of carrion involves only the castigation by stripes.

(15) Similarly is the fruit of the seventh year less 'forbidden', its eating implies much less penalty than the eating of untithed food, because there only the transgression of a positive commandment is involved.

(16) V. Glos.

(17) [Probably it means that the hungry person can wait for the priestly dues to be duly set aside, v. D.S. a.l. p. 50].

(18) By setting aside the prescribed dues.

(19) In each case that food which is considered less forbidden, or involving less of a penalty, would be given first.

Talmud - Mas. Yoma 83b

'If it be possible with common food [etc.]'. Surely it is self-evident?—This refers to the case [that it would have to be done] on the Sabbath.¹ But on the Sabbath, too, It is self-evident, because moving is forbidden only by Rabbinic decree?² — We deal here with a pot without a hole, the obligation³ on which, too, is only Rabbinic.⁴ ('One holds [the prohibition of] tebel is more severe, the other holding [the prohibition of] terumah more severe).⁵ Shall we say that Tannaim have been disputing this matter already?⁶ For it was taught: If one was bitten by a snake, one may call for him a physician from one place into another,⁷ or tear open a hen for him, or cut leak from the ground for him, give it to him to eat, without having separated the tithe thereof; this is the view of Rabbi. R. Eleazar son of R. Simeon said: He must not eat until tithe has been separated. Shall we say that it is in accord with R. Eleazar son of R. Simeon, and not with Rabbi?⁸ — You may even say that it is in accord with Rabbi's view. Rabbi [one may say] makes his statement only here because the tithe of vegetables is in question and that is due but Rabbinically, but in the case of the tithe of corn, which is obligatory by Biblical law, even, Rabbi would agree that if you permit him to eat without [due tithing] in the case of a pot without a hole, he would come to eat likewise even in the case of a pot with a hole.⁹

Our Rabbis taught: If one was seized with a ravenous hunger, he is given to eat honey and all kinds of sweet things, for honey and very sweet food enlighten the eyes of man. And although there is no proof for the matter, there is an intimation in this respect: See, I pray you how mine eyes are brightened. because I tasted a little of this honey.¹⁰ What does 'although there is no proof for the matter' mean? Because there no ravenous hunger has seized him. Abaye said: This applies only after a meal, but before the meal, it even increases one's appetite, as it is written: And they found an Egyptian in the field, and brought him, to David, and gave him, bread, and he did eat,' and they gave him water to drink,' and they gave him a piece of cake of figs, and two clusters of raisins,' and when he had eaten, his spirit came back to him,' for he had eaten no bread, nor drunk any water, three days

and three nights.¹¹

R. Nahman said in the name of Samuel: If one was seized by a ravenous hunger, one should give him to eat a tail with honey. R. Huna, the son of R. Joshua said: Also pure flour with honey. R. Papa said: Even barley-flour with honey [is effective]. R. Johanan said: Once I was seized by a ravenous hunger, whereupon I ran to the eastern side of a fig-tree, thus making true in my own case: Wisdom preserveth the life of him who hath it,¹² for R. Joseph learned: One who would taste the [full] taste of a fig, turns to its eastern side, as it is said: And for the precious things of the fruits of the sun.¹³

R. Judah and R. Jose were walking together when a ravenous hunger seized R. Judah. He seized a shepherd and devoured his bread. R. Jose said to him: You have robbed the shepherd! As they entered the city, a ravenous hunger seized R. Jose. They brought him all sorts of foods and dishes. Whereupon R. Judah said to him: I may have deprived the shepherd, but you have deprived a whole town. Also, R. Meir and R. Judah and R. Jose were on a journey together. (R. Meir always paid close attention to people's names, whereas R. Judah and R. Jose paid no such attention to them). Once as they came to a certain place. they looked for a lodging, and as they were given it, they said to him [the innkeeper]: What is your name? — He replied: Kidor. Then he [R. Meir] said: Therefrom it is evident that he is a wicked man, for it is said: For a generation [ki-dor] very forward are they.¹⁴ R. Judah and R. Jose entrusted their purses to him;¹⁵ R. Meir did not entrust his purse to him, but went and placed it on the grave of that man's father. Thereupon the man had a vision in his dream [saying]: Go, take the purse lying at the head of this man! In the morning he [the innkeeper] told them [the Rabbis] about it, saying: This is what appeared to me in my dream. They replied to him: There is no substance in the dream of the Sabbath night¹⁶. R. Meir went, waited there all day, and then took the purse with him. In the morning they [the Rabbis] said to him,: 'Give us our purses'. He said: There never was such a thing!¹⁷ R. Meir then said to them: Why don't you pay attention to people's names? They said: Why have you not told this [before]. Sir? He answered: consider this¹⁸ but a suspicion. I would not consider that a definite presumption! Thereupon they took him [the host] into a shop [and gave him wine to drink].¹⁹ Then they saw lentils on his moustache. They went to his wife and gave her that as a sign, and thus²⁰ obtained their purses and took them back. Whereupon he went and killed his wife. It is with regard to this that it was taught:²¹ [Failure to observe the custom of] the first water²² caused one to eat the meat of pig, [failure to use] the second water slew a person. At the end they, too, paid close attention to people's names. And when they called to a house whose [owner's] name was Balah, they would not enter, saying: He seems to be a wicked man, as it is written: Then said I of her that was [balah] worn out by adulteries.²³

IF SOMEONE WAS BITTEN BY A MAD DOG. Our Rabbis taught: Five things were mentioned in connection with a mad dog. Its mouth is open, its saliva dripping, its ears flap, its tail is hanging between its thighs, it walks on the edge of the road. Some say, Also it barks without its voice being heard. Where does it²⁴ come from? — Rab said: Witches are having their fun with it. Samuel said: An evil spirit rests upon it. What is the practical difference between these two views? — This is the difference

(1) On the Sabbath it is not usually permitted to separate the terumah.

(2) [The prohibition to set aside on Sabbath any of the priestly dues is of Rabbinical origin, in the same category as moving about on the Sabbath articles that are unfit for use (cf. Bez. 36b)].

(3) To tithe the fruit grown therein.

(4) [I.e., the tebel under consideration grew in a pot without a hole, and consequently not subject biblically to priestly dues. Nevertheless where it can be rendered right by setting aside the dues, we are told one should rather override the shebuth (v. Glos.) involved than feed him with what is regarded as tebel only Rabbinically (Rashi)].

(5) [On the interpretation of Rashi which is followed in these notes, the bracketed passage is best omitted, as it is in various MSS. V. D.S.]

(6) [I.e., Rabbah's principle that we override the shebuth rather than to feed him, with produce which is tebel only

Rabbinically, v. p. 408, n. 10].

(7) On the Sabbath, as a rule, that would not be permitted, but in the case of a possible danger to human life, that restriction would be inoperative.

(8) [I.e., Rabbah's principle is in agreement with R. Eleazar b. R. Simeon, who likewise holds that the vegetables must be first tithed even on Sabbath, although they are subject to tithes only Rabbinically].

(9) In which case the obligation is Biblical, which involves the penalty of death by divine decree. [MS.M. has an entirely different reading of the whole passage. v. D.S. a. l.]

(10) I Sam. XIV, 29.

(11) I Sam. XXX, 11, 12.

(12) Eccl. VII, 12.

(13) Deut. XXXIII, 14.

(14) Ibid. XXXII, 20. The name 'kidor' suggested to R. Meir one who does not deserve confidence. That, as he later explained, was an idiosyncrasy of his own, amounting at best to an intuitive caution.

(15) It was on the eve of the Sabbath,

(16) The Sabbath rest gives rise to idle thoughts which are then reflected in dreams.

(17) Lit., 'these things never happened'.

(18) The suggestion conveyed by the sound of a man's name.

(19) Supplemented from Bah.

(20) Telling him the husband had sent them for the purses and giving her as a proof the fact that lentils had been the last meal in her house.

(21) Corrected in accord with marginal gloss.

(22) The washing of hands before meals implies 'the first water', as against the latter water-washing of the hands after meals, to remove any fat, grease, crumbs, from the meal. The one precedes the blessing before the meal, the other the grace after meals. Failure to wash his hands before meals caused one to eat pork. A certain innkeeper, who served both Jews and heathens, guided himself by the attitude of the guests as to 'first waters'. Once a non-conforming Jew entered, asked for a meal, without washing his hands; the innkeeper taking him for a heathen, placed pork before him (Rashi). In our case, had Kidor washed his hands after meals, and as is usual in such a case, wiped his upper lip, the traces of his repast would not have been visible, the Rabbis would have had no clue as to how to restore their purses to themselves, and the enraged thief would not have killed his wife.

(23) Ezek. XXIII, 43. A play on 'balah', viz., one worn out by wrong living.

(24) The madness of the dog.

Talmud - Mas. Yoma 84a

as to killing it by throwing¹ something at it. It was taught in accordance with Samuel: When one kills it, one does so only with something thrown against it. One against whom it rubs itself is endangered; one whom it bites, dies. 'One against whom it rubs itself is endangered'. What is the remedy?—Let him cast off his clothing, and run. As happened with R. Huna, the son of R. Joshua, against whom one mad dog rubbed itself in the market-place: he stripped off his garments and ran, saying: I fulfilled in myself. 'Wisdom preserveth the life of him who hath it'.²

'One whom it bites, dies'. What is the remedy? — Abaye said: Let him take the skin of a male hyena.³ and write upon it: I, So-and-so, the son of that-and-that woman, write upon the skin of a male Hyena: Hami, kanti, kloros. God, God, Lord of Hosts, Amen, Amen, Selah,⁴ Then let him strip off his clothes, and bury then, in a grave [at cross-roads],⁵ for twelve months of a year. Then he should take them out and burn them in an oven, and scatter the ashes. During these twelve months, if he drinks water, he shall not drink it but out of a copper tube, lest he see the shadow⁶ of the demon and be endangered. Thus the mother of Abba b. Martha, who is Abba b. Minyumi, made for him a tube of gold [for drinking purposes].

FURTHERMORE DID R. MATTHIA SAY. R. Johanan suffered from scurvy. He went to a matron, who prepared something for him on Thursday and Friday. He said to her: How shall I do it

on the Sabbath? She answered him,: Then you will not need it [any more]. He said: But if I should need it, what then,? She replied: 'Swear unto me by the God of Israel⁷ that you will not reveal it' [to others]; whereupon he swore: 'To the God of Israel I shall not reveal it'. She revealed it to him, and he went forth and expounded it in his lecture. But he had sworn to her? — [He swore]: 'To the God of Israel I shall not reveal it' [which implies] but to His people I shall reveal it! But this is a profanation of the Name?⁸ — It was so that he had explained it [the meaning of his oath] to her from the very beginning. What did she give to him? R. Aha, the son of R. Ammi said: The water of leaven, olive oil and salt. R. Yemar said: Leaven itself, olive oil and salt. R. Ashi said: The fat of a goose-wing. Abaye said: I tried everything without achieving a cure for myself, until an Arab recommended: 'Take the stones of olives which have not become ripe one third, burn them in fire upon a new rake, and stick them into the inside of the gums'.⁹ I did so and was cured. Whence does [scurvy] come? — From [eating] very hot wheat [-en bread], and from the [overnight] remnants of a pie of fish-hash and flour. What is its symptom? — If he puts anything between his teeth, his gums will bleed.

When R. Johanan suffered from scurvy, he applied this [remedy] on the Sabbath and was healed. How could R. Johanan do that?¹⁰ — R. Nahman b. Isaac said: It is different with scurvy, because whereas it starts in the mouth, it ends in the intestines. R. Hiyya b. Abba said to R. Johanan: According to whom is it? According to R. Matthia b. Heresh who said that if one has pains in his throat one may pour medicine into his mouth on the Sabbath?¹¹ — I say: In this case, but in no other.¹² Shall we say that the following [teaching] supports his view? If one is attacked by jaundice one may give him to eat the flesh of a donkey; if one was bitten by a mad dog, one may give him to eat the lobe of its liver; and to one who has pains in his mouth may be given medicine on the Sabbath — this is the view of R. Matthia b. Heresh; but the Sages say: These are not considered cures — Now what does 'these' mean to exclude? Won't you say it is meant to exclude medicine?¹³ No, it is meant to exclude blood-letting in case of asphyxia.¹⁴ Thus also does it seem logical. For it was taught: R. Ishmael son of R. Jose reported three things in the name of R. Matthia b. Heresh: One may let blood in the case of asphyxia on the Sabbath, and one whom a mad dog has bitten may be given to eat the lobe of its liver, and one who has pains in his mouth may be given medicine on the Sabbath, whereas the Sages hold: These are not considered cures. Now what does 'these' exclude? Would you not say 'these' excludes the two latter one, and not the first one?¹⁵ — No, it means to exclude the first two ones, and not the last one.

(1) If it were killed by something held in one's hand the contact with the dog's body might cause the evil spirit to attack the dog's assailant. If madness is the result of witches' fun, no such danger would seem to inhere.

(2) Eccl. VII, 12.

(3) Or, leopard.

(4) V. Blau, *Altjud. Zaubewesen*, p. 80f

(5) Supplemented from Bah.

(6) Which might have jumped over from the dog, and would endanger him.

(7) The Hebrew proposition 'I' may be interpreted as 'by' (the God of Israel), as the matron meant it; or, 'to' the God of Israel, as the Rabbi took it: I swear that 'to the God of Israel I shall not reveal it'.

(8) If a scholar deceives a non-Jew he profanes the Name of the Lord, Who is associated with the Torah and Israel, much more than when an ordinary Jew does so although it is a grave offence in any case.

(9) Lit., 'inside the row of teeth'.

(10) Since that does not seem to be a dangerous disease, justifying the application of medicine on the Sabbath day. By Rabbinic ordinance that is forbidden, as a fence around the law (Aboth I, 1) to prevent its leading to the grinding of spices for medicinal purposes, grinding being one of the thirty-nine kinds of labour prohibited by Biblical law on the Sabbath.

(11) But the Sages oppose R. Matthia, hence he remains in the minority and his permission is invalid.

(12) Here the Sages will agree with him, because of the ultimately dangerous character of the disease.

(13) As being permissible owing to their curative properties.

(14) Which is permitted.

(15) Which the Rabbis consider a cure. Which proves that the Sages, while they regard bloodletting as a cure for asphyxia and permissible on Sabbath, do not extend this sanction to medicine in general.

Talmud - Mas. Yoma 84b

Come and hear: For Rabbah b. Samuel learned: If a woman with child has smelt [food], one feeds her until she is restored; and one who was bitten by a mad dog is given to eat from the lobe of its liver, and one who has pains in his mouth may be given medicine on the Sabbath — these are the words of R. Eleazar b. Jose in the name of R. Matthia b. Heresh. But the Sages say: In this case, but not in another. Now what does 'in this case' refer to? Would you say to the woman with child? That is self-evident; for is there anyone to say that in the case of a woman with child it would not be permitted? — Hence it must refer to the medicine.¹ This is conclusive.²

R. Ashi said: Our Mishnah too justifies this inference. R. MATTHIA B. HERESH SAID FURTHERMORE: IF ONE HAS PAINS IN HIS MOUTH ONE MAY GIVE HIM MEDICINE ON THE SABBATH.³ And herein the Rabbis⁴ do not dispute him. For if it were that the Rabbis dispute him, he should teach these together,⁵ and afterwards mention that the Rabbis dispute it. This is conclusive evidence.

BECAUSE IT IS A POSSIBILITY OF DANGER TO HUMAN LIFE. Why was it necessary to add 'AND WHEREVER THERE IS DANGER TO HUMAN LIFE, THE LAWS OF THE SABBATH ARE SUSPENDED'?-Rab Judah in the name of Rab said: Not only in the case of a danger [to human life] on this Sabbath, but even in the case of a danger on the following Sabbath.⁶ How that? If e.g., the [diagnosis] estimates an eight-day [crisis] the first day of which falls on the Sabbath. You might have said, let them wait until the evening, so that the Sabbaths may not be profaned because of him, therefore he informs us [that we do not consider that]. Thus also was it taught: One may warm water for a sick person on the Sabbath, both for the purpose of giving him a drink or of refreshing him, and not only for [this] one Sabbath did they rule thus, but also for the following one. Nor do we say: Let us wait, because perchance he will get well, but we warm the water for him immediately, because the possibility of danger to human life renders inoperative the laws of the Sabbath, not only in case of such possibility on this one Sabbath, but also in case of such possibility on another Sabbath. Nor are these things to be done by Gentiles or minors,⁷ but by Jewish adults.⁷ Nor do we say in this connection: We do not rely in such matters on the opinions of women, or of Samaritans, but we join their opinion to that of others.⁸

Our Rabbis taught: One must remove debris to save a life on the Sabbath, and the more eager one is, the more praiseworthy is one; and one need not obtain permission from the Beth din. How so? If one saw a child falling into the sea, he spreads a net and brings it up — the faster the better, and he need not obtain permission from the Beth din though he thereby catches fish [in his net]. If he saw a child fall into a pit, he breaks loose one segment [of the entrenchment] and pulls it up — the faster the better; and he need not obtain permission of the Beth din, even though he is thereby making a step [stairs]. If he saw a door closing upon an infant,⁹ he may break it, so as to get the child out — the faster the better; and he need not obtain permission from the Beth din, though he thereby consciously makes chips of wood. One may extinguish and isolate [the fire] in the case of a conflagration — the sooner the better, and he need not obtain permission from the Beth din, even though he subdues the flames.¹⁰ Now all these cases must be mentioned separately. For if only the case of the [infant falling into] the sea had been mentioned [one would have said, it is permitted there] because meantime¹¹ the child might be swept away by the water, but that does not apply in the case [of its falling into] the pit, because since it remains [stays] therein, one might have thought, one may not [save it before obtaining permission], therefore it is necessary to refer to that. And if the teaching had confined itself to the case of the pit, [one would have thought, there no permission is

required] because the child is terrified but in the case of a door closing upon it, one might sit outside and [amuse the child] by making a noise with nuts, therefore it was necessary [to include that too].

For what purposes is the 'extinguishing' and 'isolating' necessary? — Even for the benefit of another [neighbouring] court.

R. Joseph said on the authority of Rab Judah, in the name of Samuel: In the case of danger to human life one pays no attention to majority. How is that? Would you say [in the case of] nine Israelites and one heathen among them? But then the majority consists of Israelites! Or, even if there were half and half, in the case of danger to human life, we take the more lenient view? Again, if you say that it is a case of nine heathens and one Israelite, that too is self-evident, because it is stationary and whatever is stationary is considered¹² half and half? — No, it refers to a case in which [one has]¹³ gone off into another court.¹⁴ You might have said: Whosoever has gone off, has gone off from the majority which consisted of heathens, therefore the information that in case of danger to human life, we are not concerned with question of majorities which consisted of heathens. But that is not so, for R. Assi said in the name of R. Johanan: In the case of nine heathens and one Israelite, [if a building collapsed upon them while they were all] in that court, one must remove debris, but not if [a building collapsed] in another court?¹⁵ — This is no contradiction: In the one case all had gone off, in the other only a few had gone off.¹⁶ But could Samuel have said that? Have we not learnt: If one finds therein¹⁷ a child abandoned, if the majority of the inhabitants are heathens, it is to be considered a heathen; if the majority are Israelites, it is to be considered an Israelite; in the case of half and half it is to be also considered an Israelite.¹⁸ And in connection therewith Rab said: This was taught only in relation to sustaining it,¹⁹ but not for the purpose of legitimizing²⁰ it;

(1) V. p. 414, n. 3.

(2) That the Rabbis agree that this may be given on Sabbath.

(3) [The text here differs from the one given in the Mishnah, but agrees with the reading in the Mishnah of MS.M].

(4) The authorities of the first view given anonymously in the Mishnah.

(5) With the other case, wherein the Sages oppose his view.

(6) As is soon explained.

(7) So MS.M.; cur. edd. Cutheans (Samaritans). If the original 'Cutheans is preferred, then 'gedole Yisrael' (rendered here 'adult Jews') means 'even prominent Jews' — shall profane the Sabbath to save life.

(8) If e.g., two say it is necessary, three say it was not, and a woman or a non-Jew assert it is necessary, the opinion of the latter is joined to that of the others, who are in the affirmative, thus presenting a divided opinion, in which case, since danger to human life is involved, the more lenient view is adopted.

(9) The infant may be frightened, or within the room, endangered.

(10) And produces a coal-fire, which may be utilised. For other readings v. D.S. a.I.

(11) Until such permission is obtained.

(12) Kabua'. For a full explanation of this principle v. Sanh., Sonc. ed., p. 531, n. 4.

(13) [So Asheri].

(14) And in that court he became buried in the debris.

(15) Whereto one of the group had repaired.

(16) [In the former case, since they all had left the former court, the principle of kabua' no longer operates, and consequently the majority decides, but in the latter case, since there still remains a number of them in the former court, we apply the principle of kabua' and the debris have to be removed. So Asheri; Rashi explains differently].

(17) In a town wherein Israelites and Gentiles live.

(18) V. Keth. 15a.

(19) Jews are in duty bound to support their own poor.

(20) If the child found exposed were a girl, she could not marry a priest, who is obliged to marry a native-born Israelite, not a proselyte.

Talmud - Mas. Yoma 85a

whereas Samuel said: [It was taught] with reference to removing the debris for its sake?¹ — The words of Samuel refer to the first clause, 'If the majority are heathens, it is considered a heathen'. It is in connection therewith that Samuel said that it did not apply to the saving of life.²

'If the majority are heathens, it is considered a heathen'. For what practical law [is this taught]? — Said R. Papa: To give it to eat carrion.³ 'If the majority are Israelites, it is considered an Israelite' — For what practical purpose [is this taught]? To restore to it lost property.⁴ 'In the case of half and half, it is considered an Israelite'. For what practical purpose [is this taught]? Resh Lakish said: With regard to damages⁵ How that? Shall we say that one ox of ours gored one of his?⁶ Let him bring proof and collect!⁷ — No, It is necessary for the case that an ox of his had gored one of ours; then he must pay one half, and concerning the other he can say: Prove that I am not an Israelite and collect!⁸

IF DEBRIS HAD FALLEN UPON SOMEONE [etc.]. What does he teach herewith?⁹ — It states a case of 'not only'.¹⁰ Not only must one remove the debris in the case of doubt as to whether he is there or not, as long as one knows that he is alive if he is there; but, even though it be doubtful whether he is alive or not he must be freed from the debris. Also, not only if it is doubtful whether he be alive or dead, as long as it is definite that he is an Israelite; but even if it is doubtful whether he is an Israelite or a heathen, one must, for his sake, remove the debris.

IF ONE FINDS HIM ALIVE, ONES SHOULD REMOVE THE DEBRIS. But that is self-evident if one finds him alive? — No, the statement is necessary for the case that he has only a short while to live.

AND IF HE BE DEAD, ONE SHOULD LEAVE HIM THERE. But that, too, is self-evident? — It is necessary because of the teaching of R. Judah b. Lakish. for it was taught: One may not save a dead person out of a fire.¹¹ R. Judah b. Lakish said: I heard that one may save a dead person out of a fire. Now even R. Judah b. Lakish says that only because¹² 'a person is upset about a dead relative' and if you will not permit him [to save his dead] he will ultimately come to extinguish the fire, but here, if you do not permit it, what can he do?¹³

Our Rabbis taught: How far does one search?¹⁴ Until [one reaches] his nose. Some say: Up to his heart. If one searches and finds those above to be dead, one must not assume those below are surely dead. Once it happened that those above were dead and those below were found to be alive. Are we to say that these Tannaim dispute the same as the following Tannaim? For it was taught: From where does the formation of the embryo commence? From its head, as it is said: Thou art he that took me [gozi] out of my mother's womb,¹⁵ and it is also said: Cut off [gozi] thy hair and cast it away.¹⁶

Abba Saul said: From the navel which sends its roots into every direction!¹⁷ You may even say that [the first view is in agreement with] Abba Saul, inasmuch as Abba Saul holds his view only touching the first formation, because 'everything develops from its core [middle]', but regarding the saving of life he would agree that life manifests itself through the nose especially, as it is written: In whose nostrils was the breath of the spirit of life.¹⁸

R. Papa said: The dispute arises only as to from below upwards,¹⁹ but if from above downwards, one had searched up to the nose, one need not search any further, as it is said: 'In whose nostrils was the breath of life'.

R. Ishmael, R. Akiba and R. Eleazar b. Azariah were once on a journey, with Levi ha-Saddai²⁰ and R. Ishmael son of R. Eleazar b. Azariah following them. Then this question was asked of them: Whence do we know that in the case of danger to human life the laws of the Sabbath are suspended? — R. Ishmael answered and said: If a thief be found breaking in.²¹ Now if in the case of this one it is

doubtful whether he has come to take money or life; and although the shedding of blood pollutes the land, so that the Shechinah departs from Israel, yet it is lawful to save oneself at the cost of his life — how much more may one suspend the laws of the Sabbath to save human life! R. Akiba answered and said: If a man come presumptuously upon his neighbour etc. thou shalt take him from My altar, that he may die.²² I.e., only off the altar, but not down from the altar.²³ And in connection therewith Rabbah b. Bar Hana said in the name of R. Johanan: That was taught only when one's life is to be forfeited,

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- (1) Which seems to indicate that even in the case of saving human life it is the majority which decides the legal attitude.
- (2) Samuel holds that even in that case life must be saved, majority or minority not influencing such a duty.
- (3) I.e., the flesh of an animal that either died a natural death, or in the course of the ritual slaughter in which some irregularity occurred. An Israelite bound by the ritual could not partake thereof, whereas a non-Israelite could eat it.
- (4) V. B.M., Sonc. ed., p. 149, n. 6.
- (5) V. B.K., Sonc. ed., p. 211, n. 6. The Jewish owner of an ox which has gored an ox owned by a heathen, is not obliged to pay damages, whereas the heathen would have to pay full damage, whether the owner had been forewarned or not. The Jewish owner of an ox who has gored an ox owned by a fellow-Jew, if not forewarned must pay half of the damage; if forewarned, full damage.
- (6) I.e., the abandoned child. The suggestion is that we would make him pay damage.
- (7) The damages due to you.
- (8) He pays one half, as any Jew not forewarned would if his ox gored the ox of a fellow-Jew. The owner in this case would wait to collect full damages, claiming the owner of the goring ox to be a heathen, hence obliged to repay full damages, even if not forewarned. The latter would say: One half I have paid because I am a Jew. If you wish to collect the other half, it is upon you to adduce evidence that I am not a Jew. Only thus could you collect.
- (9) What is the value of all these hypothetical cases, doubtful savings of life, that he adduces.
- (10) Lit., 'it is not required'.
- (11) On the Sabbath, which may be profaned to save life, but not to save a dead person from being burnt.
- (12) Shab. 43b.
- (13) There is no Biblical law he can transgress; he will but wait for the end of the Sabbath day to do this work.
- (14) If the person buried under the debris gives no sign of life at the point at which debris have been removed from him.
- (15) Ps. LXXI, 6.
- (16) Jer. VII, 29.
- (17) Hence the dispute of these Tannaim looks exactly the same as those mentioned above.
- (18) Gen. VII, 22.
- (19) If the person under the debris has his feet up and his head down. According to one view, one must examine the core, i.e., the heart; according to the other, even though the heart seems to have suspended action, the definitive diagnosis depends on the action or failure of the function of the nose.
- (20) Perhaps the systematizer: one who arranged traditions systematically, as opposed to one who excels in dialectics. [Aruch:ha-Sarad: the netmaker].
- (21) Ex. XXII, 1, in which case, in spite of all the other considerations, it is lawful to kill him.
- (22) Ex. XXI, 14.
- (23) If he came as priest to do his service, one may take him off the altar, but if he had commenced on it, one may not take him down.

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but to save life¹ one may take one down even from the altar. Now if in the case of this one, where it is doubtful whether there is any substance in his words or not, yet [he interrupts] the service in the Temple [which is important enough to] suspend the Sabbath, how much more should the saving of human life suspend the Sabbath laws! R. Eleazar answered and said: If circumcision, which attaches to one only of the two hundred and forty-eight members of the human body, suspends the Sabbath,² how much more shall [the saving of] the whole body suspend the Sabbath! R. Jose son of R. Judah said: Only ye shall keep My Sabbaths,³ one might assume under all circumstances, therefore the

text reads: 'Only' viz, allowing for exceptions.⁴ R. Jonathan b. Joseph said: For it is holy unto you;⁵ I.e., it [the Sabbath] is committed to your hands, not you to its hands.

R. Simeon b. Menassia said: And the children of Israel shall keep the Sabbath.⁶ The Torah said: Profane for his sake one Sabbath, so that he may keep many Sabbaths. Rab Judah said in the name of Samuel: If I had been there, I should have told them something better than what they said: He shall live by them,⁷ but he shall not die because of them. Raba said: [The exposition] of all of them could be refuted, except that of Samuel, which cannot be refuted. That of R. Ishmael — perhaps that is to be taken as Raba did, for Raba said : What is the reason for the [permission to kill the] burglar? No man controls himself when his money is at stake, and since [the burglar] knows that he [the owner] will oppose him, he thinks: If he resists me I shall kill him, therefore the Torah says: If a man has come to kill you. anticipate him by killing him! Hence we know it [only] of a certain case; [but] whence would we know it of a doubtful one? That of R. Akiba's, there too [there may be a refutation]. Perhaps we should do as Abaye suggests, for Abaye said: We give him⁸ a couple of scholars, so as to find out whether there is any substance in his words. Again we know that only in the case of certain death, [but] whence would we know it of a doubtful case? [And similarly with the exposition of] all of them we know it only of a certain case; whence do we know of a doubtful case? But of Samuel, as to that there is no refutation. Rabina, or R. Nahman b. Isaac said: 'Better is one corn of pepper than a whole basket full of pumpkins.'⁹

MISHNAH. THE SIN-OFFERING AND THE GUILT-OFFERING [FOR THE] UNDOUBTED COMMISSION OF CERTAIN OFFENCES¹⁰ PROCURE ATONEMENT, DEATH AND THE DAY OF ATONEMENT PROCURE ATONEMENT TOGETHER WITH PENITENCE.¹¹ PENITENCE PROCURES ATONEMENT FOR LIGHTER TRANSGRESSIONS: [THE TRANSGRESSION OF] POSITIVE COMMANDMENTS AND PROHIBITIONS. IN THE CASE OF SEVERER TRANSGRESSIONS IT [PENITENCE] SUSPENDS [THE DIVINE PUNISHMENT], UNTIL THE DAY OF ATONEMENT COMES TO PROCURE ATONEMENT. IF ONE SAYS: I SHALL SIN AND REPENT, SIN AND REPENT, NO OPPORTUNITY WILL BE GIVEN TO HIM TO REPENT.¹² [IF ONE SAYS]: I SHALL SIN AND THE DAY OF ATONEMENT WILL PROCURE ATONEMENT FOR ME, THE DAY OF ATONEMENT PROCURES FOR HIM NO ATONEMENT. FOR TRANSGRESSIONS AS BETWEEN MAN AND THE OMNIPRESENT THE DAY OF ATONEMENT PROCURES ATONEMENT, BUT FOR TRANSGRESSIONS AS BETWEEN MAN AND HIS FELLOW THE DAY OF ATONEMENT DOES NOT PROCURE ANY ATONEMENT, UNTIL HE HAS PACIFIED HIS FELLOW. THIS WAS EXPOUNDED BY R. ELEAZAR B. ALARIAH: FROM ALL YOUR SINS BEFORE THE LORD SHALL YE BE CLEAN,¹³ I.E., FOR TRANSGRESSIONS AS BETWEEN MAN AND THE OMNIPRESENT THE DAY OF ATONEMENT PROCURES ATONEMENT, BUT FOR TRANSGRESSIONS AS BETWEEN MAN AND HIS FELLOW THE DAY OF ATONEMENT DOES NOT PROCURE ATONEMENT UNTIL HE HAS PACIFIED HIS FELLOW.¹⁴ R. AKIBA SAID: HAPPY ARE YOU, ISRAEL! WHO IS IT BEFORE WHOM YOU BECOME CLEAN? AND WHO IS IT THAT MAKES YOU CLEAN? YOUR FATHER WHICH IS IN HEAVEN, AS IT IS SAID: AND I WILL SPRINKLE CLEAN WATER UPON YOU AND YE SHALL BE CLEAN.¹⁵ AND IT FURTHER SAYS: THOU HOPE OF ISRAEL, THE LORD!¹⁶ JUST AS THE FOUNTAIN RENDERS CLEAN THE UNCLEAR, SO DOES THE HOLY ONE, BLESSED BE HE, RENDER CLEAN ISRAEL.

GEMARA. Only the undoubted guilt-offering [atones], but not the suspensive one? But is not the word 'forgiveness' written with regard to it too?¹⁷ — These [others] procure complete atonement, the suspensive guilt-offering does not procure complete atonement. Or else, As for these [others]¹⁸ another can effect their atonement, whereas in the case of the suspensive guilt-offering nothing else can effect their atonement. For it was taught: If those who were liable to sin-offerings, or guilt-offerings [for the] undoubted [commission of offences] permitted the Day of Atonement to

pass, they are still obliged to offer then, up; but in the case of those who were liable to suspensive guilt-offerings, they are exempt.¹⁹

DEATH AND THE DAY OF ATONEMENT PROCURE ATONEMENT TOGETHER WITH PENITENCE. Only TOGETHER WITH PENITENCE, but not in themselves! — Shall we say that this teaching is not in accord with, Rabbi? For it was taught: Rabbi said, For all transgressions [of commands of] the Torah, whether one had repented or not, does the Day of Atonement procure atonement, except in the case of one who throws off the yoke²⁰ [of the Torah], interprets the Torah unlawfully.²¹ or breaks the covenant of Abraham our father.²² In these cases, if he repented, the Day of Atonement procures atonement, if not, not! — You might even say that this is in accord with Rabbi: Repentance needs the Day of Atonement, but the Day of Atonement does not need repentance.

PENITENCE PROCURES ATONEMENT FOR LIGHTER TRANSGRESSIONS: [THE TRANSGRESSION OF] POSITIVE COMMANDMENTS AND PROHIBITIONS. If it procures atonement for the transgression of negative commandments, is it necessary [to state that it procures it for the transgression of] positive ones?²³ — Rab Judah said: This is what he means, [It procures atonement] for [the transgression of] a positive commandment , of a negative commandment that is to be remedied into a positive one.²⁴ But not [for the transgression] of an actual negative commandment? Against this the following contradiction is to be raised: These are light transgressions [for which penitence procures atonement: transgression of] positive commandments and negative commandments

(1) If one had been sentenced to death, there is ample provision for a revision, if even at the last moment someone claims to have found evidence of the accused's innocence. If a priest has such evidence, or is only believed to have it, he would be taken down from the altar even after he had commenced, and before having completed, his service.

(2) The circumcision must take place on the eighth day, even if that day falls on the Sabbath, suspending the law of the Sabbath, which prohibits operation, as well as preparations leading to it.

(3) Ex. XXXI, 13.

(4) Lit., 'divides', 'makes a distinction'. The word 'rak' here translated 'only' (E.V. 'verily') is interpreted as 'only under certain, I.e., not all conditions',

(5) Ibid. 14.

(6) Ibid., 16.

(7) Lev. XVIII, 5.

(8) To the priest who thinks he has relevant testimony in favour of the accused, because of which he may be taken down from the altar in the midst of the service.

(9) A commentary on Samuel's irrefutable simple interpretation, as against the more involved and less perfect interpretations of the other Rabbis.

(10) Cf. Lev. V, 15 and VI, 6, as opposed to the suspensive guilt-offering, due in the case of doubtful commission of sin, which postpones punishment until that doubt is removed, when a sin-offering is due to procure atonement. Among the guilt-offerings due for undoubted commission of certain offences are: one for illegal appropriation of private property, after reparation has been made; one for misappropriation of sacred property; one for carnal connection with a bondswoman betrothed to another man; the offering of a nazirite who had interrupted the days of his avowed naziriteship by levitical impurity.

(11) Penitence is essential; it consists of genuine regret, and determination to improve one's conduct. In the case of any offering (sin or guilt) such penitence is taken for granted, for without it no sacrifice has any meaning or value.

(12) Because this statement indicates that he never experienced genuine regret.

(13) Lev. XVI, 30.

(14) The verse is thus taken to mean 'From all your sins before the Lord', (i.e. , as between man and his Creator) will the Day the Atonement procure you forgiveness; but not for those which are committed not 'before the Lord', and 'before man', viz., sins committed against our fellow-man.

(15) Ezek. XXXVI, 25.

- (16) Jer. XVII, 13. The word 'mikweh' is a homonym meaning both 'fountain' thus ritual bath, and 'hope'.
- (17) V. Lev. V, 18 with reference to a suspensive guilt-offering; v. also supra p. 422, n. 4.
- (18) The sin-offering and certain guilt-offerings.
- (19) Ker. 25a.
- (20) I.e., denies the existence of God.
- (21) Lit., 'reveals an aspect of the Torah (not in accordance with the correct interpretation)'; or, 'acts in a bare-faced manner against the Torah'. For a full discussion of the phrase v. Sanh., Sonc. ed., p. 99.
- (22) Circumcision; v. loc. cit.
- (23) A sin of omission is not as serious as one of commission.
- (24) A prohibitive law, the transgression of which must be repaired by a positive act, as e.g., Lev. XIX, 13: Thou shalt not rob, and V, 23: He shall make restitution.

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with the exceptions of: Thou shalt not take [in vain]¹ — 'Thou shalt not take' and others of the same kind.²

Come and hear: R. Judah said: For everything from 'Thou shalt not take' and down repentance procures atonement, for everything from 'Thou shalt take' and up.³ penitence procures suspension [of punishment] and the Day of Atonement procures atonement? — 'Thou shalt not take' and others of the same kind.

Come and hear: Since in connection with Horeb⁴ penitence and forgiveness are stated,⁵ one might assume, that includes the [transgression of] 'Thou shalt not take', therefore it says: He will not clear the guilty.⁶ Then I might have assumed that with all others guilty of having transgressed negative commandments the same is the case, therefore the text reads: '[Will not clear the guilt of him who taketh] His name [in vain].'⁷ i.e., He does not clear the guilt in [the taking in vain of] His name, but He clears the guilt in the transgression of other negative commandments?⁸ -This is indeed a point of dispute between Tannam; for it was taught: For what transgression does penitence procure atonement? For that of a positive commandment. And in what case does repentance suspend punishment and the Day of Atonement procure atonement? In such as involve extirpation, death-penalty through the Beth din and in actual negative commandments.

The Master said: In connection with Horeb [penitence and]⁹ forgiveness is stated. Whence do we know that? Because it was taught : R. Eleazar said: It is impossible to say. 'He will not clear the guilt'¹⁰ Since it says: 'He will clear the guilt'; nor is it possible to say: 'He will not clear the guilt' since it is said: 'He will clear the guilt'; how is that to be explained? 'He clears the guilt' of those who repent, and does not 'clear the guilt' of those who do not repent.

R. Matthia b. Heresh asked R. Eleazar b. Azariah in Rome: have you heard about the four kinds of sins, concerning which R. Ishmael has lectured? He answered: They are three, and with each is repentance connected — If one transgressed a positive commandment , and repented , then he is forgiven, before he has moved from his place; as it is said: Return, O backsliding children.¹¹ If he has transgressed a prohibition and repented, then repentance suspends [the punishment] and the Day of Atonement procures atonement, as it is said : For on this day shall atonement be made for you ... from all your sins.¹² If he has committed [a sin to be punished with] extirpation or death through the Beth din, and repented, then repentance and the Day of Atonement suspend [the punishment thereon], and suffering finishes the atonement,¹³ as it is said: Then will I visit their transgression with the rod, and their iniquity with strokes.¹⁴ But if he has been guilty of the profanation of the Name, then penitence has no power to suspend punishment, nor the Day of Atonement to procure atonement, nor suffering to finish it, but all of them together suspend the punishment and only death finishes it , as it is said : And the Lord of hosts revealed Himself in my ears; surely this iniquity shall

not be expiated by you till ye die.¹⁵ What constitutes profanation of the Name? — Rab said: If, e.g., I take meat for the butcher and do not pay him at once.¹⁶ Abaye said: That we have learnt [to regard as profanation] only in a place wherein one does not go out to collect payment, but in a place where one does not go out to collect, there is no harm in it [not paying at once]. Rabina said: And Matha Mehasia¹⁷ is a place where one goes out collecting payments due. Whenever Abaye bought meat from two partners, he paid money to each of them, afterwards bringing them, together and squaring accounts with both. R. Johanan said: In my case [it is a profanation if] I walk four cubits without [uttering words of] Torah or [wearing] tefillin.¹⁸

Isaac, of the School of R. Jannai, said: If one's colleagues are ashamed of his reputation, that constitutes a profanation of the Name. R. Nahman b. Isaac commented: E.g., if people say, May the Lord forgive So-and-so. Abaye explained: As it was taught: And thou shalt love the Lord thy God,¹⁹ i.e., that the Name of Heaven be beloved because of you. if someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business,²⁰ and speaks pleasantly to persons, what do people then say concerning him? 'Happy the father who taught him Torah, happy the teacher who taught him Torah; woe unto people who have not studied the Torah; for this man has studied the Torah look how fine his ways are, how righteous his deeds! . Of him does Scripture say: And He said unto me: Thou art My servant, Israel, in, whom I will be glorified.²¹ But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in his relations with people, what do people say about him? ' Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!' This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him Scripture says: In that men said of them,: These are the people of the Lord, and are gone forth out of His land.²²

R. Hama b. Hanina said: Great is penitence, for it brings healing to the world, as it is said: I will heal their backsliding, I will love them, freely.²³ R. Hama b. Hanina pointed out a contradiction: It is written : Return, ye backsliding children,²⁴ I.e., you who were formerly backsliding; and it is written: I will heal your backsliding?²⁵ This is no difficulty: in the one case the reference is where they return out of love, in the other, out of fear.²⁶

Rab Judah pointed out this contradiction: It is written: 'Return ye backsliding children, I will heal your backsliding', but it is also written: For I am a lord unto you. and I will take you one of a city. and two of a family?²⁷ This is no contradiction: The one verse speaks [of a return] out of love or fear; the other, when it comes as a result of suffering.

R. Levi said: Great is repentance, for it reaches up to the Throne of Glory, as it is said: Return, O Israel, unto the Lord thy God.²⁸

(1) Ex. XX, 7; viz., the Name of God. [This proves that other negative commands are included in the lighter transgression for which penitence procures atonement].

(2) I.e., all actual negative commandments.

(3) 'Up and down', i.e., before and after.

(4) After the sin of the golden calf as Moses besought the Lord's forgiveness.

(5) As explained infra.

(6) Ex. XX, 7.

(7) Interpreting the phrase as if it were divided into two parts.

(8) [This proves that for the transgression of other negative commandments penitence effects atonement].

(9) Supplemented from Bah.

(10) Ex. XXXIV, 7.

(11) Jer. III, 14.

(12) Lev. XVI, 30.

- (13) Lit., 'cleanses (from sin)'.
- (14) Ps. LXXXIX, 33.
- (15) Isa. XXII, 14.
- (16) He would learn from my bad example to treat debts dishonestly by delaying and ultimately ignoring the payment.
- (17) A suburb of Sura, the place of Rabina.
- (18) People would not know that I am weak, they would profit by my 'example' to neglect the study of the Torah, v. D.S. a.I.
- (19) Deut. VI, 5.
- (20) Supplemented from Bah.
- (21) Isa. XLIX, 3.
- (22) Ezek. XXXVI, 20.
- (23) Hos. XIV, 5.
- (24) Jer. III, 22.
- (25) [The contradiction is not clear. Apparently the first part of the verse implies that having repented they are perfect as children, whereas the second part, which speaks of 'healing', implies that they still retain a taint of their former backsliding, v. Rashi].
- (26) [Where the penitence is motivated by love, the return is complete leaving no trace of any taint, which is not the case where it is motivated by fear].
- (27) Jer. III, 14.
- (28) Hos. XIV, 2.

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R. Johanan said: Great is repentance. for it overrides a prohibition of the Torah, as it is said: . . . saying: If a man put away his wife, and she go from him, and become another man's, may he return unto her again? Will not that land be greatly polluted? But thou hast played the harlot with many lovers; and wouldest thou yet return to Me? Saith the Lord.¹ R. Jonathan said: Great is repentance, because it brings about redemption, as it is said And a redeemer will come to Zion, and unto them that turn from transgression in Jacob,² i.e., why will a redeemer come to Zion? Because of those that turn from transgression in Jacob. Resh Lakish said: Great is repentance, for because of it premeditated sins are accounted as errors, as it is said: Return, O Israel, unto the Lord, thy God,' for thou hast stumbled in thy iniquity.³ 'Iniquity' is premeditated, and yet he calls it 'stumbling' But that is not so! For Resh Lakish said that repentance is so great that premeditated sins are accounted as though they were merits, as it is said: And when the wicked turneth from his wickedness, and doeth that which is lawful and right, he shall live thereby!⁴ That is no contradiction: One refers to a case [of repentance] derived from love, the other to one due to fear. R. Samuel b. Nahmani said in the name of R. Jonathan: Great is repentance, because it prolongs the [days and]⁵ years of man, as it is said: 'And when the wicked turneth from his wickedness . . . he shall live thereby'. R. Isaac said: In the West [Palestine] they said in the name of Rabbah b. Mari: Come and see how different from the character of one of flesh and blood is the action of the Holy One, blessed be He. As to the character of one of flesh and blood, if one angers his fellow,⁶ it is doubtful whether he [the latter] will be pacified or not by him. And even if you would say, he can be pacified, it is doubtful whether he will be pacified by mere words. But with the Holy One, blessed be He, if a man commits a sin in secret, He is pacified by mere words, as it is said: Take with you words, and return unto the Lord.⁷ Still more: He even accounts it to him as a good deed, as it is said: And accept that which is good.⁷ Still more: Scripture accounts it to him as if he had offered up bullocks, as it is said : So will we render for bullocks the offerings of our lips.⁷ Perhaps you will say [the reference is to] obligatory bullocks. Therefore it is said: I will heal their backsliding, I will love them freely.⁸

It was taught: R Meir used to say, Great is repentance. for on account of an individual who repents, the sins of all the world are forgiven, as it is said: I will heal their backsliding. I will love them freely, for mine anger is turned away from him.⁸ 'From them' it is not said, but 'from him,'.

How is one proved a repentant sinner? — Rab Judah said: If the object which caused his original transgression comes before him on two occasions, and he keeps away from it. Rab Judah indicated: With the same woman, at the same time, in the same place. Rab Judah said: Rab pointed out the following contradictions. It is written: Happy is he whose transgression is covered,⁹ whose sin is pardoned;¹⁰ and it is also written: He that covereth his 'transgression shall not prosper?'¹¹ This is no difficulty, one speaks of sins that have become known [to the public], the other of such as did not become known.¹² R. Zutra b. Tobiah in the name of R. Nahman said: Here we speak of sins committed by a man against his fellow, there of sins committed by man against the Omnipresent.¹³ It was taught: R. Jose b. Judah said: If a man commits a transgression, the first, second and third time he is forgiven, the fourth time he is not forgiven, as it is said: Thus saith the Lord.' For three transgressions of Israel, Yea for four, I will not reverse it;¹⁴ and furthermore it says: Lo, all these things does God work, twice, yea, thrice, with a man.¹⁵ What does 'furthermore' serve for? — One might have assumed that applies only to a community, but not to an individual, therefore: Come and hear [the additional verse]: 'Lo, all these things does God work, twice, yea, thrice with a man'.

Our Rabbis taught: As for the sins which one has confessed on one Day of Atonement, he should not confess them on another Day of Atonement; but if he repeated them, then he should confess them, on another Day of Atonement — And if he had not committed them again, yet confessed them again, then it is with regard to him that Scripture says: As a dog that returneth to his vomit, so is a fool that repeateth his folly.¹⁶ R. Eleazar b. Jacob said: He is the more praiseworthy, as it is said: For I know my transgressions, and my sin is even before me.¹⁷ How then do I [explain]. 'As a dog that returneth to his vomit, etc.'? In accord with R. Huna; for R. Huna said: Once a man has committed a sin once and twice, it is permitted to him. 'Permitted'? How could that occur to you? — Rather, it appears to him as if it were permitted.¹⁸

It is obligatory to confess the sin in detail [explicitly], as it is said: This people have sinned a great sin, and have made them a god of gold.¹⁹ These are the words of R. Judah b. Baba. R. Akiba said: [This is not necessary],²⁰ as it is said: 'Happy is he whose transgression is covered, whose sin is pardoned.'²¹ Then why did Moses say: 'And have made them a god of gold'? That is [to be explained] in accord with R. Jannai, for R. Jannai said:²² Moses said before the Holy One, blessed be He: The silver and gold which Thou hast increased unto Israel until they said 'enough !'²³ has caused them to make golden gods.

Two good administrators arose unto Israel, Moses and David. Moses begged: let my sin be written down, as it is said: Because ye believed not in me to sanctify me.²⁴ David begged that his sin be not written down, as it is said; 'Happy is he whose transgression is forgiven, whose sin is pardoned'. This case of Moses and Aaron may be compared to the case of two women who received in court the punishment of stripes; one had committed an indecent act, the other had eaten the unripe figs of the seventh year.²⁵ Whereupon the woman who had eaten unripe figs of the seventh year said: I beg of you, make known for what offence I²⁶ have been punished with stripes, lest people say: The one woman was punished for the same sin that the other was punished for. They brought unripe fruits of the seventh year, and hanged them on her neck, and they were calling out before her: This woman was punished with stripes because she ate the unripe figs of the seventh year.

One should expose hypocrites to prevent²⁷ the profanation of the Name,²⁸ as it is said: Again, when a righteous man doth turn from righteousness. and commit iniquity, I will lay a stumbling-block before him.²⁹ The repentance of the confirmed sinner delays punishment, even though the decree of punishment for him had been signed already. The careless ease of the wicked ends in calamity. Power buries those who wield it. Naked did man come into the world, naked he leaves it. Would that his coming forth be like his coming in.³⁰ Whenever Rab went to the court, he used to say thus: Out of his own will he goes³¹ towards death, the wishes of his household he is unable to fulfil, for he returns empty to his home. Would that the coming forth be like the going in.³²

(Whenever Raba went to the court he used to say thus:

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- (1) Jer. III, 1.
(2) Isa. LIX, 20.
(3) Hos. XIV, 2.
(4) Ezek. XXXIII, 19.
(5) Supplemented from Bah.
(6) So MS.M.; cur. edd. add 'with words'.
(7) Hos. XIV, 3.
(8) Ibid. 5.
(9) E.V. 'forgiven'.
(10) Ps. XXXII, 1.
(11) Prov. XXVIII, 13. The phrase 'covering of sin' is understood in the sense of hiding it, not making it public by confession.
(12) Certain sins, such as have become notorious, one ought to confess publicly; secret sins one need confess to none but God.
(13) Social sins one ought to make known to others so that they might intercede on his behalf unto the person he offended; ritual transgressions one need reveal but to God.
(14) Amos II, 6.
(15) Job XXXIII, 29.
(16) Prov. XXVI, 11.
(17) Ps. LI, 5.
(18) In that respect he becomes like a dog, returning to his vomit.
(19) Ex. XXXII, 31.
(20) Supplemented from Bah.
(21) V. supra p. 430, n. 3.
(22) V. Ber. 32a.
(23) A play on the name of a place 'Di zahab' (Deut. I, 1) which is read 'Dai zahab' viz., 'enough of gold'.
(24) Num. XX, 12.
(25) Unripe figs of the Sabbatical year, which must not be eaten, as Sabbatical produce must not be wasted.
(26) Lit., 'she'.
(27) Lit., 'on account of'.
(28) People should not imitate their conduct.
(29) Ezek. III, 20.
(30) That he leave life as innocent as he entered it.
(31) Referring to himself.
(32) The responsibility involved in rendering decision appeared to him as momentous as if the ethical dangers involved were physical ones. The stipend was insufficient to meet the needs of his household, the only fruit was the fear that he may leave the court less righteous than he entered it. There were no salaries for the judges in antiquity. Like the office of the Rabbi, it was a post of honour. But every scholar who spent his time exclusively in the study of the Torah was freed from taxes and received public and private privileges.

Talmud - Mas. Yoma 87a

Out of his own will he goes towards death, the wishes of his household he is unable to fulfil, for he returned empty to his house. Would that the coming forth be like the going in).¹ And when he [Rab]² saw a crowd escorting him, he would say: Though his excellency mount up to heaven, and his head reach unto the clouds, yet shall he perish forever like his own dung, they that have seen him shall say: 'Where is he?'³ When R. Zutra was carried shoulder-high⁴ on the Sabbath before the Pilgrimage festivals,⁵ he would say: For riches are not forever; and doth the crown endure unto all generations?⁶

It is not good to respect the person of the wicked.⁷ It is not good for the wicked that they are being

favoured [by the Holy One, blessed be He] in this world. It was not good for Ahab that he was favoured in this world, as it is said: Because he humbled himself before Me, I will not bring the evil in his days.⁸ So as to turn aside the righteous in judgment⁹ — it is good for the righteous that they are not favoured in this world. It was good for Moses that he was not favoured in this world, as it is said: Because ye believed not in Me, to sanctify Me [etc.]. But had you believed in Me your time to depart this world would not yet have come. Happy are the righteous! Not only do they acquire merit, but they bestow merit upon their children and children's children to the end of all generations, for Aaron had several sons who deserved to be burnt like Nadab and Abihu, as it is said: 'That were left';¹⁰ but the merit of their father helped them. Woe unto the wicked! Not alone that they render themselves guilty, but they bestow guilt upon their children and children's children unto the end of all generations. Many sons did Canaan have, who were worthy to be ordained¹¹ like Tabi, the slave of R. Gamaliel, but the guilt of their ancestor caused them [to lose their chance].

Whosoever causes a community to do good, no sin will come through him, and whosoever causes the community to sin, no opportunity will be granted him to become repentant. Whosoever causes a community to do good, no sin will come through him'. Why? Lest he be in Gehinnom, and his disciples in Gan Eden [Paradise], as it is said: For Thou wilt not abandon my soul to the nether world, neither wilt Thou suffer thy godly one to see the pit.¹²

'And whosoever causes the community to sin, no opportunity will be granted him for repentance', lest he be in Gan Eden and his disciples in Gehinnom, as it is said: A man, that is laden with the blood of any person shall hasten his steps unto the pit; none will help him.¹³

IF ONE SAYS: I SHALL SIN, AND REPENT, SIN AND REPENT. Why is it necessary to state I SHALL SIN AND I SHALL REPENT twice? — That is in accord with what R. Huna said in the name of Rab; for R. Huna said in the name of Rab: Once a man has committed a transgression once or twice, it becomes permitted to him. 'Permitted'? How could that come into your mind — Rather, it appears to him like something permitted.

I SHALL SIN AND THE DAY OF ATONEMENT SHALL PROCURE ATONEMENT; THEN THE DAY OF ATONEMENT DOES NOT PROCURE ATONEMENT. Shall we say that our Mishnah is not in accord with Rabbi, for Rabbi said: It was taught, For all transgressions of Biblical commandments, whether he repented or not, whether positive or negative, does the Day of Atonement procure atonement? — You may even say it will be in agreement with Rabbi. It is different when he relies on it.¹⁴

FOR TRANSGRESSIONS COMMITTED BY MAN AGAINST THE OMNIPRESENT. R. Joseph b. Helbe pointed out to R. Abbahu the following contradiction: [We learned]:¹⁵ FOR TRANSGRESSIONS COMMITTED BY MAN AGAINST HIS FELLOWMAN THE DAY OF ATONEMENT PROCURES NO ATONEMENT, but it is written: If one man sin against his fellow-man, God [Elohim] will pacify him?¹⁶ 'Elohim' here means 'the Judge'. But how then is the second half of the clause to be understood, 'But if a man sin against the Lord, who shall entreat for him'? — This is what he means to say: 'If a man sins against his fellow-man, the judge will judge him, he [his fellow] will forgive him';¹⁷ 'but if a man sins against the Lord God, who shall entreat for him'? Only repentance and good deeds.

R. Isaac said: Whosoever offends his neighbour, and he does it only through words, must pacify him, as it is written: My son, if thou art become surety for thy neighbour, If thou hast struck thy hands for a stranger — , thou art snared by the words of thy mouth. . . do this, now, my son, and deliver thyself, seeing thou art come into the hand of thy neighbour; go, humble thyself, and urge thy neighbour.¹⁸ If he has a claim of money upon you, open the palm of your hand to him,¹⁹ and if not, send many friends to him.²⁰ R. Hisda said: He should endeavour to pacify him through three groups

of three people each, as it is said: He cometh before me and saith: I have sinned and perverted that which was right, and it profited me not.²¹ R. Jose b. Hanina said: One who asks pardon of his neighbour need do so no more than three times, as it is said: Forgive. I pray thee now . . . and now we pray thee.²² And if he [against whom he had sinned] had died, he should bring ten persons and make them stand by his grave and say: I have sinned against the Lord, the God of Israel, and against this one, whom I have hurt. R. Abba had a complaint against R. Jeremiah. He [R. Jeremiah] went and sat down at the door of R. Abba and as the maid poured out water, some drops fell upon his head. Then he said: They have made a dung-heap of me, and he cited this passage about himself: He raiseth up the poor out of the dust.²³ R. Abba heard that and came out towards him, saying: Now, I must come forth to appease you, as it is written: 'Go, humble thyself and urge thy neighbour'. When R. Zera had any complaint against any man, he would repeatedly pass by him,²⁴ showing himself to him, so that he may come forth to [pacify] him. Rab once had a complaint against a certain butcher, and when on the eve of the Day of Atonement he [the butcher] did not come to him,²⁵ he said: I shall go to him to pacify him. R. Huna met him and asked: Whither are you going, Sir? He said, To pacify So-and-so. He thought: Abba²⁶ is about to cause one's death.²⁷ He went there and remained standing before him [the butcher], who was sitting and chopping an [animal's] head. He raised his eyes and saw him [Rab], then said: You are Abba, go away. I will have nothing to do with you. Whilst he was chopping the head, a bone flew off, struck his throat, and killed him.

Once Rab was expounding portions of the Bible²⁸ before Rabbis, and there entered

(1) [This bracketed passage is left out in MS.M.].

(2) V. Sanh. 7b.

(3) Job XX, 6-7.

(4) He was advanced in age and unable to walk quickly, and thus he was carried so that the audience should not have to wait long for his arrival.

(5) When he would preach on the Festival laws.

(6) Prov. XXVII, 24.

(7) Ibid. XVIII, 5.

(8) I Kings XXI, 29.

(9) Prov. XVIII, 5.

(10) Lev. X, 12, the suggestion being 'they were left to survive', having also deserved the punishment suffered by their two brethren.

(11) The official ordination, lit., 'laying hands' on the scholar,

(12) Ps. XVI, 9.

(13) Prov. XXVIII, 17.

(14) Lit., 'by the way of'. Since he relies upon the capacity of the Day of Atonement to forgive, for sinning, such forgiveness is not procured by that day.

(15) Supplemented from Bah.

(16) I Sam. II, 25. E.V. 'shall judge him', Elohim may mean either 'God' or 'judge,' and so the Hebrew verb 'palel' may mean either 'judge' or 'pray', thus 'pacify', 'forgive'. The two meanings of the words are represented in the two suggestions here.

(17) [An instance of aposiopesis, in which part of the sentence is suppressed, cf. Giesenius Kautzsch, ** 159dd and which part of the sentence is suppressed, cf. Gesenius Kautzsch, 159dd and 162. V. Maharsha. Rashi explains differently].

(18) Prov. VI 1-3.

(19) So Bah. I.e., pay him. The Hebrew is a play on the word **התרפם** 'humble thyself'.

(20) The Hebrew is a play on **רהב רעיוך** 'urge thy neighbour'.

(21) Job XXXIII, 27. The root for 'right' — 'yashar' is interpreted as if derived from 'shur', from which the noun 'shurah', 'row', 'group' is derived.

(22) Gen. L, 17. The brethren, in their appeal to Joseph to forgive the wrong they had done to him, use the term 'na' (O, pray) three times.

(23) I Sam. II, 8.

(24) To, make it easier for him to endeavour reconciliation.

(25) To pacify him.

(26) Because the butcher had neglected to make his effort to reconcile Rab. Abba was the real name of Rab.

(27) As he knew that the butcher was a hard man and would not take advantage of Rab's offer at reconciliation.

(28) פסיק דדרא V. Shab., Sonc. ed., p. 572, n. 1.

Talmud - Mas. Yoma 87b

R. Hiyya, whereupon Rab started again from the beginning; as Bar Kappara entered, he started again from the beginning; as R. Simeon, the son of Rabbi entered, he started again from the beginning. But when R. Hanina b. Hama entered, he said: So often shall I go back? And he did not go over it again. R. Hanina took that amiss. Rab went to him on thirteen eves of the Day of Atonement, but he would not be pacified. But how could he do so, did not R. Jose b. Hanina Say: One who asks pardon of his neighbour need not do so more than three times?¹ — It is different with Rab.² But how could R. Hanina act so [unforgivingly]? Had not Raba said that if one passes over his rights, all his transgressions are passed over [forgiven]? — Rather: R. Hanina had seen in a dream that Rab was being hanged on a palm tree, and since the tradition is that one who in a dream is hanged on a palm tree will become head [of an Academy] he concluded that authority will be given to him, and so he would not be pacified, to the end that he departed to teach Torah in Babylon.³

Our Rabbis taught: The obligation of confession of sins comes on the eve of the Day of Atonement, as it grows dark. But the Sages said: Let one confess before one has eaten and drunk, lest one become upset⁴ in the course of the meal. And although one has confessed before eating and drinking, he should confess again after having eaten and drunk, because perchance some wrong has happened in the course of the meal, And although he has confessed during the evening prayer, he should confess again during the morning prayer; [and although he has confessed] during the morning prayer, he should do so again during the Musaf [additional prayer]. And although he had confessed during the Musaf, he should do so again during the afternoon prayer; and although he had done so in the afternoon prayer, he should confess again in the Ne'ilah [concluding prayer]. And when shall he say [the confession]? The individual after his 'Amidah Prayer',⁵ the public reader in the middle thereof. What is it [the confession]? — Rab said: 'Thou knowest the secrets of eternity'.⁶ Samuel said: From the depths of the heart.⁷ Levi said: And in thy Torah it is said . . .⁸ R. Johanan said: Lord of the Universe, [etc.].⁹ Rab Judah: 'Our iniquities are too many to count, and our sins too numerous to be counted'. R. Hamnuna said: 'My God, before I was formed, I was of no worth, and now that I have been formed, it is as if I had not been formed. I am dust in my life, how much more in my death. Behold I am before Thee like a vessel full of shame and reproach. May it be thy will that I sin no more, and what I have sinned wipe away in Thy mercy, but not through suffering'.¹⁰ That was the confession [of sins] used by Rab all the year round, and by R. Hamnuna the younger, on the Day of Atonement. Mar Zutra said: All that [is necessary only] when he did not say: 'Truly, we have sinned'.¹¹ but if he had said: 'Truly, we have sinned', no more is necessary, for Bar Hamdudi said: Once I stood before Samuel, who was sitting, and when the public reader came up and said: 'Truly, we have sinned', he rose. Hence he inferred that this was the main confession.

We learned elsewhere: On three occasions of the year the priests raise their hands [in benediction] four times during the day; at the morning prayer, at Musaf, at Minhah [afternoon prayer] and at the closing of the [Temple] gates. Viz., on fast days, at the ma'amads and on the Day of Atonement.¹² What [is the prayer at] 'the closing of the [Temple] gates'? — Rab said: An extra prayer.¹³ Samuel said: 'Who are we, what is our life, etc.'?¹⁴

The following objection was raised: On the evening of the Day of Atonement one reads seven [benedictions]¹⁵ and then makes the confession, in the morning prayer one reads seven

[benedictions] and makes confession, at Musaf one reads the seven [benedictions] and makes confession, at Minhah one reads the seven [benedictions] and makes confession, and at Ne'ilah one reads the seven [benedictions] and makes confession?¹⁶ [And further was]¹⁷ it taught: On the Day of Atonement as it becomes dark one reads the seven benedictions and makes confession, and concludes with the confession¹⁸ — that is the view of R. Meir, whereas the Sages say: He should read the seven [benedictions], and if he wishes to conclude with the confession, he may do so. That would be a refutation of Samuel?¹⁹ — It is a refutation.

'Ulla b. Rab came down [to the reader's desk] before Raba, commencing the Ne'ilah prayer with 'Thou hast chosen us and concluding with 'What are we, what is our life', and he praised him. R. Huna b. Nathan said: The individual should say it²⁰ after his prayer.

Rab said: The concluding prayer exempts from evening prayer [to follow]. Rab goes according to his idea that it is all extra prayer, and since one has said it already [at dusk] it is not required any more. But did Rab say so? Did not Rab say: The halachah is according to the view that the evening Prayer is not obligatory?²¹ He said this on the view that it is obligatory.²²

An objection was raised: On the evening of the Day of Atonement he should read seven [benedictions] and make confession, in the morning also seven and make confession, at Musaf also seven and make confession, at Minah also seven and make confession,²³ at Ne'ilah also seven and make confession, at the evening Prayer he reads seven benedictions [the seventh consisting of] the substance of the eighteen benedictions.²⁴ R. Hanina b. Gamaliel said in the name of his ancestors: One must read the complete prayer of eighteen benedictions,

(1) V. supra p. 435.

(2) He goes beyond what the law requires, his humility and kindness refuse to recognize limits in such matters.

(3) After the death of Raba, R. Hanina became head of the Academy (v. Keth. 103b) and he interpreted the dream to mean that he would die soon, to make place for Rab. In order to allow for another interpretation, with less fatal results to himself of that vision, he refused to become reconciled to Rab, forcing the latter to go to Babylon, where in accord with that dream he did become before long head of the School of Sura.

(4) Through drink.

(5) The 'Amidah, the prayer par excellence.

(6) V. P.B., p. 259.

(7) [Probably the same as the prayer mentioned by Rab, except that Samuel substitutes 'The depths of the Heart' for 'secrets of the eternity' V. D.S. a.l.].

(8) [For us this day He shall make atonement for you (Rashi); v. P. B., p. 257].

(9) V. P.B., p. 7.

(10) V. P.B., p. 263.

(11) V. P.B., p. 258.

(12) For notes v. Ta'an., Sonc. ed., p. 136.

(13) I.e., an extra Amidah consisting of the usual seven benedictions like all the other Amidahs of Festivals.

(14) V. P.B., p. 267.

(15) I.e., the Amidah, cf. n. 2.

(16) This contradicts Samuel's opinion.

(17) [So emended by Ronsburg, v. Marginal Glosses; cur. edd. This is a point of dispute between Tannas, v. note 8].

(18) [I.e., he ends the middle benedictions of the 'Amidah with the usual formula, Blessed art Thou O Lord . . . Who forgivest (Rashi).]

(19) [Here at any rate all agree that at the concluding service there is an Amidah in contradiction to Samuel. MS.M. deletes this and reads in the Baraitha. But the Sages say he need not read the seven (benedictions), which would be in support of Samuel. Thus the view of Samuel is 'a point of' dispute among Tannas'. V. n. 6; cur. edd. present a conflated text].

(20) I.e., What are we, etc.

- (21) In which case there is no point in his present ruling.
 (22) Not arguing for himself, but for the scholar of the opposite view.
 (23) So MS.M..
 (24) V. Ber. 29a.

Talmud - Mas. Yoma 88a

because one must make mention of Habdalah¹ in the benediction [commencing with] 'Thou favourest'.² That is a dispute of Tannaim, for it was taught in a Baraitha: All those obliged to immerse themselves may do so in their usual manner on the Day of Atonement, the menstruating woman, and the woman after childbirth immerse themselves in their usual manner on the evening of the Day of Atonement. One who had a pollution may do so until the afternoon prayer.³ R. Jose said: He may do so throughout the day. But the following contradiction is to be pointed out: A man or woman afflicted with gonorrhoea, or with leprosy, one who had had intercourse with a menstruant, or one rendered unclean by contact with a dead person, may immerse themselves in their usual manner on the Day of Atonement. A menstruating woman, and a woman after childbirth may immerse themselves in their usual manner on the night before the Day of Atonement. One who had experienced a pollution may immerse himself throughout the day.⁴ R. Jose said: From the Minhah onwards, he may not immerse himself? — This is no difficulty: The one refers to the case that he had read the Ne'ilah prayer,⁵ the other that he had not read the Ne'ilah. If he had prayed, what is the reason for the view of the Rabbis?⁶ — The Rabbis hold: It is obligatory to take the ritual bath at the proper times.⁷ This implies that R. Jose would not hold this not to be obligatory, but surely it was taught: If he has had the name [of God] inscribed on his body he must not bathe, nor anoint himself, nor stand in an unclean place; if it happens that he is obliged to immerse himself, he should tie some reed around, go down and immerse himself, R. Jose said: He may go down and immerse himself in the usual manner, provided he does not rub it off. And we know that they are disputing the principle as to whether it is obligatory to take the ritual bath at its definite time!⁸ [The Tanna of] that [former Baraitha]⁹ is R. Jose b. Judah, for it was taught: R. Jose b. Judah said: The [one] immersion at the end suffices for her.¹⁰ Our Rabbis taught: One who experiences a pollution on the Day of Atonement should go down and immerse himself and in the evening he should rub himself off properly. 'In the evening'? What is passed, is it not passed?¹¹ Rather say: He should rub himself off on the eve before!¹² He holds it is obligatory to rub oneself off. A tanna¹³ recited before R. Nahman: To one who experienced a pollution on the Day of Atonement, all sins will be forgiven. But it was taught: All his sins will be arranged before him? — What does 'arranged' mean? Arranged to be forgiven. In the School of R. Ishmael it was taught: One who experienced a [night-] pollution on the Day of Atonement, let him be anxious throughout the year, and if he survives the year, he is assured of being a child of the world to come. R. Nahman b. Isaac said: You may know it [from the fact that] all the world is hungry, and he is satisfied. When R. Dimi came, he said: He will live long, thrive and beget many children.¹⁴

(1) Lit., 'division'. The reference to the distinction between holy and profane recited in the Amidah on the termination of the Sabbath and Festivals.

(2) V. P.B., p. 46.

(3) That means, if he had experienced pollution before then, he may immerse himself until Minhah, so that he may pray the afternoon prayer. But if it happened after the afternoon prayer, he should not immerse himself, but await until dark therewith. The Sages hold that the Ne'ilah is to be said at night, and therefore in agreement with Rab's teaching, renders exempt the evening prayer; whereas R. Jose, who holds that the man who had experienced pollution may immerse himself throughout the day, so that even if he had experienced after the afternoon prayer, he may immerse himself in order that he might pray the concluding prayer, is of the opinion that the Ne'ilah prayer is not said at night, and therefore does not exempt the evening service.

(4) V. supra 6b.

(5) Before he experienced the pollution, and therefore R. Jose holds that he may not immerse himself after the Minhah.

- (6) In the second Baraitha, allowing immersion after Minhah.
- (7) And since the time of the immersion of those who experienced pollution is during the day, they may do so even after Minhah.
- (8) V. supra 8a.
- (9) Who does not permit immersion after Minhah because he does not regard it as an obligation to immerse at the proper time.
- (10) V. Shab., Sonc. ed., p. 598, n. 11.
- (11) How can a later action influence something completed before?
- (12) So that his body be sufficiently clean, and in the case of a pollution the immersion will touch every part of his body. An immersion is ritually effective only if the waters reach unimpeded the whole surface of the body.
- (13) V. Glos. s.v. (b).
- (14) His experience indicates that his seed will multiply.

Mishna - Mas. Zavim Chapter 1

MISHNAH 1. IF A MAN HAS SEEN ONE ISSUE OF THE FLUX,¹ BETH SHAMMAI SAY: HE IS TO BE COMPARED TO [A WOMAN] WHO AWAITS DAY AGAINST DAY;² BUT BETH HILLEL SAY: HE IS TO BE COMPARED TO ONE WHO HAS SUFFERED [NOCTURNAL] POLLUTION.³ SHOULD HE SEE AN ISSUE [ONE DAY]. AND ON THE SECOND IT STOPPED, AND ON THE THIRD DAY HE SAW TWO [ISSUES], OR ONE [ISSUE] THAT WAS AS COPIOUS AS TWO,⁴ BETH SHAMMAI SAY: HE IS A REAL ZAB;⁵ BUT BETH HILLEL SAY: HE DEFILES THOSE OBJECTS ON WHICH HE SITS OR LIES, AND MUST ALSO OBTAIN IMMERSION IN RUNNING WATER, BUT HE IS EXEMPT FROM THE OFFERING.⁶ R. ELEAZAR B. JUDAH SAID: BETH SHAMMAI CONCUR THAT IN SUCH A CASE HE CANNOT BE DEEMED A REAL ZAB;⁷ WHERE THEY DO DISPUTE IS IN THE CASE OF ONE WHO HAD SUFFERED TWO [ISSUES], OR ONE [ISSUE] THAT WAS AS COPIOUS AS TWO [ON ONE DAY], AND STOPPED ON THE SECOND DAY, AND ON THE THIRD DAY HE SAW ANOTHER [ISSUE]. IN SUCH A CASE BETH SHAMMAI SAY: HE IS A REAL ZAB;⁸ BUT BETH HILLEL SAY: HE ONLY DEFILES THOSE OBJECTS ON WHICH HE SITS OR LIES, AND MUST OBTAIN IMMERSION IN RUNNING WATER, BUT IS EXEMPT FROM THE OFFERING.⁹

MISHNAH 2. IF ONE SUFFERS AN ISSUE OF SEMEN ON THE THIRD DAY OF COUNTING AFTER HIS FLUX,¹⁰ BETH SHAMMAI SAY: IT RENDERS VOID THE TWO CLEAN DAYS THAT HAVE PRECEDED;¹¹ BUT BETH HILLEL SAY: IT RENDERS VOID ONLY THAT DAY.¹² R. ISHMAEL SAYS: IF HE SUFFERED IT ON THE SECOND DAY,¹³ IT RENDERS VOID THE PRECEDING DAY;¹⁴ BUT R. AKIBA SAYS: IT MATTERS NOT WHETHER HE SUFFERED IT ON THE SECOND OR THIRD DAY¹⁵ — [IN EITHER CASE] BETH SHAMMAI SAY, IT RENDERS VOID THE TWO PRECEDING DAYS, AND BETH HILLEL SAY, IT RENDERS VOID ONLY THAT DAY ITSELF. BUT THEY¹⁶ CONCUR THAT IF HE SUFFERED IT ON THE FOURTH DAY [OF COUNTING] IT RENDERS VOID ONLY THAT DAY [OF THE COUNTING],¹⁷ PROVIDED IT WAS A DISCHARGE OF SEMEN; BUT IF IT HAD BEEN AN ISSUE OF FLUX, THEN EVEN IF THIS HAD OCCURRED ON THE SEVENTH DAY, IT RENDERS VOID ALL THE DAYS THAT HAD PRECEDED.¹⁸

MISHNAH 3. IF HE SAW ONE ISSUE ON ONE DAY AND TWO ON THE NEXT DAY, OR TWO ON ONE DAY AND ONE ON THE MORROW, OR THREE ON THREE [CONSECUTIVE] DAYS, OR THREE NIGHTS, HE IS DEEMED A REAL ZAB.¹⁹

MISHNAH 4. IF HE SAW ONE [ISSUE] AND A PAUSE TOOK PLACE OF SUFFICIENT DURATION TO ALLOW AN IMMERSION AND A DRYING,²⁰ AND AFTER THAT HE SAW TWO ISSUES, OR ONE AS COPIOUS AS TWO,²¹ OR IF HE SAW TWO [ISSUES] OR ONE AS COPIOUS AS TWO, AND AN INTERVAL TOOK PLACE OF SUFFICIENT DURATION TO ALLOW AN IMMERSION AND A DRYING, AND AFTER THAT HE AGAIN SAW AN ISSUE, HE IS A REAL ZAB.

MISHNAH 5. IF HE SAW ONE ISSUE WHICH WAS AS COPIOUS AS THREE, LASTING AS LONG [AS IT TAKES TO GO] FROM GAD-YAWAN²² TO SILOAH,²³ IN WHICH TIME ONE CAN BATHE AND DRY TWICE,²⁴ HE BECOMES A REAL ZAB. IF HE SAW ONE ISSUE WHICH WAS AS COPIOUS AS TWO, HE DEFILES [OBJECTS] ON WHICH HE LIES OR SITS AND MUST OBTAIN IMMERSION IN RUNNING WATER, BUT IS EXEMPT FROM BRINGING A SACRIFICE. R. JOSE SAID: THEY HAVE NOT SPOKEN OF ONE ISSUE AS COPIOUS UNLESS THERE WAS SUFFICIENT THEREIN TO MAKE UP THREE.²⁵

MISHNAH 6. IF HE BEHELD ONE ISSUE AT DAY-TIME AND ANOTHER AT TWILIGHT,

OR ONE AT TWILIGHT AND THE OTHER ON THE MORROW, THEN IF IT WERE KNOWN²⁶ THAT PART OF THE ISSUE²⁷ OCCURRED AT DAY-TIME AND PART THEREOF ON THE MORROW,²⁸ HIS STATUS IS CERTAIN IN RESPECT OF A SACRIFICE AND UNCLEANNESS;²⁹ BUT IF IT IS IN DOUBT WHETHER PART [OF THE ISSUE] OCCURRED DURING THE DAY AND PART THERE OF [ON WHAT IS] THE DAY FOLLOWING,³⁰ HE IS IN A STATUS OF CERTAINTY IN RESPECT OF DEFILEMENT,³¹ BUT IN ONE OF DOUBT IN RESPECT OF A SACRIFICE.³² IF HE HAD SEEN ISSUES ON TWO SEPARATE DAYS AT TWILIGHT,³³ HIS STATUS IS IN DOUBT BOTH IN RESPECT OF DEFILEMENT³⁴ AND IN RESPECT OF A SACRIFICE.³⁵ IF [HE HAD SEEN ONLY] ONE ISSUE AT TWILIGHT, THERE IS A DOUBT [ALSO] IN RESPECT OF [HIS] DEFILEMENT.³⁶

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- (1) A zab is one who is afflicted with gonorrhoea as distinct from a semen discharge.
 - (2) Who, though not treated as a real zabah until she has had three issues (as defined), nevertheless defiles objects on which she sits or lies after the first issue; cf. Nid. 39a. cf., however, ibid. 72b.
 - (3) Cf. Lev. XV, 16ff. Such a one does not convey uncleanness to objects lain or sat upon; neither does it defile by carriage but only by contact.
 - (4) I.e., the issue lasted as long as he could traverse during its duration a distance of fifty cubits. The measure of time usually employed is the time taken by man to immerse and dry himself.
 - (5) Subject to all laws enumerated in Lev. XV, 12-15. When one has seen two issues on one day, or on two consecutive days, he must begin to count seven clean days, but is exempt from bringing a sacrifice; but if he has suffered three issues on one day, or on three consecutive days, he becomes a real zab and he must count seven clean days and bring a sacrifice (Lev. XV, 2-3). In the case of a woman, however, these three issues had to occur on three consecutive days.
 - (6) The differentiating points of view between the two rival schools are these: Beth Shammai say a real zab is one who has beheld three issues, even if there was an interval of a fluxless day between the first and third, but according to Beth Hillel, the fluxless second day neutralizes the issue of the first.
 - (7) Since the fluxless second day neutralizes the issue beheld on the previous day.
 - (8) Maintaining that since the counting of seven clean days has begun with the appearance of two issues on the first day, the fluxless second day is of no account, and it is as if he had beheld three issues; accordingly a sacrifice must be brought.
 - (9) Due to the absence of issue on the second day, he cannot be pronounced as a real zab; hence no offering is brought.
 - (10) Having suffered two issues of flux and thereupon commenced the counting of seven clean days.
 - (11) And another counting of seven days must commence; Nid. 22a.
 - (12) On which he suffered an issue of semen, and only five further days are to be counted; the first two being included in the total of seven.
 - (13) I.e., he had counted one clean day and had beheld an issue of semen on the second day.
 - (14) Even Beth Hillel agree that in such a case the preceding day is rendered void.
 - (15) Maintaining that in such an instance the dispute holds good.
 - (16) Beth Shammai.
 - (17) Since three clean days had transpired.
 - (18) For the Bible lays emphasis on seven clean days; viz., until all the seven consecutive days are free from flux; v. Nid. 33b.
 - (19) V. supra I, 2.
 - (20) Less than this time is not accounted an interval, and the second flux is included with the first. To count it as two distinct issues, this lapse of time must ensue.
 - (21) I.e., there is sufficient time between the commencement and conclusion of the flux for immersion and drying the body.
 - (22) Gad (the God of Fortune) of the Greeks cf. Isa LXV, 11. Probably the name of a pool connected with Siloah, near Jerusalem; cf. Sanh. 63b. V. 'Er. 22b; Toh. VI, 6. Aliter: the shrine of a pagan idol (Bert.).
 - (23) Siloam; Isa. VIII, 6.
 - (24) I.e., in which a distance of one hundred cubits can be traversed.
 - (25) Only then was the sacrifice obligatory. According to R. Jose, no issue, copious as it was, could be deemed as more than one, unless quantitatively it contained the amount of three separate issues.

- (26) I.e., theoretically, as in point of fact this can not be ascertained.
- (27) Which was seen at twilight.
- (28) Even if there be not the stipulated time of immersion and drying between; the reason being that twilight is at the parting of two distinct days a day dying and a day awaiting birth.
- (29) Having witnessed three issues; for the one at twilight, being at the parting of two days, is deemed as two.
- (30) For the issue may have terminated while it was yet day, or commenced only after nightfall.
- (31) Having at least beheld two issues.
- (32) Since it is questionable whether the issue at twilight is to be deemed one or two.
- (33) The first issue was when twilight commenced, and the second when twilight ended. An Illustration: If he had seen an issue on Friday eve, with the appearance of twilight, and the second issue at the termination of the Sabbath — the Sabbath Day itself being issue-less — accordingly, he had not experienced two issues on two consecutive days. If, however, twilight is reckoned either as belonging to the day or night, there are two issues on two consecutive days, and the counting of seven clean days must commence, though no sacrifice is brought. On the other hand, if twilight be divided as partly belonging to day and partly to night, then the issue beheld is deemed as two, and together with the one witnessed in that day, constitute three issues, and sacrifice must be brought, though he must not eat thereof on account of doubt of its liability (Bert.).
- (34) Lest one clear day had elapsed between the two issues.
- (35) Since the twilight's issue may have been bipartite, belonging both to this day and the day following.
- (36) Lest it be only of sufficiency for one issue.

Mishna - Mas. Zavim Chapter 2

MISHNAH 1. ALL PERSONS¹ BECOME UNCLEAN THROUGH A FLUX, ALSO PROSELYTES AND SLAVES WHETHER FREED OR NOT, A DEAF-MUTE, AN IMBECILE OR MINOR, A EUNUCH WHETHER [HE HAD BEEN EMASCULATED] BY MAN, OR WAS A EUNUCH FROM [THE TIME OF SEEING] THE SUN.² UPON ONE WHOSE SEX WAS UNKNOWN, OR UPON A HERMAPHRODITE,³ THE STRINGENCIES APPERTAINING TO BOTH MAN AND WOMAN ARE IMPOSED: THEY DEFILE THROUGH BLOOD LIKE A WOMAN, AND THROUGH FLUX⁴ LIKE A MAN. THEIR UNCLEANNES, HOWEVER, STILL REMAINS IN DOUBT.⁵

MISHNAH 2. ALONG [THE FOLLOWING] SEVEN LINES IS A ZAB EXAMINED AS LONG AS HE HAD NOT ENTERED THE BOUNDS OF ZIBAH:⁶ [ENQUIRIES] AS TO [WHAT WAS] HIS FOOD,⁷ DRINK,⁸ AS [TO WHAT] HE HAD BORNE, WHETHER HE HAD JUMPED, WHETHER HE HAD BEEN ILL, WHAT HE HAD SEEN,⁹ OR [WHETHER HE HAD] OBSCENE REFLECTIONS. [IT DIFFERED LITTLE] WHETHER HE HAD REFLECTED [OBSCENELY] PRIOR TO SEEING [A WOMAN], OR WHETHER HE HAD SEEN [A WOMAN] PRIOR TO HIS [OBSCENE] REFLECTIONS.¹⁰ R. JUDAH ADDS: EVEN IF HE HAD WATCHED BEASTS, WILD ANIMALS OR BIRDS HAVING INTERCOURSE WITH EACH OTHER, AND EVEN WHEN HE HAD SEEN A WOMAN'S DYED GARMENTS. R. AKIBA ADDED: EVEN IF HE HAD EATEN ANY KIND OF FOOD, BE IT GOOD OR BAD, OR HAD DRUNK ANY KIND OF LIQUID.¹¹ WHEREUPON THEY EXCLAIMED TO HIM: ['ACCORDING TO YOUR VIEW] THERE WILL BE NO ZABIM IN THE WORLD HENCEFORTH!'¹² HIS RETORT TO THEM WAS: YOU ARE NOT HELD RESPONSIBLE FOR THE EXISTENCE OF ZABIM!'¹³ AS SOON, HOWEVER, AS IT HAD ENTERED THE BOUNDS OF ZIBAH,¹⁴ NO FURTHER EXAMINATION TOOK PLACE.¹⁵ [HIS FLUX] RESULTING¹⁶ FROM AN ACCIDENT, OR THAT WAS AT ALL DOUBTFUL,¹⁷ OR AN ISSUE OF SEMEN, THESE ARE UNCLEAN,¹⁸ SINCE THERE IS WHEREON TO RELY.¹⁹ IF HE BEHELD A FIRST [ISSUE] HE IS EXAMINED; ON THE SECOND [ISSUE] HE IS EXAMINED,²⁰ BUT ON THE THIRD [ISSUE] NO EXAMINATION TAKES PLACE.²¹ R. ELIEZER SAYS: ALSO ON THE THIRD [ISSUE] HE IS EXAMINED TO ASCERTAIN HIS LIABILITY TO A SACRIFICE.

MISHNAH 3. IF ONE SUFFERED [A DISCHARGE OF] SEMEN HE DOES NOT CONVEY UNCLEANNESS BY REASON OF A FLUX²² FOR TWENTY-FOUR HOURS.²³ R. JOSE SAYS: [ONLY] THAT DAY. IF A GENTILE EXPERIENCED A DISCHARGE OF SEMEN, AND HE BECAME A PROSELYTE, HE BECOMES IMMEDIATELY UNCLEAN BY REASON OF A FLUX.²⁴ IF [A WOMAN] HAD [AN ISSUE] OF BLOOD,²⁵ OR HAD EXPERIENCED DIFFICULTY [IN CHILDBIRTH],²⁶ [THE TIME PRESCRIBED] IS TWENTY-FOUR HOURS.²⁷ IF ONE SMITES HIS SERVANT, THE 'DAY OR TWO'²⁸ IS TWENTY-FOUR HOURS. IF A DOG ATE A CORPSE'S FLESH, THE THREE DAYS [DURING WHICH IT CONTINUES WITHIN] IN A NATURAL STATE ARE OF TWENTY-FOUR HOURS.²⁹

MISHNAH 4. A ZAB³⁰ DEFILES THOSE OBJECTS ON WHICH HE LIES³¹ BY FIVE WAYS, WITH THE RESULT THAT THEY [IN TURN] DEFILE MEN AND GARMENTS.³² [THESE ARE:] BY STANDING, SITTING, LYING, LOUNGING OR LEANING. WHAT HE LIES UPON DEFILES MAN BY SEVEN WAYS, SO THAT HE [IN TURN] DEFILES GARMENTS.³² [THESE ARE:] BY STANDING, SITTING, LYING, LOUNGING, OR LEANING UPON IT, OR BY TOUCHING OR CARRYING IT.³³

(1) The term 'all' is always inclusive in sense; here it serves to include even a child of a day old.

(2) I.e., a eunuch by nature, v. Yeb. VIII, 4.

(3) Cf. Bik. IV.

(4) Lit., 'white'.

(5) As a man he should be clean on experiencing a flow of blood; as a woman he should be clean on suffering a discharge of flux. If, however, he experienced a flow of both (blood and flux) then he is certainly unclean; and if he had touched *terumah* it has to be burnt.

(6) If he had not yet suffered two issues that make it necessary for him to begin the seven days' counting, he is examined as to whether that second issue was not due to some accidental external cause, and hence treated like semen.

(7) Solid meals of oily foods often precipitated a discharge of semen.

(8) So did excessive drinking, and the carrying of heavy burdens.

(9) The mere sight of a very attractive woman would also often be a cause.

(10) For each independently could have been a cause of semen, and consequently it is not treated as flux.

(11) Even such that do not usually suffuse the body with a glow of warmth.

(12) Since few, if any, would as a result be declared as *zabim*.

(13) Who says there must be *zabim* in the world!

(14) I.e., after he had beheld two issues not accidentally.

(15) Even if the third issue resulted from accidental causes he has to bring the prescribed sacrifice on becoming clean. Similarly, if during the counting of the seven clean days he had beheld a flux, though accidental, the counting must commence anew.

(16) As enumerated above.

(17) Whether it was semen or a flux. V. Nazir 66a.

(18) Defiling also by contact, v. Kel. I, 3.

(19) Lit., 'the matter has feet (to stand on)'. No further evidence is necessary since we have already established the fact that he is a *zab*.

(20) Whether or not it was accidental and thereby determine his obligation to bring a sacrifice should he have two more issues. Even if the first issue was pronounced as a result of accidental causes, but the second was natural, he defiles objects on which he sits or lies, requires immersion in running water, and the counting of seven clean days.

(21) Neither for uncleanness nor for sacrifice.

(22) On the second issue.

(23) Attributing the flux to some external cause, as in Mishnah 2.

(24) A proselyte assumes the legal status of a newly-born child. Accordingly the flux beheld now that he is an Israelite has no connection with that experienced prior to his conversion.

(25) The following instances are not germane to our theme, but are cited here to include these instances in which twenty-four hours is a criterion.

- (26) Outside the period of menstruation such blood-issue is not unclean.
(27) For the former case v. Nid. 2a, and for the latter, ibid 36b.
(28) Ex. XXI, 21.
(29) V. Ohol. XI, 7. The examples above by no means exhaust all cases of twenty-four hours.
(30) The zab is cited but it refers to a menstruant, a leper, or one who has given birth to a child.
(31) Or sits upon.
(32) I.e., the men in turn defiling the garments which they touched while still in contact with the unclean object.
(33) Viz., the object which the zab had used as a couch.

Mishna - Mas. Zavim Chapter 3

MISHNAH 1. IF A ZAB AND ONE THAT WAS CLEAN SAT TOGETHER IN A BOAT, OR ON A RAFT, OR RODE TOGETHER ON A BEAST, THEY,¹ THOUGH THEIR GARMENTS HAD NOT ACTUALLY TOUCHED,² SUFFER MIDRAS³ UNCLEANNESS. IF THEY SAT TOGETHER ON A PLANK, A BENCH OR A BEDFRAME,⁴ OR ON A BEAM, WHEN THESE WERE NOT FIXED TIGHTLY,⁵ [OR] IF THEY HAD BOTH CLIMBED A TREE OF INFERIOR STRENGTH,⁶ OR [WERE SWAYING] ON A BRANCH OF INFERIOR STRENGTH⁷ OF A FIRM TREE; OR IF THEY WERE BOTH [CLIMBING] ON AN EGYPTIAN LADDER,⁸ NOT SECURED BY A NAIL,⁹ OR IF THEY SAT TOGETHER ON A BRIDGE, RAFTER OR DOOR, NOT SECURED BY CLAY, THEY¹⁰ ARE UNCLEAR. ACCORDING TO R. JUDAH THEY ARE CLEAN.

MISHNAH 2. IF THEY WERE BOTH¹¹ CLOSING OR OPENING [A DOOR], [HE THAT WAS CLEAN AND HIS GARMENTS BECOME UNCLEAR]. BUT THE SAGES SAY: [UNCLEANNESS IS NOT CONVEYED]¹² UNLESS ONE WAS SHUTTING AND THE OTHER OPENING [IT].¹³ IF ONE WAS LIFTING THE OTHER OUT OF A PIT [UN CLEANNESS IS CONVEYED]. BUT R. JUDAH SAID, ONLY IF HE THAT WAS CLEAN WAS PULLING OUT HIM THAT WAS UNCLEAR.¹⁴ IF THEY WERE TWISTING ROPES TOGETHER [UNCLEANNESS IS CONVEYED]. BUT THE SAGES SAY, UNLESS THE ONE PULLED ONE WAY AND THE OTHER PULLED THE OTHER WAY. IF THEY WERE BOTH WEAVING TOGETHER, WHETHER THEY WERE STANDING OR SITTING, OR GRINDING WHEAT, [UNCLEANNESS IS CONVEYED]. R. SIMEON DECLARES [THE CLEAN MAN] IN EVERY CASE UNDEFILED, EXCEPT WHERE THEY [BOTH] WERE GRINDING WITH A HAND-MILL. IF THEY [BOTH] WERE UNLOADING OR LOADING AN ASS, THEY¹⁵ ARE UNCLEAR IF THE LOAD WAS HEAVY, BUT CLEAN IF THE LOAD WAS LIGHT. IN BOTH CASES,¹⁶ HOWEVER, THEY ARE CLEAN FOR MEMBERS OF THE SYNAGOGUE,¹⁷ BUT ARE UNCLEAR FOR HEAVE-OFFERING.¹⁸

MISHNAH 3. IF THE ZAB AND THE CLEAN PERSON SAT TOGETHER IN A LARGE BOAT (WHAT IS A LARGE BOAT? R. JUDAH SAID: ONE THAT DOES NOT SWAY WITH A MAN'S WEIGHT), OR IF THEY SAT ON A PLANK, BENCH, BED-FRAME, OR BEAM WHEN THESE WERE FIRMLY SECURED;¹⁹ OR IF THEY BOTH CLIMBED A STRONG TREE, A FIRM BRANCH, OR A TYRIAN²⁰ LADDER, OR AN EGYPTIAN LADDER FIXED BY A NAIL; OR IF THEY SAT ON A BRIDGE, RAFTER OR DOOR, WHEN THESE WERE FASTENED WITH CLAY, IF ONLY AT ONE END, THEY REMAIN CLEAN. IF THE CLEAN MAN STRUCK THE UNCLEAR, HE STILL REMAINS CLEAN;²¹ BUT IF THE UNCLEAR STRUCK HIM THAT WAS CLEAN, HE BECOMES DEFILED; FOR [IN THAT CASE] IF HE THAT WAS CLEAN DREW BACK, THE UNCLEAR WOULD HAVE FALLEN.²²

(1) The clean man and his garments.

(2) The clean person, by his weight, causes the boat, raft or beast to sink to one side and rise at the other, thereby causing the zab to be lifted up or suspended by him.

(3) v. Glos.

(4) A frame on which a couch is spread; it used to be placed in a little bed-chamber and taken apart; or it was placed against the wall in day-time. Aliter: boards placed under a bed to prevent its rotting owing to the humidity of the ground below.

(5) With the result that they both swayed and each leaned against the other.

(6) The tree's strength was determined by ability to hollow out of its stem the size of a quarter of a kab (Bert.).

(7) Which could be hidden in the palm of a man's hand; B.M. 105a.

(8) Of the small variety; B.B. III, 6.

(9) With the result that it bent.

(10) The man that was clean and his garments.

(11) The zab and the clean person.

(12) From the zab to the clean man.

(13) At the same time. The clean person thus bearing the counter-weight of the zab.

(14) In that case, the clean person is bearing the weight of the zab. This would not be so if the reverse was the case.

(15) The man who was clean and his garments.

(16) Be the load heavy or light.

(17) Who eat hullin in purity, since doubt is attached if the clean person actually bore the weight of the zab.

(18) This being a Rabbinic injunction even in the case of uncertain defilement.

(19) Cf. supra III, 1.

(20) Of a larger variety than the Egyptian ladder; v. B.B. III, 6.

(21) From midras uncleanness, since he does not bear the weight of the zab. He and his garments do suffer hesset uncleanness, having been 'shifted' by the zab; v. infra V, 1.

(22) In his attempt to strike, hence it is as if the zab had actually leaned against him.

Mishna - Mas. Zavim Chapter 4

MISHNAH 1. R. JOSHUA SAID: IF A MENSTRUANT¹ SAT IN ONE BED WITH ONE THAT WAS CLEAN, [EVEN] THE CAP ON HER² HEAD SUFFERS MIDRAS UNCLEANNESS; AND IF SHE SAT IN A BOAT, THE VESSELS ON THE TOP OF THE MAST [ALSO] CONTRACT MIDRAS UNCLEANNESS.³ IF SHE TOOK A TUB FULL OF CLOTHES AND THEIR WEIGHT WAS HEAVY, THEY BECOME UNCLEAR,⁴ BUT IF THEIR WEIGHT WAS LIGHT, THEY REMAIN CLEAN. IF A ZAB KNOCKED AGAINST A BALCONY AND THEREBY CAUSED A LOAF OF TERUMAH TO FALL DOWN, IT REMAINS CLEAN.⁵

MISHNAH 2. IF HE KNOCKED AGAINST A JOIST, A RAFTER-FRAME, WATER-SPOUT, OR SHELF, THOUGH FIXED WITH ROPES,⁶ OR IF [HE KNOCKED AGAINST] AN OVEN, OR A FLOUR CONTAINER,⁷ OR THE LOWER MILL-STONE, OR THE JACK⁸ OF A HAND-MILL, OR THE SE'AH MEASURE⁹ OF AN OLIVE-GRINDER, [THE LOAF REMAINS CLEAN].¹⁰ R. JOSE ADDS: ALSO [IF HE KNOCKS] AGAINST THE BEAM OF THE BATH-KEEPER.¹¹ IT REMAINS CLEAN.

MISHNAH 3. IF HE KNOCKED AGAINST A DOOR, DOORBOLT,¹² LOCK, OAR,¹³ MILL-STONE FRAME,¹⁴ OR AGAINST A WEAK TREE, OR WEAK BRANCH OF A STRONG TREE, OR AGAINST AN EGYPTIAN LADDER UNSECURED BY NAILS, OR AGAINST A BRIDGE, BEAM OR DOOR, NOT MADE SECURE WITH CLAY, THEY BECOME UNCLEAR.¹⁵ [IF HE KNOCKED] AGAINST A CHEST,¹⁶ BOX OR CUPBOARD, THEY BECOME UNCLEAR. R. NEHEMIAH AND R. SIMEON, HOWEVER, PRONOUNCE THEM CLEAN IN SUCH CASES.¹⁷

MISHNAH 4. A ZAB WHO LAY LENGTHWISE ACROSS FIVE BENCHES, OR FIVE MONEY-BAGS, [MAKES THEM] UNCLEAR,¹⁸ BUT [IF HE LAY ACROSS] THEIR BREADTH, THEY ARE CLEAN.¹⁹ IF HE SLEPT [ON THEM],²⁰ AND IT WAS FEARED LEST

HE HAD TURNED HIMSELF ABOUT²¹ ON THEM, THEY ARE UNCLEAR. IF HE WAS LYING ON SIX SEATS, WITH TWO HANDS ON TWO [SEATS]. TWO FEET ON ANOTHER TWO, HIS HEAD ON ONE, WITH HIS BODY ON ANOTHER ONE, ONLY THAT ONE ON WHICH HIS BODY LAY²² IS RENDERED UNCLEAR. IF [A ZAB] STOOD ON TWO SEATS, R. SIMEON SAYS: IF THESE WERE DISTANT ONE FROM THE OTHER, THEY REMAIN CLEAN.²³

MISHNAH 5. IF THERE WERE PILED TEN CLOAKS ONE ON TOP OF THE OTHER AND HE SAT ON THE UPPERMOST ONE, ALL ARE UNCLEAR.²⁴ IF THE ZAB WAS IN ONE SCALE OF THE BALANCE AND IN THE OTHER SCALE OPPOSITE THERE WERE OBJECTS FIT TO SIT OR LIE UPON, AND THE ZAB OVERWEIGHED, THEY ARE CLEAN;²⁵ BUT IF THEY OVERWEIGHED, THEY ARE UNCLEAR. R. SIMEON SAYS:²⁶ IF THERE WAS BUT ONE [PLACE]²⁷ IT BECOMES UNCLEAR;²⁸ BUT IF THERE WERE MANY²⁹ THEY REMAIN CLEAN, SINCE NONE OF THEM HAD BORNE THE GREATER PART [OF THE ZAB'S WEIGHT].³⁰

MISHNAH 6. IF A ZAB [SAT] IN ONE SCALE OF THE BALANCE, WHILST FOOD AND LIQUIDS WERE IN THE OTHER SCALE, [THE LATTER BECOME] UNCLEAR;³¹ IN THE CASE OF A CORPSE,³² HOWEVER, EVERYTHING³³ REMAINS CLEAN,³⁴ SAVE A MAN.³⁵ THIS IS [AN EXAMPLE OF] THE GREATER STRINGENCY APPLYING TO A ZAB THAN TO A CORPSE; AND THERE IS ALSO ANOTHER INSTANCE OF GREATER STRINGENCY IN THE CASE OF A ZAB THAN A CORPSE.³⁶ FOR WHEREAS THE ZAB DEFILES ALL OBJECTS ON WHICH HE SITS OR LIES UPON, SO THAT THESE LIKEWISE CONVEY UNCLEANNESS TO MEN AND GARMENTS,³⁷ AND CONVEY, MOREOVER. TO WHAT IS ABOVE HIM A MIDDAF UNCLEANNESS,³⁸ SO THAT THESE IN TURN DEFILE FOOD AND LIQUIDS. IN THE CASE OF A CORPSE NO SUCH UNCLEANNESS TAKES PLACE.³⁹ GREATER STRINGENCY IS ALSO FOUND IN THE CASE OF A CORPSE, SINCE IT CAN CONVEY UNCLEANNESS BY OVERSHADOWING,⁴⁰ AND IMPOSES SEVEN DAYS' DEFILEMENT, WHEREAS IN THE CASE OF A ZAB NO SUCH UNCLEANNESS IS CONVEYED.

MISHNAH 7. IF HE SAT ON A BED AND THERE WERE FOUR CLOAKS UNDER THE FOUR LEGS OF THE BED, ALL BECOME UNCLEAR, SINCE THE BED CANNOT STAND ON THREE LEGS;⁴¹ BUT R. SIMEON DECLARES THEM CLEAN.⁴² IF HE RODE ON A BEAST⁴³ AND THERE WERE FOUR CLOAKS UNDER THE LEGS OF THE BEAST, THEY ARE CLEAN, SINCE THE BEAST CAN STAND UPON THREE LEGS.⁴⁴ IF THERE WAS ONE CLOAK UNDER ITS TWO FORELEGS OR ITS TWO HINDLEGS, OR UNDER A FORELEG AND A HINDLEG, IT BECOMES UNCLEAR.⁴⁵ R. JOSE SAYS: A HORSE CONVEYS UNCLEANNESS THROUGH ITS HINDLEGS. BUT AN ASS THROUGH ITS FORELEGS, SINCE A HORSE LEANS UPON ITS HINDLEGS AND AN ASS UPON ITS FORELEGS. IF HE⁴⁶ SAT ON A BEAM OF AN OLIVE-PRESS, THE VESSELS IN THE OLIVE-PRESS⁴⁷ ARE UNCLEAR; BUT IF HE SAT ON A FULLER'S PRESS, THE GARMENTS BENEATH IT ARE CLEAN;⁴⁸ R. NEHEMIAH, HOWEVER, DECLARES THEM UNCLEAR.⁴⁹

(1) Applies also to the zab and the clean person.

(2) The clean person.

(3) Defilement is contracted, though it be impossible for unclean persons to tread there.

(4) Cf. supra III, 2.

(5) Since its fall was not actually due to direct pressure of the zab, but to his vibration.

(6) I.e., not with nails, as is usually done, to secure more firmness.

(7) To collect the flour when wheat is ground.

(8) The receptacle which harbours the hand-mill.

- (9) A large measure fixed in the ground.
- (10) Being considered firm enough to withstand the knocking of the unclean person; and since the falling of the loaf is only due to vibration, no defilement takes place.
- (11) On which he sits.
- (12) A door-pin fitting into sockets top and bottom.
- (13) Cf Ezek. XXVII, 29.
- (14) A hopper to receive the flour dust. It was of a portable nature.
- (15) Being unsteady they bore the full weight of the zab.
- (16) A strong box; v. Git. 68a.
- (17) Referring to the last three objects, on account of their massive character.
- (18) Since the greater part of each had borne his weight as he lay on his back or stomach.
- (19) In this position his weight was not felt on each.
- (20) Across their breadth.
- (21) Lengthwise;
- (22) And which had borne his weight. The other seats also suffer minor uncleanness for having touched the zab, but they do not carry uncleanness to man and object.
- (23) For none had borne his full weight.
- (24) Not necessarily ten cloaks; for even if the zab sits on a large stone on top of one hundred cloaks, all the cloaks below become unclean, as objects on which the zab had sat.
- (25) I.e., from midras uncleanness, due to the absence of direct pressure from the zab; but they do contract minor uncleanness, middaf uncleanness (v. Glos.).
- (26) Following his view in Mishnah 4.
- (27) At the opposite end of the scale to sit or lie upon.
- (28) If that end went down the scales; in that case it bears the zab's full pressure.
- (29) Places opposite the zab fit to sit or lie upon.
- (30) Each of the places bearing only a minor part of his full weight.
- (31) Through pressure (hasset), regardless of the fact which overweighed the other, as above.
- (32) I.e., if a corpse was in one of the scales.
- (33) In the other scale, whether food, liquids, or objects serving as seats or couches.
- (34) A corpse does not defile through pressure.
- (35) Who is defiled when he overweighs a corpse at the other end of the scale; cf. Nid. 69a.
- (36) Var. lec.: 'and there is greater stringency in the case of a corpse than a zab'.
- (37) V. supra II, 4.
- (38) Heb. **נָדַח** ('driving', 'breathing'). Hence slight or indirect contact. Middaf is not a 'father of uncleanness' but a minor grade, infecting only foods and liquids, but not men and vessels. Maimonides explains middaf as the stench arising from the corpse, thereby contaminating all surrounding objects.
- (39) The objects beneath the corpse do not defile man so that he should defile garments.
- (40) Levitical uncleanness arising from being under the same roof with, or forming a shelter over, a corpse.
- (41) Each leg, therefore, can be said to support the whole weight of the zab.
- (42) Cf. supra IV, 5.
- (43) The beast remaining at a standstill; for were it trotting along, the cloaks would become unclean. For the animal always has in trotting one leg up, and really stands on three legs.
- (44) Each foot being regarded only as a help, but not as essential to bear the full weight of the zab.
- (45) Since an animal cannot remain standing on two legs, the cloak bore at one time the full weight of the zab.
- (46) The zab.
- (47) **עֲקֵי** is variously explained as a rope-basket in which olives are kept during the pressing process (Bert.); or a basket into which the pressed olives are thrown (so Maim.); cf. Meg. I, 7; Toh X, 8.
- (48) By sitting on a corner of the press, the garments that are being creased within do not bear his full weight (v. Bert.).
- (49) For it is impossible that some of the garments should not bear his full weight.

Mishna - Mas. Zavim Chapter 5

MISHNAH 1. HE WHO TOUCHES A ZAB, OR WHOM A ZAB TOUCHES, WHO MOVES¹ OR WHOM A ZAB MOVES, DEFILES FOOD AND LIQUIDS AND VESSELS THAT ARE RINSED² BY TOUCH, BUT NOT BY CARRIAGE.³ THIS WAS THE GENERAL PRINCIPLE WHICH R. JOSHUA FORMULATED: ALL THOSE THAT DEFILE GARMENTS⁴ WHILE STILL IN CONTACT [WITH THEIR SOURCE OF UNCLEANNESS] ALSO DEFILE FOODS AND LIQUIDS SO AS TO BECOME [UNCLEAN] IN THE FIRST GRADE, AND THE HANDS⁵ SO THAT THEY BECOME [UNCLEAN] IN THE SECOND GRADE; BUT THEY DO NOT DEFILE MEN OR EARTHENWARE VESSELS. ONCE, HOWEVER, THEY HAVE BEEN SEPARATED FROM THEIR SOURCE OF UNCLEANNESS THEY DEFILE LIQUIDS SO AS TO BECOME [UNCLEAN] IN THE FIRST GRADE,⁶ AND FOOD AND THE HANDS SO THAT THEY BECOME [UNCLEAN] IN THE SECOND GRADE,⁷ BUT THEY DO NOT DEFILE GARMENTS.

MISHNAH 2. YET ANOTHER GENERAL PRINCIPLE DID THEY FORMULATE: ALL THAT IS CARRIED ABOVE A ZAB BECOMES DEFILED,⁸ BUT ALL THOSE THINGS ABOVE WHICH HE IS CARRIED ARE CLEAN;⁹ EXCLUDING SUCH OBJECTS ON WHICH HE CAN SIT OR LIE UPON,¹⁰ AND A MAN. HOW SO? IF A ZAB HAD HIS FINGER¹¹ BENEATH A LAYER OF STONES AND ONE THAT WAS CLEAN WAS ABOVE,¹² HE CONVEYS UNCLEANNESS AT TWO [REMOVES]. AND RENDERS UNFIT [TERUMAH] AT ONE [FURTHER REMOVE]. IF HE SEPARATED [FROM THE SOURCE OF UNCLEANNESS].¹³ HE STILL DEFILES WITH FIRST-GRADE UNCLEANNESS AND RENDERS [TERUMAH] UNFIT AT YET ONE [FURTHER REMOVE]. IF THE UNCLEAN WAS ABOVE, AND THE CLEAN PERSON BELOW,¹⁴ HE CONVEYS UNCLEANNESS AT TWO [REMOVES],¹⁵ AND RENDERS [TERUMAH] UNFIT AT YET ONE [FURTHER REMOVE]. IF HE SEPARATED [FROM THE SOURCE OF UNCLEANNESS], HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT YET ONE [MORE REMOVE]. IF FOODS OR LIQUIDS, OR OBJECTS ON WHICH HE COULD SIT OR LIE UPON OR OTHER ARTICLES¹⁶ WERE ABOVE,¹⁷ THEY DEFILE AT THE TWO REMOVES,¹⁸ AND RENDER [TERUMAH] UNFIT AT ONE [FURTHER REMOVE]. IF THEY HAD BECOME SEPARATED [FROM THE SOURCE OF UNCLEANNESS], THEY DEFILE AT ONE [REMOVE] AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE]. ALL OBJECTS FIT TO SIT OR LIE UPON THAT WERE BELOW¹⁹ DEFILE AT TWO [REMOVES], AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE]. FOODS AND LIQUIDS AND OTHER ARTICLES²⁰ THAT ARE BELOW, REMAIN CLEAN.²¹

MISHNAH 3. SINCE IT WAS SAID²² THAT WHATSOEVER CARRIES OR IS CARRIED BY OBJECTS ON WHICH ONE SITS OR LIES UPON REMAIN CLEAN, EXCLUDING THE CASE OF A MAN,²³ WHATSOEVER CARRIES OR IS CARRIED BY CARRION IS CLEAN,²⁴ SAVE HIM THAT MOVES IT.²⁵ R. ELIEZER ADDS: ALSO HE THAT CARRIES IT.²⁶ HE WHO CARRIES OR IS CARRIED UPON A CORPSE REMAINS CLEAN, SAVE WHEN OVERSHADOWING TAKES PLACE,²⁷ OR A MAN WHEN HE MOVES IT.²⁸

MISHNAH 4. IF PART OF AN UNCLEAR PERSON²⁹ RESTS UPON A CLEAN PERSON, OR PART OF A CLEAN PERSON RESTS UPON AN UNCLEAR PERSON, OR IF THE CONNECTIVES³⁰ OF AN UNCLEAR PERSON REST UPON A CLEAN PERSON, OR THE CONNECTIVES OF A CLEAN PERSON UPON ONE UNCLEAR, HE³¹ BECOMES UNCLEAR. R. SIMEON SAYS: IF PART OF AN UNCLEAR PERSON IS UPON A CLEAN PERSON, HE IS UNCLEAR;³² BUT IF PART OF A CLEAN PERSON IS UPON ONE THAT IS UNCLEAR, HE IS CLEAN.

MISHNAH 5. IF AN UNCLEAR PERSON³³ RESTS UPON PART OF AN OBJECT FIT TO LIE UPON, OR A CLEAN PERSON³³ RESTS UPON PART OF AN OBJECT FIT TO LIE

UPON,³⁴ IT BECOMES UNCLEAN.³⁵ IF PART OF AN UNCLEAN PERSON RESTS ON AN OBJECT FIT TO LIE UPON, OR PART OF A CLEAN PERSON RESTS UPON SUCH AN OBJECT,³⁴ IT REMAINS CLEAN.³⁶ THUS WE FIND THAT UNCLEANNESS IS CONTRACTED AND CONVEYED BY THE LESSER PART THEREOF.³⁷ SIMILARLY,³⁸ IF A LOAF OF TERUMAH WAS PLACED UPON AN OBJECT FIT TO LIE UPON [THAT WAS UNCLEAN]. AND THERE WAS A LAYER OF PAPER BETWEEN, WHETHER IT³⁹ WAS ABOVE OR BELOW, IT REMAINS CLEAN. SIMILARLY, IN THE CASE OF A STONE SMITTEN WITH LEPROSY⁴⁰ IT⁴¹ REMAINS CLEAN;⁴² BUT R. SIMEON PRONOUNCED SUCH A CASE UNCLEAN.⁴³

MISHNAH 6. HE WHO TOUCHES A ZAB, OR A ZABAH, A MENSTRUANT, OR A WOMAN AFTER CHILDBIRTH, OR A LEPER, OR ANY OBJECT ON WHICH THESE HAD BEEN SITTING OR LYING, CONVEYS UNCLEANNESS AT TWO [REMOVES]. AND RENDERS [TERUMAH] UNFIT AT ONE [FURTHER REMOVE].⁴⁴ IF HE HAD BECOME SEPARATED,⁴⁵ HE STILL CONVEYS UNCLEANNESS AT ONE [REMOVE], AND RENDERS [TERUMAH] UNFIT AT ONE [FURTHER REMOVE]. THIS IS THE CASE WHETHER HE HAD TOUCHED, OR HAD MOVED, OR HAD CARRIED, OR WAS CARRIED.⁴⁶

MISHNAH 7. IF ONE TOUCHES THE FLUX OF A ZAB, HIS SPITTLE, SEMEN OR URINE, OR THE BLOOD OF A MENSTRUANT, HE CONVEYS UNCLEANNESS AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED,⁴⁷ HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. THIS IS THE CASE WHETHER HE HAD TOUCHED OR MOVED IT.⁴⁸ R. ELIEZER SAID: ALSO IF HE HAD LIFTED IT.⁴⁹

MISHNAH 8. IF HE CARRIED THAT WHICH WAS RIDDEN UPON,⁵⁰ OR IF HE WAS CARRIED THEREON, OR HAD MOVED IT, HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED [FROM THE UNCLEANNESS], HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. IF HE CARRIES CARRION, OR THE WATER OF THE SIN-OFFERING OF WHICH THERE WAS SUFFICIENT FOR A SPRINKLING,⁵¹ HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED,⁴⁷ HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].

MISHNAH 9. HE WHO ATE OF THE CARRION OF A CLEAN BIRD, AND IT STILL IS IN HIS GULLET,⁵² HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. IF HE PUT HIS HEAD WITHIN THE AIR-SPACE OF AN OVEN,⁵³ BOTH HE AND THE OVEN ARE CLEAN;⁵⁴ BUT IF HE VOMITED OR SWALLOWED IT, HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].⁵⁵ BUT AS LONG AS IT IS STILL IN HIS MOUTH, THAT IS PRIOR TO SWALLOWING IT, HE REMAINS CLEAN.⁵⁶

MISHNAH 10. HE WHO TOUCHES A DEAD REPTILE, OR SEMEN, OR HIM THAT HAS SUFFERED CORPSE UNCLEANNESS, OR A LEPER DURING HIS DAYS OF COUNTING,⁵⁷ OR WATER OF SIN-OFFERING OF INSUFFICIENT QUANTITY WITH WHICH TO PERFORM THE SPRINKLING,⁵⁸ OR CARRION, OR AN OBJECT RIDDEN UPON,⁵⁹ DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].⁶⁰ THIS IS THE GENERAL PRINCIPLE: ALL WHO TOUCH ANY OBJECT REGARDED BY THE TORAH AS A 'FATHER OF UNCLEANNESS'⁶¹ DEFILE AT ONE [REMOVE] AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE], WITH THE EXCLUSION [OF THE CORPSE] OF A MAN.⁶² IF HE⁶³ HAD BECOME SEPARATED,⁶⁴ HE DEFILES AT ONE [REMOVE] AND

RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].

MISHNAH 11. HE WHO HAS SUFFERED A [NOCTURNAL] POLLUTION IS LIKE ONE WHO HAS TOUCHED A DEAD REPTILE,⁶⁵ AND HE THAT HAS HAD CONNECTION WITH A MENSTRUANT IS LIKE ONE WHO HAS SUFFERED CORPSE UNCLEANNESS.⁶⁶ HE WHO HAS HAD CONNECTION WITH A MENSTRUANT, HOWEVER, HAS THE MORE STRINGENT IMPOSITION IN THAT HE CONVEYS MINOR GRADES OF UNCLEANNESS TO WHAT HE LIES OR SITS UPON, SO AS TO MAKE FOODS AND LIQUIDS UNCLEAR.⁶⁷

MISHNAH 12. THE FOLLOWING RENDER TERUMAH UNFIT:⁶⁸ ONE WHO EATS FOODS OF FIRST OR SECOND GRADE UNCLEANNESS, AND WHO DRINKS UNCLEAR LIQUIDS,⁶⁹ AND THE ONE WHO HAS IMMERSED HIS HEAD AND THE GREATER PART OF HIM IN WATER WHICH HAD BEEN DRAWN,⁷⁰ AND A CLEAN PERSON UPON WHOSE HEAD AND GREATER PART OF HIM THERE FELL THREE LOGS OF DRAWN WATER,⁷¹ AND A SCROLL [OF SCRIPTURES],⁷² AND [UNWASHED] HANDS,⁷³ AND ONE THAT HAS HAD IMMERSION THAT SAME DAY,⁷⁴ AND FOODS AND VESSELS WHICH HAVE BECOME DEFILED BY LIQUIDS.⁷⁵

(1) By causing the board on which the zab stands to shake.

(2) Which need only to be rinsed (immersed) in order to regain levitical purity. Made usually of wood or metal; those of earthenware must be broken when defiled; Lev. XV, 12.

(3) If at the time of his contact with the zab he was carrying garments which had not been touched, they are clean.

(4) Viz., those that are in contact with a zab or zabah.

(5) Sc. of a clean person not touched by the zab.

(6) Liquids suffer first-grade uncleanness even when touched not by those who are 'fathers', on account of their susceptibility to defilement, unlike foodstuffs which require special preparation to render them susceptible.

(7) On account of their separation from the source.

(8) Including such things not usually borne above a zab, and even if there were many things blocking the way between them.

(9) Provided they are untouched.

(10) Specially designated for this purpose. Also objects on which he can ride.

(11) The bulk of the zab's body pressure being required only when he lies upon an object.

(12) With such a layer thickness, the clean person cannot be said to be exerting pressure on the zab; yet he is here deemed to be carried by the zab and becomes a 'father of uncleanness'.

(13) Either by removal of the zab's finger from beneath the layer of stones, or by the departure of the clean person from his stone seat. His uncleanness is then only of the first grade.

(14) Having only his finger beneath the layer.

(15) Since the zab is, as it were, carried by him.

(16) Heb. middaf, i.e., the uncleanness of objects arising from their indirect contact with sources of impurity; such uncleanness was deemed to be only of a minor degree. Hence other articles not fit for sitting or lying on.

(17) I.e., above the layer of stones beneath which was the zab's finger.

(18) Objects on which he sits or lies upon always being deemed 'fathers of uncleanness'.

(19) And that bore the brunt of the zab's pressure above.

(20) V. p. 517, n. 8.

(21) In accordance with the principle enunciated above which declared objects above which a zab was borne clean, save those things on which a man sits or lies.

(22) This Mishnah explains the rule laid down in the one preceding, and gives a reason for proclaiming clean the foods and liquids below the layer of stones under which the zab had his finger. Var. lec. delete the words SINCE IT WAS SAID.

(23) Who becomes defiled by carrying objects used for sitting purposes, even without touching or moving them.

(24) Even if it were a man who was the carrier.

(25) He becomes defiled.

- (26) Cf. Hul. 124b where this is emended to read: 'that is, if he carries it', and not just by moving it.
- (27) There can be a case of carrying without overshadowing, i.e., if there is a top storey intervening in which there are vessels weighing down boards of the ceiling of a room in which there is a corpse.
- (28) But if the corpse is not moved from its place, he is clean.
- (29) I.e., a zab, whose very finger defiles by the touch.
- (30) These are hair, nails or teeth.
- (31) Namely, the person that was clean. The point reemphasized is that the full pressure of the bulk of the zab's body is required only when he is lying on an object.
- (32) Maintaining that even in this case it is essential for the bulk of a zab's body to be upon the clean person, if defilement was to be the result.
- (33) Viz., the greater part of him.
- (34) Which was unclean.
- (35) Namely, that which had been clean.
- (36) Viz., the person or object hitherto clean.
- (37) Of what is fit to lie on.
- (38) In illustration of the first ruling in Mishnah 3.
- (39) I.e., the source of defilement.
- (40) Either below or above the loaf of bread separated by a piece of Paper.
- (41) The loaf.
- (42) The leprous stone does convey uncleanness through overshadowing only to objects that are under the same roofing as itself.
- (43) Maintaining that a leprous stone defiles through overshadowing in the same way as a corpse.
- (44) The five sources of uncleanness enumerated are of so rigid a nature that their mere touch is sufficient to cause the defilement of garments and vessels. They are all 'fathers of uncleanness'.
- (45) From the original course of uncleanness.
- (46) Even without touching; a law derived by the Rabbis from the Bible; cf. Pes. 67b, Shab. 3b.
- (47) From the source of uncleanness.
- (48) V. Mishnah 3, n. 5.
- (49) Bert. renders R. Eliezer's meaning thus: 'Provided he had lifted it', maintaining that touching and moving alone are insufficient. The halachah does not concur with his point of view.
- (50) By the unclean enumerated in Mishnah 6.
- (51) This water defiles garments by carrying, but not by touch. If it is of insufficient quantity, it defiles by contact and not by mere carrying.
- (52) I.e., as long as it remains in his gullet he is regarded as a 'father of uncleanness'; V. Toh. I. 1.
- (53) And the carrion is still in his gullet.
- (54) Though he defiles garments, he cannot contaminate man or earthenware vessels.
- (55) Since he is no longer a 'father of uncleanness'; cf. Shebu. 9b.
- (56) And not even the slightest uncleanness attaches to him; for the Bible makes the actual 'eating' the criterion; V. Lev. XXII, 8.
- (57) I.e., during the seven intermediate days between his first and second shaving.
- (58) Cf. Mishnah 8, n. 6.
- (59) By a zab.
- (60) All the things hitherto enumerated defile garments only with carrying, but not by touch; hence he who touches them, though still connected with the source of uncleanness, is not a 'father of uncleanness'.
- (61) I.e., a zab, menstruant, woman after childbirth, one who has suffered corpse-uncleanness and others not enumerated in the Mishnahs above.
- (62) He who touches it becomes a 'father of uncleanness' and remains so even after he had separated from the corpse, and consequently defiles at two removes, etc.
- (63) Sc. who touched a dead reptile etc.
- (64) From the source of defilement.
- (65) Who does not become a 'father of uncleanness' but suffers first-grade uncleanness only.
- (66) Who is a 'father of uncleanness' suffering seven days' defilement.

- (67) Unlike the case of one who suffers corpse-defilement. V. Lev. XV, 7 with its insistence that only the zab renders vessels which serve as a seat or couch unclean; cf. Kel. I, 3.
- (68) V. Shab. 13bff.
- (69) In these three instances second-grade uncleanness is contracted. The Rabbinic precaution was lest he eat of the terumah whilst these things are still in his mouth.
- (70) A further precaution lest the law of the ritual bath (mikweh) be forgotten from Israel.
- (71) For until he has obtained complete immersion his touch invalidates terumah.
- (72) Cf. Toh. XV, 6; Yad. III, 2.
- (73) A precautionary measure in favour of terumah, v. Shab. 24a.
- (74) He must await sunset to be wholly pronounced clean. If in the meantime he touches terumah it must be burnt.
- (75) Being more susceptible to contract uncleanness they became impure at a first remove.